UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS
FIRST SESSION

VOLUME 117—PART 18

JULY 1, 1971, TO JULY 8, 1971
(PAGES 23211 TO 24434)

DEC 15 1972

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1971

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

DEC

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, July 1, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, DD., offered the following prayer:

Blessed is the nation whose God is the Lord.—Psalms 33: 12.

Eternal God, our Father, once again we draw near the day when our Founding Fathers with courage and faith signed the Declaration of Independence. Our minds exult with pride and our hearts expand with gratitude when we remember what was done that day. Make us so thankful for freedom and so devoted to liberty that we may continue to lead mankind to the brighter day when all men can be free.

We pray for our President, our Speaker, and these Representatives chosen by our people. By the power of Thy spirit may they be equal to their tasks, ready for their responsibilities, and adequate to lead our Nation in the ways of justice, freedom, and peace.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9271) entitled "An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes."

DIRECTING THE SECRETARY OF STATE TO FURNISH TO THE HOUSE CERTAIN INFORMATION RESPECTING U.S. OPERATIONS IN LAOS

Mr. MORGAN, from the Committee on Foreign Affairs, reported the following privileged resolution (H. Res. 492, Rept. No. 92–327) which was referred to the House Calendar and ordered to be printed:

H. RES. 492

Resolved, That the Secretary of State, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, any documents containing policy instructions or guidelines given to the United States Ambassador in Laos for the purpose of his administration of those operations controlled or directed by the country team in Laos, between January 1, 1964, and June 21, 1971, particularly with regard to—

(1) covert Central Intelligence Agency operations in Laos;

(2) Thai and other foreign armed forces operations in Laos;

(3) United States bombing operations other than along the Ho Chi Minh Trail;

(4) United States armed forces operations in Laos; and

(5) United States Agency for International Development operations in Laos which have served to assist, directly or indirectly, military or Central Intelligence Agency operations in Laos, and details of such assistance.

DIRECTING THE SECRETARY OF STATE TO FURNISH TO THE HOUSE CERTAIN INFORMATION RESPECTING THE PHOENIX PROGRAM

Mr. MORGAN, from the Committee on Foreign Affairs, reported the following privileged resolution (H. Res. 493, Rept. No. 92–328) which was referred to the House Calendar and ordered to be printed:

H. RES. 493

Resolved, That the Secretary of State, to the extent not incompatible with the public interest is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, all documents in the English language with respect to (1) the Phoenix Program, and (2) the extent of United States involvement in such program.

DIRECTING THE SECRETARY OF STATE TO FURNISH TO THE HOUSE THE REPORT ENTITLED "UNITED STATES-VIETNAM RELATIONSHIPS 1945–67"

Mr. MORGAN, from the Committee on Foreign Affairs, reported the following privileged resolution (H. Res. 494, Rept. No. 92–329) which was referred to the House Calendar and ordered to be printed:

H. RES. 494

Resolved, That the Secretary of State, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, the report entitled "United States-Viet Nam Relationships 1945–1967", prepared by the Viet Nam Task Force, Office of the Secretary of Defense.

DIRECTING THE SECRETARY OF STATE TO FURNISH TO THE HOUSE CERTAIN INFORMATION RESPECTING BOMBING OPERATIONS IN NORTHERN LAOS

Mr. MORGAN, from the Committee on Foreign Affairs, reported the following privileged resolution (H. Res. 495, Rept. No. 92–330) which was referred to the House Calendar and ordered to be printed:

H. RES. 495

Resolved, That the Secretary of State, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days after the adoption of this resolution, any documents respecting the rules of engagement and targeting, and procedures followed by the United States Ambassador in Laos with respect to the direction and control of bombing operations conducted by the United States in northern Laos during the period beginning January 1, 1965, and ending June 21, 1971, together with the most recent aerial photographs of the following named one hundred and ninety-six Laotian villages:

The refugees who came from Xieng Khouang to Vientiane:

I. Muong Khoun (Tassengs Khoun, Sene Noi, Kang Sene, Phanh):

A. Tasseng Khoun:

1. Ban Tham (present location: Ban Thong Ba).
2. Ban Nahey (present location: Ban Thong Ba).
3. Ban Soua Tay (present location: Ban Thong Ba).
4. Ban Soua Neua (present location: Ban Thong Ba).
5. Ban Khoum (present location: Ban Thong Ba).
6. Ban Nathone (present location: Ban Thong Ba).
7. Ban Kosy (present location: Ban Thong Ba).
8. Ban Boua (present location: Ban Thong Ba).
9. Ban Phonxay (present location: Ban Thong Ba).
10. Ban Khoua (present location: Ban Thong Ba).
11. Ban Khouane (present location: Ban Thong Ba).
12. Ban Bouei San (present location: Ban Thong Ba).

B. Tasseng Sene Noi:

13. Ban Na Kho (present location: Ban Veun Khene).
14. Ban Na Ha (present location: Ban Veun Khene).
15. Ban Nhang Nhao (present location: Ban Veun Khene).

16. Ban Thouang (present location: Ban Veun Khene).

17. Ban Na Hoa (present location: Ban Veun Khene).

18. Ban Ngoua Tay (present location: Ban Veun Khene).

19. Ban Ngoua Neua (present location: Ban Veun Khene).

20. Ban Phone (present location: Ban Veun Khene).

21. Ban Manh (present location: Ban Veun Khene).

22. Ban Oh (present location: Ban Veun Khene).

23. Ban Na Ngam (present location: Ban Veun Khene).

24. Ban Nong Tay (present location: Ban Veun Khene).

25. Ban Sao (present location: Ban Veun Khene).

26. Ban Toua Neua (present location: Ban Veun Khene).

27. Ban Toua Tay (present location: Ban Veun Khene).

28. Ban My (present location: Ban Mak Hieo).

29. Ban Phou Hon (present location: Ban Mak Hieo).

30. Ban Na Su (present location: Ban Mak Hieo).

31. Ban Kandouan (present location: Ban Mak Hieo).

32. Ban Sy (present location: Ban Mak Hieo).

33. Ban Khou (present location: Ban Mak Hieo).

C. Tasseng Kang sene:

34. Ban Ha Moun (present location: Ban Y Lai).

35. Ban Na Pai (present location: Ban Y Lai).

36. Ban Xieng Dy (present location: Ban Y Lai).

37. Ban Ponh (present location: Ban Y Lai).

38. Ban Macheung (present locaton: Ban Y Lai).

39. Ban Pha Ngeun Tay (present location: Ban Y Lai).

40. Ban Pha Ngeun Neua (present location: Ban Y Lai).

41. Ban Hay (present location: Ban Y Lai).

42. Ban Nanoung (present location: Ban Y Lai).

43. Ban Soua (present location: Ban Y Lai).

44. Ban Natheng (present location: Ban Y Lai).

45. Ban Poth (present location: Ban Y Lai).

46. Ban Chao Ho (present location: Ban Y Lai).

47. Ban Na Thoe (present location: Ban Y Lai).

48. Ban Xieng Neua (present location: Ban Y Lai).

49. Ban Pha (present location: Ban Y Lai).

50. Ban Na Vane (present location: Ban Y Lai).

D. Tasseng Phanh:

51. Ban Phanh (present location: Ban Veun Kham).

52. Ban Naa Sy (present location: Ban Veun Kham).

53. Ban Nong (present location: Ban Veun Kham).

54. Ban Phonsay (present location: Ban Veun Kham).

55. Ban Poung (present location: Ban Veun Kham).

56. Ban Vene (present location: Ban Veun Kham).

57. Ban Khong Tay (present location: Ban Veun Kham).

58. Ban Khong Neua (present location: Ban Veun Kham).

59. Ban Thang (present location: Ban Veun Kham).

60. Ban Ko (present location: Ban Veun Kham).

II. Muong Pek (Tassengs Kat, He Mouane, Houang Thay, Phat, Khang, Sieng, Ang, Soui):

E. Tasseng Kat:

61. Ban Ly (present location: Ban That Xang).

62. Ban By (present location: Ban That Xang).

63. Ban Muong (present location: Ban That Xang).

64. Ban Ngoui (present location: Ban Na Nga).

65. Ban Khou (present location; Ban Na Nga).

66. Ban Boua (present location: Ban Na Nga).

67. Ban Tha Khek (present location: Ban Na Nga).

68. Ban Na Nga (present location: Ban Na Nga).

69. Ban Nam Thom (present location: Ban Na Nga).

70. Ban Vieng (present location: Ban Na Nga).

71. Ban Theune (present location: Ban Na Nga).

72. Ban Lat Houang (present location: Ban Na Nga).

73. Ban Mouane (present location: Ban Na Nga).

74. Ban Nhoun (present location: Ban Na Nga).

75. Ban Phonesavan (present location: Ban Na Nga).

76. Ban Sa (present location: Ban Na Nga).

F. Tasseng He Mouane:

77. Ban Kay (present location: Ban Nam Pot).

78. Ban Soui Tay (present location: Ban Nam Pot).

79. Ban Hop Oh (present location: Ban Nam Pot).

80. Ban Poung Bong (present location: Ban Nam Pot).

81. Ban Na Kay (present location: Ban Nam Pot).

82. Ban Ho Kang (present location: Ban Nam Pot).

83. Ban Khong (present location: Ban Nam Pot).

84. Ban Na Boune (present location: Ban Nam Pot).

86. Ban Sak (present location: Ban Nam Pot).

87. Ban Nong (present location: Ban Nam Pot).

88. Ban Soui Neua (present location: Ban Nam Pot).

89. Ban He (present location: Ban Nam Pot).

90. Ban Naleuang (present location: Ban Nam Pot).

91. Ban Na Khoaune (present location: Ban Nam Pot).

92. Ban Na Koung (present location: Ban Nam Pot).

93. Ban Bouam (present location: Ban Nam Pot).

G. Tasseng Khouang:

94. Ban Poung Leng (present location: Ban Vieng Kham).

95. Ban Poung Manh (present location: Ban Vieng Kham).

96. Ban Pen (present location: Ban Vieng Kham).

97. Ban Song Mak (present location: Ban Vieng Kham).

98. Ban Pouei (present location: Ban Vieng Kham).

99. Ban Phang (present location: Ban Vieng Kham).

100. Ban Muong Kheun (present location: Ban Vieng Kham).

101. Ban Som Ben (present location: Ban Vieng Kham).

102. Ban Don Sang (present location: Ban Vieng Kham).

103. Ban Nhom (present location: Ban Vieng Kham).

104. Ban Mak Ngouane (present location: Ban Thin).

105. Ban Sai Kham (present location: Ban Thin).

106. Ban Kham Leum (present location: Ban Thin).

107. Ban Koung Toi (present location: Ban Thin).

108. Ban Hoat Tanh (present location: Ban Thin).

109. Ban Vanh (present location: Ban Thin).

110. Ban Lio (present location: Ban Thin).

111. Ban Samuong (present location: Ban Thin).

112. Ban Beuak (present location: Ban Thin).

113. Ban Ang (present location: Ban Thin)

H. Tasseng Thay:

114. Ban Choey (present location: Ban Mak Nao).

115. Ban Pek (present location: Ban Mak Nao).

I. Tasseng Phat:

116. Ban Phat Soi (present location: Ban Phao (Phonesay)).

117. Ban Vieng (present location: Ban Phao (Phonesay)).

118. Ban Nakhouane (present location: Ban Phao (Phonesay)).

119. Ban Nong Pha (present location: Ban Phao (Phonesay)).

120. Ban Nhap sy (present location: Ban Phao (Phonesay)).

J. Tasseng Khang:

121. Ban Phai Ngum (present location: Ban That Xang).

122. Ban Khong Vieng (present location: Ban That Xang).

123. Ban Mane Som (present location: Ban That Xang).

124. Ban Pouang (present location: Ban That Xang).

125. Ban Lao (present location: Ban That Xang).

126. Ban Samthong (present location: Ban Na lao).

K. Tasseng Sieng:

127. Ban Nathao (present location: Ban Veunkham).

128. Ban Houei (present location: Ban Veunkham).

129. Ban Na Hoi Mai (present location: Ban Veunkham).

130. Ban Phieng Luang (present location: Ban Veunkham).

131. Ban Ang (present location: Ban Veunkham).

132. Ban Teng (present location: Ban Veunkham).

133. Ban Phon Thong (present location: Ban Veunkham).

134. Ban Na Hoi Thay (present location: Ban Veunkham).

L. Tasseng Ang:

135. Ban Neua (present location: Ban Kok Kieng).

136. Ban Ang (present location: Ban Kok Kieng.)

137. Ban Poua (present location: Ban Kok Kieng).

138. Ban Om (present location: Ban Kok Kieng).

139. Ban Sy Luang (present location: Ban Kok Kieng).

140. Ban Sa Thath (present location: Ban Kok Kieng).

141. Ban Sa Mon (present location: Ban Kok Kieng).

142. Ban Xay (present location: Ban Kok Kieng).

143. Ban Kam chat (present location: Ban Kok Kieng).

M. Tasseng Soui:

144. Ban Mang (present location: Ban Nalongkhoune).

145. Ban Nakhoua (present location: Ban Nalongkhoune).

146. Ban Xieng houng (present location: Ban Nalongkhoune).

147. Ban Nong Ha (present location: Ban Nalongkhoune).

148. Ban Xieng Naa (present location: Ban Nalongkhoune).
149. Ban Nai Houane (present location: Ban Nampot 1).
150. Ban Noua Na (present location: Ban Nampot 1).
151. Ban Khay (present location: Ban Nampot 1).
152. Ban Nong (present location: Ban Nampot 2).
153. Ban Pong (present location: Ban Nampot 2).
154. Ban Sack (present location: Ban Nampot 2).
155. Ban Bone (present location: Ban Nampot 2).
156. Ban Xay (present location: Ban Nampot 3).
157. Ban Hong Keng (present location: Ban Nampot 3).
158. Ban Nato (present location: Ban Nampot 3).
159. Ban Sam tay (present location: Ban Nampot 3).
160. Ban Sam Neua (present location: Ban Nampot 3).
161. Ban He (present location: Ban Nampot 3).
162. Ban Vang Kam (present location: Ban Nampot 3).
163. Vang Xienghoung (present location: Ban Nampot 3).

III. Muong Phan (Tassengs The, Hat Nam):

N. Tasseng The:

164. Ban San Phan (present location: Ban Nong Pene).
165. Ban Na Pa (present location: Ban Nampot 1).
166. Ban Nian (present location: Ban Nampot 1).
167. Ban Phiengdy (present location: Ban Nampot 1).
168. Ban Ka cheng (present location: Ban Nampot 1).
169. Ban Hat (present location: Ban Nampot 1).
170. Ban Xieng Kio (present location: Ban Nampot 1).
171. Ban Dong (present location: Ban Nampot 1).
172. Ban Phonesai (present location: Ban Nampot 1).
173. Ban San Phanh (present location: Ban Nampot 1).
174. Ban Phone Ngam (present location: Ban Nampot 1).
175. Ban Khane (present location: Ban Nampot 1).
176. Ban Tha Phane (present location: Ban Nampot 1).
177. Ban Piat (present location: Ban Nampot 1).
178. Ban Tat Luang (present location: Ban Nampot 1).
179. Ban Chom thon (present location: Ban Nampot 1).

O. Tasseng Hat Nam:

180. Ban Hio (present location: Ban Thath).
181. Ban Nhoun (present location: Ban Thath).
182. Ban Phone Phien (present location: Ban Thath).
183. Ban Hatio (present location: Ban Thath).
184. Ban Poun Sane (present location: Ban Thath).
185. Ban The Phane (present location: Ban Thath).
186. Ban Ha Nhone (present location: Ban Thath).
187. Ban Na Pa (present location: Ban Thath).
188. Ban Kok So (present location: Ban Thath).
189. Ban That Luang (present location: Ban Thath).
190. Ban Kouan (present location: Ban Thath).
191. Ban Houm (present location: Ban Thath).
192. Ban Phiengfay (present location: Ban Thath).
193. Ban Nay (present location: Ban Thath).
194. Ban Phon Ho (present location: Ban Thath).
195. Ban Geo (present location: Ban Thath).
196. Ban Nieng (present location: Ban Thath).

Total: three Muongs, fifteen Tassengs, one hundred ninety-six villages.

JUDITH IS GOLDEN

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, Judith Kurland, who has been my legislative assistant for the past 4 years will be leaving to go to Israel on July 11. A pall has fallen over my office, for we will all miss Judith sorely. This brilliant young woman has been a wonderfully inspiring and creative force on my staff since 1966, when she first worked for me as a summer intern. She then returned for a permanent position in the summer of 1967 after her graduation from Mt. Holyoke. Even as an intern Judith displayed a tremendous ability as a writer and legislative organizer, and I was more than pleased when she joined our regular staff upon completion of her studies. The marvellous promise which Judith showed as an intern came true, and she quickly developed into a superb legislative aide and researcher, for Judith is the highest type of intellectual, one who can translate idealistic theory into substantial results.

As my colleagues know well, competent, motivated and loyal staff people are a prerequisite for the smooth and efficient functioning of a congressional office. Judith has fulfilled her responsibilities well above and beyond the call of duty. Her judgment and insight have proved an invaluable aid to me in my work in Congress. Judith has that unusual ability to develop a close rapport with both staff people and legislators. All of us who have worked with her have come to admire and respect her tremendous energy and resourcefulness.

During our long association I have come to know Judith well, not only as a staff member of the highest caliber, but as a young woman of great courage and sensitivity. She is certainly one of the most compassionate, generous, and selfless young people I have met.

I would like to thank Judith not only for her assistance all these years in my congressional office, but for the great job she did for the whip organization. Since I became a member of the House leadership in January of this year, Judith has been my legislative assistant in the administration of my job as majority whip. She has performed that task with the same thoroughness, competence, and reliability with which she approaches all tasks. I know the assistant whips will want to join in saying goodby to Judith and will also miss the high degree of accomplishment and professionalism which she brought to the job. The whip organization is proud of Judith and indebted to her.

I speak for everyone on my staff and the entire O'Neill family when I say that Judith will always have a special place in our hearts as our own lovely golden girl.

THE SUPREME COURT AND CASSIUS CLAY

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, since 1967 when he was to have been inducted, Cassius Clay has been allowed to enjoy every right and privilege inherent in a free society while thousands of other Americans of the same age have had to endure every hardship incident to war. Now the Supreme Court has issued the edict that Clay does not have to be inducted because he does not "believe" in war.

Mr. Speaker, no draft-age young man believes in a war that he will have to fight, nor does any parent of a draft-age son believe in a war their own flesh and blood will have to fight and possibly give his life in so doing. But our people for the most part, and this is particularly true in the South, have always heeded the call of their country when asked to do so, not because they love war, but because their country has asked them to do so. Surely, our young men would much rather continue in their civilian jobs or in their educational pursuits and remain at home with their families and friends; but, in the final analysis it is duty to country that is their overriding consideration.

Mr. Speaker, and I feel strongly about this. If Cassius Clay does not have to be drafted because of questionable religious beliefs, to use the Court's own words "as he understands it," or punished for refusing it, simply because he is black or because he is a prizefighter—and I can see no other real justification for the Court's action—then all other young men who wish it should also be allowed a draft-exemption. Cassius Clay is a phony—he knows it, the Supreme Court knows it and everyone else knows it, including the parents of our draft-age sons. I would not blame any parent for refusing the induction of their son—not because they were unpatriotic or derelict in their duty—but because Clay has not had to go.

A CONSTITUTIONAL AMENDMENT ON DISCLOSURE OF GOVERNMENT SECRETS AND CLASSIFIED INFORMATION

(Mr. GUBSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUBSER. Mr. Speaker, today I am introducing a constitutional amendment which would place Members of the House and Senate in the same position as private citizens who publicly disclose Government secrets and classified information. I think it is time that we revoke the immunity given to Congressmen and Senators who take the right to declassify unto themselves and willfully disclose information classified as "top secret." I feel sure that the Founding Fathers only intended to protect Representatives and Senators from libel and slander based upon remarks made during the heat of debate.

I do not believe they intended that Congressmen should have the right to disclose "top secret" information. In this area a Member of the House or Senate should be no better than a private citizen. They should be as liable for prosecution and suffer the same penalties as any other person.

THE PRESIDENT'S NARCOTIC PROGRAM

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, I believe that every Member of this body welcomed the other day the statement by the President of the United States that he was declaring war on the narcotics problem in the United States, identifying it as public enemy No. 1 in his administration.

But evidence persists that the President is talking loud and doing comparatively little of substance in this important field. Some time ago a group of us proposed to the President that he should add the forces of the FBI and the U.S. marshals to the first line of law enforcement attempting to track down the pushers and the pros in this business.

With more than 8,800 FBI agents and more than 1,200 marshals and deputy marshals available for this assignment, the President, by a stroke of his pen, can add 10,000 experienced, front-line fighters to this important effort.

So far nothing has been done on this. Now we learn that the President is letting go forward plans to shut down one of the two Public Health Service facilities to treat addicts and to rehabilitate addicts in the United States.

This certainly is not a forward step in the war on this major problem. Let us hope that the President will put some substantial action with his words on this subject.

To make headway against narcotics traffic and use, we must recognize that we are dealing in two separate and distinct areas: health and law enforcement.

In addition to more vigorous and effective law enforcement concentrated on the pusher, we must recognize that the addict is sick and needs treatment. President Nixon's message recognizes this, and asks for $105 million to initiate a new program. Why, then, is the administration at the same time moving toward closing one of the two Public Health Service facilities dedicated to drug treatment? The Clinical Research Center in Fort Worth, Tex., is doing an important job in the health field. The administration claims that the center's job will be taken over by community facilities. There is no evidence that these facilities have gone beyond the planning stage. Where are the Fort Worth center's patients going to go for help in the meantime? The shutdown at Fort Worth is clearly inconsistent with the thrust of the President's message.

We need more Federal research and treatment facilities in the war on addiction—not less. Local government must also do more, but the problem is national in scope and the Federal Government must meet the national challenge.

I hope and trust the President and the Congress will join together to deal effectively with this major threat to our Nation's health. The narcotics problem must be met. We cannot afford to meet it with less than a total effort, at the national as well as the local level.

THE PRESIDENT'S ACHIEVEMENTS IN STOPPING NARCOTIC TRAFFIC

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, I trust that the gentleman from Oklahoma (Mr. Edmondson) is still on the floor. I wonder if the gentleman would not concede that just yesterday, in an announcement by our President that Turkey agreed it would no longer grow poppies in future years, and that such agreement on the part of the President with Turkey is not a giant step forward in trying to meet the drug problem in this country and in the world.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I think it is something to be cheered about. But my understanding is that they are going to stop growing after 1972, which is certainly allowing a tremendous production of this lethal drug to continue to go forward, and it seems to me that something more substantial should have been accomplished by the administration in this field.

Mr. ARENDS. I am not an expert in international diplomacy and would not know whether that is possible to have an earlier agreement, but I think we should give credit where credit is due, and that the President's action is very definitely a step in the right direction, and he should be applauded for his continuing efforts in fighting the drug problem on every front.

A COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

Washington, D.C.,
June 24, 1971.

Hon. Carl Albert,
The Speaker, House of Representatives, Washington, D.C.

My Dear Mr. Speaker: Pursuant to the provisions of Section 201 of Public Law 89–298, the Committee on Public Works of the House of Representatives of June 23, 1971, adopted Committee resolutions authorizing the following water resources development projects:

Galveston Harbor and Channel, Texas.
Tybee Island, Ga.

Kindest personal regards.

Sincerely,

John A. Blatnik,
Chairman, Committee on Public Works.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and referred to the Committee on Appropriations:

Washington, D.C.,
June 24, 1971.

Hon. Carl Albert,
Speaker of the House,
The Capitol,
Washington, D.C.

My Dear Mr. Speaker: Pursuant to the provisions of the Public Buildings Act of 1959, and the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1971, the House Committee on Public Works on June 23, 1971, approved the following projects:

CONSTRUCTION

Nogales, Ariz: Border station facility No. 2.

Calexico, Calif.: Border station (amendment).

San Diego, Calif.: Courthouse, Federal office building, parking facility (amendment).

Augusta, Ga.: (1) post office, Federal office building; (2) post office, courthouse (alterations); (revised).

Houma, La.: Post office, Federal office building (amendment).

Champlain N.Y.: Border station (amendment).

New York, N.Y.: Foley Square Courthouse Annex.

Akron, Ohio: Courthouse, Federal office building, parking facility (revised).

Mansfield, Ohio: Post office, Federal office building (amendment).

Williamsport, Pa.: Post office courthouse, Federal office building (revised).

McAllen, Tex.: Border Patrol sector headquarters (amendment).

Midland, Tex.: Post office, courthouse, Federal office building (amendment).

Seattle, Wash.: Federal office building (amendment.)

Washington, D.C.: U.S. Tax Court Building (revised).

Washington, D.C.: Federal office building, south portal site (amendment).

Washington, D.C.: Department of Labor Building (amendment).

Washington, D.C.: Central heating plant (revised).

Washington, D.C.: West heating plant (revised).

REPAIR AND IMPROVEMENT

Los Angeles, Calif.: U.S. courthouse (revised).

East Point, Ga.: Federal Records Center.

Worcester, Mass.: Post office, courthouse.

Kansas City, Mo.: Federal building (revised).

Arlington, Va.: Heating, refrigeration, and sewage disposal plants (revised).

Seattle, Wash.: Courthouse (revised).

Seattle, Wash.: Federal Records Center.

LEASE

Birmingham, Ala.: Social Security Administration Payment Center.

With warm personal regards.

Sincerely,

John A. Blatnik,
Chairman, Committee on Public Works.

WHY DOES NOT PRESIDENT THIEU RELEASE TRUONG DINH DZU?

(Mr. ANDERSON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Tennessee. Mr. Speaker, we are all somewhat familiar with the sly attempts of the administration to influence the upcoming presidential election in favor of perpetuating the regime of President Thieu. We are also familiar with President Thieu's efforts to bring about candidate qualification procedures which all but preclude a meaningful challenge to his reelection.

As a practical matter, President Thieu might as well proclaim himself "reelected." In the spirit of doubletalk made so manifest by the Pentagon papers, three cheers for self-determination.

But there is a way that President Thieu could salvage a certain amount of honor in regard to the election.

The problem of South Vietnamese political prisoners cannot be separated from the election nor from the ending of the war.

How can elections be fair in Vietnam when the runnerup in the last election, Truong Dinh Dzu, is still in prison—his fourth year? Dzu is in very bad health due to maltreatment, diet, and the overwhelming stress of long confinement under inhumane conditions. To make matters worse he and Nguyen Lau, former editor of the Saigon Daily News, were recently transferred from a mainland prison back to Con Son. While his situation is no different from many other prisoners, his immediate release, along with a sizable number of others who comprise the 100,000 political prisoners in South Vietnam, would be a symbol of decent, manly, and humane intent on the part of President Thieu. At least a symbol as the elections approach.

EQUITY IN THE PROCESS OF GOVERNMENTAL LEAKAGE

(Mr. O'HARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'HARA. Mr. Speaker, now that the Supreme Court has ruled on the legality of the publication of the Pentagon papers by the several newspapers that have been given these documents, I believe it is time to establish equity in the process of governmental leakage.

Is it fair, I ask you, that the New York Times and the Washington Post should always be the prime recipients of such top secret material? What about the other 1,746 daily newspapers, and the news magazines and other publications who must stand by while these two journalistic giants devour and then regurgitate the lion's share of secret documents? The newspapers scattered across the Nation's heartland are entitled to their fair share.

And what about the other media: television, news magazines and other periodicals, as well as weekly newspapers and publications of specialized interest? Women's Wear Daily has not had a good Washington exclusive since it published drawings of Lynda Bird Johnson's wedding dress. And "Jack and Jill" should be considered, too; after all, our younger citizens will be voting sooner than ever.

But there is a problem that surely will soon confront us. When the flow of secret documents has been regulated, and every news outlet in the Nation is receiving its fair share, the torrent of leaks will inevitably result in a shortage: a "secrecy quantity-gap," if you will.

We should, I feel, consider the establishment of a Commission—a blue-ribbon panel—charged with the high responsibility of classifying Government papers in quantity calculated to keep leakage flowing steadily.

We must recognize that this Commission will have a very sensitive assignment. Because of this, the Commission's activities should be carefully shielded from scrutiny by the press and the public. Its membership must be kept confidential.

And all reports, memorandums, studies, evaluations, and expense account vouchers should be boxed, labeled "secret," and sent to the Pentagon for safekeeping.

THIRTY-FIRST ANNIVERSARY OF SOVIET UNION IMPOSITION OF ITS WILL UPON PEACE-LOVING PEOPLES OF THE BALTIC STATES

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VIGORITO. Mr. Speaker, for several years, I have raised my voice to decry the plight of the Baltic peoples, the Lithuanians, Latvians, and Estonians, as they search for freedom from an unwanted oppressor. The people of the Baltic States have been for more than three decades subjected to a government established, not of their own determination, but rather imposed totally contra to international law.

June 15 marks the 31st anniversary of that unhappy moment when the Soviet Union, by force of arms, first imposed its will upon the peace-loving peoples of the Baltic States. The early years of occupation—1940–1952—were marked with armed resistance against the Soviet intruders. It was a time of great losses, when in Lithuania alone some 30,000 freedom-fighters lost their lives striving for self-determination. The search for freedom is still alive, but we must lend our strong moral support so that the Baltic peoples may continue in their quest for a just government.

Mr. Speaker, to reaffirm my commitment to the cause of freedom in the Baltic States, I wish to support the resolution which will be introduced by my colleagues—similar to House Concurrent Resolution 416. This resolution is an expression of will, that the Baltic peoples may once again enjoy both peace and freedom.

FIFTY-TWO NOW COSPONSOR EMERGENCY STRIKE LEGISLATION

(Mr. HARVEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HARVEY. Mr. Speaker, I am today reintroducing Emergency Strike legislation with 15 additional cosponsors, bringing to 52 the number of Members who have joined in this bipartisan effort to seek a solution to crippling national transportation strikes. The measure was first introduced as H.R. 8385 and later modified in H.R. 9088 and H.R. 9089.

The need for legislation in this area remains as probable future business for this Congress. Although the United Transportation Union and the carriers are presently negotiating, either party could break off at any time and precipitate a series of selective strikes by the brotherhood and possibly lockouts by management. This could result in an emergency of sufficient proportions to require congressional attention.

Another situation which could easily result in the need for Congress to act is the unresolved dispute between the carriers and the signalmen. This difference has merely been postponed until October 1. Unfortunately, there is presently no sign of progress toward settlement.

I am also pleased that all indications are that our House Committee on Interstate and Foreign Commerce will hold hearings on this legislation this month. I am convinced that most Members of Congress do not favor the cumbersome ad hoc process that has characterized the recent history of railroad strikes. National emergency disputes should and can be settled without recourse to congressional intervention with proper legislative action.

PERSONAL EXPLANATION

Mr. COUGHLIN. Mr. Speaker, I was unavoidably absent from part of yesterday's session. Had I been present, I would have voted as follows:

On rollcall No. 172, the vote on House Resolution 489, a motion to table a request that the President furnish the text of the study entitled "United States—Vietnam Relationships, 1945–1967," I would have voted "yea"; and

On rollcall No. 173, the vote on H.R. 7016, the conference report on the Office of Education appropriations bill on fiscal year 1972, I would have voted "yea."

CONFERENCE REPORT ON S. 31, EMERGENCY EMPLOYMENT ACT

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. ERLENBORN. Mr. Speaker, reserving the right to object, I would like to address an inquiry to the chairman of the Committee on Education and

Labor. I would like to know if he is acquainted with the bogus report entitled "Report on the Hyden, Ky., Coal Mine Disaster" that has been reported in the press as having been issued by the General Labor Subcommittee of the Committee on Education and Labor.

Mr. PERKINS. Let me answer my distinguished colleague by saying I am not acquainted with any bogus report but that I am acquainted with the committee print that has been circulated. To my way of thinking, the committee print is factual. If the gentleman from Illinois takes exception to the committee print, he has a perfect right to call it up before the subcommittee. It is my judgment that the subcommittee will adopt it as a subcommittee report. If the gentleman wants to go further, he can call it up before the full committee. And, my judgment is that the full committee will adopt it as a full committee report.

Now, let me say something further to the gentleman.

Mr. ERLENBORN. Mr. Speaker, I decline to yield further at this point.

Let me make the observation that the gentleman says that it may be called up before the committee and probably will be adopted. The gentlemen, then, admits that the committee has not acted on this report and that the report has not been approved by the subcommittee and that the report is not factual. When the gentleman says that the report is factual that is not correct, because the report says that the committee made findings and recommendations, and the committee has not acted and could not have submitted findings and recommendations.

Mr. PERKINS. Mr. Speaker, if the gentleman will yield further, it is my best judgment that the majority of the members on the committee, both the subcommittee and the full committee, will state that the report is accurate.

I think if the gentleman will take a careful look at this committee print, he will see that the conclusions set out in that report are inescapable.

I think the gentleman is complaining where there is no basis for any complaint.

Mr. ERLENBORN. Mr. Speaker, let me make the observation——

POINT OF ORDER

Mr. O'HARA. Mr. Speaker, a point of order.

The SPEAKER. The gentleman from Michigan will state his point of order.

Mr. O'HARA. Mr. Speaker, we are not proceeding in the regular order.

The SPEAKER. Regular order is demanded by the gentleman from Michigan.

Mr. ERLENBORN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 28, 1971.)

Mr. PERKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House conference report No. 92–310 to accompany the bill S. 31, the Emergency Employment Act.

It was nearly a month ago, on June 2, that the House amended and passed S. 31 as a means of providing jobs during periods of high unemployment by assisting States and local governments in providing needed public services.

During subsequent conferences with the Senate, we have arrived at a meeting of the minds.

What we bring before you today is not all of the House bill, and not all of the Senate bill. Through a process of give and take, we have arrived at a bill with which all of us can live. This, we endorse to the Members of this House.

Neither the majority nor the minority members of the committee or the conference have any interest in passage of a bill that would meet with a Presidential veto. And we were all pleased when word came this week—well in advance of final passage—that the President will sign this legislation.

I would like, however, to review briefly some of the history that preceded the measure before us today.

We recognize, Mr. Speaker, that despite a long period of prosperity, the country has been unable to solve a chronic problem of unemployment.

To alleviate this situation, many Members of the Congress—I included—came to feel that willing, able-bodied men and women have a right to employment, and that the Government should act as the employer of last resort. That is, if private enterprise could not provide a willing citizen with a job, then he had every right to expect his Government would.

I personally feel that it is far, far better for people to perform useful work on public services and receive for it a decent wage, than to do nothing and draw welfare payments.

With that thought in mind, last year I introduced public service employment legislation, and subsequently joined with other members in including this concept in H.R. 15915, a comprehensive manpower training bill which the Committee on Education and Labor reported to the House on October 5, 1970.

This measure passed the House last November 17 by a voice vote, after the House decisively turned back an amendment to strip the Public Service Employment title from the bill.

Both House and Senate passed the conference report on this legislation last December 10, and it was felt that a great service had been performed by the strong bipartisan majority who supported it.

It was most unfortunate, in my judgment, that the President saw fit to veto the manpower legislation passed by the Congress last year. Had it been signed into law, it would be operating today to combat the unemployment rate that has subsequently gone above the 6 percent mark.

So strongly did I feel about this that on the first day of the new session of Congress in January of this year, I introduced H.R. 17, to assure an opportunity for employment to every American seeking work. And I have subsequently joined with other members of the Committee on Education and Labor in forging the new manpower legislation which we are considering today.

The legislation before us is not brought forward as the be-all and end-all of legislation to provide work for the needy and willing unemployed. It does contain many of the features embodied in the public service employment title voted last December, but it has been modified to meet administration objections and to forestall another Presidential veto.

Notwithstanding its deficiencies, it is a step in the right direction, and I commend it to the Members.

Now, briefly, the differences between the bill passed by the House on June 2 and this conference report are these:

DURATION

The House bill would have authorized a 4-year program. The conferees agreed on a 2-year program, extending through fiscal year 1973.

APPROPRIATIONS

The conferees agreed on a $750 million appropriation for fiscal year 1972, and a $1 billion appropriation for fiscal year 1973, which is somewhat below the $4 billion authorized under the House-passed bill for the "regular" program. In addition, the conference report contains authorization for a "special" employment assistance program of $250 million a year for 2 years in areas where unemployment exceeds 6 percent.

MISCELLANEOUS

The conference report retains the House bill's exclusion of public and private nonprofit organizations as eligible applicants.

While the House bill had a flat salary limitation of $12,000 per year payable to an enrollee in a public service job, the conference bill modifies this somewhat by saying that the Federal contribution may not be more than $12,000 a year for any such job.

Also accepted was the House provision that up to one-third of the jobs created under the act can be in the professional category.

The distribution formula for the funds authorized conforms to the terms of the House bill.

The Senate conferees accepted the House position that a limit of 15 percent be set on funds used for training and manpower services. The remaining 85 percent of the funds must be used for wages and benefits.

The Senate bill used and emphasized the word "transitional" to qualify public service employment under this legislation.

The conferees agreed to keep the Senate version, but accompanied by report language indicating that "transitional" not describe the nature of the job, nor the duration of the time the enrollee may keep the job. The word is merely descriptive of the fact that this is an emergency program which has been authorized for only 2 years.

I wish to emphasize this paragraph from the report:

> For individuals employed under the program, it is the intention of the conferees that public service employment jobs lead wherever possible to permanent positions in the public or private sector.

We are all agreed that the public service employment created by this act shall not be of the dead end, make-work variety, long feared by the critics of this legislation.

This is good legislation, and badly needed in an era when a high rate of unemployment is coming to be the rule. Here, in one bold stroke, we create new jobs, and we give a hand to those hard pressed State and local units of government who find it increasingly difficult to perform the public service functions.

I certainly want to commend my colleagues, Representative DANIELS of New Jersey, and the members of his Select Subcommittee on Labor, for the fine work they did in preparing this legislation and shepherding it through to final passage. In Congressman DANIELS, the subcommittee has a leader of great ability and compassion for the working people of this country, and he deserves the thanks of all of us.

Congressman ESCH, who has devoted so much time and effort to this legislation, in the subcommittee, the committee, on the floor of the House, and in the conference, likewise is entitled to the thanks of all of us for his contributions.

Congressman QUIE, the ranking minority member of the Committee on Education and Labor, also contributed much to the legislation. He has my personal thanks, as well as those of all the committee for his work.

All of the conferees were diligent to the position of the House, as the resulting conference report clearly proves.

Mr. Speaker, I hope the House will lose no time in enacting this legislation into law. The States and the towns and counties all over America are waiting for it.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, I would like to ask the gentleman from Kentucky just what type of jobs the committee contemplates that this bill would provide?

Mr. PERKINS. All types of regular jobs that are necessary in connection with assisting the police, jobs in the parks, jobs in public institutions, in county boards of education, city boards of education, in city halls, court houses, cleaning up streets, and so forth.

Mr. KAZEN. In other words, manual jobs?

Mr. PERKINS. Manual jobs, and other office jobs, both manual and professional and office jobs, jobs that are needed.

Mr. KAZEN. In other words, we can properly say, then, that whatever jobs the city or county or governmental unit has to offer will be included?

Mr. PERKINS. They have to submit a plan to the Department of Labor, and the Secretary of Labor has the discretion to approve the plan of that governmental unit. Yes.

Mr. KAZEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. QUIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what the gentleman from Kentucky (Mr. PERKINS) said about all the conferees in the House signing the report is accurate. Some people may wonder about at least the Republican conferees who all voted against the bill as it went to the House, signing the conference report, and it is because we did make significant changes that now make the legislation acceptable to us. We will vote for the conference report.

Let me point out those changes.

If you will look at the conference report on page 4, indicating the language in section 7(a) you will find the words "transitional employment for unemployed and underemployed persons."

At the end of subsection (a) it says:

> To enable such persons to move into employment or training not supported under this Act.

This, to us, is an indication of the type of transitional employment that we are talking about.

It is also recognized that the majority side of the aisle has felt very strongly all the time that they did not want the Secretary of Labor to remove people from public service employment during the term of the act.

When the bill passed the House it authorized a 5-year program. In Conference we accepted a 2-year bill. This is the way we compromised our differences.

As you will recall, the Esch amendment that was offered in the House would have permitted the Secretary to require that people move off public service employment after 2 years. In the conference in resolving that question, we just reported a 2-year bill, but we made it clear in the report that there could not be a requirement that a person be taken off a job before the expiration of this two-year act nor could it be a requirement that the job must of such a nature that it would only be a period of less than 2 years. So we resolved our differences.

If you will also look at subsection (b) of section 7 following subsection (a), also on page 4, you will see this language that we accepted in conference on the Senate bill:

> (b) Programs assisted under this Act shall, to the extent feasible, be designed with a view toward—
>
> (1) developing new careers, or
>
> (2) providing opportunities for career advancement, or
>
> (3) providing opportunities for continued training, including on-the-job training, or
>
> (4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under this Act.

I believe this is the language that now gives the assurance of transitional employment as the President wanted when he vetoed the manpower bill last year and why he assured us when he vetoed the accelerated public works bill, that he will sign this bill.

I might also point out that there was some question on our minds on the prevailing wage language in the House bill. We adopted the Senate language, meaning the prevailing wage would be limited to the same employer. Because we ran into the difficulty of say, a city hospital and a Federal hospital in the same city paying different wages and that the wage in the city hospital would then have to be increased for all its employees if the prevailing wage were determined for the entire locality.

Therefore, we do not interject the Federal Government into the wage levels of the local government and the State government, as seemed to be the danger in the House bill.

We found when we got through with the semantics of what everybody was saying, that there was agreement and we agreed on the Senate language in the conference report.

Also I should point out the language we wanted so much in the House bill was retained in regard to veterans.

The special emphasis for the veterans is now written "special consideration" instead of "preference" as it was in the House bill. But it will enable veterans returning from action in Vietnam or Korea, if they have served since August 1964 to receive special consideration.

So I am pleased with the legislation, but as with all legislation it is not 100 percent the way I wanted it or the way anybody else wanted it, but it is I think an excellent compromise and should be supported.

There is one other matter, of course, of concern to the administration. They want strenuously to have the Congress consider their legislation which has been introduced called "special revenue sharing for manpower."

In talking with the gentleman from New Jersey (Mr. DANIELS), the chairman of the subcommittee, and with the gentleman from Kentucky, the chairman of the full committee, we have an agreement and I would like at this time to yield to the gentleman from New Jersey (Mr. DANIELS) to discuss that at this time.

Mr. DANIELS of New Jersey. I thank the gentleman for yielding. I have stated on several occasions, not only to the gentleman in the well, but in the subcommittee, in the full committee, before the rules committee, and during the course of debate on the bill on the House floor in early June that it was my intention as chairman of the Select Committee on Labor to conduct hearings on comprehensive manpower legislation, which would include not only legislation that is pending but also any legislation on the subject matter that might be introduced in the future, and the administration's manpower revenue-sharing bill. I will do all in my power as chairman of the subcommittee to move that legislation along and to try to get a bill reported to the full committee so that the full committee may act upon such legislation before the end of this year.

Mr. QUIE. I thank the gentleman. I want to say publicly, too, I know that when the gentleman from New Jersey says that, he means it, as everyone should know. I am confident the gentleman will see that hearings are held and such comprehensive manpower legislation as the majority of the subcommittee will support will be reported this calendar year 1971.

I would like to ask the gentleman from Kentucky a similar question also on this subject following the assurance of the gentleman from New Jersey. While the gentleman from Kentucky has said many times that the gentleman from New Jersey has the responsibility for holding hearings, he has given assurance to me time and again that he will see that the full committee takes action on whatever the subcommittee reports to him.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Let me say to my distinguished colleague that I was not interested in marching up the hill and down again on the manpower bill. We had great need for these jobs throughout America last year—and this I have discussed with the gentleman the proposition that if we could arrive at a meeting of the minds, we would certainly like to have a meeting of the minds. I did agree with the gentleman that as soon as the bill was introduced, I would refer it to the subcommittee. I further told the gentleman from Minnesota that I did not know the type of bill the full committee would vote out, but that we would take the bill up immediately after it is reported by the subcommittee for action. No one can make any commitment as to the type of bill the full committee will report.

I am sure the gentleman realizes that within the next couple of weeks he will be assisting in the mark-up of the so-called Economic Opportunities Act, which includes several of these manpower programs which we desire to extend. Of course, if you have plans at a later date to merge those programs in connection with your special revenue-sharing proposals, that will be a matter for the committee to decide.

At the same time I can assure the gentleman that we will not obstruct orderly procedure. We will make sure that any bills that are introduced will be promptly referred, and that any bills that are promptly voted out of the subcommittee will be taken up by the full committee. I think that is the full extent of the gentleman's agreement with myself.

Mr. QUIE. I thank the gentleman for his assurance.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. GROSS. This conference report, as I understand it, authorizes $1,750 million over a 2-year period. What was the money figure in the original authorizing legislation as passed by the House?

Mr. QUIE. The money figure as passed by the House was the same as the amount in this bill for the 2 years in question. Of course, there was 1 year, being fiscal 1971, which was included in the bill passed by the House, which is not a part of this and 2 years beyond this bill, fiscal 1974 and 1975. But I might say that the amount of money that the gentleman refers to now of $1,750 million is $500 million short of what is actually in this bill. There is $750 million on the national triggering, plus the $250 million of section 6 money, making it $1 billion for the fiscal year that began today. There is $1 billion in the national program and $250 million in section 6, being the local program for fiscal 1973, which makes it a total of $2,250 million authorized in this conference report.

Mr. GROSS. I thank the gentleman for including the additional amount. I had not noted it in the conference report.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished author of the bill, the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Speaker, unemployment in America is our most serious domestic problem. It has risen steadily for the past 2 years—by 73.5 percent from the first quarter of 1969 to the first quarter of 1971—and shows no sign of declining in the coming months.

There is no more desperate plight than that faced by the man or woman who wants to work but for whom there is no work. That desperate situation is faced right now by over 5 million of our fellow citizens.

The "Emergency Employment Act of 1971," for which I ask your support is designed to deal with a real emergency.

People do not want to sit home and receive welfare checks with no accomplishment to show for their money. They want to make it on their own. They want to work and feel the rewards of employment—the reward of pride in seeing tangible results of efforts on their part. This is why we need this bill so desperately.

The principal purposes of S. 31 are:

First. To put unemployed persons to work, and

Second. In doing so, to provide needed public services to our citizens.

The conferees present to you a bill which enjoys the widespread support of the House, the Senate, and the administration.

The compromise provides for a 2-year authorization; $750 million is authorized for the fiscal year ending in June 1972, and $1 billion is authorized for the fiscal year ending June 1973. If the national unemployment rate grows to 4.5 percent or more for 3 consecutive months, the Secretary could begin to contract for programs. The funding mechanism is designed to be retroactive, so our present economic conditions would make this act immediately effective.

The bill also contains a "special employment assistance program." It authorizes to be appropriate for this program $250 million for each fiscal year ending in June 1972 and June 1973. In order to be eligible for assistance under this section, an applicant must have an area within its jurisdiction that has had a rate of unemployment of 6 percent or more for 3 consecutive months. This provision focuses funds into local areas of great need that are pockets or chronic unemployment.

Eligible applicants under the "Emergency Employment Act" are units of Federal, State, and general local government; public agencies and institutions which are subdivisions of State or general local government and institutions of the Federal Government; and Indian tribes on Federal or State reservations.

Some of the other reconciled differences include the House provision which gives special consideration to the need for jobs for veterans who served in the Armed Forces in Indochina or Korea, on or after August 5, 1964.

We also adopted the House provision which provides that an applicant must give assurances that no more than one-third of the participants in the program will be professionals within the meaning of section 13(a)(1) of the Fair Labor Standards Act, although the Secretary may waive the limitation in exceptional circumstances. This restriction does not apply to classroom teachers.

The House provision that no person employed in a public service job may be paid in excess of $12,000 per year was adopted. This provision is not intended to limit the total amount an individual can receive, but simply limits the Federal contribution.

The conferees also adopted the House distribution formula. Eighty percent of the funds appropriated under section 5 will be distributed among and within the States on the basis of the proportion which the total number of unemployed persons in such States bears to such total number in all States, with $1.5 million as a guaranteed minimum to each State. The Federal share will be up to 90 percent; the non-Federal share may be in cash or kind.

Nothing could be worse than to put together training programs for particular skills and then find after the program is completed that there is no job available for the skills attained. Raising expectations without available jobs could create a very tense and frustrating experience for the persons involved.

The clear intent of this bill is to create jobs. Therefore, the conferees agreed that not less than 85 percent of the funds appropriated under this act shall be used for wages and employment benefits.

The 150,000 jobs created by this measure will not be a cure-all to the crisis that claims over 5 million Americans who are unemployed. But this is an important move in forming a realistic approach to the severe employment and manpower problems facing this Nation.

On Tuesday, June 29, 1971, the President, in his veto message to Congress on the accelerated public works bill, stated that—

> Expansion of job opportunities for those presently unemployed is one of this administration's highest priorities.

He said that measures to provide more jobs must be effective and must "hold real promise of providing the jobs when they are needed, where they are needed, for the persons who most need them." The President further stated that the public srevice jobs bill meets this test.

Before concluding, I must stress that the untiring efforts and bipartisan cooperation of all the conferees from both bodies have made S. 31 a compromise in the true sense of the word and a measure that we all can support and be proud of.

Every day we waste in not achieving the passage of this legislation is another day lost in the effort to reverse the trend of our great cities and rural areas toward degradation and decay and the feeling of hopelessness among their inhabitants.

We must act now—I urge immediate passage of the Emergency Employment Act of 1971.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. DANIELS of New Jersey. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I rise in support of this conference report; I also want to pay special tribute and commendation to the chairman of the subcommittee, the gentleman from New Jersey (Mr. Daniels) whose diligence, whose patience, whose understanding really brought about the possibility of a compromise substantively, first of all, to make it possible to get on with the program of actually providing 150,000 jobs for unemployed people today, in the main part of the bill, plus $250 million for jobs in those areas of high unemployment.

Beyond his work, his patience and his diligence in bringing about substantive changes, he also had the patience to bring about a compromise which was acceptable to both parties, and both the Senate and the House, and therefore on which would be signed into law and would end up in actual jobs rather than just political rhetoric.

I believe he is an outstanding chairman of the subcommittee, and I cannot praise him too much for the manner in which he goes about doing his job.

Mr. DANIELS of New Jersey. I thank the gentlewoman for those kind remarks. I do wish to add that this report is the product of the work, the effort and assistance and cooperation rendered by all the Members not only of the subcommittee but of the full committee as well.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. DANIELS of New Jersey. I am happy to yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Speaker, I should like to associate myself with the remarks of the gentlewoman from Oregon in paying tribute to the gentleman from New Jersey, Mr. Daniels, for the excellent work he has done in committee and obviously now in the conference. If there is one thing which is going to help America at this time, and our working people, it is giving them something to do which is gainful and productive. I should like to add my words to the many said concerning the good work the gentleman has done.

Mr. DANIELS of New Jersey. I thank the gentleman.

Mr. QUIE. Mr. Speaker, I should like to yield briefly to two of my colleagues.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. Esch).

Mr. ESCH. Mr. Speaker, I appreciate the gentleman's yielding.

I believe we should recognize that any time we have a conference report back the major criterion we should examine is as to whether the bill which came back is a better bill than was originally in the House. In the case of this bill that surely is true.

The bill we have before us today, in terms of the conference report, as outlined by the gentleman from Minnesota (Mr. Quie) does give indication that it is substantially improved. First and foremost, the concept of transitional is in the bill. That is a major factor in which there has been great discussion. Moreover, it does have a 2-year limitation, and that too is an improvement. We have been assured—and this is most significant—that hearings will be held and we will have an opportunity to present on this floor a comprehensive manpower training bill, during the course of this year.

Additionally, we were able to retain the provisions of the House regarding veterans "special consideration" and the provision regarding that the recipients be subdivisions of local units of Government.

Mr. Speaker, I just want to call the attention of the Members of the House to what this bill does not do. It will not solve the problem of unemployment in this country, but it will go a long way toward reaching out to those pockets of high unemployment and hopefully getting people immediately into public service jobs. Unemployment in this country has been caused by President Nixon's successful winding down of the Vietnamese war and the cut in military spending. Considering all of the elements, I would support the conference report and urge my colleagues to do so.

Mr. QUIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. Steiger).

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise in support of the adoption of the conference report.

There are three things that I want to briefly comment on.

One is to suggest to the Members of the House that this bill which comes to us in this form is a vastly superior bill, in my judgment, to that which passed the House. The work of the conference succeeded in achieving the result of securing a bill which would be acceptable and put people to work and which would do it on a basis that would make sure they could have the kind of movement necessary from subsidized public service employment to regular public employment or the private sector. Others have noted the differences between the House passed version which I opposed and this conference report and those improvements made in conference have made it possible for me to sign the report and urge its adoption.

Second, it is important for the Members of the House to recognize that the work of the gentleman from Michigan (Mr. Esch) in the subcommittee, in the full committee and here on the floor with the substitute bill is a significant reason for the fact that we come here today with a bill that has been signed by all of the conferees. Yes, there were differences, but I think the gentleman from Michigan deserves the thanks of all the Members of the House for the kind of work he put in in making it possible for the House to go into the conference on the basis that it could work with the gentleman from New Jersey (Mr. Daniels) and the other members of the conference committee to bring this conference report back.

I, for one, want to take some time here to salute the work that the gentleman from Michigan (Mr. Esch) has done in bringing about this compromise and conference report.

Mr. Speaker, third, there are two specific features of this bill about which I have some concern.

In the language of the statement of the managers, there is a listing of cities for section 6. I must say that I want to make sure it is clear that while I agree Bedford-Stuyvesant and Watts were two cities mentioned for this particular program, I did not find at any time in the conference that there was any discussion of some of the other cities listed. The language of the managers in the report I hope will not be construed by the Department of Labor to require them to carry out a program in "portions of Seattle" or other cities listed and which were not discussed in the conference itself and which I think goes beyond what the conferees intended. We have a definition, but I hope that the gentleman from New Jersey (Mr. Daniels) would agree with me that the listing of those cities in no way means the Department of Labor must designate those particular sections for this program.

Mr. DANIELS of New Jersey. Will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman.

Mr. DANIELS of New Jersey. I concur with the gentleman that it was not the intention of the conferees to limit consideration of areas of high unemployment to Watts and Bedford-Stuyvesant and the other places in the country mentioned in the report where there are high degrees of unemployment. Those examples were merely mentioned to give some idea of what the conferees and the Congress had in mind when we referred to these areas.

Mr. STEIGER of Wisconsin. I appreciate very much the gentleman's clarification of the language of the statement of the managers so as to insure that eligibility must be determined and simple mention in the report does not require the Secretary to take action.

Mr. MEEDS. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I would be happy to yield to the gentleman from Washington.

Mr. MEEDS. By the same token, I am sure the gentleman would agree with me that if the unemployment situation in the areas listed were such that would qualify them to come under the auspices of this section 6 the determination would have to be made that they would qualify.

Mr. STEIGER of Wisconsin. Yes.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, this legislation is a sad commentary on the management of this Government when the "make work" programs must be resorted to. It is a sad commentary on the management of the country, with an annual gross national product of $1 trillion and $65 billion that it must pass a bill to provide "make work" to the tune of $2.2 billion for 2 years. That is a WPA with a vengeance.

Mr. STEIGER of Wisconsin. I must say to the gentleman that I do not believe this bill creates a "make work" job program. It is designed to assure that the jobs are productive and needed ones.

Further, Mr. Speaker, section 8 of the bill contained in the conference report comes back with the language of the other body in which the Department of Labor may pay up to 90 percent of the cost of the application. This is different from the House version which required 100-percent payment by the Federal Government. I think it is helpful to allow flexibility to the local community and the Department of Labor to work out what amount each shall support and contribute. I think this change from the version of the bill which was passed by the House is an improvement at this point.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Minnesota.

Mr. QUIE. It would provide the incentive and the requirement for the local communities and the States to assume more responsibility for their public service employment and the adoption of this language, "not to exceed 90 percent" certainly will cause them to accept what responsibility they can. As the gentleman from New Jersey said, the local communities and the States share may be in cash or kind, and I think the change to in cash or kind should be an improvement so the local and State responsibility may be met.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Kentucky

Mr. PERKINS. The provision in the bill unequivocally provides that the Secretary shall pay 90 percent of the cost of the jobs.

Mr. QUIE. Mr. Speaker, will the gentleman yield further?

Mr. STEIGER of Wisconsin. I yield further to the gentleman from Minnesota.

Mr. QUIE. If the gentleman from Kentucky will read section 8(2) it says not to exceed 90 percent. That is the language that is in the bill as the conference reported.

Mr. STEIGER of Wisconsin. I clearly do not think that the gentleman from Kentucky is correct.

Mr. PERKINS. That is the argument we had last year, whether we would limit the Secretary to pay less than 80 percent. I think it was the intent of the committee that the Secretary pay 90 percent. I feel that is the construction that we have to place on that language.

Mr. STEIGER of Wisconsin. May I say to the gentleman from Kentucky I think it was the clear intent of the conferees that the language of the bill contained in the conference report is that the Secretary of Labor shall pay not to exceed 90 percent and is language which by no means requires that he has to pay 90 percent.

Mr. PERKINS. But it says "not to exceed 90 percent." The discussion in conference was not 90 percent or 85 percent or 80 percent. We said the Secretary may approve an application upon determining that the request does not exceed 90 percent of the cost, and gave him leeway to waive the 10 percent. It is clear that the conferees did not contemplate Labor Department jockeying with that 90 percent Federal share. I hope the day will never come when a Secretary of Labor will welsh on a firm congressional commitment to the Nation's unemployed.

Mr. QUIE. I made the motion in the conference committee to accept the Senate language in regard to 9010, receding from the 100 percent in the House bill. The decision was to accept the Senate language and the Senate language is in the bill, "(2) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;". So you cannot make any interpretation on it other than what is in the bill.

Mr. STEIGER of Wisconsin. I completely agree with the gentleman from Minnesota and I urge adoption of the conference report.

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The **SPEAKER.** The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. QUIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 343, nays 14, not voting 76, as follows:

[Roll No. 175]

YEAS—343

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Conte
Conyers
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Denholm
Dennis
Derwinski
Dickinson
Diggs
Dingell
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Koch
Kyl
Kyros
Leggett
Lent
Link
Lloyd
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Rangel
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruth
Ryan
St Germain
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Symington
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—14

Archer
Ashbrook
Blackburn
Burke, Fla.
Burleson, Tex.
Colmer
Crane
Dowdy
Gross
Haley
Henderson
Jarman
Schmitz
Spence

NOT VOTING—76

Alexander
Baring
Barrett
Bell
Bingham
Bow
Brasco
Broyhill, Va.
Buchanan
Caffery
Cederberg
Celler
Collier
Collins, Tex.
Conable
Corman
Cotter
Davis, Ga.
de la Garza
Dellums
Dent
Devine
Donohue
Edwards, La.
Griffiths
Hagan
Hall
Halpern
Hamilton
Hansen, Idaho
Hathaway
Hawkins
Hébert
Heckler, Mass.
Johnson, Calif.
Jonas
Jones, Tenn.
Keith
Kluczynski
Kuykendall
Landgrebe
Landrum
Latta
Lennon
Long, La.
Lujan
McClure
McCulloch
McDonald, Mich.
McMillan
Martin
Melcher
Mills, Ark.
Minshall
Moorhead
Passman

Poff
Purcell
Randall
Rhodes
Roe
Rousselot
Runnels
Ruppe
Sandman
Saylor
Sikes
Steele
Steiger, Ariz.
Stephens
Sullivan
Taylor
Wampler
Watts
Wilson,
  Charles H.
Wydler

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Dent with Mr. Devine.
Mr. Johnson of California with Mr. Saylor.
Mr. Roe with Mr. Sandman.
Mr. Brasco with Mr. Steele.
Mr Hébert with Mr. Bow.
Mr. Sikes with Mr. Jonas.
Mr. Taylor with Mr. McClure.
Mr. Charles H. Wilson with Mr. Bell.
Mr. Lennon with Mr. Hall.
Mr. Celler with Mr. Wydler.
Mr. Cotter with Mr. Landgrebe.
Mr. Davis of Georgia with Mr. Poff.
Mr. Donohue with Mr. Collier.
Mr. Purcell with Mr. Keith.
Mr. Hamilton with Mr. McDonald of Michigan.
Mrs. Sullivan with Mrs. Heckler of Massachusetts.
Mr. Hathaway with Mr. Kuykendall.
Mr. Alexander with Mr. Broyhill of Virginia.
Mr. Bingham with Mr. Hawkins.
Mr. Barrett with Mr. Rhodes.
Mr. Corman with Mr. Ruppe.
Mr. de la Garza with Mr. Buchanan.
Mr. Melcher with Mr. Martin.
Mr. Kluczynski with Mr. Collins of Texas.
Mr. Moorhead with Mr. Dellums.
Mr. Runnels with Mr. Halpern.
Mr. Watts with Mr. Wampler.
Mrs. Griffiths with Mr. Lujan.
Mr. Baring with Mr. Cederberg.
Mr. Passman with Mr. Conable.
Mr. Stephens with Mr. Minshall.
Mr. Caffery with Mr. Steiger of Arizona.
Mr. Landrum with Mr. Hansen of Idaho.
Mr. Jones of Tennessee with Mr. Rousselot.
Mr. Mills of Arkansas with Mr. Latta.
Mr. Hagan with Mr. McMillan.
Mr. Long of Louisiana with Mr. Randall.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days during which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR SUBCOMMITTEE NO. 1 OF THE COMMITTEE ON THE JUDICIARY TO SIT DURING THE SESSION OF THE HOUSE TODAY

Mr. RYAN. Mr. Speaker, I ask unanimous consent that Subcommittee No. 1 of the House Judiciary Committee be permitted to sit during the session of the House today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENDING THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2133) to extend the Federal Water Pollution Control Act, as amended, for 3 months.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2133

An act to extend the Federal Water Pollution Control Act, as amended, for three months

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds authorized to be appropriated in sections 5(n) and 6(e) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), for the fiscal year ending June 30, 1971, shall remain available until September 30, 1971.

SEC. 2. Section 7(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 446 et seq.), is amended by inserting after "$10,000,000" the following: ", and for the three-month period ending September 30, 1971, $2,500,000".

SEC. 3. The second sentence of section 8 (d) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), is amended by striking "and $1,250,000,000 for the fiscal year ending June 30, 1971." and inserting in lieu thereof "$1,250,000,000 for the fiscal year ending June 30, 1971; and $500,000,000 for the three-month period ending September 30, 1971."

Mr. BLATNIK. Mr. Speaker, for the last month the Committee on Public Works has been holding oversight hearings on the operation of the water pollution control program. We have heard from representatives of the Environmental Protection Agency and State and local governments on the many problems involved in the implementation of this most important program. The hearings have been extremely helpful in reviewing the status of the program and in spotlighting many of the major issues which must be solved.

These oversight hearings will probably continue for another week. Thereafter, the committee will consider the various legislative proposals now pending before it. The legislative hearings will be in depth and, in all probability, will continue beyond the August recess before the Committee will report out a bill for the consideration of the House.

Because of the necessity to continue the funding for programs under the Federal Water Pollution Control Act, it is necessary to call up S. 2133 for immediate House consideration. The bill includes three sections.

Section 1 provides that funds authorized for research, investigations, training, and information under section 5, and for research and development under section 6 of the Federal Water Pollution Control Act for the fiscal year ending June 30, 1971, would remain available until September 30, 1971.

Section 2 authorizes $2,500,000 for grants for State water pollution control programs for the 3-month period ending September 30, 1971, a level which is 25 percent of the fiscal year 1971 authorization.

Section 3 authorizes construction grants for the 3-month period ending September 30, 1971, in the amount of $500 million, a level which is consistent with the administration's budget request for this program.

I would emphasize that the Committee on Public Works is well aware of the importance of this program. This extension is needed at the present time and it may be necessary to later request a further extension if the committee has not completed action on the bills pending before the committee by September 30. I would urge the immediate passage of S. 2133.

Mr. HARSHA. Mr. Speaker, I rise to join my colleague, the distinguished chairman of the Public Works Committee, in supporting S. 2133.

This bill would extend expiring authorizations for parts of our water pollution control program for 33 months. In so doing, it would provide time necessary for the Public Works Committee to continue the difficult task of evaluating existing legislation for water pollution control programs and to develop comprehensive water pollution control legislation, probably by the end of the 3 months.

S. 2133 would preserve the continuity of the water pollution control program while providing additional time.

Specifically, S. 2133 would extend authorizations for appropriations in three areas. Section 1 of S. 2133 makes the $75 million authorized to be appropriated by section 5(n) and the $60 million authorized to be appropriated by section 6 (e) of the Federal Water Pollution Control Act for fiscal year ending June 30, 1971, "available until September 30, 1971." A total of $59.5 million of these authorizations have not been appropriated and would be available for appropriation under this section. This will extend the existing authorization for the fiscal year ending June 30, 1971, until September 30, 1971. Thus, with the required appropriation, EPA could continue the obligation of funds through September 30 for research, investigations, and training per section 5 use for grants for research and development per section 6.

Section 2 of S. 2133 authorizes the appropriation of $2,500,000 for grants to States for water pollution control programs for the 3-month period ending September 30, 1971. This authorization is at the same annual rate as the $10 million authorized to be appropriated by section 7 of the Water Pollution Control Act for the fiscal year ending June 30, 1971. These grants assist the State and interstate agencies in meeting the cost of establishing and maintaining adequate measures for the prevention and control of water pollution, including the training of personnel of public agencies.

Section 3 of S. 2133 authorizes the

appropriation of $500 million for grants to States, municipalities, and intermunicipal and interstate agencies for the construction of waste treatment works. The $500 million for the 3-month period is equal, on an annual rate basis, to the $2 billion requested by the administration for such grants for each of the fiscal years ending June 30, 1972, 1973, and 1974, which amount the House approved by passage of the Agriculture-Environmental Protection Appropriation Act last week. This increase in authorization is consistent with the need for an increase in the rate of construction of treatment works and it will prevent delay in the acceleration of this needed construction.

Mr. Speaker, because of major legislation on accelerated public works, economic development, and Appalachia programs, the Public Works Committee was precluded from starting consideration of water pollution legislation as early as desired. The oversight hearings presently being held have also demonstrated that existing legislation requires major revisions in some areas. Thus, the completion of this task in the thorough manner required, dictates that the extension authorized in S. 2133 is urgently required. We must, at this point, take the time and make the effort required to develop workable, effective, and efficient legislation.

The product of the committee's time and effort must be the providing of the legislative and fiscal tools needed to bring the Federal, State, and local governments' programs along with private, industrial, land use, and agricultural projects and programs into harmony. Also, our Nation's industries which, I believe, are willing to shoulder their portion of the burden of investment in the environment, must be in a position to base their future investment decisions on a predictable legal environment.

In addition, we must develop an environmental maintenance framework which includes more effective support of and reliance upon State efforts.

Mr. Speaker, the Public Works Committee will start legislative hearings on the comprehensive water pollution control legislation and the required fiscal authorizations after the July 4 recess. Because of the comprehensive nature of the legislation, the Public Works Committee will probably not be able to report a bill to the House by October 1. It may be necessary either to come back for additional authorizations for a short period or to have a period of time during which no authorizations will be available to continue the program. This, however, can be determined as the legislative hearings proceed, and at this time we ask only for a 3-month authorization.

The Public Works Committee recognizes that the additional authorizations are not as desirable as having comprehensive and effective legislation available on July 1. However, it is also necessary to recognize that the expiration of the fiscal year should not in any way preclude the completion of the committee's work. It is a difficult and time-consuming task and it must be completed in the detail required to provide the effective, comprehensive, and lasting program for water pollution control that our Nation requires. I urge your support of S. 2133.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 8629, COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 481 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 481

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8629) to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes, and all points of order against page 11, line 6 through line 23 of said bill for failure to comply with the provisions of clause 4, Rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order under clause 7, Rule XVI the amendment recommended by the Committee on Interstate and Foreign Commerce now printed on page 3, line 18 of the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 481 provides an open rule with 1 hour of general debate for consideration of H.R. 8629, the Comprehensive Health Manpower Training Act of 1971. All points of order are waived against lines 6 through 23 on page 11 of the bill because of an appropriation in a legislative bill—clause 4, rule XXI—and against line 18 on page 3 because of nongermaneness—clause 7, rule XVI.

The purpose of H.R. 8629 is to extend for 3 years, with modifications, the existing program for grants to medical and other schools training health professionals and for assistance to students at those schools.

Appropriations are authorized in the total amount of $2.8 billion over the 3-year period for a number of programs. There is a shortage today of approximately 50,000 doctors. With this legislation, it is hoped that gap will be closed by 1978.

There is presently a backlog of approximately $600 million in approved but unfunded construction projects under existing authorizations; $750 million is authorized over the 3-year period for this program.

A total of $872 million is authorized over the 3-year period for capitation grants and $412 million is authorized for special project grants for schools in the health professions which are in serious financial condition.

The bill includes a program called Health Manpower Education Incentive Awards and $270 million is authorized for it. Included in this program are projects for continuing education of physicians and training of other health personnel in nonmedical school settings.

The bill also provides for training teachers for medical schools, providing training in family medicine, special grants for assistance to new schools, and continues the program of student loans and scholarships.

Mr. Speaker, I urge the adoption of House Resolution 481 in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 481 provides an open rule with 1 hour of debate for the consideration of H.R. 8629, the Comprehensive Manpower Training Act of 1971.

Points of order are waived in two instances because of transfer of funds, and in a third instance because about four words add additional duties, and they are nongermane to the bill.

Mr. Speaker, I know of no objection to the rule, and I urge its adoption.

Does the gentleman from Iowa (Mr. GROSS) wish to be heard on this resolution? If so, I will yield to the gentleman.

Mr. GROSS. I thank the gentleman for yielding. I think the gentleman has answered the question I had in mind as to why there is a waiver of points of order in the rule.

Mr. SMITH of California. Specifically, the language provides for transfer of funds on line 6 to 23 on page 11 and the transfer of funds are in violation of clause 4, rule XXI.

In section 1 there are about five words in there that we added to the committee bill. Actually, they would go beyond the scope of the bill and so would be nongermane.

We waived points of order to just those two matters.

Mr. Speaker, I urge the adoption of the rule.

Mr. SMITH of California. Mr. Speaker, the purpose of the bill is to authorize for 3 years—through fiscal 1974—a continued expansion of assistance to institutions involved in training men and women in the health fields.

The bill authorizes $2,806,600,000 over a 3-year period, $754,600,000 for fiscal 1972, $914,000,000 for 1937, and $1,096,000,000 for 1974.

The report details a continuing shortage throughout the health professions, including doctors, dentists, optometrists, pharmacists, and veterinarians. Financial assistance both for construction and modernization of facilities, as well as direct student assistance, would be provided by the bill.

Construction grants totaling $750,000,000 over a 3-year period are authorized to construct new teaching facilities and to rehabilitate existing ones. The Federal share of the costs of new construction is increased under the bill from 66 percent to 75 percent. On all other construction costs the Federal share is increased from 50 percent to 67 percent.

Loan guarantee funds totaling $48,000,000, are authorized for the payment of interest subsidies on long-term construction loans made to health profession training schools as part of their construction programs.

During the 3 years covered by the bill $135,000, is authorized to provide loans to students of the health professions. The maximum loan for each year is increased from $2,500 to $3,500. The Secretary of HEW is authorized to repay up to 75 percent of a student's loan if he agrees to practice his profession for 3 years in an area designated as one having a shortage of medically trained personnel—$94,000,000 is authorized for scholarships, with the maximum yearly amount increased from $2,500 to $3,500.

Other major authorizations are made to: First, encourage medical schools to carry out training of doctors to be family physicians—$100,000,000; second, support special projects—$142,000,000; third, help new schools get started—$30,000,000; and fourth, support a new program of initiative awards to improve our health services distribution system—$270,000,000.

Finally, the bill authorizes $872,000,000 for capitation grants over the next 3 years to be granted to health professions training institutions under a formula based partially on the number of students enrolled. This is aimed at insuring such schools rather definite indications as to how much Federal assistance they are due in the ensuing school year, under a formula based on the number of students.

A National Advisory Council on Health Professions of 20 members is created, and two existing such councils are abolished by the bill. The Council is to report to the Congress by June 30, 1974, on the operation of programs under the bill.

Mr. Speaker, I urge the adoption of the rule.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 8630, NURSE TRAINING ACT OF 1971

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 482 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 482

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8630) to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses, and all points of order against said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, I yield myself such time as I may require and at the conclusion of my remarks I yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, House Resolution 482 provides an open rule with 1 hour of debate for consideration of H.R. 8630, the Nurse Training Act of 1971. All points of order are waived against the bill for failure to comply with clause 4 of rule XXI—appropriations in a legislative bill.

The purpose of H.R. 8630 is to provide for training increased numbers of nurses.

The bill provides a 3-year extension, with modifications, of the Nurse Training Act and authorizes a total of $710 million over the 3-year period.

Capitation grants to all schools of nursing would be provided in the amount of $200 for each student, plus $500 for each graduate; $169 million is authorized for this program over the 3-year period; $24 million is authorized for startup grants to new nursing schools.

In addition, the legislation authorizes matching grants for construction of teaching facilities and grants for special projects at nursing schools, plus traineeships to train teachers, and loans and scholarships for students.

There is presently a shortage of approximately 150,000 nurses and it is anticipated that this legislation will go a long way toward closing the gap.

Mr. Speaker, I urge the adoption of House Resolution 482 in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 482 provides for 1 hour of debate. It is an open rule for the consideration of H.R. 8630, the Nurse Training Act of 1971.

Once again we waive points of order because it is a transfer of funds in several different instances or a reappropriation which is in violation of clause 4, rule XXI.

Mr. Speaker, I know of no objection to the rule and urge its adoption.

Mr. Speaker, the purpose of the bill is to authorize $710 million over a 3-year period—through fiscal 1974—for construction grants and student assistance in the field of nurse training.

Over the 3-year period the authorized sum of $710 million would be expended as follows: fiscal 1972, $206 million; 1973, $237 million, and 1974, $267 million.

Today some 700,000 nurses are in active practice and another 150,000 are needed. By 1980 the projected need is for 1,100,000 active nurses. The bill seeks to assist in meeting this need by providing direct student assistance and aid to nursing schools to insure a continuing supply of trained nursing personnel.

Construction grants totaling $105 million are authorized, on all new facilities construction. The Federal share is increased from 66 to 75 percent. On all rehabilitation projects the Federal share is increased from 50 to 67 percent.

Special project grants are authorized at $83 million and may be used to assist financially troubled schools; $169 million in capitation grants are authorized. These grants, based on the number of nursing students in the school, are to enable a nursing school to predict how much Federal aid will be available to it during the coming school year.

Direct assistance to nursing students is also authorized; $75 million in loan funds are made available, with the maximum yearly loan increased from $1,500 to $2,500 and the aggregate amount of loans one student may receive is increased from $6,000 to $10,000. Students who agree to work in shortage areas may have up to 75 percent of their loans forgiven by the Government.

Scholarship grants are authorized—$57 million over the 3-year period and traineeship grants are also authorized at $66 million. These last grants are for training graduate nurses in administrative and faculty positions in teaching hospitals.

There are no minority views.

Mr. Speaker, I urge the adoption of the rule.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8629) to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8629, with Mr. GRAY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may require.

The CHAIRMAN. The gentleman is recognized.

Mr. STAGGERS. Mr. Chairman, I shall not take too long, but I do want to explain what the bill is about. It is, perhaps, one of the most important bills that will affect America to come out of this session of Congress for all the people.

First, I would like to read a letter which was just delivered to me from the Secretary of Health, Education, and Welfare. It is as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., July 1, 1971.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that the House of Representatives will today consider H.R. 8629, the Comprehensive Health Manpower Training Act of 1971.

As you know, on February 18, 1971, the President transmitted a Message to the Congress calling for reform of the Nation's health care system. An important part of that strategy was a measure to produce more health professionals, especially to perform critically needed services, and to encourage the more effective use of medical manpower.

The pending bill, H.R. 8629, is the product of extensive consideration and effort on the part of your Committee and its Subcommittee on Public Health and the Environment, under the leadership of Chairman Paul G. Rogers. While the bill varies in several respects from the Administration's proposal, it does contain many of its essential principles. We commend the Committee on its work and look forward to final action on this health manpower legislation in this session of Congress.

With warm regard,
Sincerely,

ELLIOT RICHARDSON,
Secretary.

I wanted to get that letter in the RECORD to show that the administration is wholeheartedly for the bill. The bill closes a gap that has needed to be closed for a long time. It is landmark legislation.

At this time I wish to commend the Subcommittee on Public Health and Environment for the great job they have done in bringing this measure to the floor under the leadership of the gentleman from Florida, PAUL ROGERS, the gentleman from Minnesota (Mr. NELSON), the gentleman from Virginia (Mr. SATTERFIELD), the gentleman from Kentucky (Mr. CARTER), the gentleman from Maine (Mr. KYROS), the gentleman from New York (Mr. HASTINGS), the gentleman from Missouri (Mr. SYMINGTON), the gentleman from California (Mr. SCHMITZ), and the gentleman from Kansas (Mr. ROY). All of those gentlemen played a major part in the development of this legislation, legislation which I believe will be helpful to every individual American in the years to come. These men deserve the thanks of all Americans for the outstanding work they have done on this bill and the one to follow this one.

Mr. Chairman, this bill is a 3-year extension, with modifications, of the existing program under which grants are made to aid medical schools and other schools training health professionals, and under which assistance is provided to students at those schools.

The Subcommittee on Public Health and Environment held 3 weeks of hearings on this bill, and several weeks of executive sessions before reporting the bill to the full committee. The full committee considered it in executive session, and adopted all the proposals recommended by the subcommittee.

The bill authorizes appropriations totaling $2,800,000,000 over a 3-year period, for a variety of programs designed to close the gap between our Nation's supply of manpower in the health professions and our need. It is estimated that we are 50,000 doctors short today, and if this bill is fully funded, we would expect to close that gap by the year 1978.

The bill authorizes matching grants for construction of teaching facilities, or research facilities, at schools of medicine, dentistry, optometry, pharmacy, podiatry, veterinary medicine, and public health. There is today a backlog of approximately $60 million in approved but not funded construction projects under existing authorizations. Of this $600 million, approximately $250 million is ready for immediate letting of contract subject to the availability of Federal funds. In other words, these are projects where the matching funds are already available, and the only thing holding up the project is the availability of Federal funds. This is one of the expensive items in the bill, and a total of $750 million in authorizations over a 3-year period is provided for this program.

Another major feature of the bill consists of capitation grants for schools of the health professions. The authority for capitation grants has been in the law for a number of years now, but specific amounts have never been authorized, and the formula set forth in the law applies equally to all schools, whether they be schools of medicine or schools training members of other disciplines. Obviously, the costs of training a doctor are considerably in excess of training a pharmacist, or an optometrist, for example. Therefore, the reported bill sets different levels of capitation grants for each of the disciplines. The bill is also designed to provide some financial incentives to change from 4-year programs to 3-year programs. In addition to the increase in manpower which would be provided in the short run by such a change, this change would also add 1 year to the period during which physicians practice their professions, by permitting them to start their professional careers 1 year earlier.

The subcommittee worked long and hard devising the capitation formula, and although the formula set provides more money per student than was recommended by the administration, and less money per student than was recommended by the institutions, we feel that the amount provided is a reasonable compromise between these points of view and is a realistic level of support for the schools.

This program of capitation grants is also an expensive one, with overall authorizations totaling $872 million over the 3-year life of the bill.

In addition, the bill authorizes $412 million over a 3-year period for special project grants for schools of medicine, dentistry, and other health professions. Special projects can be used to provide financial assistance to schools which are in serious financial condition in order to help them to continue to meet the growing student population and in some cases to keep them from having to close for lack of funds. As Members may know, two dental schools have closed in recent years for this reason.

The committee also included a program recommended by the administration called Health Manpower Education Initiative Awards totaling $270 million over the 3-year life of the bill. These are projects for continuing education of physicians, and for training of other health personnel in nonmedical school settings, for the purpose of improving the supply and distribution of health manpower.

The bill also provides for training teachers for schools of medicine, for providing training in family medicine to increase the number of family practitioners special grants for start-up assistance to new schools of medicine, dentistry or osteopathy, and continues the program of student loans and scholarships under existing laws, with modifications in those programs.

Overall, Mr. Chairman, this bill provides a balanced program of assistance to schools training health professionals, and if it is passed and fully funded, we believe it will go far toward solving many of our problems today arising out of shortages in the health professions.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. Is there anything in the report which breaks out the grant features of the bill; that is, the total grants in the bill and the repayable loans?

Mr. STAGGERS. This is in the bill. I would cite page 5 of the report. I might say that it is all grants, except the loans that are provided.

Mr. GROSS. Page 5 indicates this is a 3-year bill; is that correct?

Mr. STAGGERS. That is correct; yes, sir.

Mr. GROSS. I ask again whether there are any figures showing the total grants under the bill and the total of loans that are repayable?

Mr. STAGGERS. Only the student loans, and I might say there is $135 million for this.

If the doctor, when he graduates, or the other personnel under this bill, will practice in an area where the Secretary determines there is a shortage and a need, then there is forgiveness up to $15,000, or three-quarters of the loan, whichever is the smallest.

Mr. GROSS. What is the total for bricks and mortar, in other words for construction?

Mr. STAGGERS. The total for construction is $750 million. As I said, today we have over $600 million in projects that are approved, and $250 million of them are waiting to go under contract as soon as we can get the money.

Mr. GROSS. Is any of that $750 million repayable?

Mr. STAGGERS. No, sir.

Mr. GROSS. I thank the gentleman.

Mr. GOODLING. Mr. Chairman, will the gentleman yield for a question?

Mr. STAGGERS. I am happy to yield to the gentleman from Pennsylvania.

Mr. GOODLING. I ask the gentleman to turn to page 96 of the report, please.

Mr. STAGGERS. Yes, sir.

Mr. GOODLING. I am reading from the section under the heading "Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities."

Under (g), I read this—and I believe this is part of the existing report:

> Whenever the referral of a petition or proposal to an advisory committee is requested under this section, or the Secretary otherwise deems such referral necessary, the Secretary shall forthwith appoint a committee of competent experts to review the petition or proposal and to make a report and recommendations thereon.

This is my question. Is this not in conflict with the newly created Environmental Protection Agency?

Mr. STAGGERS. No, not in any way. All this does is to correct technical error in previous legislation. There is no money involved. We needed this in order to correct some previous legislation where technical changes were required. No substantive amendments are made by section 203 of the bill and the remaining sections.

Mr. GOODLING. As I recall it, under the new agency, the Food and Drug Administration, the Department of Agriculture, and practically every other department is now subject to the EPA.

Mr. STAGGERS. This makes no change whatsoever in the substance of existing law. There were some technical errors that needed to be corrected, and they are made here. There are no funds involved whatsoever.

Mr. GOODLING. I thank the chairman.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, health manpower for the purposes of the bill we have before us today consists of the national supply of doctors, dentists, osteopaths, pharmacists, optometrists, podiatrists, and veterinarians. There are broader aspects to health manpower which are treated in other legislation such as nurse training and allied health professions training. They also have received attention in recent years, and the Nurse Training Act will be considered along with H.R. 8629 which we have before us now.

It is hardly necessary to make a long or complicated argument to demonstrate that the delivery of health services and the improvement in health care to be received by our population is first and last founded upon the presence of adequate numbers of well trained and well motivated health professionals. Without them no system can maintain or improve the health of our citizens. We did not discover this truth yesterday. Congress has provided legislation over the last 8 years designed to produce more doctors and related professionals. Enlarged numbers of doctors meant more and better medical schools. We have provided funds and programs designed to create them. Since 1963, 164 schools have received $791 million for construction. There have been 26 new schools created and 138 have been expanded, renovated or remodeled. Spaces for 6,000 more students have been created. Most of these graduates will continue to serve the public for the next 40 years.

It is pleasing to see a program produce as anticipated. It would be nice to be able to close it out and announce the attainment of the goal set forth at the beginning of the program. No one, however, expected to be able to do so at this point. Even at the very beginning of the medical educational assistance effort we recognized the magnitude of the task. So far we have been trying to catch up.

The problem keeps running ahead of us because of the increase in population and the constant changes in distribution of people and the health services as well. So we cannot close shop and rest upon the past accomplishments. Prepaid health care, health insurance, health maintenance organizations, all under consideration at the present time, mean nothing if we cannot produce the necessary numbers and appropriate types of health professions.

The bill before us today will help. Nine more new medical schools await funding. If the authorities provided under this legislation are used to the fullest, we shall be producing health manpower in far larger numbers and very near anticipated needs. Physicians will be graduated this year at about the 9,500 rate. By 1980 this number will be increased to 17,350, and we will have about 436,000 doctors in the country. This takes into account the influx of about 3,000 graduates of foreign schools each year also. As good as all this sounds, it will be necessary to take advantage of the authorities and funding levels set forth in the bill from now until 1980 to be able to say that the doctor shortage has been alleviated.

Most of the provisions of H.R. 8629 are not new. They have been gradually developed as we have gained experience with the building, equipping, and manning of new medical and other professional schools. This bill would continue them with some changes which we believe and hope are definite improvements.

Grants for construction of new teaching facilities or those in critical shortage areas may go as high as 75 percent of the costs. All others would remain at the present 67 percent. It might be noted here that the traditional two-thirds of 66⅔ percent used in the past has been changed to 67 percent. The reason for this insignificant change is the fact that computers seem to choke on those fractions.

The rules have been expanded to allow grants for the acquisition of existing buildings and interim facilities which could hurry the opening of a new school and get it in operation while more permanent quarters are still under construction.

In order to assure the presence of bricks and mortar the bill also makes available loan guarantees and subsidies to pick up the tab for 3 percent of the interest. Grants and loans together can amount to 90 percent of the funding necessary for a major project. Loans, although a very useful device for carrying part of the load of school construction, cannot provide enough assistance alone. Schools, to put it mildly, are not profit-making institutions. Especially is this true of professional schools. Mighty few would be built if only loans were available for financing.

To further emphasize the fact that schools cannot carry large financing burdens over into the operational years, we have found that continuing support is necessary in the form of assistance for day-to-day operating expenses. This has now taken the form of capitation grants which provide varying sums per student depending upon the kind of school. To spur streamlining a graduation sum is also offered.

Obviously all of this is useless unless it results in more students and more graduates. Since the very beginning of this program I have insisted that all grants and other aid be tied to a requirement for increased enrollments. I have never been entirely satisfied with what we have demanded. This time we have doubled the requirement to not less than a 5-percent increase per year or 10 students. In addition, the bill provides an incentive in the way of $1,000 for each student enrolled over and above the statutory minimum. It is the intention to squeeze school administrators to use the facilities to the limit at all times consistent with high grade education.

To hurry things along, schools are offered startup grants. Early projects clearly showed the need for them. Schools could be built and then drag along for long periods while equipment was obtained and other first-time expenses were sweat out. In building a new medical school or other professional school, any institution necessarily extends itself to the limit to build the most and best that it can. These major expansions must last for many years, so they go all out. When it comes time to meet those necessary extra startup costs, the cupboard is bare. Government assistance for on-going operations will eventually help, but before that can happen the first classes must get underway. The bill provides such help on a declining basis over the first 3 years. The first class must be at least 24 students to qualify.

Student loans are continued, but the amount available to the individual student is increased from $2,500 per year to $3,500 per year. If graduates will agree to practice in shortage areas for 3 years, and actually do so, 75 percent of the loans they have piled up acquiring their degrees may be forgiven. In exceptional cases scholarships are available for students with extraordinary need and great potential. Such assistance should be minimal since loans are adequate in most situations and can be worked off easily by the successful graduate. The funds outlined in the report for scholarships assume that all schools will take up all that the formula calls for. That is unlikely, and realistic estimates put the figures considerably lower.

Other provisions include project grants and initiative awards. Both of these are favorably considered by the administrators of this program. Project grants give great flexibility to assist schools with innovative ideas and promising curriculum or organizational improvements. Initiative awards are meant to spur activity and trials in training, and in the more efficient use of people and facilities. Also it has been discovered, to our dismay at times, that despite their very best efforts and for reasons none can well foresee, professional schools find themselves in desperate financial situations. Some of these are caused by general conditions and affect all schools to greater or lesser degrees. Some situations are the result of peculiar local conditions which cannot be controlled but must be coped with. It has been difficult at times to help them when the help was most needed. Some schools have come perilously close to folding, and we cannot afford to lose them.

In the present bill the project grant money can be used in such cases. It is not intended to bail out everyone who cries wolf, and careful scrutiny is expected. From these situations much can be learned, however, about the sticky problems which plague the schools. Helping one school may very likely make it possible to avoid a similar catastrophe elsewhere.

Health manpower is the key to better health care for the country. No new schemes for organization or delivery can make any difference or get off the ground without necessary supplies of health care professionals. If the country were to be blessed with more than adequate numbers of health professionals, most organizational problems would become fairly simple. The tendency would be for them to solve themselves. I do not envisage such a situation. But I must repeat that the key to any improvement in health care is the recruitment, education, and continued practice of professional personnel. If money must be spent in amounts in the billions to solve health problems, this is the logical place to start—or not start at all. It is a long and expensive battle which must be fought and must be won. This bill takes a realistic approach.

Much of what is proposed here coincides with what the administration wants to do. It includes some programs, such as direct grants, which it would prefer to change. The overall authorizations are considerably larger than administration requests, but in those areas where agreement on a program is achieved, and that includes much of this bill, the predicted costs and resulting authorizations are very close to those recommended.

It is likely that budget requests will not equal the authorizations set forth in this bill in future years. The tools are here, however, and it is the feeling of the committee that those who administer the programs and wrestle with the broad problem of public health will find that the level of effort possible under this legislation may be necessary. For these reasons I recommend that the bill be approved by the House.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the distinguished minority member of the Subcommittee on Health and Environment, the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I wish to express appreciation to my colleague from Florida (Mr. ROGERS) for his guidance and untiring efforts, as subcommittee chairman, during the consideration of the Comprehensive Health Manpower Training Act of 1971.

I also compliment the members of the subcommittee and the Interstate and Foreign Commerce Committee on their understanding of the substantive provisions of this important bill authorizing a Federal financing program designed to alleviate a critical stortage in the health professions.

The bill, H.R. 8629, continues those specific authorities which have proved to be effective for the past several years and adds authorities which are currently lacking and which have been identified as necessary to meet the Nation's growing health needs.

It is a costly bill, but the help it provides is desperately needed. It authorizes, over a 3-year period, over $2.8 billion for facilities, training and other programs to meet the projected health manpower needs during the next decade. Our space programs are costly, so are the education programs which Congress authorizes. These programs are all necessary, nevertheless, to respond to the requirements of our present day society.

I would caution, however, those who plan college and hospital programs that congressional authorizations are not always matched by congressional appropriations and that often funds, when appropriated, have been withheld by the Government to keep budgets more nearly in balance. These are the realities which concerned administrators should keep in mind when studying their future plans.

Among the most needed of the new authorizations contained in H.R. 8629 are the "startup" grants" to aid in the establishment of new medical schools. In order to qualify for such startup funds, a new school must enroll at least 24 students in its first class.

One of the primary goals of the health manpower legislation is to increase, as rapidly as possible, the number of practicing physicians and dentists. To help meet this need the bill provides that priority shall be given to applications for grants for construction of teaching facilities with special consideration to applications for new school startup grants.

In this connection, our committee report states at one point:

> The Committee is aware of proposals by several outstanding institutions—including the Mayo Clinic in Rochester, Minnesota—to establish new schools of medicine, osteopathy or dentistry.

The Mayo Clinic is known and respected worldwide, and a medical school established in conjunction with the clinic is something that all Americans should look forward to as a great training center for the medical profession.

I am also convinced the Mayo Clinic will provide a casebook study as to medical school organization, with particular reference to detailed accounting methods, procedures for determining costs—all of which can be used as a model for all medical schools of the country. For the first time, we may be able to break down the items of cost in medical education and see where the strengths and weaknesses lie.

Both direct loans and guaranteed loans for needy students who attend the health professions schools are provided by the bill. The committee hearings established that generally students have a difficult time securing loans from a bank and that loans administered by the schools are far more practical. Scholarship grants will be provided for those students who qualify, with particular attention being given to qualified students of minority groups.

The bill provides for the forgiveness of student loans if graduates spend 3 years in practice in an area where a shortage of doctors exists. I am heartily in favor of this provision, with one exception. Certainly, I will support any reasonable effort to get doctors, dentists, and other medical professionals in rural areas and other shortage areas where they are badly needed.

It is my feeling, however, that each student should be required to pay back a small part of the Government loans so these funds could be used to help other students. Doing this would tend to give a young doctor an understanding of the cost of his education and a sense of obligation to help others as he has been helped.

I, therefore, supported a provision which would have forgiven 75 percent of the student loan rather than the 100 percent as contained in the bill.

Of great importance to people in rural areas is a provision which provides grants to hospitals to institute programs of training in the field of family medicine. This would include advanced training for doctors already in practice or residents and new graduates. It is hoped this program will encourage a larger number of family medicine practitioners than are now graduating from medical schools.

Another great feature of the bill is the recognition it gives to the schools of veterinary medicine. As a member of the senate in the State of Minnesota, I introduced and helped guide to enactment a bill establishing a School of Veterinary Medicine at the University of Minnesota. I am indeed gratified that this bill recognizes the growing need for veterinary medicine which makes such a necessary contribution to the Nation's nutrition and health.

The testimony of all the health professions representatives, including their associations and the labor groups, which appeared before the subcommittee contributed greatly to our knowledge and made possible the writing of a better health manpower bill by the subcommittee. It is my feeling that none of the professions have been slighted and all will be able to go ahead with expanded training programs which are so sorely needed to meet national health requirements in the years ahead.

I am glad to have had a part in developing this legislation and it has my wholehearted support.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. Rogers).

Mr. ROGERS. I thank the Chairman for yielding and I shall not take a great deal of time.

Mr. Chairman, the Subcommittee on Public Health and Environment has devoted a great deal of time to the subject matter of this bill. It has been very carefully considered, and as has been stated by the ranking member of the committee, representatives of the Department of Health, Education, and Welfare were most helpful and I commend them publicly for their help to the committee. Many organizations, particularly the Association of American Medical Colleges were most helpful to us in gathering information. Only today I received the following letter in support of the bill from the American Medical Association:

American Medical Association,
Chicago, Ill., June 30, 1971.

Hon. Paul G. Rogers,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Rogers: Representatives of our Association recently appeared before your Subcommittee to testify on various bills which would extend the Health Professions Educational Assistance Act. At that time we urged that the law, due to expire June 30, 1971, should not only be extended, but that financial assistance for medical education should be at an increased level of support.

H.R. 8629, the Comprehensive Health Manpower Training Act of 1971, approved by your Subcommittee, is now scheduled for consideration by the House of Representatives. We are pleased that your bill does provide for continuation and expansion of federal support for medical education. We are grateful for the recognition which you and members of your Subcommittee have shown concerning the need for development of adequate medical manpower.

At this time I would like briefly to review provisions of H.R. 8629, which are of particular concern to the medical profession. The bill provides for increased support for construction grants and loans, for institutional and project grants, and for assistance to medical students through loans and scholarships, with incentive provisions for service in shortage areas. In addition, support would be provided for family practice training programs. All of these programs we support.

The provisions funding construction grants will provide necessary assistance for development of teaching facilities, and we believe the new program of loan guarantees for construction of these facilities to be salutary. In our testimony before your Committee, we had indicated that a program of guaranteed loans would permit a beneficial use of federal funds and assist in the construction of needed medical schools.

Concerning provisions for institutional and special project grants, we are pleased that your Committee's bill will provide much needed additional funding for medical schools. We note that it provides support to various kinds of professional institutions at different levels of financial assistance, which we indicated in our testimony to be a reasonable approach to the relative costs of education in the various professions.

Under the provisions for special project grants and for health manpower education initiative awards, we note that grants or contracts may be made to and with "public or private health or educational entities." These terms are not defined in the bill. We are confident it would be your intent that only approved educational programs be supported, thus insuring the continued development of quality training programs in medicine. We believe it is important that this legislation continue to support only accredited and approved programs. An amendment was made in the provision for family practice training to support approved programs, and we believe that a similar requirement in the provisions for special project grants and health manpower education initiative awards would strengthen the legislation.

H.R. 8629 increases the level of assistance for medical students in the loan and scholarship programs. We believe such increased support is advisable and necessary in order to provide adequate assistance to medical students. We are also pleased that the bill contains provisions for loan forgiveness as an incentive for service in shortage areas.

While the bill contains other beneficial features, we will comment only on one additional provision. In our testimony before your Committee we asked that a broad range of support be provided for training in family practice. H.R. 8629 does provide grants for training in family medicine, and, in addition, training programs may be supported through special project grants. These provisions merit strong support. In encouraging the training of additional family practice physicians, the legislation will help to meet a critical need in our health delivery system.

In closing, on behalf of the medical profession we wish to commend your Subcommittee and the full Committee for the comprehensive consideration given to this important legislation, and in particular we wish to recognize the great contribution which you have personally made in the formulation of this bill.

We welcome every opportunity of being of assistance to you, and we want to extend our appreciation for the cooperation and courtesy extended to us by the Committee and its staff.

Sincerely,

Richard S. Wilbur, M.D.

Mr. Chairman, this Nation is committed to the principle that its citizens are entitled to access to adequate medical acre. Although during the past decade we have made great progress toward guaranteeing this right, today many Americans still are beset with enormous health problems—reflected in high levels of premature deaths, infant mortality, and the prevalence of disease and disability. Despite the medical profession's brilliant advances in the knowledge and practice of medicine, millions of Americans face inadequate medical care or none at all.

Mr. Chairman, the key to achieving a high level of health and well-being for our citizens is the expansion of the Nation's health manpower and training facilities. Only through a major expansion effort can we insure the availability of physician services. Without this assurance any further Federal guarantee of payment of such services is meaningless.

The imbalance between the demand for health-care services and the capacity of health-care system to respond has increased tremendously in the past 10 years. The national increase in U.S.-trained physicians has barely kept pace with population growth. The result is a national shortage of physicians that now approaches 50,000. The shortage of dentists is about 30,000; of allied health personnel, more than 250,000.

Over the past decade, most of this Nation's medical schools have attempted to expand as rapidly as they could to provide additional physicians. Federal aid was made available by Congress, but it simply has not been sufficient to overcome the crippling problems of inadequate classroom space and restricted operating budgets. As a result, U.S. medical schools have been brought to the brink of financial chaos. The financial crisis that long has been predicted has arrived at last—and with a vengeance. All across the country, medical schools are finding themselves in a severe financial situation. In the past year alone, 61 of the Nation's 102 medical schools received special governmental grants to offset financial distress. In 32 of these instances, the financial problems were so serious that the continued operation or accreditation of the schools was threatened. Johns Hopkins University School of Medicine in Baltimore is a case in point. As you know, it is one of the oldest, most prestigious, and apparently most wealthy medical schools in the country. Yet, last year the State of Maryland had to extend $800,000 of emergency financial aid, just to enable Hopkins to survive.

Mr. Chairman, this health manpower legislation is designed to treat the academic institutions involved in medical education as the national resources that they truly are, thus alleviating this country's physician shortage by 1978.

H.R. 8629 is the product of intense work by the Subcommittee on Public Health and Environment. The subcommittee held extensive hearings exploring a wide variety of problems in the health manpower field. We did not limit our efforts to Washington. The subcommittee conducted hearings at the Mayo Clinic in Rochester, Minn., and in Topeka, Kans. Many members of the subcommittee visited medical schools across the United States to inquire of their needs, capabilities, and receive their advice. The subcommittee was impressed by the progress that has been made; however, much remains to be done. Passage of this legislation will insure further progress critical to the health of our citizens.

Mr. Chairman, I shall now summarize the major facets of this legislation.

CAPITATION GRANTS

One of the major provisions of the bill is a new program of capitation grants for schools of the health professions. Many schools, particularly schools of medicine and dentistry, are having difficulty meeting their expenses, and some are questioning whether they can remain in operation.

The subcommittee worked long and hard over many formulas in its attempt to develop a capitation grant that would provide increased, but reasonable and appropriate, Federal assistance to schools of the respective disciplines. The capitation levels proposed in the bill are designed to provide dependable and stable fiscal resources for the educational programs of these institutions, to alleviate the serious financial distress of many of these schools, and at the same time to prevent inequitable windfalls for schools that are more fortunately situated. Because of the critical importance of increasing the numbers of physicians and dentists as rapidly as possible, the subcommittee included in the formula special incentives for graduate and expanded enrollments in schools of medicine, osteopathy, and dentistry.

The capitation levels proposed in this bill represent significant increases in the amount of Federal assistance the schools are now receiving. In order to receive capitation grants the schools would be required to increase their first-year enrollments by 5 percent or 10 students, whichever is the greater, over their first-year admissions in the fall of 1970. The subcommittee expects that with the substantial sums available to the schools even greater increases can be made.

CONSTRUCTION

One of the aims of this legislation is to make teaching space available as rapidly as possible for expanding enrollments and new schools. The appropriations for construction have been limited; the schools have had difficulty in raising the matching moneys. This bill would extend the present construction grant program and would provide a much needed increase in the Federal share of the costs of construction. It would add new authority for loan guarantees and interest subsidies recommended by the administration for assistance to private nonprofit schools of the health professions with approved construction projects. Appropriation authorizations for the grant program, if fully funded, together with the proposed new financing mechanisms, could substantially accelerate the availability of teaching space to train the personnel now and in years to come.

STUDENT AID

The student aid amendments proposed in this bill are designed to assist increasing numbers of students to undertake and complete training in the health professions and to assure that lack of financial means on the part of their families will not prevent capable young people from entering these professions.

SCHOLARSHIPS

In view of rising costs of professional education, the maximum scholarship to a student in any year would be raised. Amendments to the scholarship provisions are intended to direct scholarship funds to schools in proportion to their numbers of needy students and to students having the greatest financial need.

LOANS

The bill also continues the present health professions student loan program and raises the maximum amount a student could borrow in any year.

One of the most significant amendments is the new loan repayment authority designed to encourage physicians, dentists, and other health professionals to practice in areas where they are most needed. These amendments would allow cancellation of 75 percent—or $15,000, whichever is lesser—of health professions student loans, and any other professional education loan, for 3 years of service in a shortage area.

This amendment is one of several provisions of this bill directed toward the improvement in distribution by area or specialty of health professions personnel.

HEALTH MANPOWER EDUCATION INITIATIVE AWARDS

Greater efforts must be made to relate health manpower education more directly to the delivery of health services, to make the best use of existing as well as new manpower training resources, and to improve the distribution of training opportunities.

At the present time there is no effective way to target support for health manpower training activities in areas of greatest need and across disciplinary lines. The proposed authority for the Health Manpower Education Initiative Awards has great potential for improving the distribution, supply, utilization and efficiency of health personnel. It offers great opportunity for relating health manpower training more directly to the changing patterns of health care. Of particular promise is the establishment of a series of area health education centers related to the health manpower needs of the service area in which they are located.

FAMILY MEDICINE

More family doctors must be trained. Many communities today are without physicians, and still more are faced with the possibility of not having a doctor.

The bill would authorize a new program of grants to support training activities in family medicine, including the establishment and expansion of approved residency programs in family practice.

Amendments to the special project authority would also authorize preceptorships for undergraduate medical students to receive part of their training under a preceptor in family medicine. This will enable medical students to obtain firsthand experience in primary-care specialties in a community and provide a counterbalance to prevailing influences which now attract students to other specialties. If appropriate emphasis is to be given to family medicine, increased opportunities must be provided for training not only for medical students and residents but also for continuing education for practicing physicians.

FACULTY

To enable health professions personnel to acquire or enhance their teaching skills, a new program for special grants for training programs and fellowships is authorized. These grants would allow potential faculty members, and some who already have faculty appointments, to keep up with advances in teaching techniques and methods which could contribute to the more effective teaching of significantly increased enrollments in their schools.

STARTUP GRANTS

One of the primary goals of the legislation before us today is to increase as rapidly as possible the number of practicing physicians and dentists.

The bill contains new authority for startup grants to assist certain new schools in meeting their initial costs of operation. Special consideration will be given to applications for new schools which, because of the use made of existing facilities—including Federal medical or dental facilities such as Public Health Hospitals and Veterans' Administration Hospitals—will be able to accelerate the date on which they begin their teaching programs, especially those which can begin instruction with larger entering classes.

SPECIAL PROJECT GRANTS

Special project assistance complements the capitation grant assistance to schools of the health professions to meet particular needs of the individual institution and to encourage participation in special efforts which are of particular importance in achieving national health manpower goals and objectives.

The bill would continue the authority to assist these schools through special projects, continuing the present purposes with new emphases and several important additions.

Under this authority, schools could be assisted to expand enrollments, shorten their curriculums, and establish or expand special programs of education. Particular emphasis is given to curriculum components emphasizing aspects of drug use and abuse, the science of nutrition, or establishment or expansion of programs for training in family medicine, as well as projects for cooperative interdisciplinary training for the use of the team approach to the delivery of health services.

The new purposes also include assistance in projects to identify persons whose background and interest make it reasonable to assume that they will engage in the practice of their professions in rural or other areas having severe shortages, and to encourage them to undertake training in the health professions. To maintain their interest and to enhance their preparation for service in such areas, a companion authority will allow traineeships for these medical students to serve under preceptors in rural communities or other shortage areas.

The capitation grant levels proposed in the bill should go far in alleviating the financial distress of the health professions schools. However, we recognize that some schools may need additional emergency assistance. Therefore, the bill provides separate authority for financial distress grants which would be made on special terms and conditions directed toward the identification of the factors that have led to the financial difficulties and the determination of appropriate means for remedying them.

Mr. Chairman, the provisions of the Comprehensive Health Manpower Training Act of 1971, if enacted and implemented at the recommended appropriation levels, would within this decade drastically reduce the shortages of physicians and other critically needed health professionals and effect essential changes in the distribution of health services.

Decisions made today can markedly improve the health of our Nation tomorrow and in the years ahead.

I strongly urge the enactment of this important legislation.

For the first time, I think, this legislation sets the goal of closing the shortage in health personnel in the Nation.

This is the most significant step this Congress will have taken in the whole health field, I think, in its entire history.

I hope that the House will overwhelmingly support this bill, and I would recommend it to you most highly.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Texas.

Mr. CASEY of Texas. Mr. Chairman, I want to commend the gentleman from Florida, his subcommittee, and the full committee, for their diligent work on this bill. It is a badly needed measure, as I know, due to the fact that a great many of our medical and other professional health schools are in poor shape, and this will provide a means of assistance which they can depend upon, and I am sure that we shall continue this aid in the future, and I know that as we consider the results of the bill that are obtained that it will be improved upon later.

But I would like to ask the distinguished gentleman from Florida (Mr. ROGERS) the basis upon which you determine the amount of money for students in the various categories.

Of course, what I have reference to is where you have, say, $800 for particular students such as those in optometry, and of course I know they would like to know why they did not get $1,500, such as the veterinarian students receive, or $2,500, the minimum set for medical students.

Mr. ROGERS. I will be glad to tell the gentleman from Texas that we went into this very, very carefully. We compared what the schools are presently getting, what the actual costs are, and also what the need for that particular profession in the whole medical field was. In other words, how many do we need to produce? What is the current demand? What would be the projected demand? What are the costs? And what are the schools presently getting from the Federal Government?

These factors were the ones that were involved in determining the figures.

Now, it is true, of course, that everyone would like to have more, naturally.

Mr. CASEY of Texas. I understand that.

Mr. ROGERS. I am sure the gentleman from Texas, being a member of the Committee on Appropriations, understands that.

Mr. CASEY of Texas. I am well aware of that.

Mr. ROGERS. But I am also confident that all of the schools are agreed that they have all been treated fairly, and I know of no one who is not favorable to the bill.

Mr. CASEY of Texas. In other words, you based your determination as to the demand in a particular field as well as the type of education required, and the incentive needed to increase the numbers that are needed in that field. Is that correct?

Mr. ROGERS. The gentleman from Texas is correct.

Mr. CASEY of Texas. And through your hearings you are confident that this is an equitable allocation for each of the professions?

Mr. ROGERS. I think it is a correct and equitable one.

Mr. CASEY of Texas. I thank the gentleman for yielding.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, it is well known that the United States today faces a crisis in the field of health care delivery. Of particular importance is the critical shortage in health manpower. Today's demand for health services and for health manpower far exceeds the existing supply in our Nation. It is of vital importance that we take steps to ease the shortage by insuring that more students will be graduated from all our health professions institutions. I submit that if passed, H.R. 8629, the Comprehensive Health Manpower Training Act of 1971, will serve this purpose.

H.R. 8629 proposes to continue for 3 years, with major modifications, the health professions educational assistance programs. It is designed to alleviate our critical health manpower shortages in terms of: First, the need for increases in total numbers; second, the need for altering the distribution of the various types of skills; third, the need to alleviate geographical maldistribution; and fourth, the need to broaden opportunities for larger segements of our population to obtain adequate health services.

In attempting to address these problems, H.R. 8629 provides for various types of Federal financial assistance to support the training of different kinds of professional health manpower—other than nursing, which is covered in H.R. 8630, the Nurse Training Act of 1971. It is divided into two titles. The first deals with the major revisions made by the subcommittee in the health professions educational assistance programs, while the second makes minor technical changes. My remarks will be directed to a discussion of title I.

The Comprehensive Health Manpower Training Act contains numerous provisions to ease the financial difficulties faced by educational institutions as well as by interested students. The first section deals with project grants to educational institutions for training, traineeships, and fellowships for health professions training personnel in the fields of medicine, dentistry, osteopathy, podiatry, optometry, pharmacy, and veterinary medicine. A separate provision included under project grants is directed at increasing health personnel in the field of family medicine. I am pleased to note that this section eliminates the objections raised by the administration to the Family Medicine Act passed at the end of the last Congress. Family physicians are needed in increasing numbers today and yet we find that more and more medical students choose to specialize in other fields. It is my hope that this portion of H.R. 8629 will make the practice of family medicine more attractive to future medical students.

A second section provides grants and loan guarantees for construction, with which institutions may construct new facilities, replace and rehabilitate existing facilities, acquire existing buildings—which is a new provision—and may establish interim teaching facilities for up to 10 years. The percentage of Federal grants for such construction has been raised from 66⅔ to 75 percent for new facilities and for construction in unusual circumstances, that is for a school located in geographical areas of the United States where a critial shortage of health manpower exists. For other construction, the Federal Governments' share has been increased from 50 to 67 percent.

This section also provides for interest subsidies and loan guarantees in instances in which such loans would not otherwise be available at reasonable terms and conditions.

Another section of the bill increases the limit on student loans to $3,500—it was previously $2,500. It further adds a provision for the forgiveness of a loan in two instances: first, for those willing to practice in areas of critical shortage: and second, for those who fail to complete their schooling and are in exceptionally needy circumstances.

Section four includes grants to improve the quality of educational institutions. Through a system of capitation grants, it is hoped that the institutions training health personnel will be able to increase their enrollment levels and will be able to begin innovative projects, improve their facilities and strengthen their training personnel. These grants will also assist schools which are in financial straits in attempting to maintain quality standards.

In the past, because of the limited funds available under this provision, most schools have had to use such funds for meeting their financial commitments. By increasing the amounts available under this section, it is hoped that more innovative projects and improvements will be possible.

The capitation grants have been allocated according to the type of institution by which it will be used. For schools of medicine, osteopathy, and dentistry, $2,500 is provided for each full-time first-, second-, and third-year student, $1,000 is provided for each student representing an increase in enrollment, and $4,000 is provided per graduate. For schools of medicine with a 2-year course of study, these same amounts apply, except the $4,000 per graduate.

Veterinary schools would receive $1,500 per full-time student. Schools of optometry, pharmacy, and podiatry would receive $800 per full-time student.

A fifth section of the bill under consideration is intended to encourage the establishment of new schools of medicine, dentistry, and osteopathy. It requires that such a school have 23 students during its first year of operation and would provide $7,500 per full-time student in the first year of operation, $5,000 per full-time student in the second year of operation, and $2,500 per full-time student in the third year of operation.

In order to improve the distribution, supply, quality, utilization, and efficiency of health personnel and of the health services delivery system, a sixth section authorizes funds for a new program entitled "The health manpower education initiative awards." It would do so by training and retraining personnel in shortage areas, by providing training programs leading to the more efficient use of personnel by establishing area health education centers and other units to assist in the training of health personnel, and by training personnel in the use of the team approach.

The next section provides for scholarship grants to full-time students in good standing, in an amount not to exceed $3,500 per year per student. A formula has been established which provides each school with $3,000 multiplied by one-tenth of the number of students in fiscal year 1972. In fiscal years 1973 and 1974, $3,000 would be provided for each full-time, low-income student. For fiscal years 1975 through 1977, amounts are provided as necessary to continue scholarships made before 1974.

A final section would create a national advisory council on health professions education to advise the Secretary of Health, Education, and Welfare on the preparation of regulations. Each year, a report is to be submitted to Congress. The council would be made up of the Secretary and 20 members, four from the general public and two from full-time students.

Mr. Chairman, I include the following:

HEALTH MANPOWER LEGISLATION

I. *Project grants* for training, traineeships, and fellowships for health professions training personnel

A. Authorization

1. FY 1972—$10 million
2. FY 1973—$15 million
3. FY 1974—$20 million

B. Fields included: medical, dental, osteopathic, podiatric, optometric, pharmaceutical or vetarinary medicine

C. Provides grants for training, traineeships, and fellowships in family medicine

1. Authorization

a. FY 1972—$25 million
b. FY 1973—$35 million
c. FY 1974—$40 million

2. to plan, develop and operate a professional training program

3. to provide financial assistance to medical students

II. *Grants & Loan Guarantees* for construction

A. Authorization

1. FY 1972—$225 million
2. FY 1973—$250 million
3. FY 1974—$275 million

B. Includes construction of new buildings as well as replacement & rehabilitation of existing facilities

C. For physicians, dentists, pharmacists, optometrists, podiatrists, veterinarians, or professional public health personnel

D. Approval of application by Sec'y. of HEW rather than Surgeon General

E. Federal Share

1. for new school or new facilities—not to exceed 75% (was 66⅔%)

2. for any other construction grant—may not exceed 67% (was 50%)

3. in unusual circumstances (i.e. school located in geographical areas of U.S. w/critical shortage of health profession manpower)—may not exceed 75% (was 66⅔%)

4. in determining cost of construction, must exclude amts. rec'd. under other Federal grants & amts. of non-Federal funds required to be spent as condition of such other Federal grant

F. Definitions

1. present definition of "construction": construction of new bldgs., expansion, remodeling, replacement, renovation, major repair or alteration.

2. includes *acquisition* of existing buildings

3. includes provision for "interim facilities": teaching facilities for short-term basis (less than 10 yrs.)

G. Loan Guarantees

1. Authorization

a. FY 1972—$8 million
b. FY 1973—$16 million
c. FY 1974—$24 million

2. Authorizes Federal govt. to make loan guarantees for non-Federal loans for construction; not to exceed 90% of construction costs

3. provides for interest subsidy up to 3%

4. application approved only if loan not available on reasonable terms & conditions w/out guarantee

5. provides for recovery of loan

6. loan guarantee & interest subsidy fund to be established at Treasury w/no fiscal yr. limitation

III. *Student loans*

A. Authorization

1. FY 1972—$40 million
2. FY 1973—$45 milion
3. FY 1974—$50 million

B. $3,500 per student for a loan fund

C. Forgiveness provision (up to $15,000 or 75%) for those willing to practice in areas of critical shortage

D. Repayment of loan by HEW if student failed to complete studies & is in exceptionally needy circumstance & does not resume such studies within 2 years

IV. *Grants to improve quality* of schools

A. Authorization

1. for institutional grants

a. FY 1972—$245 million
b. FY 1973—$284 million
c. FY 1974—$343 million

2. for payments under grants & contracts

a. FY 1972—$118 million
b. FY 1973—$138 million
c. FY 1974—$156 million

B. Capitation grants

1. Medical, osteopathy & dentistry schools

a. $2,500/full-time student; 1st, 2nd, & 3rd year student

b. $1,000/full-time student representing increase in enrollment

c. $4,000/graduate

2. Schools of medicine w/2 year course of study

a. $2,500/full-time student

b. $1,000/full-time student representing an increase in enrollment

3. Veterinary schools

a. $1,500/full-time student

4. Optometry, pharmacy, podiatry schools

a. $800/full-time student

C. Enrollment Increase

1. required to increase by at least 5%, or by 10 students (was by at least 2½ or by 5 students)

D. Special project grants

1. includes schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, & veterinary medicine

2. grants for innovative projects, for improvement of schools, to strengthen training personnel

3. provisions for schools in financial straits to meet operational costs required to maintain quality education.

V. *Grants for new schools*

A. Authorization

1. FY 1972—$10 million
2. FY 1973—$10 million
3. FY 1974—$10 million

B. To meet cost of operation during 1st 3 years during which school is in operation.

C. School must have more than 23 students in 1st year.

D. Formula:

1. 1st academic year—$7,500 X number of full-time students.

2. 2nd academic year—$5,000 X number of full-time students.

3. 3rd academic year—$2,500 X number of full-time students.

VI. *Health Manpower Education Initiative Awards.*

A. Authorization.

1. FY 1972—$45 million.
2. FY 1973—$90 million.
3. FY 1974—$135 million.

B. grants & contracts to improve distribution, supply, quality, utilization & efficiency of health personnel & health services delivery system.

C. not more than 10% or $5 million to be used for grants.

VII. *Scholarship Grants.*

A. Authorization (HEW estimate).

1. FY 1972—$20 million.
2. FY 1973—$31 million.
3. FY 1974—$43 million.

B. Formula.

1. FY 1972: $3,000 X 1/10th of no. of students.

2. FY 1973–74: $3,000 X full-time low-income students.

3. FY 1975–FY 1977—amounts necessary to continue scholarships made before 1974.

C. Requirements.

1. students enrolled on full-time basis & in good standing.

2. only individuals enrolled & in good standing as full-time students who initially rec'd. scholarship awards out of such grants.

3. not to exceed $3,500 per year per student.

VIII. *National Advisory Council* on Health Professions Education.

A. Advise Secretary on preparation of regulations.

B. Report to be submitted to Congress.

C. To be made up of Secretary (serving as Chairman) and 20 members, at least 4 from general public and 2 from full-time students.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana (Mr. SHOUP), a member of the committee.

Mr. SHOUP. Mr. Chairman, I rise today to support H.R. 8629, Comprehensive Health Manpower Training Act of 1971, as reported by the Committee on Interstate and Foreign Commerce. I believe this legislation to be critically needed and I strongly favor its passage.

The United States is currently in the midst of a health care crisis. Health costs are spiraling. Demands for health services increase rapidly. Medical manpower is in short supply and poorly distributed throughout the Nation. When combined, these factors prevent the efficient and effective delivery of health care to large segments of our population—in particular, the residents of our rural communities and of our inner city neighborhoods.

I believe many of the provisions proposed in the legislation we are considering today are aimed at alleviating these serious obstacles confronting our Nation's health care system. H.R. 8629 is designed to improve the supply and distribution of this country's health professionals and to aid our system of health professions education.

Briefly, the bill would extend and expand the existing program of construction costs for new school construction projects, for major expansions of existing schools, and for schools in unusual circumstances such as a school located in a health manpower shortage area would be increased to 75 percent. In addition, the legislation would authorize a new program of loan guarantees and interest subsidies to assist nonprofit private health professions schools to construct teaching facilities.

The existing institutional—formula—grant program would be replaced with a new program of capitation grants based on student enrollment. This is significant change in traditional pattern of Federal support to health professions schools. As the Committee on Interstate and Foreign Commerce put it:

> The capitation levels proposed in this bill are designed to significantly alleviate the financial distress of those schools which are in serious financial straits. . . . The capitation grants are designed to provide a dependable support base for the educational programs of the health professions schools without having to go through the "back door" of research to support education.

H.R. 8629, if enacted, would significantly amend the current special project grant program to improve, for example, the curriculums of the health professions schools, to encourage the use of the team approach to the delivery of health services, and to develop new types of health personnel such as the physicians' assistant.

The bill would authorize a particularly innovative program known as health manpower initiative awards which are designed to provide targeted support for health manpower training activities that will improve the supply and distribution of health personnel.

The student aid amendments contained in H.R. 8629 are designed to enable increasing numbers of students to undertake and complete health professions education. The provisions proposed in both the student loan program and the scholarship program represent the best efforts of the Members of this body to assure that lack of financial means will not prevent capable young people from entering the health professions.

Mr. Chairman, I cannot reiterate too strongly the need for this legislation. According to recent statistics published by the American Medical Association, there are 134 counties across the United States without a private practicing physician. It saddens me to say that six of those counties, with a total population of more than 10,000, are located in the State of Montana.

In addition, the AMA's figures clearly show the uneven distribution of physicians in the United States. About 53 percent of the Nation's doctors are located in our highly populated urban areas and serve the needs of about 39 percent of the civilian population. In sharp contrast, only 4 percent of the doctors are practicing in rural areas to serve 10.6 percent of the population.

I believe that a number of provisions proposed in H.R. 8629 will provide incentives to young doctors and other health professionals to practice in these shortage areas. The loan cancellation provisions contained in H.R. 8629 provide an excellent example of one such program designed to provide greater incentives to health professionals to practice in areas where they are most needed. Under these provisions, if a physician agrees to practice in a designated shortage area for at least 3 years he may have 75 percent or $15,000—whichever is less—of his outstanding educational loan and interest repaid by the Federal Government upon completion of such service.

Perhaps the most serious aspect of the doctor shortage is the continuing decline of the supply of general practitioners. The traditional country doctor so much a part of rural life is disappearing rapidly. He is not being replaced. Between 1963 and 1969, the percentage of practicing GP's fell more than 20 percent. My own State lost 17 percent of its general practitioners during that period. Many experts believe that the shortage of physicians who provide primary health care is reaching critical proportions.

Mr. Chairman, the legislation we are considering today aims to deal with these serious problems. H.R. 8629 is a vitally needed, important piece of legislation. I strongly favor its passage.

Thank you.

Mr. SPRINGER. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from California (Mr. SCHMITZ).

Mr. SCHMITZ. Mr. Chairman, the ranking minority Member, the gentleman from Minnesota (Mr. NELSEN) commented that we ought to go all the way since we have embarked upon this program. I suppose there are many who would agree with him. But, I would like to ask all of you a question—which way are we going?

This bill does help take us all the way. As I have stated in the closing statements of my minority report, H.R. 8629 is "in the spirit of the time." Socialized medicine requires a socialized medical corps. This bill is a massive move toward such a goal.

If you want socialized medicine—if you want to go all the way in that direction, then vote for this bill—it will do it. I am intending to vote against it. I am going to ask for a rollcall vote and be recorded in opposition.

HEW Secretary Richardson testified before our subcommittee regarding the subject matter of this bill. I asked a question, "Mr Secretary, has our party—referring to the Republican Party—become like the British Conservative Party has become—a party which believes that its role as the more conservative of the two major parties is to run socialism more efficiently than the other party?"

Dr. Egeberg who was with him answered my rhetorical question saying in effect, "Oh, yes, yes, I would agree with that."

That is the point I am making here. This is what is happening.

We have stopped fighting socialism and now only argue about the form it will take.

I am opposed to this bill on several grounds. I am not offering any amendments today, although I did offer some amendments in committee some of which were accepted while some were not. But I am of the opinion that you cannot amend a bad bill. My reasons for feeling thus are as follows: First of all, turning to page 4 of the committee report, it points out that this legislation proposes to continue a present program for 3 years—should we call it a 3-year plan?—with major modifications. And it is the "major modifications" to which I would direct your attention. The major "modification" must be the $2.8 billion expenditure over 3 years. Even the proponents of this bill admit that this is no small amount. It is all justified on the grounds of a shortage of doctors. As a member of the subcommittee, I sat through most of the testimony and heard much that seemed to raise serious doubt as to the validity of the basis of the presumed "doctor shortage" problem. For example: In 1963, the ratio of physicians to patients in the United States was 140 per 100,000 and in 1970 had risen to 156 per 100,000.

Dr. Endicott, of HEW, pointed out that by 1985, if the present trends continue, without this bill there would be 190 physicians per 100,000 population.

As a matter of fact, it was pointed out in the committee that the doctor population was growing at the rate of 12 percent a year whereas the population in general was growing at the rate of 3 percent a year.

If there is a shortage, it is either temporary, in which case this legislation would serve as an "overkill," or it is a shortage in certain areas, and it is a matter of geographic distribution rather than an overall doctor shortage. Admittedly, the bill tries to get to this latter problem. The other major reason for my opposition to this bill pertains to what might best be described as the "implied," and even at times "explicit" reverse discrimination in the bill.

On page 38 of the bill the following language appears:

> (b) The amount of the grant under subsection (a) to each such school for the fiscal year ending June 30, 1972, shall be equal to $3,000 multiplied by one-tenth of the number of full-time students of such school and for the fiscal year ending June 30, 1973, and the next fiscal year shall be equal to $3,000 multiplied by the number of full-time students of such school who are from low-income backgrounds as determined under regulations of the Secretary.

What that line 19 says is that if the school has all of its students from low-income backgrounds—"low-income" as determined by the Secretary of Health, Education, and Welfare, which is a little too much bureaucratic leeway for me—they can get $3,000 for every student they have enrolled. That means medical schools are herein given a financial incentive to discriminate. That is reverse discrimination—pure and simple. Then, again, turning to page 30 of the bill you will see that a school will get a special grant if they, as shown on line 11—

> (9) establish and operate projects designed to increase admissions to and enrollment in such schools of qualified individuals from minority or low-income groups;

I am opposed to keeping someone out of college, any college, because he is a member of a minority group. But I feel it is just as insulting, and far worse for overall race relations, if you discriminate in favor of a minority member over a nonminority member who is refused admission to a medical school, which he or she would have gotten into except for this program of going out and actually seeking minority members so that the schools will get the money. I do not think it does race relations in this country any good to have this kind of reverse race discrimination. We have been phony on this in the past. We have not been treating people equally. We have been engaged, not only in this field, but in other fields of importance, in reverse discrimination.

If you have a copy of the bill, I refer

you to page 30, section (8), starting at line 3, which covers the area, for example, of ghetto shortages, because these people will get a special grant as defined by the bill to bring in students—

> Whose background and interests make it reasonable to assume that they will engage in the practice of their health profession in rural or other areas having a severe shortage of personnel in such health profession.

You cannot bring up the argument that there is a shortage in minority areas. That is covered in the previous section. It is wrong to go out and make a speciality of the minority groups and engage in reverse discrimination as the bill provides.

For those two reasons I oppose the bill and I ask for a "No" vote. The facts as to a doctor shortage are disputable by evidence submitted to our committee and also noted by the National Advisory Commission on Health and Manpower in November 1967, which reported that the supply of physicians will, in the 1965–75 decade, run ahead of the population increase by at least 4 to 5 percent.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SCHMITZ. Mr. Chairman, at this point I submit my minority views as printed in the committee report:

Minority Views of Mr. Schmitz—Subcommittee on Health and Environment of the House Interstate and Foreign Commerce Committee—to the Bill, H.R. 8629, the Comprehensive Health Manpower Training Act of 1971

H.R. 8629, the proposed "Comprehensive Health Manpower Training Act of 1971," constitutes a quantum escalation in the trend toward nationalization and socialization of medicine and health services in the United States. For advocates of such a trend the bill represents salutary progress—for opponents it signifies another, and serious, step into the kind of self-induced disaster which has brought countries as disparate as Great Britain and Uruguay to their knees.

From whichever perspective the proposed legislation is presently viewed, however, it stands in great need of more thoughtful and incisive examination than has so far been afforded it. Considerations of several specific and general questions hereinafter treated have been the objects of an all too superficial perusal.

H.R. 8629—the substance of it as contained in Title I, i.e. Sections 101–110—provides, in essence, a crash program for training of medical personnel and for construction of facilities for such training.

* * * * *

One of the basic assumptions upon which this program is predicated is the contention that there exists a shortage of doctors—as high as 50,000 claims Assistant Secretary of Health, Education and Welfare, Dr. Roger Egeberg. A closer examination reveals that such a flat statement does not adequately or correctly reflect the facts.

For example, one argument for a crash program maintains that many more medical personnel are needed to offset what has been referred to as the "dramatic" increase in population. What is little noted, however, is that while the 1970 census revealed a "plateauing" of the population increase—approximately 3 percent—the actual percentage increase in doctors was some 12 percent.

Furthermore, in the Health Manpower hearings before the Subcommittee on Health and Environment of April 29, 1971, testimony by HEW officials revealed that in 1963 the ratio of physicians to patients in the United States was 140 per 100,000. Moreover, the goal at that time was to maintain that level. It turns out that in 1970 the ratio had risen to 156 per 100,000 and many health officials are calling this "inadequate."

It would seem that we are faced with a situation in which even such increases as a 16 figure jump in the ratio in just 7 years is termed unsatisfactory—that is to say, even if the numbers required are "over-projected," then exceeded, there are some who merely revise the estimated requirements automatically upward. This situation raises the prospect that physicians may be overadequate—much as aerospace engineers in many parts of the country are. Given the amount of time, money and effort expended in the training of a physician, this would surely be a tragedy.

It would seem quite possible, on the other hand, to meet short-term shortages or inadequacies in distribution with foreign doctors. The May 24, 1971, issue of Time magazine, as a matter of fact, reports that "U.S. hospitals are relying on a foreign 'brain gain' to get by: non-Americans," Time says, "now hold about a fourth of the Nation's internships and residencies."

Parenthetically, the rise in medical costs attributed to the scarcity of doctors may therefore be less due to a doctor shortage than to an over-supply of money from sources much like the bill under consideration.

One HEW spokesman at the April 29 hearings admitted that "we have a lot of difficulty in establishing what number of physicians we really want by 1980."

Another testified that "to keep up with what we presently have we could turn out less than we are turning out now." Additionally, it was revealed that the system presently devised contains a built-in escalation (Dr. Endicott: ". . . we have already built this kind of escalation into the system.") which will increase the pre-100,000 ratio to 166.7 by just 1976. The ratio will have jumped 16 from 1963 to 1970 and almost 11 from 1970 to 1976. Dr. Endicott of HEW observes that "on the present trend lines we could reach a level of approximately 190 physicians per 100,000 by 1985."

It must be kept in mind, of course, that one of the most appetizing inducements to the increase in the number of patients is the increased availability of "free" medical care. Socialized medicine has as one of its prime traits the ability to produce hypochondriacs.

But as a study done for the Legislative Reference Service of the Library of Congress by Glenn R. Markus (July 2, 1968) points out: "Despite their frequent use, physician-population ratios are usually thought of, even by the authors who use them, as inadequate indicators of the relationship of the physician manpower pool to the population served by the pool."

Dealing with this same question, the National Advisory Commission on Health Manpower, in a November, 1967, Report, employed what they consider the more accurate "Type of Service Shortage" approach and concluded that a shortage does indeed exist, but that none of the reasons for the existence of the shortage (in health care) appear to be related to shortages in doctors. Instead, the Commission sees as the problem increasing medical specialization, nonmedical responsibilities of physicians, increasing utilization of hospital services and the general state of health care delivery. The report also notes that the supply of physicians will, in the 1965–1975 decade, run ahead of population increase by at least 4–5 percent.

Another index of delivered health care is the "physician visits" measure. However, with improved treatment techniques (such as drug therapies), the need for the patient to return to the doctor's office at frequent intervals is diminished. Thus, the number of visits may decline while the quality of the care actually goes up.

In addition to these considerations, there is the current advent of programs (such as the one at the University of Colorado medical school) devised to train "paramedics"—doctors' assistants who assume many of the more routine and timeconsuming of the physicians' chores. This development will ease the case load of doctors everywhere—but most especially in rural areas where such help is needed. Also pointing to the situation's ability to resolve itself without massive, "crash" governmental intervention is the changing attitudes of many young medical school graduates. Time (May 24, 1971) quotes Dr. David Tormey of the University of Vermont medical school to the effect that more graduates are seeking jobs in public health and in many less lucrative areas. In proposing an act to bribe people into less *financially* rewarding sections of the country or areas of practice it would seem the natural concern and idealism of many of our young graduates is being totally overlooked. This is a resource to be exploited naturally rather than set upon with bureaucratic machinery.

With the Nation's medical schools besieged by a record number of applications from college seniors and Ph. D. candidates switching from science and engineering—11,800 out of 26,000 were accepted and at least half of the rejects were qualified—there seems to be little reason for Government inducement of enrollment if indeed the problems of health care delivery do not lie in doctor shortages.

There is reason to believe that H.R. 8629, with respect to these related problems, is ill-considered.

* * * * *

Quite another question with regard to H.R. 8629 is that it contains provisions fostering a "reverse discrimination."

A subsection of section 772, the $412,000,000-authorized "Special Projects Grants and Contracts" section, provides the establishment and operation of "projects designed to increase admissions to and enrollment in such schools of qualified individuals from minority or low-income groups."

Section 775, "Health Manpower Education Initiative Awards," is designed "to increase admissions to end enrollment . . ." of "qualified individuals from minority or low-income groups."

Perhaps one of the most startling provisions in the proposed Act is contained in Section 780(b). It provides grants for scholarships to schools (in FY 1974) according to the formula of $3,000 "multiplied by the number of full-time students of such school who are from low-income backgrounds. * * *"

Furthermore, "scholarships from grants" under this section "shall be awarded only to students of exceptional financial need who are from low income backgrounds. * * *"

To say that this iron-clad bias for low-income applicants will lower the standards of the particular school involved is true—but does not, of course, suggest that all low-income people are of low qualification. It simply means that a school, faced with pressing financial needs, will recruit from and admit many more people from this one category in order to get on the gravy train. This tendency will be reinforced by the realization that, even if the newly-admitted do not make it, the government will more than likely insure payment not only of the grant money but of the student's expenses, tuition, fees, etc., also through assumption of the student's loan as guaranteed in this same proposed act.

In light of the fact that the proportion of blacks in the next freshman medical school class is on the rise (from 2.8 percent in 1969 to 6 percent in 1971), this legislation represents patronizing of the worst sort. The "reverse discrimination" practices with hundreds of millions of dollars of the taxpayers' money is simply unconscionable.

A more conventional, straight loan to students without discrimination would be much more advisable and understandable than this arrangement especially given the high probability that these particular students will, no matter what their backgrounds, be more than able to repay the loan after their graduation.

HEW Secretary Elliot Richardson, in testimony before the subcommittee on April 20, 1971, presented statistics which indicated a continuing increase in health expenditures related to this act: fiscal year 1972, $421,000,000; fiscal year 1973—$560,000,000; fiscal year 1974—$676,000,000; fiscal year 1975—$785,000,000; fiscal year 1976—$895,000,000. This, he stated, was "exclusive of construction" costs (which is provided in the proposed act, are enormous). It hardly needs to be said that these projections show little indication of leveling off. From the other experiences we have encountered in our forays into socialized medicine it looks as if the taxpayers (whose public health someone had better start soliciting) are about to be saddled with another enormity, subject to the same abuses, the same breakdowns, the same incredible but predictable diseconomies and waste. It is becoming more and more difficult, as has been pointed out, to blame skyrocketing health care costs on increases in population. Population growth is getting less but these health costs continue to soar.

H.R. 8629 will lift these costs into the fiscal stratosphere. Secretary Richardson is already referring to "the total role of the Federal government in health" and to "our total national health strategy." Part of the total strategy—and part of the reason for the increasing costs—is the built-in allowance for the deployment of 126 "area health education centers around the country." Even more frightening than the costs and the impetus towards socialism which these centers represent is the kind of "education" on a uniform, national policy level these outposts of the government health bureaucracy are likely to be promulgating.

With the President presently urging a stop to the spiral in health costs, it is odd that legislation of this sort can be enthusiastically welcomed at this time. Secretary Richardson has acknowledged that he thinks it "quite clear there was a correlation between the initiation of the Medicare and Medicaid programs and the inflationary push in health care costs." There is no serious reason to believe that the Comprehensive Health Manpower Training Act of 1971 would differ substantially in effect from its ill-begotten predecessors.

As part of Secretary Richardson's "total Federal health role," H.R. 8629 joins the legion of legislation for socialized medicine and health programming. It is reminiscent—as are the arguments which accompany it—of the Beveridge Report made public by the Labourites in Great Britain in 1942. It covers most of the known causes of the "big Want." As Sidney Pollar remarked some years ago in *The Development of the British Economy*. ". . . the Report was also based on the assumption that a comprehensive health and rehabilitation service was to be established, its full resources available to all. . . ." We can learn from the British.

Experience must teach us, before H.R. 8629 makes its tragic entry into our corpus of laws, that a precipitous plunge (such as this one) by government into any area is likely to complicate matters simply by the fact that the bureaucracy attendant upon such a co-option of private sector initiative will tend to load down the effort in much needless red tape (due to the accountability procedures and levels of administration necessary whenever tax monies are allocated.)

The expenses of the bureaucracy siphon off funds which otherwise could be applied directly to cure and prevention of (as the Public Health Service Act says) "many crippling and killing diseases."

The "Nation's economy, welfare and security" which concern the authors of the preamble to the bill which H.R. 8629 would amend is also affected adversely as such enormous expenditures end by penalizing the taxpayer further by increasing his already staggering burden.

Involving the Federal Government in such delicate areas as health care on a massive scale can lead (as it has in other areas) to increase political pressures and maneuvering vis-a-vis such programs. This tends to further vitiate the effort. Additionally, with HEW administrators determining which individuals and institutions receive grants, there is a greater probability that a particular mind-set or set of predispositions will be sought in applicants, bringing about, conceivably, a situation in which an unwise or even tyrannical social policy might be more easily taught and implemented. Of course, with federal standardization, it would be possible for any seemingly benign and salubrious (but actually pernicious) set of priorities to gain immediate currency throughout the subsidized or controlled profession—without the beneficial and ameliorating necessity of having the individual states accept any such decisions. The control and the mistakes of the Federal Food and Drug Administration should tell us something about what we may be letting ourselves in for in this field.

It cannot be denied that Federal appropriations tend almost inexorably to be accompanied by a certain degree of Federal control. In the present instance this could prove disastrous—especially when the Secretary (section 703–c) is the final determiner of the recipients and the amounts of the grants. The Secretary is a political appointee.

Section 725 provides for a National Advisory Council on Health Professions Education which will advise the Secretary on preparations of regulations, policy matters and allow the Secretary use of members in administration of the act. The Council would have 20 members, appointed by the Secretary, with the Secretary (or his delegate) as chairman. A self-endorsing mechanism under the thumb of a political appointee directly susceptible to political pressure is not sufficient proscription for an organization engaged in so widespread a function.

The bill would also continue the present at times discriminatory accreditation prerequisites for recognition and aid. Aid would go to optometrists, podiatrists, veterinarians, public health officials, etc., but would exclude "less charmed" professions, e.g., chiropractic.

In short, there are many and varied reasons why the Comprehensive Health Manpower Act of 1971 must not be enacted into law. The inequities of the "reverse discrimination" portions of the bill can only be met by deletion of those provisions and, if anything must be substituted, replaced by a system of loans with ordinary repayment procedures and no racial or economic stipulations. But even if so odious a measure were corrected or removed, the central thrust of the measure—the impetus it gives to the trend of a nationalized, socialized health program—would remain.

H.R. 8029 is "in the Spirit of the Time". Socialized medicine requires a socialized medical corps. This bill is a massive move towards such a goal.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SATTERFIELD), a member of the committee.

Mr. SATTERFIELD. Mr. Chairman, I rise in support of this legislation and urge the House to consider it favorably.

Mr. Chairman, I rise in support of H.R. 8629 which I consider to be one of the most important bills to come before this Congress. There is at the present time a disturbing shortage in health manpower throughout this country not only in terms of numbers but with regard to distribution of health skills.

H.R. 8629 has as an objective, through the employment of incentives, increasing the total number of medical health professionals; altering the distribution of medical skills; correcting geographic mal-distribution and broadening the opportunity for a larger cross section of the total population to obtain adequate health services.

The shortage in physicians is currently estimated to be 50,000. H.R. 8629 is intended to provide the mechanism for closing by 1978 the gap between those available and those needed and to provide a national physician-population ratio which will be equal to the highest ratio now existing in the geographic division embracing the Middle Atlantic States.

Under this measure, the total number of practicing physicians would be increased from the current level of 332,000 to 436,000 by 1980. In fact, this measure will produce 17,000 more physicians by 1980 than are projected under existing law. Furthermore, by that date this bill will make possible an additional increase of 1,380 dentists, 120 optometrists, 280 pharmacists, 80 podiatrists, and 190 veterinarians.

Although these last figures may seem small, they represent additions to an already growing output. To more forcefully present the impact of this effort, permit me to point out that the graduating classes in optometry and podiatry in 1980 of 1,040 and 530, respectively, will represent a 100-percent increase over the size of their respective 1971 graduating classes.

The bill will provide $750 million over the next 3 years on matching funds by way of construction grants for new teaching facilities and for the replacement or rehabilitation of existing teaching facilities. In addition, a similar sum will be available for loan guarantees, limited to 90 percent of the cost of construction along with an interest subsidy, not to exceed 3 percent per annum of the net effective interest on a construction loan. The total amount made available in the bill for loan interest subsidies is $48 million.

Perhaps the greatest single incentive in the bill is to be found in the fact that existing institutional grants will be replaced by capitation grants to schools training health professions in medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, and veterinary medicine. This measure authorizes $872 million over the fiscal years 1972, 1973, and 1974 for capitation grants which would be made available only to such schools who increase their 1971–72 first-year enrollments by either 5 percent or 10 persons—whichever is greater. In the case of schools of medicine, osteopathy, and dentistry, there is a further incentive of $1,000 for each first-year student in excess of the 5 percent or 10 new student requirement for basic capitation grant qualification.

Capitation grants provided to various disciplines by this bill were carefully considered by our subcommittee and were determined only after thorough consideration of first, the annual costs to train an individual in each category and second, the relative need for more practitioners in each category. Recognizing that capitation grants per se might not always encourage graduation, the committee included a further monetary inducement in the bill by larger capitation grants in certain categories for those enrolled in their last year of study who graduate.

To help fill the need for more doctors this bill contains a new provision which will provide $30 million over the next 3 years to assist new medical schools not to exceed five in number to begin operation. This provision would provide grants to each approved new medical school in the amount of $7,500 times the estimated number of first year enrollments; $5,000 times the estimated number of students enrolled in the second academic year and $2,500 times the estimated number of students enrolled in the third academic year.

By way of direct aid to students in health professional training, the bill will provide a total of $135 million over the next 3 years for student loans. In essence, it continues the present student loan authority with one notable exception to repayment provisions. Any student who upon completion of this training who agrees to perform service in rural or other areas which the Secretary has determined have a shortage of medical manpower, may receive in exchange forgiveness of repayment of a part of his student loan up to 50 percent.

Furthermore the bill will make available a total of $94 million over the next 3 years for student scholarships with one notable substantive change. After fiscal year 1972, the formula now employed for computing grants to a health profession school will be changed from mutiplying $3,000 times one-tenth of the number of full-time students enrolled to multiplying $3,000 times the number of needy full-time students from a low-income background.

In addition to providing $412 million over the next 3 years to continue and strengthen current special project grant programs, the bill will provide $45 million to health professions schools for advanced training of individuals to enable them to teach or to improve their teaching skills in their respective professions. Furthermore, the bill will provide $100 million for training in specific areas where the shortage is particularly acute in family medicine.

Finally, the bill would provide $270 million over the next 3 years in health manpower education incentive awards designed to improve the targeting of health delivery. Ten percent of this money, but not less than $5 million annually, will be allocated to the support of special projects to encourage the enrollment of students who are likely to practice in rural areas or in other areas where shortage of health professional personnel is most acute, including encouragement of students from minority and low-income groups.

Mr. Chairman, no single goal is more important to the American people than to assure that they will have available the necessary health care personnel in the future. This bill will improve that prospect and I urge its adoption by the House.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine (Mr. KYROS), a member of the subcommittee.

Mr. KYROS. Mr. Chairman, I rise in support of this bill. I want to commend the chairman, Mr. STAGGERS, and the chairman of our subcommittee, the gentleman from Florida (Mr. ROGERS).

I also wish to make comment on the excellent support by all the members of the committee on both sides of the aisle, in pushing forward this legislation which will help to cut the gap with respect to doctors and ultimately nurses.

Mr. Chairman, the Comprehensive Health Manpower Training Act of 1971 which we are considering today goes far to meet the critical health manpower needs of our Nation. We are faced with a current health manpower shortage of over 500,000. Our physician shortage is 50,000. The Soviet Union has 210 physicians per 100,000 population, while the United States has only 149 physicians per 100,000 persons. Over 130 counties in the United States have no private medical doctors at all. Since 1964, two dental schools have closed because of pressing financial need, and many of our schools of medicine and podiatric medicine have indicated that they, too, face closure unless remedial action is taken. In a country as affluent as ours, with a gross national product of over a trillion dollars, and standards of living which are among the highest in the world, these figures are disgraceful.

The Health Manpower Act of 1968 expired yesterday, and it is imperative that we enact H.R. 8629. This legislation authorizes a new program of project grants for advanced training to health professions schools, $750 million in construction grants, loan guarantees, a program of student loans with special forgiveness clauses, and capitation and special projects grants, all with an eye toward closing the gap between shortage and need. The bill also contains a program of incentives to those students specializing in family medicine, and the need for more general practitioners is great, as we all know.

Those of us who represent States which are predominantly rural will share my pleasure at the provision in the Comprehensive Health Manpower Training Act which grants loan forgiveness to doctors who will practice in rural areas. My State of Maine, with its population of just about a million, has only 1,200 practicing physicians, and many of its rural communities lack the services of a doctor altogether.

A second provision of special importance to Maine is that which would give aid to schools choosing to start new medical schools. Maine is one of five States lacking its own medical colleges, and this poses a double handicap in terms of retaining health manpower. H.R. 8629 gives special consideration to all grant applications for new schools, particularly those which assure use of existing medical facilities so as to accelerate the beginning of a teaching program.

The Comprehensive Health Manpower Training Act directly affects each of us in Congress. Medical care is a national resource, and as such, must be protected and given the opportunity to grow. H.R. 8629 goes far to achieve that goal.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. PREYER), a member of the subcommittee.

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of this bill and I commend the chairman of the committee and the chairman of the subcommittee for truly ground-breaking work in the health field.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SYMINGTON), a member of the subcommittee.

Mr. SYMINGTON. Thank you very much.

Mr. Chairman, I also rise in support of this bill. I thank the gentleman for his leadership, and also the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS) who to my mind has conducted the hearings in an exemplary fashion. He brought before the committee all conceivable witnesses from various sectors of our national life whose testimony bears on the great need we have for doctors and for nurses.

I also want to add to this thanks to the minority leader of our subcommittee, the gentleman from Minnesota (Mr. NELSEN), who was very gracious to us.

This is a fine bill, an historic bill, but most importantly the right bill if the Nation's health is the measure. I hope it will receive the support of the House.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. ROY), a member of the committee.

Mr. ROY. Mr. Chairman, I also rise in support of this bill, and I should like to add my words of praise for Chairman STAGGERS and subcommittee chairman ROGERS.

I should also like to commend the other Members for the great deal of time and great deal of insight they have shown with regard to this bill. I respectfully wish to include those from both sides of the aisle.

The Congress is well aware that this country is today facing a health care crisis of major proportions. We are all familiar with the components of that crisis—rapidly increasing costs that the individual and Nation cannot afford; unavailability of care in our rural areas, in our innercities, and, now, even in some of our affluent suburbs.

Yes, the Congress is aware of the national health care crisis. This awareness is reflected in the many solutions to this crisis which have been proposed. The Nixon administration has proposed six points. The labor movement and the Committee for National Health Insurance has developed National Health Security. The health insurance industry has recommended health care. The American Hospital Association has presented Ameriplan. The American Medical Association has offered medicredit—and there are others. These proposals are all worthy of consideration. For within and among these provisions must lie a resolution to this crisis, for this is a crisis which deprives men, women, and children of this Nation of what must be their most basic possession—health, and even life itself. This is a crisis that must be resolved.

But these proposals are incomplete, for unless we have the resources to provide care, any program which promises care rings hollow. For as the President has stated, we must balance supply and demand. We must insure that all our people receive the care they need.

We are considering here today a first and most important program to increase the supply of health care in this Nation. For health manpower is the sine qua non of health care. Without doctors, dentists, nurses, and other health workers, there is no health care.

The bill before us today is important for three major reasons: First. This bill, for the first time, recognizes the need for the support of health manpower per se; Second. This bill, for the first time, provides a rational program to eliminate the long-standing health manpower shortage in this country; and Third. This bill, for the first time, provides for priorities among the various types of health personnel. It provides that we will have not only adequate numbers of health personnel, but that we will have the right types of health personnel in order to provide care to every American.

Mr. Chairman, I would like at this point to comment on the process which produced this remarkable proposal. When I arrived in Washington in January, I was hesitant about what I might find. As a recently practicing physician, I was familiar with the medical press. And the medical press has not been kind to this body and its work. But, as a junior member of the Subcommittee on Public Health and Environment, I have discovered my colleagues to be a knowledgeable and hardworking group of men. Led by a man of foresight and wisdom, we have spent untold hours considering the health problems of this country and the many possible ways in which additional health manpower might contribute to its resolution.

We traveled to Rochester, Minn., and to Topeka, Kans., where we talked with lay people and experts alike. We studied numerous volumes of facts, statistics, descriptions. And we considered extensively the promise of virtually every possible alternative proposal. And then, weeks later, we concurred that the bill which we have before us today, H.R. 8629, will provide the solution to our health manpower problems, and so to a large extent, the resolution of the health care crisis in tihs Nation today.

To return to the content of this proposal, the first reason this proposal is so important is that it for the first time deals adequately with health manpower, as a valuable resource to our Nation, in and of itself. For many years this Nation has provided money to our great academic health institutions for research into serious and esoteric biomedical problems. The results have been spectacular. Poliomyelitis has been banished. Hodgkin's disease is subject to therapy. Open heart surgery is an every day occurrence. Intrauterine exchange transfusions save unborn babies formerly destined to stillbirth. The list is long.

But while we have and must continue to provide our academic health institutions with the funds for research, one mission of these institutions, we have not provided adequate funds for their even more important mission, their very raison d'être, training of health personnel. As a consequence of that policy, education, the production of manpower, became a neglected stepchild, acknowledged, but not loved or nurtured. Some of our academicians became inhabitants of ivory towers, alienated from and even hostile to, the everyday delivery of health care to the people of this country. And the health crisis, reinforced by inadequate and inappropriate health manpower, festered and grew. So, it is of the utmost importance and significance that the proposal before us today firmly recognizes the primary responsibility of our academic health institutions to be that of providing this Nation with the health manpower that it needs. And this proposal rewards and supports institutions for accepting and enlarging their share of this responsibility.

The primary section that serves this purpose is the capitation grants section. This section provides $2,500 per student and $4,000 per graduate for schools of medicine, dentistry, osteopathy, $1,500 per student for schools of veterinary medicine, and $800 per student for schools of pharmacy, podiatry, and optometry. A total of $872 million is provided for this purpose.

The second important feature of this proposal is that in addition to supporting the training of health manpower, as such, it does so to the extent that will, again for the first time, provide this Nation with the health manpower that it needs—all the health manpower it needs. In 1948, the National Health Assembly stated the need for additional physicians, dentists, nurses, and other health personnel. In 1952, the President's Commission on the Health Needs of the Nation called attention to the health manpower shortage. In 1958, the Surgeon General's Consultant Group on Education was appointed and urged a 50-percent increase in the output of medical schools by 1975. And in 1967, the National Advisory Commission on Health Manpower cited important shortages in health manpower. But in the past we have lacked the courage of our convictions. We have studied the problem, but thereafter we have been unwilling to provide schools with adequate funds, with adequate incentives to produce the health manpower to alleviate these shortages. State and private sources have also failed to provide such funds. But the proposal which we have before us today provides the funds, provides the incentives, to eliminate those shortages. There are several sections of the bill which speak to this question.

The first provision of the bill which is important in this regard is construction funds, for without adequate facilities, increases in enrollment are impossible. Over $750 million have been provided over 3 years for this purpose, and in order that increased facilities may be developed on a short-term basis, interim facilities may now be acquired with Federal funds. The second part of the proposal which is important to increasing manpower is in the institutional grant section, where it is provided that in order to receive its institutional funds, every school must increase its enrollment by 5 percent or by 10 students. Additionally, this section provides $1,000 for every full-time student enrolled, which represents an additional increase above the 5 percent or 10 students. The third section which will significantly help increase the number of students in the medical schools is the special project grants and contracts sections which provide funds to schools which propose projects which "assist in increasing the supply of trained personnel in professions needed to meet the health needs of the Nation." And a final section which will increase significantly the number of students in health professions schools across the country is grants for new schools. This section provides additional Federal support for new schools in their first three, or most financially difficult, years.

Mr. Chairman, in anticipation of and supported by the provisions of this proposal, health education schools across the country are announcing their plans to increase vastly their enrollments. The University of Kansas School of Medicine, most familiar to me, has agreed to increase its enrollment, given adequate funding, from 125 students per year to over 200 students per year. Thereafter, the Wichita State University will be considered for the establishment of a medical school—such a school was recommended by the Carnegie Commission. This increased and new enrollment will provide vitally needed doctors for Kansas, the Midwest, and the Nation. Similar increases can be expected throughout the Nation.

The third reason why this proposal is so important is that it provides not only manpower, and adequate numbers of manpower, it provides the right types of manpower. Provisions in the bill will provide funding and support for programs which provide increased emphasis on: the training of health professions in family medicine; the training of individuals in interdisciplinary teams; the training of new roles, types, levels of health personnel, including physicians' assistants; improved distribution by geographic area; and increased enrollment by disadvantaged and minority students. Programs in all of these areas will provide this Nation with the manpower appropriate to its needs.

Many sections of the bill deal with these various goals. The question of primary and family medicine is considered by the sections on family practice, special project grants, and initiative awards. The goal of all these provisions is to assist institutions to train additional professions concerned with front-line, everyday health problems—to train men and women to assume the place traditionally occupied by the revered GP.

The second goal, that of increased use of team and group practice by health professionals, is addressed in the special project grants and initiative awards sections. These sections provide funds for programs which encourage cooperative interdisciplinary training among various health professions schools, especially training in the use of team approach. In a day of complex technology, team approach is a more efficient and practical way of providing quality care.

A third goal, that of training new types and levels of health personnel, is encouraged in the special project grants and initiative awards sections. These new personnel will work with and extend the traditional professional services. They will provide greatly increased amounts of care efficiently and relatively inexpensively.

A fourth goal, that of encouraging increased care in scarcity areas, especially our inner-cities and rural areas, is addressed by provisions in construction grants, student loans, special project grants, and initiative awards sections. All of these provisions encourage institutions and professionals to begin to provide care to people in areas currently with inadequate health personnel.

And finally, special project grants, initiative awards, and scholarship programs all provide impetus for programs for our health professions schools to recruit and enroll students from minority and other disadvantaged backgrounds.

In conclusion, then, Mr. Chairman, our committee has fashioned a bill which emphasizes the training of manpower, which provides for the training of adequate numbers of manpower, and which provides for the training of precisely the kinds of manpower that we need.

This Nation is now faced with a health care crisis of major proportions. This bill takes cognizance of this crisis, and it represents the beginning of the end to that crisis.

Mr. Chairman, I urge approval, swiftly and without amendment, of H.R. 8629, and thereafter full funding of the provisions contained therein. Thank you.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota (Mr. ABOUREZK).

Mr. ABOUREZK. Mr. Chairman, I want to support the bill and commend the chairman of the committee and the chairman of the subcommittee especially for their recognition of the needs of the rural areas for an increase in medical practitioners in those areas.

It is a well-recognized fact that our society as a whole has an acute shortage of medical personnel. In rural States such as South Dakota this problem is compounded by maldistribution in terms of location of these too few doctors and nurses.

In 1966, for example, there were 125 doctors in patient care per 100,000 population for the country as a whole. In isolated rural areas there were 43 per 100,000. Nearly 150 counties in this country have no doctors at all and another 150 have only one. This problem is getting worse. The number of physicians serving isolated rural areas has declined about six times as fast as the population has decreased in those areas.

Further, those doctors who do serve rural areas tend to be older than their urban counterparts. In my own State of South Dakota, for example, the median age of physicians is one-physician towns is 54. For the rest of the State it is 41.

Compounding the problem created by this heightened shortage of doctors is the fact that medical needs in rural areas tend to be higher because the median age of the rural population is higher. But incomes are lower. Rural people must travel long distances to health centers. There are areas in South Dakota that are more than 50 miles from the nearest doctor. Rural citizens have nearly twice the amount of chronic illnesses as their urban brothers.

When one sees the results of high need coupled with low capacity to meet that need, the statistics become oppressive. For example, in 1964 the rate of maternal deaths per 100,000 live births in the Nation at large was 33. In rural areas it was 40.9. Simple injury is more likely to die if they have an accident in rural rather than in urban areas.

It is for all of these reasons that I support the two pieces of health manpower legislation that are before us today. Americans have a right to adequate health care and these bills will go a long way toward achieving the goal of providing an adequate number of doctors and nurses and other health personnel to meet the increasing demand. We have a shortage of personnel that can be overcome. But to do so, we must be willing to make the kind of national commitment that is found in this legislation. I know of no other statement to the American public that will more clearly indicate the priorities of this Congress than the passage of these two bills.

Mr. STAGGERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. GRASSO).

Mrs. GRASSO. Mr. Chairman, I rise at this time to join my colleagues in support of this outstanding legislation and to urge its adoption.

Mr. Chairman, our national goal must be the best possible health care for all the American people.

I strongly support H.R. 8629, the Comprehensive Health Manpower Training Act of 1971, and urge House passage of this important legislation.

H.R. 8629 would authorize a total of $2.8 billion for a 3-year period. It serves as an extension of landmark legislation enacted by the 88th Congress establishing the first Federal program directed to meeting the critical needs for physicians, dentists, and other professional manpower. That legislation also provided assistance to schools for the construction of facilities and to students in the form of loans.

Other amendments which have followed have broadened the scope of assistance to health care needs. The legislation we are considering today would add important new authority to increase the supply and improve the distribution of critically needed practitioners of the health professions. The strength and stability of the Nation's medical institutions, so essential for the preparation of qualified medical personnel, will also be enhanced by passage of this act.

Specific highlights of this vital bill are: $100 million over the next 3 years for grants to hospitals, and public or nonprofit private health or educational institutions to encourage the practice of family medicine; $750 million over 3 years for grants to construct new teaching facilities and for the rehabilitation of existing facilities; $94 million over 3 years for scholarship grants, with emphasis on low-income students; $135 million over 3 years to provide loans to students of the health professions; $270 million over 3 years to support health manpower initiative awards to improve the distribution, supply and quality of health personnel and services; and the establishment of a National Advisory Council on Health Professions.

Mr. Chairman, there are difficult challenges and great debates ahead on the future direction of national health care programs. However, the care and treatment of illness cannot wait; neither can the education of medical personnel nor the improvement of medical facilities. The Comprehensive Manpower Training Act of 1971 will serve the important, immediate function of rendering many needed health services our people require.

Mr. STAGGERS. Mr. Chairman, I yield 1 minute to a member of the full committee, the gentleman from Pennsylvania (Mr. ROONEY).

Mr. ROONEY of Pennsylvania. Thank you, Mr. Chairman.

I certainly rise in support of this legislation today. I, too, would like to commend the chairman of our very distinguished Committee on Interstate and Interstate and Foreign Commerce and the very distinguished subcommittee chairman, the gentleman from Florida (Mr. ROGERS).

In this bill today are two measures I originally sponsored.

One advocates additional funds for the training of nurses. This bill was authorized back in 1968, but unfortunately was never funded. I hope Congress will see fit to fund this bill, because there is today a shortage of something like 150,000 nurses.

In 1970 I introduced the original bill dealing with the Family Practice Act. The bill was passed by the Senate by a vote of 64 to 1 and it was passed by the House by a vote of 346 to 2. On Christmas Eve of last year it was pocket vetoed by the President of the United States while we were in recess. I thought this was an illegal veto of a very important bill.

I am very glad to know that the chairman of this distinguished committee and the chairman of the subcommittee and the very distinguished committee have incorporated this in the Manpower Act of 1971.

Mr. Chairman, I rise today to express my strong support for the Health Manpower and Nurse Training Acts.

In July of 1969, President Nixon warned that we faced a massive health care crisis, and "unless action is taken . . . to meet the crisis within the next 2 or 3 years, we will have a breakdown in our medical care system which could have consequences affecting millions of people throughout this country." This is June of 1971, and 2 years have all but passed. In the interim we have seen drastic administrative cutbacks of funding for health research, for health manpower training, a call for the elimination of Public Health Service hospitals, a proposal to curtail regional medical programs, and vetoes of health appropriations and Hill-Burton funds.

In January, I listened with anticipation to the President's state of the Union message for words of encouragement about administration response to the health crisis. Weeks later, I listened with the same hopeful anticipation to his health care message to learn the details of the long-publicized assault on that crisis. What I heard was disappointing and inadequate.

I believe that the bills before us today present an opportunity for Congress to once again take the initiative in providing the personnel necessary to insure high quality medical care for all Americans.

I am particularly gratified that the bills include funds for training in two fields whose special needs I have sponsored legislation to meet—family medicine and hospital schools of nursing.

Included under the Health Manpower Act is an authorization of $100 million in grants to hospitals for training in the field of family medicine. I was original House sponsor last year of the "Family Practice of Medicine Act." The bill passed both the House and Senate overwhelmingly, but was pocket vetoed by the President during the brief congressional Christmas recess. As I have stated here on the floor on several previous occasions, I strongly contend that this was an inappropriate use of the pocket veto, and that the bill became law as a result of the President's failure to return it to the Senate with a veto message. Since my recent attempt to have funds appropriated for the act was blocked, I am grateful that the committee saw fit to include a special authorization for family practitioners in the health manpower bill. The $100 million will be made available over 3 fiscal years for grants to hospitals for planning, developing, or operating training programs in the field of family medicine, and for providing financial assistance to medical personnel who are participants in a hospital providing professional training in family medicine.

I am also gratified by the inclusion of $169 million in the Nurse Training Act for capitation grants to nursing schools. As the result of legislation which I introduced, the Health Manpower Act of 1968 authorized funds for both institutional and project grants to all schools of nursing. The primary beneficiaries of institutional grants are hospital diploma schools of nursing, which have traditionally produced over 75 percent of our Nation's nursing corps. Unfortunately, the guidelines established several years ago by the Bureau of Health Professions in HEW, which for some time has been downgrading diploma schools and favoring the associate degree and baccalaureate nursing programs, give priority to the funding of project grants, and leave nothing for institutional grants and consequently diploma schools. The number of diploma schools in the United States, due to the severe shortage of funds, has dropped from 821 in 1965 to 641 in 1970. Under the bill we are considering today, all nursing schools will receive $200 times the number of enrolled students other than those who will graduate, and $500 times the number of enrolled students who will graduate.

In a recent letter, the executive director of the hospital of the University of Pennsylvania pointedly summarized the problem:

> Our country needs nurses, hospitals do an excellent job training them, and unless additional funds are made available from other than patients many schools including ours must close. The situation is desperate. We need your support.

(Mr. BROYHILL of North Carolina (at the request of Mr. SPRINGER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. BROYHILL of North Carolina. Mr. Chairman, in recent months, I have been working closely with the leaders in one of the communities in my district in attempting to provide better health facilities for the communities and to train physicians to live and practice in the area. As a result of this and similar experiences, I have personal knowledge of the limited number of trained physicians who are available today and the growing needs for trained medical personnel to serve not only in our smaller communities, but also in the urban inner cities. That is why I strongly support this legislation.

The Health Manpower Training Act of 1971 is a proposal to continue for 3 years, with some vital additions and revisions, the health professions educational assistance programs. As was so vividly documented in the committee hearings, there is an extreme shortage in health personnel. In order to do something about this shortage, the act seeks to provide financial backing directly to schools, directly to students, and for the construction of necessary institutions. The goals of this legislation would increase the number of those in the health professions, provide for more even distribution of physicians, both in types of medical skills and geographically, and give the opportunity for decent health services to as many people as possible, regardless of income.

I have been concerned with this problem since my early days in the House of Representatives. During the 88th Congress, it was my privilege to participate in pioneer legislation in this field. If it had not been for this program and continuing support for this kind of legislation, we would have an even more dire shortage than we do now.

According to information provided the committee by HEW, there is now a shortage of 50,000 physicians in the country. With continued population growth, the shortage will not decrease. This legislation enables the shortage to be alleviated by 1977–78. Hopefully, by 1980, the ratio of physicians to population would be the same as in those areas which now have the highest ratio.

There are other pressures for increased numbers of health personnel. Consumer income is increasing, resulting in wider consumer health insurance coverage. The average person is demanding more and better health services. The demands are further increased because more attention has been given to the needs of the poor and the elderly and this trend is expected to grow. Finally, since medical science has become so complex and so much specialization has been required, there has been a smaller and smaller proportion of family physicians who are able to give basic services.

The key feature of the act that gives it a change in direction is the capitation grant. In the past, medical schools have been dependent on research grants for the support of the faculty. So often these grants are subject to change or there is much redtape i ngetting them approved. The schools are dependent on uncertainties of appropriations and availabilities of funds. The result is that it is difficult for schools to plan and look ahead. To be realistic and to meet the goals already established, we must have Federal financial support that is dependable. A capitation grant, a grant proportionate to the number of graduates and students enrolled, will help the schools make better plans for their medical education program. There is no need for schools to be dependent on research programs for the remuneration of faculty.

In schools of medicine, osteopathy, and dentistry, the bill authorizes $2,500 for each full-time first-, second-, and third-year student, plus $4,000 for each graduate and $1,000 for each first-year student beyond that already required for the expansion of enrollment. For schools of veterinary medicine, the bill authorizes $1,500 for each full-time student; for schools of podiatory and optometry $800 for each full-time student; for schools of pharmacy $800 for each full-time student in the last 4 professional years.

I want to comment on the amendment in the bill that requires medical schools to expand enrollment in order to receive Federal assistance. As one member of the committee, I am seriously concerned that if we are to authorize new and additional sums for the education of physicians, we should have some assurance that the number of graduates is increased.

Under the loan section of the bill, the most needy students have priority for loans and scholarships. There is also a forgiveness section whereby students are forgiven their loans if they choose to practice in general, family, internal, or pediatric medicine in an area where the need for medical service is highest. Loans could be canceled at the rate of $5,000 per year if the student practices in such an area as designated by the Secretary. Although this loan forgiveness feature of the bill is not the answer to the whole problem of a shortage of medical services in rural or urban areas, it is a step forward. Also, as the President has stated:

> No qualified student who wants to go to college should be barred by lack of money.

Many of the minority students and students from underprivileged and disadvantaged families come from the same areas in which the shortage of health manpower is the most extreme and are more likely to practice there.

The bill also provides for startup grants to help new schools meet their initial costs. There is also a provision for training personnel. Also in the bill, we continue authorization of project grants to modernize the educational programs so that they meet the demands of the rapidly changing patterns in health services. Under the special projects, institutions are given aid individually, in relation to their individual problems.

I know that this bill authorizes a large amount of money, but in my opinion, it is a necessary expenditure if we are to meet the health needs of our Nation in years to come. Other legislation will necessarily come later. We still have to provide programs for seeing people are given health insurance, for making certain that an illness does not mean financial catastrophe, and for putting additional medical services in rural areas.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Chairman, the bill before us contains new programs to help meet the serious medical profession shortage found in many areas of the country. These areas comprise both ends of the population spectrum—the rural sparsely populated areas and the heavily populated ghettos of America's urban centers.

Significant among the new Federal initiatives in this bill are start-up grants for new medical schools, new capitation grants for the support of medical professional schools, new authority for training teachers in health professions, new incentives for training in family medicine, and initiative awards for solution of critical medical problems.

While total numbers of doctors have increased in this country, as well as the ratio of physicians per 100,000 population in recent decades, there has been a precipitous drop in the ratio of general practitioners to the population. In 1931, there were 101 general practitioners per 100,000 population, and by 1970, the number had plummeted to 28 general practitioners per 100,000 population. This situation must be rectified as quickly as possible so that this trend will be reversed. Without immediate action, the doctor shortage in rural areas and ghettos will become calamitous.

It is expected that the number of graduates from the various types of professional medical schools in 1971 will be as follows: 9,500 physicians; 3,800 dentists; 530 optometrists; 4,800 pharmacists; 240 podiatrists; and 1,220 veterinarians. Enactment of the pending bill will increase these numbers to better serve the medical needs of America.

Mr. Chairman, it is with a great deal of pride that I call the attention of the House to the fact that the Public Health and Environment Subcommittee held field hearings in Rochester, Minn., at the famed Mayo Clinic in order to get valued testimony which helped the subcommittee write today's bill. For years, Mayo Clinic has beckoned people from all around the world who are seeking the best in patient care.

The Mayo Foundation, established by Charles and William Mayo, is responsible for the operation of the clinic, the research programs, and the graduate school of medicine. The clinic provides more outpatient care than inpatient care. Inpatient care is provided in the 560-bed Methodist Hospital and the 1,000-bed St. Mary's Hospital.

The Mayo brothers and their successors have been noted for innovation in patient care. They have been forerunners in many fields and are quick to adopt new techniques and methods which result in improved patient care.

Recognizing a need for medical specialists, the Mayo Graduate School was founded as a branch division of the University of Minnesota in 1915. Some 6,000 physicians have received training in medical and surgical specialties and are practicing around the world.

Today, facing the challenge of a shortage of general practitioners, the Mayo Clinic is ready to step into the breach and establish a medical school. This is a fairly unique situation since the clinic and related institutions already have 80 percent of the facilities, personnel, programs, and buildings found in existing medical schools.

There are 500 physicians at the clinic, a majority of whom teach at the graduate school. There are 700 residents and interns who can assist in the teaching of medical students. Buildings are already in existence valued at $150,000,000. Facilities include a $140,000 volume Mayo Medical Library.

With Federal and State assistance filling the gap, the Mayo Foundation proposes to establish a Mayo Medical School which will enroll 40 students in the fall of 1972, moving as rapidly as possible to a class of 100 students.

Contained in this bill are two essential aspects of the proposed medical school—start-up grants and capitation support. The bill authorizes grants amounting to $2,500 for each first, second and third year student enrolled in schools of medicine, osteopathy and dentistry, plus $4,000 for each graduating student. This capitation grant is the minimum amount required to keep many existing medical schools from going under financially and to encourage the establishment of new medical schools.

The start-up grants will be figured according to a formula allocating $7,500 for each first-year enrollment, $5,000 for each second-year student enrollment and $2,500 for each third-year enrollment.

It is planned that primary emphasis will be given in the new Mayo Medical School to training of doctors for family medicine. The practice of family medicine today includes those doctors who provide primary patient care as opposed to those who are specialists, whose patients are referred to them by the former practitioners. Providers of primary care include obstetricians, pediatricians, internists, as well as general practitioners.

The Mayo Clinic is experimenting with several proposals to expand their expertise to the surrounding geographical area. The Clinic has developed affiliations with smaller clinics in Minnesota whereby patients are referred from the smaller clinics when they need consultation which can be provided only by a large clinic.

The Mayo Clinic also is attempting to establish a regional laboratory which will be available to physicians and clinics in Minnesota and Wisconsin. Joint use of the Mayo laboratory facilities will be more economical and efficient as well as provide higher quality laboratory work. A uniform laboratory result recording system will also provide patients with a comprehensive and reliable medical history.

Mr. Chairman, special credit belongs to the chairman of the Public Health and Environment Subcommittee (Mr. Rogers) and the ranking minority member (Mr. Nelsen) for their untiring efforts to make better medical care available to every American. I commend the committee for bringing such a comprehensive and responsive bill to the House and urge its approval.

Mr. GALIFIANAKIS. Mr. Chairman, today's consideration of H.R. 8629, the Comprehensive Health Manpower Training Act of 1971, marks a milestone in congressional action to meet the health needs of our Nation. During the 91st and 92d Congress, we have been confronted with the dimensions of a nationwide doctor shortage, a poor distribution of health care personnel, and a startling inadequacy in medical teaching facilities throughout the country. From medical experts, educators, and Government spokesmen we have heard unanimous agreement that we in this Congress must act now to provide the resources and the means for planning so desperately needed to bring our Nation's health manpower capabilities in line with the growing needs of Americans.

The bill before us today provides the comprehensive approach which we must adopt if we are to take the first step in bringing adequate medical care to all Americans. This Nation's health care crisis has many elements, but the problem which must be confronted before all others is that of providing enough trained medical personnel so that their services will be within reach of everyone. Even stepped-up research and greatly increased health insurance will be of little use if there are not enough health professionals to bring medical care to the people. Clearly then, Congress cannot provide for the health and welfare of Americans unless we begin with manpower training.

I hardly need to emphasize the scope of the personnel shortage the United States is currently experiencing. Those of us in this body who are privileged to afford good medical care know what it is to wait for hours in the office of an overworked physician. But we must remember that there are 134 counties in the country which do not even have a doctor, where the waiting room of any doctor's office would indeed be a welcome sight. Likewise, the rural and urban ghetto areas of the United States are shocking testimony to the problem. In these areas where accident and disease are most probable, doctors and nurses are more often than not out of reach. With a population increase of 27 million expected by 1980, nothing short of a national commitment can provide relief. The bill before us today will add a predicted 7,110 physicians to the number already projected to graduate from medical schools by 1980. We cannot afford anything less than this concentrated effort to meet growing demands.

This Comprehensive Health Manpower Training Act reminds us that the problems of health care are not limited to politics or to regionalism. The medical crisis is as critical today in New York City as it is in the plains of South Dakota, or a small town in North Carolina. It is a problem of vast proportions, but it is as close to each of us as our own sense of well-being.

Mr. Chairman, H.R. 8629 is major national legislation. It will guide this Nation's health manpower effort toward a quantitative and a qualitative impact on the health services of the Nation. It is based on the principle that the health of the people is the foundation upon which their happiness and their power as a State depend.

Mr. Chairman, I commend H.R. 8629 to the Members of the House. There could be no legislation more befitting the birthday of our Nation than this one which will insure better health to all Americans.

Mr. PODELL. Mr. Chairman, our country's need for skilled personnel, trained in the medical field, has never been more urgent than it is today. Our hospitals, clinics, and extended care facilities are dangerously understaffed. The demand for personnel to fill these positions is rising at a rate that cannot possibly be met by the present supply of men and women graduating from our medical schools.

Today, I am asking my colleagues for their support of H.R. 8629, the Comprehensive Health Manpower Training Act of 1971, and H.R. 8630, the Nurse Training Act of 1971.

It is my belief that the passage of these two bills would greatly alleviate the manpower shortage in the field of professional health services.

The public not only expects adequate health service, but has a right to it. Unfortunately, this expectation and right has been thwarted because of the serious shortage of health care personnel. In addition, what few medical professionals we have are unevenly distributed throughout the Nation. Remote areas of our country are virtually without any type of medical care.

This critical shortage and ever increasing demand for health care personnel is made more acute by the threatened discontinuance of professional training programs in many institutions. Inadequate financing is forcing these institutions to close their doors to those aspiring to help their fellow man.

Presently, our universities can give student applicants no assurance that they will receive either scholarship, traineeship, or loan funds for the upcoming fall semester.

This situation forces many students into other fields and places medical schools themselves in jeopardy.

Approval for capitation grants on a per-student basis is an especially vital part of H.R. 8629 and H.R. 8630 if schools are to continue and expand their education of both undergraduate and graduate practitioners.

In addition to the purely academic problems faced in this area, we face many other needs.

The population will increase during this decade by about 27 million. This greater number of people in our country will add substantially to our need of professionals in the field of health manpower.

Also, as per capita personal income increases, a greater percentage of each family's income will be allocated for medical services. This too will add to the demand for health manpower.

The demand for nurses is the most universal need in the entire field of health manpower.

The rising population will consequently have greater numbers of old and young people requiring care. This will further broaden an area where nurses' services are necessary. The Department of Health, Education, and Welfare has estimated the need for 1980 as better than 1 million registered nurses.

We are all aware of what America needs to keep itself healthy. Today, we have the opportunity to help supply those demands for better health services.

I cannot urge too strongly the passage of the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971.

The passage of these two pieces of legislation is in the best interest of the future well-being of the American public.

Mr. FRASER. Mr. Chairman, I strongly support the amendment offered by the gentlewoman from Oregon (Mrs. GREEN). In a country where there is only one doctor for every 720 citizens the need for more qualified physicians is great. Such is the case in the United States. Yet, according to the testimony of Dr. Frances Norris before the Special Subcommittee on Education looking into discrimination against women, the discriminatory admissions practices of our medical schools are keeping a vital source of potential physicians, women, out of a profession which has urgent need of them. Over 50 percent of our population consists of women, but only a mere 7 percent of the doctors in this country are women.

The figures set forth in Dr. Norris' testimony makes it clear that discrimination does exist. Women applicants to medical schools have increased by over 300 percent in 36 years, while the number of male applicants has increased only 29 percent. But the proportion of women accepted over these years has fallen. According to the American Medical Association's figures for 1968, 51 of our 91 medical schools accepted fewer than 10 percent women in entering classes. Eleven of these schools accepted 3 percent or less.

One of the reasons for such an imbalance between men and women accepted is the practice of separating applicants into separate categories based on sex. An equal percentage from each category is then rejected and an equal percentage is accepted. There is no justification for judging the qualifications of applicants by separating them in such a manner. In most cases the smaller number of women applying are as qualified if not more qualified than the men who are accepted. Yet because of a "sex quota," many of these women are rejected. Because of these barriers fewer women than men apply.

Interviews of admissions officers in 25 Northeastern medical schools indicated that women are required to have a higher grade point average and greater ability. Nineteen of these officers admitted they accepted men in preference to women unless the women could show "special justification" for admission.

Arguments used by medical schools against the enrollment of women are often based on popular myths. One of these myths is that women who enter medical school do not graduate, and therefore waste the time and money of the school. However, according to the figures in Dr. Norris' testimony 84 percent of the women who enter medical school do graduate.

It is also argued that once a woman has been educated as a physician, she wastes valuable training by leaving her practice to bear children and raise a family. The figures indicate that though half of the inactive physicians between 30 to 49 years were women, women physicians tend to practice longer past 60 years of age than men. Though several years of practice are taken out to raise children, the fact is that fewer than 7 percent of women medical school graduates since 1933 are not employed.

This amendment attempts to reverse this pattern of discrimination. The mandate to the Department of Health, Education, and Welfare is an active one. It requires the Secretary to take a central role in guaranteeing unbiased and nondiscriminatory admissions policies in the schools, projects and programs assisting in the training, distribution and improved efficiency of those in the health professions field.

Mr. PICKLE. Mr. Chairman, I want to make known my support and appreciation of the work done by the Honorable PAUL ROGERS and the other members of the Public Health Subcommittee in the area of health manpower bills. These men have spent many weeks trying to work out legislation that would move us a long way down the road toward meeting the growing health needs of this country. I am proud to be a sponsor of this bill.

Although we have Federal aid programs on the books now they have not been sufficient to help our medical schools keep up with the increasing cost of education and the need for health professionals. Many of our finest medical schools are having trouble keeping their doors open because of financial problems. Many of these schools have asked for special grants to keep operating.

When people are expecting and demanding the highest equality of health care, and rightly so, we cannot allow our medical education system to falter.

Incorporated into the health manpower bill are two separate bills which I have sponsored. One of these bills is directed toward filling the need for doctors in many of our rural areas. Up to 75 percent or $15,000 of any outstanding professional educational loan shall be repaid by the Secretary for practice in a shortage area for a period of at least 3 years.

The other provision of this bill that I sponsored as separate legislation was the Family Medicine Act. This provision will provide $100 million over the next 3 years for programs to train doctors for the broad speciality of family medicine. In recent years there has been an increasing trend of doctors to limit themselves to a narrow speciality. There is a great need for doctors who are specially trained to work with the broad and various health problems of the family unit.

The subcommittee has tried to reach all the medical fields with the aid contained in this bill. There is money for schools of medicine, osteopathy, dentistry, veterinary, optometry, podiatry, and pharmacy.

We are authorizing the spending of $2.756 billion over the next 3 years for construction and operation of a medical educational facilities and teaching programs. Included in the bill is a student loan and scholarship program.

In my book the authorization of these programs is a sound and necessary investment for tomorrow's health.

Mr. PRICE of Illinois. Mr. Chairman, the United States is currently experiencing a health care crisis. To a large extent this situation has arisen from the insufficient number of people who are qualified to deliver health services to the population. The fact that we have too few medical personnel is not due to a lack of the type of interest, intelligence, and motivation required for such fields among our people. Rather, a shortage of doctors and nurses exists in America today, because there are not enough medical training facilities and the cost of a medical education is excessively high for the majority of qualified Americans. The Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971 are tailored to substantially increase the number of medical personnel so that America can become a healthier country.

The critical shortage of nurses and doctors is an indisputable fact. Due to such factors as population growth, rising consumer incomes, increasing insurance coverage, greater public attention to the health needs of the disadvantaged, and intensified concern among the general population for health, our need for medical personnel will augment in the future. Although there are presently 700,000 nurses in active practice, 150,000 more are needed. By 1980 it is estimated that 1,100,000 nurses will be required. The ratio of active physicians which increased only slightly from 141 physicians per 100,000 people in 1950 to 155 in 1970 must be raised substantially if we are to cope with our future health needs.

The Comprehensive Health Manpower Training Act and the Nurse Training Act propose to combat the medical personnel shortage from three fronts. Both of these bills authorize grants and loan guarantees be made over 3 fiscal years for the construction of new teaching facilities and the rehabilitation of old ones. In addition, capitation grants for schools of nursing and health professions are provided for the maintenance of quality education. In recognition of the increased number of teachers which will be required by physical expansion, these bills appropriate moneys for grants for training, traineeship, and fellowship programs in the health teaching field. Most significantly, these bills will help insure that qualified individuals will not be barred from pursuing careers in the health professions, because of an inability to finance the required training. It will increase the maximum amount of a loan that a student may receive for any academic year and extend scholarship grant programs.

Although a health crisis exists throughout America, its severity is greatest in the ghettos of our cities and rural areas. To counteract the prevailing movement of medical professionals away from the sections of our Nation where they are most desperately needed, these bills permit loan forgiveness for service in shortage areas.

The proliferation of medical specialists and the concomitant reduction of general practitioners have resulted in a worsening of the health index of the American population in general. Section 786 of the Comprehensive Health Manpower Training Act adds new authority for grants to public or private nonprofit hospitals or other health or educational institutions to initiate and carry out training programs in family medicine. It is hoped that this provision will help change the orientation of the American health system from emergency to preventive care.

I hope that both the Comprehensive Health Manpower Training Act and the Nurse Training Act warrant passage because of the substantial contribution which they will make toward the resolution of the current health dilemma. If these bills are not passed. I recommend passage of H.R. 7736, health professions student loan and scholarship extension. This bill is a stopgap measure to continue funding of present loan and scholarship programs in the medical professions for the next fiscal year. We cannot continue, however, to merely deal with our medical system on a short-term, piecemeal basis. The medical crisis in America is now of such magnitude that only coordinated, substantial, and sustained effort can remedy the situation. The Comprehensive Health Manpower Training Act and the Nurse Training Act represent major attempts to improve the health status of all Americans.

Mr. BYRNE of Pennsylvania. Mr. Chairman, I rise today to support H.R. 8629, the Comprehensive Health Manpower Training Act of 1971. The legislation we are considering today would amend and extend title VII of the Public Health Service Act. This bill would authorize a variety of programs to provide assistance to our Nation's health professions schools.

Much has been said of the critical shortages of health manpower that now exists in our Nation. We know that the Nation lacks 50,000 doctors and almost 18,000 dentists. If we are to provide the citizens of this Nation with an effective and efficient system of health care, we must end the "doctors shortage."

H.R. 8629 aims to do just this. The provisions of the legislation would extend the current construction assistance program to schools of the health profession. The Federal share of construction costs would be increased to 75 percent for new school construction, for the expansion of existing facilities, and for schools that are in health manpower shortage areas. In addition, private nonprofit schools would be eligible to receive Federal loan guarantees and interest subsidies.

Perhaps the most important amendment contained in H.R. 8629 is the authorization of a new program of capitation grants to help professions schools based on enrollments. I believe this will be a great improvement over the existing formula grant program. If this provision is enacted, health professions schools will be able to know in advance the amount of Federal support they will be eligible to receive. It will provide them with greater ability to plan how these funds will be used and to use the funds more efficiently.

The special project grant section will also be significantly amended by H.R. 8629. Grants under this program could be used for a variety of purposes such as shortening the length of time that is required to receive a medical degree or for developing training programs for new kinds of health personnel such as physicians' assistance.

H.R. 8629 would also authorize a new program of health manpower educational initiative awards. As the Committee on Interstate and Foreign Commerce put it:

> Special initiatives must be taken to improve the distribution, supply, utilization, and efficiency of health personnel. The most effective use must be made of existing as well as new health manpower training resources, and the distribution and availability of training opportunities must be improved. The Health Manpower Educational Initiative Awards authorized is designed to achieve these ends.

This new program would provide, for example, assistance for cooperative arrangements among health service and health education institutions to improve the distribution, supply, utilization, and training of health manpower.

The existing student loan and scholarship programs would also be extended and expanded by H.R. 8629. The maximum loan amount or scholarship award that a health professions student could receive would each be raised to $3,500. Both programs are designed to insure that all capable young people will be able to enter the health professions, not only those from affluent families.

The loan forgiveness program authorized by H.R. 8629 would provide great incentives for young doctors or other health professionals to practice in health manpower shortage areas—where they are most needed. Under the provisions contained in H.R. 8629, a student who agrees to practice his profession in a designated health manpower shortage area for at least 3 years may have 75 percent or $15,000—whichever is less—of his outstanding educational loan canceled. I am positive that many young men and women will be anxious to participate in this program.

Mr. Chairman, as you can see H.R. 8629 proposes a variety of programs to improve, strengthen and expand this Nation's system of health professions education. The increased Federal assistance authorized by this bill would enable our health professions schools to expand their enrollments, to shorten and improve their curriculum, to increase the number of graduates, to train new kinds of health personnel, and to maintain their financial stability.

I believe that the programs proposed by H.R. 8629 are both innovative and vital. I strongly recommend their passage.

Mr. BOLAND. Mr. Chairman, I rise in support of H.R. 8629, the Health Manpower and Training Act.

With the estimated shortage in this country of 50,000 doctors and over 150,000 nurses, we are faced with a national health crisis. The shortage of doctors, nurses, and other health workers in this country is growing by leaps and bounds.

What good does it do us to have cures to all the illnesses in medical history—if we have no qualified persons to administer them? What good does it do us to have the most advanced technical equipment, if we have no qualified personnel to operate it?

In the past decade, since the Federal Government began its program to encourage the training of medical personnel, great progress has been made.

The number of graduating physicians has increased over 23 percent since 1963; the number of graduating nurses has increased over 24 percent since 1964.

Yet according to recently published statistics, there are 134 counties in the United States, containing about a half a million people, without a practicing physician. This is especially true of the rural areas of our Nation, which are disproportionately neglected. The shortage of trained medical personnel is one reason why people in 17 other countries have longer life expectancies than Americans, and why the United States has a higher infant mortality rate than 13 other countries.

The education of a medical student is expensive. We are the recipients of their costly education. We should help these students financially. The legislation we are discussing will help cut down their costs.

I cannot support this legislation too emphatically. I urge my colleagues to support its passage. The costs of the extended financing we are proposing are miniscule in comparison with the benefits which the people of our Nation will reap as its result.

Mrs. HECKLER of Massachusetts. Mr. Chairman, our Nation is becoming increasingly aware of the vital importance of adequate health care. As the richest Nation in the world, we have a responsibility to see that our citizens have access to the best health services.

The health manpower situation will deteriorate rather than improve, if we do not take action. This Nation now faces a shortage of approximately 50,000 doctors. As our population increases, this need will become even greater if our recruitment and training of health manpower is not improved.

I, therefore, urge this body to support H.R. 8629, the Health Manpower Training Act.

The Congress will soon be debating the relative merits of a number of proposals for a system of national health insurance. If such a plan is adopted, it is obvious that greater numbers of people will be taking advantage of health care facilities and personnel. We must make preparations now for the requirements of the future.

In addition, we must encourage people to take advantage of preventative medicine. This is a subject which is too often neglected today. The high costs of medical care discourage most people from making use of preventative medicine even though health care in this form is often more of a saving in the end. If preventative medicine is practiced more often, however, the great increase in the number of patient visits will necessitate an increase in manpower.

This bill will give tuition loans and assistance to those who cannot fully afford the costs of an expensive medical education. The provision, therefore, helps to insure that the best qualified can attend.

Second, the bill provides assistance to medical schools to expand their student bodies. Schools which increase their enrollment beyond the requisite figure will be aided with larger grants.

Third, the bill encourages "new starts" for medical schools. New schools as well as the expansion of facilities at existing schools will further enlarge our capabilities for training students by giving them access to the most modern equipment, and, therefore, the best education.

Mr. Chairman, our Nation is long overdue in making a commitment to train the women as well as the men who desire a medical education. Stringent quotas on the number of women students are in effect at some medical schools, while other schools fail to admit any women at all.

I, therefore, support the adoption of an amendment that would prevent sex discrimination and which would insure that schools receiving moneys under this title would give impartial treatment to all applicants for admission.

I commend the language of the report for encouraging the admittance of low-income and minority students into health manpower professions. I also urge this same commitment to women.

Mr. VANIK. Mr. Chairman, I rise in support of H.R. 8629, the Comprehensive Health Manpower Training Act.

There is no shortage which is more critically obvious to the majority of citizens than that of qualified health-trained personnel. While medical services have increased dramatically in the past decade, this improvement has taken place mainly in the various fields of specialized health care. The great strength of this act is that it places strong emphasis on the construction of teaching facilities and development of programs for the teaching of family medicine.

Such action is necessary at the present time for two reasons. First, family health care can be the most effective means of preventive medicine since its practitioners are in a better position to treat health problems at their inception when they are likely to be curable at a minimum of expense. Second, the demand for medical services is likely to continue to increase at an even greater rate than in the past. Such a requirement necessitates an increased number of practitioners who operate at the basic levels of health care in order that all who seek health care may have an opportunity to obtain it.

The sections of this act providing appropriations to pay up to 75 percent of the construction costs of health training facilities as well as moneys for capitation grants to schools and for special teacher training programs will enable our health training facilities to at least make a start in meeting the needs of the near future. Moreover, these same provisions will help to accommodate the large numbers of qualified people who seek health training. As the experience of Case-Western Reserve Medical School, which is located in my district, indicates, the shortage of health care personnel is not due to any lack of interest on the part of people who could serve in the medical profession. This year the school had over 1,400 more applicants than in 1970. Yet, despite construction expenditures of over $25 million, the school was only able to provide eight more places for new students. Overall its acceptance-to-application ratio, like that of most other medical schools, is only one in 40.

While it is undoubtedly true that not all those who apply are qualified, it is nevertheless obvious that the present training capacities of Case-Western Reserve and other medical schools are incapable of making full use of the available talent. The $2½ billion which are available through this act as aid to health training facilities, should enable these schools to reach the planned increase of 4,050 more graduating physicians by 1980.

Mr. DELLUMS. Mr. Chairman, I congratulate the gentlewoman from Oregon on her important amendment to prevent sex discrimination in health manpower training program.

It is of critical importance that this body realize that we cannot seriously and honestly discuss the question of equality and freedom in this country while over 51 percent of the Nation's population, comprised of females, are victims of sex discrimination. Not only are the majority of the Nation's population female, but a large percentage of them are also breadwinners. Unless we are to be content with the notion that women must continue to accept low skilled, low paying jobs in order to placate oversized male egos, then the Green amendment must receive our unanimous approval.

I support the Green amendment, not only because numerous State and Federal laws prohibit sex discrimination, but because I sincerely and firmly believe that no group should be denied rights and opportunities available to any other group in this society. The day must pass when age, sex, race, religion, or national origin becomes a criteria for benefits which accrue to citizens of a society which prides itself with being in a citadel of freedom and democracy.

Mr. KOCH. Mr. Chairman, I am pleased to be supporting H.R. 8629, the Comprehensive Health Manpower Training Act of 1971, and I am especially gratified that the amendment offered by our distinguished colleague from Oregon (Mrs.

GREEN), has been accepted. That amendment would prohibit discrimination on the basis of sex in the admission of individuals to training programs conducted by schools receiving Federal assistance under sections 785 or 786 of this bill. These two sections authorize grants for training, traineeships, and fellowships in family medicine and for health professions teaching personnel.

On every possible occasion in the future, we must insert into legislation language banning sex discrimination in any program funded by the Federal Government. As necessary as this action is, however, it is only a piecemeal approach to the problem. What we really need to do is to pass the Women's Equality Act of 1971, which among other things will prohibit discrimination on acount of sex in any program or activity receiving Federal financial assistance. This bill, of which I am a cosponsor, also prohibits sex discrimination in public facilities, in public accommodations, in the sale and rental of housing, and in employment opportunities. Most important, the equal rights amendment, removing in a single stroke sex discrimination in State and Federal laws, must be passed; this constitutional amendment must be adopted as originally introduced—without any restrictions.

The need for today's amendment to H.R. 8629, as well as a constitutional amendment, is abundantly clear. Examples of sex discrimination serving unjust hardships on women are found every day. Just on Tuesday a number of New York City Members of this House met with representatives of Columbia University, City University of New York, and New York University. The meeting had been called at the request of these universities who were protesting the proceedings instituted by the Department of Health, Education, and Welfare which resulted in a finding that Brooklyn College—part of City University of New York—had discriminated against a particular faculty member on the basis of sex; the Department of Health, Education, and Welfare recommended that she immediately be promoted to the rank of full professor with a commensurate salary increase retroactive to October 13, 1968.

Briefly, the universities' position expounded by President John W. Kneller of Brooklyn College was that the methods used by the Department of Health, Education, and Welfare in establishing an alleged pattern of discrimination and in making a finding of discrimination in the case of Dr. Anna Babey Brooks were violative of academic freedom. In particular, the universities' representatives were distressed that the individual faculty members responsible for faculty promotions were questioned on the criteria they used in making the determination in her case.

A number of members of the delegation, including myself, made it clear that we were not going to intercede with the Contract Compliance Division of HEW on behalf of the universities seeking a delay in carrying out its recommendations concerning Dr. Anna Babey Brooks' promotion and pay raise. Furthermore, we refused to support the university's efforts to obtain a change in the procedures so as to bar the kind of detailed investigation undertaken by HEW.

Much was said by the representatives of the universities to the effect that in some way Federal oversight of the universities' promotion practices violated academic freedom and that their fears that Federal control would follow Federal moneys had been fulfilled.

Mr. Chairman, I believe that academic freedom does not include freedom to discriminate on the grounds of race, creed, national origin, or sex. What I think we have on the part of the universities in this case is the same reaction that we had when legislation and regulations barring discrimination in the first three areas were enacted and enforced. Surely the universities would never come forward to protest an investigation of this kind had it involved a question of race, creed, or national origin. But, because the subject of sex discrimination and the legislative bars thereto are new, there is resistance. I for one urged HEW to move ahead in this area and not to be restrained. Surely, there can be no question by those familiar with the subject matter that in every area of endeavor, including the universities, there has been a pattern involving discrimination which resulted in not elevating women to high positions with commensurate salaries. I can think of no better place to stop this than at the university level where they ought to know better.

Mr. RARICK. Mr. Chairman, H.R. 8629, the bill "to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes," is another example of the linking together of dangerous provisions with popular programs that the people cry out for and that nearly every Member must support. This puts the Member in the position of weighing the possible good that might result from the entire bill against the evident danger of more and more Federal control.

I refer especially to section 772(a) providing that the Secretary may make grants to assist medical schools to—

> "(8) establish and operate projects designed to identify, and increase admissions to and enrollment in schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, and veterinary medicine of, individuals whose background and interests make it reasonable to assume that they will engage in the practice of their health profession in rural or other areas having a severe shortage of personnel in such health profession;
>
> "(9) establish and operate projects designed to increase admissions to and enrollment in such schools of qualified individuals from minority or low-income groups;

And section 108(a) having to do with scholarship grants which reads:

> "(b) The amount of the grant under subsection (a) to each such school for the fiscal year ending June 30, 1972, shall be equal to $3,000 multiplied by one-tenth of the number of full-time students of such school and for the fiscal year ending June 30, 1973, and the next fiscal year shall be equal to $3,000 multiplied by the number of full-time students of such school who are from low-income backgrounds as determined under regulations of the secretary. For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending before July 1, 1974.";

I clearly recognize the dangers inherent in this bill and the fact that it can, if unchecked, lead to fully socialized—"political"—medicine; but there are provisions included that would provide programs to increase the number of doctors available to rural areas and give assistance to the various programs that are being developed in the field of veterinary medicine. The AMA has reportedly indicated their acceptance of the risk involved in this bill as have various other outspoken people and organizations. This is clearly a calculated risk.

I intend to cast my people's vote for the bill, but I want to go on record as saying that I am aware of the dangers inherent in it and intend to watch the programs that will be developed pursuant to its enactment very carefully.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of H.R. 8629 which would amend title VII of the Public Health Service Act. This bill would provide increased manpower and teaching facilities for the health related professions.

I would like at this time to commend my distinguished colleague, PAUL G. ROGERS, chairman of the Subcommittee on Public Health, and the entire committee for their diligent efforts in behalf of this vital legislation.

We are all becoming increasingly aware of the growing crisis that surrounds our health delivery system. One of the major problems lies in the shortage of health personnel and teaching facilities. This is particularly true in our large urban centers. The U.S. Public Health Service estimates that the country currently faces health manpower shortages totalling 481,000 including 48,000 doctors and 17,000 dentists. By 1980, this health manpower shortage will reach 725,000.

H.R. 8629 seeks to meet this shortage. The bill, if enacted, will provide $135 million in student loans for the next 3 fiscal years. The Secretary of Health, Education, and Welfare would be authorized to pay part of the loan if the student subsequently practiced in an area of shortage for at least 3 years.

In addition, the bill provides $94 million over the next 3 fiscal years in scholarship funds and $30 million to assist new schools of medicine, osteopathy, and dentistry. H.R. 8629 also appropriates funds for construction of new teaching facilities, project grants for advanced training of teachers, and family medicine training.

This Nation vitally needs an increase in the supply of health service personnel before medical costs can be reduced. The Comprehensive Health Manpower Training Act is a step in this direction. I heartily endorse this legislation.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO TITLE VII OF THE PUBLIC HEALTH SERVICE ACT

SHORT TITLE; REFERENCES TO ACT

SEC. 101. (a) This title may be cited as the "Comprehensive Health Manpower Training Act of 1971".

(b) Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

PROJECT GRANTS FOR TRAINING, TRAINEESHIPS, AND FELLOWSHIPS

SEC. 102. (a) Part A of title VII (42 U.S.C. 292–292j) is amended to read as follows:

"PART A—PROJECT GRANTS FOR TRAINING, TRAINEESHIPS, AND FELLOWSHIPS IN THE MEDICAL, DENTAL, OSTEOPATHIC, PODIATRIC, OPTOMETRIC, PHARMACEUTICAL, AND VETERINARY MEDICAL FIELDS

"GRANTS FOR TRAINING, TRAINEESHIPS, AND FELLOWSHIPS FOR HEALTH PROFESSIONS TEACHING PERSONNEL

"SEC. 701. (a) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1972, $15,000,000 for the fiscal year ending June 30, 1973, and $20,000,000 for the fiscal year ending June 30, 1974, for grants under this section.

"(b) The Secretary may make grants under this section to public and nonprofit private schools of medicine, dentistry, osteopathy, podiatry, optometry, pharmacy, and veterinary medicine (as such schools are defined in section 724) for training (at such schools or elsewhere), and traineeships and fellowships for the advanced training, of individuals to enable them to teach, or improve their teaching skills, in the medical, dental, osteopathic, podiatric, optometric, pharmaceutical, or veterinary medicine fields.

"(c) Not less than 75 per centum of any grant under this section to any school shall be used by the school for traineeships and fellowships.

"GRANTS TO HOSPITALS FOR TRAINING, TRAINEESHIPS, AND FELLOWSHIPS IN FAMILY MEDICINE

"SEC. 702. There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972, $35,000,000 for the fiscal year ending June 30, 1973, and $40,000,000 for the fiscal year ending June 30, 1974, for grants by the Secretary to any public or private nonprofit hospital—

"(1) to plan, develop, and operate a professional training program (including continuing education in the field of family medicine) for medical students, interns, residents, or practicing physicians;

"(2) to provide financial assistance (in the form of traineeships and fellowships) to medical students, interns, residents, practicing physicians, or other medical personnel, who are in need thereof, who are participants in a program of such hospital which provides professional training in the field of family medicine and who plan to specialize or work in the practice of family medicine; and

"(3) to plan, develop, and operate, or participate in, other training programs in the field of family medicine.

"GENERAL PROVISIONS

"SEC. 703. (a) No grant may be made under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(b) Payments by recipients of grants under this part for (1) traineeships shall be limited to such amounts as the Secretary finds necessary to cover the cost of tuition and fees of, and stipens and allowances (including travel and subsistence expenses and dependency allowances) for, the trainees; and (2) fellowships shall be limited to such amounts as the Secretary finds necessary to cover the cost of advanced study by, and stipends and allowances (including travel and subsistence expenses and dependency allowances) for, the fellows.

"(c) The amount of any grant under this part shall be determined by the Secretary. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary."

(b) Notwithstanding the amendment made by subsection (a), on and after the date of enactment of this title section 707 of the Public Health Service Act, as in effect immediately before such date, shall continue to apply with respect to any project constructed with funds provided under part A of such Act before such date.

GRANTS AND LOAN GUARANTEES FOR CONSTRUCTION OF TEACHING FACILITIES FOR MEDICAL, DENTAL, AND OTHER HEALTH PROFESSIONS PERSONNEL

SEC. 103. (a) AUTHORIZATION LEVEL.—Section 720 (42 U.S.C. 293) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 720. There are authorized to be appropriated $225,000,000 for the fiscal year ending June 30, 1972, $250,000,000 for the fiscal year ending June 30, 1973, and $275,000,000 for the fiscal year ending June 30, 1974, for grants to assist in the construction of new teaching facilities, and for grants to assist in the replacement or rehabilitation of existing teaching facilities, for the training of physicians, dentists, pharmacists, optometrists, podiatrists, veterinarians, or professional public health personnel."

(b) FEDERAL SHARE.—Clause (A) of section 722(a)(1) (42 U.S.C. 293b(a)(1)) is amended by striking out "66⅔ per centum" and inserting in lieu thereof "75 per centum"; and clause (B) of such section is amended (1) by striking out "66⅔ per centum" and inserting in lieu thereof "75 per centum", (2) by striking out "50 per centum" and inserting in lieu thereof "67 per centum", and (3) by inserting after "unusual circumstances" the following: "(such as a school located in a geographical area of the United States with a critical shortage of health profession manpower)".

(c) FACILITIES INCLUDED.—

(1) Section 724(1) (42 U.S.C. 293d(1)) is amended by inserting after "existing buildings, and" the following: "the acquisition,", and by striking out the semicolon at the end thereof and inserting in lieu thereof a period and the following: "For purposes of this paragraph, the term 'buildings' includes interim facilities."

(2) Section 724(5) is amended to read as follows:

"(5) The term 'interim facilities' means teaching facilities designed to provide teaching space on a short-term (less than ten years) basis while facilities of a more permanent nature are being planned and constructed."

(3) Section 724 is further amended by striking out the semicolon at the end of paragraphs (2) and (3) and inserting in lieu thereof a period and by striking out "; and" at the end of paragraph (4) and inserting in lieu thereof a period.

(4) Section 723 (42 U.S.C. 293c) is amended by inserting "(or in the case of interim facilities, within such shorter period as the Secretary shall by regulation prescribe)" immediately after "twenty years".

(d) LOAN GUARANTEES.—Part B is amended by adding after section 728 (42 U.S.C. 293h) the following new section:

"LOAN GUARANTEES

"SEC. 729. (a) In order to assist nonprofit private schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, or public health to carry out construction projects for teaching facilities, the Secretary may, during the period beginning July 1, 1971, and ending with the close of June 30, 1974, guarantee (in accordance with this section and subject to subsection (f)) to non-Federal lenders making loans to such schools for such construction projects payment when due of the principal of and interest on any loan for construction of such facilities if the loan was made to a school which is eligible (as determined under regulations of the Secretary) for a grant under this part to assist a construction project for such facilities. The Secretary may make commitments, on behalf of the United States, to make such loan guarantees prior to the making of such loans. No such loan guarantee (1) may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to any amount which, when added to any grant under this part or any other law of the United States, exceeds 90 per centum of the cost of construction of the project, or (2) may apply to more than 90 per centum of the loss of principal of and interest on the loan.

"(b) In the case of any nonprofit private school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, or public health, which is eligible (as determined under regulations of the Secretary) for a grant under this part to assist a construction project for teaching facilities, and to whom a loan has been made by a non-Federal lender to assist it in carrying out such project, the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1974, may, subject to subsection (f), pay to the holder of such loan (and for and on behalf of the school which received such loan) amounts sufficient to reduce by not to exceed 3 per centum per annum the net effective interest rate otherwise payable on such loan.

"(c) A loan guarantee or interest subsidy payment may be made under this section only upon an application (submitted in such manner and containing such information as the Secretary may be regulations require) approved by the Secretary. The Secretary may not approve an application for a loan guarantee or interest subsidy payment unless he determines that the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States. The Secretary may not approve an application for a loan guarantee, unless he determines that the loan would not be available on reasonable terms and conditions without the guarantee under this section.

"(d)(1) The United States shall be entitled to recover from the applicant for a loan guarantee under this section the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery; and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) To the extent permitted by paragraph (3), any terms and conditions applicable to a loan guarantee under this section may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(3) Any loan guarantee made by the Secretary pursuant to this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(e) There is established in the Treasury a loan guarantee and interest subsidy fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts, (1) to enable him to discharge his responsibilities under guarantees issued by him under this section, and (2) for interest subsidy payments authorized by this section. There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required for the fund; except that the amount appropriated for interest subsidy payments may not exceed $8,000,000 in the fiscal year ending June 30, 1972, $16,000,000 in the fiscal year ending June 30, 1973, and $24,000,000 in the fiscal year ending June 30, 1974. There shall also be deposited in the fund amounts received by the Secretary or other property or assets derived by him from his operations under this section, including any money derived from the sale of assets. If at any time the sums in the fund are insufficient to enable the Secretary to discharge his responsibilities under guarantees issued by him under this section or to make interest subsidy payments authorized by this section, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriation Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations issued hereunder and for that purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which the securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from the fund.

"(f)(1) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriation Acts.

"(2) In any fiscal year no loan guarantee may be made under subsection (a) and no agreement to make interest subsidy payments may be entered into under subsection (b) if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

"(A) the principal of the loans guaranteed under subsection (a) in such fiscal year, and

"(B) the principal of the loans for which no guarantee has been made under subsection (a) and with respect to which an agreement to make interest subsidy payments is entered into under subsection (b) in such fiscal year,

to exceed the amount of grant funds obligated under this part in such fiscal year; except that this paragraph shall not apply if the amount of grant funds obligated under this part in such fiscal year equals the sums appropriated for such fiscal year under section 720."

(e) APPLICATION PRIORITIES.—Section 721 (42 U.S.C. 293a) is amended by adding at the end thereof the following:

"(e) In the case of applications to aid in the construction of new schools of medicine, osteopathy, or dentistry, the Secretary shall give priority to those applications which contain or are reasonably supported by assurances that, because of the use that will be made of existing facilities (including Federal medical or dental facilities), the school will be able to accelerate the date on which it will begin its teaching program."

(f) TECHNICAL AMENDMENTS.—

(1) Sections 721(b)(2) and 723(a) (42 U.S.C. 293a(b)(2), 293c(a)) are each amended by striking out "625" and inserting in lieu thereof "605".

(2) Sections 721(b)(3) and 724(3) (42 U.S.C. 293a(b)(3), 293d(3)) are each amended by striking out "631" and inserting in lieu thereof "645".

(3) Section 721(c)(3) (42 U.S.C. 293a(c)(3)) is amended to read as follows:

"(3)(A) in the case of an application for a grant to assist in the construction of new teaching facilities, such application is for aid in the construction of a new school of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, veterinary medicine, or public health, or construction which will expand the training capacity of an existing school of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, veterinary medicine, or public health, or (B) in the case of an application for a grant to assist in the replacement or rehabilitation of existing teaching facilities, such application is for aid in construction which will replace or rehabilitate facilities of, or used by, an existing school of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, veterinary medicine, or public health, which facilities are so obsolete as to require the school to curtail substantially either its enrollment or the quality of the training provided (and, for purposes of this part, expansion or curtailment of capacity for continuing education shall also be considered expansion and curtailment, respectively, of training capacity);".

(4) Section 721(c)(6) (42 U.S.C. 293a(c)(6)) is amended by striking out "which is a hospital or diagnostic or treatment center, as defined in section 631" and inserting in lieu thereof "which is a hospital or outpatient facility, as defined in section 645".

(5) Section 722(d) (42 U.S.C. 293b(d)) is amended by striking out "(within the meaning of part A of this title) or for medical library purposes (within the meaning of part I of title III)" and inserting in lieu thereof "or for medical library purposes (within the meaning of part J of title III)".

(6) Section 723 (42 U.S.C. 293c) is amended by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively, and by inserting "or" at the end of paragraph (2) (as so redesignated).

(7) The heading for part B of title VII is amended by inserting "AND LOAN GUARANTEES" immediately after "GRANTS".

(8)(A) Part B (other than section 727 thereof) of title VII is amended by striking out "Surgeon General" each place it occurs and inserting in lieu thereof "Secretary".

(B) Section 722(b) (42 U.S.C. 293b(b)) is amended by striking out "Surgeon General's" and inserting in lieu thereof "Secretary's"; section 727(a) (42 U.S.C. 293g(a)) is amended by striking out "The Surgeon General, after consultation with the Council and with the approval of the Secretary" and inserting in lieu thereof "The Secretary, after consultation with the Council"; and section 727(b) (42 U.S.C. 293g(b)) is amended by striking out "The Surgeon General is authorized to make, with the aprpoval of the Secretary" and inserting in lieu thereof "The Secretary may make".

STUDENT LOANS

SEC. 104. (a) AUTHORIZATION LEVEL.—Subsection (a) of section 742 (42 U.S.C. 294b(a)) is amended to read as follows:

"SEC. 742. (a) To enable the Secretary—

"(1) to make Federal capital contributions into the loan funds of schools which have established loan funds under this part,

"(2) to make payments into the fund established by sectiton 744(d), and

"(3) to make transfers under section 746, there are authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1972, $45,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974. For the fiscal year ending June 30, 1975, and each of the two succeeding fiscal years there are authorized to be appropriated to the Secretary such sums as may be necessary to enable students who have received a loan under this part for any academic year ending before July 1, 1974, to continue or complete their education."

(b) LOAN REPAYMENT AND FORGIVENESS.—

(1) Section 741(f) (42 U.S.C. 294a(f)) is amended to read as follows:

"(f) In the case of any individual—

"(1) who has received a degree of doctor of medicine, doctor of osteopathy, doctor of dentistry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, doctor of optometry or an equivalent degree, bachelor of science in pharmacy or an equivalent degree, or doctor of podiatry or an equivalent degree;

"(2) who obtained (A) one or more loans from a loan fund established under this part, or (B) any other educational loan for his costs at a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, or podiatry for tuition, fees, books, supplies, and other related education expenses included under regulations of the Secretary; and

"(3) who enters into an agreement with the Secretary to practice his profession for a period of at least three years in an area in a State determined by the Secretary, after consultation with the appropriate State health authority, to have a shortage of and need for persons trained in his profession; the Secretary shall pay whichever is the least, $15,000, or up to 75 per centum of the outstanding principal and interest on the total of such loans upon completion by that individual of the practice specified in such agreement. The Secretary shall, on or before the due date thereof, pay any loan or loan installment which may fall due within the three-year period with respect to which the borrower has entered into an agreement with the Secretary pursuant to paragraph (3), upon the declaration of such borrower, at such times and in such manner as the Secretary may prescribe (and supported by such other evidence as the Secretary may reasonably require), that the borrower is then engaged as described by paragraph (3), and that he will continue to be so engaged for the period required (in the absence of this sentence) to entitle him to have made the payments provided by this subsection for such period. A borrower who fails to fulfill an agreement with the Secretary entered into pursuant to paragraph (3) shall be liable to reimburse the Secretary for any payments made pursuant to the preceding sentence in consideration of such agreement."

(2) Section 741 of such Act is amended by

adding at the end thereof the following new subsection:

"(1) Upon application by a person who received, and is under an obligation to repay, any loan made to such person as a health professions student to enable him to study medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, or podiatry, the Secretary may undertake to repay (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations establishing criteria therefor, that the applicant—

"(1) failed to complete such studies leading to his first professional degree;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income background as that term may be defined by such regulations; and

"(4) has not resumed, or cannot reasonably be expected to resume, the study of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy or podiatry within two years following the date upon which he terminated such studies."

(3) Notwithstanding the amendment made by paragraph (1) of this subsection to such section 741(f)—

(A) any person who obtained one or more loans from a loan fund establised under part C of title VII of the Public Health Service Act, who before the date of the enactment of this title became eligible for cancellation of all or part of such loans (including accrued interest) under such section 741 (f) (as in effect on the day before such date), and who on such date was not engaged in a practice for which loan cancellation was authorized under such section (as so in effect), may at any time receive such cancellation in accordance with such section (as so in effect); and

(B) in the case of any person who obtained one or more loans from a loan fund established under such part C and who on such date was engaged in a practice for which cancellation of all or part of such loans (including accrued interest) was authorized under such section (as so in effect), such section (as so in effect) shall continue to apply to such person for purposes of providing such loan cancellation until he terminates such practice.

Nothing in this paragraph shall be construed to prevent any person from entering into an agreement for loan cancellation under section 741(f) of the Public Health Service Act (as amended by paragraph (1) of this subsection).

(c) LOAN CEILING.—Section 741(a) (42 U.S.C. 294a(a)) is amended by sriking out "$2,500" and inserting in lieu thereof "$3,500".

(d) REPAYMENT AFTER TRAINING.—Section 741(c)(2) (42 U.S.C. 294a(c)(2)) is amended by striking out "(up to five years").

(e) TECHNICAL AMENDMENTS.—

(1) Section 740(b)(4) (42 U.S.C. 294(b) (4)) is amended by striking out "1971" and inserting in lieu thereof "1974".

(2) Section 743 (42 U.S.C. 294c) is amended by striking out "1974" each place it occurs and inserting in lieu thereof "1977".

GRANTS TO IMPROVE THE QUALITY OF SCHOOLS OF MEDICINE, DENTISTRY, OSTEOPATHY, PHARMACY, OPTOMETRY, PODIATRY, AND VETERINARY MEDICINE

SEC. 105. (a) AUTHORIZATION LEVEL.—Section 770 (42 U.S.C. 295f) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 770. (a) There are authorized to be appropriated $245,000,000 for the fiscal year ending June 30, 1972, $284,000,000 for the fiscal year ending June 30, 1973, and $343,000,000 for the fiscal year ending June 30, 1974, for institutional grants under section 771.

"(b) For the purpose of making payments under grants and contracts under section 772, there are authorized to be appropriated $118,000,000 for the fiiscal year ending June 30, 1972, $138,000,000 for the fiscal year ending June 30, 1973 and $156,000,000 for the fiscal year ending June 30, 1974."

(b) CAPITATION GRANTS.—Effective with respect to grants from appropriations under section 770(a) of the Public Health Service Act for fiscal years beginning after June 30, 1971, section 771(a) (42 U.S.C. 295f–1(a)) is amended to read as follows:

"SEC. 771. (a) From sums appropriated under section 770(a) for any fiscal year, the Secretary shall make grants to schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry, with approved applications, computed as follows:

"(1) Each school of medicine (other than a school of medicine with a two-year course of study), osteopathy, and dentistry shall receive (A) $2,500 for each full-time first-year, second-year, and third-year student enrolled in such school in such year; (B) $1,000 for each full-time first-year student enrolled in such school in such year who represents an increase in the enrollment of first-year students in such school in such year over the enrollment of such students required by the first sentence of subsection (b)(1) and, if applicable, by section 721(c) (2)(D); and (C) $4,000 for each student enrolled in such school who will graduate (as determined by the Secretary in accordance with subsection (c)(1)) from such school in such year. Each school of medicine with a two-year course of study shall receive $2,500 for each full-time student enrolled in such school in such year and $1,000 for each full-time first-year student enrolled in such school in such year who represents an increase in the enrollment of first-year students in such school in such year over the enrollment of such students required by the first sentence of subsection (b)(1) and, if applicable, by section 721(c)(2)(D). No grant may be made on account of any student pursuant to clause (B) of this paragraph if a grant is made on account of him under section 774.

"(2) Each school of veterinary medicine shall receive $1,500 for each full-time student enrolled in such school in such year.

"(3) Each school of optometry shall receive $800 for each full-time student enrolled in such school in such year.

"(4) Each school of pharmacy (other than a school of pharmacy with a course of study of more than four years) shall receive $800 for each full-time student enrolled in such school in such year. Each school of pharmacy with more than a four-year course of study shall receive $800 for each full-time student enrolled in the last four years of such school.

"(5) Each school of podiatry shall receive $800 for each full-time student enrolled in such school in such year.

If the total of the grants to be made under this subsection for any fiscal year to schools with approved applications exceeds the amounts appropriated under section 770(a) for such grants, the amount of the grant for that fiscal year to each such school shall be an amount which bears the same ratio to the amount determined for the school for that fiscal year under the applicable formula in this subsection as the total of the amounts appropriated under such section for that year bears to the amount required to make grants in accordance with the applicable formula to each school with an approved application."

(c) ENROLLMENT INCREASE.—Effective with respect to grants made under section 771 (42 U.S.C. 295f–1) for fiscal years beginning after June 30, 1971, the first sentence of subsection (b)(1) of such section is amended by striking out "July 1, 1963, through June 30, 1968, by at least 2½ per centum of such average first year enrollment, or by five students" and inserting in lieu thereof "July 1, 1966, through June 30, 1971, by at least 5 per centum of such average first year enrollment, or by ten students".

(d) SPECIAL PROJECT GRANTS.—Effective with respect to appropriations under section 770(b) of the Public Health Service Act for fiscal years beginning after June 30, 1971, section 772 (42 U.S.C. 295f–2) is amended to read as follows:

"SPECIAL PROJECTS GRANTS AND CONTRACTS

"SEC. 772. (a) From appropriations made under section 770(b) the Secretary may make grants to assist schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, and veterinary medicine in meeting the costs of special projects to—

"(1) effect significant improvements in the curriculums of any such schools (including shortening the length of time required for training in such schools, with particular emphasis, in the case of schools of medicine or osteopathy, upon the establishment of new, or expansion of existing, programs for training in family medicine;

"(2) develop programs for cooperative interdisciplinary training among schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, veterinary medicine, nursing, public health, and allied health, including training for the use of the team approach to the delivery of health services;

"(3) develop and operate training programs, and train, for new roles, types, or levels of health personnel, including programs for the training of physicians' assistants and other health professions' assistants;

"(4) plan, develop, or establish new programs, or innovative modifications of existing programs, of education in such health professions, including the teaching of the organization, delivery, financing, or evaluation of health care;

"(5) research, develop, or demonstrate advances in the various fields related to education in such health professions;

"(6) assist in increasing the supply, or improving the distribution, by geographic area or specialty group, of adequately trained personnel in such health professions needed to meet the health needs of the Nation;

"(7) establish and operate programs at schools of medicine, osteopathy, or dentistry providing increased emphasis on, and training in, the science of clinical pharmacology, drug use and abuse, the assessment of the efficacy of various therapeutic regiments, and (in the case of schools of medicine and osteopathy) the science of nutrition;

"(8) establish and operate projects designed to identify, and increase admissions to and enrollment in schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, and veterinary medicine of, individuals whose background and interests make it reasonable to assume that they will engage in the practice of their health profession in rural or other areas having a severe shortage of personnel in such health profession;

"(9) establish and operate projects designed to increase admissions to and enrollment in such schools of qualified individuals from minority or low-income groups;

"(10) plan experimental teaching programs or facilities; or

"(11) provide traineeships (including costs of training and fees, stipends, and allowances for the students (including travel and subsistence expenses and dependency allowances)) for full-time students to secure part of their education under a preceptor in family practice, pediatrics, internal medicine, or other health fields designated by the Secretary, or in rural or other areas having a severe shortage of physicians.

The Secretary may also enter into contracts with public or private health or educational entities to carry out any project described in this subsection. Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(b) For any fiscal year grants (not exceeding in the aggregate one-half of the amount appropriated under section 770(b) for such fiscal year) may be made to assist schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, and veterinary medicine which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to implement any operational and financial reforms recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information."

(e) Maintenance of effort.—Section 773 (d) (2) (42 U.S.C. 295f–3(d) (2)) is amended by striking out "or podiatry" and inserting in lieu thereof "pharmacy, podiatry, or veterinary medicine".

(f) Technical amendments.—

(1) (2) Section 773(e) (42 U.S.C. 295f–3 (e)) is repealed.

(2) (3) The heading for part E of title VII is amended by striking out "AND PODIATRY" and inserting in lieu thereof "PHARMACY, PODIATRY, AND VETERINARY MEDICINE".

GRANTS FOR NEW SCHOOLS

Sec. 106. Part E of title VII is amended by inserting after section 773 the following new section:

"START-UP ASSISTANCE

"Sec. 774. (a) In the case of any new school of medicine, osteopathy, dentistry which begins instruction after the date of enactment of this section, the Secretary may, after taking into account—

"(1) the ability of such school to use a grant under this section to (A) accelerate the date it will begin instruction, or (B) increase the number of students in its entering class, and

"(2) the other resources available to such school, make grants to such school to assist it in meeting the costs of providing instruction in each of its first three academic years of operation. No school may receive a grant under this section unless the Secretary estimates (on the basis of assurances provided by the school) that the number of full-time students enrolled in its first academic year of operation will exceed twenty-three.

"(b) The Secretary shall determine the amount of any grant under this section; but no grant to any school may exceed—

"(1) in the case of the school's first academic year of operation, an amount equal to the product of $7,500 and the number of full-time students which the Secretary estimates will be enrolled in such school in such year,

"(2) in the case of the school's second academic year of operation, an amount equal to the product of $5,000 and the number of full-time students which the Secretary estimates will be enrolled in such school in such year, and

"(3) in the case of the school's third academic year of operation, an amount equal to the product of $2,500 and the number of full-time students which the Secretary estimates will be enrolled in such school in such year.

Estimates by the Secretary under this subsection of the number of full-time students enrolled in a school may be made on the basis of assurances provided by the school.

"(c) The Secretary shall give special consideration to each application for grant assistance under this section for a school of medicine which contains or is reasonably supported by assurances that, because of the use that the school will make of existing facilities (including Federal medical or dental facilities), it will be able to accelerate the date on which it will begin its teaching program.

"(d) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe. Payments under grants under this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(e) There is authorized to be appropriated to carry out this section not to exceed $10,000,000 for the fiscal year ending June 30, 1972, and a like amount for each of the next two fiscal years. Sums appropriated under this subsection shall remain available until expended."

HEALTH MANPOWER EDUCATION INITIATIVE AWARDS

Sec. 107. (a) Authorization of program.—Part E of title VII is amended by inserting after the section 774 of such title added by section 106 the following new section:

"HEALTH MANPOWER EDUCATION INITIATIVE AWARDS

"Sec. 775. (a) In order to improve the distribution, supply, quality, utilization, and efficiency of health personnel and the health services delivery system, the Secretary may make grants to public or nonprofit private health or educational entities, and may enter into contracts with public or private health or educational entities, for programs or projects (including programs or projects to assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out the objectives of this section)—

"(1) to encourage the establishment or maintenance of programs to alleviate shortages of health personnel in areas designated by the Secretary through training or retraining such personnel in facilities located in such areas or to otherwise improve the distribution of health personnel by area or by specialty group;

"(2) to provide training programs leading to more efficient utilization of health personnel;

"(3) to initiate new types and patterns or improve existing patterns of training, retraining, continuing education, and advanced training of health personnel, including teachers, administrators, specialists, and paraprofessionals (particularly physician's and dentist's assistants and pediatric nurse practitioners), and including establishment of area health education centers and other new organizational units for this purpose; and

"(4) to encourage new or more effective approaches to the organization and delivery of health services through training individuals in the use of the team approach to delivery of health services and otherwise.

Grants and contracts may also be made by the Secretary under this section for the discovery, collection, development, or confirmation of information for the planning, development, demonstration, establishment, or maintenance of any of such programs or projects. Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5). Each grant or contract under this section must be coordinated with the regional medical program for the area in which the grant or contract is carried out.

"(b) The Secretary may also make grants to public or nonprofit private health or educational entities to assist in meeting the costs of special projects to—

"(1) establish or operate projects designed to identify, and increase admissions to and enrollment in schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, veterinary medicine, and public health of, individuals whose background and interests make it reasonable to assume that they will engage in the practice of their health profession in rural or other areas having a severe shortage of personnel in such health profession; and

"(2) establish or operate projects designed to increase the admissions to and enrollment in such schools of qualified individuals from minority or low-income groups.

Of the sums appropriated to carry out this section, not more than 10 per centum, but in no event less than $5,000,000, shall be used to make grants under this subsection.

"(c) The Secretary may also make grants to public or nonprofit private entities for the alteration or renovation of existing facilities for any of the programs or projects described in subsection (a).

"(d) The amount of any grant under this section shall be determined by the Secretary. Payments under grants and contracts under this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(e) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $45,000,000 for the fiscal year ending June 30, 1972, $90,000,000 for the fiscal year ending June 30, 1973, and $135,000,000 for the fiscal year ending June 30, 1974."

(b) Technical amendment.—Sections 773 (b) 773(c), and 773(d) (42 U.S.C. 295f–3) are each amended by striking out "grant under this part" and inserting in lieu thereof "grant under section 771 or 772".

SCHOLARSHIP GRANTS TO SCHOOLS OF MEDICINE, OSTEOPATHY, DENTISTRY, OPTOMETRY, PODIATRY, PHARMACY, AND VETERINARY MEDICINE

Sec. 108. (a) Effective with respect to scholarship grants made under subsection (a) of section 780 of the Public Health Service Act (42 U.S.C. 295g) for fiscal years beginning after June 30, 1971—

(1) subsection (b) of such section is amended to read as follows:

"(b) The amount of the grant under subsection (a) to each such school for the fiscal year ending June 30, 1972, shall be equal to $3,000 multiplied by one-tenth of the number of full-time students of such school and for the fiscal year ending June 30, 1973, and the next fiscal year shall be equal to $3,000 multiplied by the number of full-time students of such school who are from low-income backgrounds as determined under regulations of the Secretary. For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending before July 1, 1974.";

(2) subsection (c)(1) is amended to read as follows:

"(c)(1) Scholarships may be awarded by schools from grants under subsection (a)—

"(A) only to individuals who have been accepted by them for enrollment as full-time first-year students and to individuals enrolled and in good standing as full-time students, in the case of awards from such grants for the fiscal year ending June 30, 1972, and each of the next two fiscal years; and

"(B) only to individuals enrolled and in good standing as full-time students who initially received scholarship awards out of such grants for a fiscal year ending prior to July 1, 1974, in the case of awards from such grants for the fiscal year ending June 30, 1975, or the two succeeding fiscal years."; and

(3) subsection (c) (2) is amended by striking out "$2,500" and inserting in lieu thereof "$3,500".

(b) Effective July 1, 1972, the first sentence of subsection (c) (2) of such section 780 is amended to read as follows: "Scholarships from grants under subsection (a) for any school year shall be awarded only to students of exceptional financial need who are from low-income backgrounds as determined under regulations of the Secretary, and who need such financial assistance to pursue a course of study at the school for such year, except that scholarships from such grants may be awarded to any student of exceptional need to enable him to pursue such course of study if he has received such a scholarship for a school year ending prior to July 1, 1972."

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Sec. 109. (a) ESTABLISHMENT OF ADVISORY COUNCIL.—Section 725 (42 U.S.C. 293e) is amended to read as follows:

"NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

"Sec. 725. (a) There is established in the Public Health Service a National Advisory Council on Health Professions Education (hereafter in this section referred to as the 'Council'), consisting of the Secretary (or his delegate), who shall be Chairman of the Council, and twenty members appointed by the Secretary (without regard to the provisions of title 5 of the United States Code relating to appointments in the competitive service) from persons who because of their education, experience, or training are particularly qualified to advise the Secretary with respect to the programs of assistance authorized by parts A, B, C, E, and F of this title. At least four of the appointed members shall be selected from the general public and two shall be selected from among full-time students enrolled in health professions schools.

"(b) The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title (other than part G thereof).

"(c) The Secretary may use the services of any member or members of the Council in connection with matters related to the administration of this title (other than part G thereof), for such periods, in addition to conference periods, as he may determine."

(b) TECHNICAL AMENDMENTS.—

(1) The last sentence of section 721(c) (42 U.S.C. 293a(c)) is amended by striking out "on Education for Health Professions" and inserting in lieu thereof "on Health Professions Education".

(2) (A) Section 774 (42 U.S.C. 295f–4), as in effect immediately before the date of enactment of this title, is repealed.

(B) Section 773(c) (42 U.S.C. 295f–3(c)) is amended by striking out "National Advisory Council on Health Professions Educational Assistance (established by section 774)" and inserting in lieu thereof "National Advisory Council on Health Professions Education (established by section 725)".

(C) Section 780(d) (42 U.S.C. 295g(d)) is amended by striking out "National Advisory Council on Health Professions Educational Assistance" and inserting in lieu thereof "National Advisory Council on Health Professions Education (established by section 725)".

REPORT

Sec. 110. The Secretary shall prepare and submit to the Congress, prior to June 30, 1974, a final report on the administration of title VII of the Public Health Service Act which shall include an estimate of increases in the number of persons entering the health professions effected under such title prior to the enactment under such title prior to the enactment of this Act; an estimate of such increases effected in consequence of the enactment of this Act; an estimate of the numbers of practitioners of such professions in relation to the need of the public therefor; and an appraisal of title VII, as amended by this Act, to meet long-term national needs for health professionals. The Secretary shall submit to the Congress a first interim report prior to June 30, 1973, and a second interim report prior to January 31, 1974, describing his preliminary findings in the preparation of his final report.

TITLE II—MISCELLANEOUS

JOINT FUNDING

Sec. 201. Section 310A of the Public Health Service Act (42 U.S.C. 242l) is amended by striking out "title IX" and inserting in lieu thereof "titles VII, VIII, and IX".

ADVANCE FUNDING

Sec. 202. Section 799 of the Public Health Service Act (42 U.S.C. 295h–8) is amended by striking out "this part" and inserting in lieu thereof "this title".

TECHNICAL AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

Sec. 203. (a) Subsection (f) of section 208 of the Public Health Service Act is amended by striking out "section 207(f)" and inserting in lieu thereof "subsection (g)".

(b) The second sentence of subsection (a) of section 217 of such Act is amended by striking out "Council on Alcoholic Abuse" and inserting in lieu thereof "Council on Alcohol Abuse".

(c) The section 223 of such Act (added by section 4 of Public Law 91–623) is redesignated as section 224.

(d) (1) Section 382 of such Act is amended by inserting "Secretary" before ", through the Library" in subsection (a) thereof; by inserting "Secretary" before "may exchange" in subsection (b) thereof; and by inserting "Secretary" before "is authorized" in subsection (c) thereof.

(2) (A) Section 383 of such Act is amended by inserting "Secretary" after "The" in the last sentence of subsection (a) thereof; by inserting "Secretary" after "recommendations to the" in the first sentence of subsection (b) thereof; by inserting "Secretary" after "users, and the" in such sentence; by inserting "Secretary" after "The" in the last sentence of such subsection; and by striking out subsection (d) thereof.

(3) Section 386 of such Act is amended by inserting "Secretary" after "selected by the".

(4) Subsection (a) of section 388 of such Act is amended by inserting "Secretary" after "Whenever the" and by striking out "section 398" in paragraphs (2) and (3) and inserting in lieu thereof "section 397".

(e) Subsection (d) of section 722 of such Act is amended by striking out "part I of title III" and inserting in lieu thereof "part J of title III".

(f) Section 794(a) (2) (D) of such Act is amended by striking out "or pursuant to part B of the title IV of the Higher Education Act of 1965" after "1958".

(g) Section 795(1) of such Act is amended by inserting "and" at the end of clause (C); by striking out "and" at the end of clause (D); and by striking out clause (E).

(h) Parts E and F of title VII of such Act are each amended by striking out "Surgeon General" each place it occurs and inserting in lieu thereof "Secretary".

TECHNICAL AMENDMENTS TO THE CLEAN AIR ACT

Sec. 204. (a) Section 307(a) (1) of the Clean Air Act is amended by striking out "210(c) (4)" and inserting in lieu thereof "211(c) (3)".

(b) Section 113(b) (2) of such Act is amended by inserting "(A)" before "during", and by inserting ", or (B)" after "assumed enforcement".

(c) Section 113(c) (1) (A) of such Act is amended by inserting "(i)" before "during" and by inserting ", or (ii)" after "assumed enforcement".

(d) Section 211(c) (3) (A) of such Act is amended by inserting "obtaining" after "purpose of".

(e) Section 211(d) of such Act is amended by striking out "under subsection (c)" at the second place it appears and inserting in lieu thereof "under subsection (b)".

TECHNICAL AMENDMENTS TO OTHER ACTS

Sec. 205. (a) The fourth sentence of section 408(g) of the Food, Drug, and Cosmetic Act is amended by striking out ", which the Secretary shall by rules and regulations prescribe,".

(b) Paragraph (c) of section 136 of the Development Disabilities Services and Facilities Construction Act is amended by striking out "section 134" and inserting in lieu thereof "section 135".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, beginning in line 6, strike out "Part A of title VII" and all that follows down through and including line 11 and insert in lieu thereof the following:

AUTHORIZATION OF PROJECT GRANTS.—Part F of title VII is amended by adding after section 781 (42 U.S.C. 295g–1) the following new sections:

Page 2, line 14, strike out "701" and insert in lieu thereof "785".

Page 3, line 6, strike out "TO HOSPITALS".

Page 3, line 8, strike out "702" and insert in lieu thereof "786".

Page 3, line 13, insert "or other health or educational entity" after "hospital".

Page 3, line 14, strike out "a" and insert in lieu thereof "an approved".

Page 3, line 16, insert immediately before the closed parentheses the following: "and approved residency programs in family practice".

Page 3, beginning in line 22, strike out "a program of such hospital which provides professional training in the field of family medicine" and insert in lieu thereof "any such program".

Page 4, line 2, insert "approved" after "other".

Page 4, insert at the end of line 4 the following: "RELATING TO SECTIONS 785 AND 786".

Page 4, line 5, strike out "703" and insert in lieu thereof "787".

Page 4, strike out "this part" in lines 5, 10, and 20 and insert in lieu thereof "section 785 or 786".

Page 4, strike out line 25 and all that follows down through and including line 5 on page 5 and insert in lieu thereof the following:

"(b) TECHNICAL AMENDMENTS.—

"(1) Section 780(a) (42 U.S.C. 295g(a)) is amended by striking out 'this part' and inserting in lieu thereof 'this section'; and section 781 (42 U.S.C. 295g–1) is amended by striking out 'this part' and inserting in lieu thereof 'section 780.'

"(2) Section 746 (42 U.S.C. 294f) is amended by striking out 'under part F of this title' and inserting in lieu thereof 'under section 780'.

"(3) The heading for part F of title VII is amended by adding at the end the following: '; GRANTS FOR TRAINING, TRAINEESHIPS, AND FELLOWSHIPS'."

Page 5, insert at the end of line 8 the following: "; EXTENSION OF PART A".

Page 5, insert at the end of line 15 the following: "for grants under part A of this title,".

Page 15, beginning in line 1, strike out "(within the meaning of part A of this title)".

Page 16, insert after line 4 the following:

"(g) TECHNICAL AMENDMENTS TO PART A.—

"(1) Section 705(a) (42 U.S.C. 292d(a)) is amended to read as follows:

"'Sec. 705. (a) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications for grants under this part for any fiscal year must be filed.

"'(2)(A) Part A of title VII (other than sections 703(a) and 709 thereof) is amended by striking out "Surgeon General" each place it occurs and inserting in lieu thereof "Secretary".

"'(B) The first sentence of section 703(a) (42 U.S.C. 292b(a)) is amended by striking out "Surgeon General of the Public Health Service" and inserting in lieu thereof "Secretary (or his delegate)".

"'(C) Section 706(b) (42 U.S.C. 292e(b)) is amended by striking out "Surgeon General's" and inserting in lieu thereof "Secretary's".

"'(D) Section 709(a) (42 U.S.C. 292h(a)) is amended by striking out "Surgeon General, after consultation with the Council and with the approval of the Secretary," and inserting in lieu thereof "Secretary"; and section 709(b) (42 U.S.C. 292h(b)) is amended by striking out 'Surgeon General is authorized to make, with the approval of "the Secretary," and inserting in lieu thereof "Secretary may make".'"

Page 17, strike out line 24 and all that follows down through and including line 3 on page 18 and insert in lieu thereof the following: "the Secretary shall upon completion by that individual of the practice specified in such agreement pay, for and on his behalf, the principal of and interest on any loan of his described in paragraph (2) which is outstanding on the date he begins such practice; except that the total amount of principal of loans of any such individual which the Secretary may repay under this subsection may not exceed the lesser of $15,000 or 75 per centum of the total amount of principal of such individual's loans outstanding on such date. Notwithstanding the requirement of completion of practice, the Secretary".

Page 23, line 9, insert "or pursuant to the corresponding provision of the preceding sentence" immediately after "paragraph".

Page 24, strike out lines 14 through 22 and insert in lieu thereof the following:

"(c) ENROLLMENT INCREASE.—Effective with respect to grants made under section 771 of the Public Health Service Act (42 U.S.C. 295f–1) for fiscal years beginning after June 30, 1971—

"(1) the first sentence of subsection (b)(1) of such section is amended by striking out 'will exceed the average of the first-year enrollments' and all that follows in that sentence and inserting in lieu thereof 'will exceed the first-year enrollment of such students in such school in the school year beginning during the fiscal year ending June 30, 1971, by at least 5 per centum of such enrollment, or by ten students, whichever is greater.', and

"(2) subsection (b)(1) is further amended by adding at the end thereof the following new sentence: 'In those instances where enrollment increases proposed exceed the requirements of this paragraph, the Secretary shall satisfy himself, after consultation with the appropriate accreditation body or bodies (as defined in section 721(b)(1)), that there is reasonable assurance that such expanded program will meet the accreditation standards of such body or bodies.'"

Page 28, insert after line 21 the following:

"(1) Section 771(d) (42 U.S.C. 295f–1(d)) is amended by striking out 'subparagraph (a)(1)(A)' and inserting in lieu thereof 'subsection (a)'."

Page 28, line 22, strike out "(1)" and insert in lieu thereof "(2)".

Page 28, line 24, strike out "(2)" and insert in lieu thereof "(3)".

Page 30, line 21, strike out "of medicine".

Page 37, line 14, strike out "A,".

Page 37, strike out "part" in lines 21 and 24 and insert in lieu thereof "parts A and".

Page 38, insert after line 10 the following:

"(B) Section 771(b)(1) (42 U.S.C. 295f–1 (b)(1)) is amended by striking out 'on Health Professions Educational Assistance' and inserting in lieu thereof 'on Health Professions Education'."

Page 38, line 11, strike out "(B)" and insert in lieu thereof "(C)".

Page 38, line 17, strike out "(C)" and insert in lieu thereof "(D)".

Page 41, strike out lines 1 through 3.

Page 41, line 4, strike out "(f)" and insert in lieu thereof "(e)".

Page 41, line 7, strike out "(g)" and insert in lieu thereof "(f)".

Page 41, line 10, strike out "(h)" and insert in lieu thereof "(g)".

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Green of Oregon:

Page 5, line 7, strike out the quotation marks and add after that line the following:

DISCRIMINATION ON BASIS OF SEX PROHIBITED

"Sec. 788. The Secretary may not make a grant, loan guarantee, or interest subsidy payment under this title to, or for the benefit of, any school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or public health or any training center for allied health personnel unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the school or training center will not discriminate on the basis of sex in the admission of individuals to its training programs. The Secretary may not enter into a contract under this title with any such school or training center unless the school or training center furnishes assurances satisfactory to the Secretary that it will not discriminate on the basis of sex in the admission of individuals to its training programs."

The CHAIRMAN. The gentlewoman from Oregon is recognized for 5 minutes in support of her amendment.

Mr. STAGGERS. Would the gentlewoman yield?

Mrs. GREEN of Oregon. I will be very happy to yield to the very distinguished chairman of this committee.

Mr. STAGGERS. The committee on this side of the aisle and I assume on the other side is willing to accept this amendment.

Mr. SPRINGER. Mr. Chairman, if the gentlewoman will yield, the minority accepts the amendment.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentlemen very much.

Mr. Chairman, if I may be permitted a moment, I want to commend the committee for its remarkable work in bringing out this bill. I want to pay my deepest respects not only to the very distinguished chairman of the committee (Mr. Staggers) but also the gentleman from Florida (Mr. Rogers) who has done such yeoman work in this area over a long period of time.

This is legislation that we can all support wholeheartedly, and I think the Nation itself is in debt to these gentlemen and the other members of the committee on a bipartisan basis for bringing this legislation to the floor to provide the necessary health personnel.

Mr. Chairman, since the amendment has been accepted by the very able chairman, Mr. Staggers and the distinguished gentleman from Illinois (Mr. Springer), I will not take the committee's time now, but ask to extend my remarks in the Record at this point.

In previous discussions with the chairman of the full committee and the chairman of the subcommittee, I said I hoped to offer this amendment so that the doors of the medical, dental, and other health professions could and would be opened wider to those women who want to enter these professions.

In hearings last year before the Special Subcommittee on Education on the subject of discrimination against women, testimony and evidence was gathered which showed clearly the patterns of discrimination against women in various segments of our society. Some of the strongest and most conclusive evidence was presented in regard to discriminatory practices in higher education and the professions. Within this general category, a comparison was offered showing the increase in the number of degrees earned by women at all levels and those earned by women in selected health professions between 1956 and 1965. Although the number of doctoral degrees in all fields awarded to women doubled in this period, the number of degrees in medicine and osteopathy earned by women rose by only about one-third—34.8 percent—one of the smallest growths in any field. In the other health fields indicated, the results were generally similar or worse, with pharmacy showing an increase of 37.9 percent, optometry showing no change, and dentistry showing a decrease of 32.4 percent. Only the field of veterinary medicine showed a significant increase, 150 percent.

For the sake of brevity, let me turn to just one of these fields, the practice of medicine, to describe briefly a case in support of this amendment.

It is widely accepted by women and men physicians alike that medicine is a profession well suited to the skills and temperament of women. Indeed, as long ago as the 16th century, John Halle described among the properties of the surgeon that he have a—

> Heart as the heart of a lion, eyes like the eyes of the hawk, and his hands the hands of a woman.

In spite of this natural suitability, only 9 percent of American physicians are women. This is not due to lack of interest as indicated in applications from women to schools of medicine. Indeed, over the past 36 years, women applicants to medical schools have increased over 300 percent, while men applicants have increased only 29 percent. Nevertheless, the proportion of women accepted has fallen from 66 percent in 1929–30 to 48 percent in 1965–66.

Faced with evidence of this nature, one must ask whether the admissions policies of medical schools across the country are, in fact, discriminatory against women—whether a persistence of limited admission of women to medical schools stems from discriminatory medical school admissions policies.

Evidence to substantiate such a charge is not overly difficult to find. For example, one study, made by an assistant dean of one medical school, covering 25 Northeastern medical schools, found that 19 of the 25 readily admitted that they accepted men in preference to women unless the women were demonstrably superior—that women are not judged on an equal competiitve basis, but are placed in a disadvantageous sex category requiring special justification for acceptance. Further evidence can be found in the 1968–69 edition of "Medical School Admission Requirements," published by the Association of American Medical Colleges. Among the medical schools listing their admission requirements, none admitted to racial prejudice, although some have never had a Negro graduate, but four openly expressed discrimination against women.

In most of the others, while not openly admittiing discrimination, their enrollment statistics would indicate otherwise. For if, as the enforcement division of civil rights has, time after time ruled, that the absence or significant under-representation of minority groups is, in itself proof of discrimination, then one must accept the existence of a conscious and deliberate practice of discrimination against the admission of women to medical schools across the country.

But in addition to the injustice to women, there is perhaps a greater, more serious injustice to be taken into account. This is an injustice to every person—one based on the desperate shortage of physicians and other health professionals—a shortage to which this legislation is most ably addressed.

In its report, "Facts on Prospective and Practicing Women in Medicine," the Department of Labor said in 1968:

> The need for larger numbers of well-trained and able men and women in the health professions is of great national concern. . . . This is an area in which we need to make maximum use of all our human resources, to urge that an increasing number of boys and girls with the ability to qualify as physicians be encouraged to pursue such a career, to make it possible both educationally and financially for those with the potential to qualify in this demanding profession, so that all our people may have the professional services they seek.

To ignore, in the face of this crisis, half our population, women, representing a brainpower virtually untapped by the medical schools, and to increase the number of medical students, but in doing so, limit ourselves to drawing on the male applicant pool that would have been rejected by medical schools under current standards, we will be guilty of not only supporting discrimination, but of jeopardizing the quality of medical care in this country and the very lives of those requiring that care. This, gentlemen, is clearly and totally inexcusable and unacceptable.

In closing, let me quote from a NIH study which raises one further aspect of the problem, the relative position of the United States among the nations of the world in offering opportunities for women in the medical professions:

> The fact is that education conditions and climate appear to be considerably more humane, intelligent and flexible outside the United States for the woman medical student or doctor. . . . Since America is the leader in so many areas of education, its "backwardness" in this area becomes all the more startling, disturbing, and troublesome.

Mrs. ABZUG. Mr. Chairman, I join with Mrs. Green in supporting this amendment and in complimenting Mr. Staggers, Mr. Rogers, and all members of the committee for accepting it.

This amendment recognizes that under-representation of women in the medical and health professions is a serious problem. Women now make up only about 7 percent of the Nation's doctors. Few young women are encouraged in grade school, high school, or college to go into medicine. Many of them believe the admissions deck at medical schools is stacked against them and, I believe they are right. Certainly, most schools accept a certain percentage of the women who are brave enough to apply, but it is also true—as Dr. Harold I. Kaplan, professor of psychiatry at New York Medical College recently revealed in a study of medical school attitudes toward women—that most schools impose an unofficial quota on the number of women, no matter how qualified, they will agree to accept.

But whatever the reason for discrimination against women, a nation facing a shortage of qualified health personnel can ill afford to waste its womanpower. We need positive encouragement for women to enter all aspects of the health profession, and positive recognition of the contribution they can make. That is what Mr. Rogers' amendment will provide.

The amendment provides that no medical school will receive a Federal grant under this program unless it assures the Secretary of HEW that it does not discriminate against women. It is my understanding that "assurances satisfactory to the Secretary" means that the school must provide some kind of affirmative action plan—that is, some assurance that the school is making a positive effort to end its under-representation of women. I would assume, of course, that requirements for such a positive program would be more fully outlined by the Secretary—so that medical schools would know, with some degree of certainty, what the Secretary would expect of them in terms of an affirmative plan.

I am delighted to see this kind of amendment, with this kind of mandate for action, being recommended here today. Women across the Nation will be encouraged to see that positive steps are being taken to eradicate discrimination in one of the professions traditionally closed to many of them.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. Green).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Gray, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8629) to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes, pursuant to House Resolution 481, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on my amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHMITZ. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 343, nays 3, not voting 87, as follows:

[Roll No. 176]

YEAS—343

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Colmer
Conte
Conyers
Coughlin
Culver
Daniel, Va.
Daniels, N.J.

Danielson
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Dickinson
Dingell
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Haley
Halpern
Hammerschmidt
Hanley
Hanna
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Jacobs
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
King
Koch
Kyl
Kyros
Leggett
Lent
Link
Lloyd
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Rangel
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruth
Ryan
St Germain
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—3

Crane
Landgrebe
Schmitz

NOT VOTING—87

Adams
Alexander
Baker
Baring
Barrett
Bell
Bingham
Bow
Brasco
Bray
Broyhill, Va.
Buchanan
Caffery
Cederberg
Celler
Collier
Collins, Tex.
Conable
Corman
Cotter
Davis, Ga.
de la Garza
Dent
Devine
Diggs
Donohue
Dowdy
Edwards, La.
Erlenborn
Flynt
Foley
Griffiths
Hagan
Hall
Hamilton
Hansen, Idaho
Hansen, Wash.
Hathaway
Hawkins
Hébert
Heckler, Mass.
Hull
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, Tenn.
Keith
Kemp
Kluczynski
Kuykendall
Landrum
Latta
Lennon
Long, La.
Long, Md.
Lujan
McClure
McCulloch
McDonald, Mich.
McMillan
Martin
Melcher
Mills, Ark.
Moorhead
Passman
Pettis
Poff
Purcell
Randall
Rhodes
Roe
Rousselot
Runnels
Ruppe
Sandman
Saylor
Sikes
Steiger, Ariz.
Stephens
Stratton
Taylor
Wampler
Watts
Wilson, Bob
Wilson, Charles H.
Wydler

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Baker.

Mr. Johnson of California with Mr. Saylor.

Mr. Roe with Mr. Cederberg.

Mr. Brasco with Mr. Wydler.

Mr. Celler with Mr. Rhodes.

Mr. Sikes with Mr. Martin.

Mr. Taylor with Mr. Jonas.

Mr. Charles H. Wilson with Mr. McDonald of Michigan.

Mr. Cotter with Mr. Ruppe.

Mr. Corman with Mr. Bob Wilson.

Mr. Davis of Georgia with Mr. Collins of Texas.

Mr. Donohue with Mrs. Heckler of Massachusetts.

Mr. Purcell with Mr. Keith.

Mr. Hamilton with Mr. Erlenborn.

Mr. Hébert with Mr. Bow.

Mr. Hathaway with Mr. Kemp.

Mr. Alexander with Mr. Broyhill of Virginia.

Mr. Bingham with Mr. Hawkins.

Mr. Barrett with Mr. Lujan.

Mr. Melcher with Mr. Bray.

Mr. Kluczynski with Mr. Collier.

Mr. Runnels with Mr. Buchanan.

Mr. Jones of Tennessee with Mr. Kuykendall.

Mr. Hagan with Mr. Wampler.

Mr. Baring with Mr. Pettis.

Mr. Passman with Mr. Devine.

Mrs. Griffiths with Mr. Hall.

Mr. Caffery with Mr. McClure.

Mr. de la Garza with Mr. Bell.

Mr. Lennon with Mr. Hansen of Idaho.

Mr. Jarman with Mr. Conable.

Mr. Stratton with Mr. Sandman.

Mr. McMillan with Mr. Steiger of Wisconsin.

Mr. Watts with Mr. Rousselot.

Mr. Stephens with Mr. Latta.

Mr. Mills of Arkansas with Mr. Foley.

Mr. Dowdy with Mr. Long of Indiana.

Mr. Moorhead with Mr. Diggs.

Mrs. Hansen of Washington with Mr. Edwards of Louisiana.

Mr. Flynt with Mr. Long of Louisiana.

Mr. Hull with Mr. Landrum.

Mr. Randall with Mr. Adams.

Mr. Ichord with Mr. Poff.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN PUNCTUATION, SPELLING, AND CROSS REFERENCES IN ENGROSSMENT OF H.R. 8629

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 8629 the Clerk be authorized to make corrections in punctuation, spelling, and cross references.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERSONAL EXPLANATION

Mr. BRAY. Mr. Speaker, during the last vote I was on official business at the White House. Had I been present I would have voted "yea."

NURSE TRAINING ACT OF 1971

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8630) to amend title VIII of the Public Health Service Act to provide training increased numbers of nurses.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 8630, with Mr. Gray in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. Springer) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 8630, the proposed Nurse Training Act of 1971.

Mr. Chairman, this bill provides a 3-year extension, with modifications of the existing programs under the Nurse Training Act. The bill authorizes a total of $710 million over a 3-year period for continuation of existing programs of assistance to schools of nursing and to students at those schools.

A new feature has been added to the programs under existing law by this bill. The committee established a similar program in 1964, but because of lack of funds, and restrictions on the program, it was not successful in preventing the closing of diploma schools of nursing. As set forth in this year's bill, this program, which would provide capitation grants to all schools of nursing in the amount of $200 for each student, plus $500 for each graduate, would provide assistance to schools in amounts sufficient, we believe, to continue existing schools in operation which might otherwise have to close because of lack of funds. This program would cost $169 million over a 3-year period. In addition, the legislation provides specific authority for startup grants to new schools of nursing authorizing $24 million for this program.

Existing law authorizes matching grants for construction of teaching facilities, and grants for special projects at schools of nursing plus traineeships to train teachers, and loans and scholarships for students. All these programs are continued by the legislation reported by the committee, with modifications to improve and expand the authority which they contain.

It is estimated, Mr. Chairman, that there are 700,000 nurses in active practice today, and that 150,000 more are needed. By 1980 it is expected that we will need 1,100,000 nurses. We believe that if this legislation is passed, and is funded at the levels authorized, we will meet these goals.

I know of no opposition to the legislation and recommend its approval, and I hope it will receive an affirmative vote from every Member of the House of Representatives.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, I would like to commend the committee, the chairman of the full committee, and the chairman of the subcommittee, for bringing forth this very important bill. I also wish to join with the gentleman from West Virginia in asking for unanimous approval of this legislation.

Mr. Chairman, I rise in support of H.R. 8630, the Nurse Training Act of 1971.

This is a highly essential program not only for the students involved but also for the country as a whole. The passage of this legislation, continuing and expanding the present title VIII program under the Public Health Service Act, will provide for the education of 1 million nurses in the decade of the seventies. We all know of the critical shortage of nurses and medical personnel in hospitals and nursing homes across this country. My own State of Hawaii is no exception.

H.R. 8630 provides for funds to institutions as well as to the students in training; $105 million over the next 3 years are provided for construction grants for new facilities and for the replacement of obsolete ones—$7 million are also provided over the next 3 years for interest subsidies to assist nonprofit private schools of nursing. Together it is expected that an additional 5,800 first year spaces will be provided.

In addition, $169 million over 3 fiscal years will be provided to nursing schools on a per capita basis. Schools will be eligible for these grants if their first year enrollment increases by at least 5 percent or 10 students whichever is greater—$24 million are also provided for startup grants in the 3 fiscal years for new programs in nurse training. Each grant may not exceed $100,000—$66 million is provided over the 3 years for advanced traineeships. These funds will increase by 13,500 the number of nurses available to assist in the training of students.

The portion of the bill in which I am most interested deals with direct loans to the students—$75 million is provided over the 3-year period for loans. The maximum loan each year is presently $1,500. This bill increases this to $2,500 with the aggregate increased accordingly to $10,000 for the full period of training.

Up to $10,000 or 75 percent, whichever is higher, may be forgiven, if the nurse practices in a shortage area for a period of at least 3 years.

In addition, 50 percent of the total loan and its interest, at the rate of 10 percent of the loan each year, may be forgiven for each year of full-time employment as a nurse in a public or nonprofit institution.

The amount of loan money provided by this bill will allow 82,000 loans for students—$57 million is also provided for the 3 years for scholarships. Each grant to a student who qualifies may not exceed $2,000 per year. This money will provide for 102,000 scholarship grants.

The future health of our Nation is dependent upon the enactment of this bill. If we are to meet the growing demands for health care, we must approve this legislation today. I urge my colleagues to support this most vital bill.

Mr. STAGGERS. Mr. Chairman, I would like to say that, as usual, the Subcommittee on Public Health and Environment considered the bill at great length and has done its usual good job under the chairmanship of the gentleman from Florida (Mr. ROGERS). All the members of that committee worked together on both sides of the aisle very harmoniously and I want to commend them and thank them on behalf of the people of America for the job they have done, not only on these two bills today, but on all previous bills and those I am sure they will bring to the floor of the House in the future.

As I mentioned in connection with the health manpower bill, I think the American people owe a great debt of gratitude to those gentlemen for the legislation they have brought to the full committee and through us to the House. Health is of vital concern to all of us, and the actions by this subcommittee, and its members, will help insure the achievement of the goal of adequate health care for all of our citizens.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume. The needs of this Nation for better medical care and for more available medical care depend entirely upon our ability to produce more and better health manpower. The nursing profession is critical to this effort, and it is hardly necessary to point out that despite determined efforts over the last few years to increase the numbers of nurses both relatively and absolutely, there still remains and will remain a shortage. The need is both qualitative and quantitative, and this bill now before us deals with both problems.

It has been true that nursing care is the most universally used of the health-care services. It is also used more intensively and over a longer period of time than any other single health service. As the number of citizens at each end of the life span increases in proportion to the entire population, the need for nurses will rise.

I do not intend to suggest that past efforts in the field of nurse training and present laws and programs have been ineffective. On the contrary. Since 1958 total admissions to nursing schools have nearly doubled. Although the numbers attending the traditional diploma schools have decreased, the number being taught in the associate degree programs in our community colleges has risen from the insignificant number of 953 in 1958 to a present enrollment of well over 25,000. Baccalaureate programs now accommodate more than three times as many students of nursing as in 1958. But the need keeps moving ahead. In 1980 we shall require about 1,100,000 nurses. Adequate solutions to the intricate problems of health care cannot be imagined without the presence of skilled nursing personnel.

The bill before us today is not a new idea. It is an extension and improvement upon an already proven good idea. As the Nurse Training Act has progressed, and as we have considered it over the years, new features have been added. Time has proven that the changes we have made have been helpful and productive. We can be thankful that we have made the progress to this date. If we had not done so, the problem of increasing the supply of nurses for the future might well be beyond solution. As it is we can expect to win the battle.

There have been 145 construction grants under the law and 6,000 additional first-year places in the schools have resulted. There are 34 construction projects awaiting funds, and these could give us 2,000 more places. Although this progress is most encouraging it can fairly be said that continued progress requires not only a continuation of the nurse training program but acceleration of it. So let us look at the basic provisions of the bill now under consideration.

Construction grants have always been a part of the nurse training program, but in the early versions they were available only for college facilities to produce nurses with baccalaureate degrees. It became obvious that the bulk of nurse manpower would be trained in the junior colleges and community colleges, and for some years to come in diploma schools. In view of the vital need for this profession, construction support was expanded to all three types of nursing schools.

As I have pointed out, it now appears that the best bet for the future lies in the programs being doubled for associate degrees wherein a community college supplies the academic courses and a hospital will supply practical training. The bill provides $30 million for fiscal 1972 for such grants and $75 million over the next 2 fiscal years.

There are very few schools that can be expected to develop without some funds in the way of construction grants. Many will need additional funds which cannot be obtained at the time of construction from ordinary sources. A school, because of its nonprofit characteristics, is not an ideal subject for a conventional bank loan. For this reason, a loan guarantee program is added to the grant program. Construction grants are restricted to 75 percent of total construction cost, and guaranteed loans may be negotiated for another 15 percent for a total of 90 percent of construction costs. The portion which is obtained from lending institutions with a Government guarantee is also subject to an interest subsidy up to 3 percent. The cost to the Government of keeping the interest down to practical limits for these projects is minimal. For the entire 3-year period of this program such subsidies are estimated at $7 million.

Schools once built are a long way from being strong and healthy going institutions, and the need for additional assistance has been clearly demonstrated. Some of this additional assistance included in the bill is pure Government help. Other sorts of additional assistance are in the form of incentives to innovation and improvement. In the first category are the capitation grants and the startup grants. Capitation grants will supply to each nursing school each year $200 times the number of students enrolled an $500 times the number who will graduate.

From the very beginning it has been a basic principle of assistance to health professions schools that more students must be enrolled and graduated if the expenditures of taxpayers' money are to be justified. This bill doubles the present requirement for student enrollment increases. A school must produce an increase of 5 percent or 10 students each year, and the base period upon which this percentage is figured has been updated to further tighten the requirement.

We have heard from some of the nursing schools that the capitation grants which I have just outlined are not nearly adequate. It was the considered judgment of the committee, however, that with the other types of assistance being made available by this bill the capitation grants at the $200 level are appropriate.

After construction is completed and before students can be enrolled to justify the capitation grants, there are many expenses which must be met especially in the form of equipment. The committee has found in the past in this program and in similar programs that schools have found it possible to establish their physical plant and then be held up by this need for initial equipment and other startup items. For this reason startup grants are provided in the amount of $24 million over the 3-year period.

In approving applications for such grants the Secretary is directed to consider several items and among these are the use which the school is making of existing facilities and the speedup which may be obtained by making the grant. No such grant may exceed $100,000.

If the supply of nurses is to continue to increase as dramatically and rapidly as we hope for and, indeed, require, the need for graduate training becomes more acute. Teachers, administrators and supervisors need postgraduate training. The law at the present time provides for traineeships of this sort, and the bill before us would continue this program, the cost of which is expected to be $66 million over the 3-year period.

Student loans are presently provided in amounts up to $1,500 in 1 year. This bill would make it possible for a student to borrow up to $2,500 in 1 year or an aggregate amount of $10,000. The $75 million included in this bill for student loans will provide nearly 82,000 loans. The committee has found that more than half of the nursing students come from families whose gross annual income is under $10,000. This means that in most instances the availability of loans is a necessity to the completion of a nursing education.

One of the difficulties with maintaining the necessary proportion of nurses to other health professions is the attrition which occurs. Many things have been tried, and this bill continues to try to induce graduate nurses to enter and continue the practice of their profession. This bill would allow a graduate nurse to be relieved from payment of up to 75 percent of an educational loan if she will agree to practice in a shortage area for a period of at least 3 years. If the graduate nurse does not wish to take advantage of this offer, she may still reduce her obligation to repay her educational loan at the rate of 10 percent for each year that she remains in full-time employment as a professional nurse in a public or nonprofit institution. This can continue for up to 5 years or 50 percent of the outstanding loan.

In the earlier days of the nurse training program it was felt that scholarships might not be necessary because the cost of nurse training is considerably less than that of many of the other health professions. Experience under the program indicated very early, however, that there were still many students willing to pursue education in the nursing field who could not do so without outright scholarships. They have been limited to cases of extreme need, but the nursing schools have found it necessary to have these scholarships at least available if they are to recruit and attract students from low-income backgrounds. Scholarships are limited to $2,000 per year, and it is estimated that there could be a need for $50 million over the 3-year period for this purpose.

There is one feature in this bill which is new at least in the direct form which it now takes. It is called a program to encourage full utilization of nursing educational talent. Simply stated it is a recruiting program. With the availability of the resources already outlined we should be able to produce the necessary number of nurses. We can, that is, if we attract the students and motivate them in the direction of nurse training. The purpose of this recruiting program is to find students who are potentially capable and encouraging them to underake nurse training. This can be done in many different ways, and it is anticipated that all methods will be employed.

This nurse training bill requires more money than we would like to authorize. It requires more money than Government would like to spend. Like so many things today, however, we must do it. We cannot throw away the progress of the past 7 years by failing to be realistic about the needs of the future. The programs included in this bill are basically tried and proven programs. I recommend that the House pass H.R. 8630.

Mr. Chairman, I yield to the ranking minority member of the Subcommittee on Health and Environment, the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I wish to briefly state that enactment of H.R. 8630, the Nurses Training Act of 1971, is desperately needed to meet in both the quantitative and qualitative sense the critical nurse shortage which exists today.

I have a daughter who is a registered nurse. I well understand that nursing care is crucial in any health-care program. The nurse shortage which exists in all regions of the United States—in nearly all States and in many localities. As our committee report states, the shortage has been the cause of physical neglect among patients in many institutions.

The demand for nursing services has grown and will continue to grow. Our swelling population has strained the health care services out of proportion to the increased numbers of nurses because the very young and the very old have great need for their services.

I wholeheartedly endorse H.R. 8630 and urge its passage as a program to aid in nurses training which is absolutely necessary to meet the requirements of our Nation.

Mr. SHOUP. Mr. Chairman. I would like to voice my support of H.R. 8630, the Nurse Training Act of 1971, a bill which will greatly assist this Nation in meeting the urgent need for increased nursing personnel. Approximately 700,000 nurses are actively practicing in this country today. But that figure is 150,000 short of the number of nurses needed just to meet current demands for health services. By 1980, our nurse manpower requirement will reach over 1 million, with an estimated 675,000 licensed practical nurses and 550,000 aides needed to perform services at varying levels of responsibility within the health delivery system.

None of us here question the vital role played by the professional nurse as part of the health-care team. The modern nurse has broadened her traditional role to assume new functions which have resulted from an increasing delegation of responsibilities from physicians to nurses. Today's nurse can specialize as a pediatric nurse practitioner, nurse midwife, or family health nurse. This greater specialization among nurses can lead not only to more challenging and satisfying careers but to a more efficient use of scarce manpower resources throughout the many health disciplines.

As medical knowledge and technology expand, more and more trained people will be needed to fill these new jobs requiring higher levels of skill and responsibility. At the present time, however, we simply do not have sufficient nurse manpower to provide even traditional nursing care in hospitals, physicians' offices, schools, industry, extended care facilities, and neighborhood health centers. Many hospital wards have never opened or have been forced to close down due to lack of nurses. The growing need among our aged population for the kinds of treatment provided in extended-care facilities and skilled nursing homes is not being met, in great part as a result of inadequate numbers of qualified registered nurses. As we make a commitment to new federally supported health programs aimed at making health services available to greater numbers of people, we must not ignore the fact that, without adequate health manpower, the best of our intentions will fall short of the intended goal of good health for every American.

We have before us today an opportunity to make good on our commitment to that goal. The Nurse Training Act is designed to provide adequate nurse manpower through a balanced program of support to schools and to students. Grants of $105 million would be provided over 3 years for the construction of new facilities and expansion or rehabilitation of existing facilities. These grants will make possible an additional 5,800 first-year places and maintenance of 17,500 existing student places throughout the nurse training institutions in this country.

Special project grants of $83 million will be awarded over a 3-year period for support of approximately 1,030 projects designed to develop innovative nursing education programs, research in nursing education, improvement in nursing school curriculum, training of new kinds of nursing personnel, improvement in the supply or distribution of nursing personnel, mergers of nurse training programs or cooperative arrangements between hospitals or academic institutions.

Capitation grants amounting to $169 million will be made available over 3 years to encourage schools to expand student enrollment. Such grants would be tied to a requirement that a school increase its first year enrollments by at least 5 percent or 10 students—whichever is the greater—over an average of its two highest first year enrollments between 1966 and 1971. Startup grants totaling $24 million would also be authorized to assist in developing completely new nurse training programs in areas where there exists significant recruitment potential and adequate clinical and educational resources to support such programs.

The legislation would provide $66 million to train professional nurses to assume responsibilities as teachers in schools of nursing, and as supervisors, administrators, and nursing specialists. Nursing students loans would be increased so that a student could receive as much as $2,500 a year with up to $10,000 or 75 percent of that loan forgiven if the individual agreed to practice for at least 3 years in a specified manpower shortage area. Student scholarship grants providing an estimated $57 million would add an essential source of support to the loan program.

Finally, the proposed legislation would encourage full utilization of nursing educational talents by providing $8.5 million to identify financially, educationally, or culturally needy persons with a potential for nurse training who might need special encouragement to complete their secondary education and enter nurse training.

H.R. 8630 has received the serious consideration and final approval, as amended, of the House Committee on Interstate and Foreign Commerce. I am sincerely impressed with the fine work done by this committee in reporting out this bill for our consideration. I feel quite strongly that this legislation is deserving of our complete support and approval. Thank you.

Mr. CARTER. Mr. Chairman, the critical shortage of nurses in the United States is indisputable. There are 700,000 nurses in active practice; 150,000 more are needed. By 1980, 1,100,000 nurses will be needed. The provisions of H.R. 8630, the Nurse Training Act of 1971, are designed to meet these needs. In order to do so, this bill would revise the nurse training programs currently in existing law.

In the first section of H.R. 8630, a total of $105 million is provided over 3 years for construction grants and loan guarantees to schools of nursing for the construction of new facilities and for the replacement or rehabilitation of existing facilities. Funds provided by the Federal Government as construction grants may not exceed 75 percent for the construction of new schools or new facilities, while funds for other grants may not exceed 67 percent. In unusual circumstances, the Federal share of construction costs may go as high as 75 percent.

The loan guarantee and interest subsidy provision of this section makes available $7 million over 3 years for a loan guarantee fund. These funds would be used to assist private, nonprofit schools of nursing for the construction of training facilities in instances where a loan would not otherwise be available.

Another section provides $83 million over the next 3 years for special project grants and contracts to improve the quality of programs offered by nursing schools. Funds authorized in this section may also be used to assist schools which are in serious financial straits.

Institutional grants to be allocated according to the number of students at each school, are provided under section 4 of H.R. 8630. Capitation grants are calculated by multiplying $2,000 by the number of full-time students and $500 by the number of graduates. A provision is included in this section requiring nursing schools to increase their enrollment by 5 percent, or 10 students, each year in order to qualify for these grants.

In addition, another section provides for startup grants in the amount of $24 million over the next 3 years for the purpose of planning, development, or initiating new programs. Such grants may not exceed $100,000 per school, per year.

Section 5 authorizes $66 million over the next 3 years for the cost of advanced traineeships to train professional nurses or those to act in administrative and faculty positions.

For fiscal years 1972 through 1974, a total of $75 million is authorized to be used for loans to students. For fiscal 1975 and succeeding years, such sums will be made available as are necessary to continue loans approved before 1974. This section limits the amount of each loan per student to $2,500 per year, with the aggregate not to exceed $10,000. In order to ease the problem of maldistribution, the bill provides that amounts up to $10,000 or 75 percent, of an outstanding loan might be forgiven if the nurse practices in an area of shortage for at least 3 years.

H.R. 8630 further provides $57 million over the next 3 years for scholarship grants to schools. The maximum amount any student may receive in the form of a scholarship has been increased from the present $1,500 to $2,000.

In order to encourage the full utilization of nursing education talent, section 8 of H.R. 8630 authorizes a total of $8.5 million over 3 years for grants and contracts to nursing schools. These funds are designated to be used to identify potential nursing students, particularly those with financial, educational, or cultural need and to encourage them to study nursing.

Mr. Chairman, the demand for health services has been increasing in recent years, due to a number of factors: Population growth; rising consumer incomes; increasing insurance coverage; public policies giving increased attention to the disadvantaged; and development of medical science and growth of specialization. The supply, however, has not been keeping pace.

There is an urgent need for the development of plans and priorities to meet the shortages which now exist. I submit that the bill under consideration today will assist in meeting this need.

Mr. BROYHILL of North Carolina. Mr. Chairman, recently I have been in contact with various nursing groups in my district concerning the desperate need existing in North Carolina, as well as the rest of the country, for qualified nursing personnel. I have been aware of this critcal situation since my early days in the House of Representatives. One of the first bills I was privileged to work on was H.R. 12, which came before the 88th Congress as pioneer legislation in this field. Today, 150,000 more nurses are needed and by 1980, the shortage will grow to 1,100,000. It is obvious that the problem is both critical and immediate.

The Nurse Training Act of 1971 is a proposal to continue for 3 additional years a section of the Public Health Service Act, with some changes which deal with increasing the number of nurses and improving their distribution. Nurses are perhaps the backbone of the medical system. Entire hospitals have had to close because of a nursing shortage. More and more people are realizing the importance of a large number of qualified nurses and are therefore becoming greatly concerned with the need in this area of health manpower. Nurses provide basic and essential health services which are continually in greater demand by more people and in more areas than any other single health service.

Our population is steadily increasing and has resulted in a greater number of people who are either very young or very old, and these are the people who need medical services the most. Increased health insurance and education and higher income levels result in a demand for excellent medical attention and more of it. Due to the trend toward medical specialization, nurses have to take on more responsibilities and duties which formerly belonged to doctors. There is also a great need for better training facilities and personnel since this has much to do with the quality of nurses' abilities.

The keystone feature of the bill is the capitation grant which represents a change in direction in the method of allocating funds. Nursing schools would be required to increase their enrollment in order to receive capitation grants.

To be realistic and to meet our goals we must have Federal financial support that is dependable. A capitation grant, which is based on the number of graduates, would help schools of nursing make better plans for their educational programs. There is no need for schools to be dependent on research programs which could lead to the practice of using the funds appropriated for these programs for paying faculty.

The Nurse Training Act of 1971 includes grants for construction of teaching facilities, improvements in nursing schools, traineeships, loans, scholarships, and recruiting of nurses. There is under the special project grants authority to coordinate nurse training programs, or schools with hospitals; the training of special types of nurses; interdisciplinary programs so that facilities of different medical branches could be shared and the relation between the different subdivisions of the field could be utilized; putting nurses in scarcity areas such as rural areas or ghettos; improving school curricula; research; and improvement of educational programs.

If a nurse agrees to practice in a shortage area for 3 years or more, or works in a public or nonprofit private agency, organization or institution, a part of the loan or the entire loan can be waived. Rural areas and urban ghetto areas desperately need more medical services. The need for money is not the whole answer but it is a step forward.

The nursing profession, as I pointed out before, is a most important area of the medical personnel, and it is becoming even more of a basic necessity for public health because of increased population, higher income levels, increased education and medical insurance policies and the mounting specialization in medicine. An increase in the number of well-qualified nurses and their even geographic distribution would be a major advancement in the imperative need for more health manpower. I feel strongly that this bill is a necessary step if we are to meet our health needs in the years to come and I urge its passage by the House.

Mr. SPRINGER. Mr. Chairman, I yield whatever time he may consume to the gentleman from New York (Mr. PIRNIE).

The CHAIRMAN. The gentleman from New York is recognized.

Mr. PIRNIE. I thank the gentleman.

Mr. Chairman, I wish to take this opportunity to commend the objectives of this legislation and to ask a question. For years I have been concerned with the demise of nursing schools, particularly those identified with our hospitals. It has seemed that the requirements were being constantly raised, with greater emphasis upon technical instruction, than there was in general nursing skills, so that we were requiring nearly the level of medical competency that might attend the status of a physician. I wonder if we have been as objective and practical as we should be in the field of nursing education so as to make possible the entry into this very important field of those who would desire to do so.

Mr. SPRINGER. I may say to the gentleman, in answer to the first part of his question, it has not been that we have failed to supply funds even to local hospitals. The money problem has arisen at the local municipal level. They have been unable to support the local nursing school even with Federal funding. This has been the reason, more or less, for their demise in many instances. In my community two of the local nursing training schools at the hospital level have suffered from this.

May I say in reply to my distinguished colleague further, we now have the registered nurse program, which is 4 years. We have the associate, which is a 2-year program. We also still have the nurse training program at the hospital level, which is called the Diploma. So we have three types.

The one which certainly is going to grow and produce far more than either one or both of the others put together is the associate degree course. A lot of these young ladies want to go to college but do not want to go beyond 2 years. We can give them an associate degree at the end of 2 years.

In that way I believe we have lowered the requirement, if that is what the gentleman is asking. I do not believe we have lowered the training requirements, but we have lowered the time requirement for nursing from a 4-year level to a 2-year level if the young lady wants to qualify as an associate rather than as a baccalaureate nurse.

Mr. PIRNIE. I thank the gentleman. I am not desirous of lowering the standards, but I do desire to have the standards practical and objective.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I want to take this opportunity to commend the chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS) and the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS) and of course the ranking minority member of the committee, the gentleman from Illinois (Mr. SPRINGER) for what I believe is a milestone piece of legislation.

I have been interested in this, have watched it and followed it very closely for several reasons. One is I feel very close to the nursing profession, having married an RN, a former Navy nurse.

Second, when I was a State senator in Massachusetts, I worked very closely with my fellow colleagues and with nursing groups in the Commonwealth in effectuating the passage of the nursing registration law.

Third, contributions of the nursing profession in the field of medicine can hardly be overestimated. The many hours of service they so unselfishly give, their patience, and their good humor in many trying situations are recognized and appreciated by all of us, I am sure.

This legislation which provides for construction grants for teaching facilities, for capitation grants, and for funds for improvements in nurse training, as well as continuing authority for student loans and scholarships, seeks to increase the supply of nurses and improve the distribution of critically needed nursing personnel. Thus the act will benefit not only the nursing profession itself but also the people to whom they minister.

Since I am a member of the Appropriations Committee and serve on the subcommittee for HEW, I certainly will watch the appropriations and do all I can to make sure that this is fully funded when the time is right.

I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, in looking over the committee report I find there is a new program calling for loan guarantees as well as interest subsidies on the construction of nonprofit private schools of nursing. Would the gentleman from Illinois (Mr. SPRINGER) give us some additional information on that new program?

Mr. SPRINGER. I shall be glad to.

This follows the last time we renewed the Hill-Burton Act. The gentleman from Minnesota (Mr. NELSEN) raised a question as to a problem in Minnesota. Under many circumstances the local municipal authorities, if they had a Federal guaranteed loan, could go to the bank and get the money and build the hospital immediately without the necessity of going through the Hill-Burton Capital Grant Act. That has worked so successfully we felt in this kind of program it would be easier in many instances for them to go directly to the bank and get a guaranteed Federal loan with an interest subsidy of 3 percent and construct the facilities needed under the guaranteed loan, and do it much faster than by way of the Hill-Burton Act.

Mr. GERALD R. FORD. I wish to commend the committee for making this recommendation. Several years ago I had been helpful in getting a provision in a housing bill which to some extent covered the same ground as the provision the gentleman mentioned a moment ago, which was FHA financing for hospital construction. That program has worked well. It is working well now. I am convinced this will be very helpful in the construction of essential nursing facilities.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I am in hearty support of this legislation.

I rise in support of the Nurse Training

Act of 1971, which will increase the level of financial assistance to help facilitate the development of nurses by improving training facilities, increasing personnel, and providing new educational incentives.

The shortage of nurses today is reaching crisis proportions. Today 150,000 more nurses are needed than are actually in practice. By 1980, the demand will be for 1,100,000 registered nurses alone. This demand will not be met unless new facilities are built to accommodate more students, more nursing teachers are trained, and the doors are opened to those who need financial aid.

The rapidly growing population has created a disproportionate number of young Americans and older citizens. Infants and elderly require extensive medical attention, thus drastically increasing the need for nursing care. Nursing work is intense and time consuming—the present nursing personnel cannot be stretched any thinner—the areas of shortage or inadequate coverage are vast enough already. If the wider use of health programs for more Americans is to be encouraged, measures must be taken now to properly staff medical centers that handle these programs.

Potential nursing students are often discouraged by high costs of education. Over half our nursing students come from families of income less than $10,000. Unless incentives are given to these students and funds are made readily available, the nursing field will fail to find enough personnel. The future supply of nurses can only be met by relying on a larger supply of candidates. The Francis Bolton School of Nursing in my district has almost 99 percent of its enrollment on financial assistance and must have funds if these students are to be able to complete their education. The health professions student loan and scholarship extension would increase the levels of financial assistance to schools training health personnel. The Government must make efforts to match those efforts being made by the schools to attract and assist people in serious financial need.

The addition, loan funds and cancellation policies alone will not meet the problem. There must be facilities where young people can be educated. Many schools today use buildings that were designed for other purposes and can only serve as an inadequate environment for proper nurse training. A recent study showed that only 22 percent of the buildings now used were originally intended to house nursing schools. Present enrollments cannot be maintained in inadequate and unusable teaching space. Construction grants in the bill before us will allow for the construction of new facilities and for the replacement of inadequate ones.

The problem in the health field will not be solved just by more manpower. The people trained must have the highest quality education in order to properly serve in the increasingly advanced technology of the medical profession. Poorly prepared students cannot accept the increased responsibilities which nurses are increasingly being given by doctors. A high quality training program requires individualized programs, up-to-date equipment, and competent instructors. This bill contains a provision for special project grants which encourages innovations such as the merging of training programs, self-teaching devices, improvement of curriculums and other measures geared toward a higher quality education. In addition, high quality faculty can be attracted through the essential capitation grants.

The uneven distribution of nurses also adds to today's inefficient nursing care. The schools are not located evenly in all areas. Start-up grants for new schools are vitally needed to correct the situation. There are many medically unserved areas throughout the country. Rural areas and inner cities are a prime example of areas lacking adequate health care.

Mr. Chairman, the poor health record of our country needs to be improved, not only for today but to meet the demands of tomorrow. Quantitative and qualitative improvements are needed to keep hospitals from closing for lack of funds and help. The future health of the Nation will suffer greatly unless improvements in nurse training and health professions student loans are undertaken—there is no reason why medical need cannot be adequately met in a country such as ours. The bill before us will help meet our commitment to the health of all America.

The medicare program has provided an increased demand for the services of health professionals. The extension of medicare to the disabled of all ages will increase these demands. Some form of national health coverage will double the need for trained professionals in all health categories. This bill is essential to meet these needs.

Mr. STAGGERS. Mr. Chairman, I yield whatever time he may require to the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. I thank the chairman for yielding.

First of all, I would like to commend this legislation to the House and also publicly to express my appreciation to the members of the Subcommittee on Public Health and Environment for the hard work which they have done on all of this legislation that has been presented to the House today.

The legislation that has been presented to you is the work of all the members of that committee. Each one has had specific input into this legislation. It has been done as a group. No one member has more credit than the other members in authoring these bills. It has been a subcommittee effort.

Mr. Chairman, this bill, which will finally get us on track in producing enough nurses for the Nation, is important when you realize that nursing care is probably the most intensely used sector of health care, for a longer period of time, than any other health service. That I think puts in perspective the need for this legislation.

The subcommittee held extensive hearings on legislation to meet health manpower needs and has heard indisputable evidence of the critical need for nurses and the difficulties that are being faced by schools of nursing in meeting the costs of education and in obtaining the teachers and the facilities for training increased numbers of nurses.

Nursing is a national resource and the critical shortage of nurses is an undisputed fact. At the current time, there are 700,000 nurses in active practice, 150,000 fewer than are needed. By 1980, 1,100,000 nurses will be needed to help meet the increased demands due to growth in population, expansion in duties and responsibilities, and growth in the complexity of health care. The interrelated provisions of the Nurse Training Act of 1971 are designed to achieve this goal through a balanced program of support to schools and to students. Support to schools includes grants for construction, special projects, institutional support and for the initiation of new nursing programs. In addition, the legislation will support recruitment efforts of agencies and institutions aimed at alerting young people of financial, educational, or cultural need to opportunities in nursing and attracting them into schools of nursing.

I shall now summarize the features of the bill:

CONSTRUCTION

One of the critical needs is for replacement and modernization of antiquated and obsolete teaching facilities, many of which were never intended for use as nursing schools. Nursing schools have had particular difficulty in raising the matching funds for construction. The bill would extend the construction grant authority with a much needed increase in the Federal share of costs of construction and would also add new authority for loan guarantees and interest subsidies. These amendments should make possible the maintenance of thousands of student places as well as the creation of places for expanded enrollments.

SPECIAL PROJECTS

The nursing special project authorities have made great contributions to improvement in nurse training. This program would be continued.

New emphasis would be given to programs for training of pediatric nurse practitioners, nurse midwives, and family health practitioners. Few programs have as much potential for increasing the availability of health care as those who prepare nurses to perform tasks which heretofore have been performed only by physicians.

This authority would also allow special assistance to be given, at a time of great transition in nursing education, to projects involving the mergers and other cooperative arrangements between hospital and academic training programs that would assist in orderly transition and enhance and strengthen both academic and clinical aspects of the teaching program.

This legislation would also support efforts to increase the supply of nurses and provide opportunities for career mobility, such as assisting licensed practical nurses and medical corpsmen to become nurses.

CAPITATION GRANTS

In 1964, the Congress authorized grants for partial reimbursement to diploma schools. Assistance under this program was available to hospital schools until 1970. This support was replaced by new formula authority which was never funded.

H.R. 8630 will provide capitation grants for diploma, baccalaureate, and collegiate schools of nursing to help them meet the rising cost of education, attract and hold qualified faculty, and provide students with the clinical experiences to equip them for professional practice.

STARTUP GRANTS

One of the primary goals of this legislation is to increase as rapidly as possible the number of practicing nurses and to provide training resources where they are most needed.

The bill would add new authority giving incentives to new schools of nursing which, because of their use of existing facilities—including Federal medical facilities—can accelerate the date on which they can begin their teaching programs and can take larger numbers of students.

ADVANCED TRAINEESHIPS

There are severe shortages of nursing teachers, supervisors, and clinical specialists. One of the primary purposes of this legislation is to reduce these shortages as rapidly as possible. With the rapid increase in the number of nurse training programs, there is a critical need for more teachers. At the same time, the demand for specially trained nurses to staff such treatment areas as coronary care and intensive care units is mounting daily. The bill would extend the program of advanced traineeships for the preparation of these personnel, with increases in appropriation authorizations designed to make a major impact on the nurse training and patient care services without further delay.

STUDENT AID

The student aid amendments proposed in this are designed to assist increasing numbers of students to undertake and complete training in nursing and to assure that lack of financial means on the part of their families will not prevent them from becoming nurses.

The maximum amount of scholarship aid to a nursing student has been increased to $2,000 a year. The bill also extends the nursing student loan program and raises to $2,500 the maximum amount a student could borrow in any year.

The bill retains the present cancellation authority which provides incentives for nurses to remain in active practice. One of the most significant amendments is the new loan repayment authority designed to encourage nurses to practice in shortage areas where they are most needed. The bill would allow cancellation of 75 percent or $10,000, whichever is less, of nursing student loans and any other loan for nurse training, for 3 years of nursing practice in a shortage area.

If we are to move toward the goal of adequate health care for every American, we must have the skilled nursing personnel to provide essential health services.

The Nurse Training Act of 1971 represents a balanced program of assistance to overcome the critical shortage of nurses within this decade. I urge its immediate enactment.

Mr. PEPPER. Mr. Chairman, will my able colleague yield?

Mr. ROGERS. I am delighted to yield to the gentleman.

Mr. PEPPER. I am very much gratified to have the assurance in the report and in the legislation and from the able chairman of the subcommittee that this bill has as its purpose providing the number of nurses needed by 1980 in this Nation.

I notice 150,000 more are needed. I presume that means now. How many new or additional nurses will be provided by this legislation in the coming year?

Mr. ROGERS. Of course, there will be new schools of nursing started, so that it is going to take more than just a 1-year period. Probably the shortest period of time it will take is 2 years before we will begin to feel the impact, and probably it will be 3 years before we completely feel it.

Mr. PEPPER. If my able colleague will forgive me—and I do not say this in an unkind way—is this like so many of these programs that are fine, where we are going to do a fine job but we are not going to do very much in the immediate future?

Mr. ROGERS. If the gentleman will permit me, let me straighten him out on that. We are doing a great deal immediately. What I said to the gentleman is it takes at least 2 years to train a nurse. Simply by passing this legislation we will not have 100,000 more nurses tomorrow, because they must be trained first. This legislation trains nurses, and it is going to close the gap, but it will not close the gap overnight. It takes at least 2 years to train nurses.

Mr. PEPPER. Making due allowance for the training period, will this bill approximately meet the need for nurses by 2 years from now.

Mr ROGERS. Yes. It will meet future needs. Of course, it will take a little longer than 2 years to close the gap of 150,000. That gap should be closed by 1980. Let me show you what has been going on. From 1963 to 1965 we had 52,000 nurses being trained. Now we are up to 75,000 being trained. This is really accelerating. So, I can assure the gentleman that if he will support this bill—and I feel confident he will—we will produce nurses under this bill. We have a goal of closing the gap, and this legislation will do it.

Mr. PEPPER. Will the gentleman yield for one more question?

Mr. ROGERS. I certainly yield to the gentleman.

Mr. PEPPER. I heard from the able chairman of your committee in the Rules Committee the other day about the training of practical nurses. I know that must be a matter of great concern to the distinguished gentleman from Florida.

Mr. ROGERS. This is not covered in this legislation.

Mr. PEPPER. I know; I was advised by the distinguished chairman that that comes under the manpower training program, but I am concerned about providing practical nurses as well as registered nurses. The important part that practical nurses play in a national nursing program is very vital. I wonder if the gentleman would have your staff check with the Department of Labor and the Department of Health, Education, and Welfare as to the adequacy of the programs for providing practical nurses.

Mr. ROGERS. Yes.

Mr. PEPPER. I feel this is a matter of particular interest and within the knowledge of the gentleman's distinguished committee. I would certainly be grateful to the gentleman for urging and bringing to bear as much attention as can be focused on the subject of practical nursing and to bring about an increase in the number of practical nurses.

Mr. ROGERS. I agree with the gentleman on that and I am sure we will.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the distinguished chairman.

Mr. STAGGERS. We have requested the Department of Labor and HEW as to the number and the adequacy and the future training contemplated in this program so that it will be interrelated with our overall plans.

Mr. PEPPER. Do they have the money to train an adequate number of practical nurses in those programs?

Mr. ROGERS. This is, of course, not under the jurisdiction of this committee, as I am sure the gentleman knows. It is under the jurisdiction of the Committee on Education and Labor. I would doubt that they have sufficient money. That would be my guess. However, that is not under the jurisdiction of this committee but we would be glad to look into it.

Mr. PEPPER. I would greatly appreciate it if the gentleman's committee would do that and I realize that there is a dual jurisdiction involved here but I know the gentleman is very much interested in this phase of the nursing problem.

Mr. ROGERS. I thank the gentleman.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SATTERFIELD).

Mr. SATTERFIELD. I thank the distinguished chairman for yielding this time to me.

Mr. Chairman, I rise in support of this measure and urge that it be considered favorably by the House.

There is no single issue of greater importance to the people of this Nation than an adequate supply of physicians, nurses, and other health professions personnel. H.R. 8630 is a comprehensive measure designed to provide the incentives and the funds necessary to overcome the critical nurse shortage so evident now and projected into the future.

At the present time, although there are 700,000 nurses in active practice, there is a shortage of 150,000. We are told that by 1980 there will be a need for 1,100,000 nurses to meet the demand. H.R. 8630 encompasses programs designed to provide new and additional support to schools of nursing for operation, construction, and for special project grants for new nursing programs. It will also extend help to students by way of scholarship grants and scholarship loans.

Financial support to schools is predicated on need and more directly upon their ability to increase the number of students and graduates. Support is provided for diploma, associate degree and collegiate schools of nursing.

Perhaps the most important innovation in the bill is the provision of $169 million over the next 3 years to be used for capitation grants to such nursing schools at the rate of $200 for each enrolled student except those in their graduation year whose rate will be $500 for each such enrolled student.

Mr. Chairman, I believe that this bill will contribute materially to fulfilling the health needs of this Nation and that it will make possible provision of the number of nurses so desperately needed. I urge my colleagues in the House to support this measure.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine (Mr. KYROS).

Mr. KYROS. Mr. Chairman, I rise in support of this bill and urge its passage.

Mr. Chairman, as we consider H.R. 8630, the Nurse Training Act of 1971, it is important that we bear in mind that since 1964, over 160 hospital diploma nursing schools have closed because of inadequate financial aid, and that this country now has a nurse shortage of over 150,000. It is estimated that during the 1970's, our population will increase by 29 million persons, and by 1980, over a million nurses will be needed to give adequate care to our citizens. Although we now have about 700,000 practicing registered nurses, it is obvious that we must accelerate our nurse training programs if we are to keep pace with need.

It is, therefore, essential for the protection and well being of all Americans that we approve H.R. 8630, the Nurse Training Act. This important legislation continues for 3 years—title VIII of the Public Health Service Act—and authorizes Federal assistance for a variety of programs which support the training of nurses.

Our hospitals, clinics, and other medical facilities are faced with many more patients than there are skilled nurses to care for them. This can be attributed in part to the medicare program, which though enacted with the best of intentions, brought 17,000,000 people into health coverage, causing a great burden in terms of overworked hospitals and medical manpower. The well-publicized inadequate care to our aged given by many nursing homes is caused in great part by too few registered nurses on their staffs.

My own State of Maine presently has 7,551 practicing registered nurses, to serve a population of slightly under a million. An indication of the need of more nurse manpower is evidenced by a situation in Aroostook County, where at Jackman Station, a 14-bed hospital closes periodically throughout the year because of lack of health personnel. This hospital has tried to seek the services of nurses from religious orders in Canada, in order to have a full staff.

In light of the serious need for additional professional nurses to care for our expanding population, and the rising costs of education, it is imperative that we provide the financial assistance necessary to encourage more people to enter the nursing field. This can be accomplished by immediate passage of H.R. 8630, the Nurse Training Act.

Mr. STAGGERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. GRASSO).

Mrs. GRASSO. Mr. Chairman, I support H.R. 8630, the Nurses Training Act of 1971.

There is a serious shortage of nurses in every part of our Nation. The demand for nursing services increases yearly as our population grows and new and broader nursing roles are developed. Today, the estimate of need for 1980 stands at 1,100,000 registered nurses, 675,000 licensed practical nurses, and 550,000 aides. Not nearly enough nurses are being trained to fill this need. Moreover, large numbers of qualified teachers, supervisors, administrators, and clinical specialists are required as our health care programs are extended.

H.R. 8630 would extend the nurse training provisions of title VIII of the Public Health Service Act for 3 years with some modifications. I strongly support enactment of this bill and its provisions for recruitment and training of increased numbers of nurses at diploma, associate degree, and collegiate schools of nursing.

The extension of title VIII and the expansion of its coverage is a step toward increasing the supply and improving the geographic distribution of critically needed nursing personnel. Total admissions per year in State approved schools of nursing have increased by over 25,000 during the past decade, and total enrollment per year has climbed by over 45,000 during the same time. The urgent need for corresponding increases in funds for construction of new teaching facilities is recognized by the bill's extension of the present authority for grants for construction, its increase in the maximum Federal share of total construction costs, and its provisions for the construction of interim facilities to provide teaching space on a short-term basis while facilities of a more permanent nature are being planned and constructed.

The bill also permits loan guarantees and interest subsidies to assist in financing construction projects. Special project grants will assist schools of nursing in serious financial straits to meet operational costs required to maintain quality programs or to meet accreditation requirements.

To assist in the development of new nurse training programs, especially through the cooperation of existing academic and service institutions, the bill provides special authority for "start-up" grants. Capitation grants, requiring schools to actively seek expansion of enrollment, will help fill the gap between costs of educating nurses and income from tuition and fees.

Nursing students will benefit directly from the enactment of H.R. 8630 through its provisions for financial aid as well as through its efforts to improve the quality of nursing education. The legislation authorizes $83 million over 3 fiscal years for innovations such as interdisciplinary programs and cooperative arrangements between academic institutions and hospitals supplying necessary clinical experience. Nursing student loans as well as provisions permitting borrowers to cancel portions of a loan and interest are continued. A new provision would permit up to $10,000 of a loan and interest to be cancelled upon completion of at least 3 years of full-time professional service in a designated area of acute nursing shortage. Besides alleviating the imbalance in geographical distribution of nurses, this provision would provide an additional inducement for nurses to remain in active practice.

The program of scholarships would be extended and the maximum amount available to any one student would be increased to $2,000 per year, providing authority for approximately 102,000 scholarships.

An important innovation is the emphasis on imaginative attempts to broaden the base of recruitment by encouraging the active search among men, mature adults, and members of certain ethnic groups for persons with potential for nurse training. By drawing from a variety of candidates, the quality of nurses will keep up with the complexity of services and cultural needs of patients.

The legislation provides $66 million over 3 fiscal years for advanced traineeships in order to promote increased professional awareness, to create career opportunities for individuals, and to assure an adequate number of highly qualified teachers, clinical specialists, and supervisors. During the past 7 years since passage of the Nurse Training Act, the number of initial programs of nursing education has increased by approximately 15 percent. The number of unfilled faculty positions has grown accordingly. Academic and clinical preparation necessary for such responsibility increases with the range of services demanded and supplied.

Providing health care requires even more than personal dedication. The nurse of today is asked to function with professional competence in a field which extends far beyond the traditional hospital setting. Nurses reach out to every community in fulfilling their responsibility to prevent illness and maintain the highest standards of health. The nursing profession needs the funds that H.R. 8630 would provide for improvements in the academic and clinical education of increased numbers of nurses.

Mr. BYRNE of Pennsylvania. Mr. Chairman, an effective national policy directed toward improving the quantity and availability of health services in the United States necessarily depends upon our willingness to encourage young Americans to enter careers in the profession of nursing. In 1964, Congress enacted the original Nurse Training Act as a means of achieving precisely this goal.

Today we have an opportunity to extend and improve upon the nurse training program begun several years ago. H.R. 8630, the Nurse Training Act of 1971, provides some $710 million over 3 fiscal years to maintain and increase the supply of trained professional nurses in the United States. By 1980, it is estimated that we will require 1,100,000 nurses to meet the ever-increasing demand for health services. Without this new legislation, existing shortages of nurse personnel—already very acute—will grow to grave proportions. H.R. 8630 should therefore be given overwhelming support from the Members of the House.

The bill makes new moneys available to support the construction of new teaching facilities and for the replacement and rehabilitation of existing nurse training institutions. Institutional assistance will be provided in the form of capitation grants to support the continued operations of nurse training schools.

For prospective nursing students there are new incentives in this bill. Loan assistance is improved by increasing the total amount of money that a student may borrow from $6,000 to $10,000 during her professional basic training. What is more, up to 75 percent of any outstanding educational loans can be canceled, if the graduate nurse agrees to practice in areas where there are critical shortages of skilled nursing personnel. Additional scholarship money is also provided for under the new legislation. The maximum amount of an annual scholarship would be increased from $1,500 to $2,000, and it is hoped that schools will thereby be able to attract to nursing the young people who otherwise might not be able to afford professional training.

In all, Mr. Chairman, H.R. 8630 represents a new and bold commitment by Congress toward expanding the sorely needed personnel resources this country needs if health care is, in fact, ever to become a "right" for every citizen to enjoy. I urge every Member of this body to lend his or her wholehearted support for this important proposal.

Mr. SIKES. Mr. Chairman, I know of no more critical need in the Nation today than the urgent requirement for more nurses to care for our sick.

There is no question that we are not keeping pace with the increased demand for highly trained, professional nurses. Increased patient loads in our major hospitals, critical shortages of nurses in the smaller institutions, and the growing complexity of health care has created a demand that the Federal Government take steps to bolster the capability of teaching facilities to train nurses and, at the same time, provide official Federal encouragement for young people to enter upon this most worthwhile and rewarding career with the least amount of personal hardship during training.

For these, and other reasons, I fully support the concept of H.R. 8630 and similar bills aimed at meeting this urgent requirement. In fact, I am a cosponsor of this legislation.

The bill we are considering today will provide Federal assistance for traineeships and loans for student nurses as well as help to teaching institutions in the way of construction and improvement grants.

Passage of this bill will enable the Nation's nurse training institutions to develop new and meaningful programs to develop nurses skilled in the newest techniques of medical care. This bill will help shape the future of health care across our land, for with funds provided by this bill, institutions can train men and women in new skills heretofore unavailable to the medical field.

To say that America needs more nurses is truly an understatement. America must have more nurses if those in need of medical care are to receive it.

Passage of H.R. 8630 will be a major step in the right direction.

Mr. PICKLE. Mr. Chairman, anyone who has ever been exposed to health care realizes the value of a good nurse. They are a vital member of the health care team. This nursing training bill goes hand in hand with the health manpower bill we considered today in meeting this country's health care needs. There is presently a shortage of 150,000 nurses and, if we do not act today to alleviate that shortage, it may be too late to try to catch up tomorrow.

H.R. 8630 authorizes the expenditure of $594.5 million over the next 3 years. One hundred and five million dollars of this amount would go for construction, replacement, and rehabilitation of nurses training facilities. Also, this bill contains $132 million for student loans and scholarships. The need for increased financial aid to students has been brought to my attention several times in the last few weeks by young people in my district who have expressed a sincere interest in entering the health fields, but do not have the economic resources to meet the high cost of health education. We will be helping the country as a whole by helping these people train themselves as health professionals.

I am proud to be a sponsor of this Nurse Training Act and I strongly urge its passage.

Mrs. HECKLER of Massachusetts. Mr. Chairman, the American nurse is becoming increasingly responsible for a number of areas of patient care which previously had been only the province of doctors. In addition, nurses must be able to cope with a field whose technology is becoming more complex each day. Today's nurse is a professional in the highest sense of the word.

I support the Nurses Training Act because unfortunately professional nurses are in critically short supply. This shortage will reach crisis proportions unless Federal assistance is given to programs of training in nursing.

A nursing education is an expensive proposition. There can be no skimping where the care of human life is involved. Nurses must be trained to use the sophisticated machinery which have become an integral part of everyday health care. Yet few families or individuals have the resources to purchase such an education.

Through the Nurses Training Act, money will be available for scholarships and tuition loans, as well as loans for building increased numbers of facilities. And because a greater number of nursing students will mean a greater demand for professors, the act provides for a number of subsidized advanced traineeships.

Our young people, the recent high school and college graduates, will not be the only ones to benefit from this program. An effort will be made to utilize the training of former military corpsmen who have had much practical experience in nursing. Retiring firemen and policemen and older men and women who have completed one career and are not ready to retire, will all be encouraged to consider nursing as a profession.

Mr. Chairman, this program has already shown its effectiveness by substantially increasing the number of nursing students we have graduated in the last 6 years. But we need more, many more, and so I urge the passage of this bill today.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assmbled,

SHORT TITLE; REFERENCE TO ACT

Section 1. (a) This Act may be cited as the "Nurse Training Act of 1971".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

CONSTRUCTION GRANTS

Sec. 2. (a) Authorization level.—Section 801 (42 U.S.C. 296(a)) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION GRANTS

"Sec. 801. There are authorized to be appropriated for grants to assist in the construction of new facilities for collegiate, associate degree, or diploma schools of nursing, and for grants to assist in the replacement or rehabilitation of existing facilities for such schools, $30,000,000 for the fiscal year ending June 30, 1972, $35,000,000 for the fiscal year ending June 30, 1973, and $40,000,000 for the fiscal year ending June 30, 1974."

(b) Federal share.—Clause (A) of section 803(a) (42 U.S.C. 296b(a)) is amended by striking out "66⅔ per centum" and inserting in lieu thereof "75 per centum"; and clause (B) of such section is amended by striking out "66⅔ per centum" and inserting in lieu thereof "75 per centum" and by striking out "50 per centum" and inserting in lieu thereof "67 per centum".

(c) Loan guarantees.—Part A of this title VIII is amended by adding after section 808 (42 U.S.C. 296g) the following new section:

"LOAN GUARANTEES

"Sec. 809. (a) In order to assist nonprofit private schools of nursing to carry out construction projects for training facilities, the Secretary may, during the period beginning July 1, 1971, and ending with the close of June 30, 1974, guarantee (in accordance with this section and subject to subsection (f)) to non-Federal lenders making loans to such schools for such construction projects payment when due of the principal of and interest on any loan for construction of such facilities if the loan was made to a school which is eligible (as determined under regulations of the Secretary) for a grant under this part to assist a construction project for such facilities. The Secretary may make commitments, on behalf of the United States, to make such loan guarantees prior to the making of such loans. No such loan guarantee (1) may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to any amount which, when added to any grant for construction under this part or any other law of the United States, exceeds 90 per centum of the cost of construction of the project, or (2) may apply to more than 90 per centum of the loss of principal of and interest on the loan.

"(b) In the case of any nonprofit private school of nursing which is eligible (as determined under regulations of the Secretary) for a grant under this part to assist a construction project for training facilities, and to whom a loan has been made by a non-Federal lender to assist it in carrying out such project, the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1974, may, subject to subsection (f), pay to the holder of such loan (and for and on behalf of the school which received such loan) amounts sufficient to reduce by not to exceed 3 per centum per annum the net effective interest rate otherwise payable on such loan.

"(c) A loan guarantee or interest subsidy payment may be made under this section only upon an application (submitted in such manner and containing such information as the Secretary may by regulations require) approved by the Secretary. The Secretary may not approve an application for a loan guarantee or interest subsidy payment unless he determines that the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States. The Secretary may not approve an application for a loan guarantee, unless he determines that the loan would not be available on reasonable terms and conditions without the guarantee under this section.

"(d) (1) The United States shall be entitled to recover from the applicant for a loan guarantee under this section the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery; and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) To the extent permitted by paragraph (3), any terms and conditions, applicable to a loan guarantee under this section may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(3) Any loan guarantee made by the Secretary pursuant to this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(e) There is established in the Treasury a loan guarantee and interest subsidy fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts, (1) to enable him to discharge his responsibilities under guarantees issued by him under this section, and (2) for interest subsidy payments authorized by this section. There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required for the fund; except that the amount appropriated for interest subsidy payments may not exceed $1,000,000 in the fiscal year ending June 30, 1972, $2,000,000 in the fiscal year ending June 30, 1973, and $4,000,00 in the fiscal year ending June 3, 1974. There shall also be deposited in the fund amounts received by the Secretary or other property or assets derived by him from his operations under this section, including any money derived from the sale of assets. If at any time the sums in the fund are insufficient to enable the Secretary to discharge his responsibilities under guarantees issued by him under this section or to make interest subsidy payments authorized by this section, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriation Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations issued hereunder and for that purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which the securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from the fund.

"(f) (1) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriation Acts.

"(2) In any fiscal year no loan guarantee may be made under subsection (a) and no agreement to make interest subsidy payments may be entered into under subsection (b) if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

"(A) the principal of the loans guaranteed under subsection (a) in such fiscal year, and

"(B) the principal of the loans for which no guarantee has been made under subsection (a) and with respect to which an agreement to make interest subsidy payments is entered into under subsection (b) in such fiscal year,

to exceed the amount of grant funds obligated under this part in such fiscal year for construction grants; except that this paragraph shall not apply if the amount of grant funds so obligated in such fiscal year equals the sums appropriated for such fiscal year under section 801."

(d) INTERIM FACILITIES.—

(1) Section 843(i) (42 U.S.C. 298b(i)) is amended by adding at the end the following: "For purposes of this paragraph, the term 'buildings' includes interim facilities.".

(2) Section 843 (42 U.S.C. 298b) is amended by adding at the end thereof the following new paragraph:

"(j) The term 'interim facilities' means teaching facilities designed to provide teaching space on a short-term (less than ten years) basis while facilities of a more permanent nature are being planned and constructed."

(3) Section 802(b)(2) (A) and 804 (42 U.S.C. 296(b)(2)(A), 296(c) are each amended by inserting "(or in the case of interim facilities, within such shorter period as the Secretary shall by regulation prescribe)" immediately after "twenty years".

(e) TECHNICAL AMENDMENT.—Section 802 (a) (42 U.S.C. 296a(a)) is amended to read as follows:

"SEC. 802. (a) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications for grants under this part for any fiscal year must be filed."

SPECIAL PROJECT GRANTS AND CONTRACTS

SEC. 3. (a) AUTHORIZATION LEVEL.—Section 808(a) (42 U.S.C. 296g(a)) is amended to read as follows:

"SEC. 808. (a) For payments under grants and contracts under section 805 there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1972; $28,000,000 for the fiscal year ending June 30, 1973; and $35,000,000 for the fiscal year ending June 30, 1974."

(b) ASSISTANCE AUTHORIZED.—Effective with respect to appropriations made under section 808(a) of the Public Health Service Act (42 U.S.C. 296g(a)) for fiscal years beginning after June 30, 1971, section 805 (42 U.S.C. 296d) is amended to read as follows:

"SPECIAL PROJECT GRANTS AND CONTRACTS

"SEC. 805. (a) From appropriations under section 808(a) the Secretary may make grants to any public or nonprofit private health or educational entity, and enter into contracts with any public or private health or educational entity, to assist in meeting the costs of special projects to—

"(1) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(B) other cooperative arrangements between hospitals or academic institutions,

leading to the establishment of nurse training programs;

"(2) develop training programs, and train, for new roles, types, or levels of nursing personnel, including programs for the training of pediatric nurse practitioners or other types of nurse practitioners;

"(3) develop programs for cooperative interdisciplinary training among schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the team approach to the delivery of health services;

"(4) assist in increasing the supply, or improving the distribution, of adequately trained nursing personnel or to promote the full utilization of nursing skills;

"(5) effect significant improvements in the curriculums of schools of nursing;

"(6) research, develop, or demonstrate advances in the various fields related to education in nursing; or

"(7) plan, develop, or establish new programs or modifications of existing programs of nursing education.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(b) The Secretary may also make grants from appropriations under section 808(a) to assist public or nonprofit schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to implement any operational and financial reforms recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

"(c) The Secretary shall provide assistance (including assistance under this section which may be provided without regard to section 807) to the heads of other departments and agencies of the Government to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs."

INSTITUTIONAL GRANTS

SEC. 4. (a) CAPITATION GRANT.—Effective with respect to appropriations under section 808(b) of the Public Health Service Act (42 U.S.C. 296g(b)) for fiscal years beginning after June 30, 1971, subsection (a) of section 806 (42 U.S.C. 296e(a)) is amended to read as follows:

"SEC. 806. (a) From sums appropriated under section 808(b) for any fiscal year, the Secretary shall make grants to schools of nursing, with approved applications, computed as follows: Each school shall receive $200 for each full-time student enrolled in such school in such year (other than a student enrolled in such school who will graduate, as determined by the Secretary under subsection (c)(1), from such school in such year), and $500 for each student enrolled in such school who will graduate (as determined by the Secretary under subsection (c)(1)) from such school in such year. If the total of the grants to be made under this subsection for any fiscal year to schools with approved applications exceeds the amounts appropriated under section 808(b) for such grants, the amount of the grant for that fiscal year to each such school shall be an amount which bears the same ratio to the amount determined for the school for that fiscal year under the preceding sentence as the total of the amounts appropriated under such section for that year bears the amount required to make grants to each school in accordance with such sentence."

(b) ENROLLMENT INCREASE.—Effective with respect to grants made under section 806 of such Act for fiscal years beginning after June 30, 1971, the first sentence of subsection (b) of such section is amended by striking out "July 1, 1963, through June 30, 1968, by at least 2½ per centum of such average first-year enrollment, or by five students" and inserting in lieu thereof "July 1, 1966, through June 30, 1971, by at least 5 per centum of such average first-year enrollment, or by ten students". The last sentence of such section is amended by inserting before the period at the end thereof the following: ", or that the required increase would create an extreme hardship on such school".

(c) TECHNICAL AMENDMENT.—The first sentence of section 806(b) (42 U.S.C. 296e(b)) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

(d) AUTHORIZATION LEVEL.—Subsection (b) of section 808 (42 U.S.C. 296g(b)) is amended to read as follows:

"(b) For grants under section 806 there are authorized to be appropriated $54,000,000 for the fiscal year ending June 30, 1972; $56,000,000 for the fiscal year ending June 30, 1973; and $59,000,000 for the fiscal year ending June 30, 1974."

(e) START-UP GRANTS.—Part A of title VIII is amended by adding after the section 809 of such title added by section 2(c) the following new section:

"START-UP GRANTS FOR NEW NURSE TRAINING PROGRAMS

"SEC. 810. (a) The Secretary may make grants to any public or nonprofit private entity to assist in meeting the costs of planning, developing, or initiating new programs of nurse training. In considering applications for grants under this section, the Secretary shall take into account—

"(1) the number of students proposed to be enrolled in such program, and

"(2) the other resources available to such program.

"(b) The Secretary shall give special consideration to each application for grant assistance under this section for a new program of nurse training which contains or is reasonably supported by assurances that, because of the use that the program will make of existing facilities (including Federal medical facilities), it will be able to accelerate the date on which it will begin its teaching program.

"(c) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(d) The amount of any grant under this section shall be determined by the Secretary, but in no event may any grant exceed $100,000 for any fiscal year. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(e) There are authorized to be appropriated to carry out this section not to exceed $4,000,000 for the fiscal year ending June 30, 1972, $8,000,000 for the fiscal year ending June 30, 1973, and $12,000,000 for the fiscal year ending June 30, 1974. Sums appropriated under this subsection shall remain available until expended."

TRAINEESHIPS

SEC. 5. Section 821(a) (42 U.S.C. 297(a)) is amended (1) by striking out "and" after "1970,", and (2) by inserting after "1971," the following: "$20,000,000 for the fiscal year ending June 30, 1972, $22,000,000 for the fiscal year ending June 30, 1973, and $24,000,000 for the fiscal year ending June 30, 1974,".

LOANS

SEC. 6. (a) LOAN CEILINGS.—

(1) Effective with respect to academic years (or their equivalent as determined under regulations of the Secretary of Health, Education, and Welfare under section 823 of the Public Health Service Act (42 U.S.C. 297)) beginning after the date of enactment of this Act, subsection (a) of such section is amended by striking out "$1,500" and inserting in lieu thereof "2,500".

(2) Section 823(a) (42 U.S.C. 297(a)) is amended by striking out "$6,000" and inserting in lieu thereof "$10,000".

(b) LOAN CANCELLATION AND REPAYMENT.—

(1) Section 823(b)(3) (42 U.S.C. 297b(c)(3)) is amended by striking out ", except that" and all that follows in such section down through and including "may be canceled".

(2) Section 823 is amended by adding at the end thereof the following new subsection:

"(h) In the case of any individual—

"(1) who has received a baccalaureate or associate degree in nursing (or an equivalent degree), a diploma in nursing, or a graduate degree in nursing;

"(2) who obtained (A) one or more loans from a loan fund established under this part, or (B) any other educational loan for nurse training costs, including tuition, fees, books, supplies, and other related education expenses included under regulations of the Secretary; and

"(3) who enters into an agreement with the Secretary to serve as a nurse for a period of at least three years in an area in a State determined by the Secretary, after consultation with the appropriate State health authority, to have a shortage of and need for nurses;

the Secretary shall pay whichever is the least, $10,000 or up to 75 per centum of the outstanding principal and interest on the total of such loans upon completion by that individual of the service specified in such agreement. The Secretary shall, on or before the due date thereof, pay any loan or loan installment which may fall due within the three-year period with respect to which the borrower has entered into an agreement with the Secretary pursuant to paragraph (3), upon the declaration of such borrower, at such times and in such manner as the Secretary may prescribe (and supported by such other evidence as the Secretary may reasonably require), that the borrower is then engaged as described by paragraph (3), and that he will continue to be so engaged for the period required (in the absence of this sentence) to entitle him to have made the payments provided by this subsection for such period. A borrower who fails to fulfill an agreement with the Secretary entered into pursuant to paragraph (3) shall be liable to reimburse the Secretary for any payments made pursuant to the preceding sentence in consideration of such agreement."

(3) Notwithstanding the amendment made by paragraph (1) of this subsection to such section 823(b)(3)—

(A) any person who obtained one or more loans from a loan fund established under part B of title VIII of the Public Health Service Act, who before the date of the enactment of this Act became eligible for cancellation of all or part of such loans (including accrued interest) at the 15 per centum annual rate authorized by such section 823(b)(3) (as in effect on the day before such date), and who on such date was not engaged in a practice for which loan cancellation at such rate was authorized under such section (as so in effect), may at any time receive cancellation at such rate in accordance with such section (as so in effect); and

(B) in the case of any person who obtained one or more loans from a loan fund established under such part B and who on such date was engaged in a practice for which cancellation of all or part of such loans (including accrued interest) was authorized at such rate under such section (as so in effect) such section (as so in effect) shall continue to apply to such person for purposes of providing such loan cancellation until he terminates such practice.

Nothing in this paragraph shall be construed to prevent any person from entering into an agreement for such loan cancellation under section 823(h) of the Public Health Service Act (as added by paragraph (2) of this subsection).

(c) AUTHORIZATION LEVEL.—Section 824 (42 U.S.C. 297c) is amended (1) by striking out "and" immediately after "1970,", (2) by striking out "and such sums for the fiscal year ending June 30, 1972" and inserting in lieu thereof "$20,000,000 for the fiscal year ending June 30, 1972, $25,000,000 for the fiscal year ending June 30, 1973, and $30,000,000 for the fiscal year ending June 30, 1974, and such sums for the fiscal year ending June 30, 1975", and (3) by striking out "before July 1, 1971" and inserting in lieu thereof "before July 1, 1974".

(d) TECHNICAL AMENDMENTS.—

(1) Section 826 (42 U.S.C. 297e) is amended by striking out "1974" each place it occurs and inserting in lieu thereof "1977".

(2) The first sentence of section 827(a)(1) (42 U.S.C. 297f) is amended by striking out "next three fiscal years" and inserting in lieu thereof "next six fiscal years".

(3) Section 822(b)(4) (42 U.S.C. 297a(b)(4)) is amended by striking out "1971" and inserting in lieu thereof "1974".

SCHOLARSHIP GRANTS

SEC. 7. Effective with respect to scholarship grants made under subsection (a) of section 860 of the Public Health Service Act (42 U.S.C. 298c) for fiscal years beginning after June 30, 1971—

(1) subsection (b) of such section is amended to read as follows:

"(b) The amount of the grant under subsection (a) for the fiscal year ending June 30, 1972, and for each of the next two fiscal years to each such school shall be equal to $3,000 multiplied by one-tenth of the number of full-time students of such school. For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending before July 1, 1974.";

(2) subsection (c)(1) of such section is amended (A) by striking out "1970, and the next fiscal year" in clause (A) and inserting in lieu thereof "1972, and the next two fiscal years", (B) by striking out "1971" in clause (B) and inserting in lieu thereof "1974", and (C) by striking out "1972, and each of the three" in such clause and inserting in lieu thereof "1975, and each of the two"; and

(3) Subsection (c)(2) of such section is further amended by striking out "$1,500" and inserting in lieu thereof "$2,000".

PROGRAMS TO ENCOURAGE FULL UTILIZATION OF NURSING EDUCATIONAL TALENT

SEC. 8. Section 868 (42 U.S.C. 297c-7) is amended to read as follows:

"PROGRAMS TO ENCOURAGE FULL UTILIZATION OF NURSING EDUCATIONAL TALENT

"SEC. 868. (a) To assist in achieving the purposes of this part, the Secretary may make grants to public or nonprofit private health or educational entities, and may enter into contracts (not to exceed $100,000 per year per contract) with public and private health or educational entities, for the purpose of—

"(1) identifying individuals of financial, educational, or cultural need with a potential for nurse training and encouraging them to complete secondary school and undertake postsecondary educational training in the field of nursing.

"(2) identifying other individuals or classes of individuals with a potential for nurse training and encouraging them to undertake training in the field of nursing, or

"(3) publicizing existing forms of financial aid for nursing students, including aid furnished under this part.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(b) For the purpose of making payments pursuant to grants and contracts under subsection (a), there are authorized to be appropriated $1,500,000 for the fiscal year ending June 30, 1972, $3,000,000 for the fiscal year ending June 30, 1973, and $4,000,000 for the fiscal year ending June 30, 1974."

ADVISORY COUNCIL

SEC. 9. Section 841(a)(1) (42 U.S.C. 298(a)(1)) is amended—

(1) by striking out "sixteen members" in the first sentence and inserting in lieu thereof "nineteen members";

(2) by striking out "Four" in the second sentence and inserting in lieu thereof "Three of the appointed members shall be selected from full-time students enrolled in schools of nursing, four"; and

(3) by adding at the end thereof the following: "The student-members of the Council shall be appointed for terms of one year and shall be eligible for reappointment to the Council."

ADVANCE FUNDING

SEC. 10. Part C of title VIII of the Public Health Service Act is amended by adding at the end thereof the following new section:

"ADVANCE FUNDING

"SEC. 844. Any appropriation Act which appropriates funds for any fiscal year for grants, contracts, or other payments under this title may also appropriate for the next fiscal year the funds that are authorized to be appropriated for such payments for such next fiscal year; but no funds may be made available therefrom for obligation for such payments before the fiscal year for which such funds are authorized to be appropriated."

REPORT

SEC. 11. The Secretary shall prepare and submit to the Congress, prior to June 30, 1974, a final report on the administration of title VIII of the Public Health Service Act which shall include an estimate of the increase in the number of persons entering the nursing profession effected under such title prior to the enactment of this Act; an estimate of such increase effected in consequence of the enactment of this Act; an estimate of the number of nurses in relation to the need of the public therefor; and an appraisal of title VIII, as amended by this Act, to meet long-term national needs for nurses. The Secretary shall submit to the Congress a first interim report prior to June 30, 1973, and a second interim report prior to January 31, 1974, describing his preliminary findings in the preparation of his final report.

TECHNICAL AMENDMENTS

SEC. 12. Parts A, B, and C (other than section 841(a) thereof) of title VIII are each amended by striking out "Surgeon General" each place it appears and inserting in lieu thereof "Secretary". Section 803(b) (42 U.S.C. 296b(b)) is amended by striking out "Surgeon General's" and inserting in lieu thereof "Secretary's". Section 841(a) (42 U.S.C. 298(a)) is amended by striking out "Surgeon General" and inserting in lieu thereof "Secretary (or his delegate)".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. STAGGERS. Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read as follows:

Committee amendments: Page 13, beginning in line 14, strike out "Effective with respect to" and all that follows down through and including line 17 and insert in lieu thereof the following: "The first sentence of subsection (b) of section 806 (42 U.S.C. 296e) is amended by striking out 'July 1,' ".

Page 13, line 23, strike out "section" and insert "subsection."

Page 14, line 4, strike out "1973" and insert in lieu thereof "1971".

Page 16, beginning in line 11, strike out "the date of enactment of this Act" and insert in lieu thereof "June 30, 1971".

Page 17, strike out lines 13 through 17, and insert in lieu thereof the following:

the Secretary shall upon completion by that individual of the practice specified in such agreement pay, for and on his behalf, the principal of and interest on any loan of his described in paragraph (2) which is outstanding on the date he begins such practice; except that the total amount of principal of loans of any such individual which the Secretary may repay under this subsection may not exceed the lesser of $10,000 or 75 per centum of the total amount of principal of such individual's loans outstanding on such date. Notwithstanding the requirement of completion of practice, the Secretary shall, on or before the due date thereof, pay.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 25, add after line 19 the following:

SEX DISCRIMINATION

SEC. 13. Title VIII is amended by adding after section 843 the following new section:

"DISCRIMINATION ON BASIS OF SEX PROHIBITED

"SEC. 844. The Secretary may not make a grant, loan guarantee, or interest subsidy payment under this title to, or for the benefit of, any school of nursing unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the school will not discriminate on the basis of sex in the admission of individuals to its training programs. The Secretary may not enter into a contract under this title with any such school unless the school furnishes assurances satisfactory to the Secretary that it will not discriminate on the basis of sex in the admission of individuals to its training programs."

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS. Mr. Chairman, this is a similar amendment to the amendment which was offered by the distinguished gentlewoman from Oregon (Mrs. GREEN) to the previous bill, and I shall not take a great deal of time in discussing it.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the distinguished chairman.

Mr. STAGGERS. I would certainly have no objection to the amendment being adopted.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Illinois.

Mr. SPRINGER. The gentleman said it was similar?

Mr. ROGERS. It is the same as the Green amendment.

Mr. SPRINGER. It is the same as the Green amendment?

Mr. ROGERS. That is correct.

Mr. SPRINGER. Mr. Chairman, we have no objection to the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. ROGERS).

The amendment was agreed to.

AMENDMENTS OFFERED BY MRS. MINK

Mrs. MINK. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to

the request of the gentlewoman from Hawaii?

There was no objection.

The Clerk read as follows:

Amendments offered by Mrs. MINK: On page 21, insert after line 5 the following:

(e) EXPANSION OF ELIGIBILITY FOR LOANS.—Sections 822(b)(4) and 823(b)(1) and the part of section 823(b)(2) preceding clause (A) thereof (42 U.S.C. 297a(b)(4), 297b(b)(1), 297(b)(2)) are each amended by striking out "full-time course of study" and inserting in lieu thereof "full-time or half-time course of study".

and, on

Page 22, strike out "and" at the end of line 7; strike out the period at the end of line 10 and insert in lieu thereof "; and"; and insert after line 10 the following:

(3) subsection (c)(1) of such section is amended by inserting "or half-time" immediately after "full-time" each place it occurs.

Mrs. MINK. Mr. Chairman, I rise to offer two amendments to H.R. 8630, the Nurse Training Act of 1971.

I regret that I did not have the opportunity to bring the matter covered by my amendments before the committee during its hearings on this important legislation, but only recently was the problem involved brought to my attention. I thank the gentleman from Florida (Mr. ROGERS) for permitting consideration on the floor.

In brief, my first amendment would allow nursing loans to be made available to half-time students as well as full-time students. The present law specifies that full-time students are eligible for these loans, but I feel that circumstances warrant their extension to half-time nursing students, too. My second amendment makes a similar provision for half-time scholarships for nursing students.

I was advised by a nursing education supervisor at a hospital in Hawaii that while many of the nurses are graduates of hospital nursing courses, they do not have degrees in nursing. Recently, the nursing schools closed and all students are now required to attend the University of Hawaii to become nurses. The nondegree nurses are consequently realizing that it is important for them to go back to school and acquire a degree.

A community college on the island concerned has developed a new program that would recognize the experience of the nondegree nurses as a partial credit toward a degree in general studies. There are about 30 nurses who are interested in this opportunity. Most of them, however, are unable to attend college on a full-time basis. They are already employed and badly needed in our hospitals.

Even if they were able to enter college full time, it would be unwise to do so because this would create a shortage in a vital area of nursing.

As I looked at this problem, it occurred to me that there was an even wider need for half-time assistance. This entire bill is addressed to a serious nationwide shortage in trained professional nurses, and I believe that the availabiilty of aid for half-time studies would go far toward remedying this situation.

There may be many persons in all of our States who would be interested in the profession of nursing, but lack the means of attending college on a full-time basis. My amendment would permit them to study half time where courses were offered or could be developed, meanwhile holding other jobs or tending to their families.

My amendment does not require that any specific amount be set aside for the purpose of half-time assistance. It would be entirely at the discretion of the administering agency.

I would merely like to remove statutory limitations which do not allow this discretionary flexibility at the moment. I think the Department of Health, Education, and Welfare is capable of determining the proper requirements and standards for this assistance. My intent is that as far as possible the policies should remain the same except that half-time assistance would be available where needed.

I urge the adoption of my amendments.

Mr. STAGGERS. Mr. Chairman, I rise to say that on this side we have no objection to the amendments offered by the gentlewoman from Hawaii (Mrs. MINK) and would accept the amendments.

Mr. SPRINGER. Mr. Chairman, we on the minority side have no objection to the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Hawaii (Mrs. MINK).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 20, after line 8, insert the following and redesignate the following paragraphs accordingly:

"(c) ALTERNATE REPAYMENT.—Section 823(b) (42 U.S.C. 297b) is amended by adding thereto the following new subsection:

"(i) In lieu of payments required under this section, an institution may enter into an agreement with a student providing that, beginning with the student's second taxable year which begins after the student ceases to pursue a full-time course of study, repayments shall be made at a rate for each taxable year equal to five per centum of the person's personal net taxable income for such year, as defined or determined by section 63 of the Internal Revenue Code of 1954, until such loan is repaid.

Mr. SMITH of Iowa. Mr. Chairman, I think almost everyone agrees that we have a crisis in our health delivery system. Some would disagree as to how to take care of it. Some would just pour more money into the present system. I happen to think we must reform the system.

Now, Mr. Chairman, it is nice to hope that this bill that was passed just a few minutes ago to help educate physicians will provide enough doctors so that everybody can have a specialist for every ailment they have, but I do not believe it is going to happen. The only way we will have adequate medical service in this country is to delegate some of the doctors' responsibility to the nurses. And that is the reason I think this is an important bill. But we cannot delegate those responsibilities unless there are plenty of good nurses.

About 70 percent of our school teachers in many areas of this country, are married women whose children are at least past the preschool stage, and that is exactly where a big increase in the supply of the nurses are going to have to come from. Since we do not have an adequate source of nurses in this country, the question is how do we get these nurses? Well, if a young woman is poor enough and if her parents are poor enough, she can get a scholarship. In many places, she can get all the money she needs. Or, if your parents are wealthy enough, her parents can pay her way. But what if she is just a good, young all-American girl whose parents are average in this country, who make about 8 or 10 thousand dollars a year, and she expects during her lifetime to work about 25 of the next 30 years and at the same time raise a family?

She walks in to get a loan. She is faced with an inflexible repayment schedule—10 percent each year of the total amount of the loan for 10 years. If she is out of the job market a couple of years, she is in default on her loan and carried on the list of defaults. She gets so far behind, it seems she had just as well never expect to catch up. The prospect of the situation is just too much for some of these young women who are 18 and 19 years of age to face. They say—I do not know for sure what I am going to do. I hope to get married. I hope to have a family and I do not want a rigid repayment schedule for a large debt.

What this amendment does is to provide that in this kind of an event, the nursing school can say—OK, we will permit you to repay a certain percentage of your income per year in lieu of a rigid repayment schedule. In those years you work, you will pay and in those years you do not work, you will not pay.

This they can understand. It does not bind them unduly during a period of uncertainty and this is what they will accept.

Several of the nursing school people have been before our Committee on Appropriations and they tell us that this will help a great deal to get some of the good young women of America that they want and they have not been able to get into the nursing schools.

If we are going to extend the nursing schools, they are going to have to take care of this kind of problem so I say it is about time we started thinking about these kinds of problems. I do not think this bill is sensitive as to this particular problem and I would hope the committee would adopt the amendment.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment and I do so very reluctantly because I consider the gentleman who has just spoken, the gentleman from Iowa (Mr. SMITH), to be one of the finest Members of this Congress that we have and, certainly, consider him as one of my great and good friends.

Mr. Chairman, the subcommittee in their wisdom have decided that this is not appropriate to the bill. I can remember—it seems to me it was in 1968 that the gentleman offered the same amendment and we opposed it at that time. It was not put into the legislation this time and it is not in the legislation. I oppose the amendment, Mr. Chairman, because the subcommittee in their wisdom feel that it should not be in the legislation.

Mr. SPRINGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are very sound reasons for opposing this amendment.

There is no reason why nurses should not repay a loan and all the nurses I know feel that way about it.

Under the gentleman's amendment it would be possible under certain circumstances that the loan never would be repaid because it calls for 5 percent of the net income.

In some circumstances she would work and never pay anything or even be required to pay anything in her entire lifetime. Let me show you what the bill does do—a nurse can get 10 percent a year up to one-half of the loan or 50 percent of the total for working in any public or nonprofit institution.

She can get 50 percent for just working and she can get 75 percent forgiveness in 3 years if she works in a shortage area.

This is not any burden on anybody. We give them every opportunity to have forgiveness of a loan and it is not forcing anything upon them.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, you are talking about the years that she is working. My amendment is not directed at repayment obligations during those years. When she is working, let her repay the loan. You are saying that she should be repaying those years that she is working.

What about the years when she has several children—preschool-age children or does not work?

Mr. SPRINGER. I am talking about the years right after she graduates when she expects to work and that first period of years we expect to get the loan repaid.

Mr. SMITH of Iowa. If she does not repay the regular loan, you are not going to get it back anyway.

Mr. SPRINGER. But the way the gentleman has it if, for instance, she had no net income over the years, she could carry that on her income tax in certain ways and if she has no income tax at all, certainly, she would never be required to pay anything.

Mr. SMITH of Iowa. The fact is that the worst possible time for the repayment to be inflexible is the first years immediately after she graduates because that is when she has young children and the best time to repay is a few years later. If she is in that situation, she still has 30 years to pay.

Mr. SPRINGER. I believe the gentleman is mistaken on this because I think you will find most of the nurses working are young nurses and immediately after they get married.

We have three all in the same circumstances. But under the gentleman's amendment, we would have returned all of this money back to the Treasury in the time that they worked for the loan. But if you are going to stretch this out to those years where you can just take 5 percent and that is all, and that is the only obligation she would have, I can figure ways by which, if she is a smart operator, she would never repay the loan or any part of it.

Mr. SMITH of Iowa. You are saying that the nursing schools to whom students apply for a loan, students who need and want a loan, that those nursing schools and their loan officers would be too generous and lend money to such people.

Mr. SPRINGER. Certainly they are going to give the money to the people who are in need. The question is not one of need. The question is how and under what circumstances we shall require the loan to be repaid. What seems far more important is that we must measure those in the same way we have measured other loans. To change the form of payment would require us to be back next year with a modification of repayment terms for everybody else under this program; $10,000 is quite a large sum of money to give to anybody to allow them to be educated. It certainly is not nearly as much as a doctor requires, I am willing to concede to the gentleman. Nevertheless, it is a sizable amount of money to encourage a person who does not have money to go to a nursing school to be trained in that profession.

But I think it would be wrong for us to give the idea here that there would be a possibility that these loans would not be repaid. I think that would be the worst thing we could do, so far as the Congress is concerned, to demonstrate to the public that in a program under which we are lending public funds, we are not expecting very prompt payment of the loans.

May I say this to my distinguished colleagues from Iowa, for whom I have the greatest respect, that the rate of repayment on all of these loans of all kinds is very high. We have had excellent repayment. We have not had any objection to the way in which these repayments are made. The good part of the program, and the reason I recommend this program so strongly, is that we are getting the money back, and that is because we have set up a sound method by which we can expect repayment with forgiveness of 50 percent, under other conditions 75 percent, and other conditions under which they do not have to repay anything. We are giving the advantage to the people who apply for these loans.

Mr. SMITH of Iowa. I think the gentleman will realize that the default rate has been rising and I think that about half of those who do not repay should not be considered bad risks for it is really not their fault. They have a particular circumstance that puts them out of the job market for a year or two. They should not be in the bad debt category.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Florida.

Mr. ROGERS. My concern is that the amendment would not encourage people to go into nursing but to stop working. That is exactly what we want to encourage young ladies to do, to work, to be nurses. That is the purpose of the legislation, and we should write this into the contract. I would urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair (Mr. GRAY) Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8630) to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses, pursuant to House Resolution 482, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 324, nays 0, answered "present" 1, not voting 108, as follows:

[Roll No. 177]

YEAS—324

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Colmer
Conte
Conyers
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dellums
Denholm
Dennis

Derwinski
Dickinson
Diggs
Dingell
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Gross
Grover
Gude
Haley
Halpern
Hammerschmidt
Hanley
Hanna
Harrington
Harsha
Harvey
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Jacobs
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
King
Koch
Kyros
Landgrebe
Lent
Link
Lloyd
Long, Md.
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Rangel
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Roberts
Robinson, Va.
Rodino
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wylie
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

ANSWERED "PRESENT"—1

Schmitz

NOT VOTING—108

Adams
Alexander
Ashbrook
Baker
Baring
Barrett
Bell
Bingham
Bow
Brasco
Broomfield
Broyhill, N.C.
Broyhill, Va.
Buchanan
Caffery
Cederberg
Celler
Clancy
Cleveland
Collier
Collins, Tex.
Conable
Corman
Cotter
Crane
Danielson
Davis, Ga.
de la Garza
Dent
Devine
Donohue
Dowdy
Dwyer
Edwards, La.
Flynt
Frelinghuysen
Frey
Griffin
Griffiths
Gubser
Hagan
Hall
Hamilton
Hansen, Idaho
Hansen, Wash.
Hastings
Hathaway
Hawkins
Heckler, Mass.
Hull
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, Tenn.
Keith
Kemp
Kluczynski
Kuykendall
Kyl
Landrum
Latta
Leggett
Lennon
Long, La.
Lujan
McCloskey
McClure
McCulloch
McDonald, Mich.
McMillan
Martin
Mathias, Calif.
Melcher
Michel
Miller, Calif.
Mills, Ark.
Moorhead
Murphy, N.Y.
Passman
Pettis
Peyser
Poff
Pucinski
Purcell
Railsback
Randall
Rhodes
Robison, N.Y.
Roe
Rousselot
Runnels
Ruppe
Ruth
Sandman
Saylor
Seiberling
Sikes
Stanton, J. William
Steiger, Ariz.
Stephens
Taylor
Wampler
Watts
Wilson, Charles H.
Wydler
Wyman
Yates

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Devine.

Mr. Johnson of California with Mr. Cederberg.

Mr. Roe with Mr. Sandman.

Mr. Brasco with Mr. Wydler.

Mr. Celler with Mr. Hawkins.

Mr. Sikes with Mr. Latta.

Mr. Taylor with Mr. Broyhill of Virginia.

Mr. Charles H. Wilson with Mr. Frelinghuysen.

Mr. Cotter with Mr. Collier.

Mr. Corman with Mr. Railsback.

Mr. Davis of Georgia with Mr. Ashbrook.

Mr. Donohue with Mrs. Heckler of Massachusetts.

Mr. Purcell with Mr. Poff.

Mr. Hamilton with Mr. Robison of New York.

Mr. Miller of California with Mr. Rhodes.

Mr. Hathaway with Mr. Clancy.

Mr. Alexander with Mr. Ruth.

Mr. Bingham with Mr. Broomfield.

Mr. Barrett with Mr. Saylor.

Mr. Melcher with Mr. Bell.

Mr. Kluczynski with Mr. McClure.

Mr. Runnels with Mr. Baker.

Mr. Jones of Tennessee with Mr. Kuykendall.

Mr. Hagan with Mr. Crane.

Mr. Baring with Mr. Hall.

Mr. Passman with Mr. Martin.

Mrs. Griffiths with Mr. McDonald of Michigan.

Mr. Caffery with Mr. Hastings.

Mr. de la Garza with Mr. Keith.

Mr. Lennon with Mr. Jonas.

Mr. Jarman with Mr. Ruppe.

Mr. Danielson with Mr. Mathias.

Mr. McMillan with Mr. Wampler.

Mr. Watts with Mr. Kemp.

Mr. Stephens with Mr. Michel.

Mr. Mills of Arkansas with Mr. Bow.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mr. Pucinski with Mr. Pettis.

Mr. Landrum with Mr. Cleveland.

Mr. Murphy of New York with Mr. Peyser.

Mr. Yates with Mr. McCloskey.

Mr. Moorhead with Mr. Wyman.

Mr. Leggett with Mr. Gubser.

Mr. Adams with Mr. Hansen of Idaho.

Mr. Dowdy with Mr. Collins of Texas.

Mr. Seiberling with Mr. Conable.

Mr. Ichord with Mr. Broyhill of North Carolina.

Mr. Hull with Mr. Buchanan.

Mr. Edwards of Louisiana with Mr. Frey.

Mr. Flynt with Mr. Kyl.

Mr. Randall with Mr. J. William Stanton.

Mr. Griffin with Mr. Steiger of Arizona.

Mr. Long of Louisiana with Mr. Rousselot.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEGISLATIVE PROGRAM FOR THE BALANCE OF THIS WEEK AND THE WEEK OF JULY 5, 1971

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. I am very happy to respond to the distinguished minority leader. In response to the latter part of your question, we have completed the work of this legislative week.

Monday, of course, is the July 4th recess.

On Tuesday we have scheduled the Private Calendar, the Consent Calendar, and one suspension, H.R. 9181—Northwest Atlantic Fisheries Amendment. As far as I know, it is not controversial.

On Wednesday we have scheduled:

H.R. 6483, Marine Corps generals appointment, with an open rule and 1 hour of debate.

H.R. 8805, Obscene mail category for minors, with an open rule and 1 hour of debate.

On Thursday we have scheduled:

H.R. 8181, Export-Import Bank extension, subject to a rule being granted.

H.R. 9093, Desalting program expansion, subject to a rule being granted.

Conference reports and privileged resolutions, of course, may be called up at any time and any further program will be announced later.

Mr. GERALD R. FORD. Can the Members expect that the resolutions of inquiry which were reported by the Committee on Foreign Affairs will be coming up on Wednesday? Is that a possibility?

Mr. BOGGS. It is more than a possibility, I believe. The chairman of the committee informed me he intends to call them up on Wednesday. Of course, that is subject to change; he could change his mind.

Mr. GERALD R. FORD. Is it also true that on Friday, July 16, and on Friday, July 30, there is the expectation that there will be business on both those days?

Mr. BOGGS. The gentleman will recall that in response to a question he posed some weeks ago the answer was in the affirmative. That is also subject to whether or not legislation is available.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that any business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next, July 7, 1971.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. FOLEY. Mr. Speaker, I was unavoidably absent for rollcall No. 176. Had I been present I would have voted "yea."

STATEMENT OF FINANCIAL WORTH OF CONGRESSMAN ROMANO L. MAZZOLI

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAZZOLI. Mr. Speaker, today I am placing into the RECORD a complete statement of my financial worth as of December 31, 1970. This statement includes a listing of all assets which are held in my name individually or which are held jointly with my wife, as well as all assets which are held by my wife in her individual name.

I have also included a statement of our income, from all sources, for calendar year 1970, as developed from our income tax return for that year.

I intend to place a full financial disclosure into the RECORD for each year that it is my honor to serve in the Congress of the United States.

The statement of finances is as follows:

STATEMENT OF FINANCIAL CONDITION

ROMANO L. AND HELEN D. MAZZOLI

December 31, 1970

Cash on deposit	
Lincoln Federal S&L Assn., Account 37889	$2,174.74
Liberty National Bank & Trust Co., Account 09–013390	3,479.63
Liberty National Bank & Trust Co., Account 08–33–816–7	716.72
American United Life Insurance Co., Policy 1011729	387.94
Securities, Stock, and Bonds	0
Real property	
Residential:	
House (Louisville): Assessed Value	$18,860.00
Less: Mortgage, Portland Federal S&L	12,251.99
Equity	6,308.01
Commercial or Investment	0
Household Goods and Miscellaneous personalty (Estimated)	4,000.00
Cash surrender value of life insurance policies	
American United Life Insurance Co., Policy 1011729	$2,231.84
American United Life Insurance Co., Policy 1116312	171.05
Automobiles	
1965 Rambler	$745.00
1955 Chevrolet (Estimated)	100.00
Law Office Furniture, Equipment, and Library	523.00
Total assets	20,837.93

INCOME FOR CALENDAR YEAR 1970

Interest income	
Lincoln Federal S & L Association	$105.00
Liberty National Bank & Trust Company	190.00
American United Life Insurance Company	15.00
Political Honoraria	685.00
Law Practice, Net Income (Gross: $8,602.00)	2,430.00
Commonwealth of Kentucky, State Senate	
Salary	$1,875.00
Unexpended Expense Allowance	2,132.00
	4,007.00
Total income	7,432.00

TURKEY BANS OPIUM PRODUCTION

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, I want to congratulate the Turkish Government on the steps that it has taken to ban within its borders the cultivation of opium after 1972.

I realize that there has just been some discussion on this floor on this subject, some of it critical. I think, however, that before we jump to conclusions, we must realize the complexities of enforcement in a country like Turkey and the fact that there are, as I recall it, something like 15 counties or provinces that are involved and that this is a very valuable cash crop to these farmers. I believe that the Turkish Government has taken a very substantial forward step and that our Government and our own Government agencies are to be commended for their activity and for this accomplishment. I would hope that other governments in Asia and Latin America would be as cooperative as Turkey.

Mr. Speaker, that Turkey has banned all opium cultivation within its borders after 1972 is the most encouraging item of news in today's Washington Post.

The U.S. Government through various agencies has been working in cooperation with the Government of Turkey for several years to achieve this encouraging advance. Since 80 percent of the heroin that is smuggled into the United States is derived from Turkish opium, the decision of the Turkish Government to cut off opium production represents a real breakthrough in efforts to control our Nation's domestic heroin addiction epidemic.

If the governments of the Southeast Asian and South American countries could achieve similar success in enacting laws to control their narcotic drug production, our national addiction crisis would be expeditiously solved. Our Government could beneficially focus its attention on the cultivation of narcotic drugs in these countries next.

I commend the Government of Turkey and our own Federal agencies for their cooperative effort. I include an article from the Washington Post of June 30 for the RECORD:

TURKEY PLANS BAN ON OPIUM GROWING

ANKARA, TURKEY.—Turkey has agreed to ban all opium production after 1972, authoritative sources said yesterday. U.S. officials have estimated up to 80 per cent of the heroin smuggled into the United States is made from Turkish opium.

The prohibition would fulfill a major American foreign policy goal. The sources said the United States would compensate Turkey poppy growers in return.

The ban, to be published officially today, names the four provinces in western Turkey where opium can be planted this fall under a previous government decision last year, the informants said.

And after next July's harvest, the planting of opium poppies or the production of opium would be completely forbidden within the borders of Turkey.

President Nixon and Turkish Premier Nihat Erim are expected to make statements today about the ban, the sources said.

FEDERAL COAL MINE HEALTH AND SAFETY ACT

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ERLENBORN. Mr. Speaker, starting today, the Department of the Interior is conducting a series of meetings to compile information and suggestions on the enforcement of the Federal Coal Mine Health and Safety Act, which President Nixon signed into law on December 30, 1969. The importance of this act in improving conditions for the more than 140,000 men who work in coal mines of the United States was dramatically presented today in a statement by the Secretary of the Interior, the Honorable Rogers C. B. Morton. At this time I insert Secretary Morton's remarks in the CONGRESSIONAL RECORD:

REMARKS OF ROGERS C. B. MORTON

This morning we are opening a series of meetings pursuant to our announcement in the Federal Register of June 25 regarding coal mine health and safety. We hope the input and testimony we will receive will be of real assistance to the Department. This information will be carefully evaluated in the compilation of our report to the Congress concerning Departmental responsibilities and activities as defined in the Coal Mine Health and Safety Act of 1969.

At the outset, may I express my personal thanks for the time and effort contributed by all the participants in this and subsequent meetings. Our common goal is to improve the health and safety for more than 140,000 men working in the coal mines of the United States.

First, let us review the current situation in the industry. Over the years, the coal mining industry has been the most accident prone and the source of more fatalities than any other major industry in America. Between 1954 and 1969, there were 5,553 fatalities and 207,988 injuries resulting from accidents in coal mines. This does not include any measure of the deterioration of individual miners' health due to working conditions on the job.

One of the early legislative proposals of this Administration was the Coal Mine Health and Safety Act, which was signed into law by President Nixon in December of 1969.

A good measure of our current effort to improve health and safety in mines is drawn from the funding level of the current program compared to that of former years. For example, in fiscal year 1968, the Bureau of Mines Budget for health and safety was $10,777,485. The request for fiscal year 1972 by the Bureau is for $71,075,000.

Since the Act became law, the Bureau of Mines has increased its inspector force from 300 to 1,090. These men are now either working actively in mines inspection or are undergoing an extensive training program which will give us a fully trained inspector force by the end of this year.

Since January of this calendar year, the Bureau has conducted 11,011 inspections, has cited 32,201 violations, and has levied 38,000 fines totaling $4,800,000. This compares with 2,408 notices of violations made by the Bureau for the full year of 1968.

The Coal Mine Health and Safety Act of 1969, then, marks a threshold as we enter a new era of action to reduce the hazards which confront the men who work in our mines.

During the six-month period from January through June of 1971, the Bureau recorded 98 fatalities which was the lowest number of fatalities recorded in any comparable period since the Bureau started accumulating these records.

Though this is an improvement, there is still a long way to go, and we do not accept the current accident rate as satisfactory.

Most accidents which occur in coal mines can be placed into two categories: One—accidents which are caused by conditions in the mines which the operator of the mine can control, and two—accidents which are caused by carelessness or failures on the part of the miner himself.

We will strive to attain the highest possible level of health and safety by continuing to improve the standards and practices in both categories. By working with management and supervisory personnel within the mining industry and through constant and vigilant inspection, we can and we must eliminate those conditions which cause accidents of the first category.

Through education and training programs carried out in cooperation with the unions, management, other employee groups, and the individual miner himself, we must, to the limit of our resources, do all that is feasible to reduce the accidents and fatalities of the second category. In other words, we must help the miner help himself.

These two approaches cannot be separated—nor can one be sacrificed for the other.

Significantly, education for the individual miner has parallel throughout American industry, in many agencies of government, and by such public spirited organizations as the National Safety Council. For example, the Federal Aviation Administration has carried on for years a pilot safety program that has been implemented by associations, by fixed base airport operators, and training schools and by pilots themselves. Major industry throughout the country constantly conducts training seminars and safety education programs for their workers.

The coal mining industry, with its hundreds of operating entities must depend on help from the Bureau of Mines in this effort. There are many small operators who do not have the expertise or the resources to carry out comprehensive education and training programs for the people who must work in the hazardous environment of underground mines. I can report to you that the Bureau of Mines is currently reviewing several methods by which it can best render this service.

If a single miner's life is saved as a result of better safety education and a better understanding of the hazards and risks, the program definitely is a worthwhile investment.

We are equally determined to join with management in a comprehensive effort not only to help them comply with the law, but to enforce compliance as well.

Specifically—despite dramatic improvement in the control of respirable dust—we are still vitally concerned with this area and methane gas levels in the mines as well.

We will also seek to improve existing engineering standards for roof support and for coal extraction. We are encouraging the development of safer and better mining technology. As innovative methodology becomes available, we will do all possible to insure its use in the mining industry.

Dr. Osborn, Director of the Bureau of Mines, will present before this meeting a detailed account of the Bureau's plans for carrying out its mission and its responsibilities to the miners of America.

We appeal to those interested parties to address themselves via this meeting, to ways and means with which this great government agency can better serve its constituency. We invite your comments; we solicit your criticisms; we appreciate your ideas.

We want your complete objectivity—partisan politics has nothing to contribute to the life and health of the miner.

I can say without equivocation that the Administration, the Department of the Interior and the Bureau of Mines are fully committed to the health and safety of the men who work in the coal mines of America. We fully understand the importance of this industry to the Nation's welfare. We are confident that the mining industry in America will make a meaningful contribution to the standard of living of future generations.

Again, I wish to express my sincere and personal appreciation to all of you and to all of those who will participate in these important meetings as they take place.

POW BENEFIT BILL

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, with bipartisan support of 37 cosponsors, I have today introduced a bill which would provide for the first time in our history special lifetime compensation to men who have been held prisoner of war.

Under the bill, upon return to civilian life American servicemen held prisoner of war by hostile governments during the Vietnam era would receive $30 a month for each year or portion thereof of imprisonment, with a maximum of $150 a month.

This compensation would be in addition to any other benefits to which they are entitled under existing law.

In my view, the POW's of the Vietnam conflict thoroughly merit this unprecedented consideration, because the inhumane circumstances in which they are incarcerated are without precedent in our history.

Never before have enemy authorities so persistently and grossly violated even the most minimal standards of decency and humanity in dealing with soldiers taken prisoner. The grave continuing violations of the Geneva Convention Relative to Treatment of Prisoners of War are recognized and deplored worldwide.

North Vietnam and its allies in Southeast Asia have refused to identify all prisoners they hold, they have refused to allow impartial inspection of prisoner facilities, they have not permitted free exchange of mail between prisoners and their families, they have not released seriously sick and wounded prisoners, and they have not been willing to negotiate for the release of all U.S. citizens they hold captive. Each of these is a violation of the provisions of the 1949 Geneva Convention Relative to Treatment of Prisoners of War, which North Vietnam ratified in 1957.

Because of this inhumanity, the prisoners of this war and their families have suffered, in a real sense, one of the very heaviest and most cruel burdens of the entire war.

The compensation proposed in this bill, while modest, will later help these men and their families overcome the anguish of the years of separation and uncertainty. In the meantime, it will evidence our Government's determination to serve the needs of these long suffering heroes as long as they live.

Here is the text of bill and list of cosponsors:

H.R. 9569

A bill to provide compensation to prisoners-of-war of the Vietnam era because of the inhumane circumstances of their incarceration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 314 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(t) If the veteran was detained, through no misconduct of his own, as a prisoner-of-war during the Vietnam era by the Government of North Vietnam or governments or forces allied with such Government, such detained status shall be deemed to be a disability within the meaning of section 310, and the rate of compensation therefor shall be $30 per month for each year or portion thereof that the veteran was detained as a prisoner-of-war, up to a maximum of $150 per month. Such compensation shall be independent of any other compensation provided in this section, and is authorized because throughout the Vietnam conflict the Government of North Vietnam and governments and forces allied with such Government have persistently and grossly violated the provisions of the Geneva Convention Relative to Treatment of Prisoners-of-War, which North Vietnam ratified in 1957."

LIST OF CO-SPONSORS

Bella S. Abzug, Democrat, of New York.
LaMar Baker, Republican, of Tennessee.
Tom Bevill, Democrat, of Alabama.
Jack Brinkley, Democrat, of Georgia.
James A. Burke, Democrat, of Massachusetts.
Harold R. Collier, Republican, of Illinois.
Mendel J. Davis, Democrat, of South Carolina.
John J. Duncan, Republican, of Tennessee.
Don Edwards, Democrat, of California.
Paul Findley,[1] Republican, of Illinois.
Edwin B. Forsythe, Republican, of New Jersey.
Bill Frenzel, Republican, of Minnesota.
James G. Fulton, Republican, of Pennsylvania.
Edward A. Garmatz, Democrat, of Maryland.
Barry M. Goldwater, Jr., Republican, of California.
Gilbert Gude, Republican, of Maryland.
Seymour Halpern, Republican, of New York.

---

[1] Chief sponsor.

Julia Butler Hansen, Democrat, of Washington.

James F. Hastings, Republican, of New York.

Ken Hechler, Democrat, of West Virginia.

Margaret M. Heckler, Republican, of Massachusetts.

Louise Day Hicks, Democrat, of Massachusetts.

William L. Hungate, Democrat, of Montana.

Albert W. Johnson, Republican, of Pennsylvania.

Jack F. Kemp, Republican, of New York.

Norman F. Lent, Republican, of New York.

F. Bradford Morse, Republican, of Massachusetts.

David R. Obey, Republican, of Wisconsin.

Thomas M. Pelly, Republican, of Washington.

Peter W. Rodino, Jr., Democrat, of New Jersey.

Robert A. Roe, Democrat, of New Jersey.

Benjamin S. Rosenthal, Democrat, of New York.

Fernand P. St Germain, Democrat, of Rhode Island.

John H. Terry, Republican, of New York.

Lawrence G. Williams, Republican, of Pennsylvania.

Gus Yatron, Democrat, of Florida.

C. W. Bill Young, Republican, of Florida.

Richard H. Fulton, Democrat, of Tennessee.

LITHUANIAN SELF-RULE AND INDEPENDENCE

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, for 121 years now the Lithuanian people have been an oppressed people. First came the domination of the Russian Czars. Then, with German occupation in 1918, during World War I, Lithuania declared her independence.

It was only an illusion, however, because 22 years later, on June 15, 1940, the Soviet Union again invaded the Baltic States and by force of arms took Lithuania, Latvia, and Estonia.

Thirty years ago this month, the Kremlin moved its troops into the Baltic republics and promptly annexed them. Then under Red army guns the Soviet Union held so called "honest elections." This was truly one of history's great election frauds. Frauds like it continue to this day and not only in the Eastern European and Balkan lands.

Although in June 1941 the people of Lithuania were able to overthrow the Communist regime, proclaim their freedom of independence and restore a free government, their exuberance was short lived. Six weeks later the Nazis overran the country and suppressed all activities.

Never, since the United States recognized the independent Lithuanian Government in 1922, have we recognized the forced absorption of Lithuania into the Soviet Union. We must continue to insist on the inalienable rights of these brave people to national independence.

This country, whose children have enriched our culture and strengthened the spirit of freedom in America, must be encouraged to continue the struggle to maintain their identity and their self respect. We must do all we can to insure that the Lithuanian dream of independence and self-rule become a reality.

GALLAGHER CALLS FOR EMBARGO ON ARMS SHIPMENTS TO PAKISTAN

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. GALLAGHER. Mr. Speaker, I rise today to discuss briefly the situation in East Pakistan and the American response to a situation which our arms and military equipment helped to create. The current policy, which has allowed arms to continue to be shipped from the United States to the Government of Pakistan, in spite of the ban of March 25, is bureaucratic ineptitude which will become, in my judgment, diplomatic catastrophe.

On June 15 I introduced H.R. 9160 which will cut off all military, economic and relief assistance to the Government of Pakistan until outside observers report a cessation of army action against the population of East Pakistan and that the refugees, as far as feasible, have been allowed to return to their homeland and reclaim their property. I visited the refugee camps early in June and found the situation to be one of unimaginable horror.

Although many of the world community regard the crisis as an internal matter of Pakistan, it appears obvious to me that any policy which creates 6 million refugees completely destroys the queasy legalism of "an internal matter." In addition, it is bad enough that our arms contributed to the brutal actions of the army's repressive sweep through East Pakistan on and after March 25; it is impermissible for us to continue to subsidize the slaughter by not completely stopping our arms shipments.

The shipments of military equipment now going forward are in the Department of Defense pipeline, due to the fact that ownership passed to the Government of Pakistan prior to the time the ban was announced. The only way now to plug up that pipeline is for the United States to issue a formal embargo and I regard that step as crucial.

Mr. Speaker, I have learned that the Government of Canada has stopped military shipments to Pakistan which in some cases, resulted from licenses and approvals granted as long ago as 5 years. Surely, given the extraordinary nature of the crisis and the damaging effect a continuation has on our credibility, our Government can find an adequate response.

Any kind of aid to that government will be misused and, in my judgment, will be diverted to crush the people who won the election in East Pakistan. We must never forget that the Awami League won 167 of the 169 seats contested in East Pakistan and this gave them a clear majority in the constituent assembly. It is obvious that the leaders of the Awami League felt that they could trust the word of the Government, or else they would have established "Bangla Desh" as soon as their electoral victory was confirmed. It is a fact that they did not and so, in spite of many misleading statements, they must not be regarded as rebels or secessionists. They are people who made democracy work and they are now under what might be called an internal siege; that is, the Army is in control. To put it another way, it might be said that the people of East Pakistan are the victims of outside aggression, in the sense that West Pakistan is separated from East Pakistan by 1,000 miles.

Be that as it may, Mr. Speaker, the problem facing the United States is not to make the problems any worse. Yet, we are allowing ships to sail from the United States with our military goods on board and these weapons will be used to continue the crushing of the winners of the election. In addition, I also believe that the United States must cut off all economic aid. Informed testimony during the hearings of my Asian and Pacific Affairs Subcommittee in May by Prof. Robert Dorfman confirmed that American economic aid is all that is keeping Pakistan from bankruptcy and, according to the professor, a resumption of our aid is essential for Pakistan to continue its savage repression in its east wing.

The World Bank has refused to make any additional finances available to the Government of Pakistan, and I call upon the United States to follow that lead.

One hopeful sign is that Presidential Adviser Henry Kissinger will visit India and Pakistan in the next several days. I hope that he will visit the areas of the refugee camps, for, if he does, he will come away a believer. I had some doubts about the stories of brutality and unparalleled human misery myself before I visited those camps. When one sees the problem firsthand, its enormity is clearly visible and the appalling suffering is clearly evident. If Mr. Kissinger sees the camps and hears the stories of the refugees, he will, I am sure, recommend that the United States alter its policy.

This must happen, Mr. Speaker. Our policy now continues to inflame a situation that is a mounting tragedy and contains the clear threat of war between India and Pakistan. No government can continue to accept refugees in such staggering numbers and, no matter how compassionate or humanitarian the Government of India has been since the first refugee crossed its borders, such disruption cannot continue. India must receive not only all the relief assistance of the world community, she must also receive help by a vigorous and courageous effort to pacify the source of the refugees. If East Pakistan does not return to normal, India will be forced to consider undesired and unwanted options, which will have worldwide implications.

India has shown incredible restraint. Why cannot the U.S. Government take a forthright, although difficult action and stop the shipment of arms? Do we so lack flexibility that once we begin on a course, nothing can change it? We can clearly see the dangers of the Pakistan situation; let us draw back now, while there is still time.

Any further shipments to Pakistan, no matter what the technical explanation, will be viewed by India as a lack of sympathy for its plight and as approval of Yahya Kahn's use of terror as a political weapon. By continuing support in economic and military terms, we are intervening in the situation on the side of the Army of Pakistan.

Mr. Speaker, I call on this administration to issue a formal embargo to stop the pipeline of arms to Pakistan. By so doing, we will reopen the pipeline of good will to India; and restore some of our lost credibility in the eyes of the nations of the world. Even more, we will show that we can be responsive to situations which alter suddenly and we will demonstrate that the humanitarianism which highlighted so much of our past is still relevant and visible in our relations with other countries today.

THE U.S. POSTAL SERVICE CORPORATION

(Mr. GIAIMO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIAIMO. Mr. Speaker, the U.S. Postal Service Corporation has assumed control of this Nation's postal system.

Elaborate reorganization plans have been unveiled, new booklets and promotional materials have been distributed, new advertising devices employed, rates hiked, and a number of independent first-class postal facilities cut back.

I do not desire to condemn this embryonic Postal Service Corporation in advance, nor to advocate a return to the former system or yet another change before trying this latest legislative product.

I cannot help feeling alarm, however, at stories and examples of increasingly inadequate postal service being told by my constituents, and I am certain that similar problems are confronting the constituents of many other Members of this House.

Missed deadlines for media, notices which announce sales but do not arrive on time, information which is delayed, materials which do not reach their destinations within reasonable periods of time, and mail which is routed in a cumbersome, inefficient fashion are phenomena found with increasing frequency in complaints from my constituents, and also in my own mail.

I am not sure how Members of Congress can now properly express their own and their constituents' collective outrage and indignation at rising rates and declining patterns of service with the postal system. No longer responsible—and seemingly no longer responsive—to the Congress, the Postal Service has sprouted new crops of liaison officers, professional buffers and soothers whose sincere efforts nevertheless have not helped mail in my district one bit.

The postal service is the lifeblood of many individuals and most businesses in this country, and we cannot afford sloppy administration and slipshod service in this new corporation.

PRESIDENT NIXON'S RECENT ENERGY MESSAGE TO CONGRESS

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, in a statement on June 23 on the House floor, I criticized President Nixon's recent energy message to Congress.

At that time, I expressed considerable concern that his research and development program was more notable for what it ignored than for what it included. Recent indications that nuclear fusion, which has been and is still significantly underfunded, will become a viable energy source tends to substantiate this concern. Scientists are expressing considerable confidence that a feasibility experiment soon to be conducted will demonstrate nuclear fusion's viability. Yet Mr. Nixon made no mention of fusion in his energy proposal. This is particularly important since nuclear fusion, unlike present fission methods, is virtually free from danger of explosion or radiation leakage.

With regard to the President's expanded leasing program for resources on public lands, I proposed that all leasing be halted immediately, pending the development of a wise energy policy. This policy would encompass not only resource issues, but economic considerations as well. Principal among these would be an investigation of the growing monopoly of all energy sources—coal, oil, natural gas, and uranium—in the hands of a few large oil companies.

At this point in the Record, I include two articles from the June 26 New Republic which reflect some of these concerns:

Nixon on Energy

A series of energy crises threaten the nation, some this summer, more in the next few years and still others in the decades ahead. Coal is plentiful but sulfurous, natural gas is clean but scarce, oil is near its domestic pumping limit and uranium is a suspect arrival on the energy scene. In any event fossil fuels are destined to power the US energy economy for many years and the domestic resources of clean fuel immediately available are limited.

Against this background of impending crisis, President Nixon delivered the first energy message any Congress has ever received from the White House. According to the President's program $3 billion in federal funds will be required over the next 10 years to develop clean energy sources. It should be noted that the federal government spent over $3 billion in the past 10 years on development of civilian power, most of it for nuclear-electric power.

The big budget item targeted in the Nixon message is the power-breeder, a nuclear reactor designed to produce economic electricity and at the same time more nuclear fuel (plutonium) than it burns. General Electric, Westinghouse and North American Rockwell are the three candidates vying to build this demonstration power-breeder. Dr. Glenn T. Seaborg, Atomic Energy Commission chairman, stated on June 4 that the new reactor would cost "between $400 million and $500 million." President Nixon announced an increase of $50 million for the machine, equaling the amount already budgeted; this added to AEC fuel waivers and support adds up to $130 million in federal funds. The government hopes that the nuclear industry and utilities will put together a package that would make up the difference.

Even before the power-breeder "demo" is funded, it is under attack by environmentalists who fear that the facility will be far from clean. Prior to the President's energy message, the Scientists' Institute for Public Information (SIPI) brought a lawsuit against the AEC to force it "to prepare a comprehensive environmental impact statement on the complete LMFBR program and also a detailed assessment of the alternative means of power generation." LMFBR stands for liquid metal fast breeder reactor, a liquid sodium cooled power-breeder most favored by the AEC as the "demo" to be built. The White House fell short of this challenge by directing the AEC to prepare a 102 statement (Sec. 102 of the National Environmental Policy Act) on the environmental impact of just the "demo." Considering the fact that other types of power-breeders are under development, it would be useful to have such statements on all designs so that the decision on the power-breeder encompasses an overall assessment of the environmental capability of the new reactors.

The big item almost left out of the President's message is oil. (See Mr. Dietsch's report which follows.) Accounting for 43 percent of all US energy and two-thirds of the energy dollar, oil dominates all other fuels. Furthermore, domestic production of crude oil, now 3.5 billion barrels per year, is nudging the limits of capacity and oil products must be imported to fill the nation's 5.3 billion barrel current annual demand. Yet nothing is mentioned about oil import policy and one senses the crisis here by the President's emphasis on tapping off-shore oil (hardly a pollution-free source) and on developing our domestic oil shales.

"About 80 billion barrels of this shale oil are particularly rich and well situated for early development," reads the message, although acknowledging that "at present there is no commercial production of shale oil." The oil shale program of the Department of the Interior's Bureau of Mines has bumped along at a maximum funding of $2.5 million annually with $11.2 million spent in the last six years. A ton of good oil shale found in the Green River Formation in Colorado and adjoining states yields three-fourths of a barrel of oil. To supply 1 billion gallons of oil will mean excavating and processing twice the amount of coal now mined each year. Thus it's good that the message calls for an environmental (102) statement on shale oil. About 80 percent of oil shale is on federal land, and one hopes that the Secretary of the Interior will lease it so as to safeguard the taxpayer's interests—both financial and environmental.

The nation's most pressing energy need is to find additional natural gas. Here is a fossil fuel resource that is vanishing so fast that its use as an energy source will have to be curtailed in the next few years. The presidential message calls for intensification of the effort to gasify coal. The gasification of coal is technically feasible, although the development has limped along for years on a skimpy budget which only this year will top the $20 million mark for the Office of Coal Research. Our most abundant fossil fuel resource has in the past received little research and development attention—about a few percent of funds accorded nuclear power. I strongly suspect that nuclear funds for civilian power would not have been available either, had they not been virtually coat-tailed to the military atom. In any event coal gasification is now slated to advance to the demonstration stage with the government providing $20 million and industry kicking in half that amount. Nothing is said in the Energy Message about a 102 statement on coal gasification, although I estimate that it will take all of the US coal mined in one year to produce about half of the natural gas consumed this year.

"Energy has been an attractive bargain in this country—" states the message "and demand has responded accordingly." Indeed, the Federal Power Commission's 1964 National Power Survey observed that the 1962 price of electric energy was 1.7 cents/kilowatt hour and it aimed at 1.2 cents/kw-hr by 1980. One wonders what the 1970 National Power Survey, now in preparation, will say about the requirement for low-cost energy. Obviously, it's an economic and political impossibility to stop power growth, but should low-cost energy be a primary national goal? This is only one element in a national energy policy and the Energy Message is not a statement of such a policy.

A true national energy policy would set time goals and fix the "energy mix," i.e. the proportion of fuels to be consumed in the light of national needs, resource adequacy and environmental compatibility. President Nixon recommends consolidating energy resource development programs under a single energy authority within the new Department of Natural Resources, which has yet to be established. This would have certain virtues, but it would be more a budgetary and administrative arrangement than a real energy policy agency. Presumably there will be no national energy policy until Big Oil decides to make one.

Meanwhile, the nation's electric energy production continues to soar and a sevenfold growth by the year 2000 has been set for the utilities. Then over half of the electric power will be nuclear and the trend is towards huge energy centers each generating 5 million kilowatts or more. The transportation hazard posed by making almost 10,000 "hot atom" shipments per year may make it necessary to process spent fuel at the power site. The Energy Message highlights the need for proper plant siting and location of transmission lines. It also urges that Americans use energy more wisely and recommends better insulation for houses and more efficient electrical appliances. But it does not recommend a ban on air conditioners, for example, or any restraints on all-electric living promoted by the utilities. Nor is there any admonition to Detroit to cut back vehicular horsepower which consumes 90 billion gallons of gasoline per year!

Skilled political chef that he is, the President has prepared an energy menu that has something for everyone. His critics cannot complain that he has glossed over the quality of our environment: "clean" as a characteristic of fuels appears in almost every paragraph. Environmentalists have not been crying in the wilderness, but they will hardly welcome the President's prime response: "Our best hope today for meeting the nation's growing demand for economical clean energy lies with the fast breeder reactor." He's putting his chips on the AEC's power-breeder as the energy source of the future.

In the showdown between nuclear and fossil fuels, opponents of the atom assert that reactors pose greater hazards than conventional power plants, and that we can make do with the fossil fuels. This is an argument of anticipation since fossil fuel fumes already pollute the environment and nuclear power is just coming on stream under tight restrictions just announced by the AEC.

The President's comprehensive introduction to the energy resource-environment must now be followed by a White House report on energy fuel needs of the future, resource availability, conversion prospects for solid fossil fuels and a comparative assessment of nuclear vs fossil fuel pollutants. Our high-energy society has in the space of 70 years burned up 37 billion tons of coal and over 80 billion barrels of oil. This massive conflagration has resulted in a growing environmental insult largely because of a lack of planning and control as America pursued the goal of low-cost power. This era is ending. That is the real meaning of the President's energy message, although you have to read between the lines to discern it.

THE WIDE REACH OF OIL

In his long-range energy resources program, the President put a lot of emphasis on nuclear energy; the Atomic Energy Commission reports 13 nuclear plants were ordered in the first four months of 1971, and the agency thinks up to 50 nuclear plants will be ordered over the next two years. Construction may be delayed by rows over environmental hazards, but nuclear power seems destined to supply an ever-greater amount of the nation's energy.

And yet oil men aren't too unhappy, because they control almost half the known uranium reserves in the United States, and it's uranium which drives nuclear power plants. In their rush to become "total energy companies," oil corporations have gobbled up most of the coal producers (they already controlled a good portion of natural gas reserves, gas and oil often being found together), and they're rushing into uranium. Oil companies in 1968 drilled 44 percent of uranium footage and in 1970 controlled an estimated 45 percent of uranium reserves, most of which are in the Rocky Mountain states. By now the figure may top 50 percent. Kerr-McGee Corp. (the Kerr in this oil firm is the late Sen. Robert Kerr of Oklahoma) runs the nation's largest uranium mill; others are under construction by Continental Oil (in combination with Pioneer Natural Gas) and Humble Oil, a subsidiary of New Jersey Standard Oil.

Uranium ore has to be enriched before it's used in a power plant, and today this enrichment is done exclusively in three government-owned plants, at Oak Ridge, Tenn., Paducah, Ky., and Portsmouth, O. The Nixon administration would like to sell these facilities to private industry (they were built at a cost of $2.3 billion), but the Joint Congressional Atomic Energy Commission is opposed. Some persons familiar with energy and corporate finance think only the giant oil corporations have the resources (cash or bank credit) to bid on the plant. If oil companies did acquire them, they would be in monopolistic position to pretty much set the price of nuclear-generated power, in addition to enjoying their present influence in setting the price of oil, coal and natural gas. Like oil, uranium is a protected business: imports are prohibited by the AEC, although ores are mined much more cheaply in Canada and South Africa.

Oil's "total energy" rush is of growing concern. In 1970, of the nation's 25 largest oil companies, 18 had substantial interests in oil shale (the administration wants an "orderly formulation of a shale-oil policy" on government-owned lands), 11 in coal, 18 in uranium and 7 in tar sands (another potential source of crude oil). The largest owners of coal reserves are New Jersey Standard and Continental Oil. More than half of all coal mined in the US is sold by oil companies. The oil firms defend their "total energy" concept as logical and legal diversification; they want to be prepared, they say, for the day when coal might be converted economically as a supplement to gasoline and natural gas, when oil can be extracted economically from shale and tar sands and when nuclear energy becomes a full substitute for coal and oil in generating plants. Nonetheless, S. David Freeman, of the White House energy policy staff (and one of the few Democrats in the administration), told a Senate investigating subcommittee chaired by Lee Metcalf of Montana:

"We are witnessing a major transformation of the [energy field] with far-reaching consequences that deserve intensive scrutiny. . . . The speed and scale of dominance of the independent coal industry by their petroleum company competitors raises a question of whether the public interest is being best served. Only two of the largest coal companies are independently owned any longer. The remaining eight, which account for 42.9 percent of coal industry production, are owned by oil companies or large industrial concerns with other stakes in the energy field. These same eight companies owned 67 percent of the new mines opened in 1970."

The National Economic Research Association, a private consulting firm, says "the acquisition by oil companies across the total energy spectrum may be viewed as classic horizontal integration on a scale comparable to the formation of the trusts in the latter decades of the 19th century." Sen. Philip A. Hart (D, Mich.) says "primary fuel production, once clearly divided on the product lines of gas, oil, coal and uranium, is becoming the domain of the oil industry. Oil companies have acquired so many large independent coal companies that the remaining ones are rarities. Nuclear energy, which once afforded new hope of competition, also is the stomping ground for oil." Sen. George Aiken (R, Vt.), says "when you control energy then you control the nation. I see this as a very serious threat to political democracy."

Prodded by Hart and Rep. Joe L. Evins (D, Tenn.), the revitalized Federal Trade Commission is beginning to study the anticompetitive consequences of concentration in energy. The various fuels compete with each other, thus making (in theory at least) for lower consumer prices; decreasing competition, of course, makes for higher prices. The FTC also has ordered Kennecott Copper to sell off Peabody Coal, acquired in 1968. The FTC staff now is putting together cases against a number of coal takeovers by oil companies, including Continental Oil's 1966 acquisition of Consolidation Coal, the No. 1 producer. Senator Hart plans further hearings into the antitrust aspects of the "total energy" moves by oil, and Sen. John Sherman Cooper (R, Ky.), would like the Senate Interior Committee to probe not only coal shortages (which a few critics link to deliberate mine opening slowdowns by parent oil corporations), but the mushrooming energy concentration. The American Public Power Association has urged the White House to lead an antitrust investigation. Fifty-three senators have recommended creation of a national commission on fuels and energy. Others want a new look at the fragmented federal supervision of energy resources. Power brownouts and blackouts, undoubtedly coming again this summer, will spur further investigations.

AMERICAN BOWLING CONGRESS

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, as a member from the State of New York, I take great pride in saluting the American Bowling Congress which was born in our State and presently is observing its 75th anniversary year. Devotees of the tenpin bowling will recall that the congress, which today is recognized as the world's largest sports organization, had its humble beginning in New York City's Beethoven Hall on September 9, 1895. It also is significant to note that several New Yorkers played prominent roles in the launching years of the ABC, many of whom unselfishly devoted much time and effort during this formative period.

For example, the first two presidents of ABC were New Yorkers: Thomas Curtis, serving in 1895–96, and Dr. Henry Timm from 1896 to 1901. Eight others from the State have had the honor of heading the world's largest sports participation organization over the years.

New York is proud to join its sister States in recognizing the dramatic impact of organized bowling as fostered by the American Bowling Congress. Its diversified services to its 4½ million members, including complimentary service to the uniformed personnel in the far-flung U.S. military installations around the world, is largely responsible for making bowling so appealing to all levels of society.

For example, 3 million women participate in the leagues belonging to the Women's International Bowling Congress which is sponsored by the two adult organizations.

Surveys also show that 40 million men, women, and youngsters participate to some degree in the game.

ABC's anniversary year will be climaxed in Milwaukee, Wis. August 20 to 28 when it and its sister organization, the WIBC, will host the seventh world bowling tournament of the Federation Internationale des Quilleurs.

Thirty countries are expected to send national squads of men and women to this event which is really the Olympics of bowling. The tournament will be conducted on 28 specially built lanes in the Milwaukee Arena.

Our U.S. Postal Service will recognize this activity—the first ever to be held in the United States—with a commemorative stamped envelope, just announced by Postmaster General Winton M. Blount. The first-day cancellation ceremonies for this 8-cent stamp and envelope will be held in Milwaukee during the opening weekend of the world tournament.

Mr. Speaker, no remarks on the affairs and the history of the American Bowling Congress could possibly be complete without reference to my good friend and former constituent, John Martino. John is both a past president and a life member of the ABC. He is one of the individuals directly responsible for the commemorative stamp to which I referred a moment ago. He is also one of the finest gentlemen it has ever been my pleasure to know.

John Martino grew up with an abiding love for the sport of bowling. As a young man in Syracuse, he worked his way through the Christian Brothers Academy as a pinsetter. And typical of the diligence that was to manifest itself in his adulthood, John graduated from CBA as valedictorian of the class of 1915.

Mr. Speaker, I salute the ABC and one of its illustrious leaders, John O. Martino.

PUBLIC TRANSPORTATION SYSTEMS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues a resolution introduced by my friend, the distinguished alderman of the 25th ward of the city of Chicago, Hon. Vito Marzullo.

Alderman Marzullo has given outstanding service for many years to the constituents of the Seventh District of Illinois which I have the honor to represent. He has served in many capacities over the years, not only as alderman and committeeman of the 25th ward, but as chairman of the Committee on Local Transportation of the city of Chicago and as a former member of the Illinois Legislature.

His resolution urges the Congress of the United States to remove certain restrictions imposed by the Department of Housing and Urban Development and the Department of Transportation in order to get public transportation moving once more in the large cities of America.

As Members of the U.S. Congress, all of us are fully aware of the problems that confront the large urban areas of our country, and public transportation is one of the top priorities in Chicago.

Providing effective urban mass transportation systems in the large cities of America is fast becoming one of our most urgent domestic issues and the Congress must find a workable solution to the problem before our urban areas come to a complete standstill and choke to death.

The resolution, which was approved by the Committee on Local Transportation on June 29, 1971, follows:

RESOLUTION

Whereas, the public transportation systems serving the people living in our nation's cities are facing a financial crisis; and

Whereas, public transportation service is essential to the well-being of our cities; and

Whereas, public transportation is a public service which must be supported with public funds; and

Whereas, the U.S. Congress overwhelmingly passed the Urban Mass Transportation Act of 1970 which was intended to provide financial assistance necessary to begin to solve problems related to the long neglected mode of public transportation; and

Whereas, federal legislative, administrative and bureacuratic restrictions have in effect emasculated the Urban Mass Transportation Act of 1970 and precluded the implementation of programs which Congress intended be accomplished by the act; now, therefore

Be it resolved, that the City Council of Chicago urge the U.S. Congress, the President of the United States and the agencies of the federal government to take immediate steps to alleviate the critical problems facing public transportation systems in our nation's urban areas by:

(1) Allocating and authorizing expenditure of funds for transit improvements as provided in the Urban Mass Transportation Act of 1970;

(2) Restoring contract authority to the urban mass transit program so that continuous funding is available for essential projects;

(3) Removing administrative restrictions imposed by the U.S. Department of Housing and Urban Development and the U.S. Department of Transportation which presently reduce federal financial participation in many areas from two-thirds to one half thus creating intolerable economic strain on local units of government;

(4) Modifying federal administrative procedures so that undue delays in executing transit programs are eliminated; and

Be it further resolved, City Council of Chicago asks the U.S. Congress to thoroughly investigate the inconsistencies which exist in programs designed to assist transportation systems and take action necessary to:

(1) promote balanced urban transportation systems;

(2) increase the federal share of financial assistance to public transportation to 90% as presently exists for interstate highways;

(3) augment federal funds available for public transportation programs so that they more closely approximate federal highway funds available through the long standing highway trust fund; and

(4) assure that the people living in our urban areas are provided balanced transportation systems and public transit service so essential to the viability of our cities.

U.S.A. AND THE SOVIET MYTH

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, the divergent reviews that are being written about the current work "U.S.A. and the Soviet Myth," authored by Dr. Lev E. Dobriansky of Georgetown University, are enough to suggest that a chasm of thought and knowledge, not to speak of ruffled emotions on the part of mystified Russian lovers, exists with regard to the critical subject of the Soviet Union. Considering the present foreign policy of Canada and the foolish behavior of Trudeau in the U.S.S.R., it is not surprising to witness the scathing reviews emanating from the press of that country. Those from the United States and Great Britain provide, it seems, a contrast in balanced thinking and emotion. The following two, one written in Britain and the other in Canada, should prove the point as to the provocative content of this work:

U.S.A. AND THE SOVIET MYTH

"U.S.A. and the Soviet Myth"; by Lev E. Dobriansky. Devin-Adair Company. Price $6.75 or £2.85 including postage.

It is necessary for any student of politics, or indeed anyone who is really interested in what is happening in the world in which we live, to keep himself up-to-date and well informed on what is going on inside Russia, but it is even more important to understand what Russia really is and what she really is trying to do. The author of this book, already an acknowledged authority on Soviet affairs, gives the reader a fascinating insight into the Kremlin mind and how it works.

On page 30 the author writes:

"A second ruling misconception has the Soviet Union as a 'nation' with a Soviet people, a Soviet society, a Soviet economy, a Soviet political system and humans called 'the Soviets'. Here, too, the Soviet Union is no more a nation than was the British Empire. Whether many realise it or not, these monolithic terms have for some time been the stock of Moscow's terminology for export. They readily serve the semantic purpose of blurring the real, diverse and distinctive elements in the Soviet Union. The true meaning of a soviet, as a council or workers, is no longer even recognisable."

If you want to know what the first misconception is you must get the book.

On page 253 the author argues for the need for cold war education. He writes:

"The Red totalitarians have trained their professional revolutionaries for decades. Their schools have developed the operational science of psycho-political warfare. . . . There is nothing comparable to this in a free world."

Those who have been disturbed by the current vogue of "protest demos" will find this well-indexed book both interesting and disturbing. It is a strongly recommended book and the author's remarks on the Khrushchev memoirs certainly give the reader food for thought.

[From the Tribune, June 5, 1971]

A TENUOUS PLAN FOR RUSSIA'S DESTRUCTIONS

(By O. W. Gerus)

U.S.A. and the Soviet Myth by Lev E. Dobriansky; The Devin-Adair Co., Old Greenwich, Conn.; $6.50.

This book is Prof. Dobriansky's latest contribution to the continuing polemical literature of the Cold War. The author, who teaches economics at Georgetown University, is most apprehensive about the growing isolationist sentiment in the United States.

He argues that the United States, as leader of the Free World, has the moral, if not the divine, duty to wage an uncompromising war on diplomatic, economic, cultural and psychological fronts against that foe of democracy and the security of the United States, "the Soviet-Russian imperio-colonialism".

Having thus concluded that, for reasons of survival, America must continue the Cold War, Dobriansky proposes an ingeneous weapon guaranteed to dismember the Soviet Union with a minimum of risk. In his opinion the U.S. policy toward Moscow has been often based on a faulty premise, on a myth of Soviet homogeneity. The Soviet Union in actuality is a multi-nation state with over 100 nationalities dominated by a Russian minority.

He advances a tenuous thesis that all these groups are kept within the Soviet structure by coercion alone. The nationalism of Soviet minorities is the Achilles heel of Moscow and the key to the destruction of the entire "Red Empire" i.e., International Communism.

Washington must abet and harness this nationalism to its advantage. Active exploitation of the nationality issue would lend encouragement to the existing anti-Russian tendencies and, in accordance with the author's wishful thinking, bring about the demise of the Soviet Union.

It seems that the first step in this direction was taken in 1959 with the now controversial Captive Nations Resolution of the U.S. Congress, a resolution which in essence regards the Soviet sphere of influence and control as a temporary one.

With the current sentiment in the U.S. Congress to normalize relations with Moscow, the resolution has been under increased criticism. Dobriansky defends it vigorously, castigating its critics as unwilling Communist stooges "hopelessly affected by nuclearitis."

The author's anti-Russian bias is reflected in his loss of proper historical perspective. He oversimplifies the complex dynamics of Soviet society by completely ignoring Marxist ideology.

In the area of nationalism his scholarship is equally ambiguous. While on one hand he sees nationalism as a divisive force within the USSR, on the other he cannot accept similar implications of the different brands of national Communism (e.g. Yugoslavian, Chinese) in the concept of Communist unity.

Dobriansky signals out the Ukrainian nationalism as the most serious threat to the integrity of the USSR. While Ukrainian nationalism indeed is a factor in Soviet dynamics, its scope and impact on Soviet society has been exaggerated by both Western and Soviet propagandists.

Approaching everything in absolute terms they blur the aspirations for decentralization and an outright independence.

According to the author, the USSR without Ukraine equals zero. This view of Ukraine's importance to Soviet economic and political well-being made some sense in the interwar period, but in the light of the postwar Soviet expansion and the economic exploitation of Siberia, it is no longer valid.

Nonetheless, Dobriansky's domino theory regards the separation of the Ukraine as leading to the disintegration of the entire USSR into its national components (here he ignores population redistribution) leaving for the Russians the territory of the ancient principality of Muscovy. Furthermore, in the collapse of the USSR he naively expects the fall of Communism since "without the USSR the Red Empire, including China would dissolve."

Despite the acute difficiencies of the USSR and one's sympathy for the plight of the Ukrainians and other nationalities, one simply cannot treat the book as a serious study. The distoritions of information, so reminiscent of Soviet methodology, offends the sensitivities of a reader. The quasiparanoic suspicion and hatred of things Russian do not help the cause Dobriansky so passionately advocates.

Mr. Gerus is an assistant professor in the department of history, University of Manitoba.

NATIONAL SAFE BOATING WEEK

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 30 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, recreational boating continues to grow as more and more of our Nation's people participate each year. The latest estimates for 1970 show a total boat population of over 8.8 million; close to $4 billion spent for boats, associated equipment and services; and about 44 million people participating in some form of boating each year—one-fifth of the population. Recognizing the potential growth of boating, the 85th Congress passed Public Law 85–445, calling for the annual observance of National Safe Boating Week. In accordance with the law, the President of the United States issued the following proclamation:

A PROCLAMATION

More Americans each year are choosing boating as the ideal way to relax with their families and friends. All too often, however, what starts out as a pleasant cruise ends in tragedy because boatmen fail to teach their families to swim, fail to properly equip their craft with life preservers and other protective devices, or fail to instruct their passengers on the use of such devices prior to a boating cruise.

Every year, about 1,300 lives are lost in boating accidents. These fatalities can be reduced and boating made more pleasurable if those who engage in it will emphasize boating safety rules.

Recognizing the need for that emphasis, the Congress, by a Joint Resolution approved June 4, 1958 (72 Stat. 179), has requested the President to proclaim annually the week which includes July 4 as National Safe Boating Week. Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate the week beginning July 4, 1971, as National Safe Boating Week. I urge all who use our waterways to acquire those skills essential to their own safety and that of others and to apply them carefully.

I also invite the Governors of the States and the Commonwealth of Puerto Rico to provide for the observance of this week.

In witness whereof, I have hereunto set my hand this 28th day of January, in the year of our Lord nineteen hundred and seventy-one, and of the independence of the United States of America the one hundred and ninety-fifth.

THE PROBLEM

The emphasis placed on boating by this proclamation is clearly necessary when we examine the annual boating statistics report released by the U.S. Coast Guard on May 1. The report is required by the Federal Boating Act of 1958. This act provides for a standardized system for the numbering and identification of undocumented vessels, including pleasure boats of more than 10 horsepower, uniform accident reporting, and participation in these programs by the States. Since the effective date of this legislation, April 1, 1960, every jurisdiction but the States of Alaska, New Hampshire, and Washington and the District of Columbia have provided for numbering systems which have been approved by the U.S. Coast Guard and meet the standards set forth in this act.

There was an increase in boating fatalities in 1970—1,418 as compared to 1,350 in 1969. In its annual report, the Coast Guard revealed that 19.1 percent or 271 of the boating accident deaths last year involved rowboats, canoes, sailboats, and other small craft without engines. These types of craft are not required by Federal law to carry lifesaving devices. During the same period the boats numbered in all States and territorial possessions of the United States reached an all-time high of over 5.1 million.

Capsizings, as in past years, still remain responsible for the largest number of recorded deaths. In 1970, capsizings resulted in 40.1 percent of the total number of lives lost in boating accidents. This figure is about the same as the 1969 percentage. Of the 1,418 fatalities, drowning accounted for 1,305 victims, and 756 of the drowned either did not have or did not use lifesaving devices.

Last year a total of 4,762 vessels were involved in 3,803 boating accidents involving at least $100 property damage, an injury which incapacitates anyone for over 72 hours, or death. This is 264 less than in 1969. 1,132 of these vessels were involved in fatal accidents, while 499 were in accidents resulting in injuries. The amount of property damage was approximately 8.2 million, an increase of 1.9 million over 1969.

Since 1966 the estimated number of boats has grown 9.1 percent while the number of accidents has decreased 11.4 percent. During the same 5 year period the number of fatalities has increased 7.6 percent. Even though the number of fatalities, accidents, and injuries have remained relatively small over the past few years, the number of boats in operation has increased appreciably. It has taken dedicated effort by the coast guard the States and many fine volunteer organizations to accomplish this. What has been done, however, is not enough. The Coast Guard, with its responsibility for safety on navigable waters, and the States must do more in order to reduce these accident figures. We can hardly expect the number of accidents to remain stable, much less decrease, without additional resources and the proper legislative tools.

The Coast Guard has embarked on a four-pronged attack on the problems of boating safety called the 4E's—engineering standards, education, enforcement and environmental concerns.

A boatman should expect that the boat he buys meets minimum safety standards. This is not the situation at present. While there are some safety requirements that can be enforced by the Coast Guard, they are not adequate and are too specific to adapt to new technology. The basis for these requirements is the Motorboat Act of 1940—responsive at the time but now woefully inadequate. Boats that comply with safety standards also help protect the public by breaking the chain of events that leads to operator error. The Coast Guard is seeking new legislation that is broad enough in scope to protect the public against the range of today's hazards.

This legislation is the Federal Boat Safety Act of 1971—H.R. 19, S. 696. Among other things, it provided for establishing minimum Federal safety standards for boats and associated equipment based on a documented need. For the first time the responsibility for building a safe boat will be placed upon the manufacturer. The boatman of course will still be responsible for the safe operation and proper maintenance of his craft. I support this bill and urge every Member of Congress to do likewise.

Educating the boatman in the hazards of a relatively unfamiliar environment is another effective safety tool. The States Coast Guard Auxiliary, U.S. Power Squadrons, American National Red Cross, National Safety Council, Boy Scouts of America, and many other organizations assist the Coast Guard in the enormous task of education.

To be effective, the millions of individuals comprising the boating public must be reached. The Coast Guard, through boating films, safety publications, Coast Guard Auxiliary programs, and utilization of boating-safety detachments in public education activities, takes advantage of every opportunity to stress the practical aspects of boating safety. The Coast Guard also has close coordination with the boating industry, the National Safety Council, and other such vital organizations.

President Nixon has emphasized the critical need for decentralizing government. Historically, the concept of a Federal police force has been repugnant and has been consistently rejected. The Coast Guard therefore minimized Federal involvement in law enforcement actions directly involving the individual. On waters of the United States where both Federal and State authorities have jurisdiction, they look to State and local jurisdictions to enforce those safety requirements with which the operator must comply. Federal enforcement is provided only where reasonable State capabilities are unavailable—particularly in coastal waters—or where safety violations are observed by the Coast Guard forces.

This policy is reflected in the use of the Coast Guard's 54 boating-safety detachments. These detachments are three-man teams which visit navigable lakes, rivers, and other waters where boating activities are concentrated. The detachments, as well as over 250 other Coast Guard units, are the principal forces presently carrying out a safety-patrol concept. This is a roving, waterborne patrol designed to deter, detect, and report unsafe practices as well as educate the public. The mission of this enforcement and education is to minimize unsafe practices such as speeding in congested areas, overloading, improper loading, operating while under the influence of liquor, operating in swimming areas, and operating in posted dangerous areas. The safety-patrol concept will continue to be stressed on all waterfronts this year.

Boating-safety detachments have an effective broad impact because of their mobility and flexibility. Their effectiveness is not to be measured in the number of boardings accomplished, but rather in whether or not our waterways are made any safer; whether the boating public is better educated in safe boating procedures by the apprehension of the reckless or negligent operator; and, finally, whether the accident rate decreases. The Coast Guard plans to more than double the number of boating-safety detachments over the next 5 years. I strongly support this plan and urge those responsible to make every effort to increase the number of these detachments so vital to the boating-safety program.

Water is the boatman's environment. While we cannot control the environment insofar as preventing storms or bad weather, the boatman can be provided with the best possible information while on the water. The Coast Guard has a study underway to provide better ways of warning the boatman about the weather. Much has already been done to expand the present systems as well.

BOATING SAFETY A JOINT EFFORT

The Coast Guard Auxiliary is extremely active in the education of the boating public in safe boating practices. As a voluntary nonmilitary organization, the auxiliary's purpose is to promote safety in recreational boating. I congratulate the auxiliary on its dedicated and unselfish efforts to keep America's pleasure boaters safe. Its 32,000 members are experienced boatmen, amateur radio operators, or licensed aircraft pilots. The three basic programs carried out by the auxiliary are courtesy motorboat examination, public instruction, and operation; 269,521 persons were instructed in three safe-boating courses last year; 236,718 courtesy motorboat examinations were performed; over 4,700 regattas were patroled; and over 11,800 cases of assistance were recorded.

In addition to the auxiliary, many other fine organizations participate actively in safe boating activities. The U.S. power squadrons, American National Red Cross, and Boy Scouts, are just a few.

The States are also very much involved in boating safety and very concerned about what the future will bring. Educational efforts by the State are increasing as rapidly as limited funds permit. The Coast Guard works closely with the States on every aspect of boating safety. This can be easily seen in the number of State jurisdictions—42 with three pending—that have signed cooperative agreements with the Coast Guard. These agreements directly affect the coordination and effectiveness of safety patrols and enforcement activities. The encouragement of uniformity and comity among the different States regarding these boating laws is of vital importance to everyone involved with boating. The Congress, in the Federal Boating Act of 1958, established this, and Coast Guard policy encourages the principle. The mechanics of uniformity, however, are often complicated by the inadequacies of existing Federal laws.

NATIONAL SAFE BOATING WEEK

National Safe Boating Week—Focusing attention upon the need of pleasure boatmen to know and comply with safe boating practices and regulations—begins July 4 this year as stated in the proclamation. Its objective is to emphasize efforts urging the more than 44 million people using boats on our waters to help keep boating safe; to teach important fundamentals of safe boating to newcomers; and to remind experienced operators as well as the novice to practice commonsense and courtesy afloat. The basic theme for this year's observance of the week is "Safe Boating Is No Accident." National Safe Boating Week also pays tribute to the many persons and organizations who have contributed toward maintaining boating's fine safety record. Over 2,000 local groups such as Coast Guard auxiliary flotillas, U.S. power squadrons, boating clubs, States, and other boating and safety-minded organizations are expected to participate in the National Safe Boating Week observance in communities throughout the country. The concerned individual is truly the backbone of the effort. Assisting the local organizations is the National Safe Boating Committee, sponsor of National Safe Boating Week, principally by distributing promotional material. 7,500 promotional kits have been sent to local organizations all over the country. Promotional material has also been distributed to major news media organizations. The committee includes representatives from the U.S. Coast Guard, the U.S. Coast Guard Auxiliary, the American Boat and Yacht Council, the American National Red Cross, the American Power Boat Association, the American Water Ski Association, the Boat Owners Association of the United States, the Boat Owners Council of America, the Boy Scouts of America, the Corps of Engineers, the National Oceanic and Atmospheric Administration, the National Association of Engine and Boat Manufacturers, the National Association of State Boating Law Administrators, the National Boating Federation, the National Fire Protection Association, the National Safe Boating Association, the National Safety Council, the Outboard Boating Club of America, the U.S. power squadrons, the Marine Division of Underwriters Laboratories, Inc., and the Young Men's Christian Association. To all of these organizations, safety in boating is as important as it is to the individual and his family. To all of those national and local committees actively participating in National Safe Boating Week, I extend my congratulations. I urge all others interested in boating safety to join in making this an even more effective National Safe Boating Week than the successful ones in the past. Let us continue the good practices set forth by National Safe Boating Week throughout the year.

FEDERAL BOAT SAFETY ACT OF 1971

One final point, Mr. Chairman, as I have mentioned previously, there are several inadequacies in existing boating laws. I again urge Congress to support the Federal Boat Safety Act of 1971. With the tools in this bill, the Coast Guard and the States will be better able to keep our boating public safe.

PEACE IN SOUTH VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, recent developments in Paris point up, I believe, the wisdom of not restricting the President's negotiating powers, as well as the fact that perhaps meaningful negotiations can take place. Let us pray that they do.

Mr. Speaker, when President Nixon took office, one of the most troublesome problems that he inherited was the long, agonizing war in Vietnam. The year 1968 saw the most intense military action of the war, a year in which over 550,000 American troops bore the major share of the combat responsibility. Although the President inherited a strategy of further escalation until the enemy was ready to make concessions or conclude a peace agreement, he put into operation a reverse policy.

Today, there are 300,000 fewer Americans in Vietnam than when President Nixon assumed the responsibility for the conduct of the war, and the total will be cut by another 60,000 by December 1. As a result of this policy which has substantially scaled down American involvement, the cost of the war to the United States has been cut by more than 50 percent. It should be apparent that this is a complete reversal of the policy that led to the escalation of troops from 500 to nearly 550,000 in the 1960's.

An important fact that is left out of most arguments today is that the ability of the South Vietnamese to defend themselves has vastly improved over the last 2 years, and, for the first time, we can look forward to an end to the war that does not turn South Vietnam over to the "nine man central committee" who control the Lao Dong Communist party in North Vietnam, the same nine men incidentally who tyranically control more than 19 million people in the North, and an end which does not neglect the prisoners of war and those missing in action who are held incommunicado in violation of the Geneva Accords by the Communist North Vietnamese.

Mr. Speaker, I agree with the desire to withdraw from Vietnam at an even faster rate as reflected in the recently passed Mansfield amendment to H.R. 6531, the Selective Service Act.

I believe that the rate of withdrawal can be expedited, perhaps even faster than the Mansfield proposal. But, surely, the majority of Senators who voted for the amendment are aware that the President has been, and is still, singularly responsible for accelerating the withdrawal without jeopardizing the lives of our remaining troops or our POW's—MIA's or our allies. In view of this, I believe we ought to leave the rate of withdrawal up to the President without restricting his ability to negotiate a faster settlement.

Under the Constitution, the President has the exclusive right to negotiate, and thus I think we ought to concede him that right, especially in view of the progress he has made in helping Vietnamese help themselves and winding down American involvement. The essence of the Mansfield resolution is not legislating but trying to negotiate and set down certain negotiating conditions that say we will withdraw on certain conditions. However, we cannot negotiate with the enemy from the floor of Congress anymore than Congressmen and Senators can negotiate with the North Vietnamese and the Vietcong while visiting Paris. Our troops will be out in 1972 if we give the President, who has the Constitutional responsibility to carry on negotiations with foreign nations, the chance to get those troops out in a responsible way.

The President has made the point that he unequivocally rejects setting a deadline for withdrawal at this time. He recognizes that while there are good political reasons to go on record as favoring a date, there are no diplomatic or strategic reasons for it. The President opposes setting a deadline to keep open a threat of a Korea-type solution which would keep a substantial residual force in Vietnam as continuing pressure for a negotiated settlement. A negotiated settlement means that both sides get out of Vietnam—not merely the allied forces.

However, if the Mansfield amendment becomes the basis for our policy, the avenue for a negotiated settlement will be closed. Total withdrawal and a date certainly is a negotiable item. It should be negotiated at the bargaining table, not unilaterally given away without getting something in return.

Thus we have a situation in which the President wants a negotiated settlement and the advocates of the Mansfield amendment want a virtually unconditional withdrawal. Unfortunately, our POW's–MIA's have become "pawns", to force the President into unilateral withdrawal without a negotiated settlement or any hope of getting one. I have introduced an article at the end entitled "Monkey Wrenches in the Peace Machinery" by Richard Wilson which reflects very well what I am talking about.

Mr. Speaker, I believe that negotiations are still the quickest way to get out, and I support all attempts for a negotiated settlement. If we follow the outline of the Mansfield amendment and tie our withdrawal to the release of our POW's, we will not be out of Vietnam at any time in the near future, for the Communists do not easily exchange POW's. It is important to note that in 1954, North Vietnam and France signed a peace treaty which guaranteed that Hanoi would repatriate immediately the French POW's. But actual negotiations for this release continued until 1962—approximately 8 years—before Hanoi showed any inclination to have the treaty. In view of this, the effects of this amendment are potentially very long-term, and it actually retards rather than enhances the hopes that all of us have for a quicker withdrawal from Vietnam.

Mr. Speaker, the assumption on which the Mansfield amendment is based is that it will give Hanoi an opportunity and a motive to release our prisoners. It assumes that Hanoi would have a strong incentive to release our prisoners if they understand that release would encourage American withdrawal. I question this assumption.

Hanoi already knows we are withdrawing our forces. That is clearly U.S. policy. The Mansfield amendment would only complicate the process of obtaining prisoner release, because Hanoi would interpret the amendment as a sign of American desire to get out regardless of the consequences. Hence, Hanoi would feel little incentive to facilitate prisoner release.

Mr. Speaker, I believe that the amendment reflects the gullibility of many of those in the Congress with regard to Hanoi's doubletalk on the question of the return of POW's–MIA's. Just prior to key Senate votes, reports, coming from Paris and Hanoi, were intended to convince Americans that the POW's–MIA's would come home just as soon as we set a withdrawal date.

I realize that the Members of the Senate suffer indirectly from this pressure as we do in the House. I recognize how politically seductive it is to appear as the one who got us out of the war. But, we have no guarantee that our withdrawal, or our promise to withdraw, will induce the North Vietnamese to release, or discuss the release of our POW's. This fact completely undermines the assumption of the Mansfield amendment that as soon as we set a date, our POW's–MIA's will be released.

Even those who rely on wishful thinking that the North Vietnamese will discuss the safe return of our POW's–MIA's if we totally withdraw are being deceived and are seriously jeopardizing their return.

Mr. Speaker, with regard to the release of our POW's–MIA's, the Mansfield amendment predicts an unprecedented act of humaneness and reasonableness on the part of the Hanoi government. I wish I could believe that Hanoi would make the amendment an opportunity for progress and not for mischief, but it is clear that the Communists are cruelly using our men and prisoners in attempts to further their own, unjustified aims.

Mr. Speaker, I would like to insert at the end an article entitled "Hanoi Doubletalk on POW's" by Messrs. Evans and Novak that well reflects what I am talking about.

Mr. Speaker, the question of peace and the return of our men from Vietnam as well as our POW's–MIA's is not a partisan cause. This cause transcends political divisions. It has nothing to do with hawks and doves, but it has everything to do with the fact that, as Americans, we are very much concerned about these questions of peace and the plight of those 1,600 men who are missing or held prisoner by the enemy in Southeast Asia.

There is one very grim aspect of all

this that makes me want to speak out. For unlike other wars in history, both our fighting men and our POW's–MIA's cannot take comfort in the knowledge that our country stands united behind them.

Mr. Speaker, in World War II, Winston Churchill made the comment that England could afford to lose a battle but it could not afford to lose its honor. The clear majority of Americans seek peace with honor in Southeast Asia, which is revealed in a recent poll which I have included in the Record. According to the poll, while the American people will support almost any plan that promises an end to the war, they will clearly not support a plan that either endangers our prisoners or threatens a Communist takeover.

Many of the critics have accused this country and those who serve in our military as not desiring peace. Whatever the divisions we may have over the origins of the war, I believe that the desire for peace is unanimous and, I am sure, having visited Southeast Asia in 1968, that nowhere is the desire for peace felt more strongly than among those who know it first hand.

Mr. Speaker, peace cannot come as a result of congressional declarations, unless of course, we want the type of peace at any price that is bought at the expense of someone's freedom or is purchased by accepting the dictates of the enemy.

At the end, I would like to include an article by William S. White entitled "Vote Saves the Constitution."

Mr. Speaker, those who believe sincerely that Congress can declare peace, I think, are overlooking the lessons of history as well as subscribing to the myths that are exposed if we are interested enough to look at the truth about our involvement in Vietnam. I would like to enclose, at the end, some documentation that gives a side to this involvement that is seldom heard and even more seldom listened to.

Mr. Speaker, the President, in terms of foreign relations, has tremendous responsibilities, responsibilities that can be shared in part, but not shared in total, with the Congress. As Commander in Chief, he must take into consideration all eventualities, and it is significant to note that he is willing to be held accountable. This means that he must not only take into consideration the short-range effects of his actions in Vietnam but also the long-range effects. Some of these effects alluded to here are perfectly brought out in an article recently written by William K. Stringer entitled "Any Risk Here?" That too must be included in the Record. I believe that if Americans thought more about the tremendous responsibility that the President alone shoulders for our remaining troops, out POW's–MIA's, our allies in Southeast Asia and our worldwide credibility, they would have more confidence in his conduct of the ending of the war.

Mr. Speaker, I would now like to include the various materials mentioned in my statement.

[From the Washington Evening Star, June 28, 1971]

Monkey Wrenches in the Peace Machinery

(By Richard Wilson)

At a time when the White House had begun to have real hope that there might be a break in the Paris peace negotiations, the Mansfield withdrawal resolution has thrown a monkey wrench into the machinery.

The same may be said, in fact, on the publication of the secret Pentagon war study. For all the sanctimonious reliance on freedom of the press, "the public's right to know," and so on, the publication at this time of these historical records is proving more than merely embarrassing.

Like the Mansfield resolution, the furor over the war study, with its emphasis on deception by the American government only serves to expose anew and flagrantly the failure of will in this country on getting a constructive settlement. That exposure comes at a time when it might be possible to move toward a truly negotiated settlement instead of an abject, virtually unconditional and total withdrawal on a fixed date in the near future.

It needs to be repeated again that Nixon is not going to set a fixed date for withdrawal from Vietnam under existing conditions. Even if the House follows the Senate lead (which it probably will not) in supporting the Mansfield resolution, Nixon can sign the draft extension bill to which it would be attached and disavow the resolution. That is very likely what he will do under these circumstances.

Nixon is stubborn for a reason. The return to Paris of Le Duc Tho, the chief Communist negotiator, scheduled in advance of the Senate passage of the Mansfield resolution and not related to it, signaled a new turn in the negotiations. The Senate passage of the Mansfield resolution gave Lu Duc Tho something to hang his hat on. He promptly did so and made it that much harder for Nixon to move toward the kind of negotiated settlement he had begun to hope for.

Perhaps there are good political reasons why senators wish to go on record as favoring a total withdrawal from Vietnam after the freeing of American prisoners cf war. But there are no good diplomatic or strategic reasons for it.

It may as well be frankly stated what the situation is as far as the White House is concerned. Nixon is absolutely opposed to setting a deadline at this time. He needs and desires to keep open the threat of a Korea-type solution which would keep a substantial residual force in Vietnam as continuing pressure for a genuine negotiated settlement. A negotiated settlement means that both sides get out of South Vietnam, not merely the allied forces.

But the Senate would deny him even an attempt to negotiate a settlement. That avenue would be closed if the Mansfield resolution were made the basis of policy. At the White House it is considered tragic that Nixon's motives and intentions in Vietnam have been so badly misinterpreted and at a time when the prospect for a settlement is more encouraging.

It is said, in fact, that anyone who votes for the Mansfield resolution should expect to assume full responsibility if the prospects opened up by Le Duc Tho's return now fail to materialize.

Perhaps the White House expectations or hopes are overblown, but what escapes rational justification is the conclusion on which the Mansfield resolution is based. That conclusion is simply that Nixon can't be trusted to end the war because he desires a negotiated settlement instead of virtually unconditional withdrawal.

The prisoners have become political pawns in this game, used now to pressure Nixon into precipitate withdrawal without a negotiated settlement or any hope of getting one.

Hanoi continues to hold the prisoners for one reason alone, and that is also to keep Nixon under pressure for a total withdrawal by a fixed date. The men in Hanoi are counting once again, as they have so astutely in the past, on the deterioration of American will. The North Vietnamese in Paris have indicated their satisfaction that anti-war sentiment has prevailed in the Senate.

They may believe that Nixon ultimately will be overwhelmed by the irresistible pressure to get the war ended totally and the prisoners released before the next presidential election. If they are making this assessment, they are probably misjudging Nixon.

Their best bet might be immediate, unconditional release of the prisoners. That would put Nixon on the spot. But then, of course, they would lose their pawn and would have to negotiate.

In any case, this game is too fatefully complicated for political kibitzing by the U.S. Senate.

Hanoi Doubletalk on POWs

(By Rowland Evans and Robert Novak)

The skill and audacity with which the Vietnamese Communists manipulate American public opinion on the emotion-charged prisoner-of-war issue is illustrated by a diplomatic cable transmitted back to Hanoi June 11 by the North Vietnamese negotiating team in Paris.

That cable contained the official Communist transcript of an interview in Paris three days earlier between Xuan Thuy, chief North Vietnamees negotiator, and Chalmers M. Roberts of The Washington Post. The transcript quoted Xuan Thuy as saying that "if the United States sets a reasonable deadline for the complete withdrawal of troops, we could *discuss* the settlement of the prisoner of war question"—precisely the Hanoi line.

In truth, however, that is not what the Communist negotiator said at all. Roberts, a respected diplomatic correspondent, reported Xuan Thuy as telling him, "if a reasonable date is set, the question of prisoners may be settled." In response to another question, he amended that to "*will* be settled."

The discrepancy reveals the POW game played by the Hanoi Politburo. The soft line actually given in the interview with Roberts is intended to convince Americans that the POWs will come home just as soon as President Nixon sets a troop withdrawal deadline. The altered transcript cabled to Hanoi reiterated the hard line that is the Vietnamese reality: Hanoi promises nothing whatever in return for a troop withdrawal deadline.

This audacious game has worked, feeding demands in the United States for quick withdrawal. Two antiwar Democrats, Sen. Vance Hartke of Indiana and Rep. Robert Leggett of California, returned from talks with the Communists in Paris indicating that the Americans were to blame for the negotiations deadlock. Clark Clifford, former Secretary of Defense, has predicted release of the prisoners 30 days after agreement to withdraw. In a climate further soured by the Pentagon papers, many Americans believe the worst of their own country's leaders while exercising complete gullibility about Communist promises.

When not talking to American politicians and journalists, the Communists revert in formal Paris sessions to the hard line of their official statements. Based on those statements, there is every reason to believe that the Communists plan to use the POWs as hostages to steadily up the ante in fulfilling all goals in Vietnam.

The basic position is point one of the

South Vietnamese Communist eight-point "elaboration" of last Sept. 17. It not only links prisoner releases with a fixed date for U.S. troop withdrawals but also talks about taking all U.S. weapons and war materials from South Vietnamese troops and dismantling U.S. bases in Vietnam. Thus, the troop withdrawal deadline accomplishes nothing.

Consistently, the official Communist line in Paris has been that such a deadline set by Mr. Nixon would win him merely the right to *discuss* prisoner releases. Mme. Nguyen Thi Binh, chief South Vietnamese Communist negotiator, deviated from this only once. On April 15, an article by her in the French newspaper Le Monde suggested that Mr. Nixon need only fix a deadline "for GIs and American prisoners to be rapidly and safely returned."

But on the very day that article appeared, Mme. Binh was her usual intractable self at the negotiations session. Prisoners would return home, she said, only after the war had "come to an end"—that is, after a political settlement along Communist lines.

Rep. Leggett's visit to Paris on May 31 again showed the two faces Nguyen Van Tien, Mme. Binh's deputy, told the congressman that POWs could be released as soon as Mr. Nixon set a "reasonable date" for withdrawal. But when reporters queried Communist spokesmen about Leggett's visit, they were told repatriation of prisoners would be merely *discussed* once the withdrawal of troops was announced.

Still another example occurred when Anthony Lewis of The New York Times interviewed Xuan Thuy May 21. Lewis reported the North Vietnamese negotiator "understood the concern about the American prisoners and was ready to do something immediately . . . if Mr. Nixon set a withdrawal date." But the official Communist "transscript" cabled to Hanoi said only the Communists will "be ready to talk to Mr. Nixon on the POW issue" after a troop withdrawal.

The pattern is unmistakable. The ransom for American POWs will be much dearer than the Democratic-sponsored troop withdrawal deadline. To get them home, the U.S. must agree to humiliating concessions ending with a Communist regime in Saigon. Such is the iron *realpolitik* behind the Oriental smiles exhibited in Paris for American politicians.

Pull-Out Poll Misleading

The recent highly publicized and widely misinterpreted national opinion poll—showing that 73 percent of all Americans wanted a Congressional vote to bring home all U.S. troops from Vietnam before the end of this year—turns out to be false in its implications and grossly misleading.

The belief that the American people want out of Vietnam by December 31, 1971, regardless of consequences, is a myth. This is clearly shown in the attached report of a national survey taken May 1–2.

Here are some of the results of that survey:

1. By an overwhelming margin of 72 percent to 18 percent, the American people "support President Nixon in his plan to end the war in Southeast Asia."

2. Support for the proposed Congressional plan for pulling out all U.S. troops by December 31 almost evaporates—when the American people are confronted with the possible consequences such as jeopardy to our POW's or a communist take-over.

3. Well over half the American people oppose a December 31, 1971 deadline for withdrawal, if that withdrawal means a Communist take-over of South Vietnam.

4. By almost seven to one, Americans oppose any year-end withdrawal that threatens the lives or safety of American prisoners of war.

5. The earlier poll is misleading and has been grossly misinterpreted, because, while the American people will support almost any plan that promises an end to the war—they clearly will support no plan that either endangers our prisoners, or threatens a Communist take-over.

Do the People Really Favor Immediate Withdrawal From Vietnam?

Princeton, New Jersey: The Public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but *not* if it endangers our POW's or threatens a Communist takeover, according to the latest survey conducted by Opinion Research Corporation of Princeton, N.J.

Seventy-two percent of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18% who do not support his plan and 10% who have no opinion. At the same time, 68% of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20% opposed this move and 12% have no opinion.

However, when various possible consequences of quick withdrawal are tested, the public is against withdrawal of all U.S. troops by the end of 1971 if it means a Communist takeover of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year if it meant a Communist takeover of South Vietnam, 55% said no, 29% said yes, and 16% had no opinion. Also an overwhelming majority, 75%, would not favor withdrawal by the end of 1971 if it threatened the lives or safety of the United States POW's held by North Vietnam.

Eleven percent of those polled would favor such a withdrawal and 14% had no opinion.

The results of this survey were obtained by nationwide telephone interviews conducted among 1,026 persons aged 18 and over during the period May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Yes, 72; no, 18; no opinion, 10.

2. "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?"

Yes, 68; no, 20; no opinion, 12.

3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist takeover of South Vietnam?"

Yes, 29; no, 55; no opinion, 16.

4. "Would you favor withdrawal of all United States troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"

Yes, 11; no, 75; no opinion, 14.

Vote Saves Constitution

(By William S. White)

Those who seek an honorable withdrawal from Vietnam short of a naked American surrender and a total loss of the world's respect for the commitments of the United States have gained at least a breathing space. The Senate's rejection by 55 to 42, in the teeth of one of the most massive propaganda campaigns ever mounted, of a resolution to "force" President Nixon to surrender by Dec. 31 by the one-sided withdrawal of all our forces has permitted the responsibles in public life to hang on a little longer.

At least, the Constitution has been saved. For the right of any President to command the disposition of American troops in war zones lies at the heart of that document and the effort of Sens. George McGovern and Mark Hatfield to destroy it by legislative fiat has been beaten back in circumstances where they had almost everything possible going for them.

If, however, this ancient aspect of the right of government to govern has been sustained, the security of the United States has been seriously compromised by the clandestine handing over to The New York Times, which published them on the eve of the McGovern-Hatfield vote, of top secret defense materials which will have lasting effects on the security of the nation. For one thing, foreign governments are already asking the State Department in so many words whether in future they can dare deal in confidence with Washington.

For another thing, the man who leaked this information has, according to honorable military men, also handed to present and potential enemies of the United States a means would could assist them in breaking our highest defense codes.

The judge who granted a temporary injunction against further publication by the Times was Murray Gurfein, whose senior sponsor for the bench was the all-out antiwar Senator Jacob Javits. As this is written, the issue as to whether there is to be a permanent injunction is still in court. But whatever the outcome there, the damage has been done.

In a limited space it is impossible to describe the disclosures made to the Times except in the briefest way. Handed over were millions of words of memoranda and documents. All this was gathered up by a Pentagon "team" of lower and middle echelon people who had no power to make policy and whose one common quality was their covert antagonism to the policy of their chiefs—first, President John F. Kennedy and then, President Lyndon B. Johnson.

What, in summary, resulted was a hostile manifesto directed most of all at Mr. Johnson but calculated also to smear President Kennedy and nearly every other high official connected with the war.

The venom of these anonymous memo writers and interpreters was directed at such widely divergent persons as William and McGeorge Bundy; General and later Ambassador Maxwell Taylor; and, of course, the Joint Chiefs of Staff. Bureaucratic "researchers" were free to pick and choose among their materials; to select this and to discard that. It is a truism that by this method even the Holy Bible may be used to "prove" almost anything.

One innuendo put forward was that military planning against this or that contingency—which is the manifest duty of any government—was somehow wrong. Another implication was that the withholding of information about prospective military operations—an essential for the safety of American troops and a reticence whose omission would be an impeachable offense by any President—was somehow conspiratorial in motive.

Moreover, much of the contingency planning discussed by the researchers was never, in fact, put into action. Its mere existence was treated as sinister—to the horror of other countries, at this moment notably Israel, for whose defense in certain eventualities contingency plans are even now lying in other Pentagon files.

A criminal prosecution of the human conduit of this material is now in preparation. But it is all too late. Nor is it only the pro-war people in Washington who are appalled at what has happened; so, too, are such vehement antiwar leaders as Averill Harriman and Sen. Hubert H. Humphrey.

Finally, who benefits politically from it all? Certainly the extreme doves in the short run. As to the longer run, who can possibly say? To suggest, as some have done, that President Nixon and all who support his policy, have been "helped" is the sour laugh of the year.

The Communist Position on Prisoner Releases

Point 9 of the NLF's "10 Point" proposal of May 8, 1969 implicitly linked the release of prisoners of war with the payment of war reparations by the U.S. Point 9 stated:

"To resolve the aftermath of the war:

"A. The parties will negotiate the release of soldiers captured in the war.

"B. The United States Government must bear full responsibility for the losses and devastations it has caused to the Vietnamese people in both zones." [i.e. North and South Vietnam]

Point 1 of the PRG's "8 Point" elaboration of September 17, 1970 linked prisoner releases with the setting of a fixed date for the withdrawal of all U.S. and other foreign troops. The full text of Point 1 is as follows:

"The U.S. Government must put an end to its war of aggression in Vietnam, stop the policy of 'Vietnamization' of the war, totally withdraw from South Vietnam troops, military personnel, weapons, and war materials of the United States as well as troops, military personnel, weapons, and war materials of the other foreign countries in the U.S. camp, without posing any condition whatsoever, and dismantle all U.S. military bases in South Vietnam. In case the U.S. Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the U.S. camp by June 30, 1971, the People's Liberation Armed Forces will refrain from attacking the withdrawing troops of the United States and those of the other foreign countries in the U.S. camp, and the parties will engage at once in discussions on:

"The question of ensuring safety for the total withdrawal from South Vietnam of U.S. troops and those of the other foreign countries in the U.S. camp.

"The question of releasing captured militarymen."

Following the September 17, 1970 Paris meeting at which the "8 Points" were presented by PRG chief delegate Mme. Binh, PRG spokesman Duong Dinh Thao elaborated on the prisoner of war question. The following are the pertinent excerpts from Thao's press conference (using the North Vietnamese VNA transcript):

Bernard Redmont (NBC):

"I would like to ask about the problem of the captured military men. Does this mean that, when the U.S. Government announces that it will totally withdraw U.S. troops from South Vietnam, discussions on the release of prisoners of war will be held immediately? And also, does it mean that the captured military men will be set free immediately at the end of the discussions and not at the end of the war?"

Answer:

"First of all, it must be clearly stated that the Americans must announce that they will pull all U.S. troops out before 30 June 1971. Then, the parties will immediately begin to discuss the problem of the release of militarymen captured during the war. And, if the U.S. Government fosters good will, really desires to put an end to the war, and actually carries out the withdrawal of all U.S. and foreign troops from South Vietnam; and if it also displays a serious attitude in the discussions, then we are convinced that the release of the militarymen captured during the war will be carried out rapidly.

"We yearn for an early end to the war so as to be able to put an end to the suffering and mourning of the Vietnamese people and also of the American people. At the same time, this will enable captured American youths and militarymen to rejoin their families in a not too distant future."

Subsequently, Communist delegates and spokesmen in Paris have consistently adhered to the line that a prisoner of war release would only be "discussed"—not automatically resolved—should the U.S. set a withdrawal deadline. The one apparent exception was an article by Mme. Binh in Le Monde of April 15, 1971 in which she claimed that President Nixon had "only to fix a reasonable deadline for the total withdrawal for GI's and American prisoners to be rapidly and safely returned." However, in the Paris session held the day this article appeared (April 15), Mme. Binh and her North Vietnamese counterpart, Xuan Thuy, took a somewhat different official line. The following are excerpts from the transcript of this meeting:

Mme. Binh:

"In order to settle the question of captured military personnel, it is necessary to settle the problem of the cessation of the war—a problem in which the crucial question is the repatriation of American troops. As long as the war goes on, not only will the question of captured military personnel not be able to be settled but also the list of the captured will only grow longer indefinitely.

"The Vietnamese people who feel no animosity toward the American people and who have no interest in the prolongation of the captivity of captured American military personnel, still desire to see the war come to an end as soon as possible in order that this question be rapidly settled. In this spirit, the Provisional Revolutionary Government of the Republic of South Vietnam stated that it would enter immediately into discussions on the question of the release of captured military personnel if the Government of the United States agreed to withdraw all of its troops before June 30th, 1971. . . . It is thus clear that if the American Government had truly wanted to correctly settle the question of captured military personnel, this question would long since have been discussed and settled in an appropriate manner. . . .

"Rapidly withdrawing American troops according to a determined deadline, renouncing the maintenance of the Thieu/Ky/Khiem clique, letting the South Vietnamese population determine freely its own political future—these are urgent demands not only on the part of the Vietnamese people but also on the part of the American people and public opinion the world over. It is up to the Nixon Administration to respond to these legitimate demands so that these negotiations can truly progress, the war come to an end as soon as possible and American troops in Vietnam, including captured American military personnel, go back rapidly and in complete safety to their homes."

Xuan Thuy:

"In our prepared statement today, we called on the United States party to give a response to the three points which we mentioned in our speech today with the aim of rapidly arriving at a peaceful settlement of the Vietnamese question. If you give a response rapidly and positively to these three points, then a rapid return home will be possible for captured military personnel and for the personnel now participating in the war. [Xuan Thuy's three points called for the U.S. to: (1) set a withdrawal deadline; (2) cease bombing North Vietnam and 'violating its sovereignty and security;' and (3) respond to the PRG proposal to replace the present South Vietnamese Government with one which will engage 'in serious talks' with the PRG.]"

The Hanoi daily Nhan Dan of April 19, 1971 stated:

"It is thus obvious that whether or not captured American military men will be released depends entirely on the U.S. A prolongation of the war will only delay the settling of this question."

It thus emerges from the above Communist statements that more than a troop withdrawal deadline is required in order to free the prisoners of war. While the Communists are ready to "discuss" the prisoner question if the U.S. sets a deadline, they indicate that the war will have to end—presumably on their terms—before the prisoners will be actually freed. This would involve not only a deadline, but also the establishment of "provisional coalition government" and probably also the cessation of all U.S. military aid to South Vietnam and the payment of war reparations. In any case, the Communist side can be expected to extract the highest possible price for a prisoner release.

There has been some confusion in the interpretation and reporting of statements attributed to Communist spokesmen and delegation members in Paris. The following excerpts from the North Vietnamese (VNA) transcript of questions and answers at North Vietnamese spokesman Nguyen Thanh Le's "tea party" of April 21, 1971 might serve to clear up some of these misunderstandings:

Redmont (Westinghouse Broadcasting Corporation):

"I paid much interest to an article carried in the International Tribune today which quotes U.S. Senator Hartke as saying that in his meeting with Mr. Nguyen Minh Vy [North Vietnamese delegate], the latter said that after the United States announced it would withdraw all U.S. troops . . . and the prisoners of war would be released three weeks later. Will you give your opinion on this?"

Answer:

"When Mr. Hartke came to Paris he suggested that a cease-fire be observed . . . Mr. Nguyen Minh Vy answered that, with regard to the question of cease fire, Minister Nguyen Thi Binh made a three point statement on 10 December 1970 . . . With regard to captured military personnel, if the United States agrees to the proposal of the PRGRSV that it announce the withdrawal of all U.S. troops and those of the other foreign countries in the U.S. camp before 30 June 1971, the parties will discuss immediately the release of American prisoners of war.

"I would like to add that with regard to the question of American prisoners of war, I think that if the United States puts forward a deadline for the total withdrawal of its troops and ends the war of aggression, I believe . . . that . . . there will be no difficulties just as . . . towards the French in the past."

Goldsmith (AP):

". . . Why does your side think that no further precision can be given . . . U.S. opinion is concerned about your refusal to announce a fixed date for the release of prisoners of war. This fact gives the Americans a pretext for refusing to set a deadline for the total withdrawal of U.S. troops."

Answer:

"In my opinion, the problem of captured militarymen is not too difficult to solve . . . we formerly had this experience with the French and the problem was settled satisfactorily. We have said: Should the Americans advance a deadline for the total withdrawal of U.S. troops, then the parties would enter into discussions, that is, serious and true discussions on the release of captured militarymen."

Note: In answering questions, Nguyen Thanh Le three times referred to the precedent established by the release of French prisoners of war. Prior to the question and answer period, Le stated:

"At the Geneva Conference in 1954, the question of releasing captured militarymen was not difficult to settle. After a basic agreement on the ending of the war and on a cease-fire, the question of releasing captured military men was settled. On 20 July 1954 the Geneva agreements were signed. A few days after, the parties discussed the releasing of captured militarymen. At the end of July 1954, the release started, and it ended in August 1954."

This appears to be an additional indication that the Communists do not intend to release American prisoners until the war has ended on their terms.

VIETNAM PERSPECTIVE 1954–1970

THE GENEVA ACCORDS—1954

The Geneva Conference held in 1954 to settle the Indochina War resulted in Accords signed by only two powers: France and North Vietnam. The Accords provided for a military cease-fire, a regroupment of military forces, the provisional division of Vietnam into two zones divided at the 17th parallel, and the free movement of the population between the two zones for a period of 300 days. The Accords also called for the creation of an International Control Commission (Canada, Poland and India) to supervise the implementation of the provisions.

In declarations attached to the Accords (and unsigned by any powers), it was stipulated that free elections by secret ballot in accordance with democratic procedures should be held in July 1956. The United States and South Vietnam each had urged effective United Nations verification and supervision for these elections. North Vietnam, then and now, totally rejected any U.N. role in Vietnam. The U.S. and South Vietnam therefore refused to sign the 1954 Geneva Accords. No powers signed the final declarations attached to the Accords.

NGO DINH DIEM

In South Vietnam, the political focus rested on Ngo Dinh Diem. Diem was appointed Prime Minister of the State of Vietnam by Emperor Bao Dai in 1954 before the Geneva Accords were drawn up. He was supported by the United States as a result of his long record as a nationalist, non-Communist political leader. Diem was not an American puppet nor was he Cardinal Spellman's silly putty. He had only come to the attention of Americans in 1951 but Diem was the son of the grand chamberlain of the emperor at the Imperial Court in the city of Hue in Central Vietnam. Born into a family which had a long tradition of Catholicism (nearly two million Vietnamese in South Vietnam today are Catholic) Diem was educated at the same high school that Ho Chi Minh had attended in Hue city.

Diem became well-known throughout Central Vietnam as a dedicated, honest and competent nationalist. In 1930, following service as a District Chief, Diem's talents came to the attention of the French administration. The French subsequently offered Diem the position of Minister of Interior. Diem took the post on condition that the French grant genuine concessions toward increased Vietnamese independence. When it became clear that the French had no intentions of keeping their word, Diem resigned after 18 months of service warning the French that they would lose their hold on Vietnam as a result of denying Vietnamese a real role of participation.

In 1940, Diem refused with equal stubbornness to collaborate with the Japanese occupation forces in Vietnam. He remained an obdurate Central Vietnamese patriot. In 1945, Diem's brother was buried alive by Ho Chi Minh's forces in North Vietnam—a fact that Diem never forgot nor forgave. Ho later offered Diem a position in North Vietnam's short-lived "coalition" government. Diem refused the offer.

THE EMERGENCE OF THE COMMUNIST THREAT

In 1951, Diem was encountered by American scholars in Tokyo. He was searching for help for Vietnam, just as Ho Chi Minh had left Vietnam in 1912 never to return until 1941. Subsequently, Diem came to the United States. He felt the need for help was more urgent than ever due to the events that had taken place in Southeast Asia. A coalition government formed with nationalists, Communists and neutralists in Hanoi by Ho Chi Minh had been destroyed in six months during the summer and autumn of 1946 and Ho Chi Minh had abolished the Communist party which had only a few months before destroyed the nationalists in the coalition.

By 1951, with Mao Tse-tung in control of the Chinese mainland and involved in the Korean War, Ho Chi Minh had felt bold enough to abolish the broad national front and resurrect the Communist party in public position of leadership. Named the Lao Dong (Workers) Party, in March 1951 this antagonistic non-Vietnamese organism once again was in the saddle. (A theory of a German named Hegel and a vision of a German named Marx was going to be translated into a dictatorship of the proletariat on the unwilling backs of a people who were fighting for genuine Vietnamese independence and the freedom in village self-government terms that has characterized the three regions of Vietnam for centuries.) The Lao Dong Party was in fact but another reincarnation of the first political brainchild of Ho Chi Minh fresh from his 1923–25 training in Moscow—the Indochinese Communist Party of 1930.

DIEM AND THE UNITED STATES

Diem's quest for U.S. support was redoubled after the emergence of the Lao Dong Party from behind the mask of the broad national front against the French in March 1951. Diem was favorably regarded by Senator John F. Kennedy, Senator Mike Mansfield and a host of American political spokesmen who regarded him as a genuine Vietnamese nationalist.

In 1954, the United States decided to support Diem for the post of Prime Minister when he was being considered by Emperor Bao Dai for that job. One reported French reaction to Diem's selection was: "He is the last cigarette in the pack." It was a French estimate that Diem would last only a few weeks. Diem proved to be adept at survival, becoming Prime Minister in 1954 and in 1955 defeating Bao Dai in a national referendum for the position of President. Diem remained President of South Vietnam until November 1963.

REBUILDING IN THE SOUTH

As President of South Vietnam, Diem was able to restore telecommunications, rebuild roads, triple educational enrollment, increase health facilities in the countryside, re-settle nearly a million refugees, meet the challenges of armed political-religious sects threatening the government's authority, destroy the Binh Xuyen, (a Mafia-like organization which controlled the opium, gambling and prostitution in Vietnam which was one of the troublesome legacies from the days of French control) and register a very large increase in rice production. Diem had set South Vietnam on an impressive course of economic reconstruction. Professor Hans Morgenthau lauded Diem and his impressive efforts in 1956 as "a living miracle."

THE DEMISE OF VILLAGE ELECTIONS

On the other hand, confronted by the illegal presence of some 5,000 Communist troops in five hold-out areas in South Vietnam, Diem was deeply worried about security in the countryside. He reacted by repressing political opposition. In June 1956, Diem abolished village self-government in South Vietnam. The election of village councils had been a cherished Vietnamese tradition dating back to the 1600's. Diem's action though perhaps understandable in terms of military security opened a deep political vulnerability in the countryside which the Communist cadres skillfully exploited during the following three years. It should be noted that the many local grievance groups that existed in the countryside proved to be fertile targets for the Communist organizers who were determined to prepare the political battlefield in South Vietnam.

DIEM AND THE GENEVA ELECTION ISSUE

Diem had profound concern about any election contest with North Vietnam. He knew the record of North Vietnam's Stalinist regime ruled out the possibility that the North would hold democratic and free elections by secret ballot. The record of Ho Chi Minh's systematic betrayal of Vietnamese nationalists to the French during the previous decades was further cause for caution. Diem also knew that the North (even after the flight of nearly a million refugees to the South) simply outnumbered the South in terms of voting population. Ho Chi Minh had violated the Geneva Accords signed by North Vietnam on the stipulations concerning free choice of movement for the people of the North and the South. Communist roadblocks prevented most of the people of North Vietnam from ever reaching the International Control Commission teams which were supposed to be available to all. Only those who could reach the ICC teams in the former French-held areas of the Red River Delta had much chance of stating their choice. Others forged papers and tried to slip past the Communist Party security squads which sought to prevent such contact.

U.S. OPINION ON THE 1956 ELECTION ISSUE

Diem was adamant in his reservations. It was certain that the Communist regime would regiment more votes at the ballot box than the South's voting age population could match. The ICC with its pro-Communist Polish representatives could not provide any assurances of a free electoral test. Without U.N. supervision, Diem felt any elections between North and South would be meaningless. American spokesmen such as Senator John F. Kennedy and Senator Mike Mansfield agreed. They continued to press for an election formula calling for effective international supervision and warned against "forcing Diem" into these rigged and unrepresentative elections.

THE POST-GENEVA RECORD

The fact that South Vietnam had never signed the Geneva Accords, added to the strength of Diem's refusal to submit to the Communist demands on this issue. By July 1956, France, one of the two signatories of the Accords, had departed South Vietnam and North Vietnam had consistently violated important provisions of the Geneva agreement by several significant policies. More than 5,000 regular army troops loyal to the Lao Dong Party, the Communist Party of North Vietnam, were left in the South in 1954–55. Their refusal to regroup to the North as the Geneva Accords had prescribed provided North Vietnam with a built-in military threat to South Vietnam's development and survival.

The size of North Vietnam's regular army at home was trebled in open defiance of specific stipulations in the Accords that no increase would take place. In South Vietnam meanwhile, 685 U.S. military advisors were assigned to training tasks in answer to a request by President Diem and in accordance with the Accords provisions permitting rotation of training personnel. At the same time, South Vietnam's regular army was reduced in size to keep within the Geneva stipulations even though neither South Vietnam nor the U.S. were signatories to the Accords.

INSIDE NORTH VIETNAM 1954–1956

Ho Chi Minh's regime in North Vietnam by 1956, was experiencing widespread unrest and resistance to the bloody "land readjustment" campaign which killed small farmers and landholders as a preparatory step to turn their lands into collective farms. There were a minimum of large landlords in North Vietnam which had traditionally been a country of small farms and land worked by the owners. Nevertheless, more than 50,000 people were executed by the Communist Party compaign in two years. By 1956 more than a half a million people were in forced labor camps or re-education centers and countless families had been destroyed by wives being forced to divorce their husbands who had been branded "reactionaries." In August 1956, intellectuals in Hanoi publicly demanded the overthrow of the Lao Dong Party publishing their demand in the newspaper "Nhan Van" (Humanity). The Lao Dong Party closed the protesting newspapers and periodicals, suppressed the university students and jailed the dissenters.

REBELLION IN NORTH VIETNAM—1956

In November 1956, despite regime apologies for the "tortures and murders" of the previous two years, the farmers of Ho Chi Minh's home province of Nghe Anh, rose against their Stalinist masters, seized guns from the Communist Party armory and fought against the Lao Dong Party. Two divisions of North Vietnamese regular army troops were sent in to suppress this rebellion, but the troops could not erase the fact that the people of North Vietnam were emulating the revolts flaring in Poland and Hungary a half a world away against the same system of totalitarian Communist rule.

This was the atmosphere in 1956 when the North Vietnamese might otherwise have held the Geneva-prescribed elections. The precincts in North Vietnam were rotten. There were no model unification elections there either. Ho went on national radio in North Vietnam and apologized for errors and mistakes of the land reform executions: "My children, Land Reform is like hot soup, it must be taken slowly." General Giap, hero of Dienbienphu and Defense Minister of North Vietnam apologized before a formal meeting of the Party Congress, stressing that the murders and tortures that had occurred during those two years were a result of over zealous actions.

HO CHI MINH

When Ho took power as a Communist leader in North Vietnam in 1954, he had already traveled a long and special road. He had been born in 1890 with the name: Nguyen That Thanh. (Nguyen Who Will Be Victorious.) In his lifetime he would adopt and discard 21 aliases to mask his identity. His father was a functionaire and was alternately working for and being prosecuted by the French. In 1912 Ho left Vietnam under an alias as a cabin boy on a French ship and in time sailed from Marseilles, France on the maritime routes that took him to Africa, New York City and London. In the years of World War I he was in France where he was known as Nguyen O Phap (Nguyen Who Hates the French.) In 1919 he rented a top hat and tails and attempted to present a petition for Vietnam's independence to the Big Four peace conference meeting at Versailles. They were too busy to see him.

ALIAS NGUYEN AI QUOC

In 1920, reinforcing his years of contact with the Socialist movement in Europe, he attended the Socialist Congress at Tours, France and when the meeting split into two factions, he followed the Communist faction into session and became a founding member of the French Communist Party. He adopted the name: Nguyen Ai Quoc (Nguyen the Patriot). His French Communist Party roots would show clearly years later when he, in 1946, negotiated the return of the French to Vietnam (the French Communist Party felt it had a good chance of conquering France by parliamentary action in 1946 and issued orders that year to the Vietnamese Communist Party that "under no circumstances should any attempt be made to prevent the return of French troops to Vietnam in 1946"). Ho Chi Minh bargained the French in to get the occupying Chinese Nationalist troops and influence out of North Vietnam. Southern Communists protested the entire arrangement charging Ho with being a nation seller and a betrayer. This was not a new allegation on Ho's record.

After the 1920 founding of the French Communist Party, Nguyen Ai Quoc was sent to Moscow to the Lenin Institute for training at the Toiler of the East School. There from 1923–1925 he refined his skills as a Communist organizer.

In 1925, he was assigned to Canton, China as a member of the Russian Consulate headed by Borodin. Nguyen Ai Quoc was listed as a clerk and an interpreter, but his real job was to organize Communist activities in Southeast Asia. One of Nguyen Ai Quoc's first acts upon arrival in Canton was to invite to Shanghai the leading Vietnamese fighter against the French, Phan Boi Chau. Chau had been leading the struggle against the French for more than 25 years inside Vietnam. Nguyen Ai Quoc's organization sold Phan Boi Chau to the French security police in Shanghai, China in 1925. A trip to talk about revolution had ended in betrayal and nationalist struggle against the French was weakened by the actions of the Communist organizer, Nguyen Ai Quoc. Two hundred other nationalists of various parties were subsequently invited to China by Nguyen Ai Quoc to study revolution. After a year's study at Whampoa Military Academy many of them refused to join the Communist movement and they too were betrayed to the French Surete as they attempted to clandestinely return to Vietnam. Nationalists who had thus encountered Nguyen Ai Quoc's organization had the contemporary opinion that Nguyen Ai Quoc was betraying Vietnamese nationalism not fostering it. Nguyen Ai Quoc had to flee for safety to northeast Thailand when the coalition arrangement between the Chinese Nationalists and the Chinese Communists broke down in 1928.

THE "DEATH" OF NGUYEN AI QUOC

In 1930 Nguyen Ai Quoc held a Congress of the quarreling factions of the Indochina Communist groups in Hong Kong. There he founded the Indochinese Communist Party thus surfacing his Communist allegiance so repugnant to Vietnamese nationalists. In 1933 Nguyen Ai Quoc was reported dead and his death was accepted as genuine by Communist and non-Communist Vietnamese alike. The Communist Vietnamese were grieved, but the nationalist Vietnamese were more restrained in their mourning since the betrayer of their colleagues had passed to his next reincarnation. Some were plainly relieved that the leading menace to the nationalist movements was gone. They buried their grudges with the memory of Nguyen Ai Quoc.

ALIAS HO CHI MINH

After the false report of his death, Nguyen Ai Quoc, under a variety of other aliases worked in Thailand, Malaya, and the Soviet Union.

In 1941, eight years later, Nguyen Ai Quoc emerged from a Chinese Nationalist prison and under the alias of Ho Chi Minh—"Ho who is determined to be enlightened"—was sent into Vietnam by the O.S.S. to organize an escape net for allied pilots in Japanese occupied North Vietnam, Ho was also sponsored by a Chinese nationalists warlord who wanted to wrap up North Vietnam for himself as a V–J day present. As Ho Chi Minh, new in name and appearance (tuberculosis had aged and emaciated him, prison had grayed his hair) encountered Vietnamese nationalists, he avoided any identification with Nguyen Ai Quoc's record, downgraded the Communist Party Nguyen Ai Quoc had created and asked people to join in a Front against the Japanese. Under this name and with this organizational mask, Ho Chi Minh became the war hero and liberation hero of most Vietnamese. (Not until 1960 in public print in Hanoi did Ho Chi Minh admit that he was Nguyen Ai Quoc.)

BEHIND THE MASK—THE COMMUNIST PARTY

Consistently throughout the years from 1941 through 1945, the Communist movement hid under the mask of a Front. In 1945 with the Japanese surrender the Communist movement emerged, entered a coalition government in 1946 which was nationalist, communist and neutralist in representation. In six months, the Communists had murdered, arrested or terrorized the nationalists into flight, and the iron control of the Party had been established. However, when the war with the French began a month later, Ho once again found it necessary to abolish publicly the Communist Party and create a broad popular front which nationalist non-Communists could be expected to join.

THE LEGACY OF NGUYEN AI QUOC—1954

After France lost at Dienbienphu in 1954 and the Geneva Accords were signed in France and North Vietnam, Ho had a difficult time explaining to the Southern Communist movement of his organization why, having lost the war in 1954, France was to be permitted two more years to hang on in South Vietnam. One reason was that the Soviet Union had insisted that Ho give France two more years in Indochina as an incentive for the French to vote against the European Defense community plan then being considered in the French Parliament. Thus it was for the International Communist priority of weakening the Western European defenses which denied the 250 Soviet army divisions, that Ho Chi Minh sold out the hopes of the Southern Communists.

BAD NEWS FOR THE SOUTHERN COMMUNISTS

Between 80,000 to 100,000 Southerners had been ordered to go North at the time of Geneva to train and prepare in the North for the return to South Vietnam to organize the Communist vote in the South in 1956. For these Southern Communists who were in North Vietnam, the North's land reform revolt and the Party's eroded political condition were bad news. The need was plain. The balance between Ho's problems and Diem's progress had to be corrected by a shift in tactics.

RETURN TO THE SOUTH TO ORGANIZE AND KILL

The Southern Communist re-groupees, trained in North Vietnam went back into the South to focus the local grievances in the villages of the countryside, to organize resistance to the central Government in South Vietnam, and to kill by assassination and terror those serving the government cause in the countryside. It was this pattern, using the 5,000 hold-out stay-behind Communist troops that Ho had ordered to remain in escrow in the South, that enabled these local Southern re-groupees to carry out their tasks. They killed the corrupt first, the efficient second and never touched the mediocre. A lot of Vietnamese started to get mediocre in the performance of their tasks simply to get to the next year. The killings started in 1957. The Communists never publicly mentioned Communism nor did they create a public Communist organization. They simply rode the tiger of local grievance, joining and supporting whatever the local organizations and memories would respond to and at the same time the network of clandestine Communist agents and membership spread carefully in a technique the Communists professionally called "bead-stringing." There was much local grievance to exploit. The scene was set for the next three years of Communist assassination, terror and organizing. Diem grew increasingly repressive in response to the deteriorating security situation.

CREATION OF THE NLF—ANOTHER "FRONT"

In December 1960 the National Liberation Front was formed since Diem was nearly overthrown by a coup the previous month and the Communists were still publicly operating entirely through the diversity and variety of local grievances. They had to have a national organization that the people could join if Diem was toppled. The National

Liberation Front was a spin-off of Ho Chi Minh's long experience in masking his unpopular Communist Party's identity behind broad popular facades. But the People's Revolutionary Party (PRP) was also included inside the Front. This was in fact the Southern branch of the Lao Dong Party and its controlling role in the Front, which was largely a propaganda facade and apparatus, became painfully evident in 1962 when the PRP announced publicly that it was a "Marxist-Leninist Party, the vanguard of a Communist Revolution." This was sad tidings for the Front and the believers in local grievance causes. Once again the Front, well along the road to what it assumed to be victory, was effectively abolished in favor of Party control of policy and apparatus.

THE CRUCIAL YEAR 1964—SHOULD THE NORTHERN ARMY GO IN?

In 1964 most of the effective Southern manpower pool of re-groupees that had been sent North for training in 1954 had been used up. There still had been no uprising of the masses in South Vietnam to the Communist banner, though Diem was increasingly unpopular as a result of his deteriorating administrative apparatus in the countryside and those who carried out programs in negative fashion using his name. For the North the real question was: "If Southern cadres trained in the North are now in short supply, could the regular Northern army be sent in to wrap up the war fast?" In 1964, the Lao Dong Party moved the NVN army into training camps preparing for such a shift in policy and in September and October 1964 the first regular units of the North Vietnamese Army began to move down the Ho Chi Minh trail through Laos and into South Vietnam. The numbers increased as the months went by. From an initial advance party of 300 in November and December 1964, the Northern involvement rose to several thousand by the spring of 1965 and eventually to the 10 divisions (160,000 men) in the South today. It was these troops, wearing uniforms and insignia, coming in regular unit formations, that constituted the beginning of an actual invasion of the South by the North. The pattern of the war had changed.

THE U.S. RESPONSE—MISCALCULATION BY THE NORTH

The U.S. was now to be tested. Did it mean what it had always said? Would the South Vietnamese be overrun? The North could well reflect in 1970 that they had made a major miscalculation in 1964. For the U.S. response with the combat forces arriving in March and June 1965 prevented the collapse of South Vietnam and remains today the major element blocking a North Vietnamese military victory on the battlefield. Moreover, in 1969 President Nixon's Vietnamization policy for the first time turned priority attention to the training and equipping of the South Vietnamese in a role of leadership which places the burden for the defense of the South on the shoulders of the Southerners. The ongoing U.S. troop reduction is timetabled to enable the South to prepare to meet this challenge. Such a shift can only represent anathema to the North. For Southerners have never in 2,500 years of Vietnamese history been ruled by Northerners and a trained and equipped Southerner in his own back yard is the strongest psychological barrier to a North Vietnamese regular army intruder into the South. That is why the North has attempted to preserve the fiction for so long that it really has no troops in the South and at the same time has insisted that the U.S. must withdraw unilaterally and precipitately get out so that there will be a guaranteed Southern collapse of the non-Communist nationalists. That is the only way North Vietnam (with the mask of the NLF shredded and torn by the Tet offensive of 1968 which resulted in the execution by the Southern Communists of 5,700 people in the city of Hue in 26 days of occupation) can hope for a military success in South Vietnam. They had never thought the U.S. would in fact come to the aid of South Vietnam with troops when for seven years South Vietnam was being cut to pieces and the U.S. had sent only a few advisors. Now the North is equally worried about how to get the Americans out fast. President Nixon has indicated that one of the ways that the war can be most speedily resolved is by meaningful negotiations at Paris or elsewhere. If the Hanoi leadership refuses to negotiate then the Vietnamization program will be a constant reminder that as they dally, the South Vietnamese who have a deep residual abiding rivalry with the North are being given more time and tools to get ready.

NEW POLITICAL GROWTH AT THE RICE ROOTS IN THE SOUTH—1967–1970

It is in this context that the series of elections from the village to the Presidency in South Vietnam should be viewed. Village self-government is back. The present Saigon leadership reincarnated this venerable Vietnamese tradition in 1967. It also fostered a budget and leadership role for the village councils that more appropriately equate with the 20th century needs for services and development. Village elections were held in 1,000 villages in 1967. Another 1,000 villages were able to conduct elections as a result of the inability of the Communist forces to keep government contact away from the villages following the 1968 Tet offensive which cost the Communists more than 230,000 dead and opened up, as a result, communications and access to nearly 1,000 more villages in the following six months. Thus 2,000 of the total 2,300 villages in South Vietnam today have ignored Viet Cong threats, have voted for their own local leadership and are busy trying to rebuild their own local society despite the decade of war. The national elections, which also have ignored the VC have resulted in a House and Senate, a Presidency and Vice Presidency being created and candidates elected. In the summer of 1970, 1,000 villages held re-elections for their councils. With five candidates trying for each seat available, the 44 province councils (they advise the 44 province chiefs or governors) were elected, and in August 1970 30 seats of the 60 seat South Vietnamese Senate were the subject of re-election. Sixteen, ten-man positions contested, and the winning slate was the Buddhist, with Opposition Independents second and a pro-Thieu slate third. Even the losers said this was the most honest election in their experience.

THE BIG QUESTION FOR HANOI

In 1971, the whole country of South Vietnam votes again for the Presidency, the Vice Presidency, the Lower House of the National Assembly and the village councils in 1,000 villages. The big question for the Southern Communists is what role they will play in these elections. The U.S. and South Vietnam have offered them a chance to negotiate, to cease firing and come in and compete politically, joining in determining the arrangements for the rules and the supervision of the balloting. Hanoi and the VC have rejected these proposals and instead repeat the tired refrain that the U.S. should simply unilaterally get out and that prior to any elections a coalition government of "progressive" forces must be imposed upon the people of South Vietnam as we go. Yet non-Communist nationalist South Vietnam remembers the brief coalition experiences with North Vietnam's Communists in 1946 when the nationalists were terrorized and decimated within six months. And South Vietnam remembers the preview of Communist rule in the city of Hue where in 1968 5,700 people were executed by local Communist forces during 26 days of occupation. The U.S. is willing to talk about any settlement that preserves for the South the right to choose its own path free from outside attack, there will be no surrender. North Vietnam didn't make it through a military invasion of the South and she will not be allowed to pick up the victory politically by a U.S. cut and run. The South Vietnamese will have their increased capabilities, their test and their choice.

THE NORTH AFTER HO

In the North, Ho Chi Minh died in 1969. His heirs debate the correctness or the blunder of the policies of 1964, the sending of Northern troops and the resulting cost of the war at home. Hanoi has lost its major industrial development throughout the country. More than 700,000 Northern regular army soldiers have been killed in the South. Since 1968, the Northern wounded are coming home bearing witness by their condition of blindness, loss of limbs or crippled condition to the fury of the battle. Since 1969, death benefit payments have been instituted to the families of Northern soldiers killed in the South further surfacing the public knowledge about the terrible human cost of Northern invasion of South Vietnam.

During the time of the bombing of North Vietnam by the U.S., the war was described as being a resistance against American air raids aimed at softening up the North for invasion. The fact that Northern draftees had been sent to South Vietnam was not publicized. Northern sons were defending the coast against such an invasion. Today with the bombing ended, Northern families ask why their sons have not returned since the post-bombing condition of North Vietnam is described by Northern writers and dramatists as "a time of peace." In some plays and short stories in North Vietnam, there is often a subtle protest role surfaced. The "mother" saying: "Why should I send my son South, so many have gone, so few have returned." In the same pattern, there are hippies in Hanoi, sons of the elite, or drop-outs from the revolution whose dress and life style infuriate the party. In 1971, a rock and roll band was sentenced to 15 years for playing "golden music" in psychedelic cellars in Hanoi luring the youth from the path of revolutionary endeavor. Above all, there is the debate within the Party about the priorities of the war in the South and the need to build and reconstruct in the North. There are constant warnings in the Hanoi Party press to fight the increased corruption and decay that is appearing in the society. The events of 1970–71 concerning Cambodia and Laos offer little comfort to the La Dong Party and the 21 million people of North Vietnam under its rule. The war and its costs are very real. Yet for Hanoi there is still no victory in sight.

THREE-DIMENSIONAL FOCUS—NEGOTIATION AND VIETNAMIZATION

These are some of the factors which make it necessary for those who seek to understand this problem to place the Vietnamese in three-dimensional focus. This is unlike any war or situation we have ever encountered and that is why President Nixon has decided to follow a policy that on the one hand offers peace through negotiation and on the other continues to turn responsibilities over to the South through Vietnamization.

VIETNAM BIBLIOGRAPHY

General Surveys

Bain, Chester. *Vietnam: The Roots of Conflict,* 1967. $1.95. (Prentice-Hall Inc., Englewood Cliffs, N.J. 07632)

Trager, Frank. *Why Vietnam?,* 1966. $4.95. (Frederick A. Praeger, 111 Fourth Ave., New York, N.Y. 10003)

Fall, Bernard. *The Two Vietnams,* second edition, 1967. $7.95. (Frederick A. Praeger, 111 Fourth Ave., New York, N.Y. 10003)

Fishel, Wesley, ed. *Vietnam: Anatomy of a Conflict,* 1968. $5.95. (F. E. Peacock Publishers, 401 West Irving Park Road, Itasca, Ill. 60143)

Thompson, Sir Robert. *No Exit From Vietnam,* 1969. $4.50. (David McKay Co., 750 Third Ave., New York, N.Y. 10017)

Duncanson, Dennis. *Government and Revolution in Vietnam.* 1968. $9.50. (Oxford University Press, 1600 Pollitt Drive, Fair Lawn, N.J 07410)

The Communist Sphere

Hoang Van Chi. *From Colonialism to Communism: A Case History of North Vietnam,* 1964. $6.50. (Frederick A. Praeger, 111 Fourth Ave., New York, N.Y. 10003)

Spinks, Charles et al. *The North Vietnamese Regime: Institutions and Problems,* 1969. (Center for Research in Social Systems, 5010 Wisconsin Ave., Washington, D.C. 20016)

Hosmer, Stephen. *Viet Cong Repression and Its Implications for the Future,* 1970. $8.50. (D.C. Heath & Co., 125 Spring Street, Lexington, Mass. 02173)

Pike, Douglas. *Viet Cong: The Organization and Technique of the National Liberation Front of South Vietnam,* 1966. $2.95. (MIT Press, Massachusetts Institute of Technology, Cambridge, Mass. 02142)

The Vietnamese People

Hickey, Gerald. *Village in Vietnam,* 1964. $3.45. (Yale University Press, 149 York St., New Haven, Conn. 06511)

Sheehan, Susan. *Ten Vietnamese,* 1967. $4.95. (Alfred A. Knopf, 201 East 50th St., New York, N.Y. 10022)

The Early Years

Shaplen, Robert. *The Lost Revolution,* 1966. $2.45. (Harper & Row, Scranton, Pa. 18512)

Scigliano, Robert. *South Vietnam: Nation Under Stress,* 1964. $2.95. (Houghton Mifflin Co., 53 West 43 St., New York, N.Y. 10036)

Fall, Bernard. *Viet-Nam Witness: 1953–66,* 1966. $6.95. (Frederick A. Praeger, 111 Fourth Ave., New York, N.Y. 10003)

Higgins, Marguerite. *Our Vietnam Nightmare,* 1965. $6.95. (Harper & Row, Scranton, Pa. 18512)

Tanham, George. *War Without Guns,* 1966. $4.95. (Frederick A. Praeger, 111 Fourth Ave., New York, N.Y. 10003)

The Southeast Asia Context

Warner, Denis. *Reporting Southeast Asia,* 1966. $10.50. (Tri-Ocean Inc., 62 Townsend St., San Francisco, Cal. 94107)

Shaplen, Robert. *Time Out of Hand,* 1970. $2.95. (Harper & Row, Scranton, Pa. 18512)

Nuechterlein, Donald. *Thailand and the Struggle for Southeast Asia,* 1965. $6.50. (Cornell University Press, Ithaca, N.Y. 14850)

Leifer, Michael. *Cambodia: The Search for Security,* 1967. $6.00. (Frederick A. Praeger, 111 Fourth Ave., New York, N.Y. 10003)

Working Paper on the North Vietnamese Role in the War in South Vietnam

This working paper discusses the role of North Viet-Nam in the origin, direction and support of the war in South Viet-Nam. It is based on the appended compilation of more than 100 verbatim captured documents, intelligence briefs and the whole or part of interrogations edited for security. The information in this compilation goes as far as is now justifiable in the public interest. Obviously such a compilation cannot include information from sensitive sources who could be easily compromised under present wartime conditions. If such information were releasable, the paper would be considerably more conclusive. Nonethless, even with these limitations it is believed that the paper and accompanying compilation are both useful and informative.

The footnotes to this paper are based largely on the material in the compilation. The nature of the material is, however, fully described in the footnotes so that the reader can get a fairly good idea of the kind of information involved even if he does not have the compilation fully before him.

Among the documents in the compilation, perhaps the three most important ones, captured within the past two years and of great interest to any student of this subject, are as follows:

(a) *CRIMP Document:* A 23,000-word review of the "Experience of the South Viet-Nam Revolutionary Movement during the Past Several Years" which was written about 1963 by an unidentified Communist cadre and was captured by Allied Forces in early January 1966 during Operation CRIMP.

(b) *Le Duan Letter:* A letter dated March 1966, presumably written by Le Duan, First Secretary of the Lao Dong [Communist Party of Viet-Nam] Central Committee and member of the Politburo; captured by units of the 173rd Airborne Brigade, January 21, 1967 during Operation Cedar Falls.

(c) *Talk of General Vinh:* A talk by General Nguyen Van Vinh, Chief of Staff of the North Vietnamese High Command and Chairman of the Lao Dong's Reunification Department, made before the Viet Cong Fourth Central Office (COSVN) Congress in April 1966. It was captured by U.S. Forces in Ninh Thuan Province in early 1967. The reader may find that the style of these and other documents is heavy and frequently hard to follow. These characteristics make close scrutiny of the texts and a knowledge of the historical context essential to their interpretation.

The following discussion of North Vietnam's role in the current war is in two parts. The first deals briefly with certain aspects of the setting in which the war started. The second outlines what can be said, on the basis of this documentary material, about the origins and evolution of the war.

I. THE SETTING OF THE WAR

This paper does not attempt to provide an account of the complex series of events that led up to the current war. However, there are two features of the Vietnamese political landscape in the period following the French decision to end the fighting in 1954 that require mention.

A. The Geneva Accords, 1954

The Geneva Accords constitute the first of these features. Although much has already been written about them, their most important practical effect was to create two separate international entities in Vietnam. That a separate national entity—South Vietnam—existed against which aggression could be committed is evident from the following facts:

1. Anyone reading the Accords will recognize that the establishment of the 17th parallel as a dividing line between North and South Viet-Nam, the provision for the movement of the Vietnamese people north or south of the parallel according to their political preferences, the postponement of general elections for two years, and the ambiguity as to how such election could be organized—all point to the conclusion that the country was being divided. Arthur Schlesinger, Jr. makes this point in his book, *The Bitter Heritage,* when he says that the negotiations in Geneva "resulted in the *de facto* partition of Viet-Nam at the 17th parallel and the independence of Laos and Cambodia."[1] As far back as 1955, South Viet-Nam was recognized, *de jure,* by 36 countries, and North Viet-Nam had full relations with 12 countries. Today the Republic of Viet-Nam has *de jure* diplomatic relations with 52 nations. North Viet-Nam has diplomatic relations with 24 countries, 12 of whom belong to the Communist bloc.

2. The situation had ample precedent in what had happened in Korea. There, the country had been divided at the 38th parallel, and remained so even though a resolution of the United Nations General Assembly in 1947 recommended elections not later than the end of March 1948, to be followed by the convening of a Korean national assembly, and the formation of a national government.[2]

3. The Soviet Union, in 1957, proposed to admit North Viet-Nam, South Viet-Nam, and the two Koreas to the United Nations as four separate states. In fact, Soviet spokesmen have specifically said: "The realistic approach was to admit that there were two States with conflicting political systems in both Korea and Viet-Nam."[3] They later reversed their position regarding South Viet-Nam; the United States was opposed to the admission of both North Viet-Nam and North Korea.

4. The United States, for its part, indicated in 1954 that it would "refrain from the threat or the use of force to disturb" the Geneva Accords. But it also stated that "it would view any renewal of the aggression in violation of the aforesaid Agreements with grave concern and as seriously threatening international peace and security."[4]

5. When President Kennedy wrote to President Ngo Dinh Diem on December 14, 1961, announcing a major increase in U.S. assistance to South Viet-Nam, he noted that "the campaign of force and terror now being waged against your people and your Government is supported and directed from the outside by the authorities in Hanoi." He further referred to the U.S. declaration of 1954: "At that time, the United States, although not a party to the Accords, declared that it 'would view any renewal of the aggression in violation of the agreements with grave concern and as seriously threatening international peace and security.' We continue to maintain that view."[5]

B. The Communist apparatus in South Vietnam

A second feature of the Vietnamese landscape both before and since 1954 has been the existence of a Communist political and military apparatus in South Viet-Nam. Party documents captured by French forces during their war against the Viet Minh described the Communist organization of the period.

1. In the South, the apparatus was broadly divided between two regions, or "interzones," and a special zone in the area of Saigon. Each of these zones originally reported directly to Communist Party headquarters in Hanoi. Interzone 5 (Trung Bo) encompassed the northern and central part of South Viet-Nam. Interzone Nam Bo consisted of the south and southwest, including the Delta. Province, district, town, and village cells reported to these "interzones."[6]

2. In 1951, when the Communist Party in the North was reconstituted as the *Lao Dong* Party, its apparatus in the South was reorganized under a six-man *Trung Uong Cuc Mien Nam,* or Central Office for South Viet-Nam (COSVN).[7]

3. The head of COSVN and senior Party representative in the South was Le Duan, an Annamite, who is now First Secretary of the *Lao Dong* Party in Hanoi. His deputy was Le Duc Tho, a northerner, who today is also a member of the Politburo of the *Lao Dong* Party. Le Duan and Tho appear to have had considerable independence of action in directing day-to-day military and political operations in the South, but remained answerable on broad policy questions to the heads of the *Lao Dong* Party in the North.[8]

4. The end of the war against France in 1954, and the establishment of North and South Viet-Nam, brought no significant change in the centralized control of the Party by Hanoi. Although COSVN was phased out, its functions in the southern and southwestern provinces were assumed by the Regional Committee for Nam Bo. Hanoi took direct charge of party activities in Interzone 5, the northern part of South Viet-Nam.[9]

Footnotes at end of article.

II. ORIGINS AND EVOLUTION OF THE CURRENT WAR

It was in this setting that the current war in South Viet-Nam started and evolved. Five major phases in this development can be readily identified. The evidence for each of the five phases and the inferences that can be drawn about the role played by North Viet-Nam are summarized below.

A. The political phase, 1954–56

This was the period in which both Hanoi and Saigon were working to secure control over their respective parts of Viet-Nam. At the same time, although one cannot be certain about the precise numbers, approximately 900,000 people fled the North to the South; about 90,000 people chose to go North under the terms of the Geneva Accords.[10] During these years, Ngo Dinh Diem—first as Premier, then as President of South Viet-Nam—undertook his campaigns to bring various dissident factions and sects under the authority of the Government of South Viet-Nam. Ho Chi Minh consolidated his power in the North, and North Viet-Nam, for its part, took the following steps with respect to South Viet-Nam:

1. Deputy Premier Pham Van Dong, at the closing session of the Geneva Conference on July 12, 1954, expressly stated that "We shall achieve unity. We shall achieve it just as we have won the war. No force in the world, internal or external, can make us deviate from our path . . ." Ho Chi Minh emphasized this determination the next day by calling publicly for a "long and arduous struggle" to win the southern areas, which he characterized as "territories of ours." [11]

2. Hanoi did withdraw the bulk of its fighting men from the South. However, most of these "regroupees" were placed in special units. They formed into the 305th, 324th, 325th, 330th, and 338th Divisions of the North Vietnamese Army. At least until 1959, these divisions were reportedly composed entirely of South Vietnamese.[12]

3. Hanoi also left a small but experienced military force in South Viet-Nam. Although its exact size is unknown, in 1956 the U.S. military attache estimated it at about 5,000 men.[13]

4. In addition, and perhaps more decisive to long term Communist strategy, North Viet-Nam continued to maintain its political network in the South.[14] Even in the first year after Geneva, it sent a small number of cadres across or around the 17th parallel.[15] A notable arrival was General Van Tien Dung, then and since chief of staff of the North Vietnamese Army, who dropped abruptly from public view in the North for a period in 1955–56. Intelligence reports placed him in South Viet-Nam, where he was working to organize additional units of former Viet Minh cadres who had not gone North, and to prepare for future infiltration and expansion of the apparatus in the South.[16]

5. Most important of all, Hanoi ordered its apparatus in the South to go underground. As the *CRIMP Document* puts it: "The party apparatus in South Viet-Nam . . . became covert. The organization and methods of operation of the party were changed in order to guarantee the leadership and focus forces of the Party under the new struggle condition." A Party policy paper of the time defines as part of "the immediate mission of Nambo . . . the consolidation and reformation of Party organisms and popular groups on a clandestine basis, based upon vigilance and revolutionary procedures designed to safeguard our forces . . ." [17]

6. These orders were apparently obeyed. There are reports of Party meetings in 1956–57 to discuss a change of tactics, and Le Duan is represented as urging increased military action. "Our political struggle in the South will sometimes have to be backed up with military action to show the strength of [our] forces," he told a Party conference in the South on March 18, 1956. "Therefore we should increase our forces in the South and develop military action.[18] Nonetheless, despite these outbursts, the apparatus seems to have followed the line of the *Lao Dong* Party through 1956, and to have worked for unification by political means; i.e. by subversion and all means short of resorting to open armed conflict.

It is clear from this evidence that:

1. Hanoi was indeed both committed and determined to bring the South under its control.

2. Hanoi was also willing to accept unification by way of the Geneva Accords, provided that it could manipulate these Accords so as to ensure victory for the *Lao Dong* Party and control of the South by the North.

3. Even so, the North Vietnamese leaders hedged their bets. They were willing to rely upon political means according to their own interpretation of the Geneva Accords. They left enough of their political and military apparatus in South Viet-Nam so as to weaken it from within and be able to take advantage of any elections should these come about. But they also were prepared to expand the apparatus in order to return to "armed struggle" or an all-out military effort if the political gambit failed. And, of course, the political gambit did fail.

Indeed, the period from 1954 through 1956 saw the consolidation of the Diem government in South Viet-Nam, and what has sometimes been described as a "miracle" of settling down and accomplishment, at least in relation to what may well have been North Viet-Nam's expectations of early collapse.

Moreover, the elections scheduled for July 1956 under the Geneva Accords never did take place. On this much-debated issue, the key points to recall are the fact that the Geneva Accords called for "free" elections and that, as all responsible observers at the time agreed, North Viet-Nam would not conceivably have permitted any supervision or any determination that could remotely have been called free. Hence, Diem refused to go through with the elections, and we supported him in that refusal.[19]

B. The outbreak of the war, 1956–59

The period from 1956 to 1959 is a particularly difficult one to characterize in a few words. In South Viet-Nam, despite earlier political and economic gains, President Diem was becoming increasingly repressive in his efforts to maintain his authority: in the process he undoubtedly contributed to growing, if relatively disorganized, opposition. In the countryside, peasant discontent was aroused particularly by his brother's excessive measures to ferret out Communist cadres; and urban discontent was aroused by his efforts to discredit and neutralize any opposition that went beyond mere dissent.

This dissatisfaction was exploited by the Communist underground apparatus which now became less reluctant to use overt means, and, in areas where its strength was relatively unchallenged by the Government, to resort to selective terrorism. Although statistics for the period are neither complete nor entirely reliable, a sharp rise in terrorism seems to have begun as early as 1957. It appears that by 1958 the Government was losing about 40 civilian officials and 40 military personnel per month, and it is widely conceded that an organized uprising against Diem got underway sometime between then and 1960.[20]

What about the role of North Viet-Nam in this uprising? The evidence indicates the following:

1. There was considerable debate within the Communist apparatus in the South as to what strategy they should follow, given the failure to achieve unification by political means.

2. By 1958, according to the CRIMP document, "the majority of the party members and cadres felt that it was necessary to launch immediately an armed struggle in order to preserve the movement and protect the forces. In several areas the party members on their own initiative had organized armed struggle against the enemy." Yet at the same time, there were others who were hesitant to push the armed struggle. "These people did not fully appreciate the capabilities of the masses, of the Party and of the movement and therefore did not dare mobilize the masses in order to seek every means to oppose the enemy." The Nam Bo Regional Committee leadership hesitated, "but the principal reason was the fear of violating the party line." [21]

3. During this period, the *CRIMP Document* reports that "the political struggle movement of the masses, although not defeated, was encountering increasing difficulty and increasing weakness; the Party bases although not completely destroyed were significantly weakened, and in some areas quite seriously; the prestige of the masses and of the revolution suffered." [22]

4. Meanwhile, Le Duan left South Viet-Nam sometime in 1957, emerged in Hanoi, and became First Secretary of the *Lao Dong* Party—an indication that those favoring the armed struggle had prevailed.[23]

5. In 1958, there is evidence that Hanoi took the first steps to organize the movement of men and supplies both through Laos and across the Demilitarized Zone (DMZ).[24]

6. Then, in May 1959, the Poliburo of the *Lao Dong* Party announced the decision for war against South Viet-Nam. Although the decision itself may have been taken earlier, the directive of the Poliburo, again according to the *CRIMP Document*, "stated that the time had come to push the armed struggle against the enemy. Thanks to this . . . in October 1959 the armed struggle was launched." As described by the *CRIMP Document*, "it immediately took the form in South Viet-Nam of revolutionary warfare, a long-range revolutionary warfare." [25]

7. By the end of 1959, more than 400 civilians had been murdered and another 579 kidnapped in South Viet-Nam.[26] Armed attacks had increased significantly in size, with company-strength Viet Cong units appearing in assaults on army outposts and patrols. In January 1960, a Viet Cong battalion some 500 strong successfully attacked an ARVN regiment.

The history that seems to emerge from these data is as follows:

1. Hanoi had committed itself publicly and irrevocably to a return to armed struggle in the South.

2. The southern part of the Communist apparatus had become restive with the political approach by 1956, and Le Duan in particular was persuaded that force would be required to bring about unification.

3. The Diem regime's trend toward repression made the "objective" conditions seem ripe for launching the struggle.

4. The Party apparatus was gradually reactivated into militant actions where local conditions permitted.

5. By May 1959, at the latest, Hanoi in effect declared war on South Viet-Nam and committed its political and military apparatus in the South to the struggle.

It is at least conceivable that Diem strengthened Hanoi's hand by virtue of the measures he was taking against both the dissident sects and the Communist apparatus in the South. It may even be that the sense of weakness felt by the leaders of Nam Bo, and Hanoi's fear that it would lose control over the apparatus, triggered the decision. But the fact is that Hanoi decided to reunify the country by force. Moreover, it appears to have had the only apparatus in the South capable of organizing and controlling an outbreak of violence of the magnitude that then occurred.

Footnotes at end of article.

C. The special war, 1959–63

For the next four years, from the end of 1959 to the end of 1963, the Viet Cong engaged in what the *CRIMP Document* called a long-range revolutionary warfare against the Diem regime and its immediate successor. During those four years, the strength of the Viet Cong increased substantially, and a revolutionary apparatus emerged in South Viet-Nam that was ostensibly independent of North Viet-Nam.

What role did North Viet-Nam play in these developments? On the military side, there is the following evidence of Hanoi's activities:

1. The North Vietnamese authorities formed border-crossing teams in early 1959 to transport medicines, ammunition, food, and documents across the DMZ.[27]

2. The Central Committee of the *Lao Dong* Party ordered the formation of the 559th Transportation Group to provide for the support of Viet Cong bases in the South. Founded in May, 1959, the 559th was placed directly under the Central Committee and in close liaison with the Ministry of Security, the Army General Staff, and the logistics Bureau.[28]

3. The 70th Battalion of the 559th, also formed in May 1959, was sent to the panhandle of Laos. Its responsibilities were to transport weapons, ammunition, mail, and supplies by way of 20 stations along the Laotian trails into South Viet-Nam. The Battalion was also charged with guiding infiltrating groups, and with bringing the sick and wounded back to North Viet-Nam.[29]

4. In June 1959, the 603rd Battalion was formed with a strength of 250 men. It was placed under the command of the Army General Staff and located near Quang Khe, a naval base in North Viet-Nam. It had the responsibility for clandestine maritime operations into South Viet-Nam.[30]

5. In January 1960, a special training base for infiltrators became operational at a North Vietnamese Army base in Son Tay, northwest of Hanoi.[31]

6. The 324th Division, the Nghe Au Province, was ordered to begin training infiltrators early in 1960.[32]

7. During this same period, the Xuan Mai Infiltration Training Center was set up southwest of Hanoi in the former barracks of the 228th Brigade. Once in operation, it apparently was capable of handling several 1000-man classes at one time.[33]

8. Infiltration on a substantial scale began in 1959. At the end of 1960, Viet Cong Main Force strength was estimated at 10 battalions and 5,500 men. Regional and local guerrillas probably had a strength of about 30,000. By the end of 1963. Viet Cong Main Force strength had risen to 30 battalions and around 35,000 men. It is important to note that this figure represents only a fraction of the total Viet Cong political/military apparatus operating in the South. During this same period, infiltration is estimated to have proceeded at the following rates.[34]

Year	Confirmed	Probable	Total
1959-60	4,556	26	4,582
1961	4,118	2,177	6,295
1962	5,362	7,495	12,857
1963	4,762	3,180	7,906
Total	18,798	12,878	31,676

9. Until late 1963, most of these infiltrators were ethnic Southerners, veterans of the Viet Minh with years of military experience and training, who had regrouped to the North. They were preponderantly officers or senior noncommissioned officers; through 1961, a high proportion of them were members of the *Lao Dong* Party. They assumed command positions in the Viet Cong forces and also carried out a wide range of political assignments. They provided, in sum, the core of the Viet Cong military and political apparatus.[35]

10. Prior to 1961, the Viet Cong had equipped themselves from Viet Minh caches of old French and American weapons, by the local manufacture of crude hand guns and rifles, and by capturing weapons from South Vietnamese units. Hanoi became an active supplier of weapons in 1961. At that point, modified versions of the French MAT–49 rifle began to appear on the battlefield. Their chambers had been reworked to use the standard Communist 7.62 mm. cartridge, a technique which required factory tooling.[36]

On the political side, the evidence about North Viet-Nam's activities is as follows:

1. On September 10, 1960, a resolution was adopted at the *Third* National Congress of the *Lao Dong* Party which highlighted the dominant role the North would play and stated guidelines for what was to become the National Front for the Liberation of South Viet-Nam (NLF). The resolution stated: "In the present state, the Vietnamese revolution has two strategic tasks: first, to carry out the socialist revolution in North Viet-Nam; second, to liberate South Viet-Nam from the ruling yoke of the U.S. imperialists and their henchmen in order to achieve national unity and complete independence and freedom throughout the country. . . . To insure the complete success of the revolutionary struggle in South Viet-Nam, our people there must strive to establish a united bloc of workers, peasants, and soldiers and to bring into being a broad national united front directed against the U.S.-Diem clique and based on the worker-peasant alliance." [37]

2. On January 29, 1961, Hanoi announced that the National Front for Liberation had been formed the previous month on December 20. The principal function of the Front was to conduct overt propaganda campaigns. Even so, the Front committee leadership has included *Lao Dong* Party agents who directed the work.[38] One high-ranking member of the Front is apparently Major General Tran Van Tra of the North Vietnamese Army, a top Viet Cong commander and an alternate member of the *Lao Dong* Party Central Committee in Hanoi. He seems to use the alias of Tran Nam Trung.[39]

3. Shortly after the foundation of the NLF, Hanoi announced that the insurgent forces in the South had been joined together in a "Liberation Army of South Viet-Nam" under the NLF. However, captured documents of 1962 state explicitly that "the present Liberation Army has been organized by the [*Lao Dong*] Party." [40] Other documents state that "the Liberation Army is . . . an instrument for the Party . . . for the Liberation of South Viet-Nam and the reunification of the Fatherland." [41]

4. In January, 1962, Hanoi Radio announced that a conference at "Marxist-Leninist" delegates in South Viet-Nam had organized a "People's Revolutionary Party" (PRP), which had immediately "volunteered" to join the NLF. However, documentation shows that in Hanoi's own words, "The People's Revolutionary Party has only the appearance of an independent existence; actually, our party is nothing but the Lao Dong Party of Viet-Nam, unified from North to South, under the direction of the Central Executive Committee of the Party, the chief of which is President Ho." [42] The PRP's Central Committee was later stated to comprise of 30 to 40 high-ranking Communists, with the size and composition of the committee varying from time to time as members rotated to and from the North and between regions of South Viet-Nam.[43]

5. Within this Committee, the real decision-making power lies in a select group of its highest ranking members, a standing committee known like its forerunner of the 1950's as the *Trung Uong Cuc Mien Nam*, or Central Office for South Viet-Nam (COSVN). The new COSVN was apparently formed in Hanoi after the *Lao Dong* Party Congress of 1960.[44] At that time, several Southern and Central Vietnamese were chosen to organize the COSVN, and were elevated to membership in the *Lao Dong* Central Committee. Since 1965 and perhaps earlier, COSVN and its military committee have been heavily weighted with North Vietnamese general officers. Political and military directives for the conduct of the war, captured by allied forces in South Viet-Nam, have consistently issued from Party and military organs and not from the NLF.[45]

6. Hanoi has tried to conceal its role in the political military campaigns in the South. A Southern party unit was reprimanded for copying and distributing a message from the North Vietnamese Ministry of Public Health to the party medical section in South Vietnam; this was considered a violation of party "secrecy regulations." [46] A party letter states: "The Central Party Committee directs that propaganda should rather praise nationalism, patriotism, revolutionary heroism and the role of the National Liberation Front. Indoctrination and propaganda referring to Uncle Ho, Party, class struggle, etc., should be conducted orally within internal organizations and among the people only." [47] Further, a recently captured cadre notebook for late 1967 indicates that: "The Central Headquarters of the [*Lao Dong*] Party and Uncle [Ho Chi Minh] have ordered the [*Lao Dong*] Party Committee in South Viet-Nam and the entire army and people of South Viet-Nam to implement a general offensive and general uprising in order to achieve a decisive victory for the Revolution within the [1967] Winter and 1968 Spring and Summer. . . . The above subject should be fully understood by cadre and troops, however, our brothers should not say that this order comes from the Party and Uncle [Ho Chi Minh], but to say it comes from the [Liberation] Front." [48]

The evidence on both the military and political side leads to the following conclusions:

1. From 1959 onward, Hanoi established an extensive organization for the training and infiltration of personnel, and at a later point major equipment, into the South.

2. The personnel infiltrated from the North between 1959 and 1963 provided the core and cutting edge of the Viet Cong military and political apparatus.

3. Hanoi established, from the outset, firm control over the direction and policy-making structure of the whole campaign against South Viet-Nam.

4. The National Liberation Front was established in Hanoi, in December of 1960 in order to give the appearance of local leadership. In fact, the NLF has never been in charge of the political and military conduct of the war. The covert nature of the total apparatus, and the desire for outward appearances that it was totally indigenous to the South, did contribute to its ability to attract and hold local support in South Viet-Nam.

5. The evidence suggests that Hanoi hoped to avoid overt intervention in this period and was seeking to overthrow the Saigon Government and set the stage for unification through the Viet Cong, with only leadership and control from the North.

D. Expansion of the war, 1963–65

The period from late 1963 to the end of 1965 is in some ways the most intriguing period of the current war. During those two years, which witnessed the downfall of the Diem regime, great political instability in South Viet-Nam, and an expansion of the war toward its current dimensions, both the

---

Footnotes at end of article.

United States and North Viet-Nam committed regular military units to the conflict. That Hanoi became overtly involved in the South during this period is generally recognized; exactly why and how is not so widely understood.

On this score, there is evidence to the following effect:

1. Hanoi probably took the decision to commit units of the North Vietnamese Army (NVA) to the South as early as December, 1963. This was shortly after the overthrow of Diem (November 1, 1963); when it became clear that the overthrow of Diem had not produced any significant defections to the Communist cause whatever, Hanoi simply changed its anti-Diem propaganda line and intensified the struggle. The 9th Session of the *Lao Dong* Party's Third Central Committee held a meeting in December and, according to a captured document, "assessed the balance of forces between us and the enemy and set forth plans and guidelines to win special war." [49]

2. Starting in early 1964, Hanoi began to develop its infiltration trails through Laos into an army-scale supply route, capable of handling continuous truck traffic to South Viet-Nam. A large group of North Vietnamese army construction battalions in at least three "Combined Forces" (Binh Tram 3, 4, and 5) was deployed in the area by 1964 to oversee the development of this roadnet.[50]

3. Some regular NVA units are known to have begun preparing for infiltration as early as April, 1964. Several prisoners from the 95th Regiment of the 325th Division have reported that their unit was recalled in that month from duty in Laos. Back in North Viet-Nam, the 95th underwent special military and political training for operations in the South.[51]

4. Hanoi also began to form new regimental-sized units for dispatch to the South. One of these, the 32nd Regiment, was activated sometime in the Spring of 1964, with personnel drawn from a number of established units. Trained draftees were added from the Son Tay and Xuan Mai infiltration centers which were in operation by 1961.[52]

5. In October, 1964, the first complete tactical unit of the North Vietnamese Army, the 95th Regiment, left the North. This was a new unit, with cadre drawn mainly from the 325th Division. It reached South Viet-Nam in December.[53] The 32nd Regiment left the North in September or October, 1964 arriving between January and March, and a second regiment of the 325th Division, the 101st, had left North Viet-Nam by December 1964. All of these dates of departure were prior to the beginning of U.S. bombing of North Viet-Nam in February, 1965. In short the evidence does not support the claim sometimes made, that the sending of regular North Vietnamese units was only in response to the U.S. bombing.

6. Between November, 1964, and the end of 1965, a buildup of 33 NVA battalions (about 10 regiments) took place in South Viet-Nam. Of these, about 3 NVA battalions (2,000 men) had arrived by the end of 1964. By the end of 1965, the NVA already constituted about 30 per cent of the total Main Force operating in South Viet-Nam.[54]

The following inferences can be drawn from this evidence:

1. Hanoi probably became dissatisfied with the failure of the Viet Cong, by itself, to capture South Viet-Nam.

2. It therefore decided to provide the increment of strength necessary to ensure seizure and control of the South. NVA regular units were to be the means to this end.

3. The relatively slow pace of the buildup is probably explainable in terms of poor transport and logistics, and the belief that time was on Hanoi's side.

4. Far from triggering the regular North Vietnamese buildup, U.S. actions were in response to it: the bombing of the North and the introduction of U.S. troops all followed not only the earlier movement of men and supplies from the North, but specifically came after regular North Vietnamese units had begun to be sent in quantity.

E. The current phase, 1965–67

The past two years, from 1965 to the end of 1967, have been marked particularly by major clashes between U.S. and NVA units, by the heavy bombing of North Viet-Nam, and by continuing efforts, thus far abortive, to negotiate a settlement of the conflict.

Here again, there is considerable evidence regarding North Viet-Nam's role in this phase of the war:

1. By early 1966, NVA units were described by Hanoi as "the organic mobile forces of South Viet-Nam".[55]

2. By the end of 1967. NVA strength in South Viet-Nam had risen to the point where its units constituted at least 45 per cent of the enemy Main Force. If one includes the NVA personnel who are in Viet Cong Main Force units. North Vietnamese troops now account for more than 50 per cent of the Main Force total.[56]

3. Dependence on logistic support from North Viet-Nam has increased commensurately. From aerial photography and pilot sightings, it is estimated that more than 300 trucks are operating on the infiltration routes in Laos alone during the dry season.

4. Since 1964, the Viet Cong Main Forces have been exclusively re-equipped with the latest Communist Chinese and Soviet automatic weapons. In addition to small arms, the Viet Cong Main Forces and the NVA units are now supplied with Soviet and Chinese heavy machine-guns, mortars, and rocket launchers. Modern Communist firearms have also been supplied to some of the local forces, although French, American, and homemade weapons still figure in the guerrilla arsenals.[57]

5. As a result of the large NVA presence in the South, it has become necessary to explain their role to the rural populace of South Viet-Nam. Communist political cadre are told to say that "we are backed up by a large war area which is the heroic socialist North Viet-Nam. It constitutes a major factor for success . . . North Viet-Nam is a large and stable rear area for South Viet-Nam and is providing us everything we need, including soldiers." Recruits from North Viet-Nam are described as having been "assigned to South Viet-Nam to liberate this part of the country . . ." [58]

6. Although the COSVN Military Affairs Committee supervises both Viet Cong and North Vietnamese Army military·activity, the North Vietnamese Army command in Hanoi has increasingly assumed direct control over military operations in the northernmost provinces of South Viet-Nam.[59]

7. There is close consultation between Hanoi and COSVN before policy is decided, and the recommendations of the latter are influential. COSVN also has much leeway in applying the policy thus decided. But all basic matters are firmly reserved for direct decision by the *Lao Dong* Politburo-specifically including the nature and continuation of the war, the diplomatic program of the NLF, and the peace terms described in the public statements of the Front.[60] This can be vividly seen in the *Le Duan letter* and the talk of General Vinh, both of which lay down strategic and negotiating policies extensively with hardly a reference to the NLF. No one who reads these documents can have any doubt of Hanoi's control.

8. Thus, Resolution 12 of the Twelfth Conference of the Third Central Committee of the *Lao Dong* Party, passed in secret in December, 1965, required that the "buildup of all types of forces was to be accelerated and the pace of battle increased." [61]

9. Thus, Resolution 12 also laid down the line about the relationship between fighting and negotiating. According to Le Duan's report of it: "At present the U.S. imperialists . . . are trying to force us to the negotiation table for some concessions . . . [but] our strategy on negotiations must serve in a practical manner our concrete political aims. For this reason, the Party Central Committee has unanimously entrusted the Politburo with the task of carrying out the above strategy in conformity with the policy of our Party and on the basis of the situation between us and the enemy whenever necessary." [62] *The Talk of General Vinh*, discussing the same Resolution, reports the view of the *Lao Dong* Central Committee that "The future situation may lead to negotiations . . . while negotiating, we will continue fighting the enemy more vigorously. (It is possible that the North conducts negotiations while the South continues fighting, and that the South also participates in the negotiations while continuing to fight.) . . . We must fight to win great victories with which to compel the enemy to accept our conditions . . . we will take advantage of the opportunity offered by the negotiations to step up further our military attacks, political struggle and military proselyting."

The evidence for this phase of the war speaks for itself. It leaves no question but that Hanoi not only directs and controls the war in South Viet-Nam, but also plays the dominant role in the Main Force war.

CONCLUSION

The foregoing is intended as a meticulous summary of the releasable evidence of the North Vietnamese role in the conflict. While improved intelligence in the past two years makes it possible to document North Viet-Nam's role most completely for this period, the evidence appears conclusive that the North was the driving force in bringing about the conflict from 1959 onward and in raising it to its successive dimensions at all stages. Likewise, the evidence seems conclusive that Hanoi had every intention of taking control over South Viet-Nam by one means or another from 1954 onward.

Yet, this being said, it is important to add one final note. Although the evidence is substantial that native North Vietnamese and North Vietnamese-trained personnel, coming from the North, dominate the Communist apparatus in South Viet-Nam, one cannot preclude the possibility that individuals within the apparatus now question and may come to reject the line imposed by Hanoi and the *Lao Dong* party. Reconciliation of all elements within South Viet-Nam is the declared policy of the South Vietnamese Government, which seeks also a determination of the political future of the South under Constitutional processes. Even as the United States must remain committed to assisting in resisting and bringing to an end the aggression from the North, its ultimate objective must be that the people of South Viet-Nam be free to work out their own system without external interference.

FOOTNOTES

[1] Arthur M. Schlesinger, Jr., *The Bitter Heritage* (Boston: Houghton Mifflin Co., 1967), p. 10.

[2] William Reitzel, Morton A. Kaplan, and Constance G. Goblenz, United States Foreign Policy, 1945–1955 (Washington: Brookings Institution, 1956), pp. 176–177.

[3] John Norton Moore, "The Lawfulness of Military Assistance to the Republic of Viet-Nam." In *American Journal of International Law*, Vol. 61, No. 1 (January 1967), pp. 1–34.

[4] Statement by the Under Secretary of State, Walter Bedell Smith, at the concluding Plenary Session of the Geneva Conference, July 21, 1954; Department of State *Bulletin*, August 2, 1954, pp. 162–163.

[5] Letter from President Kennedy to President Diem, December 14, 1961; Department of State *Bulletin*, January 1, 1962, pp. 13–14.

[6] A report of "The Expansion of the Party" and other matters by the Party Central Com-

mittee in 1948; "Remarks on the Official Appearance of the Vietnamese Workers' Party," dated November 1951; "Report on the Work of Edification of the Party During the July/September Quarter of 1949." "Principles and Organizational Structure of the Committee for Zones Occupied by the Enemy"; March 12, 1949; "Resume of Decisions Taken by the Permanent Central Committee of the Party Regarding the Organization of the Party in the Army"; Instructions dated August 13, 1949 to the Nambo Regional Committee. (Items 1–6)

[7] "Decision to Create the Central Office for South Viet-Nam"; a *Lao Dong* Party document dated June 7, 1951. (Item 211)

[8] See a 1961 intelligence summary, compiled during the Indo-China War describing Le Duan's and Tho's positions. (Item 11)

[9] Report of the interrogation of Tran Ba Buu after his capture in 1956. (Item 12) Intelligence summary from ralliers, cadres, infiltrated agents and captured documents; deals particularly with Nambo Region (southwestern provinces). (Item 210)

[10] *Fourth Interim Report of the International Commission for Supervision and Control in Viet-Nam* (April 11, 1955 to August 10, 1955) (London: HMSO, 1955, 30, Appendix IV) *C.f.*, B.S.N. Murti, *Viet-Nam Divided* (New York: Asia Publishing House, 1964), pp. 88–91; Bernard B. Fall, *The Two Viet-Nams* (New York: Praeger. Revised Edition, 1964), pp. 153–154, 358, uses the figure 860,000 from North to South; Fall *Viet-Nam Witness* (New York: Praeger, 1966), p. 76. For estimates on movements from South to North, see Murti, *op. cit.*, p. 224; R. P. Stebbins and the Research Staff of the Council on Foreign Relations, *The United States in World Affairs*, 1954 (New York: Harper and Bros., 1956), p. 285, (quoted in Kahin and Lewis), *United State in Viet-Nam* (New York: Dial Press, 1967), p. 75; both the latter cite figures in excess of 100,000. The Viet Minh claim 140,000; e.g., Wilfred G. Burchett, *Viet-Nam, Inside Story of the Guerrilla War* (New York: International Publishers, 1965), p. 128. The 1965 White Paper gives the figure 90,000; U.S. Department of State, *Aggression from the North* (Department of State publication 7839, February 1965), p. 11.

[11] Ho Chi Minh, "Appeal made after the successful conclusion of the Geneva Agreements" (July 22, 1954). *Ho Chi Minh on Revolution*, Bernard B. Fall, ed., (New York: Praeger, 1967) p. 272: "North, Central and South Viet-Nam are territories of ours. Our country will certainly be unified. Our entire people will surely be liberated." Also, Department of State, Intelligence Brief, August 5, 1954 (Item A)

[12] Interrogation of Le Van Thanh, Viet Cong signal platoon leader, in which five divisions were described that were composed of South Vietnamese were regrouped in the North following the 1954 Geneva Accords. (Item 84)

[13] U.S. Army Attache situation report. Saigon, July 1956. (Item 25)

[14] Interrogation of a man who handled Viet Cong agents at the time of his capture in 1954; 1958 South Vietnamese counterespionage report: Memorandum to All Provincial Committees from Eastern Interzone Committee, Lao Dong Party, obtained November 29, 1964; Intelligence report of November 1955. (Items 27, 28, 29, 205)

[15] South Vietnamese counter-espionage report of 1958 giving details of DRV intelligence activities; and Intelligence report of November 1955, noting the arrival of 50 experienced regroupees in South Viet-Nam in October 1965. (Items 28 and 205)

[16] Interrogation of Viet Minh cadre who deserted in 1956; document taken from a political officer with Communist forces in South Viet-Nam on November 27, 1956; description by a North Vietnamese of the Van Tien Dung Pham Van Bach missions; summary of intelligence reports concerning Van Tien Dung and the Hoa Hao. (Items 16, 19, 21, 22)

[17] *The CRIMP Document;* also a Viet Minh policy paper on strategy issued by the Central Committee on the Lao Long Party to the Nam Bo Interzone, obtained in November 1954. (Item 200)

[18] Interrogation of Viet Minh cadre who surrendered in March, 1966, in which Le Duan's disgust with DRV policy toward the ICC and his eagerness to invade South Viet-Nam are described; see also a document taken from a political officer of communist forces in South Viet-Nam on November 27, 1956, in which Le Duan is reported to feel the time for a military struggle has come; see also a document issued by the Lao Dong Party Central Committee for guidance of cadres, probably dated late Spring 1956. (Items 18, 19, 204)

[19] A somewhat more detailed discussion of the election problem, including the contemporary comments of Senator John F. Kennedy and Professor Hans Morgenthau, will be found in "The Path to Vietnam," by William P. Bundy, published by the Department of State in the Fall of 1967. (Item L)

[20] Robert Seigliano, *South Viet-Nam: Nation Under Stress* (Boston: Houghton Mifflin, 1964), p. 138; Bernard B. Fall, *Viet-Nam Witness* (New York: Praeger, 1966), pp. 185–188. Denis Warner, *The Last Confucian* (New York: Macmillan, 1963), p. 154ff.

[21] The CRIMP Document.

[22] *Ibid.*

[23] Intelligence report, March 1, 1956; intelligence report, June 15, 1956: Radio Hanoi broadcasts of September 3, 1957 and October 19 and 30, 1957, describing Le Duan's activities, (Items B–F).

[24] Interrogation of a Montagnard in Quang Tri Province, who turned out to be a Viet Cong agent and infiltrated into South Viet-Nam in October 1961 (Item 70).

[25] *The CRIMP Document;* see also Party Communique, May 13, 1959 and Comments on Party Communique, May 14. (Items J and K).

[26] See Table IV.

[27] Interrogation of member of North Vietnamese border-crossing supply team. (Item 71).

[28] Interrogation of two members of 603rd Battalion. (Item 72).

[29] Interrogation of a Senior Sergeant Viet Cong, 5th Military Region, captured in Quang Ngai. (Item 73).

[30] Interrogation reports of Viet Cong agents dispatched by maritime infiltration unit of Hanoi's Directorage captured in July, 1961; Intelligence summary based on interrogation of numerous Viet Cong agents captured in June and July, 1961. (Items 75 and 76).

[31] Interrogation of Viet Cong communications cadre. (Item 78).

[32] Interrogation of Viet Cong infiltrated into South Viet-Nam in 1962. (Item. 79).

[33] Interrogatiton of former North Vietnamese Army officers who surrendered in 1963; interrogation of former North Vietnamese Army officer who surrendered in 1963; interrogation of an officer of 1st Viet Cong Regiment, who turned himself in in April 1963. (Items 80, 81, 83).

[34] See Table I for infiltration data since 1959; Table II for growth of Main Force strength.

[35] Summary of 19 interrogations of Vietnamese officers and senior noncommissioned officers who infiltered into South Viet-Nam during the period 1959–1963; also interrogation of former North Vietnamese Army officers who surrendered in 1963. (Items G and 80).

[36] Based on a technical analysis done at the John F. Kennedy Special Warfare Center, Fort Bragg, North Carolina, in November, 1965.

[37] Resolution of the Third National Congress of the *Lao Dong* Party. September 10, 1960. (Item H) It is sometimes alleged that the NFL had already been formed as early as March of 1960, in the southern tip of South Viet-Nam. However, if this had been so, it would surely have been enormously to the advantage of Hanoi to endorse the existence of a truly southern organization. Instead the Resolution of September 1960 clearly speaks of *future* creation of an NLF, and the January 1961 announcement in Hanoi clearly states that such an organization was established, *in Hanoi*, in December of 1960. The allegation that there was any pr-existing NLF, formed in the South, has no evidence other than obviously self-serving later statements of NLF spokesmen abroad and must, on any fair reading of the evidence, be dismissed as a myth.

[38] Interrogation of cadre from Western Region Committee, captured in 1963; document turned in by a Viet Cong deserter who subsequently lead GVN forces to a buried cache of Communist documents on training and propaganda. (Items 40 and 41)

[39] Interrogation of Le Xuan Chuyen, former operations officer of the Viet Cong 5th Division, deserted in August, 1966; background information on Le Xuan Chuyen. (Items 56 and 110)

[40] Training bulletin, written in 1962 and captured in November, 1963. (Item 38)

[41] "Regulations for the Party Committee System in the South Viet-Nam Liberation Army", a party document captured by the U.S. 173rd Airborne Brigade in March 1966. (Item 54).

[42] Instructions from the Provincial Committee of the *Lao Dong* Party in Ba Xuyen to the Party's district committees concerning the formation of the new People's Revolutionary Party; dated December 7, 1961. (Item M).

[43] Interrogation of North Vietnamese Army Lt. Col. Le Xuan Chuyen, who defected in August 1966; states that the PRP is the same thing as the LDP and that the PRP directly controls the NLF. (Item 46)

[44] Intelligence summary on *Lao Dong* Central Committee membership in COSVN, from interrogation of a party cadre arrested in 1967 (Item 208)

[45] Interrogation of a Viet Cong officer who defected in the Spring of 1967; interrogation of Le Xuan Chuyen; document captured by U.S. 173rd Airborne in March 1966, entitled "Regulations for the Party Committee System in the South Viet-Nam Liberation Army", cited under Note No. 41; intelligence summary in *Lao Dong* Central Committee membership in COSVN, cited under Note No. 44. (Items 47, 48, 54, 208)

[46] Instructions to cadres, March 23, 1965, captured by the U.S. 503rd Infantry in September 1965. (Item 44)

[47] Directive to Propaganda and Training Section, April, 1966, captured by U.S. 1st Infantry Division in April 1966. (Item 45)

[48] Party document instructing subordinate level party activists that the final phase of the revolutionary war is near, captured by the U.S. 101st Airborne Division in Quang Tin on November 13, 1968. (Item I)

[49] The Talk of General Vinh.

[50] Interrogation of a North Vietnamese officer of a support regiment who was responsible for the transportation of supplies from Cambodia, through Laos, to Route 96. (Items 100 and 101)

[51] Interrogation in 1965 of four North Vietnamese Army soldiers of the 325th NVA Division. (Item 86)

[52] Interrogation of a member of the 32nd Regiment, North Vietnamese Army. captured by South Vietnamese forces in November, 1965 in Pleiku. (Item 91)

[53] See Table III.

[54] See Table II for growth of Main Force strength.

[55] "Letter of Division Party Committee to Youth Members", captured by USMC in Quang Tri in July, 1966. (Item 66)

[56] See Table II for growth of Main Force strength.

[57] See Table V.

[58] Documents to serve as a guide for the cadre. Party members and others in answering questions likely to be asked of them, captured by the U.S. 199th Infantry Brigade in February, 1967; also, document on "Guidance for Handling of Recruits", captured by U.S. 25th Division in February, 1967. (Items 111 and 112).

[59] Interrogation of Viet Cong officer who defected in Spring of 1967 in which Viet Cong command organization in northern province of South Viet-Nam is discussed. (Item 47)

[60] Intelligence report on command relationships between *Lao Dong* Party and COSVN from an intellectual proselyting cadre arrested in Spring of 1967. (Item 207)

[61] Le Duan letter.

[62] *Ibid.*

TABLE 1.—INFILTRATION OF PERSONNEL FROM NORTH VIETNAM, 1959-67 (1ST HALF)

Year	Confirmed [1]	Probable [2]	Possible [3]	Total [4]
1959-60	4,556	26		4,582
1961	4,118	2,177		6,295
1962	5,362	7,495		12,857
1963	4,726	3,180		7,906
1964	9,316	3,108		12,424
1965	23,770	1,910	8,050	33,730
1966	44,300	10,500	30,000	84,800
1967 (1st half)	20,700	5,100	14,100	39,900
Total	116,848	33,496	52,150	202,494

[1] A confirmed unit/group is one which is determined to exist on the basis of accepted direct information from a minimum of 2 prisoners, returnees or captured documents (any combination), in addition to indirect evidence.

[2] A probable infiltration unit/group is one believed to exist on the basis of accepted direct information from 1 captive, returnee or captured document, in addition to indirect evidence.

[3] A possible infiltration unit/group is one which is believed to exist on the basis of indirect evidence, even though no captive returnee or document is available to verify the report or reports directly. This category was not listed separately before 1965.

[4] The total does not represent all infiltration data on hand. Other information is held which, based upon the application of consistent criteria and the professional judgment of analysts, has been evaluated as insufficient to warrant inclusion in one of the above categories.

Note: There is normally a long leadtime between the infiltration of a given unit or group and the collection of sufficient intelligence to confirm the fact and time of the infiltration. In 1967, the infiltration has continued at a very substantial rate, but it will be some months before comparable figures for the year can be compiled.

TABLE II.—EXPANSION OF COMMUNIST MAIN FORCE UNITS IN SOUTH VIETNAM

[End of year]

	1960	1961	1962	1963	1964	1965	1966	1967 [1]
Vietcong battalions [2]	10	[2]0	26	30	69	91	83	83
Vietcong main force, local force strength [2]	5,500	26,700	33,800	35,000	51,300	64,300	68,000	64,000
North Vietnamese battalions					3	33	63	69
Strength of North Vietnamese Army units					2,000	26,600	46,400	54,000

[1] End of 3d quarter.

[2] These units do not include a substantial number of native North Vietnamese. Guerrilla forces are not included in these figures. It is important to note that these figures for main force units represent only a fraction of the total strength.

TABLE III.—INFILTRATION OF NORTH VIETNAMESE ARMY REGIMENTS INTO SOUTH VIETNAM, SEPTEMBER 1964 TO JUNE 1967

Unit	Infiltration data		Strength	Number of prisoners on which confirmation based	Number of captured documents on which confirmation based	Total number of prisoners taken from beach unit
	Dep NVN	Arr SVN				
95th Regiment	October 1964	December 1964	2,000	7	1	35
32d Regiment	September to October 1964	January to March 1965	1,800	4	4	53
101st Regiment	December 1964	February 1965	2,000	3	2	13
18th Regiment	February 1965	April 1965	2,000	5	2	43
22d Regiment	July 1965	September 1965	2,000	5	1	42
33d Regiment	do	October 1965	2,000	2	0	53
250th Regiment	do	do	1,000	2	2	13
6th Regiment	Unknown	do	1,500	7	1	18
21st Regiment	August 1965	do	2,000	7	3	37
66th Regiment	do	November 1965	1,500	6	1	34
18B Regiment	December 1965	February 1966	2,000	4	1	62
24th Regiment	January 1966	do	2,000	3	0	19
95B Regiment	December 1965	March 1966	2,000	2	1	17
141st Regiment	January 1966	do	1,500	6	1	10
88th Regiment	do	do	2,000	5	0	22
3d Regiment	February 1966	do	1,500	2	1	34
812th Regiment	June 1966	June 1966	1,500	2	0	15
90th Regiment	do	do	1,500	3	0	12
803d Regiment	do	do	1,500	2	0	7
165th Regiment	February 1966	July 1966	2,000	1	3	1
52d Regiment	March 1966	do	1,600	3	1	3
84th Artillery Regiment	do	August 1966	1,200	1	3	1
5th Regiment	Activated in SVN	February 1967	1,800	0	2	0
95C Regiment	August 1966	March 1967	1,550	1	2	1
29th Regiment	Unknown	April 1967	2,200	3	1	6
368B Artillery Regiment	do	May 1967	1,400	2	2	2
174th Regiment	January 1967	June 1967	2,000	2	2	10

TABLE IV.—ASSASSINATIONS AND KIDNAPINGS IN SOUTH VIETNAM

	1958		1959		1960	
	Assassinations	Kidnapings	Assassinations	Kidnapings	Assassinations	Kidnapings
January	10	25	10	17	96	37
February	36	5	11	6	122	72
March	26	43	31	21		
April	17	12	13	16		
May	13	5	16	22		
June	21	15	5	15		
July	11	24	16	22		
August	7	18	12	11		
September	8	24	22	34		
October	15	26	29	42		
November	8	19	35	[1] 89		
December	21	20	33	[1] 48		
Total	193	236	233	343		

[1] Incomplete.

Source: Saigon Situation Report; January, 1960.

TABLE V.—COMPOSITION OF VIETCONG WEAPONS

[In percent]

	Chinese	Soviet	United States	French	Home-made and other
Vietcong main force:					
1963	13	2	40	39	6
1964	28	4	38	25	5
1965	38	5	35	17	5
1966	51	7	24	13	5
Irregular forces:					
1963	0	0	14	63	23
1964	0	0	24	49	27
1965	1	0	35	37	27
1966	3	0	38	32	27
Total (main force and irregular):					
1963	7	1	28	50	14
1964	15	2	32	36	15
1965	21	3	35	26	15
1966	29	4	30	22	15
1967 (mid)	35	6	26	18	15
North Vietnamese Army:					
1963	0	0	0	0	0
1964	0	0	0	0	0
1965	90	8	0	0	2
1966	80	18	0	0	2
1967 (mid)	80	18	0	0	2

Source: Defense Intelligence Agency report, July 1967.

NLF "ELABORATION" OF ITS PROPOSALS ON VIETNAM

On September 17, 1970, at the Paris Peace Talks, the NLF spokesman, Madame Binh, offered an "Eight Point Elaboration" of the NLF's earlier "Ten Points" proposals of May 8, 1969. These proposals have been adopted by the so-called "People's Peace Treaty" currently being circulated in the United States.

The following review indicates that far more demands are involved than merely getting a terminal U.S. withdrawal date or the trading of such a date for a "*discussion*" of the issue of prisoner of war releases.

POINT 1

The U.S. is asked to declare that it will withdraw all U.S. and Allied foreign troops from South Vietnam by June 30, 1971. *Discussion* would then begin on "ensuring the safety of withdrawing U.S. and foreign Allied troops and on "the question of releasing captured militarymen."

This proposal, however, is preceded by a series of general demands in Point 1 that the U.S. and Allied foreign troops must unconditionally withdraw all troops, weapons and war materiel; must dismantle all military bases in South Vietnam and must stop the assistance effort under the Vietnamization program.

While subsequently indicating some flexibility on the actual withdrawal deadline, Communist ransom demands—as clearly indicated in Point 1—would include a number of other issues. There is little doubt that any "discussion" following an announced U.S. withdrawal deadline would include the above demands as a precondition for moving on the issues of troop safety, prisoner releases, etc. The Communists have always followed one precondition with another, and they will see no reason to stop doing so as long as we keep doing what they demand.

It should also be noted that far from pledging a general cease-fire in exchange for a terminal U.S. withdrawal date, the NLF proposal indicates that the Communist side will only *discuss* the question of whether Communist forces will or will not fire on withdrawing troops of the U.S. and its foreign Allies. They are notably silent concerning South Vietnamese troops and are also silent concerning any troops not in retrograde motion. In other words, here also they would plan to advance more preconditions.

The kind of "discussions" which would follow a U.S. deadline declaration can perhaps best be judged by the "discussions" which followed the U.S. bombing halt, which was undertaken on the basis of promises by the Communist side and others that peace issues would then be discussed substantively. After the bombing halt was announced, the Communist side increased rather than decreased their demands.

POINT 2

The question of Vietnamese forces in South Vietnam is to be resolved *exclusively* by the Vietnamese parties involved. Thus the U.S., 3rd countries, the U.N., etc. would have no role whatsoever in discussing the issue of North Vietnamese troop presence and North Vietnamese troop withdrawals.

Further, no mention is made of the tens of thousands of North Vietnamese forces in *Laos* and *Cambodia*.

It should be noted that thus far Hanoi has not admitted that it has any soldiers outside of North Vietnam's borders. Hanoi has not even acknowledged its prisoners captured in South Vietnam, Laos and Cambodia, though 8,000 North Vietnamese prisoners of war are held in Red Cross-inspected camps in South Vietnam.

POINT 3

The negotiation and restoration of a "genuine" peace is said to necessitate an administration without President Thieu, Vice President Ky or Prime Minister Khiem. No reciprocal suggestion is made for removing the leaders of the NLF's Provisional Revolutionary Government (PRG) or for Hanoi's Politburo, though none of those leaders has ever risked the test of competitive elections as have South Vietnam's elected leaders.

Even if the three top Government of Vietnam officials were to be removed as a precondition for negotiations and South Vietnam's constitutional system was thus grossly violated, a further caveat appears in the NLF's call for an administration standing for "peace, independence, neutrality . . . democracy," *as defined by the NLF*.

Thus the issue is not, as some would have it, a question of a few personalities in the Saigon government standing in the way of a peaceful solution, but the disruption of all organized non-Communist forces.

Further, the new administration is said to ensure "democratic liberties" such as the freedoms of speech, press, assembly, belief, etc. and to release political prisoners. But, if Hanoi's definition of "democratic liberties" is as practiced in North Vietnam or in NLF purges in the South, this means nothing other than a rigidly Stalinist police state and mass political murders, with no evidence whatsoever that a new Communist-dominated administration would feel the slightest inclination to tolerate, much less guarantee, such freedoms.

POINT 4

The general election must be "really free and democratic" as *defined by the NLF*. It is to be decided without any international role, verification, etc. It is to reflect the (NLF-defined) popular will for the (NLF-defined) "peace, independence, neutrality, democracy, and national concord."

The NLF will define the meaning of elections held in a "really free and democratic way" and guaranteeing "genuine freedom and equality." The recent example of North Vietnam's elections serves as a model for the likely result of such elections run on a single slate basis and achieving a much trumpeted 99% "mandate."

POINT 5

The provisional coalition government would be composed of (1) PRG elements, (2) Government of Vietnam elements "really" standing for (NLF-defined "peace, independence, neutrality, and democracy." and (3) others defined by the NLF as standing for "pace, independence, neutrality and democracy."

The NLF-dominated provisional coalition government (and no other forces, countries, etc. would "implement" the agreements.

The NLF-dominated provisional coalition government would have a policy of "national concord" and "democratic" freedoms. It would "stabilize" conditions and would "organize general elections to form an official coalition government," legitimizing the provisional takeover. As in North Vietnam's Stalinist regime?

The NLF-dominated "coalition" government would be a "good neighbor" respecting the sovereignty, independence, neutrality and territorial integrity, of Laos and Cambodia. North Vietnam similarly claims to be a "good neighbor" though it has 90,000 troops in Laos and 50,000 troops in Cambodia fighting wars of aggression against those countries.

POINT 6

Vietnam is one, with reunification to be achieved step by step ("peacefully" via the NLF-dominated "coalition") and "without foreign intereference." There is no evidence whatsoever that Hanoi would agree to a truly free expression of the popular will in either North or South Vietnam regarding unification.

POINTS 7 AND 8

It is said that the aforementioned parties will together decide the measures and correctly implement the modalities and provisions agreed upon above for a cease-fire, etc. Thus the present Government of Vietnam, the U.S., the UN, and 3rd countries, etc. will have nothing to say about the modalities and implementation.

COMMENT ON NLF "ELABORATION" OF ITS PROPOSALS ON VIETNAM

An analysis of elements in the latest Communist position for "peace" in Vietnam indicates that it is an illusion to believe that only some single unilateral act of U.S. renunciation stands between us and peace.

Instead, it can be seen that the Communists are confronting us with a *series* of demands which, though sugar-coated, represents nothing less than a demand for our acquiescence in Hanoi's take-over of South Vietnam.

In the past, the U.S. has been confronted with similar sets of demands. We have acceded, believing that our actions would bring peace.

For example, we agreed to stop the bombing of North Vietnam when we were told this would lead to serious negotiations and to peace. But Hanoi now makes further demands, and refuses even to talk to the South

Vietnamese Government although it had agreed to do so.

Moreover, the North Vietnamese negotiator in Paris, Xuan Thuy, once said that Hanoi would regard a U.S. withdrawal of 100,000 men as "significant" and as a step toward peace. Yet we have withdrawn more than twice that number, and Hanoi now wants all of the rest to leave unilaterally.

We can also recall that the North Vietnamese, as well as many people in this country, told us in the past that if we would begin to pull out of our forces or would agree to deal with the NLF, serious negotiations would begin. But these hopes too have proven false.

Those who have in the past urged us to take certain steps in order to bring peace should recall what they asked of the U.S. Government and what they promised would then result. They should recall that nothing happened, although the U.S. did what they suggested. And they should re-read the Communist negotiating position and realize that the Communists would react in the same totally negative way to the next U.S. concession which they are now proposing. Yet at that point it may well be too late for us to regain any credibility of initiative at all. We would be committed to the unilateral, total and unconditional withdrawal which they now demand, we will have no negotiating leverage left, and we will have betrayed our principles.

NLF "Elaboration" of Its Proposals, 84th Paris Meeting, Sept. 17, 1970, Statement by Madame Binh, Broadcast by Hanoi Radio in English, Sept. 18, 1970

Initiatives To Make The Paris Conference Progress

To respond to the deep desire for peace of broad sectors of the people in South Viet Nam, in the United States and in the world, on the instructions of the Provisional Revolutionary Government of the Republic of South Viet Nam, I would like to further elaborate on a number of points in the 10-point overall solution as follows:

(1) The U.S. Government must put an end to its war of aggression in Viet Nam, stop the policy of "Vietnamization" of the war, totally withdraw from South Viet Nam troops, military personnel, weapons, and war materials of the United States as well as troops, military personnel, weapons, and war materials of the other foreign countries in the U.S. camp, without posing any condition whatsoever, and dismantle all U.S. military bases in South Viet Nam.

In case the U.S. Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the U.S. camp by June 30, 1971, the People's Liberation Armed Forces will refrain from attacking the withdrawing troops of the United States and those of the other foreign countries in the U.S. camp, and the parties will engage at once in discussions on:

The question of ensuring safety for the total withdrawal from South Viet Nam of U.S. troops and those of the other foreign countries in the U.S. camp.

The question of releasing captured militarymen.

(2) The question of Vietnamese armed forces in South Viet Nam shall be resolved by the Vietnamese parties among themselves.

(3) The warlike and fascist Thieu-Ky-Khiem administration, an instrument of the U.S. policy of aggression, are frantically opposing peace, striving to call for the intensification and expansion of the war, and for the prolongation of the U.S. military occupation of South Viet Nam, and are enriching themselves with the blood of the people. They are serving the U.S. imperialist aggressors who massacre their compatriots and devastate their country. They have stepped up the "pacification" campaigns to terrorize the people and hold them in the vice of their regime, set up a barbarous system of jails of the type of "tiger cages" in Can Dao and established a police regime of the utmost cruelty in South Viet Nam. They carry out ferocious repression against those who stand for peace, independence, neutrality and democracy, regardless of their social stock, political tendencies and religions. They repress even those who are not of their clan. They increase forcible pressganging and endeavor to plunder the property of the South Viet Nam people so as to serve the U.S. policy of "Vietnamization" of the war. The restoration of genuine peace in South Viet Nam necessitates the formation in Saigon of an administration without Thieu, Ky, and Khiem, an administration which stands for peace, independence, neutrality, which improves the people's living conditions, which ensures democratic liberties such as freedom of speech, freedom of press, freedom of assembly, freedom of belief, etc., and releases those who have been jailed for political reasons, and dissolves concentration camps so that the inmates there may return to and live in their native places. The Provisional Revolutionary Government of the Republic of South Viet Nam is prepared to enter into talks with such an administration on a political settlement of the South Viet Nam problem so as to put an end to the war and restore peace in Viet Nam.

(4) The South Viet Nam people will decide themselves the political regime of South Viet Nam through really free and democratic general elections, elect a national assembly, work out a constitution of a national and democratic character and set up a government reflecting the entire people's aspirations and will for peace, independence, neutrality, democracy, and national concord.

The general elections must be held in a really free and democratic way. The modalities of the elections must guarantee genuine freedom and equality during the electoral campaigns and vote proceedings to all citizens, irrespective of their political tendencies, including those who are living abroad. No party shall usurp for itself the right to organize general elections and lay down their modalities. The general elections organized by the U.S. puppet administration in Saigon at the bayonets of the U.S. occupying troops cannot be free and democratic.

A provisional government of broad coalition is indispensable for the organization of really free and democratic general elections and also for ensuring the right to self-determination of the South Viet Nam people during the transitory period between the restoration of peace and the holding of general elections.

(5) The provisional coalition government will include three components:

Persons of the Provisional Revolutionary Government of the Republic of South Viet Nam.

Persons of the Saigon administration, really standing for peace, independence, neutrality, and democracy.

Persons of various political and religious forces and tendencies standing for peace, independence, neutrality, and democracy including those who, for political reasons, have to live abroad.

The provisional coalition government will implement the agreements reached by the parties.

The provisional coalition government will carry out a policy of national concord, ensure the democratic freedoms of the people, prohibit all acts of terror, reprisal, and discrimination against those who have collaborated with either side, stabilize and improve the living conditions of the people and organize general elections to form an official coalition government.

The provisional coalition government will pursue a foreign policy of peace and neutrality, practice a policy of good neighborhood with the Kingdom of Laos and the Kingdom of Cambodia, respect the sovereignty, independence, neutrality, and territorial integrity of these two countries. It will establish diplomatic relations with all countries regardless of their political regime, including the United States, in accordance with the five principles of peaceful coexistence.

(6) Viet Nam is one, the Vietnamese people is one. The reunification of Viet Nam will be achieved step by step, by peaceful means, on the basis of discussions and agreements between the two zones, without coercion or annexion from either side, without foreign interference. The time for reunification as well as all questions relating to the reunification will be discussed and agreed upon by both zones. Pending the peaceful reunification of the country, the two zones will re-establish normal relations in all fields on the basis of equality and mutual respect, and will respect each other's political regime, international and external policies.

(7) The parties will decide together measures aimed at ensuring the respect and the correct implementation of the provisions agreed upon.

(8) After the agreement on and signing of accords aimed at putting an end to the war and restoring peace in Viet Nam, the parties will implement the modalities that will have been laid down for a cease-fire in South Viet Nam.

Any Risk Here?

(By William H. Stringer)

A Harris opinion poll finds people deciding, 58 to 29 percent, that it is "morally wrong" to be fighting in Vietnam. Does this impressive sentiment mean that the United States should get out of Vietnam fast—set a total withdrawal date now for, say, October 1, or the end of 1971? Perhaps it does. But to assist the decision shouldn't there be a careful consideration of all that we can discover about the Vietnam problem: Hanoi's mood, Saigon's regime. Vietnamization, reaction of other Asian states to an American pullout, prospects of a bloodbath, and such like? So that we know what the United States is or is not risking.

I find it incredible that almost no one advocating a quick pullout is discussing anything about possible consequences. The "six-pack" of Democratic presidential hopefuls say nothing about such weighty matters. The prestigious professors who lend their names to full-page "we demand" advertisements say nothing about future policy. The Washington marches discuss nothing of the global impact. Even the hawks say very little. A great and responsible nation, it would seem, sees the war as so terrible that it can think of nothing but how to get out of there fast.

Of course there are some unstated assumptions. One is that the Thieu-Ky government is, or must be, utterly corrupt, worse than the Communists. Another is that the Americans are, or must be, bombing villages almost daily and creating refugees by the hundreds of thousands. But that is about as far as the conventional folklore goes. To put the best possible face on it, it's as though we decided that if we make the quick pullout, everything else will fall into place. Or that, if it doesn't, we shouldn't have been there in the first place, so it's no longer our responsibility.

Now it happens that there are some who do ponder the whole policy and picture of America and Vietnam—people in the White House, and in Henry Kissinger's office, and so forth. And they have views. Which may be wrong, or wishful thinking, or slick conclusioning. But let's just consider their views, so as to see all sides of the picture.

For one thing, they believe that setting an early definite date for total American troop withdrawal is the same as announcing that Vietnamization is to be abandoned. The immediate result, they say, would be to advise all committed South Vietnamese to make whatever accommodations they can—to quit, develop a low profile, scuttle, attack Americans, or flee to Switzerland. This of course would end the prospect of leaving behind a viable Saigon regime or an effective army. It would negate the successful rural elections of recent years, and the parliamentary elections that were honest enough so that Buddhists got elected.

Again, if we ask whether there may be an eventual bloodbath, perpetrated by the North Vietnamese, these spokesmen point, not to the massacre at Hue as a warning, but to the killings of years ago in North Vietnam, which drove a million refugees southward. Can we be sure that Hanoi will abandon a Communist-tested formula for consolidation of power?

Impact on neighboring states? Consider Japan, the most important. Suppose Tokyo sees China and Russia as dominant in Asia, the American gone resolutely home. Will Tokyo wish to maintain its alliance with the United States? Will it continue to forgo nuclear weapons? For how long?

Recriminations back in the United States? No, not right away. But think of the possibilities for exploitation, if Saigon is ruled from Hanoi and executions do occur, or if Japan rejects the American tie-up. And if some politicians charge that scuttle-and-run let this happen, after a sacrifice of 45,000 of our young men.

These are a few "possibilities on the other side." None of the dire predictions may materialize. Southeast Asia may enter a period of development under the "benign" dictatorship of Hanoi. Hanoi might even accept a coalition regime in Saigon, though the Polish history after World War II advises otherwise. But do let us consider, let us ponder, let us be alert, to the various possible outcomes.

SELECTIVE SERVICE SYSTEM

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 10 minutes.

Mr. MITCHELL. Mr. Speaker, I have come before you more than once to relate my concerns with the Selective Service System and its effects on our young men. Though you may not have agreed with me in the past, today I speak to a problem that each of us ought to examine carefully, because it seriously affects the quality of a conscripted Armed Forces.

The Selective Service System has outlined very specific physical standards that each registrant must pass before he is inducted into the armed services. Presently, each registrant is examined at a preinduction physical, and on the day of induction. Based upon these examinations, many young men are physically disqualified for service. I would like to believe that each and every physical is thorough and complete. Yet each day, I find a number of requests for help from constituents who have been dissatisfied with the quality and/or the findings of their physicals. And, in too many of these cases, they are able to document very serious omissions during the physicals.

For security's sake, only those men physically qualified for service ought to be inducted. Yet, the Government Accounting Office estimates that for the years 1968, 1969, and 1970 the Armed Forces accepted an average of 20,000 men who should have been rejected for physical defects. Despite improvements in the process, the military spent $17.9 million in fiscal 1969 for the pay, uniforms, and travel of soldiers who were discharged because of preservice defects.

How can so many, often with obvious disabilities, slip past civilian and Army doctors. As one Army doctor explains—

> Documentation is the name of the game. Without documentation a guy just would not get out, and with it he probably will.

If the key is prior documentation, as most sources indicate, then how does one get documentation? Well one pays for it. A family that can afford proper medical care, can provide their offspring with complete medical histories dating back to birth.

College students take advantage of college health facilities, and sympathetic university personnel. But for a large number of young men, the lower middle class, the poor, the black, there is no such medical luxury. Many of these do not understand nor can they play the documentation game. If they are fortunate they have found their way to local clinics with their physical problems. But such visits are unlikely, given the condition of local and poverty health care.

And to obtain medical records from a clinic often takes several weeks and a records fee and then under no circumstances will the clinic deliver the records directly into the registrants hands. Remember too, that a person under 21 cannot even permit the release of his own medical records.

For the black community there are additional burdens. In southern black communities the asthma rate is over 50 percent, but without documentation most of these men will pass the physical.

For sickle cell anemia, an ailment peculiar to the black community, the Army provides no detection lab test at all. Psychiatric consultation is unheard of. As Dr. Tarr himself has said—

> The rising tide of medical deferments is a cause of serious concern because it is one of the real inequities left in the system.

It is a system judged inadequate by consensus. One would think any step taken to change procedures would be an improvement.

Nevertheless the Selective Service System has advanced a new set of administrative procedures that are regressive. They deny young men one of the few chances they had left to correct the results of an erroneous preinduction physical. Formerly when a young man believed that some mistake had been made during his physical he could write to his Congressman. He could write to the Selective Service System and to the Surgeon General as well, but usually these letters brought little action.

The Congressman in turn would ask the Surgeon General for a complete medical review. This could go on right up to the induction.

Although not ideal, at least my constituents received a fair review of their cases. Sometimes even consultations with specialists were arranged for those who could not afford to go to their own. Though not perfect, at least a minimal attempt was made to provide an adequate medical examination prior to induction.

On May 28, 1971, I received a memo from Dr. Tarr outlining a new system called registrant medical reevaluation and review system to be implemented. It both concerned and angered me. Instead of being an improvement, it is merely a vehicle for avoiding the whole issue of medical reevaluation. Under the new system the State director will make the first judgment on medical evidence submitted by a registrant. To my knowledge Colonel Hayes, the Maryland State director is not a doctor.

In fact he has often told me that since neither of us is a physician we ought to allow the Army doctors to make medical decisions. Now he will make the first medical decision. Only if he agrees, will new evidence be passed on to the Armed Forces entry and evaluation station doctor. This could be the same doctor who made the initial examination. Now he is asked to correct himself. Even if these two men concur that an error has been made, the final decision still has to be made by the U.S. Army Recruiting Command. And no action will be taken after an induction notice has been issued, even if an error has occurred.

It is very clear to me that this new system does nothing to insure that young men will get a better medical examination. It simply assures that any physical defect overlooked initially, will continue to be overlooked. And a man's ability to serve his country may be affected. I call on Dr. Tarr to make immediate improvements in the entire medical evaluation process. I hope that my colleagues in the House will do likewise.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL. I am glad to yield to the gentleman from New York.

Mr. SMITH of New York. I want to compliment the gentleman on his remarks. It would seem to me that it would be a not too difficult task for the Selective Service System to set up a system that would guarantee to each registrant a fair physical examination before he was inducted.

Mr. MITCHELL. I thank the gentleman. I simply want to deal briefly with the matter of sickle cell anemia that I mentioned earlier. This body took action very recently in an effort to deal with sickle cell anemia.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The United States leads the world in dentistry where 120,000 were registered as members of the American Dental Association in 1969.

HONOR AMERICA DAY RESOLUTION—1971

The SPEAKER. Under a previous order of the House, the gentleman from Nebraska (Mr. McCOLLISTER) is recognized for 5 minutes.

Mr. McCOLLISTER. Mr. Speaker, yesterday my good friend and colleague BILL SCHERLE introduced a resolution to recognize the significance of the upcoming Fourth of July Honor American Day celebrations. I feel strongly that the importance of this day cannot be underplayed and would at this time endorse the resolution offered by the gentleman from Iowa yesterday.

The Fourth of July is one of the important holidays we celebrate. Just as we honor those close to us on their birthdays, our mothers on Mother's Day and so on, we should not neglect paying tribute to America on her birthday. Honor America Day—the Fourth of July—is a great opportunity to join together in the unity that has made our Nation what it is today and to show our appreciation for the blessings we realize.

The fact that our celebration this year falls on a Sunday lends added significance to the day. Reverence and total faith in an idea—such as the religious beliefs that have laid a foundation for the Nation's development—are a part of our heritage we should not overlook.

Mr. Speaker, I, like my colleagues, I am sure, look forward greatly to the Honor America Day celebrations I will have the opportunity to take part in this weekend. I urge my colleagues to work for the unity that can be realized on this Fourth of July through the expression of appreciation for the blessings that are ours.

I am joined by the following Members of the House in our enthusiastic endorsement of House Concurrent Resolution 354: BURKE of Massachusetts, THONE, ASHBROOK, DENNIS, WHALLEY, JOHNSON of Pennsylvania, WHITEHURST, CAMP, PRICE of Texas, MATHIAS of California, WINN, SEBELIUS, HASTINGS, PIRNIE, ZWACH, BETTS, SHRIVER, SKUBITZ, VEYSEY, MILLER of Ohio, WARE, SANDMAN, COLLINS of Texas, and WYLIE.

Mr. SPEAKER. I wish to insert at this point a copy of the text of the Honor America Day resolution.

> Whereas the Congress wishes to lend support to the rekindling of the American spirit of patriotism and respect for the individual liberties that made America great; and
>
> Whereas the Congress wishes to underscore the fact that though Americans face problems as individuals and as a nation they are proud of their country and welcome the opportunity to honor America: Now, therefore, be it
>
> *Resolved by the House of Representatives (the Senate concurring)*, That Congress recognizes the importance of the July 4, 1971, Honor America Day celebrations and calls upon the people of the United States to observe such celebrations with appropriate ceremonies and activities.

AN AMENDMENT TO REQUIRE FEDERAL CONTRACTORS TO OBSERVE PRACTICES WHICH WILL PRESERVE AND ENHANCE THE ENVIRONMENT AND FISHERIES AND WILDLIFE RESOURCES

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 5 minutes.

Mr. STEIGER of Wisconsin. Mr Speaker, I am today introducing legislation to amend the Environmental Policy Act of 1969—Public Law 91–190—so as to require Federal contractors to be in compliance with Federal, State, and local laws, ordinances, rules, or regulations regarding water or air pollution and other environmental matters.

The Environmental Policy Act declared that:

> It is the continuing policy of the Federal Government, in cooperation with State and local governments, to use all practical means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

I believe that it is within this broad mandate to require that the Federal Government conduct its procurement and other contractual business—accounting for approximately 10 percent of the GNP—in a manner protective of our environment.

The bill requires that persons or corporations submitting bids for Federal contracts in an amount that exceeds $10,000 in any fiscal year affirm that at the date of submission they are not in violation of any applicable Federal, State, or local law regarding the air, water, or other form of pollution. If it is later determined by the Administrator of the Environmental Protection Agency that the contractor was not in compliance at the date of submission, the contract shall be terminated effective the date of the Administrator's determination.

Once a contractor receives a contract and is in the process of performance, the amendment requires that he remain in compliance with Federal, State, and local pollution laws. If the Administrator determines that the contractor has fallen out of compliance with its contractual obligations pursuant to the amendment, the contractor will be regarded as having breached the contract at that point. At such time, no further payment will be made by the Government.

Finally, the bill provides that contractors who violate their obligations under the Environmental Policy Act as amended would be barred from further Federal contracts for a 3-year period or until the Administrator certifies that the contractor has provided satisfactory assurances against further disregard of such obligations.

It is important to note that the bill provides for full administrative and judicial review of the Administrator's determinations.

Mr. Speaker, the Federal Government enforces basic policy decisions in its contractual business everyday. Federal contractors must now pay federally established minimum wages, not discriminate in hiring, and must provide a safe working place for their employees. The bill I am introducing today can insure that the Federal Government does not indirectly violate its own environmental standards or become a participant in the violation of State and local laws designed to protect our environment.

PAN AMERICAN HIGHWAY BILL

The SPEAKER. Under a previous order of the House, the gentleman from Kansas (Mr. SEBELIUS) is recognized for 5 minutes.

Mr. SEBELIUS. Mr. Speaker, on behalf of myself and my colleagues Mr. ANDREWS of North Dakota, Mr. THONE, Mr. CAMP, Mr. WRIGHT, Mr. POAGE, and Mr. KAZEN, Jr., I am introducing legislation to designate certain highways extending from Laredo, Tex., to the point where U.S. Highway 81 crosses the border between North Dakota and Canada as the Pan American Highway.

The roadways which would comprise the Pan American Highway already span the United States from Canada to the Mexican border, largely along the route of U.S. Highway 81.

This bill is unique. It does not require expenditure of Federal funds but would improve inter-American good will, hemispheric relations, and understanding and cooperation between all people of the Western Hemisphere.

The Pan American Highway route, when completed, will reach from the southern tip of South America through Central America, Mexico, the United States, and Canada to Alaska. This ribbon of highway can represent communication and understanding between these sister states of the Americas and their diverse and great peoples.

In addition to its diplomatic importance, this route carries more traffic than any other north-south route across the Nation. Official sanction and further development of this 14,000-mile system will enhance commerce and economic development throughout the Great Plains, particularly in our rural and smalltown areas.

In view of the rural migration and problems relating to overpopulation in our cities, further development of this route promises new economic opportunity for rural and smalltown America, so necessary to achieve a better distribution of our population and improved conditions throughout our Nation.

Since completion of the southern link is imminent, I think it is appropriate that Congress endorse this effort and recognize the Pan American Highway as a symbol of unity in the Western Hemisphere. This fact, coupled with the economic benefits for the Great Plains, certainly justifies prompt consideration of this proposal.

BUSING CRISIS IN WINSTON-SALEM

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, the city of Winston-Salem, N.C., and Forsyth County, which encompasses the city, are bracing now for a crisis this fall that will place a severe strain on the fiscal integrity of those local governments, on the public education system in that area, and, not least, on thousands of schoolage children.

The crisis is a court-ordered implementation of massive forced busing and student redistribution to overcome racial imbalance in the Winston-Salem/Forsyth County schools.

The plan, as submitted by the city-county school board Tuesday to the U.S. district court, requires the busing of 15,821 more students than were bused in the school term just ended. This massive busing would require 157 new buses if staggered hours for the beginning of school were instituted, and 314 new buses if a uniform beginning hour is adopted.

In addition, the plan calls for an extraordinarily complex system of pupil assignment, including the institution of a rather bizarre school grade arrangement creating "lower elementary schools," incorporating grades 1–4, "upper elementary schools," grades 5–6, junior high, grades 7–8, "lower high school," grades 9–10, and "upper high school," grades 11–12.

The problem of student redistribution is so massive, according to the local school superintendent, that the school board has given serious consideration to using railroads to get some children to school.

That is right; railroads.

Planners now estimate the plan, if approved, would cost an additional $2 million a year, and require the imposition of a 1-cent addition to the local sales tax.

And even with all of this upheaval, there is no guarantee that this plan will meet with the approval of the court to which it has been submitted.

Mr. Speaker, surely we can see the folly in all of this—students being bused, or railroaded, several miles from their homes each day; having to go to as many as five different schools in their primary-secondary education career; imposing an increased sales tax on the people most adversely affected by such a tax and saying it is for their good; buying as many as 314 more school buses, or perhaps a combination of buses and boxcars.

The logic in all of this escapes me and several thousand more people in the Winston-Salem area.

It is significant to note that many of the people who share my view of this situation are black. News reports from recent days indicated that there is widespread dissatisfaction among the black community, as well as the white community, with the prospect of young children being transported many miles to achieve an "acceptable" degree of racial balance.

It seems infinitely more logical to us to upgrade the quality of public education by using these busing funds for better school facilities and equipment, and higher teaching salaries to attract and keep well-qualified instructors.

It is for this reason that I have introduced a constitutional amendment providing that no public school student shall be assigned to, or required to attend, a particular school on the basis of race, color, creed, or national origin. And it is for the same reason that I continue to call for hearings on this resolution.

To fully explain the situation as it exists in Winston-Salem now, I am inserting into the RECORD at this time two articles, appearing in the Winston-Salem Journal of Wednesday, June 30, 1971, which outline the really incredible provisions the school board has been forced to recommend in order to placate the Federal court.

As my colleagues read these articles, which I am sure will prove interesting and instructive, I ask that they think seriously about the possibility of this situation spreading to their own constituencies, and join with me in a vigorous effort to see this crisis alleviated.

The articles follow:

SCHOOL PLAN SUBMITTED; MEANS MAJOR CHANGES—REQUIRES BUSING 15,000 STUDENTS

(By Tom Dillon)

A new desegregation plan adopted by the school board here means major changes, both sociological and practical, for almost all schools in the city-county school system.

The plan, finally submitted to the U.S. District Court yesterday, creates as nearly as possible a racial balance in all schools, administrators say. Marvin Ward, school superintendent, said the ratio of black students to white will be from 18 to 36 per cent in each school.

He said the plan, approved by the school board at a closed meeting Saturday night, will cause major financial problems. Not all of them have been solved yet, he said, and solutions for some will be difficult.

He declined, in answer to questions, to call the plan "educationally unsound." He said this will have to be determined with time.

Ward said Judge Eugene A. Gordon of the U.S. District Court will hold a hearing on the plan by July 9, possibly as early as July 7, to determine whether to implement it.

The plan basically divides the present 6–3–3 school arrangement (elementary, junior high and senior high) into a 4–2–2–2–2 arrangement (lower elementary, upper elementary, junior high, lower high school and high school).

Ward explained the plan yesterday afternoon at a press conference at the WSJS television studios. It was also presented yesterday to the school principals.

The version given to the court says the plan is a "good faith effort" to comply with a June 22 court order saying there can be no less desegregation here than was ordered in Charlotte.

At the same time, however, it says the plan is "not sound or desirable, and should not be required. The residential patterns here make racial balance impossible without massive, expensive busing," the plan says.

MORE BUSES NEEDED

Ward said the plan will require 157 more school buses if school opening hours are staggered. If they are not staggered, he said, 314 buses will be needed. In all, 16,821 more students will need bus transportation than last year.

The problem is so massive, he said, that the school board has even discussed using railroads to get some children to school.

One school official said there are a number of railroad lines near schools which will require much transportation for students. He said this has been considered a way to keep school buses off expressways at peak hours.

MIGHT DISCUSS

Ward, asked about the proposal yesterday, replied: "I think we might discuss it with the railroad companies to see if there are any possibilities."

He said the state has something like 350 excess school buses, but the schools may not be able to get more than 100 of them. The alternative is leasing buses from Safe or Piedmont Bus companies, he said.

Ward took exception yesterday to complaints that the plan puts the burden on numbers of students going into the center city and coming out," he said. "An equal number of blacks and whites will be bused."

MINIMUM BUSING

He contended that the plan is more equitable and fair than one proposed by the plaintiffs in the local desegregation suit, and said it will cause the minimum amount of busing necessary to integrate all schools.

Among other things, he said, the schools are planning considerable expansion of human relations programs. "We're not far enough along to give details," he said, "but efforts will be continued and expanded."

He noted problems getting sales tax revenue for the schools, something that may be needed to finance the plan. But he said the schools may receive money from the Nixon Administration's Emergency School Assistance Program.

This program has put aside $1.5 billion to help Southern school districts undergoing desegregation. Schools here got $250,000 from it last year.

The plan itself calls for five 11th- and 12th-grade high schools—Reynolds, Parkland, West, East and North. Two high schools, Mount Tabor and Atkins, will revert to ninth- and 10th-grade "lower high schools."

One school, Fourteenth Street, will operate as an early childhood education center, and another, Moore, will operate as a laboratory school. Classes for talented and retarded students will continue to operate where they are, but classes for emotionally disturbed students will move to Ardmore.

ARDMORE PROGRAM

The extended year program at Ardmore will be closed out. A school official said yesterday that parents of students in it have been encouraged to apply to Moore.

Officials are considering moving a kindergarten program now at North Elementary, the Model Cities "model school," to another area. But present planning is for the model school program to operate with only grades five and six.

School sources said yesterday there had been criticism that Atkins, the city's major black high school, would be demoted. But they said the decision of where to put the five senior high programs was based solely on which had the best facilities.

SCHOOL BOARD FINDS ITS PLAN DISTASTEFUL

The city-county school board made it clear yesterday that it does not like its new desegregation plan.

In a resolution accompanying the plan submitted to U.S. Middle District Court, the board said:

". . . The Board feels compelled to advise the court that even though this is the least expensive, least disruptive, least burdensome and most equitable plan the board has been able to devise and still accomplish the required objective of achieving a racial balance in the public schools of Forsyth County which will be acceptable to the court, it is not a sound or desirable plan, and should not be required, because the residential pattern of Forsyth County makes the accomplishment of such objective impossible without massive, expensive busing which imposes an otherwise unnecessary financial burden on the public and a tremendous burden of inconvenience and time consumption on pupils and parents and traffic hazard on pupils."

The board said it does not know whether it will be able to provide the necessary transportation because it has neither the buses nor the money to do so.

The resolution said the board is still trying to get the county commissioners to come up with $1.3 million which the county manager has recommended be cut from the proposed school budget.

The board said the money is "desperately needed" to provide a satisfactory educational program.

At a press conference at which the plan was announced yesterday, Marvin Ward, the school superintendent, was asked if this attitude of "we will if we have to" is healthy.

Ward bristled and said he wouldn't answer the question because the school board had made its decision and expressed its opinion.

He said the board and the school staff are working on a human relations program to ease racial tensions which might arise because of increased desegregation.

In its resolution the board said it had acted in good faith to satisfy court orders on school desegregation.

CANNIKAN—A POTENTIAL BABY KILLER?

The SPEAKER. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, I wish to bring to the attention of my colleagues an article from the June 30 edition of the Washington Daily News concerning the discovery of a possible link between the recent rise in the infant mortality rate in the United States and underground nuclear testing.

Dr. Ernest Sternglass, professor of radiology at Pittsburgh University, revealed on Tuesday that radiation leaked from an underground nuclear test in Nevada last year contributed to the deaths of hundreds of newborn infants in 13 nearby States. Apparently, the radiation reduced the infants' ability to resist disease and resulted in deaths initially attributed to respiratory infection, influenza, and pneumonia.

There was "absolutely an epidemic of infant mortality where the fallout descended," Dr. Sternglass pointed out. He also predicted that "the worst is yet to come."

Mr. Speaker, before the AEC proceeds with its underground nuclear test program, we should fully explore this question of a link between the tests and the infant mortality rate. In particular, we should answer this question before the AEC conducts its planned 5-megaton test at Amchitka Island next fall.

The proposed test, called "Cannikan," will be the largest ever conducted by the United States. Reportedly, the $190,000,000 test program at Amchitka is in support of the development of the Spartan antiballistic missile—a weapon that may even now be obsolete.

Project Cannikan is veritably loaded with unanswered questions. Of particular concern to seismologists and scientists is the possibility that the test may trigger a disastrous earthquake or tsunami. The AEC itself admits that it is not possible to predict the probability of this result with certainty.

In a recent report on Cannikan, the AEC revealed that a pocket of radioactive material will remain frozen in subterranean rocks at the blast site for an indefinite period of time. What effect will this pocket of radioactivity have on the future use of Amchitka—now part of a wildlife refuge? Will some of the radioactive material eventually escape into the island's groundwaters, creating a hazard for both humans and animals, born and yet unborn?

Will Cannikan jeopardize our chances of reaching any agreement with the Soviet Union and other nations on the limitation of strategic nuclear weapons such as the antiballistic missile system?

All of these questions should be fully considered by the administration before proceeding with Cannikan.

The article from the Washington Daily News follows:

Babies' Deaths Blamed on Radiation

Radiation leaked from an underground nuclear test in Nevada last December, contributed to the deaths of hundreds of newborn infants in 13 states, a professor of radiology has concluded.

Dr. Ernest Sternglass said yesterday the radiation reduced the infants' ability to resist disease and resulted in deaths attributed mainly to respiratory infection, influenza and pneumonia.

LOCAL RAINFALL

"It is absolutely an epidemic of infant mortality where the fallout descended," Dr. Sternglass, of the University of Pittsburgh, told a news conference here.

He said the degree to which a state was affected depended on its distance from the test site and local rainfall. Radiation traceable to the Dec. 17 accident was found in Nevada, Montana, Wyoming, Arizona, California, Oregon, North Dakota, Minnesota, Iowa, Idaho, Kansas and Nebraska.

Dr. Sternglass said he based his conclusions, and a prediction that "the worst is yet to come," on previous studies linking infant mortality with nuclear testing, and on the latest Bureau of Statistic figures.

These showed that infant deaths in Idaho for the first quarter of 1970 were 16.5 per 1,000 live births while for the comparable period this year it increased to 23.3. In Montana, infant deaths were 19.2 per 1,000 in 1970 and 24 per 1,000 in 1971.

STRONG ENOUGH

Dr. Sternglass said that infant mortality rates had generally declined since the end of atmospheric nuclear testing early in the 1960s. He called for a halt to underground testing as well.

"We are all strong enough to kill each other 100 times over with nuclear weapons," said Dr. Sternglass. "This underground testing is perfectly useless."

PANAMA CANAL TREATY SITUATION: REPREHENSIBLE JOURNALISM ANTIDOTE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in an address before this body in the CONGRESSIONAL RECORD of May 26, 1971, on "Panama Canal Treaty Situation: Reprehensible Journalism," I quoted a newsstory written in Panama, R.P., by Jeremiah O'Leary, and published in the Evening Star of Washington, D.C., on May 13. In my introductory remarks, I described it as not only "superficial, erroneous, and misleading" but also as "irresponsible, reprehensible, and vicious." For those interested in reading the full text of the O'Leary newsstory from Panama, it was quoted in full in my May 26 address.

As a student and close observer of Isthmian canal history and problems who has consulted citizens of Panama as well as residents of the Canal Zone, I read with pleasure two letters to the editor in the June 26, 1971, issue of the Evening Star by James R. Hendel and R. G. Martin. Accompanying them is an editor's note stating that correspondent O'Leary obtained his information from what he considered responsible United States and Panamanian Government sources and that he stands by the basic premise of his article.

In regard to the editor's statement, there are on the Isthmus many sources in and out of government service that are available to newsmen as well as on the site observation. From the mistakes of facts pointed out in my May 26 address and in the two Henkel-Martin letters as having been made in the O'Leary newsstory, it must be evident that he consulted wholly unreliable sources.

As all Members of the Congress concerned with Panama questions will find the indicated letters informative and helpful, especially in the evaluation of newsstories about the Panama Canal, I quote both as parts of my remarks:

Trouble in Panama

SIR: I felt it my obligation to write in response to a recent interpretive report titled "Trouble Brewing in Panama." This particular article disturbed me mainly because my wife and I presently live in Panama, and I serve in the Canal Zone.

I was further disturbed by a news report of this nature appearing in a reputable newspaper charged with the responsibility of giving the American people truthful, factual and complete news coverage. The abovementioned article failed to meet these measures of good news reporting. The readers of The Star suffer because of this kind of misleading, opinionated and one-sided news reporting. The headline, "Trouble Brewing in Panama," is harsh, wild, reckless, irresponsible, and should be retracted by The Star.

Staff writer Jeremiah O'Leary said nothing new or intelligent that gives a basis to any "new trouble" in Panama. Sure, there are irritants between the United States and Panama, as there always have been and probably always will be. This surely can't be a problem particular to relations between the United States and Panama. There must be irritants between all countries which deal together. To give substance to his headline, O'Leary merely stated in the opening paragraph, ". . . anti-American violence is regarded as a distinct possibility by level-headed people of both nationalities here in the narrows of America . . ." On this basis, he built a three-column article to tell us "trouble is brewing in Panama." He never told us who these level-headed people are; it's a weak statement to support such a heavy headline. O'Leary merely went on to list irritants that have existed before and after 1964 and never mentioned the one main irritant that set off the 1964 disturbances, which he relates the present situation to (the Panamanian flag was not flown in the Canal Zone until after and as a result of the 1964 disturbances). The article gave details on irritants between the United States and Panama, and still didn't give support to the headline about brewing trouble. However, at least a complete and truthful account could have been given of these irritants.

FRANCE FIELD STILL USED

O'Leary stated that "France Field, a naval air station on the Atlantic side of the Zone, has not been used by the U.S. since World War II . . ." This is not true. Since April, 1970, I personally have taken off or landed on that air strip on four different occasions. France Field is constantly utilized by Airborne units stationed in the Canal Zone for parachute jumps on the Atlantic side. It is the only paved air strip of any size on the Atlantic side of the Canal Zone. Not only did O'Leary fail here to be truthful and factual, but also he failed to be complete. He failed to mention the U.S.-built air field at Rio Hato, Panama. This particular field is probably the best in all of Panama and in August of last year the United States handed it over to the Panamanian government (they now use it for car racing; the Panamanian government doesn't own enough planes to fully utilize the Rio Hato air strip).

O'Leary also stated that the Albrook Field is not used by the U.S., which is again untrue. He mentioned it is little more than a private flying club, which I know nothing about. I do know, however, that Albrook Air Force Base is the center of most helicopter operations in the entire Southern Command.

You would have to live here to truly appreciate how utterly astonishing O'Leary's comments about the U.S. maintenance of roads in Panama and the Canal Zone were. Also, let me include his comments about the hiring of Panamanians by the Canal Zone. A stretch of road between Arraijan and La Chorrera in the Republic is mentioned and the failure of the United States to maintain its part which is in the Canal Zone. Anyone can look at a map and see that this is also untrue. The road which links these two cities is totally within the Republic of Panama, not to mention that it is also a link in the Pan-American Highway, which is the best maintained road in all of Central America.

O'Leary failed to talk about the Boyd-Roosevelt Highway. This is the only road link between the Atlantic and Pacific sides of the Canal and of the Republic of Panama. Panamanians have totally free use of this highway, including large heavily-overloaded tractor-trailer trucks and fuel tankers shipping between Colon and Panama City. This heavy cargo and traffic constantly tears this road apart, especially during the rainy season when the water softens the roadbed. This road was built, and to this day is maintained by the U.S. Army Engineers, utilizing Panamanian workers at U.S. wages.

The statement that the Canal Zone shies away from hiring Panamanians because they would have to pay them U.S. minimum wage is also untrue. My wife cannot get a job here for two reasons. First, the Canal Zone will hire Panamanians first. Secondly, she would be required to obtain a working visa by the Panamanian government, costing over $400.

There were some truths in this article because there are irritants. But, this could go on and on and I think I've made my point about this article. If there is trouble brewing in Panama such that a headline of this nature warrants broadcasting it, The Star should have justified it by substantial evidence.

JAMES R. HENKEL.

FT. DAVIS, CANAL ZONE.

(EDITOR'S NOTE.—Mr. O'Leary wrote from information obtained from what he considered responsible U.S. and Panamanian government sources. He stands by the basic premise of the article and the items listed as irritants.)

* * * * *

SIR: As a long-time resident of Panama and a recent subscriber to your paper, based on your reputation of responsible reporting, I am deeply disturbed at the article on "impasses that pour fuel on what smolders" in Panama. Consider these items:

Unused air bases: The U.S. Army Southern Command uses Albrook AFB for light aircraft and helicopters. The reason it is not used for heavier traffic by the USAF is safety; there is a high school, attended by U.S. and Panamanian citizens, located approximately 600 yards from the end of the runway. France Field is used for emergency landings, aero club activities and military training exercises, and is the only air field at the Caribbean entrance to the canal. (There is no overland route through the Canal Zone other than the Panama Railroad.)

Justice: Panama at this time has no adequate, unbiased court system. Panama is governed by dictatorial edits, and constitutional rights are applied at the whim of the junta.

Taxes: During the Eisenhower administration, the U.S. Government agreed to collect, at our expense, Panamanian income taxes to be submitted annually. If Panama wishes to change this policy, I suggest it be submitted in the next treaty, which is presently being reviewed for approval.

Roads: The five-mile stretch of road cited is indicative of 95 percent of surfaced roads within the Republic. But during my residency, the road to the border of Arraijan was in excellent repair. The road from Arraijan to La Chorrera is one of the worst 15 miles of "maintained" road in the country.

Shopping facilities: The commissaries in the Canal Zone, open to all Canal Zone employees, regardless of citizenship, are not subsidized by the U.S. Government. The prices of items in the commissaries are higher than U.S. prices for like items, and provide a profit for the Panama Canal Co., is this what was meant by subsidizing?

Further comment upon the distorted facts in this article would be a waste of time. However, it does appear that the article was based on information received from dubious sources, and an on-site study by a responsible reporter would have revealed these distortions, and these findings would have precluded the publication of this article.

R. G. MARTIN.

THIRTY MEMBERS JOIN IN CALLING FOR COMMITTEE TO INVESTIGATE U.S. POLICY IN SOUTHEAST ASIA

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 30 minutes.

Mr. BOLAND. Mr. Speaker, 30 colleagues join me today in sponsoring House Concurrent Resolution 342—my proposal to establish a joint House-Senate committee for a searching investigation into the policy decisions that have mired us deep in Southeast Asia.

I have already discussed this legislation at length; my remarks today will be brief and to the point.

Everyone agrees that the public's right to know is nothing less than vital to this country's democratic system—indeed, to its very way of life. Safeguarding this right, the Supreme Court ruled just yesterday that newspapers may resume publication of the now-celebrated Pentagon papers. This study has left the people perplexed—even bewildered.

Does it, as some contend, betray duplicity and dissimulation in Government?

Or, on the other hand, is it merely a hurried and uneven outline of the military contingency plans that proliferated wildly during the 1960's?

I think we can reach one conclusion, at the very least. The study shows—and shows plainly—that the people were denied the total candor our democracy demands. It is now time to restore that candor. The joint committee I suggest, composed of House and Senate Members alike, would give the American people the information they need to make prudent judgment on the war.

It would put the McNamara study into historical perspective, revealing just what policy decisions led us into a war that has already cost us more than 50,000 American lives and more than $250 billion.

If we are to learn from our mistakes, we must begin now.

As I said before, Mr. Speaker, the new joint committee would not be a tribunal to expose villainy.

Its only goal would be a fair and sober evaluation of our Southeast Asia policies—an evaluation that would teach us how to avoid squandering our resources on another Vietnam.

Here are the Members joining me in sponsoring House Concurrent Resolution 342:

SPONSORS FOR HOUSE CONCURRENT RESOLUTION 342

1. Abzug, Bella (N.Y.).
2. Adams, Brock (Wash.).
3. Anderson, William R. (Tenn.).
4. Begich, Nick (Alaska).
5. Biaggi, Mario (N.Y.).
6. Burton, Phillip (Calif.).
7. Clark, Frank M. (Pa.).
8. Cotter, William R. (Conn.).
9. Derwinski, Edward J. (Ill.).
10. Donohue, Harold D. (Mass.).
11. Drinan, Robert F. (Mass.).
12. Gibbons, Sam (Fla.).
13. Grasso, Ella T. (Conn.).
14. Halpern, Seymour (N.Y.).
15. Harrington, Michael (Mass.).
16. Hathaway, William D. (Maine).
17. Karth, Joseph E. (Minn.).
18. Koch, Edward I. (N.Y.).
19. Leggett, Robert L. (Calif.).
20. Mazzoli, Romano (Ky.).
21. Minish, Joseph G. (N.J.).
22. Nix, Robert N. C. (Pa.).
23. Podell, Bertram L. (N.Y.).
24. Quie, Albert H. (Minn.).
25. Riegle, Donald W. Jr. (Mich.).
26. Ryan, William F. (N.Y.).
27. Stokes, Louis (Ohio).
28. Udall, Morris K. (Ariz.).
29. Wolff, Lester L. (N.Y.).
30. Yates, Sidney R. (Ill.).

Mr. WOLFF. Mr. Speaker, the events of the last 2 weeks concerning the publication of Pentagon papers has brought before the American people a variety of facts and documents about our long and futile involvement in Southeast Asia. While these papers have been revealing for the information released to the public, they are, at the same time, a source of deep discouragement.

The Pentagon documents and their handling have shown to the people of this country the consistent attempts of past administrations, as well as the present one, to maintain an atmosphere of secrecy when discussing the war in Vietnam. The unsuccessful attempts of the Nixon administration to stifle the efforts of newspapers to print these documents has greatly added to my own disillusionment with the Government's policy in Vietnamese affairs. It is this constant denial of vital information that has kept the people of this country unaware of many of the facts of the Vietnam war while the Government pursued its foreign policy of war in Southeast Asia with a free and heavy hand.

When dealing with an area of public affairs that has assumed such great importance in the past 5 years, it seems inconceivable to me to allow the American people to remain ignorant of any of the facts surrounding our presence in South Vietnam. Yesterday's Supreme Court decision to release for publication the Pentagon documents will certainly add to the public knowledge and understanding of the war in Southeast Asia. I feel, however, that it is necessary at this time, that the public know not only the actions of the past administration in Vietnam, but the activities of every administration, right up to and including the present one, that has had anything to do with the war in Southeast Asia. For this reason, Mr. Speaker, I have decided to cosponsor a bill. House Concurrent Resolution 342, introduced by Mr. BOLAND, which would create a select joint committee to conduct an investigation and study into the reasons for, and the course of, the United States involvement in Vietnam. I include the concurrent resolution at this point in the RECORD:

H. CON. RES. 342

Resolved by the House of Representatives (the Senate concurring), That (a) there is hereby created a select joint committee (hereafter in this resolution referred to as the "committee") to be composed of—

(1) the chairman and ranking minority member of the Senate Appropriations Committee and the House Appropriations Committee;

(2) the chairman and ranking minority member of the Senate Foreign Relations Committee and the House Foreign Affairs Committee;

(3) two other Members of the Senate appointed by the President pro tempore of the Senate; and

(4) two other Members of the House of Representatives appointed by the Speaker.

The committee shall elect a chairman from among its members. Any vacancy in the membership of the committee shall be filled in the same manner in which the original appointment was made.

(b) The members shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the committee, other than expenses in connection with meetings of the committee held in the District of Columbia during such times as Congress is in session.

(c) Except as otherwise provided by law, the committee shall have power to appoint and fix the compensation of a clerk and such experts and clerical, stenographic, and other assistants as it deems advisable.

(d) The expenses of the committee shall be paid from the contingent fund of the House of Representatives.

SEC. 2. The committee is authorized and directed to conduct a full and complete investigation and study into the reasons for, and the course of, the involvement of the United States in the war in Vietnam. The committee shall report to each House of Congress the results of its investigation and study together with recommendations for such further legislative action as it deems appropriate. Such report shall be made as soon as practicable during the present Congress, but not later than June 30, 1972. Any such report which is made when the House or the Senate is not in session shall be filed with the Clerk of the House and the Secretary of the Senate. The Committee shall cease to exist at the close of the Ninety-second Congress.

SEC. 3. (a) The committee, or any subcommittee thereof, is authorized—

(1) to hold hearings and to sit at such places and times;

(2) to require by subpena (to be issued under the signature of the chairman) or otherwise the attendance of such witnesses and the production of such books, papers, and documents;

(3) to administer such oaths; and

(4) to take such testimony;

as it deems advisable.

(b) The committee, upon approval of the chairman, is authorized to secure directly from any executive department, board, bureau, agency, independent establishment, or instrumentality of the Government, information, data, and statistics for the purpose of making its investigation and study; and each such department, board, bureau, agency, independent establishment, or instrumentality is authorized and directed to furnish such information, data, and statistics directly to the committee upon request made pursuant to this subsection.

Mr. UDALL. Mr. Speaker, the Supreme Court's decision yesterday in the case of the Pentagon Papers was clearly a milestone in this country's tradition of free speech and free press. Once again, the Nation's highest court has upheld the independence of the press and instructed the Government to respect the rights granted every citizen by the first amendment. This is as it should be, for no country could call itself free if the Government is empowered to restrain publications on the basis of vague charges that "national security" is at stake.

The case of the United States against The New York Times and The Washington Post is closed and the papers are now free to publish the Pentagon documents. But the issues and questions raised by information contained in the documents are still with us and clearly deserve the close study of the Congress.

It would serve no purpose to repeat now the tragic history of Vietnam or the stark statistics that tell of the blood and treasure we have expended in the last two decades in Southeast Asia. But it is imperative that we in the Congress—given the constitutional right and duty to make war and peace—learn well the lessons of Vietnam, not to point the finger of guilt at any individual or administration, but to understand our mistakes and prepare ourselves not to repeat them. The experience of the United States in Vietnam is of historic dimensions, for history is as often tragedy as it is triumph. We will compound the tragedy if we refuse to learn from it.

This is the purpose of the resolution introduced by the gentleman from Massachusetts (Mr. BOLAND). I am proud to be associated with that resolution and I urge other Members to examine it closely and to give it their support.

The resolution would establish a joint House-Senate committee to conduct a thorough and sober investigation into the history of the Vietnam War and the origins of our involvement in it. A joint committee is clearly the proper body to conduct such an investigation, for the Vietnam war is of abiding concern to all Members of both the House and Senate. A joint committee also would avoid the costly duplication of separate investigations by the House and Senate.

The Pentagon papers, most of which have or will be published shortly, provide a good beginning for such an investigation. The newspapers have performed a public service by publishing portions of the documents, but they have had to do so rapidly and amid much controversy. The daily publication of portions of the documents by several newspapers scattered throughout the country has left little time to reflect on the information contained in them. Yet the raw materials—the documents and analyses—are available for the deliberate and careful study of the Congress.

It has been charged that the Pentagon documents offer only a partial, and therefore, distorted view of our involvement in Vietnam. This may well be so, which makes it all the more important that the Congress seek the full story. There are other documents and reports locked in the files of the State Department and other Government agencies that ought to be available to the Congress and the public.

Mr. Speaker, the issue is so important and the cost has been so high that the Congress no longer can allow access to this information to only a few selected officials of the executive branch. The Supreme Court yesterday made clear that—short of a clear threat to national security—the public has a right to know the kind of information contained in the Pentagon papers. It is our duty to press for that right.

By establishing this joint committee and pressing for the maximum openness in government, we can demonstrate that we already have learned one lesson from the Vietnam experience. Justice Stewart, in his opinion yesterday, described that lesson very well.

In deciding how and what Government information to keep secret, he wrote;

> I should suppose that moral, political, and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake. For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless and to be manipulated by those intent on self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure.

Mrs. GRASSO. Mr. Speaker, democracy cannot function in the shadows of Government secrecy. Unless people have access to the facts, democratic government is a sham.

To hide vital information from the public because it may embarrass a political leader or party is not the work of a democracy. At the same time we all know that rational public analysis needs more than slogans or headlines.

For these reasons, I am a cosponsor of House Concurrent Resolution 342 calling for a joint committee to study our involvement in the Indochina war. We must know the facts and present them rationally to the American people, if we are to avoid future Vietnams. A nation which ignores its history is doomed to repeat its mistakes.

It is up to Congress to help sort out myth from reality and present the truth to the American public. It is time for Congress to launch a coordinated review of our foreign policy, particularly our Southeast Asian policy. For too long, we have neglected our responsibilities in foreign affairs and have deferred to the Executive. If democracy is to function and if the public's trust in their government is to be restored, we must act immediately and in complete honesty. Too much has been hidden for too long.

The issue is too important to leave to bureaucratic hedging or newspaper headlines. I urge my colleagues to support this resolution and provide the American people with the truth about our Vietnamese involvement.

If the Congress does not do this, who will?

Mr. MAZZOLI. Mr. Speaker, no subject in recent memory has been the source of such bitterness and division in this country as the war in Vietnam. Now, as we look toward a complete withdrawal of American troops from Indochina, there is a danger that we will look back over the tragic history of this war merely to assign guilt to those people or institutions responsible for our involvement in Southeast Asia.

This must not happen. We must take a calm and balanced look over the entire history of the Vietnam war, not to place blame, but to learn from our mistakes. We should be less concerned with who got us into Vietnam than how it all happened—so that we can make sure that it will not happen again.

Mr. Speaker, it is time for Congress to make a sober appraisal of all of the facts and history behind the U.S. participation in the Vietnam war. This is especially urgent in the light of the current furor over the Pentagon papers. Though the manner in which these documents reached the press was illegal, they have now opened whole new areas of public discussion on the history of the Vietnam conflict. Congress must now arrive at its independent judgment as to whether the Pentagon papers have been represented accurately in the press, and whether these documents themselves provide an accurate account of the event they purport to portray.

But the problem of understanding how we got into Vietnam is far broader than the question of the Pentagon papers. It is time we examined the basic assumptions of the American foreign policy since World War II, taking new stock of our experience in the post-war world and the proper role of the world's most powerful nation in today's international system. All of these questions are central to the study of our involvement in Vietnam.

For these reasons, Mr. Speaker, I am cosponsoring House Concurrent Resolution 342, which provides for the establishment of a joint Senate-House Committee "to investigate the reasons for, and the course of, the involvement of the United States in Vietnam." The composition of this committee, as specified by the provisions of this resolution, would be balanced and representative of the broad spectrum of opinion in the House and the Senate. No report could emerge from such a committee that was not fair, evenhanded, and true to the facts.

It is time for us in the legislative branch to assume our sworn responsibility and lay the facts of the Vietnam war before the people of the United States. Nothing could help more to restore the impaired credibility of government in this country than a complete historical housecleaning on the subject of Indochina by both Houses of Congress.

Mr. Speaker, it is important that the forum for such an investigation be a joint body composed of an equal number of Members from both Houses of Congress, as provided by House Concurrent Resolution 342, rather than by any body of lesser stature.

There is ample historical precedent for such joint Senate-House investigations, especially with relation to war policy.

In May and June of 1951, the Joint Committee on Armed Services and Foreign Relations conducted an investigation into the military situation in the Far East.

From November 1945, until May 1946, there was an investigation by a special joint committee on Pearl Harbor.

In April and May 1945, there were hearings by a special joint committee to investigate German concentration camps.

And as far back as December 1861, there was a special joint committee on the conduct of the war, which issued a report in 1863.

Mr. Speaker, I urge the consideration and passage of House Concurrent Resolution 342 to set up a joint committee to investigate the involvement of the United States in the war in Vietnam. Our people have borne with honor the heavy costs of this war. It is their right to know how it all came about.

NIXONOMICS

The **SPEAKER.** Under a previous order of the House, the gentleman from Michigan (Mr. O'Hara) is recognized for 20 minutes.

Mr. O'HARA. Mr. Speaker, tomorrow the Bureau of Labor Statistics, as is its practice on the first Friday of each month, will release the dismal unemployment statistics for the last month.

Those statistics almost certainly will reflect a national rate of unemployment in excess of 6 percent.

Unemployment has suffered an almost constant increase since Mr. Nixon assumed the Presidency. In the last year in particular since the economics of Mr. Nixon have had an opportunity to take hold on the Nation, there has been a steady deterioration in almost every facet of our economic life.

During the fifties, columnists, economists, and private citizens like myself marveled at the unique achievement of an earlier Republican administration which managed somehow to couple, in defiance of all rules of economics, substantial levels of unemployment with devastating rates of inflation.

That achievement of the Eisenhower years has been surpassed as Mr. Nixon has refined the economics of his predecessor. He has perfected inaction. He has glorified the lack of leadership. Just this week his new Secretary of the Treasury, Mr. Connally, reaffirmed his intention of doing nothing. We may expect, on the basis of Mr. Connally's announcement, a continuation by this administration of economic policies that can only be characterized as doctrinaire confusion and economic ignorance.

The Nation may expect in the coming months continuing high levels of unemployment, continuing erosion of the value of the dollar, continuing lack of confidence on the part of the consumer and the investor and a continuing rise in the number of families whose economic situation puts them below the poverty index.

Thanks to Robert McNamara, the New York Times, and the U.S. Supreme Court, the American people are going to have the opportunity to review the history of the national tragedy that has evolved in the Vietnam war.

Thanks to Evans and Novak and the Atlantic Monthly the American public can now learn the history of the evolvement of our domestic economic tragedy. That history is documented in an article in this month's issue of the Atlantic Monthly entitled "Nixonomics: How the Game Plan Went Wrong."

In order that my colleagues and the readers of the Record may have an opportunity to study that history, I insert the article in the Record for all to see:

Nixonomics: How the Game Plan Went Wrong

(By Rowland Evans, Jr., and
Robert D. Novak)

(Nixonomics means that all the things that should go up—the stock market, corporate profits, real spendable income, productivity—go down, and all the things that should go down—unemployment, prices, interest rates—go up—Lawrence F. O'Brien, chairman of the Democratic National Committee, on May 21, 1970.)

In early April, 1969, Richard Nixon called Representative Wilbur D. Mills of Arkansas, chairman of the House Ways and Means Committee, to the White House to reveal his plans for fiscal austerity. He had managed to cut some $4 billion, the new President informed Mills, from Lyndon Johnson's last and "uncuttable" budget. No member of Congress was more disturbed than Mills by the way federal spending had gone out of control under Johnson, and he was pleased by the reduction. But he wanted more—say another $4 billion?

"Oh, no! We can't do that," said Nixon. "We can't cut so deep that we start a recession."

Mills was puzzled. As he understood it, Nixon's economic strategy—or "game plan" as it was known, in deference to the football-loving President—called for slowing down inflation in 1969 at the regrettable expense of some temporary unemployment. Thus, Nixon seemed to be saying that he was willing to slow down the economy enough to cause some unemployment but not enough to cause a recession. To Mills, this ambivalence made no sense. On the question of how much to slow down the economy, the ambivalence was deeply ingrained, born not of mere skepticism of economic orthodoxy but of two deeply embedded, conflicting impulses that Nixon carried with him into the White House.

Early in 1968, before the series of heart attacks that were to end his life a year later, General Dwight D. Eisenhower discussed the first impulse candidly. "I think Dick's going to be elected President," he told one of Nixon's political advisers, "but I think he's going to be a one-term President. I think he's really going to fight inflation, and that will kill him politically." To Eisenhower as well as to most orthodox Republicans, that would be the worthy sacrifice of a courageous political martyr. For the old General there was no higher imperative for a new Republican President than to curb the torrent of inflation that had been loosed on the economy since full U.S. intervention in the Vietnam War in 1965. To them, at stake was nothing less than the value of the dollar, the role of the United States as a great power, and the very quality of life in this country. To save all this entailed sacrifice. Attempting a reduction in the rate of inflation from 1953 through 1960 (considerably less virulent than the present siege), President Eisenhower's economic policy induced three recessions; these had three disastrous consequences for the Republican Party. First came the Democratic landslide in the elections of 1958, which ended the previous postwar pattern of a virtually even balance between the parties in Congress and established huge Democratic majorities (which persisted even when Nixon was elected President a decade later). Second was the election of Democrat John F. Kennedy for President in 1960. Finally, and perhaps worst of all, the Republican image, formed in the days of Herbert Hoover, as the party of bad times was reinforced in the voters' minds. Now, eight years later, blessed with not a fraction of Eisenhower's unlimited popularity, Nixon would have to take more unpopular actions to fight a worse inflation. The resulting unemployment, business slowdown, and stock market decline almost surely would prevent his re-election in 1972, Eisenhower speculated. But considering the deeds he would be performing in the service of his nation, Eisenhower felt the sacrifice not only would be worthwhile but would assure Nixon a place in history.

Nixon, too, regarded inflation as something more than a campaign issue handy for attacking the Democrats. Some two weeks before the election of 1968 in a paid address over the CBS Network, Nixon declared: "Inflation penalizes thrift and encourages speculation. Because it is a national and perverse force—dramatically affecting individuals but beyond their power to influence—inflation is a source of frustration for all who lack great economic power." That is, in Nixon's diagnosis, inflation was a virus affecting not just the health of the economy but the frame of mind of the entire country. He fully agreed with the assessment by Theodore White as the Nixon Administration took office that "inflation, in the past four years of American life, has ravaged our standards of behavior." [1] There was, then, reason to suspect that General Eisenhower's assessment was correct.

There was also, however, a conflicting impulse in Nixon. During that difficult decade after his defeat in 1960, aides and close friends had heard Nixon say privately time after time that had President Eisenhower only taken his and Arthur Burn's advice early in 1960 and moved rapidly toward stimulating the economy, he—not Jack Kennedy—would have been elected President. The implication, not quite stated flatly, was that Richard Nixon, if he had the power, would never again go into a presidential election with the economy in a state of deflation.

The closest Nixon came to putting this view on the public record was in a passage from *Six Crises*, his autobiographical work published in 1962. Nixonologists in the world of business cited the passage to their colleagues as the true test of what they could expect in the next few years. After telling of Burns's failure in 1960 to convince Eisenhower to act, Nixon writes this memorable assessment of the election that year, unable fully to restrain his bitterness:

"Unfortunately, Arthur Burns turned out to be a good prophet. The bottom of the 1960 dip did come in October and the economy started to move up again in November—after it was too late to affect the election returns. In October, usually a month of rising employment, the jobless rolls increased by 452,000. All the speeches, television broadcasts, and precinct work in the world could not counteract that one hard fact."

Here, then, was the source of the ambivalence perceived by Wilbur Mills in April 1969. Should Nixon be the self-abnegating statesman sacrificing his personal future to save the republic from inner rot, or the pragmatic politician finally removing from the Republican Party the curse of Herbert Hoover? Whether or not this ambivalence was appreciated by Richard Nixon in his own inner thoughts, it did not surface in the early meetings on the economy in his new Administration.

Those meetings were concerned almost exclusively with the problem of inflation which had dropped the value of the 1957–1959 dollar to 81.1 cents as Nixon took office. Presiding occasionally at meetings of the Cabinet Committee on Economic Policy, of the Quadriad, and of the Troika,[2] Nixon made obvious his deep commitment to curbing inflation. Nixon as President could engage his full attention on only three or four large items at one time, and inflation was the only domestic issue that had that level of presidential attention as his Administration began. In private conversations with his staff, Nixon asserted he must deal rapidly and decisively with two principal crises: the Vietnam War and inflation. Furthermore, those few members of his economic team who also had served President Eisenhower noted with satisfaction that Nixon had an incomparably more sophisticated grasp of economics than did the General.

But that scarcely qualified Nixon as an economist. "That is not his long suit," "this is not his cup of tea," "this is not his background," are the remarkably similar assessments of Nixon the economist by three separate members of his economic team. More serious than lack of technical competence, however, was Nixon's lack of emotional commitment. Though he intellectually understood the seriousness of inflation, the Dismal Science did not capture his imagination as did the Vietnam War, détente with the Soviets, or rehabilitation of the Western Alliance.

Given these deficiencies in both his knowledge of and interest in economics, his first-string economic team, the Quadriad, was of peculiar importance. For the first year of Nixon's presidency, this was the Quadriad:

William McChesney Martin, sixty-two, chairman of the Federal Reserve Board (then completing his eighteenth and last year in charge of the nation's central bank. Martin (a nominal Democrat) had not for some years been the dynamic proponent of economic conservatism that he was during the Eisenhower and Kennedy Administrations and was now a somewhat dispirited lame duck. He had no personal relationship with Nixon and did not develop one.

David Kennedy, sixty-three, Secretary of the Treasury. Named on the recommendation of banking interests and Wall Street men, this distinguished Chicago banker, unskilled in macroeconomics, conceived of himself more as manager than policymaker. His relations with Nixon were scarcely any more intimate the day he left the Treasury than the day he entered.

Robert Mayo, fifty-two, director of the Bureau of the Budget. After nineteen years as a career government economist at the Treasury, he joined the banking business as a subordinate to David Kennedy, who recommended him to Nixon for the Budget Bureau. In the government, too, Mayo seemed more Secretary Kennedy's subordinate than Nixon's. Not in recent memory had a Budget Director been more distant from the President.

Paul McCracken, fifty-three, chairman of the President's Council of Economic Advisers. This cool, unflappable, unfailingly gracious economics professor from the University of Michigan had been a member of the Council in Eisenhower's second term and was so well regarded professionally that despite his conservatism, his appointment was hailed by liberal economists. Recommended for the post by Arthur Burns, he was to be the principal author of Nixon's economic game plan and the dominant member of the Quadriad through 1969. But he, too, would never achieve an intimate relationship with the President. McCracken was the essence of the pedagogue, his presentations to the President having the bloodless quality of professional lectures in Economics 100. As McCracken unfolded historical background and explored every conceivable side of the subject, Nixon's eyes would glaze over. McCracken bored him stiff.

In contrast to the rest of Nixon's domestic policy team, the Quadriad was older, more professionally qualified, better known to the outside world, and more distinguished generally. But it was also less dynamic and less able to penetrate the Haldeman-Ehrlichman Berlin Wall. There was in the Quadriad no John Mitchell, Melvin Laird, Patrick Moynihan, George Shultz, or John Volpe who, for one reason or other, could enchant, convince, or pester the President into accepting his point of view or, at least, actively engage Nixon's interest.

Present at the White House as Counselor to the President, of course, was an economist who was an old Nixon intimate: Arthur Burns (who did sometimes sit with the economic team as "the Quadriad Plus One"). But Burns was eager not to be looking over the shoulder of Paul McCracken, the man he had recommended, and felt his post as Counselor required as much devotion to noneconomic as economic questions in the domestic area.

With these men, Nixon knew that inflation was a crisis ripping at the innards of America. But he lacked consuming interest in the subject, and his economic team neither stimulated nor influenced him. What nobody could realize in January, 1969, was that inflation would prove to be Nixon's most intractable problem (far worse than Vietnam), would lead to wrenching Republican disappointments in the 1970 midterm elections, and by 1971 would make General Eisenhower's prediction of a one-term presidency seem very real indeed.

In 1942, four years before he ran for Congress and ten years before he was elected Vice President of the United States, Richard Nixon spent ten months in wartime Washington as a lawyer for the Office of Price Administration. It was an experience which seared his soul, as he revealed early in his presidency, on February 14, 1969, while attempting to give an inspirational address to personnel at the Treasury. Speaking without a text, Nixon wanted to establish empathy with the bureaucrats by recalling the days when he was one himself. What came out, however, was more melancholy reminiscence than nostalgia:

"I was once a P–3 when they had that. Some of you will remember that. A P–3 lawyer in the OPA in 1942 was a very low form of life, I can assure you.

"I remember then the task that I had of preparing form letters and also preparing Congressional mail to be signed by the President of the United States on tire rationing.

"It seemed to me to be a very boring job at times."

Dick Nixon, P–3 lawyer, was then twenty-nine, working in a dead-end bureaucratic job in Tempo D, a dreary wooden shack left over from World War I—without money, without family connections, without much in the way of prospects, and certainly without political ambition. His own unhappy condition might be one reason he carried from OPA such an uncharacteristically dogmatic opposition to wage and price controls of any kind. Although the wartime OPA in retrospect had been given generally high grades for its performance of a difficult and onerous but necessary task, Nixon's personal recollection was otherwise. In private conversations over the years, he talked of the corruption, the cheating by the public, and the unhappy consequences when a government seeks to control the private economic decisions of private citizens.

Nixon the supreme pragmatist was inflexible about economic controls; however much his interest might flag in discussion of other

---

Footnotes at end of article.

economic questions, his enthusiastic advocacy on this point was constant. Nor was Nixon adamant simply against outright government controls. He was equally opposed to a return to the policy instituted by President Kennedy in 1961: voluntary guideposts issued by the government to limit wage and price increases—what is called an incomes policy in Great Britain and Canada. The guideposts had been plowed over and abandoned in the inflationary surge of 1966 following President Johnson's full-scale intervention in Vietnam. But late in 1968, Johnson's Cabinet Committee on Price Stability recommended a return to official guideposts (based on a maximum 5 percent wage increase in 1969), and Hubert Humphrey almost surely would have followed the recommendation had he been elected. But a guideposts policy would work, Nixon believed, only if the government used muscle to enforce it—as when John F. Kennedy forced the steel industry to roll back a price increase in 1962. That, to Nixon, was nothing more than mandatory wage-price controls without statutory sanction. Finally, Nixon ruled out even those admonitions by a President and other federal officials called "jawboning," used by Kennedy-Johnson officials both in conjunction with a guideposts policy and after the guideposts had been abandoned.

Fatefully, Nixon's prejudices happened to coincide perfectly with the expert opinion of his advisers. The entire Quadriad plus Burns agreed with Nixon's opposition to controls, to an incomes policy, to jawboning. This further coincided with the prevalent opinion in the business community, which had so rapturously given its support to Nixon against Humphrey. Following the eight prosperous years of the Kennedy-Johnson era uninterrupted by a genuine recession, business was riding high in January, 1969. With its goal of quick profits and an ever expanding economy, business wanted nothing more than to be left alone by the government.[3] That is precisely what Nixon's campaign promised business, and to be left alone meant not only easing federal control of regulated industries (including the stock exchange) but also a moratorium on nagging about higher wages and higher prices.

Consequently, there had been no previous great debate, either inside or outside the new Administration, when Nixon told his first press conference on the morning of January 27:

"I do not go along with the suggestion that inflation can be effectively controlled by exhorting labor and management and industry to follow certain guidelines. I think that is a very laudable objective for labor and management to follow. But I think I am aware of the fact that the leaders of labor and the leaders of management, much as they might personally want to do what is in the best interests of the nation, have to be guided by the interests of the organization they represent.

"So the primary responsibility for controlling inflation rests with the national administration and its handling of fiscal and monetary affairs."

With those comments, the new President was reflecting a view widely held not only by his own advisers but by economists generally: the inflation roaring wildly in January, 1969, was essentially caused by the federal government. The record of the Federal Reserve Board in controlling the nation's money supply in the second half of the 1960s was a sorry one. Having choked off the money supply as an anti-inflation device in 1966 so tightly that it produced a serious slump in housing and construction (called by some a "mini-recession"), the central bank started pouring out money too quickly and too generously in 1967 and thereby spoon-fed a new inflation. The Federal Reserve's culpability, however, did not approach Lyndon B. Johnson's. Refusing to ask Congress for a tax increase to finance the Vietnam War when he intervened in 1965, President Johnson piled up huge inflationary budget deficits climaxed by $28.4 billion in red ink for the year ending July 1, 1968. To compensate for these governmental excesses, the Nixon game plan was to hold down the money supply by means of monetary policy and achieve a budget surplus through fiscal policy.

But the business community interpreted Nixon's comments of January 27 in slightly different fashion. What it thought Nixon was saying was this: Fighting inflation is our business, not yours; you fellows have no responsibility to do anything in the way of self-restraint. Even before Nixon's January 27 press conference, businessmen were being told authoritatively that Washington was now laissez-faire on prices. Dr. Pierre Rinfret, an influential economic consultant in New York in close touch with the Nixon team, advised his clients to raise their prices and raise them *now;* because everything else was going up, they would get no backlash from Washington, and besides, the responsibility for fighting inflation was the government's, not theirs. So, unwittingly, Nixon's abandonment of jawboning helped to generate the inflationary psychology he was trying to control and imposed a still greater burden on the government's monetary and fiscal policy.

Monetary policy was no immediate problem. William McChesney Martin and the rest of the Federal Reserve Board had instituted a tight-money regime in 1968 and were keeping the screws tightened.

Fiscal policy was another matter. As he entered the White House, Nixon was undecided about requesting an extension of the 10 percent income tax surcharge proposed by President Johnson in 1967 and finally passed by Congress in 1968. Burns and the Quadriad were unanimous in advising Nixon that letting the surtax lapse (along with its $10 billion a year in revenue) was sheer madness. But Nixon had his doubts. He was on record with a somewhat wishy-washy commitment during the 1968 campaign to repeal the surtax, and a great many Republican candidates for Congress had made a stronger commitment. Besides, Nixon was not happy about the LBJ label on the surtax. But in the end, he reluctantly agreed to propose re-enactment.

There still remained the more difficult basic problem of putting a rein on federal expenditures, bloated by the Vietnam War. The results were disclosed by the President in a message to Congress on April 12. The expenditure estimate of $195.3 billion contained in Johnson's final budget (for the fiscal year ending July 1, 1970) was spurious, the Nixon men found. The more realistic figure was $196.9 billion. The President then reduced this by $4 billion, to give him a projected surplus of $5.8 billion, which Nixon quickly labeled the largest surplus in eighteen years and the fourth largest in history.[4] Seemingly, Nixon had moved quickly and masterfully to bring the budget under control; a step toward victory in his fight against inflation.

In truth, however, the budget balancers in the Administration were defeated. Arthur Burns, in particular, felt that Nixon had lost the golden opportunity to check federal spending. He realized that the highly publicized budget cuts were largely cosmetic without seriously drawing back long-range spending programs. As Budget Director, Mayo tried to bring the budget into line but failed. Part of the trouble stemmed from the inability of Mayo, the gentlemanly ex-Treasury bureaucrat, to force deep cuts in expenditures on Nixon's department and agency heads, who now were championing the causes of their new bureaucratic constituencies. But the blame cannot be placed solely on Mayo. Many of his most important initiatives to cut expenditures were not backed up by the President. The reduction of $1.1 billion for the Pentagon would have been still larger had Nixon sided with Mayo instead of Laird. Nor was the space exploration program cut to Mayo's specifications. Nixon overruled Mayo's attempt to eliminate the costly supersonic-transport (SST) subsidy program. And he lost his argument with the President that the proposed new program of income maintenance for the poor, whatever its long-range savings was fiscally irresponsible in the short range.

Mayo's failure is traceable in part to the peculiarities of the Nixon presidency. A stolid fellow lacking the ability to entrance Nixon, Mayo had no standing in the White House. He could not compete with a Pat Moynihan persuading the President to support income maintenance, or a John Volpe drumming up arguments for the SST. His only budget-cutting ally in the White House was Arthur Burns, who was having his own trouble influencing the President. Indeed, before long Mayo lost all physical contact with Nixon. By late 1969, he was getting his instructions from the President via John Ehrlichman and relaying his proposals to the President via John Ehrlichman—an unprecedented ignominy for a Budget Director that he should not have tolerated.

Beyond personalities, however, there was also Nixon's fear as expressed to Wilbur Mills that too great a budget reduction would induce a whopper of a recession. The result was a policy enunciated by Dr. McCracken as "gradualism"—gradually reducing inflationary pressures by moderate, not precipitate, pruning of federal spending. That McCracken and just about every other Nixon adviser (with the conspicuous exception of Burns) agreed that gradualism was the proper antidote testifies to how badly they underestimated the force of inflation.

McCracken's concept of the power of gradualism was succinctly described by Hobart Rowen in his column in the Washington *Post* on March 22:

"At some point . . . probably suddenly and without advance notice, big and little people are going to decide that prices (including the price of money) are too high.

"At that point (and Mr. Nixon's people hope it will arrive soon), plant expansion projections will ease off, consumers will start to save a little more and spend a little less, and the exaggerated pace of the economy will settle back to earth."

On March 22, 1969, Richard Nixon seemed to have put all his own faith in the game plan of gradualism. Four months later the chilling doubts set in.

Pierre Rinfret, a flamboyant Canadian-born economist, was an early Nixon-for-President enthusiast, and joined the team of advisers at Mission Bay, California, making campaign strategy following Nixon's nomination for President in the summer of 1968. After the election, a Nixon aide sounded out Rinfret on the possibility of his becoming a member of the President's Council of Economic Advisers, but Rinfret replied that he would not give up his lucrative New York-based consulting firm for any federal post. Although McCracken and the other Council members tended to look down their noses at his professional credentials, Rinfret remained in close and amiable contact with several figures in the Administration, including Arthur Burns.

But by July 3, Rinfret had become so disaffected that he distributed to clients of his firm a two-page confidential memorandum titled "We Accuse" which said: "We accuse this Administration of incompetence."

In attempting to curb inflation, charged Rinfret, the Administration (in collaboration with the Federal Reserve Board) was promoting "the current mood of economic and financial terror." In Pierre Rinfret's view,

---

Footnotes at end of article.

the Administration had started badly and was steadily getting worse. "We accuse the Administration of totally miscalculating the need for advance economic planning before it got into office and for being totally unprepared once it did. It went into office with slogans and little else." Most of all, it erred in thinking "that inflation could easily be turned off" and therefore did not sufficiently cut federal spending. Instead, it was risking a financial panic by relying on the Federal Reserve Board's tight-money policy as the first line in the war against inflation. The Administration was "fostering, abetting and creating inflation while it has advocated deflation" because "the first thing it did was to announce the abandonment of the wage and price guidelines, which created 'open sesame' on prices and wages."

Rinfret's harsh language typified the startlingly rapid turn of sentiment against Richard Nixon in the business community during those first five months. On July 3, the President's ratings in the polls were still high, the peace movement had not stirred, and the Democrats had scarcely pinked him. But his supporters in the world of business had turned against him with the ferocity of a friend betrayed. Under the man they had supported for President, the business climate was becoming a bad dream: stock market down and falling; interest rates up and rising; money so tight that some businessmen were unable to operate; a recession on the horizon; and finally, that precious commodity, business confidence, failing. And yet, all this had not brought an end to inflation. On June 11, David Kennedy, using language more candid than that of other members of the Quadriad, told a meeting of the Advertising Council in Washington that the nation was on the brink "of a runaway inflation." [5]

Kennedy's candor was unusual. According to the Nixon party line, the game plan was working and everybody should be patient. But by the time of Pierre Rinfret's broadside, Nixon's economic team—though probably not Nixon himself—knew it had underestimated inflation, and so far had not brought it under control. The further cold reality was that current policies would produce a moderate recession in 1970 whether or not they stopped inflation. The Nixon Administration faced the nightmare of *simultaneous* inflation and recession for the first time in modern economic history.

At the White House, Arthur Burns was clearly less than pleased with McCracken, the man he chose to be the President's chief economic adviser. He confided to friends that McCracken was talking too much publicly about stopping inflation and not talking hard enough privately about cutting back on federal spending. Burns fought for greater budget austerity and in August came up with a notable success. He won Nixon's approval for an immediate cutback of 75 percent in all federal construction, including the massive interstate highway program. To Burns, the shock value of this move might just jolt the inflationary psychology still gripping the nation. One political obstacle, however, was the predictable outrage of the state governors, now overwhelmingly Republican. To deal gently with the governors, announcement of Nixon's move was delayed until the first week in September, when they would all be together at their annual national conference in Colorado Springs, Colorado. Burns would be there to do the explaining.

What followed was one of those strange attacks of indecisiveness, compounded by failure of communications, that sometimes undermined the best domestic intentions of Richard Nixon.

Nixon arrived in Colorado Springs on the afternoon of September 1, 1969, from his beach house at San Clemente, California, where he was spending much of the summer. Scheduled to address the governors' black tie banquet at the Broadmoor Hotel that night, the President might have taken the opportunity to slip the governors the bad news about the construction cutback and urge them to keep a stiff upper lip for the good of the republic. Instead, Nixon delivered a conventional jeremiad against social welfare spending under Johnson during the past five years ($250 billion that had "reaped a harvest of dissatisfaction, frustration and bitter division") without revealing his new plans for austerity, and returned to San Clemente that night.

The reason he left without mentioning the cutbacks was that his politically conscious advisers persuaded him of the adverse impact on the governors from such talk. Vice President Spiro T. Agnew, only seven months out of the governorship of Maryland and now playing a liaison role with his former colleagues, told the President the governors were far more worried about recession than inflation and would rise up in wrath against a flat-out cutback. He was backed by Volpe, who as governor of Massachusetts had led a delegation to the White House in 1967 to protest a highway-construction freeze imposed by Lyndon Johnson. Agnew's alternative: delay the cutback on federal grants to the states for six months, until April, giving them a chance to inventory federally financed projects and to select which ones to cut back.

With *Air Force* shuttling the President back and forth between California and Colorado, with key officials of the government scattered across the continent between Washington, San Clemente, and Colorado Springs, the difficulty in communications at top levels of the Administration was compounded. Agnew thought he had Nixon's agreement to the six-month delay.[6] The White House thought no such thing. On the afternoon of September 2, Agnew privately briefed the governors about the impending cutback plans, adding that there would be a six-month reprieve on federal-state projects. In Colorado Springs, when Arthur Burns learned about Agnew's retreat, he was furious. Now, having promised the governors a six-month reprieve, there could be no immediate cutback, the essential shock value had disappeared, and worst of all, the press and the politicians would believe that Nixon did not have the stomach to deal courageously with inflation. That bothered Burns the most.

Two days later at San Clemente Nixon issued a statement ordering an immediate 75 percent cutback in new federal construction. In view of Agnew's intervention, he temporized about federal grants to states, urging state and local governments "to follow the example of the Federal Government by cutting back temporarily on their own construction plans." He warned that he himself would reduce federal grants an undetermined amount "if the response proves insufficient," but even in that event, said the President, "the states and localities will, of course, be given due notice, so that they can adjust their affairs properly." Predictably, the state and municipalities did not heed the President's admonition; predictably, the President, did not make good on his threat, even with the Agnew formula included. So ended still another effort by Arthur Burns for a drastic slowdown in federal spending.

Even before that defeat, however, Burns concluded that this Administration was not going to curb federal spending enough to hold down inflationary pressures. By August, he had come to believe something else was necessary, and that something else was an incomes policy—a return to wage-price guideposts rejected by Nixon on January 27. Throughout his career as an economist, Burns, like most conservatives, had opposed the concept of an incomes policy. He firmly believed that mandatory government controls on wages and prices were incompatible with a free society and that an incomes policy was but a way station to controls. In the late summer of 1969, however, Burns was changing his mind. He noted that an incomes policy had been instituted in Canada, the Netherlands, and the United States (the Kennedy era guideposts), and had not been followed by controls. For Burns, at age sixty-four popularly considered one of the most doctrinaire conservatives in the Administration, to have abandoned his position reflects just how anxious he felt. Burns had allied with him a good part of the Cabinet concerned with economic policy: Kennedy, Romney, Volpe, Postmaster General Blount, but not McCracken or the rest of the Council of Economic Advisers. And, most important, not the President.

In an October 17 radio address to the nation on inflation, the President rejected an incomes policy, rejected any substantial change in his economic game plan, and rejected any suggestion of failure. "We are not going to change our game plan at the end of the first quarter of the game, particularly at a time that we feel we are ahead," he said. Recalling yet again his experience with OPA in World War II ("rationing, black markets, regimentation"), he rejected not only direct controls but the guideposts that Burns had been urging on him—describing guideposts as "putting the government into the business of telling the workingman how much he should charge for his services or how much the businessman should charge for his goods." The President's dogmatism on the wage-price question had not been diluted by nine months of failure. He even reiterated his objection to jawboning: "Instead of relying on our jawbone, we have put some backbone in government's determination to hold the line for the consumer." In fact, however, he did engage in a very benign form of jawboning. Pledging that the government would stick to a strict anti-inflationary policy, Nixon asserted that "by responding to the changed conditions," labor and management "will be following their self-interest and helping the national interest as well." This was a perceptible departure from his January 27 implication that labor and management had no stake in the national welfare, but it was far from what Burns wanted.

Even that minimum of jawboning was forgotten little more than a month later. On November 27, the Administration assembled some 1600 top-rank American business leaders to hear Nixon and his economic team give an off-the-record briefing at Washington's Sheraton Park Hotel. Not a word urging price restraint came from the President or anybody else. It was the same old line: The government means business about curbing inflation. "Those who bet on inflation will lose their bets, but those who bet on a cooling off will win, because we're committed," said the President.

There was one attempted change in the game plan in the closing months of 1969. In August, just when Burns was changing his mind about an incomes policy, a campagin against the tight-money policy of the Federal Reserve Board was being waged by an influential Republican economist outside the government: Professor Milton Friedman of the University of Chicago. In his column in *Newsweek*, in discussions with key figures in the Administration, and even in one telephone conversation with William McChesney Martin, Friedman argued that the Federal Reserve had now kept the money supply choked off for so long that further restrictions threatened a severe recession. Friedman's arguments made no impact on Martin or other members of the Quadriad, but he did pick up one influential disciple, George Shultz, Friedman's former colleague at Chicago and now a rising figure in the Adminis-

---

Footnotes at end of article.

tration. Shultz took the view that Friedman had studied the money supply with greater care and perception than anybody in the Administration had and deserved to be listened to. After taking this line in private conversations through the early autumn, Shultz surfaced with it in Nixon's presence at a mid-October meeting of the Cabinet Committee on Economic Policy.

There was no immediate support for Shultz at that meeting, but it was not long in coming. By November, McCracken believed the tight-money policy must be ended (though, for public consumption, he denied it lest he give the impression the Administration was backing away from the fight against inflation). In a meeting of the Quadriad, McCracken asked William McChesney Martin what the prospects were for loosening the money screws. Martin, scheduled to be replaced on January 31 by Burns, was unresponsive. But the Federal Reserve did switch to a less restrictive policy late in the year—far too late in the opinion of many economists.

Thus, 1969 ended with the President's economic game plan disintegrating, his advisers split, and the economy failing. By year's end, the value of the 1957–1959 dollar had slipped from 81.1 cents when Nixon took power to 76.7 cents. And though inflation was not curbed, unemployment was rising fast, and a recession loomed. Yet there was no sense of crisis in the Oval Office. Buoyed by his continued high popularity, by his successes abroad, and by scattered off-year Republican election victories, Richard Nixon could not focus on the specter of economic crisis confronting him. Economic policy continued to be made in casual manner with little regard for consequences. The tax bill he signed to end the year on December 30 was proof enough of that.

When Nixon early in 1969 joined the swelling demand for tax reform, there was little thought of economic consequences. Tax reform concerned equity. It was not part of the fight against inflation. Yet in pursuing tax reform, the Administration could not avoid making vitally important economic decisions. But instead of approaching this task judiciously, it made these decisions in slapdash fashion, with rueful consequences. What happened is another story, but in the end, at a time when Nixon was trying his best to fight inflation and avoid recession, he had signed a bill that was *both* inflationary (because it increased personal exemptions, and thus deficit spending) and recessionary (because it repealed the investment tax credit first sponsored by President Kennedy in 1962). This had happened because the President's economic team concentrated on the economic aspects of tax reform only belatedly, and then in a haphazard manner that proved totally ineffective. Throughout the late summer and autumn when the Democratic Congress was transmuting tax reform into tax relief, the President was remote from the struggle, ineffective and irresolute. Then came his unfulfilled threat to veto an out-of-balance tax bill. By allowing his bluff to be called, the President had suffered a loss of prestige almost as great as he would have if Congress had overridden one of his vetoes.

On the evening of January 30, 1970, Richard Nixon's first press conference of the new year was opened by Douglas B. Cornell of the Associated Press, whose question graphically revealed how much the economic outlook had changed in the month since the President had signed the tax bill:

"Mr. President, for several days I have been collecting some headlines that sort of point up the question I would like to put to you. . . .

" 'Big firms' 1969 profits down.' 'Dow average hits new low for three years.' 'GNP rise halted.' 'Ford joins GM and Chrysler in work cutbacks.' 'Wholesale prices show sharp rise.' 'U.S. Steel will raise sheet prices February 1.'

"The question is: how, sir, do you assess the possibility that we may be in for perhaps the worst possible sort of economic conditions—inflation and a recession?"

Indeed key economic indicators—industrial production, personal income, business sales, real Gross National Product—were down. So was the slumping stock market. Unemployment was on the rise. But at the same time, interest rates and prices continued to climb. Dr. Walter Heller, chairman of the Council of Economic Advisers in Kennedy-Johnson days, had a name for this combination of bad economic news never before experienced in America: Nixonomics.

MrCracken, Kennedy, and Treasury Undersecretary Dr. Charls Walker, who spent 1969 promising that an end to inflation was just around the corner, now not only reiterated those promises but pledged as well that there would be no recession—their credibility undermined by every unfulfilled promise. Nixon joined the parade of sunshine talkers. In answer to Cornell's press-conference question, he said:

"Our policies have been planned to avoid a recession. I do expect that the present rate of inflation, which was less in the second half of 1969 than in the first half, will continue to decline and that we will be able to control inflation without recession."

Specifically, the President promised that three days later, he would offer a bare-bones budget for the fiscal year ending July 1, 1971. The new budget, he promised, "will be a major blow in stopping the inflation psychology." That budget, in fact, was a much more serious attempt at austerity than his first one a year earlier, and that represented a major, though temporary, victory for Arthur Burns.

Late in December, 1969, Budget Director Mayo had reported to the President at San Clemente that there was no possible way to cut expenditures deeply enough to balance the new budget. But there simply had to be a balanced budget. Everybody in the Administration now agreed with Milton Friedman that the Federal Reserve Board's tight-money policy must be loosened or the economy would strangle. But Dr. Burns, who would replace William McChesney Martin as chairman at the Federal Reserve on January 31, had made clear he could not countenance an easier monetary policy unless *fiscal* policy were tight—that is, at the bare minimum, a balanced budget. With Mayo pleading inability to cut expenditures enough, new revenue would be needed for a balance. The Treasury came up with a $4.5 billion painless tax package: a speedup in estate- and gift-tax collections and higher excises on liquor, tobacco, and gasoline. Nixon promptly bought the package.

But not Arthur Burns. To make fiscal policy properly tight enough was not only a matter of a balanced budget but of a *properly* balanced budget, he told the President, and not a budget balanced through some patchwork tax gimmicks. The implication was clear. There would be no easing of policy at the Federal Reserve unless the last drop of blood was squeezed out of expenditures. Nixon had already made up his mind to go the Burns route when he returned to Washington from San Clemente in time for a January 13 meeting of the Cabinet. Although it lasted three and one-half hours, it was a *pro forma* affair. Mayo pleaded that the budget was uncuttable, supported by Kennedy. Burns's position was voiced with great passion by his usual acolyte, George Romney, who exhorted his colleagues to cut even deeper into their own budgets and capped his plea by an astonishing sermon calling on all members of the Cabinet, *and* the President, to take a 25 percent pay cut. "This is going to make me as popular as a skunk at a Sunday school picnic," he said, and he was right.[7] Soon after the meeting, Nixon ordered anguished department heads to make still greater cuts to achieve a Burns-style balance. When the budget was sent to Congress on Feburary 2, it called for a $1.3 billion surplus.

Arthur Burns had demonstrated that, blessed with the massive power of the Federal Reserve System, he now had leverage with the President that he never had as Counselor. But the victory was one year too late. Nixon, Burns, and everybody else sitting around the Cabinet table on January 13 refused to face the grim reality that there was no possible way to balance the budget, either the Mayo-Kennedy way or the Burns-Romney way. The economic rot of recession was at so advanced a stage that tax receipts were already falling precipitately, which explained why the fat $5.6 billion budget surplus projected by Nixon in his first budget for the year ending July 1, 1970, had disappeared and would end up as a $2.8 billion deficit. As for the 1971 budget, the $1.3 billion surplus bullied through by Burns never had a chance. The recession-induced loss of revenue would, instead, create a deficit to rival Lyndon Johnson's worst.

The President would not admit it, but the game plan was dead. Even before Burns formally replaced Martin, the tight-money policy at the Federal Reserve was quietly abandoned. Burns; in charge made sure that the badly needed money kept flowing into the banking ssytem. By early spring, it was obvious that a massive budget deficit, in excess of $15 billion, was in the works (though Administration officials still piously denied it). If a recession loomed and neither the Federal Reserve nor the budget was now being used to fight inflation, what could be done? More and more, Nixon's economic team was doing what would have been inconceivable a year earlier—looking hard at an incomes policy.

Burn's move to the Federal Reserve Board had not stopped him from lobbying for an incomes policy, vigorously supported by Romney. By May, the combination of rising unemployment and rising inflation led to a desperate attempt to change the game plan toward adopting a modest incomes policy. The President had decided to deliver an address to the nation on the economy in mid-June, and this could be the vehicle for a major turn in policy.

Arthur Burns led off the campaign on May 19 with a major policy speech to the American Bankers Association's Monetary Conference in Hot Springs, Virginia, urging a form of voluntary controls as the only way to fight inflation without risking "a very serious business recession." Second- and third-level officials of the Treasury and the Budget Bureau, meeting with their counterparts from the Council of Economic Advisers (in groups called Troika II and Troika III), began pressing for an incomes policy. On May 28, Dr. Walker went on NBC's *Today* show to say he saw "merit" in a bill by Senator Jacob Javits of New York that would instruct the Council of Economic Advisers to analyze and publicize wage and price decisions to spotlight inflationary increases—the rudimentary start of an incomes policy.

On June 5, Maurice Mann, a professional economist and political independent who had been recruited by Mayo from the Federal Reserve Bank of Cleveland to become Assistant Budget Director, addressed a Washington meeting of the Rural Electric Cooperative Association and brought out what was happening inside the Administration. Speaking without notes, Mann described the government economists as divided into two camps—one camp for continued tight fiscal and monetary policy, the other camp for attacking inflation with an incomes policy because the present policy was "an abysmal failure." Mann left no doubt he was in the second group. Not until he had finished speaking did he realize that a reporter, Murray Seeger of the Los Angeles *Times*, was present.

Hobart Rowen, business and financial editor of the Washington *Post,* read Seeger's story on the Los Angeles *Times* news wire and cornered Mann two days later at the District of Columbia Bankers Association's annual convention in Hot Springs, Virginia. Mann then clearly told Rowen what no Administration official had dared to admit up to that point: the Nixon game plan had slowed down the economy without stopping inflation, and "an additional step"—that is, a moderate incomes policy—would be helpful.

To the outside world, all this sound and fury surely was a preliminary barrage preparing everyone for a radical shift, to be revealed in the mid-June speech. But the outside world little knew how the Nixon Administration functioned. In fact, most of the agitation for an incomes policy came from second-echelon officials at the Treasury and Budget Bureau operating without the sanction of their bosses. Walker endorsed the Javits bill without telling Kennedy; Mann did not have Mayo's backing when he publicly endorsed an incomes policy (in fact, his knuckles were later rapped in a telephone call from White House aide Peter Flanigan).

Among officials with direct access to the President, only Burns favored an incomes policy, and he made no progress in early May when he again proposed voluntary controls to the President. Kennedy and Mayo were passive and seemingly uninterested in the entire debate. Paul McCracken publicly denounced Burns's initiative. He admitted privately it might have merit but protested vigorously that the Council was not equipped to oversee wage-price decisions as envisioned in the Javits bill. If Nixon needed any further justification for opposing Burns, it came from Secretary of Labor George Shultz. By the spring of 1970, Shultz's unsmiling, slightly intimidating manner had made him a force to reckon with. Now the Secretary turned his new influence with the President against an incomes policy. It would not work, he argued, and besides that, it would lead to shameful abandonment of the game plan by tending to justify a reckless binge of deficit spending. Indeed, Shultz told Nixon, the Hot Springs speech by Burns advocating an incomes policy was inflationary in itself. It would impel businessmen to raise prices quickly *before* an incomes policy was instituted.

With that lineup, the final draft of the speech handed Nixon for his final editing and rewriting did not contain anything that even went so far in the direction of an incomes policy as the very mild Javits bill. A baby step was the announcement of periodic Inflation Alerts to be issued by the Council of Economic Advisers "to call attention to outstanding cases of price or wage increase"—in other words, jawboning *after* the fact.[8] It was a slight departure from total laissez-faire on wages and prices but a bitter disappointment for many who had hoped for a major departure. In his speech to the nation over radio and television at noon on June 17, the President once again indulged his deeply felt bias against government interference in wage-price decisions in prose unmistakably his own.

"Now, I realize that there are some people who get satisfaction out of seeing an individual businessman or labor leader called on the carpet and brow-beaten by Government officials. But we cannot protect the value of the dollar by passing the buck. That sort of grandstanding distracts attention from the real cause of inflation and it can be a dangerous misuse of the power of Government."

It was as if the past eighteen months of deepening failure had not occurred, as if Arthur Burns had not made serious proposals that had nothing to do with "browbeating" anybody or "grandstanding," as if serious economists in his own Administration were not turning toward an incomes policy. Never did the failure of communication between the President and the experts in his own Administration come through more clearly.

A few days before that speech, the President took a step that further militated against an incomes policy in the foreseeable future.

In December, 1969, Nixon had briefed Robert Mayo on the details of a major reorganization of the Executive Office of the President, not to be publicly disclosed until the next spring, that would transform the Bureau of the Budget into a new Office of Management and Budget (OMB), with greatly enhanced authority for managing the entire federal government. In one of those countless misunderstandings, derived from Nixon's often oblique manner of conversation, Mayo got the idea that the job would be his. In fact, however, the President had no intention of giving a post of such vast and pervasive power to a man with whom he had little rapport and in whom he had no great confidence. But he said nothing of this to Mayo. Mayo did not learn the President's real frame of mind until he received a telephone call from a White House aide on June 8, 1970. The aide bluntly informed Mayo that the President on June 10 would name George Shultz as director of OMB, with Mayo shunted off with the title of Counselor (retaining Cabinet rank), obviously a way station while he found other employment.[9] There was no telephone call from Nixon himself.

The humiliation of Robert Mayo was transcended by the elevation of George Shultz. Having managed to impress the President and shape his policies while operating from the bureaucratic backwater of the Labor Department, he now had unlimited possibilities functioning from the White House as general manager for the entire federal government. Replacing Mayo on the Quadriad, he would become the dominant force whose influence would far eclipse that of McCracken, Kennedy, and Burns. Behind his back, some of the government's top economists belittled Shultz, describing him as an academic proficient in the study of wage structuring but not in macroeconomics. They questioned his competence to be the President's most influential adviser on what had become his most serious domestic problem. But that Shultz *was* his most influential economic adviser could be denied by nobody. In terms of mid-1970, that meant an end to any immediate hopes for a meaningful incomes policy, because Shultz's doctrinaire opposition to it would only reinforce Nixon's emotional bias against it. Maurice Mann, one of the most forceful advocates of an incomes policy, quickly perceived the incompatibility of his own economic views and Shultz's, and quietly left the Budget Bureau and the government. Walker and other Treasury officials pushing for an incomes policy went underground. At the Federal Reserve, Arthur Burns bided his time.

Through the summer and autumn of 1970, inflation and recession worsened together to stunt hopes for significant Republican gains in November. By summer, nothing could be done in time for that year's elections about either inflation or recession. In all fairness to Nixon and his economic advisers, they had inherited from Lyndon Johnson a raging inflation that might have persisted against any proposed remedy, including an incomes policy. Nor was the intensity of the recession wholly attributable to the Nixon game plan: the United Auto Workers struck the General Motors Corporation on September 14, closing plants for the rest of the year and deepening economic distress.

Yet, pervading all the bad luck was a certain thoughtless separation between dream and reality.

In November 5, 1970, two days after the congressional elections, signals began pouring out of the President's Council of Economic Advisers that a change in the economic game plan was in order. "Economic policy like other (policies) has to be responsive to the nation will," said Paul McCracken, chairman of the Council. Two days later, another member of the Council, Herbert Stein, flatly predicted a return to full employment by mid-1972. What the Council members were proposing was clear enough: a switch to an expansionary economic policy to fight the recession and give up the struggle against inflation. That would be an attack on one of the two serpent heads of Nixonomics—the one that had caused by far the most damage in the just completed election. Republican politicians who had suffered badly in 1970 and feared even worse for 1972 were pleading for an all-out attack on the recession.

At the Treasury, Secretary Kennedy and Under-secretary Walker were appalled. They argued privately that victory over inflation was in sight if only the government did not panic by throwing more fuel on the fire. After all, the Treasury men reasoned, the recession that had been induced in a so far unsuccessful effort to slow down inflation had already done its damage to the President and the party. Why make the switch now after the election lossses? There would be enough time to step up the economy, if need be, before the 1972 election. That line only showed how out of touch with the White House David Kennedy had become. For in fact, McCracken and Stein were reflecting Richard Nixon's views. These had hardened long before the election, but the President had kept silent about them.

In part, the change was due to the growing influence of George Shultz, who had taken over as director of the newly reorganized Office of Management and Budget on July 1. A clue to the revised standings in relative power at the White House came in late summer during a visit to Nixon by Senator Robert Dole of Kansas. Dole expressed chagrin at his inability to contact Presidential Counsel John Ehrlichman and told Nixon he would like to meet him some day. "Ehrlichman?" retorted the President. "Don't worry about him." Then, picking up his telephone, he said: "I'll put you in touch with somebody who really counts: George Shultz."

As one who really counted, Shultz was able to implant his economic views on Nixon as nobody else had in the first two years of the Nixon Administration. By November, 1970. Shultz had convinced Nixon of the worth of these economic views:

Full-Employment Budget: An old proposal by liberal economists for the past generation, in envisioned the budget being balanced when expenditures were no higher than revenue would be *if* there were full employment (that is, unemployment no higher than about 4 percent). Thus, with unemployment well over 6 percent, the President could claim a budget balanced on the full-employment theory, even though, in fact, there would be a substantial budget deficit—sheer heresy for a conservative Republican.

Money-Supply Expansion: As a doctrinaire exponent of Professor Milton Friedman's theories, Shultz wanted the money supply expanded at a steady rate and at a faster rate than the Federal Reserve Board under Arthur Burn's leadership was approving.

Incomes Policy: In a slight break with Nixon's iron opposition to any incomes policy of significance, Shultz was advocating an attempt to hold down prices and wages by withdrawing artificial government supports—such as import quotas and labor union privileges—but in no other way. That meant continued opposition to Burn's proposal for a return to wage-price guideposts.

Long before election day, Nixon was committed to an expansionary policy that would run a considerable deficit, saying nothing about it only because of his adamant political position that conceding that anything at all

---

Footnotes at end of article.

was wrong with the economy would be playing into Democratic hands. The Treasury's post-election opposition crumpled quickly.

But the Nixon-Shultz plans for money-supply expansion and incomes policy ran into trouble from Arthur Burns, who had recommended George Shultz as Secretary of Labor but felt him inadequate as an economist to be grand designer of the nation's economic policy. On the morning of November 20 in a meeting at the White House, Nixon, reflecting Shultz's viewpoint, urged Burns to expand the money supply at a faster rate. In response, Burns reiterated his old position that some incomes policy, some government restraint on wages and prices, was necessary. As a specific example, he urged presidential suspension of the Davis-Bacon Act, ensuring that construction workers on federal projects get the high prevailing union wage rates. That suspension would be a big stick to pressure the building trades unions to hold down their inflationary wage settlements.

In the early months of 1971, Nixon edged ever so cautiously closer to a working incomes policy. He forced a partial rollback of a Bethlehem Steel price increase by threatening to end the import quota on foreign steel, a withdrawal of artificial government aid that would have fallen within the boundaries of Shultz's doctrinal approval. Nixon finally did suspend Davis-Bacon after first weighing a flat freeze on construction-industry wages and prices proposed by James Hodgson—Shultz's hand-picked successor as Secretary of Labor—but opposed by Shultz. This ended Nixon's adamant opposition through his first two years as President to intervention in wage-price decisions but was nowhere near a full-scale policy to hold down wages and prices on a systematic basis.

The question posed nearly two years earlier, whether Richard Nixon would rather fight inflation than be elected to a second term, was now being answered. While defending the battered old game plan and declaring that "the worst of inflation is over," the President was really abandoning the game plan and saying that inflation was far the lesser evil when compared with recession. The way in which the fight against inflation was being placed in a secondary position became clear when the budget for the year ending July 1, 1972, was submitted to Congress on January 29, 1971. The deficit was calculated at $11.6 billion (under the full-employment budget concept, it would have brought a surplus of $100 million had the country been at full employment, said the President). But this was based on revenue generated by an economy at the level of a $1065 billion Gross National Product—a ludicrously high figure, in the opinion of most economists. In truth, everybody was sure that the deficit would be around $20 billion, producing some $40 billion in red-ink spending for two years, with the budget running wild, out of control, for the years ahead. That was the true extent of the game plan's abandonment.

Equally important as this switch to an expansionary policy in its implications for the future was a change of vast importance in Nixon's economic team made just after the election. The President determined that David Kennedy's disappointing tenure at the Treasury had to come to an end. Kennedy, scarcely a Hickel or a Romney in his self-effacing manner, was happy enough to leave a post that had become increasingly unpleasant. To replace him, Nixon wanted somebody who could dynamically and actively sell his new, expansive economic program (along with his new legislative proposals) to the press, the Congress, the business community, and the nation. Dr. Charls Walker, who in two years had performed most of Kennedy's duties in dealing with Congress and the press, fit that description perfectly and was eager for the advancement. But the tax reform fight had left bad blood between Walker and White House aides John Ehrlichman and Peter Flanigan, who successfully convinced Nixon that Walker would be a mistake. They wanted a prominent bank president from Wall Street or the West Coast. But after the David Kennedy experience, the President was wary of bankers. Besides, with his love for novelty, and frustrated by the premature detonation of the bombshell he had hoped to set off by making Patrick Moynihan ambassador to the United Nations, Nixon wanted a surprise that would stun Washington and, perhaps, energize his drowsy Administration for the two years ahead.

John B. Connally's performance on the Ash Council on Government Reorganization impressed the President. Like John Mitchell, Connally has the imperious air of authority, self-possession, and masterfulness that Nixon lacks, and therefore so admires in others. Soon after the 1970 election, the President began commenting to close aides about Connally and asking their opinion of him. But nobody faintly guessed that the President was thinking about the Treasury. After ten days and three meetings, Connally, who first refused the job, finally said yes. On December 14, Nixon had his stunning surprise.

From Nixon's standpoint it made sense. He finally had a Democrat in the Cabinet, albeit a very conservative Democrat who for the past decade had led the Tory wing of the Texas Democratic Party. Texas Republicans gasped at the betrayal by Nixon in bestowing this honor on their great enemy, but Connally's presence in the Nixon Administration could only help the President's chances to carry Texas in 1972, which might be vital to his re-election. He added strength to a Cabinet that was weak and would become weaker when Mitchell resigned to become campaign manager for 1972. And here was a Stetson-wearing supersalesman who could make Nixon's economic-progress game plan plausible to the Nation. The only drawback was John Connally's lack of qualification to be Secretary of the Treasury. An able lawyer, businessman, and politician, he had no familiarity with fiscal and monetary affairs. But that was scarcely relevant; there had not for a long time been a Secretary better qualified than David Kennedy, and look what happened to him.

In the spring of 1971, nobody could be sure whether the mistakes of 1969 and 1970 would cost Richard Nixon a second term. Despite all the heavy deficit spending, unemployment remained over 6 percent in early May and the business recovery was sluggish. Not even optimists felt that unemployment would fall below 5 percent before election day, 1972. The best news was the economic consensus that 1972 would be a pretty good year, though how good was a matter of sharp debate. The Davis-Bacon suspension was called off in return for construction labor's agreement to negotiate limits on wage increases, perhaps the thin end of a wedge on the incomes policy that Nixon had resisted for so long. The rate of inflation had slowed, but not noticeably so in the opinion of the consumer (the 1957–1959 dollar now having dropped in value to 71.8 cents compared with 81.1 cents when Nixon took office). At the Federal Reserve, Arthur Burns was being forced to slow down the rate of money expansion with the attendant danger of boosting interest rates and slowing down the recovery. It was a mixed picture, better than the previous dreary autumn but not as good as it could be.

Nor were the personal power relationships clear. Connally was now the only noneconomist, the only businessman, and the only politician on a Quadriad of strong men, joining economists Shultz, Burns, and McCracken. Unlike them, his mind was open on almost all economic questions. (Arthur Burns confided to friends that he thought Connally was "educable.") How he would act in crisis was anbody's guess. He sided with Burns and against McCracken and Shultz in being willing to propose personal tax reductions and a reinstatement of the business investment tax credit if necessary to stimulate the economy. In late April, Connally sharply criticized a prime-interest-rate increase by the nation's banks while it was being defended by McCracken. But he was so concerned with emergency assignments (such as the controversial plan to bail out the beleaguered Lockheed Corporation) that his overall power position was uncertain. His strength against Shultz had not really been tested. Nevertheless, with his direct access to the President assured, the certainty was that he would act and act unfettered by doctrine. That would be something new in President Nixon's management of the economy.

FOOTNOTES

[1] In an eloquent passage in *The Making of the President: 1968*, White gave his own views of inflation: "As in other inflations I have lived through, notably those in China during the war, and Germany and France after the war, the beginning ravages are almost unnoticeable, indeed, pleasant. As inflation continues, however, it changes moralities, it destroys reason itself. Prosperity opens opportunities; inflation urges haste in using them. Not saving, but shrewd spending becomes the mark of wisdom in planning; the 'operators,' not the creators, thrive. It divides those who can manipulate from those locked into fixed incomes who see their resources dwindling and their savings shrinking, who are helpless to recapture their share of rising well-being. Above all, it victimizes the poor, the old and those who have planned ahead. Inflation is, at the beginning, a technical problem of public finance—and in the end raises problems of morality, of the disciplining of indulgences artificially incubated by the disappearance of values."

[2] The Quadriad consists of the four top economic officials of the government: the chairman of the Federal Reserve Board, the Secretary of the Treasury, the director of the Bureau of the Budget, and the chairman of the President's Council of Economic Advisers. The Troika consists of the three top economic officials of the Administration: the Quadriad less the chairman of the Federal Reserve Board, an independent official serving a fixed term and not a member of the Administration.

[3] This euphoric mood of high incomes and quick profits made it difficult for Nixon's talent scouts to lure young business executives to middle-level government jobs after the 1968 election. "The money tree is running in New York, and the young fellows want to tap it rather than come down to Washington," said one such talent scout.

[4] Actually, the size of the surplus was exaggerated by a new accounting method (recommended by a citizens' commission headed by David Kennedy) that had taken effect on January 1, 1968, and for the first time counted Social Security trust funds as part of the budgetary picture. For example, Johnson's calamitous $28.1 billion deficit would have been $25.1 under the new system.

[5] In the same speech, Kennedy warned that wage and price controls might be used as the ultimate weapon to curb inflation if all else failed. Since Nixon had unequivocally ruled out such controls, the White House was not pleased with Kennedy's attempt to dramatize the Administration's concern with the situation.

[6] The six-month reprieve scarcely blunted the fury of the governors at Colorado Springs. Typical was the reaction of Governor Tom McCall of Oregon, a Republican, who said he was "horrified" by the cutback, then added: "It would stop inflation, but it might also stop the economy in its tracks."

[7] Romney voluntarily took the 25 percent pay reduction though no other Cabinet mem-

ber followed his example. On May 20, his wife, Lenore, told the Detroit press that it had resulted in some penny-pinching: "We don't take vacations, we don't have a maid and George helps me with the dishes."

[8] McCracken issued the first Inflation Alert on August 8, 1970, a 123-page document describing wage increases in the trucking and construction industries and price increases for cigarettes, rubber, and electric power as contributing to the cost of living. Its impact on public opinion was invisible.

[9] This now made four Cabinet-rank Counselors at the White House with no duties or responsibilities: Bryce Harlow, Moynihan, Robert Finch, and Mayo. However, on July 18, Mayo announced he was resigning to become president of the Federal Reserve Bank of Chicago.

CONGRESS OFFERS HOPE FOR BLACKS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Byrne) is recognized for 5 minutes.

Mr. BYRNE of Pennsylvania. Mr. Speaker, a fine article by my colleague and neighbor, Robert Nix, appeared in the June 29 edition of the Philadelphia Inquirer. Discussed in the incisive manner for which Mr. Nix is known are the important subjects of the President's use of his veto power and the withholding of $12 billion in funds appropriated by this Congress. I commend my colleague's splendid article to the Members of the House:

Black Caucus Versus the Administration: Congress Offers Hope for Blacks

(By Robert N. C. Nix)

President Nixon and the Congressional Black Caucus exchanged three voluminous documents in the past few months seeking to ascertain the efficacy of the administration's response to the nation's most serious domestic problems.

The result of these exchanges, by no means satisfying, was wholly predictable.

The President, as expected, defended his administration's languid performance in domestic affairs by treating the caucus' 60 areas of concern as an exercise in rebuttal.

Asked to initiate innovative and imaginative new programs and release at least part of the $12 billion in withheld funds to expand successful projects, he chose instead to codify the painfully inadequate programs of federal assistance with an occasional hint of some future nuance in policy.

The President's specious response should have surprised few who have followed the administration's intransigent domestic policies—especially my 12 colleagues of the caucus.

While I am in general agreement with the ideas and points expressed by the caucus, I am concerned that we do not become so enraptured by rhetorical exercises with the President that we forget where our real power lies.

That power is with the Congress and its ability to respond even when faced with obdurate opposition from the executive branch. We have seen two very recent examples of Congressional initiative.

Specifically, these were the $5.5 billion Economic Development bill and the $1 billion Public Service Employment legislation. The latter measure would create more than 150,000 public service jobs in a time of high unemployment, 7000 of which would be available in metropolitan Philadelphia.

Both of these measures cleared the House of Representatives over administration objections and both are responsive to the crisis caused by a national unemployment rate of 6.2 percent.

As in the last Congress there is every likelihood that the President will exercise his veto power. He must not be permitted to succeed and it is toward this end that the energies of the caucus can best be expended.

Last March, when the caucus obtained its long-awaited meeting with the President and his advisers, I suggested that the effect of the nine principal vetoes of the last Congress was to make life a little less tolerable for the nation's disadvantaged.

Those vetoes, to name a few, prevented:

A 34 percent increase in appropriations for vocational education and a doubling of funds to $3.6 billion for educationally deprived children.

An emergency employment act to create 300,000 public service jobs at a time when the unemployment rate was steadily climbing to its present unacceptable rate of 6.2 percent of the total work force.

An additional $350 million to the Department of Housing and Urban Development to assist cities in the purchase of water and sewer systems.

To these vetoed bills can be added billions of dollars appropriated by the Congress but withheld by the administration. These include:

$942 million for low rent public housing.

$583 million for Model Cities programs.

$300 million for urban mass transit.

$31 million in Federal assistance to education.

It can be supposed that the unprecedented withholding of $12 billion in appropriated federal funds is yet added pressure on the Congress to adopt the administration's general revenue sharing plan.

The Congress, however, has voiced serious concerns to the administration's concept, especially since the counterproposal offered by Wilbur Mills, chairman of the House Ways and Means Committee, which would funnel funds directly to the cities where the need is the greatest.

As is too often the case, the effect of this disagreement between the administration and the Congress is to delay assistance to the disadvantaged in our society.

As the caucus noted in its report of May 24:

"By not spending urban fiscal funds appropriated for this fiscal year until next fiscal year . . . (the) administration is prepared to accept the suffering of millions of poor people in order that it may strategically release funds at some other time."

Reflecting on the disturbing collection of Presidential vetoes and the unconstitutional withholding of duly appropriated funds—much of which touch on some aspect of federal assistance to the disadvantaged—I believe it is fair to question just where the heart of this administration lies.

It does not appear to reside with the interest of the poor, the unskilled, the uneducated, the disadvantaged.

THE SHARPSTOWN FOLLIES—IX

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, at curtain time yesterday, we saw the great Sharp fish swimming off down the river, having escaped the nets of the Department of Justice. You will recall that the prosecutors in the Department decided that the nets should be cut, so that the great Sharp fish would be assured of getting away. And so he did.

The Sharp fish, you may recall, succeeded in diminishing various fortunes by about $12 million. He did this by systematic looting of the companies he controlled, by stock manipulations, and by assorted other schemes large and small.

The Department of Justice, rather than going after that Sharp, has decided to seek out all the smaller fish in his schemes. They seem to have been trying to tell us that the best way to catch the little fish is to let the big one off the hook. It is sort of like pretending that you have the big Sharp when in fact all you have got is a mess of pilot fish, barnacles, and assorted other lesser creatures.

Now you might ask why the Department of Justice cut its own nets. The reason is that they fear that if they had made any effort to catch the great Sharp, they would have also caught one of their own, or at least embarrassed him. Rather than do that, they made a deal with Sharp, and decided to settle for going after smaller fish.

You see, Will Wilson, the Assistant Attorney General of the United States, was not very long ago a close member of the school that swam along with Sharp.

Mr. Wilson advised Sharp, set up some of his biggest deals, owned stock in his enterprises, and served as counsel for a couple of Sharp's biggest companies. As a matter of fact, Wilson's law firm did perhaps the bulk of its business for Sharp.

Of course, no lawyer works for free. Mr. Wilson was on a retainer from Sharp. I should say retainers, because he had several of them. His income from these retainers was substantial. Just from those basic retainers, and not counting any of his other income, perquisites or emoluments from the Sharp enterprises, Will Wilson was earning about $40,000 a year.

Mr. Wilson has of course been silent about his relationship with Mr. Sharp. Silence is golden, they say—and his taciturnity in this matter surely is golden.

In a few days I will begin telling just what Mr. Wilson did to earn all that money from Mr. Sharp.

For the present, however, I want to dwell on just how incredible the deal was that let Mr. Sharp go.

The U.S. attorney must prosecute many cases. You might expect—I expect—and average citizens expect that the law will be equally applied to all. Now if an ordinary citizen goes out and robs a store we are not surprised if he is tried and sentenced to 10 years or 20 years or more. We are not shocked to see petty criminals jailed for a long period of time. We are not surprised too much when an interstate chicken thief gets a 3-year residency in the Federal jail. But we ought to be surprised, shocked, and angered when a man can steal literally millions of dollars and get a probated sentence, and a fine. In exchange for a plea of guilty on a couple of his very smallest crimes, the multimillion-dollar swindler gets complete immunity—at the request, no less, of the U.S. Department of Justice.

Frank Sharp made many deals, but this deal with the Justice Department was the biggest bargain he ever got.

The only loser in this case is the concept of equal justice. You and I know that this man was no ordinary thief. He got extraordinary treatment. We have a right to know why.

I am asking why, and I will keep asking until the truth is fully known and exposed.

THE ADMINISTRATION AND THE ECONOMY

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 30 minutes.

Mr. ASPIN. Mr. Speaker, I am deeply shocked at the administration's utter disregard for our Nation's economic problems. Unemployment now stands above 6 percent, the highest in almost 10 years, prices are still rising at more than 5 percent, and yet the administration is just sitting on the fence, not really doing anything effective about either unemployment or inflation. We have a new term to describe the present state of our economy: Stagflation.

President Nixon was elected on the promise of eliminating inflation without increasing unemployment. When questioned as to the possibility of such results on election eve in 1968, Mr. Nixon stated that the only person he wanted to see unemployed was President Johnson's chief economic adviser. But since his election, over 2,400,000 have been added to the unemployment rolls, and there is no indication that inflation has been controlled.

In order to reduce unemployment the real output must increase more than 4½ percent this year. Presently, it is growing at approximately 3½ percent and, if this continues, unemployment will increase. The President's attempts to stimulate the economy are a dismal failure, even according to his own projections made in February of this year. The second quarter figures for GNP were a full $10 billion short of the administration forecast, derived from what most professional economists call the White House magic monetary model.

In hearings before the Joint Economic Committee in February, administration witnesses repeatedly defended the model and the $1,065 billion figure for GNP. No professional outside economists gave a projection of over $1,050 billion. On Tuesday of this week the administration finally admitted that their forecast was wrong and revised their figures downward to match those of the professional outside economists.

The President's own economic advisers now admit the economy needs a strong stimulus; he has refused to follow this advice.

Similarly, administration witnesses previously claimed the President's budget was expansionary and provided plenty of fiscal stimulus to get the stagnated economy going again. But anyone who looks at the budget can see it is not any more stimulative than the 1971 fiscal budget that brought on the recession. The full employment surplus in both budgets is almost exactly the same.

The majority of professional economists outside the administration point out the budget needs an additional $8 to $12 billion stimulus to get unemployment down to 4½ percent by the middle of next year. The administration's hope for success is based upon a so-called "jack-in-the-box" theory, which, simply put, means that all of a sudden, sometime in the last half of 1971, consumer demand will instantly spurt upward. Unfortunately, there is nothing to indicate that this will take place. One cannot talk the economy out of a recession. It is necessary to take action, and some strong fiscal stimulus is presently in order.

Thursday's veto of the public works bill clearly demonstrates the President's utter disregard for our Nation's unemployed. The decision can be termed only as callous, and clearly demonstrates a stubborn refusal on his part to admit that his economic policies have been unsuccessful. Secretary of the Treasury Connally now tells us we have to have a war to enjoy full employment. The President has told the American people that the unemployment is resulting from the transition from a wartime to a peacetime economy. This proposition, that we cannot have peace and prosperity, is patently absurd. Japan is a shining example of how a country can be extremely prosperous and yet spend almost nothing on defense.

The President's anti-inflation policies have done no better. They have reduced the rising price level by only 1 percent at a cost of 2½ million more unemployed. The President should realize by now that you cannot beat the inflation out of the economy by simply raising unemployment. Sound economic policy is not that easy given the structure of our economy.

Given the power of both big business and labor, it is impossible to reduce the inflationary pressure without some intervention on the part of the administration into the wage-price decisions. This so-called jawboning was very effective during the Kennedy and Johnson administrations, but President Nixon refuses to take such action. Thus we find entire industries, even with sales falling off, raising their prices in spite of foreign competition, and unions getting whopping wage increases in industries with unusually high unemployment.

The time to solve our economic problems is long past due. The budget must be made more stimulative and the administration must get involved in the major wage-price decisions while they are being made, not after the fact.

Providing the proper temporary fiscal stimulus is very difficult because of delays and time lags in implementation. Both taxing and spending policies designed to curb recessions may be too late, or become permanent and cannot be adjusted to fit the need of the economy at any time. All of us will agree that public works projects should not depend upon whether we are in a recession or at full employment, but should be decided on their merits.

What is necessary is to introduce some new automatic stabilizers into our fiscal policy programs. These stabilizers are temporary and would increase expenditures automatically when unemployment increased, and disappear when the economy approaches full employment. The word temporary is important, and these measures are much better than accelerated depreciation allowances the administration has proposed. Similarly, an across-the-board tax cut would continue to add stimulation to the economy until the taxes are raised again, and we all know how difficult that is.

Presently, there are many factors that prolong recession. As unemployment rises, States pay out more benefits while receiving smaller tax receipts. To make up for the loss they are forced to raise taxes, leaving the workers with less take-home pay and less to spend on consumer goods, reducing the demand for consumer items, and finally causing more unemployment. There are many other similar examples.

Today I will list six measures we can take to solve our unemployment woes. These measures are unique in that they will disappear at full employment. These measures are designed to give a temporary stimulus to the economy, while at the same time, through wage-price policies, checking inflation.

First, we should advance the already enacted personal income tax changes, scheduled to go into effect in 1973.

I suggest we make retroactive to January 1, 1971, the scheduled $750 personal exemption, the low-income allowance, and the increase in the standard deduction presently scheduled to go into effect in 1973. The IRS could change the withholding rates in less than a month and the desired effects would come immediately thereafter. Since these changes have already been legislated it would be a small task to simply advance their implementation. The Treasury Tax Study Division has told me this would reduce income tax collecting and thereby stimulate the economy by approximately $5.6 billion in the present fiscal year.

Second, we should delay for 1 year the scheduled increase in social security taxes. The social security tax ceiling has been increased from $7,800 to $9,000. A delay would produce an additional stimulus of $3 billion during the second half of the calendar year.

Third, we should increase unemployment compensation to the men being discharged from our Armed Forces. Their present high unemployment rates are clearly a national tragedy. Their unemployment benefits run out after 26 weeks and average only $52 per week.

Presently, there are 110,000 recently discharged veterans receiving unemployment compensation and who knows how many more whose benefits have run out. One current measure before the House would increase the weekly benefits and increase the length of time a veteran can receive these benefits. I urge that we adopt the measure.

Fourth, we should formulate grants-in-aid so that they work as automatic stabilizers. These grants could be triggered into effect when the national unemployment rate exceeds 4.5 percent for 3 consecutive months.

During a recession States pay out—unemployment benefits, welfare costs, et cetera—more than they take in—unemployment taxes, income, and sales taxes, et cetera. This puts them in a budget squeeze which causes them to either reduce State expenditures or raise taxes. Either of these options tends to prolong the recession as either decreases the demand for goods and services.

If States would receive Federal payments which would automatically kick in on the outset or a recession and kick out at full employment this unhappy choice could be avoided and the economy would not be further depressced.

Fifth, we must override the President's veto of the accelerated public works bill. This proposal also triggers automatically into action when the unemployment rates go over 4.5 percent for 3 consecutive months.

Sixth, but in no way least, the administration must start jawboning business and labor to reduce the inflationary impact of wage and price decisions. As I have stated today, it is time for action. We must force the administration to get off the fence and into getting the economy back on a stable growth path.

What is needed is the kind of temporary stimulus I have recommended here along with some forceful wage-price guidelines to deal with the inflation. It is time for some policies that make good, sound economic sense.

THE CONSERVATIVE REVOLT

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, now is the time for all good Republicans to come to the aid of their country. Trite? Yes, but nevertheless true. Indeed, it is a time for all good men—Republican or not—to do so.

Why? I could point to any number of reasons, but the one which really concerns me, the one which I feel holds such great danger for the future of our country that I must comment on it, is the recent passage of the bill H.R. 1 containing the so-called family assistance plan for reforming welfare.

Given the bill's complexity, the short time Members had after it was reported to study it in any depth before it was considered on the floor, and the array of top-level bipartisan support it had—or appeared to have—the crucial 234 to 187 vote by which the welfare reform proposals survived in the House was a relatively narrow margin. It indicates extensive dissatisfaction with H.R. 1's approach. An even narrower escape occurred on the 200 to 172 vote on the effort of opponents of FAP to open the rule to amendment. As Senator Carl Curtis recently pointed out in his analysis of the House action, half of the Republican Members deserted the administration on that procedural vote.

I have carefully reviewed President Nixon's speeches and remarks outlining what he desires in the way of welfare reform. I find myself in virtually complete agreement with my President on this issue, except at the point where he identifies H.R. 1 as carrying out his desires. I have carefully reviewed the bill, the report, and the debate which occurred prior to the passage of H.R. 1 by the House, and try as I will I am unable to see how this measure can possibly be counted upon to accomplish the things the President has said he wants in the way of welfare reform.

I am convinced that there is a rational, though admittedly very discouraging, explanation for this. I am satisfied that people around the President—both in the White House and in the Executive agencies—are deliberately misleading him as to the actual content of this measure and shielding him from the true nature and extent of the opposition to this ill-conceived and potentially catastrophic piece of legislation.

I realize this is a serious charge. And I find it very disheartening to have arrived at such a conclusion. It is indeed distressing to think that there are those in powerful advisory positions who would encourage the President to put his stamp of approval on a measure which is not only contrary to the best interests of the people it purports to help, but is destructive of the philosophy and hence of the success of the Republican Party, which the President heads and, more importantly, destructive of the very foundations and cornerstones of the American federal system.

But legislation which seeks to aid the poor and improve the welfare system by putting twice as many people on the dole and "welfarizing" the working poor, who heretofore have taken pride in the fact that they are caring for themselves, can hardly be conceived of as being in their best interests.

The upward mobility which exists in our still relatively free economy and society has enabled us to move from a level of 22.4 percent of our people living at or below the poverty level in 1959 to only 12.8 percent in 1968. This indicates that we ought to be aiming at improving the economy and opening up new job markets rather than burdening the taxpayers of America with a $5 billion additional welfare burden. This cannot be in the best interests of the American taxpayer or the American economy.

Legislation which turns over to the Federal Government entire responsibility for administering a program whose present faults it is largely responsible for and which destroys the concept of federalism by forcing uniformity on a program which by its very nature must permit recognition of local and regional geographic, economic, and social differences, cannot be in the best interests of our country.

And a bill which is destructive of all these things cannot be in the best interests of the President or his party, in either the long or short range. One need only read the debate on the bill, including many of the remarks of its advocates, to find an abundance of additional objections to it. I have highlighted only the most obvious and powerful ones.

Why, then, do we find administration endorsement of such legislation? I can only conclude that it is because there are people around the President who are either incompetent to determine the economic, social, or political meaning and impact of a measure which admittedly has been largely refashioned by the Democratic chairman of the House Committee on Ways and Means, or else they are deliberately leading the President down the primrose path.

I would like to include in the Record at the close of my remarks the June 29 column of Kevin P. Phillips which appeared in the Washington Post. I believe Mr. Phillips' column lends credence to my analysis of what is happening and, if it is true, there is nothing trite in a plea for all men, and especially all good Republicans, to come to the aid of their country.

It is my sincere hope that the Senate Finance Committee will take a long, hard look at the very useful and viable alternative to welfare reform which has been introduced in the form of the Curtis-Duncan bill. This alternative adapts the concept of revenue sharing as a solution to the current welfare problems. It is a measure which is not only sensible and practicable, but one which carries out the expressed desires of the President on both welfare reform and revenue sharing and, thus, should be one which the administration could easily support, if and when it recognizes or admits the truth about H.R. 1 and will open its mind to an alternative that is even more reflective of the goals it has consistently espoused.

The article follows:

The Conservative Revolt

(By Kevin P. Phillips)

Signs of a conservative revolt against President Nixon appear to be cropping up. It reaches from New York City to the halls of Congress and beyond to the South and to California, and is gathering a momentum that may yet produce tremors in White House complacency.

Item: On June 14, a half dozen of the young men whose 1967-68 efforts helped to put Richard Nixon in the White House met secretly in Washington to translate their disillusionment with the administration into an action blueprint. Others, not at the meeting, are keeping close liaison. These angry young men—some of whom now worry that the Nixon Administration may be blighting conservative prospects—include four or five names from "The Making of the President 1968."

Item: Top 1968 and 1970 campaign strategists for Vice President Agnew, including former presidential counselor Bryce Harlow, are urging Agnew to fight for his career just as Mr. Nixon did in 1965 (when President Eisenhower wanted to dump him). Agnew's friends are telling him to okay a Committee to Re-elect the Vice President and to begin mobilizing party grassroots and organizational support.

Item: The editors and associates of National Review met several weeks ago in New York to discuss their growing unhappiness with the administration. NR editor and columnist William F. Buckley, for one, is deeply disturbed about the White House's weak military preparedness posture. Another NR editor is talking to the N.Y. Conservative Party about refusing to endorse the President in 1972.

Item: The anti-Nixonism of The New Guard and Battle Line (journals of Young

Americans for Freedom and the American Conservative Union) has now spread to the conservative newspaper Human Events, which intends to launch a series of blasts against the White House and its top staff.

Item: Leaders of the "Regular Republican" group in the House of Representatives—a bloc of 70 to 80 conservatives—have decided to step up their fight against liberal Nixon domestic programs. With Rep. Samuel Devine of Ohio and Rep. Edward Derwinski of Illinois calling the shots, the Regulars bucked the entire House GOP leadership and sought to open up the gag rule under which the administration's multi-billion dollar welfare bill was to be considered with no amendments being allowed. This maneuver on June 21 caught the White House and congressional leadership off guard, and failed only by the surprisingly close vote of 200 to 172. Emboldened, the Regulars intend to escalate their attack.

Item: Mississippi GOP Chairman Clarke Reed, leader of the Association of Southern Republican Chairmen, is considering calling a regional conference of party leaders to convey Dixie's anger over the new school busing requirements being imposed by the Nixon administration. Sen. William E. Brock of Tennessee, a close associate in the 1968 Nixon campaign, has also begun to part company with the White House over the schools issue.

Item: J. Daniel Mahoney, chairman of the New York State Conservative Party, is unhappy with the administration, and is under increasing pressure from his party executive committee to "stay loose" on endorsing Mr. Nixon in 1972. In 1968, Mahoney had to work hard to overcome party worker's sentiment for running their own presidential candidate on the Conservative line.

On the plus side for Mr. Nixon, though, is the general belief in conservative circles that California Governor Ronald Reagan has made his deal with the President, and, at least for the moment, is not extending meaningful support to any insurgency.

Previous conservative "revolts" have come to little, and this one may follow suit. The White House is preoccupied with Reagan, and Nixon strategists believe that without the Governor, the conservatives have nowhere to go. Perhaps. Yet a deeper anger may be brewing.

The disgruntled men and factions do not represent a common point of view. Some pine for a return to the obsolete philosophy of the McKinley era, while others are irked because the administration has refused to develop a positive "neo-conservative" philosophy with which to appeal to Middle America.

But they do share a common feeling that the President has abandoned too many Republican and/or conservative principles and gained or built nothing in the process.

ROLL CALL VOTES ON APPROPRIATIONS MEASURES

(Mr. DELLENBACK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLENBACK. Mr. Speaker, during the month of June, the House of Representatives has moved in a most commendable manner by completing action on seven of the major annual appropriation bills.

However, one aspect of the consideration of these bills has caused me great concern. That is the final passage by simple voice vote of several of these major appropriation measures.

This procedure is in conflict with the goals of congressional reform that a very considerable majority of the House supported last year and still supports. If we are to be good legislators, and worthwhile Representatives of our constituencies, then the public has a right to know where we stand on all major issues coming before the House.

The concepts of accountability and full disclosure of a Member's views cannot help but clash with the silent anonymity of a voice vote. The lateness of the hour, or a desire to avoid public disclosure of an unpopular stand, are slight obstacles to the goal of our individual constituencies knowing how we voted on major pieces of legislation.

Far too frequently, as took place very recently in connection with the Agriculture and HUD appropriations, measures authorizing the spending of billions of dollars passed the House on voice votes with no record of where each Member of Congress stood on the issues.

Surely we wish to eliminate in the minds of the American public any question that the House of Representatives is reluctant to have each Member make exactly clear his stand on all issues. It is especially critical that the public know where Members stand on vitally important appropriations bills.

There may be a few Members who do not want to take a firm and open position on an appropriation bill, but it is my firm belief that the vast majority of the Members of the House want our constituents and the American public in general to know exactly where we stand on these measures.

I intend to continue to seek a recorded vote on the final passage vote of each appropriation bill.

Thank you.

GENERAL SYNOD OF THE UNITED CHURCH OF CHRIST PETITIONS GOVERNMENTAL LEADERS TO RELEASE PENTAGON PAPERS AND END WAR

(Mr. ANDERSON of Tennessee asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Tennessee. Mr. Speaker the United Church of Christ is a denomination of more than 2,000,000 members, and its biennial general synod is currently meeting in Grand Rapids, Mich.

By a vote of 614 to 23, the assembled representatives of the United Church of Christ adopted a background paper and resolution of concern regarding the war in Indochina generally and the release of the Pentagon papers specifically. The date of this action was June 28, 1971.

Mr. Speaker, both the background paper and the resolution are timely and significant, and I include them in the RECORD at this point:

STATEMENT ON RESOLUTION ON THE PENTAGON PAPERS AND THE INDOCHINA WAR ADOPTED BY THE EIGHTH GENERAL SYNOD OF THE UNITED CHURCH OF CHRIST, GRAND RAPIDS, MICH., JUNE 28, 1971

I. BACKGROUND

The publication of previously secret Pentagon papers on the United States involvement in Indochina has provided evidence that American constitutional controls are breaking down. Decisions were taken by presidents and their advisers behind a smokescreen of misleading statements. Words of hope and peace covered secret "scenarios" in which powerful groups planned military escalation. One season's contingency plan became the next season's obsessive deed.

The representatives of the people in the Congress were so skillfully manipulated and managed that for the past 20 years they have—often with little information and less debate—given each Administration a blank check to pursue its undisclosed diplomatic and military strategy with all necessary funds. Most members of the Congress have quietly acquiesced in this usurpation of the executive branch, failing to support their colleagues who insisted that the Congress exercise effectively its power of the purse, of giving or withholding consent in foreign affairs, and of declaring or not declaring war.

The communications media, with few exceptions, have failed to alert the public to the systematic erosion of democratic constitutional control over foreign and military policy. They have commonly been satisfied to project the official version of Indochina events with only minor corrections rather than run the risk of serving as the watchdog of the people's interest through rigorous, sustained and investigative reporting on the obviously widening war.

The Administration, the Congress and the communications media have felt no effective corrective pressure from the public during these years of self-delusion as to the nature of the Indochina conflict and the limited right and capacity of the United States to influence its outcome. Motivated by an abhorrence of communism, most of our citizens have assented to any diplomatic line, military intervention and defense appropriation which successive administrations have claimed would "stop communism". The majority of the American people, and most of their religious institutions, have uncritically assumed that the United States had a moral obligation to keep not only itself but other nations from "going communist", and consequently have been unwilling to look hard at the means—however counterproductive—that their government was using to fight communism in Indochina and elsewhere.

Now that newspapers, television and radio have begun to furnish information from Pentagon archives, confirming what many sources have tried to tell the world, the current Administration has employed personal pressure and law suits to block further release of historical materials that belong to the people and are indispensable to the informed exercise of citizen responsibilities. In spite of the deepening crisis in our government's handling of the war, no assurance has been given that the President will release to the nation a full account of how the United States got into it, or how it is going to get completely out.

The Pentagon documents show how successive American presidents arrogated to themselves the power to make war or negotiate peace, powers which the constitution requires them to share with the Congress. They reveal how the presidential bureaucracy erred in the use of the power it had usurped. United Nations judgment was scorned. Peace movement insights were disdained, independent scholarly advice resented, and intimate church knowledge of Indochinese realities was ignored. The pressure of critics, Congressional and private, was turned aside. Vietnamese political and military leaders were dealt with as pawns in the pursuit of United States goals for Vietnam.

The well being of the Indochinese peoples is given a weight of ten percent in a 1965 memorandum on United States war aims. The attack on the North was prepared through a series of provocations. It was assumed that the United States was so powerful that it could impose its vision of the future of South

Vietnam, and could avoid negotiations until the Saigon regime became so entrenched that the other side would have no option but surrender. As this dream faded, the White House, the Pentagon and the State Department focussed on saving United States prestige from defeat, and keeping South Vietnam from entering the sphere of influence of the Peoples Republic of China.

The Eighth General Synod of the United Church of Christ has the opportunity to bear witness on the Indochina war in the perspective of the new evidence.

II. RESOLUTION

Preamble: The delegates to the Eighth General Synod of the United Church of Christ, acknowledging our gratitude to all the faithful witnesses for peace who have consistently raised up by word and deed the ways that make for peace, acknowledge also our own guilt by electoral consent and inattentiveness to legislative process for the involvement of the United States in what has been widely judged to be an immoral war in Indochina, prayerfully call upon our fellow Christians to join us in earnest petition of our governmental leaders to bring an end to this conflict in keeping with the provisions of this resolution. We make these recommendations also out of a love for our country, and an appreciation of its worth, and a desire that no such criticism should deteriorate into a destructive hatred of the United States.

The Eighth General Synod of the United Church of Christ:

1. Calls upon the membership, congregations, Conferences and Instrumentalities of the United Church of Christ to weigh the increasing evidence disclosed in the Pentagon papers and similar studies that the war aims and strategies of the United States Government in Indochina, having been conceived out of a mistaken notion of United States' interest and capacity, developed with cruel disregard for Indochinese lives and social patterns, implemented with persistent deception of the American people, are unjust and must, even as battlefield atrocities, be condemned by the Christian conscience.

2. Asks President Nixon to stop efforts to impose prior restraint on the publication of political information and opinions, including documents that have been classified as secret, but that do not bear directly on current military operations.

3. Asks the Congress in the hearings announced by Senator Mansfield and Congressman Moorhead on the issues of Indochina policy raised by the Pentagon papers and similar studies:

(a) To consider the problems of deception in Government and to develop procedures for classifying government reports and communications so as to insure the public's access to essential information;

(b) To determine whether there be cause to censure high government officials found guilty of deception of the nation in the conduct of this war;

(c) To use the disclosures as a basis for a new definition of national interest and commitment and as the basis for a clear shift in United States policy in Indochina to one of diplomatic initiatives to end the killing and promote a political settlement.

4. Calls upon the President and the Congress jointly to acknowledge the great responsibility of the United States Government for enlarging the Indochina conflict in the past, with consequent massive destruction of human life and humane values, and to make a unilateral announcement that the United States is now ceasing all bombing missions, aggressive ground combat operations, and support for military operations by South Vietnam on the territories of its neighbors.

5. Calls upon the President and the Congress jointly to renounce the strategy of partial United States disengagement from a war that is being immorally protracted under the mask of a racist "Vietnamization" supported by residual United States forces, war materials, and funds.

6. Urges the President, in consultation with the Congress, immediately to submit fresh proposals for the negotiation in Paris of a compromise end to the war within the next six to nine months:

(a) Based on a United States pledge of total withdrawal of all troops, and military assistance, according to an agreed timetable;

(b) Aimed at synchronizing the end of United States participation in the war with:

I. The establishment of a general ceasefire;

II. The release of all war and political prisoners;

III. The organization of open and free elections in South Vietnam under such international supervision as the Government of Vietnam (Saigon) and the Provisional Revolutionary Government in South Vietnam (Front) concur to invite, and international acceptance of whatever government is so elected.

7. Urges United States officials to be ready to commit substantial funds for the rebuilding of wartorn countries if requested by the governments of Indochina.

CONGRESSMAN MEEDS INTRODUCES NAVIGABLE WATERS AND SAFETY AND ENVIRONMENTAL QUALITY ACT OF 1971

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, all of us are familiar with the devastating effects of oil spills on our oceans and inland waterways. From San Francisco Bay, the Gulf Coast, Chesapeake Bay, Long Island and most recently, Puget Sound, there have come discouragingly repetitious reports of spreading slicks, suffocated seabirds, warning of long-range ecological damage, and endless recriminations over responsibility.

It is in an attempt to prevent more of these destructive nightmares that I am introducing, on behalf of myself and 21 cosponsors, the Navigable Waters and Safety and Environmental Quality Act of 1971. I hope that favorable consideration on this bill will promote the safe handling of bulk liquid cargoes through our ports, harbors, lakes, and seashores.

These spills are a direct consequence of our national reliance on oil and its transportation in bulk by ship. Annual U.S. oil consumption has increased by more than 35 percent in the last 5 years alone. Congress acted last year to deal with the aftereffects of oil spills by setting the liability for spills and cleanup.

I believe the best cleanup technique is prevention. This bill, which was introducted by the Honorable Warren G. Magnuson in the Senate as S. 2074, would allow strict construction and operation standards for tankers and other vessels carrying bulk liquid cargoes. The Secretary in charge of the department housing the Coast Guard would be empowered to set construction, maintenance and operating standards to protect against environment damage.

It would set down the clear intent of Congress that potential damage to waterways, shorelines, fish life and wildlife should be taken into consideration in setting these standards, as are dangers to life and property under existing law. The cargoes covered would include not only oil, but any combustible or flammable liquids and those designated hazardous substances under the Federal Water Pollution Control Act.

The second section of this legislation is similar to H. R. 8140, now pending before the Committee on Merchant Marine and Fisheries, which would strengthen Coast Guard control over congested harbor traffic. During the 1960 to 1970 period, there were 550 tanker collisions in U.S. waters, 80 percent of which involved ships entering or leaving ports.

In my own congressional district, where a 250,000 gallon diesel fuel spill threatened an area of unique beauty not very long ago, tanker traffic is likely to increase sharply with completion of the trans-Alaska pipeline. Refineries to handle this oil are already under construction.

Prompt action now could help to stave off further irreparable damage to our already polluted navigable waters.

WILLIAM E. COLBY—A GREAT AMERICAN

(Mr. CASEY of Texas asked and was given permission to extend his remarks at this point in the Record and to include a newspaper article.)

Mr. CASEY of Texas. Mr. Speaker, I would like to publicly say thank you to a great American, who also happens to be a neighbor of mine, for his sacrifices that have been for too long overlooked. I am speaking of William E. Colby who is returning home after two and a half years of duty in Saigon as chief of the pacification program. His accomplishments are not only a credit to him, but his fine family which has been ably handled by his lovely wife Barbara during the trying years of his absence.

Barbara Colby and the Colby children have made their sacrifices for our country, too, by quietly and proudly awaiting Bill Colby's return.

To give the Members some idea of how deep Bill's dedication to this country runs, there is a news article by George Sherman that appeared in the June 29 edition of the Washington Evening Star that I include at this point in the Record:

Pacification Chief Leaving Viet Post

(By George Sherman)

William E. Colby, chief of the American pacification program in Vietnam, is leaving his post in Saigon and will return to Washington on Friday.

According to informed sources, Colby's return—under preparation for some time—is mainly due to serious illness in his immediate family. But he is to be reassigned to a still unannounced intelligence job in Washington which, according to these sources, makes special use of his "expertise" on Vietnam.

Colby, No. 3 man in Saigon with the rank of ambassador, has been head of the pacification program since February 1969. This program—known as CORDS, "Civil Operation and Revolutionary Development Support"—has reportedly made big strides under his direction, mainly in the Mekong Delta.

But Colby, who is dedicated to the belief that the real battle in Vietnam is for the peasantry, has not been given to what turned out to be exaggerated optimism of his predecessors in the Johnson administration. He is said to agree with those in Washington who have adopted a "wait-and-see" attitude toward the permanence of pacification, once American forces are out.

Colby's history, before the pacification assignment, was tied to the Central Intelligence Agency and, before that, the Office of Strategic Services (OSS) in World War II. From 1962 until April 1968, he was head of the Far Eastern Division of the CIA.

His successor in Saigon has not been named. Two leading candidates under consideration are Joseph Mendenhall and George Jacobson, Colby's current deputy.

Both Jacobson and Mendenhall are experienced foreign service officers.

THE POWER ELITE NEEDS TO BE DEFUSED AND DEMOCRATIZED

(Mr. TALCOTT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, John O. Marsh, a former Democratic Member of the Congress, put many of my thoughts about the war in Vietnam into a succinct statement. His timely and thoughtful address on June 26, 1971, during the installation banquet of the Lynchburg, Va., Jaycees should be read by every Member of the Congress.

The irreplaceable loss the Nation has suffered by this history of deception and mismanagement of the Vietnam war reflected in the leaked documents is a loss that can only be told in the suffering and agony of the dead and wounded on these battlefields half a world away.

The manner in which these documents were made public cannot be condoned, but they do show us a classic, but reoccurring example of the age-old fallacy of the "power elite" and all its weaknesses. The whole episode reeks with the arrogance of power exercised by a selected few, rather than decisions made by the elected. The tragedy is the contemptuous disregard this little clique of planners had for the people of the Nation they were expected to serve. The disdain they had for the opinion of the people, was also reflected in their disregard for those the people had elected.

They were convinced, in their assumed superior intellect, the war could be managed. The people need only pay their taxes for the costs of war and send their sons to the battlefield, yet play no part in either the policyshaping or the decisionmaking process. This is not the view of the intellectual, but of the pseudo-intellectual. It is a view that is also antiliberal and antidemocratic.

Today, many of these architects of a policy that failed appeal to the public conscience to undermine the present national effort to end our presence in Vietnam in a way that has the best chance of securing a stable peace.

Further evidence of this arrogance is demonstrated in the total disregard of security restrictions that are designed to safeguard the national welfare by wholesale leaking of documents to the press. It is just another example of relegating to yourself the right to decide what the people should or should not know.

We made many mistakes in the whole approach to our problems in Southeast Asia in a military, political, and diplomatic sense but each day that passes is further proof that no greater mistake was made than the failure to mobilize public opinion and seek the support of our citizens for our efforts at the very beginning of our commitment to Southeast Asia. Had this been done I believe the war would have long since ended. However, I am convinced there was a conscious decision not to do this and the disclosures we are now seeing confirms it.

The highhanded and arbitrary procedures followed were a disservice to the President because he was compelled to make decisions based on the limited views of a relative handful of powerful advisers who relied largely on their own intellect yet who were out of touch with the people.

The real danger we see is not the act of unauthorized distribution of documents, bad as it may be, nor even the damage to our national interest which might ultimately occur, regrettable as it is, but rather the danger is in an inadequate system of formulating policy which enabled a few to make life and death decisions that affect the Nation—a system which we see has neither safeguards nor the fail-safe mechanisms consistent with a representative form of government.

Although the military have been criticized, and have come in for their share of blame in the tactics and approach to waging the conflict, by and large it was civilians rather than military personnel who were formulating the policy of involvement and rules of engagement. The fundamental principle of civilian supremacy of the military remained intact. The question that is raised now is the quality of that civilian supremacy and their accountability to the citizenry. Dr. Strangelove was replaced by "Dr. Knowmore."

During the years of buildup and later when the Vietnam war raged, Members of the Congress can cite instances of being rebuffed in their efforts to find ways for the American people to express their support of the war. Suggestions also for the employment of different policies in its prosecution usually fell on deaf ears. The United States was trying to do the right thing but in the wrong way.

WHAT NEEDS TO BE DONE

It is obvious that ways and means must be found to give the American people a window into the policymaking apparatus of the national government. New mechanisms must be developed to incorporate the private sector into the public endeavor. A thorough congressional investigation of the entire episode will be most helpful. However, it is suggested that the President appoint a blue-ribbon commission to review the whole matter with two major purposes—

First, a complete review of the preparation, content and unauthorized distribution of the report. These findings should be made available to the people. Recommendations on the opening of more files of the Departments of State and Defense for research purposes should be considered.

Second, both the system for formulating policy and the decisionmaking process in the executive branch should be studied and recommendations made for changes to increase its effectiveness and to assure that it functions in a manner that is consistent with representative government.

Ultimately the Congress will have to adopt those legislative measures and establish the procedures to insure that those in the executive branch perform in a manner that is consistent with the interest and desires of the people of the United States. This may require changes also in congressional procedures; however, we must do those things necessary to preserve the checks and balance system to make government responsive to the people and insure it is always their servant and never their master.

We cannot permit a situation to exist whereby through an inadequacy of the policymaking apparatus a selected few individuals in key posts can subvert the representative process and conduct the Nation's affairs with blatant disregard for the people of the United States, regardless of how well intentioned the motives of that selected few might be.

CHAPTER VI—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the sixth in a series of articles on children and youth and maternal and infant care programs. Support of H.R. 7657 as amended is increasing. At a recent meeting, the American Medical Association's board of trustees endorsed an extension for an additional 5 years children and youth and maternal and infant care programs of the Social Security Act and called on HEW to increase funds for these projects to the full level of authorization for fiscal year 1972. The American Academy of Pediatrics has also endorsed this extention. The bill which would extend for an additional 5 years the children and youth and maternal and infant care comprehensive health projects which are now slated for oblivion as of June 30, 1972, has at this time 69 House cosponsors, and 16 cosponsors in the Senate.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the Record descriptions of six children and youth programs.

The material follows:

CHILDREN AND YOUTH PROJECT No. 602-1, ROXBURY, MASS.

The future of this nation depends on the manner in which it cares for and rears its young. Poor health and poverty in childhood are ingredients for the witch's brew which leads to delinquency, drug addiction, chronic illness and dependence on public welfare. Roxbury, Massachusetts had all the features; inadequate housing, low income, high crime rate, and lack of health facilities, to make it an ideal location for the Beth Israel Hospital to set up its Children and Youth Project in 1966. Prior to the opening of the Unit, the Boston City Hospital's outpatient clinics and emergency wards were obligated to provide most of the medical care which was, at best, fragmented, demeaning, lacking in the human touch and devoid of follow-up.

The Project provides in a dignified setting, round-the-clock, comprehensive, family oriented health care to almost 6000 children living in a 9 census tract section of Roxbury. This area has a population of 43,000 people, the majority of whom are black, with 12,699 children under age 14. For 1966 the infant mortality rate in Roxbury was 32.3 per 1000 live births, compared to a rate of 19, for some of the nearby suburbs. At least 50% of the Project's registered children come from one parent families and 60% are on welfare or in familes at Medicaid level incomes. The lack of local practitioners creates a critical situation. Since 1960, five practicing physicians have either died or retired leaving incredibly only four physicians (average age over 60) to cover the entire area, with no replacements in sight.

If the C & Y Projects are not refunded it would be tragic for this community to lose forever the services of the highly qualified and motivated pediatric specialists, psychiatrists, psychologists, nurses, social workers and others who have been assembled at great effort over the last 5 years. The full implication of such short-sightedness is even more evident if one considers that the Project would become financially self sustaining through the medium of the National Health Insurance which is expected to be operational within a short time.

Less tangible, but more devastating, would be the sense of loss experienced by a community which feels that at last it has a health facility sensitive to its particular needs.

Aside from the loss of basic medical care, there would be other equally important detrimental effects to the community as is evident from the following list of Project operations:

1. Three federally aided Community Free Schools are dependent on the C & Y Project for their health care, as is the recently created Pre-School Project for Handicapped Children.
2. Nine public schools in the area use the C & Y program as a referral source and avail themselves of the consultative services of staff personnel.
3. The clinic is, at present, desensitizing almost 40 children with chronic asthma who had never received treatment before.
4. Free Sickle Cell testing is offered to any member of the community.
5. The senior pediatric staff is available 24 hours a day for telephone advice to any registrant of the program. This has been of major value to concerned parents who use this service freely and with confidence particularly during the night.
6. The Project utilizes 60 volunteer graduate and undergraduate college students in varying one-to-one roles such as tutoring, Big Brother, and psychiatric aides. This innovative program received wide acclaim at the 1971 National Education Association meeting.
7. Staff members of the Project are leaders in group work with teen-agers.
8. During the past year the Social Service section has been involved actively and in depth with 501 Project families who are in need of help.
9. The unit is the keystone of the Dimock Health Center, a health complex including several programs which are partially dependent on the stability of the C & Y Project.

The C & Y Program with its emphasis on the sociological and psychological aspects of medical care is endeavoring to help as many children as possible, regardless of race, color or economic status, to realize their full potential.

CHILDREN AND YOUTH PROJECT No. 631, WASHINGTON, D.C.

The Children's Bureau approved the proposal for a C&Y Project submitted by the District of Columbia Department of Public Health in March 1967. The Project was then funded to the sum of $1,273,000 with Federal funds for the fifteen month period, April 1, 1967 through June 30, 1968, and was the 31st Project approved in the 600 Series of Projects Authorized under PL/97, the 1965 Amendments to the Social Security Act. This section of the legislation was designed to support the provision of comprehensive pediatric care services of a high quality, to children of low income families who reside in a defined geographic area.

The geographic area selected for the D.C. Department of Public Health Project in 1967 covers area C of the Health Service Area Map (attached). The seven statistical areas numbered VII, IX, X, XIII, XIV, XV, and XVI are included in Area C. Demographic data has shown that families living in this section of the city are mainly at the lower end of the socio-economic scale. Public transportation to existing hospitals and clinics is inadequate, and has probably been a deterrent from seeking care, particularly of a preventive nature.

Our studies of Census estimates of 1960 revealed that the number of children residing in the geographic area covered by the project who are under 15 years of age was 91,964, a more recent estimate (1968) revealed estimates of the same area to be 111,400.

The age limit established by our project is 4 years and an estimate of 33,200 of this group reside in our project area.

We have considered that the multidisciplinary approach is the most realistic way to meet the various needs of children from situations where deprivation is evident. Emphasis within our project has been placed upon continuity of services and adequate follow-up, the lack of which have been prominent reasons for incomplete and fragmented care patterns in the past.

The program offered under the District of Columbia Community Health Services Administration's C&Y Project offers services through two specially designed new clinic buildings (Health Centers for Mothers and Children) within the Project Area Community.

The second floor of these identical buildings is devoted to pediatrics, and comprehensive care is provided through a variety of specialty clinics which are staffed by personnel who are well versed in their own discipline and experienced in the team approach in the evaluation and Management of Children.

Our Sick Child Clinic provides medical care for conditions which do not require hospital facilities.

Diagnostic and treatment programs in the areas of vision and speech and hearing are available.

We have available and have used opportunities to give appraisals for groups of children seeking admission to camp, nursery schools, Head Start programs and day care centers.

A bus works between the two centers providing patient transportation to the Hospital, other health facilities and to transport patients to scheduled speech therapy classes.

Activities in the Community have been carried out by Nursing, Nutrition, Social Work, and Health Education.

At the Centers, the Children and Youth Project has reduced fragmentation of care and has provided a comprehensive service at a regional neighborhood level within a defined area of the city.

The Children and Youth Project is providing back-up services to the Community Health Services Administrations Neighborhood Health Center Program, providing eyeglasses, hearing aids, etc. to children up to the age of 18 years within our project area. From July 1, 1969 through March 31, 1970, over 1,000 patients received the above mentioned services.

Within our facilities we provide X-ray services for the Neighborhood Centers and provide space for the distribution of supplemental foods to eligible patients. A loss of the Children and Youth Project in the Community Health Services Administration would result in a tremendous loss to the Area C Community and the District of Columbia as a whole.

We urge the introduction of legislation extending Federal jurisdiction over the Children and Youth Projects enabling this Project to continue its worthwhile contribution to the Health Services within the District of Columbia.

CHILDREN & YOUTH PROJECT No. 657, NORFOLK, VA.

On March 1, 1968, the Virginia State Department of Health and the Norfolk City Health Department received the approval to start a Children and Youth Project to be located in Norfolk, Virginia.

By April 16, 1970, we were occupying three buildings which contain about 8,000 square feet of space to serve the Project's registrants. All buildings are located at 425-427 West 35th Street, Norfolk, Virginia.

All children throughout the city of Norfolk who meet our criteria are eligible for our services. A study shows that approximately 40% of our registrants come from the Model Cities areas and that over 40% come from the Park Place Rehabilitation areas where our buildings are located. This is a mixed racial area which the city fathers and state political elements are trying to stabilize with the help of federal aid.

We have about 2,469 registrants on our rolls and are taking on new registrants at the rate of 2 per working day.

Our objective is to give total health care to that portion of the population who need it the most, with special attention being given to pregnant teenagers, newborns, and preschool children.

Some examples for the need of this project continuing to demonstrate comprehensive care is indicated by the following:

1. The loss of this project would mean the end of the first demonstration HMO in this region. All informed people in the health planning field are looking towards the concept of health maintenance as a deterrent to ever increasing medical costs, as a way of using trained professionals more efficiently (money-wise) and more effectively, and as a way to offer health careers to many people who will not be able financially or academically to qualify for the more skilled professional areas. Politically, in our own immediate area this would mean the loss of a very potent factor in the stabilization of a racially mixed neighborhood, Park Place Rehabilitation Area.

2. Socially, the loss of this project would have a great impact on the lives of parents and children who have found in our many innovative programs a chance to enhance feelings of self-pride, self-esteem, and self-dignity. We have developed parent study groups with the fathers and mothers who in turn have involved their neighbors in neighborhood councils. Their goal is to strengthen family life through understand-

ing, patience, and involvement. They are able to relate this type of family unity to a healthier child physically and emotionally in the school and community which ultimately should be a stabilizing force in the American society.

CHILDREN AND YOUTH PROJECT No. 623, PHILADELPHIA, PA.

St. Christopher's Hospital for Children is a nonsectarian medical center for children which serves as the Department of Pediatrics of Temple University School of Medicine. It is located in the Model Cities area of North Philadelphia, and serves a population characterized by high representation of minority groups, and high prevalence of the problems of the inner city.

In 1966 St. Christopher's Hospital for Children developed with the help of a Children's Bureau Grant a program for Comprehensive Health Services to Children and Youth (C&Y) in a building about a half mile away from the Hospital, to serve the catchment area of a local elementary school. In the course of the development of this program, which has registered about 4,000 children and receives 12,000 visits per year, the C&Y Project has become deeply embedded in the community, and has proved to be a catalyst for other forms of community activity. It was at least partly through the initiative of the C&Y Project that a satellite unit was created of Temple University Hospital's OEO Program and placed in the same building as the C&Y Program, in order to supply services to the adults in the same catchment area served by C&Y for children.

The relationship between C&Y and OEO clinics at Comprehensive Group Health Services (CGHS), as the joint venture is now known, has afforded a unique opportunity for study of problems of delivery of care in a deprived neighborhood. The relationship is in active evolution at the present time, and we feel that the C&Y Program has every reason to maintain its identity and integrity in such a way that the quality of services for children can be kept at the highest possible level.

The C&Y Program at St. Christopher's Hospital for Children is a chief instrument through which the Hospital has become more deeply embedded in the community within the past few years than its previous long history of service to the neighborhood. There is an Advisory Group to the program consisting of citizens of the neighborhood, who have both been kept informed and have given direction to the formation of policy and other activities of the C&Y Program. A well qualified member of the C&Y Community Board has been elected to represent the community on the Board of Managers of St. Christopher's Hospital for Children, along with other representatives of the community served by the Hospital.

It is our judgment that the C&Y Program has been a very effective instrument and model for delivery of child health services in a deprived community, that it has the confidence of the community, and that it has served in major ways as a catalyst for other activities in the community which are having the effect of improving the quality of life and of expectation of the citizenry. We urgently hope that support for the C&Y Program, and for others like it, will continue for an additional period of time long enough so that the promise of these programs as models and innovaters can be fully realized.

CHILDREN AND YOUTH PROJECT No. 660, CORPUS CHRISTI, TEX.

Project No. 660 was funded effective May 1, 1970, to provide extended comprehensive health care to children and youth of Nueces County, Texas, and a 23 county region defined as South Texas. The definitive project area, geographically most of northwest Nueces County, contains approximately 12,000 to 13,000 project eligibles, estimated to be approximately 90% Mexican-American, and 8% Black. The average yearly income per family in this geographic area is $2,000. Average family size is 5.3 persons. The area is considered to be a major pocket of rural poverty.

Much of the rest of South Texas is similar, or less well off. Project No. 660 was based upon a clear-cut need for increased health services. The poverty problem is compounded by the general lack of health care personnel in the region. Even if funds were available to purchase care on an open market (National Health Insurance), the delivery system would be inadequate to cope with the demand. It is therefore anticipated that funding from present plans before Congress will not suffice in the forseeable future (10–20 years).

Project growth has outstripped the limited funding of the project. Local acceptance in the community is such that elaborate plans for outreach have not been implemented because of the rapid rate of growth in the first three months of full operation of the satellite clinic. The number of family units registered doubled over the previous eight months of operation while the number of patients registered tripled.

Public information regarding the project has been well received and public support for the project through a variety of community leaders in the target area has been excellent. Significant input to the project by target area population has been extensive. Direct services to patients continue to increase at a rapid rate.

Virtually no services had been available to the bulk of these patients prior to the inception of the C & Y Projects. Infant morbidity and mortality statistics and childhood death rates, as well as the presence of undiagnosed handicapping conditions, are monumental. It is impossible to estimate on any reasonable basis the impact of loss of project operations on this particular community. Even in its limited period of operation the project has had a major impact on the target population it seeks to serve.

While operations are not fully developed or definitive, the project has in fact begun to fulfill its purpose: to serve as a demonstration for a new mechanism for the delivery of comprehensive health services to children and youth, in an area that drastically needs health care assistance of the type defined as the mandate for the C & Y Program in the original legislation.

CHILDREN & YOUTH PROJECT No. 655, BROOKLYN, N.Y.

Changes are occurring in the health field, where an increasing number of physicians have left and are leaving the "Inner City" ghettos; and where underprivileged children in the society are becoming the victims of poor health, poor housing and poor education to an ever increasing degree.

Charles Drew Neighborhood Health Center was conceived in late 1966; and was funded in July of that year by the Office of Economic Opportunity and the Children's Bureau of the Department of Health, Education and Welfare. This Center serves a population of 145,000 persons. We recognize our role as an integral unit in an everwidening system for delivering health services.

Our effects, at the Charles Drew Health Center, are dedicated to the achievement of comprehensive health care services for the family, which is complete, personal and on a continuous team basis.

The Center grew from infancy to adolescence; caring for more than 30,000 patients in 1970 as compared to 1,000 visits in earlier years. The components of this comprehensive child health care include OB/GYN, Family Planning, Pediatrics, Nursing, home care, Dental, Pharmacy, Mental Hygiene, Social Service, X-Ray, Laboratory and Health Education. Special attention is being paid to keep families on individual team basis where families and physicians are given the chance to become well acquainted with each other.

Diagnostic tests are performed on all patients in risk categories and the knowledge of such test results has made it mandatory to screen all children against anemia, lead poisoning and tuberculosis—common diseases in our area. All school children are given eye test, and vision is corrected where the need arises.

The term "risk child" is no longer categorized by disease, but applies to any child living and born in a ghetto; as they are all potential risks. Our data from last year reveals that 20,406 children and youths (0–18 years) were scheduled and 22,186 were seen. The first quarter of 1971 shows 8,263 children's visits, 7,750 of which were by appointment. This reflects the community's *Acceptance* and *Confidence* in our Center, which we are proud of.

Most pre-school children in our target area do not have basic immunization against the preventable diseases (measles, polio, diptheria, tetanus), and greater emphasis is given toward preventive medicine and teaching parents about well baby care, diet and nutrition. School children are routinely checked regarding educational performance. Those who appear to be doing poorly are referred to psychologists for psychometric analysis; and efforts are made to place them in the proper school and/or rehabilitational and vocational programs.

Due to the peculiar problems of teenagers, we opened an Adolescent Clinic one-half day per week where drugs, sex, venereal diseases, family planning, etc. are discussed and preventive measures are taught to this group; as these are prevalent problems among the youth in our target area.

It is interesting to note, that in these days of rising medical costs, we have cut down the days of hospitalization and still maintain a high quality of health care through a team approach ambulatory care system, utilizing the ancillary and para-medical staff from within the community; who know the ghetto problems and are not strangers to the patients from the community.

The need for a sufficient Federal Grant, without which no long-range plans can be made, cannot be overemphasized. The dedication and efforts of the staff and community must not be allowed to go down the drain; and we must not allow the clock to turn back to the vicious cycle of disease, poor nutrition, poverty and ignorance which is a self-perpetuating phenomena of inner city ghettos where the majority of our children live.

RESOLUTION IN SUPPORT OF SOVIET JEWRY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I have received a resolution passed in support of Soviet Jewry passed by the executive committee of the Village Independent Democrats. That club, of which I was a founding member in 1956, has become one of the leading Democratic clubs in the country. Its first major claim to fame was its defeat of Carmine DeSapio in Greenwich Village.

The VID has been in the forefront in support of the rights of people in our own country and throughout the world. Its latest resolution in support of Soviet Jewry is one more positive measure it has taken to advance human dignity.

RESOLUTION

"Jews in the Soviet Union are denied the rights granted other nationalities. There is not a single Jewish school in the U.S.S.R.

> and many who privately studied Hebrew, such as Ruth Alexandrovich of Riga, are now in prison charged with anti-Soviet activities. Others, such as Raiza Palatnik of Odessa, are incarcerated in mental institutions. The government does not allow the publication of works of authentic Jewish expression, including Hebrew bibles.
>
> Set apart as Jews, but not allowed to live as Jews, increasing numbers have made a single request—that they be allowed to emigrate. The right of free emigration is guaranteed by the UN Universal Declaration of Human Rights, endorsed by the U.S.S.R. Yet, in seeking to fulfill their dream, Jews are publicly branded as traitors and many are jailed.
>
> . . . . in the words of the late Dr. Martin Luther King, Jr.: 'The denial of human rights anywhere is a threat to the affirmation of human rights everywhere. . . . The sincere and genuine concern felt by so many people around the world for the problem of Soviet Jewry should impel the Soviet government not only to effect a solution but to do so with all deliberate speed.' "

KISHINEV POGROM—SOVIET STYLE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the modern day pogrom of the Soviet Union continues. Yesterday the Mulavian Supreme Court convicted nine Jews in Kishinev and sentenced them to prison camp terms ranging from 1 to 5 years. Thirty-four persons, all but two of them Jews, have now been convicted since June 1970. You will recall Mr. Speaker, that 11 defendants received terms of 4 to 5 years last December in Leningrad—and the death sentences of two of them were commuted to 15 years—one received 10 years in a Leningrad court-martial in January and nine received terms of up to 3 years in Leningrad in May of this year with four getting terms of up to 3 years in Riga last month.

The principal charges against most of those convicted were based on their involvement with their coreligionists who sought to teach their children in Yiddish and Hebrew, their public expression of the difficulties that Jews encounter every day in the Soviet Union, their efforts to lead a Jewish cultural life in the U.S.S.R. and lastly their attempts—pursuant to the very law of the U.S.S.R.—to emigrate from the Soviet Union to Israel.

The Soviet Union continues the history of Russian anti-semitic policies just as they were conducted under the Czars. Today however, the Soviet Union gives these pogroms the color of law by using its courts to lynch instead of its cossacks.

Mr. Speaker, I happen now to be reading a book which I commend to our colleagues, The Israelis by Amos Elon. Mr. Elon points out that hundreds of thousands of Jews left Czarist Russia because of the pogroms which took place in the 1800–1900s. One infamous pogrom took place in Kishinev in 1903. One more pogrom took place in Kishinev in June 1971.

Mr. Speaker, in the 1880's the chief advisor of Czar Alexander III was Pobedomostsev who gave his formula under the Czars for solving the Jewish problem. As Mr. Elon states in his book:

> It was simple and in its time quite famous: "one-third emigration, one-third conversion, and for one-third, death."

The Soviet formula is simpler and more refined. It is to send the leaders of the Jewish community to prison camps and to end, not the physical life of the Jews, but their spiritual and cultural life.

How long Mr. Speaker, will the world sit silently by and permit the Soviet Union to continue with its anti-Semitic practices intended to kill the soul of the Jews. Jews from time immemorial have been known as "the people of the book" and the Soviet Union seeks to destroy that book. They shall not succeed.

BAN ON MILITARY SUPPLIES TO PAKISTAN

(Mr. MORSE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, I am today introducing legislation which would ban all deliveries of military supplies to Pakistan including all equipment in the supply pipeline. Senator Mathias will introduce the same legislation in the other body in view of the urgent need for immediate action by both the House and the Senate.

The civil war in Pakistan is one of the great human dramas of this century, all the more tragic because of the enormous loss of life, the unparalleled misery for millions of refugees, and the intractability of communal hatreds in that part of the world.

I have long held that the Congress must be an active partner in the formulation of this Nation's foreign policy. For this reason alone the Congress should express its views on the Pakistan crisis. But in the face of human suffering of such magnitude, further silence by Congress would be unconscionable.

The origin of my resolution is the April 23 letter of the Department of State to the Senate Foreign Relations Committee, which stated:

> We have been informed by the Department of Defense that no military items have been provided to the Government of Pakistan or its agents since the outbreak of fighting in East Pakistan and nothing is now scheduled for delivery.

I interpret this statement as a decision by the administration to avoid U.S. interference and involvement in the civil war in Pakistan.

By formalizing the ban on all military aid, sales or deliveries to Pakistan, my resolution would constitute solid Congressional support for a policy of non-interference and non-involvement. But by specifically addressing itself to pipeline aid or sales, it would also close an appalling, and I believe unintended, loophole which has developed in the administration's position; namely, the continued flow to Pakistan of military equipment already in the supply pipeline as of March 25.

According to an unconfirmed report in the New York Times of June 22, the amounts involved may be as high as $20 million. In any event, we know from statements made by administration officials in April 1971 that in past years sales of military equipment to Pakistan have averaged around $10 million and are presumably at this level or higher today.

I suspect precise knowledge of the amounts involved is not immediately available even to the bureaucracy. In recent testimony before the other body, administration officials acknowledged that we are unfortunately having difficulty in verifying even what is being sent. Bills of lading often list only a specified number of boxes of undefined military equipment.

Whatever the amounts involved or the kind of equipment being sent, already the existence of this loophole is causing the United States acute diplomatic embarrassment. It leads to misunderstanding in Pakistan regarding our position. It troubles our relations with Pakistan's neighbors. Recently, a group of Indian MP's in New Delhi picketed the American Embassy when they learned that the *Padma*, a ship under Pakistani flag, was leaving New York Harbor for Pakistan, loaded with military equipment. According to latest reports, the Canadian Government has stopped this shipment in Montreal where the *Padma* is docked.

Another ship is reportedly scheduled to leave the United States on July 2. Four to five more ships with military supplies will sail from the United States to Pakistan in July and August. No one knows if these shipments will exhaust the pipeline.

In my judgment, each time one of those ships leaves American shores the United States will face a major diplomatic crisis with the parties involved as well as serious political controversy in this country.

This is one important reason why both the House of Representatives and the Senate should act immediately on my resolution.

In a letter on June 17 to Secretary of State Rogers, I also made clear my reservations in regard to providing a country in the midst of a civil war with economic aid. But I recognize that opinion in the Congress on the question of economic aid may not have crystallized. Above all, Members of Congress are anxious that the people of Pakistan not suffer further. I therefore confine the resolution today to military aid and sales.

I am convinced that a majority of the Members of Congress do not want to see the United States give or sell arms to a nation now in the holocaust of a civil war. I am convinced that a majority of the Members of Congress are as appalled as I am at news of the existence of the pipeline loophole.

I am hopeful that a majority in both Houses will support this resolution.

CLEANING A DIRTY WORLD

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, President Nixon has noted that there are no jurisdictional boundaries recognized by pollution. Thus, international solutions are needed if we are to clean up our dirty world.

Thus, I commend to my colleagues an editorial from the Sunday Star, June 13, that asks for a setting aside of "traditional nationalism and established ideological rivalry" which otherwise could disrupt the United Nations Conference on the Human Environment. The meeting is planned for next June in Stockholm.

My activities as a member of the House Government Operations' Conservation and Natural Resources Subcommittee and chairman of the World Environment and International Cooperation Committee of Members of Congress for Peace through Law have led me to have similar concerns. Because of this I was pleased by a letter published by the Star from Russell E. Train, chairman of the Council on Environmental Quality, in response to the editorial.

Chairman Train writes that the administration is developing a U.S. position that will emphasize the interests of developing nations. He also assures us that the administration will work to keep politics out of the Stockholm meeting. I commend Chairman Train and the Nixon administration for this point of view.

The editorial and letter follow:

International Politics

It is clear that man's ability to survive in the age of potential instant annihiliation depends on his ability to communicate. Reason must be substituted for rage in international affairs, lest a minor conflict should escalate into this century's third and final world war.

But atomic extermination is not the only threat to continued life on the planet. The end can come more quietly, more slowly and more agonizingly—not with the bang of a thermonuclear exchange, but with the whimper of a poisoned environment. Men and nations must, therefore, accept the fact that pollution is everybody's business. It is a global problem, demanding corrective actions that will, to some degree, violate traditional concepts of national sovereignty. Men must start communicating on the international problems of pollution with the same sense of urgency that led to the creation of the United Nations, the negotiations on the limitation of strategic arms, the Paris peace talks and the international efforts to defuse the Middle East.

In theory, there should be no need for international agreements and cooperation to counter the threat of pollution. Certainly it is to everyone's advantage to clean up his own yard, and no aid of advice from the neighbors should be required. It's a reasonable theory. Unfortunately, it doesn't work. When it comes to the environment, one country's livelihood is apt to be another country's pollution.

The preliminary attempts that have been made to reach international accord on pollution control have not been encouraging. Developing nations tend to consider warnings about uncontrolled technology as a plot by the developed nations to impede their progress toward first-class world citizenship. Attempts by the industrial leaders to convince the have-nots that they should do as we tell them, not as we do, are apt to generate a common answer: First, let us clean up the economy, then we'll worry about the ecology.

That answer is frustrating to those who have recently converted to the religion of environmental salvation. With missionary zeal, the converts recite the newly learned ecological litany; the congregation keeps coming up with the wrong responses. And yet it must be acknowledged that the attitude of developing nations is not devoid of logic. It is, after all, the present industrialized societies that have led the world into peril. It is not enough for them to ask others not to follow down the poisoned garden path. Their first responsibility is to find the way back. And, in practical terms, the primary threat to survival does not lie in the potentially lethal contributions of the emerging nations. The proliferation of industrialization is not taking place at a rate to cause alarm. The fault is not in those who would copy us. It is in ourselves.

It is logical to suppose that the developed nations, each of which has begun the struggle to undo the damage wrought by carefree application of science, would welcome a chance to give and to receive advice. All men now know that they are fellow voyagers on Spaceship Earth, all dependent on the same life-support system. There is no such thing as localized pollution. The industry that poisons the air of Newark diminishes the quality of life in Novosibirsk. The multitudes of persistent poisons that are the byproducts of man's domination eventually find their way into the oceans, that 75 percent of the earth's surface unaffected by political boundaries and ideological divisions.

All nations face a common problem. All nations should, therefore, seek a common solution. And yet attempts to bring the industrial countries together to coordinate the effort to control pollution have been few, progress has been negligible and traditional concepts of global politics have taken precedence over survival.

A classic example of the clash between traditional politics and environmental hopes took place this spring. The Economic Commission for Europe composed of 31 members planned a meeting to open May 3 in Prague to discuss the problems of pollution in the industrial centers of Europe. A prestigious team, headed by top administration advisers, was scheduled to represent the United States. Then up popped politics. The nations of Eastern Europe insisted that East Germany—which ranks high on anybody's list of leading polluters—be included as a full delegate. The U.S. backed by the Western Europeans, protested, seeing the maneuver as an attempt to fortify East Germany's claim to recognition as a legitimate and independent nation. The East insisted. Washington withdrew its high-powered delegation. The international meeting finally was reduced to a 10-day paper-reading session. No recommendations were forthcoming. No progress was discernible.

Today, plans are well under way for the United Nations Conference on the Human Environment. That meeting, scheduled for June 1972 in Stockholm, repersents man's first attempt to deal with the problem of global pollution on a truly global scale. If the precedents of the immediate past are followed—if Prague was indeed prologue to Stockholm—it could be man's last attempt.

Three years of planning have already gone into the Stockholm meeting, and still there is no assurance that the U.N. conference will not founder on the rocks of traditional nationalism and established ideological rivalry. But if man is serious about survival, failure is not acceptable. The only course, then is to devote the remaining time in a concerted effort to improve the chances of success.

For the United States, that means a readjustment of official thinking, an acceptance of the fact that the international search for environmental solutions must be divorced from international politics. Delegations should be accepted not according to rigid standards of traditional diplomacy, but solely on the basis of interest. Specifically, participation by East Germany and the People's Republic of China should be actively solicited by the United Nations members, including the United States. Both are major industrial polluters. Both—and China in particular—have demonstrated a growing awareness of the problem. Both have much to learn and possibly much to contribute. Both should participate, irrespective of their diplomatic acceptability and U.N. membership status in 1972.

The most than can be hoped for from the conference is that a beginning can be made on the vast, multifaceted, interlocking problems of global pollution. There are no instant solutions. But there can be a new understanding that the danger that is shared by all nations supersedes nationalism. There can be the establishment of a permanent international forum for the sharing of the technology that is being developed to erase the errors of the past. There can be the first world-wide exchange of opinion and information on the problem of overpopulation—the problem that, left unchecked, will defeat every effort to salvage the environment.

That is the most that can be realistically hoped for. It is also the least that can be accepted. Anything less would be persuasive evidence that men are not yet willing to accept the reality of the environmental crisis, that they continue to reject the concept of concerted action, that they prefer to face the rising storm still clinging to shattered fragments of outmoded nationalism.

Letter From Russell E. Train

SIR: I read your recent editorial, "International Politics in a Dirty World," with great interest. Your emphasis on the need for "international agreement and cooperation to counter the threat of pollution" is very welcome. Too often we forget the international side of environmental quality and concentrate on our own domestic problems.

Your comments on the attitude of developed nations towards pollution control and developing nations and the unfortunate injection of politics in last month's Economics Commission for Europe meeting are well taken. In our preparations for the United Nations Conference on the Human Environment in 1972 we are developing a United States position emphasizing the interests of the developing nations. While the ECE meeting was restructured as a symposium, rather than as a high-level meeting, it did serve as a useful opportunity for East-West cooperation on the environment.

The United States Government has been extremely active in international environmental affairs. President Nixon, in his "United States Foreign Policy for the 70s" report to the Congress in February, clearly expressed our national policy:

"No nation can keep its pollution to itself. Wastes discharged into the air and water in fact befoul a common resource. Restraint on the part of individual states, however laudable and necessary, is inadequate to the problem, for, in the absence of international action competitive economic pressures will severely limit national abilities to require the costly measures needed to protect the environment. A broad international approach is therefore necessary."

Our approach to international environmental problems has been on two levels—through bi-lateral activities and multilateral organizations. These activities have been coordinated by the Council on Environmental Quality and the Office of Environmental affairs in the Department of State which is headed by the Special Assistant to the Secretary of State, Christian Herter, Jr. The Environmental Protection Agency, and virtually every cabinet-level department has been active in international environmental activities.

Your editorial expressed concern that political questions such as the status of East Germany should not be permitted to interfere with real international collaboration for environmental improvement. I assure you that this is exactly the position of the United States. At the same time, we should not permit our very real concern for environmental quality to be used by others as a lever to gain political ends which are unrelated to environmental needs and whose proper disposition should be through normal international political channels.

This administration is giving high priority to international environmental quality. This is not to say that we are satisfied with progress or complacent with results. But the U.S. government is taking a position of world leadership in this effort—a position which deserves public recognition and support.

We live in a dirty world, but for the first time in history we are really doing something about it.

Russell E. Train,
Chairman,
Council on Environmental Quality.

MERCURY IN COSMETICS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, today I am releasing the results of a study showing that cosmetics containing mercury are still being manufactured in the United States.

I am also placing in the Record, for the benefit of my colleagues, an article titled "Ugly Truths About Today's Beauty Aids" from the June 1971 issue of Today's Health.

All of us should be concerned about the presence of mercury, one of the most toxic of all substances, in the cosmetics used by consumers of our Nation. The National Commission on Product Safety has reported that cosmetics injure about 60,000 persons a year, although the number caused by mercury was not given. The U.S. Food and Drug Administration has recommended that mercury used as a preservative in some cosmetics be replaced with less toxic substances.

Because of my concern with this subject, on March 23, 1971, I introduced H.R. 6551 to classify as a misbranded product—under section 602 of the Federal Food, Drug, and Cosmetic Act—any cosmetic which contains mercury or any of its compounds and whose labeling does not state that fact. Subsequently I have introduced four identical bills with 53 cosponsors. My bills are pending before the House Committee on Interstate and Foreign Commerce.

To determine the extent of mercury use in cosmetics, on May 4, 1971, I sent letters to 66 principal cosmetics makers inquiring as to their use of mercury. On June 23, 1971, I sent followup letters to those from whom I had received no reply.

To date I have received 57 replies, of which eight indicated that at least one product containing mercury was still being produced by the company. Some of these indicated that they were introducing alternate substances to replace the mercury.

Another 49 companies responded that they do not use mercury in any of their cosmetic products. I am heartened to know that this segment of the industry avoids the use of this dangerous substance. Several other firms placed telephone calls to me stating a letter was being mailed stating no mercury products were used.

Finally, six companies have not responded. My conclusion is that they are unwilling to disclose to consumers the extent of mercury use in their products.

Since some companies are using mercury and others will not state to Congress or the consumers that they do not use mercury, I feel there is a great need for adoption of my legislation. This would remove from the marketplace those cosmetics which did not inform consumers of mercury contents.

The Food and Drug Administration presently lacks strong legislative authority to regulate the $6 billion a year cosmetic industry. Unlike drug manufacturers, cosmetic makers can market a product without first proving it safe. Ingredients need not be listed on the label. Market removals are mainly voluntary.

Since mercury is a highly poisonous substance, it is imperative that consumers be given the right to decide on the basis of content labeling whether they wish to expose themselves to the risk of using products containing this ingredient.

In addition to H.R. 6551, I have introduced identical bills with cosponsors as follows:

H.R. 7546, with Representatives Herman Badillo, of New York, William A. Barrett, of Pennsylvania, James A. Burke of Massachusetts, John H. Dent, of Pennsylvania, John G. Dow, of New York, Don Edwards of California, Joshua Eilberg, of Pennsylvania, Cornelius E. Gallagher, of New Jersey, Gilbert Gude, of Maryland, Seymour Halpern, of New York, James J. Howard, of New Jersey, William L. Hungate, of Missouri, Romano L. Mazzoli, of Kentucky, Parren J. Mitchell, of Maryland, William S. Moorhead, of Pennsylvania, John E. Moss, of California, Robert N. C. Nix, of Pennsylvania, David R. Obey, of Wisconsin, Claude Pepper, of Florida, Roman Pucinski, of Illinois, Thomas M. Rees, of California, Benjamin S. Rosenthal, of New York, Edward R. Roybal, of California, and Lester L. Wolff, of New York;

H.R. 7547, with Representatives Bella Abzug, of New York, Glenn M. Anderson, of California, Frank J. Brasco and Mario Biaggi, of New York, Jack Brinkley, of Georgia, Phillip Burton, of California, George W. Collins, of Illinois, William D. Hathaway, of Maine, Augustus F. Hawkins, of California, Ken Hechler, of West Virginia, Frank Horton, of New York, Andrew Jacobs, Jr., of Indiana, Robert W. Kastenmeier, of Wisconsin, Peter N. Kyros, of Maine, Abner J. Mikva, of Illinois, Bertram L. Podell, of New York, and Jerome R. Waldie, of California;

H.R. 7898, with Representatives Bob Eckhardt, of Texas, William D. Ford, of Michigan, James G. Fulton, of Pennsylvania, Ella T. Grasso, of Connecticut, Louise Day Hicks, of Massachusetts, Edward I. Koch, of New York, and Robert A. Roe, of New Jersey, and

H.R. 9528, with Representatives Nick Begich, of Alaska, Henry Helstoski, of New Jersey, Robert L. Leggett, of California, Mike McCormack, of Washington, and Morris K. Udall, of Arizona.

Following are the two letters I sent to cosmetic companies:

House of Representatives,
Washington, D.C., May 4, 1971.

Dear ———: I am deeply concerned about the potentially dangerous chemical, mercury, being used in some cosmetics. While the number of injuries due to mercury has not been reported, the Food and Drug Administration (FDA) has recommended that mercury in cosmetics be replaced with less toxic substances.

A survey conducted in 1969 by the Toilet Goods Association at the request of the Food and Drug Administration reported that mercury preservatives were being used in 2 to 3 percent of cosmetics products. Currently, the Food and Drug Administration is conducting their own chemical analysis investigation for mercury in cosmetics. The results so far reveal that in one group of 90 unselected cosmetics samples from their consumer complaints program, mercury was present in two; in a second group of 131 samples selected from product types having a high probability of mercury usage, mercury was present in 12; in a third group of about 50 cosmetics commonly used in the homes of the FDA staff, mercury was present in none.

I would appreciate it if you would inform me whether your company uses any form of mercury in its cosmetics or similar products externally applied to the skin. Thank you very much.

Very truly yours,
Patsy T. Mink,
Member of Congress.

House of Representatives,
June 23, 1971.

Dear ———: Some time ago I sent you a letter inquiring on your company's use of mercury or mercury compounds in cosmetics or any similar product which is used by men or women.

Since my letter to you was not returned by the Post Office, I must assume you received it.

I would deeply appreciate a response as I am compiling data for release in connection with pending legislation which I have sponsored along with forty-eight other Congressmen. If I do not hear from you or your company by June 30 it will be noted accordingly in the report.

Very truly yours,
Patsy T. Mink,
Member of Congress.

USE SOME MERCURY

Replies indicating mercury use were received as follows:

Barnes-Hind Pharmaceuticals, Inc.,
May 11, 1971.

Hon. Patsy T. Mink,
House of Representatives,
Cannon Building,
Washington, D.C.

Dear Mrs. Mink. Thank you for your letter to Mr. Hind in which you expressed your concern about the presences of mercury in cosmetic and drug products. We are also concerned about this and have been for years. Mr. Hind has said that we are not to use mercury containing preservatives unless there is no other material available that will do the job. We currently have only three products on the market that contain such preservatives, and two of these are currently being evaluated in a new form without the mercurial. The third product will be reformulated as soon as technology has been developed which will permit it.

Thank you once again for your letter, and we are anxious to help in any way possible.

Sincerely yours,
Russell E. Phares, Jr., Ph. D.,
Technical Director.

Bristol-Myers Co.,
New York, N.Y., June 3, 1971.

Hon. Patsy T. Mink,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Congresswoman Mink: This is in reply to your inquiry to Gavin MacBain, Chairman of our Board, with respect to the use of mercury in our cosmetic products.

This will advise that only one of our products, a deodorant, contains mercury and this at a level of .00173%.

Because of the susceptibility of this type of product to microbiological contamination, we have had difficulty in developing a stable formula not containing mercury. However, tests are now being conducted with respect to a new formula, and we expect to be able to introduce the product without mercury in the very near future.

Very truly yours,

J. Richardson Edmondson.

Mr. William Grief, vice president of Briston-Myers and subsidiary companies, indicated orally on June 3, 1971, that his firm manufacturers two cosmetic products containing any mercurials, and a nonmercurial formula was expected to be introduced in the next 2 or 3 months.

Dart Industries, Inc.,
Los Angeles, Calif., May 17, 1971.
Hon. Patsy T. Mink,
Cannon Building,
Washington, D.C.

Dear Congresswoman Mink: This will acknowledge your letter of May 12.

Dart Industries manufactures one cosmetics product which does contain mercury—a hair-set gel—and the Company is in the process of reformulating the product to eliminate the mercury.

Cordially,

Norman Wicker.

Du Barry,
Morris Plains, N.J., May 27, 1971.
Congresswoman Patsy T. Mink,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Congresswoman Mink: Thank you for your letter of May 12, 1971, addressed to Mr. R. J. Reagan, now President of Cool Ray Division of Warner-Lambert Company, which has just been received in my office.

In view of the recent questions raised in regard to mercurial preservatives, we are pleased to inform you that we have been working, since 1970, on reformulation of the few cosmetic products that contained mercurial preservatives. Reformulation, scale up and safety studies have been completed for all. We can assure you that all future production of our entire line of cosmetic products will *not* contain mercury.

Sincerely yours,

G. F. Klein,
Vice President, Administration.

Johnson & Johnson,
New Brunswick, N.J., June 25, 1971.
Hon. Patsy T. Mink,
U.S. House of Representatives,
Cannon Building,
Washington, D.C.

Dear Mrs. Mink: Your letter of June 23 to Mr. James E. Burke regarding our use of mercury or mercury compounds has been referred to me for reply.

It appears that your earlier letter has gone astray because we are unable to find it in our files.

Upon receipt of your June 23 letter we made an immediate check of our cosmetic and similar products and find that we do not use mercury or any mercury compound in them. However, we do market a First Aid Spray which contains .033% of Merthiolate, a well-known antiseptic containing some mercury.

We are sorry about the problem with your earlier letter.

Sincerely yours,

Stanley C. Smoyer.

The Mennen Co.,
Morristown, N.J., May 19, 1971.
Hon. Patsy T. Mink,
House of Representatives,
Washington, D.C.

My Dear Mrs. Mink: We, like you, are also deeply concerned about any adverse effects our products might have on the citizens of this country. When the acceptance of mercurial preservatives became doubtful, our company immediately established research and development programs for the elimination of these preservatives from any of our products which might contain them.

Presently there is one product which contains a mercurial preservative. This product, in which a mercurial preservative is present in very small amounts, represents considerably less than one per cent of our business. This happens to be a complex emulsion which has required extra research testing on such things as the stability of product and emulsion with the new preservative, the antibacterial efficiency of the new preservative, and, most important, the toxicity effects of this preservative on the ultimate user of the product. It is our expectation that our tests will be completed within two or three months, and as soon as we are assured we will switch over to the new preservative.

We appreciate your interest in this all-important topic, and assure you that as a company proud of its products Mennen is doing everything to continue demonstrating its leadership in corporate good citizenship.

Sincerely,

George S. Mennen.

Helena Rubenstein,
May 20, 1971.
Hon. Patsy T. Mink,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mrs. Mink: This will acknowledge recepit of your letter of May 12, 1971 inquiring whether Helena Rubenstein, Inc. is using mercury as a preservative in cosmetic products.

Helena Rubenstein does not use any mercury in its products as a preservative. It does use ammoniated mercury as an ingredient in two products—Bleach Cream and Lighten Cream. The labels for these products clearly disclose the amount of ammoniated mercury being used and this ingredient is necessary in these products if they are to achieve the desired effect of bleaching and lightening.

Ammoniated mercury is basically inorganic and belongs to a completely different class of compound than organic mercury which is used as a preservative.

Please be assured that Helena Rubenstein, Inc. is fully aware of its responsibility to its customers and the public in general and exercises every concern to offer to the public only those products of the highest quality which are safe for use as directed and which, in their consumption and manufacture, will have no adverse effects.

We trust this information will be sufficient for your purposes but if we can be of any further assistance to you, please do not hesitate to communicate with me.

Very truly yours,

Roy V. Titus,
Chairman of the Executive Committee.

Replies indicating no mercury use were received as follows:

Schieffelin & Co.,
May 7, 1971.
Hon. Patsy T. Mink,
House of Representatives,
Washington, D.C.

Dear Mrs. Mink: We are very happy to inform you that we do not use any form of mercury in our cosmetics—ALMAY. Nor do we use any form of mercury in similar products externally applied to the skin.

For your information, I am enclosing a copy of our formulary describing ALMAY HYPO-ALLERGENIC COSMETICS.

If I can be of any additional assistance, please do not hesitate to contact me.

Very truly yours,

Edmund Mendell,
Senior Vice President & General Manager.

Aloe Creme Laboratories, Inc.,
Fort Lauderdale, Fla., May 18, 1971.
Hon. Patsy T. Mink,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Madame: In reply to your letter of May 4, we are pleased to advise you that our Alo-Cosmetics are formulated from the fresh, pure, crystal-clear 'gel' of the rare, tropical Aloe Vera plant and that they do not, in any way, contain mercury compounds. In fact, they are the purest type of cosmetics a woman can buy for her skin.

Under separate cover, we are sending you a representative package of our exclusive Alo-Cosmetics which are sold only in prominent department and prestige drug stores; and also a little Aloe Vera plant for your office. Please do not water it too much because it will rot at the roots—it just needs a bath once a week.

Sincerely yours,

Rodney M. Stockton,
President.

Auvergne et Cie, Inc.,
East Longmeadow, Mass., May 19, 1971.
Hon. Patsy T. Mink,
Cannon Building,
Washington, D.C.

Dear Mrs. Mink: We have your letter of May 4th and can well appreciate your deep concern about the potentially dangerous mercury being used in some cosmetics.

We are strictly a fragrance house and do not produce such things as facial creams, etc. In addition to this, our colognes are compounded by one of the larger essential oil houses. We feel confident there is no mercury content in the solutions we package, but shall certainly bring this matter to the attention of the supplier.

Very truly yours,

C. Alan Morrison,
President.

Avon Products, Inc.,
New York, N.Y., April 26, 1971.
Re: Mercury.
Hon. Patsy T. Mink,
House of Representatives,
Washington, D.C.

Dear Representative Mink: We have noted with interest your bill no. 6551 and thought you would be interested to know that we use no mercury or mercury compounds in any of our cosmetic products.

Please let me know if we can ever be of any assistance in connection with matters relating to the cosmetic industry.

Sincerely,

Robert R. McMillan,
Director—Government and Public Affairs.

Harriet Hubbard, Ayer,
Faubourg St. Honore, Paris, June 3, 1971.
Mrs. Patsy T. Mink,
Congress of the United States,
Washington, D.C.

Dear Mrs. Mink: Further to your letter of May 4th, this is to advise that our Company does not use any form of mercury in its cosmetics.

Yours sincerely,

C. R. Haas,
President.

Bandoline Inc.,
New York, N.Y., June 28, 1971.
Congresswomen Patsy T. Mink,
Cannon Building,
Washington, D.C.

Dear Congresswoman Mink: This is in reply to your letter of June 23rd.

We do not use mercury or mercury compounds in any of our products.

Very truly yours,

Alfred Roberts,
President.

BARNANGEN, INC.,
Chaska, Minn., May 10, 1971.
Hon. PATSY T. MINK,
Congress of the United States,
Washington, D.C.

DEAR MRS. MINK: This is in reply to your May 4 letter concerning Mercury Compound in Cosmetics.

We do not, nor have not included mercury compounds in any of the products manufactured at our plant in Chaska.

We share your concern in this matter, and if there is any more we can do, please write.

Sincerely,
GENE J. THOMPSON,
Technical Operations Manager.

BARR-STALFORT CO.,
Baltimore, Md., May 26, 1971
Hon. PATSY T. MINK,
House of Representatives,

DEAR MRS. MINK: This is in reply to your inquiry about the use of mercurials in cosmetics.

The Barr-Stalfort Company is a contract packager, packing a variety of aerosol products for many marketers but does not market any products under its own label.

To the best of our knowledge we do not manufacture any topical cosmetic for any of our customers that utilizes mercury as an ingredient in the formula.

Very truly yours,
MANUEL E. HERNANDEZ,
Assistant to the President.

BEECHAM INC.,
May 19, 1971.
Hon. PATRICIA MINK,
House of Representatives,
Washington, D.C.

MY DEAR MISS MINK: Your letter of May 4th inquiring about mercurial preservatives has been submitted for my attention by Maurice Bale, formerly president of Beecham Inc. As a result of a recent reorganization within the company, stemming from the acquisition of the S. E. Massengill Company, there has been a delay in receiving the information you have requested.

Rather than postpone answering your letter until all the information is on hand, I am writing now on behalf of the Beecham Products Division (formerly Beecham Inc.) to advise that mercury is not used in any form, preeservative or otherwise, in any of the cosmetics or similar products applied to the skin.

As soon as I have personally reviewed the Massengill products for the skin, I shall write to you again concerning the use, if any, of preservatives in that group of products.

In the meantime, I trust this information will satisfy your request.

Respectfully yours,
J. F. MIGLIARESE, PH. D.,
Vice President Research & Development.

JUNE 25, 1971.
Hon. PATSY T. MINK,
Congress of the United States,
Washington, D.C.

DEAR MADAM: We do not use mercury or mercury compounds in any of our products.

Cordially yours,
JOSEPH J. SUNSERI.

MURIEL BELL, INC.,
Westwood, N.J., May 17, 1971.
Hon. PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR MADAM: In response to your letter of May 4th, inquiring about whether our company incorporates any form of mercury in our cosmetics, please be advised that we do not use this material at all.

We manufacture and sell a basic simple line of creams and lotions for cleansing and softening the skin. They contain no harmful materials.

For your further information, we manufacture no depilatories, antiperspirants, bleaches, hair dyes, or such items.

I commend you for your interest in this matter.

Sincerely yours,
MURIEL BELL POTTER,
President.

THE BENDER CORP.,
Bloomfield, N.J., May 10, 1971.

DEAR MRS. MINK: We do not use any mercury or mercury compounds in any of our products.

J. C. BENDER,
President.

THE POLLY BERGEN CO.,
May 24, 1971.
Hon. PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR MISS MINK: Forgive me for not answering your letter of May 4th earlier, however, I have been out of town on business.

I am equally concerned about the chemical mercury and have made it a point to have all of my products tested. We use no mercury in any of our products; instead, we mostly use a paraben system which, I understand, is used by most cosmetic companies.

Thank you for your concern. I certainly agree with you that all cosmetic products should be constantly checked for their purity.

Sincerely yours,
POLLY BERGEN.

BORDEN COSMETICS AND TOILETRIES,
May 25, 1971.
Congresswoman PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSWOMAN MINK: This is in reply to your letter of May 12.

All formulae covering Jean Patou, Inc., John Robert Powers and Marcelle Hypo-Allergenic Cosmetics have been studied in depth and no formulae were shown to use mercurial preservatives or any compounds containing mercury or mercury derivatives.

We hope this answers your inquiry. Thank you for your interest in our products.

Sincerely,
RICHARD LOCKMAN.

CHANEL, INC.,
May 13, 1971.
Hon. PATSY T. MINK,
Washington, D.C.

DEAR MISS MINK: In reply to your letter of May 12, I am pleased to inform you that we do not now use, nor have we ever used, mercury in our products.

Yours respectfully,
H. GREGORY THOMAS,
Chairman.

CHAP STICK,
Lynchburg, Va., May 24, 1971.
Hon. PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR MRS. MINK: This will acknowledge receipt of your letter of May 12th.

I am happy to say that mercury has not been present in any of the cosmetics we have manufactured for the last year or two. As members of the Toilet Goods Association, we attempt to adhere very closely to both the regulations and the warnings issued by the Food and Drug Administration.

Trusting that this completely answers your inquiry.

Sincerely yours,
G. E. BOND,
President.

CHESEBROUGH-POND'S INC.,
New York, N.Y., May 20, 1971.
Hon. PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSWOMAN MINK: In reply to your letter of May 12 to Mr. Ralph E. Ward, since Mr. Ward is currently out of town I am taking the liberty of answering your inquiry on his behalf.

None of the cosmetic or toiletry products manufactured by Chesebrough-Pond's Inc. contain any compound of mercury as a preservative.

As active members of the Cosmetic, Toiletry and Fragrance Association, Inc. (formerly The Toilet Goods Association, Inc.) we participated in the survey that was conducted in 1969. For at least 10 years, in developing new cosmetic and toiletry products, we have avoided the use of mercurial preservatives. At the time of the survey in 1969, we found that one of our products, developed many years ago, did still have a mercurial preservative. After the survey was completed, the CTFA suggested to its member companies that they review the need for mercury in their products.

Neither the CTFA or Chesebrough-Pond's is aware of any evidence of any injury that has ever resulted from the use of mercurial preservatives in cosmetics. However, in view of the Association's recommendation, we reviewed the question of how essential this was to maintain our product against microbial degradation. It was possible for us to devise a new formulation that made it unnecessary to use mercury, without introducing any other potential hazard into the product. Accordingly, we have changed the formula of that one product.

We hope that this information has been helpful to you. We are pleased that you share with us a serious concern over maintaining the highest possible level of consumer safety in the products of our industry.

Sincerely,
ALBERT B. RICHARDSON.

COLGATE-PALMOLIVE CO.,
New York, N.Y., May 27, 1971.
Hon. PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR MRS. MINK: Your letter of May 12, 1971, addressed to Mr. George H. Lesch, was referred to me for reply, and I am pleased to tell you that none of our cosmetics or similar products contain any mercury.

Very truly yours,
LE ROY H. HURLBERT.

HELENE CURTIS INDUSTRIES, INC.,
Chicago, Ill., May 21, 1971.
Hon. PATSY T. MINK,
Congress of the United States,
House of Representatives,
Washington, D.C.

MADAM: Your letter of May 12th addressed to Mr. Gerald Gidwitz, Chairman of the Board of Helene Curtis Industries, Inc., has been referred to me for reply.

I appreciate your concern about the use of any potentially dangerous chemicals, mercury included, in cosmetic products. We have always been very much concerned about this at Helene Curtis and we have been extremely careful that we do not use any materials which can in any way be considered to have harmful effects. We have, of course, been aware of the situation regarding the use of mercurials in cosmetic products. While we know of no direct information that these low levels of mercury containing products have caused any actual harm to the consumer, we have considered that in the interest of protecting the consumer, Helene Curtis should eliminate all mercury compounds from its formulation. I am very pleased to be able to tell you that we accomplished this some time ago and that no Helene Curtis formulations contain any mercury compounds at this time.

We share your concern about the protection of the consumer and at all times are interested in cooperating in protecting her in every way possible.

I hope that the above information is of value to you. If I may be of help to you in any further way, please feel free to get in touch with me.

Very truly yours,
Hyman Henkin,
Vice President,
Research and Development Division.

Dana Perfumes Corp.,
New York, N.Y., May 13, 1971.
Hon. Patsy T. Mink,
House of Representatives,
Washington, D.C.

My Dear Miss Mink: In response to your letter of May 12, this is to inform you that this company does not use mercury in any form in any of its products.

Very truly yours,
Javier Serra, Jr.

Faberge, Inc.,
New York, N.Y., May 24, 1971.
Hon. Patsy T. Mink,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mrs. Mink: In reply to your letter dated May 12, 1971 addressed to Mr. George Barrie, please be advised that we do not use mercury in any form in any of our products. Furthermore, it is our practice to advise all suppliers of chemicals or intermediates that mercury or mercurial preservatives are not to be present in deliveries made to us.

We trust this is the information you require.

Very truly yours,
Philip Brass,
Executive Vice President.

Frances Denney,
Philadelphia, Pa., May 27, 1971.
Hon. Patsy T. Mink,
Cannon Building,
Washington, D.C.

My Dear Mrs. Mink: In regard to your thoughtful inquiry concerning the use of mercury in cosmetic products, we are pleased to inform you that products of our manufacture do not contain any mercury nor mercurial derivatives.

We thank you sincerely for thinking of Frances Denney.

Very sincerely,
William F. Denney, Jr.

Max Factor & Co.,
Hollywood, Calif., May 18, 1971.
Mrs. Patsy T. Mink,
Member of Congress,
Cannon Building,
Washington, D.C.

Dear Mrs. Mink: Mr. Davis Factor, Chairman of the Board of Max Factor, has asked me to reply to your letter of May 12th.

Max Factor & Co. does not, at the present time, nor have they in the past, used Mercury in any form in cosmetic products.

If we can be of further assistance, please contact me.

Very truly yours,
David W. Anderson, Jr., Ph. D.,
Vice President and Director
Research and Development.

The Gillette Co.,
Boston, Mass., May 24, 1971.
Patsy T. Mink,
Member of Congress,
Cannon Building,
Washington, D.C.

Dear Congresswoman Mink: Thank you much for your letter of May 12, 1971 and your deep concern about the use of mercury in cosmetics. Let me assure you that as President of The Gillette Company, Toiletries Division, I share your concern for the safety of cosmetic products.

We are familiar with and participated in the Toilet Goods Association's (now the Cosmetic, Toiletries and Fragrances Association) survey concerning the use of mercury as preservatives in cosmetic products containing mercury.

The Gillette Company, Toiletries Division's products do not contain any form of mercury either for preservation of products or for any other use. We demand that our products be adequately preserved and the preservative systems are developed during the research and development phase. The ingredients that are used in our products including preservatives are always screened to insure they do not constitute potential medical hazards to the consumer under conditions of use.

I trust that the above will be of help to you.

Very truly yours,
Marcel C. Durot.,
President.

The Gillette Co.
Chicago, Ill., May 14, 1971.
Hon. Patsy T. Mink,
House of Representatives
Washington, D.C.

Dear Miss Mink: This is in response to your letter of May 12, 1971 inquiring about the use of mercury preservatives in cosmetic products.

We have been aware for several years of the potential problem involved with using mercury as an ingredient. As a result I am pleased to be able to report that we have never used mercury in our products and have no intention of doing so in the future.

Sincerely,
Robert B. Osburn,
President.

The Hewitt Soap Co.,
Dayton, Ohio, May 26, 1971.
Hon. Patsy T. Mink,
House of Representatives
Cannon Building,
Washington, D.C.

Madam: In response to your inquiry of May 12, 1971, I am pleased to advise you that neither the products we currently manufacture nor any of our future plans call for the addition of any form of mercury.

If I can be of further assistance to you in this matter, please feel free to call upon me.

Very truly yours,
Alvin L. Lams,
Vice President—General Manager.

The Andrew Jergens Co.,
Cincinnati, Ohio, May 21, 1971.
Hon. Patsy T. Mink,
House of Representatives,
Cannon Building,
Washington, D.C.

My Dear Mrs. Mink: With reference to your letter of May 12, 1971, there is no form of mercury in any of the products manufactured and/or distributed by The Andrew Jergens Company.

Very truly yours,
F. G. Meeker,
President.

Stradford, Lafontant, Gibson,
Fisher & Cousins,
Chicago, Ill., May 19, 1971.
Hon. Patsy T. Mink,
Member of Congress,
Cannon Building,
Washington, D.C.

Dear Congresswoman Mink: We have in our possession your letter dated May 12, 1971 forwarded to our client Johnson Products Company, Inc. We want to convey to you the ever present concern of our client about the absolute safety of the products marketed by our client.

We want to assure you that our client does not use in the manufacture of its products any chemical containing mercury in any form.

Yours very truly,
H. Ernest Lafontant.

Kanebo, U.S.A., Inc.,
New York, N.Y., May 17, 1971.
Hon. Patsy T. Mink,
Cannon Building,
Washington, D.C.

Dear Madam: Replying to your letter of inquiry under date of May 12, 1971 concerning the use of mercury in cosmetics, please be advised that;

1. No cosmetics of this company are presently sold in this country.

2. Even if they were, the cosmetics of this company do not contain mercury in any form.

Very truly yours,
William Karp,
Consultant.

Knomark, Inc.,
Jamaica, N.Y., June 16, 1971.
Mrs. Pasty T. Mink,
Member of Congress,
House of Representatives,
Cannon Building,
Washington, D.C.

Dear Mrs. Mink: We are in receipt of your letter of May 4th addressed to Mr. Arnold H. Neis of Apex/Trol. Please be advised that Apex/Trol is now part of Knomark Inc. (a subsidiary of Papercraft Corporation) and Mr. Neis is no longer connected with our firm.

For your records, we do not use mercury in any of the products you mentioned in your letter nor do we use it in other products manufactured by our company.

We trust we have been of service to you.

Cordially,
James B. Purcell,
Director of Marketing.

Lanvin-Charles of the Ritz, Inc.,
New York, N.Y., May 18, 1971.
Congresswoman Patsy T. Mink,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mrs. Mink: In reply to your letter of May 12th I am pleased to advise that no product of Lanvin-Charles of the Ritz contains mercury or any derivative of mercury.

Our company is very concerned with the entire field of public safety and health. The writer was President of the Toilet Goods Association (now changed to the Cosmetic, Toiletry & Fragrance Association) and most of our membership followed the Toilet Goods Association's recommendations to eliminate mercury some time ago. In any event our own firm has not used any for several years.

Very truly yours,
Richard Salomon.

Lever Brothers Co., Inc.,
New York, N.Y., May 13, 1971.
Hon. Patsy T. Mink,
Cannon House Office Building,
Washington, D.C.

Dear Representative Mink: Our Chairman, Mr. Mumford, is out of the office this week and in his absence I am glad to reply to your inquiry of May 12.

None of the products manufactured or distributed by Lever Brothers Company contain any mercury or mercury derivatives either as ingredients of their formulae or as impurities contained in those ingredients.

If we can be of further assistance to you at any time, please do not hesitate to address your inquiry to me.

Cordially,
Lee H. Bloom,
Administrative Vice President.

The Lightfoot Co.,
New York, N.Y., June 28, 1971.
Congresswoman Patsy T. Mink,
301 Cannon Building,
Washington, D.C.

Dear Congresswoman Mink: This will acknowledge receipt of your letter of June 23rd, 1971, regarding the use of mercury or mercury compounds in the products which we manufacture. We also take note of your information regarding a prior letter on this subject, and I would like to advise you that for some reason no copy of that letter is on file in our office.

As you may be aware, The Lightfoot Company, is a manufacturer of Specialty Soaps and Cosmetics. We are not using mercury or mercury compounds in any of the products which we manufacture. As a point of information, the last use of a mercury compound was in connection with a drug soap formulation, and the mercury in that formulation was changed to Pyrenone, a non-toxic insecticide in July of 1957.

We trust that the above information will be helpful for your data, and with kind regards, I am,

Sincerely yours,
William P. Kerr,
President.

Germaine Monteil Cosmetiques Corp.,
New York, N. Y., June 3, 1971.
Mrs. Patsy T. Mink,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mrs. Mink: In reply to your letter of May 12th addressed to Mr. Bjorkman, this is to inform you that Germaine Monteil does not use mercury or any form of mercury in any of its cosmetics.

We are sorry for the delay in responding to your letter and hope this will be of some help to you.

Sincerely,
John S. Street,
President.

Nutrilite Products, Inc.,
Buena Park, Calif., June 29, 1971.
Hon. Patsy T. Mink,
Cannon Building,
Washington, D.C.

Dear Mrs. Mink: This letter is to advise you that we do not use mercury or mercury compounds in any of our products.

Sincerely yours,
Dick Addison,
Secretary.

Oxzyn Co.,
Trenton, N.J., June 4, 1971.
Mrs. Patsy T. Mink,
Member of Congress,
House of Representatives,
Cannon Building,
Washington, D.C.

Dear Mrs. Mink: Replying to your letter of May 12, 1971 with regard to the use of mercury in cosmetic products externally applied to the skin, I would like to take this opportunity to inform you that we manufacture no cosmetic items in our plant that contain mercury in any form whatsoever.

Trust this is the information you desire.

Very truly yours,
David M. Cohen,
President.

Pfizer, Inc.,
New York, N.Y., June 1, 1971.
Hon. Patsy T. Mink,
U.S. House of Representatives, House Office Building, Washington, D.C.

Dear Congresswoman Mink: Thank you for your letter of May 12. We appreciate your taking the time to write to us expressing your concern about the use of mercury in some cosmetics.

Coty does not use mercury in its cosmetics, or products applied to the skin. I would feel remiss, however, if I did not point out to you that we are unaware of consumer injury demonstrated through the use of mercury in such products.

We share your obvious concern that cosmetic products be of the highest quality and safe for use. We believe that our industry has had an excellent history in developing safe and efficacious cosmetic and toiletry products for use by American women. The care which is taken in the manufacture of our products insures that they are of the highest quality and purity. There is a tendency, regrettably, for certain facts regarding cosmetics, and indeed, other products, to be taken out of context and overdramatized. In such cases, we do not feel that the public interest is served by overreaction to alleged threats to the public health which in fact have not been factually established.

Again we appreciate your taking the time to contact us.

Sincerely yours,
Thomas M. Cooney,
Vice President.

Plough, Inc.,
Memphis, Tenn., June 8, 1971.
Hon. Patsy T. Mink,
Member of Congress, Congress of the United States, House of Representatives, Washington, D.C.

Dear Congresswoman Mink: Your letter of May 12, 1971 to Mr. Albert J. Elias, Vice President and General Manager, Pharmaco, Inc., has been referred to me, as Mr. Elias is out of the country on an extended assignment. My office has responsibility for the legal affairs of our related company, Pharmaco, Inc.

I am happy to inform you that none of the products made or distributed by Pharmaco, Inc. contain mercury in any form.

We trust that this answers your inquiry, and we thank you very much for your letter.

Very truly yours,
Frank P. DiPrima,
Secretary and Legal Director.

Pola Cosmetics,
Los Angeles, Calif., June 28, 1971.
Hon. Patsy T. Mink,
Member of Congress.

Dear Mrs. Mink: Thank you for your letter of June 23, 1971. We are sorry that we have misplaced your first letter. Our Cosmetics does not contain any mercury compound.

Yours truly,
Kinichi Torii,
General Manager.

The Procter & Gamble, Co.,
Cincinnati, Ohio, May 28, 1971.
Hon. Congresswoman Mink,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Representative Mink: This is in response to your inquiry addressed to Mr. Harness about whether any Procter & Gamble cosmetic products contain mercury.

By way of background, several of our shampoo brands have historically contained minute quantities of a mercury compound. The function of the mercury compound was to provide a safeguard against bacterial growth during use in the home, and, to a lesser degree, to improve the odor characteristics of the products.

Our Company is well aware of the growing concern about the role of mercury and other heavy metals in our environment and we undertook a program many months ago to eliminate mercury compounds from the few shampoo products in which they were used. We committed ourselves to the Food and Drug Administration through the Cosmetics, Toiletries and Fragrances Association (formerly the Toilet Goods Association) to have ceased producing any consumer products with mercury by July 1, 1971.

I am pleased to tell you that we have made even faster progress than originally anticipated, and mercury is no longer in the formula of any of our cosmetic products. So in the future, none of the cosmetic products we produce will have any mercury compounds used therein.

I trust this answers your question.

Very truly yours,
T. F. Waters,
Director, Professional & Regulatory Services Div.

Sears, Roebuck and Co.,
Chicago, Ill., June 3, 1971.
Hon. Patsy T. Mink, M.C.,
House of Representatives,
Cannon Building,
Washington, D.C.

Dear Representative Mink: Your letter to Mr. Metcalf of May 12 inquiring as to whether mercury is an ingredient in Sears cosmetics has been referred to me.

Sears stores having cosmetic departments carry Sears private label cosmetics under the name "Lyric" and such stores are also authorized by Sears Central Merchandising Offices to carry certain other nationally advertised, non-Sears brand cosmetics. None of our Lyric cosmetics contain or have ever contained mercurial preservations. A survey of the companies who supply Sears with non-Sears brand cosmetics also indicates that none of the cosmetics currently authorized to be carried by our cosmetics departments contain mercurial preservatives.

If I can be of further assistance, please let me know.

Very truly yours,
R. P. Robinson.

Emilio Pucci,
New York, N.Y., May 13, 1971.
Hon. Patsy T. Mink,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mrs. Mink: This company is presently engaged only in the perfume business and not involved at all in the cosmetics field.

Should we decide to develop a cosmetic line at some future time you can rest assured that we will abide by the laws set down by the Food and Drug Administration regarding toxic substances.

Sincerely,
Pierre Gaffinel,
General Manger.

Shiseido Cosmetics,
New York, N.Y., May 14, 1971.
Madam Patsy T. Mink,
Member of Congress, Congress of the United States, House of Representatives, Washington, D.C.

Dear Madam Mink: I acknowledge receipt of your letter of May 12th concerning mercury compounds as preservatives in cosmetic formulations.

I would like to inform you that there are very strict regulations in Japan which are just as, or perhaps stricter, than U.S. regulations. Cosmetics imported from Japan or custom packed in the U.S. do not contain any mercury in any form whatsoever. The raw materials as well as the finished products undergo rigid testing before release to the market.

Should there be any further questions, I will be very happy to cooperate with you in any way I can.

Again, thank you for your interest in our products. I remain,

Yours very truly,
Teruo Sato,
President.

Parfums Worth Corp.,
New York, N.Y., June 25, 1971.

Miss Patsy T. Mink,
Member of Congress,
House of Representatives,
Washington, D.C.

Dear Miss Mink: We are sorry for the delay in answering your letter of May 12th.

Enclosed is the reply from our sources in Paris.

Sincerely,
Donald F. Landsman.

Parfums Worth Corp.,
New York, N.Y., June 17, 1971.

Dear Sirs: We have duly received your letter No. 203 of the 17th ult. enclosing the one you had received from Mrs. Patsy T. Mink.

We have immediately passed Mrs. Mink's letter to our Laboratory and have just had the necessary appeasement from them.

We are therefore glad to be in a position to affirm that no component entering in the production of our articles contains a mere trace of mercury or any other injurious ingredient.

Kindly advise Mrs. T. Mink accordingly.

Your sincerely,
— —.

Sterling Drug, Inc.,
April 21, 1971.

Congresswoman Patsy T. Mink,
Congress of the United States, House of Representatives, Cannon Building, Washington, D.C.

Dear Congresswoman Mink: Thank you for your letter of April 9, 1971, and for your interest in Sterling Drug Inc.

We are glad to assure you that our cosmetics do not now and never have used mercury salts as bacterial preservatives. For many years we have been well aware of the possibility of bacterial contamination of cosmetics and have taken steps to prevent this by using other types of preservatives. In the development process of every cosmetic product, we screen several preservatives for their activity in the actual formula and manufacture only after we have a satisfactory system.

Raw materials are examined for bacteria content, including the water used in the process. All finished production is also examined bacteriologically and shipped only after we find it satisfactory. We employ two trained microbiologists for this purpose as part of our Quality Control staff in order to supply our customers with first quality cosmetics.

We welcome the opportunity to provide this information, and thank you again for writing.

Sincerely,
A. J. Fitzgibbons,
President.

Yardley of London, Inc.,
Totowa, N.J., May 21, 1971.

Hon. Patsy T. Mink,
House of Representatives,
Washington, D.C.

Dear Mrs. Mink: Thank you for your letter of May 12th addressed to Mr. Lynn, our former President concerning the use of mercury in cosmetics.

The Yardley Company has never used mercuricals in Yardley cosmetics and, in fact, does not use these ingredients in any of its products.

Thank you for the opportunity to give you this information.

Sincerely,
William D. Hunt,
President.

Zsa Zsa Limited,
New York, N.Y., June 3, 1971.

Hon. Patsy T. Mink,
House of Representatives,
Washington, D.C.

Dear Mrs. Mink: I'm taking the liberty of replying to your letter of May 12 to Miss Gabor regarding the use of mercury in cosmetics.

We too are most concerned with keeping cosmetics on the highest possible quality standard. We formerly did use a mercurial derivative called Thimersol in a dandricide shampoo, but we have taken steps to discontinue using this ingredient, and as of the first of January we have made no further use of Thimersol nor do we intend to use any other derivative of mercury in any of our products.

Please feel free to contact me if you should have further questions. We are happy to be of help.

Very truly yours,
David Stern, *President.*

Telephone calls were received from several additional companies stating letters were being mailed.

As of June 30, 1971, no replies had been received from the following companies:

Amole, Inc., Dayton, Ohio; the Fuller Brush Co., East Hartford, Conn.; Estee Lauder, Inc., New York, N.Y.; Marly-Savon Clair, New York, N.Y.; Merrell Laboratory, St. Louis, Mo.; and Parfums Marcel Rochas, Inc., New York, N.Y.

Following is the article from Today's Health magazine exploring the issue of cosmetic health hazards:

Ugly Truths About Today's Beauty Aids

(By Edwin Kiester, Jr.)

The cosmetics industry promises it can help you look good. Promises. Promises.

When Amy Wilcox paid out $7.50 for new foundation makeup that was supposed to give her a smooth complexion and even tone, she got more than she bargained for. Ugly red blotches appeared on her cheeks and forehead, her eyes became swollen and bloodshot; her lips grew puffy and thick.

The cosmetics industry promises that some of its compounds will even make you feel good. Promises. Promises.

One 58-year-old woman who used a certain nail hardening product experienced severe pain, nail discoloration, and skin dryness. The hardener contained formaldehyde, a highly irritating chemical.

The cosmetics industry promises that some of its products are "safe for a baby's skin." Promises. Promises.

Recently, two brands of bubblebath had to be removed from the market and reformulated because they were linked to urinary tract irritations in young girls. Of course the cosmetics industry lives on promises, that is what its customers want to hear. And if its products don't make a woman look as beautiful as she had hoped, well she can try another. But there's no "second-chancing" if the industry doesn't deliver on the promise of safety. Often, there is suffering. Often, there are medical bills.

And while the safety record of the cosmetics industry isn't bad, there are enough problems like those above to demand more careful policing of beauty aids. The public assumes that all cosmetics have been thoroughly tested. They have not. The public assumes that ingredients are known by the Food and Drug Administration and by allergists. They are not.

Cosmetics manufacturers are not compelled to print the ingredients of products on labels, file the formulas with the FDA, or conduct any sort of safety tests before offering items to the public. If an allergist seeks information that would help him in treatment, the firm is not required to furnish it. Vigorously protesting that such revelations would give away jealously guarded trade secrets, the 2,500 manufacturers have fought off every attempt at consumer protection.

Unfortunately, according to the National Commission on Product Safety, more than 60,000 women a year suffer adverse effects from cosmetics severe enough for them to seek medical attention. Cases range from mild discomfort to temporary damage to serious disfigurement and permanent injury. This figure also includes accidents involving cosmetics, such as cut hands from broken bottles.

Women have suffered underarm and skin irritations from deodorants and lotions, visual damage from shampoo, scalp burns and loss of hair from hair dye, eye infection from contaminated mascara, systemic reactions from creams and powders. Evidence is growing that lifetime use of certain cosmetics may contribute to long-range damage as well.

Yet virtually all of this could be prevented—if some simple system of consumer safeguards could be established.

One difficulty is that the cosmetics industry operates from a position of strength. Beauty is a $10-billion-a-year industry, growing at 10 percent annually in prosperity or recession. Three cosmetics companies are on the *Fortune* magazine list of the 500 largest U.S. corporations, and cosmetics stock is the darling of Wall Street. Beauty commercials make up the single largest category of television advertising, occupying about 20 percent of commercial time, and they are the chief prop of women's magazines, in whose pages seldom is heard a discouraging word about beauty aids.

When any threat is raised to the industry's privileged status, a vociferous outcry goes up. Congressmen are readily persuaded that their women constituents are unalterably opposed to any attempt to take away their beauty aids.

This is not to say that the majority of cosmetics sold today are unsafe. Most are harmless.

One notable exception, however, is nail hardeners. A few years ago, women began complaining of adverse reactions to them. These reports became so common that the FDA forced several brands off the market.

But many nail hardeners still on cosmetics shelves are formaldehyde-based. This chemical is both an irritant and a sensitizer. Products containing formaldehyde have caused reactions including pain, discoloration and bleeding under the nails, and loosening or even loss of nails.

Problems like these are among the chief concerns of Rep. Lenor K. Sullivan, Missouri Democrat, a leading consumer advocate in the cosmetics field.

Since 1954 she has been trying to get even a modest regulatory bill through Congress. "I know that most cosmetics sold today are not dangerous," she says. "What worries me are the ones not known to be safe."

Esther Peterson, Lyndon B. Johnson's consumer adviser, recently addressed the cosmetics trade group—the Cosmetic, Toiletry, and Fragance Association—at a Boca Raton, Florida, convention. Mrs. Peterson acknowledged, "Most cosmetics cause no harm to anyone, and if they make women feel better, that's wonderful."

"But," she added, "if there is any cosmetic item which contains anything which can hurt you or me, then I say the manufacturer shouldn't be allowed to sell it without at least a clear warning."

Under pressure, the cosmetics industry recently agreed to take a few small steps toward self-regulation. In a letter to Mrs. Virginia Knauer, President Nixon's consumer adviser, the trade group offered to register all manufacturers with the FDA and to file formulas of all products—provided the agency kept them secret.

Some cosmetic-ingredient information is now available to dermatologists from poison control centers and from the new reference book titled *Clinical Toxicology of Commercial Products.*

Food and Drug Commissioner Charles D. Edwards, M.D., told manufacturers at the Florida meeting, "The consumer's voice is being heard in our land as never before and in an ever-growing chorus . . . Time is running short for this association to reach some decisions."

Amelia Bassin, former vice president of Faberge, pleaded with her colleagues to set up a self-policing agency (like Underwriters' Laboratories in the electrical field).

Most women think cosmetics are relatively harmless because they are simply applied to the skin and washed off (or allowed to wear off) without entering the body.

Yet Leo Friedman, Ph.D., chief of the FDA's Division of Toxicology, declares, "The skin is not an altogether impermeable barrier." Cosmetic ingredients can penetrate intact skin. They can move into the body through cuts or abrasions. Or they may enter through the eyes, mouth, or lungs.

One potentially hazardous element which is absorbed into the body in small amounts is mercury. Ever since the disclosure that this heavy metal, in the form of methyl mercury, was present in alarming quantities in certain species of fish and other foods, attention has focused on other sources which might contribute to a poisonous buildup in the body. Mercury accumulates in the tissues and bloodstream and can cause neurological damage, kidney failure, and ultimately death.

FDA has set an upper limit of 0.5 parts per million for mercury in fish. This form of mercury is not found in cosmetics. But about 10 parts per million (ppm) of phenyl mercuric salts are used in many cosmetics, principally eye preparations. Ammoniated mercury is the basis of so-called "bleach creams," which claim to erase brown "liver spots" on the skin. Deposits may build up if the creams are used for many years.

Mercury compounds are used as preservatives in cosmetic creams. Microorganisms can multiply in unrefrigerated cream products, causing virulent infections if introduced into the body.

These quantities of mercury compounds are not considered a threat in themselves, since very little actually is absorbed into the body. But in combination with mercury from other sources, a hazard may exist. Cosmetics manufacturers are attempting to develop substitute preservatives, particularly for cosmetics used in the area of the eyes.

Another substance widely used in cosmetics is hexachlorophene. This popular bactericide—used in many skin cleansers, lotions, pediatric preparations, mouthwashes, and deodorant soap—has been known to attack the white matter of the brain if introduced into the body in large quantities.

Physicians at Shriner Burn Institute, Galveston, Texas, found that severely burned children went into convulsions, and some died, when their serious burns were disinfected by bathing them in hexachlorophene.

Until recently this finding seemed to have little application to cosmetics users, whose exposure to the chemical was quite small. But at a recent meeting of the American Chemical Society, two chemists from the federal Environmental Protection Agency reported brain damage to rats which were fed hexachlorophene. Those given five ppm suffered cerebral swelling, and those receiving 25 ppm developed brain lesions and paralysis.

The scientists said they took 14 human blood samples from persons who used hexachlorophene cosmetics and found amounts of the chemical ranging from one to 89 parts per billion.

The finding set off a flurry of new investigations both at FDA and in industry. Francis J. Marzulli, Ph. D., an FDA toxicologist, reported that a three-week study of persons who used extremely large amounts of cosmetics containing hexachlorophene developed accumulations in the bloodstream "which we considered uncomfortable."

Although Marzulli and other toxicologists agreed that massive amounts of hexachlorophene could poison the system, the danger level could not be fixed. Most scientists feel it is much more than even the heaviest user of cosmetics could be expected to amass if the substance is used properly and washed off promptly.

Animals given large doses of hexachlorophene quickly flushed it through the system, and those who developed paralysis recovered when the intake was stopped.

The moral for cosmetics users lay in the fact that large amounts of the chemical might be absorbed without the person's being aware of it.

The FDA's Doctor Friedman notes that hexachlorophene, in wide use for about 20 years, is an extremely valuable antibacterial agent, but adds:

"The chief problem is in misuse and abuse of hexachlorophene. People operate on the theory that if a little of it is good, a lot is better."

Of course, few women would use the chemical in huge quantities. But with no warning from manufacturers, Friedman says, many users of hexachlorophene leave it on the skin so that it is absorbed into the system.

Another potential cosmetic hazard arises from a chemical called 2,4TDA. This compound is used in some permanent and semipermanent hair dyes (not rinses). In laboratory tests on animals, injections of 2,4TDA produced cancerous tumors. Of course, this does not necessarily mean that it will cause tumors in humans.

The first suspicions about 2,4TDA go back about five years. A group of nurses at an Eastern hospital reported to a physician that they were passing black urine. The physician found that all the women had been using a hair dye containing 2,4TDA.

He reported this to FDA, which contacted the manufacturer. The firm opened its complaint files, which showed no other such reports from users. The agency surmised that some combination of the dye and a chemical to which the nurses were regularly exposed had caused the condition. Attempts to isolate the cause further proved fruitless; the nurses were told to stop using the dye, and the problem cleared up.

Further tests of 2,4TDA products are now being conducted, and the industry is attempting to develop substitutes, although 2,4TDA is still being used in some colors within 43 brands of dye.

When a cosmetic is proved dangerous, the manufacturer usually moves quickly to withdraw it from sale. No firm wishes to be sued for damages, to be stuck with a large inventory of unsalable merchandise, or to cause a tragedy which might bring down the wrath of Congress.

Spokesmen for the manufacturers maintain that in self-protection the industry always tests its products for safety before marketing, although some government sources consider these tests inadequate.

The consumer does have some protection under federal laws. Any cosmetic which alters the normal function of the body—or which the manufacturer claims does so—is classified as a drug, and therefor is subject to the new drug laws. The product must be shown to actually perform the action it is said to perform, and be proved safe for human use.

Cosmetics which are considered drugs within this definition include antiperspirants (but not deodorants), wrinkle removers, hormonal creams, acne preparations, and disinfectant soaps.

FDA also may take court action to ban any cosmetic proved to cause injury to users. Such actions are rare, for they require an ironclad case.

As Doctor Friedman says, "It's like speeding on the highway. You've got to catch them in the act, and if you're not there, they get away." The emphasis on injury hampers the agency in enforcing the few powers of policing that it does have.

Unlike drug manufacturers, the cosmetics industry is not required to open its complaint files of adverse reactions to FDA. It then uses the lack of public complaints as justification for its argument that no restrictions are needed.

Few women report damages traceable to cosmetics, and damage suits seldom surface. One case that did crop up several years ago, however, did prompt widespread attention. A Colorado woman maintained that she had been permanently disfigured by the single use of a permanent hair dye.

Although a patch test had indicated that she was not reactive to the dye, three days after use her hair began to fall out. A rash broke out on her neck, ears, and forehead. Within three months, she lost all her hair, eyebrows, and lashes. Within six months, her right kidney had been removed, which she also attributed to use of the dye.

Filing suit for $600,000, her attorneys maintained that many other women had suffered similar damage but were too embarrassed to come forward and sue. Eventually the woman, who was forced to wear a wig and false eyelashes for life, settled out of court for $23,500.

The FDA does keep continual surveillance on cream cosmetics, which are subject to bacterial contamination. When contamination can be shown, the products are subject to a recall order.

Over the past three years, 42 recall orders were issued for batches of cosmetics. Three recent recalls involved contaminated batches of a popular makeup base, an eye cream, and a cream mascara.

Microbiological contamination of cosmetics is a continuing and stubborn threat. As most women know, any cream product—a facial cleanser or custard pie or mayonnaise—is natural culture medium for bacteria, particularly in hot weather. Eyeliner and eye makeup are especially vulnerable. Most cosmetics contain a preservative to inhibit bacterial growth. But often bacteria are introduced by the woman herself, who fails to wash her hands before dipping into the jar.

A few years ago, a rash of bacterial infections spread through a girls' dormitory of a Midwestern university. Physicians at first were at a loss to explain the epidemic, which caused rashes and irritation as well as system upsets. The first clue was that many of the coeds' infections seemed to center in the eye areas. The investigators finally realized that the girls had been using each other's cosmetics, and that one container of eye preparation had been contaminated.

Among infections which may be spread in this way are staphylococcus, molds, and certain fungi. One particularly virulent infection is *Pseudomonas aerugionsa*, which can cause loss of sight within 48 hours if it invades the eye. The common salmonella infection, generally associated with food poisoning, also can be contracted through use of cosmetics: The bacteria may be introduced through cuts or breaks in the skin.

Yet no warning of the possibility of such contamination is included on the labels of vulnerable products, nor is the user told how to guard against contamination.

Most complaints deal with individual allergic reactions to cosmetics. Face powders, liquid makeups, foundation creams, eye preparations, deodorants, and shampoos may cause such reactions as swelling around the eyes; rash; loss of hair, eyebrows, or lashes; irritation of the face. Underarm rashes from deodorants are frequently reported.

The letters that come to Congresswoman Sullivan are often pathetic. "I have had five children, and I can say that childbirth is a snap compared to the agony I went through after using this product," one woman wrote, complaining about a "cuticle massage cream" which she said caused her fingertips to swell, blister, and drain.

A foundation cream caused another to suffer "big blisters" on her face and left scars around her mouth and eyes.

One woman told of her search to find an eye makeup that would not cause severe reaction. One product, she said, had brought on swelling and discoloration of the face; another, itching and watering of her eyes; still a third caused her lashes to fall out. "These manufacturers just feel free to use anything they want," she wrote Mrs. Sullivan. "It there no way to control the ingredients?"

The manufacturers acknowledge the allergy problem, marketing so-called "hypoallergenic" products—low in ingredients commonly known to cause allergic reactions in many users.

The industry maintains—perhaps rightly—that half the female population is allergic to *something*, so it cannot possibly guard against all sensitivities.

But the major problem is that because the ingredients are not disclosed, no woman (nor her allergist or dermatologist) can discover the cause of her reaction except by trial and error. Indeed, according to Mrs. Peterson, because manufacturers constantly change cosmetic formulas, a woman may believe herself free of reaction to a certain product only to have an outbreak at a later date.

The FDA's Doctor Friedman points out that a person may build up a sensitivity to an ingredient after prolonged use, and this sensitivity may carry over into a whole array of other compounds, including some prescription drugs.

According to Congresswoman Sullivan, coal-tar hair dyes may build up this kind of sensitivity. A woman may not react to a patch test the first time it is given, but as she continues to use dyes, she may become sensitized to the compounds without being aware of it. Ultimately, she may lose clumps of hair or suffer scalp irritations.

The coal-tar hair—dye hazard, says Mrs. Sullivan, is a particular problem in beauty salons, where if a patch test is given at all, it is usually done only on the customer's first visit. In many cases, the customer does not even see the warning on the dye bottle.

Another potential hazard in the cosmetics area is with hair spray products. Damage to the eyes or respiratory tract may result from careless spraying of contents. And inhaling of the aerosol propellant has taken more than 50 lives in the past four years.

Aerosol products should always be used in a well-ventilated room, and spray should never be directed toward the eyes.

The most-used cosmetic of all—lipstick—appears the safest. Even though it is constantly chewed off the lips and swallowed, lipstick consists of such harmless substances as ordinary grease (about 50 percent of lipsticks are basically castor oil), perfume, and artificial coloring agents. Under a color additives act passed by Congress in 1960, FDA keeps constant vigilance on these colors; they must comply to safety standards before they are introduced, and batches are tested during production.

No one can measure whether the "magic formulas" and "miracle" ingredients actually enhance attractiveness or bring about romance.

Not even the industry's "psychological pricing," under which high charges are considered part of the sales appeal, is really questioned.

To change the pricing system, Mrs. Sullivan says, would "take a lot of fun out of women's lives. We buy cosmetics knowing full well that the glittering advertisements are a lot of bunk, but we can dream, can't we? Most of us know that the $5 jar of cream will do no more for us than the 50-cent jar . . . Those who can afford the $5 jar, and some who cannot, buy it on the outside chance that perhaps it might be a bit more effective. At least they feel better about it."

Most women concede that mink oil, turtle oil, oxblood skin stiffener, and other exotic products probably don't do much good. They know that these "secrets" have been tried before and found wanting.

Currently there is a rush toward "natural" products—lotions with balsam and lemon, creams and foundations billed as "peach blush" and "strawberry freshener." These come on the heels of synthetics which were the miracles of yesterday. With each new wave come new dreams.

The former executive director of a cosmetics trade association, Steve Mayhem, once said: "What we sell is hope." Another spokesman for the manufacturers put it more eloquently: "The business is one of moonbeams."

But along with her hopes, dreams, and moonbeams, a woman ought to be buying safety.

As the industry moves toward at least token policing of itself, more restrictive regulations may be in the offing. Mrs. Knauer plans to ask for voluntary registration of manufacturers, the filing of complete formulas with FDA, and opening of the industry's complaint files to the government.

Mrs. Sullivan's bill has once more been introduced in the House; it calls for labeling of cosmetics with all ingredients, full clearance and pretesting for safety.

Miss Bassin, the former cosmetics executive, has urged the industry to stop resisting regulation and comply. "Most consumers of cosmetics couldn't care less what's in that lipstick or face cream or deodorant spray," she says. "They want the government and manufacturers to care. Consumers are barely able to pronounce aluminum chlorohydrate . . . how can they be expected to know what it is? [They] would like merely to feel confident that any cosmetic they buy is safe, without having to make judgments for which they are inadequately qualified."

Mrs. Peterson told cosmetics makers, "The question is whether you are going to wait for some disaster to strike which forces you to come clean with your customers, or whether you will solve the competitive problem of individual company disclosure by requiring all manufacturers to disclose the same information in the same manner."

Most cosmetics are safe. But no woman knows which few might not be safe for her. To protect herself, she should minimize use of those which contain suspected substances. Eye preparations which might contain mercury preservatives should be discarded. Use of hexachlorophene products should be cut back, and when applied, they should be rinsed off according to directions. Cleansing creams and other breeding grounds for bacteria should be kept refrigerated. She should stop use of any product which causes an allergic reaction.

Cosmetics are psychologically important to most women. But no woman can feel uplifted by cosmetics if she simultaneously feels fearful about their dangers.

UNITED STATES-JAPAN ENVIRONMENTAL COOPERATION

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, Americans in their concern for the environmental problems that exist all around us may often overlook that this is really a worldwide issue.

Not only the United States, but other countries are also realizing the urgent need to reverse the process of polluting our air, earth, and water. One nation with many problems similar to our own is Japan, which also has heavily industrialized areas and pollution-choked cities.

It is heartening to know that both countries are responding to the need for cleaning the environment. One manifestation of this is a cooperative effort by the United States and Japan to exchange the expertise and knowledge that each develops on how to effectively combat pollution.

A speech on this subject was given recently by Mr. Shiro Kashiwa, Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice. Appearing before the Chicago chapter of the Japan American Society on June 25, 1971, he spoke on "United States-Japan Cooperation on Environmental Quality."

In his remarks, Mr. Kashiwa pointed out that a recent United States-Japan conference in Japan issued a communique calling for "a new higher-level arrangement to be made to guide the policy and implementation of such cooperative efforts as the establishment of criteria" on environmental quality. He feels that this international communique, the first of its kind, is "significant and . . . far-reaching."

I certainly hope that this conference will lead to a positive program of mutual remedial action. Because of the importance of Mr. Kashiwa's remarks, I ask that his speech be inserted at this point in the Record.

United States-Japan Cooperation on Environmental Quality

(Speech by Shiro Kashiwa)

I thank you for your invitation to speak before this Chicago Chapter of the Japan America Society. As a member and director of the Washington, D. C. Japan American Society, I consider it an honor to be invited to say a few words tonight before this sister organization.

We have a mutual goal—good United States-Japan relations.

My subject today is "United States-Japan Cooperation on Environmental Quality." It is a subject not too well known. Very little has been written on it but it is a subject of vast importance not only to United States and Japan but perhaps to the entire world. I firmly believe that the present measures taken by men of both countries engaged in this international cooperation undertaking is outstanding. Therefore I have made it the subject matter of tonight's talk before you.

In 1970 public polls taken both in the United States and Japan showed that environmental pollution matters led all others in public interest. Never before in both countries has a subject matter attracted so much attention and public interest in such a short period of time. The public interest curve was an abrupt curve upward in both countries. All public media in both countries thoroughly discussed the subject. It became a leading subject on televised programs. Public awareness of the problems of pollution became such that candidates for public offices in both countries were compelled to include better environmental quality programs in their respective planks.

The President of the United States in his State of the Union Message in January 1970 declared:

"The great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land and our water?"

Both countries being the leading industrial countries had similar environmental problems. In many instances the problems were identical. But briefly these were the familiar symptoms of environmental crisis in both countries:

(1) Air pollution, particularly from automobiles, power plants and other industrial facilities.

(2) Water pollution, particularly from municipal sewage, industrial wastes and agriculture.

(3) Specific problems such as mercury poisoning, cadmium poisoning and pesticides.

(4) The pollution of beaches, the loss of fish and shellfish areas, the destruction of wildlife.

(5) The loss of open space, urban sprawl, the destruction of shore lines, the defacement of the countryside and the despoliation of nature.

Specifically speaking what happened in Los Angeles in 1960 repeated itself in 1970 in Tokyo:

(1) Photochemical Smog—During the months of July and August 1970, instances of affliction by photochemical smog, similar in nature to the one which wrought a serious social problem some ten years ago in Los Angeles, were reported in a part of Tokyo and its outlying cities. Normally, the density of sulphur oxides and floating dust in the air over Tokyo is higher than that of Los Angeles, but Tokyo is less susceptible to photochemical smog than Los Angeles due to the fact that the former is blessed with favorable topography and meteorological condition, while the latter is prone to smog on account of its location in a basin and the comparatively smaller wind velocity.

During the assault of photochemical smog that took place in Tokyo on July 18, the level of oxidants began to rise around 9 o'clock in the morning and reached the height of 0.34 ppm during the one-hour period from 10:30 to 11:30 and persisted on a high level till about 1 o'clock in the afternoon. Forty-three students who were playing in the smog-stricken ground of Rissho High School in the outskirt of Tokyo complained of smarting eyes, flowing tears, sore throat and coughing and had to undergo medical treatment at a nearby clinic. The number of cases of smog suffering during the day which were reported to the school and nearby clinics stood at about 5,000 students and 114 local citizens.

Let me also quote you the following:

(2) Lead in Automobile Exhaust Gas—On May 21, a group of medical doctors affiliated with Bunkyo-ku Medical Consumers' Cooperative Society of Tokyo made public the findings of health examination they conducted on the inhabitants living in the vicinity Yanagi-cho on the Ushigome traffic intersection, Shinjuku-ku, Tokyo. According to the report, of the 62 people whom they examined, 49 underwent blood test for lead contents. The results was that 13 of those tested carried in their blood stream more than 60 ug/dl, a quantity which is officially recognized by the Ministry of Labor in its guidelines set for those working in lead handling factories as bordering on lead poisoning. The report ascribed such an abnormal content of lead in the victims blood stream to the air pollution by lead-containing automotive exhaust gas.

As a result of the happenings in the summer of 1970, there was an exchange of messages in early September 1971 between Prime Minister Sato and President Nixon, emphasizing the need for Japan and the United States to intensify their cooperative efforts in combating environmental disruption.

This exchange of messages resulted in a decision to hold a "United States-Japan Conference on Environmental Quality" in early October 1970. The United States decided to send the following participants, all nationally known figures in the field of environmental improvement, to Japan:

Mr. Russeell E. Train, Chairman, President's Council on Environmental quality.

Dr. Gordon J. MacDonald, Member, President's Council on Environmental Quality.

Mr. Shiro Kashiwa, Assistant Attorney General, Land and National Resources Division, Department of Justice.

Mr. William Scott, Attorney General, State of Illinois.

Dr. John T. Middleton, Commissioner, National Air Pollution Control Administration.

Dr. Allan Hirsch, Assistant Commissioner for Program Planning and Development, Federal Water Pollution Control Administration.

Mr. Heyward Isham, Senior staff member for International affairs, President's Council on Environmental Pollution.

Dr. Vaun Newill, Director, Division of Health Effects, National Air Pollution Administration.

Dr. James Slater, International Activities Assistant, Office of the Under Secretary, Department of the Interior.

The Japanese list of equally capable participants were:

Mr. Sadanori Yamanaka, Minister of State.

Mr. Kenji Kido, Director-General, Headquarters for Environmental Pollution Countermeasures.

Mr. Morio Uematsu, Assistant-Director General, Headquarters for Environmental Pollution Countermeasures.

Dr. Keishin Matsumoto, Chairman, UJNR Panel on Air Pollution.

Mr. Ken-ichi Hanada, Chairman, UJNR Panel on Water Pollution.

Mr. Takashi Nishikawa, Councillor, Economic Planning Agency.

Mr. Yoshio Tanaka, Director-General, Promotion Bureau, Science and Technology Agency.

Mr. Yoshinao Odaka, Head, International Economy Division, Economic Affairs Bureau, Ministry of Foreign Affairs.

Mr. Ikuo Soneda, Director-General, Environmental Control Department, Environmental Sanitation Bureau, Ministry of Health and Welfare.

Mr. Yoshimitsu Shibazaki, Director-General, Environmental Protection Department, Environmental Protection and Safety Bureau, Ministry of International Trade and Industry.

Mr. Shozo Harada, Councillor, Minister's Secretariat, Ministry of Transport.

Certain members of the United States delegation left in early October to do the preliminary work. Problems of abatement of pollution is in the main a scientific problem so the science members of the panel of both sides met early and discussed mutual problems and solutions. Separate group sessions on air pollution, water pollution and general matters were held. Subjects such as emergency measures, organizational structures, legal basis, administrative procedures, division of responsibility (national and local), roles of industry and public, arbitration of environmental disputes and various chemical control techniques were discussed.

The entire conference ended with the drafting of the following "Joint Communique on United States-Japan Conference on Environmental Pollution" issued October 15, 1970. Pertinent portions of the communique read as follows:

"In his October 13 meeting with Chairman Train, Prime Minister Sato welcomed the Chairman's visit to Japan and stated that it was our common responsibility to present and future generations to preserve the quality of the environment. The Prime Minister particularly stressed the responsibility of the United States and Japan as major industrial countries in the world, to take constructive initiatives to improve the quality of the environment."

• • • • •

As one of the major purposes of his visit, Chairman Train had an extensive discussion with State Minister in charge of environmental pollution countermeasures Sadanori Yamanaka. They analyzed environmental pollution problems facing the two countries and explained their present and future policies for improving environmental quality.

Chairman Train explained in detail the Administration's policies and organizational structure for dealing with environmental problems, including the establishment by statute of the President's Council and the concepts governing the new Environmental Protection Agency, which will consolidate all pollution control programs of the Federal Government under one single responsible administration.

State Minister Yamanaka stated that environmental pollution control is now the top priority policy item of the Japanese Government. Accordingly, the Government has established the Headquarters for Environmental Pollution Countermeasures, which will seek to revise pollution-related laws and augment budgetary programs to combat pollution.

Furthermore, State Minister Yamanaka expressed deep concern about pollution of the oceans due to dumping of wastes, particularly pollution of the Pacific Ocean. He stated that Japan and the United States should cooperate in cleansing the oceans and that Japan is now preparing for a legislative action to prevent marine pollution. Chairman Train agreed with Minister Yamanaka's remarks, noting that President Nixon had recently endorsed a national policy on ocean dumping of waste to ban unregulated ocean dumping of all materials and strictly limit ocean disposal of any materials harmful to the marine environment.

Chairman Train and Minister Yamanaka agreed on the necessity of an intensified program of cooperation between Japan and the United States, emphasizing positive remedial actions, in order to deal more effectively in air and water pollution and other environmental problems of immediate concern not only to Japan and the United States but to other countries all over the world. They agreed to recommend to the Prime Minister and the President that *a new higher-level arrangement be made to guide the policy and implementation of such cooperative efforts as the establishment of criteria,* the exchange of personnel and reports, and the joint planning and conduct of research projects. It was agreed in principle that the organizational basis for such cooperation should be periodic meetings of ministerial-level officials. These officials will be assisted by administrative officials responsible for policy execution and officials responsible for research and development. [Emphasis supplied.]

The communique is in my belief significant and a far-reaching one in that it is:

(1) The first of its kind in the world on the subject of environmental betterment between two nations.

(2) It is between two of the now leading manufacturing nations of the world.

(3) That the communique is the result of meetings of some of the world's most competent men in this field.

(4) That the communique received the blessing and backing of the top political leaders of both nations.

(5) That the representatives decided on "an intensified program of cooperation between Japan and the United States, emphasizing positive remedial actions, in order to deal more effectively in air and water pollution and other environmental problems of immediate concern not only to Japan and the United States but to other countries all over the world." This I believe will be a historic pledge between the two countries.

(6) The communique predicted future higher level arrangements.

(7) It promised exchange of personnel and reports.

(8) It promised periodic meetings of ministerial-level officials.

I beg to report that Minister Sadanori Yamanaka arrived in Washington, D.C. on May 28, 1971 with a Japanese delegation to continue their cooperation under the communique. They remained for a week in Washington, D.C. They are carrying out this worthy agreement. We in the Federal Government of the United States are cooperating with them as much as possible.

The President of the United States and the Prime Minister of Japan are to be congratulated for originating this concept of mutual coordination between the two nations on this very important matter which affects not only Japan and the United States but other nations. Mr. Russell E. Train, Chairman of the Council on Environmental Quality of the United States and Honorable Sadanori Yamanaka, Minister of State of Japan deserve and should receive 100 percent support from the people of both countries for their wonderful planning and foresight in this effort. The men who made up both teams, United States and Japan, should also be congratulated and applauded.

We as members of the team benefited from the conference. In my case for example, one of my functions in the Department of Justice is to enforce the pollution laws of the United States. On or about the time of my visit to Japan, we were in the midst of our mercury pollution cases. This is what I did.

After the conference in Tokyo, I flew out to Fukuoka and from Fukuoka to Kumamoto City on a slow train. From Kumamoto City, I traveled to the small town of Minamata, in Kumamoto prefecture. Many of you here in the audience are from Japan or have traveled extensively in Japan but you have never been to Minamata. It is a small town of about 50,000 inhabitants on the southern shores of Kyushu with a beautiful protected bay. The people were friendly. I went there because starting in 1954, Minamata village was the historic scene of one of the leading examples of human disaster which may be caused by industrial pollution. Mercury poisoning affected about 111 residents of Minamata of whom 38 died. I visited the public city-operated hospital and health center to see some of the permanently injured patients who are still there. Words cannot describe their suffering. I was impressed with the research the medical men at the University of Kumamoto pursued to solve this problem. They kept records and proper reports. These records and reports are very important to us in the field of environmental litigation. They may be used as basis of opinion evidence in the courts of the United States to prove human dangers of mercury pollution. The public officials at the hospital in Minamata fully cooperated with me, I am grateful. Fortunately in the United States, we have cut down mercury pollution before anyone has been seriously injured. We owe it to these doctors in Kumamoto who traced mercury poisoning from the mercury pollution in the waters of Minamata, to the fish caught in the area to finally the persons who ate the fish and in many cases, the infants of mothers who ate such mercury infested fish.

There are many other areas in this whole field of environmental improvement where the United States and Japan may mutually benefit from each others experience. Our United States laws on air pollution will have direct effects on imports from Japan in the area of auto imports. Rules and regulations drawn under the act and methods of enforcement of the act may create problems.

We as members of the Japan America Society should be particularly interested in this joint cooperation agreement. Pollution is a problem not only of the United States and Japan but it is a world-wide problem. As the United States or Japan find solutions to problems in pollution, under this understanding, it will not only be mutually available but the whole world will benefit from it.

In concluding, let me say this, pollution is a dirty subject. But by an agreement to cooperate, the environmental leaders of both countries have developed not only an arrangement of mutual benefit to each other, but an agreement which promotes good will and understanding between the two countries.

PETER BARTON HUTT

(Mr. FOLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FOLEY. Mr. Speaker, recent news releases announced the appointment of Mr. Peter Barton Hutt as Assistant General Counsel of the Department of Health, Education, and Welfare for Food, Drug, and Environmental Health.

I take this occasion to applaud this appointment. Mr. Hutt is a distinguished lawyer who combines the highest professional capacity and ability with a proven commitment to public interest concerns. Mr. Hutt has won widespread distinction for his successful efforts to effect realistic solution to our nationwide problem of drug abuse and alcoholism.

As I am personally acquainted with Mr. Hutt, I am familiar with his many contributions to the establishment of programs directly aimed at combating these serious, growing problems. As founder and head of the committee on alcohol and drug reform of the American Bar Association's section on individual rights and responsibilities from 1967 to 1971, Mr. Hutt has fought for an essential change in attitude on proper treatment of alcoholics—from a punishment for a crime to a cure for an illness. I have been impressed by the exceptional quality of his pioneering leadership as chairman of the committee on drug abuse of the ABA's criminal law section and as cochairman of the drug abuse survey project funded by the Ford Foundation. Mr. Hutt is also consultant to the Commission on Marijuana and Drug Abuse.

Mr. Hutt's professional expertise in area of his new responsibility is beyond doubt. In 1960, he was granted a fellowship at the food and drug law institute at New York University, and in recent years, he has been a partner in the firm of Covington and Burling and has specialized in food and drug law and regulation. Perhaps it was for this reason that press reports indicated opposition to his appointment from at least one major consumer organization. I can only say that I believe the opposition to Mr. Hutt's appointment was both unfortunate and misinformed. Not only is his personal integrity beyond doubt, but his distinguished record of accomplishment in vital areas of the public interest commands the fullest confidence in the discharge of his new responsibilities. It should be noted that Mr. Hutt makes a considerable financial sacrifice in accepting his new position.

I believe that Secretary Richardson, General Counsel Wilmot R. Hastings, and Mr. William Goodrich, Mr. Hutt's predecessor, should be commended for their part in bringing to the Government service a man of Mr. Hutt's exceptional capacities and commitment.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Saylor (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Corman, for Thursday, July 1, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 30 minutes, on Wednesday next and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Robinson of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. Miller of Ohio, for 5 minutes, today.

Mr. McCollister, for 5 minutes, today.

Mr. Steiger of Wisconsin, for 5 minutes, today.

Mr. Scheuer, for 5 minutes, today.

Mr. Mizell, for 5 minutes, today.

(The following Members (at the request of Mr. Denholm) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Matsunaga, for 10 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Boland, for 30 minutes, today.

Mr. O'Hara, for 20 minutes, today.

Mr. Byrne of Pennsylvania, for 5 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Rarick, for 10 minutes, today.

Mr. Aspin, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. O'Neill in three instances.

Mr. Perkins.

Mr. Blatnik, immediately prior to the passage of S. 2133 today.

Mr. Harsha, immediately prior to the passage of S. 2133 today.

Mrs. Abzug, during the consideration of H.R. 8629 to follow the remarks of Mrs. Green of Oregon.

Mr. Staggers, to insert full text of a letter which he read a part during consideration of H.R. 8629.

(The following Members (at the request of Mr. Robinson of Virginia) and to include extraneous material:)

Mr. Hastings in two instances.

Mr. Schwengel in two instances.

Mr. Whalen.

Mr. Jonas.

Mr. Minshall.

Mr. Goodling.

Mr. McClory in four instances.

Mr. Hosmer in three instances.

Mr. Chamberlain.

Mr. Baker.

Mr. Miller of Ohio.

Mr. Belcher.

Mr. Archer.

Mr. Wyman in two instances.

Mr. Schmitz.

Mr. Findley.

Mr. Young of Florida in five instances.

Mr. Steiger of Wisconsin in two instances.

Mr. Keating.

Mr. Derwinski.

Mr. Coughlin.

Mr. Quie in two instances.

Mr. Ashbrook in two instances.

Mr. RIEGLE.

Mr. NELSEN in two instances.

Mr. PRICE of Texas in two instances.

Mr. SCHERLE.

Mr. ANDERSON of Illinois in two instances.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. MANN in two instances.

Mr. CLAY in six instances.

Mr. CARNEY in two instances.

Mrs. HICKS of Massachusetts in four instances.

Mr. HARRINGTON in two instances.

Mr. ANDREWS of Alabama.

Mr. HANNA in three instances.

Mr. MONAGAN in two instances.

Mr. JOHNSON of California in three instances.

Mr. O'NEILL in three instances.

Mr. DE LA GARZA in eight instances.

Mrs. MINK in two instances.

Mr. ABBITT in two instances.

Mr. EVINS of Tennessee.

Mr. FAUNTROY in five instances.

Mr. MAZZOLI in two instances.

Mr. ANDERSON of California in two instances.

Mr. MAHON.

Mr. ADAMS.

Mr. GONZALEZ in three instances.

Mr. PATTEN in two instances.

Mr. HUNGATE in two instances.

Mr. PICKLE in eight instances.

Mr. EILBERG.

Mr. RARICK in two instances.

Mr. BRASCO.

Mr. DINGELL in four instances.

Mr. FRASER in three instances.

Mr. ASHLEY in two instances.

Mr. JACOBS.

Mr. ROONEY of New York.

Mr. DORN in three instances.

Mr. FLOWERS in three instances.

Mr. WILLIAM D. FORD.

Mr. DIGGS.

Mr. FOLEY.

Mr. ABOUREZK.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9271. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

Date June 30, 1971.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 31. An act to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; and

S. 2133. An act to extend the Federal Water Pollution Control Act, as amended, for 3 months.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On June 30, 1971:

H.R. 7016. An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes;

H.R. 7767. An act to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap;

H.R. 8311. An act to amend the Renegotiation Act of 1951 to extend the act for 2 years, to modify the interest rate on excessive profits and on refunds, to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes;

H.R. 8313. An act to amend the Social Security Act in order to continue for 2 years the temporary assistance program for U.S. citizens returned from abroad;

H.R. 8825. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes; and

H.J. Res. 742. Joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes.

On July 1, 1971:

H.R. 9271. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 351, 92d Congress, the Chair declares the House adjourned until 12 o'clock noon on Tuesday, July 6, 1971.

Thereupon (at 4 o'clock and 27 minutes p.m.), pursuant to House Concurrent Resolution 351, the House adjourned until Tuesday, July 6, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

925. A letter from the Deputy Secretary of Defense, transmitting the semiannual report on funds obligated in the chemical warfare and biological research programs during the first half of fiscal year 1971, pursuant to section 409, Public Law 91–121, as amended by Public Law 91–441; to the Committee on Armed Services.

926. A letter from the Assistant Secretary of Defense, transmitting a report of the estimated value of support furnished from military functions appropriations for forces in Vietnam, Laos, and Thailand, for the third quarter of fiscal year 1971, pursuant to 838(b) of Public Law 91–668; to the Committee on Appropriations.

927. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a report entitled "Exports of Significant Defense Articles on the U.S. Munitions List" for the period January through June 1970, pursuant to Public Law 90–229; to the Committee on Foreign Affairs.

928. A letter from the Military Chaplains Association of the United States of America, transmitting notification of a delay in filing the completed audit report for the year ended December 31, 1970; to the Committee on the Judiciary.

929. A letter from the Administrator, General Services Administration, transmitting a report of building project survey for Las Cruces, N. Mex., pursuant to a committee resolution; to the Committee on Public Works.

930. A letter from the Administrator, General Services Administration, transmitting a report of building project survey containing a general plan and program for the establishment of a convention center-sports arena within the boundaries of the District of Columbia, pursuant to a committe resolution; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

931. A letter from the Comptroller General of the United States, transmitting a report on the need of the Post Office Department to evaluate and improve the postal source data system before further expansion; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORGAN: Committee on Foreign Affairs. House Resolution 492. Resolution directing the Secretary of State to furnish to the House certain information respecting U.S. operations in Laos (Rept. No. 92–327). Referred to the House Calendar.

Mr. MORGAN: Committee on Foreign Affairs. House Resolution 493. Resolution directing the Secretary of State to furnish to the House certain information respecting the Phoenix program (Rept. No. 92–328). Referred to the House Calendar.

Mr. MORGAN: Committee on Foreign Affairs. House Resolution 494. Resolution directing the Secretary of State to furnish to the House the report entitled "United States-Viet Nam Relationships, 1945–1967" (Rept. No. 92–329). Referred to the House Calendar.

Mr. MORGAN: Committee on Foreign Affairs. House Resolution 495. Resolution directing the Secretary of State to furnish to the House certain information respecting bombing operations in northern Laos (Rept. No. 92–330). Referred to the House Calendar.

Mr. HANLEY: Committee on Post Office and Civil Service. H.R. 134. A bill to amend title 5, United States Code, to repeal the reporting requirement contained in subsection (b) of section 1308 (Rept. 92–331). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 9564. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens' suits and class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mrs. ABZUG:

H.R. 9565. A bill to amend the Internal Revenue Code of 1954 in relation to deduction for business expenses for care of certain dependents; to the Committee on Ways and Means.

By Mr. BERGLAND:

H.R. 9566. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. CONTE:

H.R. 9567. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself, Mrs. Abzug, Mr. Baker, Mr. Bevill, Mr. Brinkley, Mr. Burke of Massachusetts, Mr. Collier, Mr. Davis of South Carolina, Mr. Duncan, Mr. Edwards of California, Mr. Forsythe, Mr. Frenzel, Mr. Fulton of Pennsylvania, Mr. Garmatz, Mr. Goldwater, Mr. Gude, Mr. Halpern, Mrs. Hansen of Washington, Mr. Hastings, and Mr. Hechler of West Virginia):

H.R. 9568. A bill to provide compensation to prisoners of war of the Vietnam era because of the inhumane circumstances of their incarceration; to the Committee on Veterans' Affairs.

By Mr. FINDLEY (for himself, Mrs. Heckler of Massachusetts, Mrs. Hicks of Massachusetts, Mr. Hungate, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. Lent, Mr. Morse, Mr. Obey, Mr. Pelly, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. St Germain, Mr. Terry, Mr. Williams, Mr. Yatron, Mr. Young of Florida and Mr. Fulton of Tennessee):

H.R. 9569. A bill to provide compensation to prisoners of war of the Vietnam era because of the inhumane circumstances of their incarceration; to the Committee on Veterans' Affairs.

By Mr. ULLMAN:

H.R. 9570. A bill to strengthen the financial capabilities of State and local governments by providing emergency general support aid to certain local governments; by allowing a credit against individual income taxes; by providing revenue equalization grants to States; and by authorizing the Secretary of the Treasury to enter into agreements providing for Federal collection of State income taxes; to the Committee on Ways and Means.

By Mr. HARVEY (for himself, Mr. Brown of Michigan, Mr. Coughlin, Mr. Evins of Tennessee, Mr. Grover, Mr. Gude, Mr. Latta, Mr. Lent, Mr. McCollister, Mr. Robinson of Virginia, Mr. Schneebeli, Mr. Sebelius, Mr. Steiger of Wisconsin, Mr. Thone, Mr. Veysey, and Mr. Williams):

H.R. 9571. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Tennessee:

H.R. 9572. A bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

H.R. 9573. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9574. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9575. A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 of an individual civil service retirement annuity (or other Federal retirement annuity) shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. Abourezk, Mr. Aspin, Mr. Brademas, Mr. Edwards of California, Mrs. Grasso, Mr. Halpern, Mr. Hawkins, Mr. Mann, Mr. Mazzoli, Mr. McCloskey, Mr. Mitchell, Mr. Rangel, Mr. Roybal, Mr. Scheuer, Mr. Wolff, and Mr. Yatron):

H.R. 9576. A bill to amend section 8 of the Federal Water Pollution Control Act, relating to grants for the construction of treatment works, in order to increase the Federal share of construction costs and to authorize the obligation of certain amounts for such grants, and to amend section 10 of the act relating to water quality standards, and for other purposes; to the Committee on Public Works.

By Mr. KARTH:

H.R. 9577. A bill for the relief of certain separated former employees of railroad terminal companies who formerly performed certain discontinued mail-handling functions in and about railroad terminals; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Cleveland, Mr. Hathaway, and Mr. Hungate):

H.R. 9578. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. LINK (for himself and Mr. Abourezk):

H.R. 9579. A bill to provide that certain lands shall be held in trust for the Standing Sioux Tribe in North Dakota and South Dakota; to the Committee on Interior and Insular Affairs.

By Mr. McMILLAN (for himself and Mr. Broyhill of Virginia):

H.R. 9580. A bill to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles; to the Committee on the District of Columbia.

By Mr. MEEDS (for himself, Mr. Pelly, Mr. Downing, Mrs. Abzug, Mr. Begich, Mr. Danielson, Mr. Derwinski, Mr. Edwards of California, Mr. William D. Ford, Mr. Gude, Mr. Haley, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Hicks of Washington, Mr. Horton, Mr. Mazzoli, Mr. Pike, Mr. Rodino, Mr. Stokes, Mr. Teague of California, and Mr. Wolff):

H.R. 9581. A bill to promote the safety and protect the environmental quality of ports, waterfront areas, and the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. MYERS:

H.R. 9582. A bill to amend title XVIII of the Social Security Act to provide coverage under the supplementary medical insurance program for surgical services furnished in certain facilities which are established to perform surgery without inpatient hospitalization; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 9583. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens' actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. QUIE (for himself, Mr. Erlenborn, and Mr. Steiger of Wisconsin):

H.R. 9584. A bill to amend the Fair Labor Standards Act of 1938, as amended, to raise the minimum wage to $2 an hour, and for other purposes; to the Committee on Education and Labor.

By Mr. ROBINSON of Virginia:

H.R. 9585. A bill to designate certain lands in the Shenandoah National Park, Va., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. ROY:

H.R. 9586. A bill authorizing the improvement of certain roads in the vicinity of Perry Reservoir, Kans.; to the Committee on Public Works.

By Mr. ROYBAL:

H.R. 9587. A bill to establish a program to replace, through the cooperative efforts of Federal, State, and local governments, elementary and secondary schools which are in a dangerous location or unsafe condition or are otherwise deficient; to the Committee on Education and Labor.

By Mr. STEELE (for himself, Mr. Murphy of Illinois, and Mr. Sarbanes):

H.R. 9588. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. STEIGER of Wisconsin:

H.R. 9589. A bill to require Federal contractors to observe practices which will preserve and enhance the environment and fisheries and wildlife resources; to the Committee on Merchant Marine and Fisheries.

By Mr. EILBERG:

H.R. 9590. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. HARSHA (for himself and Mr. Wright):

H.R. 9591. A bill to amend the Highway Safety Act of 1970 to provide additional funds for highway safety programs by authorizing appropriations for such programs in an amount equal to 40 percent of the revenue collected from Federal taxes relating to alcohol; to the Committee on Public Works.

By Mr. ST GERMAIN:

H.R. 9592. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 9593. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence; to the Committee on Interstate and Foreign Commerce.

By Mr. SHOUP:

H.R. 9594. A bill to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GUBSER (for himself and Mr. King):

H.J. Res. 764. Joint resolution proposing an amendment to the Constitution of the United States limiting the immunity of Senators and Representatives in cases of public disclosure of classified information; to the Committee on the Judiciary.

By Mr. MORSE:

H.J. Res. 765. Joint resolution limiting military assistance and military sales to Pakistan; to the Committee on Foreign Affairs.

By Mr. RARICK:

H.J. Res. 766. Joint resolution; Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. BOLAND (for himself and Mrs. Abzug, Mr. Hathaway, Mr. Karth, Mr. Mazzoli, Mr. Riegle, and Mr. Stokes):

H. Con. Res. 356. Concurrent resolution to create a select joint committee to conduct an investigation and study into the reasons for, and the course of, the U.S. involvement in the war in Vietnam; to the Committee on Rules.

By Mr. BOLAND (for himself, Mr. Adams, Mr. Anderson of Tennessee, Mr. Begich, Mr. Biaggi, Mr. Burton of California, Mr. Clark, Mr. Cotter, Mr. Derwinski, Mr. Donohue, Mr. Drinan, Mr. Gibbons, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Koch, Mr. Leggett, Mr. Minish, Mr. Nix, Mr. Podell, Mr. Quie, Mr. Ryan, Mr. Udall, Mr. Wolff, and Mr. Yates):

H. Con. Res. 357. Concurrent resolution to create a select joint committee to conduct an investigation and study into the reasons for, and the course of, the U.S. involvement in the war in Vietnam; to the Committee on Rules.

By Mrs. HICKS of Massachusetts:

H. Con. Res. 358. Concurrent resolution requesting the President and the Secretary of State to urge the Government of the Union of Soviet Socialist Republics to release Ruth Aleksandrovich, a Soviet Jew, and other similarly situated persons from imprisonment reportedly resulting from their desire to emigrate from the Union of Soviet Socialist Republics to Israel, and to urge the Government of the Union of Soviet Socialist Republics to allow all persons desiring to leave that country to do so; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

231. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to naming a nuclear submarine in memory of Congressman William H. Bates; to the Committee on Armed Services.

232. Also, memorial of the Legislature of the State of Oregon, relative to removing debris in the Columbia River; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FULTON of Tennessee introduced a bill (H.R. 9595) for the relief of Ruth W. Durrett, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

REMARKS OF F. EDWARD HÉBERT AT THE KEEL LAYING OF THE "L. MENDEL RIVERS" (SSN-686)

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DOWNING. Mr. Speaker, last Saturday the keel of the nuclear attack submarine *L. Mendel Rivers* was laid at the Newport News Shipbuilding & Drydock Co. in Newport News, Va.

The distinguished chairman of the House Armed Services Committee, F. Edward Hébert, was the principal speaker at this significant ceremony and his remarks were timely, important, and eloquent. He praised our former beloved colleague for whom this submarine has been named as:

> A man who loved his country and devoted the major energies of his public career to seeing that his country was prepared to counter any threat to its survival.

No truer words could be spoken.

Chairman Hébert also had interesting words about those persons who may be "fatigued in spirit" as far as our overall national defense is concerned. I think my colleagues will find his words most interesting:

Remarks of F. Edward Hébert

In dedicating this nuclear attack submarine to be named in honor of L. Mendel Rivers, we are paying his memory an honor that is richly deserved and singularly appropriate.

He was a man who loved his country and devoted the major energies of his public career to seeing that his country was prepared to counter any threat to its survival.

His contributions have left an indelible mark upon the Armed Forces of the United States. Therefore, it is only just that his name be honored by an instrument of our national security.

To honor him by naming this nuclear attack submarine for him is singularly appropropriate for a number of reasons.

MENDEL RIVERS RECOGNIZED THAT THE UNITED STATES IS ESSENTIALLY A MARITIME POWER

L. Mendel Rivers was always particularly aware that the United States is a maritime power and that command of the seas is, and always has been, central to its survival.

Mendel Rivers rarely wrote magazine articles. The lonely perseverance of the writer did not fit one of his restless nature. But in a rare magazine article several years ago he expressed his feelings about our dependence on the seas. His words bear repeating now.

"It is sometimes forgotten that the U.S. throughout most of its history has been essentially a maritime power. . . .

"The success of our foreign policy and to a considerable extent our economy has depended on control of the seas.

"These rather elemental facts have always been understood by the Congress as they were understood by the founding fathers and because of these facts the Congress has always taken a very special interest in our maritime posture and our naval power. In every war we have fought, save one, it is conceivable that we would have lost—in some case certain that we would have lost—without control of the seas. The exception would be the war with Mexico of 1846–48. Even in our own tragic War between the States, a blockade was crucial to the Union's success. In the Revolutionary War, we did not fully control the seas but our naval successes were essential to victory.

"In our early years, the Congress recognized that a naval power sufficient to protect our maritime commerce was essential to our economic well being. In our own day, it is equally true that our world position could not be maintained without our naval strength and that in warfare, limited or unlimited, a fundamental requirement is unshakable control of the seas."

MANY OF OUR NUCLEAR WARSHIPS BEING BUILT TODAY WERE AUTHORIZED BECAUSE MENDEL RIVERS TOOK THE INITIATIVE TO FORCE THEIR CONSTRUCTION

It is well known that Mendel Rivers fought hard for revitalization of the Navy during his years as Chairman of the House Armed Services Committee and made great efforts to convince the Congress and the American people that we should increase the rate of shipbuilding to replace the aging ships in our fleet.

But he was also totally committed to exploiting the advantages of nuclear propulsion for the Navy—not only for submarines, but for surface ships as well.

I think he would be particularly pleased to know that his name is being given to a nuclear ship.

Probably nowhere in the whole national defense area has the impact of Congress been so direct and so profound as in the area of the nuclear Navy.

Without the actions of the Joint Committee on Atomic Energy, the Committees on Armed Services, and the Appropriations Committees, the nuclear submarine would not have been developed as early as it was. And, of course, without the development of the nuclear submarine, we could not have had the Polaris submarine, the most invulnerable arm of our strategic deterrent.

In all of the Congressional action to bring about the development of the nuclear submarine, to bring about the development of Polaris, to hasten the development of faster and quieter submarines, and to hasten the application of nuclear power to the surface Navy, Mendel Rivers played a vigorous role.

Ten years ago the House Armed Services Committee took the initiative to change the frigate Truxtun from conventional to nuclear power. Our report at that time—which was issued before the first nuclear-powered surface ship had put to sea—said:

"The purpose of the change is to effect the Committee's desire to increase the number of surface naval vessels which will possess the invaluable ability to cruise with almost unlimited endurance."

In 1965, when he became Chairman of the House Armed Services Committee, Mendel Rivers started the long fight to get a reasonable nuclear-frigate program going.

Mendel Rivers, more than any other person, was responsible for the action in Congress a few years ago which substituted two nuclear frigates for two nonnuclear ships requested by the Department of Defense. These ships are the *California* and the *South Carolina*, which are now under construction here at Newport News along with the nuclear aircraft carriers *Nimitz* and *Eisenhower*.

At that time we also got the Defense Department to agree with a program of five additional nuclear frigates.

However, last month somebody in the Pentagon got the idea that we should not build those frigates.

It was announced that the Department would not build the two frigates, DLGN's 41 and 42, for which advanced procurement funds had already been appropriated. Our Committee refused to accept this disregard of the will of Congress. In the recently passed Military Procurement Authorization bill we limited the use of a portion of Naval ship construction funds to the construction of these DLGN's.

The language we used in our legislation requiring that the nuclear-frigate program proceed is the same language we used in the law to get the *California* and the *South Carolina* built. We learned well the lesson Mendel Rivers taught us.

I tell you today, I pledge to you in Mendel Rivers' name, that this fight for an adequate number of nuclear frigates goes on.

I tell you today that those of us in Congress to whom he threw the torch are determined that Mendel Rivers' dream of a nuclear Navy shall someday become a reality.

MENDEL RIVERS WAS THE OUTSTANDING CONGRESSIONAL EXPERT ON THE SOVIET SUBMARINE THREAT AND THE IMPORTANCE OF THE ASW MISSION FOR THE U.S. NAVY

The submarine for which we lay the keel today will be one of the last of the Sturgeon class. She will be 292 feet long and 31.7 feet in the beam. She will displace 3,860 tons (4,630 submerged).

The primary mission of these submarines is to seek out and destroy enemy submarines.

The ASW mission of the Navy is one with which Mendel Rivers was particularly concerned—and for a particular reason.

In the last years of his life he devoted great energy to attempting to alert the Congress and the American people to the dangers of Soviet naval power and particularly the dangers inherent in the dramatic build-up of the Soviet submarine force.

Mendel Rivers was the reigning expert in Congress on Soviet submarine developments, and as much as any man in the country he understood the dangers Soviet submarine developments posed for our national security.

On his last birthday, September 28, 1970, Mendel Rivers delivered a major address on the floor of the House of Representatives on "The Soviet Threat." In that speech he presented in stark reality and with great detail the development of the Soviet submarine force and the threat that it implied for the long-range security of the United States.

The Soviets lead the world in submarines and lead the world in capability to build submarines. They are building three new nuclear submarines to every one we build.

The latest Soviet nuclear submarines have a submerged speed significantly higher than anything expected. They have 65 antiship cruise missile submarines—which is 65 more than the United States has.

One of the things Mendel Rivers always stressed was that our Naval building program is a long-range process. We recognize that this is still the case.

Despite all that we have done, we still have not done enough. We must build more new high-speed submarines. We must accelerate work on an advanced submarine which will be able to launch tactical missiles against ships and other targets while remaining outside antisubmarine range. We are many years behind the Soviets in this type of submarine and we simply must move quickly to close the gap.

We have only recently let the *development* contract for the Harpoon missile while the Russian Styx missile has been *operational* for some time and surface-launched anti-ship missiles have been developed by Western European nations. The delay in development for our Navy is inexcusable. I am deeply concerned about our shortcomings in this area and determined that the situation be rectified as soon as possible.

THE GREAT PARADOX: NATIONAL SECURITY IN THE NUCLEAR AGE

It is the great paradox of our age, the nuclear age, that our most awesome weapons depend for their success on not being used.

This is called deterrence. It is a policy of having enough terrible weapons to deter any other nation from using such weapons against us. It has probably always been thus. A tribe of cave men probably found that the best way to prevent another tribe of cave men from attacking them was to have a greater supply of spears and stone hammers.

But in our age the possibility that the policy will fail and the weapons will be used carries with it the specter of Armageddon. The possibility of a nuclear exchange is so horrible as to seem unreal. Years of preparation to avoid such an eventuality brings to many people fatigue of the spirit.

Retaining an assured deterrence against any threat to our freedom is ultimately, therefore, a test of national will. This is a difficult truth that Mendel Rivers understood clearly.

There are those fatigued in spirit who, with the best of motives, tell us that national defense expenditures are terrible wastes and that we should make huge cuts in our defense budget and spend the money on other pressing needs. The best answer to the charge of waste is summed up in the letter I received recently, which came, paradoxically enough, from a former resident of Mendel Rivers' home state of South Carolina. After congratulating our Committee for rejecting proposed amendments to halt work on vital defense weapons like the ABM, the gentleman wrote that his thoughts were best summed up by a quotation from Milovan Djilas. The quotation is as follows:

> "All armaments in a sense represent waste to mankind. But the cost is only a fraction of what the West will pay if the Soviet military forces are led to believe that they will not be stopped."

Milovan Djilas is a Yugoslavian and a former leader of his country's Communist government. But he expresses very clearly the dangers that Soviet military might poses for the freedom of the Western world.

We do not build nuclear ships for the fun of building ships. If there were no threat to our freedom of the seas, there would be no Naval shipbuilding program.

We are one of the strongest nations in the history of the world and we are a free nation because we have always had the will to be prepared for any danger, no matter how frightening, because we have never lost the will to be free.

As this submarine can make a contribution to preserving our national security, the spirit of Mendel Rivers will contribute to our will to remain free.

SET THE DATE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. SCHMITZ. Mr. Speaker, Nguyen Minh Vy, Deputy Minister to the North Vietnamese Paris delegation, said:

> I would like to say that we felt that the Spring Offensive of the American anti-war movement was a great success . . . It is hard to find the words to express our feelings. We realize how difficult the struggle was. We would greatly appreciate a continuation of anti-war activities throughout the summer.

During the week of May 10 a long series of meetings was held in Paris between Americans instrumental in the anti-Vietnam war movement and representatives of the Government of North Vietnam. Utilizing material provided them by a confidential source, staff members of the House Committee on Internal Security testified before the Internal Security Committee concerning this meeting.

The Americans in attendance at Paris were reported to be Sidney and Louise Peck, Robert Greenblatt, Carol Kitchen, and Jack Davis. The foreign enemy delegation included Mrs. Nguyen Thi Binh for the Viet Cong, Xuan Oahn and Nguyen Minh Vy for North Vietnam. Mrs. Binh, who, judging from the amount of attention she receives from the American mass media, seems to be the media preferred enemy representative, moved to Hanoi from South Vietnam in 1954 and since 1962 has served as one of Hanoi's most effective spokesmen for its puppet organization, the National Liberation Front.

One of the points which this meeting served to emphasize is the close relationship existing between the North Vietnamese Communists and leaders of the U.S. anti-Vietnam war movement. The people who met in Paris with agents of an enemy responsible for over 45,000 American deaths in Asia are clearly not working for peace, but rather for North Vietnamese victory.

During the meeting the foreign enemy praised the work of their American auxiliary forces in general, but also had a few criticisms. Nguyen Minh Vy criticized some of the May Day operations not only because their slogan, "Stop the war or we will stop the government" was unrealistic, but because he felt that it gave the impression that the North Vietnamese were going to be defeated unless the war was ended right away. The myth of inevitability of victory is an integral facet of all Communist warfare operations, essential in demoralizing the opposition. The North Vietnamese Politburo would just as soon not have their allies in the United States compromising one of the essential psychological aspects of their aggressive warfare operations simply to drum up a little temporary frenzied enthusiasm. Closer North Vietnamese strategic guidance of the U.S. anti-war movement in the future is geared to prevent slip ups of this type.

Mrs. Binh thought that while the "People's Peace Treaty"—see Newsletter 71–17—was a good organizing tool, it was a bit lengthy for massive agitational purposes and that all anti-Vietnam war groups should devote their efforts to popularizing the short slogan, "Set The Date." This slogan refers to the rapid total retreat of all U.S. forces from Southeast Asia, in such a manner as to assure the success of the North Vietnamese Armies. There was no mention made at the meeting of any North Vietnamese withdrawal of their expeditionary forces from Laos, Cambodia and South Vietnam. The withdrawal is to be unilateral and to culminate in Communist victory.

A very significant bit of information coming from this meeting was the clear insight into the enemy attitude toward the American servicemen they now hold as prisoners. When asked about the U.S. prisoners of war, Mrs. Binh stated that—

> These men are mainly Air Force officers, therefore sons of the ruling class, and it is not necessary for the movement to be concerned about them.

A suggestion from one of the Americans that any state which ratified the "People's Peace Treaty" to have the servicemen from that state being held by the North Vietnamese returned, was nixed in no uncertain terms. The Communists obviously feel that the American servicemen they hold have a much higher hostage value. Just how high a price for the return of these men is going to be exacted by the enemy, if the United States continues to allow the North Vietnamese to determine things of this nature, is yet to be seen.

After the Paris planning session, the Americans and Mrs. Binh flew off to a Budapest meeting of the World Peace Council, an international front organization of the Soviet Union, to coordinate their plans with "peace" groups the world over.

There is no doubt that the cry of "set the date" will resound with ever greater intensity from many sections of our society. There are many of us who believe, however, that it is too late to drag the troops home from the Asian theater in defeat; too difficult to explain to the soldiers already home, or the loved ones of those who never made it home, why the battle was in vain; too mentally taxing to attempt to deceive ourselves into believing that a United States whipped to its knees in Southeast Asia can ever stand again as a great nation.

"Set the date" is a nice phrase for a nasty word known as surrender.

RESOLUTION IN SUPPORT OF PRESIDENT'S DIPLOMATIC OFFENSIVE AGAINST ILLEGAL DRUG TRAFFIC

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FREY. Mr. Speaker, as we are all aware the illicit traffic in narcotics and dangerous drugs spans the globe. Since most of the countries involved in the production and illegal traffic of opium and its derivatives do not themselves have a serious drug problem, they have no sense of urgency about the problem and are hesitant to take action to stop the flow of illegal drugs to the United States.

The President has initiated a diplomatic offensive to persuade the nations involved in this traffic to take action to stop the production or traffic in illegal drugs. The 16-member Republican task force, which I am chairman of, is today introducing a resolution expressing the support of the Congress for the President's diplomatic offensive and stating further that if action is not taken within a reasonable time by other nations to stop the production and illegal traffic, the Congress will take "appropriate unilateral action."

On this issue, Mr. Speaker, we in the Congress need to show to the world that we solidly support the effort to seek international cooperation. Of course, a negotiated agreement to agree to voluntarily limit production and stop the illegal traffic is preferable. We must let the diplomatic process operate. However, if the nations involved in this illegal traffic are still reluctant to act, then we in the Congress should take appropriate unilateral action. Most of these countries are dependent upon the United States for security and economic assistance. If they fail to see their moral and treaty obligations to stop illegal drug traffic, then the American people through the Congress should reappraise our responsibilities to them.

The text of the resolution follows:

H. CON. RES.—

Resolved by the House of Representatives (the Senate concurring), that—

(a) the Congress declares and finds—

(1) there are 250,000 heroin addicts in the United States and an additional 30,000–40,000 addicts among U.S. troops in Southeast Asia;

(2) that drug abuse, particularly the use of heroin, is causing major social upheaval in the United States and, if not checked, may result in the loss of an entire generation;

(3) that most of the countries involved in the production or illegal traffic of opium or its derivatives are dependent on American military or economic aid;

(4) that there is no sense of urgency on the part of the governments of those countries involved in the production or illegal traffic of opium or its derivatives to undertake immediate action to stop the production or illegal traffic; and

(5) that the President is conducting a broad-based diplomatic offensive to gain the full cooperation of foreign governments in eliminating the production and illegal traffic in opium and its derivatives, including a $2 million contribution to the United Nations Special Fund for Drug Abuse Control.

(b) The Congress, therefore, gives its full support to the President's diplomatic offensive and—

(1) requests the President (A) to exercise all economic and diplomatic pressures he can to encourage other nations to honor their international treaty obligations and take action to stop the production and illegal traffic in opium and its derivatives, (B) to exercise all diplomatic pressures to encourage other nations to contribute to the U.N. Special Fund for Drug Abuse Control and to encourage the U.N. to take more effective action to prevent the production and illegal traffic in opium and its derivatives, and (C) to request an early meeting of the International Narcotic Control Board to consider and adopt proposed U.S. amendments to provide the NCB with the authority to control the production and illegal traffic in narcotic drugs; and

(2) unless action is taken within a reasonable time to stop the production and illegal traffic of opium and its derivatives by the other nations of the world, the Congress will take appropriate unilateral action.

As a result of illegal exportation of drugs to the United States and South Vietnam, there are 250,000 heroin addicts in the United States and an additional 30,000 to 40,000 addicts among U.S. troops in Southeast Asia.

There are two main currents of illicit traffic in opium and the opiates. One begins in the Middle East and ends in North America. The other pattern is from Southeast Asia directed to Hong Kong, Japan, China—Taiwan—and the west coast of America. Secondary flows include routes from Mexico into the United States.

The North American Continent is the principal target of illicit heroin traffic. The bulk of this drug is produced from opium poppies grown in Turkey. The raw opium is converted into morphine base in clandestine laboratories close to the growing areas and then shipped through Istanbul and Beirut and smuggled into France to be processed into heroin. At this point, the heroin may be smuggled directly into the United States or transported through Italy, Canada, or Mexico. It is, nevertheless, destined for the U.S. market. Underground heroin trade from France generally involves large quantities of heroin smuggled by well-organized international traffickers who have contrived all types of devious methods and devices to conceal the contraband.

In the Far East, opium is cultivated in vast quantities in the Yunnan Province of China and the Shan and Kachin States in Burma. Although much is consumed by opium smokers in the region, considerable amounts of the drug find their way to the United States. In Burma and Thailand, large quantities of opium are converted to morphine base and smuggled to Hong Kong and Macao for local use or diverted to the United States. In recent years, an increasing demand for heroin by addicts in the Far East has somewhat decreased the supply available to U.S. addicts.

Opium is produced illegally in remote areas of Mexico by farmers who elude the Government's poppy eradication program. It is converted into heroin in clandestine laboratories and smuggled across the Mexican border into the United States concealed in automobiles, baggage, on travelers, or in any of a thousand possible ways limited only by the smuggler's imagination.

The cocaine traffic in the United States begins in the Andes Mountain regions of Bolivia, Chile, Peru, Colombia, and Ecuador where the coca leaf is grown. These leaves are processed into cocaine in clandestine laboratories and then smuggled into the United States through Miami and New York, often in airplane baggage or ship cargo. One important pattern in this trade originates in Peru through Ecuador and Panama, then to Mexico and the United States. Another route starts in Chile, extends through Latin America to Pacific coast ports and into the United States. A third route can be traced from Bolivia through Brazil to the West Indies and North America.

Methods of distribution of narcotic and dangerous drugs are similar. Both are transferred from the major trafficker to the distributor, then to the street peddler and finally to the user.

Once the drugs reach the user, the cost has escalated. For example, the same 10 kilograms of raw opium grown in Turkey and sold to an underworld broker for $350 will produce nearly 45,000 packets of 5 percent pure heroin worth $5 each, or a total of $225,000.

The Bureau of Narcotics and Dangerous Drugs has identified over 200 international "distribution systems" of illegal drugs. Of these, nine major systems cover the entire spectrum of narcotics and dangerous drugs and involve well over a thousand identified individuals.

Three of the nine systems are comprised of organized criminal groups in this country operating with related groups in Canada and Italy. Close ties also exist between the Italian ethnic groups and criminal groups in France providing a capability of delivering multikilogram quantities of heroin into the United States.

One of the most important systems involves an international heroin organization which is "global" in nature and according to current intelligence, is responsible for more heroin being introduced into the United States than any other single organization. Another of the major systems relates to a distribution network controlling large amounts of drugs entering the United States via Mexico. It is estimated that these nine major systems account for approximately 80 percent of the heroin, almost 100 percent of the cocaine, tons of marihuana and millions of dosage units of dangerous drugs being used in the United States today.

President Nixon has made the curtailment of traffic in illegal drugs one of the major goals of his administration. As a result of U.S. prodding, the United Nations Commission on Narcotic Drugs created a special fund for antinarcotics programs, and the United States led the way in pledging $2 million to this fund. The resolution we introduce today requests the President to encourage other nations to contribute to the U.N. special fund and to encourage the U.N. to take more effective action.

Last February, under the leadership of the United States, an international treaty was signed in Vienna by 20 nations to control the traffic of dangerous drugs.

Also, some progress has been made in working directly with individual countries. The largest source of narcotics, Turkey, has promised to license the farmers as they are required to do under the Single Convention on Narcotic Drugs, buy the entire annual crop, and help the farmers to convert to other types of crops. The United States has loaned $3 million to Turkey for law enforcement and other purposes, and Turkey is applying considerable financial resources of its own.

A cooperative program has also been developed with the French. At our urging, the French have expanded their antinarcotics force in Marseilles and Paris from 18 to 100. They are training all of the 60,000 National Police in Narcotics enforcement and BNDD agents are helping instruct them. Also, an agreement enabling the enforcement agencies of the two countries to work together was signed—the first such agreement between two countries.

Operation Cooperation, a joint program with Mexico, has for the last 1½ years attempted to destroy poppy and marihuana production in Mexico and intercept smugglers. The United States has provided helicopters and other equipment to search out and destroy poppy and marihuana production.

The President in his new drug program just announced further efforts to do the following:

First, to begin a diplomatic offensive to obtain better cooperation from those countries involved in production or traffic of drugs;

Second, to request the World Health Organization to seek synthetics to replace opiates;

Third, to request $1 million for BNDD to train foreign narcotics officers;

Fourth, to request the Congress to permit assistance to presently proscribed nations in their effort to end drug trafficking; and

Fifth, to obtain support for United States amendments to the Single Convention on Narcotics for greater control by the International Narcotics Control Board to control the production and illegal traffic in narcotic drugs.

Mr. Speaker, the President means business. The passage of this resolution together with the President's announced diplomaic intent should be persuasive evidence of the serious concern which this country has that action be undertaken immediately to stop illegal drug traffic.

Most of these nations belong either to NATO or SEATO, and the United States has been the primary benefactor of both. Over $100 million has been furnished to Turkey alone to enable Turkey to fulfill its NATO commitment. Moreover, we have proffered large amounts of economic asistance and trade concessions to these same countries.

It is only right that in exchange for the nuclear umbrella we have placed over these countries, that reciprocal action be taken to asist the United States in stopping the flow of drugs to this country. They must appreciate the fact that they have by their acquiescence encouraged the spread of a national disease—narcotic addiction.

If the President's efforts fall short of his objectives, we in the Congress should be on record that appropriate, if unstated, action will be taken by the Congress. As President Nixon stated in his remarks last week:

> We want good relations with other countries, but we cannot buy good relations at the expense of temporarizing on this problem.

CALLING THE SHOTS FROM HANOI

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ASHBROOK. Mr. Speaker, on June 15, the House Internal Security Committee heard testimony about the Vietnamese Communists' attitude toward the American prisoners in their hands. Madam Nguyen Thi Binh told a group of American radicals last month that they should not worry about the fate of American prisoners in North Vietnam as most of them were "Air Force officers who come from ruling class families."

William Poole and Herbert Romerstein, members of the minority staff of the committee, testified about a series of meetings held in Paris during the week of May 10, 1971. Confidential reliable sources had advised them that Madame Binh, the Vietcong representative in Paris, and two North Vietnamese representatives at the Paris peace talks, Xuan Oahn and Nguyen Minh Vy, had met with Sidney Peck and Louise Peck of Cambridge, Mass.; Robert Greenblatt of New York City; Carol Kitchens of Atlanta, Ga.; and Jack Davis of Washington, D.C. All of the Americans had been active organizers and participants in the disruptions in Washington, D.C., during the first week of May. The Vietnamese Communists told them that they wanted the slogan "Set the Date" to be the center of activities for the so-called "peace movement" in the United States during the next few months. The date for American withdrawal that they demanded must be before the end of this year. The Vietnamese further demanded that their supporters in the United States unite around this issue and stop their internecine feuding. Mayday, the Vietnam Veterans Against the War and the Trotskyites must all be part of the coalition, Madame Binh said. The form of the future demonstrations could be either peaceful or violent, she said.

The Vietnamese Communists made a number of criticisms of the way the recent demonstrations were handled in Washington. They said that the slogan "If the government does not stop the war, we will stop the government" was too militant for this period and did not win the support of most Americans. In addition, there was inference in the Mayday propaganda that the Vietnamese Communists were in danger of losing if the war did not end quickly. Madame Binh said that instead they should have demanded that Americans pull out of the war because the Communists were winning. Third, she said, because of the tactics used, the press coverage neglected the issue of the war while concentrating on the alleged violations of the civil rights of the demonstrators. And, most important, since the Government was not closed down, the operation had not succeeded.

The Vietnamese Reds complained further that it took 6 months to organize the demonstrations in Washington and they demanded that future demonstrations should be organized on a moment's notice.

Madame Binh refused to send a letter of greetings to Mayday because the last letter she sent to a movement group had fallen into the hands of Senator SCOTT, who had used it against them in the Foreign Relations Committee.

After the Paris meeting the American group went on to Budapest, where they attended the conference of the World Peace Council, an international Communist front. Other Americans at the W.P.C. Budapest meeting were: Rev. Ralph Abernathy, Rev. Wyatt Walker, Dr. Carlton Goodlett, Gil Green, Sylvia Kushner, Donna Ristorucci, Pauline Rosen, Irving Sarnoff, and Joe Walker of the Black Muslim Movement.

Sidney Peck, Goodlett, Green, Kushner, Ristorucci, Rosen, and Sarnoff have all been identified as members of the Communist Party.

The Budapest meeting planned demonstrations at U.S. Embassies around the world on the 4th of July.

Mr. Speaker, on June 10 I put into the RECORD evidence of the duplicity of the Vietnamese Communists in their handling of the prisoner of war issue. I showed that after promising to return French prisoners within 30 days in 1954, 8 years later they still had such prisoners in their hands. This latest evidence given by Madame Binh to the American supporters of the North Vietnamese aggressors shows a cavalier attitude toward our prisoners which should be made known to the American people.

Under no circumstances should we allow Americans held captive by Communist aggressors to be forgotten. While we should certainly not sell Vietnamese into slavery to buy back our prisoners, neither should we allow the North Vietnamese to retain our own men.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

A SALUTE TO MISSISSIPPI'S DAIRY INDUSTRY

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. GRIFFIN. Mr. Speaker, June is Dairy Month in Mississippi. This period is set aside to give proper recognition to dairymen of our great State who contribute to the physical and economic well-being of our citizens.

Milk and milk products are vital to good health. Congress recognizes this important fact by having instituted and supported over the years a special school milk program which provides that nourishing product to millions of children throughout the United States.

The June 10, 1971, issue of the Jackson Daily News contained an interesting article on dairy farmer Carol Smith and his family who live in Walthall County. The Smiths are probably a typical Mississippi dairy farm family and it is with pleasure that I include the article as a part of my remarks.

Mr. Speaker, I salute the dairy farmers of America and commend them for their hard work and dedication. They produce a necessary part of our diet. Unfortunately, their occupation is not very profitable, but they have the courage to persevere which means that every consumer can find tomorrow a carton of milk at his favorite grocery store.

The article follows:

JUNE IS THE MONTH TO SALUTE MISSISSIPPI'S DAIRY INDUSTRY

(By Fay P. Simmons)

"The friendly cow all red and white,
I love with all my heart . . ."

Is it any wonder that so many poems have been written eulogizing the milk cow. For, from this gentle creature comes the basis of the average Mississippian's proper diet—milk, butter, cheese, cream—and milk products too numerous to mention.

The importance of milk as a food, from infancy to the grave, cannot be minimized. The old expression—"Milk puts roses in your cheeks," "Milk puts a spring in your step," and "Milk's good for what ails you," have got to be true.

DAIRY MONTH

It's June Dairy Month. And down in Wathall County, "Cream Pitcher of Mississippi," where Grade A dairies number highest in the state, this calls for a month-long celebration.

Countians can reflect with pride over their 164 dairy herds which produced 8,646,510 gallons of raw milk in 1970, raking up $4.5 of the State's total $67 million dairying income last year. The Magnolia State's dairy herds number 16,036.

A significant factor in dairy farming is that the number of herds decrease annually while milk production increases. Walthall County agent Ansel Estess says the reason for this is improved scientific farm operation, specifically, breeding and feeding of milk cows.

A sterling example of dairy life at its best can be found at the 700-acre Carol Smith farm in the Lexie Community of Walthall County where live Carol, his wife Linda, daughters—Margaret 10, Karen, 8, and Nan, 5. Their pretty yellow brick home sits on a hill opposite the dairy barn and silo, with acres and acres of rich green pasture land lying between.

The Smiths are sold on dairying. Carol, who joined the dairy operation of his father, C. B. Smith, in May, 1959, says he believes it brings in more net income than any other type of farming. "You can be your own boss, see the results of your work, have a regular payday and time for relaxation," he says.

Smith's success as a dairyman has been recognized by awards including Jaycee Outstanding Young Farmer Award in 1964, Chamber of Commerce Outstanding Dairyman in Walthall County and Farm Family of the Year. In addition, he holds offices of leadership in many civic and farm organizations, among them, district director of Gulf Milk Association and member of Dairy Advisory Committee to the State Board of Health.

The Walthall dairyman, who earned his Dairy Production Degree from Mississippi State University, and his wife Linda, a graduate of William Carey College and former associate Home Demonstration Agent in Walthall County, have put their educations to good use in the dairy farm.

Under the DHIA (Dairy Herd Improvement Association) program, which calls for weighing each cow's milk one day a month, running individual butter fat tests, keeping book records, and alloting food rations according to production, the Smith's Holstein herd of about 145 cows has improved continuously. In 1970, their dairy with 139 cows produced an average of 12,928 pounds of milk with 503 pounds of fat.

DIET IMPORTANT

"A cow's diet is most important for top milk production," explained Smith who feeds his herd a 20 percent protein grain feed ration, prepared in his own automatic mix mill, plus silage and year-round pasture grazing. He runs his dairy with four helpers, two milk hands and two tractor hands.

Diet gets top priority in the Smith household, too, and daily food care is fortified with "gallons of milk," butter instead of oleo, yogurt, cheese, and lots of ice cream. "Karen even eats ice cream for breakfast," laughs Mrs. Smith.

Most of the daily menus at the Smith home are made up of vegetables and meats from their farm and Mrs. Smith pasturizes milk from their dairy.

Daughter Margaret, now a 4-H member with at least a dozen blue ribbons to show for her work, is learning to cook. Her specialty is mixing milk shakes and sodas.

"THE RIGHT OF PRIVACY"

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ECKHARDT. Mr. Speaker, organized labor has always been in the vanguard of the battle to protect and enhance the basic rights of American citizenry. On June 16 the AFL–CIO Maritime Trades Department and the Transportation Institute sponsored a people's forum on privacy to delve into the invasion of what Justic Brandeis called the "right to be let alone." I believe that the remarks of AFL–CIO President George Meany accurately describe the present situation and the workingman's stake in the current debate over Government infringement upon his privacy. The remarks follows:

"THE RIGHT OF PRIVACY"

(By George Meany)

The American labor movement is an expression of the hopes and aspirations of the working people of America. It seeks for its members the full recognition and enjoyment of the rights to which they are justly entitled. From the first the AFL–CIO, as the majority spokesman of organized labor, has recognized that the right of privacy is preeminent among the bundle of rights to which working men, and indeed, all members of our society, are justly entitled.

Beginning with our first constitutional convention in 1955, and prior to the time the gravity of the issue had been fully recognized by other groups, the Federation had taken a firm and uncompromising stand against incursions upon what Justice Brandeis called the "most comprehensive of rights and the right most valued by civilized men"—the "right to be let alone."

Since then, we have warned that:

"Government at every level, business institutions of all types, organizations and individuals with axes to grind, increasingly infringe upon the privacy of American citizens.

"Wiretapping has grown by leaps and bounds.

"Electronic bugs of all kinds make wiretapping seem like child's play.

"Closed circuit television monitors people innocently pursuing their daily life.

"Lie detectors have become commonplace.

"Hidden microphones, tape recorders, personnel questionnaires, two-way mirrors, peepholes, cameras, spy glasses, private detectives, all of these add to frightening intrusions upon the privacy of each and every person."

On the ground that these practices and devices are a danger to our democratic society, we in the AFL–CIO have expressed:

"Our unalterable hostility and opposition to surveillance whether by electronic listening devices, wiretapping, closed circuit television, motion picture cameras, peepholes, or any other of the ever-growing list of such devices."

This, then, is the position from which the labor movement starts on this subject. In light of that position you will understand my pleasure in the fact that the AFL–CIO's Maritime Trades Department is a moving force in this important conference, and my delight at Paul Hall's invitation for me to come here today.

Our democracy is built on the fundamental belief in the basic dignity and intrinsic worth of the individual. To safeguard this sense of individuality, it is necessary to protect the right to control the circulation of personal information. That, indeed, is the essence of the modern definition of the right of privacy. For forced exposé of such information may reveal intimate secrets that open one to ridicule and shame; it may deprive one of the opportunity for mature consideration of new ideas, and for self-evaluation, vital to independent and creative thought; and it may destroy the occasions for the emotional release of social tensions necessary to psychological and physical health.

Thus, the right of privacy is essential to a humane conception of the individual's relations with his fellow men. It is precisely for that reason that the labor movement has recognized its importance. For organized labor's mission is to insure that working men and women are treated in a manner commensurate with their inherent human dignity. And, of course, that end can only be achieved in a nation truly dedicated to maximizing personal freedom.

We in the labor movement are not armchair philosophers or social scientists. I will assume that it has been established to the satisfaction of those of you attending the meeting . . . as it has to mine, that a meaningful right of privacy is important and that a combination of new technology and a failure of the will to control that technology on the part of some have created a very substantial danger.

Organized labor is, however, active in the political and industrial life of this nation. We do not simply sit back and brood about the invasions of a basic right. We attempt, with all the vigor at our command, to do what we can to blunt the efforts of those who would invade our freedom. In pursuit of this objective the labor movement has emphasized these principal issues.

First, we have sought legislation to arrest the movement toward increased wiretapping and bugging. Our view over the years has been and remains:

"The issue of wiretapping should be clearly resolved by federal legislation which should contain an absolute ban on tapping or divulging of tapped information by any person—private, federal, or local official—with the following exception: federal agents, under specific court orders, may tap and divulge in an area clearly defined to cover espionage, treason and kidnaping. The ban on divulging should include a prohibition of the use of tapped information at congressional hearings."

One of the aspects of totalitarian government which renders it so abhorrent to Americans is its all-persuasive policy on the question of the right of privacy or the destruction of the right of privacy. And this consideration to our mind outweighs the public interest in law enforcement through indiscriminate wiretapping. This seems especially clear since opinions differ as to the utility of wiretapping as an instrument for detecting crime.

Even assuming, however, that wiretapping does substantially aid in police work, we remain persuaded that, in general, the preservation of individual freedom should have priority over easing police work. That is a basic value judgment, and I recognize that our conclusion with respect to it differs from the conclusion reached by some, though not all, law enforcement officials. But it is not surprising, nor novel, that some law enforcement officials have a tendency to put law enforcement ahead of individual rights. In general, however, this reverses the proper priorities. There can, of course, be overriding considerations which tip the balance the other way on specific issues. Recognizing this we do accept the necessity of some invasion of the right of individuals to be free from police scrutiny, to the extent that the infringement is reasonably necessary in the interests of national security.

At first the AFL-CIO was pretty much alone in this somewhat radical conception as to the proper limits of wiretapping. But we in the labor movement are accustomed to being ahead of our time on civil liberties' issues. We find solace in the fact that eventually others recognize the power of the ideas we have embraced from the start. Thus, I was cheered, though unsurprised, to find even the Wall Street Journal stating on May 3 of this year:

"Why does Attorney General Mitchell continue to insist that he has the right to eavesdrop on U.S. citizens in national security cases without the court approval normally required in other eavesdropping situations? Doesn't he see the risks inherent in such a policy to democratic traditions, whatever the practical considerations?"

With such a pillar of conservatism in the fold there is certainly some reasonable hope that Congress, if not the Attorney General, cannot be far behind.

Second, organized labor has been the major responsible anti-communist organization which has fought to bring our internal security system in line with a decent regard for the right of privacy, and its corollary, the right of free and untrammeled association. The AFL-CIO, of course, believes that the United States Government must and should fully protect itself against communist aggression and treachery, both from without and from within. The strength of America's military forces, and those of its allies, must be maintained. The AFL-CIO likewise supports vigilant counter-intelligence work, vigorous enforcement of the criminal laws, and an effective security system. But we flatly reject the notion that the way to fight communism is to jettison the individual liberties that are an essential part of democracy, and to adopt the very tactics which make communism completely unacceptable to those who believe in human freedom. We do not believe communism can be defeated or democracy aided by suspending the Bill of Rights and the Fourteenth Amendment. We do not believe that communism can be defeated or democracy aided by undertaking to outlaw particular views and ideas, whether by governmental fiat or vigilante action.

We have therefore argued in testimony before the appropriate Congressional Committees that the present internal security programs utilize an overall method of dealing with the threat of subversion which time has proved to be bankrupt. In terms of policy, the practical "accomplishments" of the laws presently on the statute books may be said to have been little more than to provide an excuse for the creation of a cumbersome bureaucracy, and of vast files of unanalyzed data, the reliability of which is seriously suspect. In general, these laws have not been a source of discomfort to the dedicated subversive. Instead, their main impact has been on the vitality of our constitutional system.

The AFL-CIO has therefore opposed, and will continue to oppose proposals to reinstate the discredited internal security programs affecting non-sensitive jobs in government struck down by the Supreme Court. For the national security is not protected by the harassment of many millions of government workers engaged in activities far removed from the handling of classified information. And organized labor has opposed and will continue to oppose procedures which make a mockery of our professed dedication to the due process of law. In striking down the industrial security program as administered by the Defense Department, the Supreme Court made it clear that the utilization of unsworn accusations of secret informants had been without any legal foundation whatsoever. The constitutional right of confrontation and cross-examination must be clearly protected in any security program conducted by the United States. In order to protect the rights of government employees we have urged Congress to adopt a Code of Fair Practices covering all security programs which would provide for at least the following guarantees:

"1. the right to full confrontation of accusers and cross-examination of witnesses.
2. the right to have specific charges.
3. the right to subpoena witnesses.
4. the right to a detailed written decision.
5. the right to reconsideration of past decisions."

Some may be surprised that I refer to the internal security problem at this point in history. For there is a general tendency to believe that since the Supreme Court has struck down the worst excesses there has been a complete return to sanity. I wish that were true, but it is not. On May 30th, just two weeks ago, the front page of the Washington Post reported that the Pentagon's chief business advisers had quietly urged the government to open its intelligence files for industry.

The proposal was offered at a closed-door, Defense Department meeting of the Industry Advisory Council. A Mr. Mark Shepherd, Jr., president of Texas Instruments, told fellow members of the Industry Advisory Council and ranking Pentagon officials:

"Our first order of business would be to take the necessary action to enable the government to share its intelligence with industry in some appropriate manner. . . ."

Shepherd also proposed a central repository of criminal data for the purpose of screening job applicants and asked for special FBI agents who can work closely with companies on an area-by-area basis to identify what he called potential militants—they used to call them trouble makers. Well, this is really quite revealing when you realize that in 1935 the Congress of the United States enacted the Wagner Act, which prohibited the very type of surveillance that this fellow is now trying to get the Defense Department to do for him.

Back in the late 20's, there was a Congressional Committee known as the La-Follette Civil Liberties Committee. It is pretty much forgotten now but its work was bound up in several dozen volumes of sworn testimony over a great many years which showed that industry in this country had spent millions upon millions of dollars using strikebreaking agencies, using infiltrators, spies and so on. And from that report, really, came the Wagner Act. And the Wagner Act now bars the employer engaging in a great many of these practices on his own, and here we have industry, in the person of the representative of the Texas Instruments Company now asking the government do the very thing for them that they are barred from doing for themselves by the original Wagner Act.

Much of this man's text dealt with what he regarded as legal and administrative curbs on industry's freedom to screen prospective employees. These are the things that the Wagner Act stopped. He talked of "drastic limitations" in many states "on such useful screening, instruments as the polygraph".

In other words, some states bar the polygraph and he feels real bad about that.

He complained of legislation aimed at prohibiting discriminatory practices which has forced the removal of certain questions from the application for employment form and of a new guideline issued in August by the Equal Employment Opportunity Commission which prohibits job tests that have "no known significant relationship to job behavior."

I don't see what he complains about there. This would seem to be a very logical prohibition when you tell an employer that he can't ask questions that have nothing to do with the job or behavior on the job.

And he also cited court decisions governing libel and prohibiting "blacklisting for union activity."

Well, now there's one. He is against any prohibition on blacklisting. He thinks blacklisting is all right. He is going way back. And he stated:

"These decisions have made it an extremely precarious practive to divulge to another company the reason for an employee's termination beyond the most innocuous statement."

Finally the article notes that the foregoing views were strongly endorsed by Willard F. Rockwell, Jr., chairman of North American Rockwell, the 7th ranking defense contractor, like Shepherd, Rockwell's remarks implied that union organizers should be an appropriate target for screening.

Thus, the defense industry, under the cover of internal security, continues to press for a comprehensive unregulated secret data bank despite the eloquent warnings of Professor Miller and others that the creation of such monstrosities is a serious threat to the right of privacy.

Third, the AFL-CIO has mounted a nationwide attack on the misuse of the polygraph or so-called "lie detector." In announcing this campaign the Executive Council stated "we object to the use of these devices not only because their claims to reliability are dubious, but because they infringe on the fundamental rights of American citizens to personal privacy.

This effort on our part has led—among other pluses—to quite a few collective agreements doing away with this 20th Century form of the "yellow dog contract"—the requirement that employees undergo a lie detector test whenever management tells them that they have to do so.

There are, naturally enough, those who justify the use of lie detectors on the grounds of security, prevention of pilferage, and the ever-present quest for "efficiency." Our response in this area is the same as our response to the defenders of wiretapping; not one of these goals—important though they may be—outweighs the right of individual privacy of mind and body. For the use of these devices is a clear perversion of the basic concept of American law that the individual is presumed innocent until proven guilty. A lie detector makes a mockery of the Fifth Amendment. Our founding fathers could not have foreseen this variant of the "star chamber" but given their abhorrence of forced self-incrimination, we may be sure that they would have outlawed the lie detector had they known of it at the time. Indeed, I cannot even begin to understand the rationale for requiring a man of apparent honesty, integrity and dependability to suffer himself to be hooked up to a machine and then forced to answer a range of questions, many intensely personal, about his past, present and future actions, in order to secure a job or keep a job.

Moreover, here as in many other instances, there is a substantial basis for believing that a technique which is morally repugnant is also ineffectual. Polygraphs record changes in respiration and perspiration rates, and pulse and blood pressure. Beyond that, they can record nothing, imply nothing and prove nothing. For there is no known direct connection between an untruthful answer and the respiration rate or blood pressure. It can be assumed that there is such a connection. But all sorts of other factors may be responsible for such changes as well. Thus, responsible psychiatrists hesitate to make such judgments after hours of careful examination; yet lie detector operators, many of them with little or no training, purport to make such judgments instantaneously.

The bulk of my discussion has treated with the broad programs organized labor has developed to protect the right of privacy. I have not discussed, because I could not even begin to do justice to, the day-to-day efforts in this regard by the AFL–CIO's 121 affiliates and their thousands of local unions. For example, anyone who knows labor history knows that the company-paid labor spy has been too much a part of the labor scene in the past. Since 1935 federal law has set its face against his tactics. In the first volume of the NLRB reports a violation was found, and upheld by the Supreme Court. And I think this is interesting—this was a case back in 1935 and the decision of the court read that:

"The Company hired a detective whose duty it was to 'ferret out the union activities of the men' in order to keep the Company informed. This . . . was to avert trouble and 'to keep a steady flow of business.' For purposes of deception, and in order to make the detective eligible for membership in the Union, the employer gave him employment. He joined the Union and became its treasurer and made frequent reports . . . which were used to cause suspicion, unrest and confusion among the employees."

This action, of course, was repudiated by the Supreme Court but today, many such violations are repeated with regularity and unions and the Board are required to go through lengthy legal proceedings to protect a basic privacy right.

Moreover, as the Washington Post article I quoted indicates, there has been no perceptible slackening of the appetite of employers to intrude on their employees unduly even where no organizing campaign is going on. There are continual problems raised by such distasteful employer actions as removing doors on toilet booths or installing closed circuit T.V. or peepholes or hidden microphones in rest rooms and break-areas in order to catch people that they refer to as malingerers. In each case the method used is plainly repugnant. Such matters must be settled at the plant or company level through the process of collective bargaining and arbitration set up to develop a civilized law of the shop.

"The device at hand is not only personally repugnant to the employees, but it has such an inhibiting effect as to prevent the employees from performing their work with confidence and ease." This was the conclusion of an arbitrator in one of these cases. And then he went on to say "Every employee has occasion to pause in the course of his work, to take a 'breather', to yawn, or otherwise be himself without affecting his work. An employee, with reason, would hesitate at all times to do this, if he is being recorded on T.V."

It can be said with perfect justification that the labor movement has not secured 100% compliance with any of its goals in these fields. And that while we have pursued these goals through the tedious process of education, persuasion, lobbying and collective bargaining new breaches in the dike continue to appear. However, I am not pessimistic about this. The problem of the proper accommodation of privacy to other valid interests is a complex one. And as Judge Learned Hand stated: our system "presupposes that right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection. To many this is, and always will be, folly; but we have upon it staked our all."

I, for one, remain confident that our system works better when we have a right to make these decisions at the bargaining table for ourselves. And I feel that in the foreseeable future the labor movement's efforts, combined with the efforts of those who have similar feelings and are of similar persuasions to us, will carry the day in firmly and finally establishing a meaningful right of privacy for all citizens of this country.

THE BRILLIANCE OF PAUL CALLAWAY

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ALBERT. Mr. Speaker, under leave to extend my remarks, I call the attention of the House to the following review of a recital at the Washington National Cathedral on Thursday, June 24, by Paul Callaway, written by Paul Hume of the Washington Post, one of America's greatest music critics. Mr. Hume has described a superlative performance in one of Washington's cathedrals by the cathedral's own renowned organist, Paul Callaway. Mr. Callaway thrilled his listeners with a soaring performance unexcelled in any of the great concert halls and churches of this country and easily accessible to the Washington community and tourists. In this great metropolitan area, art and music attain high levels and flourish in an atmosphere of appreciation. Both the work of the distinguished performer and the discerning and literary critic deserve favorable comment. They represent a view of the Washington metropolitan area which is sometimes submerged by news reports of crime and violence. The wealth of cultural opportunities available here is noteworthy and I hope will be noted by the Members and visiting constituents as well.

[From the Washington Post, June 25, 1971]

THE BRILLIANCE OF PAUL CALLAWAY

(By Paul Hume)

For all the brilliance of the Renaissance, there was not, at the time that Michelangelo painted the Sistine Chapel, a music equal in concepts of power, terror, and majesty to those awesome scenes he placed, on that famous ceiling.

Last night, however, in Washington Cathedral sitting within contemplating distance of the remarkable photographs of those paintings, such music was being heard when Paul Callaway concluded his recital with the epic fugue Liszt wrote on the Anabaptist chorale, "Ad nos ad salutarem undam."

Michelangelo's daring, his intense humanity, his impassioned sense of grandeur and of humility, finds parallels in Liszt's music though there is less of the last quality in the fugue than in the preceding fantasy.

It was 28 years ago that I first heard Paul Callaway play this same work. Then, too, it was a night in early summer. He had just returned from serving four years' in the army, in the Pacific. On that distant night, his playing was so inflaming in its effect that a group of us drove around for hours, saying little, but unable to move away from the effect of the concert.

So it was last night. To hear Callaway play Bach or Franck, Sowerby or Liszt, or indeed any of the organ repertoire he chooses to investigate, is not unlike hearing Rudolf Serkin play Beethoven or Brahms or anything he chooses. A thousand organists have come and gone in that quarter of a century but I have not heard Callaway's equal.

By no means did the Liszt disclose more than certain aspects of Callaway's genius. Bach's Canonic Variations on the Christmas tune, "From highest heaven" delighted not only Bach's contrapuntal skills, but challenged Stravinsky, in his seventies, to rewrite them for choir and orchestra.

With his amazing skill, Callaway achieved a perfect balance between total clarity of the intertwining lines and the emotional level of the variations, which is high. Equal clarity made it easy to follow the startling ideas of Buxtehude's F Sharp Minor Prelude and Fugue, in the later part of which the composer breaks off from his polyphony in daring fantasies.

Surely the last dozen works of Mozart are the most varied in thought and form of any composer's final writings. Nestled among such peaks as "The Magic Flute," "The Clemency of Titus," and the Clarinet Concerto are some of the rarest gems of his entire life: the "Ave Verum Corpus," the Adagio and Rondo for glass harmonica and four other instruments, and the utterly charming Andante for barrel organ that Callaway placed between Buxtehude and Franck. Like the Sowerby Fantasy in the second half of the concert, he played it entirely on flute stops, with an easy rubato and plastic phrasing of ravishing effect.

The Franck was the oft-abused "Piece Heroique." When its herosim is kept urgent, as it was last night and the latent drama of its mid-section is fully elucidated, its closing melodrama falls into proper perspective.

The Sowerby was an ideal scherzo and the special mystique of Tournmire's suite for the Sunday after Easter was wholly realized, drawing upon the most elusive of the organ's resources. Then came the strange A Flat Minor Fugue of Brahms, a unique moment in his entire output, yet wholly idiomatic.

And, at the last, the Liszt. The torrential energy with which Callaway ripped through the brief introduction to get at the fugue was a signal of what was to follow; coming out of a strict discipline, a flaming realization of the demonic Liszt, irresistible, and mounting in excitement, yet constant in its observance of what Liszt wrote. It was, to use one of Liszt's favorite words, transcendental.

ADMIRAL BENDER'S SPEECH TO THE GRADUATES OF THE U.S. COAST GUARD ACADEMY

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. STEELE. Mr. Speaker, the commencement address to the graduates of the U.S. Coast Guard Academy, New London, Conn., which was delivered on June 9, 1971, by Adm. Chester R. Bender, commandant. This excellent address should be of considerable interest to my colleagues:

COMMENCEMENT ADDRESS BY ADM. CHESTER R. BENDER

Distinguished guests, fellow officers, and the class of nineteen seventy-one. It is a real personal pleasure to be with you for this memorable occasion. I have seen these commencement exercises from several viewpoints. I have been an indifferent participant as an underclassman. I have been an eager participant as a member of the graduating class. I have been an anxious participant as superintendent of the Academy. Last year I was here just two days after becoming commandant. And now, for the first time, I am the featured speaker.

Let me assure all of you that with that kind of background I know how hard the chairs can get, and I know how anxious these fine young men are to get on with the ceremony. So my remarks will be brief, and my message is particularly for the graduating class.

Within a few minutes you will be sworn in as ensigns in the United States Coast Guard. This is the goal you have been striving for during four years of dedicated work. I am sure it seems like the end of a long hard trail and each of you has my sincere compliments for completing the many arduous duties that have been assigned and for reaching this point. Each of you one hundred and forty men has demonstrated that you have what it takes. I know that it has not been easy. I know there have been times when you may have wondered whether you could make it, or whether the rewards were worth the efforts and energy you had to expend.

Let's consider that question for a moment. Has this accomplishment—the earning of your bachelor's degree and a commission in the Coast Guard been a worthwhile task for you? I think I can assure you that even when the excitement of today has passed—even when you've wiped away the lipstick of a sweetheart's kiss—and recovered your composure from the back slaps and handshakes you will exchange—even then you will begin to realize that yes, indeed, these four years have been worthwhile.

First, you must have a deep personal sense of pride and satisfaction. You must know what a select group you represent. You remember the stiff competition you met before your appointment as a cadet. You will recall classmates—all fine young men—who for one reason or another dropped out during the past four years. Now you stand here this morning—one hundred and forty strong—the survivors of an intensive, well disciplined training program intended to equip you for a career as a Coast Guard officer.

This training has left its mark on you. It is a mark you cannot erase even if you were to leave the service. It is a mark you will carry through life, a mark that will set you apart. For you have cultivated here the characteristics of leadership, a sense of honor, and a dedication to duty. These are unusual qualities which you will carry with you the rest of your life. And you will always be able to say "I graduated from the United States Coast Guard Academy".

I realize that personal satisfaction is an intangible thing. In a materialistic world, our thoughts must also gravitate to more tangible rewards. You undoubtedly have already calculated what an ensign's pay and allowances total. And you may have already speculated on career patterns and what you might expect to earn in the future. Perhaps there are questions in your mind on this point. Perhaps you wonder if your future compensation will be adequate.

Let me try to answer that question. There are strong indications that professional military personnel will be better compensated in the future than we are today. And in the past few years there have been some generous improvements enacted into law. But to be realistic, I do not think that we will ever be able to promise you material rewards equal to the top paying positions in industry.

However, I can promise you that your career as a Coast Guard officer can bring you rewards far greater than any you could achieve in most fields. I don't refer to material riches, but to the full rewarding life that lies before you. In this area you will receive rewards usually unattainable: You will see the love reflected from the eyes of a mother whose child you have saved from the sea; you will see the glow of pride in a petty officer you have helped develop and train; you will feel a sense of fraternity with your shipmates and a kinship with your families; you will experience the thrill of accomplishment when you sight a life raft you have sought for days and find survivors still alive; you will share a bond of sorrow as taps are sounded over the grave of a shipmate; you will sense the adventure of conning a ship through heavy seas and learn to appreciate the mariners of earlier days who braved these same seas in lesser vessels.

All these priceless moments—and many, many more—are to be yours and yours alone. They will not come to you automatically. You will have to work for them just as you have worked for the shiny gold ensign's shoulder boards you will soon be wearing. But once you have earned these treasures, they are yours to keep forever.

I am reminded of a Navy helicopter pilot who spent nearly three years in a North Korean prison camp. He was subjected to serve torture, near starvation and grossly unsanitary conditions. He survived the punishments for several attempts to escape and was finally repatriated after the armistice. A friend asked him one time if it was worth it. "Do you think your resistance to the enemy made the world any better?" He thought for a moment and then replied, "well, at least for me the world is better".

And I think that after you have served awhile as a coast guard officer you will feel the same way. Because you will feel the deep sense of accomplishment that is a result of personal sacrifice, and your own personal world will be better because you have served your nation and humanity.

You will face an ever changing world, changing perhaps at a faster pace than we have ever known. But the changes we have seen in recent years—and the changes we can foresee for the future—are largely the predictable evolution of technology. The fundamentals of human relations, basic values such as integrity, pride, patriotism and loyalty are as unchanging as the broad oceans. Surely there will be days of heavy weather and rough seas. But they are inevitably followed by calm and tranquility. You will find that the values you have cultivated here will survive all the stormy days and make the intervening calms even more enjoyable.

Yours is the 39th class to be graduated from the Coast Guard Academy. Your class brings the total to nearly three thousand men who have been trained here.

You will be adding new chapters to a heritage already rich with heroism. No one can predict what challenges may face you in the future, but I am sure you will be ready to act whatever the circumstances.

Recently, you know, we decided to name our newest 378-foot cutters after Coast Guard heroes. The first three names selected—Munro, Jarvis and Midgett—have a special significance. These demonstrate the wide diversity of situations that have necessitated these acts of heroism.

You may never be asked to lead a herd of reindeer across 1,500 miles of Arctic wasteland, but Lieutenant Jarvis did it and was awarded a special Congressional Gold Medal.

You may never be called upon to brave a heavy surf to rescue seamen from the fierce Atlantic but Warrant Officer Midgett did it—and saved fourteen lives from a torpedoed British freighter during the first world war.

Hopefully, we will never have to ask you take a small boat into a beach swept by enemy fire. But Signalman Munro did it, and some five hundred marines lived because Douglas Munro paid with his life for their safety. His posthumous Congressional Medal of Honor—the handsome building here on the academy grounds—and now our beautiful new cutter—attest to his bravery.

These three names—Munro, Jarvis and Midgett—have another lesson for us, these names represent a cross section of our service, officers, warrant officers and enlisted men. This is worth mentioning today, because you, as a newly commissioned ensign, are about to enter a world that may be strange to you.

Here in the Academy you have lived for four years in a rather closed society. Most of your associations have been with other cadets, you and the others performed your duties, passed your exams, and followed the rules. Those who chose not to conform were simply dropped from the corps.

But it will be a different environment when you report to duty, you will find that problems can't be solved simply by dropping a man from the rolls, problems do not disappear that easily. You will find that moral suasion and leadership are far more important than raw discipline. For if a seaman, for example, decides to ignore a regulation—or stretch the standards of grooming—you can't home. Somehow you must solve the problem.

To complicate the situation, you may often find that some of the enlisted men you lead have as much education—or even more—than you have. Our enlisted men are top quality people. They are entitled to top quality officers. You cannot expect automatic respect simply because you outrank them. You must earn and deserve their respect and to do that you must be prepared to make some adjustments in the way you deal with people. Once you leave the academy you are not likely to find the degree of unquestioning obedience you have become accustomed to here. And you will learn promptly that the wardroom is not the sole repository of all knowledge and wisdom.

The class of "seventy-one" will represent about three percent of our total officer corps. But I expect you will have a greater impact than your mere numbers. For we are always seeking the energy and imagination of young officers. And you men are much better equipped with professional training than previous classes. Your background includes subjects related to the broad scope of coast guard duties. You are familiar with such subjects as oceanography, environmental protection and electronics engineering, subjects that were virtually unknown—and certainly untaught—when I was a cadet.

You have had broad, practical experience far beyond that available to cadets in former years. You have had opportunities to relate your classroom work to the actualities of Arctic ice, a busy air station or other widely diverse Coast Guard duties. As a result, we believe that you are better qualified than any class before you to assume your new duties as Coast Guard officers.

So I look forward to the transfusion of youth you will provide after you've enjoyed a well earned leave. Please accept my sincere congratulations on this memorable day in your life.

Good luck and smooth sailing on your first assignment.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FRASER. Mr. Speaker, the use of computer sciences in the delivery of health care has been receiving increased attention lately. The traditional role for computers in the hospital situation has been to deal with administrative problems according to testimony received from Mr. Joel Watson of Biomedical Computer Services, Inc.

The testimony received from Mr. Watson at the recently concluded Minneapolis health hearings elaborated on some of the problems facing hospitals and suggested, in an accompanying report, one of the possible solutions through the use of computers.

Mr. Bruce Boraas' letter discusses one of the programs involving the Division of Health Computer Sciences at the University of Minnesota. Mr. Boraas also submitted for the hearings two volumes of their project which I would be glad to make available to those Members interested in reviewing their program. Mr. Boraas' statement follows:

DISCUSSION OF THE HEALTH CARE INFORMATION PROBLEM

Today's hospital information system is both costly and inadequate for today's and tomorrow's health care needs. It is costly because it represents up to 30 percent of total hospital costs. Jydstrup and Gross[1] reported on their study of information costs for hospitals in Rochester, New York, that information costs were 20 to 25 per cent of total costs. Studies by Lockheed Missile and Space Corporation[2] showed that at least a third of the time of the manpower at a number of hospital clinical and support sites was spent in information processing. Today's hospital system is costly because it is error-prone. Physician handwriting, according to Feldman,[3] cost the hospital studied (average daily census 340) $12,000 more in money and 6,400 extra working hours per year than if the orders studied had been legible. Today's hospital information system is costly because it is facility rather than patient oriented and data is duplicated in each facility. Each patient encounter at a different facility (doctor's office, hospital, extended care, school health, public health, home health services, etc.) results in an individual medical record to meet the information requirements of that organization. This problem is compounded by the extensive physician specialization (98% of medical school graduates specialize[4]) and population mobility (one in five individuals annually and the average family every seven years is estimated to be affected[5]). When individuals seek care from facilities because of financing for categorical or general health care services (veterans with service connected and non-service connected health care problems, group health plans which do not provide comprehensive services, changes in the individual's resources which change the individual's eligibility for services, etc.), there is further duplication of effort. In addition, the facility oriented medical record is designed for administrative rather than clinical use. Dr. L. L. Weed[6] has documented the internal inadequacies of today's medical record for clinical practice. He proposes a problem-oriented chart to maximize the value of the physician's time in identifying the patient's problem(s), developing/implementing/evaluating his treatment plan, peer evaluation of treatment rendered, and education of medical students, and self-education.

In addition, the physician does not have ready access to studies and research relevant to the patient's treatment plan and his self-education. A 1968 study of Ohio Hospital libraries showed that only one-fifth had library staff available 20 or more hours per week and that one-tenth of the librarians-in-charge had under graduate or graduate degrees in library science.[7] The authors found that there was "a direct relationship between service and demand, perhaps a circular one in which each generates the other."

The physician does not have ready access to information on resources available locally, regionally or nationally to utilize when selecting the most cost-effective resource to achieve maximum patient benefit. The report of the National Commission on Community Health Service recognized this need in its statement:[8] "(The physician) will be aware of the many and varied social, emotional, and environmental factors that influence the health of his patient and his patient's family. He will either render, or direct the patient to whatever services best suit his needs. His concern will be for the patient as a whole and his relationship with the patient must be a continuing one. In order to carry out his coordinating role, it is essential that all pertinent health information be channeled through him, regardless of what institution, agency, or individual renders the service. He will have knowledge of and access to all the health resources of the community—social, preventive, diagnostic, therapeutic, and rehabilitative—and will mobilize them for the patient."

Managerial data for surveillance of the populations' health at facility, community, regional and national levels is necessary. Statistics published by the National Center for Health Statistics focuses on the problems. A July, 1969,[9] and a May, 1970,[10] publication were based on FY 1964 and 1965 data from population interviews, respectively.

Managerial data for appropriate distribution and management of available resources is critical. The many commissions on health care[11] in the past five years made proposals and statements highlighting the lack of this data and problems in obtaining needed data. One commission[12] phrased the problem thusly: "One overall caution: our conclusions and recommendations are necessarily qualified because of our inability to obtain timely adequate data on the medical care system from existing sources."

Progress in the use of computers to improve today's hospital information system has been limited in acceptance and scope. The recent survey,[13] "The State of Information Processing in the Health Care Industry" (conducted for the Hospital Financial Management Association by Harris, Ken, Chermak, and company), indicated that over half of all hospital information processing applications are performed by hand, that computers are gaining broad acceptance only in payroll, accounts receivable, and patient accounting. The survey indicated that the most frequently stated complaint was the lack of an integrated, comprehensive set of application packages for all hospital information requirements. An earlier survey,[14] "The Use of Computers in Hospitals" (conducted by Herner and Company under a USPHS Contract, PH 110-233), indicated, as did the HFMA report, that approximately half of the hospitals use computers.

BIBLIOGRAPHY

[1] Jydstrup, R. A., and Gross, M. J.: "Cost of Information Handling in Hospitals," Health Services Research, Winter, 1966.

[2] Lockheed Missiles and Space Company: "Analysis of a Clinical Information System—University Hospital, Saskatoon, Saskatchewan (2/13/67)"; "Hospital Information System Analysis Reports"—Santa Clara County (Calif.) Hospital, Los Gatos—Saratoga (Calif.) Community Hospital, and El Camino (Calif.) Community Hospital (1965–66).

[3] Feldman, H.: "Analyzing the Cost of Illegible Handwriting," Journal of the American Hospital Association, February 16, 1963.

[4] Report of the National Advisory Commission on Health Manpower, Volume I, November, 1967. (page 14)

[5] Ingbar, M. L.: "Organization of Health Services: Challenge to Operations Research," Proceedings of the Symposium on Health of Health Applications Section, Operations Research Society of America, May 14–16, 1969.

[6] Weed, L. L.: *Medical Records, Medical Educaiton, and Patient Care,* The Press of Case Western Reserve University, 1969 (250 pages).

[7] Rees, A. M., Denism, B., and Roshenberg, L.: "The Structure and Function of the Hospital Library," Hospital Administration, Vol. 15, No. 4, Fall, 1970.

[8] National Commission on Community Health Services: Position C: The Changing Role of the Personal Physician of "Health Is a Community Affair," Harvard University Press, 1966 (252 pages).

[9] "Family Use of Health Services, United States—July 1963–June 1964"; DHEW-PHS-HSMHA-NCHS, Series 10, Number 55 (60 pages).

[10] "Inpatient Utilization of Short-Stay Hospital by Diagnosis; United States—1965," DHEW-PHS-HSMHA-NCHS, Series 13, Number 6 (77 pages).

[11] National Commission on Community Health Services (1966), National Conference on Medical Costs (1967), National Advisory Commission on Health Manpower (1967), Conference on Costs of Health Care Facilities (1968).

[12] National Advisory Commission on Health Manpower (1967), Vol. I, page 4.

[13] Merritt, M.: "One-Third of Hospitals Reported Dissatisfied With Vendor Support," Computer World, November 4, 1970.

[14] "The Use of Computers in Hospitals," Herner and Company (PHS contract No. PH 110-233), Report III and IV.

BACKGROUND OF BCSI

(Yesterday)

Eight years of systems studies, research and testing conducted by John R. Krismer, MHA, have demonstrated in actual patient care situations that a comprehensive computer-based information system can be designed to meet the clinical and managerial requirements of the health care field. In 1962, members of the medical, nursing and administrative staff of a 350 bed hospital (C. T. Miller Hospital) in Saint Paul, Minnesota began a research study of information requirements based on the hypothesis that the patient's medical record is the source of all data for the hospital's information system. The study was transferred to the medical community of Lansing, Michigan in 1964 when Mr. Krismer became Associate Administrator of one of Lansing's hospitals (St. Lawrence Hospital). The scope of participants expanded with the inclusion of Michigan State University schools of medicine, computer science, and nursing plus two other community hospitals and twenty-five physicians in private practice. In November, 1968, Biomedical Computer Services, Incorporated was established in Saint Paul, Minnesota to continue the development and implementation of the comprehensive computer-based information system in the health care field.

(Today)

A contract is now in effect between BCSI and E. W. Sparrow Hospital in Lansing, Michigan for the implementation of the BCSI—Health Information System. In addition, BCSI will link the BCSI—HIS in a private physician's office located outside the hospital complex as the first step in the establishment of a community-wide health care information system.

LANSING PROJECT—1965–68; LANSING PROJECT ACCOMPLISHMENTS

1. Developed and tested computer compatible medical record on a nursing station to provide source data for hospital information system.

2. Reduced medical record forms from 130 to 10 formats: Registration, History, Physical, Problem List, Progress Notes, Observations, Comparative Flow Chart, Doctor's Update, Nurses' Update, Orders.

3. Redesigned manual systems to be computer compatible using source data to improve existing systems.

LANSING PROJECT, 1965–68

	Admission list	Discharge list	Transfer list	Census list
Data from registration format:				
Patient name	×	×	×	×
Medical record number	×	×	×	×
Room number	×	×	×	×
Admission date	×	×	×	×
Insurance code	×	×	×	×
Age	×	×	×	×
Doctor	×	×	×	×
Data from registration format—Continued				
Service	×	×	×	×
Added data:				
(Verification)			×	×
Transfer data			×	
Patient condition				×
Discharge date		×		
Other				×

Note: Results—Existing manual system, 10.6 hours/day; Modified manual system, 5.7 hours/day; Savings, 4.9 hours/day.

LANSING PROJECT, 1965–68

A/R monitoring	Financially responsible party notified list	Financially responsible party accept/reject list	Billed list	Paid list
Added data:				
Data sent to FRP	×	×	×	×
Date verified by FRP		×	×	×
Date discharged			×	×
Date FRP billed			×	×
Amount FRP billed			×	×
Date FRP paid				×
Amount FRP paid				×
Data from registration format:				
Patient name	×	×	×	×
Medical record No	×	×	×	×
Room No	×	×	×	×
Admission date	×	×	×	×
Insurance code	×	×	×	×
Age	×	×	×	×
Doctor	×	×	×	×
Service	×	×	×	×

Note: Results achieved in 10 months:

	Existing	Modified
Report frequency	Annual	Daily.
Blue Cross A/R outstanding	$700,000, 60 to 120 day account	$200,000, 30 to 60 day account.

LANSING PROJECT—1958–68

4. With comparative studies of the pilot station operation accomplished by Community Systems Foundation:

Confirmed other study results that head nurse spent more than 50 percent of her time in paper work;

Reduced nursing paper work 20 percent;
Eliminated nurse aides;
Reduced use of orderlies; and
Increased RN-LPN time with patients.

BIOMEDICAL COMPUTER SERVICES, INC., APPLICATIONS LIBRARY

MAJOR CLASSIFICATION, CLASSIFICATION, SUBCLASSIFICATION

I. Source Data Applications:
Major Record Application:
1. History.
2. Physical.
3. Problem list.
4. Progress notes.
5. Doctor Update
6. Nurses Update.
7. Observations.
8. Comparative flow chart.
9. Orders.
10. Registration.
Registration.
Master population file.
Adm. Disch. Trans. Census.
1. Admission list:
a. Inpatient.
b. Outpatient.
2. Census:
a. Station.
b. Total.
c. Accumulative.
3. Transfer list:
a. Physician.
b. Patient.
c. Administrative.
4. Discharge list:
a. Inpatient.
b. Outpatient.
Scheduling.
II. Ancillary systems:
Laboratory:
1. Updates.
2. Exam library.
3. Dept. worksheets.
Pharmacy:
1. Dept. worksheets.
2. Formulary.
3. Library.
Cardio pulmonary:
1. EKG.
2. Pulmonary Function.
3. Shock monitoring.
4. Library.
D. Dietary:
1. Food Production.
2. Recipes.
3. Dietetics.
4. Menu Cycle.
E. Radiology:
1. Updates.
2. Exam Library.
3. Test Library.
4. Departmental System.
F. Social Service:
1. Internal.
2. External.
3. Departmental System.
G. Physical Therapy:
1. Treatment Library.
2. Updates.
3. Departmental System.
H. Occupational Therapy:
1. Therapeutics Library.
2. Divisional Library.
3. Updates.
4. Departmental System.
I. Electroencephalography:
1. Treatment Library.
2. Updates.
3. Departmental System.
III. General Service Systems:
A. Housekeeping:
1. Bed Preparation.
2. General.
B. Laundry:
1. Patient.
2. Station.
3. Department.
4. General.
C. Maintenance:
1. Preventive.
2. General.
D. Engineering:
1. Preventive.

2. General.
IV. Administrative Service Systems:
A. Administration:
1. Policy.
2. General Objectives.
3. Departmental Objectives.
4. Public Relations.
5. Administrative Reports & Statistics.
6. Financial Budgeting.
7. Physicians' Files.
B. Business Office:
1. General Journal Accounting.
a. Financial Reports.
2. Accounts Receivable.
3. Accounts Payable.
4. Payroll.
C. Materials Management:
1. Purchasing.
a. General.
b. Departmental.
1) Dietary
2) Pharmaceuticals
c. Products Analysis & Standardization.
2. Inventory.
a. General.
b. Departmental.
1) Central Supply.
D. Personel:
1. Recruiting Screening.
Recruiting & Hiring.
2. Health Service.
3. Staffing.
a. General.
b. Departmental.
c. Scheduling.
d. Manning Tables.
4. Position Control.
a. Personnel Budgeting.
5. Termination Processing.
6. Wage & Salary.
a. Point Curve.
7. Employee Policy.
a. Contracts.
8. Procedures.
9. Job Descriptions.
a. Point Systems.
10. Job Analysis.
11. Employee Relations.
12. Inservice Education.
a. Orientation Employee.
b. Orientation Professional.
c. Formal Education, Employee.
d. Patient Education.
1) General.
2) Clinical.
E. Communications:
1. Messenger Service.
2. Internal.
3. External.
F. Medical Statistical System:
1. Disease Index.
2. Operation Index.
3. Physician Index.
4. Patient Service.
a. Admission Stat.
b. Service Stat.

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., February 26, 1971.

Hon. DONALD FRASER: We at the Division of Health Computer Sciences, University of Minnesota, wish to call your attention to the powerful computer analysis tool we refer to as Geostatistical Mapping. We have developed this at the initial request and support of the Vision and Visual Science Manpower Survey, partially supported by the National Eye Institute.

It is nearing completion and will include the 48 contiguous states of the continental United States on a region-by-region, state-by-state, county-by-county basis. Since its initial inception as a research and analysis tool, we have extended the data base to include many health-related parameters specifically for Minnesota.

This effort is directed toward analysis support for the Vital Statistics Section of the Minnesota State Health Department.

Once the initial analysis programs are completed, any geographical data base may be established for the system. Currently, we have the U.S. Census Bureau 1960 data on a national level. These have been corrected by mathematical algorithms to adjust for subsequent years, for the State of Minnesota. For example, there are adjustment factors in the programs to present the population distribution in Minnesota for 1968. We are currently preparing to update the population data base to include the 1970 U.S. Census Bureau population data base.

The purposes behind the development of this analytical tool were: (1) to assess health care needs based on a geographical setting; and (2) to assess health care manpower based on a geographical setting.

The project began by attempting to identify geographically the location of ophthalmologists, optometrists, eye-ear-nose-throat specialists, and their relationship to the population density and incidence of blindness. We next expanded this data base to identify population rates for causes of death recorded on death certificates at the Minnesota State Health Department. This death certificate data base is on a year-by-year and county-by-county basis. Next, it was expanded to portray geographically the distributions of licensed nursing homes, general hospitals, and specialized hospitals (such as mental institutions, tuberculosis sanitoriums, etc.) in the State of Minnesota, relative to population density. We are currently promoting the use of this analytical tool in assessing the distribution and effectiveness of emergency ambulance service in the State of Minnesota. There are numerous possible applications of this geostatistical mapping analysis just within the area of ambulance service alone. For example, there are approximately 100,000 calls for ambulances in the State of Minnesota per year. One question this mapping analytical tool could contribute an answer to is, "Are the ambulances distributed effectively within the geographical clusters from which most calls occur over a period of time?"

Once these data bases are established, the user of the geostatistical system can interrogate the computer on hundreds of different combinations of variables. For example, the group of 55–75-year-old males with primary cause of death listed as stomach cancer on a county-by-county distribution overlay can be interrogated and displayed. The computer then generates this combination of data in minutes, and the combination is plotted out by the computer in less than twenty minutes.

We at the Division of Health Computer Sciences are proud of this analytical tool. It represents a high degree of the state of the art and certainly represents one of the most comprehensive tools for obtaining a meaningful analysis of health care needs and health care delivery. It not only supplements voluminous tables, but often supersedes their informative value by displaying more succinctly what tables are unable to display.

I thank you, Mr. Fraser, for expressing an interest in our capabilities and ongoing contribution to health care need and health care delivery analysis, and I trust this will be of considerable additional interest to your colleagues in Washington.

Respectfully,

BRUCE A. BORAAS,
Assistant Director.

CHAIRMAN TRAIN EVALUATES OUR PROGRESS TOWARD ENVIRONMENTAL ENHANCEMENT

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, June 30, 1971

Mr. BOGGS. Mr. President, the Honorable Russel E. Train, Chairman of the Council on Environmental Quality, gave an important address recently on the progress we have been making toward the enhancement of our environment. The address was given at the commencement of the State University of New York, Stony Brook.

As I believe Chairman Train's remarks merit the attention of all of my colleagues, I ask unanimous consent that his address be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE RUSSELL E. TRAIN

I welcome the opportunity to participate in this important occasion. For you, it is a time of beginning, a time for the setting of goals, for the making of choices. For those of us who graduated some years ago, it is an opportunity to take a new look at the world around us, hopefully to find some fresh perspectives. We certainly need them!

It is a very special pleasure for anyone dedicated to environmental concerns to be invited to this particular campus at Stony Brook. Not only is this the leading graduate center of the largest State university in the country, but you have here a very strong environmental studies program—including among others the graduate program in Ecology and Evolution under Dr. Slobodkin and the Marine Sciences Research Center under Dr. Squires.

Stony Brook is also the home of one of the most effective of the environmental litigating groups—the Environmental Defense Fund. Many of your faculty serve on its panels of experts. Its outstanding work on pesticides and more recent work on Corps of Engineers projects such as the Cross Florida Barge Canal has underscored the message of the National Environmental Policy Act and our Council: government decision-making must be reformed to think—and act—environmentally.

Last year when I was talking at Commencements, I tried to say something about what this thing called "environment" is all about.

I said then, "If we think of the concern for environment as being somehow a special interest kind of thing, we miss the whole point. It is about the wholeness of life, the totality of the environment, the city as well as the country, creating as well as preserving, the interrelationship of you and me and all around us. . . . We are talking about the future of man . . . that's what gives environment as an issue such a high priority and such a special urgency."

The environment as an issue gives a new perspective to some of the questions I am certain you have been asking about the quality of life in America:

How can we make sure our production is not at the expense of our environment?

Are we the slave of the next step of our technology toward greater speed, bigger tankers, and more mammoth strip mining—or can we set tasks for new technology to serve which better serve human goals?

How can we direct our use of our land so as to enhance our opportunities for room to breathe, for beauty, for recreation and for enjoyment of the daily environment in which we work and raise our families?

I am not going to turn this short talk into one more dreary recitation of environmental problems. I am sure that you are familiar enough with them. They are numerous. They are very real, and they are very important. It is essential that we move forcefully in dealing with them. The President recognized this fact in his message to Congress last August transmitting our first annual Report on Environmental Quality. At that time he said: "Unless we arrest the depredations that have been inflicted so carelessly on our natural systems—which exist in an intricate act of balances—we face the prospect of ecological disaster."

The important fact now in June 1971 is that we *are* moving ahead on a wide front to prevent such a disaster. This is not to say that we are satisfied—or ever should be. Much more will need to be done as our knowledge and our capacity to undertake effective programs improve. To some, the public effort will always seem inadequate. To others, who recall the state of public and private indifference only a few short years ago, the extent of present efforts is highly encouraging—indeed, even remarkable.

And, I repeat, we *are* making progress.

Preliminary data indicate that in many of our urban centers, levels of major air pollutants are going down. Levels of both carbon monoxide and sulfur oxides are getting lower in these cities—and it is in our cities where we must meet some of our most critical environmental tests. Likewise, total emissions from automobiles are going down. Levels of lead from automobiles have been increasing, but exercise of the regulatory authority provided by the new Clean Air Act should reverse this trend.

So much needs to be done, however, that I cite such evidence of progress with some hesitancy. Other levels of pollutants continue to rise, and complacency is the last thing we need in the fight for a decent environment. And the fight has just begun.

At the same time, I think it is vitally important that we do not see the problems as hopeless but that on the contrary we see them—as difficult and complex and frustrating as they usually are—as susceptible to solution through rational, determined public action.

A great deal has happened over the immediate past that gives rise to cautious optimism.

First—and I think most important of all—we have an aroused, active and increasingly well-informed citizenry. All over the United States, problems of pollution, of open space, of highway locations, of wetland protection, of supersonic aircraft—to name but a few issues—attract an alert, highly vocal public constituency. The media have responded to and have helped contribute to this widespread public concern and interest. There is no doubt in my mind whatsoever that an alert citizenry is the absolute prerequisite to effective environmental improvement. Throughout the country, the results of environmental action by citizen groups are dramatically evident.

Secondly, and related to the first point, is the fact that our educational system *at all levels* is increasingly providing improved understanding of environmental relationships as a regular part of the curriculum. Much more needs to be done on this score but impressive beginnings are being made. This development has tremendous long-range significance, in terms of public understanding of man's relationship to his environment. This understanding is coming to our society today painfully and in fragmented fashion. Hopefully, recognition of the interdependence of all life will come as almost second nature to future generations. We need to develop a kind of "environmental literacy."

At the Federal level, we have created new institutional arrangements to deal more effectively with environmental policy and implementation. The National Environmental Policy Act enacted last year requires all Federal agencies in all of their programs and activities to take environmental factors into account and, as part of this responsibility, to develop a formal, interdisciplinary environmental impact analysis which must be submitted to other Federal and State agencies for comment, which must be made available to the public, and which must be submitted to the Council on Environmental Quality for review—all well before final action is taken. With all of the imperfections of compliance during these first months, this new requirement is bringing about a quiet revolution in the way our bureaucracy deals with problems.

I strongly recommend that all levels of government, State and local, should adopt similar procedures. Indeed, I would urge that members of industry also adopt procedures to insure that environmental impacts of their actions are identified and considered. Such a policy could be particularly significant in the insurance and banking industries where the flow of investment should be subject to analysis in terms of its implications for environmental quality.

The National Environmental Policy Act also established the Council on Environmental Quality, my own group, about 18 months ago in the Executive Office of the President. The Council provides constant overview—within the limits of a relatively small staff—of the environmental performance of all Federal agencies. It likewise provides direct coordination in the administration of environmental programs when responsibility cuts across several agencies as in the case of offshore oil spills involving both the Environmental Protection Agency and the Coast Guard. It is characteristic of our increasingly complex society that programs and problems tend to cut across the traditional boundaries of our administrative agencies. The coordinative machinery provided by our Council constitutes a vital new experiment in effective public administration.

The Council advises the President on environmental policy. Two specific examples of such policy involvement have been the President's landmark action terminating further construction by the Corps of Engineers of the Cross-Florida Barge Canal and, on a more comprehensive scale, the development of the President's 1971 environmental legislative program. I will have more to say about the latter.

The other main new Federal institution is the Environmental Protection Agency established by the President as of the end of last year, which brings together under single leadership the primary environmental pollution responsibilities of the Federal Government, involving the water pollution program, solid waste management, pesticides regulation and radiation standard setting. One of the most difficult and at the same time most significant aspects of the EPA reorganization was the decision by the President to separate responsibility for standard setting in the public interest from responsibility for development programs. Thus, responsibility for standard setting in the field of pesticides was transferred to EPA from the Department of Agriculture with its primary responsibility for increasing the production of food and fiber. Likewise, responsibility for radiation standard setting as it affects community levels was transferred to EPA from the Atomic Energy Commission. Already, EPA is giving strong direction to our pollution clean-up programs. It has provided a dramatic example to other nations now moving to improve their organization for effective environmental management.

The emergence of the environment issue world-wide is, indeed, another important indicator of environmental progress. You and I know that environmental problems observe no political boundaries—here in the United States or among nations. Indeed, many of our problems are global in nature, as is the case with pollution of the seas. As the President said in his message to Congress on a Foreign Policy for the 1970's: "We know that we must act as one world in restoring the world's environment, before pollution of the seas and skies overwhelms every nation."

Public concern over environment is rapidly growing abroad, and this concern is the surest guarantee of action and cooperation on our common problems. Great Britain has brought about a major reorganization of governmental functions, establishing a new Ministry for Environment under a Secretary of State. This new Ministry brings together pollution control, transportation policy, housing, and land use planning under single direction. Canada, France, and Germany have created new integrated Cabinet responsibilities for the environment. Japan has created a new Environmental Agency which comes into being July 1. Various international organizations, including the United Nations itself, are giving priority attention to environmental problems and the United States is working intensively with all of these agencies. I believe that international cooperation for environmental improvement provides a major opportunity for positive leadership and initiative by the United States.

I have met this past week in Washington with a ministerial delegation from Japan, specifically to develop closer cooperation on environmental problems, following my own meeting in Tokyo last October with Prime Minister Sato.

Next week we meet with a Cabinet-level Canadian delegation on the critical problems of Great Lakes pollution. I cite these simply as examples of the increasing tempo of international cooperation in the environmental field.

A further reason for my cautious optimism is that strengthening our environmental control laws has become a priority objective of this Administration. Tough new air quality regulations have recently been issued by EPA under the Clean Air Act Amendments of last year. In the field of water quality, a permit program under the 1899 Refuse Act has been launched and all dischargers into the waters of the United States are being required to secure a permit conditioned on their meeting water quality standards.

We now have before the Congress the boldest, most far-reaching set of environment proposals ever sent up by any President. In addition to the overhauling of our water quality and pesticide laws, we are seeking authority in new areas to control toxic substances, noise pollution, and ocean dumping. We have precedent-making new proposals to put the power of our market economy to work at cleaning up our air by a charge on sulfur oxide emissions. We have the broadest range of proposals for better land use ever put before Congress, including a comprehensive national land use policy, a power plant siting proposal, strip mining regulation and a new parks to the people program.

In short, we have moved the Executive Branch as it has never been moved before to serve the goal of environmental quality. I am not sure this message is getting through but part of the reason is healthy: it is just no longer newsworthy that the Administration has strong medicine for the environment or that prosecutions for pollution are multiplying daily. But newsworthy or not, I want you to know that we mean business, that we have a great opportunity for some basic breakthroughs and that strong public support now will pay large dividends.

I would like to say why the environment is, perhaps more than you can realize now, *your* program. Basically our goal is to take a longer, more interdependent view of our actions—in a word, to act more like wise trustees of finite resources for future generations. You are the generation who will have to make this new attitude a way of life. Your youth, your probable longevity, your prospects for greater leisure, your consumption habits will make you feel that you come face to face with unresolved environmental problems every time you turn around. My message to you is that there is a silver lining to this responsibility—and it is a responsibility.

For one thing the environment as an issue adds interest and relevance to all your learning: understood as the total quality of life and not merely pollution or a need for planning, concern for the environment adds new insight to all education.

For another thing, environment programs and needs are going to create a lot of interesting new jobs that didn't exist two years ago. And the needs for new technology will not only create new jobs but in due course create new markets for our industry here and abroad.

I sometimes hear it suggested that young people are anti-business, that Americans generally are becoming anti-technology. I hope this is wrong for several reasons. We need a strong and dynamic economy if we are going to solve the problems of poverty, of urban decay, if we are going to meet the spiralling needs for better housing, for mass transportation, for better delivery of health services, and for jobs—among other major national needs. We very definitely need technology for solving most of those problems. Most importantly, we need improved technology to help protect the quality of the environment—particularly in such areas as the development of clean energy sources, recycling, and the better management of wastes generally.

Fortunately, I don't really believe that Americans have become anti-business or anti-technology. At the same time, I do believe that our generation—(and please note that I say *our* generation)—is increasingly skeptical about the purposes to which business and technology often seem to be directed. There is a growing unwillingness to accept technology just for the sake of technology—or business just for the sake of business—or quantitative growth for its own sake alone. We want to know that a particular technology is serving real human needs, that it is contributing to human well-being. We also need to know the social costs of given technologies so that their worth can be fairly assessed. We need assurance that our economic efforts are not simply directed to the end of quantitative production but to the greater goal of the quality of life for all our people. I have no doubt at all that on such terms our economy would have little difficulty in enlisting the vital energies of our society. None of us want to be part of a mindless machine.

Thus, we need to develop a clearer sense of purpose in our life as a nation and in our lives as individuals. I believe this to be the greatest challenge we have in government. It is a challenge shared by industry, our schools, and our youth—indeed, by all segments of our society. Government must provide increased leadership in the setting of priorities and in the articulation of our goals as a people. Industry must demonstrate in creative fashion its real contribution to the quality of life. Businesses that fail to do this are going to be left behind. I predict that "quality of life" is going to be the major growth industry for the rest of this century.

The single most important element in this entire process will be *your* involvement and the influences *you* bring to bear on the choices that must be made. At no time in history have man's problems seemed so overwhelming. But at no time in history have we had such an opportunity for responsible and creative participation and development.

The environment as an issue and as a concern cuts across the entire fabric of our life as a people—the life of our inner cities as well as of the suburbs and of the wilderness. In the most real sense, it involves the condition of man now and in the future. It provides an opportunity for all elements of our society and all peoples of the world to work together for a common goal—the survival of man in a world worth living in.

Welcome to the task!

NEW HOPE FOR POOR OLD BRAND X

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. HUNGATE. Mr. Speaker, one of the strongest attacks upon small business is made in the advertising industry by the promotion of brand names and the disparagement of "brand X."

As the following report of action taken by the Federal Trade Commission will indicate, frequently in the tests we are shown, the advertisers arrange to rig their demonstrations because despite the size of the organization and the size of the public relations budget—and in many cases the higher prices they charge—they still cannot be certain that their products will outperform those of the small businessman, who may be spending his money and time on improving his product rather than on simply improving his advertising. The articles follow:

NEW HOPE FOR POOR OLD BRAND X

(By Carole Shifrin)

The Federal Trade Commission moved yesterday to give "Brand X" a better image.

The agency accused the maker of Easy-Off Window Cleaner, Easy-On Speed Starch, Aerowax floor wax, and Black Flag Ant and Roach Killer, of unfairly making its competitors' products look bad by rigging demonstrations in its television advertising.

Specifically, the FTC charged that in commercials for:

Black Flag Ant and Roach Killer with Baygon a type of roach known to have developed a resistance to the active ingredient in the competitive product was used. Thus, the roaches sprayed with it didn't die, but roaches sprayed with Black Flag did;

Easy-Off Window Cleaner "the directions for using the 'leading brand'" it is being compared with were not followed so that spots and streaks formed;

Aerowax floor wax, the product is compared with "another leading wax," which is really a cleaning wax, and they were not used in their intended manner;

Easy-On Speed Starch, one side of a white shirt sprayed with a leading competitor is scorched by a hot iron placed on it whereas the side sprayed with Easy-On isn't, but no scorching would have taken place if the shirts had been ironed in the normal and customary manner.

The proposed complaint against the manufacturer of these products, American Home Products, Inc., and its advertising agency, Cunningham & Walsh, Inc., alleges that the challenged TV commercials do not prove the superiority of the four products, as claimed in the ads, because of the deceptions used.

Besides seeking to halt the alleged deceptive advertising practices, the FTC said that if the facts in the case as it is developed convince them that a cease-and-desist order would be "inadequate to fully protect the consuming public or competitors," other relief may later be sought.

This could include, the commission said, a requirement that the company prepare and run ads for those products—"which demonstrate what results will be obtained when the demonstrations . . . are conducted and presented in a fair, accurate and nondeceptive manner."

Robert Pitovsky, director of the FTC's Bureau of Consumer Protection, admitted the remedy would be a "little out of the ordinary," but he noted the ads were also a little more unusual than the "typical exaggeration" ads, where a product's qualities are inflated.

In some cases, the general public will know what "Brand X" is because of the limited number of products available, he said, and it would be unfairly disparaged by a deceptive demonstration.

In a fair demonstration, it may or may not be a superior product, he noted.

A spokesman for the company said they have been engaged in discussions with the FTC for more than a year (an earlier complaint was issued against Easy-Off) "to resolve the issues which the proposed complaint raises."

MOSTLY CAFFEINE, IT SEEMS

The Federal Trade Commission yesterday accused the makers of "Vivarin," a stimulant tablet, of making false claims and not telling the consumer that the primary ingredient is caffeine.

The agency charged that contrary to the product's advertising, Vivarin "will not make one more exciting and attractive, improve one's personality, marriage and sex life, and will not solve marital and other personal problems."

The ads are also misleading because they do not diclose that Vivarin's primary active ingredient is caffeine, and that one Vivarin tablet contains the equivalent of two cups of coffee, the FTC contended.

The descriptions of Vivarin as "new" are also misleading, the FTC said, since caffeine has been widely available in many forms, including tablets and coffee.

The FTC is asking the manufacturer, J. B. Williams Company, Inc., and its advertising agencies, Parkson Advertising Agency, Inc., and Della Femina, Travisanto & Partners, Inc., to halt the alleged advertising.

James H. Fitzgerald, vice president of J. B. Williams, said the company couldn't comment on the specific charges of the FTC complaint, but said Vivarin "is safe, effective mild stimulant and we believe it's been advertised as such."

WEST GERMANY'S BID FOR U.S. DOLLARS AND GI'S

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. RARICK. Mr. Speaker, as the U.S. Treasury Department offers a premium price to the German bundesbank to bail out U.S. paper money, our State Department finds that Willy Brandt's West German Government wants a discount on the cost of hiring U.S. soldiers to defend Germany.

Who ever heard of a nation permitting its currency to become so devalued that as a medium of exchange to recover its surplus paper money it is offering to substitute government securities, bearing an interest paying bonus. But then who ever heard of a country drafting its young men to serve as occupation troops to protect a former enemy 26 years after a war is over so that the occupied country would be relieved of the manpower burden in drafting its young men who are needed in the industry and economic progress of that nation.

Now the West German Social Democrats, not even satisfied that we conscript our young men as their mercenary soldiers, want a reduction in the price they pay for their national security. Seemingly, since the U.S. troops are not in Germany because of any concern over the German people, but rather the proximity to the Middle East, some observors feel that Herr Brandt may be able to get the United States to pay Germany to allow U.S. troops to use his country as a staging ground.

It must not be regarded as merely accidental that the Social Democrats devalued the U.S. dollar, nor that they now want to hire our drafted soldiers at a deliberately devalued rate. Decisions must have been made at high level.

The dollar has deteriorated to such a low status that our Under Secretary of State for Economic Affairs has apparently found it necessary according to reports to ask West Germany for an interest-free loan.

If it were not for the history books and the fact that some of us were present during the World War II hostilities, many would be hesitant to say who won World War II.

I insert related newsclippings in the RECORD at this point:

[From the Washington Evening Star, June 29, 1971]

GERMANS TAKE SPECIAL NOTES FOR DOLLARS

The Treasury Department has announced that West Germany's bundesbank will buy up to $5 billion in special U.S. government securities issued by the government to help recover some of the surplus U.S. dollars now in Europe.

Three billion of the deal already has been completed, the department said.

The arrangement serves two purposes: It gives the German central bank a U.S. investment opportunity for dollars it no longer wants to hold and it may head off further erosion in the value of the dollar.

In recent months, there has been a heavy flow of dollars into Europe—particularly West Germany—where the interest rates are generally higher than in the United States.

The resulting surplus of dollars on European currency markets produced higher exchange rates for the West German mark, and the currency of Switzerland, The Netherlands, Belgium, and Austria. In effect, this amounted to a devaluation of the U.S. dollar in comparison to those currencies.

The department refused to announce the interest rates it would pay on the securities. It said they would be "in line with rates on outstanding treasury securities of comparable maturities in the domestic market at the time of issuance."

[From the Washington Post, June 30, 1971]

UNITED STATES, BONN, FAIL TO REACH ACCORD ON PAYMENT FOR GI'S

(By John M. Goshko)

BONN, June 29.—Negotiations between the United States and West Germany on a new agreement to offset the cost of American forces stationed here ended inconclusively today and will be resumed in Washington within a few weeks.

Thus, the current two-year offset agreement will reach its June 30 expiration date Wednesday with Bonn and Washington still in disagreement over how to ease the balance of payments problems caused by the U.S. defense commitment to Europe.

Sources involved in the two days of talks here said it had been evident from the outset that a breakthrough could not be achieved at this time and that at least one more round of negotiations would be necessary.

A brief communique issued by the West German foreign office said only that the talks had been characterized by "an open and friendly atmosphere." It added that they would be moved to Washington in "a few weeks."

FAR APART

Nevertheless, it is known that the two sides are still far apart both on the amount of money that West Germany should pay to offset the U.S. troop costs and the form that this should take.

The aim of the agreements is to pump West German money into the United States in order to partly offset Washington expenditures abroad that adversely affect the U.S. balance of payments. The cost of maintaining a 200,000-man U.S. force in West Germany amounts to approximately $1.2 billion annually.

Under the agreement expiring Wednesday, West Germany's offset expenditures have been approximately $1.5 billion over two years.

BONN STAND

In the current negotiations, the Germans are understood to have taken the position that they should pay less.

The United States, on the other hand, opened the bargaining with a demand that Bonn offset at least 80 per cent of the $1.2 billion foreign exchange expenditures—or $960 million a year.

Tonight, German sources indicated that the current round of talks had narrowed the difference somewhat.

This lent credence to the report that Bonn has upped its offer substantially and is now willing to pay at least as much as it did under the expiring agreement.

There also are known to be many unresolved problems involving the form of offset payments under a new agreement. Previous pacts have centered largely on West German purchases of U.S. military equipment and the purchase by the Bonn government of U.S. treasury notes.

LOAN SOUGHT

The search for additional payment techniques appears to have centered on two ideas. One was revealed last week when Nathaniel Samuels, under secretary of state for economic affairs and the chief U.S. negotiator in the offset talks, told Congress that Washington was asking West Germany for an interest-free loan.

The United States always had to pay interest on previous German loans. Samuels said this made their usefulness negligible.

The other potentially new factor is the willingess of the West Germans to make a direct budgetary contribution to the upkeep of the U.S. forces, i.e., heating and electricity charges at American bases and possibly also some of the salaries of German civilian employees.

The White House, the State Department and the Pentagon are all known to have reservations about the offer, the principal one is believed to turn on fears that direct German support would allow Bonn a greater say in the deployment of U.S. forces.

REAR ADM. ALLEN G. QUYNN, U.S. NAVY, RETIRED

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. BYRON. Mr. Speaker, on Thursday, June 17, one of Frederick, Md.'s most distinguished citizens, Rear Adm. Allen G. Quynn, died at the Frederick Memorial Hospital. It was my privilege to know Admiral Quynn in his retirement years; he was a man of honor, integrity, and courage—a soldier in the best sense.

Admiral Quynn graduated from the Naval Academy in 1915 and saw service almost immediately during World War I. He rose steadily through the ranks and served with honor and distinction throughout the Second World War. In civilian life, he became a great asset to his community and an admired and respected figure. Those of us who knew him and those who knew his reputation will miss him and the unique contributions he brought to his family and his community.

GUARANTEED LOAN TO LOCKHEED

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 30, 1971

Mr. TUNNEY. Mr. President, last week, the Committee on Banking, Housing and Urban Affairs, was privileged to hear testimony by James Quillin, president of District Lodge 727 of the International Association of Machinists, Burbank, Calif.

The committee has been hearing expert testimony for the past few weeks concerning the proposal for a Government guarantee of a loan to the Lockheed Corp. As president of the union, whose members produce the L–1011, Mr. Quillin is perhaps the single most qualified spokesman on the direct employment consequences of the termination of this program.

In his testimony Mr. Quillin describes the grave impact of the failure of this program upon an industry already crippled by unemployment.

I would call attention in particular to his direct refutation of some of the claims and rumors that have circulated in recent weeks regarding the opportunities for reemployment of Lockheed employees.

Before any Senator makes a decision on this proposal, I ask him to consider with the utmost care the testimony of Mr. Quillin. I ask unanimous consent that his testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JAMES L. QUILLIN

I welcome the opportunity to appear before this Committee of distinguished United States Senators. As head of the major union whose members produce the L–1011 TriStar and one who must live with the consequences of the cancellation of the L–1011 program and subsequent Lockheed bankruptcy, I would very much like you to consider our viewpoint as it is our future that you hold in your hands.

RECAP OF EMPLOYMENT HISTORY ON L–1011 SINCE R.R. BANKRUPTCY

On February 4, 1971 the day Rolls-Royce declared bankruptcy there were nearly 18,000 Lockheed employees in Burbank and Palmdale, California working on the L–1011 program. The following week 6,500 employees were laid off. Within three weeks of the announcement of the bankruptcy of Rolls-Royce a total of 9,000 employees had been laid off. Simultaneously with their loss of jobs—many of these same employees had their homes either destroyed or severely damaged by the violent earthquake which shook Los Angeles on Tuesday, February the 9th. The greatest damage was centered in an area only 10–12 miles from the Lockheed plant in Burbank.

After negotiations between Lockheed and the Rolls-Royce receivers resulted in an agreement to continue production of the RB.211 engine, Lockheed called back 1,200 of the 9,000 laid off in February bringing the L–1011 work force to a current level of 10,000 employees.

What has happened to the 8,000 on layoff? My investigation reveals that only about one in ten have found work. A few have moved to other parts of the country hoping to find work (Note: Many of these employees were recruited by Lockheed from other depressed aerospace centers such as Seattle, Wichita and from as far away as Marietta, Georgia) others are working at any work that is available. Most are collecting unemployment hoping to be recalled to Lockheed while some unable to survive on unemployment benefits are collecting welfare.

Since we have available to us the experience of 8,000 L–1011 workers already on layoff is it reasonable to expect that those additional thousands who would be laid off if the loan guarantee fails would fare any better in finding jobs? For the following reasons my answer is an emphatic *No!*

AGE OF LOCKHEED WORK FORCE

The average age of the Lockheed California Company workforce stands at 44.4 years. While the average seniority is 13.5 years. There are 9,900 employees over 50 years of age; 5,830 are over age 55; and 4,000 over age 60. Granted many of these older workers have greater seniority and might manage to keep their jobs. However can anyone seriously suggest that those older workers who would lose their jobs in event of bankruptcy would be able to successfully compete for jobs in a depressed industry that is already glutted with surplus labor? . . . I think not.

Unemployed workers who are at an advanced age find it difficult to obtain work when jobs are plentiful. Under employment conditions now present in the aerospace industry it is next to impossible for these workers to find jobs.

PROBLEM OF UNEMPLOYMENT IN THE AEROSPACE INDUSTRY

There are 130,000 unemployed aerospace workers in California at the present time, 40,000 of which are in Los Angeles County. The rate of aerospace unemployment in Los Angeles County stands at an incredible 15% of the total aerospace employed. Unemployment figures outside aerospace in California are equally dismal—601,000 workers statewide are unemployed with 247,000 of this figure being from Los Angeles County. In the 5 County Southern California area there are 350,000 unemployed workers. Cancellation of L–1011 program would add 10,000 direct Lockheed workers plus several thousand workers employed by subcontractors to the roles of the unemployed driving these gloomy statistics even higher.

These statistics, as bleak as they are, still do not reflect the many thousands of aerospace workers in Southern California who have exhausted their unemployment benefits and/are now underemployed. From the foregoing statistics one can conclude that a Lockheed shutdown would be calamitous to those workers involved.

PROSPECTS FOR REEMPLOYMENT OF LOCKHEED WORKERS WITH M'DONNELL-DOUGLAS

Some have suggested that Lockheed workers who lose their jobs if the L–1011 program is cancelled could go to work for McDonnell-Douglas on the DC–10 since it is produced in the same area. This is a cruel hoax and should be branded for what it is . . . a complete distortion of the facts. In the first place such a proposition completely ignores the geography of Southern California. The DC–10 is assembled in Long Beach which is 35 miles from Burbank, the home of the L–1011. It is possible to commute from Burbank to Long Beach on a twice daily basis; however, considering the Los Angeles traffic and freeway system, it is a hair-raising experience at best.

Next, the proponents of this suggestion blithely ignore another salient geographical fact, that is, the L–1011 is assembled in Palmdale, California, utilizing nearly 4,000 Lockheed employees. This final assembly facility is 100 miles from Long Beach, California. It stretches the bounds of credulity to suggest that these workers could commute the 200 miles a day round trip to Long Beach. Assuming for the sake of argument that laid-off Lockheed workers could get to these "jobs" on the DC–10, which pre-supposes, of course, that all airlines will switch to the DC–10, is there any guarantee that they would stand in front of the 40,000 other unemployed aerospace workers in Los Angeles County who would be in line for these same "jobs" on the DC–10?

Finally, and representing perhaps the most blatant disregard of the facts by those who suggest that terminated Lockheed workers can be hired for the DC–10 is the fact that McDonnell-Douglas has an estimated 9,000 employees on layoff right now while they are producing DC–10's at full production rate. These employees in Southern California must be recalled before other workers could be considered for openings. Consequently, Lockheed workers could not be hired for DC–10 production even if they lived across the street from the plant in Long Beach.

UNEMPLOYMENT AND WELFARE

Lockheed employees want *work* not *welfare*. Yet, it seems to me that if the loan guarantee fails in Congress they will be inexorably driven to unemployment lines, and then, perhaps, welfare. In that connection I would like to quote in part a letter I received from Congressman Chet Holifield the Dean of the California Congressional Delegation regarding the Lockheed loan guarantee request.

"Unemployment now stands at 6.1 percent of the labor force nationally, and a *7.5 percent* in the five-county area of Southern California. More than 345,000 people are out of work in those five counties—*265,000 in Los Angeles County alone*. Unemployment is still rising.

"More than 907,000 persons in Los Angeles County were receiving welfare assistance—one out of every eight persons.

"More than 30,000 workers' jobs are dependent upon the Lockheed L–1011 program, which would collapse without this Federal assistance. About 17,000 of these jobs are in California—and most of them in Southern California.

"I have calculated that each additional welfare recipient caused by unemployment and the exhaustion of unemployment benefits represents an additional cost: to the *county* of $365 per year, to the *state* of $698 per year, to the *Federal government* $1,163 per year, total of $2,326 per welfare case.

"The collapse of the L–1011 program and probable collapse of the Lockheed company might well result in the addition of 60,000 additional welfare cases (individuals) in Southern California at a staggering cost to the local taxpayer in additional local property taxes and state and federal income taxes.

"The assistance to Lockheed in the form of Federally guaranteed loans should not result in a loss to the Federal Treasury. The proposed legislation authorizing these loans provides ample protection against losses. No corporate dividends to stock holders or existing indebtedness can be paid, until after these Federally guaranteed loans are paid.

"Because of the serious blow which would be delivered to the national economy, and the economy of our area, the suffering which would occur to unemployed workers and their families, and the potential great financial loss to the federal government, I am supporting the loan guarantee legislation.

"Sincerely yours,

Chet Holifield."

IMPACT ON PENSION BENEFITS OF A LOCKHEED BANKRUPTCY

I am advised by legal counsel that in the event Lockheed was forced into bankruptcy by the failure of the loan guarantee request, the Trustees appointed by the Court could set aside the labor contract including the Pension Plan and other negotiated fringe benefits. Although the monies already paid into the Pension Fund are in an irrevocable trust and could not be touched by Court-appointed Trustees, there is still insufficient funding to pay off all liabilities of the plan if liquidation as a result of bankruptcy occurs. According to calculations by the Actuaries all those with less than 10 years credited service, regardless of age, would not receive a penny. Those who have vested but have left the company and who planned on drawing pension benefits on a deferred basis at age 65 would also lose all benefits

Those on the payroll now who have vested and are under age 55, and incidentally, there are several thousand employees in this category, would receive an estimate 50–60¢ on the dollar. Those employees over age 55 who have vested and those already drawing benefits would receive 1 hundred cents on the dollar.

It should be apparent that because of the advanced age of Lockheed's skilled craftsmen, this represents, in most instances, the last opportunity they will have to earn a meaningful pension since normal vesting requirements are 10 years with a company. Therefore, it would be next to impossible for one over age 55 to earn a pension by the normal and in some cases mandatory retirement age of 65.

OBSERVATIONS ON OTHER ISSUES RAISED DURING THE COURSE OF THIS HEARING

There has been voluminous testimony and exhibits placed in the records of this hearing on other important considerations bearing on the question of whether the loan guarantee should be approved.

I do not wish to burden the record but it would be appreciated by my membership if you would consider our views on certain of these subjects.

1. There is an investment in time, materials, facilities, parts and tooling on the L–1011 of 1.4 billion dollars. If the L–1011 Program fails this immense investment would have only scrap value and could do inestimable damage to the financial structure of many small companies who are subcontractors on L–1011.

2. There is no credence to the charge that nearly all the DC–10 is produced in the U.S. and that, therefore, continued production of the L–1011 is harmful to the international balance of payments. My information is that 15% of the DC–10 is produced outside the U.S. while 17% of the L–1011, which includes the engines, is produced outside the U.S. Considering that 50 planes were purchased by Air Holdings Ltd., it would appear to me that the L–1011 helps the balance of payments more so than the DC–10.

3. Without considering the merits of Lockheed's disputed contracts with the DOD, it seems apparent that three significant factors led to the current Lockheed financial difficulty. 1. The inordinately high cost of developing a new airplane such as the L–1011. 2. Lockheed was forced to eat 480 million dollars in disputed claims in DOD contracts. 3. The completely unexpected bankruptcy of Rolls-Royce, the engine supplier for the L–1011, days after Lockheed agreed to accept the $480 million loss on disputed DOD contracts. I submit that few companies in this country have the financial wherewithal to survive this 1–2–3 punch simultaneously.

4. With the winding down of defense expenditures Lockheed has and is attempting conversion to commercial from military work. This has been done at the Government's urging. With one program (L–1011) Lockheed reduced reliance on military work by 50% in the Lockheed-California Company. Failure of the Government to guarantee the loan request in this instance could dissuade other defense producers from converting to commercial ventures from strictly military work.

5. Considering the continuing problems faced by the Trustees in the Penn-Central case, I am not convinced that bankruptcy for Lockheed, as some have suggested, is a viable alternative to continued operation of the company. The point I am making is that bankruptcy would not make the Lockheed problem go away for Congress, but it could be a troublesome problem for some time to come especially considering all the defense contracts now in progress if Lockheed proceeded into bankrupty.

We recognize that public issues must be publicly debated—that's democracy. The question of a Congressional loan guarantee to the banks makes this such a public issue. We do ask, however, that those who are debating this issue be mindful that the hopes, families and futures of many thousands of workers ride on the outcome of this vote.

LOCAL NO. 1 OPENS NEW HEADQUARTERS IN UTICA, N.Y.

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Wednesday, June 30, 1971

Mr. JAVITS. Mr. President, recently the Amalgamated Meat Cutters & Butcher Workmen of North America, Local No. 1 held dedication ceremonies marking the completion of their new $1,400,000 headquarters building in Utica, N.Y. Local No. 1 holds a significant place in the history of that union, as it was the first local to be chartered under the newly formed Amalgamated union. I ask unanimous consent that the remarks of Samuel J. Talarico, president of Local No. 1, at the time of the dedication be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

A Note on the Past and a Letter to the Future

(Remarks by Samuel J. Talarico)

Historically, District Union Local 1 is the geneological successor, in a direct line, of the first two unions of Butcher Workmen in New York State—in Syracuse and Utica. These had been federally chartered by the American Federation of Labor before 1896—Butcher Workmen's Union No. 5969 of Syracuse, and Butcher Workmen's Union No. 6598 of Utica. It has been impossible to discover the exact dates, but it was between 1890 and 1895, when officers of the two unions and other federally chartered Butcher Workmen Unions attended the American Federation of Labor convention at Cincinnati, to discuss the organization of an International Union of Butcher Workmen.

At that time there were less than a dozen unions of Butcher Workmen chartered by the AFL, with a total membership of some 300 out of some 60,000 workers estimated to be employed in the meat industry throughout the country. The Syracuse and Utica groups probably numbered less than 30 members each.

The Amalgamated Meat Cutters and Butcher Workmen of North America was chartered by the AFL on January 27, 1897 and its office was established in Syracuse. John F. Hart, who had represented the Utica group at the 1895 AFL convention was elected First Vice President of the fledgling International Union.

The Syracuse group, the oldest of the groups which formed the Amalgamated, received the first Amalgamated charter, as Local 1, the number which our District Union today still proudly bears.

Within the next five decades a number of local unions were chartered by the Amalgamated in New York State north of Albany—in Utica, Auburn, Rochester, Jamestown, Geneva, Albany, and other towns. Some had a brief day and passed into history.

But in 1953, at the inspiration of International Vice-President Joseph Belsky and Samuel J. Talarico, International Representative for the Amalgamated assigned to the upper New York State area, the remaining local unions—in Syracuse, Utica, Auburn, Geneva, Rochester, Jamestown, and Albany, with the approval of International President Earl Jimerson and International Secretary-Treasurer Patrick E. Gorman were merged to form District Union Local 1, with Samuel J. Talarico as President, Kenneth McClellan of the Syracuse local as Secretary-Treasurer, and Pauline Wojnicz of Utica Local 13 as Recording Secretary. On the first District Union Executive Board were names and locals of first board. At this time the total membership of the newly formed District Union was less than 3,000.

GREAT STRIDES FORWARD

Immediately getting to the task of organizing the thousands of retail and "wholesale" butcher workmen in its wide jurisdiction, the new District Union made great strides forward. Initial successes included the area-wide organization of the giant A & P chain and other retail market chains, a large number of independent markets, and a number of wholesale houses and packing plants. Within less than six years following the merger, the District Union membership had grown to over 5,000 workers in all sections of the industry.

Today, as we dedicate our new headquarters building in Utica, the membership is over the 14,000 mark . . . and growing month by month as the benefits of Local 1 contracts are brought to the attention of unorganized workers in every section of our industry in the District Union Local 1 jurisdiction.

This gain in membership, this beautiful building which our Union now occupies, has only been made possible by the dedication of our officers and staff, by the solidarity and loyalty of our membership . . . and by the practical achievements in winning for the workers in our industry wage scales, working conditions, job security and welfare and pension benefits undreamed of by the founding members of our local unions in Utica and Syracuse, by the founding members of the Amalgamated, or at the merger which resulted in our present organization in 1953.

Nor did any of the pioneer members of our oragnization in the years before the turn of the century ever think possible that 75 or 80 years later we would be laying the cornerstone of our own headquarters building in Utica . . . as a memorial to what has already been achieved . . . and as a beacon to what still remains the great unfinished task . . . to bring the goals and aspirations of our movement to all workers, everywhere.

A LETTER TO THE FUTURE

We cannot help looking forward, as we pen this brief note on our history for sealing into the cornerstone of our new building . . . what will our Union be like, what will our Nation be like, what will our World be like . . . one hundred or two hundred years from now, when some archeologist or student of history finds this letter at the razing of our building.

Or will these stones and steel have been levelled in some nuclear blast, and these words burned to undecipherable ashes?

We hope and pray that they will come to light in a world of brotherhood and not of fraticidal strife . . . in a world of charity toward all . . . in a world of beauty, where every child will be able to realize his great potential for the benefit of all mankind.

We hope and pray, with the help of God, that these lines will come to light in a world where the Golden Rule is the guiding principle of all human endeavor . . . where each man does unto others as he would have others do unto him . . . where our economic system calls for each man to contribute according to his ability, and which provides for each according to his needs.

We pray and hope that our Nation will truly be America the Beautiful, from sea to shining sea . . . that our Nation and all the other nations of the world will truly provide equality and justice for all.

God grant us this prayer.

A MOMENT OF RE-DEDICATION

The laying of the cornerstone, the dedication of this building is not only a great moment in the history of our Union . . . it is a great moment of re-dedication . . . a re-dedication to the great task of building the world for which we pray . . . a moment of re-dedication to the achievement of the day-by-day goals which must be the building blocks of the world we dream of.

It is a moment of re-dedication to our concern and involvement in the practical world around us . . . in the problems of war and peace, significant education for our children, civil rights and equal opportunity for all the people of our nation, in saving our environment from rampant destruction for profit, in decent housing, in the eradication of all the evils which make this world we live in, in 1971, very, very far from being the best of all possible worlds.

It is a re-dedication to the legacy we must leave to our children . . . the will to struggle to make this a better world.

This, we think, is the legacy which the founding fathers of our local unions, of the Amalgamated, and of the Labor Movement have left to us . . . and we are humbly proud that we have not dishonored it. This is the legacy we pass on to our children and to those who come after us to occupy this building, when we are one with the dust.

We beseech Thee, Our Father in Heaven, that when this brick and stone and steel are no more . . . our dream of a better world for all mankind will have been realized. To this realization we solemnly pledge all our efforts.

A CASE FOR LAND REFORM IN THE UNITED STATES

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. KASTENMEIER. Mr. Speaker, Peter Barnes, west coast editor of the New Republic, has completed an important three part series for the New Republic on the concentration of land ownership and the need for land reform in the United States.

The articles trace, in historical perspective, the development of agricultural land monopolies, the corporate farms, which, today, threaten the very existence of America's small family farmers.

Mr. Barnes has presented a program for preserving the economic viability of the small farmers, and has called for an American land policy that has, as its highest goal, the building of a society in which human beings can live in dignity.

Mr. Speaker, I highly recommend these three articles, appearing in the June 5, 12, and 19 issues of the New Republic, to my colleagues:

LAND REFORM—I: THE GREAT AMERICAN LAND GRAB

(By Peter Barnes)

With three out of four Americans now jammed into cities, no one pays much attention to landholding patterns in the countryside. How things have changed. A hundred years ago, land for the landless was a battlecry. People sailed the oceans, traversed the continent and fought the Indians, all for a piece of territory they might call their own. America envisioned itself—not entirely accurately—as a nation of independent farmers, hardy, self-reliant, democratic. Others saw us this way too. Tocqueville noted the "great equality" that existed among the immigrants who settled New England, the absence of rich landed proprietors except in the South, and the emergence in the western settlements of "democracy arrived at its utmost limits."

Along with industrialization, however, came urbanization and the decline of the Arcadian dream. Immigrants forgot about land and thought about jobs instead; the sons and grandsons of the original pioneers began to leave the farms and join the immigrants in the cities. Radical agitation shifted from farm to factory. Frontiersmen's demands for free land and easy credit were supplanted by workers' demands for a fair wage, decent conditions and union recognition. In due course a kind of permanent prosperity was achieved, and America directed its energies outwards, not inwards. Consumers bought their food in neatly wrapped packages, at prices most of them could afford, and forgot about the land.

Why, then, in 1971, should we turn back to look at our landholding patterns? One reason is that the land is still the cradle of great poverty and injustice. Another is that the beauty of the land is fast disappearing. Canyons are being dammed, redwoods felled, hill strip-mined and plateaus smogged. Wilderness and croplands are giving way to suburban sprawl and second-home developments. And the balance of nature itself is threatened by excessive use of pesticides.

The deterioration of our cities should also cause us to look back at the land; population dispersal in some form is a necessity. At the same time, there is a growing recognition that nagging social problems—burgeoning welfare rolls, racial tensions, the alienation of workers from their work—have not responded to treatment. Many of these problems have their roots in the land, or more precisely, in the lack of access to productive land ownership by groups who today make up much of the urban poor. Mexican-Americans, Indians and even some blacks are beginning to raise the point that more of America's land ought to belong to them. Given the dead-end nature of most antipoverty programs today, it is an argument worth listening to.

The schizoid character of American landholding patterns was first implanted during colonial days. In New England the land was divided fairly evenly among the many; in the South, mostly because of large royal grants, it was concentrated in the hands of the few. As a consequence, New England politics revolved around such institutions as the town meeting and the popular militia, while Southern society and politics were dominated in all aspects by the landed gentry. Jefferson warned that perpetuation of the large plantations would lead to the ensconcement of an "aristocracy of wealth" instead of an "aristocracy of virtue and talent," and even talked of freeing the slaves; but the plantation owners were hardly inclined to abdicate their privileged positions voluntarily.

With the winning of independence and the establishment of a national government, America had an opportunity to create a nation unfettered by the proclivities of European nobility. Men like Jefferson looked forward to a vigorous agrarian democracy, fostered by public education and a judicious distribution of the government's western domains. Then as now, however, politicians were less interested in promoting agrarian democracy than in making a quick buck. The history of the giveaway of America's public lands—hundreds of millions of acres over a century and a half—constitutes one of the longest ongoing scandals in the annals of modern man. Fraud, chicanery, corruption and theft there were aplenty, but more scandalous was the lack of concern for the social consequences of uneven land distribution. Congress at times did enact such foresighted measures as the Homestead Act of 1862, but far more often it authorized the wholesale disposal of public lands to speculators rather than to settlers. And what Congress didn't surrender to the land hoarders, the state legislatures, the Land Office and the Interior Department usually did.

In the early nineteenth century, the typical speculator's gambit was to form a "company" which would bid for massive grants from Congress or the state legislatures, generally on the pretext of promoting colonization. Once a grant was obtained—and it never hurt to be generous with bribes—the land would be divided and resold to settlers, or, more likely, to other speculators. The enormous Yazoo land frauds—in which 30 million acres, consisting of nearly the entirety of the present states of Alabama and Mississippi, were sold by the Georgia legislature for less than two cents an acre, and then resold in the form of scrip to thousands of gullible investors—was perhaps the most famous of these profit-making schemes. Huge fortunes were made in such swindles, often by some of the most respected names in government. The social consequences were not limited to the quick enrichment of a fortunate few. The issuance of vast tracts of land to speculators also had the effect of driving up land prices, thereby impeding settlement by poor Americans. And, since grants were not always completely broken up, they had the additional effect of implanting in the new territories of the South and West the pattern of large landholdings that persists to this day.

Texas landholding patterns, for example, date from this early period, though grants to the original American *empresarios* were made by Mexico rather than Washington. At first there was a rush to purchase and occupy Texas lands granted to Stephen M. Austin and others. After the initial "Texas fever" subsided, many immense and valuable estates remained intact, and could be acquired for a relative pittance. Today many of these enormous tracts are cotton plantations, cattle ranges or oil fields owned by wealthy individuals and corporations.

The concentration of land ownership in California, now the most productive agricultural region in the world, is perhaps most extraordinary of all. According to a 1970 study by the University of California Agricultural Extension Service, 3.7 million acres of California farmland are owned by 45 corporate farms. Thus, nearly half of the agricultural land in the state, and probably three-quarters of the prime irrigated land, is owned by a tiny fraction of the population. This monopolization didn't just happen; it was and still is abetted by federal and state policies.

Land in California originally acquired its monopoly character from the prodigious and vaguely defined grants issued by first the Spanish and then the Mexican governments. Upon California's accession to the union, the United States government could have incorporated these *latifundia*—still almost totally unpopulated—into the public domain, or ordered them divided into small farms for settlers. It chose, probably without much thought, to swallow them whole and to allow them to remain private. Almost immediately they fell prey to wily speculators and defrauders, who either bought out the heirs of the grantees or forged phony title papers and bluffed their way through the courts. Several of the original Spanish grants are embodied in giant holdings today: the Irvine Ranch (88,000 acres in Orange County), the Tejón Ranch (268,000 acres in the hills and valleys northeast of Los Angeles, 40 percent owned by the Chandler family, which publishes the Los Angeles *Times*), Rancho California (97,000 acres to the northeast of San Diego, jointly owned by Kaiser and Aetna Life), and the Newhall Ranch (43,000 acres north of Los Angeles).

The struggle for acquisition of the Mexican land grants was only the beginning of the empire-building period in California. For some reason American history books are filled with tales about the robber barons of finance and industry—the Rockefellers, Morgans, Carnegies and Harrimans—but almost always neglect to mention the great cattle barons of the West. At the top of any listing of the latter must certainly be the names of Henry Miller, James Ben Ali Haggin and Lloyd Tevis.

Miller was a German immigrant who arrived in San Francisco in 1850 with six dollars in his pocket, and amassed an empire of 14 million acres—about three times the size of Belgium—before he died. Starting out as a butcher, he soon realized that the big money lay in owning cattle, not chopping them into pieces for a handful of customers. He also recognized, in advance of other Californians, that water was far more valuable in the arid West than gold.

Miller's strategy was to buy up land along the rivers of California's central valleys, thereby acquiring riparian rights to the water. Then he would irrigate the river banks with ditches, providing his cattle with natural grasses on which to graze. Homesteaders further back from the river would lose their water and be forced to sell to Miller at dirt-cheap prices.

Miller had other tricks as well. According to Carey McWilliams' *Factories in the Field*, a large portion of Miller's empire "was acquired through the purchase of land scrip which he bought from land speculators who, a few years previously, had obtained the scrip when they, while in the employ of the United States as government surveyors, had carved out vast estates for themselves." At one point in his career Miller set out to acquire some dry grasslands in the San Joaquin valley under the terms, ironically, of the Swamp Lands Act of 1850. This was a law under which the goverment offered alleged swamp lands to individuals free of charge if they would agree to drain them. The law provided that the land had to be underwater and traversable only by boat. Miller loaded a rowboat onto the back end of a wagon and had a team of horses pull him and his dingy across his desired grassland. Eventually the government received a map of the territory from Miller, together with a sworn statement that he had crossed in a boat. Thousands of acres thus became his.[1]

On a par with Miller in deviousness and ambition was the team of Haggin and Tevis, a pair of San Francisco tycoons who, among other things, had interests in the Southern Pacific Railroad and Senator George Hearst's far-flung mining ventures. By the 1870s, Haggin and Tevis had accumulated several hundred thousand acres in the San Joaquin valley from former Mexican grantees, homesteaders, the Southern Pacific Railroad and assorted "swamps." They fought bitterly for water rights to the valley's rivers, and, as Margaret Cooper has recounted in an unpublished University of California master's thesis, they were no strangers to fraud. Their empire-building was capped in 1877 by a masterfully engineered land-grab that must rank among the classics of the genre. Under the impetus of California's Senator Sargent, who was acting on behalf of Haggin and Tevis, Congress hurriedly approved the Desert Land Act, and the bill was signed by President Grant in the last days of his administration. The law had the effect of removing several hundred thousand acres from settlement under the Homestead Act. These lands, which were said to be worthless desert, were to be sold in 640 acre sections to any individual—whether or not he resided on the land—who would promise to provide irrigation. The price was to be 25 cents per acre down, with an additional $1 per acre to be paid after reclamation.

---

[1] Horace Greeley, who voted for the Swamp Lands Act, confessed later that he had been "completely duped. . . . The consequence was a reckless and fraudulent transfer of . . . millions of choice public lands, whole sections of which had not enough muck on their surface to accommodate a single fair-sized frog."

Needless to say, much of the land in question was far from worthless. The chunk of it eyed by Haggin and Tevis was located close to the Kern River, and was partially settled. A San Francisco *Chronicle* story of 1877 describes what happened next:

> The President's signature was not dry on the cunningly devised enactment before Boss Carr [Haggin and Tevis' agent in the valley] and his confederates were advised from Washington that the breach was open. It was Saturday, the 31st of March. The applications were in readiness, sworn and subscribed by proxies. . . . All that Saturday night and the following Sunday, the clerks in the Land Office were busy recording and filing the bundles of applications dumped upon them by Boss Carr, although it was not until several days after that the office was formally notified of the approval of the Desert Land Act.

Thus, by hiring scores of vagabonds to enter phony claims for 640 acres, and then by transferring those claims to themselves, Haggin and Tevis were able to acquire title to approximately 150 square miles of valley land before anybody else in California had even heard of the Desert Land Act. In the process, they dislodged settlers who had not yet perfected their titles under old laws and who were caught unawares by the new one. The *Chronicle* called the whole maneuver an "atrocious villainy" and demanded return of the stolen lands. A federal investigation followed, but Haggin and Tevis, as usual, emerged triumphant.

All this skullduggery would be of little contemporary interest were it not for the fact that the empires accumulated by the likes of Miller, Haggin and Tevis are still with us in only slightly different form; they have become the vast, highly mechanized corporate farms that monopolize California's best farmland and produce most of the fruit and vegetables and much of the sugar and cotton that America consumes. The fate of Haggin and Tevis' holdings is particularly interesting. In 1890, in order to perpetuate their empire beyond their deaths, the two entrepreneurs incorporated under the name of Kern County Land Company. Until the 1930s most of the company's vast acreage was still used for cattle grazing. In 1936 a copious deposit of oil was discovered beneath the company's lands, producing a colossal windfall for the heirs of Haggin and Tevis. Rather than pay taxes on the full amount of its oil earnings, the company began sinking them into irrigation pipes and sprinklers, thereby upgrading rangeland worth $25 an acre into prime cropland worth $1000 an acre, and later into orchards worth up to $4000 an acre. By 1965 a share of Kern County Land Company stock that sold for $33 in 1933 was worth (after splits totaling 40 for 1) $2,680—and had paid $1883 in dividends. Finally, in 1967, Kern County Land Company was bought by Tenneco (of whom more in my next article).

Meanwhile, the Civil War had led to the abolition of slavery, but not to the end of the plantation system. Thaddeus Stevens, leader of the Radical Republicans, proposed dividing the large Southern estates and giving to freed Negroes and landless whites forty acres and some cash. "Homesteads to them [Negroes]," he argued, "are far more valuable than the immediate rights of suffrage, though both are their due." This was too venturesome a proposal, however, even for the Radicals, and it did not get far in Congress. As a result, Negroes and poor whites in the South remained landless, and a century later a large Southern grower would tell a CBS newsman making a documentary on farm workers, "We no longer own our slaves, we rent them."

In other parts of the country Congress continued to squander the national patrimony with abandon. The railroads were granted 134 million acres, plus another 49 million by the states. Often the railroads would allow settlers to stay and improve the land, then evict them later and sell the upgraded property at a considerable profit. Congress did nothing to remedy such abuses. It was busy enacting—in addition to the Swamp Lands Act and Desert Land Act—such giveaways as the General Mining Law of 1872 and the Timber and Stone Act of 1878. Under the latter, lumbermen and quarry operators acquired millions of acres at $2.50 an acre, largely by using the same "dummy entryman" technique that Haggin and Tevis had so advantageously employed. Under the former, landgrabbers were able to acquire large tracts of public land for purposes that had nothing to do with mining or even settlement.

Congress was not entirely blind to what was happening, and it did strike some blows for agrarian democracy, but these were to a considerable extent diluted or subverted by subsequent legislation and administrative betrayals. Under pressure from landless frontiersmen, Congress passed the Pre-emption Act of 1841, allowing families to settle on 160 acres of unsurveyed public land, with first right to purchase when the land was ultimately placed on sale. This was as far as Congress was willing to go at the time, since the South feared homesteading would undermine slavery. In 1862, however, with no Southerners sitting, Congress adopted the Homestead Act, partially as a reward for Union soldiers. The law stands as a milestone in the history of American land policy. For the first time, full title to public land was to be granted free of charge to actual settlers. A family could acquire up to 160 acres—one quarter of a square mile—if it occupied and improved the land for five years. It was a fine law in theory, but by the time it was enacted a substantial portion of the best land in America was already accounted for. Congress made things worse as historian Paul Wallace Gates has noted, by removing additional valuable acreage from homestead settlement—usually by giving it to the railroads, or, as under the Morrill Land Grant, to the states, who in turn sold it to speculators. Shoddy administration by the Land Office did not help matters either. Cattlemen and speculators, both large and small, made widespread use of the "dummy entryman" trick and other ruses to acquire holdings far in excess of 160 acres, and the Land Office lacked either the will or the ability to stop them.

By the turn of the century almost all the available land in America had been staked out by one interest or another, and many Populists and reformers were displeased with the result. The Great Plains states were, by and large, democratically settled, but the same could not be said for the South and West. Henry George described California as "a country not of farms but . . . of plantations and estates," and thought a single tax on land was the remedy. The social effects of maldistributed land were most readily seen in the impoverishment of tenant farmers and sharecroppers in the South, and the exploitation of Chinese and Japanese laborers in the West.

Almost providentially, however, an opportunity to correct the mistakes of the past and to open up new lands for homesteading presented itself. Thanks to modern civil engineering, the arid expanses of the West, once useful only for grazing, could be irrigated and turned into cropland. Much of the land beyond the Rockies could thereby be transformed into a kind of New Midwest, characterized by family owned and operated farms. The instrument of this transformation would be a massive federal reclamation program; the Reclamation Act of 1902 was its charter.

F. H. Hewell, first director of the federal Reclamation Service, explained the purpose of the Reclamation Act as "not so much to irrigate the land, as it is to makes homes. . . . It is not to irrigate the land which now belongs to large corporations, or even to small ones; it is not to make these men wealthy, but it is to bring about a condition whereby that land shall be put into the hands of the small owner, whereby the man with a family can get enough good land to support that family, to become a good citizen, and to have all the comforts and necessities which rightfully belong to an American citizen." Theodore Roosevelt was more succinct: "Every [reclamation] dollar is spent to build up the small man of the West and prevent the big man, East or West, coming in and monopolizing the water and land."

Federal reclamation would bring about this democratic renaissance by using both a carrot and a stick. The carrot would be subsidized water; the stick was lodged in two crucial provisions of the 1902 Act—the 160-acre limitation, and the so-called residency requirement. The first provided that no person could receive federal water for use on more than a homestead farm of 160 acres; the second provided that water would be delivered only to "an actual bona fide resident on such land, or occupant thereof residing in the neighborhood." By attaching these twin limitations to its delivery of subsidized water, federal reclamation would, in the words of one of its sponsors, "not only . . . prevent the monopoly of public land, but . . . break up existing monopolies throughout the arid region."

It sounded confiscatory—indeed, almost revolutionary—but the large Western landowners could hardly complain. They had, in the first place, acquired their empires at prices that were scandalously low and through stratagems that were at best unethical and at worst illegal. Moreover, it was not as if Congress was about to drive them into unwilling bankruptcy. The law did not require them to accept federal water; it merely provided that, if they chose to sip at the public trough, they would, in due course, have to sell their lands in excess of 160 acres. Subsequent regulations established that they could receive subsidized water for ten years before parting with their excess holdings—a time span which allowed for enough farming profit to satisfy all but the greediest.

Nevertheless, the intended transformation of the West did not occur. Great dams were built, rivaling the pyramids of Egypt in their wondrousness; reservoirs were formed, and aqueducts constructed. By 1970 the Bureau of Reclamation spent almost $10 billion and irrigated nearly seven million acres. Yet land monopoly is more firmly entrenched in the West than ever; federal water has flowed and continues to flow in great quantity to the huge, absentee-owned corporate estates that should, under the law, have been broken up and sold to small resident farmers. In the words of former Senator Wayne Morse, the wholesale, continuing violations of the 1902 Act constitute "a water steal reminiscent of the scandals" of Teapot Dome and the "great land frauds."

Nearly a century ago the San Francisco *Chronicle* warned: "The land . . . taken by two or three men is sufficient to afford homes and independence to hundreds of intelligent, industrious and honest settlers. It is this class that makes, as it is the other [land monopolists] that ruins, a country. The confirmation of title to the monopolists means the transfer of ownership of the soil to a nonresident aristocracy, and its continued cultivation by a race of aliens and coolies. Let it be awarded to the settlers, and schools, roads, churches and general prosperity will ensue."

This and similar warnings went unheeded; the South and West developed as the *Chronicle* feared. Ownership of particular estates shifted hands over the course of several depressions, panics and booms, and in recent years the trend has been toward ownership by large corporations—often oil companies or conglomerates. But though the names have changed, the pattern of large landholdings has held steady throughout. A nonresident landed aristocracy—today composed of such diverse persons as Sen. Eastland and the directors of Tenneco—enjoys vast power.

Along with absentee ownership, racial exploitation became a way of life in the West, as it previously had in the South but as it never did in the Midwest. Chinese and Japanese field hands were succeeded by Hindus, Filipinos and Mexicans. The treatment of Japanese farmworkers is particularly instructive. For many years they were enthusiastically praised by California growers; they performed the most menial tasks with great skill and without asking favors (such as transportation and boarding) of their employers. Soon, however, the Japanese began leasing land for themselves—usually "useless" marsh or desert which they would reclaim and plant with rice or other crops. Through thrift and hard work, they even began achieving their ambition to own land. This was too much for the land monopolists, who succeeded in passing the Alien Land Act of 1913, designed to force the Japanese to sell their improved lands to them.

Other effects of concentrated land ownership were as the *Chronicle* foresaw. Schools, shops and civic institutions never blossomed in those parts of the South and West dominated by giant landholdings. Enormous disparity of wealth and power is rarely conducive to widespread involvement in public affairs, and is even less so when large portions of the population are migrants, or are barred by one means or another from voting. Why, after all, should an absentee landlord spend his taxes on good public schools, when his own children go to private school and an educated work force is the last thing he wants?

What was not foreseen was the impact that land monopoly would eventually have on American cities. If the Southern plantations and Mexican land grants had been broken up, if Western land had been distributed in limited-size parcels to actual settlers as generously as it was handed out in prodigious chunks to speculators, if the reclamation law had been vigorously enforced, it is doubtful that the cities would be as overcrowded and as beset as they are today. Blacks and landless whites would, in smaller numbers, have migrated to the cities, but they would not have been so ill-prepared had they descended from landowning farmers. They would have had dignity, schooling, some experience in public affairs, and perhaps savings enough to establish a foothold.

The question now is whether we are going to compound the errors and injustices of the past, or remedy them.

Land Reform—II: The Vanishing Small Farmer

(By Peter Barnes)

Yghish Bulbulian's face is weathered, his pace somewhat slowed. But when he looks back at what he has left for his son Berge and his grandchildren, Yghish Bulbulian is a proud man.

Born in Armenia at the end of the last century, Bulbulian fled his homeland during World War I when more than a million Armenians were slaughtered by the Turks. He arrived, penniless, in California and settled near Fresno, where a large colony of Armenians had gathered. For several years he worked as a field hand in the San Joaquin and Imperial valleys, managing to save a few pennies each payday. By 1929 he was able to scrape together $500 for a down payment on 20 acres, part of a homestead that was up for sale. He, his wife and son worked ten hours a day, seven days a week in the fields, and when they weren't working their own land they were hiring themselves out to others.

In 1943 Bulbulian added 30 acres to his farm, and every decade or so thereafter he added more. Today, he and his son grow grapes and currants on 150 acres; though he's 78, he still helps plant, irrigate and box his crop. His income has not been high, but there were enough good years to permit some amenities. Father and son now live in comfortable, well-furnished houses, and drive late model cars.

It's no rags-to-riches story, and Bulbulian is no Horatio Alger figure, but he is an example of the many immigrant farm hands who, through frugality and hard work, rose to become farm owners. Unfortunately, he represents a dying breed.

In the 1920s, when Bulbulian got to California, it was natural for field laborers to aspire to become small farmers. Today it is almost unthinkable. For the same 20 acres that Bulbulian bought 40 years ago for $500 down, an aspiring farmer now would need $12,000 down. Moreover, it would be pointless for him to buy only 20 acres; he'd need at least four times that to have a fighting chance. And while Bulbulian could make do, when starting, with two mules and a plow, his contemporary counterpart would require thousands of dollars worth of tractors, chemicals and other equipment. Little wonder that few persons without an inheritance or outside income are entering farming, or that the number of farmers of Bulbulian's size is rapidly shrinking.

U.S. Department of Agriculture statistics tell the story: in 1950 there were 5.4 million farms in America: today the figure is around 2.9 million. As the number of farms declines, the average size of remaining farms increases: it's now over 380 acres, compared to 215 acres 20 years ago. And as agriculture steadily becomes more mechanized, it comes to be dominated by those who have capital—the most successful family farmers, and the giant corporations. Thus, in 1969, the largest 40,000 farms, representing less than two percent of the total number, accounted for more than one-third of America's farm sales.

These are the broad statistics. Behind them are the economic forces, abetted by government policies, which say to the small farmer: either get bigger or get out. The pattern is typically like this: a farm of 80 or 160 acres has belonged to a family for generations. It is squeezed by rising local taxes, the high cost of farm equipment, and corporate competition. The old man dies or retires. What will the children do? To survive as farmers they must expand and mechanize. The other option is to sell, perhaps to a suburban developer, perhaps to another farmer who is expanding. The latter course is easier, and increasingly it is the one that is chosen.

The trend towards corporate farming greatly intensifies the pressures on the independent small farmer. This trend is strongest in the South and West, particularly in Florida, California, Texas, Arizona and Hawaii, where large land units have long been the rule. Big canners like Minute Maid, a subsidiary of Coca-Cola, and Libby-McNeill & Libby, own an estimated 20 percent of Florida's citrus groves, compared with less than one percent in 1960. Corporate farms in California account for 90 percent of the melon crop, 46 percent of the cattle sold, 38 percent of the cotton produced and 30 percent of the citrus fruits. Two conglomerates, Purex and United Brands, now control one-third of the green leafy vegetable production in the United States, and the list of other blue chips lately plunging into agriculture, according to the Agribusiness Accountability Project, includes Tenneco, Gulf & Western, Penn Central, W. R. Grace, Del Monte, Getty Oil, Goodyear, Monsanto, Union Carbide, Kaiser Aluminum, Aetna Life, Boeing, Dow Chemical and American Cyanamid.

Why are major corporations suddenly fascinated with farming, a business where profit margins are generally small? The motives are chiefly three: land speculation, tax dodging, and the development of integrated "total food systems."

Suppose for example that a company invests $1 million a year of nonagricultural earnings in improving a large tract of farmland—by planting pear trees, say, or laying irrigation pipes. It pays no taxes on the $1 million, and can even deduct from its remaining taxes the cost of caring for the trees until they bear fruit, and the depreciable value of the irrigation pipes. Then suppose, as is usually the case, that each dollar thus invested creates a corresponding increase in the market value of the land. Suppose further that the company sells the land to another corporation at the end of ten years. Its profit on the land sale is then approximately equal to the earnings it has invested over the decade—in this case, $10 million. However, these earnings are now in the form of capital gains, and are taxed at 25 percent rather than 48 percent. Thus, the company has made a multimillion dollar profit at the taxpayers' expense. Any income the farm may have produced during this period is frosting on the cake.

Many corporations have their eyes on farming for another reason: they see vast profits accruing to vertically integrated conglomerates that control every stage of the food production and distribution process from raw nitrogen to precooked soufflé on the dining table. They are aware of the fact—indeed, they are largely responsible for it—that profits in the food industry go increasingly to companies in the food *business* rather than to farmers: in 1969 only 33 cents out of every dollar spent on food went to farmers, down from 40 cents two decades ago.

No single company better exemplifies the corporate plunge into farming than Tenneco, formerly Tennessee Gas and Transmission. In addition to its oil, natural gas and shipbuilding interests, Tenneco controls over a million acres in California and Arizona, mostly as a result of its purchase in 1967 of Kern County Land Company. It also produces agricultural chemicals and owns J. I. Case, a manufacturer of farm machinery, Heggblade-Marguleas, a leading California farm management firm, and the Packaging Corporation of America.

Tenneco makes money out of its landholdings from all directions. First, of course, are the tax-privileged revenues from oil and gas that lie beneath the surface. Then there is land development, the ultimate stage in the speculative game. Tenneco has half a dozen major developments planned or underway in California. One is the Pine Mountain Club, a 3,200-acre recreational community in Los

Padres National Forest, about an hour's drive from Los Angeles. Another 6,000-acre development on the outskirts of Bakersfield will include an industrial park, a shopping center, a golf course and a retirement community. One of the company's cleverest gambits was to donate 370 acres near Bakersfield for a new state college. (Lands for UCLA and the University of California at Irvine were similarly donated by large landholders.) According to Simon Askin, executive vice-president of Tenneco, the college "enhances the value of an additional 6,500 acres of company land."

It is Tenneco's multi-faceted agribusiness operations, however, that cast the longest shadow over the small farmer's future. Tenneco's aim, says Askin, "is to accomplish integration from the seedling to the supermarket." The company is already far advanced along that road. It grows, on magnificently irrigated former Kern County Land Company farmlands, an enormous diversity of crops, including corn, potatoes, barley, sugar beets, cotton, almonds, grapes, oranges, lemons, peaches, pears and plums. For capital inputs it has its own agricultural chemicals and farm machinery. For processing and packaging it has a huge new plant near Bakersfield, more than six times as large as a football field. It is currently testing a brand name identification program which, it hopes, will make the Tenneco Sun Giant label a household word in foods.

Against this kind of competition, what chance does the small farmer have? He survives or fails on his crop income alone. He does not have the benefit of outside earnings, or the luxury of converting current income into future capital gains. He might wish to expand or to buy more equipment, but to do so he must use his own money, not the Treasury's. When local property taxes rise because of encroaching suburbia, the large corporation can absorb the increase as a hedge against future speculative profits. For the small farmer higher taxes simply mean a decrease in the income on which he must live. Nor can he recoup farming losses with profits from machinery, chemicals, processing, packaging or marketing. If he is not paid enough cash for his crop, he is wiped out, regardless of how profitable the other stages of food production might be.

Corporations have other advantages over small farmers, including access to credit. According to a Department of Agriculture study in 1966, corporate farmers are able to borrow nearly twice the proportion of their assets that family farmers are. Corporations also enjoy the government-sanctioned privilege of exploiting their employees to a degree unparalleled in any other industry. The federal minimum wage for farmworkers is $1.30 an hour—30 cents below the minimum paid to all other workers. And while it is a felony for ordinary individuals to harbor illegal aliens, it is not a crime for growers to employ them. Such laws as these not only abuse farmworkers; they also hurt the self-employed farmer, who, in order to compete with the giant growers, winds up having to exploit himself.

Farming corporations receive further government aid in the form of subsidies. Among these are payments for reduced corp production. Since farmers with large landholdings are able to "not-grow" more crops than are farmers with small holdings, their subsidies are more generous. Charles Schultze, former director of the Budget Bureau, estimates the total cost of farm subsidies at $9 to $10 billion annually, the lion's share of which goes not to poor farmers, who need it, but to the corporate giants. Last year, the J. G. Boswell Co. of Calif. received federal subsidies totalling $4.4 million; Tenneco got $1.5 million; the Florida-based US Sugar Company collected $1.1 million; the Delta and Pine Land Company of Mississippi bagged $814,000. A newly enacted $55,000 ceiling will reduce some of the largest handouts this year, but the limitation has too many loopholes (for example, the ceiling is computed on a per crop and per nominal owner or lessor basis) to be effective.

Subsidies also come in the form of water, delivered to many farmers' doorsteps by federally-funded reclamation projects. The price paid by water users is well below the actual cost of delivering the water. Most of the cost of building dams and aqueducts is charged to the general Treasury and to hydroelectric power consumers.

In theory, federally subsidized water is legally barred from delivery to farms of more than 160 acres, and to all absentee-owned farms. In practice the law is widely violated, to the detriment of the family farmers it was intended to help. Thus, small farmers in California are now being hurt by the delivery of new water to lands owned by Tenneco, Getty Oil, the Tejón Ranch, Standard Oil of California and the Southern Pacific Railroad, among others. Production of fruits and vegetables from these heretofore arid lands will soon flood the market, thereby driving down prices. Much the same fate awaits small farmers in the Pacific Northwest, where vast lands controlled by Boeing, the Burlington Northern, Utah and Idaho Sugar, and Amfac of Hawaii are about to receive federally-dammed water from the Columbia river.

Welfare is another indirect subsidy to large growers, though they're not inclined to admit it. It allows them to use laborers for a few months, then cast them aside, secure in the knowledge that they'll survive until the following year's work season, without having to be paid a living wage. On top of this are the millions spent by federal and state governments on agricultural research—a subsidy that no other industry enjoys. While some of this research helps the small farmer, the bulk of it is aimed at breeding crops and designing machines for large-scale farming.

What will be the future of American agriculture? If present policies continue, the answer seems fairly obvious; the poor will be squeezed, the rich will be subsidized, and in the end only the biggest and best integrated operations will survive. The prospect pleases corporate moguls like Bank of America ex-president Rudolph A. Peterson, who has called for a program "to enable the small uneconomic farmer—the one who is unable or unwilling to bring his farm to the commercial level by expansion or merger—to take his land out of production with dignity." It terrifies small farmers, many of whom are no less efficient than their giant competitors, but simply less favored by government policies.

One vision of what American agriculture may look like can be found in the February 1970 issue of *National Geographic*. Here are stunning photographs of an egg factory near Los Angeles where two million caged Leghorns gobble 250 tons of feed and lay one million eggs each day, a cattle metropolis in Colorado where 100,000 steers are fattened on formulas prescribed by computer; a $23,000 tomato harvesting machine, developed by the University of California, that snaps up specially bred tomatoes for farmworkers to sort while taped music purrs in the background.

These photographs of contemporary marvels are accompanied by an artist's depiction of an early 21st century farm (if that is the proper word) as foreseen by USDA specialists. All operations are monitored by one man from a bubble-top control tower. An enormous remote-control tiller rolls across a ten-mile-long wheat field on tracks that keep it from compacting the soil. Another gigantic machine automatically waters a ten-mile field of soybeans, while a jet-powered helicopter sprays insecticides. Alongside a monorail track stand a pair of skyscrapers for cattle. Behind them are several illuminated plastic domes containing controlled environments for growing strawberries, tomatoes and celery. A USDA expert outlines some other possibilities: hills will be leveled with nuclear energy in order to flatten extra-long fields; sensors buried in the soil will find out when crops need water, and automated irrigation systems will bring it to them; airplanes, computers and closed-circuit TV will be as commonplace as tractors today.

A somewhat different vision of the future—not endorsed by the USDA—can be found in a gently sloping field near Watsonville, California. It focuses on human beings rather than technology, on giving present-day Yghish Bulbulians a chance to advance themselves rather than be cast into ghettos and *barrios*. Here on the edge of the Pájaro valley is a bustling new enterprise called the *Cooperative Campesina*, a farming cooperative formed slightly over a year ago by four Mexican-American families, now expanded to twenty-five and still growing.

The economics of the cooperative are relatively simple. There are 140 acres under lease, with 80 planted in strawberries and 60 in zucchini squash. (Eventually all will be planted in strawberries.) To avoid hassles the land is divided among the members by lottery, with each family responsible for its own parcel. Strawberries were chosen as the principal crop because they provide a high return and are laborintensive; there is no machine yet in sight that can pick them. Each acre of strawberries produces about 3000 trays per year, and each tray sells for about $3. Thus, one acre earns about $9000 a year. Expenses, not counting labor, come to about half that, so each family will earn about $12,000 the first year if all goes well, plus whatever additional income comes from the squash. The second year, when expenses are lower, they'll earn more. With four or five family members working steadily in the field, the earnings don't amount to much on an hourly basis—perhaps $1.20 per hour. But total family income will be two or three times what it was when they were hired laborers or sharecroppers. In addition they'll have equity in the co-op, and the satisfaction of being their own boss.

It wasn't easy to get the co-op started—the initial members had to scrape up $500 apiece, then look around for credit. The Farmers Home Administration, a federal lending agency, turned them down. Local banks, under pressure from a large local grower, were hesitant, but finally Wells Fargo came through with a $150,000 crop loan, to be repaid after the first strawberry harvest in 1972. An OEO-funded consulting firm, the Central Coast Counties Development Corporation, lent another $100,000, which will be repaid in three years. With $250,000 in hand, the co-op was able to purchase tractors, root stock and chemicals. Now it is in as good a position as the established growers, if not a better one: it's the only commercial strawberry producer in California that doesn't have to worry about labor troubles. By next year it will be marketing strawberries under its own *Cooperativa Campesina* label, and its members see no reason why within five or six years they can't become a dominant factor within the $60 million strawberry industry.

If the co-op prospers, its members don't plan to hoard the wealth. They intend to open up membership to as many poor families as the enterprise will support. "We have a saying in Spanish," says Refugio Pinedo, one of the founders and now secretary of the co-op. *"Agua que no te tomas, déjala correr.* Water that you cannot drink yourself, let it run for others."

LAND REFORM IN AMERICA—III: THE CASE FOR REDISTRIBUTION

(By Peter Barnes)

It's hard for people in cities to appreciate the need for land reform in the United States. Most of us have been so cut off from the land that, through ignorance, we accept present landholding patterns as desirable or inevitable. They are neither.

What are the advantages of giving land to the few instead of the many? Efficiency is supposed to be the main one: big farms, we're told by agribusiness spokesmen, can produce more food at less cost and thus save the consumer money. That same thinking underlies Soviet collectives. What's overlooked is that in societies where tractors are relatively inexpensive to own or rent, economies of scale contribute to agricultural abundance only marginally. Beyond a certain point, there's nothing gained by having one vast farm in place of several smaller ones. In fact, small farms are often more productive per acre because their owners work harder and take better care of the soil.

Large farms in America *are* efficient at some things—they excel at tapping the federal Treasury and exploiting hired labor. Take away these privileges and the small farmer looks extremely good. As for saving the consumer money, the chief reason food prices have remained relatively low is not large-scale efficiency—it is intense competition. Allow a handful of agribusiness giants to gain control of the market and prices will assuredly rise a lot more than they have.

There is, furthermore, the question of how much efficiency, and what kind, is desirable. American argriculture is, if anything, too efficient; its chronic problem is not underproduction but surpluses; it is the only industry where people are paid *not* to produce. The argument that ever-increasing agricultural efficiency is a desirable national goal is, therefore, unsound. Moreover, what kind of efficiency are we talking about? When a large grower increases his profit margin by replacing farmworkers with a fancy new machine, he's not doing anybody but himself a favor. The farmworkers, now unemployed, drift to already overcrowded cities, where no jobs await them either. Welfare rolls and social tensions rise—transferring to society at large the ultimate cost of "efficiency" on the large farm.

If the advantages of large landholdings (except to those who own them) are scant, the harmful effects are legion. Several have already been noted: the impoverishment of million of rural families, and the migration to cities of millions more, with little education or hope of improvement. We expect poor Americans to lift themselves up the economic ladder, yet by cutting them off from productive land ownership we knock out the bottom rungs.

The vitality of community life in rural America has also suffered because of maldistributed land. Main Street businesses are not appreciably aided by large absentee landowners who purchase their supplies in distant cities, or by underpaid migrants who buy nothing, or by sharecroppers forced to shop at the company store. A study in the 1940s by Walter Goldschmidt, a California sociologist, found that communities in small-farm areas have a more sizable middle class, more stable income patterns, better schools and more active civic groups than do communities where large landholdings predominate. A recent incident in Mendota, California—a town surrounded by large farms—helps explain why. A group of citizens wanted to establish a special taxing district for construction of a hospital, the nearest one being 40 miles away. Three agribusiness giants that owned more than half the land in the proposed district opposed the plan, and killed it. Two of the companies were based in other California cities, and the third—Anderson Clayton—was headquartered in Houston.

Protection of the environment also tends to be less of a concern to large corporations—who've been despoiling the American landscape for the better part of two centuries—than to small farmers who live on their land. Companies farming for tax or speculative reasons, for example, seek to maximize earnings over the short run. They can milk the soil, deplete the underground water supply or poison the land with pesticides, knowing full well that they will eventually sell. Resident farmers who hope to pass on their land to their off-spring cannot be so careless with nature's gifts. Moreover, small-scale farming lends itself much more readily than does large-scale monoculture to biological pest control—a technique that must increasingly be adopted if we are to avoid ecological disaster.

If there's little to be said for large landholdings on social or environmental grounds, neither can it be said that they are inevitable. Land concentration in America, particularly in the South and West, is not the result of inscrutable historical forces, but of a long train of government policies, sometimes in the form of action, often of inaction. English grants to large landholders in the colonial South, and Mexican grants in the West, could have been broken up at several convenient historical moments, but were allowed to remain intact. Vast expanses of public lands were given away in large chunks to speculators, rather than in small parcels to settlers. Tax and labor laws, reclamation project and government-financed research, have encouraged large-scale corporate agriculture, to the detriment of independent small farmers and landless farmworkers. On top of all this have come the government's ultimate reward to big landholders: cash subsidies, mainly for being big.

Why, then, do we need land reform in America? About the only thing that can be said for large landholdings is that they exist, and in the spirit of free enterprise ought to be left untouched. This is the strongest argument in favor of leaving things as they are. Land, however, is not like other forms of wealth in our economy, which we allow to be accumulated without limit: it is a public resource, it is finite, and it is where people live and work. Free enterprise does not merely imply the right to be big. It also implies the right to start. As corporate farms become increasingly integrated with processors and distributors, as they advance toward the technological millennium in which ten-mile-long fields are sowed and harvested by computer-controlled machines, the right to get a start in agriculture will be obliterated—as it almost is today. Americans must decide whether they want the rich to get richer or the poor to have a chance. Agriculture is one of the few places where the poor *can* have a chance. If it is closed off, if the profits of the few are given precedence over the needs of the many, the consequences can only be unpleasant.

There are additional reasons why it's time to reform landholding patterns in the United States. Frederick Jackson Turner talked 70 years ago of the frontier as a "safety valve" for urban discontent. If ever the cities needed a safety valve, it is now. Urban problems are virtually insoluble; city residents seem on the verge of a mass psychic breakdown. The exodus from the countryside must not only be stopped, it must be dramatically reversed.

One approach to the problem of population dispersal is to build new communities on rural lands now owned by speculators. This will undoubtedly happen, but it's far from enough. It is much more important to revive existing rural communities, and to do so by enabling greater numbers of people to live decently off the land. There is no shortage of people who want to remain on the land, or return to it, if they could do so at higher than a subsistence level. Many Mexican-Americans, blacks and Indians would be among them. So would many whites who have become drained, physically and spiritually, by city living. The difficulty is that the frontier is long gone. That's why reform, as opposed to the giving away of unsettled land, is essential.

Land reform is also needed to increase the number of people in the United States who are free. This may sound silly in a country that presumes to be a breeder of free men. Yet ever-increasing numbers of Americans are not really free to assume responsibilities or to make major decisions affecting their lives. They work for large corporations or government bureaucracies or on assembly lines. They are not their own bosses, not proud of their work, and not motivated to exercise their full rights as citizens. Farming has traditionally been a bastion of the independent small businessman who won't take guff from anybody and who prides himself on the quality of his work. But now farming, too, is becoming computerized and corporatized. Its executives wear silk ties and share the attitudes of other wealthy executives; its workers are powerless, dispensable hirelings. If agriculture goes the way of the auto industry, where will our independent citizens come from?

American land policy should have as its highest priority the building of a society in which human beings can achieve dignity. This includes the easing of present social ills, both rural and urban, and the creation of a lasting economic base for democracy. A second priority should be to preserve the beauty of the land. Production of abundant food should be a third goal, but it need not be paramount and is not, in any case, a problem.

To achieve these goals a multitude of reforms should be carried out. First and most importantly, small-scale farming must be made economically viable, so that present small farmers can survive and new ones get started. Unless it is done, there is no point in changing landholding patterns to favor smaller units.

There's no secret to making small-scale farming viable; it can be accomplished by eliminating the favors bestowed upon large farms. Federal tax laws that encourage corporate farming for tax-loss and speculative purposes should be changed, even if this means closing the capital gains loophole. Labor laws should guarantee a minimum wage to farmworkers equal to that of other workers, and should make the knowing employment of illegal aliens a crime punishable by imprisonment. This would put an end to one of the large landholder's major competitive advantages—their ability to exploit great numbers of poor people—and allow self-employed farmers to derive more value from their own labor.

Subsidy programs, too, should be revised to the disadvantage of big growers. When farm subsidies began during the New Deal, they were intended to help the impoverished small farmer. But because they were pegged to total marketings and total acreage rather than to personal income, they wound up lining the pockets of the wealthy. If farm subsidies are continued—as they should be in order to stabilize farm income—they ought to be strongly weighted in favor of smallness. No farmer should receive subsidies for crops grown (or not grown) on land in excess of a certain acreage, and payments should be graduated downward, somewhat like an income tax in reverse. (Per unit payments to individual farmers should decrease, in other words, as the number of subsidized units increases.) Alternatively, subsidies could be completely detached from crops and related to income instead. Farmers could sell on the open market, with federal payments making up the difference, if any, between earnings and a minimum livable income.

Also essential to the future viability of small-scale farming is some protection against conglomerates. There is no way a small farmer can compete aaginst an oil company, or against a vertically integrated giant like Tenneco which not only farms tens of thousands of acres but also makes its own farm machinery and chemicals, and processes, packages and distributes its own foods. Such conglomerates aren't hurt by a low price for crops; what they lose in farming they can pick up in processing or distributing, or, for that matter, in oil. The small farmer, on the other hand, has no outside income and no tolerance for soft spots. What he needs is legislation that would prohibit corporations or individuals with more than $50,000, say, in nonfarming income from engaging in farming—in effect, a forceful antitrust policy for agriculture.

Once small-scale farming is made viable, the second major area for change involves redistribution of land—the kind of peaceful social restructuring that the United States imposed upon Japan after World War II and has urged upon dozens of other nations in Asia and Latin America.

The guiding principles behind redistribution are that land should belong to those who work and live on it, and that holdings should be of reasonable, not feudal proportions. These are not revolutionary concepts; America recognized them in the Pre-emption, Homestead and Reclamation Acts, and is merely being asked to renew that recognition.

A convenient place to start is with enforcement of the Reclamation Act of 1902, which provides that large landholders in the West who accept subsidized water must agree to sell their federally irrigated holdings in excess of 160 acres at pre-water prices within ten years. The Reclamation Act has never been properly enforced for a variety of reasons. One is that, through one stratagem or another, large landholders have escaped having to sell their excess lands. Another is that even in the few cases where large landowners *have* agreed to sell, their prices have been so high, and terms so stiff, that only the wealthy could afford to buy. Occasionally, as in parts of the San Joaquin valley at the moment, pre-water prices as approved by the Bureau of Reclamation are so out of line—higher, in fact than prevailing market prices—that even wealthy persons have not seen fit to purchase excess lands put up for sale under the law.

To assure not only the sale of excess landholdings, but also their availability at prices that persons of limited means can afford, Rep. Robert Kastenmeier (D, Wis.), Jerome Waldie (D, Calif.) and others have introduced legislation that would authorize the federal government itself to buy up all properties in reclamation areas that are either too big or owned by absentees. The government would then resell some of these lands, at reasonable prices and on liberal terms, to small resident farmers, and retain others as sites for new cities or as undeveloped open space. The plan would actually earn money for the government, since the lands would be purchased at true pre-water prices and resold at a slight markup. The money thus earned could be used for education, conservation or other purposes.

Other plans for enforcing the Reclamation Act are worth study. For example, the federal government could purchase irrigated lands in excess of 160 acres and lease them back to individual small farmers or to cooperatives. Or it could buy large landholdings in reclamation areas with long-term "land bonds," which it then would redeem over 40 years with low-interest payments made by the small farmers to whom the land was resold. This would amount to a subsidy for the small farmers who bought the land, but it would be no more generous than the current subsidy to large landholders who buy federal water.

Of course, land redistribution should go beyond the Western areas served by federal reclamation projects; in particular, it should reach into the South. Thaddeus Stevens' old proposal for dividing up the large plantations into 40-acre parcels is unrealistic today, but an updated plan, with due compensation to present owners, can be devised and implemented.

Another objective toward which new policies should be directed is preserving the beauty of the land. Reforms in this area are fully consistent with a restructuring of landholding patterns. Thus, a change in local tax laws so that land is assessed in accordance with its use would benefit small farmers and penalize developers. Zoning rural land for specific uses, such as agriculture or new towns, would similarly help contain suburban sprawl and ease the pressure on small farmers to sell to developers or speculators. If as a result of new zoning laws the value of a farmer's land was decreased, he would be compensated for that loss.

An indefinite moratorium should also be placed on further reclamation projects, at least until the 160-acre and residency requirements are enforced, and even then, they ought to be closely examined for environmental impact. Schemes are kicking about to bring more water to southern California and the Southwest from northern California, the Columbia and even Alaska. These plans ought to be shelved. Federal revenues that would be spent on damming America's last wild rivers could, in most cases, be more fruitfully devoted to such purposes as redistributing croplands.

Policy changes in other areas should complement the major reforms outlined above. Existing farm loan programs, for example, should be greatly expanded so that new farmers can get started in agriculture. Farming cooperatives, which can be a starting point for workers unable to afford an entire farm, should be encouraged through tax laws and credit programs. Research funds spent on developing machinery for large-scale farming should be rechanneled into extension programs for small farmers and co-ops.

It won't be easy to enact any of these reforms. Friends of large-scale agribusiness are strategically scattered throughout the Agriculture, Interior and Appropriations committees of Congress, and are equally well ensconced within the Nixon Administration. Small-Farmer associations like the Grange, the National Farmers Union and the National Farmers Organization don't have nearly the clout of the American Farm Bureau Federation, the big grower associations and the giant corporations themselves. The pro-industry land policy "experts" who formed the Public Land Law Review Commission that reported its findings last year were no friendlier to small-scale farming: they recommended repeal of the Reclamation Act's 160-acre limitation and residency requirement, and adoption of policies favorable to large-scale mechanized agriculture.

Nevertheless, there are some grounds for optimism. Many citizens and public officials are coming to realize that rural America ought to be revived, cities salvaged, welfare rolls reduced, and they see that present policies aimed at achieving these objectives are not working. Environmentalists who for years have pointed to the dangers of intensive agriculture and the need for prudent rural land use, are finally getting an audience. The list of organizations that have recently urged vigorous enforcement of the 160-acre limitation includes the AFL-CIO, the Sierra Club, Common Cause, the National Education Association, the Grange and the National Farmers Union. That's not enough to sweep Congress off its feet, but it's a good start.

The ultimate political appeal of land reform is that it places both the burden and opportunity of self-improvement upon the people themselves. It can give hundreds of thousands of Americans a place to plant roots, and a chance to work with dignity. Can we deny them that chance?

STRIP MINING—THE PEOPLE BEGIN TO FIGHT BACK

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, as the ravages of strip mining spread across our Nation, the people are beginning to respond to this threat. Through environmental groups and individual efforts, citizens are trying to combat the power of the stripping interests and their cohort, the TVA. To date, the strippers have held the upper hand, but the balance may be shifting. Three very timely articles relating to this recently appeared in the July 1971 issue of the National Parks and Conservation magazine which I would like to include in the RECORD. The articles follow:

[From The Environmental Journal, July 1971]

STRIP MINING

(By Jack Trawick)

(NOTE.—Jack Trawick is state news editor for the Winston-Salem Journal and Sentinel in Winston-Salem, North Carolina. He wrote and photographed a series of articles about strip mining for his newspaper, which, with other environmentally oriented reporting, won for the paper the 1970 Pulitzer Prize for public service.)

The sign along the roadside says "Keep Kentucky Green."

But for as far as you can see, there is very little to keep green.

It is a study in black and gray and yellowish-brown, etched in scars on what were once beautifully forested slopes.

There are broken and battered trees, mangled by huge rocks and piles of shale that have been pushed down the mountainsides to clear the path to the coal and minerals that have been taken from the mountains. There is garbage, and there are the rusting hulks of junked automobiles strewn down the slopes.

You don't have to search for the damage, the depression, the oppressive atmosphere. It is all around you, above and below, and plainly visible from the main highways, such as they are.

And even as you look, huge trucks, some loaded with as much as 25 tons of coal, rumble by in a steady stream, kicking up dust and further damaging roads that, in some places, have already been damaged so badly that the blacktop surface has been mashed into the dirt out of sight.

This is Letcher County, Kentucky. This is strip mining in the Appalachian mountains. The scene is no different throughout most of eastern Kentucky, most of West Virginia, and huge sections of Pennsylvania, Indiana, Ohio.

Strip mining, in varying degrees, has affected all 50 states. The effects are more apparent, and the damage more enduring, in mountainous regions, because of the difficulty and expense in reclaiming the land after the mining is finished.

Strip mining goes by many names. The mining firms do not like the term "strip mining" because it has come to carry an unpleasant connotation. "Surface mining" is more acceptable to them. It has been generally defined to cover all types of mining on the surface of the earth, as opposed to deep mining, which is underground. Other terms used include:

"Open cut" or "open pit" mining. This generally involves simply digging a hole in the ground and taking out the minerals being sought.

"Auger mining." Huge drills are used to bore into the earth or mountains to get to the minerals.

"Cut and fill mining." This involves extracting huge cubes from the earth, separating the minerals from the soil, and replacing the unused soil back in the hole from which it came.

The terms and methods vary, largely depending on the type of terrain being mined. But to conservationists they all carry essentially the same meaning: tearing up the earth.

In the coal fields of eastern Kentucky, the strip mining most widely used has been this:

Wide bands are stripped from the side of a mountain, moving around the circumference of the mountain, to get to the seams of coal. The coal is removed, leaving a shelf around the mountain. Work proceeds down through the hill by digging along the contour of the slope. The work may be done at several levels on the same hill.

A new method is being tested now in eastern Kentucky. It involves shearing off the top of a mountain and pushing it into the neighboring valley, exposing the mineral. The mineral is extracted, another level is sheared off and pushed into a valley, and more mineral is extracted, and so on. The end result would be to eliminate the mountains and provide level land.

Conservationists increasingly are becoming concerned about the scars left by strip mining—not only because of the effect they have on the appearance of the land, but also because of the effect on the people who must live with the scars, the damage to streams and whole watersheds, the damage to forests, the damage to wildlife, and the elimination of other potential uses of the land, such as for recreational purposes.

A survey by the U.S. Department of the Interior, completed in the summer of 1967, showed that 3.2 million acres across the United States had been surface mined. But more significantly, the survey showed that 2 million acres still needed some degree of reclamation to prevent a broad range of environmental damage. And the mining is continuing, with an estimated 20,000 mining operations across the country affecting an additional 150,000 acres a year.

As you drive from northwestern North Carolina through southwestern Virginia to the mining region of eastern Kentucky you pass through beautiful mountain countryside, as yet largely undisturbed. There are clear rivers, beautiful mountain streams, lovely hills and pastures and mountains and meadows. The contrast when you reach the mining country is startling.

The streams there are loaded with silt or have their banks lined with "spoil banks," the rubble and rock left from surface mining. Their waters run yellow or red, tainted with sulphur and acids and minerals that seep from the scars torn in the sides of the mountains.

The forests are battered and mangled. The mountains, now, have somehow lost their majesty and look beaten and scarred and ugly.

And there are the people. The men driving the trucks who eye you suspiciously, particularly when they see your camera. The children who smile wanly and wave. The women who somehow look beaten down. The men who come back from the mining operations late in the day with their faces covered with black dust. The youth who roam aimlessly through the valleys in the afternoons after school is out.

Realizing that these are the descendants of a once proud, fiercely independent people who crossed the rugged mountains from North Carolina and Virginia and elsewhere to settle eastern Kentucky in the 1700s, you can't help wondering what has happened to wear them down and make them a dependent people.

The sociologists have their theories, the politicians their promises, and the oil and steel corporations their coal and minerals. But the people have the scars and the land that is rapidly losing its usefulness. The problem is theirs.

It is increasingly becoming apparent that reclaiming mountain land that has been strip mined is virtually impossible.

In flat areas, where the topsoil and subsequent layers of soil can be stripped back one by one until the minerals being sought are reached, the minerals can be extracted and the soil replaced in its proper sequence and in a few years' time the damage is almost unnoticeable.

But in the mountains once deep cuts are made in the steep slopes, they are there to stay. It is difficult to get trees and grass to grow, and even when they do they don't fully hide the scars. And the seeping chemicals destroy the ability of the land to support vegetation.

The streams fill with silt (some studies in Kentucky have shown that the sediment yield in watersheds that have been strip mined is as much as 1,000 times as great as in undisturbed areas), and the chemicals that work their way into the streams destroy their ability to support life.

Perhaps the most startling statistic concerning strip mining is that most of what has been done in the United States has been done in the past 20 years. For 10 years it went almost unchecked. Then in the 1960s some states began to regulate strip mining. But only in the past two or three years, as an increasing national awareness of environmental problems has developed, has there been serious concern about the effects of strip mining and serious efforts to curb both the mining and the effects.

Somewhere, in some state, a new threat is almost constantly arising. Strip mining is more economical than deep mining, and the dangers to miners are lessened. And the new federal mine safety regulations, with stringent new requirements, concerning safety in deep mining operations, seems to be having the side effect of pushing more mining firms into surface mining operations.

But it has been demonstrated that concerted public reaction can halt the threat, if it comes soon enough and is persistent enough.

One case in point is what happened in a six-county area along the North Carolina-Virginia border in late 1969 and early 1970.

The Gibbsite Corporation of America, a subsidiary of Colonial Oil and Gas Corporation of Rochester, N.Y., late in 1969 began acquiring mineral rights leases in the area and in December announced plans for a mining operation to extract gibbsite, a low-grade mineral which can be used in aluminum production.

Some of the lands on which the company acquired mineral rights border the Blue Ridge Parkway, a scenic highway that stretches from the Shenandoah National Park in northern Virginia to the Great Smoky Mountains National Park at Asheville, N.C. Other land involved abuts North Carolina's Stone Mountain State Park, a new park being developed around a huge solid granite formation. The entire area is largely undisturbed scenic mountain land, an area that is undergoing development as an outdoor recreational and resort area.

When a newspaper made public what the firm was doing and what its intentions were, there was an immediate public outcry. Daily and weekly newspapers took up the battle cry; and local governments, civic groups, development associations, and even state legislators joined in.

The Gibbsite Corporation let its leases lapse and abandoned its plans.

There are many cases, however, in which the outcome has been different, and the struggle more frustrating.

In some counties in eastern Kentucky, local governments have become concerned and local citizens aroused. In Pike County, Kentucky, there have been demonstrations against strip mining, with people lying down in the paths of mining equipment to try to halt the operations.

But the strip miners had a big head start in Kentucky, and the opponents have had little success.

Harry Caudill, a lawyer and author who lives in Whitesburg in Letcher County, has become a recognized spokesman for conservationists in the Appalachian region. He is a native of Letcher County and has lived all his life with the mining problems in eastern Kentucky. His book, *Night Comes to the Cumberlands*, in the early 1960s became a textbook on the problems of Appalachia.

Caudill frequently talks in terms of rape when he discusses strip mining. And rape it may well be in eastern Kentucky, for, under mineral rights leases acquired 50 to 100 years ago by major corporations outside the state, much of the land has been strip mined without the consent of the property owners.

Caudill's concern is not only for the immediate effects of strip mining. He feels strongly that the answer to the nation's growing water shortage problem may lie in the Appalachian region, where rainfall is heavy and water is stored. Damage to the watersheds could eliminate a valuable national supply of water.

He also feels that the damage being done to the forests is eliminating valuable hardwood stands (and even where reclamation is successful, most of the plantings are in pines, not hardwoods), and perhaps more significantly, is eliminating an effective means of control for the growing smog and air pollution problems in urban centers. The trees produce oxygen, helping to purify polluted air.

Caudill is a former Kentucky legislator and had a major hand in the state's strip mining laws, which he says are woefully inadequate. Caudill has suggested the following answers to the strip mining threat:

Forbidding strip mining in areas where the slopes are so steep and the rainfall so great that reclamation would be impractical or impossible, and in areas of particular scenic beauty, areas important to wildlife, and heavily populated areas where "important human values would be disrupted."

Allowing strip mining for minerals only in areas where total reclamation can be carried out "promptly and effectively."

Requiring, in areas strip mined, that the topsoil be scraped off and set aside, then the subsoil and rock strata lifted out, and all replaced in their natural order and compacted when the mining is completed; further, that the land be treated with fertilizer and limestone and planted with trees. (He says this has been done effectively, and with economic feasibility, in Germany, England, and Czechoslovakia.)

Federal purchase and reclamation of lands already stripped and not restored.

At the state level, Caudill feels that a "severance tax"—a tax on the minerals extracted—is needed. He recommends that this money—perhaps several cents a ton, or a percentage of the profits per ton—should be used partly for land reclamation and partly to provide schools, libraries, and hospitals and to repair roads in areas mined.

In the meantime, strip mining continues to spread. The Department of the Interior estimates that more than 5 million acres across the country will be affected by 1980. Conservationists are convinced that time is running out—that so much has been done in the past 20 years that irreparable damage to natural resources is a certainty unless better reclamation efforts are made now and industries stop strip mining in areas where reclamation is impossible.

[From the Environmental Journal, July, 1971]

TVA RAVAGES THE LAND

(By KEN HECHLER)

(NOTE.—KEN HECHLER is a congressman from West Virginia. He has introduced a bill in Congress that would ban all strip mining in the U.S. by 6 months after its enactment and authorize 90 percent federal matching funds to states for reclamation of land that has already been stripped.)

When Franklin Delano Roosevelt launched the Tennessee Valley Authority, his April 10, 1933, message to Congress rang with phrases about conservation of our land resources. One of my boyhood idols, a sad-eyed senator from Nebraska named George W. Norris, also dreamed of a Tennessee Valley Authority that would produce public power and provide unified planning for an entire river basin, so that the soil, forests, hillsides, and streams would be protected for future generations.

The dreams of Roosevelt and Norris are being shattered as the hills of Kentucky and Tennessee are gouged by strip miners to satisfy the insatiable thirst of the Tennessee Valley Authority's steam plants for coal. In particular, the Cumberland Mountains of eastern Kentucky are being devastated by the escalating demands of TVA for strip-mined coal. TVA, the nation's biggest producer of electricity, is turning its back on one of its original objectives—to preserve the land—in order to generate vast quantities of power.

More than 80 percent of TVA's power is supplied by 11 coal-burning steam plants. Last year, TVA bought 32 million tons of coal, which is about 10 percent of the coal burned by the entire electrical industry. Approximately half the TVA coal was strip mined.

Of all the destructive and polluting activities that modern man has unleashed upon the earth that sustains him, one of the most devastating has been the one least noticed by the American public. Strip mining for coal used to be carried on in isolated areas, but now the rapidly increasing demand for production has thrust this rape of the environment into people's backyards and revealed the ugly scars along frequently traveled highways. It is ironic that of all the giant industrial interests that are implicated in strip mining, none is more deeply involved than Uncle Sam himself.

Deep or underground mining entails removing the coal from the earth; strip mining removes the earth from the coal. In eastern Kentucky, one of the largest TVA contracts provides for the purchase of 50,000 tons of coal per week from Kentucky Oak Mining Company from July 1, 1970, through June 30, 1975, at a cost of $78 million. Other smaller contracts have been concluded by TVA to purchase strip-mined coal in eastern Tennessee.

In the case of the eastern Kentucky stripping, the earth is cut away from a lateral "contour" around the side of a mountain in order to expose the seam of coal. Sometimes it means decapitating the mountain altogether—removing 50 to 100 feet of earth and rock from the top of the mountain to reveal the coal seam lying beneath it.

Even the coal industry itself shudders self-consciously about the shoddy mining practices in eastern Kentucky. James Garvey, Vice President of the National Coal Association, testified before the Senate Interior Committee in September 1970: "In the eastern section TVA has taken advantage of the willingness of non-career coal companies to 'cream the contours.' TVA in its eastern section has lived off the very inexpensive coal which could be, and was, obtained from strip mining the contours of the hills."

The earth and rock that are cut and blasted away to expose the coal are cast over the side of the hill in great, unstable aprons of rock, leaving mud and debris clinging perilously to the slopes. Rains carry some of these materials into the watercourses and streams. The result is an alarming threat of floods throughout the strip-mined regions. Acid and mineral pollution are equally severe problems in strip-mined areas. The rocks and shales adjacent to the coal seams include pyritic rock, which is a potent producer of acid, iron pollution, and other forms of mineral pollution.

The U.S. Geological Survey completed a thorough scientific study this spring of the area where TVA purchases huge amounts of strip-mined coal. Entitled "Influences of Strip Mining on the Hydrologic Environment of Parts of Beaver Creek Basin, Kentucky," the study fully documents the appalling destruction of the land and streams. In strip-mined areas, the rains washed away 27,000 tons of earth per square mile each year, contrasted to 1,900 tons in areas where strip mining had not occurred. Minerals washed out of the earth at a rate of 1,370 tons per square mile in stripped areas, contrasted to 111 tons in nonstripped areas. These highly acid conditions killed all fish and nearly all plant life in the stream affected by the strip mining. Six years after the stripping had been concluded, these conditions were largely unchanged and nature had not, as some contend, "healed its own wounds." The growth of trees and plants on the stripped areas also was retarded by the acid quality of the water.

The social cost of strip mining is as appalling as the cost to the earth itself. The ancient "broad-form deeds" under which mineral rights were bought entitle the coal operator to remove coal from the earth by any means whatsoever. Thus a farm-owner may find his property destroyed in the greedy search for surface coal.

On March 1, 1971, three environmental groups—Natural Resources Defense Council, Environmental Defense Fund, and Sierra Club—filed suit in U.S. District Court in New York to enjoin TVA from purchasing strip-mined coal in Kentucky and Tennessee. The suit also charged that TVA was in violation of the National Environmental Policy Act, signed by the President on January 1, 1970. The Act instructs agencies of government to "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations," and to "attain the widest range of beneficial uses of the environment without degradation," and also to "enhance the quality of renewable resources." Under the National Environmental Policy Act, federal agencies are required to file an environmental statement on any major action that significantly affects the quality of the human environment or has any irreversible and irretrievable impact on resources. The environmental groups correctly pointed out and charged in their suit that TVA had never filed such a specific environmental statement, despite the fact that in other actions TVA showed awareness that strip mining does have a damaging effect upon the environment. The plaintiffs pointed out that TVA did include reclamation requirements in its contracts with coal suppliers and that in December 1970 it made some of its mining and reclamation regulations more stringent.

The suit had a dramatic effect upon the Tennessee Valley Authority. On March 26, 1971, the Washington representative of TVA sent me a document dated simply March 1971, entitled "Policies Relating to Sources of Coal Used by Tennessee Valley Authority for Electric Power Generation," and headed as "Environmental Statement."

It is too early to analyze other effects that the suit, whether or not it is successful, will have on the efforts of TVA to protect the land, soil, hills, forests, and streams that now are being ravaged by the strip mining of coal purchased by TVA. The revised and "toughened" reclamation provisions that TVA published in December 1970 are no doubt superior to the ones they replaced. Yet they contain loopholes such as the following: "Contractor shall, *as closely as practicable following the mining operation*, cover coal faces and bury all toxic materials including coal wastes and strongly acid shales" (emphasis supplied). And also: *"To the maximum extent practicable*, the foregoing work shall be performed at the same time the mining operation is taking place . . ." (emphasis supplied). One can only conclude when viewing the devastation of areas "reclaimed" in eastern Kentucky and other strip-mined areas that the strip miners rarely seemed to find it very "practicable" to restore the land—if indeed that be possible.

The environmental groups that have filed suit against TVA contend that the reclamation requirements contained in TVA contracts with coal suppliers are "tokenism in order to permit the agency to continue a method of extracting coal that is devastating to land in general and destroying the Cumberland Mountains of eastern Kentucky in particular."

If the states in which TVA purchases its strip-mined coal had tough and effective regulations, there would be less to fear from the large contracts that TVA has for coal extracted by this process. In Kentucky, a supposedly tough strip-mining law was passed in 1966, but events have proven the law to be practically worthless. In 1970 strip miners in Kentucky tore up nearly twice as much land as in 1969 (13,000 acres in 1969 and 23,000 acres in 1970), and the early figures for 1971 show that this upward trend is continuing. Kentucky State Reclamation Director Elmore Grim is reporting major problems with mud slides on "reclaimed" mountain slopes. Recent Bethlehem Steel ads in large magazines like *Time* and *Newsweek*, purporting to depict beautiful fishing lakes and recreation areas fashioned out of stripped land, have in some instances been proven somewhat phony. Pat Furgurson of the *Baltimore Sun* recently analyzed a Bethlehem Steel ad in *Time* that revealed in beautiful color a fishing lake entitled "Fishpond Lake" in Kentucky. Furgurson visited the site and found that the photographer must have worked hard for an angle that avoided "coal slides into the water, scars in the mountainside . . . gritty dust blowing from the irreparable gash in the slope opposite."

Whether or not the suit against TVA is successful, it is difficult to argue with the fact that virtually no stream system in the 15 million acres of eastern Kentucky now remains free of mine pollution. The fact is that TVA is buying increasing amounts of strip-mined coal, and so-called reclamation has been largely esthetic in nature, like putting lipstick on a corpse. Through TVA, the federal government is a direct participant in this process of environmental and social destruction.

[From The Environmental Journal, July 1971]

THE MOUTAINEERS IN THE AFFLUENT SOCIETY

(By Harry M. Caudill)

(NOTE.—Harry Caudill, a lifelong resident of eastern Kentucky, is a lawyer, former state legislator, and author. His book *Night Comes to the Cumberlands*, published in 1962 and already a classic, describes the tragic history of the Appalachian mountaineers and their hills. He is a leader in the efforts to halt strip mining practices and improve the lot of the victims—both people and the land—of industrial "progress.")

Only a coal operator can visit the flayed and mutilated hills of eastern Kentucky without feeling grief for their ruin. The ancient hills and valleys nurture an incredibly old and complex web of life that reached its present form millions of years ago. The ice sheets brought an immense variety of plants and living creatures to the hills, where a benign environment embraced and shielded them. Fifty million years ago the forest was strikingly like its modern counterpart. More than 2,000 seed-bearing plants—a hundred of them trees—have been identified by plant scientists, far more varieties than are to be found anywhere in Europe or Asia.

Strip mining for coal shatters the ecological balance with a finality that defies description. Explosives, bulldozers, and giant shovels assault the hills cataclysmically, like the barrages of Verdun and the fiery mushrooms of Nagasaki and Hiroshima. Whole ranges are decapitated, gigantic gashes deaden the stumps of ridges, forests are buried, streams are choked with mud and poisonous acids. And, initially at least, the disruption is total. All life flees or is buried, and the hideous heaps of "spoil" lie naked and forlorn. In their natural state no region in the world is lovelier than the Kentucky highlands; but as "development" of strip mines proceeds, they become as ghastly as the rotted face of a corpse.

The last to enter Appalachia's web of life was man. His foot first trod the deep black loam about 5,000 years ago. The red men scarcely marked the hills and lived within them as securely as the elk, buffalo, and black bear that had roamed their solitude for ages.

The white man was vastly different. He brought the enlarged appetite of an advanced and rapidly expanding technology. For their natural resources he plundered the hills with a murderous efficiency that would have shamed a Roman general. His greed has culminated in the stripping that now reduces much of Appalachia to desolation, a modern Carthage plowed and salted. But whereas the people and culture of Carthage were foreign to the Romans who annihilated them, American industrial man attacks the people and culture of Appalachia—near the heart of his own homeland.

My first brush with stripping occurred in 1949. As a coalfield lawyer I was, of course, accustomed to a social, economic, and political order dominated by absentee mining corporations. But *Russell Fork Coal Company, et al.* v. *Hawkins*, 311 Ky. Decisions 449, 223 S.W. 2d 887, stunned me with the abrupt realization that in the courts of their native state the mountaineers no longer possess any rights when their adversary is coal.

In the spring and summer of 1946 Russell Fork Coal Company strip mined 10 acres on the top of a hill at the extreme head of Weddington's Fork of Ferrel's Creek in Kentucky. This narrow rugged valley was the home of nearly two dozen families. They were served by a small general store at the mouth of the valley.

The stripping produced a broad flat on the hilltop with an "island," or round, man-made mesa, at the center. The timber, of course, had been pushed down, shoved over the hill, and covered to a great depth with rubble. In one area a considerable pond of water had collected behind a rim or "berm" of spoil.

On the night of August 2 thunder and lightning roared and flashed along the ridges; and for several hours a sustained, vicious downpour sluiced the dismembered hill. The pond deepened, and the rim broke beneath its weight. Enormous landslides sent cascades of broken stone, loose yellow dirt, and tree trunks roaring into the hollows. Here the gathering fury of the flood propelled the mass into the channel of Weddington's Fork. Witnesses related that the rubble formed a barrier about 15 feet high that rolled like a juggernaut down the valley. Fortunately the people were forewarned and fled for their lives. The tumbling avalanche splintered the houses one by one, adding their fragments to its destructive mass. At last it swept away the little store and poured into the broader channel of Ferrel's Creek. Behind it lay utter ruin for an entire community. The houses and barns had vanished. Gardens and croplands were blanketed with stones and yellow subsoil. The mud from spoil heaps cloaked everything.

The dazed people promptly filed suits for damages under the reasonable belief that the coal company had harmed them. One of the South's greatest trial jurists, R. Monroe Fields (who once sat through an entire 6-year term without a reversal), tried the first case to reach the docket. After receiving the judge's instructions on the applicable laws, the jurors returned a verdict for mountaineer Herbie Hawkins and his wife.

But the despoiled inhabitants of Weddington's Fork were to have no redress. Those masters of jurisprudence who composed the state's high court, the Court of Appeals, ordered a reversal. In what an earlier time would have treated as blasphemy, the judges termed the catastrophe an "act of God." It was adjudged that an exceptionally heavy rain, and hence the deity, had caused the damage. The coal company was absolved of all liability and freed to devote its energies to another mountain.

This medieval ruling since has been bolstered by many other decisions. On at least 90 percent of the land, title to the underlying coal and other valuable minerals is held by companies that bought it generations ago. At the turn of the century when the mountaineers sold mineral rights to their land for a pittance, strip mining was unknown. Mountaineers and coal companies both envisoned traditional mine shafts and underground digging. The "broad-form deeds" covering the transactions entitle the operator to remove the coal "by any means convenient or necessary." Consequently, the resident mountaineers own only the "surface estate." The Court of Appeals has opined that the owner of the minerals has a right to get out *all* of them, if necessary by strip mining or other processes that totally destroy the land. The owner of the soil and trees is entitled to compensation for his loss only if he can prove the company acted "wantonly or arbitrarily."

Fortunately no other state has burdened itself and its people with these kinds of horrifying decisions, but such rulings have brought destruction and despair to thousands of Kentuckians. The courts afford them no relief for the ever-spreading devastation of their land, and their every effort to protect the earth has brought down upon them swarms of armed officers to protect the "rights" of the strippers.

In the spring of 1952 Pittsburgh Consolidation Coal Company was stripping on Beefhide Creek, then an unbelievably wild and lovely valley in the Elkhorn coalfield. One hundred and sixteen voters made their homes there, and a little white-framed school provided a measure of education for their children. Descendants of the first settlers, they worked in mines, farmed the hillslopes and narrow bottoms, attended their fundamentalist churches, buried their dead in graveyards on cedar-darkened knolls, and knew a peaceful self-reliance that since has utterly vanished from the coal counties. It vanished from Beefhide Creek with the thunderous explosion that "cast the overburden" of rock and soil from atop the coal and flung it into the valley.

On a sunny afternoon a distraught man, still in the coal-blackened garb of a miner, appeared at my office. He had ended his work shift and returned to his home to find it a wreck and his frightened family huddled at the home of a neighbor. He wanted me to go with him to see with my own eyes the plight to which they had been reduced.

We drove 22 winding miles and found a huge tawny cloud of dust from the shattered hill still drifting down the valley. The modest, four-room, tin-roofed cottage with its narrow lawn, flowerbed, and vegetable garden was a splintered ruin.

A block of sandstone the size of a bushel had arched upward from the explosion on the ridge in front of the house and plunged through the roof into a bedroom. It struck center of a counterpaned featherbed, carrying it and the iron bedstead through a gaping hole into the earth below. The terrific impact had sagged the floors; pulled the walls inward; turned over stove, refrigerator, and chairs; and knocked out eletcric power.

Outside, a lesser stone had bounced off the top of the battered family sedan, pressing it flat against the steering wheel. Rocks littered lawn and garden, and a rooster lay where a piece of slate had crushed him.

My friend got a flashlight from his pickup truck and led me around the slope to the little plot where his parents were buried. An immense shard of rock had shattered the tombstone above the bones of his mother and then buried itself deep in the yellow mound. The grave had collapsed downward through old, rotted boards, but a finger of light poked through the darkness by the edge of the missile. It revealed a thin-shouldered skeleton with bony fingers crossed on a black dress.

On the hill a bulldozer sent boulders crashing through a stand of young tulip trees. The miner wept in outrage and fury.

The stripping went forward relentlessly for another year. The company paid the family a few thousand dollars because, as their agent said, "we like to do the right thing." Worn out and hopeless, they joined the human tide flowing into Cleveland, and only a chimney now marks the place where they lived. Rocks and mud have covered the graveyard, and it is choked with weeds.

The precinct now has fewer than a dozen voters, and the school was abandoned years ago.

Thus the ravages of this monstrous industry came to the jaded and apathetic people of the Kentucky Cumberlands. Worn down by their prolonged isolation, lack of education, archaic attitudes toward government, and by dependency on nonresident landlords for their basic necessities, the mountain people have capitulated in multitudes. Many simply died beneath the weight of the ugly horror that crept like a devouring dragon along their familiar hills. Nearly half of them fled to distant cities, and most of those who remained—mainly the aged, the infirm, the illiterate—now subsist in the shrunken, dying communities. Weak and corrupt State and local officials joined the miners in hope of gaining some of the loot, and no one was left to guard the land.

The TVA with its immense appetite for cheap dirty coal has toiled as a willing accomplice in the ruination of the mountain people. Its suppliers, working in a buyer's market through the 1950s and early 1960s, despoiled whole counties.

In 1965 a coalition of Knott Countians calling themselves the Appalachian Group to Save the Land and People went to the state capitol to complain that stripping was totally impoverishing them. Eighty-year-old Mrs. Bige Ritchie related to Governor Edward Breathitt how the dozers had come to her land. Frail and trembling with age and fatigue, she shouted to the operators that her family cemetery lay immediately in front of them. Big-bellied and hard-hatted, the driver sank the giant blade into the earth and roared ahead. "I liked to have died," she told the spellbound governor, "when the coffin of my child went over the hill and was covered up again."

This account prompted another member of the group to observe that "the strippers are digging up the dead and burying the living."

Nor do the strippers restrict their depredations to the homes of the poor. In 1965 in Perry County a boulder was sent down a hillside into the home of the county attorney. And many of the scenic overlooks so important to Kentucky's much-touted tourist trade have been destroyed.

Not all mountaineers have accepted quietly such outrages. On a single night at one operation a reported $700,000 worth of mining machinery was dynamited into scrap iron, and at least one dozer operator fell victim to a well-directed shotgun blast from somebody hiding in a thicket.

More than a hundred thousand acres of Kentucky mountain land and its veritable empires of living things have been "disturbed," to use a euphemism dear to the lexicon of strippers. The flow of people out of the hills rolls unchecked into midwestern and northern cities already groaning beneath unassimilated millions. The counties with the most stripping saw population drops of one-third between 1960 and 1970. The land is dotted by hundreds of empty houses and by tattered little communities huddling beneath the sheer slopes of gigantic spoil heaps poised on mounds of uprooted and rotting trees. Japanese, German, and American industrialists have their cheap coal; America's purple mountain majesties are grim, reproachful wrecks; and the nation's welfare rolls have thousands of new names.

On the night of May 30, 1927, a cloudburst stuck eastern Kentucky. Then the hillcrests were in timber and a youthful population could flee the rising waters. Yet more than a hundred people drowned before dawn.

Now those same hilltops are mounded for hundreds of miles with naked, unstable soil. The creeks are silted to their brims; and old, forsaken people cluster in little houses, apprehensively waiting. Appalachia is wet country, and flash floods are common to its history. It requires no gift of prophecy to foretell that sometime—and soon—calamity will strike. The Weddington's Fork experience will be repeated in a vast area embracing not only eastern Kentucky but parts of a half dozen neighboring states. A man-triggered "act of God" is abuilding, and thousands may perish.

Sadly, when the calamity strikes it will engulf no rail, coal, steel, or power tycoons. They will be safely elsewhere, with the directors of TVA and the corrupt politicians who have sold out an entire region to its doom. Only the poor will perish, the Appalachian poor in their strange archaic world—a world devoid of future in what John Kenneth Galbraith has so quaintly termed our "affluent society."

A MEMORABLE VISIT WITH MR. AND MRS. KENNETH ENTERLINE AND FAMILY

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. SCHNEEBELI. Mr. Speaker, to those of us privileged to represent congressional districts close to Washington, most constituent visits are everyday occurrences. These can, however, be most memorable and enlightening events.

Such was the occasion last week, when Mr. and Mrs. Kenneth Enterline and their family called upon me in my office. From Riverside, Pa., the Enterline family includes four "natural" children, one adopted child and—at last count—eight foster children.

Over the past several years, Mr. and Mrs. Enterline have opened their home and their hearts to more than 60 foster children. Some have had behavior problems; others were removed from their own homes while family crises were being resolved.

If these may be termed "problem" children, however, it is certainly not evident from their behavior. It was a normal, healthy, happy group of children who visited my office last week.

The Enterline parents have no more than a median family income, so Mrs. Enterline makes all the main clothes items for the children—and their outfits are in good taste and noticeably very clean. The children are very well disciplined and exhibit a great spirit of camaraderie. The feeling of love and loyalty obviously pervades the entire family. The children are fortunate in being raised in this cooperative, happy, and active family.

Mr. Speaker, the Enterlines are a young couple who are deserving of our praise and gratitude, but, more importantly, they are deserving of assistance in the one endeavor in which they have requested it. There are many other children, they say, who can lead normal lives through the love and understanding of a foster home.

No one can be more aware of this fact than the Enterlines. It is a pleasure to be able to point to their experiences, in the hopes that the understanding they have achieved might aid many more children through the awareness of others.

LEE W. RALSTON, LEADER IN VOCATIONAL EDUCATION

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. CORMAN. Mr. Speaker, today, Lee W. Ralston fulfills a 21-year commitment in the office of the Los Angeles County superintendent of schools as director of practical arts education. I commend him for his many years of distinguished service to education, business, industry, and numerous governmental agencies at the local, county, regional, State, and national levels. As the leading vocational educator in Los Angeles County, his efforts have brought honor to our State and Nation and to the profession of vocational education.

Lee Ralston was born in Redlands, Calif. After graduation from Redlands High School, he earned a B.S. degree in mechanical engineering at the California Institute of Technology. Later, he completed graduate work at the University of California at Los Angeles, earning a Masters Degree in Education. His wife, Wilma, shares his consuming interest in education. She recently retired from the elementary school classrooms of the Inglewood High School District.

Under his leadership, the vocational education program of Los Angeles County has achieved a nationwide reputation for effective and economical administration. His encouragement of this kind of administrative practice has attracted many honors for himself and for the Los Angeles County schools office. He received the California Industrial Education Association Citation of 1968; the American Vocational Association Citation of 1964; and the 1960 Epsilon Pi Tau Laureate Citation.

His close association with leaders, young educators, and the community through membership in numerous educational organizations bears witness to his dedication to leadership development in public education. He has attracted nationwide notice as an inspiring leader in three National Leadership Conferences. He has worked for both industry and education. He has served as a valuable member of summer session faculty in trade and technical teacher education at a variety of institutions. He currently serves as national vice president of the Trade and Industrial Education of the American Vocational Association, has served as president of other educational and employee organizations, and has also been successful with many business and governmental organizations.

Lee Ralston's commitment to vocational education signifies the increasing interest of all people in the proper role of vocational education in America; a role which provides the means for constructing a better future and providing more opportunities for all people. Men like Lee Ralston have continued to strengthen the abilities of our school system to furnish skills for today's and tomorrow's jobs. With such inspirational leaders, vocational education will help assure the continued prosperity of our Nation.

WHO'S GOT A SECRET?

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. PELLY. Mr. Speaker, those of us who have been here in Washington, D.C., for a number of years are fully aware that some of the so-called secrets sitting in locked files are secret only in the fact that they keep the public from knowing the truth about terrible blunders made by some of our Government's top officials. And, we have taken some steps to correct this, but to little or no avail.

Now, the world is aware of the absurdity of some of these top secret classifications with the printing of the Pentagon papers on the Vietnam war.

This entire matter is well-discussed in an editorial in the Bainbridge Review, a newspaper printed in the First Congressional District, which I am proud to represent. For the information of my colleagues, I include the editorial at this point of the RECORD:

WHO'S GOT A SECRET?

Those top secrets are being spilled, and one of them comes as no secret to anybody.

It is this: A lot of important people have been busy thinking up lies.

They lied to Congress. They lied to the public. In all probability, they reached the point where they were believing their own lies and basing their decisions on them.

There is something painful about the sight of the Justice Department going to court to keep the New York Times and the Washington Post from telling Americans any more about the origins of the Vietnam war.

Does anybody really think the Russians, or the Red Chinese or the Viet Cong, are going to get any valuable information by learning how our country managed to lead itself into this mess? For that matter, does anybody really think those secret Pentagon papers are really hiding any secrets from the communists?

It is ironic that the New York Times should be the defendant here. It was the Times that made the decision to keep secret the plans for the Bay of Pigs invasion. If that story had been published, our country might have been spared a bitter experience.

There will be more bitterness over that Pentagon study of how America went into Southeast Asia.

This Vietnam blunder has caused terrible damage to our country. We need to know how it happened, and who is responsible. We need to know how it is that a free people can be manipulated with such ease.

TRIBUTE TO THE LATE WILLIAM J. O'SULLIVAN, JR.

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DOWNING. Mr. Speaker, last week I attended the final rites of a friend and constituent, William J. O'Sullivan, Jr., in our hometown of Newport News, Va. As a former staff scientist with the Langley Research Center of the National Aeronautics and Space Administration, Mr. O'Sullivan was a friend indeed to all Americans in particular and mankind in general. He was a member of that small and highly dedicated group of individuals who spends his adult life studying the problems of flight with a view to their practical solution.

Hundreds of millions of people the world over who never knew Bill O'Sullivan and never even heard his name have seen the efforts of his work flashing across the skies. The Echo I satellite which was his conception and his invention remained in orbit from August 1960 until May 1968. In 1960 Echo I was commemorated by the issue of a U.S. postage stamp.

His inflatable space vehicles also took the name of Explorer and Pageos, the latter being virtually identical to Echo I, having been in continuous orbit since June 21, 1966. It has enabled the establishment of a worldwide triangular network to permit more precision of locations on earth than hitherto possible. Several 12-foot diameter inflatable satellites known as Air Density Explorers are still in orbit and are providing new information about the earth's atmosphere near the fringes of space.

Mr. O'Sullivan's accolades included a $5,000 cash award from NASA for his invention of the inflatable space vehicle, the 1961 Astronautics Engineering Achievement Award, the NASA Exceptional Scientific Achievement Award, the Distinguished Virginian Award, 1962, and the Certificate of Achievement of the American Astronautical Society.

His innumerable patents were assigned to the United States as represented by the Administrator of NASA.

Following early education at his hometown of Louisville, Ky., Mr. O'Sullivan graduated from the University of Notre Dame as an aeronautical engineer and joined the staff of the Langley Center in 1938. He retired 2 years ago to his home in Newport News and passed away last week after a lengthy illness.

The quest for knowledge drives many men in mysterious ways. It was this insatiable thirst to know more about his environment not only on earth but throughout the vastness of space which surrounds us that drove Bill O'Sullivan to experiment with a very thin aluminum-coated mylar-plastic sphere. He demonstrated that this sphere, stretched slightly beyond its elastic limit during the inflation process, would retain its shape regardless of subsequent loss of internal pressure. Thus he proved this device could serve as a useful and most inexpensive space research vehicle.

With these giant balloons O'Sullivan actually added to the galaxy in the heavens at which man never ceases to marvel.

Only time and the continuing efforts of man will ever be able to determine the ultimate value of the inventive genius of William J. O'Sullivan, Jr.

THE WASHINGTON SENATORS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. WYATT. Mr. Speaker, Attorney Robert L. Recken, Portland, Oreg. has written me a letter concerning the Washington Senators and Owner Bob Short which makes such good sense I want to share it with my colleagues:

JUNE 11, 1971.

Hon. WENDELL WYATT,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WYATT: Two stories were in the sports sections of the newspapers this week, which when read together make me very upset:

1. Mr. Bob Short and the Washington Senators are way behind in the rental payments due for the stadium in Washington, D.C.

2. The Washington Senators have drafted some hotshot prospect from Dartmouth and Mr. Bob Short is ready to sit down with an open check book and do everything necessary to sign this young man because he is used to issuing big checks to Denny McLain and Frank Howard, for instance.

The stadium was built and paid for by the taxpayers. If Mr. Short can't or doesn't pay the rent, but can still pay large salaries to the likes of Mr. McLain and Howard and this presumably large bonus, who is paying these salaries and this bonus? It is the taxpayers, that's who and it is absolutely ridiculous. I know of no reason why a taxpayer in the First Congressional District of the State of Oregon should contribute even one cent so that a person who can throw, catch or hit a baseball better than someone else (or hopefully will be able to do so in the future), can get a fat salary or a large bonus. Mr. Short and company should pay the rent that is due and if they do not pay the rent in the future, they should be evicted. It would be better for the stadium to stand empty than to subsidize high-priced "athletes". If Mr. Short doesn't like it, he can move elsewhere or build his own stadium. That would be free enterprise at its best.

Very truly yours,

ROBERT L. RECKEN.

MINIMUM WAGE LAWS DO NOT ALTER ECONOMICS

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, the current hassle over increasing the minimum wage in the Nation has produced an unusually large amount of opinion, some of it rational, some of it not so rational. One of the most rational pieces of opinion I have run across is contained in an editorial by columnist James J. Kilpatrick in the Tuesday, June 29, 1971, edition of the Washington Evening Star.

I hereby submit a copy of it for the RECORD and commend its attention for all Members to read:

MINIMUM WAGE LAWS DON'T ALTER ECONOMICS

(By James J. Kilpatrick)

The Nixon administration is doing its best to soothe a rash of proposals for an increase in the minimum wage, but the outlook is not especially cheerful. A House subcommittee has completed hearings and will have its bill in shape by mid-July. The Senate just about wrapped up its hearings with a flock of witnesses last week. The thing is coming to a head.

Since 1966, the federal minimum wage in covered areas of employment has been fixed at $1.60 an hour. The Nixon administration is willing to see that go to $1.80 on Jan. 1, but with a couple of sensible restrictions: The White House would like to see the minimum held at $1.60 for persons under 18 and for full time students under 20. The administration also is resisting any move to extend a federal minimum wage law to farm workers generally.

The AFL–CIO has a different idea. It is asking an immediate increase to $2 an hour. Other proposals call for phased increases up to $2.50 by Jan. 1, 1973. Senator Harrison Williams of New Jersey, one of the leading proponents, is pushing for $2.25 next year.

Now, Williams is an intelligent man, and so is Jacob Potofsky of Clothing Workers Union. It is reasonable to assume that they are not deliberately seeking greater unemployment, worse inflation, higher welfare costs and crueler hardships in the ghettos. Yet the sharp increases they are proposing in the minimum wage would produce precisely these consequences.

Economics mixes poorly with emotion. Like blindfolded children, wondering what it feels like to be blind, we can try to imagine how difficult it must be to support a family on $64 a week, which is what a minimum wage worker earns, less deductions, in a 40-hour week. As Williams properly points out, this is below the poverty level.

But suppose the minimum wage is raised abruptly to $80 a week. In small business enterprises especially, but in large industries also, a great many economic consequences promptly ensue. The first of these falls immediately and directly upon the worker who simply is not worth $80 a week to his employer: He gets fired. Most such workers, regrettably, are the poor whites and blacks of limited education and largely manual skills.

What has thus been achieved? The worker who was employed is now unemployed. He applies for public welfare. And instead of contributing $3,200 a year to society, through his labor, he now becomes a like burden on the state. The intangible loss is still greater in terms of a man's dignity and pride and sense of self-sufficiency. He loses these along with his job.

The trouble is that Congress, through the legislative process, cannot amend the laws of economics. No law can successfully declare a man worth $80 a week, for economic worth is fixed in the marketplace. All that a higher minimum wage law can accomplish, so far as this poor devil is concerned, is to spin him off his little island on the fringe.

Other consequences are equally predictable. Wage differentials have to be maintained, according to skill, tenure and responsibility. If workers on the bottom rung must be paid 25 percent more, workers on the upper rungs must be pushed up accordingly. Somewhere in this broad land there may be a few employers who could absorb such higher labor costs out of profits, but they must be few indeed. In the ordinary case, if no one is to be fired, the alternatives are to raise prices or to go out of business.

When a business fails, unemployment increases, welfare costs climb higher, and tax revenues decline. As prices go up, the purchasing value of the dollar goes down. It is small wonder that the Nixon administration, whose very survival depends upon the state of the economy next year, is resisting the Williams bill. But it is mystifying that responsible members of Congress when they look at the proposed minimum wage, do not comprehend the maximum folly it contains.

GUN CONTROL

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. DIGGS. Mr. Speaker, gun control is a subject that should be of major concern to those of us charged with the responsibility of protecting the citizens of this country. I would like to take this opportunity to insert a speech on the "Legal Aspects of Gun Control" which was made by Judge George Edwards, U.S. Court of Appeals, Sixth Circuit at the American Psychiatric Association annual meeting held in Washington, D.C., on May 5, 1971:

LEGAL ASPECTS OF GUN CONTROL

(By Judge George Edwards)

In the United States in 1971 the topic of gun control and the topic of murder are inseparable. This speech could properly be called four myths about murder. They are:

1) That present conditions in this country justify the average citizen in living with a top priority fear of being murdered.

2) That most murderers are premediated killers for money.

3) That the most likely murder is a stranger—particularly one of another race.

4) That you can protect yourself from murder by keeping a pistol handy.

None of these myths is true.

The statistical chance of being murdered in any year is approximately one in 20,000. You can compare that to the chance of being killed in an automobile accident, which is one in 4,000.

The great majority of murders are products not of cupidity, but of high emotion. Anger, fear and jealousy are leading factors.

The great majority of murders are committed by someone closely related to or associated with the victim.

The possession of a handgun greatly increases the possibility that you or someone you love will be killed with or as a result of that weapon.

All present public opinion surveys indicate that fear of criminal attack and homicide is rampant in the mind of our urban dwellers. Such fear may indeed be the most destructive single force in the deterioration of the American city. Yet of all the causes of death, murder is an infinitesimal percentage, and even if we chose to deal only with violent death, criminal homicide rates as one of the smaller of the causes.

Automobile accidents, for example, cause five times as many violent deaths as does homicide. Home and industrial accidents cause two and one-half times as many. Falls cause twice as many, and more than twice as many people commit suicide as are killed by the willful act of another. Almost as many people die by fire each year in these United States as are murdered, and very nearly as many people die by drowning to name just two other risks in our daily lives to which few of us ever give more than a passing thought.

Arthur Conan Doyle was one of my favorite authors as a boy. I read everything he wrote that I could lay my hands on—not the least of these being the Sherlock Holmes stories. But his detective novels and those of his successors gave me very poor preparation for what I was later to see of murder in real life. Six years as a trial judge, thirteen years as an appellate judge, and two years as Police Commissioner of Detroit have given me some very vivid contact with the crime called murder. There is almost no resemblance between ordinary murder as seen in the courts and the average murder mystery.

The murder mystery writer hypothesizes a single evil malefactor who concocts a long range plot to kill an innocent party for his (or her) money. There may be such murders. But I have had somewhat vivid contact with perhaps a thousand murders without ever seening one which fits the pattern. The closest to this pattern in our day, of course, are the gangland executions of the Mafia. But here the evil purpose is sustained by numbers of conspirators and enforced by the discipline of the mob.

Most murder in real life comes from a compound of anger, passion, intoxication and accident—mixed in varying portions. The victims are wives, husbands girlfriends, boyfriends, prior friends or close acquaintances (until just before the fatal event). The quarrels which most frequently trigger murders might well result in nothing more than bloody noses or a lot of noise, absent a deadly weapon—handy and loaded.

All the statistics show that if you choose with care the people who will share your bedroom with you or your kitchen, or the adjacent bar stool, you will improve your chances from one in 20,000 to one in 60,000.

As for the one-third of murders committed by strangers, the overwhelming motive is robbery. Murder generally results from resistance and surprise. Police recommendations in every city are unanimous in counseling against a holdup or burglary victim attempting resistance. Reaching for a gun is the most dangerous possible gesture when confronted by an armed felon. Outside of the movies, there are few people who win in trying to draw when someone else has a gun in his hand.

Much of the current fear of being assaulted and killed by a stranger involves racial fears. Actually in the overwhelming majority of homicides the victim and the assailant are of the same race. Marvin Wolfgang put it this way in his book "Crime and Race":

"National and official crime statistics do not provide data, but enough research has been conducted to permit the definite statement that criminal homicide, like most other assaultive offenses, is predominantly an intragroup, intraracial act. In a detailed five-year study of homicides in Philadelphia (1948–1952), it was noted that in 516, or 94 per cent, of the 550 identified relationships, the victim and offender were members of the same race. Hence, in only 34, or 6 per cent, of these homicides did an offender cross the race line: 14 were Negro victims slain by whites, and 20 were whites slain by Negroes."

Nothing which I have said to this point is designed to minimize the problem of criminal homicide which we face in this country. We have a murder rate over ten times that of Great Britain—and as we will see, since the mid-1960's it has been increasing. I believe deeply in the sanctity of human life and in the duty of our country to guard and protect its citizens. But the mythology of murder has occasioned all too many people purchasing arms as a means of self-defense when in fact such measures greatly increase the hazard to them and their loved ones.

This brings me directly to the topic of gun control.

During the past three and one-half years I have served as a member of the National Commission on Reform of Federal Criminal Laws. Recently this Commission sent its Final Report to the President and to Congress. The report deals, of course, with the whole of the criminal law and must be judged on more than just its recommendations on the most controversial topics. There was a substantial minority of the Commission which opposed any new gun control laws. But this is what the report says concerning the majority position on gun control:

"(A) majority of Commissioners recommend that Congress:

"(1) ban the production and possession of, and trafficking in, handguns, with exceptions only for military, police and similar official activities; and

"(2) require registration of all firearms.

"Among the arguments supporting the majority view are the following. Crimes of violence and accidental homicides will be markedly reduced by suppression of handguns, which, on the one hand, are distinctively susceptible to criminal and impetuous use, and, on the other hand, are not commonly used for sporting purposes as are long guns. State control is ineffective because of differing policies and leakage between states. A comprehensive and uniform registration law will facilitate tracing a firearm when it has been used for criminal purposes."

The working papers of the National Commission on Reform of Federal Criminal Laws and the staff report of the Commission on the Causes and Prevention of Violence contain some compelling data concerning the relationship between murder and handguns:

1) Between 1962 and 1968 sales of long guns doubled while sales of handguns quadrupled (10 million sold in the last decade). Also note that since 1963 homicides involving firearms have increased 48%, while homicides by other means have risen only 10%.

2) Handguns are the predominant weapon in crime, although they comprise only 27% of firearms in the country. Of crimes involving firearms, handguns are used in 76% of homicides, 86% of aggravated assaults and 96% of robberies.

3) The commission studied three major areas of crime: homicide, robbery and aggravated assault. They found that: "Two out of every three homicides, over a third of all robberies, and one out of five aggravated assaults are committed with a gun, usually a handgun.

4) Regarding homicides, they observe that firearms are "virtually the only weapon used in killing police officers," and that handguns have been involved in eight of the nine assassination attempts on presidents or presidential candidates.

5) 1966 data shows that the rate of accidental firearms deaths by geographic region parallels the pattern of firearm ownership. Over half of firearms accidents involving fatalities occur in or around the home, and about 40% of the victims are children or teenagers.

6) Firearms were used in 47% of all completed suicide attempts.

7) The fatality rate of the knife (the next most frequently used weapon) is about one-fifth that of the gun. A rough approximation would suggest that the use of knives instead of guns might cause 80% fewer fatalities.

No one who fairly contemplates the criminal carnage which occurs in the United States can fail to conclude that disarming the criminal element of our population is essential to our civilization. National statistics indicate that over 6,000 homicides occur in the United States each year with the use of firearms. Yearly we produce a murder rate more than ten times that of England—and that of many other European countries. I know of no way by which we can achieve disarming the criminal or the criminally inclined without accepting the flat prohibition of some weapons and the sale and use of others under some regulation.

The theory believed by many that as a nation we cannot legally accomplish reasonable firearm control because of the Second Amendment to the Constitution is simply not valid. The language of the amendment and its historic interpretation in the courts is not nearly as restrictive as is popularly believed.

The Second Amendment provides: "A well regulated Militia, being necessary to the security of a free State, the right of people to keep and bear Arms, shall not be infringed."

The basic United States Supreme Court interpretation of this amendment came in *United States v. Miller*, 307 U.S. 174, from which we quote the holding in the opinion of Mr. Justice McReynolds:

"In the absence of any evidence tending to show that possession or use of a 'shotgun having a barrel of less than eighteen inches in length' at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense. *Aymette v. State*, 2 Humphreys (Tenn) 154, 158.

"The Constitution as originally adopted granted to the Congress power—'To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress. With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view." United States v. Miller, 307 U.S. 174, 178.

From this case (and other leading cases, such as *United States* v. *Tot*, 131 F.2d 261 (3d Cir. 1942), Goodrich, J; *Cases* v. *United States*, 131 F.2d 916 (1st Cir. 1942), and *Velazquez* v. *United States*, 319 U.S. 770 (1943)) these two conclusions follow:

First, the prohibition of the Second Amendment has been held to apply only to the Federal Government and not to the States.

Second, the right to carry arms is applicable to the sort of arms which "a well regulated militia" would carry.

While rifles and shotguns have legitimate relationship to the Second Amendment and have legitimate value for both hunting and home defense—handguns suitable for concealment are basically the weapons of the assassin, not of the militia.

Acquaintance with this problem as a judge, as a former Police Commissioner of the City of Detroit, as a former infantry officer, and at least an occasional hunter convinces me that these three steps should be taken to lessen our criminal carnage.

1. The manufacture and sale and possession of handguns suitable for concealed weapons should be prohibited by state and federal law.

2. The purchase and possession of rifles or shotguns should in my judgment be a matter of right for any law abiding citizen. Such weapons should, however, be registered under state law and sold only on proper identification.

3. Interstate mail order sale or delivery of firearms of any kind should be banned by federal law.

Let me close by telling the poignant story of my own home town of Detroit where the present Mayor (Mayor Gribbs) has just proposed a tough gun control ordinance.

I was Police Commissioner of Detroit in 1962 and 1963. In those two years we watched murder figures with alarm at the possibility they might exceed 100. We did not know when we were well off. In the next few years race tensions increased markedly for reasons too long to tell here. In four years, starting in 1965, gun registrations in Detroit quadrupled.

In six years, starting in 1964, murders in Detroit more than tripled, from 138 to 488. Concerning these figures Inspector Delore L. Ricard, head of the Detroit Police Department's Homicide Bureau, said:

"There are more homicides in the city because there are more handguns in the city.

"The relationship is that clear. You can't go by the increase in registrations, either. The bulk of handguns used in violent crime are not registered."

These were not Conan Doyle type murders. Inspector Ricard also said:

"It usually involves people who know each other well or members of the family. They are sitting around somewhere—a home, a bar—and there is an argument.

"Suddenly someone has a gun in his hand. Then someone else is dead.

"The argument doesn't have to be important. Maybe it's about cards or politics or even baseball. I can show you homicides that were committed for reasons you could not believe."

Gun accidents increased too. The Violence Commission found that in 1967 more home-owners were killed in gun accidents than had been killed by burglars or robbers in the home over the previous four and one half years.

The problem spilled over into the suburbs too. In Dearborn handgun registrations tripled between 1967 (the year of the Detroit riot) and 1969. During those years the Dearborn police were advertising instructions for women on the use of handguns. From 1967 to 1969 the homicide rate in Dearborn went from zero to an all time high of seven.

The Violence Commission report provides us with this summary:

"In our urbanized society, the gun is rarely an effective means of protecting the home against either the burglar or the robber; the former avoids confrontation, the latter confronts too swiftly. Possession of a gun undoubtedly provides a measure of comfort to a great many Americans. But the data suggest that this comfort is largely an illusion bought at the high price of increased accidents, homicides, and more widespread illegal use of guns."

Justice Oliver Wendell Holmes once remarked, "Taxes are the price we pay for civilization." In the '70's in this country gun control may well be the price we have to pay for civilization.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FRASER. Mr. Speaker, many of those who testified at the recently held Minneapolis health hearings are concerned with a specific field of medicine. Dr. Frederic Kottke, professor and head of the department of physical medicine and rehabilitation at the University of Minnesota, discussed the need for improved programs in the field of physical medicine. Also, however, Dr. Kottke's statement spoke directly to the larger questions of organization of medical care, Federal programs assisting in the training of health professionals, and the community situation as it exists in Minneapolis. Dr. Kottke presents a major statement on health care needs and I commend it and his letter to all of my colleagues:

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., March 2, 1971.

Congressman DONALD M. FRASER,
House Office Building,
Washington, D.C.

DEAR DON: Enclosed is a copy of the statement which I submitted at your hearing on February 27. I find that the one which I left with you had some garbled sentences in it. This copy is corrected.

I appreciated the opportunity of making a presentation at your hearing. The members of the faculty in the Health Sciences are very much concerned about the increased demands for health personnel and health services at the same time that we are experiencing relatively reduced support for education in medicine and the other health sciences.

For example, we expanded our entering medical school class this year by 60 students under the Physician Augmentation Program anticipating a comparable increase in faculty support, but, in fact, receiving only a small portion of that. In the previous 15 years we had increased our medical class size from 130 students to 168 students with no increase in educational support. The Legislature takes the attitude that we have absorbed this load before and we can do it again. However, we have now used faculty time to the limit and unless we obtain support for more faculty the program is bound to suffer.

Ironically, one of the ways in which the program has suffered most in the past 10 years has gone unrecognized. We are increasingly criticized for withdrawing from the community and living in an ivory tower. The actual matter of fact has been that as we have been overworked in the classroom, we have had to discontinue community associations and community activities in order to keep up the scheduled class work. If I use my own schedule as an example: I arrive in the office at 7:00 a.m. and do not leave the University Hospital until 6:30 p.m. on a usual day. Three or four nights a week I return to the office to work until 10:30 or 11:00 or sometimes even later. I put in a 10-hour day on Saturday and usually an 8-hour day on Sunday. On that kind of a schedule I do not even see colleagues from other colleges on the campus. I have classes scheduled three noon hours a week and staff meetings the other two. It really does not give much time for community interaction does it?

There is a limit to the effectiveness of that kind of concentrated effort. It cannot be carried on indefinitely. In our Department time studies show that on the average the faculty are working between 60 and 70 hours a week. This is some more of the basis for requesting Federal aid for medical education.

The enclosed statement relates to Federal support to medical education and three other aspects related to the delivery of health care.

Sincerely,

FREDERIC J. KOTTKE, M.D.,
Professor and Head, Department of Physical Medicine and Rehabilitation.

STATEMENT OF FREDERIC J. KOTTKE, M.D. ON FEDERAL GOVERNMENT'S ROLE IN REFORMING AND FINANCING THE DELIVERY OF HEALTH CARE SERVICES

Mr. Fraser, I deem it a great privilege to be allowed to appear before you to present some of the problems which must be resolved in order to provide the high level of health care for citizens of Minnesota and of the United States which American medicine has the potential to provide. I am speaking today on behalf of the faculty of the University of Minnesota Medical School as well as representing my own views. My testimony, also, reflects my experience as a teacher of medical students and other health professionals for more than twenty years that the delivery of a high level of health care is dependent upon making available to the public the trained personnel who can provide those services. Education of personnel, appropriate distribution of personnel, and financial support of the health services to be provided are the three pillars upon which any health delivery system is dependent.

Other members of the faculty of the medical school will also appear before you so I wish to restrict my comments at this time to four aspects of the delivery of health care services:

1. A comprehensive system of health care and health maintenance should be made available to every person in the United States.

2. Major medical coverage without a fixed dollar limitation, but rather available according to the need of the individual should be available in order that each unfortunate person who has a permanent disability or chronic disease may receive health care according to his needs.

3. Regional spinal cord injury centers should be established in conjunction with medical schools in order to provide the necessary acute treatment and rehabilitation for these catastrophic disabilities.

4. There is need for adequate Federal support of education of all of the health professions. The health of the people of the United States and also the education of health professionals in the United States is a national resource rather than a local problem and therefore should be evaluated and supported by the Federal government.

Now I would like to present each of these ideas briefly. The maintenance of health of each individual throughout his lifetime is the goal toward which we should be striving. Lack of illness is an asset to the individual, the family, the community, and the nation. Conversely, serious or prolonged illness is costly to the community, disruptive to the family, and often catastrophic to the individual. Maintenance of the individual at his optimal level of health requires a lifelong program of systematic examination and treatment so that health is maintained and illnesses are abated before they become major. This is comprehensive health care and health maintenance. To provide such health maintenance requires an organization of physician specialists and other health service specialists, each of whom is trained to provide specific services as they are needed by the individual.

For this type of systematic health care it is necessary to have an organization of these health services so that the professions work together to provide the health services needed by the individual. This type of optimal health care requires a continuing relationship between each patient and the health professions providing the maintenance. A person in good health may have little contact with his health maintenance organization but should have that organization available on a moment's notice if he should have a health problem. On the other hand, a patient who has a chronic disease may require frequent services from the health care team over a period of months or even years in order to maintain him at the optimal level that is possible under the conditions of his chronic disease. Such a system of health maintenance is possible only if people recognize that maintenance of health is a normal cost of living and make timely arrangements to finance such care. Experience has demonstrated that only prepaid plans of health care can establish such an arrangement for comprehensive maintenance, for it is obvious that if health services are to be organized so that each person may receive the health care which he needs when he needs it a functioning health team organization must be established and maintained on a continuing basis.

Health insurance should be established in a way which emphasizes and rewards maintenance of health rather than rewarding illness. If you examine a current medical insurance contract it will provide specific payments for identified services to the patient, and these payments generally get bigger with the severity of the patient's illness. There is no payment, or reward if you will, for keeping the patient healthy. The orientation of the insurance policy, therefore, is a payment for a service when the patient is ill but no concern whether or not the patient stays well. In our society where the health professions as well as others live by the income which they earn, the lack of any monetary reward for preventive medicine has resulted in virtually no physicians practicing preventive medicine. Rather, doctors and other health professionals perform those tasks for which they can receive a reasonable payment. The end result is neglect of health maintenance and minor illness and progressively greater emphasis on more and more expensive services as the patient becomes increasingly ill. If physicians have a positive interest in maintaining the good health of their patients, they are likely to put more emphasis on preventive maintenance. The health benefits to the nation could be tremendous, and it might even be that the cost of health care would be less than under the current system.

MAJOR MEDICAL INSURANCE

A comprehensive insurance plan at a capitation cost similar to premiums being paid in health insurance today provides for the needs of approximately 90% of people. However, about 10% of people in the United States have chronic diseases so catastrophic that they exceed the dollar support or the time covered by their insurance contracts. These persons need the special consideration of major medical insurance which is not limited in time nor in dollar value.

In my specialty of Physical Medicine and Rehabilitation, the majority of my patients are patients who have physical disabilities or chronic diseases which leave them partially impaired throughout life. Their medical needs are variable, but those needs may continue for months or years. If they have insurance which lasts for 90 days or 180 days, this leaves them objects of charity and usually with no resources when their insurance runs out. Not infrequently they cannot continue the medical care which they need, and as a consequence they show progressively increasing disability and become dependent on the local or state welfare agencies. Many of these patients can be rehabilitated to independence if there is financial support for the rehabilitation and health care programs which they need. In the absence of such care, however, they become progressively more crippled, more dependent, more destitute, and more despondent. The cost to the community of maintaining these people in this pitiable state also becomes progressively greater.

There are a number of typical examples which might be cited of kinds of disease which fall in this category. Rheumatoid arthritis is a disease of unknown cause which produces major disability in about two per cent of our population. The disease, when it occurs, lasts for months or years, and probably half of these patients have rheumatoid arthritis for more than five years. Obviously health insurance for 90 or 180 days is not going to take care of their health needs. In addition in-hospital health care is not what most of these patients need. They do need continuing medical treatment, rest, physical therapy, and control of their activity. Some of the patients who are very acute do, in fact, need to be hospitalized for prolonged periods of time to protect them. Rheumatoid joints which are over-used or exposed to pressure suffer tiny fractures under and around the joints. This destruction of bone increases the disability of the patient progressively until he is a hopeless cripple. On the other hand if the joints are adequately protected during the acute stage of rheumatoid arthritis, when the acute phase is over the patient can resume activity again. Our current health insurance programs do not begin to meet the needs of these patients. The limited time and limited care provided forces the patient to overuse and destroy his joints and forces him into increased disability.

Cerebral palsy is a congenital disease resulting in damage of nerve centers in the base of the brain. Children with cerebral palsy have a variety of problems including spasticity, incoordination, lack of balance, difficulty in eating, swallowing and speaking, visual problems, and may have mental retardation. In spite of the neurological damage, many of these children can learn to sit, stand, walk, dress and care for themselves, and progress in learning in school. With the proper management to help them develop to the level of their potential, many can become self-sufficient. Others can become partially independent, and still others, although dependent, can learn to do things which make their limited lives more enjoyable. These children, like normal children, develop increasing muscular control and intellectual capacity as they grow through the years of childhood. Like normal children, these children need years of training and schooling, but because of their damaged central nervous systems they develop more slowly and must have those special conditions which allow them to develop at their own rate. Our current insurance programs do not provide adequate coverage for the prolonged physical therapy, occupational therapy, speech therapy, possible surgical procedures, medical management and special training that these children need. Special provision should be made for the medical care required by these children.

Stroke is a common condition of older age and a fairly common condition even in middle age. Patients who have stroke require months or even a year or more to regain their optimal capacity for function. We often see patients who have not completed their rehabilitation from stroke when their health insurance expires and they are forced to go into a nursing home because they have not yet been rehabilitated to the level of independence where they can return home again. The consequence of this incomplete therapy is the increased cost of care of these patients who remain dependent.

Spinal cord injuries due to car accidents, diving accidents, or falls from heights are catastrophes that occur mainly in young men. These spinal cord injuries produce lifelong need for continuing medical care and soon exceed any kind of short-term health insurance. It is obvious that if we are going to maintain these individuals at the functional level of which they have a potential they must have major medical insurance which provides for their needs.

REGIONAL SPINAL CORD INJURY CENTERS

It is recommended that regional spinal cord injury centers be established in conjunction with medical schools to provide for the comprehensive care of patients with injuries of the spinal cord from the time of the injury through rehabilitation until they return to society again. Paralysis occurring following injury to the spinal cord in the neck is called quadriplegia. Paralysis occurring in the trunk and lower extremities because of injury to the spinal cord below the neck is called paraplegia. Spinal cord injuries usually occur from highway accidents, diving accidents, or falls from heights. They occur most frequently in active young men. These patients, with the appropriate care, have a life expectancy of 40 years or more.

All-too-frequently following a spinal cord injury from a traffic accident, improper handling of the patient between the time of the accident and the time that he gets to expert attention in the hospital results in more injury to the spinal cord and a greater amount of paralysis than was caused by the accident itself. Consequently, appropriate first aid and rapid transportation to a place of expert management is an essential part of the optimal care of these patients. When the spinal cord is injured, there frequently are fractures of the vertebrae of that area and disturbance of the circulation to the spinal cord because of compression from the fractured bone. If the circulation is cut off for more than a few hours, the nerve cells of that area die and there is no chance for restored function. On the other hand if the circulation can be restored within the first few hours the patient may not develop a severe paralysis. Likewise, we are finding today that other measures such as cooling of spinal cord help to decrease the amount of edema following trauma and preserve the circulation and metabolism of the nerve cells. All of this emphasizes that early retrieval of the patient following an automobile or diving accident and rapid transportation to the hospital where he can be treated by a competent spinal cord injury team is essential for the best possible results.

Following the acute evaluation and treatment of the patient with spinal cord injury, that patient needs continuing, careful and proper management in order to maintain the alignment of the spine, prevent further injury to the spinal cord, maintain nutrition, care for urinary tract, and prevent decubital ulcers. Failure to provide this type of care may result in secondary problems which will interfere with the recovery of the patient and may greatly increase the later hospitalization and medical needs and with it the costs of care. When he is over the acute stage of recovery the patient with spinal cord injury needs rehabilitation to restore him to his optimal level of performance to care for himself and participate in a vocation.

Past experience has shown that effective care of spinal cord injured patients, with the multiple problems they have, requires a team of physicians, surgeons, and allied health professionals. There should be approximately 40 to 50 patients in each center so that this team is continually working with these problems and maintains its skills. Placing these centers in medical schools allows them to become research centers for problems of spinal cord injuries. There are many types of problems which need research, which I will not enumerate for lack of time. In addition, placing the regional spinal cord injury centers at medical schools would facilitate the training of health professionals who care for these types of patients.

SUPPORT OF EDUCATION OF THE HEALTH PROFESSIONS

Health care is a national resource which makes the personnel in the health professions also a national resource. There are an inadequate number of persons trained in the health professions to provide the services needed by the citizens of the United States. Training of health professionals in any region is not a local problem but rather a national problem because personnel travel and practice throughout the United States. A part of the crisis in health care at the present time is due to the fact that there has been inadequate support for training in the health professions for many years. Now the shortage has become critical.

There is another factor that has added to the problem of training in medicine and the other health professions. In former years the University Hospitals was the welfare hospital for the state of Minnesota. Patients from all counties in the state were referred to the University Hospitals for their medical care and the state helped that county pay the cost of care of the patient at the University Hospitals. During the time the patient was in the hospital he was used in the teaching of medical students, nurses, physical therapists, occupational therapists, public health nurses, and others. However, with the change of Medicare, Medicaid and other Federal programs which provide that a patient may be cared for by the physician of his choice the University Hospitals have lost the welfare patients who formerly were available for the teaching programs. University Hospitals today are rapidly converting or already converted to private hospitals and must finance the care of patients just as private hospitals do. This means that University Hospitals must be comparable to private hospitals in their charges for services. They receive no more money from insurance carriers for patient services than do other private hospitals. However, the cost of patient care in a teaching hospital is more than 25% greater than the cost in a private hospital because of the increased staff and the increased time necessary to teach the students how to care for patients. This cost of clinical teaching must receive support. At the present time we are not receiving adequate funding of these costs from the state legislature. Neither will health insurance programs agree to bear any part of this cost. Since health care is a national need it seems appropriate that Federal support be provided education and clinical training in the health sciences.

Support is needed not only for the teaching of medical students but also for the training of the allied health professionals. The University of Minnesota has recognized that all of the health professions work together in providing health services for the individual. For this reason the Health Sciences have been established as a major unit of the University consisting of the Colleges of Medicine, Dentistry, Nursing, Public Health, and Pharmacy. In addition, there are allied health programs associated with these colleges. All of these health professionals work together in providing health services to the patient. Therefore, it is essential that there be support of all of these training programs working in coordination to prepare the health professionals for their cooperative roles in health services in the community. The educational facilities and programs must provide the inter-disciplinary training and experience essential for the provision of comprehensive health services throughout the state. It should be emphasized that comprehensive health care is dependent on a health team working together. The educational programs must be organized so that the student acquires the necessary skills, attitudes and principles and knowledge to enable him to participate effectively on this health team.

There are a number of well-established allied health professions and also needs for the development of new allied health professions. Both the existing and the new allied professions need educational support in order to train enough students to meet our health care needs. The Bureau of Health Professions Education and Manpower Training of the National Institutes of Health has provided some support for expanding programs in certain of the existing professions. However, this support has never been financed up to the authorized limits, and is most inadequate to meet our needs. In addition, there are new health professions which need to be developed either on an experimental basis or developed because they have been tried and found effective but we do not yet have established training programs.

The existing allied health professional programs in the Health Sciences at the University of Minnesota include medical technology, occupational therapy, physical therapy, radiologic technology, rehabilitation counseling, dental hygienist and dental technician. For all of these the demand for personnel is greater than the supply, but for lack of resources and faculty the University has been unable to increase the number of students in training. In addition, the Health Sciences have identified a number of additional allied health personnel who would be valuable in the provision of health services. Programs for training of these personnel need to be developed.

The Medical School is developing a program for physicians' associates under which a medical student, after the second year of training may go into a rural practice as the associate of a family physician for a period of a year or more. This program provides an immediate increase in health personnel in the rural area. It allows the medical student to experience rural practice and learn for himself whether this is the type of practice which he would like to continue. It provides a financial resource for the medical student who needs financial assistance during his time in medical school. A number of medical students have expressed an interest in this program for the physician's associate. It may well prove to be an extremely valuable means of building up family practice.

Inhalation therapists are needed for the increasing incidence of pulmonary disease and emphysema. The anesthesiologists at the University of Minnesota have wanted to begin a training program for inhalation therapists for a number of years. Electroencephalography technicians would be trained by neurologists to assist in the collection of electroencephalographic records. Surgical technicians are being trained to carry out the duties of an assistant in the operating room in much less time than necessary to train a nurse in all of the tasks of general nursing.

Obstetricians recognize the need for cooperative teams of physicians, nurse-midwives, obstetrical registered nurses and other health personnel to improve the availability and quality of maternity care.

Other allied health professions in which there is a need for more personnel are bioengineering, biomedical data processing and information retrieval, medical artists, medical record technicians, and medical social workers.

Our health care system today involves many people in an integrated program in order to provide the complex services needed by patients when they are sick. The result of a well developed integrated program is the capacity to successfuly treat conditions which we were unable to treat formerly. The price we pay for the more complex services required is, in fact, the cost of good health. We cannot achieve that level of health without providing for the support of these training programs. The teaching hospital and the staff who run it constitute the training laboratory for the health science students and constitute the workshop through which health is provided to the sick patient. Rather than the cost of health care being large the price of restoration of health is small when it is compared to the cost of lack of health.

THE BREAKDOWN OF GI DISCIPLINE IN VIETNAM

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DOWNING. Mr. Speaker, recently we have heard a great deal about the lack of morale among our soldiers in South Vietnam.

Gen. Bruce C. Clarke, now retired, was a former commander in chief, U.S. Army Europe, and has had command experience in three combat zones where wars were being "wound down." He is knowledgeable of problems involved. Recently he addressed himself on this subject when he made a talk in Brooklyn and I include it in the RECORD:

THE BREAKDOWN IN GI DISCIPLINE IN VIETNAM

(By Gen. Bruce C. Clarke)

President Nixon said at West Point recently, "It is no secret that the discipline, integrity, patriotism and self-sacrifice, which are the life-blood of an effective Armed Force can no longer be taken for granted in the Army."

If this is true, and I am inclined to agree in some organizations and areas, we should ask who is to blame. Is it the Army? Is it the American people? Is it a relative few who are trying to tear down America by causing its Armed Forces to disintegrate?

Led by two or three of our Presidents, we went into Southeast Asia to prevent the spread of International Communism from overruning a struggling nation—South Vietnam.

Today, we hear many now say that this is not of interest to the United States—some on the floors of Congress. The problem has not changed. It still exists.

Our troops are in Vietnam pursuant to official orders of elected and appointed civilian officials.

The problem of G.I. discipline in Vietnam is the primary result of a breakdown in morale. A breakdown in the morale of our people at home and in our troops in Vietnam.

What factors constitute the morale level of a G.I. in Vietnam? There are three:

1. A feeling of how important is the job he is doing?
2. A feeling that he is doing it well.
3. A feeling that his sacrifices are appreciated.

Who contributes to these three factors the most?

The military has a part to play in factor No. 1. But mostly, the press, members of Congress, the clergy, our educators and the American public have to support, in his mind, the reason for his being in Vietnam.

The military has a large part to play in factor No. 2. But the military must observe the orders, missions and restrictions placed upon them by its "civilian masters."

The military is carrying out its part of factor No. 3. But the people back home are doing very little to show appreciation to its sons who are in Vietnam and very little to them when they return home. In many cases the opposite is true.

What is the result? When the young American soldier arrives in Vietnam he is about twenty years old. The Army has trained and prepared him for only a few months, but he has had his educational, physical, mental, religious and emotional make-up nearly fully set by nineteen years in the home, church, school and community before he came into the Army.

The factors which make up his morale as a soldier become accented in his mind from his Army training. He is conscious of them. When they are lacking he feels it early and deeply.

Discipline is a very thin veneer on most Americans. This is true of the soldier. When this film is ruptured by the actions, indifference, or hostility of those whose duty it is to sustain him, he suffers a "let-down" which is most serious to a soldier in the combat zone:

His alertness is lowered and security relaxes.

Carelessness grows.

Maintenance of self and equipment suffers.

Black market activities flourish.

Use of drugs and alcohol increase.

Accidents occur.

Incidents and crimes increase, and

Discipline, the required ingredient for team work, is reduced.

As a result, combat and non-combat casualties increase, sickness increases, use of drugs and alcohol increases and accidents, crimes and incidents increase. The Army alone cannot prevent these things.

Today the non-combat casualties in Vietnam often exceed the combat casualties. This is an indication of lowered morale.

When you read the next weekly casualty report from Vietnam ask yourself how many of them are the result of our not supporting the G.I.'s morale in Vietnam? How many of them are caused by the tearing down of the G.I.'s morale by statements in the press, church, school, on the floors of Congress, our radio and T.V., and from the lecture platform and by letters from family and friends back home.

Having commanded troops in three combat zones while wars were being "wound down," I am aware of the problems involved. It is at this time that the soldiers still there need sustaining by all elements of our society at home. Unless they are, a lot of needless casualties will occur and many more dope addicts will return from Vietnam.

MIKVA HONORS SACRIFICE OF SOVIET COSMONAUTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. MIKVA. Mr. Speaker, the recent deaths of three Soviet cosmonauts is a loss which must sadden us all.

Man is a fragile being in the face of the enormity of the universe. The brave men who risk their lives in an effort to expand man's knowledge of his world do so on behalf of all mankind.

It is remarkable, I suppose, that this is only the third such tragedy in the history of space exploration. The last, of course, was the fire which took the lives of our three Apollo I astronauts, Virgil Grissom, Edward White, and Roger Chaffee in 1967. Let us hope that we can learn from this latest mishap as we did from the Apollo I fire, and can reduce even further the risks of future space exploration.

Man has challenged and conquered his natural environment on land, sea and in the air. The pioneers of space, like those of the mountains, the oceans, and stratosphere, venture into the unknown carrying a part of each of us with them. It is we and our children who will benefit by their courageous exploits. It is we who owe a debt of gratitude for their brave sacrifice.

THE MILITARY AMNESTY PROGRAM

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FREY. Mr. Speaker, recent reports of servicemen being discharged on other than honorable conditions for drug usage after they had volunteered under the amnesty program for treatment illustrates the need to establish legislatively an Armed Forces-wide amnesty program that will guarantee each volunteer immunity from prosecution under the UCMJ for possession or usage of drugs or a discharge on no less than honorable conditions, and a limited privileged communication right.

Department of Defense Directive 1300.11, which authorized the military departments on a trial basis to establish amnesty programs, states that "action under the UCMJ may be suspended" and if rehabilitation and restoration to duty is precluded, a discharge under honorable conditions "shall be considered."

It is apparent that the language in DOD 1300.11 does not provide any assurance that action will not be initiated under the UCMJ or that a discharge will be given on less than honorable conditions; indeed, it simply leaves it up to the local commander to determine which course to take and, from all reports, the actions of the local commanders have often been capricious and arbitrary.

Moreover, except for the Air Force, there is no privileged communication right. Information volunteered to one's commander or medical personnel when seeking medical assistance for drug usage has been used against those persons in actions under the UCMJ or to support an administrative discharge on other than honorable conditions.

A poll taken of the Americal Division in Vietnam, where an amnesty program does exist, showed that many men—40 percent—are suspicious that the amnesty program is just a means of coralling drug abusers for primitive action.

I introduced H.R. 9207, the "Military Drug Rehabilitation Act of 1971," with the 14 members of the Republican Task Force on Drug Abuse last week to, in part, establish a servicewide amnesty program and to correct the abuses mentioned above.

Only the Army has instituted an operational amnesty program. The Air Force has just recently granted a limited privileged communication right for those seeking assistance for drug usage.

Under our bill, an amnesty program is to be established on a permanent, not a trial basis, in all the branches.

Immunity from prosecution under the UCMJ and a discharge on honorable conditions for those who cannot be restored to active duty will be granted for the use or possession of illegal drugs, but not for other drug-related offenses. Also, a volunteer will be granted a limited privileged communication right: Information volunteered to one's commander or medical personnel when seeking assistance for drug usage will not be used against that person in actions under the UCMJ for use or possession or to support an administrative discharge on other than honorable conditions.

Thus, this provision of the bill will make it mandatory that each branch establish a permanent amnesty program; and, by removing the fear of prosecution or self-incrimination for use or possession, many more servicemen will be induced to volunteer for treatment.

HOUSE FUNDS ENDOWMENTS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. HUNGATE. Mr. Speaker, President Nixon is to be commended on his strong support of the arts and humanities. I should like to join in congratulating him and the distinguished subcommittee chairman, JULIA B. HANSEN, as well as the other members of the Appropriations Committee on this forward step in a long neglected area.

The article follows:

HOUSE FUNDS ENDOWMENTS

(By Alan M. Kriegsman)

A double outlay for the National Endowment for the Arts received virtually unanimous approval yesterday from the House of Representatives.

The arts provision was embodied in an appropriation package for the Interior Department and related agencies, passed by a 400 to 5 vote. The bill, H.R. 9417, allots $30 million to the arts endowment for fiscal 1972 (which begins Thursday), twice as much as the $15 million for the past fiscal year.

The passage represents a triumph for the Nixon administration, which has strongly endorsed "full funding" for the arts and humanities. "Full funding" means an appropriation equal to the full amount previously authorized by Congress.

If Senate action coincides with the House, it will mark the first time since the founding of the arts endowment in 1965 that full funding has been achieved. Last year, for example, $20 million was authorized, but only $15 million actually appropriated.

Another $28 million was approved yesterday for the National Endowment for the Humanities, which thus fell short of full funding ($30 million was authorized) by $2 million, a cut made by a House appropriations subcommittee.

Questioned about the cut, the subcommittee chairman, Julia B. Hansen (D-Wash.), indicated that the humanities endowment up to now has had no mechanism for the distribution of funds directly to individual states, comparable to the state arts councils, which receive a sizable portion ($5.5 million, in the new House bill) of the arts endowment budget.

The humanities endowment, however, is now designing and testing just such a program, and hopes to see it funded next year on a basis roughly equal to the arts endowment allocation for the states.

The present $2 million cut, therefore, Rep. Hansen explained, would help lay the groundwork for next year's increased request. The $28 million accorded to the humanities still represents a substantial jump from last year's $13.5 million, a larger percentage rise, in fact, than for the arts endowment.

The total measure appropriates to some 17 agencies and bureaus, including, besides the arts and humanities endowments, the Fine Arts Commission, The National Gallery of Art, the National Park Service and the Smithsonian Institution.

In another part of the Interior appropriations package, the House passed an amendment to halt a proposed Bureau of Mines public relations campaign.

It was the only amendment to pass.

The only floor objections to the arts and humanities provisions were raised by Reps. Durward G. Hall (R-Mo.) and H. R. Gross (R-Iowa), but neither offered an amendment to reduce the amount. Senate action on a corresponding measure is expected in the near future.

TYRONE, PA., IS TAKING CARE OF ITS ECONOMIC PROBLEMS

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. WHALLEY. Mr. Speaker, I would like to call my colleagues attention to the effort that is being made by Tyrone, one of our towns that has been hard hit by economic problems.

Their situation and how they are helping themselves is very aptly explained in an article from the Tyrone, Pa., Daily Herald, May 21, 1971, which I am inserting in the RECORD:

[From the Tyrone (Pa.) Daily Herald, May 21, 1971]

T.I.C.: ONE GOAL IS REACHED—$150,000 "NEW JOBS FOR JOES" PASSED $200,000 NOW TARGET

The Tyrone Improvement Corp. today raised its sights and fired away toward a target of $200,000 after topping its $150,000 "New Jobs for Joes" fund campaign goal.

An audited report issued today by T.I.C. Treasurer Richard W. Getz shows that 785 persons, firms, organizations and employe groups have subscribed a total of $150,330.40 and a spokesman said there is still evidence of more contributions and pledges to come.

The money will be used in the attempts to attract new industry to Tyrone, to offset the loss of some 550 jobs created last Dec. 2 when Westvaco Corp., the community's largest employer, announced steep cutbacks in its operation here. Westvaco now has about 350 persons at work, compared to more than 900 last year.

BEGAN DECEMBER 8

The intensive campaign was initiated by T.I.C. on Dec. 8, less than a week after the Westvaco announcement. In a 3-hour meeting, T.I.C. directors and committeemen established a goal of $100,000 and J. Thomas Marsden and John A. Hiller were named cochairmen for the campaign.

Ten days later, on Dec. 18, the goal of $150,000 was recommended by the co-drive chairmen, and T.I.C. directors immediately accepted the plan.

At the end of December the campaign and the effort to offset the economic plight here had been snowballing, with various groups offering assistance.

MAJOR OFFERS

One of the major pledges of aid came from the Columbia Avenue United Methodist Church. The church, under its pastor the Rev. Lero Harrison, for a couple years had been planning to relocate its edifice near the Gray Field practice field, Clay ave. and Garfield st. On Dec. 29 the congregation of the church voted unanimously to provide immediately a guarantee of $100,000 of its building funds to cover pledges to the T.I.C campaign. This would allow T.I.C. to have money available immediately, should the need arise, rather than being required to borrow against its campaign pledges.

The first four months of 1971 saw additional offers of help roll in to this community.

PENELEC POWER

Major offers of assistance came rapidly from the Pennsylvania Electric Co. which put its industrial development experts to work in contacting prospective industries; from the Indiana University of Pennsylvania where its President, a former Tyroner, Dr. William W. Hassler, offered the services of his trained professional educators in devising training and promotional projects; from five townships and Birmingham Borough which sent representatives to A.M.I.D. (Area Municipal Industrial Development) to offer its financial and other aids, and of course Altoona Enterprises, Inc., one of the most highly successful industrial development organizations in the nation, which has been responsible for bringing more than 30 firms into Blair County in some 16 years.

Aiding the cause was the Bureau of Employment Security office and the office of the Blair County Board of Assistance, both of which set up offices in Tyrone to process applications for work and for unemployment benefits, by the mill workers who were laid off.

TALENTS OFFERED

Hundreds of individuals and heads of organizations wrote to T.I.C. President Harry K. Sickler offering their specific talents. The Altoona-Johnstown Diocese's Bishop James J. Hogan gave his diocese's offer of help, and the Tyrone Ministerium did likewise.

At Tyrone High School, students went to work under direction of their teachers. They conducted a "Tyrone, I Like It" essay contest and members of the business curriculum offered to help type application and other forms to the laid off Westvaco people.

Tyrone Borough Council was among the first organizations to offer financial support. At its December meeting it approved a resolution offering assistance and cooperation with T.I.C. At its February meeting it approved the contribution of $4,500 for 1971 to the T.I.C. That same night Snyder Township Supervisors approved a contribution of $2,000 annually over five years toward the project.

AGENCIES HELP

The B.E.S. officials joined in the effort by scheduling a day-long meeting here of leaders in the various state and federal agencies who could assist the community. Robert Johnson, a Tyroner, employed by B.E.S. at Altoona, organized a meeting of CAMPS, an acronym for Cooperative Area Manpower Planning System. The theme of the meeting was "uniting a Region for Jobs." The various agency representatives outlined their agency's program and how they could apply to Tyrone's plight.

WORD SPREADING

At this chronological point the word had been spreading of Tyrone's effort to shake off a heavy economic blow. Hundreds of newspapers, radio and television stations found the story unique, and carried the message to thousands.

Penelec and its parent-company, General Public Utilities, came up with the idea of an advertisement in the Wall Street Journal with national circulation. The advertisement appeared on May 14 depicting some 1,000 Tyroners facing the camera, with the eye-catching line above them "This Town For Hire."

The ABC–TV network got wind of the advertisement and rushed to this community to make what became a 3-minute documentary feature on Tyrone and its problems. The Wall Street Journal adv. had side-benefits. Newspapers picked up the picture and story and spread the word.

Back home T.I.C. was nearing its $150,000 campaign goal, and beginning to wonder if the goal should have been higher.

With warm Spring weather arriving, the T.I.C.'s shell building at its industrial tract at the former Athletic Park began to take physical form. Today, with steel rising above the base, the shell is more than halfway completed. It will provide adaptable 50,000 sq. ft. of work space for an interested firm.

The effort will continue for months to come, with the ultimate goal a viable economy for Tyrone and its environs.

THIS TOWN FOR HIRE

For over 80 years, our town's major industry was a paper making plant. Good labor relations and high worker productivity prompted the company to keep the facility competitive.

But late in 1970, changing marketing conditions forced the company to mothball over half its facilities at the plant.

Five hundred and fifty skilled workers—almost 90% of us in our 30's or younger—were let go. Hundreds more lost their jobs as the ripples spread through the surrounding economy.

Tyrone, Pennsylvania, is ready to go to work for new companies. We have a large pool of trained people—machine operators, woodworkers, electricians, material handlers, foremen and supervisors. But we know it takes more than available labor to attract industry. So we've built a new 50,000 sq. ft. shell industrial building. It's 200′ x 250′, with bays 30′ square and 18′ high. All utilities are available and the site has access to the Penn Central Railroad.

If your company is looking for a plant site where workers still believe in delivering a day's work for a day's pay, consider this offer:

You can move into our new building without putting up a nickel of your capital. That's right, 100% financing. The same offer applies to several prime industrial sites within our town. We'll even arrange a loan to help cover the cost of capital equipment. And Pennsylvania's VO–Tech program stands ready to retrain as many workers as you require with special skills not available in our labor pool.

We'd like to send you all the facts on Tyrone, its industrious work force, and the 100% financing available to companies relocating here. Clip the coupon and mail it back today. Or for faster action, call Ernest L. Petersen collect at Pennsylvania Electric Co. (814) 536–6611.

TYRONE IMPROVEMENT CORP.,
Route 220, Wilson Development,
Tyrone, Pa.

GENTLEMEN: I'd like more information on Tyrone, Pa., and details on:

——The new 50,000 sq. ft. shell industrial building.

——Other industrial sites in Tyrone available with the same 100% financing plan.

Name ----------------------------------
Address --------------------------------
City/State/Zip --------------------------

SEEKS CONTINUATION OF AID TO NURSE'S EDUCATIONAL INSTITUTIONS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. BEGICH. Mr. Speaker, in the effort to make adequate health care available to all Americans, the continuation and expansion of aid to nursing education is crucial. The shortage of medical personnel, including nurses, is especially critical today in the State of Alaska.

The College of Nursing at Alaska Methodist University in Anchorage is our State's only institution training vitally needed registered nurses. The college faces a serious shortage of funds which endangers its continuation after June 1972. The college requires, according to Beulah E. Miller, its dean, "immediate and long-term financial support."

To maintain its operations, the college needs assistance from both private and governmental sources. The House of Representatives can help fulfill the Federal Government's pledge to improve health facilities and services in the United States by passing H.R. 8630, an authorization of Federal support to nursing education. Following are some brief remarks by Dean Miller in support of the Nurse Training Act of 1971 and the continuation of the College of Nursing at Alaska Methodist University:

> Currently, in my state of Alaska, the one and only school of nursing is the College of Nursing at Alaska Methodist University in Anchorage. This College of Nursing is a new school in the only State, that previous to the school's establishment, had had no program for preparing registered nurses.
>
> It has been well established that Alaska Methodist University, including the College of Nursing is in serious financial straits and needs immediate and long term financial support. As recently as May, 1971, it was announced that Alaska Methodist University College of Nursing will be continuing. This continuance is made possible by a Federal project grant of $89,052 from the Public Health Service, Division of Nursing, plus funds from the State of Alaska budget for the Department of Health and Welfare, Division of Public Health. This announcement makes clearly evident the essential role the Nurse Training Act has had in deciding that this College of Nursing would indeed continue.
>
> Funding has been found only for the academic year 1971–72. The continuance of the College of Nursing beyond that is dependent upon the availability of Federal funds, as well as State funds and monies from private sources. Monies are needed for student aid, operating expenses (capitation grants), and construction of facilities for housing offices and classrooms.
>
> As we consider H.R. 8630 today, it would seem clearly evident to me that all the provisions, as presented in this authorizing legislation, are absolutely essential to the provision of continued and improved Federal support for nursing education. The College of Nursing has tremendous potential for increased enrollment—which is dependent upon the Institutional grant section of H.R. 8630. When compared with the authorizing legislation for the Health Professions, it is quickly evident that the proposed nursing authorization is absolutely minimal—especially in the area of Capitation (Institutional) grants—and that there is no room for shaving this item in the budget. Nursing schools have never received any basic support (capitation grants) to off-set the institutional costs of instruction. I feel it is mandatory, with current Health Manpower legislation expiring as of June 30, 1971, that we vote favorably and quickly to facilitate having new, improved nurse manpower legislation signed into public law as soon as possible.

A FEDERAL FINANCE AGENCY

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FULTON of Tennessee. Mr. Speaker, today I am introducing legislation designed to protect the economic well-being of the Nation, while providing job security for thousands of present and future workers.

The bill is designed also to provide Federal assistance to large industries and firms whose failure would have an adverse economic impact on the national economy or certain regions.

The legislation will create an independent Federal Finance Corporation to provide financial assistance to these firms much as they did the now defunct but very effective Reconstruction Finance Agency of the New Deal era.

At this very moment, the Congress is moving toward a decision on a proposal to extend a Federal guarantee of a $250 million loan to the Lockheed Corp., a form of relief which I firmly feel is not only needed but completely justified in light of all considered factors.

Under the legislation I am proposing, however, it would not be necessary for the Congress to act in each particular situation as it now must with the Lockheed loan guarantee proposal.

The Federal Finance Corporation could loan or guarantee loans of up to $400 million to a distressed major industry providing:

First, the industry proved that the loan was needed to enable the borrower to continue to furnish goods or services to the public and that failure to meet this need would—

Second, adversely and seriously affect the economy of the Nation or a major region of the Nation.

Third, private financing was not available without assistance as made available in the act.

Fourth, that the borrower evidenced ability to repay.

Every effort would have to be made by the industry alone, as well as with the assistance of the corporation to secure private financing before the industry would be eligible for assistance. Only in the unlikely event that the industry was unable to obtain private financing with a Federal loan guarantee would consideration be given to a direct Federal loan. Direct loans would be made at interest rates which the board determined was the prevailing rate.

Commercial banks would be encouraged to participate in the program through direct loans, guaranteed loans and through purchase of FFC notes at discount rates.

The Corporation's Board of Directors would be made up of five men, three appointed by the President and two by the Speaker of the House of Representatives. All five would be subject to confirmation by the Senate. It would be the intent of the Congress that this board be nonpartisan. In addition, the Secretary of the Treasury, the Chairman of the Federal Reserve Board, the Chairman of the Home Loan Bank Board, and the Administrator of the Small Business Administration would serve as ex-officio members of the board and would serve as members of the agency's loan policy board. Members of the Board of Directors would also serve on this body.

The corporation would be directed to recoup its loans and expenses, thus being self-sustaining.

I have outlined my proposal to the people of my congressional district and response, particularly from the business community and from the press, has been very favorable.

On Thursday, June 24, the Nashville Banner carried an editorial addressing itself to this topic and I include it in the RECORD at this point, recommending it to the consideration of my colleagues:

FULTON MOVE WELCOME: IN FORMAT OF THE RFC, AGENCY NEEDED NOW

To the Nashville Banner, which on June 17 urged editorially the creation of an equivalent to the former Reconstruction Finance Corporation, it is gratifying that Rep. Richard Fulton has announced intention of introducing legislation along that specific line. As he put it in a statement at Washington, his proposal is to establish an independent government corporation similar to the historic, and highly effective, RFC.

The rank and file of a constituency concerned for practical facilities to assist failing businesses which, through no fault of their own, face bankruptcy—or threat of it—will likewise be gratified. For the institution in question does not dispense funds, as in a handout, but is an administrative agency for loans.

The Lockheed Aircraft Corporation has been in that plight, due to circumstances not of its own making; and the collapse that would impend if no loan arrangement is forthcoming would have disastrous impact on kindred industries and subcontracting firms—including some in Middle Tennessee. The Nixon administration has sought congressional consent for federal guarantee of a loan to Lockheed.

Back in the '30s, and for a period beyond that, there was an agency for that: The Reconstruction Finance Corporation, formed during the Hoover administration to meet needs stemming from a worldwide depression. The agency functioned well, under a series of administrations, and was finally dissolved. Its record still is its own highest recommendation for a similar service—for any valid and essential business operation in an economic squeeze, and qualifying.

The plan outlined by the Tennessee Fifth District Congressman would provide a "Federal Finance Corp." with a life expectancy of ten years, with a capital stock of $2 billion, and authority to grant or guarantee loans totaling $4 billion.

Certainly, a feasible structural plan and working design can be established, within which the need can be met; and as was true in the case of the RFC, it would follow no partisan line. Members of Congress, and people at home, on both sides of the party line, will recognize the validity of the case . . . and that it needs attention now, not at some time indefinitely in the future.

It is to be hoped that the legislation suggested will be forthcoming soon, enacted and put to work with a promptness warranted by the urgency of the case.

RIGHTS AND WRONGS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. HUNGATE. Mr. Speaker, in the continuing discussion of the first amendment and national security, the following article in the Christian Science Monitor contains much worth considering:

RIGHTS AND WRONGS

(By Erwin D. Canham)

The rights and wrongs of the Pentagon Papers situation are very complex.

The general information contained in the documents, it seems to me, was the American people's by right.

But the means by which it was communicated to them raise very serious doubts.

One is not happy about "leaked" information. The motives of those who purvey official secrets may sometimes be noble; they are often base. Newspapers have obtained information in this way for long years. It is sometimes a messy business. Gossip columns have lived on the peddlings of blackmailers or revenge-seekers.

And yet the fact remains that the public does have the need to know how the United States got so deeply into the Vietnam war. The people still do not know all the facts, for the McNamara report has notable omissions. History and democracy demand a full hearing of this misbegotten episode.

CODE THREATENED

The most damaging effect on the United States out of these publications is the revelation of various kinds of duplicity, strategic and information. The 1964 presidential campaign was conducted in a mist of false pretenses by the administration. Barry Goldwater has a right to be indignant.

Also damaging, but to a degree which cannot be determined from the outside, is the fact that the New York Times published texts which had been transmitted in code. Presumably these and all other dispatches were recorded by foreign intelligence agencies at the time. Perhaps everything sent in that code can now be decoded by them. The harm could be very great; we do not know how much.

The Times has done itself a great deal of damage, it seems to me, by printing so much textually. It would have been almost as effective, and quite as informative, to paraphrase and summarize. The Times staff could have written a powerful series of articles based on the material in the report's 2.5 million words, and not exposed the newspaper vulnerably to the legal attacks now being made upon it.

ANOTHER COURSE?

The Times might have said: "We have come into possession of this extraordinary report. We recognize that it is highly classified and sensitive. We will not quote it verbatim, but we will describe in our own words what happened. Rest assured our account is based on good authority. We are not prepared to violate security, although we protest vigorously the way in which this material has been kept from the public and the Congress, and the way the American people have been deceived by their leaders."

A newspaper, it may be argued, has no right to "declassify" secret documents. A government, it may also be argued, has no right to "overclassify" materials. The only way to prevent abuse on either side is for both to behave responsibly.

RIGHT TO PRIVACY

There is such a thing as a right to privacy, even in government. Few can deny that some secrets must be kept. Informal, formative, tentative discussions may be justifiably private. Not all government has to be conducted in a goldfish bowl. But the people do indeed have a right to know the general way in which decisions have been reached. Extensive reportages also published by the New York Times on various previous crises have been informative, informal, and have not violated security.

President Nixon's vigorous pursuit of this case may seem to be contrary to his own political interest. With the onus falling upon his predecessors, he seems to be aligning himself with them by trying to bottle up the evidence. Either his protests are a Machiavellian ploy, or they are an impressive instance of his defense of the security of executive government arising above political benefit.

We will be unscrambling rights and wrongs for a long time.

PRESIDENT DESERVES CREDIT FOR HIS COURAGE IN VETOING THE ACCELERATED PUBLIC WORKS ACT

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. TERRY. Mr. Speaker, yesterday the President announced his veto of the Accelerated Public Works Act. The President deserves much credit for the courage he displayed in objecting to this ill-conceived and unproductive measure.

Supposedly, the bill was designed to help the unemployment problem on an immediate basis. It is worthwhile to examine how effective the vetoed bill would be.

A major portion of the accelerated public works bill dealt with construction projects. We have learned that such projects require as much as 18 months before they can actually generate jobs. This is hardly an immediate response to the unemployment problem.

Second, if in response to the need for immediate implementation of the proposal, improperly conceived projects were funded. Irreparable damage could be caused to the environment and a large number of unproductive public works projects would be constructed.

Because so many of the advocates of this bill have claimed it as an immediate solution to the unemployment problem there is every likelihood that the hopes of many people in this country would be raised only to be met with disappointment after the program did not produce the desired results.

This proposal does not accomplish the desired results of responding to the unemployment problem. We have labored under the same assumptions for nearly

40 years; public works is the only way to solve unemployment. The Federal Government does not want to engage in the business of subsidizing unproductive or make work jobs. That is exactly what would result if the accelerated public works is enacted.

The Nation needs a new approach such as that embodied in the special manpower revenue-sharing proposal before the Congress this year. It is time that we recognized the inadequacies of the old approaches and enacted legislation which will truly be responsive to the critical problem of unemployment.

SOCIALIZED MEDICINE NEEDS SOCIALIZED DOCTORS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. SCHMITZ. Mr. Speaker, everyone is better for health care. This does not mean, however, that everyone must be for socialized health care. This points out one of the fundamental errors in logic currently infecting Congress: For example, the belief that better health care is brought about by massive, "crash" governmental programs, increased expenditures and more government control and direction of the medical and health professions. As we have learned from examples as disparate as England and Uruguay, this is not the way it works.

H.R. 8629, the Comprehensive Health Manpower Training Act of 1971, which last week was passed by the House, represents this kind of fuzzy thinking. It constitutes, as I said in my minority report to the Subcommittee on Health and Environment of the House Interstate and Foreign Commerce Committee, "a quantum escalation in the trend toward nationalization and socialization of medicine and health services in the United States."

There are many areas of objection to this bill, but two are particularly noteworthy. The bureaucrats who want the Government to pay for the establishment of a national, socialized medical corps contend that there is a severe shortage of doctors. On examination of the facts, however, we find the following: In 1963 the ratio of physicians to patients in the United States was 140 per 100,000. At that time, health care officials had as their goal the maintenance of that ratio. In 1970, the ratio had risen to 156 physicians per 100,000—a considerable increase. Nevertheless, we are now told that this higher figure is "inadequate."

Furthermore, despite the fact that HEW officials realize that there is a built-in "escalation" in the present system which will increase the per-100,000 ratio to 166.7 in 1976 and 190 per 100,000 by 1985, they continue to call for increased governmental participation. This is especially troublesome when we consider the advances in medical technology available to doctors and the increased output of paramedical personnel to help doctors with many of their more routine functions. It is as if socialized medicine will be made a complete reality by disregarding the facts of the situation. And let us not forget that "free" medical care tends to multiply the numbers of "patients."

The second particularly dangerous facet of H.R. 8629 is its provision for blatant "reverse discrimination." One subsection of the proposed act would authorize $412 million in "special projects grants and contracts" designed to "increase admissions to and enrollment in [medical] schools of qualified individuals from minority or low-income groups."

A most startling section of the proposed act provides grants for scholarships to medical schools based on the following formula: $3,000 "multiplied bv the number of full-time students of such school who are from low-income backgrounds."

This means that medical schools will be competing for students from members of a specific racial or economic group—a departure from the procedure of trying to secure the best students of whatever background. The Department of Health, Education, and Welfare Secretary is also empowered by the act to forgive loans completely or partially for these students, regardless of whether they complete their studies or not. This further worsens the matter as the schools have nothing to lose at all by taking in underqualified students and getting paid by the Government for doing so.

These provisions of the act, in addition to others which I criticized in my minority report, have not been seen so far as the dangers they really are. As I concluded my report:

> H.R. 8629 is "in the Spirit of the Times." Socialized medicine requires a socialized medical corps. This bill is a massive move toward such a goal.

CONNECTICUT PETROLEUM ASSOCIATION HONORING CONGRESSMAN CONTE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. GIAIMO. Mr. Speaker, the Connecticut Petroleum Association at its annual convention in New Haven last month had the honor of being addressed by our colleague from Massachusetts, Mr. CONTE.

The CPA is an association of independent fuel oil and gasoline jobbers and, as such, it is one of the most knowledgeable organizations in the troublesome area of skyrocketing prices in the domestic oil industry. A powerful champion of independent business and the consumer, it has vigorously protested unwarranted price increases and investigated questionable trade practices in the industry.

At the close of his remarks, the association presented to my good friend and colleague its Distinguished Service Award. It is altogether fitting and proper that such an active leader in the effort to secure adequate supplies of oil at reasonable prices for the consumer should be honored in this manner.

I join the association in commending Mr. CONTE for his service in this area, and at this time I include the text inscribed on the award that was presented to him:

TEXT INSCRIBED ON THE AWARD

Whereas, Silvio O. Conte, U.S. Congressman from Massachusetts, is regarded as one of the champions of Small Business, and

Whereas, he has devoted endless hours and tireless energy to protecting and raising the stature of the Small Independent Businessman, and

Whereas, Silvio O. Conte is an outstanding example of a public-conscious, civic-minded and dedicated member of Congress; therefore, be it

Resolved that the Connecticut Petroleum Association recognizes his significant contribution by bestowing upon him this award.

Witness our hand and seal.

DONALD B. CRAFT
President.
CHARLES S. ISENBERG,
Executive Director.

NEW HAVEN, CONN., *May 20, 1971.*

TAX REFORM

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. COUGHLIN. Mr. Speaker, I am pleased to introduce today a bill that would speed up tax reductions already enacted under the Tax Reform Act of 1969 to help the overburdened low- and middle-income taxpayers. It also would aid the economy without subjecting it to added inflationary pressures.

A similar measure was introduced in the Senate by the distinguished Republican leader and senior Senator from Pennsylvania, the Honorable HUGH SCOTT.

The bill advances by 1 year the higher deductions which originally were scheduled to become effective on January 1, 1972, and January 1, 1973. Under provisions of this measure, the minimum standard deduction of 13 percent of yearly adjusted gross income with a ceiling of $1,500 would be advanced to 14 percent and $2,000, effective January 1, 1971. The 15-percent deduction with a $2,000 ceiling would go into effect January 1, 1972.

Enactment of this legislation would place an additional $1.1 billion in buying power mainly in the low- and middle-income brackets by making the money available in fiscal 1972 and 1973, boosting both employment rolls and consumer purchasing.

About $900 billion would be freed in buying power in fiscal 1972. Another $200 million would be added in fiscal 1973.

There are two significant advantages to this bill:

First, taxpayers who use standard deductions because they do not have enough expenses to itemize deductions would benefit directly by the year's step-up.

Second, the Secretary of the Treasury would be required to make prompt adjustments in Federal income tax withholding tables to reflect the increase in deductions, thus making the money immediately available to the taxpayers.

I favor this kind of approach because the bill provides a reasonable method of aiding those taxpayers who need the relief most through existing legislation and without the inflationary impact that new tax reductions might have. This accelerated technique has been utilized by various administrations to help business and industry, and I think that our low- and middle-income taxpayers deserve at least equal treatment.

This measure harmonizes with the administration's continuing efforts to restore the Nation to a healthy economic state. I believe it will be helpful in aiding the country generally and the individuals specifically who are in the low and middle income brackets. These are the people who most need the help and who most deserve it.

I feel that this bill can provide the noninflationary thrust to the economy for which we are all looking. It is responsible and prudent, and I hope would earn the widespread support of colleagues on both sides of the aisle.

To me it is another measure of the "tax justice" for which I have been working since entering the Congress. While the Tax Reform Act of 1969 is an important step in overhauling the Federal income tax structure, I view it as only the beginning of what must be a continuing reform of our tax laws.

The awesome tax burden upon the wage earner becomes more apparent each day. Escalating real estate taxes, increased local wage taxes and new State income taxes are starting to pile tax upon tax. They are falling particularly hard on the low- and middle-income taxpayers, the family man of moderate means, and senior citizens and others on fixed incomes.

I think it behooves those of us who are Federal legislators to act responsibly to bring a needed measure of tax relief to these people. I am convinced that this bill will do this effectively.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

HOUSE RESOLUTION 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

MIGUEL ACEVEDO MARTINEZ, JR. NAMED OUTSTANDING TEENAGE BOY IN AMERICA FOR 1971

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DANIELSON. Mr. Speaker, Miguel Acevedo Martinez, Jr., a constituent of mine from San Gabriel, Calif., has been named as one of the two National Outstanding Teenagers of America for 1971. The Outstanding Teenagers of America program, now in its fourth year, recognizes and honors the abilities and the achievements of young people.

On Monday, June 21, I had the pleasure of presenting Mr. Martinez with a $1,000 college scholarship and the Outstanding Teenager of California trophy in a special ceremony in my office. Mr. and Mrs. Miguel Martinez, Sr., his parents, Mr. Arthur Kruger, his principal at San Gabriel High School, and several civic officials were present for this occasion of special recognition.

Miguel's selection as Outstanding Teenage Boy in America for 1971 came in competition with more than 13,000 high school seniors nominated by their schools in all 50 States and the District of Columbia. He won this distinct national honor in a contest with winners from other States after receiving his State's designation as Outstanding Teenager of California. The two national titles and scholarships are awarded to the boy and the girl chosen as most outstanding among all of the State winners.

Dr. V. Gilbert Beers, director of the Outstanding Teenagers of America program, said it is the goal of the awards program "to recognize and encourage the ability and achievements of today's young people. They are America's leaders of tomorrow." The program is guided by a board of advisers composed of national leaders of youth organizations.

Miguel is 17 years of age and is the student body president of San Gabriel High School. He was born in Chihuahua, Mexico, and he came to the Los Angeles area with his family when he was 3 years old. Miguel is the eldest of six children of Mr. and Mrs. Miguel Martinez, of 1969 California Street, San Gabriel, Calif. He hopes to become a physician.

Miguel's many activities and accomplishments indicate his leadership qualities that led to his selection for the national honor. He is a charter member of the Mexican-American Student Organization, having served as president and vice president of that group. He was Los Angeles County youth representative to the National Federation of Settlements and Neighborhood Centers held in Chicago. A member of the Key Club, Miguel was a delegate to the 1970 Key Club International Convention at Detroit.

Miguel has won the Presidential Physical Fitness Award, the Daughters of the American Revolution award for excellence in American history, the Notre Dame Award, the General Business Academic Achievement Award, the Industry Medallion Award, the Junior Civitan of the Month Award and the Meet the Students Award. In addition, he has received youth basketball's Most Inspirational Player Award. He was a semifinalist in the senate youth program sponsored by the California Association of Student Councils. He was a participant in the East Los Angeles Health Task Force.

Miguel has received a scholarship to attend Stanford University and is also a California State scholarship recipient. Other honors and awards include a Bank of America plaque, Optimist Club Outstanding Youth Appreciation Award, and Elks Club leadership certificate.

I am happy to commend such a talented and deserving young man on his selection as the Outstanding Teenage Boy in America for 1971.

ESSAY ON HANDICAPPED HAILED

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FAUNTROY. Mr. Speaker, I am especially proud to call the attention of my colleagues to the achievements of 17-year-old Barbara Tone, a student of St. Patrick's Academy.

Barbara was recently named first-place winner of the 23d annual "Ability Counts" Survey Contest, a contest held among 11th and 12th grade high school students, sponsored nationally by the President's Committee on Employment of the Handicapped and in the District of Columbia by the Mayor's Committee on Employment of the Handicapped.

Miss Tone was awarded $100 by the Greater Washington Central Labor Council, AFL–CIO; an engraved plaque by the Disabled American Veterans; and a certificate of merit from the President's Committee on Employment of the Handicapped.

I congratulate Barbara Tone and salute as well, Grace Falcone, second-place winner this year as well as last, and a resident of the District. Both students won an all-expense-paid weekend in New York City, which was sponsored by a number of business and civic organizations and individuals.

The "Ability Counts" Contest is aimed

at making us aware of the problems faced by the handicapped in obtaining employment, and the many high achievements of severely disabled persons. As Barbara states in her report:

> Only through community acceptance of everyone, including the handicapped, can we find the real answer to our problem.

It is a pleasure for me to share with my colleagues Miss Tone's report:

"EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES"

(By Barbara Tone)

> A handicapped person may be defined as one who has any deficiency that renders achievement more difficult. In one way or another, it is truthful to say that we are all handicapped, but there are those seriously handicapped by nature such as the mentally retarded, the deaf, the blind, and the physically deformed. On the other hand, there are those who become handicapped during life as a result of war or accidents. Many hundreds of servicemen during World War II became disabled, and many hundreds of them return from Southeast Asia today in unemployable condition. Many men and women are seriously injured daily on the job.
>
> There are eighteen million handicapped Americans between the working ages of eighteen and sixty-four; forty-eight percent of these working age handicapped are not employed in the labor force. Only thirty-six percent of the working age handicapped are employed full-time. Although the handicapped are in all income brackets, about forty percent have a family income of $3,000.00 a year or less. Many disabled men and women with the proper training, understanding, and opportunities can and must be employed by our community.
>
> Who employs the handicapped? Many are employed in our nation's leading businesses and in our own community services such as Sears Roebuck Company, Bell Telephone, American Telephone and Telegraph, General Electric and the Remco Industries. The employers of these businesses report that the handicapped have better safety records, better production records, and many are more dependable and trustworthy. They also report that they generally stay on the job longer and are more satisfied with their positions and their production. Through community attitudes the handicapped person can be helped to realize that his condition is not something to be ashamed of and that he or she can sometimes perform daily employment tasks as well as or even better than the normal employee. In 1966 local employment offices placed nearly 300,000 handicapped workers, well above the figure of 1960.
>
> Where do the handicapped receive training? The Chrysler Corporation now trains future handicapped employees for tasks in their offices as well as on their assembly lines. The Washington, D.C. and Baltimore Post Offices train and employ the handicapped to distribute mail through desk sorting, instead of the usual sorting which involves standing and walking. The Baltimore Post Office now employs sixty-four men in this type of work. The Columbia Lighthouse for the Blind provides some employment for the blind as social workers, public relations workers, supervisors of social services and instructors of braille. They have trained people for clerical jobs such as stuffing envelopes collating material, and operating duplicating machines. Some handicapped persons have been able to obtain factory positions through this organization's training programs in operating sewing machines and brush making machines, packaging by hand and machine, and caning chairs—an almost extinct craft. The Veterans Administration supervises a rehabilitation program. Disabled Korea and Viet Nam veterans can apply at the nearest Veterans Administration office for job training and job opportunities. Gallaudet College is a symbol of the educational aspect of the handicapped. Here hundreds of deaf persons study and learn just as those attending regular college.
>
> I believe that if the organizations and businesses mentioned continue these training programs and opportunities for the handicapped, they will lead the way to a better and new tomorrow for the less fortunate of our community. As we come face to face with the real troubles and problems of society, we see the only way to a solution. This must include all, and only through community acceptance of everyone, including the handicapped, can we find the real answer to our problem.

LET US HAVE MID-DECADE CENSUS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DULSKI. Mr. Speaker, there has been a growing realization that a national population census every 10 years is no longer adequate to the needs of our society.

It is true that much of the other detail assembled in the decennial census is valid and adequate over the 10-year span.

But the headcount is not.

Indeed, the population data now is so fragile that it is hardly adequate even while the Census Bureau completes the many facets of statistics which are based on the headcount. And this is completed in the early years of the decade.

There is need for a population census every 5 years; that is, a mid-decade census.

Such a census was recommended by our Post Office and Civil Service Committee in 1967 and was approved by the House by a strong vote of 255 to 127. The bill died in the Senate.

SUPPORT IS ALL DOWN LINE

Since that time, the popular demand and recognition of the need for a mid-decade census has increased steadily. All levels of the Federal Government, as well as State and local governments, have given their support, as well as the wide range of business, labor, social, and other segments of our society.

Recently, our Subcommittee on Census and Statistics, headed by the gentleman from California (Mr. CHARLES H. WILSON), completed hearings on legislation to authorize the mid-decade census.

The surprising—and very disappointing—feature of the extensive hearings came when Dr. George H. Brown, Director of the Bureau of the Census, concluded his statement by saying that the incumbent administration "does not recommend a mid-decade census."

NEW STAND IS SURPRISE

The surprise was that Dr. Brown's conclusion—not supported by his testimony—was in direct conflict with a statement by his superior, Secretary of Commerce Maurice H. Straus last November 30.

At that time, following a meeting at the White House, Secretary Stans is on record as stating that:

> This administration has already given its endorsement to a five-year census.

What changed their mind?

A good question without a practical answer.

Mr. Speaker, the case for a mid-decade census has been made repeatedly and forcefully—even by the administration which now appears to back off.

The shortsightedness of the administration is pointed up succinctly in an editorial in the Buffalo, N.Y., Evening News on June 21. Following is the text:

LET'S HAVE MID-DECADE CENSUS

> Apparently because of the extra costs, the Nixon administration has unwisely changed its mind and now opposes having a mid-decade census.
>
> A census in 1975 need not be as comprehensive as the one taken last year. But millions of people move from place to place in our modern, mobile society. These changes affect the nation in many ways. To take just one example, most federal, state and other aid formulas are based in part on the numbers of people living in a city or a suburb. Surely the formulas should reflect reasonably current population patterns.
>
> As for extra costs of a mid-decade census, they would amount to only $30–$40 million if spread out on an annual basis. That's not too much to pay to keep America current with itself.

PRESS FREEDOM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FINDLEY. Mr. Speaker, vital to a sound democracy is a well-informed public. Today's Supreme Court decision allowing American newspapers to print the so-called Pentagon papers which include classified documents of the Vietnam war is a resounding affirmation of our enduring belief in the principle of freedom of the press. Few countries indeed hold this freedom in such high regard.

While some information such as facts about weapons and troop deployment obviously must be kept secret, it is clear that some Government officials use the classification system to excess, employing this device to avoid questions and personal embarrassment. In the process the public gets shortchanged, as it obviously has been about the origin of the Vietnam war.

Mr. Robert Northshield, executive producer of NBC News, is one man who is dedicated to keeping Government secrecy to a minimum. As a newsman he recognizes the media's responsibility to accurately give the facts.

On June 5, I had the privilege of hearing Mr. Northshield give the commencement address at Knox College in Galesburg, Ill. In it he explained the vital role of the news media in today's society. His eloquent remarks are inspired as well as informed. So that all Members of Congress may have an opportunity to read Mr. Northshield's address, I have inserted it here in the RECORD.

ADDRESS BY MR. NORTHSHIELD

President Umbeck, Professor Muelder, trustees, members of the faculty, distinguished guests, Joe, other graduating seniors, their wives and husbands, fellow parents and fellow doctors:

I have been a doctor for such a short time that, of course, I don't know just what I'm supposed to do. But I know what doctors always say: invariably, they ask, "Well, and how are we this evening?"

The answer this time, I think, is "fair." Not terrific, not awful, about medium.

Personally, I'm much better off than that. My position is almost unbelievably enviable. Consider this: for the next 20 minutes or so, I am to be allowed to say anything I want to my son . . . and you others, too . . . without his being able to leave the room or even interrupt me.

I've learned some things about speaking to people younger than I. Of course, most people are. As Casey Stengel once said at one of his innumerable birthday parties, "I'm very glad to be here because most people my age are dead."

In talking to groups on the other side of the generation gap, I have observed their total and wise intolerance of repetition. Therefore, I'll say just a few phrases and offer the guarantee that they will not be repeated:

I've already mentioned the generation gap and promise not to do it again. Nor will I say anything further about drugs, hair styles, life styles, working within the system, the poverty of my childhood and other groundless myths, the evils of affluence, ingratitude and Spiro T. Agnew.

I will not tell you again that you are the best-educated, best-equipped, luckiest class ever to be graduated. Nor that opportunity awaits you, that hard work is all you need to make it nor that making it matters.

All right. Now as to how we are this evening.

I think that we're worse off than we've ever been in many important ways. But we know it . . . and that means that we're better off than we've ever been.

There are getting to be too many of us. We use up too many forests and sheets of paper and peoples' spirits; too much oxygen and open space and liberty; we're losing quiet and credulity and privacy.

But we know that and that will save us, I believe.

We've come a long way and we've lost a lot, but we've held on to some wondrous things.

Consider this: just around the corner of this building, over by those metal steps, Abraham Lincoln and Stephen Douglas had one of their famous arguments. There were 20,000 people here and they interrupted and laughed and shouted . . . a lot. Presumably, everyone had a pretty good time for more than three hours. *Nearly* everyone.

It's difficult now to believe that either Lincoln or Douglas had much fun at Knox College that day. Judge Douglas was a tough little advocate. He used rhetoric and sarcasm and eloquence to attack apparent inconsistencies in the Lincoln arguments.

For an hour and a half, he quoted past debates and speeches to challenge the lawyer from Springfield. He insinuated and demanded, sneered and threatened. He was *very* effective.

On that day in 1858, right here, Stephen Douglas forced Abraham Lincoln to take a dangerous, incredibly radical position. When he took it, Lincoln lost an election and helped build a conscience for America.

Under relentless needling and challenging, Lincoln admitted that he believed that the Declaration of Independence really meant it when it said that all men are created equal. *All* men.

He said, "I do think that Judge Douglas, and whoever like him teaches that the Negro has no share, humble though it may be, in the Declaration of Independence, is going back to the era of our liberty and independence, and, so far as in him lies, muzzling the cannon that thunders its annual joyous return; that he is blowing out the moral lights around us . . ."

And he said, "Now, I confess myself as belonging to that class in the country who contemplate slavery as a moral, social and political evil."

That's the first time he said it out loud and it was remarkable for its time. A month later, the people of Illinois made Stephen Douglas their Senator, an honor forever denied his opponent.

In my own time, they have instead sent to Washington some men named Smith and Scott Lucas and C. Wayland Brooks.

What I'm telling you is this: it was an act of political suicide . . . although obviously not permanent . . . to contend that all men are equal. Times change and somehow improve.

And I'm saying this, too. That under pressure . . . pressure of competition or survival or simple opportunity . . . we must make some choices. That's where the good choices are always made and that's where you are today, all you beautiful young Bachelors of Arts and of Science.

A number of historians have argued that Lincoln's deep feelings about equality, his unsafely radical position on freedom came from his having witnessed a dozen slaves chained together on a river steamer that carried him and them from Louisville to St. Louis.

Years later, he wrote: "That sight was a continued torment to me, and I see something like it every time I touch the Ohio or any other slave border."

It was 17 years from the time he saw the shackled slaves until he spoke here. We don't wait that long to get our impressions and put them together as actions. That, of course, is because there are many more of us now, we do many more things and we communicate more quickly and more often.

Some important things *haven't* changed. We are still very much affected by what we see and hear and we are still free to do a great deal of seeing and hearing. That's called Freedom of the Press.

As we all know, the men who wrote the Constitution didn't wait any longer than Article One of the Bill of Rights to guarantee it. It doesn't involve my right to broadcast so much as it does *our* right to know.

It's very, very important.

In the last week of January, 1968, when you graduates were just getting well into your freshman year here, the Tet offensive ripped Viet Nam. The most memorable moment of that week was the execution of a suspected Viet Cong leader by the chief of the security police in Saigon. The closeup of the shooting appeared on page one of just about every newspaper in the world.

We had film of the whole thing . . . the handcuffed prisoner being led out of the building where he'd been captured, the quick and certain move by General Loan the police chief as he drew his revolver and gestured the crowd back and shot the man in the head, the victim's writhing fall . . . all of it in color via jet to Tokyo, via satellite to New York to your living room. It was the first awesome television event of an awesome year.

Two months later, I was in Milwaukee on a Sunday night, having a midnight meeting in a restaurant trying to figure out how to cover the news. The President of the United States had just announced that he wasn't going to run any more.

There were vast quantities of us in Wisconsin to cover a primary election that wasn't the biggest news of the week any more. A young man came to my table and identified himself as a graduate student at the University of Wisconsin and he'd been looking for me. He was writing his master's thesis on the decision to televise the execution by General Loan and wanted my explanation.

I abandoned the wiener schnitzel and told him what I'd repeat now: that has to be the shortest thesis in academic history. I don't think there *was* any choice. We ran the film because we had the film. There is ample precedent for reporting news, there is none valid for suppressing it.

Nowadays there seems to be a lot of bad news. We are told, some of us more than others, that we shouldn't report so much of it, that we should look for the happy, even the dull. For a journalist to do that, he must personally repeal the First Amendment. He must impose on his reader's, his viewer's, right to know.

For to have known about the police dogs and fire hoses in Birmingham and not reported them would have avoided some bad news. It surely would have perpetuated it, encouraged it. The same is true of what happens in Moscow and My Lai, in the slums of our cities, of the poisons in our air, the demagogues in our governments, all the rends in our national fabric.

Nobody much liked it when we showed it but now the police in Chicago treat demonstrators better and there aren't many riots there any more; Lake Erie and the Hudson River are getting cleaner; the Pentagon has changed some of its propaganda techniques; we are getting out of the bacteriological warfare business; the war in Viet Nam is a cause of national revulsion and it will be ended.

Not because journalists told the nation what to do.

But certainly in part because journalists told . . . and more important . . . showed some things that were significantly wrong.

News on television is different from news presented in other ways. Every day, it demonstrates that our technology is way ahead of our consciousness. Every day, it proves that things happen before we are conditioned to accept them. Every day, it shows us things which are bad.

The goods news, according to Marshall McLuhan, is in the commercials.

But good or bad or dull, the reporting of news is essential. For newsmen when they're good tell what's going on, what's happened. We don't, when we're good, tell anyone what to do about it. We deal with what is significant and that often is not happy. We deal with change because that's what news is.

Change is the last thing desired by those who profit by postponing it. The next to last thing they desire is the reporting of change or the reporting of obvious need for change.

The status quo is what's most comfortable, most safe. That's what all the shouting and suppressing and accusing is about.

And don't worry . . . I mentioned his name a while ago and I promised I wouldn't repeat it!

So, as I asked earlier, how are we this evening? The quality of our environment is deteriorating. Alarmingly. There is a war wanted by no one. As a nation, we are middle-aged with all the pains and infirmities and foolish prides that characterize those years. There are a great many of us who use signs and bumper stickers and songs about love but practice indifference . . . which is the precise opposite.

We have lots and lots of troubles. And we know it.

We know it because we are free to know it and are willing to look and listen. I submit that when we are no longer willing we will no longer be free.

We stand, almost literally, where Lincoln stood. All of us are being forced to make an essentially moral decision by our opponents. They would rather have us be equivocal or evasive or even silent.

With dubious modesty, I admit herewith that I am the author of the phrase, "The

Silent Majority." I used it in an interview with a good reporter doing a good job. But like so many things we say, it was taken away and misused. I meant that most people in this country would rather not say what they think and maybe even stop thinking very much. That sets up things very nicely for the minority who are willing and anxious to do all our thinking and talking for us.

A free press is their enemy.

The censor, the petty bureaucrat (even in high places), the polluter, the thief of our spirit and our vote, all these want a silent majority.

As a citizen and a journalist, I want a free press.

As a doctor, I want all of you, as every doctor does, to open your mouths and say "Ah!"

Loudly.

Without indifference!

So again, how are we this evening? Well, this is my second Knox commencement. On my first, I was in Camp Claiborne, Louisiana. My diploma was delivered to me later by registered mail in a foxhole in Germany. Literally. It was a pleasure to get this one from Professor Muelder instead of Corporal Saletta. So things are much better, at least for me.

How is it for you?

In the year this college was founded, Henry David Thoreau participated as a student speaker at his graduation from Harvard. This is part of what he told his classmates of 1837:

"This curious world which we inhabit is more wonderful than it is convenient, more beautiful than it is useful; it is more to be admired and enjoyed than used."

I assure you that you are about to have that confirmed: more wonderful than convenient, more beautiful than useful, more to be admired and enjoyed than used. Please, for your sake, keep it that way. And, for my sake and that of my contemporaries, keep it free! I am proud to be your classmate.

Thank you and congratulations to you all!

THE SOVIET NAVY

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. HARRINGTON. Mr. Speaker, the growth of the Soviet Navy is a subject that has received a great deal of attention in recent years. Unfortunately, however, much of the discussion has been alarmist in nature and based on uncertain data and weak analysis. One searches almost in vain for objective and dispassionate studies in this area.

A recent publication of the British Royal United Service Institution, "The Soviet Union in Europe and the Near East: Her Capabilities and Intentions," goes a long way toward filling the existing vacuum of rigorous analysis. It provides an important contribution to the understanding of the expansion and role of the Soviet Navy.

This report contains papers presented at a seminar sponsored jointly by Southampton University and the Royal United Service Institution and held at Milford-on-Sea March 23–25, 1970. I am putting in the RECORD three papers on the Soviet Navy by Michael MccGwire of the University College of Wales and James Cable of the Institute for Strategic Studies. I am also inserting a summary of Mr. MccGwire's article on Soviet naval capabilities that appeared in the London Times on October 13, 1970.

I hope my colleagues and others will take the time to read these papers carefully. The material follows:

SOVIET NAVAL EXPANSION—MORE MODEST THAN IT APPEARS

An extract by Michael MccGwire from a seminar on Soviet capability published today by the Royal United Service Institution.

Traditionally the primary mission of the Russian navy has been "to defend the homeland", and although the nature of maritime warfare has undergone fundamental changes, there is ample evidence (including the statements of Soviet leaders) that this still pertains today, although it is now set in the context of mutual deterrence and general nuclear war.

In support of its mission, the Soviet navy now has to discharge five primary tasks;

(a) To counter the *Polaris* submarine.

(b) To neutralize the strike carriers prior to aircraft launch.

(c) To contribute to the Soviet Union's strategic delivery capability.

(d) To gain command of the four fleet areas, particularly the Baltic, Black and Barents Seas.

(e) To provide maritime flank support for land operations along the coastal axes.

In assessing its requirement to establish command of its fleet areas at the outbreak of war, the Soviet navy must take account of the naval forces of adjacent countries, and also of their reinforcement by other navies at short notice.

To this must be added Russia's traditional sensitivity about her territorial integrity in peacetime, and the Russians police their sea-frontiers as assiduously as their land ones. Together, these require the peacetime deployment of substantial forces in each of the four fleet areas.

All the older Soviet naval units gravitate to this traditional task, and it normally takes the bulk of new-construction of escort size and below, and a substantial share of the submarine force. For the last few years, however, many of the escort ships have had to be diverted in support of the Mediterranean deployment, and the Soviet navy also faces the block-obsolescence of the medium- and small-type submarines, assigned to this task. Both these deficiencies should be corrected as the current generation of new-construction begins to join the fleet. Nevertheless, taking account of Russia's lengthy coastline, the geographical separation of the four fleet areas, and the scale of the potential opposition, it would not appear as if the Soviet navy has any disposable surplus of *effective* combat units, over its requirements for this task.

Any Soviet concept of operations covering general war in Europe must provide at some stage for the seizure of the exits from the Baltic and Black Seas and amphibious landings along the Norwegian coast. The nature of their exercises, and the size and shape of Soviet amphibious forces, denotes that they are tailored for this particular task, and the characteristics of their landing ships are not such as to suggest a more far-ranging concept of operations. The steady provision of such units has been consistent since the middle fifties, and there has been no sudden build-up, except in Western awareness.

In assessing Soviet naval capabilities, we should pay due regard to the evidence of their concelled warship-building programmes, which indicate that in Russian eyes at least, the designed performance of such classes was inadequate to meet the changed requirements since they were projected. We should also allow for the Soviet policy of sending new weapon systems to sea as production prototypes, before they are fully combat-operational.

The composition of her fleets, the pattern of their deployments and the statements of her leaders, all confirm that the Soviet Union has built a navy for strategic deterrence and general war. Her navy is deficient in its capability to discharge three of its five primary tasks, and this deficit will probably persist, at least in the task of countering *Polaris*. Her surface ships can sail around the world in time of peace, but because of the unbalanced structure of her fleet which has been built to meet a particular threat, and the West's naval predominance, the Soviet navy does not have the capacity to sustain general naval operations in a hostile maritime environment at a distance from Russia's shores. The Soviet Union currently lacks a world-wide maritime capability.

Nothing which has been said is intended to suggest that the Soviet navy, if allowed to develop uncountered, would present anything but a real threat to Western interests. In absolute terms it is a powerful force and its submarine fleet in particular is of major and increasing significance. Nor can one disguise the fact that the Soviet navy's shift to forward deployment has brought disadvantages to the West, introducing another factor into our foreign policy calculations, complicating the operation of our naval units and bringing propaganda dividends to Russia.

Nevertheless, it remains a fact that Soviet naval policy has been conceived in response to the greatly superior maritime capability of the West. For that reason, the employment of Soviet naval units will always be conditioned, and often be dictated, by the prevailing maritime policy of the West, by the way in which we deploy and operate our forces, and by the apparent degree of our commitment in different situations.

The extent to which the Soviet Union will seek to exploit her naval forces to extend her political influence, will largely depend upon her estimation of the speed and certainty of Western response. Although the Russians hope to conceal the fact through the skillful use of propaganda, past performance and present capabilities confirm that Russia's flexibility of action and degree of commitment are both severely limited by an overriding concern for her primary national objectives.

The Soviet Union will therefore try to avoid confrontation whenever the West shows its determination to use military force to resolve an ambiguous situation. The Soviet navy's forward deployment cannot be ignored. But its wider influence will be directly related to the extent the West allows it to inhibit our traditional freedom of action at sea.

SOVIET NAVAL CAPABILITIES AND INTENTIONS

(By Michael MccGwire)

Before turning to the main body of this paper, I want to discuss the growing tendency to speak of two conflicting bodies of opinion concerning the significance of Soviet naval developments. These are generally (but erroneously) referred to as 'offensive' and 'defensive' schools of thought, a misleading classification which generates further error, since people naturally tend to split the difference between the two.

In practice, these apparently conflicting bodies of opinion reflect two quite different approaches to the same problem, each concerned to answer a different question, involving different factors and requirements. The one approach is concerned with the theatre-tactical level of threat, and concentrates primarily on Western vulnerability to possible Soviet maritime aggression. Since it reflects the imperatives of contingency planning, its purpose is to identify the most dangerous, rather than the most likely course of Soviet action.

The other approach is concerned with the politico-strategic level of threat, and tries to unravel the main strands of Soviet naval policy since the war, and to assess the Soviet Navy's evolving and varying capacity to meet the threat to Russia, which the West's maritime superiority has posed. It therefore concentrates on Russia's naval requirements in the face of this threat, and tends to highlight the extent of Soviet, rather than Western vulnerabilities, as it seeks to identify the nature of their intentions and the most *likely* course of Soviet action at sea.

Both approaches are valid, and both are equally necessary, reflecting the distinction between the quite separate processes underlying contingency planning and long-range policy formulation. But what does tend to happen is that this essential distinction becomes blurred and the "possible courses of enemy action" which are used as the basis of contingency planning, are promoted to become categorical statements of Soviet intentions, with no stronger justification than that such action is conceivable. This logical fallacy need not detain us, but it does explain many of the rather extreme statements in circulation, and why it is unsatisfactory to take the mean of the range of assessments.

A more relevant point is that within the two different approaches, lie the opposing dangers of over-alarmism and undue complacency, respectively, and it is here that it is both so important and so difficult to strike the right balance. It is on this question of the correct balance that the divergence of well-informed opinion really centres, and this derives as much from differing assessments of Western political will as of possible Soviet intentions. Most qualified opinion is in fact agreed on the essentially defensive requirements which caused the Soviet Union to develop its present naval capability, although there is a wider range of opinion as to where this may lead them in the future. All are also agreed that, irrespective of its genesis, growing Soviet naval strength presents a potential threat to Western interests, which must be countered. But starting from these points of agreement, opinion then divides into two broad groups. There are those who see the greatest danger to the West, in a democracy's reluctance to provide adequate resources to long-term defence in peacetime, and who therefore tend to formulate the threat in extreme terms, both of military capability and aggressive intentions, in order to frighten the politicians into releasing adequate funds to naval defence. And there are others who consider that more certain damage to Western interests has been, and will be caused by alarmist assessments (however worthy their motives) which exaggerate Russian maritime capabilities and ignore the considerable constrants which limit the flexible employment of Soviet naval forces.

I hold unreservedly to this latter opinion, and it is not because I under-rate the very real threat to Western interests which is implicit in Soviet naval strength nor because I am persuaded of their friendly intentions. My reasons are twofold. Firstly, experience as a long-range planner has shown me the dangers of 'fiddling the factors' in order to produce some predetermined conclusion, and how in the long run it always rebounds to one's disadvantage; in formulating a threat which will persuade the politicians, we run the risk of obscuring our own perception of the real danger to Western maritime interests, and at the same time we are likely to distort our wider foreign policy assessments. And secondly, I have watched the way in which alarmist, and frequently ill-informed Western comment has brought Russia political benefits, which the Soviet Navy could never have achieved on its own.

Over the last three years, there has been a marked and substantial shift in the Soviet Union's political exploitation of her navy's enforced forward deployment; this stems from the aftermath of the Arab-Israeli conflict in 1967, and the sudden and vociferous public awareness in the West, that Russia had a navy which went to sea. Western commentators delivered a substantial (and undeserved) propaganda success to the Russians by insisting that the Soviet naval presence must paralyse Western naval initiatives, by failing to distinguish between the widely varying combat capabilities of the Russian units in the Mediterranean, and by speaking of illusory 'massive naval reinforcements' during the June war (which on one ocassion even included a water-tanker and an ice-breaker towing a patrol-craft).

They then confirmed Russia's naval standing in Arab eyes, by ridiculing official Western statements which pointed to the exposed nature of these Soviet deployments, and to the vulnerability of individual units to Western attack. This alarmism may have been thought necessary to arouse a sense of concern in NATO, or to extract funds from a reluctant US Congress, but it none the less provided the Russians with a detailed course on how to discomfort the West with the smallest diversion of resources; it has also given Soviet surface deployments a military credibility which is still largely spurious. It was most noticeable that, prior to June 1967, Russian deployments were primarily a navy-to-navy affair, with a relative disregard for the potential political benefits. The strategic reasons underlying these deployments have not changed, but since that date, naval visits have been increasingly used to reinforce the reputation which the West has gratuitously bestowed on the Soviet Navy.

In the late 1950's the Soviet Union derived substantial political benefits from the publicising by Western commentators of the mythical Bomber and Missiles Gaps, and the ease with which the West can still be induced to credit their opponents with an exaggerated military capability must be a source of continuing gratification to Soviet leaders. It conceals their technological inadequacies from critical world opinion, and allows them to make retrospective claims to have influenced the outcome of events in situations where they have sat by helpless, as selfishly worried spectators. It is significant that well into 1968, the Russians remained understandably silent about their negative contribution to the outcome of the June war, concentrating their propaganda on linking the presence of the US Sixth Fleet with the Israeli attack; but by 1969, the Soviets were emboldened to play back the West's more alarmist assessments, and now claimed that it was the Russian naval presence which saved the Arabs from imperialist intervention in 1967.

As with Soviet naval capabilities, so with their intentions, and they are only too happy that the West should concentrate on the former and assume the worst of the latter. By causing the West to over-estimate both her belligerency and her naval strength, the Soviet Union hopes to encourage inaction and acquiescence when otherwise the West might thwart her plans. She has not lacked support and from the start Western Jeremiahs have insisted that the mere presence of Soviet naval units, irrespective of their real or relative capability, must inevitably inhibit the West's reaction. The effect of these exaggerations is to obscure the limited nature of the Soviet Union's physical commitment outside the boundaries of the Warsaw Pact, and to induce a quite unjustified belief in both her capability and her readiness to use force. There is a perverse communality of interest between Russia's desire to obscure her naval inadequacies and the West's concern to guard against over-complacency. Naturally enough, the Soviet Union welcomes the Western amplifier which is now plugged into her naval propaganda machine, whose authoritative voice helps to compensate for the sometimes glaring shortfall between her words and deeds.

It is of course a distorted form of realism which insists that we must ignore our opponent's intentions. While it is proper to concentrate on capabilities in contingency planning or at the threatre-tactical level, such an approach is wholly inappropriate as the basis of policy formulation at the politico-strategic level. A country's national interests, intentions and essential defence requirements are equally important factors in the threat equation and to exclude these constraints on Soviet action, must inevitably distort Western maritime policy and inhibit the effective use of our naval superiority. By ignoring the 'most likely course of enemy action', and by concentrating our attention solely on some hypothetical 'worst case', based on a rather flattering estimate of Soviet naval capabilities and an implied absence of Western reaction, we undermine our own maritime credibility while encouraging the Soviet Union to develop a taste for sea power, and to fulfill our most gloomy prophesies.

I make no apologies for this digression before getting down to the details of the paper, because Russian intentions are a function of Western political will and the extent of which Soviet maritime policy is shaped by the West's naval preponderance and by the nature of our response at sea, is inadequately understood. I will come back to this fundamental point, which should become clearer as we turn to consider the development of Soviet naval policy since the war, and gain a better idea of the changing requirements they have had to meet. This background knowledge is fundamental to analysing the present capabilities of their forces.

THE BACKGROUND TO SOVIET NAVAL POLICY

The intermittent public interpretation of Soviet naval policy since the war has in practice been a by-product of contemporary Western contingency planning. Over the years, this fragmented approach has produced an erratic and contradictory picture of Soviet naval policy, which to make sense requires the fallacious assumption that in naval matters Soviet leaders were both obtuse, and lacked all consistency of purpose. In actual fact, the consistency of Soviet naval policy (as opposed to operational concepts) has been striking. And as for the relevance of sea-power, some forty years ago the Soviet Union grasped the fact that maritime strategy is not some universal science, but particular to the country concerned. The Soviet Union finds herself opposed to the traditional maritime powers, but the strategy which she must adopt to counter this threat to her security, need bear no relation to the 'traditional' use of sea-power.

In the past, Russia's naval requirements have been dictated by her extended coastline and the fact that four quite separate seas wash her shores, requiring four, self-sufficient navies to defend them. This has meant that, although nominally a land power, for the last 200 years or more, her navy has generally been the third or fourth largest in the world. Although the effectiveness of the Russian Navy varied widely and was always hamstrung by maladministration and inadequate logistic support, the Russians have been persistent and successful technical innovators. They were the first to apply in battle such fundamental naval advances as the high-explosive shell, the torpedo and the mine, and Russian warship design has generally been at least equal to its design contemporaries.

After the Revolution, competing priorities meant that resources were not released to rebuilding the Red Fleet until the First Five Year Plan, beginning in 1928, but thereafter the Navy got rather more than its share; this included increasing shipbuilding capacity by about 80 percent, and the Twenty Year Programme (1928–47) provided for about nine battleships/battlecruisers, thirty cruisers, 200 destroyers and about 400 submarines, the latter being by far the largest force in the world. The most immediate threat came from the powerful and growing Japanese Fleet, but by the middle thirties, most European powers were committed to a naval arms race. For a variety of causes, part economic rationalisation, part ideological and part objective reasoning, a 'Young School' of naval strategy had been adopted in the early thirties, which rejected the concept of a universal maritime doctrine, applicable to all nations, and concentrated on what was relevant to the Soviet Union's particular circumstances. Emphasis was placed on the Navy's role as one component of combined military operations, on withholding engagement and on limiting the requirement to have command of the sea to those areas where it was essential for defence of the homeland. By comparison with contemporary navies, the Red Fleet had a disproportionate number of submarines, torpedo boats and naval aircraft, backed by coastal surveillance systems, and it relied on co-ordinated attacks relatively close to shore.

This concept of maritime defence was never tested, since the German Army overran Russia by land, outflanking the naval defence, while the Luftwaffe established control of the air. But it had considerable relevance to the threat which faced the Soviet Union after the war, when her opponents were the 'traditional maritime powers' who had just demonstrated their capacity to project and sustain continental scale armies over vast distances of sea. These were the same powers who had brought intervention forces by sea in an attempt to crush the Revolution, and now, twenty-five years later, the threat of maritime invasion seemed very real. The Baltic Coast flanked her lines of communication to her forces in the West, while the Black Sea gave directly on to her industrial hinterlands, with the axes of advance paralleling the natural defensive barriers.

The Navy again received high priority, and to Maritime Defence of the Homeland, was added the task of bringing the Soviet Union's nuclear weapons (then under development) to bear on the United States. Being the only available weapon, the submarine torpedo was the original delivery vehicle, but by 1949–50, the feasibility of using submarine-launched ballistic missiles (SLBM) was confirmed. A nuclear warhead for a torpedo was probably developed by 1954 and an SLBM by 1955. The Navy was given priority in reactor development, and within the fleet, nuclear propulsion was reserved for the task of strategic delivery; the first series-production nuclear submarines were delivered in 1958 (N-Class SSN and H-Class SSBN).

CONCEPTS OF OPERATIONS

The concept of operations in support of the traditional mission of defending the homeland against attack from the sea, has undergone four distinct shifts since 1945, reflecting developments in the West's maritime capability and the Soviet Union's changing appreciation of the threat, but they all reflect the underlying approach of the 'New School' strategy.

In 1945, when they reviewed the outcome of the preceding six years of naval warfare around the globe, Soviet leaders found that their prewar preference for the submarine-torpedo and the aerial-bomb had been confirmed; they saw no reason to change the main features of naval strategy which had evolved by 1940, and in its main essentials the postwar plan carried on from where the prewar plan had been interrupted.

The Soviet Union still had the requirement to defend four separate fleet areas, and in 1946 she embarked on yet another Twenty Year Programme to build a fleet of forty cruisers, 200 destroyers and some 1,200 submarines.[1] Apart from 180 large-type submarines assigned to strategic delivery, the remainder of this force was intended to defend Russia against seaborne invasion. In its original form the plan foresaw the construction of fifteen new classes of surface ship of escort size or larger and eight new classes of submarine. Of these twenty-three different classes, only five of the earlier surface types ran to schedule, and by the half-way mark, all programmes had been radically adjusted.

After Stalin's death, Soviet national policy tried to break out from the dead-end of cold-war policies and to increase the Soviet Union's world influence by an outgoing policy of aid, trade and political penetration. This required merchant ships. But with one exception, all the major shipyards were fully occupied in naval construction, and at the same time, the mass-building programmes were placing a very heavy strain on many of the key sectors of the economy. The 1953–54 defence review led to a down-grading of the danger of maritime invasion, and the naval threat from the West was seen in more limited terms of nuclear strikes by carrier-borne aircraft, primarily against naval base areas. This was a very much reduced threat and encouraged the Soviet leadership to gamble on the successful development and application of long-range surface-to-surface missiles (SSM) to naval warfare, as the only means of escaping the requirement for very large numbers of individual units.

The current cruiser programme and the medium-type submarine mass-building programme were both abruptly curtailed and their successors cancelled. The current programmes of destroyer-size and below were allowed to run their course, but their successors (due for delivery between 1958–61) were cancelled. Only the strategic delivery submarine programmes (nuclear and diesel) ran-on as planned. Seven cruiser building ways were handed over to merchant construction, the other six having already been earmarked for the construction of nuclear submarines. Within three years, the naval budget had been cut by more than one half. The 1954 decisions were an important indicator of relative national priorities, since if the Soviet Union had allowed the original programme to continue (which by then included four aircraft carriers), they would have achieved a substantial surplus of naval capability over their essential requirements, as they saw them at that time.

Although the primary weapon was now a long-range missile armed with a nuclear head, the concept of operations was still based on coordinated attack by submarine, aircraft and surface ship, and the units concerned were programmed to begin delivery in 1962. The J-Class and *Longbin* SSM-armed diesel submarines (SSG), the *Kynda* Class missile-cruiser (to be followed by *Kresta*) and the *Badger C/Kipper* air-to-surface missile (ASM) system. Engagement was seen as taking place within range of shore-based air cover, hence surface ships were acceptable as launch vehicles, as were diesel submarines, which could transit on the surface.

THE STRATEGIC THREAT FROM CARRIERS

By 1957–58, the Soviet Navy realised that it had been geographically and technologically outflanked. The US Navy's A3D carrier-borne aircraft could reach Russia's industrial areas from the South Norwegian Sea and the Eastern Mediterranean; the US Navy's nuclear submarines were of much higher performance than the Soviet classes due to begin delivery; the US Navy was also establishing an anti-submarine area-defense system off its seaboard which would largely neutralise the Soviet strategic delivery units; the US Navy's *Polaris* would pose as additional strategic threat.

The maritime threat to Russia was once more a national rather than a single service problem and the repercussions on naval building were considerable. Neither the missile-cruiser nor the SSG were of much use when the encounter-zone was beyond the range of shore-based aircover, and all these programmes were cancelled. The relatively inferior performance of Soviet strategic delivery submarines and the threat of nuclear strike by carrier aircraft combined to cause the reallocation of nuclear propulsion to what was now the top-priority task of countering the carrier. The second generation SSBN was cancelled and the hull/propulsion unit was configured as an SSGN, making use of the J-Class weapon systems. Meanwhile the Soviet Union misinterpreted the future scale and nature of the *Polaris* threat, and saw it as a complementary weapon system to close the Northern arc, where principles of area-defence could apply.

The main requirement was to extend the range of helicopter operations, to achieve which two *Stalingrad* class (the *Sverdlov*-successor) cruiser hulls were adapted to build the *Moskva* Class anti-submarine cruiser. These were mainly interim measures, and the final answer had to await the third generation of nuclear submarines, which were projected at this time and due for delivery in 1968. These would include a nuclear submarine with a self-contained horizon-range missile system for use against the carrier and a much improved *Polaris* style SSBN. Meanwhile the Soviet Union adopted various other expedients such as basing W-Class submarines in Albania (1958) trying to set up a joint Sino-Soviet naval and air defence command (1957) and the stationing of intelligence units off the USA (1959).

THE INCREASED THREAT FROM POLARIS

By 1961, the Soviet Union had come to realise that the threat from *Polaris* was not limited to the Arctic, but that Western Russia was now threatened from 270° of arc, extending from the Indian Ocean through the Mediterranean to the Norwegian Sea, and that by the middle sixties, one third of the USA's nuclear strike capability would be seaborne. This generated a fundamental reassessment of naval policy which is discussed further below, leading to the decision that some form of permanent counter must be deployed against both *Polaris* and the US carriers.

In 1962, the Soviet Navy was ill-prepared for this radical reorientation of policy, both operationally and in terms of the necessary ships to implement the concept. Although primary reliance was to be placed on submarines and naval air, surface ships would be required in support, but their only surface-to-air missile (SAM) armed destroyer-type (the *Kashin*) was programmed to build at a mere two units a year. To ameliorate the situation, they undertook the major conversion of eight of the older *Kotlin* Class destroyers, and six of the *Krupnyj* Class missile units, into SAM-armed anti-submarine ships. This gave these ships a weapons performance comparable to the *Kashin*, for delivery during the latter half of the sixties.

In the longer term, they were somewhat better placed. They were already committed to a three-fold increase in their nuclear submarine building capacity, with the third generation of submarines due to enter service in 1968–69. Meanwhile, in the normal course of events, a new family of surface ships was scheduled to begin delivery in 1970, and the design of the larger type could be adjusted to reflect these changed requirements.

THE SHIFT TO FORWARD DEPLOYMENT

The last eight years has seen the Soviet Navy's progressive shift to forward deployment, as it attempts to counter the strategic nuclear threat which can now be posed from

---

Footnotes at end of article.

sea-areas 2,000 miles or more from Russia's frontiers. Admiral Gorshkov has admitted that the change has not been easy, involving as it did the organic restructuring of the Navy and the reorientation of traditional naval policy and operational habits, in order to meet this qualitatively new requirement.[2] The process still has some way to go, but the pattern of operations is now clear enough to identify the underlying concept of operations.

Posing a permanent counter. For the Soviet Union, the implications of the USA's shift to seaborne strategic strike systems went far beyond the intensification and diversification of an existing threat. Most serious was that naval units would largely escape the intercontinental nuclear exchange; the USA would therefore have the option of holding back their seaborne systems, in order to dictate the subsequent course of a general war. To foreclose this option, the Soviet Union had to provide for the destruction of these US naval units at the outbreak of war, irrespective of whether the effective reaction time would also be able to prevent the launch of strategic weapons. Since the destruction of all US units could not be guaranteed, the Soviet Union would need to develop its own SSB force in order to ensure that the post-exchange nuclear balance was preserved.

In formulating an operational concept to meet these specialised requirements, Soviet naval leaders chose to exploit the particular characteristics of nuclear-missile war at sea; (it is likely that the alternative of trying to match the West's maritime capability was dismissed as impractical for both military and economic reasons). The Soviet Navy requires to destroy Western strike units at the outbreak of war. To do this, the Soviet Navy does not need maritime superiority, because their naval units deployed to this task have only to survive long enough to discharge their weapons; if they are already within weapon range of their opponent, the requirement is limited to surviving a pre-emptive attack. Meanwhile, the free use of the sea which has enabled the peacetime deployment of US strategic strike units within weapon range of the Soviet Union, means that the Russians are likewise free to maintain their own naval forces within weapon range of Western units.

This operational concept, which can be described as 'posing a permanent counter under the protection of peace', underlies the extending pattern of Russian naval deployments since 1962, and points the way ahead. The decision to by-pass the basic naval requirement to be able to survive in a hostile environment, is particularly significant, and has allowed the Soviet Navy to base its future plans on the sustained mid-ocean support of units on forward deployment. It does not however reduce the vulnerability of such operations to interference from the West, and militarily, is only tenable in the context of mutual deterrence.

As a corollary of this concept, existing Soviet 'zones of maritime defence' (which only reached 200–300 miles from Russian shores), were extended to cover the more vital sea areas of threat, such as the Norwegian Sea and the eastern Mediterranean. This served to contest the right of Western strike units to use these seas unhindered, while allowing the Soviet Navy to apply some of their established tactical concepts of anti-submarine area defence, in their efforts to counter *Polaris*.

Countering the carrier. Initially this involved the close shadowing of Western carriers whenever they approached to within strike range of the Soviet Union, in order to provide target location data to Soviet missile units, which remained permanently within weapon range. In the Norwegian Sea and Pacific the requirement could be met by sailing units as the need arose, but to counter the carriers of the Sixth Fleet in the Mediterranean, a continuous Soviet naval presence was necessary. In the longer term, as sufficient nuclear submarines armed with horizon-range missiles become available for the task, it seems likely that Western strike carriers will be marked wherever they may be. Irrespective of their current employment, as long as US carriers carry nuclear weapons in their magazines, their potential threat remains.

Countering the Polaris *Submarine*. The problem of posing a permanent counter to *Polaris* is of quite a different order, reflecting the difficulties of initial acquisition and remaining in contact with a nuclear submarine, as well as the vast areas of sea from which missiles can be launched against Russia, including the Mediterranean, the eastern Atlantic and the Arabian Sea, as well as parts of the Pacific. The range of methods adopted by the Soviet Union has yet to be fully perceived, but it appears that they are trying to develop some combination of continuous tracking and area defence. The problems are immense, and in most respects they are at a disadvantage to the US Navy in this field. The Soviets lag both in nuclear submarine design and submarine detection systems, and are badly placed in terms of maritime geography. But limited prospects of sucess have never discouraged the Soviet Union from embarking on measures which she sees as essential to her national security, and there is little doubt that the Soviet Navy will continue to give priority to their efforts to counter *Polaris;* certainly, these provide the explanation for a large proportion of their distant deployments.

THE EXTENDING PATTERN OF SOVIET NAVAL OPERATIONS

The past decade of Soviet naval operations illustrates the progressive implementation of the long term operational concept. The appointment of Kasatanov[3] to the C.-in-C. of the Northern Fleet in February 1962, was one of several indicators of the reorientation policy which appears to have been decided during 1961. Preliminary moves were made in 1962, but it was not until 1963–64 that the shift to forward deployment became more widely noticed. The initial areas of attention were those from whence both *Polaris* submarines and aircraft carriers could launch strikes against Russia; the eastern Mediterranean, the Norwegian Sea and equivalent areas in the Pacific. This was partly because the Soviet Navy already had some form of counter to deploy against the carriers, but also reflected their policy of trying to achieve a *de facto* extension of the Soviet Union's maritime frontiers, by maintaining a naval presence in those sea areas of most immediate defensive concern to Russia. After five years of steady if slow progress in these areas, the Soviet Navy turned its attention to the sea-route between the USA and the Mediterranean, and then to the Arabian Sea.

The Mediterranean deployment. The greatly increased range of seaborne strategic weapons has meant that the eastern basin of the Mediterranean is now in many ways of greater defensive concern to the Soviet Union than her northern seas. Moscow is equidistant between the two, but whereas population and industry thin out to the north of the capital, to its south and east lies the greater part of Russia's industrial strength.

It seems probable that the 1963 announcement[4] that *Polaris* submarines were taking up station in the Mediterranean, caused the Soviet Navy to advance its plans to project a naval presence in the area, before it was properly equipped to do so. Although there was a progressive naval build-up from the initial sorties in 1963, their afloat support was not designed to work from open anchorages, and they were neither able to sustain year-round deployments, nor substantial numbers of ships on station. It was not until after the June 1967 war that the availability of sheltered berths for their support ships in Egyptian harbours, enabled a substantial jump in the average number of ships deployed. Throughout most of 1968–69, the Soviet naval squadron was maintained at about seven to ten submarines and eight to twelve surface combatants, the number rising when overlaps were arranged to allow for major exercises; since 1967, the Soviet Navy has also been able to maintain a year-round presence in the Mediterranean, although it is still considerably reduced during winter months. The Arab-Israeli war led to the use of Egyptian airfields in support of Soviet naval operations, by UAR reconnaissance aircraft and by Soviet ASW *Badger* units. Apart from marking the carriers of the Sixth Fleet, Soviet naval activity concentrates mainly on anti-submarine (i.e. counter *Polaris*) operations in the eastern Mediterranean.

Besides these attempts to counter the US strategic threat directly (which includes posing a threat by proxy, through the supply of naval arms to Arab states), Russia is also pursuing a policy of 'maritime exclusion', designed to cause the US Navy to cease (or limit) its operations in the Mediterranean. The Soviet Union has always sought to achieve *de jure* recognition that the Baltic and Black Seas were 'closed' or 'neutral' seas, and has never accepted the right of non-riparian powers to innocent passage in these areas, and she is now trying to extend this concept to the Mediterranean. She made proposals in 1958 and 1963 about non-nuclear zones, but in April 1967 Kosygin demanded the withdrawal of the Sixth Fleet, and this signalled a policy of deliberate harassment by Soviet naval units.

By November 1968, Russian was claiming that since she was a Black Sea power she was by definition a Mediterranean power, and she declared that the area should be designated a nuclear-free zone from which the Sixth Fleet would be excluded. This diplomatic offensive is having some effect in the area, and Jugoslavia and Algeria have separately suggested that both Russia and the USA should take their quarrel and their fleets elsewhere. It is probable that on balance, such a solution would be acceptable to the Soviet Union, if she could be certain that *Polaris* submarines would also be excluded.

Extending the fleet areas. The Mediterranean deployment can be explained in terms of extending the Black Sea Fleet's 'maritime defence zone' to encompass the sea area where the threat now lies. This is more clearly visible in the case of the Northern and Pacific Fleets.

For the former, the Greenland-Iceland-United Kingdom Gap is a natural topographical boundary between the Norwegian Sea and North-east Atlantic Basin, and appears to have been adopted as the outer perimeter of their Remote Offshore Defence Zone; it seems possible that the Baltic Fleet's Defence Zone has been similarly extended to take in the North Sea, in order to cover the southern flank. The NATO Strike Fleet exercise in the fall of 1964 provided the first opportunity for the Soviet Navy to challenge the West's undisputed presence in the Norwegian Sea. Meanwhile, from 1962 onwards, the Soviet Navy annual exercise in the area had become increasingly ambitious in scope and content. They are however still planned around the same scenario of defending the fleet areas against carrier strike fleets and *Polaris* submarines with amphibious landings in support of military operations ashore.

The Indian Ocean. The geographic advantages of the Indian Ocean for *Polaris* operations are obvious. The Arabian Sea provides good coverage of central Russia, just including Moscow, and the western part of China as well; submarines on patrol to the south of India can be deployed within

---

Footnotes at end of article.

twenty-four hours to concentrate on either country. If the Soviet Union were not already alert to the strategic dangers of the Arabian Sea, the announcement in May 1963 that the US Navy was to build a VLF station at Northwest Cape in Australia would have made them turn to their globe;[5] their concern would have been heightened by the agreement signed in April 1967, which gave the USA the right to build and use naval, air or communication facilities on the islands of the British Indian Ocean Territory.

The problem of posing any kind of counter to *Polaris* at this distance from Russia is considerable, but the pattern of operations suggest that it will not go unanswered. The initial Soviet naval deployment in the spring of 1968, was notable for the way in which the programme of courtesy visits to seven different countries required four long transits of the Arabian Sea, and for the excessive time spent on passage.[6] The second deployment at the end of 1968, which extended well into 1969, included a four-month period at sea by a submarine tender and two F-Class. This was comparable with the 1967 deployment in the Cape Verde area (see below) with the distinction that no missile support ship was involved; its absence is consistent with the operational requirement, since the problem in the Indian Ocean is limited to countering *Polaris*.

It may be significant that the two Persian Gulf ports were the only ones which featured in all three of the deployments up to mid-1969. The Persian Gulf brings a larger proportion of the key centres of the Soviet Union within range of the A-3 *Polaris* missile than anywhere outside the Arctic Ocean. Although its restricted waters are unsuitable for submarine operations, the possibility still exists. By encouraging a general build-up of naval activity in the area and the development of ASW forces by Iraq, the Soviet Union will ensure (at little cost to herself) that this area is excluded from the US Navy's strategic plans.

The Eastern Atlantic. In terms of nuclear deterrence, the Soviet Union would gain considerable strategic advantage from a naval capability on NATO's southern perimeter, along the Tropic of Cancer. Besides giving useful access to the Atlantic area, it would expose the route followed by US naval units deploying to and from the Mediterranean. It would also place Soviet naval forces in a blocking position should the USA wish to sail its carriers to the South Atlantic during the initial exchange.

In the summer of 1967, a Soviet submarine tender and a missile-support ship spent some five months in the general area of the Cape Verde Islands in company with a number of submarines. This is some 500 miles to the south of the USA-Mediterranean sea lane, and the northern arm of the Cape Verde Basin (which goes down to 20,000 feet) extends northwards as far as the Bay of Biscay, straddling the approaches to the Mediterranean.

It seems likely that this deployment was developing and evaluating operational techniques in preparation for the future deployment of some form of sustained naval presence in the area. This will probably include the capability for the mid-ocean support of nuclear submarines assigned to counter US carriers and *Polaris* submarines. This deployment was not necessarily related to subsequent naval visits to Nigeria and to Conakry in Guinea, and to Martinique and Barbados in the west, but the combination of these events is consistent with the strategic requirements.

CAPABILITIES VERSUS REQUIREMENTS

It is relative military power which is important, and the significance of the Soviet Navy's absolute strength can only be assessed in terms of Russia's essential requirements for maritime defence, and the capabilities of the navies which may oppose her. The development of Soviet naval policy since the war, which is evidenced by her shipbuilding programmes and the pattern of inter-fleet and longer range deployments, gives a clear idea of her naval requirements, which reflect her geopolitical situation and her position of maritime inferiority to the West. In the face of technological advances in maritime warfare, Soviet naval plans to build a fleet to meet these requirements have been continually disrupted. It is only recently, largely as the result of a pause in US naval development, that new classes of Soviet ships and submarines are being deployed to the tasks for which they were originally designed. To assess the capabilities of these forces it is therefore necessary to clarify the nature of the Soviet Navy's mission and supporting tasks.

Mission. Traditionally, the primary mission of the Russian Navy has been 'to defend the homeland', and although the nature of maritime warfare has undergone fundamental changes, there is ample evidence (including the statements of Soviet leaders) that this still pertains today, although it is now set in the context of mutual deterrence and general nuclear war. It is this basic mission which, over the years, had dictated the size and composition of their fleets, and the characteristics of their naval units. Before 1958, the nature of the maritime threat to Russia meant that (apart from strategic delivery) primary naval requirements were limited to operations in the four fleet areas, and these would take place following the outbreak of war. But the introduction of nuclear weapons and long-range delivery systems has radically altered the operational scope of the Navy's traditional mission. To defend the Soviet Union against attack from the sea now requires the Soviet Navy to operate in remote areas at a great distance from Russian shores.

Tasks. In support of its mission, the Soviet Navy now has to discharge five primary tasks:

(a) To counter the *Polaris* submarine.

(b) To neutralise the strike carriers prior to aircraft launch.

(c) To contribute to the Soviet Union's strategic delivery capability.

(d) To gain command of the four fleet areas, particularly the Baltic, Black and Barents Seas.

(e) To provide maritime flank support for land operations along the coastal axes.

There are of course many other ways in which Soviet naval forces can or would be used, particularly after the outbreak of fighting. But these five primary tasks have precedence, both chronologically and in determining the design specification of new classes of ships. And although all submarines have an antisurface capability, attack on sea-communications is not among these five tasks, all of which must be discharged during the initial nuclear exchange, or earlier.

The last two are traditional tasks, whose underlying nature has changed little, although the geographical scope has been somewhat extended, and it is assumed that operations will take place in a nuclear environment.[7] The first three derive from the availability of nuclear weapons and the increased range of seaborne delivery systems, and it is these tasks which embody the special characteristic of mutual deterrence and nuclear-missile war, of which the most significant is the force-consuming requirement that these tasks must be discharged continuously in peacetime, at a wartime level of readiness.

The Soviet Navy's capability to discharge its tasks. In assessing its requirement to establish command of its fleet areas at the outbreak of war, the Soviet Navy must take account of the naval forces of adjacent countries, and also of their reinforcement by other navies at short notice. To this must be added Russia's traditional sensitivity about her territorial integrity in peacetime, and the Soviets police their sea-frontiers as assiduously as their land ones. Together, these require the peacetime deployment of substantial forces in each of the four fleet areas. All the older Soviet naval units gravitate to this traditional task, and it normally takes the bulk of new-construction of escort size and below, and a substantial share of the submarine force. For the last few years, however, many of the escort ships have had to be diverted in support of the Mediterranean deployment, and the Soviet Navy also faces the block obsolescence of the medium- and small-type submarines, assigned to this task. Both these deficiencies should be corrected as the current generation of new construction begins to join the fleet. Nevertheless, taking account of Russia's lengthy coastline, the geographical separation of the four fleet areas, and the scale of the potential opposition, it would not appear as if the Soviet Navy has any disposable surplus of *effective* combat units over its requirements for this task.

Any Soviet concept of operations covering general war in Europe must provide at some stage for the seizure of the exists from the Baltic and Black Seas, and amphibious landings along the Norwegian coast. The nature of their exercises, and the size and shape of Soviet amphibious forces, denotes that they are tailored for this particular task, and the characteristics of their landing ships are not such as to suggest a more far-ranging concept of operations. The steady provision of such units has been consistent since the middle fifties, and there has been no sudden build-up, except in Western awareness; the reactivation of the naval infantry in 1963 reflected the increasingly specialised nature of amphibious operations, particularly in nuclear war, and (to quote Gorshkov) their task is to take part in operations conducted jointly by the navy and the army in the maritime areas.[8]

The deployment of empty landing ships to the Mediterranean since the disastrous Arab-Israeli war, suggests an understandable concern to salve the more important (or highly classified) items of specialised Soviet equipment should the future need arise.

Turning from these two traditional tasks, it is apparent that the disadvantages of geography severely handicap the Soviet Navy in its requirement to counter the West's seaborne strike capability and the long-term prospects of success depend partly on the Russians' progress in providing means for the sustained support of distant deployments. The other major consideration is the technological balance between the two sides; the relative capabilities of weapon systems and sensors, and the skill of those who use them is particularly important when mounting deterrent operations in peacetime, because the requirement to elude or remain in contact is continuous, and cannot be disposed of by a single well-aimed (or lucky) blow.

In assessing Soviet naval capabilities, we should pay due regard to the evidence of their cancelled warship-building programmes,[9] which indicate that in Russian eyes at least, the designed performance of such classes was inadequate to meet the changed requirements since they were projected. We should also allow for the Soviet policy of sending new weapon systems to sea as production prototypes, before they are fully combat-operational.

The first generation SSM system (*Strela*) mounted aboard the *Kildin* and *Krupnyj* class, provides examples of both. *Krupnyj* was selected for conversion to the *Kanin* class of ASW ship because it had the most modern hull/propulsion unit available (1958 vintage); the removal of both SSM mountings was however significant, and it is doubtful if *Kildin* has any real military capability

---

Footnotes at end of article.

outside a limited range of circumstances within shorebased air cover. Indeed, the cancellation of the *Kynda* programme and the recent employment of this class on naval visits, suggests that one of the more important functions of these missile units is to fill the flag-showing role which Khrushchev so contemptuously assigned to the *Sverdlovs*, and for much the same reasons.

The comparative capability for submarine warfare is of course crucial, particularly when submarine is pitted against submarine as in counter-*Polaris* operations. Partly because of the very different priorities during the first fifteen years after the war, the Soviet Navy lags behind the United States in the science and technology of nuclear submarine design, and in the performance of their submarine detection systems. Judging the latter by reference to the associated AS weapons mounted in surface warships, it would seem that the Soviet Navy is still some five years behind the West in ASW systems. Recent statements from America suggest that the family of third generation nuclear submarines now entering service with the Soviet Navy still lags behind their US contemporaries, and new types of US submarines with much improved performance have recently been authorised. These disparities in ASW and submarine warfare compound each other to the United States' advantage, and combine with the West's favourable geographical location to give the US Navy an appreciable lead in this vital field of maritime warfare, which figures so largely in the Soviet Navy's concept of operations.

Cruise missiles are another major factor in comparative capabilities and their widespread application by the Soviet Navy introduced a new dimension to war at sea, providing a heterogeneous range of naval units with the stand-off capability and weight of charge required to sink a major warship. The Soviet Navy was however unfortunate in its 1954 decision to concentrate on long range (100–300nm) SSM. Although long range was a prime attraction of the system within the original geographically-restricted concept of operations, it has turned out to be a serious disadvantage for wider use. It required bulk in the missile and its guidance radars, with resultant penalties in stowage, handlings and launching facilities, and reductions in self-defence systems. The limited airspeed and long time of flight makes the missile easier to detect and destroy while increasing the chance of material failure. The need for external target location data is a serious handicap, while the problems of co-ordinating time-on-target to achieve defence systems saturation, are considerable.

This is not to belittle the threat from long-range homing missiles armed with nuclear heads, which have to be knocked down well away from the force. But whereas the nature of naval weapons used to make it mandatory for the weapon carrier to be attacked (because it was virtually impossible to destroy the delivery weapon, be it shell, bomb or torpedo, once it had been dispatched), cruise missiles are akin to unmanned aircraft, and can themselves be destroyed, deceived or seduced. Long-range transonic missiles do in fact present a reasonably homogeneous air defence problem, where the greatest danger is systems saturation, from a well co-ordinated mass attack.

The Soviet Navy was not slow in appreciating the flexibility and other advantages of an ocean-going horizon-range system, with an organic target location capability, and the C-Class nuclear submarine is reported to carry such a weapon. Horizon-range systems can also be expected on the larger types of surface units which are due to enter service. Nevertheless, the lead time to develop counter-measures, which the original system gave the West, has been invaluable.

The vulnerability of Western carriers to long-range missile attack is largely related to their location. In the Norwegian Sea and similar areas, the threat from combined attacks could be formidable, depending on the number of missile units which survived to launch their weapons. In the Mediterranean the threat would be less complex, and should be within the capability of a carrier group's air defence envelope. Horizon-range systems considerably complicate the problems of defence. Details of the C-Class system have not been released, but it would be most dangerous to the West if it combined submerged launch with supersonic speed and a surface skimming trajectory.

Taking all factors into account, it seems that the United States lead in the field of submarine warfare will determine the extent to which the Soviet Navy can discharge its three deterrent tasks. At the moment the prospects are not favourable. Although the shift to forward deployment and the new classes of submarine joining the fleet will do something to improve the situation, the crucial lag in ASW and in submarine performance, combined with the West's geographical advantage, means that the US Navy is already capable of deploying a permanent counter against Russian SSBN, while the Soviet Navy is not yet able to reciprocate against *Polaris*.

While the final assessment must await the full deployment of Soviet counter-measures, it seems doubtful if they can ever be more than partially successful, failing some breakthrough in methods of submarine detection. Their lag in design and application must also tell against the effectiveness of the submarine component of their counter to the carrier, since it can itself be neutralised by an American submarine.

Nevertheless, some advantage has been gained. Although the US Navy still leads the Soviet Union in terms of numbers and comparative capabilities, the latter has partly redressed the balance of strategic deployment. The Soviet Union has achieved a *de facto* extension of her maritime defence perimeter, which has already complicated the US Navy's task and will cause an increasing diversion of effort.

The Soviet Union must however pay a penalty for this improvement in her defence against seaborne nuclear attack. Although primary reliance is to be placed on submarines, relatively weak surface forces are being drawn forward in support; these Soviet naval units, which ultimately have to rely on the protection of peace in order to discharge their tasks, are very vulnerable to Western counter-measures, particularly against their supply lines. The Soviet Union adopts an attitude of maritime truculence to disguise this weakness, but it should not conceal the fact that this forward deployment constitutes a dangerously exposed maritime salient, and the forces involved could be in hostage with the West.

The Soviet naval balance. The composition of her fleets, the pattern of their deployments and the statements of her leaders, all confirm that the Soviet Union has built a Navy for strategic deterrence and general war. Her navy is deficient in its capability to discharge three of its five primary tasks, and this deficit will probably persist, at least in the task of countering *Polaris*. Her surface ships can sail around the world in time of peace, but because of the unbalanced structure of her fleet which has been built to meet a particular threat, and the West's naval predominance, the Soviet Navy does not have the capacity to sustain general naval operations in a hostile maritime environment at a distance from Russia's shores. The Soviet Union currently lacks a worldwide maritime capability.

PROSPECTS FOR THE SEVENTIES

The fact that the Soviet Union has built a navy to discharge certain tasks does not rule out that these forces could be used to further Soviet interests in other ways. Nevertheless, the nature of strategic deterrence and of general war provides a powerful constraint on Soviet freedom of action.

The West is strangely unwilling to either accept or exploit this advantage. Although we always claimed that the United States' airborne and missile nuclear delivery capability had a determining influence on Soviet defence policy, and on the requirements for Soviet strategic strike and defence forces, there is a perverse reluctance to concede that the seaborne element of the Western capability (now about half the total) will have an equivalent effect on Soviet maritime policy, and the size and shape of their navy. This is partly because of the deceptive familiarity of naval units and maritime warfare, and a preoccupation with our own vulnerabilities at sea, but also because we are deeply imbued with traditional ideas on the use of sea power.

There is also a tendency to mistake the *mobility* of naval forces for the *flexibility* of seapower. Mobility is an important element, but the most crucial component of seapower is 'surplus' (whether overall or locally contrived) without which there can be no flexibility. The West's use of seapower since the war has depended on an overwhelming surplus, and the 'flexible' use of British naval force east of Suez has always relied on the NATO alliance to release a surplus, by covering the direct maritime threat to the British Isles.

The US example is of more specific relevance to the Soviet case, and demonstrates convincingly that the flexibility of sea power (even when there is an overall surplus) does *not* imply that naval forces can be diverted from tasks of strategic defence and deterrence in peacetime. Soviet naval forces deployed in this role cannot lightly be diverted in support of operations which will seriously raise tension with the West, since it is at times of crisis that the Soviet Union's concern for the security of the homeland becomes most acute.

Soviet maritime policy must reflect her position of naval inferiority to the West and her priority national interest in free access to, and use of the open seas in order to:

(a) Enhance her security by countering the West's maritime strike capability and by deploying her own ballistisc missile submarines.

(b) Increase her world influence and economic strength through trade, fishing, and the spread of political and commercial influence.

The furtherance of both these priority national objectives relies on continuing maritime stability and free access to the sea in conditions of peace. The Western maritime powers could control the sea-exits from Russia, and dominate the commercial and financial infrastructure of world trade, and it is within their capability to deny the Soviet Union the unfettered use of the sea.

There is no indication of the shift in the allocation of resources which would be required to redress the Soviet Union's position of overall maritime inferiority to the West. A comparison of Western and Soviet warship building programmes over the last twelve years shows Russia to be dropping progressively further behind the West in deliveries of major surface units.[10] Although this relative deterioration may be halted when the new family of surface classes begin to enter service, available evidence does not suggest the release of additional shipbuilding capacity to naval construction. The fact that the length of compulsory naval service was cut from four to three years in 1967, supports the conclusion that a build-up of naval surface forces is not planned at present. The three-fold increase in nuclear submarine construction is of considerable long-

---

Footnotes at end of article.

term significance to the West, but does not denote any shift in policy; Soviet leaders continue to place primary emphasis on the strategic role of nuclear submarines and aircraft, neither of which are general purpose types. Until 1968, the US Navy was in fact building nuclear submarines at a higher rate than the Soviet Union, and the latter has considerable ground to catch up, both in terms of her essential requirements and in order to deploy operationally effective units.

Future developments. We must distinguish between the main direction of Soviet naval policy, determined by the operational imperatives of their deterrent mission, and the minor variations, where the Soviet Union seeks to derive political benefits from the enforced presence of their naval forces, which have been drawn forward in strategic defence.

On present evidence, the shift to forward deployment has some way to go, particularly in the Indian Ocean and the central Atlantic, and the method which they have chosen to support these operations has major policy implications. The relationship between adequate forward support and the number of units maintained on station was demonstrated by the sharp rise in the scale of the Mediterranean deployment after Egyptian base facilities became available in July 1967. But in terms of countering *Polaris*, forward support facilities may be of even greater significance in permitting the use of surveillance and detection systems, which otherwise might not be made available.

On the basis of developments in the Indian and Atlantic Oceans, and the Mediterranean experience, there seems little doubt that mid-ocean afloat support will have a vital role to play in distant deployments. The important question is whether it will be able to carry the full load, or be limited to providing the forward echelon of shore-related facilities. It would seem probable that the Soviet Union would prefer to by-pass dependence on another state's territory if at all possible; Albania was only the most painful of many lessons on the fickleness of friends,[11] and her deepening physical involvement in Egypt can hardly be reassuring. But if the Soviet Union is unable to develop satisfactory alternative methods of providing for the sustained logistic and operational support of naval units on forward deployment, the advantages of shore-related facilities will become a major foreign policy consideration. In any case, the Soviet Union may well treat the willing availability of a convenient airfield or sheltered berth as a short-term bonus which should not be spurned.

Soviet naval intentions. The Soviet Union's intention is to counter the West's seaborne deterrent at two levels. At the tactical level, she needs to maintain forces within weapon range of Western strike units, capable of killing on command. The requirement is vast America has sixteen strike carriers, and two new units (nuclear powered) are in hand. There are forty-one US *Polaris* submarines, which can strike at Western Russia from vast areas of ocean and 270° of arc; Britain has four more. Thirty-one of the US boats are to be fitted with *Poseidon*. In both cases the initiative for deployment lies with the US Navy, and the transit time with the Russians. At the politico-strategic level she needs to challenge the US Navy's right to the unhindered use of the sea, and to try to cause it to withdraw from areas of particular strategic threat to Russia, such as the eastern Mediterranean. This is done by diplomatic manoeuvre, by seeking the support of countries bordering the area, and by projecting a Soviet naval presence into these waters. Their ships adopt an attitude of maritime truculence, both to emphasise their superior right to be there, and to distract attention from the exposed nature of these deployments.

The fact that the Soviet Navy has been drawn forward in strategic defence, and that it was forced to deploy before it was ready to sustain such operations is important in assessing how the Soviet Union may try to exploit the presence of naval units. All the evidence suggests that in the absence of any threat of seaborne strategic strike, Soviet leaders would have been unwilling to divert resources to naval construction beyond those necessary for traditional maritime defence. The Soviet Union wished to use the sea for her various purposes, but it did not follow that she needed to deploy conventional naval force at sea. Within the prevailing balance of military capabilities, this did not appear to be either a useful or a cost-effective instrument of policy, by comparison with the political and socioeconomic alternatives available to the Soviet Union. Even now, the scale of naval construction is no more than adequate (if that) to meet her essential requirements. In other words, there is no Soviet drive to build up a powerful fleet, equivalent to the drive which underlay Japanese expansion in the Pacific, or Hitler's military policy in Europe. While the Soviet Union accords the highest priority to deploying an effective counter to the West's strategic strike capability, the degree of Soviet commitment to exploiting the presence of her naval forces in distant areas is limited.

The task of speculating how these naval forces might be used is left to the reader. In doing so, he is urged to approach it from the viewpoint of a Russian planner who is primarily concerned to further Soviet interests rather than inconvenience the West; to pay due regard to the wider aspects of Soviet policy, including internal economic and social problems, continuing unrest in the satellites, the enmity of China, and the need to demonstrate to the world that the Communist social and economic system is more efficient than the West; and to allow in his calculations for Western maritime predominance and the type of Western reaction which the Soviets would have to assume. In particular, he must get down to the details of comparative capabilities and to the factors of time and distance, varying transit speeds, weapon loads, logistic support and operational availability. The broad brush approach can only lead to error, and thence unnecessary alarm.

The impact of Western policy. Nothing which has been said is intended to suggest that the Soviet Navy, if allowed to develop uncountered, would present anything but a very real threat to Western interests. In absolute terms it is a powerful force and its submarine fleet in particular is of major and increasing significance. Nor can one disguise the fact that the Soviet Navy's shift to forward deployment has brought disadvantages to the West, introducing another factor into our foreign policy calculations, complicating the operation of our naval units and bringing propaganda dividends to Russia. Nevertheless, it remains a fact that Soviet naval policy has been conceived in response to the greatly superior maritime capability of the West. For that reason, the employment of Soviet naval units will always be conditioned, and often be dictated, by the prevailing maritime policy of the West, by the way in which we deploy and operate our forces, and by the apparent degree of our commitment in different situations.

There is little likelihood that the West will fail to provide adequate resources to contain this potential naval threat. More serious is the danger that extravagant reactions designed to publicise the Soviet threat, will obscure the certainty of our commitment and encourage the Soviet Union to maritime adventurism. The present ambiguous situation, where people talk of the sea as 'belonging to no one and to everyone' can only work to Soviet advantage, and we should clarify the distinctive nature of our interest in the sea, establish the primacy of this interest beyond doubt, and our determination to use our maritime superiority should need arise.

The extent to which the Soviet Union will seek to exploit her naval forces to extend her political influence, will largely depend upon her estimation of the speed and certainty of Western response. Although the Soviets hope to conceal the fact through the skillful use of propaganda, past performance and present capabilities confirm that Russia's flexibility of action and degree of commitment are both severely limited by an over-riding concern for her primary national objectives. Maritime confrontation in all its aspects of contesting possession, posing a permanent counter, the denial and defence of sea areas, is the priority requirement; to this all other naval usage must be subordinate. But even here, the vigour of the Soviet Navy's response will be tempered by an awareness that the primary national objective is to avoid war, and the naval task must always support, and never prejudice the attainment of this aim. The Soviet Union will therefore try to avoid confrontation whenever the West shows its determination to use military force to resolve an ambiguous situation. The Soviet Navy's forward deployment cannot be ignored. But its wider influence will be directly related to the extent the West allows it to inhibit our traditional freedom of action at sea.

COMPARATIVE WARSHIP BUILDING PROGRAMMES

While the difficulties and dangers of making generalised comparisons between the relative sizes and strengths of different navies cannot be over-emphasised, it is useful to compare the output of Soviet warship building programmes with contemporary new construction by her probable opponents. For comparative purposes, new deliveries are of much greater significance than total strengths, since they represent a relatively current allocation of national resources and hence reflect underlying policy. Furthermore Western shipbuilding programmes will have been a major factor in the formulation of Soviet naval policy.

Tabulated below are the new deliveries to the Soviet and to Western navies during the twelve years 1958–69.[12] This period has been selected as being a useful span, which also coincides with the beginning of the Final Delivery Period of the Soviet's Twenty Year Programme to rebuild their fleet after the war. Since we are primarily concerned with world-wide naval capability, the comparison has been limited to ships of over 1,000 tons and to ocean-going submarines, and only includes new construction, except for major conversions which significantly alter a ship's capability and represents a sizeable allocation of resources. On the Communist side of the account, all Warsaw Pact navies have been included, but in fact they have received no *new* ships within the categories concerned. On the Capitalist side have been included the NATO navies in the West (including France), and Australia, New Zealand and Japan in the Pacific. Communist China has not been included, since the Soviet Union cannot count on her as an ally, and in very broad terms her navy has been cancelled out against South Korea and Nationalist China, who are both excluded from the Western account.

It must be stressed that this tabulation provides for the comparison of resources allocated to shipbuilding, and the deliveries of very broad categories of ship; it does *not* provide for a comparison of naval strengths, since in war, like would not be pitted against like.

Any such grouping must be extremely arbitrary, particularly in the case of surface ships, but in both the Soviet and Western surface fleets there is a spectrum of types from the smaller to the more powerful units. The principle has therefore been adopted of grouping together those types which appear in the same relative position within the

---

Footnotes at end of article.

two different spectrums. This method flatters the Soviet Navy, since the Western spectrum is biased towards the more powerful end of the possible range.

NAVAL DELIVERIES, 1958–69

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
A. Soviet: Escort ships (1,050 tons)				6	8	8	8	8	8	8	8	8	70

These were designed for Defence of the Off-shore Zone. Their size limits their habitability and sea-keeping qualities, and hence their value as world-wide units.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
A. Western:													
Destroyers and escorts:													
(a) 1,200 to 1,800 tons	11	7	6	3	6	2	3	1	5	5	2	2	53
(b) 2,000 to 3,500 tons	16	10	6	11	6	14	12	10	12	13	8	8	126
Of which United Kingdom	(5)	(1)	(5)	(6)	(2)	(7)	(4)	(2)	(4)	(3)		(6)	(45)
Total	27	17	12	14	12	16	15	11	17	18	10	10	179

Only the 1,200–1,800 ton escorts are really comparable to the Soviet units.

The heavier range of Western escorts and destroyers are more properly comparable to the Soviet units in category B. These Western units have only been listed here because they do not carry SAM (but the aircraft carriers are on *their* side). Their ASW capability is in general superior to the Soviet types in category B.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
B. Soviet:													
Antisubmarine ships:													
(a) "Kashin" (3,500 tons)				1	2	2	3	4	1	1	1	1	16
(b) Conversions ("Kotlin, Krupnyi")									1	2	5	5	13
Total				1	2	2	3	4	2	3	6	6	29

These are the traditional 'destroyer-size' type of ship, for which SAM is now the standard fitting, to permit distant deployment outside the range of shore-based air cover.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
B. Western:													
SAM armed units:													
(a) DLG		1	5	4	4	9	3	3	6	4	1	1	41
Of which United States		(1)	(5)	(4)	(2)	(6)	(3)	(1)	(4)	(4)			(30)
(b) DDG/DEG			2	6	7	5	5	3	1	7	4	3	43
Of which United States			(2)	(6)	(7)	(4)	(4)		(1)	(4)	(1)		(29)
Total		1	7	10	11	14	8	6	7	11	5	4	84

These span a very broad range of size and capability. Units listed within the US category of DLG, include ships classified as light cruisers by some Western navies.

By restricting this category to SAM armed units, Western predominance in the field of 'destroyer-size' category of naval unit has been understated. This maid-of-all-work type of general purpose naval unit, now covers Western ships from 2,000 tons right up to the light cruiser size of DLG.

The above comparison of building rates has no bearing on the West's relative *requirement* for this type of ship. This is related to the Soviet submarine threat, and the need to provide general escort to major naval units against all forms of attack.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
C. Soviet: SAM cruiser conversion					1								1

The *Dzerzhinskij* carries the original land-based *Guideline* SAM system, and no further units were converted. This ship is probably of marginal operational value.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
C. Western:													
Cruisers:													
(a) SAM conversion				1	3	1							5
(b) New gun cruiser		2	1									1	4

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
D. Soviet: Antisubmarine SAM-armed cruiser										1		1	2

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
D. Western: SAM-armed cruisers				1	2	1						1	5

These units are not really comparable. The Italian *V. Venito* has a similar type of capability to the *Moskva*, but on a smaller scale.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
E. Soviet:													
Missile units:													
(a) Missile cruisers					1	2	1			2	2	1	9
(b) "Kildin, Krupnyj"	2	1	1	1									5
Total	2	1	1	1	1	2	1			2	2	1	4

Krupnyj are being converted to SAM-armed anti-submarine (*Kanin*), and only the *Kynda* and *Kresta* class missile cruisers are operationally significant.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
E. Western:													
Attack carriers:													
(a) Light		1		1		1							3
(b) Heavy		1		3			1	1			1		7
Total		2		4		1	1	1			1		10

Although these two categories are not comparable, it is of interest that the West built more attack carriers during the last twelve years than the Soviets built missile cruisers.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
F. Amphibious units:													
Soviet:													
Alligator LSV (4,000 tons)									2	2	2	2	8
See also "Moskva"										(1)		(1)	(2)
Western:													
(a) LPH			1	1	2	1		1	1		1	1	9
(b) LPD					1	1	1	3	1	3	1	4	15
(c) LSD												1	1

The *Alligator* LSV is in no way comparable with these major Western amphibious units; its closest equivalent would be a large LST, which have not been included in the Western account.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
G. Submarines:													
Soviet nuclear	5	6	5	6	5	6	5	6	5	6	10	15	80
Western nuclear	2	3	4	7	5	9	17	4	10	11	6	11	89
Soviet diesel	15	15	15	17	16	11	8	8	2	2	4	16	129
Western ocean-going diesel	3	4	6	7	9	3	5	5	2	4	3	5	56

All Western diesel submarines are torpedo armed. Soviet diesel units include ballistic and cruise missile armed boats.

H. COMMENT

Soviet surface ship construction has lagged far behind the warship deliveries of their potential opponents, both in numbers and in capability; the Soviet scale of destroyer-size new-construction has been almost derisory. This table does not suggest the type of warship building programme required to challenge the West's world-wide, general-purpose maritime capability. Although deliveries of major surface units can be expected to increase substantially after 1970, this will only serve to check the present deteriorating balance.

The comparative submarine figures confirm what has been frequently stressed by Soviet military leaders, namely, that their submarine force is their primary weapon against the maritime threat from the West. It is however of interest to note that until the end of 1967, the annual building rate of nuclear submarines was higher in the USA than in Russia. Since then, the Soviet rate has risen to about fifteen nuclear and twenty diesel submarines a year.

FOOTNOTES

[1] Details of the postwar building programmes are summarised in the paper on 'Soviet Naval Procurement'.

[2] *Krasnaya Zvezda*, 11 February 1968.

[3] On Fokin's death in January 1964, Kasatanov became Deputy C.-in-C. of the Soviet Navy.

[4] *New York Herald Tribune*, 1 April 1963.

[5] VLF is taken to imply communications with submerged submarines.

[6] Preliminary deployments by naval hydrographic units would have taken place prior to this, i.e., before the British decision to withdraw from East of Suez.

[7] A design feature of the new classes which began delivery in 1961–62, is their apparent capacity to remain fully combat operational in nuclear fallout.

[8] *Pravda*, 11 February 1968.

[9] The paper 'Soviet Naval Procurement' provides details of such programme.

[10] See pp. 47–50.

[11] The Soviet Navy was not only ejected from Valona, but forfeited four submarines in the process.

[12] Western figures have been derived from Jane's. Soviet figures are taken from the shipbuilding analysis underlying the paper on naval procurement; the figures at A derive from dividing current OOB by the number of years since delivery started.

POLITICAL APPLICATIONS OF LIMITED NAVAL FORCE

(By James Cable)

On 6 May 1937, as General Mola's troops inched their way towards Bilbao, two ancient Spanish merchant ships crept out of the harbour and headed for the open sea. On board were 2,500 Republican refugees, mostly children, hoping to find refuge in France from the wrath to come. Their voyage had scarcely begun before it was checked by a peremptory summons to heave to from the Nationalist cruiser *Almirante Cervera*. Fortunately for the children she was not the only warship patrolling off Bilbao that day. As the startled passengers watched, HMS *Royal Oak* interposed her massive bulk between their ships and *Almirante Cervera*. The latter flashed an indignant signal:

'I got orders from my Government to stop any Spanish ship leaving Bilbao. I protest if you stop me in the exercise of my rights.'

Royal Oak replied: 'I have orders from my Government to protect them on the high seas.' [1]

A battleship was a battleship in those days, and after a few more signals had spluttered to and fro, *Almirante Cervera* sheered off and the children continued on their way.

That was a long time ago, and the reader may wonder what this story has to do with the political application of limited naval force by the Soviet Union. There are several answers to that question. First of all, the importance of Soviet naval activity in 1937 was the importance of what the dog did in the night: nothing. By that date 84 Soviet ships carrying arms to the Republicans had been stopped by the Nationalists. Some of them had even been sunk. As Admiral Kuznetsov later explained: 'We lacked the necessary warships and logistic support ships. At that time it became particularly apparent how important the sea is for us and how we need a strong navy.' [2]

The second answer is that *Royal Oak's* intervention was a classical case of the political application of limited naval force. Not a shot was fired, there were no threats, no ultimatums: just a better ship at the spot where one was needed. But *Royal Oak* had to be there. The strength of Britain and her prestige, such as it was in those days, were of no avail whatever if no British warship happened to be on the scene. Nearly 150 air attacks were made on British ships during the Spanish Civil War and British protests were just as ineffective as those of the Soviet Union.

The third answer is that *Royal Oak* was never built for rescuing Spanish children. The politicians and the naval officers who attended her launching in 1914 would have ridiculed the mere suggestion that this was a battleship's role. *Royal Oak* was meant to fight the German battle fleet. But from 1936 to 1938 she happened to be available, and her existence was more important for these unexpected peacetime tasks than it had been in 1916, when her presence at the inconclusive battle of Jutland probably made not the slightest difference either way.

So here we have the first argument: in time of peace a superior warship on the spot can achieve results not obtainable in other ways and without regard to the purpose for which the ship was built. What counts is the existence of the Soviet Navy, not the original motives of its builders. To be precise, what counts is the existence of ocean-going surface warships, because submarines are not much use in peacetime, when the object is to threaten force rather than use it and, if you have to employ violence, to do so at a level which will not provoke war. Now the Soviet Union has over 200 surface warships large enough to sail the oceans, and more and more of them have actually been doing this in recent years. Yet—and here we move from the first argument to the first objection—it is suggested that she has no surplus capacity for peacetime use. These ships cannot be diverted from the maintenance of instant readiness for their tasks at the outset of general nuclear war.

This is hard to swallow—and not only because some of the ships (the 11 cruisers, for instance) would be of rather limited value at the outset of a nuclear war. There is an even simpler argument. From 1967 onwards there have always been Soviet surface warships in the Mediterranean. In November 1968 there were as many as 18—fighting ships, that is, not tankers or landing craft. At the same time three more ocean-going warships were making a leisurely cruise of the Indian Ocean.

Twenty-one major warships, therefore, had been diverted from the four main Soviet fleets to other purposes. Now, some objectors call this forward deployment, and argue that the ships in the Mediterranean had a wartime role; to sink American carriers and Polaris submarines before these could launch a nuclear strike. No doubt they would attempt this if war did break out, but is this Soviet role either important or possible? It is, after all, uncertain whether the carriers of the US Sixth Fleet still play a part in the American nuclear deterrent. If they do, it is a very minor one. Even the three Polaris submarines usually in the Mediterranean are only a tenth of the force always at sea. The most the Soviet Mediterranean squadron could hope to achieve would be minor damage-limitation.

But most people believe they could not even do this; that missiles and bombers would be away before Soviet surface ships could do any damage, that the presence or absence of Soviet surface ships in the Mediterranean would make no significant difference to the nuclear devastation of the Soviet Union, which would have to be limited, if at all, by the efforts of the modern Soviet submarines now being deployed.

Of course, a Soviet Admiral might be more optimistic. But, if this is his constant, his priority, his indispensable task, why does the number of fighting surface ships in the Mediterranean fluctuate so much? Once as low as four, once as high as eighteen, usually eight to twelve. Why do ships spend so much time in Arab ports? Why are there not always a couple of ships with surface-to-surface missiles to mark the American carriers? I find it hard to believe that, out of our previous figure of twenty-one, at least ten could not be spared. Then there is the Black Sea Fleet, with a strength estimated by the Americans at 'about seven cruisers, at least 50 destroyers, frigates and escorts, plus two helicopter carriers (70 ships total)'.[3] What are all these ships going to do at the outset of a general nuclear war? Even the Soviet Government cannot be expecting the Sixth Fleet to come through the Bosphorous or the Turks to invade the Crimea.

Therefore, even if most of the Soviet surface warships are earmarked for instant availability in war, I cannot believe that all of them are. At the very least, this seems to me too rash an assumption for any Western planner to make. It is, after all, the stronger navy that needs to hoard its ships for victory. The weaker navy is going to be beaten in any case and can afford a gamble, as the Germans did when they sacrificed much of their navy to conquer Norway.

And that was in wartime. In peace governments who employ limited naval force seldom expect this to lead to serious fighting. They can afford greater risks.

Indeed, if we are to question the resources of the Soviet Navy, the lack of aircraft-carriers and of overseas bases are more serious weaknesses than any shortage of numbers. The two highest categories of peacetime naval operations—the opposed amphibious and the superior fleet—are beyond their capacity in most circumstances. And however much they develop their fleet train, they will find it difficult to maintain a permanent naval presence in distant seas unless they pay the sometimes heavy political price of establishing overseas bases. But these are weaknesses less relevant to the area we are now discussing. And for lesser operations involving only an imposing show of strength, the Soviet Navy does not

---

Footnotes at end of article.

seem to be so badly placed as is sometimes suggested. Last year, for instance, a Soviet naval force of 29 ships, including one *Sverdlov* cruiser, two *Krestas*, two *Kashins*, two *Kotlins* and two *Rigas*, passed the Orkneys on their way to Atlantic exercises to the west of Ireland.

But if the Russians could spare the ships, what can warships do in peacetime anyway? Is not the whole concept of gunboat diplomacy something that went out with Queen Victoria? As a matter of cold, historical fact, it did not.

The use or threat of limited naval force, otherwise than as an act of war, in order to secure advantage, or to avert loss, either in the furtherance of an international dispute or else against foreign nationals within the territory or jurisdiction of their own state, has occurred in every one of the last 50 years with the single exception of 1944, when almost the whole world was at war.[4] It has been used by twenty-four countries against 52 separate states, some of whom did not even have a coastline. From 1960 to 1969 there were at least two and usually more instances every year.

There is an infinite variety of applications, from the single-ship operation in which individual warships threaten or use force in circumstances where no resistance is expected, through the *Royal Oak* type of superior ship operation, the simple fleet—where, as in the case of the Beira patrol, no serious opposition is likely—the simple amphibious (*Centaur's* intervention of 1964 in Tanganyika) to the rare and difficult cases of a superior fleet over-awing another or an amphibious task force carrying out an opposed landing. Nineteen sixty-three, for instance, provided several minor examples. Brazil deployed eight warships to persuade France to withdraw the destroyer *Tartu* from the lobster fishing grounds 60 miles off the Brazilian coast—a superior ship operation. The *USS Boxer* anchored off Santo Domingo ready to rescue Vice-President Johnson in case of trouble during his visit to the Dominican Republic. The same carrier with a task force and 2,000 marines stood by ready for an opposed amphibious landing, which proved unnecessary, in Haiti. Two Cuban warships put a landing party ashore on a British island in the Bahamas and seized nineteen Cuban refugees and two fishing boats. It goes on all the time.

Gunboat diplomacy, no less than other varieties, fails more often than it succeeds. It is only suited to a small minority of international disputes. Some of its uses—to convey a message, for instance, or to relieve injured feelings—may seem rather futile. But very occasionally it is a precision tool that achieves its end more economically than anything else. The North Korean seizure of *Pueblo*, for instance, was an entirely successful and definitive use of limited naval force against a super-power. American intervention in the Dominican Republic was a good deal more expensive, but it did in the end achieve what President Johnson wanted.

Moreover, there is a new factor in the modern world: the general fear of nuclear war. Once upon a time Britain almost went to war with France because a French cruiser had turned its guns towards a British cruiser.[5] Nowadays nations either answer minor violence in kind or else put up with it. Not a single war has been declared since 1945, but limited force has flourished as never before. It may not often achieve its purpose, but it is used and it is likely to go on being used—mostly, perhaps, on land, but also sometimes at sea.

But, even if other countries can play this game—and there are many more now than there used to be—can the Soviet Union? Will not anything done by the Soviet Union be regarded as an anti-Western move and countered by the superior naval force of the United States and their Allies, to say nothing of the American nuclear deterrent? In some cases, of course, this will be true. The West has the advantage at sea which the Soviet Union has on land. When twelve Russian armoured divisions entered Hungary in 1956 the United States could be as shocked as they liked. The whole of NATO didn't have half that number of tanks. It was a case of rockets or nothing, and, as the Soviet Union had doubtless calculated, it was nothing. But something else was going on in that same dying autumn of 1956. A 10-knot convoy was heading towards Port Said. The Russians were furious. They said 'we are filled with determination to crush the aggressors'.[6] But once again it was rockets or nothing and even the threat of rockets cut no ice. That was one thing the United States were not going to stand for.

But, suppose there had been a Soviet squadron in the Mediterranean then and that, instead of a little half-hearted harassment from the Sixth Fleet, the Anglo-French convoy had found half a dozen Soviet cruisers between them and Port Said, daring the convoy to shoot its way through. Would Sir Anthony Eden have given the order? Defying a Soviet threat to bombard London is one thing; attacking Soviet warships with the rest of the world against you is quite another.

This is not an entirely fantastic suggestion. In January 1968, after Mr. Rusk had described the seizure of the *Pueblo* as 'in the category of actions that are to be construed as acts of war'[7] and an American task force had assembled in the Sea of Japan, the Soviet Navy sent sixteen ships between the Americans and the coast of North Korea. These ships could not have prevented the bombing of North Korea, they could not even have defended themselves—only half were fighting ships—against three American carriers, three cruisers, twenty-six destroyers. But their presence conveyed a message: the Soviet Union was concerned and was ready to run some risk to make that concern quite clear. The American task force dispersed without doing anything.

That is one possible use of Soviet warships—to put a half-hearted Western power in a position where the West must shoot first or else back down. Another is to intervene in a dispute which does not particularly concern the West. It is not true that the United States can be expected to oppose everything the Soviet Union does. Soviet arms were supplied to Nigeria (which was also visited by Soviet warships) for years without persuading the United States to help Biafra. And, in the 1970s, with the United States in a withdrawing mood, there will probably be a number of countries outside the American sphere of influence where Soviet warships could help one brand of Communists against another without the American Navy interfering. Of course, the United States would make a propaganda fuss, just as they did over Czechoslovakia, and the Soviet Union did over the Dominican Republic. But, within reason, each super-power allows the other to discipline its own clients.

Nevertheless, and here I come to the last of my four objections, the Soviet Union is a land animal and has only used limited force in peacetime across its land borders. Even the naval battles of 1929 against the Chinese and of 1937 against the Japanese were fought in rivers. Or, to put this another way, Soviet use of force has always been intended to defend their frontiers or their adjacent zones of influence. Their operations overseas have employed diplomacy, propaganda, logistic support, subversion, but never—except in Cuba—the Soviet Armed Forces. Even if they now have a navy, why should they use it instead of continuing to rely on the well-tried and often successful methods of the past?

One reason might be that a fundamental change has taken place in the international posture of the Soviet Union. She is no longer a revolutionary power with nothing to lose, and much to gain, by helping other people to upset apple-carts which all belonged to someone else. For most of the two decades after the Second World War the Soviet Union swam with an advancing tide that was steadily demolishing the sand-castles of privilege, of feudalism, of alien capitalism and of European imperialism. In Eastern Europe, in China, in the Middle East, in south-east Asia and in Africa the old order was already under attack and only limited Soviet assistance was needed to complete its destruction.

National liberation, whether from native oligarchies or from foreign domination, was an objective which was widely, sincerely and independently pursued. It suited both the interests and the ideology of the Soviet Union and, as long as the struggle continued, involved no major conflict of purpose between Soviet state interests and those of the subject peoples. It didn't even matter what their ideology or their objectives were: the proletariat must support bourgeois liberation movements in colonial countries.[8]

But that was said in 1957 and this phase has largely come to an end. What is more, in the otherwise advantageous process of expelling or eroding hostile influences, the Soviet Union has acquired responsibilities and commitments of its own. These may be different in conception, even in their objective nature, from the relationships they replaced, but they confront the Soviet Union with problems that were familiar to the former Great Powers and that still perplex the United States. It is in Eastern Europe that the liabilities of the Soviet Union's new posture are most obvious, because it is there that time has completed the transformation of revolutionary Russia into the jealous guardian of the *status quo* and the anxious upholder of painfully acquired influence and authority.

Outside Europe the process is less advanced; but countries already exist where radical change, instead of helping the Soviet Government, could be acutely embarrassing to them. They may not derive much benefit from their links with Algeria, Syria and Egypt, but, in the eyes of the world, these are Soviet clients and the overthrow of those governments, even by their own people, could be a blow to the prestige of the Soviet Union. Moreover—and here I am treading on more speculative ground—there is some evidence of resentment in Russia itself at the excessive independence of the overseas recipients of Soviet aid; aid that has meant sacrifices by Soviet consumers. There may be a growing feeling that he who pays the piper should also call the tune. It is sometimes said, for instance, that, purely in terms of Kremlin politics, the present leadership could not afford to let President Nasser (a Hero of the Soviet Union) be overthrown. And if there is a danger of this, then, as seen from Moscow, the reason is that Soviet advice has been disregarded and Soviet aid misused.

Both for international and domestic reasons, therefore, the Soviet Government may now need to exert a more positive influence on client governments beyond the seas. But Communism, as this is understood in Moscow, no longer commands the same enthusiasm and obedience as it used to. There are newer and more exciting faiths, rival and more charismatic Popes. Now that she is on the defensive, the Soviet Union may find that a revolutionary ideology is not much help in promoting an essentially conservative policy. Having inherited some of the problems of the Western powers, she may also have to consider some of their solutions.

Today the Soviet Union has a stake beyond

Footnotes at end of article.

the seas. She has a navy that sails the seas. She is no longer entirely a land animal. She no longer supports all revolutions, and many revolutionaries no longer have much respect for Moscow. I do not believe, therefore, that we should be safe in expecting the Soviet Union, in her new defensive posture, always to stick to the patterns of behaviour or to the methods employed in the past.

If these arguments suggest that the political use of Soviet naval force is conceivable, how might this be applied in Europe and the Near East? Here the first point to be emphasised is that limited naval force is a very specialised instrument of policy and one that is only applicable to a small minority of disputes. Not only must the circumstances be appropriate; they must often be extraordinary. There has been no major use of limited naval force in European waters for 30 years and, if the structure of European states and the pattern of their relationships remain stable, there might well be none during the rest of the century. But nine British battalions in Ulster remind us of the danger of taking stability for granted—in any part of the world. Even so, Northern Europe seems an improbable area for Soviet intervention in time of peace, though one can just imagine a civil war in Finland, and a Soviet naval blockade to prevent the arrival of arms and volunteers from Sweden.

But the Mediterranean is more likely. Its Northern shore, politically speaking, is the soft under-belly of Europe, unstable and potentially explosive. There are Soviet warships in the Mediterranean, and these have a peacetime role. Soviet admirals usually prefer to indulge in romantic nonsense about defeating the American Navy in nuclear rocket war, but they sometimes take a different line on the Mediterranean. As early as February 1967, for instance, the Commander-in-Chief, Admiral of the Fleet Gorshkov, paid tribute to 'the crews of ships sailing in the Mediterranean Sea, who are fulfilling the responsible task of safeguarding the state interests of the Soviet Union in this region'.[9]

The Commander-in-Chief used almost identical words in February 1968, but it was left to his First Deputy, Admiral of the Fleet Kasatonov, to spell it out on 3 January 1969: 'Soviet warships entered the Mediterranean to consolidate international peace and security . . . in conformity with the interests of the Arab States who are victims of Israeli aggression'.[10]

Now some people regard this as all bluff and propaganda. Why, they ask, did the Soviet Navy do nothing to save Egypt in the Six Day War? This is to misunderstand the nature of limited naval force, which is a peacetime expedient, not an instrument of war. Once the dust of hostilities had settled, however, Soviet ships intervened in a minor, but appropriate and effective way. Eight ships, including a cruiser and two destroyers—one armed with missiles—moved into Port Said, and on 10 July Admiral Molochov announced: 'We are ready to cooperate with Egyptian armed forces to repel any aggression'.[11]

Whether or not the Israelis had ever intended to cross the Canal, they did not; and the Soviet Union recovered some of the prestige she had lost in the eyes of the Arabs, who felt that the Russians had at last shown some belated resolution and had actually run a small risk to help them.[12] Soviet ships returned to Port Said for the next crisis in October and, until November 1968, there were always some there. In September 1969 Tripoli Radio announced that their presence had prevented British intervention in the Libyan *coup d'état*.

No such intention ever existed, of course, but there were some Soviet ships in the vicinity and their presence was noted in London as well as in Tripoli. And if the Arabs thought Soviet ships made a difference, then these ships had done their diplomatic job. They had also helped to win themselves a base at Alexandria, a welcome in other Arab ports closed to British and American warships, and eager headlines in the Arab Press for every move they made.

Of course, all this is pretty flimsy stuff. It does not prove that the Soviet Government have decided to imitate the United States and to use their ships to support Soviet policy and diplomacy in the Mediterranean area. All it suggests is that, both in words and in actions, they have made a small beginning which they just might be tempted to continue if the right opportunities present themselves, even in the Levant and the southern shores of the Mediterranean. This is an area now so dominated by the Arab/Israel struggle, with behind it the spectre of superpower confrontation, that one can scarcely imagine any intervention unrelated to, and not excluded by, these over-riding issues. Yet the 1960s saw Western navies intervening in the Arab world without reference to Israel and without provoking any confrontation with the Soviet Union; the French and Algeria in 1960; the British and Kuwait in 1961; the French and Tunisia in the same year; the British and Aden in 1967. Might not local upheavals or inter-Arab disputes afford the Soviet Union opportunities—or confront her with problems—during the 1970s in Algeria, in Egypt, or in Syria which would have nothing to do with Israel and which would not be liable to provoke confrontation with the United States?

Nor should we forget that even the Arab/Israel War of 1967 prompted two naval interventions: the major, though abortive Anglo-American plan to secure passage through the Straits of Tiran; and the minor, but successful Soviet naval intervention at Alexandria and Port Said.

Finally, and at the extremities of our area, there are various thorny problems where a Soviet naval intervention now seems unlikely but, if circumstances were to alter, might not always remain so: Aden and the Southern end of the Red Sea; the Persian Gulf, and, if the attitude on this issue of Britain's allies were to deteriorate still further, Gibraltar.

There is no difficulty in devising scenarios for the political application of limited naval force in the Mediterranean. That classic sea has provided the setting for so many peacetime encounters already that one need only adapt the precedents. But scenarios prove nothing and, in any case, the use of limited naval force is more often an improvised response to an unforeseen emergency than the result of advance planning. Indeed, there is no need to assume the existence of sinister intentions or reprehensible motives. Governments with warships and overseas interests do use the former to defend the latter, and are seldom at a loss when it comes to justifying their actions. That is why the important question—the only one I have really attempted to answer—is purely negative: not, What will the Soviet Navy do? but, Is it safe to leave the Soviet naval 'X' out of Western equations? Naturally these Western equations, unlike mine, are usually concerned with war.

Governments build navies and formulate strategies for war. The peacetime existence and presence of warships is a mere by-product, but a by-product that may provide an extra option for the government which owns the ships and an extra headache for the government which does not.

The idea of this potential headache is often resented by planners, who feel that the wartime capacities and intentions of the Soviet Navy create quite enough problems without their having to worry about the entirely hypothetical, even fantastic contingencies of peacetime. But, if we try to peer into the mists of the 1970s, we should surely be too pessimistic if we regarded general nuclear war as our most likely problem. And we should certainly be too optimistic if we expected co-existence to be entirely peaceful.

The chances are that something will happen—disorder or dispute within or among lesser nations—that offers the Soviet Union the opportunity for gain, or threatens her with loss of a Soviet interest. Perhaps this will happen in a country that does not border on the Soviet Union but which is one of the five out of every six that are accessible by sea. No doubt Admiral of the Fleet Gorshkov was grossly exaggerating when he said that 'the Soviet Union is obliged to be prepared at any moment and at any point of the globe to secure the protection of the interests of our state'.[13]

But the existence of his warships might occasionally provide the Soviet Union with an extra option, and the possibility of their peacetime employment deserves some consideration by those responsible for the development and maintenance of Western navies.

In the immediate future, moreover, this option seems more likely to arise in the Mediterranean and—if the Suez Canal is opened—perhaps also in the Red Sea, than in more distant regions. The Chinese, admittedly, have more alarmist ideas. Last year they declared that 'the gunboat policy pursued by the Soviet revisionist renegade clique is essentially the same as that of Tsarist Russia . . . Soviet revisionism is stepping up the construction of ocean-going naval vessels, carrying out far ocean activities by its Navy and making global naval reconnoitering, thus threatening the security of some Asian, African and Latin American countries.'[14]

I prefer the more sober language of an American writer: 'the aim of the new Soviet naval development in the Mediterranean is not wartime combat with the U.S. Sixth Fleet, but the furtherance of Soviet policy objectives at a much lower level of risk and in an environment considerably less drastic than one of total U.S.-Soviet hostility.'[15]

Or perhaps we should let the Russians have the last word and accept the bland assurance of Rear Admiral Navoitsev, that 'the presence of the Soviet Navy in the Mediterranean is a most important factor for stabilisation in that troubled area of the globe'.[16]

FOOTNOTES

[1] The particulars are to be found in an interesting scrap-book entitled 'HMS *Royal Oak*, 1936–1938 Commission: Executive Officer's Log' in the National Maritime Museum of Greenwich. Quoted by kind permission of the Trustee.

[2] Quoted in Robert Waring Herrick: 'Soviet Naval Strategy', *US Naval Institute*, 1968.

[3] See 'Soviet Sea Power'—Special report by the Center for Strategic and International Studies, Georgetown University, Washington, 1969.

[4] Wartime applications are included only when the victims were allies or neutrals.

[5] In 1893—see Grey of Fallodon: 'Twenty-Five Years', Hodder and Stoughton, 1925.

[6] Marshal Bulganin to Sir A. Eden, 5 November 1956. See Anthony Eden: 'Full Circle', Cassell, 1960.

[7] Keesing's Contemporary Archives.

[8] Professor E. M. Zhukov in *International Life* No. 9, September 1957.

[9] *Krasnaya Zvezda*, 11 February 1967.

[10] Quoted in *International Herald Tribune*, 4 January 1969.

[11] *International Herald Tribune*, 11 July 1967.

[12] President Eisenhower's justification of the 1958 intervention in the Lebanon (see Robert Murphy: 'Diplomat Among Warriors', N.Y., Doubleday, 1964): 'Sentiment had developed in the Middle East especially in Egypt, that Americans were capable only of words—that we were afraid of Soviet reaction if we attempted military action'. This accurately represented the Arab view of the Soviet Union in June 1967.

[13] Quoted in 'Sea Power and Soviet Foreign Policy', by David H. Cox in *US Naval Institute Proceedings*, June 1969.

[14] New China News Agency broadcast in English from Peking, 14 June 1969.

[15] 'The Kremlin Builds a Cold War Fleet'—article by George Fielding Eliot in *Marine Corps Gazette*, June 1969.

[16] Article in *Moscow News*, No. 20 of 1969.

SOVIET NAVAL PROCUREMENT

(By Michael McGwire)

Reviewing the contemporary situation in 1928, Ivan Ludri, then C.-in-C. of the Red Fleet, commented that the development of naval forces over the previous ten years had inevitably run parallel with the development of industry, since the Navy ". . . more than any other type of military service, depends on the degree of industrialisation of the country".[1]

It has seemed worthwhile resurrecting this forty-year-old statement, since it remains fundamental to understanding the process and problems of naval procurement. Warship building is essentially an assembly industry, and its requirements for material and equipment stretch across the whole span of heavy and light industry, competing with other sectors of the economy for resources and skills which are invariably in short supply. If Ludri's statement was true in the 1920s, it is yet more relevant today, as the result of the radical advances in maritime warfare over the last fifteen years, which have called into service the full span of contemporary technology, with related operations ranging from outer space to the ocean depths. It now involves all methods of propulsion, the most varied types of weapons systems, and the frontiers of development in sensors and communication equipment, together with the specialised and widely different construction and metallurgical techniques appropriate to the aerospace industry, to deep diving submarines, and to the provision of stable weapon platforms in all-weather surface ships.

Naval procurement is a vast subject, and it has seemed best to limit this paper to outlining certain aspects of naval shipbuilding in the Soviet Union, which are important in relating the output of their yards to the underlying policy decisions.

The Shipbuilding Industry. The Soviet shipbuilding industry has always been a coherent entity, if not always organisationally separate. For the last fifty years it has rated the equivalent to its own Ministry of Shipbuilding Production (MSP), responsible for all ship-construction yards of significant size, and for certain specialised machinery and equipment production. The MSP builds for *the* various user fleets (Naval, Merchant, Fishing and River, who do however have their own repair yards), but the boundaries between production facilities allocated to warship construction and to civil shipbuilding are fairly rigid, and their alteration requires top-level political decision. Since the war, it is merchant-type construction which has made gains at the expense of the Navy. The most notable example came in the middle 1950s when seven of the so-called cruiser and battleship slips were re-allocated to commercial construction; the other six slips had already been reassigned from cruiser to nuclear submarine construction.

The complexity of warship design has meant an inevitable tendency for certain facilities and sometimes whole yards to become identified with particular types of naval construction, such specialisation going back in several cases to before the revolution. However, the majority of so-called naval yards run both warship and civilian production lines, and spare capacity is sometimes taken up when naval building programmes are cancelled.

The MSP has its own specialist design offices, and submarine design teams have stayed together from the earliest post-war diesel programmes to the latest nuclear boats;[2] and this presumably applies to surface types as well. Naval control of design and construction is exercised by a traditional form of inspectorate, which parallels both the MSP organisation and the various other industries responsible for production of specialised weapons and equipment. In this respect, Soviet procedure is comparable to that in the West.

Shipyard Facilities. About thirty-five major shipyards have been identified throughout the USSR, civilian and naval, construction and repair, which between them employ about one million workers. Some thirty of these have at some time been occupied in work for the Navy. But most were only temporarily involved, as a hangover from their wartime participation, and the requirement to repair, refit and modernise naval units in the early post-war years. Other yards constitute the refit and/or maintenance facilities at the more important naval bases, which by now are fully committed to supporting the much larger operational fleet. This leaves twelve major yards which have been primarily concerned in naval shipbuilding; all except one of these (the least important) were in existence before the war, and most of them have even longer histories.

Although the naval base and shipyards at Kronshtadt (Leningrad) and Nikolaev date back to the eighteenth century, until about 100 years ago the main Russian warship building yards were still sited on the inland waterways. Thereafter, the leading shipbuilding centres came to be located on the Baltic and Black Seas, which relates to the introduction of iron clads and steel ships in 1870–80. This led in turn to the foundation of the modern Russian shipbuilding industry, and at the end of World War I, the Leningrad and Nikolaev shipyard complexes each had a substantial capacity for building all types of warship from submarine to battleship.

No work on shipyard facilities was possible for the first decade after the Revolution, but during the First Five Year Plan (1928–32), the capacity of the large machine shops and founderies at Sormovo, upstream of Gor'kij on the Volga, was extended to permit the sectional construction of small submarines, which were then shipped for assembly to the Fleet areas. During the same period, the Baltic-White Sea Canal was completed, providing a link for smaller naval units (including submarines) to deploy to the North.

During the Second Five Year Plan, existing shipyards were expanded, and work was started on building two new shipyards in the North and in the Far East. Molotovsk (now Severodvinsk) on the White Sea was intended for the construction of the cruisers and destroyers which could not use the canal from the Baltic, while Komsomol'sk on the Amur was intended to provide a measure of self-sufficiency for the Pacific Fleet. Komsomol'sk could build cruisers, destroyers and submarines, while the yard at Khabarovsk, about 250 miles upstream, built escorts and below. By 1940, the Soviet Union's destroyer construction facilities had been doubled, cruiser building ways trebled and the capacity for submarine production increased several-fold. Meanwhile, in locating these new shipyards several hundred miles from the open sea, Stalin reverted to the traditional Russian method of protecting his building yards from coastal invasion.

The full expansion of shipyard facilities was interrupted by the war, but the plan was carried over. There are general reports of the extension of facilities at shipyards after the war,[3] and this seems to have mainly involved the provision of covered fabrication shops to permit series construction and year-round production. In most cases the actual number of building ways appears to have remained the same, with the exception of Gor'kij (largely untouched by war) where the submarine facilities were considerably enlarged.

In the early 1950s the situation was very much that which pertained before the war; the same nine yards were building major warships, and of these the same five continued to build submarines. Each of the four fleet areas (Baltic, Black Sea, Northern and Pacific) had their own cruiser and destroyer building facilities. All but the North (which relied on Leningrad and Gor'kij) had their own submarine yards. Escorts were built in two yards, one in the Pacific Fleet area and one in the West.

By 1958, considerable changes had taken place. The cruiser building ways at Severodvinsk in the North, and at Komsomol'sk in the Pacific had been taken over for nuclear submarine construction, and three-quarters of their destroyer ways were building diesel submarines. In the Baltic and Black Sea yards, all cruiser ways were being used for civilian building.

In the middle 1960s the Russians began a major expansion of their submarine yards and maintenance and support facilities in order to provide for a three-fold increase in the production of nuclear units. US authorities report that the Soviets now possess by far the largest and most modern submarine construction facilities in the world,[4] and credit all six yards concerned, with the capacity to build nuclear submarines—although all are not at present so engaged. But this expansion appears to have been contained within the existing production lines already allocated to submarine construction.

When considering the possibilities which are open to Soviet naval planners, it is well to remember that they have to work within a finite shipbuilding capacity. There are no commercial yards eager to bid for additional contracts, and they cannot call on extra production resources if their plans go awry. And although each of the four fleet areas has its own shipbuilding facilities, any programme would have to distinguish between the two yards in the Far East and the ten yards which lie in the West.

The Pacific has to be at least partially self-sufficient, since reliance cannot be placed on the Northern Sea Route; and as originally projected in the early 1930s, the two Pacific yards covered all types of production. This same principle of self-sufficiency applied originally to the construction of major surface units in the West of Russia, but these three fleet areas have always been to some extent linked by the inland waterways, while the distances between them by open ocean transit are not excessive. Progressive improvements in the waterways system (which now has a minimum depth of 12 ft. throughout) have encouraged an increasing degree of type-specialisation between the yards which build the smaller units; this tendency has now extended to larger ships.

Although Severodvinsk's role has developed considerably since it was built during the 1930s, Leningrad remains the most important shipbuilding and design centre of the USSR, and as the Baltic and Northern Fleets are geographically adjacent, and directly linked by a canal system, a substantial degree of interdependence still exists. A naval planner would therefore tend to think in terms of three fleet shipbuilding centres, particularly where submarines were concerned; in the North-west, in the South and in the Pacific.

NAVAL SHIPBUILDING PROGRAMMES [5]

The Soviet Government initiated a twenty-year naval building programme in 1928, but they had to wait until the third 5YP (1938–42) for really substantial deliveries. By 1947, ships built under this programme would have included something like nine battle-

---

Footnotes at end of article.

ship/battle-cruisers, thirty cruisers, 200 destroyers and at least 400 submarines, with a very large number of smaller units, particularly motor torpedo boats and naval aircraft.

The Original Post-war Programme. In 1946, the Russians embarked on yet another twenty year programme, the fourth in sixty-five years.[6] The Soviet Navy had suffered substantial losses during the war, and it was necessary to start again, virtually from the beginning. The main problem was how to apply and develop major advances which had been made by the Allies and the Germans in the technology of naval warfare, and at the same time meet the urgent requirement to get ships and submarines to sea as fast as possible.

To this end, the Twenty Year Programme was divided into two periods of about six years each, followed by a Final Period of eight years. In terms of the dates when units were to be delivered by the shipyards to the Navy, the programme divided as follows:[7]

Preparatory Period, 1946–1949/51.
Intermediate Period, 1950/52–1957.
Final Period, 1958–1965.

The period from 1946–57 involved the progressive application to Soviet naval units of the advances made since 1939. This was to be followed by the Final Period, when the full application of postwar developments would be introduced into service. For the three main types of destroyer-size and below, whose development potential was so broad, it was found desirable to subdivide both the Intermediate and the Final Periods into two parts.

Design and development work for the later stages of the programme were to run concurrently with the first stage, and in 1946, the work involved in the different levels of applying the new technological developments would have been as follows:

Preparatory period

Level of Application—'Catching Up'. Reactivate the pre-war building programmes, incorporating improved weapons and equipment which are readily available (close-range AA guns, depth-charge racks, communications equipment). Repair war-damaged units.

Restore damaged shipyards and equipment plants. Put in hand the modernisation and expansion of shipyard and equipment-production capacity.

Intermediate period

Initial Level of Application. Re-work the latest drawings of pre-war classes which were building or projected in 1941, to incorporate Russian-manufactured copies of Western equipment. Plan for large-scale production of these types. Back-fit earlier classes with essential new equipment, particularly radar and sonar. Apart from the back-fitting process (which included snort), submarines leapfrogged this stage of application.

Interim Level of Application. Initiate the design of relatively unsophisticated classes, incorporating war-time developments. Extrapolate the capabilities of foreign-derived equipment in order to design and manufacture semi-native equipment for fitting in these classes.

Final period

Improved-interim Level of Application. For surface ships of destroyer size and below. A marked qualitative improvement on the previous level of application, but representing refinements rather than new departures.

Full Level of Application. Exploit the R & D potential of German experts working with Soviet scientists and develop a completely original, native-designed, postwar family of weapons and equipment. For diesel submarines, the end-product of the Final Period was akin to the definition of the Improved-interim level.

The Twenty Year Programme for major surface units, as finalised by 1947, would have been as shown in the table below: [8]

[Deleted.]

The submarine building programme would have been as follows: [9]

[Deleted.]

The substantial drop in the surface ship delivery rates in the Final Period reflects the reallocation of building ways at Severodvinsk and Komsomol'sk to submarine construction. All the cruiser ways were assigned to nuclear submarines, and six of the eight destroyer production lines were converted to build large-type diesel submarines. For nuclear submarine production the Final Period was extended to ten years until 1967; the four aircraft carriers were also to be built during this extension, slotted in to the end of the *Stalingrad* cruiser programme.

In the surface ship table, the approximate displacement is given to illustrate how the size of Soviet ships remains relatively consistent in terms of role and type. 'Dummy' class names have been introduced to show the planned existence of programmes which did not materialise (*Ritya* and *Kroti*) or else appeared in some modified form (*Stalingrad* and *Kruplin*). The original programme foresaw the construction of fifteen new classes of surface ship, and eight new classes of submarine. Of these twenty-three different classes, only five of the earlier surface types ran to schedule, and by the halfway mark all programmes had been radically altered.

1949–50. The Submarine Launched Ballistic Missile (SLBM). The decision to develop an SLBM system, and the need for this to take place in strict security, had numerous repercussions. The Z-Class was to be the initial launch vehicle, to be followed by an SSB configuration of the F-Class hull—the G-Class. The Z-Class programme at Sudomekh was therefore terminated after only three years (1954), production being shifted to Severodvinsk, where construction of the Z V-Class SSB usurped the building ways assigned to the construction of the *Tallin* Class destroyer (1955–57), which programme was cancelled. In the same way, the G-Class SSB usurped the six production lines at Severodvinsk and Komsomol'sk which had originally been assigned to F-Class construction during the Final Period (1958–65). The F-Class programme had therefore to be relocated at Sudomekh whose two production lines meant that the class total had to be cut from 144 to forty-eight. This shift caused the Q-Class programme to be shunted forward to 1955, the production run being cut from eight to three years, and from ninety-six to a nominal thirty-six units, which in the event were stretched to forty.

1954. Redefinition of threat and change in economic priorities. The economic pressures which largely conditioned the tactical/technical decisions to place primary reliance on the long-range surface-to-surface cruise missile (SSM) as the means of achieving economy in numbers, were also responsible for the suddenness and sweeping nature of the changes to the original Twenty Year Programme. Most noticeable was the very abrupt cancellation of the current cruiser and mass-production medium-type submarine programmes. Equally significant was the decision not to proceed with the production of the destroyer, escort and subchaser classes, which were due to begin delivery in 1958.[10]

The medium-type torpedo-firing submarine was to be replaced by a much smaller number of cruise-missile armed units overing W-Class submarines. The gun-armed *Sverdlov* Class cruiser and its successor class the *Stalingrad* (probably armed with horizon-range *Kennel* cruise missiles), was to be replaced by large destroyer/light cruiser size ships, carrying long-range missiles. Neither the submarine nor surface classes would be ready for delivery much before 1962, but the Soviet leaders were prepared to accept this hiatus as the price for achieving immediate relief to their over-stretched industrial economy. As a result of these decisions and the previous SLBM decision, the revised surface ship programme in 1955 would have been as follows:

[Deleted.]

Although twenty *Sverdlovs* had already been laid down before the decision to cancel, only fourteen were completed. The *Kildin* missile ship was a prototype conversion of the last four *Kotlins*, and the *Krupnyj* Class used the hull and propulsion plant of the cancelled *Kruplin* Class of destroyer. In order to make up for the hiatus in surface ship deliveries between 1958–61, the Final Period was rescheduled to provide eight years delivery of those classes, which would represent the full application of postwar developments to surface ships. The restructured submarine programme, which was considerably affected by both decisions, would have been as follows:

[Deleted.]

The W-Class programme was cancelled when it had just reached its full output of seventy-two submarines a year from four yards; this scale of production also accounts for the fact that pipeline inertia extended forward to R-Class units. The *Longbin* SSG is a converted W-Class submarine, lengthened to carry four missile launchers in the fin.

1957–58. Re-evaluation of Soviet naval capability and requirements. Major reassessments of the developing threat posed by the US Navy, and the inadequate performance of Soviet systems currently in hand generated further wholesale changes, and cancellations of programmes already under way or projected. The new requirement to counter the aircraft carrier beyond the range of shore-based air cover meant that surface ships and diesel submarines were no longer suitable as SSM launch vehicles. Meanwhile, the performance of the first generation of Soviet nuclear submarines and the SLBM system meant that they were inadequate for their intended task. Apart from cancellations, the most important change was the reconfiguration of the second generation nuclear hull/propulsion unit, intended as an SSBM, to an SSGN mounting the J-Class SSM system (the E II-Class). Five of the first generation units were similarly reconfigured to carry six launchers (E I).

The new threat from *Polaris*, which at that period was assumed to lie in the Arctic, raised the requirement for helicopter platforms to permit ASW operations at a greater range from coastal airfields. The *Stalingrad* Class of cruiser, the first of which was about to be laid down at the time of the 1954 cancellations, provided a suitable hull/propulsion unit for conversion to an anti-submarine helicopter carrier (the *Moskva* Class).

At this date it was also necessary to plan the new-construction submarine programmes which would be due to begin delivery in 1968, and the surface programmes due in 1970. It had probably already been decided in principle to increase the scale of nuclear submarine construction, and it was a matter of deciding on specific configurations. Two obvious requirements were for an SSBN with a performance comparable to *Polaris*, and for a nuclear submarine with an organic missile system with which to counter the carrier. There was also the need for fleet area defence against intruding *Polaris* and other submarines. A further requirement was to provide replacements for the mass-produced W-Class which would be reaching block obsolescence by 1967.

1961. The full threat from Polaris. The belated realisation of the geographic extent of the *Polaris* threat, added to the existing threat from carrier strike, generated a fundamental reassessment of operational concepts,

---

Footnotes at end of article.

which led to the decision on sustained forward deployment in order to pose a permanent counter in distant areas of threat. Besides the need for a specialised anti-*Polaris* submarine, there was the requirement for additional surface units possessing an effective AA and ASW capability. In the long-term this could be met by the new programmes scheduled to begin delivery in 1970, but meanwhile the *Kashin* (which has been redesignated as an Anti-Submarine Ship), were only building at two units a year. To fill the gap, the major conversion of eight *Kotlin* and six (possibly eight) *Krupnyj* to SAM-armed anti-submarine ships was put in hand, using weapon systems made available from the cancelled *Kynda* and *Kresta* missile cruiser programmes respectively.

As a result of the combination of the 1957 and the 1961 decisions, the forecast shipbuilding programme would have looked as on next page.

Although originally intended for strategic delivery, N-Class SSN were never deployed in the role, being reassigned to assist in countering the carrier, including the provision of target location data to long-range missile units. The F-Class were only reassigned from strategic delivery after their poor showing during the Cuban crisis.

The trickle delivery of fifteen J-Class over six years was related to the availability of missile launchers, over and above those required for the E-Class SSGN programmes.

1967–70. Current Developments. Nineteen sixty-eight saw the start of deliveries of the new family of third-generation submarines, four nuclear and one diesel. The lead ships of two of the nuclear classes were in fact delivered before the end of 1967, but it was not until 1969 that nuclear submarine production reached its planned output of about fifteen units a year, with an annual output of twenty to thirty of the new B-Class diesel submarines.

Nineteen-seventy should see the first deliveries of a complete new family of surface units, from sub-chaser through to the 6,000-ton end of the scale. The operational requirements are fairly self-evident, but not the way in which the Soviets will necessarily have decided to meet them, and greatest interest is concentrated on the upper end of the scale. The *Moskva's* weapons fit has given a pre-view of the new A/S missile launcher, Variable Depth Sonar, improved SAM system and the three-dimensional radar which are now available for fitting in the larger units, and a new vintage of weapons can be expected to appear. But the successive cancellations of the *Kynda* and the *Kresta* programmes (both armed with long-range SSM) still leave in doubt their assessment of the value of surface ship SSM systems, and which type they will choose to fit.

There are no indications that additional slip capacity has been released to naval construction which means that the Soviet Navy must make do with the 16 (so-called) 'destroyer' production lines, which on the last decade's showing could between them deliver eight units a year. Whether they will concentrate on one type of all-purpose ship at the upper end of the scale, or whether they will divide their building capacity between two classes, one a light cruiser type (akin to *Kresta*) and the other a destroyer/anti-submarine type (akin to *Kashin*) remains to be seen. In view of the shift to forward deployment, another possibility is that they will have decided to raise each of their main types one step up the scale of size, as they did with their three submarine types after the war.

Current evidence of merchant-ship construction appears to rule out the return of any of the five large building-ways at Leningrad to naval construction, and although equivalent evidence for Nikolaev is less certain, there are as yet no indications of a follow-on or successor to the two anti-submarine cruisers which were built there at the end of the 1960s; delivery of a third unit (should it exist) would anyway not be expected before the latter half of 1970. One type of new construction from Nikolaev which can, however, be expected this year, or not much later, is a new class of mid-ocean submarine support ship. It is sign'ficant that an *Ugra* (which was not designed for the open ocean role) should have been handed over to India, and the delivery of such submarine tenders appears to have ceased, although the requirement remains outstanding. One may therefore expect some new class of ship, specifically designed for the task.

Meanwhile, 1967–68 would have seen the periodic review of future shipbuilding programmes, in order to provide replacements for those units built prior to 1958, and to consider original new requirements; in this latter context, there may already have been earlier re-evaluations of which we are still unaware. The outcome of this 1967–68 review, whose deliberations would have been affected by the outcome of the Arab-Israeli war, and coloured by the West's immoderate and ill-informed public reaction to Soviet naval deployments at that time, will be of considerable significance. By the scale and nature of the new construction programmes which will enter service towards the end of the 1970s, we will be able to assess the evolving nature of Soviet maritime policy, and determine whether there have been any fundamental changes.

NAVAL PROCUREMENT PHILOSOPHY

Official acceptance of the 'Young School' naval strategy in the early 1930s meant that although the various types of Soviet warship were comparable to those in other navies, the overall composition of the Red Fleet was very different, having (by comparison) a disproportionate number of submarines, motor torpedo boats and naval aircraft. The 'Young School's' rejection of the traditional requirement to defeat the enemy in a Jutland-type general fleet action, and its concentration on providing for the specific tasks of defending Russia's maritime frontiers and supporting military operations ashore, had, as its corollary, the construction of a special-function fleet with no world-wide, general-purpose naval capability. After the war, with the threat yet more clearly defined in terms of the West's overwhelming maritime capability, this tendency towards tailoring the fleet to meet a specific threat was accentuated. Before the full flowering of postwar technological developments, this policy continued to be manifested in the unbalanced composition (by traditional standards) of their naval forces. But economic priorities, the increasingly specific nature of the maritime threat, the political urge to short cuts, and the availability of new weapons systems such as missiles and nuclear submarines, combined to induce greater specialisation in successive classes. Faced by the US Navy's evolving capability, the Soviets have paid a heavy price in cancelled programmes for this (largely unavoidable) policy of task specialisation; and it is only recently that new construction units entering service have been deployed in the role for which they were originally designed. Despite the increasing deployment of surface units, the continuing emphasis which is given to the submarine force suggests that the Soviet Navy does not intend to abandon its characteristic approach to naval procurement, in favour of building up a general-purpose world-wide maritime capability.

The Continuity of Design and Production. Until 1958, the continuity of design specification between successive classes was a noticeable feature of the various types, each of the latter being clearly defined in terms of displacement and weapons-fit. This continuity stretches back to the early 1930s and still persists in the medium and smaller units.

Soviet warship production proceeds on a very broad front, and most types of ship are in continuous series production. Complete families of new classes are therefore planned to begin delivery to the fleet at the same period, and these classes all reflect clearly defined stages in weapon development. Some of these stages represent substantial advances in capability, while others represent refinements of these major steps. Different types of weapon development proceed at different speeds.

Although it is useful to talk in terms of 'generations' of missile systems and of hull/propulsion units (which can be configured for different roles), it is more apposite to speak of 'vintages' of weapon systems, as this conjures up the chronological progress with good and less-good years, varying between different fields of development. Thus, the 1955 vintage of weapons represented a substantial advance in search radars and gun-control systems, but only a limited improvement in ASW; the 1958 vintage marked only a qualitative improvement in guns, but a major step forward in ASW; the 1962 vintage represented a really substantial advance across the board, as the final applications of postwar development entered service, covering the propulsion as well as all the weapons field.

As a general principle, it is not the Soviet practice to plan for the major modification or conversion of existing classes, unless the improved weapon systems have become available through procurement for a new-construction programme which was subsequently canceled. The number of units so modified will depend on the number of weapon outfits which are already in the procurement pipeline.

In terms of combat capability, the delivery date of the first-of-class, and the vintage-year of any weapon system which has been used for modification, are more important that the actual date on which any particular unit first entered service or was subsequently modified.

The Application of New Developments. Unlike the Western countries, which tend to complete the full development of a new system before introducing it into operational service, once the Soviet Union has decided to adopt a major new capability she tries to put it to work at as early a stage in its development as possible. The reasons are probably various. The Soviet Navy has always been in a position of maritime inferiority, and there is a natural urge to exploit the advantages of any new system, even if only part of its full potential can be applied immediately; traditionally, the Russians have always been technical innovators, and are generally willing to believe in the efficiency of new weapons and audacious in their application; there are advantages to be gained from the operational evaluation of multiple prototypes; and finally, the Russians are great bluffers, and know that their opponents must credit them with the capability inherent in a weapon's external design, even if it turns out to be of little operational use in practice.

To achieve this early exploitation, the Soviet Union adopts a multiple-stage method of application, whereby a weapon system is introduced into service progressively at different stages in its development, although all levels of application will have stemmed from the same original design-decision. The details of this multiple application have varied between systems and classes, but the application of surface-to-surface cruise-missiles (SSM) to surface warships provides a good example of the process.

(a) *Initial Application.* Three years to delivery. The SSM system was fitted, in its most primitive form, to the last four units of the *Kotlin* class of destroyer, which was then building. It is doubtful if the resultant *Kildins* have ever had any significant combat capability.

(b) *Interim Application.* Five years to delivery. Two launchers of the same system were 'designed in by amendment' to the *Kotlin*-successor class of destroyer. The class was due to start delivery in four years time, and its design would have been largely completed and procurement well advanced. The original destroyer programme was cancelled, and only a short run of *Krupnyj* construction was planned. (The SSM have now been removed from six of these ships, which have been converted to Anti-Submarine Ships.)

(c) *Full Application—I.* Eight years to delivery. A new ship was designed specifically to carry the full-development of the missile system, and series production of this class (*Kynda*) was programmed. The relatively short procurement lead-time meant that the design of the ship itself had to be something of a compromise, and amongst other things this class had to make do with the steam propulsion plant ordered for the cancelled destroyer programme.

(d) *Full Application—II.* Twelve years to delivery. The same missile system (possibly refined) aboard a more carefully tailored ship (the *Kresta*), designed from scratch, and powered by gas-turbine propulsion, as already fitted in all the *Kynda's* contemporaries.

It would seem that the initial application frequently represents a form of operational development, and the weapon system concerned is not yet 'combat operational' by normal standards.

The whole central planning process tends to favour progressive application, and the successive levels of development at which a new capability is applied, appears to reflect planners' deadlines as much as, if not more than, the natural stages of the development process.

A Case-study in Naval Procurement. In 1964, the Soviets initiated the operational deployment to patrol of their ballistic missile submarine; [11] the H II SSBN, which could fire three missiles to a range of 650nm. In September of the same year, the US Navy deployed the A-3 *Polaris* systems in submarines which were faster and quieter than their Soviet counterparts, and each could fire sixteen missiles to a range of 2,500nm. Since the comparable performance is so unfavourable to the Russians, and since the decisions to undertake series production of nuclear submarines and of SLBM systems were taken by the Soviet leaders several years before similar approval was obtained by the US Navy, it is instructive to review the genesis of the two systems. They provide archetypal examples of the differing methods and illuminate both the Soviet approach and the vicissitudes which beset their plans.

The United States believed that interservice and inter-arm competition to discharge a specified task was the best means of ensuring the most effective military answer to a problem. Throughout the 1950s, Congress gave priority in funds to offensive strategic weapons systems; this encouraged the US Navy first to develop a long-range carrier-borne strike aircraft (the A-3D), which brought aircraft carriers within the financially favoured category; and then to accept Admiral Rickover's advocacy of the ballistic missile-armed nuclear submarine. At this period, the USA did not lack means of strategic delivery, and to justify developing yet another system, the US Navy had to demonstrate that *Polaris* would not only be at least as good as other projects, but had unique additional advantages such as invulnerability and the diversification of the means of delivery. These were inherent in an SLBM system, and it was in fact the competitive factors which dictated the detailed characteristics of the *Polaris* submarine. Sixteen missiles per boat to bring down launcher-cost, and submerged launch to have an assured response irrespective of sea conditions, both combining to demand the development of solid fuel propulsion for the missile, whose range of about 1,500nm was dictated by geography. The first five submarines were only authorised in the 1957 Fiscal Year as supplementary naval construction, but thereafter progress was rapid. The first *Polaris* unit was laid down in November 1957; the missile passed its initial trials early in 1958; and the system was operationally deployed by the end of 1960. The 2,500nm A-3 system was deployed in September 1964, and *Poseidon* was at sea in 1970.

The Soviet process differed fundamentally in almost every respect, particularly in the time-scale and in the way decisions were handed down from the top, rather than pressed up from below. In 1945, the submarine was selected as the only vehicle which had the demonstrated capacity to carry nuclear weapons within range of the North American continent, using the torpedo as the means of delivering a shallow-water burst; a nuclear warhead was to be available by 1955. By 1947-48 it had been decided to build nuclear submarines for this task, but to double-bank with the original diesel programme.

By 1950 it was seen to be possible to launch a relatively short-range missile from a surfaced submarine, and the anticipated rate of development in Western antisubmarine techniques did not exclude the use of diesel submarines as launch vehicles. In its deterrent role the missile's 350nm range was adequate because of the concentration of coastal conurbations in the U.S.A., and the limitations imposed by surface-launch were accepted, because this method of delivery seemed more likely to provide a higher certainty of assured response, sooner, than any other system under development or in sight. The existing length of the available missile, which necessitated its location in the submarine's fin, and the advantages of tactical dispersion, combined to limit the number of missile tubes to three per boat. The decision to apply the system was taken in 1949-50; a missile was fired from a converted Z-Class submarine in 1955; and six units of the two-missile initial-application Z V-Class were delivered in 1956-57. The delivery of series-production diesel and nuclear units began in 1958; the two missile firing classes (the G and H) double-banking the two, originally-projected, torpedo-firing classes (the F and N). Both the missile-armed classes still carried the initial 350nm surface-launch system, but it was intended to introduce a second generation system in 1962, firing to 650nm from submerged. This system was to have been mounted in an improved nuclear submarine for delivery beginning 1963.

These plans did not materalise, owing to considerable changes in all relevant factors during the ten years since the project's inception. In particular, the uncertainty of assured response inherent in surface launch was found to be unacceptable and this, combined with the short missile-range and limited submarine performance, meant that this first missile system was never deployed on sustained operational patrol. Competing priorities for nuclear propulsion, and the inadequate designed performance of the submarine relative to improved ASW defence systems, led to the cancellation of the second-generation SSBN programme, and to the reconfiguration of the hull/propulsion units as SSGN. The 650nm submerged-launch system (which was fired successfully in early 1962) was back-fitted into the existing H-Class, which began to be deployed on operational patrols in 1964. As a result of these changes, there was a five year hiatus in SSBN production, until the first Y-Class was delivered at the end of 1967. This carries sixteen missiles firing to a range of over 1,500nm, and as a submarine is inferior to its design contemporaries in the U.S. Navy.

The twenty-five year saga of the Soviet Navy's efforts to produce an operationally viable nuclear delivery system provides an excellent illustration of the phased developmental process, while highlighting the pitfalls of this method, which lie mainly in excessive lead time and long production runs.

NAVAL SHIPBUILDING PRACTICE AND PROCEDURES

Besides the primary determinants of operational requirements and financial constraints, there are two other factors which have a considerable effect on the final output of Soviet naval building programmes. First, the Soviet Union pioneered the sectional construction and series production of submarines during the 1930s, and this has now become the established method throughout her shipbuilding industry. Ideally suited to large-scale production, this method requires substantial capital investment in production-line facilities and places a lower limit on the numbers of any one class that it is economic to produce. The second factor is the overall national economic plan, within which the naval building programmes have to take their place. These two factors impose considerable restraints on the flexibility of the programmes as a whole. In particular, requirements have to be formulated far in advance, and while it is possible to cancel demands on the economy, it is very difficult to increase the level of these demands once they have been written into the national plan. Moreover, the interdependence of series production and painful experience of delays in supply, cause shipbuilding enterprises to schedule the delivery of components well ahead of the date they are required for fitting.

Within the shipbuilding industry itself, there is greater flexibility and, assuming that the necessary equipment and material is available, it is possible to alter details of the programmes, provided that a yard's facilities are already assigned to naval use. But shipyard capacity has always been at a premium. And although cancellations have sometimes left building ways unused, when planning future programmes, the number of production lines available has invariably been a determining factor.

Lead Time. This term is used to cover the period between the design-decision [12] and the delivery [13] of the first-of-class, or of the first production model of a new weapon system fitted to an operational unit. The actual lead-time varies considerably and depends on the level of application, the complexity of the final product, and the extent to which it is original new-design and procurement. Problems of procurement, rather than design and development appear to be the ultimately limiting factor, and when major items are concerned (such as power-plant and propulsion machinery) *minimum* lead-time is assessed to be ten years. Where changes of plan are involved, this minimum can sometimes be circumvented by basing new-design on major components already approved for a cancelled programme.

Weapon development appears to be a continuous process in most fields, and much of the lead-time for weapon systems has usually been absorbed before the design-decision to incorporate it in a new class is taken. This is particularly true of common-user weapons, of which the cruise and ballistic missiles provide good examples. For new-construction ships embodying mostly new design, a lead-time of between eight to twelve years can be expected, depending on the particular characteristics and genesis of the unit concerned.

Pipeline Inertia. This term (my own) describes the combination of economic and *operational* factors which justify the continued construction of additional units of a class, for a substantial period after the parent programme has been cancelled. In the case of a small-unit high-rate programme (such as a diesel submarine), which is already in the process (or on the verge) of assembly, the economics of pipeline inertia are sufficient to justify about two years' production-worth at the originally planned building rate. With

---

Footnotes at end of article.

a big-unit, relatively slow-rate programme (such as the larger types of surface ship) which require a wider range of major components but fewer copies of each item, certain types of component will be procured in batches, rather than continuous-flow supply. While the ship itself will generally conform to the two-year rule, the inertial supply of certain weapons and equipment may sometimes extend to the quantity ordered for the complete building programme.

It appears that weapon systems delivery runs about two years ahead of the date it is required for fitting; hence, pipeline inertia for such equipment is always greater than for the parent programme. Actual construction of the 'pipeline units' may be concentrated in a single yard, and may be spread out in time, depending on the yard's commitments. When production is not imminent, the earlier the decision to cancel, the emptier the pipeline. Cancellation of a project within four years of work being due to start on the lead units, will produce reverberations in the system.

Normal Production. To be able to identify unplanned changes in the shipbuilding programme, which stem from adjustments of naval policy, one must have some idea of what constitutes 'Normal Production'. Series production is an inflexible task-master, with procurement and prefabrication of components reaching back throughout industry, while the shipyard itself has to be 'tooled-up' with a production line tailored to a certain type and class. To these limitations are added the constraints of an increasingly complex naval technology, which means that components and even basic materials such as hull plating are not easily interchangeable between projects. None of this matters if the programme is running to its original plan; but if major changes are required, these are hard to accommodate, and the repercussions are reflected in the pattern of production.

The normality of a programme is a function of its duration and of its building rate, both separately, and combined in terms of a 'production-run'. To these criteria, which apply to the shipbuilding industry as a whole, must be added others which apply to an individual yard. There will also be different criteria for each type of ship, and these will depend on the design relationship of successive classes of the same type.

For the larger units such as cruisers, the *duration* of the programme must be related to the time needed actually to build one ship; about four years from laying the keel to delivery. A minimum period of six years would therefore seem realistic for ships of over 10,000 tons, and this is supported by postwar practice. Four years would seem a practical minimum for the larger destroyer types, although there was one three-year programme in the postwar period (which did, however, build thirty-six units), but this was when the Soviets were still faced with the double problem of catching-up as well as keeping pace with new developments. The diesel submarine programmes, involving a far greater degree of assembly line techniques, were planned for six to eight year delivery periods. Nuclear submarine construction was programmed in two consecutive periods of five years each.

The minimum normal *production-run* of any one class varies widely between types, and has changed over the years as ships have grown more complex. It might possibly be as low as four units for a 15,000 ton ship, although six is more probable. For smaller units down to destroyer size, twelve to sixteen would seem to be the minimum. The production batch for each of the first two generations of nuclear hull/propulsion units was twenty-five to thirty units, and planned production of a new-construction diesel unit is unlikely to be much less than fifty.

The minimum involvement in a programme for any one yard appears to be two production lines. An analysis of the classes which were built and delivered during the 1950s gives a fairly clear indication of the normal output per national production line during that period, from which it has proved possible to extrapolate up to the present. In general terms, the annual delivery rate per production line during the middle 1950s was three large- or medium-type submarines, or six small-type submarines, or one destroyer. One building way could deliver a cruiser every three years.

However, as weapons have become more complex, it is frequently the weapon system which dictates the production rate, and not the tempo of hull assembly. During the 1960s. the production line delivery rate for missile-armed diesel submarines was one a year, while for nuclear submarines (all types) it was one every two years; it appears that this nuclear delivery rate still pertains. For surface units such as *Kynda* and *Kashin* the rate was also one every two years.

The 'norm' will vary between types and classes. But, as a general principle, any delivery programme which does not clearly harmonise with the overall plan, either in terms of the most efficient use of resources or because it flouts established shipbuilding procedures, should be viewed with suspicion, and an explanation sought for its untypical behaviour.

Modernisation and Conversion. There are no modernisation 'programmes' in the sense of special procurement being put in hand for the modification of all units of a class. Such modernisation and conversion which has taken place derived from the availability of weapons systems from cancelled new-construction programmes. Major conversion programmes (notably SAM, *Kotlin* and *Kanin*) have to make use of building ways which have been freed by a cancelled programme, and which also provide their weapon outfits, so that production lines are not released to conversion in preference to new construction.

The partial exception to this principle was the *Longbin* programme, which involved the major conversion of existing W-Class submarines to carry SSM. But this decision stemmed from the priority requirement to cut back the scale of new construction, and to limit the demand for essential items such as high quality steel and diesel engines; meanwhile, half the medium-type submarine production lines would otherwise have been standing idle. In the event, the *Longbin* programme was itself cancelled.

Soviet naval procurement since the war provides a fascinating story of their efforts, in the face of runaway technological advances, to develop a counter to the maritime capability of the West—a capability which increased at least in measure with their own efforts, and which rendered obsolescent programme after programme, before the units concerned had even entered operational service. It is a story of brave words, but frustrating results—and, anyway until recently, a persistently deteriorating balance of advantage.

The West has had difficulty in perceiving the real situation, since we have been prone to assess Soviet naval policy in terms of our own vulnerabilities, rather than identify the nature of Russia's traditional maritime requirements. This error has been compounded by our willingness to credit the military capability which the Russians claim publicly for their fleet, while ignoring the evidence of the Soviet's own internal assessments, as reflected in the repeated cancellations and radical readjustments of their warship building programmes.

As a general rule, we tend to over-estimate the Russian capacity to move from an imaginative design decision to the fully successful technological application of the concept, a capacity which lags far behind that of the United States. And in assessing the combat capability of Soviet naval units, we tend to overlook their traditional policy of sending weapon systems to sea before they are operationally effective, while underestimating the problems which the Soviets have still to solve.

FOOTNOTES

[1] *Morskoi Sbornik*, February 1928.

[2] The House of Representatives, Seapower Sub-committee of the Armed Services Committee. Report, Status of Naval Ships, 19 March 1969.

[3] By returning German prisoners of war, who were used as forced labour. The Germans overran Nikolaev, and obtained extensive photographic coverage of the other shipyard facilities in western Russia; hence the situation in 1944 is well documented.

[4] Seapower Sub-committee, op. cit., para 202.

[5] Of the twenty classes of major warship which were designed and built since the war, the building yards of all but three have been published, and the remainder can be derived by elimination. This information has been culled from a wide range of publications, but the most fruitful sources of detailed shipbuilding information are: articles by Hadeler and Meister in the 'Soviet Navy', M. G. Saunders, ed., 1958; 'Flottes de Combat', whose data on building yards is frequently confirmed and never contradicted by Jane's; and 'Soviet Merchant Ships', Kenneth Mason Pub., 1969, which provides the civilian building component.

[6] 1882, 1912, 1928.

[7] The terminology is my own. The existence of these separate phases is evidenced by the clear-cut delivery periods, and the generational design characteristics. This method of staged development is, however, typical of Soviet practice, and can be seen in other fields, as well as in the pre-war programme.

[8] These all-union totals (which reflect actual output) are built up from individual yard capacities. Building rates: cruisers—1 per slip every three years; destroyers—1 per production line per year.

[9] In 1948, the Soviets announced they were building a force of 1,200 submarines, a figure which would not have included their top secret nuclear project. Annual diesel submarine building rates: medium- and large-type—3 per production line; small-type—six per line.

[10] Although these classes were cancelled, pipeline inertia (see below) ensured the delivery of a substantial quantity of weapon systems which had been ordered for them, which allowed progressive modification of the existing *Kotlin, Skoryj, Riga* and *Kronshtadt* classes.

[11] Senator Symington, quoted by *Washington Post*, 29 May 1966.

[12] Design decision. My own shorthand expression to define the date when an operational requirement was identified *and* when the wheels were actually set in motion to do something about it, in the applied sense.

[13] Delivery (*sdacha*). The date a ship is delivered by the building yard to the Navy, after acceptance trials have been successfully completed.

VIETNAM VETERANS RETURNING

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 3,400 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 241,700

Americans in Vietnam who are planning to come here.

Mr. Speaker, President Nixon is keeping his word.

U.S.A. AND THE SOVIET MYTH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DERWINSKI. Mr. Speaker, the current book, "U.S.A. and the Soviet Myth," authored by Dr. Lev E. Dobriansky of Georgetown University appears to be causing considerable stir in many diverse circles. As expected, those who are thoroughly naive toward what they regard as "Russia" and the gestured mildness of the Russian imperio-colonialists are out clawing the work. On the other hand, those who warn caution in dealing with the Russians commend this work as a book to read. The following two reviews, by academicians, one in the United States and the other in Canada, make for most interesting and significant reading, a contrast between objectivity and blind hatcheting:

[From the Ukrainian Quarterly, Summer 1971]

U.S.A. AND THE SOVIET MYTH

(By Lev E. Dobriansky)

In his introduction to the book, Congressman William G. Bray of Indiana describes the contents as "strong medicine, carefully compounded." He goes on to say, of the struggle for the world, "We need only retain our own strength, and exploit the weaknesses of our enemies." Dr. Dobriansky, in his best book to date, does indeed sound a warning for the West, together with a prescription for eroding away the power of the Communist World.

The first five chapters deal with the nations held captive by Moscow, with emphasis on Ukraine. Chapters 6 and 7 discuss Captive Nations programs in the United States, Chapters 8 and 9 analyze diplomatic traps in dealing with Moscow, and the last chapter outlines the objectives and achievements of the Ukrainian Congress Committee of America. The author cites examples of the shocking lack of knowledge in high circles about the nationality problem of the USSR. Typical was a piece in the Washington *Evening Star*, July 23, 1964: "Strangely enough, the ideology that holds the Soviet Union together is not commnuism, but the 'Mother Russia' concept. For 'Mother Russia' is the common pride of White Russians, Ukrainians and Georgians . . ." One might as well say that Bohemia is a source of pride to the Slovaks, or Serbia to the Croats. I am sending this book to the author of that article, in the hope that he will read it with care.

Dr. Dobriansky not only details the nature of Muscovite imperialism and the appalling ignorance about the USSR, which persists among well-educated people in this country, but he also prescribes approaches to some solutions. His final chapter deals with the work of the Ukrainian Congress Committee of America, as it seeks to "exploit the weaknesses of our enemies." He cites in particular two major accomplishments: The Captive Nations Week Resolution (Public Law 86–90) passed by Congress in 1959, and the Shrevchenko Statue of Liberty in Washington, D.C. These achievements, and many others besides, are not only attributable to UCCA, but to Dr. Dobriansky personally, who has worked tirelessly, especially with leading Congressmen over the years, to keep the Captive Nations concept in the foreground.

The author describes valuable contributions of the USSA in supporting the cause of self-determination throughout the world, including Vietnam. *The Ukrainian Bulletin* of April 1–15, 1965, urged President Johnson to support and encourage psycho-political warfare waged by the Government of South Vietnam against North Vietnam, "warning the captive people of that Communist satellite that their aggressive communist masters will evenutally meet their doom." Also cited is UCCA support of President Johnson's actions in 1965 to prevent a Communist takeover of the Dominican Republic.

Dr. Dobrinansky points out that wishful exaggeration of the Sino-Soviet ideological split and "polycentrism" in Eastern Europe "cannot overshadow the blunt facts of predominent Soviet Russian power in the Red Empire." Our enemy in the Caribbean is not really Castro or Cuba, but the USSR. The same is true in the Middle East and Southeast Asia. Egypt and Syria, without the USSR pose no serious threat to Israel. Ho Chiminh and his successors, longtime adherents of Moscow, retain their power and threaten their neighbors only through massive Soviet aid.

The recent crackdown in Poland, coming on top of the Soviet invasion of Czechoslovakia and the previous rape of Hungary prove the author's point. Moscow is not about to acquiesce to "liberalization" or "national communism." The declaration of the Brezhnez Doctrine is the best proof of Soviet intentions, a declaration which was inspired as much by Western timidity and inaction as by Brezhnev's confidence in dealing with Dubcek and other deviationists.

Perhaps the most important contribution of the Captive Nations concept is that it has turned Moscow's propaganda about the dangers of imperialism against itself. Present-day discussions of imperialism (even at the United Nations) should turn away from considerations of Western policies long since abandoned to present-day Soviet policies, both with respect to the nations captive in the USSR, and to the countries in Central Europe, Southeast Asia, the Middle East and the Caribbean.

Not to be overlooked in the work of UCCA in developing and maintaining far-flung Free World contacts: "With its American identity and Ukrainian background resources it has contacts with scholarly, cultural, political, religious and other groups, both Ukrainian and non-Ukrainian, throughout the world."

Nor is it generally recognized that a cardinal principle of UCCA's educational policy "is the outright rejection of any common guilt on the part of the unvested and oppressed Russian people for the crimes and aggressions of the government in Moscow." The vast majority of the Russian people, "cannot be confused with the exploiting New Red Class and the twelve million Communist Party members, their families and relatives who have a stake in Soviet Russian totalitarian rule and imperial dominion."

UCCA's educational goal is to intensify "the perennial force of national self-determination in its genuine and true sense." The same people who call for self-determination in Asia, Africa and Latin America seldom if ever apply the same doctrine to the much older nations of Ukraine, Byelorussia or Georgia.

The potential for Free World psycho-political warfare is there; it remains only to be utilized. The author has spelled it all out very clearly indeed.

Dr. Dobriansky appropriately dedicates his latest book to Dr. Roman Smal-Stocki, "Patriot, Scholar, Christian and Friend of All the Captive Nations."

The book contains an excellent selected bibliography and index.

I congratulate my colleague and friend Lev Dobriansky and the Ukrainian Congress Committee of America for producing this volume. It deserves the widest possible readership in government circles, the media, and the Academy.

[From the Library Journal, Apr. 1, 1971]

INTERNATIONAL AFFAIRS

(By Lev. E. Dobriansky)

This polemic is based on a few easily digested assertions: Soviet Russia is bad; Calvin Coolidge, who recognized that fact, was good; his successors have been deceived by Soviet guile; and the touchstone of Moscow's evil is her suppression of Ukrainian freedom. While any of these might be debated, the author's tone is so intemperate and his style so unclear that these points are lost. What, for example, is one to make of this: "the defeat of Soviet Russian imperio-colonialism . . . would unleash constructive forces for economic production and America's technologic Manifest Destiny that the world has never seen before"? Or of the equation "USSR minus Ukraine equals zero," which Dobriansky says would astound all "except for the totalitarian Russian and their multinational clique"? This book has no literary or intellectual merit whatever.—*Robert H. Johnston, Department of History, McMaster University, Hamilton, Canada.*

REPRESENTATIVE MOORHEAD URGES SUPPORT FOR HEALTH MANPOWER BILL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. MOORHEAD. Mr. Speaker, I ask the support of my colleagues in voting for the Comprehensive Health Manpower and Training Act of 1971 which this House will vote on Thursday.

This bill will go far in wiping away the manpower shortages in many of the specialty health areas.

I am particularly concerned with the provisions in the bill for professional schools of pharmacy. This provision grants a school $800 per student for this endeavor.

Dr. Bruce D. Martin, dean of the Duquesne University School of Pharmacy, located in my city of Pittsburgh, wrote me yesterday telling of how much his school depends on Federal support.

I am sure that many schools in the districts of my friends here are equally dependent upon Federal funding.

We cannot turn our back on the health crisis before our Nation today.

We need thousands of trained doctors and health personnel to merely keep up with the current demand.

Once again, I urge all my colleagues to vote for this bill before this House.

I include Dr. Martin's letter to me in the RECORD at this point:

DUQUESNE UNIVERSITY,
Pittsburgh, Pa., June 12, 1971.

Hon. WILLIAM S. MOORHEAD,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. MOORHEAD: It is the purpose of this letter to detail to you the extreme need for financial support for the Duquesne University School of Pharmacy, Pittsburgh, Pennsylvania. It is hoped that support can be obtained through many sources to aid this private university's School of Pharmacy, but we look especially to recent proposed legislation directed toward encouraging the education of pharmacists through the Health Manpower legislation and the Health Professions Educational Assistance Act as they will be formulated for the coming fiscal years.

Duquesne University, a private university with little or no endowment, looks to tuition as its prime source of support. Just as the cost of operating our homes has increased in 1971, so will it cost more to operate Duquesne. Tuition in 1969 was $1600 per year, and in 1970 it was increased to $1800, although an additional increase of $200 was seriously considered because of the current financial crisis.

During the 1970–71 year, however, the students of the university formed The Third Alternative, an organization which looked toward fund raising as the way to prevent either of the first two alternatives; namely, closing the doors of the university or instituting the additional tuition increase. These students were able to provide sufficient funds to save the university as is well known nationally. However, a further increase in tuition to $2,000 will be necessary in 1971 to bring in the additional 1 million dollars needed for educational and general expenses.

The School of Pharmacy operates with fifteen full-time and nine part-time faculty members to provide a five-year curriculum leading to the Bachelor of Science degree. A modest graduate program produces M.S., Ph. D., and Doctor of Pharmacy graduates. In 1969–70, enrollment was 100 students in the last three professional years and about 100 in the first two years, thereby distinguishing the School of Pharmacy as one of the smallest schools of the 74 accredited Schools of Pharmacy in the continental United States and Puerto Rico. A deficit in operating expenses of over $93,000 and an overhead deficit of over $128,000 was incurred for a total deficit of approximately $222,000. Through the initial funding of the Health Manpower Institutional Grants, recruiting efforts resulted in an enrollment increase of 20 in Fall 1970 which reduced the 1970–71 total deficit to about $188,000. Further recruiting efforts which have taken place this year, along with the shortage of pharmacists known to be occurring nationally, have already provided Duquesne University School of Pharmacy with the prospect of its largest first professional year enrollment in twenty years entering in Fall 1971. Expansion of the last three professional years to accommodate an enrollment of 210 is seriously contemplated. This figure is very likely the maximum which our facilities just completed in 1968 will be able to handle.

Even if this enrollment increase does occur, the deficit may or may not be reduced since we are competing against inflationary problems. I mentioned previously the financial crisis of this university which is reflected in the School of Pharmacy operation. During the 1970–71 year, termed a survival year, every possible economy was instituted in nonacademic expenditures. For example, no funds were allowed for faculty travel, office equipment, laboratory permanent equipment, or promotion. Repair and supply budgets were pared to the minimum. These are some of the items necessary to operate a fine institution and to provide not only adequate but excellent education for pharmacists. Restoration of a full budget is a must.

The University, of course, could have substantiated an overall need for a tuition raise of $400 next year to increase salaries, but the Board of Directors has mandated the $200 increase in the belief that a larger increase would far outstrip the students' ability to pay.

The federal support to the School of Pharmacy begun in 1970 and continued in 1971 has become a necessity in supplementing our operating budget in order for this School of Pharmacy to remain in existence. I would ask that you do whatever possible to support legislation to continue federal funding for our School of Pharmacy. I am sure this is just one example of conditions that are being faced at many pharmacy schools across the nation and for that reason, we support the actions of the American Association of Colleges of Pharmacy, a member of the Coalition for Health Funding recently established. This coalition will gather facts and present the total picture on needs for meeting the health crisis in terms of institutional support and student loans and scholarships.

Thank you for your co-operation. If the ideas expressed here meet with your approval, I would sincerely appreciate your telling others about them, and I would not object to publication of this in the Congressional Record.

Sincerely yours,
BRUCE D. MARTIN, Ph. D.,
Dean.

FOURTH ESTATE CAN NOW HOLD GOVERNMENT ACCOUNTABLE

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. REID of New York. Mr. Speaker, today's Supreme Court decision in the New York Times and Washington Post cases means that freedom of the press is more secure tonight, because the Court has recognized that a press that is subject to prior restraint cannot be free. The Fourth Estate can now continue to hold the Government accountable to the American people without fear of censorship.

The following portions of the majority opinions seem to me to be most instructive:

Mr. Justice White affirmed:

> The . . . extraordinary protection against prior restraints enjoyed by the press under our constitutional system.

Mr. Justice Stewart:

> In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone here can protect the values of democratic government. For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the First Amendment. For without an informed and free press there cannot be an enlightened people.

Mr. Justice Brennan:

> The First Amendment stands as an absolute bar to the imposition of justicial restraints in circumstances of the kind presented by these cases.

Mr. Justice Douglas:

> The dominant purpose of the First Amendment was to prohibit the widespread practice of governmental suppression of embarrassing information;

And further,

> Secrecy in government is fundamentally anti-democratic, perpetuating bureaucratic errors. Open debate and discussion of public issues are vital to our national health.

Mr. Justice Black:

> In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government;

And further,

> No one can read the history of the adoption of the First Amendment without being convinced beyond any doubt that it was injunctions like those sought here that Madison and his collaborators intended to outlaw in this Nation for all time.

These clear pronouncements vindicate not only the two great newspapers involved in these cases, but more importantly they reaffirm the fundamental right of the American people to know what their Government is doing in their name. In so doing, they enhance the vitality of American democracy, restore the balance of our coordinate branches, and give the press an essential role in insuring the accountability of government to the people.

HOW MUCH LONGER SHOULD ENVIRONMENTAL EDUCATION WAIT?

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. BRADEMAS. Mr. Speaker, everyday's mail and personal contacts convince me anew that the American people want their environment cleaned up—and cleaned up in a hurry. Every opinion poll in the last year has placed environmental concerns in the top three issues of concern to Americans—urban, suburban, and rural. Whether it be lead poisoning in inner city poverty areas, the construction of jet ports in suburbia, or strip mining in Appalachia, Americans everywhere are demanding an ecological accounting of their leaders. And Congress has a vital role to play in making sure that the people's priorities become the Nation's priorities.

In the 14 months since Earth Day 1970 we have witnessed one of the great social phenomenons of American history—a national consensus developed from the concern and activities of students and youth who were determined to live and breathe in a healthier, safer, more appealing America. These young Americans love with a patriot's fervor the America of history, song, and legend and find reality of everyday living in our effluent-pocked affluence an insult to that ideal.

The great danger to this environmental concensus is that it runs the risk of becoming the last fad of the 20th century. The need to build an educational infrastructure to deal with these matters led my colleagues on both sides of the aisle to initiate legislation which became Public Law 91–516, the Environmental Education Act.

As you know, Mr. Speaker, the Environmental Education Act was passed in the House on August 3, 1970, by a vote of 228 to 28, and in the Senate on September 9 by a vote of 68 to 0. Despite earlier administration opposition to the bill, the President signed it into law October 30, 1970, and Congress subsequently appropriated $2 million for action under the Environmental Education Act during fiscal year 1971 through a supplemental bill.

The act authorized Federal funds for support of elementary and secondary school courses in environmental studies, adult education, and community conferences on ecology and curriculum development and teacher training in environmental studies. Minigrants of up to $10,000 were to be made available for local community work to promote understanding of these complex and interlinked social and scientific issues among community and business leaders, government officials at all levels, members of the labor movement, and citizens in general. We foresaw in our hearings and in the legislation, too, that environmental education should take place in new forms to match the new content, and the law therefore authorized grants for preparing materials suitable for use by mass media, for dealing with the environment and ecology.

As one of the sponsors of this legislation, I am very pleased to report to the House the final results of the first funding cycle. Congress was informed last week that 71 grants totaling $1,694,500 were awarded for projects in 31 States. What is lost in this program accounting is the fact that the public response to this program was overwhelming. The Office of Education handbook on preparing proposals for Environmental Education Act funds was issued in the second week of April with a deadline of May 26 for submittal of proposals. There was little time for publicity and prospective applicants were told that less than $2 million would be available. Despite these handicaps, nearly 2,000 proposals requesting more than $75 million were submitted by citizen's groups, organizations, institutions, and agencies from every State in the Union except Alaska.

And what has been the response of the Office of Education? Well, the question of environment education in the Office of Education, as Alice in Wonderland said, "gets curiouser and curiouser." Former Commissioner of Education James E. Allen made environmental education an agency priority. Last month Commissioner of Education Sidney P. Marland, wrote in American Education an excellent article called "Environmental Education Cannot Wait"—and I agree with him 100 percent. It is also my understanding that the Secretary of Health, Education, and Welfare, Elliot Richardson, has taken a personal interest in environmental education and OE activities in this area. Despite strong bipartisan support in the Congress, high level interest in the executive branch, and the overwhelming public demand for environmental education, the fate of environmental education in the Office of Education is, at best, uncertain.

Specific points of concern to me are the same as those which I raised on April 29, 1971, and which have not been satisfactorily answered:

First. Although the Environmental Education Act authorizes $15 million in fiscal year 1972, the administration requested only $2 million for environmental education programs in this coming year. Fortunately, both House and Senate Appropriations Committees have agreed on figures substantially higher than this.

Second. No Advisory Council on Environmental Education has been named. This council, mandated by the Environmental Education Act, has important statutory functions and should be appointed without delay.

Third. A highly visible office of environmental education has not yet been established, as required by law. To the contrary, it appears that with the new Office of Education reorganization scheduled for July 1, 1971, environmental education will be deeply buried in the bureaucracy. This is no less than a direct and flagrant contradiction of the clearly expressed intent of Congress. There is an old saying which, paraphrased, sums up my sorrow regarding the fate of environmental education in the Office of Education—the President and Congress may propose, but in the final analysis it is the bureaucracy which disposes.

Mr. Speaker, how much longer must environmental education wait before the law of the land and presidental policy is carried out? Why has the Office of Education not fully, honestly, and enthusiastically supported environmental education? Environmental education cannot, will not and must not wait. I am sure my colleagues in both the Senate and House support me on this.

I am pleased today to vote for the conference committee report appropriating $3,514,000 for environmental education in fiscal year 1972. This modest sum is less than one quarter of the amount authorized for fiscal year 1972—$15,000,000—and is less than 7 percent of the amount requested in proposals for fiscal year 1971 funding. But it will help assure that congressional intent is carried out and public demands more adequately met.

A CENTURY-OLD CHURCH KEEPS ATTUNED TO COMMUNITY'S LIFE

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, on Sunday, June 27, 1971, the Chicago Tribune printed an excellent article written by Jack Houston, commemorating the 100th anniversary of the First Bethlehem Evangelical Lutheran Church, which is located at 1645 West Le Moyne Street, which is in my district.

I would like at this time to commend the pastor, Rev. Edwin A. Reinke, of this truely unique church, for all of his outstanding efforts in the area of community affairs. He is a pastor who has indeed served all of the needs of his congregation.

I insert this article in the RECORD at this point:

CENTURY-OLD CHURCH KEEPS ATTUNED TO COMMUNITY'S LIFE

(By Jack Houston)

One hundred years ago the First Bethlehem Lutheran Church, 1645 W. Le Moyne St., was born to serve the spiritual needs of German immigrants settling Chicago's Northwest Side. Yesterday marked the church's centennial.

Today, the church's congregation, a mixture of whites, blacks and Spanish-speaking people, will celebrate the event. Included will be special music and a message from William Bartling, chairman of the mission board.

"What is significant about our centennial," said the Rev. Edwin A. Reinke, 68, pastor of the Missouri Synod church since 1954, "is that instead of moving away when the neighborhood changed, we stayed and became an inner-city church."

TRANSITION WORKS

The minister said the transition has worked out well—and for the best of the church.

"If we had not gone in for work with Spanish-speaking people," he said, "we would have had to close our door."

The church always has had a social conscience, the pastor said. A few months after the church was started, Chicago was hit by the great fire of 1871. Tho the fire never crossed the Chicago River, the church helped persons displaced by the fire, providing them temporary lodging. The church building also was used to store lumber for rebuilding the burned out section of the city

ETHNIC INFLUENCE CHANGES

The neighborhood and the congregation remained European white until 1967, when large numbers of Puerto Rican and some Cuban people moved in. Many in the congregation moved to the suburbs, tho this had been the practice—"as soon as they could afford the move."

"From 1956 to 1962 a large number of displaced persons from Europe moved into the community," Pastor Reinke said. "They have since moved out. Whole families would go to work, and before you knew it, they were gone."

Tho the neighborhood is mostly Spanish-speaking now, many of the white families who moved to the western suburbs still return for services. Each Sunday the minister conducts a German service at 9 a.m. and an English service at 10:30 a.m. A Spanish service is held at noon, conducted by the church's lay missionary, Carlos Segovia.

CONTACTS IMMIGRANTS

Segovia's work is to contact many of those who come to the church, but who do not speak English. In addition to full-time work with the First Bethlehem Church, he preaches every Wednesday night at Christ Lutheran Church in Logan Square.

The lay missionary also conducts a Spanish-language Sunday School in First Bethlehem each Sunday for about 20 Spanish-speaking children.

A weekday school, associated with the church, teaches 180 children in the community. For Spanish-speaking adults the church sponsors classes in English every Tuesday and Thursday from 7:30 to 9 p.m.

STATEMENT BY PROF. PHILIP E. KURLAND

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. McCLOSKEY. Mr. Speaker, earlier today our Subcommittee on Foreign

Operations and Government Information of the Government Operations Committee had the privilege of hearing Prof. Philip E. Kurland of the University of Chicago Law School testify on the current issues of truth in government and the obligation of the Congress to insist on full information from the executive branch.

Professor Kurland's statements on our constitutional relationships were so profound that I have excerpted his comments for consideration by the full membership of the House:

IV

If you will allow me, I should like to suggest that the problems on which this Committee's attention is now focused, important as they are, are but symptoms of a more serious disease. There are, to my mind, more fundamental constitutional questions that underlie those being considered.

The essential scheme of the national Constitution was the limitation of governmental power. It sought to accomplish this end by three means. The first was a division of power between the national government and the States, a federal system in which the national government was to have limited and specified powers. For all practical purposes, federalism in this country is a thing of the past. Whether by reason of necessity or desirability or irresponsibility, the national government now has plenary governmental authority. That is to say, there is no area of governmental operations that cannot be rationalized as coming within the national sphere, whether by reason of the power over commerce or some other amorphous grant of authority.

The second major principle of limitation on authority that inheres in the constitutional scheme is that of separation of powers. It does not suffice to reject this proposition to point out that a clean, clear line among the three branches was never intended and has never been effectuated. Certainly that is true. But the essence of the scheme remains, that by dividing governmental authority among three branches there was to be not only separation of powers but a system of checks and balances. Here, too, we are in danger of losing the constitutional protection sought to be afforded. Since 1933, the executive branch of the government has secured and exercised more and more power, in part by seizing it, in part by the failure of the legislative branch to assert itself. We have reached the stage where an astute foreign observer, Louis Heren, can validly assert:

"I do believe that the modern American Presidency makes sense as a political system only when it is seen to be a latter-day version of a British medieval monarchy, and I commend this approach to its loyal American subjects. Thus armed, they will be less bothered by the frustrations that usually attend the conventional method of measuring the incumbent against the constitutional yardstick.

"The main difference between the modern American President and a medieval monarch is that there has been a steady increase rather than diminution of his power. In comparative historical terms the United States has been moving steadily backward."

The concentration of power in the executive branch may be sought to be justified by the criterion of efficiency. Just so the criterion of efficiency may justify restraints on the power of the people to learn what is going on in the government. A steady concentration of power even within the executive branch is also a trend to be noted and—I think—deplored. And this committee bears no small responsibility for the proposal to bring the various departments of the executive branch under a handful of cabinet commanders, presumably on the model that Napoleon so successfully used. The Presidential reorganization plan will thus bring more and more power into fewer and fewer hands. (The examples afforded by the Department of Defense and HEW do not suggest to me that departmental conglomeration leads to efficiency).

That such concentration of power is inconsistent with the original constitutional scheme, I have no doubts. As Professor Andrew McLaughlin once noted:

"If it be asked why people were so unwise—and the question is often asked—as to hamper government by division of authority and by checks and balances, the answer is simple: such was the kind of government the leaders and probably men in general wanted. Who are a free people? Those who live under a government so constitutionally checked as to make life, liberty and property secure. That would have been the most explicit answer of the Revolutionary days. . . ."

The third limitation on government authority that was of the essence of the Constitution was a list of restraints on the national government included, not only in the Bill of Rights but in other provisions of the Constitution as well; none so important, however, as those contained in the First Amendment.

I recite these commonplaces to you because I think that they are relevant to the issues before you. Since John Marshall used the "necessary and proper" clause to expand the national authority in the *Bank* case (*McCulloch* v. *Maryland*, 4 Wheat. 316 (1819)), it has generally been regarded as a device for the allocation of power between the nation and the states. A reading of its provisions suggests that it is at least as relevant to the division of authority within the national government itself. The provision, as you may recall, reads: "The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into execution *the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.*" (Emphasis added.)

It becomes clear to me, therefore, that to the extent that Congress is still a viable institution, it can enact legislation which in effect says that the courts shall not be permitted to enjoin publication by newspapers even of materials purloined from the national government. Congress cannot derogate from the protections afforded by the First Amendment, but it can add to them. It can legislate the circumstances and conditions under which the press may assert the privilege to conceal its sources of information. It can, I think, even legislate the terms and conditions under which the executive privilege may be asserted for the protection of the national interests. Certainly there are balancing factors to be taken into consideration in the enactment of such legislation. Congress may decide that there are times when an injunction against publication—when permitted by the Constitution—should be proper. Congress may decide that there are situations under which the executive branch should be allowed the confidentiality of communications that most enterprises—even governmental enterprises—need in order to operate successfully.

I think that the real problem is that Congress cannot—because of the way it is organized—or will not, for whatever reason, undertake the duties that are ascribed to it by the Constitution. (I would require all Congressmen to read Wilson's *Congressional Government*, to show them what role Congress once played in our governmental scheme.) After the "crisis" of the Pentagon papers recedes into the past, I expect that Congress will continue to condone Presidential actions that find no warrant in Congressional legislation. We will continue, for example, to see the President wage war without Congressional declaration, to see executive orders substitute for legislation, to see secret executive agreements substitute for treaties, and to see Presidential decisions not to carry out Congressional programs under the label of "impoundment of funds." I suggested several years ago that the failure of Congress proves or will prove the failure of democracy. And I still think that the danger is nothing less than that.

Meanwhile, I would point out, that the failure of Congress to exercise its powers of supervision over the execution of the laws that it purportedly enacts makes it all the more important that the news media be kept free to do so. For if Congress is less and less concerned about what the executive is doing, it behooves the press—in the largest sense of that word—to assume the watchdog function.

I expect that I have more than tried your patience with this tirade. And so without explicit injunction I cease and desist from further imposition on your generosity. I should, however, be happy to answer—or to try to answer—any questions that you may wish to put to me.

LIQUID METAL FAST BREEDER REACTOR FUNDS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HOSMER. Mr. Speaker, so that others may know of its contents I have obtained permission for my recent letter written to colleagues in the Congress to appear below:

JUNE 29, 1971.

DEAR COLLEAGUE: It is an uncontroverted fact that our country is running out of power.

Something has to be done to avoid brownouts and blackouts.

We have a plan.

It is to develop a breeder reactor which will safely produce electricity and more nuclear fuel than it consumes.

An organization naming itself "Friends of the Earth" has written you demanding the plan be shelved by withholding breeder development funds.

It demands that the AEC "guarantee the absolute safety of the proposed breeder program before any more public funds are committed to its development."

That demand is both impossible and ridiculous.

The whole idea of development is to create a safe breeder and thereby develop an augmented energy supply.

It is impossible to develop anything, safe or otherwise, without funds.

It is impossible in advance to guarantee safety of something not yet developed.

It is both possible and provident to develop a safe breeder reactor.

It would be suicidal for any modern industrial nation to refuse to do so.

Your enlightened support of the necessary funding is solicited.

Sincerely,

CRAIG HOSMER,
Member of Congress.

INDEPENDENCE DAY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. CARNEY. Mr. Speaker, Independence Day, the Nation's birthday, is that day which is, of all days of the year, the proper occasion for renewing and pledging devotion to our beloved country.

We celebrate today the signing of the Declaration of Independence. Just after this historic document had been signed, John Adams wrote of that day to his wife:

> I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations, from one end of this continent to the other, from this time forward, forevermore.

And just so it has indeed been celebrated in those very ways for these many years and by so many generations of patriotic Americans. It was once the custom for people to spend at least an hour under the blazing sun on the Fourth of July while a speaker talked at length in the steaming heat. We no longer do that, but our thoughts are the same ones that were discussed at such length in the old days, duty, honor, devotion to country, and service in its cause.

The men who signed the Declaration of Independence were risking their lives. They would have been executed as traitors to the British crown if the Revolutionary War had been lost. Yet they had faith in their cause, in their new country, and in themselves. We need that kind of courage to meet our own present dangers.

In the Declaration of Independence Jefferson authored a document which has been called "the best known paper that ever came from the pen of an individual." The birth of a nation is to be found in the immortal words:

> We, therefore, the Representatives of the United States in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do in the Name and by Authority of the good people of these Colonies, solemnly publish and declare, That these United States are and of Right ought to be Free and Independent States.

In a letter written shortly before his death, Jefferson described the writing and signing of the Declaration as "the bold and doubtful election we were to make for our country between submission and the sword."

The same choice between submission and the sword that has faced other generations of Americans through the long years of our history faces this generation of Americans today and will face future generations. The independence and freedom which were won for us in the Revolution have been preserved by sacrifice and by courage. We must be strong enough in character, resolution, and will, to maintain them.

There are few dates in history that cast long shadows ahead of them, but one such date was July 4, 1776. Today, almost 200 million Americans owe their freedom and their country's independence to the men of the War of the Revolution whose profession of moral and political faith, the Declaration of Independence, ended with these words:

> And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our Sacred Honor.

WORLD-WIDE MISSIONS, INC.

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. REES. Mr. Speaker, the people of the State of California and, indeed, the people of all of our country should be extremely proud of one particular Californian—Dr. Basil Miller. He is the founder and director of World-Wide Missions, Inc., Culver City, Calif.

World-Wide Missions is an incorporated, nonprofit organization laboring in more than 80 nations throughout the world as a nondenominational mission to spread Christianity. Founded only approximately 20 years ago, today there are over 2,000 missions, or churches, throughout the world which receive funds through it. These funds are obtained through the freewill offerings of people everywhere, particularly here in the United States. No Government money has gone into any of their endeavors. The work of the World-Wide Missions is a demonstration of what people can do without Government money and on a strictly volunteer basis.

Churches have been established in the United States and foreign countries, and the Mission has trained many preachers. Missionary orphanages and homes for widows and unwed mothers have been built in foreign lands, exclusively for religious and charitable purposes.

There are over 3,000 workers throughout the world taking part in this endeavor, mostly volunteers and nationals of the countries themselves. Dr. Miller estimates 95 percent of them were trained by the religious denominations of the various countries, but these denominations were unable to put them to work because of a lack of funds. World-Wide Missions does compensate them from the contributions received.

More than 50,000 Americans support World-Wide Missions and make it the great success it is. While possibly the largest institution is in this country—the Twin Wells Indian School at Sun Valley, Ariz.—the rest of the money contributed by Americans goes to the missions throughout the world.

All this started over 20 years ago because of the dedication of one man, Dr. Basil Miller. Educated at New York Theological Seminary and New York University, Dr. Miller has been a minister in churches in Pittsburgh, New York City, San Diego, and Pasadena. Also, he has devoted many years to religious writing.

Dr. Miller is the president of the board of directors of World-Wide Missions. Mr. Kirby Taylor is vice president of the Missions and a member of the board; Mrs. Esther Howard is associate director of the Mission and secretary of the board, as well as being foreign financial secretary; Mrs. Elizabeth Curtis is treasurer of the Mission and a member of its board; Dr. Olav Bjorgaas, a board member and head of the medical work, is a practicing physician in Oslo, Norway; and the Reverend Paul Wegmueller is another board member as well as director of the Latin American program and the film evangelism program.

These people, plus the many volunteers and other employees throughout the world, are doing a great service to mankind. They exemplify what is good about America in this time when we hear so much criticism of our country; they exemplify true Christian love and concern for humanity in a time when so much lip-service but much less action is given these principles.

Because of the work they are doing—and because I feel that the whole country has reason to be proud of World-Wide Missions, I decided to call their accomplishments to the attention of the House of Representatives. We need more Americans with such unselfish dedication.

HOUSE APPROVES FUNDS FOR THE NATIONAL ENDOWMENT OF THE ARTS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. BOLAND. Mr. Speaker, yesterday the House of Representatives approved full funding of $30 million for the National Endowment for the Arts. I am delighted that this program—one that I feel is vital to the cultural activities of this country—will receive the funds which it so richly deserves.

Mr. Speaker, $30 million is not a large budget. In view of the past successes of the endowment, and in view of the far-reaching effects that its programs will have on the American people, this appropriation is well justified.

Last year the United States spent only 7½ cents in Federal funds on the arts. This figure compares very poorly with the $2.40 spent by West Germany, and Canada's $1.40. But, under the able direction of Chairman Nancy Hanks, the National Endowment for the Arts was able to generate far more citizen involvement in the arts than that amount would indicate. Part of this success is due to the fact that, throughout its history, the National Endowment for the Arts has always managed to generate $3 to $4 in private funds for every Federal dollar granted. What we are appropriating is, then, "seed capital."

The arts have too long been reserved for a small, elite sector of the American public. This does not reflect a lack of interest on the part of many Americans, but rather a lack of the financial resources that enjoyment of the arts has required.

Through the efforts of the endowment, our schoolchildren are being introduced to new and varied art forms. Certainly, in this day and age, we are paying a small price for the humanizing effects that the arts will have on these youngsters.

Other activities sponsored by the endowment will enrich American life physically, as well as aesthetically. Architectural planning and design programs are being coordinated with environmental research grants to make our cities better places in which to live.

The notion of "rewarding" artists for past achievements has often proved to be somewhat futile. The "reward" may not be sufficient to carry the aspiring artist through future projects. Now, "fellowships" are being awarded to encourage those with talent to devote more time to the creation of new works.

The appropriation we have just approved will permit the National Endowment for the Arts to be even more responsive to American artists and art organizations who seek assistance for worthy projects. It will enable the endowment to realize its three goals of wider availability of the arts, strengthening of our cultural resources, and advancing our cultural legacy.

DR. PAUL WEST, EDUCATOR RETIRES

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, America has lost the active service of an outstanding educator. Dr. Paul West, superintendent of the Fulton County, Ga., schools, has to his credit been a shining light to thousands upon thousands of students who have passed through this school system.

Dr. West is known for his uncanny memory, his ability to make friends as well as his ability to direct the youth of America into profitable and meaningful pursuits.

Perhaps I am more fortunate than most of those who have passed through the Fulton County schools because during my high school days, I had the benefit of the advice and counsel of Dr. West who was then principal of Russell High School. As principal, Dr. West was noted for knowing all of the students—some 1,200 of them—within a few weeks after they had entered the school. Further, he was noted for his stern but fair administration, for his compassion for the problems of the teachers and his desire to direct students in such a manner that they would reap the benefits of his direction throughout their lives.

Dr. West received many accolades during his career as an educator. I personally believe that Dr. West could have attained any position he sought whether it was Senator, Governor or whatever, and this opinion of mine is shared by many. However, Dr. West was more concerned about the education and direction of youth than he was in achieving high political office.

I suspect that tens of thousands of young Americans who have passed through the school system he has managed have been greatly enriched because of his decision.

Yes, this is both a proud day for the people of Fulton County and a sad day—a proud day because we have a man who would dedicate his life to the children of the community and a sad day because the time has come for his retirement from active service as the Superintendent of Schools of Fulton County.

Although Dr. West will retire tomorrow, I have every confidence that he will not shirk his civic duty to speak out in behalf of young people for whom he has shown great concern. I know that this Congressman will greatly miss his official counsel and help on educational matters in which we in Congress and he in the school system have a joint interest. I know this Congressman, for one, will be in contact with Dr. West throughout the coming years and will follow much of his advice and counsel, for he is much too valuable a man to retire and not share his counsel with others in public office.

THE SELLING OF THE SOVIET PENTAGON

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. CRANE. Mr. Speaker, at a time when American military planners and leaders seem to be on the defensive, at a time when there is a seeming presumption against rather than in favor of military strength, it is both interesting and dangerous to note that a radically different philosophy is evident in the Soviet Union.

While our own leaders are denied the right to speak of and plan for victory over the forces of aggression, and while we refuse to identify communism as the enemy of all freedom and self-determination, the leaders of the Soviet Union feel in no way so inhibited.

Prof. Milorad M. Drachkovitch of the Hoover Institution of Stanford University has surveyed the ideas of top Soviet military leaders as presented in the weeks preceding the opening of the 24th Congress of the Communist Party of the Soviet Union.

He found, for example, that contrary to our own unwillingness to name the enemy, the Soviet military leadership suffers from no such problem. Maj. Gen. S. Ilin stated that—

> Unmasking enemy ideology, fostering hatred for the imperialist aggressors occupy an important place in shaping high moral and political qualities in personnel.

Rather than withdrawing from the world, as our country seems on the brink of doing both in Europe and in Asia, the Soviets are expanding, and boast of it. Another military paper states that—

> Together with the development of patriotism, moral-political training also includes educating fighting men in the spirit of proletarian internationalism and the unity of the fraternal socialist countries and their armies, and this assumes particular importance in connection with the expansion of the U.S.S.R. armed forces' international tasks.

It is clear what this statement really means. In fact, an editorial entitled "Fright On Demand" in the prominent Yugoslav daily Politika attributed these menacing words to a continuing Soviet nervousness following the events of 1968 in Czechoslovakia. As Dr. Drachkovitch points out—

> The official Soviet attitude had shifted from confidence in the irreversible strength of socialism to an overemphasis on the increased imperialist danger.

Beyond this, Dr. Drachkovitch notes the growing rehabilitation of Joseph Stalin and states that—

> Unfortunately, there will be no Soviet CBS to denounce the use of public funds to promote reckless militaristic conditioning of the public.

Thus, while we speak of an "era of negotiation" the Soviet Union plans for aggressive expansion.

I wish to share Dr. Drachkovitch's article with my colleagues. It appears in the National Review issue of June 29, 1971. I insert it into the RECORD at this time.

The article follows:

[From the National Review, June 29, 1971]

THE SELLING OF THE SOVIET PENTAGON

(By Milorad M. Drachkovitch)

In Russia, the Military-Industrial Complex gets top priority. Soviet generals have been instructed to prepare for the third world war. To hear them tell it they're well on the way to winning it right now.

Today, with the American military establishment under unprecedented domestic critical assault and the Pentagon chiefs driven to the defensive, it is instructive to explore how those high in the Soviet military view the role of armed forces within the context of their own society.

An unusually good opportunity for surveying the ideas of top Soviet military leaders presented itself in the weeks preceding the opening of the 24th Congress of the Communist Party of the Soviet Union. At that time four of the structural and ideological leaders of the huge military apparatus formulated their viewpoints on vital issues facing the armed forces of the Soviet Union. Their survey articles, published in the most authoritative newspapers, may be considered a quintessence of thinking at the top of the Soviet military hierarchy. The four writers in order of the appearance of their articles were: Major General S. Ilin, candidate of historical sciences[1]; General A. Epishev, head of the main political directorate of the Soviet army and navy[2]; Marshal Ivan Yakubovsky, First Deputy Defense Minister of the USSR and commander of the united military forces of the Warsaw Pact[3]; and Marshal A. A. Grechko, Minister of Defense of the Soviet Union.[4]

Owing to the remarkable uniformity of their ideas and theses, the analyst need pay little attention to the individual contributions (which in fact should be interchangeable); the fundamental thrust of all their argumentation clearly indicates what message the military chiefs hoped to convey to Party leaders and the country at large at the solemn occasion of the 24th Congress. That message had five major components.

I. THREAT OF A NEW WAR, AND ITS GENERAL AND CLASS CHARACTER

Major General Ilin reversed the position until recently expounded by many Soviet military and civilian writers (and stated in the 1961 program of the CPSU), that "the growing superiority of the socialist forces over the forces of imperialism . . . will make it actually possible to banish war from the life of society." Ilin brandished the threat of a new world conflict, which he declared to be present in the policies of U.S. imperialism. About the nature and content of such a war, he predicted:

---

[1] "A Powerful Factor for Victory," *Krasnaya Zvezda* (Red Star), the official organ of the Ministry of Defense of the USSR, March 12, 1971.

[2] "Pivot Men of the Army and Navy," *Pravda*, March 25, 1971.

[3] "Industry Is Growing, Defense Is Strengthening," *Sotsyalisticheskaya Industriya*, Moscow, March 25, 1971.

[4] "Mighty Guards of Peace and Socialism," *Krasnaya Zvezda*, March 27, 1971.

> . . . If a third world war should become a fact, it will differ greatly from previous wars. It will take the form of a decisive class struggle between socialism and imperialism on a global scale with the use of the most up-to-date weapons of armed conflict. The strike power of these weapons, primarily nuclear missiles, as well as conventional weapons, which are continually being improved, has grown immeasurably. All this makes exceptionally great demands on the moral and political, psychological, and combat qualities of the troops.

Echoing Ilin's words, the Party's top man in uniform, General Epishev, denounced "the aggressiveness of imperialism" and its readiness to "prepare a world war against the countries of the socialist commonwealth." Quoting Lenin's dictum that imperialism is a force capable of "every kind of savagery, beastliness, and crime," Epishev warned that the foe would change tactics and strategy but imperialism would "totally maintain its aggressive essence." And Marshal Yakubovsky wrote of "the aggressive policy of imperialism aimed at exacerbating tension and unleashing a new world war."

II. THE SOVIET TECHNICAL RESPONSE

How to react to the war danger? As a unanimous answer to that question, the four Soviet military leaders emphasized not negotiation, not an effort to eliminate world tensions by reduction of military burdens, but in Marshal Grechko's words, "strengthening and keeping the Soviet defenses at top level." Both Grechko and Marshal Yakubovsky took great care and obvious pleasure in emphasizing Soviet strength. "Our modern armed forces are mighty as never before," said Yakubovsky. That claim was elaborated in Grechko's self-congratulatory enumeration: "The [Soviet] Strategic Rocket Troops have developed still more and become mightier. . . . The antiaircraft missile systems, and air complexes, radar, and automated control systems enable the troops to shield the country from any aerial attack. . . . The air force likewise develops at a rapid pace. . . . The Soviet navy has become a formidable force with nuclear-powered and diesel missile-carrying submarines, surface missile carriers, and jet aviation. It more than once [has] demonstrated its increased capability in recent years."

Looking to the future, that is anticipating the fulfillment of the new five-year plan that was to be submitted for approval of the Party's congress, Marshal Yakubovsky stated that the planners' aim was "to defend our people and all the countries of the socialist community even more reliably against the danger of imperialist aggression, and to consolidate the positions of the peaceloving and liberation forces throughout the world." In almost lyrical terms he linked "the rapid development of the Soviet army and navy" to "the gigantic success of socialist industry and the achievements of the physico-mathematical sciences, nuclear physics, solid-state physics, quantum electronics, radiophysics, chemistry, technical cybernetics, metallurgy. . . ." And in even more glowing terms than Grechko, he hailed

"... a revolutionary leap forward in the development of the air forces. Our designers and aviation and defense industry workers have equipped military aviation, which has become jet, supersonic, missile-carrying, and all-purpose aviation, with magnificent "flying complexes" with a wealth of combat potential. Scientific and technical and industrial progress has been concentrated, as it were, in the Soviet navy, which is rightly called an ocean, missile-carrying, and submarine-aviation navy."

III. ". . . TIRELESS PERFECTING OF PARTY-POLITICAL AND IDEOLOGICAL WORK AMONG THE TROOPS" (A. A. GRECHKO)

But the laudatory emphasis on the technical preparation of the Soviet armed forces and on all the marvels of the military-industrial complex that were working so smoothly and effectively was only part of the message. At least equal stress was laid on developing and strengthening spiritual and moral forces among Soviet military personnel. In Ilin's words: "Soviet military-theoretical thought gives full consideration to the increasing importance of the man, and to his moral forces for insuring victory in modern warfare." In this realm, in fact, Ilin saw an even greater Soviet advantage than in a strictly military competition. With unconcealed confidence he contrasted the "insoluble contradictions" manifest in the low (and "unimprovable") morale existing in the armies of imperialist powers, and the Soviet serviceman's "sense of pride in . . . motherland and complete faith in the ideas and cause of the Party." In sentence after sentence he stressed the intensive ideological work being carried out among the Soviet troops to instruct them in Leninist ideas, to train them psychologically to "function successfully in the most complex situations," to imbue them with the spirit of the "high patriotic and international mission of the Soviet armed forces."

In manner somewhat more sophisticated, though in matter identical, General Epishev synthesized the confluence of technical and ideological factors in molding the abilities and minds of Soviet fighting men:

"[The] condition of the armed forces is characterized by both quantitative and qualitative indicators. It includes [not only] the level of excellence of fighting techniques and weapons [but] the fighting mastery of the personnel, its constant moral capacity and readiness to endure the most difficult trials of contemporary warfare and its unending will to struggle and win the victory."

IV. "EXPANSION OF THE USSR ARMED FORCES' INTERNATIONAL TASKS" (S. ILIN)

The complacent reader may be tempted to dismiss the above assertions about the ideological molding of Soviet soldiers as no more than a familiar military technique to bring pressure on civilian authorities. But there is a sentence in Major General Ilin's article that should dispel any wishful assumptions that Soviet military preparedness is dictated by exclusively defensive considerations:

"Together with the development of patriotism, moral-political training also includes educating fighting men in the spirit of proletarian internationalism and the unity of the fraternal socialist countries and their armies, and this assumes particular importance in connection with *the expansion of the USSR armed forces' international tasks.* (Italics added.)"

The author left unspecified what he meant by "the expansion of international tasks" of Soviet armed forces, but his innuendos were not lost on Eastern Europe. An editorial entitled "Fright on Demand" in the prominent Yugoslav daily *Politika* (issue of March 18) attributed these menacing words to a continuing Soviet nervousness following the events of 1968 in Czechoslovakia. The Yugoslav commentator also stressed a development that to him was obviously disquieting: The official Soviet attitude had shifted from confidence in the irreversible strength of socialism to an overemphasis on the increased imperialist danger. What could be the reasons, he wondered, for these "confusing waverings in the measurement of force relations on the world scene"?

If Major General Ilin considered it advisable to confine his remarks to unspecified threats, Marshal Yakubovsky seemed to consider it his duty to be more specific. "With the introduction of nuclear missile weapons into the armed forces," he stated, "there has been an increase in the role of the airborne forces." He hailed the "winged infantry's . . . capability of accomplishing swift marches across the clouds," and then gave a concrete example:

"Those who were at the Dvina maneuvers saw this for themselves, observing how in 22 minutes deep in the 'enemy's' rear a large-scale operational landing was effected—approximately eight thousand men with full equipment, light and heavy."

V. HATRED—DISCIPLINE—VICTORY

Let us return now to our introductory statement about the present anti-military climate in the United States. In this climate the Pentagon's chiefs must exercise extreme care to avoid saying anything that might be interpreted as inflammatory (hatred of the enemy, the virtue of discipline and pursuit of victory in war being currently unmentionable concepts). It is significant to see that what is scrupulously avoided in military jargon in the United States is preached openly and proudly in the Soviet Union. Three sentences from Major General Ilin's article will suffice to illustrate this point:

"Unmasking enemy ideology and fostering hatred for the imperialist aggressors occupy an important place in shaping high moral and political qualities in personnel. . . . [It is necessary] to search for means of shaping more effectively in soldiers, sergeants and officers the aspiration to follow unswervingly the demands of military regulations and orders. . . . The task of training courageous, brave fighting men able to overcome any difficulties on the path to victory is resolved in the process of tactical instruction, exercises, marches and the performance of military duty."

In appraising the politico-military meaning of this combined stress on missile-rattling and "our army's decisive moral superiority over the armies of the imperialist states" (Ilin), three elements should be borne in mind. First, instead of showing any inclination to replace confrontation with negotiations, the Kremlin's military chiefs seem bent on sharpening the ideological struggle between socialist and capitalist systems. Second, while lip service is still paid to a goal of peaceful coexistence with states with different social systems, these Soviet military leaders emphasize in the bluntest possible terms the strength and growth of a Soviet military might that goes far beyond the legitimate requirements of national defense. Third, Brezhnev's political doctrine of "limited sovereignty" for non-Russian socialist states obtains a military corollary in the concept of defense extending to the entire socialist aggregate.

It would be farfetched to conclude that the exhortations of these Soviet military leaders will as a matter of course guide the policies which the leaders of the CPSU will pursue in the aftermath of the 24th Party Congress. But it is certain that the Party will pay careful attention to what its men in uniform have proclaimed (and will undoubtedly continue to proclaim) in such unequivocal terms. And the picture of a neo-isolationist United States, a longtime rival with a diminishing prestige and a deteriorating military morale, could be a most dangerous inducement to the Soviet leaders to pursue a foreign policy requiring "expansion of the USSR armed forces' international tasks."

STALIN LIVES!

The future alone can delineate which are the statements of policy intention and which the purely propagandistic phraseology in the harsh words of the Soviet brass. Unfortunately, there will be no Soviet CBS to denounce the use of public funds to promote reckless militaristic conditioning of the public. No member of the Supreme Soviet will take it upon himself to blast the size of the overt and hidden Soviet military budget. No "revisionist" Soviet academician will publicly express his outrage at a proudly proclaimed scientific-industrial subordination to the needs of military buildup.

To complete the picture and to add yet another ominous note on late developments in the Soviet Union, a few days before the opening of the 24th Congress the popular Moscow movie house "October" displayed in its central window a picture of Stalin presiding over a meeting of the Soviet Supreme Military Command. The picture was taken from a film that premiered on the evening of March 24, the third film in the series entitled *Liberation*. Unlike the first two films in the series, which had minimized Stalin's historical role, the latest (called *The Emissaries of Eternity*) showed Stalin seated at the right of Lenin at a time when momentous decisions were being made.

Add to the words of Ilin-Epishev-Yakubovsky-Grechko this new bit of evidence of Stalin's rehabilitation, and you will see that the cold (and potentially hot) warriors are well and vociferous in the Soviet Union, and moreover at the top of the Kremlin's military establishment.

Let's Carbuncle Sam

(By Johannes Eff)

Up into little pieces of eight
Balls and throw him to the hat
Red Guards are waiting in the wings
To assassinate all kings,
Princes, presidents, and monopolists;
Line up the kids for bedtime reformastories of fists
In the air, fuses, and dynamighty fine
Malcolm explosions, terror-for-credit, new whine
In old skin-deep slogans-to-order;
Sugar Cain's daughter
Is hanging in the post office right now waiting for stamp
Ede(n)s got a shrapnel-cramp
In its stomach trying to digest green
Jerry-built Rubincons crossed with simple simons and booster; keen
Mind detectors are sweeping the echo-kultur
For looney bird, gull, albatross, and vulture.
Proferrors are dishing out the dungareënlightenment, catch
Words to patch
Up the thin garment of scholarship:
Life is a trip
Of Five Easy Pieces;
And Marx is so easy for nephews and nieces.

MOST UNHONORED COMBAT ARMY COMING HOME

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. LANDGREBE. Mr. Speaker, the malaise and potential disaster brought on by our pursuit of a no-win war in Vietnam has never been more eloquently portrayed than in a column written by Jenkin Lloyd Jones, which appeared in the June 26 edition of the La Porte, Ind., Herald-Argus.

Mr. Jones paints a tragic and poignant portrait, which should give us all cause to ponder what the future of our Nation will be, or indeed, if we are even going to have a future worthy of the name. I urge each of my colleagues to read this article, our survival may well depend on whether we heed Mr. Jones' words, for as he says—

> We are entering a period of mortal danger.

The article follows:

Most Unhonored Combat Army Coming Home

(By Jenkin Lloyd Jones)

They're coming back home, now. No bands. No cheering crowds. No confetti. No speeches. The most unhonored combat Army in American history is simply coming home.

The armies of 1918 and 1945 returned with snap and pride, boastfulness and a sense of great things done—done hopefully for all time. These small groups you see in the airports—half apologetic, half ashamed—must be more like weary Confederates who wore rags and went back to ruins.

I remember them in a happier and more hopeful hour. There was the old elan when I rode with them on night patrol down the Bassac River, and skimmed the paddies in the helicopters and interviewed the kids sweeping the jungle trails above Pleiku, and watched the jets roar from the carrier decks off Hainan Island. These were as good fighters as America had ever seen.

For those were days when they thought we intended to win. They really did. The enormity of allowing a 600-mile open flank from which the enemy could sally forth at their convenience and retire to whenever they were bloodied hadn't yet dawned on them.

Only the prospect of victory makes war tolerable—only the promise of glorious dawn beyond the dark night of agony and danger. But Vietnam was a meat-grinder. Vitnam was endless.

Maybe the root of trouble was the atom bomb. If Adolf Hitler or Joseph Stalin had gotten to it first, a frightened world would have knuckled under to the most ruthless blackmail.

But we got it first. We were awed and a little guilty at its terrible power. So Harry Truman fired Douglas MacArthur for wanting to carry the Korean war across the Yalu.

Truman feared a widened conflict leading to a nuclear hell. For the first time in our history, America fought a no-win war and took the insults and humiliations at Panmunjom.

We should never have made that mistake twice. But we did. We bowed to the nervous Nellies in the United Nations who maintained the stubborn fiction that Laos and Cambodia were neutral, even though the enemy operated in them at his pleasure.

So the meat-grinder was set up and gradually morale crumbled among soldiers who saw no victory, only the number of months or weeks before they could go home.

In the meantime, the home front crumbled even faster. To lose a son in combat is sad enough, but to lose a son in apparently purposeless combat invites white-hot anger.

The doves began to be vocal in the congress. They said, "All is lost—let's quit," Every Marxist organization insisted that we leave the field to the Communists. College seniors began showing up at commencement with peace symbols on their mortarboards.

"Concerned" preachers and professors set up shop as "draft counselors" and guess what the counsel usually was? Church headquarters began sending bundles to the bug-outs who had fled to Canada.

Then an unprecedented thing began to happen. Among "intellectuals" the enemy began to be popular. Forgotten were the Viet Cong's systematic assinations of the village chiefs, the gutted and raped villages. Forgotten was Hanoi's cynical contempt for the Geneva convention on treatment of prisoners.

No, the fable was peddled that the South Vietnamese were straining to join their Red brothers, and that only cruel American militarists were preventing the reunion. At the pot-rock bashes enemy flags are waved and American flags carried upside down.

So the boys are coming home. Many of them are hooked on the hardest drugs. Military discipline is shot. Barracks have erupted in race struggles. Insubordination is common, and the murder of officers is no longer rare.

In the meantime, the Communist world has understood the dimensions of our debacle. Russia is building warships and missiles at the fastest pace in its history, while all left-leaning outfits in America are bawling that we must dismantle our "military-industrial complex" and give the money to the poor.

Now is the time for America to take a deep breath. We are entering a period of mortal danger. There is no point in maintaining a military establishment conditioned to lose. We must either rebuild it, or we must understand that the eventual alternative is surrender.

The people of East Germany, Czechoslovakia, Hungary and Cuba might have something to tell us:

Democracy must win all the time.
Communism only has to win once.

BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. SCOTT. Mr. Speaker, our July newsletter is now being prepared and should go into tomorrow's mail. This is my way of informing constituents regarding congressional activities and is being inserted in the Record for the information of my colleagues:

Your Congressman Bill Scott Reports

During the last few days in June, the House spent most of its time on the consideration of appropriation bills for the various departments and agencies. As we begin the new fiscal year, several appropriation bills have not been considered by either House and no appropriation bills have been passed by both Houses and sent to the President. Therefore, the government is now operating under a continuing resolution authorizing spending at the same level as least year until the appropriation bill for a particular department is acted upon. This seems to add weight to a proposal a number of us have sponsored to have the fiscal year concide with the calendar year so that the Congress will have a full twelve months to consider appropriation bills prior to the time the money is needed rather than the six months it now has.

WELFARE REFORM

The House recently passed H.R. 1, a measure proposed by the Ways and Means Committee and generally supported by the Administration, to bring about reforms in the welfare program. The bill contained 687 pages and the Committee report, which endeavored to explain it, 385 pages. In my opinion it was too large and too complex a measure to be considered in one bill. However, my primary concerns relate to the guaranteed family income portion, and the statistics in the report indicating that the number of people receiving welfare payments will be raised from 15 million to 25.5 million, or an increase of 10½ million people. The report indicates that there are now 185,400 people in Virginia receiving welfare payments and under the bill this woud increase to 466,500 in Virginia alone or more than triple the present number of welfare recipients in our state. There is no doubt that people are concerned about welfare but the concern appears to be that too many who are able to care for themselves receive welfare payments. It seems unreasonable to have slightly more than one out of eight Virginians receive welfare checks paid for by the remaining citizens. Therefore, in opposing the bill on the floor of the House, I suggested a number of pilot projects in different parts of the country to see whether a proposal such as this will actually work or whether supplementing family income with a welfare check will indoctrinate more people with a welfare concept. Please let the office know if you would like a copy of this statement regarding the welfare bill.

M'GUIRE VETERANS HOSPITAL

We continue to receive considerable mail opposing the relocation of McGuire Veterans' Hospital in Richmond. I have visited the hospital and discussed the matter in detail with VA Administrator Johnson, but have no definite commitment from him. However, the Administrator has advised of plans to remodel the Spinal Cord Injury portion of the hospital. He states that this will involve altering space in the 6 buildings which house the spinal cord injury unit to provide an improved ratio of space per bed.

Administrator Johnson has also advised of plans initiated on July 1 for regionalization of the VA Center at Hampton and of the hospitals at Richmond and Salem. The purpose is to deliver health services to eligible veterans on a geographic-regional basis; to improve the delivery of quality medical care; to enhance cooperative improvements in medical research, education and training of health manpower; and to avoid duplication of expensive equipment and scarce professional expertise among the VA hospitals in the medical district.

JUDICIAL TENURE

Earlier this year, I reintroduced a proposed constitutional amendment to provide that all Federal judges be appointed for ten-year terms, subject to the right to be reappointed and reconfirmed for additional terms, which is substantially in accord with the practice now followed in Virginia State courts. While we need an independent judiciary, it seems reasonable to have a Federal judge account for his stewardship on the bench once in ten years so that his actions will be reasonable and responsible. Since the Committee on the Judiciary, chaired by Congressman Emanuel Celler of New York, has not taken any action on this bill, I filed a discharge petition with the Clerk of the House which will permit the bill to bypass the Committee in the event a majority of the members of the House sign the petition. Notice has been given to the entire membership of the House that the discharge petition has been filed so that they will have an opportunity to sign it.

NI RIVER WATERSHED PROJECT

Our office was informed last week that the House and Senate Public Works Committees have unanimously agreed to fund the Ni River Watershed Project in Spotsylvania County. This approval will now permit the Department of Agriculture to proceed with plans for construction of this project, which incorporates both flood control and watershed protection as well as recreation and public water supply.

COMMUTER TAX

As you know, the District of Columbia government has renewed its request for a payroll tax on persons who live in Maryland or Virginia but work in the District of Columbia. Should you desire a copy of my testimony before the committee considering this proposal, in which I express opposition to it, please let me know. All cities and counties throughout the country are feeling the need for additional revenue and Washington is both a city with local needs and the Nation's Capital with needs brought about by its being a Federal city. Therefore, it seems reasonable for local citizens to pay the cost of government that is local in nature and for the Congress to appropriate, out of general funds of the Treasury, costs which are brought about by Federal activities. The suburban commuter has to pay taxes where he lives and it seems unreasonable for him to pay taxes on his income where he works. Of course, the commuter does pay sales taxes on purchases made in the District of Columbia and a share of the Federal payment through his Federal income taxes which would appear sufficient to offset any burden he places upon the city by his presence during working hours.

LEESBURG VISIT

Our Post Office and Civil Service Committee has tentatively scheduled a helicopter visit to the Leesburg Air Traffic Control Center and either National or Dulles Airport Control Tower for Wednesday morning, July 7, in connection with proposals for early retirement and retraining of Federal Air Traffic Controllers.

VIETNAM

The primary debate on the Military Procurement Appropriations bill was on amendments to provide that none of the funds authorized to be expended should be spent to acquire any material for use in the Vietnam area after a series of dates certain. These amendments would have only a psychological effect because military equipment is generally ordered several years in advance of its actual use and the amendments would not have prohibited the use of material now in supply, that has been ordered, or would be ordered prior to the designated dates. The House defeated these amendments and refused to agree to a similar Senate amendment to the draft extension bill. It does not seem reasonable to tell the enemy in advance of your plans for withdrawal or to unilaterally give away a negotiable item. For these and other reasons I voted against the amendments. The President, in a personal letter, also has indicated that the vote in the House has "helped materially to strengthen the efforts of this Administration to achieve a cease-fire, the release of American prisoners, and the negotiation of a just peace." He added that such amendments would seriously jeopardize progress in ending American involvement.

VETERAN AND SERVICE PERSONNEL

More and more veterans and service personnel are contacting the office by phone regarding various problems such as medical and educational benefits, loan applications and other veteran matters; duty assignments, leave, family benefits and like service problems. We are always anxious to help veterans and service constituents as promptly as possible. However, to be of greatest assistance with the least delay, we need as much detailed information as possible—including, in the case of service personnel, full name, service number, home and military address; for the veteran, full name, mailing address, V.A. claim number and any other pertinent information for proper military and V.A. investigation. Therefore, it is hoped that any informal contact will be followed up as soon as possible by a letter signed by the veteran or serviceman concerned.

AIRPORT POLICE

The Subcommittee on Employee Benefits of the House Committee on Post Office and Civil Service held hearings on June 22 on my bill to make salaries of the Dulles and National Airport police comparable with other law-enforcement officials in the area and those engaged in similar activity in other cities.

HILL EMPLOYMENT

Over the past several months we have received several hundred resumes from constituents who were interested in working at the Capitol in response to our article in an earlier newsletter. All of the listings have been circulated to colleagues in the House. Since the Congressmen were asked to contact interested individuals directly, we have no way of knowing how beneficial this service has been. However, several have indicated that they are now working on the Hill. If you are interested and believe circulating your resume would be helpful, please send information about your education, experience, type of position you are interested in, your age, and salary requirements.

ACADEMY APPOINTMENTS

A number of rising high school seniors have already indicated an interest in applying for admission to one of the service academies. Each year the Civil Service Commission schedules an examination for constituents who have filed applications with me for Military, Naval, Air Force, or Merchant Marine Academies. Results are used as basis for selection for nomination. Applicants must have attained the age of 17 and not reached their 22nd birthday at the time of admission. Deadline for receiving these applications in the office is September 1, but you should let me know immediately if you are interested.

SOMETHING TO PONDER

A body of men holding themselves accountable to nobody ought not to be trusted by anybody.

HONORING VETERANS OF THE SPANISH-AMERICAN WAR

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ESCH. Mr. Speaker, today I would like to speak in behalf of the 4,000 remaining veterans of the Spanish-American War. Two million American men heroically volunteered to fight in this war of liberation which marked the "coming of age" of the United States as a naval power. In view of the current interest in the all-volunteer military, I believe the Spanish-American War veterans offer a marvelous example of the patriotism of American men. I have asked the Postmaster General to issue a commemorative stamp honoring the Spanish-American War soldier and the few remaining veterans of the War of 1898. At this time I am pleased to include the resolution recently passed by the Michigan State Legislature urging the Post Office authorities to issue this commemorative stamp:

A CONCURRENT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES THAT THE UNITED STATES POST OFFICE ISSUE A COMMEMORATIVE STAMP HONORING THE UNITED SPANISH WAR VETERANS

Whereas, The Spanish-American War was the dawn of this Nation's leadership among the nations of the world, and it marked the last great conflict between the people of a free, self-governing republic and that of an absolute monarchy; and

Whereas, It was this country's first war for humanity, and the only one hundred percent volunteer army the world has ever know. Twenty thousand volunteers were called, and two million answered those calls. Four hundred and eighty-three thousand served, and one million five hundred and seventeen thousand were not needed. The men came from all parts of our country, the North, the South, the East and the West. These soldiers wiped out sectionalism, and healed the wounds of civil strife, marking the rebirth of a Nation; and

Whereas, The Spanish War Veteran received no bonus, no war risk insurance, no adjusted compensation, no vocational training and no hospitalization until 1922, twenty years after the Spanish War was over; and

Whereas, The veterans of all our wars have been brave and worthy sons of America. Millions went to war before the Spanish-American soldier and millions have gone since, yet, he stands unique, distinctive, one who deserves the admiration of all mankind and

Whereas, The issuance of a commemorative postage stamp would be a fitting acknowledgment that this country has not forgotten these men; now therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature urges the President of the United States and the United States Post Office authorities to issue a stamp or stamps commemorating the unique history written by the deeds of the Spanish-American War Soldier, and honoring the United Spanish War Veterans; and be it further.

Resolved, That copies of this resolution be transmitted to President Nixon, the Postmaster General, Senators Hart and Griffin, to each member of the Michigan delegation in the House of Representatives, and to the Speaker of the House and the President of the Senate.

TRIBUTES TO DR. CLARENCE W. CRANFORD

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. SCHWENGEL. Mr. Speaker, rarely is a community served so well and so long as this community has been by Dr. Clarence W. Cranford who, for the past 30 years, has served as pastor of the Calvary Baptist Church, a downtown church.

Dr. Cranford, as all pastors should be, has been more than a leader of his own flock. He was a man who had deep concern about the problems of his friends, his neighbors, his community, and his Nation. Who, with a very low key persuasive manner at the podium, could help his people think through and see the moral questions in balance. He could help them understand the immorality of inaction and unresponsiveness to problems, all kind of problems. He had the ability to interpret the moral lessons of the Bible and to make application to today's opportunities.

A fitting tribute was given to Lincoln by Edwin Markham that applies so well as we think of the life and character of this great and good man. Those words read:

> Here was a man to hold against the World. A man to match the mountains and the seas.

Mr. Speaker, I was present on Sunday, June 20, when appropriately leaders of the Calvary Baptist Church decided some tributes should be given. They were excellent reminders of the influence of a great character, a very human man, and because I think we can learn from the lives of men, it would not be inappropriate to have placed in the Record those tributes as a permanent record and reminder to all who read and learn from the greatest of all manmade records—the Congressional Record.

The tributes are as follows:

Tributes to Dr. Clarence W. Cranford, Pastor of Calvary Baptist Church, Washington, D.C., From February 1942 to Date

Rev. Edwin L. McClain, Minister with Adults and Children: Each of you knows Dr. Cranford so well and you know that if he had his choice at this moment, he would begin preaching. This is his first love, always has been. But it seemed only fitting that he have an opportunity to hear from others to whom his life has meant so much; and so we have stolen these 20 or 25 minutes from you, Cranny. We hope you remember it long. It's impossible to represent everybody who would like to give a word of tribute. I have discovered already, from the five who are to share with you this morning, that there just isn't enough time for the five. I think each of them would like to have all 25 minutes. In thinking of those who might well speak in your behalf and in behalf of persons around the world, first those of you who have loved him here, locally, so long, would want to have your expressions made through Rev. Chester Jones. Chester, as you know, grew up in this congregation. You have known him all of his life. For a number of years he had that rich opportunity, as others of us have, of being on this staff and working side by side with Cranny. Perhaps, as none other, Chester knows Cranny's heartaches and his ambitions. And he knows the congregation's love. Chester, will you share with us?

Rev. Chester H. Jones, former associate Pastor, Calvary Baptist Church: Late one evening, several years ago, my son and I took our very sick, and very beloved little dachshund to a veterinarian. We did not know that she was fatally ill; but the crash program to revive her did not succeed and the two of us stood and watched her breathe her last. As we were leaving, having left Mitzi to be taken care of by the vet, we got into the car in silence; and the boy said to me, "Dad, do you have lump in your throat?" Having to be honest with him, I said, "I sure do." To which he answered, "If I don't swallow the one in mine, I'm going to cry."

Now you may say, "Jones, that's a strange way to begin a word of tribute to "Cranny". I must confess that there is a lump in my throat and I am sure there must be a lump in almost every throat here. I don't know whether I will cry if I don't swallow it; but I do know this, I don't know how the rest of this is going to come out.

If you will allow me this one personal word in reference to what Ed has said. It was, as I remarked on this last Friday night, a privilege that I would not have foregone in any sense. Not one moment of it would I give up of having shared 15 years of my life with this man. Now how can one who has served in that capacity and now is, along with the rest of you, a member of the congregation, going to say anything that can be representative of all of us? It's too much to do. I want to hang this brief word, then, on four H's: homiletics, humor, humility, and humanity.

All of us know the gift of homiletics with which Cranny has been endowed. One of the greatest testimonies, to this, it seems to me, is the fact that within these next several months he will be lecturing at one of our great Baptist seminaries, helping young men to come to understand more than now they know about the art of preaching. I can remember that the late Dr. Sid Staley, who was president of Southeastern Baptist Seminary, once invited Cranny to come and speak to these young men on the art of preaching. He said, "I want these boys to know how it is possible to shout without yelling."

Then, of course, about Cranny the thing that all of us will forever remember is his marvelous sense of humor. If you will forgive this one other personal remark, and I hope the only other personal remark, there is an incident in the early stages of my time here that I will never forget. For the first weeks, and I guess for the first several months of my time as one of your ministers, I did not have one of those long-tailed coats that it was the practice to wear in those days; until the Deacons decided that I needed to have some dignity added and so they provided me with one. I resisted like a lamb being led to slaughter. To me it seemed to be the garb of a social affair, not a worship experience. We took our places, I most self-consciously, in the pulpit over here, and behold, what should happen but that one of the hymns would have a line in it that went like this: "Lord before thee now we stand, do not our suit disdain." I think that the service almost ended at this point because Cranny just about broke up. I prize among the so many things that I remember about him, this wonderful sense of humor.

Then I think, of his innate humility. Now it is a redundancy, I guess, to describe humility as being innate; because this is a quality that one does not acquire. You cannot make yourself a person who is filled with humility. This comes naturally, or it does not come at all. A proud man can be humble; but humility is inborn. This is the hallmark of Clarence Cranford's life.

Lastly, and far from least, I think of his genuine sense of humanity. How he understands people! How willing he has always been to go to one who needs him. This would not be so apparent to many of you as it would be to me, and to others of us, for never would he talk about the late hours that he had to keep, nor the endless phone calls that have come both here at the church and at home. Always out of this came that genuine quality of humanity and its understanding. He has made himself available. So Cranny, now I leave, on behalf of your congregation, just these four H's—homiletics, humor, humility and humanity—the hallmark of a life that has been so wonderfully and beautifully and effectively, and completely lived in our midst.

"Now abideth faith, hope, love—these three; but the greatest of these is love." This is the lesson that Clarence Cranford has taught you and me.

Rev. Edwin McClain: It would not seem possible for one man to have given so much to you and to me as he has, and yet have anything left for others; but as you will note, the other four speakers to follow will be representing realms of service beyond this congregation. Dr. James Langley formerly was a pastor in the city at Pennsylvania Avenue Baptist Church, and last November the convention chose him to be the successor of Chan Stith as the Executive Secretary of our Convention. Dr. Langley will share with us the Convention's love.

Dr. James Langley, Executive Secretary, D.C. Baptist Convention: Dr. Cranford, as Calvary Baptist perhaps knows best of all, has been one of the most sought-after speakers among churchmen in America. Churches, colleges and seminaries, conferences, civic clubs, servicemen in the US and abroad—these and other groups have heard him gladly and profitably. Now on the threshold of retirement from the active pastorate, invitations for his ministry continue to come at such a rate he is not able to accept them all. This is the happy frustration of a man of God who still brings out of his treasures that which is both new and old. Sermons have a way of losing some of their vitality in the coldness of printer's ink, and the sermons of Dr. Cranford, I think, are no exception in this regard. But such is his power to illuminate passages of Scripture and to drive home the scriptural application, that his printed passages will long continue to be an inspiration to all who read them. Many of his sermons in addition, no doubt, could well have been published and hopefully he will find some time in retirement years to publish other writings. How good it is to know that we can turn again and again, to his sermons and other writings, for inspiration and challenge.

The District of Columbia Baptist Convention found in Clarence Cranford a loyal and devoted friend and supporter across these years. He has served in many capacities. Chief among them, I suppose, would be that of President of our D.C. Baptist Convention. And he has led this good church of Jesus Christ to be one of the most generous financial supporters of our Convention and also in providing leadership for our affairs for Christ in this area. Dr. Cranford has been ecumenical in spirit and in practice. Even before ecumenicity became an "in thing", and doubtless Dr. Warren will say more about this in a moment, there have been those ministers who have come to Washington and for various reasons have shared little in comradeship with fellow pastors. Not so Dr. Cranford. He has taken time, or found time, to lend his presence and his influence to several pastor's groups and we are the richer for it.

Because of his natural reserve and shyness, some have taken this to be an indication that he is a difficult person to get to know. But in contradiction to that, he has been known, of course, across the years to his host of friends, as "Cranny". What outstanding preacher of this or other generation has been known in such a close and informal way? Surely not very many. To me it is symbolic that this man has been a builder, not of barriers between men, but rather of bridges.

Elton Trueblood and others have shown us the humor of Christ. This has been one of the special gifts of Dr. Clarence Cranford. Who could forget, or who would want to forget, his story of that not-so-dumb village idiot who painted bullseyes around an arrow already shot in the side of a barn? His illustrations through humor have not only delighted his hearers, they have enlightened us also. Or who would forget an experience that he had of giving a prayer in the US Senate, but just before getting up to give his prayer, not able to find his own copy of his prayer, and praying extemporaneously and then having the reporter come up to him and say, "Your extemporaneous prayer was so much better than your written prayer". Or his experience in his early days of his ministry at the close of a wedding ceremony, following the benediction, the young groom holding up the two rings asking, "What am I to do with these?" Cranny's response, "Take them and get out as fast as you can."

And when the humor has been at his own expense, he has taken it like a man. A year ago, writing a tribute to Dr. M. Chandler Stith, he wrote in part that "only God and his wife knew what Chan Stith had to face across the years." And Cranny's good friend, Ed Pruden, speaking at the dinner honoring Chan Stith, said he was surprised at the change in Cranny's theology for he, Pruden, didn't know that God was married.

Knowing that at the center of our Christian faith is the incarnation, Dr. Cranford could not and would not remain uninvolved in the efforts to bring justice and freedom to all peoples—minority groups in particular. He has dreamed for this church that it might be a true church of Jesus Christ in the highest and best fashion. He has wanted for it an open membership to those of any and all races and classes and ethnic origins who confess Jesus Christ as Lord and Savior, and, under his leadership, it has truly become interracial and international. He took part in the civil rights march on Washington. He shared in the Poor People's campaign. For he has been concerned to minister to the deep needs of humanity. Just recently he shared with a group of clergymen an appearance at the Russian Embassy in behalf of Jews in the USSR. Dr. Cranford, like all outstanding persons, has never pretended to be what he is not. He has not, for example, posed as a theologian, and yet his wide reading and his keen mind have enabled him to mine the riches of the best theologians and scholars. As a good minister of Jesus Christ, he has shared these riches with us in a way we could understand and apply them to life. Dr. Cranford will be best remembered, surely, as a superlative preacher. That which separates the fair preachers from the ordinary run of pulpiteers, among other things, is the gift of inspired imagination. And he has it in unusual degree. The proof is that people remember his messages, or enough of them that life is affected thereby for strength and for righteousness. Along with that inspired imagination, he has the gift of insight. Study, yes, hard work, yes, but, ah, the gift of insight. With him, passages of scripture unfold like a flower and the meanings are grasped and communicated. Because he has never lost the human touch, he sees the relevance of the scripture and applies it to life. He has taken advantage of the preacher's prerogative, on occasion at least, of making the illustration appear even more appropriate by building a sermon around an illustration. Some of us remember with great profit still, the simple story of a woman who received a fruit cake at Christmas and kept it for the rest of the year, eating a slice at a time through the year. And his message, of course was on taking a slice of Christmas all through the year.

Cranny makes goodness attractive. Like the noble souls in the Christian church through the years, he has shown us how to endure for Christ's sake. The testing times have come often to him, in personal ways, in the life of his churches, in national life, and in other ways; and he has stood, and still stands true to the highest. Dr. Cranford has stood with his hand outstretched to help and to encircle or embrace all men as brothers and his heart has been fixed on Jesus Christ. Therefore, we thank God for Dr. Cranford and take renewed courage for here is a man for all seasons.

Rev. Edwin L. McClain: The retirement committee was very eager that the Executive Secretary of the Council of Churches might have opportunity to express a tribute to the service of Cranny in the local area, ecumenically speaking. It was a touch and go situation for Dr. Warren has had serious illness. I am elated that he can be here and I think, for many of you, this is our first opportunity to present him to you. Dr. Warren, Executive Secretary of our Council of Churches:

Dr. Charles Warren: My dear friends, I knew it would be difficult for these five speakers to stay within the four minute time period. Therefore I have, for my own benefit and for yours, typed out my statement. Let me read it to you.

There are two dimensions of Dr. Cranford's ministry I wish to comment on in the brief time alloted to me. First, his city-wide and national ministry. I can remember, as if it were yesterday, hearing my mother say to us boys, "You're getting too big for your britches." This was a reminder that, in her estimation, were becoming disobedient, or that we were growing up, discovering that new experiences of growth were beyond us. There are some ministers that get too big for their religious britches. Thank God for them! They are a part of the endless line of splendor, beginning with the Man of Galilee and running across the centuries. Christianity and the church is indebted to those who caught the vision glorious and would not let their ministries become parochialized; but extended it to neglected persons and areas. And in this city of ours, as polarized as it is, it will not find unity through editorials of newspapers, or from police forces, or any of the agencies that work; but I believe it will have unity only as committed men and women of Christ put their hearts and minds to bringing the kind of unity to our city that is needed. This city is the richer because Cranny invested so much of his ministry to it. Through the ministry of the Council of Churches, he found an opportunity to let his and Calvary's ministry be expressed. Without his involvement and the support of this church, the ministry of the Council of Churches would be much weaker than it is.

Second, let me lift up his personal ministry. Many pastors are known for their ability to interpret the truth by the spoken word. Dr. Cranford has the ability to interpret by the spoken and the written word; and the unique gift of living out the truth in his daily life. These do not always come in bunches, or together. Often times they are isolated. The great writer is a man of a cold and indifferent spirit, but somehow Cranny has brought them all together and we are all the richer because of it. He has developed the art of celebrating life by giving joy, love and compassion to everyone he meets. Most of us here this morning can testify to this personal ministry. I have felt the power of his inner feeling of peace when he has gone out of his way to drive me home after club meetings; and it has been through Rock Creek Park. He has gone out of his way just to go through Rock Creek Park and gather some of the beauty and tranquility of the environment. Only recently he stood twice at my hospital bed and gave the healing balm of compassion when I felt alone and distressed. What an art to communicate the limited fulfillment of God's presence. All of us are the richer because of your contagious ministry. Thank God for you, Cranny.

Rev. Edwin L. McClain: There are few churches across the entire United States that are members of both the American and the Southern Baptist Conventions. There are still fewer, and I suspect Calvary may be in a class all by itself, who have supplied a President for each of the Conventions at the same time. None other than our own good friend, and member of Calvary, the Hon. Dr. Brooks Hays could speak to us for the Southern Baptist Convention. How great a pleasure it is to have him here with us.

Hon. Brooks Hays, former President, Southern Baptist Convention: Thank you, Ed. I am speaking for the 11,000,000 Southern Baptists. (I wish 11,000,000 Baptists would speak for me sometimes.) Mrs. Tiller called me on Wednesday and said, "Just checking up, Mr. Hays. Are you going to be there Sunday morning?" And I said, "Yes." And she said, "Did Peggy Ringrose ask you to confine your remarks to five minutes?" "No, she didn't." "Oh, my!" Mrs. Tiller said. She said it like Everett Edward Horton used to say, "Oh, my!" But I said, "Now you can relax," and all of you can relax because I have a little gadget here that is set for five minutes. And, Cranny, if I don't hear it, you can just pull on my coat tails. I made several speeches in Kentucky and a lady travelling in Europe that summer, brought this from Switzerland to give to me. I said, "I get the message." It's a good timer. Let me get it set.

Now I remember very well the occasion that Ed referred to when we both were elected President the same week. I was in Chicago, accepting the Presidency there, and Ed, you are quite right, I think it will be found that Calvary is the only church that ever supplied, in the same year, the two Presidents. One of my Arkansas friends said, when he heard it, "Now ain't that a co-accident." Well, I went to Philadelphia to help honor the new President of the American Convention. I thought he had already been elected and when I was introduced to speak, it developed that he had only been nominated. And so the crowd roared when I said, "I want to congratulate you upon your new president." Somebody said later, "Wouldn't you expect a Southern politician to come up here and meddle in our politics?" But we have a lot to remember. I suppose you have heard him say that one of the high points of that year was our trip to Moscow. To me, one of the high occasions was his journey to Houston when I presided over the Southern Convention. And the fraternal delegates were introduced. I was given the privilege, by the program committee, of naming the one among the delegates to respond, of course, you know that I selected Dr. Cranford. In a twenty minute talk, he lifted and inspired those men and women; so that in the months to follow, he was invited to go all over the South to preach to them and their people. If he had accepted all the invitations that he had (and I was interested in the illusion that was made by one of those who proceeded me), you wouldn't have seen him. He would have been like the preacher whose parishioner was asked about her pastor, and the dear old lady said, "Well, he is invisible six days a week, incomprehensible the seventh." I know that in the State Conventions in the southeast where he appeared, the inspiration of those devotionals (and he spoke three times in South Carolina, North Carolina, Georgia, and perhaps Florida) I know his inspiration has continued. I hope Mrs. Cranford will either frame the editorial of Jim Duncan, or see that it is reserved for a choice place in his scrap book. He was referred to as "Prince Among Preachers". One thing I love, and I am sure you will appreciate this, it said that "one feels worshipful when Dr. Cranford is reading the announcements". Well, I could say of you as was said of John Bailey, the great Scotch minister (this would be more appropriate for an Episcopal or Presbyterian service, but you get the point) it was said, "When he was in a sport shirt, he seemed to be wearing vestments." So that's the kind of preacher we have enjoyed. I am so grateful for him. He has touched my life, of course, and influenced my course of action. While I retired, you see, thirteen years ago and he is retiring now, he will never retire from tasks. He will retire from a job. My retirement was a little different. I retired with the consent of the people. He is not retiring with our consent. I wanted to save time just to say this much, because to me I think it sums it up. This is my little capsule contribution. Two weeks ago, at our communion service, he said, rather wistfully but with great delicacy as he always says it, he had wished he could have been a larger man. And, of course, we could remind him that Paul, like Cranny, was not a man of great stature. But Cranny, you are large enough to cast a shadow I can walk in. And let me add that you are large enough to cast a shadow that this congregation will walk in all the rest of our days.

Rev. Edwin McClain: How fortunate can we be to have these five, each of whom we had wanted so much and particularly to have the Executive Secretary of the American Baptist Convention. I didn't leave out that word "acting" accidentally, because you have known Frank Johnston through the years and you know that in this period that although he is serving as the acting executive secretary, it is more than acting. He is very active, and carries a terriffic responsibility. Frank, as a former member of this staff, and now from the American Baptist Convention, will you bring their greetings?

Dr. Frank Johnston: I am having to keep in mind the hymn, "Yield Not to Temptation," for I am tempted to reminicse at some length. If I had been given Chester Jones' spot on this program, I would have felt a little freer to do so, but when they make you anchor man, you're supposed to put on a real dash and then retire it. I expect I have known Cranny longer than most of you. We walked the same college campus paths back in the 20's. Across the years, our paths have crossed, merged, converged from time to time. The thing I would like to say, on behalf of the American Baptist Convention, is our sincere gratitude for both the quantity and the quality of leadership that Cranny has provided and shared so generously through the years. Before he was ever out of seminary, he was becoming a nationally known speaker and leader of our young people. He has served during the years as a member of our American Baptist Home Mission Society board of managers; as a member of the General Council, and as the President of the American Baptist Convention, as you well know. He has served in all of these capacities with that same fine touch, with that same measure of humor and humility and humanity that has marked him in his relationship here in this congregation. So for him and for his ministry throughout the American Baptist Convention, I do want to bring a sincere word of thanks, gratitude, and of anticipation for a continued rendition of service as he is a little freer in the days ahead. There is a sense in which Cranny has fitted admirably into the great tradition of this particular church in its contribution to the life of the American Baptist Convention, having provided several Presidents. As a matter of fact the last two pastors were Presidents; and we are starting to work on George Hill now to groom him so that he can move in the great tradition.

Let me close with just this brief word of personal appreciation to you, Cranny, for the way in which, as Mrs. Johnston and I have come back here, we have been allowed to continue to feel this is our church. For here we met and we were married right here. We both have welcomed every opportunity to return here, and we have been deeply grateful for the manner in which you have welcomed us and for the way in which Cranny has made us feel at home. Blessings on you, Cranny.

Rev. Edwin L. McClain: A few moments ago, out of the corner of my eye, I saw Cranny looking at his watch. May I just tell you to forget you have a watch on. I know you will want to come and refute everything you have heard; but please don't. Respond as you wish, and then, Cranny, I would be most pleased if you would close the service as you would like.

Dr. Clarence W. Cranford: Much as I love these men, I'm glad their part is over. And it's perfectly all right. I want to assure my wife I won't be any more difficult to live with after today than I have been before. I didn't inhale a bit of it.

I do want to thank the congregation. We have had some wonderful times. The party on Friday night was one of the high points of my experience here. I came to it with a bit of dread; but I enjoyed every minute of it, because it didn't get "sticky". I especially was glad to have members of my family here—my son and my daughter, my grandchildren. And I am grateful to the congregation for arranging to fly my daughter and her two children here from Phoenix. That means a great deal to me. Then, as you know, my son thrilled me by giving me a carving of the front of the sanctuary that is so realistic I can't believe it is true. Many of you said, "We would like to see it more closely" so I will have it in the reception room. Please look at it as long as you want to and please don't touch it.

I am grateful for this morning. I did wonder where it was going when Chester started out by comparing me to a dachshund. I am grateful to him not only for his friendship but for his sense of humor. I think it was Jim Langley who talked about Elton Trueblood. He once commented on my sense of humor but he had one himself because he told me one day he had just read a pamphlet that I had to read. It was entitled, "Baptism in a Nutshell." And when they were talking about this humility bit I thought "Well, I guess nobody has more to be humble about than I do." I appreciated Dr. Langley coming. I have tried to be ecumenical. As you know, I have tried to be a little Lumethopiscobapterian when it comes to working with other people. I have told you this, but I have enjoyed working with some of our Catholic friends. And when a Catholic bishop put his arm around my shoulder and said, "What do we do next?", I said, "Well, I don't know about you but I am going to tell my people that a Cathlic Bishop put his arm around my shoulder but he hasn't got his hand on my head yet."

And I am so grateful for Dr. Warren coming, so soon after surgery. I think this is the first time he has been out, since his return from the hospital. He is a great man of God and is leading our Council in wonderful ways. I was going to say that he is a Christian in whom there is no gall, but I decided not to because the other day I commented that Ed McClain had been in seminary with George Hill, and that made him "as old as the Hills." They told me to cut that business out or I would have to retire sooner than the end of the month. And of course, I have admired Dr. Hays across the years. I suppose no man has used humor to the glory of God as well as he. But I long since discovered there is a lot more to this man than just humor and that the humor covers up some tremendous insights into how the Christian gospel can be made relevant to our day. And I am grateful to Frank Johnston. I came here very soon after he had been on the staff. And you remember Dr. Abernethy was a tall man and Frank was larger than he is now. When I came somebody said, "Oh, they have begun to ration preachers." It's been wonderful to have these friends here.

You know the story I told about when Dr. Docherty came. The congregation was worshipping in the Lisner Auditorium. Instead of a big pulpit, they had a little stand on which the Bible was placed. One night they told Dr. Docherty he wouldn't have to preach because the choir was going to sing a cantata. And he said, "What do you mean, I don't have to preach?" They said, "Well, the choir is going to sing. You can rest that night." He said, "Ah, but it is not a religious concert, it's a service of worship. And if it's a service of worship, there must be a message from the Book and a brief interpretation of the message." So he had a message from the Book and gave a brief interpretation. When he went to sit down, a young man came in and picked up the stand with the Bible on it and began to walk off. George whirled over to him and said, "Where are you going with the Book?" He said, "Well Mr. Beachler, the music director, wanted it removed." He said, "Put it back. The Book must stay in the middle." And he told me he watched the pantomine as the music director said, "Why don't you take it off?" and the young man said, "Dr. Docherty wants it here." When he told me the story, he said, "Cranny, the Book stayed in the middle."

I will be stepping into the wings now. There will be a new prompter, front and center. The stage will be the same. Human needs will be the same. The Gospel will be the same. There will just be a new prompter, that's all. And I am sure that always, front and center in this church, there will be the Bible, with its tremendous message of a loving, transcendent, and imminent God; and a Savior who died to make us one with God and with each other.

FATE OF CALIFORNIA'S RURAL LEGAL ASSISTANCE PROGRAM STILL UNCERTAIN

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 30, 1971

Mr. CRANSTON. Mr. President, I have just received a copy of a 23-page press release issued by Mr. Frank Carlucci, Director of the Office of Economic Opportunity, concerning the report of the special commission on the California rural legal assistance program and Mr. Carlucci's decision regarding the refunding of CRLA. I have also just received a copy of the CRLA Commission's report submitted to Mr. Carlucci on June 25.

Mr. Carlucci has once again failed to provide a clear resolution of the political dispute concerning CRLA, commonly regarded as the most outstanding legal services program in the Nation. The explicitly stated purpose of appointing the Commission in the first place last January 30 was to settle this matter once and for all.

First, instead of a clear decision to fund CRLA for the full 17 months as requested, and as recommended by the OEO regional office for region IX, thus permitting the program to get on with the vital business of providing legal services to the poor, Mr. Carlucci's decision seems to be to extend the agony of indecision and uncertainty for CRLA and its supporters for another 5 months. Although his statement says CRLA's application for a 17-month grant is approved—subject to 22 special conditions—it goes on to say:

> The initial release of funds will be through the end of [calendar] 1971

ONLY 5 MONTHS

Mr. Carlucci's position on the length of the extension is not entirely clear, however. CRLA's Director, Mr. Cruz Reynoso, has advised me that he has been told personally by Mr. Carlucci that funds would be released for the full 17 months requested.

An immediate clarification of Mr. Carlucci's decision on this funding question is absolutely necessary in order that those of us who are so vitally interested in this outstanding program can be advised as to whether it will be able to continue to function for a reasonable period of time or forced to continue under a totally unwarranted cloud with a sword hanging over its head.

I am also disappointed with the negative implications of the terms and the number of the special conditions, 22, which will apparently be attached to the grant. Again, however, the precise terms of these conditions is not specified, and I understand that CLRA and OEO were in the midst of negotiations regarding the special conditions and that numerous substantive modifications had been agreed to by OEO before the press release was issued.

The most curious thing about Mr. Carlucci's action is the announcement of a $2.5 million grant to conduct an experimental judicare program in which the California State Office of Economic Opportunity will be very substantially and intimately involved. This is the same office that a recent GAO audit found to have substantially misused significant amounts of grant funds. It is also the same office that was recently investigated by the Federal OEO itself. The OEO evaluation report concluded that the California State Office of Economic Opportunity "is not an advocate for the poor and does not intend to serve in a helpful manner as prescribed in OEO Instruction 7501-1 to alleviate the conditions of poverty in the State of California."

The evaluation also found that the State OEO has clearly failed to carry out the OEO guidelines and instructions for State OEO offices and that despite the expenditure of substantial funds—in excess of $800,000—for staff and other purposes, the results of that office's activities have been negligible.

I find it extremely puzzling that such an altogether discredited State OEO, which has been found to be philosophically opposed to alleviating and eliminating poverty in accordance with national OEO guidelines, should be in any way permitted to use $2.5 million more Federal dollars to establish an alternative legal services program for the poor. This is even more questionable when the granting Federal agency is the very one which made the adverse finding.

I will reserve further comment on Mr. Carlucci's decision regarding CRLA, and other related activities of vital importance to the legal rights of California's poor, until I have had the opportunity to study his lengthy statement and the voluminous report of the special commission which studied the issue.

Mr. President, I ask unanimous consent that OEO Director Carlucci's statement of June 30, 1971, concerning the California rural legal assistance program, followed by the CRLA Commission's report without the Appendixes, be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD as follows:

STATEMENT BY FRANK C. CARLUCCI, DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY

I have carefully reviewed the report submitted to me on June 25 by the Commission on California Rural Legal Assistance, Inc. and wish to convey my appreciation as Director of OEO to the members and staff of the Commission for the public service they have rendered. The information developed in their review and the findings they have offered, have been useful, not only in formulating a decision about the delivery of legal services to the rural poor in California, but also in offering guidance on the future direction and administration of legal services programs nationally.

The creation of this Commission was an unusual step. In establishing it, I recognized that limitations on time and resources made unwise the thought of making the procedure a precedent for other legal services grant reviews. Nonetheless, in view of the widespread attention focused on legal services in California, and because of the widely relevant philosophical and policy issues which were specifically related to concerns expressed about CRLA, there seems to be considerable merit in using the California situation as a laboratory test for dealing with broad legal services issues which go beyond the simple question of whether a particular program receiving Federal funds has technically functioned within the laws and regulations governing its operation.

Rather than viewing this controversy merely as a problem to be resolved, I have come to regard it as an opportunity to deal effectively with larger questions. This is particularly true because legislation now being considered in the Congress would, if approved, define the Federal role in legal services for many years to come. I refer, of course, to the proposals for an independent legal services corporation which are pending before Congress. The members of Congress who deliberate on these bills and, those citizens who participate in the leadership of any newly created corporation, stand to benefit greatly by the resolution of issues arising out of the California case.

The Commission on CRLA has found that despite various instances in which particular attorneys have exercised poor judgment, or engaged in improper conduct, on the whole California Rural Legal Assistance has provided a useful service to the rural poor in making available legal assistance to those in need and is operating within existing statutory and administrative regulations.

In reading the full Commission report, however, I am forced to the conclusion that many significant questions of policy have been raised by Governor Reagan which, heretofore, have been insufficiently met by this agency in a manner necessary to further our goal of equal access to law by low-income citizens.

A simple refunding of CRLA which ignores these proper concerns would constitute a disservice to the poor and to the public generally. By the same token, by dealing with these concerns constructively, we can fulfill our hope of making this case an opportunity for expanding the impact of our Legal Services Program. The Legal Services Program nationally has been good—but it can be better. The program has been successful because it attracts dedicated, committed attorneys willing to surrender the benefits of private practice because of their belief in the rights of the poor. This complete commitment without a clear definition of roles has on occasion led to needless conflict within the community. Such instances of questionable judgment and lack of restraint cause two evils:

First, it wastes the energy and dissipates the resources of a program designed to help the poor; and

Second, it invites attack on the entire program because of the indiscretions of a handful.

Central to the policy issues which have been raised is the question of the restrictions, ethical considerations and standards of accountability that should be observed by Federally-funded legal services attorneys. Many have argued that, operating as they do with tax dollars, attorneys who serve on the staffs of legal services grantees owe an extra duty of care to the public in the performance of their legal assignments and in their off duty conduct.

These questions relate to all legal services programs funded by OEO, and are not unique to CRLA.

It is clear from studying the facts found in the Commission Report that some CRLA attorneys engaged in many activities on their "own" time which would have been obviously irregular and improper if subsidized at taxpayer expense.

The Commission recognizes that while the poor should be guaranteed their rights in court, "there is a danger that frivolous complaints may be urged by poor clients that would not be urged by a man of means who would himself have to bear the legal expenses involved." The Justices, therefore, state that "the legal services attorney thus has a special duty to be sure that when he sues the government, the matter is not trivial and the legal theory has merit." The legal services attorney also has a responsibility to so conduct himself as to preserve the distinction in the public eye which makes him an advocate for his client, rather than a simple participant in or instigator of his client's cause. It is one thing for a lawyer to pursue a particular course in furtherance of the rights of an individual client, and quite another for him to seek out clients who serve merely as instruments to advance the attorney's own philosophical or political objectives.

It is imperative that in our efforts to construct and perfect a program to vindicate the rights of the poor we maintain a perspective on the overall goals of society and attempt to build into the program measures to achieve judgment which will insure attainment of those goals. It little services the interests of the poor to establish an elaborate program that cannot last because of its conflict with such goals.

Since the passage of the Economic Opportunity Act in 1964 the problems of poverty have become more obvious and we are now more aware that the health and stability of society as a whole depends greatly upon how well this nation responds to needs of the poor.

The OEO Legal Services program has played a major role in assuring that equal access to the law becomes a reality for poor people. President Nixon in his message to Congress (May 5, 1971) concerning the establishing of an independent Legal Services Corporation stated that Legal Services for the poor must become "a permanent part of our system of justice." He praised OEO's Legal Services programs and the organized bar for their efforts in assisting the poor. He made clear, however, that we have only travelled part of the way in seeing that all the legal needs of poor people are being met. The President asked Congress to approve new legislation which would institutionalize the program developed in the last six years and continue the search for new possibilities for even greater legal assistance to the poor.

Our goal is clear. Yet, which means are most appropriate and effective in achieving it is not yet fully established. The staff attorney concept embodied OEO sponsored Legal Service program has been one highly effective means. The private bar and individual attorneys throughout the country have made their contributions through means and techniques they deem appropriate. Those efforts have ranged from individual *pro bono* efforts, to the restructuring of corporate law firms' priorities, to voluntary contributions by lawyers assisting Legal Services programs and finally the establishment of a dozen or so experimental Judiciare efforts by the organized bar. One point is clear—no one approach has all the virtues and all can be improved.

On legal services, as with so many other social issues, California, our nation's most popular state, is the place where the questions at issue are most clearly recognized. Much of the current controversey over CRLA can be seen as reflecting a broad concern over the question of which means or which way Legal Services to the poor can be delivered most effectively. It relates also to fundamental issues which have heretofore been insufficiently addressed by OEO and by the Congress.

It is not surprising that the state of California should be leading the way in attempting to find innovative ways of developing legal institutions and programs which will serve the needs of the poor. The Governor is determined that his Administration shall play a major role in finding new ways to improve the legal services program and expand its impact.

Present discussions about the delivery of legal services in California provide an excellent opportunity to push forward and to accept the President's challenge to make equal justice for the poor "a permanent part of our system" of government.

Governor Reagan's support of the President's Legal Services Corporation concept, the desire of the State OEO to experiment with alternative models and means for providing legal aid, as well as the State Bar's growing interest in experimentation and study have all been made much more visible and real as a result of the CRLA controversy. Controversy need not always be destructive and we are convinced that in California controversy over the best means for delivering legal services can have a constructive conclusion.

In spite of California's outstanding record, large sections of the State are still without organized means to assist the poor in the many legal problems which deeply affect their lives.

I wish to propose, in cooperation with the Governor, the State Bar, OEO's Legal Services programs and private attorneys, a collective effort in planning for a broad and comprehensive experimental program designed to test a variety of models for the delivery of legal services to the poor in California.

In committing the resources of OEO to a partnership with California and its citizens in developing a model effort in legal services, I believe other states will ultimately turn to the California experiment for insight in meeting the legal needs of their own low-income citizens.

We are seeking to develop in California a universal legal services program designed eventually to serve the needs of all the poor. Our efforts obviously cannot be expected to succeed overnight. Nor can they initially be expected to affect all the poor throughout the State. I shall propose we begin where the need is the greatest. CRLA has provided many services to the rural poor but large portions of California are uncovered by any organized effort designed to meet the legal needs of the poor.

For these reasons and others previously noted, I propose making a grant of $2.5 million for planning a comprehensive experimental program for the delivery of legal services to low-income citizens in California. The President in his message to Congress in establishing an independent Legal Services Corporation noted that we should not be satisfied with our previous efforts and progress in the legal services field during the last six years. We must continue to push forward. I believe it is not unrealistic to plan for universal legal services for poor people. I, therefore, am pleased that the Governor as the Chief Executive of the State has encouraged this approach and is eager to participate fully in this planning effort. I wish to encourage the participation of the organized Bar, as well as CRLA and other OEO Legal Services programs in this effort. The participation of private attorneys, law firms and the poor will also be crucial to this vital attempt to plan for the future.

Pursuant to these general conclusions we will develop a comprehensive plan for delivering legal services to the poor in California.

Under this plan a new corporation established under the auspieces of the State OEO, interested attorneys and local bar associations and known as the California legal Services Foundation, in cooperation with the State BAR Association, will begin to design and implement a program to test various alternatives and supplementary methods of delivering legal services. Assuming the success of this experiment, a new combined program to provide comprehensive legal services within California would be instituted.

CRLA has applied for a grant for 17 months This application is approved subject to 22 special conditions and subject to the following funding arrangements:

The initial release of funds will be through the end of 1971 at which time there will be an evaluation by a joint OEO-State-State Bar Association team to measure adherence to grant conditions. If grant conditions are adhered to, funds for 1972 will be released, the decision to authorize such release residing in the Director of OEO.

EXPERIMENT TO TEST ALTERNATIVE METHODS OF DELIVERING LEGAL SERVICES

Designing and implementing an experiment to test alternative methods of delivering legal services in order to develop the optimum means of establishing a comprehensive system of legal services involves extremely complex problems. There have been several tests of alternative methods of delivering legal services (especially Judicare) but all of them have been unsatisfactory. They have not been porperly designed to test their own efficiency and effectiveness in delivering legal services nor their ability in comparison with present legal services programs. If this California experiment is to achieve meaningful results, hypotheses to be tested must be agreed upon, variables must be isolated and tested, and adequate systems for data collection, comparison and evaluation must be devised and implemented. Every group that has experimented with or studied Judicare and other non-staff attorney projects serving the poor must be consulted in order to devise the experiment. In short, careful and comprehensive planning is essential prior to the implementation of the experiment. And once implemented, the experiment must run for a sufficient length of time to demonstrate meaningful results. More specific details of such a project and its proposed timing are as follows:

Five month planning phase

1. The California Legal Services Foundation in conjunction with the SEOO, the American Bar Association, the American Bar Foundation, the California State Bar Association, legal service programs, and including CRLA, and other interested and knowledgeable groups, will design and prepare for the implementation of all phases of the experiment.

2. Among other variations, the experiment should include projects using a variety of intake and referral procedures; it should be established in new areas besides supplementing in areas presently served by CRLA; and it should be designed to test different mixes of the full range of present legal services activities on behalf of clients.

3. Commencement of the operational phase of the experiment will occur following OEO's approval of the prepared plan.

Twelve-month operational phase

1. Following approval by OEO, the experimental plan will be put into effect by the Foundation and administered for a full twelve months.

2. During this time, CRLA will continue to provide legal services under the conditions set forth in its grant.

3. A broad-based evaluation system will be established to ensure that existing and experimental programs are properly administered to provide meaningful results. This evaluation system will also ensure that statistical data and narrative reports are compiled and all evidence thoroughly evaluated.

Post-experimental program

On the basis of the results of the experiment a determination will be made of the optimum method of providing legal services to the poor in California. Assuming that the experiment proves that a program combining different delivery mechanisms will be the most efficient and effective method of providing legal services to the poor, such a combined program would be instituted in California.

CALIFORNIA RURAL LEGAL ASSISTANCE

Legal services to the rural poor in California must be continued. CRLA will continue to aid in delivering those legal services but in doing so it must continue its operations in a manner that reflects the concerns previously stated.

In order to accomplish this, CRLA must adopt new methods of self-control which will insure that:

Its separation from partisan and union activities is both apparent and real;

It does not engage in prohibited criminal representation;

Its attorneys' use of "free time" is not allowed to interfere with or discredit the activities of the program;

Increased cooperation with state and local bar associations is promoted.

I have set out below comments regarding specific areas of CRLA's activities which have caused concern and proposed solutions to those problems.

UNION ACTIVITIES

CRLA's work with the California farmworkers is a very sensitive area. The CRLA Commission indicated that as a matter of policy CRLA, a federally funded agency, should ". . . not intervene in labor-management disputes." It is imperative that CRLA's role in this delicate area be carefully designed and monitored.

The function of CRLA is to serve the rural poor, not as union organizers, advisors, or negotiators but as a law firm concerned with legal matters. CRLA must not be involved in the formation of any agricultural worker's union or any agricultural collective bargaining association nor may CRLA negotiate or attempt to negotiate any agreement concerning wages, hours, or working conditions.

In addition, CRLA must not provide legal assistance in the following areas:

Representation of a collective bargaining union in litigation regardless of whether the union is a plaintiff or defendant in a court session;

Representation of a labor union in negotiations with employers or with other labor unions;

Providing legal assistance to a labor union in the incorporation or organizations affiliated with a union which are devoted exclusively to serving union members;

Representation of union officials in matters relating to union business;

Representation of a union member if the union itself is in fact and in law the real party in interest and the union member himself only a nominal plaintiff without a legal interest in the outcome of the controversy.

Also, CRLA must not display union posters or signs in any of its offices or use its client interviewing process to recruit union members.

CRIMINAL REPRESENTATION

As the Commission report noted, Section 222(a)(3) of the Economic Opportunity Act of 1964, as amended, prohibits legal services attorneys from representing a criminal defendant proceeded against by indictment or information except where the Director (of OEO) determines, after consultation with the court having jurisdiction, that adequate legal assistance will not otherwise be available.

Although interim guidelines interpreting this provision were promulgated in Community Action Memo No. 79, in January, 1968 they do not resolve all the questions in this area. The Commission, on page 55, suggested that CRLA "adopt more definitive guidelines to avoid future confusion within CRLA, as well as in the minds of the public generally." As the Commission recognized, the problem is not only one of determining the precise nature of the statutory prohibition but also one of focusing the program's limited resources. Without restrictions, the "demand for criminal representation would quickly deplete the agency's limited budget."

By statute and court decision, California has provided extensively for the criminal defense of persons in financial need. Therefore, the use of limited OEO resources for criminal defense is unnecessary and undesirable.

In order to properly carry out the abovementioned restriction in the Economic Opportunity Act and to avoid dissipating the program's resources, it is proposed that the following guidelines be adhered to in the area of criminal representation;

(1) The statutory prohibition must be strictly adhered to in the case of persons proceeded against by indictment or information. Waivers under the exception shall be given by the Director of OEO or his designated representative only in extraordinary circumstances and only when it has been determined, after such individual has consulted with the court having jurisdiction, that adequate legal assistance will not otherwise be available.

(2) Legal assistance shall not be given in any other type of criminal proceedings (including misdemeanors, violations of municipal ordinances and post-conviction remedies where the underlying confinement was the result of a case in which representation would have been prohibited under these guidelines) unless legal representation is necessary to protect the client's rights and adequate legal assistance will not otherwise be available.

(3) Representation provided to an indigent through any organized system such as the public defender systems or court led attorneys will be deemed to be adequate representation.

SPARE TIME ACTIVITIES

In its recommendations, the Commission stated that foremost of those problems which have contributed to the misunderstanding and controversy surrounding the program "is that caused by activities of CRLA attorneys on their spare or 'own time'." The Commission went on to say (p. 85):

"As was testified by numerous witnesses, CRLA attorneys are permitted to engage in activities on their own time which either by virtue of statutory prohibition or special restrictions in the CRLA grant are not a permissible use of CRLA resources."

The Commission concluded that CRLA's existing policies and procedures to handle this problem may be inadequate.

This is a problem which the Administration specifically focused on its bill to create an independent Legal Services Corporation. In the bill the Corporation is required to insure that legal services attorneys "represent only eligible clients and refrain from any outside practice of law."

In order to take care of this most important problem now, ample limitation on outside professional activities must be instituted immediately. Certain other specific "spare time" activities such as participation in demonstrations are dealt with elsewhere herein. However, as a general rule of conduct we propose that all Legal Services attorneys in their spare time activities be guided by the following paraphrase of a statement in the Commission's report:

Each Legal Services attorney has a professional responsibility to its project and to clients to act so as to preclude not only the actuality but also the appearance of impropriety in this area. The improper conduct of one attorney, acting as a private citizen, can give the appearance of improper conduct by the program. Such misguided conduct no matter how well intentioned can only damage the program's public image and thus handicap its legitimate efforts in behalf of its clients.

PARTICIPATION IN DEMONSTRATIONS

Problems have developed pertaining to the manner in which attorneys and community workers relate to organizations which they represent. A distinction must be made between participating in an organization as a member of the organization and undertaking to represent that organization as an attorney. The problem is compounded by active participation in demonstrations and picketing. The CRLA Commission recommended strict limitations on such activities.

It should be understood that representation of organizations is authorized only when such groups are composed primarily of individuals eligible to receive legal assistance.

A simple guideline for CRLA personnel to follow in dealing with organizations is that they should not act as both client and attorney. If such personnel engage actively in the affairs of an organization, they should not undertake to represent it or to give it legal advice to any extent. Conversely, if an attorney undertakes to represent an organization in any capacity, whether through a lawsuit, negotiations, preparation of legal documents or simple counseling, an attorney should avoid active participation in the organization and its political decisions.

The attorney's function under these circumstances should be to represent the organization as a lawyer and to provide legal counsel. Public statements pertaining to the activities of the organization should be made by the leadership of the organization. Statements made by its counsel should be limited to appropriate statements pertaining to legal problems, such as law suits. An attorney's function with regard to picketing, sit-ins, or other forms of demonstration, should be strictly limited to carrying out legal duties in accordance with the highest standards of professional conduct and responsibility.

To the extent possible, appearances before public bodies should be undertaken by organizational members and their elected leaders. Such appearances should not be structured so that an attorney has a dominant role.

With reference to situations which might develop into mass arrests or wholesale patterns of government recrimination, attorneys should counsel the organization that CRLA can provide no assurance that it will afford representation with reference to criminal charges which might be brought.

In counseling organizations, it is not the attorney's responsibility or prerogative to make political decisions for an organization, but rather to advise them as to the legal consequences of various alternatives.

Therefore, the following are guidelines for all CRLA attorneys and community workers:

Actively represent and counsel groups, but, do not picket or demonstrate on behalf of the group.

Regarding activities of the group, except as to legal matters, leadership should come from group members and officers, not CRLA attorneys. Therefore, nonlegal public statements, press conferences, etc., should be made by group members.

It must be made unmistakably clear to groups advised by CRLA that CRLA attorneys are prohibited from representing them in criminal matters. Although there may be rare instances in which both CRLA and OEO will concur that criminal representation is appropriate, they will be rare. It is, therefore, inaccurate and unfair to allow a group any prior expectations.

UTILIZATION OF PROGRAM FACILITIES

Problem

In several instances the Commission found that CRLA facilities were being utilized by non-CRLA personnel for non-CRLA activities. As the Commission stated on page 6 of Appendix F to its report, "it would be advisable for CRLA to use care in allowing others the use of its facilities, so that possibilities for misunderstanding will be minimized."

Solution

In order to deal with this problem, the following guidelines on the use of CRLA facilities are proposed:

(1) Unique assets of a CRLA office such as its library or xerox machine may be made available to other attorneys as a professional courtesy provided that it does not cost the project any money.

(2) Other ordinary facilities such as typewriters, telephones and stationery shall not routinely be made available to or utilized by non-CRLA personnel.

(3) No legal or secretarial assistance shall be provided to non-CRLA personnel utilizing CRLA activities for non-CRLA purposes.

(4) CRLA facilities shall not be made available to any individual or group working on a non-CRLA activitiy where to do so would identify CRLA with such activity.

MEMBERSHIP IN THE COMMUNITY

Aggressive attempts to vindicate the right of the poor invite controversy and often threaten to divide the community. Challenges to the establishment brought by attorneys perceived to be "outsiders" exacerbate the division. It should be clear that such *ad hominem* disputes necessarily detract from the Legal Services attorney's ability to give help to the poor.

There are two ways that attempts can be made to bridge the division between members of the community and CRLA attorneys.

First, by observing the solutions advanced elsewhere in this paper unwarranted controversy with respect to criminal representation, union activities, demonstrations, impact litigation, and free time activities will necessarily be reduced.

Second, CRLA attorney's should be encouraged to participate in the activities of the state and local bar associations. This participation which should lead to increased cooperation and understanding by CRLA and other attorneys alike could be promoted by CRLA's paying membership fees in the appropriate organizations.

This decision to provide legal services programs for California and the imposition of stringent controls on the future operations of CRLA has been discussed with Governor Reagan, who has advised me of his concurrence.

REPORT OF THE OFFICE OF ECONOMIC OPPORTUNITY, COMMISSION ON CALIFORNIA RURAL LEGAL ASSISTANCE, INC., TO THE HONORABLE FRANK CARLUCCI, DIRECTOR, JUNE 25, 1971

BACKGROUND, APPOINTMENT OF COMMISSION, AND ADOPTION OF PROCEDURES

Background

The California Rural Legal Assistance, Inc. (CRLA), one of the largest OEO funded legal services agencies in the United States, was initiated in 1966 and had been successively refunded after annual favorable evaluations of its activities by Governmental evaluation teams each year until the year commencing January 1, 1971. The last such evaluation was conducted in August of 1970 by a distinguished 13-man team of evaluators who recommended refunding. Likewise, the State Bar of California had approved renewal of the CRLA program for the year 1971.

In December of 1970, the then Director, Donald Rumsfeld, announced that CRLA would receive an expanded OEO grant of $1,884,101 for the year commencing January 1, 1971. In making this announcement, he commented favorably on the scope and quality of the CRLA program.

Subsequent to this announcement by Mr. Rumsfeld, Lewis K. Uhler, newly appointed Director of the State of California Office of Economic Opportunity, released an evaluation of CRLA made on behalf of his department and the State of California. The findings and conclusions from this evaluation were summarized in a 283-page report entitled "A Study and Evaluation of California Rural Legal Assistance, Inc. by California Office of Economic Opportunity." This report (hereinafter sometimes referred to as the California Evaluation or the Uhler Report) charged innumerable instances of alleged improper activities engaged in by CRLA beyond the allowable statutory authority and grant guidelines formulated pursuant thereto by OEO, as well as questionable ethical practices allegedly followed by CRLA attorneys. The report stated unequivocally that "* * * the evidence presented herein represents the most complete possible indictment of any program—both from the standpoint of the poor and the communities in which the program serves. * * *"[1] The report recommended to the Governor of California that the funding of CRLA for the year 1971 be disapproved pursuant to the Governor's authority under § 242 of the Economic Opportunity Act of 1964, as amended.[2]

Pursuant to this recommendation, the Governor announced his veto of the 1971 funding of CRLA on December 28, 1970. In response to the veto, the acting Director of OEO, Frank Carlucci, announced a temporary 30-day grant to CRLA, in order to enable him to study the problem. An additional six months' grant was made by acting Director Carlucci, extending the CRLA program until July 31, 1971. CRLA is now operating pursuant to this grant extension.

CRLA, upon learning of the Uhler Report, immediately prepared its three-volume response to the charges made against it and its attorneys. The CRLA response discussed, documents and answered each specification of alleged improper activities and misconduct. Thus, the issues were drawn, so to speak.

A resolution of the American Bar Association Section on Individual Rights and Responsibilities was adopted at the mid-year meeting of the American Bar Association in February, 1971 and directed to the Office of Economic Opportunity, urging the appointment of a "high level commission" to review the charges made against CRLA at hearings opened to the public.[3]

It was in this setting, faced with the veto problem, the California allegations of impropriety, the CRLA response thereto, and the resulting serious ramifications to OEO-funded legal services programs throughout the United States, that Director Carlucci, in testifying before the Subcommittee on Employment, Manpower and Poverty of the Committee on Labor and Public Welfare, United States Senate, on March 24, 1971, indicated the pressure of time did not allow the Director sufficient opportunity to examine all of the charges in the Uhler Report. He stated to the Subcommittee:

* * * * *

"We did not have the opportunity during the 30-day period to go into all these charges. I felt that in this particular case since the program was vetoed by the Governor in our most popular [populous] state, since it was a program that had been viewed with elements of the organized bar as a model legal service program, that it was important that a thorough investigation be conducted and that my decision in this matter not only be fair but be perceived to be fair.

"I, therefore, elected to establish a commission which can perform a fact-finding function in the investigation of the charges and CRLA's rebuttal.

* * * * *

". . . The commission will be empowered to start fresh and go into a complete investigation of the Governor's charges, and I anticipate that there will be a full opportunity for evidence to be presented in a public forum in the State of California.

* * * * *

"Yes, sir, representatives of CRLA and the State will be invited to attend to discuss preliminary matters. Soon after this initial meeting, I would expect a first meeting would take place in California. This would have a prehearing conference aimed at identifying the issues, discovery of documents, preparation of proof and other matters. The commission will not sit regularly during this initial period as most of the burden of preparation will fall on the parties, but I do expect hearings to begin in California around the 1st of May and should occupy between eight and twelve days as a rough estimate. After completion of the hearings, the committee will consider the evidence in the record, prepare findings and submit its report to me hopefully during the first week in June but certainly no later than June 15, which is approximately six weeks before the existing CRLA grant expires.

* * * * *

"Obviously, legally I cannot be bound by the recommendations of the commission. The commission will be advisory to me, but also, equally obviously, I would lean very heavily on their recommendations. And if they find that CRLA is functioning effectively and within the guidelines it is my intention to refund them." Reporter's Transcript of March 31, 1971, pp. 121–126.

Mr. Carlucci clearly indicated the kind of hearings he contemplated when, at the Senate hearing, he answered the following question:[4]

"Senator CRANSTON. Will the hearings be opened to the public and the press?

"Mr. CARLUCCI. Yes sir, they will be."

Appointment of commission and adoption of procedures

The Director formally appointed the Office of Economic Opportunity Commission on California Rural Legal Assistance, Inc. on March 27, 1971. The commissioners appointed were Chairman Robert B. Williamson, retired Chief Justice of the Supreme Judicial Court of Maine; Robert B. Lee, Justice of the Colorado Supreme Court; and Thomas H. Tongue, Justice of the Oregon Supreme Court. In the Director's appointment, he charged the Commission:

"In accordance with the request of the Commission, this letter will set out your task: To assist the Director of the Office of Economic Opportunity in discharging his statutory duty by finding the facts relevant to the Legal Services Program conducted by California Rural Legal Assistance, Inc. It is understood that the Commission shall adopt such procedures as it deems appropriate to accomplish this objective. I would hope to receive your report prior to June 15, 1971."[5]

A meeting had been scheduled by OEO for 9:30 a.m. on March 27, 1971, at the OEO headquarters in Washington, D.C., for a preliminary discussion of procedural matters. Specific written invitations to attend this meeting had been directed by Donald S. Lowitz, General Counsel for OEO, to Lewis K. Uhler of State OEO, and to counsel for CRLA, advising the purpose of the meeting and requesting their attendance. CRLA representatives appeared. However, no one appeared for State OEO. In view of the absence of representatives of State OEO, the meeting was immediately recessed and another meeting was scheduled for March 31, 1971 at San Francisco. Likewise, invitations were directed to State OEO and CRLA requesting that each submit written proposals prior to the meeting regarding rules of procedure to be formulated by the Commission.

Appearing at the March 31 meeting were Chairman Williamson and Commissioners Lee and Tongue. Also appearing with the Commission was Jim R. Carrigan of Denver, Colorado, counsel for the Commission.

Footnotes at end of article.

Also appearing at the meeting, representing State OEO, were Lewis K. Uhler, Esq., Director of State OEO; John S. Fattorini, Jr., Esq., in charge of Legal Services of State OEO; A. Lawrence Chickering, General Counsel for State OEO; John G. Sawicki, Assistant for Administration, State OEO; Robert P. Gouty, Advisor to State OEO staff; and Diane Sekafitz, State OEO secretary.

Present for CRLA were William F. McCabe, Esq.; Stuart Pollak, Esq.; Jerome B. Falk, Jr., Esq.; and Cruz Reynoso, State Director of CRLA.

Also appearing were the following attorneys at law: F. Douglas McDaniel of Imperial County, California; Albert J. Arostegui of Sutter and Yuba Counties and Marysville, California; William F. Moreno of Monterey County and Salinas, California; Edward Chidlaw of Madera County, California; and Richard W. Konig of San Joaquin County and Stockton, California. These attorneys advised the Commission that, in their view, hearings in the respective localities where they practiced law would be desirable and helpful to the Commission in discharging its task, and that they, as members of the bar, would offer their services to assist the Commission in its work. The Chairman, after expressing appreciation of the Commission for this offer of public service, excused Messrs. McDaniel, Arostegui, Moreno, Chidlaw, and Konig from this meeting, explaining that this meeting was a preliminary session between the Commission and the parties for the purpose of formulating rules of procedure.

Then ensued a full day of discussion concerning procedural rules. Counsel for CRLA submitted CRLA's Memorandum on Procedures. No memorandum or written suggestions were submitted by State OEO. A thorough discussion of the positions of the interested parties was held. The views of the State OEO and CRLA as to the function of the Commission were received and considered.

Mr. Uhler strongly urged that the Commission function as an administrative investigative body which should adopt a fact-finding methodology, suggesting that the Commission staff should seek out evidence and present its own witnesses, hold hearings in private, executive sessions, including secret *ex parte* interviews throughout the State of California in all areas where CRLA has rendered services, and make general and comprehensive findings concerning all phases of the CRLA program, not limited to the charges and matters contained in the Uhler Report. He expressed the official views of the State Office of Economic Opportunity and the government of the State of California,[6] as dictated by policy considerations.[7] He advised that the State OEO would not assume the position of a party or participant in an adversary, judicial type proceeding where witnesses would be presented in support of the case against CRLA, be examined and cross-examined *in public hearings* at which the press would be in attendance; to which evidence CRLA would then present its rebuttal witnesses who likewise would be subject to cross-examination by the other party or participant.

On the other hand, CRLA urged the adoption of the adversary, judicial type proceeding as the most conducive to a fair and objective presentation to the Commission of the matters in controversy.

The Commission indicated that because of the importance of the task undertaken and the seriousness of the charges leveled against CRLA and its staff attorneys, subject to further consideration, it intended to adopt rules of procedure which would provide for public hearings at which evidence would be taken on the record and witnesses could be called, examined and cross-examined by State OEO and by CRLA; other interested parties could present witnesses who would likewise be subject to cross-examination; and documentary evidence could be received on the record, and oral arguments or written briefs could be submitted for the consideration of the Commission. The Commission was made acutely aware by Mr. Uhler of the decision of State OEO not to be a party to or a participant in such hearings and of the procedural problems which would arise from such a decision by State OEO. The Commission urged that State OEO reconsider its position, as well as submit in writing a proposal of how it believed the Commission ought to proceed.

During the course of the day, the Commission communicated with Director Carlucci's office and was advised that the method of holding hearings in a public forum open to the press was entirely agreeable, as was later confirmed by telegram. This was made known to both State OEO and CRLA during the course of the meeting. The Commission adjourned until April 12, 1971.

On April 7, Mr. Uhler sent a telegram to the Commission stating the position of State OEO as follows:

"Position of State of California Re: CRLA hearings. Per the Commission request that the State of California present in written form its position regarding the procedures to govern the Commission's investigation of the activities of CRLA, we herewith present the following: 1) The Governor of the State of California, pursuant to Section 242 of the Economic Opportunity Act of 1964, as amended, vetoed the 1971 refunding package of CRLA. That veto was sustained by then acting Director of OEO, Frank Carlucci, which was evidenced by his press statement of January 30, 1971 and the fact that a new short-term grant was issued for a period of six (6) months instead of the one (1) year as originally requested in the grant package submitted by CRLA. The latter grant was approved by Governor Reagan. 2) We recognize the difficulties faced by the Commission since it does not possess the power to subpoena or otherwise compel the attendance of witnesses, or to administer oaths, bind witnesses to the truth, or impose sanctions where deliberate untruths are presented to the Commission. Nevertheless, we hope that you will be able to accomplish a meaningful investigation of CRLA, and we will provide all possible assistance to you. 3) Since the State of California is desirous of a thorough independent, and exhaustive investigation of CRLA's activities, the State suggests that the following general guidelines be implemented by the Commission: A) The Commission must survey in detail CRLA's activities in California from its inception in 1966 through the present. Of necessity, the State's evaluation should constitute only one element of the available information relevant to a thorough investigation of CRLA. B) The Commission must go physically into all nine (9) CRLA service areas which stretch from Santa Rosa in the north to El Centro in the south. Statements must be from those who gave statements to OEO as well as all others possessing information. Only by doing so, can the Commission prepare an objective report. C) If the Commission determines that it is unable to properly complete its investigation as outlined above, it should demand an investigative staff to be provided from independent sources at federal OEO expense. In the alternative, the Commission members might divide the nine (9) service areas among themselves so as to reach a greater number of those possessing information. D) It is imperative that the Commission's investigation must follow procedures designed to elicit maximum participation of people with information; executive sessions of the Commission are a necessity in order to encourage the testimony of indigents, judges, district attorneys, prison correctional officers, and community leaders who will not present their information fully to the Commission in public hearings. Further, much information is administratively confidential and cannot be presented in other than executive sessions. E) The time presently available to the Commission members to adequately prepare an objective and unbiased report must be expanded. An effective analysis will require at least ten (10) weeks of in depth investigation in California."

The next meeting on procedure convened in San Francisco on April 12, 1971. Appearing at this meeting were Commissioners Robert B. Williamson, Chairman; Thomas H. Tongue; and Robert B. Lee. Appearing with the Commission were Commission counsel, John Carney of New York City, Chief Counsel; Peter L. Murray of Portland, Maine; and Ronald Grossman of Portland, Oregon; and Jim R. Carrigan, of Denver, Colorado.

State OEO was represented by Lewis K. Uhler, Esq.; John S. Fattorini, Jr., Esq.; A. Lawrence Chickering, Esq.; and Robert P. Gouty.

CRLA appeared by William F. McCade, Esq.; Stuart Pollak, Esq.; and Jerome B. Falk, Esq.

Chairman Williamson presented proposed rules of procedure for the conduct of public hearings by the Commission. Thereupon he read into the record a telegram to the Commission from OEO Director Frank Carlucci, confirming the March 31 telephone communication:[8]

"This is in response to your telephone advice that after deliberation the Commission has determined that the only feasible method by which it is prepared to proceed with its task is by receiving testimony on the record at hearings of my March 29 letter to you. I said it is understood that the Commission shall adopt such procedures as it deems appropriate to accomplish its task. Accordingly, *this is to advise you that the procedure the Commission has chosen is acceptable and I request the Commission to proceed with its task.*" (Emphasis added.)

Once again, Mr. Uhler restated the position of State OEO and again decried the final decision of the Commission to hold open hearings in a public forum.[9]

Throughout the discussion of the rules and their proposed application to hypothetical situations that might arise during the conduct of such open hearings, a continuing invitation was extended to Mr. Uhler and State OEO to formally enter the forum as a party or participant and to assist the Commission in its task in accordance with the procedure adopted. State OEO through Mr. Uhler declined to do so. However, Mr. Uhler had promised all possible assistance of the State OEO to the Commission to aid it in its function.[10] This included promises to cooperate in every possible way,[11] to designate and locate witnesses,[12] to bring in witnesses to testify,[13] to encourage them to testify,[14] to provide documentary evidence,[15] to make available any additional information that State OEO might discover,[16] to encourage local counsel in various service areas to lend their hand to the Commission in the presentation of witnesses who might desire to testify before the Commission,[17] and to generally lend the resources of this office to help the Commission in its task.[18] The Commission relied upon this assurance that it would thus have before it for consideration all of the evidence available to Mr. Uhler and State OEO.

The Commission considered the proposals of procedure by both CRLA and by the State OEO and concluded that the performance by the Commission of its duty to prepare a thorough and complete report with findings of fact relating to the Legal Services Program conducted by CRLA required that such report be based upon evidence submitted at public hearings at which both CRLA

Footnotes at end of article.

and State OEO (hopefully) would appear, offer witnesses and other evidence, examine and cross-examine such witnesses, and also offer oral or written arguments setting forth their respective positions for the assistance of the Commission.

The Commission, viewing the Uhler Report and the CRLA response thereto as in the nature of a complaint and answer, concluded that the testimony and evidence must go forward in spite of State OEO's refusal to participate and present evidence in support of its charges against CRLA. It was the Commission's view that the State OEO's refusal to participate should not bar the people of the State of California who had complaints against CRLA from bringing forth relevant facts before the Commission. In addition, it was considered wholly inappropriate and inconsistent with the charge to the Commission by Director Carlucci to treat the State OEO's failure to participate and substantiate its damaging allegations as a "default" which might, in a court of law, justify a dismissal of the charges.

On April 21, 1971, George R. Currie, of Madison, Wisconsin, retired Chief Justice of the Supreme Court of Wisconsin, was appointed by Director Carlucci as Commissioner to fill the vacancy caused by Commissioner Tongue's resignation. James R. Cole of Madison, Wisconsin, was appointed as Commission counsel, replacing Ronald Grossman.

Congruent with these decisions, the Commission issued its Rules of Procedure (see Exhibit A to this Report).[19] The Commission informed State OEO of its decision and directed a letter to State OEO which expressed the Commission's "hope that State OEO, as the agency charged by the State Government of California with investigation and evaluation of CRLA, would be willing to assist the Commission in carrying out of its duties in the manner which the Commission has chosen by offering witnesses and other evidence at the public hearings and by questioning the witnesses offered by CRLA and any other participants."

The Commission's hope that the State OEO would assert its opposition to CRLA in a public forum was never realized. However, State OEO did encourage persons with relevant information to come before the Commission. It also encouraged attorneys to represent these witnesses, making clear, however, that these attorneys would not represent State OEO, which had refused to participate. The Commission clearly indicated that it would permit these local attorneys to present and examine their witnesses adverse to CRLA and to cross-examine the CRLA witnesses in rebuttal. Since, however, the State OEO had made it clear that these attorneys would not and did not represent it and that it was not a participant in the proceedings, the task of cross examining the witnesses in support of CRLA's affirmative case fell upon the Commission and its staff, which was in accord with State OEO's suggestion. See Rules 1(c) and 2(b) of *Rules of Procedure*, Exhibit A.

Concerning the times and places of the hearings, it early became apparent in the procedural discussions that the Commission, in addition to hearings in San Francisco, should be prepared to hold hearings in the CRLA service areas wherever it became desirable to do so. Witnesses who desired to express their views concerning specific charges in the Uhler Report, and other persons though not mentioned in the report, who might wish to testify concerning contacts and experiences with CRLA and its attorneys, were entitled to their "day in court," and the Commission, in order to fairly receive the pertinent evidence concerning CRLA, decided to go into the field to the greatest extent possible within the time available to it.

As it was deemed necessary and appropriate that such unrepresented witnesses (those involved in the Uhler Report incidents and others, then unknown to the Commission) should have the guidance of counsel, the Commission called upon the services of members of the State Bar who had indicated an interest in presenting the evidence from such witnesses.

As a result of the foregoing considerations, the Commission scheduled hearings as follows:

Hearings en banc

San Francisco, April 26–30.
Salinas, May 17–18.
Soledad, May 19.
El Centro, May 20–21.

Single commissioner hearings

Commissioner Williamson, Santa Maria, June 1.
Commissioner Currie, Madera, June 1.
Commissioner Lee, Marysville, June 1.
Commissioner Williamson, Modesto, June 2.
Commissioner Currie, Gilroy, June 2.
Commissioner Lee, Santa Rosa, June 2.

Hearings en banc

San Francisco, June 4–6.

The following lawyers agreed to represent otherwise unrepresented witnesses at the Commission hearings and did appear and present and examine witnesses as follows:[20]

Salinas, William L. Knecht, Robert Hindrichs.
El Centro, William L. Knecht, F. Douglas McDaniel.
Santa Maria, Thomas Lang, Donald Dresler.
Madera, Herbert E. Bartow, Edward Chidlaw, Thomas Burcham.
Marysville, William L. Knecht, John T. Larimer.
Modesto, Donald Dresler.
Gilroy, Thomas Burcham, Michael Panelli.

The Commission acknowledges the public service rendered by the foregoing lawyers in assisting the Commission in the discharge of its task.

In scheduling the hearings and allotting time for testimony relating to specific charges, an evaluation of the charges made by State OEO was essential. The Commission in the first instance sought the advice of State OEO as to which of the Uhler Report charges it considered significant. The State OEO declined to indicate to the Commission those portions of the report which it deemed to be particularly significant. The Commission thereupon undertook an evaluation of the issues raised by the Uhler Report charges and supporting documents, answers thereto, and chose those matters of substance which it considered of sufficient import to warrant testimony and evidence. (See *Exhibit B* to this Report for specific incidents to be considered.)

On April 28, Chairman Williamson explained the basis for designating the incidents which, in the judgment of the Commission, should be considered:

"After re-examination of the California evaluation and the CRLA response thereto, and pursuant to Rule 4(b), the Commission has designated certain incidents set forth and questions raised in that evaluation as to which the Commission would like to receive evidence.

"In arriving at these selections, the Commission made the following determinations:

a. The Commission eliminated from consideration alleged incidents which appeared to be trivial or to involve only isolated errors of judgment by individuals.

b. The Commission is not inviting evidence on incidents as to which there is no factual dispute, but only a difference on interpretation of OEO guidelines or applicable law.

c. The Commission has elected incidents which allegedly reflect CRLA policies or practices that have provoked charges against CRLA from various sources.

d. The Commission also has designated some apparently more serious individual incidents which it felt were not disposed of by the CRLA response or as to which there appears to be some factual dispute."

Pursuant to the Commission's request, State OEO and CRLA provided the Commission with a list of witnesses whose testimony, in their opinion, should be presented as being relevant to the incidents designated for consideration. The Commission thereupon mailed requests to testify to all such witnesses. In some instances, it was necessary to make telephonic contact and to seek local assistance in an effort to locate witnesses who had moved or otherwise could not be found. It had been contemplated that State OEO was to assist in locating and notifying such witnesses, as indicated during the procedural discussions.

In addition to sending requests to testify, in order that interested persons might be afforded the opportunity to appear and give testimony before the Commission concerning their contacts and experiences with CRLA, the Commission advertised in ten newspapers throughout the State whose circulation covered the CRLA service areas: Bakersville Californian, Imperial Valley Press, Madera Tribune, Marysville Appeal Democrat, Modesto Bee, Salinas Californian, San Jose Mercury & News, Santa Maria Times, Santa Rosa Press Democrat, and La Opinion.

The advertisements gave notice of the rules, particularly Rule 2(b), and explained the methods by which an organization or person could be a witness before the Commission.

Persons who indicated a desire to appear were provided with Rule 2(b) forms for the submission of a concise statement of facts to be proved by the witness.[21] Rule 2(b) statements thus submitted were screened by the Commission to determine their sufficiency. Those which met the "fair and reasonable notice" test, as set forth in Rule 2(b), were sent to State OEO and CRLA.[22] Also, the 2(b) witnesses who were asked to testify were directed to the attention of the lawyers whose services as counsel had been volunteered in the hearing area which was proximate to the address of such witnesses.[23]

Commission hearings were held as scheduled. Inasmuch as the Commission was always desirous of having State OEO participate formally in the proceedings, the Commission renewed its invitation to State OEO at the commencement of each hearing where State OEO representatives were in attendance. Consistently, to the disappointment of the Commission, State OEO declined to participate.

In this posture then, there being no official representative of State OEO who would present the evidence against CRLA concerning the Uhler Report charges designated for consideration, it was determined that at the commencement of each hearing CRLA should present its affirmative case as to why it should be refunded. The San Francisco CRLA affirmative case took six days to present. State OEO refused to participate and cross-examine the CRLA affirmative case witnesses. At the hearings in the field, State OEO likewise refused to participate and cross-examine. Because of this, the Commission felt it necessary and desirable to drastically limit the CRLA affirmative case presentation to approximately an hour, in order to provide the maximum time and opportunity for those who wished to present evidence against CRLA to be heard. There was no limit on cross-examination of CRLA witnesses in rebuttal to charges made by the Uhler Report witnesses and by the 2(b) witnesses.[24]

No limitations were placed upon private organizations, lawyers, or laymen who had a legitimate interest in the affairs of CRLA, who wished to present their views or complaints against this organization at any hearing. Only simple compliance with Rule

---

Footnotes at end of article.

2(b) was required. This rule imposed conditions only that a statement of the organization or person desiring to testify be filed with the Commission five days in advance of the hearing date, and that the scope of the subject matter of such testimony be relevant to the inquiry of the Commission. Procedural fairness required advance notice under this rule of the proposed testimony in order to allow counsel for CRLA time to prepare to meet the new charges raised by the 2(b) statements.

It is noted that at the hearings, rules of evidence generally applicable to administrative hearings were observed. The Commission was liberal on technical matters such as authentication of documents, copies and the like. Reliable and probative hearsay was admitted. Every effort consistent with fair procedure was made to obtain the facts relevant to the operation of CRLA.

A few witnesses sought to offer testimony concerning the merits or conduct of lawsuits presently pending in State or Federal courts. The Commission refrained from receiving such evidence. Such restraint in our opinion was necessary to avoid the risk of prejudice to litigants and to respect the jurisdiction of the courts involved.

Copies of all papers and exhibits filed with the Commission were immediately furnished to State OEO. At all times State OEO was kept fully advised of the Commission's activity. Although it was not practical for the Commission to provide copies of all documents to each of the various attorneys who represented individual witnesses, many of those attorneys were in close touch with State OEO and the Commission staff readily furnished them with all information and assistance requested.

At the conclusion of CRLA's affirmative case, Uhler Report witnesses and Rule 2(b) witnesses were then presented by those lawyers (herein before named) who had volunteered their services to the Commission in this respect. Such witnesses were subject to cross-examination. The scope of examination and cross-examination in the interest of fairness was limited only to the subject matter as stated in the designated Uhler Report incident or the 2(b) statement concerning which the witnesses were presented. Such a format of evidentiary presentation was determined eminently fair and practicable in light of State OEO's voluntary posture as "non-party" or a "non-participant".

It is the belief of the Commission that the procedural rules which guided it through the evidentiary hearings were a valid mechanism by which the truth-finding function of the Commission was effectively carried out.

CRLA'S FUNCTION AND ITS MODE OF OPERATION

California Rural Legal Assistance, Inc. is a nonprofit legal services corporation consisting of 44 attorneys supported by a secretarial staff and community workers. It has a central office in San Francisco and nine regional offices through rural California. It is funded by the United States Office of Economic Opportunity. The Office of Economic Opportunity is the organization designed to carry out the "War on Poverty". The object of this program in its inception was to focus efforts on eliminating the causes of poverty rather than relieving its symptoms. That this has remained OEO's basic purpose was emphasized by President Nixon in an address of August 11, 1969, when he stated: "It is important that OEO concentrate its energies on causes rather than symptoms, that it help people become productive participants in the economy rather than focusing on the conduct of income support or other ameliorative activities."

The OEO legal services program under which CRLA operates was born in 1964 when the Office of Economic Opportunity turned to the organized Bar for aid and assistance in outlining a program to provide legal services for the poor. On the national level, it was determined that the American Bar Association, the National Legal Aid and Defender Association, and the Office of Economic Opportunity would co-sponsor national conferences to explore how best to provide legal services to the poor.

Those concerned critically studied the history of legal services in order to assess their strengths and weaknesses. Although legal aid in the United States has a history stretching back to the 19th century, and although the provision of legal services to the poor became one of the 10 long-range goals of the American Bar Association in 1950, it was recognized in a 1965 resolution of the American Bar Association: "that the growing complexities of modern life, shifts of large portions of our population, and enlarged demands for legal services in many new fields of activity warrant increased concern for the unfilled need for legal services, particularly as to persons of low income, and that the organized Bar has an urgent duty to extend and improve existing services."

For a number of reasons it was felt that legal aid societies on the traditional mold could not meet current needs. Paramount among these was the fact that the legal aid societies were undermanned, underfunded, and overworked. The caseloads handled by legal aid lawyers rendered effective advocacy impossible. The result was the "revolving door practice" by which overworked attorneys would see as many clients as possible each day attempting to resolve their problems as quickly as possible. Typically, there was litigation only when forced in a defensive posture, an appeal very rarely, no legislative or "lobbying" work, and no representation of groups or legal education. In short, the poor urban client of a typical legal aid office had available nothing approaching the broad spectrum of legal remedies available to the client who could pay a fee. In rural areas, any effective legal aid services for the poor were virtually nonexistent.

The legal services program conducted by OEO was designed to overcome the inadequacies of the traditional legal aid operation. The OEO guidelines, under which CRLA functions, mandate that the broadest scope of legal services be provided. These guidelines require that an OEO legal services program handle not just the traditional "service" cases, but, in addition, it work actively in the fields of group representation, "law reform" and educating the poor regarding legal rights and responsibilities. As part of the Office of Economic Opportunity, it is important to recall that CRLA has what President Nixon termed a "social pioneering" function:

"Our nation will attain its social objectives, I believe, only if we develop a new spirit of adventure in their pursuit. We must become pioneers in reshaping our society even as we have become pioneers in space. We must show a new willingness to take risks for progress, a new readiness to try the untried.

"Such an innovative spirit should characterize all of our institutions and all agencies of government. But it is in the Office of Economic Opportunity that social pioneering should be a specialty. It is the OEO that should act as the "R and D" arm for the government's social programs." [25]

CRLA, founded by James D. Lorenz, who became its first Director, was incorporated in 1966 and received its first OEO grant in May of that year. Since then, CRLA's operations have showed continual expansion and it has been refunded on an annual basis.

SCOPE OF LEGAL SERVICES

The Guidelines for a Legal Services program developed by the broadly based National Advisory Committee, considered the question of the scope of legal services to be rendered and urged that, ". . . a full spectrum of legal work should be provided: advice, representation, litigation, and appeal." [26]

Beyond these standard categories, the guidelines specifically urged:

"Advocacy of appropriate reforms in statutes, regulations and administrative practices is a part of the traditional role of the lawyer and should be among the services afforded by the program. This may include judicial challenge to particular practices and regulations, research into conflicting or discriminating applications of laws or administrative rules, and proposals for administrative and legislative changes." [27]

Clinton Bamberger, former OEO Director of Legal Services Program, described the purpose of these portions of the guidelines, ". . . it was that we were concerned about using the skills and the talents of lawyers to serve people who were poor and to try to change those systems, those parts of our system, those laws, and those legal processes that made it difficult for people who were poor to move out of poverty." [28]

Law reform or impact litigation as a positive policy of OEO funded legal aid programs not only received the specific endorsement of the National Advisory Committee, but the existence of this portion of the legal services program was brought to the attention of the bar and public in law review articles, speeches, OEO published documents and testimony before Congress. That impact cases were consistent with the best legal aid tradition Mr. John Douglas, an attorney in private practice and President of National Legal Aid and Defenders Association, made clear. He pointed out that as early as 1919 Reginald Heber Smith urged that legal aid societies have a "fighting fund" to carry new and important points of law to the highest court.[29]

Under modern procedure, included among impact cases are class actions which have particular advantages as pointed out by John Douglas:

"It's an expeditious way of dealing with these things. It's a way of reducing delay and avoiding congestion in the courts. It's in the best interest of administration of justice and, most important of all, it's the only way that a number of circumstances can effectively be cured." [30]

Where CRLA attorneys encounter the same legal problems raised by a number of clients, the appropriateness of a class action is not only urged by reasons of economy in the sound administration of justice, but compelled by OEO guidelines. Special Grant Condition No. 1 provides,

"Multiple suits in the same judicial district shall not be filed by CRLA in cases of multiple plaintiffs if the legal issue or issues are identical or so similar that the issue can be decided and complete relief can be afforded by the filing of a single suit or by the joinder of all plaintiffs." [31]

This discussion of impact litigation should not obscure the fact that the overwhelming bulk of CRLA's work is handling the routine problems of the poor, known in the parlance of legal assistance attorneys as "service" cases.

In fiscal year 1968–69, CRLA handled 15,423 separate legal matters, a yearly average of 429 problems per attorney.[32] In fiscal 1969–70, it handled 18,942 matters.[33]

The substantial portion of these matters did not involve litigation. Indeed, in 1969–70, only 8% of the 9,705 cases closed by CRLA attorneys involved a court proceeding, and only 13% an administrative hearing. CRLA's record in the matters litigated is outstanding. Of the court cases decided in 1969–70, CRLA clients received favorable judgments 84% of the time. Of the administrative decisions rendered, CRLA clients received favorable rulings 88% of the time.[34]

Footnotes at end of article.

As would be expected, the routine matters comprise a large percentage of the matters handled, 95-98% of the total number. Although no exact records are available as to the amount of time spent on the service cases, as opposed to impact cases, the Directors' estimate of 80% is reasonable.

Although these figures speak eloquently of the need for legal services of the type performed by CRLA, it should be noted that in every area the Commission heard testimony which confirmed this need.

Suits against the Government

It may seem paradoxical to some that an attorney paid by the Government is able to represent a person suing the Government. Sargent Shriver made a cogent point in this regard:

"The easy way to stay on first base, or the easy way not to make a mistake with this program, is to try to remember all the time that even though the public is paying for the lawyer's salary, rather than a private client, the lawyer has to have the same freedom with that client that any lawyer has with any client.

* * * * *

"So when these tough cases come to you, you've got to stop and say, 'Does a citizen of the United States have that Right?

"If a citizen has it, then a poor person has it, despite the fact that a poor person's lawyer is being paid by public money.[35]

The apparent anomaly is also present in the criminal area where the state pays for the prosecution and provides free legal representation for the criminal defendant. It may be argued, however, that there is also a distinction between the situation where the government has initiated legal action and where the action has been initiated by the poor person. While this may be true, it is not a complete answer.

If the Constitution or a statute has granted a poor person a right, and an administrative agency of government has deprived the individual of that right, there would seem no sound basis for denying a poor person an opportunity to claim that right before our courts. Surely, in these circumstances, one who is not poor may sue the government to enforce Constitutional or statutory rights.

On the other hand, there is a danger that trivial or frivolous complaints may be urged by poor clients that would not be urged by a man of means who would himself have to bear the legal expenses involved. The legal services attorney thus has a special duty to be sure that when he sues the government, the matter is not trivial and the legal theory has merit. However, it would be unrealistic to expect the legal services attorney to justify the initiation of every suit by showing a clear cut legal victory. Such a standard would inevitably have a chilling effect on the creativity of advocates for the poor and would run counter to the core concept of OEO.

In this report we will discuss a number of cases which will indicate CRLA has acted responsibly in this regard.

Laurence Horan, former OEO Western Regional Director, well summarized one type of situation in which interests of economy might even dictate affirmative action against a government agency:

"It's entirely possible that a lawyer, for example, can represent—have fifteen cases in which, because of some misinterpretation of a rule by an agency personnel or some non-compliance with a rule, that fifteen administrative hearings might be necessary.

"If CRLA, as it has done, challenges either the rule itself or the application of it so that an internal policy communication in the agency effected results, they, then, have solved not only for the ten or fifteen people that they've just represented, a legal problem that causes anguish to poor people, but they have prevented an occurrence of that problem perhaps in fifteen, twenty, or perhaps a hundred other instances.

"I think that kind of thing is precisely what lawyers are set up to do."[36]

Clinton Bamberger recognized that the poor may have a special interest in being able to sue the government:

"Because the—while you and I don't have to depend on a lawyer or have bureaucracy to decide where we eat, or where we sleep, or work, we have in this country—and it's good that we have—written laws that provide food for people who are hungry and homes for people who are homeless, and jobs for people who are jobless.

"But the natural consequences of that is that the lives of poor people are going to be more governed and regulated by law and bureaucrats.

"And a lawyer who is going to represent the poor and poor people and the things that are important to poor people, is going to be an advocate for them against State and local agencies. It's—you can't avoid it, in our adversary system."[37]

Of the many cases which CRLA has successfully prosecuted with substantial impact on behalf of the poor, four are illustrative:

Morris v. *Williams*, 67 Cal. 2d 733, 63 Cal. Rep. 689 (1967), was instituted by CRLA attorneys in the Modesto office to enjoin the cutback in medical aid required to be provided by federal law to aged and indigent Californians, which the State of California had put into effect as a result of an erroneous interpretation of federal law. The Superior Court enjoined these "Medi-Cal" cuts, and the California Supreme Court affirmed.

As November, 1968, 21 of California's counties had refused to institute Federal Food Stamp and Commodity Distribution programs. In *Hernandez* v. *Hardin*, Case No. 50333 (N.D. Cal. 1968), CRLA lawyers secured an injunction from a three-judge Federal Court, requiring the Department of Agriculture to institute food programs in these 21 counties. As a result, in 1969, California became the first large state in which every county was operating a Federal food program.

The California Supreme Court, in *Castro* v. *State of California*, 2 Cal. 3rd 223, 85 Cal. Rep. 20 (1970), overturned California's 76-year old requirement that State residents must be literate in English in order to vote. It was held that persons literate in Spanish may also vote, thereby enfranchising some 80,000 Spanish-speaking citizens residing in the State.

In *Marquez* v. *Hardin*, Case No. 51446 (N.D. Cal. 1969) on behalf of its clients, CRLA sought declaratory and injunctive relief against the Department of Agriculture and Secretary of State requiring them to issue standards of eligibility for the free school lunch program. The defendants agreed to issue new regulations requiring that all children with welfare or equivalent income status, receive a free or reduced price lunch.

Schools and CRLA

During the course of the Commission's hearings, it became apparent that most CRLA clients had little formal education and were members of racial or ethnic minority groups. Many spoke little or no English, having been reared in Spanish-speaking families. Large numbers were migrant farm laborers whose families accompanied them as they sought temporary job opportunities in the rich agricultural areas of California.

The hard, nomadic life patterns of these CRLA clients, together with language barriers, poverty, and racial, ethnic, and cultural differences setting them apart from those in control of the communities where they lived, raised special problems for their children in the public schools. These people, acting through local advisory boards, set a high priority on the need to improve their children's educational opportunities. CRLA attorneys, responding to this need and perceiving that many of their clients were tied by lack of education to the public welfare rolls or subsistence jobs, focused efforts on improving the educational opportunity of their clients' children in the hope that the next generation might escape the "ignorance-poverty-welfare" trap.

These attorneys sought to apply the law to open wider the door of education so that these children of the poor, the migrant, the Black, the Chicano, the Indian might, through the schoolhouse door escape poverty and ultimately partake of the American promise of equal and abundant economic opportunity. The notion that the law may be a proper instrument for enforcing rights to educational opportunity was not invented by CRLA. Public education in all its aspects—including equal opportunity—has long been the subject of constitutional, statutory and case law.

In *Brown* v. *Board of Education*, 347 U.S. 483 (1954), the Supreme Court made clear that an educational system improperly operated may violate the Constitution by stunting rather than fostering intellectual growth. Many state and federal statutes have been enacted in efforts to assure equal educational opportunity. But in our legal system, enactment of a law is but a first, formal step toward improving the system; it becomes a step to nowhere if the rights defined in that law cannot be enforced by the law's intended beneficiaries. Moreover, illegal or erroneous administration of a law can result in harmful rather than beneficial effects. Our legal system—at bottom an adversary system—assumes that those who have rights to be enforced have lawyers to represent them.

The advantage to the poor of having advocates before our courts to insure the right to be educated is well illustrated by the case of *Diane* v. *State Board of Education* (U.S. Dist. Court, N.D. Cal. 1970). That action challenged the practice of testing children in an unfamiliar language and with culturally unfair tests, resulting in the placing of those who failed to achieve a certain I.Q. in classes designed for mentally retarded children ("EMR" classes). The classroom activity of "EMR" classes centered on playing games, coloring in books and cutting out pictures, with only very limited teaching of traditional subjects. One of the plaintiffs in this suit was the eight-year-old daughter of a Soledad Mexican-American farm worker, who had originally been tested in English and received a score of 30. When retested by a Spanish-speaking school psychologist at the instigation of CRLA attorneys, her score jumped 49 points to 79. The case was settled one month after filing by a consent decree agreed to by the plaintiffs, the State Department of Education, and the Superintendent of the Soledad schools. All 22,000 Mexican-American children in California's "EMR" classes have been retested in both Spanish and English with a test that eliminates all verbal sections. Approximately 5,000 children retested have been returned to regular school classes.

In *Shaw* v. *Modesto School Board*, 310 F. Supp. 1282 (E.D. Cal. 1970), CRLA brought to the attention of the public the fact that Section 9 of the National School Lunch Act, requiring school districts participating in the program to provide a free or reduced-price lunch to every student not able to afford the full cost, was being ignored in some areas.

The Modesto School District was receiving nearly $250,000 in assistance from the federal school lunch program, but only 170 students were receiving free lunches. It was estimated by the welfare officials that there were 2,800 students eligible to receive free lunches.

CRLA first brought to the school board's attention the fact that the board was not

---

Footnotes at end of article.

complying with the federal standard, in an attempt to negotiate settlement.

CRLA's negotiations with the school board were unsuccessful, and litigation was commenced. The court issued a permanent injunction providing that if the school district were to remain in the program, it had to comply with the federal statutory requirements by providing a free or reduced-price lunch to those who could not afford to pay.

Immediately following the court's decision, the Superintendent of the Modesto School District recommended to the board that Modesto withdraw entirely from the school lunch program, to avoid complying with the court order. The cost of compliance, for the remainder of the school year 1969–70, would have been $19,000.

Shortly thereafter, and within a month of the decision, CRLA learned that the Office of Emergency Food, part of the OEO, would make available the $19,000 necessary to permit Modesto to remain in the school lunch program and comply with the court order. The school board rejected this offer, and the lunch program was discontinued. A segment of the community reacted to this decision by staging peaceful demonstrations and picketing the school administration building. These efforts proved unavailing, and ultimately a sit-in was organized which resulted in arrests. Although CRLA attorneys were not arrested and the picketing was peaceful, partly because of their advice, the CRLA attorneys did participate in these demonstrations. It is the Commission's opinion that participating in such demonstrations is conduct inappropriate for a CRLA attorney.

On June 16, 1970, CRLA Director Cruz Reynoso issued a directive which, in pertinent part, provides:

"An attorney's function with regard to picketing, sit-ins, or other forms of demonstration, should be limited to monitoring the demonstration, advising the clients as to their legal rights and duties, and dealing with the public authorities at the request of the leadership of the organization." [38]

The Commission endorses that directive and recommends that it be strictly observed. (This matter is discussed more fully elsewhere.)

It should be noted that Modesto re-entered the school lunch program, and now lunches are provided for approximately 2,800 students, as contrasted with 170 previously participating.

Legal action, to enforce federal requirements providing food for poor children, would seem to be at the very heart of CRLA's purpose and function.

PRIORITIES FOR LEGAL SERVICES

Although law reform or impact litigation was "built into the original guidelines" and "advocated by Clinton Bamberger . . . and by members of the National Advisory Committee . . .," [39] evidence appeared in late 1966 and 1967 that the OEO legal service programs were unable to take meaningful cases because they were becoming bogged down in large caseloads.[40]

The limited resources available made it manifest that not every individual legal problem of the poor could be handled. Since resources were limited, priorities had to be established. It was recognized that one consequence of limited resources was that certain eligible clients would not be helped with certain problems.

As to these consequences, Professor Earl Johnson (former OEO Legal Services Director) testified:

"We were willing to accept them, because the—only other alternative was that we would accept all the divorce cases, and then when a Medi-Cal recipient came with his problem, which affected not just him but another million citizens in the State of California—we would have to say, 'We don't have enough time to take your case, because your case is going to take—you know, hundreds of man-hours of lawyer time, and we have to concentrate our resources on cases that we can handle in a few minutes.' " [41]

The need for the establishment of priorities was well stated by John Douglas, president of the National Legal Aid and Defenders Association, ". . . it's a compelling need, because legal services for the poor are underfunded and underfinanced. And, accordingly, it's impossible for legal aid groups to carry all of the cases which they might wish to carry." [42]

The National Legal Aid and Defenders Association has published a list of illustrative criteria by which priorities might be determined.[43]

A common thread runs through these criteria. Unless the limited resources of legal aid services are focused upon approaches to the elimination of the causes of poverty, and to the enhancement of the ability of poor people to resolve their own problems individually and as a group, there will be no end to the need for more resources.

The CRLA advisory committees and their client community generally have urged that "top priority be given to cases involving the farm workers." [43a]

Congruent with the central thesis underlying the "War on Poverty," that a legal services program should seek to eliminate the causes of poverty and the conditions of inequality, as well as providing help to individuals in their day-to-day problems, the Board of Trustees in 1966 and 1968 laid down the following schedule of priorities for CRLA:

"Cases affecting the employment of poor people were considered to be of first priority since a man's ability to bargain for decent housing, pay his debts, and exercise his political rights depends, in large part, upon whether he has a job. Cases involving education, civil rights, housing, welfare and consumer problems were also held to be of great importance. Bankruptcy and domestic relations were considered of secondary importance, and, we were told, should be limited in number. 'We do not want CRLA to become a divorce mill,' several members of the Board stated orally." [44]

Although accorded a low priority, domestic relations cases have not been ignored by CRLA. In emergencies, the system of priorities is sufficiently flexible so that such a case will be handled. In addition, in certain areas a cooperative arrangement has been worked out whereby the Welfare Department will screen the cases and refer those of greatest need. The number of such cases is not insignificant. For example, in 1970, the Salinas office handled 171 divorce and annulment cases.

In addition to establishing priorities, recommended maximum caseload standards have been developed. Mr. Douglas also testified on this point, with reference to NLADA guidelines:

The recommended maximum is that no lawyer should handle more than five hundred cases or matters each year. And the reason for that is simply that beyond that, a lawyer ceases to be effective in those cases which he undertakes. He simply can't do an effective job for the clients he represents, in our view, if he undertakes to do more than that.[45]

These caseload standards were adopted by the house of Delegates of the American Bar Association in 1970.[46] In recent years, CRLA has kept within this 500-case limit, handling between 400–500 cases per year, which compares favorably with legal service agencies in similar geographical locations.

REPRESENTATION OF THOSE ACCUSED OF CRIMES

At the time of the enactment of the Economic Opportunity Act in 1964, there was no statutory restriction prohibiting criminal representation by OEO-funded legal services agencies. Criminal representation of indigents is certainly within the general scope of furnishing legal services to the poor. However, upon reflection, in view of the tremendous demand for criminal representation in the wake of *Gideon* v. *Wainwright*, 372 U.S. 335 (1963), it became obvious that if an OEO-funded legal service program undertook to provide legal service in criminal cases as required by *Gideon*, demand for criminal representation would quickly deplete the agency's limited budget. The problem was one of priorities, and this was recognized by Congress by the enactment of the Green Amendment to the Economic Opportunity Act of 1964, which became effective in January, 1968.

This amendment provided:

"* * * No funds or personnel made available for such program (whether conducted pursuant to this section or any other section in this part) shall be utilized for the defense of any person indicted (or proceeded against by information) for the commission of a crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available.* * * *Economic Opportunity Act of 1964*, 42 U.S.C. 2809, Sec. 222(a)(3).

By reason of the Green Amendment, OEO adopted new guidelines which were set forth in Community Action Memo No. 79, dated January 15, 1968. These guidelines interpreted the Green Amendment as follows:

". . . legal services programs may not henceforth undertake defense of any new criminal case at any stage following indictment or information, unless [a waiver is obtained after consultation with the court of criminal jurisdiction and the indigent defendant would not otherwise be able to secure adequate legal assistance.] . . . This limitation does not apply to:

(1) Representation of arrested persons before indictment or information.

(2) Parole revocation; however, it does apply to probation revocation.

(3) Juvenile court matters.

(4) Civil contempt.

(5) Alleged mistreatment of prisoners after sentence and incarceration.

(6) Criminal cases which were undertaken before receipt of this memo."

The statutory proscription appears to limit criminal representation to cases initiated by indictment or information (except in specific circumstances). However, as a matter of policy, the foregoing OEO guidelines were treated by CRLA's Director as more restrictive than the statute. For example, testimony was elicited that no criminal representation was permissible in misdemeanor cases unless a special waiver was obtained from the Director. Additionally, although there appeared to be no statutory or OEO prohibition against CRLA attorneys handling criminal cases on their "own time," this practice also was forbidden without specific permission.[47] On the other hand, traffic cases were not considered as criminal matters under interpretation of the guidelines and such cases could be handled as regular CRLA cases.[48]

In the area of post-conviction remedies, the guidelines are not definitive. One possible gray area is habeas corpus and similar post-conviction remedies where, in the view of some, the remedy is civil,[49] whereas others look upon the suit as criminal if the underlying confinement was the result of a criminal conviction or detention.[50]

The Uhler Report charges that it is "* * * obvious that CRLA attorneys have ignored the proscription as to representation of those accused of crimes. The record is replete with such representations." [51]

Footnotes at end of article.

In considering the specific charges, we have found no substantial deviation from the proscriptions of the statute and guidelines. Where criminal representation did occur, such was within the permissible bounds of the statute—that is, the cases were, with one exception,[52] not felony cases, instituted by indictment or information; they were, at most, misdemeanors, commenced by complaints or summonses. In most instances, CRLA attorneys had obtained waivers of the guideline prohibitions even in instances where not required to do so by OEO guidelines. No statutory violations were demonstrated. The Uhler Report charges were completely unwarranted.

Perhaps CRLA should adopt more definitive guidelines to avoid future confusion within CRLA, as well as in the minds of the public generally. We do not mean to suggest to what extent or degree there should be proscription of criminal representation because that is a matter of policy beyond our concern. Clarification would, we believe, tend toward a better understanding of CRLA's proper function and help minimize unfounded charges of impropriety in this regard.

RELATIONSHIP WITH CLIENT COMMUNITY

Providing legal services to the poor requires that the poor be made aware of the availability of such services. To this end, legal service attorneys, like other members of the Bar, have a duty to advise clients regarding their legal rights and duties. In addition, legal service attorneys may ethically inform eligible clients that legal assistance is available from a legal services organization without charge. Of course, an attorney in private practice may not compete with his brethren at the Bar for fee-generating cases by urging that potential clients visit him. Since legal service organizations cannot charge fees, and ordinarily do not handle fee-generating cases, the same limitations do not apply to such attorneys.

The Commission found exceptionally persuasive on this point the testimony of John D. Robb, Chairman of the American Bar Association Standing Committee on Legal Aid. Mr. Robb testified concerning the Canons of Ethics, especially Numbers 27 and 28, the decisions of the American Bar Association Committee on Grievances thereunder and the more detailed codification of these Canons contained in the Code of Professional Responsibility.[53] On the basis of his testimony and the Commission's examination of the applicable Canons of Ethics and the evidence before it, the Commission concludes that the charges of solicitation contained in the Uhler Report are without foundation.

One of the deficiencies of traditional legal aid societies was their failure to maintain an on-going relationship with their clients. The client would come into the office, receive advice, and then leave. The OEO-funded legal services program, however, views the relationship as an on-going one. One result of this type of attorney-client relationship is that the attorneys become aware of certain endemic and repetitive problems faced by a large number of their clients.

CRLA has implemented this policy of on-going representation effectively by conducting legal education programs for the poor, often in cooperation with other agencies, by working with groups on certain legal problems, by maintaining good working relationships with other agencies that serve the needs of the poor. The Commission finds that such activities are proper and necessary to CRLA's continued effectiveness.

It has long been recognized that certain problems of cultural difference between attorneys and their poor clients required special attention. To bridge this gap, attorneys are assisted by " 'community workers'—nonprofessional persons, known to the neighborhood, who serve as a 'bridge between residents and service agencies.' Patterned after the street workers of New York and Chicago, the community worker was to know, and to be known in, the community by his presence in homes, on the street, in pool rooms, taverns, churches, and jail."[54]

CRLA's refunding request for 1970 indicates that it has employed 22 community workers trained to assist attorneys in interviewing clients, investigating facts, and handling simple kinds of welfare, wage, and other claims.[55]

These community workers are generally drawn from the communities served by CRLA. Because of their background they are particularly well suited to act as a liaison between the professional staff of CRLA, and the clients whom they serve. In addition to their on-the-job training, formal training conferences of the community workers are held two or three times a year.[56]

CRLA's perfectly legitimate efforts to make its client community aware of the legal services available through CRLA have in a number of specific instances provided unjustified complaints of unethical conduct.

For example, in the case of *250 Farmworkers* v. *Schultz*, CRLA brought a suit challenging the statewide practices of the California Farm Labor Service. Although some portions of this litigation are pending, a number of reforms have been agreed to between the State and the plaintiffs, including posting of job notices on bulletin boards and guarantees from growers of job availability when placing orders for workers through the Farm Labor Service. Of course, CRLA, with its contacts throughout the State, had ample opportunity to be presented with those complaints by farm workers.

The California Evaluation[57] charged that CRLA not only had solicited plaintiffs for this case, but had actually brought this lawsuit without the consent of the named plaintiffs. An Assistant Deputy Attorney General of the State of California, William Bradford, who handled this case for the State, testified regarding the solicitation charges in connection with this suit. In the course of his representation of the State of California in defense of the suit, he had occasion to make independent investigations as to whether the solicitation charges and unauthorized representation were true prior to the time the Uhler Report was prepared.

His investigation has centered around the affidavits of the very individuals referred to in the California Evaluation. He had concluded and conveyed to the State Department of Human Resources and Development, under the jurisdiction of which is State OEO, his unqualified conclusion that there was no solicitation or unauthorized representation of plaintiffs whatsoever. The Commission independently comes to the same conclusion.

Mr. Bradford assessed CRLA's competence:

"I would say, first of all, specifically in regard to tactical and strategic matters, in that manner particularly, these were the best litigation lawyers I've ever run up against, and I've run up against the best of them.

"I thought they were extremely capable.

"And the State officials, who were my clients, including the State lawyers working on this case, privately to me congratulated the California Rural Legal Assistance lawyers on their ability and effectiveness, and we were all quite impressed with them."

Perhaps even more important in the present context, Mr. Bradford stated that the CRLA attorneys not only conducted themselves "absolutely" ethically, but were "perfect gentlemen."[58]

LABOR RELATIONS

CRLA, as a rural legal assistance program, is deeply involved with the various legal problems of California's farm workers. CRLA clients and rural advisory boards have afforded first priority to those problems that affect employment. Because the question of employment relations is so important to CRLA clients, CRLA frequently finds itself involved in activities that may be loosely described as labor related. CRLA clients as individuals have legitimate interests which CRLA has successfully advanced in such areas as enforcement of laws designed to protect health and safety. CRLA has vigorously advocated stricter enforcement of laws intended to protect the economic livelihood of California workers from erosion by wage competition from foreign nationals. Moreover, CRLA has aggressively sought to protect farm employees from employer practices proscribed by applicable state and federal laws. Not only in individual cases, but also in impact cases sometimes brought as class actions, CRLA has successfully represented farm workers in these and related matters.

Special conditions in the CRLA grant define very carefully CRLA's permissible role in this sensitive area.

Special Grant Condition #5 provides:

Criteria for eligibility for legal assistance shall not include factor of whether the individual or individauls seeking assistance are or are not members of a labor union. Persons satisfying the program eligibility requirements, shall receive assistance regarding their legal interests, including interests relating to labor relations, except as provided in Special Condition #6.

Special Grant Condition #6 provides in pertinent part:

The Grantee [CRLA] shall not provide legal assistance in the following areas: . . .

d. Representation of a collective bargaining union in litigation regardless of whether the union is a plaintiff or defendant in a court session;

e. Represetation of a labor union in negotiations with employers or with other labor unions;

f. Providing legal assistance to a labor union in the incorporation or organizations affiliated with a union which are devoted exclusively to serving union members;

g. Representation of union officials in matters relating to union business;

h. Representation of a union member if the union itself is in fact and in law the real party in interest and the union member himself only a nominal plaintiff without a legal interest in the outcome of the controversy . . ."[59]

These special CRLA grant conditions are intended to implement a policy that CLRA, as a governmentally funded agency, shall not intervene in labor-management disputes. The course of neutrality is difficult to steer. On the one side, it can be argued that any representation of an individual worker with respect to a matter arising out of a controversy with his employer during a labor dispute aids the union cause. On the other side, it can be argued that a worker should not be deprived of eligibility for legal services in his capacity as an individual by reason of affiliation with a labor union. This Commission, however, does not consider the merits of the policy embodied in the grant condition but only whether or not the terms of that grant condition, have been obeyed by CRLA.

Application of this special condition to CRLA's representation of union affiliated workers requires the Commission to determine whether clients eligible for CRLA services were directly and substantially benefited by the legal services CRLA rendered. In so doing the Commission has borne in mind the guideline reqiurement that: "Persons satisfying the program eligibility requirements shall receive assistance regarding their legal interests, *including interests relating to labor relations* . . . (with exceptions quoted above) (emphasis added).

These special grant conditions make it quite clear that direct representation of a

---

Footnotes at end of article.

labor union is forbidden. However, there are situations in which action taken on behalf of individual employees or groups of employees may, depending upon the circumstances, either promote or impede union organization effort. When relief sought by CRLA on behalf of its clients is similar to relief sought by the union on behalf of its members, it can be argued that CRLA's action promotes unionization by providing the union with a powerful ally suporting its demands. On the other hand, it can be argued that such action impedes unionization by providing the employees with meaningful benefits without union organization, without collective bargaining and without paying union dues.[60]

For instance, in the *Martin Produce* case, CRLA represented employees discharged from their employment allegedly because of union membership. CRLA representation of these employees in a law suit, which resulted in their rehiring, directly and immediately benefited the employees individually, regardless of incidental effects upon labor organizations. Other cases where CRLA attorneys represented tenants evicted from grower-supplied housing, and where CRLA sought to require state agencies to comply with laws and regulations governing farm worker job placement, also provided direct benefits to individual clients of CRLA. The Commission has, therefore, determined that in such situations CRLA has operated within the above quoted special grant conditions while vigorously representing its clients in this vital area of legally recognized economic rights.

It must be recognized, however, that any representation of farm workers in disputes with growers has potential for creating confusion in the public mind as to whether CRLA is counsel for individual workers or for the union as a collective bargaining representative. Some confusion is inevitable of course, but awareness of the politically sensitive nature of this matter enjoins CRLA attorneys to be especially circumspect in this area.

While CRLA as a legal services organization has carefully followed the restriction in its grant prohibiting union representation, it has permitted its attorneys and staff members to engage in union activities on their own time. This policy has been recognized and approved by OEO. While in most cases CRLA attorneys pursuing their own activities in their free time have done so in a manner so as not to engender undue public confusion, in El Centro one attorney engaged in union activity in his free time that made a very visible union supporter. He actively and publicly used his vacation time to support the union in demonstrations, picketing and other activities. While the Commission does not wish to suggest that individual attorneys be overly restricted in their spare time activities, it is the Commission's opinion that each CRLA attorney has a professional responsibility to CRLA and its clients to act so as to preclude not only the actuality but also the appearance of impropriety in this area. That the conduct of this one attorney, as an individual citizen, gave the appearance of improper CRLA conduct cannot be denied. Such misguided conduct no matter how well intentioned, can only damage CRLA's public image and thus handicap its legitimate efforts in behalf of its clients.

INTERNAL CONTROLS

Although substantial benefit is to be gained by responsible outside evaluation of a legal service agency funded by OEO such as CRLA, it is probably more essential that it have meaningful internal controls. These serve a two-fold purpose: (1) to insure that it provides the type of legal service and program it was created to furnish and does so efficiently; and (2) to make certain that it observes and operates within the conditions and restrictions of its OEO grant. A resume of the internal controls adopted and practiced by CRLA follows.

Each CRLA regional office is supervised by a Directing Attorney who is responsible for the operation of that office. Meetings of all the Directing Attorneys are held every six weeks.

In order to keep close liaison between the nine regional offices and the CRLA central office in San Francisco, each of the five attorneys in the central office is assigned as liaison attorney for two of the regional offices. As such liaison attorney, he is kept aware of the significant activities that are going on in the two regional offices assigned to him.

The five attorneys in the central office, together with H. Michael Bennett, the non-lawyer administrator of CRLA, constitute the Personel Committee. Three members of this Personnel Committee evaluate each regional office every six months, and over a five-week period visit every regional office and interview every member of the staff. Each attorney and community worker is evaluated as part of this six-month evaluation process, and their salaries are reviewed on the basis of these evaluations.

Commencing in 1970, either Cruz Reynoso, Director of CRLA, or Martin Glick, Director of Litigation of the central office, personally furnishes each attorney applicant a copy of all CRLA policy memoranda and discusses these with the applicant before he is employed. Bennett also gives each new CRLA attorney material which deals with various CRLA organizational matters. Prior to 1970, it was the responsibility of the Directing Attorney of the regional office to acquaint each new attorney with such memoranda. Each new attorney is further provided with summaries of various source materials covering the areas of the law with which he will be dealing.

An initial three-day training course is held for the new attorneys. CRLA also holds training conferences for its attorneys two or three times each year. Similar training courses are held two or three times each year for the CRLA community workers in the regional offices. Yearly conferences are further held for the directing legal secretaries in each regional office.

A very complete and complex filing system is maintained at the central office with the Director of Research, giving ready reference through a card index to every pleading and brief of any possible relevance, whether the case was of the service or impact type of litigation. Automatically such materials are given to the Director of Research. The Director of Research reads on a daily basis all advance sheets of United States Law Week and on a weekly basis all advance sheets of California decisions. If anything of immediate import is received, a memorandum immediately goes out to the attorneys in the regional offices.

In 1957 a CRLA attorney in the Madera regional office instituted litigation with respect to the closing of the schools at Madera so that the pupils could harvest crops. This attorney included in the complaint an unfounded charge of conspiracy. To prevent errors of this sort, the position of Director of Litigation was established and in any proposed litigation of moment "everything" must be checked with him before the suit is filed. Attorney Martin Glick has served as Director of Litigation since sometime in 1968.

The financial management of CRLA is in the central office under the direction of the Administrator. H. Michael Bennett has been such Administrator since June in 1966. Alan D. Shattuck, a partner of the C.P.A. firm which has conducted the annual audits of CRLA for the years 1968, 1969 and 1970, testified that CRLA's methods of accounting and fiscal control were excellent and are similar to those one would find in any business corporation type organization.

An overall appraisal of CRLA's internal controls was expressed by Laurence Horan, who was the Western Regional Director of CRLA from May 1, 1967, through February of 1969, in these words:

"I think they monitored themselves quite carefully. They had a central setup, I believe ten offices. That central setup enabled them to do several things: to scrutinize the kind of case they were taking, to dispense or disseminate legal information quickly from a central source to their satellite offices, and frankly to other legal services programs who found their research capabilities rather excellent.

"And so they monitored themselves, I think, quite well, both programatically and from an administrative standpoint."[61]

The Commission has been most favorably impressed by the internal controls adopted by CRLA to insure that the highest of professional service is rendered to its clients; that it is institutionally so organized as to operate efficiently with proper financial control maintained; and that the conditions and restrictions of its OEO grant and applicable federal statutes are observed. The Commission commends CRLA for its programs for thorough training of personnel, its central office files of pleadings and briefs in all litigation it has participated in that are made readily accessible by a comprehensive card index, and its practice of conducting every six months an evaluation of each regional office and of the individual attorneys and community workers on such office's staff.

Of course, the best assurance of a quality legal services program is a staff of attorneys whose background, training and dedication equip them to perform legal services of the highest order. The evidence from all sources made it clear beyond peradventure that CRLA attorneys are legal craftsmen of the first order. In addition, they are thorough, intelligent young men dedicated to vindicating the legal rights of their clients.

EXTERNAL CONTROLS

One of the most effective external controls over CRLA has been the reports it has been required to make to both the OEO in Washington and to the Western Regional Office of OEO in San Francisco. CRLA has submitted annually to OEO in Washington, as part of its application for a refunding grant for the ensuing year, a comprehensive report covering its past year's operations. If OEO, after reviewing a CRLA annual report, disagrees with some activities CRLA has engaged in, OEO will tell CRLA so and may impose special conditions in the grant.

CRLA has also been required to submit a number of documents annually, quarterly, and more frequently, to the Office of Legal Services of OEO's Regional Office at San Francisco. In practice, CRLA deals daily with this Regional Office.

Another type of external control has been exerted through requests made to CLRA from either the Washington or Regional Officer of OEO for information regarding complaints made to OEO about some alleged activity of CRLA. Sometimes the complaints were communicated to OEO by a Congressman or state legislator.

The Western Regional OEO office maintains a staff of lawyers which reviews CRLA's programs. Laurence Horan personally visited CRLA offices and read CRLA reports and evaluations.

A further external control has been the annual financial audits which have been made of CRLA by a firm of certified public accountants commencing with the year 1968.

OEO has also from time to time sent out teams of evaluators to investigate the CRLA operations and submit an evaluation report to OEO in Washington. Copies of the evalua-

---

Footnotes at end of article.

tions so made in December, 1967; November, 1968; November, 1969; and August, 1970, constitute exhibits in the record of the Commission's hearings. The evaluators usually consisted of teams of legal services staff members, private practitioners and law professors.[62]

Jerome Shestack, a prominent Philadelphia lawyer, who was a member of the 1970 evaluation team, testified at the April 28, 1971, hearing at San Francisco with respect to that evaluation. The Commission was impressed with the thoroughness with which this evaluation was made. Shestack personally spent approximately a week at CRLA's Salinas office gathering information, and other evaluators spent from three to four days at the other CRLA offices. This completely refutes the charge made at Page 13 of the California Evaluation: "The August, 1970 evaluation was conducted by 14 people who each spent seven days, one in each of seven of CRLA's nine operational offices."

In 1968, the General Accounting Office (GAO) of the United States conducted an investigation of CRLA, directed primarily to examining CRLA's connection with the United Farm Workers Organizing Committee (UFWOC) and whether CRLA had complied with the special conditions of its grant relating to union and political activities. This GAO investigation extended over a three to four-month period and was very thoroughly done. The GAO report covering this investigation is dated May 29, 1968, and found no violation of CRLA's grant restrictions against union and political activities.

The Commission deems that the investigative aspects of compiling the four aforementioned OEO evaluations and the GAO report have also constituted effective external controls over CRLA's activities. The CRLA executives and staff well realize that this type of investigation may occur at any time. Furthermore, recommendations for changes which had been made in the OEO evaluations were followed by CRLA and put into practice.[63]

The Board of Trustees of CRLA and the Regional CRLA Advisory Committees also exert external controls over CRLA operations.

The Board of Directors (Trustees) of CRLA sets the policies for CRLA consistent with the conditions and restrictions of its grant and OEO guidelines. This Board is composed of thirty-seven members. Its composition and the manner in which its members are appointed, as testified to by Daniel Luevano, present Chairman of the Board, are as follows:

3 members selected by State Bar of California;

9 members selected by the Advisory Committee of the nine CRLA regional offices, each of such Committees appointing one member;

9 attorneys chosen by the nine local bar associations in the communities in which CRLA's regional offices are located, each of such associations appointing one of the nine;

7 attorneys appointed by the board itself;

4 members at large (apparently also appointed by the Board itself) who represent either Spanish speaking people or the poor;

2 growers (apparently also appointed by the Board itself);

1 selected by the Mexican American Political Association;

1 member selected by the American GI Forum, which is a Spanish-speaking organization which deals with veterans' problems; and

1 member selected by the United Farm Workers Organizing Committee.

The Board of Trustees meets every six weeks and more often when special issues arise that have to be dealt with promptly.

As recommended by one of the OEO evaluations, an advisory committee has been created by CRLA for each of its nine regional offices. On each of these advisory committees there is representation of the local bar association, but the majority are poor people whom CRLA was designed to provide with legal services. These advisory committees are in a position to, and do, acquaint the local CRLA office with the legal problems of the poor and whether the legal services provided by CRLA are adequately dealing with such problems.

In June, 1967, a working agreement was entered into between CRLA and the State Bar of California. The origin of this was a resolution of the State Bar adopted by its Board of Governors on May 18, 1967, and approved by CRLA's Board of Directors (Trustees). The agreement itself is a letter dated June 2, 1967, by the State Bar to James D. Lorenz, Jr., then Director of CRLA, outlining the terms of the agreement and approved at the bottom by Lorenz on June 15, 1967. This agreement provides for the selection by the State Bar of two (later changed to three), and by the local bar associations in the communities where CRLA maintains regional offices of nine, members of CRLA's Board of Directors and for the local bar associations naming representatives on the CRLA advisory committees. It also requires that at least a majority of such Board shall consist of members in good standing of the State Bar. A further provision is that lines of communication be established between CRLA and the State Bar and local bar associations so that complaints or problems of mutual interest be investigated and discussed in advance of any public statements regarding the same being issued.

This 1967 working agreement between the State Bar and CRLA on the whole has worked well in providing liaison between the two organizations and between the local bar associations and the CRLA regional offices.

THE CALIFORNIA EVALUATION (UHLER REPORT)

Since its inception in 1966, CRLA has been the subject of frequent complaints and several investigations. From its earliest days persons and organizations in California have charged that CRLA has illegally represented labor organizations, has handled criminal matters in violation of grant instructions, has conducted vexatious and harassing litigation and has been guilty of a variety of other lapses in official and professional conduct. These charges have resulted in frequent investigations, such as the 1968 investigation by the General Accounting Office which was aimed particularly at the union representation questions. Federal OEO has conducted regular evaluations of CRLA performance. The 1970 evaluation by a group entirely independent of Federal OEO was the latest in this series. Although the results of these investigations and evaluations have included new and tightened special conditions of CRLA, in each case CRLA was found to be free of any serious wrongdoing or any substantial lapse or departure from its announced purpose of providing legal services to the poor in the sense mandated by the Economic Opportunity Act of 1964.

The most recent series of complaints about CRLA and its operations are set forth in the California Evaluation (often referred to as the "Uhler Report"), a 283-page document prepared by the California State Office of Economic Opportunity (State OEO) during the fall of 1970 and published during January, 1971. This Report consists of a compilation of charges or complaints concerning CRLA activities ever since that agency came into existence. These complaints in brief summary include serious allegations to the effect that CRLA has fomented violence in California penal institutions, that CRLA has engaged in unlawful representation of a labor organization, and that CRLA attorneys have incited unrest in schools. Also included are charges that CRLA attorneys have solicited clients and stirred up litigation in violation or applicable standards of professional conduct, that CRLA has violated grant instructions by handling criminal cases, and that CRLA, as an agency, is unmindful of the needs of the poor. Submitted along with the Report are some 3,000 pages of exhibits purporting to document the factual allegations contained in the California Evaluation. Setting forth some 135 (more or less) complaints or "incidents", the California Evaluation concludes with the recommendation that the Governor of the State of California exercise his right to veto the continued funding of CRLA under the Economic Opportunity Act.

Because of the seriousness of many of the complaints set forth in the California Evaluation and the fact that this Evaluation, in light of the Governor's veto, was largely responsible for the constitution of this Commission, we examined each of the matters contained in the California Evaluation. The Commission designated many of the charges as matters upon which it would hear evidence. Others were not designated for hearing because questions of policy, not fact, were involved, or because the particular incident was trivial in the overall picture being studied by the Commission. The disposition of each of the various complaints and incidents identified in the California Evaluation is set forth in Appendix A to this report. In instances where evidence was received by the Commission at its hearings, that evidence is summarized in Appendices C–L.

Following a most careful consideration of the many and various matters set forth in the California Evaluation, the Commission is of the opinion that, except to the very limited extent mentioned elsewhere herein, the charges of wrongdoing on the part of CRLA set forth in the California-Evaluation are unfounded and without merit.

The Commission specifically finds that any charges of impropriety with respect to activities within the prisons are completely baseless. After exhaustive hearings, both at Soledad and San Francisco, not a shred of evidence showing actual misconduct of CRLA has been adduced.

Similarly, the facts found do not support the allegation of any improper CRLA tie with any labor organization. Undoubtedly, in this area errors of judgment by individual CRLA staff members have caused public misunderstanding and needless confusion. However, our finding is that as an organization, CRLA has not in any way undertaken any proscribed activity.

Allegations of improper CRLA representation of persons accused of crimes likewise proved to be unfounded. In many cases it appeared that these complaints against CRLA originated because the complainants misunderstood the proper role of CRLA in criminal proceedings in light of limitations imposed by the statute and grant restrictions.

It should be emphasized that the complaints contained in the Uhler Report and the evidence adduced thereon do not, either taken separately or as a whole, furnish any justification whatsoever for any finding of improper activities by CRLA.

It should be noted that California State OEO and its Director, Mr. Uhler, were repeatedly invited and urged by the Commission to participate in its hearings, to present evidence in support of the charges against CRLA, to cross-examine CRLA witnesses and rebut their testimony. The State OEO and its Director repeatedly refused to participate or to present any evidence to support the charges in the Uhler Report.

The Commission expressly finds that in many instances the California Evaluation has taken evidence out of context and misrepresented the facts to support the charges against CRLA. In so doing, the Uhler Report has unfairly and irresponsibly subjected many able, energetic, idealistic and dedicated CRLA attorneys to totally unjustified

---

Footnotes at end of article.

attacks upon their professional integrity and competence.

From the testimony of the witness, the exhibits received in evidence and the Commission's examination of the documents submitted in support of the charges in the California Evaluation, the Commission finds that these charges were totally irresponsible and without foundation.

Of the complaints not set forth in the California Evaluation, only one is worth mentioning at this point. A copy of a confidential memorandum from CRLA attorney Robert Johnstone to Martin Glick, CRLA Director of Litigation, which had been publicly released, was admitted into evidence at El Centro. Because of inferences of misconduct which were drawn from this memorandum, the Commission received extensive evidence on the matter covered therein. A more complete discussion of this memorandum and the Commission's findings relating thereto are set forth in Appendix E. The Commission wishes to emphasize that the evidence adduced completely exonerates CRLA as an organization of any wrongdoing.

RECOMMENDATIONS

Although the Commission finds that almost all of the various charges of wrongdoing or serious departure from OEO guidelines leveled against CRLA are without any factual basis, the Commission has encountered certain problem areas of CRLA activity that have contributed to producing some of the misunderstanding and controversey that have surrounded this program. The foremost of these problems is that caused by activities of CRLA attorneys on their spare or "own time." As was testified by numerous witnesses, CRLA attorneys are permitted to engage in activities on their own time which either by virtue of statutory prohibitions or special restrictions in the CRLA grant are not a permissible use of CRLA resources. The evidence has disclosed such free time activities were permissible under OEO guidelines and that such freedom is a common policy in legal services programs.

The Commission's hearings, however, demonstrated that this policy can be abused by individual attorneys and that such abuse has resulted in damaging misunderstanding on the part of the public concerning CRLA and its activities. Most of the problems concerning spare time activities of CRLA attorneys were concerned with activities on behalf of labor organizations. The activities of one particular attorney in El Centro during the melon strike went beyond the "low profile" urged by Mr. Reynoso. From the testimony, it is evident that this lawyer's activities at a time of high local feeling contributed to the misunderstandings and tension that surround the operations of CRLA in that community. The Commission suggests that CRLA's existing policies and procedures to handle this "free time" problem may be inadequate.

In recommending remedial action by CRLA to ameliorate the problems caused by this policy, the Commission is most conscious of the undesirability of unduly restricting the activities of any individual attorney. We are not unaware of the various First Amendment arguments urged by CRLA in favor of the unfettered right of any CRLA attorney to do whatever he would wish to do in his "free time." However the Commission is of the view that an attorney has, by virtue of his office, certain additional responsibilities not shared by persons involved in other activities. It is difficult to say when an attorney's working hours begin or end during the day. Unlike most people, attorneys by their very work are identified with the causes of their clients. From an outside standpoint, it is often difficult, if not impossible, to know when an attorney is working for CRLA and when he is working on a non-CRLA matter.

Although the Commission does not urge that traditional "conflict of interest" rules be applied to activity prohibited by CRLA grant conditions, it does suggest that attorneys and staff be advised that highly visible partisan activities especially on behalf of a labor organization may reflect on the programs as a whole and impede CRLA's legitimate efforts on behalf of their clients.

The Commission has encountered occasional instances of lapses in administrative supervision and control of sometimes young and inexperienced attorneys and community workers. For example, there have been isolated instances of a lack of judgment of the local CRLA offices in instituting suits and in appearing "of counsel" in lawsuits initiated by other attorneys where the CRLA has not been familiar with the facts alleged. The Commission wishes to emphasize that these particular lapses in administrative control and organization are not of any great magnitude and have in the past resulted in new controls being instituted. The Commission recommends continual vigilance to provide direction and continuity to the attorneys and staff in its various regional offices by vigorous implementation of the programs of internal control outlined by it to the Commission.

CONCLUSION

Based upon the record before it, consisting of the voluminous testimony of 165 witnesses at 20 days of public hearings and the hundreds of exhibits admitted into evidence, and in light of the applicable legal principles and administrative policies set forth in the OEO guidelines, regulations, grant restrictions, and the Economic Opportunity Act of 1964, the Commission finds and concludes that the operations of CRLA as conducted presently and within the recent past are within applicable OEO standards and applicable standards of professional responsibility. The Commission finds that CRLA has been discharging its duty to provide legal assistance to the poor under the mandate and policies of the Economic Opportunity Act of 1964 in a highly competent, efficient, and exemplary manner. We, therefore, recommend that California Rural Legal Assistance, Inc. by continued and refunded.

Respectfully submitted this 25th day of June, 1971.

FOOTNOTES

[1] Uhler Report, p. 278.

[2] *"Submission of plans to governors.*

"In carrying out the provisions of this subchapter, no contract, agreement, grant, loan, or other assistance shall be made with, or provided to, any State or local public agency or any private institution or organization for the purpose of carrying out any program, project, or other activity within a State unless a plan setting forth such proposed contract, agreement, grant, loan, or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved by the Governor within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and found by him to be fully consistent with the provisions and in furtherance of the purpose of this subchapter. * * *" *Economic Opportunity Act of 1966,* 42 U.S.C. § 2834.

[3] CF 561–565. Exhibit A–70

RESOLUTION

Whereas, The Section of Individual Rights and Responsibilities of the American Bar Association recognizes that the California Rural Legal Assistance Program is held in high regard by the agenices of the organized bar which are most knowledgeable in the field of legal services to the poor; and

Whereas, The failure of the Office of Economic Opportunity to refund the California Rural Legal Assistance Program for a full period is of serious concern to this Section and will in our opinion undermine the morale and effectiveness of legal services programs for the poor throughout the nation,

Now, be it resolved, That the concerns expressed in this Resolution be transmitted to the members of this Section and the aid of Section members be enlisted in preserving the integrity and independence of legal services programs; and be it

Further resolved, That the Board of Governors of the American Bar Association recommend to the Director of the Office of Economic Opportunity (1) that the Director promptly appoint a high-level impartial commission to review charges made against the California Rural Legal Assistance Program; (2) that such commission include representatives of the appropriate American Bar Association and local bar organizations, of the law schools and of the client community; (3) that the commission's hearings be open to the public; (4) that the commission provide procedures for specification of charges and fair and full examination and investigation of any such charges; and (5) that the Office of Economic Opportunity reserve sufficient funds for full refunding of the California Rural Legal Assistance Program, pending the finding of the commission.

[4] *Transcript* before the Subcommittee on Employment, Manpower and Poverty, Committee on Manpower and Public Welfare, United States Senate, March 24, 1971.

[5] At the threshold it must be noted that Director Carlucci at no time asked this Commission to investigate, evaluate or compare alternative methods for delivering legal services to the poor, such as "judicare" plans. Therefore, the Commission has taken no evidence and made no findings regarding the relative merits or demerits of alternative methods of delivery. At an early procedural session, the Commission made it clear, and State OEO representatives agreed, that this entire subject matter was outside the ambit of the Commission's responsibility.

[6] *Reporter's Transcript,* March 31, 1971, p. 76.

[7] *Reporter's Transcript,* March 31, 1971, pp. 79, 80.

[8] *Reporter's Transcript,* Aoril 12, 1971, p. 8.

[9] *Reporter's Transcript,* April 12, 1971, pp. 11, 12.

[10] *Reporter's Transcript,* April 12, 1971, p. 18.

[11] *Reporter's Transcript,* March 31, 1971, p. 73.

[12] *Reporter's Transcript,* April 12, 1971, pp. 73, 74.

[13] *Reporter's Transcript,* April 12, 1971, p. 73, 74.

[14] *Reporter's Transcript,* March 31, 1971, p. 66; April 12, 1971, p. 16.

[15] *Reporter's Transcript,* March 31, 1971, pp. 28, 29.

[16] *Reporter's Transcript,* April 12, 1971, p. 101.

[17] *Reporter's Transcript,* March 31, 1971, p. 69, 70, 78, 92.

[18] *Reporter's Transcript,* March 31, 1971, p. 92; April 12, 1971, pp. 15, 18, 22.

[19] The Commission gratefully acknowledges the expertise devoted to the formulation of the Rules of Procedure by Commissioner Thomas H. Tongue, who, by reason of circumstances beyond his control, was compelled to discontinue his services as a member of the Commission.

[20] We here note that the Federal OEO had underwritten in addition to the expenses of the Commission, the necessary traveling and maintenance expenses incurred by witnesses in attending the hearings, counsel fees incurred by attorneys who might appear on behalf of such witnesses who were not otherwise represented. The Commission had nothing to do with the financial arrangements which were made directly with Federal OEO in Washington. See Rule 10 of *Rules of Procedure.*

[21] See Sample form in Appendix A.

[22] The Commission received 75 2(b) requests from persons who desired to testify. Of these, 72 were accepted and only 3 were rejected as insufficient.

[23] See Sample "Request to Testify" in Appendix A.

[24] These procedures for presentation and examination of witnesses were known to the lawyers who participated in the proceedings. In spite of this well known rule and the reasons for its existence, persistent efforts were made to discredit the method of procedure which was adopted only because of State OEO's refusal to participate.

[25] Statement of the President on the Office of Economic Opportunity, August 11, 1969. (Exhibit A–35).

[26] Exhibit B–1, p. 22.

[27] *Id*, p. 23.

[28] S.F. 63.

[29] R. Smith, Justice and the Poor (1919).

[30] S.F. 724–725.

[31] Exhibit C–20, p. 5(a); S.F. 461.

[32] Exhibit C–17, p. 16.

[33] Exhibit C–19B, p. 3.

[34] Exhibit C–19A, pp. 4–5.

[35] S.F. 1298.

[36] S.F. 1005–1006.

[37] S.F. 82.

[38] Exhibit C–44.

[39] SF 237.

[40] SF 238.

[41] SF 718.

[42] SF 719.

[43] Exhibit A–74, pp. 13–14. Because the number of variables, priorities, and choices as to limitation of caseload may vary from program to program and perhaps from office to office within each particular program, no attempt is made to delineate all of the potential criteria. One possible approach, which deserves serious consideration, would limit or focus the work of the organization on:

a. The handling of cases that deal with a problem or grievances shared by a large number of persons served by the organization or about which such persons feel strongly;

b. The handling of cases that offer the possibility for enhancing the ability of the persons served by the organization to participate in the solving of neighborhood or community problems;

c. The handling of cases that offer the possibility of increasing community understanding of a problem or issue and of advancing the knowledge of the persons served by the organization with respect to their legal rights and responsibilities;

d. The handling of cases that foster or assist the development of leadership among the persons served by the organization;

e. The handling of cases that offer the possibility of enhancing the income potential and economic growth of the persons seeking assistance or of the area in which persons served by the organization reside;

f. The handling of cases that offer the possibility of eliminating a practice or rule that affects a large number of the persons generally served by the organization.

[43a] See discussion notes to March 29, 1969, Board of Trustees meeting, Exhibit C–17, pp. 42–47.

[44] Exhibit C–32.

[45] SF 718.

[46] SF 719.

[47] SF 478–480.

[48] SF 481.

[49] SF 1090–1095.

[50] SF 739–740.

[51] California Evaluation, p. 165.

[52] See Appendix H, Disposition of Charges at Marysville, discussion of *Goodwyn* case.

[53] See Disciplinary Rule 2–103 D(5).

[54] Cahn, The War on Poverty: A Civilian Perspective, 73 Yale Law Journal 1317, 1319–1320.

[55] Exhibit C–17.

[56] SF 859–860.

[57] Pp. 131–133, 185–186.

[58] SF 1071.

[59] Exhibit C–20.

[60] This is dramatically illustrated by the fact that CRLA was picketed and boycotted by Cesar Chavez' United Farm Workers Organizing Committee. As a result, farm worker clients ceased coming to seek CRLA services, refusing to cross the picket line. In May 1970, the dispute was resolved by an agreement defining the mutually exclusive areas of (1) legal activities on behalf of clients and classes of clients to be pursued by CRLA, and (2) union activities on behalf of workers to be left to UFWOC. The agreement further pointed out the need for better communication regarding CRLA cases on behalf of clients with legal problems arising out of labor relations. We have carefully considered the May 1970 "truce" agreement embodied in the memorandum sent to Cesar Chavez by Cruz Reynoso on May 19, 1970 (C.R.L.A. Exhibit C–43), which memorandum was brought to the Commission's attention by CRLA, and we find that nothing in the agreement violated CRLA's grant restrictions. We find the agreement was a good faith attempt by Mr. Reynoso to chart a course of future CRLA conduct in this area which would make possible adherence to CRLA's mandate to represent clients with labor relations problems; yet not either represent or impede the union. Implementation of this agreement should receive continuing and active scrutiny from the CRLA Board of Trustees.

[61] S.F. 991–992.

[62] The composition of the 1970 OEO evaluation team is particularly impressive. The members were: Allan Ashman, National Legal Aid and Defender Association; Robert Bennett, Professor of Law, Northwestern University School of Law; Judge Christian Winslow, California District Court of Appeals; Honorable Tom Clark, retired United States Supreme Court Justice; Richard Ibanez, President-Elect, Lawyers Club of Los Angeles County, Chairman of the Executive Committee—Mexican American Legal Defense Fund; Carl Johnson, Director of Legal Services, California OEO; Jay Lutz, Director of Legal Services, California Bar Association; Henry Quevedo, Executive Director, Cabinet Committee on Opportunity for the Spanish Speaking; George Ranney, Deputy Director, Bureau of the Budget, State of Illinois; Jerome Shestack, Chairman of the American Bar Association Committee on Individual Rights; Michael R. Smith, Staff Attorney, United States Civil Rights Commission; Gilbert Dorame, Reginald Heber Smith Fellow assigned to Oakland, California Program; and John R. Velasquez, California Private Attorney.

[63] Illustrations of OEO evaluation recommendations which subsequently were adopted by CRLA are:

(a) Active local advisory committees be established for each of its regional offices.

(b) A second floor office location be changed to one having a ground floor.

(c) Evening hours be established at one office to meet the particular needs of CRLA clients in that community.

(d) More Mexican-American attorneys be employed. In addition, in an instance where the evaluation had questioned the competency of two CRLA attorneys, their employment was terminated by CRLA.

THE NEED TO REACT TO DRUG ABUSE

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. MANN. Mr. Speaker, there is no question that drug abuse constitutes a major threat to the well-being of all Americans, both those who are themselves on drugs and those who are not. As the President himself has said, many of those currently "hooked" on the hard stuff are returning Vietnam veterans, and our society has a moral responsibility to those who have defended it to rehabilitate them for civilian life. For that reason, I support President Nixon's proposed offensive to combat the worsening plague of drug abuse in America. Not only are veterans affected by this dangerous and ultimately deadly practice, but our inner cities are being turned into jungles and battlefields because of it. Anyone who has followed the accounts of the recent dope-ring "executions" in Detroit must look with fear and apprehension upon a future which would return us to the gangland days of the 1920's, when contraband liquor created an atmosphere in our cities similar to that of today. Neither are cities the only places where drug abuse has become an increasingly common way of social life. Our suburban high schools have become ministries of fear, many of them harboring rings of "pushers" and "users" which intimidate the rest of the students and create a setting in which it is impossible to learn as well as to teach.

For these reasons, I am proud to be a cosponsor of H.R. 6732, a bill which would establish a national Office of Drug Abuse Control within the Executive Office of the President. It would serve to do indispensable research on drugs and drug abuse. It would coordinate Federal programs in this area and serve as a clearinghouse for innovative ideas.

I am pleased to note that many of these points have been recognized in a recent editorial from the Greenville, S.C., News.

The editorial follows:

[From the Greenville (S. C.) News,
June 25, 1971]

NATIONAL ATTACK ON DRUG ABUSE

President Nixon's proposed offensive to combat America's growing rate of drug abuse offers a logical and comprehensive approach to a complicated problem. His program should be given swift approval by Congress as the first step in a unified national attack.

The President has asked for an additional $155 million, which would bring total federal outlays for anti-drug efforts to $371 million in the next fiscal year. The funds would be used for a strong fourpoint program, divided between prevention and cure.

The money would be distributed for a campaign of rehabilitation, research and education, enforcement and international control of drug traffic. The President earmarked most of the increase—$105 million—for rehabilitation of military and civilian addicts.

One of the most important proposals calls for a special rehabilitation program for addicted servicemen being returned from the war zone. The most conservative estimate, supplied by the Pentagon, is that 10 per cent of American servicemen in Vietnam take heroin and that half of these are heavy addicts. Based on the number of U. S. troops in Southeast Asia, this would mean there are more than 12,000 heavily addicted servicemen there now. Other estimates have placed the percentage of addicts in Vietnam at 15 per cent or higher.

The country has a deep moral obligation to help these young men return to a productive life when the military is through with them. Much of Mr. Nixon's anti-drug program is aimed in that direction. Congress should grant the President's request to give the Pentagon authority to keep uniformed personnel who are addicts in service beyond normal discharge dates to undergo treatment and rehabilitation.

Another key point in the President's plan is American aid in training enforcement officers of other countries which are the source of most illegal drugs used in the United States. The estimated $1 million to finance this project would be a sound investment for Uncle Sam, and would reap more concrete results than many of our other foreign aid programs.

Along with rehabilitation of addicted veterans and efforts to stop the flow of illegal drugs across our borders, President Nixon wants an offensive against drugs that would reach about a third of the nation's estimated 250,000 to 315,000 heroin addicts. The administration's goal is to insure that no addict has to commit crime because treatment wasn't available.

This would be accomplished through civilian treatment programs, most of which would be locally planned and run. They would differ from city to city and be based on local community needs.

Communities, like Greenville, and states, like South Carolina, that have taken the initiative in organizing coordinated anti-drug programs and making in-depth evaluations of local problems will be in a position to move ahead with the proposed federal assistance. The hope of such assistance should hasten formation of a Greenville County drug commission.

Mr. Nixon has named one of the nation's leading authorities on drugs, Dr. Jerome H. Jaffe, who pioneered in the field of heroin addiction and now heads Illinois' drug abuse program, to coordinate the entire massive federal effort. The President has created a special office within the White House structure for the program and asked Congress to formally establish the Special Action Office of Drug Abuse Prevention and broaden its power.

Congress and the country generally should provide the President all the help possible in undertaking a positive program to deal with drug abuse. It should be remembered, however, that there are no sure cures. Drug use and addiction are problems that go deeply into the confusion of values and goals afflicting our society.

We are not likely to witness any quick return on our dollars invested in treatment, but a start must be made. The President has proposed a logical path to take in attempting to grapple with a problem that is daily involving more Americans.

WHO NEEDS THE RAILROADS?

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. O'KONSKI. Mr. Speaker, as Members of Congress we are called upon daily to perform numerous and varied tasks. Sometimes these requests are routine and constituent problems can be resolved by working with an agency or department of the Federal Government. There are other problems and requests which necessitate the help of private enterprise.

On March 31, a young man from my congressional district wrote me the following letter:

Dear Mr. O'Konski: I am 9 years old and I promised my Frend Mark a ride on a train. He has a illniss that can't be cured and can't walk. They took the pasenger trains away from ashland wis. Could you please help me? Mark Buyrnes my frend lives in Iron River, Wis.

I thank you

Larry Flint
501, 11th ave. ashland Wis.

I am confident that this letter would touch the hearts of most of us as it did mine. Here is a young man feeling compassion for his friend—A young man with nothing to gain for himself personally except the satisfaction that he tried to do something for his friend. This is refreshing, but unfortunately, it appears to be a rather rare commodity these days.

To help these young people I sought the assistance of a man familiar to many of us in Washington, Mr. J. R. Brennan, vice president of one of the great railroads in this country, the Chicago & Northwestern Railway Co.

With the assistance of the railroad's assistant director of public relations, Mr. Tom Smith, and Mr. Richard Ryan, a C. & N.W. supervisor in Green Bay, Wis., and countless C. & N.W. employees, Mr. Brennan investigated the possibility of fulfilling the request of my young constituent.

After meeting with the boys' parents, the Chicago & North Western agreed to allow the boys to ride the caboose of a way freight train which makes three round trips a week between Ashland and Hurley, Wis.

Mr. Speaker, the Chicago & North Western Railroad did more than simply make available a train ride for these young men. Their efforts, their concern and their admiration for a young man who cared for his friend became contagious. The city of Hurley proclaimed June 23 "Mark Byrnes Day" and the Mayor, Mr. Paul Santini, who like Mark is confined to a wheel chair, led a parade through the city. The Iron County Drum and Bugle Corps participated. Earl Minkin of the Gogebic Range Ski Corp., made arrangements for the boys to tour the Copper Peak Ski Flying Hill at Ironwood, Mich. The boys were made honorary members of the Hurley Little League and the Hurley Chamber of Commerce. They were also made honorary conductors of the C. & N.W. Railroad. Gifts were presented by the Hurley Lions and Women's Clubs and the Ashland Chamber of Commerce. More than 100 Hurley area residents showed their support by viewing the parade.

These are the kinds of demonstrations we have in Northern Wisconsin, Mr. Speaker. People who demonstrate that they respect and value true friendships. People who admire qualities in others that appear to have become a lost treasure in many parts of the country.

I am proud of the efforts of the Chicago & North Western Railway Co. I am proud of the response by the people of northern Wisconsin.

Mr. Speaker, in order that my colleagues can share the events of that day, I insert in the RECORD newspaper clippings from the Ashland Daily Press and Ironwood Globe:

[From the Ashland (Wis.) Daily Press, June 23, 1971]

BOYS HAD GREAT DAY ON TRAIN

"I just thought we'd get a ride," was the reply of Larry Flint, 10, of Ashland, when asked if he expected everything that occurred as the result of his letter to Congressman Alvin E. O'Konski.

Larry wrote to his congressman asking for help in obtaining a ride on a train which he had promised to his friend, Mark Byrnes, 11, of Iron River. Larry and Mark got the ride Wednesday and much, much more.

The boys got a sendoff from Ashland officials, certificates from the Chicago and North Western Railway and a royal welcome in Hurley. In addition, numerous gifts were presented to the youngsters including flags which have flown over the U.S. Capitol.

Larry, who will be a fifth grader at Bay City School, is the son of Mr. and Mrs. Ed Bulanek, 501 11th Ave. E. Mark is the son of Mr. and Mrs. George Byrnes. Mark attends special education classes at Poplar School as he is a victim of muscular dystrophy.

Asked about their trip, which started in Ashland about 7:45 a.m. and concluded in Hurley about 11 a.m.; they described it as "fun." They looked out the window, touched the trees, went around a "real sharp corner" and went over a big river (the Montreal).

A delegation from the Ashland Area Chamber of Commerce was on hand to see the boys off. Lloyd Amundson, executive secretary of the chamber and George Moniza, president, were there. They sent souveniers with the boys and a special plaque making Hurley Mayor Santini an honorary admiral of Lake Superior.

Upon their arrival in Hurley they were greeted by the mayor, Paul Santini; a drum and bugle corps, and Little League ballplayers. In the boys' words they received a "whole bunch of presents."

Besides the flags they got numerous games, baseball equipment, "Honorary Conductor" certificates from the C&NW, proclamations signed by Hurley's Mayor Santini designating June 23 as Mark Byrnes Day in Hurley, fish plaques and sweatshirts.

Upon detraining in Hurley they were led up the main street by the band and the Little Leaguers. Following this the boys and their families were taken on a tour of Hurley, Ironwood and vicinity and saw the sights including the "World's Largest Indian" and the view from the top of the giant ski flying hill near Ironwood.

The boys rode back to Ashland via automobile and in mid-afternoon were busy trying our their treasures at Larry's house in the east end.

Larry had ridden on a train before but for Mark it was a first.

Both boys seem to have taken their big ride and all the attention in stride. The telephone had rung again. A few more pictures had been taken. More questions asked. A number of family members were sitting about. The boys had become involved in a game called "Fast Eddie."

[From the Ironwood Daily Globe, June 23, 1971]

TRAIN RIDE THRILLS CRIPPLED BOY

Today was a very happy day for young Mark Byrnes, and a day he will not soon forget.

The 11-year-old Iron River boy participated in an adventure which many young boys only dream when he rode in the caboose of a Chicago and Northwestern Railway freight train from Ashland to Hurley.

Over 100 persons, a band and representatives of civic organizations and the city government greeted Mark when the train arrived in Hurley at 10 a.m. after a two-hour ride.

Mark, who is suffering from multiple sclerosis, was accompanied on the journey by Larry Flint, his nine-year-old friend from Ashland. Larry had helped arrange for the ride by writing U.S. Rep. Alvin E. O'Konski, R-Rhinelander, who in turn contacted the railroad.

Hurley Mayor Paul Santini, who is confined to a wheel chair like Mark, read a proclamation at the train station stating that today is "Mark Brynes Day" in Hurley. He then presented to the boy two flags that have flown over the capitol, which were sent by Rep. O'Konski.

At the ceremonies, Mark was made an honorary member of the Hurley Little League, and both he and Larry were made honorary members of the Hurley Chamber of Commerce and honorary conductors for the railroad company.

Mark, who received gifts and certificates from the Hurley Lions and Women's clubs, the Hurley Post Office and the little league, presented Santini with a certificate proclaiming the mayor "Admiral of Lake Superior."

Following the festivities at the station, a parade for the boy proceeded down Silver St. to the music of the Iron County Ambassadors Drum and Bugle Corps.

After the parade, the boys and their families were taken to see Cooper Peak Ski Flying Hill at the invitation of Earl Minkin, an official of the Gogebic Range Ski Corporation.

At the station, Mark told newsmen he would enjoy taking a similar ride in the future.

COOL WAY TO CURB DRUG ADDICTION

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. MONAGAN. Mr. Speaker, the problem of drug abuse in Vietnam has become dramatically evident during the last half-year. It is increasingly clear that one reason our GI's are turning to drugs is sheer boredom. With the war winding down, there is little to do but wait out one's tour of duty. Drugs are cheap and readily available, so the GI gets "high" to pass the time.

Sgt. Charles F. Bablonka of Meriden, Conn., has found a unique solution to the problem of boredom—a swimming pool. Sergeant Bablonka purchased a 700-pound pool in Connecticut while home on emergency leave, and with the help of contributions from employees where he made the purchase, is in the process of transporting it to Vietnam.

Sgt. Bablonka hopes that this pool will provide at least some GI's with much needed recreation and an alternative to drug use. Three hundred men are stationed at the hospital base where the pool is being sent, and patients as well as staff will be able to make use of it.

I would like to insert at this point in the Record an excellent account in the Hartford Courant of Sergeant Bablonka's efforts. He has made an invaluable contribution as an individual to what he has recognized as a growing national problem, and he deserves the highest praise of the Congress. And the store employees who are assisting him are equally deserving.

The article follows:

Store Employees Donate $500 To Ship Pool To Vietnam

Meriden.—How do you get a swimming pool from Southington to Phu Bai, Vietnam?

The problem, faced by Army Sgt. Charles F. Bablonka of Meriden, was answered Saturday when employes of the store where he purchased the pool agreed to donate the $500 required air freight cost for the 700-pound pool.

Bablonka works in the emergency room of an evacuation hospital in Vietnam, where servicemen want the pool as an alternative to drug use and to raise the morale of the soldiers.

The employees of the four-store Namco chain, including the branch in Southington where he purchased the pool for $300, read of Bablonka's predicament and decided to pay the air freight.

About 50 to 60 people work at the store's four outlets. The other stores are located in Wethersfield, Milford and Enfield.

They plan to contact Bablonka's sister, Mrs. David Thompson of Meriden, to make arrangements for transporting the pool.

Bablonka said he could ship the pool from Hawaii to Vietnam on an Air Force plane, but his problem was getting it to Hawaii.

He said he hoped the pool will provide recreation that will keep soldiers from becoming drug addicts.

"There are so many addicted guys in the Phu Bai area it is impossible to deter others from falling in with them. There's nothing for them to do. There's nothing to look forward to or anything except getting high," Bablonka added.

Patients as well as staff would be able to use the pool. Three hundred men are stationed at the hospital base, which receives casualties from the most northern outposts of South Vietnam. Temperatures there often reach 110 degrees.

Bablonka bought the pool in Connecticut after an emergency leave at home because of his mother's death. He originally had planned to purchase it in Hawaii, but was refused a serviceman's discount.

His attempts to mail the pool or break it into smaller packages were not successful.

But with a helping hand from store employes, the pool will get to Vietnam.

FREEDOM OF THE PRESS MUST BE PRESERVED

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the many issues relating to the Pentagon Papers and all their ramifications promise to be with us for some time to come. Numerous questions have been raised—moral, legal, constitutional, diplomatic, and political—and a final judgment in all these areas will require extensive study. Not at issue is the uncontested fact that material marked "top secret" has been divulged without authorization and published. Beyond this, however, we are confronted by fundamental questions bearing on the public's right to know, the credibility of the Government during the period covered by this study of Vietnam policy written in 1967 and 1968, the soundness of the political and military judgments made by Government officials during that time, the adequacy of Government's classification process and security procedures, and, of course, the freedom of the press as we have known it.

Particularly with regard to the latter issue I was pleased to note that the State Journal of Lansing, Mich., devoted a lengthy editorial June 27, 1971, entitled "Freedom of the Press Must Be Preserved" to a discussion of this important aspect of the current controversy and I believe that it makes a worthy contribution to the current debate and include it in the Record at this time.

The editorial follows:

Freedom of Press Must Be Preserved

AMENDMENT I

U.S. Constitution

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

For the first time in history, the United States courts have muzzled the press, in effect challenging the right of American citizens to know what is going on in their own country—or, in this case, what went on at a very critical time. The distinction in timing is essential, for the issue, rightfully put before the nation's highest tribunal, is one of the freedom of the press on one side and the danger of damaging national security on the other.

No one can argue against the cause of either side. One is a guarantee of freedom from within, and the other is a safeguard against acts which would aid enemies of this democracy.

The questions then are:

Did the New York Times (and later other newspapers) have the right to publish secret government documents about the Vietnam War?

Did the government have the right to call a halt to the publication of further articles based on these documents?

Is the information being exposed damaging to national security?

What effect will the entire issue have on our country?

The U.S. Supreme Court is in the process of making the ruling which will officially answer the first two questions and the third is the keystone to the case.

But the last question is vastly more important than the others, which deal mostly with what has passed. It is imperative that the nation profits from this entire episode in every way possible. It is to this end that each involved person—journalists and governmental officials—should dedicate themselves. Petty politics and personal motives have no place in an issue which clearly affects the freedom and security of this country.

The information published to date from the secret documents has not been shocking "news" as such—most of the information has long since surfaced in one way or another. Basically, the documents indicate that the Johnson Administration moved sooner than the public was told toward a deeper involvement in the war.

Supporters of the administration say that the country had to have a "contingency plan" for deeper involvement, and the so-called "general concensus," as the Times called it, was no more than this plan. Critics say that the documents prove a "massive deception" on President Johnson's part . . . that he planned the bombing of North Vietnam while promising during the 1964 election campaign not widen the U.S. effort in the war.

No matter which of these views is true, if either is completely valid, the essence of the situation is that now—some six years later—it is difficult to believe the Justice Department contention that the nation's security will suffer immediate and irreparable harm with continued publication of the information.

There may be some embarrassment and personal anguish, but there is no evidence yet offered by the government to show that the security of the country is in any way endangered by the publication of the papers.

What seems more likely is the simple fact that the government doesn't like what is being published, and this amounts to nothing more than censorship of the worst kind in a democracy.

Can censorship of the press be tolerated in America? Is it necessary? The record of the press in the U.S. has been outstanding in refraining from publishing security information which affects the well-being of the country and its citizens. Breaches of security were rare, if existent at all, during World War II, when necessary governmental restrictions were readily accepted by a press which proved itself highly responsible.

What effect the Pentagon Papers controversy will have on the nation is difficult to predict. It is almost certain the incident will add fuel to the belief that there truly is a "credibility gap" between the President and his people, between the government and its citizens.

Many observers believe that there has been a breakdown in the "checks and balance" system installed by our founding fathers, with the executive branch gradually siphoning off power from the judicial and legislative branches; the latter, of course, made up of the elected representatives of the people. Information from the Pentagon Papers would seem to confirm this. Legislators, as well as citizens were, officially at least, in the dark as to what was really happening.

Another effect of the controversy will almost certainly be a swelling of the "end the war now" sentiment which has been running high anyway, even with the accelerated pullout in Vietnam. To many, the incident is just added proof that the U.S. can only reap grief from Indo-China involvement and that the whole thing is indeed an American war.

We wholeheartedly hope that one of the results will be a thorough review and revision of the government's classification system. Critics have maintained that the Internal Security Act of 1950, which includes the old Espionage Act of 1917, is a poorly written law which permits government officials to apply secret classifications capriciously or to use them to cover up their own mistakes. If this is true, and it certainly appears to be so, then corrections are long overdue and should be made.

Congress enacted the security act and it can also repeal or rewrite it so that it cannot be misused or, worse, utilized to keep the public uninformed on important matters of which it should be aware. National security has to be considered and protected, but it cannot be used as a guise for deceiving the people.

Freedom of the press must be kept sacred at almost any expense to insure that we remain a nation truly governed by its people . . . an informed people.

This is important not for the sake of the press, but because it is paramount to the preservation of our Republic. That point has been made countless times by leaders of the greatest stature and of varying political persuasion.

The best way to accomplish this is to devise a system which offers fair protection to both the principle of a free press and to the right of government to protect information which could damage national security.

What is clearly necessary is the close cooperation of responsible journalists, lawmakers and other governmental officials in first finding such a system, and then the absolute and open cooperation of all to be certain that it works in a truly democratic way. Nothing more.

It is worth strenous, dedicated effort . . . now

"The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

Thomas Jefferson—1787.

TABLING MOTIONS WILL IMPEDE CONSTITUTIONAL RESPONSIBILITIES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DELLUMS. Mr. Speaker, the Military Establishment cannot always lose, and in one area, that of dealing deception and half-truths to the American public and to its adversaries in the Congress, the Establishment usually wins. The loser invariably is the public interest.

Tabling House Resolutions 489 and 490 will go down as another tainted victory for the Establishment, another setback for the American people.

Yet, the victory is Pyrrhic at best.

Already we know enough from the Pentagon papers so that it is obvious that the true planners of our misadventures in Southeast Asia were not as much the Kennedy-Johnson strategists as it was the militarists in and out of the Defense Establishment who imposed their archaic ideas on willing ears.

Not that the Kennedy-Johnson foreign policy "liberals" were innocent. Far from it. But their theories and machinations are thoroughly imprinted with the nonsense of outdated military policies.

However, no matter how this vote goes, it will be impossible to keep secret the ineptness, the stupidity, the deceitfulness of the Military Establishment and its friends.

No matter what constraints are thrown up by the Military Establishment and its friends, the American people already realize that strict controls must be held by the Congress so that the horrors and tragedies of Vietnam, Laos, and Cambodia are not repeated.

I am not willing to accept any of the so-called rationales of the administration and the Military Establishment and its friends for keeping the Pentagon papers under wraps. I submit that only through continuation of these absurd classification policies is it easily possible to maintain the prattling schemes of the militarists.

The Supreme Court is not going to make the final judgment on the openness of the Pentagon papers. That decision already is being made by the American people who are asking why lying is an official policy and why deceit is encouraged.

Finally, I am just a bit surprised that so many Members of this body will vote for a motion which impedes their ability to conduct their constitutional responsibilities. Government by stealth is a dangerous system, yet that is purely at issue today.

I urge my colleagues to vote against tabling these resolutions.

AMERICA'S ROAD TO SURVIVAL

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. PETTIS. Mr. Speaker, as a member of the House Ways and Means Committee, I am well aware of the rising costs of Government and the awesome burden being placed upon our taxpayers. I am even more concerned about the public debts that will be inherited by our children. I think we owe it to the younger generation to carefully investigate any reasonable ideas, new techniques or technical trends that might in any way reduce these rising costs. We are becoming so preoccupied with the "sickness of our society" that we may fail to recognize the healthy signs along the way.

Just such a healthy sign has come to my attention. The idea that we might reduce costs by eliminating problems instead of fighting them may be a bit too revolutionary even for these times—but I recommend that you take the time to read a short article by Frank G. Goble reprinted from Manage, an official publication of the National Management Association. It is entitled "Management Methods, America's Road to Survival":

MANAGEMENT METHODS: AMERICA'S ROAD TO SURVIVAL

(By Frank G. Goble)

America's social problems—crime, poverty, alcohol and drug addiction, mental illness and war—drained a staggering $181,000,000,000 from our economy last year. What's worse, there is no sign the upward curve of this annual cost is peaking.

Government and some private institutions are attempting to slow down the growth rate; but if past performance is a criterion of measurement, they will fail. Why? Because they are continuing to use the same methods with minor variations that have failed regularly in the past.

That does not mean we must accept the fall of our society as inevitable. It does mean that we should recognize the danger, and provide a new approach to the solutions of our problems.

There are available tools to lead us out of our current dilemma. These include:

(1) Modern management methods applied to the solution of social problems, and

(2) A new theory of psychology, capable of directing the rehabilitation of our problem population.

The new theory of behavior should come first, because without it we cannot utilize our principles of management with any assurance of success.

Colleges and universities still teach the precepts of Freud and Behaviorism to the coming generation of social scientists as though these concepts were indisputable. Ignored is the fact that these theories have failed to make any appreciable impact on those requiring rehabilitation.

Over the past few years there has developed a major breakthrough in the understanding of human behavior. It has resulted in a new approach in dealing with social problems. One of the leading proponents of the new theory is Dr. Abraham Maslow, former president of the American Psychological Association.

Dr. Maslow who calls his theory "Third Force Psychology," to differentiate it from the Freudian and Behaviorist schools of thought, concluded that the entire human specie has common and apparently unchanging psychological needs.

Healthy individuals can satisfy these needs, and do. Less perceptive people fail to satisfy them, and they suffer accordingly, making society suffer as a consequence. The basic human needs according to Dr. Maslow, once those on the physical level have been satisfied, are for security, love, belonging, respect from others, self-esteem, and individual growth. These needs were never weighed with real importance by the older theories.

Using the "best of the species" as the norm, Maslow found that the healthy man's personal interests coincide with those of society. In the long run individual responsibility pays, and irresponsibility is costly. His own aphorism is "Time wounds all heels."

Experiments based on the new theory have produced dramatic results. Dr. William Glasser was successful in rehabilitating 80% of the girls in his program at the Ventura School of Delinquent Girls. This record is almost 100% better than previously thought possible.

Dr. Willard H. Mainord found that when the mentally ill at Western State Hospital, Washington, were classified and treated as being ill, their psychological condition rarely improved. His method of promoting cures was brutal, but it worked. He told the patients, "You're not sick. You're crazy." This blunt approach motivated them toward rehabilitation in even the more difficult cases.

The Seventh Step program at Leavenworth, founded by William Sands, used former criminals as teachers and reduced parole violation to less than 10% from the average of 40–70%. The Mott Vocation Guidance Program in Flint, and the Yonan Codex Program in Atlanta have reported similarly effective results.

Regardless of the area of effort—alcoholism, drug addiction, juvenile delinquency, mental illness or criminal rehabilitation, the new psychology is vastly more successful than any of the theories tried before.

Unfortunately, good theories and successful experiments do not mean an immediate acceptance on the part of social scientists trained in the old methods. It will take time. But it is important to know, first, that we do have the key to loosen the shackles weighing down our society.

In analyzing the new theories, it is significant to note that the "new emphasis" on responsibility echoes the concepts our founding fathers used in framing the Declaration of Independence. They believed—and even quoted—"The Laws of Nature and of Nature's God . . ."—the reference being to the laws governing human behavior.

The idea of enlightened self-interest is central to this American ethic. This point of view holds that when man is enlightened, his behavior in his own interest coincides with the best interests of his society. In other words, responsibility in the long run pays. One could almost say that the psychology on which our country was founded has been re-discovered by the new school of psychologists.

Our educational systems, however, are locked into concepts stemming from Behaviorist theories. Long age they dropped the teaching of responsibility in schools. Only now are some school districts re-assessing curricula and re-introducing courses pertaining directly to citizenship.

However, even if the entire of social scientists suddenly were to acknowledge and adopt the new theories of psychology, they would fail to rehabilitate more than a fraction of those who must be redirected away from their anti-societal activities.

In order to succeed, the new psychology must be applied systematically on a wide scale. This requires massive organization based on modern management methods.

Managerial concepts in the social sciences have been almost totally ignored, with an unbelievable splintering of effort resulting. Psychologists are not aware of the findings of sociologists. Psychiatrists do not talk to psychologists. Both ignore historians and anthropologists. Religious philosophy is considered a world unto itself.

There is, in fact, little cross-disciplinary effort to bring the specialized knowledge of one field into use in another field. In business this would lead to chaos. In the social sciences it has led to a failure of effort and a gigantic cost to the country.

The business community has probably done more to foster and apply new thinking in psychology than any other part of our society. It has brought in social scientists to learn more about motivation and human potential, and has provided the controlled situation that made studies possible.

Dr. Maslow feels that "For me industrial psychology opens up a whole new horizon; for me it means a new source of data, very rich data . . . a whole set of validations of hypotheses and theories that I have based on purely clinical data . . . a new kind of life laboratory, . . . it is a source of knowledge often more useful than the laboratory."

Dr. Herbert Otto, in announcing the opening of the new National Center for the Exploration of Human Potential said, "The topic of human potentialities has, for the last 50 years, been almost totally ignored as a focus of research activities by works in the social and behavioral sciences . . . all that one finds are individual pioneers conducting limited studies . . ." The majority of these pioneers came from industry, or found industry receptive to their ideas.

Now industry, and particularly those knowledgeable in managerial practices and concepts, must lend a further hand, for without their support and organizational know-how, the country will never come close to coping with its problems.

Business has already shown directions it can take, in the development of training programs for the hard-core unemployed, the massive efforts in community redevelopment and providing new homes in the replacing of slums.

In San Diego, for instance, a businessman trained in management methods has been active on the Board of a local hospital for the mentally ill. He recommended new concepts, new approaches and new psychological methods in dealing with the patients. The recent discharge rate of cured patients has more than tripled.

In Pasadena a group of businessmen, including management consultants, formed P.R.I.D.E., Pasadena Residents Interested in Developing Excellence. The organization established a series of measurable goals for the community, and then sought to determine what was being done by government and other agencies with respect to better education and housing, racial harmony and crime prevention.

Many other examples of management's involvement in civic affairs can be cited. The need for informed management participation is even greater than is realized. Social scientists, politicians—and even many businessmen—are not aware that the solutions they are seeking will not result from merely applying sound psychological methods and a working budget.

What too many of the community steering committees lack is managerial know-how, the organization of the proper individuals with specific directions and goals.

It is here that management can perform its most important role in community affairs. But it will, basically, have to be management volunteering to help, because those now serving are not yet aware of the contributions that can be made by professional management.

The full solution may be a long way off. But it will come, finally, with a total systems approach to our social problems similar in scope to the systems methods we employed to place a man on the moon. What is needed is a man-on-earth project equal to our man-in-space project.

Meanwhile, the testing must be accomplished at a local level. Management know-how must be introduced into committees organized to study the problems of juvenile delinquency, dope addiction, illegitimacy, alcoholism, crime, penal systems, and education.

Management's role in business is to lead. In the social science field there are many specialists, but few leaders. It is here that management can make its greatest contribution to the future inner security of our country.

THE PEOPLE OVERRULED

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attentiton of my colleagues an editorial entitled "The People Overruled" which appeared in the June 30 edition of the Chicago Tribune regarding the decision made by the U.S. Supreme Court to reverse the death sentence of Richard Speck and 38 others.

Speck was charged with the murder of eight nurses and was convicted and sentenced to death in 1966 in Illinois.

It is a tragedy that the Supreme Court has not forthrightly held capital punishment unconstitutional. So long as the Supreme Court has not ruled on the constitutionality of capital punishment, then the laws of the various States should be followed.

It is no surprise to me that crime on the streets of America runs rampant and that wanton killing of innocent people continues when murderers and thieves are allowed to go free on technicalities.

The editorial follows:

THE PEOPLE OVERRULED

When the people of Illinois voted nearly 2 to 1 against abolishing the death penalty last December, a good many of them may have been thinking specifically about Richard Speck, the man convicted and sentenced to death for the murder of eight student nurses in Chicago in 1966.

Yet this week the United States Supreme Court reversed the death sentences of Speck and 38 other murderers and rapists in other states. And it did so, with strange irony, on the assumption that most Americans oppose the death sentence.

The court reversed Speck's sentence and the others on the basis of the Witherspoon decision of 1968, in which it had held that Illinois "stacked the deck" against William Witherspoon, killer of a Chicago policeman, by excluding prospective jurors opposed to the death penalty. In the majority opinion, Justice Potter Stewart cited a public opinion poll suggesting that 47 per cent of the people opposed capital punishment and that only 42 per cent favored it—the remaining 11 per cent being unsure.

"In a nation less than half of whose people believe in the death penalty," Justice Stewart wrote, "a jury composed exclusively of such people cannot speak for the community."

Even assuming that Justice Stewart's assumption was right [tho Illinois would seem to have disproved it], his logic is hard to follow. Our juries do not impose death sentences by a majority vote; they must be unanimous. The jury system is thus stacked already in favor of the defendant—and rightly so, because the dissent of one juror out of 12 indicates the "reasonable doubt" which protects defendants under our system of law.

Consider what the Witherspoon decision means in practice. It means that even if only one-twelfth of the people were opposed to the death penalty, then, by the law of averages, each jury would have to include one such person—and no jury would be able to agree unanimously on a death sentence.

Justice Hugo Black, who dissented on both occasions, put the matter succinctly in his dissent in the Witherspoon case: "If this court is to hold capital punishment unconstitutional, I think it should do so forthrightly, not by making it impossible for states to get juries that will enforce the death penalty."

The court has agreed to rule on whether the death sentence is "cruel and unusual" and thus unconstitutional. In a world where murder and cruelty are all too common, it would seem odd to proscribe the death penalty as cruel and unusual, but at least this is an issue within the jurisdiction of the court.

In the Witherspoon and Speck cases, the court has used devious and unpersuasive logic to prevent the use of the death penalty even in the majority of states which legally provide for it, and thus to deny the people of those states the right to determine their own laws. It has also demonstrated once again the cruelty and inhumanity of a legal system in which a defendant can live for four years without knowing for sure what his punishment is going to be. In Britain, the Speck case would have been finally settled, one way or another, years ago.

FREAKS FOR JESUS' SAKE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. BROWN of Ohio. Mr. Speaker, because I support the viewpoint expressed by Dr. Edward L. R. Elson, pastor of the National Presbyterian Church and Chaplain of the U.S. Senate, I wish to insert in the RECORD herewith his sermon of June 27, 1971:

FREAKS FOR JESUS' SAKE

(Sermon by Dr. Edward L. R. Elson)

"No one should think that I am a fool. But if you do, at least accept me as a fool . . . But if anyone dares to boast of something—I am talking like a fool—I will be just as daring." II Corinthians 11: 26, 21 (T.E.V.)

I hold in my hands and display to you a copy of one of the most interesting newspapers I have read in many years. Reflected at the top is the dome of the Capitol across which is superimposed the title of the paper *The Liberator*, with the symbol of a forefinger of the right hand pointing heavenward and beside which is a Latin cross. The full title of this paper is "Jesus Christ is 'The Liberator'" published by the Jesus People. The headline of this issue on its front page is Jesus People: Here To Stay!

The leading editorial is written by William Willoughby, staff writer for the Washington Star, who last night spoke to the young married couples club of our Church, the Tuggs, at their monthly meeting, which was held on the beach.

Some people are writing, as in the current issue of Time Magazine, about the "Jesus Revolution." Others devote many paragraphs to the "Jesus Freaks." The July issue of Harpers carried an article by Sara Davidson entitled "The Rush for Instant Salvation." The most recent book by the Quaker writer, Elton Trueblood, has the title "The Future of the Christian."

More than a year ago, on the campus of Asbury College in Kentucky there broke out a spontaneous spiritual awakening which continued without interruption for many weeks. There had been no preparation for it, no evangelist summoned people to repent and confess Christ. What happened was that first one college student after another, prompted by some unexplained inner urge, stood up before groups of students ranging from little clusters to vast crowds, and confessed that they had been delivered from the burden of sin and defeat and had found joy and power through the living Christ. Although the college life continued, prayer and witnessing was uninterrupted. From that center students on weekends traveled to colleges all over America where they gave personal witness to the new-found reality of the living Christ in several hundred colleges. Other groups of students caught the spirit. The movement has infected the whole of American academic life in a manner not unlike that which happened in earlier American history in the days of Jonathan Edwards, Charles G. Finney, and Dwight L. Moody, as well as resembling in some manner that which took place in 18th century England under the leadership of two brothers in the Anglican ministry, John and Charles Wesley. There has been no explanation except in the supernatural power of the Holy Spirit.

Look at other bits of the current scene. Some years ago guided by Dr. Louis H. Evans, Sr., former pastor of the Hollywood First Presbyterian Church, there came into being what is now a tremendous movement called "The Fellowship of Christian Athletes." The members of this association are athletes in high school, in college, and in professional football, basketball, and baseball who are unashamedly out and out Christians. They hold conferences, institutes, and summer camps now attended by thousands of young athletes. Although some of the leaders have now given up their professional careers as athletes, completed their seminary education, and give full-time leadership to the movement, the genius of this group is that it is a "fellowship" of young Christian athletes who testify to a life transformed, made vital and meaningful in day-by-day living. Some years ago they asked me to write the story of the influence of my high school football coach upon my Christian life and my decision to enter the ministry. They made it a front-cover story.

On college and university campus there is also a movement called "Inter Varsity Christian Fellowship" which, while never pretending to substitute for or compete with the organized denominational representation on the campus, nevertheless seems to have the greatest vitality for influencing the personal lives of university students of any movement on American campuses.

Time Magazine pointed out that "few groups have had more impact than has one man, Assemblies of God minister David Wilkerson, whose growing movement began with a single incident: his dramatic conversion of Brooklyn teen-age gang lord Nicky Cruz in 1958." Cruz is now an evangelist. Wilkerson's evangelical and anti-drug organization "Teen Challenge" has 53 centers. His book about Cruz's conversion, "The Cross and the Switchblade," had sold six million copies. The movie version starring Pat Boone as Wilkerson will be released next week nationwide, on July 1st. Last year at the annual meeting of the Religious Heritage of America we became better acquainted with this phenomenal movement by the presence in our city of both Wilkerson and Pat Boone. Among other influences of the "Teen Challenge" group and Wilkerson is the Pentecostal flavor which helped launch the Roman Catholic Pentecostal movement which is an extraordinary feature of the lives of many Roman Catholics today.

How are we in the principal religious denominations of Christendom, in denominations both in the Catholic and Reformed traditions, to evaluate these movements and forces and relate them to the Church today?

Mr. Willoughby opens his editorial with these words: "I am 100 percent convinced that these must be the most exciting days in the world's history—more specifically, the history of the Church of Jesus Christ. It is becoming increasingly evident that a revival of spiritual life that focuses on the power of the Holy Spirit and the glorification of Christ is taking place—a revival such as not even the first century Christians witnessed."

This is a very bold assessment by one who is perhaps the best student of the movements in our country.

Willoughby goes on to say that he believes this powerful movement is anything but a fad and that it is something which cannot be stopped. The Jesus Freaks are using four-letter words—words like "love" and "pray." They are making forays into the topless and bottomless joints in San Francisco and giving an unmistakable witness that such things are not right. There they are looking a good bit like hippies, some converted Maoists or Black Panthers or Free Speech Radicals, now suddenly possessed of a zeal of pleasing God.

What are these people doing? It is a startling development, says *Time*, for a generation that has constantly been accused of tripping out or copping out with sex, drugs, and violence, now embracing the most persistent symbol of purity, selflessness, and brotherly love in the history of Western man, aflame with a Pentecostal passion for sharing their new vision with others. Fresh-faced, wide-eyed young girls and earnest young men badger business men and shoppers on Hollywood Boulevard, or near the Lincoln Memorial, in Dallas, Detroit, Wichita, or San Francisco, witnessing for Christ with reckless exhortations.

Nearly twenty-five years ago this congregation through the Sunday Evening Club opened in the basement of our old Church at Connecticut Avenue and N Street the first church-sponsored coffee house in Washington. Now there are many of them, such as "the Coffee House on Columbia Road, sponsored by the Church of Our Savior," "The King's Inn" in Alexandria, others in Georgetown, the Dupont Circle area, and on Capitol Hill. As one person put it, "these Christian houses" are multiplying like loaves and fishes for youngsters hungry for homes, many reaching out to the troubled with round-the-clock telephone "hot lines."

Almost all of them are reading the Bible and discussing it. Founder Bill Bright of the Campus Crusade for Christ says, "Our target date for saturating the United States with the gospel of Jesus Christ is 1976—and the world by 1980." This is reminiscent of the hay-stack prayer meeting at a New England university in another age which launched the Student Volunteer movement with its motto, "The evangelization of the world in this generation." For some there is the fascination for Jesus out of hero worship of a fellow rebel, the first great martyr to the cause of peace and brotherhood. But this is not the attitude of the vast majority toward Jesus. The one mark which clearly identifies them is their total belief in an awesome, supernatural Jesus Christ, not just a marvelous man who lived two thousand years ago but a living God who is both Savior and Judge, the Ruler of their destinies. Their lives revolve around the necessity for an intense personal relationship with Jesus and the belief that such a relationship should condition every human life. They act as if divine intervention guides their every movement and can be counted upon to solve every problem. Many are redeemed from personal rebellion against all of society or from drug addiction and now subscribe strictly to the Ten Commandments rather than the "New Morality" and, like earlier Christians, are sometimes intolerant of failures among new converts, and impatient with Christians outside their movement.

Everywhere there is testimony to a new life, a new purpose, and a tremendous revolution. Maureen Ork, in a supplement to the book "Whole Earth Catalog" writes: "The first thing I realized is how different it is to go to high school today. Acid trips in the seventh grade, sex in the eighth, the Vietnam war a daily serial on TV since you were nine. Parents and school worse than irrelevant—meaningless. No wonder Jesus is making a great come-back!"

The truth is that the death of authority brought the curse of uncertainty.

"The freedom from work, from restraint, from accountability, wondrous in its inception, became banal and counterfeit. Without rules there was no way to say no, and worse, no way to say yes," wrote Thomas Barbour in his little book entitled "Tales for the Son of My Unborn Child." Richard Hoak believes that many of his youthful converts see Jesus as a marvelous father figure: "The kids are searching for authority, love, and understanding, ingredients missing at home. Jesus is what their fathers aren't." One pastor says, "I am amazed at how many people I have counseled have never heard their father say 'I love you.'"

The movement at present, we must conclude, is not against established religion but rather apart from it. The Rev. Robert Terwillinger of New York City's Trinity Institute says, "There is a revival of religion everywhere except in the Church." We Christians who love the Church must now show our love to all persons who call Christ Lord, whether they follow our patterns of expression or appear to be by our standards bizarre or eccentric. We must be careful lest too much we love the Church just as it is and do not love Christ sufficiently to allow the Holy Spirit to make us and the Church become what it ought to be in our age.

The Church, we must repeat over and over again, is not an institution, much less a building. The Church has been institutionalized in order to promote the gospel of redeeming love and it has buildings in order to shelter its activities and provide centers from which its influence might radiate to the whole world. These institutions and these visible symbols have served the Church well and can continue to do so. But the Church and all of us in it must be open to the leadership of the Holy Spirit, be prepared for surprises, and always to welcome to our affection and our community life all those who truly follow Jesus Christ even though they do it in their way rather than in our way. When some of the young people among the Jesus Freaks have been asked which church they belong to, they have replied, "We are the Church." Although they may not have formulated the profounder statements of Christian theology which we are heir to through the great historic Confession and Creeds of the Church, these "new Christians" bear a strange resemblance to the first century Christians who turned the world upside down. By every measurement we have today the greatest Christian evangelist, missionary and theologian the world has ever known would be described as a "Jesus freak."

St. Paul was called a fool and he used the word "fool" to describe himself.

In the first place, Paul must have been a "Jesus freak" in his personal appearance. Tradition says he was not a prepossessing personality. He was small of stature, bald-headed, and bow-legged. He had some physical malady which he called "his thorn in the flesh," which tormented him all his life. When he spoke his words came not through a massive, majestic, male personality whose physical appearance "wowed" his hearers. His words came through a wizened, weak little frame of a "Jesus freak."

Paul was an intellectual freak. He is often regarded as the greatest intellect of his time, but judged by the intellectual outlook of his age he was a freak. He was learned in the Scriptures, the complicated legalism of Judaism, its history, its philosophy, its practices. He was well-educated in Hellenistic or Greek thought, he was a Roman citizen and knew full well all that Roman life, law, and power meant. And he was one of the most traveled men of his age. Yet it was not his knowledge of all these forces which gave him power. His sermon on Mars Hill fell flat while he drew upon these sources of his intellect. He was a religious expert in all these fields, but it was through the "foolishness of preaching," what came to be called the Gospel, that his power came through.

His message was that this Jesus of Nazareth who taught, healed, and went about in the body of a man, like the rest of us, made known in that single life the greatest truths and the most vivid reality we can have about God. This Jesus of Nazareth, who was rejected by His own people, arrested, tried and put to death as a criminal, nevertheless was not destroyed by death but made Himself known to His followers after arising from the grave. This conquering of man's last enemy, death, was the certification that He was in fact the Son of God whom God sent to free men from sin and destruction. This same Jesus of Nazareth on Easter morning arose from the tomb to become the Living Christ of the ages—that He was even now present, alive, vivid, and would bring to fulfillment any human being who in true repentance and faith came to Him.

In our text for today Paul said, as he wrote his second letter to the Corinthians, "No one should think that I am a fool. But if you do, at least accept me as a fool . . . But if anyone dares to boast of something—I am talking like a fool—I will be just as daring." Wouldn't this be a good clue for us today?

On the scene today I see two great movements, both fundamentalist in their character and pretensions. The one is the Jesus Freaks, with their Bible study, prayer, praise, and radically changed personalities reaching people with a gospel that can only be called supernatural. They have a hard time being patient or even consider as credible those Christians who have not had their kind of experience. There is another group of Jesus Freaks. They are the activists who tend to minimize instant personal conversion but want instant conversion of society—the immediate transformation of cities, elimination of poverty, absolute justice and banishment of war. They tend to think their methods and their program are sacrosanct and the only divinely approved way of achieving the objectives. Some of them absolutize church resolutions, lift them to the level of theological dogma and make heretics of all those who differ with them.

Neither the Jesus Freaks for instant personal conversion nor the Jesus Freaks for instant sociological conversion have the whole gospel. There must be a synthesis of the two. The synthesis comes not in institutions, much less by pronouncements, but in persons. And the Church must be big enough in its love and inclusive enough in its fellowship to help each group find the other. The call to us today is to be unafraid of the destructive powers of evil in our world and to welcome the constructive powers of God's Holy Spirit which are ready to renew and empower the Church. The New Testament calls Christ the "dynamite" of God. Let us close with words which ring out from the last book of the Bible, "Even so come, Lord Jesus."

FREEDOM FOR THE EPIROTES

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. KYROS. Mr. Speaker, I would like to take this opportunity to call the attention of my colleagues in the House to a people whose plight is often unwittingly overlooked in this country. I refer to the minority of Greeks living in Albania, the Epirotes, who reside in the northern sector of the ancient province of Epirus.

Since the Second World War, Mr. Speaker, the Communist regime that has ruled Albania has consistently denied this minority fundamental human rights: The rights to freely practice their religion and to engage in the preservation of their culture.

Mr. Speaker, I am fully aware of how difficult it is for those of us living in America, and enjoying the advantages of American citizenship, to understand fully the suffering of those in other parts of the world living under severe oppression. Nonetheless, I am confident that all Americans join me in deploring the unjust subjugation of these people.

The gravely persecuted Greek minority in Albania, the plight of the Epirotes, cannot be overlooked.

The Panepirotic Federation of America and Canada have relayed to me remarks and a resolution which they have prepared for their 17th biennial convention, Second World Congress. I believe these remarks merit the earnest consideration of my colleagues so that the injustices they relate may indeed be understood and rectified:

REMARKS OF THE PANEPIROTIC FEDERATION OF AMERICA AND CANADA, SEVENTEENTH BIENNIAL CONVENTION, SECOND WORLD CONGRESS

It is a tragedy of our century, a century hailed at its inception as a high watermark of civilization, to witness instead a rising tide of persecution and genocide of helpless minorities. Our newspapers have been filled—and justly so—with the example set by the Soviet colossus in dealing with its Jewish citizens who have asked only that their rights to religious and cultural expression and leave to emigrate to Israel be honored.

Instead, as we all know, these requests have been largely honored by that country with suppression and imprisonment.

In another example, the regime of Peking China has not hesitated to absorb the Tibetan people who were unfortunate enough to come under the protection of the most populous nation on earth.

Specifically, since its advent to power shortly after World War II, the Albanian Communist regime presently aligned with Red China has let loose upon a minority within its borders all these refinements of suppression and repression that have come to constitute the shame of our century.

The problem of Albania's Greek minority and the territory wherein it constitutes a majority—Northern Epirus—is an old one, having arisen in the breakup of the Ottoman Empire in Europe at the end of the Balkan Wars of 1912–1913. Its population, liberated by Greece and severed from its motherland by the European Powers of the time for self-serving reasons, rose in 1914 to declare its autonomy. Its success in the contest that ensued compelled those powers to grant the people of Northern Epirus their rights to their Greek schools, churches and political administration in a protocol signed on the Greek island of Corfu on May 17, 1914. As a result of the situation brought about the outbreak of World War I several months later, the protocol was destined not to be implemented.

This is not a time to indulge in a recital of the subsequent history of this problem, about which all sides have had their say. Suffice it to mention here that, on the two occasions during which it might have been settled to the satisfaction of the party most vitally concerned—the Greek people of Northern Epirus—the United States was not wanting in its expression of support. In identical resolutions (S. 324, May 17, 1920 and S. 82, July 29, 1946), the Senate of the United States expressed its sense unanimously to the peace conferences in Paris after both World Wars "that Northern Epirus (including Corytza) . . . where a strong Greek population predominates, should be awarded by the Peace Conference to Greece and become incorporated in the territory of Greece."

In the period following World War II and the attempted Communist takeover of Greece from the territories of her northern neighbors, including Albania, successive Greek governments have exercised considerable restraint in pressing for a solution to this problem. These governments, indeed have pursued a pacific policy that has resulted in normalization of relations first with Yugoslavia, then with Bulgaria and, in recent months, with Albania.

This has been particularly difficult respecting the latter for a number of reasons, not the least of which has been Albania's treatment of the Greek minority.

In a very limited area of a handful of villages immediately adjacent to the Greek border, Albanian elementary schools have been allowed to teach the children of the Greek minority the rudiments of Greek reading and writing in the first three grades. In addition, a government newspaper that contains virtually nothing beyond speeches by Albanian leaders and their decrees, is published in Greek in one nearby town. Both measures are intended all the better to facilitate the assimilation of this minority population and neither constitute anything more.

In the school of Stalin in which the Albanian Communist leadership has been faithful to the letter such "Potemkin's village" tactics have had just this objective. One recalls the "autonomous Jewish area" of Birobijan—near Outer Mongolia.

At the same time, refugees from Northern Epirus in Greece have told their accounts of jailings, forcible moves of individual families and whole groups to settlement in purely Albanian districts to the north, a complete shutdown of all churches and banning of all public worship whatsoever, and other measures amounting to ethnic genocide. It should be noted that, in the early part of this century, there were 315 schools including high schools (gymnasia) with a total of 14,234 pupils maintained by the expense of the Greek Northern Epirotes. Now there are none. There were many more churches thronged by the devoutly Christian people of Northern Epirus. Now there are none. Indeed, since the last two legitimate bishops of Northern Epirus fled to Greece and subsequently died there, there is no legal Christian hierarchy whatsoever.

Albania, in fact, goes beyond any other Communist country in the world in this respect, having proclaimed itself "the first purely atheist state", i.e. the first one in which all religious life is absolutely forbidden.

It is with this in mind that organizations abroad of persons of Northern Epirotic origin, including the Panepirotic Federation of the United States and Canada, recently expressed their anxieties to the Greek Government with regard to the resumption of diplomatic relations between the two countries. These were only partially allayed by statements made to Athens newsmen subsequently by Greek Undersecretary for Foreign Affairs Christian X. Palamas. Mr. Palamas stated that: "The existing status (of the Northern Epirotic problem) has in no way been altered from the point of view of the fundamental Greek positions, with the sole difference that absence is replaced by presence, indifference by interest and silence by dialogue". He further added that: "To the interest that, as was natural, the Greek Government expressed with regard to fellow countrymen, the Albanian government replied in a very satisfactory manner."

Nevertheless, Mr. Palamas did not spell out what that "very satisfactory manner" constituted. One thing, unfortunately, is obvious, and this is that the allies of Mao and worshippers of Stalin in Tirana have given not a single concrete indication that they will let up on their policy of suppression directed against the Greek inhabitants of Northern Epirus. And, until such indication is forthcoming, the kinsmen of these inhabitants settled in the free world have every right to their skepticism.

It is against this background that the present Resolution is offered. The United States, for excellent cause—Albania's nonperformance of her international obligations—has maintained no direct diplomatic or any other ties with the present regime in that country. One of these obligations is to the very minority it is so zealous in persecuting.

When Albania entered the League of Nations, that predecessor of the United Nations made the Albanian government of that time sign a solemn declaration on October 2, 1921, to respect that minority's rights and spelled these out in great detail. When a subsequent Albanian government, in the 1930s, attempted to abridge them, the International Court of Justice (Hague Tribunal), which is now an integral part of the United Nations machinery, ruled against such an outrage. At its 34th session on April 6, 1935, the Tribunal by a vote of eight to three handed down the opinion that "the plea of the Albanian Government that, as the abolition of private schools in Albania constitutes a general measure applicable to the majority as well as to the minority, it is in conformity with the letter and spirit of the stipulation laid down in Article 5, first paragraph of the Declaration of October 2nd, 1921, is not well founded."

Now, of course, Stalinist Albania has abolished not only schools, but every vestige of minority rights. To cap its affrontery, it denies, with the same severity as did Stalin's Russia, the right of its citizens to migrate.

All over the world, in the United States and in Greece in particular, there are thousands of persons with parents, wives and children trapped in Albania by this inhuman policy. If Albania were to open her doors just a crack, there would be a joyous exodus not of homeless refugees, but of human beings whose families in the free world are ready to open their doors.

Albania is a member of the United Nations, having been admitted in a "swap" which included Ireland and Outer Mongolia. Some day we may or may not extend diplomatic recognition to her ruler. Nevertheless, if only as an expression of our beliefs, our values, indeed our very humanity, we have an obligation to speak for those who live in that unfortunate country in silence.

From July 17th to July 27th this year, several thousand Americans who emigrated from the ancient province of Epirus, now equally divided between Greece and Albania, will hold a convention in the Epirote capital of Ioannina, Greece.

This gathering will come at a time when the governments of Greece and Albania are engaged in serious negotiations aimed at improving their mutual political and economic relations. While any improvement in the international climate—particularly in such a sensitive area of the world—is to be welcomed, the plight of the sorely persecuted Greek minority in Albania cannot be overlooked. The present Peking-oriented regime that has ruled Albania with Stalinist severity since World War II, has denied this minority—a majority in its own territory—fundamental human rights. These included the free practice of their religion and the preservation of their culture.

In addition, it has barred them from emigration to Greece and other free nations in the same manner that the Soviet Union prevents a Jewish migration from the USSR to Israel.

Accordingly, the following Resolution is respectfully submitted:

Whereas: Agreements recently concluded between the Government of the Kingdom of Greece and the present Communist regime of Albania reestablish economic relations and diplomatic exchange between the two countries;

Whereas: The aforesaid Albanian regime has, in violation of obligations undertaken under international law and the Charter of the United Nations to which it is bound, denied to its citizens the free practice of their religion and other liberties both individual and communal;

Whereas: A Greek minority constituting the majority of the inhabitants of Northern Epirus, being the southern portion of the present Albanian State and contiguous to Greece, has been subject to continual denial of guaranteed rights to the free exercise of ethnic, religious and cultural life and has been deprived of its self-sustained institutions by which this life has been expressed and maintained for centuries;

Whereas: Individuals and groups among this minority, many with relatives in the United States and desirous of emigrating to the United States or Greece have been subject to forcible relocation in parts of the Albanian State other than their native territory under a policy of forcible assimilation and have been denied the right to emigrate;

Therefore be it resolved: That the Congress of the United States, moved by humanitarian considerations and desirous of upholding at all times the principles of justice embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights of which the United States is a signator, should express the great concern of the American people for the plight of the Greek minority in Albania and should request that our ambassador to the Royal Hellenic Government convey to it this expression. It further resolves to recommend to the United States Department of State that the United States and its accredited representatives abroad and in the United Nations bodies and agencies should take note of this concern in order to implement whatever ameliorative measures may be consonant with the considerations and principles herein expressed.

PROFESSOR KURLAND SPEAKS ON CONSTITUTIONAL PROBLEMS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. REID of New York. Mr. Speaker, I insert in the RECORD the brilliant statement that was submitted this morning by Prof. Philip Kurland of the University of Chicago Law School before our Subcommittee on Foreign Operations and Government Information.

Professor Kurland gives his views on the question of prior restraint, which was virtually struck down by the Supreme Court today, on executive privilege and the right of the American Congress and public to know, but more importantly on the symptoms of a more serious disease.

Specifically, he notes the serious erosion of federalism, the disappearance of the separation of powers doctrine through concentration of power in the executive, and the disintegration of restraints on the National Government. He suggests several remedies, and concludes that the failure of Congress to right the balance in these cases proves or will prove the failure of democracy.

STATEMENT BY PHILIP B. KURLAND

I

I am flattered by the invitation to appear before the Committee to express my views on the subjects with which these hearings are concerned. I am, however, fully appreciative of the fact that when the invitation to speak was issued to me the Supreme Court had not yet been called upon to express an authoritative opinion on the constitutional problems of the injunctions against the *New York Times* and *Washington Post*. For purposes of advising you of the law of the Constitution, my own views, whether in agreement or disagreement with the Court, are irrelevant.

I would point out, however, that there was agreement among the litigants in the cases about the appropriate general principle. That is, both sides assumed that an injunction could not issue to prevent publication of the documents unless such publication would be injurious to the national security. There was apparent agreement, too, that such threat to the national security would be a basis for injunction. The contest was essentially over two questions. First, what the standard for injury to the national security should be. Here there were considerable variations in suggested verbal formulae, with the words substantial, imminent, clear, etc., being offered. It seems evident, however, that no concatenation of words can afford a precise measure against which the facts could be placed in order to make a determination. There is no litmus paper test for danger to national security.

This first question, therefore, gave rise to the second. Who shall determine whether the proposed publication does or does not offend the standard of national security? The newspapers seemed to be satisfied that their own judgment was adequate to the purpose. Those on the other side thought that a decision reflected in the stamp on the document should be decisive. On this score, I would invoke the words of Mr. Justice Frankfurter, in another situation where conflicts between two constitutional commands had to be resolved. In *Pennekamp* v. *Florida*, 328 U.S. 331 (1946), he said:

"A free press is vital to a democratic society because its freedom gives it power. Power in a democracy implies responsibility in its exercise. No institution in a democracy, either governmental or private, can have the limits of power which enforce responsibility determined by the limited power itself. In plain English, freedom carries with it responsibility even for the press; freedom of the press is not a freedom from responsibility for its exercise. . . ."

The answer must be that the decision is for the courts to make. And inasmuch as the Government is seeking to invoke the authority of the judiciary in these cases, it would seem clear that the burden of persuasion should be on it to show the danger to the national security by clear and convincing evidence, evidence sufficiently clear and convincing to overcome the long-standing, fundamental proposition over which there is no disagreement, that the press ought to be free from prior restraint.

I shall, if I may, return briefly to the subject of the case of *New York Times v. United States* in a few minutes but from a different perspective.

II

The invitation issued to me called for me to make some observations also on the subject of the press privilege not to reveal the sources of its information. To me, the freedom of the press to conceal information is of a different dimension from its right to reveal information. The argument asserted by the press here is identical with the claim of the government that it, too, has a right to secrecy to implement the other functions that it must carry out. Both claim, therefore, that their right to conceal information is ancillary to other constitutional rights or powers.

My own view is that there is no constitutional privilege of confidential communication between the publisher of news and his source of news. The only testimonial privilege specified by the Constitution is the privilege against self-incrimination, which is not available to corporations. All other confidential communications privileges rest either on common-law origins or statutory provisions.

That is not to say that in particular circumstances the right to silence may not flow from a constitutional provision. Thus, the Court has ruled that a membership list of the NAACP need not be revealed to state authorities where the resulting injury to members was clear and the benefit to the state was obscure. So, too, the right to conceal news sources might be protected, where the reason for compelling their revelation is not persuasive. The difficulty in striking a balance is not small. And again, as in the first situation, the question of who is to make the decision becomes the important one. The issue can arise in several settings. First, there may be an order to produce sources of information in a judicial proceeding. Second, the information may be sought by a legislative body—the present contest between CBS and the Congress is an example. Third, the data may be demanded by an executive or administrative agency. It would seem, in each instance, that in order to secure the information demanded or—in the last two cases—injunction against the demand, the authority of the judicial branch will have to be invoked. And so, in a lawful society, the resolution of the problems will likely be in that branch.

Again, I should like briefly to return to this issue in some later remarks.

III

A more amorphous subject assigned to me is the question of the executive privilege to conceal information from the public, from the legislature, and from the courts. As to the public, Title 5, sec. 552 of the United States Code, grants a judicial remedy to compel disclosure by executive departments and agencies, with certain exceptions stated in that section and referred to in the preceding one. The provisions of sec. 552 place the burden of justifying the refusal of publication on the government agency in question. The exceptions are rather ill-defined. The ones particularly of interest in light of the present controversy between the government and the newspapers are those that provide: "This section does not apply to matters that are—(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy; . . . (3) specifically exempted from disclosure by statute; . . ." The problem of who has standing to maintain such an action is one that is yet to be clearly determined. I respectfully refer you to Congressmen Reid and Morse for greater expertise in this area.

The statute to which I just referred specifically states that it is not relevant to the right or power of Congress to secure information from the executive and administrative agencies. The precedents in the tug-of-wars between Congress and the President over Congress's right to see what the President would conceal are not judicial ones. Heretofore the one or the other has prevailed according to the willingness of the one or the other to assert greater political strength. Where Congress is prepared to use its power over the purse or the power to refuse passage of legislation, it can succeed in securing the information that it wants. So, too, where the public sentiment is clearly with it, it may be expected to secure the information that it wants. Where public opinion is on the side of the President, or where his political clout is greater than that which Congress is prepared to exercise, his concealment of the documents will be successful.

So far as the executive privilege against judicially compelled revelations, we do have a judicial declaration from the Supreme Court to guide us. In *United States v. Reynolds*, 345 U.S. 1 (1953), the Court pointed out in a footnote: "While claim of executive power to suppress documents is based more immediately upon R.S. § 161 . . . [5 U.S.C. § 22], the roots go much deeper. It is said that R.S. § 161 is only a legislative recognition of an inherent executive power which is protected in the constitutional system of separation of power." Nevertheless, the Court went on to hold that the determination of the availability of the privilege to the Government in litigation must be decided by the courts.

The Court said:

"Judicial experience with the privilege which protects military and state secrets has been limited in this country. English experience has been more extensive, but still relatively slight compared with other evidentiary privileges. Nevertheless, the principles which control the application of the privilege emerge quite clearly from the applicable precedents. The privilege belongs to the Government and must be asserted by it; it can neither be claimed nor waived by a private party. It is not to be lightly invoked. There must be a formal claim of privilege, lodged by the head of the department which has control over the matter, after actual personal consideration by that officer. The court itself must determine whether the circumstances are appropriate for the claim of privilege, and yet do so without forcing a disclosure of the very thing the privilege is designed to protect. The latter requirement is the only one which presents real difficulty. . . .

"Regardless of how it is articulated, some . . . formula of compromise must be applied here. Judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers. Yet we will not go so far as to say that the court may automatically require a complete disclosure to the judge before the claim of privilege will be accepted in any case. It may be possible to satisfy the court, from all the circumstances of the case, that there is a reasonable danger that compulsion of the evidence will expose military matters which, in the interest of national security, should not be divulged. When this is the case, the occasion for the privilege is appropriate, and the court should not jeopardize the security which the privilege is meant to protect by insisting upon an examination of the evidence, even by the judge alone, in chambers."

Perhaps, before unwarranted conclusions are drawn from the *Reynolds* case to that of the *New York Times* v. *United States*, it should be noted that in *Reynolds* it was the individual and not the government that invoked the assistance of the court, and that the prerogatives protected by the First Amendment were not involved in that litigation.

IV

If you will allow me, I should like to suggest that the problems on which this Committee's attention is now focused, important as they are, are but symptoms of a more serious disease. There are, to my mind, more fundamental constitutional questions that underlie those being considered.

The essential scheme of the national Constitution was the limitation of governmental power. It sought to accomplish this end by three means. The first was a division of power between the national government and the States, a federal system in which the national government was to have limited and specified powers. For all practical purposes, federalism in this country is a thing of the past. Whether by reason of necessity of desirability or irresponsibility, the national government now has plenary governmental authority. That is to say, there is no area of governmental operations that cannot be rationalized as coming within the national sphere, whether by reason of the power over commerce or some other amorphous grant of authority.

The second major principle of limitation on authority that inheres in the constitutional scheme is that of separation of powers. It does not suffice to reject this proposition to point out that a clean, clear line among the three branches was never intended and has never been effectuated. Certainly that is true. But the essence of the scheme remains, that by dividing governmental authority among three branches there was to be not only separation of powers but a system of checks and balances. Here, too, we are in serious danger of losing the constitutional protection sought to be afforded. Since 1933, the executive branch of the government has secured and exercised more and more power, in part by seizing it, in part by the failure of the legislative branch to assert itself. We have reached the stage where an astute foreign observer, Louis Heren, can validly assert:

"I do believe that the modern American Presidency makes sense as a political system only when it is seen to be a latter-day version of a British medieval monarchy, and I commend this approach to its loyal American subjects. Thus armed, they will be less bothered by the frustrations that usually attend the conventional method of measuring the incumbent against the constitutional yardstick.

"The main difference between the modern American President and a medieval monarch is that there has been a steady increase rather than diminution of his power. In comparative historical terms the United States has been moving steadily backward."

The concentration of power in the executive branch may be sought to be justified by the criterion of efficiency. Just so the criterion of efficiency may justify restraints on the power of the people to learn what is going on in the government. A steady concentration of power even within the executive branch is also a trend to be noted and—I think—deplored. And this committee bears no small responsibility for the proposal to bring the various departments of the executive branch under a handful of cabinet commanders presumably on the model that Napoleon so successfully used. The Presidential reorganization plan will thus bring more and more power into fewer and fewer hands. (The examples afforded by the Department of Defense and HEW do not suggest to me that departmental conglomeration leads to efficiency).

That such concentration of power is inconsistent with the original constitutional scheme, I have no doubts. As Professor Andrew McLaughlin once noted:

"If it be asked why people were so unwise—and the question is often asked—as to hamper government by division of authority and by checks and balances, the answer is simple: such was the kind of government the leaders and probably men in general wanted. Who are a free people? Those who live under a government so constitutionally checked as to make life, liberty and property secure. That would have been the most explicit answer of the Revolutionary days. . . ."

The third limitation on government authority that was of the essence of the Constitution was a list of restraints on the national government included, not only in the Bill of Rights but in other provisions of the Constitution as well; none so important, however, as those contained in the First Amendment.

I recite these commonplaces to you because I think that they are relevant to the issues before you. Since John Marshall used the "necessary and proper" clause to expand the national authority in the *Bank* case (*McCulloch* v. *Maryland*, 4 Wheat. 316 (1819)), it has generally been regarded as a device for the allocation of power between the nation and the states. A reading of its provisions suggests that it is at least as relevant to the division of authority within the national government itself. The provision, as you may recall, reads: "The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into execution *the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.*" (Emphasis added.)

It becomes clear to me, therefore, that to the extent that Congress is still a viable institution, it can enact legislation which in effect says that the courts shall not be permitted to enjoin publication by newspapers even of materials purloined from the national government. Congress cannot derogate from the protections afforded by the First Amendment, but it can add to them. It can legislate the circumstances and conditions under which the press may assert the privilege to conceal its sources of information. It can, I think, even legislate the terms and conditions under which the executive privilege may be asserted for the protection of the national interests. Certainly there are balancing factors to be taken into consideration in the enactment of such legislation. Congress may decide that there are times when an injunction against publication—when permitted by the Constitution—should be proper. Congress may decide that there are situations under which the executive branch should be allowed the confidentiality of communications that most enterprises—even governmental enterprises—need in order to operate successfully.

I think that the real problem is that Congress cannot—because of the way it is organized—or will not, for whatever reason, undertake the duties that are ascribed to it by the Constitution. (I would require all Congressmen to read Wilson's *Congressional Government*, to show them what role Congress once played in our governmental scheme.) After the "crisis" of the Pentagon papers recedes into the past, I expect that Congress will continue to condone Presidential actions that find no warrant in Congressional legislation. We will continue, for example, to see the President wage war without Congressional declaration, to see executive orders substitute for legislation, to see secret executive agreements substitute for treaties, and to see Presidential decisions not to carry out Congressional programs under the label of "impoundment of funds." I suggested several years ago that the failure of Congress proves or will prove the failure of democracy. And I still think that the danger is nothing less than that.

Meanwhile, I would point out, that the failure of Congress to exercise its powers of supervision over the execution of the laws that it purportedly enacts makes it all the more important that the news media be kept free to do so. For if Congress is less and less concerned about what the executive is doing, it behooves the press—in the largest sense of that word—to assume the watchdog function.

I expect that I have more than tried your patience with this tirade. And so without explicit injunction I cease and desist from further imposition on your generosity. I should, however, be happy to answer—or to try to answer—any questions that you may wish to put to me.

"NEVER AGAIN"—AMTRAK CARRIES ON THE AMERICAN RAILROAD TRADITION FOR ABOMINABLE TREATMENT OF PASSENGERS

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. KARTH. Mr. Speaker, the Congress and the country, it now appears, were sold a "bill of goods" by the railroads when the Amtrak was presented as the solution to the problem of saving passenger train service. The following letter to the editor of the St. Paul, Minn., newspaper reveals that Amtrak carries on the American railroad tradition for abominable treatment of passengers:

NEVER AGAIN

SIR: A short time ago my wife and I took a trip to Grand Forks, N.D., by rail, or Amtrak. We left St. Paul in late afternoon by cab to Minneapolis depot at the cost of $4.65. We spent about a half hour buying our tickets to Grand Forks and return. Our train was called for 7:25 p.m. We were told to go out and board. We arrived in train sheds leading to the train and were told there would be a slight delay and to wait. It was hot and we stood waiting to leave with all our baggage until about 9 p.m. Well, we were late arriving at every station between Minneapolis and Grand Forks. We were due in Grand Forks at 1:40 and arrived at 2:10 a.m. This makes it nice for people meeting you.

We stayed a week and returned. The train was due out at 12:01 but left about 12:30 and we were late at every station all the way back. We were due in Minneapolis at 6:40 but arrived late. Our car going to Grand Forks was fairly clean and comfortable, but the car we got for our return was filthy. The washrooms were a disgrace to any railroad, but apparently acceptable for Amtrak. Upon arrival in Minneapolis we had the pleasure of going through their dinky dingy depot to the cab stands where we were given the privilege of paying $4.65 again to get home to St. Paul. With seat reservations, tickets and cab fare it cost $48.85.

We decided never again a train—from now on a plane or bus—and they claim they want to build up their passenger business. This has got to be a joke.

O. J. SHERLOCK.

ST. PAUL.

INVESTMENT TAX CREDIT

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. KEATING. Mr. Speaker, I have introduced a bill that will reinstate the investment tax credit. I have taken this action as the ITC is a proven economic tool that can help promote a high rate of capital investment and lead to a healthy economic environment.

In 1967 when the credit was restored Chairman MILLS reported to the Congress "delay in restoring the investment incentive runs the risk that further deterioration will result." The same holds true today.

The administration has taken some steps to move toward full employment such as the lowering of the depreciation lifelines, but this will take quite awhile to have any meaningful effect on the economy. Others have speculated about a reduction in taxes and, while this will also be of help, it will take a long time to have any impact on the state of the economy. The ITC is a proven tool that will work quickly to spur the economic upturn.

Former Secretary of the Treasury, Henry Fowler, stated in 1969 that the investment tax credit was designed to increase the national productivity, promote competitive efficiency, and services.

The figures back up the former Secretary's statement. During the 7 years of 1956 through 1962, when there was no investment tax credit, capital expenditures were almost static at $35 billion in 1956 and $37.3 billion in 1962. But after the passage of the credit plant and equipment purchase rose at a remarkable rate to $64 billion in 1968. What this means in other terms, is full employment and a healthy economy.

During this period, we had a situation where the Nation experienced high employment rates and the United States held a strong position in the world economic community; but today we are losing our competitive edge, and this is one of the factors in the continuing unemployment problem.

In our economy, the key to success and prosperity has been a high rate of productivity. Since World War II our productivity has increased at an annual rate of more than 3 percent, but in the last 4 years this rate of productivity growth has declined to 1.7 percent. What these figures mean to the average American is not only lower profits, but also less money for workers to spend and less job security against foreign competition.

The early 1960's saw a minor recession similar to the economic difficulties of today. President Kennedy and the Congress felt that the credit would help the economy. The figures I have already mentioned, demonstrate the success of the action. I feel that it is time again for the Congress to act and reinstate the investment tax credit.

While many sectors of the economy are being hurt by the present unstable situation, the machine tool industry is a striking example of an industry that is presently suffering severe economic difficulties, but could be vastly improved with the reinstatement of the ITC.

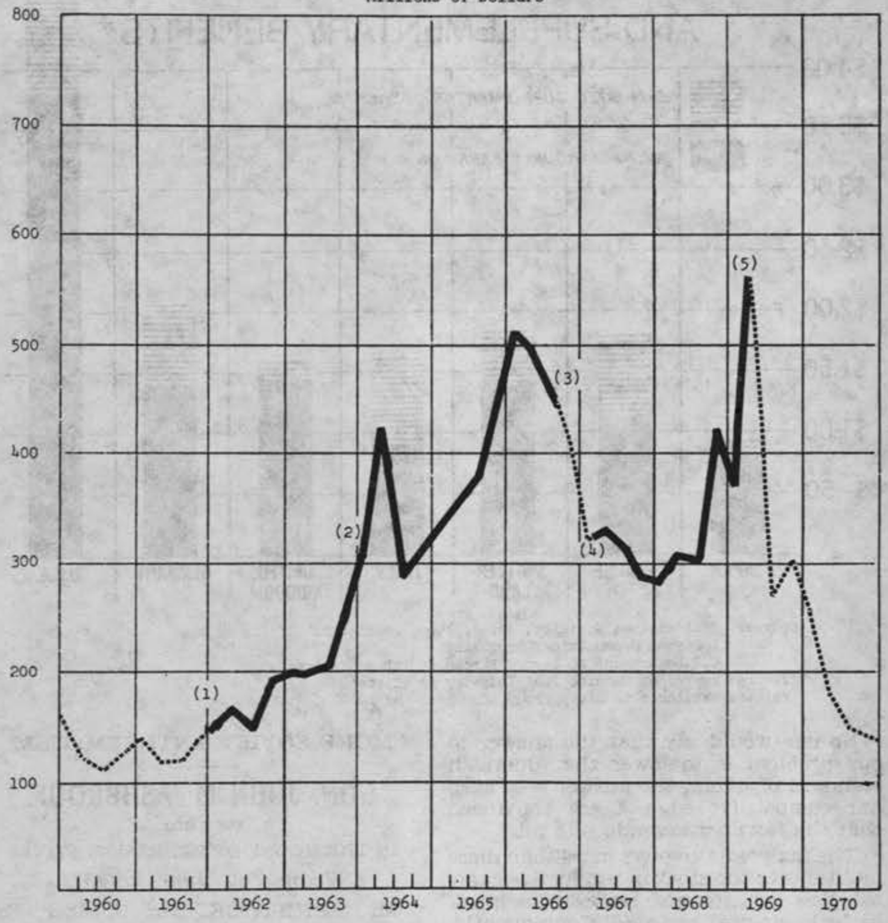
I would like to insert the following chart and give a brief description of what it represents.

MACHINE TOOLS

Domestic New Orders

Quarterly

Millions of Dollars



Source: National Machine Tool
Builders' Association
April 15, 1971

LEGEND ▬ 7% Investment Tax Credit in Effect
┈ No Investment Tax Credit

Notes to Chart "A"

(1) A 7% investment credit was legislated late in 1961 to be effective on equipment *installed* after January 1, 1962. Credit was deductable from depreciable base.

(2) Effective January 1, 1964 the rules were liberalized to exclude the credit from the depreciable base with considerable increase in value of the credit to the taxpayer.

(3) Credit suspended on orders placed after October 1966.

(4) Credit reinstated in March 1967 resulting in a definite decrease in downtrend throughout 1967.

(5) Credit no longer applicable to any orders placed after April 18, 1969. The threat of this action having been public knowledge for many months resulted in a drastic increase in orders up to the cut-off date. The drop was immediate thereafter and has continued to the present with no upturn in sight.

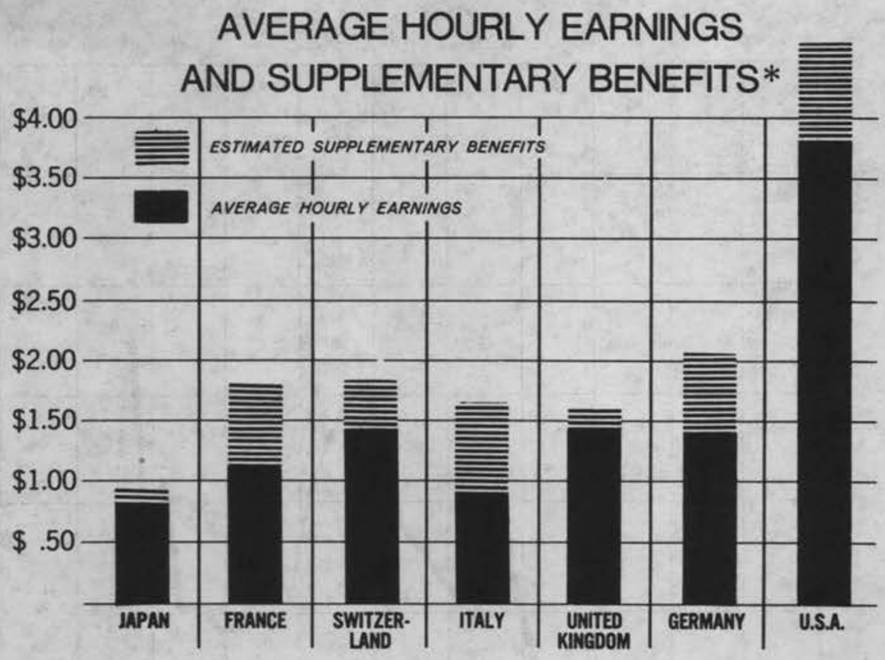
Point 1 on the chart marks the time when the 7-percent tax credit was first enacted into law. It was passed in late 1961 to become effective on equipment installed after January 1, 1962. Point 2 on the chart is the date when rules were liberalized to exclude the credit from the depreciable base with considerable increase in the value of the credit to the taxpayer.

Point 3 marks the suspension of the credit on orders placed after October 1966. This accelerated the rate of decrease on new domestic orders of machine tools. Point 4 is the date when the credit was reinstated in March of 1967 and it resulted in a definite reversal of the downtrend that persisted throughout 1967. Point 5 is when the act was again suspended and no longer applicable to any order placed after April 18, 1969. The threat of the action was held over industries' head for several months and resulted in a drastic decrease in orders up to the cutoff date. This drastic drop has continued to the present date.

The plight of the machine tool industry is not unique; while it may be more acute than other industries, there can be little doubt that America is going to have to take some remedial steps to help give American products a competitive edge.

In the past, our efficiency has enabled us to keep up with the cheaper labor markets abroad. Again the machine tool industry provides a graphic example of the problem. In the second chart we can see the higher average hourly earnings and supplementary benefits that American workers receive over those of competing nations.

AVERAGE HOURLY EARNINGS AND SUPPLEMENTARY BENEFITS*



Sources: Statistiques Sociales, No. 8, 1969, Statistical Office of the European Communities, Brussels;
U.S.Department of Labor, Bureau of Labor Statistics
*Figures represent Machine Tool Industry or closest related available industry group, for 1968 and 1969

No one would say that the answer to our problem is to lower the American standard of living; the answer is to keep our competitive edge. I am convinced that the tax credit can do just this.

The tax credit involves more than mere additions to the stock of productive capital. New facilities also embody the latest in technological progress. Consequently, tax inducements to install new equipment will bring about more general introduction of advances of research and discovery.

I urge Chairman MILLS to start hearings as soon as possible on the investment credit. There have been several proposals brought forward. We have a past history with the 7-percent credit but do not feel that figure is sacred. To spur the economy immediately, I believe that the committee should look into the possibility of having a 7-percent credit for the first year and then 5 percent thereafter; this would give industry the impetus to act quickly.

There has been talk of other economic measures such as the administration's ADR—assets depreciation range—and tax reductions, but they do not have the immediate effect of the tax credit. I do not see it as an either/or situation, but a case of them all working together and complementing each other. I urge consideration of this credit to put America on a sound economic course.

MORE SOVIET ANTI-SEMITISM

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ASHBROOK. Mr. Speaker, the Soviet campaign against the Jews continues. The latest example was contained in a broadcast by Radio Minsk on May 24. The Soviet radio station repeated the old Nazi fantasy about Jewish conspirators controlling governments from behind the scenes. According to the Communists, even Rasputin, the mad monk who served as the "grey eminence" during the reign of the last Czar in Russia, was a tool of the Jews. The broadcast stated:

> There are some chapters in history which, in spite of being separated in time and space, have a curious resemblance. Not in detail, of course, but in principle, and it is in these that the very same Zionist tactics are evident. With the help of their court agents, they influence state authority in the required direction.

The purpose of the pseudo history lesson was to tell Soviet listeners that a Jewish conspiracy controls the United States. The Soviet broadcast asked rhetorically:

> Who, is their "ambassador" at the White House? By providing an answer to this question we shall find out who influences the shaping of American policy in a Zionist spirit. Zionists occupying high posts in the U.S. state apparatus are very numerous.

The Communists then name the alleged Jewish conspirators that control President Nixon. They are Arthur Goldberg, JACOB JAVITS, Benjamin Cohen, and, of all people, BARRY GOLDWATER. Henry Kissinger, of course, is listed as the chief conspirator, and according to the Communists, "compared to Rasputin, Kissinger is much the superior."

Anyone familiar with history remembers that Rasputin was not a Jewish tool but was, in fact, a rabid anti-Semite. And only someone with no knowledge of the American scene could compile such a list of alleged powers behind President Nixon. But the broadcast served a purpose for the Soviet regime. As part of a general anti-American propaganda campaign, the alleged crimes of the "American imperialists" can now be blamed on the hapless Soviet Jews. In a country like the Soviet Union where anti-Semitism has a long history, this kind of propaganda can only make the lives of the Soviet Jews more difficult.

"HISTORY KEEPS TIMES CASE IN PERSPECTIVE"

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. CHAMBERLAIN. Mr. Speaker, although the Supreme Court has now ruled in the case involving the so-called Pentagon papers, I suspect that discussion and debate over questions that have been raised with regard to freedom of the press will continue for some time.

The Jackson Citizen Patriot of Jackson, Mich., I have been pleased to note, has devoted two lengthy editorials to the varied issues relating to this controversy which make a worthy contribution deserving of inclusion in the RECORD. Consequently, I insert in the RECORD the Citizen Patriot editorials of June 17, entitled, "N.Y. Times Performs Great Public Service," and of June 26, entitled, "History Keeps Times Case in Perspective."

[From the Jackson (Mich.) Citizen Patriot, June 17, 1971]

NEW YORK TIMES PERFORMS GREAT PUBLIC SERVICE

The Justice Department may have the letter of the national security laws behind its effort to suppress publication in The New York Times of a Pentagon study of the Vietnam War.

But neither logic nor the public interest supports this legal action.

The Nixon Administration's move to suppress the report, which was inspired by former Secretary of Defense Robert S. McNamara, can be justified only on the grounds cited by Secretary of State Rogers. He contends that relations with other nations will be seriously damaged if supposedly confidential material finds its way into the public prints.

This reasoning puts the President and key figures in his administration into the unusual political position of attempting to keep the lid on a report which is damaging to the Democrats and, in the long run, will work to the advantage of the President. The revelations by the Times make efforts to call the Vietnam conflict "Nixon's war" seem extremely ludicrous.

What has been made public of the report today leaves no doubt that this is "Mr. Johnson's War," and, to a lesser degree, "Mr. Kennedy's War." In trying to get the troops out of Vietnam, Mr. Nixon is doing what President Johnson chose not to do in 1964 and 1965.

As for President Kennedy's involvement, his successor was following, in those years, the Kennedy philosophy and policy that Southeast Asia must be held "at all costs." Kennedy appointees, Secretary McNamara, Secretary of State Rusk, and others participated in the decision to send American troops into a hopeless ground war in Asia while keeping the people in the dark.

And there is the real justification for the legal risks The New York Times is taking in publishing the document. It is serving to make public what many have suspected, but could not prove; or really knew and chose not to risk violating national security laws to prove their point.

As for the administration's effort to stick the broken egg back in the shell, it is obvious that the contents of the report are known to too many people to make suppression of its contents feasible. Moreover, Sen. Mike Mansfield, Senate Democratic leader, is getting a great deal of bi-partisan support for his move to force the report into the open.

As for the legal proceedings involved, the question now is whether the courts will address themselves to the mere violation of the letter of the law by whoever supplied the report to the Times or whether they will entertain the question of whether the law permitting the classification of documents had been abused.

The burden of proof should be on the government to demonstrate, beyond all shadow of a doubt, that security, and not a desire to avoid embarrassment to persons in the government, was the real reason for keeping the report under wraps. Nothing that has been revealed so far by the Times justifies limiting publication on security grounds.

The damage being done by the publication largely is political. It shows the extent to which deception was practiced on the people by President Johnson at a time when he was standing for election and his party was castigating his opponent, Sen. Barry Goldwater, as a nuclear trigger-happy individual. In short, President Johnson was planning to do exactly what his party was accusing Goldwater of plotting if he should be elected president.

Goldwater, a political pro, claims he knew what was going on but had no effective way to combat the strategy. Sen Hubert Humphrey, vice president under Lyndon B. Johnson, cops a plea of ignorance of the deception. Whether this story is plausible or not, the revelations do little to boost Humphrey's presidential stock in 1972. Anyone with the remotest connection with either the Kennedy or the Johnson administrations is the loser from a political point of view.

All of which does not override the fact that deception was practiced by the Johnson Administration; that advice against getting the United States involved in a land war in Asia was ignored; that the methods adopted to carry the war to the North Vietnamese were doomed to failure; that excuses for wider United States participation largely were contrived. The decisions were made before the "incidents" occured.

All this, we believe, is information to which the American people are entitled if they are to make intelligent judgments on political matters affecting their government. It seems obvious that the government once more has abused its privilege of classifying information on the grounds that it affects national security. It has been caught doing that far too often.

As for The New York Times, it is doing what a free press must do when it is given the opportunity. The Times eventually may lose in court, but it is forcing a test of the law which seemingly has been abused.

The Times already is the winner in the court of public opinion for actions taken in the general interest.

[From the Jackson (Mich.) Citizen Patriot, June 26, 1971]

HISTORY KEEPS TIMES CASE IN PERSPECTIVE

While The New York Times has great support from the people, from members of Congress and the news media in its battle with the United States government over the Pentagon Papers a few voices are being raised to say that the Times is not all that pure and holy.

This, we believe, is fortunate. Not only does it help to keep the case in perspective, but it shows that the journalistic fraternity retains its objectivity in a highly emotional situation.

One example of needling of the Times comes from Stewart Alsop, one-time political writer for the defunct Saturday Evening Post who now is filling the role of columnist for Newsweek magazine.

In his column in the current Newsweek, Mr. Alsop recalls, with sardonic humor, the editorial reaction of The New York Times to an article on the Cuban missile crisis which Alsop and Charles Bartlett wrote for the Saturday Evening Post.

The Times, according to Alsop, attacked the article as a "breach of security" and denounced an article "purporting to tell what went on in the executive committee of the National Security Council . . ."

"What kind of advice can the President expect to get under such circumstances?" the earlier Times editorial asked, according to Alsop. "How can there be any real freedom of discussion or of dissent; how can anyone be expected to advance positions that might be politically unpopular or unprofitable? Does no one in Washington recall the McCarthy era . . .?"

Mr. Alsop pointed out that the article had been edited, badly he admits, by none other than the President of the United States. Moreover, the account subsequently was confirmed in detail in the late Robert F. Kennedy's book.

Mr. Alsop concedes that the Times is a great newspaper, but he can't resist the utterly human impulse to throw the earlier words of the Times back in its own teeth now that it is under the gun.

We admire the Times, too, and cheer it in its fight against the censorship, but still believe that Timesmen put their pants on one leg at a time, as do ordinary mortals, and are not above working themselves into state of editorial trauma when their heroes (in the Alsop case the Kennedys) are under fire.

Another interesting comment on the Times case appeared on this page Friday when Bruce Biossat, Newspaper Enterprise Associates columnist and a diligent researcher, told how all of President Lyndon B. Johnson's actions and decisions on the Vietnam War were revealed in a book by Charles Roberts, Newsweek White House correspondent.

According to Newsweek today, President Johnson disclaims some of the information in the Roberts book, indicating that he had second thoughts, about plans and strategy.

Biossat's reaction to the Times series is that it really is telling a story that was brought into the open in 1965 but the significance of which was missed by the Washington press corps, including Biossat, himself, and those gentlemen from The New York Times.

And from Ernest Cuneo, syndicated columnist and constitutional lawyer, comes the opinion that the Times is on thin legal ice and that publication of the papers is a "breach of security." There is the phrase the Times used against Alsop and Bartlett.

More than that, Mr. Cuneo believes that the Times should be aware that the papers were leaked to it for the express political purpose of discrediting President Richard M. Nixon, and that the Times is selecting material from the volume which will further that purpose.

We don't necessarily agree fully with Mr. Cuneo's assessment, but he is entitled to his opinion and he is a highly knowledgeable man on the law, military matters, national security—and politics.

All this is useful, however, to show that while the Times has great support among working newsmen their objectivity causes them to tell the other sides of the story.

THE PUBLIC FORESTRY PROSPECTS FOR THE SEVENTIES

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. GOODLING. Mr. Speaker, more and more, we in the Congress and our constituents are becoming exposed to environmental problems dealing with the management and use of our public lands. More and more, we are subjected to polarized approaches which hardly form the basis for sound reason and judgments.

For these reasons, I was particularly delighted to have my attention called to a recent presentation before a group of State employees in Pennsylvania. E. M. Bacon, Deputy Chief of the Forest Service and an outstanding public servant who has previously served as supervisor of the Allegheny National Forest in my State, has very candidly laid out some of these forest management—environmental problems with clarity and in a manner that does indeed provide a basis for sound reason and judgment by myself, my colleagues, and my constituents. I ask that Mr. Bacon's remarks be included in the RECORD.

The remarks follow:

THE PUBLIC FORESTRY PROSPECTS FOR THE SEVENTIES

(By E. M. Bacon)

Each generation of foresters views its place in time as the most challenging yet encountered by any previous generation. In large part this has been the case. The accelerating rate of change, not only in forestry but also in the Nation's economic and social fabric, would in itself account for such a view. With new knowledge and technology emerging at its current pace, it is virtually impossible to keep abreast of new facts as they emerge. Values are shifting in both the public and private sectors.

Those of us who now find ourselves in the older generation of active professionals can hardly accept that categorization or even to understand how this could have come about. Certainly none of us has grown older and naturally all of us remain responsive to change—or do we.

And so to the "Challenge of the Seventies" and challenging they will be. It is not difficult to recall that as recently as five years ago we and a few others were talking about conservation. Not many listened. Today that isn't the key word. We now have two other key words—environment and ecology. I say this not in protest or derision. Rather, I state the fact bluntly and before I conclude you may think crudely as well.

Where will we be 10 years from now? Do we know where we want to be? I doubt it. And how about our image? We formerly didn't have any—unless it was of a somewhat mythical forest ranger astride a white horse and looking into the distance across a great expanse of mountains and valleys. (Incidentally, I have often wondered what that guy was looking for.)

Today we have an image, but now unfortunately foresters find themselves on a black horse. In too many quarters we are the bad guys rather than the good guys. But we can take some consolation in the statement of an accomplished PR man who counseled—"Don't worry over what people say about you as long as they say something."

In recent months, facing the accusations hurled not only at Forest Service administrators but at the entire forestry profession, I have on occasion wondered about the soundness of that principle. In any case, dealing with this problem will be a major concern for the seventies. And foresters must come out of the woods to do so. At issue is whether or not foresters in the years ahead will have the leadership role in the management of forest land—public and private.

And I include here industrial foresters. There was a time, you will recall, when exclusive or almost exclusive concern for timber production was thought to be completely appropriate for foresters—but this is not the case today and certainly it will not be tomorrow.

The "bundle of rights" that are the substance of private ownership are increasingly considered rights in which the public has a stake. Note, for example, current environmental activity related to air and water pollution or the bill recently introduced by Congressman Dingell which provides, among other things, for regulation of timber operations on private land.

These are indeed changing times. Administrative decisions are more commonly becoming the subject of legislative review. Judges are thus making the value judgments based on law that have traditionally been made by professional forestry administrators based on scientific and administrative considerations. I bring this to your attention not to deplore the trend but to focus on the fact. Standing to sue and class actions have now become part of the lexicon of forestry.

The Environmental Protection Act of 1969 has already become a primary force for change and a new basis for legal action. Major Federal actions, proposed legislation and controversial decisions now carry the requirement for preparation of an environmental statement under the provisions of that Act. To date, most legal action has charged non-compliance with this requirement rather than the adequacy of that compliance. We are not yet quite sure what constitutes "major" or "controversial" but we do know that meeting this requirement has had a tremendous impact on the Federal agencies. Hopefully, however, better decisions will result and in any case, the level of public involvement has increased. So far "the public" has tended to be the individuals and organizations which many of us feel may not represent a true "public" cross section. But this is the way our system works, through the counterbalancing of forces at opposite extremes rather than through the voice of the average—if there is an average.

It is my judgment that on balance the benefits flowing from these trends far outweigh the problems created by them. They have already strengthened the protection of forest resources and the beneficial effects are sure to multiply in the years ahead. No longer are the voices of forest land managers lost in a void of public apathy. I can illustrate this point by drawing on my experience here in Pennsylvania as Supervisor of the Allegheny National Forest. It was a lonely role I played with. I raised questions about what salt wastes from oil and gas activities were doing to some of the streams within that National Forest. And I still recall my shock at hearing a high ranking pulp company official argue that there was an existing right for industry to use the rivers to move pollutants away from factories just as there was a right to use them for transportation in the Nation's commerce. How far we have come, and how evident this is as we look back to even the recent past.

There are two specific challenges to the practice of forestry and forest land management that are of special current interest and concern. I would like to discuss these with you briefly. They are pesticide use and clearcutting.

Many in our business—but fewer each day—still tend to deride Rachel Carson's early expression of environmental concern. Certainly several of the points she made were overdrawn. But again on balance, her effort was a positive force for desirable change. It awakened public concern and supported the posture of public land administrators who had been seeking an improved evaluation of favorable and adverse impacts in resource use decision making. Since then there have been a series of significant events in the pesticide field—and here I include herbicides. There does, in fact, seem to be a concentration of DDT as one moves up the food chain to the Raptors where thin egg shells may well be an effect. DDT and the other chlorinated hydrocarbons have not yet been totally banned from use although that may be the final outcome. Regardless of this, it is difficult to visualize a situation serious enough to warrant use of aerially applied DDT in the forest environment—and I am sure this also would be the judgment of your State Forester, Sam Cobb.

I would like to bring to your attention a further interesting aspect of public reaction. Recognizing the hazards presented by the use of the hydrocarbons, notably DDT, the Forest Service launched a research and development project to find alternatives. Over several years a great many chemicals were screened for effectiveness and safety in use against spruce budworm, a major defoliating insect.

The pesticide chemical Zectran was found to have two outstanding characteristics—special toxicity to budworm and non-persistence. A large quantity has been purchased and control projects will be conducted this year in Maine and Idaho. Having accomplished this we sat back and awaited accolades for our pioneering progress in providing an alternative to DDT. We are still waiting, and now find that all the specific complaints about DDT; its persistence, transmission through the food chain, etc., generated sentiment against use of any chemical. While we agree that biological controls are of first choice we believe that pending their availability (and of course assuming that the benefits exceed the adverse impacts) there will be a continuing need for pesticides in forest protection.

Herbicides in general and 2,4,5-T in particular are in the spotlight for possible teratogenic effects presumably because of the presence of one or more of the Dioxins as a contaminant. Mercury and its potential effects due to widespread occurrence in the environment has recently made the headlines. The chlorinatedphenols—of special interest to us pentachlorphenol—may be potentially more hazardous than formerly recognized.

These are cases in point. Many of us believe that there has been too much emotion and not enough fact nor a hard enough look at alternatives as pros and cons are propounded—and propounded they often are. Despite this, there have evolved overriding benefits.

Scientists and administrators, public and private alike, have faced up to change. Research is being reoriented and strengthened to seek new facts. Evaluations of impacts, adverse and beneficial, probe far more deeply than heretofore. A sense of urgency, renewed dedication to public interest, if you will, has emerged. A far higher level of professionalism is being focused on pesticide problems. Within the Forest Service at the Washington office and field levels, for example, there have been established Pesticide Use Coordinating Committees charged with oversight of the full range of pesticide uses by the Forest Service and with its cooperators where Federal funds are involved. All of this gives promise for the future—for the decade of the seventies and beyond.

I would now like to talk briefly about the clearcutting controversy—and it will be brief because I note that Bill Towell of the American Forestry Association is scheduled to speak specifically on this item. There is an element in this issue which has had little attention as we consider ways to obtain public understanding and acceptance of this silvicultural practice. A psychologist might be better qualified to do so than a forester, or on the other hand, might refute the theory completely, but I do want to suggest it to you.

I wonder if it isn't possible that the public, after long confusing National Forests and Parks, has suddenly realized that there is a Federal agency in the business of cutting (killing) trees. While this may have been condoned as an unavoidable pursuit of industry, many may not countenance it as a public endeavor. Much of our correspondence has seemed to deal more directly with the evil of cutting trees in general than with clearcutting in particular. Clearcutting may only be a more violent and manifest form of tree killing. Wood substitutes are increasingly proposed as a desirable alternative to any tree cutting (killing).

It is now well recognized that we have entered the era of the environment. Old values are being discarded. The works of man, his cities, his products, his wastes, his consumption are castigated. All that is natural is good, whether it is really natural or not.

The tree stands at the apex of the plant community, just as the eagle stands at the apex of the birds and at the top of a food chain. Do we even find here a religious connotation or a substitute for traditional religion—a cult of nature. Recall the Druids or the sacred cows of India.

Let me hasten to point out that I do not condemn the implications of this theory and I hope I am not quoted out of context. Neither do I seek to put in this categorization all those who have condemned clearcutting. I merely raise what I think is an interesting possibility. One that will make extremely difficult the job of anyone who proposes to make clearcutting or any "tree killing" acceptable to all or possibly even to a majority.

Let me deal at this point with the question of wood substitutes, a concept seemingly so attractive to many people who want to "save" trees. They forget that trees are in fact a renewable resource and substitutes are not.

As Jerry Saeman, Associate Director of the Forest Products Laboratory, said in a paper presented at the 35th Yale Industrial Forestry Seminar in October 1970—

"When we discuss wood as a resource in the world of the future, we must fit it in with all other resources. There is great interchangeability in materials for many applications. Beams or panels can be made of steel, aluminum, or fiberglass. Airplanes can be built of aluminum, magnesium, titanium, or plastics.

"(An extraordinarily successful airplane of World War II was the British mosquito bomber built of a plywood-balsa composite.) The strategy of choosing among alternatives requires some sense of the whole resource picture, of our competitive position in drawing on foreign resources, and of how wood can serve to alleviate resource supply and environmental problems."

And he went on to say:

"Now my argument, I must make clear, is not against the use of mineral-based products—it is rather that it will be to the advantage of the Nation to achieve high efficiency in the production and utilization of timber, thus filling major needs and reducing our dependence on minerals and fossil fuels. Our Nation, of course, will benefit from a flow of new products. But I dispute the view that miracles of future technology will make wood a less attractive industrial raw material if all effects of the substitution are taken into consideration."

Then speaking specifically of aluminum as a substitute, he says—

"Some two tons of 'red mud' are generated per ton of aluminum in the process of preparing alumina from bauxite. This presents serious pollution problems, and presumably the use of native clays would cause even more severe problems. The electrolytic reduction of alumina requires a high amount of power—17,000 kilowatt hours per ton. This is equivalent to some six tons of soft coal. Strip mining, deep mines, acid mine drainage, combustion of coal, and power plant thermal pollution all have a severe environmental impact. Furthermore, the Nation is now temporarily at least, in the midst of a power and energy crisis. There is also required, for the production of a ton of aluminum, the better part of a ton of electrode derived from coal. Fluoride emission accompanying aluminum production causes serious air pollution problems."

These are important points to consider in the evaluation of alternatives to the use of wood and weighing the impacts that result. Those who focus on a single component of what is really a complex equation subject themselves to the charge of oversimplification.

I continue to be amazed at the position of many organized sportsman's groups on the question of clearcutting. (Incidentally, I consider myself a member of that fraternity when not assigned to duty on the shores of the beautiful Potomac.) Some of my confusion stems from my 2-year assignment as Supervisor of the Allegheny National Forest, I followed Dick Costley in that job and his primary training was in wildlife biology. He had set up a system of establishing a few small clearcut blocks in selectively-cut timber sale areas. Why? Apparently for an absurd reason as many would now have us believe—to favor wildlife. What has happened in the short time since then?

What is ahead as we enter the seventies. A broadened public concern revolving around the environment as a focal point or a turning away to new things that can become rallying points. I doubt that we will see reduced emphasis on environmental matters—and I hope we do not. Although I will agree we can do with a bit less emotionalism.

Increasingly, we will be challenged to truly consider all forest values—not only to consider them from the standpoint of mitigating impacts, but to do something positive to enhance them.

Today we refer to our forest practices as silviculture. Have you ever considered the extent to which these are oriented exclusively to timber production? Our frame of reference pays no attention to lesser vegetation, or to flowering trees, or shrubs or to browse—unless these tend to interfere with regeneration of trees for the next crop. Shouldn't our systems and our practices be more than this, or at least more than slight modifications of them. Won't they have to be in the decade ahead.

When will we reach the point where every forest manager, service forester, consulting forester, and industrial forester understand what this rather indefinite term "multiple-use" really means. That it will work—that it has been shown to work in many places. Will it be realized in the decade of the seventies that it must work—that even in this great Nation of ours there will never be enough wilderness for those who only like wilderness, or enough commercial forest for those who only want "working" forests, or enough of anything to meet any exclusive need. Here lies one of the real threats of the seventies, a functionalized slicing up of the forest resource into neat exclusive packages. It is no vague or remote potential. This we face as public land managers now, industrial, and other private landowners tomorrow.

Fortunately, we have been alerted in time. National Forest System people are organizing multi-functional teams to deal with specific forest land areas. This thrust recognizes the need for multi-functional planning and operations if there is to be multi-functional management. A restructuring of our functionalized organization structure is being tested and may be adopted. And this will be so because organizations as well as people must accept the challenge of change—and change there will be in the seventies.

There is already ample evidence before us. Take the matter of pesticides, primarily the insecticides and herbicides. Lawsuits seeking to enjoin action or to collect alleged damages have become common. Most notorious has been a case in Arizona, most recent was a case enjoining a project to control gypsy moths in New York this spring.

Public land administrators who formerly based decisions on professional and technical input now find public involvement a critical additional requirement. This is not to say that there hasn't been such input heretofore. Rather, the point is that public involvement must now be strengthened and more broadly based. Additionally, we note a trend toward more formalization of the process. Hopefully, this will not involve formal hearings except in unusual circumstances. To go further than this would bog down the agencies charged with management and administrative responsibility. But by the end of the decade we may find that this, in fact, has been the outcome.

Important to all of us will be the rule of reason. Decisions forced by emotion in lieu of fact are often wrong decisions. Policies formulated through reaction are often indefensible. Crisis management is often bad management. Avoidance of all of these will place new burdens on each of us. We must do a better job, mistakes are grasped as illustrations of the norm. We must strengthen the factual basis for decision making. This will require more research effort and better procedures than we now have for dissemination of research results. We must apply what is known and what we know, and here is confronted the need for continued learning and growth in our jobs. We can in fact do better than we have been doing, we can in fact bring to bear the specialized skills of others. The day when the forester could do anything has long since passed.

This is a real challenge to the forestry profession in the decade ahead. Where will we be at the end of the decade? Much will depend on how well we respond to change and how broad that response is. Each of us, whatever our role or level of responsibility, will have great influence on where we will be. Thus, the choice, at least in part, rests in our hands. This is the challenge I bring to you at the opening of this Conference. A meeting of great significance to Pennsylvania and nationally as well as similar meetings that are generated throughout the country.

In closing, I offer my congratulations to State Forester Sam Cobb and others who have had the foresight to recognize the need for meetings such as this.

NATIONAL SECURITY RESIDES IN THE PEOPLE'S RIGHT TO KNOW

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. FRASER. Mr. Speaker, the Supreme Court yesterday freed the New York Times and the Washington Post to resume immediate publication of articles based on the secret Pentagon papers on the origins of the Vietnam war. By a historic vote of 6 to 3 the Court struck down the first effort of the Government to enjoin publication on the ground of national security.

I think that it is important that we make an effort to understand the fundamental issues which were at stake in this action by the executive branch, and the basic threat to democratic institutions posed by the Executive's right to withhold information through an extensive and inordinately complicated system of classification.

At the request of the Minnesota Newspaper Association I submitted the following statement on June 25, 1971 opposing the U.S. Government injunction against the New York Times, the Washington Post, and the Boston Globe. As I have tried to emphasize in the statement there is a price for each secret we withhold from the people, and that price is a diminution in our freedom—not much each time perhaps, but considerable over the long haul.

Free discussion of our national aims in Vietnam and why and how we got there can only help the President in negotiating an end to the war, if he is truly interested in doing so. Our entire policy of the last 12 years cannot be reversed without broad public understanding resulting from free and vigorous public debate.

The statement follows:

STATEMENT OF CONGRESSMAN DONALD M. FRASER IN OPPOSITION TO U.S. GOVERNMENT INJUNCTION AGAINST NEW YORK TIMES, WASHINGTON POST AND BOSTON GLOBE

"The ultimate test of any foreign policy is not its short-term tactical success but its effectiveness in defending the basic values of the national society. When a policy becomes incompatible with, or subversive of those values, it is a bad policy, regardless of its technical or tactical effectiveness. I think we all agree that the central, commanding goal of American foreign policy is the preservation of constitutional government in a free society. My apprehension is that we are subverting that goal by the very means chosen to defend it."

This statement of Senator Fulbright's is an acute description of the dangers we face in tampering with First Amendment freedoms in the name of "national security." The vitality of the First Amendment is one of the key institutional safeguards in a democratic government, a government, we must remember, which is composed of three co-equal branches, not simply the Executive.

The Supreme Court has specifically ruled "prior restraint" of publication unconstitutional except in the case of a potential threat to national security (Near v. Minnesota, 1931). The request of the U.S. Attorney General to enjoin the *New York Times*, the *Washington Post* and subsequently *the Boston Globe* from publication of documents relating to the Vietnam war does not meet the test of posing a threat to national security.

The U.S. Court of Appeals in the District of Columbia upheld the ruling of Judge Gerhard A. Gesell that "disclosure of those specific documents would not be harmful or that any harm resulting from disclosure would be insufficient to override First Amendment rights." In New York Judge Gurfein ruled, and was upheld, in the case of the *New York Times* that matter cannot be banned from publication essentially because it is classified "top secret" by the Executive Branch. He also ruled that that publication would cause "some embarrassment" but no danger to the government. However, while the government appeals these cases to the Supreme Court the papers are still unable to publish the documents.

It is hard to believe that the defense interests of the United States could suffer "irreparable damage" by the disclosure of essentially historical information. The information contained in a study, now three years old, could not constitute a "mortal" danger to America's national security: no lives are endangered; no troop movements are revealed; no operations threatened.

These documents are embarrassing and cast a long shadow on the entire history of the "administrative" war that we have been waging in Vietnam. But the only danger they represent is a threat to the Executive's right to withhold information by an extensive and inordinately complicated system of classification.

We need to take a fresh look at why information is classified. From whom is information meant to be kept? (The Soviet government clearly knows more about American military operations than the American public does.) Who does the classification system protect.

We have allowed the Pentagon and the security agencies of the Executive Branch full discretion in using security classifications, forgetting that we diminish our freedom each time an additional matter of national policy is kept from the public. The classification system is a comparatively new institution in American life (really originating in the National Security Act of 1947), yet it plays a major role in protecting such agencies as the Department of Defense, the Armed Services, the Central Intelligence Agency, the National Security Council from any public scrutiny of control. In Congress one is constantly confronted with the military rationale, "If you only knew what I know, you wouldn't feel that way." But secrecy prevents disclosure of revelant information.

A retired Air Force expert on classified information recently testified before the Government Operations Committee that after 43 years of evaluating, classifying, and declassifying information the Defense Department has developed "utterly ridiculous" habits of overclassifying information. William G. Florence, who also filed a brief on behalf of the Washington Post, estimated that there are at least 20 million classified documents cf which 99½% contain no information which could be considered "prejudicial to the defense interest of the nation." Although there are 300 top-level persons employed in the task of classifying documents, in practice almost anyone among hundreds of thousands of employees can classify almost anything.

The people, and certainly their elected representatives in Congress, have a right to know all they can about the formulation and implementation of a policy which so far has cost us 50,000 lives, 200,000 casualties in hospitals across the country, hundreds of billions of dollars and a seriously dislocated domestic economy. Neither the people nor Congress can function in a democracy if necessary information is consistently denied them. The "public's right to know" clearly outweighs the Executive's interest in diplomatic confidentiality.

If in fact, the President is truly interested in negotiating an end to the war, such free discussion of our national aims in Vietnam and why we got there could only help him, since the set of assumptions on which our entire policy has been based over the past twelve years cannot be reversed without broad public understanding.

In short, I am for full public disclosure of all documents in the Pentagon study relating to decision-making in Vietnam. I am concerned about the precedent set by the U.S. Justice Department in requesting and receiving temporary bans restraining publication. It would be tragic if a decision is handed down from the Supreme Court allowing the newspapers to publish only a "clean" version of the study. The classification and security rating system of the Executive branch of government is wholly inadequate to protect the public's right to know.

No doubt some secrecy is necessary, but there is a price for each secret, and that price is a diminution in our freedom—not much each time perhaps, but considerable over the long haul.

Congress must do more than it has in insisting on access to information; and we must also begin to restructure the security bureaucracy so that men who are making policy can no longer say, "We have to do this, but national security prevents me from telling Congress why."

If the central goal of American policy is the preservation of constitutional government in a free society than an effective dialogue must be restored within this country on our foreign and military policies.

AMERICAN POW'S IN VIETNAM

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HANNA. Mr. Speaker, the recent announcement by the Vietcong delegate to the Paris peace talks of their willingness to release American POW's during U.S. withdrawal may be the breakthrough we have long awaited. This may very well be the concession by the Vietcong that allows us to see the light at the end of the tunnel. Most Americans want out of this war as fast as possible; but insist, and rightly so, on the safe return of our POW's as a high priority in our withdrawal plans. Mrs. Nguyen Thi Binh has suggested that the prisoners will be released on a simultaneous basis as the U.S. troops are withdrawn. Previously, the Vietcong position has been that the prisoner release would be negotiated only after the final U.S. withdrawal date was announced. The President's reluctance to set such a date prior to the return of the POW's left the situation in a state of deadlock. That deadlock may now be broken as a result of the Vietcong concession.

The response of the President must be cautious and well constructed, but a response must be made. We must not let this chance for peace slip through our fingers. The response of the administration should be one which will test the sincerity of the Vietcong and also indicate the willingness of the United States to enter into any reasonable agreement which will bring a proper conclusion to this war.

I would hope that the President will seize this opportunity by announcing an eminent troop withdrawal and a willingness to set a withdrawal pace that would result in our total withdrawal by the end of 1971. If this is done now, the ball will be back in their court. Such an announcement by the President would test the sincerity of the Vietcong and at no risk to us. I urge the President to act swiftly and meaningfully lest we lose the most encouraging peace opportunity to come out of a long, frustrating and stalemated conference.

With respect to the demand for a coalition government in South Vietnam, it should be our position that this is a matter for the South Vietnamese to decide and one which cannot be a topic for American decision. The United States has not, cannot, and should not control the internal political affairs of South Vietnam. The Vietcong proposal is of two parts, one concerning the POW's and troops and one concerning the political future of South Vietnam. We can negotiate only on the first of these topics. I have noted in the June 26, 1971, issue of The Economist that President Thieu, Vice President Ky, and General Minh each have a somewhat different position on the question of a coalition government. President Nixon should make it quite clear that the United States cannot and will not negotiate this subject while at the same time making a meaningful response to the offer for the release of American prisoners of war.

SEGREGATED RECEPTION IN CAPETOWN

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DIGGS. Mr. Speaker, I include the following letter to the Honorable William P. Rogers, Secretary of State:

JULY 1, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: The segregated reception given by the U.S. Ambassador in Capetown on the first of June not only gives rise to grave policy questions, but, even more seriously, such action by a U.S. official of deliberate omission of Africans, Coloreds and Indians on the grounds of race cannot but raise fundamental legal questions.

At the time of the Senate hearings on Ambassador Hurd's nomination, the Committee on Foreign Relations requested a statement on the policies of our Embassy with regard to entertaining. The substance of the Department's reply was as follows:

"It has been, and continues to be, U.S. policy that American entertaining in South Africa is not subject to the racially discriminatory restrictions of the South African Government. Accordingly, it is the practice of the U.S. Embassy and Consular posts in South Africa to invite white and non-white guests, together or separately, as appropriate to the occasion. At official receptions such as those on the Fourth of July and George Washington's Birthday, the guest list is invariably mixed."

Unfortunately, this statement lacks clarity and specificity and furnishes no guidelines whatsoever for defining the standard of "appropriate to the occasion". What are the specific guidelines that our Embassy and Consular posts in South Africa use to determine whether it is "appropriate to the occasion" to invite white and/or non-white guests, together or separately?

Nor is clarification provided by Mr. Abshire's communication to me of June 7, 1971. The statement in paragraph 2 does point out that a basic thrust of our relations with South Africa is to maximize contacts with all racial elements in South Africa, but only vague generalities are set forth. What is the standard to be used by the Ambassador in determining whether attendance by USG personnel at a particular segregated function is permissible? How does the Ambassador determine which events or facilities are particularly identified with apartheid? And once this determination is made, what are the guidelines for participation by USG personnel? Although Mr. Abshire's letter purports to present guidelines, in fact, not one definitive guideline is stated. U.S. foreign policy interests, as well as legal considerations, require serious attention to the spelling out of a definitive set of guidelines for our personnel in South Africa, where the situation of racial segregation under law is unique.

If there is to be any credibility to the "communication" policy, it is not enough to make statements on the breadth of "communication" or on "our abhorrence of apartheid". The U.S. representative on the ground in South Africa must actively demonstrate this abhorrence. Oral statements that the policy of communication does not mean acceptance of the South African system are vitiated by the giving of segregated receptions by the U.S. Ambassador in order that South African Cabinet officials may attend.

Moreover, there appears to be a conflict between the type of approach followed by the Embassy and the recent advice of the Department to a private group, the Congressional Secretaries Club. This club, in planning a trip to Africa including South Africa, reports that it was advised as follows:

"In planning our trip to the African continent, we have been in close contact with our State Department. We have raised questions concerning these prejudices. Although no one can make any iron-clad guarantees, it is the considered view of the Department that any member of our club wishing to take the trip will be courteously treated everywhere. No difficulties are anticipated in obtaining visas. And the Department believes that the group will be allowed to travel together throughout Africa."

It would certainly seem advisable that the Department inform American citizens more realistically on the situation in South Africa and caution them that, notwithstanding efforts to avoid difficulties, of the real possibility—as demonstrated in the case of recent State Department officials and others—that an embarrassing situation might arise. It is the Embassy which should seek to explore all avenues of communication and to use every opportunity to bring it into real communication with all groups and to categorically refuse to be bound by South African customs.

Moreover, the Ambassador's reception causes grave concern, because—recalling the Malan Opera House incident—this is the second time in a relatively short period that the Ambassador has been the subject of controversy as to the guidelines which he is following with respect to the racial composition of functions in which he participates. Is the Ambassador adhering to the guidelines for US officials in South Africa? Have there been any segregated receptions of comparable size to the June 1 reception since Ambassador Satterthwaite initiated the multi-racial July 4 and Washington's Birthday reception many years ago. If so, we would like to be furnished with full specifics on these segregated affairs, including hosts, dates, invitees, and, insofar as practicable, persons attending.

Was the Department informed fully on Ambassador Hurd's plans for a segregated reception the day following Republic Day?

U.S. interests require both that our diplomatic and consular officials follow a policy of non-discrimination in their daily and personal activities and that, within reasonable limits, their attendance at and hosting of functions be limited to those which are open to all persons without regard to race. Operational guidelines might, I believe, permit such personnel, where clearly required, to host activities of a functional nature. This would allow Embassy officials to participate, in accordance with specific guidelines, in official activities with a limited functional participation. The attendance at the June 7 reception, however, indicates that it would not fall within any such guidelines and that, although the guest list represented a wide spectrum of the South African community, Coloreds, Indians and Africans were deliberately excluded from what was termed a "segregated" party. As indicated above, such action by a USO official raises constitutional considerations.

Mr. Abshire's letter to me of May 6, 1971, stated as follows:

"A policy of non-attendance by our representatives at any event in any racially segregated facility in South Africa, however, would effectively isolate us and be counterproductive. Nearly every facility in that country is designated black, white, colored or Indian. A policy such as you propose would preclude our entering a black school, a colored home, the Parliament or the office of a government minister. Clearly this is not feasible as long as we maintain diplomatic relations with that country."

This fails to address the problem of utilitarian guidelines permitting both maximum association with the majority of the people of South Africa and also the carrying on of diplomatic functions. Obviously, the formulation of such guidelines requires careful thought. But, I believe we must face that task or, through inadvertence or callousness, show complicity with apartheid. Is not support of a segregated whites-only theater by USC personnel showing such complicity? Is not our use of segregated whites—only golf courses, recreational facilities and other like public accommodations showing such complicity?

I therefore reiterate my call on the Department to establish functional and legal guidelines for the Embassy and Consular officials in South Africa as to their participation at official and social functions and their use of segregated facilities in South Africa.

I would appreciate being fully informed on these guidelines and on all points raised in this letter at an early date.

Sincerely,

CHARLES C. DIGGS, Jr.,
Chairman, Subcommitte on Africa.

RATIFICATION OF 26TH AMENDMENT ASSURES 18-YEAR-OLD VOTE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. McCLORY. Mr. Speaker, just 2 days after ratification by the Illinois General Assembly, the Ohio Legislature became the 38th State to ratify the 26th Amendment to the Constitution. This is, indeed, both a proud and historic moment for our great Nation. Only 3 months after Congress approved this amendment, it has become part of our basic law. Henceforth, all American citizens who have reached the age of 18 will be able to cast their votes in all elections—Federal, State, and local. This is certainly an auspicious moment for American youth, and it is indeed a pleasure to welcome an additional 11 million young Americans between the ages of 18 and 21 into the electorate.

Mr. Speaker, as an active supporter of the 18-year-old vote, I find this moment extremely gratifying. Young people, especially those between the 18 and 21, have never been better equipped to exercise the franchise. Levels of education have risen greatly, and today most of our young people finish high school and many continue their education in college. I am confident that these new voters will justify the faith and trust that we have reposed in them and that they will exercise their franchise in a responsible and intelligent manner.

Mr. Speaker, by extending the right to vote to citizens between the ages of 18 and 21, we, as elected representatives, will now more than ever before have to listen and respond to the views and opinions of these young Americans. With the right to vote, these young people will no doubt become more interested in issues and will communicate their opinions to legislators on both the Federal and local levels. Certainly, this is a result to be welcomed.

As is always the case, with new rights go new responsibilities. To vote wisely requires careful evaluation and thorough study of the candidates and the issues. No longer will our youth be able to merely complain about the performance of their elected officials and bemoan the fact that they had no voice in their selection. If they are dissatisfied, they now have a constructive way to express themselves—at the polls.

Mr. Speaker, it seems entirely appropriate that in this era of youthful participation in national issues we allow and encourage legitimate participation at the polls. By enactment of the 26th amendment, and I am pleased to note that it was ratified in record time, we have demonstrated our conviction that young Americans between the ages of 18 and 21 are worthy of this most precious right, the right to vote. I trust that they will cherish this right as we do and recognize it for what it is—the foundation of our American system of government.

FEDERAL CIVILIAN EMPLOYMENT, MAY 1971

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. MAHON. Mr. Speaker, total civilian employment in the executive, legislative, and judicial branches of the Federal Government in the month of May was 2,879,761 as compared with 2,833,546 in the preceding month of April. This was a net decrease of 3,785.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the executive branch in the month of May totaled 2,840,820. This was a net decrease of 3,952 as compared with employment reported in the preceding month of April. Employment by months in fiscal 1971, which began July 1, 1970, follows:

Month	Executive branch	Increase	Decrease
July 1970	2,942,517		−1,595
August	2,901,856		−40,661
September	2,851,875		−49,981
October	2,838,664		−13,211
November	2,843,411	+4,747	
December	2,838,320		−5,091
January 1971	2,829,637		−8,683
February	2,834,209	+4,572	
March	2,834,899	+690	
April	2,844,772	+9,873	
May	2,840,820		−3,952

Total employment in civilian agencies of the executive branch for the month of May was 1,698,822, a decrease of 492 as compared with the April total of 1,699,314. Total civilian employment in the military agencies in May was 1,141,998, a decrease of 3,460 as compared with 1,145,458 in April.

The civilian agencies of the executive branch reporting the largest decreases during May were Treasury Department with 5,518 and Post Office Department with 2,004. The largest increases were in Agriculture Department with 3,412, Veterans' Administration with 1,372 and Interior Department with 1,054. The changes shown in Treasury, Post Office, Agriculture, and Interior Departments were largely seasonal.

In the Department of Defense the largest decrease in civilian employment was reported by the Navy with 3,818. The largest increase was in Air Force with 657.

Total executive branch employment inside the United States in May was 2,642,958, a decrease of 949 as compared with April. Total employment outside the United States in May was 197,862, a decrease of 3,003 as compared with April.

The total of 2,840,820 civilian employees of the executive branch reported for the month of May 1971 includes 2,518,783 full-time employees in permanent positions. This represents a decrease of 3,170 in such employment from the preceding month of April.

The executive branch employment total of 2,840,820 includes some foreign nationals employed abroad, but in addition there were 98,057 foreign nationals working for U.S. agencies overseas during May who were not counted in the usual personnel reports. The number in April was 97,628.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the legislative branch in the month of May totaled 31,237, an increase of 89 as compared with the preceding month of April. Employment in the judicial branch in the month of May totaled 7,704, an increase of 78 as compared with April.

DISADVANTAGED PERSONS

The total of 2,879,761 reported by the committee for May includes 22,590 disadvantaged persons employed under Federal opportunity programs, an increase of 1,744 over the preceding month of April.

In addition, Mr. Speaker, I include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during May 1971, showing comparisons with June 1969, June 1970, and the budget estimates for June 1971:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	June 1970	May 1971	Estimated June 30, 1971 [1]
Agriculture	83,425	82,912	83,178	85,600
Commerce	25,364	25,427	27,840	28,400
Defense:				
Civil functions	31,214	30,297	29,953	30,900
Military functions	1,225,877	1,129,642	1,071,140	1,079,500
Health, Education, and Welfare	102,941	102,297	103,542	105,300
Housing and Urban Development	14,307	14,661	15,490	16,000
Interior	58,156	59,349	57,214	58,000
Justice	35,106	38,013	41,309	43,600
Labor	9,723	10,217	10,986	11,600
Post Office	562,381	565,618	567,794	585,200
State	24,658	23,618	23,229	23,600
Agency for International Development	15,753	14,486	13,750	14,000
Transportation	60,386	63,879	67,645	69,600
Treasury	79,982	86,020	89,844	93,500
Atomic Energy Commission	7,047	7,033	6,933	7,000
Civil Service Commission	4,970	5,214	5,312	5,500
Environmental Protection Agency [1]			5,782	6,700
General Services Administration	36,176	36,400	37,830	39,900
National Aeronautics and Space Administration	31,733	31,223	29,466	29,900
Office of Economic Opportunity	2,856	2,387	2,421	2,500
Panama Canal	14,731	14,635	14,078	14,800
Selective Service System	6,584	6,665	5,840	6,500
Small Business Administration	4,099	4,015	3,996	4,100
Tennessee Valley Authority	11,987	12,657	13,941	13,300
U.S. Information Agency	10,500	9,989	9,743	9,900
Veterans' Administration	147,606	148,497	151,882	154,400
All other agencies	26,200	27,420	27,147	29,700
Contingencies				5,000
Subtotal	2,633,762	2,552,571	2,517,285	2,574,000
Public service careers			1,498	[3] 4,900
Total	2,633,762	2,552,571	2,518,783	2,578,900

[1] Source: As projected in 1972 budget document; figures rounded to nearest 100.

[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council, and Atomic Energy Commission.

[3] Source: Civil Service Commission estimate of persons in "entry" component for whom ceiling relief has been granted.

SPECIAL EDUCATION—FEDERAL LEVEL

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. QUIE. Mr. Speaker, the third annual special education symposium was held at Northern Illinois University in March of this year. Dr. Maynard Reynolds, chairman of the Department of Special Education, University of Minnesota, spoke on the subject, "Special Education—Federal Level."

Dr. Reynolds' remarks deal specifically with Federal legislation in the field of special education and attempts to evaluate the benefits and progress which have been made using such funds. He also analyzes various funding methods and their impact upon educational programing.

I commend his remarks to my colleagues and others interested in improving Federal education delivery systems:

SPECIAL EDUCATION—FEDERAL LEVEL

(By Maynard C. Reynolds)

To federal agency insiders, the conjunction of my name and the topic assigned to me, "Special Education—Federal Level," may evoke some knowing amusement. Except in the doubtful role of consultant, many times fingerprinted and sworn in for week-end advice-giving, my relationship with the agencies has involved neither the power to control events nor ready access to confidential information. Like most of us here, I know more about standing outside the agency doors with an application in hand than about what goes on behind the doors. Indeed, I feel vastly over-experienced as a supplicant of federal largesse; sometimes I have felt extinguished by the process. At this precise moment, I am in what some learning theorists would call "spontaneous recovery," which is to say that for some reason not explained very clearly by the theorists, I am still bobbing around somewhere above zero level in federal program participation after a sustained period of non-reinforcement.

As a university-based consumer-participant with a small role in state-administered programs, my view of the federal role in special education might be characterized as that of the adolescent toward his powerful father. I have become accustomed to, indeed dependent on, federal programs for support but I am restive—occasionally even hostile—about the conditions and controls that seem to accompany the financial sustenance. One may feel like "copping-out"—"leaving the nest"—sometimes, but there is no Haight-Ashbury for special educators.

In more mature moments, my attitude toward federal supports is about like my predispositions toward book-writing. Early in professional life it may seem a good thing to write a book or to be a "grant swinger"; with experience, one learns that both books and grants can be bad as well as good and that they can impede or enlarge one's accomplishments. Both books and federal grants are best engaged in at carefully chosen moments when one really has something to say.

Mind you, I am not against federal grants. My professional life has been much stimulated and succored by such programs over the past decade and a half. I sincerely believe that special education has been blessed by an extraordinary set of federal legislative achievements. The leaders of federal programs on behalf of the handicapped—the parent groups, legislators, and bureau leaders—deserve every accolade they have received and many more. They have led the way toward improving the life opportunities of hundreds and thousands of handicapped children. It is because I believe that federal programs and agencies are so important in maintaining and furthering the gains of handicapped children that I want to take a hard, objective look at them.

First, perhaps, we ought to take a critical look at ourselves. What are our goals? It seems to me that there is an excessive tendency to sum up our work mainly in terms appropriate for legislative hearings, that is, to enumerate all of our glowing achievements as a pitch for more money to continue what we are doing so "successfully." But for how long can we continue to count as achievements only the rising numbers of handicapped children and special teachers touched by our programs and measure our failings only by the numbers yet untouched. Congressman Quie, a key deliberator on matters of education in the U.S. House of Representatives and a Minnesotan, phrased the question as a challenge:

"One of the great problems of being in political office these days is that there is very little that is sacred. One was generally always safe being for motherhood, the flag, apple pie, and handicapped children. But today with the women's liberation movement and the pill, motherhood is being challenged, the flag seems to be continually getting into trouble, apple pie is being tested by the Food and Drug Administration, and I am afraid that handicapped children might not be too far behind. If the public is going to significantly invest in the education of the exceptional child and if legislators are going to continue their efforts on these children's behalf, then the responsibility must fall upon your shoulders to establish clear objectives for the programs, to explain to the public what the dollar will buy, and to demonstrate that the objectives have been achieved."[1]

Let there be no mistake about it—the federal programs have been designed and operated to stimulate and control changes and developments in the schools. But it is equally clear that federal programs make no pretense at solving the basic financial problems of the schools. The U.S. Office of Education puts virtually all of its money at the top—in the "frosting," so to speak—rather than in the cake itself. For example, Title-I money was only for *new* programs; Title III has funded and funds *new* and *innovative or supplementary* programs. The federal dollar, in other words, has been used as *lead* money, not for basic supports. At a time when states and localities are agonizing to come up with basic funds for their schools, the federal programs have made big waves, but provided only limited muscle. With less than 5 percent of the total education dollars of the nation and lots of scurrying about, the "feds" have spawned an insistent new vocabulary and spirit of change with words and phrases such as "innovation," "compensatory education," "accountability," "needs assessments," and "approved state plans." Thus the federal dollar has not gone to the guts of the schools but, rather, to narrowly-streamed categories of support to induce particular changes. This strategy of putting money at the top and in narrow channels makes the federal role a very crucial one in the future of special education—indeed of all of education.

I propose to explore three topics this morning: (a) planning; (b) categorical funding; and (c) the advocacy role of the federal government. In each case, perhaps we can reminisce a bit about what has been done and then consider some of the implications for the future that are indicated by the theme of this conference: "Education Today for Tomorrow."

Temporally, my thinking begins with the work of the 85th Congress—with the formation of the Cooperative Research Program and the first supports for the training of special education personnel under the famous Public Law 85-926. My purview encompasses the succeeding congressional actions to broaden training and research programs and to initiate a broad package of service programs in the Bureau of Education for the Handicapped (BEH). I also want to consider briefly the elements of what might be called the Kennedy era mental retardation programs, which go well outside the field of education; several aspects of the Elementary and Secondary Education Act; and some other programs in education that are administered outside of BEH.

PLANNING

In reflecting on these past fifteen years, a topic of concern must be: how well has the federal role been planned? The answer, I think, is a sad story of neglect and plain poor performance.

1. *ESEA strategy*. The general strategy behind the billion-dollar-a-year Elementary and Secondary Education Act must have been something like this: Support for educational research (Title IV) is basic, but should be linked with development activities and innovative applications (Titles III and IV), which in turn should spawn diffusion and dissemination activities and lead to adoptions in many schools (Titles I and II). To achieve all of this will require strengthened leadership from state departments of education. (Title V) And, cutting across this total effort is a concern to improve the education of disadvantaged children. What has the history of the effort been?

Close inspection revealed educational research to be thin beyond the most pessimistic of evaluations and a poor base for constructing a dissemination system. This is to say that the propositional knowledge in education, and in related disciplines such as psychology, is not impressive; fabricating systems of schooling from this "stockpile" is just not feasible.

No early provision was made for personnel development so that Title I programs for example cried for remedial teachers, speech therapists, and others who were not to be had. The lack of personnel plus disgracefully delayed funding of programs meant that in many school systems the roles of specialists were carried out by people with marginal qualifications.

The magnificent design for Title III innovative programs was soon diluted by political forces which turned it over in waves from federal to state administration and part way back again; and linked it to NDEA programs which had a history of "formula" distribution. The pioneering spirit was quickly crushed.

Pressures for hardware and materials funding under Title II sometimes distorted the overall balance of programs.

Somehow an expectation for "evaluation" of programs was sold to Congress which the education community was totally unable to deliver. The nonsense and dangerously wrong answers delivered up in the name of evaluation are a disgrace. Even now one finds distinguished leaders speaking of the failures of Title I (and of Headstart), while others say we have not yet created the technology necessary to evaluate such programs.

Legislative and rule changes in ESEA have come so regularly and unpredictably and funding so late that state and local planning has been very difficult.

Sadly, it must be reflected that planning for ESEA was poor and operations unpredictable. In an era of accountability, it is fair to ascribe a large part of the difficulties with ESEA to a Congress which has been chronically slow in getting its appropriations out. Late funding and month-by-month continuation funding have driven educators to despair.

2. *The Kennedy Mental Retardation Package*. The exciting promises in the field of mental retardation in the early 1960's have come to fruition in the form of many developments of importance to handicapped children. Indeed, work in mental retardation was the basic ground for much of the broader legislation and programming for all of the handicapped. But what can we say of the *planning* of these efforts?

Early programs were based on an extremely narrow concept of mental deficiency. It was proposed, for example, that mental deficiency—admittedly consisting of hundreds of different conditions—ought to be the organizing concept for research facilities, training programs, and service centers. We all know now that the buildings that were started to house mental retardation research and training programs have been turned into centers of broad child development interests or, at least, centers concerned with intellectual development. The initial concepts of organizing the services were too narrow in several aspects.

Of particular concern to educators, or so it should be, is that too many of the mental retardation programs have been undertaken in the wrong institutions. I agree with Albee's assessment that the problems of mental retardation are mainly educational—is there anyone who believes that the massive problems of mental retardation can be "cured" in a hospital?—yet the facilities have gone elsewhere. I am not denigrating by any means the signal work being done in studying the causes and prevention of mental retardation for future generations; what I am pointing out is that the mentally retarded children and adults with us now need education and field programs that can only be provided by educators, yet the university-affiliated construction programs have gone mainly to medical centers and not to us.

Again, there was an abysmal lack of personnel. Buildings have been funded with virtually no consideration of the personnel or even the general funds needed for their operation. Educators were classed as Johnny-come-latelies when the construction of facilities were of concern but we are high on the list now that operating funds are needed in medical centers or "affiliated hospitals."

Let me be the first to concede that everyone has had good intentions but good intentions do not take the place of solid planning. In retrospect the design and plan of mental retardation programs appears to have been less than adequate.

---

[1] Albert H. Quie, Congressman, 1st District, Minnesota. An address to the Executive Training Institute for Directors of Special Education, June 8-12, University of Indiana, Bloomington.

3. *BEH programming*. Closest to most of us is the consolidated set of programs administered by the Bureau of Education for the Handicapped. Here we have done relatively well, despite the fact that basic planning is only beginning to surface. Because basic studies of personnel needs have been lacking, some incongruities have resulted. For example, review panels assembled to recommend use of training funds have sometimes forced colleges to employ faculty members who really were not there, that is, program development grants have sometimes preceded available training staff; and changing needs have sometimes not been considered in funding programs. As an example of the latter, let me cite the area of visual handicaps where the change in needs has been most dramatic, yet this change has not been adequately reflected in changing training support patterns.

One of the roots of the problem lies in the fact that review panels making allocations of training funds have not had data reflecting person needs, and availability of resources to meet needs. The aggregations of needs reported by states have usually been nothing more than "guesstimates" made on the basis of inadequate "incidence and prevalence" rates that may have had some validity once but certainly not at the present time.

BEH's research programs have not been impressive and one might doubt that they should ever have been separated from other research support units of the U.S. Office of Education. From where I stand, it seems that the creations of service-oriented IMC's in University settings was a mistake from the outset. The IMC activity now evident in the schools and the CEC information/materials activities, generated out of the IMC/background, however, are quite promising. Project research has been of mixed, mostly low, quality and recent approaches to programmatic and "center" research are still too young for evaluation.

At the moment, BEH research operations apparently are experiencing the same pressures toward closely targeted applied work that other research agencies are experiencing. Unfortunately there is not as much basic scientific understanding at hand to support such an applied effort as would be desired. Difficult times may be upon us to plan research efforts that build healthy resources for research and at the same time demonstrate how research does, indeed, link with and serve the practical needs of handicapped children.

Service activities of BEH have gone mostly their several quiet ways but with good results. The Title VI programs have been productive from what I have seen, as have captioned films and related activities. Unfortunately, the Title III "earmarks" have had little visibility and the Vocational Education "Earmarks" are not yet fully in view.

On the whole, I think we must give failing marks to federal programs on the topic of planning. This is extremely unfortunate because the resources have been adequate enough for a real impact. Too often, instead of progress, however, we have the impression of a great deal of "scurrying about". In all fairness I must say that there was a real attempt to design a plan of some scope in the case of ESEA, but unfortunately, many errors were made, as in the failure to make early provisions for specialized personnel training, for example.

If the federal programs do not reflect careful policy analysis and planning and if they do not become somewhat more stable than they have been, the consequence can be disastrous. At this moment, many universities are losing state support because they have become national institutions and it appears to the state legislature that national functions ought to have national support. Federal participation, however, seems undependable, unknown, and even "fickle."

To make the federal role in special education and other areas of education strong, more planful approaches are needed. All of us can and must help in the fashioning of such approaches first by improving our own capacities to plan meaningfully and then by demanding and helping to form meaningful plans for the federal agencies. We will need to persuade the Congress, and even the general public, that long term, carefully planned commitments by the federal government are essential.

CATEGORICAL FUNDING AND PROGRAMMING

My second general topic is categorical funding and programming. The two facets *funding* and *programming* will be treated. The two aspects are virtually inseparable; nevertheless, I am going to consider them separately. First then, let us consider the matter of funding.

Special education programs exist on the basis of categorical aids provided by state as well as federal agencies, and we are constantly being challenged to justify these funding systems. Educational administrators who write on the topic of categorical aids oppose them almost to a man. Their main objections seem to be the controls from above, program distortion, red tape and complex communication, disregard of local planning, the tendency to penalize those who already have good programs, the failure to include "equalization" procedures, the tendency to be scattered and uncoordinated at the source agency level, the difficulties in evaluating categorical programs, and the general undermining of educational planning as a whole. But you know the list of objections as well as I.

Are there any defenses? Well, all financial supports are categorical at some stage and the real problem seems to be "Who does the categorizing?" or "Who makes the decisions?" Second, attitudes toward categorical aids tend to be more favorable after one receives them than at an earlier when they are an abstract issue. Third, they work! That is, educators respond to categorical aids,

I must admit that I am a pragmatist on this issue. Considering the vast failure of our schools and colleges to make adequate provisions for handicapped children, it is a weak argument to say that a general aid, which had been long-used in the states, will solve all the problems. We know, I think, that decision processes being what they are, children with unusual needs will be neglected unless there is force to influence the decisions on their behalf.

If we can demonstrate that categorical aids *work* in getting us closer to our objectives, it seems to me then that theorizing about financial support is less important than maximizing our efforts. Nevertheless, there are a few principles that I think should be applied to the problems of financing.

(1) We should not categorize the funding pattern any more than necessary to. To rephrase the statement positively, we should seek the broadest possible pattern of financial supports in order to achieve our objective. For example, when BEH can accomplish its goals by giving block grants to colleges for training purposes, it ought to do so. Block grants are infinitely preferable to separate grants in several very narrow categories, if it is clear that progress is being made in achieving our goals and objectives.

I am reminded of B. F. Skinner's discussion included in his first major book, *Behavior of Organisms*, of the problem of defining a response. When is a response a response? One could focus on minute muscle twitchings which would be very difficult to make sense of. Or, one could go to extreme molar levels. He chose to define a response as the level of observable behavior from which you could obtain a smooth learning curve. Similarly, I think, we should avoid defining and funding programs at the muscle-twitching levels and bring them up to the level which produces a smooth growth curve. I suppose we would all buy a financial aid pattern at the most general level if we felt assured that the curve of development in programs for the handicapped would continue to slant upward. I am not at all confident about that, but feel we should be ready to do "blocking" when it does make sense. The U.S. Office of Education is now moving to some block grants in training programs, and I think that it is timely. Similarly, the Research division has, in effect, blocked funds as it moved to programatic and center supports, and again I applaud that move as timely and promising.

(2) We ought to use categorical aids to build special education *into* rather than *out of* the broader school support programs. For example, it is better to stay with the general Title II program, which has 15% earmarked for the handicapped, than to take 15% of the dollars out of Title III and run off to our special center or bureau. Now, this will not always work—but we ought to try to make it work.

(3) We ought to be greatly concerned about building leadership systems and avoid seeming to be just a bribery system. I shall want to say more about this later.

In general, I think we should continue to use categorical aids and help to sustain the constituencies—parent groups and the like—which will have "clout" wherever needed. In fact, I think the extreme general advocates have little but simplicity on their side. General aids tend to be minimal aids and they just will not come up to the problems of special education. We had better accept that and behave accordingly!

Do not underestimate the challenge in this idea! HEW Secretary Elliot L. Richardson recently spoke of narrow categorical aids as "incredible wasteful" and of ". . . the virtual strangulation of federal efforts as grant programs proliferate and as more resources are continually forced into narrow constricting funnels long since inadequate to the task."

"The needs of people are seldom adequately met by any single one of the narrow categorical programs . . ."[2]

President Nixon, in his budget request this year said, "More than any other federal activity, the school-aid programs of the Office of Education reflect the excesses of the present categorical grant system."[3]

I think many of us would agree with these comments by Secretary Richardson, but at the same time we would make a case for a needed buildup of special education on a categorical basis so that it can be part of a broader, coordinated system of child and family support.

I have had personal experience in connection with the 15% "earmark" of Title III funds, as a former member of the President's National Advisory Council. That "earmark" was deeply resented by many general school administrators—so much so, that I believe they would actually have preferred that the money be taken out, if necessary, for administration elsewhere. They did not want to be told to deal with the handicapped. But it is in that kind of situation that we should push our case. HEW's proposed Block-Grant Plan for schools, entitled the Educational Assistance Act of 1972, pulls out the "earmark" funds from Titles I and III of ESEA and the Vocational Education Act and puts them in a "block" aid for the handicapped. While achieving a kind of blocking effect these changes would actually take special education programs out of rather than into a broader pattern of programs and would be a mistake.

---

[2] *Toward Workable Federalism*. Speech delivered before the National Association of Counties, Atlanta, Georgia, July 27, 1970.

[3] Quoted by Ed Willingham in Education Report/Nixon seeks massive change in federal school-aid procedure. *National Journal*, February 13, 1971, pp. 323–332.

Now I would like to turn briefly to another aspect of the categorizing problem. The legislative structure that undergirds special education is drawn in language that stresses categories, such as, for example, mental retardation, blindness, deafness, learning disability, etc. A similar thing happens in other fields; in health, for example, much legislation is drawn in terms of "heart," "stroke," "mental health," and "cancer." The problem is that we have let our Special Education program development proceed in the same simple categories.

I think we can live with legislation and with social action groups organized around simple categorical concepts, and I think we can define all these terms, at least crudely, and we can count those served and unserved. But we should not permit our programs and children to be confined by the strictures of such language.

Just as problems of "cancer" may require the training of specialized radiologists and the reorganization of general hospitals, so our concern for mental retardation may require the training of preschool language specialists and a strong voice in programs of early childhood education. No one assumes that the cancer specialist must be confined to his microscope and surgical techniques to do his job, why, then is it so frequently assumed that we educational specialists must be restricted to training teachers of the retarded? Or that retarded children must be restricted to separate administrative arrangements?

We are, of course, somewhat at fault. In the past we have permitted the assumption of an easy isomorphism between the general categorizations of issues for public discussion and the classifications necessary for program development. The time has come to break out of the categories and to experiment much more freely with approaches to attenuated cognitive development, sensory problems and learning difficulties. The late Ray Graham, the distinguished leader in special education in this state, used to advise educators to drive ahead of legislation, to stretch it and then occasionally let it catch up. We need that attitude now—we need to stretch ourselves and break out of the mold of simple categorical concepts. We, ourselves, must become more open to new ideas so that we can think in terms of flexible rather than rigid arrangements.

THE ADVOCACY ROLE OF GOVERNMENTAL AGENCIES

Earlier in this paper, I pointed out that the federal role in education has been that of an influential supporter of movement—innovation—in programs rather than a supporter of existing programs. A major problem in the way the federal agencies enact their role is that they have not been adequately structured to lead the programs they have helped to pioneer or even to be part of the action. It is not unusual for programs involving millions of dollars to be in the supervisory hands of one or a few staff officers whose "S" and "E"[4] funds are so limited that they rarely visit field projects or bring together adviesrs.

I am closely involved in an EPDA program, the Leadership Training Institute, that is related to 43 projects, some funded individually at the level of $.5 million per year. The U.S.O.E. staff is precluded from making site visits this year because of "S & E" fund shortages. And, although I believe it was intended for federal officers to participate in this conference, none is here because of the lack of funds.

What is the result of the federal agencies failure, for whatever reason, to make their presence visible? Well to start with, their image becomes solely that of money-givers and takers. Secondly, the prevalent tendency to negotiate grant arrangements on the basis of paperwork depersonalizes both the applicants and the federal officers and reduces the significance of the proposals to a form of games-manship in which "we" are out to take "them" for as much as we can get. Federal officers of almost any level seem to be authorized to call for more paper from the field and most of them do, or so it seems. Lastly, federal agencies are foreclosed from meaningful participation in the programs, so that they have only limited ways of knowing which programs are or are not working out, which ones could work out with a little help, or which ones should be encouraged to try a new direction. In other words, programs receive funding, but no other form of support. The advocacy role is not filled.

Federal agencies basically lack the resources to participate in the active advocacy of Congressional and agency intent. Perhaps this situation arises out of a kind of Congressional distrust of the federal agencies, a feeling that the agency control can be limited if the bureaucracy is kept thin and poor. Or perhaps the Congress is more interested in appeasing its political constituents than in the programs the funds buy. It is noteworthy that in recent years the Congress has tended to deemphasize the agency role further by establishing special, independent commissions to evaluate and advise them on federal programs, again, perhaps, a sign of limited confidence in the agency.

So we have federal officials playing the roles of program evaluators (on the basis of written proposals), and money-givers within a framework of "go no-go" decisions. The question is, of course, can they break out of the confines of this role to become program or project advocates? And could we break out of our enforced isolation to view visits by the "feds" as helpful rather than threatening?

Certainly the answers to both questions should be yes. Many of us need help in the course of our work but are afraid to admit or ask for it. How comforting it would be when we initiated federal programs to know that the agency was our advocate and partner and was ready and willing to share its expertise with us. How reassuring it would be to know that we could discuss problems and obstacles with someone who was more interested in our carrying out our programs successfully rather than in threatening us with the loss of funds.

The Bureau of Educational Personnel Development is trying to establish an approximation of such an advocacy role. Under the leadership of Dr. Don Davies, they have established what they call Leadership Training Institutes in each of the major program areas of the Bureau. In effect, the LTIs are an external advocacy system that could not be created internally. Each LTI is assigned some number of BEPD projects in one area of concern and it is expected to develop necessary supports for those projects through training, technical assistance, and process evaluation. Site visits, conferences, newsletters, shared reports, common dissemination efforts—all of these devices are used. It is clear, hopefully, that the LTI functions as an advocate—as a friend—of all these projects.

For the past two years I have directed the LTI in special education. We have worked closely with U.S.O.E. staff so that the "externalization" of the advocacy system can be said to be only partial. On both sides there has been good trust and accommodation has been sought valiantly when differences have appeared.

In the beginning I was amazed to find that there is probably no one quite so lonely as a project director who perceives all federal officials as threatening figures. It was very difficult to form the non-threatening, constructive community that we had in mind and we had to keep proving over and over again that we were concerned with enhancing their work, not with cutting off their funds. Now, I believe, LTI is beginning to be recognized for what it is meant to be, an external advocate of federal projects.

The idea of LTI, in my opinion, should be expanded and developed into an advocacy system that will embrace all federal projects. Through it, federal offices should be able to provide shoulder-to-shoulder partnership help with people in the field and eradicate their old image of a purse-proud agency that giveth with portentous advice and taketh away with a heavy hand.

SUMMARY

When one considers how poorly federal programs have been planned, it seems important to try to figure out why. Is aid to education, particularly special education, considered a political maneuver to win votes and silence pressure groups? I cannot believe that the Congress is more interested in the gesture of appropriating monies than in the purposeful expenditures of the funds to improve the educational opportunities for all children. Certainly the words of Representative Quie indicate that the purpose of the appropriations is the latter and that it is up to us to make certain that the monies are used meaningfully.

If we are going to have to account for the federal funds that we receive, then we must make certain that the funding agencies are working for carefully considered purposes and in planful ways. We must insist that the agencies develop long-range plans to provide a meaningful context for the programs they sponsor. Especially, we must insist that the planning balance programs with personnel. What good is it to institute projects when there is no personnel to staff them or to train personnel without clear ideas of where and how they will serve?

Federal funding has become a fact of life for special education and the question that faces us is how should the money be given? Categorical funding has a long history, starting with aid to specific categories of handicapped children who were included in the appropriations at different times. During the last fifteen years, however, the philosophic concept of equal educational opportunities for all children has made categorical funding something of an anachronism.

Let us accept categorical funding when and where it is essential but let's fight for programs that will permit us to break out of the constrictions that we seem to have visited upon ourselves in translating public concern and legislation to programs for children.

The best way to achieve such break-out programs, in my opinion, is through governmental planning and agency advocacy. It is true that the limited financial resources of federal agencies have forced them into a framework not unlike that of some of our local welfare agencies, that is, a framework in which professional workers are money-givers and regulation enforcers. We need more from the education agencies. If we are going to give a good account of how we use federal funding, they are going to have to help us put the money to good use by providing us with their leadership and their positive assistance.

Certainly to achieve some of the goals implied in this talk, much more is required than just legislative action or a change in federal officers. We are going to have to make some changes ourselves: we must create voluntary structures through which we can help one another and press for needed changes in federal programs. Those of us in colleges and universities have failed, I would acknowledge, to link ourselves in constructive ways. There is hardly any escape from simple systems of governmental accreditation and regulation if we fail to create voluntary structures that can deal with the problems of standards and change.

---

[4] Salary and Expense.

We have problems aplenty. As Congressman Quie has warned us, Special Education is about to be confronted by the accountability press; "whistle-blowers" are appearing in our field, from both within and without. It is up to us to strengthen ourselves and our potentially very muscular partner—the federal program in special education. It is up to us to prepare for some mighty overhauling of our behavior and the programs we conduct.

As I said earlier, for us there is no copping out. There is no other place for special educators to go in seeking solutions to many of the problems of our field.

NATIONAL ENERGY POLICY—PART IV

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. COUGHLIN. Mr. Speaker, the need to create a National Energy Policy is never more evident. To look at our current energy situation is to glimpse the face of anarachy.

Today, there is no coordination or long-range planning among power companies, fuel suppliers, environmentalists, governments, and citizens over such concerns as fuel sources and supply, economic and environmental considerations, plant siting, and the development of new and cleaner sources of energy. Everyone concerned even in part with this problem seems to be pursuing his own particular goals, which has resulted in the duplication of effort and the confusion of objectives.

In the House, for instance, the Government Operations, Interior and Insular Affairs, Interstate and Foreign Commerce, Judiciary, Merchant Marine and Fisheries, Public Works, and Science and Astronautics Committees have held hearings or are otherwise involved in examining aspects of a National Energy Policy. So, too, are the Select Committee on Small Business, the Joint Economic Committee and the Joint Committee on Atomic Energy.

In the Senate, the Banking, Housing, and Urban Affairs, Commerce, District of Columbia, Government Operations, Interior and Insular Affairs, Judiciary, Labor and Public Welfare, and Public Works Committees have all produced extensive documentation on the subject.

In the executive branch of the Government, the Interior Department, the Federal Power Commission, the Atomic Energy Commission, the Environmental Protection Agency, the Office of Emergency Preparedness, the Office of Science and Technology, the Domestic Affairs Council, and the Public Land Law Review Commission have all undertaken studies on, or claim jurisdiction over, the subject of a National Energy Policy.

Semi-independent bodies such as the National Academy of Science and the National Science Foundation are also deeply involved in studying this problem. So, too, are many universities, independent conservation groups and "think tank" organizations.

The amount of material available from all these sources is enormous. Much of what is still needed is in the process of being compiled. Now all this material must be brought together so that it can be used effectively to create a national energy policy.

In the interest of promoting the creation of such a policy, I am inserting into the RECORD a list of recent publications and articles on the subject. I make no claims to completeness, but I do say that the size of the list below reflects a need for action, not more delay in the form of another study.

The material follows:

A NATIONAL ENERGY POLICY

A. GENERAL

"A Review of Energy Issues and the 91st Congress," a report prepared by the Environmental Policy Division, Congressional Research Service, Library of Congress, for the Senate Committee on Interior and Insular Affairs, January 1971.

"The Economy, Energy, and the Environment," a background study prepared for the use of the Joint Economic Committee, by the Environmental Policy Division, Legislative Reference Service, Library of Congress, September 1970.

"Fuels and Energy," Hearings before the Subcommittee on Minerals, Materials, and Fuels, Senate Committee on Interior and Insular Affairs, 91st Congress, September 10–11, 1970.

"National Fuels and Energy Study (Draft of May 18, 1962)", Staff study to the Senate Committee on Interior and Insular Affairs, 87th Congress, 2d Session, Committee Print No. 3, 1962.

"Federal Power Commission Oversight," Hearings before the Subcommittee on Energy, Natural Resources, and the Environment, Senate Commerce Committee, 91st Congress, January 30, 1970.

"Governmental Intervention in the Market Mechanism," Hearings before the Subcommittee on Antitrust and Monopoly, Senate Judiciary Committee, March 11, 24–26, 1969; May 20–22, 27–29, 1969; July 30–31, 1969; March 3, 1970; March 26, 1970.

"Survey of Electric Power Problems," Office of Emergency Preparedness Report, May 1971.

The Interior Department is currently sponsoring a University of Texas study of the total energy situation, the report due in early 1972.

"A Review and Comparison of Selected United States Energy Forecasts," prepared for the Executive Office of the President, Office of Science and Technology, Energy Policy Staff, by Pacific Northwest Laboratories, of Battelle Memorial Institute, December 1969.

"An Examination of Fuel and Energy Information Sources," the Mitre Corporation, research report (2 volumes), April 1971.

"An Energy Problem Assessment," a three-part research project for the National Science Foundation, due in the autumn of 1971:

1. "Survey of Existing Energy Research Programs," Booz-Allen Applied Research, Inc.
2. "Design of a Program of Policy-Oriented Energy Studies," Resources for the Future, Inc.
3. "Energy Systems Analysis—Physical Science and Engineering," InterTechnology Corporation.

"The Growing Demand for Energy," several Rand Corporation research projects for the National Science Foundation, due 1971 and 1972.

"National Resources for U.S. Growth—a Look Ahead to the Year 2000," by Hans S. Landsberg (Johns Hopkins Press, Baltimore 1964), based on the Resources for the Future, Inc.'s study entitled "Resources in America's Future."

"U.S. Energy Policies: An Agenda for Research," Resources for the Future, Inc. Report, 1968.

"An Assessment of the National Energy Problem," a report by Jesse C. Denton, National Science Foundation, March 10, 1971.

"An Analysis of the Current Energy Problem," remarks of John N. Nassikas, Chairman Federal Power Commission, at the Electrical World Conference for Utility Executives, Shoreham Hotel, Washington, D.C., January 14, 1971.

"The Electric Power Industry in Crisis and Transition: The Need for a National Energy-Environment Policy," address by Carl E. Bagge, Commissioner, Federal Power Commission, before the 32nd annual meeting of the American Power Conference, 1970.

"Power Play," by Robert Sherrill, *Playboy* Magazine, May 1971.

"When Built-In Growth Strikes Back," by Clark Pace, *Exchange*, October 1969.

"Where Will You Be When the Lights Go Out—Again?", by John Wicklein, *Washington Monthly*, September 1969.

"A Peak Load of Trouble for the Utilities," by Jeremy Main, *Fortune*, November 1969.

"Electric Power Problems," by James G. Phillips, *Editorial Research Reports*, December 17, 1969.

"Energy for the World's Technology," *New Scientist*, November 13, 1969.

"Observations and Remarks on the United States Energy Policy," presented to the Energy Committee, Organization for Economic Cooperation and Development, by J. Cordell Moore, U.S. Department of the Interior, November 1966.

B. ENERGY AND THE ENVIRONMENT

1. General

"Environmental Effects of Producing Electric Power", Hearings before the Joint Committee on Atomic Energy, 91st Congress, 1st and 2nd Sessions, 1969–70.

"Selected Materials on Environmental Effects of Producing Electric Power", Joint Committee on Atomic Energy print, 91st Congress, 1st Session, 1969.

"Environmental Effects of Power Generation", Hearings before Joint Committee on Atomic Energy, 91st Congress, October 28–31, November 4,7, 1969.

"Environmental Effects of Electric Power Generation on Lake Michigan", Hearings before the Subcommittee on Energy, Natural Resources and the Environment, Senate Commerce Committee, 91st Congress, March 30, 1970.

"Intergovernment Coordination of Power Development and Environmental Protection", Hearings before the Subcommittee on Minerals, Materials and Fuels, Senate Committee on Government Operations, 91st Congress, February 3–4, March 3, April 29, 1970.

"Environmental Quality", Hearings before the Subcommittee on Science, Research and Development, House Committee on Science and Astronautics, on H.R. 7796, H.R. 13211, and H.R. 14506, 90th Congress, 1st Session, 1967.

"A National Policy for the Environment", a Congressional White Paper submitted to Congress under the auspices of the House Committee on Science and Astronautics and the Senate Committee on Interior and Insular Affairs, 90th Congress, 2nd Session, 1968.

"Joint Colloquium on a National Policy for the Environment", Hearings before the Senate Committee on Interior and Insular Affairs, 90th Congress, 2nd Session, 1968.

"National Environmental Policy", Hearings before the Senate Committee on Interior and Insular Affairs, on S. 1075, S. 237 and S. 1752, 91st Congress, 1st Session, 1969.

"National Environmental Policy Act of 1969", Report of the Senate Interior and Insular Affairs Committee to accompany S. 1075, 91st Congress, 1st Session, 1969.

"National Environmental Policy Act of 1969", Report of the Senate Interior and Insular Affairs Committee to accompany S. 1075, 91st Congress, 1st Session, 1969.

"Electric Power and the Environment", a Report sponsored by the Energy Policy Staff of the Office of Science and Technology, August 1970.

"National Energy Needs and Environmental Quality", Cornell University research project for the National Science Foundation, due 1973.

"Environment . . . and What To Do About It", by Glenn T. Seaborg, *American Forecasts*, October 1969.

2. Air

"Federal Air Pollution R & D on Sulfur Oxides Pollution Abatement", Hearings before a Subcommittee of the House Committee on Government Operations, 90th Congress, 1st Session, 1967.

"Federal Air Pollution Research and Development, Interim Report on Sulfur Oxides Pollution Abatement R & D", 2nd Report by the House Committee on Government Operations, 91st Congress, 1st Session, 1969.

"Air Pollution Control Research into Fuels and Motor Vehicles", Hearings before the Subcommittee on Public Health and Welfare, House Committee on Interstate and Foreign Commerce, 91st Congress, 1st Session, on H.R. 12085, 1969.

"Problems of Air Pollution in the District of Columbia", Hearings before the Subcommittee on Business and Commerce and the Subcommittee on Public Health, Education and Welfare, and Safety, Senate Committee on the District of Columbia, 90th Congress, 1st Session, 1967.

"Air Pollution, 1967 (Air Quality Act)", Hearings before the Subcommittee on Air and Water Pollution, Senate Committee on Public Works, on S. 780, 90th Congress, 1st Session, 1967, Parts 2–4.

"Air Pollution", Hearings before the Subcommittee on Air and Water Pollution, Senate Committee on Public Works, 90th Congress, 2nd Session, 1968.

"Air Quality Criteria", Staff Report for the Subcommittee on Air and Water, Senate Committee on Public Works, 90th Congress, 2nd Session, 1968.

"Clean Air Act Amendments of 1969", Report of the Senate Committee on Public Works, to accompany S. 2276, 91st Congress, 1st Session, 1969.

3. Water

"Interior Department Water and Power Orientation Briefing", Hearings before the Subcommittee on Irrigation and Reclamation, House Committee on Interior and Insular Affairs, 92nd Congress, 1st Session, 1971.

"1966–68 Survey of Water Pollution Control and Abatement at Federal Installations", First Report by the House Committee on Government Operations, 91st Congress, 1969.

"Oil Pollution", Hearings before the House Committee on Merchant Marine and Fisheries, on H.R. 6495, 6609, 6794 and 7325, 91st Congress, 1st Session, 1969.

"Water Pollution—1967", Hearings before the House Committee on Public Works, 90th Congress, 1st Session, 1967.

"Federal Water Pollution Control Act Amendments, 1968", Hearings before the House Committee on Public Works, on H.R. 15906 and related bills, 90th Congress, 2nd Session, 1968.

"Federal Water Pollution Control Act Amendments, 1969", Hearings before the House Committee on Public Works, on H.R. 4148 and related bills, 91st Congress, 1st Session, 1969.

"Oil Spillage, Santa Barbara, California", Hearings before a Subcommittee on Flood Control and a Subcommittee on Rivers and Harbors, House Committee on Public Works, 91st Congress, 1st Session, 1969.

"Water Quality Improvement Act of 1969", Report from the House Committee on Public Works to accompany H.R. 4148, 91st Congress, 1st Session, 1969.

"Water Pollution, 1969", Hearings before the Subcommittee on Air and Water Pollution, Senate Committee on Labor and Public Welfare and the Senate Committee on Public Works, on S. 7 and S. 544, 91st Congress, 1st Session, 1969, 4 Parts.

"Water Pollution, 1967", Hearings before the Subcommittee on Air and Water Pollution, Senate Committee on Public Works, 90th Congress, 1st Session, 1967.

"Thermal Pollution", Hearings before the Subcommittee on Air and Water Pollution, Senate Committee on Public Works, 90th Congress, 2nd Session, 1968, 3 Parts.

"Water Pollution", Hearings before the Subcommittee on Air and Water Pollution, Senate Committee on Public Works, on S. 2525 and S. 3206, 90th Congress, 2nd Session, 1968.

"Amending Federal Water Pollution Control Act, As Amended, And for Other Purposes", Report of the Senate Committee on Public Works, to Accompany S. 7, 91st Congress, 1st Session, 1969.

"Reaction of Marine Fishes Around Warmwater Discharge from an Atomic Steam-Generating Plant", by L. B. Boydstun, G. H. Allen and F. G. Garcia, *Progressive Fish-Culturist*, January 1970.

"Fish and Power Plants", by Albert C. Jensen, *Conservationist*, December–January 1969–1970.

"A New River", *Environment*, January–February 1970.

"The Marble Valley Controversy", by Royster Lyle, Jr., *National Parks Magazine*, November 1969.

4. Land

"Surface Mining Reclamation", Hearings before the Senate Committee on Interior and Insular Affairs, on S. 3132, S. 3116 and S. 217, 90th Congress, 1st Session, 1968.

"Surface Mining and Our Environment", U.S. Department of Interior publication, 1967.

"One Third the Nation's Land", Report of the Public Land Law Review Commission, 1970.

"Regional and Local Land Use Planning", Vols. I–IV, Public Land Law Review Commission Reports PB–189 410–13, February 1970.

"Federal Land Laws and Policies in Alaska", Vols. I–V, Public Land Law Review Commission Reports PB–195 294–8, October 1970.

"Public Land Policy and the Environment", Vol. I–IV, Public Land Law Review Commission Reports PB–196 168–71, December 1970.

"Land Use and Energy Flow Component of a Model of Society", University of California at Davis research project for the National Science Foundation, due July 1, 1972.

5. Technology

"The Adequacy of Technology for Pollution Abatement", Hearings before the Subcommittee on Science, Research and Development, House Committee on Science and Astronautics, 89th Congress, 2nd Session, 1966.

"Adequacy of Technology for Pollution Abatement", Report of Research Management Advisory Panel through Subcommittee on Science, Research and Development, House Committee on Science and Astronautics, 89th Congress, 2nd Session, 1966.

"Environmental Pollution—A Challenge to Science and Technology", Report of the Subcommittee on Science, Research and Development, House Committee on Science and Astronautics, 89th Congress, 2nd Session, 1966.

"Managing the Environment", Report of the Subcommittee on Science, Research and Development, House Committee on Science and Astronautics, 90th Congress, 1st Session, 1967.

"Establish a Select Committee on Technology and the Human Environment", Hearings before the Subcommittee on Intergovernmental Relations, Senate Committee on Government Operations, on S. Res. 78, 90th Congress, 1st Session, 1967.

"Establish a Select Committee on Technology and the Human Environment", Hearings before the Subcommittee on Intergovernmental Relations, Senate Committee on Government Operations, on S. Res. 78, 91st Congress, 1st Session, 1969.

"The Environment and Technological Assessment", Oak Ridge National Laboratory research projects for the National Science Foundation, a series of reports with no specific due dates.

6. Safety

"Transportation of Hazardous Materials", Hearings before the Subcommittee on Government Activities, House Committee on Government Operations, 91st Congress, 1st Session, 1969.

"Natural Gas Pipeline Safety", Hearings before the Subcommittee on Communications and Power, House Committee on Interstate and Foreign Commerce, on H.R. 6551 and S. 1166, 90th Congress, 1st and 2nd Session, 1967–68.

"Pipeline Safety, 1969", Hearings before the Subcommittee on Communications and Power, House Committee on Interstate and Foreign Commerce, 91st Congress, 1st Session, 1969.

"Radiation Exposure of Uranium Miners", Hearings before the Joint Committee on Atomic Energy, 90th Congress, 1st Session, 1967.

"Radiation Standards for Uranium Mining", Hearings before the Subcommittee on Research, Development and Radiation, Joint Committee on Atomic Energy, 91st Congress, 1st Session, 1969.

"Natural Gas Pipeline Safety Regulations", Hearings before the Senate Committee on Commerce, on S. 1166, 90th Congress, 1st Session, 1967.

"Gas Pipeline Safety Oversight", Hearings before the Subcommittee on Surface Transportation, Senate Committee on Commerce, 91st Congress, 1st Session, 1969.

"Natural Gas Pipeline Safety Act Amendments", Hearings before the Subcommittee on Communications and Power, House Committee on Interstate and Foreign Commerce, 92nd Congress, 1st Session, 1971.

7. Miscellaneous

"Effects of Population Growth on Natural Resources and the Environment", Hearings before a Subcommittee of the House Committee on Government Operations, 91st Congress, 1st Session, 1969.

C. ENERGY AND THE ECONOMY

"The Impact of the Energy and Fuel Crisis on Small Buisness", Hearings before the Subcommittee on Special Small Business Problems of the House Select Committee on Small Business, 91st Congress, 2nd Session, October 6, 7 and 8, 1970.

"Current Status and Future Technical and Economic Potential of Light Water Reactors", Atomic Energy Commission Report WASH 1082, March 1968.

"Reactor Fuel Cycle Costs for Nuclear Power Evaluation", Atomic Energy Commission Report WASH 1099, under review.

"Concept—A Computer Code for Conceptual Cost Estimates of Steam-Electric Power Plants—Status Report", Atomic Energy Commission Report WASH 1180, April 1971.

"Cost-Benefit Analysis of the U. S. Breeder Reactor Program", Atomic Energy Commission Report WASH 1126, April 1969.

"Energy in the American Economy 1850–

1975", by Sam Schurr, Bruce Netchert et. al. for Resources for the Future, Inc.

"Competition and Growth in American Energy Markets, 1947–1985", Texas Eastern Transmission Corporation report, 1968.

"Economic Strategy for Developing Nuclear Reactors", by Paul W. MacAvoy, Massachusetts Institute of Technology Press, 1969.

"Energy in the American Economy, 1850–1975. An economic study of its history and prospects", Resources for the Future, Inc. (Johns Hopkins Press) 1960.

"Does Uncle Sam Give A Dam?", *Consumer Report*, March 1970.

D. FUEL AND ENERGY SUPPLY

1. General

"Electric Power Reliability," Hearings before the Subcommittee on Communications and Power, House Committee on Interstate and Foreign Commerce, 91st Congress, 1st Session, 1969.

"Utility Consumers Council Act of 1969," Hearings before the Subcommittee on Intergovernmental Relations, Senate Committee on Government Operations, 91st Congress, 1st Session, 1969.

"Report of the National Fuels and Energy Study Group on Assessment of Available Information on Energy in the United States," Senate Committee on Interior and Insular Affairs, 87th Congress, 2nd Session, September 1962.

"National Power Survey," Federal Power Commission, 1964. Currently being updated.

The Interior Department is currently sponsoring an in-house survey of energy problems for 1970, 1975, and 2000.

"An Energy Model for the United States Featuring Energy Balances for the Years 1947 to 1965 and Projections and Forecasts to the years 1980 and 2000,'" Bureau of Mines, Department of the Interior, July 1968.

"Patterns of Energy Consumption in the U.S." by William A. Vogely, Division of Economic Analysis, Bureau of Mines, Department of the Interior, 1962.

"Fossil Fuels in the Future," by Milton F. Searl, Office of Operations Analysis and Forecasting Atomic Energy Commission, 1960.

"A Review and Comparison of Selected U.S. Energy Forecasts," prepared for the Office of Science and Technology by Battelle Memorial Institute, December 1969.

"Energy R & D and National Progress Interdepartmental Energy Study," Office of Science and Technology, Energy Study Group, Ali Bulent Cambel, June 1964.

"Resources for Freedom," a Report to the President by the President's Materials Policy Commission, Vol. III, "The Outlook for Energy Resources," June 1952.

"Energy Resources," by M. K. Hubbert, a Report to the Committee on Natural Resources, National Academy of Sciences, National Research Council, 1962.

"Mineral Science and Technology," National Academy of Science report prepared by the Committee and Mineral Science and Technology, National Research Council, 1969.

"A Review of Consolidated Edison Company 1969 Power Supply Problems and Ten-Year Expansion Plans", Federal Power Commission, Bureau of Power, 1969.

"Electric Power in the East Central Region 1970–1980–1990", a Report to the Federal Power Commission prepared by the East Central Regional Advisory Committee, December 1969.

The American Public Power Association's Committee on Fuel Supply is formulating policy and will present position papers from time to time.

"Resources in America's Future", by Landsberg, Fischman, and Fisher, Resources for the Future, Inc. (John Hopkins Press) 1963.

"Energy in the United States, 1960–1985" by Michael C. Cook (Sartorius & Co.) 1967.

"Outlook for Energy in the United States", a Report prepared by the Energy Division, The Chase Manhattan Bank, N. A., October 1968.

"World Energy Resources in the Future", by John McHale, *Futures*, September 1968.

2. Oil

"Oversight of Oil Development Activities in Alaska", Hearings before the Senate Committee on Interior and Insular Affairs, 91st Congress, 1st Session, 1969.

"The Oil Situation in the Northeast and Great Lakes Region", Hearings before the Small Business Subcommittee, Senate Banking and Currency Committee, 91st Congress, 2nd Session, 1970.

"Oil Import Controls", Hearings before the Subcommittee on Mines and Mining, House Committee on Interior and Insular Affairs, 91st Congress, 2nd Session, 1970.

"The High Cost of No. 2 Home Heating Oil", Hearings before the Subcommittee on Small Business, Senate Banking and Currency Committee, 91st Congress, 2nd Session, 1970.

"An Appraisal of the Petroleum Industry of the United States", U.S. Department of the Interior report, January 1965.

The Interior Department is currently sponsoring an oil import study group with the National Petroleum Council; its report is due in early 1972.

"Energy Fuel Mineral Resources of the Public Lands", Vols. I–VI, Public Land Law Review Commission Reports PB–196 320–25, December 1970.

"United States Petroleum Through 1980", Department of Interior, Office of Oil and Gas Report, July 1968.

"An Analytical Framework for Evaluating the Oil Import Quota Program", prepared for the Office of Science and Technology by Charles River Associates Inc., July 15, 1969.

"Report on Estimates of Additional Recoverable Reserves of Oil and Gas for the United States and Canada", prepared for the Office of Science and Technology by DeGolyer and MacNaighton, June 30, 1969.

"Fuel Oil Shortage Outlook", National Petroleum Council Report, September 11, 1970.

"Crude Oil: Capacity, Supply Schedule, and Imports Policy", by James E. Jensen, *Land Economics*, November 1967.

3. Gas

"Natural Gas Supply Duty", Hearings before the Subcommittee on Minerals, Materials and Fuels, Senate Committee on Interior and Insular Affairs, 91st Congress, 1st Session, 1969.

"Natural Gas Supply Study", Hearings before the Subcommittee on Minerals, Materials and Fuels of the Senate Committee on Interior and Insular Affairs, 91st Congress, 1st Session, 1969.

"A Staff Report on National Gas Supply and Demand", Federal Power Commission report, October 1, 1969.

"National Gas Survey", Federal Power Commission project, tentative completion date 1972–73.

"Future Natural Gas Requirements of the United States", Future Requirements Agency, Denver Research Institute, University of Denver, Vol. 2, June 1967.

4. Coal

"Underground Coal Mining in the United States: Research and Development Programs", prepared for the Office of Science and Technology by TRW, Systems Group, June 1970.

"Coal Resources of the United States, January 1, 1967", U.S. Geological Survey Bulletin No. 1275, 1969.

5. Water

"Study of the Development, Management and Use of Water Resources on the Public Lands", Vols. I and II, Public Land Law Review Commission Reports PB–188 065–66, October 1969.

6. Nuclear

"Licensing and Regulation of Nuclear Reactors", Hearings before the Joint Committee on Atomic Energy, 90th Congress, 1st Session, 1967.

"Importance of Increased Supplies of Nuclear Fuels to Meet Long-Term World Energy Requirements", Statement by Robert D. Ninger in "AEC Authorizing Legislation—Fiscal Year 1970". Hearings before the Joint Committee on Atomic Energy, 91st Congress, 1st Session, 1969.

"Civilian Nuclear Power—A Report to the President", Atomic Energy Commission, 1962 (and 1967 Supplement).

"An Evaluation of Heavy-Water-Moderated Organic-Cooled Reactors", Atomic Energy Commission Report WASH 1083, March 1968.

"Forecast of Growth of Nuclear Power", Atomic Energy Commission Report WASH 1984, 1967.

"An Evaluation of the Advanced Converter Reactors", Atomic Energy Commission Report WASH 1087, April 1969.

"Tempest in a Nuclear Teapot", by Frank Graham, Jr., *Audubon*, March 1970.

"Nuclear Power—Promise or Problem", by Jack K. Horton, *Edison Electric Institute Bulletin*, June-July 1969.

"Nuclear Energy's Environmental Advantages", by Ralph H. Millsap, *Edison Electric Institute Bulletin*, October 1969.

"Nuclear Power—1970–80", by Leonard F. C. Reichle, *Public Utilities Fortnightly*, February 12, 1970.

"The Nuclear Plant and Our Energy Needs", by Glenn T. Seaborg, *Public Utilities Fortnightly*, February 12, 1970.

7. Transportation

"Trans Alaska Pipeline", Hearings before the Special Subcommittee on Legislative Oversight, Senate Committee on Interior and Insular Affairs, 91st Congress, 2nd Session, 1970.

"Freight Car Shortages", Hearings before the Special Subcommittee on Freight Car Shortage, Senate Commerce Committee, 91st Congress, 2nd Session, 1970.

"Gas Utility and Pipeline Industry Projections 1968–1972, 1980 and 1985", Department of Statistics, American Gas Association (no date).

8. Development

"Outer Continental Shelf", hearings before the Special Subcommittee on Outer Continental Shelf, Senate Committee on Interior and Insular Affairs, 91st Congress, December 17, 1969; January 22, March 4, 1970.

"Oil Shale Development", hearings before the Subcommittee on Minerals, Materials and Fuels, Senate Committee on Interior and Insular Affairs, 91st Congress, May 18, 1970.

"Study of Outer Continental Shelf Lands of the United States", Vols I–VI, Public Land Law Review Commission Reports PB–188 714–19, November 1969.

"State Land Resources and Policies", Public Land Law Review Commission Report PB–192 452, May 1970.

"Future Demands on the Public Lands", Vols I–IV, Public Land Law Review Commission Reports PB–195 041–44, October 1970.

"Federal Public Land Laws and Policies Relating to Use and Occupancy", Vols I–IV, Public Land Law Review Commission Reports PB–195 657–60, November 1970.

E. SITING

"Overhead and Underground Transmission Lines", hearings before the Senate Commerce Committee on S. 2506 and 2508, 89th Congress, 2nd Session, 1966.

"Power Plant Siting and Electric Power Reliability and Expansion" (tentative title), hearings before the Subcommittee on Communications and Federal power, House Interior and Insular Affairs Committee, 92nd Congress, 1st Session (not yet published).

"Considerations Affecting Steam Power Plant Site Selection", sponsored by the Office of Science and Technology in cooperation with other agencies, December 1968.

"Power for Tomorrow: The Siting Dilemma", by Charles F. Luce, *Record of the Association of the Bar of the City of New York,* January 1970.

F. POSSIBLE NEW SOURCES OF ENERGY

"Magnetohydrodynamics", Hearings before the Subcommittee on Minerals, Materials and Fuels, Senate Committee on Interior and Insular Affairs, 91st Congress, December 18, 1969; February 23, 1970.

"Underground Uses of Nuclear Energy", Hearings before the Subcommittee on Air and Water Pollution, Senate Committee on Public Works, 91st Congress, November 18–20, 1969; August 5, 1970.

"Electric Vehicles and Other Alternatives to Internal Combustion Engine", Joint Hearings before the Senate Commerce and Public Works Committees, 90th Congress, 1st Session, 1967.

"An Evaluation of High Temperature Gas-Cooled Reactors", Atomic Energy Commission Report WASH 1085, December 1969.

"An Evaluation of the Heavy Water Boiling Light Water Reactors", Atomic Energy Commission Report WASH 1086, December 1969.

"An Evaluation of Steam-Cooled Fast Breeder Reactors", Atomic Energy Commission Report WASH 1088, April 1969.

"An Evaluation of Gas-Cooled Fast Reactors", Atomic Energy Commission Report WASH 1089, April 1969.

"An Evaluation of Alternate Coolant Fast Breeder Reactors", Atomic Energy Commission Report WASH 1090, April 1969.

"The Use of Thorium in Nuclear Power Reactors", Atomic Energy Commission Report WASH 1097, June 1969.

"An Assessment of the Light Metal Fast Breeder Reactor Program", Atomic Energy Commission Report WASH 1100, to be published.

"MHD for Central Station Power Generation: A Plan for Action", Prepared for the Office of Science and Technology by Panel on Magnetohydrodynamics (MHD), June 1969.

"Energy in the Future", by P. C. Putnam (D. Van Nostrand Co., Inc.) 1953.

"Fast Breeder Reactor", by Glenn T. Seaborg and Justin L. Bloom, *Scientific American,* November 1970.

"Beyond Nuclear Power—The Larger-Scale Use of Solar Energy", By Peter E. Glaser, *Transactions of the New York Academy of Sciences,* December 1969.

"Tidal Energy", by Roger Henri Charlier, *Sea Frontiers,* November-December 1969.

"The Prospects of Fusion Power", by William C. Gough and Bernard J. Fastlund, *Scientific American,* February 1971.

"Looking Ahead in Nuclear Power", by Glenn T. Seaborg, *Edison Electric Institute Bulletin,* June-July 1969.

WELFARE REFORM: AN AMERICAN NECESSITY

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. BRASCO. Mr. Speaker, very recently, the House approved a major overhaul of the Nation's welfare system. For the first time, we would provide relief for taxpayers, ease the burden on local and State government, and provide aid to the families of our working poor. I voted in favor of this reform, even though the bill had some major shortcomings. My reason for the vote was that some reform is better than none at all.

This measure recognizes that welfare is out of hand. That it is a national, rather than a local, problem and concern. That federalization and nationalization of welfare is the ultimate answer. That a national standard should be set. All of these arguments and reasons were at least recognized by the measure. Some opponents claimed it was a guaranteed annual income. Others said the benefits provided were too low. Yet it is easy to see, from any fair analysis of the measure, that the twin goals of easing tax burdens and aiding the poor were partially attained.

It federalizes adult welfare programs for the elderly, blind, and disabled, providing $1,800 annually for a single person and $2,400 for a couple. It provides a 5-percent increase next year in social security payments, and in the future provides automatic benefit increases tied to rises in the cost of living.

It extends medicare benefits to about 1.5 million disabled persons, an act which has been long overdue.

It liberalizes the social security program for widows and persons who retire at age 62.

Most vital of all, it aims at reform of the aid to families with dependent children program, which has expanded more than 50 percent in 2 years, and now pays benefits to more than 10 million people. The bill has as one of its aims the reduction of the welfare load by combining a work requirement for able-bodied adults with incentive welfare payments to the working poor.

This family assistance plan guarantees a four-person family an annual federally paid income of $2,400, with working persons receiving graduated benefits until income reaches $4,320. About 8 million working poor families would get help in this manner.

A welfare mother with children age 3 or older would be required to accept work or training, provided day care is made available for her children. The bill also provides for paying the cost of day care for the children involved, creating 200,000 public service jobs and broadening the concept and activity of day care, which is long overdue.

For the first time, Washington would directly administer its share of the welfare program. Uniform national schedules of eligibility and benefits would be established. One result would be an upgrading of minimum benefits in at least 14 States, thus making it unnecessary for a poor family to move to a State with higher benefits, such as New York, in order to receive a higher minimum.

The bill would relieve States of some present welfare costs and any future cost increases over the next 5 years, which I consider vital. Our taxpayers simply cannot absorb higher costs.

States could effect much greater savings simply by eliminating their supplements to the Federal payments of $2,400 annually to a family of four.

Taken altogether, this measure is a step in the right direction. It gives us a foundation to build on. It establishes a crucial precedent for a Federal takeover of the welfare system, which is the only real answer.

Further, it will accomplish a series of positive social goals. Families will be kept together as a result of this. Elimination of the process of erosion of family units will be slowed, which is absolutely essential.

Day-care facilities will be expanded, which is perhaps one of the most overdue reforms in the Nation.

Migration to New York State and New York City should be appreciably slowed as another result.

I freely acknowledge that this measure is imperfect. It does not pretend to solve any or all of the problems that the welfare system now presents the Nation. Nevertheless, it is a promising start. We had to make a beginning, no matter what the arguments against it were. My decision was a difficult one, but in the end, I felt the bill merited support.

A GREAT VALEDICTORY BY CYNTHIA FRINK OF MANCHESTER, N.H.

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. WYMAN. Mr. Speaker, on the occasion of the commencement at Central High School in Manchester, N.H., last month, Miss Cynthia Frink of Manchester, delivered a great valedictory address entitled "America the Beautiful." Miss Frink's outstanding articulation of principles and commitment merits commendation and the thoughtful consideration of all Americans, young and old alike:

AMERICA THE BEAUTIFUL

This night is especially important to all of us—to you, our parents, who are seeing the culmination of four years of encouragement, sacrifice, and help, and to us students who have worked for the attainment of this goal, a reward for four years of effort. To you here we are eternally grateful.

It is our lot to be graduated into a world of unrest. Unrest in society, in government, in education. Unrest in our colleges and in our high schools. Many of my classmates have asked me, rather hopefully (I suspect) if I planned a radical speech for this evening. If radical means unfounded criticism of our way of life, I fear I must disappoint them for I am one of those who have confidence in our much maligned establishment and pride in its accomplishments.

Perhaps I am old-fashioned to tell you that I love America, believe in capitalism, and admire people who are willing to work; those are the essence of America. This country does not claim to be heaven or utopia, but it is the strongest, the biggest, the best. I believe in military strength, patriotism, saluting the flag, and the Star-Spangled Banner. I am proud that it is the aim of my country to provide jobs and wealth and opportunities for everyone.

I have been told that I must remember that I am speaking for the class as a whole. Maybe I am speaking for them; maybe I am not. Whether or not my views are their views, I think the time has come to defend America. I simply feel that on an evening such as this, a thought should be given to the goodness of America, to the freedom it provides, greater than anywhere else on earth, even the liberty to attack that government that makes that freedom possible.

We are one nation under God, committed to freedom throughout the world. In two world wars, at untold cost in effort, money and blood, we repelled tyranny. I can see no reason to give up our superiority because a few people who have loud voices are afraid. The faint of heart must not be allowed to undermine what you and preceding generations have built.

You have now decided that at 18 we are old enough to vote. This vote is not a gift or reward. It is a privilege, fraught with grave and enormous responsibilities. We are not a smarter group of young men and young women, nor a more mature one. Such qualities cannot be attributed to a group, but rather remain on an individual basis. As the first generation to have this privilege, we must now prove worthy of your faith and justify the hope you have in us.

The United States has not been built by vandalism masquerading as demonstrations, by a tolerance for subversion, and weak words. The men and women who have come before us have carried on the tradition of liberty with responsibility because it is good and it has worked. Our generation must not destroy the combination of might and good will that makes America great.

The people who would have America a noncommitted country strangled beneath fear of foreign opinion cannot understand the consequences. Those countries who a few short years ago lay prostrate from war, would be prostrate still but for the unlimited aid of America. We are truly man's hope. No country has stood more firmly than she, been just as she is just, has been generous as she has been generous, or is more deserving of the praise of her people than America.

The United States is a great country. My sincerest wish is that the Class of 1971 is wise enough and mature enough to appreciate it.

RESOLUTION ADOPTED BY AMERICANS OF LITHUANIAN DESCENT

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, at a recent meeting of American citizens of Lithuanian descent, held at St. Peter's Lithuanian Parish, in South Boston, Mass., a resolution was adopted to commemorate the 30th anniversary of the Lithuanian uprising against Soviet aggression and the mass deportations of June 14–20, 1941, during which the Soviets deported or massacred 35,000 innocent Lithuanian men, women, and children.

I share the feelings of the Lithuanian people, by enclosing the resolution in the RECORD, which sets forth the same:

RESOLUTION

We, the American citizens of Lithuanian descent, on June 12th, 1971, at St. Peter's Lithuanian parish, South Boston, Mass., do hereby commemorate the 30th anniversary of the Lithuanian uprising against Soviet aggression and the mass deportations of June 14–20, 1941, during which the Soviets deported or massacred 35,000 innocent Lithuanian men, women and children.

Therefore, we hereby have unanimously adopted the following Resolution:

Whereas, the 16th of February, 1971, marks the 53rd Anniversary of the restoration of independence to the more than 700 year old Lithuanian State, and

Whereas, on June 15, 1940, the Soviet Union forcibly occupied and illegally annexed the independent Republic of Lithuania, which fact had been officially confirmed by the findings of the Select Committee on Communist Aggression of the House of Representatives, 83rd Congress of the United States, and

Whereas, the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation, and

Whereas, the Soviet Union, through a program of deportations and resettlement of peoples, continue in its efforts to change the ethnic character of the population of Lithuania and the other Baltic States, thereby committing the offence of genocide, and

Whereas, the Soviet invaders are unable to suppress the aspirations of the Lithuanian people for freedom and the excercise of their human rights, as most recently demonstrated by the dramatic hyjacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, the heroic attempt of defection by Simas Kudirka and the unsuccessful attempt of escape to Sweden by Vytautas Simokaitis and his wife,

Now, therefore be it resolved, That we again demand that the Soviet Union shall withdraw its armed forces, administrative apparatus, and the imported Russian colonists from Lithuania, thus permitting the Lithuanian people to freely exercise their sovereign rights,

That we again express our gratitude to the United States Government for the firm and unwavering position of non-recognition of the Soviet occupation and annexation of Lithuania,

That we respectfully request President Nixon to direct the attention of world opinion at the United Nations and at other appropriate international forums on behalf of the restoration of sovereign rights to the Baltic peoples, which policy was recommended to the President of the United States by the House Concurrent Resolution 416 of the 89th Congress,

That we urgently request our Government to make all possible efforts to have Simas Kudirka returned to this country with his family, and that the death penalty imposed upon Vytautas Simokaitis by a Soviet tribunal be commuted, and

That copies of this Resolution be mailed to President Richard M. Nixon, Secretary of State William P. Rogers, to both Senators and all the Members of Congress from our State, Sen. J. W. Fulbright, the United States Ambassador to the United Nations, and to the Press.

CITIZEN POWER

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ABOUREZK. Mr. Speaker, the problems of preserving and protecting our environment have properly become a matter of major national concern. Many worthwhile antipollution bills have been introduced. One, that I am introducing today, is aimed at tapping a uniquely powerful resource in the fight to save our environment. That resource is citizen power.

This bill, the Citizens Environmental Protection Act, would permit citizens to bring environmental protection suits against corporations, private parties, or even the Government itself when actions are judged to cause unreasonable pollution, impairment, or destruction of the air, water, land, or public trust of the United States.

This bill will alter current law in three vital ways. First, it will permit citizens to go into court to defend the public interest in a healthy environment, instead of leaving determination of what is in the public interest entirely up to the Government. Second, it will reverse the present inability of citizens to do anything to protect the environment against Government-sponsored pollution by allowing suit to be brought against Government agencies themselves. Finally, it permits the issuance of court orders prohibiting activities that would adversely affect the environment.

There is no excuse for permitting the Government to sit as judge and jury on all environmental matters while the outraged citizen stands helplessly by on the sideline. Under present law a citizen is powerless to do anything even when he feels that his Government is permitting the most flagrant abuse of the environment to go on, and even if that abuse is in direct violation of Federal law. My bill would give the citizen standing to sue on behalf of those who suffer from unchecked pollution.

It is a tragic irony that a government that theoretically represents the people cannot be brought into account by those people when they perceive that the Government itself is threatening the environment through acts of omission or commission. These citizens have no standing, thus when the Government refuses to properly enforce what few laws we do have to curb pollution, they can do nothing. The Government is simply presumed to be the protector of the public, and that is that. At a time when the Government itself is a major polluter, and when it has been shown over and over again that the Government agencies walk hand in hand with industrial polluters, I find it incomprehensible that this fantastic presumption that the Government always know best should be allowed to continue.

If we really mean it when we argue that we must have involved citizens, and when we say citizen power is the backbone of a democracy, then we must pass legislation that will in fact involve citizens in the issues of our day that matter. The battle to save the environment is a fight that matters to every citizen of South Dakota and the Nation. I can see no reason why they should have to sit by and watch that battle be fought by people who too often have only their selfish interests at heart. I want to see the antipollution battle opened to the people, and this bill would open it.

TACTICAL NUCLEAR WEAPONS FOR EUROPE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. SCHMITZ. Mr. Speaker, an article in Military Review magazine, the journal of the U.S. Army Command and General

Staff College at Fort Leavenworth, Kans., of July this year, brings to light the impasse which now faces the Western world concerning the defense of NATO.

The author of this piece, Gen. Heinz Trettner, formerly Deputy Assistant Chief of Staff, Logistics, North Atlantic Treaty Organization Headquarters, points out that when the U.S. defense doctrine of massive retaliation was overtaken by increased Soviet military might the high degree of security which unquestionable American nuclear superiority provide Europe vanished. As the Soviet Union vastly increased its nuclear capability, with no attempt on the part of the United States to maintain nuclear superiority, a level of strategic force relationships came into being in which a U.S. attack on the Soviet homeland in response to any Soviet attack on Western Europe became unbelievable.

As the credibility of U.S. retaliation against the Soviet Union itself, should it decide to militarily annex Western Europe, decreased, the insecurity of Western Europe increased.

The author analyzes the role of tactical nuclear weapons in this context as a deterrent to Soviet military aggression against Europe. The general concludes that—

> Having these weapons (tactical nuclear) may deter the aggressor from being the first to use them, but they cannot serve as a real deterrent against all forms of aggression. A ruthless enemy cannot be deterred by fighting only the most forward wave of his forces; he can only be deterred by a threat to his own country.

The truth of this statement has been made manifest in Southeast Asia. The North Vietnamese Communists have sacrificed nearly 700,000 men of their armed expeditionary forces in an attempt to bring South Vietnam under their heel. As the United States continued to assure the North Vietnamese that we would not attempt to overthrow their Government they continued to send their fighting forces south.

The United States deterred, and continues to deter, itself in this case by renouncing the only objective which would have possibly deterred, or if not deterred, forcibly prevented the North Vietnamese Politburo from sending its armies marching all over Southeast Asia.

In the case of the Soviet Union at this point it is not simply a question of unparalleled mental obfuscation which would deter the United States from attacking the Soviet heartland in response to a Soviet attack on Europe, but rather a clear understanding of the disadvantageous strategic military force relationship which currently exists.

In either case we find ourselves unable to undertake decisive action against the material base from which the attack is being, or could be, launched.

By foreclosing this U.S. option as regards a possible Soviet attack on Western Europe through insufficient military preparedness measures, we may well be inviting the same type of attack on Western Europe as the North Vietnamese Communists have launched in Southeast Asia. A relatively secure enemy homeland deprives us of our greatest deterrent.

The article by General Trettner follows.

TACTICAL NUCLEAR WEAPONS FOR EUROPE

(By Gen. Heinz Trettner)

(NOTE.—This article was translated and condensed from the original, published in the Revue Militaire Generale (France) February 1971, under the title, "Atomare Gefechtsfeldwaffen fur Mitteleuropa?"

(General Trettner, while on active duty, served as Deputy Assistant Chief of Staff, Logistics, North Atlantic Treaty Organization Headquaters; Commander in Chief, 1st Corps; and Chief of Staff, Armed Forces of the German Federal Republic.)

The utilization of nuclear energy in the manufacture of weapons has changed political and military thinking. The first nuclear weapons were strategic weapons. Their employment—whose moral justification is still a matter of dispute—was so successful that it was natural to attempt to utilize nuclear energy in lower level conflicts. The only question was whether it was technologically feasible to reduce the size, weight, and effectiveness of the new weapons to a degree which would make them suitable for tactical operations.

Thus, development of nuclear weapons was opposite to that of conventional weapons. With conventional weapons, it was a matter of achieving ever greater destructive power. Nuclear weapons development efforts were aimed at reducing weight and containing the explosive power. If this could be achieved, it was thought that the need for manpower on the battlefield could be reduced. Perhaps the conventional arms race could be ended through the economical application of nuclear energy. In contrast to conventional weapons, a limited number of tactical nuclear weapons could end any military conflict successfully and rapidly.

The technological problem was solved at great cost, but with admirable speed. The United States had tactical nuclear weapons and the necessary delivery vehicles for its troops and allies as early as the 1950's.

NUCLEAR DISADVANTAGES

At that time, it would have been difficult to overestimate the value of these weapons. There was the prospect that these weapons would help keep in check the numerically superior conventional forces of the Soviet Union while strategic nuclear weapons threatened the homeland of the aggressor. This concept was clear and simple. It was based on the US monopoly of nuclear weapons which was fading away only gradually. Nuclear war was considered a unity. Vis-a-vis strategic weapons, tactical nuclear weapons had the advantage of greater aiming accuracy and a smaller radius of destruction. This allowed tactical operations on the territory of allies who were to be spared as much damage as possible.

Despite these developments, the new weapons could not be added to the conventional weapons arsenal. While heat, blast, and primary radiation could be controlled to the extent that their effects could be kept from the friendly forces by appropriate target analysis, the drift of fallout could not be precisely determined. The civilian population could receive only relatively inadequate protection by restricting the use of nuclear weapons in built-up areas.

These disadvantages of nuclear weapons considerably limited their practical utility. Even now, in war games, fallout is often either neglected as an incalculable factor or manipulated. This results in a false picture. In reality, the closer ground zero is to friendly forces, the more frequently the employment of nuclear weapons must be foregone so as not to endanger friendly forces. Tactical nuclear weapons are not yet "clean" enough.

POLITICAL WEAPONS

A much more important fact is that only the President of the United States can order the employment of these weapons. It is clear that the political implications of nuclear weapons outweigh the military considerations. They are primarily political weapons. The efforts made by the North Atlantic Treaty Organization toward adopting a decision-making process for the employment of nuclear weapons have not produced a satisfactory solution. Consultations are an inadequate substitute for a positive voice in nuclear matters within the alliance and distinctly illustrate the political nature of the new weapons.

Proceeding from the original assumption that nuclear war is not divisible into limited and general, the French view seems to be irrefutable. France contends that the employment of nuclear weapons is a matter of life and death of the nation concerned. Therefore, the decision to use nuclear weapons cannot be made by an outside power. Thus, the employment of nuclear weapons for the achievement of tactical or secondary objectives would be unthinkable. On the contrary, the release of, or the denial of the use of, tactical nuclear weapons would have to be dependent upon the whole political-strategic situation.

In the meantime the Soviets have reached parity in the field of nuclear armament. The US monopoly no longer exists, and, as a consequence, US military strategy has changed from massive retaliation to flexible response. It was with misgivings that the Europeans saw the doctrine change because the strategy of massive retaliation had afforded them a high degree of security. However, the Europeans had to reconcile themselves to the new realities of US strategy.

The principle that the West will not start a war under any circumstances is as valid as ever. But in the future, an aggression will not be met with the immediate destruction of the aggressor homeland, but with an "appropriate" response. The aggressor no longer has to reckon on certain ruin, only on the uncertainty of a prospective countermeasure. Inasmuch as the strategic potential of the Soviet Union has become largely invulnerable, and a second strike against the US mainland remains a possibility, an immediate nuclear strike launched by the West in response to an aggression is no longer probable. Against any other action, the Soviets are sufficiently armed.

Consequently, the insecurity of the West has increased. The weapon systems have changed roles: nuclear armament has become the shield and conventional armament the sword of the alliance. At the same time, the significance of tactical nucler weapons. Now, they are being considered as a means of fire support for conventional forces.

Edward Teller, the principal developer of the hydrogen bomb, held that war could easily be limited with respect to area and targets, but not in regard to weapons. He, therefore, recommended the employment of tactical nuclear weapons in limited war. According to his view, the aggressor, after a defeat on the battlefield, would no longer want to enlarge the conflict area. Teller wanted to halt the advance of the superior Soviet conventional forces with nuclear weapons in the combat area. In his way of thinking, the West, inferior in conventional armament, had no intention of expanding a conflict, and the Soviets, after a tactical nuclear rebuff, would have no desire to do so.

Other American scientists recommended slow, well-measured escalation mixed with political measures to avoid a general war.

Under the influence of these and other

theories, NATO doctrine changed, and the significance of conventional forces in Europe increased. These forces were expected to fight through the first phases of an armed conflict alone, without a strategic nuclear response. The logical conclusion would have been to increase conventional forces, but this was not done. Raising the nuclear threshold remained a mere declaration of intent.

INDEPENDENT ACTIONS

If total employment of the nuclear potential had to be avoided, the question of independent actions with tactical nuclear weapons became more important. For the United States, the risk involved in the employment of tactical nuclear weapons was relatively small because of the strategic balance between the United States and the Soviet Union. Separate employment of tactical weapons, therefore, became conceivable.

For the Europeans, however, it was a different matter. It was important for them to determine whether the inferiority in conventional troops in central Europe could actually be offset by separate employment of tactical nuclear weapons. The fact that the Soviets had also reached approximate parity in the field of tactical nuclear devices had to be considered.

Experts have not been able to agree as to whether the defender or the aggressor stands to gain from the use of tactical nuclear weapons. The aggressor can freely determine the time and place of the main effort, and he presents, almost exclusively, moving targets which are difficult to hit. The defender, on the other hand, does not need to leave his cover, and concentration of forces is not necessary. Because of the need for decisive findings, a scientific solution was sought by means of modern operational research methods.

The results of the independently conducted research clearly show that the separate employment of tactical nuclear weapons, even in large quantities, holds no advantage for the defender. True, he can inflict greater losses on the aggressor than he will suffer because the aggressor must temporarily concentrate his forces at crucial points. However, the over-all ratio of strength changes to the disadvantage of the defender. Locally, a delay of enemy attacks can be achieved, but it must be expected that the units of the front line will be rapidly consumed.

The defender does not gain any time; on the contrary, he faces the alternative of "all or nothing" much earlier than he would have had he continued to fight with conventional weapons only. Since the West has no conventional units for a second or third encounter, it will, after a few hours, have no forces which can withstand the attack of the second wave of forces brought forward by the aggressor.

Under the conditions in central Europe. the employment of tactical nuclear weapons works to the advantage of the aggressor. This result was reached by assuming that both parties fight with approximately the same number of weapons of equal yield. This assumption is unrealistic. The Soviets do not have a large number of sophisticated, small, nuclear weapons, and no reason to keep the destruction on enemy territory to a minimum. If the enemy counters the employment of small-yield nuclear weapons by launching an attack with weapons of a greater caliber, the disadvantage to the defender becomes even greater.

POLITICAL CONSIDERATIONS

Political considerations must be added. In a highly developed area such as central Europe, the communications system is so dense that individual attacks can be halted only with a relatively great number of tactical nuclear weapons. True, the number of weapons necessary is available in Europe, but, if employed, they would devastate the densely populated area and inflict unacceptable losses on the population. A tactical nuclear defense of Europe would lead to its destruction.

The situation of the defender who must fight in his own country differs completely from that of the aggressor. In addition to the military losses incurred by nuclear combat, the defender must bear the unimaginable damages in the civil sector which easily could lead to the complete disintegration of all political and military order.

Certainly, one can disregard these considerations and place the highest priority on the combat mission by employing hundreds or even thousands of weapons. Such a course of action would be evidence of narrow militaristic thinking, and raise the question as to how such action could be morally justified. It is open to debate whether weapons intended to protect by destroying everything can be considered lawful weapons.

PSYCHOLOGICAL EFFECT

In nearly all war games and studies, another decisive factor is ignored because its weight has not been determined from experience—the psychological effect of nuclear explosions on man. Even if one is so optimistic as to believe that soldiers can be trained to move through battlefields devastated by nuclear weapons and execute their tactical missions, the same behavior cannot be expected from the unprotected civilian population. In a modern war, even the best soldier cannot function with a demoralized population and a devastated land behind him.

It may be argued that tactical nuclear weapons are primarily intended to serve as a deterrent, and that other arguments ignore the main problem. Tactical nuclear weapons are clearly needed so long as the enemy has them at his disposal. Having these weapons may deter the aggressor from being the first to use them, but they cannot serve as a real deterrent against all forms of aggression. A ruthless enemy cannot be deterred by fighting only the most forward wave of his forces; he can only be deterred by a threat to his own country. That tactical nuclear weapons favor the aggressor will also be apparent to him. This is not effective deterrence.

The Western partners of NATO, depending on the situation of their national interests, look upon these problems differently. French units stationed in West Germany will be armed with tactical nuclear weapons sometime in the 1970's. If the Free Western World is considered a unity, and if the equality of its sovereign nations is taken seriously, the diverse views on tactical nuclear weapons employment must be resolved.

Helmut Schmidt, the present Defense Minister of West Germany, has demanded a veto right for any nation from whose or on whose soil nuclear weapons are to be fired. This demand is the least that must be granted among equal partners of an alliance.

The necessity of such unusual arrangements suggests that something is wrong with the entire concept. One inevitably comes to the conclusion that today's tactical nuclear weapons break open the framework of tactical operations. Their separate employment on the battlefield is damaging to the Europeans without being useful to the Americans. It appears that the idea of applying this concept under central European conditions is wrong.

THE MIDDLE EAST AND THE SINO-SOVIET STRUGGLE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. PUCINSKI. Mr. Speaker, recently, the Soviet Union and Egypt concluded a treaty, the long-range significance about which we can only speculate.

The Soviet-Egyptian pact is unprecedented in that it is the first pact of its kind that Moscow has entered into with a country that is non-Communist and outside of the Soviet orbit.

Obviously, the Russians do not make treaties for their health but always for an ulterior motive. The goal is to get the Suez Canal opened, which is the last link in Soviet strategy which can tie the Soviet Far East effectively to the Soviet heartland.

At great expense, the Soviet Union has been acquiring port privileges and facilities all around Asia from the Black Sea to Vladivostok, which is a replica of Britain's former sea route to India. The Red Chinese, in the meantime, have been trying to outflank the Russians by land.

The Soviet-Egyptian pact, then, transcends the Israeli-Arab conflict. We can no longer say that if the Israelis, or even the Arabs, would do this or that there would be peace in the Middle East.

The important fact is that the Russians have a firm toehold in the Middle East with the Soviet-Eyptian pact, and we can expect the Russians to rapidly subvert Egypt in her thrust to completely control the vital link missing in her eastern strategy—the Suez Canal.

If the Russians gain control of the Suez Canal in an area that is a cross roads, they would be able to outflank Europe as well as Asia, and follow through with major moves in the Far East.

The Red Chinese have been as busy as the Russians in counter moves. Both powers face each other hostilely on their long border. Both seek to dominate the world.

We must ask ourselves just what strategy we have in trying to prevent either of the Communist powers from gaining dominance. Is our strategy merely to have each power checkmate each other? Are there any other alternatives? Is it in the interest of the free world to have the Suez Canal opened? More questions are raised than answered.

We can only look with deep concern at the recent moves by our State Department toward Red China in general, and the U.S.S.R. in the Middle East in particular, and speculate if all this ping-pong diplomacy is in our interest.

I should like to place in the RECORD today some outstanding articles on this situation. Several are from the excellent British publication, Intelligence Digest; a policy statement concerning the Soviet-Egyptian pact from the Israeli Embassy; an article from the American Security Council's June 7 Washington Report; and a scholarly article by Yin Ching-yao, research fellow of the Institute of International Relations in Taiwan, on Peiping's foreign policy and tactics:

[From the Intelligence Digest, June 1971]

INTELLIGENCE POINTERS

If the Suez Canal is re-opened within a reasonably short time it will not be as a result of successful diplomacy by Mr. Rogers, U.S. Secretary of State. It will be because the Russians want it. They want it for strategic reasons fully explained in the report "Suez: Focus of World Strategy" published in the September, 1970, issue of *Intelligence Digest*.

Nearly everyone seems to overlook this factor. Not so, however, the Pentagon. This

Service has good reason to believe that the Pentagon's advice to President Nixon is against the reopening of the Canal. This conflicts sharply with the State Department's advice.

The Russians appear to have developed a process for reducing fuel oil to a jelly-like substance of about one-seventh the volume of the original substance. This can be deposited on the sea bed and recovered and reconstituted at need.

In the March, 1971, issue of *Intelligence Digest* we published a report that there are a number of Russian marker buoys outside territorial waters in the Mediterranean and off the coast of South Africa in the Atlantic. We now understand that there are a number of these buoys in the Indian Ocean also.

At the time of our March report it seemed probable that these were to mark rendezvous points for naval supply ships. We now believe that their purpose is to mark jellied oil fuel deposits.

This is a very important development in naval logistics and is causing the American naval authorities some concern.

In Turkey, the sinister figure of Mullah Mustapha Barzani has reappeared. This Iraqi Kurdish leader is moving to set up an independent Kurdish state in Turkey.

Mullah Mustapha is a dangerous man who has been making trouble in the Middle East for over a quarter of a century. A fairly full account of his origin and former activities was published in the January, 1959, issue of *Intelligence Digest*.

It has for a long time been one of Russia's contingency plans to foment a Kurdish revolt in Turkey. The immediate objective is no doubt to put pressure on the Turkish Government.

Spanish-Soviet talks have been going on in secret for some time. Spain has suffered constant rebuffs from the western powers to her desire to join NATO and the Common Market. If Moscow now agrees to restore the Spanish gold deposited in the Soviet Union during the Spanish Civil War it cannot be excluded that an agreement between the two countries may be reached which would seriously affect the present strategic balance of power in the Mediterranean.

Changes in the Politburo disclosed at the recent 24th Congress of the Soviet Communist Party show a strengthening of military influence inside the Party. Kosygin has been relegated from fourth to fifth place in the order of precedence. Podgorny, Polyansky, Suslov and Shelepin have also been relegated. Suslov has also gone down from third to ninth place in the Party Secretariat.

The personal power of Marshal Grechko has tremendously increased of late. So has that of Yuri Andropov, chief of the KGB.

Brezhnev has certainly eliminated some of his potential political rivals; but his apparent position of strength depends upon his ability to manipulate the military (Grechko) and the security services (Andropov).

A new attempt at a dialogue with China is in the offing.

[From the Intelligence Digest, September 1970]

SUEZ: FOCUS OF WORLD STRATEGY

The following highly important report is reproduced, by permission, from the American Security Council's *Washington Report*.

It is becoming apparent that the Kremlin is intent upon re-opening the Suez Canal. This is the reason why the USSR has begun delivering amphibious equipment to Egypt, why SAM sites have been deployed along the west bank of the Canal, and why a propaganda campaign is under way to make Israel give up the Sinai Peninsula as a preliminary to serious negotiations.

Why are the Soviets centering their current strategy on this obsolescent waterway? The need to compress the present travel time of 38 days from the Black Sea to Vietnam together with Arab pressure are usually regarded as the prime reasons. It isn't that innocuous. The Sino-Soviet conflict is the overriding and still widely overlooked motivation.

THE SINO-SOVIET SPLIT

It has become fashionable to say that the Sino-Soviet conflict has abated since last year. True, no major border incidents have recently occurred—or have been reported. True, Peking has at long last decided to nominate a new ambassador to Moscow, so that full diplomatic relations are about to be resumed.

But it is no less true that the gigantic Soviet military deployment against China has remained in place and continues to grow in strength, while Maoist China is still preparing for the clash.

The *New York Times* reported at the end of July that Soviet troop deployment along the Chinese border had reached the level of about 60 divisions and that hundreds of a new 500-mile mobile nuclear missile, code-named "Scaleboard", have been deployed in the area. This is the first known deployment of this missile. The Soviets, according to the *Times* article, have also deployed a tactical (30-mile range) nuclear missile, code-named "Frog".

The USSR does not have much time to lose because, as each day goes by, China's missile capacity is coming closer. Even without missiles, the Chinese bomber force of TU-16s (Badgers) is stronger than the French *force de frappe* and about as strong as Britain's four-submarine nuclear deterrent force.

If the Chinese IL-28 bombers are added (equivalent to the B-47), China's nuclear delivery force exceeds that of France and Britain combined. China's MIG-21s, which have a speed of nearly Mach 2, possess range adequate to deliver nuclear weapons to key cities in the Soviet Far East and in central Asia. There are not many, but enough of them to do considerable damage.

CHINESE MISSILES

Short-range missiles have probably been available for some time and, whether or not we call them tactical, they can hurt. MRBMs, some of them mobile, could be ready soon. A significant force of 1,000 or 1,500-mile missiles may be available by 1973, perhaps even a few ICBMs.

The Chinese missile programme may be delayed again, but there are several large launch pads at the Shuangchengtse long-range test site, and the Chinese missile industry, which is of considerable size, is working at top speed.

By contrast, it will take at least one year to repair the Suez Canal and it will require more time, perhaps a major international crisis, before the repair work can even be started.

The Sino-Soviet conflict is neither a mere ideological quarrel nor just a border dispute.

The ideological cleavage seems unbridgeable and China's territorial claims exceed one million square miles. Yet the conflict is predominantly rooted in a fundamental difficulty that cannot be compromised: the USSR is weakest at its Pacific flank, where Japan and China are rising as dynamic superpowers.

If the USSR does not succeed in overcoming its extraordinary vulnerability by strengthening its eastern territories in a major way, those possessions will ultimately become untenable and the Soviet empire *as a whole* will be at risk.

THE SOVIET OPTIONS

In theory, there are two peaceful methods by which the Soviet Far East can be strengthened. Either the area may be rapidly populated and industrialised or the industrial complex of Manchuria may be put under Soviet control, for example through some sort of condominium with China.

Neither solution can work. The USSR does not have 30 to 40 million people to settle north of the Amur, and China, whether Maoist or post-Maoist, will not share its sovereignty.

The military solution is to take Manchuria (and the northern regions) and weaken China through partition and unilateral nuclear disarmament.

The choice is therefore between the conquest of North China and a crash programme to build up the eastern USSR. It isn't much of a choice, but that's the menu.

The land communications of European USSR and West Siberia with the Soviet Far East are insufficient and cannot sustain a massive industrial build-up either in the Transbaikal-Amur region or in Manchuria.

If Manchuria is to be occupied, logistic requirements will be formidable. If Moscow decides to crash develop the eastern territories, requirements will be still larger.

A mixed strategy would not offer any real advantages. All requirements would be for indefinitely long periods. On the basis of current logistic capabilities, none of these strategies is practical. The alternative is to allow Maoist China to outflank the USSR in the east, and that it hardly acceptable to Moscow.

A VITAL LINK

The Panama Canal was built to link the Pacific coast of the U.S. to the eastern industrial and shipping centers and to ensure a dominant American power position in both the Atlantic and the Pacific. In the period of World Wars I and II, it was the single most important strategic resource of the United States.

In the current constellation, the Suez Canal must be viewed as the *only* potentially available link which can tie the Soviet Far East effectively to the Soviet heartland. This linking up is a matter of highest urgency, because if the Soviets do not secure the Suez Canal they cannot adopt *any* effective eastern strategy.

One implication is that the Soviets may not be content with having Egypt repossess the Canal. Instead, they may be anxious to assume control themselves, probably in a concealed fashion. Another implication is that the "useless" Sanai desert is at this juncture the most valuable piece of land anywhere on the globe.

THE SOVIET SEA ROUTE

The Soviets have been working methodically to acquire port privileges and facilities all around Asia from the Black Sea to Vladivostok.

In various ways, they are establishing themselves at Latakia, Syria; Port Said, Alexandria and Ras Banas, Egypt; Hodeida, Yemen; Aden, South Yemen; Berbera, Somalia; Port Louis, Mauritius; Basra, Iraq; Vizagapatam and Port Blair, Andaman Islands, both in India; Singapore; and, hopefully, Hong Kong.

This sea route which the Soviets are building at huge expense is a replica of Britain's former sea route to India. The Soviets are *not* building a route around Africa.

But so long as the Suez Canal is closed, the Asian sea route remains quite useless. The Suez Canal is the main missing link.

The Chinese are countering the Soviet manoeuvre designed to outflank them by the sea by attempting to outflank the Soviet by land. The scenario is right out of the classic treatises by Admiral Mahan and Sir Halford Mackinder.

More particularly, the Maoists aim to break through to control points in south-east Asia, the Indian Ocean, and the Arabian Sea.

Thus, they are building a road from Kashgar, Sinkiang, to Gilgit, Pakistan, and they are working on their alliance with Pakistan to reach the Indian Ocean. The Chinese are engaged in intensive road-building activities in Tibet and the Himalaya states, and they are fostering subversion in Bengal and north-east India. One purpose is to keep the Soviets out of India.

CHINA LOOKS SOUTHWARD

They are also building roads leading into Burma and Laos, and toward Thailand, and they are fomenting subversion in those three countries and in Malaysia. The operation supplements the North Vietnamese aggression in Indo-China.

The objective, besides knocking out South Vietnam, Thailand, Burma, and Malaysia, is to get to Singapore and ultimately into Indonesia (and Taiwan).

Chou En-lai, fifteen years ago, wanted to build a strategic triangle linking Peking with Delhi and Jakarta. The ideal still is to control east-west communications, and for this purpose to get to the coast and into the Malay Archipelago.

In the Arabian Sea area, the Maoists have been able to establish considerable influence in Southern Yemen, which includes the key port of Aden. Southern Arabia is full of Maoist guerrillas who seem to regard Muscat and Oman as their most promising early target.

The *coup d'etat* in Muscat and Oman may also be a forerunner of things to come in the Middle East and should strengthen the Maoist drive for increased influence through this strategically located Sheikdom.

This may change if the British decide not to depart from the Gulf.

THE ARAB GUERRILLAS

The attempt to overthrow King Hussein and establish Jordan as a Fedayin state was largely undertaken through the Maoist Palestine Liberation Front.

This front, commanded by George Habache, a Christian Arab, consists of 2,000–6,000 men and reportedly receives from Peking $10,000 a month plus family allowances.

The Maoist rebellion was subdued—barely—but the PLF is stronger than before and the Maoists are heavily infiltrating the dozen or so other guerrilla organisations. Yasser Arafat, the leader of *Al Fatah*, has remained in Nasser's and Moscow's camp, but he recently visited China.

THE OIL FACTOR

The reopening of the Suez Canal by the Soviets would allow them to block the not unpromising Maoist manoeuvres in the Middle East. As a bonus, the Soviets may be able to lay their hands on much Middle Eastern oil and thus gain additional leverage *vis-a-vis* Japan and Europe.

They also may obtain hard currency income of some $500 million. The Canal earned about $200 million, and the Arab oil-producing states are paying subsidies to Egypt and Jordan amounting to $350 million annually.

If the USSR breaks through at Suez, it would be able to outflank Europe as well as Asia, and it would follow through with major moves in the Far East.

It is, therefore, a grievous mistake to construe the war in the Middle East merely as a contest between Israel and the Arabs, to disregard the strategic interdependence between Europe, the Middle East, south Asia, southeast Asia, and the Far East, and to ignore the overpowering influence of the Sino-Soviet conflict.

In this situation, the U.S. national interest is to prevent nuclear war in the Far East lest South Korea and Japan be badly hurt by fall-out and lest our world-wide alliances collapse, to see to it that the *status quo* between China and the USSR remains unchanged; and not to interfere if the USSR allocates major resources to its eastern territories.

The Soviets are working up towards a decisive operation at Suez. If we had an effective strategy, we would be able to turn the tables in favour of American security.

POLICY BACKGROUND: THE SOVIET-EGYPTIAN PACT

(Embassy of Israel, Washington, D.C., June 3, 1971)

1. The Soviet-Egyptian treaty of Friendship and Cooperation signed in Cairo on May 27, 1971 is the first pact of its kind that Moscow has entered into with a country that is both non-communist and that lies far afield from the Soviet border. In substance and scope it is radically different from the Moscow agreements with such non-communist states as Finland, Iran, Afghanistan and Turkey whose territories are contiguous with the Soviet frontiers. These treaties are essentially limited to the demands of Russian national security and are construed to ensure that the neighbor territories shall not be used as bases for attack against the Soviet Union proper. What makes the treaty with Egypt so unprecedented and far-reaching is its resemblance to the treaties governing the relationships between Russia and the Warsaw Pact states. A comparison of the language and pattern of the Egyptian treaty with, for example, the treaty between the USSR and Czechoslovakia of May 1970, shows a sufficiently striking similarity to infer that the document signed in Cairo was at least drafted in Moscow by Soviet policy planners. There are, to be sure, differences between the Warsaw pact treaties and the Egyptian accord. But on the purely political level, they share a common quality and philosophy of a long-term relationship with the Soviet Union—in the case of Egypt 15 years—that embraces virtually every facet of national life: economic, military, diplomatic, social, cultural and ideological (see attached text).

THE CONSULTATION AND MILITARY CLAUSES

2. For the Soviet Union the treaty with Egypt represents an important landmark. Its terms do not merely formalize an existing status-quo of Russian assistance and cooperation; they grant Moscow the legality of presence and a say in the affairs of Egypt for the next 15 years (Article 11). Of particular significance is Article 7, the "consulting" clause. By it Egypt undertakes *"to concert"* its international policies with the Soviet Union and *"to regularly consult . . . at different levels on all important questions affecting the interests of both states."* This goes further even than the wording of the Soviet treaty with Czechoslovakia which is less specific and which avoids the use of the term "concert" and the principle of "regular" consultations. Article 7 is perhaps the most indicative clause of the whole treaty with respect to the degree of the commitment Egypt has made to the Soviet Union on the political level.

On the military level, Article 8 spells out the Soviet long-term commitment to *"continue to develop cooperation in the military field . . . with a view to strengthening (Egypt's) capacity to eliminate the consequences of the aggression as well as its ability to stand up to aggression in general"* (meaning military aid in the event of any future hostilities with another party, not necessarily related to the Israel-Egyptian conflict).

TREATY TRANSCENDS ISRAEL-ARAB CONFLICT

3. Article 7 (regular consultation), Article 8 (military aid unrelated to the conflict with Israel) and Article 11 (15 years duration), all indicate that the pact is not merely an instrument dictated by the needs of Egypt's conflict with Israel and the Soviet involvement in it. Egypt and the Soviet Union have agreed, as a matter of principle, to regulate their future relations and to concert their future policies under all circumstances, no matter how the Israel-Arab dispute may develop. It is in this respect that the treaty is a milestone for Soviet policy in the Middle East. It gives Moscow what it has long sought, namely the political consolidation of its presence in the Middle East by winning a long-term legal title to intervene in the affairs of the region's dominant Arab state, Egypt, irrespective of who controls the reins of government in Cairo and in a manner that transcends the Israel-Arab conflict.

4. The duration and substance of the treaty are themselves evidence, if such were needed, that the continued Soviet presence in Egypt is not simply a function of the tensions generated by the Israel-Arab conflict nor is it predicated upon the conflict. Hence, the absurdity of the suggestion that were Israel but to risk making unilateral concessions this would inevitably bring about a slackening of the Soviet grip over Egypt and an Egyptian movement away from the USSR towards the West. The facts of politics and power in the Middle East since 1967 are themselves a refutation of this dangerous simplification.

The Soviet Union's massive investment in Egypt and the political course it has pursued transcend the conflict with Israel and have throughout been predicated, in the first instance, upon its own power interests. Egypt is of crucial importance to the USSR strategy in the Middle East because it is the advance base for the initiation of future power moves as the opportunities arise.

SOVIET STRATEGY AND THE PEACE PROCESS

5. Israel's caution in insisting upon testing the intentions of the other side—among other things through a detailed negotiation—has throughout been influenced by this recognition of Soviet strategy and by the decisive role the Soviet Union is seeking to play in dictating that kind of a political solution which would serve Russia's own policies and interests. What it seeks through its own involvement in the political-military process is the maintenance of conditions for its own prestige and power by supporting Egypt and the other Arab countries in their effort to achieve a settlement on their terms: total Israeli withdrawal; mass Arab influx into Israel; sealed borders; an international force; international guarantees.

THE BALANCE OF POWER

6. Any progress towards an interim or total settlement between Israel and Egypt is wholly conditional upon the continued maintenance of the cease-fire situation. This, in turn, is dependent upon the maintenance of the balance of power on two levels:

(a) The preservation of Israel's defensive credibility in face of the commitment, undertaken by the Soviet Union in the treaty, to extend the supply of weapons to Egypt for an indefinite period. This aspect of the treaty was particularly hailed by Sadat in his address to the Egyptian People's Assembly on June 2, a few days after the accord was signed. He described the Soviet arms undertaking as a "new element". "We wanted this treaty," he said, "because it added new guarantees to our struggle (against Israel) that previously were unstipulated." It would be disastrous to minimise the implications of this Soviet guarantee in terms of the local arms balance, and the consequences that would result from a shift in it.

(b) Of equal importance to the maintenance of the arms balance as a factor in preventing the renewal of hostilities is the necessity to ensure a political-deterrent posture of such credibility that would prevent any miscalculation on the part of the Soviet Union, leading it to believe that it might enjoy a greater freedom of military action than it has had until now.

THE SOVIET-EGYPTIAN TREATY OF FRIENDSHIP AND COOPERATION, MAY 27, 1971

The Union of Soviet Socialist Republics and the United Arab Republic,

Being firmly convinced that the further development of friendship and all-around cooperation between the Union of Soviet Socialist Republics and the United Arab Republic meets the interests of the peoples of both states and helps strengthen world peace.

Being inspired by the ideals of struggle against imperialism and colonialism, and for the freedom, independence, and social progress of the peoples,

Being determined to wage persistently the struggle for stronger international peace and security in accordance with the invariable course of their peaceable foreign policy,

Reaffirming their allegiance to the aims and principles of the United Nations Charter,

Being driven by a desire to consolidate and strengthen the traditional relations of sincere friendship between the two states and peoples through concluding a treaty of friendship and cooperation and thus creating a basis for their further development,

Agreed on the following:

ARTICLE 1

The high contracting parties solemnly declare that unbreakable friendship will always exist between the two countries and their peoples. They will continue to develop and strengthen the existing relations of friendship and all-around cooperation between them in the political, economic, scientific, technological, cultural and other fields on the basis of the principles of respect for the sovereignty, territorial integrity, noninterference in the internal affairs of each other, equality and mutual benefit.

ARTICLE 2

The Union of Soviet Socialist Republics as a socialist state and the United Arab Republic, which has set itself the aim of reconstructing society along socialist lines, will cooperate closely and in all fields in ensuring conditions for preserving and further developing the social and economic gains of their peoples.

ARTICLE 3

Being guided by a desire to contribute in every way toward maintaining international peace and the security of the peoples, the Union of Soviet Socialist Republics and the United Arab Republic will continue with all determination to make efforts toward achieving and ensuring a lasting and fair peace in the Middle East in accordance with the aims and principles of the United Nations Charter.

In pursuing a peace-loving foreign policy, the high contracting parties will come out for peace, relaxation of international tension, achievement of general and complete disarmament and prohibition of nuclear and other types of weapons of mass destruction.

ARTICLE 4

Being guided by the ideals of freedom and equality of all the peoples, the high contracting parties condemn imperialism and colonialism in all their forms and manifestations. They will continue to come out against imperialism, for the full and final elimination of colonialism in pursuance of the U.N. declaration on the granting of independence to all colonial countries and peoples, and wage unswervingly the struggle against racialism and apartheid.

ARTICLE 5

The high contracting parties will continue to expand and deepen all-around cooperation and exchange of experience in the economic and scientific-technological fields—industry, agriculture, water conservancy, irrigation, development of natural resources, development of power engineering, the training of national personnel and other fields of economy.

The two sides will expand trade and sea shipping between the two states on the basis of the principles of mutual benefit and most-favored nation treatment.

ARTICLE 6

The high contracting parties will further promote cooperation between them in the fields of science, arts, literature, education, health services, the press, radio, television, cinema, tourism, physical culture and other fields.

The two sides will promote wider cooperation and direct connections between political and public organizations of working people, enterprises, cultural and scientific institutions for the purpose of a deeper mutual acquaintance with the life, work and achievements of the peoples of the two countries.

ARTICLE 7

Being deeply interested in ensuring peace and the security of the peoples, and attaching great importance to concertedness of their actions in the international area in the struggle for peace, the high contracting parties will, for this purpose, regularly consult each other at different levels on all important questions affecting the interests of both states.

In the event of development of situations creating, in the opinion of both sides, a danger to peace or violation of peace, they will contact each other without delay in order to concert their positions with a view to removing the threat that has arisen or reestablishing peace.

ARTICLE 8

In the interests of strengthening the defense capacity of the United Arab Republic, the high contracting parties will continue to develop cooperation in the military field on the basis of appropriate agreements between them. Such cooperation will provide specifically for assistance in the training of the U.A.R. military personnel, in mastering the armaments and equipment supplied to the United Arab Republic with a view to strengthening its capacity to eliminate the consequences of aggression as well as increasing its ability to stand up to aggression in general.

ARTICLE 9

Proceeding from the aims and principles of this treaty.

Each of the high contracting parties states that it will not enter into alliances and will not take part in any groupings of states, in actions or measures directed against the other high contracting party.

ARTICLE 10

Each of the high contracting parties declares that its commitments under the existing international treaties are not in contradiction with the provisions of this treaty and it undertakes not to enter into any international agreements incompatible with it.

ARTICLE 11

The present treaty will be operative within 15 years since the day it enters into force.

If neither of the high contracting parties declares a year before the expiry of this term its desire to terminate the treaty, it will remain in force for the next five years and so henceforth until one of the high contracting parties makes a year before the expiry of the current five-year period a written warning on its intention to terminate it.

ARTICLE 12

The present treaty is subject to ratification and shall come into force on the day of exchange of ratification instruments, which will take place in Moscow in the nearest future.

The present treaty is done in two copies, each in Russian and Arabic, with both texts being equally authentic.

Done in the city of Cairo on May 27, 1971, which corresponds to 3 Rabia as Sani, 1391, Hejira.

For the Union of Soviet Socialist Republics, N. Podgorny.

For the United Arab Republic, Anwar Sadat.

SOURCE—Tass, the Soviet Press agency.

[From the Washington Report, June 7, 1971]

NO PEACE IN SIGHT FOR THE MIDDLE EAST

(By Frank J. Johnson)

The Middle East continues to be the world's most dangerous and insoluble trouble spot. No one should be misled by the "hopeful" tone adopted by Secretary of State Rogers following his recent tour of the area. A peaceful solution to the crisis is still extremely unlikely. The objective conditions necessary for a settlement do not exist. They cannot be created by any amount of diplomatic maneuvering. A resumption of the Arab-Israeli war, sooner or later, is regarded by the most competent Washington analysts as almost inevitable.

The foregoing assessment is gloomy and unpleasant, but it is the only one justified by the facts.

To be sure, neither Israel nor her chief protagonist—Egypt—*wants* war. Each would much prefer to achieve her objectives peacefully. But their respective objectives are quite irreconcilable. Neither side can accept the terms of the other without what it considers to be an intolerable sacrifice of national interest: for Israel the abandonment of geographically secure borders; for Egypt, Jordan and Syria the permanent loss of territory to Israeli conquest. And for the Arab world generally, the acceptance of Israeli control over all of Jerusalem.

The very strong military positions which are now enjoyed by both sides makes renewed war appear to each of them to be a lesser evil than submission, or even than major compromise.

SOVIET MILITARY INTERVENTION

The enormous Soviet military intervention on the side of Egypt has transformed the general situation in the last 15 months. True, there has been no significant change in Egypt's offensive capability to mount a successful crossing of the Suez Canal. This is still near zero. Such an offensive would require direct and massive Soviet participation and there is no sign as yet that Moscow intends such a move in the near future. But the Soviets have, by their vast military presence, including 16,000 personnel, guaranteed Egypt against the possibility of another total defeat. The commanding military position enjoyed by Israel after the Six Day War is gone. No longer are Cairo and Alexandria at the mercy of another lightning air attack or the threat of Israeli occupation, which was also feasible back in 1967. Besides the very effective surface to air missile system which they have supplied to Egypt, there is no reason now to suppose that Soviet pilots, flying the latest model Soviet aircraft, will not fight actively anywhere in the skies over Egypt if necessary.

ISRAEL'S POSITION

Israel's position, however, is still very strong. Diplomatically, the U.S. strives for impartiality, but militarily it continues to be our policy to give Israel whatever we think she needs to maintain the balance of power in the Middle East. There is no indication that we will use our position as arms supplier to Israel as a lever to force her to return the captive territories to the Arabs—as the Arabs wish us to do. Besides being politically difficult, there is simply no indication that such a tactic would work.

It would not work because Israel has made her own judgment as to where her security lies. This judgment is not likely to be altered by any amount of outside argumentation or pressure. Her rationale is that her 100 million Arab neighbors cannot be trusted to really forgive and forget the rule of 2.2 million Jews in a Palestine which they regard as rightfully theirs; that no matter what conciliatory words present Arab leaders might utter, or even what they might put on paper, they cannot take the place of a secure geographic buffer against attack into the Israeli heartland; and that no matter what international guarantees of her borders might be offered her, these cannot take the place of Israel's own independent ability to defend herself.

The Israeli attitude is heavily weighted by the Jewish experience in Nazi Germany. Hitler, it turned out, really meant what he said about the Jews in *Mein Kampf*. Israel therefore refuses to assume that extremist Arab propaganda vowing her extermination is merely so much hot air.

In the very unlikely event that the US were to threaten an arms cutoff if Israel did not retreat from the territories captured in 1967, Israel's answer almost certainly would be flat defiance. Israel would stand fast on the present cease fire line on the basis of her present strength and wait for a new administration in Washington, to reinforce if necessary.

In a desperate attempt to find some way out of the impasse, U.S. diplomacy, led by Secertary Rogers, is pushing the so-called "interim solution". This would involve a partial Israeli withdrawal from the Suez Canal and the reopening of the waterway to navigation. Egyptian President Sadat has agreed to this idea provided that it is linked to the broader question of a timetable for full Israeli withdrawal from all territories captured in 1967, and provided that Egyptian military forces are permitted to reoccupy the East bank of the Canal. Rogers' grounds for optimism appear to revolve around the fact that the Israelis, in order not to send him away empty-handed, gave vague indications that they might permit some kind of Egyptian military "presence" on the East bank. Israel, it was explained, would remain "flexible" on this and other details of an Israeli withdrawal, but only on condition that Egypt first agrees in principle to Israeli terms for reopening of Suez. There is not even a hint that Israel will give up her key positions in the Sinai, including the Bar-Lev defense line just back of the Canal.

FUTURE SCENARIO

This positions throws the ball into Cairo's court. Egyptian national pride and diplomatic strategy cannot accept such conditions. Egypt is squarely faced with the proposition that peace can be bought only at the cost of the loss of much, if not all, of the Sinai. With the new support given to her by her powerful Soviet ally, Egypt is most likely to pay the price.

Therefore, the probable scenario for the future involves a resumption, by Egypt, of the war of attrition against Israel whenever her patience wears out and frustration becomes unbearable. This possibility is heightened by the fact that Sadat, having just survived an attempted coup, may want to create an image for himself of more fervent nationalism, as well as redirecting any lingering internecine animosities against the "common" external enemy—Israel. Such resumption would involve artillery barrages, commando type raids, and air battles along the Canal in which Soviet pilots will periodically participate. Russia will use this siege warfare against Israel as a continuing cover and excuse to build up her military position in the Middle East and to establish permanent air and naval bases along the Mediterranean and Red Seas.

Neither are the Palestine guerrillas likely to remain as inactive as they are now, following their heavy defeat in Jordan last fall. The Fedayeen are reorganizing, this time under Algerian tutelage. Algerian President Boumedienne expects the collapse of the American peace initiative and is sending the guerrillas arms and political advice.

When and if Russia concludes that U.S. counteraction is no longer to be feared—either because of political vacillation, military incapability, or both—then the Soviets will most likely provide at least enough muscle to force Israel out of the Sinai, permitting the reopening of the Canal on Soviet-Arab terms. Quite conceivably it would be used by the Soviet Fleet as an entranceway to the Indian Ocean, while a similar use would be denied to the U.S. Sixth Fleet.

SOME HANDICAPS TO SOVIET-EGYPTIAN UNITY

There are some signs however that all is not yet entirely smooth sailing for the Soviets in their deal with the Arabs. An article in Izvestia of 28 April 1971 by Prof. H. Ulyanovsky—an obvious follow-up expansion of one of the themes in the 24th Party Congress, included as follows:

"Lack of understanding and distrust between the two progressive forces—the communists and the national democrats—have not been overcome, and in some countries the national democrats in power are even displaying the aspiration to carry out repressive measures against left wing forces.

". . . the national revolutionary democrats and the communists are faced with realizing increasingly that their invincible strength lies in unity. . . .

"In the majority of the Arab countries . . . the national democrats and the communists constitute the two most prestigious political forces, standing firmly on positions of militant anti-imperialism . . . there always have been and still are differences of opinion between them, but at the present stage of the revolution these differences are not and cannot be of primary importance."

There may still be some Arab leaders astute enough to wonder just how the Soviets intend to resolve those differences in the *next stage* of the revolution, when these become of "primary importance."

U.S. INFLUENCE RECEDING

Such an outlook can hardly be more grim from the standpoint of either Israel or the United States. Yet there seems little that we, as a nation, are willing to do about it. It is the inevitable concomitant of the tremendous shift in the world's balance of military and political power that has taken place in the world in the past five years.

As members of President Nixon's Blue Ribbon Defense Panel stated in their Supplemental Statement on the Shifting Balance of Military Power, "Since World War II a degree of world order has been maintained almost solely by the dominance of U.S. strategic military strength . . . this American-preserved world order is now disintegrating. We no longer have the power to preserve it. Nor do we appear to have the will, as a new neo-isolationist fever dims the perception of our people . . . . there is every reason to believe that the Soviet Union envisions the new era as one which it will dominate, employing its military power and the threat of its use to promote and attain its own imperialist objectives.

The trauma of the Vietnam experience, in which the U.S. failed to use its full military power for victory when the American public would have backed such a policy, has damaged, perhaps fatally, the American will to act. It has resulted in deep political divisions, in a widespread feeling of defeatism and antimilitarism, and in a growing neo-isolationism.

The total U.S. image emerging in the world is that of a power so obsessed with peace (the President has most unwisely forecast a generation of it) and its domestic difficulties that it will no longer enforce its rights or protect its interests (witness the supine acquiescence to the seizure of our fishing boats by Ecuador). The Soviet ambassador has openly warned our highest officials that Russia will not be bluffed in the Middle East. Neither, for example, does she intend to be bluffed in Cuba. The continuing presence of Soviet submarine tenders in and around the Cuban port of Cienfuegos has made a mockery of the U.S. warnings not to make it into a nuclear submarine base.

Many moderate Arabs argue, quite sincerely, that times have changed, that the serious Arab leaders are reconciled to Israel's existence, and that in any case Israel can count on the protection of the United States if she is seriously threatened.

Most Israelis do not agree (ex-Premier David Ben-Gurion is a conspicuous exception). They refuse to mortgage their security to decisions which would be made by a United States as troubled and disunited as it is today.

Where, they might ask, was the United States in 1967 when President Nasser announced his intention (though he never carried it out) to blockade the Straits of Tiran? The U.S. had guaranteed to Israel freedom of navigation in the Straits in 1957. But when the crunch came and Israel demanded to know our position, she got only evasive answers. She then took matters into her own hands.

Where was the United States in 1969 when its friend, King Idris of Libya called for help against the coup which deposed him? We did nothing and permitted an oil rich nation to fall into the hands of anti-Western extremists who can be counted on to support the idea of war, not peace, with Israel.

What did the United States do, last year, when Russia at last achieved the ambitions of the Tsars by establishing her own military forces in Egypt? When Presidential Adviser Henry Kissinger suggested in a background briefing last July that the U.S. would have to roll back the Soviet presence, the leaked story was hooted down by a phalanx of State Department doves, and he was forced to retract. Those who had once confidently suggested that Russia would never fly her planes in combat over Suez because there was no radar control for them on the ground found themselves confounded when Russia moved in her own ground control forces.

It should not be surprising that Israel still elects to depend upon herself and on geography, rather than upon the pledges of the United States, no matter how sincere we might be at the time they are given. In the present climate, the U.S. simply cannot be considered to be a dependable ally.

ISRAEL ULTIMATELY VULNERABLE

In the end, though, Israel probably cannot be saved by geography. It is effective, if at all, only against the Arabs. If the Soviets choose to throw their full weight into the conflict on the Arab side, Israel cannot stand alone. She is still utterly dependent upon the U.S. counterweight to deter the U.S.S.R. from coming openly to the help of the Arabs in a full offensive. In the last analysis, Israel's security *is* mortgaged to the U.S. deterrent.

Once that deterrent is lost, as it will be if present trends in the U.S.-Soviet military balance continue, Israel's hope for survival depends mainly on the usefulness of her existence to Soviet purposes, and thus on Russia's unwillingness to allow the Arabs to carry on a war of total extermination against her. This is a dubious hope, at best.

Those Americans who have been all in favor of precipitate withdrawal from Vietnam, and yet would have us go all out in defense of Israel, will soon find that they cannot have it both ways. We cannot wear two faces—one soft in Asia, the other hard in the Middle East. The damage has been done. The steady decline of U.S. power and influence which is now occuring throughout the world threatens to become a rout. We will soon enough be thinking only of our own survival when Soviet ultimata, backed up by overwhelming strategic military superiority, rain down upon our ears.

Meanwhile, Israel, that Spartan state which will not go away to suit anybody's convenience, has so far triumphed over its adversaries because it has put its trust only in itself. It is one of the world's most terrible tragedies that its continued existence can only be at the expense of what 100 million Arabs regard as one of history's greatest injustices. The irresistible force continues to collide with the immovable object.

[From the Intelligence Digest, June 1971]

THE PEKING-WASHINGTON FLIRTATION: MOSCOW'S REACTIONS

Soviet concern over the sudden new trend in relations between Peking and Washington was to be expected. What is unexpected, however, is that all Moscow's abuse about it is directed at China. President Nixon's response is accepted as natural and consistent. It is only the Chinese leaders who are being accused of a *volte-face*.

Washington is not accused of any shift in policy. So far as Moscow is concerned it is as wickedly imperialistic as ever.

TAKEN BY SURPRISE

Moscow also draws attention to some very recent Chinese calls to all countries and peoples to boycott America as "the world's gendarme and leading oppressor nation" and contrasts this with Chou En-lai's unexpected reference to "a rebirth of Sino-American relations."

Why, Moscow asks, are the leaders in Peking now so urgently seeking to establish contacts "with the very same American imperialists who they have so loudly denounced?"

Although Soviet propaganda has for a long time been talking about alleged Sino-American collusion, Peking's sudden gestures toward Washington seem to have taken Moscow completely by surprise.

As usual, the stock Soviet reaction to anything Moscow does not understand is that of abuse. The phrases are flowing freely: "Peking's hypocritical policy is well known to the world"; ". . . this act of treachery towards the national liberation movements"; ". . . this sudden willingness to work arm in arm with the principal enemy of all the peoples of the world"; and so on.

SERIOUSLY WORRIED

However, no amount of abuse can conceal the fact that the Soviet leaders are seriously worried. It slips out in such phrases as "this political event will have a profound impact" and "the United States and China are on the verge of making a fundamental change in the international situation".

One Russian commentator has gone so far as to describe Peking's alleged overtures to Washington as "catalytic" in their potential consequences for the whole international order.

ALLEGED SECRET EXCHANGES

But it is a military commentator who insists that he has the most important disclosure to make. He claims that secret exchanges took place between Washington and Peking some weeks ago during the last American-supported South Vietnamese excursion into Laos. In these, it is alleged, Washington informed Peking that in no circumstances need China fear a threat to her interests arising from the operations then in progress.

According to this commentator, Peking responded by informing Washington that China had no intention of interfering with America's freedom of action in south-east Asia since the main Chinese armed forces were concentrated in the north, on the borders with the Soviet Union, and that they would remain there.

These secret exchanges allegedly established the atmosphere of secret goodwill from which the rest has now flowed. However, the commentator makes no effort to substantiate his "disclosure".

[From Issues & Studies, April 1971]

PEIPING'S FOREIGN POLICY AND TACTICS

(By Yin Ching-yao)

Recently there has been a popular belief that Peiping's foreign policy has become moderate with the ending of the Cultural Revolution. This is a double mistake.

On domestic affairs, the 1971 joint New Year's Day editorial of the *People's Daily*, the *Liberation Army Daily*, and *Red Flag* said: "This year (1971) will witness the deepening of the struggle-criticism-transformation movement of the Great Proletarian Cultural Revolution." How, then, can one say that the Cultural Revolution has "ended"? On foreign affairs, the editorial had this to say: "We will persistently fulfill our proletarian internationalist obligations, firmly support the revolutionary struggles of the people of all countries and learn from them, and together with them we will fight to the finish to defeat the U.S. aggressors and all their running dogs and oppose modern revisionism with Soviet revisionism at its center and the reactionaries of all countries." Do these words smack of any degree of "moderation" in comparison with previous Communist statements?

The Red Guard movement has ended, but not the Cultural Revolution. This point, however, will not be discussed in this paper. Those who are of the opinion that the Chinese Communists' foreign policy has become less militant err in mixing up policy with tactics. It is this question with which this paper is concerned.

I. FOREIGN POLICY AND FOREIGN TACTICS

First of all, we must make a distinction between two concepts: policy and tactics.

What is a country's "foreign policy"?

The introduction to the Chinese-language *A History of Modern International Relations*, published in 1958 in Peiping on the basis of the lectures delivered by a Russian professor, L. N. Kutakov, at the Peking College of International Relations, states: "The function of a country's foreign policy is the strategic function in its foreign relations."[1] Here Kutakov interprets the word "strategy" in the way as Stalin in *Foundations of Leninism* and "Concerning the Question of the Strategy and Tactics of the Russian Communists." In the views of both Kutakov and Stalin, strategy is deployment of strength; it performs a function during a certain historical period and therefore it cannot be changed during this period.

The foreign activities we have been seeing every day are an expression of tactics toward foreign countries. Kutakov says that diplomacy is part of the tactics of foreign relations.[2] His definition of tactics is the same as that of Stalin. In other words, tactics are forms of struggle and organization; they are ways and means of fighting. Viewed from this angle, tactics are and should be subject to change.

What then is the relationship between tactics and foreign policy? Stalin says: "Tactics are a part of strategy, subordinated to and serving it."[3] Kutakov holds that diplomacy is a tactic, subordinated to and serving foreign policy.[4] The Chinese Communists maintain that the relationship between diplomacy and foreign policy can be compared with that of the implementation of a program and the program itself. In a certain sense, the former is the tool of the latter.[5] Stalin says: Generally speaking, tactical successes prepare for strategic successes."[6] Kutakov says that socialist diplomacy is characterized by mobility and flexibility, but it is always based on principle.[7] The Chinese Communists say: "The proletarian party must be flexible as well as highly principled, and on occasion it must make such compromises as are necessary in the interests of the revolution. But it must never abandon principled policies and the goal of revolution on the pretext of flexibility and of necessary compromises."[8]

If there are changes in Peiping's foreign activities, they can be viewed only as tactical variations. Tactics, in the eyes of the Chinese Communists, are characterized by flexibility and mobility. They will never barter away "principle" in any negotiation; nor will they abandon the goal of world revolution.

II. CURRENT FOREIGN POLICY

The Communists divide the world into three groups: (1) the growing world socialist system, (2) the fast disintegrating colonial system, and (3) the declining world capitalist system. This is the traditional Communist concept which was further elaborated in the "Statement" of the World Communist Conference held in Moscow in November 1960.

The Communists maintain that there are four "contradictions" within the three systems: "the contradiction between the socialist camp and the imperialist camp; the contradiction between the proletariat and the bourgeoisie in the capitalist countries; the contradiction between the oppressed nations and imperialism; and the contradictions among imperialist countries and among monopoly capitalist groups."[9] This idea originates in Stalin's views expressed in *Foundations of Leninism* and other related papers. Peiping's foreign policy is designed to exploit the four contradictions within the three systems in order to achieve the objective of communizing the world. Thus, the general line of the foreign policy of the socialist countries should have the following contents: "to develop relations of friendship, mutual assistance and cooperation among the countries in the socialist camp in accordance with the principle of proletarian internationalism; to strive for peaceful coexistence on the basis of the Five Principles with countries having different social systems and oppose the imperialist policies of aggression and war; and to support and assist the revolutionary struggles of all the oppressed peoples and nations."[10] This general line may be summarized as uniting the socialist countries, splitting and paralyzing capitalist countries and aligning with colonial countries (now called "young nations" by the Soviets, and generalized as "Asian, African and Latin American areas" by the Chinese Communists) to form an international anti-imperialist united front and, through exploiting the various contradictions to launch attacks on the free world on all sides.

Between the establishment of their regime in 1949 and the Czechoslovakian incident in 1968 the Chinese Communists had already practiced the policy of opposing Soviet "revisionism" externally and opposing Liu Shao-chi's "three reconciliations and one reduction" internally; however, they did not make open, official and systematic revisions in their foreign policy. In the wake of the Soviet invasion of Czechoslovakia on August 20, 1968, the *People's Daily* published an article entitled "The Total Bankruptcy of Modern Soviet Revisionism", accusing the Soviets of having degenerated into "social-imperialism." On September 17, 1968 Mao Tse-tung, Lin Piao and Chou En-lai cabled the leadership of the Albanian Workers' Party in support of Albania's decision to withdraw from the Warsaw Pact Organization. The telegram claimed that a new historical era had begun in the struggle against "U.S. imperialism" and "Soviet revisionism." This was a milestone in Peiping's foreign policy.

What are the changes in Peiping's foreign policy before and after the Czechoslovakian incident? We must point out here that the basic principle remains unchanged; the revisions occurred in tactics.

As early as June 30, 1961 Liu Shao-chi, in a

Footnotes at end of article.

speech on the 40th anniversary of the founding of the Chinese Communist Party (CCP), talked about the general line of Peiping's foreign policy, which was in essence what has already been mentioned in this article. In his speech, Liu emphasized that it was necessary to "develop relations of friendship, mutual assistance and cooperation with the Soviet Union and among all socialist fraternal nations." However, in his "Political Report" to the CCP Ninth Congress on April 1, 1969, Lin Piao called for developing "relations of friendship, mutual assistance and cooperation with socialist countries on the principle of proletarian internationalism." (Note the omission of the Soviet Union and the word "fraternal.") He stressed "revolutionary struggle" rather than "peaceful coexistence."

In discussing the so-called "four contradictions" he mentioned "the contradictions between the oppressed nations on the one hand and imperialism and social-imperialism on the other," the "contradictions between imperialism and social-imperialist countries and among the imperialist countries," and the "contradictions between socialist countries on the one hand and imperialism and social-imperialism on the other." Thus, apparently, the Maoists intended to instigate class struggle within "imperialist" and "social-imperialist" countries, and to whip up an international liberation movement against "imperialism" and "social-imperalism".

In the past, the Chinese Communists (Liu Shao-Chi, for example) liked to talk about the "general line" of their foreign policy. However, in his "Political Report," Lin Piao mentioned only "foreign policy," not "general line." This is because the Maoists now have another "general line", namely, "to overthrow imperialism headed by the United States, modern revisionism with the Soviet revisionist renegade clique as its center and the reactionaries of all countries." This is the "three-anti" line mentioned in the press communique of the 12th Plenary Session of the CCP Eighth Central Committee held in October 1968 and also in the "General Program" of the CCP Constitution adopted by the CCP Ninth Congress in April 1969. It has become the general line and the general orientation of Peiping's foreign policy in this new historical period. Under its guidance, the Chinese Communists will "uphold proletarian internationalism . . . and firmly unite with the genuine Marxist-Leninist parties and the groups the world over." [11]

This alignment apparently excludes "modern revisionism with the Soviet revisionist renegade clique as its center." In view of the fact that they now have more enemies and less friends, the Maoists have no choice but resort to using the enemy to check the enemy and to using the future enemy to fight the present enemy. This is why they have both to stick to their principle even more firmly and to seek even greater flexibility and mobility in their tactical maneuvers.

III. THE PRESENT TACTICS

The 1960s saw the gradual intensification of the conflict between the Chinese and Russian Communists. From December 1963 to February 1964 Chou En-lai made a tour of 13 Afro-Asian nations [12] in preparation for the convening of the Second Afro-Asian Conference with no "white participants" (referring to Russian delegates). In its editorial on January 21, 1964, the *People's Daily* urged all "anti-US imperialism" forces to unite.

The article described the countries in Asia, Africa and Latin America which had either gained independence or were striving to gain independence as the "first middle area," and the those capitalist countries in western Europe, Oceania, and Canada as the "second middle area." The Chinese Communists were prepared to engage in united front work in these two areas in order to rally support for their anti-US and anti-Soviet campaign. In the "second middle area," Peiping made no gains aside from winning recognition from France. In the "first middle area" it hoped to force other countries to follow in its footsteps in opposing the United States, "Soviet revisionism," the United Nations and non-alignment.

The result was that the Peiping-engineered coup d'etat in Indonesia failed in September 30, 1965, and the indefinite postponement of the Second Afro-Asian Conference. The publication of Yao Wenyuan's "On the New Historical Drama *Hai Jui Dismissed from Office*" in the Shanghai *Wen Hui Pao* on November 10, 1965, kicked off the Cultural Revolution, and the appearance in both the *People's Daily* and *Red Flag* on November 11 of the article entitled "Repudiate the So-Called 'United Action' of the New Leadership of C.P.S.U." set the stage for the "three-anti" line. (The "three-anti" line was officially put forth in the communique of the 12th Plenary Session of the CCP Eighth Central Committee.)

Later, the Red Guard movement brought about a further deterioration in Peiping's relations with foreign countries. Some countries even decided to sever diplomatic relations with mainland China. Beginning from December 1966 all Chinese Communist "ambassadors" except Huang Hua, "ambassador" to the United Arab Republic, were called back to mainland China to take part in the Cultural Revolution. As a consequence, Peiping was in a state of international isolation. This situation, even the Chinese Communists themselves realized, could not last long.

In August 1968 Soviet troops invaded Czechoslovakia, which not only cast a shadow over Moscow's foreign relations but also posed a military threat to mainland China. In November of the same year, Mr. Richard Nixon, a Republican, was elected to the U.S. Presidency, indicating possible changes in the foreign policy of the United States. On November 26, 1968 the Chinese Communist "Foreign Ministry" issued a statement to sound out the United States on the resumption of the Warsaw talks. In this statement, the Communists harped on the old tune concerning the "Five Principles of Peaceful Coexistence."

This was an indication on the part of the Communists that they might change the course of their foreign tactics. In his inaugural address on January 20, 1969 President Nixon maintained that the era of confrontation has ended and an era of negotiation had begun. On March 2, 1969 the armed clashes between the Chinese and Russian Communists took place on Chenpao Island. At the same time there were also skirmishes in Sinkiang which lasted until August of that year.

In order to avoid getting involved in a real war with the Soviets and to turn the military confrontation into a political one, the Maoists found it necessary to step up their foreign activities. Thus, following the CCP Ninth Congress, beginning from May 15, 1969, a number of "ambassadors" were sent abroad. Up to the writing of this paper, a total of 36 incumbent and new "ambassadors" were busily working in their respective countries. All these Communist diplomats, after supposedly undergoing ideological transformation during the Cultural Revolution, were assigned the mission of carrying out the "three-anti" policy in various countries.

In order to fulfill this task, they will seek to align with the "majority" to strike the "minority" and to seek both "quantitative" and "qualitative" changes in the deployment of strength. However, in tactics or techniques, they will look for greater mobility and flexibility instead of playing the role of "rebels" and nothing else.

From October 1969 the Peiping-Moscow border talks at the ministerial level were begun. The talks have now lasted for 16 months with no progress. On the other hand, on January 20 and February 20, 1970, Peiping and Washington held their 135th and 136th meetings in Warsaw. In the wake of American troops entering Cambodia in early May, the Maoists on May 18 notified that the 137th meeting originally scheduled for May 20 was canceled. However, the Communists left the door open for further contacts.[13] Hence, at present, to both the United States and the Soviet Union, Peiping is employing "dual tactics" to counter "dual talk" tactics, talks to deal with talks and engages in a "tit for tat" struggle.[14]

On February 18, 1970 in a message to Congress, President Nixon pointed out that international affairs could no longer be determined by the big powers; the United States could no longer act alone as the leader of the free world; she must share responsibilities with other free countries. In Europe he pinned hope on West Germany; in Asia he believed that the success of his new concept depended on America's "partnership" with Japan.

The Soviets are still feeling the impact of the Czech incident. Their willingness to hold border talks with Peiping on the one hand and to participate with the Americans in the strategic arms limitation talks in Helsinki and Vienna on the other is a tactical expression of the principle of "peaceful coexistence." However, it is also a result of domestic and international pressure.

In short, at a time when diplomacy is being employed to avoid war while there are other problems to be solved, the Chinese Communists naturally intend to be flexible as possible in their tactical maneuvers with foreign countries. Therefore, the tactics of "peaceful coexistence" have also been revived. (For example, it was stressed by Peiping in the communiques issued upon establishing diplomatic relations with Canada, Italy, Equatorial Guinea, Ethiopia, Chile and Nigeria.) The Chinese Communists have declare that the "Five Principles of Peaceful Coexistence" should be applicable to all countries regardless of their social systems.[15] On the other hand, since early 1970 the Peiping Communists have shouted slogans against "superpowers," particularly after the Third Conference of Non-Aligned Countries held in Lusaka, Zambia in September 1970.

The Chinese Communists expressed not only indifference but almost jealousy toward the First and Second Conferences of Non-Aligned Countries, because, as Mao has put it, "Sitting on the fence will not do, nor is there a third road." [16] Thereafter, the international situation developed from war into cold war and from confrontation to negotiations. Thus, the non-aligned countries or the third force lost their position as mediators between the United States and the Soviet Union and as a bridge between the East and the West. They can no longer expect to reap economic benefits from the two countries as they used to.

Hence, their dissatisfaction became concentrated on: (1) remnants of colonialism and racial discrimination; (2) the widening of the economic gap between underdeveloped and advanced countries, and (3) international politics revolving around the superpowers. These grievances were fully aired at the Third Conference of Non-Aligned Countries. The meeting adopted declarations on peace, independence, development, cooperation and democratization of international relations, and on non-alignment and economic development. It also adopted 14 resolutions, including ones related to Southeast Asia, the Middle East, racial discrimination and racial segregation and colonization. The meeting took a deep interest in the "universality" of the United Nations in an at-

---

Footnotes at end of article.

tempt to get the Peiping regime admitted to the world body.

As a result, the Maoists were equally interested in the meeting. They began to woo non-aligned middle and small countries and take an even stronger position against the superpowers. The 1971 New Year's Day joint editorial of the three Communist publications cited at the beginning of this article openly proclaimed: At no time will China ever behave like a superpower, neither today nor in the future. A superpower wants to be superior to others and, proceeding from the position of strength, to lord it over others. The Chinese people stand for equality among all nations, big or small.[17]

In this era of negotiations involving complicated diplomacy, the Maoists must guard against a U.S.-Soviet alliance. The recent developments in non-aligned countries also provide a good opportunity for Peiping's united front work. Therefore, the current tactics of Peiping foreign relations consist of uniting with middle and small countries against superpowers and against hegemony.

IV. IMPLEMENTATION OF CURRENT TACTICS

The Maoists are at present varying the slogans, attitudes and methods used in their tactical maneuvers according to time, place and target. However, behind all these is the unchangeable "three-anti" line.

The Chinese Communists divide the Communist bloc or the so-called "new socialist system" into two groups—the "modern revisionists" centered around the "Soviet renegade clique" and the "genuine Marxist-Leninists." Since the Chenpao Island incident, they have put forward 13 "theories" to stress the essential nature of the "new tsars" in Soviet Russia.

In eastern Europe, Peiping has already resumed its relations with Yugoslavia at the "ambassadorial" level. It has for a long time ceased to attack Yugoslavia for its "modern revisionist" policy. Instead, it stresses the equal right to sovereignty of all nations, large or small, developed or developing, no matter whether they have different systems or other kinds of differences; all such nations are opposed to imperialism and all forms of hegemony.[18]

To the Rumanians, the Maoists emphasize national independence and their opposition to foreign interference. Aside from strengthening diplomatic and military relations, they have shipped huge amounts of materials to flood-stricken areas for rehabilitation purposes and extended long-term, no-interest loans to the Yugoslav government. Rumania and Yugoslavia, for their part, opposed to the Soviet invasion of Czechoslovakia and at the same time are afraid of a Soviet invasion themselves. This may explain their decision to move closer to the Peiping Communists.

Another Communist country in eastern Europe, Albania, remains the vanguard of the anti-Soviet drive. This is no wonder, as the Maoists have invested a large amount of political, economic and military capital in the country. Recently, at the urging of the Maoists, Yugoslavia and Albania decided to exchange ambassadors.[19] The appearance of an anti-Soviet bloc in the Balkans will be beneficial to the Peiping regime. Peiping has also stepped up its trade and diplomatic relations with other eastern European countries. Except in the cases of Czechoslovakia and Bulgaria, "ambassadors" have been assigned on a mutual basis. (The Bulgarian "ambassador" arrived in Peiping on December 5, 1970.) The Maoists provided an extensive coverage of the uprising of Polish workers that took place in December 1970, charging that the Polish "revisionists" had carried out a "brutal" suppression of the "just" and "revolutionary" struggle and asserting that the Soviets had massed troops for an invasion. They took the stepping down of Wladyslaw Gomulka, as "an important sign that the colonial rule of Soviet revisionist social-imperialism in East Europe has reached a crisis and that modern revisionism has been further bankrupted." [20]

A *New China News Agency* dispatch asseted that the incident had greatly shaken the "colonial rule" the Soviets for a long time imposed upon Poland and certain other eastern European countries.[21] This kind of propaganda naturally would elicit unfavorable reaction from the ruling class in Poland and some eastern European countries. However, the incident was also a useful weapon for an effective anti-Soviet campaign by the Chinese Communists.

Peiping has already used anti-U.S. and anti-Japanese slogans as well as military and economic aid to organize Communist parties in Asia into a Red united front. However, North Vietnam still maintains its neutrality between Peiping and Moscow, and North Korea has so far refused to abandon its policy of independence and sovereignty. Peiping has maintained commercial contacts with Outer Mongolia but there is no exchange of "ambassadors."

The Maoists also divide the Western countries into two groups—the United States and the "second middle area." The former is the target for attack and isolation while the latter may be considered as temporary allies. Taking advantage of the nostalgia of the French for their glorious past, and of the impact on France of the non-aggression pact between Bonn and Moscow, the Maoists have vigorously promoted the theme of opposing the superpowers with the French government. After establishing diplomatic ties with Canada, which had been talking a lot about the "Pacific era" and was eager to get away from American influence, Peiping said in a statement: "Canada is a big country on the continent of America. The White Book on foreign policy issued by the Canadian government last June reflects its desire and will to pursue an independent policy," [22] This is an action apparently designed to incite anti-American sentiments. The supposedly middle-of-the-road, but actually Left, policy taken by the Italian government led to the establishment of relations with Peiping.

Another Chinese Communist weapon used against the West is trade. The Maoist have announced that they have completed their Third Five-Year Plan. However, the various production targets of this plan were not revealed in advance nor were the statistics concerning the implemenation of the program disclosed afterwards. The Fourth Five-Year Plan, according to Communist authorities, starts from 1971; its contents have not yet been disclosed. Edgar Snow, the long-time fellow-traveler of the Chinese Communists, was made to say that mainland China had enjoyed nine consecutive years of bumper harvests.[23] The figures given by Snow are exaggerated and the statement was completely unfounded and irresponsible (as it was an official announcement of the Chinese Communists). This kind of deception is designed to lure Western countries into believing that mainland China under Communist rule is a potential market for them, so that they will wish to make contacts with it.

On July 10, 1964 Mao Tse-tung received a Japanese delegation of Socialist Party members. In his talk, Mao clearly included Japan in the "second middle area." In his "Political Report" to the CCP Ninth Congress, Lin Piao listed Japan as part of the "heartland" of capitalism. At present, the Maoists are trying hard to prevent Japan turning from an economic power into a political power, which would happen if Japan took up a share of international responsibilities and thus expanded its influence in Asia. As a result, they have been accusing Japan of acting as an agent for American policy in Asia, acting as a policeman in Asia, and reviving militarism. In doing so, they have attempted to stir up an anti-Japanese movement in Asia. This is why we have launched far more bitter attacks on, and engaged in far more intensive subversion in Japan than West Germany. As a matter of fact, Peiping has already been regarding Japan as one of the superpowers and hence a major target of opposition.[24]

With regard to Afro-Asian and Latin American countries, the Maoists regard Indo-China, the Middle East and the troubled areas in Latin America as places where local guerrilla activities and internal opposition forces should be supported. They have told these countries that a weak country can beat a strong country and a small nation can defeat a big nation, and that revolution is the current trend of the world, thus encouraging them to persist in protracted "people's wars" [25] and to step up "people's revolutionary struggles."

In relation to other countries in this area, the Communists have stressed the theme of "opposing big powers" and have charged that one or two superpowers have attempted to divide the world and control human destiny.[26] Peiping maintains that only after obtaining economic independence can political independence be meaningful.[27] The Chinese Communists stress that when they give aid it is only to help recipient countries to attain the goal of economic "self-reliance." [28] The communiques issued upon establishing relations with Equatorial Guinea, Ethiopia and Nigeria differed from those issued upon the establishment of diplomatic relations with Canada and Italy.

In the latter case, aside from stressing the principle of "peaceful coexistence," the communiques proclaimed support for the struggle against "imperialism, colonialism and neo-colonialism." The communique issued when relations were established between Peiping and Nigeria declared in particular that the Chinese Communists would support all African nations and support the struggle of all African peoples for national independence, sovereignty and territorial integrity. Thus, in this area, Peiping's tactics of "peaceful coexistence" consist in organizing a united front against "imperialism" (including "social-imperialism") and against superpowers.[29]

The Chinese Communists' tactics of rallying middle-sized and small countries against the superpowers will prove effective in the United Nations where each country, big or small, has one vote. However, on February 1, 1953 the U.N. General Assembly adopted a resolution denouncing Peiping as an aggressor. In the 1960s many newly emerging nations became U.N. members, but Peiping was still barred from the world body. This is because it adopted a hostile attitude toward the United Nations.

In January 1965 Indonesia announced its decision to withdraw from the United Nations. The editorial of the *People's Daily* on January 10 of the same year voiced support for Indonesia's move and at the same time claimed that it would "thoroughly reform the United Nations" and establish another "revolutionary United Nations." Now that the sentiment of appeasement prevails in the international arena and the so-called non-aligned countries are enthusiastic about it, the Peiping Communists, have made repeated hints that they are interested in U.N. membership, hoping thereby to facilitate the alliance of small and middle-sized countries against the superpowers. They hope to wrest "control" of the world body from the hands of the United States and the Soviet Union and turn it into another place for the practice of "three-anti" struggle.

The above is a discussion of Peiping's tactics in relation to the so-called three systems. Although these tactics differ according to the target, there is still a basic unity. As the Chinese Communists themselves have put it the three aspects of the "general line"

Footnotes at end of article.

of their foreign policy "are interrelated and indivisible, and not a single one can be omitted." [30]

For example, regarding the establishment of diplomatic relations with Canada, in addition to stressing its international impact, they pointed out, through the *People's News* published by the Mao Tse-tung Thought Study Society (a pro-Peiping Japanese organization) that the event had dealt a heavy blow to "U.S. imperialism and its lackeys as well as to Soviet revisionist social-imperialism and its followers." The "Sino-Japanese Friendship Association (Orthodox)" issued a statement also saying that this event had dealt a heavy blow to "U.S. imperialism and Japanese militarism." [31] Since the Maoists have been providing assistance for the construction of a railway from Tanzania to Zambia, Zambia has taken steps to nationalize a copper mine together with its Western-invested company. Tanzania has asked the Chinese Communists to take over the training of its troops from the Soviet Union and Canada.

At present, Communist technicians are surveying a new highway within the boundaries of Somalia, located in the delta on the Gulf of Aden. This highway, like the Tanzania-Zambia Railway, will have a strategic value, thus enabling the Communists to derive both military and political benefits from it. In providing aid to Nepal, the Maoists hope to persuade the Himalayan kingdom to take an anti-Indian stand. Peiping has also been making unusually friendly gestures toward Pakistan. Agha Muhammad Yahya Khan, president of Pakistan, was invited to visit mainland China last November.

The joint communiques issued at the conclusion of the Pakistani president's visit stressed that the "further strengthening and development of the friendly relations and cooperation between China and Pakistan . . . would be conducive to the Afro-Asian people's cause of unity against imperialism." Continuing, the communique said: "Warmly praising the determination and courage that the people of Pakistan have consistently displayed in safeguarding their national integrity, the Chinese people reiterate their firm support to the people of Pakistan in their struggle for the defense of national independence and against all forms of outside aggression or foreign interference and to the Kashmiri people in their just struggle for their right of self-determination."

Meanwhile, an NCNA dispatch praised the Pakistani government and its people for opposing the "black market goods" of an "Asian collective security system" peddled by a "first-class superpower" under the slogan of promoting "regional economic cooperation." [32]

Peiping's current foreign tactics, in whatever form they appear, are designed to achieve the objectives of the "three-anti" line; this is the task of its foreign policy.

V. THE LIMITATIONS OF PEIPING'S TACTICS

What the Chinese Communists intend to do is one thing, what they have actually achieved is another. Now let us take a look at the results of the implementation of Peiping's current foreign policy and tactics.

It is true that at present there are quite a few countries opposed to the Soviet Union. However, the Chinese Communists do not have many real friends either. Only Albania can be considered as their staunch ally. Yugoslavia is still maintaining close contacts with the Soviet Union. In May 1970 Rumania refused to join the "International Investment Bank" under the Soviet initiated "Council for Mutual Economic Assistance." However, it changed its mind and became a member of the bank on January 12, 1971.

Other member countries of the council, including Outer Mongolia, also are dependent on Soviet Russia economically. How can such Communist countries as North Korea, which begins its Six-Year Plan in 1971, and North Vietnam, which is currently sustaining a costly war, dare to turn their backs on Moscow? Soviet aid to Cuba, which averages one million U.S. dollars per day, has had a significant influence on the Caribbean island nation.

The Maoists maintain that the countries in the "second middle area" have two characteristics: these countries are being exploited and suppressed by their own ruling classes and at the same time feeling the pressure from the United States. They are trying their best to get away from the "control" of the United States and on this point their goal is common to that of socialist countries and their peoples.[33] In order to oppose the United States (and/or the Soviet Union) and to adopt the method of using the majority to overwhelm the minority, the Chinese Communists must first engage in united front work in the "second middle area." [34]

However, this does not mean they will spare those countries in the "second middle area" which are to be "buried" after the "U.S. imperialism" is eliminated. Will the Maoists change their strategy for the sake of tactics? Will they abandon their ultimate goal of world conquest for the sake of the means? No. They will never do that. All Communist countries utilise foreign relations to engage in subversive activities, particularly the Chinese Communists.

France is one of the countries which has diplomatic relations with Peiping. However, during the "May storm" in 1968 in Paris, the Maoists actively supported radical Leftists and accused France of being a "dying imperialist country." At the time when efforts were being made to improve relations between Peiping and London, the Maoists did not hesitate to exaggerate the extent of the strike in Britain and bitterly attacked Britain in an article in the *People's Daily* entitled "What Does the Conference of British Commonwealth Prime Ministers Show?" [35] They also charged that Britain gave secret support to the coup d'etat in Uganda.[36] All these Communist demonstrations were not just propaganda. Likewise, the establishment of diplomatic relations between Peiping and Ottawa will not prevent the Maoists from supporting the "Quebec Liberation Organization" nor will they cease to instigate Communist riots in Italy even after Rome extends its recognition to mainland China.

Western countries are most interested in discussing trade problems with mainland China. Thus, trade is the biggest weapon in the foreign relations of the Chinese Communists For example, Peiping forced Canada to extend diplomatic recognition by reducing wheat imports from Canada. Now it has been using the same tactic to blackmail Australia by delaying the signing of the Australia contract, while increasing its purchase from Canada. In dealing with western European countries and Japan, Peiping also uses trade for political purposes. The Japanese estimated that the total amount of Peiping's foreign trade in 1970 would not exceed US$4,000 million. Conisdering that mainland China has about 750 million people, such a low amount of foreign trade is certainly disappointing and does not provide a promising market. Many Western countries have already expressed their disappointment. The Australian government has made it clear that it will not change its attitude toward Peiping for the sake of commercial transactions.

In Afro-Asian and Latin American areas, the Maoists have selected certain countries to serve as examples of their assistance. This policy has had some effect. Even so, with such a weak economic foundation, which has gone through the devastating experience of the Cultural Revolution, Peiping can hardly expect to compete with the "superpowers" in foreign aid programs. At present, the foreign aid is paid by installment, and not in cash, but in supplies of materials and in the salaries of technicians and in the wages of workers. Peiping publicizes the theme of "economic independence" and urges countries in those areas to achieve economic "self-sufficient" in order to gain "economic independence."

However, the Chinese Communists themselves do not provide a good illustration of success through "self-sufficiency." [37] All Afro-Asian and Latin American countries which have taken the "socialist road" have, without exception, experienced setbacks or failure. Such are the limitations of Peiping's tactics in the economic aspect. Moreover, Peiping aided countries like Pakistan, Ceylon and some African nations also receive aid from Moscow. Some of them are even recipients of U.S. aid at the same time. Uganda, which signed a technical and economical pact with the Maoists in September 1970 changed its attitude toward mainland China folowing a successful coup d'etat on January 25, 1971.

Since Peiping's assistance is always accompanied by subversive activities, the recipient countries and their neighbors tend to become alarmed about it. A *Central News Agency* dispatch from Madrid on February 16, 1971 reported that all intelligent African leaders have become extremely concerned about Peiping's infiltration in their countries.

Mao has declared: "The danger of a new world war still exists, . . . But revolution is the main trend in the world today." [38] At this moment, Mao is attempting to avoid war through preparing for war. He is giving support to violent and armed revolutions in other parts of the world so that his agents will face his enemy and shed blood for him. Believing that "political power grows out of the barrel of a gun," Mao divides "people's war" into three stages: strategic defensive, strategic stalemate and strategic offensive. Once he feels that he has sufficient strength, he will not hesitate to launch a destructive war in order to realize his goal of world conquest.

However, at present, he maintains that all nuclear tests and war preparedness on mainland China are only for defensive purposes.[39] Peiping's present tactics are marked by divisive activities and an attempt to substitute a peace offensive for war as a way to win superiority through "quantitative changes." Communist activities in Indo-China cannot continue without Peiping's support; however, neither the Vietnamese nor the Laotian Communists one-sidedly lean to the Maoists. Arafat, the supreme leader of the Palestine guerrilas, has set up an office in Peiping, but he is in no way controlled by Peiping, although he receives aid from mainland China.

Since January 1971 there have been reports from Cairo that the guerrila leaders have changed their attitude and are supporting the efforts to find a peaceful solution to Middle East problems made by Arab countries. An AP dispatch from Beirut on February 15, 1971, reported that the Russian ambassador to Jordan had attended a meeting of the PLO Central Committee in Amman.

A DPA dispatch on February 15, 1971 reported that the PLO Central Committee had met in Beirut, asking for opinions from guerrilla units under its command on the question of establishing a Palestine country in the area west of the Jordan River now being occupied by Israel. Although this problem has not yet been solved, apparently the pro-Peiping faction within the guerrillas constitutes a minority and will be pressured from above. Arafat does not want to be under the baton of the Chinese Communists.

The facts cited above are not intended to show that Peiping's flexible and astute for-

---

Footnotes at end of article.

eign tactics are valueless. They do demonstrate, however, that the Maoists do not always get what they want despite the shrewdness of their tactics. What really worry us are the illusions entertained by some people in the free world. More often than not, they tend to forget to make an objective and systematic study of the documents, materials, facts and figures released by and concerning the Chinese Communists. Peiping's attempt to align the middle-sized and small nations to counter the "superpowers" may succeed as they anticipate, if the indecision and ambiguous attitude of some big nations compels these middle-sized and small countries to fall into the Maoist trap.

VI. CONCLUSION

Once again this year (1971), people are eagerly attempting to discover the future moves of the Chinese Communists from the New Year's Day editorial in the *People's Daily, Liberation Army Daily,* and *Red Flag.* The following quoted passages concern foreign affairs:

"The people of all nationalities in China have ushered in a militant 1971 in the midst of a new upsurge of socialist revolution . . . and a new upsurge of the world people's struggle against U.S. imperialism and social-imperialism." I.e., the Maoists will not hesitate to encourage other people to become "militant" in the midst of this "new upsurge."

"The further sharpening of the basic contradictions in the contemporary world and the aggression against, and oppression and control of the people of various countries by U.S. imperialism and social-imperialism are impelling hundreds of millions of people to rise in revolution. As we have seen, the revolutionary struggles of the people of various countries against foreign aggression are merging with their revolutionary struggles against domestic reactionaries; . . ." The kind of "struggle" mentioned here is exactly what is needed by the Maoists in their "three-anti" struggle for exploiting various "basic contradictions."

"The national liberation movements in Asia, Africa and Latin America are coordinating with the revolutionary mass movements in Europe, North America and Oceania; . . ." As we see it, should all countries in the "second middle area" become Communist nations, it would still be impossible to prevent the Maoists from organizing "revoluntionary mass movements" within these countries.

The editorial took note of the fact that "The Latin American countries, which U.S. imperialism treats as its backyard, are fighting unyieldingly to defend their sovereignty and ocean rights." At the same time, it talked about the "downfall of Gomulka, who went the same way as Khrushchev and Novotny." It also warned that "Social-imperialism's colonial rule in East Europe is in a deep crisis." It stressed that: "Worker and student movements and struggles of the oppressed nations have been rising one after another, sweeping the entire capitalist world." The Maoists are bound to render simultaneous support to these "movements" and "struggles."

Most important, the article pointed out that: "Many medium-sized and small nations have risen against the power politics of the two superpowers, U.S. imperialism and social-imperialism; this has become an irresistible trend of history." This is the main form of struggle currently waged by Peiping in its foreign relations.

Hence, the Chinese Communists "firmly stand on the side of the proletariat and the oppressed people and nations the world over." They vowed that they will never act like a superpower; instead, they will, together with the "revolutionary peoples of all countries," struggle to the finish for the cause of the "three-anti" line.

During his meeting with diplomatic personnel from three West African countries, Chou En-lai strongly condemned Portuguese colonialism for the invasion of Guinea.[40] Li Hsien-lien at a reception hosted by the charge d'affaires of the Cuban "embassy" reaffirmed the conviction that Peiping and Cuba have a common goal—to oppose "U.S. imperialism." [41] At a dinner party welcoming the delegation from the United Arab Republic, Kuo Mo-jo stressed that the Chinese Communists will always be "your faithful friends in your anti-imperialist struggle." [42]

Ever since the United States resumed the bombing of North Vietnam and supported Vietnamese troops entering Laos, Peiping has made frequent statements, couched in much stronger language than at the time when the United States decided to send troops into Cambodia. Its activities in support of Communist rebellion in Indo-China have also become more vigorous.

In concluding, we think we can say this: we have failed to find any sign in the documents and facts that the Maoists will be more "friendly" and less militant toward the free world. Our impression is totally different, or, rather, exactly the opposiite. As to whether the Maoists can implement their tactics the way they wish to, part of the answer depends upon the reactions from and steps taken by various quarters.

FOOTNOTES

[1] L. N. Kutakov, *A History of Modern International Relations,* Chinese edition published by World Knowledge Publishing Co., Peiping, 1958, p. 4.

[2] Ibid., p. 2.

[3] J. V. Stalin, "Concerning the Question of the Strategy and Tactics of the Russian Communists," *Works,* 1921–1923, English edition (Foreign Language Publishing House, Moscow, 1953), Vol. 5, p. 169.

[4] Kutakov, *op. cit.,* p. 4.

[5] *A Dictionary of New Terms,* (Chunming Publishing Co., Shanghai, 1953), p. 77. The dictionary defines foreign policy as a country's policy toward foreign countries.

[6] Stalin, "The Political Strategy and Tactics of the Russian Communists," *op. cit.,* p. 67.

[7] Kutakov, p. 7.

[8] "A Proposal Concerning the General Line of the International Communist Movement," *People's Daily,* June 17, 1963. For an English translation, see *Peking Review,* No. 25, 1963, p. 12.

[9] *Peking Review, op. cit.,* p. 7.

[10] Ibid., pp. 15–16.

[11] See "General Program," CCP Constitution adopted by CCP Ninth Congress.

[12] Asian countries are Ceylon and Pakistan; African countries are: United Arab Republic, Algeria, Morocco, Somalia, Tunisia, Ghana, Mali, Guinea, Sudan and Ethiopia.

[13] Peiping's notice said only that the original meeting date was "no longer suitable." "As to when the meeting will be held in the future, it will be decided upon later through consultation by the liaison personnel of two sides."

[14] "A Comment on the Statement of the Communist Party of America," *People's Daily,* March 8, 1963.

[15] Speech made by Chiao Kuan-hua, Peiping's "vice minister" of foreign affairs, at a cocktail party hosted by the Yugoslav "embassy" in Peiping on November 27, 1970.

[16] Mao Tse-tung, "On People's Democratic Dictatorship," *Selected Works* (Foreign Language, Peking, 1961), Vol. IV, p. 415.

[17] The 13 "theories" include those of "limited sovereignty," "socialist big family," "justified aggression," and "economic unity."

[18] Speech by Yugoslav "ambassador" to Peiping at a cocktail party on November 27, 1970.

[19] A dispatch filed by the Agence France Presse from Belgrade on January 5, 1971. Yugoslavia and Albania were locked in a feud over the question of Stalin. In 1958 the two sides exchanged charges d'affaires. Since the Czech incident in 1968 the relations between the two countries have gradually improved.

[20] "Revolutionary Storm of the Polish People," *People's Daily,* December 22, 1970.

[21] NCNA dispatch from Peiping on December 21, 1970.

[22] "Welcome the Establishment of Diplomatic Relations Between China and Canada," editorial, *People's Daily,* October 14, 1970.

[23] Edgar Snow, a pro-Communist American journalist, and author of *Red Star Over China,* in a telegram sent from Peiping to Milan on February 3, 1971, mentioned some production figures which he said had been disclosed to him by Chou En-lai. For the last ten years, the Chinese Communists have not revealed any production figures. The figures revealed by Snow greatly exceed even the most optimistic estimates made by the free world.

[24] According to an Agence France Presse dispatch from Peiping on October 25, 1970, an NCNA correspondent wrote a long article pointing out that the Japanese are not satisfied with their pre-war imperialist status. They are now trying to join the club of "superpowers" consisting of "U.S. imperialism" and "Soviet revisionism."

[25] Mao Tse-tung, "People of the World, Unite and Defeat the U.S. Aggressors and Their Running Dogs," *Peking Review* (special issue, May 23, 1970), p. 9.

[26] This point was stressed by both Lin Piao and Chou En-lai in their speeches during the "National Day" celebrations on October 1, 1970. However, earlier on July 14, 1970 Chou in an interview with French correspondents already pointed out that the time when big countries can dominate the world had already passed and could never return.

[27] Speech by Ceylonese minister of trade at a reception on January 15, 1971, in honor of Pai Hsiang-kuo, Peiping's "minister" of foreign trade, who led a trade delegation to visit Ceylon.

[28] See the "Joint Communique Between the People's Republic of China and the Islamic Republic of Pakistan," November 14, 1970.

[29] The Chinese Communists opposed the application of principle of "peaceful coexistence" to the relations between the "oppressed people and the oppressing people," between "the oppressed country and the oppressing country," and between "the oppressed class and the oppressing class." (See "A Proposal Concerning the General Line of the International Communist Movement," *op. cit.*) Even while chanting the slogan of "peaceful coexistence," the Communists never forget to stress the necessity to oppose the "aggressive policy and war policy of imperialism." Actually, this is a united front tactic against "imperialism."

[30] *Peking Review, op cit.,* p. 16.

[31] Two dispatches filed by NCNA from Tokyo on October 24, 1970.

[32] NCNA dispatch from Peiping, November 9, 1970, the Pakistani president arrived in mainland China on November 10 and stayed there until November 14.

[33] "All Anti-U.S. Imperialism Forces in the World Unite!" editorial, *People's Daily,* January 21, 1964.

[34] An AP dispatch from London on December 9, 1970 disclosed that during the previous year at least five Soviet trade officials, three Polish foreign officials and several unidentified Communist delegates were ordered by the British government to leave Britain.

[35] "What Does the Conference of British Commonwealth Prime Ministers Show," *People's Daily,* February 2, 1971.

[36] See NCNA report from Peiping on February 2, 1971, concerning the coup in Uganda.

[37] A CNA dispatch from Hongkong on January 30, 1971 cited some figures from an article by Harvard economics professor concerning the economic situation on mainland

during the past 10 years. He said that even the highest estimate would put development rate of Peiping's agricultural and industrial production from 1957 to 1967 at an yearly rate of only 3 to 3.5 per cent, while the economic growth of the most of other Asian countries has already reached the rate of 7 to 9 per cent.

[38] See note 25.

[39] See news reports and statements issued by Peiping following its nuclear tests as well as the editorial of the *People's Daily*, August 1, 1970.

[40] NCNA dispatch from Peiping on December 5, 1970. The diplomatic personnel were "ambassadors" from Mauritaria and Mali and the charge d'affaires from Guinea.

[41] NCNA dispatch from Peiping on January 2, 1971.

[42] NCNA dispatch from Peiping, January 27, 1971.

CONGRESSMAN PAUL McCLOSKEY'S TESTIMONY BEFORE THE SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. RIEGLE. Mr. Speaker, yesterday, our colleague from California (Mr. McCloskey) testified before the Subcommittee on Asian and Pacific Affairs of the House Committee on Foreign Affairs. His testimony related to the need for Congress to be fully informed, and described a series of incidents where the executive branch over the years, had withheld information from the Congress or deliberately deceived the Congress. While reasonable minds may differ as to the course this Nation should now pursue with respect to terminating our involvement in Vietnam, I believe all of us can agree on the need for Congress to demand that it be fully informed on all aspects of the situation in Southeast Asia.

For this reason, I am inserting in the Record Mr. McCloskey's testimony in full:

Statement of Paul N. McCloskey, Jr., Before the Subcommittee on Asian and Pacific Affairs, House Committee on Foreign Affairs, June 29, 1971

Mr. Chairman and Members of the Subcommittee: I had hoped originally to testify before you today with respect to the Viet Nam Disengagement Act of 1971, urging the benefits of an end to our involvement in and over Indochina by December 31, 1971, conditional solely upon the safe return of our prisoners of war. Arguments favoring this view already have been made by a number of our colleagues, however, and accordingly, I would like to limit my testimony today to an issue which is equally important, the obligation of the House to be fully informed by the Executive Branch on the great issues of foreign affairs, and particularly the intervention by the United States in the affairs of foreign nations, either by covert CIA-operated action as in Laos or military intervention as in Viet Nam.

There is reasonable disagreement in the House over what our course of action in Southeast Asia should be. There should be no disagreement, however, on our need to know, and our right to know, all of the facts which may bear on our ultimate decision.

It is true that Congress is not suited to negotiation and day-to-day decision making in intelligence and military operations. We do hold, however, the sole constitutional power, and I might add, constitutional *responsibility*, for providing for the common defense, declaring war, funding the standing army, but for a period not to exceed two years; we in the House of Representatives who face our constituents every *two* years, not four or six, must initiate the revenue measures necessary to support the nation's expenditures for war and foreign operations of every kind.

All of these provisions were clearly intended by the framers of the Constitution to give Congress the controlling decisions in matters of war and peace. We make the laws; the President as Commander-in-Chief only executes those laws.

If Congress is to make wise decisions, however, we must be fully informed. We cannot authorize a war without complete information; we should not permit a war to continue without complete information.

The recent excerpts from the Pentagon documents published in the *New York Times* and other newspapers bring home to us most forcefully that we have *not* met our constitutional obligations to keep fully informed. Who amongst the Members of the House were aware, for example, that country team members in Viet Nam aided and encouraged the overthrow of Premier Diem in 1963?

Who amongst our Members knew the true facts of U.S. military and covert activity in and over Laos, and in the coastal waters of North Viet Nam prior to the Tonkin Gulf incidents of early August, 1964? Or that during October, 1964, prior to the re-election of President Johnson over Senator Goldwater, that

"Two of the teams (of U.S./South Vietnamese agents operating inside North Viet Nam) carried out successful actions during October. One demolished a bridge, the other ambushed a North Vietnamese patrol."

(This quote was taken from a State Department memo, dated November 7, 1964, for Assistant Secretary of State Bundy, and is noted at page H5107 of the Congressional Record of June 14, 1971).

If these facts *had* been known to the Congress, would it have affected subsequent votes on appropriations for Viet Nam, or the approval of escalation of the war implicit in the House appropriations process?

What would have been the House's reaction, for example, had we been fully informed in March, 1965, *before* U.S. troops were sent to Viet Nam, that our true goals in Viet Nam were those described by Assistant Secretary of Defense McNaughton in a memo to Secretary McNamara in March, 1965:

"70%—To avoid a humiliating U.S. defeat (to our reputation as a guarantor).

"20%—To keep SVN (and then adjacent) territory from Chinese hands.

"10%—To permit the people of SVN to enjoy a better, freer way of life."

At the time that memorandum was written in March of 1965, I was on active duty with the Marine Corps at Camp Pendleton, California. We were then engaged in "Operation Silver Lance," a counter-insurgency exercise designed to test concepts of U.S. contingency plans in the event U.S. troops were committed to Viet Nam. At that time, and for some years afterward, I was under the impression that our aims in Southeast Asia were *primarily* to protect the South Vietnamese enjoyment of a better, freer way of life. Nearly all official U.S. government announcements stressed this honorable goal. Yesterday's *Washington Post* carried an excerpt from a State Department document entitled: "An explanation of the War in Viet Nam for Primary School Children."

"So we decided to help the South Vietnamese people—That way we hoped to keep the war in Viet-Nam from becoming a big war . . . we have done well and the soldiers from the North are not winning anymore . . . if the Communists go back home to the North and leave the South alone, the war will end . . . if we take all of our soldiers out of South Viet-Nam before the peace is made or before we are sure that the South Vietnamese can take care of themselves, we would be breaking our promise to them."

What promise? Has the Congress ever made a promise to the South Vietnamese? And other than our constitutional processes, which is the only way the SEATO treaty provides for military assistance, can anyone *but* the Congress promise military assistance?

Would this Nation have sent 50,000 men to their deaths had we been advised that our goals were 70% the protection of America's reputation as a guarantor? Would we have wanted to *become* a guarantor had the choice been offered to the Congress?

Running throughout the Pentagon papers which only yesterday were finally transmitted to the Congress, is the recurring reference to what information could be leaked to the Congress to obtain support, or prevent opposition to plans and programs the Executive conceived to be in the Nation's best interests.

Running throughout the papers also is the thinly-concealed assumption that Congress need *not* be consulted or informed with regard to the great issues of "providing for the common defense, declaring war or funding the standing army."

And yet, it seems to me that we in Congress must confess that this executive branch attitude has been permitted to grow and flourish since World War II, as much by congressional acquiescence and abdication of the demand for full information as by arrogant denial of information to us by the executive branch.

I suggest that we have *permitted* this growing inbalance of knowledge between the executive and legislative branches by our acceptance of the denial of information in response to our reasonable requests.

We have had provision for Resolutions of Inquiries in the House rules since the inception of the Republic. The procedure was first used in George Washington's time; it was most recently used over 20 years ago.

In Title 5, Section 2954 of the U.S. Code, we have a statutory provision:

"An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Government Operations of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee."

And yet, consider one recent response of the Administration to a fairly routine request for a government report allegedly adverse to the SST. A seven-member subcommittee of the House Government Operation Committee requested a copy of this report. The reply from Presidential Councillor John Ehrlichman, is set forth in full as follows:

"Hon. Henry S. Reuss,
"*House of Representatives,*
"*Washington, D.C.*

"Dear Mr. Reuss: This is in response to the letter of May 25, 1970, signed by you and six other members of the House Committee on Government Operations which, making reference to section 2954, title 5, United States Code, requests a copy of a report on the SST prepared in 1969 by a committee headed by Dr. Richard L. Garwin. As I advised you on May 20, 1970, the report constitutes an internal governmental memorandum of a confidential nature which cannot be released.

"The language of the statutory provision on which your request is based unquestionably is rather broad. The legislative history of section 2 of the act of May 29, 1928, 45 Stat. 996, from which that provision is derived, however, indicates that its legislative purpose is narrow and that it does not support your request. See in this connection Kramer & Marcuse, *Executive Privilege—A Study of the Period 1953–1960*, Part II, 29 George Washington Law Review 827, 881–883.

"The purpose of the 1928 act was to discontinue the submission to Congress of a large number of obsolete and useless reports, and to enable Congress to obtain the information contained in the discontinued reports if this should become necessary. See S. Rept. 1320, 70th Cong., 1st Sess., p. 4, and H. Rept. 1757, 70th Cong., 1st Sess., p. 6. 5 U.S.C. 2954 is thus designed to serve as a means for obtaining information theretofore embodied in annual routine reports to Congress submitted by the several agencies, rather than to compel the release of internal executive branch information such as the Garwin report.

"I therefore regret that I cannot comply with your request.

"Sincerely yours,

"JOHN D. EHRLICHMAN,

"*Assistant to the President for Domestic Affairs.*"

The report in question was not made available to the Congress until December, 1970, *after* both the House and Senate had voted to continue SST appropriations. Even then, the report was released only after a different House subcommittee had forced the issue by holding hearings on Administration refusal to comply with the public information requirements of the National Environmental Policy Act.

I cite the foregoing examples to show the patterns of conduct and attitudes which have developed in the executive branch with respect to the release of information to the Congress. This Administration, as has been the case with prior administrations, is desirous of obtaining congressional and public support for executive branch policies and programs. It does not have the right, however, to conceal information from us which is relevant to the law-making process. We in the Congress do not have the right, under *our* constitutional obligations to allow this concealment.

Under the Constitution, Article I, Section 5, we are required to keep "a Journal of our proceedings, and from time to time publish the same, excepting such parts as may, in our judgment require secrecy." We are fully as capable of preserving secrets as is the executive branch, and the need for secrecy in the interest of national security is no excuse for our failure to demand all information from the executive branch which is relevant to our own immense responsibilities in matters of war and peace and foreign affairs.

At this point, I would like to speak in support of the three Resolutions of Inquiry H. Res. 492, H. Res. 492 and H. Res. 495, presently before your full committee for action. A fourth Resolution, seeking the 47 volume Defense Department Viet Nam Task Force study, "U.S.-Viet Nam Relationships, 1945–1967," is now moot in view of the delivery of the study to the House yesterday.

The three remaining resolutions refer to three areas of decision presently before the Congress:

(1) Authorization and funding of the continuing U.S. efforts under the direction of the U.S. Ambassador in Laos (H. Res. 492).

(2) Authorization and funding of the "Vietnamization" program in Viet Nam, the target aspect of which, in 1971, is the Phoenix program (H. Res. 493).

(3) Authorization and funding for the aerial bombardment in Northern Laos, an area unconnected with the protection of American lives in South Viet Nam (H. Res. 495).

In all three of these areas, the Executive branch has been less than candid in advising Congress of the truth of our involvement and actions in the past, or of the nature of the programs planned for the future.

I will detail these charges separately.

I. THE U.S. COUNTRY TEAM OPERATIONS IN LAOS

We are not formally at war in Laos, and yet we have dropped more bombs there than in Nazi Germany in World War II. The U.S. Ambassador has control over all air strikes, and both B–52s and defoliation have been used in northern Laos where no American lives are at stake save for C.I.A. agents who are assisting forces of one Laotian faction against another.

Under the Gulf of Tonkin Resolution of August 10, 1964, the President was granted authority "to prevent . . . aggression" in Southeast Asia, not just Viet Nam. This authority was repealed by Congress, effective January 12, 1971, and the President has had no authority since that time to wage war in Northern Laos. His inherent authority as Commander-in-Chief to protect lives of U.S. personnel in South Viet Nam may extend to bombing operations along the Ho Chi Minh Trail in Southeastern Laos, presumably the President's sole authority to bomb elsewhere rests in the discretion and control of the Congress.

I can find no public record of *any* House hearings on our C.I.A. and military operations in Laos, *either before or after the repeal of the Gulf of Tonkin Resolution.*

What is going on in Laos?

With reference to H. Res. 492 and 495, what has the Executive Branch been willing to tell us?

During the Congressional recess in April, Jerry Waldie and I went to Laos at private expense to try to learn what we could about U.S. involvement there.

The newspapers described Thai battalions as having been ferried to Northern Laos in U.S. planes to fight in defense of Long Thieng. Upon our request to go to Long Thieng, the U.S. Ambassador, T. McMurtrie Godley flatly refused. Premier Souvanna Phouma, in Ambassador Godley's presence, told us "There are no Thai troops in Laos."

One of the documents published in the recent New York Times article (See Page H 5107, Congressional Record of June 14, 1971) quotes a State Department memo of November 7, 1964:

"Thai involvement. Hanoi claims to have shot down a T–28 over DRV territory on August 18, and to have captured the Thai pilot flying the plane. *Although the information the North Vietnamese have used in this case seems to be accurate,* it is not clear the pilot is alive and can be presented to the ICC, *The possibility cannot be excluded, however, nor that other Thai pilots might be captured by the PL* (Pathet Lao)." (Emphasis added)

Is it not appropriate that the Congress be advised by the Administration as to Thai and other foreign armed forces operations in Laos? Can we justify to our constituents a failure to demand such advice?

With respect to CIA operations in Laos, it appears that everyone in the Orient knows more about them than does the U.S. Congress.

A number of articles have appeared in the press on this subject over a period of many years. In summary, the public which reads current publications may know more about CIA involvement in Laos than do we who authorize the CIA effort and appropriate the funds to support it.

With respect to U.S. armed forces operations in Laos, it was not until March 7, 1970, that President Nixon advised either Congress or the American people of the precise nature of our activities in Laos. Even then he was mistaken in at least one particular. "No American stationed in Laos has ever been killed in ground combat operations"—a report of The Library of Congress Legislative Reference Service on June 1, 1970 (DS552, 70–108 F "The United States and Laos") states: "At the time of President Nixon's Statement, 27 Americans stationed in Laos had been killed by communist troops or listed as missing in Laos since 1962."

II. BOMBING IN NORTHERN LAOS

As to bombing in Northern Laos, again the newspapers have reported to the public more than this Administration has been willing to tell the Congress. On March 14, 1970, the Christian Science Monitor published an article by Daniel Southerland, which included the following commentary:

AIR POWER REDIRECTED

The correspondent visited four refugee camps and talked with refugees from six different locations in and around the Plain of Jars.

After questioning a large number of them, it was possible to get a picture of the devastation unleashed by American fighter bombers in northeastern Laos over the past two years, and it is not a pretty one.

After the United States halted its bombing of North Vietnam on Nov. 1, 1968, it stepped up as much as 10-fold its bombing raids—support which started on a minor scale in mid-1964—against Pathet Lao-occupied northeastern Laos. The number of bombing sorties by United States Air Force and Navy jets rose to as many as 300 a day.

This bombing campaign, code-named Barrel Roll, is separate from the other, more-publicized campaign. The latter, code-named Steel Tiger, is directed against the Ho Chi Minh Trail in southern Laos.

The refugees said about 9 out of 10 of the bombing strikes flown over the past two years in the Plain of Jars were carried out by American jets and the rest by propeller-driven Royal Lao Air Force T–28s.

In most areas of the plain, the bombings forced the people to move out of their homes and into trenches, caves, and bunkers where they lived for the most part of two years.

* * * * *

In the Plain of Jars area, the bombing destroyed the main towns of Xien Khouang, Khang Khay, and Pmongsavan. The refugees said the bombs flattened many villages in and around the Plain and heavily damaged others. They said no villages they know of escaped the bombing.

The refugees said they were sometimes forced to leave their villages and bunkers to do porterage—carrying rice and ammunition—for the Pathet Lao and North Vietnamese. But they added that in many bombing raids there were no Pathet Lao or North Vietnamese troops near their villages.

* * * * *

Some refugees said they moved four or five times, each time farther away from their villages, to escape the bombing. But the bombs always followed them. Even at night the bombers came, and finally, even the rice fields were bombed.

"There wasn't a night we went to sleep that we thought we'd live to see the morning," said one refugee. "And there wasn't a morning when we got up and thought we'd live to see the night."

"It was terrible living in those holes in the ground," said another. "We never saw the sun. Our hair was falling out."

"My wife and three children were killed," said a man in his thirties. "There were no troops (Pathet Lao or North Vietnamese) anywhere near our village."

All this raises some basic questions about the bombings in northeastern Laos. What has been its purpose?

It is impossible to get the United States Government side of the picture in any detail because American officials refuse to discuss except in the vaguest generalities the activity in Laos.

PILOTS PLEDGED TO SECRECY

The pilots who fly the raids from air bases in Thailand and South Vietnam and from carriers in the Gulf of Tonkin are under instructions not to discuss the details of their missions.

When Congressman Waldie and I attempted to inquire about the bombing in Northern Laos, the following chain of events occurred.

From perusing official U.S. documents prior to our arrival in Laos, we had learned that some 3,500 villages once existed in the northern and eastern portions of Laos which have been contested or under Pathet Lao control since 1962.

Of the 1,000,000 or so people who once lived in these villages, generally ranging from a population of 40 or 50 to several hundred, an estimated 700,000 had become refugees in the 9 years following the Geneva Accords of 1962.

We were further advised that in 1969 and 1970 we had dropped nearly 1 million tons of bombs in Laos, nearly twice the total dropped in 1967 and 1968 before President Johnson was succeeded by President Nixon.

We first visited the headquarters of the 13th Air Force in Thailand, and then went on to Vientiane. We were assured by both the Commanding General of the 13th Air Force, Major General Evans, and by Ambassador Godley in Vientiane that we are not and have not bombed villages and that to their knowledge any villages that had been hit were hit by mistake. Ambassador Sullivan had testified before the Senate Refugee Subcommittee a year ago, indicating that only eight villages had been hit by mistake in the four and a half years he had served in Laos, terminating in March of 1969. Both Ambassador Godley and General Evans stated that all targets in Laos had to be approved by the Ambassador, or by U.S.-Lao aerial fire control teams in 0–1's.

On the evening of April 13, at a dinner at the home of Ambassador Godley, we were told by various ranking Country Team officials, in the presence of both the Ambassador and Deputy Chief of Mission Monteagle Stearnes that (1) we had not bombed villages except by occasional mistake, (2) no surveys of refugee attitudes had been made because of lack of staff, (3) bombing was certainly no more than one of the factors, and certainly not a major factor in causing refugees to leave their homes, and (4) neither the U.S. nor Royal Lao government had forced refugees to leave their homes; they left voluntarily.

The dinner party lasted over five hours, and we were repeatedly assured of the validity of the foregoing four points. I think it is fair to say that Congressman Waldie and I went to bed that evening believing that we had been told the truth by sincere and dedicated men and that the rural villages of Laos had not been subject to deliberate U.S. bombing.

On the following morning, April 14, however, I found reference in my notes to a specific refugee study made by the political section of the Embassy in July, 1970. A young political officer at the Embassy confirmed that a summary of refugee opinions *did* exist. He went with me to the office of Deputy Chief of Mission Stearnes whom I asked to show me the document in question. Mr. Stearnes picked a sheaf of paper off his desk, leafing through them, and finally handed them to me at my request. This report was entitled: "Xieng Khouang Province Refugees in Vientiane Plain," and dated July 10, 1970. The report summarizes the responses of over 200 refugees, from 96 separate villages in the Plain of Jars area, with respect to the bombing of their homes. Quoting from pages 5 and 6 of the report:

"75% of 190 respondents said their homes had been damaged by the bombing."

"76% said the attacks took place in 1969."

"The bombing is clearly the most compelling reason for moving."

Both the facts stated and the conclusions in this report, addressed personally to Mr. Stearnes by the U. S. Information Service on July 10, 1970, are of course in square contradiction to the testimony furnished the Senate Refugee Subcommittee last year, as well as inconsistent with the facts and opinions expressed so positively to us the previous evening.

It is clear that Mr. Stearnes deliberately intended to give Congressman Waldie and myself a less than complete picture of refugee attitudes and bombing while we were in Laos. The Embassy prepared and gave to us, prior to the April 13 dinner discussions, what purported to be rather a careful "briefing book" on refugees. Three of the eight sections in the book were specifically titled as relating to Xieng Khouang Province. The refugee survey report of July 10, 1970, is entitled "Xieng Khouang Province Refugees in Vientiane Plain" and we accidentally learned from Mr. Albert on April 16 that Mr. Stearnes had called Mr. Albert into his office on the afternoon of the 13th, (just *prior* to the dinner) and asked him if he was the one who had prepared the report in question. Bearing in mind that this report, and a shorter report of similar survey of refugees in a more northerly camp, were the *only* such reports in the Embassy's possession on the impact of bombing on refugees, it is hard to escape the conclusion that the Embassy did not want inquiring Congressmen to learn anything about widespread bombing in 1969, directed and controlled by the U. S. Ambassador. The omission of this report from the so-called "briefing book" was clearly deliberate.

After finally obtaining possession of the reports in question at approximately 3:00 p.m. on the afternoon of April 14, we were able on the morning of April 15, to visit one of the refugee camps. Ban Na Nga, located about 40 kilometers north of Vientiane. We were accompanied by four interpreters, including two, Reverend Roffe and Father Menger, who had been personally recommended by the Ambassador as "unbiased."

We talked to 16 separate individuals and various groups of refugees who had come to the camp from at least seven separate villages in Tasseng Kat, one of the administrative sectors of Xieng Khouang Province.

The refugees were unanimous in describing the destruction of every single home in each of the seven villages where they had lived. They described both T–28 and jet aircraft, as well as the use of CBU cluster bombs and white phosphorous; in all but one of the villages, the refugees had seen people killed by the airstrikes, the most numerous being the village of Ba Phone Savanh, a village of 35 homes where nine were killed and 14 wounded.

We personally observed and talked with a number of people bearing scars from CBU pellets of white phosphorous. In talking to the refugees, Congressman Waldie initially used Father Menger as an interpreter for the first five individuals interviewed. I used Rev. Roffe and a Chinese interpreter named Wong. After several hours, we compared notes and found that we were receiving identical information from the refugees, save in one respect. The refugees interviewed by Congressman Waldie said, as interpreted by Father Menger, that Pathet-Lao soldiers were living in the villages at the time of the air strikes. The refugees with whom I talked, interpreted by Rev. Roffe and Mr. Wong, stated that the Pathet-Lao were situated some distance away from the village, with the closest soldiers being at least 500 meters away and generally as far as two or three kilometers away.

We decided to exchange interpreters, although I retained Mr. Wong to monitor Father Menger's interpretations as we were advised by several local people accompanying us that Father Menger had a reputation for inaccuracy.

Thereafter, all persons interviewed agreed that Pathet-Lao soldiers had *not* been living in their villages. Most important, Congressman Waldie re-interviewed one of the men who had first stated, according to Father Menger, that the Pathet-Lao lived in his village. This time the refugee was unequivocal in stating that no Pathet-Lao lived in his village and that his earlier comments had been misinterpreted.

The refugees commonly described the killing of their water buffalo, and the fact that they had to live in holes or caves, farming only at night when the bombing became so intensive in 1969. In only one of the seven villages had a refugee seen any visiting Pathet-Lao soldiers killed by the bombing of his village; the soldiers were described as visiting the villages only occasionally or as passing through on the road.

At one interview, the Chief of Tasseng Kat, the administrative area where these villages had been located, volunteered the information that his Tasseng had been evacuated from the Plain of Jars in early 1970 because they were *ordered* to leave by the Province Governor. U.S. planes provided the airlift capability.

The Air Force briefings from General Evans and his staff conclusively demonstrated both the immense accuracy of targeting and bombing, and also the voluminous and comprehensive aerial reconnaissance photography which precedes and follows bombing strikes. It is clear that the Air Force is only following orders, and that all targets are cleared and approved by the State Department.

With reference to the foregoing facts, it is clear that the Embassy officials, on the night of April 13 deliberately misled Congressman Waldie and myself in four particulars:

1. Although they denied it. non-accidental bombing *had* taken place in Northern Laos during 1969.

2. At least 76% of 96 small villages had been hit by such bombing.

3. Reports had been made and were in the possession of the Embassy, showing that bombing was clearly the most compelling reason for the refugees leaving their homes.

4. Some of the refugees had moved because of the direct orders of the Royal Laotian government, not voluntarily; transportation was furnished by U. S. aircraft.

It is clear that cluster bombs and white phosphorous were used against the civilian population of the country with whom the United States had not declared war. The bombing was done under the direction and control of the State Department, not the United States Air Force. Both the extent of the bombing and its impact on the civilian population of Laos was deliberately concealed by the State Department between the period July 10, 1970 when the refugee report was completed, and April 13, 1971, when the report was reluctantly handed to me by the Deputy Chief of Mission Stearnes in Vientiane.

III. THE DEFENSE DEPARTMENT'S REFUSAL TO RELEASE PHOTOGRAPHS OR FURNISH LISTS OF LAOTIAN VILLAGES BOMBED

On April 13 and 15, I was privileged to meet with Major General Evans, Commander 13th Air Force, and on April 16 with Major General Hardin, Vice Commander, 7th Air Force. General Evans confirmed to me that the rules of engagement in Laos required that no bombing take place within 500 meters of an "active village," an active village being defined as one hut.

At the April 13 meeting, I circled eight villages in Northern Laos at random and asked for aerial photographs of such villages. General Evans said he would be glad to have such photographs located and enlarged. On April 15, General Evans advised me that his staff had located only two of the villages in question, and showed me two photographs blown up to approximately 24" square. It was clear from the photographs, and General Evans confirmed, that these two villages were no longer in existence in the circled areas indicated.

I asked General Evans for the photographs and he replied that he would first like to get permission for their release from his superior, General Clay, Commander 7th Air Force, in Saigon. He stated he was going to Saigon the following morning and request permission from General Clay for their release to me prior to my scheduled departure from Saigon at 1700 the following day, April 16.

In the early afternoon of April 16, I called at 7th Air Force Headquarters at Saigon and was referred to Major General Hardin, who advised me that General Clay had decided to refuse release of the pictures to me, and that I should request the pictures and any other Air Force data and information from the Air Force Liaison office in Washington.

I did this by letter to Major General John C. Giraudo, Office of Legislative Liaison at the Pentagon on April 19, 1971. On April 20, I submitted a list of 196 villages to the Pentagon, requesting recent photographs thereof.

By an earlier letter of March 17, 1971, to General Giraudo, I had requested a list of the villages in Northern Laos which had been hit by U.S. bombs since such bombing commenced.

I received no responsive reply to these requests, save for the delivery of 12 photographs of Laotian villages which were not included in the list of villages for which photographs were requested.

How many of the 3,500 villages behind Pathet Lao lines have been destroyed by American bombing is a matter which is still open to question. This question can be determined quite easily, however, if the Defense Department will produce current photographs of these areas from its comprehensive files. The failure to produce these photographs, under ordinary rules of evidentiary law, can only be deemed to properly raise the inference that the villages have indeed been destroyed, contrary to the statements we received from State Department officials. Nevertheless, a few days ago, I received from the Department of Defense the following letter:

[In reply refer to: 1-7342/71]

June 11, 1971.

Hon. Paul N. McCloskey, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. McCloskey: Mr. Johnson has asked me to reply to your letter of 19 May 1971.

I have reflected on your various requests for photographs of villages in Laos. Your understandably humane interest in the effect of the war on the civilian population in Laos is shared by the many in the Defense Department who over the years have wrestled with this problem. I hope our basic agreement on motives is not obscured by the differences we may have over issues of management.

With regard to management, we have explained repeatedly that we have established restrictions up to the limits of the safety of our pilots in order to minimize the effects of the war on civilian populations. Ambassador Sullivan, along with knowledgeable and competent witnesses from State, AID, and Defense, has discussed the refugee situation thoroughly with cognizant bodies in the Congress. As you know, we are convinced that the overwhelming cause of refugees in Laos is the offensive military activity of the North Vietnamese Army. Finally, when civilians have been caught up unavoidably in the web of warfare, we have given strong support through AID to ameliorative programs.

It is neither feasible nor useful to go beyond these steps to furnish extended photography of Laos. Much of Laos is inhabited by itinerant groups who establish their villages temporarily and then move on. The abandoned villages, in various stages of decrepitude, dot the countryside. Those which have suffered military damage may be indistinguishable from those ravaged by the weather; those which have suffered identifiable military damage may have been struck by the enemy rather than by US bombs; finally, even if it appears from current photography that US bombs might have damaged a village, we come back to our assertion that only valid military targets come under attack as an unavoidable consequence of enemy activity, an assertion which you implicity are challenging.

In sum, I cannot see that the cause of the civilians in Laos will be advanced by our further exchange of photographs. The public record is as complete regarding our efforts to minimize the effect of the war on Laotian civilians as we can make it without disclosing information which the enemy would certainly use further to endanger the lives of our pilots. Let me assure you that we are resisting a ruthless and aggressive enemy as humanely as the circumstances permit.

Sincerely,

Dennis J. Doolin,
Deputy Assistant Secretary.

To me this letter represents almost a classic example of executive branch attitude toward the Congress. In the Deputy Assistant Secretary's opinion, it is not "useful" to furnish photographs to an inquiring Congress.

Yet as early as 1964, the importance of photography of Laos was deemed of paramount importance to the Defense Department. The Joint Chiefs of Staff memo to Secretary McNamara of January 22, 1964, discussing "bolder actions" in Southeast Asia (Cong. Record of June 14, 1971, Page 19567) mentions the need to:

"d. Overfly Laos and Cambodia to whatever extent is necessary for acquisition of operational intelligence."

A cablegram from Admiral Sharp to the JCS on August 17, 1964, (Cong. Record, June 14, 1971, page 19573) said:

"Continuous and effective pressure should be applied to the Communists in both the PDJ (Plain of Jars) and panhandle. Consequently concur in continued RECCE of DRV, panhandle and PDJ."

On November 7, 1964, a State Department Memo, apparently from Deputy Assistant Secretary Bundy Marshall Green to Assistant Secretary Bundy included the comment:

"We have also recently told MACV that we have a high priority requirement for night photo recce of key motorable routes in Laos. At present about 2 nights recce flights are flown along Route 7 areas within a two-week span."

If photographs are so useful to the conduct of a war under the control and direction of the U.S. Ambassador in Laos, surely they might be useful to the Congress which determines whether or not to authorize and fund that war.

IV. THE PHOENIX PROGRAM

In our visit to Viet Nam in April, Congressman Waldie and I learned that the "Phoenix" or "Phung Hoang" program is the first priority effort in the 1971 pacification plan.

We were told that the Phoenix program is an American constructed concept for the neutralizing of Viet Cong infrastructure (VCI), the shadow Viet Cong government of mayors, police chiefs, tax collectors and rice gatherers. "Neutralizing" occurs through killing, capturing, rallying, sentencing by military courts or sentencing by Province Security Councils to the so-called "An-Tri" administrative detention.

The program was apparently commenced in 1967 with the specific purpose of eliminating the V.C.I. through assassination, ambush, and capture. The P.R.U. teams (Province Reconnaissance Units), Navy SEAL teams and C.I.A. personnel and employees were apparently the original means of eliminating suspected V.C.I., but more recently the major effort has shifted to the Vietnamese police and armed forces, assisted by C.I.A. and CORDS advisors.

This year, 1971, the Phoenix program has been made the priority program of pacification, and we are in the process of financing a 50% increase in the Vietnamese National Police, partly in order to expedite this program.

Neutralization goals for 1971 were said to be 1200 per month, or 14,400 during the year, of whom at least ½ were to be sentenced to confinement of at least one year.

American personnel advise the Phoenix program at every stage-identification and opening of dossiers on V.C.I. suspects, gathering of intelligence from military operations, informers and police investigation, arrest and detention of suspects, including through U.S. military operations, interrogation of suspects, and finally, the sentencing of suspects by Province Security Committees.

In the first two months of 1971, we were advised by U.S. briefing officers in Saigon that the program is proceeding very successfully; 4502 VCI had been neutralized, nearly twice the assigned quota. Of these, 1629 had been killed, 1527 rallied, and 1346 sentenced. With an estimated 60,000 VCI in existence at the beginning of the year, this rate of neutralization, if continued, would wipe out nearly half the remaining VCI by the end of the year. Equally important, the war of terror was clearly being won by the government, since the VC, in the same two months had been able to neutralize only 2749 South Vietnamese through killing, abduction or wounding.

The comparative figures for January and February, 1971, which were given to us were as follows:

	VC terror	U.S./SVN Phoenix "neutralization"
Killed	699	1,629
Abducted/rallied	722	1,527
Wounded	1,328	
Sentenced		1,346
Total	2,749	4,502

Thus, we were winning the terror-counterterror battle by almost 2 to 1.

We were pleased to learn also that Americans are not authorized to participate in assassinations, and that Americans who found the police-type activities of the program personally repugnant could apply for reassignment without prejudice. These provisions are found in Directive Number 525-36 from MACV headquarters, dated 18 May, 1970, a copy of which is appended to this statement as Exhibit 1.

We were likewise pleased to find that the U.S. Government recognized a legal obligation under the 1949 Geneva Convention to extend protection to the Vietnamese civilians apprehended under the Phoenix program, and a further responsibility to work with the government of South Viet Nam to see that all such civilians were treated in accordance with that convention.

A copy of the letter of our Ambassador of the U.S. Mission to International Organizations, Mr. Idar Rimestad, dated December 7, 1970, containing the assurance that we and the South Vietnamese "are working together to ensure fulfillment of their reponsibilities" (under Article 3 of the 1949 Geneva Convention) is appended as Exhibit 2 hereto.

We were not so pleased, however, to learn that the United States is *not* working together with the Vietnamese to provide reasonable protection to persons accused of being VCI.

Specifically, Article 3 of the 1949 Geneva Conventions, prohibits "the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, *affording all the judicial guarantees which are recognized as indispensable by civilized people.*" (Emphasis added.)

A copy of Article 3 is appended as Exhibit 3 to this statement.

Under the Phoenix program, the "regularly constituted court" is the Province Security Council, usually made up of 7 individuals, 6 of whom represent either the military or the police, and who can convict:

"Where evidence for trial is lacking but it is apparent that the suspect is a threat to the national security."

Confinement by such sentence is limited to two years, but can be extended at the sole discretion of the province chief, usually a Lieutenant Colonel in the South Vietnamese army.

The rules of evidence and description of the program are set forth in excerpts from one U.S. pamphlet on Phoenix which are appended as Exhibit 4 to this statement.

It might be well questioned whether the Phoenix program affords "all the judicial guarantees which are recognized as indispensable by civilized peoples." Certainly we do not afford the VCI suspects the guarantees of our own system. A suspect has no right to counsel, to confront and examine his accusers, to see the evidence against him, or even to appear or testify on his own behalf. He can effectively be sentenced to life imprisonment on hearsay evidence given by secret informers, under a test of proof which expressly concedes it would be insufficient to convict upon trial.

This is an almost incredible perversion of American concepts and traditions of justice, but the worst aspect of all is the interrogation process.

Upon apprehension of a suspect, upon information deemed too flimsy to even meet the "apparent threat to the national security" test, the suspect can be turned over to the tender mercies of the South Vietnamese interrogators at the Province Interrogation Center (PIC). The interrogators have until 46 days from his arrest to obtain a confession or other evidence sufficient to establish the "apparent threat" rule. No Americans sit in on these interrogations, which are conducted in isolation cells with the prisoner blindfolded and a single Vietnamese interrogator present.

It is apparently common knowledge in Viet Nam that torture and brutality are commonplace in Vietnamese interrogations. Two American officers told us that they had seen rubber hoses in the possession of Vietnamese interrogators.

When I asked one American pacification officer if the 46 day period of interrogation was not unreasonable, he replied "we've never had to interrogate anyone for 46 days—they've all broken and confessed in 30 days."

After visiting the P.I.C. in Binh Dinh province, I could better understand why. It was constructed inside an abandoned school. False walls had been constructed so as to leave the observer with the impression that the school building was empty and abandoned. Along a central corridor were 24 5′ x 7′ cells on one side, with only a small 12″ slit at the top to admit air. On the other side of the corridor were slightly larger interrogation cells. A 10′ wall surrounded the building, with a steel gate that hid the view from outside except when it was briefly opened to admit our automobile, and then immediately closed.

Americans generally followed a hands-off policy towards these PIC's—in several provinces we were told that Americans never went near them. One officer told us he thought the C.I.A. ran the local PIC, and on inqury we learned that the PIC's were not in the CORDS chain-of-command at all, but were advised solely by the C.I.A. With PIC's in 44 provinces, and less than 25 C.I.A. advisors in the program, it is fairly clear that the interrogations are conducted with little U.S. supervision that might "ensure fulfillment" of our responsibilities under the Geneva Conventions.

Congressman Waldie was shown a Phoenix document called SOP–3 which was then taken back by the briefing officer involved.

SOP–3 contained the following comments:

(Intelligence about fellow citizens) is not only of immediate value, but also will be needed in the future in any *postwar* political struggle with the Viet Cong. (Emphasis added.)

(In describing whether a man should report his neighbor) Those who act suspiciously: (a) the hesitation or fearful attitude of a dishonest person; (b) contact with those whom we suspect; (c) regular secret colloquies of a certain group of people in the area.

The possibilities of this type of program for the repression of political opposition and dissent are obvious. Fear of such repression was expressed to us by several Vietnamese and the whole record of repression, torture, corruption, seizure of newspapers and arrest of political opponents under the present Saigon regime is very disquieting.

At the very least, I think Congress should insist of full disclosure by the Administration of the English and Vietnamese documents which describe and concern this first-priority pacification program of 1971.

Thank you for the opportunity to testify today.

Exhibit I: Headquarters, United States Military Assistance Command, Vietnam

APO San Francisco, Calif.,
May 18, 1970.

[Directive Number 525–36]

MILITARY OPERATIONS: PHOENIX (PHUNG HOANG) OPERATIONS

1. *Purpose.* This directive establishes policy and responsibilities for all US personnel participating in, or supporting in any way, Phoenix (Phung Hoang) operations.

2. *Applicability.* This directive is applicable to all MACV staff agencies and subordinate commands.

3. *Policy:*

(a) The Phoenix Program is one of advice, support, and assistance to the Government of Vietnam (GVN) Phung Hoang Program, aimed at reducing the influence and effectiveness of the Viet Cong Infrastructure (VCI) in the Republic of Vietnam (RVN). The VCI is an inherent part of the war effort being waged against the GVN by the Viet Cong (VC) and their North Vietnamese allies. The unlawful status of members of the VCI (as defined in the "Green Book" and in GVN official decrees) is well established in GVN law and is in full accord with the laws of land warfare followed by the US Army.

(b) Operations against the VCI include: the collection of intelligence indentifying these members, inducing them to abandon their allegiance to the VC and rally to the government, capturing or arresting them in order to bring them before province security committees for lawful sentencing, and as a final resort the use of military or police force against them if no other way of preventing them from carrying on their unlawful activities is possible. Our training emphasizes the desirability of obtaining these target individuals alive and of using intelligent and lawful methods of interrogation to obtain the truth of what they know about other aspects of the VCI. US personnel are under the same legal and moral constraints with respect to operations of a Phoenix character as they are with respect to regular military operations against enemy units in the field. Thus, they are specifically unauthorized to engage in assassinations or other violations of the rules of land warfare, but they are entitled to use such reasonable military force as is necessary to obtain the goals of rallying, capturing, or eliminating the VCI in the RVN.

(c) If US personnel come in contact with activities conducted by Vietnamese which do not meet the standards of land warfare, they are:

(1) Not to participate further in the activity.

(2) Expected to make their objections to this kind of behavior known to the Vietnamese conducting them.

(3) Expected to report the circumstances to the next higher US authority for decision as to action to be taken with the GVN.

(d) There are individuals who find normal police work or even military operations repugnant to them personally, despite the overall legality and morality of these activities. Arrangements exist whereby individuals having this feeling about military affairs can, according to law, receive specialized assignments or even exemption from military service. There is no similar legislation with respect to police type activities of the US military, but if an individual finds the police type activities of the Phoenix Program repugnant to him, on his application, he can be reassigned from the program without prejudice.

4. *Responsibilities.* Subordinate US commanders are to insure that the policies outlined above are strictly adhered to.

5. *Reports.* This directive requires no report.

For the Commander:

W. G. Dolvin,
Major General, USA, Chief of Staff.
Louis J. Prost,
Colonel, USA, Adjutant General.

U.S. Mission to International Organizations,
Geneva, Switzerland, December 7, 1970.

Mr. Marcel Naville,
President, International Committee of the Red Cross, Geneva, Switzerland.

Dear Mr. Naville: Thank you for your letter of August 31, 1970 containing further observations on the application of the Fourth Geneva Convention of 1949 (Civilians) to Vietnamese civilians captured by United States forces in the Republic of Viet-Nam. On behalf of my Government, I would like to present the following comments.

With respect to Article 45 of the Convention and to the quotation from Pictet's commentary to which we referred in our letter of January 20, we appreciate your observation that the quotation applied directly to repatriation of protected persons after the cessation of hostilities. However, we believe that a transfer at any time of a protected person to the power of which he is a national should be sufficient to terminate his status as a protected person. In our view, the Convention was not designed to give "protected person" status to individuals vis-a-vis their own government.

We note that the Convention provides in Article 4 that "nationals of a co-belligerent state shall not be regarded as protected persons while the state of which they are nationals has normal diplomatic representation in the state in whose hands they are." That provision would seem to cast considerable doubt on the entitlement of South Vietnamese civilians captured by U. S. forces to protection as "protected persons" even while they are in the custody of the U. S. forces. In any event, we see no necessity to resolve these difficulties, for we note the view stated in your letter of August 31 that in view of the special situation of these persons in Viet-Nam the humanitarian requirements of Article 3, rather than the Convention as a whole, express the minimum applicable standards. In this connection, in our letter of January 20, 1970, we stated "The United States Government recognizes that South Vietnamese civilians captured by it and turned over to the Republic of Viet-Nam are entitled to humanitarian treatment as described in Article 3 of the Fourth Geneva Convention of August 12, 1949 (Civilians). We are informed by the Government of Viet-Nam that they share this view."

With respect to South Vietnamese civilians captured by U. S. forces and transferred by them to the authorities of the Republic of Viet-Nam, the United States Government recognizes that it has a residual responsibility to work with the Government of the Republic of Viet-Nam to see that all such civilians are treated in accordance with the requirements of Article 3 of the Convention. The United States and the Government of the Republic of Viet-Nam are working together to ensure fulfillment of their responsibilities.

With respect to the question of ICRC visits to Vietnamese prison facilities, the United States Government has in the past made known to the Government of the Republic of Viet-Nam its view that it would be helpful for your delegates to be able to visit such facilities in the same manner they are able to visit prisoner of war camps. We have noted the announcement by the Office of the Prime Minister of the Republic of Viet-Nam on July 10, 1970, stated: "The Government of the Republic of Viet-Nam solemnly affirms once again that its policy is to give humane and decent treatment to all prisoners, whether military or civilian, and to strictly observe the international agreements on prisoners, such as the Geneva Conventions (as has already been shown in the past). The Government of the Republic of Viet-Nam is always prepared to assist qualified international institutions which may wish to make on-the-spot visits to its correctional institutions and prison camps."

Sincerely yours,

IDAR RIMESTAD,
Ambassador.

EXHIBIT III

GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF AUGUST 12, 1949

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War, have agreed as follows:

PART I

General provisions

Article 1

The High Contracting Parties undertake to respect and to ensure repect for the present Convention in all circumstances.

Article 2

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply as a minimum, the following provisions.

(I) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples;

(e) the wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded. Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall not be considered as protected persons within the meaning of the present Convention.

Article 5

Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled, to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such person shall nevertheless be treated with humanity, and in cases of trial, shall not be deprived of the right of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

Article 6

The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

Article 7

In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by present Convention, nor restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

EXHIBIT IV

AN ANALYSIS OF PROVINCE SECURITY COMMITTEES

BACKGROUND

Province Security Committees (PSC) were created in 1957 to provide the GVN with an administrative method of settling the status of political detainees considered threats to the national security. Their purpose is political; their method is administrative detention of those persons reasonably believed to endanger the national security, but against whom sufficient evidence for a trial is lacking.

COMPOSITION

The minimum composition of a PSC is:

Province Chief (PC), Chairman.

Judge/Prosecutor, Deputy Chairman.

Sector Commander (presently same as PC), Member.

Chief of Internal Security, Briefing Officer.

Council Member, Member.

Police Chief, Member.

MSS Chief, Member.

Phung Hoang Committee Member, Member.

It is not unusual to find committees with membership as high as thirteen. Such committees include representatives of all agencies concerned with Phung Huang. In some provinces all districts are represented on the PSC.

MEETINGS

GVN MOI Circular #2212 requires each PSC to meet weekly, or more often if necessary. In practice, the norm to be used is the existence of a backlog awaiting disposition. If cases are being heard within 30 days, there is no need to insist on weekly meetings. Conversely, if weekly meetings result in a continued backlog, more frequent meetings are in order.

PROCEDURE

Suspect detainees may appear before the committee but *do not have the right to demand such appearance.* Due to the administrative nature and political mission of the PSC, procedures are far less exacting than those of the courts. All members of the PSC may examine the detainee dossiers before the hearings and request clarification of any questionable area. *The local judge acts as advisor to the committee.* During an administrative screening he assures that the cases are proper for presentation and all administrative formalities have been adhered to. *The Chief of Internal Security acts as Briefing Officer and is responsible for recommending the type and duration of detention.* He is the person most involved in determining adequate detention. Along with the PSB Chief, he has received special training at a two-day seminar in Saigon on the sentencing procedures of GVN MOI Circulars No. 757 and 2212. Although the Chief of Internal Security is probably the official most responsible for the type of sentences given by the FSC, he remains an unknown force within the committee. He is lacking an American counterpart and has little to do with Phung Hoang outside the PSC. In many cases there is an urgent need to educate those Briefing Officers to the urgency of complying with the guidance provided in 757 and 2212. The Chief of Internal Security should not be an unknown factor in VCI sentencing. *It is the obligation of the Phoenix Coordinator to advise his counterpart of this situation, and with his counterpart, determine what the Chief of Internal Security considers to be necessary to have a dossier which is sufficient for him to recommend maximum "an-tri" detention.*

COURSES OF ACTION AVAILABLE TO THE PROVINCE SECURITY COMMITTEE RELEASE

Naturally, the committee may release suspects found to be innocent. This criteria would also apply to all those suspects whose dossiers do not indicate that the individual is *"probably"* a threat to the national security. In other words, the PSC does not "reasonably believe" that the suspect is a threat to the national security.

RECOMMEND TRIAL BY MILITARY COURT

If there is clear evidence of a violation of the national security laws, or if the suspect was apprehended in the act of committing an offense against the national security, the case must be forwarded to the appropriate Military Court. This Court will try and sentence the suspect. This particular function of the PSC is similar to that of a Grand Jury.

DETENTION

Where evidence for trial is lacking, but it is apparent that the suspect is a threat to the national security, the committee may impose administrative ("an Tri") detention. This is a type of preventative detention, to protect the state from a known threat to its security. There is the additional provision of *continual extension of two year terms if the individual remains a threat to the national security.* "An Tri" detention is nonjudicial and administrative in nature. A violation of the national security laws need not be proven; *all that must be demonstrated is that a reasonable belief exists that the suspect threatens the national security. Once "an tri" detention is imposed there are no judicial remedies.* The duration and place of detention are governed by GVN administrative regulations.

SUMMARY

The PSC has three courses of action available: (1) it may release the innocent, (2) act as a type of grand jury in forwarding violators of the national security laws to a Military Court, or (3) impose administrative detention upon those individuals whom the PSC reasonably believe to threaten the security of the nation.

BASIS OF DETERMINATION

The purpose of the PSC is to protect the State from those persons threatening its existence. Thus its power goes beyond that of the courts into the area of emergency political detention necessitated by the need of the State to survive. There is no defined burden of proof, as utilized by courts, because the committees are not engaged with violators of law. The committee is concerned with those cases which, due to a lack of evidence, cannot be prosecuted under existing judicial standards. Rather than a judicial determination, these cases call for an administrative determination. The decision of the committee is based on a prosecution dossier. There is no rigid rule regarding the amount of evidence necessary for detention, and the criteria may vary significantly from province to province. Each committee determines the existing threat to national security based on conditions within the particular province, and the function of the detainee within the VCI. This process, because it is administrative and political in nature, reflects the political "facts-of-life" in the province. It is encumbent upon each Phoenix Coordinator to determine these local variances and tailor his advice accordingly. The PSC does not need evidence of the type required by a court; on the other hand, a dossier which contains nothing but an interrogation report cannot be expected to convince the committee that a maximum detention is warranted. What is necessary is sufficient intelligence to reasonably indicate that the suspect is a threat to national security. Thus the test applied by the PSC is not one of proven guilt. This is the distinguishing factor between the PSC and a Military Court. The court is concerned with guilt beyond a reasonable doubt, or the existence of a proven violation of national security, whereas the PSC is concerned with preventing danger to the State by a suspect who appears to threaten the national security. The Military Court is punitive; the committee is preventative in nature.

Comparison

Province Security Committee	Military court
Administrative body	Judicial body.
Founded in the right of the State to survive	Founded in law.
Political hearing	Trial by law.
Threats to security	Violations of law.
Protective detention ("an tri")	Sentence.
Maximum two-year renewable sentence	Maximum death.
Reasonable belief of threat.	Guilt beyond a reasonable doubt.

OBSERVATIONS

1. The PSC's are, by definition, political tools, and are governed from province to province by the political "facts-of-life".

2. PSC existence is extra-constitutional and non-judicial, based upon the right of a State to survive.

3. These committees, although in possession of power to administratively detain anyone reasonably believed to threaten the national security, have acted with remarkable restraint.

4. The nature of these committees, and their strictly political function, dictate a "hands-off" policy by all US personnel and agencies.

5. US advisors, specifically PHOENIX Coordination, should direct their efforts to insure that their counterparts provide the PSC with the necessary evidence for the committee to reach an informed decision. This evidence should be in accordance with the minimum considered necessary for detention by the Chief of Internal Security. Additional emphasis should be placed upon providing the committee the type dossier specified by GVN MOI Circular No. 2212 and Phung Hoang SOP 3. If all available intelligence is in the dossier, an informed, intelligent, and equitable decision can be rendered.

6. The varying quality of dossiers presented to the committee has caused an imbalance in proof, resulting in reliance upon the interrogation report to the exclusion of the Phung Hoang dossier. In far too many cases, the quality of the dossiers provided to PSC's can only be described as poor and incomplete. It is advisable for both PHOENIX Coordinators and their counterparts to screen the dossiers before they leave the PIOCC; if this is accomplished regularly, a comparison can be made between the amount of evidence presented to the committee, and the relative decisions reached by the committee. Thus, by reviewing the decision of the PSC, in conjunction with the dossiers presented to the PSC, the PHOENIX Coordinator and his counterpart can determine what type of dossier the committee considers to be sufficient for detention.

7. Guidance had been provided to the PSC's in GCN MOI Circulars No. 757 and 2212. Utilization of this guidance, coupled with an understanding of the political realities of the province, will provide the coordinator with an understanding of dossier deficiencies. The critical official to satisfy is the Chief of Internal Security, the second most influential member (after the Province Chief) of the PSC. The Chief of Internal Security is the central figure in determining what burden of proof the committee adheres to, as it is his recommendation which usually determines the duration of detention. It is essential to determine what minimum content a dossier must contain to conform to his standards.

RESULTS OF QUESTIONNAIRE SURVEY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. CARNEY. Mr. Speaker, earlier this year, I sent out approximately 140,000 questionnaires to the people of the 19th Ohio Congressional District, which includes parts of Mahoning and Trumbull Counties and the cities of Youngstown, Warren, and Niles. I asked their opinion on some of the major issues facing our country. The response was tremendous. Over 19,500 questionnaires—almost 14 percent—were returned to me—many of them filled out by both husband and wife.

For the information of my colleagues in the Congress and the President, I insert the results of the survey in the Record at this time:

QUESTIONNAIRE RESULTS

[In percent]

	Yes	No	Undecided
1. Do you think the Nixon administration is meeting the basic needs of the country such as housing, health care, education, jobs and stable prices?			
Men	20	73	7
Women	20	72	8
Total	20	73	7
2. Do you favor a plan to reform welfare by providing a minimum income for every American family with children accompanied by reasonable work incentives?			
Men	65	28	7
Women	56	31	13
Total	61	29	10
3. Do you favor direct popular election of the President and Vice President?			
Men	80	18	2
Women	89	10	1
Total	84	14	2
4. Do you favor abolishing the draft and establishing an all volunteer army?			
Men	45	47	8
Women	48	39	13
Total	47	43	10
5. Do you favor continuing the Federal subsidy for the SST (supersonic transport) plane?			
Men	25	66	9
Women	14	72	14
Total	19	69	12
6. Do you favor a Federal law requiring the registration of all firearms and strict penalties for the illegal sale, possession or us of firearms?			
Men	65	34	1
Women	71	23	6
Total	68	29	3
7. Do you favor the Federal Government establishing wage, price and interest controls to combat inflation?			
Men	65	28	7
Women	63	20	17
Total	64	24	12
8. Do you favor an amendment to the U.S. Constitution permitting 18-year-olds to vote in State and local elections?			
Men	44	49	7
Women	46	42	12
Total	45	45	10
9. Do you favor stricter Federal laws to control pollution even if it means spending more of the taxpayer's money for this purpose?			
Men	78	13	8
Women	72	16	12
Total	75	15	10
10. Do you favor establishing a national health insurance program that would cover all the medical expenses of every American?			
Men	61	36	3
Women	45	44	11
Total	53	40	7
11. Do you favor increasing social security benefits including an automatic cost-of-living increase?			
Men	79	17	4
Women	82	14	4
Total	80	16	4
12. Do you favor increasing the amount of money a person on social security may earn and still keep his social security benefits?			
Men	72	20	1
Women	80	16	3
Total	79	19	2
13. Do you think Congress is responding to the basic needs of the country, such as housing, health care, education, jobs, and stable prices?			
Men	14	84	2
Women	12	80	8
Total	13	82	5

	Men	Women	Total
14. What policy do you support on the Vietnam war?			
Nixon policy of gradual withdrawal	25	18	22
Withdrawal of all U.S. troops by the end of 1971	53	56	55
Escalate the war and seek a military victory	16	13	14
Undecided	6	13	9
15. What is your position on the present level of defense spending?			
Too little	13	6	4
About right	20	14	17
Too much	54	63	59
Undecided	13	17	15
16. What is your position on the amount of nonmilitary, economic aid the United States gives to foreign countries?			
Too little	6	1	3
About right	17	6	12
Too much	74	85	79
Undecided	3	8	6

17. What do you think our Nation's priorities should be? (Rank the highest priority as No. 1 and the lowest priority as No. 12.)

1. End the Vietnam war.
2. Reduce unemployment.
3. Control inflation.
4. Control crime.
5. Control drug abuse.
6. Control pollution.
7. Reduce Federal Government spending.
8. Eliminate poverty and slums.
9. Halt the nuclear arms race.
10. Improve consumer protection.
11. Improve mass transportation.
12. Explore outer space.

ACTION NOW

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the RECORD an excellent editorial appearing in the Sierra Club Bulletin of February 1971, entitled "Action Now," discussing the status of the draft environmental impact statement required by section 102 (2)(C) of Public Law 91-190, the National Environmental Policy Act and defects in that report which I believe merit the careful consideration of all interested citizens:

ACTION NOW

Alaska contains our nation's greatest remaining scenic, wilderness and wildlife resources; it also offers our last best opportunity for far-sighted, comprehensive land planning. This planning must be completed before any irrevocable commitment is made for significant parts of Alaska—particularly in the Arctic. However, because of the newfound petroleum fields of the North Slope, economic values threaten to ride roughshod over all other values, human, social, cultural, wilderness, wildlife, and scenic.

In mid-January the Interior Department released an environmental impact statement recommending that a right-of-way across federal lands in Alaska be granted for construction of an 800-mile pipeline to carry North Slope oil to the south coast seaport of Valdez. The Sierra Club believes this "is a project-serving document tailored to the existence in Alaska of a multi-million dollar stockpile of 48-inch in diameter pipe, fabricated for oil companies, rather than to the ecological needs of the area."

The Sierra Club has analyzed the impact statement and finds it is replete with deficiencies:

The report does not provide adequate safeguards against environmental damage. Admitting that as much as 48 percent of the hot-oil pipeline may have to be above ground because of unsolved permafrost problems, the report offers no design specifications for a raised line. The report catalogues the damage to tundra, the danger to wildlife and the threat to spawning beds in the 350 streams and rivers to be crossed by the pipeline. But it offers no firms safeguards, nor does it deal with the feasibility of recovering spilled oil in the Arctic.

The report ignores certain adverse impacts. The report does not consider the Valdez-West Coast segment of the system for transporting North Slope oil and its environmental impact on Puget Sound and the California coast. The report omits any discussion of the effect new human activity north of the Yukon River will have on land classification proposals. Scant attention is given to the impact of extracting an estimated 80 billion yards of sand, gravel, and crushed rock from uplands and stream beds. The discussion of seismic hazards is grossly incomplete.

The report fails to give adequate consideration to alternatives. The report is predicated on justifying the 800-mile North Slope-Valdez pipeline as the only solution. It does not adequately investigate the feasibility of an all-land route through Canada, nor of a cold-oil line, nor does it discuss the case for an oil reserve, which the Club believes is the best immediate solution.

The rationale for immediate development is weak. The report lists its own high oil consumption projections and national security as justifying the need for immediate development of North Slope reserves. Some economists think the projections are too high, and, in any event, will only frustrate the quest for clean air. National security is hardly enhanced by exhausting our domestic reserves, and many suspect the oil is really destined for Japan.

While a decision on the pipeline had been expected by mid-April, Interior Secretary Morton has now announced that action will be delayed until the fall to allow time for further studies. Conservationists are urging President Nixon to direct Secretary Morton to announce that a proper sequence of steps will be followed by federal authorities before any additional permits are granted:

(1) The Bureau of Land Management, which now has temporary jurisdiction, must be given permanent authority over federal lands in Alaska and sufficient funding to develop a comprehensive plan for land use in Alaska.

(2) This master plan must identify and protect fragile and unique natural areas in Alaska, such as wildlife refuges, wilderness, and parks.

(3) The plan should then identify areas which ultimately should be open to economic development. Complete research on techniques for environmental protection must then be carried out for each type of economic development, including oil.

(4) Once these steps have been taken, then rational judgments can be made about where and when appropriate leases and permits for development can be granted.

Planning in any other sequence will force us to make choices and accept risks without knowing what we are doing. Write today to President Richard M. Nixon, the White House, Washington, D.C., 20002, and to Secretary Rogers C. B. Morton, Department of the Interior, Interior Building, Washington, D.C., 20240.

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. SCHWENGEL. Mr. Speaker, the story carried in Tuesday night's Evening Star with respect to ICC laxity on bus safety is shocking, but certainly not surprising in view of the ICC's past record in this area. It is further evidence of the highhanded and calloused manner in which the bus industry treats the question of the safety of the Nation's motorists, and its own passengers.

Despite this lack of interest in safety with respect to present vehicles, the bus industry tells us we must widen buses 6 inches in order to make them safer. It seems to me, if the industry is sincere about the question of safety, they would be a good deal more convincing if they were to obey existing laws with respect to safety. The article follows:

NADER SAYS ICC DISREGARDS LAWS IN BUS SAFETY CASE

(By Stephen M. Aug)

Ralph Nader and two young legal aides have accused the Interstate Commerce Commission of "non-enforcement of the law" in connection with charges that one of the nation's largest bus companies is guilty of "flagrant and repeated violation" of federal safety regulations.

In a letter and petition to the ICC, Nader and the legal aides—Clarence Ditlow and Alan Rauzin—called on the ICC to act on a hearing examiner's recommendation issued eight months ago urging a 20-day suspension of the operating certificates of Safeway Trails, Inc., a subsidiary of the vast Continental Trailways bus system.

The examiner issued a lengthy report last July in which he said Safeway Trails had violated the federal hours-of-service regulations on more than 1,324 occasions during five months in 1968. These regulations prohibit a company from permitting or requiring any driver to be on duty more than 70 hours during eight consecutive days.

The petition urged speedy action on the case, saying "time is crucial in this proceeding because the upcoming months of July, August, and September are the months when Safeway has its heaviest volume of traffic and in the past has most flagrantly violated the hours-of-service regulation.

The petition added, "If Safeway is guilty of the charges . . . then millions of people daily are being exposed to dangers on the nation's highways by Safeway's reckless and illegal conduct."

The group contended that inaction by the ICC invites bus companies "to flaunt (sic) the law," and noted that the company's past record "of arrogant disregard for the regulations" suggests that until the commission acts decisively the firm "will continue to maximize its profits at the cost of highway safety."

The group also said that continued inaction by the ICC combined with the fact that a former commissioner—Charles Webb—has taken part in the case in support of the bus company "raise suggestions of misdealing and improper influence in connection with the commission's failure to act."

They contend further that Webb, who is representing the National Association of Motorbus Owners, may be violating the code of ethics for ICC practitioners. A section of the code says a practitioner who has held a public office should not later practice before the agency in a case in which the facts are substantially the same as those involved in matters he once decided.

The Safeway Trails case was filed by the Federal Highway Administration in 1969, although the company had been involved in safety violations matters before the ICC as early as 1963. At that time, an ICC investigation showed that Safeway Trails had violated the hours-of-service regulations at least 3,000 times during 1960 and January 1961.

Investigations of Safeway's activities continued throughout the 1960s and uncovered thousands of similar violations. In the previous case, the ICC either ordered the company to stop the violations or issued warning notices.

Nader questioned whether the commission wishes to wait "until another bus tragedy occurs" before acting in this case. He cited one accident last summer near Allentown, Pennsylvania, where a chartered bus carrying 59 children skidded over a 50 foot embankment, killing seven and injuring 53 others. Safeway was not involved in that accident.

NURSE TRAINING NEEDS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PRICE of Texas. Mr. Speaker, today for the second time the House has scheduled the Nurse Training Act for floor action. I would urge my colleagues to give this proposal their most favorable consideration. Since the measure was last postponed in June, the Nurse Training Act of 1964 has expired, and there is presently no vehicle by which the needs for nursing care in the health-manpower field can be accommodated.

To state the obvious, the nursing shortage has reached critical proportions in many areas of the country, including my home State of Texas. Last year, in fact, more than 150 small hospitals in the State of Texas alone came close to being closed, because they lacked enough regular nurses to meet Federal medical regulations. Fortunately, these closings were averted through the enactment of an amendment to change the nursing staff requirements for small hospitals receiving benefits under the medicare program. I was proud to have been a sponsor of this amendment, and I was proud to have assisted in helping to make Federal requirements conform more realistically to the health care needs of rural America.

Mr. Speaker, the bill that is before the House today, the Nurse Training Act of 1971, deals with the problems of nursing care in terms that are much broader than the health needs of rural America. These broader needs are evidenced by the fact that the demand for nursing services is growing and is even outstripping our national growth in population. During the last decade the total population increased from 180 million to 204 million people. I would point out that the most prominent characteristic of this growth has been the increase in numbers at each end of the life span. This uneven population growth trend has strained health care services out of proportion to the increased numbers at either end of the age spectrum, because the very young and the very old have the greatest needs for health services.

From another perspective, rising education and economic levels also create greater demands for and greater utilization of health services. At this time approximately 75 percent of the population is covered by some form of health insurance. In addition, new federally supported health programs have been inaugurated, programs which have created increases in demand for health facilities and services.

Within the medical profession itself there has been breakthrough after breakthrough in the areas of medical technology and medical knowledge. These have led to increased specialization. These have led to an increased delegation of responsibilities from physicians to nurses. New therapeutics and new technologies are changing the patterns of care in hospitals. Treatment is often more concentrated. On the average, patients spend less time in hospital beds. And hospitals are trying to shorten the average length of inpatient care, thereby expanding the reach of hospital services.

As a result of all these factors, nursing care has become even more critical to the provision of adequate medical services. Nursing care is used more and it is required longer and more intensively on a patient-by-patient basis than is any other single kind of health service in this Nation today.

The Nurse Training Act of 1971 is designed to help augment existing nursing care services and to help create new nursing services. As the bill is written, the original Nursing Care Act of 1964 would be extended 3 more years at a cost of $710 million. These funds would be spent on a wide variety of things running from construction of nursing school facilities, through purchasing laboratory training equipment, to establishing and maintaining on-the-job nurses training programs.

In conclusion, Mr. Speaker, I would emphasize that this legislation is greatly needed, its costs are reasonable, and its purposes are eminently worthwhile. The critical shortage of nurses is an undisputed fact. At the current time, there are 700,000 nurses in active practice; 150,000 more are needed. By 1980, 1,000,100 nurses will be needed to help meet the increased demands for health services due to the growth in population, the expansion in nursing duties and responsibilities, and the growth in the complexities of health care. The provisions of the Nurse Training Act of 1971 are designed to meet these demands through a balanced program of support to schools and to students.

I urge my colleagues to approve this proposal.

EXPAND THE LOCKHEED DISCUSSION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HANNA. Mr. Speaker, I noted today in the Wall Street Journal a discussion of the Lockheed loan situation which is an appropriate sequel to my remarks to this body on Tuesday last. At that time I detailed a bill I sponsored to remove from the Congress the consideration of such intermittent and piecemeal rescue efforts.

I now see in the Journal a report that the Senate Banking, Housing and Urban Affairs Committee has reopened its hearings on the Lockheed guarantee to receive testimony on alternative legislation. This, to my mind, should have been done to begin with, and I am hopeful that such can be accomplished in the hearings by the House Banking and Currency Committee, which are scheduled to commence July 13.

Mr. Speaker, I insert at this point the subject article from the Journal:

LEGISLATION TO AID LOCKHEED IS DELAYED 2 WEEKS BY SENATE UNIT FOR MORE DATA

WASHINGTON.—With time supposedly running out for Lockheed Aircraft Corp., legislation to assist the company hit an unexpected delay.

The Senate Banking Committee postponed until July 12 a session scheduled for yesterday, to begin drafting the bill. The delay is to allow time to take more testimony in open hearings on legislation.

The committee held two weeks of hearings in mid-June on a Nixon administration proposal to authorize the federal government to guarantee up to $250 million in bank loans to the financially distressed aircraft maker. But proponents of the legislation, increasingly apprehensive about the bill's chances in Congress, recently decided to substitute a broader bill under which other companies also might qualify for aid.

Yesterday, when the banking committee met in a closed session to begin drafting the legislation, Committee Chairman John Sparkman (D., Ala.) reportedly stated that he hoped the committee could clear by day's end a broad measure for Senate floor consideration.

But Sen. William Proxmire (D., Wis.) a persistent critic of the Lockheed aid plan, objected. He said almost all the testimony taken by the committee had focused on a bill aimed exclusively at helping Lockheed. The committee shouldn't draft a broader bill, he said, without first calling witnesses to discuss it.

Eventually, the committee agreed to reopen its hearings for testimony next Wednesday, Thursday and Friday, with a closed drafting session the following Monday. Votes weren't taken during yesterday's one-hour meeting, a committee aide said. "There just was a consensus of feeling," he said.

Lockheed has said it could be forced into bankruptcy if it doesn't get additional financing to carry out its TriStar airbus program. The program was jeopardized by the collapse early this year of Britain's Rolls-Royce Ltd., builder of the plane's engines.

The British government has agreed to continue production of the engine at a higher price if Congress will approve the loan guarantee for Lockheed. But the British also have said that the guarantee must be arranged by Aug. 8, when Congress will have begun a month-long recess. Otherwise, the British say they will end their financial support of the program.

Additionally, Trans World Airlines has said that if the Lockheed legislation hasn't made significant progress by the start of the congressional recess TWA probably will cancel its orders for the airbus.

The broad legislation under consideration would establish a government board to rule on applications of companies for federal loan guarantees. An applicant would have to establish that its failure would cause serious harm to the national economy.

THE FIRST 6 MONTHS: A LEGISLATIVE RECORD, JANUARY–JULY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. MAZZOLI. Mr. Speaker, for the information of my constituents in the Third District of Kentucky, and other interested parties, I am inserting in the RECORD a summary of my legislative actions for the first 6 months of the 92d Congress:

The first 6 months, during which it has been my privilege to serve the Third District of Kentucky in the U.S. House of Representatives, have been hectic and demanding months; but, in spite of the heavy workload, I have found them rewarding and fulfilling as well.

In the opening weeks of the 92d Congress, we devoted a large part of our time to organizing the House and its committees in preparation for the business of the session. Much of my own time at first was spent putting my Washington and Louisville offices in good working order, learning congressional rules and procedures, and, frankly, learning the layout of Capitol Hill and its labyrinth of halls and corridors.

Most of the actual drafting and preparation of legislation in the House takes place within its 21 standing committees. I was fortunate in being assigned to the House Education and Labor Committee, chaired by my esteemed and distinguished colleague from Kentucky, the Honorable CARL PERKINS. We divide our workload in education and labor among several subcommittees. The subcommittees I serve on include the General Subcommittee on Labor, the General Subcommittee on Education, and the Select Subcommittee on Education.

Already, thousands of bills have been introduced in the House of Representatives in the 1971 session of Congress. Most of them are still being studied by the various committees. However, many of them have reached the floor of the House and been voted on. Some of the votes on important legislation have been close.

In line with my policy of keeping the people of my district completely up to date on events in Congress, I have prepared an outline of the events of these first very important 6 months of my congressional service.

I mention the bills I have sponsored, describe the important votes I have cast, and include a few words about issues which will probably come up in the future. I divide the legislative summary into 14 general subject areas: civil rights, consumer affairs, drug abuse, education, employment and public works, environment, health care, law enforcement, military and defense, spending cuts and priorities, taxation, women's rights, youth, and other legislative action.

CIVIL RIGHTS AND CIVIL LIBERTIES

Early in the 1971 session, I sponsored House Concurrent Resolution 88, a resolution against films and broadcasts which demean or ridicule ethnic, racial, or religious groups. Later, reflecting my concern over military courts and military justice, I sponsored H.R. 7292, a bill which would require the verdict of courts-martial to be unanimous in order to convict soldiers who are tried under the Code of Military Justice.

On another civil liberties issue, many people have been concerned about an existing law which would permit the establishment of mass detention camps in cases of security threats or internal emergencies. Under the present law, people can be held in such camps without a trial and without bail. I sponsored H.R. 5244, which would repeal that detention camp law. I consider such detention unconstitutional, and the House Internal Security Committee has itself recommended changes in this law.

In the area of employment opportunities, I am currently supporting H.R. 6760, a bill which would give the Equal Employment Opportunity Commission power to ask court enforcement of orders guaranteeing fair hiring and employment practices.

CONSUMER PROTECTION

Ours is a consumer society, and the buyer in the marketplace needs guarantees that the goods he buys are safe, of good quality, and accurately labeled. At present there are about 500 consumer programs scattered over 36 Federal departments and agencies. There is little coordination among them.

To assure the consumer effective representation and protection within the Government and before the courts, I sponsored a bill to establish an independent "watchdog" Consumer Protection Agency in the Federal Government—as well as an Office of Consumer Affairs in the White House—H.R. 4432. I also sponsored a bill which calls for clear labeling of foods which might spoil on store shelves—H.R. 8417; the Truth in Labeling bill—H.R. 8670; and H.R. 7546, which addresses the dangerous problem of cosmetics which contain mercury.

In another area of central interest to consumers—food prices—I voted against the sugar quota bill when it came to the floor of the House—H.R. 8866. Sugar quotas set high price levels for sugar imports and cost the American shopper millions of dollars every year. However, I was in a minority, and the sugar bill passed, 229 to 128.

Rising electric costs are also a major consumer problem, and I sponsored H.R. 155, designed to study ways to coordinate power resources and keep electric prices down. However, that resolution was defeated on the floor of Congress in May.

DRUG ABUSE

Few problems in our country are so pressing today as the spreading cancer of drug addiction and drug abuse. I have sponsored a number of legislative attacks on the problem, from a number of different directions. These include a bill controlling sale and possession of syringes, gelatin capsules, and other paraphernalia of the drug trade—H.R. 8569—as well as a bill which would tighten regulation of amphetamines, which are of growing importance in the illicit drug trade—H.R. 9233.

Approaching the problem at the source, I sponsored an amendment to the Foreign Assistance Act of 1961, H.R. 4414, which calls on the President to cut off aid to countries from which much of the illegal heroin in the United States originates—unless those countries make strong efforts to bring their export of heroin under control.

Attention has recently been drawn to the severe problem of drug addiction in the service, especially among our troops in Vietnam. In June, I sponsored H.R. 9214, a comprehensive bill to provide treatment and rehabilitation for drug-addicted GI's.

EDUCATION

Education legislation is the area of my broadest experience, as well as the main focus of my work on the Education and Labor Committee. Early in this session of Congress, I sponsored a bill to establish a National Institute of Education—H.R. 3606—and another measure to call a White House Conference on Education—H.R. 6234.

I sponsored two bills on higher education, H.R. 5099 and H.R. 6419, which would provide partial income tax credits for families for the college education of their children, and to donors who make gifts to institutions of higher education.

Together with Congressman PERKINS, my colleague from Kentucky, I recently sponsored H.R. 8395, the Vocational Rehabilitation Act of 1971, which would help train people for jobs in the trades and crafts.

On the floor of Congress, the major legislative battle in the area of education was over an amendment by Congressman WILLIAM HATHAWAY, Democrat, of Maine, to add $728 million in badly needed school funds to the education bill, H.R. 7016. I voted in favor of the Hathaway amendment, but it was narrowly defeated 187 to 192. The Senate later accepted an increase similar to the one rejected by the House. There was then an attempt in the House to go along with the Senate on its increase in education funds, but it also failed. I believe a compromise between House and Senate will occur, resulting in some additional funds for education.

There are several bills still in the Education and Labor Committee which will, if enacted, provide financial aid to our hard-pressed elementary, secondary, and college-level school in America.

EMPLOYMENT AND PUBLIC WORKS

Many people are now suffering from the generally depressed state of the American economy. Two major pieces of legislation this session were aimed at easing the situation. The emergency employment bill, which came out of my committee, would put 200,000 people to work in public service jobs—H.R. 3613. I was, in fact, presiding over the House during the vote on final passage of this vital bill. The $5.7 billion accelerated public works bill, H.R. 5376, which was vetoed in June by the President, would speed up spending on public works projects in order to stimulate the economy. I voted for both of these recovery measures. Both passed the House by relatively close votes. I hope the veto of the accelerated public works bill can be overridden.

Earlier in the session, I backed H.R. 4246, a renewal of standby wage-and-price controls for the President. If used, they would help dampen the present spiralling increase in prices. I also support H.R. 7130, which proposes to increase the basic minimum wage to $2, though I believe certain exemptions will have to be retained. This minimum wage bill is now before my Education and Labor Committee.

ENVIRONMENT

Much of my legislative effort has been directed toward conservation and the dangers to the environment in the form of air and water pollution.

One such danger is the dumping of dangerous or toxic chemicals in the oceans. Last year, I expressed grave concern about the proposed shipment of nerve gas from the Lexington Bluegrass Depot through Kentucky for dumping in the Atlantic. Early in this year's session of Congress, I sponsored H.R. 4218, a bill to prohibit discharge of military materials into oceans and waterways without the specific approval of the Environmental Protection Agency.

Another dumping problem of a different kind is that of scrap automobiles. Last year, 7 million passenger cars and more than a million buses and trucks were scrapped, often ending up in junkyards that mar our countryside. I sponsored H.R. 5241 to help States undertake programs to recycle scrap automobiles. I also sponsored a bill to offer tax deductions to people who install antipollution devices on their cars—H.R. 8773.

Still another bill I have sponsored, H.R. 8006, would require use of recycled paper by the Federal Government. I try to practice what I preach, and I have now started using recycled paper in my congressional office to save trees and cut down on waste.

Many Congressmen have been concerned about the possible effect of the proposed Alaska pipeline on America's last unspoiled frontier. Together with a number of colleagues, I sponsored a measure that would delay pipeline construction until the effect of this pipeline on the Alaskan environment is scientifically ascertained—H.R. 9037.

In the general area of water pollution and conservation, I am a sponsor of the Clean Lakes Act of 1971, H.R. 7102, and the 5-year, $25 billion Water Pollution Control Act—H.R. 7846. This last program, if passed, could mean the beginning of the end of serious water pollution in the United States. At present, I am also working on legislation to protect the environment from the ravages of strip mining.

One of the most significant environmental stands taken by Congress this session was a highly symbolic one: The vote on whether or not to give the Boeing Co. $290 million of taxpayers' money for further development of the supersonic transport. I voted against this use of the taxpayers' money both times the issue came to a vote in the House. The money is needed for other urgent priorities, not for a fast-flying plane which could do serious damage to the environment.

Both the House and the Senate voted down the SST. The House vote was close; the margin was only about a dozen votes. However, stopping Government support for American development of the SST is no guarantee against overflight by French or Russian SST's. So I introduced H.R. 8760, which would prohibit such overflights except under the most stringent conditions.

HEALTH CARE

Congress is working hard to prepare a national comprehensive health care program. This is such a complex and far-reaching subject area that final action on a health care program may not come before 1973.

On specific health issues, I supported H.R. 4618, a bill which provides Federal aid for nursing schools. The bill passed the House of Representatives in June, and may benefit nursing schools in the Louisville area. In another key area of health concern, I sponsored the Conquest of Cancer Act of 1971, H.R. 3657. This country has spent $410 per person over the last 6 years for national defense, but only 89 cents for cancer research. This is appalling. There are few health problems more pressing than the conquest of this terrible disease. Hopefully, this act will contribute to the discovery of a cure for cancer.

Recognizing the shortage of medical personnel in many areas throughout our Commonwealth and across the country, I introduced H.R. 3283, an amendment to the Public Health Service Act, which encourages physicians and other medical specialists to serve in areas where there is a critical shortage. I was also a sponsor of a congressional resolution opposing the Nixon administration's closing of badly needed Public Health Service hospitals as an "economy" move. The shutdown was later declared illegal by the courts—House Concurrent Resolution 150.

LAW ENFORCEMENT

Congress has taken a number of initiatives this year in fighting crime and supporting the Nation's law enforcement officers. I sponsored H.R. 5645, a measure that would help State and local police departments, as well as fire departments and rescue squads, improve their communications systems for rapid response to emergencies.

I have been alarmed at the recent rash of assaults and shootings of policemen around the country. Seventeen out of every 100 police officers on duty in the United States were victims of assault last year. To combat this trend, I sponsored a bill this session, H.R. 6474, to make assaults on policemen, firemen, and judicial officers while on duty a Federal offense.

It was my privilege, as well, to sponsor in June the Policemen's Bill of Rights, a measure requiring all State and local police departments receiving Federal money—this includes Louisville's—to guarantee their men equal rights and privileges under the law and to assure them adequate avenues for redress of grievances—H.R. 7332.

MILITARY AND DEFENSE AFFAIRS

Military and defense affairs have taken, as always, a large part of the attention of Congress this session. Action so far in the area of military and defense affairs has fallen mainly into three areas: the Vietnam war; the draft/volunteer army; and defense spending.

On the Vietnam war, I have continuously backed measures in support of a withdrawal of American troops by December 31, 1971. I believe this is the best way to regain our prisoners of war and honorably end our participation in this costly war. I believe we have more than adequately fulfilled our commitments in Indochina. I supported a December 31 withdrawal date in March when it was raised at a meeting of the caucus of House Democrats. This unprecedented move failed by only one vote, 100 to 101.

In June, when legislation in the form of an amendment—the Nedzi-Whalen amendment—to a defense spending bill—H.R. 8687—again brought the December 31 withdrawal date to the floor of Congress, I renewed my support of it. However, it again lost, this time in action by the full House, by a vote of 158 to 256.

A few days later, the Senate's Mansfield amendment, calling for a withdrawal of American troops in 9 months, came before the House on a procedural vote—to instruct conferees. I voted for this amendment also. It was defeated, 176 to 219; but 176 is the largest vote thus far in the House for a quick end to the war and it shows that sentiment for a definite withdrawal date is growing in Congress.

Of course, the question of ending American participation in the Vietnam war is inseparable from the crucial question of the return of American prisoners of war. Earlier in this section of Congress, I sponsored House Concurrent Resolution 175, calling on Hanoi to treat U.S. POW's more humanely, and House Concurrent Resolution 318, calling for the release of American prisoners at the same rate as American troops leave Vietnam. It appears that a plan similar to that in House Concurrent Resolution 318, providing for the release of American prisoners in exchange for complete withdrawal of U.S. troops, may break the deadlock at the Paris peace talks.

Just as important as ending the Vietnam war, I believe, is insuring that it does not happen again. I sponsored House Joint Resolution 665, affirming the constitutional warmaking powers of Congress and requiring the President to consult with Congress within 72 hours where American troops are committed to combat overseas—except in cases of war or national emergency. Under this bill, unless Congress approved the President's deployment of troops abroad, he would have to withdraw them within 30 days.

On the same general subject, I voted for an amendment to the selective service bill, H.R. 6531, which came up in late March, that prohibited the use of draftees in overseas combat without a congressional declaration of war or national emergency. Unfortunately, this amendment lost 97 to 279.

The debate on the draft bill at the end of March and the beginning of April was one of the longest and toughest of the session thus far. I have long supported the idea of a volunteer army, and joined with others earlier in the session to sponsor a bill—H.R. 4451—to convert to a volunteer army. So when the draft bill itself came up, I voted to cut the extension of the draft to 1 year instead of the 2 recommended by the Armed Services Committee. This amendment was backed by supporters of the volunteer army. It failed by only two votes, 198 to 200.

I voted for another amendment to the draft bill to retain divinity school deferments. This amendment was adopted. The draft bill passed by the House abolished all other deferments because they were thought unfair to young people not in college.

The bill also lowered to 18 the minimum age for serving on draft boards, and limited the service of draft board members to 15 years or age 65. When a vote on the whole draft package came up, I felt compelled to support the 2-year draft extension, though a 1-year extension was better.

I feel that the country needs to retain at least a standby draft, during the time the concept of a volunteer army is being tried out, to provide for national emergencies. The draft bill contained a large pay increase for lower ranking military personnel as a first step toward a volunteer army.

In the area of military spending, the most important legislative battle came over amendments cutting some of the money requests from the defense spending bill, H.R. 8687—the same one to which the December 31 withdrawal deadline would have been attached—see above. I voted for a number of amendments that would have cut hundreds of millions of dollars of excess spending from the nearly $80 billion defense budget without, I believe, jeopardizing national security. All of these amendments, however, were voted down on the floor of the House.

SOCIAL SECURITY AND WELFARE REFORM

This session of Congress, I supported the 10-percent across-the-board increase in social security benefits. Later, in June, the massive social security and welfare reform bill—H.R. 1—came up before the House of Representatives.

It contained an additional 5 percent increase in social security benefits, a streamlining and improving of the medicare system, and a sweeping reform of the welfare system. The welfare reform will take much of the burden of welfare costs off hard-pressed State and local governments, and it contains work incentives and benefits for the working poor. I voted for the bill although the welfare-reform package is not perfect. I think it is a substantial improvement over the inefficient patchwork welfare system of the past, and it is worth a try.

One specific area of welfare legislation of special concern to me is the compensation of miners and miners' families who are disabled by pneumoconiosis, coal miners' black lung. We are presently working on a bill in the Education and Labor Committee which would extend black lung survivors' benefits to the orphans as well as the widows of miners who die of black lung. The bill, H.R. 9212, would also prevent a reduction of other disability insurance benefits for anyone receiving black lung benefits.

SPENDING CUTS AND PRIORITIES

There were some other areas besides defense in which I voted to economize and cut spending, with the thought that the taxpayers' money could be better used elsewhere. These areas included the SST, mentioned earlier in this report. Congress saved $290 million by eliminating that program. I also voted against the $3.4 billion NASA space spending bill—H.R. 3981—not because I am against progress in space and technology, but rather because I thought that amount was much too large at a time when we face so many unmet domestic needs.

I voted against the National Science Foundation—NSF—spending bill of $622 million—H.R. 7960. Again, I am not against science, but this was a sloppily put together bill with a lot of fat and waste in it. Congress, however, passed both the NASA and NSF bills.

An example of one place where Congress might better have spent some of this money is in education. I mentioned the Hathaway education amendment above under "education"—Congress voted down over $700 million in extra school funds. Votes for very large money bills like NASA and NSF, but against extra money for our schools suggest that many Members of Congress need to reexamine their priorities on the important national issues. However, the vote against the SST in the House suggests that there may be the beginning of a shift in priorities in Congress.

TAXATION

We all go through the headache of paying taxes every April 15—but Congress can ease the burden in a number of ways. I sponsored a congressional resolution this session—House Joint Resolution 662—to simplify the complex and confusing Federal tax return. I sponsored two different bills to allow homeowners to deduct part of their home repair costs on income tax returns—H.R. 7837 and H.R. 4972.

Single people are still discriminated against by a provision of the tax law which enables married people to pay less taxes by filing a joint return. I sponsored a bill to provide similar income-splitting benefits for single people—H.R. 7656. Other tax measures I sponsored include a tax exemption on the first $3,000 of civil service annuities—H.R. 5083—and certain tax credits for higher education—see "education" above.

WOMEN'S RIGHTS

Congress is becoming increasingly aware of the necessity of providing equal rights under the law for women, and of promoting increased opportunities for women in employment. To insure equal rights for women, I introduced early this session a proposed constitutional amendment—House Joint Resolution 461—which says simply:

> Equal rights under the law shall not be abridged or denied by the United States or any State on account of sex.

My amendment was referred to the House Committee on the Judiciary. I feel sure that this amendment, or some other version of an equal rights amendment for women, will be approved by Congress before long.

Also of great importance to women is this year's comprehensive child development bill, H.R. 7334, which was drawn up in my subcommittee of the House Education and Labor Committee. This bill would provide money for neighborhood daytime child care centers, which would be of enormous importance to working mothers. The bill appeals to me both because it provides parents with a higher degree of local control over the day care centers, and because I believe it will enable many welfare mothers to work because they will now have a suitable place to leave their small children.

Finally, I recently sponsored a housewives' pension plan, which would enable housewives to save or invest up to $25 a week tax-free in a "retirement" fund from which they could draw after age 59½. I believe that being a housewife is a job as well as a labor of love, and the housewife should have a chance to provide herself with the same security that is available to the wage earner.

YOUTH

In recognition of the growing participation of young people within the political system, Congress is paying increasing attention this year to the problems of youth. One measure of vast importance passed this session was the constitutional amendment for the 18-year-old vote—House Joint Resolution 256—of which I was a sponsor in the House. The 18-year-old vote passed both Houses of Congress and has now won approval of the required two-thirds of the States. I sincerely believe that the participation of millions of new under-21 voters in national, State, and local elections will add new life to the political process in this country, as it has already done in Kentucky.

I also sponsored a bill, H.R. 3653, to establish a national Department of Youth Affairs in the executive branch. One of the first actions I took in Congress was to introduce a congressional resolution, H.R. 326, calling on the President to designate the first week of February each year as National Youth Appreciation Week. I took this action because of my strong feeling that the media have overemphasized the negative aspects of America's youth.

OTHER LEGISLATIVE ACTION

I sponsored legislation to change the Uniform Time Act so that daylight saving time would be observed only from Memorial Day to Labor Day each year—H.R. 5675.

The Congress passed legislation changing burley tobacco quotas from an acreage basis to a poundage basis—H.R. 5732—on a voice vote. I voted in favor.

In the area of revenue sharing, I strongly support the concept of no-strings-attached money to local jurisdictions. Immediate action is needed to restore local government to financial health, and I have spoken on the floor of Congress in favor of revenue sharing measures.

Regulation of political campaign financing is one of the major problems with our system of election at present. Much legislation is pending, and I hope we can pass some form of campaign financing legislation during this session.

LUNDBERG BROTHERS APPLY PRACTICAL APPLICATIONS TO THEIR CONVICTIONS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. JOHNSON of California. Mr. Speaker, today we are hearing much about the preservation of our environment and some of those who are discussing this issue would imply that it is something which has newly been discovered. While it is true that new interest and emphasis has been placed on the preservation of our environment in recent years I think the story of the Lundberg brothers and their farm operation indicate that for generations conscientious, dedicated farmers have been concerned over the preservation of our resources and at the same time the improvement of these natural resources of which this Nation is so greatly blessed.

The Lundberg brothers of Richvale, Calif., Wendell, Eldon, Harlan, and Homer have farmed all their lives as their father farmed before them. The elder Lundberg, in raising his four boys to be farmers, stressed repeatedly that a farmer has an obligation to improve the land which he uses and in the final analysis he must leave his land in better condition than when he took over. This basic philosophy instilled in the four brothers at an early age caused them to change their complete operation as it relates to the raising of rice. The result is a complete changeover to organic production and organic milling of rice.

This has been accomplished at a substantial expenditure in time, energy, and equipment including the construction of a unique rice mill especially designed for the purpose of handling organic rice products. Although the time has been short the results, at least as far as the improvement of the soil and the lands have been tremendous. Not only has the soil been improved but also the waste products such as rice straw, stubble, and hulls have been converted to a productive use rather than being burned as formerly was the practice—a practice which is currently running afoul of air pollution regulations.

This, and the inaguration of a catfish farm operation, which has rapidly grown to the largest in the State of California make this 3,000-acre farm a unique and outstanding facility.

It is obvious that the four Lundberg brothers do not just talk about their convictions, they do something about it, as they are doing in their rice operations. I would also like to point out that one of the brothers, Harlan, and his family now are in Belam, Brazil, serving as a Peace Corps family, helping the people of this portion of Northeastern Brazil develop their own rice industry. From early reports they are having great success.

This is a close family—one that works together—one that on each day lives in the spirit of family cooperation which is symbolized by the name of the farm WEHAH, named for Wendall, Eldon, Harlan, and Homer.

In the July 1971 issue of the publication Organic Gardening and Farming writer Floyd Allen reports on a visit to the Lundberg farm in an article entitled "Raising Rice the Right Way." I found this a fascinating account not only of the rice industry in general but specifically of the Lundbergs' operation and I ask unanimous consent at this time to insert this article in the RECORD at this point:

RAISING RICE THE RIGHT WAY

One of the reasons I went to see Robert Kennedy, president of Chico-San Inc., was to learn more about Wehah Farm and his long quest to find an already existing organic rice grower, or one who could and would be willing to convert to organic methods. Sadly and alarmingly, not many rice growers in California could produce qualified organic rice at this time, no matter how much they might want to, and Kennedy's persistent search is becoming indicative of what organic food processors and distributors throughout the United States might have to do.

In the coming several years, there will be more organic food products to process and more food processors who would like to distribute organic products than there will be suitable organic farmers to supply the necessary raw commodities. It is a new and unusual situation where conventional business procedures and existing distributor-farmer arrangements will not successfully apply. No one knew this better—or knows it better now—than does Bob Kennedy, who certainly must be described as a pioneer organic food processor-distributor. The contract between Chico-San Inc. and Wehah Farm is probably a landmark which spells out the way which the industry will take in order to prosper and develop.

Chico-San is a distributor of macrobiotic foods. Brown rice is their most important product, and their most successful and best-known product is a rice cake—a crispy, cracker-like cake of puffed brown organic rice made in a heated mold. The company was established in the prime rice-growing region of Chico, California, because Kennedy felt that the finest organic rice would be produced in that area. However, intensive inquiries uncovered no organic rice growers, nor any suitable growers willing to convert to organic farming methods, and for several years it was necessary to import rice from elsewhere.

Throughout the years, Kennedy never lost his hope of locating an organic grower in the Chico region. Over a period of eight years he personally contacted and talked to more than 150 rice growers. One farm, Wehah Farm, particularly appealed to him. Their paddies are located where they are first to receive clean, uncontaminated mountain water flowing in from the Feather River. Another appealing point was that unlike other rice growers in the area, Wehah Farm practiced the method of returning rice straw and stubble to the soil instead of burning the fields each year. The four Lundberg brothers who own Wehah Farm were interested the first time Kennedy talked to them. Interested but concerned; a number of things had to be weighed which also involved their neighbors, and a life-long way of handling their business. It was not an easy decision.

Wehah Farm is located in Richvale, California, which is a small, compact farm community 20 minutes' driving time from Chico. The rice farmers there are lifelong friends and neighbors, and the farming nucleus of the community centers around a co-op association which mills and distributes the rice grown in the area. Apparently the members are possionately loyal to the association and view anyone contemplating withdrawal as contemplating a personal rejection of all members.

There were other serious matters to be considered. Leaving the association meant leaving an easy, almost automatic market. Leaving chemical rice farming means leaving an easy, almost automatic farming method. Leaving meant leaving a substantial bird in the hand for two very dubious birds in the bush. Modern rice farming is a costly operation. The Lundberg brothers were not certain that they could raise enough rice organically to pay the way. But Kennedy had something working for him, something instilled in the hearts and minds of the Lundbergs.

Mr. Lundberg, the father of the brothers, had been an organic farmer before his time; that is, he held to certain ideals which form the basic principles of organic farming. He taught his sons that a farmer has an obligation to improve the land which he uses, and if possible, a farmer must leave his land in better condition than when he took it over. He also impressed upon his sons the value of cooperation, of cooperating together, and together cooperating with their community and with other communities. Wehah is a symbol of family cooperation—Wendell, Eldon, Harlan, and Homer.

THE PRACTICALITIES WERE FRIGHTENING

Every time Kennedy talked to the Lundberg brothers they listened with their hearts and tried to make it work out in their minds. Modern rice farming is so sophisticated and chemical that the practicalities of considering organic farming were frightening. It's a long, long way to make such a change. To understand this better, it is necessary to understand a little of modern rice-growing methods. To begin with, in the soil of the rice paddies there is a small insect called the tadpole shrimp. When the paddies are flooded, the tadpole shrimp are activated; in a week or more the paddies are filled with tiny, wiggling insects which churn up fine silt and turn the water a cloudy consistency. Sunlight and heat are blocked out and germination is critically hindered. Tadpole shrimp will also feed on the tiny shoots of germinated rice before the small plants have developed chlorophyll. The more silt, the less sunlight, and the less chlorophyll.

Some years are worse than other years. Modern rice growers as a general practice assume that there will be a heavy tadpole infestation and the standard procedure is to spray the paddies with parathion, or carbaryl (Sevin), or sometimes the soil is treated with copper sulfate crystals.

To prevent various seedling diseases, seeds are treated with Captan or Arasan 42S (Thiram). The soak water from treated seeds is so toxic that it is supposed to be retained in settling basins and not allowed to return to intake or drainage ditches. Molinate (Ordram) is either worked into the soil before flooding or later applied to the flooded paddies in order to control a water grass called barnyardgrass. Carbo Furadan is applied on the soil prior to flooding to control rice water weevil. Copper sulfate is applied in the water to control algae. Parathion is sprayed on growing crops to control mosquitoes. Malathion or parathion is used on seedling rice to destroy the eggs and larvae of the rice leafminer. Leafhoppers and armyworms are controlled by applications of Sevin (carbaryl). MCPA amine or sodium salt is used to control sedges and broadleaved weeds. Propanil is frequently used to control barnyardgrass. Ammonium sulfate is applied on the soil for supplemental nitrogen. Superphosphates and the like are applied on the soil for supplemental phosphate. Ferric sulfate is applied on the soil for supplemental iron and zinc. Straw and stubble are burned to eliminate tillage work.

The most important tool a modern chemical rice grower possesses is his telephone. Most of his work is done for him by airplanes. Even his seed rice is planted from the air. Rice growers in America have cast away their independence; they have substituted chemicals for self-reliance and replaced skill with poison. The Lundberg brothers knew that their father farmed successfully without these destructive chemicals; they used to work with him. And then there was Robert Kennedy talking to them from time to time, and all the while buried in their hearts and minds was their father: "Improve the soil. Leave it better than the way you found it."

TRIED IT ON 76 ACRES

They decided to try. And 76 acres were set aside and prepared organically. A source of manure was located, the manure composted and worked into the soil. An organic rice crop was harvested which averaged 37 hundred-pound bags per acre, which is quite low by chemical standards, but high enough, with organic prices, to demonstrate economic feasibility. The brothers made up their minds. They discarded the chemicals, withdrew from the co-op association, rejected their agricultural educations, their years of experience, and committed their 3000-acre Wehah Farm to organics.

The first order of business facing Chico-San and Wehah Farm's new association was a mill. Hopefully they sought to contract with a mill such as the co-op in Richvale. It was not possible. Their volume of rice would be too small to run separately—and unless the mill was thoroughly cleaned before each run, the rice would probably be contaminated. Working it out together, Wehah Farm purchased additional property containing three large well-constructed concrete silos; special milling equipment was purchased from Japan, and an organic rice mill was designed and constructed under the direction of Ronnie Leanheart. It was a labor of love.

He wired every inch of the complicated wiring, assembled and installed each piece of equipment, helped to construct the building, aided the brothers in redesigning the mill with particular care and pride. The Lundberg brothers took pains to express their pleasure and appreciation of his fine work.

The first time I heard the term organic rice mill it struck me as a title, as a created high spot; however, the term is meaningful and the differences are important. To remove the husk, conventional rice mills use steel or stone rollers, which are sometimes grooved. The steel or stone-milling process peels away the husk and removes the rice bran, which is the most nutritious portion (and perhaps the tastiest). As I understand it, the idea behind this kind of milling is to produce a prettier product that is easier to handle and will maintain a longer shell-life. According to Kennedy, conventional rollers scratch and mar the rice grains and when such rice is stored, it deteriorates in quality. Since rice contains about two percent oil, marring and scratching the grain subjects the rice to the possibility of becoming rancid.

The milling equipment at Wehah Farm uses rubber rollers which pop the husk as the rice passes through, leaving the outer layers of bran untouched and unmarred. The rice is beautiful, certainly far prettier than conventional rice which often looks lifeless. The bran improves the rice, adding a pleasant, chewy texture. No doubt part of the flavor can be attributed to the practice of storaging the rice in the husk and milling only per each order. For example, Chico-San orders only enough rice at each time to meet a certain production period; therefore they are constantly packaging and processing freshly milled rice.

A common practice in conventional mills is to fumigate harvested rice in order to promote longer and easier storage, and then to fumigate again after milling to insure a longer shelf-life. Harsh caustics, pesticides and rodent poisons are used to control and prevent insect and plant-disease infestations. Such methods, to say the least, are contaminating, and not organically acceptable. At Wehah Farm, prevention through immaculate housekeeping provides the major control system. Proper and careful handling of rice in all stages completes the method.

Problems solved in the paddies

The preventive housekeeping procedures practiced in the mill are similar in intent to those practiced in the paddies. Again, proper and careful handling completes the method. Tadpole shrimp are controlled by careful water manipulation and timing. For example, if the rice is seeded by spreading the seeds upon the dry ground with a truck and then flooding the paddies, the rice has an even chance, at least a week. Tadpole shrimp and rice seedlings are developing at the same time. Raising and lowering the water level helps to flush away silt and reduces, for a time, the distance which the chlorophyll-producing sunlight has to travel through water.

Seeds are not treated to prevent seedling diseases. The Lundbergs' preventive method is to use healthy seeds. Rice water weevil infestation normally occurs within 10 to 20 feet adjacent to the levees. The controlling preventive method used by Wehah Farm is clean and careful housekeeping, disking and cleaning away weeds up to and around the banks. Rice leafminer does not seriously harm healthy, vigorously growing plants, especially when most of the leaves are off the water. Fertile soil and water manipulation solve most leafminer problems.

Mosquitoes are effectively controlled biologically through a special arrangement with the Butte County Mosquito Abatement District. The flooded rice paddies are planted with a small insect control fish called gambusia, which feeds upon the mosquito larvae and numerous other unwanted insects as well. The fish thrive in the Wehah paddies and are a living verification of their organic methods. As a matter of fact, the brothers do not worry too much about insects now. Weeds are their next big pest problems to solve.

They expect to work out most of their weed problems by utilizing good organic farming methods. Crops are rotated. One year rice, the next year barley or some similar grain, and the third year a paddy is allowed to lie fallow. Eventually, the fallow paddy is irrigated to start the watergrass and other weeds, then it's drained, the land disked, and a cover crop of purple vetch is planted to protect the soil and supply a rich, natural source of nitrogen. In the following spring, composted manure, especially chicken manure, will be worked into the soil prior to planting.

This year the Lundbergs plan to double the volume of seeds normally planted. It is hoped that by doing this the additional rice seedlings will succeed in choking out most weeds before they can get a good start.

RICE HUSKS BECOME AN ASSET

Organic solutions have a way of dissolving problems. Rice mills, for example, create gigantic piles of rice husks which are normally, and wastefully, disposed of by burning. Naturally this needless burning of valuable organic material adds considerably to our pollution problem. Communities where rice mills are located and burning is permitted will not tolerate the smoke and ashes much longer. The practice will have to be stopped—and, strangely, many mills will have serious disposal problems.

At Wehah Farm rice husks are looked upon as an asset, and their mill was designed to automatically load husks into huge hopper-like bank-out wagons. Each wagon is self-propelled and equipped with tires as high as my shoulders. They are capable of driving a full load through a flooded paddy. When a wagon is filled to capacity, it is driven immediately to one of the paddies and the husks spread, ready to be worked into the ground where they belong. At Wehah Farm everything goes back into the ground except the grains of rice. To someone who has never seen rice stubble and straw this might be difficult to appreciate.

Rice straw and stubble are extremely tough. Rice farmers burn their harvested fields because it is expensive to till the soil properly and work the straw and stubble in. A conventional disk will likely roll over more straw and stubble than it will cut through and turn. Eldon Lundberg relates how difficult it used to be. "We just had to get out there and fight it." Nowadays, it's a snap. First, paddies are irrigated right after harvest to start the decaying processes as soon as possible. In the spring, the ground is worked over with a giant-sized stubble disk (tandum disk). This is a no-nonsense piece of equipment capable of chewing up a two-by-four. To give an idea of its size and heft, it takes a 320-horsepower D9 construction cat to pull it through the paddies.

Organic rice farming is expensive. Harlan Lundberg estimates that their operational cost runs almost twice as much as their neighbors, which only tells part of the story. To date, Wehah Farm produces an average yield of 37 one-hundred-pound bags per acre; chemical farmers are getting 70, 80, and sometimes a hundred bags per acre, which means that presently Wehah Farm pays out twice as much to get half as much. The yields will improve as the soil is improved. As a matter of fact, they're hoping to hit about 50 bags per acre from this year's harvest. Naturally they'd like to get the yield up, not only because they'd like to increase their profit and offset their high operational cost, but because they would like to get the price of organic rice down.

NOT UNDER PRESSURE TO SACRIFICE QUALITY

Unlike conventional growers, the Lundberg brothers are under no pressure to produce volume at any sacrifice. They have a sliding price agreement with Chico-San, and the price of their rice is realistically adjusted to fit the yields produced per acre. The price agreement is a matter of cooperation and protection. The agreement enables them to protect the quality of their rice, and increasing the yield will also give them the opportunity of cooperating with people who eat their rice. I wish everybody could read this contract between Chico-San and Wehah Farm. Reading it, it is impossible to doubt the integrity or the intentions of either party.

In 1968, after extensive research and field studies, the brothers decided to utilize their source of pure water to combine rice growing with channel catfish farming. Today, the catfish operation requires thirty acres of fish ponds, and Wehah Farm is now California's largest producer of catfish fingerlings. Wendell Lundberg is the director of Catfish Farmers of America, and in his view channel catfish "will become a regular item on most California dinner menus." He has all the facts and figures, and he is convincing; something else which he said is convincing, "Because of water pollution, it's probably going to get where farm raised fish will be the only fish safe to eat."

THE CATFISH DINNER? "REALLY DELICIOUS"

There is a restaurant in Richvale which serves Wehah Farm channel catfish, and while I was there visiting their farm the brothers treated Kennedy and me to a dinner. Delicious. Really delicious. But the best part of the dinner was the conversation. One of the problems we talked about is the need for special organic recognition from the U.S. Department of Agriculture. Organic rice is not just "rice," and it ought not to be lumped in with chemically-grown rice. Chemical rice growers produce a surplus which is partially controlled by establishing marketing quotas and acreage allotments. All of which might be fine for chemical farmers, but what about organic farmers? There is no surplus organic rice, and as a matter of fact there is a shortage.

A TRIBUTE TO IGNACY JAN PADEREWSKI

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ROONEY of New York. Mr. Speaker, 30 years ago on June 29, 1941, death came to a greatly loved and admired world statesman. All the world was saddened, but most particularly the Polish people living at home and abroad were grieved with the passing of Ignacy Jan Paderewski in New York City.

America loved Paderewski not only for his mastery of the piano and his brilliance as a composer, but Americans drew him to their hearts as a great statesman who loved liberty with a passion. Over the many years he made America his home or visited it to thrill its people with this magnificant artistry, this great Pole made himself so loved and respected that it is small wonder that he lies buried temporarily, until Poland will be free again, in a hero's grave in Arlington Cemetery—a parting tribute decreed by his good friend President Franklin Delano Roosevelt.

This man whose gift of music has become everlasting and his selfless devotion to his fellow man eternally lauded was born into an impoverished family living in Podolia, now a part of the Soviet Union. At 3 years of age, Paderewski was playing the piano with great accomplishment and at 7 years he was showing remarkable ability as a composer. Thus, it was that in spite of his family's straitened circumstances, Paderewski was to experience extensive training commensurate with his musical talent.

In 1873 at the age of 13, Paderewski played at a charity concert, where he attracted the attention of a rich patron who arranged for his enrollment in the Warsaw Conservatory. He left Warsaw to study in Berlin and Vienna, where at the age of 17, he made his public debut as a concert pianist.

Paderewski was soon swept into universal fame as he appeared in concerts all over the world and his music was given international acclaim.

With the shadows of war approaching, Paderewski took up temporary residence in Paso Robles, Calif. With the outbreak of war and the misery and ravages visited upon his fellow countrymen, he began a rigorous schedule of public appearances from which he donated all his income to Polish victims of the war.

It was only natural that with his zeal and self-denial to help his suffering countrymen that he found himself in the center of the successful movement to obtain the restoration of Poland as a nation. To the Poles in America he delivered the following inspiring message:

> The vision of a strong and independent Poland has always been the lodestar of my existence. Its realization is still the great aim of my life.

From 1918 to 1919 he represented his country in Washington. Thanks to his friendship with Colonel House, President Wilson became highly interested in Poland's cause and on January 22, 1917, he declared that a "united, independent and autonomous Poland with free access to the sea" is one of the goals of his effort. In 1919 he became his country's first Premier and Foreign Minister.

Paderewski's great moral concepts and his artistic temperament caused him to have difficulties with the professional politicians with whom he had to deal. In consequence, he retired from political life within a matter of months to resume once more his career as a pianist.

When Poland was invaded at the opening of World War II, Paderewski joined the Polish Government in exile, which had been established in France, serving as President of its Parliament during 1940. With the adverse course of the war, Paderewski again came to the United States to work for the relief of the people of Poland, as well as the people of Great Britain and Greece for whom he had deep personal affection and compassion. In spite of failing physical powers, Paderewski continued with his arduous schedule of concerts and benefits. However, following a brief illness, he succumbed.

Mr. Speaker, I am proud of the fact that this great man now is temporarily buried in historic Arlington Cemetery among our Nation's great. I am proud of the contributions which this Nation made to the people of Poland through their great Polish idol. I am even prouder of the deep bonds of friendship between all Americans and all people of Polish birth or descent which Paderewski helped to foster and cement.

May all of us join in commemorating his death, in paying our deepest respect to a man whose artistry and statesmanship contributed so much to our own American heritage.

PENTAGON PAPERS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ARCHER. Mr. Speaker, in the great debate which has raged for the last 3 weeks over the illegal publication of the top secret Pentagon papers on Vietnam, many newswriters and commentators have conjured up specters of Government suppression of the first amendment. They speak selfrighteously about freedom of the press and lambast the Government for allegedly "censoring" the news.

But they miss the point, or they prefer to ignore it: That the New York Times, the Washington Post, and others have received stolen, classified documents, and, cloaked in secrecy of their own until the last moment, have published them. They criticize the Government for indiscriminately classifying information; but then they, with no knowledge of the reasons for classification and with no attempt to find out, anoint themselves as the ultimate judges of what should and what should not be secret.

One of my constituents, Mrs. David Braxton Darden, has written Mr. James Reston of the New York Times about this matter and has forwarded a copy to me. I believe Mrs. Darden points out very well the disturbing hypocrisy of the Times. So that my colleagues may have the benefit of her views, I am submitting her letter for publication in the RECORD:

MR. JAMES RESTON,
New York Times, New York, N.Y.

DEAR MR. RESTON: Your article in the Houston Chronicle entitled "Who elected the N.Y. Times?", (who indeed?) raised many more questions than it answered.

You seem to be terribly fond of Amendment I of our Constitution but isn't Amendment IV just as important? "The right of the people to be secure in their persons, houses, papers, and effects, . . ." How secure are our papers and how informed are we, when media in their infinite wisdom decide what should be classified, which papers to select and what matter in those papers you will disclose?

You use the word "inform". . ."we correspondents perform an essential service." I think not.

Do we not have the right to have secret documents remain secret until such time as they are declassified? Do we not have legitimate channels for declassification? If not, then why have you not insisted on the disclosure of the Kennedy involvement in Viet Nam and Cuba? Were these same men not advisers and Kennedy appointees? Are we not entitled to the secret testimony of the Kennedy assassination and Marthas' Vineyard? Do you not feel the people have an equal interest and right to be informed on this part of our history? Were these men not equally influential in our progress and policy decisions? The issue is not "embarrassment", the issue is your apparent feeling that you can choose the person or persons to "embarrass."

To those among us who do not subscribe to the Camelot philosophy, questions arise as to the true definition of news when one writer is 100% predictable in what he chooses to report and how he chooses to report it.

I am in total agreement with your statement, "If the country is to be governed with the consent of the governed, then the governed must arrive at opinions about what their governors want them to consent to . . ." but pray tell me how we arrive at opinions in the absence of truths? Is it not just as Evil for the press to withhold facts about one while disclosing "embarrassments" about someone they are less fond of? The truth, the whole truth and nothing but the truth please . . .

I do not share your feeling of righteous nobility implied in your article. If we are to have freedom of the people, as well as freedom of the press, the same yardstick must measure all.

The fact remains, the Pentagon papers were stolen, you are the receiver of stolen documents and you used the stolen goods for commercial purposes. The common word in Texas for this act is fence.

You contend your freedom of the press is absolute (I contend only death, and hopefully, Eternity are absolute). I agree there must be freedom of the press, but with this freedom there is also the burden of responsibility and restraint. As long as you are a commercial enterprise, *selling* advertising and newspapers, I would remind you your cloak of deity is pretty shop-worn.

Sincerely,
MRS. DAVID BRAXTON DARDEN.

OHIO BECOMES 38TH STATE TO RATIFY 26TH AMENDMENT

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ADAMS. Mr. Speaker, I was delighted to learn that yesterday, June 30, 1971, Ohio became the 38th State to ratify the 26th amendment to the Constitution thereby giving all persons over the age of 18 the right to vote in all elections.

This right has been too long in coming, but it is gratifying that ratification has come so quickly, for as we all remember it was on March 23 that the Congress gave final approval to the proposed amendment. It has been only 2 months and 7 days since the process of getting the requisite 38 approvals began. I am pleased that my own State of Washington was among the very first. This, Mr. Speaker, was by far the shortest time on record in which ratification of a proposed constitutional amendment has been accomplished.

Since the Washington State Legislature ratified the amendment, a coalition of organizations has come together to research registration laws and organize a drive to register the 211,000 persons in the State aged 18 to 20 who are now eligible voters. This coalition, known as the Young Voter Registration Committee has been working in close cooperation with officials at the local, State, and Federal level in a nonpartisan effort. An intensive campaign to register new voters will get underway this summer. The committee plans to have registration programs in high schools, colleges, and other youth-oriented centers.

The coalition includes:

The League of Women Voters.

The Seattle Municipal League.

Skagit Valley College.

The Seattle Student Senate.

The Student Washington Education Association.

Common Cause.

The Washington Association of Community College Governments.

The Washington State Young Democrats.

The Washington State Young Republicans.

The registration of 211,000 voters is a massive undertaking and I compliment the Young Voter Registration Committee for the fine job it is doing. I have been pleased to work with the committee in its planning.

It has been estimated that there are over 25 million citizens nationwide who have now received the franchise. I welcome them into the electorate and congratulate them on their new responsibility.

FAREWELL REVIEW FOR ARMY SECRETARY RESOR

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. MINSHALL. Mr. Speaker, it was my very great privilege to attend the impressive special retreat review honoring retiring Secretary of the Army Stanley R. Resor last Tuesday at Fort Myer.

Secretary Resor departs the Pentagon after 6 years of arduous service to our country, years of intense dedication during one of the most difficult periods in American history.

I wish to include in the RECORD not only his farewell remarks but the tributes paid to this outstanding American by the Secretary of Defense, Melvin R. Laird, and by Gen. William C. Westmoreland. I wish to associate myself with their warm words of appreciation for the services Mr. Resor has rendered to our Nation:

REMARKS OF THE HONORABLE MELVIN R. LAIRD

Secretary Stanley R. Resor leaves the Department of Defense, after six years of untiring, unselfish, and effective service in a most demanding post during an intensely difficult period.

Secretary Resor's six years of service as Secretary of the Army have seen great stress on many venerable American institutions, including the United States Army. As it ends, we near the termination of the first phase of the program of Vietnamization and the completion of 60 percent of the job of removing our forces from Vietnam.

As Secretary of Defense, on two occasions, I asked Stan Resor to continue in this demanding position. I did so because of the skill and dedication he had shown in directing the Army. In the past two and one-half years, that skill has been applied with unflagging devotion to the execution of new defense policies relating to Vietnam and to the design of the Army needed in the period beyond Vietnam which we are entering.

I know the personal sacrifice involved for Secretary Resor in serving in this position longer than any of his predecessors. No Secretary of the Army has been required to work harder or to sacrifice more than Stan Resor.

The award he received today is a well-merited tribute to a man of complete integrity and honesty who grappled with—

and mastered—some of the most intractable problems in the military history of the nation.

Mr. Secretary, as you take leave of the Department of Defense and of the Army, I want to express—for myself and for all who have served with you—gratitude for your service in public life. As you return to the status of private citizen and to fuller enjoyment of family life, it is our fervent wish that the years ahead will be years of continued success and contentment for you and your family.

Remarks by W. C. Westmoreland

This afternoon we are assembled to honor a distinguished citizen and public servant—the Honorable Stanley R. Resor . . . who is completing almost six years of dedicated service to his country as Secretary of the Army.

I do not propose to review Secretary Resor's long and productive career, but I do wish to emphasize some meaningful accomplishments . . . particularly those which serve as a testimonial of his eminent service to our country.

During World War II, Secretary Resor interrupted his studies at the Yale Law School to serve with the Army from February 1942 to January 1946. He particularly distinguished himself during his service with 420th Armored Field Artillery Battalion, 10th Armored Division where he participated in the defense of Bastogne during the Battle of the Bulge. He was awarded the Silver Star, Bronze Star, and Purple Heart; and his unit received the Distinguished Unit Citation.

After the War, he returned to law school and received his Bachelor of Law Degree in June 1946. This launched him on a notably successful career in law. He returned to the service of the Army and the Nation in April 1965 when he assumed the Office of the Under Secretary of the Army. He was sworn into office as Secretary of the Army on July 7, 1965.

During his six years as Secretary of the Army, he accomplished certain "firsts" in terms of tenure of service.

He is the first Secretary of the Army to serve this long in office.

He is the first Secretary of the Army or Secretary of War in the 20th Century to serve this long in office.

He is the first Secretary of the Army or Secretary of War to serve successive Administrations of different political parties . . . and this certainly reflects the admiration and esteem held for Secretary Resor by the leadership of our country.

More importantly, his admirable performance as Secretary of the Army far surpasses the accomplishments of the records just mentioned. His primary achievements have been in his contribution of wise and skillful leadership, management, and administration during a period of great transition for the Army.

He has ably and tirelessly administered the Army during a period of rapid expansion for a very complex war in Vietnam . . . as well as during the present period of force reduction and increasing fiscal restraints. Even at the height of our efforts in Vietnam, Secretary Resor was steadily involved in improving the Army's capability to meet the full spectrum of national defense commitments throughout the world. During this time, he never forgot that the Army is people. He always strived to improve the service, the life and the leadership of the Army.

His record will long be remembered.

Secretary Resor, on behalf of the many men and women who have served with you in the Army these many years, I want to extend their gratitude . . . along with mine . . . to you and to your family. We wish you good fortune and Godspeed.

Farewell Remarks by the Honorable Stanley R. Resor

Thank you, Secretary Laird and General Westmoreland.

I appreciate this award and your generous remarks. I want to thank all of you who are here today for being here, and for the friendship and support which you have given me over the past six years. Whatever good has been accomplished could not have been without your help.

I shall speak briefly of the past. The future is what you will deal with. The years I have been privileged to serve with you were not easy ones for the Army, but their record contains much to the Army's great credit.

The six years of my service have been those of the Vietnam war. They have been a difficult time, both for the Army and for our country.

In the country as a whole, there has been division. Thre has been discouragement as to whether we really can deal with the large issues which confront us both at home and abroad. Some citizens have lost confidence in the very institutions of government which hold our nation together.

For the Army, the war has been long and hard. We have had to adapt military resources to a struggle which was social, economic, and political as well. We have had to work closely with a distant people of alien background and culture. We have had to do so in the face of vigorous questioning of policy by many sincere persons at home.

Measured against these difficulties, the Army can be proud of its performance. You have achieved the objective of giving the South Vietnamese time to strengthen and equip their armed forces, to build their governmental institutions, and to begin social and economic reform. Beyond this, the ultimate result depends on the Vietnamese themselves. The United States Army has done all it was asked to do. It has done it well.

There have been other important achievements. We have, through our forces in NATO, maintained stability in Western Europe, the area most vital to the security of the United States.

During this same period the Army has had to deal with new problems and challenges brought in from civilian society. We have experienced new militancy among minority groups, and new attitudes and behavior patterns among young people. The Army has not been exempt from the questioning of old ways. It has been subject to the strains of a society which is reexamining all its values.

Thus for the Army it has been a time of activity, accomplishment and change—and perhaps of the feeling that these efforts were not always appreciated by the public at large, and that the Army was paying the price for unpopular decisions of others.

The challenge for the future is how we react to these past six years.

For the country as a whole I think the real threat is to keep healthy questioning from turning into despair—into a lack of faith in our ability to meet problems which how are clearer to us. I think in years past we were a little naive about the difficulties we do face. We have for many years underestimated and neglected growing social problems at home, and at the same time overestimated our power to influence events internationally.

But in recognizing our limitations, we must remember that there is a great deal we can do. We should not allow frustration over the lack of simple solutions to keep us from realizing how much has been done, and how much can be done, to solve hard problems if talented people are willing to work hard at it.

The Army, too, must be careful how it reacts to these past six years. We must resist the temptation to blame our difficulties on the press, or lack of public support, or things beyond our control. That is not a constructive approach. Some of the Army's problems we did not create. But that is no excuse for failing to deal with them.

It is important that the Army stay confident of itself. The challenges of the future can be handled if the Army is willing to reexamine itself from time to time. We need to keep what is good and helpful, and find new approaches where necessary to perform the Army's mission better. If the truth be known the Army is more skilled and flexible in dealing with social change, while still preserving traditional values, than most institutions.

The Army is a large institution. Like all large institutions, it runs the danger of becoming impersonal, of disregarding the needs of its people, of stifling individual initiative. Institutions, like people, need periodically to take stock. We need to see what can be done to eliminate those characteristics which unnecessarily diminish the individual, and emphasize those which offer an opportunity to find fulfillment in doing a job well.

I believe that we are already on the road to doing just that. One example is the encouraging progress in our efforts to improve race relations. Another good example is the Modern Volunteer Army program—not primarily as it relates to increasing enlistments, but rather in its goal of reanalyzing and restructuring the way we handle men in the Army. We will preserve the traditions and values which have made our Army great, while accepting the challenge to make the Army better.

And that better Army in the years ahead will be more essential than ever before. The United States, whether we like it or not, is a world power. Increasingly, I hope, we are coming to realize that we live in an area of nuclear parity, when nuclear weapons no longer are a credible deterrent to all hostile and aggressive acts. Today it is conventional forces which constitute politically effective military force. There is no cheap or easy substitute—the alternatives are either unacceptably dangerous or ineffective.

I am confident that the United States will pass through this period of questioning and doubt and will not turn inward to seek the delusive and temporary comfort of a new isolationism. I believe we shall continue to meet our responsibility to support world stability and peace. That is the only course that will work in the long run. It is the only one consistent with the American spirit and conscience. And if I am right, then the Army will have an increasingly important role in the years to come.

The years ahead will not be easy. But I have no doubt that the men and women of the Army will continue to rise to whatever is demanded of them. You will continue to build an organization which is not only a keystone of national defense and world peace and stability, but also a humane institution with careers which attract some of our most talented citizens. Military service is public service—and no public service in this country is or will be more important for the foreseeable future.

I have been privileged to know well many of you who have been leaders of the Army during my tenure. I know the talent and hard work you have given your country. Under Bob Froehlke's leadership, I am sure that your contributions will grow.

I have not been able to know personally the millions of officers, noncommissioned officers and men who have worn the Army uniform during these six years, or the civilian workers who have supported them. But I know that the strength of our force lies not in machines and tools and weapons, but in the people who make it up. Their talent, sacrifice, and distinguished service have brought the Army to the highest level of leadership and service in our history.

I cannot close without saying once more

what I have said to many of you in private—that these have been the most personally rewarding years of my life. The hours have been long and the problems difficult—but the rewards of public service do not involve ease or comfort. They consist of having the opportunity to spend the productive years of one's life working on problems that really count, and working for and with men and women of immense patriotism and talent. Those rewards I have had in abundance.

My special thanks go to the three Secretaries of Defense whom I have been privileged to serve and who gave me the opportunity of serving—Bob McNamara, Clark Clifford, and Mel Laird. Special thanks also go to my wife Jane, who for six years in our family has been both mother and father, and finally to my sons, who I hope will see a little more of their father in the months ahead.

And so I say good-bye. I am proud to have had the privilege of serving the United States Army in this time of challenge. I could not have asked for a finer group of men and women to work with, and as friends. I have not the slightest doubt that the future will be bright.

Thank you.

WHARTON COUNTY ANNIVERSARY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PICKLE. Mr. Speaker, in my district, the citizens of Wharton County, Tex., are preparing a tribute to tradition, fostered throughout the county's history, through a July 5–7 celebration of the 125th anniversary of Wharton County.

Mr. Speaker, if any area has reason for a celebration, Wharton County does. The history of the county is as old as that of Texas itself. The county was named for two men: William Harris Wharton and John Austin Wharton. These brothers left Virginia in the early part of the 19th century to join one of Texas' greatest forefathers, Stephen F. Austin, in the settling of Texas. William served as the Texas minister to the United States and his brother served, first, as an adjutant at San Jacinto and, later, as a member of the Congress of the Republic of Texas. Of the 300 original colonists who came with Austin, approximately 30 families settled in Wharton County in 1822.

The county's history was closely tied with that of the young American Republic, for most of the colonists who came seeking more prosperous lives in Texas, did so as a result of the great 1820 money panic in this country. The settlers were well rewarded. Those who moved to Wharton County were granted 4,428 acres of land at a cost of $125.

The result, as in other parts of the country at this time, was the development of great plantations producing cotton, grain, cane, and huge herds of cattle. Wharton County, in particular, was highly productive, for it has some of the richest soil in the country. Some of the more exuberant local people used to boast, "You can get crops just by punching seeds in the ground with a stick and watch them grow without any cultivation." As you can see, Wharton County also played an important role in the development of the "tall Texas tales." Nevertheless, the rich alluvial soil produced by overflows of the Colorado River has made Wharton County one of the choice argicultural sections of Texas.

More important than the resources, of course, are the people. When the Civil War ended and the Reconstruction began, people were again on the move and, with hope and ambition, struck out for Texas. With the influx of Europeans at the turn of the century, Germans, Czechs, and Swedes docked at Galveston harbor and found their way into all parts of Wharton County. The plantation system period in Wharton County gave way to the time of the great cattle kingdoms, the epoch which to most Americans, typifies the spirit of Texas. Wharton County had its share of these cattle barons. Then came the discovery of mineral wealth and the county found itself in the possession of a wealth of oil and sulphur which still plays a large role in the county's economy. It is a leader now in business, education, and even industry, yet has still maintained its leadership position in agriculture, cattle production, and mineral production.

We can all applaud the accomplishments of the people in Wharton County's long 125-year existence. It is an area as rich in history as it is in natural and human resources. It has maintained a tradition of hardwork and prosperity, a unique and ever-present charm, and a friendly, pleasant style of living which are distinctly Wharton County's. These citizens are to be wished the best in their celebration and congratulated on continuing in the tradition and progress of Wharton County. I consider the privilege of representing this county in the Congress one of the special honors that comes my way. Wharton County is one of Texas' great counties.

A COMMENT ON THE DRAFT "FEDERAL DAY CARE REQUIREMENTS"

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mrs. ABZUG. Mr. Speaker, the Office of Child Development of the Department of Health, Education, and Welfare is circulating for review and comment draft "Federal Day Care Requirements." In light of the potential ill effects of these requirements, were they to be adopted, I am placing in the RECORD the text of a letter I have sent to Secretary Richardson, as well as the text of the memorandum from the Office of Child Development and the draft requirements. I invite my colleagues to read this material. I also invite State and local officials, private and public day care providers, and consumers to review and comment on these draft requirements.

It is true that a revision of the confused tangle of licensing requirements, particularly as they apply to building codes and outdated and unreasonable health and safety requirements, need clarification. I wish these draft requirements did that. That would be constructive and help the children and parents that require more, better child care in order to take training and jobs. But these draft requirements miss the mark and hit at children by putting at federally approved stamp on babysitting and destructive, custodial day care programs. In addition, these draft requirements make it impossible for parents to intervene, and to require the services to meet decent standards. Parents can have a token role if the operating agency is a nonprofit organization; no such token role is provided if the operating agency is profit-making. These requirements are like a Federal stamp of approval for spoiled, rancid meat—without consumers having the right to complain or to refuse to buy and eat it. We can do better than this; we must, for the sake of children and families.

The material follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 1, 1971.

Hon. ELLIOT LEE RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY RICHARDSON: In a letter to Mr. Brademas, dated June 8, 1971, you addressed yourself to "Federal Standards and Uniform Code for Facilities," saying that "the Revised Federal Interagency Day Care Requirements, which the Administration has repeatedly testified will govern day care under H.R. 1," would be made available prior to final publication. You further state that "review and comment would be solicited from "state and local officials, private day care providers, and consumers."

I have a copy of a draft dated May, 1971 entitled "Federal Day Care Requirements" and a covering memorandum from an official of the Office of Child Development, dated June 18, 1971. The covering memorandum states that three weeks is being provided in order to assure sufficient time for review.

I would like to know the names of those receiving this memorandum and the attached draft, in order to learn which "state and local officials, private day care providers, and consumers" were asked to "review and comment." I would also like to know if those who received the material were mailed information under date of June 18, told to have comments in by close of business Friday, July 2, 1971, and were told that this was "three weeks." By my reckoning, Mr. Secretary, June 18 to July 2 is two weeks.

Apart from the procedure used to distribute the May, 1971, draft I am also concerned about the content of the draft *Requirements.*

As I read that draft (and I intend to ask for review and comment as well as testimony on the draft from a variety of persons) it would allow custodial day care services, including babysitting, to be defined as "day care programs", and to qualify for Federal subsidization.

Of equal importance and equally dangerous is the serious lack of meaningful parent participation in the draft *Requirements.* Under the existing *Requirements,* some meaningful role is mandated under the Parent Involvement section. Not only is that role downgraded in the draft version so that parents have only token involvement when programs are operated under non-profit auspices, a double standard has been introduced. Not even token parent involvement is required in programs that are operated by profit-making operating agencies; parents can only "advise". Ironically, the very category of program that requires the most consumer involvement receives, in the draft *Requirements*, almost total clearance to operate without involving parents. Profit-making on child care is something Mrs. Chisholm and I eliminated entirely in our bill, H.R. 8402; yet here profit-making is permitted and almost totally uncontrolled.

Under the guise of simplifying the existing *Federal Interagency Day Care Requirements*, you have more than doubled their length from 17 pages to 35 pages. Under the announced goal of making the *Requirements* easier for community people to meet—particularly in terms of outdated building and facility codes that discourage establishing new centers in urban areas—you have removed most of the real protection children and families need, particularly since both the day care envisioned under H.R. 1 and under H.R. 6748 would allow the profit-makers to invade the early education and child care field.

I believe that it is misleading and dishonest to represent these draft *Requirements* as being an improvement, at least in terms of the children and families that would be affected by them. The covering memorandum from OCD very accurately pinpoints the two most objectionable portions of the *Requirements* and the real beneficiaries in the revised version when it says:

The basic requirements regarding staff-child ration (sic) have been *liberalized*, and the language relative to parent participation now takes into consideration the role of parents in *private, profit-making* programs (emphasis mine)

"Liberalized" staff-child ratios serve to make programs cost less, not work better. This kind of "liberalization" is precisely the reason other members of the House and I questioned the quality of day care to be provided under H.R. 1 during the debate on the bill, and one reason that I subsequently voted against Title IV.

The degree to which these regulations have "taken into consideration" the needs of the medical profession and other proprietary providers of service is substantial. The new *Requirements'* reference to medical services is such that it might have been authored by the American Medical Association. The references to the role of for-profit operating agencies are excessively generous, and for this reason alone, they should not be adopted.

Neither the rhetoric nor the figures supplied by the Administration and the other supporters of H.R. 1 added up to adequate day care; these draft *Requirements* are consistent with the other moves made against children and their families under the claim of "reform."

As a side issue, it would be interesting to contrast the statements of the Administration and its supporters, beginning with the President's August 11, 1969, description of the child care he envisioned as "more than custodial," with the actions taken to deliver services that matched the rhetoric.

What really seems to have been planned all along, and what H.R. 1 and even H.R. 6748, as well as the May, 1971 Draft Day Care Requirements, guarantee is that one of the real aims of welfare and child care reform is to enrich the same sort of entrepreneurs that fed off Medicare and Medicaid, especially through proprietary nursing home programs.

The President also said, on August 11, that the expanded child care program would offer "opportunities for the further involvement of private enterprise. . . ." More rhetoric was added about "high quality child care service," but what has transpired in the intervening months has laid all hopes for quality programs aside.

What seems to be planned is some new money for the custodial programs and babysitting planned under H.R. 1 and as you said in your letter to Mr. Brademas no new money for anything else. In view of this, I think it is essential that the general public have an opportunity to review and comment on the draft *Requirements*. If the public interest is in any way to be served, target *Requirements* must at least call for what the Administration and its supporters say they want—"more than custodial" day care.

I intend to call the attention of my colleagues to these draft *Requirements* and to their potential impact on families. I intend to inquire as to the rationale for the draft *Requirements*. I intend to determine what strategy could have led HEW and OCD to recommend such *Requirements*. Perhaps these *Requirements* were purposefully designed to make the standards in certain of the bills now before Congress look progressive by comparison.

What the *Requirements* do demonstrate is that the Congress cannot rely upon either HEW or OCD to promulgate standards which guarantee people decent services. HEW failed to protect the sick and aged in its administration of Medicare and Medicaid; with these *Requirements*, it is about to repeat that performance.

The *Requirements* do not protect children's interest; they prevent parents from exercising their duty in judging the adequacy of child care arrangements.

Under these *Requirements*, parents would either have to put their children into cheap babysitting or destructive, custodial day care programs or lose their welfare benefits under H.R. 1. This is precisely what some Members of Congress have wanted all along but, frankly, I did not expect you or Dr. Edward Zigler to take this kind of approach.

Mr. Richardson, I ask you to reconsider issuing these "standards." Surely we need to move forward, not backward, in providing services to develop the potential of the nation's children.

Sincerely,

BELLA S. ABZUG,
Member of Congress.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 18, 1971.

Because of your agency's experiences and knowledge in the area of day care, we would like to solicit your comments in the review of a working draft of the proposed revised Federal Day Care Requirements (copy enclosed). As you know, these requirements services as the minimum program quality standards for federally funded day care services.

The proposed version differs from the present Federal Interagency Day Care Requirements in that the format is less cumbersome; the presentation of requirements is more precise; there is fuller interpretation of the requirements; the material is rearranged in a more meaningful manner; and unclear requirements have been deleted. The basic requirements regarding staff-child ratio have been liberalized, and the language relative to parent participation now takes into consideration the role of parents in private-for-profit programs. The word "Interagency" has been dropped from the title in view of the probable consolidation of most day care through fewer systems.

It is intended that the Federal Care Requirements be presented as one of the Office of Child Development series of day care manuals which would include:

A Statement of Principles
Serving Infants
Serving the School Age Child
Staff Training
Serving the Preschool Child
Health Services
Administration
Serving the Handicapped
Serving Children in Family Day Care homes
Facilities

In this way, the other ten publications in the series will serve to give the Federal Day Care Requirements considerable depth as well as being a source of program models and forms. This permits us to keep the requirements concise and unencumbered. When applicable, at the bottom of the pages of the Federal Day Care Requirements, there will be cross references to the appropriate manual in the series.

Three weeks is being provided in order to assure sufficient time for your review. Thus, your written suggestions will be expected by the close of business Friday, July 2, 1971. If they are not received, it will be assumed that you generally concur with the materials as presented in the working draft.

Thank you for your help, and if you should have any questions regarding this, please feel free to contact Mrs. Dollie Lynch, Office of Child Development, Day Care Office, (202) 755-7777.

Sincerely,

SAM GRANATO,
Chief, Day Care Office.

FEDERAL DAY CARE REQUIREMENTS

I. INTRODUCTION

We live in a rapidly changing world. More mothers enter the labor market every day. More and more families seek help in making arrangements for care of their children while they must be away. For these and a variety of other reasons, an increasing number of people need day care services in their community.

Realizing this urgent need for day care, communities throughout the Nation are beginning to set up programs which will insure for children the growing and learning conditions essential to a happy, healthy, and secure childhood. State and local public and private agencies, organizations and groups, individuals acting together in cooperative efforts or acting alone, industries and labor organizations are all vitally concerned and involved in establishing and operating day care programs. The federal government through a variety of different federal programs, shares a partnership role with communities by providing needed funds and technical help, and by sponsoring research and demonstration efforts aimed at improving our knowledge of how better to help children and families through day care services.

The purpose of this manual is to set forth *requirements which day care programs must meet if they are receiving federal funds*, either (1) directly through a grant or contract with the federal government or by way of reimbursement of expenditures, or (2) indirectly through a grant or contract with an agency acting as administrator of federal funds in the area, by way of reimbursement through a vendor payment made by the administering agency, or by way of a voucher given to the child's parent(s) by the administering agency.

Administering agencies may develop specific requirements and procedures within the framework of the *Federal Day Care Requirements*. However, such requirements must be equal to the federal requirements in terms of the program quality level required, but may provide for a higher quality level.

As a condition for federal funding, agencies administering day care programs must assure that the requirements are met in all programs or facilities which the agencies establish, operate, or utilize with federal support. Administering agencies are expected to review operating programs and facilities for which they directly or indirectly have responsibility and to assure that the federal requirements are met. Noncompliance may be grounds for suspension or termination of funds.

The requirements will also be utilized by federal agencies in the evaluation of administering and operating programs. However, the agency which receives federal funds directly from the federal government will be held accountable.

The manual has been designed, not only as a means for delineating federal requirements, but also to aid in interpreting why each requirement is made, and to provide ideas regarding how the requirement may be met. The format used, therefore, is as follows:

1. Bold Type Statement of the Requirement
2. The Reason for the Requirement
3. Helpful Ideas for Meeting the Requirement

For the purposes of this manual, *day care* is defined as the care of a child on a regular basis by someone other than the child's parent(s), for any part of the 24 hour day. It is recognized that a variety of different definitions appear in federal and State legislation, particularly in laws relating to day care licensing. However, basic to all definitions is the principal purpose for which the child participates—to receive care and protection while the child's parent(s) must be away.

Day care programs, because of the developmental services and experiences they offer for children, are often used as a service resource to meet the special needs of children needing peer group experiences, of children with emotional problems who can benefit from peer experiences, and for children whose parents need relief from the stresses of child rearing. Certainly, many other reasons can be given as to why and how day care can serve to meet needs of children and their families. All such uses of a day care service are appropriate and encouraged. For, after all, any service program should be used in any creative way imaginable if the end result is to help a human to live a happier, and more useful life. No regulation, federal or State, should stand in the way of this goal.

II. DEFINITIONS

Day care services/program

Comprehensive and coordinated sets of activities providing for care, protection and development of infants, preschool and school-age children on a regular basis during any portion of a *24 hour day*. Comprehensive services include, but are not limited to, educational, social, health, and nutritional services and parent participation activities. Such services require provision of supporting activities including administration, coordination, admissions, training, and evaluation.

A day care program constitutes a particular set of day care services.

Administering agency

Any agency, public or private, which receives federal funds directly through a grant from, or contract with, the federal government, or by way of reimbursement of expenditures, and which is *directly* responsible to the federal government for use of the funds. The usual administering agencies under the present federal programs to which these requirements apply are as follows:

Federal program

Title IV, Social Security Act

Title I, Economic Opportunity Act Youth Program

Title II, Economic Opportunity Act

Title III, Part B, Economic Opportunity Act (Assistance to Migrant, and other Seasonally Employed Farmworkers and their Families)

Title V, Part B, Economic Opportunity Act—Day Care Projects

Manpower Development and Training Act

Title I, Elementary and Secondary Education Act (Program funded under this Title may be subject to these requirements at the discretion of the State and local education agencies)

Administering agency

Title IV, State/local public welfare agency

Title I, the Contracting Agency

Title II, Community Action Agency or Single purpose agency grantee

Title III, the Grantee agency

Title V, the Grantee agency

State Employment Service and Local Grantees

Title I, State/local education agency

Operating agency

Any agency, public or private, which receives federal funds directly (as an administering agency), or *indirectly* through a grant or contract with an agency acting as administrator of federal funds in the area, by way of reimbursement through a vendor payment made by the administering agency or by way of a voucher given to the child's parent(s) by the administering agency for day care services provided for the child and his family. *The operating agency is the actual provider of the day care service.* Such service providers may include an individual caring for a child in a private home, the owner/operator of a proprietary day care center, a private non-profit agency operating a family day care home program or day care center, or a community-wide public or private agency designated to act for a group of individual operators.

Day care facility

The actual place where a day care program is provided for children which may be a private home, a specifically constructed day care center, a mobile unit or an area of another building, such as a church, school, apartment, or office building, specifically used for day care.

In-home day care

Day care services which are provided in the home of the childern by someone other than the child's own parent(s). Such care may be provided by a relative, a friend, a neighbor, or someone employed to come into the home to care for the children. These Requirements only apply to such care when the caretaker is being paid directly or indirectly through use of federal funds. Often, in-home day care may be provided by an agency as a Program, with caretakers recruited, trained and supervised by the agency and placed in a child's home at the request of the parent(s).

In-home care is suitable for any child. However, it may be the preferred choice for children who are handicapped and cannot participate in outside-the-home programs, for children who require care during the nighttime or swing shift hours, or for children who live a far distance from any other day care program.

Family day care home

The private home of a person who takes care of children. Such care may be provided by a relative, friend, neighbor, or someone who provides care for children as a business. These Requirements only apply when the caretaker is being paid directly or indirectly through use of federal funds. A family day care home may be operated independently or as part of an agency Program, with caretakers recruited, trained and supervised by the agency. The agency arranges for placement of children in the home.

Family day care is suitable for any child. However, it may be the preferred choice for infants, toddlers, and sibling groups and for neighborhood-based arrangements. Family day care homes are especially suitable for children needing after-school care. A homelike atmosphere is essential to a family day care home. Therefore, only as many children including those of the caretaker, as can be integrated into the caretaker's family living pattern should be served; the maximum number is usually 6 children. (See sec. III E)

Group day care home

An extended or modified family residence usually having a section of the residence especially reserved for day care activities. One or several employees working under the direction of the principal caretaker assist in the day care activities.

A group day care home arangement may be the preferred choice for children who need after-school care and who can profit from association with their peers, but need a neighborhood-based arrangement. Group day care homes are usually limited to the care of 12 children. (See sec. III E)

Day care center

A specifically designated day care facility which may be in a converted private dwelling, a settlement house, a school, a church, a public housing complex, or in a specially constructed building. A day care center is usually staffed with a variety of people, depending upon the size of the center and the services provided.

A day care center arrangement may be preferred for any child between ages 3 and 6 years. However, it is also suitable for school-age children and for children under age 3, when certain provisions are made to meet the particular needs of these children (See sec. III E). Day care centers usually serve more than 12 children.

III. PROGRAM STANDARDS

For purposes of convenience the material which follows is organized into separate units. However, in the actual implementation each of the units would be closely interwoven to equal a total, well-balanced program.

The day care worker or teacher should have a concern for health matters, the nurse for social service functions, and the parent coordinator for helping professional staff understand parental roles and activities and how to coordinate with them. A program has unity to the extent its staff works from a common base of understanding of behavior and the same sets of objectives and priorities.

A community program of day care, to allow for choices based on the needs of all children and to respect the preferences of parents, should be comprehensive and coordinated. It should include all types of facilities and a considerable range of services to meet various levels of need, including services needed by culturally deprived children, and by children with particular handicaps or problems.

A. Environmental Considerations

Licensing

All day care programs and facilities must be licensed by the appropriate State and local agencies when such licensing is required or provided for on a voluntary basis.

State law and local ordinance may require that day care programs or facilities be licensed in order to legally operate within the State or local area or they may provide for licensing on a voluntary basis. Such licensing is a means for safeguarding children while apart from their parent(s) by assuring for them a level of care deemed by the community to be required as a minimum for their safety, care, and development.

In most States, either the State health or welfare agency has responsibility for licensing day care programs or facilities, or will be aware of what agency has such responsibility. The operator or proposed operator of a day care program or facility should contact these agencies to determine whether a license is required and, if so, the conditions for licensing. State officials can usually indicate whether local ordinances must be met as a condition for operation.

The administering agency must be satisfied that the operating program or facility is licensed before utilizing federal funds for care of children in the program or facility.

Facilities Location

Day care facilities must be located in a geographic area convenient to members of the group of families eligible for participation under the regulations of the Federal agency funding the program or daily transportation to and from the facility must be provided or arranged for by the administering agency, when the facility is located at a location inconvenient for the families and when a child's parent is unable to provide transportation.

The location of a day care facility is important in order that travel time and costs be kept reasonable for the child's parents and the program operators. In addition, a facility located near the parent's home will enable them to more easily participate in the program.

In assisting parents to make arrangements for their children, facility location, as well as the developmental needs of the child and desires of the parents, should be taken into account. The method of transportation used by the parents, the number of transfers when public transportation is used, the time of day or night, and the number and ages of children to be transported will have direct effect on the success or failure of a day care plan. Also important is the location of other community resources providing services as part of the administering agency's day care services plan.

Often, parents would prefer that their school age children receive care in the same facility after school where the pre-school child receives care so that all of the children can be picked up or delivered home at the same time. Many times, it can be arranged that the school bus transport these children to the day care facility instead of the child's home, or if the day care facility is located in the child's neighborhood, walking there, instead of home, could be the choice.

It is not always easy to find ideal locations for day care facilities or to design a system of transportation which adequately meets all situations; however, attention must be given to this important area toward the end that all children are provided with safe transportation within reasonable travel time and cost.

B. Educational services

The administering agency must assure that educational services are provided by each operating agency as part of the day care program.

Educational services constitute an important part of the day care program whether the program is designed to serve infants, preschool age children or school age children, whether the program is in a home setting or a center setting. Present knowledge about the growth and development of children indicates that the learning process begins at birth and ends at death, can be stimulated or retarded by outside influences and the children who are provided with positive learning experiences can make cognitive gains.

A broad variety of techniques for working with infants, preschoolers and school age children in a home or in a group setting have been developed, tested and proven successful for the provision of educational services in day care. Files, handbooks, training guides and materials relative to these approaches are available and can be obtained at reasonable cost. Day care centers and agency-sponsored day care home programs usually include provision of educational services, and the role of the administering agency may be minimal in assuring that such services continue to be provided. However, attention should be given to assisting these agencies to improve and expand their work, share ideas and keep abreast of new knowledge. More time of the administering agency may be required in developing educational services as part of the day care program provided in a child's own home, and in stimulating active work with infants wherever the location. Training, the provision of materials and supervision are methods which can be utilized in assuring the provision of these services.

Educational services must be under the direction of a staff member who has been trained in child growth and development or who has demonstrated ability in working with children and who has demonstrated skills in planning and supervising educational activities for preschool age children.

There is no exact formula as to the number of years of training or experience which are required to provide a person with the necessary skills to plan and direct an educational services program for children. However, a knowledge of child growth and development, knowledge of materials and techniques, curriculum planning skills, and ability to establish positive guiding relationships with other adults are important requirements for success. The administering agency may wish to establish specific requirements as to type and length of training and experience which is indicative of accomplishment of skills.

Exceptions to such specific requirements should be allowed, however, in order that competent persons who are able to adequately manage the tasks of the job are not "locked out" by rigid barriers.

Both the administering agency and operating agencies have responsibility for meeting this requirement. The administering agency which is responsible for assuring that educational services are provided by operating agencies and which is responsible for arranging for day care in children's own homes or in individual family day care homes will require a staff person on its staff giving attention to the educational services program. The operating agency which is a day care center, an agency operating a family day care home program, or a community-wide agency designated to act in behalf of a group of individual operators will require one or more, educational services specialists to plan and direct the educational services program for the operating agency. When an operating agency serves less than sixty children, a staff person having other responsibilities may be assigned responsibility for directing the educational services program. A record indicating the training and experience of each educational services specialists should be kept on file in the office of the administering or operating agency as evidence that this requirement is met.

An operating agency must provide a variety of daily activities for each child participating in the day care program which are designed to influence a positive self-concept and enhance social, cognitive and communication skills taking into consideration the developmental stage and ethnic background of each child. Each day care facility must have toys, games, books, equipment and materials for educational development and creative expression appropriate to the developmental stages of the children served and the type of facility.

Children learn with greater understanding when they have opportunities to explore and respond in an accepting environment which offers a variety of stimulating experiences and materials appropriate to their developmental, social and cognitive needs and skills. Since for participating infants and preschool age children the day care experience comprises a large portion of their total day, the planned program in which they take part will differ considerably from that of the school age youth who normally will be participating only during non-school hours or school holidays.

Day care programs for children ages three through five years are generally the most obvious ones in which the development of self-concepts, social, cognitive and communication skills can be recognized. Through use of games, rhythms, building blocks, natural raw materials used with paints, clay and glue, by planning self directed and group directed activities, by acquainting the children with words, ideas, and new experiences, by planned changes in the day care environment yet planned repetition of concepts, and through the provision of helping relationships by warm adults the child is helped to learn. It is not often so easy to recognize how these goals can be reached in working with infants, yet they can. By holding, cuddling, talking to and singing to infants, development of social and communication skills take place; by providing opportunities for exploration throughout supervised areas which may be as small as a blanket or as large as a room, by allowing infants and toddlers to interact and explore and by providing opportunities for the child to experience different spatial and temporal relationships, a concept of self apart from other persons or things, a knowledge of things and their meaning, and social skills are formed. School age children, who are engaged in learning experiences during the school day will require opportunities to develop concepts of self and social relationships in different ways. Participation in planning and directing activities and relationships with new persons and experiences not provided by the school offer these opportunities.

Materials which are designed for educational activities in day care, natural materials found in the environment, and the creative genius of the person providing care are all important elements in a successful educational service program. Planning and individual attention to each child's progress are the catalysts which assure success.

Persons directly responsible for the care of children and for supervising the daily activities of the children in the day care program of an operating agency must have had training or demonstrated competencies in working with the age level of children for whom they are assigned responsibility.

In order that children can be given the optimum chance of growing and expanding to the extent of their physical and mental abilities, day care staff persons who have primary responsibility for them must know how to develop and conduct a continuous process of learning opportunities and activities in light of each child's needs and progress.

The administering agency will need to be assured that individuals providing care and operating agencies, employing more than one person to care for and supervise activities of children in a facility, select individuals with training or demonstrated ability. A record indicating the training and experience of each person should be kept on file in the administering or operating agency as evidence that this requirement is met.

C. Federal and Nutrition Service

The administering agency must assure that each child in the day care program receives, prior to or within one month from the date of enrollment and subsequently at regular intervals appropriate to his age and state of health complete medical, dental, and other health evaluations appropriate to his age.

Good health is generally regarded as an individual's most valuable asset and is the foundation necessary for the proper growth and development of a child on which lies the success of other services. The parent of the day care child, as any other parent, has primary responsibility to ensure good health for his children. It is the responsibility of the administering agency to assure that a health care plan is developed with the parent for the day care child and for ensuring that the plan is carried out. Children should have regular and complete health evaluations. If the administering agency has determined that a child has received such an examination within a three month period prior to enrollment, a written report of the examination should be maintained on file as evidence of compliance.

The administering agency should assist as far as possible, each parent in selecting a physician from whom their child will receive services. Reports of all subsequent health evaluations should also be kept on file.

The administration agency must make arrangements to assure that each child in the day care program is provided all immunizations appropriate to his age, medical and dental care, and other health related treatment which is determined necessary by a qualified physician for proper growth and development utilizing existing community resources when they are available. In the absence of other financial resources the administering agency must provide, whenever authorized by law, such treatment with its own funds. The administering agency must assure that parents are provided with assistance in making appointments for treatment for their children, in obtaining transportation, in understanding treatment instructions, and in filing prescriptions and applying medication.

The full physical development of the child must be a concern of the day care program inasmuch as children of all ages, and infants and preschoolers in particular, can have lasting physical and mental disabilities resulting from unmet health needs.

The extent of the availability of medical and dental resources in the community, transportation considerations and the preference of the child's parents will each be factors which influence how medical and dental services are arranged, i.e., in the doctor's office or in the day care home or center. To encourage a family doctor-private patient relationship, the administering agency may wish to assist parents in arranging for the child to receive services in the office of a physician selected by the parent.

A parent should be with his child when he is receiving physical, dental or mental examinations or treatments. The purpose of his presence is not only to reassure and comfort this child but also to communicate with the doctor directly as to the child's condition, questions he may like to have answered and receive instructions regarding prescriptions or treatment.

Written health records of children, including evaluations, reports of treatment and special instructions for health care, must be maintained in a place where they are readily available and easily obtained when needed.

The value of the well-maintained health record can be measured only to the extent that it is used in assurance that the child receives prescribed treatment and regular reevaluation. It should be viewed as an important part of the child's history which follows him from one day care arrangement to another and in the case of younger children, to enrollment in school.

For purposes of accessibility, all records should be kept in a central file and procedures developed for forwarding them as the children leave the program.

The administering agency must provide for annual review by a qualified physician or a trained health paraprofessional under the supervision of a qualified physician, of the health records of the children in the day care program and the health services procedures of operating agencies. The administering agency must assure that operating agencies have access to the consultation of a qualified physician regarding the health procedures of the operating agency.

The annual review of records by a trained health paraprofessional is to assure that there must have been no oversights such as follow-up on recommended treatment or skipping of sequential immunizations and that regular re-evaluations have been scheduled. The assistance of a qualified physician regarding the health procedures established and followed by the operating agency will assure that the health program is comprehensive and that there is consistency among operating agencies.

As part of the orientation services developed for the operating agency the administering agency may choose to have a session presented by a qualified physician regarding recommended health procedures which should be followed at the operating agency level in assuring services to the child and his family. Following the presentation the physician should make regular scheduled follow-up visits to each operating agency to discuss and plan how the recommended procedures could be adapted to the specific needs of the operating agency and the children it serves.

An operating agency must provide a daily evaluation of each child for indication of illness.

As a part of the daily routine, there must be a simple inspection of each child to observe if there appear to be any indications of illness or discomfort so that the child can receive the proper attention before his condition worsens or he infects others.

Such a simple inspection can be done as the child arrives in the morning and in removing his coat or can be conducted in a small group with several children and incorporated as part of the health learning for the day.

An operating agency must make advance arrangements for the care of a child who is injured or becomes ill, including isolation if necessary, notification of his parents and provision for emergency first aid and medical care.

For the comfort and safety of the child who is injured or becomes ill while in the day care setting as well as for the protection of the other children, it is necessary that there be a place provided away from the program activities where immediate health need can be given attention until other arrangements consistent with the physician's instructions can be made.

The plan for emergency health services should include prior arrangement with neighborhood pediatricians or physicians and with nearby clinics or hospitals which may be called upon. To assure the best care possible, there should be planned in advance those steps to be taken when unexpected medical attention or first aid is required. The plan of action along with telephone numbers which may be needed should be clearly written and posted for quick and easy reference. All equipment and supplies necessary for emergency first aid should be maintained and used only as instructed by a physician consultant.

An operating agency must keep on file evidence of an annual medical examination by a qualified physician of each staff person employed in the day care program of the operating agency, certifying to the staff person's freedom from communicable disease and attesting to their physical, mental, and emotional competence to care for children.

Just as it is important that there be assurance that each child enjoy good health it is of the utmost importance that there be such a concern for the well being of the adults who work with day care children. Not only must the adult be free from contagious infection such as tuberculosis, but must also have the stamina, energy, and emotional stability to work under the demanding conditions created by a group of healthy, active children.

It should be at the discretion of the operating agency to determine under what circumstances release time from work and assistance to meet the expense incurred for the annual examination and tests can be covered by program funds. Each operating agency should keep in a central file current medical reports on all members of the day care staff and regular volunteers.

The administering agency must arrange for health education services for children in the day care program and their parents, and for the staff in operating agencies, which is designed to disseminate accurate knowledge about health, how to cope with health hazards and resources for health services, and to promote personal responsibility in establishing good health habits.

The attainment and maintenance of good health is not something which can be limited to those hours during which the child is in the day care setting. It is greatly influenced by the health conditions of other members of the family with whom the child lives; the amount and kind of foods which are served at home; personal health habits practiced in the home as related to frequent bathing, washing of hands, brushing of teeth; and the condition of the residence itself, whether it has heat and water and is clean and safe.

Through the use of films, posters, speakers, leaflets and discussions, each using the language best understood by the adult and child many educational opportunities regarding good safety and health habits can be brought into the day care experience. In addition to the safety and health activities carried out in the day care setting the parent and child can be encouraged to share experiences at home such as the removal of potential fire hazards by clearing the house and yard area of paper, boxes and other debris; and the planting of a fruit and vegetable garden and preparation of its healthful yield.

NUTRITION SERVICES

The administering agency most provide for annual review of the nutrition program of operating agencies by a qualified nutritionist or food service specialist, trained nutrition paraprofessional under the supervision of a qualified nutritionist or food service specialist. The administering agency must assure that operating agencies have access to the consultation of a qualified nutritionist regarding the nutrition program of the operating agency.

It is conceivable that an operating agency may be faced with food planning, preparation and serving for infants and children of markedly different areas or dietary requirements. Even when special situations do not exist, the nutrition program for each day care setting must have available consultation from a qualified nutritionist regarding foods and feeding of infants, toddlers, and older children, including the composition, preparation and storage of formulas; serving of foods, compensatory feeding of nutritionally deprived children; and needs of children with poor eating habits or cultural preferences.

The administering agency may have a qualified member of the staff available for consultation services to the operating agency or may contract for such services or otherwise make arrangements to utilize services of the staff of the Department of Public Health, Department of Agriculture, Extension Service, and local colleges. The paraprofessional nutrition worker could be the parent of a day care child for whom the position would be the appropriate next career step and should be involved in the development of a service plan for centers and day care home programs and have opportunities to lead work shops and assist cooks in the selection, preparation, and storing of food and demonstrate how tasty nutritious foods can be prepared at less expense.

An operating agency must provide adequate and nutritious meals and snacks appropriate to the age and ethnic background of the children served and time of day they are in attendance, which are prepared in a safe and sanitary manner. Consideration must be given to the special dietetic needs of children as prescribed by a qualified physician.

Because it is known that the value of food is both physical and pyschological, the nutrition program for each day care setting whether a home or center must be planned with considerations given to the cultural, social and emotional meaning of food for children.

The operating agency should be prepared to provide evidence of menu plans, purchasing procedures, and meals that are planned sufficiently in advance in a thoughtful manner so that they meet the test of good nutrition. The administering agency may choose to observe periodically food preparation, serving and eating at a day care operating agency.

The administering agency must arrange for nutrition education services for children in the day care program, their parents, and the staff in operating agencies, which is designed to disseminate knowledge about food, its nutritional value, its preparation, meal planning and purchasing.

Balanced nutrition is basic to the attainment and maintenance of good health for the adult as well as the child. When the body is furnished with foods which contain the vitamins, proteins and minerals necessary to feed growing tissue it is better able to function at its optimum level and ward off infections and physical and mental fatigue, thus allowing the adult and child to pursue his work, studies or play with enthusiasm and energy.

The administering agency should solicit suggestions from parents, school age children and staff regarding the type of nutritional workshops they would consider interesting and important. They should draw on the resources of companies, agencies and colleges which make available personnel and material for nutrition education as well as the talent of parents who have skill and knowledge in preparing nutritious meals utilizing ingredients which may have ethnic and cultural appeal.

D. Social Services

The administering agency must assure that social services are available to parents of children participating in the day care program to assist in determining the appropriateness of day care, and the best type of arrangement for a particular child or family, to assess with the parents the child's adjustment in the day care program and to assist parents in utilizing resources in the community to meet the family's needs.

It is the prime responsibility of social services in a day care program to help families maximize their strengths and to resolve their problems, be they emotional, social or economic, which have an adverse effect on the quality of family life. It is toward this end that social services are extended to families of children receiving day care in home or center settings.

This requirement may be met by the administering agency in a variety of ways. When an operating agency has social services as a part of its program of services, the administering agency should provide technical assistance, when requested, to improve service, bring new knowledge to the attention of the operating agency, and periodically evaluate the social services component to recommend ways of strengthening the program. For those parents with children in operating agencies without social services, the administering agency may provide these services directly or provide for them through a third agency. In some communities, a central unit provides social services for families using any of the day care operating agencies in the community.

Social services must be under the direction of a qualified staff person, trained social service paraprofessionals must be used in productive roles to provide social services.

Important requirements for the person selected by the administering agency to plan and develop the social services and training and experience in the counseling of children and adults; the knowledge and ability to utilize the resources of agencies; knowledge of the language and culture of the families served in the day care program; and the ability to coordinate and direct volunteers and social work aides and the motivation to help people overcome their problems. The administering agency may wish to establish specific requirements as to type and length of training and experience which is indicative of accomplishment of skills. Exceptions to such specific requirements should be allowed, however, in order that competent persons who are able to adequately manage the tasks of the job are not prevented from doing so because of prohibitive stringent requirements.

When an administering agency serves less than sixty children in an area, a staff person having other responsibilities may be assigned responsibility for directing the social service program. Operating agencies providing social services as part of their day care program, administering agencies providing social services directly, and third party agencies providing social services through arrangement with the administering agency should keep on file in its office a record of the training and experience of the staff members with responsibility for the social service program as evidence that this requirement is met.

E. Staffing

The administering agency must assure that methods of recruiting and selecting staff to work in the day care program ensure equal opportunity for all interested persons to file an application and have it considered within reasonable criteria and that priority in employment is given to persons in low-income families.

Of the various aspects of a day care program the most important to the children and their families are the members of the staff. They are the people who safeguard the children, help plan the program, carry it out, handle day-to-day emergencies, influence attitudes, and together make the day care experience either a good or poor one for the children. Thus it is important that all persons who have the demonstrated ability and the temperament and desire to work with children be considered for employment opportunities in day care.

The administering agency should establish policies relative to the selection of staff and should periodically review the operating agency's procedures for the advertising of available jobs, and interviewing and hiring of employees. The administering agency should review the records maintained by the operating agency relative to the application and selection process.

The administering agency must assure that required staff ratios are met and maintained by operating agencies (as indicated in this section), that operating agencies have adequate advance arrangements for substitute staff and that, when an operating agency employs more than one person, written job descriptions are given to each employee.

It is usually only through small group and one-to-one exchange that the maximum benefit of day care experiences can be derived. Thus encouraging attentive listening, conversation, knowledge of the child's life outside of the day care setting, warmth, individual rapport, and affording a child the opportunity to identify closely with at least one adult. The administering agency must assure that capable staff in the recommended ratio is always present and that each member of the staff has a clear understanding of his responsibility as explained in orientation sessions and provided in a written form.

On the following page are listed the required qualified adult-to-child ratio for day care programs utilizing federal funds. However, operating agencies may find it necessary and desirable to exceed these recommendations and have more adults as regular members of the staff working with the children. Influencing factors are not only the ages and numbers of children and whether the day care setting is a home or center, but also special features of the program, such as the enrollment of handicapped children and, to some extent, the physical features of the facility. Recruitment and involvement on a regular on-going basis of day care parents and community volunteers can be an invaluable method of augmenting staff capabilities while also providing these adults with a worthwhile experience. When community volunteers are utilized in fulfillment of the staff-child ratio requirements, such volunteers must be in regular attendance on a pre-planned basis functioning as if they were an employed member of the staff.

In regard to those staff members directly responsible for supervising children, an operating agency must maintain the staffing ratio indicated, which is appropriate to the type of day care arrangement provided by the agency.

In-home day care: One adult over age twenty-one is required. No more than one family of children may receive care.

1 adult for a total enrollment of one family of children.

Family day care homes: One adult over age twenty-one is required. No more than six children under the age of fourteen, including the children of the caretaker, under age six, may receive care at any one time, except that no more than two children under the ago of two may receive care at any one time. Children over age fourteen who receive care must be siblings of the younger children in care.

1 adult for a total enrollment of 6 children.

Group day care homes: One adult over age twenty-one is required, assisted by an additional adult over the age of eighteen when more than six children receive care at any one time. No more than twelve children may receive care at any one time.

1 adult for a total enrollment of 6 children.

INFANTS AND TODDLERS

Day care centers: When a child under the age of three receives care in a group, one adult over the age of twenty-one is required for every twelve children, assisted by one adult over the age of eighteen when more than four children under the age of three receive care and a second adult over the age of eighteen when more than eight children under the age of three receive care in the group.

1 adult for a total enrollment of 4 children.

1 adult and 1 aide for a total enrollment of 5 to 8 children.

1 adult and 2 aides for a total enrollment of 9 to 12 children.

PRESCHOOL

When a child over the age of three, but under the age of six, receives care in a group, one adult over the age of twenty-one is required for every fifteen children, assisted by one adult over the age of eighteen when more than eight children receive care in the group.

1 adult for a total enrollment of 8 children.

1 adult and 1 aide for a total enrollment of 9 to 15 children.

SCHOOL AGE

When children over the age of six receives care in a group, one adult over the age of twenty-one is required for every thirty children, assisted by one adult over the age of eighteen when more than fifteen children receive care and a second person over the age of fifteen when more than twenty-five children receive care in the group.

1 adult for a total enrollment of 15 children.

1 adult and 1 aide for a total enrollment of 16 to 25 children.

1 adult and 2 aides for a total enrollment of 25 to 30 children.

STAFF TRAINING

The administering agency must provide, arrange for, or otherwise assure the provision of orientation, continuous inservice training, and supervision for all persons, paid or volunteers, working in the day care program, including those persons working in operating agencies. Training content must include general program goals as well as specific program concerns in the areas of nutrition, health, child growth and development, educational guidance and remedial techniques, and the relation of the child to his parents and the community.

Proper preparation and continuous training of the total day care staff concerning both programmatic and administrative topics will better assure development and maintenance of high quality day care services. Such training will also contribute to the development of a viable work force in the field of child development and prepare staff for increasingly responsible roles in the day care program.

The talents and resources of the entire community should be drawn upon in meeting this requirement. Community colleges, universities, local school systems, voluntary and professional groups, and Federal, State and local public agencies may all have resources and an interest in participating in the training program. By providing training on a community-wide basis, persons working in homes and those working in centers will have an opportunity to share ideas, learn from each other while learning a common set of information through the training program and thus be in a better position to provide a consistent plan of developmental services when a child moves from a home to a center or when a family of children receive care in both a center and a home. Such integrated training will also provide a basis for persons to move in employment from a home to a center and vice versa.

The administering agency must assign responsibility for developing and coordinating the orientation and training program to a specific staff member who shall involve persons working in the operating agencies in designing the program.

Staff orientation and training activities are meaningful to the participants when they offer the information and opportunity to learn skills which are considered to be important by them in carrying out their day care responsibilities and attaining career goals. In order to assure that the orientation and training programs developed by the administering agency are relevant to the needs of the staff the administering agency must assign a person who has the experience, interest, and ability to work both with employees of the program and representatives from the community agencies and institutions in planning and developing orientation and training. The administering agency may wish to establish specific requirements as to type and length of training and experience which is indicative of accomplishment of skills.

Exceptions to such specific requirements should be allowed, however, in order that competent persons who are able to adequately manage the tasks of the job are not prevented from doing so because of prohibitive stringent requirements.

When an administering agency serves less than sixty children in an area, a staff person having other responsibilities may be assigned responsibility for developing and coordinating the orientation and training program. The coordinator should have continuous contact with the staff in order to solicit their suggestions and understand their training needs. Depending on the size of the total program this contact could be maintained through regular conversations, written questionnaires, and/or the formation of a training advisory committee which should include the minimum of one representative from each operating agency.

F. Parent Involvement

The administering agency must assure that every parent of a child receiving services in the day care program has an opportunity to communicate their ideas, concerns, and suggestions for the day care program. Parents must be provided with clear and understandable information regarding to whom and how their interests are to be communicated. All written communication and a record of all verbal communication must be maintained in a central file and made available to Federal officials upon request.

The physical and emotional involvement of parents in day care programs is based on the belief that parents are interested in and capable of fulfilling their responsibility for the provision of services to their children. The attitudes, opinions, and actions of those persons involved in the planning, implementation and maintenance of day care programs must reflect this belief in their manner and actions, so that parents participate as full partners in all aspects of the programs.

There are many ways of encouraging effective parent involvement including participation in the process of developing policy and making decisions about the nature, development, and conduct and overall direction of the program; employment as paid members of the day care staff in both center and home settings; involvement in activities whether educational or recreational which they help to plan and carry out according to their own interests as parents and as individuals; regular conferences with members of the staff to discuss the development and needs of their child. An interesting and important way for parents and guardians to be involved in the child's day care experiences is to observe him while he is at the center or day care home. This can be done as a visitor. However, a way which the parent can be of even more value is as a volunteer worker. As a volunteer, he can be involved in the activities of the day care program right along with the child and have an opportunity, not only to understand better the things children in day care do and learn, but to participate in staff orientation and training activities thus possibly leading to new employment and career opportunities.

The administering agency must have an advisory committee composed of parents of children in the day care program and representatives of professional organizations or individuals who have particular knowledge or skills in children's and family programs. Not less than fifty per cent of the committee membership shall be parents of children in the day care program who are selected by the parents themselves in a democratic fashion.

In order to provide maximum opportunity for parents to be involved in policy and decision making roles each administering agency must have an advisory committee made up of at least 50% parents of children who are eligible to receive federally supported day care services, as elected by the parents in a democratic fashion. To assure the broadest involvement of services and expertise the remaining membership must include representatives of major public and private agencies and organizations, operators of proprietary and non-profit day care programs who have a strong interest in the provision of high quality day care for children of low income families. The day care policy setting committee must be a separate body from any other which the administering agency may have. It is recommended that if an administering agency does have a separate Board of Directors membership on that Board be open to a duly elected representative of the parents serving on the policy advisory committee.

The responsibilities and privileges of the advisory committee encompass those which are not exclusive to the advisory committee of the operating agency. Whereas the attention of the advisory committee of the operating agency is focused directly on what occurs in the program in that particular facility, the policy advisory committee of the administering agency must maintain a broader perspective which embraces all of the operating agencies and the provision of services to them, i.e., training, coordination, program quality control and monitoring, training and technical assistance.

The responsibilities of the advisory committee should include participation in the assessment of need for day care in the total community; development of plans appropriate to meet identified needs; determine the number and kinds of day care facilities for which the administering agency should contract and to which eligible agencies grants and contracts should be made for the enrollment of children; participation in the development of criteria for the selection of day care personnel both for home and center settings; procedures for the recruitment and hiring of staff; plans to utilize all available resources; participate in the development of procedures for the monitoring and evaluation of programs in terms of the Federal Day Care Requirements and/or State and local requirements; and development of procedures to ensure the democratic representation of parents in all phases of the development of policies which effect their children and families. In addition, the advisory committee present suggestions for program improvements and receive feed back from the staff regarding the implementation of such suggestions; create a procedure for hearing and resolving staff grievances and complaints as received from the community, from those at the applicant agency level, and from staff and parents of the operating agency when they are of such a nature or magnitude that the operating agency chooses to present them at the administering agency level; review and approve contracts or grants for the provision of supportive services such as staff training; participate in the nomination of the program director and approve decisions to hire or fire the director; participate in the selection of the major staff hired by the administering agency, i.e., those persons responsible for the planning and development of the educational services, social services, training, and health and nutrition; develop and carry out a program of public relations which provides information and education to the community regarding day care services, promoting greater understanding and support for programs related to the needs of children and their families; approve enrollment procedures, fee schedules and methods for collecting fees from parents; assure that the available day care services are provided to the children with the greatest need, that parents have a choice in selecting the kind of program and day care facility they wish for their child. The advisory committee should also advise and assist in the development of programs to meet the needs of the parents as expressed by them.

An operating agency with more than 25% of its total enrollment constituting children whose care is provided for through federal funds must establish an advisory committee composed of parents of children receiving care in the operating agency day care program and representatives of professional organizations or individuals who have particular knowledge or skills in children's or family programs. Not less than fifty per cent of the committee membership shall be parents of children receiving care in the operating agency day care program and not less than one half of the parent members shall be parents of children whose care is provided for through federal funds.

Both the profit and non-profit operating agency can benefit by the guidance and support of parents and the community which results from an active advisory committee. Such a committee provides the opportunity whereby the participating parent can express himself in a positive way, resulting in services which please him and meet the needs of his family and in turn make him supportive of the operating agency and what it strives to do. In addition, the inclusion of professional and community representatives add strength to the program, whether proprietary or not, by bringing to it community resources and support. The ultimate greatest benefactor being the day care child.

The advisory committee of the day care operating agency whether a home or center program should be concerned specifically with the administrative and program aspects which influence the actual day care program in which their children participate.

The responsibilities of the advisory committee should include assisting in the planning of the program with particular attention to ethnic and cultural considerations; educational trips; the number and type of meals to be served; and maximizing the delivery of health services. It is important that the advisory committee communicate through its representative(s) to the administering agency's advisory committees the needs of the operating agency working diligently to help develop the policies set at the administering agency level so that those policies and subsequent services realistically meet the needs of the children and families served. In an operating agency of non-profit status the advisory committee should participate in the selection of the staff hired and participate in the nomination of the program director and approve decisions to hire or fire that director; also for an operating agency of profit-making status advise in the selection of Program Director and staff.

The advisory committee should create a procedure for hearing and resolving staff grievances and complaints as received from the parents and community; encourage and assure maximum participation of all parents in the day care activities not only as observers but workers and paid employees.

G. Administration and Coordination

The administering agency must assure that operating agencies give priority in enrollment to those children with the greatest relative need for day care who are eligible for services under the regulations of the Federal administering agency. Criteria for determining relative need must be developed by the administering agency and provided to all operating agencies.

Funds are made available to administering agencies for specific purposes defined in Federal programs. The administering agency must assure that the recipients of the services are those for which the federal funds have been allocated and that established priorities are followed.

Eligibility for day care services differs under the various federally funded programs. In some cases; eligibility is clear and specific and provides little room for discretion on the part of the administering agency. In other instances, eligibility is broad and provides for some option on the part of the administering agency for establishing priorities for service. When such an option is provided, the administering agency should establish priorities on the basis of need, with those families having the greatest need for day care services being given highest priority. Staff members responsible for the enrollment of children should be trained not only to apply specific tests of need, but also to make evaluative judgments as to the relative need for service on a case by case basis.

The administering agency must develop and maintain all records and make all reports which may be required by the Federal administering agency.

An operating agency must develop and maintain all records and make all reports which may be required by the administering agency.

There must be maintained a complete set of written records which reflect the administration of the program, compliance with requirements, program quality and other information useful in assessing problems so that technical assistance can be provided and strengths so that those elements can be shared with other Agencies.

The administering agency and operating agency may develop records and applications suitable to their needs. However, the Federal Administering Agency may require the use of specific forms which will yield uniform data on a national basis.

The administering agency must evaluate each operating agency at least once a year to determine that these Federal day care requirements are met. Administering agencies may develop a coordinated plan for evaluation when they utilize the services of the same operating agency.

The administering agency which contracts for day care services is held totally responsible by the Federal administering agency for compliance with all requirements contingent to the use of the Federal funds.

Where more than one administering agency uses the services of the same operating agency they should coordinate their evaluation efforts so as to avoid duplication and making unnecesary requests of the operating Agency.

The administering agency must assure that all operating agencies comply with the specifications of title VI of the civil rights act of 1964, which requires that services in programs utilizing Federal funds are used and available without discrimination on the basis of race, religion, or national origin.

The Federal law prohibits discrimination on the basis of race, religion, or national origin and this particularly applies where Federal funds are used.

The administering agency is responsible for assuring that there is compliance with this requirement. A statement signed by the day care operator attesting to compliance, and kept on file in the office of the administering agency, is satisfactory evidence for initiating service. However, careful evaluation must be made regularly by the administering agency to determine that compliance is maintained. A procedure for handling complaints by parents regarding possible discrimination should be established by the administering agency and an operating agency found to be out of compliance must not continue to be used.

All administering agencies at the State level and at the local level in a State must coordinate their day care program planning and operation activities to avoid unnecessary duplication in service, to promote continuity in the care and service provided each child, and to maintain maximum efficiency of operation.

Because of the limited availability of funds for day care services it is the responsibility of administering agencies at all levels to pursue joint program pre-planning and continued coordination and to operate as efficiently as possible. Without coordination it is conceivable that eligible children could remain unserved in the midst of available resources.

Many mechanisms for coordination can be developed. The Federal design for coordination of Federal agencies and community resources related to day care services is the Community Coordinated Child Care (4–C) program. For further information, contact Director, Office of Child Development, DHEW, Washington, D.C. 20201.

IV. WAIVERS OF REQUIREMENTS

The administering agency may request waiver of a requirement when it can be shown that the requested waiver may advance innovation and experimentation and extend services without loss of quality in the program. Requests for waiver must be addressed to the federal administering agency providing the funds and to the office of child development. The Federal administering agency shall make decisions on requests for waiver.

On occasion it may be necessary and desirable to permit new and different things to be explored in the areas of child development and day care programs. Such endeavors may require a waiver of the Federal Day Care Requirements. Only the administering agency providing the federal funds can waive requirements relative to their use.

The administering agency must be cautioned that when it contracts with an operating agency which is also being used by different set of funds and following different guidelines, it is important that this be reported in writing to the Office of Child Development. The Office of Child Development will then attempt to resolve any difficulties encountered because of the multiple funding jurisdictions.

PROTECTIVE LABOR LAWS DISCRIMINATE AGAINST WOMEN

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. McCLORY. Mr. Speaker, in anticipation of the equal rights constitutional amendment coming soon to the floor of the House of Representatives, it may be of interest to recall that Illinois is one of only two States of the Union which has adopted "equality of rights" provisions in their State constitutions.

The new Illinois Constitution approved by the voters in November 1970, becomes effective on July 1, 1971 and contains the following specific provisions:

> Section 18. No discrimination on the basis of sex.
>
> The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts.

In line with the adoption of the constitutional provisions by the voters of Illinois, the Illinois General Assembly at its current session has been charged with revising the discriminatory State laws which deprive women of equal job opportunities, educational advantages and other inalienable rights to which they are entitled.

Mr. Speaker, it is reported that, notwithstanding this constitutional change, certain organized labor leaders in Illinois have sought to perpetuate the so-called "protective" statutes which discriminate so harshly against women.

The most recent and flagrant evidence of this discrimination appeared recently when a bill was called for passage in the Illinois House of Representatives to prevent discrimination against women attending trade and vocational schools. Labor union bosses fought the passage of this measure with the obvious fear that women might succeed to some of their exclusive jobs over which they are successful in maintaining title or control.

Mr. Speaker, it is noted in the news article which came to my attention that many of our State lawmakers who have poor records with the organized labor bosses have used this piece of legislation as a means for endeavoring to improve their labor records. Unfortunately, the women against whom this type of discrimination persists are the real sufferers and evidences a further disregard of the women of our Nation to enjoy equality of rights as set forth in the proposed constitutional amendment sponsored by the gentlelady from Michigan (Mrs. Griffiths) and many others.

"GAME PLAN" A DISASTER

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. MONAGAN. Mr. Speaker, for many months I have been advocating the establishment of a system of voluntary price-wage guidelines to exercise some restraint on rising prices and wages through the enactment of H.R. 2502, my Emergency Guidance Board bill, and I am pleased that Chairman of the Federal Reserve Board, Arthur F. Burns, pointed to the necessity of such a program in testimony yesterday before a subcommittee of the Joint Economic Committee.

Mr. Burns' testimony followed closely the President's statement on Tuesday that he would not establish a price-wage review board, and that he was sticking to his economic "game plan." With 2.5 million more unemployed persons now than when President Nixon took office, I believe it is apparent to the vast majority of people in this country that the administration's "game plan" is a complete failure, and that it is now necessary to take extraordinary action to stabilize prices and wages.

The administration's "game plan" has been revealed to be nothing more than an economic policy without direction, and it is incumbent upon Congress to act positively to restore economic stability.

My proposal, the Emergency Guidance Board bill, is being cosponsored by Messers. McFall, Donohue, Boland, Burke, Sikes, Hechler, Mikva, Harrington, Leggett, Sisk, Dingell, Morse, Gubser, Carter, Hawkins, Rees, Dent, Miller of California, Tiernan, Brademas, Roybal, and Ullman. The bill creates a temporary Emergency Guidance Board to set and administer a program of voluntary price and wage guidelines for certain concentrated industries and large labor organizations.

Under the terms of my bill, the Board would be composed of five members appointed by the President subject to Senate confirmation, and would represent business, labor and consumers. The Board is empowered to monitor adherence to its published guidelines by requiring large industries and labor organizations to file economic justifications indicating how a price increase of wage settlement complies with or departs from the price and wage guidelines. The Board is empowered to publish economic justifications filed with it, negotiate with corporations where the guidelines appear likely to be breached, hold hearings, subpena witnesses and records, and announce findings and recommendations with respect to inflationary departures from the guidelines. The life of the Board is limited to 18 months, except that its life could be extended for an additional 18 months by a concurrent resolution of Congress.

I believe that enactment of my proposal will effectively stabilize prices and wages and will form the foundation for a complete economic recovery. I urge my colleagues to join with me in working for passage of the Emergency Guidance Board bill in this session.

I am inserting a copy of a June 30 Washington Post article concerning Mr. Burns' remarks before the Foreign Economic Policy Subcommittee of the Joint Economic Committee, for the benefit of my colleagues. The article follows:

BURNS RAPS NIXON WAGE-PRICE INACTION

(By Frank C. Porter)

Federal Reserve Board Chairman Arthur F. Burns disagreed sharply yesterday with President Nixon's flat rejection of wage-price action and warned that without it the United States risks reigniting the fires of inflation.

He also hinted broadly that the Federal Reserve System will soon slow the rapid growth in the country's money supply that Mr. Nixon's game plan depends upon for accelerating recovery from the 1970 recession.

Burns' views in favor of an "incomes policy"—and specifically a review board to consider individual wage and prices on an ad hoc basis and to issue general guidelines for price and wage behavior are well known.

But the President's decision announced Tuesday to stick with present economic policy and Burns' candid testimony before a Joint Economic subcommittee yesterday appeared to widen the ideological gulf between Mr. Nixon and his friend and former top domestic adviser.

The President had surprised observers Tuesday by naming Secretary of the Treasury John B. Connally as his chief economic spokesman. Connally promptly slammed the door on accelerated tax cuts or increasing spending to stimulate the economy on a wage-price review board, and on mandatory wage-price controls.

Despite this, the White House apparently has not abandoned its limited efforts in "jawboning"—attempts to persuade management or labor to forego outsized price or pay increases.

Presidential Press Secretary Ronald L. Ziegler revealed yesterday that Mr. Nixon has invited steel management and union leaders to the White House July 6 to discuss their current negotiation before they reach the final stages.

Mr. Nixon appeared to be in hot water with some of his own party members on Capitol Hill yesterday. Sens. Jacob K. Javits (R-N.Y.) and Charles H. Percy (R-Ill.) both backed Burns' call for a review board and Javits called the Connally statement "very dismaying."

Time and again during the hearing, Burns returned to the theme of inflationary "psychology" and "expectations." These expectations, he suggested, are helping to reinflate interest rates and the latter in turn could jeopardize the upsurge in residential and state and local government construction which he identified as principal stimulants in the economic recovery.

In discussing inflation, the Fed chairman said "I fear conditions may become worse if we don't make the effort" to institute an incomes policy through such devices as a price-wage review board.

As for the monetary expansion on which the Nixon administration has largely relied upon to pull the country out of recession and achieve its target of a $1,065 billion Gross this year. Burns observed:

"I think and I have thought for some time that the Fed has done its job and has done its job fully."

Rep. Henry S. Reuss (D-Wis.) asked if maybe the Fed hadn't "gone overboard a bit" in expanding the money supply.

Burns conceded that the rate of money supply growth has "been much too high." It increased at an annual rate of about 9 or 10 per cent this month, 15 per cent in May and 11 per cent since the first of the year, he said.

"I can assure you, it's not going to last indefinitely," he told the hearing.

Reuss asked why such a rapid growth in money hadn't provided more stimulus to the economy.

Burns said there has been hesitation on the part of consumers and business to use the extra funds available. But there is a time lag and ultimately it will be picked up and provide a greater stimulus, he said.

In the past, Burns has called on greater reliance on fiscal policy to shoulder part of the burden now borne by monetary policy in helping the economy recover. But he surprised observers yesterday by declining to endorse proposals for stimulative tax reductions at this time.

PROGRESS AND PROSPERITY

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ASHLEY. Mr. Speaker, far too often the American people have equated progress and prosperity—and thus happiness—with almost any kind of growth. In a recent speech before the Missouri Chapter of the American Institute of Planners, Mrs. Marcella Bothwell points out that the lack of a coherent growth strategy in this country has resulted in both overpopulation and underpopulation, frustrating the ability of governments to function effectively and of people to interact positively in healthful and creative ways.

Mrs. Bothwell clearly recognizes that community growth is a public problem, requiring a public solution. Thus, she recommends public planning—on the national level and on appropriate State and local, as well as regional, levels—as a strategy for overcoming the defects of mindless, haphazard growth patterns. In particular, Mrs. Bothwell says that new communities—with their marriage of Government and private enterprise—could contribute much toward improving the quality of life.

Mr. Speaker, I think this speech suggests many positive ways to deal with our urban problems and I commend it to the attention of my colleagues:

SPEECH BY MARCELLA L. BOTHWELL

After awhile the fun of thinking of myself as a "speaker" passed and the more certain need for deciding how we might proceed in this discussion became a reality. For me to talk to you about planning would be like sticking more legs on a centipede—an encumbrance to you and a bumpy ride for me. So, perhaps we can proceed with the assumption of our mutuality of interest.

Well, I think most people are well-intentioned but without the information needed to examine alternative ways to live together in today's world. Continued reliance on intuition may even increase dissatisfactions—the ordinary, well-intentioned citizen who gets information via television and most daily papers is simply boxed out of the discussion. He tries to fit spot news and immediate experience into a conceptual framework that no longer fits, and he is frustrated by the conflicts between what he sees and what his instincts tell him.

For instance, my instincts whisper seductively about my freedoms and rights to act in my own interest, to profit by my own enterprise, to shape and develop whatever I can wherever I want to. But what I *see* tells me that my personal decisions may have very serious consequences for other people and that I should be concerned about whether I have the right to lay such a burden on my fellows.

What I see suggests that we need statewide planning and zoning in Missouri in conjunction with regional planning and inter-state compacts, the consolidation of counties and the kind of creative local government that might initiate action with a sister city to meet mutual problems of overpopulation and underpopulation.

We need the designation of a number of new towns, with the fiscal energies of government and private enterprise directed toward their success. We need to reconsider the validity of the property tax, which has become truly regressive for many older people and inadequate in any case to meet municipal needs.

We need a policy whereby industrial location is actively guided to assist economic recovery in rural areas and training and re-training programs and housing for workers to encourage people to stay away from urban concentrations and to get them out of urban concentrations.

We need to build communities instead of tract developments, we need civic development corporations that can retain for the community at least some of the fruits of development.

We need new concepts of land tenure, less emphasis on private rights so narrowly conceived as to diminish freedom rather than to extend it. And we need a new vision of America that favors people—and the will and political energy to implement it.

But if my instincts are going to be upgraded to accommodate what I see, then of first importance is a need for information. We need a broad and constructive program of education that will reduce the level of anxiety and lessen fear by presenting realistic choices for examination.

Both my instincts and what I see tell me that.

Dropping out, paranoia, self-indulgence are not the natural avenues of action—they are simply the best we can come up with—employed with such sadness as substitutes for the thrill of accomplishment and the warmth of good fellowship.

You are perhaps occasionally as traumatized as I by the complications of everything being part of something else. Be assured that I appreciate the difficulties you confront daily as you are held accountable for so much about daily living over which you have only limited control.

But then neither do I have control nor does it appear that anyone else has, and it is the feeling of mindlessness in the present that makes it all so frightening.

Awareness of the problems and their complexity creates its own special problem—and one that is even larger than the sum of the separate parts: It goes under the general title: Concern for the Quality of Life. And the mere contemplation of it is almost paralyzing.

One way or another we opt out of effective action. We are not sure in our own minds what we think society should do and why, and we lose sight of some things being more important than others. Without a feeling of confidence that we (society) know what we are about, people turn to all kinds of erratic behavior. It is a syndrome that results in turning down well-conceived bond issues needed for public improvements, to seeing political dissent as revolution, to dropping out of the on-going processes of government in favor of the mystical awareness of Consciousness III as described by Professor Reich. *The Greening of America* is a good-humored book without the hard anger to which we have become accustomed, but soon after reading it the euphoria passes—the sure knowledge intrudes that problems must be dealt with in terms of policies implemented by programs.

Perhaps finally the most interesting thing about *The Greening* will be the way it has touched a nerve in this country and one wishes that John Gardner and Common Cause had the benefit of it.

Of course there are political absurdities in the land. Absurdities that mask the real problems which deepen even as we talk about them now. But the only real hazard to the on-going of the Republic is that ordinary people will allow themselves to panic, to over-react to the rhetoric instead of the problems.

Well, I certainly don't want to be an apologist for the status quo—nor its advocate for that matter. The ordinary middling American who has simply supposed it would all work out has discovered that he, too, is the object of social, economic, political and legal forces over which he has no control.

To an adult, the feeling of helplessness is very frightening. And we do feel helpless with regard to the environment, with regard to the continuing war, with regard to how and where one earns his living and has his house.

What must we do to penetrate the pall of gloom? the fear of Apocalypse? the willingness to opt out?

I think we must engage in those discussions and actions that require the most rigorous kind of analysis and down-to-earth pragmatism including forums of adult education where priorities are discussed. We must have goals that will see us through crisis episodes and viable programs in pursuit of those goals. We must be attentive to what works, and people need information that honestly describes alternative ways of doing things. In modern America—

Segregation and discrimination don't work;

Over-crowding doesn't work;

Environmental pollution doesn't work;

Bad housing doesn't work; and

Ignorance doesn't work.

And trying to make those things work is, in general, what is wrong with the quality of life these days.

The kernel from which most dissatisfaction grows is nourished at the community level where disappointments are real and very personal.

What do people want in community life? Not so very many relish the thought of a kind of continuous town meeting. Yet, neither do people want communities where they are foreclosed from taking part in the decision-making process. It is simply a fact of life that most people don't want an active part in government.

Perhaps the reason is that they doubt their individual usefulness, they reject being used as window-dressing for decisions that are made elsewhere. People like to do real work, come through when they are truly needed, or wanted, and feel a heightened sense of civic energy when they participate under those conditions.

The voters' demand for economy and efficiency may be only the final gasp of a disheartened constituency—if you can't make it good at least make it cheap—that seems to be what we are saying. But would we be willing to invest public money in community development if we believed that we might actually experience better communities?

Central to a healthful, creative attitude is the need for a cohesive sense of community and the lack of it aggravates all of our apprehensions about modern life. It is both part of the problem and part of the solution.

The construction of independent new towns, the reasonable development of balanced satellite communities that are related to bigger urban concentrations but not bedrooms for them, and greater emphasis on the growth of rural centers could contribute much toward relieving those apprehensions.

Whole new towns that have economic balance and that are relatively self-contained can function as counter-magnets to slushy urban growth. Of course, the Housing Act of 1968 recognized that and the Housing Act of 1970 expanded the idea of new communities as a part of national urban policy.

Unfortunately, in spite of the talk, it seems about the smallest part. I suspect one reason is that potential customers for new towns simply don't know what they are missing; others mindful that all towns were once new simply think, "so what?"; others confuse new towns with "demonstration cities" relabeled model cities in an effort to blunt association with places of political turmoil, and don't want any part of it. There is just a terrible communications gap with regard to the functions and possibilities of the new town idea.

In England, the decision to build new towns—that is to pursue a policy of decentralization of people and industry came as one of the earliest decisions of the post-war government. Confronted with the need to rehouse thousands of people undoubtedly hastened the Parliamentary deliberations and, as you know, the decision was not quite that simple or quick.

There had been the gathering momentum of informed opinion which embodied ideas of creating communities by limiting population size, greenbelts, community participation in the return on capital investment—ideas that had provided the building blocks for Ebenezer Howard in Letchworth and Welwyn Garden City. The ecological relationships of urban life had been described by Patrick Geddes. The Town and Country Planning Asociation had been formed and was vigorously pressing the case.

Several Royal Commissions, (most importantly the Barlow Commission of the Distribution of Population and Industry and the Uthwatt Committee on Compensation and Betterment,) had been dealing with the problem. All of these had helped to prepare the ground for the decentralization policy which could be discussed in the specific terms of the Abercrombie Plan(s) for Greater London in the last days of the war. In the midst of the crisis, planning was going on. The three reports of the Reith Committe culminated in legislation that became the basis for designating the 30 new towns now in some stage of development, completion or planning.

The various strands finally converged into a viable policy—there was consensus about what to do.

Whether private enterprise or the welfare state brings greater happiness to man is a question that some people find electrifying. Others, less afflicted with the desire for ideological purity, prefer to get on with what's to be done. Howard himself declared without embarrassment, "I've taken a leaf out of the book of each type of reformer and bound it together with a thread of practicality."

The most important thing is that some aspects of community development are best carried on by the public in the public interest, others best yield to the techniques of private entrepreneurs. In other words, the economic mix with which we are all familiar.

At the time of the New Towns legislation there was reconsideration of the arrangements of that mixture—the declaration ahead of time about how big, where and for what.

After the first World War the Town and Country Planning Association had tried very hard to guide the location of 4 million new dwellings, but "homes for heroes" built on the old ideas of ever bigger cities drowned out their plea for consideration of the principles of the garden city idea. But the British *do profit from experience,* and the post-World War II legislation was a serious effort to rebuild with the idea of creating liveable communities—including whole new towns, which would also let the cities breathe again.

Uppermost was the idea of a government development corporation for each new town that would have broad powers to assemble land, including compulsory purchase if necessary, to build houses and factories, etc.—financed with 60-year loans from the national treasury that carried the prevailing interest rate—payments being forgiven at the start. (And it was funded.) Comprehensive plans required approval of the Ministry but also the Treasury which was to determine the likelihood of the government getting its money back—even in the euphoria of postwar idealism the government was pretty middle-class about that. The new towns are now regarded by many as the best investment the government ever made.

Within that structure of government sponsorship then market forces were expected to operate rather freely and generally did so in spite of a certain mythology about centralized planning. There was an effort to achieve centralized planning—to sort things out, but such efforts will be thwarted in a society so imbued with individualism as Great Britain (and America) it can be counted upon. There were sensitive spots, especially in the relationship between the development corporations and the local authorities; eventually criticisms that the towns were one-class places that took the cream of the working class; that they are architecturally undistinguished; that residents suffer from "new town blues"; and there is a desire for more private ownership.

The criticisms are interesting at least in part because they indicate very high aspirations; even if the original concept is finally diluted and the new towns become more like ordinary towns, I think much more will have been gained than lost—at least for those lucky enough to have a job and a house in them.

The new towns respond to the fortunes and misfortunes of the national government, of course. But after that, they have helped to thin out urban congestion—at least those of the London ring have helped that city retain its mystique. (Unlike New York, Chicago, St. Louis—London is beautiful and creative and civil). They have provided private investors with business opportunities, and in turn jobs for people and houses, recreation, schools and a socially reinforcing quality of life.

In this country the public's interest has been less easily conceived than private rights—environmental questions are now forcing an examination of conflicts of interest that went unquestioned during the developing stages. Community growth, urban policy and *economic* pollution should be a part of that discussion.

What is the alternative to strips of economic pollution like Springfield's famous Glenstone strip? People are beginning to ask. And, Harold Haas shows great restraint in using the I-told-you-so reply. Of course, he has so much to be proud of in Springfield—Glenstone only serves to keep him humble.

The location of business and industry, the location of streets and highways, the location of medical facilities, of government offices, suburban development, the need for training programs, protection of resources, the use of rivers and forests, of agricultural land—all are intermingled, organic. Decisions affecting one cause change in the relationships between the others.

Yet, we seem to proceed with that knowledge in a very haphazard way.

As one looks the scene over, there is not a lot to suggest that government decisions are much better than private ones; important, however, is that government decisions are supposed to be based on what is in the *public* interest and that it should stimulate private initiative when it contributes toward those larger goals and restrain it where it is actively detrimental to them. Mostly we think of government as restraining and preventing, rather than stimulating and encouraging. If planning is to have a positive value, in contrast to being a set of prohibitions and restraints, it must be demonstrated that government and private investors can enter into a productive association that will profit the whole community. The most tender spot is land development—speculation. That cost is so interwoven with ideas of growth that it can hardly be examined.

And so long as physical growth goes undefined and unchallenged as being progress we are pretty well sunk. Growth, progress and prosperity seem to represent the trinity—

So long as planning is thought of in negative terms—as prohibitions and restraints on initiative, it suffers a kind of guilt by association—the way to *avoid no* growth and *no* prosperity is to have *no* planning. People are not very consistent, for planning is recognized as a necessity for all private endeavors and the lack of adequate planning is assailed as the first cause of failure. The economies of scale and the far end of that idea, diseconomy, are part and parcel of business decisions. They are factors that can only be identified by the use of planning, and that is accepted.

But something happens when the conversation turns to community planning. Almost any kind of growth is as good as any other kind—it is evidence of progress which is surely the door to prosperity—and prosperity, the capacity to accumulate ever more of the world's goods, is the maternal uncle to happiness.

It goes on and on and suburbs spread farther and farther, and people drive longer and longer distances and the pollution increases, and the living expenses including taxes get higher. Leisure time is spent on the road, not in personal travel to holiday places, but on the journey to work, the automobile becomes a morning office, then a home and finally a coffin.

But, God are we happy! We are growing—happy as a child with bigger feet and longer legs. To my 5-year-old one of the curiosities of growing up is that you stop getting bigger. "If I just keep eating and eating I will grow so big that I touch the ceiling, and then what happens?", she asked. I explained there was a convenient and happy size for one's body to be and that's about how much one would grow.

I think that can be said for towns, too That there is a convenient and happy size for a town to be. Small towns that are too helpless and dependent are as deadening to initiative as urban places that are too big and suburbs that spread too far. And they are even less capable of solving the problems of viable community development than cities—nobody notices, except to say "how ugly."

No matter how well intentioned individual decisions, they simply cannot affect the problem of community growth on sufficient scale to see improvement. It is a public problem and must have solution by the mechanism of public decision-making—that is, government. That is how we function as a group in matters that effect us as individuals. Government is not merely to prohibit individual action, it is a devise that permits people to have a group consciousness and to act on group problems and aspirations.

Yet where is the leadership that points this out? The leadership that finds ways for people to sense themselves as the *subject* of life, and very much less the *object* of forces upon which they have such a slippery grasp?

HEALTH MANPOWER NEEDS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PRICE of Texas. Mr. Speaker, this afternoon the House is voting on the Comprehensive Health Manpower Training Act of 1971. This act is needed; its passage is overdue. I urge my colleagues to give it and the amendments that will be proposed to it their closest attention.

The needs for health services and health manpower have reached such critical proportions there are those in and out of Government who are advocating that this Nation turn to socialized medicine—as though socialized medicine were some sort of cure-all or panacea. In my mind, the experiences other countries have had with socialized medicine are such that from an operational point of view, I doubt whether socialized medicine could meet this Nation's health needs. Moreover, on the basis of the principles on which socialized medicine is based, I think any attempts to impose this system on our present framework of public and private medical assistance would create significant problems for health services and for the Nation.

Mr. Speaker, I believe the health services and health manpower needs of this Nation can be met without resorting to socialized medicine. Part of the problems we face in these areas could be productively attacked by the enactment of the Comprehensive Health Manpower Training Act of 1971.

In general terms, the proposed Comprehensive Health Manpower Training Act of 1971 authorizes a Federal financing program designed to alleviate critical shortages in the several health professions. It addresses the manpower problems of our health care delivery system in terms of four major needs: The need for increases in total numbers; the need for altering the distribution of types of medical skills; the need to alleviate the current geographical imbalance in medical services and personnel; and the need to provide a greater opportunity for a larger cross section of our population to obtain adequate health services.

With regard to categorical expenditures, moneys under this act would, among other things, be directed toward increasing the supply and improving the geographical distribution of critically needed practitioners of the medical arts. Schools of medicine, osteopathic medicine, dentistry, optometry, pharmacy, podiatry, and veterinary medicine would be provided construction assistance. Support for educational purposes would be derived through institutional and special project grants. Students of the medical arts would benefit through loans and scholarships. Construction assistance for schools of public health would be provided.

In closing I would emphasize that this act is not an end in itself. It is but part of the means to the end which we all seek—adequate health services tailored to fit the financial and medical needs of the American people.

ARMY LEADERSHIP IS INEFFECTIVE

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. HARRINGTON. Mr. Speaker, as the Pentagon study shows, our involvement, and the reasons for our involvement in the Vietnam war are mistaken. But recently, Col. David H. Hackworth, the most decorated man in the Army, has reaffirmed me another reason for opposing the war.

The modern Army, simply, has been incapable of dealing with a guerrilla war. The Army is filled with upper echelon officials who, instead of having a realistic knowledge of combat, derived their backgrounds from management. The Vietnam war then became some sort of analysis project, and worse, a chance to exploit combat in exchange for rapid promotion.

While the majors, colonels, and generals sat safely behind the lines, the draftee, the grunt, as he is called, took the brunt. The officers were promoted, but the reward for the grunt was injury or death.

Colonel Hackworth, a 5-year veteran of Vietnam, speaks with experience. His combat record, his distinguished service cannot be questioned. I think we can all gain from what he has to say. For that reason, I am inserting a column he wrote for the Tuesday's Washington Post.

[From the Washington Post, June 29, 1971]

"THE WAR WAS WINNABLE"—ARMY LEADERSHIP IS INEFFECTIVE

(By Col. David H. Hackworth)

The reason we have lost the guerrilla war in Vietnam is because the U.S. Army did not have leaders who were skilled in their profession. The current crop of Army leaders were trained in management, not guerrilla warfare. An eminent military sociologist, Morris Janowitz, foresaw this dilemma in 1954 when he wrote: "The military professional is confronted with a persistent dilemma, and this dilemma is deepened by the growth of automated warfare.

"The profession must recruit and retain officers who are skilled in military management for its elite, but at the same time, many of its officers, including the most conspicuous ones, must be able to perpetuate the traditions of the heroic leader. The martial spirit continues to give the military profession its distinctive outlook, and to mold even its military managers. Modern trends make it difficult to imbue the fighter spirit in the next generation of officers, and the civilian population is often ambivalent about its implications. While the civilian leaders may be able to control the strategic policies of the military establishment, they cannot dispense with heroic leadership."

I believe that the U.S. Army's long obsession for training high-level military managers for "automated warfare," and its failure to provide, as Mr. Janowitz says, "the traditions of the heroic leader," has rendered the Army incapable of dealing with Vietnam. The Army is now saying that our policy in Vietnam was "no win." I hold that the war was winnable, and that ineffective Army leadership is the root reason why the Army is now crawling out of that war-wracked country with its tail between its legs. It is also why thousands upon thousands of fine young officers and noncoms are quitting the Army. It is the key factor why the Army is beset with staggering problems of dope, discipline, disinterest, and disenchantment.

The Army seems thunderstruck by it all and is openly looking outside the institution to fix the blame. It's as if once upon a time there was a good Army and then suddenly overnight a curtain went up and Mylai, drug abuse, high desertion, and an equally high quit rate among officers and senior noncoms flashed on the screen. I disagree that it just happened. I think the sickness that now infects the Army has been around for a long time and is not, as General Westmoreland recently said, due to "the unpopularity of the war in Vietnam," or "because the Army is a reflection of our society and the ills of our society inevitably overlap into our ranks." Certainly the unpopularity of the war and the society from which the military is recruited contribute to the Army's illness but only like a boil on a gangrened leg. The real illness is something far more serious because it has to do, not with external cause, but with misplaced values within the Army itself.

It was sometime after the Korean war that I noticed the chant from the Pentagon was, "become a manager." I maintain that this emphasis on management rather than leadership is the reason the Army of the 70's has virtually lost its effectiveness as a military force.

The post-Korea Army placed almost fanatical emphasis on graduate degree training, on high level staff assignments, on attendance at advanced Army training schools, and lastly, on diversification of assignments for its ambitious officers. Duty with troops was looked upon as a necessary evil for the ambitious prince, only to be obtained to fulfill the minimum requirements of command. "Get in there and get your command and get out before you're burned" became the byline. This policy designed to produce managers became a deadly serious Army game popularly called ticket-punching, which caused officers to scurry wildly about frantically getting the right "punches" (assignments and/or schools) on their tickets. It became accepted belief that the number of stars on the shoulder related directly and entirely to the number of "punches" on the card.

This system produced officers who held impressive graduate degrees from prestigious institutions and had broad high level management experience, but in the main, did not understand the motivation of soldiers, and what soldiers expect from their leaders.

Almost simultaneously with the introduction of the ticket punches came the computer managed Army. Levels of officers efficiency were expressed by the computer in terms of Office Efficiency Rating (OER) index. Now, officers worrying about getting the right punch on their ticket had to worship, and become the robots of, the personnel manager's officer efficiency report, an odious rating system that tended to produce yes men. Department of the Army personnel officers next started spouting a diatribe of riddles and cliches on how to move up the management promotion ladder quickly and snap up those critical punches—"you're not competitive with your contemporaries" or "you need a high level Pentagon staff post to broaden and diversify you" or "God, man you've been with troops for two years straight. Get on the General Staff right away before you are ruined."

Obviously, such a system produced officers who knew a little bit about a lot of things, but not really much about anything and far too little about their trade as a combat leader.

One cannot blame the officer corps for this system, for they were just awash in the tide of the system; to fight it meant banishment to Fort Nowhere and a guaranteed end of a career. A few bold ones fought the system. They lost and quit or became housebroken. The smart ones bought it because it was their cup of tea, and the majority went along with it because it had little choice and didn't know better.

So our failure in Vietnam was that we did not know how to fight the war. We can't entirely blame the Officer Corps, for they were trained as managers, not as combat commanders. Who could expect managers to develop tactics and strategy in other than an automated war? Next came the open revolt in the Army ranks evidenced by collective disobedience; units in Vietnam refused to follow orders. Staggering desertion rates followed, along with common drug abuse, and a complete breakdown in the traditional elements which make an effective Army: Discipline, respect for leaders, fighting spirit and pride in unit.

Some people will say I am wrong and that the U.S. Army has never had better leaders. Some will agree with Westmoreland that "the ills of our society inevitably overlap into our ranks." Obviously I disagree and I offer my experience as a U.S. parachute battalion commander in Vietnam during 1966 as Exhibit A: The battalion was composed entirely of tough professionals. They were good. No mission too tough. No sacrifice too great. I offer my experience as a U.S. battalion commander in Vietnam during 1969 as Exhibit B: The battalion was an ordinary, footslogging, non-glamorous infantry battalion composed entirely of tough draftees. They were good. No mission too tough. No sacrifice too great. The point is simply that the American soldier of the 1970's is smarter, stronger and better than I was 25 years ago. He will produce for good commanders; he thirsts for challenge and responds well to the demands placed upon him by leaders he respects, just as his forefathers did at Concord, Lexington, Gettysburg, the Alamo, St. Lo, and Heartbreak Ridge.

The draftee soldier of today cannot be blamed for the Army's failure to recognize the nature of the Vietnam war and adjust its tactics accordingly, and its failure to speak out when it became obvious that Vietnam was cutting into the heart of our nation with the deadliness of a dagger. This soldier will not become a dedicated spartan trooper by drinking beer in the barracks, or wearing sideburns to his knees, or never pulling another day of K.P. But he will produce for the leader who is a professional, who knows his job, who is willing to defend his men even if it means the end of his career; who will love his soldiers and, if required, die for them; and lastly, who will never place his ambitions above the security and welfare of his troops. Give this soldier a leader that he respects and the U.S. Army will once again be proud and strong.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

IT'S TOUGH BEING A TOKEN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. CLAY. Mr. Speaker, in the Washington Post yesterday, columnist William Raspberry wrote a most interesting article which I want to share with my colleagues. His article entitled, "It's Tough Being a Token" highlights the frustrations which blacks attempting to work within the system constantly encounter.

Mr. Raspberry's article focuses on the views of one individual, Robert Lee Grant, who is special assistant to HUD's Assistant Secretary for Community Development. Mr. Grant cites the frustration of the congressional black caucus in attempting to meet the President as an example of his "major apprehension" concerning this administration.

He states the problem with this administration is that it "is not as responsive to minority Americans as their need demands"—a problem which the black caucus has consistently pointed up. He adds:

> As long as the needs and aspirations of these groups—black, poor and the youth—go ignored, it will be in vain to attempt to bring this nation together.

The communication gap between the President and black Americans stems from the fact that he has failed to appoint any blacks in the White House office to major policymaking positions. Mr. Grant notes that the President has employed a black as his special assistant, however, his position does not lend itself to formulating policy decisions. Grant adds:

> It's the old game of giving a minority a job but no power.

It brings us back to the old game of numbers—but no matter how many blacks are employed on the White House staff, unless they are given positions of power and can get to the President to alert him of the problems facing black America—it will always prove futile.

Mr. Grant concludes:

> The problem is that not enough is being done and that there exists a confidence gap. In short, this administration has not made a moral commitment to social justice, to stemming poverty, to tapping the spirit of the young.

Until the time the administration is ready to make this commitment we will continue along the same—stagnant—course.

I commend Mr. Raspberry's article to the attention of my colleagues.

[From the Washington Post, June 30, 1971]

WILLIAM RASPBERRY—IT'S TOUGH BEING A TOKEN

It may get him in trouble with the administration, but the speech Robert Lee Grant made last Friday in his hometown, Hempstead, L.I., affords a revealing peek at what it is like to be a "token."

Grant, special assistant to HUD's assistant secretary for community development, describes himself as "probably the youngest and poorest black Republican appointee in the Nixon administration."

His is a "good" job in terms of pay and prestige and access to bureaucratic amenities. But it was to have been his attempt at "working within the system" for change, and in that regard it has been near-constant frustration.

In his private remarks at an NAACP scholarship fund-raiser, Grant cited the frustration of the congressional Black Caucus as an example of his "major apprehension concerning our administration."

Despite six months of effort, the black congressmen succeeded in getting an audience with the President only after creating national embarrassment with their boycott of his State of the Union Message, Grant recalled.

The problem with the administration, he said, is that it "is not as responsive to minority Americans as their need demands.

"Not only is this the case for minorities, but it is also the case for the poor and for the youth of the nation. These are the neglected Americans, my people. As long as the needs and the aspirations of these groups of Americans go unfulfilled or ignored, it will be in vain to even attempt to bring this nation together."

What is at work, he believes, is not so much "benign neglect" as the near-total absence of dialogue.

"There is not one top White House official *who enjoys the confidence of the President* with whom they can identify," he said (emphasis added).

"Think about that for a moment. There are more than 35 million minority Americans, 26 million of whom are black. There are over 25.5 million poor Americans. Over half of all Americans—more than 100 million—are under 35 years old.

"In spite of these significant numbers, there is not one spokesman of this administration who enjoys the confidence of the President with whom we can identify."

There is a black special assistant to the President, he noted, but he is far removed from the level at which basic policy decisions are made.

"It's the old game of giving a minority a job but no power," Grant said. "We know who keeps the power."

Much of the real power and influence in the White House staff is vested in counselors to the President. Grant said that when he learned that a fifth counselor would be appointed, he urged an influential White House official to use his good offices to see that fifth counselor would be a minority member.

Or failing that, perhaps the President would appoint a minority ambassador-at-large for domestic affairs or an ombudsman.

"My conversation and proposals seemed to be well received by the White House official," Grant said. "Months later, a fifth counselor to the President was appointed. He was not of a minority. To date no other appointments have been made. Everything else is status quo. I can't help but feel disappointed."

Why, if his frustration is so constant, has he stayed on?

"I have spent many a day during my stay in Washington questioning in my own mind whether my present role provides the opportunity for me to muster a maximum effort for the cause of equality and justice for my people. I am still not sure that my present role is the best one for the cause . . .

"(But) it is my opinion that the time for sit-ins, bus-ins, illegal actions and other actions outside the system passed with the decade of the '60s. I firmly believe that the challenge before us in the decade of the '70s is to join the system and make it work for us."

And if that is easier to talk about than to accomplish, it is not because the Nixon administration is anti-Negro, antipoor or anti-youth, or that nothing is being done, he said.

"The problem is that not enough is being done and that there exists a confidence gap. In short, this administration has not made a moral commitment to social justice, to stemming poverty, to tapping the spirit of the young."

That is precisely what is wrong, and no number of "good jobs" for individual poor, black or young people can set it right.

THE SUPREME COURT DECISION ON THE PENTAGON PAPERS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, I have read with interest the concurring and dissenting opinions of the Supreme Court Justices in the Post-Times case involving publication of the Pentagon papers, and I wish to commend the Court on its decision which comes down strongly on the side of the first amendment right to a free press. Justice Marshall, in his concurring opinion, observed that our Constitution provides that the Congress shall make laws, the President execute laws, and the Court interpret laws. He went on to say:

> It did not provide for government by injunction in which the courts and the executive can "make law" without regard to the action of Congress.

Justice Marshall went on to point out that the Congress has provided the Executive with broad powers to protect the Nation from disclosure of damaging State secrets, but that these powers do not include prior restraint against press publication. In reviewing legislative history, Justice Marshall found that on two occasions the Congress specifically rejected proposals to prohibit by statute the publication of materials relating to the national defense which might be useful to the enemy. In 1917, during the debate over the original Espionage Act, the Congress turned down a proposal to give the President such prior restraint authority over publication in time of war or threat of war. Again in 1957, the Congress defeated a legislative recommendation of the U.S. Commission on Government Security to make it a crime to disclose, for any purpose whatever, information classified "secret" or "top secret." In light of these two instances, Justice Marshall concluded:

> It is not for this court to fling itself into every breach perceived by some government official nor is it for this court to take on itself the burden of enacting law, especially law that Congress has refused to pass.

In another concurring opinion, Justice White wrote:

> At least in the absence of legislation by Congress, based on its own investigations and findings, I am quite unable to agree that the inherent powers of the executive and the courts reach so far as to authorize remedies having such sweeping potential for inhibiting publications by the press.

Justice White went on to say:

> To sustain the government in these cases would start the courts down a long and haz-

ardous road that I am not willing to travel at least without congressional guidance and direction.

Beyond the narrow legal issues involved, Justice Stewart, in his concurring opinion, addressed himself to the larger question of the role of a free press in a free society, and the people's right to know. Justice Stewart noted that under our system of government, the Executive enjoys enormous power in the areas of national defense and international relations, that this power has necessarily grown in this, the nuclear age, and that it is "largely unchecked by the legislative and judicial branches." In one of the most poignant and profound paragraphs of his opinion, Justice Stewart continues:

> In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone can here protect the values of democratic government. For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the First Amendment. For without an informed and free press there cannot be an enlightened people.

Justice Stewart goes on to say that confidentiality and secrecy are essential to the successful conduct of international diplomacy and the maintenance of an effective national defense, but that the responsibility for this must be where the power is—with the Executive. In his words:

> The executive must have the largely unshared duty to determine and preserve the degree of internal security necessary to exercise that power successfully.

To quote Justice Stewart further:

> It is an awesome responsibility, requiring judgment and wisdom of a high order. I should suppose that moral, political and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake. For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained.

Mr. Speaker, I think Justice Stewart has put his finger on what is truly at issue in this whole controversy over the publication of the Pentagon papers. There is a tendency in government to overclassify and to keep from the people, and the people's representatives, information which is essential to the proper functioning of a democratic system. When there is secrecy for the sake of secrecy, or for self-protection or self-promotion, then credibility is seriously undermined and the real security of that system is strained to its very limits. We must recognize and proceed on the assumption advanced by Justice Stewart that an enlightened citizenry—an informed and critical public opinion—is vital to the protection of democratic values.

VIETNAM TESTIMONY

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. MITCHELL. Mr. Speaker, there is an abundance of speculation currently over the effect that the publication of the Pentagon papers will have upon the future course of American policy in Vietnam. Many of these assessments have foreseen action by the Nixon administration to speed up its troop withdrawal timetable. It is imperative that all our troops be removed immediately and unilaterally from this illegal and immoral conflict—not on the basis of the whims and calculations of political advisers whose only concern is the public standing of the administration in November of 1972, but because of this war's devastating effect upon the unmet needs of the American and Vietnamese peoples.

Yesterday, I had the privilege of submitting a statement on the war in Indochina before the Subcommittee on Asian and Pacific Affairs of the House Foreign Affairs Committee. I thank Mr. GALLAGHER, the distinguished chairman of the subcommittee, for the opportunity to express my views on this issue, and include at this point my testimony before the subcommittee:

STATEMENT BY CONGRESSMAN PARREN J. MITCHELL BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE, JUNE 30, 1971

It is reason for encouragement as well as dismay that so many Members of Congress are testifying on the war in Indochina before the Asian and Pacific Affairs Subcommittee of the House Foreign Affairs Committee. This is a heartening event in that it demonstrates yet again the overwhelming opposition to this senseless conflict on the part of both this Nation's citizenry and their elected representatives in this Congress.

At the same time we must be discouraged by the futility of such an outpouring of opinion against the destruction and violence here and in Indochina which has consumed the lives of thousands of Asians and Americans. It is an expression of disgust that has been largely ignored by those who are capable of putting an end to this military folly and who have compounded their error by seeking to prevent the American people from learning the true nature of the decisions which have resulted in this horrid course of events.

Beyond the nature of the disclosures concerning the executive branch decisions that have led us to the situation that we face today, the controversy surrounding the publication of the Pentagon study on Vietnam demonstrates that many Americans have lost their faith in the Government which purportedly represents them and that the Government is fearful of letting the people know what it has done in the past and is still doing today. It is our responsibility to restore the faith of the American people in our Government.

We cannot speak piously of a system of laws and then blithely disregard those limitations upon excessive governmental authority when it suits us. We cannot expect our young citizens to keep their actions within the law if we fail to do so ourselves.

Those who argue that the revelations in the Pentagon papers should come as no surprise to the American people are correct. We have long been aware of the Government's misleading of the public in the inflated body counts which included dead animals as well as the enemy. The pride taken in the week's "kill" also demonstrates the coldness and indifferences towards the destruction we are inflicting in Indochina which has come to characterize and to plague the American psyche.

The Pentagon papers have also revealed that the CIA told the present administration in 1969 that the domino theory was not applicable to the situation in Indochina. Yet the president still speaks of a Communist threat to the stability of the entire subcontinent. If the President should change his line of argument in defense of our continued support of the discredited Thieu-Ky regime, that will not be anything new either. We have already heard far too many different justifications for our support of various regimes and for our involvement in the war. As each of these arguments has been successively knocked down, a new one has sprung up in its place.

Neither is the executive branch's disregard of the first amendment and its protections against prior restraint of the press a recent outgrowth of this military folly. Soldiers, congressmen, and ordinary citizens have been watched by the FBI in a vain and illegal attempt to limit the outpouring of dissent which this war has engendered. It cannot be considered traitorous to oppose this illegal war which has destroyed the people and land of Southeast Asia and torn our nation asunder. We must exert all our efforts to end this war.

Along with twelve other Members of the House of Representatives, I have filed a suit challenging the constitutionality of the President's waging this war without the consent of the Congress. The declaration of war clause of the United States Constitution (Article I, Section VIII, clause 11) is clear proof of the founding fathers' intention that the executive alone should not be able to take this nation into war. Only the Congress has the power to declare war. The exigencies imposed upon the conduct of foreign affairs and war-making with the advent of the atomic bomb in no way permit the President to perpetuate the extended involvement of American men and money which we have squandered in Vietnam. Nor can the executive claim that Congressional votes to continue appropriations for the soldiers who are in the battlefield and to extend the draft which sends them there are in any way equivalent to a congressional declaration of war.

Our case was dismissed last week by judge William Jones of the United States District Court, Washington, D.C., without our lawyers' presenting any oral arguments on our behalf, but we have already appealed the District Court decision to the Appellate Court. In its motion to dismiss, the Government contended that the President's powers as chief executive are sufficient to uphold his taking us into this war in the manner in which it has been done. The Justice Department has also argued that as congressmen we lack the standing to bring such a suit against the government. The doctrines of separation of powers and checks and balances will be mere charades if there is not a full airing of the issues we have raised in this case.

Our legal protest of the manner in which this war is being conducted is but one of many outcries against this slaughter. Despite this growing clamor for a change in our policy, President Nixon has widened the war into Laos and Cambodia, claiming victory and continued success for his Vietnamization program when the evidence clearly indicated otherwise. The much heralded Vietnamization of the war will mean that yellow-skinned people will do the dying instead of white, black, and brown-skinned Americans. Over 50,000 Americans have alread died in this war. Three hundred thousand Americans have been maimed and wounded. We must not let those numbers get any higher. Neither can we permit the total of Vietnamese dead and wounded to mount any further.

What is at stake is not the stability of the Thieu-Ky regime we have been upholding for too many years. What is at stake is the credibility of our own system of government and the future course of our nation. We cannot continue to ignore the problems that are before us. We cannot forsake the common good for the concerns of special interest groups. We cannot seek to place the blame for our difficulties upon false scapegoats.

As elected representatitives of the American people, we must restore faith in our system of government and society. That can only be done by putting an end to this ghastly war immediately and by insuring that Vietnam marks the end of an America that is insensitive to and ignorant of the real needs of its people as well as those of other nations.

THREE CHEERS FOR THE PLYMOUTH REVIEW, OZAUKEE PRESS, RIPON COMMONWEALTH-PRESS, AND BERLIN JOURNAL

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, this is a victorious week for America's press, and it is easy for small victories to go overlooked.

I cannot allow the week to go by without paying tribute to a remarkable achievement by four newspapers in the Sixth Congressional District of Wisconsin. These four papers have just been given seven awards—more than any other congressional district in the United States—from the National Newspaper Association.

First place for the best editorial page for newspapers over 4,000 circulation went to the Review in Plymouth, Wis., edited and published by Robert S. Johanson. The Review received a second award of honorable mention for community service.

The Ozaukee Press, edited by William F. Schanen III, in Port Washington, Wis., won second place for best use of photographs in newspapers over 4,000 circulation. Vernon Arendt of the Ozaukee Press also received honorable mention for the best pictorial series in one issue.

The Ripon Commonwealth-Press, published by Doug Lyke in Ripon, Wis., won second place for best sports picture and third place for best feature story.

The Berlin Journal, published by Orvel Bicking in Berlin, Wis., received honorable mention in the best sports picture competition.

Nationwide there were 3,400 entries in the NNA competition this year. Only 156 newspapers collected first-, second-, or third-place awards. Mr. Speaker, we in Wisconsin's Sixth Congressional District take pride in noting that four of these major awards went to Plymouth, Port Washington, and Ripon.

VACANCIES AMONG NEW ENGLAND COLLEGES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. O'NEILL. Mr. Speaker, it has recently come to my attention that there are still a large number of vacancies for next year among the New England colleges. This has special relevance now, when many qualified applicants are being turned away from the colleges of their first choice. A recent study conducted by the National Association of State Universities & Land Grant Colleges revealed that applications to State universities in 1971 had increased 5.4 percent over 1970, while freshman enrollments were expected to increase only 3.8 percent. The situation is especially crucial in New England, where applications are reported up 10 percent while freshman enrollments are expected to remain constant.

In response to this educational crisis, the New England Board of Higher Education made available a listing of vacancies for freshmen and for transfer students among the New England colleges. In Massachusetts they are as follows:

Two-year colleges admitting freshman only:

Becker Jr. College, Bradford Jr. College, Dean Jr. College, Franklin Institute of Boston, and Leicester Jr. College.

Four-year colleges:

Boston University, Lowell State College, Lowell Technological Institute, Massachusetts College of Optometry, and Worcester State College.

Two-year colleges admitting transfers only:

Lasell Jr. College, and Massasoit Community College.

Four-year colleges:

Amherst College, Boston College, Regis College for Women, Simmons College, Wentworth College of Technology, and Worcester Polytechnic Institute.

The following colleges are accepting both freshmen and transfer students:

Two-year colleges:

Aquinas Junior College, Bay Path Junior College, Bristol Community College, Bryant-McIntosh Junior College, Cambridge Junior College, Endicott Junior College, Fisher Junior College, Garland Junior College, Graham Junior College, Greenfield Community College, Middlesex Community College, New England Institute of Anatomy, Sanitary Science and Embalming, Northampton Junior College, Northern Essex Community College, Quincy Junior College, Springfield Technical Community College, Wentworth Institute, and Worcester Junior College.

Four-year colleges:

Anna Maria College, Assumption College, Babson College, Bentley College, Berklee College of Music, Berkshire Christian College, Boston Conservatory of Music, Cardinal Cushing College, College of Our Lady of the Elms, Curry College, Eastern Nazarene College, Emmanuel College, Gordon College, Hampden College of Pharmacy, Hebrew College, Hellenic College, Lesley College, Massachusetts College of Pharmacy, New England Conservatory of Music, Newton College of the Sacred Heart, Nichols College of Business Administration, North Adams State College, Northeastern University, Southeastern Massachusetts University, Stonehill College, Tufts University-School of the Museum of Fine Arts, Western New England College, Westfield State College.

It is my hope that prospective students may benefit from this informaiton.

TECHNOLOGY GAP IN HEALTH

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. NELSEN. Mr. Speaker, last week the gentleman from California (Mr. Pettis) spoke to a joint meeting of the Pharmaceutical Advertising Club of New York and the Midwest Advertising Club of Chicago. In his address, Mr. Pettis warned that the United States, in a quest for absolute safety that can never be attained, is becoming the victim of a technology gap in health. As a result, he said, medical and pharmaceutical advances available in other high-technology countries are being denied to the American people.

In specific terms, our colleague pointed out, 70 new drugs have been marketed in England in the last 5 years which are not yet available to physicians and patients in the United States. He acknowledged that most of the 70 are probably not lifesaving breakthroughs or even important drugs, but said:

> The fact remains that the practicing physician in the United Kingdom has a more extensive arsenal of chemical weapons with which to treat the sick than does his American counterpart.

In his discussion of the technology gap, Mr. Pettis noted a steady decline in approval of new drugs by the U.S. Food and Drug Administration—from a high of 63 in 1959 to 16 in 1970. He cited estimates that it now costs as much as $7 million and takes 8 to 10 years to develop a product and clear it through the FDA licensing system.

For the reference of the Members of the House, I include the complete text of Mr. Pettis' speech in my remarks at this point:

The Technology Gap in Health—It Has To Be Closed

(By Jerry L. Pettis)

I was very pleased to receive the invitation of your New York Club's president, Bernie Smiler, to address this audience of pharmaceutical marketing leaders who are gathered here for the American Medical Association meeting.

As some of you may know, I have been deeply interested in and closely associated with the health field for many years in private life. As a member of Congress, my assignment on the House Ways and Means Committee keeps me more involved than ever, since the Committee is in the process of shaping major Social Security, Medicare, Medicaid and welfare reform legislation and is getting ready to start work on that thorny issue of national health insurance.

While here in Atlantic City, I hope to exchange views not only with you, but also with some of my physician friends at the AMA meeting, who are debating many of the same issues that concern us here.

These discussions and debates are a vital part of the democratic process. And, make no mistake about it, legislation may well be enacted during the 92nd Congress—before the end of next year—that will determine the structure of the health care delivery system for many years to come. So you'd better get involved.

With that bit of unsolicited advice off my chest, I want to zero in on the first of two major points I'd like to make today—the technoolgy gap.

Evidence is accumulating all around us that the United States no longer holds its long-unchallenged world superiority in technology, indeed, that we are already sliding into a technogoly lag.

A recent article in *U.S. News and World Report* pointed out that Research and Development spending in this country has been dropping since the mid-1960s as a percentage of Gross National Product.

Other nations are outstripping us in the training of scientists and engineers. Russia, for example, in the last 10 years has graduated nearly twice as many as the U.S.

Applications for patents—a prime measure of nation's inventiveness—are more numerous per capita in West Germany, Sweden and The Netherlands than in the U.S.

Productivity is increasing faster in many other countries—60 percent more rapidly in Western Europe; 70 percent faster in Russia; three times as fast in Japan.

Finally U.S. export sales of such high-technology items as computers, aircraft and electronic products have been practically stagnant since 1965. At the same time, such exports by other industrial nations have more than doubled.

Though there is little or no public awareness of the fact, the same sort of decline has been occurring in the field of your great interest, drug research and development.

I'm concerned that in a quest for *absolute* safety and *total* effectiveness in drugs—neither of which can ever be fully attained, our society may perhaps be on the way to erecting unjustified regulatory roadblocks that will prevent the use of *relatively* safe, *relatively* effective new drugs which, prudently used, could ameliorate illness or even save life.

This is a frigtening prospect, with life itself at stake.

As a former airline pilot, safety always comes first with me. But a demand for absolute safety means we can never move ahead.

In the transportation field, we could never fly, never drive a car or ride a bike, if we wait for the absolute.

It's no different with drugs. Penicillin has saved hundreds of housands of lives, but some have died from anaphylactic shock. Asprin tablets, used by millions with safety, can cause gastric distress, even abdominal bleeding if you have an ulcer.

For every benefit, man must take some risk. I'm afraid we are nearing the point of diminishing returns, to the detriment of man, with this obsession against reasonable, conservative risk.

Those of us in public life have got to point this out. We must take great care not to deny the public some great potential benefit because of short-term political concern or political gain. When a public official badgers a popular whipping boy in industry or the professions, he gets his name in the news. You've had it done to you.

This year, aero-space is catching it the most. The people who put man on the moon and were heroes are "Peck's bad boy" today. Whose turn will be next?

It's anamalous that our government, on the one hand, is mounting a vast new cancer research program, in the hope and belief that we are near to discovering the biological or biochemical keys to that dread disease, while at the same time that same government is saying to medical and pharmaceutical scientists, you may not do this, you may not try that.

For whatever reasons, there has been a steady decline in New Drug Approvals by the Food and Drug Administration in recent years—from a high of 63 in 1959 to 16 in 1970. The cost of discovery, development, and obtaining FDA approval is now estimated at as much as $7,000,000, and I have been informed that it takes from eight to 10 years from the time of basic discovery to clear a new product through the FDA licensing system.

Meanwhile, while this has been happening, the investment by American industry in drug research and development, though still far the highest of any U.S. industry, has been leveling off, with a noncomitant increase in R&D spending overseas by American drug companies.

I can be quite specific about the effect the above conditions have produced.

For example, 70 new drugs have been marketed in the United Kingdom between 1966 and 1970 which are still not available to physicians and patients in our own country.

Admittedly, most of these are probably not life-saving breakthroughs, or even extremely important drugs. Some may be important, others not. But the fact remains that the practicing physician in the U.K. has a more extensive arsenal of chemical weapons with which to treat the sick than does his American counterpart.

It wasn't always this way, and I can speak from experience. When I was in the Pacific Theater during World War II, I picked up a severe fungal infection that hung on and on for years. I lost all my fingernails and toenails. The doctors, in the Army and out, tried every drug they could think of. But nothing helped much.

Years later, I was teaching economics at Loma Linda University, and I saw a little item in that great medical publication, the Wall Street Journal, on the experimental use in England of a new fungicide.

When I called this to the attention of my faculty colleague, our professor of dermatology at Loma Linda School of Medicine, Dr. Mollerous Couperous, he got in touch with the British pharmaceutical house and obtained a supply for a clinical trial. The new drug worked. The infection cleared up, and within 60 days my nails began to grow back.

I'm sure you all know I'm talking about griesofulvin. In preparation for this meeting I looked up the product's history. I learned that it was isolated in 1939 and was first used in England as an agricultural fungicide.

Nearly 20 years later, in 1958, someone got the idea of trying it out in man. Its first use in humans occurred that year, in England, Germany and the U.S. I was a case history in an NDA.

Griseofulvin was marketed in England in April 1959. Two American companies obtained approval for U.S. marketing in July 1959, and a third the next December. Thus, this important drug was promptly available to American physicians. There was no technology lag at that time.

I'd like to think it can be that way again. Because it would suit me better, next time, to have an R.A.F. pilot go to a British medical school and ask his doctor to get him some promising investigational drug from the U.S., instead of the other way around.

Incidentally, in the course of my "research," I ran across the fact that the Food and Drug Administration, on April 17, stated in the Federal Register that griseofulvin is effective in the treatment of a wide range of fungal conditions. I feel much better now that it's official.

Seriously, this official FDA finding was made in connection with the National Academy of Sciences/National Research Council Drug Efficacy Study. I'll come back to the NAS/NRC in a minute.

Two other vivid examples of technology lag have just come to my attention. In the last five years, many Americans with broken or damaged hips have had to leave this country and go to England for surgical repair of their injuries. Why?

The procedure, developed by Dr. John Charnley in Manchester, involves joint replacement with high density polyethylene plastic and metal. The high density plastic is a "drug" under U.S. law, and may be used only on an "investigational" basis with specific approval by the FDA.

No doubt this is a radical and still controversial surgical procedure. Orthopedic surgeons in this country have been trying for almost 10 years to obtain FDA approval for use of the plastic material developed by England's Dr. Charnley. It's unclear when—or whether—this will happen.

One wonders whether it's in the public interest to so long deny the potential benefits of this new procedure to victims of broken or damaged hips, most of whom are aged and condemned to a bedfast existence if conventional surgery will not do the job.

Older people live with constant concern over slipping and falling, and breaking a brittle bone. My own mother is 88 and I know her very real concern. At every misstep, fear of a broken hip can cross the mind of an elderly person. Often it's already happened to a friend or acquaintance. We must help, not deprive, our older population group.

My second example relates to research being conducted by scientists at the University of Pennsylvania who are developing an advanced kind of intravenous feeding solution for seriously ill, hospitalized patients. The total intravenous feeding technique, which is called hyperalimentation, can provide all the nutritional requirements for long periods through the veins.

Great strides have already been made in this award-winning project, but I fear that even greater progress would have been accomplished were it not for a too rigorous application by FDA of regulations governing the use of "investigational" drugs. Have lives been lost that might have been saved? We do not know, but these regulations should be reexamined in their application to research of this kind.

Going back to my original point, research of a similar kind is moving more rapidly outside the United States. In Europe, new crystalline amino acid solutions which provide high potency nutrients to post-operative patients are already on the market. In Germany alone, they are being used by physicians at the rate of 500,000 bottles a month. The scientific literature testifies to their safety and effectiveness. Yet they are not available to the Amercan people.

In order to use these solutions in this country, I have been told, all of the basic animal experiments and the original studies proving efficacy and safety in human patients will have to be repeated here. This will not only delay the distribution of the solutions in the United States for at least another two years, but will cost millions of dollars and thousands of man hours to repeat already published data. Not only is this a waste of money and of the time, energy and ingenuity of our scientific community in the United States, but it is an insult to the integrity of the research of scientists abroad.

In this context, and because of my references to Germany, the thalidomide tragedy and its origin in that country may have come to the minds of many of you. But this development program contains no seeds of another thalidomide.

Yet, unfortunately, current federal law and the practices and policies of the Food and Drug Administration make no distinction between a solution of nutrients and a potential teratogen, or, as another example, between a solution of nutrients and a new anticancer drug, with a high incidence of serious side effects, which may be balanced with a potential for extending useful life or ameliorating pain in a terminal disease.

Thus, I am informed, even with the most

miniscule change in the type or amount of vitamin, mineral, sugar or animo acid in a nutrient mixture, the mixture immediately becomes classified as an entirely new drug which must then undergo the same rigorous, extensive, and expensive investigation in animals and in human volunteers for at least another costly two-year period before this mixture can be approved for clinical use.

As with the Charnley surgical technique, this nutrient solution developmental program is of utmost importance to our elderly people—a segment of the population that is increasing rapidly both in number and in ratio to total population.

One out of every 10 Americans living today is 65 or older, and custodial care of the elderly and infirm, the provision of needed nursing homes, is one of the biggest challenges our health system and our society face, as my work on the Ways and Means Committee made clear to me. One of the biggest problems nursing homes have is intravenous feeding. So we're back full circle again.

It is my intention to discuss with the Food and Drug Administration its handling of these two specific situations, and also its overall management of the FDA "investigational new drug" and "new drug" regulatory programs. Perhaps this agency can be encouraged both to improve its procedures and to moderate inflexible attitudes that stand in the way of progress.

Evaluating the safety and effectiveness of new medical and pharmaceutical advances is only part of an overall problem of assessing the risks-versus-benefits of all technological advances our society generates.

We must find a reasoned approach to technology assessment, with appropriate balancing of benefits to risks, or the United States will lose its world leadership in innovation in many fields, with great injury to the health and well-being of the American people. Admittedly, technology itself has caused many of the problems society faces today. But the answers will only come, too, from technology.

So much for technology lag. I'm sure it grieves marketing people as much as R&D types, for innovation is the name of the game, in both R&D and in marketing.

What about products you're marketing today? How well are you doing? Are you convincing the audiences you try so hard to reach?

An article in the May-June issue of *Harvard Business Review*, "Businessmen Look Hard at Advertising," is gloomy reading. By Stephen A. Greyser and Bonnie B. Reece, it reports that executives, while still respecting ads as a selling tool, are "'increasingly uneasy" about the truthfulness and social impact of advertising.

This research paper compares executives' attitudes today with those of nine years ago. I commend it to your thoughtful reading.

I want to quote one crucial comment from this paper:

"One of the most dramatic changes in opinion uncovered by this study deals with views of the truthfulness of ads. Only 30% of the respondents believe that 'advertisements present a true picture of the product advertised'; 60% agree with the reverse form of the statement. That 30% represents a decline of 24 percentage points since 1962, the largest single shift in attitude from the previous study. Perhaps it helps to explain some of the anti-advertising sentiment noted elsewhere; businessmen apparently find it hard to feel as much economic satisfaction with advertising when so many question its content."

Are you reaching your listeners? Or are they turning off their hearing aids? Remember, this study involved *not* the man in the street but your peers in the business community.

This Harvest study poses a general challenge to the advertising fraternity. You in pharmaceutical advertising face an even greater one, on your home grounds, with serious implications for your industry, for the medical profession and for the public health and welfare.

I refer, of course, to the June 8 regulation by which the FDA will require the disclosure, in prescription drug advertising and labeling, of any NAS/NRC Drug Efficacy Study Group evaluation that a product is less than "effective" in a recommended use.

To summarize this regulation as I understand it, it will require the labeling and advertising of about a thousand drugs to carry a boxed statement that, for one or more claims, a ruling of "probably effective" or "possibly effective" has been handed down in the NAS/NRC Drug Efficacy Study. The only real alternative is to drop the questioned claims.

No matter that many of these products have been long and widely used by the medical profession with beneficial effects for their patients; no matter that "probably effective" and "possibly effective" have no consistent meaning as applied by 30 different panels of NAS/NRC.

And, most important, no matter that these terms do not mean that each of these products *is* ineffective, that many in fact *are* effective, will be shown to be so, will remain in good standing in medical practice and regain good standing with FDA.

As I further understand it, these terms reflect a decision by FDA under the 1962 drug law, that there is a lack of evidence of effectiveness as newly and inflexibly defined in FDA regulations just a year ago. With these evaluations, FDA gives a year to make up the "evidence gap" for "probably effectives" and six months for the "possiblies."

If safe and effective drugs are needlessly denied to medical practice by administrative fiat, more than sales of pharmaceutical manufacturers will suffer. The medical profession will lose useful tools and patients useful therapies. All of us will suffer.

I'll leave you with a challenge: You must search for a way to communicate these required new warnings without adding to the medical profession's already frightening exposure to malpractice liability. I hope that you can find it.

Many pharmaceutical companies, I've been told, are conducting extensive controlled clinical trials to substantiate the effectiveness of questioned products. Cannot this fact, too, be told to the professions? Like an NAS/NRC finding, it seems a "material fact."

There's another side to this coin. If you should know in your hearts that they've right—that a "possibly effective" can't be proved effective and you're not even going to try, should you drop that claim or drop that drug right now, before your six months are up? Or should you milk the last dollar out? I think we all know the answer.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. Res. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

MORE THAN ITS SHARE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HUNGATE. Mr. Speaker, the following article demonstrates that the Government is not the only organization that benefits from 20–20 hindsight:

MORE THAN ITS SHARE

(Commentary by Howard K. Smith on ABC news, June 23, 1971.)

Everybody by now has read the New York Times' account of how we got into Vietnam in 1964 and '65. It adds something to the understanding to quote excerpts of what the New York Times itself was writing in those same years.

In June, 1964, a Times editorial said, "The use of additional American military and economic resources to disabuse Mao and Ho of their illusions that they can subvert South Vietnam is entirely justified."

In August, 1964, reporter Neil Sheehan, author of the present Pentagon Papers Digest, wrote in the Times—"The fall of Southeast Asia . . . because of an American defeat in Vietnam would amount to a strategic disaster of the first magnitude."

Early the following year, February, 1965, the Times military expert, Hanson Baldwin, wrote in the Times that we should put a million U.S. GIs into Vietnam to hold it, if necessary.

Two months later, in April, 1965, James Reston wrote in the Times—"If [the Communists] succeed in Vietnam, nobody dares assume the same techniques will not be applied in all the Communist rimlands from Korea to Iran."

There is much more, including the Times' praise for the assassins of Diem in Vietnam, on grounds they would make no deal with the Communists.

The Times later changed its mind, as it is entitled to do. But its story of how we got into Vietnam is misleading, without mentioning the stand-fast mood of the period. A mood to which the New York Times contributed more than its share.

A SELF-FULFILLING PROPHECY

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. MANN. Mr. Speaker, in all branches of life, one often gets what one most protests that one does not want, and this is because one acts in such a way as to bring it about. This is called realizing one's own worst fears. And it is not an uncommon experience, being studied in our most advanced college psychology departments under the course label, "Victimology." It is the study of how certain victims act in such a way as to enhance the chances that they will be victimized in particular ways. There is even some thought, along these lines, that soon it is not only repeating criminals who will have to be rehabilitated, but repeating victims as well.

Mr. Speaker, I would submit that one of the leading candidates for study in such courses should be the United States of America, especially as pertains to what we, in this Congress, are doing with respect to the ending of poverty. We have had a war on poverty, but during it poverty has grown by leaps and bounds. We have over the years provided a great number of programs calculated to boost incomes, but the number of those who live under the poverty line has swelled, not shrunk. And most recently, we have sought to have the whole welfare system brought under Federal control, which, I submit, will cause many heretofore proudly self-supporting people to succumb to the siren's song and the enveloping arms of the dole.

Leo Tolstoy had it right all along. Being a novelist of great ironic talents, he well knew the power of the self-fulfilling prophecy. He well knew that the more artificial contrivances you set up in society to destroy poverty, the more poverty will have a tendency to grow by leaps and bounds. I would submit that we all have a need to listen to the words of Tolstoy, as quoted in a recent editorial from the Greenville, S.C., News, if we are to stop our great Nation from becoming a victim and its own worst enemy on the question of poverty.

TOLSTOY ON POVERTY

When he received his diploma in 1848 Leo Tolstoy described himself as "knowing literally nothing." With that estimate of himself as a starter he went on to become one of the greatest novelists and possessed of some sound political and economic sense.

A few years before his death in 1910 he addressed letters to the Czar advocating representative assemblies and other government reforms. He was unheeded and his native Russia succumbed to communism.

He also had some ideas about the salutary influence of labor which seem applicable to this era when the welfare state idea is in the ascendancy. Not long before he died the noted novelist said: "The more is given the less people will work for themselves, and the less they work the more their poverty will increase."

And poverty is a commodity of which this nation has a growing surplus in the midst of plenty, notwithstanding the increase in giving.

THE NEW JUNKETERS: AGNEW IN KOREA, KISSINGER IN VIETNAM AND CIA IN ISRAEL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. RARICK. Mr. Speaker, now that our decisionmakers have learned that the American people are opposed to the use of their young men to police every trouble spot in the world, many will be amazed to note that our great intellectual leaders have now promoted themselves to the position of world peacemakers. Some will never realize, much less acknowledge, that a nation which cannot even settle its own problems, can gain little respect or credibility in trying to settle the problems of foreign nations—regardless of how many U.S. tax dollars are spent or promised.

Yet, this week we find Vice President AGNEW in Korea, Henry A. Kissinger, President Nixon's Assistant for National Security Affairs, in Vietnam, and Richard Helms, Chief of the Central Intelligence Agency, in Israel.

And in Chile, while it is not certain which of our international diplomats consummated the friendship binding mission, President Nixon has given the Marxist regime of Allende of Chile $5 million to buy military equipment, apparently to help Allende and Castro in defensive aggression against their non-Communist neighbors.

Meanwhile, the wraps are still kept tight on the pending Presidential approval of the sale of 120 used U.S.-made commercial jets to Red China. Speculation has it that the Communist Chinese will assure us that the jets will not be used for military purposes.

I had earlier introduced House Joint Resolution 535, to provide for people-power over war to prevent our over-enthusiastic diplomats and presidential representatives from committing the use of American men to any future military endeavors to protect U.S. property in foreign countries. I include several related newspaper articles to be inserted at this point along with the text of my bill.

The articles follow:

[From The Washington Post, Thursday, July 1, 1971]

AGNEW ASSURES SEOUL ON AID

(By Selig S. Harrison)

SEOUL, June 30.—Vice President Spiro T. Agnew assured President Chung Hee Park today that the United States would continue to underwrite the cost of maintaining South Korean forces in South Vietnam and cautioned against "premature" troop withdrawals.

Aides to the vice president said only that the "warm and cordial" 50-minute meeting between the two leaders "covered a number of topics lightly and did not go into complex matters."

But informed sources said that the Vietnam withdrawal issue dominated the exchange.

[South Korean patrols tracked down and killed three North Korean infiltrators in a clash some 20 miles north of Seoul, at about the same time Agnew and other foreign dignitaries were attending a diplomatic reception, UPI reported.]

Defense Minister Jung Nae Hyuk announced today that the 52,000-man South Korean contingent in South Vietnam would be reduced by 15,000 between December of this year and June of 1972 "unless we are requested to reconsider this timetable by South Vietnam."

The defense chief said yesterday that all Korean forces would be withdrawn by the end of 1972, "since there would be no reason for us to stay after the U.S. has left."

The timing of the two statements has been widely viewed here as part of a bargaining process designed to bolster the South Korean hand in talks with Agnew and South Vietnam's Premier Tran Thien Khiem. The two leaders are among 170 delegates from 59 countries scheduled to attend Thursday's inauguration of President Park for a third term.

It is understood that South Korea has its eye on surplus military equipment stocks in South Vietnam left behind as the U.S. forces withdraw.

Military leaders here are anxious to obtain these as extra dividends over and above the $1.5 billion in aid for the moderation and maintenance of the Korean armed forces already projected over the five-year period ending in mid-1976.

Agnew is reported prepared to offer a grant of surplus equipment from Vietnam arsenals with a current market value of more than $100 million as an inducement to freeze South Korean plans for troop withdrawals.

Informed sources said that the White House has recently shifted from a relatively detached attitude on the Vietnam troop issue to an active interest in seeing the Korean forces remain for at least another two years.

One of the most important factors behind this change is believed to be a reappraisal of military needs resulting from U.S. withdrawal plans.

One of the reasons for the reluctance of Korean leaders to extend their troop commitments in South Vietnam beyond next year is a fear that the United States might suddenly back away from its support for the Korean forces under domestic political pressure.

Rather than risk the possibility of an awkward exit from Vietnam, some Korean leaders have argued, it would be better for Seoul to fix the timing and terms of disengagement on its own initiative.

In addition to the Vietnam issue, Korean leaders are also expected to press Agnew for a reaffirmation of military aid pledges given during negotiations on modernization of the Korean forces conducted intermittently for the past 10 months. But it was not clear whether this came up for more than passing mention today.

[From the Washington Post, Thursday, July 1, 1971]

KISSINGER ON MISSION TO VIETNAM, PAKISTAN

President Nixon is sending Henry A. Kissinger, assistant for national security affairs, to Vietnam and other countries for a first-hand foreign policy report, the White House announced yesterday.

Kissinger is scheduled to leave today for two or three days in Saigon. He will then visit Thailand, India and Pakistan, completing his trip with a stop in Paris to consult Ambassador David K. E. Bruce, chief U.S. delegate to the Vietnam peace talks.

Press Secretary Ronald L. Ziegler said that Kissinger would return to the United States about July 10 and report to the President and Secretary of State William P. Rogers at San Clemente, Calif.

The President will go to California Tuesday and stay about two weeks, Ziegler said.

While there he will work primarily on budget planning, but Rogers will be there part of the time for a foreign policy review, Ziegler said.

Ziegler said plans for Kissinger's trip had been under discussion "for some weeks." He insisted that no major change in policy was indicated by the visit and that no untoward developments at home or abroad prompted it.

There was widespread speculation, nevertheless, that the President wanted to explore possible new moves in the Vietnam war. Official sources, however, maintained that the trip was one more attempt to bring information up to date on Vietnamization, Hanoi's military intentions, the economy and prospects for the presidential election Oct. 3.

Kissinger is expected to confer with President Nguyen Van Thieu, but officials here discouraged speculation he may also meet with Communist officials at the Paris peace talks.

The stops in India and Pakistan will enable Kissinger to obtain the latest information on the Pakistan refugee problem and to express the President's hope for a peaceful solution to the problem.

Ziegler said that en route to California Tuesday Mr. Nixon would stop in Kansas City to brief Midwestern editors and publishers on his domestic legislative proposals.

Among officials who will confer with the President in San Clemente will be, in addition to Rogers and Kissinger, Secretary of the Treasury John B. Connally and George P. Schultz, director of the Office of Management and Budget.

Ziegler said that "the President used this period last year" in San Clemente to work on the 1972 budget, which he sent to Congress last January. He will begin work on the 1973 budget on this trip, the press secretary said.

[From the Washington Star, July 1, 1971]

CIA Chief Leaves Israel After 3 Days of Talks

Tel Aviv.—Richard C. Helms, U.S. Central Intelligence Agency director, slipped out of Israel today as quietly as he had arrived, after three days of talks with Israeli leaders.

Helms and his aides left aboard the U.S. jetliner that brought them here Monday.

News of Helms' secret visit to Israel leaked out Tuesday night. Yesterday, the Foreign Ministry confirmed he was here to meet with Prime Minister Golda Meir, Foreign Minister Abba Eban and Defense Minister Moshe Dayan.

As Helms departed, Israeli newspapers blossomed with front-page reports the Israeli government is again under strong American pressure to adopt "a more flexible attitude" toward a Middle East settlement.

Haaretz reported there have been hints the United States may withdraw its support in the U.N. Security Council unless Israel shows more leeway, particularly on the question of withdrawal from the Arab territory it captured in the 1967 war.

Up to now there has been a tacit understanding between the two countries that the United States would use its influence to prevent Israel from coming under attack in the Security Council, political sources said.

Haaretz said there also have been hints the United States may have to accede to Soviet pressure for a big-power statement on the Middle East.

Israel is opposed to four-power intervention in efforts to reach a settlement with the Arabs.

In a report from its Washington correspondent, Davar said American officials are predicting a resumption of fighting this fall unless a breakthrough can be made. The report stated they were using this argument in efforts to get a more flexible Israeli approach.

(The Associated Press reported from Moscow that Egyptian Foreign Minister Mahmoud Riad and his Soviet counterpart, Andrei A. Gromyko, discussed Soviet-Egyptian relations and the Middle East situation yesterday. Riad arrived in Moscow on Tuesday for a five-day official visit.)

[From the Washington Post, July 1, 1971]

Need for Compromises Seen—U.S. Formulating "Ideas" for Interim Suez Accord

(By Marilyn Berger)

In an effort to narrow the negotiating gap between Egypt and Israel before the U.N. General Assembly meets in September, the United States has started to formulate a number of ideas designed to reconcile the opposing views.

The hope in Washington is to arrive at an interim agreement by the end of the year to reopen the Suez Canal. The United States is trying to reestablish some momentum in negotiations so that they can move into high gear when the foreign ministers of all the states will be in New York in September for the General Assembly.

The "idea," U.S. officials insist, fall short of proposals. But it is clear that the United States is planning to submit suggestions to both sides to move them off their current negotiating demands.

Both sides will be required to make adjustments in their positions," said a U.S. official yesterday. "Both sides will need to be more flexible if common ground is to be achieved."

Maariv, the Israeli mass circulation evening newspaper, reported yesterday that the United States was preparing a number of "proposals" including:

Israeli withdrawal to a line running about 35 miles from the Suez Canal to allow the reopening of the waterway. According to Mariv, this is said to be a compromise between Israel's reported suggestion for a 25-mile pullback and Egypt's demand for a 116-mile withdrawal.

Crossing of the canal by Egyptian civilians only, except for a token Egyptian military force within the framework of a U.N. force to supervise the cease-fire or as part of mixed Israeli-Egyptian patrols.

Extension of the cease-fire for as long as possible, in terms of years, a compromise between Jersualem's demand for a permanent cease-fire and Cairo's call for a very limited one.

Israeli officials, meanwhile, confirmed that the chief of the Central Intelligence Agency, Richard C. Helms had arrived for talks with top Israeli leaders, including Premier Golda Meir, Defense Minister Moshe Dayan and Foreign Minister Abba Eban.

There was speculation that Helms' visit was connected, in part, with Israel's request for further military aid. Israeli officials have sounded an added note of urgency because of the assurances the Soviet-Egyptian treaty appears to provide for Cairo's military needs and the implications for the balance of power in the region. Israeli has a request in for additional Phantom jets that has not been acted upon in Washington. Delivery on all the aircraft promised was to have been completed by the end of June.

In Washington a spokesman at CIA declined any comment on Helms' trip. "We do not comment on any of our peoples' travels, including the director," the spokesman said.

In Amman, meanwhile, Jordanian officials rejected Israel's plan to pay $100,000,000 to Arab residents of East Jerusalem in compensation for property they lost in 1948.

[From the Washington Post, July 1, 1971]

U.S. Give $5 Million Credit to Chile

The State Department said yesterday the United States has agreed to extend to Chile $5 million in credits for the purchase of military equipment.

Department spokesman Charles W. Bray said the credits were extended in response to a request by the Chilean government and that the credit level is similar to that of recent years.

Bray said the funds would be used by Chile to buy a new C–130 transport aircraft and what he described as paratrooper equipment.

The decision to extend military credits to Chile was the first such gesture by the Nixon administration toward the eight-month-old Socialist government headed by President Salvador Allende.

Chile's request was seen as an indication of Allende's desire to maintain the traditionally friendly relations between the two countries.

[From the Evening Star, Washington, D.C., Mar. 6, 1971]

United States Again Bids To Improve Relations With Red China

* * *

However, a New York firm, James Ryan & Son, said Wednesday it is attempting to negotiate a deal with China for sale of about 120 used U.S.-made commercial jets. Government approval would be needed for the sale because of the U.S. embargo.

* * *

H.J. RES. 535

Joint resolution proposing an amendment to the Constitution of the United States for a referendum on war

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several states within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"Sec. 1. Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas.

"Sec. 2. Congress shall have the power to carry out this article by appropriate legislation."

THE NEW U.S. POSTAL SERVICE

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. BAKER. Mr. Speaker, an unprecedented event takes place today, July 1, 1971. This is the date the new U.S. Postal Service begins operations.

Everyone agrees what American citizens need, and rightfully deserve, is a modern mail system. With postal reform, I feel the time is at hand when this urgent need will be fulfilled at long last. We are seeing important changes every day.

I am convinced that the Postal Reorganization Act, signed last August by President Nixon, represents a new charter for improved mail service, and more importantly, a new bill of rights for the more than 700,000 postal employees who are to be commended for their dedication and loyalty.

While working conditions have virtually remained unchanged and modern techniques overlooked, the volume of mail has drastically increased during recent years. However, these employees have proved their efficiency by continuously moving the mail in the best possible way.

Now comes the time for these faithful public employees to enjoy the benefits which have been denied them for so long while being possessed by their fellow employees in private industry.

So, it is with a great amount of admiration to the postal work force that I call your attention to "U.S. Postal Service Day," July 1, 1971, and solicit your best wishes to these public servants as they enter into a new era of postal operations.

INTERAMERICAN ASSOCIATION FOR DEMOCRACY AND FREEDOM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. FRASER. Mr. Speaker, I am associated with the Inter-American Association of Democracy and Freedom at 20 West 40th Street in New York City. Frances R. Grant, secretary general of this organization has, for many years devoted herself to exposing and protesting the activities of dictatorships in the Americas. The road she traveled has been rocky but she has continued her public efforts.

The following article explains some of the problems facing the association presently. I commend this to my colleagues.

"We Survived"—May 1950–May 1971, a Frank Appeal to North and Latin Americans Who Still Believe That Democracy and Freedom May Be Saved in the Americas

(By Frances R. Grant, Secretary General)

This month, May 1971, the Inter-American Association for Democracy and Freedom marks the twenty-first year since it was founded at the historic meeting in Havana.

It was the Abbé Sieyes who, when he was asked how he had served the French Revolution, answered, "We survived."

There are times in human history when sheer survival is an achievement. For men must pit their courage, compassion, integrity, hope and even desperation against the unremitting forces which would destroy men's freedom and pursuit of happiness.

Yes, we survived. But we wonder whether the North and Latin American friends of democracy and freedom have ever considered the price of that survival for the few—the very few—who shared our responsibilities in this period of augmenting tyrannies.

During these 21 years, the IADF has again and again protested and exposed the oppressions by Latin American dictators; it has been the constant advocate for help and the release of the thousands of political prisoners in Latin America, men and women robbed of their freedom, constantly subjected to torture and frustrated in their just demands for juridical redress. In these 21 years thousands of political exiles from Latin American tyrannies have turned to us for help in obtaining political asylum; in their immigration problems; in their lack of work, and, as much, in their need for friendship and moral fortifications against indignities which beset fighters for freedom in alien lands, when deprived of their country and their birthright.

The IADF has played many roles in this "coming of age." And the struggle is now more intense, in a present moment when there are not only the overt tyrants, but also the amorphous and anonymous foes of freedom, who cross all boundaries and all continents to vitiate the individual's right to dignity and happiness.

However, this appeal is not intended as a paean for self-glorification. For already, the democratic leaders of Latin America, who bore the brunt of the struggle against the dictatorships—Venezuela, Colombia, Argentina, Peru, Cuba, Honduras, Nicaragua, Haiti, the Dominican Republic, Brazil, Paraguay—have given their testimony to the past and present role of the IADF in their struggle.

Instead this Appeal is directed to the needs of the present struggle and to all who would save Democracy and Freedom in the Americas that they join us in an Army of Survival, so that liberty may not be stifled in the Americas.

For ourselves—and there are still, alas, too few—we are determined not to leave the field of battle nor lose the war by default. But we ask all friends of democracy and freedom in the Americas, to stand up and be counted, and help us in the struggle ahead.

CALENDAR OF EVENTS OF THE NATIONAL GALLERY OF ART

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to introduce into the Congressional Record the calendar of events taking place at the National Gallery of Art for the month of July 1971. The calendar follows:

Calendar of Events: National Gallery of Art, July 1971

EAST BUILDING EXHIBIT

An exhibit of a model, plans and renderings of the East Building of the National Gallery of Art and the remodeling of the existing building is currently on view in the Rotunda area on the main floor of the Gallery. The exhibit was designed by the architects of the East Building, I. M. Pei & Partners of New York.

Work is in progress on the site, where the major axes of Pennsylvania and Constitution Avenues merge with the Mall at the foot of the Capitol. Digging for the foundation, rerouting Fourth Street, and putting up protective fences are among the first steps in the project. The foundation will begin approximately 40 feet below grade, in a stratum of green soil where a primeval seabed, 60,000,000 years old, underlies the city of Washington. Completion of the new building is planned for 1975.

Visitors entering through the portal of the East Building will find themselves in a spacious, skylit central court. Besides providing a setting for sculpture, the space with its greenery, will serve as an easy transition from the Mall park, and act as a natural orientation space.

From there, visitors will move to one of three "house museums," each containing about 12,000 square feet of gallery space on four levels and each connected to the others by exhibition bridges. On the lowest or concourse level will be galleries for changing exhibitions, a cafeteria, an auditorium, and sales areas for art reproductions and publications.

The new construction will also house a Center for Advanced Study in the Visual Arts, and much-needed space for expanding educational, scholarly, and administrative functions.

DÜRER EXHIBITION EXTENDED

Owing to the enormous interest in *Dürer in America: His Graphic Work,* which was mounted by the National Gallery on the occasion of the artist's 500th birthday and which opened in April, this exhibition has been extended to July 5. The exhibition catalog and poster will continue on sale in the Gallery's Publications Rooms after the exhibition closes.

THE INFLUENCE OF REMBRANDT ON 19TH- AND EARLY 20TH-CENTURY LANDSCAPE PRINTS

An exhibition of etchings with drypoint, by Rembrandt van Rijn (1606–1669) and 19th- and early 20th-century French, British, and American artists, is installed in the prints and drawings gallery (G–19) on the ground floor of the Gallery, where it will remain on view through September 12. The exhibition was organized by Katharine Shepard, acting curator of graphic arts, to point out specific relationships between prints by Rembrandt and those of later admirers. Included are works by Muirhead Bone, Francis Seymour Haden, David Young Cameron, James McBey, Childe Hassam, Jean-Baptiste-Camille Corot, Alphonse Legros, Théodore Rousseau, Charles-François Daubigny, and Auguste Lepère.

SUMMER AUDITORIUM LECTURES

Sunday lectures given during July and August will concentrate on nine European and American cities which have nurtured artistic creation at particular periods. Beginning with the 14th-century Siena and concluding with 20th-century New York, the series will cover the social backgrounds, artistic concepts, and architectural monuments of each city. The lectures will include many of the National Gallery's paintings and sculpture produced in these cultural centers. Besides pointing out the importance of each city to its century, the chronologically arranged series will form a history of western art from the late middle ages to modern times. Illustrated by slides, the talks will be given by members of the National Gallery education staff on Sundays at 4 o'clock.

SUMMER EVENING FILMS

A select group of art films is being shown at the Gallery during July and August for the summer evening visitor. Four museums, the Louvre, the Prado and the National Gallery in London, and the National Gallery of Art in Washington are subjects for the films being shown in July on Mondays, Wednesdays, and Fridays at 6:00 and 7:15 p.m. The rest of the summer's program will be announced in the August Calendar of Events.

The BBC film series, "Civilisation," began again on June 15 and is being shown on Tuesdays, Thursdays, and Saturdays at 6:00 and 7:15 p.m. A different film is being shown each week

SPECIAL SUMMER EVENING HOURS

Until Labor Day the Gallery will be open Monday through Saturday 10 a.m. to 9 p.m. and Sunday 12 to 9 p.m. Dinner will be served in the cafeteria, which will be open Monday through Saturday 10 a.m. to 7:30 p.m. and on Sunday 1 to 7 p.m.

MONDAY, JUNE 28, THROUGH SUNDAY, JULY 4

Painting of the week: Sassetta and Assistant. *The Meeting of Saint Anthony and Saint Paul.* (Samuel H. Kress Collection) Gallery 5. Tues. through Sat. 12:00 & 2:00; 3:30 & 6:00. 11" x 14" reproductions with texts for sale this week—25¢ each. If mailed, 35¢ each.

Tour of the week: *Dürer in America: His Graphic Work*. Central Gallery. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun 5:00.

Sunday lecture: *Fourteenth-Century Siena. Speaker:* Suzanne S. Stromberg, Staff Lecture, National Gallery of Art, Auditorium 4:00.

Films: "Civilisation," III—*Romance and*

Reality, Tues., Thurs. & Sat. 6:00 & 7:15. *The Louvre,* Mon., Wed. & Fri. 6:00 & 7:15.

MONDAY, JULY 5, THROUGH SUNDAY, JULY 11

Sculpture of the week: Nino Pisano. *The Archangel Gabriel* and *The Virgin Annunciate.* (Samuel H. Kress Collection) Gallery 17. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00. *Color postcards with texts for sale this week—10c each, postpaid.*

Tour: *Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00, 1:00 & 3:00. Sun. 2:30 & 5:00.

Sunday lecture: *Fifteenth-Century Florence. Speaker:* Jeffrey Ruda. Staff Lecturer, National Gallery of Art, Auditorium 4:00.

Films: "Civilisation," IV—*Man, The Measure of All Things,* Tues., Thurs. & Sat. 6:00 & 7:15. *The Prado,* Mon., Wed. & Fri. 6:00 & 7:15.

MONDAY, JULY 12, THROUGH SUNDAY, JULY 18

Painting of the week: Master of Flémalle and Assistants. *Madonna and Child with Saints in the Enclosed Garden.* (Samuel H. Kress Collection) Gallery 35. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour: *Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00, 1:00 & 3:00. Sun. 2:30 & 5:00.

Sunday lecture: *Fifteenth-Century Bruges. Speaker:* Adrienne Gyongy, Staff lecturer, National Gallery of Art, Auditorium 4:00.

Films: "Civilisation," V—*The Hero as Artist,* Tues., Thurs. & Sat. 6:00 & 7:15. Mon., Wed. & Fri. 6:00 & 7:15.

(For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue entrance.)

MONDAY, JULY 19, THROUGH SUNDAY, JULY 25

Painting of the week: Picasso. *The Lovers.* (Chester Dale Collection) Gallery G–13. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour: *Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00, 1:00 & 3:00. Sun. 2:30 & 5:00.

Sunday lecture: *Sixteenth-Century Venice. Speaker:* William J. Williams, Staff Lecturer, National Gallery of Art, Auditorium 4:00.

Films: "Civilisation," VI—*Protest and Communication,* Tues., Thurs. & Sat. 6:00 & 7:15. *National Gallery of Art, Washington, D.C.,* Mon., Wed. & Fri. 6:00 & 7:15.

(Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to (202) 737–4215, ext. 272.)

PROMINENT BOSTON LAWYER WILL BE MISSED BY ALL

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, one of Boston's prominent lawyers recently passed away and will be missed by many.

Anthony Oswald Shallna, was an honorary Lithuanian consul in Boston since 1939. The son of a Lithuanian immigrant, he had helped hundreds of Lithuanians immigrants to adjust to this country while he served as consul. He was appointed to the post by the Republic of Lithuania and confirmed by the U.S. Government a year before the Communists took over the Baltic states.

After being graduated from Cornell University in 1916 and from Georgetown University Law School, he studied at Georgetown's School of Foreign Service. He entered the U.S. Army during World War I and became a second lieutenant.

He practiced law in Boston for 50 years in partnership with his wife, Attorney Susanne Puishea Shallna.

He was a member of Boston Commandery, Knights Templar; Aleppo Temple-Shrine; American Legion Post 27, Cambridge, Mass; Cornell Club of Boston; Boston and Cambridge Bar Associations; Rotary Club of Boston, and Delta Tau Delta fraternity.

As a former trustee of the South Boston Savings Bank, and well-known member of the community, Mr. Shallna, will be missed by all who knew and respected him.

RESULTS OF HANNA POLL

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HANNA. Mr. Speaker, I rise today to inform the House of the results of the most recent questionnaire I sent to my constituents. I received over 35,000 responses representing the views of over 70,000 of my constituents. It is imperative that the Members find effective and frequent channels of communication with their constituents especially in a time when Congress is in session almost the year round. I have found the mailed questionnaire to be a device well suited to facilitate this necessary communication. It has been my practice to poll my constituents in this way several times each year. I have always had a large return and have found the results more information and useful. I heartily recommend this technique to my colleagues for their consideration.

On the basis of the questionnaire, I find the most pressing concern of my constituents to be the current economic problems facing not only my district but the entire country as well. Forty-nine percent ranked unemployment or inflation as having the highest priority. This figure can be compared with 44 percent who felt this way in my last questionnaire which I reported on September 28, 1970. The Indochina war ranked second, as it did last September. The environmental crisis ranked third.

With respect to unemployment, over 51 percent of my constituents feel that the aerospace workers—the hardest hit in my District—should be retrained. Opinion was almost equally divided on the other alternatives.

I. WHAT TO DO ABOUT UNEMPLOYMENT

	Percent
Retain aerospace workers	51.3
Government should be "Employer of last resort"	16.4
Approve Public Service Employment Act	13.6
Continue present policies	12.7
Others, no response	4.2

The importance of this type of communication was clearly demonstrated on the Indochina war issue, especially in light of the recent House votes on the Defense bills. Nearly 60 percent of the respondents are in favor of either immediate withdrawal or setting a date for withdrawal. To be specific, 37.2 percent indicated that they approved of an announced date for withdrawal. Another 22.4 percent indicated that they were in favor of immediate withdrawal. Some 35.3 percent were in favor of continued support of the President.

II. INDOCHINA WAR

	Percent
Announce date for withdrawal	37.2
Support the President	35.3
Immediate withdrawal	22.4
Others, no response	5.1

Included in this questionnaire was a question dealing with the financing of local government. Most responses, 41 percent, indicated that they are in favor of a change in the tax laws allowing States to get a larger share of taxes initially. Thirty-five percent of the sample want the Federal Government to take over all welfare costs.

II. FINANCING LOCAL GOVERNMENT

	Percent
Change tax laws so States can get a larger share	41.0
Federal take over all welfare	35.0
Share $5 billion in Federal revenue	12.1
Congress fund 100 percent of Federal grants-in-aid	5.3
Others, no response	6.0

SUCCESS OF THE ROTC PROGRAM AT DAVIDSON COLLEGE

HON. CHARLES RAPER JONAS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. JONAS. Mr. Speaker, at a time when many question the viability of our country's ROTC program and when others doubt the feasibility of voluntary recruitment of men to meet our military manpower needs, I would like to cite one example of a fine liberal arts college in the ninth district of North Carolina where ROTC is certainly not in disfavor with students. The ROTC program at Davidson College continues to attract nearly half the members of each class.

This summer 96 of Davidson's 230 seniors, 42 percent of the class, received commissions as second lieutenants. Sixty-six were commissioned on Saturday, June 5, into the Army Reserve. Two others joined the Regular Army, and one became the first Davidson ROTC graduate to be commissioned directly into the Air Force, also as a second lieutenant.

In addition to these 69 men, 27 other graduating seniors will receive their commissions in the Army Reserve upon successful completion of ROTC camp at Ft. Bragg this summer. Col. Virgil Foster, head of Davidson's ROTC program said:

> I think ROTC can succeed at prestigious liberal arts colleges like Davidson when the program stresses leadership and individual initiative rather than drill and rifle-cleaning.
>
> In addition we offer a kind of insurance that many students see as an advantage—if you are drafted into the Army, you can serve as an officer instead of as an enlisted man.

A TRIBUTE TO MAYOR DOUGLAS F. DOLLARHIDE OF COMPTON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ANDERSON of California. Mr. Speaker, many of our older cities in America are decaying at their cores, but the century-old city of Compton, Calif., in the 17th Congressional District, is being rebuilt because of the strong, warm hearts of its leadership. Much of the credit for this phoenix-like rebirth can be ascribed to the soft-spoken but firm leadership of Mayor Douglas F. Dollarhide.

You may recall the widespread national news coverage that followed the election of Mayor Dollarhide in June of 1969, when he became the first directly elected Negro mayor of any city west of the Mississippi River.

Since Dollarhide's election as mayor, the assessed valuation of the city has risen dramatically because of the construction of new industrial plants and warehouse facilities in the Cabot, and Forbes Industrial Park. Even though much of the advance planning for this project took place before Dollarhide's election as mayor, he was still deeply involved with it as chairman of the finance committee of the city council.

This construction program, along with an aggressive policy of annexation of surrounding lands, has been a major contributing factor to the increasing economic stability of the city government. As a result, Compton has been able to proceed with its long-proposed development of a $15 million Civic Center in a joint effort with the county of Los Angeles. Acquisition of additional land adjacent to the present civic center and various design processes for the new civic center are already underway.

Compton is also proceding with the rejuvenation of the western area of the 10-plus square-mile city with Federal aid through the model cities program of the Department of Housing and Urban Development. Major street improvement and landscaping projects have already been completed. Innovative programs in police services, such as the employment of poverty-level college students as community service officers, have been undertaken and proven successful. As recently as mid-June, the city received approval from HUD for the acquisition of a site in the model cities area and the construction of a neighborhood center for community services.

In all of these activities, Mayor Dollarhide has been a prime motive force. A gentle, tactful man, he has nevertheless been a strong advocate for the improvement of his city—and an equally strong advocate of civil rights and employment opportunities for his race.

Mayor Dollarhide attributes the development of his personality and leadership abilities to three persons—his wife, his oldest brother, and an elder sister. Born on March 11, 1923, as the last of 12 children of Thomas V. and Daisy Williams Dollarhide of Arcadia, Okla., Dollarhide was orphaned at an early age. His sister, Mrs. Lenora Stubbs, now of Detroit, guided his childhood years by implanting deep religious convictions and molding his courteous and tactful mannerisms.

Later, in 1940, at the age of 17, he went to live with his brother, Emmitt, in San Jose, Calif. One of the leading civil rights advocates in the San Francisco Bay area, Emmitt Dollarhide became his brother's ideal—the man after whom he modeled his own concern for the rights of all minority races.

The third person who greatly influenced the development of Mayor Dollarhide is his wife, the former Ruby Thomas, whom he married in 1943. A constant source of inspiration, confidence, and motivation, Mrs. Dollarhide is often referred to by the mayor as "the girl that God sent me."

The same year he was married, Dollarhide entered the U.S. Army, serving with Gen. George Patton's "Rolling Hell Cats" who slashed their way across central Europe from the beaches of Normandy to the heart of Germany. After his honorable discharge, Dollarhide returned to California where he settled for a time in Los Angeles and worked at the Los Angeles Post Office before becoming a successful private businessman. The Dollarhides moved to Compton in August 1956.

Even before he was elected to the Compton City Council—the first black to serve on the city's governing body—in 1963, Dollarhide was deeply involved in community activities.

He is a charter member and past master of T. A. Harris Lodge No. 69, F. & A.M., Prince Hall Jurisdiction. For 4 years, he served as president of the Compton chapter of the NAACP, as well as being first vice president of its southern area conference in 1963, and chairman of the NAACP's Freedom Fund Committee. He is also a member of the Urban League, the Los Angeles District Council of the Boy Scouts of America, Compton Council on Human Relations, St. Peter's Methodist Church, and the South Bay Area Welfare Planning Council.

California Gov. Edmund G. "Pat" Brown, appointed Dollarhide to the Planning Advisory Committee of the State of California and to the Area Coordinating Committee of the Los Angeles Regional Transportation Study.

Since being elected to the city council and then as mayor, Dollarhide's activities have only increased with such duties as representing Compton on the League of California Cities, the Southern California Association of Governments, the National Conference of Mayors, and many other organizations.

Mr. Speaker, on July 18, the people of Compton will pay tribute to Mayor Dollarhide. I would like to extend this added tribute from the U.S. Congress not only because Douglas Dollarhide is a worthy and respected leader of his city and his race, but because he is a close and esteemed personal friend.

ADDRESS BY DR. ROBERT C. EDWARDS OF CLEMSON UNIVERSITY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DORN. Mr. Speaker, Clemson University, which is located in my congressional district, recently celebrated her 75th graduation ceremony. Dr. Robert C. Edwards, Clemson's outstanding and dynamic president, addressed the graduates. His comments relating to environmental problems are most timely and I commend the entire speech to the attention of my colleagues:

THE BRINK OF ENVIRONMENTAL CATASTROPHE?

(By Robert C. Edwards)

I congratulate the young men and women seated before us for the perseverance and diligence that have enabled them to be honored by this Graduation Ceremony. Many have just crossed the threshold marking the end of formalized and regulated instruction, and will soon embark upon the goal which persuaded them to come to this campus.

Perhaps it is presumptious to assume that you all were predestined to some profession or occupation which drove you to seek your education, and if so, it would be well to ask yourselves now, "where am I going?—what are my goals?" Think of the plight of the frustrated airline pilot who announced to his passengers, "I have some good news and some bad news; the good news is we are making rapid progress at 530 miles per hour—the bad news is we are lost and have no idea where we are going."

* * * * *

There are those who say we, as a Nation, are headed for a disaster. Our air is choking our cities; our rivers and steams contaminate the countryside; our concern for noise has canceled the SST development; we are overpopulated, underemployed; we have racial unrest, campus unrest, and a society growing devoid of moral values infected with drug abuse and record crime rates. A frightening confrontation? Yes, it is—enough to strike fear and panic in the hearts of an entire generation. This is a new brand of "brinksmanship"—America is on the brink of a catastrophe and only a revolution can save us! Thus the cry of the "dooms-dayers," the revolutionaries who would destroy in order to rebuild their way. What they wish to destroy is faith—that God-given gift which has enabled man century after century to pull back from the brink of catastrophe and emerge a wiser and more creative individual to preserve his life and achieve its greater quality.

Let us not lightly dismiss these problems which face us—particularly those associated with the environment. Who would have predicted the ground swell of public concern about the environment that preoccupies Americans who have discovered that our Country is running out of clean air and water? Suddenly we all understand smog, noise, congestion, highway carnage, oil stained beaches, junk graveyards, ugliness, and blatant commercial advertising which not only offend our senses but also threaten our health and our very own lives. The physical environment is, of course, only one dimension of the quality of human life. We must also consider important social and psychological factors as order and security, social mobility and the social participation or alienation of the individual. These along with income, health and educational opportunity, constitute man's total environment.

To understand the environmental crisis, one needs only to look at our cities. The public Health Service reported recently that every community with a population over 50,000 has an air pollution problem. One environmentalist spoke of the urban garbage problem: "We are running in front of an avalanche and it's already beginning to bury us." Dr. Knudsen of the University of California has found that exposure to a noise level of 90 decibels can flush the skin, constrict the stomach muscles, and shorten tempers. Others suspect that noise may be a hidden factor in heart disease, high blood pressure, allergy, nervousness, and even mental health. In New York City, ordinary street noises regularly exceed 100 decibels.

Three basic forces have operated to degrade the urban physical environment: population concentration, rising affluence, and technological change. The tendency of people to concentrate in cities has led to traffic congestion, crowding, overloading of transportation, lack of marketing and housing facilities, delays and loss of time, as well as rising levels of air, water, and noise pollution. Urbanization clearly brings benefits to people—wider job opportunities, richer educational and cultural fare, more individual freedom from social constraints—or else it would not have been so powerful and enduring a movement. Yet beyond some levels of population size and density, the total costs of urbanization begin to exceed the total benefits. Discovery of the optimum size of cities and optimum density of their populations are vitally important tasks confronting national planners.

Rising affluence has likewise been a prime mover in environmental change. As real incomes have mounted, each person has bought and consumed more tangible goods, thrown them away more quickly, and generated solid waste. Each person has traveled more miles per year and rapidly expanded his usage of energy. With the number of urbanites doubling, and per capita incomes quadrupling every forty years, the problem of supplying urban amenities is exploding. One shudders to contemplate the environmental problems if 525 million Indians, crowded 400 per square mile, spent as much as Americans living only 60 per square mile. India seeks affluence—but could she stand it?

Environmental degradation is not, of course, inherent in rising affluence. Only the particular forms and methods of production and consumption to which our society has become accustomed degrade it. Rising affluence can and should be a source of environmental enhancement.

The third source of the environmental problem is technological change. Technology has expanded the variety of products available for consumption, made products more complex, raised rates of obsolescence, and added immensely to the per capita consumption of physical materials and energy. We are no longer consumers—but mere users of products. We buy, we use, we dispose. Americans produce solid waste at the rate of over five pounds per capita per day! That amounts to one billion pounds of trash every twenty-four hours! Technological change is, like rising affluence, a two-edged sword; it can be used to improve as well as degrade the environment. It can reduce material consumption and recycle harmful wastes. It has provided us with air conditioned offices and homes, paved freeways, underground utilities and transportation. Environmental preservation, therefore, calls for a redirection of our technological efforts as well as a restructuring of patterns of consumption.

How can we rescue our environment? Let us first look at a few superficial solutions.

The Doomsday School hold that the problem of environmental degradation is insoluable. It is already too late to arrest man's inexorable march to racial extinction through overpopulation, malnutrition, famine, and disease. Others claim that the accumulating carbon dioxide in the atmosphere will change the earth's temperature with consequent melting of the polar ice cap and other disasters. An apocalyptic view of the future should be rejected if only because it leads to despair and inaction.

The Minimalist School on the opposite end, hold that environmental deterioration is a minor problem compared with such issues as poverty, civil rights, and school integration. They argue that political leaders calling for a better environment are "eco-escapists," seeking to divert public attention from their failure to resolve primary issues. What the Minimalists overlook is that the United States is already making progress on the so-called "primary issues," and is losing ground in arresting the decline of the urban environment. Also, the poor stand to gain the most from environmental enhancement of central-city areas.

There is also the Socialist School who view environmental deterioration as an inescapable consequence of capitalistic "exploitation." If only private enterprise, market competition, and profit incentives were replaced by central planning and state ownership, they contend, the problem would disappear. They fail to recognize that the socialist countries are also facing environmental problems which, in reality, are somewhat independent of political systems. A free enterprise system, however, is more likely to respond to public pressures than its socialistic counterpart.

Other groups propose such solutions as "zero growth," "austerity," and a restructuring of "public priorities." Zero growth is inconceivable, since as long as Americans remain thinking animals, they will advance technology and increase the productivity of work. The austerity solution demands that we convert ourselves from a society of "wastemakers" to one of "string savers"; that is, conserve our resources, limit production, and consume less. And lastly, the restructuring of public priorities would contract our defense and space budgets and expand the expenditures for environmental protection.

Perhaps there is no single solution, and possibly there are grounds to reject each new solution that is proposed. But our greatest enemy is apathy. Our goal as we leave this assembly today should be to create a legacy for the future; reject those who say we are irrevocably doomed; and build a future which embraces a greater quality of life. Look not upon this moment in time as one in which we are on the "brink of catastrophe," but rather, one in which we stand on the threshold of opportunity to meet and subdue our environmental crisis—what greater challenge could we have!

WHO ARE THE REAL AMERICAN PATRIOTS?

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. CULVER. Mr. Speaker, among the most respected voices in Iowa and in the journalistic community is Lauren Soth's. His writing brings a special distinction to the editorial pages over which he presides. Recently he contributed a thoughtful and arresting essay giving his analysis of the distinctive character of American patriotism. It has aroused much comment and deserves a wide readership.

The material follows:

WHO ARE THE REAL AMERICAN PATRIOTS?

(By Lauren Soth)

What is patriotism? Who is a patriot? Conventionally, a patriot is one who "answers the call of his country" and does not question whether the cause for which he fights is right. A patriot salutes the flag and stands for the Star-Spangled Banner.

Can a person be a patriot and also a conscientious objector who refuses to bear arms for his country? A better question might be, Can a person who objects to conscientious objection and who would suppress dissent, to the Vietnam war for example, be a true American patriot?

Harlan Fiske Stone, later an associate justice and chief justice of the United States Supreme Court, wrote in 1919:

"The ultimate test of the course of action which the state should adopt will, of course, be the test of its own self-preservation; but with this limitation, at least in those countries where the political theory obtains that the ultimate end of the state is the highest good of its citizens, both morals and sound policy require that the state should not violate the conscience of the individual.

"All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state. So deep in its significance and vital, indeed, it is to the integrity of man's moral and spiritual nature that nothing short of the self-preservation of the state should warrant its violation; and it may well be questioned whether the state which preserves its life by a subtle policy of violation of the conscience of the individual will not in fact ultimately lose it by the process."

OBLIGATED TO QUESTION

Justice Stone is saying, as I read him, that true patriotism in America is not the "my country right or wrong" variety of patriotism. If the doctrines of free government and individual liberty mean anything, they mean that a real American patriot is obligated to question his country's policies.

Once a decision has been made democratically to fight a war or not to fight one, a patriot is duty-bound to accept that decision and to do his part in carrying it out (except for bearing arms if that violates his conscientious principles). But that does not mean he must quit thinking or questioning or seeking a change in policy he believes is wrong.

That is patriotism as the great American patriots and leaders have seen it. By this standard, the showy kinds of patriotism, the flag-waving, wearing flag pins on lapels, sticking flag decals on car windows, proclaiming your patriotism by signs saying "America—love it or leave it", are not real patriotism. They demonstrate a fear, a feeling of insecurity which requires one to advertise "I am a patriot," because of self-doubt or guilt as to his true Americanism.

Men who dodge the draft in wartime, not by overt action but by taking advantage of quirks in the law or its enforcement, often are the loudest "patriots." Men who were dragged into the Army after trying to escape the draft, once they return home and become members of a veterans' organization, often are fierce super-patriots.

OPPRESSIVE COMMITTEE

The most ardent patriots often are those who would deny individual liberty to nonconformists, who would stifle freedom of religion, of speech, and expression. One of the most notorious examples of this may be found in Congress itself—the U.S. House Internal Security Committee, formerly the House Un-American Activities Committee.

Its oppressive tactics against dissenters whom the U.S. Constitution protects, led it to being called the House Un-American Committee, which indeed at times it has become.

These thoughts were inspired by two new books on patriotism, written by friends of mine. I think they are good reading for this time of year, between Memorial Day and Independence Day. "Patriotism in America" (American Heritage Press) is by John P. Pullen, a former newspaper reporter and advertising man now a free-lance writer, whom I knew in the Field Artillery School at Fort Sill, Okla., in 1943. "The Many Americas Shall Be One" (W. W. Norton & Co.) is by Harrison Salisbury, former Russian correspondent of the New York Times and now editor of the Times opinion page opposite the editorial page, whom I also have known for many years.

"Patrotism in America" is a well-balanced discussion of the distinctive character of American patriotism. Pullen tells the sordid and the unsordid sides of the love-of-country mythology. The un-American deeds done in America in the name of patriotism tend to be overlooked. Pullen brings many of them to light but without diminishing the deeds of true patriotism.

SUPERIOR HEROISM

Pullen makes a strong case for heroism in the Vietnam war being superior to heroism in other wars. I think he is right. Most soldiers in earlier wars have been surrounded by a climate of the "rightness" of the fight, despite the cutomary griping of the troops. They have felt they were doing something important for the security of their country, because that was the general attitude of the troops around them. But in Vietnam, since 1966 at least, there has been no such spirit. To do one's job in battle when the men around you think the war is a mistake calls for a higher devotion to duty than was required in World War II.

Pullen compares patriotism in America during the various wars of our national history. He reminds us of the strong dissents in earlier wars and of the sometimes disgraceful suppression of dissent. He compares the actions of presidents in various wars and finds that Presidents Lyndon Johnson and Richard Nixon stand up very well by comparison in meeting their responsibilities.

Harrison Salisbury's book is a sort of personal memoir, not strictly about patrotism, but the author's own love of America and understanding of what true patriotism means come through in nearly every chapter.

REVOLUTIONARY BANNER

"If the flag should become in America a symbol of that tyranny which the Republic was founded to oppose," writes Salisbury, "of those who forget or do not believe in the principles of the American revolution (how many now realize that the Stars and Stripes are the very emblem of revolution, the oldest, most honored revolutionary banner in existence, long antedating the Johnny-come-lately Red flag?), who reject the dream which for a century made the Statue of Liberty the beacon of world hope—then this would truly mean that we as Americans have lost our will and our faith in what America is all about.

"The flag is not to be cheapened. It is not an advertising trademark to be used to peddle gasoline, a premium to promote magazine sales, a decal of cheap emotion or anti-Americanism. The flag is all of us. To diminish it is to diminish America, and in so doing we diminish each of us as an American."

Salisbury argues that, bad as the times are, serious as our national troubles may be, we can overcome them by practicing true Americanism.

"Let's go back to the beginnings," he says. "Washington and Jefferson and Hamilton and the rest invented a good product. We are the ones who debased it. Let's give it a new shine. I can't tell you how much I distrust the futurists who make up brand-new game plans, laboratory visions, or new constitutions, new ways of organizing society. I believe in change, even radical change, but only after peering deeply into the past in order to understand the present more clearly."

NO BETTER DREAM

Salisbury is worried about the militarization of American foreign policy. He writes that great military establishments in the past have invariably led to the downfall of the country in which they rose. He thinks the U.S. military budget is swollen far beyond security requirements and should be greatly reduced, with the resources devoted toward assuring realization of American values at home.

Patriotism too often is equated with support of the military, and is related to military glory. Salisbury argues that the highest patriotism in the American value system is not military.

Salisbury writes that he is old-fashioned in his views of the country:

"The old American dream may not be the last, best, bright hope of humanity. But find me a better one. The problem is not the dream; it is its realization."

That's a good patriotic thought.

GI DRUG ABUSE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DORN. Mr. Speaker, yesterday the House Veterans' Affairs Committee reported out two vitally needed bills dealing with the health and welfare of the entire society. One of these bills, H.R. 9265, would authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen and veterans suffering from drug addiction or drug dependency.

One of our finest and oldest newspapers, the Charleston, S.C., News and Courier recently addressed itself to this urgent national problem of drug abuse among veterans, and I commend this excellent editorial to my colleagues' attention:

JUNKIE COMES HOME

Along with the dead, the wounded and the prisoners of war now comes another kind of casualty from the war in Vietnam. He is the dope addict, returning home by the thousands with an expensive habit that causes him agony and in some cases leads him to crime.

From the role of defender of his country, the criminal addict becomes an enemy of his own people—an ironic legacy from a well-meant war that backfired on the United States.

Some of the sickening details appear in the National Observer under the doleful title, "Junkie Comes Marching Home." Instead of bands and confetti, the homecoming troops are greeted by efficient processing clerks. Within 24 hours the soldiers are civilians again. The National Observer's account says:

"The heroin addict is on the streets too. He has his $5-a-day-Vietnam habit that will suddenly cost him from $100 to $150 here. What happens to him next?

Some will die from overdoses or needle infections. Others will turn to crime to support their habit, eventually going to penal institutions. The most fortunate will finally decide, probably during the agonies of "cold turkey" withdrawal, that he'll "clean himself up." It isn't easy. In fact, it's a 6-to-18-month process in a self-help clinic. Sometimes even that effort won't kill his habit.

"The key to his survival is the strength of his will power. His motivation to learn to live without the "pleasures"—and to the addict it is that—of heroin. Army doctors believe most of the men who got the habit in Vietnam won't even consider cleaning up until they've been home for six months or a year.

"How many veterans are involved? Each month the Army is separating about 15,000 Vietnam veterans from active duty, and its surveys indicate that about 2,400 of them curently use heroin and that another 1,350 had used it regularly during their tour in Vietnam but somehow cleaned themselves. Heroin use among U.S. servicemen in Vietnam is an exploding phenomenon just one year old. The best guess today is that 60,000 of 255,000 men there now smoke or sniff it; a lesser number inject."

Not all homebound veterans learned to take dope in Vietnam. The Army says 10 per cent of them used heroin before they went to war. The rest got the habit overseas. About a third try desperately to shake it before returning home. Whether they stay off dope depends in some degree on what they find at home. If the girl friend has deserted and no job is available immediately, they may take to dope again.

No easy solution has yet been devised. Not even a sure method of treatment is known.

Not all addicts, of course, are returning service men. Some never served in uniform. The drug problem in America is said to be pandemic. Whether it is a symptom of deteriorating people or a secret weapon of the enemy, dope is sapping national vitality and poisoning some of the flower of youth. No region is free from the menace. It may last for years and the public will have to live with it till the addicts die or get well.

THE PRESIDENT'S OFFENSIVE AGAINST DRUG ABUSE

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. KEATING. Mr. Speaker, I would like to personally take this opportunity to commend the President on the success that was announced today in his diplomatic offensive in the area of drug abuse.

Today it was announced that the Turkish Government has agreed to stop the growing of opium. Dr. Jerome Jaffe, testifying before Subcommittee No. 4 of the House Judiciary Committee, stated that over 60 percent of the heroin coming into the United States has Turkish opium as its source. This development will be a large step in the President's effort to stop the Nation's growing drug abuse problem.

Yesterday I joined with the other members of the Republican Task Force on Drug Abuse in cosponsoring a concurrent resolution supporting the President's diplomatic efforts in this area. The decision of the Turkish Government clearly demonstrates that this effort can bring tangible results.

I urge the Congress to help the President by passing this resolution of support at the earliest possible date. The Congress and the President must work hand in hand in solving this problem.

AN ENVIRONMENTALIST VIEWS THE ENERGY CRISIS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent statement entitled "An Environmentalist Views the Energy Crisis," an address to the American Nuclear Society by Mr. Michael McCloskey, executive director, Sierra Club, at Boston, Mass., on June 15, 1971.

Persons concerned about the energy situation in this Nation would do well to give careful consideration to the thoughts expressed by this outstanding American.

In our concern for the needs for power, this Nation might well give thought to the other consequences of power generation and the byproduct thereof.

The address follows:

AN ENVIRONMENTALIST VIEWS THE ENERGY CRISIS

(An address to the American Nuclear Society by Michael McCloskey)

In discussing any public issue, one is always confronted with the problem of defining what the issue is. What is the nature of the issue embodied in the "energy crisis?"

The industries supplying energy would have us believe that the problem is one of expanding supplies and reducing constraints on growth. As an environmentalist on the other hand, I submit the problem is one of excessive pressures for growth in consuming energy.

I submit that present rates of energy growth are unrealistic, that they are environmentally damaging, and that they are artificially induced. I submit further that these rates cannot long continue, that our main task ought to be to bring these rates of growth under control, and that there are reasonable ways of doing this.

UNREALISTIC GROWTH RATES

Present rates of energy growth are unrealistic for a variety of reasons. Basically they are unrealistic because these compounding rates of growth cannot be projected very far into the future before they run up against all sorts of limits—mathematical, physical, biological, and qualitative ones. Let us look at these rates and the limits they confront.

Today we consume fifteen times the energy we did one hundred years ago, though our population has only tripled in that time. Over the past decade the average growth rate in the consumption of energy in all its forms has been more than 4 per cent annually, climbing to about 5 per cent annually over the last five years. Growth has been particularly phenomenal in the electrical energy sector, at about 7 per cent annually in recent years. Projections based on that rate of growth call for a doubling of electric power production about every ten years.

With these growth rates we may soon find that we are running out of space for power plant, to cite just one example. It has been calculated that even with large 1,000 megawatt power plants each requiring an area of only 1,000 feet on a side, in less than twenty doublings—less than 200 years—*all* the available land space in the United States would be occupied by such plants! In California where power production is expected to double every eight years, if power were to be supplied by 110 megawatt plants on 80-acre sites, the entire land area would be covered in only 122 years. Similar startling projections could doubtlessly be made for other forms of energy use; e.g., at projected rates of growth, how much space will need to be paved over to accommodate our automobile-oriented transportation system by various dates?

Other limits to proliferating energy use can be cited. For example, by the end of the century, if growth continues as projected at current rates, one-third of our total freshwater run-off might be required for power plant cooling purposes if only once-through cooling is used. If once-through cooling is superseded by cooling ponds and towers, then even more land is needed and the space crunch will come sooner.

Ultimate limits to growth in energy use also obviously exist in the finite nature of our fuel resources. The fossil fuels now provide by far the greatest part of our energy sources (e.g. almost 96 per cent in 1969). Whatever the true situation as to immediate supplies, it is obvious that ultimately these nonrenewable resources will be depleted. Optimistic estimates predict that our fossil fuels as a group will be exhausted within a few hunderd years at best, possibly much sooner. A recent National Academy of Sciences report, for example, predicts that within another fifty years or so the great bulk of the world's initial supply of recoverable petroleum liquids and natural gas will be exhausted, while recoverable fuel from the oil shales and tar sands might extend the lifetime of the petroleum group to a century or so. With respect to coal, the report estimates that if used as the principal source of energy at projected demands, it willl last no more than two or three centuries.

Though nuclear power is expected to play a major role in future electrical energy production, electrical energy is of course only a part of the total energy consumed (presently, about one-quarter). And the supply of uranium 235 from high-grade ores is limited. The NAS report indicates that the production of nuclear power using the present type of reactors and uranium 235 as the principal energy source can be sustained for only a few decades. Another estimate gives high grade uranium ores a lifetime of under fifty years. Breeder reactors could extend these fuels, but it is not clear what the costs may be and operational and environmental problems are unsolved. And a practical method of producing electricity from fusion is still only a possibility.

Hydroelectric power has its own finite limits in the availability of suitable sites, and is of small importance in the supply picture. While only one-fourth of the potential hydro sites have now been developed in this country, these are the best sites and the rest are mainly hypothetical and not economically usable.

Ultimate limits to energy growth will also be set by the problem of dissipating the heat resulting from the production of energy. It has been said that with energy consumption increasing at 5 per cent a climatological heat limit—the point at which global climate would be drastically altered—could be reached in less than a century.

At projected growth rates, by the year 2000 energy produced may approximate 30 per cent of solar input. Our population centers will turn into giant heat radiators affecting local climates. Increasing attention has also been given to the possible role of two byproducts of energy production—carbon dioxide and water vapor—in long-range climatological change. Each year fossil fuel combustion adds to the atmosphere an amount of carbon dioxide equal to about .25 per cent of the total carbon dioxide in the atmosphere. If the present growth rate in fuel use continues, there will be an increase of about 170 per cent in the carbon dioxide level in the next 150 years. Many scientists fear that the "greenhouse effect" (the trapping of heat energy leaving the earth by acrbon dioxide in the atmosphere) will have serious repercussions on the world climate. For differing reasons, concern is also expressed over adding substantial amounts of water vapor to the atmosphere. Though more research is imperative, these considerations may also place ultimate limits on unrestrained energy consumption.

DAMAGING ENVIRONMENTAL IMPACT

Long before these ultimate limits are reached the environmental impact of unrestrained energy growth may become unbearable. We do not know where the dividing line between environmental deterioration and irreversible catastrophe may lie, but at the least, we can foresee that galloping energy consumption will have a continuing and cumulatively destructive impact upon the environment.

At every stage of energy production and use unacceptable environmental degradation occurs. At the first step of extracting fuels from the earth, defacement and pollution occur in the source area. For example, by 1965, 3.2 million acres of United States land had been surface-mined, 41 percent for coal. And, as we deplete our high-grade reserves we increase our destruction of the land: the strip-mining method of producing coal has been steadily increasing, from 29 to 36 per cent in the last ten years. Today, strip mine benches in nine Appalachian states extend for 20,000 miles.

Uranium mining and milling has its own special hazards of radioactive wastes, in addition to the usual effects of mineral extraction. A typical uranium mill must dispose daily of about 10 curies of radium in its process wastes, a considerable amount. Of 26 mills operating in 1963, for instance, 10 were still discharging the effluent from their tailings directly into streams. In the late 1950's, for example, consumers of untreated water along the Animas River in Colorado below the Durango mills were receiving 300 per cent of the recommended "permissible" daily intake of radium. The production of uranium has also resulted in the accumulation of mill tailing piles—in sizes up to several million tons in the Colorado River basin, for example. In most cases, for many years no containment measures were undertaken, and these piles were left exposed to erosion by wind and rain.

Fuel extraction has polluted our waters as well as defacing our lands. Coal mining has degraded 12,000 miles of Appalachian streams alone, through mine acid drainage. Extraction of oil also seriously pollutes the source area; the Santa Barbara blowout and Platform "Charlie" in the Gulf are but two familiar examples of marine pollution from offshore oil wells.

The transporting of fuels from the source area to points of utilization and the handling and processing of these fuels, lead to further environmental degradation. Illustrations familiar to everyone are the numerous oil spills from vessels, marine terminals, refineries, storage tanks, pipelines, and so on. About 4,000 oil spills from all sources were reported to the Coast Guard in 1970, and of course many go unreported. Estimates put the actual number of oil spills into United States waters at about 7,500 annually, almost 21 per day.

Oil pollution illustrates not only the hazards of accidental spillage of oil transported as cargo, but also the intentional pollution resulting from current modes of operation within the marine transportation system itself. Current estimates are that approximately ten million tons of oil are spilled each year into the marine environment. Of this amount, two to four million are spilled accidentally, while six to eight million are intentionally dumped at sea, primarily through bilge pumping, tank cleaning and deballasting practices of the maritime industry. Severe biological damage is reported in main shipping channels as a result (one expert estimates that 40 per cent of all sea life has already been destroyed by pollution of all types).

The extracting, processing and transporting of fuels which will be used to provide energy is only the beginning of energy's environmental impact. The production and use of energy in all its forms has created severe pollution and space problems which threaten to become overwhelming in the near future.

Air pollution is perhaps the most obvious environmental by-product of energy production and use. The fossil fuels presently account for almost all of our energy sources (96.4 in 1969), and the burning of these fuels creates the largest share of many of the common air pollutants. Motor vehicles lead the field, accounting for over 60 per cent of total air pollutants. Power plants, and industrial, residential and commercial use of energy all make their characteristic contributions to air pollution.

The visible or noxious air pollutants have received the most attention. In 1966, 28.6 million tons of sulfur dioxide were emitted; 11.5 million tons of particulates; and about 13 million tons of nitrogen oxide. Power plants, for instance, are responsible for a large share of these pollutants: an estimated 50 per cent, 25 per cent and 25 per cent respectively.

Another serious pollution problem generated by growing energy consumption is the thermal loading of our rivers and lakes. Electric power plants are major offenders accounting for about 80 per cent of the industrial waste heat discharged into our waters. Such plants are about one-third efficient in their use of heat to generate electricity, and most of the remaining waste heat is discharged directly into the cooling water source. The amount of waste heat involved is truely tremendous; for example, a typical 1,000 megawatt fossil fueled plant produces enough waste heat yearly to heat 300,000 Minnesota homes, and a nuclear plant, 400,000. At projected rates of growth, by 2,000, the waste heat from these plants might be sufficient to raise the temperature of our total run-off by an estimated 20° to 33°F. If controls on thermal pollution of our waters are not immediately imposed, we may expect serious short-term impacts on local environments as well as disastrous long-range effects.

Other types of energy-associated pollution are becoming of increasing concern as well. For example, some scientists estimate that coal fired power plants put 150 tons of mercury into our air every year. And chemicals such as chlorine, biocides, and various other compounds added during the power generation process are not now being recovered but are released into the nearest body of water. Some of these can cause serious disruption of aquatic environments, as well as rendering certain shellfish unfit for consumption.

The solid waste problems associated with energy production and use are tremendous. For example, by burning coal we produce an estimated 30 million tons of slag and ash every year, of which 8 million enter the air, the rest contributing to our mounting disposal problems. And the solid waste problems created by the soon-obsolescent products of our various industries are truly staggering.

As nuclear power assumes a greater role in the production of electricity, we may have to come to terms with a new and frightening form of pollution, that of radioactivity. It has been predicted that by the year 2000 nuclear power will account for about one-half of our power production. The A.E.C. projects perhaps 600 large nuclear plants in the next several decades—enough to produce every year radioactivity equal to one-half million Hiroshima bombs.

Nuclear plants may justly be called a still experimental form of power production. Though the chances of a major accident have been minimized by industry and government, such a possibility cannot be completely ruled out. The safety record of plants already built gives us cause for concern. By the end of 1968, 17 civilian plants and one military nuclear plant had been completed, and as recently reported in "Science", five of these had been shut down as uneconomic or unsafe; a sixth (Fermi) never operated properly and finally an accident took it out of service; a seventh (Humboldt) has operated within allowable radiation limits only by reducing power output. Others have suffered various difficulties, and in 1969 another was shut down.

Routine low-level radioactive discharges from nuclear plants are another source of concern. While the A.E.C. has just drastically reduced permissible discharges to meet criticisms, concern continues about accumulating radioactivity. At the Hanford installation low level wastes empty into open trenches, and reportedly if ducks drinking from this water were to be eaten by humans they would receive five times the "permissible" dose. In New York, levels in a creek were reported to be 30,000 to 100,000 times higher than A.E.C. limits.

Recent testimony before a congressional committee indicated that by the year 2000, nuclear plants and associated fuel processing facilities would be producing 470 million curies of krypton 85 annually, representing an increase in radiation exposure of about two millirems per year, or one to two per cent of natural background radiation. This assumes that it is uniformly diluted throughout the atmosphere, but exposures in the U.S. might be as much as ten times higher. Though much research needs to be done, some scientists predict that in 30 years, if growth projections are reached, radiation levels may be high enough to cause serious and unforeseeable effects on living things.

Another problem associated with nuclear energy is the management of the high-level radioactive wastes produced. These wastes are handled, transported and processed (which adds to the risk of accidental catastrophy), and must ultimately be disposed of. The storage problem alone is immense. Can we safely assume that this legacy of long-lived radioactive wastes can be contained by future generations for hundreds and thousands of years to come? One scientist reports that over 100 million gallons of high level wastes are already stored in underground tanks, of which 60,000 gallons have so far leaked into the ground. A "failsafe" storage system must somehow be devised if nuclear power is to be viable in the future.

Finally, we are confronted by grave space problems brought on by spiralling energy production and use. Short of the ultimate limits already noted, the amount of land used for energy-related activities may become environmentally unacceptable in the near future. Such uses include the paving of land for freeways to accommodate our auto-based transportation system and its related "needs," such as parking lots, gas stations and so on; the use of land to build more and more power plants and string more and more transmission lines; and covering our land by industrial installations of all kinds, each consuming energy and many turning out frivolous, wasteful or soon-obsolete "conveniences."

In the process, "open space" is diminished; wildlife habitats are pre-empted; many of our most scenic areas are visually impaired, and wild areas and rivers are destroyed. Difficult questions of optimum siting for those highways and plants which may be absolutely necessary emerge.

A few statistics on power plants and lines will illustrate the problem. In California, where power production is expected to double every 8 years, by the year 2,000 92 new plants of 4,000 megawatts capacity, *far larger* than any existing now, would be required; this amounts to one for every ten miles of coastline, if sited there as many urge. If 1,100 megawatt plants (San Orofre size) were built, 350 additional plants would be required in California by year 2,000.

There are now 300,000 miles of transmission lines across the Nation, occupying 4 million acres; by 1990, 200,000 more might be required, taking up another 3.1 million acres, twice the size of Delaware. Another projection estimates 11 million acres occupied by plants and lines by 1990, with visibility intruding on many more. Clearly this cannot continue.

ARTIFICIAL INDUCEMENTS TO GROWTH

It is no accident that we confront such bleak prospects in our energy future. We face cries of immediate fuel and energy shortages because the energy industry has contrived crisis situations, and the growing amount of interlocking ownership in the fuel industry facilitates this. And finally, the industry has contrived in many ways to have public policy artificially stimulate demand for energy. These factors act in concert to produce the so-called "energy crisis."

In the last few years, we have experienced all sorts of sudden fuel and power shortages. The price of residual fuel oil doubles in a year, ostensibly because of a cut-off in Middle Eastern supplies, despite the fact that most of it comes from Venezuela and other places. A sudden shortage in natural gas develops in 1969 when the gas industry decides to try to pressure the Federal Power Commission to grant it a 60 per cent increase. The gas industry will not reveal how many wells are capped awaiting higher prices. Coal becomes in short supply because of mysterious difficulties in production and delivery. Despite the fact that the electric utility industry has a reserve capacity of 27 per cent nationally, summer power crises are experienced as plants breakdown and interties fail.

None of these so-called crises is very plausible. The growing monopoly among energy companies helps explain how a few large corporations can suddenly contrive these crises. The oil industry has always controlled natural gas companies, but it is now on its way to controlling coal and uranium as well. At least 11 large oil companies have significant interests in coal. The two largest owners of coal reserves are oil companies, one of which is also the largest oil company (Standard Oil of New Jersey). The petroleum industry as a whole accounts for one-quarter of our coal production. At least 18 oil companies have invested in uranium development. The oil industry now holds 45 per cent of all known uranium reserves. A recent investigation by the House Banking Committee showed that 49 of our largest banks have interlocking directorates with 36 of our largest electric companies, with 28 gas companies, 15 coal mining companies, 17 oil companies, 58 coal-carrying railroads, and 27 companies which supply electrical equipment.

Not only is industry in a position to withhold supplies to wring concessions from government, it has also been fabulously successful in persuading government to stimulate demand in every possible way. For over a century, a pro-growth bias toward energy use has been woven into the fabric of public policy. The rate structures for electricity are distorted to provide discounts for large industrial consumers. Utilities are allowed to promote consumption through advertising charged off to rate payers. Nuclear power is subsidized through A.E.C. activities and the accident insurance afforded by the Price-Anderson Act. Hydro power is subsidized through virtually free licenses to use public water power sites. Public power is subsidized through exemption from income taxes and preferential interest rates. Coal mining is subsidized through failure to enforce strip mining and safety controls, with the result that social and environmental costs are not sufficiently internalized. The domestic oil industry is for all practical purposes subsidized through depletion allowances and import quotas. The auto and oil industries jointly are abetted and encouraged through federal aid highway programs. Bulk fuel transport is encouraged through subsidization of continued barge canal construction. Railroads continue to receive a multitude of forms of federal support.

CONTROLLING ENERGY GROWTH

How then do we extricate ourselves from the dilemmas of this contrived pattern of exponential energy growth? While no simple answer exists, an interim strategy can be tried. It consists of making a number of simultaneous changes in public policy to reduce rates of growth. Acting together in a reinforcing fashion, these changes may be sufficient to put the problem in temporarily manageable form. At that point, we can then assess whether cutbacks in actual consumption levels in the long run are also needed.

A short-run strategy would involve the following types of changes in public policy: ending or reducing the many biases in public policies which provide incentives to energy growth; maintaining and strengthening environmental constraints on energy growth; reducing energy demands by educating the public to understand the importance of conservative use of energy; encouraging intensified research and development on ways of achieving greater efficiencies in energy utilization and in finding new, more environmentally acceptable energy sources; discouraging growth in industries that are the most profligate consumers of energy; and establishing new agencies in government to plan and regulate activities. Each of these changes involves efforts that go well beyond the traditional bounds of energy policy, and all can have profound economic and social impacts. Yet changes are already beginning to occur in all these fields, and the environmental movement is determined to promote them. While each needs detailed elaboration, I will simply try to sketch some of the central ideas here.

(1) We will never be able to cope with the crisis of energy growth until we root out the many incentives in public policy to such growth. What would happen if the diseconomies of all these subsidies were to be removed or reduced? Quite likely the actual impetus behind energy growth would drop sharply. We would no longer be artificially stimulating a false demand as if energy growth were a clear public good rather than a clear public problem.

(2) At the same time as artificial incentives are removed, positive constraints needs to be asserted to protect environmental values. These include restrictions of various sorts on the modes of developing, processing, and transporting fuels: establishment of onshore and offshore closures to drilling and mining because of overriding environmental values, as in areas for wilderness, parks, refuges, marine sanctuaries, and for future study; strict environmental operating controls on open areas; a ban on strip mining; deferred development of oil shale; stringent controls on marine oil shipping, including controls on the operation and design of super tankers; stricter controls on pipeline specifications and routing; and tighter controls on the handling, processing, and disposal of nuclear waste products. Simultaneously, environmental controls need to be extended further on the facilities which consume fuels: principally power plants, automobiles, and basic industries. Pollution controls on effluents and emissions need to continue to be tightened, with greater emphasis on toxic substance and by-product recovery and closed-plant recycling. With the move toward national land-use controls, the siting of plants, transmission lines, and highways will become increasingly constrained.

The rising costs associated with all of these constraints can be regarded as an internalizing of social costs. As costs rise and are passed on to consumers, demand should slacken and the rate of growth in the drain on energy resources should slacken too.

(3) As the public faces higher energy and product costs, a strong effort needs to be made to promote public understanding of the reasons behind these shifts. As consumers, we all need to begin to understand that we have not been paying the full costs of driving automobiles and of using electricity almost as if it were a free good. Instead of looking upon these rising costs as a new burden upon the consumer, we should look upon them as ending a "free ride" which we have been getting at the expense of the future and of the environment. Moreover, we should encourage even greater understanding of the need to end our wasteful habits in using energy. Changing cultural attitudes toward walking, bicycling, and mass transit can help break the omnipotence of the automobile as a symbol of fashion and prestige. Changing cultural attitudes can also help bring rising residential electrical use under control among the middle class; hopefully there will be a growing trend away from all-electric gadgetry as a status symbol.

Finally, however, it is important that steps be taken to make sure that rising prices do not block the aspirations of the poor. Particularly with respect to electrical rates, special steps should be taken to provide low rates for small residential consumers. Improved mass transit should also help low income urban residents. Other steps may need to be taken too to make sure that the poor are not penalized by these changes in public policy.

(4) Not only do we need to convince consumers to be more conscious of the need to be conservative in their use of energy, we also need to find better ways to conserve fuel supplies and to stretch their use further. Through gassification of coal, for instance, we may be able to achieve better efficiencies in the use of coal. Magnetohydrodynamics could also improve efficiencies in energy conversion. There may also be a limited but useful way to utilize solar energy for household heating in certain parts of the country. It may also be possible to use the heat from air conditioners and thermal discharges for some useful purposes to reduce energy demand. More research is needed on these and similar projects. The energy industry should be taxed to fund a new federal program for intensive Research and Development on possibilities of this sort. The aim should not be to provide a "technological fix" to allow us to continue our profligate ways, but rather should aim at helping us find ways to conserve our fuel supplies and to minimize the adverse effects of their use upon the environment.

(5) There may be a limited number of basic industries that are key consumers of energy and are also critical sources of many environmental problems. These may include the automobile industry, the aluminum industry, the paper industry, and the fertilizer industry. Because of planned obsolescence, the automobile industry consumes an inordinate share of the world's resources, and it produces vehicles which constitute one of our main sources of air pollution and which require highways that pose an increasing threat to the viability of cities and the integrity of our countryside. Environmentalists are shaping a variety of assaults upon the patterns of operation of this industry.

The aluminum industry is a prime consumer of electricity and is a major contributor of litter in the form of disposable beverage cans. Laws to require returnable containers could profoundly effect this industry, and have already been passed in some places. The paper industry also consumes significant amounts of energy and is a major polluter. Cultural trends away from the disposable way of life, built upon paper goods, could cut into the growth of this industry. Finally, if there is a trend away from inorganic fertilizers with emphasis instead on the use of animal manures, this could cut the energy demands of that industry. Through these separate programs of environmental reform, some of the dynamism may also be taken out of energy growth rates.

(6) To assure that many of these efforts are orchestrated, environmentalists are advocating a number of new governmental institutions and programs. In recent testimony before the House Committee on Interstate and Foreign Commerce, the Sierra Club advocated establishment of a new agency within the Interior Department to conduct basic energy studies and to prepare national energy plans. It also called for the establishment there of a separate agency to oversee basic R & D programs in this field. And it called for a third agency in the Department to administer a program of electrical reliability and safety. All of these might be grouped within the Energy Branch that the Administration has called for in its reorganization proposal for a Department of Natural Resources.

We called, too, for giving the Federal Power Commission general licensing authority over power plants of all sorts over a certain minimum size, with regional licensing boards composed of panels representing three agencies. To offset this increased authority of the FPC, however, we called for a requirement that various environmental and other agencies certify compliance with their programs before licenses could be issued. In other words, we opposed the so-called "one stop" licensing approach as out of step with our needs, and called instead for maintaining the integrity of our environmental and land planning programs. Basically, our proposal contemplates distributing various functions to the agencies that are most competent to handle them. In this way, each function can be accomplished authentically and will not be prematurely compromised. The functions of planning, research, reliability enforcement, environmental and land use control, licensing, and rate regulation would be vested in different agencies. A way is provided to integrate these functions, but not on the utilities' terms. We are still in the process of working out control programs for other energy sources.

There is no way to know what effect all of these changes might have. However, I would point out three things. First, many of these changes are already beginning to be made, and most have a rationale that allows them to stand apart from any over-all energy control scenario. Second, the strategy of orchestrating these changes allows many factors to be adjusted to help shape the final result. In other words, it allows a lot of room for experimenting to achieve different ranges of change. And third, the practical alternatives are not very inviting. Starkly put, these alternatives may be on the one hand a gruesome day of environmental reckoning when either the energy bubble bursts or the environmental burdens pass the breaking point, or radical and revolutionary institutional change on the other hand when such crises threaten to occur.

And the worst part of the dilemma is that we probably really do not know how far we are on the environmental limb. Certainly, we should lose no time in pursuing our best option in whatever time remains. Our choice does not need to be one of either blackouts or having the Federal Government tell us to turn off the lights. The more logical course open to us is to turn off the overheated and self-interested forces which are propelling us into the predicament.

HOW TO BE A GOOD CITIZEN

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. BELCHER. Mr. Speaker, I would like to take this opportunity to insert the following article by Mr. Finis T. Crutchfield, pastor, Boston Avenue Methodist Church, Tulsa, Okla.

I think this article is a good lesson in how to be a good citizen:

PASTOR'S CORNER

At the time of the writing of these words, no decision has been reached by the federal authorities concerning the busing and integration problem as related to the public schools in our community. Regardless of the fact that we do not know the specific shape or form of the issue, I would like to suggest the following to thoughtful Boston Avenue people.

First, the application of an unpopular problem of law may often become the occasion for subtle and unconscious lawlessness, even among sincere and good people. There is no doubt that the findings of our court will not be universally popular, whatever they may be, but as Christian people we should encourage the most astute and rigorous adherence to the law. It is likely that the application of certain federal laws will inconvenience and greatly penalize certain sections. This is still no occasion for speaking disrespectfully of the law, or of encouraging its violation in any form. If ever there was a time in history when law observance should take precedence over other considerations, this is that time. Some have already said to me, "But do you believe we should obey a law which is morally wrong? What about the Christians who were in violation of the Emperor's law and what about devout people under Hitler in Germany, what about faithful defiance in communist countries?" The only response that I have is this: we do not live in Hitler's Germany, we do not live in the first century catacombs, or in a communist nation. Our situation is entirely different and we live in a land whose government has been based finally upon reason and not passion, shaped upon law and not emotion, upon Judiciary decisions, and not personal preferences. In the long run, we, in our time, in our country, have far more to lose by not upholding the importance of the law than we have in insisting on the violation of something we think unfair. In this nation there are ways to change unpopular laws. We do not live in the midst of any tyranny. Let us all together uphold the majesty of the law, whatever its application may be. This nation needs an example in law observance and we can give it just now, all of us together.

Second, one should not try to find a scapegoat for the present situation unless he is willing to look in the mirror. When we get backed into a corner and seem to have no way out, we always hunt for a scapegoat, someone to blame, the fall-guy, a place where we can heap all our scorn, someone or some parties upon whom we can vent our spleen. Some people will want to blame the school board, perhaps others will want to blame the school administration, others will blame the Supreme Court, others the churches for meddling in the integration problem, still others blame the churches for not meddling enough. Some will blame the Democrats, others will blame the Republicans. When we are frustrated we like to find somebody to blame. When irritated we seldom step up and say, "I have some blame in this." The truth of the matter is that "the sins of the fathers have been visited on the third and fourth generations." This impasse, rooted in wrongs and grievances, expresses itself in situation after situation, event after event, across many decades. If ever there is a situation of corporate guilt, this is it. A study of history and current society clearly reveal it, examination of our conscience will confirm it. Much could be said at this point but we want to say just this: "Whatever comes, let's admit we are all to blame and not try to dump the blame on some person or persons. Let us make whatever situation is to be into a genuine social and spiritual venture. Let us take something we think improper, or even wrong, and make something good and right out of it. Let us take the worst (if that is what it is) and make it into the best. This cannot be done with fretting and fault-finding. Often what appears to be utterly disastrous turns out to be a great blessing. God is in every social crisis offering some gift, if we have eyes to see, ears to hear, and the willingness to accept that gift. Let us be open to it and seize it joyfully.

Third, let us offer our words, our deeds, and our labor in willing service to the leaders of the local school administration and the local school board chairman, and its officials charged with implementing whatever programs come. They are responsible, trained, dedicated people and in my opinion they can be thoroughly trusted. Let us move forward with them.

I hope you will be in church Sunday morning.

NUCLEAR POWER IS THE ONLY ALTERNATIVE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HOSMER. Mr. Speaker, if the critics of nuclear power plants were to have their way in banning them totally or substantially, where would the Nation go for its future power? The fossil fuels are exhaustible, and it is getting more difficult all the time to maintain a sufficient supply. Just in the past 25 years man has consumed half of all the coal and oil put to use since their value as fuel was first discovered. As new sources are needed, the costs go up.

Richard Peterson, executive vice president of California's Pacific Gas and Electric Co., points out that the demand for natural gas forces the company to go farther north and to depend on deeper, more costly wells. Supplements from coal and imports of liquified gas are more expensive than fuels transported by pipelines.

As a natural and inevitable supplemental source close at hand P.G. & E. has turned to nuclear power. Peterson points out that the utility will complete two generating units at its Diablo project in San Luis Obispo County in 1975. He says,

> In that year, nuclear power will account for 15 percent of our electricity.

The company also expects to file applications with Federal and State agencies later this year for two units in its coastal site in Mendocino County.

And that's where the critics come in. A measure scheduled for the California 1972 State ballot would ban such construction for 5 years. Former Public Utilities Commissioner William M. Bennett has made it clear that he and his group of young law students are out to kill off nuclear power projects, period. There is no power shortage, he claims.

Which is not the point. Unless the Nation's utilities can plan at least 10 years ahead they will not be able to meet an electric energy need which is expected to increase six-fold in the next three decades.

Certainly, plans for construction of nuclear power plants must be fully studied. All tests for environmental and human safety, including the earthquake factor, must be passed.

But, with more than 100 reactor-years of operation without any serious accident, nuclear plants have proved themselves. And they are improving even on that record. They have a remarkably low pollution effect. Theirs is the only inexhaustible supply of fuel we have.

Fossil fuels will continue to be used, but without expanded use of nuclear energy we are in trouble.

JUDGE FRANK McBEE—THE LAW SOUTH OF THE COLORADO

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PICKLE. Mr. Speaker, for many South Austinites, today marks the end of an era, for today, after 32 years on the bench, justice of the peace Frank Wilkins McBee, Sr., plans to retire.

During his years in office the life of this son of two Texas pioneer families has touched the lives of many thousands of citizens. It is estimated he has handled some 100,000 criminal and civil cases and performed over 4,000 marriages.

Get him started talking about his justice of the peace career and the anecdotes flow. Though he often crossed paths with crime, McBee considers "the opportunity to help people" as having been most important in his life.

He celebrated his own 50th wedding anniversary last year, and weddings were plainly his favorite duty.

> After the first wedding I performed, the groom gave me 64 cents. I know darned well it was all he could afford.

In recent days, he says, the bride is likely to be barefooted, have on a granny dress, and be carrying carnations.

For most of the years of his career, McBee was available to city policemen and highway patrolmen 24 hours a day, 7 days a week, and many an accident or crime victim received first aid on his living room couch.

Judge McBee never went to law school, but when he decided to run for the justice of the peace he began his own private schooling in the law, aided by several Austin lawyers. His diligence and quick mastery of the law won him an election to the Travis County Bar Association in 1940.

Known for his honesty, his fair-dealing, and his helping hand, McBee never lost an election in 13 tries, and he rated high enough with the voters to draw opposition only twice.

His homemade, elaborately tooled cowboy boots will be hard shoes to fill, and we will miss his services greatly in Austin.

After he gets back from his first vacation, however, I will wager that coffee pot and homemade cake will be ready as always in his kitchen.

HOME ECONOMICS WEEK IN MASSACHUSETTS

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, for the first time in the history of Massachusetts, Gov. Francis W. Sargent, proclaimed May 9–16, 1971, as Home Economics Week.

In order to take advantage of this new and wholesome development, the Home Economics Department of the Boston Public Schools coordinated the talents and resources of its teachers to alert the public to many opportunities. All teachers responded in a variety of ways too numerous to list in this introduction.

However, the climax of this memorable week deserves special mention because of its dramatic quality. It was the brainchild of Miss Nancy Guzelian, a teacher at the Mary E. Curley Junior High School, who encouraged business—namely the Mennen Co.—to sponsor a contest.

In a search for a typical teenage girl who reflected the best ideals of homemaking, certain criteria were established. She had to first, be no less than a "B" student in home economics, second, have qualities of leadership and, third, submit a short theme about the subject.

Mennen Co. provided the funds for suitable awards and an elegant luncheon at a fine Boston hotel—which in itself delighted these youngsters who have become so accustomed to the eat-and-run mode of meals. They expressed delight in the beautiful surroundings and genteel table service. This alone was worth a hundred classroom lessons. To add to the importance of this occasion, a prestigious panel of judges included Congresswoman LOUISE DAY HICKS, Mrs. Kevin White, Mrs. Robert Quinn, Mrs. Augusta Bailey, and Mrs. Jeremiah Sullivan.

We consider this only a beginning toward establishing home economics as an acceptable field of study in an educational tradition that has been heavily classical.

The themes follow:

"WHY HOME ECONOMICS IS IMPORTANT"

(By Patricia Driscoll, Clarence R. Edwards School, First Junior High School Winner)

I can say Home Economics is important because I have had my own personal experience in running a house hold. Last August my Mother died suddenly. When she died she left behind my Father, my little sister, and brother, ages 3 and 5, and myself 14. Even though I was the oldest I didn't help out much before she died. All at once the responsibility of running the household was upon me. It was very important for me to try and do my best for the sake of the children, and it was really up to me since my Father was at work most of the day. At first it was difficult but when school began in September I took courses in Consumer Education and Foods. I realized it wasn't so hard. One night I sat down with my father and made out a budget, and now my meal planning is even better. Home Economics is far more than learning how to prepare meals and running a household. It has also helped me in forming my personality and with good grooming. It has helped a great deal in handling the children and bringing them up correctly and understanding their moods and needs.

I think Home Economics is good because many young girls may want to learn certain subjects in Home Economics but their mothers may not have the time or patience to teach them, so school is the only way they can learn.

Many teenage girls do not realize how important Home Economics is but they will soon learn when they have their own homes in the future.

WHY HOME ECONOMICS IS IMPORTANT

(By Paula Jones, William Howard Taft Junior High School, Second Junior High School Winner)

I think home economics is important because it shows us how to buy food that is nourishing and also how to economize. It isn't just a class to teach you how to cook; it teaches you how to become a better person. We learn to be considerate, kind, loving, generous. We find that deep within ourselves we are really capable of being understanding mothers, how to be able to cope with the pressures that are placed on the homemaker. The homemaker is an important part of everyday life. To play this part we must rehearse and in home economics this is what we do. We girls who are soon to be women, and from there possibly to new brides, have learned to sew and cook. Sewing and mending our own clothes can help us save money and stick to a family budget that is tight. Also we can save money on baby clothes. We learn safety precautions such as how to stop the bleeding of a cut, how to stop the pain of a burn, better yet, how to prevent these accidents.

We are taught how to fix a low-calorie meal that has all the nourishment of a high-calorie meal. We learn how to be an encouraging inspiration to our husbands, how to help solve family problems and bring cheer to them when they are depressed. We also learn these things which could help us in professions later in life. We are taught how to get along with people in case we join a community group. We have learned how to put on buffets and how to accept company which could really help your husband out if the company is his boss and wife. Children are very complicated things in a woman's life. She must know how to have fun with them and also how to discipline them. From the day these little creatures appear till the day they return to their maker they demand love, compassion, understanding, security, and time. An understanding mother will give this to a child, but only enough, not too much. You see a child is like a time piece—you have to know how, when, and where. Children should be handled with loving care and little more discipline. They should be taught respect, manners, and other things. All this is taught in home economics. To me these are only some of the many reasons home ec is important. It is a tough course but so is life.

"WHY HOME ECONOMICS IS IMPORTANT TO ME"

(By Davida Grimes, F. V. Thompson School, Third Junior High School Winner)

Home Economics impresses many things upon me. It impressed on my mind that the true family happiness depends upon what it's members are, not what they have. It taught me to be thrifty, industrious, and charitable in my family circle. It taught me that I will never stop learning how to become a better economist.

To become a better economist takes time like everything. It also takes practice. It taught me that, sure, I will make mistakes but practice makes perfect. It taught me how to be wise in spending money and judging values.

It taught me not to waste my time or to get frustrated when I make a mistake, but to stay cool and dig up my confidence and try over or to try to make the best of it. It taught me how to be a little woman or lady. I sometimes imagine my home as being my own home, after I'm married. It showed me how to cope with problems, to keep down arguments and keep peace in the family home. It taught me to make the best of work I don't like and to make a game of it and to really like work I didn't like before.

So now when we have vacations and I have to do work I didn't like before, the day goes by faster because I find joy in doing it.

People say doing work is a curse. People say they want to be an economist with no practice, but it can't be. It takes time. So don't be discouraged when you make a mistake. Try again.

Yes, Home Economics taught me a lot. It taught me to be the best I can be, to run a house, and make the best of it. It taught me to be the capable girl I am, the capable girl spoken of in Proverb 31:10–31.

What kind of a girl or woman are you???

"WHY HOME ECONOMICS IS IMPORTANT"

(By Debra J. Furlong, First Prize Winner, Roslindale High School)

In my life home economics has played a very important role. I have been taking some form of home economics since the Seventh Grade whether it has been clothing or foods, they have been very helpful in teaching me a lot about consumer protection, the arts of cooking and the arts of sewing. These courses have helped me in current years and I think they will help me even more in my future years when I have a home of my own.

In home economics I am not only taught how to stretch my dollar but also how to use the products I buy more efficiently. The consumer these days is not fully aware of the way they are being cheated by packaging and false advertising, having been versed ahead of time. In the future housewife and consumer will know and look for the best buys for my money.

In the making of my clothes I have become aware of the special techniques and finishing touches which make an article look like something more than home made. I think that since I do make a large portion of my wardrobe, the short cuts and the know hows will make it easier for me, in the future. I will also be able to select patterns, materials and other notions needed in making a wardrobe that looks fashionable and can be interchanged to economize on time and money and space. I think Home Economics has a great future and could be expanded to include more relevant issues to the housewife, tomorrow.

"WHY IS HOME ECONOMICS IMPORTANT"

(By Linda Benjamisen, Second Prize Winner, Hyde Park High School)

Home economics consists of clothing and foods which is important to everyone. If you are going to be a homemaker it is essential but it is also essential to the single person. A single person still has to cook his meals and mend his clothes.

Clothes are important. Fashions now-a-days change with each new year. Learning to sew helps you cut down on the expense of your wardrobe. In some store bought clothes you have to make alterations. Sewing comes in handy. These classes show the different types of fabrics and weaves, the quality of the material and the texture.

On buying clothes the shopper is trained to look for chain stitching when you just pull the thread and it unravels or buttons that are all sewn with the thread running to one button to the next. Buttons and zippers sewn carelessly usually gives you the hint that the garment was sewn cheaply and the quality inferior.

Home economics in clothes teaches you to sew and to make things. Even if you hate sewing you still know how to sew buttons back on and to mend clothes.

In food classes you're taught how to plan meals. The color, texture, flavors, and balance of the meal are important to make a nutritious and attractive dinner. You are also taught the facts about vitamins and calories.

Food classes have interesting topics such as Consumer Education, where buyers beware or budgeting, where pinching pennies count.

International dishes are part of the class where we learn to broaden our cooking talents to more exciting dishes. French pastries are hard to make but delicious to eat. Italian foods are popular like pizza and lasagna. Desserts of any country are fun to make and eat.

All this is important so as not to have boring meals each day but something new. In our classes we are doing this and enjoying preparing it also.

Don't let the title fool you, it isn't just for girls getting married but for everyone. Home economics does mean the home but home can be a person and his house not just the family set-up. Everyone has to eat and sometime or another sew a button. So why not take home economics it is important but also fun in learning.

"Why Home Economics Is Important"

(By Pat Driscoll, Brighton High School, third prize winner)

Young people today need to know about home economics. Home economics is the study and science of foods, the management of your house, the knowledge of planning your budget and the study of child care.

The study and science of food is important to people in the world today. We should know what food we need daily and why it is important to have this food. You should know how the food is to be prepared and how to cook food. When buying food you should know what to look for when you shop. Also you learn how to plan a diet for gaining or losing weight. Disease that are caused from food is important to know about.

Managing a house is important because you learn what things you buy are more of a necessity than others. You learn about the different brands of china, silverware and furniture. You also learn about different products to use around the house.

Today the cost of living is very high and it is important for us to know how to plan a budget. In planning a budget you must know how much money you have to spend on food a week, then you plan each meal for the week. With the rest of the money you put a certain amount away for rent and bills that need to be paid and other expense. Also you may have enough money to put in a savings bank.

Child care is also important for us to know so that we can be prepared when we have our own children later on in life. We will be prepared to know how to raise our children and feed them the right foods to keep them healthy.

DEMOCRATIC DINNER OUTSTANDING SUCCESS—SPEAKER CARL ALBERT STRESSES LEGISLATIVE ACHIEVEMENTS OF DEMOCRATIC CONGRESSES

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the 1971 Democratic congressional dinner held in Washington this week was an outstanding success.

Some 3,000 enthusiastic Democratic leaders attended the dinner and there was an aura of confidence and victory in the air.

Speaker Carl Albert set the tone of the meeting with his special message, citing the progressive record of the Democratic Party and predicting victory in presidential and congressional elections next year.

The attractive program prepared by the Democratic Congressional Campaign Committee reviewed the many legislative achievements and accomplishments of the Democratic Party, for the people including:

The Social Security Act, the GI bill of rights, the Soil Conservation Act, Elementary and Secondary Education Act, Higher Education Act, the Federal-Aid Highway Act of 1962, Tax Cut and Reform Act, National Housing Act, Full Employment Act of 1946, Housing Act of 1961, Manpower Development and Training Act of 1962, Water Pollution Control, Crime Control Act of 1970, Medical Facilities Act, Omnibus Crime Control and Safe Streets Act.

Trade Expansion Act of 1962, Air Quality Act, Medicare, 18-year-old vote Constitutional Amendment, establishment of Federal Trade Commission, Clayton Anti-Trust Act, establishment of Coast Guard, prohibition of Interstate Commerce in Products of Child Labor, Adamson Eight-Hour Law, Immigration Act, Woman Suffrage, Civil Service Retirement, Merchant Marine Act, Agricultural Programs, Tennessee Valley Authority, Home Owners Loan, Federal Deposit Insurance.

The Twenty-first Amendment, Philippine Independence Act, Securities and Exchange Act, Communications Satellite Act of 1962, Public Works Acceleration Act, Drug Amendments of 1962, Civil Rights, Mass Transportation, Anti-Poverty Program, Wilderness System, Appalachian Regional Development Act of 1965.

Drug Controls, Voting Rights, Mental Health Research and Facilities, Reciprocal Trade Agreement Act, National Labor Relations Act, Federal Reserve Act, Fair Labor Standards, Lend-Lease, Bretton Woods Agreement, United Nations Participation Act of 1945, Atomic Energy Control Act, Legislative Reorganization Act of 1946, Greek-Turkish Aid, Foreign Relief Act, National Security Act of 1947.

Fair Labor Standards, National Science Foundation Act, Foreign Economic Assistance Act, Defense Production Act of 1950, Internal Security Act of 1950, Social Security Amendments of 1961, Peace Corps, Foreign Assistance Act of 1962, Omnibus Housing Act.

Department of Housing and Urban Development, Heart Disease-Cancer and Stroke Research and Facilities, Higher Education, Highway Safety, Department of Transportation, Demonstration Cities Act, Fair Packaging and Labeling Act, Social Security Amendments of 1967, Older Americans Act, Model Cities Funds, Teachers Corps, Outer Space Treaty, Veterans Pension and Readjustment Assistance Act of 1967, Truth in Lending—1968, Drug Abuse Control, Nuclear Nonproliferation Treaty, Elementary and Secondary Education Act of 1969.

Water Pollution Act of 1969, Coal Mine Safety Act of 1969, Tax Law Revision—1969, Legislative Reorganization Act of 1970, Urban Mass Transportation Assistance Act of 1970, Federal-State unemployment compensation program, and social security benefit increases, among others.

The special message by Speaker Albert, "Opportunities for Progress," was as follows:

Opportunities for Progress

(Statement of Speaker Carl Albert, of Oklahoma)

This dinner marks the kick-off of a concerted effort to return a Democratic majority to the Congress in 1972. It is none too early to begin, for the evidence indicates that the White House is focusing all of its attention on next year's election.

There is no question that the Democratic Party is the best hope of this nation for progress, reform, relevance, and redress of grievances. All of the great legislative initiatives of the past decade have been Democratic-sponsored, most of them passed over adamant Republican opposition. Severe as our country's problems are today, we may well ask ourselves where we would be without Medicare, the Elementary and Secondary Education Act, public housing programs, clean air and water bills, and a host of others bearing a clear Democratic imprimatur. Our Party is clearly the Party of opportunity for the American people—for participation in the political process, for candidacy for elective office, and for representation in the Congress.

The Nixon Administration has been totally unresponsive to the needs of the country and will burden Republican candidates for Congress with an inferior record to carry to the people. It has allowed its much-emphasized forgotten Americans to lose their jobs and to see their income eaten up by rampant inflation and recession. It has cut back vital health programs and undercut Congressional support for education. It has begun to dismantle the Office of Economic Opportunity and allowed more than a million Americans to slip back below the poverty level after a decade of Democratic success in this battle. It has made no commitment to the equal opportunity for all Americans that is the heart of the Democratic platform.

The American people cannot be fooled for very long. It must be our mission to expose the gap between Republican promise and performance and to spread the word of Democratic solutions for the nation's unmet problems. The opportunity has never been brighter, the need never greater, to return a Democratic majority to Congress and to elect a Democratic President in 1972.

PUBLIC EMPLOYMENT PROGRAMS AND PROPOSALS

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PERKINS. Mr. Speaker, some months ago, I invited Dr. Robert A. Levine, former Assistant Director for Research, Planning, Programs, and Evaluation of the Office of Economic Opportunity, now with the Rand Corp., to provide our committee with a copy of an article he had written entitled "Public Employment Programs and Proposals."

This study was prepared as a background paper for the Brookings Institution book entitled "Setting National Priorities: The 1972 Budget," by Charles L. Schultze, Alice M. Rivlin, and Edward Fried.

It had been my intention to include Dr. Levine's article in the hearings published in connection with the Emergency Employment Act of 1971 for the information of the Members. Although Dr. Levine went to some trouble to make the article available to us, it was not included in the hearings due to an inadvertence.

In order that the Members of this body may have an opportunity to read Dr. Levine's article, I include it in the RECORD:

PUBLIC EMPLOYMENT PROGRAMS AND PROPOSALS

(By Robert A. Levine)

This note is cast initially in terms of four major categories of issues concerning public employment. Having discussed these issues conceptually and put forth some arguments and orders of magnitude, it presents an intellectual and political history of public employment developments ince 1964, and an analysis of the current status of public employment proposals, and concludes with some recommendations.

I. ISSUES

Discussions of public employment over the last five or six years have revolved around four sets of issues. These are: (1) The need for a Public Employment Program to supplement aggregate demand and labor market measures in increasing employment, particularly among the poor. (2) Simple job creation as the dominant objective of a public Employment Program, as against a complex of other related objectives—training, career creation, advancement, filling of public needs, restructuring delivery of certain sorts of services. (3) The choice between the public and the private sector for federally-subsidized employment and training slots, or—put in other terms—the choice between public and private needs as the beneficiary of the productive labor power purchased with federal funds. (4) The needed size of a Public Employment Program, under different assumptions as to the answers to the above questions and as to the business cycle. Although these four issues can be looked at separately, confusion among them has led to substantial confusion in the debates over public employment.

1. Public employment as a supplement to aggregate demand and labor market measures

Public Employment became a subject of major discussion in the Johnson administration at a time before full employment had been reached, and when there was no doubt that more jobs were needed. The means of creating these jobs, however, was by no means agreed, and public employment therefore became caught up in the cyclical/structural controversies of 1964–6. Indeed, public employment proposals made in 1965 formed a third pole in what had been something of a bipolar disagreement between the advocates of aggregate demand solutions to unemployment, and the labor market structuralists.

In 1965, the aggregate demand proponents—represented in the administration primarily by the Council of Economic Advisers—maintained that increased aggregate demand would push unemployment down to 3.5 percent and below from the 4.5 percent that existed at the time. They contended therefore that no major job creation supplement was needed. The importance of training programs was admitted for other purposes, but not to affect the overall level of unemployment. And supplementary Public Employment Programs were certainly not needed.

The structuralists—largely within the Department of Labor—contended, on the other hand, that *neither* public job creation programs nor aggregate demand would provide the solution. Rather, they believed that major job training programs and other structural adjustments in the labor market would bring the supply of labor into line with the demand—qualitatively as well as quantitatively—and the jobs would be there.

The advocates of each of these viewpoints—at least the more sophisticated advocates—gave something to each other, but they united in opposing public job creation. Those—primarily in OEO—who began to introduce public employment proposals into this discussion, however, were basically aggregate demand advocates because they had substantial doubt of the feasibility of the price and wage adjustments that would have allowed training and similar programs to reduce unemployment substantially. But they diverged from the aggregate demand views of the Council of Economic Advisers in that they doubted that even 3.5 percent unemployment arrived at by increased demand would provide enough jobs for the poor. The basis of this disbelief was an analysis by Charles Metcalf and the late Joseph Mooney indicating that even at 3.5 percent the job deficit for the poor—the remaining unemployment plus differential non-participation in the labor force—was still on the order of a million. This estimate made no allowance for additional jobs needed by the non-poor.

The experience of the last five years has now modified all three viewpoints:

Contrary to the beliefs of the aggregate demand advocates, 3.5 percent unemployment did not solve the job problems of the poor. Pushing unemployment down to 3.5 or below by aggregate demand measures induced inflation-causing shortages in some manpower categories well before it sopped up unemployment in other parts of the labor force. The poor, of course, were in the latter group. Furthermore, recent analysis by George Perry, although not directly concerned with the poor as such, indicates that the discrepancy between the most employable ("prime-age" men) and the least employable (women and teen-agers) has been increasing.[1] Public employment designed for the hardest-to-employ would thus help them while causing less difficulty in the shortage categories than would broad aggregate demand measures.

Contrary to the beliefs of the structuralists, training programs proved much less successful in getting the poor into the mainstream job market than had been expected.

Perhaps most interesting, however, contrary to the beliefs of the public employment enthusiasts of 1965, at 3.5 percent unemployment, there were substantial questions about the abilities of the remaining poor unemployed to benefit from the kind of Public Employment Program that had been advocated—one stressing the utility of the work to be done by the new public employees. Rather than an undifferentiated mass of a million poor needing jobs and capable of working in them, there was a heterogeneous group of unemployed, many of whom—perhaps most it was suspected—it would be difficult to employ in very advanced jobs. This relates to the issues in the next category—simple job creation versus other public employment objectives, but it is suggested here that at 3.5, the characteristics—abilities, location, etc.—of the unemployed will dominate any Public Employment Program. In any case, the working conclusion from all this—to be elaborated further below—is that when aggregate demand is low and unemployment high, there is an unambiguous need for public employment as a supplement. When unemployment is at 3.5 percent or so, however, while there are still uses for public employment, very careful thought should be given to questions like for whom, where, and what kinds of jobs.

2. Simple job creation versus other objectives

One way to look at public employment is as simple job creation. For one reason or another, some people cannot obtain jobs at any given time. For some this is temporary, for some permanent. In either case, it seems good public policy to provide jobs for them. At the limit, this type of simple job creation would make the government the "Employer of Last Resort", providing a guarantee of a job for anyone who came into his neighborhood employment office and asked for one. The "Employer of Last Resort" concept has its limitations, but it is the logical end point of the belief that job creation should be the superordinate objective of public employment. What *kind* of jobs shall be created is important, but less important than the creation of *some* job for anyone needing it.

Simple job creation, however, has never seemed sufficient to many public employment advocates. During the first New Deal, debates over the first large-scale public employment program in this country centered on the issue of job creation as the primary objective versus the making of a useful product by the holders of public jobs. The job creation approach was represented primarily by Harry Hopkins' Works Projects Administration (WPA), the useful product approach by Harold Ickes' Public Works Administration (PWA). Of course there was—and is—substantial overlap between the two concepts. WPA has left behind its monuments ranging from Post Offices to magnificent local histories. But WPA took on the people and put them to work doing whatever they could do—and not all could build Post Offices or write history. Some could just rake leaves, or perhaps nothing but leaf-raking could be found for them to do; and leaf-raking, though not useless, was not the sort of thing government ordinarily liked to spend much money for, were it not for the jobs created. PWA, on the other hand, designed its useful public works, and then hired people to build them, much as people have always been hired for "useful" public or private production. WPA inevitably produced more jobs but less tangible product than PWA.

The "useful" PWA jobs of the 1930's were primarily in the building of structures and roads out of brick and concrete, and the push for public works hardware has become far less important in the public employment debates of the 1960's, but otherwise the recent issue of job creation versus utility resembles that of the New Deal. Initially, in the 1965 discussions of public employment, there was

---

Footnotes at end of article.

hardly an issue at all; virtually all of the public employment advocates stressed the importance of "useful" jobs. Forgetting the lessons of WPA/PWA, they understressed the possibility of conflict between job creation and job utility. It was generally agreed that the jobs to be created would be "public service" jobs, some of them manual to be sure, but more of them in helping fields like health, education, and public order. In the 1966 Automation Commission Report, for example, only about two million of the 5.3 million public service jobs listed were identifiably manual,[2] and the stress was not on these. In part the emphasis on utility was a political ploy to avoid the ire of those who, after thirty years, still considered WPPA a boondoggle. (That political considerations change, however, is indicated by the fact that as notable a conservative as Governor Ronald Reagan explicitly advocated WPA-like jobs during the campaign of 1970—for welfare recipients. President Nixon, on the other hand, used WPA as a pejorative term in his 1970 veto of a public employment bill.) In part, however, the emphasis on utility was based on a real belief that every unemployed poor person could and would find some useful public task to perform.

The push for utility was carried much further by the "New Careers" movement. Based on the ideas of Pearl and Riessman[3], and embodied in the 1966 Scheuer Amendment to the Economic Opportunity Act, New Careers was a program to provide federally financed job slots to public and private nonprofit organizations to create a core of "para-professional" workers in such professional fields as health and education. These fields would be restructured by training the unemployed to do many of the simpler tasks done by professionals, and thus to extend the ability of the professionals to carry out the high-skill activities that only they could do. The prototype para-professional was the Army Medic or Navy Hospital Corpsman who took routine and initial emergency care of the troops entrusted to him. Another example was the Teacher's Aide, who not only helped with galoshes and coats, but also with reading exercises. An additional and very important New Careers concept was for the poor to work with the poor—para-professional social aides becoming perhaps as much substitutes for social workers as supplements.

For the professions, New Careers meant restructuring and extension; for the new publicly financed employees, the stress was on the careers. These were no mere make-work jobs, nor were they manual. The New Careers men and women were themselves to be highly trained, and were to begin on career ladders which, if they could not lead to medical or educational degrees, would at least lead to the dignity of doing something important for society as well as themselves. Indeed, outside the specific New Careers movement, the "useful" public job concept stressed training and upward mobility throughout. Not every public employee could benefit from training or become upwardly mobile, but high quality training and mobility should be stressed for those who could benefit.

The stress on training and mobility led—for some but not all of the early public employment enthusiasts—to another corollary; that the public jobs should be temporary for any holder. For New Careers, the temporary aspect was to be in the federal financing; once the careerist was retrained and the organization restructured, then the careerist should be absorbed into the regular public structure in an existing or newly created civil service job, financed locally. For public service employment concepts outside of New Careers, it was to be up or out; the public jobs were too few and too precious to be clogged up with those who could go no higher in either public or private "regular" sectors.

It is at this point that the conflict for primacy between simple job creation and utility begins to become clear (and began to become clear in 1965). The simple job-creation idea—the WPA idea—stresses making jobs for those who cannot (or even will not) get them any other way. While it can include training for those who can benefit from it, and it certainly should include the hope and encouragement for upward mobility, the point is the job, and if the job-holder stays in the job and rakes the same leaves for an indefinite number of years, so be it. For some times, for some places, and for some people, this will certainly be the case. The logic of the "useful" job concept, however, leads to time limits on job holding, and to stress on useful product, on training, on upward mobility, on restructuring.

Although the two versions obviously can be mixed, the conflict will still remain over the proportions of the mix. One element of conflict will be budgetary. Michael Barth and Frank Easterbrook of OEO estimate, for example, that at any given budget level, a New Careers type of program will buy between 20 and 25 percent fewer slots than a simple job-creation program, with the dropoff being even greater if hard public works are brought into the mix of useful jobs.[4] But beyond budgetary conflict, and perhaps even more important, is the difference in the administrative approach of the two versions. The useful job concept is essentially a retail idea—find the work to be done, negotiate out with the sponsors the training, mobility, and other provisions, supervise, account, evaluate the utility and the mobility. The job creation concept can be carried out more simply and on a wholesale basis. Take in the applicants and put them to work on something; don't worry about "waste", however defined, or about maximum usefulness. This difference of administrative design—jobs versus careful working out—was, as much as anything, at the root of the WPA/PWA conflict. It was exemplified in the 1960's in the difference between the Scheuer New Careers program which did, in fact, provide excellent training and new careers for many of its jobholders, but remained and remains small; and the Neighborhood Youth Corps, which provided little besides jobs of some description (any description) but provided a lot of them.

The two concepts compete for budget, and call for different administrative styles. They also raise the fundamental question of for whom the Public Employment Programs are designed. The question is whether the people coming into a Public Employment Program will be of a type—will have the abilities, will be located in the right places, and so forth—to do the useful jobs stressed by the advocates of this utility. Will the new public jobholders be able to carry out useful jobs like the 5.3 million listed by the Automation Commission, will they benefit from training, will they be able to take and hold jobs in the schools, the health care system, the public order system?

At less than full employment, the answer is probably "Yes" for many of the people (and it should be noted that one reason PWA did as well as it did with the useful job concept is that employment was far less than full.) But—and this is a crucial point—the experience of manpower programs during the more or less full employment (3.6–3.8 percent unemployment) of 1967 and 1968 began to indicate that at this employment level, the remaining unemployed would be very difficult to fit into a useful job program. The million—more or less—who needed jobs by Metcalf and Mooney's estimate did exist at 3.5 percent unemployment, but the indications were that they needed jobs not because insufficient jobs were available, but because they were located in the wrong places, or because they had failed (or society had failed them) many times in their attempts to get and hold jobs or training, or for other reasons veering toward the pathological. Certainly this was not true of every last unemployed person, but the attempts of training and other programs to deal with large numbers of the full employment unemployed indicated that such personal barriers existed for very many. This was particularly true as the programs of the late 1960's moved toward the objective of lowering racial barriers to entry-level employment; racial discrimination was one of the last completely artificial barriers causing unemployment at "full employment" levels.

Of course, at 3.5 percent unemployment, people did go into programs like New Careers, and did succeed in it; generalizations like that of the last paragraph always do have exceptions. But the question must be asked whether the people who did enter New Careers at that level of unemployment (or at any other), and who did succeed, really needed public jobs in order to succeed; would they not have been likely to succeed in private jobs and training just as well? For most, the obvious answer is that if they could succeed in public jobs, they could succeed in private ones. Exceptions exist to this generalization, too—the welfare mother who becomes a top-notch teacher's aide or welfare worker, but would not make it in an office, a bank, or a factory. But still the generalization is likely to hold that those who are able to make it one way can make it the other. At less than full employment, private jobs are not available, and "quality" public jobs are the only option for most of the likely "succeeders"; at full employment, there is a choice between public and private—which is taken up in the next section.

3. The public sector versus the private sector

To the extent that public employment is used for simple job creation, it seems clear that the jobs will and should be in the public (or private nonprofit) sector. Although wage subsidy devices for government to equalize the cost to the value of low-skill workers in private industry are occasionally suggested, no 100 percent subsidy to private employment has ever been mentioned.

But when objectives beyond simple job creation are added to a Public Employment Program, two new questions must be asked. The first is whether the public sector or the private sector is likely to be more effective in reaching objectives like training and upward mobility for the poor? Will public employment training of the New Careers type, for example, provide better training and upward mobility than publicly subsidized private training like the Job Opportunities in the Business Sector (JOBS) program? Will programs like New Careers reach a stratum of "hard-core" unemployed people who cannot get into or profit from training programs in the private sector?

By and large, the answers to questions like this seem to be negative, or at least, there has been no demonstration that public training works better for the hard-core unemployed than private training. The New Careers program did work for some people, but these were individuals from the top strata of the poor unemployed; whatever the reason for their unemployment, they were capable of doing better in a variety of endeavors—public or private. Evidence does not exist that the "hard-core" can receive training and achieve upward mobility better in the one kind of program than the other. Although a number of training programs of various types can provide evaluative evidence of success with some of their enrollees, no evidence, systematic or otherwise, exists to show that one kind of program succeeds with tougher cases than any other program.

If the training possibilities and down-

Footnotes at end of article.

reach to the hard-core of public and private sector programs are similar, this means that the advantages of each to the *trainees* are similar. It does not mean, however, that the advantages to the economy and society as a whole are equal.

This is the second question, that of public versus private outputs for those of the new employees who can in fact produce "useful" goods or services. The public works of PWA, the public services provided by the newer public employment jobs, the restructuring of helping fields all have definite advantages to society. But so does the private production that could be turned out by the same new employees were they employed in the private sector rather than the public. The choice between the two, then, calls for a different kind of decision: Not whether public or private training is better for the trainees; neither has demonstrated an advantage. Not whether those not employed by the private sector at "full employment" need public jobs; they do, but their useful output is likely to be low. The real issue is whether the output that might be produced by those who can get public *or* private jobs at full employment is more valuable to society as public output or as private product. This is a classical issue in economics, but it is a different issue from the ones usually raised by the advocates of public employment for purposes beyond simple job creation.

4. The size of a public employment program

The above discussions indicate why it is so difficult to estimate in advance the proper size for a public employment program. The difficulty is not one of making estimates like Metcalf and Mooney's referred to above, of the number of unemployed and the differential labor force participation among the poor at full employment. Rather, the problems come with assumptions about the population from which the potential enrollees in a public employment program would be drawn, and the proportion of those considered potential who would actually come in. Table I illustrates three different estimates of public employment program sizes.

TABLE I

Estimator (1)	Percent unemployment (2)	Definition of universe of need (3)	Size of universe (thousands) (4)	Percent participation in program (5)	Needed program size (4) x (5) (6)
OEO [1]	3.6	Underemployed rural, unemployed and nonparticipants in urban poverty areas.	1,500	67	1,000
Barth and Easterbrook [2]	4.0	Unemployed: National total	3,229	50	1,615
Greenberg [3]	3.8	Fully or partially unemployed, employable nonparticipants, low-income fully employed.	9,293	100 minus trainees in other programs.	9,179

[1] Unpublished OEO estimate made in 1968.

[2] Barth and Easterbrook, op. cit.

[3] David Greenberg, unpublished paper, 1969. This estimate was for an employer of last resort concept of public employment, which is 1 reason for its substantial difference from the others.

In addition, Barth and Easterbrook estimate that an unemployment rate increase from 4 to 6 percent will increase the program size from 1.6 million to 3 million. The point, then, is that nobody really knows in advance either from what economically defined or statistically measured populations enrollees in a public employment program will come, or at what rate they will enroll from these various populations. Statisticians and economists may have some concept of whom they think *should* want a public job, but there are no very firm ideas about who *will* actually come forth. Nor are there any very meaningful estimates of the effects of factors like an income maintenance program that really forces able-bodied recipients to work.

Indeed, no good estimate exists of how many of the non-employed (unemployed plus non-participants) *are* actually able-bodied, and able-minded. Nor does anyone have any idea how many of those able enough to turn out would actually make a success in any given kind of program—how many in private sector training, how many in New Careers or other public sector training, how many in a simple job creation program. In some of the discussions among government economists in the late 1960's, one of the major participants frequently asked, rather plaintively, why there were no estimates of these numbers. The answer, then as now, is that there are no *a priori* or visible characteristics that distinguish the kind of unemployed likely to succeed in one or another of these programs from those likely to fail. The only proof of the pudding is to bring people though the programs and estimate the proportions from actual successes and failures, and this has not been done.

Two alternative courses of action might then be implied for determining the "proper" size of a Public Employment Program. One would be to actually try the "Employer of Last Resort" concept; guarantee a job to everybody coming in, and find out how many do come in. This seems unlikely, politically and otherwise. And the alternative is to start at a relatively low level, and if the jobs offered at this level are quickly snapped up, offer more, until some acceptable degree of saturation is reached. This in fact is the way that most of the Public Employment Program proposals (as compared to the conceptual estimates) of the 1960's were structured; these proposals were far more modest than one million. Implicitly, this is also how the numbers of public jobs embodied in currently proposed legislation have been arrived at. It is—perhaps—intellectually less satisfying than estimating the right number in advance. But is is politically far safer.

To sum up the major issues, then, what comes out are two alternative concepts of public employment:

One stresses simple job creation, and is a residual program, largely for those who are left after other manpower programs have done what they can. It may be a large program at less than full employment. Training is available for those who want and can use it, but this is not the program stress. The jobs are as useful as possible, but utility is not the stress either. For some of the enrollees, the program is a temporary way station to something better; for many it is permanent.

The other concept stresses training, utility of the work done, upward mobility, use of public employment as an instrument for a variety of social purposes. In some versions, it has little provision for those of the enrollees who cannot make it up and out of the program after some finite period of time. In any case, the focus is not on simple job creation, and the make-work or close to make-work jobs that may loom large in the other program are likely to be eschewed.

These are two options, and of course they can be mixed, with different kinds of programs for different kinds of people (although mixing also has its costs, in complexity of administration). But the option which is not available, even though it has been the implicit choice of many of the advocates of public employment, is to create jobs for the hard-core unemployed, and, *with this same program and these same people,* fill major public needs or restructure major public activities. These latter activities can be carried out, but they will take people who, at least at full employment, have substantial employment and training opportunities in the private sector, so that there are economic and social costs to be weighed against the benefits of such a program.

That everybody could be trained to work in a socially-useful job was an optimistic assumption that, given the evidence of the failure of many people in the widespread training programs of the 1960's, can no longer be justified. It is as much a failure of the programs as the people; nonetheless such failure for a substantial number of individuals must be assumed now until it is demonstrated to be incorrect. And thus, that the job-creation-*plus*-useful-social-task option was possible was largely an illusion of a time of high unemployment when there were few private alternatives, and a substantial number of trainable unemployed existed as a free resource whose employment in public functions would take nothing from private ones. Although such a time has arrived again, it seems unduly pessimistic to expect its indefinite continuation.

II. CHRONOLOGY

Although Public Employment Programs in the United States go back at least as far as WPA and PWA, recent history can conveniently be begun with 1964, when, according to Daniel P. Moynihan, he proposed a Public Employment title in the Economic Opportunity Act.[5] Representing Secretary of Labor Willard Wirtz, he recommended a cigarette tax to support the program. Although Moynihan has not been specific in his writings about the type of program, in any case it did not fly, largely because it was felt that the cigarette tax would run counter to the push toward higher aggregate demand through tax reduction.

In 1965, OEO again revived the public employment idea, proposing to the Budget Bureau and the President a large-scale program to provide jobs for the poor, doing the useful tasks that had to be done. In retrospect, and in light of the above discussions of job creation versus "useful" jobs, the proposal may have been largely illusory. It was not illusory as the 4.5 percent unemployment level that existed at the time of the proposal; as has been suggested, at that level many of the unemployed are likely to be reasonably employable. But the proposal assumed an expected 3.5 percent unemployment level, and under that condition the combination of job creation and utility is more questionable.

In any case, OEO did make the proposal, for 200,000 jobs at $840 million in the first year of the program, rising to 800,000 jobs at $3.7 billion in the fifth. These were to be useful jobs, permanent for any holder if necessary, in the public and private nonprofit sector. They were to be paid at the minimum wage, with no attempt to confine job-holders to those below the poverty line, since it was believed that the low wage would cause a self-selection of applicants which would take the large majority from the ranks of the poor anyhow. In order to avoid making the jobs invidious, every effort was to be made to avoid distinguishing the new jobholders from "regular" employees in the same industries.

Facing the opposition of the Council of Economic Advisers on aggregate demand grounds (reinforced by rapidly dropping un-

---

Footnotes at end of article.

employment rates), of the Labor Department on structural grounds (an apparent reversal from the 1964 position), and of the Budget Bureau because of its costs, the proposal did not get very far. Perhaps the main achievement of the 1965 proposal was that OEO's quest for analytical backup brought forth the Greenleigh Report[6] that made the estimate of 5.3 million "useful" jobs to be done which was adopted by the Automation Commission, and which has formed the basis of similar estimates from then until now. (The final version of the Greenleigh Report reduced the number to 4.3 million, which, given the failure to reach in this direction at all, makes little difference.) In one way, the Greenleigh Report and its subsequent utilization were unfortunate, because the Report directed much of the further discussion along the "useful" jobs line that in many ways obscured some of the real issues. In any case, the Automation Commission, in the course of a major report that laid to rest the idea that automation was going to drastically reduce the number of jobs available to Americans as a whole, did back up the useful public employmeunt idea, and used the Greenleigh estimates.[7]

In the meantime, outside of the realm of theory, three separate Public Employment Programs were being put into law in the Economic Opportunity Act of 1964 and its 1965 amendments. All three were essentially job creation programs. While the jobs to be created were to be useful (what politician would deliberately opt for useless jobs?), and although two were supposed to be training programs, neither the utility nor the training were ever stressed in practice, nor was this lack ever severely criticized by the legislators who put the programs into the law.

Two of the programs, included in the initial Economic Opportunity Act, had something of a training ethos, which in practice was observed mainly in the breach. These were the Out-of-School Neighborhood Youth Corps (the parallel In-School program, being designed primarily to keep kids in school, rather than as public employment, is not considered here), and the Work Experience Program.

Out-of-School NYC was for youth 16 and 21. It was intended as an on-the-job-training program for school dropouts, but the Labor Department which administered it concentrated on getting the money out for large numbers of slots, and put little stress on real training or job content. As a result, except for a relatively small number of slots—primarily for "women's" jobs such as nurses aides, the NYC provided almost prototypical "make-work" jobs. Although the slots were supposed to be temporary for any individual, this was not enforced either. The make-work job creation nature of NYC was strongly criticized at the time (within the administration); from the viewpoint of this paper, it was probably a good idea. NYC got kids off the streets at an age when it was very easy to get into trouble, and provided them with a bit of pocket money. Perhaps that was enough. The program began at annual levels of about $100 million for 100,000 job slots.

Work Experience was also intended as a training program, but also served mainly as a creator of temporary jobs. It was administered by the Welfare Administration of the Department of Health, Education, and Welfare, and was for relief recipients, and putative recipients in the new "Unemployed Parents" (male) category of Aid to Families with Dependent Children. The welfare identification did not conduce to success: The program was run under the paternalistic ethos of local welfare departments; it made welfare eligibility rather than trainability the basis for inclusion; payments were made on a welfare basis; and to a great extent the geographical distribution of the program was based more on the Welfare Administration's desire to "demonstrate" the desirability of the Unemployed Parents' program to states that had not adopted it than it was on the job or training needs. In any event, Work Experience did not work very well. It also began at around $100 million for 100,000 slots.

The third program stemmed from Senator Gaylord Nelson's 1965 Amendment to the Economic Opportunity Act. It was closest to a true job-creation program, with less pretense of training than the others, but perhaps somewhat more claim to utility. It was quite a special program, however, stressing outdoor rural beautification, providing jobs to aged or aging adults. The Nelson program (later dignified as Operation Mainstream, while one component, run by the National Farmers' Union was called Green Thumb) was substantially smaller than the others, at about $10 million.

In 1966, because of the booming Vietnam War economy (average 1966 unemployment was 3.8 percent), OEO dropped its major public employment proposal, stressing instead training for the private market. This change was inconsistent with the reasoning behind the original idea, which was proposed for a full employment economy, but given the inexactness of the estimates behind the original proposal and the ignorance of the actual characteristics of the full employment unemployed, dropping the proposal was probably wise.

In any case, Representative James Scheuer picked up the public employment idea—in part from OEO, in part from Pearl and Riessman. Putting together the somewhat inappropriate economic phasing and the paraprofessional idea, he added to the Economic Opportunity Act the program that became known as New Careers. Over the years the New Careers program has demonstrated the ability of carefully selected unemployed poor to carry out highly useful para-professional work. But it has also demonstrated the basic incompatibility of mass job creation with high-skill para-professional work, as well as the difficulty of permanent revision of public and private non-profit job structures without permanent federal funding; even successful New Careerists had major difficulties in getting into the "regular" local civil service structure when their federal subsidies ended.

The public employment issue became relatively quiescent in 1967–68. The hot economy (unemployment was 3.8 percent in 1967 and 3.6 in 1968) shifted the emphasis to training for the private market—first the Concentrated Employment program and then Job Opportunities in the Business Sector. The Nelson and the Scheuer programs continued at low levels, and the Neighborhood Youth Corps Out-of-School program at a higher but still steady level. The Work Experience Program delegated by OEO to the Department of Health, Education, and Welfare was transmuted to the Work Incentive Program (WIN), delegated by HEW to the Labor Department. There were some hopes at the beginning of WIN that it would become a major Public Employment Program, but this never occurred, in part because the economy made such a program less crucial and popular; perhaps more importantly because WIN was still a retail program depending on the careful negotiating out of public employment contracts by local authorities.

Even the high employment economy, however, did not provide jobs for all the people (primarily poor and untrained people) in all the places where jobs were needed. This fact demonstrated the need, even at full employment, for a residual public employment program free of the training and "useful" job emphasis for people who could not get private jobs or succeed in government-financed training slots. Thinking about public employment began to focus on the types of people who needed such jobs even when other jobs seemed quite available. Experience in the full employment economy also indicated the difficulties with figuring out in advance which people would succeed and which fail in various training programs, and the consequent impossibility of estimating a precise target size for the residual programs for the training failures. OEO again proposed a large-scale Public Employment Program, one which would edge its way up from 100,000 jobs the first year to 400,000 in the fifth year of the program budget. Based on the full employment experience, the OEO program was essentially a residual program for those still left over by the active economy. The initial emphasis was on those rural areas where jobs were not likely to be available, with secondary emphasis on high unemployment urban ghetto areas. The subemployment rate statistics gathered by the Labor Department showed a continued need for more jobs in these urban areas, but they had little to indicate about the characteristics of the people needing the jobs. The OEO program was an attempt to feel out a way by making jobs available and seeing who came in the door. Also in 1968, the Kerner Commission came out with a recommendation for a million-job Public Employment Program based on the older concepts which combined simple job creation, utility, and training. The last hurrah of the Johnson administration's Labor Department was some discussion of extending JOBS—Job Opportunities in the Business Sector—into the public sector by creating JOBS. The difficulty with this idea was that the partial wage-and-training cost subsidy of JOBS which sufficed for the Business sector because the new employees were turning out saleable products would have had to become a 100 percent subsidy in the public sector where any substantial local share would have meant increased charges on local taxpayers.

III. CURRENT STATUS OF PUBLIC EMPLOYMENT PROPOSALS

The recession that began in 1969 and continued to worsen throughout 1970 revived public employment as an active public issue. In December 1970, the Congress passed, as a part of a Comprehensive Manpower Bill requested by President Nixon, a public employment program he did not want. Although the Administration had previously indicated that some public employment would be acceptable, the bill as it came out went too far for the President and he vetoed it—his own comprehensive manpower program along with public employment. The major issue was a basic one discussed in this paper: the Congressional public employment sections, although they included a number of provisions giving at least lip service to the useful job/training concept, set up what was primarily a job creation program; the President wanted at most a public employment program which functioned mainly as a trainer for the private market and not at all as a creator of permanent public jobs.

The Congressional bill authorized funds for public employment in a rather complicated way: in addition to direct authorization for this program, the bill also required that one-third of the funds appropriated for "regular" manpower programs be used for public employment. The result is shown in Table 2.

TABLE 2

[Dollar amounts in millions]

	Fiscal years			
	1971	1972	1973	1974
Direct authorization	$200	$400	$600	$800
⅓ "regular" authorization		670	833	1,000
Total	200	1,070	1,433	1,800
Estimated number of jobs	40,000	214,000	287,000	360,000

Footnotes at end of article.

The numbers of jobs are estimated on the basis of a full cost of $5000 per job. The total size of the public employment program would have been likely to be even larger, however, because the bill authorized additional appropriations of $200 million for the total manpower program if unemployment exceeded 4.5 percent for three consecutive months, and another $200 million if it were to go over 5 percent for three months. Applying the one third rule to these sums would provide another $67 million and 13 thousand jobs in each increment.

Even though the Congressional public employment program was smaller than that initially reported to the Senate by its Labor and Public Welfare Committee—the committee bill went from $750 million and 150 thousand jobs to $2.5 billion and 500 thousand jobs as compared to the Congressional $200 million and 40 thousand jobs building to $1.8 billion and 360 thousand jobs—the final Congressional program was clearly of a size to put it into the large-scale job creation class. At the same time, however, the other provisions of the bill did give considerable lip service to the useful job and training ideas, and set up a structure that would be likely to create the job in small "retail" increments. The programs were to be financed upon application from eligible applicants, primarily units of local or state government. Eligibility was also extended to "institutions of the Federal Government", although this was not stressed.[8]

Setting up of programs by state and local governments is a slow and clumsy way to go about things, as compared to direct federal dealing with a variety of local sponsors. In addition, the useful job and training provisions, although perhaps mainly lip service, may have been stringent enough to throw a monkey wrench into the whole effort. The bill directed, for example, that an application for a public employment grant must include, among other provisions: a description of career opportunities and job advancement potentialities for participants; and procedures for an annual review by an appropriate agency of the status of each person employed in a public service job under this title; and procedures pursuant to which, in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in security placement in the opportunity which he chooses after appropriate counseling.[9]

This is less stringent than the provision in the original House bill, which, as interpreted by the House-Senate Conference Committee, "provided that objectives must be set for moving people out of public service jobs and required the Secretary to reduce funding to a prime sponsor for failing to meet such objectives," [10] but it still retains much of the "up-or-out" flavor.

Other provisions move in the same training/advancement/useful job direction. And the point is that if the administrators of the program were really to try to carry out provisions like this in good faith, it would have been very difficult to mount the kind of large-scale residual job creation program implied by the number of dollars and public employment slots authorized. One possible way out of the dilemma might have been for the Labor Department, which was to have administered the program, to have mounted a variety and range of different projects which would have both filled the Congressional precepts for those workers for whom the training and advancement might have been meaningful, and simply provided jobs for the large numbers who just needed jobs of one type or another. But this would have been difficult with the initiative for the individual projects coming from the States and localities, and in any case, it would have been difficult for the Labor Department—given limited personnel and administrative capabilities, to have actually carried out a carefully varied program.

In any case, the training and related provisions in the Congressional Bill, though they may have gone too far to be workable, did not go far enough for President Nixon. In his veto message, he said:

"The House-passed bill provided for transitional public employment that would be linked to training and other efforts to expand job opportunities in the labor market at large . . . The Senate . . . ignored the lessons of the last decade and would create a national manpower program that would relegate large numbers of workers to permanent subsidized employment. Such a program would limit, not expand individual opportunity . . . The outcome of the Conference—unfortunately for the nation—reflects what one leading House conferee has called "a near-abandonment of the House-approved bill . . ." . . . Transitional and short-term public service employment can be a useful component of the nation's manpower policies . . . But public employment that is not linked to real jobs, or which does not try to equip the individual for changes in the labor market, is not a solution. I cannot accept a bill which so fully embraces this self-defeating concept.[11]

IV. CONCLUSION

The key to the disagreement of this paper with President Nixon's veto message lies in his phrase "a national manpower program that would relegate large numbers of workers to permanent subsidized employment." The analysis presented here implies that a permanently subsidized public employment program is needed because rather than "relegating" these workers to anything, it provides them with their only alternative to *un*employment and welfare.

In any case, I see no reason to change the conclusions concerning public employment that I stated in 1970:

". . . the Public Employment program recommended here is different from most programs in being. It is not a New Careers program, nor is it primarily a training program. Certainly some of the individuals receiving work experience in public employment will come to be considered trainable whereas before they were considered untrainable, but that is not the primary objective. The objective is to provide jobs for those who are at least marginally employable but cannot get any other jobs and cannot succeed in training . . .

The point is that for various reasons many poor people in the United States cannot get or cannot use the training to integrate into the private or the "regular" public sectors of the economy but nonetheless want and need the relative dignity of a job as compared to Income Maintenance. If the Public Employment pay rate were set at $1.60 to $2 an hour ($3,200 to $4,000 a year), it would be high enough to carry some inducement to get off Income Maintenance but still low enough to make JOBS or JOPS look better in those firms and institutions using it as intended, as entry level training for the $3, $4, and $5 an hour semiskilled and skilled jobs.

Who then would enter a Public Employment program? One primary group would be those in need of jobs in rural areas like eastern Kentucky and in small towns where the industrial base is insufficient to support a private business JOBS program, where there are few entry level jobs for anyone. Indeed, Public Employment would probably initially be fairly heavily rural. In cities, the program would be one of jobs for those who simply can't get into training programs or for those who have gotten in but dropped or flunked out. No training program has a 100 percent success rate; 75 percent is ordinarily considered good, and 50 percent is more usual. Some analysts are optimistic enough to believe every person is trainable and that anyone who flunks or drops out should be started again. Perhaps they are right philosophically. It is difficult for a liberal ideology to admit that some people are simply not trainable, but because of slum education and the pressures of slum life, it is not surprising. While waiting for the optimistic liberal ideology to be confirmed, however, it does seem preferable to help people with jobs in the meantime.

The final group who might enter a Public Employment program are those who now have jobs at a 3.5 percent unemployment rate but who will lose them in even minor fluctuations. As suggested earlier, neither Public Employment nor anything else is going to solve the problems of 5 percent unemployment, but certainly such a program can help cushion minor cyclical fluctuations.

Implicit in the description of those in need is the fact that the jobs provided would not be of top quality. It would be nice to avoid leaf-raking simply because of symbolism, but outdoor maintenance—snow shoveling, digging and planting, cleanup, removal or rearrangement of accumulations of natural debris including arboreal—would undoubtedly be a large part of any Public Employment program. So might other heavier work. Roger Starr and James Carlson have suggested that water pollution problems might be alleviated by increasing the amount of manual labor going into such tasks as separating sewers and storm drains. Undoubtedly, many similar tasks could be uncovered. It seems likely that post offices could extend needed services, and so could other public institutions. Current needs are somewhat different from the WPA days, when the people in need of "residual" jobs were so many and so varied that jobs ranged from leaf-raking up to writing guides to the states and localities of the United States. The residual today is a lot more residual. . . .

On the other hand, the emphasis on Public Employment as a truly residual for the least employable of the unemployed does not yet imply that it is an "employer of last resort" program. Ultimately the difference may not be an important one, but the use of the term "employer of the last resort" implies that anyone coming to register at the Employment Service or wherever would immediately be put on a payroll, and it is difficult to see how this could be handled. What is suggested here is that the program be begun and funded at an initial level on the order of 150,000 jobs costing up to $600 million. At first these jobs would be mostly in the rural areas as we feel our way to the limit of need in both rural and urban areas. The first operational step would be to develop the jobs, that is, to make sure that when 150,000 people come down to register, there will be someone to receive them and put them to work. As we approach the steady state over a period of time and become more knowledgeable about what we are doing and how much of it we have to do, this concept will converge with the employer of last resort because the number of jobs will match the number of applicants.

The peak estimate for this program—a guess based on the general concept of job needs given the other programs in existence—is one million jobs at $4 billion.[12]

And to conclude with one major issue—the relationship of a Public Employment Program to an Income Maintenance Program like

---

Footnotes at end of article.

the proposed Family Assistance Program—that has not been discussed so far because it has not entered any of the past discussions over public employment, I would again repeat from 1970:

We *cannot* separate on a priori grounds the "able-bodied" (or more important, the "able-minded")—those who will succeed in one sort of employment program or another—from the probable failures who thus "deserve" income maintenance. Any program that tries to make such a distinction is going to guarantee personal disaster for those who fail in manpower programs even though they looked as they should be "able-bodied."

The only good test of an individual's ability to succeed in such programs is to put him into a program and let him try to succeed. What is suggested here, then, is that a flexible set of programs would try to develop the best abilities possessed by each person, but if these abilities were just not good enough, a fallback position would be provided. Thus, if JOBS is the highest-quality program in the sense of really integrating the underprivileged into the mainstream of the private American economy, then everyone in need should be encouraged to enter the JOBS program. In fact, however, industry will continue to turn down those whose looks it does not like, and among those who are taken on, many will fail, and *we don't know which* ones. For those people who do fail in JOBS or other training (or who cannot get in for one reason or another), a residual Public Employment program may provide a partially satisfactory substitute. Although not completely integrated into the American life, those with low-skill Public Employment jobs will still be getting the self-respect that is supposed to stem from gainful employment. But not everybody is going to make it in Public Employment either, and the Negative Income Tax thus provides a final fallback for some (and again we don't know in advance who they will be.) [13]

So long as Americans need jobs not provided by the conventional private and public economies, there will be a place for public employment. But unless the type of program, the types of people it is supposed to help, and the relationship to other programs are carefully thought through, it is entirely possible that new Public Employment Programs will fall quite flat, and in doing so will discredit the concept for some time to come. This would be unfortunate.

FOOTNOTES

[1] George L. Perry, "Changing Labor Markets and Inflation", mimeographed Brookings Institution paper, Table I.

[2] National Commission on Technology, Automation, and Economic Progress, *Technology and the American Economy*, (Washington: US Government Printing Office, 1966), p. 36.

[3] Arthur Pearl and Frank Riessman, *New Careers for the Poor*, (New York: The Free Press, 1965).

[4] Michael C. Barth and Frank H. Easterbrook, "Planning Public Employment: A Statement of Tradeoffs", mimeographed, Research Division, OEO (forthcoming journal publication), Table II.

[5] Daniel P. Moynihan, *Maximum Feasible Misunderstanding*, (New York: The Free Press, 1969), p. 99.

[6] Greenleigh Associates, Inc., *A Public Employment Program for the Unemployed Poor*, (New York, 1965).

[7] National Commission on Technology, Automation, and Economic Progress, *op. cit.*

[8] 91st Congress, Bill S. 3867, Section 303.

[9] Ibid., Section 304.

[10] United States House of Representatives, 91st Congress, 2nd Session, Conference Report No. 91-1713, "The Employment and Manpower Act", December 9, 1970, p. 72.

[11] United States Senate, 91st Congress, 2nd Session, Document No. 91-118, "Employment and Manpower Act of 1970—Veto Message", p. 2.

[12] Robert A. Levine, *The Poor Ye Need Not Have with You*, (Cambridge, The M.I.T. Press, 1970), pp. 216-219.

[13] Ibid., pp. 198-199.

DEVELOPING A WORKABLE NATIONAL HEALTH SYSTEM

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HASTINGS. Mr. Speaker, the Commerce Committee comes before the House today with health manpower legislative proposals which I feel are essential if we are not only to meet the pressing medical needs of today but also if we are to truly develop a workable national health system for tomorrow.

I am a cosponsor of these bills and I feel that it would be a cruel hoax to promise a standard of decent health for everyone, if we do not have the manpower and the attendant facilities to deliver it.

Sadly, I am afraid, that is the situation today. There are about 7,000 hospitals in this Nation of 210 million people. We have approximately 330,000 doctors, about one for every 650 persons. Some authorities say there are nearly 40 million Americans who never see a doctor.

Unless steps are taken now, it is estimated that by 1978 there will be a shortage of 50,000 doctors, 150,000 nurses, and 100,000 members of the allied medical professions.

It is clear that our ability to deliver health care is falling behind and at an alarming rate. It is also imperative that we must move now if we are to reverse this trend and close the growing health gap between availability and need.

H.R. 8629, the Health Manpower Training Act, and H.R. 8630, the Nurse Training Act, being presented here today, represent a significant effort to close that gap.

These measures were developed in the House Subcommittee on Public Health and Environment, of which I am a member, and I wish again to commend its chairman, the capable and hard-working gentleman from Florida (Mr. ROGERS) for his untiring efforts in putting this package proposal together.

I feel that it combines a highly practical approach to the critical problem of supply in health care with an expenditure program that fully reflects the responsibility we all face in affording the Nation's families protection against illness.

The health manpower training bill offers an accelerated program for the training of doctors in all fields of medicine. It expands teaching and hospital facilities and provides inducements for the practice of medicine in areas where there is a shortage of health care services.

Together with the nurse training bill it will not only provide for more doctors but will also produce more nurses and more paramedical personnel so needed if we are to have a first rate health care delivery system.

The legislation also provides for special project grants as incentives to medical and nursing schools to shorten their courses with the aim of producing graduates in 3 years instead of 4, and encouraging the training of assistant doctors.

Our experience with medicaid and medicare health insurance programs should have taught us a lesson. When these programs were devised, little thought was given to the increased load the national health service would be called upon to carry. The result was an overburdening of practically every segment of our medical delivery system producing inflated costs for the scarce services.

President Nixon was right when he said:

> It does little good to increase the demand for care unless we also increase the supply.

Gentlemen, the committee and I feel that these measures offer a major thrust toward achieving that goal of increasing the supply so that hopefully we can avoid the colossal blunders of the past.

I respectfully commend these proposals to the House and urge favorable and speedy action.

ENVIRONMENTAL POLICY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD a news release by the Izaak Walton League of America on the opinion of the U.S. District Court of the District of New Jersey in Civil Action No. 1037-70, entitled "Cape May County Chapter, Inc., Izaak Walton League of America versus Tito Macchia, Stanley A. Resor, Secretary of the Army, et al."

As author and House manager of the National Environmental Policy Act of 1969, Public Law 91-190, I am happy to point out that the finding of the Court, and the interpretation of the National Environmental Policy Act of 1969 comport entirely with my views on the subject and my interpretation of that statute.

This superb opinion merits careful attention of everyone concerned about the quality of our environment.

The opinion follows:

[U.S. District Court, District of New Jersey, Civil Action No. 1037-70]

OPINION

Cape May County Chapter, Inc., Izaak Walton League of America, By Jonathan Sayre, President, and on behalf of other, Plaintiff, versus Tito Macchia, Antonietta Macchia, James H. Ruetschlin, Kathryn M. Ruetschlin, John Doe, Inc. #1 and #2, (fictitious names), Stanley A. Resor, Secretary of the Army, Colonel James A. Johnson, U.S. Army Corps of Engineers, Richard J.

Sullivan, Commissioner New Jersey Department of Environmental Protection, and Jerry H. May, Jr., Mayor, Township of Middle, Cape May County, New Jersey, Defendants.

Cohen, District Judge:

Ecology looms as the issue of the decade. Man's mounting apprehension for the preservation of his physical environment sounds a "clear and present danger" to his survival, unless an ecological balance is maintained. Scientific reports emphasizing the danger and the need for realistic legislative protection of the environment have been featured in the Press and forcibly brought to the attention of State legislatures and governmental agencies. Ecological conferences have been convened in the leading capitols of the World. And our own Congress, prompted by this momentum, has made environmental quality and its intelligent control a matter of national concern.

Mindful of the critical impact of man's tremendous technological advance upon nature, far-reaching legislation was recently enacted imposing certain safeguards for the protection of our natural resources and for the enhancement of our environment: the *National Environmental Policy Act of 1969* (effective January 1, 1970), 42 *U.S.C.* sec. 4321 *et seq.* (NEPA); [1] the *Environmental Quality Improvement Act of 1970*, 42 *U.S.C.* secs. 4371-4; [2] and the *Water Quality Improvement Act of 1970*, 33 *U.S.C.* sec. 1151.[3]

The plaintiff, the Cape May County Chapter, Inc. of Izaak Walton League of America (Walton League), a renowned nonprofit corporation, in support of its complaint to enjoin certain conduct of the defendants, invokes such legislation, as well as that of greater vintage, i.e., the *Fish and Wildlife Coordination Act of 1934*, 16 *U.S.C.* sec. 661 *et seq.*,[4] the *Rivers and Harbors Act of 1899*, 33 *U.S.C.* sec .403 [5] and the *Refuse Act of 1899*, 33 *U.S.C.* sec. 407,[6] on its behalf and on behalf of all persons having beneficial rights and interests in the subaqueous lands, tidal marshes, tidal waters and related natural marine resources in the vicinity of Gravens Island, Middle Township, Cape May County, New Jersey. As a local component of the Walton League, an Illinois corporation, the palintiff Chapter has been chartered, among other educational functions, to foster and to promote public appreciation of marine and marine-related natural resources and environment and to actively engage in programs for their protection. The League has a long history in conservation matters and has been directly responsible for the enactment of a great deal of protective legislation in this field.

The pertinent chronological facts giving rise to this controversy are alleged to have germinated in 1965. The defendants Tito Macchia and James H. Ruetschlin, together with their respective wives Antonietta and Kathryn M. and their affiliated corporations (to be referred to as the Macchia group) are real estate operators and land developers who have an interest in the lands which are the subject of this suit. On August 28, 1965, the Macchia group held, by virtue of riparian ownership, certain limited rights to portions of Gravens Island which they conveyed to the Cape May County Bridge Commission to enable the Commission to construct a causeway, now known as New Avalon Boulevard, connecting the mainland to and bisecting the Island. This conveyance was subject to a reservation by the defendant grantors of their right to construct an intersection across Avalon Boulevard so that they, their heirs and assigns would have access north and south of New Avalon Boulevard, to and from the lands and waters of Gravens Island. The Island consists of approximately 110 acres of filled land and 250 acres of tidal marshes. In 1966, the New Jersey Department of Conservation and Economic Development granted a permit to Machia to dike, dredge and fill [7] 65 acres of the Island, north of the new causeway. In May of 1967, Macchia applied to the New Jersey Resources Council for riparian rights to a 600 feet-wide strip of land south of and parallel with the New Avalon Boulevard, which were granted. This application was filed with the Commissioner of the then newly constituted Department of Environmental Protection (formerly Department of Conservation and Economic Development) for his approval, yet to be given. Since 1965, the Macchia group has been continuously developing the filled land in question for the construction of private housing.

During the past several years, the Macchia group and other promoters, with similar permits to bulkhead, dredge and fill, have been developing similar land areas in Middle Township. It should be noted that during the course of this work, certain sections of land in the vicinity were preserved by the State of New Jersey as parks and wildlife refuges. According to the Attorney General of New Jersey, permits for this type of work are issued only after on site inspections by the staff of the State Bureau of Navigation and, as well, only after recommendation by a majority of the New Jersey Resources Council members and upon approval by the Commissioner.

The plaintiff, Walton League, claims that Macchia exceeded the 65-acre fill permit issued in 1966, by land-filling more than 90 acres, thereby obliterating the free flow tidal character of the northern portion of the Island; further, that Macchia is diverting the navigable tidal waters on the southern portion of the Island, by dredging, diking and filling 20 acres from the Long Reach, a navigable waterway of the United States, and doing so with the permission of the defendant, United States Corps of Engineers, thereby destroying fish, shellfish and other forms of marine life, as well as the entire "habitat, nursery, and feeding grounds essential to the fisheries of the Continental Shelf of the Atlantic Ocean which is in close proximity to it and essential to the food chain of the Middle Atlantic ecosystem." The plaintiff further complains that on June 11, 1970 Macchia applied to the Department of Environmental Protection, Division of Water Policy and Supply of the State of New Jersey, for a permit to divert up to 500,000 gallons daily of fresh water from wells in the area to serve the proposed development and which, if granted, would contribute to the permanent destruction of Gravens Island. These deleterious activities by the defendants, asserts the plaintiff, irreparably damage the publicly owned marine life and related natural resources, which in this area depend upon portions of the Island for their existence, and which the State of New Jersey has a fiduciary obligation to conserve and protect for the public benefit. Despite this binding obligation, maintains the plaintiff, the State officials, with the approval of Federal officials, have cooperated with the defendants, whether consciously aware of the consequences or not, in irreparably destroying invaluable natural marine resources in violation of the *NEPA* and other salutary *Acts*, for which conduct the plaintiff seeks relief.

The plaintiff requests a *Declaratory Judgment*, pursuant to 28 *U. S. C.* secs. 2201, 2202,[8] injunctive relief and damages against the defendants, Macchia, Ruetschlin, the corporations owned and affiliated with the Macchias and the Reutschlins and, as well, against Stanley A. Resor, Secretary of the Army, Colonel James A. Johnson, United States Army Corps of Engineers, Richard J. Sullivan, Commissioner of the New Jersey Department of Environmental Protection and Jerry H. May, Jr., Mayor of Middle Township, New Jersey, for their participation in furtherance of the Macchia land development.

In its complaint, judgment in each of four counts is specifically demanded by the plaintiff: (1) for a declaration of the rights of the people of the United States, and of New Jersey in particular, to the protection of their environment and of the natural resources of the Middle Atlantic ecosystem held in trust for their enjoyment; (2) for injunctive relief enjoining the indiscriminate dredging and filling operations in the navigable waters on and adjacent to Gravens Island; (3) for the safeguarding of these natural resources and environment for future generations; and (4) for an order mandating that Federal, State and Local Officials protect the ecological and commercial values of the natural resources held in trust for the public. Further, the plaintiff seeks the nullification of any dredging or land-filling permits issued to and by the defendants; the removal of all dikes in the navigable waters in the area in question; and compensatory damages of $500,000 and punitive damages of $1,000,000 which moneys if recovered, are to be placed in a special trust fund to be administered by Federal and State agencies and earmarked for the restoration of marine-related resources of Cape May County, New Jersey and of the Middle Atlantic ecosystem.

Jurisdiction of the Court is invoked under the general federal jurisdiction provisions of 28 *U.S.C.* secs. 1331(a), 1343(3) (4) and specifically under the *Civil Rights Act*, 42 *U.S.C.* sec. 1983, also under the "commerce clause" of the United States *Constitution, Article* 1, Sec. 8, cl. 3, and under the *Declaratory Judgment Act.*

Presented for immediate disposition by the Court are the motions by the defendants for a dismissal of the complaint. Primarily, although raising many issues, they individually and collectively challenge the plaintiff's "standing to sue" as a matter of law and, as well, its representative status in the purported class action. The crucial issue is, therefore, whether a citizens' group such as the plaintiff has standing to maintain a "public" action; [9] and if so, may it, under *Rule* 23, *F. R. Civ. P.*, act as a representative of a class of others, be they "born or yet unborn."

In addition to the challenge of standing, the following issues have been generated by the defendants and, in the event that it is determined that the plaintiff has standing in either capacity require disposition:

1. Is there a "federal question" within the jurisdiction of this Court?

2. Is the defendant New Jersey Environmental Commissioner, a representative of the State, immune from this action by reason of the doctrine of sovereign immunity?

3. Is this action an improper invasion of the riparian rights reserved to the State of New Jersey or those derived from the Federal Government?

4. Is the doctrine of "abstention" indicated in this case because it is

a) premature;

b) a political question;

c) not a case or controversy in the Constitutional sense;

d) one in which there is an adequate remedy at law in New Jersey State Courts?

5. Is the complaint lacking in specification of injury in fact relatable to the plaintiff? Is it barred by laches?

The threshold question, of course, in this domino-erection of issues, is that of standing. Absent such, all others are moot and must fall. It is the opinion of this Court that the plaintiff does have sufficient legal standing under *NEPA* to maintain this action, both in its own right and representatively on behalf of the class it purports to represent. The reasons dictating this conclusion will be advanced and the other issues treated appropriately.

Although not providing complete resolution, much light has been cast upon the ever controversial question of "standing to sue"

Footnotes at end of article.

by two recent cases in which guidelines have at least been indicated: *Data Processing Service Organizations, Inc.* v. *Camp,* 397 U. S. 150 (1970) and *Barlow* v. *Collins,* 397 U. S. 159 (1970). As observed in *Data Processing,* generalizations are of little value, for we must be mindful of the more compelling Constitutional concept of "cases and controversies," in order to establish standing in the truly adversary sense. At least this is the jumping-off point in approaching each particular problem. As stated by former Chief Justice Warren in *Flast* v. *Cohen,* 392 U. S. 83, 101 (1968):

"[I]n terms of Article III limitations on federal court jurisdiction, the question of standing is related only to whether the dispute sought to be adjudicated will be presented in an adversary context and in a form historically viewed as capable of judicial resolution."

Data Processing reaffirmed this beginning point. In that case, the petitioners challenged a ruling by the Comptroller of the Currency which permitted national banks to provide data processing services, similar to those of petitioners, to other banks and customers. Petitioners claimed that this ruling authorized unfair competition in violation of their rights. The Court held that the petitioners had standing to maintain their action, as they experienced economic injury and were "aggrieved" persons within the *Administrative Procedure Act, 5 U. S. C.* sec. 701 *et seq.* The Court then laid down two tests regarding the federal adversary requirement: (1) ". . . whether the plaintiff alleges that the challenged action has caused him injury in fact, economic or otherwise;" and (2) ". . . whether the interest sought to be protected by the complainant is arguably within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question." (397 U. S. pp. 152–153).

In *Barlow,* decided the same day as *Data Processing,* the petitioners, tenant farmers, challenged an amended federal agency regulation permitting the withholding by their landlords of moneys due these farmers for farming and produce, which funds were to be applied first toward rents due the landlords under the farm leases under these circumstances, the Supreme Court declared that the petitioners had "standing to sue" within the requirements of *Data Processing.* Apparently, the tenant farmers suffered economic "injury in fact" and were "arguably within the zone of interests" sought to be protected.

Gauged against the criteria set down by the United States Supreme Court in these recent cases, there seems no doubt that the plaintiff, a local chapter of the Izaak Walton League, a renowned environmentalist group, will resolutely press forward in this action well within the "constitutional adversary context," and that plaintiff meets the requirements of "injury in fact" and "zone of interests." We find support for this position in several recent federal decisions. As observed in *Izaak Walton League v. St. Clair,* 313 F.Supp. 1312 (D.C. Minn. 1970) [1 ERC 1401] at page 1316:

"The League has a long history of activity in conservation matters and natural resource preservation. It has been active for many years in urging congressional and legislative action."

"The second Association of *Data Processing* requirement, a nonconstitutional one, is that plaintiff must allege 'that the challenged action has caused him injury in fact, economic or otherwise.' It is of course a fact that plaintiff does not own any of the land nor does it claim to own any mineral rights in the Boundary Waters Canoe Area, nor does it have any real economic interest in the outcome of the suit since it is a not-for-profit corporation."

However, the Court continues at page 1317:

"The Izaak Walton League is not a 'johnny-come-lately' or an *ad hoc* organization and its interest in the wilderness movement is continuing, basic and deep. It therefore has an 'aesthetic, conservational and recreational' interest to protect. This gives it standing and meets the second requirement of *Association of Data Processing."*

A similar approach to the *Data Processing* two-prong test was employed in the recent case of *Sierra Club v. Hardin,* — F. Supp. —, (D.C. Alaska, March 25, 1971) [2 ERC 1385]. This case generally reviewed the leading cases predating *Data Processing* and found the current law, or trend at least, to be for a finding of standing by conservation groups championing the individual and public interest in aesthetic values involved with our national resources and sought to be protected in the federal courts by federal legislation. As stated in *Data Processing*:

"Where statutes are concerned, the trend is toward enlargement of the class of people who may protest administrative action. The whole drive for enlarging the category of aggrieved 'person' is symptomatic of that trend" (397 U.S. 150 at p. 154).

Another District Court decision, in our own Circuit, likewise found standing but dismissed the complaint on the grounds of lack of retroactivity of the *NEPA,* and sustained the defense of sovereign immunity. *Pennsylvania Environmental Council, Inc. v. Bartlett,* 315 F.Supp 238, 245, appeals docketed Nos. 19373, 19453 (3 Cir. Nov. 30, 1970) and pending. The Fourth Circuit also found standing for a conservation group. The *West Virginia Highlands Conservancy v. Island Creek Coal Company,* — F.2d — (4 Cir. April 6, 1971), [2 ERC 1422]. Also in accord: *Delaware v. Penn Central,* —F. Supp. — (D.C. Del. 1971 [2 ERC 1355]. There are, of course, cases to the contrary. See e.g. *Alameda Conservation Ass'n. v. Calif.,* — F.2d — (9 Cir. 1971), [2 ERC 175]; *Sierra Club v. Hickel,* 433 F.2d 24 (9 Cir. 1970), comment 71 Col. L. Rev. 172 (1971), *cert. granted,* 400 U.S. — (Feb. 22, 1971) and *Brooks v. Volpe,* — F. Supp. — (W.D. Wash. April 6, 1971) [2 ERC 1571].

In *Hardin,* the Court noted (p. 1391), that notwithstanding *Data Processing,* the increasing liberalization of standing regarding conservation groups has not escaped criticism, for in two recent decisions in the Ninth Circuit and one in the District of Columbia Circuit more stringent requirements were imposed upon such groups where the administration of public lands is involved. In *Hickel* and *Ballerina Pen Co. v. Kunzig,* 433 F.2d 1204 (D.C. Cir. 1970), the Courts indicated that the "zone of interest" requirement of *Data Processing* did not establish a test distinct from the requisite "injury in fact." See *Ballerina, infra.*

In *Hickel,* the Court pointed out that the conduct complained of was alleged to be merely "displeasing or distasteful" to the plaintiff, rather than injurious in fact and hence insufficient to constitute legal "standing to sue." In that case, a non-profit California corporation composed of approximately 78,000 national members, with some 27,000 residing in the San Francisco Bay Area, sought to enjoin the grant of a permit to Walt Disney Productions, by the Secretaries of Agriculture and of the Interior, for the construction of a commercial-recreational area in the Sequoia National Forest, with an access road carved into the forest. The Court found no "injury in fact," past or future, asserted by the plaintiff. Such, stated the Court, was the principal test fixed in *Data Processing* and " 'Standing to sue', as the phrase indicates, refers to the posture of the plaintiff and not to the 'legal interest' to be unravelled." (*Hickel,* p. 31). Furthermore, the Court found a compatibility of interests rather than an adversity between the plaintiff and the defendant federal officials, in the protection of our national forests.

In *Brooks,* it was held that *individuals* who used the recreational area, through which a highway was in the process of construction, had "standing to sue" to enjoin such construction, because injured in fact, but that three *conservation groups* of the same area, whose outdoor programs promoted use of the very recreational facilities, were not injured in fact and, hence, had no standing. It relied upon *Alameda Conservation Ass'n.*

In *Ballerina,* the Court was confronted with a challenge to an administrative action by a corporation, Ballerina Pen Company and some of its employees, on behalf of all blind employees who would be discharged if its contract was peremptorily terminated by a new agency regulation. According to that case, the test for standing, where administrative action is challenged, "even in the absence of [a] specific 'person aggrieved' ", is a three-part test wherein the party must allege (1) that the challenged action has caused him injury in fact in order to meet Constitutional "adverseness"; (2) that the agency has acted arbitrarily, capriciously, or in excess of its statutory authority so as to injure an interest that is "arguably within the zone of interests" sought to be protected by statute or constitution; and (3) that there is no "clear and convincing" showing that judicial review was intended to be withheld by the legislature. (*Ballerina* at p. 1207). See *Scanwell Laboratories, Inc. v. Shaffer,* 424 F. 2d 859 (D.C. Cir. 1970) a prior opinion of this same Court.

We do not share the fear of some earlier decisions that liberalized concepts of "standing to sue" will flood the Courts with litigation. However, if that should be the price for the preservation and protection of our natural resources and environment against uncoordinated or irresponsible conduct, so be it. But such seems most improbable. Courts can always control the obviously frivolous suitor. See: *Crescent Park Tenants Assoc. v. Realty Equities Corp. of N.Y,* 58 N.J. 98 (1971), for an excellent opinion by Justice Jacobs of the New Jersey Supreme Court. The better view, we think, in approaching the vexatious problems confronting the Court's endeavor to give effect to National and State environmental legislation, is the maintenance of a sensitive balance between the continuing march of technicological advance and preservation of our natural resources. This view is espoused and comprehensively discussed in an outstanding article entitled *An Environmental Bill of Rights: The Citizen Suit and The National Environmental Policy Act of 1969, 24 Rutgers Law Review* 230 (1970). The authors, Professor Eva H. Hanks of Rutgers University and Professor John L. Hanks, Associate in Law at Columbia University, here make a distinct contribution in their review of the issue of "standing to sue." The following observations seem most pertinent:

"In the past, we have often accepted the non sequitur that where all are the intended beneficiaries of an interest, none has standing to protect it. The dangers inherent in this philosophy are now apparent: Both logic and experience support the emerging view that an interest so fundamental that all are within the protected class must be permitted its champion. The National Environmental Policy Act has created such an interest" (p. 248).

"In the past, economic considerations have carried the day. The Environmental Policy Act meant to throw a new value into the scales—an ethical one. More specifically, an 'ecological ethic of understanding and respect for the bonds that unite the species man with the natural systems of the planet.' 'It is an ethic whose yardstick for progress should be: Is it good for people?' What is 'good for people' is often difficult to say. But a consensus seems to be emerging which would have us: reject any notion that progress means destroying Everglades National Park with massive airport development . . .

or that it is progress to fill hundreds of square miles of our bays and coastal wetlands destroying natural habitat for thousands of species of fish and wildlife, polluting our waters, and in many other ways wreaking havoc with this fragile ecological system in the name of providing new space for industry, commerce, and subdivisions." (p. 268 and citing 116 Cong. Rec. S. 80, remarks of Senator Nelson, introducing S.J. Res. 169, 91st Cong. 2nd Sess. (1970) proposing an amendment to the U.S. Constitution declaring that every person has an inalienable right to a decent environment and that the United States and every State shall guarantee such right.)

Although prudence may dictate the staying of our hand until disposition is made by the United States Supreme Court of the pending appeal in *Hickel, certiorari* having been granted, the importance of the conflicting interests and the imminence of possible, continuing and irreparable harm to one or the other of the adverse parties, dictates dispatch in the disposition of the present motions. Accordingly, it is the conclusion of this Court that the plaintiff has adequate legal standing to maintain this action; that the complaint states a sufficient cause of action cognizable under the *NEPA* and related *Acts;* and that substantial federal questions are presented.

Defendants' contention that there is no specific damage relatable to this particular plaintiff is answered in *Data Processing,* which points out that injury complained of in this type of case, while frequently economic, need not be so (397 U.S. at p. 172). The plaintiff counters saying that, given the opportunity, it can document substantial damage; it maintains that it has a decided interest to be protected in the New Jersey salt marsh which has been recognized and acknowledged for its famous environmental and ecological values by fish and wildlife biologists.

The theory that associations, although not technically harmed but which have constituencies who are individually and collectively harmed, do nevertheless suffer injury and have "standing to sue," finds support in *Scenic Hudson Preser. Conf. v. Fed. Power Com'n.,* 354 F.2d 608 (2 Cir. 1965), *cert. den.* 384 U.S. 941 (1966) *Consolidated Edison of N.Y. v. Scenic Hudson.* See also *Jaffe, Judicial Control of Administrative Action,* 542–543 (1965).

The argument made by the defendants that this action should be dismissed because there are available adequate remedies in the New Jersey State Courts ignores duality of jurisdiction. A plaintiff, traditionally, has a choice of forum providing, of course, that jurisdiction is properly invoked and process effected as it has been in this case.

The plaintiff's standing extends representatively also, to the class which it purports to represent, under *Rule* 23(b)(2)), *F.R. Civ. P.* The members of that class are so numerous, in being and in generations yet unborn, as to make it not only impracticable but impossible to bring them all before the Court, and with respect to whom there are substantial and common questions of fact and law.

In disposition of the affirmative defense asserted by both the Federal and State defendants of a cloak of sovereign immunity, such defense lacks persuasion when gauged against the paramount national interest as expressed in the *NEPA.* As pertinently stated in *Izaak Walton League of America v. St. Clair,* supra., at pp. 1315–1316:

"Certainly the relief sought by the plaintiff is not 'an intolerable burden' on governmental functions if granted and would seem to fall within the well-established exception to the sovereign immunity doctrine relating to an allegation that government officials are exceeding their statutory powers. The court presently does not pass on the merits of this question but does believe that the merits should be considered and not barred at this preliminary stage by the doctrine of sovereign immunity, giving due consideration also to the Administrative Procedure Act, 5 U.S.C. Secs. 701–106." [10]

See also, *Rule* 17(b) *F. R. Civ. P.,* 28 *U. S. C.,* pertaining to the capacity to sue or be sued.[11] Whether federal or state administrative agents are immune from suit in the federal courts for an alleged violation of federal law, is a question of federal, rather than state law. *Elliot* v. *Volpe,* — F. Supp. —, (D.C. Mass. 1971) [2ERC 1498]. In the absence of a "persuasive reason to believe" that review of agency action was foreclosed by Congress, we must presume aggrieved persons are entitled to review administrative actions be they state or federal. *City of Chicago v. United States,* 396 U.S. 162, 164 (1969). The early doctrine of sovereign immunity was based upon the ancient adage that "the King can do no wrong," thus providing immunity to the sovereign from suit. Such an unrealistic and absolute immunity in present day ambience has wisely been judicially and legislatively [12] eroded in New Jersey, among other states. See: *Fitzgerald v. Palmer,* 47 N.J. 106 (1966), *P. T. & L. Construction Co. v. Com'r Dept of Transp,* 55 NJ 341 (1970) and *Willis v Dept. of Conservation & Economic Development,* 55 N.J. 534. It is the holding of this Court, particularly in light of the coordination of administrative agencies under *NEPA,* that both federal and state officials are subject to suit for allegedly exceeding their statutory authority. This approach is the modern trend, *Cahn & Cahn, The New Sovereign Immunity,* 81 Harv. L. Rev. 929 (1968). See also *Scanwell and Delaware v. Penn Central.*

Turning to defendants' contention that plaintiff's action improperly invades or interferes with State riparian rights, this is a premature consideration and ignores the fundamental compatibility of interests of both the State and Federal Governments which, by definition, is designed to promote and protect the general as well as the individual welfare of all men. It is "survival" about which we speak when we discuss the ecological impact of man's activities in this supersonic age and not technical, hair-line, provincial differences between State and Federal interests.

Nor is "abstention" indicated, as argued by the defendants. On the contrary, judicial dispatch and federal, rather than parochial, considerations under *NEPA* are demanded. What course the merits might ultimately dictate is quite another matter.

Moreover, the defendants' assertion that this action is barred by the doctrine of "laches" ignores the plaintiff's demand for a declaratory judgment with respect to a continuing offense and, as well, a prospective one involving the environment so recently by legislation made vividly important to us all. Furthermore, mere lapse of time without a showing of prejudice to an adversary is not sufficient to constitute laches. *Sobosle* v. *U.S. Steel Corp.,* 359 F.2d 7 (3 Cir. 1966); *Ritter* v. *Rohm & Haas Co.,* 271 F. Supp. 313 (S.D. N.Y. 1967). The complaint in this matter was filed within less than 8 months of the effective date of the *NEPA,* demonstrating dispatch rather than delay. And obviously, plaintiff was aware of the line of cases, prior to the recent *Act,* denying standing to conservationist groups.

This case does not present, as urged, a "political question," except in the sense, perhaps, that it affects the entire body politic. It does not request an advisory opinion on an abstract problem; the plaintiff is not a mere debating society. The issues presented reach into the well-springs of our natural resources held in governmental trust for the benefit of mankind. Our environment must be protected against abuse, either public or private. That is the mandate of Congress. Irresponsible annihilation of nature's creatures, our natural resources and man himself, present the antithesis of the salutary objectives sought to be achieved by the *NEPA.* As President Nixon, so aptly put it:

"We need new knowledge, new perceptions, new attitudes—and these must extend to all levels of government and throughout the private sector as well: to industry; to the professions; to each individual citizen in his job and in his home. we must seek nothing less than a basic reform in the way our society looks at problems and makes decisions . . . It is also vital that our entire society develop a new understanding and a new awareness of man's relation to this environment—what might be called 'environmental literacy'." [13]

Ecological problems are of such magnitude that they have assumed international proportions. This was brought into sharp perspective recently by the following timely article:

"From Nice to Naples the once-celebrated blue of the Tyrrhenian Sea, which gave the Cote d'Azur its name, is changing into a dull grey . . . Huge numbers of dead fish have indeed been floating down the Tiber into the sea in recent days, victims of a yet unexplained ecological catastrophe . . . Millions of pine trees in coastal groves from the Riviera to Calabria are sick with a mysterious disease . . . In the face of alarm spreading among the local population and tourists, ecologists from France, Italy and the principality of Monaco met last week in Nice to discuss what could be done. They agreed that what was needed was not the legislation to halt further pollution of the Mediterranean and clean up the soiled sea but the will to enforce the existing laws." (Paul Hofmann in the N.Y. Times, May 23, 1971.)

The "London Times," as well, recently saluted an environmental victory when John Davies, Secretary for Trade and Industry announced in the House of Commons that environment and planning are "of paramount importance" in these words:

"The victory of the third airport [to be built at Foulness Island in the Thames estuary 50 miles east of London at an extra cost of $360 million, rather than in Aylesbury and surrounding villages chosen by engineers] suggests that the values of civilization are beginning again, after nearly two centuries, to displace the arguments of the engineer. Foulness may indeed be a silly place to put an airport, but it is not a disgraceful place to site an airport. The saving of the countryside north of London was an admirable example of voluntary work."

It is determined that the plaintiff, its members, and the class on behalf of whom this action was brought, have special beneficial interests which are subject to injury and damage and which are within the "zone of interests" sought to be protected by National legislation, particularly *NEPA.* The broad interests sought to be protected by the plaintiff are entirely too comprehensive and by far too important to be personalized and limited by traditional and familiar tort injury concepts. In the new environmental context, it is the many rather than the few who are envisioned by protective legislation. If the Sea is soiled, if the Sky is adulterated with germ-producing emphysema, if the Land is sullied and its produce diseased, all must suffer. Pollution directly and imminently affects our very food supply and its extensive commercial enterprises. Purity of fish products is crucial. Swordfish has been practically banned, because of mercury pollution, and tuna is suspect. We are not confronted with an isolated discharge of an industrial detergent into the Mississippi Delta or a pop bottle in the Delaware River, rather, we are concerned with the interests of the Common-

---

Footnotes at end of article.

weal. As the poet says, "No Man is an Island," and with respect to environmental balance the bell is now tolling for us all and sounds the alarm for the imposition of corrective measures and for correlative judicial enforcement.

It is inconceivable that Congress, in order to halt the pollution of a trout stream, bestowed legal standing solely upon the casual, meditating fisherman standing knee-deep in his waders, rod in hand, hopefully casting his fly, but to his utter despair witnessing the debacle of dead trout surfacing the stream. Nor, were seemingly meddlesome groups made the repositories of the Public Trust for unborn generations. The Izaak Walton League certainly falls within neither category. It is not, as so colorfully characterized by its counsel, a group of little old ladies in tennis shoes championing the rights of the birds. The League is a public spirited group dedicated to the task of seeking enforcement of the legislative intent. The Congressional intent is clear. The judicial function is to give force to the avowed legislative purpose and nowhere in the *Acts* is there any intimation that judicial review of administrative action is foreclosed. *City of Chicago v. United States*, supra; *Admin. Proceed. Act*, supra. And if a Society such as the Walton League, aside from a governmental agency, is powerless to invoke the benefit of such legislation, then who can?

In closing, a final observation seems appropriate. At one end of the spectrum of human values lies the resurgence of ecological demands; at the other, the understandable reluctance to retard technological progress. The one case nostalgically prompts a return to the pristine beauty of Thoreau's "Walden's Pond"—the other encourages a continuation of Einstein's Atomic expansion with unbridled ecological impact. In one instance, the idyllic existence of a "Robinson Crusoe"—in the other, the horror evoked by a "Frankenstein." Our survival lies somewhere in between these extremes without doing violence to the causes and champions of either. Surely, there is an equipose which does not unduly impede our scientific advancement nor accelerate the destruction of our environment. There is a necessary balance, dependent upon the circumstances of a particular case, which lies between reasonable use and destructive abuse. Its ascertainment in this case, of course, must await a judicial determination upon the merits.

Accordingly, the defendants' motions to dismiss the complaint will be denied and an Order shall be entered herewith.

MITCHELL H. COHEN,
Judge, U.S. District Court.

FOOTNOTES

[1] *The National Environmental Policy Act of 1969*, 42 U.S.C. 4321: "The purposes of this act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the nation; and to establish a Council on Environmental Quality."

[2] *Environmental Quality Improvement Act of 1970*, 42 U.S.C. sec. 4371: Congressional findings, declarations, and purposes "(a) The Congress finds—(1) that man has caused changes in the environment; (2) that many of these changes may affect the relationship between man and his environment; and (3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment. (b) (1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted, relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development."

[3] *The Water Quality Improvement Act of 1970*, 33 U.S.C. sec. 1151(a) "The purpose of this chapter is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

[4] *The Fish and Wildlife Coordination Act*, 16 U.S.C. 662(a): "Except as hereafter stated in subsection (h) of this section, [not applicable] whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purposes whatever, including navigation and drainage, by any department or agency of the United States or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development."

[5] *The Rivers and Harbors Act*, 33 U.S.C. 403: "The creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of the Army; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army prior to beginning the same."

[6] *Refuse Act of 1899*, 33 U.S.C. 407: "It shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water; and it shall not be lawful to deposit, or cause, suffer, or procure to be deposited material of any kind in any place on the bank of any navigable water, or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed: *Provided*, That nothing herein contained shall extend to, apply to, or prohibit the operations in connection with the improvement of navigable waters or construction of public works, considered necessary and proper by the United States officers supervising such improvement or public work: *And provided further*, That the Secretary of the Army, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be jured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful."

[7] The Macchia group of defendants, according to the complaint, has been active over the past 5 years, dredging sand and silt from the bottoms, and sometimes the borders, of navigable waters in Cape May County, New Jersey, which materials were pumped in behind dikes erected for that specific purpose in order to fill the marshes, thus providing solid land areas for the eventual construction of houses.

[8] *Declaratory Judgments*, 28 U.S.C. sec. 2201 provides: "In a case of actual controversy within its jurisdiction, except with respect to Federal taxes, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such." 28 U.S.C. sec. 2202 provides: "Further necessary or proper relief based upon a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment."

[9] See: *Hanks, An Environmental Bill of Rights: The Citizen Suit and the National Environmental Policy Act of 1969*, 24 Rutgers L. Rev. 230 (1970); *Jaffe, The Citizen as Litigant in Public Actions: The Non-Hohfeldian or Ideological Plaintiff*, 116 U. Pa. Law Rev. 1033 (1968) and *Standing Again*, 84 Harv. L. Rev. 633 (1971); *Davis, Administrative Law*, Ch. 22 p. 702 (1970 Supp.); *Davis, Standing: Taxpayers and Others*, 35 U. Chic. L. Rev. 601, 619 (1968); and *Davis, The Liberalized Law of Standing*, 37 U. Chic. L. Rev. 450, 457–458 (1970).

[10] Providing for judicial review of administrative agency action.

[11] *Rule* 17(b) "The capacity of an individual, other than one acting in a representative capacity, to sue or be sued shall be determined by the law of his domicile. The capacity of a corporation to sue or be sued shall be determined by the law under which it was organized. In all other cases capacity to sue or be sued shall be determined by the law of the State in which the district court is held . . ."

[12] P.L. 1970, ch. 98: "Except for actions founded upon the Constitution of this State or the United States or an express provision of the statutory laws of this State, no action shall be instituted or continued against the State or any department or other agency thereof for the recovery of money damages, whether based on contract or tort, where the cause of action accrues prior to July 1, 1971."

[13] President Nixon's letter of transmittal for the first Annual Report of the Council on Environmental Quality to the Congress. Federal Bar News, vol. 18 no. 4 (April, 1971), Overview—first chapter of "Pollution and the Law."

HON. ROBERT J. CORBETT

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. WHALEN. Mr. Speaker, I join my colleagues in their eloquent and heartfelt tributes to Congressman Robert J. Corbett.

While many recall Bob's outstanding

contributions through the Post Office and Civil Service Committee during his 28 years in this House, I would like to mention his work with the Armed Services Committee on which he served during the 91st Congress. Despite his numerous responsibilities as the ranking minority member on the Post Office and Civil Service Committee, he quickly became knowledgeable in the field of military affairs. His perception and incisiveness were of much benefit to our deliberations. The Nation's debt to him is great indeed.

Mrs. Whalen joins me in extending our sympathy to Congressman Corbett's family.

May he rest in peace.

LITHOGRAPHERS AND PHOTOENGRAVERS INTERNATIONAL UNION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. EILBERG. Mr. Speaker, it is worth taking official note that another international union has established its headquarters in Washington, D.C. It is the 55th international to locate in the Nation's Capital. A major factor in this trend is that unions feel more and more their headquarters should be located in close proximity to the Nation's legislative center, whose actions are of increasing concern to the labor movement.

It was my pleasure recently—along with other Members of this House of Representatives and the Senate—to participate in the official ceremonies and reception that welcomed to the Nation's Capital this 55th international union—the Lithographers and Photoengravers International Union, located in a modern, handsome nine-story office building at 1900 L Street NW.

In an age of vast technological change, there is perhaps no industry where the change has been more dramatic—yes, even revolutionary—than the graphic arts, where it has been authoritatively estimated there has been more new developments in printing in the past decade than in all the years previous since Gutenberg.

And, perhaps, no union has demonstrated a more keen understanding and flexibility in dealing with this phenomenon than the Lithographers and Photoengravers International Union, with all the demands such changes create for a continuing high—but adjusted—skill of the craftsman.

Management requires such continued high skill levels to handle these changes if it is to provide its customers with the quality product they demand, as well as to maintain the productivity it needs. The craftsmen needs a way to adjust his skills quickly if he is to maintain his stake in his trade, which is the job that provides his livelihood.

The Lithographers and Photoengravers International Union has in recent years demonstrated the intelligence, vision and the practical knowhow to master this vast change in the graphic arts. It has, in an industry that has all too long had jurisdictional conflict among unions, led the way deliberately as a major priority in bringing about a unification of the unions in the graphic arts.

In 1964, it created the first merger of graphic arts unions in half a century when the Amalgamated Lithographers of America, founded in 1882, and the International Photo Engravers Union, founded in 1900, joined forces to become the Lithographers and Photoengravers International Union.

Now, in 1971, that same union's executive council has reached unanimous agreement with the executive council of the International Brotherhood of Bookbinders, founded in 1900, to merge their two unions into one merged organization by Labor Day, 1972, which will be voted upon in their traditional democratic manner by conventions this fall and referendums of the entire memberships thereafter.

In 1966, the Lithographers and Photoengravers International Union projected a new training and retraining program that has in 6 years established an entirely new concept of decentralized training in the communities where the skilled craftsmen lives and works. This program was designed to best anticipate and meet the skill changes needed by technological development by making it possible for the craftsmen to apply in the shop tomorrow what he has learned today. Such programs have now been established in 6 years in 46 cities in the United States and Canada—with the expectation of another 20 in the not too far future.

The membership of this union voted the financing of this program through a regular addition to their monthly dues—which is supplemented by funds negotiated in the localities, where the union and management together administer and operate these programs. Nearly 10,000 of the members have benefited from this program since 1966—and been able to keep pace with technological developments.

Also, in 1966, the lithographers and photoengravers established an early retirement program, which provides a level of income that permits a member to retire at age 60—if he so desires. This makes possible earlier retirement with dignity for those craftsmen who feel their age does not permit the adjustments demanded by technological change—and opens the way for younger persons to enter the trade—or be upgraded to the skill level required. Increasingly, this union is concerned with its role in relation to society in general—and the need for its members to participate more fully in our legislative and electorial processes to further those progressive policies it has traditionally supported. As part of this effort, it established a legislative department in 1968, that coordinates the activity of similar legislative committees in a majority of its local unions. In 1970, it held its first national legislative seminary here in Washington and plans another later in this summer.

To implement all these programs and aspirations, the Lithographers and Photoengravers International Union in recent years became convinced that a modern, effective international union today should be headquartered in the Nation's Capital, because, as has been stated by its international president, Kenneth J. Brown, "that's where the action is."

Because many of my constituents are members of this organization, I have been aware for sometime of what I consider the remarkable and outstanding example the lithographers and photoengravers has set in recent years among the unions of North America. It was not only my pleasure to personally welcome them to Washington, D.C., on June 23—but to identify myself with their programs, accomplishments, and forward looking programs.

SMITHSONIAN CALENDAR OF EVENTS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure for me to introduce into the CONGRESSIONAL RECORD the fine calendar of events taking place at the Smithsonian Institution for the month of July 1971. The calendar follows:

JULY AT THE SMITHSONIAN

JULY 1 THROUGH JULY 5

Festival of American Folklife, sponsored by the Division of Performing Arts. Featured in this fifth annual presentation will be the State of Ohio, the Northwest Coast Indians and Eskimos, and the American working man as a member of organized labor. All activities are located on the Mall between 10th and 14th Streets. Continuous craft demonstrations in all three areas will begin at 11 a.m. and continue to 5 p.m. Informal concerts, workshops, and an Indian panel discussion will be held daily.

Other activities will include:

Sheep shearing, 11 a.m.–4 p.m. on the hour.

Glass bottle blowing, 11:30 a.m.–4:30 p.m. on the half-hour.

Erecting steel skeleton structure, 11 a.m., 2 and 4 p.m.

Films—Eskimo and Indians, 1 and 2 p.m., Natural History Building auditorium.

Evening concerts, 7:30 p.m. daily except July 5. Main Stage at 10th Street.

Indian Pow Wows, 7:30 p.m. daily except July 5.

On the Mall at 13th Street July 1–3; Monument Grounds, July 4.

Traditional Ohio and Indian food lunches will be sold.

THURSDAY, JULY 1

Exhibition: American Holidays—July 4th. All 28 flags that have represented the nation since 1773, plus three seals of the United States, reproduced in marquetry by Indiana artist Wayne Roth, will be displayed in the Flag Hall, Museum of History and Technology, through August 15.

WEDNESDAY, JULY 7

Exhibition: *American Master Prints from the Smithsonian Collection*. A survey of three centuries of graphic art in the U.S., including works by artists Currier and Ives, John Marin, and Roy Lichtenstein. Print

Gallery, National Collection of Fine Arts. Through September 12.

Informal Concert: *Maureen McKibben,* one-keyed flute; *Elizabeth Cox,* harpsichordist. Instruments are from the Smithsonian collections. 1:30 p.m., Hall of Musical Instruments, Museum of History and Technology. Free admission.

THURSDAY, JULY 8

Creative Screen: *Artists: U.S.A.* Robert Rauschberg is the first of eight major contemporary artists whose work, personalities, and surroundings will be featured in a special series of six films designed to examine the creative process. Continuous half-hour showings begin at 11 a.m., last showing at 2:30 p.m. National Collection of Fine Arts. Free admission. The series will continue through September.

FRIDAY, JULY 9

Exhibition: *Society of Animal Artists.* Grouping of 23 paintings and sculptures of wildlife from throughout the world, by some of today's foremost animal artists. Foyer, Museum of Natural History, through Labor Day.

SATURDAY, JULY 10

Creative Screen: *Artists: U.S.A.* Robert Rauschenberg is the subject artist. Repeat. See July 8 for details.

FRIDAY, JULY 16

Exhibition: *Romare Bearden: The Prevalence of Ritual.* Fifty-six works including many colleges by contemporary black artist Bearden. Included is an 18-foot collage-mural entitled "The Block," mirroring life on a Harlem street. Second floor, National Collection of Fine Arts, through September 26.

SATURDAY, JULY 17

Lecture: *Master Prints from the Smithsonian Collections,* by Jacob Kainen, artist; former Curator of Prints and Drawings, and now special Consultant to the National Collection of Fine Arts. 3 p.m., NCFA. Free admission.

SUNDAY, JULY 18

Exhibition: *Science: Man's Greatest Adventure.* Black scientists are honored with this exhibit, which covers their achievements from the earliest times to the present and projects their future roles. Anacostia Neighborhood Museum, through October 31.

MONDAY, JULY 19

Exhibition: *Photographic Competition.* Entries have been submitted by D.C. youths ages 10–18 and will be judged by Maurice Sorrell, Matthew Lewis, Ellsworth Davis, Roland Freeman, Topper Carew and Bernard Boston prior to the show. Sponsored by the Black Women's League of Washington, D.C. and the National Collection of Fine Arts, NCFA, through August 31.

WEDNESDAY, JULY 21

Informal Concert: *Mary Price,* baroque violin; *James Weaver,* harpsichordist, in music of Biber and Corelli. Instruments are from the Smithsonian collections. 1:30 p.m., Hall of Musical Instruments, Museum of History and Technology. Free admission.

THURSDAY, JULY 22

Creative Screen: *Artists: U.S.A.* The work of Morris Louis and Kenneth Noland will be shown and discussed by art critic Clement Greenberg, Louis' widow Marcella Brenner, and painter Helen Frankenthaler, with additional comments by Noland. Continuous half-hour showings begin at 11 a.m., last showing at 2:30 p.m. National Collection of Fine Arts. Free admission.

SATURDAY, JULY 24

Creative Screen: *Artists: U.S.A.* Morris Louis and Kenneth Noland are the subject artists. Repeat. See July 22 for details.

HOURS

Smithsonian museums are open to the public 7 days a week. Hours: 10 a.m. to 5:30 p.m. daily. Museum of History and Technology: 10 a.m. to 9 p.m. daily through Labor Day.

Cafeteria: 11 a.m.–8:30 p.m., MHT

Snack Bar: 10 a.m.–4:00 p.m., MHT

National Zoo Buildings: 9 a.m.–6 p.m., 7 days a week.

Anacostia Neighborhood Museum: 10 a.m.–6 p.m., weekdays; 1–6 p.m., weekends.

DEMONSTRATIONS

(No demonstrations July 5)

Museum of History and Technology

Musical Instruments, from the Smithsonian's collection. Monday, Wednesday, Friday, 3 p.m., Hall of Musical Instruments, 3rd floor.

Music Machines—American Style—mechanical and electronic music machines. Daily except Wednesday and Saturday, 1:30 p.m., 2nd floor.

Spinning and Weaving. 10:30–12:30, Monday through Friday; 1:30–2:30, Monday Wednesday, Friday. Textile Hall, 1st floor.

CLASSES AND WORKSHOPS

Sponsored by the Smithsonian Associates

By Subscription Only—Call 381–6159

Classes begin July 6 and are available for adults, young people and tiny tots.

Adults (twice a week, 4 weeks): City Building and Gaming-Simulation; Common Sense Science Design and Function; Fabric Design and Decoration I; Identification of Local Trees; the Musical Film; Variations in Fabric Construction; Basic Photography; Photography for Teenagers.

Young People (twice a week, 4 weeks): Applied Natural Science; City Building; Dimensions.

Tiny Tots (twice a week, 3 weeks): Color, Form, and Texture; Then and Now—Living History; World of Science.

Craft workshops begin July 9 and are available for adults (including teenagers) and young people (ages 7–12).

Adults (Monday evenings or Wednesday afternoons):

Candle Making (July 12 or 14); Macrame (July 19 or 21); Fold-and-Dye (July 26–28).

Young People (Fridays):

Enameling (July 9); Puppet Making (July 16); Nonloom Weaving (July 23).

MUSEUM TOURS

Walk-In Tours are available in the Museum of History and Technology, Museum of Natural History, and the Arts and Industries Building (including the Air and Space Museum), Mondays through Fridays every half-hour from 10 a.m.–12 noon and from 2–4 p.m. (Meet at Info '71 desk, mall entrance.) A Walk-In Tour is also available in the National Collection of Fine Arts, Thursday, beginning at 11:30 a.m. in the Granite Gallery. No tours July 5.

Pre-Scheduled Group Tours for the above museums may be arranged by calling Cindy Howar, 381–5680, –5304.

For the Freer Gallery of Art, 381–5344;
National Collection of Fine Arts, 381–6305·
National Portrait Gallery, 381–6347;
National Zoological Park, 332–9322.

FOREIGN STUDY TOURS

Available to National and Local Associates. All 1971 tours are full. For itineraries and details of the 1972 tours, listed below, please write to Miss Kennedy, Smithsonian Institution, D.C. 20560.

Mexico and Guatemala: Jan. 3–22.
St. Croix and Puerto Rico: Feb. 1–14.
Australia and New Zealand: Late March-April.
No-Tour Tour (Paris); May 29–June 19.
Greece and Yugoslavia: June 15–July 8.
No-Tour Tour (Frankfurt): July 3–24.
King Arthur's England: July 12–Aug. 2.
The Pilgrimage Road: Sept. 11–Oct. 9.
No-Tour Tour (London): Sept. 11–Oct. 2.
Pakistan and Afghanistan: Oct. 10–Nov. 15.

EXPEDITIONS

The Smithsonian Institution in cooperation with Educational Expeditions International also offers a series of expeditions beginning this summer which will be headed by prominent scientists and which will result in one or more publications. Field work will be done entirely by expedition participants. No special qualifications are required; costs begin at $1,000.

Amaro Mountains: 16-day geological field survey, mapping, and exploration expedition to Ethiopian Rift Valley. Departs July 14. A few spaces still available.

Mbangombe: 20-day archaeological excavation of pre-historic Iron Age site in Zambia, Africa. Departs August 12. A few spaces still available.

For further details, write EXPEDITIONS, Smithsonian Associates Reception Center, Great Hall, Smithsonian Building, Washington, D. C. 20560.

* * * * *

Mailing list requests and changes of address should be sent to the Smithsonian Calendar, 107 Smithsonian Institution Bldg., Washington, D.C. 20560.

* * * * *

The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lilas Wiltshire. *Deadline for entries in the August Calendar: July 6.*

CONTINUING EXHIBITIONS

Arts and Industries Building, 900 Jefferson Drive, S.W., (Air and Space Museum): *Space and Artists.* Realistic illustration, impressionistic and abstract paintings and sculpture inspired by the space program.

Freer Gallery of Art, 12th and Jefferson Drive, S.W.: *Chinese Album Leaves and Lacquer Ware.* Twenty-four painted album leaves dating from the Sung through the Ch'ing dynasty, and five examples of Chinese lacquer ware that represent the change in style from 1280 A.D. through the late 15th century. On display indefinitely; and

Japanese Screen Paintings. Bird and flower screens from the Freer collection ranging in date from the late 15th century to the 18th century. Through July.

Museum of History and Technology, 14th and Constitution Ave., N.W : *Plastic Surgery.* The history, development and scope of plastic and reconstructive surgery from its beginnings in ancient Egypt to the present day. Exhibit includes instruments, rare books and other related material contributed by plastic surgeons throughout the world. On display indefinitely in the Hall of Health;

The Campbell Museum Collection. Antique silver and porcelain soup tureens, bowls and ladles from around the world dating as far back as 1735. Second floor, through Labor Day;

American Heroes. Continuous slide showings for one hour beginning at 9 p.m. each night project the images of American heroes 41 feet tall on the exterior wall of the museum, on the Constitution Avenue side;

The Black Ships. Color film by Charles Eames shown every 15 minutes depicting the Japan Expedition of Commodore Perry, 1852–54, as represented by Japanese artists. Contemporary Japanese and American prints of the historic diplomatic encounter are also on display along with a model of Perry's flagship. On display indefinitely;

Do It the Hard Way: Rube Goldberg and Modern Times. Featuring cartoons, writings, sculptures and cartoon "inventions." On display through Labor Day, and

Music Machines—American Style. From barrel organs and player pianos to the most up-to-date high fidelity equipment, with continuous tapes of the sounds of the machines and continuous showings of excerpts from the musical films of the 30's and 40's.

Museum of Natural History, 10th and Constitution Ave., N.W.:

Logan Sapphire. A 423-carat sapphire, 1½ x 2 inches, mounted in a brooch surrounded by 20 diamonds, recently presented to the Smithsonian. The largest blue sapphire of quality on public display. Gem Hall;

General Electric Diamonds. The first gem-quality synthetic diamonds ever created, recently presented to the Smithsonian, including cut stones and uncut crystals, all about one carat in weight. Gem Hall, and

Insect Zoo. Live insects include a bee hive, termites, cockroaches, mosquitoes and dragonfly nymphs. Also included are tarantulas and spiders spinning webs. Through Labor Day.

National Collection of Fine Arts, 8th and G Street, N.W.: *Hidden Aspects of the National Collection of Fine Arts.* Objects representing the entire range of collections held by the NCFA, particular objects not previously exhibited. Through October.

National Portrait Gallery, 8th and F Streets, N.W.:

"A Glimmer of Their Own Beauty." Black Sounds of the Twenties. Educational exhibit focusing on blues, jazz and poetry as an expression of black life in the period of the Harlem Renaissance. Featured are Bessie Smith, "Ma" Rainey, Louis Armstrong, Langston Hughes and Claude McKay. Through Oct. 15, and

John L. Lewis Bust. Bronze portrait bust of one of the most powerful figures in the history of the American labor movement, by Ben Goodkin. Second floor sculpture court.

DOMESTIC TOURS

(Sponsored by the Smithsonian Associates)

The following tours in 1971 are available dealing with various natural sciences, history and notable areas of wildlife habitat in North America. By subscription only. For further information, phone Mrs. Kilkenny, 381–5159.

A Look at the Cascade Volcanoes. Aug. 9–17. Inspection and study of the recent history of Mt. Hood and Mt. St. Helens. This trip will give close attention to the recent basalt flows and lava tubes, and will include rigorous hiking and climbing, possibly over glaciers.

Photography and Nature. Sept. 7–12. A trip to Moosehorn Wildlife Refuge, Cobscook Bay and the tidal and inland regions of Passamoquoddy Bay.

Hudson River Palisades and West Point. Oct. 15–18. Details to be announced.

The Everglades and Pennekamp Coral Reef State Park. Nov. 9–14. Details to be announced.

* * *

DIAL-A-MUSEUM—737–8811 for daily announcements on new exhibits and special events.

* * *

DIAL - A - PHENOMENON — 737 – 8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

SMITHSONIAN PUPPET THEATRE

The Waywardly Wandering Wagonful of Banjo and Jack, created and presented by Allan Stevens and Company, is based on the old traveling wagon show of the latter half of the 19th century. Performances Wednesday through Sunday, 11 a.m., 1 and 3 p.m. through Labor Day. History and Technology Building auditorium. $1 for children; $1.50, adults; 75 cents group rate for 20 or more. Tickets may be purchased in advance at the box office or call 381–5395.

RADIO SMITHSONIAN

Radio Smithsonian weekly presents conversation and music growing out of the Institution's exhibits, research and other activities and is broadcast in 35 states, Canada, and throughout the world via the Armed Forces Radio and Television Service.

Radio Smithsonian is broadcast every Sunday night on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program scheduled for July:

4th—*What Is the Archives of American Art?* with Garnet McCoy, Deputy Director and Archivist; *Behind the Scenes,* with radio and TV personality Ted Mack.

11th—*How To Protect Your Painting,* with Charles Olin, Head Conservator, NCFA/NPA; *How About a Change of Face,* with Dr. Blair Rogers, plastic surgeon.

18th—*Government and the Press.* Part I. Panel discussion of their relationship today.

25th—*Government and the Press.* Part II. Panel discussion of possible alternatives for the future.

ON COMPREHENSIVE TEST BANS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HOSMER. Mr. Speaker, during my remarks of June 30 which appear at page 23107 of this RECORD, I made reference to a statement by Dr. Steven Lukasik made at the informal meeting of the Conference of the Committee on Disarmament at Geneva which was made yesterday. I now have the text of Dr. Lukasik's remarks and they appear below:

STATEMENT BY DR. S. LUKASIK

INTRODUCTION

As is well known, the United States as its contribution to progress toward a comprehensive test ban has devoted considerable effort to the study of the seismic detection, location, and identification of earthquakes and explosions. This research has been directed toward improving detection capability and location accuracy, the development of discrimination criteria, and the installation of appropriate instrumentation to provide the necessary seismic data to support the discrimination research. This presentation reviews our work regarding the present state-of-the-art of seismic verification and its concomitant limitations. We shall review the progress to date in pursuing this research from teleseismic distances, for which some major tools, including two new large arrays, are just now coming into full operation. Notwithstanding the success that may be achieved in such research, there are inherent limitations to seismic techniques for the verification of a comprehensive test ban treaty which we shall also mention.

DISCRIMINATION CRITERIA

Clearly there is a relationship between an understanding of source mechanisms and an understanding of seismic signatures arising from those sources. Thus, much emphasis is being placed in our current research program on earthquake and explosion source mechanisms. The effect of the source time-function, the source dimension, the inherent symmetry and asymmetry of explosive and earthquake sources respectively, the focal depth, and realistic earth structures have all to be taken into account in developing theoretical models for seismic sources.

As discussed perhaps most recently at the Woods Hole Conference on seismic discrimination, theory supported by experimental data now suggests the basis of several methods to distinguish between earthquakes and explosions. Although the techniques may or may not prove to be practical in a real world noise environment, we feel this development is extremely important. As long as progress is totally dependent on empirical correlations to suggest differences between earthquakes and explosions we shall suffer from the severe limitation introduced by the small size of the explosion sample. For a full understanding of the seismic verification aspects relevant to a test ban, explosions at arbitrary locations, in a variety of media, and at low yields, should be considered.

The practical management of a nuclear test program tends to limit the variety of locations, media, and the number of low yield explosions to the point where the available empirical evidence is either inadequate or at least ambiguous. But the combination of theoretical insight coupled with empirical observations may offer the possibility of reasonably definitive scientific extrapolations where data are deficient.

As an example, in the $M_s{:}m_b$ method, it is believed that the source time function affects the $M_s{:}m_b$ ratio for earthquakes in a manner different from explosions and that the source dimension function results in a more efficient radiation of surface waves for earthquakes than for explosions. In a similar manner, the depth of focus, as well as source time and dimension, affect the spectral content of surface and body waves from earthquakes and explosions. Although the question of why some earthquakes exhibit unusually little surface wave radiation is still not resolved, the theory of the seismic source as it is now understood indicates that in principle the separation of shallow earthquakes and explosions will continue below magnitude 4.5. Indeed, recent data on $M_s{:}m_b$ indicates that the method which applies at m_b5 extends below 4.5, whether discrimination is based on 10, 20 or 40 second Rayleigh waves. It should be noted, however, that there is increasing overlap of the earthquake and explosion populations with decreasing magnitude, in part as a result of the small signal-to-noise ratios involved and in part due to regional variations in tectonic stress, attenuation, and surface wave propagation. The former can be improved by increased signal-to-noise ratio (although the problem becomes greater at longer ranges), but the practicality of calibrating all seismic regions of interest is unknown.

Another discrimination approach which previously appeared promising was the shape of the amplitude spectra of Rayleigh waves. Recent theoretical results have demonstrated, however, that this is not the case, and that earthquake source orientation has a drastic influence on the shape of the surface wave spectra. For example, a shallow focus dip slip fault has been found to give a spectrum similar to that of an explosion.

Two important points concerning long period P, S, and Love waves have emerged from our research. The ratio of Love to Rayleigh waves appears to be a useful, but not as yet fully developed, discriminant. Also the P wave spectra (0.3 to 3 Hz) of the Aleutian explosions Long Shot and Milrow were quite different from the P wave spectra of Aleutian earthquakes of comparable body wave magnitude. Corner frequencies for these earthquakes were approximately one decade lower than for the explosions.

The possibility of tectonic energy release has been studied but the effects so far observed have been minor and have not weakened the $M_s{:}m_b$ criterion.

We have also examined the utility of the short period P wave for identification. It would appear that we will rely on the P wave for event detection for a long time to come and in some cases the P wave will be the only signal available for further analysis. The P wave may, at sufficiently high signal-to-noise ratios, show an unambiguous earthquake first motion and it may also show pP and sP phases that are adequate to establish the depth of focus with sufficient precision to exclude an explosive origin. Furthermore

S-P time differences, P arrival time residuals, and the use of master events can provide useful ways to determine source depth.

Short period spectral ratio techniques have been somewhat less successful and must at best be considered diagnostic aids. We have found that the influence of propagation path and receiver site characteristics are such that the techniques must be carefully "tailored" in order to be useful. For example, techniques useful at LASA to identify presumed explosions in Eastern Kazakh fail when applied to NOSAR data on the same events nor are they useful to identify explosions in Nevada recorded at NORSAR.

A general problem with all seismic discriminants, both short period and long period, is that they fail when applied to small events near the detection threshold of the network due to signal-to-noise limitations. The aim of the ARPA large array program and the Very Long Period Experiment is to explore techniques to enhance signal-to-noise ratios thereby extending the effectiveness of discrimination criteria to events of lower magnitude at teleseismic distances. A further aim is to demonstrate the feasibility of the automatic digital processing of the large number of events which occur at lower magnitudes.

LARGE ARRAY PROGRAM

The mechanism for signal-to-noise enhancement in long and short period arrays is essentially different. Long period noise, for periods of less than 25 seconds such as that induced by oceanic storms, is generally coherent across the aperture of our largest seismic array. The noise reduction relies on the formation of narrow beams which allow the noise to be subtracted from the signal by beam steering. The short period noise on the other hand is incoherent at sensor spacings of a few kilometers and noise suppression relies on the number of elements in the array, the signal-to-noise ratio increasing as the square root of the number of elements. Two of ARPAA's three large teleseismic arrays are a combination of short and long period instruments, while the third is composed entirely of long period sensors.

The first of these arrays, the Montana LASA, was completed in 1965 and has operated continuously since that time. Its current configuration comprises 345 short period and 16 three-component, long period instruments distributed over a 200 km aperture. The teleseismic detection threshold of LASA, at the 90% incremental level for the distance range of 20° to 90° is about mb 4.2 for short period signals using automated data processing techniques. As a result of experience gained at LASA, improvements were incorporated in the Norwegian array, NORSAR, particularly in respect to the sensor spacing and distribution, automatic array monitoring systems, and automated data processing. A six-month operational test and evaluation of NORSAR was initiated in February 1971. NORSAR, which is operated by the Royal Norwegian Council for Scientific and Industrial Research, comprises 132 short period seismometers and 22 three-component long period instruments. The teleseismic zones from which LASA and NORSAR will record seismic events overlap and this will allow increased corroboration between events particularly when our aim of multi-array analysis is attained shortly. The recently completed Alaskan array, ALPA, is concerned with the long period region of the spectrum. This array comprises 19 three-component instruments in 60-foot boreholes. ALPA and NORSAR will allow corroborative data to be obtained for long period signals from events in many of the world's seismic regions.

VERY LONG PERIOD EXPERIMENT

A companion program to the large arrays is the very long period experiment initiated to obtain seismic data covering the 30-60 second spectral ban by utilizing recently developed high gain broad band instruments. This instrument will be installed at carefully selected, deeply buried, very quiet sites and is expected to be capable of recording seismic signals much smaller than normally recorded by the World Wide Standards Seismic Network instruments in this frequency band. A prototype system has been operating at Ogdensburg, New Jersey, for the past two years with encouraging results. Identical systems have been installed at five other locations: Fairbanks, Alaska; Charter Towers, Australia; Chiang Mai, Thailand; Eilat, Israel; and Toledo, Spain. Plans call for improved instrumentation at four other stations in the near future.

AUTOMATIC DATA PROCESSING

In discussing the large array program, attention is often focused on the distribution of instruments, their siting, response characteristics, and monitoring utility. One of the major research objectives, however, has been to test the feasibility of operating and maintaining such an array and at the same time process the large amount of data in an effective manner. There are over ten times as many events to process if the array is operating at mb 4.0 magnitude threshold rather than at 5.0. Thus the very improvement in signal-to-noise ratio sought from the arrays, which allows the detection of smaller magnitude events, imposes a critical constraint on the data processing; it must be automated in order to handle the greatly increased volume of data. Furthermore, recording systems must necessarily be digital rather than analog.

The focal point for data from the three large arrays is the Seismic Array Analysis Center in Alexandria, Virginia, which also handles data from the Very Long Period Experiment. Multi-array analysis can thus be performed to compare signals from different azimuths for the various discrimination criteria previously mentioned. However, the implementation on a routine basis of a new generation of azimuthal and spectral discriminants would require a major transformation and expansion of even this very advanced data acquisition and analysis facility.

SEISMIC LOCATION

An essential element of a seismic verification capability is accurate location of all detected seismic events. The location error is dependent upon the accuracy with which average travel time curves and regional travel time anomalies are known, and to a large extent, on the number and azimuthal distribution of recording stations about the source area.

As a result of our research program improved P-wave world average travel time tables, based on 400 earthquakes and a number of large nuclear explosions (well recorded worldwide), have been developed. Azimuthally-dependent station corrections have been established for our major seismic observatories and source corrections have been calculated for a number of source regions.

We have found that location error has been observed at essentially all sites where known source locations are available for comparison. One important cause of errors in estimates of epicenters is source bias, i.e., variation in velocity with azimuth and incidence angle in a source region. Tectonic regions known to display significant bias (errors of 25-45 kilometers) include the volcanic island chains of the Aleutians and Hawaii. Where bias can be effectively removed by use of calibration events to determine regional travel time anomalies, it appears possible to locate large events to within a few kilometers if recorded by a sufficient number of instruments well-distributed in azimuth.

However, neither statistical study of large numbers of earthquakes nor the use of master earthquakes provides a solution to the bias problem. Only explosions or shallow earthquakes well recorded by local networks can provide calibrations for estimating source bias from the various source regions. As previously discussed, the practicality of this is unknown.

As an example of the improvement possible with the application of travel time anomaly corrections, consider the locations determined for 19 Nevada explosions recorded at teleseismic distances by a network of 4-13 stations. Mean location error was 26 km without corrections for travel time anomalies. The error was reduced to 3 km when predetermined travel time anomalies derived from other nearby explosions were utilized in the calculations.

FUTURE PROSPECTS FOR SEISMIC VERIFICATION

Since the thrust of our concern at this meeting is the future as much as the past and present, it is appropriate to comment on our expectations of the amount and the rate of progress that might be expected in the area of identification and detection by seismic means. In the area of discrimination criteria, considerable progress has been achieved during the past decade by a number of research workers in various countries. Judging from the progress made to date and the wealth of ideas currently being discussed for further improvements, it appears that the problem of discriminating earthquakes from explosions by seismic means is a difficult but not totally insoluble problem. Background seismic noise, however, will almost inevitably constitute a limitation on how far this progress can be pursued, and we anticiapte that some uncertainties will persist above the identification threshold. Improved seismic instrumentation is clearly needed to attain further advances below magnitude 4.5 and to assess the limits of teleseismic discrimination.

We have seen that to translate the greater scientific understanding of the identification problem into improvements in the seismic verification capability requires more sophisticated installations than currently exist. One might suggest that it will become important, for instance to upgrade the capability to detect P-waves at lower levels than is currently feasible in order to enhance detection and location. Similarly, it would also seem important to improve identification capabilities preferably down to where tamped nuclear explosions at the few kiloton level can be readily identified at teleseismic distances. Likewise, expansion of the existing network of seismic arrays and individual stations would seem highly desirable. This expansion would help to provide coverage for seismic events in all land areas, particularly those in the northern hemisphere.

Many of these improvements would undoubtedly require considerable time and they would represent a substantial capital investment. Much effort would have to go into determining where these additional facilities should be located in order to achieve maximum performance.

As the recent Canadian study has shown, of the large number of existing seismic stations, it is the sophisticated array stations and the single instrument stations in strategically-located quiet sites that provide most of the capability. The array stations have generally required several years for site selection and installation. Quiet single instrument sites similarly require time for site surveys and the installation is certain to involve a remote location in order to minimize man-made noise.

Nevertheless, various combinations of new stations at quiet locations, long and short period arrays, and the latest in broadband long period instruments could provide much of the data. Decisions will also have to be made on the design of such a network based on the discrimination criteria employed.

The cost of new installations is very difficult to estimate until the number, size, and specific locations of the stations are known. In general, cost estimates become less reliable the further one departs from an existing understood system. Also, it must be kept in mind that optimum system performance requires a good deal of operating experience before it is actually achieved, and it is crucially dependent on the quality of system management. The more one relies, as one will have to, on sophisticated techniques such as automatic real time digital processing and high gain long period instruments, the more important overall system management will become.

LIMITATIONS OF THE SEISMIC VERIFICATION METHOD

It should be recognized that seismic means alone are not sufficient to achieve the identification of earthquakes and explosions in all cases, even when the magnitude of the event would seem sufficient. Moreover, it seems unlikely that such a goal will ever be realized because of inherent limitations in the method. In the first place, identification can only take place where detection has preceded it. The practical limit for the teleseismic detection of short period signals is set by the natural noise field of the earth. Array technology, including the use of sophisticated digitized adaptive filtering has provided a means for increasing the signal-to-noise ratio. It must be recognized that there may be some minimum practical detection threshold for short period signals. At higher magnitudes, it should be remembered that there are now several ambiguities per year above magnitude 4.5 which cannot be resolved. Considering the vagaries of seismic sources and seismic propagation paths, it seems likely that there will continue to be circumstances where natural events cannot be distinguished from explosions by seismic means alone. Also, as teleseismic identification threshholds are progressively lowered, explosions will be identified whose origin is non-nuclear, without the seismic means for drawing the distinction between them and nuclear explosions of the same magnitude.

Detection can also be lacking where the noise field is temporarily high, as in the case of the saturation response of seismometers to large earthquakes anywhere in the world and the interference of their aftershocks. Such high noise fields may be sufficient to blank out explosions of significant yields. It is also possible that there would not be identifiable seismic signals from an underground explosion of a device pre-emplaced in or near a naturally seismic region and detonated a short time after the onset of the signals from a larger magnitude earthquake. This could be the situation if the earthquake were at least ½ to 1 magnitude units larger than the explosion magnitude and if the epicenter were within a few hundred kilometers of the location of the nuclear explosion. In some seismic regions of the world this would seem to indicate the possibility that a number of explosions of significant yields could take place in a year. Even if signals from such explosions were detected, they might be interpreted as those from a natural earthquake. This would be particularly true of an earthquake with a definite aftershock sequence.

Neither should it be overlooked that the seismic coupling from an explosion would be reduced if it took place in an underground cavity. Cavities already exist that have been washed in salt domes by solution mining techniques in the course of the storage of hydrocarbons. Moreover, with the inherent limitations in detection already noted, partial, as well as complete, decoupling would affect the ability to detect and identify seismic signals.

COURT VICTORY FOR FREEDOM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. FINDLEY. Mr. Speaker, the decision of the Supreme Court yesterday denying an injunction against newspaper publication of the Pentagon papers is a great landmark that should cause all who love freedom to rejoice.

The court refused to let Government decide what is fit to print, and thus strengthened the historic tradition so well directed by the first amendment under which the press is not to be subjected to prior restraint and may be punished only after the fact.

It is noteworthy that the issue arose in the same city, New York, where the first great court test of press freedom in our history occurred in 1735. The prior year British Governor Cosby arrested John Peter Zenger for printing in his weekly newspaper, the Weekly Journal, "seditious libel," that is, criticizing the Governor's conduct in office. Brought to trial after 10 months of incarceration, Zenger was acquitted, despite the court's refusal to admit evidence establishing the truth of the libel.

The editors of the New York Times and the Washington Post acted in the great tradition of Peter Zenger in challenging the right of the Government to suppress the documents, and the Court's majority acted in the great tradition established by Zenger's acquittal 236 years ago.

CITY OF CHICAGO

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. CRANE. Mr. Speaker, I congratulate my colleagues on the other side of the aisle for their apparently successful fund raiser earlier this week, but I was somewhat disturbed to note that a number of derogatory remarks about the city of Chicago were made by several prominent persons in attendance.

It is particularly unfortunate that the majority party's 1968 presidential candidate was quoted as saying:

> If our convention had been held in Miami Beach in 1968, we would be having this party in the East Room of the White House tonight.

Mr. Speaker, I do not represent any part of the city of Chicago. However, I do believe that her fine reputation as the second largest city of the Nation, and the heartland of the Nation, is worthy of defense. I am proud of Chicago, and I resent those who chastise our fair city for her hospitality.

Let me also point out to my colleagues on both sides of the aisle that Chicago has repeatedly and consistently shown her hospitality to Presidents from both parties. Within the last week, for example, President Nixon visited Chicago and was very warmly and cordially received by all of her citizens.

Mr. Speaker, I would like to point out that the disturbances during the Democratic Convention of 1968 were caused by a vocal minority composed primarily of residents from other areas other than the city of Chicago. These activities would probably have occurred wherever the convention was held.

To those who deprecate the administration of the city of Chicago, I would only point to the record of Mayor Richard J. Daley and contrast his administration with the virtual chaos which reigns in many other cities, particularly New York.

THE SUPREME COURT'S WISE DECISION

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HARRINGTON. Mr. Speaker, the Supreme Court made a wise decision yesterday in limiting the Government's ability to use prior restraint. As I have said often during the course of the past 2 weeks, I see nothing which would damage American interests by publishing what I believe are historical documents. The newspapers which had access to the Pentagon documents were operating, as Justice Black said in his concurring decision, in a way which served "the purpose the Founding Fathers saw so clearly. In revealing the workings of Government that led to the Vietnam war, the newspapers nobly did precisely that which the Founders hoped and trusted they would do."

I am disturbed, however, that so many newspapers were enjoined from publishing as they wished for 2 weeks. That is a serious matter. But in this case, justice has been served and I hope this marks an end to this harassment of our newspapers and our news broadcasters, for that matter. Both deserve to be sheltered under the same aegis of the first amendment.

At this point, I would like to insert the Supreme Court decisions in the Record:

[From the New York Times, July 1, 1971]

TEXTS OF THE SUPREME COURT DECISION, OPINIONS, AND DISSENTS IN TIMES-POST CASE

WASHINGTON.—Following is the text of the decision by the United States Supreme Court upholding The New York Times and The Washington Post against an effort by the Federal Government to halt publication of articles and documents based on the Pentagon study of the Vietnam war and the texts of the concurring and dissenting opinions:

DECISION

Per curiam.

We granted certiorari in these cases in which the United States seeks to enjoin The New York Times and The Washington Post from publishing the contents of a classified study entitled "History of U.S. Decision-Making Process on Viet Nam Policy."—U.S.—(1971).

"Any system of prior restraints of expression comes to this court bearing a heavy presumption against its constitutional validity." Bantam Books, Inc. v. Sullivan, 372 U.S. 58, 70 (1963); see also Near v. Minnesota, 283 U.S. 697 (1931). The Government "thus carries a heavy burden of showing justification for the enforcement of such a restraint." Organization for a Better Austin v. Keefe—U.S.—(1971). The District Court for the Southern District of New York in The New York Times case and the District Court for the District of Columbia and the Court of

Appeals for the District of Columbia Circuit in The Washington Post case held that the Government had not met that burden.

We agree.

The judgment of the Court of Appeals for the District of Columbia Circuit is therefore affirmed. The order of the Court of Appeals for the Second Circuit is reversed and the case is remanded with directions to enter a judgment affirming the judgment of the District Court for the Southern District of New York. The stays entered June 25, 1971, by the court are vacated. The mandates shall issue forthwith.

So ordered.

CONCURRING OPINIONS

Mr. Justice Douglas, with whom Mr. Justice Black joins, concurring:

While I join the opinion of the Court I believe it necessary to express my views more fully.

It should be noted at the onset that the First Amendment provides that "Congress shall make no law . . . abridging the freedom of speech or of the press." That leaves, in my view, no room for government restraint on the press.

There is, moreover, no statute barring the publication by the press of the material which the Times and Post seek to use. 18 U.S.C. Section 793(e) provides that "whoever having unauthorized possession of, access to, or control over any document, writing, . . . or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates . . . the same to any person not entitled to receive it . . . shall be fined not more than $10,000 or imprisoned not more than 10 years or both."

The Government suggests that the word "communicates" is broad enough to encompass publication.

There are eight sections in the chapter on espionage and censorship, sections 792–799. In three of those eight, "publish" is specifically mentioned: Section 794(b) provides, "Whoever in time of war, with the intent that the same shall be communicated to the enemy, collects records, publishes, or communicates . . . [the disposition of armed forces]."

Section 797 prohibits "reproduces, publishes, sells, or gives away" photos of defense installations.

Section 798 relating to cryptography prohibits: "communicates, furnishes, transmits, or otherwise make available . . . or publishes." Thus it is apparent that Congress was capable of and did distinguish between publishing and communication in the various sections of the Espionage act.

Rejected version recalled

The other evidence that Section 793 does not apply to the press is a rejected version of Section 793. That version read: "During any national emergency resulting from a war to which the U.S. is a party or from threat of such a war, the President may, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate, any information relating to the national defense, which in his judgment is of such character that it is or might be useful to the enemy." During the debates in the Senate the First Amendment was specifically cited and that provision was defeated. 55 Cong. Rec. 2166.

Judge Gurfein's holding in The Times case that this act does not apply to this case was therefore pre-eminently sound. Moreover, the act of Sept. 23, 1950, in amending 18 U.S.C. Section 793, states in Section 1(b) that:

"Nothing in this act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect." 64 Stat. 987.

Thus Congress has been faithful to the command of the First Amendment in this area.

So any power that the Government possesses must come from its "inherent power."

The power to wage war is "the power to wage war successfully." See Hirabayashi v. United States, 320 U.S. 81, 93. But the war power stems from a declaration of war. The Constitution by Article I, Section 8, gives Congress, not the President, power "to declare war." Nowhere are Presidential wars authorized. We need not decide therefore what leveling effect the war power of Congress might have.

These disclosures may have a serious impact. But that is no basis for sanctioning a previous restraint on the press. As stated by Chief Justice Hughes in Near v. Minnesota, 283 U.S. 697, 719–720:

". . . While reckless assaults upon public men, and efforts to bring obloquy upon those who are endeavoring faithfully to discharge official duties, exert a baleful influence and deserve the severest condemnation in public opinion, it cannot be said that this abuse is greater, and it is believed to be less, than that which characterized the period in which our institutions took shape. Meanwhile, the administration of Government has become more complex, the opportunities for malfeasance and corruption have multiplied, crime has grown to most serious proportions, and the danger of its protection by unfaithful officials and of the impairment of the fundamental security of life and property by criminal alliances and official neglect, emphasizes the primary need of a vigilant and courageous press, especially in great cities. The fact that the liberty of the press may be abused by miscreant purveyors of scandal does not make any the less necessary the immunity of the press from previous restraint in dealing with official misconduct."

As we stated only the other day in Organization for a Better Austin v. Keefe,—U.S.—, "any prior restraint on expression comes to this court with a 'heavy presumption' against its constitutional validity."

The Government says that it has inherent powers to go into court and obtain an injunction to protect that national interest, which in this case is alleged to be national security.

Near v. Minnesota, 283 U.S. 697, repudiated that expansive doctrine in no uncertain terms.

The dominant purpose of the First Amendment was to prohibit the widespread practice of governmental suppression of embarrassing information. It is common knowledge that the First Amendment was adopted against the widespread use of the common law of seditious libel to punish the dissemination of material that is embarrassing to the powers-that-be. See Emerson, "The System of Free Expressions," C. XIII (1941). The present cases will, I think, go down in history as the most dramatic illustration of that principle. A debate of large proportions goes on in the nation over our posture in Vietnam. That debate antedated the disclosure of the contents of the present documents. The latter are highly relevant to the debate in progress.

Secrecy in government is fundamentally antidemocratic, perpetuating bureaucratic errors. Open debate and discussion of public issues are vital to our national health. On public questions there should be "open and robust debate." New York Times, Inc. v. Sullivan, 376 U.S. 254, 269–270.

I would affirm the judgment of the Court of Appeals in The Post case, vacate the stay of the Court of Appeals in The Times case and direct that it affirm the District Court.

The stays in these cases that have been in effect for more than a week constitute a flouting of the principles of the First Amendment as interpreted in Near v. Minnesota.

Mr. Justice Brennan, concurring:

I. I write separately in these cases only to emphasize what should be apparent: that our judgment in the present cases may not be taken to indicate the propriety, in the future, of issuing temporary stays and restraining orders to block the publication of material sought to be suppressed by the Government. So far as I can determine, never before has the United States sought to enjoin a newspaper from publishing information in its possession. The relative novelty of the questions presented, the necessary haste with which decisions were reached, the magnitude of the interests asserted, and the fact that all the parties have concentrated their arguments upon the question whether permanent restraints were proper may have justified at least some of the restraints heretofore imposed in these cases. Certainly it is difficult to fault the several courts below for seeking to assure that the issues here involved were preserved for ultimate review by this Court. But even if it be assumed that some of the interim restraints were proper in the two cases before us, that assumption has no bearing upon the propriety of similar judicial action in the future. To begin with there has now been ample time for reflection and judgment; whatever values there may be in the preservation of novel questions for appellate review may not support any restraints in the future. More important, the First Amendment stands as an absolute bar to the imposition of judicial restraints in circumstances of the kind presented by these cases.

II. The error which has pervaded these cases from the outset was the granting of any injunctive relief whatsoever, interim or otherwise. The entire thrust of the Government's claim throughout these cases has been that publication of the material sought to be enjoined "could," or "might" or "may" prejudice the national interest in various ways. But the First Amendment tolerates absolutely no prior judicial restraints of the press predicted upon surmise or conjecture that untoward consequences may result. Our cases, it is true, have indicated that there is a single, extremely narrow class of cases in which the First Amendment's ban on prior judicial restraint may be overridden.

Our cases have thus far indicated that such cases may arise only when the nation "is at war," Schenck v. United States, 249 U.S. 47, 52 (1919), during which times "no one would question but that a government might prevent actual obstruction to its recruiting service or the publication of the sailing dates of transports or the number and location of troops." Near v. Minnesota, 283 U.S. 697, 716 (1931). Even if the present world situation were assumed to be tantamount to a time of war, or if the power of presently available armaments would justify even in peacetime the suppression of information that would set in motion a nuclear holocaust, in neither of these actions has the Government presented or even alleged that publication of items from or based upon the materials at issue would cause the happening of an event of that nature. "The chief purpose of [the First Amendment's] guarantee [is] to prevent previous restraints upon publication." Near v. Minnesota, supra, at 713. Thus, only governmental allegation and proof that publication must inevitably, directly and immediately cause the occurrence of an event kindred to imperiling the safety of a transport already at sea can support even the issuance of an interim restraining order. In no event may mere conclusions be sufficient: for if the executive branch seeks judicial aid in preventing publication, it must inevitably submit the basis upon which that aid is sought to scrutiny by the judiciary. And, therefore, every restraint issued in this case, whatever its form, has violated the First Amendment—and none the less so because that restraint was justified as necessary to afford the Court an opportunity to examine the claim more thoroughly. Unless and until the Government has clearly made out its case, the First Amendment commands that no injunction may issue.

Mr. Justice Stewart, with whom Mr. Justice White joins, concurring:

In the governmental structure created by our Constitution, the executive is endowed with enormous power in the two related areas of national defense and international relations. This power, largely unchecked by the legislative and judicial branches, has been pressed to the very hilt since the advent of the nuclear missile age. For better or for worse, the simple fact is that a President of the United States possesses vastly greater constitutional independence in these two vital areas of power than does, say, a prime minister of a country with a parliamentary form of government.

In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone can here protect the values of democratic government. For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the First Amendment. For without an informed and free press there cannot be an enlightened people.

Yet it is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy. Other nations can hardly deal with this nation in an atmosphere of mutual trust unless they can be assured that their confidences will be kept. And within our own executive departments, the development of considered and intelligent international policies would be impossible if those charged with their formulation could not communicate with each other freely, frankly and in confidence. In the area of basic national defense the frequent need for absolute secrecy is, of course, self-evident.

I think there can be but one answer to this dilemma, if dilemma it be. The responsibility must be where the power is. If the Constitution gives the executive a large degree of unshared power in the conduct of foreign affairs and the maintenance of our national defense, then under the Constitution the executive must have the largely unshared duty to determine and preserve the degree of internal security necessary to exercise that power successfully. It is an awesome responsibility, requiring judgment and wisdom of a high order. I should suppose that moral, political and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake.

If everything, then nothing

For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose in short, that the hallmark of a truly effective international security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained. But be that as it may, it is clear to me that it is the constitutional duty of the executive—as a matter of sovereign prerogative and not as a matter of law as the courts know law—through the promulgation and enforcement of executive regulations, to protect the confidentiality necessary to carry out its responsibilities in the fields of international relations and national defense.

This is not to say that Congress and the courts have no role to play. Undoubtedly Congress has the power to enact specific and appropriate criminal laws to protect Government property and preserve Government secrets. Congress has passed such laws, and several of them are of very colorable relevance to the apparent circumstances of these cases, and if a criminal prosecution is instituted, it will be the responsibility of the courts to decide the applicability of the criminal law under which the charge is brought. Moreover, if Congress should pass a specific law authorizing civil proceedings in this field, the courts would likewise have the duty to decide the constitutionality of such a law as well as its applicability to the facts proved.

But in the cases before us we are asked neither to construe specific regulations nor to apply specific laws. We are asked, instead, to perform a function that the Constitution gave to the executive, not the judiciary. We are asked, quite simply, to prevent the publication by two newspapers of material that the executive branch exists should not, in the national interest, be published. I am convinced that the executive is correct with respect to some of the documents involved. But I cannot say that disclosure of any of them will surely result in direct, immediate and irreparable damage to our nation or its people. That being so, there can under the first amendment be but one judicial resolution of the issues before us.

I join the judgments of the court.

Mr. Justice Marshall, concurring:

The Government contends that the only issue in this case is whether in a suit by the United States, "the First Amendment bars a court from prohibiting a newspaper from publishing material whose disclosure would pose a grave and immediate danger to the security of the United States." Brief of the Government, at 6. With all due respect, I believe the ultimate issue in this case is even more basic than the one posed by the Solicitor General. The issue is whether this Court or the Congress has the power to make law.

In this case there is no problem concerning the President's power to classify information as "secret" or "top secret." Congress has specifically recognized Presidential authority, which has been formally exercised in Executive Order 10501, to classify documents and information. See, e.g., U.S.C. Section 798; 50 U.S.C. Section 783. Nor is there any issue here regarding the President's power as Chief Executive and Commander in Chief to protect national security by disciplining employes who disclose information and by taking precautions to prevent leaks.

"Utterly inconsistent"

The problem here is whether in this particular case the executive branch has authority to invoke the equity jurisdiction of the courts to protect what it believes to be the national interest. See in Re Debs, 158 U.S. 564, 584 (1895). The Government argues that in addition to the inherent power of any government to protect itself, the President's power to conduct foreign affairs and his position as Commander in Chief gave him authority to impose censorship on the press to protect his ability to deal effectively with foreign nations and to conduct the military affairs of the country. Of course, it is beyond cavil that the President has broad powers by virtue of his primary responsibility for the conduct of our foreign affairs and his position as Commander in Chief. Chicago & Southern Air Lines, Inc., v. Waterman Corp., 333 U.S. 103 (1948); Hirabayashi v. United States, 320 U.S. 81, 93 (1943); United States v. Curtiss-Wright Export Co., 299 U.S. 304 (1936). And in some situations it may be that under whatever inherent powers the Government may have, as well as the implicit authority derived from the President's mandate to conduct foreign affairs and to act as Commander in Chief there is a basis for the invocation of the equity jurisdiction of this Court as an aid to prevent the publication of material damaging to "national security," however, that term may be defined.

It would, however, be utterly inconsistent with the concept of separation of power for this Court to use its power of contempt to prevent behavior that Congress has specifically declined to prohibit. There would be a similar damage to the basic concept of these coequal branches of government if when the executive has adequate authority granted by Congress to protect "national security," it can choose instead to invoke the contempt power of a court to enjoin the threatened conduct. The Constitution provides that Congress shall make laws, the President execute laws, and courts interpret law. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952). It did not provide for government by injunction, in which the courts and the executive can "make law" without regard to the action of Congress. It may be more convenient for the executive if it need only convince a judge to prohibit conduct rather than to ask the Congress to pass a law, and it may be more convenient to enforce a contempt order than seek a criminal conviction in a jury trial. Moreover, it may be considered politically wise to get a court to share the responsibility for arresting those who the executive has probably cause to believe are violating the law. But convenience and political considerations of the moment do not justify a basic departure from the principles of our system.

In this case we are not faced with a situation where Congress has failed to provide the executive with broad power to protect the nation from disclosure of damaging state secrets. Congress has on several occasions given extensive consideration to the problem of protecting the military and strategic secrets of the United States. This consideration has resulted in the enactment of statutes, making it a crime to receive, disclose, communicate, withhold and publish certain documents, photographs, instruments, appliances and information. The bulk of these statutes are found in Chapter 37 of U.S.C., Title 18, entitled "Espionage and Censorship." In that chapter, Congress has provided penalties ranging from a $10,000 fine to death for violating the various statutes.

Thus it would seem that in order for this Court to issue an injunction it would require a showing that such an injunction would enhance the already existing power of the Government to act. See Bennett v. Laman, 277 N.Y. 368, 14 N.E. 2d 439 (1938). It is a traditional axiom of equity that a court of equity will not do a useless thing just as it is a traditional axiom that equity will not enjoin the commission of a crime. See Z. Chaffe & E. Re, Equity 935–954 (5th ed. 1967); H. Joyce, Injunctions sections 58–60A (1909). Here there has been no attempt to make such a showing. The Solicitor General does not even mention in his brief whether the Government considers there to be probable cause to believe a crime has been committed or whether there is a conspiracy to commit future crimes.

If the Government had attempted to show that there was no effective remedy under traditional criminal law, it would have had to show that there is no arguably applicable statute. Of course, at this stage this Court could not and cannot determine whether there has been a violation of a particular statute nor decide the constitutionality of any statute. Whether a good-faith prosecution could have been instituted under any statute could, however, be determined.

Relevant statute noted

At least one of the many statutes in this area seems relevant to this case. Congress has provided in 18 U.S.C. Section 793(e) that whoever "having unauthorized possession of, access to, or control over any document, writing, code book, signal book . . . or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits . . . the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employe of the United States entitled to receive it . . . shall be fined not more than $10,000 or imprisoned not more than 10 years, or both." 18 U.S.C. Section 793(e). Congress has also made it a crime to conspire to commit any of the offenses listed in 18 U.S.C. Section 793(e).

It is true that Judge Gurfein found that Congress had not made it a crime to publish the items and material specified in Section 793(e): He found that the words "communicates, delivers, transmits . . ." did not refer to publication of newspaper stories. And that view has some support in the legislative history and conforms with the past practice of using the statute only to prosecute those charged with ordinary espionage. But see 103 Cong. Rec. 10449 (remarks of Senator Humphrey). Judge Gurfein's view of the statute is not, however, the only plausible construction that could be given. See my brother White's concurring opinion.

Even if it is determined that the Government could not in good faith bring criminal prosecutions against The New York Times and The Washington Post, it is clear that Congress has specifically rejected passing legislation that would have clearly given the President the power he seeks here and made the current activity of the newspapers unlawful. When Congress specifically declines to make conduct unlawful it is not for this Court to redecide those issues—to overrule Congress. See Youngstown Sheet & Tube v. Sawyer, 345 U.S. 579 (1952).

On at least two occasions Congress has refused to enact legislation that would have made the conduct engaged in here unlawful and given the President the power that he seeks in this case. In 1917 during the debate over the original Espionage Act, still the basic provisions of Section 793, Congress rejected a proposal to give the President in time of war or threat of war authority to directly prohibit by proclamation the publication of information relating to national defense that might be useful to the enemy. The proposal provided that:

"During any national emergency resulting from a war to which the United States is a party, or from threat of such a war, the President may, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate any information relating to the national defense which, in his judgment, is of such character that it is or might be useful to the enemy. Whoever violates any such prohibition shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both: provided, that nothing in this section shall be construed to limit or restrict any discussion, comment or criticism of the acts or policies of the Government or its representatives or the publication of the same." 55 Cong. Rec. 1763.

No request of Congress

Congress rejected this proposal after war against Germany had been declared even though many believed that the threat of security leaks and espionage were serious. The executive has not gone to Congress and requested that the decision to provide such power be reconsidered. Instead, the executive comes to this Court and asks that it be granted the power Congress refused to give.

In 1957 the United States Commission on Government Security fund that "airplane journals, scientific periodicals and even the daily newspaper have featured articles containing information and other data which should have been deleted in whole or in part for security reasons." In response to this problem the commission, which was chaired by Senator Cotton, proposed that "Congress enact legislation making it a crime for any person willfully to disclose without proper authorization, for any purpose whatever, information classified 'secret' or 'top secret,' knowing, or having reasonable grounds to believe, such information to have been so classified." Report of Commission on Government Security 619–620 (1957). After substantial floor discussion on the proposal, it was rejected. See 103 Cong. Rec. 10447–10450. If the proposal that Senator Cotton championed on the floor had been enacted, the publication of the documents here would certainly have been a crime. Congress refused, however, to make it a crime. The Government is here asking this Court to remake that decision. This court has no such power.

Either the Government has the power under statutory grant to use traditional criminal law to protect the country or, if there is no basis for arguing that Congress has made the activity a crime, it is plain that Congress has specifically refused to grant the authority the Government seeks from this court. In either case this court does not have authority to grant the requested relief. It is not for this Court to fling itself into every breach perceived by some Government official, nor is it for this Court to take on itself the burden of enacting law, especially law that Congress has refused to pass.

I believe that the judgment of the United States Court of Appeals for the District of Columbia should be affirmed and the judgment of the United States Court of Appeals for the Second Circuit should be reversed insofar as it remands the case for further hearings.

Mr. Justice Black, with whom Mr. Justice Douglas joins, concurring:

I adhere to the view that the Government's case against The Washington Post should have been dismissed and that the injunction against The New York Times should have been vacated without oral argument when the cases were first presented to this Court. I believe that every moment's continuance of the injunctions against these newspapers amounts to a flagrant, indefensible and continuing violation of the First Amendment. Furthermore, after oral arguments, I agree completely that we must affirm the judgment of the Court of Appeals for the District of Columbia and reverse the judgment of the Court of Appeals for the Second Circuit for the reasons stated by my brothers Douglas and Brennan. In my view it is unfortunate that some of my brethren are apparently willing to hold that the publication of news may sometimes be enjoined. Such a holding would make a shambles of the First Amendment.

Our Government was launched in 1789 with the adoption of the Constitution. The Bill of Rights, including the First Amendment, followed in 1791. Now, for the first time in the 182 years since the founding of the Republic, the Federal courts are asked to hold that the First Amendment does not mean what is says, but rather means that the Government can halt the pubication of current news of vital importance to the people of this country.

In seeking injunctions against these newspapers and in its presentation to the court, the executive branch seems to have forgotten the essential purpose and history of the First Amendment. When the Constitution was adopted, many people strongly opposed it because the document contained no bill of rights to safeguard certain basic freedoms. They especially feared that the new powers granted to a central government might be interpreted to permit the government to curtail freedom of religion, press, assembly and speech.

In response to an overwhelming public clamor, James Madison offered a series of amendments to satisfy citizens that these great liberties would remain safe and beyond the power of government to abridge. Madison proposed what later became the First Amendment in three parts, two of which are set out below, and one of which proclaimed: "The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable." The amendments were offered to curtail and restrict the general powers granted to the executive, legislative and judicial branches two years before in the original Constitution. The Bill of Rights changed the original Constitution into a new charter under which no branch of government could abridge the people's freedoms of press, speech, religion and assembly.

"Perversion of history"

Yet the Solicitor General argues and some members of the Court appear to agree that the general powers of the Government adopted in the original Constitution should be interpreted to limit and restrict the specific and emphatic guarantees of the Bill of Rights adopted later. I can imagine no greater perversion of history. Madison and the other framers of the First Amendment, able men that they were, wrote in language they earnestly believed could never be misunderstood: Congress shall make no law . . . abridging the freedom of the press." Both the history and language of the First Amendment support the view that the press must be left free to publish news, whatever the source, without censorship, injunctions or prior restraints.

In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government. And paramount among the responsibilities of a free press is the duty to prevent any part of the Government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell. In my view, far from deserving condemnation for their courageous reporting, The New York Times, The Washington Post and other newspapers should be commended for serving the purpose that the Founding Fathers saw so clearly. In revealing the workings of government that led to the Vietnam war, the newspapers nobly did precisely that which the founders hoped and trusted they would do.

The Government's case here is based on premises entirely different from those that guided the framers of the First Amendment. The Solicitor General has carefully and emphatically stated:

"Now, Mr. Justice [Black], your construction of . . . [the First Amendment] is well known, and I certainly respect it. You say that no law means no law, and that should be obvious. I can only say, Mr. Justice, that to me it is equally obvious that 'no law,' and I would seek to persuade the Court that that is true . . . [t]here are other parts of the Constitution that grant power and responsibilities to the executive end . . . the First Amendment was not intended to make it impossible for the executive to function or to protect the security of the United States."

GOVERNMENT STAND REBUTTED

And the Government argues in its brief that in spite of the First Amendment, "the authority of the executive department to protect the nation against publication of information whose disclosure would endanger the national security stems from two interrelated sources: the constitutional power of the President over the conduct of foreign affairs and his authority as Commander in Chief."

In other words, we are asked to hold that despite the First Amendment's emphatic command, the executive branch, the Congress and the judiciary can make laws enjoining publication of current news and abridging freedom of the press in the name of "national security." The Government does not even attempt to rely on an act of Congress. Instead it makes the bold and dangerously far-reaching contention that the courts should take it upon themselves to "make" a law abridging freedom of the press in the name of equity, Presidential power and national security, even when the representatives of the people in Congress have adhered to the command of the First Amendment and refused to make such a law. See concurring opinion of Mr. Justice Douglas, Post.

To find that the President has "inherent power" to halt the publication of news by resort to the courts would wipe out the First Amendment and destroy the fundamental liberty and security of the very people the Government hopes to make "secure." No one can read the history of the adoption of the First Amendment without being convinced beyond any doubt that it was injunctions like those sought here that Madison and his collaborators intended to outlaw in this nation for all time.

The word "security" is a broad, vague generality whose contours should not be invoked to abrogate the fundamental law embodied in the First Amendment. The guarding of military and diplomatic secrets at the expense of informed representative government provides no real security for our Republic.

The framers of the First Amendment, fully aware of both the need to defend a new nation and the abuses of the English and colonial Governments, sought to give this new society strength and security by providing that freedom of speech, press, religion and assembly should not be abridged. This thought was eloquently expressed in 1937 by Mr. Chief Justice Hughes—great man and great Chief Justice that he was—when the Court held a man could not be punished for attending a meeting run by Communists.

"The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government."

Mr. Justice White, with whom Mr. Justice Stewart joins, concurring:

I concur in today's judgments, but only because of the concededly extraordinary protection against prior restraints enjoyed by the press under our constitutional system. I do not say that in no circumstances would the First Amendment permit an injunction against publishing information about Government plans or operations. Nor, after examining the materials the Government characterizes as the most sensitive and destructive, can I deny that revelation of these documents will do substantial damage to public interests. Indeed, I am confident that their disclosure will have that result. But I nevertheless agree that the United States has not satisfied the very heavy burden which it must meet to warrant an injunction against publication in these cases, at least in the absence of express and appropriately limited Congressional authorization for prior restraints in circumstances such as these.

The Government's position is simply stated: The responsibility of the executive for the conduct of the foreign affairs and for the security of the nation is so basic that the President is entitled to an injunction against publication of a newspaper story whenever he can convince a court that the information to be revealed threatens "grave and irreparable" injury to the public interest; and the injunction should issue whether or not the material to be published is classified, whether or not publication would be lawful under relevant criminal statutes enacted by Congress and regardless of the circumstances by which the newspaper came into possession of the information.

At least in the absence of legislation by Congress, based on its own investigations and findings, I am quite unable to agree that the inherent powers of the executive and the courts reach so far as to authorize remedies having such sweeping potential for inhibiting publications by the press. Much of the difficulty inheres in the "grave and irreparable danger" standard suggested by the United States. If the United States were to have judgment under such a standard in these cases, our decision would be of little guidance to other courts in other cases, for the material at issue here would not be available from the Court's opinion or from public records, nor would it be published by the press. Indeed, even today where we hold that the United States has not met its burden, the material remains sealed in court records and it is properly not discussed in today's opinions. Moreover, because the material poses substantial dangers to national interests and because of the hazards of criminal sanctions, a responsible press may choose never to publish the more sensitive materials. To sustain the Government in these cases would start the courts down a long and hazardous road that I am not willing to travel, at least without Congressional guidance and direction.

"Not easy to deny relief"

It is not easy to reject the proportion urged by the United States and to deny relief on its good-faith claims in these cases that publication will work serious damage to the country. But that discomfiture is considerable dispelled by the infrequency of prior restraint cases. Normally, publication will occur and the damage be done before the Government has either opportunity or grounds for suppression. So here, publication has already begun and a substantial part of the threatened damage has already occurred. The fact of a massive breakdown in security is known, access to the documentary by many unauthorized people is undeniable and efficacy of equitable relief against these or other newspapers to avert anticipated damage is doubtful at best.

What is more, terminating the ban on publication of the relatively few sensitive documents the Government now seeks to suppress does not mean that the law either requires or invites newspapers or others to publish them or that they will be immune from criminal action if they do. Prior restraints require an unusually heavy justification under the First Amendment; but failure by the Government to justify prior restraints does not measure its constitutional entitlement to a conviction for criminal publication. That the Government mistakenly chose to proceed by injunction does not mean that it could not successfully proceed in another way.

When the Espionage Act was under consideration in 1917, Congress eliminated from the bill a provision that would have given the President broad powers in time of war to proscribe, under threat of criminal penalty, the publication of various categories of information related to the national defense. Congress at that time was unwilling to clothe the President with such far-reaching powers to monitor the press, and those opposed to this part of the legislation assumed that a necessary concomitant of such power was the power to "filter out the news to the people through some man." 55 Cong. Rec. 2008 (1917) (remarks of Senator Ashurst). However, these same members of Congress appeared to have little doubt that newspapers would be subject to criminal prosecution if they insisted on publishing information of the type Congress had itself determined should not be revealed. Senator Ashurst, for example, was quite sure that the editor of such a newspaper "should be punished if he did publish information as to the movements of the fleet, the troops, the aircraft, the location of powder factories, the location of defense works and all that sort of thing." 55 Cong. Rec. 2009 (1917).

The Criminal Code contains numerous provisions potentially relevant to these cases. Section 797 makes it a crime to publish certain photographs or drawings of military installations. Section 798, also in precise language, proscribes knowing and willful publications of any classified information concerning the cryptographic systems or communication intelligence activities of the United States as well as any information obtained from communication intelligence operations. If any of the material here at issue is of this nature, the newspapers are presumably now on full notice of the position of the United States and must face the consequences if they publish. I would have no difficulty in sustaining convictions under these sections on facts that would not justify the intervention of equity and the imposition of a prior restraint.

UNDER "A WIDER NET"

The same would be true under those sections of the Criminal Code casting a wider net to protect the national defense. Section 798 (e) makes it a criminal act for any unauthorized possessor of a document "relating to national defense" either (1) willfully to communicate or cause to be communicated that document to any person not entitled to receive it or (2) willfully to retain the document and fail to deliver it to an officer of the United States entitled to receive it. The subsection was added in 1950 because pre-existing law provided no penalty for the unauthorized possessor unless demand for the documents was made. "The dangers surrounding the unauthorized possession of such items are self-evident, and it is deemed advisable to require their surrender in such a case, regardless of demand, especially since their unauthorized possession may be unknown to the authorities who would otherwise make the demand." S. Rep. No. 2369, 81st Cong., 2d Sess., 9 (1950). Of course, in the cases before us, the unpublished documents have been demanded by the United States and their import has been made known at least to counsel for the newspapers involved. In Gorin v. United States, 312 U.S. 19, 28 (1941), the words "national defense" as used in a predecessor of Sec. 793 were held by a unanimous court to have "a well-understood connotation"—a "generic concept of broad connotations, referring to the military and naval establishments and the related activities of national preparedness"—and to be "sufficiently definite to apprise the public of prohibited activities" and to be consonant with due process. 312 U.S., at 28. Also, as construed by the Court in Gorin, information "connected with the national defense" is obviously not limited to that threatening "grave and irreparable" injury to the United States.

It is thus clear that Congress has addressed itself to the problems of protecting the security of the country and the national defense from unauthorized disclosure of potentially damaging information. Cf. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 585–586 (1952): see also id., at 593–628 (Frankfurter, J., concurring). It has not, however, authorized the injunctive remedy against threatened publication. It has apparently been satisfied to rely on criminal sanctions and their deterrent effect on the responsible as well as the irresponsible press. I am not, of course, saying that either of these newspapers has yet committed a crime or that either would commit a crime if they published all the material now in their possession. That matter must await resolution in the context of a criminal proceeding if one is instituted by the United States. In that event, the issue of guilt or innocence would be determined by procedures and standards quite different from those that have purported to govern these injunctive proceedings.

DISSENTS

Mr. Chief Justice Burger, dissenting:

So clear are the constitutional limitations on prior restraint against expression, that from the time of Near v. Minnesota, 283 U.S. 697 (1931), until recently in Organization for a Better Austin v. Keefe, (1971), we have had little occasion to be concerned with cases involving prior restraints against news reporting on matters of public interest. There is, therefore, little variation among the members of the Court in terms of resistance to prior restraints against publication. Adherence to this basic constitutional principle, however, does not make this case a simple one. In this case, the imperative of a free and unfettered press comes into collision with another imperative, the effective functioning of a complex modern government, and specifically the effective exercise of certain constitutional powers of the executive. Only those who view the First Amendment as an absolute in all circumstances—a view I respect, but reject—can find such a case as this to be simple or easy.

This case is not simple for another and more immediate reason. We do not know the facts of the case. No District Judge knew all the facts. No Court of Appeals Judge knew all the facts. No member of this Court knows all the facts.

Why are we in this posture, in which only those judges to whom the First Amendment is absolute and permits of no restraint in any circumstances or for any reason, are really in a position to act?

I suggest we are in this posture because these cases have been conducted in unseemly haste. Mr. Justice Harlan covers the chronology of events demonstrating the hectic pressures under which these cases have been processed and I need not restate them. The prompt setting of these cases reflects our universal abhorrence of prior restraint. But prompt judicial action does not mean unjudicial haste.

Here, moreover, the frenetic haste is due in large part to the manner in which The Times proceeded from the date it obtained the purloined documents. It seems reasonably clear now that the haste precluded reasonable and deliberate judicial treatment of these cases and was not warranted. The precipitous action of this court aborting a trial not yet completed is not the kind of judicial conduct which ought to attend the disposition of a great issue.

"The public right to know"

The newspapers make a derivative claim under the First Amendment: they denominate this right as the public right to know; by implication, The Times asserts a sole trusteeship of that right by virtue of its journalist "scoop." The right is asserted as an absolute. Of course, the First Amendment right itself is not an absolute, as Justice Holmes so long ago pointed out in his aphorism concerning the right to shout of fire in a crowded theater. There are other exceptions, some of which Chief Justice Hughes mentioned by way of example in Near v. Minnesota. There are no doubt other exceptions no one has had occasion to describe or discuss. Conceivably such exceptions may be lurking in these cases and would have been flushed had they been properly considered in the trial courts, free from unwarranted deadlines and frenetic pressures.

A great issue of this kind should be tried in a judicial atmosphere conducive to thoughtful, reflective deliberation, especially when haste, in terms of hours, is unwarranted in light of the long period. The Times, by its own choice, deferred publication.

It is not disputed that The Times has had unauthorized possession of the documents for three to four months, during which it has had its expert analysts studying them, presumably digesting them and preparing the material for publication. During all of this time, The Times, presumably in its capacity as trustee of the public's "right to know," has held up publication for purposes it considered proper and thus public knowledge was delayed. No doubt this was for a good reason, the analysis of 7,000 pages of complex material drawn from a vastly greater volume of material would inevitably take time and the writing of good news stories takes time.

But why should the United States Government, from whom this information was illegally acquired by someone along with all the counsel, trial judges, and appellate judges by placed under needless pressure? After these months of deferral, the alleged right to know has somehow and suddenly become a right that must be vindicated instanter.

Would it have been unreasonable, since the newspaper could anticipate the Government's objections to release of secret material, to give the Government an opportunity to review the entire collection and determine whether agreement could be reached on publication? Stolen or not, if security was not in fact jeopardized, much of the material could no doubt have been declassified, since it spans a period ending in 1968.

"Duty of honorable press"

With such an approach—one that great newspapers have in the past practiced and stated editorially to be the duty of honorable press—the newspapers and Government might well have narrowed the area of disagreement as to what was and was not publishable, leaving the remainder to be resolved in orderly litigation if necessary. To me it is hardly believable that a newspaper long regarded as a great institution in American life would fail to perform one of the basic and simple duties of every citizen with respect to the discovery or possession of stolen property or secret Government documents. That duty, I had thought—perhaps naively—was to report forthwith, to responsible public officers. This duty rests on taxi drivers, justices and The New York Times. The course followed by The Times, whether so calculated or not, removed any possibility of orderly litigation of the issues. If the action of the judges up to now has been correct, that result is sheer happenstance.

Our grant of the writ before final judgment in The Times case aborted the trial in the District Court before it had made a complete record pursuant to the mandate of the Court of Appeals, Second Circuit.

The consequences of all this melancholy series of events is that we literally do not know what we are acting on. As I see it we have been forced to deal with litigation concerning rights of great magnitude without an adequate record, and surely without time for adequate treatment either in the prior proceedings or in this court. It is interesting to note that counsel in oral argument before this Court were frequently unable to respond to questions on factual points. Not surprisingly they pointed out that they had been working literally "around the clock" and simply were unable to review the documents that give rise to these cases and were not familiar with them. This Court is in no better posture. I agree with Mr. Justice Harlan and Mrs. Justice Blackmun but I am not prepared to reach the merits.

I would affirm the Court of Appeals for the Second Circuit and allow the District Court to complete the trial aborted by our grant of certiorari, meanwhile preserving the status quo in The Post case. I would direct that the District Court on remand give priority to The Times case to the exclusion of all other business of that court but I would not set arbitrary deadlines.

I should add that I am in general agreement with much of what Mr. Justice White has expressed with respect to penal sanctions concerning communication or retention of documents or information relating to the national defense.

We all crave speedier judicial processes, but when judges are pressured as in these cases the result is a parody of the judicial process.

Mr. Justice Harlan, with whom the Chief Justice and Mr. Justice Blackmun join, dissenting:

These cases forcefully call to mind the wise admonition of Mr. Justice Holmes, dissenting in Northern Securities Co. v. United States, 193 U.S. 197, 400–401 (1904):

"Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure which makes what previously was clear seem doubtful, and before which even well settled principles of law will bend."

With all respect, I consider that the Court has been almost irresponsibly feverish in dealing with these cases.

Both the Court of Appeals for the Second Circuit and the Court of Appeals for the District of Columbia Circuit rendered judgment on June 23. The New York Times' petition for certiorari, its motion for accelerated consideration thereof, and its application for interim relief were filed in this Court on June 24 at about 11 A.M The application of the United States for interim relief in The Post case was also filed here on June 24, at about 7:15 P.M. This Court's order setting a hearing before us on June 26 at 11 A.M., a course which I joined only to avoid the possibility of even more peremptory action by the Court, was issued less than 24 hours before. The record in The Post case was filed with the clerk shortly before 1 P.M. on June 25; the record in The Times case did not arrive until 7 or 8 o'clock that same night. The briefs of the parties were received less than two hours before argument on June 26.

This frenzied train of events took place in the name of the presumption against prior restraints created by the First Amendment. Due regard for the extraordinarily important and difficult questions involved in these litigations should have led the Court to shun such a precipitate timetable. In order to decide the merits of these cases properly, some or all of the following questions should have been faced:

1. Whether the Attorney General is authorized to bring these suits in the name of the United States. Compare In Re Debs, 158 U.S. 564 (1895), with Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 479 (1952). This question involves as well the construction and validity of a singularly opaque statute—the Espionage Act, 18 U.S.C. Section 793(e).

2. Whether the First Amendment permits the Federal Courts to enjoin publication of stories which would present a serious threat to national security. See Near v. Minnesota, 283 U.S. 697, 716 (1931) (dictum).

3. Whether the threat to publish highly secret documents is of itself a sufficient implication of national security to justify an injunction on the theory that regardless of the contents of the documents harm enough results simply from the demonstration of such a breach of secrecy.

4. Whether the unauthorized disclosure of any of these particular documents would seriously impair the national security.

5. What weight should be given to the opinion of high officers in the executive branch of the Government with respect to questions 3 and 4.

6. Whether the newspapers are entitled to retain and use the documents notwithstanding the seemingly uncontested facts that the documents, or the original of which they are duplicates, were purloined from the Government's possession and that the newspapers received them with the knowledge that they had been feloniously acquired. Cf. Liberty Lobby, Inc., v. Pearson, 390 F. 2d 489 (CADC 1968).

7. Whether the threatened harm to the national security or the Government's possessory interest in the documents justifies the issuance of an injunction against publication in light of—

A. The strong First Amendment policy against prior restraints on publication;

B. The doctrine against enjoining conduct in violation of criminal statutes; and

C. The extent to which the materials at issue have apparently already been otherwise disseminated.

"Difficult questions of fact law"

These are difficult questions of fact, of law and of judgment; the potential consequences of erroneous decision are enormous. The time which has been available to us, to the lower courts and to the parties has been wholly inadequate for giving these cases the kind of consideration they deserve. It is a reflection on the stability of the judicial process that these great issues—as important as any that have arisen during my time on the Court—should have have been decided under the pressures engendered by the torrent of publicity that has attended these litigations from their inception.

Forced as I am to reach the merits of these cases, I dissent from the opinion and judgments of the Court. Within the severe limitations imposed by the time constraints under which I have been required to operate, I can only state my reasons in telescoped form, even though in different circumstances I would have felt constrained to deal with the cases in the fuller sweep indicated above.

It is a sufficient basis for affirming the Court of Appeals for the Second Circuit in The Times litigation to observe that its order must rest on the conclusion that because of the time elements the Government had not been given an adequate opportunity to present its case to the District Court. At the least this conclusion was not an abuse of discretion.

In The Post litigation the Government had more time to prepare; this was apparently the basis for the refusal of the Court of Appeals for the District of Columbia Circuit on rehearing to conform its judgment to that of the Second Circuit. But I think there is another and more fundamental reason why this judgment cannot stand—a reason which also furnishes an additional ground for not reinstating the judgment of the district court in The Times litigation, set aside by the Court of Appeals. It is plain to me that the scope of the judicial function in passing upon the activities of the executive branch of the Government in the field of foreign affairs is very narrowly restricted. This view is, I think, dictated by the concept of separation of powers upon which our constitutional system rests.

In a speech on the floor of the House of Representatives, Chief Justice John Marshall, then a member of that body, stated:

"The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations." Annals, 6th Cong., Col. 613 (1800).

From that time, shortly after the founding of the nation, to this, there has been no substantial challenge to this description of the scope of executive power. See United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 319–321 (1936), collecting authorities.

From this constitutional primacy in the field of foreign affairs, it seems to me that certain conclusions necessarily follow. Some of these were stated concisely by President Washington, declining the request of the House of Representatives for the papers leading up to the negotiation of the Jay Treaty:

"The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic; for this might have a pernicious influence on future negotiations, or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers." J. Richardson, "Messages and Papers of the Presidents" 194–195 (1899).

NEED FOR JUDICIAL REVIEW SEEN

The power to evaluate the "pernicious influence" of premature disclosure is not, however, lodged in the executive alone. I agree that, in performance of its duty to protect the values of the First Amendment against political pressures, the judiciary must review the initial executive determination to the point of satisfying itself that the subject matter of the dispute does lie within the proper compass of the President's foreign relations power. Constitutional considerations forbid "a complete abandonment of judicial control." Cf. United States v. Reynolds, 345 U.S. 1, 8 (1953). Moreover, the judiciary may properly insist that the determination that disclosure of the subject matter would irreparably impair the national security be made by the head of the executive department concerned—here the Secretary of State or the Secretary of Defense—after actual personal consideration by that office. This safeguard is required in the analogous area of executive claims of privilege for secrets of state. See United States v. Reynolds, supra, at 8 and N. 20; Duncan v. Cammell, Laird & Co., (1942) A. C. 624, 638 (House of Lords).

But in my judgment the judiciary may not properly go beyond these two inquiries and redetermine for itself the probable impact of disclosure on the national security.

"The very nature of executive decisions as to foreign policy is political, not judicial. Such decisions are wholly confided by our Constitution to the political departments of the Government, executive and legislative. They are delicate, complex, and involve large elements of prophecy. They are and should be undertaken only by those directly responsible to the people whose welfare they advance or imperil. They are decisions of a kind for which the judiciary has neither aptitude, facilities nor responsibility and which has long been held to belong in the domain of political power not subject to judicial intrusion or inquiry." Chicago & Southern Air Lines v. Waterman Steamship Corp., 333 U.S. 103, 111 (1948) (Jackson, J.).

Even if there is some room for the judiciary to override the executive determination, it is plain that the scope of review must be exceedingly narrow. I can see no indication in the opinions of either the District Court or the Court of Appeals in The Post litigation that the conclusions of the executive were given even the deference owing to an administrative agency, much less that owing to a coequal constitutional prerogative.

Accordingly, I would vacate the judgment of the Court of Appeals for the District of Columbia Circuit on this ground and remand the case for further proceedings in the District Court. Before the commencement of such further proceedings, due opportunity should be afforded the Government for procuring from the Secretary of State or the Secretary of Defense or both an expression of their views on the issue of national security. The ensuing review by the District Court should be in accordance with the views expressed in this opinion. And for the reasons stated above I would affirm the judgment of the Court of Appeals for the Second Circuit.

Pending further hearings in each case or delay, by restraint or otherwise, was abhorrent and was to be deemd violative of the First Amendment and of the public's "right immediately to know." Yet that newspaper stood before us at oral argument and professed criticism of the Government for not lodging its protest earlier than by a Monday telegram following the initial Sunday publication.

The District of Columbia case is much the same.

Seemingly, from then on, every deferral conducted under the appropriate ground rules, I would continue the restraints on publication. I cannot believe that the doctrine prohibiting prior restraints reaches to the point of preventing courts from maintaining the status quo long enough to act responsibly in matters of such national importance as those involved here.

Mr. Justice Blackmun:

I join Mr. Justice Harlan in his dissent. I also am in substantial accord with much that Mr. Justice White says, by way of admonition, in the latter part of his opinion.

At this point the focus is on only the comparatively few documents specified by the Government as critical. So far as the other material—vast in amount—is concerned, let it be published and published forthwith if the newspapers, once the strain is gone and the sensationalism is eased, still feel the urge so to do.

But we are concerned here with the few documents specified from the 47 volumes. Almost 70 years ago Mr. Justice Holmes, dissenting in a celebrated case, observed:

"Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure. . . ." Northern Securities Co. v. United States, 193 U.S. 197, 400-401 (1904).

The present cases, if not great, are at least unusual in their posture and implications, and the Holmes observation certainly has pertinent application.

The New York Times clandestinely devoted a period of three months examining the 47 volumes that came into its unauthorized possession. Once it had begun publication of material from those volumes, the New York case now before us emerged. It immediately assumed, and ever since has maintained, a frenetic pace and character. Seemingly, once publication started, the material could not be made public fast enough.

PRESSED INTO HURRIED DECISION

Two Federal District Courts, two United States Courts of Appeals, and this Court—within a period of less than three weeks from inception until today—have been pressed into hurried decision of profound constitutional issues on inadequately developed and largely assumed facts without the careful deliberation that, hopefully, should characterize the American judicial process. There has been much writing about the law and little knowledge and less digestion of the facts. In the New York case the judges, both trial and appellate, had not yet examined the basic material when the case was brought here. In the District of Columbia case, little more was done, and what was accomplished in this respect was only on required remand, with The Washington Post, on the excuse that it was trying to protect its source of information, initially refusing to reveal what material it actually possessed, and with the District Court forced to make assumptions as to that possession.

With such respect as may be due to the contrary view, this, in my opinion, is not the way to try a lawsuit of this magnitude and asserted importance. It is not the way for Federal Courts to adjudicate, and to be required to adjudicate, issues that allegedly concern the nation's vital welfare. The country would be none the worse off were the cases tried quickly, to be sure, but in the customary and properly deliberative manner. The most recent of the material, it is said, dates no later than 1968, already about three years ago, and The Times itself took three months to formulate its plan of procedure and, thus, deprived its public for that period.

The First Amendment, after all, is only one part of an entire Constitution. Article II of the great document vests in the executive branch primary power over the conduct of foreign affairs and places in that branch the responsibility for the nation's safety.

Each provision of the Constitution is important, and I cannot subscribe to a doctrine of unlimited absolutism for the First Amendment at the cost of downgrading other provisions.

First Amendment absolutism has never commanded a majority of this court. See, for example, Near v. Minnesota, 283 U.S. 697, 708 (1931), and Schenck v. United States, 249 U.S. 47, 52 (1919). What is needed here is a weighing, upon properly developed standards, of the broad right of the press to print and of the very narrow right of the Government to prevent. Such standards are not yet developed. The parties here are in disagreement as to what those standards should be. But even the newspapers concede that there are situations where restraint is in order and is constitutional. Mr. Justice Holmes gave us a suggestion when he said in Schenck:

"It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no court could regard them as protected by any constitutional right." 249 U.S., at 52.

"Better quality" of presentation

I therefore would remand these cases to be developed expeditiously, of course, but on a schedule permitting the orderly presentation of evidence from both sides, with the use of discovery, if necessary, as authorized by the rules, and with the preparation of briefs, oral argument and court opinions of a quality better than has been seen to this point. In making this last statement, I criticize no lawyer or judge. I know from past personal experience the agony of time pressure in the preparation of litigation. But these cases and the issues involved and the courts, including this one, deserve better than has been produced thus far.

It may well be that if these cases were allowed to develop as they should be developed, and to be tried as lawyers should try them and as courts should hear them, free of pressure and panic and sensationalism, other light would be shed on the situation and contrary considerations, for me, might prevail. But that is not the present posture of the litigation.

The Court, however, decides the cases today the other way. I therefore add one final comment.

I strongly urge, and sincerely hope, that these two newspapers will be fully aware of their ultimate responsibilities to the United States of America. Judge Wilkey, dissenting in the District of Columbia case, after a review of only the affidavits before this Court, (the basic papers had not then been made available by either party), concluded that there were a number of examples of documents that, if in the possession of The Post, and if published, "could clearly result in great harm to the nation," and he defined "harm" to mean "the death of soldiers, and destruction of alliances, the greatly increased difficulty of negotiation with our enemies, the inability of our diplomats to negotiate. . . ." I, for one, have now been able to give at least some cursory study not only to the affidavits, but to the material itself. I regret to say that from this examination I fear that Judge Wilkey's statements have possible foundation. I therefore share his concern. I hope that damage already has not been done.

If, however, damage has been done, and if, with the Court's action today, these newspapers proceed to publish the critical documents and there results therefrom "the death of soldiers, the destruction of alliances, the greatly increased difficulty of negotiation with our enemies, the inability of our diplomats to negotiate," to which list I might add the factors of prolongation of the war and of further delay in the freeing of United States prisoners, then the nation's people will know where the responsibility for these sad consequences rests.

TAX-EXEMPT EDUCATION: THE NEW DOUBLE STANDARD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. RARICK. Mr. Speaker, the U.S. Supreme Court was not alone in the judicial gymnastics to destroy quality education this week.

The U.S. Court of Appeals here in the District of Columbia continued the judicial persecution of Mississippians by deciding to order the Internal Revenue Service to forbid tax-exempt status to private schools as well as deny deductions for income tax purposes to gifts and contributions to such private schools which practice racial discrimination.

In their bizarre decision, these Federal judges felt it was necessary to judicially amend the U.S. Constitution because, "there is a declared Federal policy against support for racial discrimination in education." Many Americans have long been suspicious that some of our Federal judges had already left the Constitution, but this was one of the first judicial confessions that the laws of Congress and the tax case laws were being whipped into line merely to conform with "Federal policy." This recent decision should convince any doubters.

While private educational facilities established and paid for by the working people of America are denied equal protection of the laws, many other tax-free organizations of far more dubious character and quality are permitted to continue with favored tax breaks. For example, the Council on Abortion Research and Education, Inc., of New York City, solicits financial support and advises its donors "all contributions are tax deductible." It could be that abortion education is allowed to continue tax-exempt because "there is a declared Federal policy" to destroy unborn infant children, or because the abortion movement does not practice racial discrimination. It would rather see unborn babies of both races exterminated than to see the parents of one race have a tax break to educate their children in the culture and tradition of their ancestors.

Yet, at the same time the Federal judges forbid tax exemption to private schools, OEO announces a $240,773 grant to fund a sterilization project in Tennessee, under the control of the Planned Parenthood Association—which is a nonprofit, tax-exempt, contribution-deductible organization supposedly dedicated to education. Noteworthy, the reported sterilization project is racial and discriminatory—for the announcement is "free voluntary sterilization operations to poor whites in Appalachia." Blacks are reportedly not regarded as mentally conditioned to be ready for sterilization because they are hung up on such practices and regard them as "genocide" by whites against blacks. Yet, this discriminatory educational project is not only subcontracted to a tax-free organization, it is taxpayer subsidized.

And yet another flagrant violation of tax-free benefits to private organizations which practice discrimination is reported this week from an activist civil rights front which calls itself the United Church of Christ—for tax favoritism no doubt.

This church not only announces its approval of lifting all legal restrictions against abortions and has named itself as the promoter of an antiwhite foreign policy, but clearly violates the recent Mississippi ruling on tax preferential status by voting a $10 million emergency fund to support several southern colleges which are engaged in educating Negroes.

Indeed, the recent Federal court rulings both by the Supreme Court in the Lemon case and the court of appeals in the Mississippi case establish and promote a strange double standard in the field of education as to who is and who is not under the "declared Federal policy against support for racial discrimination in education." As matters now stand, the court ruling and the Internal Revenue Service favoritsm in tax breaks favor those who are opposed to quality education and discriminate against the children who are trying to use their freedom to obtain a quality education.

And out of all this, the attitude of the Treasury Department or the IRS bureaucrats is that they cannot assert their personal morals as a standard of conduct to determine who is or who is not in the field of education. That is, unless the education is in a private school and for white children.

The related newsclippings follow:

[From the Washington Evening Star, June 30, 1971]

SEGREGATED SCHOOLS LOSE TAX BREAK

(By Barry Kalb)

A three-judge federal panel ruled today that segregated private schools in Mississippi, and contributors to those schools, may not receive federal tax exemptions.

The ruling by U.S. Court of Appeals Judge Harold Leventhal and U.S. District Court Judges Joseph C. Waddy and John H. Pratt noted that in July the Internal Revenue Service announced that it "can no longer legally justify allowing tax-exempt status to private schools which practice racial discrimination, nor can it treat gifts to such schools as charitable deductions for income tax purposes."

COURT RULING NEEDED

But the judges concluded that a court ruling was necessary, too, to make sure the IRS would not in the future change its mind.

The court ruled that such private schools are not entitled to the federal tax exemptions normally provided for "charitable, educational institutions," because "there is a declared federal policy against support for racial discrimination in education."

The opinion noted that parents may not be stopped "from sending their children to segregated private schools at their own expense," but ruled that such parents may not receive any special benefits in doing so.

SCHOOLS INSTRUCTED

No private school in Mississippi may receive tax exemptions unless the school has prominently advertised in advance that it practices "a racially non-discriminatory policy as to students," the court said.

The court ordered all Mississippi private schools wishing a tax exemption to provide to the IRS full information on such things as the racial composition of the student body and faculty and administration, the amount of scholarships and loan funds available and the racial composition of students who have received such awards.

[From the Washington Evening Star, June 30, 1971]

UNITED STATES TO OFFER STERILIZATION IN APPALACHIA

(By Betty James)

The federal government will finance a pilot project offering free voluntary sterilization operations to poor whites in Appalachia.

The Office of Economic Opportunity, last month announced a policy change permitting the use of federal antipoverty funds for sterilization operations for men and women. Until then, OEO had confined its family planning program to contraception.

OEO's pilot project will be in the Tennessee hills, where the Anderson County Community Action Commission, a grassroots antipoverty agency, will receive a special, two-year grant of $240,773 for the effort.

A Planned Parenthood Association affiliate will conduct the program under a subcontract. It is designed to serve 150 men and 150 women.

In announcing the new policy, OEO observed that a recent, nationwide program management survey revealed that 80 percent of OEO-funded programs reported a growing demand for sterilization among both men and women.

On the part of the black community at this time, however, the demand may be small. Studies have indicated that sterilization isn't widely accepted in the black community, and some black leaders have charged in the past that programs advocating contraception were "genocide" by whites against blacks.

Dr. Warren M. Hern, chief of the program development and evaluation branch of OEO's family planning division, said one Harlem study showed negative attitudes toward sterilization among black women, as compared to what he described as "very positive attitudes" among Puerto Rican women.

Sterilization is very popular in Puerto Rico, where about a third of all women of child-bearing age have been sterilized, he said.

Contraception, on the other hand, has been "extremely popular" among black women, although it has met with hostility from black men, he said.

There will be no relationship between the number of children in a family and eligibility for sterilization under OEO's policy, Dr. Hern said. However, the policy should be applied within reasonable limits, he observed. For example, a 16-year-old with no children would be considered an unlikely candidate unless the family had a heriditary disease, he said.

The Tennessee project was carefully developed over a period of time, Dr. Hern said. An extensive family planning program exclusive of sterilization already is functioning there, he said.

The pilot project in Tennessee will help OEO learn about the logistics of running such a program. Dr. Herns said. It will be an opening wedge for other community programs, he said.

OEO will pay the full cost of the operation for those not eligible for other public funds, but officials hope to determine whether funds already available can't be used for this program, too.

Now that OEO has reversed its earlier prohibition, family planning and community action agencies can include requests for sterilization money in their regular budget presentations to OEO regional offices.

[From the Washington Evening Star, June 30, 1971]

UNITED CHURCH OF CHRIST FIGHTS AFRICAN RACISM

(By William Willoughby)

GRAND RAPIDS, MICH.—The United Church of Christ has urged U.S. corporations operating in the South African subcontinent to withdraw from countries there "if their activities appear to strengthen colonial or racist oppression rather than change it."

A resolution passed yesterday by the eighth General Synod of the 2 million member church also called on the churches and their corporate agencies to use their various resources, including the leverage of their investments and stock ownership powers, "to develop vigorous policies and practices in employment, compensation, public relations attitudes and business operations which will challenge repressive and unjust conditions."

The church listed 350 firms represented in southern Africa; the heaviest concentration is in the Republic of South Africa.

ABORTION STAND LIBERAL

In other action yesterday on the closing day of the synod, the church also authorized a stand on abortions which would lift all legal restrictions against abortions when the arrangements are made between a woman and a competent physician. It was the most liberal abortion statement by any denomination thus far.

The resolutions on Southern Africa urged the U.S. government to seek new ways to press for racial justice in Southern Africa and called for a general discouragement of tourism to Portugal and to the Republic of South Africa. Portugal controls Angola, north of the Republic of South Africa.

It also urged the United States and her NATO allies to refrain from sales of arms to South Africa or Portugal.

SUGAR QUOTA CITED

In addition, it asked the United States to end any military, diplomatic and economic practices and policies which support minority rule and colonialism. Singled out was the preferential sugar quota arrangement the United States has with the Republic of South Africa.

In another resolution, the Synod called for a "fair and impartial trial" by a jury of her peers for Angela Davis, held as an accomplice in the murder of a judge in California.

The church also voted a $10 million emergency fund, most to go to support several Southern colleges principally educating Negroes.

[From the Washington Post, July 1, 1971]

JUDGES TIGHTEN PRIVATE SCHOOL TAX RULES

(By Peter Milius)

A three-judge federal panel here ordered the government yesterday to tighten the standards under which it grants tax-exempt status to all-white private academies in Mississippi and elsewhere in the South.

The panel said the Internal Revenue Service was right last July when it reversed itself and announced it would begin denying and revoking tax exempt status to all-white tax-exempt status to private discrimination.

Since then, however, IRS generally has been taking schools at their word as to whether they discriminate, and the judges said that was not enough.

The ruling was written by Judge Harold Leventhal of the U.S. Circuit Court of Appeals for the District, for himself and Judges Joseph C. Waddy and John H. Pratt of the U.S. District Court.

It came in a suit filed in 1969 for five black families in Mississippi by the Lawyers Committee for Civil Rights Under Law.

The suit said tax-exempt status amounted to a federal subsidy for the private academies that are still being formed all across the South as white havens from desegregation.

Exempt status allows donors to deduct contributions to such schools before calculating federal income tax. It thus helps the schools raise funds for construction or expansion. (It does not apply to tuition payments, which in most such schools cover operating expenses.)

The Southern Regional Council estimated last school year that 500,000 white students were in segregated private schools in the South, up from 300,000 two years before.

The IRS, after announcing its new policy last year, asked the three judges to throw out the Mississippi suit as moot. But the plaintiffs described the policy as one of "paper compliance," and asked the panel to make IRS put teeth in it.

The test, they said, should be whether the schools actually had black students or teachers, not whether they simply said they would accept them.

The judges did not go that far.

They did, however, require that the schools publicize their nondiscriminatory policies prominently, and certify that they had done nothing "qualifying or negating (their) published statements."

They also told IRS not to grant exempt status to a school until it at least found out how many blacks it had as students, on its staff and on scholarship. IRS had not been asking for these figures.

The judges told the IRS to revoke the tax-exempt status of all Mississippi private schools that cannot meet these new standards in the next three months.

They also said they expect the new standards to be applied in other states where there is a "badge of doubt" about the private schools.

IRS had no comment yesterday on the judges' decision, which may be appealed.

THE U.S. POSTAL SERVICE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PATTEN. Mr. Speaker, today the U.S. Postal Service officially begins operations. The significance of this date should not go unnoticed. The Ben Franklin era and the old Post Office Department has come to an end, and a new independent Postal Service comes into being, nurtured by the Postal Reorganization Act of 1970.

We all know the sad plight of the postal system as it has developed over the decades. The new Postal Service holds the promise of better service for the American people, and hopefully, better opportunities for the 750,000 postal employees.

While wishing the Service well as it embarks on the new postal era, I would raise one note of caution. Postal operations will improve, but it will not be an overnight transformation. The problems resulting from the problems of many years cannot be solved with the wave of a legislative wand.

Postmaster General Blount assures, however, that improvements are being made at this very moment and will continue to be made. It is my hope that the Postal Service will be the kind of national utility, of which we can be proud

POT, HORSE, AND THE QUEST FOR A GOOD SOCIETY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to bring to the attention of my colleagues a speech given on June 14 of this year, by my good friend and distinguished colleague, Representative Lloyd Meeds of Washington. Mr. Meeds was invited to speak at the annual meeting of the National Coordinating Council on Drug Abuse Education and Information, Inc.

He was honored at this meeting for his role as the main architect of the Drug Abuse Education Act of 1970, Public Law 91–527. As a cosponsor of this vital legislation, I extend to him my sincere congratulations. I would like to include in the Record at this point the text of his fine speech:

Pot, Horse, and the Quest for a Good Society

(Speech by Congressman Lloyd Meeds)

Thank you for your invitation and for your kindness. As I assume the podium, many of you must have in mind Ben Franklin's apt description: "Here comes the orator, with his flood of words, and his drop of reason."

For those of us who labor on the chicken-and-creamed peas circuit, there is always a kind of mental Alka-Seltzer in the following piece of doggerel:

"These dinner speeches tire me; they are tedious, flat, and stale;
From a hundred thousand tables comes a melancholy wail,
As a hundred thousand banqueters sit up in evening dress
And salute each moldy chestnut with a signal of distress."

There is nothing tedious, flat or stale about the controversy over marijuana. Here is a dispute guaranteed to raise public and congressional blood pressures, a fracas likely to inject research with polemics.

At first Congress had no doubts whatsoever, for in 1937 we classified marijuana as a narcotic. Our experts of that time argued that smoking pot turned Joe Citizen into a psychopathic criminal whose thumbs probably turned green, too. Federal law prescribed a felony for the simple offense of possession, and the states soon followed with criminal penalties equally severe if not downright brutal. In the state of Texas possession on the first offense is a felony punishable by 2 year to life. How a mandatory felony law can ruin a young person is described vividly by mystery writer John D. MacDonald in his book, *Dress Her In Indigo*. Writes Mr. MacDonald:

"Let's say a kid in Florida, a college kid eighteen years old, is picked up with a couple of joints on him. He is convicted of possession, which is an automatic felony, and is given a suspended sentence.

"What has he lost? The judge who imposes the sentence knows that the kid has lost the right to vote, the right to own a gun, the right to run for public office.

"He can never become a doctor, dentist, C.P.A., engineer, lawyer, architect, realtor, physical therapist, private detective, pharmacist, school teacher, barber, funeral director, masseur, or stock broker.

"He can never get a job where he has to be licensed or bonded. He can't work for the city, county, or federal government. He can't get into West Point, Annapolis, or the Air Force Academy."

What Mr. MacDonald did not say was that if the same youth had drunk a pint of J.T.S. Brown and then crashed a Woolworth window, he would be reprimanded, fined, but surely not reduced to a "non-person" in the eyes of the law and denied the pursuit of a career.

To be sure, Congress and the states have enacted severe punishments for marijuana possession as a means of fending off, or trying to avoid, real or imagined threats to our moral fibre and to our productivity. Yet I'm inclined to believe that severe pot penalties are mainly the product of self-deception compounded by popular myth.

What to do about marijuana illustrates perfectly the awesome difficulties confronting any modern legislature. How can an assembly of laymen write sensible laws for a society grown complex, grown ever more technical? Put another way, which experts are we to believe and which are we to shunt aside? What do we do when academicians present sophisticated yet contrary evidence on the supersonic transport, on the pending nuclear test in the Aleutians, and on marijuana?

Just in the last six weeks Congress has received two startling reports on pot. Our distinguished panelist, Dr. Lester Grinspoon of the Harvard Medical School, has written a scholarly and calm treatise disputing the myths of marijuana usage. On the other hand, Drs. Kolansky and Moore have documented a chilling history of 38 marijuana users in the April 19 issue of the *Journal of the American Medical Association*.

Congress needs help. To render a proper verdict on marijuana and on other complex, scientific issues, it must be willing to vote adequate appropriations for its own research efforts and for outside investigations. To me it is a national scandal that federal support for basic research has declined in recent years. To me it is shocking that the House last week passed a $619 million authorization bill for the National Science Foundation and included only $26 million for research in the social sciences.

During the past decade it has become customary for Presidents and the Congress to attack social issues by appointing commissions. It has become equally customary for the commissions to issue startling reports which are then debated fiercely and finally ignored. "You must take the following steps", say the commissions. "We'll think about it carefully", replied Congress and the President.

I find this trend disturbing. Commissions are being used as a cop-out, not as a serious and enlightened call to action. We appoint the experts, study their findings, and go to sleep. I think it's about time we woke up and took a new look at old myths.

The commission technique has now been extended to marijuana. Last year the Congress chartered a Commission on Marijuana and Drug Abuse, ostensibly to study and report objectively on the aspects of pot and other illegal substances.

The nine men appointed by President Nixon to this alleged fact-finding body are a decent and well-balanced group. But you and I know that commission reports are written by the staff members. Well, it turns out that the Marijuana Commission is mandated to issue its findings by March of 1972. It turns out that the commission has only 15 employees, and only 2 of these have medical degrees. It turns out that 3 employees, including the executive director, were formerly with the Bureau of Narcotics and Dangerous Drugs.

The director, Mr. Michael Sonnenreich, has been quoted as saying that he could "write the report right now." His statement was followed by that of President Nixon. In response to questions at a May 1 news conference in California, Mr. Nixon said that, "I have such strong views that I will expresss them. I am against legalizing marijuana. Even if the Commission does recommend that it be legalized, I will not follow that recommendation."

Your speaker tonight is not asking that marijuana be declared safe and sane. I do ask that the Commission take a longer time to evaluate this highly-controversial topic and that it pay homage to objectivity. Marijuana is already a deep gulch in the credibility gap; poorly designed research can only reinforce hardened attitudes.

In the meantime, the scientific controversy over pot is forcing us to reexamine the criminal penalties for its possession.

I am disatisfied that the Comprehensive Drug Abuse Prevention and Control Act of 1970 puts pot into the same category, Schedule I, as heroin. I am even more unhappy with the large number of states which still maintain mandatory felony laws for possession. Such statutes either do great harm to youngsters, or they invite disrespect for the law when judges refuse to impose penalties for concern about their severity.

Let me suggest an alternative. Using the doctrine of pre-emption, Congress should replace all existing statutes with a uniform law specifying a misdemeanor for marijuana possession with no intent to sell. The new federal law would remain in effect through 1975 or until such time as we have definitive, exhaustive research results about marijuana. The maximum penalty could be perhaps 90 days and/or a fine of $300; total discretion would be left with the local, state, and federal courts.

Marijuana is a quandary in search of an answer; heroin, on the other hand, is a known evil, the conquest of which offers a test of individual and national will. That heroin is a terrifying agent of physical and social destruction is obvious—or is it? In a climate of speculation and counter-claims, you can understand why "grass" is flourishing, but skyrocketing heroin addiction defies common sense.

But wait a minute. Just who is Lloyd Meeds to speak righteously of "common sense"? Well, your speaker is an educated product of the middle class. He is achievement-oriented. He enjoys his job and wants to be successful. He has written a half-dozen major pieces of legislation. He speaks before the National Coordinating Council and takes his soaring ego trip.

The personality of the drug user, especially the heroin addict, is far different, according to congressional and other reports. A penetrating account of drug usage among U.S. servicemen in Southeast Asia and in other military outposts has been written by the staff of the Senate Subcommittee on Narcotics and Alcoholism.

Among the staff's conclusions was that the average drug abuser in the military is most often aged 19 to 22, unmarried, less than a high school graduate, and either a draftee or an enlisted man not intending a military career. He is often the product of a broken home and a victim of the resulting personality scars.

The subcommittee emphasizes the role of stress as a casual factor in drug abuse. Not entirely the stress of combat, but rather the environmental tension of boring tasks, of hostility toward officers and "lifers", of a lack of stress-relieving alternatives such as recreation, and of feeling "trapped" by the armed services and by Vietnam are cited as drug-inducing. Significantly, the report underlines the fact that users often have a low level of self-esteem. Other factors include peer-group pressure, alienation, and of course the cheap cost of the drugs.

The staff found an interesting contrast between the Army and the Air Force. Drug abuse among Air Force personnel stationed in Thailand was decidedly lower, and the factors cited were that the airmen tended to be older, mostly high school graduates, and performed tasks of a higher caliber. Also, the Air Force has no draftees and has a higher officer-enlisted man ratio.

Stateside, heroin addiction is increasing in the middle class, but it is more often associated with poverty, squalor, hopelessness, unemployment, racial discrimination, and alienation; hardly an environment that breeds Members of Congress or personal confidence.

In both the military and civilian sector, then, we see that heroin is a crutch, an escape, an alternative to an environment unfriendly if not hostile.

Taking the steps necessary to fight heroin addiction are pretty well known and shared in common by all of us here this evening. What bothers me is that we keep coming back to the same causes of so many of our troubles. Heroin is for people with no other place to go. Providing a meaningful alternative to the needle is the same path, ultimately, as the road recommended by three presidential commissions and by concerned Americans everywhere. Focusing our efforts just on heroin prevention and treatment alone ignores what is going on in America.

All right. What I'm saying, then, is that we're going to have to spend money—money for jobs, for schools, for housing, for medical care, for welfare reform, for law enforcement.

Let's face up to reality. You don't get the money simply by firing half the Pentagon. You don't get the funds by telling the farmers to feed their kids without crop subsidies. Where you get it is from taxes. The starkest truth today is that we can't defeat or even win a skirmish with our problems unless those who have it pay more taxes to help those who don't. It means, J. Paul Getty, that the oil companies are going to have to give up the depletion allowance so that Dallas can have a better school system. It means, David Rockefeller, that the banks and insurance companies are going to have to forsake a few loopholes so your servants can buy enough protein. It means, George Wallace, that you are going to have to pay additional taxes to help your black brother in the South Bronx get off the needle and onto a payroll. It means, Ronald Reagan, that you and your agri-barons are going to have to pay more taxes to support the California Rural Legal Assistance Program. It means, Mrs. Average Housewife in Dayton, that you and your husband are going to have to help put Cleveland back together again.

If we choose to ignore this reality, then we're going to face another one: this country will self-destruct in 50 years.

CONGRATULATIONS TO THE POSTAL SERVICE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. UDALL. Mr. Speaker, this is an historic day for the postal system. Today, nearly 200 years after its founding, the U.S. Post Office Department ceased to exist. In its place is the new U.S. Postal Service.

We all know the background of postal reform—the years of neglect, the slap-dash effort at postal improvements, the studying and soul-searching, and finally, last August, enactment of the Postal Reorganization Act.

I am convinced that the U.S. Postal Service represents much more than a new name for the same old thing. We should not expect overnight miracles. But we can expect to see the fruits of the Postal Reorganization Act in the form of better and faster mail service. increased efficiency of postal operations and greater career opportunities for postal employees. In the long run, I think we can expect the gradual development of a true national utility that moves the mail rapidly and efficiently.

Postmaster General Blount already has announced some major improvements in the postal system, including new air mail standards, an accelerated construction program, and a streamlined headquarters and field organization. I applaud these efforts and look forward to continued improvement by the Postal Service.

LEAD-BASED PAINT POISONING

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. SARBANES. Mr. Speaker, lead-based paint poisoning is a tragic disease which exists in a great number of communities across the country. Fortunately, it is preventable. As we all know, the 91st Congress passed the Lead-Based Paint Poisoning Prevention Act—Public Law 91–695—and authorized $10 million for fiscal 1971 and $20 million for fiscal 1972 as a start toward combating this terrible problem. Unfortunately the administration requested no funding for this vitally important program in fiscal 1971 and has requested only $2.2 million for fiscal 1972, primarily for study purposes. Mr. Speaker, the time for study has long since passed. Children in this Nation are dying and suffering permanent brain damage from lead paint poisoning. These dire consequences can be avoided if the Congress will appropriate the necessary moneys for an action program now.

An excellent report on the lead paint poisoning situation prepared by the Baltimore City Department of Housing and Community Development has recently been brought to my attention. The report estimates that in Baltimore alone the shocking number of at least 6,800 children between the ages of 1 and 5 have elevated levels of lead in their blood—levels which could cause sickness, brain damage and even death if further lead is ingested. In addition, I have received letters from Dr. Neil Solomon, Maryland secretary of health and mental hygiene; Dr. Robert Farber, commissioner of health for Baltimore City and Dr. J. Julian Chisolm, a nationally recognized expert in lead paint poisoning from the Baltimore city hospitals. The report and these letters graphically illustrate the need for full funding of the lead-based paint poisoning prevention programs. I submit these materials for the Record and commend them to the attention of my colleagues. I am certain that upon receiving these materials the other Members of the Congress will agree that adequate funding must be provided to meet the shocking but preventable tragedy of lead paint poisoning.

Report on Lead Paint Poisoning by Baltimore City Department of Housing and Community Development

GENERAL BACKGROUND

Lead paint poisoning is a widespread, chronic illness that leaves its victims—almost all of whom are toddlers—crippled, retarded or dead. Although commonly considered to be a problem which was solved through legislation years ago, lead paint poisoning continues to plague the Nation's cities in epidemic—though until recently unacknowledged—proportions. Studies in selected slum areas have shown that an estimated 10 to 25 percent of the preschool-aged residents have excessive amounts of lead in their systems; while children vary in their abilities to tolerate lead in their bodies, from 2 to 5 percent of these youngsters require hospitalization for lead paint poisoning.[1]

Medical advancements have cut the lead poisoning death rate to about 5 percent in recent years; nevertheless, some 25 percent of the survivors still sustain severe, permanent brain damage.[2] It is suspected that an undetermined number of other children—who have high blood-lead levels but never develop symptoms of poisoning—become slow learners who have behavioral problems throughout childhood and into their teens.[3]

Nationally, it has been estimated that lead poisoning afflicts from 100,000 to 225,000 children each year.[4] Virtually all of these children are poisoned by eating chips of lead paint that flake off the walls, window sills and bannisters of their inner-city homes. And, virtually all of these children can be saved from permanent physical damage if they receive medical treatment in time. Unfortunately, in many of these children, lead poisoning is never detected at all; in others, those who go into convulsions and are left badly handicapped, it is detected too late.

A child does not have to ingest much lead paint to become poisoned. A safe daily lead-intake would be .5 micrograms or less. A few lead-paint chips the size of a fingernail contain about 100 micrograms.[5] A mean daily oral intake of 1 to 2 micrograms a day, for about three months, will result in severe and even fatal poisoning.[6]

Early symptoms of lead poisoning are extremely easy to miss: lethargy, aggressive/irritable behavior, anemia are all lead-paint poisoning symptoms which can be and frequently are attributed by both doctor and mother to a "phase of growing up" or to a flu that's going around. However, within one to three weeks after these early symptoms appear, convulsions and coma may occur at any time.

Compounding the problem is the fact that lead poisoning cannot be uncovered by routine tests that a child would be likely to receive in an ordinary check-up. Urine and blood samples must be specially-processed by specially-trained technicians, which means that poisoning in its early stages is likely to be detected only by a doctor who knows enough to be suspicious and order these out-of-the-ordinary tests.

Lead paint poisoning is both a medical and a housing problem. The possibility of poisoning should be investigated if a child falls sick and one or more of the following conditions exists: the child lives in a house built before

1940, the child's house has flaking, peeling paint, the child has a history of pica and the weather is warm.

Pre-1940 houses were built before the inception of lead paint ordinances. Whether or not the original interior paint in these houses has been covered over many times in the ensuing years, if the original coat remains it presents a potential hazard to toddlers. If any of the coats of paint are flaking or peeling, the hazard is that much greater.

Children who have pica have a compulsion to eat strange substances and will frequently go to great lengths to obtain these substances. Pica was once thought to be a result of nutritional deficiencies. More recent studies indicate, however, that it is more an emotional/stress sort of relationship between mother and child, and one result of improper care and attention.[7]

Lead in the human system becomes particularly toxic in warm weather. An estimated 85 per cent of all lead poisoning cases occur between May and October.[8]

Lead is usually stored in the bones, where it is not dangerous. When too much lead is ingested, however, it is stored in the soft tissues of the body and becomes poisonous. Even after medical treatment, it takes roughly twice as long for the human body to rid itself of the excess lead as it did to acquire it.[9] According to medical experts, a second case of lead poisoning "always" leaves the young victim with severe, permanent brain damage.[10]

THE SITUATION IN BALTIMORE

Baltimore is apparently better off than most cities, primarily because lead paint was recognized as a problem much earlier here than in the rest of the United States. The city Health Department has maintained lead paint poisoning statistics since 1931, a city law banning paint with lead content for interior painting purposes has been in effect since 1954 and another city law requiring lead-content paint to be labeled as dangerous has been in force since 1956.

Nevertheless, Dr. J. Julian Chisolm, Jr., a nationally-recognized lead paint poisoning expert at City Hospitals and the Johns Hopkins Hospital, estimates that at least—and he stresses the "at least"—10 to 12 per cent of the children in Baltimore have elevated blood lead levels. (According to July 1, 1969 statistics supplied by the Department of Health's bio-statistics division, that would mean a minimum of 6,800 children between the ages of 1 and 5 have elevated blood lead levels.) Dr. Chisolm says his estimate is borne out by a study made during the spring of 1970 at the Hopkins clinic.

Similar conclusions were reached during a June, 1968 to July, 1969 survey conducted at the Druid-Sinai Clinic in West Baltimore.[11] During the survey, 149 children were screened for lead paint poisoning—every other child in the Druid-Sinai area between the ages of 1 and 5. Forty-two children or 18 per cent of those tested had what Druid-Sinai considered to be high blood lead levels: .04 or above. The breakdown was: .06 or above, 6 children; .05 or above, 10 children; .04 or above, 26 children.

All children with blood lead levels of .05 or above were hospitalized for further tests and treatment. None of the children, including those hospitalized, had displayed symptoms of lead paint poisoning; their high blood lead levels were discovered only through the automatic blood tests taken during the survey.

It should be noted that the city Health Department has traditionally used other, less stringent criteria for classifying the seriousness of blood lead levels in children. The Health Department does not consider children to have elevated blood lead levels until the level reaches at least .06, whereas Dr. Chisolm and others regard anything above .04 as abnormal.[12] It does not consider a child with an elevated blood lead level to be a "case" of lead paint poisoning until the level reaches .08 or until the child develops symptoms. On the other hand, presumably in response to criticism from some quarters, the Health Department lowered some of its criteria as of January, 1970. Now, when a child with a blood lead level between .04 and .049 is discovered, the Health Department sends a letter to the parent warning that the child should be watched, with a copy of the letter to the property owner. In addition, the Health Department now inspects, in conjunction with the Department of Housing and Community Development, the dwellings of children whose blood lead levels are .05 or above.

According to Health Department statistics, lead paint poisoning incidents have dropped from 53 cases and 4 deaths in 1960 to 13 cases and no deaths in 1968 and 19 cases and no deaths in 1969.

A 1957 Health Department study showed that 50 to 70 percent of the dwellings in selected slum areas contained dangerous quantities of flaking lead pigments on the painted interior surfaces. However, that study has not been updated to reflect the impact of urban renewal and public housing programs in the last 13 years. Nationally, it has been estimated that from 40 to 80 per cent of inner-city houses contain dangerous quantities of flaking lead paint.[13]

According to Dr. Chisolm and other experts, any house built before 1940 is suspect. This description fits some 70 per cent of Baltimore's dwelling units.[14] Dr. Chisolm states that, even if the lead paint problem were vigorously attacked and effectively dealt with in the inner city, poisoning cases would continue for many years as lack of maintenance and increased deterioration strike more and more of Baltimore's older houses outside the central city. He reports that one recent lead poisoning case incurred almost at the western city-county line.

FOOTNOTES

[1] J. Julian Chisolm, Jr., M.D., and Eugene Kaplan, M.D., Baltimore, Md., "Lead Poisoning in Childhood—Comprehensive Management and Prevention," *The Journal of Pediatrics*, December, 1968.

[2] *Ibid.*

[3] *Ibid.*

[4] "Toddler Lead Poisoning Has Slum Housing Origin," *Journal of Housing*, April, 1969.

[5] "Prevention, Diagnosis and Treatment of Lead Poisoning in Childhood," *Pediatrics*, Vol. 44, No. 2, July, 1964.

[6] J. Julian Chisolm, Jr., M.D., "Childhood Lead Intoxication: A Preventable Summertime Disease," *Pediatrics Digest*, Vol. 6, No. 7, July, 1964.

[7] R. S. Lourie, E. M. Layman and F. K. Millican, "Why Children Eat Things That Are Not Food," *Children*, October, 19663.

[8] Chisolm. "Children Lead Intoxication," *op. cit.*

[9] R. A. Kehoe, "Metabolism of Lead in Man in Health and Disease," (The Harben Lectures, 1960), *J. Roy. Institute of Public Health*, Vol. 24, 1961.

[10] Chisolm, "Childhood Lead Intoxication," *op. cit.*

[11] Brian Opert, Lead Poisoning Report for Sinai-Druid Comprehensive Pediatric Center, Baltimore, Md.

[12] J. Julian Chisolm, Jr., M.D., "Chronic Lead Intoxication in Children," *Developmental Medicine and Children Neurology*, Vol. 7, No. 5, October, 1965.

Jane S. Lin-Fru, M.D., *Children*, Vol. 17, No. 1 January-February, 1970.

[13] Jane S. Lin-Fu, *ibid.*

[14] Morton Hoffman and Company, consultants, Housing Market Analysis, Baltimore City, 1964–1980, 1965, p. 43.

STATE OF MARYLAND,
DEPARTMENT OF HEALTH,
Baltimore, Md., June 25, 1971.

Hon. PAUL SARBANES,
House of Representatives,
Longworth House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE SARBANES: We are responding to the article in the Baltimore Sun of June 18th, which stated that the administration's request for an appropriation of $2,000,000.00 for a lead paint poisoning prevention program is $18,000,000.00 short of the $20,000,000.00 authorized by Public Law 91–695 which was signed by President Nixon, January 13, 1971.

Funds are urgently needed to provide early identification of children who have elevated blood leads in order that treatment and removal from the lead paint environment may be initiated before severe mental retardation or death occur. The article reported that $2,000,000.00 for a nation-wide study will not eliminate the problem of lead poisoning. It is already known that the problem exists; further study is not necessary. Recent testimony before Congress revealed that a survey of 65 Children and Youth Projects found an estimated 2,704 children out of a population of 1,840,000 with lead poisoning. Severe brain damage was found in 305 of the children, while 508 had moderate brain damage. Other studies have reported:

Chicago found 456 cases of lead poisoning, 716 elevated blood lead levels and one death among 48,000 children.

Baltimore, which has no mass screening program, identified 52 cases in 1969.

Philadelphia reported a frequency distribution of high blood level of 3% for children less than 1 year old, 47% for children 1–2; 33% for those 2–3 and 17% for those more than 4.

New York tested 55,000 children in 1970 and found 3% of blood lead levels above 60 micrograms and 45% above 40 micrograms. Follow-up included hospitalization of approximately 500 of these children.

The results of these studies indicate the prompt need for massive screening programs which can be planned and carried out throughout the State of Maryland in order to prevent the tragic loss of human potential which results from this disease.

We want to encourage you to work for the restoration of the $20,000,000.00 in the House Appropriation Bill for HEW. Your continuing concern about the prevention of lead poisoning is recognized and appreciated.

Sincerely,
NEIL SOLOMON, M.D., Ph. D.,
Secretary, Department of Health and Mental Hygiene.

BALTIMORE CITY HEALTH DEPARTMENT,
June 24, 1971.

Hon. PAUL S. SARBANES,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MR. SARBANES: We were shocked to see the article in The Sun of June 18th reporting that the administration is requesting an appropriation of only $2,000,000 for the lead paint poisoning prevention program instead of the $20,000,000 authorized by Public Law 91–695 passed by Congress last year and signed on January 13 by President Nixon.

As you pointed out in the article, $2,000,000 for a study will do little to attack the problem of lead poisoning. We need funds to find the children who have elevated blood levels so that we can see that they are treated and removed from the lead paint environment in order that they will not become brain damaged or casualties. We don't need a nation wide survey to find out what we already know. In testimony before Congress, it was pointed out that a survey of 65 Children and Youth Projects showed that out of a Children and Youth Project population of

1,840,000 (children under 10 years of age), an estimated 2,704 children had lead poisoning, with 305 suffering severe brain damage and 508, moderate brain damage. In other studies:

Chicago reported 456 cases of lead poisoning, 716 elevated blood lead levels and one death among 48,000 children screened in 1969.

Baltimore, which has no mass screening program but recognized the lead hazard in 1931, reported 52 cases in 1969, of which 19 were clinically diagnosed, and found 33 children with high blood lead level.

Philadelphia found a frequency distribution of high blood level among children tested of 3 percent for children less than 1 year old, 47 percent for those 1–2; 33% for those 2–3 and 17% for those more than 4.

New York reported for period January–October 1970, about 55,000 children were tested, with 3 percent of blood lead levels above 60 micrograms, and 45 percent above 40 micrograms. Approximately 600 of the children were hospitalized.

There is therefore immediate need for widespread screening programs which must be carried on at the local level to locate the children with elevated blood leads so as to prevent them from becoming lead poisoning cases, brain damaged children and deaths, secure prompt treatment of the children and remove the lead paint from their environment. The Baltimore City Health Department, in its letter of intent, to file for a grant under PL 91–695, to Mr. Robert E. Novick, Director of the Bureau of Community Environmental Management, on March 19, 1971, proposed just such a program for Baltimore City. A copy of the letter of intent is enclosed for your information. Mr. Novick assured us in his reply of March 31, 1971 that our program would be given every consideration when the program is funded.

We again urge you to do everything possible to get the $20,000,000 for this vital program restored in the House Appropriation Bill for HEW. We deeply appreciate your continuing effort for combating this national health problem.

Sincerely yours,
ROBERT E. FARBER, M.D.
Commissioner of Health.

BALTIMORE CITY HOSPITALS,
Baltimore, Md., June 25, 1971.

Hon. PAUL S. SARBANES,
Member of Congress,
Longworth Building,
Washington, D.C.

DEAR MR. SARBANES: Physicians and allied health professionals in the City of Baltimore concerned with the care of young children were deeply disappointed when funding of P.L. 91–695 (Lead-Based Paint Poisoning Prevention Act of 1970) failed to materialize for FY 1971. As you know, for the past two decades, the Baltimore City Health Department has provided an excellent laboratory diagnostic service, case study, housing inspection and enforcement of pertinent municipal ordinances related to childhood lead poisoning. This "case-finding" approach results in effective action *after* the occurrence of illness in a large proportion of the few affected children who are identified in this way. Despite modern methods of medical therapy, some of these children suffer permanent injury to the brain. While this approach has been effective to a limited extent in the past, we all recognize that it does not constitute a comprehensive and truly preventive approach to childhood lead poisoning, which is a preventable disease. The preventive type of approach has been applied most effectively in the control of other health problems in young children—I refer to immunization for the prevention of such infectious diseases as poliomyelitis, measles, rubella and so forth. Funding of PL 91–695 in FY 71 would have given many cities such as Baltimore the capability to institute a preventive program for childhood lead poisoning through existing health care facilities. Screening programs in New York City and Chicago suggest that 5 to 10% of young children have unsuspected increased lead absorption and that about 1% have unsuspected lead poisoning. These are the only cities in the country with large-scale screening programs. Application of these figures to Baltimore suggest that there may be, in Baltimore, 1500 to 3000 children in the one- to four-year-age range with increased lead absorption and perhaps 300 cases of illness: Yet only a small fraction of this number are currently recognized medically through the "case-finding" approach. In large part, this is due to the subtle and non-specific nature of the symptoms of lead poisoning and to the very limited laboratory capability necessary to document the medical diagnosis. Methods developed 30 years ago are still in use in the laboratory. While accurate, they cannot possibly meet the needs of today. Newer improved methods are available now, but these new methods will require new equipment and retraining of personnel. This is why P.L. 91–695, adequately funded, is so urgently needed. Assistance and advice at the Federal level by the Public Health Service is essential to assist states and localities in developing sound programs employing newer techniques today.

Since old paint on old houses is at the root of the problem, there is every reason to believe that the problem also exists in smaller communities as well. Yet few cases have been recognized in smaller communities. This is not surprising. The history of lead poisoning in children shows that it has been found where the awareness of physicians is high and where adequate and accurate laboratory diagnostic facilities are readily available to the physician. Two to three decades ago, lead poisoning in childhood was recognized in the United States only in Cincinnati, Baltimore and Boston which were the only cities at the time in which the above requirements were being met. Only where accurate laboratory diagnostic facilities are available to a physician can he substantiate his clinical suspicion of lead poisoning. Even during the past two decades, adequate laboratory support has been available in only a few of the larger cities in the United States. Virtually nothing is available, even today, to smaller communities. There are, of course, other facets of the problem which I have not touched upon; but the provision of sound screening programs for children and adequate environment testing procedures are fundamental to any program designed to prevent lead poisoning in children. These are the requirements that must be met first.

I understand that New York City's program is currently funded at 2.4 million dollars per annum and that Chicago's is funded at approximately $750,000 per annum. When such figures are projected to the other old, large cities and smaller communities east of the Rockies in which childhood lead poisoning has been recognized from time to time, it can be seen that the original authorization in P.L. 91–695 would be essential as seed money, if we are to begin to come to grips with this particular health problem on a national basis. This sort of categorial approach has been essential in the past when we first attempted to attack a number of health problems. It is the seed money and the expertise at the Federal level that are essential to get the ball rolling.

Lead poisoning in childhood is a preventable disease and even though our knowledge is limited at the scientific level, we know enough now to act now. I hope that you will do what you can to insure that P.L. 91–695 is adequately funded in FY 1972. Since lead poisoning in childhood is predominantly a summer-time disease, we must act now in order to prepare in time for the summer of 1972.

I enclose a reprint from a recent article of mine in the *Scientific American* about lead which may be of interest to you as background material.

Yours sincerely,
J. JULIAN CHISOLM, Jr., M.D.

THE STATE OF MINORITIES IN AMERICA

HON. SEYMOUR HALPERN

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 1, 1971

Mr. HALPERN. Mr. Speaker, a most significant address was delivered last Friday, June 25, at the David B. Adams Scholarship Fund third annual fundraising dinner at the Town and Country Restaurant in Hempstead, Long Island, N.Y.

The speaker was Robert Lee Grant, special assistant to the Assistant Secretary for Community Development, Department of Housing and Urban Development.

Mr. Grant is a distinguished former resident of my own native Queens County and he completed his undergraduate studies at Queens College where he stood out as an exemplary scholar and leader.

At 32, Mr. Grant has enjoyed a remarkable career and his enormous capability, tremendous insight, and dedication promise great future achievement. His speech, "The State of Minorities in America," is a forceful analysis which leaves meaningful impact and provides considerable food for thought. I commend the speech as "must" reading to my colleagues in the Congress:

THE STATE OF MINORITIES IN AMERICA

(By Robert Lee Grant)

Guests of honor, ladies and gentlemen, brothers and sisters. It is with extreme pleasure that I share this evening with you here in Hempstead, the area of my youth. My heart and head are filled with many feelings tonight. For some time, I have held inside thoughts about the state of minorities in this country. It is only fitting that I should express these thoughts here at home, at a dinner commemorating a man who taught me the importance of youth—who helped me to develop an understanding of how I might contribute to the cause of my people. So tonight I have come home to share with you some of my experiences and insights about the state of minorities in this country, what's being done, and what ought to be done.

But before that I must reminisce about my youth in Hempstead. For me, Hempstead brings back many fond memories. I can still vividly remember the first shoe-shine box I made at the tender age of 10 years. I remember as well the Friday nights after school and the all day Saturdays that I went on my special route of shoe-shine clients. I usually did especially well in the white bars on Friday nights. My technique was to solicit shoe-shines from the men in the company of pretty women. I used a very soft-sell approach. I put my box down at their feet, got down on my knees and asked them whether they wanted one or two coats of shoe polish. Eventually, I graduated from shoe-shining to caddying and later from caddying to busboy in a restaurant and so on. There is a lasting charm in the hustles of one's youth.

I remember the many afternoons and evenings that I spent talking to David B.

Adams. I used to frequently drop by his office on South Franklin Street. We discussed the struggle of the black man in this Nation, but at that time we called ourselves Negroes. I often visited Mr. Adams when one or another of the civil rights events of the fifties made national headlines. We spent many hours weighing what was being done, what had to be done, and most importantly, what *we* could do ourselves. He inspired me in many ways. He inspired me to pursue academic excellence as a weapon against bigotry: to be aggressive in learning the ways of all peoples; and that to be "big-time" was not having a "hog" or alligator shoes or many women, but that being "big-time" was to be intellectually independent. I will not even try to laud the numerous and outstanding contributions that David B. Adams made to the cause of equality in this community. You all know them well. It is most fitting that the auspices of this evening and the scholarship fund honor his dedication to our cause.

At present I am working in Washington. Washington, D.C., the Capital of this great Nation, is filled with many things. It is filled with personalities, persuasions, and power. Power to do a job or power to prevent a job from being done. Washington, D.C. is also filled with hundreds of thousands of our black brothers and sisters living in squalor, living examples of what power can do when it is used to stifle social justice. This is characteristic of the state of minorities in the United States.

Let's take a look at some of the other states of minorities in the U.S., the richest country in the world.

Most current estimates indicate that over 500,000 minority students are presently enrolled in colleges and universities across the country today. More than 200,000 of these undergraduates are in predominantly black institutions. There is no doubt in my mind that these men and women will enter society better equipped, more informed and more determined to meet the challenges of the times than any of their predecessors. Those who want to make a *maximum* personal contribution to the cause of social justice must have a good education. In the sixties, taking that talk and plain raising hell was substituted for a good education. These diversions will not sustain the challenges of the seventies.

It is my opinion that the most meaningful contribution that any individual can make to the cause of racial justice in America is to aid the education of a minority. This is the state of minority Americans.

The Supreme Court has just ordered an end to the "at large" elections for the State legislators in Mississippi. This decision will have the effect of dramatically increasing black representation on governing bodies across the Deep South. In outlawing at-large voting for the legislature in Hinds County, Mississippi, the Supreme Court, virtually assured the selection of several blacks to positions of Representatives and Senators in many southern States. Up until now, under the at-large system, the southern whites, who normally have a higher voter registration, have consistently been able to elect a lily-white legislative delegation. Single-member district representation will now be required in the South instead of the at-large representation scheme.

The bigots' old gerrymandering tactic used to exclude us a just voice and influence in our own destinies will work no more. But they will try other methods. And we must through education and perseverance challenge and defeat their schemes. We must safeguard our own destinies. If we do not, our destinies will be compromised. This is a fact of our history.

In another recent decision, the Supreme Court ruled that it is constitutional for a city to close up a public swimming pool to all of the city's citizens rather than integrate. This happened in Jackson, Mississippi. Many liberals were appalled at the decision. They felt that the closing of the pool was an unfair burden on the deprived members of the community. I thought about this ruling for a while and came to the conclusion that the ruling is less of a burden for those who have never used the pools. We would certainly want to use the pool if it was opened, as we have every right to do so. But the biggest burden is on those who have used the pool and now have to adjust to doing without it. If they would rather sweat that integrate, let them sweat. We are accustomed to sweating. Always did sweat. Never did use the pool built with our taxes. So I would rather we sweated a while longer. As my eighty year-old charming grandmother would say, "Let them crackers sweat a while, it might sweat some sense into them".

The infant mortality rate for each 1,000 born alive as indicated by recent statistics, places the United States, the world's most powerful and richest nation, as number 23rd among the world's nations. Three of the lowest ranking countries were scandinavian, with Sweden placing first with 12.6% for 1,000 born alive followed by Iceland with 13.7% and Finland with 14.2% respectively.

If we take a closer look at the figure of 22.1% for the whole United States we find that the highest rates are in six cities. Atlanta had 21.0; New York had 23.1; Baltimore had a remarkable 27.3; Detroit had a depressing 27.5; Chicago an amazing 27.7; and Philadelphia an unbelievable 27.9. We know who constitute significant populations in these cities. Three of these cities have, today over 40 per cent black citizens. Atlanta has 51%, Detroit has 42% and Philadelphia has 41%. The most distressing realization to me is that these city rates are averages for the whole city, and our national rate is the *average for the whole nation*. Keeping this in mind, any moral person could be nothing but appalled at the probable actual infant mortality rate of minorities in these cities and in the nation. If the 3 to 1 ratio between the black and white incident of poverty and the availability of hospital facilities are any indication of the actual rate, then the Philadelphia average rate of 27.9 would mean that the rate in that city is about 10 per 1,000 for white and 40 per 1,000 for blacks. In simple terms, this means that every time a black woman goes into the hospital to deliver a child the chances that the child will die are three hundred times greater for the black woman than they would be for a white woman. If this same argument could be continued to our national rate it would mean that the national average rate for minorities is a hell of a lot more than 22.1 per 1,000 as is the total U.S. rate. By my calculations we should rank among the underdeveloped nations, while white Americans would rank number one in the world. This is the state of black and minority Americans.

We have many blacks who earn good incomes in America. However, the overwhelming majority of minorities don't earn much compared to white. The truth of the matter is that though Bill Cosby just signed a contract with a TV network for millions of dollars, the average black college graduate still today earns less than 60 per cent of what the average white American earns. As a matter of fact my research on my master's degree thesis revealed that as a result of minorities having to pay higher costs for the same goods and services that whites consume—and ours are often of worse quality—every year it actually costs us 1,000 dollars just to be black. This is the state of minorities in America.

Poverty is still rampant in this nation. We saw a yearly reduction of poverty in the sixties. The number of poor was reduced by 4.9 percent per year from 1960 to 1968. That was a sign of progress. But the 1970 census report revealed that between 1969 and 1970 the number of persons recorded as living in poverty had actually increased by 5.1 per cent, by 1.2 million Americans. When poverty in America stops declining and starts increasing we know what that means for minorities. Now it is a fact that today in the richest nation in the world that 13 percent of all our citizens are living below the poverty level. It is also a fact that the majority of these 25.5 million Americans are white. But it is also fact that proportional to our population we have three times as much poverty as do whites and that our poor are more apt to be young people. So when the overall poverty in America increases we are not just alarmed and concerned, we minorities are alarmed and concerned three times as much as everybody else. This is a sad state for minorities in America.

On March 25 of this year, 13 proud U.S. congressmen called the Congressional Black Caucus met with President Nixon to discuss matters of "mutual concern". The caucus had unsuccessfully been trying to see the President for six months. Only after nationally embarrassing the President by boycotting his State of the Union address did he consent to meet with the congressmen. This situation focuses my major apprehension concerning our administration.

There is a gap which separates the Nixon administration on the one hand and the Nation's minorities, poor and young on the other, a confidence gap. This gap must be closed. It must be closed by this Nation's leaders not by those who are to be led.

I personally expressed these concerns to a high ranking White House official about a month ago. I was not naive enough to think that I could personally reach the President. I suggested to this official, who I knew enjoyed the confidence of the President, that the necessary first step in dealing with the national concerns of my people was to appoint a minority to a high ranking position in the White House with the overall responsibility for co-ordinating, implementing, and initiating Federal actions for civil rights and poverty. In addition, I suggested that this office would be responsible for opening up a constructive dialogue between this administration and the minorities, the poor, and the youth of this Nation.

There is a black man who enjoys the title of special assistant to the President. He is a good man, a sincere man, and a well-meaning man. He is at present the highest ranking black in the White House. But his position is much below the level of persons who make the national decisions concerning the destiny of my people. It's the old game of giving a minority a job, but no power. We know who keeps the power.

I went on to say to this official, that I thought such a new position in the White House could not only do much for my people but that it could be very effective in reducing national tensions and anxieties and thus do a service to this administration and to this Nation.

The highest ranking position in the White House is that of counselor to the President. At that time there were four such positions. There was speculation that the President was going to appoint a fifth counselor and that it was going to be a minority. I personally did not believe the President was going to appoint a minority to such a top position in the White House. So I made two alternative proposals for the position that I argued for. One proposal was that the position be one of an ambassador-at-large for domestic affairs, similar to the two existing positions of ambassador-at-large for foreign affairs and ambassador-at-large for international monetary affairs. The other proposal was that the position be an "ombudsman", on the Swedish model. The ambassador-at-large for domestic affairs or the "ombudsman" position would have been less powerful than a counselor, yet either position, with the responsibilities that I mentioned and reporting directly to the President would have been sufficient to do the necessary job, to close that gap.

My conversation and proposals seemed to be well received by the White House official. Months later a fifth counselor to the President was appointed. He was not a minority. To date no other appointments have been made. Everything else is status quo. I can't help but feel disappointed.

I have been asked by many people why I continue to work in an administration which deals inadequately with the needs of the nation's minorities, the nation's poor and the nation's youth. I have been asked this question all over the country by blacks and whites, old and young, rich and poor. They were all even more baffled when they learned that I am probably the youngest and the poorest black Republican appointee in the Nixon administration. I have spent many a day during my stay in Washington questioning in my own mind whether my present role provides the opportunity for me to muster a maximum effort for the cause of equality and justice for my people. I am still not sure that my present role is the best one for this cause.

But in answering this question I am usually reminded of the basic substance of a speech given at a California university in 1966 by Mayor Lindsay. He said to a packed audience of young people, black and white, "If you don't like the system, join it and change it." This is the same conclusion that I had arrived at through various experiences of the sixties, one of which was David Adams.

It is my opinion the time for sit-ins, bus-ins, illegal actions and other actions outside the system passed with the decade of the sixties. I firmly believe that the challenge before us in the decade of the seventies is to join the system and make it work for us, we the minorities, we the poor, and we the young. And I will continue to serve as long as I feel that I am making the most effective contribution to the needs of my people. We need our own representatives protecting our interests in all systems, from the national government to the local school board: in all organizations, from the national U.S Chamber of Commerce to the local YMCA; and in all political groups, from the NAACP to the KKK. If we don't have our own representatives there we won't know what's going on. We know what happens when we let "others" represent us. We don't want white folks representing black folks. We don't want rich folks representing poor folks. We don't want old folks representing young folks. "We don't need nobody to give us nothing, open up the door, we can git it ourselves."

I am a Republican. I am proud of it. I am proud to belong to a party which historically has championed the cause of equality between men, between races, and between nations. President Eisenhower, a Republican President, did more for black Americans than any of those Presidents before his time, with the exception of Abraham Lincoln. Also a Republican. President Eisenhower was the first President to place minorities in top governmental positions. He enforced the letter and more importantly, the spirit of desegregation laws marked by Little Rock, Arkansas. His overwhelming majority at the polls reflected his ability to bring us all together. Dwight Eisenhower had his shortcomings, as do we all, but he was President of all the people. This was never doubted during his eight years of leadership of the United States. I attribute this to his spiritual greatness. You believed in his words through his deeds and his history of compassion for men, many of them young men. The leaders of this Republican administration are different people.

One thing should be made very clear. Unfair critics of the Nixon administration unjustly state that we are doing nothing to end racial injustices and to promote equal opportunity. They say that we are doing nothing to eradicate poverty, that we are doing nothing for the nation's youth. Some have even gone so far as to call the administration anti-Negro. None of these assertions are true. The Nixon administration is not anti-Negro, not anti-poor, not anti-youth. It is not that nothing is being done. The problem is that not enough is being done and that there exists a *confidence gap*. In short, this administration has not made a moral commitment to social justice, to steming poverty, to tap the spirit of the young. This state of affairs is of very serious concern to many Americans.

The most important subject of this ocsion tonight is education. I have briefly mentioned some of our educational needs. I think that I would be remiss to not also briefly mention one of the things I don't think we necessarily need educationally. A personal experience will perhaps focus my concern with black studies courses. The Department of Housing and Urban Development, where I work in Washington, has intern programs for young college graduates who aspire to a career in urban affairs. Not too long ago I interviewed a young black woman for such a position. Her resumé revealed that she had just received her master's degree from a reputable university. It also revealed that almost half of her master's degrees credits were in black studies. She did not get the position because she lacked the necessary credits in urban economics, urban planning, urban development, etc. She might have been a very "together sister" but she didn't get the *job*. If we can't get the important positions of responsibility in the system we will always be outside knocking on the door of opportunity. I want the young minorities to remember this case. I would advise you that if you want to take black studies courses, and I admit that many of them are probably very interesting, take them as extras. In contributing to the welfare of blacks in this country I assure you that you will use physics more often than black poetry, mathematics more often than African culture, economics more often than the history of jazz, and good English more often than Swahilli. And that's where it's at.

In conclusion, ladies and gentlemen, I would like to share with you these last thoughts. In a speech delivered at the very successful black caucus fund-raising dinner held in Washington last Friday night, Ossie Davis said "What blacks need most today is not a man but a plan." And this $100 a plate fund raising dinner, which netted $300,000 for the caucus's future operations, was just such a plan. Ossie also said, "It's not the rap, it's the map." He was saying that if you are going to undertake a great endeavor you need a plan and a map. Much too often we have had neither. To put together a plan you need education. To draw a map you need knowledge. The recipients of tonight's scholarships probably have the willpower, the youth, and the vigor to combat social injustices. They should be honored and grateful that you in the fund will give them the opportunity to obtain their most valuable weapon against racial injustice; education.

The Black Congressman of East St. Louis, Mo., Bill Clay who is to be commended for his fine leadership in organizing the fund-raising dinner, said that night quoting from an old Kennedy phrase, "Let friends and foes alike know that the torch for racial equality has been passed on to a new generation of Americans." I heartily embrace this sentiment in both action and deed, as I am sure do many other progressive Americans, both Republican and Democrat alike.

The age of racial segregation and social superiority is past; whether the proported superiority is black or white, rich or poor, young or old. The great task before us all, if we would not perish, is to build the earth, to build it for us all.

SUPPORT FOR AID

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. FRASER. Mr. Speaker, recently a good friend of mine, Mr. Thomas L. Farmer appeared before the Senate Foreign Relations Committee. Mr. Farmer testified as a representative of the Chamber of Commerce of the United States. He is also chairman of the International Development Panel of the chamber. His remarks indicate an intimate knowledge of the activities of the Agency for International Development reflecting his distinguished involvement with that governmental organization. In his remarks, Mr. Farmer makes three recommendations to the committee. The chamber favors separation of programs that have been proposed, the continuation of economic development programs at their present level but with an increased reliance on multilateral type programs and renewal of the present 2-year authorization for foreign aid programs. As a strong supporter of the renewal of the 2-year authorization, I was extremely glad to learn of the chamber's support for this provision. I commend the remarks of Mr. Farmer to all of my colleagues:

STATEMENT ON FOREIGN ASSISTANCE (S. 1656)

(Before the Senate Foreign Relations Committee for the Chamber of Commerce of the United States by Thomas L. Farmer, June 10, 1971)

I am Thomas L. Farmer, a Partner in the law firm of Prather, Levenberg, Seeger, Doolittle, Farmer & Ewing, and a former General Counsel for the Agency for International Development. I appear today representing the Chamber of Commerce of the United States as Chairman of its International Development Panel and a member of its International Comimttee.

With me is Donald J. Musch, Staff Executive of the International Development Panel.

We wish to thank the Committee for giving us an opportunity to express our views in support of principal provisions contained in S. 1656.

The National Chamber Federation has supported United States foreign assistance programs since the days of the Marshall Plan and the Point Four Program. Through the years these efforts have served the interests of the American people, and equally important, they have served the best interests of the people of recipient countries by stimulating their economic progress and growth.

We maintain our belief that resource flows from the industrial to the developing countries of the world need to be continued, and therefore the United States must pursue an active program of economic assistance. Additionally, we are fully aware that relationships of the developing world with the United States, with the industrial world generally and between the U.S. and other developed countries have changed.

With these important changes in mind, we embarked on an extensive reexamination over the past eighteen months of the American foreign assistance program. During this period our International Development Panel and the International Committee held a series of meetings with experts on international development from both government and private institutions. Members of the Panel and the Committee include prominent businessmen from all parts of the United States. Meetings were held with the President's special adviser on development, Rudolph Peterson, Assistant Secretary of the Treasury, John Petty, the U.S. Executive Director of the World Bank, Robert Wieczorowski, and members of a special White House Task Force on Development. A list of the members of the Panel and the Committee is attached.

My testimony is the result of deliberations and recommendations of the Chamber's International Committee, and policy approved by their Board of Directors.

We understand the Congress is, at this time, making its own thorough reexamination of U.S. assistance programs. Therefore, we will give a broad outline of our conclusions rather than a detailed analysis of the Administration's legislative proposals.

We have three major recommendations. *First*, we favor the legislative and administrative separation of programs to aid economic development from other programs based on security or military considerations. *Second*, we favor continuation of economic development programs at present levels of appropriations, but urge increased utilization of multilateral assistance within these levels. *Third*, we favor continuation of the existing two-year authorization for bilateral assistance and if necessary, longer authorization periods for multilateral assistance.

SEPARATION OF ECONOMIC AND SECURITY ASSISTANCE

Although almost all the companies represented on the Chamber's International Development Panel are actively engaged in business operations in foreign countries, we do not claim to speak as experts on foreign policy. We do not, therefore, attempt to judge the efficacy of foreign aid programs where these programs are based on national security considerations. But we do claim an appreciation of the problems of economic development and feel qualified to give our estimate of these programs.

It seems quite clear that economic assistance on the one hand, and security assistance on the other, are two totally different programs. The present practice of providing for both programs in the same legislation, and even more importantly, to administer economic and supporting assistance through one agency, serves to confuse not only the American people, but also the recipients and administrators of these programs. Economic development programs should be administered by officials who are competent in this area and who are not burdened by policy considerations other than the furtherance of social and economic growth in the recipient countries. Our economic development programs should not be burdened with the political considerations that form the basis of our security assistance and require for their administration quite different talents.

We understand that Congress may wish to delay full implementation of the Administration's reorganization proposals until there has been more time to give them full study. Nevertheless, we urge that the proposal to remove supporting assistance from the administration of the Agency for International Development be implemented at the earliest possible moment, and that supporting assistance be made the subject of separate legislation.

A program relying primarily on bilateral assistance but nevertheless shifting more toward use of multilateral institutions was favored by the Peterson Task Force and by the Administration's legislative proposals. The Chamber recommends such a gradual shift to multilateralism.

INCREASED USE OF MULTILATERAL CHANNELS

There is a widespread impression in this country that economic assistance to the developing world is almost entirely an American effort. The facts, however, are quite different and it is esssential for us to consider economic aid from a worldwide perspective. In order to maximize the effectiveness of the U.S. contribution to the development of Asia, Africa, and Latin America, our programs should be closely meshed with those of the other donor countries.

In this context, it is important to remember that in 1970 the United States share of total contributions for economic development from industrialized countries was roughly 45 per cent. In 1971, assuming we maintain our present appropriation levels, our percentage of world wide economic development assistance will be 42 per cent.

In our view, based on what we have done in the past, it is not inappropriate that our allies should now be carrying the major share of the total aid burden. At the same time, our significant minority share in the general effort can realize the greatest return for recipients if it is given in concert with the other donor countries contributing a majority share and through effective and equitable multilateral agencies. It is also clear that recipients generally prefer to deal through multilateral channels.

It is important to note that the United States, as well as the other major donor countries, continue to channel by far the larger part of their assistance through bilateral programs. In 1970, roughly $3 billion of the United States assistance flowed through bilateral channels, while roughly $415 million was administered by multilateral institutions.

This relationship between bilateral and multilateral assistance corresponds roughly to the efforts of the other donor countries. But the Pearson Commission recommended the worldwide total passing through multilateral channels should be raised to 20 per cent of the total effort.

CONTINUATION OF TWO-YEAR AUTHORIZATION FOR ECONOMIC ASSISTANCE

Although the Chamber has long favored and continues to believe in the eventual phasing out of governmental assistance we also realize that economic development is a long-term process which cannot be measured in annual increments and cannot be effected properly by planning on an anual basis. For this reason multi-year authorizations are appropriate for such a government program, and we urge that the Congress renew the two-year authorization which it gave this program in 1969.

INCREASED RELIANCE ON PRIVATE ENTERPRISE

It is important to mobilize private institutions in the developing countries in order to achieve effective development efforts. We stated before the House Committee on Foreign Affairs on July 28, 1969:

"As the concept of assistance changes, so must the approach. One significant change reflected in the Bill (The Foreign Assistance Act of 1969) is pinpointing a more important role for private enterprise in development programs. Other assistance programs should be scrutinized to see which ones can be shifted from exclusively government administration to private sector participation."

During a previous session, the Congress gave important support to this concept by the creation of the Overseas Private Investment Corporation (OPIC). Functioning through a combined private sector/government board of directors and a private sector president, this corporation is already considering potential direct investments linking private enterprise in this country with interested parties in the developing countries. It is also administering a broad-based investment insurance scheme and has increased the opportunities for the American private sector in development assistance programs.

The foregoing represents our general recommendations. Inherent in our advocacy of these points is the hope and expectation that private enterprise will eventually supplant government resource flows to the developing world. At present, in the assessment of national priorities, development assistance to the two-thirds of this world in dire need should not be shunted down the list.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA

INTERNATIONAL COMMITTEE

[1970–71]

* Kenneth M. Spang, Chairman, Vice President, First National City Bank, 815 Connecticut Avenue, N.W., Washington, D.C.

A. S. Aranyos, President, Fruehauf International, Ltd., 30 Rockefeller Plaza, New York, New York.

* Glenn C. Bassett, Jr., Senior Vice President, Wells Fargo Bank, 464 California Street, San Francisco, California.

* W. Michael Blumenthal, Vice Chairman of the Board, The Bendix Corporation, Executive Offices, Bendix Center, Southfield, Michigan.

Robert A. Brayton, Director of Sales, International Division, Armco Steel Corporation, Middletown, Ohio.

F. C. Caldwell, President, E. L. Caldwell & Sons, Inc., P. O. Box 2050, Corpus Christi, Texas.

Raymond Carlen, President, Joseph T. Ryerson & Son, P.O. Box 8000–A, Chicago, Illinois.

John G. Copelin, Vice President, International Telephone and Telegraph Corporation, 320 Park Avenue, New York, New York.

Trent R. Dames, Executive Partner, Dames & Moore, 445 South Figueroa Street, Los Angeles, California.

Joffre C. David, Secretary-Treasurer, Florida Fruit & Vegetable Association, P.O. Box 20155, Orlando, Florida.

* A. K. Davis, Chairman of the Board, Wachovia Bank and Trust Company, P.O. Box 3099, Winston-Salem, North Carolina.

James M. Davran, President, Medica International, Ltd., 6 North Michigan Avenue, Chicago, Illinois.

George D. Dayton, II, Retailer, Dayton Hudson Corporation, 711 First National Bank Building, Minneapolis, Minnesota.

Fred J. Drewes, Vice President, Kaiser Aluminum & Chemical Corp., 300 Lakeside Drive, Oakland, California.

W. C. Druehl, President, Internation, Del Monte Corporation, 215 Fremont Street, San Francisco, California.

William Ellis, Manager, International Department, Electronic Industries Association, 2001 Eye Street, N.W., Washington, D.C.

Thomas L. Farmer, Counsel, Prather, Levenberg, Seeger & Doolittle, 1707 L Street, N.W., Washington, D.C.

Dr. Isaiah Frank, William L. Clayton Professor of Internationl Economics, School of Advanced International Studies, Johns Hopkins University, 1740 Massachusetts Avenue, N.W., Washington, D.C.

Harry L. Freeman, Partner, Price Waterhouse & Co., Apartado 324, Mexico 1, D.F., Mexico.

*John L. Gillis, Senior Vice President, Monsanto Company, 800 North Lindbergh Boulevard, Box 526, St. Louis, Missouri.

Chester J. Giuliani, President, UOP Process Division, Universal Oil Products Company, 30 Algonquin Road, Des Plaines, Illinois.

Daniel L. Goldy, President, International Systems & Controls Corporation, P.O. Box 2589, Houston, Texas.

Richard A. Harvill, President, University of Arizona, Tucson, Arizona.

Ralph S. Johnson, Chairman of the Board,

---

*Member of the Board of Directors.

Ideal Aerosmith Company, P.O. Box 2045, Cheyenne, Wyoming.

James I. Johnston, Deputy International Executive Partner, Touche, Ross, Bailey & Smart, 80 Pine Street, New York, New York.

Thorsten V. Kalijarvi, Lecturer on International Affairs, P.O. Box 556, Barnstable, Massachusetts.

W. Jerome Kane, Vice President-General Manager, Boeing International Corp., Seattle, Washington.

Raymund A. Kathe, Chairman, Asian-Pacific Council of American Chambers of Commerce, 4, 2-chome, Ohtemachi, Chiyoda-ku, C.P.O. Box 108, Tokyo, Japan.

J. L. Ketelsen, President, J. I. Case Company, 700 State Street, Racine, Wisconsin.

Victor C. Krause, Vice President for International Operations, Wolverine World Wide, Inc., Rockford, Michigan

Ralph F. Lafferty, President, Consumer Division, ZEPCO, P.O. Box 270, Tulsa, Oklahoma

George Lahodny, Executive Vice President, Detroit Edison Company, 200 Second Avenue, Detroit, Michigan

Ken L. Lott, Executive Vice President, The Merchants National Bank of Mobile, 110 St. Francis Street, Mobile, Alabama

Thomas D. Lumpkin, Executive Vice President, Gulf Oil Corporation-Latin America, P.O. Box 910, Coral Gables, Florida

Thomas C. Mann, President, Automobile Manufacturers Association, 1619 Massachusetts Avenue, N.W., Washington, D.C.

David A. Meeker, Chairman of the Board, Hobart Manufacturing Co., Pennsylvania Avenue, Troy, Ohio

Lee L. Morgan, Executive Vice President, Caterpillar Tractor Company, 100 N.E. Adams Street, Peoria, Illinois

John W. Morrison, Vice President & Treasurer, Honeywell, Inc., 2701 Fourth Avenue South, Minneapolis, Minnesota

Edwin P. Neilan, Private Consultant, 62 Town House Lane, Corpus Christi, Texas

Henry G. Parker, III, Senior Vice President, International Division, Chubb & Son, Inc., 90 John Street, New York, New York

Lincoln M. Polan, Vice President, Polan Industries, Inc., P.O. Box 1720, Huntington, West Virginia

Thomas Purdy, General Manager, Galveston Chamber of Commerce, 315 Tremont Street, Galveston, Texas

Paul J. Reeves, Vice President—Sales Division, Timken Roller Bearing Company, 1835 Deuber Avenue, NW., Canton, Ohio

William Reiber, Chairman, Council of AmChams—EuroMed, 136 Avenue des Champs Elysees, Paris 8, France

Robert S. Small, President, Dan River Mills, Inc., P.O. Box 6126—Station B, Greenville, South Carolina

Walter S. Surrey, Lawyer, Surrey, Karasik, Greene & Hill, 1156 15th Street, N.W., Washington, D.C.

Leonard V. B. Sutton, Sutton Shull & O'Rourke, 1108 Sixteenth Street, N.W., Washington, D.C.

Paul N. Temple, President, Lewis G. Weeks Associates, 287 Riverside Avenue, Westport, Connecticut.

Willard Thorp, Professor Emeritus, Amhert College, P.O. Station 2, Box 94, Amherst, Massachusetts 01002.

C. W. Van Allen, Director of Foreign Sales, Stewart-Warner Corporation, 1826 Diversey Parkway, Chicago, Illinois 60614.

Richard L. Walker, Vice President, Bechtel Overseas Corporation, 50 Beale Street, San Francisco, California 94119.

Paul Wallin, President, Association of American Chambers of Commerce in Latin America, Julio A. Roca 610, Buenos Aires, Argentina.

B. W. Warner, Executive Vice President, Corn Products Company, International Plaza, Englewood Cliffs, New Jersey 07632.

Robert A. White, Vice President, Finance, Philip Morris International, 100 Park Avenue, New York, New York 10017.

*William G. Whyte, Vice President, United States Steel Corporation, 1625 K Street, N.W., Washington, D.C. 20006.

Norman G. Wintermantel, President AMF Wheel Goods Division, AMF Incorporated, P.O. Box 344, Olney, Illinois 62450.

Richard Wood, Director of Foreign Buying, Montgomery Ward and Company, 619 West Chicago Avenue, Chicago, Illinois 60607.

Mrs. E. M. Kay Vest—*committee executive,* Manager, International Group, Chamber of Commerce of the U.S., 1615 H Street, N.W., Washington, D.C. 20006.

Russell Baker, *ex officio,* Attorney at Law, Baker & McKenzie, Prudential Plaza, Chicago, Illinois 60601.

Thomas B. Curtis, *ex officio,* Vice President & General Counsel, Encyclopedia Britannica, Inc., 425 N. Michigan Avenue, Chicago, Ill.

INTERNATIONAL DEVELOPMENT PANEL

1970–71

Thomas L. Farmer, Chairman, Counsel, Prather, Levenberg, Seeger and Doolittle, 1707 L Street, N.W., Washington, D.C.

George M. Becker, President, Kysor International, 744 Broad Street, Newark, N.J.

Charles F. Bruder, Senior Vice President, Singer Company, 30 Rockefeller Plaza, New York, New York.

Charles S. Dennison, International Minerals and Chemicals Corporation, 485 Lexington Avenue, New York, New York.

Paul Dietz, Regional Vice President—East, Allis-Chalmers Manufacturing Co., 100 Church Street, New York, New York.

George C. Dillon, President, Butler Manufacturing Company, BMA Tower, Penn Valley Park, Kansas City, Missouri.

David Doheny, Vice President & General Counsel, General Development Corporation, 1111 South Bayshore Drive, Miami, Florida.

W. C. Druehl, President, Del Monte International, 215 Fremont Street, San Francisco, California.

Gustave M. Hauser, Vice President, General Telephone & Electronics International, Inc., 730 Third Avenue, New York, New York.

Thorsten V. Kalijarvi, Lecturer on International Affairs, P.O. Box 556, Barnstable, Massachusetts.

J. L. Ketelsen, President, J. I. Case Company, 700 State Street, Racine, Wisconsin.

John E. Kircher, President, Eastern Hemisphere Petroleum Division, Continental Oil Company, 30 Rockefeller Plaza, New York, New York.

C. E. MacDonald, Senior Vice President, International Paper Company, 220 East 42nd Street, New York, New York.

William W. Morrison, Executive Vice President, Foremost-McKesson Corporation, 111 Pine Street, San Francisco, California.

Barry F. Mountain, Vice President. Daniel, Mann, Johnson & Mendenhall, 1725 Eye Street NW., Washington, D.C.

Martin O'Rorke, Director of World Trade and Transportation, Seattle Chamber of Commerce, 215 Columbia Street, Seattle, Washington.

W. R. Pearce, Vice President, Cargill, Incorporated, Cargill Building, Minneapolis, Minnesota.

J. Louis Reynolds, Executive Vice President, Reynolds Metals Company, 6601 Broad Street Road, Richmond, Virginia.

John F. Shepard, Manager, Washington Office, General Motors Overseas Operations, 1660 L Street NW., Washington, D.C.

*Charles H. Smith, Jr., President, SIFCO Industries, Inc., 970 East 64th Street, Cleveland, Ohio.

*Kenneth M. Spang, Ex-Officio, Washington Representative and Vice President, First National City Corporation and First National City Bank, 815 Connecticut Avenue NW., Washington, D.C.

James H. Styers, Senior Vice President, Wachovia Bank and Trust Company, Third and Main Streets, Winston-Salem, North Carolina.

Willard Thorp, Professor Emeritus, Amherst College, Harkness Road, Amherst, R.F.D. 2, Massachusetts.

Edwin Van den Bark, Vice President, International Dept., Phillips Petroleum, Phillips Building, Bartlesville, Oklahoma.

Donald J. Musch, Staff Executive, Staff Associate, International Group, Chamber of Commerce of the U.S., 1615 H Street NW., Washington, D.C.

---

* Member of Board of Directors.

THE ALASKA PIPELINE: THE CANADIAN SPECIAL COMMITTEE ON ENVIRONMENTAL POLLUTION REPORT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ASPIN. Mr. Speaker, today I include in the RECORD what I believe is a very significant document concerning the Alaska pipeline and its grave ecological risks.

Last October 13, the Canadian Parliament established the special committee on environmental pollution and has spent quite a few months investigating the impact of the proposed tanker route between Alaska and the State of Washington on the southwest coast of Canada. The committee was chaired by Mr. David Anderson, Member of Parliament, a distinguished and dedicated public official.

In summary, the committee concludes that—

> On the basis of evidence and testimony heard, the Committee is unanimous in its conclusions that if the proposed tanker route is established: (1) serious oil spills in Canadian waters and on Canadian shores are inevitable; and (2) these spills will result in substantial damage to Canadians.

The committee also concluded that—

> The establishment of the proposed oil tanker route would result in severe environmental damage and substantial economic loss to Canadians.

Mr. Speaker, I urge my colleagues to read this excellent and thorough report, which follows:

REPORT TO THE HOUSE, MONDAY, JUNE 21, 1971

The Special Committee on Environmental Pollution has the honour to present its third report.

In accordance with its Order of Reference of Tuesday, October 13, 1970, to investigate generally the problem of pollution in the waters, soil and air of Canada and the plans of the federal government in relation thereto, your Committee has examined the impact on the Canadian Southwest Coast of the proposed tanker route between Alaska and Washington State.

Accordingly, your Committee called before it a number of expert witnesses including ship and towboat captains, members of the public service, oceanographers, professors and a lawyer, from both the United States and Canada. A full list of witnesses will be found in Appendix A. In addition, the Committee reviewed evidence given previously this session when it was examining Bill C–2, an amendment to the Shipping Act concerning oil pollution at sea, in particular testimony on the "Arrow" spill in Chedabucto Bay.

The Committee regrets that as yet it has been unable to hear testimony from officers of the Alyeska Corporation. Twice tentative dates for such testimony were arranged (May 22 and June 8, 1971) but because of negotiations between the Corporation and the U.S. Coast Guard, Alyeska officials requested that the meeting be postponed. It is hoped that a meeting can be arranged in the near future. However, because the House will soon recess for the summer, the Committee submits this report on its findings to date. The Committee plans to submit further reports after hearing additional witnesses, including witnesses on the ecological impact of alternative systems of transportation.

At the outset of the hearings it had been hoped that the Committee would be able to make a quantitative analysis of probable risk and damage due to tanker traffic in this area, but this has not proved possible for a number of reasons, the most important being that the Committee has as yet no reliable statistics on the amount of Alaskan oil which is likely to be carried to the ports along the Strait of Georgia and Puget Sound. Estimates vary widely.

The Committee notes that Canadian government officials who travelled to Washington on May 3, 1971, to discuss problems related to establishing the tanker route with U.S. officials stated on their return that they were unable to obtain an accurate estimate of the expected increase of oil to be shipped in these waters. The Committee finds it hard to understand why more precise information is not available.

That the proposed tanker route will increase oil shipments manifold, however, is established. According to Robert Clark and John S. Finley of the Seattle Biological Laboratory of the U.S. National Marine Fisheries Service, "the volume of petroleum and its products moved over Puget Sound waters could also increase as much as ten times if the trans-Alaska and trans-U.S. pipelines are built." (Proceedings of Joint Conference on Prevention of Oil Spills, June 1971—American Petroleum Institute, p. 139).

It must be borne in mind that the waters in this region are more confined and hazardous than those where the "Torrey Canyon" or the "Arrow" met disaster. (Appendix B). For this reason, the threat of damage to the environment and also to the tourist and fishing industries is grave.

Your Committee wishes to emphasize the fact that the area most likely to be the scene of an oil spill is an important feeding area for many of the commercial and sport fish of the West Coast. Developing fish and the plankton fauna which is their main food source, are particularly vulnerable to the effects of oil pollution.

Once such a spill occurs, your Committee is of the opinion that the very best of clean up procedures are likely to be only partially effective, due to the pronounced current and tidal effects in the area. On this point, Dr. Paul LeBlond of the University of British Columbia Department of Oceanography, testified that: "Because of the strong dependence of currents on wind, tidal phase and river discharge, which all vary with time, no area of the shore of the Strait of Georgia is safe from a major uncontained oil spill." (Committee Minutes of Proceedings and Evidence No. 18, page 48, May 12, 1971.) In this regard it appears likely that proportionate to the tonnage of oil spilled, damage will be far greater than that which resulted from accidents in the Santa Barbara Channel, in Chedabucto Bay or in the English and Bristol Channels.

On the basis of evidence and testimony heard, the Committee is unanimous in its conclusions that if the proposed tanker route is established: (1) serious oil spills in Canadian waters and on Canadian shores are inevitable; and (2) these spills will result in substantial damage to Canadians. Further, your Committee notes that such oil shipments will offer no compensating benefit to Canadians in this area or elsewhere. Consequently, your Committee concludes that the proposed tanker route is detrimental to the Canadian national interest, and unanimously recommends that it be vigorously opposed by the Canadian government.

Your Committee found that the two areas most likely to be the scene of accidents are the entrance to the Strait of Juan de Fuca, and the passages through the San Juan and Gulf Islands between the Strait of Juan de Fuca and the Strait of Georgia. (See Appendix B.) Some of the suggestions made to the Committee to reduce the risk of accidents in this area are:

(*a*) that a short-based navigation control system be established;

(*b*) that a system of compulsory one-way shipping lanes with adequate separation in the Strait of Juan de Fuca and a one-way lane system in Rosario Strait, Haro Strait and Boundary Pass be established;

(*c*) that a system a certification similar to that in use for civil aircraft be instituted to ensure the correct functioning of radar, radio telephones and similar equipment prior to entry into the Strait; and

(*d*) that ships carrying hazardous cargoes such as oil be provided with an escort vessel whenever east of Cape Flattery.

It was pointed out to the Committee that the general flow of currents and tides in the Southern Strait of Georgia and between the San Juan Islands is northwards; it appears likely therefore that an oil spill, even in U.S. territorial waters, would have a greater effect and do greater damage on the Canadian side of the line than on the American. (See Appendix C.)

Your Committee heard testimony on modern design and construction features which would reduce—but not eliminate—oil spills after collisions or groundings occur.

In this area, some of the suggestions made to the Committee are:

(*a*) that such ships make maximum effective use of double skins and compartmentalization;

(*b*) that the newly developed high strength steels be used in hull construction; and

(*c*) that such features as split rudders, bell flaps or even sea anchors be investigated to determine their effectiveness in reducing the stopping distance and increasing the manoeuverability of such vessels.

Your Committee was told that the above proposals could increase the cost of shipping oil by such vessels by up to twenty-five per cent, which the Committee considers to be cheap in relation to the added security such features provide.

Time after time in its investigation, your Committee discovered that Members' questions could not be answered due to inadequate research. Your Committee, therefore, further recommends that the government consider the advisability of increasing resources devoted to:

(*a*) research on the effects of oil at sea and its effect on marine organisms;

(*b*) oceanographic research in the area in question;

(*c*) research into bacterial degradation of petroleum products; and

(*d*) environmental research in the Mackenzie Valley, a possible route for a pipeline.

Your Committee is fully aware that such research is expensive and realizes that it is all too easy to recommend such studies. Nevertheless, in view of the enormous sums which would be involved in establishing a system of transportation of northern oil, and in view of the enormous sums which are being spent on research on the engineering and economic side of moving northern oil (the cost of the S.S. Manhattan experiment, for example, was reportedly $39 million) the Committee believes that these recommendations should be carefully considered by the government.

In summary, your Committee concludes that the establishment of the proposed oil tanker route would result in severe environmental damage and substantial economic loss to Canadians. The Committee notes with approval the current discussions between the United States and Canadian governments on this subject and urges the Canadian government to oppose vigorously the establishment of the proposed tanker route between Alaska and Washington State.

A copy of the relevant Minutes of Proceedings and Evidence (Issues Nos. 16 to 21).

Respectfully submitted.

DAVID ANDERSON,
Chairman.

APPENDIX A

Witnesses appearing before the Committee during Hearings on the Problem of Pollution in the Waters of the West Coast of Canada.

Captain Fred Collins, Vancouver Tug Co., Vancouver.

Mr. Derek Cove, Naval Architect, Vancouver.

Captain W. Davenport, Pilot, Victoria.

Mr. M. E. A. Dighton, Master Mariner, Victoria.

Dr. Alyn Duxbury, Division Marine Resources, University of Washington.

Dr. John Edwards, Professor of Zoology, University of Washington.

Dr. William Fuller, Professor of Zoology, University of Alberta.

Mr. R. D. Harris, Canadian Wildlife Service, Vancouver.

Dr. James Harrison, Assistant Deputy Minister, Energy, Mines & Resources.

Dr. J. D. H. Lambert, Professor of Botany, Carleton University.

Dr. Paul LeBlond, Institute of Oceanography, University of British Columbia.

Mr. Richard C. Passmore, Executive Director, Canadian Wildlife Federation.

Dr. Philip Townsley, Department of Agriculture, University of British Columbia.

Mr. Herbert Winokur, Lawyer, Washington, D.C.

APPENDIX B

JUAN DE FUCA STRAIT—B.C. PILOT

"Navigation is simple in clear weather; the aids to navigation are numerous and the chart is a good guide. In thick weather, however, owing to the irregularity of the currents and tidal streams, every precaution must be taken. The Strait is liable to all those vicissitudes of weather common in these latitudes, and in few parts of the world is the caution and vigilance of the navigator more called into action than when entering it from the Pacific Ocean.

The southeasterly gales of winter, blowing out of the straits, cause a heavy cross sea at the entrance on meeting the southwesterly swell of the open ocean. The weather off the entrance as a rule is exceptionally severe and the heavy broken seas are probably due to the shoaling off the entrance, the irregularity and velocity of the currents, and the meeting of the wind drawing out of the strait and that along the outer coast.

ROSARIO STRAIT—B.C. PILOT

"At its narrowest, it is about 1½ miles wide, and the depths in the fairway are considerable. Rosario Strait is in constant use by vessels bound to and from Bellingham and Anacortes, or the various ports in the San Juan Archipellago, and to some extent also by vessels bound to or through the Strait of

Georgia, when by doing so greater advantage can be taken of 'the tidal' streams.

The tidal streams attain maximum rates of from 3 to 7 knots in the narrower parts of the strait, and from 2 to 5 knots in the wider parts, they should, therefore be specially guarded against at night or in thick weather. Special caution should be observed when passing the entrances of the various channels leading out of the strait. Heavy tide rips and eddies are formed in the vicinity of Black Rock, Obstruction and Peavine Passes, Peapod Rocks, and Lawrence Point.

HARO STRAIT AND BOUNDARY PASS—B.C. PILOT

"Haro Strait and Boundary Pass are deep and for the most part broad, but on account of the reefs which exist in certain parts, the scarcity of anchorages, and, above all, the rate and varying directions of the tidal streams, see below, great caution and vigilance are necessary for their navigation.

Tidal streams: Heavy tide rips are formed round Discovery Island, between Henry Island and Turn Point, and on the south-going stream round Turn Point. In bad weather, there are heavy tide rips on the small banks lying in mid-channel eastward and northeastward of Fulford Reef."

Appendix C

Testimony of Dr. Paul LeBlond, Department of Oceanography, University of British Columbia. (Committee Minutes of Proceedings and Evidence No. 18, Page 48)

(*a*) In the absence of wind effects, one would expect the surface currents to carry waters (and surface contaminants) Northwards from the Cherry Point area at a rate of about 1 kn, when averaged over a tidal cycle. Which way the water would first go would of course depend on the phase of the tide: flooding, northwards; ebbing, southwards.

(*b*) Winds from the southeast, as occur typically from mid-September to mid-April, would accelerate this northwards flow; winds from the northwest would slow it down or even reverse its direction, depending on their strength.

(*c*) Once near the mouth of the Fraser River, any surface contaminant would be advected away from shore by the jet of water issuing from the South Arm of the river. Depending on wind, tidal phase and discharging rate of the Fraser, subsequent water transport may be in almost any direction in the Strait, although it is on the average northwards towards Point Grey and Howe Sound.

(*d*) It seems that the Boundary Bay, Semiahmoo Bay area would be contaminated most likely within a day of an oil spill near Cherry Point.

(*e*) It is unlikely that the Vancouver area would be reached before at least two days.

(*f*) Because of the strong dependence of currents on wind, tidal phase, and river discharge, which all vary with time, NO area of the shore of the Strait of Georgia is safe from the major uncontained oilspill.

There has been a large refinery at Anacortes for years; what differences in effluent diffusion are to be expected between this refinery and the one at Cherry Point? The Anacortes refinery is in more protected waters, to the east of Rosario St., where tidal currents are weaker. The average trend there will also be northwards, but slower. In a recent oil spill, it was reported that oil was advected to the shores of Lummi Is., a few miles to the north. The town of Bellingham would be exposed to damages from spills at Anacortes.

As emphasized earlier, the direction of surface drift is strongly dependent on the wind speed and direction and on the phase of the tide . . . Even Victoria is not immune from oil spills in the vicinity of the Cherry Point area.

Appendix D

Estimated revenues from tourism in British Columbia in 1970: $473,465,000—from Annual Report B.C. Department of Tourism.

Estimated value of commercial fishing in B.C. in 1970: $123,000,000—from Department of Fisheries and Forestry.

Estimated value of revenues of salt-water sport fishing activities in 1970: $30,000,000—from Department of Fisheries and Forestry.

Wholesale value of commercial fish landings in the State of Washington was U.S. $40,709,568. The value of the landings in Puget Sound was U.S. $17,000,000, from *Plan for Washington State Food Fisheries*. Washington Department of Fisheries.

Estimated earnings from tourism in Washington State in 1969 was U.S. $355,000,000, and it was estimated that half of this was in the immediate area of Puget Sound from *Impact of Non-resident Travel on the Washington State Economy, by Batelle-Northwest Institute.*

Appendix P

(Taken from *Proceedings of Joint Conference on Prevention and Control of Oil Spills*, June 15–17, 1971.—American Petroleum Institute, Washington, D.C.)

EXTRACT FROM PUGET SOUND FISHERIES AND OIL POLLUTION—A

The Greater Puget Sound Basin has all the natural resources necessary to make it one of the most productive estuaries in all of North America. This basin is that portion of the Pacific Northwest containing all the inside waters from Cape Flattery to north of Vancouver, British Columbia. With a shoreline equal in length to the entire coastline of Washington, Oregon and California and a surface area of 2,500 square miles, the Washington State portion of the basin has the advantage of providing protected deep water ports as well as a natural setting for marine aquaculture. Today this area is becoming one of the major oil handling centers on the West Coast of the United States. Can the area meet the challenge of protecting its natural environment while permitting an orderly development of the petroleum industry?

Existing fisheries and the potential for aquaculture—the renewable resource

Deforestation, flood control, hydroelectric dams, industrial and municipal pollution have severely depleted many of the nursery areas for Puget Sound fisheries. Further urbanization and industrialization threaten their complete destruction. Since it is unlikely that this process will be reversed, it is becoming apparent that conventional fishing methods will have to be supplemented by aquacultural technology to maintain fishery yields at satisfactory levels.

Today the rich and productive waters of Puget Sound directly support a commercial and sport fisheries valued at 75 to 85 million dollars annually. Two-thirds of this value is derived from sport fishing. Intensive aquacultural activities, developed over the next decade or two, could add an additional 100 million dollars annually. During the same period of time, the volume of petroleum and its products moved over Puget Sound water could also increase as much as ten times if the trans-Alaska and trans-U.S. pipelines are built. Properly developed and managed, aquaculture and the petroleum industry should be able to exist side by side in the estuaries. While it would be difficult for properly planned acquaculture to exclude the petroleum industry, and oil pollution caused by a single large accident inside Puget Sound could destroy the area's entire aquaculture industry.

Aquaculture is just beginning to emerge as an industry in Puget Sound. One of the most ambitious projects being developed by the Lummi Indians on land situated between two major oil refinery complexes in north Puget Sound: Cherry Point-Ferndale a few miles to the north and Anacortes to the south. The Lummi Indians have an investment worth four million dollars in four aquacultural activities: (1) an oyster-spawning hatchery, which is being used to establish and perpetuate their stocks of seed oysters—an excess of which they plan to sell to other Puget Sound oyster growers who are now dependent upon imported Japanese seed oysters; (2) a series of diked ponds on the tide-flats for rearing salmon, trout and rafted oysters; (3) a commercial algae-harvesting operation which provides raw materials for East Coast reduction plants; and (4) a bait worm industry in the intertidal zone.

At Manchester, Washington, Ocean Systems, Inc. has undertaken a pilot salmon rearing project based on saltwater rearing methods developed by the National Marine Fisheries Service. Salmon are grown from eggs to marketable fishes of 34 pounds in one year. In Europe and Japan mussels, clams and shrimp have proved amenable to rearing under controlled conditions.

The petroleum industry—the unintentional competitor

While aquaculture may represent the future for Puget Sound, the present demands more than 400,000 barrels each day (bd—42 U.S. gallons per barrel) of refined petroleum products to keep the factories, furnaces and motor vehicles fueled in the coastal portions of Washington, Oregon and British Columbia. The refining capacity of the area is considerably less than the demand; so additional oil is supplied by tanker from California. The demand for petroleum products is expected to increase by approximately 4.5 per cent annually for the western United States, and the petroleum industry has started to build additional refining facilities locally. There are already four refineries near Vancouver, one at Ferndale, two at Anacortes, and two small refineries in Tacoma.

A new Atlantic-Richfield Company (ARCO) refinery is nearing completion at Cherry Point, and though it will increase the area's production by 26 per cent, it will still not meet local demands. Standard Oil Company of California has a large block of land adjacent to the ARCO refinery site and Union Oil Company of California has actively sought a Puget Sound refinery site in the past.

Additional local refineries will have to be built if the present inflow of refined products from California is to be reduced. The Trans Mountain Pipeline supplies low-sulfur crude oil from Alberta and British Columbia oil fields to the existing refineries in Vancouver, Ferndale and Anacortes. This supply of pipeline-delivered crude oil is essentially limited to these refineries which are producing near their design capacity now. Therefore, any new refinery will probably be dependent on crude oil supplied by tanker. ARCO will require up to 100,000 bd, and each additional facility will only add to this amount resulting in an abrupt jump from 17,000 to several hundred thousand barrels of crude oil shipped into Puget Sound daily.

When the Trans-Alaska Pipeline boosts its pumping rate to the projected 2,000,000 bd, the amount of crude oil available at the Valdez terminal will exceed the western United States petroleum requirements. The demands for petroleum products are becoming critical in the Midwest and East Coast, especially for low-sulfur crude oil such as that from Alaska's North Slope. One plan under active consideration is to transport North Slope crude oil through the Trans-Alaska Pipeline, load it aboard supertankers at Valdez, ship it to a Puget Sound terminal of a trans-U.S. pipeline and then pump it to eastern markets. A feasibility study has been undertaken by ARCO, British Petroleum, Humble, Marathon and Mobil for this 2,600-mile, big-inch pipeline. Depending on the size of such a trans-U.S. pipeline, up to 1,000,000 bd of North Slope crude oil have been predicted to enter Puget Sound.

The transportation of refined products in western Washington and Oregon is by products pipeline (26 per cent), tanker and barge (69 per cent) and tank and railcar (5 per cent). On the average, one finds approximately 28,000 barrels of crude oil and nearly 220,000 barrels of refined products being transported daily on waters of the Greater Puget Sound Basin. Nearly 45 tankers (usually 15,000–30,000 dwt vessels) call each month in Puget Sound ports to bring in crude oil or products and to ship out locally-produced products, and a small amount of crude oil.

The mammoth tanker has become the most economical and feasible method for the transportation of bulk petroleum on a worldwide basis. Unless exception is made to the Jones Act requiring U.S. built and manned vessels on domestic runs, the crude oil shipments from Valdez to local refineries will be in U.S. tankers. Figures on United States and world tanker construction are presented in Table 1. The conclusion that can be drawn from these facts and figures is that more and more petroleum will be moving in Puget Sound—and in larger and larger vessels.

WORLD LAW DAY 1971 BY EXECUTIVE ORDER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. RARICK. Mr. Speaker, we now witness another first under "the new American Revolution"—an American President proclaiming World Law Day 1971 by Executive order.

The World Peace Through Law Movement will hold its fifth world conference at Belgrade, Yugoslavia, July 21, 1971.

Tragically our U.S. President has not been briefed on the rule of law under different systems of government. Otherwise, the Chief Executive would not ask every American to reflect on the sacredness of law in the American tradition.

From the date of the Magna Carta in 1215, the Anglo-Saxon concept of the common law—which is the basis of Western civilization—has always been freedom under law, personified by the Constitution of the United States. Such a tradition does not apply to law in Communist countries where the law is a weapon used by the party rulers to deny freedom to the individual and thus perpetuate an unnatural system.

Andrei Vyshinski, the noted Communist jurist who, before becoming a diplomat, wrote the official commentaries on the Soviet constitutional system, stated openly that the judicial process is one of the instruments of political struggle, first for the success, then for the defense, of the Socialist revolution.[1]

And it is reported that Chief Justice Warren Burger is planning to attend the World Peace Through Law Conference in Belgrade to share the World Court bench with Russian Chief Justice Gorkin, presumably to enter into dialog with him.

The true objective of the World Peace Through Law begins to solidify in the light of these developments. We need only remember that peace to the Communists is a goal that can only be attained when all resistance to the Communist drive for world domination is removed or silenced. Mr. Vyshinski, the noted Communist jurist-diplomat, reminds us that this can be accomplished through the deliberate misuse of the law.

I insert the text of the Presidential proclamation at this point:

WORLD LAW DAY, 1971

(By the President of the United States of America)

A PROCLAMATION

From the time more than 25 centuries ago when a Hebrew prophet wrote, "The Lord is our judge . . . our lawgiver . . . our king; he will save us," Western civilization's sense of salvation has been intimately related to its vision of the universal rule of law in the affairs of men. We in the United States have special reason to cherish this vision, for the freedom, the order, and the abundance which we enjoy are fruits of its application. The great principle that the people are sovereign, and that the law they make is supreme, has operated with such signal success in our country's history that Americans are turning increasingly to the compelling logic of putting it to work in the world community as well. People of many other nations and cultures are doing likewise.

At the same time technology is shrinking the globe so that the sense of common destiny and common danger, the sense that "my country is the world; and my countrymen are mankind," is no longer fancy but compelling fact for the whole human race. More and more, it becomes a matter of prime importance that principle and not mere power should govern in this country called Earth.

We can see many heartening evidences that law is becoming stronger and more just around the world under the pressures which reason and necessity exert. Within the nations, human rights and ecological wisdom continue to gain stature in the law. Among the nations, security and cooperation—on every front from space to the seabeds—are being enhanced through negotiations, treaties, and conventions. The United Nations is entering its second quarter of a century, and many other international organizations are working effectively through and for world law.

Also playing a constructive role are those organizations which are made up not of countries but of individual men and women, joined together in the interest of the law as citizens of their countries and of the world. One of the most important of these is the World Peace Through Law Center, founded in 1963, which this summer will hold its Fifth World Conference on World Peace Through Law at Belgrade, Yugoslavia, July 21, the date when thousands of lawyers and jurists from around the world will convene for this conference, will be observed in many nations as World Law Day—an observance in which I know the American people, a people who love the law, will want to join.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby proclaim July 21, 1971, as World Law Day. I call on every American to reflect that day on the sacredness of the law in American tradition. And I urge each American to join with millions of his fellow men around the world in heightened recognition of the importance of the rule of law in international affairs to our goal of a stable peace.

In witness whereof, I have hereunto set my hand this 17th day of June, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

RICHARD NIXON.

CONGRESSIONAL STAFF AIDE MURDERED 1 YEAR AGO

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HASTINGS. Mr. Speaker, 1 year ago today a summer intern working on my staff was shot and killed within 10 blocks of the Capitol.

He and his date were returning home after a dinner engagement when they were accosted by three youths who tried to steal the girl's purse. In the ensuing struggle, the young man was shot in the chest and killed.

Within 3 days, three youths, one of them a juvenile, had been taken into custody and charged with homicide in the slaying.

That was 1 year ago today. The young man's name was Jeffrey B. Crandall. He was 22 years old and would have completed his second year as a law student at Georgetown University had he lived.

Jeffrey came from Canisteo in my district in southwestern New York State. He was a bright, hardworking, and concerned person, possessed of a contagious zeal for helping the underprivileged.

In addition to his duties on my staff, he put in many extra hours of volunteer work with children in Washington's deprived neighborhoods and offered his service as a legal aid to the indigent.

Today a full year has passed since the slaying and there still is no firm word as to when the trial will take place.

A recent query to the court was able to elicit only a vague guess that it might be set down for possibly September or maybe October.

Mr. Speaker, I find it extremely disturbing in view of my personal relationship with Jeffrey Crandall that his family is faced with this kind of judicial delay.

It would be easy to deplore what appears to be a disposition of the District of Columbia criminal court system to be unable to function with reasonable promptness in handling criminal cases. But the lethargy here is symptomatic of a malaise affecting most of the Nation's court system.

I have been told that for fiscal 1969, the average time for the disposition of some 2,300 criminal cases in Washington was 8.4 months. This is an improvement over the time lag of nearly 10 months reported 2 years previously, but it still contrasts sharply with a national average of 3.2 months.

In other comparable areas throughout the Nation the pace of court action is even slower. For the same period, 1,436 cases were disposed of in the southern district of New York—Manhattan—in an average time of 12.7 months.

---

[1] Andrei Ianuarevich Vyshinski, *The Law of the Soviet State* (New York: Macmillan, 1951), p. 497 ff

A sharply different picture is noted in California. The central district—Los Angeles—disposed of 2,740 cases in an average time of 3.6 months. In the southern district—San Diego—2,656 cases were handled in an average time of 2 months.

Statistics can be misleading and unfair. The kind of case confronting the courts vary from region to region and has much to do with the speed with which a trial date can be set.

The more serious felonies, especially homicides, require painstaking preparation. Nevertheless, I am deeply concerned that so much time must elapse between arrest and trial and the fact that so much of it is considered justified in the interest of the defendant but so little is said about the interest of the victim.

There is an outrageous excess and abuse of court procedures coupled with an overabundance of court formalities. The legal fraternity must share a blame for this with their tactics of judge-shopping, pretrial maneuvering and motion-taking, transforming the judicial process into a series of ritualistic practices, which in many instances are not only meaningless but always result in incredible delays.

Chief Justice Warren E. Burger, of the Supreme Court, has said that a judge spends twice as much time today trying a case as he did 10 years ago. The increased crime rate accounts for some of this but a proliferation of proceduralism is also a major factor.

There must be better coordination between the prosecution, the defense and the bench. The courts need better trained and more professional personnel to manage the system. Judges should not have to be saddled with this job. They are judges and should judge.

Archaic procedures which had their origin in the days when this Nation was sparsely populated and the convening of courts was an occasional thing should be streamlined or eliminated.

There are far too many hearings which take place now before a person can be brought to trial. It has made the operation of the court cumbersome and sometimes incomprehensible.

A hearing involving a single case may in itself take little time but when viewed in the context of the 300 to 400 cases moving through the courts at the same time, it is easy to see why our court calendars are so clogged.

Somehow, we must create a legal super-highway for court traffic, eliminating the slow-poke procedures which jam today's judicial roadways.

Thought should be given to limiting the exclusionary rule pertaining to evidence which cannot be used in court if it was obtained unlawfully. Aside from prohibiting perfectly good evidence from being used and permitting the guilty to go free, it is the subject of countless time-consuming hearings.

There is no exclusionary rule in Canada and England.

Consideration also should be given to methods of jury selection and the reduction of the jury size from 12 to possibly six as well as the elimination of the rule of unanimity in verdicts to avoid hung juries and mistrials.

I have always felt the courts held the key to an effective criminal justice system but its elephantine pace in Washington, and elsewhere throughout the large urban areas of the country, is hardly calculated to produce evidence which would support such a belief.

On February 1, the District of Columbia Court Reform and Criminal Procedures Act, which this Congress passed last year, went into effect and it was a year ago today that Jeffrey Crandall was shot.

Hopefully, this young man's tragic death will in some way serve to accelerate the critically needed court reforms to bring about not only speedy trials but speedy justice.

So that my colleagues may know the kind of young man Jeffrey Crandall was and gain some idea of the loss we all suffer when such lives are taken, I am including news stories carried in the Hornell, N.Y., Tribune and the Washington Daily News at the time of his death in the RECORD:

[From the Hornell (N.Y.) Tribune, July 7, 1970]

A VISIT WITH JEFF CRANDALL

Jeffrey Baldwin Crandall came to see me at Painted Post one month before he was shot and killed in our nation's capital Wednesday night.

I listened to him talk about the blacks, about poverty in America and the struggle in our metropolitan areas. I knew he had something to say.

I was listening to my 22-year-old cousin tell me his experiences. When I left Hornell 8 years ago he was 14—not old enough to really know. When I saw him again this spring I was probing him for this thoughts as a man.

And as I listened and asked questions I was trying to find out about his aspirations. I was trying to find out if in Washington he was playing the role of the patronizing Great White Father to the blacks.

Then, too, I was trying to find out what my cousin thought about America. The answers soon became very apparent.

Jeffrey didn't have an American flag sewn on his sleeve, nor did he plaster his car with flag decals. Instead, he carried the ideals symbolized by the flag in his heart and spread them to those around him.

Jeff put himself into his environment.

"When you're in Washington, look me up," he told me. I didn't have to look him up, he and Carolyn Triplett were at National Airport to meet me.

Before he took me where I was going, he said, "I want you to see where I live." He was immensely proud of what I would call a home in a deep ghetto area.

When his car rolled to a stop in front of an old brownstone, three black kids ran up to Jeff and demanded that he tell them who I was. Two were twins and while one of the identical twins (Jeff could tell them apart) tugged at Jeff's arm. He was anxious to tell him how sorry he was that one of his little friends let a house dog escape by leaving a front window open after borrowing a basketball.

By this time the three kids were joined by four or five more, who were curious to find if I was a new tenant and whether or not I would be "acceptable." Jeff introduced them all to me, by name, before we entered the temporary quiet of his home.

I learned in Washington that Jeff's befriending of the black children—and all of the people in the neighborhood—was part of his character and that it was not done with an air of superiority. His efforts to help, if needed, resulted from genuine concern.

He didn't want me to see his dwelling so much as he wanted me to meet the people who had become such a great part of his life. He was surrounded by blacks living in poverty and wanting for a place in the sun.

His, and his three roommates' retinue of little friends grew from five or six to 30 in the short time he was living there and studying law at Georgetown Univerity.

They helped the kids with their school work, and eventually were getting notes from teachers listing subject weaknesses for different children.

Also, in the first, and toughest year of law school, he was volunteering 20 hours a week at the D.C. Legal Aid Society and doing research for indigent defendants in criminal cases.

"But most of all, Jeff got the biggest kick from taking three or four kids to the Smithsonian, the Mall, or one of the city's monuments. These field trips were only one influence out of many for these kids. It contradicted a lot of their other influences."

"We were just another force in building the idea that all white people are not bad, are not bigots," he said.

The shock of the circumstances of Jeffrey's death is eased, knowing he left several black children in Washington who will make decisions in their lives having had his influence and friendship.

As I grieve for Jeffrey, I also become more acutely aware of what has been called the "crisis of the American spirit;" and I grieve, following our Independence Day, for our ironic loss of freedom.

We have become enslaved by fear. We are afraid to walk darkened streets. Our shopping and our appointments have to be transacted only in daylight—still with uncertainty.

Insurance companies will not risk insuring the household belongings of a person who lives in a fourth floor apartment two blocks from our nation's capitol. Fearful people are pleading with three remaining aspiring lawyers—vibrant and concerned—to forsake their meager brownstone for the safety of suburbia.

It is hard for us to understand, but there is war in our cities. Long before the construction workers marched in New York City recently, Jeff said he was worried about what the summer might bring in the cities. He was fearful of the rising trend toward extremism, militancy and violence.

He told me it was possible for extremists on the left and right to clash head on. . . .

Six historians, in discussing "The Spirit of '70," conclude, through divergent views, that there is a crisis in America. Because of the tragedy close to me, I am consoled in rebutting one of the historians.

Andrew Hacker, department of government professor at Cornell University, sees the crisis this way:

"The malaise of the American spirit cannot be blamed on wrongheaded policies, inept administrations, or even and inability to understand the dimensions of our current discontents.

"The reasons are more fundamental—I would say historical—arising from the kind of people we have become. I have called our time 'the end of the American era' because as individuals we no longer possess the qualities upon which citizenship depends." He is especially critical of the young.

Because of what I have witnessed in Washington with Jeff, and with many of our youth, I would say instead that our time is "the beginning of the American era."

I would also say the malaise of the American spirit "can" be blamed on wrongheaded policies, inept administrations, or even an inability to understand the dimensions of our current discontents.

Our youth are now more concerned than they ever have been, and they are participating, even though their efforts are sometimes strangled by others who are complacent—who flee from the cities and never look back.

We must read the crisis barometers and listen—listen to our young, listen to our internal cries of discontent, and support . . .

I would like to repeat some of the comments of Arthur M. Schlesinger Jr., professor of humanities at the City University of New York, because they echo what Jeffrey was thinking and working for.

"Our nation is in a state of incipient fragmentation," Schlesinger said, "and the urgent need (along with ending the war) is a national reconstruction that will bring the estranged and excluded groups into full membership in our national community.

"This means social justice as well as racial justice; it means a far broader measure of participation on our great organizations and institutions; it means the determination to enable all Americans to achieve a sense of function, purpose and potency in our national life."

"Washington's a good town," Jeff told me the day he had stopped by.

"Would you ever come back to Canisteo or Hornell after a taste of metropolis?"

"Sure, I want to practice law here. You've got a great view of the hills from these windows. Hey, there's a deer in the meadow across the road."

"I can't see it. I've got to get my glasses." We went out on the deck and the deer ambled out of sight.

"I love these hills. I want to sail Keuka, too. Sure, I'll be back."

After the tragedy Wednesday I said to myself, Jeffrey will never come here again, as he did when we talked about poverty in America, the war in Vietnam and the war in our cities.

But then I realized, until we are at peace with our fellow man, Jeff will see me again—and many Americans in the years to . . .

A "Buddy" of the Ghetto Children Becomes a Victim of the Ghetto

(By Nancy Cowger)

It is ironic that Jeffrey Baldwin Crandall, 22 year old Canisteo youth living in Washington, D.C., was murdered by three ghetto youths Wednesday night.

Young Crandall was prepared to spend the rest of his life working for those youths and others like them. He had moved to Washington in August to start studies at Georgetown University Law Center, and established himself in volunteer legal aid work in the city.

He had become a "buddy" to ghetto children, taking them to the zoo, the Smithsonian Institute, national monuments, baseball games, sailboat rides and other places and activities they might not otherwise have known.

His apartment has been described as a "hangout" for black children in the nation's capital, a place where 30 or 40 children could go because they "just like to be there," and watch television or be tutored by Jeffrey in schoolwork that troubled them.

Jeffrey was a friend to them who could call out the window "round up the gang", and 15 children would knock on the door minutes later to meet Jeff's parents.

He was a young man concerned about young children, who asked his parents to take and raise a black child from the ghetto "so he could have a chance" in life.

Jeffrey was a student lawyer, who at the time of his death, was preparing a defense of temporary insanity for a black youth charged with the murder of a high school principal during an attempted safe burglary. Jeffrey also was working on an appeal for a black youth convicted of killing two agents of the Federal Bureau Investigation.

He felt both sides of the "crime in the street" issue. He had been robbed at least six times before a final robbery resulted in his death. His car had been ransacked and the tires slashed several times.

But he did not feel bitterness toward the persons who had done these things. A Washington roommate of Jeffrey described how he felt Jeffrey would have commented on the crimes perpetrated against him.

"You must have compassion and understanding of why the people in the ghetto area act as they do. It is not a question of guilt or innocence," said William O'Malley of Springfield, Mass., a fellow Georgetown student. "We were one influence out of many of these kids. It contradicted a lot of their other influence—gave the kids the idea that all white people are not bad or not bigots," O'Malley continued.

Jeffrey was a boy who was "always looking for something," who "was never happy" until he went to Washington, says his father, Harold B. Crandall Jr., of Canisteo.

"In Washington he found it. He was happy for the first time, helping the underprivileged,' said Crandall. "He too gave them clothes, cookies. He'd take them to the shore. They all knew him."

Jeffrey, who called his parents the morning of his death to discuss a legal case, would have been home this weekend had he lived. He was to spend the Fourth of July with his family.

Jeffrey was a determined youth, according to his mother, a youth who was not always easy to live with because of his will be to be first, to be a hero. He was a youth who accomplished what he set out to do, even if it meant becoming an Eagle Scout five years later than he might have at the same ceremony with his brother, Andrew, then 15.

Jeffrey had filled all the requirements for Eagle Scout but one when he was age 15. But he could not swim well enough, due to previous ear surgery. When he was 20 the swimming requirement was removed and the rejoined a Scout troop, with 12 and 13-year-old boys, receiving his award.

Crandall was liberal in the sense of much of today's youth, he opposed the Vietnam war and acted as a marshal in an anti-war demonstration in Washington. But he also was conservative, convinced his brothers wore their hair too long.

His sister saw him as the one who "always came to my rescue," and his brothers as the one who would get what he wanted out of life, including a future in politics.

In Washington, Jeffrey worked with the university's legal aid society, with the District of Columbia Legal Aid Agency, with settlement houses and with children. He was an Congressional intern for Rep. James F. Hastings of Allegany.

At the University of Illinois, where Jeffrey received a bachelor's degree in economics in 1969, he worked as manager of Atherton House, a residence hall, was a member of Tau Kappa Epsilon social fraternity and was an honor student each year. He had a full tuition scholarship to the university.

Jeffrey was graduated from Canisteo Central School in 1965, where he had earned letters in basketball, baseball and football, par-his sophomore and junior years, he was an honor student. During the summer between his sophomore and junior years, he was an International Fellowship student to Bogota, Colombia.

In a final comment on Jeffrey's life and death, his parents say they feel no bitterness, but believe the country should place as much emphasis on problems at home, as crime in the streets, as it does on problems abroad, as the Vietnam war. Jeffrey was concerned about crime and poverty, they say, and these are concerns for all Americans.

Two Full Scholarships Honor Jeff Crandall

(By Nancy Cowger)

Canisteo.—Two full tuition scholarships to Georgetown University, Washington, D.C., have been named to honor Jeffrey Baldwin Crandall, 22-year-old Canisteo native murdered in the nation's capital July 8.

The University gives both the scholarships annually.

Also, a Jeffrey Crandall prize will be awarded to the Georgetown University student each year, amounting to the annual interest from the Jeffrey Crandall Fund instituted by the Legal Aid Society the day after the youth's death.

Over $1,000 has been contributed to the fund, to be administered through First State Bank of Canisteo by the society, a student organization for voluntary legal service. As part of the prize, the winning student's name will be engraved on a permanent plaque.

The society works in five general areas, and since his death Jeffrey has been eulogized for his outstanding service in each.

Its activities include investigatory work for the Washington, D.C. Legal Aid Agency, a federal institution, in criminal matters; assistance to private attorneys in civil work for Neighborhood Regional offices, also federally sponsored; assistance to private court appointed attorneys in preparing defense cases for indigent clients; special projects in working with indigents, such as lecture programs, organization of clubs, traveling with police patrol cars and establishment of community assistance programs, and promotion of participation in elections.

Over 600 letters of condolence, many including contributions to the prize fund, have been received by Mr. and Mrs. Harold Crandall Jr., parents of the youth. Some are from congressmen who met Crandall after his appointment as an aide to Rep. James F. Hastings of Allegany just a few weeks ago.

Others are from residents of the ghetto area in which Crandall chose to live to be close to the persons he worked so hard to help. Many are from persons in the Canisteo area who know the Crandall family or were Jeffrey's friends.

"You never know how many people a person touches with his life, until something like this happens," says Jeffrey's father, who with his wife and three other children have been opening letters all week. So many have come, they have been delivered by truck each day.

Many of those writing have said they hope Jeffrey's murder will focus the federal government's concern on the problem of crime in Washington and throughout the country, and on other internal national problems, says Mrs. Crandall. Some writers have urged the family to write a letter of protest to President Richard M. Nixon.

But the letters that have been most moving to the Crandalls are those that came from ghetto friends of Jeffrey.

An elderly woman who lived next door to Jeffrey's apartment building tells how the youth protected her husband each night as the man parked his car behind their home.

"When not waiting in the alley for my husband to get into the yard and lock the gates, he would stand where he could be seen from those in the blind alley, brandishing an imitation gun to show the thugs he was on guard. Jeffrey told me about it weeks after he had been doing it without a word to us," the woman said.

"For the past several years we have suffered a great deal of material loss, as well as personal danger, but Jeffrey's real care and personal protection is the first help we have ever enjoyed . . . (We) were privileged to enjoy his friendship. Please know we share your grief," she concluded.

A Congressional aide saw a different side of Jeffrey's character.

"I met Jeff when he came to work with us in Congressman Hastings' office in June. In those few weeks we became friends. He would come in the office all excited about a case he was working on in the evenings. I never knew anyone to get so wrapped up in anything as Jeff was in these law cases. Sometimes it would be an assault case, another time a robbery or drug case, and the most recent was a case involving the selling of bombs. I never envied him his work, being a coward myself, but I did envy his enthusiasm . . . I will miss him greatly," the young woman wrote.

[From the Washington Daily News, July 3, 1970]

Three Charged in Hill Aide's Death

(By Mark Lewis)

Jeffrey Crandall had never known the anguish of persons living in the inner city until he came to Washington a year ago.

"He had never lived anywhere except in a very small lovely community," his mother said from the family home in Canisteo, a town of 2800 in upstate New York.

Jeff had been an honor student and a four-sport athlete in high school at Canisteo before going to the University of Illinois to study economics. He was an honor student and a member of the student senate there, and "he started to get his political concerns," Jeff's father, Harold B. Crandall, a funeral director, said.

Last August, Jeff arrived in Washington to start Georgetown Law School and took a room in a renovated townhouse at 1120 East Capitol-st. with four other law students.

"He was appalled. Living where he did, he wanted to struggle for the inner city," Jeff's mother explained.

Parents and friends said his commitment grew as he saw the obstacles confronting the black children on his block, obstacles he had never had to face.

"It was the second and third-graders that really did it. He took them everywhere—to the ballgame, to the show, to the ocean. Go down the block and ask them who their leader is and they'd say, "Jeff!" Mr. Crandall said.

Thru the law school, Jeff arranged to work part time with the District's Legal Aid Society. "This was what he wanted to do. He put his heart and soul into it," his father said.

Legal Aid Agency director Barbara Bowman said, "He was one of the most dedicated and interested students that we had. He did a lot of volunteer, investigative work at the agency."

One roommate, Bill O'Malley, said, "He did a lot of work for nothing and was shot by the type of poor person he tried to help. That's what's worrying the other guys and me."

This summer, Jeff had taken a job as an intern with Rep. James F. Hastings, R-N.Y.

His father said Jeff also has been riding a squad car on the weekend to get a better feel for the problems of law enforcement and attitudes of police toward the black community.

Mr. Crandall said. "The kid had so many facets. Now you have to stop to think how could anybody do what he did and then this . . ."

On Wednesday at 10:30 p.m., Jeff parked his car a block from his Lincoln Park residence to take his date, Carolyn Triplett, home.

Three men, one armed with a revolver, confronted the couple, one grabbed for Miss Triplett's purse, and Jeff grappled with him. The gunman fired once.

Twenty minutes later at Rogers Memorial Hospital, Jeffrey B. Crandall, 22, of Canisteo, a bullet in his chest, was pronounced dead.

District police have charged three young men, including one juvenile, with murder in connection with the fatal shooting Wednesday night of a Georgetown law student, Jeffrey B. Crandall.

Jeffrey, 22, of 1120 East Capitol-st ne, was shot after a struggle with three men who had tried to rob him and his date, Carolyn Triplett in the 1000 block of Massachusetts-av ne, near her apartment.

Homicide squad investigators said evidence found at the scene and information from persons in the neighborhood led to the arrest of Clifton Leon Person, 18, of 1332 Emerson-st nw and Rudolph Valentino Washington Jr., 19, of 210 9th-st ne. Police said Mr. Person was arrested without resistance at the 9th-st address. Mr. Washington surrendered at police headquarters a short time later.

Police said Mr. Person and Mr. Washington would be arraigned on the murder charge in General Sessions Court today, and the 17-year-old is being held in the Receiving Home awaiting a Juvenile Court hearing.

He will be buried Monday in Canisteo.

"It's a really quiet town. You know, I don't think we've ever had a murder in our town," his mother said. "We read about these things in the big city papers but we've never known anyone who's ever been involved."

U.S. POSTAL SERVICE DAY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DORN. Mr. Speaker, today is an important day for the American public and when the significant events of the year are recorded, "U.S. Postal Service Day" will certainly be included among them.

Not quite a year ago, I was pleased to endorse the Postal Reorganization Act which created the new Postal Service as an independent establishment of the executive branch of the U.S. Government.

As of today, July 1, this independent establishment begins to function officially. And I am confident that as time goes by, the U.S. Postal Service will successfully accomplish its mission of improving the mail system.

Progress toward this goal has already been made. Increased efficiency is the password at postal headquarters and throughout the field. New service standards have been announced to include overnight air mail delivery to large cities throughout the Nation. Mechanized equipment is scheduled at an accelerated pace for large and small post offices across the country.

In short, Postmaster General Blount and his management team have already begun to implement postal reform with the ultimate aim of providing the American public with a modern and updated postal system.

BRITAIN'S MEMBERS OF PARLIAMENT CALL FOR U.N. INQUIRY INTO KATYN MASSACRE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PUCINSKI. Mr. Speaker, more than 165 Members of Britain's Parliament have signed an all-party motion urging the United Nations General Assembly to investigate the wartime massacre of Polish Army officers in the Katyn Forest near Smolensk, Russia.

I was very pleased that the British Members of Parliament have taken this action. At the conclusion of my remarks, I shall place in the RECORD today an article which appeared in the London Times describing this action. I shall also place the honor roll of British MP's who signed the petition and a copy of the general debate on this subject in the House of Lords on June 17.

Mr. Speaker, I call particular attention of my colleagues to the debate on the Katyn massacre in the House of Lords. There are historic references which we ourselves did not have in 1952 when a select committee of the House of Representatives investigated the Katyn massacre in 1952.

You will recall our distinguished colleague, the gentleman from Indiana (Mr. MADDEN), was chairman of the select committee of the House which investigated the Katyn massacre in 1952.

It was my privilege to serve as chief investigator for that committee and write the indictment of the Soviet Union for this monstrous crime.

You will recall the House committee unanimously concluded that Stalin ordered the Polish Army officers destroyed because he did not want them to lead opposition to communism in postwar Poland.

I am most pleased to learn that the British are now building up a demand for further investigation of the Katyn massacre. This action complements action taken by our own House committee in 1952 when we called for a U.N. investigation.

I hope we can renew this demand and I shall shortly circulate a petition among our colleagues to join our British counterparts in demanding a U.N. investigation.

There is no statute of limitations on murder, and we ought to demand a U.N. investigation, even at this late date, to show the world the full magnitude of Soviet infamy.

Mr. Speaker, the London Times article, the record of debate in the House of Lords, and the list of British MP's who have called for a U.N. investigation of the Katyn massacre, follow:

[From the London Times, Apr. 23, 1971]

MP's Call for U.N. Inquiry Into Katyn Massacre

(By Our Political Staff)

More than 60 M.P.s yesterday signed an all-party motion tabled in the Commons by Mr.

Airey Neave (Abingdon, C.) urging the Government to call on the United Nations General Assembly to appoint a committee to investigate the wartime massacre of more than 4,000 Polish officers in the Katyn forest.

Mr. Neave first became concerned in the investigation of this crime when he was assistant secretary to the international military tribunal at Nuremberg which tried the chief German war criminals.

The sponsors of the motion include Mr. Christopher Mayhew (Woolwich East, Lab.), Sir Tufton Beamish (Lewes, C.), who is a vice-chairman of the 1922 Committee, Mr. Paul Rose (Blackley, Lab.), Sir George Sinclair (Dorking, C.), Mr. Peter Archer (Rowley Regis and Tipton, Lab.) and Mr. John Pardoe (North Cornwall, L.).

The motion asks that the United Nations should, "if the evidence is conclusive, condemn those responsible for the massacre". It does not attempt to give a date for the event.

Mr. Neave said that, unlike the cases of murders by the Nazis and other atrocities, no one had ever been held to account for the massacre nor had there been any judicial inquiry.

"I do not regard the fact that it is 30 years after the event as being any reason for allowing the world to forget it. It is in the tradition of the House of Commons that they do draw attention to the worse crimes in history and I very much hope that this motion will make itself felt on world opinion so that it is really taken up at the United Nations."

The Nazis had said the massacre occurred in April, 1940; the Russians had said it was in the autumn of 1941, when the Germans advanced into Russia.

"The evidence given at Nuremberg was that the bodies were buried in the spring of 1940 and that the papers found on the bodies did not date later than April, 1940."

PARLIAMENTARY DEBATES—(HANSARD)—HOUSE OF LORDS OFFICIAL REPORT

POLISH WAR PRISONERS: MASS MURDER IN RUSSIA

Lord BARNBY rose to ask Her Majesty's Government whether they will now support an effort to secure pronouncement establishing beyond contention the authorship of the mass murder of over 4,000 Polish officer prisoners of war in the Katyn Forest near Smolensk, Russia, in the spring of 1940, and bring to light the disappearance without trace of a further 10,000 Polish officers interned in 1939 in the Soviet camps of Ostashkow and Starobielsk. The noble Lord said: My Lords, it is a curious coincidence of Parliamentary Orders that two consecutive matters of business should each refer to countries which are alleged to be in the unfortunate position of being oppressed. With the indulgence of the House, I would say that having heard the discussion on the previous Bill I am reminded that I happen to be among the few in this House who actually sat in another place with the Irish, and tonight I heard the familiar talk of the "oppression" by Britain of another country. Perhaps I might tell the House with regard to my Motion that the first time I visited Poland was when she was under the oppression of a foreign country, as the Congress of Poland was still under the subjection of Russia.

To turn to my Question, it has of course no Party partisan aspect. In that way, it is the more pleasing to put forward. I seek to report a gap in history, in the hope that there might be put in motion an exploration through some recognised international authority which will correct the omission. It will be remembered that Napoleon's early victories were achieved with relatively small forces—Marengo with 23,000 and Austerlitz with 73,000. How different from the vast numbers mobilised by whole nations in the last War! But it is with regard to the relationship of those numbers that the 200,000-odd military prisoners who fell into the hands of Russia were great in volume compared to the forces with which Napoleon achieved so much.

It is right that I should try to recapitulate some events of history. It will be remembered that in the spring of 1939 Britain signed an agreement with Poland that she would go to Poland's aid if she were attacked. The Germans attacked Poland on September 1, 1939. We declared war on Germany. The German armies had the advantage of the persuasion of Britain in those difficult days of August 1939, to delay mobilisation in the hope of avoiding a situation. I remember it well, because I was in the South of Poland at that time. I took a train to Warsaw the next day, as a result of a conversation with our Ambassador, Sir Nevile Henderson, and heard from him a conversation that he had had the day before with Goering: and I was curious, as other noble Lords would have been, as to the prospects of peace or war.

Anyhow, the Germans had attacked. Their thrust was strong, and they pushed back the Polish armies. As your Lordships will remember, on the 17th day of that month the Russians attacked from the East, and under the pressure from East and West the Polish armies were quickly overrun. Poland was divided almost equally between Russia and Germany by the Ribbentrop-Molotov line. The Germans exercised their power to remove some 1½ million Poles to the extreme East, well into Russia.

Meanwhile, these Polish military prisoners had also been moved to camps well inside Russia. But, of these prisoners, some 15,000 officers were removed to three special, known camps. They were there sifted. Some 500, it is understood, yielded to the temptation of collaboration with Communism, and were appropriately employed. Of the remainder, some 4,500 were removed to the camp at Katyn, near Smolensk, in Russia. Nothing was every heard of those men again after April, 1940. It should be remembered that Russia was then at peace. We should remember, too, that British officers, prisoners of war in the last war, had access to the International Red Cross, and they had contact with home. No such privileges were ever afforded to those 4,500 men, about whom nothing more was ever heard. That is why I think it is right that there should be an appropriate arrangement for the establishment of an iron-clad prisoner-of-war protection agreement aiming at effectiveness far beyond that provided by the rules of the Geneva Convention of August, 1949.

I return to the course of events. Germany attacked Russia on July 22, 1941, also in defiance of treaties. The German armies advanced rapidly, causing fear in Russia of how serious the position might be. Russia decided to make a treaty with Poland, who by then had a Government resident in London, and General Anders, released from Lubianka Prison and commissioned to raise an army, naturally asked to get the officers who had been captured, many of who were known to him personally. Excuses were made, and no officers were produced. General Anders proceeded with the mobilisation of what forces he could. Those were the armies that fought so gallantly with us at Monte Cassino and elsewhere throughout the world, adding to the effect of support given by the Polish Air Force in the Battle of Britain, where I understand they had the highest proportion of "kills". So we should keep in correct perspective the gallant support that we had for the Allied cause from the Polish Army.

In April, 1943, Germany had been in possession for some eighteen months of big areas of Russia, which included that in which was situated the Forest of Katyn, near where these prisoners had been. They began to dig, and they discovered the graves of a great number of Polish officers. The Germans invited the International Red Cross to investigate. The Russians refused to agree. The Germans then decided that they would appoint an international medical commission—this was in 1943—which was accorded every opportunity of access and research, and made an impressive report. At this stage, I would remind your Lordships that there exist two excellent books on this subject: one is entitled *Katyn*, by Louis Fitzgibbon, and the other, *Death in the Forest*, by J. F. Zaviodny.

I would wish to expound at greater length, but time does not permit. Other speakers will follow, and I hope that reference will be made to points with which I shall not deal, other than to tabulate them. There are the report of the international medical commission which the Germans appointed; the sequence at Nuremberg of the charges; the unreserved findings of the U.S.A. Congressional Committee in 1952; and the recent convincing B.B.C. documentary film. I did not myself see the film, but I understand that it was a very good impartial presentation of the facts; it was historical and effective in its presentation. Why did the Soviets refuse to agree to an international Red Cross agreement? Lastly, where were the officers in 1941 that Anders sought to man the force which he raised in Russia and with which he proceeded to the Allied front? There has been a complete conspiracy of silence. There is a blank in history as to the authorship of this odious crime. There has been much talk in other circles of our obligation, the British obligation for the respect of international morality. There are other concurrent contemporary topics. I feel this is one which justifies ourselves and the other Allies examining our consciences.

If I may be pardoned for striking a personal note, I speak on this matter because between the wars I visited the then Polish Independent Republic four or five times a year and travelled widely. I knew at that time a good deal about Poland and I was astonished, as all noble Lords would have been had they been there, at the achievements of Poland in the integration in a short time of the currency, weights and measures and legal system. Those three systems were merged into one as a result of the fusing together of the areas occupied by Russia, Austria and Germany.

A similar Motion to this one, with over 180 signatures to it, is down for debate in another place. I understand that steps are being taken to put this matter on the agenda of the United Nations Human Rights Committee, or before the General Assembly of the United Nations which next meets in September. It will be thought by many: why raise this subject now so long after its occurrence. My Lords, what are the thoughts of the relatives of those murdered men and all the other Poles who died in the Allied cause in the last war? No indemnification was ever received by any of them. Now the relatives of those living in our country, ageing, many in dire poverty, believe that their feelings would receive some balm if they could only be assured as to what had happened and what was the fate of these people. Many of them are living with us in an alien country without normal contact with their own people.

My Lords, I have tried to approach this question with a fairness of mind and a moderation of language. But I do so with the feelings of the deepest emotion. I have tried to compress my remarks into a reasonable time, but I have sought to get the matter into focus. I am sure that these remarks will be amplified by succeeding speakers much more eloquently and clearly than I can do. In conclusion, with all sincerity, I would urge that the Minister in reply not only offers sympathy, but also the prospect of some action of an effective character. I beg to ask the Question.

Lord SHINWELL. My Lords, when I examined the list of speakers earlier this afternoon I learned that it was the intention of the noble Marquess, Lord Salisbury, to follow the noble Lord, Lord Barnby. I have since received an intimation that the noble Marquess prefers to defer his observations until later in the debate. It would have been a high distinction to follow the noble Marquess because, if nobody else in your Lordships' House is familiar with the subject, he was at the time in question, in 1939, occupying an honourable position in His Majesty's Government. Therefore he will speak with expertise, with a knowledge of the subject which I cannot claim to possess.

May I begin by offering congratulations to the noble Lord, Lord Barnby, for his exposition. He has coupled logic, a series of facts, with a quite creditable and justifiable emotion in the circumstances. I offer my congratulations to him. In the course of the week questions have been asked about whether this debate was necessary: Why delve into history? It is all of the past. Why refer to old complaints, sores and the like? It is singular that such questions should have been asked because preceding this debate there was another in which we discovered that in 1925 it was decided by a Privileges Committee of your Lordships' House that only a certain number of Irish Peers were entitled to be represented in this Assembly. In 1925 the matter was settled. That was just as remote—even more remote—than the incidents which form the subject of this debate. We are entitled—completely justified—to delve into the history of this sordid and squalid affair.

In 1939 war broke out: the Nazis invaded Poland. They bombed Warsaw and practically destroyed it. Almost simultaneously the Russians, for reasons best known to themselves, decided to invade Poland. As the noble Lord, Lord Barnby, stated in the course of his observations, we were, so far as Russia was concerned, at peace. We had declared war because of the invasion by the Nazis of Poland. Russia was at peace. Nevertheless, after the Nazis had bombed Warsaw and had engaged in wholesale destruction, Russia invaded Poland. The question may be asked: Why did they invade Poland; why did they carve Poland up along with the Nazis? Why did they seek to obtain as much loot as possible? And, moreover, why did they take from Poland a large number of officers and men of the Polish Army and deport them forcibly to Russia? The reason is best known to themselves; these officers and men were never heard of again. This is a justifiable Question, even although the matter seems remote and no longer topical.

Let me recount a personal incident which has some bearing on this subject, but I preface my observation by asking a question. Why was it—perhaps the noble Marquess, Lord Salisbury, could respond in the course of his remarks later on—that the Foreign Office at the time, although it must undoubtedly have been aware of what happened, never said a word about it; appeared to take no appropriate action? I can recall Questions asked in the other House on the subject. Rumours were floating around. No facts were available to honourable Members in the other place. But the Foreign Office must undoubtedly have been aware, because of the rumours that were current, that something of the kind, on which the rumours were based, had been operating.

At just about that time I was asked to pay a visit to the Russian Embassy when Maisky was the Soviet Ambassador; Maisky was a friend of the United Kingdom. I had gone at his own request to talk with him about the possibility of Russia's entering the war on the side of the Allies. Noble Lords may wonder why I should have been consulted by Maisky. It so happened, although some of my colleagues decided to join Winston Churchill in the Coalition Government, that I refused the invitation, and so I found myself on the Opposition Bench, not the official Opposition Leader, but unofficial—if noble Lords prefer it, self-appointed. Maisky asked me to come and meet him. His reply to my question, whether Russia intended to enter the war on the side of the Allies, evoked a rather peculiar reply. He did not reply directly, but said, "Britain will not be defeated." I remember that remark vividly. So far as Maisky was concerned, he was on our side.

I repeat the question: If the Foreign Office were aware of what was happening in Poland, why were the facts not exposed? It may be because the Foreign Office diplomatically, and probably rightly in the circumstances, had no desire to offend Russia, in the hope that Russia would join with the Allies against the Nazis, and in the circumstances that would be regarded as a correct posture. I certainly at the time would not have objected to it because, like others in the other place, I wished for the successful prosecution of the war against the Nazis. It is remarkable how these events have been shrouded in obscurity, despite several commissions of inquiry. For example, there was the United States Congress Commission of Inquiry, when it was stated that there was not a scintilla (I am quoting accurately from the Report itself) of evidence which could refute the allegations and the rumours about the destruction wrought by the Russians when they invaded Poland and deported officers and men.

There was another inquiry. I am not certain whether it was of an international character; I think it was the International Red Cross. They engaged in an inquiry and were satisfied that there was truth in the rumours connected with the allegations about the massacre of officers and men—the number stated at the time was something like 15,000. Even Winston Churchill made no reference to the subject, except in relation to a controversy in which he engaged with Stalin at the end of 1945 when they were discussing what was to happen about the carving up of Poland and the frontiers. The references are contained in the Sixth Volume, 29th chapter, of *World War*, for which Churchill is responsible.

Lord RITCHIE-CALDER: My Lords, if I may interrupt my noble friend—did he mean 1944 or 1945?

Lord SHINWELL: 1945.

Lord RITCHIE-CALDER: 1945? But Churchill was not in office at the end of 1945.

Lord SHINWELL: No, my Lords; I am wrong. I have the dates wrong. It was immediately after the war. Churchill was engaged in controversy on what was to happen about Poland. This is contained in the reference I have just mentioned. Perhaps my noble friend would care to consult the volume in the Library, and there he will see the actual statement made by Churchill about the disputes with Stalin. It was not about the events which have been raised by the noble Lord, Lord Barnby, which occurred in 1939 and the year following. This was in connection with an allegation about a smaller number of officers who had been captured by the Russians and massacred. Churchill asked Stalin whether anything could be done in order to prevent happenings of that kind from recurring. Stalin absolutely refused, and in point of fact, according to Churchill's reference in the volume which I have just mentioned. Stalin went so far as to declare these officers as revisionists who were trying to defeat the aims of the Soviet Union on behalf of, presumably, so-called reactionaries. This is part of the story: the rumours in 1939 and in 1940, and then a similar event when Churchill came to office and engaged in controversy with Stalin on a similar subject but of course concerning fewer men.

It may be argued that we ought to be extremely careful not to engage in disputation of this kind which might offend the Russians. I have a reply to that. We are a small country, Russia is a big country. Militarily we are not as strong as Russia, but that is no reason why we should not seek to rectify incidents mentioned in this debate. It may also be argued that in Poland at the present time they have been somewhat regardless of minority interests, and therefore although Poland was an ally of ours during the war (so far as it was possible to be an ally under General Anders, who was operating in this country on behalf of the Polish exiles) we ought to be extremely careful not to offend the Russians. But, after all, we are concerned with principles. We are concerned with the question of whether there should be an exposure of those events, whether there should be some rectification, some justification, some compensation—I am not speaking financially, because most of those people have died. Probably some of their successors are still alive and are in this country or elsewhere, but it is not a question of financial compensation. It is a matter of an inquiry which may afford consolation for those events, and, in the circumstances the noble Lord, Lord Barnby, was justified in raising this topic.

I do not want to proceed any further than that, except to repeat that, so far as I know, no responsible person—the Prime Minister or Lloyd George, for example—took any action in the matter. A reference is made to Lloyd George in the book by Frank Owen *The Tempestuous Journey* which must be familiar to noble Lords, in which he refers in a casual fashion to the rumours that were current in 1939; but Lloyd George took no action in the matter. Winston Churchill took no action in the matter, although he must have known what was happening. The Foreign Office must have been aware. I am not quite sure who was Foreign Secretary at the time, whether it was Lord Halifax or Sir Anthony Eden (now Lord Avon)—perhaps the noble Marquess, Lord Salisbury, will be able to tell us who was Foreign Secretary at the time. At any rate no prominent person and nobody in the Foreign Office raised the issue, presumably because they dared not offend the Russians.

It may be said even now that we must not offend the Russians. I do not want to offend the Russians or anybody else, but I want what the noble Lord, Lord Barnby, is anxious about: that there should be an exposure of what happened, so that the world should know who was responsible for those events. That is the reason why the noble Lord has asked this Question; whether the Government can respond by appointing a Commission is a matter for them to decide. My own impression is that they will refuse, presumably because Russia is a strong country militarily and we must be extremely careful, we must be prudent, we must be cautious.

I should like to end by saying one thing on the ideological issue. I am not concerned about Russian ideology for Russia and the Russian people, but I condemn Russian ideology which is used as propaganda in all parts of the world for subversive reasons. If for no other reason than that, I think the noble Lord, Lord Barnby, was justified in raising this issue, and the very least that the Government can do is to endeavour to find out the facts of this squalid affair, so that history can place them on record. They were based on rumours at the time, but rumours which obviously had an element of truth. I support the noble Lord, Lord Barnby.

The Earl of Dundee: My Lords, the massacre of Katyn took place a long time ago, probably in the spring of 1944, and if we are asked, as the noble Lord who has just spoken thought we might be asked, what good purpose can now be served by raking up this 31-year-old atrocity in a world where violence and cruelty seem to be becoming almost universal, I think the right answer is that we should try to put ourselves in the position of a near relation of any one of those Polish soldiers who, after having fought in vain for his country and after being held for seven months in a prison camp, was then slaughtered, together with 4,000 of his comrades, and buried secretly in the neighborhood of the camp.

A great many of the families of these men are now living in this country. You would not feel, if you were one of them, that it made very much difference to your son or your brother or your husband or your friend whether he was murdered by the Russians or by the Germans, but I think it would seem important to you that history should seek to tell the truth about his death. I am sure that history makes a great many mistakes, and even in the most liberal society where freedom of speech and freedom of writing and freedom of research are all fully permitted the best historians may sometimes be deceived by the false propaganda of an earlier age, or even of their own age. If Germany had won the last war school children in many civilised countries would have been taught a version of history which would have been prescribed by Dr. Goebbels, and some of it might never have been unlearned.

When the news of the discovery of the dead bodies at Katyn was published in the latter part of the war, in 1943 or 1944, I, like the noble Lord, Lord Shinwell, was a Member of another place. We had to choose between two contradictory statements, one by a Communist Government, another by a Nazi Government, both based on political philosophies which shamelessly subordinate truth to expediency. But I think the noble Lord will bear me out when I say that my recollection is that at that time, although the Germans were our enemies and although the Russians were our allies, nobody in Parliament had the slightest doubt that the Russian version of the affair was a totally false fabrication.

Several Noble Lords: Hear, hear!

The Earl of Dundee: My Lords, that was not because of Nazi propaganda; it was, as the noble Lord, Lord Shinwell, has mentioned, mainly because of the evidence of the International Red Cross, who had examined the circumstances on the spot.

Since then I think it has always been recognized in this country that these were the facts, and I doubt whether my noble friend Lord Barnby would have troubled to raise the question now if it had not been that one of the directors of the B.B.C. who was going to make an official visit to Poland had his visit cancelled the other day by the Polish Government because of a documentary film about Katyn which had been shown on B.B.C.2. We know very well how extremely offensive the dissemination of false history can be. We have ourselves seen a citizen of a country which is now free, the German Hockhuth, publishing the most inexcusable libels about both Sir Winston Churchill and Pope Pius XII, and some of them I think have appeared on the stage and on the screen. Of course we can understand if young Polish Communists have been officially taught and indoctrinated with a falsehood about the slaughter of their fellow countrymen at Katyn, how they may be offended when they hear the truth which they have been taught to regard as a falsehood.

My noble friend Lord Barnby asks in this Question for a pronouncement which will put the facts beyond contention. When he says "beyond contention", I take it he means beyond reasonable doubt in a country where men are free to examine the historical evidence, which I am afraid does not apply to the inhabitants of Communist countries. If we were to make such a pronouncement, accompanied by hostile criticism of Communist Governments for suppressing the truth, I would say that such criticism might only have the effect of delaying the time, if the time ever comes, when writers in Communist countries may begin to be allowed some degree of intellectual freedom. But I think it could do no harm if we were to publish, not in any provocative manner but in a purely objective and rational context, without any moral overtones, a true summary of the facts about this unhappy story of Katyn, in the interests of true history and for the sake of the exiled families of those murdered men who once helped us to fight for the freedom of the world but whose own country has lost its freedom in doing so.

The Earl of Arran: My Lords, I have waited 30 years for this day; I have waited for an inquiry preferably by the United Nations, and for a straight answer by a British Government, which I confidently expect, on the simple question as to "who done it?" Meanwhile, history has been traduced and with the deliberate connivance of successive British Administrations, for, my Lords, it is and always has been common knowledge in the Foreign Office that Katyn was the act of the Russians and not the Germans. I am prepared to believe anything bad about the Nazis between 1939 and 1945, and indeed I would draw a sharp distinction between German murders and Russian murders; the one, I should like to suggest, deliberate, administrative, cold-blooded, sadistic; the other inefficient, haphazard and in some ways comparable to the murders of Sinn Fein. But whether we like it or not, this odious crime at least is not attributable to our German friends and allies but to our comrades of yesteryear.

I do not propose to go into the evidence; it has been ably presented by the noble Lord, Lord Barnby, the noble Lord, Lord Shinwell, and the noble Earl, Lord Dundee. I have only one small piece to add to the jigsaw. In 1943, I was working closely with the Foreign Office news department. Its head, Sir William Ridsdale, had personal access to the Foreign Secretary, and his job was to give information and background guidance to the diplomatic correspondents of the British Press, information which those distinguished men used with all care and discretion which was enjoined on them. At the time of the discovery of the Katyn graves, I distinctly remember Sir William telling his conference of officials that though there was little doubt that this was the deed of the Russians, it was regarded by the War Cabinet as highly dangerous to put the blame where it properly lay. I believe that Mr. Iverach McDonald, then Diplomatic Correspondent of *The Times* and Mr. Richard Scott, then a member of the department and now Foreign Editor of the *Guardian*, were concerned and would confirm it.

I understand this blurring of the truth at the time; I understood it then and I understand it now. To blame the Russians might have meant a break of the Alliance and even losing the war. We were forced to accept this, together with other odious necessities. For instance, we were forced to declare war on Finland to appease the Russians. Finland which we had tried to defend in the winter of 1939 with a voluntary brigade. The Americans, who have a soft spot for Finland, perhaps because it was the only country to repay its First World War debts, were furious with us. But I believe we were right; quite simply, we had no alternative. After the war, too, it could be and was agreed that in our desire to keep on terms with the U.S.S.R. at any price it would be impolitic to take the skeletons out of the cupboard. Hence the persistent refusal of successive Governments to face the issue, to set up, for instance, the inquiry demanded by the late Professor Sir Douglas Savory and over 100 members of the other place; hence the deliberate concealment of what those Governments knew and this Government know to be the truth.

But there can surely be no justification to-day for keeping silence. There is no further reason to appease the Russians. Who's afraid of the big bad wolf? There is no reason for falsifying history. Over the years history can all too easily become mythology. Who knows but that perhaps one day the vile story of Sir Winston Churchill's responsibility for the death of General Sikorsky may not come to be accepted as at least a possibility?

There is only one country which we in Britain cannot look squarely in the face, and that is Poland. In 1939 we guaranteed her territorial integrity. To-day our guarantee remains unfulfilled, our pledge broken. The Poles are forgiving and realistic; they do not expect us to honour our undertaking. But they fought at our side for just that reason. They realise that to do so would mean war against Soviet Russia, and that is totally impossible. But I repeat: towards Poland and the Poles we must have a bad conscience, for we broke faith. Should we not do what lies within our power to redeem our national honour? We cannot give Poland back her freedom. Should we not at least give her back her history?

The Marquess of Salisbury: My Lords, I should like to support, briefly, for there are others who have to speak, but most sincerely, what has been so well said this afternoon by the noble Lord, Lord Barnby, and those other noble Lords who have spoken. I suppose none of the many horrible things which were done in the last Great War have more appalled the conscience of humanity than the Katyn massacres. The killing of 4,000 officers, and almost certainly 10,000 more, would in any case be a dreadful thing, but what made it so specially shocking was the fact that it appears to have been done not in hot blood, not even in revenge, though that would have been bad enough, but quite deliberately in cold blood as an act of policy, to remove from Poland her natural leaders and maim her, if possible, for ever. That it utterly failed in these objects because of the unvanquished spirit of the Polish nation does not make it any the less atrocious. It remains an indelible stain on the nation responsible, and if such a crime is never to be perpetrated again, it seems to me of the first importance that the guilt should be nailed down, once and for all, officially, where it belongs. The facts, as the noble Lord, Lord Barnby, has said, are now pretty well known, and that should not be an impossible task.

I am not going into the question of what we should have done or should not have done in the past, to which the noble Lord, Lord Shinwell, attached so much importance. I believe that now to be a sterile inquiry. I am concerned more with what is, I believe, to be the true purpose of this Motion, and it is surely this: what should we do now? I would say that I believe it is our duty to the Polish people, who have fought so heroically and so tragically on our side in that Great War, that this matter should be finally cleared up. I hope that it will be possible for the Government, in their reply, to make it clear once and for all, and in no uncertain fashion, that that also is their view.

Viscount MONCKTON of Brenchley: My Lords, your Lordships will be glad to hear that, because so many of my noble friends have said what I had intended to say, I have cut my speech in half. I want to take a slightly different aspect, in that Poland was, and is, the geographical heartland of

Europe, and every struggle has gone over or through Poland. Every time she has been put down she has been resurrected, and I am sure she will be once again.

Towards the end of the war I was in Palestine and used to go up to the border of Persia to meet the Polish troops coming out of Russia on to our side, as it were, and one always noticed the shortage of the middle rank officers. They were simply not there. There were some very young and some very old, but in the main there were not sufficient officers of any sort coming out of Russia, through Persia, into Palestine to take part in the rest of the war. When General Anders was released from Lubianka to form the Polish Army to fight with the Russians and the West, he asked, "Where are the missing 15,000 officers?". He knew that there were 15,000 officers missing altogether. We now know, both from the evidence of a doctors' commission, which was international, and from a British officer and a United States officer who were in a German prisoner-of-war camp and were allowed to go to see that at least the 4,500 were killed—murdered, as several of my noble friends have said, in cold blood. Worse still, from the evidence, they were probably shot at close range from the back, falling into the graves they had probably had to dig themselves. This is known, but has never been really fairly and properly put. To do this in war, when you have been at peace with that nation and you want them to fight on your side, is almost inconceivable; but, as my noble friend Lord Salisbury said, it was cold policy to stop the future leaders of the Polish nation—those who would be leading Poland now had it not been for this ghastly act of inhumanity.

We owe a debt of honour to the Polish people, even to those in Poland now who are free to hear the truth. I want to add that not only do we owe a debt of honour, we owe a debt to truth. The United States of America has admitted some of the terrible things that have happened with some of her troops in Vietnam, has "come clean" and has charged the people concerned. Why not have the truth on this matter? We know what happened in Czechoslovakia, and we know what happened a little further back in Hungary. It is the truth that we ought to have, and truth has no deadline.

Lord HANKEY: My Lords, without adding unduly to this debate, I should like to say a few words about this Question asked by the noble Lord, Lord Barnby, because I was First Secretary of the British Embassy in Poland before the war; I was a diplomatic liaison officer with the Poles in Rumania, and afterwards in Iran, when General Anders and his Polish Army, and about 70,000 civilians came out at rather short notice—may I say, one of the miracles of our century—and I was again Counsellor in Poland at our Embassy in Warsaw after the war. After that I was head of the Northern Department, and had responsibility at departmental level for Anglo-Polish relations, including the political problems of demobilising the Polish Army in the West. Afterwards I was Minister in Hungary, and I know, to my cost, what living under the N.K.V.D. in the last years of Stalin's life was like.

I cannot echo too strongly what has been said about the appalling, hideous massacre at Katyn. There is no doubt that it really is a very shocking crime, and if the facts were to come out in an absolutely incontestable form, nobody would be more glad than I. I should like to say that the file of the German Inquiry did, as a matter of fact, pass through my hands at one time, and I had the opportunity to look through it carefully. The date at which this massacre took place has always been slightly difficult to identify with absolute clarity. In actual fact, it depends largely on the diaries found in the pockets of the dead men. I can confirm what the noble Viscount, Lord Monckton of Brenchley said, that these men were shot in the back of the head, which was a practice unfortunately current on both sides of that terrible front.

The dates of the entries in the diaries all end in about March and April 1940; but as the evidence was released by the Germans in 1943, it is incredible that they would have allowed any diaries to survive which had an entry of a subsequent date. Therefore, one has to say that there is a conceivable residual doubt on this subject. I am not in any very great doubt myself, I am afraid, as to where the blame lay. I only say that if you want legal evidence, there is a legitimate residual doubt, and I do not think that it has been possible to clear it up on the evidence which has hitherto been released.

The Earl of Dundee: My Lords, would it have been possible to fabricate a diary which came to an end in March, 1940, with all the rest of the diary blank?

Lord HANKEY: No, my Lords; I do not think it would. I have seen photographs of the entries in the diaries; they were incontestably genuine. I personally think that the evidence points strongly to the fact that these men lost their lives in April, 1940; but all I say is that the Nazis were consummate liars and when they brought out a lot of evidence of this sort it was hard to know exactly what to believe. It was difficult for the Foreign Office at that time—faced as they were with the difficulty of encouraging the Russians to go on fighting, although we were not in a position to launch the Second Front which they demanded with such insistence—to take this matter up on evidence released by the Germans. I do not think it is true that the Foreign Office suppressed the evidence. One noble Lord suggested that, but I do not think that is true. I was not in the Northern Department at the time, but I do not think the Foreign Office ever suppressed evidence.

The Earl of Arran: My Lords, I am very sorry. I speak only for the official and not for the Ministerial level. But it was the guidance given out by the News Department, which I am sure the noble Lord respects as much as I do, that the Foreign Office was firmly convinced that it was a Russian crime and not a German crime. But it was impolitic to say so, and I personally agreed with them at the time. Mr. Iverach McDonald, now assistant Editor of *The Times* and then diplomatic correspondent of *The Times*, and Mr. Richard Scott, of the *Guardian*, would confirm that that was the guidance given to us.

Lord HANKEY: My Lords, I am not disagreeing with the noble Earl, and I think he is quite right. I think his remarks about what Sir William Ridsdale said were extremely significant and very interesting, and I share the same view. In fact I thought I was agreeing with him. All I am saying is that the Foreign Office did not conceal this. They did not think they had absolutely cast-iron evidence; and, anyhow, even if they had, they would not have thought it very politic to release the evidence at a time when the issues of war were so very great. Nor would the Foreign Office at any time—and nor should any of us—be greatly impressed by crocodile tears shed about this by the Nazis. Nothing could be nearer to hypocrisy than Nazi sorrow about a crime of this sort.

When I was in Poland after the war, I made it my business to go to the extermination camps of Majdnek and Oswiecim, which is better known in this country by the German name of Auschwitz, and I saw evidence of what the Germans did which really makes one's blood run cold. I have seen the receipts given by the man at the gas chamber of Majdanek. The Germans were very careful; a receipt was given once every 20 or 30 minutes for several years, and every time about 35 people were put to death. A typical receipt would be, "10 Poles, 12 Polish Jews, 6 Ukrainian women with 5 children, one Norwegian and one Rumanian Jew." I have seen the tins of poison gas which were used for the purpose, labelled "Zyklon" and produced in tins with a skull and crossbones on them and red paint all around, and with many notices about the danger of handling it.

The Germans were very careful. Before the prisoners were pushed into the gas chamber, everybody was given a hot shower and a shave. I have seen a receipt given by a firm in Hamburg for 1,000 kilograms—which is a ton—of human hair. I have seen 800,000 pairs of shoes in an enormous hut, one of several consignments which were left behind. I had the chance to examine them. There were the sort of shoes worn by old Polish women in going to market. There were the sort of shoes worn by Frenchwomen to go shopping. There were Norwegian shoes, German shoes, Ukrainian shoes, every imaginable sort of shoe in those 800,000. There were tiny shoes, two inches long. It was a terrible sight.

I am sorry to say that, on many occasions, the gas chambers could not work hard enough, and the men who had to carry the corpses up the incline to the furnaces were unable to get there quick enough. On those occasions the S.S. men shot people down into ditches. I have seen the ditches which they were shot into. At Auschwitz they did not leave things at all to chance. The gas chambers were mechanised. They pressed a button, on went the moving floor, and the bodies were tipped into a furnace. I am sorry to spoil your Lordships' evening, but it is necessary to see the terrible crime of Katyn against the other appalling crimes that have been committeed in Poland against our gallant allies. This is a most shocking affair and one wonders how it could have happened.

We British have made one terrible mistake in our time. We have been inclined to say, "Well, it does not much matter what people believe. What really matters is what they do." We could not have been more wrong. When Rosenberg produced his theory of "dehumanisation" or *Entmenschlichung*, which was that if by suffering you could dehumanise people and reduce them to the level of beasts then it did not matter if you killed them, perhaps we ought to have taken more notice. Perhaps we ought also to have realised that these terrible doctrines would find expression in the appalling acts which we have seen in our century. You have to go back hundreds of years to find the like.

Many of my friends died in the Warsaw Ghetto. They were herded into it, deprived of food and finally destroyed and burned alive. Many of my friends were killed in the Warsaw Rising. It was impossible after the war, when Warsaw had been destroyed by flamethrowers, house by house, to know what continent you were standing in when you stood in the middle of the Castle Square in Warsaw. I remember that in the house next to the one I lived in there was a handwritten notice which said, "Under this doorway there are two bodies. Do not disturb them. I will come back and bury them." It was signed, "Their brother". During that terrible episode of the Warsaw Rising—I saw all the diplomatic telegrams at the time—we made many applications to the Russians for them to give help or to allow us to send aeroplanes and to drop help ourselves. Warsaw was too far away for our bombers to go there and back at that time, without being able to land and refuel in Russia. It is a matter of history that Stalin, although pressed at the highest levels, refused to allow that to be done. The Russians were just over the river in the suburb of Praga. Your Lordships must imagine that the Germans were here and the Russians were at the Shell centre or possibly at the Elephant and Castle, somewhere between the two, but nothing whatever was done to help those gallant men, all our allies, fighting the

Nazis in Warsaw. It was, I think, a crime not much less to be condemned than the crime of Katyn, for I suppose that far more gallant men were killed in that appalling episode.

I am not very much in favour of looking back on these shocking episodes of our century, except that we may be able to learn some lessons for the future. What can we learn from these awful events? First of all, how can we help our gallant Polish allies? We have in the United Kingdom a wonderful Pole in almost every office. They are very valued and esteemed members of our community. They earn a good deal, because they are efficient people and very devoted and they work hard. But there is much hardship, also, among the widows, and especially among the retired intellectuals and the elderly people who cannot earn their living any more. They need our help and sympathy. There are excellent Polish charities which I can recommend for your Lordships' consideration.

Secondly, we have to recognise that we should not handle this affair, or other affairs, so as to stir up the Poles in Poland against the Russians. It is no good: one has to recognise the strategic facts of life in the years in which we live. I have heard it said (I have never had concrete proof) that there were broadcasts either from London or from Russia—the two sides blame each other—requesting the Poles in Warsaw to rise when they did. I have never seen the actual proof; but there is no doubt that when they did rise they got themselves effectively destroyed. If we were to say the same to the Poles today, it would just be another Warsaw rising; it would just be another Czechoslovakia of 1968. I think we should not do them any good. I should like to go further than this. I should like to say that, viewed in modern terms, Poland has nothing to gain by East/West tensions.

I think that one can go even further than that now and say that it really is essential to bring about better East/West relations altogether. I myself believe that we should never miss a chance to settle outstanding issues with the Russians. We have a great common interest in the preservation of peace. Poland is perhaps not so well off as it would have been if it had been a free Western country, but it is making some progress and the people there seem to keep alive. Nevertheless, my Lords, it really is a grim and sombre cloud that hangs over the East of Europe. The Russians are a people with very high discipline. They are extremely secretive about their affairs. I think there will never be any chance of establishing the facts of Starobielsk and the other camps unless the Russians give permission for an investigation, or undertake an absolutely objective investigation themselves. Therefore, I find it very hard to see how we can carry this matter to the full elucidation of the truth which I agree would be desirable.

Fourthly, my Lords, I think the time has come, looking at these events on the broadest scale, to recognise how important it is that we should strengthen Western Europe. The U.S.S.R. aims to exploit the differences between nations: she despises weakness. The lightning invasion of Czechoslovakia was really the writing on the wall. It is high time—very high time, my Lords—to unite Europe still more. I think we should draw NATO closer together; and in my view it is high time that the United Kingdom joined the European Economic Community and lent its weight to those who wish to strengthen the Free World.

Finally, my Lords, as a philosophical reflection, if I may be permitted this at the end of this very distressing speech, I should like to say that it is important to strengthen our own society. I believe looking back at the history of Rosenberg and at the history of what happened in Russia, that it is vitally important to look into our own society and to look at the doctrines of which our young are being brought up. How do you think they will react to possible future crimes of ruthless lust, violence and brutality, such as Katyn, or new Katyns nearer home, when they are nurtured daily by the cinema and T.V. on scenes of rape, murder and bestiality? Should we not be thinking about the ideas on which we are bringing up the young generation, whose duty it will be to control the Governments of the future? Was it not the failure of German and Russian opinion to control their Governments which led to the terrible events of our century? With Katyn Auschwitz and the Warsaw ghetto behind us, and having before us much ruthless murder and violence in our own cities, especially in Northern Ireland, with declining security in many cities in North and South America, I am full of foreboding for the future of our civilisation. For democracy to be worth while, it should know what it believes in and be prepared to defend its beliefs at home and abroad. At present, our Christian civilisation is living on capital, and there may not be all that much capital left—and perhaps not so much time, either.

The Earl of Lauderdale: My Lords, like the noble Lord, Lord Hankey, I too have personal recollections of Poland, though they are not so extensive or so far-reaching as his. But I was sent to Poland in July, 1939, as a special correspondent of *The Times* to cover the events leading up to, and indeed following the outbreak of war. Therefore, to this day I remember with great vividness the first days of the World War there: the darkened silent streets; the disappearance of men to mobilisation and, only a few days later, the disintegration, the partition and the arrival of the Russian tanks. Like the noble Earl, Lord Arran, I share a haunting sense of a foul conscience over Poland—a Poland that we urged to fight, a Poland that we encouraged to fight, a Poland that we promised to back to the end.

My Lords, as the noble Viscount, Lord Monckton of Brenchley, put it, we owe a debt of honour to the Polish nation. "Oh!", it is said, "Why rake it all up again? Why revive old quarrels?"

Lord HANKEY: My Lords, I am very sorry to interrupt, but on a point of historical fact—and I did see all the diplomatic correspondence in 1939—we did not encourage the Poles to fight; we really did beseech them to be very moderate, and they really were very moderate. I do not think that we carry responsibility for pushing the Poles into war.

The Earl of Lauderdale: My Lords, with the very greatest respect, and paying particular respect to one who was much closer to events than I was, because the noble Lord was in the Diplomatic Service, I remember Mr. Chamberlin's "Peace Front", which was an endeavour to ring Germany round with allies in Eastern Europe; and, whatever may have been done diplomatically, the people of Britain prayed that the Poles would resist and prayed that our Government here would stand up and fight as well. But this is a matter of opinion, and I am sure the noble Lord and my personal friend Lord Hankey will agree to let us differ on that interpretation.

What I do believe is that there are times when we must look back, albeit with prudence. Those who were responsible on either side are no longer with us. The Baldwin-Chamberlain epoch of appeasement, when young Tory reformers denounced their Front Bench as a row of extinct volcanoes and their Bank-Benchers as the Forty Thieves, may have been shameful in many ways. But the epoch of Hitler and Ribbentropp, of Stalin and Molotov, which begat the Nazi-Soviet Pact—this is something very different. For that Pact was one of the great betrayals of history, and that Pact is the context of this debate. I am not one who shares the common fashion of believing that foreign policies should be founded on moral indignation about the domestic affairs of other countries, because I do not believe that Governments are the same as individuals. Nor can one expect them to be responsible in the same moral sense as individuals. But at Nuremberg we joined with the United States, France and Russia to judge and condemn crimes against humanity. My belief is that, whoever was responsible for the Katyn massacres—and the opinion of this House, it is quite evident, is unanimous so far—the Katyn massacres were certainly in the class of crimes against humanity.

"Oh, yes", they say, "but it is all old history; let bygones be bygones." My Lords, there are attitudes to history. You may say, as did Lord Chesterfield, that it is just a "confused heap of facts". You may say, as did Carlyle, that history is "a great dust heap". You may even re-echo, as did Lord Beaverbrook, the immortal words of Henry Ford that, "History is just bunk". I believe that the dignity of history deserves to be better attested and by whom better than the father of history, Thucydides himself, who said that history is philosophy learned from examples or, in the words of Sir Walter Raleigh: From it we may gather a policy, "no less wise than eternal by the comparisons and applications of other mens forepast miseries with our own like error and ill deservings."

Perhaps it was best summed up in Schiller's lines:

"Die Weltgeschichte ist das Weltgericht."—world history is the world's judgment.

It has been said of a man before now that if he has no enemies he has no honour. It has been said that if so he also deserves no friends. We have had brave friends among the smaller nations: Greece, Jugoslavia, New Zealand and Poland come to mind at once. I pray God that this House and this country will never, never shrink from supporting, encouraging and honouring our friends. To discard our friends is to besmirch their honour; to neglect their record—or to connive at such a thing—would be to dishonour ourselves. I beg Her Majesty's Government to recognise to-day our debt of honour at least to go as far as, in the words of this Motion, "To support an effort".

6.41 p.m.

Lord ST. OSWALD: My Lords, we have been debating this afternoon an epic tragedy and an epic crime, the deliberate assassination of close on 15,000 defenceless prisoners of war, mostly officers and intellectual leaders. These were men who had surrendered and whose surrender had been accepted, under the existing rules of war by which civilised nations normally abide, even when they are dragged by cruel circumstances or by cruel design over the brink of war. These men had surrendered in such circumstances to a powerful and crushingly victorious foe. They had conceded and defined their helplessness, with bitter dismay, and placed themselves in the hands of that victorious enemy. They were totally defenceless, totally at the mercy of their captors. They had ceased to fight and counted upon the laws of civilised men to preserve their lives. There was no question of any form of trial before their execution, because their innocence of any offence was patent and never in dispute. The condemnation of this House in this debate has been unanimous. How could it be otherwise?

Let there be no mistake or underestimate as to what this Unstarred Parliamentary Question contains. It contains a charge, a charge that the Soviet authorities, in the spring of 1940, planned and implemented this mass assassination. It is a crime, as I have said, perpetrated thirty years ago, but it concerns the future conduct of human affairs in a way which the equally bestial crimes of Nazi Germany do not concern that future. It concerns our world and its future because the accused is not only free and unpunished but powerful, self-righteous and influential. It even claims to be a pattern of morality, a mirror in which the more gullible nations of the world, the more gullible groups and individuals, are encouraged to gaze bemused. Some of them gaze; many are bemused. That is a danger which confronts the present population of this globe.

This small but significant debate does not pretend to be a trial of the Soviet rulers, either those immediately accused or their successors who express no concern over this unexpiated crime. This is not a trial of the directly accused, because your Lordships' House is not sitting judicially; and if it were there would be no sanctions or penalties available to such a court. But in a sense, at one remove or at two removes, somebody is on trial to-day and we all hope within a few minutes to see innocence declared and proven. Her Majesty's Government, of which I am a devoted supporter, is on test, if not on trial, in the terms of my noble friend's Question. Her Majesty's Government are asked to do something well within their power, to support an effort to secure pronouncement upon the authorship of mass murder.

The Earl of Arran: And to tell the truth!

Lord St. Oswald: And to insist upon the truth being known, as the noble Earl has said. Their response to this disinterested appeal will be a measure of their own sense of international morality. I am confident that this Government's sense of morality is at least as high as that of any Government in the world.

Evidence of the crime was first discovered after a delay of nearly three years, and the evidence then bore the stigma of being presented by the German Nazi Government and through the agency of Dr. Goebbels. The British Government of the day stood back, understandably enough, from judgment. I think that we can be indulgent to the then Foreign Secretary, Sir Anthony Eden, for saying in his statement to Parliament on May 4, 1943:

"His Majesty's Government have no wish to attribute blame for these events to anyone except the common enemy."

Later in the same statement, he said:

"The Germans need indulge no hope that their manoeuvres will weaken the combined offensive of the allies or the growing resistance of the enslaved populations of Europe."

That reassuring forecast was accurate in a large degree. Goebbels' propaganda, based so consistently on lies, did not succeed, when, by a savage windfall of war, it was able to employ the truth. It did not succeed in undermining the will of the Anglo-American alliance. What is more wonderful by far is that it did not lead to a reduction of fighting effort by the Poles themselves who had such grim, predictive evidence of the future awaiting them, when one form of slavery would be exchanged for another. These Poles were still to throw themselves, heroically, into the taking of Monte Cassino in the Allied cause; they were still to undertake the sacrifice of the Warsaw rising when they were so ruthlessly, deliberately, betrayed by the Soviet Army, on the orders of the Soviet Government; condemned to slaughter by the retreating German invaders, who crushed that rising while the Soviet forces waited outside Warsaw and allowed them to do so. The purpose then was identical with the cold purpose of the massacre of Katyn: to kill off or to permit to be killed off, the flower of the leadership of a nation not amenable to the despotism they were preparing to impose.

That could have been the end of it, an incident quietly, quiescently, forgotten or relegated as a footnote to history. That would be comfortable, perhaps. But nations have achieved greatness and maintained greatness by other endeavours than simply seeking comfort, by sheltering behind the circumstances and conditions of the past. To pick up Sir Anthony Eden's phrase again, to go back to May 4, 1943, and submit it to the factors of our day: there is now no war and no common enemy to menace our existence; by the same token there is no common scapegoat and no sweeping indemnity—and in saying this I am echoing the theme of the noble Earl, Lord Arran. To-day all nations are equal before the law, in theory at least. What my noble friend Lord Barnby is demanding is that, in the light of recorded history, with the threat of Nazism long extinguished, never to be revived, Her Majesty's Government shall insist on a proper and public evaluation of the evidence assembled and tested in the thirty years subsequent to that savage and sickening event.

The crime in itself, the massacre of 14,500 Polish captives, is not questioned. Nobody claims that they evaporated in some miraculous and painless manner. The corpses of 4,133, each with a bullet in the back of the neck, have been exhumed in the Forest of Katyn. The fate of the remaining two-thirds is a matter of conjecture so far as the whereabouts of their murders is concerned; but nobody doubts that their end was violent, treacherous and inhuman. This is an epic atrocity of our own times. It is a condemnation, perhaps, of what our own highly developed species can do to each other in the 20th century. It is the deliberate, organised, premeditated nature of the crime which sets it apart from many other crimes of our epoch.

There is another characteristic upon which my noble friend Lord Barnby and following speakers have thrown a strong light to-day. Nobody has been brought to the bar of justice. There was a cynical attempt to add this to the list of Nazi crimes paraded and punished at Nuremberg. With all the facilities for gathering and presenting evidence available to that court, the attempt was so hollow that this charge, though included in the initial indictment at the behest of the Russians, was significantly omitted altogether from the judgment. It is a matter so horrifying in its nature that, so it seems to me, it must be treated either at great length and in great detail or briefly, by concentrating upon the essence of the crime itself. Important and poignant is the opportunity given to us by my noble friend this evening. It is not, as I see it, the opportunity to present the full case; and to attempt to present a condensed case would be to duplicate the opening speech of my noble friend Lord Barnby.

Evidence there is in abundance and, as we have seen, much of that evidence has been studied by noble Lords who have taken part in this debate. There is the evidence of those few who escaped, by some quirk or some strange reasoning of their captors, the fate which befell their fellow prisoners; and whose surviving witness points to guilt convincingly enough for most of us. There is the Report of the International Medical Commission which went to the scene of the massacre in Katyn Forest in April, 1943. There is the Report of the Select Committee of the United States Congress, a model of thoroughness and meticulous research. There is the report of the Polish Government Special Committee set up in 1944 its findings published in February 1946 under the title *The Facts and Documents Concerning the Polish Prisoners of War captured by the U.S.S.R. during the 1939 Campaign*. There is other separate fully corroborative evidence which has been collected over the years.

In the course of the past few months two books and a 70-minute television programme, all three comprising deep, systematic research, have brought part of that research in a responsible form before the scrutiny of the British public. At this point I must mention a factor which possibly I should have mentioned earlier. We are so properly scrupulous in this House in declaring an interest of any kind that I must mention my part as the publisher of one of those books. The impulse to publish and the impulse to speak sprang equally from a conviction—shared by all those taking part so far in this debate—that this hideous page of history should be studied and judged upon. Both of those books have been referred to more than once in this debate. One is entitled, *Death in the Forest;* the other, *Katyn, A Crime Without Parallel*. I do not know whether the latter is a valid title, for who is capable of comparing one crime with another?

My Lords, we deem ourselves as living in a civilised age, an improvement on others. How sound is our diagnosis? It seems crucial to me that we should study ourselves, not simply as individuals or nations but as a civilisation which will have to pass on an inheritance, hopeful, ominous or indifferent to those who come after. I do not think it is inordinately hubristic to claim that the nations of the democratic West are healthily self-critical compared to the self-glorifying dictatorships of the East. Certainly in the strictures which opposing political Parties pass upon each other in this Parliament building there is plenty of scope for questioning and for debunking our designs. This we all believe to be our strength. There is a corresponding weakness in the dictatorships which we ignore. But because that weakness weakens the world we live in, we cannot, responsibly, shrug it off or look the other way.

I have myself seen and listened to the hubristic arrogance of the Communist countries, and I have seen how easily duped are the unwary and the uncommitted nations, gapingly impressed by such aggressive confidence. I have seen them unimpressed, contemptuously unimpressed, by the manner in which we, the Western nations, willingly, repeatedly, turn the other cheek and give a soft answer in preference to an honest and informative answer—anything for a peaceful life, even if it means cringing away from awkward facts. Here we have an undoubted awkward fact. I have said earlier that the innocence of the murdered was never disputed. I do not believe that the guilt or identity of the murderers can be disputed to-day, in this place or in any place where free speech is permitted. Very little, if any, investigation remains to be done. The material evidence, collected, codified and ready for inspection, is there. The weight of that evidence, to one who has studied it, is overwhelming. It awaits an authoritative judgment and verdict delivered to the world. It could be the simplest, least laborious task that the United Nations had ever been set. I hope that Her Majesty's Government, satisfied by the force of what has been said to-day and no doubt satisfied by the facts which they themselves have read, may present that task to the United Nations.

The Soviet rulers are on visibly weak ground in the matter of treatment, past and present, even of their own minorities within their own borders. This weakness is reflected in the monstrously arrogant or widely diversive speeches delivered by their spokesman at the United Nations when kindred subjects are raised; either in the Third Committee, in the Economic and Social Committee, before the Human Rights Commission or before the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. Here is a case concerning the dead who cannot be brought back, a case which cries out for world attention and obloquy. What is required is a lead, and I believe that lead could most properly be given by the British

Government. Yet for thiry years British Governments have been treading water; or, to put it more luridly, since this is a lurid chronicle which has to be related, Governments of all complexions and of many lands have been treading blood. It is the blood of 15,000 of our own innocent and defenceless allies; of a nation which fought staunchly and with legendary valour beside us in the war against Nazism from the beginning to the end. Such a lead would also demonstrate hearteningly that good men are not forgotten; that gratitude does not wither; that decent people care about the fate of their fellow men, whether they lie in a known or a secret grave, furtively buried beyond sight by their assassins. We owe this assurance in particular to Poland, one of the noblest, bravest and most unflinchingly loyal of allies that this country has ever had the good fortune to fight beside. I was surprised to hear the noble Lord, Lord Hankey, say that had we raised the matter of Kayn we could not have persuaded the Russians to go on fighting. Nothing stopped the Poles fighting, even after they knew that part of our victory would be the sacrifice of their own land.

What we, who have taken part in this debate to-day, are trying to achieve is not to punish a still unpunished crime, because punishment is neither feasible nor desirable in this context. What I think most of us have been trying to do is to state the obvious, not not turn away and leave it in placid anonymity. The obvious to us all is that where an inhuman crime has been committed, there is a criminal to be arraigned. What is dangerous for us all is that this criminal should be permitted to stalk and straddle the world scene, not simply flaunting his immunity, but repeating his crime, as a kind of primitive *droit de seigneur*, repeating it in the Baltic countries, in one Balkan country after another, in Poland again, in Hungary and in Czechoslovakia. We have been persuaded to dignify it with the title of the Brezhnev doctrine. It has come to the point where we accept the primitive, brutal appetite of Soviet Russia in each new manifestation as if it were a kind of unfortunate, now almost hereditary, mannerism, a recognised and tacitly legalised mannerism with which we have to live, so far at the cost of our neighbours, while we whistle and look the other way like a philosophical, docile peasantry.

Even though there can be no penalty attached to the judgment we utter to-day as participants in this debate, let us treat this—and I beg the Government to treat this—as a test case. Take it as a detective challenge, so much more of a challenge because the case is thirty years old, an ostensibly unsolved crime, only unsolved because so far nobody has had sufficient mettle to name the criminal. If an unquestionably democratic Government such as our own were to go back thirty years to pin a historic crime upon the criminal, that would impress the uncommitted world—and it would impress the criminal. It might even do something to deter continuing crime. That is the opportunity that my noble friend Lord Aberdare has this evening, in giving the Government's answer to the Question presented to them.

Lord Conesford: My Lords, this has been a very moving debate and not surprisingly. I think, virtually unanimous. The crime which gives rise to this debate is, I suppose, one of the greatest crimes in history. As has been said by previous speakers, it is difficult to give an order of villainy but it is difficult to conceive of a viler crime than this was. If anything could increase its vileness, I think it would be that this colossal act of murder seems to have been executed as an exercise in social engineering, the necessity to prejudice the possibility of a country's recovery and its future by taking away all power—and generally the simplest way of doing that is by taking away all life—from its natural leaders.

My noble friends in all quarters of the House have so well expressed the points I should have made that I should not have added my voice to-night, had it not been that my silence might perhaps have been misunderstood by my Polish friends. It so happens that Poland has played a large part in my political life, for it was 26 years ago that I found it necessary to resign from Winston Churchill's wartime Government because it seemed to me that the Agreement at Yalta was unprincipled and wrong. I thought then, as I have thought ever since, that it was not only unprincipled and wrong, but that it was one of the great blunders of history. When I resigned, for reasons which seemed to me overwhelming, I do not think that I then had a Polish friend. My action depended on what I thought of the issues involved. But since then I have had a great number of Polish friends, and I should not like any of them to think that I was lacking in support on this Question that has been raised to-day.

But there is another ground on which I commend the proposal before the House, one that was mentioned by my noble friend Lord Monckton of Brenchley—the truth. Some people may think that the establishment of the truth may not much matter, and it is difficult to demonstrate that it does. I suppose that fundamentally it is a matter of faith. I believe that the establishment of the truth is always right. I will not enlarge on that, because it is a matter of faith. In the end, the truth will be established. Lies will not prevail forever—at least, I hope not—unless the Communists conquer the world. But there is something to be said for accelerating the revelation of truth, the discovery and establishment of the truth. I would conclude my few remarks by a notable but sad quotation from the English poet, Coventry Patmore:

> "When all its work is done, the lie shall not; The truth is great and shall prevail.
> When none cares whether it prevail or not".

Lord Lovat: My Lords, I am not on the list of speakers, but as the House is in a reminiscent mood perhaps I could briefly tell your Lordships of a deputation which went to Russia in the dark days of January, 1945, to pay the respects of both Houses of Parliament to the Supreme Presidium of the Soviet Republic. There were two Peers and also members of the Forces, a soldier, a sailor and an airman, and for some obscure reason I was chosen as a Peer and as a soldier. I was suffering from war wounds at the time and I wore my uniform, and I took with me films of the Normandy landings. Perhaps for that reason, I had more chance of talking to Stalin than any other member of the delegation, which was led by the late Colonel Walter Elliot, whose widow Baroness Elliot of Harwood, now sits in our House. Stalin allowed me to ask one question which was of considerable importance from the point of view of bringing back information to this country. The question I asked was, "As you roll back the German armies" (the advance was then pushing on from Stalingrad, where Russia turned and fought back) "what will the Russian armies do in the next fortnight? Stalin replied, through Mr. Maisky, the Ambassador at the Court of St. James, who had then returned to Moscow, "When we reach the Vistula we shall pause."

This is the point which I think the noble Lord, Lord Hankey, made when he said that was a deliberate policy. The noble Viscount, Lord Monckton, also made the point that it was Russian policy to exterminate the Polish leaders and what happened in Warsaw was the attempted destruction of the Polish people. With all respect to Lord Barnby, to whom we are so grateful for having inaugurated this debate today, the massacre in the Forest of Katyn was small beer in comparison to what happened in Warsaw. I feel that the message of whatever we have discovered today is that you cannot crush the leaders of a country like Poland. The forest massacre was only one incident in a much bigger series of crimes.

Lord Aberdare: My Lords, in putting his Question, the noble Lord, Lord Barnby, spoke with very great sincerity and depth of feeling. This has been the case with every successive speech this evening. Indeed, I think many speeches have gone even further and have been made with deep emotion on this subject, on which all your Lordships obviously feel so very strongly. There can be no doubt in the mind of anyone who has listened to this debate or who may subsequently read it, what your Lordships' opinions are of this tragic affair. There have been some very distinguished contributions, including one from my noble friend the Marquess of Salisbury, and other of your Lordships have made very well informed contributions to the debate. Some new items of history have emerged. The noble Lord, Lord Shinwell, told of the meeting he had with Mr. Maisky; the noble Earl, Lord Arran of his Foreign Office and Press conferences; and just now my noble friend Lord Lovat told us of his interview with Stalin. All this has been of great value to the debate.

There was one item of history which I think perhaps might be put right. There was an inaccuracy which crept in at one point when the noble Lord, Lord Shinwell and my noble friend Lord Dundee referred to an inquiry by the International Red Cross. This was something which the Germans sought, but it never took place because of objections from the Russians in 1943; and in fact the Germans set up their own inquiry, which I shall mention a little later and which has already been referred to by my noble friend Lord Barnby. The noble Lord, Lord Shinwell, described it as "a sordid and squalid affair" and my noble friend Lord St. Oswald as "a savage and sickening event". I am sure we all agree. All wars are sordid and squalid affairs, all wars are savage and sickening events; and the Second World War was no exception.

Some of its most atrocious events have begun to fade from our consciousness with the passage of time, though the noble Lord, Lord Hankey, reminded us of some of them. But there is a special and dreadful fascination about the tragedy of the Katyn massacre and the disappearance of 10,000 other Poles, which has resulted in persistent attempts to penetrate the obscurity in which these events are still shrouded. Against the total number of lives lost during the war, a figure of 10,000 or 15,000 is perhaps not striking in itself. At least 800,000 Russians died in the seige of Leningrad alone. But the Polish officers who disappeared, and some of whom were later found dead in the Forest of Katyn, formed part of the élite of the Polish nation, a nation which had already been cruelly buffeted by history and was to suffer still more cruelly before the war was over. It is perhaps this aspect in particular, together with the mystery to which I have referred, that has attracted, and still attracts, the public interest to which my noble friend's Question gives expression.

May I say at once that the Government are not insensitive to public thinking on these dreadful events. Governments are composed of human beings, and we have followed the recent public discussion of the issue very closely. But I would ask the House to bear in mind that, unlike private individuals or the information media, Governments are not at liberty to voice half-formed views, speculations or suspicions. Therefore, although I sympathise deeply with my noble friend's motives in raising this question, we must look closely and dispassionately at what the Government are asked to do.

As I understand it, the Question in effect asks Her Majesty's Government to take a lead in organizing a definitive pronouncement on who was responsible for the death or disappearance of over 14,000 Polish officers more than thirty years ago. It is towards the Soviet Government that the Question points its finger. It states that the 4,000 victims at Katyn were murdered "in the spring of 1940", and noble Lords will be aware that the Germans did not invade that area until the following year. There are a number of objections to acting in the way my noble friend proposes. First, Her Majesty's Government have absolutely no standing in this matter. It may be said that this is not a legal but a moral question. Even if this were so, and if it were the duty of Her Majesty's Government to take up every moral challenge regardless of legal competence. I ask the House to consider for a moment the history of the question in order to judge whether the proposal of the noble Lord is realistic.

Since the initial discovery of the bodies in the Katyn Forest by the Germans in 1943, there has been no dearth of investigations and attributions of guilt, and my noble friend Lord Barnby explained them. The German Government, as I mentioned earlier, established an International Medical Commission, none of whose members was of German nationality, though all, except one (a Swiss), came from German occupied countries. This Commission found that the Polish officers had been murdered in the spring of 1940; that is, before the German invasion. As I have already pointed out to the House, that is exactly the conclusion assumed in the Question. In 1944, a Special Commission set up by the Soviet Government found that the Germans had perpetrated the massacre in the autumn of 1941. Later still, in 1952, an American Congressional Committee concluded that responsibility for the massacre lay with the Soviet Union.

I would emphasize that Her Majesty's Government were in no way associated with any of these three investigations, nor have Her Majesty's Government accepted any of their various conclusions. The only inquiry in which Britain was involved took place at the Nuremberg War Crimes Tribunal in 1946. The results were inconclusive and the judgments issued by the Nuremberg Tribunal contained no reference to the Katyn massacre.

In these circumstances, we must ask ourselves what kind of inquiry, by whom and in what conditions, could possibly establish "beyond contention", to use the words of my noble friend's Question, the authorship of those crimes.

Lord St. Oswald. I should like to ask my noble friend this question. When the Katyn crime came up for investigation at the Nuremberg trials, was the possibility of Russian guilt investigated, or only the possibility of German guilt?

Lord Aberdare. My impression is that it was only the question of German guilt that was investigated at Nuremberg. All I wanted was to state exactly what are the facts as seen from the Government's point of view. I was asking what we could possibly do to establish beyond contention who was the author of this crime. Is it likely, is it even conceivable, that the truth about these events could be established now to universal satisfaction, when it was not established in 1941, in 1944, in 1946 or in 1952? The Soviet Government, on whose territory the forest of Katyn lies, maintains the position it adopted in 1941; that all Polish officers in Soviet prison camps were released, and that those found dead at Katyn were killed by the Germans. The Polish Government (whose wishes should surely be respected in the matter) has said that it regards the incident as closed. Can it really be suggested that these Governments would now co-operate in a fresh inquiry? And, if not, what would be the value of any conclusion that might be reached?

I suggest to the House that the only result of a new inquiry would be to reopen old wounds. Historians are free to discuss this mystery, and no doubt they will continue to do so. The Press, radio and television are not muzzled or controlled in this country. But the noble Lord's Question invites Her Majesty's Government to take certan action, and this action we regard as not only beyond our competence, but likely to lead to nothing but pain, disagreement and ill will. Having said that, may I add that I have been deeply impressed by what your Lordships have said in the course of this debate, and I will certainly undertake to pass on to my right honourable friend the depth of feeling unanimously expressed by your Lordships' House.

The Earl of Arran: My Lords, before the noble Lord sits down, may I ask him: is he saying that Her Majesty's Government are funking it?

Lord Aberdare: No, my Lords, that was not the tenor of my remarks.

The Marquess of Salisbury: My Lords. I have no right to speak again, because this is an Unstarred Question and I have had my opportunity. But I want only to ask the noble Lord this. In passing on what has been said in this House to-day to his right honourable friend, would he also make the suggestion contained in my speech: that if it is impossible to raise this matter before the United Nations—and I agree that it would be useless, because the Russians would immediately put on their veto—would it not be possible for Her Majesty's Government to do something which they have not done up to now, and that is to express their own view about the Katyn massacre?

Lord Aberdare: My Lords, I will certainly convey that point to my right honourable friend.

Viscount Massereene and Ferrard: My Lords, perhaps I may point out to my noble friend that it is absurd to say that the Polish Government opposes this matter. The Polish Government is under the Russian Government. Of course it would oppose it.

Anglesey marine terminal bill [h.l.]

Examiners Certificate that the further Standing Orders applicable have been complied with, received, and Bill committed to a Select Committee.

The Motion

That this House urges her Majesty's Government to call upon the General Assembly of the United Nations to appoint a committee of investigation into the massacre of over 4,000 Polish officers in the Katyn Forest and if the evidence is conclusive to condemn those responsible.

April 22, 1971

Mr. Airey Neave, Abingdon, C.
Mr. Christopher Mayhew, Woolwich East, Lab.
Colonel Sir Tufton Beamish, Lewes, C.
Mr. Paul Rose, Manchester, Blackley, Lab.
Sir George Sinclair, Dorking, C.
Mr. Peter Archer, Rowley Regis, Lab.
Mr. John Pardoe, Cornwall N., L.
Mr. Turton, Thirsk & Malden, C.
Mr. Michael Meacher, Oldham West, Lab.
Mr. Charles Loughlin, Gloucestershire, W., Lab.
Mr. Eddie Griffiths, Sheffield Brightside, Lab.
Mr. Anthony Fell, Yarmouth, C.
Mr. Ian Lloyd, Portsmouth Langstone, C.
Mr. John Nott, St. Ives, C.
Mr. Martin Maddan, Hove, C.
Mr. John Biggs-Davison, Chigwell, C.
Mr. Peter Rees, Dover, C.
Mr. John Mackintosh, Berwick & E. Lothian, Lab.
Dr. Tom Stuttaford, Norwich South, C.
Mr. Carol Mather, Esher, C.
Mr. Andrew Bowden, Brighton, Kemptown, C.
Mr. Benyon, Buckingham, C.
Mr. Robert Cooke, Britsol West, C.
Mr. Stratton Mills, Belfast North, Ulster Union.
Mr. Sydney Chapman, Birmingham, Handsworth, C.
Mr. David Madel, Bedfordshire South, C.
Mr. W. H. K. Baker, Banffshire, C.
Mr. Peter Rost, Derbyshire S.E., C.
Mr. Hugh Fraser, Stafford & Stone, C.
Mr. Leo Abse, Pontypool, Lab.
Mr. William Hamling, Woolwich West. Lab.
Mr. Cooper, Ilford South, C.
Mr. Angus Maude, Stratford, C.
Mr. David James, Dorset North, C.
Mr. John Page, Harrow West, C.
Mr. Tebbit, Epping, C.
Mr. David Crouch, Canterbury, C.
Sir Edward Brown, Bath, C.
Mr. Neil Marten, Banbury, C.
Mr. Evelyn King, Dorset South, C.
Mr. Lawrence Reed, Bolton East, C.
Mr. John Spence, Sheffield Heeley, C.
Mr. William Shelton, Clapham, C.
Mr. Geoffrey Finsberg, Hampstead, C.
Mr. Robert Boscawen, Wells, C.
Capt. Walter Elliot, Carshalton, C.
Mr. James Hill, Southampton, Test, C.
Mr. David Knox, Leek, C.
Mr. Brian Walden, Birmingham, All Saints, Lab.
Mr. Nigel Fisher, Surbiton, C.
Mr. William Rodgers, Stickton-on-Tees, Lab.
Mr. Ronald Brown, Shoreditch/Finsbury, Lab.
Mr. Ted Leadbitter, The Hartlepools, Lab.
Mr. Clark Hutchison, Edinburgh South, C.
Mr. Montgomery, Brierley Hill, C.
Mr. John Hall, Wycombe, C.
Mr. Ronald Bell, Buckinghamshire South, C.
Mr. Edward Gardner, Fylde South, C.
Mr. Iremonger, Ilford North, C.
Mr. Woodhouse, Oxford, C.
Mr. John Tilney, Liverpool, Wavertree, C.
Sir Robert Carey, Manchester, Withington, C.
Mr. Nicholas Edwards, Pembroke, C.
M-Gen. d'Avigdoe-Goldsmid, Lichfield & Tamworth, C.
Sir John Gilmour, Fife East, C.
Mr. Roger White, Gravesend, C.
Miss Joan Hall, Keighley, C.
Mr. Bernard Braine, Essex, South East, C.
Mr. James Allason, Hemel Hempstead, C.
Mr. N. St. John Stevas, Chelmsford, C.
Sir Ronald Russell, Wembley South, C.
Mr. John Wilkinson, Bradford West, C.
Mr. Douglas Dodds-Parker, Cheltenham, C.

April 26, 1971

Mr. Cranley Onslow, Working, C.
Mr. John Stokes, Oldbury & Halesowen, C.
Mr. T. H. H. Skeet, Bedford, C.
Mr. J. Scott-Hopkins, Derbyshire, West, C.
Mr. Richard Body, Holland With Boston, C.
Mr. John Temple, City of Chester, C.
Mr. James Wellbeloved, Erith & Crayford, Lab.
Mr. Ray Carter, Birmingham Northfield, Lab.
Mr. David Ginsberg, Dewsbury, Lab.
Mr. Harold Gurden, Birmingham, Selly Oak, C.
Sir Eric Bullus, Wembley, North, C.
Mr. Robert Redmond, Bolton West, C.
Sir Richard Thompson, Croydeon South, C.
Mr. John Biffen, Oswestry, C.
Mr. Churchill, Stretford, C.
Mr. W. W. Hamilton, Fife West, Lab.
Mr. Dick Douglas, Stirlingshire East, Lab. & Co-op.
Mr. William Clark, Surrey, East, C.
Mr. Dick Leonard, Romford, Lab.
Mr. Harold Soref, Ormskirk, C.

Mr. Wyn Roberts, Conway, C.

Mr. Robert Adley, Bristol N.E., C.

Sir Stephen McAdden, Southend East, C.

Lt. Col. Colin Mitchell, Aberdeenshire West, C.

Mr. Frank Tommey, Hammersmith North, Lab.

Sir Geoffrey de Freitas, Kettering, Lab.

APRIL 27, 1971

Sir Donald Kaberry, Leeds. N.E., C.

Mr. Joseph Hiley, Pudsey, C.

Mr. Arthur Palmer, Bristol Central, Lab & Co-op.

Mr. J. C. Jennings, Burton, C.

Mr. Julian Ridsdale, Harwich, C.

Mr. S. Clinton Davis, Hackney Central, Lab.

Dr. Gavin Strang, Edinburgh East, Lab.

Mr. Mark Woodnutt, Isle of Wight, C.

Sir J. Langford-Holt, Shrewsbury, C.

Mr. Peter Hordern, Horsham, C.

Sir B. Rhys Williams, Kensington South, C.

Sir Frederick Bennett, Torquay, C.

Mr. Frederick Mulley, Sheffield Park, Lab.

Mr. Stanley McMaster, Belfast East, Ulster Unionist.

Mr. Will Griffiths, Manchester Exchange, Lab.

Mrs. Peggy Fenner, Rochester & Chatham. C.

Mr. Edward Bishop, Newark, Lab.

Mr. Ray Mawby, Totnes, C.

Mr. Frederick Willey, Sunderland North, Lab.

Sir David Renton, Huntingdonshire, C.

Mrs. Jill Knight, Birmingham, Edgbaston, C.

APRIL 28, 1971

Mr. Charles Curran, Uxbridge, C.

Mr. Jessel, Twickenham, C.

Mr. John Rankin, Glasgow, Govan, Lab & Co-op.

Mr. William Wilson, Coventry South, Lab.

Mr. Marcus Lipton, Brixton, Lab.

The Rev. Ian Paisley, Antrim North, Prot U.

Mr. Alfred Morris, Manchester, Wythenshaw, Lab.

Dr. Glyn, Windsor, C.

Mr. William Molloy, Ealing North, Lab.

Mr. Hugh Delargy, Thurrock, Lab.

Mr. Arthur Probert, Aberdare, Lab.

Mr. Jack Dunnett, Nottingham Central, Lab.

Mr. Kenneth Warren, Hastings, C.

Mr. John Hay, Henley, C.

Mr. Jack Ashley, Stoke on Trent South, Lab.

Col. Sir Harwood Harrison, Eye, C.

Dr. Anthony Trafford, The Wrekin, C.

Mr. J. R. Kinsey, Birmingham, Perry Bar, C.

Mr. Emlyn Hooson, Montgomeryshire, L.

APRIL 29, 1971

Mr. Wilfred Proudfoot, Brighthouse & Spenboro, C.

Mr. Tugendhat, London and Westminster, C.

Mr. Eric Cockeram, Bebington, C.

Mr. Peter Mills, Torrington, C.

Mr. Arthur Lewis, West Hamm North, Lab.

Mr. John Gorst, Hendon North, C.

Sir John Rodgers, Sevenoaks, C.

R/Adm. Morgan-Giles, Winchester, C.

Dame Irene Ward, Tynemouth, C.

Mr. Frank Judd, Portsmouth West, Lab.

Mr. McCrindle, Billericay, C.

Mr. John Wells, Maidstone, C.

Mr. John Peel, Leicester S.E., C.

Mr. Stephen Hastings, Bedfordshire, Mid C.

MAY 6, 1971

Miss Mervyn Pike, Melton, C.

Mr. John Hunt, Bromley, C.

Mr. Michael Havers, Wimbledon, C.

MAY 10, 1971

Mr. Greville Janner, Leicester N.W., Lab

Mrs. Elaine Kellett, Lancaster, C.

MAY 11, 1971

Mr. John Loveridge, Hornchurch, C.

Mr. Richard Luce,

Mr. Nigel Spearing, Acton, Lab.

MAY 18, 1971

Mr. Sydney Bidwell, Southall, Lab.

Miss Joan Lestor, Eton & Slough, Lab.

Transcribed from Notices and Motions, by Louis FitzGibbon.

NEW U.S. POSTAL SERVICE BEGINS TODAY

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ANDREWS of Alabama. Mr. Speaker, today is an important day for the American people. On this date the new U.S. Postal Service begins functioning, starting out on what I am sure will be a long, hard road toward a better mail system.

I think we were all aware of the obstacles that lay ahead when, last year, we set to work on legislation which would make this day possible. We knew postal reform would not come easy. We knew it would not come quickly.

Yet something had to be done, and through a bipartisan effort we forged the Postal Reorganization Act of 1970—an act which has made possible today's official birth of the U.S. Postal Service.

Postmaster General Blount is, I am confident, dedicated to transforming the horse-and-buggy operation he inherited into a businesslike, efficient operation, one this country can be proud of.

I wish the Postal Service and postal employees the best of luck as they tackle the complex problems of delivering today's massive mountains of mail.

THE ARTFUL DODGER

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. SCHERLE. Mr. Speaker, in a surprising 8 to 0 decision, the U.S. Supreme Court recently ruled that Muhammed Ali—alias Cassius Clay—will not be drafted and will not have to suffer the penalties for refusing induction. The unsigned opinion, from which only Justice Thurgood Marshall abstained—because he had served as the Government's chief prosecutor at the time of the case—not only exonerated Clay but administered a slap on the wrist of the Justice Department for prosecuting on the grounds cited. Said the Court:

> The Department was simply wrong as a matter of law in advising that the petitioner's beliefs were not religiously based and not sincerely held.

Thus the artful draft dodger, who has been suspended from the Black Muslim ministry by the sect's own hierarchy, will go scot free. Fifty thousand Americans have died fighting in Vietnam, but Clay, the so-called conscientious objector, will fight only for his own gain in the boxing ring. This decision is the greatest miscarriage of justice yet perpetrated by the Court, and makes a mockery of the entire Selective Service System.

HOUSE OF REPRESENTATIVES—*Tuesday, July 6, 1971*

The House met at 12 o'clock noon.

The Chaplain, Reverend Edward G. Latch, D.D., offered the following prayer:

May the God of hope fill you with joy and peace in your faith, that by the power of the Holy Spirit, your whole life and outlook may be radiant with hope.—Romans 15: 13. (Phil.)

Our Father in heaven and on earth, whose wisdom and love are everywhere present and everywhere available to the children of men, we wait upon Thee with receptive hearts praying that Thy spirit will come to new life within us as we face the duties of another week. May we keep ourselves close to Thee and close to one another that together we may work for the highest good of our country.

Help us to honor America not only with our lips but with our lives, not only with our words but with our works that freedom may ring from shore to shore and from land to land until all men are free.

Bless our prisoners of war and hasten the day when they shall return to freedom and to love. May wars soon cease and peace live among the nations of the world.

In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

CLINTON M. HOOSE

The Clerk called the bill (H.R. 1824) for the relief of Clinton M. Hoose.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 2816) for the relief of Rose Minutillo.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

PAUL ANTHONY KELLY

The Clerk called the bill (H.R. 3475) for the relief of Paul Anthony Kelly.

There being no objection, the Clerk read the bill as follows:

H.R. 3475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the time limitations of section 2733(b)(1) of title 10 of the United States Code, or of any other statute of limitations, the claim of Paul Anthony Kelly, a minor, of Troy, North Carolina, for physical injuries he suffered on or about February 1, 1964, as the result of the explosion of a device left after an Army maneuver in the Uwharrie National Forest which was filed on or about July 7, 1966, shall be held and considered. to have been timely filed and the claim of said Paul Anthony Kelly shall be considered and, if found meritorious, settled and paid in accordance with otherwise applicable provisions of law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF CHARLES ZONARS, DECEASED

The Clerk called the bill (H.R. 2127) for the relief of the estate of Charles Zonars, deceased.

There being no objection, the Clerk read the bill as follows:

H.R. 2127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of the war claims fund to the estate of Charles Zonars, deceased, formerly of Athens, Greece, the sum of $6,400 in full settlement of the decedent's claims against the United States arising in connection with the loss, damage, or destruction by military operations of war during World War II of certain property located in Greece in which he held an interest.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. FERNANDE M. ALLEN

The Clerk called the bill (H.R. 5318) for the relief of Mrs. Fernande M. Allen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROBERT F. FRANKLIN

The Clerk called the bill (H.R. 5420) for the relief of Robert F. Franklin.

There being no objection, the Clerk read the bill as follows:

H.R. 5420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Robert F. Franklin, a former employee in the Foreign Service of the United States Information Agency, the sum of $3,849 in full satisfaction of his claim against the United States for compensation for personal property lost in 1967 while performing his official duties.

With the following committee amendment:

Page 1, after line 9, add the following: "No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (H.R. 5657) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

JOHN BORBRIDGE, JR.

The Clerk called the bill (H.R. 5900) for the relief of John Borbridge, Jr.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 6100) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Oregon?

There was no objection.

ROGER STANLEY, AND THE SUCCESSOR PARTNERSHIP, ROGER STANLEY AND HAL IRWIN, DOING BUSINESS AS THE ROGER STANLEY ORCHESTRA

The Clerk called the bill (H.R. 4667) for the relief of Roger Stanley, the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra.

There being no objection, the Clerk read the bill as follows:

H.R. 4667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to the State of New York the sum of $3,729.87 on the condition that it will be used by the State of New York as a credit against the liability for tax under the New York State unemployment tax laws of the Roger Stanley Orchestra of New York, New York, for the taxable years 1959, 1960, and 1961, and will extinguish all liability of the said Roger Stanley Orchestra, under such laws for such taxable years. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of the preceding sentence shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, lines 4 and 5, strike "any money in the Treasury not otherwise appropriated" and insert "the Employment Security Administration account in the Unemployment Trust Fund".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Roger Stanley, the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra."

A motion to reconsider was laid on the table.

MRS. MARIA G. ORSINI (NEE MARI)

The Clerk called the bill (H.R. 1899) for the relief of Mrs. Maria G. Orsini (nee Mari).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MISS MARGARET GALE

The Clerk called the bill (H.R. 1995) for the relief of Miss Margaret Gale.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

JOHN T. KNIGHT

The Clerk called House Resolution 240, to refer the bill, H.R. 4473, entitled "A bill conferring jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight" to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code.

There being no objection, the Clerk read the resolution, as follows:

H. Res. 240

Resolved, That H.R. 4473 entitled "A bill conferring jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight", together with all accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

With the following committee amendment:

Page 1, line 6, after "Claims" insert "notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bars of laches, and."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SALMAN M. HILMY

The Clerk called the bill (H.R. 6998) for the relief of Salman M. Hilmy.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without objection.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JOHN A. MARTINKOSKY

The Clerk called the bill (H.R. 4042) for the relief of John A. Martinkosky.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

EUGENE M. SIMS, SR.

The Clerk called the bill (H.R. 7085) for the relief of Eugene M. Sims, Sr.

There being no objection, the Clerk read the bill as follows:

H.R. 7085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of Eugene M. Sims, Senior, based upon the loss of personal properly while on active duty in the United States Army in Korea in 1950 is to be held and considered as a claim cognizable under section 241 of title 31 of the United States Code; and the Secretary of the Army is hereby authorized and directed to consider, settle, and, if found meritorious, pay a claim based upon the said loss, if filed by the said Eugene M. Sims, Senior, within one year of the date of approval of this Act: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the other bills on the Private Calendar be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 7960, AUTHORIZING APPROPRIATIONS FOR ACTIVITIES OF THE NATIONAL SCIENCE FOUNDATION

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7960) to authorize appropriations for activities of the National Science Foundation, and for other purposes, with the Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask what the request is?

Mr. MILLER of California. The request is to take from the Speaker's table the bill authorizing moneys for the National Science Foundation, to disagree to the Senate amendment, and ask for a conference.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. MILLER of California, DAVIS of Georgia, CABELL, FULTON of Pennsylvania, and MOSHER.

CALIFORNIA TAXPAYERS

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, I have been proud to represent my golden State of California—long known for its individuality, personal initiative, and independence.

However, recently that golden image was somewhat tarnished when it was revealed that conditions have become so bad that California's Governor pays no State income tax.

And then, just yesterday, I was shocked when reading the local Washington Post that John Wayne, long an exponent of setting a good example for others, has turned to the Federal Treasury to supplement his income.

Wayne, who takes pride in his rugged individualism and independence, along with his partners, reportedly will receive Government farm subsidy checks totaling approximately $218,000.

Mr. Speaker, the woman with three or four children on welfare who has been given such a going-over recently for "getting something for nothing" must be shaking her head "quizzically" when she reads about these wealthy "dirt farmers" who receive such high payments from the Federal Treasury.

THE LATE DOROTHY ANDREWS KABIS

(Mr. du PONT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. du PONT. Mr. Speaker, over the holiday weekend the State of Delaware and the United States lost one of its first citizens. Dorothy Andrews Kabis, the 33d treasurer of the United States, passed away on Saturday.

Dottie Kabis entered public life as a fighter for honest election procedures in her hometown of Odessa, Del.

She left public life as the Treasurer of the United States, having served in many offices, public and political, in between.

As an officer of the local Grange and State chairman of the Daughters of the American Revolution, and president of the Delaware Federation of Republican Women, as chairman of the National Federation of Republican Women, Dottie Kabis left her mark. Few citizens of Delaware have done so well or contributed so much to the community and to the State and the Nation.

In Odessa, throughout Delaware, and

in Washington, Dottie Kabis will be missed.

Mr. Speaker, the burial will be at 2 p.m. on Wednesday, July 7, in Sheffield, Mass.

Memorial services will be at 2 p.m. on Thursday, July 8, at St. Paul's Methodist Church, Odessa.

At 2 p.m. on Friday, July 9, in the National Presbyterian Church and Center in Washington, there will be services.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. DU PONT. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I join with the gentleman from Delaware (Mr. DU PONT) in expressing my personal sorrow at the sudden death of Dorothy Andrews Elston Kabis, the Treasurer of the United States for the past 2½ years.

Long before "Women's Lib" became a prominent movement in this country, Mrs. Kabis was a leader in political affairs and was chosen in 1964 by the League of Women Voters as one of the Nation's outstanding women in politics. She was a delegate from Delaware to the Republican National Convention in 1956 and 1960 and served as president of the National Federation of Republican Women from 1963 to 1968, as well as being chosen Republican Woman of the Year in 1967. She also served with distinction on the finance committee of the Republican National Committee and with the Republican congressional and senatorial campaign committees.

While Mrs. Kabis' active work in public affairs was always on behalf of our party, her contributions to the cause of good government and for an equal voice in government by women will be remembered by all Americans. My wife and I join in expressing our condolences to her husband.

CONSENT CALENDAR

The SPEAKER. Under a previous order this is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

PROVIDING AN ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE OF THE UNITED STATES

The Clerk called the bill (H.R. 8699) to provide an administrative assistant to the Chief Justice of the United States.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORITY TO SELL VETERANS' DIRECT LOANS UNDER PREVAILING MORTGAGE MARKET CONDITIONS

The Clerk called the bill (H.R. 3344) to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code.

There being no objection, the Clerk read the bill as follows:

H.R. 3344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1811 (g) of title 38, United States Code, be amended to read as follows:

"(g) The Administrator may sell, and shall offer for sale, to any person or entity approved for such purpose by him. any loan made under this section at a price which he determines to be reasonable under the conditions prevailing in the mortgage market when the agreement to sell the loan is made; and shall guarantee any loan thus sold subject to the same conditions, terms, and limitations which would be applicable were the loan guaranteed under section 1810 of this title."

With the following committee amendment:

On page 2, lines 3 and 4 strike out "Section 1810 of this title" and insert in place thereof, "Sections 1810 or 1819 of this title, as appropriate."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING THE AUTHORITY OF THE ADMINISTRATOR OF VETERANS' AFFAIRS TO ESTABLISH AND CARRY OUT A PROGRAM OF EXCHANGE OF MEDICAL INFORMATION

The Clerk called the bill (H.R. 4762) to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans' Affairs to establish and carry out a program of exchange of medical information.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, inasmuch as it does not meet the criteria of the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDING THE NORTHWEST ATLANTIC FISHERIES ACT OF 1950, AS AMENDED

Mr. FRASER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9181) to amend the Northwest Atlantic Fisheries Act of 1950, as amended.

The Clerk read as follows:

H.R. 9181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. Subsection (a) of section 2 of the Northwest Atlantic Fisheries Act of 1950 (herein referred to as the "Act") is amended by striking out "and amendments including the 1961 declaration of understanding and the 1963 protocol, as well as the convention signed at Washington under date of February 8, 1949" and inserting in lieu thereof "and any amendments thereto which have entered or may enter into force for the United States including. but not limited to. the 1956 protocol. the 1961 declaration of understanding, the 1963 protocol, and the 1965 protocols".

SEC. 102. (a) Section 2(c) of the Act is amended by striking out "subject to the jurisdiction of the United States" and inserting in lieu thereof "subject to the jurisdiction of other parties to the convention with respect to international measures of control in force for such parties".

(b) Section 2(e) of the Act is amended by striking out "subject to the jurisdiction of the United States," and by inserting immediately before the period at the end of such section 2(e) the following: "subject to the jurisdiction of the United States, or to the jurisdiction of other parties to the convention with respect to international measures of control in force for such parties."

SEC. 103. Section 2 of the Act is amended by adding at the end thereof the following:

"(i) INTERNATIONAL MEASURES OF CONTROL: The term 'international measures of control' means any proposal of the Commission which had entered into force with respect to the United States with regard to measures of control on the high seas which may be undertaken for the purposes of insuring the application of the convention and the measures in force thereunder by the United States with respect to persons or vessels of some or all other parties to the convention and by other parties to the convention with respect to persons or vessels of the United States.

"(j) NATIONAL MEASURES OF CONTROL. The term 'national measures of control' means any proposal of the Commission which has entered into force for the United States with regard to measures of control on the high seas which may be undertaken for the purposes of insuring the application of the convention and the measures in force thereunder by the United States with respect to persons or vessels subject to its jurisdiction, and any other actions which may be undertaken by the United States for the purposes of insuring the application of the convention and the measures in force thereunder to persons or vessels subject to its jurisdiction pursuant to the provisions of this Act.".

SEC. 104. Subsection (b) of section 6 of the Act is amended to read as follows:

"(b) The Secretary of State, with the concurrence of the Secretary of Commerce, is authorized to take appropriate action on behalf of the United States with regard to proposals received from the Commission pursuant to article VIII of the convention. The Secretary of Commerce shall inform the Secretary of State as to what action he considers appropriate within five months of the date on the notification of the proposal by the depositary government, and again within the first forty days of the additional sixty-day period provided by the convention if a rejection is presented by another party to the convention, or within twenty days after receipt of a rejection received within the additional sixty-day period, whichever date shall be the later. The Secretary of the Department in which the United States Coast Guard is operating shall similarly inform the Secretary of State as to whether he considers that any such proposal relating to international measures of control or national measures of control should be rejected.".

SEC. 105. Section 6 of the Act is amended by adding at the end thereof the following:

"(c) In the event that a proposal of the Commission does not come into effect because of a number of objections in accordance with the provisions of paragraph 7 of article VIII of the convention, the Secretary of State, with the concurrence of the Secretary of Commerce and the Secretary of the Department in which the Coast Guard is operating, may nevertheless assent to giving effect to it on an agreed date by agreement with one or more of the parties to the convention, as provided for in that paragraph.".

SEC. 106. Subsection (b) of section 7 of the Act is amended to read as follows:

"(b) Enforcement activities under the provisions of this Act relating to vessels engaged in fishing and subject to the jurisdiction of the United States shall be primarily the responsibility of the Secretary of the Department in which the Coast Guard is operating, in cooperation with the Secretary of Commerce. The Secretary of the Department in which the Coast Guard is operating, with the concurrence of the Secretary of Commerce, is authorized and directed to adopt such regulations as may be necessary to provide for national measures of control, and with the concurrence of the Secretary of Commerce and the Secretary of State, for international measures of control and to cooperate with the duly authorized enforcement officials of the Government of any party to the convention.".

SEC. 107. Section 7 of the Act is amended by adding at the end thereof the following:

"(d) Except as otherwise provided in this Act, the duly authorized officials of any party to the convention shall have the same powers as Federal law-enforcement officers to enforce the provisions of the convention, or of this Act, or of the regulations of the Secretaries of Commerce and the Department in which the Coast Guard is operating, with respect to persons or vessels of the United States, pursuant to and to the extent authorized by international measures of control, and such officials are authorized to function as Federal law-enforcement officers for the purposes of this Act. Such powers shall include, only if and to the extent authorized in international measures of control, arrest of any person or search of any vessel subject to the jurisdiction of the United States, execution of any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this Act, and seizure of any property. Unless such enforcement is authorized by international measures of control or by agreement of the United States, such duly authorized officials shall not exercise these powers in that portion of the convention area in which the United States exercises the same exclusive rights in respect to fisheries as it has in the territorial sea except with regard to vessels of their own flag which may be entitled within such zone, by agreement with the United States, to (1) engage in the fisheries, or to (2) engage in activities in support of a foreign fishery fleet, or to (3) engage in the taking of any Continental Shelf fishery resource which appertains to the United States.

"(e) Any duly authorized enforcement officer or employee of the Department of Commerce may be designated by the Secretary of Commerce and any Coast Guard offcer may be designated by the Secretary of the Department in which the Coast Guard is operating to enforce international measures of control on behalf of the United States with regard to persons or vessels of any other party to the convention to which the measure is applicable, in any portion of the convention area except such portions in which any other government exercises the same exclusive rights in respect to fisheries as it has in its territorial sea unless such enforcement is authorized by the international measures of control or by agreement with the government concerned.

"(f) Any person designated to enforce international measures of control pursuant to subsection (e) of this section may be directed to attend as witness and to produce such available records and files or duly certified copies thereof as may be necessary to the prosecution in any country party to the convention of any violation of the provisions of the convention or any law or regulation of that country for the enforcement thereof when requested by the appropriate authorities of such country.".

SEC. 108. Section 9 of the Act is amended by adding at the end thereof the following:

"(c) It shall be unlawful for the master or owner or any person in charge of any vessel subject to the jurisdiction of the United States to refuse to permit any person authorized to enforce the provisions of this Act and any regulations adopted pursuant thereto, including in the convention area the duly authorized officials of any party to the convention authorized to undertake international measures of control, to board such vessel or inspect its equipment, books, documents, or other articles or question the person on board in accordance with the provisions of the convention, this Act, regulations adopted pursuant thereto, international measures of control, and national measures of control, or to obstruct such officials in the execution of such duties.".

SEC. 109. (a) Section 10 of the Act is amended—

(1) by inserting "(a)" immediately after "SEC. 10.";

(2) by striking out "any provision" and inserting in lieu thereof "subsection (a) or (b) of section 9";

(3) by inserting "by the Secretary of Commerce" immediately after "adopted"; and

(4) by adding at the end thereof the following:

"(b) Any person violating subsection (c) of section 9 of this Act or any regulation adopted pursuant to this Act, upon conviction, shall be fined for a first offense not more than $1,000 and be imprisoned for not more than six months, or both, and for a subsequent offense committee within five years not more than $10,000 and be imprisoned for not more than one year, or both.".

SEC. 110. (a) In subsection (a) of section 7 of the Act strike out "The Secretary of the Interior is authorized and directed to administer and enforce, through the Fish and Wildlife Service," and insert in lieu thereof "The Secretary of Commerce is authorized and directed to administer and enforce".

(b) In subsection (c) of section 7 of the Act strike out "Secretary of the Interior" each place it appears and insert in lieu thereof at each such place "Secretary of Commerce".

(c) In the first sentence in subsection (a) of section 11 of the Act strike out "Fish and Wildlife Service of the Department of the Interior" and insert in lieu thereof "Department of Commerce".

(d) In the last sentence in subsection (a) of section 11 of the Act strike out "Secretary of the Interior" and insert in lieu thereof "Secretary of Commerce".

SEC. 111. (a) Section 3(a) of the Act is amended by adding at the end thereof the following: "The Secretary of State, in consultation with the Secretary of Commerce, may designate from time to time Alternate United States Commissioners to the Commission. An Alternate United States Commissioner may exercise, at any meeting of the Commission or of the United States Commissioners or of the advisory committee established pursuant to section 4, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present."

(b) Section 3(b) of the Act is amended by inserting immediately after "Commissioners" in both places it occurs, the following: "or Alternate Commissioners".

(c) Section 5 of the Act is amended to read as follows:

"SEC. 5. Service of an individual as a United States Commissioner or Alternate United States Commissioner appointed pursuant to section 3(a), or as a member of the advisory committee appointed pursuant to section 4(a), shall be deemed service as a special Government employee of the United States, as defined in section 202 of title 18, United States Code."

(d) Section 12 of the Act is amended by inserting immediately after "Commissioners" the following: ", Alternate United States Commissioners,".

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FRASER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to present for the consideration of the House, H.R. 9181, to amend the Northwest Atlantic Fisheries Act of 1950, as amended.

The purpose of this bill is twofold. H.R. 9181 brings the Northwest Atlantic Fisheries Act into accord with two new protocols to International Convention for the Northwest Atlantic Fisheries and provides for the appointment of alternate U.S. Commissioners to the International Commission for this important fishery.

The new protocols, which were approved by the Senate on July 19, 1966, entered into force on December 19, 1969. Both protocols are designed to strengthen conservation efforts in the northwest Atlantic region.

One protocol expedites the entry into force of new regulations proposed by the International Commission. Previously, each signatory government participating in the panel for the subarea to which a proposed regulation applied had to approve such a proposal before it could enter into force. This situation often resulted in troublesome delays in bringing about conservation measures. By the terms of the new protocol, a signatory nation is deemed to have approved a proposed regulation unless it objects within a specified period. H.R. 9181 conforms the existing law to this protocol by requiring the Secretary of State, with the concurrence of the Secretary of Commerce, to take appropriate action on such proposals within a specified period.

The other protocol empowered the Commission to design a plan for international enforcement of the convention's regulations. Under the old procedures of enforcement, each signatory nation could enforce regulations only with regard to its own nationals and vessels. Under the new enforcement scheme proposed by the Commission authorized inspectors from any signatory nation can enforce the convention regulations with regard to the nationals and vessels of all signatory nations. The Commission's scheme entered into force 5 days ago, on July 1, 1971. H.R. 9181 empowers the Secretary of the Department controlling the Coast Guard and the Secretary of Commerce, with the concurrence of the Secretary of State, to issue the regulations required to implement U.S. participation in the new enforcement scheme.

In order to assure that the United States is represented by the full number of Commissioners, three, to which it is entitled at any meeting of the Commission, H.R. 9181 empowers the President to appoint alternate Commissioners. In the event that a regularly appointed Commissioner should be absent from a meeting or in the event of a vacancy, the alternate would be entitled to sit at that meeting only. Such alternates, as in the case of the regular Commissioners, are unsalaried and are reimbursed for expenses only.

This bill does not authorize the appropriation of any new funds. The National Oceanic and Atmospheric Administration estimates that the cost of our participation in the new enforcement scheme will amount to $70,000 for fiscal year 1972. These funds would be drawn from the budget for the U.S. Coast Guard.

Mr. Speaker, the Northwest Atlantic Fishery is important to the economy of the New England fishing industry, the United States as a whole, and to the other nations who belong to the convention. If a maximum sustained catch is to be maintained, more effective conservation and enforcement measures must be taken.

The two protocols which are implemented by this bill were initiated by the United States and supported by our fishing industry. The estimated cost of our participation in the new enforcement procedure is nominal. Moreover, such participation would involve no new policy as the United States is already a participant in four other fishing conventions which provide for international inspection.

Due to the fact that the new enforcement procedure has already taken effect, it is essential that H.R. 9181 become law so that our Nation can fully participate in and benefit from the scheme's provisions.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Minnesota (Mr. FRASER) has adequately explained this bill. There is no reason for repetition. I support this legislation and trust it will be approved by the House.

Mr. Speaker, at this time I yield 5 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Speaker, I rise in support of this legislation, which for the first time may put some teeth in the conservation and regulatory efforts of the International Commission for the Northwest Atlantic Fisheries. These amendments are long overdue.

To the extent that the Commission adopts strong conservation measures, the protocols and this implementing legislation will insure their prompt entry into force, and will enable the United States to conduct some meaningful inspections on the high seas. The effectiveness of the inspection system, of course, will depend upon the latitude granted our inspectors when onboard foreign-flag fishing vessels, and the draft regulations which I have seen do not go far enough. This is a vital first step, however. Once the parties gain some experience with the system and realize that it is not causing harassment of their fishermen, the powers of international inspectors may be substantially strengthened.

While I support this legislation, Mr. Speaker, I must again emphasize the fact that the Convention and implementing legislation have meaning and substance only if strong conservation measures are adopted to protect the various species of fish which inhabit the Northwest Atlantic.

The record of this Commission is not good. A number of fish stocks of great importance have declined drastically during the past decade. The Atlantic salmon is a case in point. Several years ago, Danish fishermen began catching the Atlantic salmon off Greenland. From a total catch of 35 tons in 1965, the Danish catch rose to almost 1,000 tons in 1969. The salmon caught off Greenland do not spawn in those waters. They come from the streams of the United States, Canada, Ireland, and Great Britain. While the United States and a number of other countries favor a total ban on high seas fishing of this valuable sports fish, the Danes refuse and have only agreed to maintain their catch at the 1969 level, a level which will insure the virtual extinction of the Atlantic salmon in a few more years.

The case of the Atlantic salmon clearly demonstrates that if a country wishes to put short range commercial gain ahead of intelligent conservation for the benefit of all nations, it can do so with impunity under present international arrangements. The United States must not allow such actions to go unchallenged. These multilateral conventions and our bilateral fishery agreements, particularly those with Russia and Japan, tend to create an illusion of conservation while, in fact, they provide a screen behind which our coastal fisheries are systematically plundered by our friendly NATO and other allies.

Mr. Speaker, the fish which live over our Continental Shelf and those which spawn in our waters such as the Atlantic salmon must be protected by the United States, unilaterally if necessary. The proposed 1973 Geneva Conference on the Law of the Sea may come too late for the Atlantic salmon and many other valuable species.

I again support this legislation, Mr. Speaker, and urge its enactment. It is a positive step to shore up an inherently weak system of international conservation. But much more is needed, and I sincerely hope that my colleagues will support the strongest possible measures to protect our fishery resources in the months to come.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I am happy to yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I would like to subscribe to the statements just made by the gentleman from Washington (Mr. PELLY) who is quite familiar with this subject. We served on the Committee on Merchant Marine together and on the Committee on Fisheries and, as a former executive of the State of California's Division of Fish and Game, I cannot stress too strongly the necessity for action long delayed in not only protecting this but other species of anadromous fish. I thank the gentleman.

Mr. PELLY. I thank the gentleman for that statement.

Mr. GROSS. Mr. Speaker, I have no further requests for time.

Mr. FRASER. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota (Mr. FRASER), that the House suspend the rules and pass the bill H.R. 9181, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FARMING AT HOLLYWOOD AND VINE

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, a few days ago we all learned that the present Governor of California, a former Hollywood cowboy, is now a Hollywood farmer.

Governor Reagan has done so, he says, because he is interested in cattle, and horses, and ranching. But I suspect, Mr. Speaker, that another part of the Governor's statement gets a little closer to the real point, for he speaks of farming as "part of my business" and as an "investment."

Unfortunately, what we learned, in fact, is that Governor Reagan is just one more of the many wealthy Hollywood personalities who use farming as a convenient, but legal means of tax dodging.

The Governor evidently responded to one of the advertisements which appear regularly in the Wall Street Journal and other such publications telling how farm investments for wealthy people result in tax shelters that enable them to avoid millions of dollars in taxes.

We were aware of this problem when we acted on tax reform legislation during the last Congress. In fact the Senate and House both took note of such tax-dodging schemes. The reports of the House Ways and Means and Senate Finance Committees both said that these schemes—in which tax losses are written off against nonfarm profits—"produce a significant tax advantage and tax saving for the taxpayer whose ordinary income is taxed in a high bracket."

Furthermore, they said, the utilization of these tax advantages by high income taxpayers is not merely a "theoretical possibility," a fact confirmed by the disclosure about Governor Reagan and other Hollywood farmers like Jack Benny, Alfred Hitchcock, and Richard Widmark, among others.

The House and Senate agreed that this was a tax abuse which should not be allowed to continue, but it is obvious that during the last session we did not adopt measures strong enough to stop this abuse, much to the relief, no doubt, of Governor Reagan and his management advisors.

There are many people who are able to exploit this potential tax evasion.

Prentice-Hall, for example, has published a report on the changes made in the Tax Reform Act of 1969 entitled "Tax Saving Ideas Under the New Tax Reform Act." Look at what it has to say about the tax advantages of being a gentleman farmer:

> The good news: The Tax Reform Law "goes easy" on all gentlemen farmers, particularly

when you look at what it does to some other well-known tax shelters.

If you are careful and watch your step, you can live with the new restrictions and salvage many of the tax breaks.

Mr. Speaker, it is time we in the Congress halted such tax breaks. Certainly the vast majority of our taxpayers cannot even afford to become involved in such schemes. But the wealthy Hollywood farmers who can, milk the Treasury of up to $600 million a year.

Farmers and farm organizations have been trying for some time to change this loophole in our laws. Senator METCALF and Congressman CULVER has introduced legislation to end tax-loss farming. Senator NELSON has joined me in sponsoring legislation to prohibit tax-dodge and hobby farmers—in farming to avoid taxes and not to make a profit—from getting the same farm program benefits as the legitimate farmer.

I am happy to say we have now been joined by some city brethren; namely, the Board of Supervisors of the County of Los Angeles.

Taking note of the fact that such tax loss farming schemes are possible, that Board, by a unanimous vote, has asked the Congress, "in order to establish a sound and fair tax policy," to "rewrite income tax laws of the Nation to eliminate these glaring and blatantly discriminatory tax advantages for the rich and influential."

Mr. Speaker, on that there is total agreement between rural and urban America.

How can we, in all fairness, leave avenues open for the rich to use agriculture for tax-dodging purposes when, for example, we took away the 7-percent investment credit for small businessmen and farmers, a tax provision which helped our farmers to at least keep up with the tremendous operational costs of modern agriculture.

The elimination of this provision has been significant. Since the beginning of the year, for example, purchases of tractors by genuine farmers declined by 30 percent or more in Illinois, Indiana, and Iowa, by 28 percent in Michigan, and by 22 percent in Wisconsin. It is not that new machinery is not needed, but only that the farm economy is as bad or worse off than the economy in general.

The farm economy is in need of rejuvenation and it could be helped greatly with the return of the 7-percent investment credit.

Mr. Speaker, if our tax laws are going to help farmers, I would hope and prefer that they help those who milk cows rather than those who milk the Federal Treasury by using farming as a tax shelter.

While I am distressed with the fact that wealthy persons use farming to save tax dollars, what they are doing is nonetheless legal. I do not believe it should be. And that is why I believe this is a matter which ought to get the immediate attention of the Congress.

I include several articles on this matter in the RECORD, as well as a copy of the resolution passed by the Los Angeles County Board:

[From the Sacramento Bee, June 13, 1971]

REAGAN TAX ANGLE: CATTLE FIRM OFFERS BENEFITS

(By James Wrightson)

Gov. Ronald Reagan, who avoided paying any state income taxes in 1970 and perhaps one other year while governor, is using the services of a nationally known firm offering tax benefits for wealthy people by managing cattle herds in 18 states.

Records in Nevada, Montana and Wyoming show that Oppenheimer Industries, Inc., of Kansas City, Mo., manages cattle for the Reagan Cattle Co.

Reagan's connection with the Oppenheimer company was discovered from public sources during a joint investigation by the Sacramento Bee and the New York Times.

It is not known how many cattle are owned by the governor and managed for him by the Oppenheimer company, nor how much his taxes have been affected. The governor has steadfastly refused to answer questions about his financial holdings. He could not be reached for comment on his cattle investments.

The Oppenheimer firm, with offices in Kansas City, Beverly Hills, New York City, Washington, D.C., Denver, St. Louis, Sun Valley and Calgary, Canada, manages 120,000 head of breeding cattle in 18 states, 5,200 registered bulls and 40,200 feeder cattle.

Other Oppenheimer clients, in addition to Gov. Reagan, include Jack Benny, Alfred Hitchcock, Richard Widmark and golfers Gary Player, Jack Nicklaus, Doug Sanders and Arnold Palmer.

NET WORTH

In its application to operate in California, on file in the State Department of Corporations, the Oppenheimer company says that, to become a client, a person must have a net worth of at least $500,000—not counting home and household effects—or be worth at least $100,000 and be in a combined federal-state income-tax bracket of more than 50 per cent.

The company's annual report says that the greatest percentage of Oppenheimer clients are the men who know most about money—bankers and stock-brokers—and that another "significant segment" of customers are those connected with the entertainment industry.

The company advertises that its services managing herds of cattle will be "attractive principally to those who are in a position to benefit from the tax incentives available under the existing federal tax law."

In Montana, the Reagan cattle are branded with the Oppenheimer "gunsight" insignia, with an "R" beside it.

There in the "Big Sky" country on a ranch on the Montana plains 51 miles from the North Dakota border, Hereford bulls bearing the "gunsight R" brand roam among the buffalo berry bushes and eat the lush native grass.

MAN IN CHARGE

The rancher in charge of the Reagan bulls is 28-year-old Gary Murphy. He has, in all, 29 bulls in his herd. He says 13 are owned by the Reagan Cattle Co. He bought them three years ago—about the time the Reagan brand was registered in Montana by Oppenheimer Industries.

On Oppenheimer's instructions, Murphy said, he bought 20 bulls at $450 each and branded them with the "gunsight R" brand of the Reagan Cattle Co. Since then he has sold seven bulls because they were injured.

The Reagan bulls were found in a pasture several miles from Murphy's neat ranch house in a valley sheltered from the biting cold, snow-laden winds that sweep the Montana plains.

Murphy leases a 22,000-acre ranch near the headwaters of Deer and Pasture Creeks.

One recent cloudy day, the bulls were seen grazing near a pond in what Montanans call a "coulee"—a small ravine where water collects. When a vehicle approached, the brown and white animals rose indolently and walked away.

"GUNSIGHT R"

One of them ambled into the buffalo berry bushes. The brand on his left rear flank was the "Gunsight R." He was one of the five bulls in that remote pasture that belong to Gov. Ronald Reagan.

At the Nevada State Department of Agriculture in Reno, there is the Oppenheimer Industries application for the "Rocking R" brand for the Reagan Cattle Co.—an "R" with a crescent beneath.

Filed with it is a cattle management contract signed by the chairman of the Oppenheimer board, H. L. Oppenheimer, and signed for Reagan by his personal attorney, William French Smith, who led the Reagan "favorite son" delegation to the Republican national convention in 1968.

Smith is also chairman of the University of California Board of Regents—appointed by Reagan, and the governor's personal friend.

In Wyoming, the "Trident R" brand of Oppenheimer Industries and Reagan Cattle Co. was recorded in 1969 for cattle to run in three Wyoming counties. The Montana and Nevada brands were recorded in 1968, after Reagan had been governor of California for 20 months. The Nevada brand was not renewed in 1971, and there is no record of any movement of Reagan Cattle in Nevada recently.

A card on file lists Ronald Reagan as doing business as the Reagan Cattle Co.

There are more than 300 brands for cattle managed for clients by Oppenheimer Industries on file in Helena, the capital of Montana. In Wyoming, there are over 100 Oppenheimer brands for clients. There are over 50 in Nevada.

The Oppenheimer literature, inviting clients to join the company in a perfectly legal tax saving venture, evokes the Bible.

"Fattening, slaughtering and consuming beef is nothing new," it says. "It has been going on since the days of the Old Testament."

A brochure put out by Oppenheimer Industries, titled "An Introduction to Cattle Ownership and Its Benefits," reads:

"Federal tax laws favor cattle if you pick the right kind and stick to the rules. Herds of beef cows top the list. When you buy them you become a farmer and can keep your books on a cash basis.

"You put in dollars that depreciate or are deductible. You take out capital gains."

The tax on capital gains is much less than on earned income.

The cattle-owning plan works this way: A client invests some of his income, before government taxes are due, in a heard of cattle. He borrows some of the money for the purchase of the herd, and can deduct the interest for one year in advance.

Once he owns the herd, the wealthy client is—in the eyes of the Internal Revenue Service—a full-fledged rancher or stockman, whether or not he knows the difference between a cow and a bull.

The first year, he can deduct the interest for that year, the prepaid cost of the feed, veterinary care, Oppenheimer's commission, and a whopping first year "additional depreciation" on the cattle.

This could amount to enough to avoid or postpone payment of any income taxes, state or federal.

The second year, the "instant stockman" can deduct the cost of feed, care of the herd, Oppenheimer's commission and, again, depreciation.

Tax attorneys say the tax laws allow a "writeoff" of more than half the value of the cattle herd in the first two years of operation. This would allow the client to avoid—or at least postpone—paying income taxes until the next year.

Then, the client sells his heard for what he paid for it, or maybe a little less, and begins all over again. If he makes money, it is taxed at the capital-gains rate—not as earned income.

The governor's nonpayment of state income taxes for 1970 was reported first by Rosemarie King, a student working on Sacramento State College's radio station.

The governor conceded it, blaming "investment losses" for his tax exemption.

When Miss King later charged that there were two years when the governor paid no state income tax, Reagan didn't challenge her. He told a Los Angeles press conference that there were only "two years in my adult life when I did not have a tax obligation."

Tax attorneys look critically at the governor's statement giving "investment losses" as the reason he paid no state income taxes and got money back on his federal taxes in 1970. They say the Oppenheimer setup is designed as a "tax shelter" to avoid postpone or drastically cut payment of taxes—state and federal—without any real financial loss to the wealthy client who invests.

SOME LINKS

The board chairman at Oppenheimer, H. L. Oppenheimer, is a stepson of Jules Stein, chairman of the board of the Music Corporation of America, where some of Reagan's close friends and advisors are executives.

Reagan's 771-acre ranch in Riverside County is held in the name of Jules Stein.

Tax experts speculate that Reagan became an Oppenheimer client to reduce taxes on his income from the $1.3 million profit from selling his 'Yearling Row' Ranch in the Malibu Mountains in 1966.

In an angry statement after it was revealed that he had paid no state income taxes in 1970, the governor said he paid a total of $91,128.22 in state income taxes during his five years as governor.

But tax lawyers and former Internal Revenue Service agents believe the tax on the sale of the 236-acre ranch in the Malibu hills accounts for nearly all of the $91,000-plus Reagan says he paid over five years.

The governor's salary during the tax years in question was $44,100.

With the interest on the $1.3 million he made on the ranch coming in each year and his governor's salary, his income came to about $100,000 a year, tax experts estimate.

They speculate that a $75,000 investment with Oppenheimer taken from the $1.3 million he made on the ranch, might "shelter" his income so he would have no state tax obligation.

Reagan Comments

Gov. Ronald Reagan, asked about The Sacramento Bee-New York Times report on his cattle holdings, issued the following statement:

"I have been interested in cattle, horses, in ranching all my life. It is an ordinary part of my business and I intend to continue with it even though it is a relatively small investment."

The statement was issued through his press secretary. Reagan has consistently maintained that his personal finances are not part of his public life.

[From the Washington Post, June 13, 1971]

Reagan Is Client of Firm Providing Tax Benefits

Sacramento, Calif., June 12.—Gov. Ronald Reagan, who avoided paying state income taxes in 1970, is a client of an exclusive Midwest cattle-managing firm that provides tax benefits for the rich, the Sacramento Bee reported today.

The newspaper said in a copyrighted story that records in Nevada, Montana and Wyoming show Oppenheimer Industries, Inc., Kansas City, Mo., has managed cattle for the Reagan Cattle Co.

Reagan, in a prepared statement distributed by his press aides, said, "I have been interested in cattle, horses and ranching all my life. It is an ordinary part of my business, and I intend to continue with it even though it is a relatively small investment."

The statement did not give specifics on his cattle or ranch holdings, nor did it mention Oppenheimer Industries.

Oppenheimer Industries advertises that its cattle management services are "attractive principally to those who are in a position to benefit from the tax incentives available under the existing federal law," the newspaper said.

It said in a story for its Sunday edition that it was not known how many cattle are owned by Reagan and managed for him by the company or how much it has affected his tax status.

Since the disclosure that the governor did not pay state taxes last year, he has repeatedly refused to answer questions about his financial holdings other than that he incurred "business reverses" on his investments.

Reagan did pay a federal income tax for 1970.

Oppenheimer Industries, with offices in Kansas City; New York City; Washington, D.C.; Denver, Colo.; St. Louis; Sun Valley, Idaho; and Calgary, Canada, manages 120,000 head of breeding cattle in 18 states along with 5,200 registered bulls and 40,200 feeder cattle.

Among its clients are Jack Benny, Alfred Hitchcock, Richard Widmark and golfers Jack Nicklaus and Arnold Palmer.

In its application to operate in California, Oppenheimer Industries said that to qualify as a client, a person must have a net worth of at least $500,000—excluding home and household effects—or be worth at least $100,000 and be in a combined federal-state income tax bracket of more than 50 per cent.

[From the Washington Sunday Star, June 13, 1971]

Reagan Reportedly Involved With Tax Shelter Cattle Firm

Sacramento, Calif.—Gov. Ronald Reagan, who paid no state income taxes in 1970 because of what he called "business reverses," is a client of an exclusive Midwest cattle-management firm which provides tax benefits for the rich, the Sacramento Bee reported yesterday.

The newspaper said in a copyrighted story that records in Nevada, Montana and Wyoming show Oppenheimer Industries, Inc., of Kansas City, Mo., manages cattle for the Reagan Cattle Co.

Oppenheimer Industries advertises that its cattle management services are "attractive principally to those who are in a position of benefit from the tax incentives available under the existing federal law," the paper said.

QUANTITIES UNKNOWN

The Bee said in a story for its Sunday edition that it was not known how many cattle are owned by Reagan and managed for him by the company or how much it has affected his tax status.

Since the disclosure that the governor did not pay state taxes last year, he has repeatedly refused to answer questions about his financial holdings other than to say he incurred reverses on his investments. Reagan did pay a federal income tax for 1970.

Oppenheimer Industries, with offices in Kansas City, New York City, Washington, D.C., Denver, Colo., St. Louis, Sun Valley, Idaho, and Calgary, Canada, manages 120,000 head of breeding cattle in 18 states along with 5,200 registered bulls and 40,200 feeder cattle.

Among its clients are Jack Benny, Alfred Hitchcock, Richard Widmark and golfers Jack Nicklaus and Arnold Palmer, the Bee reported.

In its application to operate in California, Oppenheimer Industries said that to qualify as a client, persons must have a net worth of at least $500,000—excluding home and household effects—or be worth at least $100,000 and be in a combined federal-state income tax bracket of more than 50 percent. The application is on file with the State Department of Corporations.

The Bee said the firm's brochure reads:

"Federal tax laws favor cattle if you pick the right kind and stick to the rules. Herds of beef cows top the list. When you buy them, you become a farmer and can keep your books on a cash basis. You put in dollars that depreciate or are deductible. You take out capital gains."

LOWER TAX LEVEL

The tax on capital gains is less than on earned income.

State tax law limits business reverses deductions to $1,000 of normal investments such as stocks. Deductions for items such as depreciation are more liberal for livestock investments, however the Associated Press reported.

The newspaper said the cattle-owning plan works this way: "A client invests some of his income, before government taxes are due, in a herd of cattle. He borrows some of the money for the purchase of the herd, and can deduct the interest for one year in advance.

"Once he owns the herd, the wealthy client is—in the eyes of the Internal Revenue Service—a full-fledged rancher or stockman, whether or not he knows the difference between a cow and a bull.

"The first year, he can deduct the interest for that year, the prepaid cost of the feed, veterinary care, Oppenheimer's commission, and a whopping first year additional depreciation on the cattle.

"This could amount to enough to avoid or postpone payment on any income tax, state or federal.

"The second year, the instant stockman can deduct the cost of feed, care of the herd, Oppenheimer's commission and, again depreciation.

SMALLER BITE

"Tax attorneys say the tax laws allow a write-off of more than half the value of the cattle herd in the first two years of operation. This would allow the client to avoid—or at least postpone—paying income taxes until the next year.

"Then, the client sells his herd for what he paid for it, or maybe a little less, and begins all over again. If he makes money, it is taxed at the capital gains rate—not as earned income."

Reagan said in a statement yesterday: "I have been interested in cattle, horses, in ranching all my life. It is an ordinary part of my business and I intend to continue with it even though it is a relatively small investment."

The Bee reported that the chairman of the board of Oppenheimer, N. H. L. Oppenheimer, is a stepson of Jules Stein, chairman of the board of the Music Corporation of America. Several executives of MCA are close friends and advisers of Reagan.

Stein also is listed as a trustee of Reagan's 771-acre ranch in Riverside County, the Bee report said.

Resolution

On motion of Supervisor Hahn, unanimously carried, the following resolution was adopted:

Whereas, there is a pattern in the United States and in California of loopholes in tax laws which allow certain millionaires to pay no income tax and other individuals to call themselves gentlemen farmers and to invest in agriculture and cattle with resulting tax shelters; and

Whereas, homeowners, small businessmen and ordinary citizens are unable to escape from the responsibility of paying fair and just costs of government at every level—local, state and national; and

Whereas, these income tax loopholes exist at a time when property taxes are at an all-time high and taxpayers are facing continuing tax increases:

Now, therefore, be it resolved that the Board of Supervisors of the County of Los Angeles urges the following in order to establish a sound and fair tax policy:

Congress of the United States rewrite income tax laws of the nation to eliminate these glaring and blatantly discriminatory tax advantages for the rich and influential.

Legislature of California overhaul its total tax structure, including enacting major property tax reform for homeowners during this 1971 session and eliminating loopholes and inequities in state income tax laws.

Be it further resolved that copies of this resolution be sent to the President, members of Congress, the Governor of California, and members of the State Legislature.

A MORE PERFECT UNION

(Mr. FLOWERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLOWERS. Mr. Speaker, on the occasion marking the anniversary of the signing of the Declaration of Independence on July 4, 1776, it is highly appropriate to pause and take stock of the health of the ongoing American experiment in democracy. This is particularly timely now, during an eventful and uncertain period, when some would say that the patient's condition is indeed critical. Although the country may have a few aches and pains after 195 years, I believe that Old Glory is still alive and well and the prognosis is good.

Some of the prophets of doom argue that "the system" is unresponsive to changing needs in modern times. They say that it does not "relate" in a society that has outrun its government's capability to deal with today's problems. In my view, Mr. Speaker, nothing could be further from the truth. In fact, two examples of "the system's" responsiveness and workability have received great national attention this past week.

There has been a growing awareness that the Nation's young people are ready to participate in the electoral process. Whether we agree or disagree with this principle, it is certainly fair to say that most young people themselves have supported the 18-year-old vote concept for some time. Last year, however, most efforts to lower the voting age in individual States were defeated, perhaps as a reaction to protests common at that time or perhaps simply because the time was not quite right.

But this past week marked the conclusion of the shortest constitutional amendment process in our history with two-thirds of the Congress and three-fourths of the States, including Alabama as the 37th, ratifying the 26th amendment which extends the vote in State and local elections to citizens 18 years of age and older. In contrast to the years of unsuccessful effort, it took only 3 months to realize this basic change in our Constitution, providing once again the truth of the old saying that "nothing is so powerful as an idea whose time has come."

In the same way, the Supreme Court this past week met the challenge of the Constitution in the case of the "Pentagon Papers." Two opposing forces—the desire of the executive branch to keep its classified secrets and the right of the American people to know, collided in an important and historical battle. In most nations, the battle would have been over at the beginning, because the government would have swooped down upon the newspapers and confiscated everything. But here, in America, the battle was in court, out in the open, and whether the decision strikes us as good or bad, it certainly points up once again the capability of our governmental process to deal with the gravest of issues.

In fact, Mr. Speaker, these two examples clearly nullify the conclusions of those who would find nothing right with America. Those who would refuse to accept the opportunity offered by working within the system—who want overnight to right all wrongs, cure all ills, and solve all problems as they alone may see them—deny the attempts which have been made to improve mankind throughout the history of our great Nation. And at the same time deny the ongoing challenge to continue those efforts which are supported by the vast majority of their fellow citizens. Demanding the good things of American life only on their own terms, they deny the slower and deliberate, but far more telling progress which continues to benefit all.

After the Declaration of Independence, the next great document of American history is, of course, the Constitution, and in its preamble is contained the stated intent of the people to form a "more perfect" union. Not perfect, but "more perfect," and I believe the choice of words is significant. The Republic has come a long way since those early days, but what seems most needed now is a reawakening of the old virtues of America—and the belief in ourselves and in each other.

Mr. Speaker, those who would cripple this free system must be met by an America determined, in the words of Tennyson, "to strive, to seek, to find, and not to yield."

WHAT PRICE "PATRIOTISM"? A TALE OF TWO CITIZENS

(Mr. BRAY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRAY. Mr. Speaker, the following headline appeared in the Washington, D.C., Post of June 29, 1971: "Patriotic Motives Cited by Ellsberg" and the opening paragraph of the story read as follows.

> BOSTON, June 28.—Daniel Ellsberg, charged with criminal misuse of government secrets, surrendered to federal authorities today with a sidewalk concession that he did distribute the classified Pentagon papers on Vietnam, as an act of patriotism.

In line with this questionable value judgment of Mr. Ellsberg's, and in connection with the major controversy over Government secrecy, I think this is an appropriate time to remind ourselves of another U.S. citizen who was once faced with the same decision concerning secret Government material.

What has been called the most serious potential threat to American national security, and to American cryptanalysis in all of World War II, took place during the 1944 presidential campaign, when Gov. Thomas E. Dewey, of New York, ran for the first time, against President Franklin D. Roosevelt.

One of the major issues of the campaign—and one that has survived to this day—was the charge that F.D.R. had deliberately led the United States into the war, and laxity on the part of his administration was responsible for the Japanese attack on Pearl Harbor. It was known among many high officials that the Government had broken top secret Japanese codes prior to Pearl Harbor. From this, the conclusion was drawn that Roosevelt had known well in advance of the attack but had done nothing to warn Pearl Harbor. I will not comment on this; it is still being debated; there are numerous books and articles both pro and con. It probably will never be decided to everyone's satisfaction.

On September 11, 1944, Representative Forest Harness, of Indiana, told the House of Representatives that—

> The Government had learned very confidentially that instructions were sent out from the Japanese Government to all Japanese emissaries in this hemisphere to destroy the codes.

This speech was reported at once to Gen. George Marshall, Army Chief of Staff. Marshall saw the danger: If the Japanese heard of this speech, they would instantly and correctly deduce that their codes had been broken. They would change them at once, and in one stroke would deprive the United States of one of our most valuable weapons in the entire war.

Marshall did not go to Roosevelt. Instead, with only Adm. Ernest King, Chief of Naval Operations, let in on the matter, he sent a letter to Governor Dewey by personal messenger, marking the letter "Top Secret" and "For Mr. Dewey's Eyes Only."

Dewey had read only a few lines when he saw the word "cryptograph" and stopped at once. He guessed what the letter referred to, as he had already heard the codebreaking secret from several persons. He felt that as a presidential candidate he could go no further.

Marshall tried again. This time Dewey refused to read or discuss the letter except in the presence of one of his closest friends and advisers, in case anything should happen to General Marshall. He also wanted to keep the letter, promising to put it in his most secret file. Marshall agreed. Dewey then turned to what one authority calls "the most revealing single document in the annals of cryptology."

The letter to Dewey admitted the Japanese code had been broken. Not only were Japanese moves in the Pacific known in advance, but also a good deal of Nazi Germany's situation, since the

U.S. Government was deciphering messages from the Japanese Ambassador in Berlin to Tokyo.

The Battle of the Coral Sea had been anticipated; Midway, called "the Battle That Doomed Japan," and "the Turning Point in the Pacific"—the Japanese lost heavily and many senior Japanese officers knew then the war was lost—had been won because disposition of the Japanese battle fleet was known; Japanese convoys had been ambushed and sunk; hit-and-run raids were possible on Japanese naval installations.

Marshall did not tell Dewey what to do in so many words: "I am presenting this matter to you in the hope that you will see your way clear to avoid the tragic results with which we are now threatened in the present political campaign."

What followed is best summed up in the following paragraph from the most comprehensive book ever written on cryptoanalysis and secret codes: "The Codebreakers," by David Kahn, MacMillan, 1967. The paragraph appears on pages 607-608:

> This extraordinary missive put Dewey in a grave predicament. He felt that the Japanese simply could not be using the same code in September 1944 as they had been in November 1941. Profoundly convinced of the righteousness of his cause and of "the dreadful incompetence" of the Democrats, both in the country and the world as a whole, and at Pearl Harbor in particular, he—and many Republicans—might well have thought that true patriotism actually called for exposing some 3-year-old secret about prewar codes to prove his point and elect the right man and the right party to control the destinies of a whole nation. For with that exposure furnishing apparently solid evidence, the Pearl Harbor charge might have propelled him into the White House. Dewey talked the matter over in detail with Bell and with Herbert Brownell, his two closest advisers. He weighed these arguments and the prize at stake—leadership of the most powerful country in history—against the possibility of prolonging a war in which hundreds of Americans were dying daily and against his regard for Marshall as an utterly truthful and honorable man. After 2 days of intense deliberation, he decided not to mention the code-breaking.

Dewey never did tell Marshall in so many words what he had decided. But he never mentioned the code matter during the campaign. He lost, heavily.

Marshall in appreciation did later send a messager to Dewey with recent broken messages, showing just how knowledge of the code was helping in the course of the war. Dewey, in return, offered to aid Marshall by intervening to stop a debate on Pearl Harbor—and the code issue—which was threatening to start in the Congress. Marshall said he had already made enough requests of Dewey would not personally embarrass him further. Dewey answered in effect that as far as he was concerned, personal embarrassment had nothing to do with it, if it meant successful progress in and prosecution of the war. No debate ever started but I have no doubt Dewey would have done all he could to stop it.

The last episode came at Roosevelt's funeral in Washington. Marshall took Dewey to the War Department, and showed him the latest, most secret messages, broken by knowing the codes, and was given a full, on the spot story of just how important the matter had really been.

Probably less than half a dozen men ever really knew all about this. Most of them are dead now. One was offered a fantastically large sum of money to write the details of the matter, but he refused.

What price "patriotism"? Some men can be bought for momentary adulation, and can be bought cheaply indeed. Others cannot be brought at any price—not even for the office of President of the United States.

MINORITY ACTIVITY IN THE PEACE CORPS

(Mr. ABBITT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ABBITT. Mr. Speaker, recently one of my constituents received a most remarkable letter from the Peace Corps, which has all the earmarkings of a blatant effort to incite racial bias and politically motivated divisions among American young people. The letter was apparently mailed to a number of minority-group potential applicants by Miss Carolyn Gullatt, a returned Peace Corps volunteer, as part of a recruiting campaign to enlist young people to carry out the agency's program overseas. This letter was written on Peace Corps' stationery and mailed under the Government frank, but it is nothing more than a politically motivated insult to the average American.

I immediately protested this to the Peace Corps and was told that the writer is employed by the agency and was allowed to write the letter "in her own words to encourage minority applicants to take a real look at the Peace Corps." In his letter back to me the director of the agency's congressional liaison office said, "We now realize that portions of the text could have a negative interpretation," and added, "We are not planning any further mailings."

The Richmond News Leader had a splendid editorial in its June 25 edition. in which the text of the letter from Miss Gullatt was included, and I wish to include this herein with my remarks:

[From the Richmond News Leader, June 25, 1971]

RAPPING WITH CAROLYN GULLATT

A series of ads currently running on local radio stations, begins: "What is the Peace Corps today?" A Peace Corps volunteer then talks glowingly about his experiences, and the ad concludes: "The Peace Corps: You can be proud of it."

No you can't—not of one facet of it, anyway. And that facet is an apparent willingness on the part of the Peace Corps to peddle racism and anti-Americanism. In support of that proposition, we give you the letter below. It was written to a resident of Petersburg on Peace Corps stationery, and mailed in a franked Peace Corps envelope. Now we ask you: Is this the kind of letter that ought to be emanating from the offices of the Peace Corps? Is it the kind of thing that taxpayer money ought to underwrite? The letter is a stunning example of neo-Black Pantherism. It has no appeal except an appeal to race, and an appeal to those who detest the United States.

Virginia's Fourth District Congressman, Watkins Abbitt, took one look at the letter and was predictably aghast. On June 1 he got in touch with Ralph Vandervort, director of Congressional relations for the Peace Corps. Congressman Abbitt asked Vandervort two questions: Is the jivy author of the letter still on the Peace Corps payroll? Did the Peace Corps sanction her letter—a letter that evidently went out to a considerable number of persons? Two days ago the answers came back: Yes, the author remains on the payroll. And, yes, she wrote an "official" letter. Vandervort added that the Peace Corps is "re-examining" its policy of permitting such letters to be written.

So there you have it: The Peace Corps is in the business of sanctioning black racism; it is in the business of encouraging hatred of the United States. Instead of firing the author and disowning her letter, the Peace Corps keeps her on the payroll and stands by her letter. It ought to stop. If you agree, write to Mr. Joseph Blatchford, director of the Peace Corps, and tell him so. His address is Washington, D.C. 20525.

Imagine the outcry there would be if a similar letter were sent out from the Peace Corps appealing to potential applicants solely because they were white. But racism these days is okay if it is black. And imagine the anti-American job the Carolyn Gullatts in the Peace Corps can do on the inhabitants of the Third World. No wonder the foreign image of the United States is tarnished. The Carolyn Gullatts are out there rapping" about the materialism and cold hostility of America. . . . this country's lack of sensitivity to the needs of the Black people." And we're paying her to do it.

Proud of the Peace Corps? It's enough to make one sick.

THE PEACE CORPS,
Washington, D.C.

DEAR MR. —: I am a Black Returned Peace Corps Volunteer, from a developing country in the Third World, who wants to rap with you about the relevance of such an experience for Black people.

When I was in your position as a student, the Peace Corps never really came through as a viable alternative for Black people. Everything I ever heard or saw about the Peace Corps implied "for whites only." One day a Peace Corps recruiter—a Brother—appeared on my campus and wanted to rap with me. The thing that impressed me about the Brother is that he didn't run down the usual jive propaganda about how nice it is to help people. Rather, he talked about how I, as a Black person, could get "home" and join with the Brothers and Sisters in Africa, the Caribbean, and other countries where there are Black and Brown people who are oppressed and depressed by the economic and social conditions of their environment. He ran it down to me about how I could enhance my own image of self by living and working in places where people have grown into Black pride naturally, where Black power is the status quo, and Black action is a working reality. He ran it down about how Black people in America need to perceive themselves in relationship to the world of Black and Brown people, all of whom are victims of a generally oppressive condition. He ran it down and I listened.

My listening led me to filling out an application and eventually going overseas for two years. I returned to this country with experiences which caused me to view with stark candor, and no less anger, the nature of the American society. Being away from the materialism and cold hostility of America made me realize even more, this country's lack of sensitivity to the needs of the Black people. It made me more radically, and, perhaps, more militantly committed to doing something about these insensitivities. I lived overseas with Black and Brown peoples of the Third World and recognized more clearly than ever that there is an irrevocable bond between peoples of color; that the future of our continued existence lives with us, pulling together to combat forces which would keep us under the economic and social whip.

Each year the Peace Corps sends hundreds of white "do-gooders" to "help" Black and Brown people throughout the world to get it together. Black Americans owe it to themselves and to the Brothers and Sisters in developing countries to get up and get involved. Take time out. Go where your talents can be used, where Black and Brown people make the decisions that affects their lives. Discover where your head is really at. Take time out—America and her problems will be here when you return—and you will probably be better equipped to deal with them.

Brothers and Sisters throughout the Third World have much to give to Black Americans. What can you give them? The Peace Corps is a way you can get a ticket over to find out.

Whether you are graduating now, or next year, fill out the enclosed "information card and return it to the Peace Corps." You owe it to yourself.

Power,

CAROLYN GULLATT,
Returned Peace Corps Volunteer.

Because of this incident and several other similar actions which have been brought to my attention, I believe that Congress ought to do what the Peace Corps says it was trying to get the minority applicants to do—take a real look at the Peace Corps. Is this the focus which the agency is now trying to create? Should we, as a Nation, be supporting with millions of dollars an activity which seeks to put race against race and create a blatantly contrived image of Government-sponsored efforts to set aside black and brown peoples as a "Third World" force?

I would suggest that Members read carefully the editorial and the letter and I believe that the inferences will be plain.

TRIBUTE TO THE LATE HONORABLE THOMAS ELLSWORTH MARTIN

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, it is my sad duty to announce to the House the death of my predecessor, a former colleague of many who are still serving in this House—Thomas Ellsworth Martin, formerly, when a Member of Congress, from Iowa City, Iowa; lately, a citizen of Seattle, Wash. He served 16 years in this House with great distinction. Few men have enjoyed the respect of the Members of this House that Congressman Martin enjoyed. Few Members have been loved more as a public servant in his district and in his home State than was Tom Martin. He was always on the job. He was diligent in all things he did. He was completely and utterly dedicated to the great principles of our country, and served his people thoroughly, well, and effectively while he served in the Congress.

Later he decided to run for the Senate. He was successful and served for 6 years in the other body, also with great distinction.

Mr. Speaker, Tom Martin had an enviable record in public service. He was an active leader and effective legislator. His background is worthy of note. I begin by pointing out that he was a Republican, but first of all and always an American, highly dedicated to the ideals of his country.

During his service in Congress, his home was Iowa City, Iowa; born in Melrose, Monroe County, Iowa on January 18, 1893, and attended country school in Monroe County and grade and high schools in Russell, Iowa, and graduated from Albia High School, Albia, Iowa, in 1912. He received his B.A. degree from the State University of Iowa in 1916 and his juris doctor degree from the State University of Iowa Law School in 1927. He was awarded a university fellowship by Columbia University for 1927 and 1928; an LL.M. degree from Columbia University in 1928; an LL.D. degree from Parsons College in 1957. He was admitted to the Iowa bar in 1927 and to the U.S. Supreme Court Bar in 1939. He was a member of the Johnson County, Iowa State, and American Bar Association and served as city solicitor of Iowa City from 1933 to 1935 and as mayor of Iowa City from 1935 to 1937. He was the Republican nominee for the Railroad Commissioner of Iowa in 1932 and 1934; permanent chairman of the Iowa State presidential convention, February 28, 1936.

He was graduated from first officers' training camp, Leon Springs, Tex., in 1917 and commissioned to the U.S. Regular Army, serving with the 35th Infantry throughout World War I, retiring from the military on November 10, 1919.

Tom served as an assistant professor of military science and tactics at the University of Iowa from 1921 to 1923.

He married Dorris Jeanette Brownlee of Waterloo, Iowa, on June 5, 1920.

Tom Martin was elected to the 76th Congress and served inclusively to the 83d Congress. He was a member of the Committee on Military Affairs from 1939 to 1947, a member of the Committee on Ways and Means from 1947 to 1955.

He was elected to the U.S. Senate on November 2, 1954, and served one term beginning January 3, 1955. He served on the Aeronautical and Space Sciences, Interior and Insular Affairs, and Public Works Committees, Select Committee on National Water Resources, and Outdoor Recreation Resources Review Commission.

Mr. Speaker, I knew Tom Martin very well, knew him as a personal friend of long standing. I knew and was close to him politically for I was his congressional committeeman for 16 years before I came to Washington as his successor when he decided to run for the U.S. Senate. As his congressional committeeman, I had the pleasure of serving him and representing him, when he could not be present, for official occasions, and to open doors for him and assist in any way in serving the people of Scott County. Always he was most generous in giving his time, most conscientious with any and all problems whether they related to the poorest of the citizenry, member of another party, or banker. He had a keen and perceptive ear and an understanding heart and mind that was felt and appreciated by all who knew him and while he was the Representative, he was in a very real sense—a personal friend.

In his service in Congress, he was outstanding. He made it his policy to yearly send out questionnaires to get the public response on the issues and problems of our country. He was conscientious in this and thorough and it gave him a working knowledge of the feelings of his constituency and qualified him better to represent his district in the Congress.

He served first on the Committee on Military Affairs during a very critical period in our Nation's history, the period following World War II. I have talked often with the chairman of that committee, Carl Vinson, under whom he served, and he told me that Tom could not only be depended upon to be on the job, but to give admirably and effectively of his talents. You see, Mr. Speaker, he had served in World War I and, therefore, knew first-hand the important things for an army in a wartime. He was on the subcommittee that dealt with material and it was his leadership and insight that gave this area the high priority it had to have in order for industry and Government to produce the implements of war that were so necessary to win the military war. In this area, he was considered the outstanding member not only of the committee, but of the Congress.

Later at the close of the war, he saw an opportunity to serve on the Ways and Means Committee and so with the help of his friends in Congress, he was given this new assignment and opportunity. Again as before, he became an invaluable member of the committee and made significant contributions to a better balanced tax law and worked incessantly to give the Government the kind of income it had to have to balance the budget. You see, he was a Representative that believed you must have a balanced budget and to do this you must be willing to tax the people to pay the bill or to cut appropriations to meet the income. This was his policy and his position and it was a sound one.

A memorial service for Senator Martin was held on Friday, July 2, at the University Congregational Church in Seattle, Wash., with burial in the Willamette National Cemetery.

I join my colleagues and the many thousands of friends in extending sympathy to his lovely wife, Dorris, and to his daughter, Mrs. Raymond Reiser, of Seattle, and son, Richard of Chicago, and, of course, all their families.

Mr. Speaker, here was a man who measured high, who served well and will be remembered as long as there are men living who knew him and he will be appreciated by all who look at the record of service and contribution made to his country, to Iowa, and to his District.

Following are some comments from Rev. Dale E. Turner, minister of the University Congregational Church which I feel are most appropriate:

> Tom Martin had the marvelous gift of being able to translate the christian spirit into the activities of everyday life. His religion was not a thing of fits and starts, but it was a steady loving spirit which enriched the lives of all who knew him. He had humility without timidity, competence without arrogance and he exercised authority without being authoritarian. He was a man of strong and firm conviction, but he could disagree without being disagreeable.
>
> Tom was always too busy to be unhappy,

too curious to be apathetic, and too intense to miss any joy around him. He was always eager to give to life more than was expected or required and was willing to take from it less than he deserved. He was a true christian gentleman who made our country a greater country because of the vital contribution he made to its life.

Mr. GROSS. Mr. Speaker, it was with great regret that I learned of the death of our former colleague from Iowa, the Honorable Thomas E. Martin, a member of the House of Representatives and the U.S. Senate for nearly a quarter of a century.

A veteran of World War I, with long service thereafter in the Reserves, Tom Martin's first civilian public service was as city attorney and then mayor of Iowa City. He was elected to the House of Representatives in 1939 from the First Congressional District of Iowa, and in 1954 won a hard-fought election to the U.S. Senate. He served one term of 6 years in that body and retired in 1961.

Mrs. Gross joins me in extending every sympathy to Mrs. Martin and the members of their family.

GENERAL LEAVE TO EXTEND

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks, on the life, work, and contributions of Thomas Ellsworth Martin.

The SPEAKER pro tempore (Mr. SEIBERLING). Is there objection to the request of the gentleman from Iowa?

There was no objection.

A VIABLE ALTERNATIVE TO THE EMERGENCY SCHOOL DESEGREGATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, the general subcommittee on education, which I have the privilege to chair is under heavy pressure to take the affirmative action in the President's Emergency School Desegregation Act which already has been approved by the Senate and is now pending before the subcommittee.

The Senate bill would authorize $500 million in fiscal 1972 and $1 billion in fiscal 1973 for assistance to schools undergoing desegregation.

The Senate bill requires that a school district to qualify must have at least one model integregated school in the district and file with the Secretary of Health, Education, and Welfare a comprehensive plan on when all the schools in the district will be desegregated.

As I watch the growing crises in finances facing America's entire school system, I fear the desegregation bill, standing alone, will do very little to solve our basic problem.

Furthermore, as I watch development of a new phenomenon, the growing trend toward resegregation as white children leave desegregated schools in ever increasing numbers, it becomes even more apparent that the desegregation bill in its present form will prove of little help.

Mr. Speaker, I am not for one moment suggesting that we turn back the clock of landmark judicial decisions, but the inescapable fact is that we are faced with resegregation in many desegregating school districts. In Atlanta 23 percent of the white students left the school system in the last 2 years. In Mobile 12 percent, in Birmingham 13 percent, in Catham-Savannah 8 percent, in Orleans Parish 8 percent, in Houston 5 percent, in Caddo Parish 19 percent, and in Jackson, Miss., a staggering 42 percent.

This is not a phenomenon confined to the South. In Boston the percentage of black students who were completely racially isolated has increased from 0.3 percent in 1968 to 11 percent in 1970, while the school system was under the State racial imbalance law.

What we are saying is that we ought to provide funds to improve funds for the education of all children.

I have discussed this legislation with a large number of school administrators and they advise me they intend to spend most of the Federal aid in the purchase of buses and hiring of busdrivers to comply with various court-imposed desegregation plans.

School authorities in Tampa, Fla., alone, told me they need to purchase 187 buses and hire a similar number of drivers to implement a court-ordered desegregation plan for that city's 105,000 schoolchildren. Similar statements have been made by others.

Secretary Richardson, in a letter dated June 28, 1971, to the Senate, stated that it is his Department's intention to provide temporary emergency assistance only to school districts which make significant adjustments in response to the Supreme Court's Swann decision.

He has assured the Senate that regulations applicable to the existing Emergency School Desegregation Act will be promulgated by his office shortly to require strict compliance with the Swann decision by all school districts applying for Federal assistance under the Desegregation Act.

The Swann decision held that district courts may require massive busing to achieve integration in public schools.

I have held extensive hearings on this matter, and am deeply concerned that the rigid provisions calling for comprehensive desegregation plans in the Senate bill, and the avowed regulations by HEW to strictly interpret the Swann decision, will make the President's emergency school desegregation proposal available to a very limited number of school districts in America.

My fears are fortified by Secretary Richardson's comments on the proposed emergency bill. He stated:

> As I have indicated, we anticipate that we will have a considerably small number of districts which will be eligible to participate in the program during the period of the continuing resolution.

What the Secretary is saying is that the very rigid standards anticipated by HEW—standards that require a greater degree of desegregation than many court orders, under which school districts throughout the Nation are now operating, require—will make fewer school districts eligible.

We will also be faced with the prospect of this emergency school desegregation legislation becoming permanent legislation to aid a limited number of qualifying school districts, when, indeed, financial assistance is needed today literally across the board by all school districts in America.

I, therefore, propose that we restructure the administration proposal to provide some degree of assistance to every school district in America, and then provide additional assistance to those districts faced with various problems related to desegregation of their schools.

Under my proposal, we would structure a concept of assistance for every youngster attending public schools in this Nation. Such assistance would be made available directly to the school district for operating expenses and improving the quality of education of all the children in such district.

I hope the Members of Congress and the Education Committee will study these figures and then reach the same conclusion I have: to make funds available only for desegregation will bring help to only a limited number of schools qualifying while all school districts need basic assistance.

I believe that this approach, added to the existing programs under the Elementary and Secondary School Act, would provide local school districts with the kind of meaningful assistance they need to meet the challenge of the 1970's in education.

My proposal would afford U.S. Commissioner of Education Sidney Marland, an opportunity to give meaning to his nationwide effort for greater emphasis on quality education, including career education.

My proposal gives local school districts an opportunity to develop more meaningful reading programs, which President Nixon has made his No. 1 objective in American education, to improve the reading skills of American youngsters.

I am certain, Mr. Speaker, that with the President now winding down our involvement in Vietnam, we will be able to realine our financial priorities in fiscal year 1972 and make available the necessary funds for a meaningful school aid program.

My proposal provides for the assumption by the Federal Government over a period of 3 years of approximately one-third of the cost of elementary and secondary education in the country. It provides for a State grant program, modeled on title I of the Elementary and Secondary Education Act, whereby every school district is assured of the proper share of funds for the education of its students.

We would preserve, as a separate part, the administration's proposal for specific assistance to those districts which have additional problems related to integration, whether such districts are under a court order, HEW title VI order; or if such districts are undergoing a voluntary plan of desegregation.

Under my proposal, we would provide the school districts of America $3.6 billion of direct assistance, and an additional one-half billion dollars as recommended by the administration for specific programs related to desegregation.

It would require that while the $3.6 billion would be used for improving the quality of education for all students, the one-half billion dollars would be made available during the next 2-year period for supportive service necessary to carry out an effective integration program where applicable.

I believe that this approach will qualify all of the Nation's school systems for assistance during the present financial crisis facing our Nation's schools, and at the same time, it would provide additional assistance to those schools undergoing integregation.

It would afford school administrators an opportunity to make long-range plans for improving the quality of education in their schools in order to stop the trend toward resegregation.

President Nixon has sent to Congress his revenue-sharing and education program. I believe the alternative that I am offering is consistent with the President's desire to help local school districts in financing their educational needs.

Mr. Speaker, the following is a table prepared for my committee showing the administration of direct aid to each county in States under the assistance program I am proposing to improve the quality of education for all youngsters.

I am also including a table which shows the total amount of assistance each State would get for improving the quality of education in its respective school district, and the amount of money each State would get specifically earmarked to aid those schools faced with additional financial needs because they are undergoing integration.

Each school district's entitlement is determined by multiplying a Federal grant per pupil by the number of schoolchildren in the district with a double count for the poor children. This double counting of poor children is in recognition of the fact that poor children require more resources, and also of the fact that school districts with substantial numbers of these children are generally less able to provide these added resources.

The Federal grant per pupil used in determining each school district's entitlement is the result of three factors. First of all, the grant varies according to the rate of payment by the Federal Government, that is, 10 percent for the first year, 20 percent for the second year, and 33⅓ percent for the third year.

Second, the grant varies according to the wealth of the State where the school district is located. Districts in the poorer States receive payments at a higher Federal rate and districts in richer States receive payments at a lesser rate. This variance in the rate of payment is in recognition of the fact that the Federal Government has a greater obligation to improve education in the poorer States.

Third, the payment varies according to the expenditure for education from State and local sources in the State where the school district is located. Districts in States where the local school districts and the State tax themselves heavily for education receive a higher grant per pupil under the act. This variance rewards those States and allows States to increase their payments under the act by increasing their expenditures for education. This factor also helps to achieve some equalization of the Federal payments within the State since a poorer district would be receiving funds at the rate of the average expenditure from State and local sources within the State when it probably is not able to spend for education at that level.

Following are tables showing proposed distribution of Federal aid to education. These tables do not include the additional funds each county would get from the special funds earmarked for desegregation since distribution of a State allotment would not be decided for this particular program until the school district in the respective State submitted their specific request for desegregation funds.

The tables follow:

PROPOSED NATIONAL PARTNERSHIP FORMULA—FISCAL YEAR 1972

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
ALABAMA					
Autauga	5,428	1,838	7,266	$62.83	$456,522.78
Baldwin	14,197	3,134	17,331	62.83	1,088,906.73
Barbour	7,679	4,233	11,912	62.83	748,430.96
Bibb	4,237	1,461	5,698	62.83	358,005.34
Blount	7,069	2,061	9,130	62.83	573,637.90
Bullock	4,278	2,886	7,164	62.88	450,114.12
Butler	7,516	3,811	11,327	62.83	711,675.41
Calhoun	25,295	3,800	29,095	62.83	1,828,038.85
Chamber	10,133	2,968	13,101	62.83	823,135.83
Cherokee	4,406	1,503	5,909	62.83	371,262.47
Chilton	7,046	2,103	9,149	62.83	574,831.67
Choctaw	5,599	2,638	8,237	62.83	517,530.71
Clarke	7,607	3,056	10,663	62.83	669,956.29
Clay	3,221	911	4,132	62.83	259,613.56
Cleburne	2,907	774	3,681	62.83	231,277.23
Coffee	8,256	2,547	10,803	62.83	678,752.49
Colbert	12,997	2,912	15,909	62.83	999,562.47
Conecuh	5,426	2,752	8,178	62.83	513,823.74
Coosa	3,025	905	3,930	62.83	246,921.90
Covington	9,322	2,705	12,027	62.83	755,656.41
Crenshaw	4,208	2,365	6,573	62.83	412,981.59
Cullman	12,371	3,992	16,363	62,83	1,028,087.29
Dale	7,642	2,015	9,657	62.83	606,749.31
Dallas	16,468	7,993	24,461	62.83	1,536,884.63
De Kalb	11,117	4,093	15,210	62.83	955,644.30
Elmore	8,153	2,385	10,538	62.83	662,102.54
Escambia	9,565	2,684	12,249	62.83	769,604.67
Etowah	26,303	5,098	31,401	62.83	1,972,924.83
Fayette	4,337	1,521	5,858	62.83	368,058.14
Franklin	5,879	1,933	7,812	62.83	490,827.96
Geneva	6,208	2,695	8,903	62.83	559,375.49
Greene	4,515	3,366	7,881	62.83	495,163.23
Hale	6,307	3,919	10,226	62.83	642,499.58
Henry	4,662	2,551	7,213	62.83	453,192.79
Houston	13,981	4,246	18,227	62.83	1,145,202.41
Jackson	10,612	4,088	14,700	62.83	923,601.00
Jefferson	161,459	25,809	187,268	62.83	11,766,048.44
Lamar	3,746	1,102	4,848	62.83	304,599.84
Lauderdale	16,173	3,194	19,367	62.83	1,216,828.61
Lawrence	7,410	3,177	10,587	62.83	665,181.28
Lee	12,105	3,162	15,267	62.83	959,225.61
Limestone	10,603	3,853	14,456	62.83	908,270.41
Lowndes	5,246	3,659	8,905	62.83	559,501.15
Macon	7,304	3,845	11,149	62.83	700,491.67
Madison	30,373	6,010	36,383	62.83	2,285,943.89
Marengo	8,282	4,438	12,720	62.83	799,197.60
Marion	5,922	2,176	8,098	62.83	508,797.34
Marshall	12,736	3,150	15,886	62.83	998,117.38
Mobile	86,337	13,350	99,687	62.83	6,263,334.21
Monroe	6,990	3,374	10,364	62.83	651,170.12
Montgomery	42,705	8,979	51,684	62.83	3,247,305.72
Morgan	15,703	3,499	19,202	62.83	1,206,461.66
Perry	5,357	3,241	8,598	62.83	540,212.34
Pickens	6,504	3,111	9,615	62.83	604,110.45
Pike	7,075	3,624	10,699	62.83	672,218.17
Randolph	4,990	1,823	6,813	62.83	428,060.79
Russell	13,635	4,152	17,787	62.83	1,117,557.21
ALABAMA—Continued					
St. Clair	6,993	1,699	8,692	$62.83	$546,118.36
Shelby	8,658	2,181	10,839	62.83	681,014.37
Sumter	6,348	4,401	10,749	62.83	675,359.67
Talladega	18,758	4,643	23,401	62.83	1,470,284.83
Tallapossa	9,158	2,053	11,211	62.83	704,387.13
Tuscaloosa	26,090	6,156	32,246	62.83	2,026,016.18
Walker	15,033	4,458	19,491	62.83	1,224,619.53
Washington	4,890	1,587	6,477	62.83	406,949.91
Wilcox	6,569	4,283	10,852	62.83	681,831.16
Winston	4,109	1,319	5,428	62.83	341,041.24
State total	885,233	245,450	1,130,683	62.83	71,040,812.89
ALASKA					
Ketchikan-Prince of	2,961	299	3,260	83.86	273,383.60
Wrangell-Petersburg	1,203	118	1,321	83.86	110,779.06
Sitka	1,288	104	1,392	83.86	116,733.12
Juneau	2,429	255	2,684	83.86	225,080.24
Lynn Canal-Icy Strai	808	125	933	83.86	78,241.38
Cordova-Valdez	992	182	1,174	83.86	98,451.64
Palmer-Wassila Talke	1,444	270	1,714	83.86	143,736.04
Anchorage	18,075	1,139	19,214	83.86	1,611,286.04
Seward	730	35	765	83.86	64,152.90
Kenai-Cook Inlet	1,704	349	2,053	83.86	172,164.58
Kodiak	1,508	169	1,677	83.86	140,633.22
Aleutian Islands	1,096	150	1,246	83.86	104,489.56
Bristol Bay	997	165	1,162	83.86	97,445.32
Bethel	1,757	1,214	2,971	83.86	249,148.06
Yukon-Kuskokwim	1,552	764	2,316	83.86	194,219.76
Fairbanks-Fort Yukon	9,180	916	10,096	83.86	846,650.56
Barrow-Kobuk	1,613	699	2,312	83.86	193,884.32
Nome	1,840	819	2,659	83.86	222,983.74
Wade Hampton	1,034	698	1,732	83.86	145,245.52
State total	52,211	8,470	60,681	83.86	5,088,708.66
ARIZONA					
Apache	10,112	4,698	14,810	73.45	1,087,794.50
Cochise	14,034	1,766	15,800	73.45	1,160,510.00
Coconino	11,949	3,287	15,236	73.45	1,119,084.20
Gila	7,182	798	7,980	73.45	5,861,131.00
Graham	4,050	750	4,800	73.45	352,560.00
Greenlee	3,754	176	3,930	73.45	288,658.50
Maricopa	172,703	23,806	196,509	73.45	14,433,586.05
Mohave	1,934	283	2,217	73.45	162,838.65
Navajo	12,004	4,460	16,464	73.45	1,209.280.80
Pima	66,087	7,241	73,328	73.45	5,385,941.60
Pinal	18,294	3,901	22,195	73.45	1,630.222.75
Santa Cruz	2,897	390	3,287	73.45	241,430.15
Yavapai	6,939	716	7,655	73.45	562,259.75
Yuma	12,211	1,443	13,654	73.45	1,002,886.30
State total	344,150	53,715	397,865	73.45	29,223,184.25

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
ARKANSAS					
Arkansas	6,342	1,544	7,886	$71.73	$565,662.78
Ashley	7,037	2,325	9,362	71.73	671,536.26
Baxter	2,366	918	3,284	71.73	235,561.32
Benton	8,424	1,554	9,978	71.73	715,721.94
Boone	3,769	1,113	4,882	71.73	350,185.86
Bradley	3,781	901	4,682	71.73	335,839.86
Calhoun	1,694	555	2,249	71.73	161,320.77
Carroll	2,489	631	3,120	71.73	223,797.60
Chicot	5,538	2,529	8,067	71.73	578,645.91
Clark	5,017	1,276	6,293	71.73	451,396.89
Clay	5,825	2,073	7,898	71.73	566,523.54
Cleburne	2,312	1,065	3,377	71.73	242,232.21
Cleveland	1,914	706	2,620	71.73	187,932.60
Columbia	6,868	2,383	9,251	71.73	663,574.23
Conway	4,115	1,698	5,813	71.73	416,966.49
Craighead	12,335	3,272	15,607	71.73	1,119,490.11
Crawford	5,467	1,269	6,736	71.73	483,173.28
Crittenden	14,871	6,673	21,544	71.73	1,545,351.12
Cross	5,996	2,518	8,514	71.73	610,709.22
Dallas	2,968	737	3,705	71.73	265,759.65
Desha	6,400	3,437	9,837	71.73	705,608.01
Drew	3,936	1,543	5,479	71.73	393,008.67
Faulkner	5,579	1,413	6,992	71.73	501,536.16
Franklin	2,499	802	3,301	71.73	236,780.73
Fulton	1,644	696	2,340	71.73	167,848.20
Garland	10,147	1,830	11,977	71.73	859,110.21
Grant	2,192	528	2,720	71.73	195,105.60
Greene	6,892	2,565	9,457	71.73	678,350.61
Hempstead	5,006	2,092	7,098	71.73	509,139.54
Hot Spring	6,051	1,010	7,061	71.73	506,485.53
Howard	2,735	821	3,556	71.73	255,071.88
Independence	4,884	1,779	6,663	71.73	477,936.99
Izard	1,639	592	2,231	71.73	160,029.63
Jackson	6,726	2,339	9,065	71.73	650,232.45
Jefferson	22,376	7,333	29,709	71.73	2,131,026.57
Johnson	2,895	958	3,853	71.73	276,375.69
Lafayette	3,126	1,705	4,831	71.73	346,527.63
Lawrence	4,485	1,694	6,179	71.73	443,219.67
Lee	6,636	4,018	10,654	71.73	764,211.42
Lincoln	3,923	2,270	6,193	71.73	444,223.89
Little River	2,567	907	3,474	71.73	249,190.02
Logan	3,739	1,256	4,995	71.73	358,291.35
Londke	6,973	2,797	9,770	71.73	700,802.10
Madison	2,415	1,142	3,557	71.73	255,143.61
Marion	1,433	568	2,001	71.73	143,531.73
Miller	8,424	2,260	10,684	71.73	766,363.32
Mississippi	20,738	9,057	29,795	71.73	2,137,195.35
Monroe	5,334	2,483	7,817	71.73	560,713.41
Montgomery	1,350	311	1,661	71.73	119,143.53
Nevada	2,743	950	3,693	71.73	264,898.89
Newton	1,783	1,048	2,831	71.73	203,067.63
Ouachita	8,735	2,897	11,632	71.73	834,363.36
Berry	1,289	387	1,676	71.73	120,219.48
Phillips	13,289	6,573	19,862	71.73	1,424,701.26
Pike	2,018	514	2,532	71.73	181,620.36
Poinsett	9,413	3,887	13,300	71.73	954,009.05
Polk	2,932	633	3,565	71.73	255,717.40
Pope	4,948	1,495	6,443	71.73	462,156.39
Prairie	2,974	1,072	4,046	71.73	290,219.58
Pulaski	56,777	9,271	66,048	71.73	4,737,623.04
Randolph	3,307	1,178	4,485	71.73	321,709.05
St. Francis	10,438	5,764	16,202	71.73	1,162,169.46
Saline	6,703	822	7,525	71.73	539,768.25
Scott	1,763	648	2,411	71.73	172,941.03
Searcy	2,181	889	3,070	71.73	220,211.10
Sebastian	16,578	2,649	19,227	71.73	1,379,152.71
Sevier	2,513	517	3,030	71.73	217,341.90
Sharp	1,519	657	2,176	71.73	156,084.48
Stone	1,742	979	2,721	71.73	195,177.33
Union	12,874	2,412	15,286	71.73	1,096,464.78
Van Buren	1,736	649	2,385	71.73	171,076.05
Washington	11,988	1,927	13,915	71.73	998,122.95
White	8,190	2,660	10,850	71.73	778,270.50
Woodruff	4,278	2,452	6,730	71.73	482,742.90
Yell	2,882	793	3,675	71.73	263,607.75
State total	467,465	149,669	617,134	71.73	44,267,021.82
CALIFORNIA					
Alameda	199,697	37,887	237,584	64.60	15,347,926.40
Alpine	67	26	93	64.60	6,007.80
Amador	2,057	131	2,188	64.60	141,344.80
Butte	19,518	4,136	23,654	64.60	1,528,048.40
Calaveras	1,922	283	2,205	64.60	142,443.00
Colusa	3,054	441	3,495	64.60	225,777.00
Contra Costa	114,020	15,006	129,026	64.60	8,335,079.60
Del Nortf	4,738	561	5,299	64.60	342,315.40
El Dorado	7,178	1,158	8,345	64.60	539,087.00
Fresno	97,398	27,569	124,967	64.60	8,072,868.20
Glenn	4,460	547	5,007	64.60	323,452.20
Humboldt	27,201	3,641	30,842	64.60	1,992,393.20
Imperial	18,758	4,551	23,309	64.60	1,505,761.40
Inyo	2,800	340	3,140	64.60	202,844.00
Kern	79,384	15,359	94,743	64.60	6,120,397.80
Kings	14,206	4,605	18,811	64.60	1,215,90.60
Lake	2,832	610	3,442	64.60	222,353.20
Lassen	3,508	387	3,895	64.60	251,617.00
Los Angeles	1,332,685	231,266	1,563,951	64.60	101,031,234.06
Madera	11,483	3,457	14,940	64.60	965,124.00
Marin	33,999	2,840	36,839	64.60	2,379,799.40
Mariposa	952	172	1,124	64.60	72,610.40
Mendocino	12,799	1,957	14,756	64.60	953,237.60
Merced	23,995	6,456	30,451	64.60	1,967,134.60
CALIFORNIA—Continued					
Modoc	2,156	282	2,438	$64.60	$157,494.80
Mono	451	31	482	64.60	31,137.20
Monterey	43,184	7,216	50,400	64.60	3,255,840.00
Napa	14,282	1,555	15,837	64.60	1,023,070.20
Nevada	4,779	742	5,521	64.60	356,656.60
Orange	183,693	17,243	200,936	64.60	12,980,465.60
Placer	13,399	2,307	15,706	64.60	1,014,607.60
Plumas	2,944	370	3,314	64.60	214,084.40
Riverside	71,171	14,697	85,868	64.60	5,547,072.80
Sacramento	124,076	22,439	146,515	64.60	9,464,869.00
San Benito	4,131	479	4,610	64.60	297,806.00
San Bernardino	123,533	23,111	146,644	64.60	9,473,202.40
San Diego	228,302	31,806	260,108	64.60	16,802,976.80
San Francisco	119,514	25,361	144,875	64.60	9,358,925.00
San Joaquin	60,965	13,307	74,272	64.60	4,797,971.20
San Luis Obispo	17,298	3,072	20,370	64.60	1,315,920.00
San Mateo	109,666	8,083	117,749	64.60	7,606,585.40
Santa Barbara	37,755	6,163	43,918	64.60	2,837,102.80
Santa Clara	160,573	24,579	185,152	64.60	11,960,819.20
Santa Cruz	17,540	2,168	19,708	64.60	1,273,136.80
Shasta	15,714	3,286	19,000	64.60	1,227,400.00
Sierra	505	61	566	64.60	36,563.60
Siskiyou	8,105	906	9,011	64.60	582,110.60
Solano	31,766	5,653	37,419	64.60	2,417,267.40
Sonoma	34,261	7,454	41,715	64.60	2,694,789.00
Stanislaus	40,325	10,134	50,459	64.60	3,259,651.40
Sutter	8,996	1,595	10,591	64.60	684,178.60
Tehama	6,582	1,025	7,607	64.60	491,412.20
Trinity	2,368	208	2,576	64.60	166,409.60
Tulare	44,814	13,386	58,200	64.60	3,759,720.00
Tuolumne	3,300	475	3,775	64.60	243,865.00
Ventura	48,116	7,427	55,543	64.60	3,588,077.80
Yold	15,952	2,537	18,489	64.60	1,194,389.40
Yuba	8,341	1,822	10,163	64.60	656,529.80
State total	3,627,277	624,366	4,251,643	64.60	274,656,137.80
COLORADO					
Adams	34,283	3,232	37,515	67.72	2,540,515.80
Alamosa	2,558	431	2,989	67.72	202,415.08
Arapahoe	30,867	1,800	32,667	67.72	2,212,209.24
Archuleta	750	220	970	67.72	65,688.40
Baca	1,735	234	1,969	67.72	133,340.68
Bent	1,973	358	2,331	67.72	157,855.32
Boulder	15,961	1,270	17,231	67.72	1,166,883.32
Chaffee	1,952	148	2,100	67.72	142,212.00
Cheyenne	853	39	892	67.72	60,406.24
Clear Creek	637	27	664	67.72	44,966.08
Conejos	2,898	900	3,798	67.72	257,200.56
Costilla	1,479	676	2,155	67.72	145,936.60
Crowley	1,115	314	1,429	67.72	96,771.88
Custer	341	36	377	67.72	25,530.44
Delta	3,984	758	4,742	67.72	321,128.24
Denver	106,156	16,676	122,832	67.72	8,318,183.04
Dolores	626	36	662	67.72	44,830.64
Douglas	1,304	124	1,428	67.72	96,704.16
Eagle	1,219	207	1,426	67.72	96,568.72
Elbert	982	163	1,145	67.72	77,539.40
El Paso	33,902	3,373	37,275	67.72	2,524,263.00
Fremont	4,464	471	4,935	67.72	334,198.20
Garfield	2,915	263	3,178	67.72	215,214.16
Gilpin	148	----------	148	67.72	10,022.56
Grand	906	139	1,045	67.72	70,767.40
Gunnison	1,209	128	1,337	67.72	90,541.64
Hinsdale	40	----------	40	67.72	2,708.80
Huerfano	2,171	688	2,859	67.72	193,611.48
Jackson	431	12	443	67.72	29,999.96
Jefferson	33,469	1,681	35,150	67.72	2,380,358.00
Kiowa	697	89	786	67.72	53,227.92
Kit Carson	1,919	211	2,130	67.72	144,243.60
Lake	1,907	130	2,037	67.72	137,945.64
La Plata	5,197	810	6,007	67.72	406,794.04
Larimer	11,724	1,461	13,185	67.72	892,888.20
Las Animas	5,565	1,211	6,776	67.72	458,870.72
Lincoln	1,348	85	1,433	67.72	97,042.76
Logan	5,600	439	6,039	67.72	408,961.08
Mesa	13,351	1,568	14,919	67.72	1,010,314.68
Mineral	106	----------	106	67.72	7,178.32
Moffat	1,830	210	2,040	67.72	138,148.80
Montezuma	3,980	727	4,707	67.72	318,758.04
Montrose	4,997	882	5,879	67.72	398,125.88
Morgan	5,922	842	6,764	67.72	458,058.08
Otero	6,722	1,326	8,048	67.72	545,010.56
Duray	402	55	457	67.72	30,948.04
Park	411	62	473	67.72	32,031.56
Phillips	1,178	94	1,272	67.72	86,139.84
Pitkin	567	62	629	67.72	42,595.88
Prowers	3,665	650	4,315	67.72	292,211.80
Pueblo	30,840	4,171	35,011	67.72	2,370,944.92
Rio Blanco	1,414	145	1,559	67.72	105,575.48
Rio Grande	3,313	856	4,169	67.72	282,324.68
Routt	1,529	216	1,745	67.72	118,171.40
Saguache	1,382	487	1,869	67.72	126,568.68
San Juan	212	14	226	67.72	15,304.72
San Miguel	706	89	795	67.72	53,837.40
Sedgwick	1,167	81	1,248	67.72	84,514.56
Summit	494	24	518	67.72	35,078.96
Teller	572	73	645	67.72	43,679.40
Washington	1,880	174	2,054	67.72	139,096.88
Weld	18,791	3,181	21,972	67.72	1,487,943.84
Yuma	2,277	395	2,672	67.72	180,947.84
State total	432,993	55,224	488,217	67.72	33,062,055.24

PROPOSED NATIONAL PARTNERSHIP FORMULA—FISCAL YEAR 1972—Continued

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
CONNECTICUT					
Fairfield	150, 546	41, 134	164, 680	$70. 74	$11, 649, 463. 20
Hartford	155, 713	18, 872	174, 585	70. 74	12, 350, 142. 90
Litchfield	28, 242	1, 491	29, 733	70. 74	2, 103, 312. 42
Middlesex	19, 603	1, 881	21, 484	70. 74	1, 519, 778. 16
New Haven	148, 070	17, 222	165, 292	70. 74	11, 692, 756. 08
New London	41, 269	3, 888	45, 157	70. 74	3, 194, 406. 18
Tolland	15, 185	943	16, 128	70. 74	1, 140, 894. 72
Windham	15, 951	1, 676	17, 627	70. 74	1, 246, 933. 98
State total	574, 579	60, 107	634, 686	70. 74	44, 897, 687. 64
DELAWARE					
Kent	14, 047	1, 734	15, 781	69, 33	1. 094, 096. 73
New Castle	72, 600	7, 971	80, 571	69. 33	5, 585, 987. 43
Sussex	18, 012	2, 970	20, 982	69. 33	1, 454, 682. 06
State total	104, 659	12, 675	117, 334	69. 33	8, 134, 766. 22
DISTRICT OF COLUMBIA					
Total	137, 050	33, 066	170, 116	73. 88	12, 568, 170. 08
FLORIDA					
Alachua	16, 597	3, 113	19, 710	71. 96	1, 418, 331. 06
Baker	2, 024	533	2, 557	71. 96	184, 001. 72
Bay	17, 174	2, 583	19, 757	71. 96	1, 421, 713. 72
Bradford	3, 494	572	4, 066	71. 96	292, 589. 36
Brevard	26, 732	2, 007	28, 739	71. 96	2, 068, 058. 44
Broward	72, 616	9, 000	81, 616	71. 96	5, 873, 087. 36
Calhoun	2, 216	798	3, 014	71. 96	216, 887. 44
Charlotte	2, 182	313	2, 495	71. 96	179, 540. 20
Citrus	2, 082	416	2, 498	71. 96	179, 756. 08
Clay	4, 962	963	5, 925	71. 96	426, 363. 00
Collier	3, 710	611	4, 321	71. 96	310, 939. 16
Columbia	5, 710	1, 501	7, 211	71. 96	518, 903. 56
Dade	197, 180	22, 769	219, 949	71. 96	15, 827, 530. 04
De Soto	2, 409	389	2, 798	71. 96	201, 344. 08
Dixie	1, 181	346	1, 527	71. 96	109, 882. 92
Duval	112, 678	14, 349	127, 027	71. 96	9, 140, 862. 92
Escambia	45, 721	5, 561	51, 282	71. 96	3, 690, 252. 72
Flagler	1, 067	314	1, 381	71. 96	99, 376. 76
Franklin	1, 632	504	2, 136	71. 96	153, 706. 56
Gadsden	11, 068	3, 782	14, 850	71. 96	1, 068, 606. 00
Gilchrist	783	242	1, 025	71. 96	73, 759. 00
Glades	689	222	911	71. 96	65, 555. 56
Gulf	2, 821	409	3, 230	71. 96	232, 430. 80
Hamilton	2, 274	744	3, 018	71. 96	217, 175. 28
Hardee	3, 147	678	3, 825	71. 96	275, 247. 00
Hendry	2, 033	340	2, 373	71. 96	170, 761. 08
Hernando	2, 660	436	3, 096	71. 96	222, 788. 16
Highlands	5, 019	707	5, 726	71. 96	412, 042. 96
Hillsborough	92, 956	12, 658	105, 614	71. 96	7, 599, 983. 44
Holmes	3, 099	1, 372	4, 471	71. 96	321, 733. 16
Indian River	5, 874	733	6, 607	71. 96	475, 439. 72
Jackson	10, 187	3, 528	13, 715	71. 96	986, 931. 40
Jefferson	2, 813	1, 093	3, 906	71. 96	281, 075. 76
Lafayette	809	211	1, 020	71. 96	73, 399. 20
Lake	12, 804	2, 469	15, 273	71. 96	1, 099, 045. 08
Lee	11, 940	1, 511	13, 451	71. 96	967, 933. 96
Leon	17, 433	2, 764	20, 197	71. 96	1, 453, 376. 12
Levy	2, 795	627	3, 422	71. 96	246, 247. 12
Liberty	900	215	1, 115	71. 96	80, 235. 40
Madison	4, 393	1, 543	5, 936	71. 96	427. 154. 56
Manatee	13, 697	1, 725	15, 422	71. 96	1, 109, 767. 12
Marion	13, 242	3, 138	16, 380	71. 96	1, 178, 704. 80
Martin	3, 538	415	3, 953	71. 96	284, 457. 88
Monroe	9, 296	882	10, 178	71. 96	732, 408. 88
Nassau	4, 901	1, 013	5, 914	71. 96	425, 571. 44
Okaloosa	15, 417	1, 513	16, 930	71. 96	1, 218, 282. 80
Okeechobee	1, 652	261	1, 913	71. 96	137, 659. 48
Orange	61, 555	6, 345	67, 900	71. 96	4, 886. 084. 00
Osceola	3, 819	648	4, 467	71. 96	321, 445. 32
Palm Beach	48, 015	7, 497	55, 512	71. 96	3, 994, 643. 52
Pasco	7, 647	1, 234	8, 881	71. 96	639, 076. 76
Pinellas	63, 840	7, 192	71, 032	71. 96	5, 111, 462. 72
Polk	48, 241	6, 238	54, 479	71. 96	3, 920, 308. 84
Putnam	8, 468	1, 858	10, 326	71. 96	743, 058. 96
St. Johns	6, 942	1, 398	8, 340	71. 96	600, 146. 40
St. Lucie	6, 943	1, 306	10, 949	71. 96	787, 890. 04
Santa Rosa	7, 237	1, 061	8, 298	71. 96	597, 124. 08
Sarasota	14, 838	1, 477	16, 315	71. 96	1, 174, 027. 40
Seminole	13, 966	3, 083	17, 049	71. 96	1, 226, 846. 04
Sumter	3, 104	659	3, 763	71. 96	270, 785. 48
Suwannee	4, 194	1, 374	5, 568	71. 96	400, 673. 28
Taylor	3, 709	749	4, 458	71. 96	320, 797. 68
Union	1, 269	265	1, 534	71. 96	110, 386. 64
Volusia	24, 234	3, 684	27, 918	71. 96	2, 008, 979. 28
Wakulla	1, 541	433	1, 974	71. 96	142, 049. 04
Walton	4, 474	1, 350	5, 824	71. 96	419, 095. 04
Washington	3, 220	1, 031	4, 251	71. 96	305, 901. 96
State total	1, 119, 563	160, 755	1, 280, 318	71. 96	92, 131, 683. 28
GEORGIA					
Appling	4, 202	1, 650	5, 852	63. 65	372, 479. 80
Atkinson	2, 081	1, 108	3, 189	63. 65	202, 979. 85
Bacon	2, 632	718	3, 350	63. 65	213, 227. 50
Baker	1, 558	851	2, 409	63. 65	153, 332. 85
Baldwin	5, 477	975	6, 452	63. 65	410, 669. 80
Banks	1, 849	306	2, 155	63. 65	137, 165. 75
Barrow	3, 700	905	4, 605	63. 65	293, 108. 25
Bartow	7, 731	1, 625	9, 356	63. 65	595, 509. 40
Ben Hill	3, 886	1, 541	5, 427	63. 65	345, 428. 55
GEORGIA—Continued					
Berrien	3, 484	1, 354	4, 838	$63, 65	$307, 938. 70
Bibb	35, 824	6, 030	41, 854	63. 65	2, 664, 007. 10
Bleckley	2, 661	867	3, 528	63. 65	224, 557. 20
Brantley	1, 963	410	2, 373	63. 65	151, 041. 45
Brooks	4, 647	2, 435	7, 082	63. 65	450, 769. 30
Bryan	1, 965	673	2, 638	63. 65	167, 908. 70
Bulloch	7, 045	2, 698	9, 743	63. 65	620, 141. 95
Burke	6, 900	4, 170	11, 070	63. 65	704, 605. 50
Butts	2, 638	642	3, 280	63. 65	208, 772. 00
Calhoun	2, 313	1, 447	3, 760	63. 65	239, 324. 00
Camden	2, 902	466	3, 368	63. 65	214, 373. 20
Candler	1, 951	1, 017	2, 968	63. 65	188, 913. 20
Carroll	9, 375	1, 940	11, 315	63. 65	720, 199. 75
Catoosa	5, 931	575	6, 506	63. 65	414, 106. 90
Charlton	1, 605	289	1, 894	63. 65	120, 553. 10
Chatham	47, 644	7, 140	54, 784	63. 65	3, 487, 001. 60
Chattahoochee	1, 976	89	2, 065	63. 65	131, 437. 25
Chattooga	5, 217	1, 002	6, 219	63. 65	395, 839. 35
Cherokee	5, 894	885	6, 779	63. 65	431, 483. 35
Clarke	9, 613	1, 424	11, 037	63. 65	702, 505. 05
Clay	1, 395	925	2, 320	63. 65	147, 668. 00
Clayton	13, 073	807	13, 880	63. 65	883, 462. 00
Clinch	1, 934	530	2, 464	63. 65	156, 833. 60
Cobb	30, 423	1, 852	32, 275	63. 65	2, 054, 303. 75
Coffee	6, 467	2, 407	8, 874	63. 65	564, 830. 10
Colquitt	9, 977	2, 968	12, 945	63. 65	823, 949. 25
Columbia	3, 905	766	4, 671	63. 65	297, 309. 15
Cook	3, 396	1, 163	4, 559	63. 65	290, 180. 35
Coweta	7, 993	1, 618	9, 611	63. 65	611, 740. 15
Crawford	1, 770	796	2, 566	63. 65	163, 325. 90
Crisp	5, 299	2, 220	7, 519	63. 65	478, 584. 35
Dade	2, 571	591	3, 162	63. 65	201, 261. 30
Dawson	1, 058	539	1, 597	63. 65	101, 649. 05
Decatur	7, 245	2, 083	9, 328	63. 65	593, 727. 20
De Kalb	62, 748	4, 368	67, 116	63. 65	4, 271, 933. 40
Dodge	4, 895	2, 200	7, 095	63. 65	451, 596. 75
Dooly	3, 597	1, 933	5, 530	63. 65	351, 984. 50
Dougherty	19, 920	3, 716	23, 636	63. 65	1, 504, 431. 40
Douglas	4, 670	744	5, 414	63. 65	344, 601. 10
Early	4, 192	2, 360	6, 552	63. 65	417, 034. 80
Echols	527	139	666	63. 65	42, 390. 90
Effingham	3, 119	938	4, 057	63. 65	258, 228. 05
Elbert	4, 917	1, 489	6, 406	63. 65	407, 741. 90
Emanuel	5, 151	2, 211	7, 362	63. 65	468, 591. 30
Evans	1, 985	813	2, 798	63. 65	178, 092. 70
Fannin	4, 197	1, 212	5, 409	63. 65	344, 282. 85
Fayette	2, 408	500	2, 908	63. 65	185, 094. 20
Floyd	16, 846	2, 268	19, 114	63. 65	1, 216, 606. 10
Forsyth	3, 411	733	4, 144	63. 65	263, 765. 60
Franklin	3, 459	1, 123	4, 582	63. 65	291, 644. 30
Fulton	126, 395	17, 744	144, 139	63. 65	9, 174, 447. 35
Gilmer	2, 499	1, 036	3, 535	63. 65	225, 002. 75
Glascock	757	306	1, 063	63. 65	67, 659. 95
Glynn	10, 883	1, 589	12, 472	63. 65	793, 842. 80
Gordon	4, 889	975	5, 864	63. 65	373, 243. 60
Grady	5, 333	2, 231	7, 564	63. 65	481, 448. 60
Greene	3, 288	1, 358	4, 646	63. 65	295, 717. 90
Gwinnett	11, 590	1, 566	13, 156	63. 65	837, 379. 40
Habersham	4, 581	843	5, 424	63. 65	345, 237. 60
Hall	13, 002	2, 262	15, 264	63. 65	971, 553. 60
Hancock	3, 280	1, 719	4, 999	63. 65	318, 186. 35
Haralson	3, 872	706	4, 578	63. 65	291, 389. 70
Harris	3, 471	1, 322	4, 793	63. 65	305, 074. 45
Hart	4, 286	1, 235	5, 521	63. 65	351, 411. 65
Heard	1, 498	653	2, 151	63. 65	136, 911. 15
Henry	5, 105	1, 237	6, 342	63. 65	403, 668. 30
Houston	11, 220	1, 839	13, 059	63. 65	831, 205. 35
Irwin	2, 814	1, 434	4, 248	63. 65	270, 385. 20
Jackson	4, 979	1, 105	6, 084	63. 65	387, 246. 65
Jasper	1, 775	705	2, 480	63. 65	157, 852. 00
Jeff Davis	2, 768	750	3, 518	63. 65	223, 920. 70
Jefferson	5, 574	2, 693	8, 267	63. 65	526, 194. 55
Jenkins	2, 801	1, 393	4, 194	63. 65	266, 948. 10
Johnson	2, 369	808	3, 177	63. 65	202, 216. 00
Jones	2, 505	793	3, 298	63. 65	209, 917. 70
Lamar	2, 866	743	3, 609	63. 65	229, 712. 80
Lanier	1, 443	469	1, 912	63. 65	121, 698. 85
Laurens	8, 849	3, 420	12, 269	63. 65	780, 921. 85
Lee	2, 052	965	3, 017	63. 65	192, 032. 05
Liberty	3, 977	1, 133	5, 110	63. 65	325, 251. 50
Lincoln	1, 942	764	2, 706	63. 65	172, 236. 90
Long	1, 226	655	1, 881	63. 65	119, 725. 65
Lowndes	13, 063	3, 061	16, 124	63. 65	1, 026, 292. 60
Lumpkin	1, 934	625	2, 559	63. 65	162, 880. 35
Mc Duffie	3, 595	1, 164	4, 759	63. 65	302, 910. 35
Mc Intosh	1, 986	710	2, 696	63. 65	171, 600. 40
Macon	4, 183	2, 209	6, 392	63. 65	406, 850. 80
Madison	3, 138	1, 184	4, 322	63. 65	275, 095. 30
Marion	1, 826	960	2, 786	63. 65	177, 328. 90
Meriwether	5, 847	2, 328	8, 175	63. 65	520, 338. 75
Miller	2, 047	973	3, 020	63. 65	192, 223. 00
Mitchell	6, 029	2, 193	8, 222	63. 65	523, 330. 30
Monroe	3, 017	936	3, 953	63. 65	251, 608. 45
Montgomery	1, 762	861	2, 623	63. 65	166, 953. 95
Morgan	3, 006	1, 094	4, 100	63. 65	260, 965. 00
Murray	2, 925	508	3, 433	63. 65	218, 510. 45
Muscogee	38, 324	5, 287	43, 611	63. 65	2, 775, 840. 15
Newton	5, 685	937	6, 622	63. 65	421, 490. 30
Oconee	1, 662	411	2, 073	63, 65	131, 946. 45
Oglethorpe	2, 242	754	2, 996	63. 65	190, 695. 40
Paulding	3, 609	546	4, 155	63. 65	264, 465. 75
Peach	3, 811	941	4, 752	63. 65	302, 464. 80
Pickens	2, 325	389	2, 714	63. 65	172, 746. 10
Pierce	2, 946	1, 937	3, 983	63. 65	253, 517. 95
Pike	2, 143	1, 221	3, 364	63. 65	214, 118. 60

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
GEORGIA—Continued					
Polk	7,278	1,538	8,816	$63.65	$561,138.40
Pulaski	2,289	866	3,155	63.65	200,815.75
Putnam	2,297	643	2,940	63.65	187,131.00
Quitman	805	523	1,328	63.65	84,527.20
Rabun	2,108	664	2,772	63.65	176,437.80
Randolph	3,273	1,803	5,076	63.65	323,087.40
Richmond	31,929	5,597	37,526	63.65	2,388,529.90
Rockdale	2,904	488	3,392	63.65	215,900.80
Schley	1,066	578	1,644	63.65	104,640.60
Screven	4,771	2,298	7,069	63.65	449,941.85
Seminole	2,094	1,246	3,340	63.65	212,591.00
Spalding	9,322	1,659	10,981	63.65	698,940.65
Stephens	5,019	997	6,016	63.65	382,918.40
Stewart	2,294	1,428	3,722	63.65	236,905.30
Sumter	7,161	2,744	9,905	63.65	630,453.25
Talbot	2,290	1,153	3,443	63.65	219,146.95
Taliaferro	1,035	452	1,487	63.65	94,647.55
Tattnall	3,701	1,478	5,179	63.65	329,643.35
Taylor	2,468	1,316	3,784	63.65	240,851.60
Telfair	3,378	1,666	5,044	63.65	321,050.60
Terrell	3,944	1,954	5,898	63.65	375,407.70
Thomas	9,200	2,542	11,742	63.65	747,378.30
Tift	6,739	2,461	9,200	63.65	585,580.00
Toombs	4,873	1,668	6,541	63.65	416,334.65
Towns	1,131	456	1,587	63.65	101,012.55
Treutlen	1,707	785	2,492	63.65	158,615.80
Troup	12,972	3,195	16,167	63.65	1,029,029.55
Turner	2,509	1,008	3,517	63.65	223,857.05
Twiggs	2,498	677	3,175	63.65	202,088.75
Union	1,888	817	2,705	63.65	172,173.25
Upson	6,343	1,277	7,620	63.65	485,013.00
Walker	12,319	1,528	13,847	63.65	881,361.55
Walton	5,679	1,499	7,178	63.65	456,879.70
Ware	9,555	1,891	11,446	63.65	728,537.90
Warren	2,403	1,349	3,752	63.65	238,814.80
Washington	5,469	2,249	7,718	63.65	491,250.70
Wayne	5,433	1,537	6,970	63.65	443,640.50
Webster	1,118	756	1,874	63.65	119,280.10
Wheeler	1,811	794	2,605	63.65	165,808.25
White	1,975	575	2,550	63.65	162,307.50
Whitfield	11,367	1,307	12,674	63.65	806,700.10
Wilcox	2,403	1,211	3,614	63.65	230,031.10
Wilkes	3,061	1,134	4,195	63.65	267,011.75
Wilkinson	2,567	565	3,132	63.65	199,351.80
Worth	5,367	2,989	8,356	63.65	531,859.40
State total	1,040,019	243,385	1,283,404	63.65	81,688,664.60
HAWAII					
Hawaii	18,234	2,373	20,607	74.18	1,528,627.26
Honolulu	128,504	14,639	143,143	74.18	10,618,347.74
Kalawao				74.18	.00
Kaual	7,961	650	8,611	74.18	638,763.98
Maui	12,802	991	13,793	74.18	1,023,164.74
State total	167,501	18,653	186,154	74.18	13,808,903.72
IDAHO					
Ada	24,477	1,753	26,230	67.95	1,782,328.50
Adams	765	65	830	67.95	56,398.50
Bannock	13,532	885	14,417	67.95	979,635.15
Bear lake	2,163	120	2,283	67.95	155,129.85
Benewah	1,467	106	1,573	67.95	106,885.35
Bingham	8,804	966	9,770	67.95	663,871.50
Blaine	1,143	119	1,262	67.95	85,752.90
Boise	413	17	430	67.95	29,218.50
Bonner	4,307	390	4,697	67.95	319,161.15
Bonneville	13,825	866	14,691	67.95	998,253.45
Boundary	1,579	181	1,760	67.95	119,592.00
Butte	1,037	48	1,085	67.95	73,725.75
Camas	269	28	297	67.95	20,181.15
Canyon	15,119	1,925	17,044	67.95	1,158,139.80
Caribou	1,899	216	2,115	67.95	143,714.25
Cassia	4,827	304	5,131	67.95	348,651.45
Clark	267	36	303	67.95	20,588.85
Clearwater	2,149	184	2,333	67.95	158,527.35
Custer	852	107	959	67.95	65,164.05
Elmore	3,834	172	4,006	67.95	272,207.70
Franklin	2,813	194	3,007	67.95	204,325.65
Fremont	2,605	137	2,742	67.95	186,318.90
Gem	2,467	201	2,668	67.95	181,290.60
Gooding	2,764	427	3,191	67.95	26,828.45
Idaho	3,748	482	4,230	67.95	187,428.50
Jefferson	3,787	290	4,077	67.95	277,032.15
Jerome	3,591	299	3,890	67.95	264,325.50
Kootenai	7,773	576	8,349	67.95	567,314.55
Latah	4,319	235	4,554	67.95	309,444.30
Lemhi	1,555	301	1,856	67.95	126,115.20
Lewis	1,156	76	1,232	67.95	83,714.40
Lincoln	1,072	76	1,148	67.95	78,006.60
Madison	2,868	204	3,072	67.95	208,742.40
Minidoka	4,603	434	5,037	67.95	342,264.15
Nez Perce	7,024	692	7,716	67.95	524,302.20
Oneida	1,098	90	1,188	67.95	80,724.60
Owyhee	1,748	190	1,938	67.95	131,687.10
Payette	3,346	436	3,782	67.95	256,986,90
Power	1,259	65	1,324	67.95	89,965.80
Shoshone	5,930	255	6,185	67.95	420,270.75
Teton	921	88	1,009	67.95	68,561.55
Twin Falls	11,505	1,010	12,515	67.95	850,394.25
Valley	986	36	1,022	67.95	69,444.90
Washington	2,166	315	2,481	67.95	168,583.95
Yellowstone National Park				67.95	0
State total	183,832	15,597	199,429	67.95	13,551,200.55
ILLINOIS					
Adams	15,268	1,836	17,104	$66.74	$1,141,520.96
Alexander	3,844	1,785	5,629	66.74	375,679.46
Bond	3,073	489	3,562	66.74	237,727.88
Boone	5,128	301	5,429	66.74	362,331.46
Brown	1,430	449	1,879	66.74	125,404.46
Bureau	9,015	1,146	10,161	66.74	678,145.14
Calhoun	1,325	247	1,572	66.74	104,915.28
Carroll	4,732	863	5,595	66.74	373,410.30
Cass	3,371	474	3,845	66.74	256,615.30
Champaign	25,421	2,376	27,797	66.74	1,855,171.78
Christian	8,932	859	9,791	66.74	653,451.34
Clark	3,752	600	4,352	66.74	290,452.48
Clay	3,790	571	4,361	66.74	291,053.14
Clinton	6,179	473	6,652	66.74	443,954.48
Colfs	9,447	868	10,315	66.74	688,423.10
Cook	1,101,612	188,764	1,290,376	66.74	86,119,694.24
Crawford	4,817	360	5,177	66.74	345,512.98
Cumberland	2,420	362	2,782	66.74	185,670.68
De Kalb	11,775	1,010	12,785	66.74	853,270.90
De Witt	4,115	424	4,539	66.74	302,932.86
Douglas	4,778	469	5,247	66.74	350,184.78
Du Page	84,932	3,056	87,988	66.74	5,872,319.12
Edgar	5,271	814	6,085	66.74	406,112.90
Edwards	1,766	326	2,092	66.74	139,620.08
Effingham	5,943	543	6,486	66.74	432,875.64
Fayette	5,034	784	5,818	66.74	388,293.32
Ford	4,178	434	4,612	66.74	307,804.88
Franklin	8,555	1,883	10,438	66.74	696,632.12
Fulton	9,671	1,055	10,726	66.74	715,853.24
Gallatin	2,067	652	2,719	66.74	181,466.06
Greene	4,114	645	4,759	66.74	317,615.66
Grundy	5,630	397	6,027	66.74	402,241.98
Hamilton	2,278	583	2,861	66.74	190,043.14
Hancock	5,751	790	6,541	66.74	436,546.34
Hardin	1,526	558	2,084	66.74	139,086.16
Henderson	2,060	249	2,309	66.74	154,102.66
Henry	12,134	1,138	13,272	66.74	885,773.28
Iroquois	8,405	996	9,401	66.74	627,422.74
Jackson	8,647	1,770	10,417	66.74	695,230.58
Jasper	2,899	474	3,373	66.74	225,114.02
Jefferson	7,733	1,769	9,502	66.74	634,163.48
Jersey	4,197	459	4,656	66.74	310,741.44
Jo Daviess	5,580	667	6,247	66.74	416,924.78
Johnson	1,622	423	2,045	66.74	136,483.30
Kane	47,395	2,115	49,510	66.74	3,304,297.40
Kankakee	20,009	2,324	22,333	66.74	1,490,504.42
Kendall	4,509	290	4,799	66.74	320,285.26
Knox	13,487	996	14,483	66.74	966,595.42
Lake	70,361	3,375	73,736	66.74	4,921,140.64
La Salle	25,905	1,499	27,404	66.74	1,828,942.96
Lawrence	4,287	812	5,099	66.74	340,307.26
Lee	8,478	877	9,355	66.74	624,352.70
Livingston	9,688	973	10,661	66.74	711,515.14
Logan	6,284	510	6,794	66.74	453,431.56
McDonough	6,270	656	6,926	66.74	462,241.24
McHenry	21,999	1,422	23,421	66.74	1,563,117.54
McLean	18,663	1,433	20,096	66.74	1,341,207.04
Macon	28,206	3,115	31,321	66.74	2,090,363.54
Macoupin	9,814	1,123	10,937	66.74	729,935.38
Madison	54,313	5,572	59,885	66.74	3,996,724.90
Marion	9,200	1,554	10,754	66.74	717,721.96
Marshall	3,253	347	3,600	66.74	240,264.00
Mason	3,612	483	4,095	66.74	273,300.30
Massac	3,444	923	4,367	66.74	291,453.58
Menard	2,177	195	2,372	66.74	158,307.28
Mercer	4,248	542	4,790	66.74	319,684.60
Monroe	3,570	347	3,917	66.74	261,420.58
Montgomery	7,175	983	8,158	66.74	544,464.92
Morgan	6,916	665	7,581	66.74	505,955.94
Moultrie	3,212	283	3,495	66.74	233,256.30
Ogle	9,591	958	10,549	66.74	704,040.26
Peoria	42,447	4,713	47,160	66.74	3,147,458.40
Perry	4,436	658	5,094	66.74	339,973.56
Piatt	3,870	334	4,204	66.74	280,574.96
Pike	4,752	955	5,707	66.74	380,885.18
Pope	903	288	1,191	66.74	79,487.34
Pulaski	2,700	1,380	4,080	66.74	272,299.20
Putnam	1,088	73	1,161	66.74	77,485.14
Randolph	6,317	620	6,937	66.74	462,975.38
Richland	3,937	537	4,474	66.74	298,594.76
Rock Island	35,074	2,287	37,361	66.74	2,493,473.14
St. Clair	64,885	17,278	82,163	66.74	5,483,558.62
Saline	5,639	1,747	7,386	66.74	492,941.64
Sangamon	32,866	2,822	35,688	66.74	2,381,817.12
Schuyler	2,107	350	2,457	66.74	163,980.18
Scott	1,446	295	1,741	66.74	116,194.34
Shelby	5,624	797	6,421	66.74	428,537.54
Stark	2,068	164	2,232	66.74	148,963.68
Stephenson	10,589	1,221	11,810	66.74	788,199.40
Tazewell	25,194	1,299	26,493	66.74	1,768,142.82
Union	3,456	701	4,157	66.74	277,438.18
Vermilion	22,925	2,540	25,465	66.74	1,699,534.10
Wabash	3,450	362	3,812	66.74	254,412.88
Warren	4,998	730	5,728	66.74	382,286.72
Washington	2,876	332	3,208	66.74	214,101.92
Wayne	4,708	965	5,673	66.74	378,616.02
White	4,604	831	5,435	66.74	362,731.90
Whiteside	15,751	1,637	17,388	66.74	1,160,475.12
Will	45,323	3,350	48,673	66.74	3,248,436.02
Williamson	9,805	1,739	11,544	66.74	770,446.56
Winnebago	52,105	5,231	57,336	66.74	3,826,604.64
Woodford	6,354	486	6,840	66.74	456,501.60
State total	2,272,580	316,285	2,588,865	66.74	172,780,850.10

PROPOSED NATIONAL PARTNERSHIP FORMULA—FISCAL YEAR 1972—Continued

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
INDIANA					
Adams	6,753	444	7,197	$67.80	$487,956.60
Allen	56,856	4,784	61,640	67.80	4,179,192.00
Bartholomew	11,963	922	12,885	67.80	873,603.00
Benton	3,290	318	3,608	67.80	244,622.40
Blackford	3,666	208	3,874	67.80	262,657.20
Boone	6,855	584	7,439	67.80	504,364.20
Brown	1,879	237	2,116	67.80	143,464.80
Carroll	4,205	391	4,596	67.80	311,608.80
Cass	9,313	524	9.837	67.80	666,948.60
Clark	16,894	1,682	18,576	67.80	1,259,452.80
Clay	5,502	656	6,158	67.80	417,512.40
Clinton	7,625	527	8,152	67.80	552,705.60
Crawford	2,090	595	2,685	67.80	182,043.00
Daviess	6,867	793	7,660	67.80	519,348.00
Dearborn	7,334	593	7,927	67.80	537,450.60
Decatur	5,126	624	5,750	67.80	389,850.00
De Kalb	7,300	464	7,764	67.80	526,399.20
Delaware	26,843	2,339	29,182	67.80	1,978,539.60
Dubois	7,242	532	7,774	67.80	527,077.20
Elkhart	27,471	1,701	29,172	67.80	1,977,861.60
Fayette	6,369	523	6,892	67.80	467,277.60
Floyd	12,922	1,308	14,230	67.80	964,794.00
Fountain	4,383	419	4,802	67.80	325,575.60
Franklin	4,844	672	5,516	67.80	373,984.80
Fulton	4,171	399	4,570	67.80	309,846.00
Gibson	7,008	876	7,884	67.80	534,535.20
Grant	18,244	1,441	19,685	67.80	1,334,643.00
Greene	6,009	904	6,913	67.80	468,701.40
Hamilton	10,181	444	10,625	67.80	720,375.00
Hancock	6,789	415	7,204	67.80	488,431.20
Harrison	5,202	580	5,782	67.80	392,619.60
Hendricks	10,368	569	10,937	67.80	741,528.60
Henry	12,266	1,213	13,479	67.80	913.876.20
Howard	17,621	976	18,597	67.80	1,260,876.60
Huntington	8,043	478	8,521	67.80	577,723.80
Jackson	7,630	807	8,437	67.80	572,028.60
Jasper	4,843	622	5,465	67.80	370,527.00
Jay	5,547	442	5,989	67.80	406,054.20
Jefferson	5,390	795	6,185	67.80	419,343.00
Jennings	4,244	494	4,738	67,80	321,236.40
Johnson	11,033	577	11,610	67.80	787,158.00
Knox	9,987	1,260	11,247	67.80	762,546.60
Kosciusko	9,924	806	10,730	67.80	727,494.00
Lagrange	4,953	587	5,540	67.80	375,612.00
Lake	131,671	13,909	145,580	67.80	9,870,234.00
La Porte	23,400	1,709	25,109	67.80	1,702,390.20
Lawrence	9,283	853	10,136	67.80	687,220.80
Madison	30,153	1,891	32,044	67.80	2,172,583.20
Marion	160,552	15,052	175,604	67.80	11,905,951.20
Marshall	8,648	788	9,436	67.80	639,760.80
Martin	2,985	435	3,420	67.80	231,876.00
Miami	8,867	644	9,511	67.80	644,845.80
Monroe	11,836	852	12,688	67.80	860,246.40
Montgomery	7,373	646	8,019	67.80	543,688.20
Morgan	9,086	735	9,821	67.80	665,863.80
Newton	3,016	302	3,318	67.80	224.960.40
Noble	7,215	433	7,648	67.80	518,534.40
Ohio	1,015	73	1,088	67.80	73,766.40
Orange	4,081	707	4,788	67.80	324,626.40
Owen	2,699	494	3,193	67.80	216,485.40
Parke	3,420	498	3,918	67.80	265,640.40
Perry	4,718	662	5,380	67.80	364,764.00
Pike	2,798	458	3,256	67.80	220,756.80
Porter	15,179	682	15,861	67.80	1,075,375.80
Posey	4,687	592	5,279	67.80	357,916.20
Pulaski	3,459	481	3,940	67.80	267,132.00
Putnam	5,340	484	5,824	67.80	394,867.20
Randolph	7,095	610	7,705	67.80	522,399.00
Ripley	5,417	553	5,970	67.80	404,766.00
Rush	5,066	660	5,726	67.80	388,222.80
St. Joseph	58,814	4,323	63,137	67.80	4,280,688.60
Scott	3,862	572	4,434	67.80	300,625.20
Shelby	8,392	549	8,941	67.80	606,199.80
Spencer	3,976	450	4,426	67.80	300,082.80
Starke	4,915	661	5,576	67.80	378,052.80
Steuben	3,785	332	4,117	67.80	279,132.60
Sullivan	5,053	689	5,742	67.80	389,307.60
Switzerland	1,754	300	2,054	67.80	139,261.20
Tippecanoe	18,366	1,043	19,409	67.80	1,315,930.20
Tipton	4,179	278	4,457	67.80	302,184.60
Union	1,717	218	1,935	67.80	131,193.00
Vanderburgh	39,294	4,356	43,650	67.80	295,947.00
Vermillion	3,976	432	4,408	67.80	298,862.40
Vigo	23,572	2,818	26,390	67.80	1,789,242.00
Wabash	7,833	760	8,593	67.80	582,605.40
Warren	2,271	211	2,482	67.80	168,279.60
Warrick	6,329	942	7,271	67.80	492,973.80
Washington	4,692	913	5,605	67.80	380,019.00
Wayne	17,391	1,383	18,774	67.80	1,272,877.20
Wells	5,400	404	5,804	67.80	393,511.20
White	5,096	439	5,535	67.80	375,273.00
Whitley	5,620	412	6,032	67.80	408,969.60
State total	1,138,391	104,213	1,242,604	67.80	84,248,551.20
IOWA					
Adair	2,679	628	3,307	76.89	254,275.23
Adams	1,873	370	2,243	76.89	172,464.27
Allamakee	4,255	1,056	5,311	76.89	408,362.79
Appanoose	3,508	649	4,157	76.89	319,631.73
Audubon	2,795	711	3,506	76.89	269,576.34
Benton	5,895	890	6,785	76.89	521,698.65
Black Hawk	30,890	2,777	33,667	76.89	2,588,655.63
Boone	6,098	734	6,832	76.89	525,312.48
Bremer	4,899	608	5,507	76.89	423,433.23
IOWA—Continued					
Buchanan	6,073	931	7,004	$76.89	$538,537.56
Buena Vista	5,249	893	6,142	76.89	472,258.38
Butler	4,503	786	5,289	76.89	406,671.21
Calhoun	4,122	547	4,669	76.89	358,999.41
Carroll	6,385	901	7,286	76.89	560,220.54
Cass	4,288	793	5,081	76.89	390,678.09
Cedar	4,530	1,081	5,611	76.89	431,429.79
Cerro Gordo	12.324	1,106	13,430	76.89	1,032,632.70
Cherokee	4,629	945	5,574	76.89	428,584.86
Chickasaw	3,999	777	4,776	76.89	367,226.64
Clarke	1,907	359	2,266	76.89	174,232.74
Clay	5,001	683	5,684	76.89	437,042.76
Clayton	5,621	1,425	7,046	76.89	541,766.94
Clinton	13,638	1,520	15,158	76.89	1,165,498.62
Crawford	4,963	932	5,895	76.89	453,266.55
Dallas	5,892	700	6,592	76.89	506,858.88
Davis	2,284	480	2,764	76.89	212,523.96
Decatur	2,366	569	2,935	76.89	225,672.15
Delaware	4,974	1,073	6,047	76.89	464,953.83
Des Moines	10,535	729	11,264	76.89	866,088.96
Dickinson	3,157	590	3,747	76.89	288,106.83
Dubuque	19,583	2,021	21,604	76.89	1,661,131.56
Emmet	4,050	578	4,628	76.89	355,846.92
Fayette	7,213	1,200	8,413	76.89	646,875.57
Floyd	5,375	650	6,025	76.89	463,262.25
Franklin	3,941	487	4,428	76.89	340,468.92
Fremont	2,410	375	2,785	76.89	214,138.65
Greene	3,679	536	4,215	76.89	324,091.35
Grundy	3,494	474	3,968	76.89	305,099.52
Guthrie	3,372	803	4,175	76.89	321,015.75
Hamilton	5,045	642	5,687	76.89	437,273.43
Hancock	3,861	944	4,805	76.89	369,456.45
Hardin	5,228	684	5,912	76.89	454,573.68
Harrison	4,614	734	5,348	76.89	411,207.72
Henry	4,020	398	4,418	76.89	339,700.02
Howard	3,458	892	4,350	76.89	334,471.50
Humboldt	3,452	470	3,922	76.89	301,562.58
Ida	2,610	567	3,177	76.89	244,279.53
Iowa	4,088	735	4,823	76.89	370,840.47
Jackson	5,200	1,055	6,255	76.89	480,946.95
Jasper	8,643	607	9,250	76.89	711,232.50
Jefferson	3,677	450	4,127	76.89	317,325.03
Johnson	10,189	1,006	11,195	76.89	860,783.55
Jones	5,282	935	6,217	76.89	478,025.13
Kfokuk	3,791	583	4,374	76.89	336,316.86
Kossuth	7,070	1,227	8.297	76.89	637,956.33
Lee	10,648	1,154	11,802	76.89	907,455.78
Linn	31,607	2,598	34,205	76.89	2,630,022.45
Louisa	2,571	271	2,842	76.89	218,521.38
Lucas	2,503	443	2,946	76.89	226,517.94
Lyon	4,020	1,048	5,068	76.89	389,678.52
Madison	2,922	505	3,427	76.89	263,502.03
Mahaska	5,630	854	6,484	76.89	498,554.76
Marion	5,953	883	6,836	76.89	525,620.04
Marshall	9,026	910	9,936	76.89	763,979.04
Mills	2,943	556	3,499	76.89	269,038.11
Mitchell	3,762	714	4,476	76.89	344,159.64
Monona	3,567	825	4,392	76.89	337,700.88
Monroe	2,615	520	3,135	76.89	241,050.15
Montgomery	3,289	609	3,898	76.89	299,717.22
Muscatine	8,047	901	8,948	76.89	688,011.72
O'Brien	4,803	631	5,434	76.89	417,820.26
Osceola	2,673	701	3,374	76.89	259,426.86
Page	4,451	678	5,129	76.89	394,368.81
Palo Alto	4,161	931	5,092	76.89	391,523.88
Plymouth	6,485	1,276	7,761	76,89	596,743.29
Pocahontas	3,828	591	4,419	76.89	339,776.91
Polk	61,443	6,524	67,967	76.89	5,225,982.63
Pottawattamie	20,918	2,494	23,412	76.89	1,800,148.68
Poweshiek	4,515	612	5,127	76.89	394,215.03
Ringgold	1,990	711	2,701	76.89	207,679.89
Sac	4,469	488	4,957	76.89	381,143.73
Scott	28,397	3,108	31,505	76.89	2,422,419.45
Shelby	4,238	1,059	5,297	76.89	407,286.33
Sioux	7,341	1,307	8,648	76.89	664,944.72
Story	9,764	730	10,494	76.89	806,883.66
Tama	5,161	1,042	6,203	76.89	476,948.67
Taylor	2,360	717	3,077	76.89	236,590.53
Union	3,118	683	3,801	76.89	292,258.89
Van Buren	2,289	476	2,765	76.89	212,600.85
Wapello	11,246	1,369	12,615	76.89	969,967.35
Warren	5,293	481	5,774	76.89	443,962.86
Washington	4,957	745	5,702	76.89	438,426.78
Wayne	2,064	552	2,616	76.89	201,144.24
Webster	12,013	1,272	13,285	76.89	1,021,483.65
Winnebago	3,173	426	3,599	76.89	276,727.11
Winneshiek	5,165	1,152	6,317	76.89	485,714.13
Woodbury	26,316	2,832	29,148	76.89	2,241,189.72
Worth	2,681	442	3,123	76.89	240,127.47
Wright	5,058	549	5,607	76.89	431,122.23
State total	672,150	92,666	764,816	76.89	58,806,702.24
KANSAS					
Allen	3,763	466	4,229	73.99	312,903.71
Anderson	2,175	424	2,599	73.99	192,300.01
Atchison	4,702	661	5,363	73.99	396.808.37
Barber	2,234	196	2,430	73.99	179,795.70
Barton	8,732	571	9,303	73.99	688,328.97
Bourbon	3,384	611	3,995	73.99	295,590.05
Brown	2,932	496	3,428	73.99	253,637.72
Butler	9,823	793	10,616	73.99	785,477.84
Chase	949	152	1,101	73.99	81,462.99
Chautauqua	1,224	245	1,469	73.99	108,691.31
Cherokee	5,330	977	6,307	73.99	466,654.93

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
KANSAS—Continued					
Cheyenne	1,207	183	1,390	$73.99	$102,846.10
Clark	801	78	879	73.99	65,037.21
Clay	2,451	233	2,684	73.99	198,589.16
Cloud	3,387	272	3,659	73.99	270,729.41
Coffey	1,924	349	2,273	73.99	168,179.27
Comanche	790	113	903	73.99	66,812.97
Cowley	8,063	707	8,770	73.99	648,892.30
Crawford	7,374	1,060	8,434	73.99	624,031.66
Decatur	1,373	131	1,504	73.99	111,280.96
Dickinson	4,811	615	5,426	73.99	401,469.74
Doniphan	2,421	378	2,799	73.99	207,098.01
Douglas	8,387	649	9,036	73.99	668,573.64
Edwards	1,304	179	1,483	73.99	109,727.17
Elk	1,094	164	1,258	73.99	93,079.42
Ellis	5,419	448	5,867	73.99	434,099.33
Ellsworth	1,821	255	2,076	73.99	153,603.24
Finney	4,459	553	5,012	73.99	370,837.88
Ford	5,339	470	5,809	73.99	429,807.91
Franklin	4,315	559	4,874	73.99	360,627.26
Geary	5,578	963	6,541	73.99	483 968.59
Gove	1,143	119	1,262	73.99	93,375.38
Graham	1,482	224	1,706	73.99	126,226.94
Grant	1,533	75	1,608	73.99	118,975.92
Gray	1,159	197	1,356	73.99	100.330.55
Greeley	562	26	588	73.99	43,506.12
Greenwood	2,558	483	3,041	73.99	225,003.59
Hamilton	886	42	928	73.99	68,662.72
Harper	2,299	157	2,456	73.99	181,719.44
Harvey	6,267	563	6,830	73.99	505,351.70
Haskell	868	83	951	93.99	70,364.49
Hodgeman	890	87	977	73.99	72,288.23
Jackson	2,386	459	2,845	73.99	210,501.55
Jefferson	2,813	332	3,145	73.99	232,698.55
Jewell	1,595	297	1,892	73.99	139,989.08
Johnson	39,810	1,624	41,434	73.99	3,066,701.66
Kearny	904	50	954	73.99	70,586.46
Kingman	2,594	322	2,916	73.99	215,754.84
Kiowa	1,163	99	1,262	73.99	93,375.38
Labette	5,939	1,299	7,238	73.99	535,539.62
Lane	788	71	859	73.99	63,557.41
Leavenworth	10,829	1,144	11,973	73.99	885,882.27
Lincoln	1,263	146	1,409	73.99	104,251.91
Linn	1,866	360	2,226	73.99	164,701.74
Logan	1,180	85	1,265	73.99	93,597.35
Lyon	5,477	839	6,316	73.99	467,320.84
McPherson	5,750	366	6,116	73.99	452,522.84
Marion	3,601	446	4,047	73.99	299,437.53
Marshall	3,585	615	4,200	73.99	310,758.00
Meade	1,391	200	1,591	73.99	117,718.09
Miami	4,538	602	5,140	73.99	380,308.60
Mitchell	2,101	228	2,329	73.99	172,322.71
Montgomery	10,695	1,628	12,323	73.99	911,778.77
Morris	1,752	399	2,151	73.99	159,152.49
Morton	921	79	1,000	73.99	73,990.00
Nemaha	3,263	629	3,892	73.99	287,969.08
Neosho	4,526	601	5,127	73.99	379,346.73
Ness	1,425	216	1,641	73.99	121,417.59
Norton	1,940	322	2,262	73.99	167,365.38
Osage	3,083	327	3,410	73.99	252,305.90
Osborne	1,691	306	1,997	73.99	147,758.03
Ottawa	1,486	159	1,645	73.99	121,713.55
Pawnee	2,177	199	2,376	73.99	175,800.24
Phillips	2,075	264	2,339	73.99	173,062.61
Pottawatomie	2,816	502	3,318	73.99	245,498.82
Pratt	2,957	268	3,225	73.99	238,617.75
Rawlins	1,410	191	1,601	73.99	118,457.99
Reno	14,212	1,219	15,431	73.99	1,141,739.69
Republic	2,133	411	2,544	73.99	188,230.56
Rice	3,376	125	3,501	73.99	259,038.99
Riley	7,310	709	8,019	73.99	593,325.81
Rooks	2,633	267	2,900	73.99	214,571.00
Rush	1,541	210	1,751	73.99	129,556.49
Russell	2,864	157	3,021	73.99	223,523.79
Saline	11,621	904	12,525	73.99	926,724.75
Scott	1,426	91	1,517	73.99	112,242.83
Sedgwick	84,976	10,953	95,929	73.99	7,097,786.71
Seward	4,246	288	4,534	73.99	335,470.66
Shawnee	30,376	3,327	33,703	73.99	2,493,684.97
Sheridan	1,261	299	1,560	73.99	115,424.40
Sherman	1,660	216	1,876	73.99	138,805.24
Smith	1,732	311	2,043	73.99	151,161.57
Stafford	1,784	219	2,003	73.99	148,201.97
Stanton	590	29	619	73.99	45,799.81
Stevens	1,276	99	1,375	73.99	101,736.25
Sumner	6,432	404	6,836	73.99	505,795.64
Thomas	1,874	88	1,962	73.99	145,168.38
Trego	1,464	154	1,618	73.99	119,715.82
Wabaunsee	1,534	308	1,842	73.99	136,289.58
Wallace	610	55	665	73.99	49,203.35
Washington	2,543	628	3,171	73.99	234,622.29
Wichita	779	197	976	73.99	72,214.24
Wilson	3.045	358	3.403	73.99	215,787.97
Woodson	1,179	281	1,460	73.99	108,025.40
Wyandotte	44,563	7,855	52,418	73.99	3,878,407.82
State total	518,043	61.843	579,886	73.99	42,905,765.14
KENTUCKY					
Adair	3,994	2,143	6,137	64.49	395,775.13
Allen	2,801	1,293	4,094	64.49	264,022.06
Anderson	2,031	407	2,438	64.49	157,226.62
Ballard	1,929	436	2,365	64.49	152,518.85
Barren	6,839	2,641	9,480	64.49	611,365.20
Bath	2,314	1,118	3,432	64.49	221,329.68
KENTUCKY—Continued					
Bell	11,015	5,590	16,605	$64.49	$1,070,856.45
Boone	5,890	382	6,272	64.49	404,481.28
Bourbon	4,603	1,080	5,683	64.49	366,496.67
Boyd	12,941	2,048	14,989	64.49	966,640.61
Boyle	4,480	1,174	5,654	64.49	364,626.46
Bracken	1,724	363	2,087	64.49	134,590.63
Breathitt	5,126	3,656	8,782	64.49	566,351.18
Breckinridge	3,909	1,276	5,185	64.49	334,380.65
Bullitt	4,444	565	5,009	64.49	323,030.41
Butler	2,655	1,316	3,971	64.49	256,089.79
Caldwell	2,993	908	3,901	64.49	251,575.49
Calloway	4,161	843	5,004	64.49	322,707.96
Campbell	20,588	1,722	22,310	64.49	1,438,771.90
Carlisle	1,207	234	1,441	64.49	92,930.09
Carroll	1,985	443	2,428	64.49	156,581.72
Carter	6,174	2,364	8,538	64.49	550,615.62
Casey	4,537	2,641	7,178	64.49	462,909.22
Christian	11,208	2,791	13,999	64.49	902,795.51
Clark	5,235	1,075	6,310	64.49	406,931.90
Clay	7,079	4,340	11,419	64.49	736,411.31
Clinton	2,523	1,563	4,086	64.49	263,506.14
Crittenden	2,053	715	2,768	64.49	178,508.32
Cumberland	2,022	1,241	3,263	64.49	210,430.87
Daviess	18,776	2,876	21,652	64.49	1,396,337.48
Edmonson	2,352	1,048	3,400	64.49	219,266.00
Elliott	1,930	942	2,872	64.49	185,215.28
Estill	3,426	1,548	4,974	64.49	320,773.26
Fayette	27,771	4,625	32,396	64.49	2,089,218.04
Fleming	2,692	822	3,514	64.49	226,617.86
Floyd	14,117	5,966	20,083	64.49	1,295,152.67
Franklin	6,395	844	7,239	64.49	466,843.11
Fulton	2,759	979	3,738	64.49	241,063.62
Gallatin	945	147	1,092	64.49	70,423.08
Garrard	2,311	735	3,046	64.49	196,436.54
Grant	2,348	539	2,887	64.49	186,182.63
Graves	6,887	1,483	8,370	64.49	539,781.30
Grayson	4,400	1,919	6,319	64.49	407,512.31
Green	2,765	878	3,643	64.49	234,937.07
Greenup	8,587	2,275	10,862	64.49	700,490.38
Hancock	1,423	352	1,775	64.49	114,469.75
Hardin	12,358	1,957	14,315	64.49	923,174.35
Harlan	16,929	7,074	24,003	64.49	1,547,953.47
Harrison	3,194	651	3,845	64.49	247,964.05
Hart	3,696	1,858	5,554	64.49	358,177.46
Henderson	8,685	1,454	10,139	64.49	653,864.11
Henry	2,702	711	3,413	64.49	220,104.37
Hickman	1,632	633	2,265	64.49	146,069.85
Hopkins	9,418	2,048	11,466	64.49	739,442.34
Jackson	3,365	2,021	5,386	64.49	347,343.14
Jefferson	146,341	19,766	166,107	64.49	10,712,240.43
Jessamine	3,029	559	3,588	64.49	231,390.12
Johnson	5,697	2,763	8,460	64.49	545,585.40
Kenton	28,946	2,506	31,452	64.49	2,028,339.48
Knott	6,129	3,582	9,711	64.49	626,262.39
Knox	7,848	4,992	12,840	64.49	828,051.60
Larue	2,601	733	3,334	64.49	215,009.66
Laurel	7,344	3,236	10,580	64.49	682,304.20
Lawrence	3,601	1,766	5,367	64.49	346,117.83
Lee	2,282	1,284	3,566	64.49	229,971.34
Leslie	3,845	2,148	5,993	64.49	386,488.57
Letcher	10,030	4,457	14,487	64.49	934,266.63
Lewis	3,905	1,583	5,488	64.49	353,921.12
Lincoln	4,568	2,389	6,957	64,49	448,656.93
Livingston	1,709	523	2,232	64.49	143,941.68
Logan	4,941	1,782	6,723	64.49	433,566.27
Lyon	1,090	161	1,251	64.49	80,676.99
McCracken	13,851	2,553	16,404	64.49	1,057,893.96
McCreary	4,357	2,413	6,770	64.49	436,597.30
McLean	2,363	583	2,946	64.49	189,987.54
Madison	7,570	2.319	9,898	64,49	637,741.61
Magoffin	3,604	2,431	6,035	64.49	389,197.15
Marion	5,301	1,429	6,730	64.49	434,017.70
Marshall	4,136	690	4,826	64.49	311,228.74
Martin	3,695	1,715	5,410	64.49	348,890.90
Mason	4,488	1,171	5,659	64.49	364,948.91
Meade	5,451	509	5,960	64.49	384,360.40
Menifee	1,226	751	1,977	64.49	127,496.73
Mercer	3,395	963	4,358	64.49	281,047.42
Metcalfe	2,016	986	3,002	64.49	193,598.98
Monroe	3,143	1,847	4,990	64.49	321,805.10
Montgomery	3,607	1,283	4,890	64.49	315,356.10
Morgan	3,202	1,676	4,878	64.49	314,582.22
Muhlenberg	7,505	2,356	9,861	64.49	635,935.89
Nelson	6,566	1,197	7,763	64.49	500,635.87
Nicholas	1,593	479	2,072	64.49	133,623.28
Ohio	4,602	1,670	6,272	64.49	404,481.28
Oldham	2,981	306	3,287	64.49	211,978.63
Owen	1,927	466	2,393	64.49	154,324.57
Owsley	1,617	1,276	2,893	64.49	186,569.57
Pendleton	2,475	376	2,851	64.49	183,860.99
Perry	11,658	5,112	16,770	64.49	1,081,497.30
Pike	22,776	9,813	32,589	64.49	2,101,664.61
Powell	1,980	808	2,788	64.49	179,798.12
Pulaski	9,424	4,138	13,562	64.49	874,613.38
Robertson	592	314	906	64.49	58,427.94
Rockcastle	3,642	1,795	5,437	64.49	350,632.13
Rowan	3,225	1,134	4,359	64.49	281,111.91
Russell	3,173	1,965	5,138	64.49	331,349.62
Scott	3,319	698	4,017	64.49	259,056.33
Shelby	4,574	897	5,471	64.49	352,824.79
Simpson	2,718	1,006	3,724	64.49	240,160.76
Spencer	1,518	343	1,361	64.49	120,015.89
Taylor	4,041	1,029	5,070	64.49	326,964.30
Todd	2,883	1,127	4,010	64.49	258,604.90
Trigg	2,245	1,183	3,428	64.49	221,071.72

PROPOSED NATIONAL PARTNERSHIP FORMULA—FISCAL YEAR 1972—Continued

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
KENTUCKY—Continued					
Trimble	1,326	174	1,500	$64.49	$96,735.00
Union	3,989	863	4,852	64.49	312,905.48
Warren	10,301	2,889	13,190	64.49	850,623.10
Washington	3,149	998	4,147	64.49	267,440.03
Wayne	4,250	2,723	6,973	64.49	449,688.77
Webster	3,249	819	4,068	64.49	262,345.32
Whitley	7,324	3,645	10,969	64.49	707,390.81
Wolfe	1,931	1,509	3,440	64.49	221,845.60
Woodford	2,874	626	3,500	64.49	225,715.00
State total	781,061	224,036	1,005,097	64.49	64,818,705.53
LOUISIANA					
Acadia	14,263	4,635	18,898	76.91	1,453,445.18
Allen	5,794	1,630	7,424	76.91	570,979.84
Ascension	8,314	1,912	10,226	76.91	786,481.66
Assumption	5,325	1,559	6,884	76.91	529,448.44
Avoyelles	11,159	5,123	16,282	76.91	1,252,248.62
Beauregard	5,209	1,283	6,492	76.91	499,299.72
Bienville	4,627	1,632	6,259	76.91	481,379.69
Bossier	15,322	3,039	18,361	76.91	1,412,144.51
Caddo	57,776	11,420	69,196	76.91	5,321,864.36
Calcasifu	39,000	4,789	43,789	76.91	3,367,811.99
Caldwell	2,534	1,117	3,651	76.91	280,798.41
Cameron	1,796	198	1,994	76.91	153,358.54
Catahoula	3,386	1,631	5,017	76.91	385,857.47
Claiborne	5,287	2,048	7,335	76.91	564,134.85
Concordia	6,280	2,498	8,778	76.91	675,115.98
De Soto	7,185	2,961	10,146	76.91	780,328.86
East Baton Rouge	59,999	7,189	67,188	76.91	5,167,429.08
East Carroll	4,701	2,510	7,211	76.91	554,598.01
East Feliciana	4,280	1,838	6,118	76.91	470,535.38
Evangeline	9,342	4,430	13,772	76.91	1,059,204.52
Franklin	8,260	4,586	12,846	76.91	987,985.86
Grant	3,750	1,041	4,791	76.91	368,475.81
Iberia	14,505	2,698	17,203	76.91	1,323,082.73
Iberville	8,724	2,972	11,696	76.91	899,539.36
Jackson	4,442	1,009	5,451	76.91	419,236.41
Jefferson	57,253	4,963	62,216	76.91	4,785,032.56
Jefferson Davis	8,720	2,175	10,895	76.91	837,934.45
Lafayette	21,905	4,990	26,895	76.91	2,068,494.45
Lafourche	15,725	2,513	18,238	76.91	1,402,684.58
La Salle	3,508	777	4,285	76.91	329,559.35
Lincoln	6,221	1,589	7,810	76.91	600,667.10
Livingston	8,202	2,169	10,371	76.91	797,633.61
Madison	4,905	2,609	7,514	76.91	577,901.74
Morehouse	10,293	3,990	14,283	76.91	1,098,505.53
Natchitoches	10,209	4,509	14,718	76.91	1,131,961.38
Orleans	143,970	26,866	170,836	76.91	13,138,996.76
Ouchita	26,792	5,876	32,668	76.91	2,512,495.88
Plaquemines	6,493	1,028	7,521	76.91	578,440.11
Pointe Coupee	7,101	3,706	10,807	76.91	831,166.37
Rapides	28,251	6,624	34,875	76.91	2,682,236.25
Red River	2,945	1,508	4,453	76.91	342,480.23
Richland	7,545	3,876	11,421	76.91	878,389.11
Sabine	5,434	1,783	7,217	76.91	555,059.47
St. Bernard	9,585	613	10,198	76.91	784,328.18
St. Charles	6,193	1,023	7,216	76.91	554,982.56
St. Helena	3,029	1,712	4,741	76.91	364,630.31
St. James	5,826	1,711	7,537	76.91	579,670.67
St. John the Baptist	5,577	1,216	6,793	76.91	522,449.63
St. Landry	25,961	12,643	38,604	76.91	2,969,033.64
St. Martin	8,982	3,823	12,805	76.91	984,832.55
St. Mary	13,882	2,565	16,447	76.91	1,264,938.77
St. Tammany	10,745	2,578	13,323	76.91	1,024,671.93
Tangipahoa	16,805	5,625	22,430	76.91	1,725,091.30
Tensas	3,955	2,681	6,636	76.91	510,374.76
Terrebonne	18,112	2,704	20,816	76.91	1,600,958.56
Union	4,926	1,494	6,420	76.91	493,762.20
Vermilion	10,151	2,695	12,846	76.91	987,985.86
Vernon	5,107	1,634	6,741	76.91	518,450.31
Washington	12,801	3,482	16,283	76.91	1,252,325.53
Webster	10,963	2,621	13,584	76.91	1,044,745.44
West Baton Rouge	4,435	1,052	5,487	76.91	422,005.17
West Carroll	4,511	2,471	6,982	76.91	536,985.62
West Feliciana	3,037	1,570	4,607	76.91	354,324.37
Winn	4,534	1,564	6,098	76.91	468,997.18
State total	875,849	214,776	1,090,625	76.91	83,879,968.75
MAINE					
Androscoggin	20,600	2,377	22,977	72.90	1,675,023.30
Aroostook	29,424	5,615	35,039	72.90	2,554,343.10
Cumberland	42,713	6,869	49,582	72.90	3,614,527.80
Franklin	5,042	613	5,655	72.90	412,249.50
Hancock	7,545	1,091	8,636	72.90	629,564.40
Kennebec	21,135	2,732	23,867	72.90	1,739,904.30
Knox	6,571	1,154	7,725	72.90	563,152.50
Lincoln	4,370	658	5,028	72.90	365,541.20
Oxford	11,372	1,350	12,722	72.90	927,433.80
Penobscot	29,627	3,715	33,342	72.90	2,430,631.80
Piscataquis	4,369	574	4,943	72.90	360,344.70
Sagadahoc	5,521	787	6,308	72.90	459,853.20
Somerset	9,9°2	1,451	11,433	72.90	833,465.70
Waldo	5,862	817	6,679	72.90	486,899.10
Washington	7,790	2,145	9,935	72.90	724,261.50
York	23,619	2,976	26,595	72.90	1,938,775.50
State total	235,542	34,924	270,466	72.90	19,716,971.40
MARYLAND					
Allegany	19,849	2,681	22,530	$73.12	$1,647,393.60
Anne Arundel	50,304	4,446	54,750	73.12	4,003,320.00
Baltimore	121,986	4,816	126,802	73.12	9,271,762.24
Baltimore City	207,501	61,225	268,726	73.12	19,649,245.12
Calvert	4,734	1,263	5,997	73.12	438,500.64
Caroline	4,633	997	5,630	73.12	411,665.60
Carroll	11,674	1,153	12,827	73.12	937,910.24
Cecil	11,179	1,306	12,485	73.12	912,903.20
Charles	9,550	2,127	11,677	73.12	853,822.24
Dorchester	6,645	1,697	8,342	73.12	609,967.04
Frederick	16,898	2,016	18,914	73.12	1,382,991.68
Garrett	5,592	1,160	6,752	73.12	493,706.24
Harford	19,221	1,989	21,210	73.12	1,550,875.20
Howard	9,146	645	9,791	73.12	715,917.92
Kent	3,530	669	4,199	73.12	307,030.88
Montgomery	94,779	3,558	98,337	73.12	7,190,401.44
Prince Georges	91,181	6,722	97,903	73.12	7,158,667.36
Queen Annes	4,017	888	4,905	73.12	358,653.60
St. Marys	10,508	2,128	12,636	73.12	923,944.32
Somerset	4,655	1,309	5,964	73.12	436,087.68
Talbot	4,953	911	5,864	73.12	428,775.68
Washington	21,421	2,402	23,823	73.12	1,741,937.76
Wicomico	11,515	2,007	13,522	73.12	988,728.64
Worcester	5,683	1,516	7,199	73.12	526,390.88
State total	751,154	109,631	860,785	73.12	62,940,599.20
MASSACHUSETTS					
Barnstable	14,950	2,108	17,058	67.70	1,154,826.60
Berkshire	33,166	4,099	37,265	67.70	2,522,840.50
Bristol	89,289	12,446	101,735	67.70	6,887,459.50
Dukes	1,261	160	1,421	67.70	96,201.70
Essex	129,250	14,213	143,463	67.70	9,712,445.10
Franklin	13,437	1,319	14,756	67.70	998,981.20
Hampden	98,181	12,216	110,397	67.70	7,473,876.90
Hampshire	21,636	1,453	23,089	67.70	1,563,125.30
Middlesex	276,323	21,759	298,082	67.70	20,180,151.40
Nantucket	727	80	807	67.70	54,633.90
Norfolk	121,254	6,884	128,138	67.70	8,674,942.60
Plymouth	59,834	6,919	66,753	67.70	4,519,178.10
Suffolk	153,044	42,289	195,333	67.70	13,224,044.10
Worcester	132,847	13,136	145,983	67.70	9,883,049.10
State total	1,145,199	139,081	1,284,280	67.70	86,945,756.00
MICHIGAN					
Alcona	1,650	237	1,887	77.53	146,299.11
Alger	2,656	342	2,998	77.53	232,434.94
Allegan	15,810	1,716	17,526	77.53	1,358,790.78
Alpena	7,680	681	8,361	77.53	648,228.33
Antrim	2,749	371	3,120	77.53	241,893.60
Arenac	2,551	460	3,011	77.53	233,442.83
Baraga	1,960	335	2,295	77.53	177,931.35
Barry	8,183	864	9,047	77.53	701,413.91
Bay	28,469	2,364	30,833	77.53	2,390,482.49
Benzif	1,976	215	2,191	77.53	169,868.23
Berrien	38,712	5,299	44,011	77.53	3,412,172.83
Branch	7,952	887	8,839	77.53	685,287.67
Calhoun	33,824	4,005	37,829	77.53	2,932,882.37
Cass	10,105	1,265	11,370	77.53	881,516.10
Charlevoix	3,499	304	3,803	77.53	294,846.59
Cheboygan	3,882	720	4,602	77.53	356,793.06
Chippewa	8,314	1,012	9,326	77.53	723,044.78
Clare	2,959	456	3,415	77.53	264,764.95
Clinton	10,630	759	11,389	77.53	882,989.17
Crawford	1,177	157	1,334	77.53	103,425.02
Delta	9,473	799	10,272	77.53	796,388.16
Dickinson	5,705	607	6,312	77.53	489,369.36
Eaton	13,389	1,120	14,509	77.53	1,124,882.77
Emmet	4,113	628	4,741	77.53	367,569.73
Genesee	95,408	11,354	106,762	77.53	8,277.257.86
Gladwin	3,074	359	3,433	77.53	266,160.49
Gogebic	6,210	556	0,766	77.53	524,567.98
Grand Traverse	7,917	753	8,670	77.53	672,185.10
Gratiot	9,657	1,091	10.748	77.53	833,292.44
Hillsdale	8,838	1,123	9,961	77.53	772,276.33
Houghton	7,730	1,153	8,883	77.53	688,698.99
Huron	9,607	1,684	11,291	77.53	875,391.23
Ingham	49,097	5,196	54,293	77.53	4,209,336.29
Ionia	10,970	1,047	12,017	77.53	931,678.01
Iosco	3,719	394	4,113	77.53	318,880.89
Iron	4,426	375	4,801	77.53	372,221.53
Isabella	8,619	1,061	9,680	77.53	750,490.40
Jackson	31,831	2,454	34,285	77.53	2,658,116.05
Kalamazoo	40,478	3,638	44,116	77.53	3,420,313.48
Kalkaska	1,171	280	1,451	77.53	112,496.03
Kent	91,978	8,470	100,448	77.53	7,787,733.44
Keweenaw	476	83	559	77.53	43,339.27
Lake	1,204	326	1,530	77.53	118,620.90
Lapeer	10,188	888	11,076	77.53	858,722.28
Leelanau	2,489	361	2,850	77.53	220,960.50
Lenawee	20,807	1,763	22,570	77.53	1,749,852.10
Livingston	10,122	789	10,911	77.53	845,929.83
Luce	1,714	231	1,945	77.53	150,795.85
Mackinac	2,919	260	3,179	77.53	246,467.87
Macomb	108,297	6,477	114,774	77.53	8,898,428.22
Manistee	4,781	406	5,187	77.53	402,148.11
Marquette	13,266	1,142	14,408	77.53	1,117,052.24
Mason	5,672	545	6,217	77.53	482,004.01
Mecosta	4,834	716	5,550	77.53	430,291.50

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
MICHIGAN—Continued					
Menominee	6, 806	887	7, 693	$77. 53	$596, 438. 29
Midland	15, 222	1, 419	16, 641	77. 53	1, 290, 176. 73
Missaukee	2, 001	349	2, 350	77. 53	182, 195. 50
Monroe	28, 162	2, 152	30, 314	77. 53	2, 350, 244. 42
Montcalm	9, 345	1, 074	10, 419	77. 53	807, 785. 07
Montgomery	1, 189	281	1, 470	77. 53	113, 969. 10
Muskegon	41, 063	5, 255	46, 318	77. 52	3, 591, 034. 54
Newaygo	6, 680	975	7, 655	77. 53	593, 492. 15
Oakland	186, 929	13, 222	200, 151	77. 53	15, 517, 707. 03
Oceana	4, 516	562	5, 078	77. 53	393, 697. 34
Ogemaw	2, 653	509	3, 162	77. 53	245, 149. 86
Ontonagon	2, 692	355	3, 047	77. 53	236, 233. 91
Osceola	3, 717	492	4, 209	77. 53	326, 323. 77
Oscoda	886	221	1, 107	77. 53	85, 825. 71
Otsego	1, 958	270	2, 228	77. 53	172, 736. 84
Ottawa	27, 452	1, 546	28, 998	77. 53	2, 248, 214. 94
Presque Isle	3, 672	403	4, 075	77. 53	315, 934. 75
Roscommon	1, 667	290	1, 957	77. 53	151, 726. 21
Saginaw	50, 687	6, 619	57, 306	77. 53	4, 442, 934. 18
St. Clair	28, 587	3, 563	32, 150	77. 53	2, 492, 589. 50
St. Joseph	10, 462	839	11, 301	77. 53	876, 166. 53
Sanilac	8, 602	1, 085	9, 687	77. 53	751, 033. 11
Schoolcraft	2, 365	448	2, 813	77. 53	218, 091. 89
Shiawassee	14, 261	1, 205	15, 466	77. 53	1, 199, 078. 98
Tuscola	11, 187	944	12, 131	77. 53	94, 516. 43
Van Buren	12, 412	1, 661	14, 073	77. 53	1, 091, 079. 69
Washtenaw	35, 743	3, 071	38, 814	77. 53	3, 009, 249. 42
Wayne	630, 162	101, 895	732, 057	77. 53	56, 756, 379. 21
Wexford	4, 777	374	5, 151	77. 53	399, 357. 03
State total	1, 960, 772	232, 544	2, 193, 316	77. 53	170, 047, 789. 48
MINNESOTA					
Aitkin	3, 210	803	4, 013	84. 77	340, 182. 01
Anoka	23, 874	1, 592	25, 466	84. 77	2, 158, 752. 82
Becker	6, 733	1, 501	8, 234	84. 77	697, 996. 18
Beltrami	6, 376	1, 564	7, 940	84. 77	673, 073. 80
Benton	4, 925	856	5, 781	84. 77	490, 055. 37
Big Stone	2, 530	730	3, 260	84. 77	276, 350. 20
Blue Earth	10, 332	1, 313	11, 645	84. 77	987, 146. 65
Brown	7, 041	1, 035	8, 076	84. 77	684, 602. 52
Carlton	7, 251	824	8, 075	84. 77	684, 517. 75
Carver	5, 695	523	6, 218	84. 77	527, 099. 86
Cass	4, 443	1, 176	5, 619	84. 77	476, 322. 63
Chippewa	4, 423	955	5, 378	84. 77	455, 893. 06
Chisago	3, 385	348	3, 733	84. 77	316, 446. 41
Clay	9, 889	705	10, 594	84. 77	898, 053. 38
Clearwater	2, 418	642	3, 060	84. 77	259, 396. 20
Cook	869	72	941	84. 77	79, 768. 57
Cottonwood	4, 275	854	5, 129	84. 77	434, 785. 33
Crow Wing	8, 598	1, 031	9, 629	84. 77	816, 250. 33
Dakota	21, 102	1, 405	22, 507	84. 77	1, 907, 918. 39
Dodge	3, 682	498	4, 180	84. 77	354, 338. 60
Douglas	5, 680	1, 226	6, 906	84. 77	585, 421. 62
Faribault	6, 278	984	7, 262	84. 77	615, 599. 74
Fillmore	6, 154	1, 193	7, 347	84. 77	622, 805. 19
Freeborn	9, 938	1, 314	17, 252	84. 77	953, 832. 04
Goodhue	8, 204	842	9, 046	84. 77	766, 829. 42
Grant	2, 293	585	2, 878	84. 77	243, 968. 06
Hennepin	191, 463	19, 111	210, 574	84. 77	17, 850, 357. 98
Houston	4, 609	781	5, 390	84. 77	456, 910. 30
Hubbard	2, 686	546	3, 232	84. 77	273, 976. 64
Isanti	3, 040	369	3, 409	84. 77	288, 980. 93
Itasca	11, 011	1, 379	12, 390	84. 77	1, 050, 300. 30
Jackson	4, 172	1, 121	5, 293	84. 77	448, 687. 61
Kanabec	2, 488	546	3, 034	84. 77	257, 192. 18
Kandiyohi	7, 576	1, 095	8, 671	84. 77	735, 040. 67
Kittson	2, 358	373	2, 731	84. 77	231, 506. 87
Koochiching	5, 335	445	5, 780	84. 77	489, 970. 60
Lac Quiparle	3, 559	1, 269	4, 828	84. 77	409, 269. 56
Lake	3, 590	215	3, 805	84. 77	322, 549. 85
Lake of the Woods	1, 203	200	1, 403	84. 77	118, 932. 31
Le Sufur	5, 112	931	6, 043	84. 77	512, 265. 11
Lincoln	2, 623	803	3, 426	84. 77	290, 422. 02
Lyon	6, 261	1, 235	7, 496	84. 77	635, 435. 92
McLeod	6, 326	881	7, 207	84. 77	610, 937. 39
Mahnomen	1, 936	473	2, 409	84. 77	204, 210. 93
Marshall	3, 967	618	4, 585	84. 77	388, 670. 45
Martin	7, 092	1, 083	8, 175	84. 77	692, 994. 75
Meeker	5, 179	1, 223	6, 402	84. 77	542, 697. 54
Mille Lacs	3, 874	618	4, 492	84. 77	380, 786. 84
Morrison	7, 816	2, 055	9, 871	84. 77	836, 764. 67
Mower	13, 603	1, 219	14, 822	84. 77	1, 256, 460. 94
Murray	4, 360	776	5, 136	84. 77	435. 378. 27
Nicollet	5, 340	658	5, 998	84. 77	508, 450. 46
Nobles	6, 521	1, 368	7, 889	84. 77	668, 750. 53
Norman	2, 916	416	3, 332	84. 77	282, 453. 64
Olmsted	15, 394	1, 395	16, 789	84. 77	1, 423, 203. 53
Otter Tail	12, 373	2, 480	14, 853	84. 77	1, 259, 088. 81
Pennington	3, 249	448	3, 697	84. 77	313, 394. 69
Pine	4, 545	876	5, 421	84. 77	459, 538. 17
Pipestone	3, 692	725	4, 417	84. 77	374, 429. 09
Polk	9, 698	1, 277	10, 975	84. 77	930, 350. 75
Popa	3, 199	721	3, 920	84. 77	332, 298. 40
Ramsey	100, 306	10, 773	111, 079	84. 77	9, 416, 166. 83
Red Lake	1, 804	254	2, 058	84. 77	174, 456. 66
Redwood	5, 947	1, 302	7, 249	84. 77	614, 497. 73
Renville	6, 385	1, 230	7, 615	84. 77	645, 523. 55
Rice	8, 331	807	9, 138	84. 77	774, 628. 26
Rock	3, 450	572	4, 022	84. 77	340, 944. 94
Roseau	3, 464	679	4, 143	84. 77	351, 202. 11
St. Louis	57, 271	5, 265	62, 536	84. 77	5, 301, 176. 72
Scott	5, 967	713	6, 680	84. 77	566, 263. 60
Sherburne	3, 210	269	3, 479	84. 77	294, 914. 83
MINNESOTA—Continued					
Sibley	4, 119	740	4, 859	$84. 77	$411, 897. 43
Sterans	21, 933	3, 409	25, 342	84. 77	2, 148, 241. 34
Steele	6, 174	624	6, 798	84. 77	576, 266. 46
Stevens	3, 253	696	3, 949	84. 77	334, 756. 73
Swift	4, 284	987	5, 271	84. 77	446, 822. 67
Todd	6, 531	1, 972	8, 503	84. 77	720, 799. 31
Traverse	2, 045	474	2, 519	84. 77	213, 535. 63
Wabasha	4, 617	598	5. 215	84. 77	442. 075. 55
Wadena	3, 359	776	4, 135	84. 77	350, 523. 95
Waseca	4, 016	451	4, 467	84. 77	378, 667. 59
Washington	13. 789	857	14, 655	84. 77	1, 242, 304. 35
Watonwan	3, 722	827	4, 549	84. 77	385, 618. 73
Wilkin	3, 010	534	3, 544	84. 77	300, 424. 88
Windna	9, 882	1, 041	10, 923	84. 77	925, 942. 71
Wright	8, 406	1, 012	9, 418	84. 77	798, 363. 86
Yellow Medicine	4, 083	1, 186	5, 269	84. 77	446, 653. 13
State total	857, 131	112. 348	969, 479	84. 77	82, 182, 734. 83
MISSISSIPPI					
Adams	10. 710	3, 199	13. 909	69. 80	970, 848. 20
Alcorn	6, 692	2, 441	9, 133	69. 80	637, 483. 40
Amite	5, 055	2, 425	7, 480	69. 80	522, 104. 00
Attala	6, 247	3, 480	9, 727	69. 80	678, 944. 60
Benton	2, 347	1, 221	3, 568	69. 80	249, 046. 40
Bolivar	17, 794	10, 950	28, 744	69. 80	2, 006, 331. 20
Calhoun	4, 557	2, 240	6, 787	69. 80	474, 430. 60
Carroll	3, 567	2, 198	5, 765	69. 80	402, 397. 00
Chickasaw	4, 706	2, 529	7, 235	69. 80	505, 003. 00
Choctaw	2, 426	1, 291	3, 717	69. 80	259, 446. 60
Claiborne	3, 113	1, 974	5, 087	69. 80	355, 072. 60
Clarke	4, 831	2, 025	6, 856	69. 80	478, 548. 80
Clay	5, 602	2, 297	7, 899	68. 90	551, 350. 20
Coahoma	13, 874	7, 283	21, 157	69. 80	1, 476, 758. 60
Copiah	7, 806	3, 793	11, 599	69. 80	809, 610. 20
Covington	4, 034	2, 075	6, 109	69. 80	426, 408. 20
De Soto	7, 553	3, 784	11, 337	69. 80	791, 322. 60
Forrest	13, 337	2, 502	15, 879	69. 80	1, 108, 354. 20
Franklin	2, 561	832	3, 393	69. 80	236, 831. 40
George	3, 226	753	3, 979	69. 80	277. 734. 20
Greene	2, 541	928	3, 469	69. 80	242. 136. 20
Grenada	5, 228	2, 150	7, 378	69. 80	514, 984. 40
Hancock	3, 909	874	4, 783	69. 80	333, 853. 40
Harrison	27, 102	3, 971	31, 073	69. 80	2, 168, 895. 40
Hinds	48, 094	11, 656	59, 750	69. 80	4, 170, 550. 00
Holmes	8, 531	6, 426	14, 957	69. 80	1, 043, 998. 60
Humphreys	6, 326	4, 010	10, 336	69. 80	721, 452. 80
Issaquena	1, 171	717	1, 888	69. 80	131, 782. 40
Itawamba	3. 878	1, 427	5, 305	69. 80	370, 289. 00
Jackson	15, 304	1, 461	16, 765	69. 80	1, 170, 197. 00
Jasper	5, 121	2, 304	7, 425	69. 80	518, 265. 00
Jefferson	3, 114	2, 102	5, 216	69. 80	364 076. 80
Jefferson Davis	4, 331	2, 502	6, 883	69. 80	476, 943. 40
Jones	16, 230	3, 632	19, 862	69. 80	1, 386, 367. 60
Kemper	3, 963	2, 568	6, 531	69. 80	455, 863. 80
Lafayette	5, 127	2, 015	7, 142	69. 80	498, 511. 60
Lamar	3, 957	916	4, 873	69. 80	340, 135. 40
Lauderdale	16. 982	4, 560	21, 542	69. 80	1, 503, 631. 60
Lawrence	3, 025	1, 230	4, 255	69. 80	296, 999. 00
Leake	5, 700	3, 151	8, 851	69. 80	617, 799. 80
Lee	10, 285	3, 083	13, 368	69. 80	933, 086. 40
Leflore	14, 269	7, 838	22, 107	69. 80	1, 543, 068. 60
Lincoln	7, 522	2, 072	9, 594	69. 80	669, 661. 20
Lowndes	12, 318	4, 116	16, 434	69. 80	1, 147, 093. 20
Madison	10, 479	6, 217	16, 696	69. 80	1, 165, 380. 80
Marion	6, 637	2, 639	9, 276	69. 80	647, 464. 80
Marshall	7, 867	4, 479	12, 346	69. 80	861, 750. 80
Monroe	9, 447	3, 491	12, 938	69. 80	903, 072. 40
Montgomery	3, 935	2, 002	5, 937	69. 80	414, 402. 60
Neshoba	5, 998	2, 940	8, 938	69. 80	623, 872. 40
Newton	5, 467	2, 286	7, 753	69. 80	541, 159. 40
Noxubee	5, 427	3, 615	9, 042	69. 80	631, 131. 60
Oktibbeha	6, 516	2, 991	9, 507	69. 80	663, 588. 60
Panola	8, 805	5, 577	14, 382	69. 80	1, 003, 863. 60
Pearl River	6, 294	1, 519	7, 813	69. 80	545, 347. 40
Perry	2, 662	863	3, 525	69. 80	246, 045. 00
Pike	10, 113	3, 084	13, 197	69. 80	921, 150. 60
Pontotoc	4, 690	2, 185	6, 875	69. 80	479, 875. 00
Prentiss	4, 857	1, 981	6, 838	69. 80	477, 292. 40
Quitman	7, 161	4, 629	11, 790	69. 80	822, 942. 00
Rankin	8, 448	2, 339	10, 787	69. 80	752, 932. 60
Scott	6, 233	2, 825	9, 058	69. 80	632, 248. 40
Sharkey	3, 657	2, 136	5, 793	69. 80	404, 351. 40
Simpson	5, 897	2, 859	8, 756	69. 80	611, 168. 80
Smith	4, 246	2, 116	6, 362	69. 80	444, 067. 60
Stone	1, 861	475	2, 336	69. 80	163, 052. 80
Sunflower	14, 477	9, 544	24, 021	69. 80	1, 676, 665. 80
Tallahatchie	7, 921	5, 469	13, 390	69. 80	934, 622. 00
Tate	5, 568	3, 458	9, 026	69. 80	630, 014. 80
Tippah	4, 079	1, 827	5, 906	69. 80	412, 238. 80
Tishomingo	3, 726	1, 304	5, 030	69. 80	351, 094. 00
Tunica	5, 343	4, 044	9, 387	69. 80	655, 212. 60
Union	5, 196	2, 525	7, 721	69. 80	538, 925. 80
Walthall	4, 257	2, 456	6, 713	69. 80	468, 567. 40
Warren	11, 074	3, 169	14, 243	69. 80	994, 161. 40
Washington	22, 544	8, 618	31, 162	69. 80	2, 175, 107. 60
Wayne	4. 836	1, 530	6, 366	69. 80	444, 346. 80
Webster	2, 851	1, 373	4, 224	69. 80	294, 835. 20
Wilkinson	4, 471	2, 550	7, 021	69. 80	490, 065. 80
Winston	5, 801	2, 571	8, 372	69. 80	584, 365. 60
Yalobusha	3, 568	2, 128	5, 696	69. 80	397, 580. 80
Yazoo	9, 742	5, 351	15, 093	69. 80	1. 053, 491. 40
State total	616, 257	256, 166	872, 423	69. 80	60, 895, 125. 40

PROPOSED NATIONAL PARTNERSHIP FORMULA—FISCAL YEAR 1972—Continued

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
MISSOURI					
Adair	3, 783	690	4, 473	$68. 01	$304, 208. 73
Andrew	2, 575	445	3, 020	68. 01	205, 390. 20
Atchison	2, 080	437	2, 517	68. 01	171, 181. 17
Audrain	6, 471	737	7, 208	68. 01	490, 216. 08
Barry	4, 340	1, 154	5, 494	68. 01	373, 546. 94
Barton	2, 488	583	3, 071	68. 01	208, 858. 71
Bates	3, 484	706	4, 190	68. 01	284. 961. 90
Benton	1, 830	462	2, 292	68. 01	155, 878. 92
Bollinger	2. 457	735	3, 192	68. 01	217, 087. 92
Boone	9, 866	962	10, 828	68. 01	736, 412. 28
Buchanan	18, 944	1, 850	20. 794	68. 01	1, 414, 199. 94
Butler	9, 245	3, 167	12, 412	68. 01	844, 140. 12
Caldwell	1, 827	468	2, 295	68. 01	156, 082. 95
Callaway	4. 688	632	5 320	68. 01	361. 813. 20
Camden	2, 090	404	2, 494	68. 01	169, 616. 94
Cape Girardeau	9, 889	1, 594	11, 483	68. 01	780, 958. 83
Carroll	3, 123	672	3, 795	68. 01	258, 097. 95
Carter	1, 028	498	1, 526	68. 01	103, 783. 26
Cass	6, 738	711	7, 449	68. 01	506, 606. 49
Cedar	1, 927	467	2, 394	68. 01	162, 815. 94
Chariton	2, 895	803	3, 698	68. 01	251, 500. 98
Christian	2, 952	536	3, 488	68. 01	237, 218. 88
Clark	2, 071	384	2, 455	68. 01	166, 964. 55
Clay	22, 225	921	23, 146	68. 01	1, 574, 159. 46
Clinton	2, 647	430	3, 077	68. 01	209, 266. 77
Cole	8, 542	649	9, 191	68. 01	625, 079. 91
Cooper	3, 261	425	3, 686	68. 01	250, 684. 86
Crawford	3, 084	662	3, 746	68. 01	254, 765. 46
Dade	1, 680	541	2, 221	68. 01	151, 050. 21
Dallas	2, 125	782	2, 907	68. 01	197, 705. 07
Daviess	1, 968	524	2, 492	68. 01	169, 480. 92
De Kalb	1, 573	454	2, 027	68. 01	137, 856. 27
Dent	2, 355	632	2, 987	68. 01	203, 145. 87
Douglas	2, 566	1, 112	3, 678	68. 01	250, 140. 78
Dunklin	11, 135	4, 671	15, 806	68. 01	1, 074, 966. 06
Franklin	10, 646	924	11, 570	68. 01	786, 875. 70
Gasconade	2, 713	321	3, 034	68. 01	206, 342. 34
Gentry	1, 781	573	2, 354	68. 01	160, 095. 54
Greene	27, 726	3, 272	30, 998	68. 01	2, 108, 173. 98
Grundy	2, 471	620	3, 091	68. 01	212, 218. 91
Harrison	2, 437	808	3, 245	68. 01	220, 692. 45
Henry	4, 281	771	5, 052	68. 01	343, 586. 52
Hickory	1, 067	315	1, 382	68. 01	93, 989. 82
Holt	1, 780	401	2, 181	68. 01	148, 329. 81
Howard	2, 307	525	2, 832	68. 01	192, 604. 32
Howell	5, 602	1, 521	7, 123	68. 01	484, 435. 23
Iron	2, 076	532	2, 608	68. 01	177, 370. 08
Jackson	130, 350	14, 952	145, 302	68. 01	9, 881, 989. 02
Jasper	17, 961	2, 495	20, 456	68. 01	1, 391, 212. 56
Jefferson	17, 762	1, 172	18, 934	68. 01	1, 287, 701. 34
Johnson	5, 614	686	6, 300	68. 01	428, 463. 00
Knox	1, 480	308	1, 788	68. 01	121, 601. 88
Laclede	4, 641	1, 140	5, 781	68. 01	393, 165. 81
Lafayette	5, 608	792	6, 400	68. 01	435, 264. 00
Lawrence	5, 220	973	6, 193	68. 01	421, 185. 93
Lewis	2, 314	223	2, 537	68. 01	172, 541. 37
Lincoln	3, 398	449	3, 847	68. 01	261, 634. 47
Linn	3, 561	713	4, 274	68. 01	290, 674. 74
Livingston	3, 603	727	4, 330	68. 01	294, 483. 30
McDonald	2, 815	867	3, 682	68. 01	250, 412. 82
Macon	3, 330	714	4, 044	68. 01	275, 032. 44
Madison	2, 447	492	2, 939	68. 01	199, 881. 39
Maries	1, 895	589	2, 484	68. 01	168, 936. 84
Marion	6, 497	1, 030	7, 527	68. 01	511, 911. 27
Mercer	1, 196	411	1, 607	68. 01	109, 292. 07
Miller	3, 515	687	4, 202	68. 01	285, 778. 02
Mississippi	6, 306	3, 051	9, 357	68. 01	636, 369. 57
Moniteau	2, 377	547	2, 924	68. 01	198, 861. 24
Monroe	2, 395	575	2, 970	68. 01	201, 989. 70
Montgomery	2, 411	425	2, 836	68. 01	192, 876. 36
Morgan	2, 086	450	2, 536	68. 01	172, 473. 36
New Madrid	9, 835	5, 439	15, 274	68. 01	1, 038, 784. 74
Newton	7, 676	1, 369	9, 045	68. 01	615, 150. 45
Nodaway	4, 845	1, 057	5, 902	68. 01	401, 395. 02
Oregon	2, 405	997	3, 402	68. 01	231, 370. 02
Osage	2, 818	557	3, 375	68. 01	229, 533. 75
Ozark	1, 774	707	2, 481	68. 01	168, 732. 81
Pemiscot	11, 795	6, 519	18, 314	68. 01	1, 245, 535. 14
Perry	3, 945	683	4, 628	68. 01	314, 750. 28
Pettis	7, 673	944	8, 617	68. 01	586, 042. 17
Phelps	5, 376	797	6, 173	68. 01	419, 825. 73
Pike	3, 816	899	4, 715	68. 01	320, 667. 15
Platte	5, 795	422	6, 217	68. 01	422, 818. 17
Polk	2, 847	772	3, 646	68. 01	247, 964. 49
Pulaski	6, 468	509	6, 977	68. 01	474, 505. 77
Putnam	1, 525	446	1, 971	68. 01	134, 047. 71
Ralls	1, 943	263	2, 206	68. 01	150, 030. 06
Randolph	4, 679	765	5, 444	68. 01	370, 246. 44
Ray	3, 722	402	4, 124	68. 01	280, 473. 24
Reynolds	2, 501	629	2, 130	68. 01	144. 861. 30
Ripley	2, 317	1, 217	3, 534	68. 01	240, 347. 34
St. Charles	12, 906	698	13, 604	68. 01	925, 208. 04
St. Clair	1, 813	813	2, 626	68. 01	178, 594. 26
St. Francois	8, 579	1, 310	9, 889	68. 01	672, 550. 89
St. Lewis	176, 317	7, 214	183, 531	68. 01	12, 481, 943. 31
St. Louis City	146, 743	33, 190	179, 933	68. 01	12, 237, 243. 33
Ste Genevieve	3, 381	272	3, 653	68. 01	248, 440. 53
Saline	5, 024	604	5, 628	68. 01	382, 760. 28
Schuyler	1, 000	367	1, 367	68. 01	92, 969. 67
Scotland	1, 343	262	1, 605	68. 01	109, 156. 05
Scott	9, 064	2, 294	11, 358	68. 01	772, 457. 58
Shannon	1, 855	583	2, 438	68. 01	165, 808. 38
Shelby	1, 877	310	2, 187	68. 01	148, 737. 87
Stoddard	8, 355	3, 117	11, 472	68. 01	780, 210. 72
Stone	1, 966	544	2, 510	68. 01	170, 705. 10
Sullivan	1, 811	450	2, 261	68. 01	153, 770. 61
MISSOURI—Continued					
Taney	2, 316	697	3, 013	$68. 01	$204, 914. 13
Texas	4, 517	1, 178	5, 695	68. 01	387, 316. 95
Vernon	4, 058	682	4, 740	68. 01	322, 367. 40
Warren	1, 956	209	2, 165	68. 01	147, 241. 65
Washington	4, 294	1, 028	5, 322	68. 01	361, 949. 22
Wayne	2, 259	770	3, 029	68. 01	206, 002. 29
Webster	3, 360	937	4, 297	68. 01	292, 238. 97
Worth	884	363	1, 247	68. 01	84, 808. 47
Wright	3, 522	1, 127	4, 649	68. 01	316, 178. 49
Stata total	975, 603	160, 363	1, 135, 966	68. 01	77, 257, 047. 66
MONTANA					
Beaverhead	1, 487	145	1, 632	82. 93	135, 341. 76
Big Horn	3, 045	600	3, 645	82. 93	302, 279. 85
Blaine	2, 309	462	2, 771	82. 93	229, 799. 03
Broadwater	717	65	782	82. 93	64, 851. 26
Carbon	2, 207	283	2, 490	82. 93	206, 495. 70
Carter	667	139	806	82. 93	66, 841. 58
Cascade	17, 789	1, 711	19, 500	82. 93	1, 617, 135. 00
Chouteau	2, 035	250	2, 285	82. 93	189, 495. 05
Custer	3, 163	195	3, 358	82. 93	278, 478. 94
Daniels	992	130	1, 122	82. 93	93, 047. 46
Dawson	3, 588	466	4, 054	82. 93	336, 198. 22
Deer Lodge	4, 587	206	4, 793	82. 93	397, 483. 49
Fallon	1, 119	113	1, 232	82. 93	102, 169. 76
Fergus	3, 611	393	4, 004	82. 93	332, 051. 72
Flathead	8, 855	586	9, 441	82. 93	782, 942. 13
Gallatin	5, 950	376	6, 326	82. 93	524, 615. 18
Garfield	538	146	684	82. 93	56, 724. 12
Glacier	3, 263	944	4, 207	82. 93	348, 886. 51
Golden Alley	327	40	367	82. 93	30, 435. 31
Granite	753	35	788	82. 93	65, 348. 84
Hill	5, 010	521	5, 531	82. 93	458, 685. 83
Jefferson	925	77	1, 002	82. 93	83, 095. 86
Judith Basin	816	95	911	82. 93	75, 549. 23
Lake	3, 684	558	4, 242	82. 93	351, 789. 06
Lewis and Clark	6, 856	445	7, 301	82. 93	605, 471. 93
Liberty	734	25	759	82. 93	62, 934. 87
Lincoln	3, 524	249	3, 773	82. 93	312, 894. 89
McCone	1, 006	217	1, 223	82. 93	101, 423. 39
Madison	1, 247	145	1, 392	82. 93	115, 438. 56
Meagher	625	81	706	82. 93	58, 548. 58
Mineral	895	54	949	82. 93	78, 700. 57
Missoula	10, 832	915	11, 747	82. 93	974, 178. 71
Musselshell	1, 239	133	1, 372	82. 93	113, 779. 96
Park	3, 282	358	3, 640	82. 93	301, 865. 20
Petroleum	235	35	270	82. 93	22, 391. 10
Phillips	1, 609	223	1, 832	82. 93	151, 927. 76
Pondera	2, 216	235	2, 451	82. 93	203, 261. 43
Powder River	663	114	777	82. 93	64, 436. 61
Powell	1, 613	135	1, 748	82. 93	144, 961. 64
Prairie	706	80	786	82. 93	65, 182. 98
Ravalli	3, 375	526	3, 901	82. 93	323, 509. 93
Richland	2, 930	502	3, 432	82. 93	284, 615. 76
Roosevelt	3, 591	872	4, 463	82. 93	370, 116. 59
Rosebud	1, 774	549	2, 323	82. 93	192, 646. 39
Sanders	1, 773	163	1, 936	82. 93	160, 552. 48
Sheridan	1, 823	137	1, 960	82. 93	162, 542. 80
Silver Bow	11, 412	1, 054	12, 466	82. 93	1, 033, 805. 38
Stillwater	1, 512	122	1, 634	82. 93	135, 507. 62
Sweet Grass	773	153	926	82. 93	76, 793. 18
Teton	2, 075	137	2, 212	82. 93	183, 441. 16
Toole	2, 151	168	2, 319	82. 93	192, 314. 67
Treasure	374	11	385	82. 93	31, 928. 05
Valley	4, 252	457	4, 709	82. 93	390, 517. 37
Wheatland	770	57	827	82. 93	68, 583. 11
Wibaux	505	98	603	82. 93	50, 006. 79
Yellowstone	21, 362	1, 835	23, 197	82. 93	1, 923, 727. 21
Yellowstone National Park	4		4	82. 93	331. 72
State total	175, 175	18, 821	193, 996	82. 93	16, 088, 088. 28
NEBRASKA					
Adams	6, 505	539	7, 044	73. 18	515, 479. 92
Antelope	2, 520	440	2, 960	73. 18	216, 612. 80
Arthur	168		168	73. 18	12, 294. 24
Banner	358	24	382	73. 18	27, 954. 76
Blaine	267	83	350	73. 18	25, 613. 00
Boone	2, 423	580	3, 003	73. 18	219, 759. 54
Box Butte	3, 110	284	3, 394	73. 18	248, 372. 92
Boyd	1, 209	590	1, 799	73. 18	131, 650. 82
Brown	1, 074	195	1, 269	73. 18	92, 865. 42
Buffalo	5, 948	602	6, 550	73. 18	479, 329. 00
Burt	2, 528	483	3, 011	73. 18	220, 344. 98
Butler	2, 576	597	3, 173	73. 18	232, 200. 14
Cass	4, 412	521	4, 933	73. 18	360, 996. 94
Cedar	4, 041	971	5, 012	73. 18	366, 778. 16
Chase	1, 131	140	1, 271	73. 18	93, 011. 78
Cherry	2, 072	174	2, 246	73. 18	164, 362. 28
Cheyenne	4, 174	280	4, 454	73. 18	325, 943. 72
Clay	2, 171	269	2, 440	73. 18	178, 559. 20
Colfax	2, 165	440	2, 605	73. 18	190, 633. 90
Cuming	3, 173	684	3, 857	73. 18	282, 255. 26
Custer	4, 029	647	4, 676	73. 18	342, 189. 68
Dakota	3, 348	333	3, 681	73. 18	269, 375. 58
Dawes	2, 187	224	2, 411	73. 18	176, 436. 98
Dawson	5, 168	593	5, 761	73. 18	421, 589. 98
Deuel	803	41	844	73. 18	61, 763. 92
Dixon	2, 034	365	2, 399	73. 18	175, 558. 82
Dodge	7, 871	945	8, 816	73. 18	645, 154. 88
Douglas	78, 156	11, 437	89, 593	73. 18	6, 556, 415. 74
Dundy	932	225	1, 157	73. 18	84, 669. 26

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
NEBRASKA—Continued					
Fillmore	2,194	271	2,465	$73.18	$180,388.70
Franklin	1,256	187	1,443	73.18	105,598.74
Frontier	1,091	184	1,275	73.18	93,304.50
Furnas	1,819	222	2,041	73.18	149,360.38
Gage	5,850	943	6,793	73.18	497,111.74
Garden	866	137	1,003	73.18	73,399.54
Garfield	705	129	834	73.18	61,032.12
Gosper	643	59	702	73.18	51,372.36
Grant	243		243	73.18	17,782.74
Greeley	1,258	318	1,576	73.18	115,331.68
Hall	8,857	919	9,776	73.18	715,407.68
Hamilton	2,342	209	2,551	73.18	186,682.18
Harlan	1,280	197	1,477	73.18	108,086.86
Hayes	525	83	608	73.18	44,493.44
Hitchcock	1,283	186	1,469	73.18	107,501.42
Holt	3,606	658	4,264	73.18	312,039.52
Hooker	313	68	381	73.18	27,881.58
Howard	1,586	316	1,902	73.18	139,188.36
Jefferson	2,690	424	3,114	73.18	227,882.52
Johnson	1,511	425	1,936	73.18	141,676.48
Kearney	1,528	116	1,644	73.18	120,307.92
Keith	2,004	154	2,158	73.18	157,922.44
Keya Paha	378	58	436	73.18	31,906.48
Kimball	2,220	167	2,387	71.38	174,680.66
Knox	3,402	779	4,181	73.18	305,965.58
Lancaster	31,415	2,216	33,631	73.18	2,461,116.58
Lincoln	7,513	774	8,287	73.18	606,442.66
Logan	278	56	334	73.18	24,442.12
Loup	282	93	375	73.18	27,442.50
McPherson	186	12	198	73.18	14,489.64
Madison	5,663	533	6,196	73.18	453,423.28
Merrick	2,108	331	2,439	73.18	178,486.02
Morrill	1,924	180	2,104	73.18	153,970.72
Nance	1,273	279	1,552	73.18	113,575.36
Nemaha	2,119	455	2,574	73.18	188,365.32
Nuckolls	1,995	455	2,450	73.18	179,291.00
Otoe	3,914	599	4,513	73.18	330,261.34
Pawnee	1,234	395	1,629	73.18	119,210.22
Perkins	1,161	135	1,296	73.18	94,841.28
Phelps	2,332	2283	2,615	73.18	191,365.70
Pierce	2,222	443	2,665	73.18	195,024.70
Platte	6,551	684	7,235	73.18	529,457.30
Polk	1,807	304	2,111	73.18	154,482.98
Red Willow	3,178	271	3,449	73.18	252,397.82
Richardson	3,257	616	3,873	73.18	283,426.14
Rock	664	127	791	73.18	57,885.38
Saline	2,712	478	3,190	73.18	233,444.20
Sarpy	7,863	361	8,224	73.18	601,832.32
Saunders	4,233	767	5,000	73.18	365,900.00
Scotts Bluff	9,025	1,149	10,174	73.18	744,533.32
Seward	3,130	693	3,823	73.18	279,767.14
Sheridan	2,421	346	2,767	73.18	202,489.06
Sherman	1,392	339	1,731	73.18	122,674.58
Sioux	659	139	798	73.18	58,397.64
Stanton	1,581	380	1961	73.18	143,505.98
Thayer	2,118	402	2,520	73.18	184,413.60
Thomas	304	24	328	73.18	24,003.04
Thurston	2,054	855	2,909	73.18	212,880.62
Valley	1,670	381	2,051	73.18	150,092.18
Washington	2,891	332	3,223	73.18	235,859.14
Wayne	2,237	265	2,502	73.18	183,096.36
Webster	1,467	214	1,681	73.18	123,015.58
Wheeler	319	68	387	73.18	28,320.66
York	3,197	362	3,559	73.18	260,447.62
State total	336,352	46,711	383,063	73.18	28,032,550.34
NEVADA					
Churchill	1,962	207	2,169	58.22	126,279.18
Clark	28,966	3,493	32,459	58.22	1,889,762.98
Douglas	838	89	927	58.22	53,969.94
Elko	2,941	251	3,192	58.22	185,838.24
Esmeralda	118		118	58.22	6,869.96
Eureka	142		142	58.22	8,267.24
Humboldt	1,254	116	1,370	58.22	79,761.40
Lander	389	28	417	58.22	24,277.74
Lincoln	702	259	961	59.22	55,949.42
Lyon	1,569	124	1,693	58.22	98,566.46
Mineral	1,788	157	1,945	58.22	113,237.90
Nye	857	96	953	58.22	55,483.66
Ormsby	1,611	191	1,802	58.22	104,912.44
Pershing	755	58	813	58.22	47,332.86
Storey	144		144	58.22	8,383.68
Washce	18,178	1,099	19,277	58.22	1,122,306.94
White Pine	2,653	148	2,801	58.22	163,074.22
State total	64,867	6,316	71,183	58.22	4,144,274.26
NEW HAMPSHIRE					
Belknap	6,715	448	7,163	69.67	499.046.21
Carroll	3,721	391	4,112	69.47	286,483.04
Cheshire	10,278	672	10,950	69.47	762,886.50
Coos	9,216	698	9,914	69.47	690,708.38
Grafton	10,916	863	11,779	69.67	820,642.93
Hillsboro	41,786	3,178	44,964	69.67	3,132,641.88
Merrimack	14,792	1,185	15,977	69.67	1,113,117.59
Rockingham	23,217	1,655	24,872	69.67	1,732,832.24
Strafford	13,495	797	14,474	69.47	1,008,403.58
Sullivan	7,052	475	7,527	69.67	524,406.09
State total	141,188	10,544	151,732	69.67	10,571,168.44
NEW JERSEY					
Atlantic	33,251	9,177	42,428	$81.51	$3,458,306.28
Bergen	185,099	7,703	192,802	81.51	15,715,291.02
Burlington	48,190	5,260	53,450	81.51	4,356,709.50
Camden	91,146	16,367	107,513	81.51	8,763,384.63
Cape May	9,091	1,576	10,667	81.51	869,467.17
Cumberland	24,537	6,145	30,682	81.51	2,500,889.82
Essex	189,144	52,576	241,720	81.51	19,702,597.20
Gloucester	32,978	3,989	36,967	81.51	3,013,180.17
Hudson	122,325	20,373	142,698	81.51	11,631,313.98
Hunterdon	12,345	1,190	13,535	81.51	1,103,237.85
Mercer	55,654	9,631	65,285	81.51	5,321,380.35
Middlesex	104,987	9,502	114,489	81.51	9,331,998.39
Monmouth	77,658	12,924	90,582	81.51	7,383,338.82
Morris	62,474	3,228	65,702	81.51	5,355,370.02
Ocean	23,459	4,768	28,227	81.51	2,300,782.77
Passaic	87,629	15,248	102,877	81.51	8,385,504.27
Salem	14,464	2,328	16,792	81.51	1,368,715.92
Somerset	33,359	2,527	35,886	81.51	2,925,067.86
Sussex	11,711	1,535	13,246	81.51	1,079,681.46
Union	116,047	8,908	124,955	81.51	10,185,082.05
Warren	14,302	1,252	15,554	81.51	1,267,806.54
State total	1,349.850	196,207	1,546,057	81.51	126,019,106.07
NEW MEXICO					
Bernalillo	69,738	9,996	79,734	75.36	6,008,754.24
Catron	780	179	959	75.36	72,270.24
Chaves	14,885	1,889	16,774	75.36	1,264,088.64
Colfax	3,773	850	4,623	75.36	348,389.28
Curry	8,155	1,303	9,458	75.36	712,754.88
De Baca	800	179	979	75.36	73,777.44
Dona Ana	16,147	3,017	19,164	75.36	1,444,199.04
Eddy	15,022	2,040	17,062	75.36	1,285,792.32
Grant	5,270	771	6,041	75.36	455,249.76
Guadalupe	1,788	558	2,346	75.36	176,794.56
Harding	558	116	674	75.36	50,792.64
Hidalgo	1,444	199	1,643	75.36	123,816.48
Lea	15,357	1,514	16,871	75.36	1,271,398.56
Lincoln	2,081	334	2,415	75.36	181,994.40
Los Alamos	4,117	80	4,197	75.36	316,285.92
Luna	2,749	621	3,370	75.36	253.963,20
McKinley	11,049	3,688	14,737	75.36	1,110,580.32
Mora	2,143	6,841	2,984	75.36	224,874.24
Otero	9,937	1,122	11,059	75.36	833,406.24
Quay	3,605	683	4,288	75.36	323,143.68
Rio Arriba	8,227	3,315	11,542	75.36	869,805.12
Roosevelt	4,044	709	4,753	75.36	358,186.08
Sandoval	4,786	2,178	6,964	75.36	524,807.04
San Juan	16,301	4,114	20,415	75.36	1,538,474.40
San Miguel	6,768	3,061	9,829	75.36	740,713.44
Sante Fe	12,589	2,876	15,465	75.36	1,165,442.40
Sierra	1,161	221	1,382	75.36	104,147.52
Socorro	2,826	1,005	3,831	75.36	288,704.16
Taos	5,551	2,663	8,214	75.36	619,007.04
Torrance	1,936	555	2,491	75.36	187,721.76
Union	1,735	241	1,976	75.36	148,911.36
Valencia	11,851	2,116	13,967	75.36	1,052,553.12
State total	267,173	53,034	320,207	75.36	2,413,0799.52
NEW YORK					
Albany	59,175	5,941	65,116	102.26	6,658,762.16
Allegany	10,847	1,300	12,147	102.26	1,242,152.22
Bronx	273,629	128,899	402,528	102.26	41,162,513.28
Broome	48,656	3,671	52,327	102.26	5,350,959.02
Cattaraugus	19,667	2,323	21,990	102.26	2,248,697.40
Cayuga	18,192	2,074	20,266	102.26	2,072,401.16
Chautauqua	34,142	3,103	37,245	102.26	3,808,673.70
Chemung	23,567	2,097	25,664	102.26	2,624,400.64
Chenango	11,036	1,272	12,308	102.26	1,258,616.08
Clinton	16,613	2,072	28,685	102.26	1,910,728.10
Columbia	10,343	1,230	11,573	102.26	1,183,454.98
Cortland	9,486	973	10,459	102.26	1,069,537.34
Delaware	10,864	1,485	12,349	102.26	1,262,808.74
Dutchess	33,679	3,048	36,727	102.26	3,755,703.02
Erie	244,236	29,494	273,730	102.26	27,991,629.80
Essex	9,012	1,164	10,176	102.26	1,040,597.76
Franklin	11,496	2,016	13,512	102.26	1,381,737.12
Fulton	11,930	1,128	13,058	102.26	1,335,311.08
Genesee	13,588	1,291	14,879	102.26	1,521,526.54
Greene	6,752	569	7,321	102.26	748,645.46
Hamilton	1,049	67	1,116	102.26	114,122.16
Herkimer	15,884	1,223	17,107	102.26	1,749,361.82
Jefferson	21,631	2,192	23,823	102.26	2,436,139.98
Kings	528,031	213,374	741,405	102.26	75,816,075.30
Lewis	6,272	664	6,936	102.26	709,275.36
Livingston	9,896	802	10,698	102.26	1,093,977.48
Madison	13,651	1,549	15,200	102.26	1,554,352.00
Monroe	131,448	13,816	145,264	102.26	14,854,696.64
Montgomery	12,753	1,223	13,976	102.26	1,429,185.76
Nassau	356,255	19,527	375,782	102.26	38,427,467.32
New York	251,470	98,739	350,209	102.26	35,812,372.34
Niagara	58,850	5,489	64,339	102.26	6,579,306.14
Oneida	59,402	6,881	66,283	102.26	6,778,099.58
Onondaga	96,587	11,620	108,207	102.26	11,065,247.82
Ontario	16,113	1,552	17,665	102.26	1,806,422.90
Orange	39,028	4,691	43,719	102.26	4,470,704.94
Orleans	8,256	1,010	9,266	102.26	947,541.16
Oswego	21,584	2,245	23,829	102.26	243,753.54
Otsego	12,079	1,566	13,645	102.26	1,395,337.70
Putnam	7,501	555	8,056	102.26	823,806.56
Queens	350,733	34,966	385,699	102.26	39,441,579.74

PROPOSED NATIONAL PARTNERSHIP FORMULA—FISCAL YEAR 1972—Continued

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
NEW YORK—Continued					
Rensselaer	32,369	3,254	35,623	$102.26	$3,642,807.98
Richmond	49,241	6,278	55,519	102.26	5,677,372.94
Rockland	29,878	3,588	33,466	102.26	3,422,233.16
St. Lawrence	28,445	3,565	32,010	102.26	3,273,342.60
Saratoga	21,687	1,586	23,273	102.26	2,379,896.98
Schenectady	33,507	3,058	36,565	102.26	3,739,136.90
Schoharie	5,429	695	6,124	102.26	626,240.24
Schuyler	3,855	445	4,300	102.26	439,718.00
Seneca	7,457	560	8,017	102.26	819,818.42
Steuben	24,421	1,899	26,320	102.26	2,691,483.20
Suffolk	161,257	25,085	186,342	102.26	19,055,332.92
Sullivan	9,900	1,314	11,214	102.26	1,146,743.64
Tioga	9,854	881	10,735	102.26	1,097,761.10
Tompkins	13,333	1,271	14,604	102.26	1,493,405.04
Ulster	25,109	2,743	27,852	102.26	2,848,145.52
Warren	10,699	1,507	12,206	102.26	1,248,185.56
Washington	11,552	1,088	12,640	102.26	1,292,566.40
Wayne	15,547	1,355	16,902	102.26	1,728,398.52
Westchester	175,614	19,018	194,632	102.26	19,903,068.32
Wyoming	8,429	608	9,037	102.26	924,123.62
Yates	4,537	499	5,036	102.26	514,981.36
State total	3,577,503	699,198	4,276,701	102.26	437,335,444.26
NORTH CAROLINA					
Alamance	22,081	2,533	24,614	64.36	1,584,157.04
Alexander	4,214	624	4,838	64.36	311,373.68
Alleghany	2,036	664	2,700	64.36	173,772.00
Anson	8,047	3,753	11,800	64.36	759,448.00
Ashe	5,414	2,116	7,530	64.36	484,630.80
Avery	3,480	1,395	4,875	64.36	313,755.00
Beaufort	10,561	5,117	15,678	64.36	1,009,036.08
Bertie	7,627	4,363	11,990	64.36	771,676.40
Bladen	9,644	4,337	13,981	64.36	899,817.16
Brunswick	6,103	2,480	8,583	64.36	552,401.88
Buncombe	31,185	4,908	36,093	64.36	2,322,945.48
Burke	13,120	1,980	15,100	64.36	971,836.00
Cabarrus	17,081	2,483	19,564	64.36	1,259,139.04
Caldwell	13,902	1,687	15,589	64.36	1,003,308.04
Camden	1,616	567	2,183	64.36	140,497.88
Carteret	7,441	1,237	8,678	64.36	558,516.08
Caswell	6,327	2,738	9,065	64.36	583,423.40
Catawba	19,547	1,727	21,274	64.36	1,369,194.64
Chatham	7,607	1,608	9,215	64.36	593,077.40
Cherokee	4,810	1,924	6,734	64.36	433,400.24
Chowan	3,556	1,434	4,990	64.36	321,156.40
Clay	1,570	658	2,228	64.36	143,394.08
Cleveland	18,570	4,982	23,552	64.36	1,515,806.72
Columbus	15,724	7,434	23,158	64.36	1,490,448.88
Craven	15,160	4,500	19,660	64.36	1,265,317.60
Cumberland	34,992	8,748	43,740	64.36	2,815,106.40
Currituck	1,708	387	2,095	64.36	134,834.20
Dare	1,336	312	1,648	64.36	106,065.28
Davidson	20,686	2,762	23,448	64.36	1,509,113.28
Davie	4,369	649	5,018	64.36	322,958.48
Duplin	12,305	6,237	18,542	64.36	1,193,363.12
Durham	26,354	5,494	31,848	64.36	2,049,737.28
Edgecombe	16,806	8,124	24,930	64.36	1,604,494.80
Forsyth	45,238	7,023	52,261	64.36	3,363,517.96
Franklin	8,536	4,425	12,961	64.36	834,169.96
Gaston	34,420	4,320	38,740	64.36	2,493,306.40
Gates	2,643	1,402	4,045	64.36	260,336.20
Graham	1,978	717	2,695	64.36	173,450.20
Granville	8,469	4,223	12,692	64.36	816,857.12
Greene	5,662	3,884	9,546	64.36	614,380.56
Guilford	59,538	6,899	66,437	64.36	4,275,885.32
Halifax	18,590	9,595	28,185	64.36	1,813,986.60
Harnett	13,733	4,730	18,463	64.36	1,188,278.68
Haywood	10,444	1,923	12,367	64.36	795,940.12
Henderson	9,021	1,602	10,623	64.36	683,696.28
Hertford	6,854	3,011	9,865	64.36	634,911.40
Hoke	5,075	2,615	7,690	64.36	494,928.40
Hyde	1,641	881	2,522	64.36	162,315.92
Iredell	16,300	2,952	19,252	64.36	1,239,058.72
Jackson	4,681	1,561	6,242	64.36	401,735.12
Johnston	19,072	9,406	28,478	64.36	1,832,844.08
Jones	3,611	1,814	5,425	64.36	349,153.00
Lee	7,480	1,819	9,299	64.36	598,483.64
Lenoir	15,546	6,668	22,214	64.36	1,429,693.04
Lincoln	7,871	1,401	9,272	64.36	596,745.92
McDowell	7,343	1,095	8,438	64.36	543,069.68
Macon	4,111	1,623	5,734	64.36	369,040.24
Madison	4,478	2,286	6,764	64.36	435,331.04
Martin	8,832	4,183	12,015	64.36	837,645.40
Mecklenburg	68,395	9.505	77,900	64,36	5,013,644.00
Mitchell	3,925	1,304	5,229	64.36	336,538.44
Montgomery	5,279	1,391	6,670	64.36	429,281.20
Moore	10,136	3,114	13,250	64.36	852,770.00
Nash	18,676	8,887	27,563	64.36	1,773,954.38
New Hanover	18,880	3,917	22,797	64.36	1,467,214.92
Northampton	8,647	4,772	13,419	64.36	863,646.84
Onslow	16,424	3,569	19,993	64.36	1,286,749.48
Orange	9,121	1,668	10,789	64.36	694,380.04
Pamlico	3,007	838	3,845	64.36	247,464.20
Pasquotank	6,670	1,713	8,383	64.36	539,529.88
Pender	5,778	2,583	8,361	64.36	538,113.96
Perquimans	2,565	1,120	3,685	64.36	237,166.60
Person	7,866	3,121	10,987	64.36	707,123.32
Pitt	20,455	10,451	30,906	64.36	1,989,110.16
Polk	2,941	892	3,833	64.36	246,691.88
Randolph	16,183	2,229	18,412	64.36	1,184,996.32
Richmond	11,496	3,473	14,969	64.36	963,404.84
Robeson	29,507	16,874	46,381	64.36	2,985,081.16
Rockingham	18,087	3,560	21,647	64.36	1,393,200.92
NORTH CAROLINA—Con.					
Rowan	20,676	2,994	23,670	$64.36	$1,523,401.20
Rutherford	11,922	2,891	14,813	64.36	953,364.68
Sampson	14,951	7,184	22,135	64.36	1,424,608.60
Scotland	8,486	3,704	12,190	64.36	784,548.40
Stanly	10,868	1,490	12,358	64.36	795,360.88
Stokes	6,059	1,778	7,837	64.36	504,389.32
Surry	12,851	3,081	15,932	64.36	1,025,383.52
Swain	2,516	917	3,433	64.36	220,947.88
Transylvania	4,507	866	5,373	64.36	345,806.28
Tyrrell	1,399	804	2,203	64.36	141,785.08
Union	12,664	2,877	15,541	64.36	1,000,218.76
Vance	9,252	3,691	12,943	64.36	833,011.48
Wake	39,690	9,883	49,573	64.36	3,190,518.28
Warren	6,685	4,015	10,700	64.36	688,652.00
Washington	4,276	1,433	5,709	64.36	367,431.24
Watauga	4,363	1,855	6,218	64.36	400,190.48
Wayne	21,859	8,257	30,116	64.36	1,938,265.76
Wilkes	13,116	3,755	16,871	64.36	1,085,817.56
Wilson	16,888	6,909	23,797	64.36	1,531,574.92
Yadkin	5,776	1,312	7,088	64.36	456,183.68
Yancey	4,141	1,500	5,641	64.36	363,054.76
State total	1,223,129	348,197	1,571,326	64.36	101,130,541.36
NORTH DAKOTA					
Adams	1,240	175	1,415	72.95	103,224.25
Barnes	4,489	489	4,978	72.95	363,145.10
Benson	2,747	1,020	3,767	72.95	274,802.65
Billings	492	145	637	72.95	46,469.15
Bottineau	3,240	357	3,597	72.95	262,401.15
Bowman	1,132	116	1,248	72.95	91,041.60
Burke	1,648	351	1,999	72.95	145,827.05
Burleigh	8,833	791	9,624	72.95	702,070.80
Cass	16,258	1,117	17,375	72.95	1,267,506.25
Cavalier	2,836	395	3,231	72.95	235,701.45
Dickey	2,258	442	2,700	72.95	196,965.00
Divide	1,519	306	1,825	72.95	133,133 75
Dunn	2,027	587	2,614	72.95	190,691.30
Eddy	1,396	268	1,664	72.95	121,388.80
Emmons	2,597	625	3,222	72.95	235,044.90
Foster	1,504	179	1,683	72.95	122,774.85
Golden Valley	930	166	1,096	72.95	79,953.20
Grand Forks	11,289	772	12,061	72.95	879,849.95
Grant	1,943	729	2,672	72,95	194,922.40
Griggs	1,461	205	1,666	72.95	121,534.70
Hettinger	2,022	338	2,360	72.95	172,162.00
Kidder	1,649	521	2,170	72.95	158,301.50
La Moure	2,455	415	2,870	72.95	209,366.50
Logan	1,666	628	2,294	72.95	167,347.30
McHenry	3,415	717	4,132	72.95	301,429.40
McIntosh	1,692	593	2,285	72.95	166,690.75
McKenzie	2,103	435	2,538	72.95	185,147.10
McLean	4,357	1,082	5,439	72.95	396,775.05
Mercer	1,941	442	2,383	72.95	173,839.85
Morton	5,983	1,013	6,996	72.95	510,358.20
Mountrail	2,939	833	3,772	72.95	275,167.40
Nelson	1,745	225	1,970	72.95	143,711.50
Oliver	829	410	1,239	72.95	90,385.05
Pembina	3,835	488	4,323	72.95	315,362.85
Pierce	2,286	320	2,606	72.95	190,107.70
Ramsey	3,501	396	3,897	72.95	284,286.15
Ransom	2,215	326	2,541	72.95	185,365.95
Renville	1,377	217	1,594	72.95	116,282.30
Richland	4,746	818	5,564	72.95	405,893.80
Rolette	3,479	1,748	5,227	72.95	381,309.65
Sargent	2,009	432	2,441	72.95	178,070.95
Sheridan	1,303	560	1,863	72.95	135,905.85
Sioux	1,254	639	1,893	72.95	138,094.35
Slope	582	123	705	72.95	51,429.75
Stark	5,329	537	5,866	72.95	427,924.70
Steele	1,179	131	1,310	72.95	95,564.50
Stutsman	6,284	764	7,048	72.95	514,151.60
Towner	1,600	159	1,759	72.95	128,319.05
Traill	2,639	256	2,895	72.95	211,190.25
Walsh	4,487	496	4,983	72.95	363,509.85
Ward	11,521	1,253	12,774	72.95	931,863.30
Wells	2,540	550	3,090	72.95	225,415.50
Williams	6,234	829	70,063	72.95	515,245.85
State total	171,035	27,929	198,964	72.95	14,514,423.80
OHIO					
Adams	5,124	1,731	6,855	63.50	435,292.50
Allen	26,360	2,542	28,902	63.50	1,835,277.00
Ashland	9,460	503	9,963	63.50	632,650.50
Ashtabula	23,610	1,979	25,589	63.50	1,624,901.50
Athens	9,196	1,861	11,057	63.50	602,119.50
Auglaize	9,526	603	10,129	63.50	63,191.50
Belmont	19,444	2,094	21,538	63.50	1,367,663.00
Brown	6,345	1,313	7,658	63.50	486,283.00
Butler	49,145	3,876	53,021	63,50	3,366,833.50
Carroll	5,729	404	6,133	63.50	389,445.50
Champaign	6,751	641	8,292	63.50	526,542.00
Clark	32,438	2,794	35,232	63.50	2,237,232.00
Clermont	22,355	1,641	23,996	63.50	1,523,746.00
Clinton	7,261	1,089	8,350	63.50	530,225.00
Columbiana	26,633	2,092	28,725	63.50	1,824,037.50
Coshocton	7,909	851	8,760	63.50	556,260.00
Crawford	11,527	1,090	12,617	63.50	801,179.50
Cuyahoga	369,294	53,503	422,797	63.50	26,847,609.50
Darke	11,802	1,140	12,942	63.50	821,817.00
Defiance	8,310	520	8,830	63.50	560,705.00
Delaware	8,759	775	9,534	63.50	605,409.00
Erie	16,583	863	17,446	63.50	1,107,821.00

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
OHIO—Continued					
Fairfield	15,460	1,006	16,466	$63.50	$1,045,591.00
Fayette	6,153	897	7,050	63.50	447,675.00
Franklin	149,259	20,123	169,382	63.50	10,755,757.00
Fulton	7,797	444	8,241	63.50	523,303.50
Gallia	6,069	1,125	7,194	63.50	456,819.00
Geauga	13,500	846	14,346	63.50	910,971.00
Greene	24,983	1,908	26,891	63.50	1,707,578.50
Guernsey	8,434	1,049	9,483	63.50	602,170.50
Hamilton	192,220	25,941	218,161	63.50	13,853,223.50
Hancock	13,190	811	14,001	63.50	889,063.50
Hardin	7,252	883	8,135	63.50	516,572.50
Harrison	4,555	626	5,181	63.50	328,993.50
Henry	6,465	432	6,897	63.50	437,959.50
Highland	7,225	1,569	8,794	63.50	558,419.00
Hocking	5,162	856	6,018	63.50	382,143.00
Holmes	5,977	1,109	7,086	63.50	449,961.00
Huron	12,636	882	13,518	63.50	858,393.00
Jackson	8,146	2,070	10,216	63.50	648,716.00
Jefferson	24,315	2,585	26,900	63.50	1,708,150.00
Knox	9,558	783	10,341	63.50	656,653.50
Lake	38,841	1,419	40,260	63.50	2,556,510.00
Lawrence	14,445	2,663	17,108	63.50	1,086,358.00
Licking	21,641	1,811	23,452	63.50	1,489,202.00
Logan	8,798	822	9,620	63.50	610,870.00
Lorain	56,227	4,449	60,676	63.50	3,852,926.00
Lucas	107,378	12,929	120,307	63.50	7,639,494.50
Madison	6,528	643	7,171	63.50	455,358.50
Mahoning	71,630	6,647	78,277	63.50	4,970,589.50
Marion	14,823	1,273	16,096	63.50	1,022,096.00
Medina	17,117	800	17,917	63.50	1,137,729.50
Meigs	5,729	1,317	7,046	63.50	447,421.00
Mercer	8,903	789	9,692	63.50	615,442.00
Miami	18,459	1,119	19,578	63.50	1,243,203.00
Monroe	3,792	936	4,728	63.50	300,228.00
Montgomery	127,376	12,862	140,238	63.50	8,905,113.00
Morgan	3,125	398	3,523	63.50	223,710.50
Morrow	5,309	522	5,831	63.50	370,268.50
Muskingum	18,819	2,048	20,867	63.50	1,325,054.50
Noble	2,726	588	3,314	63.50	210,439.00
Ottawa	9,138	551	9,689	63.50	615,251.50
Paulding	4,492	382	4,874	63.50	309,499.00
Perry	7,026	951	7,977	63.50	506,539.50
Pickaway	8,077	897	8,974	63.50	569,849.00
Pike	5,677	1,600	7,277	63.50	462,089.50
Portage	23,413	1,346	24,759	63.50	1,572,196.50
Preble	8,868	580	9,448	63.50	599,948.00
Putnam	7,946	1,048	8,994	63.50	571.119.00
Richland	29,047	2,172	31,219	63.50	1,982,406.50
Ross	14,950	2,214	17,164	63.50	1,089,914.00
Sandusky	14,821	932	15,753	63.50	1,000,315.50
Scioto	21,614	4,415	26,029	63.50	1,652,841.50
Seneca	15,239	991	16,230	63.50	1,030,605.00
Shelby	8,992	708	9,700	63.50	615,950.00
Stark	83,081	5,535	88,616	63.50	5,627,116.00
Summit	126,242	11,495	137,737	63.50	8,746,299.50
Trumbull	52,739	3,678	56,417	63,50	3,582,479.50
Tuscarawas	18,850	1,561	20,411	63.50	1,296,098.50
Union	5,804	474	6,278	63.50	398,653.00
Van Wert	7,232	570	7,802	63.50	495,427.00
Vinton	2,914	813	3,727	63,50	236,664.50
Warren	18,486	1,406	19,892	63.50	1,263,142.00
Washington	12,503	1,342	13,845	63.50	879,157.50
Wayne	18,899	1,482	20,381	63.50	1,294,193.50
Williams	7,441	532	7,973	63.50	506,285.50
Wood	17,688	975	18,663	63.50	1,185,100.50
Wyandot	5,642	449	6,091	63.50	386,778.50
State total	2,331,304	252,984	2,584,288	63.50	164,102,288.00
OKLAHOMA					
Adair	3,756	2,301	6,057	68.00	411,876.00
Alfalfa	1,829	159	1,988	68.00	135,184.00
Atoka	2,875	1,575	4,450	68.00	302,600.00
Beaver	1,886	187	2,073	68.00	140,964.00
Beckham	3,986	766	4,752	68.00	323,136.00
Blaine	2,927	691	3,618	68.00	246,024.00
Bryan	5,669	2,017	7,686	68.00	522,648.00
Caddo	7,534	2,440	9,974	68.00	678,232.00
Canadian	5,636	698	6,334	68.00	430,712.00
Carter	9,505	2,185	11,690	68.00	794,920.00
Cherokee	4,186	1,951	6,137	68.00	417,316.00
Choctaw	4,050	2,424	6,474	68.00	440,232.00
Cimarron	1,244	115	1,359	68.00	92,412.00
Cleveland	9,236	803	10,039	68.00	682,652.00
Coal	1,427	641	2,068	68.00	140,624.00
Comanche	19,570	2,739	22,309	68.00	1,517,012.00
Cotton	2,017	447	2,464	68.00	167,552.00
Craig	3,334	680	4,014	68.00	272,952.00
Creek	10,189	1,930	12,119	68.00	824,092.00
Custer	4,593	642	5,235	68.00	355,980.00
Delaware	3,328	1,766	5,094	68.00	346,392.00
Dewey	1,424	350	1,774	68.00	120,632.00
Ellis	1,339	183	1,522	68.00	103,496.00
Garfield	11,670	1,184	12,854	68.00	874,072.00
Garvin	7,326	1,476	8,802	68.00	598,536.00
Grady	7,025	1,501	8,526	68.00	579,768.00
Grant	1,834	239	2,073	68.00	140,964.00
Greer	1,841	380	2,221	68.00	151,028.00
Harmon	1,478	418	1,896	68.00	128,928.00
Harper	1,443	181	1,624	68.00	110,432.00
Haskell	2,525	1,200	3,725	68.00	253,300.00
Hughes	3,773	1,371	5,144	68.00	349,792.00
Jackson	6,743	1,626	8,369	68.00	569,092.00
Jefferson	1,957	517	2,474	68.00	168,232.00
OKLAHOMA—Continued					
Johnston	2,114	804	2,918	$68.00	$198,424.00
Kay	12,578	1,310	13,888	68.00	944,384.00
Kingfisher	2,589	437	3,026	68.00	205,768.00
Kiowa	3,517	887	4,404	68.00	299,472.00
Latimer	1,851	765	2,616	68.00	177,888.00
Le Flore	7,778	2,712	10,490	68.00	713,320.00
Lincoln	4,639	1,183	5,822	68.00	395,896.00
Logan	4,159	870	5,029	68.00	341,972.00
Love	1,527	520	2,047	68.00	139,196.00
McClain	3,394	689	4,083	68.00	277,644.00
McCurtain	7,307	3,181	10,488	68.00	713,184.00
McIntosh	3,391	1,840	5,231	68.00	355,708.00
Major	1,887	216	2,103	68.00	143,004.00
Marshall	1,660	506	2,166	68.00	147,288.00
Mayes	5,245	1,393	6,638	68.00	451,384.00
Murray	2,441	576	3,017	68.00	205,156.00
Muskogee	15,302	4,343	19,645	68.00	1,335,860.00
Noble	2,463	386	2,849	68.00	193,732.00
Nowata	2,689	501	3,190	68.00	216,920.00
Okfuskee	3,238	1,311	4,549	68.00	309,332.00
Oklahoma	104,698	15,287	119,985	68.00	8,158,980.00
Okmulgee	9,333	2,949	12,282	68.00	835,176.00
Osage	8,171	1,157	9,328	68.00	634,304.00
Ottawa	7,075	1,306	8,381	68.00	569,908.00
Pawnee	2,635	478	3,113	68.00	211,684.00
Payne	8,281	849	9,130	68.00	620,840.00
Pittsburg	8,109	2,291	10,400	68.00	707,200.00
Pontotoc	6,464	1,252	7,716	68.00	524,688.00
Pottawatomie	9,656	1,642	11,298	68.00	768,264.00
Pushmataha	2,274	1,078	3,352	68.00	227,936.00
Roger Mills	1,269	303	1,572	68.00	106,896.00
Rogers	5,182	799	5,981	68.00	406,708.00
Seminole	7,181	2,277	9,458	68.00	643,144.00
Sequoyah	5,140	2,018	7,158	68.00	486,744.00
Stephens	9,850	1,134	10,984	68.00	746,912.00
Texas	3,582	379	3,961	68.00	269,348.00
Tillman	3,712	1,613	5,325	68.00	362,100.00
Tulsa	84,392	11,078	95,470	68.00	6,491,960.00
Wagoner	4,403	1,506	5,909	68.00	401,812.00
Washington	10,869	628	11,497	68.00	781,796.00
Washita	4,264	534	4,798	68.00	326,264.00
Woods	2,520	273	2,793	68.00	189,924.00
Woodward	3,079	235	3,314	68.00	225,352.00
State total	561,063	113,279	674,342	68.00	45,855,256.00
OREGON					
Baker	4,282	394	4,676	84.21	393,765.96
Benton	8,370	442	8,812	84.21	742,058.52
Clackamas	30,197	2,781	32,978	84.21	2,777,077.38
Clatsop	6,279	671	6,950	84.21	585,259.50
Columbia	5,998	597	6,595	84.21	555,364.95
Coos	14,484	1,505	15,989	84.21	1,346,433.69
Crook	2,642	327	2,969	84.21	250,019.49
Curry	3,597	273	3,870	84.21	325,892.70
Deschutes	6,000	750	6,750	84.21	568,417.50
Douglas	18,916	1.952	20,868	84.21	1,757,294.28
Gilliam	757	50	807	84.21	67,957.47
Grant	2,023	116	2,139	84.21	180,125.19
Harney	1,701	143	1,844	84.21	155,283.24
Hood River	3,534	233	3,767	84.21	317,219.07
Jackson	18.384	1,952	20,336	84.21	1,712,494.56
Jefferson	2,105	226	2,331	84.21	196,293.51
Josephine	7,552	1,117	8,669	84.21	730,016.49
Klamath	11,731	1,232	12,963	84.21	1,091,614.23
Lake	1,835	184	2,019	84.21	170,019.99
Lane	41,998	4,244	46,242	84.21	3,894,038.82
Lincoln	6,036	798	6,834	84.21	575,491.14
Linn	16,315	1,811	18,126	84.21	1,526,390.46
Malheur	6,462	1,214	7,676	84.21	646,395.96
Marion	28,539	5,062	33,601	84.21	2,829,540.21
Morrow	1,305	81	1,386	84.21	116,715.06
Multnomah	116,595	14,750	131,345	84.21	11,060,562.45
Polk	6,874	1,032	7,906	84.21	665,764.26
Sherman	660	26	686	84.21	57,768.06
Tillamook	5,269	507	5,776	84.21	486,396.96
Umatilla	11,542	1,206	12,748	84.21	1,073,509.08
Union	4,433	377	4,810	84.21	405,050.10
Wallowa	1,860	111	1,971	84.21	165,977.91
Wasco	5,092	451	5,543	84.21	466,766.03
Washington	24,847	2,119	26,966	84.21	2,270,806.86
Wheeler	750	61	811	84.21	68,294.31
Yamhill	8,316	1,374	9,699	84.21	815,994.90
State total	437,280	50,169	487,449	84.21	41,048,080.29
PENNSYLVANIA					
Adams	12,847	1,260	14,107	77.01	1,086,380.07
Allegheny	367,761	49,335	417,096	77.01	32,120,562.96
Armstrong	20,038	2,861	22,899	77.01	1,763,451.99
Beaver	50,328	4,446	54,774	77.01	4,218,145.74
Bedford	10,802	1,768	12,570	77.01	968,015.70
Berks	56,786	4,915	61,731	77.01	4,753,904.31
Blair	32,395	3,905	36,300	77.01	2,795,463.00
Bradford	14,224	2,570	16,794	77.01	1,293,305.94
Bucks	81,191	5,359	86,550	77.01	6,665,215.50
Butler	28,976	2,451	31,427	77.01	2,420,193.27
Cambria	51,431	7,468	58,899	77.01	4,535,811.99
Cameron	2,080	109	2,189	77.01	168,574.89
Carbon	11,806	1,284	13,090	77.01	1,008,060.90
Centre	15,823	1,513	17,336	77.01	1,335,045.36
Chester	49,326	4,344	53,670	77.01	4,133,126.70
Clarion	9,508	1,388	10,896	77.01	839,100.96
Clearfield	20,288	3,247	23,535	77.01	1,812,430.35

PROPOSED NATIONAL PARTNERSHIP FORMULA—FISCAL YEAR 1972—Continued

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
PENNSYLVANIA—Con.					
Clinton	8,920	1,002	9,922	$77.01	$764,093.22
Columbia	12,202	1,181	13,383	77.01	1,030,624.83
Crawford	19,337	2,934	22,271	77.01	1,715,089.71
Cumberland	29,943	2,006	31,949	77.01	2,460,392.49
Dauphin	48,014	7,092	55,106	77.01	4,243,713.06
Delaware	132,170	11,573	143,743	77.01	11.069,648.43
Elk	9,285	462	9.747	77.01	750,616.47
Erie	61,934	8,208	70,142	77.01	5,401,635.42
Fayette	43,146	12,625	55,771	77.01	4,294,924.71
Forest	1,137	144	1,281	77.01	98,649.81
Franklin	21,326	2,396	23,722	77.01	1,826,831.22
Fulton	2,846	595	3,441	77.01	264,991.41
Greene	10,164	2,491	12,655	77.01	974,561.55
Huntingdon	9,814	2,241	12,055	77.01	928,355.55
Indiana	18,897	2,932	21,829	77.01	1,681,051.29
Jefferson	11,216	1,587	12,803	77.01	985,959.03
Juniata	4,134	628	4,762	77.01	366,721.62
Lackawanna	50,073	6,093	56,166	77.01	4,325,343.66
Lancaster	65,876	6,432	72,308	77.01	5,568,439.08
Lawrence	27,638	3,087	30,725	77.01	2,366,132.25
Lebanon	21,600	1,531	23,131	77.01	1,781,318.31
Lehigh	48,529	30,86	51,615	77.01	3,974,871.15
Luzerne	74,917	11,625	86,542	77.01	6,664,599.42
Lycoming	25,243	2,968	28,211	77.01	2,172,529.11
McKean	13,354	1,931	15,285	77.01	1,177,097.85
Mercer	30,958	3,759	34,717	77.01	2,673,556.17
Mifflin	11,073	2,092	13,165	77.01	1,013,836.65
Monroe	8,496	831	9,327	77.01	718,272.27
Montgomery	120,185	5,269	125,454	77.01	9,661,212.54
Montour	3,343	262	3,605	77.01	277,261.05
Northampton	44,804	3,582	48,386	77.01	3,726,205.86
Northumberland	23,844	3,399	27,243	77.01	2,097,983.43
Perry	6,930	775	7,705	77.01	593,362.05
Philadelphia	406,109	108,091	514,200	77.01	39,598,542.00
Pike	1,904	172	2,076	77.01	159,872.76
Potter	4,264	819	5,083	77.01	391,441.83
Schuylkill	37,585	5,603	43,188	77.01	3,325,907.88
Snyder	5,891	627	6,446	77.01	496,406.46
Somerset	19,452	3,933	23,385	77.01	1,800,878.85
Sullivan	1,610	218	1,828	77.01	140,774.28
Susquehanna	8,566	1,096	9,662	77.01	744,070.62
Tioga	9,246	1,475	10,721	77.01	825,624.21
Union	5,025	516	5,541	77.01	426,712.41
Venango	15,727	1,968	17,695	77.01	1,362,691.95
Warren	10,661	633	11,294	77.01	869,750.94
Washington	51,927	7,042	58,969	77.01	4,541,202.69
Wayne	6,213	664	6,877	77.01	529,597.77
Westmoreland	84,685	8,867	93,552	77.01	7,204,439.52
Wyoming	4,155	649	4,804	77.01	369,956.04
York	56,106	5,924	62,030	77.01	4,776,930.30
State total	2,586,012	363,369	2,949,381	77.01	2,271,133,830.81
RHODE ISLAND					
Bristol	9,288	619	9,907	79.16	784,238.12
Kent	28,412	2,104	30,516	79.16	2,415,646.56
Newport	16,648	2,975	19,623	79.16	1,553,356.68
Providence	121,150	18,061	139,211	79.16	11,019,942.76
Washington	12,676	1,148	13,824	79.16	1,094,307.84
State total	188,174	24,907	213,081	79.16	16,867,491.96
SOUTH CAROLINA					
Abbeville	5,979	1,635	7,614	64.76	493,082.64
Aiken	23,487	5,513	29,000	64.76	1,878,040.00
Allendale	3,679	1,930	5,609	64.76	363,238.84
Anderson	25,395	4,988	30,383	64.76	1,967,603.08
Bamberg	5,056	2,442	7,498	64.76	485,570.48
Barnwell	5,649	2,469	8,118	64.76	525,720.68
Beaufort	10,439	3,114	13,553	64.76	877,692.28
Berkeley	13,072	4,879	17,951	64.76	1,162,506.76
Calhoun	4,201	2,913	7,114	64.76	460,702.64
Charleston	59,905	14,568	74,473	64.76	4,822,871.48
Cherokee	9,974	2,665	12,639	64.76	818,501.64
Chester	9,033	2,726	11,759	64.76	761,512.84
Chesterfield	10,711	4,977	15,688	64.76	1,015,954.88
Clarendon	10,934	6,188	17,122	64.76	1,108,820.72
Colleton	8,996	4,226	13,222	64.76	856,256.72
Darlington	16,799	6,937	23,736	64.76	1,537,143.36
Dillon	10,482	5,716	16,198	64.76	1,048,982.48
Dorchester	7,687	2,644	10,331	64.76	669,035,56
Edgefield	5,061	2,150	7,212	64.76	467,049.12
Fairfield	6,514	2,700	9,214	64.76	596,698.64
Florence	26,652	10,554	37,206	64.76	2,409,460.56
Georgetown	12,255	4,915	17,170	64.76	1,111,929.20
Greenville	52,119	7,150	59,269	64.76	3,838,260.44
Greenwood	11.409	2,547	13,956	64.76	903,790.56
Hampton	5,724	2,820	8,544	64.76	553,309.44
Horry	20,936	7,972	28.908	64.76	1,872,082.08
Jasper	4,129	1,692	5,821	64.46	376,967.96
Kershaw	10,512	3,854	14,366	64.76	930,342.16
Lancaster	11,675	2,150	13,825	64.76	895,307.00
Laurens	12,468	2,992	15,460	64.76	1,001,189.60
Lee	7,683	4,800	12,483	64.76	808,399.08
Lexington	16,580	2,704	19,284	64.76	1,248,831.84
McCormick	2,662	1,014	3,676	64.76	238,057.76
Marion	10,662	5,282	15,944	64.76	1,032,533.44
Marlboro	9,213	4,723	13,936	64.76	902,495.36
Newberry	7,766	2,482	10,248	64.76	663,660.48
Oconee	10,225	2,437	12,662	64.76	819,991.12
Orangeburg	22,064	9,804	31,868	64.76	2,063,771.68
Pickens	12,434	1,467	13,901	64.76	900,228.76
Richland	45,424	9,492	54,916	64.76	3,556,360.16
SOUTH CAROLINA—Con.					
Saluda	4,267	1,454	5,721	$64.76	$370,491.96
Spartanburg	41,849	7,524	49,373	64.76	3,197,395.48
Sumter	22,092	8,671	30,763	64.76	1,992,211.88
Union	8,243	2,090	10,333	64.76	669,165.08
Williamsburg	14,980	10,110	25,090	64.76	1,624,828.40
York	22,572	4,559	27,131	64.76	1,757,003.56
State total	679,648	210,640	890,288	64.76	576,550,50.88
SOUTH DAKOTA					
Aurora	1,184	400	1,584	71.86	113,826.24
Beadle	5,721	961	6,682	71.86	480,168.52
Bennett	912	342	1,254	71.86	90,112.44
Bon Homme	2,220	742	2,962	71.86	212,849.32
Brookings	4,497	860	5,357	71.86	384,954.02
Brown	8,720	1,372	10,092	71,86	725,211.12
Brule	1,660	366	2,026	71.86	145,588.36
Buffalo	514	269	783	71.86	56,266.38
Butte	2,321	268	2,589	71.86	186,045.54
Campbell	1,052	237	1,289	71.86	92,627.54
Chaplesmix	3,056	1,284	4,340	71.86	311.872.40
Clark	1,939	606	2,545	71.86	182,883.70
Clay	2,252	313	2,565	71.86	184,320.90
Codington	5,612	1,020	6,632	71.86	476,575.52
Corson	1,748	548	2,296	71.86	164,990.56
Custer	1,183	139	1,322	71.86	94,998.92
Davison	4,272	708	4,980	71.86	357,862.80
Day	2,834	744	3,578	71.86	257,115.08
Deuel	1,735	396	2,131	71.86	153,133.66
Dewey	1,557	493	2,050	71.86	147,313.00
Douglas	1,482	574	2,056	71.86	147,744.16
Edmunds	1,662	448	2,110	71.86	151,624.60
Fall River	2,669	308	2,977	71.86	213,927.22
Faulk	1,234	284	1,518	71.86	109,083.48
Grant	2,739	816	3,555	71.86	255,462.30
Gregory	2,067	515	2,582	71.86	185,542.52
Haakon	943	164	1,107	71.86	79,549.02
Hamlin	1,615	468	2,083	71.86	149,684.38
Hand	1,890	555	2,445	71.86	175,697.70
Hanson	1,326	649	1,975	71.86	141,923.50
Harding	634	73	707	71.86	50,805.02
Hughes	3,355	330	3,685	71.86	264,804.10
Hutchinson	2,731	971	3,702	71.86	266,025.72
Hyde	645	343	988	71.68	70,997.68
Jackson	536	71	607	71.86	43,619.02
Jerauld	1,123	390	1,513	71.86	108,724.18
Jones	621	103	724	71.86	52,026.64
Kingsbury	2,460	388	2,848	71.86	204,657.28
Lake	3,049	548	3,597	71.86	258,480.42
Lawrence	4,540	359	4,899	71.86	352,042.14
Lincoln	3,257	696	3,953	71.86	284,062.58
Lyman	1,256	278	1,534	71.86	110,233.24
McCook	2,343	684	3,027	71.86	217,520.22
McPherson	1,586	593	2,179	71.86	156,582.94
Marshall	1,881	459	2,340	71.86	168,152.40
Meade	2,915	408	3,323	71.86	238,790.78
Mellette	791	376	1,167	71.86	83,860.62
Miner	1,513	493	2,006	71.86	144,151.16
Minnehaha	21,842	2,272	24,114	71.86	1,732,832.04
Moody	2,336	424	2,760	71.86	198,333.60
Pennington	14,107	1,645	15,752	71.86	1,131,938.72
Perkins	1,672	375	2,047	71.86	147,097.42
Potter	1,273	196	1,469	71.86	105,562.34
Roberts	3,535	1,390	4,925	71.86	353,910.50
Sanborn	1,253	196	1,449	71.86	104,125.14
Shannon	1,883	1,882	3,765	71.86	270,552.90
Spink	2,798	840	3,638	71.86	261,426.68
Stanley	1,139	85	1,224	71.86	87,956.64
Sully	692	153	845	71.86	60,721.70
Todd	1,476	1,498	2,974	71.86	213,711.64
Tripp	2,432	510	2,942	71.86	211,412.12
Turner	2,774	873	3,647	71.86	262,073.42
Union	2,866	610	3,476	71.86	249,785.36
Walworth	2,210	293	2,503	71.86	179,865.58
Washabaugh	291	51	342	71.86	24,576.12
Yankton	3,869	906	4,775	71.86	343,131.50
Ziebach	715	160	875	71.86	62,877.50
State total	177,015	38,771	215,786	71.86	15,506,381.96
TENNESSEE					
Anderson	17,108	2,557	19,665	61.97	1,218,640.05
Bedford	5,640	1,101	6,741	61.97	417,739.77
Benton	2,627	707	3,334	61.97	206,607.98
Bledsoe	2,296	1,092	3,388	61.97	209,954.36
Blount	15,883	3,086	18,969	61.97	1,175,508.93
Bradley	10,055	1,620	11,675	61.97	723,499.75
Campbell	8,382	3,571	11,953	61.97	740,727.41
Cannon	2,071	612	2,683	61.97	166,265.51
Carroll	5,708	2,132	7,840	61.97	485,844.80
Carter	11,390	2,593	13,983	61.97	866,526.51
Cheatham	2,508	429	2,937	61.97	182,005.89
Chester	2,446	962	3,408	61.97	211,193.76
Claiborne	5,334	2,939	8,273	61.97	512,677.81
Clay	2,157	1,358	3,515	61.97	217,824.55
Cocke	6,406	2,596	9,002	61.97	557,853.94
Coffee	7,662	1,501	9,163	61.97	567,831.11
Crockett	4,027	1,693	5,720	61.97	354,468.40
Cumberland	5,661	1,985	7,646	61.97	473,822.62
Davidson	89,730	10,521	100,251	61.97	6,212,554.47
Decatur	2,130	822	2,952	61.97	182,935.44
De Kalb	2,618	998	3,616	61.97	224,083.52
Dickson	4,786	1,054	5,840	61.97	361,904.80

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
TENNESSEE—Con.					
Dyer	7, 648	2, 773	10, 421	$61. 97	$645, 789. 37
Fayette	8, 239	5, 640	13, 879	61. 97	860, 081. 63
Fentress	4, 438	2, 093	6, 531	61. 97	404, 726. 07
Franklin	6, 849	1, 722	8, 571	61. 97	531, 144. 87
Gibson	11, 106	3, 876	14, 982	61. 97	928, 434. 54
Giles	5, 604	2, 101	7, 705	61. 97	477, 478. 85
Grainger	3, 365	1, 467	4, 832	61. 97	299, 439. 04
Greene	10, 594	3, 465	14, 059	61. 97	871, 236. 23
Grundy	3, 388	1, 312	4, 700	61. 97	291, 259. 00
Hamblen	8, 164	1, 506	9, 670	61. 97	599, 249. 90
Hamilton	58, 257	9, 050	67, 307	61. 97	4, 171, 014. 79
Hancock	2, 297	1, 456	3, 753	61. 97	232, 573. 41
Hardeman	5, 667	3, 061	8, 728	61. 97	540, 874. 16
Hardin	4, 731	2, 055	6, 786	61. 97	420, 528. 42
Hawkins	8, 134	2, 990	11, 124	61. 97	689, 354. 28
Haywood	7, 317	4, 604	11, 921	61. 97	738, 744. 37
Henderson	3, 977	1, 622	5, 599	61. 97	346, 970. 03
Henry	5, 224	1, 319	6, 543	61. 97	405, 469. 71
Hickman	3, 121	995	4, 116	61. 97	255, 068. 52
Houston	1, 227	423	1, 650	61. 97	102, 250. 50
Humphreys	2, 931	757	3, 688	61. 97	228, 545. 36
Jackson	2, 440	1, 353	3, 793	61. 97	235, 052. 21
Jefferson	5, 022	1, 107	6, 129	61. 97	379, 814. 13
Johnson	3, 029	1, 639	4, 668	61. 97	289, 275. 96
Knox	58, 960	8, 722	67, 682	61. 97	4, 194, 253. 54
Lake	2, 787	1, 525	4, 312	61. 97	267, 214. 64
Lauderdale	6, 122	3, 297	9, 419	61. 97	583, 695. 43
Lawrence	7, 583	2, 000	9, 583	61. 97	593, 858. 51
Lewis	1, 748	507	2, 255	61. 97	139, 742. 35
Lincoln	6, 162	2, 102	8, 264	61. 97	512, 120. 08
Loudon	6, 267	1, 306	7, 573	61. 97	469, 298. 81
McMinn	8, 735	2, 334	11, 069	61. 97	685, 945. 93
McNairy	4, 786	2, 256	7, 042	61. 97	436, 392. 74
Macon	3, 018	1, 109	4, 127	61. 97	255, 750. 19
Madison	14, 999	4, 814	19, 813	61. 97	1, 227, 811. 61
Marion	6, 242	2, 030	8, 272	61. 97	512, 615. 84
Marshall	4, 146	1, 141	5, 287	61. 97	327, 635. 39
Maury	10, 371	2, 268	12, 639	61. 97	783, 238. 83
Meigs	1, 614	806	2, 420	61. 97	149, 967. 40
Monroe	6, 726	2, 459	9, 185	61. 97	569, 194. 45
Montgomery	11, 969	2, 206	14, 175	61. 97	878, 424. 75
Moore	839	261	1, 100	61. 97	681, 67. 00
Morgan	4, 176	1, 694	5, 870	61. 97	363, 763. 90
Obion	6, 310	1, 862	8, 172	61. 97	506, 418. 84
Overton	4, 036	1, 880	5, 916	61. 97	366, 614. 52
Perry	1, 345	618	1, 963	61. 97	121, 647. 11
Pickett	1, 284	545	1, 829	61. 97	113, 343. 13
Polk	3, 513	775	4, 288	61. 97	265, 727. 36
Putnam	6, 910	2, 054	8, 964	61. 97	555, 499. 08
Rhea	4, 323	1, 288	5, 611	61. 97	347, 713. 67
Roane	11, 133	2, 359	13, 492	61. 97	836, 099. 24
Robertson	6, 945	2, 013	8, 958	61. 97	555, 127. 26
Rutherford	11, 813	2, 247	14, 060	61. 97	871, 298. 20
Scott	5, 130	2, 087	7, 217	61. 97	447, 237. 49
Sequatchie	1, 827	444	2, 271	61. 97	140, 733. 87
Sevier	6, 301	2, 118	8, 419	61. 97	521, 725. 43
Shelby	156, 714	27, 014	183, 728	61. 97	11, 385, 624. 16
Smith	2, 825	1, 098	3, 923	61. 97	243, 108. 31
Stewart	1, 971	794	2, 765	61. 97	171, 347. 05
Sullivan	29, 953	4, 807	34, 760	61. 97	2, 154, 077. 20
Sumner	9, 336	2, 217	11, 553	61. 97	715, 939. 41
Tipton	8, 646	4, 056	12, 702	61. 97	787, 142. 94
Trousdale	1, 231	420	1, 651	61. 97	102, 312. 47
Unicoi	4, 068	1, 026	5, 094	61. 97	315, 675. 18
Union	2, 421	985	3, 406	61. 97	211, 069. 82
Van Buren	1, 123	449	1, 572	61. 97	97, 416. 84
Warren	5, 937	1, 469	7, 406	61. 97	458, 949. 82
Washington	15, 473	2, 793	18, 266	61. 97	1, 131, 944. 02
Wayne	3, 455	1, 351	4, 806	61. 97	297, 827. 82
Weakley	5, 148	1, 469	6, 617	61. 97	410, 055. 49
White	4, 161	1, 810	5, 971	61. 97	370, 022. 87
Williamson	6, 449	1, 766	8, 215	61. 97	509, 083. 55
Wilson	6, 687	1, 368	8, 055	61. 97	499, 168. 35
State total	903, 112	222, 334	1, 125, 446	61. 97	69, 743, 888. 62
TEXAS					
Anderson	7, 012	2, 225	9, 237	62. 88	580, 822. 56
Andrews	3, 748	134	3, 882	62. 88	244, 100. 16
Angelina	10, 031	1, 717	11, 748	62. 88	738, 714. 24
Aransas	1, 796	294	2, 090	62. 88	131, 419. 20
Archer	1, 467	114	1, 581	62. 88	99, 413. 28
Armstrong	462	26	488	62. 88	30, 685. 44
Atascosa	5, 786	1, 999	7, 785	62. 88	489, 520. 80
Austin	3, 165	996	4, 161	62. 88	261, 643. 68
Bailey	2, 392	425	2, 817	62. 88	177, 132. 96
Bandera	857	257	1, 114	62. 88	70, 048. 32
Bastrop	4, 338	1, 563	5, 901	62. 88	371, 054. 88
Baylor	1, 288	231	1, 519	62. 88	95, 514. 72
Bee	6, 574	2, 143	8, 717	62. 88	548, 124. 96
Bell	20, 246	3, 049	23, 295	62. 88	1, 464, 789. 60
Bexar	178, 200	31, 917	210, 117	62. 88	13, 212, 156. 96
Blanco	859	171	1, 030	62. 88	64, 766. 40
Borden	327	22	349	62. 88	21, 945. 12
Bosque	2, 292	478	2, 770	62. 88	174, 177. 60
Bowie	15, 494	3, 653	19, 147	62. 88	1, 203, 963. 36
Brazoria	21, 065	2, 241	23, 306	62. 88	1, 465, 481. 28
Brazos	10, 149	2, 293	12, 442	62. 88	782, 352. 96
Brewster	1, 545	373	1, 918	62. 88	120, 603. 84
Briscoe	974	147	1, 121	62. 88	70, 488. 48
Brooks	2, 680	1, 015	3, 695	62. 88	232, 341. 60
Brown	5, 070	825	5, 895	62. 88	370, 677. 60
Burleson	2, 902	1, 172	4, 074	62. 88	256, 173. 12
TEXAS—Continued					
Burnet	2, 192	546	2, 738	$62. 88	$172, 165. 44
Caldwell	4, 532	1, 589	6, 121	62. 88	384, 888. 48
Calhoun	5, 002	813	5, 815	62. 88	365, 647. 20
Callahan	1, 765	234	1, 999	62. 88	125, 697. 12
Cameron	46, 602	17, 096	63, 698	62. 88	4, 005, 330. 24
Camp	2, 047	615	2, 662	62. 88	167, 386. 56
Carson	2, 151	138	2, 289	62. 88	143, 932. 32
Cass	6, 207	2, 217	8, 424	62. 88	529, 701. 12
Castro	2, 698	668	3, 366	62. 88	211, 654. 08
Chambers	2, 949	412	3, 361	62. 88	211, 339. 68
Cherokee	7, 674	2, 223	9, 897	62. 88	622, 323. 36
Childress	1, 940	291	2, 231	62. 88	140, 285. 28
Clay	1, 903	215	2, 118	62. 88	133, 179. 84
Cochran	1, 849	300	2, 149	62. 88	135, 129. 12
Coke	891	120	1, 011	62. 88	63, 571. 68
Coleman	2, 669	635	3, 304	62. 88	207, 755. 52
Collin	9, 656	1, 771	11, 427	62. 88	718, 529. 76
Collingsworth	1, 586	335	1, 921	62. 88	120, 792. 48
Colorado	4, 826	1, 212	6, 038	62. 88	379, 669. 44
Comal	5, 247	630	5, 877	62. 88	369, 545. 76
Comanche	2, 366	691	3, 057	62. 88	192, 224. 16
Concho	914	162	1, 076	62. 88	67, 658. 88
Cooke	5, 545	788	6, 333	62. 88	398, 219. 04
Coryell	4, 305	514	4, 819	62. 88	303, 018. 72
Cottle	1, 066	377	1, 443	62. 88	90, 735. 84
Crane	1, 319	95	1, 414	62. 88	88, 912. 32
Crockett	1, 200	97	1, 297	62. 88	81, 555. 36
Crosby	2, 950	641	3, 591	62. 88	225, 802. 08
Culberson	848	165	1, 013	62. 88	63. 697. 44
Dallam	1, 543	208	1, 751	62. 88	110, 102. 88
Dallas	225, 581	25, 026	250, 607	62. 88	15, 758, 168. 16
Dawson	5, 254	916	6, 170	62. 88	387, 969. 60
Deaf Smith	3, 886	712	4, 598	62. 88	289, 122. 24
Delta	1, 377	479	1, 856	62. 88	116, 705. 28
Denton	9, 743	1, 086	10, 829	62. 88	680, 927. 52
De Witt	5, 365	2, 172	7, 537	62. 88	473, 926. 56
Dickens	1, 189	346	1, 535	62. 88	96, 520. 80
Dimmit	3, 269	1, 480	4, 749	62. 88	298, 617. 12
Donley	1, 027	151	1, 178	62. 88	74, 072. 64
Duval	4, 001	1, 599	5, 600	62. 88	352, 128. 00
Eastland	4, 108	666	4, 774	62. 88	300, 189. 12
Ector	25, 113	2, 132	27, 245	62. 88	1, 713, 165. 60
Edwards	572	130	702	62. 88	44, 141. 76
Ellis	10, 457	2, 800	13, 257	62. 88	833, 600. 16
El Paso	83, 703	10, 184	93, 887	62. 88	5, 903, 614. 56
Erath	3, 056	504	3, 560	62. 88	223, 852. 80
Falls	5, 474	2, 880	8, 354	62. 88	525, 299. 52
Fannin	5, 156	1, 673	6, 829	62. 88	429, 407. 52
Fayette	4, 695	1. 807	6, 502	62. 88	408, 845. 76
Fisher	1, 992	566	2, 558	62. 88	160, 847. 04
Floyd	3, 312	540	3, 852	62. 88	242, 213. 76
Foard	766	232	998	63. 88	62, 754. 24
Fort Bend	11, 177	2, 969	14, 146	62. 88	889, 500. 48
Franklin	1, 175	360	1, 535	62. 88	96, 520. 80
Freestone	3, 236	1, 616	4, 852	62. 88	305, 093. 76
Frio	3, 202	1, 550	4, 752	62. 88	298, 805. 76
Gaines	3, 542	472	4, 014	62. 88	252, 400. 32
Galveston	36, 399	5, 006	41, 405	62. 88	2, 603, 546. 40
Garza	1, 870	231	2, 101	62. 88	132, 110. 88
Gillespie	2, 339	279	2, 618	62. 88	164, 619. 84
Glasscock	286		286	62. 88	17, 983. 68
Goliad	1, 369	671	2, 040	63. 88	128, 275. 20
Gonzales	4, 660	1, 964	6, 624	62. 88	416, 517. 12
Gray	7, 949	580	8, 529	62. 88	536, 303. 52
Grayson	16, 307	2, 050	18, 357	62. 88	1, 154, 288. 16
Gregg	17, 270	3, 032	20, 302	62. 88	1, 276, 589. 76
Grimes	3, 243	1, 347	4, 590	62. 88	288, 619. 20
Guadalupe	7, 638	1, 730	9, 368	62. 88	589, 059. 84
Half	10, 180	1, 714	11, 894	62. 88	747, 894. 72
Hall	1, 805	484	2, 289	62. 88	143, 932. 32
Hamilton	1, 731	361	2, 092	62. 88	131, 544. 96
Hansford	1, 682	102	1, 784	62. 88	112, 177. 92
Hardeman	2, 002	438	2, 440	62. 88	153, 427. 20
Hardin	6, 760	1, 166	7, 926	62. 88	498, 386. 88
Harris	312, 653	35, 756	348, 409	62. 88	21, 907, 957. 92
Harrison	12, 277	3, 655	15, 932	62. 88	1, 001, 804. 16
Hartley	543	47	590	62. 88	37, 099. 20
Haskell	2, 832	674	3, 506	62. 88	220, 457. 28
Hays	4, 904	1, 564	6. 468	62. 88	406, 707. 84
Hemphill	817	114	931	62. 88	58, 541. 28
Henderson	5, 254	1, 697	6, 951	62. 88	437, 078. 88
Hidalgo	57, 345	24, 184	81, 529	62. 88	5, 126, 543. 52
Hill	5, 432	1, 682	7, 114	62. 88	447, 328. 32
Hockley	6, 471	986	7, 457	62. 88	468, 896. 16
Hood	1, 170	209	1, 379	62. 88	86, 711. 52
Hopkins	4, 149	1, 073	5, 222	62. 88	328, 359. 36
Houston	4, 445	2, 389	6, 834	62. 88	429, 721. 92
Howard	9, 631	795	10, 426	62. 88	655, 586. 88
Hudspeth	997	132	1, 129	62. 88	70, 991. 52
Hunt	8, 638	2, 116	10, 754	62. 88	676, 211. 52
Hutchinson	9, 310	348	9, 658	62. 88	607, 295. 04
Irion	348	10	358	62. 88	22, 511. 04
Jack	1, 622	117	1, 739	62. 88	109, 348. 32
Jackson	4, 081	851	4, 932	62. 88	310, 124. 16
Jasper	6, 058	1, 409	7, 467	62. 88	469, 524. 96
Jeff Davis	479	54	533	62. 88	33, 515. 04
Jefferson	62, 239	7, 789	70, 028	62. 88	4, 403, 360. 64
Jim Hogg	1, 421	499	1, 920	62. 88	120, 729. 60
Jim Wells	10, 499	3, 429	13, 928	62. 88	875, 792. 64
Johnson	8, 015	716	8, 731	62. 88	549, 005. 28
Jones	4, 908	756	5, 664	62. 88	356, 152. 32
Karnes	4, 517	1, 859	6, 376	62. 88	400, 922. 88
Kaufman	6, 681	1, 690	8, 371	62. 88	526, 368. 48
Kendall	1, 420	158	1, 578	62. 88	99, 224. 64
Kenedy	241	117	358	62. 88	22, 511. 04
Kent	448	86	534	62. 88	33, 577. 92

PROPOSED NATIONAL PARTNERSHIP FORMULA—FISCAL YEAR 1972—Continued

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
TEXAS—Continued					
Kerr	3, 268	403	3, 671	$62. 88	$230, 832. 48
Kimble	933	232	1, 165	62. 88	73, 255. 20
King	152	41	193	62. 88	12, 135. 84
Kinney	625	229	854	62. 88	53, 699. 52
Kleberg	7, 672	1, 893	9, 565	62. 88	601, 447. 20
Knox	1, 993	493	2, 486	62. 88	156, 319. 68
Lamar	7, 893	2, 741	10, 634	62. 88	668, 665. 92
Lamb	6, 104	1, 173	7, 277	62. 88	457, 577. 76
Lampasas	2, 313	503	2, 816	62. 88	177, 070. 08
La Salle	1, 891	1, 101	2, 922	62. 88	188, 136. 96
Lavaca	5, 079	1, 983	7, 062	62. 88	444, 058. 56
Lee	2, 288	962	3, 250	62. 88	204, 360. 00
Leon	2, 532	1, 190	3, 722	62. 88	234, 039. 36
Liberty	8, 814	2. 216	11, 030	62. 88	693. 566. 40
Limestone	4, 358	1, 562	5, 920	62. 88	372, 249. 60
Lipscomb	813	59	872	62. 88	54, 831. 36
Live Oak	2, 361	659	3, 020	62. 88	189, 897. 60
Llano	1. 064	800	1, 864	62. 88	117, 208. 32
Loving	69		69	62. 88	4, 338. 72
Lubbock	38, 628	3, 948	42, 576	62. 88	2, 677, 178. 88
Lynn	3, 117	571	3, 688	62. 88	231, 901. 44
McCulloch	2, 064	488	2, 552	62. 88	160, 469. 76
McLennan	34, 311	5, 843	40, 154	62. 88	2, 524, 883. 52
McMullen	249	73	322	62. 88	20, 247. 36
Madison	1, 570	827	2, 397	62. 88	150, 723. 36
Marion	2, 191	1, 024	3, 215	62. 88	202, 159. 20
Martin	1, 413	135	1, 548	62. 88	97, 338. 24
Mason	922	255	1, 177	62. 88	74, 009. 76
Matagorda	7, 296	2, 048	9, 344	62. 88	587, 550. 72
Maverick	4, 609	2, 032	6, 641	62. 88	417, 586. 08
Medina	5, 792	1, 337	7, 129	62. 88	448, 271. 52
Menard	666	264	930	62. 88	58, 478. 40
Midland	18, 556	1, 226	19, 782	62. 88	1, 243, 892. 16
Milam	5, 606	1, 920	7, 526	62. 88	473, 234. 88
Mills	932	236	1, 168	62. 88	73, 443. 84
Mitchell	3, 057	787	3, 844	62. 88	241, 710. 72
Montague	3, 111	527	3, 638	62. 88	228, 757. 44
Montgomery	7, 219	1, 820	9, 039	62. 88	568, 372. 32
Moore	4, 482	153	4, 635	62. 88	291, 448. 80
Morris	3, 409	749	4, 158	62. 88	261, 455. 04
Motley	721	205	926	62. 88	58, 226. 88
Nacogdoches	6, 805	1, 952	8, 757	62. 88	550, 640. 16
Navarro	7, 850	2, 492	10, 342	62. 88	650, 304. 96
Newton	3, 005	1, 192	4, 197	62. 88	263, 907. 36
Nolan	4, 745	468	5, 213	62. 88	327, 793. 44
Nueces	64, 555	12, 716	77, 271	62. 88	4, 858, 800. 48
Ochiltree	2, 453	111	2, 564	62. 88	161, 224. 32
Oldham	415	401	816	62. 88	51, 310. 08
Orange	17, 015	1, 704	18, 719	62. 88	1, 177, 050. 72
Palo Pinto	4, 581	692	5, 273	62. 88	331, 566. 24
Panola	4, 541	1, 564	6, 105	62. 88	383, 882. 40
Parker	5, 520	510	6, 030	62. 88	379, 166. 40
Parmer	2, 693	267	2, 960	62. 88	186, 124. 80
Pecos	3, 301	352	3, 653	62. 88	229, 700. 64
Polk	3, 689	1, 353	5, 042	62. 88	317, 040. 96
Potter	26, 449	1, 650	28, 099	62. 88	1, 766, 865. 12
Presidio	1, 583	390	1, 973	62. 88	124, 062. 24
Rains	716	300	1, 016	62. 88	63, 886. 08
Randall	8, 563	406	8, 969	62. 88	563, 970. 72
Reagan	1, 123	96	1, 219	62. 88	76, 650. 72
Real	507	233	740	62. 88	46, 531. 20
Red River	3, 885	1, 648	5, 533	62. 88	347, 915. 04
Reeves	5, 101	942	6, 043	62. 88	379, 983. 84
Refugio	3, 204	855	5, 059	62. 88	255, 229. 92
Roberts	238	23	261	62. 88	16, 411. 68
Robertson	4, 277	2, 154	6, 431	62. 88	404, 381. 28
Rockwall	1, 462	544	2, 006	62. 88	126, 137. 28
Runnels	3, 803	997	4, 800	62. 88	301, 824. 00
Rusk	9, 169	2, 587	11, 756	62. 88	739, 217. 28
Sabine	1, 898	658	2, 556	62. 88	160, 721. 28
San Augustine	2, 055	723	2, 778	62. 88	174, 680. 64
San Jacinto	1, 730	866	2, 596	62. 88	163, 236. 48
San Patricio	14, 400	4, 703	19, 103	62. 88	1, 201, 196. 64
San Saba	1, 463	553	2, 016	62. 88	126, 766. 08
Schleicher	787	61	848	62. 88	53, 322. 24
Scurry	5, 609	593	6, 202	62. 88	389, 981. 76
Shackelford	847	74	921	62. 88	57, 912. 48
Shelby	5, 070	1, 808	6, 878	62. 88	432, 488. 64
Sherman	670	52	722	62. 88	45, 399. 36
Smith	21, 621	3, 806	25, 427	62. 88	1, 598, 849. 76
Somervell	533	145	678	62. 88	42, 632. 64
Starr	5, 487	3, 260	8, 747	62. 88	550, 011. 36
Stephens	1, 820	193	2, 013	62. 88	126, 577. 44
Sterling	271	66	337	62. 88	21, 190. 56
Stonewall	760	216	976	62. 88	61, 370. 88
Sutton	1, 031	82	1, 113	62. 88	69, 985. 44
Swisher	3, 056	323	3, 379	62. 88	212, 471. 52
Tarrant	130, 821	13, 001	143, 822	62. 88	9, 043, 527. 36
Taylor	22, 494	1, 955	24, 449	62. 88	1, 537, 353. 12
Terrell	703	199	902	62. 88	56, 717. 76
Terry	4, 547	518	5, 065	62. 88	318, 487. 20
Throckmorton	578	50	628	62. 88	39, 488. 64
Titus	4, 009	778	4, 787	62. 88	301, 006. 56
Tom Green	15, 760	2, 231	17, 991	62. 88	1, 131, 274. 08
Travis	46, 508	7, 359	53, 867	62. 88	3, 387, 156. 96
Trinity	1, 834	834	2, 668	62. 88	167, 763. 84
Tyler	2, 777	799	3, 576	62. 88	224, 858. 88
Upshur	5, 241	1, 274	6, 515	62. 88	409, 663. 20
Upton	1, 794	137	1, 931	62. 88	121, 421. 28
Uvalde	4, 727	1, 186	5, 913	62. 88	371, 809. 44
Val Verde	6, 445	1, 592	8, 037	62. 88	505, 366. 56
Van Zandt	4, 366	1, 093	5, 459	62. 88	343, 261. 92
Victoria	13, 102	2, 414	15, 516	62. 88	975, 646. 08
Walker	3, 642	1, 217	4, 859	62. 88	305, 533. 92
Waller	2, 752	903	3, 655	62. 88	229, 826. 40
Ward	4, 107	243	4, 350	$62. 88	$273, 528. 00
Washington	4, 427	2, 010	6, 437	62. 88	404, 758. 56
Webb	18, 884	7, 554	26, 438	62. 88	1, 662, 421. 44
Wharton	10, 729	3, 317	14, 046	62. 88	883, 212. 48
Wheeler	1, 884	256	2, 140	62. 88	134, 563. 20
Wichita	27, 419	2, 339	29, 758	62. 88	1, 871, 183. 04
Wilbarger	4, 271	612	4, 883	62. 88	307, 043. 04
Willacy	6, 647	2, 659	9, 306	62. 88	585, 161. 28
Williamson	8, 655	2, 650	11, 305	62. 88	710, 858. 40
Wilson	3, 773	1, 350	5, 123	62. 88	322, 134. 25
Winkler	3, 869	175	4, 044	62. 88	254, 286. 72
Wise	3, 945	523	4, 468	62. 88	280, 947. 84
Wood	4, 123	882	5, 005	62. 88	314, 714. 40
Yoakum	2, 301	178	2, 479	62. 88	155, 879. 52
Young	4, 148	277	4, 425	62. 88	278, 244. 00
Zapata	1, 284	663	1, 947	62. 88	122, 427. 36
Zavala	4, 229	1, 696	5, 925	62. 88	372, 564. 00
State total	2, 429, 218	444, 855	2, 874, 073	62. 88	180, 721, 710. 24
UTAH					
Beaver	1, 355	36	1, 391	68. 63	95, 464. 33
Box Elder	7, 618	419	8, 037	68. 63	551. 579. 31
Cache	9, 189	640	9, 829	68. 63	674, 564. 27
Carbon	6, 429	589	7, 018	68. 63	481, 645. 34
Daggett	313	21	334	68. 63	22, 922. 42
Davis	20, 518	1, 147	21, 665	68. 63	1, 486, 868. 95
Duchesne	2, 336	411	2, 747	68. 63	188, 526. 61
Emery	1, 728	308	2, 036	68. 63	139, 730. 68
Garfield	1, 083	86	1, 169	68. 63	80, 228. 47
Grand	1, 626	138	1, 764	68. 63	121, 063. 32
Iron	3, 230	181	3, 411	68. 63	234, 096. 93
Juab	1, 402	108	1, 510	68. 63	103, 631. 30
Kane	832	67	899	68. 63	61, 698. 37
Millard	2, 664	428	3, 092	68. 63	212, 203. 96
Morgan	846	50	896	68. 63	61, 492. 48
Piute	458	74	532	68. 63	36, 511. 16
Rich	481	61	542	68. 63	37, 197. 46
Salt Lake	103, 621	8, 792	112, 413	68. 63	7, 714, 904. 19
San Juan	2, 702	1, 651	4, 353	68. 63	298, 746. 39
Sanpete	3, 113	410	3, 523	68. 63	241, 783. 49
Sevier	3, 241	313	3, 554	68. 63	243, 911. 02
Summit	1, 696	89	1, 785	68. 63	122, 504. 55
Tooele	5, 166	363	5, 529	68. 63	379, 455. 27
Uintah	3, 589	464	4, 053	68. 63	278, 157. 39
Utah	29, 644	2, 244	31, 888	68. 63	2, 188, 473. 44
Wasatch	1, 648	63	1, 711	68. 63	117, 425. 93
Washington	3, 288	333	3, 621	68. 63	248, 509. 23
Wayne	606	138	744	68. 63	51, 060. 72
Weber	31, 368	2, 792	34, 160	68. 63	2, 344, 400. 80
State total	251, 790	22, 416	274, 206	68. 63	18, 818, 757. 78
VERMONT					
Addison	5, 077	842	5, 919	82. 02	485, 476. 38
Bennington	5, 976	569	6, 545	82. 02	536, 820. 90
Caledonia	5, 845	865	6, 710	82. 02	550, 354. 20
Chittenden	17, 892	2, 037	19, 929	82. 02	1, 634, 576. 58
Essex	1, 632	101	1, 733	82. 02	142, 140. 66
Franklin	7, 848	1, 383	9, 231	82. 02	757, 126. 62
Grand Isle	683	175	858	82. 02	70, 373. 16
Lamoille	2, 764	336	3, 100	82. 02	254, 262. 00
Orange	4, 163	521	4, 684	82. 02	384, 181. 68
Orleans	5, 607	999	6, 606	82. 02	541, 824. 12
Rutland	11, 408	1, 419	12, 827	82. 02	1, 052, 070. 54
Washington	9, 829	968	10, 797	82. 02	885, 569. 94
Windham	6, 797	826	7, 623	82. 02	625, 238. 46
Windsor	10, 783	992	11, 775	82. 02	965, 785. 50
State total	96, 304	12, 033	108, 337	82. 02	8, 885, 800. 74
VIRGINIA					
Accomack	7, 217	2, 609	9, 826	70. 24	690, 178. 24
Albemarle	6, 866	1, 268	8, 134	70. 24	571, 332. 16
Alleghany	3, 273	659	3, 932	70. 24	276, 183. 68
Amelia	2, 354	842	3, 196	70. 24	224, 487. 04
Amherst	4, 827	846	5, 773	70. 24	405, 495. 52
Appomattox	2, 389	665	3, 054	70. 24	214, 512. 96
Arlington	32, 962	1, 415	34, 377	70. 24	2, 414, 640. 48
Augusta	9, 604	1, 440	11, 044	70. 24	775, 730. 56
Bath	1, 260	316	1, 576	70. 24	110, 698. 24
Bedford	7, 861	1, 594	9, 455	70. 24	664, 119. 20
Bland	1, 497	523	2, 020	70. 24	141, 884. 80
Botetourt	4, 358	879	5, 237	70. 24	367, 846. 88
Brunswick	5, 352	2, 260	7, 612	70. 24	534, 666. 88
Buchanan	12, 547	4, 241	16, 788	70. 24	1, 179, 189. 12
Buckingham	3, 067	1, 368	4, 435	70. 24	311, 514. 40
Campbell	8, 732	1, 689	10, 421	70. 24	731, 971. 04
Caroline	3, 477	905	4, 382	70. 24	307, 791. 68
Carroll	6, 388	1, 435	7, 823	70. 24	549, 487. 52
Charles City	1, 707	371	2, 078	70. 24	145, 958. 72
Charlotte	3, 728	1, 435	5, 163	70. 24	362, 649. 12
Chesterfield	18, 252	1, 005	19, 257	70. 24	1, 352, 611. 68
Clarke	2, 007	354	2, 361	70. 24	165, 836. 64
Craig	795	268	1, 063	70. 24	74, 665. 12
Culpeper	3, 790	859	4, 649	70. 24	326, 545. 76
Cumberland	1, 850	950	2, 800	70. 24	196, 672. 00
Dickenson	6, 794	2, 440	9, 234	70. 24	648, 596. 16
Dinwiddie	4, 732	1, 369	6, 101	70. 24	428, 534. 24
Essex	1, 738	445	2, 183	70. 24	153, 333. 92
Fairfax	75, 264	2, 941	78, 205	70. 24	5, 493, 119. 20
Fauquier	6, 126	1, 321	7, 447	70. 24	523, 077. 28

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
VIRGINIA—Continued					
Floyd	2,722	689	3,411	$70.24	$239,588.64
Fluvanna	1,918	482	2,400	70.24	168,576.00
Franklin	7,040	1,690	8,730	70.24	613,195.20
Frederick	5,554	705	6,259	70.24	439,632.16
Giles	4,942	1,313	6,255	70.24	439,351.20
Gloucester	2,937	758	3,695	70.24	259,536.80
Goochland	2,239	623	2,862	70.24	201,026.88
Grayson	4,451	1,228	5,679	70.24	398,892.96
Greene	1,243	296	1,539	70.24	108,099.36
Greensville	5,144	2,259	7,403	70.24	519,986.72
Halifax	9,808	4,393	14,201	70.24	997,478.24
Hanover	6,535	805	7,340	70.24	515,561.60
Henrico	28,434	1,174	29,608	70.24	2,079,665.92
Henry	11,109	1,556	12,665	70.24	889,589.60
Highland	693	243	936	70.24	65,744.64
Isle of Wight	4,781	1,021	5,802	70.24	407,532.48
James City	2,658	614	3,272	70.24	229,825.28
King and Queen	1,644	392	2,036	70.24	143,008.64
King George	1,882	283	2,165	70.24	152,069.60
King William	2,081	539	2,620	70.24	184,028.80
Lancaster	2,282	591	2,873	70.24	201,799.52
Lee	7,970	4,989	12,959	70.24	910,240.16
Loudoun	6,200	1,379	7,579	70.24	532,348.96
Louisa	3,372	966	4,338	70.24	304,701.12
Lunenburg	3,446	1,206	4,652	70.24	326,756.48
Madison	2,126	770	2,896	70.24	203,415.04
Mathews	1,481	257	1,738	70.24	122,077.12
Mecklenburg	9,324	4,384	13,708	70.24	962,849.92
Middlesex	1,557	539	2,096	70.24	147,223.04
Montogmery	7,373	1,433	8,806	70.24	618,533.44
Nansemond	9,062	2,911	11,973	70.24	840,983.52
Nelson	3,472	1,150	4,622	70.24	324,649.28
New Kent	1,195	196	1,391	70.24	97,703.84
Norfolk	15,033	2,158	17,191	70.24	1,207,495.84
Northampton	4,250	1,818	6,068	70.24	426,216.32
Northumberland	2,623	638	3,261	70.24	229,052.64
Nottoway	3,850	1,226	5,076	70.24	356,538.24
Orange	3,287	825	4,112	70.24	288,826.88
Page	4,028	927	4,955	70.24	348,039.20
Patrick	4,112	813	4,925	70.24	345,932.00
Pittsylvania	16,847	5,428	22,275	70.24	1,564,596.00
Powhatan	1,549	392	1,941	70.24	136,335.84
Prince Edward	3,372	1,144	4,516	70.24	317,203.84
Prince George	4,345	490	4,835	70.24	339,610.40
Prince William	11,931	1,190	13,121	70.24	921,619.04
Princess Anne	20,514	3,726	24,240	70.24	1,702,617.60
Pulaski	7,445	1,269	8,714	70.24	612,071.36
Rappahannock	1,384	375	1,759	70.24	123,552.16
Richmond	1,593	408	2,001	70.24	140,550.24
Roanoke	14.610	1,768	16,378	70.24	1,150,390.72
Rockbridge	5,532	1,269	6,801	70.24	477,702.24
Rockingham	10,135	1,541	11,676	70.24	820,122.24
Russell	7,827	2,868	10,695	70.24	751,216.80
Scott	7,296	3,174	10,470	70.24	735,412.80
Shenandoah	5,253	742	5,995	70.24	421,088.80
Smyth	8,019	1,708	9,727	70.24	683,224.48
Southampton	7,744	3,198	10,942	70.24	768,566.08
Spotsylvania	3,815	644	4,459	70.24	313,200.16
Stafford	4,183	441	4,624	70.24	324,789.76
Surry	1,848	794	2,642	70.24	185,574.08
Sussex	3,869	1,772	5,641	70.24	396,223.84
Tazewell	13,409	4,061	17,470	70.24	1,227,092.80
Warren	3,813	570	4,383	70.24	307,861.92
Washington	9,998	3,229	13,227	70.24	929,064.48
Westmoreland	2,964	873	3,837	70.24	269,510.88
Wise	13.294	3,839	17,133	70.24	1,203,421.92
Wythe	6.077	1,884	7,961	70.24	559,180.64
York	5,386	501	5,887	70.24	413,502.88
Alexandria City	19,422	1,421	20,843	70.24	1,464,012.32
Bristol City	4,054	964	5.018	70.24	352,464.32
Buena Vista City	1,550	217	1,767	70.24	124,114.08
Charlottesville City	5,685	712	6,397	70.24	449,325.28
Cliftonforge City	1,190	173	1,363	70.24	95,737.12
Colonial Heights City	2,226	130	2,356	70.24	165,485.44
Covington City	2,596	288	2,884	70.24	202,572.16
Danville City	10,766	2,020	12,786	70.24	898,088.64
Falls Church City	2.893	147	3,040	70.24	213.529.60
Fredericksburg City	2,603	406	3,009	70.24	211,352.16
Galax City	1,268	252	1,520	70.24	106,764.80
Hampton City	21,309	2,073	23,382	70.24	1,642,351.68
Harrisonburg City	2,467	363	2,830	70.24	198,779.20
Hopewell City	4,598	501	5,099	70.24	358,153.76
Lynchburg City	12,026	1,881	13,907	70.24	976,827.68
Martinsville City	4,821	647	5,468	70.24	384,072.32
Newport News City	27,617	4,921	32,538	70.24	2,285,469.12
Norfolk City	65,345	20,074	85,419	70.24	5,999,830.56
Norton City	1,359	490	1,849	70.24	129,873.76
Petersburg City	8,837	2,715	11,552	70.24	811,412.48
Portsmouth City	27,296	6,760	34,056	70.24	2,392,093.44
Bradford City	2,029	166	2,195	70.24	154,176.80
Richmond City	43,381	14,452	57,833	70.24	4,062,189.92
Roanoke City	21,787	4,400	26,187	70.24	1,839,374.88
South Norfolk City	5,654	1,521	7,175	70.24	503,972.00
Staunton City	4,229	490	4,719	20.74	331,462.56
Suffolk City	2,927	503	3,430	70.24	240,923.20
Virginia Beach City	1,627	197	1,824	70.24	128,117.76
Waynesboro City	3,957	268	4,225	70.24	296,764.00
Williamsburgh City	751	74	825	70.24	57,948.00
Winchester City	3,188	335	3,523	70.24	247,455.52
South Boston City	1,478	347	1,825	70.24	128,188.00
State total	979,760	208,157	1,187,917	70.24	83,439,290.08
WASHINGTON					
Adams	2,759	295	3,054	$71.66	$218,849.64
Asotin	3,405	410	3,815	71.66	273,382.90
Benton	18,064	1,796	19,860	71.66	1,423,167.60
Chelan	10,460	1,145	11,605	71.66	831,614.30
Clallam	7,604	833	8,437	71.66	604,595.42
Clark	24,399	2,084	26,483	71.66	1,897,771.78
Columbia	1,096	104	1,200	71.66	85,992.00
Cowlitz	15,464	1,439	16,903	71.66	1,211,268.98
Douglas	4,358	277	4,635	71.66	332,144.10
Ferry	1,102	70	1,172	71.66	83,985.52
Whitman	6,346	322	6,668	71.66	477,828.88
Yakima	40,186	9,819	50,005	71.66	3,583,358.30
State total	699,462	80,090	779,552	71.66	55,862,696.32
WEST VIRGINIA					
Barbour	4,189	1,534	5,723	75.61	432,716.03
Berkeley	7,839	1,057	8,896	75.61	672,626.56
Boone	9,229	2,863	12,092	75.61	914,276.12
Braxton	4,400	2,067	6,467	75.61	488,969.87
Brooke	7,212	581	7,793	75.61	589,228.73
Cabell	24,102	3,775	27,877	75.61	2,107,779.97
Calhoun	2,292	1,106	3,398	75.61	256,922.78
Clay	3,947	1,873	5,820	75.61	440,050.20
Doddridge	1,759	444	2,203	75.61	166,568.83
Fayette	18,752	5,949	24,701	75.61	1,867,642.61
Gilmer	2,063	933	2,996	75.61	226,527.56
Grant	2,298	808	3,106	75.61	234,844.66
Greenbrier	9,384	3,064	12,448	75.61	941,193.28
Hampshire	3,052	956	4,008	75.61	303,044.88
Hancock	9,721	514	10,235	75.61	773,868.35
Hardy	2,545	846	3,391	75.61	256,393.51
Harrison	18,624	3,113	21,737	75.61	1,643,534.57
Jackson	4,893	1,097	5,990	75.61	452,903.90
Jefferson	4,699	876	5,575	75.61	421,525.75
Kanawha	66,460	10,778	77,238	75.61	5,839,965.18
Lewis	4,067	1,160	5,227	75.61	395,213.47
Lincoln	6,517	3,588	10,105	75.61	764,039.05
Logan	20,620	5,959	26,579	75.61	2,009,638.19
McDowell	23,921	9,080	33,001	75.61	2,495,205.61
Marion	15,287	2,417	17,704	75.61	1,338,599.44
Marshall	8,658	936	9,594	75.61	725,402.34
Mason	6,373	1,626	7,999	75.61	604,804.39
Mercer	17,976	4,955	22,931	75.61	1,733,812.91
Mineral	5,714	1,207	6,921	75.61	523,296.81
Mingo	13,575	6,021	19,596	75.61	1,481,653.56
Monongalia	12,613	2,141	14,754	75.61	1,115,549.94
Monroe	3,149	1,474	4,623	75.61	349,545.03
Morgan	2,233	497	2,730	75.61	206,415.30
Nicholas	7,900	2,355	10,255	75.61	775,380.55
Ohio	14,690	1,823	16,513	75.61	1,248,547.93
Pendleton	2,111	699	2,810	75.61	212,464.10
Pleasants	1,725	393	2,118	75.61	160,141.98
Pocahontas	2,593	781	3,374	75.61	255,108.14
Preston	7,643	2,084	9,727	75.61	735,458.47
Putnam	6,811	1,348	8,159	75.61	616,901.99
Raleigh	23,879	7,129	31,008	75.61	2,344,514.88
Randolph	6,923	1,963	8,886	75.61	671,870.46
Ritchie	2,613	803	3,416	75.61	258,283.76
Roane	4,011	1,371	5,382	75.61	406,933.02
Summers	4,007	1,881	5,888	75.61	445,191.68
Taylor	3,655	1,258	4,913	75.61	371,471.93
Tucker	2,010	669	2,679	75.61	202,559.19
Tyler	2,511	625	3,136	75.61	237,112.96
Upshur	4,714	1,372	6,086	75.61	460,162.46
Wayne	11,075	4,365	15,440	75.61	1,167,418.40
Webster	4,515	1,983	6,498	75.61	491,313.78
Wetzel	4,863	1,061	5,924	75.61	447,913.64
Wirt	1,122	321	1,443	75.61	109,105.23
Wood	19,080	1,962	21,042	75.61	1,590,985.62
Wyoming	11,863	3,514	15,377	75.61	1,162,654.97
State total	498,477	125,055	623,532	75.61	47,145,254.52
WISCONSIN					
Adams	1,763	368	2,131	81.81	174,337.11
Ashland	4,501	406	4,907	81.81	401,441.67
Barron	9,151	1,032	10,183	81.81	833,071.23
Bayfield	3,116	468	3,584	81.81	293,207.04
Brown	33,236	1,787	35,023	81.81	2,865,231.63
Buffalo	3,782	581	4,363	81.81	356,937.03
Burnett	2,413	582	2,995	81.81	245,020.95
Calumet	6,199	330	6,529	81.81	534,137.49
Chippewa	11,904	1,191	13,095	81.81	1,071,301.95
Clark	8,652	1,158	9,810	81.81	802,556.10
Columbia	9,136	898	10,034	81.81	820,881.54
Crawford	4,673	835	5,508	81.81	450,609.48
Dane	49,451	4,168	53,619	81.81	4,386,570.39
Dodge	15,484	1,192	16,676	81.81	1,364,263.56
Door	5,386	624	6,010	81.81	491,678.10
Douglas	10,764	1,045	11,809	81.81	966,094.29
Dunn	6,578	963	7,541	81.81	616,929.21
Eau Claire	14,903	1,197	16,100	81.81	1,317,141.00
Florence	919	151	1,070	81.81	87,536.70
Fond du Lac	18,831	1,632	20,463	81.81	1,674,078.03
Forest	2,169	326	2,495	81.81	204,115.95
Grant	11,479	1,695	13,174	81.81	1,077,764.94
Green	6,466	542	7,008	81.81	573,324.48
Green Lake	3,518	258	3,776	81.81	308,914.56
Iowa	5,274	932	6,206	81.81	507,712.86

PROPOSED NATIONAL PARTNERSHIP FORMULA—FISCAL YEAR 1972—Continued

State and county	Total children age 5 to 17	Title I children	Total children affected	Federal grant per pupil	Total entitlement
WISCONSIN—Con.					
Iron	1,928	103	2,031	$81.81	$166,156.11
Jackson	4,034	878	4,912	81.81	401,850.72
Jefferson	12,084	947	13,031	81.81	1,066,066.11
Juneau	4,660	666	5,326	81.81	435,720.06
Kenosha	24,678	1,733	26,411	81.81	2,160,683.91
Kewaunee	5,161	374	5,535	81.81	452,818.35
La Crosse	17,679	1,521	19,200	81.81	1,570,752.00
Lafayette	4,706	752	5,458	81.81	446,518.98
Langlade	5,548	747	6,295	81.81	514,993.95
Lincoln	5,374	551	5,925	81.81	484,724.25
Manitowoc	19,418	1,156	20,574	81.81	1,683,158.94
Marathon	23,906	2,088	25,994	81.81	2,126,569.14
Marinette	9,202	1,108	10,310	81.81	843,461.10
Marquette	2,054	274	2,328	81.81	190,453.68
Milwaukee	227,747	23,164	250,911	81.81	20,527,028.91
Monroe	8,474	956	9,430	81.81	771,468.30
Oconto	6,911	948	7,859	81.81	641,944.79
Oneida	5,820	473	6,293	81.81	514,830.33
Outagamie	27,927	1,508	29,435	81.81	2,408,077.35
Ozaukee	10,547	398	10,945	81.81	895,410.45
Pepin	1,965	278	2,243	81.81	183,499.83
Pierce	5,675	454	6,129	81.81	501,413.49
Polk	6,482	894	7,376	81.81	603,430.56
Portage	9,517	1,143	10,660	81.81	872,094.60
Price	3,775	574	4,349	81.81	355,791.69
Racine	34,850	3,165	38,015	81.81	3,110,007.15
Richland	4,732	872	5,604	81.81	458,463.24
Rock	27,849	2,097	29,946	81.81	2,449,882.26
Rusk	4,280	715	4,995	81.81	408,640.95
St. Croix	7,824	818	8,642	81.81	707,002.02
Sauk	9,630	1,162	10,792	81.81	882,893.52
Sawyer	2,403	596	2,999	81.81	245,348.19
Shawano	8,592	1,145	9,737	81.81	796,583.97
Sheboygan	20,616	1,235	21,851	81.81	1,787,630.31
Taylor	5,194	820	6,014	81.81	492,005.34
Trempealeau	5,870	946	6,816	81.81	557,616.96
Vernon	6,670	1,313	7,983	81.81	653,089.23
Vilas	2,271	284	2,555	81.81	209,024.55
Walworth	12,653	1,010	13,663	81.81	1,117,770.03
Washburn	2,717	453	3,170	81.81	259,337.70
Washington	12,191	636	12,827	81.81	1,049,376.87
Waukesha	42,791	1,764	44,555	$81.81	$3,645,044.55
Waupaca	8,672	896	9,568	81.81	782,758.08
Waushara	3,149	539	3,688	81.81	301,715.28
Winnebago	26,297	1,263	27,560	81.81	2,254,683.60
Wood	15,959	978	16,937	81.81	1,385,615.97
Menominee	703	332	1,035	81.81	84,673.35
State total	970,933	91,088	1,062,021	81.81	86,883,938.01
WYOMING					
Albany	4,551	296	4,847	82.06	397,744.82
Big Horn	3,471	348	3,819	82.06	313,387.14
Campbell	1,464	77	1,541	82.06	126,454.46
Carbon	3,822	368	4,190	82.06	343,831.40
Converse	1,736	153	1,889	82.06	155,011.34
Crook	1,265	174	1,439	82.06	118,084.34
Fremont	7,016	927	7,943	82.06	651,802.58
Goshen	3,134	366	3,500	82.06	287,210.00
Hot Springs	1,631	89	1,720	82.06	141,143.20
Johnson	1,384	141	1,525	82.06	125,141.50
Laramie	14,751	1,043	15,794	82.06	1,296,055.64
Lincoln	2,805	292	3,097	82.06	254,139.82
Natrona	13,035	973	14,008	82.06	1,149,496.48
Niobrara	915	77	992	82.06	81,403.52
Park	4,883	335	5,218	82.06	428,139.08
Platte	1,939	237	2,176	82.06	178,562.56
Sheridan	4,510	368	4,878	82.06	400,288.68
Sublette	950	41	991	82.06	81,321.46
Sweetwater	4,721	248	4,969	82.06	407,756.14
Teton	745	99	844	82.06	69,258.64
Uinta	1,980	154	2,134	82.06	175,116.04
Washakie	2,459	266	2,725	82.06	223,613.50
Weston	2,204	107	2,311	82.06	189,640.66
Yellowstone National Park	96	....	96	82.06	7,877.76
State total	85,467	7,179	92,646	82.06	7,602,530.76
National total	43,117,555	7,414,291	50,531,846	....	3,680,782,206,98

THE GEOGRAPHICAL EXPRESSION OF MAINLAND CHINA: THE LARGEST CAPTIVE NATION

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. **FLOOD**. Mr. Speaker, it is plainly evident that from numerous sources, covering the full gamut from the naive to the political warfarist, a campaign is underway to appease Red China, pave the way for her admission to the United Nations, and even, in time, establish direct diplomatic relations with her. The ping-pong table is about the most ludicrous point of departure in accommodating Peiping's desire to extricate the mainland from both a self-imposed isolation and that so strenuously sought by Moscow. Objectively speaking, from a propaganda point of view, Mao pinged and scored while our innocent sheep ponged and were slaughtered according to form. Peiping's next ping is Mao's willingness to receive our President in the capital of a junior imperial state devoted to militarism, totalitarianism, and "peoples' wars" in the countryside of the globe.

PING, NOT PONG

The realistic and sane point of departure begins with a careful assessment of Red China's pitiful condition, the significance of the Russian threat, and, most important, the impact of our moves throughout all of free Asia. Our national honor, integrity, and principles are at stake in the entire free Asian sphere, and not only in the sturdy ally of the Republic of China. On the global scale, there is no need whatsoever to be pinged into the directions cited unless Moscow concretely threatens to apply the Brezhnev doctrine to Red China, and at that there are alternative and more salutary courses of action toward the freedom of some 700 million Chinese mainlanders.

Lest we forget, the U.S.S.R. has been in the United Nations from the start and its peace-disrupting operations in Korea, Vietnam, Cuba, the Mideast, Africa, Latin America—indeed, on all continents, including ours—are scarcely what we would want to compound with the easy inclusion of Red China in the U.N. We are at the crossroads of pinging rather than ponging, and substantial bargaining points are in our favor if we really seek a free understanding, a genuine concourse between peoples, and a secure and peaceful free Asia, rid of not only the threat of Red Chinese imperialism but also of Soviet Russian imperiocolonialism.

THE THREAT IS PROPAGANDISTIC, NOT PHYSICAL

For those of us who are enamored by the physical expression of Red China, chiefly its formidable population, I recommend their careful reading of a paper delivered by Dr. Lev E. Dobriansky of Georgetown University at the first Sino-American conference on mainland China, held last December in the Republic of China. The paper, titled "The Geographical Expression of Mainland China," emphasizes in scholarly form the basic military/industrial weakness of Red China and suggests that Peiping's only main forte—yes, even cognizant of its nuclear development—is propaganda and political warfare that has already been shown in our so-called antiwar demonstrations, with the photos of the mass killer Mao Tse-tung. I wonder how many of our Members and our people, after reading this paper, would settle for the shallow cliches raised in behalf of another tyrannical regime. This would be the measure of loss in our moral conscience.

Our annual Captive Nations Week—this year July 18–24—is time to bestir and renew our conscience, particularly now when our thoughts and actions are directed toward the largest captive nation of them all, the 700 million Chinese mainlanders.

The paper referred to follows:

THE GEOGRAPHICAL EXPRESSION OF MAINLAND CHINA

(By Lev E. Dobriansky)

At a time when there is an evident, calculated political onrush to extend diplomatic recognition to the totalitarian Red regime on mainland China and to pressure its admission into the United Nations, the need for a holistic, institutionalist analysis of mainland China becomes more urgent than ever before. This type of analysis concentrates on the organic, the integrative forces in a given object, the overall movements in total process, going beyond the welter of particulars and even interrelated aggregates of socio-economic character. Its objective is a rational and dispassionate endeavor to understand the object as a whole, in its diverse but dominant totality, so as to perceive its meaning, prime directions, and significance for good or ill in varying contexts of systematic investigation. In short, the mode of analysis pursued here is that developed and furthered by the peculiarly American school of institutional economics.

With this introductory statement on the nature and objective of this paper, it should be evident at the start that the discourse is not one of an informational and data-gathering activity in any particularist sphere of mainland China. Such an empirical activity is, of course, indispensable to all scientific inquiries, and any exposition of worth necessarily presupposes and is based on the disclosures of this primary activity, but it, in and by itself, can never enable us to attain to the level of holistic analysis and meaningful interpretation, even with its results of empirical generalizations. Nor is the discourse here founded on a sole treatment of aggregate data, whether they be GNP's, total employment, investment totalities, Communist Party, armed services and other aggregates. Naturally, here, too, such aggregate data, in so far as they are attainable, are also indispensable for our knowledge of a societal object, but, whether interrelated or no, they, too, do not exhaust the precincts or possibilities of social scientific analysis. There still remains the most difficult level of social scientific thinking where, guided by both particularist and aggregate data and generalization, the painstaking endeavor is to penetrate the object under analysis in terms of its integrative being, process of becoming, predominant characteristics and features, and its super-aggregative possibilities.

Succinctly, these outlines of the methodology that had to be defined at the outset are basically conformable with Aristotle's perceptive understanding of a "political economy," inhabited and worked in by humans who by nature are political animals. The holistic scientific analysis is thoroughly and fully attuned to this true and oft-substantiated conception of man, and without doubt events and developments on mainland China, in the Soviet Union, and elsewhere in the Red domain of the world are best comprehended through this mode of analysis. Even in the United States, where, ironically enough, this type of analysis was first initiated and developed, but least understood and applied, there is a growing recognition of the necessary politico-economic fabric of any society, including an advanced one with proliferative, mechanical patterns of market intercourse and organization. Thus, in the mould of our technologico-economic civilization, this analysis may properly be called "cultural economic," unavoidably concerned with both particularist and aggregate social scientific data, but also necessarily stressing the genetical, the historical, the politico-economic, the irrational and illusory, as well as the accidental, in a movement of unfolding process rather than just one of higher degrees of scale and equilibrium in a non-existent statical context.

In applying all this to mainland China, striking similarities in developmental experience can be drawn from the longer history of the USSR, and no adequate analysis of this type can ignore experimental precedents in the order of totalitarian rule and imperialist ambition. Theorizing on the basis of additional experience and growing evidence for a different scene has its productive role, but it is scarcely sufficient unless it is subjected to qualification and correction by cumulative human experience, as in the case of the USSR. For example, if reference can be made again to the issue of recognizing Peiping in whatever form, it is striking, indeed, how old illusions on "reality," "prospective trade" and "peace" nurtured forty years ago with regard to the USSR are muddling minds today in relation to mainland China.[1] Then, the horrible fact of five to fifteen million humans decimated in a costly man-made famine and social experimentation moved few of these minds, as it appears today that a similar phenomenon makes little imprint on similar minds. As a former correspondent in China and the editor of the *Selected Works of Mao Tse-tung* has put it with only some quantitative inaccuracy. "Mao Tse-tung, in his betrayal of the Chinese people, has already slaughtered, exiled and imprisoned more than the total number of people killed and mutilated by Stalin and Hitler combined."[2] If the force of perennial power struggle is borne in mind, his additional observation is portentous: "And under Mao's chosen successor, Lin Piao, by Lin's own testimony, the worst is yet to come." Needless to say, for those in the field of action and decision-making it hardly speaks well to shun such prominent facts even if politico-moral principles are not upheld.[3] A full institutionalist analysis insures the permanence of such critical and reflective data.

A GEOGRAPHICAL EXPRESSION

Doubtlessly, those who currently employ supportive "reality" in their argumentation for extended recognition will be astounded by my characterization of mainland China as basically a geographical expression. In the obvious sense, mainland China is of course a geographical expression, with demarcated borders, typography, rivers, populational densities and the normal like. However, in the real sense of a broad politico-economic entity, under the guise of the People's Republic of China, it still remains largely a geographical expression, buttressed by the force of armed rule and virtual, self-imposed isolation. The political symbolism of the PRC is by all evidence defied by the absence of any people's democratic will and the hollowness of any republic. Worse still, the periodic successions of turmoil, chaos and confusion on the mainland—far exceeding in comparable spans of time anything seen in the evolution of the Soviet Union—indicate the brutal fact that there is no politico-economic entity and all the attributes of societal stability, normal operations and relative cohesion that this fundamental concept suggests.

Supporting this apt characterization of mainland China as "a geographical expression" is a special and appropriate concept of capital. What mainland China suffers from most is a deficiency and lack of this basic type of capital. Capital not in the standard economics meaning of the term, as real investment or fluid savings, but rather in the peculiar, and in this case most appropriate, Lassallean meaning. It has frequently been reported that Mao is by far more attracted to what Marx dubbed as the utopian socialists than to Marx himself. This one can readily believe since the origins, development and nature of what is euphemistically called Chinese Communism bear as much relevance to Marxism as they do to Thomism. Were Mao a careful student of Ferdinand Lassalle (1825–1864), the Louis Blanc of German socialism, and acquainted with his theory of Konjunctur, he would come to comprehend the significance of mainland China as a persistent negation of capital in the useful Lassallean sense. Capital, in this fundamental sense, means a necessary long-run convergence of political, economic, social and juristic conditions and circumstances providing an environmental state of relative tranquility and order for socio-economic progress and balanced development, whatever may be the scale of priorities.

This socio-economic concept of capital has more determinative meaning for our times than does the standard textbook one. Without its pervasive presence and accumulation, real investment, fluid savings and other forms of generated, subsidiary capital would be prevented, impeded or destroyed. Capital in this broad but fundamental sense is as important to the Soviet Union or the United States as it is to mainland China. As reflected in much higher degrees of societal institutionalization, the former enjoy it—and indirectly show it—by far more than does mainland China, where it is grossly deficient. Indeed, there is a direct ratio and thus escalating sensitivity between socio-economic capital and the subsidiary forms of capital in the more advanced countries and states than in the less advanced ones that aspire to realize goals of technico-economic progress—again, whatever may be the priorities. Obviously, as a case in point, enforced romantic notions of social organization, human nature and the like serve to undermine the expansion of socio-economic capital and thus restrict and detour the accumulation of the necessary subsidiary forms.

Briefly, then, this guiding concept of capital enables us to furnish a synthetic, essentialist picture of mainland China these past two decades and to justify its basic character as a geographical expression. Contrary to the current arguments of recognitionists, more than adequate information exists as to this grave capital deficiency. The prudent use of this concept affords insights into the disentitative fabric of the PRC and its convulsive properties, sustained in the last analysis by rigid totalitarian methods, military control in the diverse regions of the mainland, and its fragmented expansiveness and engendered immobilities. Any ensuing analysis under the guidance of this concept cannot but point to several real possibilities severely altering the human situation of Asia and beyond. It is fraught with immense danger as well as promise, depending on the actions taken and ultimately on the underlying interpretations and judgments assigned to the available evidence.

THE UNCULTURAL REVOLUTION

The excessive and incredible upheavals caused by the Great Leap Forward and the anti-intellectualist, so-called Cultural Revolution may seem sufficient to determine the grave lack of societal capital on the mainland. But the bases of analysis extend beyond these two spectacular and, from the viewpoint of cumulative human experience, irrational phenomena. They necessarily involve human nature, the Chinese character and tradition, inevitable social differentiation, and the romantic inanities of forced, egalitarian proletarianism. A complete social scientific investigation of the mainland must necessarily deal with these and other ultimate factors in order to explicate the phenomenal imbalances, discontinuities, wild fluctuations and truly chaotic conditions that have featured the brief socio-economic history of the so-called People's Republic of China.

Within the span of this paper, these salient points will be covered under (1) the uncultural revolution (2) the great leap backward (3) protracted backwardness and (4) the military and imperialist drives. As mentioned, our guiding, overall concept is capital in the Lassallean sense. Our theme is the striking deficiency of this fundamental capital in mainland China, thereby justifying the apt characterization of this area as a "geographical expression." The disbalancing phenomena, as seen in agriculture, industry, transportation, foreign trade, the whole sphere of social relations, and the political apparatus, not to overlook the treatment of other national entities on the mainland, both underwrite and measure the acute shortage of societal capital in this vital and explosive area of our world. From this compact analysis, then, one can draw the logical conclusions of decision-making import and policy action as to whether the geographical expression is fit for admission into the U.N., is worthy of direct diplomatic recognition, is a prospective market for prosperous trade, is a contributor toward world peace, and a host of other important considerations.

Concentrating on the dominant forces contributing to and sustaining the geographical expression, it is convenient for us to begin with the most recent convulsive episode of the mainland's tortuous development. The so-called Cultural Revolution, spanning from late '65 through '68 and being in essence an uncultural revolution, if standards of civilized existence and growth are observed, crystallized several of these forces. They can be efficiently categorized as follows: romantic utopianism, Mao cultism, power consolidation, and psychological revolutionism. With some prominent similarities to past experiences in the evolution of the USSR, these forces often are intermixed and operate concurrently and interrelatedly. Though heavy documentation can be offered for each, a concise pattern can be presented here, based on several salient points of evidence.

Footnotes at end of article.

Clearly, it would not be too great an oversimplification to identify Maoism as Red Chinese Stalinism, with its cultism, spurious hero worship, extreme totalitarianism, and power consciousness. The spirit, words and deeds of Maoism conform thoroughly with this overriding Stalinist animus: "We must destroy and cast aside the rotten theory that with every advance we make, the class struggle of necessity will die down more and more . . . On the contrary, the further forward we advance . . . the greater will be the fury of the remnants of the broken exploiting classes."[4] Time and time again, in different words but with identical meaning, the same animus is expressed by Mao, who has a peculiar bent for putting it in terms of "enemies with guns" and even those without guns: "After the enemies with guns have been wiped out, there still will be enemies without guns; they are bound to struggle desperately against us, and we must never regard these enemies lightly."[5] Ironically enough, the former head of the PRC, Liu Shao-chi, who was eliminated by this doctrine of permanent revolution, in 1959 advanced a refined expression of it in his theory of undulating struggle whereby the struggle will persist at varying levels of intensity and will finally disappear "only when . . . bourgeois political and ideological influences are finally wiped out."[6] Throughout the 60's, this same animus is given vent to in connection with a variety of pretexts. Thus, for example, Lenin's warnings are invoked as to the overthrown enemies of socialism that would "multiply their efforts tenfold and their hatred a hundred times in the obstinate fight to restore capitalism."[7]

This revolutionary animus, which reached a high point in the so-called Cultural Revolution, cannot but remind one of its identical use by Stalin in the 30's, tied in with his forced collectivization program, extensive purges in the Party and the armed forces, and established acts of genocide and mass deportations. Similarly, the manipulation of the animus served multiple purposes for Stalin as it has for Mao, among them being the purge of feared opponents in the ever-present power struggle, the constant fear of a freedom revolutionary outbreak, interminable manifestations of resistance to totalitarian planning, and the residual product of "revolutionary consciousness" for export on the part of a presumed wave of the future. Powerfully mixed with the animus was the personality cult under Stalin as it has been with Mao. If, as Khrushchev says, "it was during the war that Stalin started to be not quite right in the head," there are grounds to believe that Mao began to lose his bearings with the Great Leap Forward, only to be accentuated in the uncultural revolution.[8]

To be sure, in many respects the mainland situation differs from that in the Soviet Union, involving culture, traditional bonds, the democratic and moral magnetism of Dr. Sun Yat-sen, individualist farming, the very existence of a Free China and others. But when one soberly considers these differences, the magnitude of the unstabilizing impact of Maoist revolutionary proletarianism becomes all the more evident and, in the light of USSR's experience, all the more destined to failure and disaster. "Revisionist" though it has been, in the Soviet Union a reconciliation had to be pragmatically made with certain traits of human nature, such as self-interest, the better life, national and professional identity, increased mobility, apathy toward permanent revolutionary fervor, and adjustments to technological determinants. This in no way has lessened its posture as the prime enemy of the Free World; on the contrary, with enhanced productivity and channeled investments, it has magnified it. In the case of the mainland, as exemplified by the multi-faceted commune, the revolutionary animus went far beyond the Stalinist mould with its philosophical socialist utopianism, feeding on theories pre-dating Marx.[9]

Aside from its practical political uses, primarily purgative, it is this suffusive animus, put in terms of a proletarian cultural revolution, that dominates the scene of the mainland and in varying degrees influences, shapes, distorts, disbalances, rocks and shocks almost all spheres of so-called Chinese mainland society. Red guards were used by Stalin in the man-made famine of the early 30's in Ukraine, northern Caucasus and southern Russia, but by no means were they unleashed with the reckless and tragi-comical abandon witnessed on the mainland, disrupting parts of the economy, decimating scarce professional resources, closing down the universities and schools and, of all things, virtually wrecking the structure and operational apparatus of the Communist Party. The last outcome demonstrates in itself the proximate, heavy dependence of Mao on the armed forces and security network, not to mention the significance of his heir-designate Lin Piao. Utopian, un-Marxist exhibitions in Soviet Russia during the short teens, in the form of communes, abolished money system, labor-time cards, free "love," sartorial as well as occupational egalitarianism, cultural divorce from the past and a host of other heralded but specious changes in human nature were left far and long behind when Stalin massively applied the permanent struggle doctrine. In Mao's case, an unbridled utopianism is combined with the doctrine for periodic cleansing of broad sections of the mainland populace.

Thus, far more in line with utopian socialists and associationists of the early 19th century than with Marxism, Maoism with its totalitarian power seeks to remake human nature through enforced proletarianization, entailing the elimination of social stratification, an economic levelization, and a developing egalitarianism that would abolish motives of profit, incentive, and individual material gain. Not unlike Tito who initially sought to out-collectivize the USSR in a shorter time period and with superior socialist results, Mao gives all evidence of attempting to out-communize the USSR and the rest of the Red Empire through this un-Marxian utopianism executed in a predominantly agrarian environment. This is no Red Chinese mystery; it is an oasis of ideologic madness, for even substantial technologic development alone, which the mainland conspicuously lacks for its size and needs, will predetermine differentiations, rewards and other inevitable socio-economic distinctions. If this is the bourgeoisification that Mao fears, such as has occurred long ago in the Soviet Union and later in other parts of Eastern Europe, the machine in its more sophisticated and advanced form predetermines it, regardless of all the verbal romanticism stacked against it.

What therefore has been propagandized as something new is plainly old and at that reactionary. In substance, for a brief period the Russians, too, had their propaganda against the "four olds": old ideas, old culture, old customs and old habits. They soon learned about human nature. Theoretically, the "new ideas" are at the least over 100 years old. In parts of the Free World, those who have declared themselves Maoist-oriented, invariably furnish the finest tribute to the "profundities of Mao's thoughts" by their overt philosophical illiteracy. However, taking all this into account, we cannot overlook the practical consequences of Mao's philosophical aberrations, over and above those mentioned.

The first Stalinesque consequence is the strengthening of the so-called dictatorship of the proletariat, which in de-Aesopianized language means eliminating all who refused to accept Mao's leadership without qualification. An Aesopian version puts it as such: "Support should be given to those in power who are proletarians, precisely for the purpose of overthrowing those in power who are taking the capitalist road."[10] Like Stalin's purges, the list is long with numerous outstanding leaders in the party, government, and the military, such as Lo Jul-ching, Army Chief of Staff; Sun Yeh-fang, China's Liberman and former director of the Economic Research Institute in the Academy of Sciences; P'eng chen, head of the Peking Party Committee and Politburo member and, of course, Liu Shao-chi, former head of state.

A second consequence is the perpetuation of "revolutionary consciousness" to appease further the regime's ever-present fear of bourgeoisification and democratic anti-communist resistance, to surpass propagandistically the Moscow regime in the phantasmal drive toward undefined communism, and thus leadership in the international communist movement, and to inspire various breeds in the Free World as instruments for the operations of Peiping's global political warfare. "People of the world," blurted Mao on May 20, 1970, "unite and defeat the U.S. aggressors and all their running dogs!" In the meantime, within the confines of his menagerie arrests of anticommunists are being made periodically, as in the area of the Maoist Army Garrison in Canton, apprehending leaders of an organization called the International Freedom Party.[11] A third consequence is that with the Communist Party virtually in the vest pocket of the People's Liberation Army grounds have been formed for a protracted internal struggle.

This unending internal struggle, which will validate further the geographical expression, depress the basic capital to still lower levels, produce additional socio-economic dislocations, cause the mainland Chinese to fall further behind those in other underdeveloped areas, and will make plain mockery of the naive push for Peiping's recognition, is well in evidence. Concerning the so-called Cultural Revolution, as one source put it in 1967, "There will inevitably be many more in the future."[12] On this theme, as a joint editorial phrased it in 1969, "criticize all erroneous tendencies and erroneous ideologies within the Party and among the revolutionary ranks which violate Mao Tse-tung's proletarian line and policy."[13] Plainly put, too, are these words: "The brilliant course of the Chinese revolution shows that the Chinese people won political power through fighting with guns under the leadership of Chairman Mao and the Chinese Communist Party, and it is likewise with guns that they defend political power."[14] So now, in this gigantic tragi-comedy, the new struggle is propagandistically graced with a transfer from the Little Red Book to a booklet of five philosophical articles by Mao to improve the thinking of everyone on this higher plane, and if Mao's instructions cannot be understood, Vice Chairman Lin will explain them—"then they are easy to understand, and one understands them more deeply," according to a navy party committee.

THE GREAT LEAP BACKWARD

The basic and determinative process of internal struggle extends back, of course, well beyond the uncultural revolution episode, in fact back to 1949 and in potentiality for totalitarian rule back to the early 20's. Within the context of mainland China and its multifarious peculiarities, it cannot be emphasized too strongly that it is this process of permanent and unpredictable revolution, generated and accelerated by the ideologic and political forces mentioned, that has created and dominates this geographical expression. Not to see this is not to see the situation as a whole, despite the multiplicity of its diverse parts. Thus the so-called Great Leap Forward, a prime case for economic psychiatry, is in the light of our analysis a Great Leap Backward and only buttresses further the general thesis of this paper. For

---

Footnotes at end of article.

in the entire evolution of the Red Empire since 1917, no case can be compared with Mao's dominance as concerns the crude mangling of economics in a totalitarian mould by philosophical romanticism and callous power politics, enforced strongly within but being patently weak without.

If one wades through the mass of fragmented but nevertheless meaningful information and data regarding the mainland since 1949 and maintains the holistic bent underscored here, he cannot but logically arrive at the same ruling generalizations. Within the limits of this presentation, it is, of course, not my intention to recite these socio-economic data accumulated since 1949, for the organized sources are available for such scrutiny.[15] Instead, those essentials are selected to gain further insights into the convulsive properties of the geographical expression.

After seizing power in October 1949, the Mao regime typically embarked on a program of land collectivization and rapid industrialization, executed in stages and, despite certain quantitative gains down to 1958, performed at incalculable real costs of lives, time and resources. In all of the Red economies, physical aggregate figures for industrial and agricultural outputs can never measure the real and opportunity costs incurred for such advances—and these costs run incalculably and disproportionately high—nor can these figures, taken alone, ever be impressive from the viewpoint of total social efficiency, including those of presumably the most advanced Red economy, the USSR. Where, as in the case of the mainland, figures of physical magnitudes have decreased or spell virtual standstills, the condition of excessive costs become even more compounded.

In the primary agricultural sector of the land ostensibly liberated by "agrarian reformers," the reforms to 1952 involved far more than land redistribution. They were aimed at the elimination of so-called "ruling, rural classes" (so to speak, the Chinese kulaks) and subordinating the vast agricultural area as an instrument of economic totalitarianism at the disposal of the regime. In the process, over 10 million households were initially liquidated, and eventually about 116 million acres were confiscated and, in the standard initial Red stratagem, redistributed among 300 million peasants. It wasn't long that the stratagem became evident to the most ignorant peasant with the collectivization phase from '52 on, executed in three consecutive moves: mutual aid teams of 6 to 8 households each with common equipment; from '53, elementary cooperatives with land pools under single management; and from '55 on, the Chinese kolkhoz with collective ownership of land and means of production, except for the proverbial escape valve, the peasant's plot. In essence, the Soviet experience was repeated here, and by the end of '57, 120 million households were forcibly organized into 752,000 kolkhozi. Then the fantastic and tragicomical Great Leap Forward in the predominant agricultural realm, which the Russian themselves viewed with horror.

Launched in April 1958, this mad institutional leap was accomplished with such romantic and harsh fervor that by October, 90 per cent of peasant households were merged into 24,000 huge, unmanageable communes, with the small plots now non-existent, tight central control, and peasants eating in public mess halls while the children played in communal nurseries. By the summer of '59, the grand retreat ensued and, by virtue of the incredible damage done, continued well into 1963: in short, reverting the whole system back to ante-'58. Great Leap Forward figures were admitted to be fabrications, and from 1960 to the present official statistics have been scarce, with the old Russian technique of percentage data being used. However, reasonable estimates point to a slow agricultural improvement from '61 to '64, with grain output rising from a low of 155 million tons in '60 to 165 million in '61 and 182 million in '62, but still behind the ante-'58 level. By '64 some restoration to this level seemed to be achieved, though the situation was marked by heavy imports of wheat from Canada and Australia, 6 million tons in '61, 4.5 million in '62, and 5 million in '63.

On the eve of the uncultural revolution plots were again forced into collective cultivation and state control was extended over the limited free agricultural markets. A stubborn problem seen in the USSR and elsewhere in the Red Empire, the promotion of peasants' incentives was lost upon the regime. Also, with the prospect of a population of 1 billion in 1980, the necessity of agricultural progress seemed to be overshadowed by Mao's utopianism. The salient point of all of this is the marked irrationality of the Great Leap Forward as measured without doubt in concrete performance. Totalitarian impositions of romantic notions do not guarantee efficient performance and maximum output, as the experiences of the USSR and other sectors in the Red Empire have well demonstrated. In sharp contrast to the United States, the Republic of China and many other areas in the Free World, it is a striking phenomenon that virtually all Red economies are beset by a persistent problem of adequately feeding their populations in bulk terms, not to speak in qualitative veins. Comparisons of adequacy and per capita output between the Republic of China and the mainland make the latter look dismally sick.

Substantially, the industrial picture during this period also shows up the clash between totalitarian romanticism and the stubborn requirements of technologic progress, which I maintain is the crowning mark of any civilized community today. From '49 on, as in agriculture, socialization of industry on the mainland advanced rapidly, with private enterprise in any way connected with the Nationalist Government being immediately confiscated and by 1952 almost all foreign enterprises were seized. By '58, some 70,000 private industrial enterprises were reorganized under joint state-private management, nearly 2 million commercial establishments were converted into state-private or cooperative stores, and the banking system was basically socialized. All this was standard Red "socialist" procedure and, as a matter of fact, executed at a slower tempo than one finds in comparable periods in the so-called communist states of Eastern Europe, which includes the USSR.

Significantly, the first two 5 year Plans followed the USSR model. As expected, the first plan of 1953–57 placed emphasis on rapid, heavy industrialization, aiming to double gross industrial production by the end of the Second Five Year Plan in '62, whereas, typically, agricultural production was to rise about ¼ in the first plan and in the second, with the investment ratio between industry and agriculture maintained at 7.5 to 1. As it turned out, during the first planned period and on the low scale of mainland industry the results were somewhat impressive. The average annual growth of industrial output was about 19 per cent and, typically, in agriculture reportedly only 4.5 per cent; in some physical terms, pig iron production tripled to 5.9 million tons, steel quadrupled to 5.4 million tons, and coal doubled to 130 million tons. Again, I emphasize, as in the cases of all the Red economies, such physical terms, perhaps impressive in themselves, are not really meaningful in the holistic framework of total social efficiency, balanced development, and viable strength.

Also according to standard Red patterns, light industry lagged behind the heavy and agriculture lagged behind both, with food grain increasing in the five year period actually by only 14 per cent to over 175 million tons at an annual growth rate of food production as low as 2.6 per cent, barely more than the natural increase in rate of population, reported at 2.2 per cent per annum by mid-'56 the socialization of the low-scaled mainland economy was almost completed, and its industrialization was based on the development of heavy industry. For what it is worth, the mainland GNP is estimated for 1950 at about 55 billion yuan, valued at constant '52 market prices, and by '57 it rose to 102 billion, or an increase of 86 per cent at an average yearly increment of about 8 per cent.[16] Then the Great Leap Forward in '58—a further conclusive indication of the economic immaturity of Mao's romantic madness with a method.

In this real Great Leap Backward production targets for '58 were raised double those of '57. The leap proved to be catastrophic. The regime first confirmed its success and then admitted falsifying published figures. It had a disastrous effect on agricultural production as some 60 million rural workers were transferred to participate in a backyard furnace campaign producing low-grade steel. The agricultural setback in turn slowed down industrial production and also offset the economic gains of the ante-'58 period. Aggravating the situation, Moscow sensibly suspended its economic assistance in the summer of '60, which constituted a most important support of the first Five Year Plan. Its 156 major projects provided the backbone of the plan. In the '50–'59 period, Moscow supplied more than 10,000 technicians and specialists, more than 21,000 sets of scientific and technical documents, including over 1400 blueprints for large enterprises, and trade between the two imperialist areas increased noticeably, reaching a turnover of $2 billion in '59. By '62, the turnover was ⅓ of '59, the lowest since '50. One can be sure that Moscow won't have its fingers burnt again in this fiery geographical expression without full guarantees in applying the Brezhnev Doctrine.

As in agriculture, the industrial retreat was on in '60. The industrial tempo decelerated markedly to afford a concentration of resources on agricultural recovery. In the finest tradition of primitive economics, a "whole country support agriculture" program was pushed as 20 million laborers, city dwellers, bureaucrats and students were mobilized for work on the agricultural front. Resembling the USSR's New Economic Policy forty years before, peasants' initiative was appealed to, private land plots were returned, choice of sowing was allowed, and produce was marketed freely. In the '61–'64 period, on the eve of another upheaval, industry was virtually stagnant, foreign trade decreased sharply, annual plans, not to speak of five year plans, failed to materialize (the Third Five Year Plan was to have begun in '63 and then was scheduled to run '66–'70) and an acute capital shortage ensued. Steel output, for example, declined from 13.3 million tons in '59 to 10 million in '62. Foreign trade in '58 was at $5.5 billion and by '62 at $2.3 billion. To meet the investment level of the Second Five Year Plan, some $7 billion was necessary annually, but what was available was diverted into the heavy costs of nuclear development, which led to the first atomic explosion in October, 1964 and the third by '66, a 2.6 million army and a huge militia of men and women which guard the geographical expression.

PROTRACTED BACKWARDNESS

For those who would dignify the regime on the mainland with recognition in the U.N. or directly, and for whatever specious reason, this incredible record of protracted backwardness should be played over and over again. Bearing in mind some of the apparent

---

Footnotes at end of article.

parallels and similarities with the development of Soviet Russia and then the Soviet Union, we cannot but note the patent irregularities, distortions and inadequacy of statistical data that form one among many indicators of the general condition of the mainland. Punctuated by overall confusion, administrative vagaries, ideological obtuseness, recurring shortages and spasms of starvation, agricultural performance is another powerful indicator of pervasive deficiency in societal capital. In the sphere of largely underdeveloped industry, where integration is at a premium and mismanagement the general rule, similar conditions and characteristics prevail. Innovation, modernization, and stable progress are attributes in virtual non-existence. Major resultant disruptions can be seen in cognate economic sectors, such as transportation, foreign trade and final consumption, through the uncultural revolution to the present.

The prominent aspects of this amorphous reality in its dismal state of protracted backwardness are numerous and startling, so much so that doubtlessly few people are aware of them, whether on official or private levels. Transferred to the field of political action, in the course of '71 these and other facts should be publicly discussed before this geographical expression is again pressured into the U.N. One need only ask himself "How far have we insured peace in the world with Moscow in the League of Nations and then the United Nations?" The internal Russian record in the imperial state of the USSR is bad enough; the unbelievable Maoist record in this geographical expression is plainly monstrous.

With the paroxysms of the Great Leap Backward and the Uncultural Revolution, what planning organization there was, has been severely impaired as officials such as the Minister of Finance Li Hsien-nien, Minister of Agriculture Liao Lu-yen, and chairman Po Yi-po were pilloried with abuses in this vein: "We don't need brains! Our heads are armed with the ideas of Mao Tse-tung." Hardly a pitch for long-term development with millions of anti-intellectualist drop-outs or to satisfy the desperate need for modernization in an expression of 18th century environment with early 19th century ruling utopian thoughts. The statistical dearth itself reflects the reality of this expression. Occasional references are made to the Third Five Year Plan, yet no growth rate for industry is published. In the First Five Year Plan the average national income yearly increase was 8.81 per cent; it is perhaps safe to estimate for '58–'68 one of only 0.34 per cent, giving on an unreliable fixed exchange rate an average per capita income of about $76. Even the population figure of 750 million mainland Chinese is suspect and, as one source puts it, "all efforts to estimate the size and rate of growth of China's population are fraught with considerable uncertainty." [17] Since the 1953 census there is no evidence that basic population statistics have been kept, and in this numbers game, so reminiscent of most of the Russian experience, your guess is good between 700 and the U.N estimate of 759.6 million for 1970.

However, despite the guesstimal variances in all these figures, whatever the pick still furnishes a pointed indication of the dismal character of this fragmented "reality." In '69 its gross product was in the range of $70–$80 billion, or about ⅖ of Japan's GNP, and its per capita output ranged from $90–$100, about only ⅓ of the Republic of China. Those who suffer nightmares over the gigantism and threat of Mao's domain on the world scale should reflect on these and other estimates. Over 700 million people, with 90 per cent jammed on 12 per cent of land which is arable, and deep division existing among the 21 provinces, 5 autonomous regions and 3 centrally governed municipalities, make the mainland more of a cinder-box to the regime than any serious threat to our Free Asian allies.

The food-population problem is undoubtedly one of the major long-term problems. In '69 grain production totaled 188 million tons and in '70 this will be exceeded. With the 4.5 million tons purchased from Canada and Australia, a level of adequacy in food consumption is attainable. The output, however, is still below the 200 million tons of '65. In '67, there was an extensive slaughtering of cattle, pigs and poultry by the peasants. The forced migration of some 25 million city dwellers into the countryside during '68–'69, while not exactly a means of enhancing agricultural productivity, contributed to output recovery. Generally, farm life continues to be one of hard toil from dawn to dusk, with wooden plows and hand sickles much in evidence, and the entire family involved. Modernization is the basic need and this calls for heavy investments in land reclamation, mechanization, irrigation projects, rural electrification, and fertilizer plants (fertilizers are still only 40 per cent of minimum requirement). In this predominantly agrarian economy, it also calls for an institutionalization of private plots, freer markets, peasant incentives, and a surcease of romantic actions against economism. On record, it is doubtful that the last would be allowed.

Industrially, both the Leap and the Cul-Rev cost the mainland a full decade of industrial growth. In '66, crude steel output was only 12.2 million tons, coal at 250, crude oil at 10, electric power at 40 billion kw hours. Fighting and sabotage during the Cul-Rev led to declines, as witness the admission of Peiping's Maoist chief Hsieh Fu-chih as to a 7 per cent decrease in the capital's industrial production.[18] With agriculture concentrating on food products, consumer goods industries will still lag behind the '58 peak; and heavy industry continues to be hampered in growth capacity by the regime's intensive weaponry program. With only about 3 per cent of the labor force employed in modern industry and a steel output of about 12.5 million a year, as compared to the 130 million of the U.S., the mainland's industrial economy can be viewed as an expression of scale.

The overall picture is not any brighter or too promising in transport, foreign trade, final consumption, education, and even economic planning. The travel mania of hundreds of thousands of Red Guards during the Cul-Rev to exchange "revolutionary experiences" was not without effect on the transport system, leading to goods' pileups, bottlenecks, and wasted resources. In mid-'67, the Central Committee had to call for a restoration of order.[19] Heavy amounts of capital investment are required for any modern transport system, and it will be some time before the mainland could begin to develop one in an area now featured by immobility, where 8 out of every 10 Chinese who can get anywhere is on foot. Most have no access at all to telephones, radios or newspapers. A striking underdevelopment is punctuated by 23,000 miles of railway, mostly single track, only 350,000 miles of highways, largely soft surfaced, and an acute shortage of buses and trucks. Such poor infrastructure accounts in large measure for the geographical expression of the mainland.

For those naive recognitionists who advance the argument of unlimited trade with the mainland—incidentally, an experience repeated over and over again with the Russians—the record and content of the mainland's foreign trade is sufficient to underscore the speciousness of their argument. After all, in the lost fashion of elementary economics, foreign trade is a coefficient of given domestic economies, and from what we see of the mainland's, its prospects are bleak, indeed. To be even more elementary, trade is a two-way street, and the geographical expression within the fantastic Maoist mould has little to offer in return. So, on with the statistics and basic essentials. Similar to any Red foreign trade, the mainland's foreign trade functions are imports of the latest Free World technology, shoring up the pitfalls of domestic production and planning, and pretending in a Chinese Potemkin-like mode to exert through this medium and influence, usually among pygmy states, of the great "reality," in geography only. Peaked in '59 at $4.3 billion, the mainland's foreign trade declined to $2.7 billion in '63, recovered to about $3.7 billion in '65 and an estimated $4.7 billion in '69 for hardly any progress in ten years.

Even more important are these salient facts: (1) prior to '60, about ⅔'s of its trade was intra-Red Empire; since, about 70 per cent is with Free World countries which, in a way, contributed to Mao's socio-economic fantasia (2) the commodity composition has changed from imported machineries to imported foodstuffs and (3) short on hard foreign currency, it is exchanging high-value food products, such as rice, meats, vegetables, for cheaper items like wheat. Alongside this "sophisticated" foreign trade, the Peiping Potemkinists offer wheat to Egypt and Sudan, developmental aid to Iraq and Jordan, with generous interest-free terms over a 10 year repayment period—and with a 10 year grace period to boot!—for exceeding their Russian competitors, but all for conversion purposes to Mao's thoughts and even votes for U.N. admission. Recently, Mao has called for a crash program in the construction of large naval and merchant fleets to exceed the "several 10,000 ton ocean-going freighters, a few 15,000 ton oil tankers, and an icebreaker" and by the verbal theme "Let the great Red banner of Mao Tse-tung's thought wave high on the shipbuilding front forever." [20]

Great Leap propaganda formed the illusion that three years of hard work and suffering would gain the Chinese worker 1,000 years of happiness. The gross fatuity of such typical propaganda is belied by the squalorous and desperate conditions of the exploited Chinese worker. A per capita income of less than $100 a year places him as one of the lowest in the world. Earnings by some are less than $15 a month. A diet of rice is what all but few Chinese have; meat, fish and even tea are luxury items. Food and clothing are strictly rationed. In the early '50's and also '60's industrial pay was mostly by piecework, and this encouraged maximum production. The Leap and Cul-Rev substituted Maoist "incentives" of the "common good" and togetherness, and production lapsed. Now the stress is on utilizing machines to the maximum, leading to an epidemic of industrial accidents. Soviet-type unions were virtually eliminated by the Cul-Rev, and the worker finds himself completely defenseless today. Refrigerators, TV sets, of which there are a few thousand on the mainland, sewing machines, cars and other mechanical conveniences are restricted to the minority elite. Public health care remains primitive as "native medicine" with its herbs and locally made ointments still prevails. Movies are drenched in propaganda and Maoist "messages," and coerced attendance at political meetings, revived after the Cul-Rev, is obligatory for one member of every household. In short, omnipresent drabness punctuates the daily existence of the exploited mainland Chinese worker and peasant.

Considering the dominant, overall trends and developments depicted here, what other effects and outcomes could one logically expect? For long-term, secular development the worst damage caused by Mao's methodical madness has been in education. Practically every government in the less developed areas of the world understands and values the basic capital represented by time-

---

Footnotes at end of article.

consuming education for the long-term growth and progress of its country and people. But in this geographical expression, where skilled human resources have chronically been in short supply, this unalterable truth has been recklessly negated by the Cul-Rev and Mao's "proletarian educational system," which the Russians played with over 40 years ago. Education was set back by at least 10 years by Mao's uncultural carnival, during which most universities were closed down. Today's political theatrics of dispatching worker and army propaganda teams to campuses to conduct "revolutionary mass criticism," "reeducate the intellectuals," purge nonleftists, and groom classroom platforms with farmers, workers and soldiers will undoubtedly accentuate the mainland's educational incapacity to meet the needs of the Chinese people by the civilized standards of our century. If the experiences of others, particularly the Russians and their "proletarian education," nursing schools, molding the "socialist" or "Soviet" man, etc., don't serve as a constructive lesson, hard objective determinants of technology and economics will inevitably underwrite the painful cost of these political theatrics.

Finally, to speak of economic organization as a going, integrated concern in this massive expression is to speak of an illusion. Prior to '58, economic planning was attempted on a Soviet model, a single-track system of centralized planning for the benefit of centrally controlled state enterprises. In the Great Leap a shift was made to a double-track system, where local authorities in a planning unit of a geographical and hopefully self-sufficient area attempted to coordinate enterprises in their area, paralleling somewhat Khrushchev's sovnarkozi in the USSR.[21] This resulted in mass disruption of supplies between areas and regions. The debacle of the Third Five Year Plan is evidence enough of the extensive disorganization that has prevailed these past five years. Under the semblance of a Fourth Five Year Plan, ostensibly begun in January '70, it appears that "decentralization," a euphemism at best, is stressed, encouraging the construction of small factories, irrigation projects and other enteprises in so-called "people's communes." Motives behind it seem to be a reduced vulnerability of cities to attack, an improved capability of local sectors to defend themselves, relief of population congestion in cities, elimination of undisciplined Red Guards from the cities, and a reduction in urban unemployment. Priorities are directed at agriculture and light industry with the aim of accumulating in a self-reliant spirit surpluses for investment in heavy industry, supplemented in some degree by foreign loans and assistance. In short, the basic question of what type of economic organization is being sought remains moot, as the forces of Maoist utopianism, bureaucratic pragmatism, revived "capitalism," black marketeering and corruption vie with each other.

THE MILITARY AND IMPERIALIST DRIVES

In the light of this totalistic socio-economic pattern of expression on the mainland, it is submitted that concentrated nuclear development in this maze proves in itself the dominance of a militarized configuration that, with a more or less enforced isolation, permits the continuation of a semblance in politico-economic organization known as the People's Republic of China. So long as extensive military control in conjunction with Communist Party totalitarianism persists, this concentrated development will continue unabated and relatively unaffected by sectoral convulsions. Moreover, external forces, such as Moscow's play for influence and power on the mainland, the threat of the Brezhnev doctrine, and ambivalent American interest, will fortify further this top-priority development for emphasized security.

By all evidence, the essence sustaining the geographical expression with a semblance of organized effort and pulsation is military. As in the case of all Red states, and the USSR in particular, an excessive, disproportionate amount of the annual gross product is allocated to the military, which in the last, ideal analysis is by nature a form of economic parasitism. Aside from the heavy costs of military nuclear development, about 20 per cent of the mainland's gross product is absorbed by the armed forces—the 2.5 million in the PLA and 7 million in militia and security forces. The military nuclear program has been undertaken with significant continuity and, as a sharp contrast to all other spheres of the expression, is somewhat of a vehicle for Red Chinese potemkinism, a badge of Peiping's ostensible super-power status concealing vast impoverishment and underdevelopment. Despite reported anti-Maoist incidents in '67 in Sinkiang province, a site of Peiping's nuclear industry, the program was pushed ahead, with a hydrogen bomb tested in June of that year and all indications that top-priority sectors of the economy connected with the military escaped the ravages of the Cul-Rev. It is expected that by 1975 a modest force of strategic nuclear missiles will be deployed.

This development, as well as the launching of a 381 pound satellite in '70, has more meaning for Peking's potemkinist tactics and imagery, not to mention potentialities for blackmail, than it has for military capability on a global scale. It is greatly out-powered by the USSR and even more so by the U.S. With the largest armed force in Asia, it nevertheless poses a continuing threat to free Asian nations. However, American presence in Asia, in one form or another, reduces this threat considerably.

If the advance reports are correct, it would be in complete conformity with the thesis developed here that the new draft constitution, supplanting the present one promulgated in 1954, will make Mao supreme commander of the armed forces and Lin Piao deputy commander; and also that instead of "a people's democratic state" reference will be made to "a proletarian dictatorship," in which "Mao Tse-tung thought is the guiding principle for all work of the people of the whole country." The prime sustaining forces of the geographical expression—the military, the political totalitarian, and the cultist—find constitutional accommodation, to be stamped by the National People's Congress. More, despite ambassadorial exchanges and the like, the new constitution looms as a new propaganda issue between Peiping and Moscow. For example, Moscow's Radio Peace and Progress beamed to Inner Mongolia stressed on September 27 that the "Peking leaders intend to strengthen their aggressive extermination policy of force against the non-Han people by legal means—the new national Constitution." [22] All of which points to another dominant feature of the expression, namely its imperial character and the imperialist drive of the Peiping regime.

The subjects of Peiping's "nationalities problem," similar to that of Moscow, and its political warfare aspirations on a global scale, also similar to Moscow's, can be described at length. It is sufficient here to mention certain essentials that would complete the dimensions of our thesis and also point to aspects of the two subjects which are deserving of far more attention in Free World scholarship than they have been receiving. For years now Peiping has been condemning Moscow for what it calls "social" or "socialist imperialism" and has directed its political warfare efforts toward the numerous non-Russian nations in the USSR. It has viewed the "new Tsars" as being even more covetous than the "old Tsars" who occupied more than 1.5 million square kilometers of land now claimed by Peiping.

Now, the fact is that we are dealing with the two last remaining and important imperial complexes in the modern world. Although with obvious differences of scale (e.g. more distinctive nations in the USSR than in the PRC, greater non-Russian population in the former than non-Chinese in the latter, etc.) in substance the PRC is as imperial in character and possessed with imperialist drives as is the R.S.F.S.R. in the USSR. Emphasized by both sides in the Sino-Russian rift, this mutual character has been portrayed at length by both these past few years. Referring to the Chuangs (over 8.5 million) Uighurs (5 m.) Dungans (4,5 m.) Yis (3.5 m.) Tibetans (3 m.) Miao (2.5 m.) Manchurians (2.5 m.) and others, totaling over 45 million, one typical source stresses that "the national regions of the PRC have a colonial nature." [23] Another states, "the national culture of the less populous nationalities of China has been subjected to forced Sinization." [24] As so eloquently exposed by both sides to mutual discredit, a range of exploitation by Peiping extends beyond the mainland Chinese per se, and this parallel problem built into the imperial complexes of both, with critical potentialities for the future, must be honestly and objectively faced and discussed in the Free World.

Finally, under a colossal pretense, supported superficially by the huge population, area expanse, a large but largely unmodernized army, and space and nuclear badges of super-power status, in this awesome imagery Peiping has sought to influence, and perhaps even to dominate by remote control, in many regions of the less developed world, "the countryside of the globe." It is unnecessary here to recount in detail the scope and depth of this essentially political warfare operation, greased by arms shipments, diplomatic intrigue, financial support, low-grade aid, and Maoist revolutionary emotionalism. Here, too, substantially Peiping is following the path that Moscow has pursued since 1917, but the resources now at the former's disposal can scarcely be compared with those of the latter. Yet, support involvement in Indo-China, penetrations in the Mid-East,[25] railroad building in Tanzania, and political warfare activities on all continents, measure a disposal of resources that incurs a far greater marginal cost of sacrifice and deprivation to the peoples of the mainland than is the case of Moscow and its underlying populaces.

To conclude, the ideological fantasies of Maoism will protract the deficiency of societal capital on the mainland. Current gestures of pragmatism, "peaceful coexistence," diplomatic concourse, reduced self-isolation, Chou En-lai visitations, international air service and the like are only part of the play for the next act in out-competing Moscow in global revolutionary activity. With the death of Mao, a whole new range of possibilities will emerge, including that of Soviet Russian penetration, surcease of ideologic fanaticism, and the growth of societal capital. Whether this possibility may be realized to the distinct disadvantage of the Free World, will depend on the analytical outlook of Free World powers toward what has been depicted here as a geographical expression and also on the course of action they choose to pursue. The ultimate question is "Should societal capital be encouraged to grow in the realm of this geographical expression?" Applied to the mainland, as Mao has written, "a single spark can start a prairie fire." But also applied to the geographical expression, "We cannot comprehend a whole without seeing its parts, but we can see the parts without comprehending the whole." It is in terms of the whole that the ever-present possibility of the spark exists.

FOOTNOTES

[1] E.g. Hon. Stephen M. Young, "Canada Leads The Way." *Congressional Record*, November 18, 1970, p. S18410.

[2] Bruno Shaw, "A Warning Against Mao," *The New York Times*, November 13, 1970.

[3] David Lawrence, "Why U.S. Silence on Seating Peking?" Syndicated Column, November 23, 1970.

[4] Joseph Stalin, *Mastering Bolshevism*, New York, 1946, pp. 21–22.

[5] Mao Tse-tung, *Selected Works*, Vol. 5, New York, p. 364.

[6] *Current Background (Hong Kong)*, U.S. Consulate General, No. 595, October 5, 1959, p. 11.

[7] *Hung Chi*, No. 21, 1963, Joint Publication Research Service, Washington, D.C., December 6, 1963. p. 6.

[8] "Khrushchev Remembers," *Life*, New York, November 27, 1970, p. 64.

[9] See George Lichtheim, *The Origins of Socialism*, New York, 1969.

[10] *Hung Chi* Editorial, No. 12, 1966.

[11] *Tin Tin Yat Po*, Hong Kong, September 17, 1970.

[12] *Peking Review*, May 26, 1967, p. 47.

[13] "Firmly Grasping Revolutionary Great Criticism," *People's Daily, Liberation Army Daily, Red Flag*, August 25, 1969.

[14] Huang Yung-sheng, Chief of General Staff, *PLA 43rd Anniversary*, August 1, 1970.

[15] E.g. *An Economic Profile of Mainland China*, Vol. 1–2, Joint Economic Committee, U.S. Congress, Washington, D.C., 1967.

[16] William W. Hollister, *China's Gross National Product and Social Accounts, 1950–1957*, Illinois, 1958, pp. 1–7.

[17] *An Economic Profile of Mainland China*, Washington, D.C., Vol. 2, p. 343.

[18] *Quarterly Economic Review*, London, July 1967, p. 6.

[19] "The Economic Cost," *Far Eastern Economic Review*, Hong Kong, July 27, 1967.

[20] *Peking Radio*, Summary of People's Daily, June 4, 1970.

[21] Andray Donnithorne, *China's Economic System*, New York, 1967, pp. 457–470.

[22] Christian Duevel, "Towards Early Adoption of New Soviet Constitution?", *Radio Liberty*, New York, October 28, 1970.

[23] T. Rakhimov. "The National Tragedy of the Peoples of China," *Radyanska Ukraina*, Kiev, April 12, 1970.

[24] "National Oppression of the Peoples of China," *Soviet Turkmenistany*, Ashkabad, April 29, 1970.

[25] E.g. Joseph S. Roucek, "Communist China's Penetration of the Middle East," *The Ukrainian Quarterly*, New York. Summer, 1970.

CHAPTER VII—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the seventh in a series of articles on children and youth and maternal and infant care programs. Support for H.R. 7657 as amended is increasing. The bill which would extend for an additional 5 years the children and youth and maternal and infant care programs which are now slated for oblivion as of June 30, 1972, has at this time 69 House cosponsors, and 16 cosponsors in the Senate.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the Record descriptions of six children and youth programs.

The material follows:

Children and Youth Project No. 603A—Minneapolis, Minn.

Children and Youth Project #603A, a subproject of the Minneapolis Health Department's C & Y 603, which is administered through the University of Minnesota, serves a catchment area with the greatest concentration of urban American Indians in the country. (There are greater total numbers of Indians living in cities like Los Angeles, but they are more widely scattered). As a small project serving approximately 2,500 children, we are making an intensive effort to provide continuing comprehensive health services to this population, which is known to be responsible for an undue proportion of morbidity and mortality statistics. The only other services readily available to the Indian group are from the county general hospital, which is at some distance, and a Model Cities program nearby which has a 150 family capacity plus episodic services available.

During its four and one-half years of operation, Project 603A has placed heavy emphasis on preventive care and has geared a large part of its program to serving children in the preschool years. Well over a third of the children under age are of American Indian heritage. Another 6% are Negro, a small percentage are Oriental and Mexican American with the remainder of the population consisting of low income Caucasian residents.

Our staff of 30, augmented by students from often as many as a dozen different University Departments, delivers a wide variety of health services including medicine, dentistry, nursing, nutrition and social work services, speech screening, hearing screening, and psychological screening and mental health services.

We provide a car for teen age Indian girls in a residential home whose innovative program is aimed at reducing the delinquency rate among these young people, as well as services to other agencies in the community, including schools, welfare agencies and many others. We try to fill needs that are otherwise not being met and do our best to avoid duplication of services.

It would be fair to say, I believe, that the University of Minnesota is becoming increasingly interested in the Community University Health Care Center as a possible vehicle for exploring and innovating in the area of health care delivery systems and this Children and Youth Project provides the University an opportunity to serve the community while offering unique educational and research possibilities. The University's continuing support, in terms of hard, matching dollars, as well as services, is evidence of its commitment to such a program.

Very little is now known about the health needs and health behaviour of the native American in the urban setting. A baseline study was done in the fall of 1970 by Dr. Vernon E. Wechworth's staff at Minnesota Systems Research in Minneapolis. We are now embarking upon a study which will help us to better understand what behavioural expectations the Indians bring to their encounters with our staff, what behaviour the Indian community sees as desireable in such encounters and the community's perceptions of the fit between their problems and the scope and organization of services provided at our center. We would like to find out more health needs of the community. While the past decade has answered these and related questions for the Black and Chicano minorities, almost no such information is available for the urban Indian. We believe that Project 603A has a unique opportunity to make a contribution in this important area.

The community we serve has recently provided us with gratifying evidence of its support also. In less than one weeks time, members of the Advisory Committee obtained 700 signatures from residents in the area testifying to the fact that "CUHCC is more than just a building and a staff," as far as they are concerned and that we do indeed provide a service upon which they depend. We hope we can continue to provide comprehensive health care services for them in the future. Even better, we would like to find some way to fund a program which would extend care to the parents of our children, building some sort of HMO type program on the basic Children and Youth Project framework which has already proved so emminently successful.

Children and Youth Project No. 606–A—Baltimore, Md.

After a careful planning period, during which a definitive census of the health needs of the target population was performed, the C&Y Project 606A opened its doors to *ten thousand children* (0 through 18 years) living in nine census tracts of inner-city Baltimore. The choice of these census tracts was based on the fact that they contained large numbers of families suffering from socioeconomic deprivation, who had never had access to quality health care. Although the University of Maryland Hospital had attempted to serve the needs of these people for decades, the familiar patterns of inadequate, "dispensary" type service prevailed in the general area.

The C&Y Project brought with it several new and dynamic thrusts in the delivery of health care:

1. This new kind of care would center on the production and assurance of health rather than episodic care of illnesses;
2. If the people could not or would not come to a center for health care, it would be taken to them;
3. Outreach programs would extend into the school, the home, and other community institutions;
4. The multiple disciplines necessary to deliver comprehensive health care would be contained under a single roof and act in a coordinated fashion;
5. Because the overall plan of C&Y held that a specific sum of money would be applied to the health needs of a specific geographic population, *responsibility* and *accountability* for the delivery of health care would be required for the first time in the history of American medicine.

Every one of these new ideas for the delivery of comprehensive care to inner-city children has been achieved, at least in part, at the C&Y Project 606A.

The activities of this C&Y Project are totally prevention-oriented. The first priority is to absolutely prevent all diseases in this population which are amendable to existing technology, within our means. The second priority is to detect all disease, in early stages when treatment is more satisfactory, also within the confines of existing technology. The third priority is to prevent the complications of manifest disease with prompt, sensitive, and specific illness care. Once a child enters the medical care system, he is fully evaluated, his urgent needs are taken care of, his early stage diseases are detected, he is given all reasonable preventive measures, and his health is thereafter *maintained* at as high a level as possible.

Lack of transportation and inconvenience of clinic hours have long been the problem of people forced to seek their health care at outpatient clinics. The C&Y Project maintains a micro-bus which is used primarily for transportation of patients with urgent needs, large families, or those who live at inconvenient distances from the Center. The bus is also useful for transferring large groups of children during special projects, to or from their neighborhoods or schools.

It was found early by Center personnel that programs for school-age children are better carried out physically in the school. Multiphasic technical screening of school children, immunization programs, consumer education programs, drug programs, and various other categorical programs have been carried into the school whenever technically feasible. In addition to school programs, this C&Y Project maintains a large staff of public health nurses, under our employ and direction, who regularly visit the homes in the census tracts for which they are responsible, and they deal in matters of environmental health, overwhelmed multiproblem families, and problems whose urgency has not been perceived by the family. These nurses also staff clinics at the Center, engage themselves in matters of school health, and they are responsible for the overall continuity of care delivered by the project.

In order to provide such comprehensive care, it has been found necessary to include in the staff physicians, nurses, dentists, psychologists, nutritionists, and social workers. Although far from perfect, we have begun to break down the traditional barriers which separate the health care professionals and are moving rapidly toward a goal-oriented, problem-oriented, multi-disciplinary approach to the health care of inner-city children. No one discipline has been predominant in its delivery of health care; the facilities of the Center, charts and record, and planning is shared by all.

Of the many new aspects of C&Y Projects, the charge to deliver comprehensive care to a specified geographic population is of utmost importance. The project is responsible and accountable for the health of the individuals living in its geographic target area, which means that with relatively fixed income, progress in delivery of health care to a relatively fixed target population is accomplished by new ideas and new methodology, not by new requests for more money and more personnel. This is at the heart of the success of the C&Y idea.

The loss of this facility and those like it to the community would be incalculable. Overnight, ten thousand inner-city children would be deprived of the first sensitive and rewarding experience they have ever had in regard to their health. Immunization levels would drop, posing a threat to the community at large (which is already occurring in more advantaged populations!). High levels of anemia and other nutritional diseases would begin to creep back into the population from record low levels achieved during the past few years. Treatable diseases in early stages would be left to ripen and mature, once more being forced to present them selves for treatment at over-burdened outpatient clinics and emergency rooms. Members of various professional disciplines would disband their cooperative effort and return to their old, familiar ways which have, over the years, produced such division of thought and fragmentation of care. Perhaps most important of all would be the loss of responsibility and accountability for professional activities. All of the new ideas that have only begun to bear fruit, and have yet to reach their full potential, would be lost and forgotten. A health care wasteland would gradually overtake and destroy the bright oasis of comprehensive care.

The professional deliverers of health care would find some way to start again, to preserve some of the better ideas and experiences, because this is their job, and what they are trained to do. The real tragedy would come to the community which, never having had anything resembling comprehensive health care, would find themselves again in morass of social, emotional, and physical destitution surrounded by broken promises by what they have always viewed in the past as self-seeking "establishment" professionals. But then, this is a familiar pattern to them, and they would probably adjust again, somehow.

CHILDREN AND YOUTH PROJECT No. 654—PITTSBURGH, PA.

Children's and Youth Project No. 654 was begun in February, 1968 under the auspices of the Children's Hospital of Pittsburgh and the University of Pittsburgh in conjunction with the Allegheny County Health Department, the Pittsburgh Housing Authority, and the Graduate School of Public Health. It is located in the Terrace Village Housing Project, a city-sponsored apartment complex of 1,851 units housing a total population of approximately 6,000. The Children's and Youth Project was designed to provide comprehensive health services to those residents of Terrace Village between the ages of birth and sixteen years. There are 1,650 eligible children in this age range.

Over the three years of existence of this project, 82 percent of the eligible population have been enrolled and are under active care. In a further breakdown by age groups, 92 percent of the children under the age of 2 years are receiving comprehensive services at the Health Center. Neighborhood acceptance of the Health Center is excellent as is witnessed by the percentage of the eligible population who are participating and active in ongoing health services.

The pediatric staff of the Children's and Youth Project consist at this point of 2 pediatricians, 3 pediatric nurse practitioners, 1 dentist, one dental hygienist, 5 community health aides and 1 Master's level social worker. Each family registering with the Project receives an initial assessment which consists of a two-generational medical and social history, a complete physical examination, screening tests for hearing, vision, psychometric achievement, hemoglobin level, tuberculin sensitivity, sickle-cell trait or disease, and urinalysis. Periodic reassessments are scheduled depending upon the age of the child. The Well Baby Clinic, as previously mentioned, has enrolled over 92 percent of the eligible infants in the neighborhood. In addition to routine assessments and periodic reassessments the Project provides care for acute and chronic illnesses, counseling in the areas of nutrition and behavioral problems, and referral services to the Children's Hospital of Pittsburgh, which serves as the backup facility for the neighborhood unit.

In an evaluation of effectiveness of the health program offered by the Terrace Village Health Center, a cohort of 110 infants who were followed in Our Well Baby Clinic were compared with a similar cohort from an excellent private pediatric practice in urban Pittsburg. In the private pediatric practice 90 percent of the patients had complied with stated objectives of the pediatrician in terms of the number of visits desired in the first year. Seventy-four percent of the families in the Terrace Village Health Center Community likewise had compared with the stated objectives of the Center. In both the private and the low-income cohorts, the degree of immunizations for DPT, polio and measles, succeeded 95 percent. Ninety-eight percent of infants in each group had had tuberculin skin tests. The mean hemoglobin levels of the infants from the Terrace Village population was exactly equal to that of the infants from the upper income group. We feel, therefore, that the quality of infant health supervision offered to the residents of the Terrace Village is comparable to that in any private practice setting.

In addition to the Children's and Youth Project which has served as a nucleus for the Health Center, arrangements have been made with Magee Women's Hospital to provide pre and postnatal care for mothers in the Housing Projects. The opportunity is thereby given to the pediatric staff to work with expectant mothers prior to the delivery of their infants. In addition, the Center has now added a cadre of persons providing comprehensive health care for adults in the Terrace Village Housing Project; so that the Terrace Village Health Center now provides comprehensive health services across the total age range of the population.

The Health Center is dedicated to the concept of provision of Health in its broadest sense. The staff, therefore, has been active and instrumental in the creation of recreational opportunities for children and older people in the neighborhood. A program of cognitive stimulation for infants is underway and currently involves 57 infants in their first year of life. A small group of indigenous mothers from the community have been trained to work with other mothers in the stimulation of the learning processes of their infants. This program is in its first year of operation and will be evaluated in terms of its results at the end of its first and second years. Plans are being developed to provide day care services for infants in the Terrace Village Community, but funding has not yet been available for such an undertaking.

The Community itself has been intimately involved in the evolution and development of the Terrace Village Health Center. The Health Center has an Advisory Board composed of representatives from the sponsoring institutions listed above and an equal number of representatives from the Community itself. Decisions on program are made by the Advisory Board. The relationship of the staff to the Advisory Board and to the Community in general has been a harmonious one from the beginning.

It is felt that the provision of comprehensive health services in the Terrace Village Center meets a vital need of the Community. Prior to the initiation of the Center, the health services available to residents of the project were fragmentary and were almost completely crisis oriented. It is hoped that the comprehensive health care system providing personalization and continuity of care to a given population might be continued.

CHILDREN AND YOUTH PROJECT No. 610—ARVERNE, QUEENS, N.Y.

To understand the Children & Youth project in the Rockaways, one has to understand the geography of the peninsula. The Rockaway Peninsula is part of New York City located south of Brooklyn and Queens, separated from them by Jamaica Bay. It is connected to the rest of New York City only with two bridges. This geographic isolation reflects on its health services.

The population of the Peninsula is about 100,000 people, 30,000 of them low income. 35% to 40% of this population are children under 18 years of age. Before Project Pryme was funded, the 10 to 12 thousand low-income children had very little medical care. Two Health Department Well-Baby Clinics provided some preventive services, but all illnesses they had to turn to Queens General Hospital located 16 miles away and more than one hour by public transportation.

The funding of Project Pryme in 1966 changed the situation. Now many of the low-income children have health services available within walking distance from their homes. Project Pryme provides Pediatric care, Dental care, Public Health Nursing services, Social Services, and Psychiatric services to its patients. It helps them to solve the housing problems and other problems in the family. A dedicated staff of 60 health professionals and supporting staff provides high quality comprehensive care with easy access in a dignified manner. Over 5000 children take advantage now of those services, and with adequate funding this could be extended to all the 10,000 children who need the services.

In 1970, 33,000 patient visits were made to Pryme for health services. Since October, 1969, in cooperation with the N. Y. C. Department of Health, Pryme has initiated and coordinated a lead poisoning detection, treatment and follow-up program among Rockaway youngsters up to six years of age. Over 2000 children have been tested, 87 have been hospitalized, in addition to an almost equal number who have elevated blood lead levels and who are being closely monitored. All Negro Pryme patients are screened for sickle cell trait or sickle cell disease. Follow-up and/or counseling is provided for those with a positive test.

In addition to providing on-site preventive, diagnostic and treatment services to local indigent children, Pryme arranges for, and makes it feasible for them to receive further medical services free of charge at Queens General Hospital both in specialty clinics and as in-patients. Rapid, free, and frequent transportation is provided by Pryme for children and their parents between Rockaway and the hospital.

What would happen if funding for Pryme were to be disconnected? Over 5000 children would again have to resort to attending emergency rooms at two small local voluntary hospitals or travel on their own to Queens General Hospital. Children in need of social and psychiatric services would have few if any facilities available to them within the Rockaway Peninsula in case of need. Treatment for acute illnesses and preventive services would virtually disappear for most low-income children, (except for immunizations given at the local well-child Health Department clinic). Rockaway's isolation would revert back to pre-1966 levels.

Children and Youth Project No. 647—Dallas, Tex.

Our Children and Youth Project provides comprehensive health care for infants and children from low income families in West Dallas.

West Dallas is a land area of 30 square miles. 50,000 people live in this section of Dallas. 24,000 of these people are under 18 years of age. Approximately 74% are black, 20% Latin-American, 5% white and 1% Indian. The average family income is less than $3500 per year. The nearest public clinic is from 2 to 12 miles from the homes of families living in this area. Public transportation is not available to most of these families. The cost of "free" health care as a percent of annual gross income in terms of lost wages for parents, public transportation or parking costs and child care or luncheon costs (long waiting periods in public clinics) is exorbitant.

In order to overcome these barriers to health care, our project has established three Neighborhood Health Clinics near major schools in the area. The clinics are staffed by teams of health professionals which include a pediatrician, 2 nurses, 2 social workers, 1 nutritionist, 1 clinical psychologist, 1 dental hygienist and 1 nurse aide. Acute illnesses are cared for promptly, reducing the need for more costly hospitalization. Rehabilitation programs are developed for children with chronic diseases and multiple handicaps, permitting them to function more independently. Health maintenance programs contribute to the prevention of health problems, thereby permitting more children to receive health care with the resources available to us. Each Neighborhood Health Clinic can provide such health care for approximately 5,000 children.

Our Neighborhood Health Clinics are currently making the following contributions to the communities which they serve:

(1) Reduce infant mortality care;

(2) Reduce unnecessary hospitalizations;

(3) Reduce preventable health problems;

(4) Reduce school absences caused by health problems; and

(5) Reduce work days lost by parents, thereby increasing family income.

If our Children and Youth Project is not adequately funded these Neighborhood Health Clinics will have to be phased out. We would expect the loss of these clinics to have the following impact in West Dallas:

(1) Infant mortality rate would rise because of lack of adequate health supervision for the newborn.

(2) Hospitalizations would increase because of lack of available facilities for prompt treatment of acute illnesses.

(3) Preventable health problems would increase because of the absence of health maintenance programs.

(4) School absences would increase because of lack of available facilities for prompt treatment and rehabilitation and the absence of health maintenance programs.

(5) Loss of family income caused by work days lost by parents who use public clinics would increase.

Children and Youth Project No. 615—Augusta, Ga.

History and Purpose of the C & Y Clinic:

Amendment to Social Security Act in 1965 provided funds for establishing a certain number of C & Y Clinics throughout the 50 states. Georgia has one. The purpose was to *explore means* of providing comprehensive health care to the low-income population. Due to limited funds a limited number of low-income people in each area would receive the services.

The Medical College of Georgia received the Federal grant and provides the required matching funds. Project 615—our C & Y Clinic—began operation September 1966.

Target Areas: Sunset Homes, Gilbert Manor, Allen Homes.

Number of Families: Approximately 650—all Black with 2,000 children 0–18 years of age—85% are in health supervision.

Most Common Medical Problems:

1. Infections—Respiratory, Skin, Urinary Tract Infection, Venereal Disease, Gastro Intestinal.

2. Injuries—Orthopedic—most common problems:

1. Disorganized family structure—cause or effect?

Social Adjustment Problems, High Drop-Out Rate, Teenage Pregnancy, Educational Deficits, Delinquency, Recent Trends Toward Racism, and Drugs.

Methods of Solution of Problems:

Overlying the most minor medical problems, at times, are the cultural and socio-economic ills of a Black ghetto population. To achieve any measure of success in going beyond crisis and episodic medical (and dental) care, the focus of attention must be on the family and the community. We use a multidisciplinary (Team) approach in all complex cases. The person in the clinic with whom the family has rapport is the Team member responsible for getting and putting together, in a meaningful way, information and help from C & Y or outside agency personnel. Every effort is made to make the parent a member of the Team. This discourages dependence and allows growth of the parent as a responsible member of the community.

Other Activities:

The C & Y Clinic provides clinical experience for medical and dental, nursing and social work students—under close supervision. Dental Hygiene students also spend part of their time with C & Y patients.

REMARKS OF REINTRODUCTION OF ADEQUATE NUTRITION ACT OF 1971—H.R. 8883

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, I am today reintroducing the Adequate Nutrition Act of 1971—H.R. 8883—together with the following cosponsors: Mr. Brasco, Mr. Dellums, Mr. O'Konski, Mr. Addabbo, Mr. Hechler of West Virginia, Mr. Ryan, Mr. Stokes, Mr. Mikva, Mr. Harrington, Mr. Rangel, Mr. Mitchell, Mr. Scheuer, Mr. Abourezk, Mr. Seiberling, Mr. Rosenthal, Mr. Helstoski, Mr. Burke of Massachusetts, and Mr. Koch.

We are strongly committed to this legislation. We believe that providing food stamps at the rate of $80 for $134 worth of stamps for a family of four—the level deemed nutritionally adequate by the Department of Agriculture—as well as simplifying the certification and distribution process, can be a significant means of helping to eliminate hunger and malnutrition in America.

It is well known that millions of poor people in this Nation are subsisting on grossly inadequate diets. Nowhere is this situation more pronounced than in the ghettos of our major cities. No single group of Americans suffers more because of this state of affairs than do children. Undernourished in their most formative years, they go on to premanently warped, stunted lives as the result of such deprivation. Our society dare not plead ignorance of this situation, for it exists everywhere, including many areas within a few blocks of where we meet today.

Implementation of the Department of Agriculture's new food stamp regulations in their present form will cause 350,000 poor persons to lose their eligibility for stamps; in addition, for some 1,750,000 individuals—primarily the blind, the aged, and the disabled—food stamps will now cost more and yield less.

H.R. 1, as passed by the House, would exclude welfare recipients from the food stamp program, but we have no indication that the Senate will not change this; furthermore, even if the House version becomes law, the Department of Health, Education, and Welfare estimates that 1 million poor people will still be eligible for stamps.

We must not allow the poor to become the victims of the uncertainties of our legislative process or the bunglings of our bureaucrats. The time has come to resolve the paradox of hunger and malnutrition in a nation which has the resources to feed all of its people.

Mr. Speaker, the text of the bill follows:

H.R. 9596

A bill to amend the Food Stamp Act of 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Adequate Nutrition Act of 1971".

Sec. 2. The Food Stamp Act of 1964, as amended (7 U.S.C. 2011–2025), is amended as follows:

Definitions

(1) Section 3 is amended by adding at the end thereof the following new definitions:

"(n) The term 'operating agency' means any State agency, the Secretary, or any public agency or private nonprofit organization administering any program pursuant to section 10(g) of this Act.

"(o) The term 'political subdivision' means any county, city, township, or other unit of general local government responsible for administering public assistance programs within a State."

Eligible households

(2) Section 5 is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The Secretary shall require every individual who is a member of a household that is participating in the food stamp program, other than an individual described by clause (1), (2), (3), (4), (5), or (6) of subsection (d) of this section, to register for employment with the local public employment office or, when impractical, at such other appropriate office as shall be designated in regulations issued by the Secretary of Labor. If the Secretary finds that any such individual has failed to register for employment without good cause, the continued eligibility of the household (of which such individual is a member) to participate in the food stamp program shall not be affected, but the value of the coupon allotment, determined under section 7 (a) of this Act, authorized to be issued to such household shall be reduced by an amount which bears the same ratio to the amount determined by subtracting from that authorized allotment the amount charged therefor pursuant to section 7(b) of this Act as the number of such unregistered individuals in such household bears to the total number of individuals in such household. Before any such reduction is made, the individual concerned shall be afforded reasonable notice and opportunity for a fair hearing held in the same manner and subject to the same conditions as a hearing under section 10(e)(4) of this Act. A reduction in the food stamp allotment of any household under this subsection shall continue so long as such individual fails or refuses to register for employment as provided herein.

"(d) An individual shall not be required to register pursuant to subsection (c) of this section if such individual is—

"(1) ill, incapacitated, disabled, or over sixty years of age;

"(2) a mother or other relative of an individual under the age of eighteen who is caring for such individual;

"(3) an individual under the age of eighteen;

"(4) an individual eighteen years old or over who is a student regularly attending a school, college, or university, or the equivalent thereof, or regularly attending a course of vocational or technical training designed to prepare him for gainful employment;

"(5) an individual whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household; or

"(6) an individual eighteen years old or over and is employed at least thirty hours per week or earns at least $48 per week.

"(e) If the Secretary of Labor finds that any individual registered under subsection (c) of this section has refused, without good cause, to accept suitable employment in which such individual is able to engage and that such employment was offered through the public employment offices of the State, or was otherwise offered by an employer and the offer of such employer was a bona fide offer of employment, the eligibility of the household (of which such individual is a member) to participate in the food stamp program shall not be affected, but the value of the coupon allotment authorized to be issued to such household shall be reduced in accordance with the method set forth in subsection (c) above. Before any such reduction is made, the individual concerned shall be afforded reasonable notice and opportunity for a fair hearing held in the same manner and subject to the same conditions as a hearing under section 10(e)(4) of this Act. A reduction in the food stamp allotment of any household under this subsection shall continue so long as such individual fails or refuses to accept employment as provided by this section.

"(f)(1) In determining whether any employment is suitable for an individual for purposes of subsection (e) of this section, the Secretary of Labor shall consider the degree of risk to such individual's health and safety, his physical fitness for the work, his prior training and experience, the length of his unemployment, his realistic prospects for obtaining work based on his potential, and the distance of the available work from his residence.

"(2) In no event shall any employment be considered suitable for an individual if any one of the following conditions applies—

"(A) the position offered is vacant as a direct result of a strike, lockout, or other labor dispute;

"(B) the wages for such job are payable at a rate less than the highest of the following:

"(i) the State or local minimum wage;

"(ii) $1.60 per hour or the minimum hourly rate which is or would be applicable to the job under the Fair Labor Standards Act of 1938 if section 6(a)(1) of such Act, as amended, applied to the job, whichever is higher; or

"(iii) the prevailing rate of pay in the same labor market area for persons employed in similar work in the locality; or

"(C) the hours and other terms and conditions of the work offered are contrary to or less favorable than those prescribed by Federal, State, or local law or are substantially less favorable to the individual than those prevailing for similar work in the locality."

Value of the Coupon Allotment and Charges To Be Made

(3)(A) Subsection (a) of section 7 is amended by adding at the end thereof the following: "In determining the amount necessary to purchase a nutritionally adequate diet for any household, the Secretary shall take into consideration such relevant factors as he deems appropriate but may not consider the availability or expected availability of appropriations to carry out this Act. In no event shall the amount determined by the Secretary to be necessary to purchase a nutritionally adequate diet for any household be less than the amount which the Agricultural Research Service of the United States Department of Agriculture determines to be necessary to permit a household of comparable size to purchase the kinds and amounts of food specified in the low-cost food plan described by such Service and published in the 'Family Economics Review'."

(B) Subsection (b) of section 7 is amended by striking all after *"Provided further,"* and inserting in lieu thereof the following: "That, notwithstanding any other provision of this Act, a household may, if it so elects, purchase any amount of coupons less than the full coupon allotment it is entitled to purchase. The amount charged any household for any portion of a coupon allotment less than the full coupon allotment shall be an amount which bears the same ratio to the amount which would have been charged such household for the full coupon allotment as such portion of the full coupon allotment bears the full coupon allotment such household was entitled to purchase. The Secretary shall prescribe general guidelines and minimum requirements with respect to the quality of certification and issuance services to be provided by State agencies to eligible households, including, but not limited to, matters relating to the places, times, and frequency of coupon issuance services in political subdivisions approved for participation in the food stamp program. Such general guidelines and minimum requirements shall include at least the following provisions: (i) that the issuance of coupons shall take place no less often than once per week, and (ii) that any household may purchase its entire month coupon allotment at any time of issuance for that month or may elect to purchase any portion of its monthly allotment having a face value of three-quarters, one-half, or one-quarter at any time of issuance for that month and thereafter may purchase the proportionate remainder of that allotment which has not previously been purchased for that month."

Administration

(4)(A) Subsection (b) and (c) of section 10 are amended to read as follows:

"(b) Subject to the following conditions, the operating agency shall assume responsibility for the certification of applicant households and for the issuances of coupons. Applicant households shall be certified for eligibility solely on the basis of a simplified statement, conforming to standards prescribed by the Secretary, and such statement shall be acted upon and eligibility certified within seven days following the date upon which the statement is initially filed. The Secretary shall, however, provide for adequate and effective methods of verification of the eligibility of recipients subsequent to certification through the use of sampling and other scientific techniques. If a household, certified as eligible in any political subdivision to participate in the food stamp program or a program of distribution of federally donated foods moves to another political subdivision in which either program is operating, the household shall remain eligible to participate in such program in such other political subdivision for a period of sixty days from the date of such move without regard to compliance with any requirement of the new political subdivision.

"(c) In the certification of applicant households for either the food stamp program or a program of distribution of federally donated foods there shall be no discrimination against any household by reason of race, religious creed, national origin, or political beliefs."

(B) Subsection (e) of section 10 is amended to read as follows:

"(c) The State agency of each State shall submit for approval a plan of operation specifying the manner in which such State intends to conduct such program. Such plan of operation shall provide, among such other provisions as may by regulation be required, the following: (1) for the use of the eligibility standards promulgated by the Secretary under section 5 of this Act and the certification procedures specified in subsection (b) of this section; (2) safeguards which restrict the use of disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; (3) that the State agency shall undertake effective action to inform low-income households concerning the availability and benefits of the food stamp program and encourage the participation of all eligible households; (4) for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of a State agency under any provision of its plan of operation as it affects the participation of such household in the food stamp program; and (5) for the submission of such reports and other information as may from time to time be required. Notwithstanding any other provision of law, the State agency shall, in conjunction with procedures under which any household participating in the food stamp program shall be entitled, if it so elects, to have the charges, if any, for its coupon allotment deducted from any grant or payment such household may be entitled to receive under the Social Security Act and have its coupon allotment distributed to it with such grant or payment. The State agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required from eligible households as payment therefor through the facilities of United States post offices directly or by mail, or in such other manner convenient to participating households as shall best insure their participation."

(C) Subsections (g) and (h) of section 10 are amended to read as follows:

"(g)(1) By April 1, 1972, if a food stamp program is not being operated by the State agency in every political subdivision of any State, the Governor of the State shall have the right directly to administer the food stamp program in any such subdivision in which the program is not being operated. If the Governor should fail so to act by May 1, 1972, the Secretary shall directly administer the food stamp program in any such subdivision through any appropriate Federal, State, or county agency or through any public agency or private nonprofit organization approved by the Secretary, and such program shall be in operation by no later than June 30, 1972.

"(2) If, one hundred and eighty days after a food stamp program has begun to operate in a political subdivision in any State, a three-month period should occur in the course of which the number of persons participating in that program is less than 50 per centum of the number of persons in that subdivision who are from households whose annual income is below the poverty level as determined by the Secretary in consultation with the Secretary of Health, Education, and Welfare (which number shall be determined annually on the basis of the most recent available data from the Secretary of Commerce, the Governor of the State in which such subdivision is located shall have the right directly to administer the food stamp program in such subdivision. If the Governor refuses to exercise his right or fails to do so within thirty days of being notified of said right by the Secretary, the Secretary shall directly administer such program in such subdivision or administer such program through any appropriate Federal, State, or county agency or through any public agency or private nonprofit organization approved by the Secretary. If the Governor accepts administration of the program and participation does not increase to 66 per centum within one hundred and eighty days then the Secretary shall directly administer the program in such subdivision or administer such program through any appropriate Federal, State, or county agency or through any public agency or private nonprofit organization approved by the Secretary. When the Secretary administers a food stamp program through a public agency or private nonprofit organization, he shall require the public agency or private nonprofit organization to observe all the appropriate provisions of this Act and regulations issued pursuant thereto.

"(h) Members of an eligible household who are sixty years or over or an elderly person and his spouse may use coupons issued to them to purchase meals prepared for and served to them in any location other than a resident institution or boarding house by a political subdivision or a private nonprofit organization which is operated in a manner consistent with the purposes of this Act and is recognized as a tax-exempt organization by the Internal Revenue Service. Meals served pursuant to this subsection shall be deemed 'food' for the purpose of this Act."

Cooperation With State Agencies

(5) Subsection (b) of section 15 is amended to read as follows:

"(b) The Secretary is authorized to pay to each State agency an amount equal to 75 per centum of the sum of: (1) the direct salary, travel, and travel-related cost (including such fringe benefits as are normally paid) of personnel including the immediate supervisors of such personnel, for such times as they are employed in taking the action required under the provisions of subsections 10(a) and 10(c)(3) and (4) of this Act and in making certification determination for households other than those which consist solely of recipients of public assistance. In addition, the Secretary shall pay an operating agency in a State 50 per centum of the cost of issuing coupons to eligible households and of collecting the sums required from eligible households as payment therefor and shall pay 100 per centum of such costs if the number of persons participating in the food stamp program administered by such agency is equivalent to or greater than 66 per centum of the number of persons in the political subdivision covered by that program who are from households whose annual income is below the poverty level as established by the Secretary pursuant to section 10(g)(2) of this Act. In the event that a public agency or private nonprofit organization is authorized to administer the food stamp program in any area in accordance with the provisions of section 10(g) of this Act or that such an agency or organization undertakes activities pursuant to section 10(a), the Secretary is authorized and directed to reimburse such agency or organization for all of the costs it incurs in carrying out such program or activities."

Appropriations

(6) Section 16 is amended to read as follows:

"SEC. 16. To carry out the provisions of this Act, there is hereby authorized to be appropriated not in excess of $2,500,000,000 for the fiscal year ending June 30, 1972, and not in excess of $3,500,000,000 for each of the fiscal years ending June 30, 1973, and June 30, 1974. Sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for the purposes of this Act until expended. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotment shall be transferred to and made a part of the separate account created under section 7(d) of this Act. If the Secretary determines that any of the funds in such account are no longer required to carry out the provisions of this Act, such portiton of such funds shall be paid into the miscellaneous receipts of the Treasury. With funds appropriated under this section, the Secretary is authorized to conduct, or contract with public agencies or private nonprofit organizations to conduct research, demonstration, or evaluation projects designed to test or assist in the development of new approaches or methods to achieve the purposes of this Act."

SHORTER PRESIDENTIAL CAMPAIGNS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, with the recent announcement by the Democratic Party of a nominating convention date, the electorate is condemned to suffer through yet another marathon presidential campaign. The Democrats will hold their convention during the week of July 9, 1972—some 4 months before election day.

As I have said numerous times before, such lengthy campaigns are unnecessary and actually counterproductive in our age of quick travel and mass media. Voters and candidates can communicate effectively in a concentrated month or two. Campaigns which extend beyond that point are expensive, exhaust the candidates, and by boring the electorate reduce voter turnout.

I had been hopeful that the major parties would schedule their conventions at later dates. Many of our campaign excesses could be automatically reduced and possibly eliminated by voluntary action by the parties. Unfortunately, the parties, at least for 1972, will not do this. In fact, the recent announcement by the Democratic Party more than ever points out the need for the legislation which I have introduced to shorten the length of presidential campaigns.

My bill, H.R. 8606, would make impossible the nomination of candidates for President more than 60 days prior to election. There is no special significance to the number 60, and perhaps even a shorter time would prove desirable. Sixty days is simply a reasonable period for candidates and issues to develop. By eliminating the unnecessary hoopla of elections, our national campaigns could easily be conducted within this time limitation.

Last week, I reintroduced this legislation with seven cosponsors. I am hopeful that other Members will now join me in pushing for shorter campaigns.

I have today communicated with Chairman Lawrence O'Brien of the Democratic National Committee to express my disappointment that the Democratic National Convention has been scheduled for July 9, 1972 nearly 4 full months before the November 7 elections. I include the text of my letter to Chairman O'Brien:

JULY 6, 1971.

Hon. LAWRENCE O'BRIEN,
Chairman, Democratic National Committee,
Washington, D.C.

DEAR LARRY: It was disappointing to learn that the Democratic National Committee has moved to hold the National Convention beginning July 9, 1972—nearly four full months before the election of November 7.

As you know, I have re-introduced legislation with seven co-sponsors (H.R. 8606) limiting the campaign period for a presidential election to 60 days. We strongly feel that 60 days is a sufficient and reasonable period for candidates to develop their issues and participate in a dynamic campaign. We also feel that a campaign of longer duration is counter-productive, expensive and leads to confusion rather than clarity to both issues and candidates.

In our age of quick travel and mass media, the ordeal of a four month campaign is unnecessary and excessive. Voters and candidates can communicate effectively in a concentrated month or two.

Although the Republican Party has not set an official date for its convention, it is apparent it will also be held several months before the election date. It is unfortunate that the Democratic Party has not taken the lead in establishing a shorter, more sensible campaign period. Such self-regulation would be preferable to legislative action.

I sincerely hope that in the future the Democratic National Committee will give more serious consideration to the advantages of a shorter campaign period.

Sincerely,

JOHN S. MONAGAN,
Member of Congress.

RIGHT OF THE PEOPLE TO KNOW—ASNE CODE

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, from a strong personal conviction, I have been an ardent advocate of the right of the people to know. As a Member of this distinguished legislative body, I have openly supported responsible reporting on the part of the newspapers and have challenged with equal vigor journalistic endeavors which do not meet established professional standards.

The recent conflict between the executive department and certain newspapers has now been settled by the Supreme Court but there remain many knotty problems to be resolved by all three branches of Government and the fourth estate.

At this time in our Nation's life when the role of the press in the coverage of public affairs is under close scrutiny, I think it is useful to examine journalism's own standards of behavior. For that reason I ask that the ASNE Code be inserted in the Record for every Member's perusal:

Code of Ethics or Canons of Journalism—American Society of Newspaper Editors

The primary function of newspapers is to communicate to the human race what its members do, feel and think. Journalism, therefore, demands of its practitioners the widest range of intelligence, or knowledge, and of experience, as well as natural and trained powers of observation and reasoning. To its opportunities as a chronicle are indissolubly linked its obligations as teacher and interpreter.

To the end of finding some means of codifying sound practice and just aspirations of American journalism, these canons are set forth:

I.

Responsibility—The right of a newspaper to attract and hold readers is restricted by nothing but considerations of public welfare. The use a newspaper makes of the share of public attention it gains serves to determine its sense of responsibility, which it shares with every member of its staff. A journalist who uses his power for any selfish or otherwise unworthy purpose is faithless to a high trust.

II.

Freedom of the Press—Freedom of the press is to be guarded as a vital right of mankind. It is the unquestionable right to discuss whatever is not explicitly forbidden by law, including the wisdom of any restrictive statute.

III.

Independence—Freedom from all obligations except that of fidelity to the public interest is vital.

1. Promotion of any private interest contrary to the general welfare, for whatever reason, is not compatible with honest journalism. So-called news communications from private sources should not be published without public notice of their source or else substantiation of their claims to value as news, both in form and substance.

2. Partisanship, in editorial comment which knowingly departs from the truth, does violence to the best spirit of American journalism; in the news columns it is subversive of a fundamental principle of the profession.

IV.

Sincerity, Truthfulness, Accuracy—Good faith with the reader is the foundation of all journalism worthy of the name.

1. By every consideration of good faith a newspaper is constrained to be truthful. It is not to be excused for lack of thoroughness or accuracy within its control, or failure to obtain command of these essential qualities.

2. Headlines should be fully warranted by the contents of the articles which they surmount.

V.

Impartiality—Sound practice makes clear distinction between news reports and expressions of opinion. News reports should be free from opinion or bias of any kind.

1. This rule does not apply to so-called special articles unmistakably devoted to advocacy or characterized by a signature authorizing the writer's own conclusions and interpretation.

VI.

Fair Play—A newspaper should not publish unofficial charges affecting reputation or moral character without opportunity given to the accused to be heard; right practice demands the giving of such opportunity in all cases of serious accusation outside judicial proceedings.

1. A newspaper should not invade private rights or feeling without sure warrant of public right as distinguished from public curiosity.

2. It is the privilege, as it is the duty, of a newspaper to make prompt and complete correction of its own serious mistakes of fact or opinion, whatever their origin.

Decency—A newspaper cannot escape conviction of insincerity if while professing high moral purpose it supplies incentives to base conduct, such as are to be found in details of crime and vice, publication of which is not demonstrably for the general good. Lacking authority to enforce its canons the journalism here represented can but express the hope that deliberate pandering to vicious instincts will encounter effective public disapproval or yield to the influence of a preponderant professional condemnation.

WILD HORSES—LIFE OR DEATH?

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, in the issue of Time magazine dated July 12, but already on the newsstand, there appears a spread of color photographs of great beauty—and great ugliness.

The photographs are of wild horses. The beautiful photographs show them running wild a symbol of the freedom and spirit of the great American West.

The ugly photographs show men bent on these horses' destruction. I am sorry the photographs cannot be reproduced in the Congressional Record but two of the captions may give my colleagues an idea of their content. They read: "Hunters closing in to lasso panic-stricken horses from a truck speeding over salt flats in Nevada" and "A lassoed horse drags a heavy rubber tire until he is exhausted and entangled in rope. Next stop: a dog-food plant."

On the first day of this Congress, I introduced legislation to halt this slaughter. The Senate recently passed similar legislation. I hope that we in the House will soon have an opportunity to act, too. The House Interior Subcommittee on Public Lands has carefully studied the issue and related issues involving the use of the grasslands for grazing. It is good news that they have refined the legislation and, a few weeks ago, reported it to the full Interior Committee. I hope it will be approved by the committee Wednesday.

Thousands of children, who have written letters and carried petitions throughout this land, are waiting for our approval of this legislation.

Thousands of children and thousands of adults are waiting to see if this Congress has the interest and the reverence for life that will lead to a solution to this problem.

Such diverse publications as the Christian Science Monitor and the Wall Street Journal and the children's Weekly Reader have devoted front page attention to this problem. I commend to my colleagues, as further evidence of the continuing interest of the American people in these animals, the article in Time:

The Fight To Save Wild Horses

Rocky, a dark bay with an insignificant little head, a tiny, battle-scarred chest, concave flanks and protruding ribs, was caught on Easter Sunday and has been confined ever since on the outskirts of Reno in a small pen with heavy timbered fences eight feet high. At the approach of humans, Rocky races down to the other end of the pen, perks his ears, then lays them back and gallops in mad circles. Only the pen is too small, the turning angle too sharp, and Rocky keeps falling on his side. "Ain't he sorry?" laughs Mustanger Bill Victor. "He ain't hardly a horse at all."

Rocky's sorry plight typifies the state of the 16,000 wild horses, or mustangs, left in the United States, most of them barely subsisting in arid brush country in ten Western states or, like Rocky, languishing in pens. Descendants for the most part of proud Andalusian horses brought to the New World by Spanish conquistadors 400 years ago, they are the only remnants of herds that as recently as 1900 numbered in the millions. If nothing is done to protect them, conservationists warn, there may be none left by 1980.

THE GREAT HUNT

The mustang, which helped tame the West, is facing extinction for obvious reasons: it long ago became outmoded by trains, automobiles and farm machinery. Not worth preserving as game for hunters because it is too easy to track and kill, and not worth preserving for domestic use because it is too wild, stupid and inbred (according to some ranchers), the mustang has long been rounded up and "rendered"—a euphemism for slaughtered—by various entrepreneurs. At first the horse carcasses were valued only as a source of glue, clothing and violin bowstrings. But by 1945, industry recognized that wild horses were a cheap source of pet food. That was the signal for the beginning of the great hunt.

SUNDAY KILLERS

Between 1900 and 1950, more than a million wild horses were eliminated. Even the Government got into the act. From 1934 to 1963, the Bureau of Land Management and its predecessor agency condoned and even paid for the killing of mustangs. On numerous occasions the U.S. Forest Service held "close-outs" in which it gave ranchers 60 days to round up their own strays on forest service land—and then proceeded to shoot any remaining wild horses. The bureau's rationale: the mustangs chomp up valuable vegetation on Government property.

Far worse is the manner in which wild horses were "captured." They were panicked by planes, then lassoed from speeding vehicles and hobbled by being tied to 100-lb. truck tires (as vividly depicted in John Huston's 1961 film, *The Misfits*). Some were riddled with shotgun pellets and dragged aboard trucks half dead, others had their nostrils tied with baling wire, their legs broken, their eyes gouged out. Foals were left without mothers, who burst their lungs in futile attempts to escape mechanized pursuers. Some ranchers, resentful that wild horses compete with livestock for scarce food and water in arid regions, dope water holes, or simply ride out into the hills and blow the mustangs' heads off. "Sunday mustangers" use weekends to rope and ride down wild horses often driving them to the point of exhaustion or death.

TIME Correspondent Timothy Tyler last week talked with Chug Utter, a Nevada mustanger who in 20 years has "gathered" 40,000 wild horses, and in whose pen Rocky awaits his fate. Chug remembers flying over wild herds in a light plane and using a "four-ten sawed-off shotgun just to spook 'em. We also used an electric shocking machine, but we didn't harm 'em. That's all poppycock." Anyway, says Chug philosophically, "there's only one end to being a horse, whether he's a champion race horse or a plug: dog food."

The hatred or, at best, brutal indifference that many ranchers feel toward the wild horse could stem from more than their impatience with anything other than livestock on the range. Hope Ryden, in her book *America's Last Wild Horses*, suggests another reason: "Perhaps these living reminders of an almost obliterated Indian culture are despised because they not only continue to enjoy a free-roaming existence in the wilderness, but haunt the American conscience as well."

Wild Horse Annie. The cruel treatment of the mustangs has begun to draw protest from some Americans. The most noted of them is Mrs. Velma Johnston (alias "Wild Horse Annie"), a frail Nevadan who once owned a horse ranch and has been battling 21 years to save mustangs. Under her leadership horse enthusiasts have pushed through a number of state laws designed to protect the animals. The thousands of letters Annie has sent to legislators and other government officials also helped to promote the 1959 federal statute known popularly as the "Wild Horse Annie Law," which prohibits the hunting of wild horses from airplanes or other motorized vehicles on the public domain. In addition, Annie's lobbying helped establish wildhorse sanctuaries in the Pryor Mountains of Montana and Wyoming and at Nellis Air Force Base in Nevada.

But there are loopholes. The Wild Horse Annie Law, for instance, leaves enforcement to local communities, where the leading citizens often are ranchers. As a result, the hunting down of wild horses continues. Some brazen mustangers even let their branded horses mix with wild horses, then capture the entire bunch. If investigators discover wild horses in the herd, the mustanger explains that he was only trying to recover his stock.

New Laws. Largely through the efforts of Wild Horse Annie, new and tougher laws are now before Congress. The Senate passed its version last week; the House version is still in committee. Both bills would give full responsibility for protecting and managing wild horses to the Bureau of Land Management and the U.S. Forest Service, and would prohibit the killing of mustangs except by trained Government agents—and then only when the number of horses becomes excessive. Violators would be subject to fines of up to $2,000, one year in jail, or both. The bills would make wild horses a part of the national heritage, and establish new refuges on public lands.

Ecologists and conservationists are joining forces with those who want to preserve wild horses for humane and aesthetic reasons. While ecological studies are incomplete, they seem to confirm that wild horses do not compete with livestock, because they usually roam mountainous regions inaccessible to cattle, and do not compete with other wildlife, because they are grass eaters while most herbivores eat brush.

Scientists also say that studies show the birth rate of mustangs is low and that their number is kept low by natural enemies like mountain lions, wolves and disease. Wild Horse Annie is grateful to her new allies but feels that there is a less pragmatic, more important reason for preserving the horses. "To the people of America," she says, "mustangs represent the kind of freedom we were founded on."

EIGHTEEN-YEAR-OLDS ENTER THE VOTING BOOTH

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, last week the 26th amendment to our Constitution, granting 18-year-old Americans the right to vote in all Federal, State, and local elections, was assured of ratification. The Ohio State Legislature became the 38th State to approve of this change in our basic law.

As an active supporter of the 18-year-old vote, I am extremely gratified on this historic occasion. It is indeed a pleasure to welcome an additional 11 million young Americans between the ages of 18 and 21 into the electorate. In addition, I am especially pleased that the Ohio action makes the 26th amendment the swiftest to be adopted by our States, having been ratified in record time only 3 months after Congress approved this amendment.

Mr. Speaker, today's youth are more highly qualified than ever before to assume the responsibility of voter participation. At present, 75 percent of our people graduate from high school. By comparison, 43 percent completed high school 30 years ago in 1940. Over 40 percent of our young people will attend college at some point. In contrast, in 1940 only 16 percent of young people expected to attend college.

It was during the Middle Ages that the age of 21 was selected to signify attaining adulthood. It was at that age that a young knight was considered capable of wearing a full suit of armor, brandishing a sword and wielding a lance. Here in 1971, more than half a millennium later, it is common for young Americans between the ages of 18 and 21 to don flack jackets, carry M–16's and assume all the burdensome responsibilities of modern manhood. Each day young American boys lay down their lives in Vietnam, that quagmire of misery in Southeast Asia. The fact is that about 35 percent of our forces in Vietnam are under 21. More than 20,000, almost half of all our men who have died in action there, had not attained their 21st birthday.

Four States already had a voting age lower than 21. In Georgia and Kentucky, the voting age was 18. In Alaska, the age was 19 and in Hawaii, 20.

Mr. Speaker, I believe that this generation of young people is the best ever—that they are healthier, quicker of mind, and better trained than their predecessors. Also, there is a moral energy in this generation that exceeds that of 18-year-old boys and girls of any previous generation. Their interest in public affairs and their potential for public service at home and abroad have been clearly shown in their participation in the Peace Corps, in VISTA, and through the active part that millions of young Americans have played in the political events of recent years.

At a time when there is so much talk of a generation gap and alienated youth threatening to overthrow the establishment and drop out of society, extending the franchise to 18-year-olds is a sensible countermeasure that will help to keep the majority of our youth politically active in our society, where they have important contributions to make.

Mr. Speaker, I am sure that our 18-year-olds will cherish the precious right to vote as we do and will recognize it for what it is—the foundation of our American system of government. I am confident that they will exercise their new franchise intelligently and responsibly.

SOMETHING IS OUT OF COMMISSION

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the time is long past for Congress to curb the extensive proliferation of public advisory commissions. These commissions place an onerous and unwarranted burden on the sagging shoulders of the American taxpayer.

The fact is that there are an estimated 2,600 to 3,200 advisory and interagency commissions and committees currently existing in our Federal Government. Many of these are inactive, meaningless, obsolete or redundant.

Mr. Speaker, these advisory committees currently cost the American people approximately $75 million a year in operating expenses. This represents an appalling indulgence in bureaucratic wastefulness, especially when so many Americans are caught between the twin pincers of unemployment and inflation, and so many others are living below the poverty level.

Total committee membership encompasses about 20,000 individuals, with an assigned staff of approximately 4,000 persons.

Mr. Speaker, these and other shocking facts detailing the sprawling growth of advisory bodies came to light during hearings held last year before the House Special Studies Subcommittee, then chaired by the distinguished Representative from Connecticut (Mr. MONAGAN).

Earlier this year, that distinguished Representative introduced H.R. 4383, "The Federal Advisory Committee Standards Act," to implement the subcommittee's recommendations, aimed at bringing advisory commissions under congressional control. I am proud to be a cosponsor of this important legislation and commend the able Representative from Connecticut (Mr. MONAGAN) for his significant contribution in fathoming the murky depths of this confusing subject.

Mr. Speaker, every administration since the days of George Washington has utilized advisory bodies. President Washington himself personally appointed a commission to try to settle the Whiskey Rebellion. It is only during the last quarter of a century, however, that the system of advisory committees has quietly developed into a fifth branch of our American Government, along with the constitutionally created legislative, executive, and judicial branches and the independent regulatory agencies.

Congress should come to realize that an invitation to advise can also by subtle steps confer both the power to regulate and the power to legislate.

The amounts spent on funding individual advisory panels, coupled with some commissions' subsequent lack of results, merit special attention. For example, the recent Commission on Obscenity and Pornography produced a report at a cost of $1.8 million to the American people, yet the report was publicly disavowed by President Nixon even prior to its submission. During the last administration, the President chose to ignore the final report of the National Commission on Urban Problems, which he and his staff had activated and sponsored. The cost to the American taxpayer of this report came to $1.5 million.

Beyond their sheer numbers and cost, advisory commissions suffer from the glaring reality that often committees are established which duplicate the functions of previously existing advisory bodies. For example, there are at least four committees on women's rights: a Citizens' Advisory Committee on the Status of Women; an Interdepartmental Committee on the Status of Women; the President's Study Group on Careers for Women; and the Task Force on Women's Rights and Responsibilities.

There are even commissions created for the purpose of advising other commissions. The Advisory Committee on Reform of Federal Criminal Laws was established in 1966 to advise and consult with the National Commission on Reform of Federal Criminal Laws. Also, the Atlantic-Pacific Interoceanic Canal Study Commission has an Advisory Council and five outside study groups. In addition, the Secretary of Health, Education, and Welfare's Commission on Pesticides and Their Relationship to Environmental Health has two subsidiary advisory panels.

Mr. Speaker, another problem with advisory commissions is the fact that because of loose or often nonexistent termination requirements, many advisory panels never die—they just fade away. We often forget that many commissions outlast Presidents and administrations. For example, the Marine Corps Memorial Commission was established in 1947 to consider and formulate plans for the erection of an appropriate memorial on a site in Grant Park, Chicago. The Commission has done little or nothing in 24 years of existence, and there is no indication that a memorial will be erected.

Mr. Speaker, Congress needs to apply strict birth-control regulation and administrative supervision to insure that currently existing advisory commissions and bodies created for this purpose in the future will be productive and useful. Adoption of the Federal Advisory Committee Standards Act would be an important first step toward creating commissions that will fulfill their destiny. I hope that the proposed reform legislation on this all-too-little-publicized yet vitally pressing subject will be enacted during the current session.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MATSUNAGA, for today through Thursday, July 8, on account of official business.

Mr. CORMAN, for today, on account of official business.

Mr. JONES of Tennessee, for today and the balance of the week, on account of official business.

Mr. KASTENMEIER, for today through Thursday, July 15, on account of official business.

Mr. PEPPER, for today, on account of official business.

Mr. BEVILL (at the request of Mr. MILLER of California), for today and the balance of the week, on account of official business.

Mr. BIESTER (at the request of Mr. GERALD R. FORD), for July 5 through July 13, on account of official business as U.S. delegate to the UCC Revision for Universal and Berne Copyright Convention in Paris.

Mr. WILLIAM D. FORD, for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of South Carolina) and to revise and extend their remarks and include extraneous matter:)

Mr. PUCINSKI, for 60 minutes, today.
Mr. FLOOD, for 10 minutes, today.
Mr. DIGGS, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BAKER) and to include extraneous matter:)

Mr. TERRY.
Mr. SCHERLE in 10 instances.
Mr. RIEGLE.
Mr. HORTON.
Mr. BRAY in three instances.
Mr. BROWN of Ohio.
Mrs. HECKLER of Massachusetts.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to include extraneous matter:)

Mr. BADILLO in three instances.
Mr. MAZZOLI in three instances.
Mr. EILBERG.
Mr. GALIFIANAKIS.
Mr. HARRINGTON.
Mr. EDWARDS of California in two instances.
Mr. EVINS of Tennessee in two instances.
Mr. WALDIE in six instances.
Mr. JACOBS in two instances.
Mr. RARICK in four instances.
Mr. PRYOR of Arkansas.
Mr. LONG of Maryland.
Mr. HAGAN in three instances.
Mr. GONZALEZ in three instances.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 7, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

932. A letter from the Secretary of the Interior, transmitting the 1971 progress report on the Western United States water plan, pursuant to the Colorado River Basin Project Act of 1968 Public Law 90–537); to the Committee on Interior and Insular Affairs.

933. A letter from the Assistant Secretary of the Interior, transmitting a draft or proposed legislation to amend the act of March 3, 1909, as amended; to the Committee on Interior and Insular Affairs.

934. A letter from the Secretary of Transportation, transmitting the report on the financial condition of the Penn Central Transportation Co. as of April 30, 1971, pursuant to section 10 of the Emergency Rail Services Act of 1970; to the Committee on Interstate and Foreign Commerce.

935. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending application and hearing cases in the Commission as of May 31, 1971, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

936. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

937. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a) (28) (I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

938. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d) (3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d) (6) of the act; to the Committee on the Judiciary.

939. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a) (1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

940. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in case

No. A–4993823, pursuant to section 244(a) (2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

Received From the Comptroller General

941. A letter from the Comptroller General of the United States, transmitting a report on better cost accounting needed for operation and maintenance of military family housing, Department of Defense; to the Committee on Government Operations

942. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in management of motor equipment activities, District of Columbia government; to the Committee on Government Operations.

943. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improving the southern Monterey rural health project, King City, Calif.; Department of Health, Education, and Welfare and Office of Economic Opportunity; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG (for herself, Mr. Brasco, Mr. Dellums, Mr. O'Konski, Mr. Addabbo, Mr. Hechler of West Virginia, Mr. Ryan, Mr. Stokes, Mr. Mikva, Mr. Harrington, Mr. Rangel, Mr. Mitchell, Mr. Scheuer, Mr. Abourezk, Mr. Seiberling, Mr. Rosenthal, Mr. Helstoski, Mr. Burke of Massachusetts, and Mr. Koch):

H.R. 9596. A bill to amend the Food Stamp Act of 1964; to the Committee on Agriculture.

By Mr. BENNETT:

H.R. 9597. A bill to subject certain nationals or citizens of the United States to the jurisdiction of the U.S. district courts for their crimes committed outside the United States and to provide for the apprehension, restraint, removal, and delivery of such persons; to the Committee on the Judiciary.

By Mr. BRAY:

H.R. 9598. A bill to amend title 10 of the United States Code so as to provide for the awarding of a "Supreme Sacrifice Medal to relatives of members of the Armed Forces killed in Vietnam; to the Committee on Armed Services.

By Mr. DELLUMS:

H.R. 9599. A bill to authorize and direct the Commissioner of the District of Columbia to conduct an election for the purpose of a referendum on the question of statehood for the residents of the present District, election of delegates to a constitutional convention, and for other purposes; to the Committee on the District of Columbia.

By Mr. DINGELL:

H.R. 9600. A bill to amend the Internal Revenue Code to include certain organizations providing laundry or linen services to hospitals among the cooperative hospital service organizations entitled to tax exemption thereunder; to the Committee on Ways and Means.

By Mr. MONAGAN (for himself and Mr. Podell):

H.R. 9601. A bill to authorize the Office of Management and Budget to establish a system governing the creation and operation of advisory committees throughout the Federal Government which are created to advise officers and agencies of the Federal Government; to the Committee on Government Operations.

By Mr. WOLFF (for himself, Mr. Bennett, Mr. Bow, Mr. Bray, Mr. Casey of Texas, Mr. Halpern, Mr. McCloskey, Mr. O'Konski, Mr. Shipley, Mr. Bob Wilson, and Mr. Wydler):

H.R. 9602. A bill to amend the Merchant Marine Act, 1936, and the Maritime Academy Act of 1958 to enlarge the mission of the U.S. Merchant Marine Academy and to assist in enlarging the mission of the State Maritime academies; to the Committee on Merchant Marine and Fisheries.

By Mr. HUNT:

H.J. Res. 767. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. MAZZOLI:

H.J. Res. 768. A resolution: White House Conference on Environment and International Law; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

233. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the creation of a Golden Gate National Recreation Area; to the Committee on Interior and Insular Affairs.

234. Also, Memorial of the Legislature of the State of Wisconsin, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

235. Also, Memorial of the Legislature of the State of Alabama, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

236. Also, Memorial of the Legislature of the State of Ohio, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

237. Also, memorial of the Legislature of the State of North Carolina, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

238. Also, memorial of the Legislature of the State of Oklahoma, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

239. Also, memorial of the Legislature of the State of California, relative to the protection of the beaches and shoreline of Ventura County; to the Committee on Public Works.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

96. By the SPEAKER: Petition of Alianza Federal de Pueblos Libres, Albuquerque, N. Mex., relative to the municipal status of certain community land grants; to the Committee on Interior and Insular Affairs.

97. Also, petition of the Board of Commissioners, Ottawa County, Mich., relative to amending the Social Security Act to assist the aged in public facilities; to the Committee on Ways and Means.

98. Also, petition of the Congress of Micronesia, Trust Territory of the Pacific, relative to amending the tariff laws to allow entry of Micronesian products into the United States on the same basis as provided for insular possessions; to the Committee on Ways and Means.

SENATE—*Tuesday, July 6, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. Ellender).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, ruler of men and nations, as we return to this Hallowed Hall, we thank Thee for respite from daily duties, and for the annual rituals renewing our national heritage befitting "one nation under God, indivisible, with liberty and justice for all."

In the days before us, guide, we pray Thee, all those to whom has been committed the government of this Nation, and grant them special gifts of wisdom and understanding, of counsel and strength: that upholding what is right, and following what is true, they may obey Thy holy will and fulfill Thy divine purpose, to the honor and glory of Thy name. Amen.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 30, 1971, the Secretary of the Senate, on July 1, 1971, received the following message from the House of Representatives:

That the House had passed, without amendment, the bill (S. 2133) to extend the Federal Water Pollution Control Act, as amended, for 3 months.

That the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

That the Speaker had affixed his signature to the following enrolled bills:

S. 31. An act to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes;

S. 2133. An act to extend the Federal Water Pollution Control Act, as amended, for 3 months; and

H.R. 9271. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

Under authority of the order of the Senate of June 30, 1971, the President pro tempore signed the enrolled bill (H.R. 9271) on July 1, 1971.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On June 30, 1971:

S. 645. An act to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 30, 1970;

S. 1538. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended;

S. 1732. An act to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes; and

S.J. Res. 118. Joint resolution to provide a temporary extension of the authority conferred by the Export Administration Act of 1969.

On July 2, 1971:

S. 1700. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today, are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to House Concurrent Resolution 354, commemorating July 4, 1971, as Honor America Day, in which it requests the concurrence of the Senate.

The message also announced that the House had passed H.R. 9382, making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes, in which it requests the concurrence of the Senate.

HOUSE BILL AND CONCURRENT RESOLUTION REFERRED

The bill (H.R. 9382) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

The concurrent resolution (H. Con. Res. 354) commemorating July 4, 1971, as Honor America Day, was referred to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 30, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE 25TH ANNIVERSARY OF THE REPUBLIC OF THE PHILIPPINES

Mr. MANSFIELD. Mr. President, 25 years ago this month, on July 4, 1946, the United States withdrew its sovereignty from the Philippine Islands and a new nation was launched in Southeast Asia.

The new Republic of the Philippines that emerged that day has flourished and grown over the intervening quarter century. The process has of course not been without difficulties. On the whole, however, the Government in Manila has remained stable and the economy has expanded at a notable rate. In recent years, moreover, there have been significant social advances, notably in education.

A few statistics tell the story graphically. Gross national product has increased by 109 percent since 1947. Total foreign trade has increased by 177 percent and trade with countries other than the United States has increased by 659 percent. After decades of rice shortages, the Philippines is now an exporter of rice. In the past 5½ years alone, the number of school rooms has doubled and the children in attendance has increased by 7 million.

Nevertheless, the situation as regards the livelihood of the Filipino people leaves much to be desired, as the President of the Philippines and other political leaders have recognized. The growth and expansion have come in the face of a great carryover of social inequities, some of which go back decades and even centuries. One major consequence is a severe strain on the political and governmental structure that was patterned largely on that of the United States and which was promulgated in the preindependence period. There has been a long felt need for change in many of the basic institutions as not adequately responsive to the needs of the Filipino people at a time of mounting pressure for social reform. The President of the Philippines, Ferdinand Marcos, the only reelected President in Philippines history, has been one of the most eloquent articulators of this sentiment.

It is against this background that the Philippine Republic is now holding a national constitutional convention. The newly elected president of the convention is Diosdado Macapagal, who served as President of the Philippines from 1962 to 1966. He was elected to head the convention after the untimely death of Carlos P. Garcia, another former President who had been elected to head the convention only last month.

Mr. President, the Journal of Commerce of New York issued on June 1, 1971, a very comprehensive special edition devoted to an economic review of the Philippines, especially keyed to the 25th anniversary of the Republic. I commend the issue to the attention of the Senate and ask unanimous consent that there be included therefrom an article by former President Diosdado Macapagal. In addition, I ask unanimous consent that an interview which was conducted last month by Kingsbury Smith, chief foreign editor of the Hearst newspapers, with Philippine President Ferdinand Marcos also be included in the RECORD. It details some of the exceptional achievements in the Philippines, many of which have been recorded in large part during the half decade of his incumbency.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSTITUTION REFORMS HELD DUE

(By Diosdado Macapagal)

Within a month after I was elected to the Presidency in 1962, I urged Congress to convoke a Constitutional Convention to frame a new Constitution of the Philippines. Although it took Congress eight years to act, I am gratified that it has now done so.

In envisioning the promulgation of a new Constitution, I was mindful of the gross inadequacies of the present charter as a framework within which to mould the welfare and future of the Filipino people.

The Filipinos regained their sovereignty in 1946 after four and a half centuries of colonial life—400 years under Spain and 50 years under the United States. It is no indictment of the colonial powers but an averment of historical fact that such a long period of imperialism is bound to leave a sedimentative influence that would be a repressive weight upon the former colony's salutary development. For all the colonizers' avowals of altruism, it cannot be gainsaid that the colonized country was administered primarily for the aggrandizement of the imperial power and only subsidiarily for the well-being of the subject people.

ESSENTIAL REEXAMINATION

The political system, administrative structure, economic order, social institutions and practices developed during the long colonialism need to be reexamined in the light of the indigenous qualities and traits of the people and of their desire to pursue their most cherished aspirations in their own way and with their own genius.

This explains the fact that today there exists dissatisfaction with the American two-party system which is entrenched in the present Philippine Constitution. There is dissent to the exaltation of capital which is almighty in the American system and is likewise enthroned in the Philippine charter. There is a clamor for social reform which is underplayed in the present organic law that was patterned after the American Constitution.

U.S. PARITY RIGHTS

The existing charter embodies American parity rights which have inflamed the stu-

* * * * *

tions precipitated the convening of the Convention. It is significant that among the Delegates who have spoken out, an overwhelming number are for the termination of parity rights; and relative to the rights already acquired, 62 per cent are for their lapsing, with compensation, while 17 per cent believe that the "vested" rights subsist "under the rule of law."

The Filipino youth are in revolt against American military bases which were established under the Tydings-McDuffie Independence Law through which the present Constitution was contrived. It is noteworthy that 54 per cent of the Delegates are for the removal of the bases as against 40 per cent who are for their maintenance.

POPULAR SENTIMENT

In sum, abundant evidence is marshallable to establish that the aggravating popular unrest partakes of a revolution thus far pacific to demolish the vestiges of centuries of foreign domination which are regarded as distortive of the Filipino soul and, therefore, deleterious to Philippine development and national fulfillment. The Convention is thus looked upon as the vehicle that can pull off this "peaceful revolution"; that it constitutes in fact an "unfinished revolution" in the sense that it aims to initiate reforms and establish institutions which will enable the mass of the people to wrest economic, social and spiritual well-being by shattering the dominance of extant imperialistic interests and their native collaborators. It is generally believed that the failure of the Convention to measure up to this expectation may worsen popular unrest and detonate a violent revolution.

PRESIDENTIAL SYSTEM

In view of this widespread sentiment, the Convention may be expected to reexamine the American presidential system of government and consider the parliamentary system. Specifically, it may impugn the institution of a strong Presidency by limiting its tenure and reducing its powers. It will consider removing from the Executive the supervision of the courts and restricting its power of appointing judges. It will endeavor to rinse the political and administrative processes of their graft breeding debilities.

The Convention will also likely jettison the two-party system and facilitate the rise of three or four political parties. Stung by the "imposition" of parity rights, it will be inclined to be nationalistic in the utilization of the nation's natural resources. It may hew a similar path on the principle of citizenship, as indicated by the trend that 64 per cent of the Delegates are for jus sanguinis and 23 per cent for jus soli. The Convention may also be disposed favorably to relations with communist countries and to economic planning as an implement of growth. Sixty-nine percent of the Delegates incline to the recognition of Red China; 25 per cent oppose it.

LOCAL AUTONOMY

American example is not in all ways disregarded. The American system of state rights has bolstered a demand for local autonomy. The Convention may establish stronger local governmental units with powers of taxation to remove their financial dependence on national government.

The fervor for change and national individuality will constrain the Convention to assess politico-economic systems other than republicanism. New ideologies likely to be examined are Christian socialism, the Welfare State, and "national democracy" which is midway between socialist and democratic states. Some Delegates would seek a consideration of communism.

Considering the genesis and motivations of the Convention, the most significant change looms to be a stress on social justice and welfare. Most Delegates regard the socio-economic issues as paramount over other problems. Several Delegates would invest property with a social function in equitable ways. There may thus emerge a Constitution that will be socially-minded in contrast with the property-orientation of the present charter.

A proper question is: will the Convention be free enough to undertake desirable innovations? Senate President Gil Puyat has warned of possible "intervention not only from political but other groups that may want to dominate the Convention." The answer may have been given by Delegate Raymundo Baguilat of Ifugao who says: "Those who shout that the coming Convention will be an exercise in futility are belittling the ability and patriotism of the Delegates."

The Ifugao spokesman echoes a rising sentiment among the 320 Delegates—that they will act as free agents of a sovereign people, responsible to no politician, financier or manipulator and responsive only to their inviolate duty of writing a Constitution that will provide the Filipino people a new, tangible and credible hope for a better life in a society that is just and Filipino and thereby make the Republic endure.

INTERVIEW

(By Kingsbury Smith)

MANILA, June 10.—One of the most remarkable leaders in the world today is striving to save democracy in the Philippines by a peaceful revolution that aims at a major transformation of the social and economic order in this island republic of 38,000,000 people.

President Ferdinand Marcos, whose heroic deeds in World War II and miraculous survival from a dozen close calls with death—five times gravely wounded and repeatedly tortured by the Japanese—have already made him a legendary figure in his homeland, believes that democracy in the Philippines is being endangered by a combination of olligarchism and Communist subversion.

He is risking his political future, his honor and even his life, to carry out reforms he is convinced are necessary to preserve democracy in the Asian nation which, under American guidance, was the first to embrace it.

"If I fail," he told me in an exclusive interview, "either the Communists will take over in two or three years or there will be an extreme rightist or military dictatorship."

His plans for restructuring the social and economic order in the Philippines include distribution of land to the peasants, redistribution of wealth through increased inheritance and other taxes, local farm collectivization, family-level producers, improved housing and educational facilities for the poor, rural electrification and strict censorship of pornographic films and literature to protect the youth.

The record of what he has already achieved in five and a half years as president is an amazing one.

Government revenue up 60 per cent. A virtually bankrupt government when he took over now enjoys a balanced budget, a favorable foreign trade balance and a stabilized economy with a growth rate this year of 5.5 per cent. Unemployment down from 8.7 to 6 per cent. Seven million more children in school. The number of schoolrooms doubled. Six thousand miles of new roads. The country, long a big importer of rice, the basic diet, is now not only self-sufficient, but exporting the "miracle rice" his research projects developed.

To spend a few days as the guest of this youthful-looking, 53-year-old crusading leader and his beautiful and talented first lady, who is even more of a political asset to him than Jackie was to the late President Kennedy, is an inspiring experience.

I have seen, interviewed and corresponded with most of the world's leaders, over the past 30 years, including Churchill, Stalin, Khrushchev, Nehru, De Gaulle, Adenauer and every American President since Herbert Hoover. Seldom have I encountered a leader who impressed me as much as this dynamic man of Malay ancestry who combines a charismatic personality with a pragmatic, common sense approach to problems and whose idealism is centered on the betterment of his people's welfare.

It seems fortunate for the Philippines, the United States and the neighboring Asian nations that this man is one of Asia's most outstanding leaders at this turbulent time.

Decorated 28 times for bravery in World War II, one of his heroic deeds was credited with delaying the Japanese capture of Bataan for three months. Although wounded, he survived the infamous death march to lead an underground guerrilla movement that continuously harassed the Japanese during their occupation of the Philippines and helped prepare the way for the return of General MacArthur's allied forces.

There is at times a pained expression on the President's face, especially around the eyes, that seems to reflect the suffering he has endured.

Convicted while a college student of a political murder and imprisoned, young Marcos was later offered a Presidential pardon but refused it and insisted on a Supreme Court review. He pleaded his own case and won a complete reversal of the conviction, absolving him of all guilt.

He has been accused by his political enemies of having become the richest man in Asia since he became President. Son of a wealthy land-owning family and one of the country's most successful trial lawyers before he became President, he ridicules the allegations as attempts by the oligarchists and Communists to try to destroy him politically. After his re-election to a second term in 1969, he announced he was disposing of his worldly possessions. He established trust funds for his wife and three children, and willed everything else to the nation.

"When I die," he remarked to me, "I will die a poor man."

A mass media, which he contends is almost entirely controlled by business interests who bitterly resent his efforts to curb corruption and the exploitation of the nation's resources for their own selfish purposes, has subjected him and his wife to scandalous abuse and slander, accusing them of practically everything from robbing the country to having separate lovers.

Both the President and the First Lady speak with frankness about these attempts not only to destroy them politically but to wreck their marital happiness. Both say it only has served to strengthen their love and devotion to one another.

Evidence of the faith the people have in them is clearly apparent in the fact that while the President won his first election to the nation's highest office in 1965 by a plurality of 600,000, he was re-elected in 1969 by two and a half million votes.

Following is the condensed text of the first of a series of interviews with President Marcos in Malacanang Palace:

Q—What do you consider to be the most important achievements of your presidency?

A—The changing of the mind and heart of our people, more than anything else. What I mean by this is the change from resignation, outright indolence and fatalism. All kinds of suffering and failure were ascribed to some divine judgment that was unchangeable. So much so that impoverishment, illness, and ignorance were considered a part of the dictate of God and therefore should not and cannot be changed.

This has reached such a point that unfinished bridges were allowed to rot, roads, although started, were not finished. It was wrecking the entire economy.

Two thousand of our industries were either closed or closing when I took over. Not a single person offered or worked out a solution.

When I took over as president, I asked our people to think. "Do not accept our misery and deprivation in resignation. Think and your thoughts will make you free. Be discontented." And I got what I asked for. The change of heart and the change of mind of our people. This to me is the most important.

Q—How did you bring this change about?

A—By varied measures. One of the most important was to show them that something could be done. We did it in the most dramatic way possible.

For instance, in the question of rice. We set pilot farms in very municipality. I called in the professionals. I don't mean agriculturalists, but doctors, lawyers and men who understand scientific farming. I told them they could help their country in some other way than just practicing their profession. We showed the people we could harvest three times, four times and more than they were harvesting. Of course, when profit comes in everybody starts noticing.

Another dramatic way was in schools. When I assumed office there were 108,000 schoolrooms. Today there are 202,000. Seven million more children are attending school today than when I took over.

Q—Where did you find the funds to do that?

A—First I tapped our Japanese reparations payments, which used to go to a few privileged, private industries. Then in four years I increased the government's revenue by 60 per cent. I wonder whether any government anywhere in the world has been able to do this.

Q—How did you do it?

A—By sending the crooks to jail and appealing to our people to pay their taxes. I gave a one year tax amnesty to all those who had failed to pay their taxes—one year to pay up and they would not be prosecuted. We doubled the number of people who were paying their income taxes.

We also imposed higher duties on luxuries, and on consumer items, especially items that were being produced here. For example, we imposed a 200 per cent duty on big cars.

Q—How about roads?

A—As soon as I knew I was elected in December, 1965, I called in as many experts as I could from all over the world. I asked them to tell me what was the difference between a modern country, say Switzerland, or Germany or England, and the Philippines. Why do we not move?

The answers were quite obvious. They said we did not have any communications, no effective way of moving our products from production areas to markets. Then we had to build up skilled labor because our target was a balanced agro-industrial economy. Roads became a primary project. This was one of the dramatic things we did.

Here in Manila there wasn't a single modern through road. I built straightway thoroughfares. I called in the army engineers to do it, and we finished them in record time. Instead of teaching the soldiers merely how to shoot, to destroy, we taught them how to work on such projects as roads.

Another dramatic thing we did was to build schoolhouses quickly. I would bring pre-fabricated schoolhouses to the barrios (rural villages) and we would put them up in five hours. I designed the marcos prefabricated schoolhouse during the war. I just improved on it for our needs today. It is all steel and cement.

Q—What are your ultimate aims and objectives for the country?

A—Fundamentally this country is democratic and its beliefs are democratic. I would like to see this country not threatened by subversion. We have been threatened by subversion since the beginning of our independence, and this has blocked our economic development because the demands of national security always draw funds and resources from economic development.

I would like to eliminate this basic threat not only to our freedom and security, but to our economic, social and political development, and to do so before my term as president expires in 1973. I would like to restructure our society.

Q—How?

A—We want to give full implementation to the meaning of equality. Equality of opportunity. I want to see every child whatever his birth, enjoy the right to develop all his God-given talents. The Filipino is fundamentally an energetic, honest and decent man. He doesn't want to beg and yet many of the Filipinos now are actually beggars, and this I would like to wipe out.

Land reform is part of my program for restructuring the society, and increasing the share of labor without eliminating the incentives to capital and investment. This, I know, is a little difficult but we can just about make it because the cost of our labor is not yet too high. This country has one of the world's lowest costs of production. Some of the Japanese are coming here. So are some of the Hong Kong investors, putting up all kinds of factories in our free trade zone.

What I dream of is to see our country, free from the threat of both external and internal aggression of subversion, moving in such a direction and orientation and with such momentum that no matter what happens to the political leadership, the country will move on towards its goals.

Q—What do you foresee happening in the country if your social and economic reforms are not carried out?

A—I foresee the Communists taking over, perhaps within the next two, three years, or at least a revolution. Either the Communists or the rightists will take over. By rightists, I mean either the military or the economic imperialists.

Q—You once described the Philippines as a sick society. Is it now beginning to recover?

A—Yes, it started to recover sometime in 1968, but it is still sick in the sense that many of those in the upper strata still do not realize the pivotal nature of all the reforms we are trying to initiate. They still do not realize the need for this restructuring, the voluntary giving away of part of their gains in the economic world in order that the lower ranks of our people may realize that they have a stake in democracy.

Q—Do you feel that what you have described as the oligarchs are endangering democracy in the Philippines by providing political ammunition for the Communists and other extremist groups?

A—Yes, they are an opportunist group just like the Communists. Both are trying to utilize the other for their own private purposes. I will be frank with you. The oligarchs think they can handle the Communists and use them as tools. The Communists think they can do the same. I know both of them are planning to liquidate the other the moment there is trouble here in the Philippines.

Q—Why did the oligarchists turn against you?

A—They turned against me because I would not give way to their importunings about further economic opportunities and favors, like grants or licenses, permits for monopolies or exploitation of natural resources at the expense of public welfare.

Q—Are the oligarchists using their control of the mass media to try to destroy you politically because of your reform programs?

A—Yes, the oligarchs are bent on removing me from public office by any means fair or foul.

Q—Have you given any thought to seeking a special mandate from the people through a referendum for your reform programs?

A—I am going to seek a special mandate in the November elections (local and congressional) this year. In fact, I placed my reform programs at issue during the elections last November for delegates to the constitutional convention. Even those who don't like me politically or personally went for the program. Now they claim it as their own.

Q—I have been told that your opponents have sought to destroy your popularity with the people and your reputation abroad by spreading false and malicious rumors concerning you, especially that you greatly increased your personal fortune since you became President.

A—Yes, that was one of their campaign lies. My wealth is a public record. When I leave this office, the Presidency of our country, they will realize that all my funds have been put in a foundation which shall be utilized for the welfare of our people. I will die an impoverished man, with the exception of funds set aside for my children's education.

Politics here is so free-wheeling that almost any charge is made. But our people are so sophisticated now about politics that they know what is happening. That is why, in the surveys we have found that even the publications that are utilized to attack me personally about my alleged involvement with women and increase in wealth are no longer believed by our people. So all I can say is that I look to history writing the truth about what is happening in the Philippines.

Q—Am I correct in the impression that by your reform programs you are striving to save democracy in the Philippines?

A—Yes, and to protect our people from immediate and future danger.

Q—You feel that you have to risk what in effect is almost character assassination in order to protect and promote the interests of the people?

A—Yes, this is precisely one of the things I have spoken about. I have said in war all you risk is your life. Here, in the new battles that we have to fight, you risk even your honor and this is something more valuable than even life itself. But I am willing to risk it. My wife and my children have agreed that even if it should mean losing our reputations, we must stand by the principles on which we stood when I ran for public office.

KINGSMITH—MARCOS

(By Kingsbury Smith)

MANILA.—If the United States will enable the Philippines to strengthen its trade with America and will support by training and equipment an increase in the country's defense forces, this strategically vital island republic can serve as a bastion of freedom in Asia.

A militarily and economically stronger Philippines could relieve substantially the defense burden America is carrying in this part of the world.

If, on the other hand, America pulls out prematurely or precipitates an economic collapse by curtailing the Philippines' access to the American sugar market, then this country could become through massive subversion another Vietnam.

These points were made by President Ferdinand Marcos in an exclusive interview with the writer in Malacanang Palance.

The almost legendary hero of Bataan and many other battles against the Japanese in World War II, and who has been a crusadingly progressive leader of his country for the past 5½ years, is deeply concerned about pending legislation in the American Congress that would reduce the Philippine sugar quota and cost his country, with its millions of impoverished people, $40,000,000 annually.

Not only would this action hurt the Philippine economy, but the President pointed out it would provide propaganda ammunition for the Communists, radicals and other anti-American elements in the Philippines who already accuse him of being the "running dog" of the Americans.

"We are not asking for aid," the President said. "What we are asking for is trade. We are not asking for special favors. What we are asking for is that the relationships between our two countries, especially economic, be not so suddenly disrupted that we are hard put to adjust ourselves to them."

If the ten per cent cut in the Philippine sugar quota which has already been approved by the House of Representatives and is now before the Senate goes into effect, some Philippine sugar producers will be unable to meet payments on credits granted to them by the Government to produce sugar for the American market. The American quota can be reduced at any time without any advance notice to the Philippines, since it is not protected by any specific time period.

With regard to American policy in Asia generally, the President expressed the hope the United States would let the Philippines know what are America's future intentions in Asia.

"We would like to see the United States come out frankly with a definite program on which we, the Asians, can act," he said.

President Marcos also revealed that the South Korean leaders informed him the United States would not have had to enter the Korean War and seek United Nations police action there if South Korea had been enabled to prepare itself for defense against North Korean aggression.

"They told me that a short period before the attack, the United States suddenly withdrew armor, heavy artillery and left nothing but guns for the internal police," he added.

"This seems to be one of the basic flaws in American policy. Look at China and Russia. They give equipment. Look how the Chinese and Russian equipment is wreaking havoc in Viet Nam, Laos and Cambodia."

The President said he foresaw the need for an American military and economic presence in Asia, "a high or low posture, for the next five or 10 years or perhaps even longer."

Following is the condensed text of the second in a series of interviews with President Marcos:

Q. What could the United States do to be helpful to the Philippines that it is not now doing?

A. There are two aspects. One is security. I have always felt that the United States' presence will be needed here for both security and economic development for the next five or 10 years, perhaps even longer.

I cannot foresee any country alone or jointly with others in Asia capable of balancing the power of Red China. And it is certainly the height of folly to think we can, by supplication, prevent the leaders of any predatory state or nation in our part of the world from any of the designs which have been articulated openly in the past of an Asian hegemony under the aegis, of course, cf Mao Tse-tung.

Therefore, we would like to see the United States come out frankly with a definite program on which we, the Asians, can act.

While we do not ask for publication of such a program, we do hope the leaders of America will bring us into the secrets of your policy and tell us exactly when you do intend to pull out, if you do intend to do so, and to what extent.

If we need to prepare to stand by ourselves, then to what extent will you help us prepare? Look at Viet Nam. When your Government was under pressure from public opinion to pull out, you have been hard-put to train the South Vietnamese, so much so that it was even suggested some of them be trained in the Philippines.

Would it not be possible for the United States now to help us train our men to take over some of the burdens you now carry?

For instance—I think I can reveal this to you—the understanding between your country and mine is that you will prevent any external aggression, but at the moment the enemy comes within our territorial limits we would participate. That is the agreement.

Anything that has to do with internal disorder we will handle. But there may perhaps come a time when your government will not assume the responsibility of defending us against external aggression. When and if that happens, we would require better equipment and better trained troops than we now have. Would it not be better that we prepare for it now while we can instead of waiting for a Viet Nam war and the need that might bring for help of your troops?

Our preparedness would in itself be a deterrent. As General MacArthur said, if we were properly prepared no rational man would think of attempting to conquer the Philippines.

That is one aspect. The other is economic development. You should remember that if we go under because our economy collapses, your military bases here will be useless.

We consider ourselves a somewhat different ally because we did not surrender to the Japanese but fought side by side with you and we suffered a million casualties both military and civilian.

Q. Do you feel the Philippines has not been supplied with the right kind of weapons to defend the nation now?

A. Yes and no. We have the right weapons for internal security, but for other things, no. Well, for instance, we don't have any all-weather interceptors. We are not prepared for anti-submarine warfare. Things like that.

Q. What is your conception of partnership with the United States on security matters?

A. A partnership between two independent countries that recognizes the national interests of both but at the same time is based on feeling, understanding and friendship.

When we say we want to be independent, we merely say it in a way of a son who tells his father: "I am 21 now and I would like to go out in the world and find out what it's all about. It doesn't mean I am going to be your enemy."

Q. What are some of the irritants in relations between the two countries?

A. Jurisdiction over military personnel and supposed unequal treatment with respect to American bases.

Q. Do these irritants serve as ammunition for the Communists, and for your political enemies?

A. Yes, very much so. The Communists call me "Tuta Ng Amerikano," meaning the running dog of the Americans. This is because I have said repeatedly, "we need the United States now and we will need them for the next several years." We cannot protect ourselves from external aggression. While there is no such threat now, there would soon be one if the United States was not here, and the time may come when there will be such a threat.

Q. If the Philippiness lost the American sugar market could the nation survive economically, could it progress?

A. It would be touch and go as to survival. On progress, you can strike it off as impossible if we lose the American sugar market.

Q. I have been told there is a feeling here that the Philippines has to virtually beg for continuance of access to the American sugar market whereas the Philippines did not resort to any hard bargaining when the military bases were granted to America. Is that so?

A. Yes, that's true; there is such a feeling, and the Communists are making the most of it.

Q. What do you consider the most important thing now for the American people to bear in mind about the Philippines?

A. One thing is that the Philippines is your creation actually, because you gave us independence. In giving us independence, you established an example that could not be disregarded by the other nations of the world. That was the start of decolonization, of the colonial empires of the world—the French, British, Dutch. Therefore, if this experiment which you started should fail and we should go down before the Communist onslaught, your experiment will have proved a failure.

Q. How can that danger be averted?

A. With two basic policies—trade and security; training our people to be prepared.

Q. Why did you send Philippine forces to South Vietnam?

A. First of all, because the Vietnamese people requested it. Secondly, because we felt it was in the national interest that the Communists be kept at that distance. If they had succeeded in Vietnam, they would have come down all the way to Malaysia and into the islands to our south, Borneo, Kalimantan, and Sabah.

Q. Will that danger exist if the Communists still succeed in conquering South Vietnam?

A. Yes, but now the countries of Thailand, Malaysia, Singapore, and even Indonesia are better prepared. Remember that Indonesia was in the hands of a man who was riding the fence at the time and who had Communists in his cabinet and even in his armed forces.

Q. Are you concerned at the rate of American withdrawal from Vietnam?

A. Yes and no. I would take the word of such men as Admiral McCaine, your Commander in Chief in the Pacific, and also General Abrams, who has briefed me, that the Vietnamization program is succeeding, but I have misgivings, and every leader in Asia has his misgivings, about the capability of the South Vietnamese armed forces to sustain themselves when you have completely withdrawn.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the standing order, the Senator from Pennsylvania (Mr. Scott) is recognized.

Mr. SCOTT. Mr. President, I yield back my time.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that, on June 30, 1971, he presented to the President of the United States the enrolled bill (S. 1700) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

PERSONAL STATEMENT

Mr. GRAVEL. Mr. President, there are instances in one's public career which bear explanation. For me, the events of last Tuesday evening is such an instance. Often the circumstances surrounding such instances offer sufficient explanation. At times they do not.

Let me first say that it was in response to what I sincerely deemed as my duty as a U.S. Senator, and because I was not able to speak on the floor of the U.S. Senate, that I convened a hearing before the Subcommittee of Buildings and Grounds which I am proud to chair.

Each of us must act in accordance with the dictates of our conscience. Were it otherwise, we should not serve as Senators. It was within such a framework that last Tuesday evening I undertook to discharge my obligations. In doing so, perhaps, I did not approach the matter with the same degree of delicacy another would employ.

However, I can assure you that I would not place myself below any Member in the degree of respect and affection I hold for the Senate. What I did, I did sincerely and patriotically in the best interest of this Nation we all love. I did it as a Senator of my State of Alaska representing the people of Alaska, and as a Senator of the United States working for the interests of all Americans.

What I did, I felt and continue to feel, will bring credit to the U.S. Senate, not embarrassment. I would never be party to any act that would bring discredit to this august body.

In this connection, I have met with the distinguished majority leader. I did so seeking his advice and counsel on these matters. For his understanding, I am deeply grateful.

Mr. President, I have testimony to the statement that I made about what I felt and what I continue to feel. I ask unanimous consent to have printed in the Record various letters and communications that I have received, being but a small, small portion of the letters and just a slight flavoring of their contents. I ask unanimous consent that they be printed in the Record with the deletion of the names of the individuals, showing only the body of the letter and the State from which they come, because I do not think it is my prerogative to violate a personal communication.

There being no objection, the material was ordered to be printed in the Record, as follows:

From Illinois:

Dear Sen. Gravel: I would like to thank you for not keeping any secrets from the American people. You are the greatest senator, and we all love you. Thank you.

Sincerely,

Dear Senator Gravel: I have just returned from hearing you tonight, and I apologize for everything that I have thought of you these past few days.

I have no more tears left: thank God there are men in this country who still do.

Sincerely,

From a doctor in New York State:

Dear Senator Gravel: God bless you. For a new state Alaska is doing pretty well.

Respectfully,

From California:

Dear Senator: I wish to thank you for giving me the first feeling of pride in being an American that I have experienced in some time.

I equate you with Patrick Henry and while I had thought Congress dead, I begin to wonder.

I do wish you well.

Sincerely,

From Pennsylvania:

Dear Senator Gravel: I am enclosing a copy of a letter I wrote to the New York Times.

Since then, I have come to the conclusion that people like Dr. Ellsworth and yourself are the real heroes of this terrible mess we find ourselves in. The courage of men like you, putting not only your careers and reputations on the line, but your freedom, should be a lesson to the "silent majority".

I am the mother of a boy who will be 19 years old July 6. He is a perfect example of what this senseless war has done to our youth. He did his best to work against the war since he was 15—wrote for his school paper, held meetings, etc., and finally gave up in frustration.

My beloved son, Barry, in a complete retreat from worldly problems, joined the International Society for Krishna Consciousness (the group that chants on the streets to spread their message of God) and is now a full time priest. I guess I am lucky—other mothers have had their sons killed in Viet Nam, or dead from overdoses of narcotics, etc.

As you spoke and cried last night, I sobbed along with you, as must have many other mothers. What you have done, in reading the forbidden Pentagon papers, will awaken all mothers, fathers, sons, and, hopefully, legislators who will finally end this dreadful war.

Blessed be the peacemaker . . .

Shalom,
(Peace).

[From the New York Times, June 20, 1971]

To the Editor:

Perhaps if the television networks would have done what you are now doing, in regard to your carrying the story of the Vietnam war and what went on behind the scenes, the Bill of Rights, especially the First Amendment, would be alive and well and undisputed in the United States.

The Times is pursuing its usual course in publishing, in full, important documents and speeches. This is surely the most important story you have done in my memory, and the most worthwhile. The people of this country owe you a debt of gratitude, which they will only realize in years to come.

Permit me to quote from the Russian poet, Yevtushenko:

"One day posterity will remember
This strange era, these strange times,
When honesty was called courage."

From California:

Honorable Sir: Since 1961, I have been active in the peace movement. I have lived through insults, alienation from my family, red baiting, etc., because of my political beliefs. During those years I have felt a sense of hopelessness and frustration that has at times led to terrible despair. I have become militant and increasingly alienated from the country of my birth—to the point of shame, pure shame, at being an American citizen. Many times I have wanted to leave, to seek an easier life in a land of peace, but I have found such a course of action untenable. For, as an American this is my war and my war to stop. If it is not stopped, and by the power of this people, there will soon be no land of peace anywhere—perhaps no world at all. And so I have remained, dedicated to the struggle, yet growing angrier as time goes on. There is not a "liberal" bone left in my body—I am a radical through and through, and I have found the gulf that separates me from the American system and its representatives to be a dark, gaping chasm, impossible to broach. Never once did I think, not even in my wildest hopes that I could or would ever want to reach across that gulf to shake the hand of a very brave and righteous and to say thank you thank you very much, Senator Gravel for what you have done.

Sincerely yours,

From New Mexico:

Dear Mike: This was to have been a telegram, but the strike prevented sending it.

"We are both extremely proud that the senator from Alaska had the fortitude to risk so much for mankind.

Your courage is rare and beautiful in this age of hypocrisy and accommodation."

Thank you,

From a doctor in Florida:

Dear Senator Gravel: An excerpt of your press conference of last night, reading the "Pentagon Papers" was on our local television station this morning.

I was very moved by your depth of feeling and concern on this vital matter.

I'm very pleased and thankful we have men of your calibre and dedication in the Senate.

My best wishes for your continued service to our country and to the principles upon which it was founded.

Sincerely,

From an actress:

Dear Senator: It was with revolation and the great hope for our country to listen to a man like you speak.

If there were more people like you, we wouldn't be in the trouble we are now.

I would find it a great honor to meet with you one day.

Sincerely yours,

From Oregon:

Senator Gravel: We love you!

From New York State:

Dear Senator Gravel: Permit me to take the first opportunity I have had, since I have heard of it, to congratulate you on your most unprecedented act of patriotism. As an American, your action fills me with pride and renews my hope in the future of our country.

Please accept my sincerest wishes for your future, along with my expression of admiration.

Sincerely,

From Virginia:

Dear Senator: You have stirred the conscience, heart and soul of America. Our country needs more like you!

Respectfully yours,

Mr. BAYH. Mr. President, I did not come to the floor this morning for this purpose, but having heard the sincere remarks of our colleague from Alaska, I should like to take advantage of the opportunity in the morning hour to say a word concerning my personal feelings.

The issue which prompted the distinguished Senator from Alaska to take the steps he took the other evening has been sufficiently laid to rest by the Supreme Court. In the judgment of the Senator from Indiana, the Supreme Court acted wisely.

Since that issue has been decided by the highest court in the land, it seems to me little will be gained by thrashing it out; but I would like to say for one or two moments that in the 9 years it has been my good fortune to be in the Senate, one thing that has impressed me more than anything else about the relationships among Senators is that, although we may differ in philosophy and in politics, and we may vigorously oppose one another on the issues that come along from time to time, we may have grave concern at times over the strategy that some of our colleagues pursue in pressing their points, and even though I have found myself locked in near mortal combat with some of my colleagues over an issue, one thing that has impressed me about the U.S. Senate is that here are 100 Members from all across the country who look upon each other's activities as the activities of one representing one of the 50 States. There has been almost no effort made in the Senate to impugn the motives of any other Senator.

I, for one, think that the Senator from Alaska has gone through a very difficult time. I salute him for the courage he has displayed. I hope that the precedent of the Senate under which we let each individual decide for himself what course he wants to follow, giving him full faith and credit that he indeed is following the course he believes to be right, will be followed in the case of the Senator from Alaska. If we are to erode that precedent, I think that the activities of the Senate will be seriously jeopardized in the future.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore announced that on today, July 6, 1971, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 31. An act to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; and

S. 2133. An act to extend the Federal Water Pollution Control Act, as amended, for 3 months.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENTS TO THE BUDGET FOR THE LEGISLATIVE BRANCH, 1972 (S. DOC. NO. 92–29)

A communication from the President of the United States submitting amendments to the request for appropriations transmitted in the budget for the fiscal year 1972 for the legislative branch (with accompanying paper); to the Committee on Appropriations.

FINANCIAL REPORT OF THE PENN CENTRAL TRANSPORTATION CO.

A letter from the Secretary of Transportation transmitting, pursuant to law, a report on the financial condition of the Penn Central Transportation Co. (with accompanying papers); to the Committee on Commerce.

REPORTS OF THE COMPTROLLER GENERAL

Three letters from the Comptroller General of the United States transmitting, pursuant to law, three reports entitled "Improvements Needed in Management of Motor Equipment Activities"; "Better Cost Accounting Needed for Operation and Maintenance of Military Family Housing"; and "Need To Evaluate and Improve Postal Source Data System Before Further Expansion" (with accompanying reports); to the Committee on Government Operations.

PROPOSED LEGISLATION TO STIMULATE INDIAN EMPLOYMENT

A letter from the Secretary of the Interior submitting proposed legislation to establish within the Department of the Interior the Indian business development program (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION REGARDING SURVEYS OF PUBLIC LANDS

A letter from the Assistant Secretary of the Interior submitting proposed legislation to amend the act of March 3, 1909 (with accompanying papers); to the Committee on Interior and Insular Affairs.

ORDERS SUSPENDING DEPORTATION

Two letters from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, orders suspending deportation (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE PACIFIC TROPICAL BOTANICAL GARDENS

A letter from the Counsel to the Pacific Tropical Botanical Garden transmitting, pursuant to law, a report of audit for the Corporation for 1970 (with accompanying report); to the Committee on the Judiciary.

REPORT OF THE NATIONAL COUNCIL ON RADIATION PROTECTION AND MEASUREMENTS

A letter from the General Counsel for the National Council on Radiation Protection and Measurements transmitting, pursuant to law, a report on examination of accounts (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE GENERAL SERVICES ADMINISTRATION

A letter from the Administrator of General Services transmitting, pursuant to resolution of the Senate Public Works Committee, a report of a building project survey for Las Cruces, N. Mex. (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Ohio; to the Committee on the Judiciary:

"(Amended Senate Joint Resolution No. 16)

"Joint resolution providing for the ratification of the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older

"Whereas, both Houses of the ninety-first Congress of the United States of America, at the first session of such Congress, by a constitutional majority of two-thirds of the members of each house thereof, made a proposition to amend the Constitution of the United States in the following words, to wit:

" 'Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.

" 'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE—

" 'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'SEC. 2 The Congress shall have power to enforce this article by appropriate legislation.'; therefore be it

"Resolved, By the General Assembly of the State of Ohio, that the said proposed amendment to the Constitution of the United States be, and the same is hereby ratified; and be it further

"Resolved, That the Secretary of State of the State of Ohio be, and he hereby is directed, to deliver to the Governor of this state a certified copy of this resolution, and such certified copy shall be forwarded at once by the Governor to the Administrator of General Services, United States Government, Washington, D.C., to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the Secretary of State of the United States.

"Adopted June 30, 1971."

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"RESOLUTIONS MEMORIALIZING THE SECRETARY OF THE NAVY TO NAME A NUCLEAR SUBMARINE IN MEMORY OF CONGRESSMAN WILLIAM H. BATES

Whereas, Congressman William H. Bates of Salem, Massachusetts, Representatives in Congress, 81st to 91st, died June 22, 1969; and

Whereas, Congressman Bates was educated at Salem High School, Worcester Academy, Brown University and Harvard Graduate School of Business Administration; and

Whereas, He rose from rank of Apprentice Seaman to rank of Captain in the United States Navy; and

Whereas, At the time of his death, he was a ranking member of the House Armed Services Committee and the second ranking minority member of the Joint Commission on Atomic Energy; and

Whereas, He served his country with honor, distinction and dedication in World War II and while a member of Congress; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully urges the Secretary of the Navy to name a Nuclear Submarine in memory of Congressman William H. Bates; and be it further

Resolved, That a copy of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, the Secretary of the Navy, the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"House of Representatives, adopted, June 22, 1971."

A resolution adopted by the FBI National Academy Associates, of New England, paying tribute to the President and to Congress; to the Committee on Foreign Relations.

INTRODUCTION OF A BILL

The following bill was introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT:

S. 2220. A bill for the relief of Biagio Carabello. Referred to the Committee on the Judiciary.

ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 102

At the request of Mr. GRIFFIN, for Mr. BROCK, the Senator from New York (Mr. BUCKLEY) and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of Senate Joint Resolution 102, authorizing the President to designate the week of October 12 through 19 of each year as National Patriotic Education Week.

THE HEALTH SECURITY ACT—AMENDMENT

AMENDMENT NO. 236

(Ordered to be printed and referred to the Committee on Finance.)

Mr. GRAVEL submitted an amendment intended to be proposed by him to S. 3, a bill to create a national system of health security.

CONTINUATION OF ADVISORY COMMITTEE HEARINGS: SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. METCALF. Mr. President, on behalf of the chairman of the Senate Subcommittee on Intergovernmental Relations (Mr. MUSKIE), I am privileged to announce that the subcommittee has scheduled hearings on legislation with respect to advisory committees to Federal agencies—S. 1637; S. 1694; and S. 2064—for July 13, 16, 27, 28 and 29. These dates are subject to possible change depending on the availability of witnesses, but we intend to keep as close to this schedule as possible.

The legislation is directed to reducing the proliferation of Federal advisory committees and establishing certain standards and guidelines relating to membership, disclosure of information and conduct of such committees.

Any persons desiring to testify before the subcommittee on the subject legislation, or the general issue of Federal advisory committees, please contact the chief clerk of the Subcommittee on Intergovernmental Relations, Mrs. Lucinda Dennis, in room 357, Old Senate Office Building—phone number: 225-4718—Washington, D.C.

ADDITIONAL STATEMENTS

REMARKS BY SENATOR WALLACE F. BENNETT AT SENATE PRAYER BREAKFAST MEETING, JUNE 30, 1971

Mr. STENNIS. Mr. President, on June 30, the distinguished Senator from Utah (Mr. BENNETT) spoke at the Senate Prayer Breakfast. His thoughtful and scholarly remarks were intellectually and spiritually stimulating, and much appreciated by all who were present.

Senator BENNETT took as his text a line from Goethe's Faust:

> Before we can possess that which we have inherited from our fathers—we must first earn it for ourselves.

He pointed out that it is the responsibility of every individual, of every generation, to earn his share of his intellectual and spiritual inheritance from his ancestors. To do this, he must pursue the basic spiritual powers of self-control, sacrifice, and study.

The failure of an individual to accept this responsibility denies to his children a part of their heritage of great truths from the past. Should the members of a whole generation reject the past completely, which seems a present danger, because they focus their attention on its mistakes and failures, then the ability of past generations to help their heirs can become dormant and be lost, and can be recovered only by painful effort.

Senator BENNETT pointed out the dangers to our Nation of a large-scale rejection of the determination to earn an inheritance by exercising the same spiritual powers that created it. He called to our attention the great trust held by every custodian of that heritage—the church, the home, the schools, the Government, and the Members of this body. His remarks deserve to be read in full by all thinking Americans. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR WALLACE F. BENNETT

This morning I shall not take my text from the scriptures—but from one of the world's greatest literary treasures—Goethe's Faust. I can't remember when I first ran across this two-line quotation, but over the years it has continually cropped up, until I found I had fixed it firmly in my memory. As our way of life has come more directly under attack, its message has become more and more intriguing, to the point that when John asked me to take this assignment today, I decided to dig below its surface meaning to try to find the richer truths that I felt sure were there. First, let me develop the setting in which Goethe placed his brief, but very profound observation.

Apparently a man named Johann Faust actually lived in the 16th Century in Germany. In a letter written at the time, he was described as a man who had studied magic and to quote from this letter, he "practiced this beautiful art with unspeakable deceit and many lies." Out of this, came the legend that for the privilege of doing this, he had sold his soul to the Devil.

This Faust lived at the time of the beginning of the Renaissance in Europe—a movement whose explosion of secular learning led men to challenge the teachings and authority of the medieval church. The church's reply was that this rediscovered knowledge of the ancient Greeks and Romans came from the Devil and the legendary Faust, who became the symbol of the conflict, was changed from a charlatan and mountebank into a great secular scholar. The idea that he sold his soul to the Devil persisted, but now they said he did it not for magic powers, but for worldly knowledge and pleasure.

Books and plays on this theme began to appear as early as 1587, and new ones kept coming for two hundred years. Goethe's monumental two-volume poem came at the end of the series and was literally a life's work. There is a draft in existence that was written in his 20's (around 1775) and the second part was finished only shortly before his death in 1832.

Now I am ready for my text. It is taken from a rather free rendering of two lines in the opening scene. Faust, an aged scholar, is sitting in his study surrounded by his books and other tools of his scholarship. Realizing that he has come to the end of his life without having mastered all the knowledge or enjoyed all the experiences he wanted, he returns back to magic for help and is about to drink a magic potion which he hopes will extend his life and his study. Brooding on his frustration he says:

"Before we can possess that which we have inherited from our fathers—we must first earn it for ourselves."

This profound observation is my theme. First let me repeat it: (repeat) and then let me interpret one word—the word "possess."

By the dictionary definition, the word "possess" means static ownership, but in the context in which it is used in the poem, I am sure Goethe meant it to include also the right and power to use and enjoy that which is possessed, and that is the meaning I shall give to it.

It is obvious from the context too, that the old scholar Faust was not talking of money or material things. These we can receive and spend without the price of effort of our own. Rather he was thinking of the intellectual and spiritual resources accumulated by our ancestors, in search for which he had spent his life. If these are not "earned" by each succeeding generation through study and use, they can lie dormant and useless for ages, or can even disappear forever, as many did during the Dark Ages. And when this happens, the power and ability of members of past generations to help their heirs also lies dormant or is lost, and can only be recovered by painful and arduous effort. This is the lesson of the Renaissance and the Reformation: "Before we can possess that which we have inherited from our fathers, we must first earn it for ourselves."

We can understand this great and profound truth better if we realize that just beneath its surface there are three other inherent, unstated truths of equal worth.

The first is that this central truth applies to individuals as well as to whole generations. Today we are very proud of the total volume of human knowledge and the rate at which it is expanding. But we need to be reminded always that this accelerating accumulation is only possible because it is built on the work done by men of earlier generations, which we have used and adapted to our later needs. Albert Einstein is now dead—a member of a past generation—but today's space program would not have been possible unless members of our generation had known about his theories and had the capacity to apply them to problems of which Einstein never dreamed when he developed them. This is why, to me, there are none so blind as those who think the past is a burden and that in order to make a better world in the present, they must make a clean break with it—that in order to show their dissatisfaction of its mistakes or failures on which they focus their attention, they will reject all its greater treasures of accumulated positive values in the delusion that they can build a new world without using as an existing foundation the distilled wisdom of all past time.

And, as I said, this same thing is true for an individual as for a whole generation. Any increase in the world's total knowledge or spiritual capacity must be the total of the combined efforts of many individuals, each of whom adds his little bit by building on what he has earned by learning to command the resources of the past. Everyone who drops out—or cops out—diminishes both his own resources and those of all society.

The second implied truth is that there is much of the legendary Faust in each of us. As children, we loved to dream about what we could do if we possessed the magic powers that filled the fairy tales we loved, and as adults, we are still constantly tempted to look for magic in drugs, gimmicks, programs and laws which promise to get us more benefits for less effort—even something for nothing. Of course, when we make decisions on that basis, are we not bargaining, as Faust did, to sell our souls to the Devil. And aren't we chipping away bits of our potential and using them to try to buy partial freedom from our inescapable responsibility to earn our own share of the past?

A third supplementary concept is that we have an obligation to earn a share of that inheritance, not only that we may enjoy its benefits for ourselves, but also that we may keep those benefits alive and in full supply for the next generation. Has anyone the right to say, "all this was accumulated for me to spend, and the next generation will have to look out for itself?" Or to say that because I do not value my inheritance enough to earn it, I am entitled to make it harder for the next generation or even to destroy it for everyone?

To me, this selfish attitude is the ultimate in social and spiritual ingratitude—the essential tragedy of today's alienated youth. The only interest they seem to have in their heritage from the past is to get out of it what they can spend on themselves and they seem to be willing, yes, often determined, to destroy those values which they do not want or cannot readily use because they have not labored to understand them. Being unwilling to try to earn their inheritance, they make a virtue of rejecting it and having no other world with which to replace it. They are tempted to use drugs to try to create a synthetic one.

Let me repeat my theme again: "Before we can possess that which we have inherited from our fathers, we must first earn it for ourselves."

The Goethe who wrote these words for his dramatic character, Faust, was not only one of the world's greatest poets, but, for his time, a great scholar and philosopher. In his broad vision, he was concerned with the total inheritance of human wisdom—represented in his text as a thousand volumes on the shelves in Faust's study. But the truth of his observation, being profoundly fundamental, applies even more importantly to the simple experiences of everyday life, then, and now.

In our modern American society, we are proud of our great tradition of respect and concern for the individual and his rights. The youthful rebels are particularly sensitive to this, but they refuse to see that if any among us would enjoy that respect, he must first earn it for himself by his respect for others and their rights.

The economic values of our way of life have been built on the right to own property acquired either by our ancestors or ourselves through hard work and thrift. True, this is a material heritage, but the virtues that produced it represent the basic spiritual powers of self-control and sacrifices. And its material values will be dissipated or destroyed if we cease to pay this spiritual price or if our vision is distorted so that we see material progress only as the product of greed or exploitation. Our time-proven economic pattern can only be preserved and increased to keep pace with the growing population if the same principles of work and thrift are strengthened and preserved against the temptations to "reap where we have not sown". The truth of Goethe's maxim is inexorable, and we cannot escape by the magic of emotionalism which attempts to substitute the word "rights" for the word "earn". Nor can you command the intellectual heritage of the past with an education that promotes children without achievement and graduates those who have not learned. They may have the shadow of their paper credentials, but the possession of the substance of their heritage will have eluded them.

And, most important of all, there is the world's heritage of love. Of all spiritual resources, this is the most fragile. Its supply is neither indestructible nor inexhaustible. If it has been lost from the contact of two hearts, it cannot be preserved in the symbol of a painted daisy or by a chanted incantation. It grows naturally in every human heart and if it ever exists between parent and child, husband and wife, brother and sister, friend and friend, and has been killed by design or neglect, the spiritual cost of its resurrection is a heavy one. But because it was planted in our hearts before we were born—coming with us as part of our divine inheritance—if properly earned, it can last our lifetimes or through eternity. Such love must be earned day by day by unselfish acts constantly repeated in the manner of the Spirit of God, who is love. Strip away love's divinity, and it has no roots in the past, no promise of permanence for the present or the future. It cannot be commanded by force, created by artifice, preserved by the will. Those who reject the heritage of love offered by their parents or their religion, will have great difficulty in establishing a viable love relationship with their children.

"Before we can possess that which we have inherited from our fathers, we must first earn it for ourselves."

Does this truth of Goethe's have any special meanings for today's American people, and for its Senators as part of their government? I'm sure you can think of many when the time comes for your comments and I would like to suggest a few for starters.

The most obvious, of course, is the rebellion of our thousands of alienated youth against what they call the Establishment, which includes us. In a way, they acknowledge the truth of Goethe's thesis, but say the inheritance of the past is not only not worth the effort to earn it, but that it should definitely and positively be rejected. This is a new nihilism, and if successful, could plunge the world into a 20th Century version of the Dark Ages. These youngsters demand the privilege of enjoying the material values accumulated by their ancestors, but refuse to pay their own way or provide for those who will follow. They have related counter-parts in those who say unearned welfare is a right. They have the same attitude toward the political values, including the basic concept of liberty and freedom. They are unable to distinguish liberty, which protects, from license, which destroys, because they refuse to make the effort to earn an understanding of the centuries of painful and tragic effort by which the common man won the right to make his own political, economic and religious choices, and thus be free. They refuse to give any value to the price that has been paid, in the past, to make it available to them as a heritage. In fact, they show both their ignorance of it and their contempt for it by claiming the right to destroy the institutions that preserve it, using any method they can find—deceit, legalistic gimickry, subversion or force.

So, can we survive? Is our system so vulnerable that it is doomed? Of course not, but it's defenses do have weak points which the new nihilists can exploit with those who want instant easy answers. Take the one instance of the concept in the Declaration of Independence that all men are created equal. We have waited nearly three hundred years to vitalize that part of our political heritage. But we are moving, and destruction of the structure that is being slowly but surely put together would wipe out all our gains. Other examples might be quoted if there were time.

There is another question that may not have occurred to many of us. Have we time to protect this inheritance? I hope so, but we must hurry. There is a cycle in the lives of men and nations which runs like this: Starting with humility in poverty, they work up to affluence and ease which tends to degenerate into idleness and decadence, as a result of which they descend again into poverty, into which they either sink out of sight or begin to climb again by humility and hard work. If a nation is completely isolated, its people have a chance to repeat the cycle, but this has seldom happened. History reveals that there are usually other nations pressing closely behind the leader in the cycle, which have forced it into oblivion when it begins to enter the downward course. We may be either approaching or just over the peak, and face to face with this test of survival; in any event, we have no time to lose.

The basic question is: do we believe our system can be preserved, and if so, how? Goethe's maxim has the answer. I am completely convinced that the vast majority want it preserved, and if they do, they must be inspired to learn to understand its values, and to earn these values anew by using the same process and powers that created them—all of which to me are essentially spiritual.

Without trying to catalog them all, to me they include love, selflessness and sacrifice—expressed in study, work and self-control.

As I close, let me say even once more that I believe Goethe was stating a profound truth when he wrote, "before we can possess that which we have inherited from our fathers, we must first earn it for ourselves."

With this re-statement, let us turn again to the story of Faust. To Geothe's character, Faust, these words were an expression of despair over his failure. He had grown very old, was facing death, and he realized that he had earned so little of the Renaissance scholars' heritage of secular knowledge to which he had devoted a whole lifetime of study. In desperation, he deserted scholarship for magic, and Mephistopholes appeared who offered him a deal by which he could avoid all the pain and effort of earning knowledge through study. He would be given all this—and renewed youth too—in exchange for the surrender of his soul to the Devil after he had satisfied his desires. Faust agreed, but not honestly. He believed that if given a second chance, he could earn and possess enough of the accumulated intellectual inheritance of the race so that he could defy and escape the Devil—and in the story, he did.

And what about us? Will we need to resort to magic to buy time to solve our problem? Faust felt he had to because, being mortal and old, he could not get the full knowledge and experience he craved without it.

Nations and their governments are not so limited in time. The constant work to earn their heritage need never stop, but like an eternal flame, the determination to do so must be kept alive in every generation through the combined effort of every custodian of that heritage—the church—the home—the schools and the government. And we as Senators carry a large share of that responsibility.

SENATOR THOMAS DODD

Mr. GOLDWATER. Mr. President, I wish to join other Members of this body who have paid tribute to the memory of the late Senator Thomas Dodd, of Connecticut.

I doubt that I need to remind Senators of Senator Dodd's great devotion to his country and of his unswerving opposition to its Communist enemies. It is entirely possible that Senator Dodd contributed as much as, if not more than, most Members of Congress to the security of our Nation during the dangerous years of the cold war.

Mr. President, I do not feel that any remarks made to honor the memory of Senator Dodd would be complete without a reference to an unfortunate act once taken by the Senate to censure Senator Dodd on the basis of newspaper charges of a highly questionable character. It was my privilege at that time to oppose this unfortunate action taken against an honorable Member of this body who had served his State and Nation in exemplary fashion.

In conclusion, Mr. President, I wish to say that in the passing of Connecticut's Tom Dodd this Nation lost a stalwart, steadfast, and fearless friend.

INCREASED OIL PRICES IMPAIR COMPETITION

Mr. PROXMIRE. Mr. President, a lot of attention has been focused upon the effects of increased crude oil prices.

Increased crude oil prices impair competition.

Because the major oil companies can make enormous tax-free profits from producing oil, they have little need to earn profits in refining and marketing. They can drive the independent refiners and marketers who do compete, who provide lower cost gasoline to the consumers, out of business.

Prof. Fred C. Allvine has detailed this phenomenon in a recent speech. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TALK GIVEN TO SOCIETY OF INDEPENDENT GASOLINE MARKETERS AT MONTREAL, CANADA, MAY 17, 1971

(By Fred C. Allvine)

The Office of Emergency Preparedness invited responses to the price increases announced by the major oil companies last November. These price changes supposedly included:

1. A 25 cent per barrel increase in the price of crude oil
2. A 7/10 cent per gallon increase in the dealer tank wagon price
3. A one cent per gallon increase in the price of gasoline to the public.

Having studied the gasoline industry the past three years, I was concerned about the likely consequence of the announced price increases and decided to respond to the invitation of the Office of Emergency Preparedness to submit a statement. As a result of what has transpired the past six months, it seems germane to review certain of the points that were made in the statement. In addition, these points seem to be particularly relevant since there is widespread talk of further crude oil price increases.

The following comments are in general drawn from my statement to the Office of Emergency Preparedness.

The fixed and relatively high price of crude oil has played a major role in restructuring the oil industry over the past decade. The oil industry is becoming more vertically integrated and concentrated. A much higher degree of crude oil sufficiency is necessary to successfully compete in the industry than was the case 10 to 15 years ago. Crude oil problems have been a significant factor in the large number of major oil company mergers of the 1960's. In almost all of these mergers, crude poor companies sought unions with companies that held prospect for remedying their crude oil deficiencies. Standard Oil of Kentucky was merged into Standard of California, Pure Oil Company was dissolved into Union Oil Company, Richfield was enveloped by Atlantic, Sunray DX was taken over by Sun, the largest part of Sinclair went to Atlantic Richfield, Hess negotiated a much needed union with Amerada, and Sohio has good chance of reducing its acute problem as a result of the merger with B.P. Clearly, the high and fixed price of crude oil has made crude oil self-sufficiency the goal of most oil companies. This goal and the importance of crude oil is reflected in numerous statements of major oil company executives and reports on oil company operations.

Should the recent crude oil price increases be primarily an effort to shift more profits to the crude oil level, where prices are administered by the joint action of business and government, where profits benefit from special tax treatment, the consequence will ultimately be further concentration of economic power in the industry and a reduction in the strength of certain types of competitors. Unless the crude oil price increases are required to earn a fair return on investment from production, the crude oil price increases will ultimately result in an economic squeeze on competitors buying a relatively high portion of their crude oil requirements from others. This would include integrated oil companies with low crude sufficiency ratios and independent refiners who purchase most of their crude oil from others. Frequently those companies having relatively low crude oil positions are major suppliers of unbranded gasoline to private branders—specialists in selling gasoline on a volume basis at lower prices. If the crude oil increases do result in an economic squeeze on those in a less favorable crude position, it will ultimately work its way forward in the form of unjustifiably higher costs to the price marketers.

There is reason to suspect that the most recent price increases of the major oil companies will be primarily realized in terms of the crude price and not in product prices. The price increases came at a time when many gasoline markets were the worst they had been since 1964. The unusually depressed prices in large numbers of competitive gasoline markets were routinely reported throughout the year in the *Platt's OILGRAM Price Service*, the *Oil Daily*, and the *National Petroleum News*. Even major oil company executives were vocal about the price wars, the record level gasoline price subsidies, and the "inadequate marketing profits." When already soft gasoline markets are restored to the old normal (which frequently has meant several cents per gallon price increase), and then increased one cent to a new normal, the likelihood of the price increases holding is not great.

With higher crude oil prices and soft market conditions, the consequences of the price increases by the major oil companies is likely to be low or negligible earnings from refining and marketing with big and disproportional profits being taken at the crude oil level. It is *very likely that price wars will become more frequent* as they were during the early 1960's when companies were making high profits from crude oil, particularly from the lucrative foreign production, and there was little pressure to make normal profits from refining and marketing. The integrated oil companies with low crude oil sufficiency and the *independent refiners and marketers may find that their ability to compete has been greatly impaired as a result of the recent price increases*. (End of comments drawn from statement to the Office of Emergency Preparedness). Unfortunately, the prediction of possibly worse gasoline markets following the November 1970 crude oil, tank wagon, and consumer price increases by the major oil companies has materialized. From the towering levels at which gasoline prices were established in November, they have fallen precipitously in many areas. Since the first of the year, the Mid-Continent has experienced the worst price conditions since the severe price war years of 1962–1964. Many markets have fallen 6 cents, 8 cents, 10 cents, or even more below the so called "normal price level." Other markets outside of the Mid-Continent have also fallen to the lowest price level in years.

Numerous explanations have been offered as reasons for the depressed gasoline markets. Supposedly some of the major oil companies have decided to attack the maverick major brand dealer problem. The result in certain markets has frequently been long drawn out price wars. However, the unanswered question is why at this time attack an old problem that major oil companies created themselves by giving special deals to certain dealers so that they couldn't afford to do anything else but cut price. A second explanation advanced for the intensified price wars is that the price marketers have become too greedy and aggressive and the majors are simplying responding to the challenge you present. While meekness is certainly not one of your virtues, I have seen little evidence that all of a sudden you have accelerated your discounts and have become more aggressive. A third frequently heard explanation for the price wars is a condition of over supply of gasoline. While over supply would certainly be related to gasoline price wars, it would appear to be more of a symptom than the basic problem itself. This would also be true of the "maverick" major brand dealer and "overly aggressive" price marketer explanations—these are fundamentally excuses but not the real cause of the price wars.

In my opinion one of the fundamental reasons for the widespread gasoline price wars is the artificially high price of crude oil. During the past two years crude oil prices have been increased 17 percent. Concurrent with higher crude oil prices has been an increasing intensity of gasoline price wars. Many of the major oil company executives on the surface express alarm over the terrible market conditions. From American Oil comes the advice that the "volume at any price" philosophy has to stop. An executive of Union Oil warns that the industry may be following the suidical procedure of lemmings marching into the sea. Keith Fanshier in his editorials in the Oil Daily expresses with regularity seeming bewilderment over the high crude prices and weak market prices. However, what is happening should not surprise anyone that has a basic grasp of economics. When crude oil prices are pegged at artificially high levels, conditions are established for price wars in the forward markets. It is logical for companies with strong crude positions to cut refined product prices in "certain areas" to move more of their highly profitable crude oil.

There appears to be a close parallel in what is currently happening in the gasoline industry and what occurred during the prolonged price war years of 1962–1964. During this three year price war period many of the independent refineries and marketers were forced to sell-out and others retrenched hoping to make it through to better times. The peculiar thing about this three year period of severe gasoline price wars is that in general the major oil company profits were unaffected—1962 was better than 1961, 1963 better than 1962, and 1964 better than 1963. This "profit-price war paradox" was in a large part associated with improvements in the crude oil production of the major oil companies. During this period of time the foreign crude oil liftings were particularly profitable.

While many gasoline markets were extremely depressed during the first quarter of 1971, the major oil companies reported much improved earnings over a year ago. In contrast, many of the price marketers had sharply reduced profits during the first quarter. The factor that particularly alarms me about the prospects for the future of the independents is the widespread talk of an additional 25¢—50¢ per barrel increase in the price of crude oil. If this happens, and other things remain basically the same, there will be little hope for improvements in gasoline markets and the price wars may well intensify. If there are further increases in the crude oil price, many of you are going to be compelled to pay more for the gasoline you purchase from independent refineries, or from majors with low crude oil positions like Ashland. Furthermore, the likelihood of your offsetting the cost increase if you operate in highly competitive markets is not good.

The gyration of prices that many of you are experiencing in your principal markets, and near your volume stations, is financed by the "price protection" schemes of the major oil companies. While almost everyone is familiar with the practice of price protection, relatively few people seem to appreciate clearly what is taking place. When the price protection schemes were perfected in the later 1950's and early 1960's, public statements by major oil companies such as Shell indicated that one of the principal targets of price protection was the price marketers. Throughout the 1960's price protection was, in my opinion, systematically used to control the volume, profit, and growth of price marketers and this is how it is being employed to the present.

Price protection is fundamentally a massive subsidization scheme by which especially low prices are programmed into certain markets or segments of markets. The practice is based upon high tank wagon and reference prices to the public. From the high tank wagon and consumer prices, price protection is programmed into areas where the majors face particularly tough competition from price marketers. For example, General Lincoln, Director of the Office of Emergency Planning, found from a study of confidential data of a major oil company with a high degree of crude oil sufficiency that price protection had averaged, during the first 11 months of 1970, 1.3 cents per gallon of gasoline ("Price Supports Costly to Majors", *Oil Week,* May 10, 1971, p. 1). Lincoln went on to say that in some areas price protection had resulted in prices being dropped for a period of time 12 cents per gallon below "normal". Clearly the revenues derived from high price markets permit the subsidization of stations in low price markets where competition is keen. Furthermore, price protection frequently results in prices being decreased to levels far below reasonable cost of doing business. The consequence of price protection schemes over the years has been to weaken, control, and even destroy the independents. In addition, Tom Sigler, Vice President of Marketing of Continental Oil Company, has pointed out in several recent speeches that price protection perpetuates a costly and inefficient system for marketing of gasoline. Without the major oil company price protection programs, the price marketers would exert great pressure for gasoline marketing to become more efficient and large numbers of unneeded stations would be forced to close.

The purpose of this talk has not been to simply paint a potentially dismal picture for the future. It is intended to point out what seems to be two serious problems facing the independent segment of the industry. These problems are:

1. the likelihood of further increases in the price of crude oil, and
2. the price protection schemes of the major oil companies.

Progress can be made in both of these areas if the problems are recognized and forceful steps are taken in attempting to remedy them. There are many questions that should be raised about the latest crude oil price increase and the government should be encouraged to look further into the matter. It might be very interesting if the government were to study the return on investment of the major integrated oil companies crude oil operations based upon the tax reference price, and compare this with their return on investment from refining and marketing for 1970. In addition, any effort that would help to liberalize oil import restrictions would assist in counteracting the likelihood of further crude oil price increases. Finally it seems to me that the price protection schemes of the major oil companies can not withstand being put under a microscope and thoroughly investigated. Facts might be presented as to how the price protection mechanism works, to whom it has largely been directed, and its consequences. If this were done, and the anti-competitive use and characteristics of price protection became obvious, a ruling might be obtained outlawing the practice.

GENOCIDE CONVENTION POSES NO THREAT TO AMERICANS' CONSTITUTIONAL RIGHTS

Mr. PROXMIRE. Mr. President, I speak today to those groups who resists the passage of the Human Rights Conventions because they fear for the sovereignty of these United States.

I speak today to calm their fears and to make clear that passage of the Human Rights Convention is detrimental to our system of laws.

Mr. President, ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide poses no threat to our judicial system. For any citizen to be so convicted of genocide, there would have to be in existence an international court to try him. There is no such court in existence at this time. Moreover, as James B. Webb, former Acting Secretary of State wrote in a letter to President Truman in 1949 regarding this exact same question:

> Should such a tribunal be established, Senate advice and consent to United States ratification of any agreement establishing it would be necessary before such an agreement would be binding on the United States.

Since there is no international penal tribunal to try American citizens on charges of genocide, there is no possibility that Americans' rights would be violated by such a court. The World Court, the only such existing international tribunal, is given a purely interpretitive function by the Genocide Convention. It will have no power to try persons accused of genocide.

Objections to the Human Rights Conventions on these grounds are without reasonable support of any kind; they should not be grounds for rejecting the conventions. Rather, as Chief Justice Earl Warren admonished us more than 3 years ago:

> We as a nation should have been the first to ratify the Genocide Convention.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today July 6, 1971, he presented to the President of the United States the following enrolled bills:

S. 31. An act to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; and

S. 2133. An act to extend the Federal Water Pollution Control Act, as amended, for 3 months.

CONQUEST OF CANCER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 239, S. 1828, and that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1828) to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEES URGED TO ACT IN JULY

Mr. SCOTT. Mr. President, this is near the beginning of the last month before the statutory recess of Congress which will occur in early August. Therefore, I take this occasion, after consultation with the distinguished majority leader, to express the hope that our committees in the Senate—the chairmen, the ranking minority members, and members of the subcommittees—having legislation to consider would be good enough to bear in mind that July can be a very fruitful month for action in Washington and that everything we can accomplish in July will not have to be accomplished on Christmas Eve, as unfortunately occurred last year.

I like to think of Thanksgiving at home, when permitted, which is rarely; I like to think of Christmas as a family celebration; and I do not like to think of the Senate being in session any longer than it needs to be for the transaction of the Nation's business.

This is a great opportunity; this is a bargain offered to all committee chairmen and committees. We offer them the special July series of bargain days, and in those days they can bring in legislation which they are considering, they can bring in perhaps some of the less major items of business, and perhaps also the great issues which dominate debate.

But this is an opportunity and it should not be lost, because every day we do lose means that we work later in the year, which rather tries the patience of the public and certainly it is hard on Congress itself.

We know this is a lengthy job, we know it has to be done, but the less we do in July the more we have to do after the recess, and the longer we have to stay.

Therefore, again I make a periodic appeal, with which I am sure the majority leader agrees, that we must do everything possible legislatively in this wonderful and beckoning month of July.

I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I am wholeheartedly in accord with what the distinguished minority leader just said. The committees have been working hard this year; and they have had permission to meet on practically every day that the Senate has been in session.

It is my understanding that because of the initiative shown by the distinguished chairman of the Committee on Appropriations (Mr. ELLENDER), and supported by the chairmen and ranking members of the subcommittees, it is anticipated that all but possibly 3 appropriation bils will be before the Senate before August 6, the day that the recess under the law begins.

It is not anticipated that the military procurement bill will be ready at that time, nor the foreign aid bill. There is one other—perhaps the military procurement bill—but I wish to assure the distinguished minority leader in that respect that when the Armed Services Committee reports that bill to the Senate, giving us the necessary authorization, hearings will be held expeditiously and we will make every effort to get the appropriation bill to the floor before the sixth. But I do hope—and I join the distinguished minority leader in making this plea—that the committees will report legislation to the Senate, not hastily, not expeditiously, but in line with the hearings they have held and the results which they should be now on the verge of achieving.

It is to the interest of the Senate that this be done, because otherwise we will be in session late into this year, whereas, if we get down to bedrock and really put our shoulder to the wheel, we could get out by October 1.

Mr. SCOTT. I thank the distinguished majority leader. If I could mix a few metaphors, I think we should keep our ear to the ground, our nose to the grindstone, and our shoulder to the wheel, and having gotten ourselves into that impossible anatomical position, I hope we will work out ways to get the legislation adopted.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to file reports from the close of business today until 5 p.m. this afternoon.

The PRESIDING OFFICER (Mr. Stevenson). Without objection it is so ordered.

THE ENEMY AMONG US

Mr. ALLOTT. Mr. President, recently the Pueblo Star Journal & Chieftain published a series of 10 articles examining drug abuse in Pueblo County. The series, under the by-line of Mr. Bill Gagnon, is entitled "The Enemy Among Us."

Everyone is aware of the increasing drug problem in America. I believe that "The Enemy Among Us" indicates that we should direct concern to the local community.

The first article, "Drugs: A Deadly Game in Pueblo," is an overview of the drug problem now existing in Pueblo County.

Next, "Variety of Sources Push Illicit Drugs Into Pueblo," reports that drugs are not coming from any one source but, instead, from various places.

The third article, "Drug Abuse Not Limited to Youth," examines the age brackets affected by drugs. According to one source, the junior high schools in Pueblo were free of drug abuse until a year ago. This is no longer true and the problem is not limited to youth.

The fourth and fifth articles examine the merits of methadone in combating drug addiction.

"Programs Help Curb Drug Abuse" is a discussion of several programs in Pueblo that are having some degree of success.

The seventh and eighth articles examine the effect of certain recently enacted State laws and the views of local officials on how juvenile offenders are handled.

The first two articles look at drug abuse from the enforcement side.

I commend the Pueblo papers for publishing this very informative series of articles. And the people of Pueblo owe Mr. Gagnon a special debt of gratitude for his very competent work in preparing the articles.

Mr. President, so that all Senators may have the chance to read "The Enemy Among Us," I ask unanimous consent that 10 articles be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

I—Drugs: A Deadly Game in Pueblo

(By Bill Gagnon)

Last December life as a young adult was just beginning for 18-year-old Stephen Ray Prince of Pueblo.

But then, suddenly—and unnecessarily—only a week before Christmas, the life of young Prince came to an abrupt end.

The cause? An overdose of self-administered illegal drugs.

However, the death of Prince, tragic though it may be, perhaps was not completely in vain.

His death lifted a curtain, giving the unsuspecting—and all-too-oftentimes indifferent—public a glimpse into the sordid and shocking twilight world of narcotic addiction and drug use in Pueblo County.

HERE ARE THE FACTS

And for those that would scoff at and deny that a critical narcotic and drug problem exists here right now, the undisputable and awesome facts speak for themselves:

Three persons, including Prince, died in Pueblo County last year from illegal narcotic overdose.

The number of 10-milligram methadone (a synthetic narcotic) tablets ordered by legal prescriptions from physicians and dispensed by local druggists rose from 4,600 in 1969 to a staggering 124,000 in 1970.

The trafficking of illegal narcotics such as heroin, morphine and other opiates, and dangerous drugs such as marijuana, hallucinogens (LSD), amphetamines, barbiturates and the like steadily is increasing here.

—The age of drug "experimenters" and narcotics users is showing an alarming trend—in many cases—down to the tender age of 12.

—Ages 1 to 6: 15 cases.

—Ages 7 to 12: None.

—Ages 13 (2 cases) to 22: 53 cases total.

—Ages 23 to 30: 22 cases.

—Ages 30 to 50: 32 cases.

—Over 50: 6 cases.

Of the 46 patients total in this category who were admitted to Parkview during the year, nine were for LSD overdose; one for amphetamine; one for methadone (near death from a cardiac arrest when admitted) one narcotics mixed with alcohol; six barbituates; three for "speed" or hypnotic drug overdose; eight anelgesics and antipyretics; five for other drugs and 12 for unspecified-type drugs.

A hospital spokesman reported that, of these 46 cases, there were more between 15- to 23-year-olds than any other age group.

ST. MARY-CORWIN RECORDS

At St. Mary-Corwin Hospital, records for 1970 reflect that 69 patients in this category admitted for treatment included 24 who were 20 and under; 15 in the 21-to-30 age group; 13 in the 31-to-40 age group; 16 were 40 or older and the age of one was unknown.

Those treated in the St. Mary-Corwin emergency room facility last year totaled 82 and included overdoses of heroin, amphetamines, LSD-alcohol mixtures; marijuana and speed, meprobamate, desputal, dolophine (methadone) and the like.

Also recorded last year at St. Mary-Corwin was one of the more pitiful and tragic cases which vividly portrays the danger of spreading narcotic addiction to innocent persons.

It was the case of a young mother addicted to heroin who gave birth to a baby—a baby born a confirmed heroin addict!

II—Variety of Sources Push Illicit Drugs Into Pueblo

(By Bill Gagnon)

Illicit narcotics and drugs are flowing into Pueblo County from a variety of sources at an ever-increasing rate, according to local police.

And yet, in some instances, certain narcotics and drugs obtained here by various methods at minimal cost are being shipped elsewhere for sale on the black market at greatly inflated prices.

Police Cpl. John Koncilja believes that the greatest drug abuse problem in Pueblo at the present time is marijuana, closely followed by speed (amphetamines), by hallucinogens (LSD, Mescaline, Peyote, DMT, STP, etc.), barbiturates, alcohol and glue sniffing.

However, Koncilja also pointed out that the use of heroin, methadone (a synthetic narcotic), and other opiates is on the rise here at an alarming rate, especially among lower-age groups.

Koncilja and other law-enforcement authorities say that illegal drugs and narcotics are being smuggled into Pueblo County from large urban areas such as Denver, Boulder, Colorado Springs and Albuquerque, N.M.

MAIL FROM SOUTHEAST ASIA

Other sources of illicit drugs have been identified as arriving here in the U.S. mail shipped to ex-GIs from South Vietnam and other Southeast Asia points.

Some of the underground drug supply, said Koncilja, is reaching Pueblo via Ft. Carson as well as from West Coast points and Mexico.

But, surprisingly, perhaps the most frequent drug supply source, especially for the younger set, is the medicine cabinet in the home itself.

There, youngsters find the opportunity to gain free and easy access to various narcotics and drugs prescribed for their parents and other members of the family by reputable physicians, such as tranquilizers, sleeping pills (Seconal), barbiturates, and other amphetamines, so-called pep-pills and the like.

From such easy sources youngsters are given the opportunity to experiment with drugs. This in many cases, leads to more serious drug abuse and the use of "hard" narcotics, authorities report.

METHADONE BLACK MARKET

Last year a staggering increase in the number of methadone tablets dispensed by local druggists on physician-issued prescriptions paved the way for the trafficking of this narcotic on the black market elsewhere for huge profits.

It was estimated that bootlegging of this illegal drug was widespread and netted "pushers" upwards of $600,000 a year by obtaining methadone from legitimate sources and selling it on underground markets at inflated prices.

The synthetic narcotic, in many instances, was obtained by youngsters who were taught to fake heroin addiction to obtain prescriptions from local doctors.

The 10-milligram methadone tablets are purchased from local druggists for $3 per 120 tablets and some later are resold to addicts via the black market for from $3 to $5 per tablet.

SALES SKYROCKET

Local authorities estimate that the number of 20cc vials of methadone sales more than doubled here in 1970 over the previous year, and that while one package of 25 vials containing 20cc of methadone was sold in 1969 such sales leaped to 159 in 1970.

But most shocking of all was recent testimony at an inquest which revealed that the number of 10-milligram methadone tablets sold in 1969 was 4,600; this amount skyrocketed to a staggering 124,000 in 1970.

With the number of heroin addicts in Pueblo County (estimated by authorities at less than 100) who use methadone as a substitute to relieve withdrawal distress, little doubt remains that the bulk of methadone purchased legally during 1970 was bootlegged elsewhere by greedy pushers.

III—Drug Abuse Not Limited to Youth

(By Bill Gagnon)

"I think every public school in America today has a drug problem," Carl S. Wilkerson, principal of Heaton Junior High School, said recently.

Wilkerson, testifying at an inquest here, said:

". . . The junior high schools in Pueblo, in my opinion, were relatively free of any drug abuse with exception of an occasional child who might sniff glue, an occasional child who might use some kind of home narcotic such as Niquil or something of that nature, until a year ago.

"In the last year, I think most of us who deal with adolescent-age youngsters have become very conscious of their identity with older youngsters.

"It's a natural thing for an adolescent to emulate the people older than himself. He also emulates high school or college kids . . . We do have drug abuse problems. . ."

INVOLVEMENT WIDESPREAD

Wilkerson's words echoed those of Pueblo Police Cpl. Dan Studen who has charged that "a large percentage" of Pueblo high school seniors are on some kind of drugs.

"Children as young as the third grade are involved with drugs," Studen said, "and narcotics will be available in the future to kindergartners."

Studen said kids often protect the illicit drug pushers because "very often they are their best friends."

ABUSE TAKES MANY FORMS

However drug abuse is many things, runs the gamut from adolescent to senior citizen and knows no racial or socio-economic barriers.

It's the 12-year-old sniffing chloroform, model airplane glue, paint thinner or the like.

It's the young adult inhaling the euphoric smoke of a joint or stick (marijuana).

It's individuals of both sexes addicted to heroin or other opiates who say, "I will get it in (their vein) if I have to use a claw hammer."

It's the pill popper and the "mainliner" shooting "mindbusting" drugs into his blood stream.

And, yes, it's the moms and dads who start the day off with amphetamines, belt the "booze" after work to "relax" and then hit the barbituate route to get a "good night's sleep."

It's also the heavy drinker of alcohol who cannot let a day pass without a bout with a bottle.

ADULTS GUILTY, TOO

But for drug abuse there are no single conclusions, no simple answers, and while the drug abusers of tender age lean toward illegal drugs, their so-called "peers"—the adults—use legal drugs available to them.

And, of the two, it's the adult drug abuser who is more difficult to detect, experts report.

One expert recently told reporters that "middle-age persons who abuse drugs are not going to help anyone find them out."

During a recent speech here in Pueblo, Donald J. Farabaugh, a 10-year veteran of the Federal Bureau of Narcotics and Dangerous Drugs, warned:

—All drugs effect the central nervous system.

—Heroin is the most sought and the most readily available of "hard" drugs.

—All narcotics have a depressing effect on the nervous system.

Nationally, the drug-abuse problem is at epidemic proportions.

—Drug experimenters are starting younger and younger.

—The drug problem is not limited to lower economic groups but involves kids from middle and upper income families as well.

"Drug abuse no longer is just a police problem as it was prior to the 1960s," said Farabaugh, "It's everybody's problem—parents, students, teachers and everyone else in the community.

IV—Methadone: Good Substitute?

(By Bill Gagnon)

". . . He was getting real sick. He was begging me for them. How can you turn down a guy that's begging?"

These are the words of a 16-year-old Pueblo boy, a "junkie" addicted to heroin for more than two years, who gave 10 of his methadone tablets to 18-year-old Stephen Ray Prince last Dec. 16.

And because of the younger boy's "generosity" and "compassion," Stephen Ray Prince will never beg again. For he is dead; dead from a self-administered overdose of the synthetic narcotic given him by a "friend" because he was "begging."

Ironically, the younger boy obtained the methadone by proper and legal means. It was prescribed for him by a gullible and unsuspecting Pueblo physician as a substitute for the youth's more serious heroin habit, to give him relief from heroin withdrawal discomfort.

METHADONE CONTROVERSY

Because of the unknown long-range effects of the synthetic narcotic, its dangerous and often lethal effect in the hands of the novice and non-addicted user, and the fact that in itself it's an addicting narcotic drug, a controversy rages nationwide over the use of methadone.

On the plus side, methadone has been found to be an excellent substitute for heroin, without any of the harmful effects produced by heroin.

Also, an individual can function normally on methadone without suffering the frightening ordeal incurred in withdrawal from heroin.

Physicians and other medically trained personnel involved in rigidly controlled and monitored methadone maintenance programs for opiate addicts are enthusiastic about the results thus far achieved with the substitute drug.

While these experts agree that the use of methadone is, for the user, substituting a narcotic for a narcotic, they liken it to the diabetes patient who has to take shots of insulin daily to control his affliction.

DIFFERENCE IN COST IS VAST

They also point out that, whereas the inflated price of heroin forces most addicts into a life of crime to obtain funds necessary to sustain their habit, methadone costs only pennies a day and has none of the abnormal and harmful effects produced by heroin.

Methadone, experts explain, satisfies the addict's craving for heroin without giving him a "high" and allows him to function normally and become a useful member of society.

But methadone may be used only as a substitute for any of the opiate drugs such as heroin, morphine, codeine and the like, and cannot be used for any other type of drug addiction.

However, on the minus side, indiscriminate distribution of methadone by "legal" sources has placed the narcotic in the hands of non-addicts and the uniformed.

"MAINLINING" POSSIBLE

Unfortunately, like so many other useful drugs, ways have been devised to get a "high" from methadone by "mainlining" it directly into the bloodstream by hypodermic syringe or needle. And by this means the non-addict may get "hooked" on the synthetic drug and risk adverse effects which could cost him his life.

New federal laws governing the distribution and use of methadone for maintenance programs went into effect across the nation April 1 and have been instrumental in eliminating much of the abuse by private physicians and others.

Rigid requirements contained in the new federal laws cannot be met by most physicians, who normally do not have laboratory and other ancillary backup support to qualify for such a program, therefore restricting methadone maintenance programs to properly recognized and equipped hospitals and clinics operated by responsible persons.

V—Methadone: Significant Weapon in the Drug War

(By Bill Gagnon)

One of the most significant and meaningful efforts to combat drug abuse in Pueblo County is the methadone maintenance program at Colorado State Hospital.

Recently implemented under rigid federal guidelines, the CSH methadone maintenance clinic is providing the way for some heroin addicts—once considered hopeless cases—to return to a normal way of life and as useful members of the community.

Under the careful supervision of a small but dedicated medical team of experts led by Dr. Franklin G. Osberg, more than 25 individuals addicted to heroin and other opiates are participating in the program daily.

Those involved in the program at CSH range in age between 18 and mid-50s and nearly all are from the Pueblo area.

BENEFITS RECOGNIZED

Methadone, a synthetic narcotic, is in itself addicting, but taken in the proper dosage by those addicted to other opiates such as heroin, morphine, codeine or demerol, it can be extremely beneficial.

Properly used, methadone satisfies the burning craving for other opiates without the user's getting a "high" or suffering the pangs of withdrawal or otherwise being physically influenced by the drug.

Methadone maintenance allows an individual to function normally without any visible or latent detrimental effects.

Costing only pennies a day to use, the synthetic drug is a marked contrast to the staggering costs to the addict buying illegal opiates on the black market, forcing him into a life of crime to maintain this vicious habit.

CRITERIA FOR ADMISSION

Dr. Osberg said that the criteria for admission to the program includes a nonspecified length of time of addiction, but definite addiction to hard narcotic, opiate drugs.

"Once the applicant fills these criteria for admission," said Dr. Osberg, "we take a very careful history of his addiction to assure ourselves beyond doubt that, as near as humanly possible, he is addicted to an opiate drug; that has wrestled with it on his own or with the help of someone else."

He said symptoms also are sought which might show underlying reasons for an individual's addiction, and a close look is taken into his medical history for other clues to physical disabilities or mental illness.

Following a complete physical examination, the applicant is required to report to the CSH methadone clinic daily for a predetermined dose of methadone, the amount of which the patient is not told but is known only to Dr. Osberg and his staff.

Osberg and his staff, which includes three medical technicians and a registered nurse, also provide other therapy for patients in support of the methadone treatment.

CONTROLS ESTABLISHED

However, stringent rules and controls are used by the clinic to offset abuse of the program.

They include:

—Weekly urine samples taken at random to detect use of any opiates other than methadone by the patient.

—Inspection for fresh needle marks or "tracks" on the patient's body indicating illegal use of drugs.

—Requiring the patient to take his daily dosage in liquid form, mixed with orange juice, under the direct supervision and presence of a staff member.

—Requiring the patient to sign a contract with the clinic in which he agrees not to involve himself in other programs or get any other sources of drugs from anywhere else, including alcohol; that he will not involve himself in any antisocial or criminal activities, and that he will obey all rules and conditions of the clinic.

A small fee also is charged for each dose of methadone, usually about 25 cents, which gives the patient a feeling of having an investment on his part in the program.

BALANCE SOUGHT

But—most important of all—Dr. Osberg pointed out that usually the clinic can arrive at a dosage for an individual sufficient to block his craving for heroin, but not sufficient enough for him to get a euphoric effect from the drug.

He also stressed that if the patient does take an opiate drug on top of the methadone, so to speak, it has no effect; he won't get a "high" on an opiate if he is on methadone.

While the CSH program is still in its formative stages, Osberg reports he is greatly encouraged and impressed by its early results.

"Most of the patients have become alert, cheerful, have obtained jobs and 'shaped up' in appearance," said Osberg.

Osberg and his staff are hopeful of expanding the present program upward to about 50 soon.

And so, at least in the area of heroin addiction, some progress is noted.

VI—PROGRAMS HELP CURB DRUG ABUSE

(By Bill Gagnon)

While drug abuse continues to increase at an alarming rate in Pueblo County, several programs are now under way in an attempt to stem the tide.

Among these is the La Raza Unida drug control program which is using a "La Familia (the family) approach—a combination of love, constructive criticism and understanding in helping young addicts.

Aimed at helping young people, especially Chicanos, to get off drugs and to prevent others from using them, the La Raza Unida program also institutes a "hard line" stand, including the "cold turkey" method of getting off drugs.

Pride in national origin also is invoked to install a sense of responsibility to others in young Chicano drug users, and an unofficial "war" has been declared by Chicano leaders against the drug pusher.

COMPASS, INC.

Another program designed to assist those using drugs is Compass, Inc., described as a "community venture in helping people understand the issue of drugs, drug abuse, drug treatment and a host of other related issues involving society."

The name of the organization was selected to designate the flexibility and multidirectional thrust of this group of professionals and other interested members of the community.

Compass president is Dr. Franklin G. Osberg, coordinator of drug treatment at Colorado State Hospital.

Among the group's recent accomplishments is the establishment of a "hot line" which is staffed by volunteers offering understanding to those seeking help as a result of or in resisting drug abuse, or information concerning drugs.

A series of seminars has been conducted by Compass to assist those volunteers in adequately staffing the "hot line" and to provide vital information and educational programs on drug abuse to parents, teachers and civic, fraternal and other interested organizations.

PARENT INTEREST ESSENTIAL

"The major problem is in getting parents interested and involved in drug abuse problems," said a Pueblo policeman at a recent Compass meeting. "We get the opportunity to talk to the kids about this problem, but not the parents.

The officer pointed out that the real need is for parents to get together when they have a drug abuse problem in their family and to realize that there are many other families in Pueblo "who are in the same boat."

Several constructive informational programs concerning drug abuse have been aired, or are planned by Compass over Channel 8, the educational television station operated by Southern Colorado State College.

SCHOOL DISTRICTS ACTIVE

Also stepping up drug-education programs are School Districts 60 and 70, which participated recently in a federal Health, Education and Welfare program under the Alcohol and Drug Abuse Act of 1970.

Just prior to the close of schools for summer vacation, a new discipline policy involving a crackdown on student drug users was announced by public school officials. And this policy is expected to be enforced when classes resume in the fall.

These and many other preventative programs concerning drug abuse are now in effect in Pueblo County. But little result is noted at this time.

VII—CONFIDENTIAL TREATMENT AVAILABLE

(By Bill Gagnon)

Confidential medical treatment for drug abuse is now available to youngsters, regardless of age, without the consent—or knowledge—of their parents or guardians.

This infringement on historically parental rights was enacted into law last March by the signature of Gov. John A. Love on legislation passed by the General Assembly.

Sponsor of the bill was Rep. Roy Shore, R–Greeley, a physician, who said the bill would permit doctors to treat minors without receiving parental consent.

Youngsters who are estranged from their parents or guardians, or do not wish them to know they have a drug problem may now receive confidential treatment by a physician.

Shore also successfully blocked an attempt by Rep. Lowell Sonnenberg, R–Flemming, to amend the measure to give the doctor an option as to whether he would notify the parents or legal guardians of minors seeking treatment for drug abuse.

RELIEVED OF LIABILITY

This law relieves a physician providing such treatment from incurring any civil or criminal liability, although such immunity does not apply to any negligent acts or omissions by the physician.

Proponents of the measure are hopeful that it will encourage youngsters to seek responsible medical help for their problem without being inhibited by the fear of their parents or guardians finding out they are drug users.

Other action by this year's legislative session designed to assist in attacking the drug abuse problem is an amended version of Colorado's Children's Code.

Amendments include one which will now allow police officers to pass on information concerning juveniles to other agencies within the state when an apprehension or current investigation is involved.

Previously, no information could be transmitted from city to city. However, a provision that no information on persons under 18 be given to the Federal Bureau of Investigation remains in effect.

INVESTIGATION HAMPERED

Earlier this year local officials were stymied in their attempt to secure such information during a coroner's inquest into the narcotic overdose death of a teen-age Pueblo youth.

Dr. Harvey Phelps, Pueblo County coroner, was highly critical of the Children's Code restriction which added to the burden of officials in attempting to point out the seriousness of the drug abuse problem here to the public.

At that time Phelps charged that the code cloaked youthful drug offenders in immunity which contributed to rather than helped to alleviate, the problem.

FEDERAL LEGISLATION

Legislation also was enacted on the federal level in recent months which has now gone into effect and is expected to help in relieving the many problems of drug abuse.

The new federal regulations contain strict guidelines concerning by whom and under what conditions methadone maintenance programs may be certified. This already has eliminated several private physicians from distributing the synthetic narcotic drug indiscriminately to youths and others not actually addicted to opiate-type drugs.

It also has curtailed to a great extent sources of supply for methadone pushers who charged highly inflated prices for methadone sold on the black market.

More rigid and stringent federal controls also are now in effect concerning the dispensing of prescription drugs by pharmacists and the issuance of drug prescriptions by physicians.

VIII—CORONER SLAMS HANDLING OF JUVENILE OFFENDERS

(By Bill Gagnon)

"How can a 14-year-old kid buy and get hooked on heroin?"

This unanswered question was asked recently by Dr. Harvey W. Phelps, Pueblo County coroner, during an investigation into the death of a teen-age youth from an overdose of illegal narcotics.

It is through Phelps' efforts that the public recently was made aware of an increasing drug abuse problem in Pueblo County, especially among youngsters down to the tender age of 12.

Phelps believes that part of the problem here is due to the lack of a full-time juvenile court and a juvenile detention home for delinquents.

"The county jail isn't fit for human habitation," Phelps charged. "It's impossible and I can't see how individuals can be kept there for any length of time."

MORALE PROBLEM

He said the so-called "exercise" area at the county jail is "totally inadequate" and the lack of fresh air and dungeon-like atmosphere of the jail facility itself creates a serious morale problem among inmates.

"I certainly wouldn't want to be responsible for putting a juvenile inside there (County Jail)," said Phelps.

"We have a mechanism, of sorts, to deal with adult drug offenders but no real way of handling juveniles," he added.

Frequently, according to Phelps, the big problem in drug overdose cases is in getting doctors to list the type drug involved in such cases. He said many physicians shy away from noting such information on summary sheets for fear of becoming involved in civil litigation.

But Phelps is deeply concerned by the lack of facilities, manpower, and the "ho-hum" attitudes of both the public and responsible officials to deal with the growing problem.

"How can you evaluate a person on drugs in Pueblo County?" he asked.

14-YEAR-OLD CONFIRMED ADDICT

The 14-year-old boy to whom Phelps previously referred, now 16, is a confirmed narcotics addict currently confined to the Lookout Mountain School for Boys in Golden.

The youth, committed there recently by Dist. Judge Hubert Glover after probation failed when the youth stole a large quantity of methadone from Colorado State Hospital, and admitted giving a quantity of the synthetic narcotic drug last December to a teen-age friend. The drug caused the friend's death.

During an inquest conducted by Phelps into the youngster's death, a sordid—and frightening—drug abuse problem surfaced in Pueblo County.

COOPERATION WITHHELD

And even more frightening was the lack of official cooperation encountered by Phelps from some individuals, including the top official of a wholesale drug firm.

Asked for general statistics on various narcotic and dangerous drugs sold legally by his firm, the drug company official refused to discuss or disclose such information to authorities.

And when asked whether he felt his firm had a moral responsibility to the community and to the people it serves, the official replied: "Our only responsibility is to the Justice Department."

IX—Reason for Growing Drug Abuse Problem Reflected in Arrests

(By Bill Gagnon)

One reason for the growing drug abuse problem in Pueblo County is reflected in a comparison of official police arrest records for narcotics offenses and their eventual disposition.

For the record reveals that of a total of 101 arrests by narcotics squad officers during the year for drug-abuse offenses, 21 were released for lack of evidence or referred to juvenile authorities.

However, of the remaining 80 referred to the district attorney's office for prosecution on felony charges, the record shows:

One was charged with a misdemeanor.

The courts ruled evidence was "illegally" seized by police and suppressed its use resulting in the release of 11 suspects.

The district attorney's office dropped charges against 20 suspects without prosecution.

Felony charges were reduced to misdemeanors by the district attorney's office against 22 suspects, all of whom pleaded guilty to the lesser count.

One was acquitted of felony charges after trial by a jury.

19 CASES PENDING

As of the end of last April, there were 19 of last year's narcotic-arrest cases pending in various phases of court hearing.

But it is significant to note that of the total number of narcotics cases referred to the district attorney's office by the police department for prosecution, only six resulted in felony convictions; four by guilty pleas being entered, and two by verdicts of guilty by juries.

Underscoring this is the fact that additional arrests for narcotics violations were referred for prosecution to the district attorney's office by the sheriff's office, and perhaps another 15 to 20 by other Pueblo law enforcement agencies.

The mere six convictions on felony narcotics violations indicates an apparent breakdown in the district attorney's office in a lack of aggressive prosecution of such cases.

JURISTS LENIENT

Adding to the problem are overly lenient jurists, often acting on the approval and recommendation of the district attorney's office, who grant personal recognizance bonds to a majority of narcotics offense suspects, allowing them to return to the streets in a matter of hours and resume "pushing" or using illegal drugs.

An example of this was noted earlier this year following the arrest of three Southern Colorado State College coeds for possession of narcotic drugs.

In this particular case the three girls came close to beating the arresting officer back to the college campus after they were given their release on personal recognizance bonds within minutes after they were booked on the charges.

CHARGES WATERED DOWN

What is particularly disturbing to police and sheriff's officers is the staggering number of cases being reduced by the district attorney's office from possession to use.

Possession of narcotic drugs—a felony—is usually filed against a suspect by police when they believe he is involved in the sale (pushing) of illegal drugs to others.

However, "use" of such drugs—a misdemeanor—is filed by police when they believe a suspect is not involved in sales but has obtained illegal drugs for his own, personal use.

Veteran police officers point out that indiscriminate reduction of charges from "possession" to "use" by the district attorney's office, merely to entice a suspect to enter a guilty plea to a lesser charge, defeats the purpose and intent of the law.

They charge that such "deals" between the suspect and prosecutor results in the pusher receiving a "slap on the wrist" in the courts, after which he returns to his illicit trafficking in drugs where it is "business as usual."

And, meanwhile, the drug abuse problem continues to grow, and grow, and grow.

(Editor's Note.—As a matter of clarification of Monday's article in this series a young heroin addict, who admitted giving a fatal overdose of methadone, stole the drug last December shortly before his friend's death. The admitted "pusher" subsequently stole another quantity of methadone in January from Colorado State Hospital, but all of his second theft but a dose which he took himself was recovered.)

X—Handicapped Police Unable To Stem Drug Abuse

(By Bill Gagnon)

Handicapped by limited resources, Pueblo police slowly but surely are fighting a losing battle in their attempt to stem the drug abuse epidemic here.

And lack of money, manpower and equipment is starting to take its inevitable toll.

Despite the best efforts of the Police Department's six-man organized crime and intelligence unit, narcotics and dangerous drug abuse offenses are soaring to an all-time high.

Police Chief Robert L. Mayber expressed his concern over the tremendous increase in illegal drug use, especially by teenagers and young adults.

UNDERCOVER EXPERTS NEEDED

Vitally needed by police to cope with the alarming problem are funds to employ additional personnel, some of whom could be trained in undercover roles to infiltrate the twilight world of the drug pushers and users and ferret out the sources of supply.

Also needed are laboratory facilities, either operated by, or readily available, to the police to immediately test individuals suspected of illegal drug use and analyze contraband seized from suspects.

Additional electronic equipment, special radios, vehicles and other aids are necessary for undercover and surveillance work to strike at the heart of the problem—again, the source of supply.

Only meager funds are available to local police to pay for information from informers. And few—if any—undercover officers are operating in the field because of severe restrictions on police manpower.

Pueblo police are forced to rely heavily on local hospitals, the City-County Health Department or the Colorado Bureau of Investigation in Denver for laboratory analysis. This complicates narcotics investigations, long and unavoidable delays encountered by such means.

SIGNIFICANT FUNDS VETOED

Recently, local law-enforcement problems were multiplied here by the refusal of the Governor's Council on Crime Control advisory board to allocate any significant amount of federal funds to Pueblo this year.

Only a token of $13,260 of the whopping $3.6 million allocated to Colorado for distribution to local agencies statewide from U.S. Justice Department Law Enforcement Assistance Act (LEAA) funds is earmarked for Pueblo this year.

The state advisory board has turned thumbs down on pleas by Mayber for additional federal grants to continue funding the organized crime and intelligence division and other vitally needed projects designed to beef up police operations in Pueblo.

It was a portion of the $77,167 LEAA funds allocated to Pueblo last year that enabled Mayber to establish the organized crime and intelligence division to concentrate on illegal narcotics and drug trafficking and other specialized crime problems.

It's apparent that with the ever-growing drug abuse problem here the organized crime and intelligence division is needed now more than ever before.

Ironically, this special unit which was created with federal LEAA funds is now threatened with extinction from the same quarter—only this time due to lack of funds.

Conspicuous by its absence in Pueblo County is the Federal Bureau of Narcotics and Dangerous Drugs. For, despite this agency's maintaining a regional office in Denver, none of its agents, for some unknown reason, has been active in the Pueblo area for more than a year.

There is little doubt that if Pueblo is going to bring the present drug-abuse epidemic under some semblance of control, it's going to take funds and the cooperation of officials and leaders at the local level.

"Give us the tools we need and we'll get the job lone," Mayber vowed.

FATE OF WEST BERLIN

Mr. ALLOTT. Mr. President, as negotiations over the fate of West Berlin continue, I wish at this time to call to the attention of the Senate a very thoughtful analysis by the noted West German journalist Axel Springer which was published in the Welt am Sonntag, June 27, 1971.

As usual Mr. Springer develops the history of the situation in Berlin with great clarity. He presents a perspective of Chancellor Brandt's policies with respect to the "divided city" not often found in the American press.

So that all Senators may benefit from this outstanding contribution to a better understanding of what is at stake in Berlin, I ask unanimous consent that the article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Offensive Against Berlin

(Translation of an article by Axel Springer, Welt am Sonntag, June 27, 1971)

In 1945 American and British forces evacuated the areas they occupied in Saxony, Thuringia and Mecklenburg. They withdrew from Magdeburg, Leipzig, Plauen, Erfurt. In accordance with agreement they handed over these areas to the Soviets to assume their own equally contractual rights in "Greater Berlin." The entire city of Berlin—as provided in the Allies' war agreements—was to be a unit under the joint control and administration of the four victor powers.

The legal position is clear: it was created by allied decisions in London (September 12, 1944), Yalta (February 11, 1945) and Potsdam (August 2, 1945) and laid down in the Constitution of Greater Berlin, to which the Russian General Kotikov was a signator and which to this day has not been legally altered. Actually, however, enormous changes have been made.

The first of these came on November 30/December 1, 1948, when the Soviets forcibly cut off the eastern part of Berlin from the rest of the city. A further climax was reached almost exactly ten years ago, on August 13, 1961, the day the Wall was built. In addition, breaking all agreements made, East Berlin was declared to be the capital of the "German Democratic Republic" (East Germany) and was remilitarised. The Western Powers were deprived of any right to a voice in the Soviet sector of the city.

The Soviets are now preparing the next blow: they want, even in matters of detail, a voice in the control of West Berlin. The first, though by no means the only objective in this context is to eliminate the Federal presence, that is the presence of West German institutions in Berlin.

This long persistent demand is now no longer being resisted with the firmness which until recently was a matter of course. Contradictory utterances from the Bonn Government camp are hampering the fight for the freedom of Berlin. The city as a whole has long ceased to be discussed. And the freedom of its citizens is now hardly mentioned; discussion centers solely round securing the access routes to the city. In other words, Berlin is in deadly peril. That is the subject of this article.

Chancellor Brandt has returned from the United States. He has spoken of "complete harmony" between himself and President Nixon. "There is a good chance of reaching a satisfactory Berlin settlement," he said.

But about the answer to the Berlin problem we heard nothing definite. For all our trust in the proved reliability of the Americans and in the Chancellor's good intentions, we cannot close our eyes to the Soviet Union's full-scale political attack and that of its East-German vassal on Berlin.

While in Washington Willy Brandt was calling for a "dismantling of confrontation," Erich Honecker, First Secretary of the East German communist party (SED), spoke of "ever profounder demarcation" and "ever growing differences" as against West Germany. Leonid Brezhnev, the Soviet Communist Party chief, harped on "East Germany's legitimate and sovereign rights." Once again, Western credulity is faced with an Eastern offensive.

American trade union leaders were in the van of those who warned Chancellor Brandt of the risks involved in his Ostpolitik. They are filled with concern for Berlin, and nothing the German visitors said sufficed to disperse the doubts of the American workers' leaders.

Sharpened by long experience, they descry more clearly than the myopic German Ostpolitik that marked cards in Moscow's hand.

But another who warned the Chancellor was John J. McCloy, the former High Commissioner in Germany and adviser on foreign policy to all U.S. Presidents since the days of Franklin D. Roosevelt. He said: "I see no signs that the Soviet Union has given up its plan to drive the USA out of Europe." It seems, he goes on, that the Kremlin has found unexpected aid among "certain elements" in western Europe who wish to eliminate or at least weaken America's interest in Europe.

Worried Americans are warning. Must protest against the jeopardizing of Berlin be left to them alone?

It is high time now and today to do more than raise mere critical objections and to offer determined opposition. To say "No", as Ernst Reuter advised and not "Yes, but . . ."

If we do not say no now it will be too late. For what we are witnessing now is nothing but a new grand political attack by the Soviets on Berlin which the West German Government is mistaking for concessive advances. Indeed they are advancing toward us, with great strides on a broad front. But this approach is aggressive, aimed at driving the West from its positions.

All this is not new. Berlin is familiar with it all. It has resisted it since the war ended. The new feature is that Moscow—and in the shelter of its might East Berlin—is being encouraged by Bonn.

What other interpretation can be drawn when a man close to the coalition government—concealed behind a pseudonym—points out the "dissent", i.e., the disunity, between the Western Powers and West Germany in questions of the West German presence in Berlin? When Government spokesmen, concurring with declared enemies of this state, tirelessly describe the fragility of the "legal positions" on which Berlin's viability, its political strength, have so far been firmly built?

Displays of legalistic weakness—real or imaginary—signify nothing but waving the white flag. The other side sees it in a flash. They need no second invitation.

The keenest critic of these goings-on is Chancellor Brandt himself. He was prompt in criticising the policy his Government is pursuing today—he did so several years ago. It is not unfair to recall his attitude; a man must be taken by his word.

Willy Brandt said this:

"We must get used to the fact that Russia insists on treating and denouncing Berlin as an alleged focus of danger, a cancer, as they say, a fuse in the powder barrel, a foreign body. But behind the Soviet demand for a treaty with the two forms of state on German soil there is not merely the—understandable—desire on the Soviet part to pocket Berlin, immediately or bit by bit; there is also the idea of globally fixing the results of World War Two as the Soviet Union sees them."

Nobody could have put it more clearly, more aptly. Nor this—

"For anyone who put up with the partition of Germany, Berlin would be superfluous. Berlin upsets the all too comfortable concepts. For it is clear that that miserable satellite regime which is neither German nor democratic nor a republic cannot be consolidated as long as the reddening evening sky over the free part of Berlin draws the hopes of men beyond the Wall."

And another time—

"The close bonds between Berlin and the Federal Republic must be preserved. That West Berlin belongs to the free part of Germany . . . represents its vital arteries."

But today there remains only talk of "administrative gearing", as though what was once right were now wrong. Or has anything material changed? Nothing has changed. Much time has passed. But the time which has since passed has not revised, it has confirmed, the vital need for the political bonds which are now to be sacrificed. This time which has passed confirms what Willy Brandt said in 1962—

"To the same extent as the Four-Power status has been reduced for East Berlin it must—in as far as the Soviet Union's rights in West Berlin are concerned—also be reduced here."

East Germany is governed from East Berlin. The mock-parliament of the SED "state" has its permanent seat in East Berlin. Soldiers of the SED army march on East Berlin drill squares, parade through its streets. East Berlin is described and claimed as the "capital of the GDR".

Once Willy Brandt commented on this: "What has happened in East Berlin is the invasion of an army into a territory where it has no right to be. The so-called People's Army with its auxiliary organisations has annexed East Berlin."

Today the Chancellor is silent about these facts. He accepts them—and encourages the Powers protecting the free part of Berlin to accept them.

For over a year they have been negotiating with the Soviet Union—urged by the West German Government—solely about West Berlin. And they are about to fulfill Moscow's demands for a reduction of the West German presence in Berlin. That is, they are about to concede the Soviet Union a voice in control of the free part of Berlin—naturally without even attempting to resume use of their rights, as victors, in East Berlin.

However nobody can expect Americans, Britons and Frenchmen to be more German than the Germans. For decades the Western Allies have held the umbrella of their guarantee over the freedom of West Berlin and also over its belonging to West Germany, which the allies have not only tolerated but—with formal limitations respected on the German side—approved.

Now when a freely elected German government advises the protecting powers certainly to go on holding the umbrella over Berlin, but to close it a little to the sharpening east wind because you can hold it easier that way, the temptation is hard to resist for long.

And again there is no clear contradiction for the West German Government than the words of the old Willy Brandt:

"The task facing us today is to recognize and acknowledge that Berlin is the focus of the struggle for all Germany. The fate of Berlin will be the fate of West Germany as well. The erection of leading Federal (West German) authorities in West Berlin will, we consider, express the claim entered by the Federal Republic of Germany to the German capital and to the whole of Germany."

Nothing need be added to that—had not this Federal Government and its Chancellor ceased to speak of Berlin as the capital of all Germany.

Instead we hear other things. For instance the Chancellor's reproach to Opposition politicians that they give "continuous performances" in Berlin. He called the working sessions of West German parliamentarians and members of the Government "visits"! Now visits are paid to strangers. But under the Constitution Berlin belongs to the Federal Republic of Germany.

Again, the best answer to the Chancellor's "visits" is in the words of the old Willy Brandt:

"One may not abandon a precept of the Constitution, even if it cannot be realised overnight. We Germans have bitterly learnt whither flouted right and morality lead. I hope we will never forget this lesson."

And yet the lesson is threatened with oblivion. Reason enough to recall it to memory. This utterance of Willy Brandt deserves remembering:

"Partition can be imposed on a nation, as we have seen in these past years; but that nation cannot be brought to accept partition, to put up with it, to subscribe to it. The result would be no service to peace."

Now the self-same lips pronounce that the Moscow Treaty, in which the West German Government subscribed to partition, serves peace. It is said that ratification of this treaty is to be made possible by a "satisfactory Berlin settlement"! "Satisfactory" for the West German Government, however, means that "demonstrative Federal presence" not only can but must be reduced.

Imagine: to enable the unilateral concessions to Russia in the Moscow Treaty to become effective, further concessions are to be made in Berlin. The possibility of finally being allowed to make one sacrifice is tied to the prerequisite that further sacrifices must be made.

"Federal presence"—a cool, dry word. It is no strain on the individual's imagination and has recently been interpreted to death. Its meaning has been ground down in floods of verbosity and garrulity only to present its contents to the other side on a platter.

"Demonstrative Federal presence" is to be abandoned. Do they think it will help Berlin to survive if the Federal flag is hauled down forever from the President's Berlin residence? If the freely elected West German parliament and its committees only wave to us from the banks of the Rhine? If the Federal Assembly (the upper and lower houses) in future elect the Federal President—the President sworn to all of Germany—in Baden-Baden or Hanover?

"Federal presence"—it is not a status symbol for the arrogation of questionable rights, not a superfluous gew-gaw flaunting a nationalistic policy for Germany. Federal presence means the lodging of a claim to a future, perhaps only a very distant future, in which this Berlin is again the capital of a free Germany. At stake is the residue of the substance of survival and the surmounting of that which partitioned Germany suffers. And now this substance is to be abandoned, piece after piece? Berlin could not endure that without the risk of political death.

None who warn of this danger must be put off by being branded as mischief-makers or provocateurs. The real provocation is the surrender of what was once comment to all, of what was for all of us inalienable. Not those who hold fast to this endanger Berlin, but those who renounce it.

Since the Erfurt (in East Germany, where he consulted with the East German head of government Willi Stoph) Chancellor Brandt uttered the monstrous words about there being "two German states of one nation", this common worth has been dissolving with increasing rapidity. The wording of the Moscow Treaty had already broken it. The signature under the partition of Germany and the political retreat from Berlin mark the cracks. Here accounts are being paid which the victorious powers did not even present to Germany in the hour of victory.

The victors promised to preserve the unity of Germany and its capital. They promised the Germans also the right to self-determination. In 25 years the German people through their policy of freedom and peace, have earned these rights from the victors' hands—to possess them, not to surrender them for vague reliefs which breaches of interpretable agreements can jeopardise at any time.

It cannot be disputed that a settlement on the access routes to and from Berlin is desirable. But is it a responsible settlement if Berlin is allowed to wither as a political entity, is bereft of its symbolism and its role, merely in the hope that traffic will not have to stand so long at the checkpoints and freight-train inspections will be speeded up? It would be disastrous to misinterpret the survival of Berlin as a question of milk and vegetable supplies.

The moral respect earned by Germany all over the world since the war is above all founded on Berlin. Not by "settlements", however useful and desirable, but by the morale of the people of Berlin.

What has changed of this since 1948, 1959, 1961? Nothing. A few years have passed. That is all. Years in which the eastern neighbour has demonstrated to us what it means to be consistent.

It is objected that the consistency of free Germany's policy before its retreat from positions of right failed to produce complete success. Well, did anyone seriously believe that after 25 years at the latest everything would be all right again, everything achieved? Did anyone really believe that, after what was done in the name of Germany to other nations and to the German nation?

The time will appear short to Moscow and its aides in East Berlin. Now that after only 25 years they have almost gathered in the harvest of their political aggressions.

They rub their hands in glee in East Berlin when people in the West talk about "territorial rights" which the "people's Army" exercises when its "frontier guards" fire on fugitives. They chuckle complacently when the West German Government moves its Berlin representative's seat to Bonn on the Rhine. They jubilate and prepare for more successes when meetings of the economics ministers of the West German Federal states and even of the Bundestag committee for inner-German affairs, planned for Berlin, are cancelled or postponed.

Does East Germany honor all this? Only political addlepates could suppose so. The slogan now valid in East Berlin was issued within the past few days by the defense minister of the "GDR," Heinz Hoffmann. He is preaching hatred and hostility. It is not enough, he states, "to educate the youth of East Germany merely in the spirit of socialist internationalism; at the same time it must learn hatred of imperialism and its putrefying social system."

In these words the minister called for total militarisation: "For every citizen—old or young, man or woman—there is a duty to develop to a far more comprehensive extent ways of thought and conduct oriented to the demands of defense in peace as in a possible war."

Who—one must ask—is planning a war?

While in Bonn the talk is of "symbolic troop withdrawals," the "demarcation" at the Wall and along the barbed wire is being perfected. The Frontier Defense Command South, Munich, now reports "complete restructuring" of East German defense along the demarcation line and "the most radical measures since reinforcement of the defenses in summer 1961."

Lastly: Sportsmen recently learned once again the state reduction of tension is in. For West Berliners will still not be granted visas for the Soviet Union if they wish to travel there as members of West German national sports teams. The West Berlin city authority made it known that in this matter it would "not yield an inch." Will the West German Sports Association follow suit? As the Trade Union Council (DGB) did in staunchly rejecting East German attempts to discriminate against its West Berlin group?

Faced with such facts nobody can say where the West German Government finds its trust in the Soviet Union and the "GDR," the trust that the enemies of West Germany and of the free part of Berlin should suddenly be interested in preserving and strengthening the viability of the city.

Signor Brosio, Secretary General of NATO, said lately what drives the Kremlin in these activities: not reduction of tensions, but the wish for recognition of the frontiers of its sphere of power and the hope of greater influence in western Europe. Exactly. That is, and has been since World War Two ended, the core and aim of Soviet policy for Germany and above all its policy for Berlin.

Perhaps the Bonn executives sitting at their desks have forgotten what Lenin once said (the Soviets bear it in mind still): "Whoever has Berlin, has Germany; and whoever has Germany, has Europe." If what is now headlined as a policy of détente comes about, Berlin will not become Soviet property at once, but an important step along the way will have been taken.

It is time to consult the Berliners themselves once again. If the word "self-determination" is not to be a hollow delusion, the will of those directly affected must be heard.

It would be intolerable if the lines binding Berlin to the Federal Republic and the Republic to this city were cut through the workings of secret diplomacy. The Western Powers' guarantee for Berlin is after all largely a consequence of the morale Berliners have displayed.

To his credit, Willy Brandt has uttered decisive words on this as well:

"In the minds of its people Berlin has remained indivisible. Before the eyes of the world our city upholds the claim of all Germans to self-determination."

But if now the Federal Republic drops its political bonds with Berlin, then this city will be abandoned by many. It will see its people go away, a migration that no material subsidies could offset. Only the furniture removers would profit—and they only on the petty cash account.

Robbed of its role as the German capital of the future, stripped of its significance as a centre of the right of Germans to self-determination, Berlin would be condemned to death.

The danger that its lights will go out is near. The switches are being turned. Whoever looks on in silence will be among the guilty.

TURKEY ANNOUNCES END OF PLANTING OF OPIUM POPPY

Mr. ALLOTT. Mr. President, I want to express the heartfelt thanks of all Coloradans, and all Americans, to Prime Minister Nihat Erim, of Turkey, for his humane and statesmanlike action in announcing a prompt end of the practice of planting the opium poppy in his country.

As President Nixon noted in his statement on this action, opium and its heroin derivative constitutes an "international epidemic." This epidemic is one of the most dehumanizing social catastrophes of our time.

This step by Turkey can be expected to contribute mightily to the worldwide attack on the illegal heroin traffic. As such, this is one of the most significant acts of international neighborliness in recent years.

SENATOR THOMAS DODD

Mr. ALLOTT. Mr. President, I join with other Senators in expressing my sadness over the death of Senator Thomas Dodd.

Senator Dodd was a man who believed that it was man's first duty to fight for those principles on which a free society depends. He was an unrelenting enemy of the dark despotism which descended on Eastern Europe after World War II. He never spared himself in the unending battle to keep Americans strong in their determination to resist tyranny.

All of us who knew Senator Dodd—his friends in the Senate and his legions of friends across the Nation—remember him for invaluable service to the Nation he loved.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon, it stand in adjournment until the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 noon.

After the standard recognition of the two leaders, the following Senators will be recognized in the order stated, each for not to exceed 15 minutes: Senator TALMADGE, Senator AIKEN, Senator HUMPHREY, and Senator YOUNG.

The next item will be routine morning business for a period of not to exceed 30 minutes, with statements therein limited to 3 minutes.

Following the close of routine morning business and until 3 p.m., the Senate will consider items on the legislative calendar or other business which may be made pending or it may resume consideration of the unfinished business, S. 1828.

At 3 p.m., the unfinished business, S. 1828, legislation dealing with cancer, will go under controlled time. Debate thereon will be limited to 3 hours, with 1 hour on each amendment thereto and 20 minutes on any amendment to an amendment.

The yeas and nays may be ordered on any amendment.

The yeas and nays have already been ordered on passage of S. 1828, so there will be at least one yea-and-nay vote tomorrow—maybe more.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move that the Senate now stand in adjournment.

The motion was agreed to; and (at 12 o'clock and 36 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, July 7, 1971, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate July 6, 1971:

ACTION

Joseph H. Blatchford, of California, to be Director of Action; new position.

FEDERAL COMMUNICATIONS COMMISSION

Charlotte T. Reid, of Illinois, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1971, vice Thomas J. Houser.

NATIONAL LABOR RELATIONS BOARD

Peter G. Nash, of New York, to be General Counsel of the National Labor Relations Board for a term of 4 years, vice Arnold Ordman, term expired.

U.S. PATENT OFFICE

Brereton Sturtevant, of Delaware, to be an examiner in chief, U.S. Patent Office, vice George A. Gorecki, resigned.

EXTENSIONS OF REMARKS

STATEMENT ON OAKLAND POLICE DEPARTMENT OFFICERS' PETITION TO THE SELECTIVE SERVICE SYSTEM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. WALDIE. Mr. Speaker, a case regarding the Selective Service's classification system has come to my attention which warrants the examination of all branches of this Government because of its influence on a problem with which we are all only too familiar; that of crime in our urban areas and the ability of the various police forces to cope with its rising incidence.

The Selective Service has traditionally placed police officers in the II–A category. This classification is given to those in occupations "necessary to the maintenance of the national health, safety, and interest." The issuance of Executive Order 11527, however, has created a situation under which new officers are no longer able to obtain this type of deferment.

The order cited above requires men receiving the II–A rating to have first, held or applied for the deferment prior to April 23, the date the order was issued; second, continued to hold the occupation under which they were granted the deferment; and third, the continued support of their local draft board as to the validity of the deferment.

I think we can all agree that the latter two of these new requirements are not excessive. The problem, as it relates to the police, arises with the first of the regulations.

This problem is exemplified by the plight of the Oakland Police Department and, more specifically, 30 of its younger members. These men are now petitioning the Selective Service for classification in the II–A category and I think it imperative for all of us to support their petition since it has implications which reach into most of our States in one way or another.

Oakland's crime problem is one of the most severe in the Nation. In fact, according to FBI statistics as of October 1970, it had the highest crime rate of any major urban center in this country. The causes of Oakland's crime rate are similar to those found in other urban centers, but I would like to quote a portion of a report I received from the chief of the Oakland Police Department, Mr. C. R. Gain:

WHY THERE IS CRIME IN OAKLAND

Oakland has a high incidence of crime because, in common with all core cities, it is disproportionately burdened with crime breeding conditions: both the National Advisory Commission on Civil Disorders and the President's Commission on Law Enforcement and Administration of Justice have identified factors which contribute to high crime rates. These factors are a virtual catalog of conditions in our City.

In its report, "Challenge of Crime in a Free Society," the President's Commission on Law Enforcement and Administration of Justice (herein referred to as the Crime Commission) states:

"Violent crime, its offenders and its victims, are found most often in urban areas characterized by low income, physical deterioration, dependence, racial and ethnic concentrations, broken homes, working mothers, low levels of education and vocational skills, high unemployment, overcrowded, substandard housing, and high population density.[1]

The Eisenhower Commission on Civil Disorders (herein referred as to the Eisenhower Commission) concluded that although:

"Violent crime is to be found in all regions of the country, it is primarily a phenomenon of large cities. . . . These crimes are overwhelmingly committed by males . . . most often between the ages of fifteen to twenty-four . . . committed primarily by individuals at the lower end of the occupational scale . . . disproportionately from the ghetto slum where most Negroes live . . .," and, "by far the greatest proportion of all serious violence is committed by repeaters." [2]

Studies by both committees show that most crimes are committed by males between the ages of fifteen and twenty-four. Options for Oakland, a Summary Report on the Oakland 701 project, states:

"Oakland's population became younger in the 1960–1966 period, with the median age dropping from 35.7 to 31.9 years. Projections indicate that the median age will continue to drop—to at least 24 years by 1985.

Accordingly, persons under 18 years of age, representing 29 percent of the population in 1960 and 31 percent in 1966, will comprise from 38 to 42 percent of the population in 1985." [3]

In 1969 in Oakland, 63.8% of the arrests for FBI Index Crimes were of youths between the ages of 15 and 24. The dramatic increase in the youth population of Oakland has significantly contributed to the rise in crime.

Poverty is another condition affecting crime rates.

---

[1] *The Challenge of Crime in a Free Society,* A Report by the President's Commission on Law Enforcement and Administration of Justice, p. 35.

[2] *To Establish Justice. To Insure Domestic Tranquility,* op. cit., pp. 20–26.

[3] *Options for Oakland,* A Summary Report on the Oakland 701 Project, p. 8.

"In 1966, according to a Federal defintion of poverty (which for a family of four means an annual income of under $3,200), 46,700 people or 13 percent of the city's population, were poor . . . By location, 40 percent of the total population lived in areas with unemployment high enough and incomes low enough to be officially designated as "Poverty Target Areas."

"The poor and the residents of the Target Areas were disproportionately of black and Spanish-surname minorities. . . ."[4]

FBI statistics show that the arrest rate of Negroes for serious crimes is four times that of whites. The Crime Commission cited the reason for this rate difference as economic conditions of the minority races; whites living in low income areas have arrest rates equal to that of minorities.

In Oakland in 1969, 4.3 times as many Negroes were arrested for serious crimes as whites. Oakland's minority population, reportedly 44 percent is increasing.

"Oakland's minority groups—33 percent of the population in 1960—comprised 44 percent in 1966. The largest of these groups, the black population, accounted for 20 percent, followed by Spanish-surname whites with 10 percent, and other non-whites with 5 percent. If these trends continue, it has been projected that the black population will constitute 64 percent of the total city population by 1985."[5]

Unemployment affects crime rates. The Bureau of Labor Statistics reports a 5.8 percent unemployment rate for the San Francisco-Oakland metropolitan areas as of October, 1970.

"Among all of the nation's larger cities, Oakland continues to sustain one of the highest rates of unemployment. In spite of slight but continued decline since 1950, the 1966 rate of 8.4 percent was still critically high. This rate seasonally adjusted to 7.7 was almost twice the 4.0 rate for the United States as a whole."[6]

Underemployment, as well as unemployment, affects the economic status of Oakland's population. Unemployment and underemployment hit hardest at the uneducated and unskilled labor force which is comprised largely of minority and "ghetto" residents. Economic crisis is created in the "Poverty Target Areas." Crime is a social phenomenon and as such is affected by its social environment—Oakland's social environment is conducive to crime.

Population density and instability affect crime. Between 1960 and 1966, Oakland's population grew from 367,500 to 373,500. The 1970 census, however, shows a total population of only 357,190, a significant decrease.

Oakland's population is highly mobile and is becoming rental oriented. Total population within the city is declining but the commuter population is increasing. Population instability provides a likely environment for crime—the heavy commuter population is an added burden to an already overburdened police force.

Although the size of Oakland's force is only one of the many factors affecting the amount of crime, police strength must also be considered when analyzing the problem. The number of policemen increased only 8 percent during 1960–1969, the period when crime skyrocketed 330 percent.

The size of a police force is largely determined by the economic structure of the community and the level of crime it will tolerate. There is an optimum number of police necessary to maintain crime at minimum levels; however, the City's tax base apparently will not support such a greatly enlarged force.

That additional manpower is effective in combating crime has been substantiated by the success of the Department reducing the rate of the crime increase in Oakland during 1969 and reversing the trend in 1970.

The deacceleration of the spiraling crime rate resulted primarily because additional patrolmen during 1969 and thus far in 1970 were assigned to the Crime Prevention Unit of the Patrol Division. Some additional patrolmen became available by filling last fiscal year's authorized vacancies and by reassigning personnel from within the Department. It was the availability of additional manpower on the street, more than any other single police program, which enabled us to curtail the activities of the criminal element during 1969. (Other factors played a part, such as the demonstrable accomplishments we have made through continued evaluation of existing practices and procedures, experimentation with alternative methods of solving problems, and our premium on innovation, research and analysis, self-criticism—all to the end of a more economic, efficient and effective police operation.)

Our recent success in reducing crime is tempered by the fact that the impact of increased manpower on crime was somewhat blunted by a lack of success in filling vacancies. Furthermore, utilization of the men actually hired was delayed by the lengthy police training period. In the 1969–70 fiscal year, forty new police positions were created. Another eighteen officers were freed for crime prevention purposes when their parking control duties were taken over by civilians. Except for a brief period in July 1969, however, the Police Department has been unable to attract enough qualified men for its available jobs. There were 748 police positions authorized in the 1970–1971 fiscal year. As of November 1970, only 705 of the jobs were filled. Although the current budget (1970–1971) authorized an additional fourteen positions, the Department still had unfilled openings in the previous year's authorized complement.

Mr. Speaker, it certainly must be apparent to those present that the latter two paragraphs of this statement show that one of the key problems in dealing with the crime engendered by these problems is that of manpower. This situation is aggravated by selective service regulations which empower local boards to draft young men out of their police jobs and waste the tax dollars spent on their training as well as the experience they may have accumulated.

In closing I would like to say that I have written letters to both the President and Dr. Tarr, Director of the Selective Service, requesting that they rectify this situation. The letters follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 30, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Recently, a case involving the Selective Service classification system has come to my attention which has broad implications and warrants your attention.

The case involves a group of Oakland Police officers who are petitioning the Selective Service for a II–A classification. Under current regulations these men are not eligible for this designation since, with the issuance of Executive Order 11527, an individual whose occupation is construed as ". . . necessary to the maintenance of the National health, safety and interest," is now subject to three further requirements. First, he must have held or requested a II–A prior to April 23, 1971. Second, he must continue to hold that occupation under which he applied for the classification. Third, his local board must continue to be convinced that his occupation meets the requirements listed above for the II–A deferment.

The problem which has arisen is that this group of officers all joined the Oakland Police Department after the April 23rd deadline or are otherwise ineligible for the II–A classification. In my view this represents an oversight with serious implications for all the Nation's "core city" police departments. Based on F.B.I. statistics, Oakland has the highest crime rate in the Nation, as of October 26, 1970. Projections show that this problem can only be expected to increase with the continued deterioration of the core city until the levels described by the Eisenhower Commission Report are reached and Oakland has become a virtual armed camp.

The problem, then, is one of recruiting and maintaining a police force of sufficient size, versatility and imagination to deal not only with the continuing spiral of crime, but to maintain and expand the innovative programs already begun in Oakland to ameliorate the social causes of crime. To accomplish this dual goal, the Oakland Department must be able to hire and retain highly competent and qualified young men who might otherwise be inducted into the military.

It is my feeling that Oakland is only one of many cities in our Nation faced with this problem, and I am convinced that it is incumbent upon the Federal Government to assist them by rectifying this situation.

Thank you for your consideration.

Respectfully,

JEROME R. WALDIE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 30, 1971.

Dr. CURTIS TARR,
Director, Selective Service System,
Washington, D.C.

DEAR DR. TARR: This letter is to call your attention to a petition submitted to you by Mr. Lawrence Marquette Esq., of 1201 Fox Plaza, San Francisco, California, on behalf of 30 officers of the Oakland Police Department.

The petition requests deferments under the II–A classification for these men and calls attention to the apparent oversight embodied in Executive order 11527 which eliminated men from the II–A classification if they had not previously held or applied for that rating.

It is the contention of the petitioners, and I am in full and complete agreement with them, that "core city" police departments all over the country are finding themselves in situations similar to that of Oakland in that they are unable to fill their manpower requirements. This situation is only aggravated by regulations of the Selective Service which draft men out of these departments after they are trained or while they are completing their training.

The Oakland Police Department has instituted many imaginative and innovative programs and has demonstrated a willingness to deal with the root causes of crime as well as with the fact of a spiraling crime rate. In my view it is imperative that the Federal Government and its agencies assist them in as many ways as possible.

The situation regarding these men's deferments could and should be rectified and I strongly urge that you, as Director of the Selective Service, take the steps necessary to remedy this pressing problem.

I would deeply appreciate your immediate attention to this problem.

Sincerely yours,

JEROME R. WALDIE,
Member of Congress.

---

[4] *Ibid.*

[5] *Options for Oakland, op. cit.*, p. 7.

[6] *Ibid.*, p. 11.

VIETNAM: HOW THE WAR HAS CHANGED

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. TERRY. Mr. Speaker, in the gloom, pessimism, and division over Vietnam, Sir Robert Thompson recently wrote an article in the Daily Telegraph of London, June 25, 1971, expressing the opinion that "Vietnamization" has succeeded and that the military situation is indeed good. Sir Robert Thompson is considered to be one of the world's leading experts on insurgency, has visited Vietnam many times, and recently completed a survey of South Vietnam's internal security for President Nixon's National Security Council. He was also responsible for security during Great Britain's successful operations against Communist insurgents in Malaysia. I commend this article to the attention of my colleagues:

VIETNAM: HOW THE WAR HAS CHANGED

(By Sir Robert Thompson)

With the anti-war debate in the United States now focusing on a target date for the withdrawal of troops, the issue of prisoners, the Calley and other trials, the drug traffic, corruption and so on, the war situation itself is becoming obscured. Yet this still remains the overriding factor influencing events.

To anyone who has not been able to visit South Vietnam at frequent intervals over the past three years, thereby allowing objective comparisons to be made, the military, economic and political progress would seem incredible. The very fact alone that 500,000 American troops have been withdrawn without the country falling apart is itself evidence of the general improvement and of the success of pacification and "Vietnamization."

The Government of Vietnam now controls, and can provide full security for, about 70 per cent of the villages with a reasonable degree of control and security in a further 20 per cent. In population terms this covers 95 per cent of the people of the country because the remaining villages are in remote and sparsely populated areas. The effect is that the whole resources of the country are now available to the Government and denied to the enemy. Over a milion men are full-time under arms and half a million part-time. Many of those in the Popular Forces (which defend their own villages) are, in fact, ex-members of the Viet Cong, who have changed sides.

PROFESSIONAL SOLDIERS

In the regular forces of the Army of the Republic of Vietnam (ARVN), whereas two years ago only the First Division was capable of taking on a North Vietnamese division, there are now six or more divisions of this quality, not to mention other smaller units such as Ranger battalions. A further significant change has been in the military leadership. The generals rising to the top are no longer political warlords; they are strictly professional soldiers who, in this type of war which they have been fighting for years, would compare favourably with any in the world.

The economy, especially in the rice-growing rural areas, has staged a remarkable recovery. Inflation, which a year ago looked like going through the roof, has been held down to reasonable proportions. Last year's rice harvest was so good that South Vietnam expects to have an export surplus. Peasants are buying tractors, outboard motors, Hondas, television sets and transistors at such a rate that Japanese businessmen have made a killing. The new problems are the promotion of exports, the imposition of taxes and an increase of salaries for troops and Government servants.

On the political front the stability and increasing competence of the Government has been a major factor in securing progress. Whether the Government has at the same time secured a larger measure of public support will be tested in October, when President Thieu stands for re-election. Now that the Assembly has amended the election law to restrict the number of candidates (there were eleven in 1967) to those who have some political backing in the country, all the indications are that in a straight fight against Vice-President Ky or against the former Gen. Duong Van Minh, President Thieu will secure a comfortable majority.

The whole nature of the war has therefore changed. The Viet-Cong insurgency within the South has now become a minor threat. An interesting feature of its weakness is, for example, the rarity of terrorist incidents in Saigon itself. This teeming city of nearly four million people, with its maze of alleys and canals, should be an urban guerrilla's paradise, but it is safer at night than most American cities.

The major threat is the North Vietnamese Army along the whole of the land frontier from the Demilitarised Zone at the 17th Parallel in the north through Laos down to the Cambodian border in the south. This army, except in small units such as sapper squads, has ceased to be an infiltrating army because Viet Cong support within the country is no longer available to it on the previous scale as, for example, during the Tet offensive of 1968. It has therefore had to become more of a conventional invasion army depending on its own sources of supply. Moreover, its offensive capability, as compared with ARVN, has greatly decreased as a result both of heavy casualties, caused partly by its previous offensive tactics against superior firepower, and of its commitments in Laos and Cambodia.

The loss of its border sanctuaries in Cambodia and of Kampong Som (Sihanoukville) as its major supply port, with the brave resistance of the Cambodians, has almost eliminated the threat to Saigon and the Mekong Delta from the Cambodian border. The whole supply traffic for these southern forces now has to come down the Ho Chi Minh trail through Laos and recent operations have demonstrated that, in addition to air attacks, this trail is no longer safe from ground attack by ARVN.

While not a howling success, the recent operation in Laos achieved its main objectives and was by no means the disaster which some depicted. The trails and pipeline were disrupted during what should have been their peak operating period before the monsoon. Vast quantities of supplies were destroyed and the casualty figures were at least three to one in South Vietnam's favour. Although the cost was still high the operation has compelled the North Vietnamese to deploy forces to defend the trail over most of its length. These forces in turn have to be supplied by the trail, thereby reducing the surplus available for offensive operations into South Vietnam.

There has been some criticism of President Nixon for extending the fighting into Cambodia and Laos by those who do not understand that it is the very withdrawal of American forces which has automatically spread the war. South Vietnam could only maintain a completely defensive posture within its own borders. thereby allowing the North Vietnamese to adopt solely an offensive posture, while there was a large American army present in support. As the Americans withdrew it was necessary to change this strategic situation by forcing the enemy to adopt a defensive posture.

LOGISTIC SUPPORT

If the previous situation had continued it would have been like allowing the enemy a permanent penalty shot at the long goalmouth of the South Vietnamese land frontier and giving him a free choice of where and when to "shoot." To defend South Vietnam, and thereby to safeguard the American withdrawal, it became vital to spoil the enemy's offensive preparations and to compel him in turn to defend his own base areas.

If progress within the South continues over the next 18 months, as it should, thereby releasing yet more ARVN forces for cross-border operation, there is every chance that South Vietnam will be able to contain the major threat indefinitely, even though North Vietnam continues to receive substantial Russian and Chinese aid. The issue will cease to be the withdrawal of American troops and will become instead the reliability of continued American economic, logistic and training support. This must be absolutely convincing to both sides if a successful outcome is to be achieved. The position is therefore that the war is unlikely to be lost militarily in Vietnam. It can only be lost politically in the United States.

FROSTBURG STATE COLLEGE BASKETBALL TEAM PLANS TRIP TO CZECHOSLOVAKIA

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. BYRON. Mr. Speaker, the basketball team of Frostburg State College, known as the Bobcats, is planning a trip to Czechoslovakia from December 27, 1971, to January 10, 1972. Mr. Harold J. Cordts, head of the department of health and physical education at Frostburg, is coordinating the plans. So far the team has raised $2,500 of the $6,000 needed to make the trip possible. Contributions have been received from community organizations, the college student government, alumni, and faculty.

The trip in Czechoslovakia is being arranged by Mr. Vladimir Heger, national basketball coach. In 1969 the Sparta-Prague basketball team stayed 6 days in Frostburg playing the Bobcats and other area teams. This was the beginning of the idea of Frostburg traveling to Czechoslovakia. The funds for travel and sightseeing expenses from the United States to Prague will be paid by contributions.

The Bobcats would leave Baltimore on December 27, 1971, play a tournament in Prague, a tournament in Roudnice, and a game in Karlovy Vary. They would return to the United States on January 10, 1972. It has been said that the people-to-people sports program is dedicated to the promotion of international sports exchanges on the premise that when good sportsmen get together, mutual understanding and friendship are broadened. I would like to commend Frostburg on their plans and wish them success in achieving their goal.

LOUISIANA SUPREME COURT JUSTICE HAMLIN ON CRIME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. RARICK. Mr. Speaker, Associate Justice Walter B. Hamlin of the Louisiana Supreme Court has given his assessment of the Nation's crime rate saying:

> The Nation's crime rate would drop drastically if the United States Supreme Court would only take the handcuffs off our police. Our law enforcement officers are throttled by judge-made rulings that stagger the common sense of the average citizen.

Justice Hamlin finds from judicial experience that the U.S. Supreme Court decision in Mapp against Ohio creates the biggest problem, and if it were overturned would "take 75 percent of the handcuffs off the police."

Justice Hamlin is one Supreme Court Justice who understands that the answer to the soaring crime rate is not more money, more talk, and more investigation, but rather more action—enforcement.

I am proud to represent a State which has many courageous and outspoken leaders who still believe in honest solutions to the problems of our time rather than passing them over to the succeeding generation.

The article follows:

LOUISIANA SUPREME COURT JUSTICE SAYS: "TAKE HANDCUFFS OFF POLICE AND CRIME RATE WOULD DROP DRASTICALLY"

(By Raymond Villwock)

"The nation's crime rate would drop drastically if the U.S. Supreme Court would only take the handcuffs off our police," a Louisiana Supreme Court Assocciate Justice says.

"Our law enforcement officers are throttled by judge-made rulings that stagger the common sense of the average citizen," Justice Walter B. Hamlin told the Enquirer.

"People have never been able to understand why a convicted murderer or rapist, or anyone else unchallengeably guilty, should be freed because of some inconsequential error which did not diminish by any common standard the fairness of the trial," he said.

"The public simply cannot understand these rulings. They feel there is today the danger of having a nation of criminals within our great nation."

Judge Hamlin said the biggest obstacle the police have to overcome in fighting crime is the Supreme Court's 1961 Mapp vs. Ohio decision, whose main effect is to require police to have search warrants for nearly all searches and seizures.

"I would say that's the biggest problem. Overrule Mapp vs. Ohio and you take 75 percent of the handcuffs off the police.

"I've been listening for years to people talking about soaring crime rates and what can be done. Tons of ink and millions of hours have been devoted to the problem. But there's only one thing you have to do, and that's overrule Mapp vs. Ohio." said Hamlin, who has been a Justice for 12 years.

The effect of the Mapp decision has been to handcuff police in pursuing suspects, he said.

"Take the case of a raid on a bookmaker. These places are frequented by people who violate laws. In the old days, you didn't need a search warrant to raid one of these places. And if the police spotted any evidence of other crimes they could act on them.

"Today, however, you need the warrant. And when you raid a place there is lots of running around and destroying evidence—and that's handcuffing police and encouraging criminals.

"It's the same in practically all police investigations. Say there's been a murder. In the old days you could go into the house and look for the murder weapon, clothing, anything that might be a clue.

"But today, with Mapp vs. Ohio, the police need the warrant to look for these things. Their hands are tied. It's the same with all felonies.

"In those old days, police officers were not burdened with the present problems that are placing them in a state of frustration and confusion, with hardly any yardstick to guide them as to what should be done and what should not be done.

"Yet in those days, we had generally good law enforcement, and people were happy and safe. We were far from being what is now sometimes referred to as a 'police state.'

"You don't need any fancy commissions to tell you what to do to lower the crime rate. Let's go back to the old laws—the ones that worked."

Hamlin has still another complaint about Mapp vs. Ohio—he blames it for the tremendous case backlog in courts today.

"The first thing a defense attorney does today is file a motion to quash his client's arrest. The second is to try and quash the search warrant—that means two trials before you even try the case itself.

"That means protecting lawbreakers and letting guilty people off on technicalities," Hamlin said.

"Criminals know about clogged dockets and many figure there's a good chance of getting out of a trial legally even if they're arrested."

And once the case is through the state court, Hamlin said, the defense attorney can start the whole process again in federal court by claiming his client's civil rights were violated.

"I don't believe the court should be burdened with all these remedies, or that the police should be handcuffed by some of these court rulings.

"I've had judges complain to me how they have to try cases two and three times. I've had police complain to me how their hands are tied. I don't think there's any doubt about it. If Mapp vs. Ohio were repealed:

"Police could pursue criminals more aggressively.

"It would clear up the backlog in our courts.

"And it would cut the crime rate and allow police to do their jobs."

COMMENDATION TO THE BULLOCK'S CO.

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. HANNA. Mr. Speaker, whenever a major social issue begins to reach a point of consensus, it becomes fashionable to make high-sounding public statements. So it is with economy. We find today more talk than action. It is therefore refreshing and encouraging to find a major retail corporation sponsoring a specific nitty-gritty program to stem the tide of pollution. Recently, the Bullock's Co. set up at each of their seven department stores in southern California stations for the collection of newspapers and cardboard, aluminum, and glass containers for recycling.

Solid waste disposal is one of our most frustrating ecological problems. We can no longer assume that there will always be some place to dump the trash by the traditional means. Recycling seems to me to be one of the best solutions to the problem and should be encouraged whenever possible.

The Bullock's Co. deserves our commendation for the foresight and sense of community responsibility displayed in their collection and recycling project. If their example were to be followed by other private businesses, the results would be phenomenal.

Also to be commended for their cooperation with Bullock's are Boy Scout Troop 235 of Santa Ana, the Lakewood Environmental Council, the Long Beach City College Ecology Club, the Ecology Club of California State College at Long Beach, and the Cerritos College Environmental Action.

The solutions to many of our ecological problems lie in the expression of concern and willingness to act in a wholly unselfish way, as exemplified by the participants in the Bullock's project.

COAL MINE SAFETY

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, there follows the text of my statement before special Department of the Interior public meetings on the Department's enforcement of the Federal Coal Mine Health and Safety Act of 1969:

STATEMENT OF REPRESENTATIVE KEN HECHLER OF WEST VIRGINIA AT DEPARTMENT OF THE INTERIOR MEETING ON ENFORCEMENT OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, JULY 2, 1971

On December 12, 1968, the Secretary of the Interior called a coal mine safety conference in this very auditorium, 22 days after the disaster at Farmington, W. Va., which snuffed out 78 lives. Here we are again—932 days and 578 lives later—meeting to talk about enforcement of the Federal Coal Mine Health and Safety Act of 1969. At the rate men were killed and injured in the mines last year, I have arrived at an average figure. While this conference has been in session, 30 coal miners have been killed or injured.

In my remarks to the 1968 conference, I noted that "the profits of the coal industry are increasing, production is increasing, and the prospects for the years ahead are very bright for King Coal." That is certainly more true in 1971. At the 1968 Conference, I posed the question: "Will Congress have the courage to enact a really meaningful coal mine health and safety law?" The answer to that question is "Yes."

I closed my statement to the 1968 Conference with this sentence: "If we do our job, we won't have to have any more coal mine safety conferences."

Well, here we are. We haven't done our job. Accidents and deaths continue in this most hazardous occupation, and no amount of statistical juggling can escape the grim conclusion that there are far too many accidents no matter how you measure them or compare them.

In the preamble to the Federal Coal Mine

Health and Safety Act of 1969 was this ringing phrase: "Congress declares that the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner."

The Bureau of Mines itself has been at best schizophrenic in its approach to the statement of purpose which I have just read. The rhetoric of the Bureau has been exemplary, and the dedicated efforts of many inspectors and Bureau officials have been effective. Yet the split personality of the Bureau is evident in the timidity, stupidity, or outright failure to enforce the law on the part of other Bureau officials.

Some of the early troubles of the Bureau of Mines can be blamed on lack of leadership, during the seven-month period from the firing of Director John F. O'Leary in March, 1970, until the appointment of Director Elburt F. Osborn in October, 1970. Some of the early troubles may also be attributed to lack of trained inspectors needed by the new law, although the Bureau now has 1,090 inspectors on duty and will have 1,350 by the end of this year. Only a handful of fines were collected during 1970, and the penalty schedule became the victim of legal snarls, timidity and bureaucratic inaction. Someone dreamed up the brilliant idea that inspectors in the field ought to telephone Washington to get permission to close down mines with hazardous conditions, and Washington defended this illegal practice on the grounds that the Bureau wanted to sit down and reason together with the violators. The Bureau is very responsive to coal operator criticism and suggestion, and often tries to accommodate coal operators, again at the expense of the working coal miners.

As in so many instances, when this illegal practice was made public, it was quickly stopped by the Bureau. Yet the clandestine meetings of coal operators and Bureau officials to consider changes in the regulations and administration of the law somehow persisted. I do not of course know what went on behind those closed doors, but there did not seem to be very much good news for the health and safety of the average coal miner which came out of these meetings. The Bureau apparently could not shake its time-honored role as a sympathetic broker among powerful pressure groups all interested in production. The top union leadership continued to play too much the role of a production partner instead of a vigorous and aggressive advocate of strict enforcement of the mine safety law. In fact, in the summer of 1970, when a group of coal miners struck for stronger enforcement of the mine safety law, the UMWA leadership sprang into the breach and took sides against their own coal miners because they were interfering with production.

I was struck by the similarity in phraseology between the statements made at yesterday's conference by Dr. Osborn and Joseph E. Moody, President of the Bituminous Coal Operators' Association on the issue of how closely the Bureau of Mines and the coal operators should work together. Mr. Moody stated: "We are disturbed by what appears to be an adversary approach by the Bureau in administration and enforcement of the Act." A few sentences later, Mr. Moody states: "We are pleased to report today that this adversary approach appears to be diminishing. There is greater and more effective consultation and cooperation . . . At least the lines of communication are firmly established for a candid exchange of views and there is a much better mutual understanding of the problems involved."

Director Osborn in his own statement acknowledged, almost apologetically: "There can be little doubt that an adversary situation developed, with the increase in the number of inspectors, the pressure on the inspectors to enforce the law and the problems encountered by the industry in trying to comply. We are aware of this problem and ask all operators, labor organizations, miners and supervisors to join with us in finding ways to keep the lines of communication open between you and our inspectors and let us maintain a team effort against death and disease in the mines. To do the job we must all work together all of the time."

Now I admire Dr. Osborn for his boundless optimism and marvel at his trustful attitude in advocating the "come let us reason together" approach. The blunt fact is that for most of its existence the Bureau of Mines has been the bedfellow of the coal industry, and it is precisely this supine and subservient attitude which further weakened the almost toothless mine safety laws on the books prior to 1969. The Bituminous Coal Operators' Association, the National Coal Association, and the small coal operators have their people here day in and day out, trying to work things out with the Bureau of Mines and with their friends within the Bureau in such a way that the law won't interfere with production. I don't blame Joe Moody for this, that's his job; he's a good friend of mine, and he really earns his pay. But the Bureau of Mines is charged with protecting the public interest, with enforcing the law without fear or favor, and when these closed-door meetings with the coal industry and the Bureau of Mines have taken place in the past, it is the working coal miner who usually suffers in the end.

If there were a strong and vigorous leadership by the United Mine Workers of America to provide a genuinely equal countervailing force to the small and large coal operators, then this problem of closed-door consultation might not be so damaging to the protection of the working coal miner. I wonder how frequently the Bureau of Mines really tries to sit down with working miners and solicit *their* opinions on what must be done to protect the working miner—I don't mean the top union officials, I mean those who actually dig the coal.

I applaud the statement which the Secretary of the Interior made in opening this conference: "Partisan politics has nothing to contribute to the life and health of the miner."

Yet the year 1971 marks the politicization of the Bureau of Mines. Few mourned the departure of Fred J. Russell as Undersecretary of the Interior, who has not been heard from since, but the Russell spirit of softening the administration of the mine safety law when it interfers with production is a spirit which is very prevalent in the Bureau of Mines. Let's face it, there are a large number of political appointees in policy-making positions who simply do not subscribe to either the letter or spirit of the preamble to the Federal Coal Mine Health and Safety Act of 1969. I know Dr. Osborn well enough to know he doesn't believe this, but there are some officials in this Bureau, some in the Department too, who act as though they felt a ton of coal is more valuable than the life of a coal miner. As long as that attitude persists, we might as well forget about progress in mine safety.

On February 18, 1971, I stated: "The departure of Mr. Russell, healthy though it is, will not result in an overnight change which will produce mine safety. The Department of the Interior is honeycombed with Russell appointees who share his philosophy that those who paid the piper should continue to call the tune."

There are many living symbols of the politicization of the Bureau of Mines. I will not indulge in personalities by naming them. Everyone in this room knows them. Some of them feel that "law and order" was a phrase which applies only to longhairs who block traffic and kick over garbage cans, and not to practices which endanger the lives and safety of coal miners.

Yes, I agree with Secretary Morton in what he says about "partisan politics." But their party politics isn't nearly as serious as their "boardroom politics", and their sincere belief that the greatest disasters are not the Farmingtons or the Hydens, but brownouts which might result from lower coal production.

Enforcement of the mine safety law was crippled in 1970 by the Abington, Virginia lawsuit. Once again we find the Bureau of Mines faced with a lawsuit filed by a group of small mine operators seeking to challenge the constitutionality of the 1969 law. About 14 months ago, small mine operators sought the same objective. For a period of nearly nine months thereafter they successfully impeded enforcement of the law, thereby resulting in a mounting toll of dealths and injuries among coal miners. During this period, Bureau and Interior Department lawyers stumbled and bungled their way through this lawsuit. In the end, the suit was settled "without prejudice" by the Government. Thus, the small mine operators were free to try again, because the Government refused to insist that settlement be with prejudice. And, indeed they are trying again in court.

Will we have a repetition of last year's events? I have seen nothing since then to make me believe this is not possible.

It is time for the Bureau and its officials to stop pussyfooting and begin now to insist on safety for our miners.

The Bureau's inspectors should not hesitate to impose the necessary penalties in order to make coal operators aware of the economic consequences of unsafe practices.

The Bureau's assessment officers should recommend stiff, but equitable fines after considering the factors set forth in the law. Here, I must applaud one of the hearing examiners of the Office of Hearings and Appeals who, only a few days ago, had the guts to set a meaningful penalty of nearly $10,000 for safety violations. He did so after the Bureau assessed the penalty at only $900 and then lowered it after a protest to $500. The operator appealed that lowered assessment. I hope in the future that the Bureau's assessment officers have the same amount of guts.

Dr. Osborn knows that I am very prone to hand out bouquets, and I delivered one on the floor of the House of Representatives on May 3, 1971, entitled "Praise for Dr. Elburt F. Osborn." In my address to my colleagues, I indicated that "Director Osborn and his Bureau are displaying courage and objectivity in stating that coal dust levels under the current law are 'clearly attainable with present technology.'" I further praised Dr. Osborn for his May 3 statement in which he stated that the progress in dust control "makes me very optimistic about the entire industry's meeting the 2.0 milligram standard by the end of 1972 with a minimum of difficulty."

Imagine my surprise last evening in picking up a copy of Dr. Osborn's statement to this conference yesterday in which he backtracked on his May 3 statement. He told this conference yesterday that despite the use of proper ventilation and water sprays, "however, additional progress must be made through more effective use of present technology, *development of new technology*, and comprehensive education and training programs if the 2.0 mg/m^3 standard is to be achieved." (Italics supplied.)

In newspaper jargon, which Osborn d'ya read?

There has unquestionably been progress in the Bureau, as evidenced by the number of inspectors now aboard and the 1,350 inspectors anticipated by the end of this year, the increased number of inspections and penalties imposed, and the generous amount of funds for coal mine health and safety enforcement and research. I applaud the recent efforts of the Bureau to step up the campaign against roof control accidents, and I am pleased that so much emphasis was placed at yesterday's proceedings on the necessity for more emphasis on roof control.

But the split personality of the Bureau again showed itself on the dark side with the unveiling of the massive public relations scheme to bombard coal miners with radio, television, billboards, bumper stickers, buttons, and all the gimmickry Madison Avenue could muster to tell the coal miners "Don't be Half-Safe." I know the coal miners of West Virginia, and I can tell you categorically that the kind of snow job cooked up by the smart-aleck advertising men will never be swallowed by the men who work in the mines. You can't sell miners like you sell soap. But my main objection to all this hoopla is that it just might start to make other people believe that miners are the chief cause of accidents.

The House of Representatives by voice vote on June 29 adopted an amendment to the Department of the Interior Appropriations Bill, stating: "No part of the funds appropriated by this Act shall be used to pay any public relations firm for any promotional campaigns among coal miners." Now I understand that a Member of Congress told this conference yesterday that this amendment should not deter the Bureau of Mines from a program of "education." I would hasten to point out the legislative history of that amendment, in which this very question was raised as to whether my amendment would impede any educational program by the Bureau. My response clearly stated: "You cannot substitute public relations for education, even if you label such a public relations campaign as 'education'."

As a former educator, I admire the fact that Dr. Osborn is also a former educator, as well as his role in furthering mine safety through education and not through huckstering.

The Bureau of Mines needs less Batten, Barton and Durstine, and more Osborn.

I believe that mine safety can better be achieved by transferring the Bureau of Mines to the employee-oriented Department of Labor, rather than keeping the Bureau in the production-oriented Department where it now is. To place this Bureau in a new Department of Natural Resources, as proposed by the President, would further submerge the human problem of protecting the health and safety of coal miners.

Unless some of these steps are taken, I am not optimistic about the future safety of those who work in the coal mines.

You can't turn the clock back to the "good old days" before Farmington, no matter how hard you may try. The American people won't stand for this slaughter in the coal mines, and they will insist that the mine safety law must be enforced.

ERNESTO GALARZA RECEIVES DOCTOR OF HUMANE LETTERS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. EDWARDS of California. Mr. Speaker, on June 13, 1971, President Richard C. Gilman of Occidental College, Los Angeles, Calif., bestowed upon Mr. Ernesto Galarza the degree of doctor of humane letters.

Nearly 50 years ago, Occidental College received a letter from an alumnus, telling of a young man of Mexican birth who wanted very much to obtain a college education. Being without father or mother, and having no outside means of support, he would have to earn his own way. However, this letter went on to say:

> He is willing to do anything—scrub floors, mow lawns, wait on tables, act as an interpretor—and he is a good, reliable worker. If the college will do something for him for the first year, he will be able to take care of himself after that.

He entered Occidental College in the fall of 1923, and the promise was more than richly fulfilled. For as a student he compiled a distinguished academic record which resulted in his election to Phi Beta Kappa, and he was one of the outstanding debaters of his college generation. Moreover, he was a champion of causes then unpopular and he often took an independent and forward-looking stand on a variety of social issues.

In the years since graduation, these characteristics of his college years have been directed toward the service of Mexican Americans of the Southwest and particularly the agricultural workers in field and vineyard. His intellectual prowess has led to the writing of several books and articles; his persuasive powers have been manifest in testimony before congressional committees and in public debate; his energies have been directed toward the achievement of social justice and equal opportunity and the advancement of the Mexican American community. In all of this he has been an activist in the best sense and a leader of his people.

Thus, the college from which he graduated in 1927 has now honored Mr. Galarza. Let me add my voice to the voice of the college and community he has so faithfully served and let me add my thanks for his dedicated and selfless efforts.

THE LOVE OF LIBERTY IS AMERICA'S HERITAGE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the Fourth of July Independence Day Celebration reminds us again of America's heritage and America's love of liberty.

The Washington Sunday Star, on July 4, carried a thoughtful editorial which I believe worthy of widespread circulation.

There are many problems for solution but the main difficulty is distinguishing liberty from license. The editorial, in appealing for tolerance and restraint, concludes that liberty is the only thing you cannot have unless you are willing to give it to others.

The editorial follows:

> THE LOVE OF LIBERTY IS AMERICA'S HERITAGE
>
> What constitutes the bulwark of our own liberty and independence? It is not our frowning battlements, our bristling seacoast, our army and our navy. These are not our reliance against tyranny . . . Our reliance is in the love of liberty . . . Our defense is in the spirit which prized liberty as the heritage of all men . . ."
>
> That was what Mr. Lincoln thought. He said the nation was "conceived in liberty," and his countrymen didn't need convincing. They were closer in time to the Revolution than this generation is to the Civil War, and liberty was the bright rhetorical coin that still quickened the pulse. The thrill of the beginning remained. "Proclaim liberty throughout the land," it said on the bell, and the bell rang, and the dream came true. And Washington remarked, "Liberty, when it begins to take root, is a plant of rapid growth."
>
> Those who signed the brave Declaration that we celebrate today (and tomorrow, in accordance with modern holiday habits) said that liberty is a God-given right. Hence it is fitting that the Honor America observance here is emphasizing the place of religion in America's history and heritage. And the traditional District of Columbia fireworks display tomorrow will be—in case anyone needs reminding—an expression of exultation over liberties won and kept.
>
> But today, some examiners of the American condition are saying that liberty is stunted, is suffocating in the crabgrass of modern conformity, materialism, congestion and bureaucracy (both governmental and corporate). Americans are so herded and channelized and mechanized in their urban milieu, some say, that independence is a shrunken value and liberty a coin that goes clunk. Polls showing a low esteem for the Bill of Rights are produced as evidence.
>
> Some observers see, and others fear, a dismal mushing out of the splendid American experiment, an end of the vibrant libertarian spirit and the daring optimism that were the fuel for its blast-off 195 years ago. Among the chief crepe-hangers is political scientist Andrew Hacker. His book, "The End of the American Era," depicts a nation in decay and exhaustion, its members fallen victims to a malignant obsession with self-interest. He sees the outgoing, socially constructive kind of democracy in eclipse, the grand dreams about washed up. Abroad, he believes, America has lost its moral leadership.
>
> Others see these wracking times producing a growth of repression, and worse, an acceptance of it by the majority. There is fear that Americans will become so accustomed to deferring to technological tyranny, including electronic surveillance of their innermost lives, that liberty will come to mean nothing to them. They may become resigned, some seers say, to the total management of their lives, to government secrecy, to the power of an enormous military establishment, to the suppression of a free press and television, and the engineering of opinion.
>
> The worriers cite the non-voting habits of Americans; fewer than half of those of voting age cast ballots last November, and only 61 percent in the last presidential election. That is deplorable, but it certainly is nothing new. In 1959, only 59.9 percent balloted. And far back in 1824 a scorching campaign was climaxed when 362,000 voted, out of a population of 10 million. Women, of course, weren't allowed at the polls.
>
> So before lamenting the supposed decline of liberty, it would be useful to look back and get it into perspective. Liberty has been a galvanic force in this country, and must always be. We believe it still has plenty of voltage. But a considerable mythology has grown up around it. It has never transfixed the whole multitude, never been a sure thing. Probably no more than a third of the populace actively supported the American Revolution, which we celebrate today. And with the new nation not yet a decade old, in an imagined crisis, it moved forcibly to deny through the Alien and Sedition Acts the liberties that had been proclaimed.
>
> Suppression of rights and abuse of liberties came again in the Civil War. World War II and McCarthy periods, in organized labor's tumultuous emergence and in efforts of minorities to gain full citizenship. Some can still remember when almost no one spoke of the black man voting in the South, and many ridiculed the idea of women voting

anywhere. And America has always been materialistic, as Hacker should know. The land was exploited long ago; the lust for property and minerals and railroad corridors pulled the great tide westward. Self-interest isn't a modern invention. Many gained but many suffered from its early applications.

How much liberty, indeed, did millions of blacks and poor whites have in the South over long, hard decades of poverty, ignorance, isolation and oppression, both economic and political? What choices did they have? Add, too, the grain farmers of the West and Midwest, broken in recurrent panics, and generations of industrial workers (including hordes of child laborers) before the day of humane labor legislation. It is easy to forget that the liberties of millions were cruelly circumscribed by impoverishment, lack of education, the absence of communication and understanding.

No longer, some say in despair, is there a common spirit. But when was there ever a common spirit? In the heydays of the Know-Nothings, the Barnburners, the Confederacy, the Klan? This is a country of many spirits, in competition, and that competition of ideas and emotions is as robust today, we submit, as ever it was.

A large segment of the country hated the Mexican War, but Polk never saw a protest crowd on the Mall; there were no Moratorium committees or McIntires. In this generation, there has been a frontal crash-through for civil rights that is still in motion. The chorus for rights and reforms—from women's liberation, environmentalists and a score of other—movements—certainly matches anything the country ever heard. If liberty is the urge and the ability and the courage to sound off, ask any congressman if it is alive, if he hears from anyone these days. If the young today aren't the most vocal in history, we are badly deceived. The main difficulty is in distinguishing liberty from license.

Frontier democracy and the New England town meeting are still ideals; the citizen felt he was a vital participant in the affairs of his time. But we wonder if television, perverse in some ways though it may be, hasn't made sort of a great town meeting of the whole country.

All this is not to say that there are no threats to liberty. It is up for redemption in every generation. It must be defended against the invasions of government and technology, and the violent excesses of radicalism. But we are confident it still is ingrained in the national consciousness as well as the national creed. Never has there been more protection for the spoken and printed word, as evidenced by the Supreme Court's decision on Wednesday, never more tolerance of provocative political action.

Indeed the country may perhaps be nearer than ever to accepting a verity from William Allen White: "Liberty is the only thing you cannot have unless you are willing to give it to others." If today's youth can make its celebrated passion for freedom serve society rather than indulgent self, some of our finest national examples may still be ahead. That necessarily will entail some sacrifice, and discipline.

H.R. 3658: THE CONQUEST OF CANCER ACT

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. PRYOR of Arkansas. Mr. Speaker, several of my constituents from Monticello, Ark., have recently contacted me with reference to their endorsement of H.R. 3658, the Conquest of Cancer Act, which I am sponsoring with several of my colleagues. This proposed legislation would set up a National Cancer Authority which would undertake a sustained, large-scale attack on the causes of cancer. It would authorize $400 million for research immediately and would increase this amount up to $1 billion a year as soon as possible.

The Conquest of Cancer Act embodies the recommendations of a distinguished national panel of consultants to the Yarborough Health Subcommittee of the Senate Labor and Public Welfare Committee. The members of this panel concluded that a massive and systematic attack on cancer is feasible and is a matter of urgent priority. Over 300,000 Americans each year die of this dreaded disease. It has been estimated that nearly one-fourth of the population of the United States will develop some form of cancer. Its victims include persons of all ages.

I do hope that this very important piece of legislation will be reported out of committee and brought to the House floor for a vote this session.

Mr. Speaker, I include in the Extensions of Remarks of the RECORD the names of my constituents who have endorsed H.R. 3658.

Dr. Alton Boyd, Espie Moore, Eleanor Sullivan, Betty Bordeaux, Clara Willis, Ollie Faye Sanderlin, R. L. Kirchman, Elizabeth W. Chandler, Nell King, Mary Deaton.

Linnie Hogue, Bivian E. Watts, Larry Smith, Kenneth Conaway, William E. Smith, Dorothy Gartman, Emma Jean Wiscaver, Denise Laneford, Alice S. Bates, Margaret S. Wilson.

Bernice H. Durham, Leslie Beard, Bill Groce, Ruth Boyd, Harold R. Aiken, Boyce Davis, Dr. Scott Boyd, Jo Ann S. Johnson, Louise Handly, Carlis Johnson.

Linda E. Fortenberry, Charolette Shook, Phillip M. Caurson, Dareed Miller, Geraldine Sanders, Tommy Neuman, Becky Walker Hunter, Richard H. Goodgame, Tommy Maxwell.

Kay Harrod, Lana Jackson, Ronnie Toon, Sandra Siedell, Bill Corder, Verniece Phillips, Billy McCall, Sudean Goodpaster, Susan Hughes, Mary Jane Bell.

Kaye Francis Lindsey, W. R. Rana, Deborah Booker, Pam Sutton, Phyllis Ball, Evangeline Keith, Mary Jean Hollins, Ronald Gibson, Joann Thomas.

Sarah Waters, Georgia Toney, Dr. C. C. Curry, John L. Shelby, Frances C. Daniels, Merrill R. Pritchett, Linda Hopper, Debby Bobnett, Dr. Cecil Haywood, Dr. Jesse M. Coker.

Dr. D. Wayne Puckett, Sarah Hundley, Dr. Tony Chandler, Irene Puckett, Dr. L. N. Wright, Claudia Hartness, Thelma Collie, Vella Davis, Alfred S. K. Hui, D. Wayne Divine, J. G. Webb, Joseph Guenter.

ADDRESS BY GEN. RALPH E. HAINES, JR.

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. DOWNING. Mr. Speaker, several weeks ago, Gen. Ralph E. Haines, Jr., commanding general of the Continental Army Command of the United States, made an outstanding and significant address to the Virginia Peninsula Chapter of the Association of the U.S. Army at Fort Eustis, Va. What the general had to say is so timely and so important that I want to share his remarks with my colleagues.

As we all know in these troubled days, the Armed Forces of our Nation are being blamed for practically everything bad that happens. General Haines says that the American people "must hear the other side" and he proceeds to do just that. The general's entire speech was informative and interesting. He discusses with candor and clarity the problems facing the Army and the necessity for having a changing Army for changing times. His analysis of today's youth is something that should be read by everyone.

I have listened to many outstanding speeches during my lifetime, but General Haines' address that evening was one which will not fade from my memory.

The address follows:

REMARKS BY GEN. RALPH E. HAINES, JR.

Mr. Covington, Congressman Downing, Officers of the Peninsula Chapter, General Schtitz, Distinguished Guests, Ladies and Gentleman:

It is a great pleasure for me to be here this evening and to speak to you while standing on home ground here in the Peninsula Chapter.

I always take special pride in addressing the members and friends of the Association of the United States Army. I welcome the opportunity to be among those who acknowledge the role of the armed forces in our society . . . who are concerned about the security of this great Nation. To those of us in the military who regard ourselves as servants of the people, it is reassuring, during these troubled times, to know that we have such loyal friends as are represented here tonight.

Since 1950, I have watched AUSA grow and develop into a strong, viable, and highly respected national organization. For almost 21 years, AUSA has contributed its full resources to advancing the security of the United States . . . to informing the American people of the fundamental facts and factors pertaining to national defense . . . to fostering public understanding and support of the entire army . . . to promoting greater recognition of the military profession . . . and to advancing the well-being and opportunities of those who pursue a military career.

I am gratified by the size of our gathering here and by the results of our recently concluded membership drive. I commend those whose efforts have brought about a revival of interest in our chapter and increased participation in its activities within the community. But I am certain that we can do better, and that we must all work harder to see that our chapter attains the degree of effectiveness that its significance warrants. In this connection, I continue to believe that there must be a greater focus of effort devoted to increased enrollment of local businessmen in the association. They are truly the missing links—if I may use such a term—in the fabric of our organization. By way of encouraging these further efforts, let me point out that we are playing for some very high stakes. This association is not designed as a purely social entity. Everyone who follows current events is aware of the extent and the forcefulness of the influences that seek today to degrade the security posture of our nation. President Nixon said recently:

"It is open season on the Armed Forces. Military programs are ridiculed as needless if not deliberate waste. The military profession is derided in some of the best circles.

Patriotism is considered by some to be a backward, unfashionable fetish of the uneducated and unsophisticated."

We must see to it that the American people hear the other side and recognize the distortions in the views the President has cited. And the effectiveness with which we do this is magnified when civilian spokesmen carry our message. Thus, it is for good reason that I stress once more that the new lease of our chapter begins—and only begins—with maximum military support. It is fulfilled by our attracting a full complement of responsible and respected civilian leaders.

Our position here on the Peninsula is an enviable one. We have a broad base of military support from Fort Monroe, Fort Eustis and the Recruiting Command. We have an excellent source of strength and a broad variety of facilities upon which to draw. Furthermore, the Peninsula community is one that is both an experienced host to the military presence and a traditional fount of patriotism. So, if we can't build one of the strongest chapters in the AUSA here, there's something wrong, not with our situation, but with us.

I should now like to move from our local chapter to the international scene.

There is an old story about the King of Athens, who, on a visit to the King of Sparta during one of their rare friendly periods, asked: "Where are the fortified walls to protect your people?" The King of Sparta took his guest to the training ground and showed him his soldiers drilling. "These are the walls of Sparta," he said.

How true that is with us today. We Americans have never been very fond of building walls around our borders. First of all, we have sought—with more success than most nations—to make good neighbors of the peoples who live next door to us. In the second place, we have always known that no fortification is as effective as well trained individuals and units that can go where the trouble is before the trouble comes to us.

Today the United States has men stationed in scores of lands and nations around the globe. They are parts of the "Wall"—if you want to call it that—behind which we live the kind of free and democratic lives that our forefathers envisioned for us; behind which we labor to help other freedom-loving people attain their rightful place among the nations of the world; and behind which we seek in every way that we know to attain a just and lasting peace.

Our fighting men in Vietnam today are making their down payment on the cause of freedom in the currency of personal sacrifice and personal involvement—just as the soldiers of other battlefields made their contribution in years gone by.

But, as the war winds down in Vietnam and men return to the United States, our Army faces new challenges. Congressional authorization for the draft, upon which we have depended to provide us with the quality and quantity of manpower required to meet our needs, will expire on 30 June of this year. Its extension is still being debated in the Senate. Although the President has requested a draft extension in the strongest terms, he has committed his administration to seek an all-volunteer force by mid-1973. Secretary Resor and General Westmoreland have pledged the Army to do everything within its means to move toward a zero draft. The charge on all of us is very great indeed. Obviously, we must increase service attractiveness and public respect for our Army, while improving its professionalism and discipline (and I emphasize those last two words), if we are even to approach our goal. This is our announced aim today as we embark on an all-out effort to promote a Modern Volunteer Army.

I recognize that many of you are concerned about any proposed termination of a militray draft system and reliance on fully voluntary armed forces. I would agree that prudence demands that we keep draft legislation on the books until we can demonstrate conclusively that a volunteer army is both feasible and effective in the discharge of its assigned responsibilities. The Army has always measured its strength not in weapons or machines, but in people. The fact that these people today come from every geographical area of our country and every segment of our society gives us what we must have—an Army of, by, and for the people. If we are able to shift to a volunteer force, we must do so without creating a gap between the Army and the people the Army is designed to serve.

I also recognize that there are probably skeptics among you as to the effectiveness of the ways in which the Army is seeking to improve its image and to enhance its attractiveness as a profession. I sense that there is a shaking of heads about longer haircuts, no more reveille and beer in the mess halls. I can only reply that we have solicited ideas from a broad spectrum of responsible Army leaders and are currently in a test period, trying out ideas which we consider have merit, confining these experiments to selected locations, which are kept under carefully controlled conditions. Changes are always difficult, particularly in a stable institution such as the Army—and especially when they alter proven methods. But times are changing; and we must be responsive to social change, without compromising basic values, if we hope to remain in contact with, and to communicate with, the soldiers we lead in combat. I assure you, we will not knowingly do anything which impairs the ability of the Army to fight—which must remain our primary mission. As the trainer of men and units for our entire Army, we in the Continental Army Command are acutely mindful of our responsibilities to a professional Army—and intend to improve rather than degrade the professionalism within the context of the Modern Volunteer Army.

To say only this about the Volunteer Army Program might very well appear to be an attempt, on my part, to "sugar coat the pill." There are very good reasons for the changes we are testing within the Army, and with your indulgence, I'd like to delineate a few. One must begin at the beginning, and in this case by analyzing the young men of contemporary American society in terms of the values and attitudes that they bring with them into the military and which condition or produce their response to the Army.

Born into post-World War II America, too young to have any recollection of the Korean War, they know only a nation that, in their lives, has not been challenged by any threat and has required it fully to exercise its power. Instead of such a direct challenge, these men are confronted by the prolonged uncertainty of the Selective Service System. Here, their "Friends and Neighbors," who, as the local draft board, make basic decisions about their futures, are faceless strangers. The mobility that has come to characterize the American family of the mid-twentieth century produces this kind of estrangement. The draft board, however, is only one of many institutions with which today's youth cannot relate easily. Long before they reach adolescence, they begin to find fault with the society in which they live. Having neither experienced nor witnessed hunger or privation, they assume that affluence is a right, not a reward for work. They have both the time and, at least in their minds, the perception to challenge the time-honored, the valued, and the traditional, and to demand that these elements of their heritage demonstrate, to their satisfaction, that they remain valid. They are quick to detect the inconsistencies between our stated beliefs as a Nation, in areas such as equal opportunity for all our citizenry—and the discriminatory practices—often subtle in nature—which we continue to countenance. Their environment affects their attitudes also. The incessant bombardment, through all the varied media, by commercial advertising has a deadening effect upon the confidence of youth in the presence of truth within our society. From their earliest moments, they instinctively doubt that "new improved brand X toothpaste" will really give their mouths sex appeal, as their television baby sitter says it will. Additionally, our youth are conditioned by the prevalence of cheating in school for the purpose of avoiding study or of meeting the increasingly stiff competition for grades, needed by those wishing to gain admittance to college.

Thus, the beginnings of the "Now" generation's activism seem to lie, in part, in normal youthful energy compounded by a lack of challenge and a cynicism born of sustained exposure to falsehood. This activism has been pandered to by major institutions of the society. As our young people have applied pressure for change, families, schools, churches, and political parties have fallen back or shifted directions. In their encounter with the military, they have experienced a severe case of "culture shock." They have found an institution which will not compromise its principles or values. The response, or reaction of some of our youth to this discovery has been violent and has been reflected in such acts as dynamiting or burning of ROTC facilities, flight to foreign nations that will harbor deserters and draft evaders, heavy drug use, or radical dissent inside and outside of our armed services. Supporting and emanating from these reactions is a peculiarly rabid brand of propaganda that seeks to characterize the military in general, and the Army in particular—we are, after all, the bad guys who cause the draft—as war mongers. We are caricatured as being eager for war in order that we might inflate the size of our military forces at the expense of other pressing national needs and, thus, gain personal glory and promotion.

What does all of this indicate? Are we hopelessly alienated from the very youth from which we must draw the strength needed to defend the Nation? I cannot believe so. Despite the fact that we bridle under the lash of young people's often unreasonable criticism, we can readily agree that they have identified aspects of our society that are in need of change. Most of our youth accept and value the basic tenets upon which our country was founded; but they qualify their belief in them by insisting that error and hypocrisy be corrected and that the goals we have established for ourselves be consistently and sincerely pursued. Frankly, I find comfort in the identity of purpose and principle between us. We will, however, have to approach our youth in ways, and through means, that differ from techniques we have used in the past. It is precisely because the Army is aware of the necessity for such changes that we are seeking to remove from Army life irritants that we have found distract us from devoting our full attention and energies to our primary duties.

As we get on with our task, I believe we must adopt a positive attitude, avoiding distraction by headlines. I read recently in Army Magazine a very eloquent and forceful article by a friend of long standing, now retired, voicing his sincere concern that deterioration of discipline within the services is leading to our military collapse. I have nothing but the highest respect and admiration for that gentleman. He and I agree in most areas. However, I see the problem currently faced by the Army in somewhat different terms. I see our leadership being challenged, rather than our authority. I see a great need for progress rather than reaction. I deplore as much as my friend the gradual erosion of our fighting capabilities in Vietnam. For almost six years since the buildup in Vietnam, our leadership there has sought to preserve those capabilities despite a near social revolution at home, a carping and often hostile press, the strongest sort of criticism or deprecation about the conduct of the war by many leading members of the Congress, and a singular lack of support by the citizenry of this land as a whole.

I prefer to leave judgments as to the rights or wrongs of this war to the long view of history—although I find it difficult to accept the logic of those who, through a strange transposition of fact, have sought to transform the aggressor into the aggrieved. The soldiers responsibility is simply to carry out the mandate of duly constituted civilian authority. In my view, he has discharged that responsibility well and faithfully in a type of war quite different from any in our Nation's history. Living for weeks on end in an inhospitable environment of mountains, jungles, and swamps, he has fought eyeball-to-eyeball with a vicious and cunning enemy . . . and generally beaten him at his own game. The fact that he continues to fight what an increasing number of his countrymen choose to call an immoral war as well as he does is a tribute to, and not an indictment of, his steadfastness and the quality of his leadership. We have never in our history been charged with disengaging from a war without benefit of an armistice or a surrender instrument—and I assure you it is a most difficult thing to do . . . and, at the same time, to tidy up the battlefield and retrograde far more of our equipment and supplies than we have in any previous conflict. These things we must accomplish in an orderly manner if we are to conserve our human and materiel resources.

We are today, psychologically at least, in a post-war period. Our job in CONARC is to rebuild the dignity, pride and motivation of our Army. After every war there has been a tendency toward a drop in morale, esprit, and prestige for the man in uniform. We must work to overcome this tendency, because of its deleterious effect on both the man in uniform and the public. The dedication of the soldier and the confidence of the people in him are principal ingredients of our national strength. The Nation will be the loser if, over the long term, the dignity and pride of the soldier are undermined.

Further, we must re-emphasize the element of challenge within our service. It is challenge, not easy living, that will attract good young men to join the Army. By the same token, that challenge, translated into meaningful service, will keep them in the Army—not a Madison Avenue slogan nor a fancy wall poster. Our young people in service must see the future as affording them the opportunity for accomplishment in areas which they believe in and thus consider relevant.

We in the Army accept our responsibilities for the welfare of the private soldier. We strive in our training centers to give him the best possible training in order to prepare him for the supreme tests that he will be required to meet. But there exist higher responsibilities to the American people, especially the disadvantaged, which today only the military seems to be in a position to fulfill. Each year we take into the Army a quota of young men who, for medical or educational reasons, would not normally be accepted into the service.

Since the start of this program in 1966, we have trained nearly 200,000 of these men—in many cases providing them with the very rudimentary capability of reading at the fifth grade level of comprehension. Although only about 30% of these men are eligible to reenlist and achieve career soldier status, the important thing is that we have given them a chance. We have taken some away from street environment that leads to a life dependent on charity or welfare, and have given another solution to others who would resort to a life of lawlessness. While this program does little to improve our reenlistment rates or provide the most productive investment of our training dollar, we can agree that it does in some way fulfill our duty to serve our citizenry.

Our responsibilities to the soldier no longer end with his discharge from the service. There is no ready position in civilian life for a young man whose training has been concerned only with combat skills—closing with the enemy on foot, driving a tank, or loading an artillery piece. On a voluntary basis, we now train these men during their last six months of service in a civilian job skill so that they are immediately employable upon discharge. We are assisted greatly in this effort by various civilian businesses, municipal, state, and federal agencies—who conduct formal classes and on-the-job training for interested soldiers. This program which we call Project Transition is conducted on a priority basis, beginning with those who are disabled by wounds and those who had no civilian job skill upon entry into service. It reflects a growing awareness and empathy for the individual American soldier. I firmly believe that programs such as this are of paramount importance if we are to expect and demand his loyal service.

We have other problems in our Army today—related to dissent, drug abuse, and race relations. We are attempting to face up to these problems in a straight-forward manner and to bring all our energies to bear on their solution. The challenges posed by contemporary problems can only be met by leadership of the highest order at all echelons of our Army.

May I offer this brief quote:

"There are people who live in America—and there are Americans."

These words were spoken by a young lieutenant as he arrived home after twelve months as an infantry platoon leader and company commander in South Vietnam. He did not seem to be overly impressed with the dangers and hardships he had faced, nor even with the enormous burdens of combat leadership which he had borne. Instead he had come to realize that always in our midst are the ready and the reluctant—those who carry their share of the load and those who turn and walk away. Clearly etched in his mind was the overriding importance of personal responsibility.

It is this sense of personal responsibility that each of us must feel. We cannot stand on the sidelines with our hands in our pockets. We must roll up our sleeves and become involved. We have today an enormous opportunity to develop for our nation a first-class Modern Volunteer Army. Our government wants such a force, our young men need such a challenge; and we who are devoted to maintaining and improving the Army must make every effort to build such a force and to provide such a challenge.

But as General Westmoreland said in Williamsburg several months ago, "We will (also) need the support of the American people and their leaders in business, industry, the church, education and news media. We cannot attract the soldier we need into an organization denigrated by some, directly attacked by others, and halfheartedly supported by many. This country cannot have it both ways. If the Army is portrayed and believed as a service to be avoided at all costs, a service in which only those with the least qualifications need be recruited, and if we do not have the active help of community and national leaders in every field, even money will not do the job."

Our Army's past success resulted from the foresight and determination of those who served their country before us. We must all, civilian and military alike, live and work in the awareness of the obligation we bear, because this heritage is now in our safekeeping. I can close on no more appropriate note than a quote from our commander-in-chief to the graduating class at West Point several days ago. He said: "We stand at what well could be a turning point in modern history. But this momentous opportunity will slip away if America is lulled into wishful thinking and passive policies . . . events (today) offer us not a gift of ease but a summons to action. We must be more resourceful than ever in the pursuit of peace, and at the same time more determined than ever in the maintenance of our defenses."

To that I can only echo a fervent amen.

BARRIERS TO MANPOWER MOBILITY AND UTILIZATION IN THE HEALTH CARE FIELD

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. WALDIE. Mr. Speaker, equitable health care in the United States is set on a declining course. Our urban ghettos suffer under a burden of inadequate facilities and expensive medical costs. Rural America, too, is neglected and overlooked in the rush to provide skilled assistance.

A report has come to my attention concerning the "Barriers to Manpower Mobility and Utilization" in the health care field. Hendrik Blum, M.D., professor and head of the health administration program for the school of Public Health in Berkeley prepared this text for the National Health Council.

It spells out the barriers erected to prevent the best utilization of manpower. But even more, it provides the probable solutions to solving this dilemma.

Health care must become relevant to its society or it serves no useful purpose. And more importantly, the public has to involve itself with its community health policy in order for it to better conform with local needs and demands.

The Congress should be informed on this vital subject and it is with this purpose that I submit the following text:

BARRIERS TO MANPOWER MOBILITY AND UTILIZATION

(By Hendrik Blum, M.D.)

I. HEALTH AND HEALTH CARE: EXPECTATIONS AND MANPOWER

National expectations, political promisers, and health care purveyors have all and always promised that no one will go without health care. Our cards are being called by a society that believes that it can afford anything within reason. Why don't we, as a nation, as politicians, as purveyors, deliver on our promises to ourselves? Is it confusion, poverty, mistrust, greed, or just a low priority for health as compared to war-making and space-inflating prestige? It is these things and many more.

We expect an intelligent assessment by a health professional of what ails a patient, but experience has taught us that we can't expect much in the way of any kind of assessment of our national patient's complaints of (1) no care; (2) poor care; (3) irrelevant care; (4) unacceptable care; (5) expensive care.

A. Health status is not synonymous with health care

To begin with, experience tells me that it is customary in all health circles to confuse health care services with health. Health is depicted in Figure I as a state of somatic, psychic, and social well-being that is heavily affected by four major sets of influences:

genetics, environment, personal habits (behavior), and health services.

In our country we are quite sure that most of the time health services are not the most important of the four sets of factors that influence our well-being.[1,2] It is not so surprising therefore that with what is already the highest level of health expenditures in the world, we do not have much to show for the five billion dollar annual increase in our health bills in each of the past five years.[3,4,5]

B. *Why have we assembled to discuss health manpower?*

We have had bad repercussions from the fiancial coverage of two small segments of the population: the aged and a fraction of the poor. This was in great part caused by lack of any commensurate increase in trained manpower and by having no mechanism to provide care where it was least available.

If our position about the inputs to health is correct we have excused the health purveyors from major direct responsibility for our national failure to adequately improve health, but they cannot be excused from the concerns about distribution of health care services. There are at least three basic reasons that force us to consider manpower issues.

1. Equity must be met. Health purveyors are poorly distributed and part of that national promise of equality of opportunity means equal access to the purveyors of care. Maldistribution of personnel and inadequate availability have to be rectified even though we can realistically anticipate that perfect distribution of health care services might at best add a year to the average span of life of our people. Purveyors are the visible and necessary symbol of health care even if they alone are not enough to improve health.

2. Costs must be controlled. By our failure to try to affect health needs intelligently (most of them arise from aspects of living other than deficient health care), by failing to even try to modify demands intelligently (more commonly, we inflame and raise care expectations by each new publicized technical or delivery scheme), by failing to produce adequate numbers and kinds of health care purveyors to cope with the needs and demands, by failing to devise or utilize delivery schemes that counter the tendency to overuse which results from the present purveyor dictated cost plus basis of medical practice, prices are being jacked up and the nation's wrath is being drawn upon the purveyors. Moreover, medical purveyors order the tests, the procedures, the drugs and the hospitalization for their patients. Even if their own take-home only accounts for 15 per cent of the health care bills, they are the visible keys to the costs.

3. Spokesmen for health must emerge. Health care purveyors must become the spokesmen for the well being of the people of America instead of for the purveyors of care. Through their opportunities they do know when people are ailing and why. What is bad for health will become the professional's concern or it will become the concern of some other group. Available, interested and qualified health manpower will be the means of meeting this challenge.

II. VALUES AND BELIEFS THAT MOTIVATE BEHAVIOR WHICH CREATES BARRIERS TO MANPOWER AVAILABILITY AND UTILIZATION IN THE HEALTH CARE FIELD

Values, attitudes and beliefs held currently by health professionals, educators and administrators are creating significant barriers to providing the required categories of manpower whether at the "port of entry" into health professions, forming and training new types of technicians or professional, or reordering or reorganizing traditional responsibilities. These are aided and abetted by general public attitudes as well.

A. *Professionalism*

Professionalism today is most evidently operating from the confused belief that quality, not relevancy, is the key to adequate medical care, and that no validation of this thesis is necessary. It then becomes possible to ignore the real meaning of professionalism which is to serve suitably those who need the professions' services. Quality is never defined in socially useful terms but has as its point of reference solely the purveyor's view of himself.

Quality of care as rendered by the purveyor is one thing, but quality of care as received by the patient is quite another matter. Although each procedure relating to a patient's care may have been masterfully executed, the actual results in terms of disease prevented, health or well-being restored, or productive life maintained are not necessarily reflected by the technical quality of the care rendered. The acceptability of care, the timing of the relation of the care to work and family responsibilities, the procedure in relation to the patient's ability to function socially may all be more critical than the quality of technology or medical skills applied. In fact, quality of care goes beyond what the individual received, for in the aggregate, society as a whole is also the recipient. What is seen as valuable to each man in the society may in fact be destructive to his society and thus eventually to him. The allocation of resources necessary to achieve certain levels of health services may cut into the ability of the economy to create the educational, industrial or agricultural basis from which the wherewithall is obtained for health services.[6]

Clearly, purveyor peer control for what is *rendered* must be paralleled by community peer control for the relevancy of what is *received*. Let us from now on talk about adequacy of care, or better still let us call it relevancy as others have.[7] Relevancy implies effects on someone. Above, we have distinguished technology as relevant to health professionals, well-being as relevant to consumers and costs as relevant to society. (I am indebted to Dr. Agnes Rovnanek whose penetrating thesis brings these issues into focus for me.)

Many of us are more than a little nauseated with the misleading professional din for peer control over "quality" as though quality were limited to medical definition. Under a half century of total peer control directed at "quality", our nation's people are still exposed to dangerous practices, many of its health practitioners excluded from useful contact with hospitals and continuing education, and one quarter of its population is significantly underserved.

Obviously, in any given society there will have to be trade-offs between the best possible technology, the maximum in results and costs, accessibility and scope of care. These trade-offs will of necessity have to be made by agreement among the technologists, purveyors, consumers and representatives of the body politic.

From the primary, inadequate and misleading assumption about quality the professional proceeds through a series of similarly questionable premises each of which adversely affects selection and education of professionals.

1. A misleading belief that quality of service is guaranteed by "quality" of the trained manpower. Unfortunately, there is evidence that technical quality varies under the circumstances of its application.[8]

2. A misleading belief that "quality" of manpower is in great part determined by wise selection for training among those who present themselves and that prior academic success and tests for brightness or aptitude are proper criteria. The correlation between academic grades and success in medical practice is apparently close to zero.

3. A misleading belief that quality of manpower is measured by what is stuffed into a trainee more than by measuring what he can do.

Licensing is in great part dependent upon presentations of a diploma attesting to duration and nature of exposure not to competency, and qualifying tests generally measure what can be crammed for and then regurgitated. Moreover, although great noises are made about the evanescent practical life of an education, there is still very little in the way of required continuing education, and much less in the way of continuing performance checks except for medical practitioners in certain elite hospitals.

4. A misleading belief that what is to be stuffed into a trainee and how it is to be done is the prerogative of his teachers. I can't help but be reminded of my four lectures on Ear, Nose and Throat as a medical student by four eminent professors, all of which resulted in my learning four different ways of getting a bean out of an ear.

Professional education is plagued by fast changes, and more, by generally inadequate teachers who operate from a position of the elitist expert dropping pearls or beans, rather than from a partnership for learning. Some happy exceptions at the least expert levels and some at the professional schools presage a happier day.[9]

5. A misleading belief that the institutional capacity to train for a given career is a suitable determinant of when and how many persons should be trained.[10] The overproduction of one or another class of practitioners such as the current surplus of general surgeons (also English, science and other Ph. D.'s), speaks clearly to the folly of this approach, just as though we can afford to waste training dollars and lives of trainees in one field while we happily run short in another.

6. A misleading belief that qualified trainees will automatically respond to the needs and provide their services where they are needed most. Although the opposite situation has finally been acknowledged by all parties, essentially nothing is ever said about requiring health practitioners to practice for a certain number of years in underserved areas in return for the privilege of receiving a societally subsidized education and entry into one of society's most rewarding occupations.

7. A misleading belief that a qualified trainee will so align himself with the other health servers and facilities that his service will be most efficiently and effectively utilized. Again the evidence is so contrary that validation must be avoided at all costs to maintain this myth. Health practitioners are no different from other mortals and in general can be expected to work out those arrangements which suit themselves best.

The foregoing are mistaken premises which the professionals "prefer". There is also a series of collateral beliefs which are usually denied or claimed to be of little consequence although evidence is to the contrary.

8. Professional pride will not be an obstacle to surrendering present prerogatives which adversely affect health care, or that seeking changes of roles or functions will not be seen as tantamount to an admission of deficiencies or oversights by a profession.

9. There will be no anxieties or fears on the part of health purveyors that will lead them to oppose the takeover of various activities, functions and roles by lesser trained and less well paid classes of purveyors. (Fear of professional and economic displacement have, in fact, been so prominent, on so many professional interfaces that the idea is laughable that the public interest only will be held uppermost by purveyors.)

10. The non-elite consumers can not understand enough to effectively participate in direction setting, but would learn just enough to dictate medical techniques.

This all sums up into one crowning belief that enough qualified personnel and quality

---

Footnotes at end of article.

facilities will solve all the health care problems. Yet we in the United States already have the highest per capita expenditures and with but a few exceptions the most of all health services in the world. Even in our citadels of medical care such as Boston or San Francisco we haven't come anywhere near meeting health needs of significant population segments and no end is in sight if we follow our professional instincts.

B. Bureaucratism

Although intended to lead us to the most effective delivery of what is needed, not unlike professionalism which focused inwards and came up with *quality* as its credo, bureaucratism, medical, health and educational, also turned inward and came up with the *happy allocations of inputs* as its credo. Bureaucracy almost never evaluates its outputs, nor accounts in terms of service results for the inputs it devours. Its happiness with input disposition is for and with itself, just as quality is the security blanket for the professions. Many misleading ways of thinking and doing business have arisen.

1. Professional quality should be recognized first of all and the most highly qualified or trained person should be in charge and paid accordingly. Evidence of failures is leading to reconsideration of the wisdom of this theorem.

2. The desirable level and relevancy of services is best attained by organizing along professional career lines rather than functional or output lines. Experiments using primarily functional concepts have appeared more frequently in the past decade, often under consumer or new-careers types of pressures. The verdicts are not clear, but are very suggestive that function is often a better guide than skill for organizational structuring.

3. Merit badges testify to capacity of personnel and should be written into job qualifications which must also specify roles, functions and activities for each merit badge classification. Unions now add to the impregnability of these harmful doctrines because of their concern that no one work out of classification, not even a little bit, and that pay be rigorously aligned with the dignity, complexity or danger of the work in each classification. Of course, nothing is said or done about alignments which pay streetsweepers more than orderlies, nurses or technicians.

4. Bureaucrats can wisely second guess public demands as to what will be tolerated or applauded by recipients of service. Much of the reluctance of public and private agencies to utilize minority personnel stems from administrative unwillingness to take any chances. Administrators also oppose the substitution of lesser merit badge holders for more statusful ones because of anticipated client complaints. In the same way the administrators have made foolish decisions about which services to offer, or the hours and places of offering them. Of course, a good bit of this may also be attributable to the desire for administrative ease of rendering service.

5. Consumers could not understand enough to participate effectively in setting policy but probably would learn enough to get into the day-to-day administrative decision making. Exceptions would of course be the elites who personally encounter few if any real blocks to service and they could be depended upon to understand the administrative outlook, for many of them have to administer in other organizations.

6. Enough money will solve all problems that good organization has not already solved. General starvation and half measures have been lived with by so many health organizations for so long that their chronic dissatisfaction with budgetary limitations added to their natural American belief in the therapeutic effects of money are bound to firm up the quite false belief that more money alone would really solve most consequential service problems.

7. Productivity is a function of employee reliability, faithfulness of employees service to the agency, employee cooperation with management, and meaningfulness of years of service. These desires are derived more from concerns about administrative burdens than for what is to be delivered and account for a good bit of the discrimination against employing untrained, potentially unruly, historically unreliable or disadvantaged group members. It also militates against attempts to hire the aged, new types of skills, or lesser skilled as substitutes for the more skilled.

C. Public attitudes and beliefs about health and health care

The American public wants to believe in the infallibility of its best educated experts, the healing power of money and our leadership in the health realm as well as other sectors. This has given rise to many misleading attitudes and beliefs.

1. Professionals are concerned with and understand consumer service needs. As a result, the successful practitioners in almost every field have been given *carte blanche* to dictate their own prerogatives, select entrants to their field, mandate the education to be given entrants, design licensure to enter and stay in the field, and conduct peer review to determine the adequacy of their own performance. Thus is supported the professional beliefs in quality.

2. Money can solve all problems. The history of our successful exploitation of natural resources and manpower to produce an unbelievable even if somewhat inequitably distributed superabundance has added to our belief in ourselves and in our production capacity. A free hand with money and the freest in the world towards the health sector, particularly so in the past ten years, has produced more inflation than health care or health. Fortunately, the notion is dying that an open purse combined with professional guidance will solve our health problems.

3. We have the best health and health care in the world. It is with anger, disbelief, and dismay that any United States audience hears of our stagnating health record and our drop behind one country after another. People in their rush to explain away this offense to their pride find it more possible to believe that delivery systems in other countries do reach people more effectively. As a result the public often comes up with the almost certainly erroneous conclusions that a better level and distribution of health care than we have is the cause of better health in those countries with a better health record. In spite of our growing awareness of our real health status and the size of expenditures we make compared to others, we still look for simple answers and forget the malignant effects of our affluent style of living on health and the health consequences of our poverty and starvation areas.

D. Other relevant public attitudes and beliefs

Public beliefs about our health system are paralleled by some nonhealth directed attitudes that cause other problems for the health sector.

1. A strong laboring class feeling that no one really cares about how much unemployment there is in the nation and that if true non-discrimination against women or minorities were practised it would pit cheaper labor against more expensive white males "who have to support families" and were "here first". There is ample validation that our government does close down its own operations as well as heavily subsidized industry for political and budgetary reasons and thereby dumps skilled or unskilled workers out of employment quite casually without any attempt to make sure that they are immediately absorbed elsewhere. Our leaders also make fiscal and monetary changes that slow up whole sectors of our economy, acknowledging that unemployment is a necessary concomitant to this approach to inflation control. It is no wonder that more recent white ethnic arrivals to our country are bitterly jealous of their jobs and prerogatives, that organized labor has not freely admitted minorities or that the first reaction of both is often to oppose policies that are intended to improve the education, services, benefits, or welfare programs that appear to be most beneficial to minorities.

2. Generalized racial and male chauvinism can be seen to subtly extend into the ranks of the bureaucrats, the educators, and the professionals as well. We all are aware of how members of one or another ethnic minority are always said to be glib, pushy, sneaky, dumb, and so on. In the selection process among entrants to careers, these tendencies toward stereotypes are often reinforced by anxieties on the part of minority persons who are aware that their ethnic group is in fact rarely admitted, that they have had a dismal schooling or carry a borderline record.

At one major well-publicized state university women make up 1 per cent of the tenured faculty and this represents recent improvement. It can't claim that there aren't enough lavatories to go around for both sexes as many engineering offices do. It can claim that there aren't enough women to choose from, but its own policies and counselling are no small factor in that state of affairs.

3. There is a pronounced national tolerence of an inadequate basic grade school education for those living in poverty and ghetto areas. As a problem secondary to our racial biases and our great regard for success, individuals from those cultures which do not place a great value on material progress are generally not thought of as being worthy of much concern or attention. Hand-me-down housing, jobs, schools and textbooks are good enough for such people. Their attitudes coupled with a pathetic education simply induces behavior which reinforces our beliefs that such people are not worth bothering with.

This has bred mutual disrepect, distrust and hatred, and the unserved who now more than ever want service from the hands of members of their own kind have thereby raised a new manpower barrier. But they still do not have the belief, the educational equipment or the financial avenues that will allow them to produce their own kind of providers of service.

4. There is an undeniable national tolerance of inadequate and irrelevant health care in poor and ghetto areas particularly. However, neglect of health care in the ghettos is apparently becoming more evident than neglect of standard of living, of jobs or of education. I would be inclined to say that this is occurring primarily because it is presumed to be easier to overcome health care delivery deficits than to overcome the more basic issues which give the underserved their higher rates of health need as well as their inability to participate in what is available generally.

III. SPECIFIC BARRIERS TO HEALTH MANPOWER AVAILABILITY AND UTILIZATION

Barriers are created by the behavior which results from the values, attitudes and beliefs of the public, health professionals, educators and administrators. These may result in partial or absolute blocks to entry into the health manpower categories or to mobility between them.

A. Entry into the more skilled health manpower categories

1. Inadequate basic educational preparation. We may all cluck when San Francisco is discovered to be using English I.Q. tests on its Spanish speaking children in 1970 and its retarded classes are full of these same children, most of whom are immediately moved to regular classes when tested in

Spanish. Could this have any slight relationship to the almost nonexistent Chicano contingent in the health or any other profession? Entry blocks are further aggravated by the generally poorer teaching and facilities in the ghettos, even to the point of not providing either college entrance type courses or useful technician training.

The University of California has in recent years become concerned at the infrequency of ethnic minority applicants. Investigations by one school found that there were indeed a good many minority students in the Bay Area qualified to enter but that they were counselled (for their own best interests) to avoid a "tough" school and misdirected to others and to less challenging career choices as well. Here we have the effects of bureaucrats and professionals in education overlooking the desperate needs for minority professionals.

2. Traditional barriers against entrance into training for health careers. The junior or community colleges are one of the heartening exceptions to the folly of admitting primarily on the basis of good grades, and fortunately they are rapidly assuming a larger share of the health manpower training. However, entrance into four year colleges is still very heavily grade bound, and entrance into graduate schools even more so.

Those categories requiring a bachelor, master or doctoral degree are with few exceptions still having a hard time finding disadvantaged applicants who meet their customary entrance requirements. When they relax entry requirements for minority students, a long unexercized concern for fair play tends to become very pronounced amongst the white public and the white students, administrators and professionals. We do share their so-called fear of lowering standards dangerously, but in our own experience when we substitute criteria such as evidence of high calibre community service and unusual capability, we have been able to waive the scholastic requirements for entry to graduate school and such students with a short briefing period are able to compete equally with their scholastically admissable classmates.

Even though there are many more so-called qualified students than places in medical school and public health schools the reasons for taking in so-called less qualified minority students remains well justified even beyond the single issue of equity. White professionals of any kind are no longer welcome in the poorly serviced minority ghettos and these are just the places with more illness per capita. Since minority professionals with the capacity, concern, and willingness to serve them remain at most at one fifth of the level available to white communities, we must increase their enrollment and be guided by capacity, not grades alone.

Similar problems often arise in the admissability and choice of students willing to work in the rural underserved areas.

Problems of admission are also posed in the attitudes about utilization of women. Are these difficulties based on sex bias, beliefs about the obligations of motherhood or beliefs about economic utility of training women whom it is assumed will not practice nearly so many years as men under the present delivery structure? Women do serve well and diligently in many other countries in the world. The oft-quoted examples of dropouts from U.S. nursing practice which are used to damn women from high status professions may only be evidence of the unsatisfying nature of a poorly paid, rotating shift, hodgepodge job for people who are overtrained in one sense and undertrained in another, people who earn little career respect. Insult is added to injury by minimal opportunity for movement up the ladder, for nurses cannot become physicians and can no longer become anaesthetists, administrators or social workers without very extensive, if not total, retraining.

The admission of older persons, some very determined and evidencing skill for community service, is also fraught with problems. There are legitimate issues of high educational investment for a relatively few years of practice and high incidence of health breakdown among older students in our experience. Again practitioners, educators and bureaucrats feel comfortable in making decisions about issues which are basically matters of economics, utility and suitability, matters about which they often know very little and in which society's stakes may be very high. Since education has to be expensively refurbished every few years in the more skilled professions, if initial educational investments can be lowered as is now promised in many medical schools, and if new types of practitioners are produced whose stock in trade does not anchor them to the great medical centers, older persons committed to work in the unserved areas may be a good bargain.

3. No means to obtain an education. Although most education to and through community colleges and a small part of it at four-year colleges and universities is very low cost, it is nonsense to say that education is "free" to anyone who wants it. Free of specific costs it may be, but it can be inaccessible even at the grammar school level for those who must work to eat, for those who can not afford the clothes, the transport or even the school incidentals.

B. Mobility to and through curriculum in accordance with what the students already know

Credit must be given for capacity already obtained and demonstrable. Many persons through one opportunity or another, often military or work as lab assistants or research assistants, have learned practice or theory or both about a skill area or a profession. Today they typically get no credit for competency in such an area, are made to repeat work or allowed to waste time doing make-work when they could have been examined, and if satisfactory, moved on to other areas of study they still need. Testing in this area may in some cases be as simply done as checking performance proficiency for one or many laboratory or patient care procedures or by use of regular exams for theory depending on what the particular field requires.

Current physician assistant programs tend to be heavily concerned with months of training rather than with proof of proficiency which might obviate much of the course work. Perhaps this is a necessary safeguard in a period of transition and experimentation with new professional careers. Today our school is beginning to use the equivalent of "final" exams upon entry to see if students already have reasonable proficiency. Where they demonstrably do, we waive so-called basic requirements to speed up their progress.

C. Movement between categories of health manpower

The topsyturvy growth of new health skills has typically arisen as one or another health care institution has felt great pressures to expand its capacity in one direction or to maximize the use of one bottleneck skill. As a result, some piece of skill or activity was carved off and a new worker, often someone already in a related level of skill who had been called upon to perform this duty, is assigned to do only this new function under a new title. Pride, status carving and demands for professionalism in the new role soon follow. The training base requisite for the skill is often forgotten in the confusion resulting from the pressures created by the type of worker who has found the transition easy and by his demands for tough future entry into the new field. Thus arises the curriculum of what is supposedly needed by future recruits. The problems that result fall in 2 major categories.

1. Up a new ladder. Many so-called medical specialties are classic examples of requiring a four year M.D. degree prior to dropping out of most of medicine into the new specialty. The need for a psychologist, psychiatric social worker or mental health nurse to get an M.D. in order to enter psychiatric training and become a psychiatrist seems to be a stretch beyond belief. These are costly excursions for society and the scenery isn't worth it for the candidates. Similar problems occur when biochemists or physiologists, or even nurses and dentists wish to become physicians. With rare exceptions they have had to put in a full tour of duty even though vast areas may be a total repetition, often at a lower level of proficiency than they already have, until they complete the prescribed servitude under the proper new auspices.

2. Up the same ladder. The longtime efforts of nursing to organize and train categories of workers relevant to duties has not received the credit it deserves. This is probably due to the failure of their efforts to improve the mobility between categories and an unconcern for how their demands for professional status (which included premature attempts to shut down 3 year hospital based schools) adversely affected the nation's ability to meet its nursing needs.

Again, concern for units of course work as the tests and symbols for capacity would for example force an orderly or an l.v.n. of demonstrated capacity to complete a standard college or hospital nursing program without getting one unit credit or one day's shortening of his time in school even though some things he is asked to repeat he may be able to do better than his instructors. In comparable straits are the three-year nurses who wish to go on for a baccalaureate.

The failure to look for common background bases among health care professionals or to rationalize what each requires, has left us with the need to start from the bottom up in each category since we don't acknowledge capacity or competency as the criteria of utility.

In practice, licensure or professional accreditation, closely followed by civil service, institutional and union requirements helps freeze these non-rational requirement blocks to mobility.

D. Movement of functions and skills from one category of trained worker to another

The transfer of functions and skills from one category of trained worker to another has been the most painful of all of our mobility disaster areas.

1. The removal of lower cost competition. In some cases lesser status skills are absorbed by practitioners with higher status degrees, as exemplified by the encroachment of M.D. anaesthetists on nurse anaesthetists. Although possibly justified by the shaky capacity of nurses 30 or 40 years ago, it was followed for years by the even shakier anaesthesie performance of medical students, interns, residents, and general practitioners who replaced experienced nurses before trained anaesthetists became generally available. The obstetricians who formerly did the same to midwives are now reconsidering and sponsoring them as well as similar workers in the field of diagnostic procedures in gynecology. Pathologists have acted similarly towards laboratory technologists, gently edging them to the abyss of inadequate qualification and then take-over. This is somewhat more of a financial manoeuvre than a manpower one since the pathologist (rarely trained in the basic laboratory work) goes on using the persons with lesser status and does not do their work himself. The anaesthetists might take note of this approach, and since they are truly more expert in what their assistants do, they have a justifiable interest in their supervision, as is true for the relationships between physicians or dentists

and their assistants. This has been a costly lesson for society to learn.

2. The experts prevent the use of simpler, faster or cheaper technologies by lesser skilled persons. A shift of duties in the opposite direction, where someone of lesser training takes over a function, has only been acceptable when the original performer of the duty was so pressed that he would not foreseeably ever again want to indulge in the act for money. Thinking back on my own experiences, in the early fifties we felt the anger of the radiologists over the mini-filming of chests by less skilled technicians and physician readers. This was shortly followed by the active sabotage by psychiatrists against attempts to disseminate mental health counselling via lesser skilled persons. We moved on to worse battles over the use of optometrists screening school children for defective vision, and to attempts at encouraging dentists without special credentials to use the simpler removeable appliances for orthodontic problems. This was then followed in the sixties by the anger of pathologists at the utilization of fluorescent stains as a replacement of the traditional pap smear, now a widely accepted procedure in which most of the work is done by modestly trained screeners.

We also moved on to genetic counselling by non-geneticists and to new battles with confused guardians of the public's health at our state department of public health. We never found any professional group immune from attempts at suppressing even experimental trials of apparently worthy and less expensive use of resources. Yet in every case that I have just described, the practitioners and guardians of the highest reaches of quality in their field were either too few or too disinterested or otherwise incapable of doing the numbers of procedures and of serving the numbers of people who were being sacrificed at the alter labeled of high quality.

That obstruction and harrassment is not restricted to the super experts in this our land of free enterprise is amply demonstrated by experiences with training and utilizing poverty workers. Trained on the job to do certain parts of the work of sanitarians, nurses, or social workers, some, even though uneducated, learned in a few months how to care for problems never well done by more skilled persons, e.g. guiding nurse "drop outs" to service. (Dropouts are persons in serious need of services who could not be brought to care by public health nurses.) The professional ploy to bar these skillful, on-the-job trained persons from regular jobs, which was the major initial reason for setting up the program using poverty workers, was to require a high school diploma of these people which they were years away from obtaining. This was done with the support of those keepers of the grail, the civil service professionals and without protest from public health professionals who well knew that personnel shortages as well as incapacity were badly limiting agency ability to reach those needing service most.

3. Professions squabble over shifts of duties from one service group to another. A classic example is the halting growth of opportunities in the eminently needed, and relatively simple activity known as Homemaker Service. The vagaries of the medicare legislation created a new name—Home Health Aide—for what is essentially the same service, The two names—Homemaker and Home Health Aide—now constitute a further basis for the smothering effect on the growth of this service which is so widely used in most western countries. The insistence by nursing and social work that strict limits and strict supervision must be exercised by both professions, has the ultimate effect that the Homemaker-Home Health Aide is severely limited in what she may do for ill patients in their houses. Moreover, the administration of such a service is discouragingly complicated by these professional inhibitions.

4. Professionally erected barriers that keep doctors and their patients out of hospitals as well as interfere with continuing education of physicians. Related to abscription of lesser skilled work by persons with higher skills or higher status skills, this phenomenon also represents the takeover from generalists by specialists. As specialists came into the ascendancy in hospitals over the past 30 years, the general men were often squeezed to the wall as to which procedures they would be allowed to do, always under the guise of improving quality. The results have slowly but surely been not unlike those we so regularly scoff at in England, the removal of many of the less specially qualified practitioners from the hospital. This has been a raging problem in New York for decades, and surfaces in San Francisco from time as the University-run city hospitals does its best to exclude neighborhood practitioners from working there.

What is also apparent is that quality of specialist performance has after all not always been supervised, presumably under the assumption that a specialist's high status is an adequate guarantee of competency and honesty.[8]

E. Movement of skilled workers into new output configurations vis a vis other types of workers

1. Resistance to team approaches and sharing of roles. Among the experimental administrative approaches designed to allow workers to share their skills in an attempt to handle complex human problems, the new team configurations seem to hold promise. But attempts to team up workers from several professions will rapidly raise the issue not of who has the key relationship to the patient, but who is in charge of the team. The idea that team relationships would at least vary for each team set up because of the personalities and capacities it encompassed, or that the team relationships might vary with the needs of each client, are hard to make operable in the status and profession oriented world of health workers. The ideal team leader, in one case, for patient care might be a nurse, or a social worker, but their role is often restricted, sometimes only because the more statusful but less relevant physician member must have the last word or even the only word.

2. Resistance to creation of more generic workers. Setting up services in which functions or activities formerly reserved for one or another profession are now utilized by all members of the staff in accordance with their capacity is the converse of the changes discussed above.[11] This approach rapidly draws the wrath of all professions concerned for it superficially suggests that if a one man team can practice and produce as well as or better than a handful of separate practitioners who refer the patient to one another, the separate professions must not really be all that expert or meaningful. Attempts at fielding a generic family worker doing traditional public health, school, and mental health nursing, and in addition welfare and probation type social work made it clear to me that the threats to most professions was very high. It also seemed clear that offering other kinds of truly meaningful community status recognition might well have overcome the fears and prejudices generated by a worker's own immediate professional associates.

F. Availability as well as movement of workers to and from underserved areas

1. Less professionals are drawn from the urban underserved areas (and this is probably true as well for the underserved rural areas). There are not only less role models to be observed, but for reasons of poor initial schooling and lesser means, advanced schooling seems further away and is in fact harder to come by for poor people. Those who do generate the energy and purpose to make it are not typical and are very likely not to return to communities comparable to the ones from which they were recruited.

2. Underserved areas whether depressed or not are generally not seen as attractive. Perhaps certain rural areas are seen as ideal out of doors living country, but probably a majority of populated rural areas are in fact not attractive to an affluent sports lover who can do better nowadays from a central city location. Are there other potential major attractions? Antiquated or poor schools, few comparably educated persons with whom the family can associate, a dearth of spare time avocational choices, less opportunity to keep up professionally, 24 hour availability and less opportunities to get off call seem to make up anything but an attractive package. In the isolated areas there is also often none of the equipment, or the galaxy of specialists to whom the professional can turn to in his anxiety over more difficult or unusual cases. In the ghetto, home and office life may also be under significant and obvious threat much too often.

Moreover, in neither the rural nor the urban undeserved areas is there much reason to think that earnings will be better. If anything, the inflated demand for services created by recent financing measures such as Medicare actually helps doctors to move wherever they wish, usually away from the areas where they are needed the most towards areas where it would be most fun to live but where there are the fewest underserved persons.

Status might be the other great reward to promote mobility in the needed directions. However, status comes from one's peers first, by nature of work as well as from social relationships, which typically grow out of one's work associates. Clearly these rewards presently pull professionals in the wrong direction.

Community award of status, once so satisfying, is less often well expressed today and to many a community dweller circumvents his neighborhood practitioner to head for the so-called experts over the hill.

3. Failure to train generalists who can practice at the neighborhood or rural level. Although urban underserved areas have the population to justify the use of teams of specialists, and can provide them then with ample backup facilities, the urban as well as the underserved rural areas also need general practitioner and teams built around them. Teams built out of only specialists pose many problems of cultural digestion even if well garnished with cultural bridgers or outreachers. The client has also been well taken in by the myth of the wonders of specialization and he is not aware of the need for a generalist who has some concept of all the systems at risk, who in my opinion would undoubtedly be the best, least expensive and least dangerous first stop for health care.

4. Failure to provide formal backup to generalists. Without formally committed central facility and specialist backup ties, even a well trained generalist could probably not comfortably undertake duties when he practices alone or with an outreach or assistant team for company. He is often not able to use good facilities for either reasons of exclusion or because they are not available in his area altogether. The virtues of the HMO's[12] and the HCC's[13] lie particularly in their intent to offer this feature of secure backup for the patients of any doctor or team, irrespective of the patient's means or distance from the necessary services.

5. The issue of discouragement of professionals. When a high proportion of a practitioner's clients cannot afford or cannot obtain needed procedures and drugs, when many are facing serious undernutrition, when many doctors cannot understand their

---

Footnotes at end of article.

clients or know that their clients cannot understand them, there is a tremendous strain imposed on professionals. Competent ones know that they can't cover all the bases that must be served if their clients are to be kept in or restored to good health, that these services lie outside the reach of physicians even if physicians understand the need for them. Some practitioners steel themselves to such insights and do those things that their training and circumstances allow them to. Helpers yes, often life saving ones, but too often not able to secure for their patients what they really need most.

6. The problems of licensure, reciprocity, continuing education, and state legislation in relation to foreign as well as domestic graduates of medical schools are being dealt with in another forum paper.

IV. ADAPTING TO OVERCOME OCCUPATIONAL BARRIERS

I will not attempt to describe interventions calculated to overcome each and every barrier already described. However, several areas are worth elaborating upon because they would not only help provide mobility in the directions desired but in quantities sufficient to do the job. Moreover, they are generally supportive of principles of equity (such as equality of opportunity) and of efficiency (such as making more services available for the same amounts of money). I dislike offering a package of panaceas without the opportunity to explore the problems or dysbenefits associated with each and without a chance to scrutinize other alternatives. However, since illustrious commissions do no better, I felt that these ideas, old and new, deserved an airing since they are at least addressed to the real manpower problems.

I am not excluding the recommendations made by the Carnegie Foundation and others, but pressing for organized attack on the main manpower barriers.

A. Overcoming pre-entry barriers at the same time as decreasing needs

As already pointed out, interventions from outside the health sector will have much the most to do with cutting the need for health care among the underserved, and would eliminate much of the dispartity between the haves and havenots in their ability to produce as well as to consume health manpower. However, just because we are not called upon to minister to educational and economic wants as health professionals does not give us an excuse to look the other way. It is our health professions that have the mass of poverty-caused illness thrust upon them, and the health professions are the ones who will get the blame for failing to overcome it.

We have to press for adequate educational offerings in all schools, and the funding to keep every needy child in school, fed, clothed, and supplied with enough of the necessities to keep going to that school.

B. Overcoming entry barriers

1. Specifically we as health professionals through our galaxy of agents and associations have got to get off our butts and get our knowledgeable representatives into the schools of the ghetto and of stagnating rural areas. Perhaps best done through the community colleges whose presence may make it seem more real a) we have to get the grammar school and high school curricula into acceptable form for students who wish to go on into the health professions, b) the counsellors must be encouraged and gotten to a sensible focus so that every kind of reasonable inducement is offered to children from areas short of professionals to see the virtue and possibilities of a health care career. And let us use our minority professionals to the hilt so that examples of their participation are not wanting in the eyes of the children. c) Community colleges serving underserved areas must be assisted in getting their health curricula in order. d) Evidence must be offered from the professional schools and nearby universities and colleges that health careers are indeed open to people in underserved areas. Spearheading the above tasks in their territory would be a requirement for HMO or HCC franchises once they come into existence.

2. Funds must be obtained for support of all students in health careers. Loans seem unwise for the simpler skills, the virtue of loans over gifts for training at the higher levels need not be debated here. The Carnegie proposals for support of institutions and students seem sensible.

3. New criteria must be designed to determine relevancy of candidates for health careers. Most obviously the criteria should assist in providing a solution to the problems we now have without obviously promoting worse or new problems. The old decision-making aids such as grades have to be put in a suitable perspective secondary to some new ones. Until need declines, at least 25 per cent of all candidates accepted to each and every service health career in each training institution must meet all four of the following criteria (by 5 per cent increment annually so that by 1976, 25 per cent are enrolled) even though their grades may not be of the so-called customary caliber:

(a) provide evidence of proven capacity to have done meaningful work in undeserved areas.

(b) be reasonably convincing as to their commitment to continue to work in underserved areas

(c) appear suitable for work in underserved areas in a health capacity

(d) guarantee two years of service in an underserved area for each year of education received and before there can be any question of admittance to any advanced health career. The issue of age, given reasonable health status, should be offset by evidence of high capacity in the above criteria.

C. Overcoming relevancy barriers by consumer/provider mutual education and decisionmaking

1. The concept of *relevancy* of care must be substituted for that of *quality*. By so doing, we can in each of our communities come up with a sensible view of what manpower problems it faces and set about getting solutions that are acceptable. These solutions must also lie within the flexible national framework of career patterns and standards so that we add no new barriers to necessary change.

What are these factors of relevancy of care?

a. Technical adequacy of procedures and of the professional skills of applying them (so-called medical quality)

b. Accessibility to adequate scope and amounts of care for patients, including such matters as physical proximity, hours of service, and eligibility to obtain care.

c. Adequate financing to cover all needed aspects of care.

d. Acceptability of care to patients

e. Good patient outcome in terms of maintaining health, minimizing illness, minimizing disability for work and for other social functions and minimizing premature death

f. A bearable level of all consequent costs to individuals and to society both presently and in the long term.

2. All health background and training programs at the Associate Arts level or lower should be required to meet fairly general content or performance tests nationwide so that students from any A.A. program can legitimately get course credit towards his career from other shcools or towards his A.A. degree.

D. Overcoming barriers to career changes between parallel skills or to more advanced ones

1. We must begin to use common or uniform health background bases at several levels of health worker: The comparable A.A. degree must be acceptable nationwide for any health skill that terminates at the A.A. level, and credit given for relevant courses if A.A. level career switches are sought.

2. There should be allowance for much if not all of the A.A. credit in health sciences for those going on to a career at the Bachelor level in the health sciences and full credit for the relevant Bachelor's level courses must be given when transferring from one Bachelor's level skill to another.

3. Allowance of credit must be made for much if not all of the A.B. in health sciences for those going on to the master's level in health sciences, and full credit given for the relevant courses for those changing from one master's level of skill to another.

4. Following the same logic we must do the same at the doctoral and then at the specialty board level. There already are some significant exchanges of credit now in operation at the specialty level of physician training.

E. Overcoming traditional curricular barriers by turning out medical practitioners in appropriate length schooling

Consistent with the removal of entry, horizontal and vertical barriers for candidates evincing capacity for change or advancement, there is the need for putting the basic curricula into a format that brings relevancy for the training of the future medical deliverers of care into line with relevant and needed services. Moreover, this scheme would extend some eight years of schooling after high school over 14 or more years guaranteeing a better span of continuing education.

1. Creation of an A.M., Associate of Medicine degree, which applies to all physician assistants. (Two years in a college of medicine or other medically affiliated college after completing high school.)

2. Creation of the M.B., Bachelor of Medicine, degree which is the basic medical degree (two years in a college of medicine after attaining the A.M.)

3. Creation of the M.M., Master of Medicine, degree which is the basic specialist degree (two years of residency training after the M.B.)

4. Creation of the M.D., doctor's degree in medicine which is the super specialist degree (two further years of residency training after the M.M.)

5. Two years of practice required in an underserved area between each step, with scrutiny of work and intellectual capacity as the basis for re-entry to the next degree.

6. Purely research types would not stay in this pattern but would get a bachelors, masters, and doctorate in something other than medicine and they would not have the field assignment to delay their entry into their special work.

7. Since the critical health manpower shortage in the change over period will still be the physician shortage, all the candidates selected for the physician ladder should be of physician calibre so that if they so desired the bulk could go on through to the highest or new M.D. degree. This could be begun in 1972 by each medical school adding 10 per cent, and in no case less than 10 students in the A.M. curriculum (done by affiliation and staffing with two year or four year colleges or in the medical school itself). By continuing to add an equal number in each of the next 20 years and beginning in 1982 to subtract an equal number of traditional student M.D. types for 10 years, by 1992 all students would be in the new curriculum with over 20,000 entering training from 1982 on.

There would be no shortage of trainees for the current type residence programs during this 20 years changeover period or thereafter. Moreover, by 1980 there could be in addition to the current type M.D.'s some 13,000 in the two year assistant practice category, and 5,000 in the M.B. level practice category, assuming that no one stayed on to practice at the A.M. level once their two year stint was up.

If regular M.D. training programs were shortened one year beginning in 1973 the entry in that group could be increased by about 30 per cent for traditional M.D. types. Or preferably they could be replaced by the same number of the new A.M.-M.B.-M.M.-M.D. students.

Reconsideration every three or four years as to overall admissions, changes in types, etc. is imperative.

F. Overcoming barriers to movement of functions and skills from one category of trained worker to another and of movement of skilled workers into new work patterns

Politicians and the populace generally must be made to understand the need for getting away from professional hegemony and insist on legitimate participation of consumers in all major examinations of manpower and assignment of functions. Consumers must participate in open forums where all contemplated shifts of workers or functions are to be decided upon. Thanks to consumer involvement in solving delivery problems, a new focus will be placed on what is needed, and given the factor of local resources, the best way of getting it. Costs as well as gains, and costs for whom as well as gains for whom must be brought out. It is the public who pays and they should have a say in the decision as to what they get.

Public participation will provide motivation and rewards so that solving irritating problems should provide both incentive and rewards enough to guide health workers into new relationships to get the job done. Their bureaucrat partners will no less find it necessary and desirable to help with the arrangements.

G. Overcoming barriers to necessary geographic distribution of health manpower

Better use of new transport and communication schemes can and will be used to substitute for some medical manpower in the more isolated and rural low density populations. However, the underserved towns and urban masses are going to be best served by insistence on the following things:

1. Recruitment restrictions as previously described so that at least 25 per cent of all new health careerists come from and seem suitable to serve and are committed to return to the underserved areas.

2. Requirement of service in underserved areas for no less than two years must be met by all new graduates in each of the major health professions not just by the designated 25 per cent, for as long as the gross disparities in service remain. If it produces enough manpower this might be limited to those who accepted stipends or loans, and as a sweetner, loan repayments could be waived on a year for year basis.

3. Adoption of the features of the HMO or HCC proposals that put every single U.S. dweller into the territory of one or more such organizations which have full responsibility for making reasonably available a full range of acceptable services to every consumer in their area. This also provides an operational base, connectedness to all the services, communications as needed, and transport for consumers in the underserved areas.

H. Overcoming barriers to maximal utilization and refurbishing of practitioner skills as well as providing guarantee of minimal medical skills

We need an immediate requirement that all licensed medical practitioners be given staff membership in the approved hospital of their choice or nearest the residence of the bulk of their patients, or nearest their office. Such practitioners must be able to bring in their patients and by referral or supervision the medical staff can place sensible restrictions on their activities so as to ensure care of relevant quality. In this way, up-grading older and neglected practitioners can begin. Education must be recommended for those men who really need it most and get it least. Staff membership could only be lost for failure to participate in the educational program or to meet general care requirements. Such practitioners who are discharged then would routinely come under consideration by licensing boards as to why their license should not be revoked since they are by their own behavior providing evidence that they are uneducable or incompetent. If HMO's and HCC's come into being they must carry such stipulations as part of their franchise.

SOME CONCLUSIONS

Most important to overcoming manpower and all other service barriers is the involvement of the consumer not as a reactor to what professionals decide to do to or for him, but as part of the policy setting for his community. We are not asking the consumer to step in and assist with auscultation or surgery, we are asking that he help decide how best he and his community can get served, and what price he is willing to pay for the kind of service that he requests. Not only will he become concerned with foolish demands made by consumers but he will be willing to pay for what he wants when he has some notion that he is not blindly opting for what he is otherwise likely to call "made" work and "exhorbitant" profits. It would seem that herein lies a challenge to the great national voluntary health agencies that constitute part of the membership of the national health council. Because of their origins and commitment to urgent accomplishment of specific goals, these agencies in some cases have adjusted to—are dominated by—and, in all cases, work within the existing system, supporting the present health manpower arrangements. Their stake in overcoming the worsening occupational barriers in the field is far greater than they may realize. A major investment of their time and money could well be made in furthering the role of the consumer in policy setting.

We can safely guarantee that left to their own devices, professions and the heavily vested interests will not make necessary changes in time to be of use to the underserved areas and that quality or administrative needs will always be the irrelevant justification for every professional or organizational takeover as well as resistance to change. If community demands for professional participation with consumers are not met, we do not see the consumers by themselves or through their political channels getting what they need either. But if we do not help them, they will proceed anyhow and they will come up with messes equally as gross as we professionals have in the past. As a West Oakland Health Center consumer board member explained it to me, the consumers are really the providers, and the providers are also the consumers, and a partnership it has to be.

FOOTNOTES

[1] "The Role of Ecology in the Design of a Health Care System," Winkelstein, Warren, Jr., French, Fern., *California Medicine*, Vol. 113, #5, pp. 7–12

[2] "Needed: A New Strategy for Health Promotion," Williams, Grier, *New England Journal of Medicine*, Vol. 279, #19, pp. 1031–1035, November 7, 1968

[3] Report of the National Advisory Commission on Health Manpower, Appendix 1, Vol. 1, November 1967, U.S. Government Printing Office

[4] "The Doctor's First Job—Preventing Sickness," Mayer, Jean, *The New York Times Magazine*, November 28, 1965

[5] "Categorial Programs for Heart Disease, Cancer and Stroke," Burgess, Alex M., Jr., Cotton, Theodore, Peterson, Osler L., *New England Journal of Medicine*, Vol. 273, #10, September 2, 1965, pp. 533–537

[6] "Health Planning 1969," Blum, Henrik L., and Associates, American Public Health Association, Western Regional Office, 1969, Introduction

[7] "Mental Health Services: How Relevant for Urban Mexican Americans?," Torrey, E. Fuller, *The Stanford M.D.*, Vol. 9:2, Fall 1970, pp. 2–7

[8] "A Study of the Quality of Hospital Care Secured by a Sample of Teamster Family Members in New York City," Morehead, M. A., Donaldson, D. S., Columbia University School of Public Health and Administrative Medicine, New York, 1964, in the Medical Care Chart Book, University of Michigan, Bureau of Health Economics, 1968, p. 192.

[9] "Higher Education and the Nation's Health," The Carnegie Commission on Higher Education, October 1970, pp. 49–55

[10] "A Clear Look at the Reasons Behind the Doctor Shortage," Bornemeier, Walter C., *Trustee*, Vol. 23, #12, December 1970, pp. 20–25

[11] "The Multipurpose Worker and the Neighborhood Multiservice Center: Initial Experiences and Implications of the Rodeo Community Service Center," Blum, H. L., Wahl, F., Lemon, G. M., Jornlin, R., and Kent, G. W., *American Journal of Public Health*, Vol. 58, #3 March 1968, pp. 458–468

[12] "The Health Maintenance Strategy," Ellewood, Paul M., Jr., Health Services Research Center, Institute for Interdisciplinary Studies, American Rehabilitation Foundation, Minneapolis, Minn., March 1970

[13] "Ameriplan: A Proposal for the Delivery and Financing of Health Services in the United States." Report of a Special Committee on the Provision of Health Services, American Hospital Association, Chicago, 1970

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

THE FAIRFAX MASSACRE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. RARICK. Mr. Speaker, the massacre of a Navy lieutenant commander and his 19-year-old son in a Virginia suburb of our Nation's Capital, must be taken as exemplary of the brazen criminal attitude, nurtured by liberal Supreme Court decisions, of certain elements in our Nation who feel they are untouchables. And the tragic truth of it is, they have been proven right time and time again as decent citizens of the law abiding society, through their established governmental channels, are denied their constitutional right to life, liberty, and the pursuit of happiness.

How long will the American people tolerate atrocities of this magnitude before they understand that justice is denied them through established governmental channels and that if society is to survive the people must demand equal rights for law abiding citizens.

I insert a newsclipping at this point:

[The Washington Daily News, Tuesday, July 6, 1971]

NAVY LIEUTENANT COMMANDER AND SON SHOT

A Navy lieutenant commander and his 19-year-old son who last night stopped at a traffic light to ask the driver of a souped-up car why he was continually tailgating and harassing them were shot to death on the street near Sleepy Hollow in Fairfax.

Fairfax police said are looking for four to six people in a 1966 to 1968 dark-colored Pontiac Grand Prix with racing slicks and a "jacked up" rear end. Police believe the words "Cool Town Hustler" are painted on a rear fender.

TAGS

Police said they believe the car had Virginia license plates.

They said they had only a scant description of the occupants of the car, "four to six Negroes," and weren't even sure if all of them were male.

One witness said she thought she heard a "female scream" coming from the car.

The shootings occured shortly after 10 p.m. at the dimly lighted intersection of Columbia Pike and Sleepy Hollow Road, Annandale, as Lt. Comdr. William F. Rolland, his son William Jr., 19, his wife, and four of his six other children were driving to their home at 4910 Bruce Lance, Annandale.

The family was driving home after watching the fireworks display on the Washington Monument grounds.

STORY

Mrs. Virginia Rolland, who watched from their Volkswagen station wagon as her husband and son were gunned down, gave this account to The Washington Daily News:

"We sat on the hill in the Navy Annex (on Columbia Road) and watched the fireworks.

"We left about 10 p.m. and four colored people in a car started tailgating us. We were really worried because we had nothing but children in the car."

Mrs. Rolland said the car followed them all the way out Columbia Pike until they started up the hill to the Sleepy Hollow intersection, about a mile from their home.

"Then they got in front of us real fast when we had to stop for the light.

"My husband got out and went over to the car to ask them why they had been tailgating us. He had tried to flash his brake lights at them to stop.

"The driver got out and hit my husband in the stomach."

As her husband slumped to the ground, her son, William, jumped out of the car.

"I think he was just going to help my husband up.

"Then two other men in the car jumped out, and a woman started screaming."

She said the men knocked her son to the ground.

"And then they shot them both."

The car then sped away.

Mrs. Rolland said she got out of her auto and saw two other cars behind their VW station wagon.

"The two cars in back just pulled out around me and drove away."

But, another motorist, who had his wife and three young children in the car, stopped, found out the Rollands were Catholic, and phoned for a priest for the two men who were dying in the street from chest wounds. Police were then called.

After they arrived, the man, who was not identified, drove Mrs. Rolland and her children home, took her to the hospital and stayed with her the whole time.

The children in the Rolland VW were son Patrick, 12, Joey, 3, and daughters Tina, 10 and Becky, 5; and a neighbor youngster, Timothy Justice, 11.

Another daughter, Terri, 15, was not with them. Comdr. Rolland had taken a month off in June from his job at the Naval Systems Command in Crystal Plaza in Arlington so that he could spend some time with his family.

He was scheduled to leave for Vietnam July 22.

Mrs. Rolland and the children were going to stay here during his tour of duty.

"I have no idea what I'm going to do now."

[From the Evening Star, July 6, 1971]

FAIRFAX FATHER, SON SLAIN IN ROAD DISTPUTE

A Navy officer due to leave for Vietnam and his eldest son were shot to death last night at a suburban Virginia intersection after what Fairflax County police called an altercation in a traffic encounter.

Lt. Cmdr. William F. Rolland, 41, and his 19-year-old son, William Jr., both shot in the chest, were pronounced dead at Fairfax Hospital, after the encounter at 10:15 p.m. at Sleepy Hollow Road and Columbia Pike, police said.

Rolland, due to leave for Vietnam on July 22, William Jr., the commander's wife, Virginia, three of the Rollands other children and a 10-year-old neighbor boy were returning from an outing to the Washington Monument grounds for the Fourth of July fireworks display.

MILE FROM HOME

The family was about a mile from their home at 3910 Bruce Lane, in the Columbia Pines subdivision, when the shooting occurred.

Fairfax police said this morning that the Rolland car, westbound on Columbia Pike, had stopped for the red light at Sleepy Hollow Road. A car had been tailgating the Rollands for some distance and pulled up next to them at the light.

Police said "words were exchanged," and the shooting followed. The suspected car contained three or four men and one female, police said.

SUSPECTS SOUGHT

According to preliminary reports, Rolland stepped from his vehicle after the traffic encounter at the isolated wooded intersection, "and his son came to his aid. The son was knocked to the ground and shot. The father came to his son's aid and he was shot."

Police are looking for the occupants of a dark-colored 1964 or 1965 Pontiac Grand Prix with racing tires on the rear, white wheel rims with high springs, described as a "racing type" car.

The car, police said, had writing on a rear fender, similar to "Cool Town Hustler."

Besides the dead youth, who a neighbor said she thought was a student at Northern Virginia Community College, the Rollands have five children. Three others—Patrick 12, Rebecca, 5, and Joseph, 3—were in the car, as was a neighbor, Tim Justice, 10. The Rollands' other children, Christine, 11 and Therese, 16, were not with the family.

CALLED EVEN-TEMPERED

"This just has made us sick to our stomachs," said a neighbor in the four-house cul de sac where the Rollands live.

Maj. John W. Moore, who lives at 3906 Bruce Lane, described Rolland as a very even-tempered person.

Another neighbor said the family, who had lived in the subdivision only since October, had just returned from a camping vacation.

A neighbor answering the door at the split-level brick-and-clapboard home with a blooming mimosa tree in the front yard, said Mrs. Rolland was "too grief-stricken" to speak to anyone.

Rolland, according to neighbors, was a personnel management specialist in the Navy who before moving to Columbia Pines had served for three years in Belgium.

Mrs. Basil Justice said that about 6 o'clock last night, 12-year-old Patrick Rolland came by their house at 3904 Bruce Lane and asked if Tim could go with the Rollands to the fireworks.

Mrs. Justice said the first she knew about the shooting was when someone, apparently a passerby at the scene, brought her son home. "He's all right," she said, "but terribly upset."

Rolland, according to police, was stationed at the Navy Systems Command at Crystal City.

DRUG ADDICTION IN THE ARMED FORCES

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. LONG of Maryland. Mr. Speaker, the parents of a Baltimore soldier have just learned that their son is hospitalized for drug addiction and faces an undesirable Army discharge at 19½. He enlisted in the Army on his 17th birthday, and served 2½ years with a fine record. In July of 1970 he was sent to Vietnam, and 6 months later he began using drugs.

I should like to share the parents' letter with my colleagues in the hope that it will help all of us in Congress to understand and to cope with the plague of drug addiction in our Armed Forces:

DEAR SIR, I am writing to you to see if you can give my wife and I some ray of hope in an hour of dark grief of which we do not know where to turn to for this kind of help.

> Our son left on his birthday for the army at seventeen (17) as a volunteer and did a wonderful job in there up until not long ago when his ranks started to disappear. He was sent to Vietnam in July of 1970 and then trouble started for us. He got hooked on drugs over there after 6 months and now he is going to be given an undesirable discharge out of there at 19½ years old.
>
> We realize there was no excuse for this kind of thing and he should have known what it would do to his life and his service record. He was so proud of the army and now this. We are so heart broken and upset over this terrible thing.
>
> The thing is, what is to become of a 19½ year old boy dumped back into society on his parents who must worry if he is going to be cured or dried out as they call it? After all he was not on this until he went to Vietnam.
>
> We wonder just what is to be available to him in way of treatment having this undesirable discharge? Also can this type discharge ever be reviewed or anything? Couldn't they have treated him somehow so he could have completed his other 2 years in there as he was due back in states next month.

CARY, N.C. CELEBRATES ITS 100TH ANNIVERSARY

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. GALIFIANAKIS. Mr. Speaker, I wish to salute a town within my district, Cary, N.C., which this year is celebrating its 100th anniversary. And because of the significance of this event. I would like to share with my colleagues some of the outstanding facts about this progressive community.

The origins of Cary go back over 200 years. Settlers first began establishing themselves in this part of the State around 1750. After the Revolution, the settlement found itself in a good location, on the main road between Raleigh and the university in Chapel Hill.

Cary's growth was spurred on by Allison Francis Page, who bought and developed 300 acres of land there. He named the settlement after Samuel Fenton Cary, a prohibition leader whom he admired. The town was incorporated on April 3, 1871, and with the formation of a railroad junction here, the town began to boom.

The boom did not last long, however. The main industries moved to other locations, and so Cary failed to develop as an industrial center.

However, it did develop in other ways. During this period the town became known as an educational center. The first public high school in North Carolina was established there, and it was a source of great pride for the citizens.

Another source of pride for Cary was its most distinguished son, Walter Hines Page, who served as U.S. Ambassador to Great Britain from 1914 to 1918. Page was a favorite of the British, and he remains one of ony four Americans who have been honord by a commemorative plaque in Westminister Abbey.

Cary continue to grow at a moderate rate until after World War II, when it experienced a residential boom. Its population doubled in the 1950's and increased by 125 percent in the 1960's. Thus it has become one of the fastest growing communities in North Carolina.

At the present Cary is making long-range plans for future growth. It hopes to provide for increased population in such a manner that it can remain a good place to live and raise a family.

With the 100th anniversary of its founding this year, the citizens of Cary decided to hold a centennial celebration. Its purpose was to have some good old-fashioned neighborly fun and to acquaint citizens with Cary's past and to build new pride in the community. Any profits which they raised would go to support community needs. Jim Swindell was designated centennial chairman, with Miss Esther Ivey as cochairman.

The main celebration was held the week of May 6. Activities included a centennial parade, a pageant entitled "The Unbeatable Century," an agriculture and industry day, a salute to youth day, and a religious heritage service. To add authenticity to the celebration, the men of Cary grew beards for the occasion, and the women wore costumes from the founding period.

In recognition of this event, the General Assembly of North Carolina issued a joint resolution commemorating the centennial celebration. Cary was further honored by a telegram from President Nixon. The President made the following statement to the citizens of Cary:

> The high purpose and vital community spirit that are reflected in your eventful history are in the best tradition of our American way of life.

Cary is a progressive and active town with a proud history. Its citizens have brought fame to the district and to North Carolina. I think that it is only fitting, therefore, that we salute Cary, N.C., on its 100th anniversary.

NIXON'S DO-NOTHING ECONOMIC PLAN

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. RIEGLE. Mr. Speaker, this past weekend, there appeared an excellent article in the Washington Star by Milton Viorst. I feel this article would be of great interest to my colleagues in both the House and the Senate, and would like to share it with them. The article follows:

NIXON'S DO-NOTHING ECONOMIC PLAN

> President Nixon's veto on Tuesday of the public works bill, an emergency effort to put unemployed men to work, reveals much of the essential Nixon; Not only conservative in ideology, but cautious, to the point of drabness, in temperament.
>
> What that President did was to rule out not only any direct program to create jobs in the public sector, but any new federal controls over inflation and any new federal stimulation, through taxation and spending, of over-all economic activity.
>
> It probably is fair to Nixon to say that the veto was not basically a political act. If anything, the Democrats will acquire political advantage in claiming a priority of concern for the nation's jobless and for economic prosperity.
>
> The President vetoed the bill because he considered unemployment less troublesome than a departure from the "game plan," the policies of economic orthodoxy with which he obviously feels most comfortable.
>
> Not for him the almost carefree attitude of "nothing ventured, nothing gained" that characterized the early years of the New Deal—and, indeed, led to many errors.
>
> It was this attitude which made Franklin D. Roosevelt a figure beloved by many, detested by many others. But it also was leadership and everyone knew that Roosevelt was "doing something" to lead the country out of economic doldrums.
>
> Nixon—more apprehensive of misadventure than of lethargy—is doing nothing, while the unemployed become more desperate and the principal index of economic activity remains rising wages for some, rising prices for all.
>
> It is distressing that the President is temperamentally so constrained, because the economy—as Arthur Burns, chairman of the Federal Reserve, has said so often—responds not simply to manipulation, but to personality.
>
> In a free economy, the impression of decisiveness that a president conveys has a definite impact on the thousands, perhaps millions, of individual economic decisions by which trends are established. The factors are psychological, but clearly a resolute president can make indices respond.
>
> It is not surprising, then, that Burns has been urging the President, publicly and privately, to drop the laissez-faire stance of the past 2½ years in favor of a tough, new posture, particularly against inflation.
>
> He argues that, as long as businessmen and union bargainers see that they are operating in a permissive atmosphere, they will continue shoving prices and wages upward.
>
> Yet Burns is hardly a radical. In fact, as Nixon's chief economic adviser in 1969, he was known as the most conservative man in the White House. In no way does the methodology he proposes violate the conventional wisdom of economics.
>
> There are Democratic economists, of course, who would push the President even further, perhaps into outright wage and price controls. But, however disinterested their advice, they naturally convey an appearance of partisanship.
>
> In a completely nonpartisan way, what Burns recognizes is that the "game plan" simply has not worked. He believes that the President's continued attachment to it is based less on economic evidence than on a kind of religious faith.
>
> Indeed, it is obvious that the President's economic policy emerges more out of his inherent Protestant-Republican distate for government action than out of a commitment to any set of modern economic principles.
>
> The President has called himself a Keynesian—but it's a kind of fundamentalist Keynesianism that he espouses, uninfluenced by the thought of contemporary reformation.
>
> It enables him to justify subsidies for Lockheed and Penn Central, but not for the unemployed—for he sees something inherently moral in business, and immoral in the dole.
>
> Ironically, Nixon's one departure from the "game plan"—the setting up of fairly rigorous procedures for holding down costs in the construction industry—has worked rather well. But he has not seen fit to extend the procedures to other sectors, or to make them a precedent or positive action generally.
>
> The public works bill which he vetoed was, to be sure, no panacea. But it promised jobs, and that, at least, is "doing something."
>
> What Nixon offers instead is nothing at all. He is condemned by his cautious personality. In fact, we all are.

INDEPENDENCE OR INTERDEPENDENCE?

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, I would like to share with the Members of this body, a very eloquent and well-reasoned address delivered on July 4 in historic Faneuil Hall in Boston.

The speaker was Dr. Freddy Homburger, a very good friend of mine, who finds in the history of his native Switzerland and its parallels to our history hope for the future of this country.

Dr. Homburger is a distinguished biochemist and a learned man of enormous intellectual scope. I commend his thoughtful remarks to you:

INDEPENDENCE DAY ORATION, 1971: INDEPENDENCE OR INTERDEPENDENCE?

(By Freddy Homburger)

My appointment as Orator today traces back to a speech I made to the Bostonians visiting Switzerland in May to inaugurate Swissair's direct line Boston-Zurich. Deputy Mayor Ed Sullivan must have liked what I said about the Swiss Patriots of 1291 and thought this qualified me to address you commemorating our patriots of 1776.

I also recall an episode of this memorable Swiss trip wherein Mayor Sullivan and his co-religionaries went to the wrong Church. This is how it happened: The postal bus stopped for coffee at a spot where there was a beautiful church up on a near hill. Since it was Sunday morning, our Bostonian decided to forego coffee for mass and they climbed the hill, entered the church with its hushed congregation, only to find that they were in the middle of a protestant service. They stayed the length of the coffee break and left as quietly as they had come. I hope that should his Honor realize that he chose the wrong speaker, he will stay the length of the coffee break as he did then.

I am as proud of this assignment as I am to be an American. United States citizens of Swiss origin are indeed special Americans. For in contrast to those who became Americans by necessity fleeing hunger or prosecution, or those who become Americans by accident through the place of their birth—we modern Swiss immigrants are Americans *by choice*. There is no unemployment in Switzerland and plenty of jobs await us there, no political reasons prevent our return. Our hereditary Swiss citizenship remains with us; but we like it here and we are Americans by choice.

Friendly relations have bound our countries together since 1823 when the first Swiss representatives, two honorary Consuls, were accredited here. On that occasion, "the chairman of the Diet, Niklaus Rudolph von Wattenwyl, asked the president of the United States to give the exequatur to the two gentlemen chosen by the Diet. The solemn letter in which he introduced the two consuls to President Monroe is the first official communication on record between the governments of the two countries. Von Wattenwyl pointed out that although there was a great difference in size between the twenty-two independent cantons which made up the Swiss Confederation and the huge American nation with its vast resources, there were similarities between the two countries and their people that furnished natural motives for drawing closer together, foremost among them the liberal and federalistic constitutions and the love of personal liberty. Von Wattenwyl also stated that the rapid growth of the United States was watched with interest and sympathy by the Swiss people, for they saw in it a triumph of principles dear to themselves, and he expressed the hope that the government of the United States would look with favor upon the opening of friendly relations with the Diet. Von Wattenwyl's letter is significant not only as the first official piece of correspondence but also because it set the tone which was to become characteristic of American-Swiss relations and contained in a nutshell the main ideas reiterated time and again in the course of the 19th century."[1]

The Treaty of Commerce, Friendship and Extradition now governing relations between the two countries dates to 1850.

The contributions of Swiss Americans to the cultural, commercial, religious and political life of this country are too numerous to mention here. Albert Gallatin who first landed in Boston in 1970 is the most illustrative and illustrious case, but well known also are Jean Louis Rodolphe Agassiz, leading biologist and geologist, professor at Harvard, Ferdinand Rudolph Hassler who founded the Coast and Geodetic Survey and the ill fated General John August Sutter.

In barely 200 years the United States have grown from a rebellious obscure nation to the most powerful in the world. Switzerland, until recently the only small and neutral country among the nations of the world, now has to share this position with many others. Yet, through 700 years of history since its founding, Switzerland has maintained its specially valued position among nations. Can we as Americans learn useful lessons from the historical experience of our tiny sister democracy? We can and have. In fact, our history as nations is one of interdependence.

We have learned and borrowed much from each other in the past. The founders of this country were well acquainted with the declaration of independence of the original Swiss confederates of 1291. They used its basic concept in the formulaton of the moral cornerstone of these United States of America.

The Swiss, on the other hand, when reorganizing their State in 1848, adopted the United States constitution in principle as it was. One major difference which they maintained was the absence of a single chief executive who is replaced by a council of seven, one of whom in rotation serves as president for a year. This system shows that even a leaderless democracy functions and survives, a fact not without its consolation for certain periods of US history.

What were the crucial factors that allowed Switzerland's survival and prosperity for 700 years? First, there was a rebellious and war torn history of the early years with territorial expansion. The Swiss did not kill Indians but plenty of Hapsburgs. After a long period of dissention, religious prosecution and wars, there came a period of conciliation and consolidation. Ways were found to hold together a Federation of 22 states and four languages without allowing emergence of any oppressed minorities. A government evolved by laws, not by men or media. Neutrality was declared and strong defenses were developed to make this neutrality an armed and independent one. A strong sense of national unity eveloped. Everyone was a Swiss first, then secondly, one of German, French, Italian or Romantsch culture.

Service to humanity became the watchword—the International Red Cross becoming a generally recognized symbol of Swiss service to the world. The diplomatic services of Switzerland were asked and took over for representatives of many nations when diplomatic relations were broken.

Now the American problem: After 200 years of war for independence, civil war, expansive wars and wars of dubious justifications, we have, according to recent polls, a wavering of the American belief in the US future, we have rebellious youths who demonstrate their disrespect for our national heritage, jealous and aggressive minorities fight among themselves. There is disregard for law and order and a fumbling and distrusted government. We could take the position that things never looked worse.

In analogy with the Swiss history, however, this may be just a phase of our development. As the Swiss were defeated by the French revolutionary Army and emerged as a new and stable republic, so we may learn from our unfortunate Southeast Asian expedition that nothing today can be gained by force, that in this rapidly contracting world interdependence is more a determinant of national survival than independence. In time to come I predict a new patriotism will emerge uniting Americans for the good of the world to become the one nation that will lead all others in bringing about healthy and happy living conditions for all at home and abroad and understanding among men throughout the world. This can come about while military strength is maintained adequate to discourage less enlightened and more backward nations, which are as yet even earlier in their historical development, from imposing their outdated warring notions upon this world. We were united as a nation many times before by the pressures of attacks upon us. We all can remember Pearl Harbor. We face far greater dangers today from overpopulation, discontent and hunger here and throughout the world. These pressures will unite us once we recognize them as the challenge which they are. As a nation serving the world we shall then survive and flourish as has Switzerland.

I have just returned from a trip through Switzerland and Greece and as I saw the ruins of the temples of Greece, built when the first democracy known to man was flowering, I wonder—where did these societies go wrong? Why were they to be overrun and destroyed by less developed war-obsessed barbarians? Their cultural and peaceful concerns were ahead of their times. And so I concluded that the world was not ripe then for the brotherhood of men as it is now. Today our way of life can be protected and brought to others, less fortunate, by peaceful means and we can justify our survival by service to the world as the Swiss have done so successfully so long.

For this we must become united again as a nation with a strong national purpose. I see this coming, even though one must search for the evidence. Most of our young people are good people. They are humanitarians and cosmopolitan, they search for solutions and will find them. The noisy minority makes things look worse than they are. There is yet another story which I must relate—this one of Americans travelling in Switzerland sleeping in an alpine refuge at the edge of a glacier. At the first rays of the sun they were awakened by frightful noises like cannon shots and shell explosions. They feared the end of the world had come. Their guide explained that the glacier expanded with the first warmth of the sun and this caused the fearsome noise—"It is not the end of the world—but the dawn of a new day." The disquieting noises we hear today and which make us afraid are not signalling an end but the ferment from which there will arise a beginning.

What happened here in 1776 was unheard of, revolutionary and quite improper and the battle for independence led to the development of the unique and great human achievement that is the United States of America. We need not fear that we shall be in rubble in the years to come, an attraction for tourists as the Greek temples, unless we fumble badly.

If we look towards 700 years old Switzerland, we may save ourselves untold trouble.

Footnotes at end of article.

We can follow their lead and strive for unity once more as a Nation, not as a collection of minorities, define national goals that serve mankind, mediate peaceful settlements among nations, cultivate the concept of Service of the individual to the Nation and maintain armed strength only for the defense of our own shores and bases abroad to contain bona fide potential aggressors. Thus a new kind of patriotism will emerge for Americans which now is reserved for citizens of small nations.

Max Frisch wrote: "Our home is man; to him above all belongs our allegiance; in the fact that fatherland and mankind do not mutually exclude themselves, in that actually consists the happiness of being the son of a small country." [2] This need not be limited any more to small nations but must apply to the citizens of any truly *great* nation.

This new humanitarian patriotism is based on belief in one country as a strong beneficial power among nations which remain eternally interdependent—let them all vie with each other not which will be the strongest, but which will be the greatest and the best. There is no doubt that this America will be.

FOOTNOTES

[1] Meier, H. K.: "The United States and Switzerland in the Nineteenth Century." Mouton & Co., The Hague, 1963, p. 17.

[2] "Switzerland, Present and Future," Yearbook of the New Helvetic Society, 1963, p. 178.

DANGERS OF ELECTRONIC SURVEILLANCE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. WALDIE. Mr. Speaker, I would like to include in the RECORD a noteworthy editorial from the Los Angeles Times on the electronic surveillance of people and private organizations.

This piece offers a graphic presentation of the case against electronic surveillance without court orders. Its substance lies in Senator SAM J. ERVIN, JR.'s remarks on the possibility of future governmental efforts to predict and control human behavior through insensitive computers.

The editorial follows:

A FREE SOCIETY WIRED FOR SOUND

The Supreme Court has agreed to decide whether the government, as asserted by Atty. Gen. John N. Mitchell, has the constitutional power to conduct electronic surveillance of persons and organizations it regards as subversive without first obtaining court approval. The issue, because of the present public turmoil, is vital both to political dissidents and the government, but it is more than that. It bears on the right of privacy, the right of freedom of thought, and the right of free expression by every American without fear that his words will be recorded surreptitiously by government.

Sen. Sam. J. Ervin Jr. (D-N.C.), who is opposed to electronic surveillance without court orders, stated the issue this way: "These (government surveillance activities) are predicated on the theory that if government officials can only acquire sufficient information in advance on individuals, then they can predict and control behavior. So they seek to learn about how they think; how they behave in their personal lives; how they cut their hair; how they read; what their conduct and attitudes are in sexual matters; how they relate to their parents; what they dream about."

Ervin said he wanted "to try to spread a gospel of my own. That is my belief that while the Recording Angel drops a tear occasionally (in heaven) to wash out the record of human inequities, there is no compassion to be found in computers."

In this age of technology, Ervin's old-time gospel may have more to tell us than the new science. Computers don't cry.

CWO FRANK FORGIONE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. BROWN of Ohio. Mr. Speaker, I would like to call the attention of my colleagues to an article by Mr. Gilson Wright, news correspondent for the Hamilton, Ohio, Journal, concerning CWO Frank Forgione who directs the band which accompanies the U.S. Navy good will and training cruise—UNITAS—to South America each year. While Forgione and his UNITAS band are well known to millions of people in South America, most of his fellow Americans are unaware of the fine public relations job he is doing for our country in South America. Mr. Wright, who has accompanied several UNITAS cruises as a Navy guest journalist, has developed a close acquaintanceship with this dedicated, unofficial ambassador of good will, and felt that Mr. Forgione's work should be known to more of his countrymen:

UNITAS BAND LEADER GOOD WILL AMBASSADOR, BIG FAVORITE IN SOUTH AMERICA, SCRIBE SAYS

(By Gilson Wright)

OXFORD.—Millions of people in South America know who Frank Forgione is.

But the average American doesn't have the slightest idea who he is, what he does and why he is so popular below the Isthmus of Panama.

I have met and interviewed many famous people in a 48-year newspaper career. They include Will Rogers, Eleanor Roosevelt, Herbert Hoover, Clarence Darrow, Walt Disney, movie, radio and TV stars by the score, and politicians by the hundreds.

Yet in all of that nearly half a century none stands out more than Frank Forgione.

UNOFFICIAL AMBASSADOR

For the past decade he has been an unofficial ambassador of good will in South America where, it has been estimated, 100 million people have heard him and his UNITAS band in person or on radio-TV.

Forgione hails from Haverhill, Mass., but his forebears came from Italy and he has inherited its musical tradition. Besides, he is one of a musical family of seven brothers and a sister.

It might be said he is a product also of John Philip Sousa. His teacher, as a boy, was Frank Holt, a one-time Sousa band member.

UNITAS is a U.S. Navy good will cruise which combines its annual training operations with maritime South American nations and good will visits ashore. This is where Forgione, his band and its variety show come into the picture.

ENLISTED IN

He enlisted in the Navy in 1938 and attended the Navy School of Music in Washington, D.C. He was at Pearl Harbor when the Japanese attack came and his ship, the Ogalala, was among those sunk. After the war he headed the percussion department at the Navy School of Music.

The Navy inaugurated its UNITAS project in 1960 and Forgione, now a chief warrant officer, organized a band for UNITAS III in 1962. Its success was instantaneous and to many millions of South Americans UNITAS means Forgione and his band since many of them do not have a chance to see the ships themselves in action.

I first met Forgione when, as a Navy guest journalist, I shared a stateroom with him in 1966 aboard the USS Leahy, a guided missile frigate. I use the word "shared" with hesitation because we seldom had a minute together. Usually all I ever saw of Frank were his comings and goings while the ship was in port.

Between ports the band was being flown and bussed to engagement after engagement. His in-port appearances might include a white uniform for one and a Navy blue outfit for the next. He made those changes in the stateroom, sandwiching a quick shower and shave in between them, while managing a bite or two in the officers' wardroom. Then he was gone again.

DEDICATED MAN

"Frank is one of the most dedicated men I've ever seen in the service," officer after officer has told me.

His band, made up of enlistees changes to some extent from year to year but Forgione sort of goes on forever and keeps it together. The total amount of time it accumulates in its mad dashes from ship to shore and through the countryside of practically every South American nation easily exceeds the "watch" time expected of men aboard ship. And when they are sometimes aboard ship for a day or two they readily entertain officers and the entire ship's company with music at mealtime just to keep in shape.

Forgione has been to South America many times and speaks Spanish well enough to make him popular with everyone. He leads the 25-member band in street parades at elementary schools in remote villages in hospitals and in orphanages at receptions staged in American ambassador's homes and at receptions by South American hosts, including a president or two. They perform in old people's homes and in schools for the blind. While the latter can't see the show they enjoy the musical part of it.

Neither Paraguay or Bolivia has a seaport where the ships can be seen so the UNITAS band occasionally flies inland to appear in some of their cities. While at Asuncion the capital of Paraguy the band had a distinguished visitor, President Alfredo Stroessner who insisted on being photographed with the popular group.

BAND TAKES OVER

Several times the band has been placed in awkward spots like the time in one country where a Communist leader who had just finished a term in prison was billed for a speech in one corner of the main plaza. Over in the far corner were Forgione and his band. The Communist soon lost his audience. It could hardly hear his harangue and listen to the music wafting from across the plaza at the same time. So it drifted over to hear the Norteamericans—and stayed.

Rowdies have tried to raise trouble at times but angry members of the crowd have silenced them in their own way while Fargone and his men played serenely on.

"We were giving an open-air concert in one city and heard the next day that police were quelling a riot two blocks away" recalls Carl Alisa the 230-Samoan who acts as drum major when one is needed and performs as a bull in a comedy bullfight routine at other times. "If anyone in the crowd knew a riot was going on you couldn't tell it from their reaction."

Once the band played on the shores of Lake Titicaca. Even though Bolivia is landlocked, it has a small navy and the band was appearing at its training school. Woody Herman and his band had played there earlier and was forced to rest between numbers because the high altitude—the lake is 10,000 feet above sea level—made their breathing difficult. The UNITAS band had trouble with the lack of air, too, but the show must go on—and it did.

FAVORITE WITH KIDS

It was my good luck to see Forgione in action on several occasions. Once, in an inland oil company town in Ecuador, the band gave its show at an outdoor basketball court. The bleachers were packed with bright, clean Indian youngsters and their equally well-groomed parents. Forgione is particularly responsive to children and this pleases their parents—and makes friends for the United States. After all, he comes from a large family, has three children of his own and is uncle to many nieces and nephews. He gets some of the children to participate in some of the acts and usually hands the baton to one of them for a number or two.

I'll never forget the scene when the show was over. At least 50 kids followed him, like the Pied Piper, when he headed for a nearby refreshment stand for a soft drink. His hosts had to close the doors. Kept from getting any closer, the children pressed their faces against the windows to see Forgione and the band members, all dressed in U.S. Navy uniforms.

Frank and his band sometimes have to battle high seas getting to and from their ship. This means handling heavy equipment, passing it from small boats to the ship. At times the equipment has to be handled by using cargo nets. Once a bandsman dropped a bass fiddle in the water but fortunately it floated and was quickly retrieved without serious damage.

"He's very popular in South America," one Navy man told me. "When UNITAS visits a port and the band is scheduled to play at some event, people expect to see him."

Capt. Alva M. Bowen of the USS Yarnell, on which Forgione was billeted during the 1970 cruise, went ashore at a small Peruvian coastal town along with other officers of the four-ship task force to attend a reception in their honor. Some of their Peruvian hosts expressed disappointment that Forgione, about whom they had heard but never had seen, was in far-off Lima on another mission.

While UNITAS occupies four months of his time each year, Forgione spends much time planning his programs during the rest of the year and occasionally takes the bands on cross-country tours of the United States, playing in high schools and elementary schools. He also finds men in the service, during those off months, who can replace those whose "hitches" are expiring.

Frank will be embarking next month on UNITAS XII, another four-month cruise, which probably will be his last as he is scheduled to end his long navy career early in 1972.

TAKE PRIDE IN AMERICA

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

American dairy products contribute substantially to the gross national product of the United States, accounting for $13.4 billion or 14 percent of the total value of food industry shipments in 1969.

THE PENTAGON PAPERS AND PINBALL JUSTICE: A STRANGE COINCIDENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. RARICK. Mr. Speaker, the U.S. Attorney General's Office has filed a 133-page affidavit against New Orleans District Attorney Jim Garrison alleging implication in pinball machine payoffs.

Now that the U.S. Attorney General recognizes the sinister threat to law enforcement by the use of pinball machine money to generate favoritism and as bribes, can we expect similar activity regarding payoffs, expenses, and royalties from other behind-the-scene activities carried on by corporations, labor leaders, and tax-free foundations, all intended to induce influence and favoritism? One thinks of "A rose, is a rose, is a rose"—Gertrude Stein.

In fact, while the U.S. Attorney is about it, he might consider taking legal action against State and local law enforcement agencies, including some judges who are accepting Federal funds being offered them through the Law Enforcement Assistance Act as inducements to get in line with the new Federal direction while veiling their duplicity in the interest of improving fair and impartial administration of justice.

I know nothing of Mr. Garrison's activities one way or the other; but as an attorney and former judge, I have always felt that it was the responsibility, if not the sacred duty, of all elected officials to take action to insure a fair and impartial trial for any accused, which should even include the district attorney of New Orleans. A 133-page affidavit of charges including testimony not subjected to cross examination and the usual safeguards of evidence is unique enough in the annals of legal history; but for the top legal officer in the Executive Department of our Nation to send the affidavit to the news people as if to try the accused in the newspaper is not only unethical, it is reprehensible. Now we find the New Orleans district attorney filing suit in Federal court in a futile effort to prevent the prejudicing of his defense and the abrogation of his constitutional rights by seeking to prohibit newspapers from publishing the Government's case.

And even more bizarre, the court action by the New Orleans attorney comes within days of the recent action by the U.S. Attorney General in suing the New York Times and Washington Post to prevent publication of the Pentagon papers. This is a strange coincidence.

Charging any official is certainly within the authority and responsibility of the Justice Department; but once the accused is charged, the case should be tried on its merits in court under established procedures, rather than turned into a sideshow affair.

Unless, that is, there is some believeability in Mr. Garrison's remarks that the entire matter is but a federally financed propaganda move to discredit him because of his previous attempts to disprove the Warren Commission report.

And what was Garrison's theory in opposition to the Warren report findings which has made him so unpopular in high places? Was it not that President John F. Kennedy was assassinated because he had opposed further escalation in Vietnam? And what was it that Attorney General Mitchell sought to suppress by filing suits against the New York Times and Washington Post, except the Pentagon papers, classified as top secret, reportedly contained the recommendations and plans of the Kennedy and Johnson administration to escalate U.S. military involvements in Vietnam?

What relationships, if any, can there be among the Pentagon papers, the Garrison investigation of the Kennedy assassination, and the unusual timing of the pinball machine payoff charges?

I insert several newspaper clippings at this point:

[From the Baton Rouge (La.) State-Times, July 3, 1971]

CHARGES AGAINST JIM GARRISON

NEW ORLEANS.—District Atty. Jim Garrison has filed a suit in federal court to block two New Orleans newspapers from printing the voluminous affidavit in which the government outlines its charges that he accepted bribes to protect gambling interests.

In the petition filed Friday, Garrison and eight of the nine other persons charged in the case, claim that publication of the 113-page affidavit would render it impossible for them to receive a fair trial "by a jury free of preconceived opinions as to the guilt or innocence" of the plaintiffs.

A hearing has been scheduled for Tuesday in which the Times-Picayune Publishing Corp., publisher of the Times-Picayune and The States-Item, must show cause why it should not be restrained from printing the affidavit.

U.S. District Court Judge Herbert Christenberry refused to issue a temporary restraining order that would have blocked publication of the affidavit until after the hearing.

The bribery and gambling charges against Garrison were based on the affidavit compiled by federal investigators and including transcripts with Garrison.

The States-Item began printing the text of the affidavit on a series basis in Thursday's editions. The Times-Picayune has printed excerpts from the affidavit.

PLAN TO CONTINUE

Both newspapers plan to continue.

The affidavit was made available to newsmen by U.S. Atty. Gen. John Mitchell in Washington and U.S. Atty. Gerald Gallinghouse in New Orleans.

Garrison, two police officers and seven persons connected with the pinball machine business were arrested and charged Wednesday.

The 6-foot-6 Garrison, ailing and bent because of a spinal infection, said the federal government was out to get him for his probe of President John F. Kennedy's assassination and his attacks on the "Pentagon and Central Intelligence Agency."

Garrison headed a sideline probe of the John F. Kennedy assassination, and in 1967 charged Clay Shaw with conspiracy to assassinate Kennedy.

A jury acquitted Shaw, a New Orleans businessman, in March 1967 but less than three days after the acquittal, Garrison charged Shaw with perjury, saying he lied on the witness stand during the trial.

Judge Christenberry, blocked Garrison from prosecuting Shaw for perjury and was blasted by Garrison in a statement issued to newsmen.

In other action related to the gambling charges Friday, Police Supt. Clarence Giarrusso suspended the two officers arrested with Garrison: Capt. Frederick Soule Sr., an investigator on Garrison's staff, and Sgt. Robert Frey, vice squad commander.

LANDRIEU STATEMENT

Meanwhile, Mayor Moon Landrieu said Friday he had no knowledge of any payoffs to public officials while his law firm was associated with TAC Amusement Co.

"I don't know why an attorney should know of that kind of thing or even be remotely conscious of it," Landrieu said at his weekly news conference.

TAC officials were among those arrested by federal agents Wednesday and accused of buying off public officials.

Landrieu noted that reference to his firm's former legal association with TAC implies guilt by association, but declared that he has no fear of being investigated.

The mayor pointed out that he sold his interest in the law firm before being elected mayor and in fact had actually practiced little law since being elected to the city council in the early 1960s.

Landrieu said he was surprised, "but not shocked beyond belief" that police officials were arrested. He added that he knew of no one in his administration under investigation by the Justice Department.

U.S. Attorney Gerald Gallinghouse and attorneys for the Justice Department organized crime strike force presented the government's case against the district attorney who made headlines by trying to prove a New Orleans based conspiracy resulted in the death of President John F. Kennedy.

Gallinghous has said the arrests of Garrison and the others was just the beginning of a federal crackdown which could result in charges against other public officials.

Louisiana Attorney General Jack Gremillion, acquitted recently of federal fraud and conspiracy charges, said Friday he supported Garrison's decision not to resign from office while the bribery and gambling charges are pending.

"I don't blame Mr. Garrison for not resigning," Gremillion said. "To resign is indicative of guilt."

Gremillion also said he had no plans to follow recommendations by the New Orleans Metropolitan Crime Commission which wants him to take action to remove Garrison from office.

"If I listened to the crime commission," said Gremillion, "I'd be trying to convict a fish for swimming in federal waters.

"We've got to go by the law and there's no vehicle under which I can replace Mr. Garrison under any circumstances."

[From the New Orleans (La.) States-Item, July 3, 1971]

GOVERNMENT CHARGES JIM GARRISON

Dist. Atty. Jim Garrison has gone to federal court to try to prevent The States-Item and The Times-Picayune from continuing to print the text of an affidavit in which the government outlines its charges that he accepted money to protect pinball interests.

U.S. District Court Judge Herbert W. Christenberry set a hearing on the suit for 4 p.m. Tuesday, but he left the two newspapers free to publish whatever they want of the affidavit between now and then.

Meanwhile, Police Supt. Clarence B. Giarruso has suspended two police officers who were arrested along with Garrison and seven others Wednesday. Giarrusso said Capt. Frederick A. Soule Sr. and Vice Squad Commander Robert N. Frey have been suspended for violating the rules of the police department and pending further investigation.

The suit to stop the two newspapers from publishing the affidavit was filed on behalf of Garrison and eight of the other persons arrested this week. John Pierce, the owner of an amusement company, was not listed as a plaintiff.

The affidavit was compiled by federal investigators and included transcripts of secretly recorded conversations with the district attorney. It forms a basis for the bribery and gambling charges against the DA and the others.

Atty. Gen. John Mitchell and U.S. Atty. Gerald Gallinghouse made the affidavit available to the press.

In their suit, Garrison and the eight others contend that publication of the text of the affidavit would make it impossible for them to receive a fair trial by a "jury free of preconceived opinions" about their guilt or innocence.

The attorney who filed the suit on Garrison's behalf was F. Irvin Dymond, the man who has been defending businessman Clay L. Shaw. Shaw was charged by Garrison—and found innocent—of conspiracy in connection with the assassination of President John F. Kennedy.

Editors of the two newspapers say they plan to continue publication of the affidavit. Walter Cowan, editor of The States-Item, said it will take two weeks to complete publication of the text.

The States-Item has been printing portions of the affidavit in series form since Thursday. The Times-Picayune also has published sections.

In addition to Garrison, Soule and Frey, the others who were arrested by federal authorities this week and who are plaintiffs in the suit against the newspapers are John Aruns Callery, pinball industry lobbyist, Louis M. Boasberg, Harby S. Marks, Jr., Robert Nims, John J. Elms, Jr., and Lawrence L. Lagarde, all of whom are executives in the pinball and amusement machine industry.

All of those arrested this week are charged with violating the Organized Crime Control Act of 1970. They are alleged to have taken part in bribery and illegal gambling.

Yesterday, Gallinghouse discussed the case with the federal grand jury. He said he was giving them a background briefing and later told newsmen a decision will be made over the weekend whether to present the case to the present grand jury or to call a special one.

In announcing the suspension of Soule and Frey, Giarrusso offered no explanation of what regulations they are alleged to have violated.

Giarrusso, in saying earlier this week he would not suspend the men immediately after their arrest, told newsmen he would have a Departmental investigation conducted.

The police Internal Affairs Bureau has been examining the government affidavit and questioning Soule and Frey.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

REASON MUST END UNREASONABLE WAR

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. HARRINGTON. Mr. Speaker, an editorial which appeared in both the Gloucester Times and the Beverly Times deserves to be inserted into the RECORD for its cogent analysis of the mistaken policy still being pursued by the administration. One almost gets the impression that the administration is unwilling to negotiate at times. Clark Clifford, former Secretary of Defense, said a few weeks ago he had reason to believe that the North Vietnamese would release American prisoners once we set a date for withdrawal. Instead of pursuing Clifford's suggestion, the Nixon administration immediately denigrated it. Now, recent statements by the North Vietnamese appear to substantiate Clifford's statement.

To quote from the editorial in the papers, both of which are from my district, states:

> This country has poured bullets, blood and billions of dollars into Vietnamization, a fancy word for leaving the South Vietnamese to settle their own differences with their brothers from the North. The United States has been overly patient.

The editorial concludes by saying the administration must stop giving "short shift" to what appear to be reasonable moves for peace.

At this time, I insert the editorial for my colleagues:

REASON MUST END UNREASONABLE WAR

It was nine years and six months ago that the first United States "advisor" was killed in Vietnam.

Since then, this country's casualty figures have increased to nearly 45,000 killed.

This makes it one of the bloodiest wars in the nation's history. Only in World War II and the Civil War did more soldiers lose their lives.

And both of those wars were shorter than the current conflict raging in Vietnam.

In a very strict sense, the Vietnam conflict cannot be called a war. Conflict is a more appropriate discription.

Congress has never been asked to make a formal declaration of war and the combat situation facing American fighting men is unlike any they have ever faced before.

There are no front lines. Gains are not measured in lands or property taken. The city of Saigon is assumed to be safely under the control of the Americans and the South Vietnamese government, but if the Viet Cong wanted to mount a rocket attack there tomorrow, it doubtless could do so.

To many, the Vietnam conflict must appear to be struggle without end; one that has created widespread dissension at home and made drug addicts of 25,000 combat men, drug users out of thousands more.

In the United States Senate this week, a resolution was passed 57–42 advocating a total withdrawal of all troops from Vietnam within nine months provided satisfactory provisions have been made to repatriate United States prisoners of war.

Both Sen. Edward M. Kennedy (D) and Sen. Edward W. Brooke (R) voted in favor of the amendment. This is consistent with their prior stands against the conflict.

Unfortunately, the reaction of President Nixon to the resolution was also consistent with his stand that no withdrawal timetable should be established.

White House press Secretary, Ronald Ziegler, took care to note the Senate resolution was only a "sense of the Senate" feeling and in no way binding on President Nixon.

He hinted the Senate resolution did not indicate the feelings of a majority of Americans.

Ziegler said if Hanoi thought the Senate resolution was a majority feeling in the United States "this could seriously jeopardize the negotiations in Paris."

This reaction from the administration is regrettable. Those negotiations in Paris have gone on since 1968 and they are apparently no nearer to accord on anything than they were six months after they started.

This is the second time in recent weeks the Nixon administration has downgraded significant plans to end this turmoil of Vietnam.

Early in June, former Defense Secretary Clark Clifford came up with a plan for ending the conflict. It would pledge the United States removal of all forces from Vietnam by the end of the year provided the Viet Cong and Hanoi started releasing prisoners 30 days after the U.S. formally agreed to set the withdrawal date.

Nixon's reaction to this was that it would be unfair to the government of South Vietnam. The President pointed out that more time is needed for the program of Vietnamization to be perfected.

This was a shallow argument.

The South Vietnamese government has been working on Vietnamization since the last days of the Johnson administration in 1968.

This country has poured bullets, blood and billions of dollars into Vietnamization, a fancy word for leaving the South Vietnamese to settle their own differences with their brothers from the north.

The United States has been overly patient.

If Vietnamization is no nearer accomplishment now than it was in 1968, how much longer can this country be expected to stay buried in what Sen. Mike Mansfield has called "the tragic morass of Southeast Asia?"

President Nixon is off base if he doesn't feel most Americans want an end to this struggle.

He should stop giving short shift to what appear to be reasonable moves to end this Southeast Asian nightmare.

RICH FARMERS SPLIT HOLDINGS TO SHARE SUBSIDIES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. ANDERSON of California. Mr. Speaker, earlier today I spoke briefly about the farm subsidy program which will pay actor-politician John Wayne and his partners $218,000 from the Federal Treasury.

Yesterday, as I was reading the Washington Post, I was shocked to learn that the intent of Congress had been abused and ignored.

Last year, when Congress enacted a law placing the limit a farmer may receive at $55,000 per crop, I thought this was unrealistically high. But I was shocked to learn the Department of Agriculture has aided and abetted the agribusinessmen in circumventing the will of Congress.

The language of the limiting provision was endorsed by the Department of Agriculture—the acknowledged spokesmen of agricultural interests—and the provision was intended to save the taxpayer upward of $60 million.

Now, by bureaucratic fiat, the businessman-farmer, such as Mr. Wayne, is allowed to collect huge sums from the Federal Treasury.

Last year, I supported an amendment which would have limited payments to $10,000 and would have added strong language to prevent agriculture-businessmen from establishing dummy corporate entities and then subdividing their land to evade the legal limit.

This year, I supported the amendment which would limit farm payments to $20,000 per farm. Hopefully, the Senate will concur in our action, and hopefully, the administration will carry out the intent of Congress to save the taxpayer millions of dollars.

Mr. Speaker, at this point, I place in the RECORD an article which appeared in the Washington Post on July 5, 1971, and I would like to commend the Post for bringing this situation to light:

RICH FARMERS SPLIT HOLDINGS TO SAVE SUBSIDIES

(By Nick Kotz)

Hundreds of the country's richest farmers, including Sen. James O. Eastland (D-Miss.) and movie actor John Wayne, have reshuffled their businesses in ways that avoid the effects of a 1970 law designed to limit their federal farm subsidy payments.

The law limits each farmer to a $55,000 per crop maximum federal subsidy check. But Agriculture Department regulations and the law itself have produced a bumper crop of legal loopholes.

Congressional supporters of the payment ceiling had hoped it would save taxpayers $60 million this year, principally on cotton, where the biggest subsidies are concentrated.

Contrary to their expectations:

Total farm subsidies, more than $3 billion last year on cotton, wheat and feed grains, will not be lowered as a result of the payment restriction.

Many big farmers, like Eastland, have legally circumvented the subsidy limit. The senator and his family will receive about $160,000, only slightly less than payments last year. The Eastlands avoided the $55,000 maximum payment by creating eight new business entities to farm their 5,200-acre plantation in the cotton-rich Mississippi Delta.

Actor Wayne and his partners will get about $218,000—far less than their 1970 payments of $810,000—for Arizona cotton ranches named "Red River," "Rio Bravo," and "El Dorado" after Wayne movies. The government, however, won't save any money. More than $500,000 in Federal checks that formerly went to the Wayne group will be paid instead to other farmers and investors.

They, in turn, paid Wayne at least several hundred thousand dollars to lease his valuable federal cotton allotments.

The J. G. Boswell Co., which last year received $4.4 million, the country's biggest single farm payment, this year won't receive anything from the government. Instead, most of the payments that would have gone to Boswell will go to a combine of 53 investors. This combine and others paid Boswell about $1.3 million for a one-year lease of the firm's cotton allotments. They also will pay Boswell to farm their leased land. Each of the more than 50 investors can receive the maximum $55,000 subsidy. Again, the government won't save any money.

Far more cotton will be grown this year, as giant operators like Boswell continue to plant their own land, but without federal subsidies. Boswell and other large corporate farmers may this year experience some reduction in total income. But they now, in effect, have the farm program "both ways." They get substantial cash by leasing their cotton allotments to others, for use on other land, and then are free to grow as much cotton on their own land as they want without any of the restrictions of the farm program. Boswell has planted 25 per cent more cotton this year.

Critics contend that the new Boswell approach runs counter to the basic intent of the farm program, which was designed to support farm prices by limiting production. Farmers were paid federal income supplements in return for their pledge to divert some land from production.

USDA officials say the business maneuvers of Eastland, Wayne and Boswell are legal variations on a theme employed by most of the 1,353 largest farm operations that are affected by the $55,000 per farmer limit.

Agriculture Secretary Clifford Hardin told congressional critic Paul Findley (R-Ill.) in May that USDA never expected to achieve substantial government savings. Hardin said he became even more pessimistic about any savings after he decided that the law required USDA to issue regulations that permitted a wide variety of farm reorganizations.

Findley had originally proposed a much-tighter written $20,000 limit and warned of loopholes in the final bill. It was written as a defensive maneuver by USDA officials, together with congressional farm committees, of which Eastland is a member. Nevertheless, Findley believes USDA has widened the loopholes in its regulations interpreting the law.

Findley said: "I believe most members of Congress thought they were getting a payment limit in which less money would be spent on the program. I'm disappointed in the whole thing, but I expected to be because the law and regulations were written by people who don't believe in any payment limitation. These short-term leases strike me as a subterfuge and clear evasion of the intent of Congress."

George Hansen, a former Republican congressman from Idaho and now the USDA deputy administrator charged with overseeing the new regulations, disagrees. He said Congress did not intend "to destroy farmers" by prohibiting them from farm reorganizations. "This is a tough apple," Hansen said. "Some people think our regulations are too easy. Others say they are too tough."

Hansen emphasized that USDA now is spotchecking 50 already-approved farm reorganizations to make certain that farmers are not illegally avoiding the payment limit.

Only 1,353 of several million American farmers received subsidies of more than $55,000 per crop in 1970 and thus are affected by the new payment limit this year. Their 1970 payments totalled $142 million, of $3 billion total payments. Only 153 of the 1,353 were wheat or feed grain farmers. The vast majority are big cotton growers in Arizona, California, Mississippi and Texas.

These cotton planters had received the huge federal subsidies because they operated highly productive land with many acres of federally assigned cotton allotments. These allotments are needed to qualify for government payments.

The family of Sen. Eastland, for example, is assigned 1,125 acres in cotton allotments this year. The Eastlands' $159,925 in USDA-estimated 1971 payments are determined by multiplying their allotment acres (1,125) times their cotton yield (a rich 945 pounds per acre) times the federal subsidy payment rate (15 cents per pound).

Wealthy Arizona and California planters such as Boswell and Wayne get payments based on even higher yields—more than 1,000 pounds of cotton per acre.

The Eastlands are not limited to a $55,000 payment this year because of the wording of the new law and the way USDA has interpreted it.

The law specified only that "a person" was limited to $55,000 per crop. The drafting of "fair and reasonable regulations" defining "a person" was left up to the Agriculture Secretary. The law also permitted cotton farmers to continue the past practice of selling or leasing their federal cotton allotments.

The USDA regulations provide that each member of a partnership qualifies as a separate "person," entitled to a $55,000 payment. In addition to this $55,000 payment, the regulations also permit a farmer to share subsidy payments from corporations in which he is a minority stockholder.

USDA officials told The Washington Post how Sen. Eastland reorganized his plantation in compliance with provisions of the new law and regulations.

In 1970, Eastland Plantation, Inc., in which Eastland, his wife, and his four children were stockholders, had received $162,967. In addition, the senator received an $11,487 subsidy from a partnership with his cousin.

If the Eastlands had not altered their two business entities, they would have been limited to $65,000 in subsidies this year.

A business reorganization was carried out early in 1971. The family corporation and partnership with his cousin were both dissolved. The corporation was replaced by six new entities: individual farms for the senator, for each of his four children (for land willed them by a grandparent), and by a new family corporation, which leased land owned by the senator. A new family partnership will farm all this land (two of the senator's daughters live outside the state and his son is in the Navy). Eastland's partnership with his cousin was transformed into another new corporation.

Payments to the senator and his four children will total $160,000, less than their payments in 1970 because of another change in the USDA payment formula.

The Eastlands also will receive a small feed grain payment, probably less than $2,000, from the Double O. Ranch, Inc., a cattle operation in which they have a 50 per cent interest.

Sen. Eastland said in an interview that the new payment limitation law "had nothing to do" with his family's business reorganization early this year. He said the new business entities were created because his mother's will called for dividing up his children's property when the youngest reached 21. Another reason, said Eastland, is because "we're going into the cattle feeding business in a big way."

The senator's youngest child is his son, Woods, now 25. USDA records show that Eastland still owns 62 per cent of the family plantation land, but his children hold a majority of stock in the farming corporation.

Eastland said one advantage of the new farm law is that it provides greater flexibility to grow more cotton. "We planted more cotton this year," he said, "because it's a commodity in short supply."

Other large cotton planters have carried out similar business reorganizations. For example, Roy Flowers, another major Mississippi Delta planter, divided two family farming operations into five, thus avoiding any loss from 1970 payments of $196,000.

Kirby Hughes, who in 1970 received $711,000, the largest payment to any single Arizona cotton farmer, this year formed a new 15-man partnership. The partners are Hughes, his son, brother, brother-in-law, and 11 former employees. Hughes sold or leased land and allotments to the partnership, which USDA says will receive $782,000 in 1971 payments—about $52,100 for each partner. The new operation is financed by a major cotton broker and ginning corporation.

The very largest farm corporations, which cannot subdivide their subsidies among enough family members or employees, have taken another course, which has benefited either smaller farmers or nonfarmer business investors.

Delta and Pine Land Co., a British-owned company in which Queen Elizabeth II reportedly has an interest, received $805,000 last year, the biggest payment in Mississippi. This year, for several hundred thousand dollars, the Delta firm leased its cotton allotments to 57 other farms. These individual or corporate farmers will receive the subsidies permitting some to expand their farm operations. The British-owned firm will farm its more than 10,000 acres of prime cotton land without any government restrictions.

The giant Boswell firm has similarly leased its California cotton allotments, but Boswell has retained a greater financial interest. Its payments will generally go to business investors rather than to other planters.

Boswell has leased most of its allotments to a combine of five partnerships with more than 50 investors. The combine will not only pay Boswell about one-half the cash value of the allotments but also will pay the firm the land for the investors. Boswell continues to farm its own land.

William E. Young Jr., a member of USDA's California state farm committee, is rankled that more subsidies now are being paid to non-farmer business investors. Of the Boswell investors, he said: "It's prettty much of a cinch they are going to make money, unless there is a disaster."

Young says farmers like himself, who do not have an endless supply of relatives with whom to split subsidies, have been hurt by the new regulations. In an effort to prevent the use of "strawmen" to help spread a farmer's subsidies, USDA has ruled that wives, minor children and persons who cannot prove some contribution to a farm enterprise are ineligible to receive payments. Each corporation is limited to a $55,000 payment.

Young said the payment ceiling will cost him about $50,000 this year. He had to give up cotton allotments he formerly leased from others. Young, his father and his son still will receive about $147,000 in cotton subsidies and $28,000 in sugar beet payments (not subject to the subsidy limit). Young's minority interest in a farm corporation and his creation of a new farm for his son will help him avoid larger payment cuts.

Farm experts disagree about whether efficient cotton planters can make money without the benefit of cotton payments. Kenneth Frick, the Nixon administration's director of farm commodity programs, says the new payment limit is providing a test of whether corporate giants such as Boswell are efficient enough to earn a profit in the open market. USDA officials acknowledge, however, that the test is not a complete one because the big corporate farmers still receive in allotment lease fees about one-third to one-half the money formerly paid directly to them in subsidies. It is expected that Boswell will have only slightly reduced income this year if present cotton prices are maintained.

John Schnittker, who was under Secretary of Agriculture in the Johnson administration, says that two-thirds of the formerly unlimited cotton subsidy payments merely represented added profit to big farmers, thereby encouraging them to plant more cotton rather than less. He believes production could be effectively controlled and farmers could still earn a fair profit with a $20,000 subsidy limit.

However, USDA staffers such as Howard Cox insist that the payments mean the difference between profit or loss for most farmers, including the big ones.

Meanwhile, congressional opponents of big farm subsidy payments are trying to reduce the payment limit to $20,000. The House already has taken this action, in an amendment to the 1972 agriculture appropriations bill. But the House bill did not close any of the present loopholes permitting farm reorganizations.

Farm Administrator Frick said the imposition of a $20,000 limit would be grossly unfair, since the 1970 farm law promised a three-year program with a $55,000 payment limit.

"Farmers just can't make another adjustment," Frick said.

EXTENSION OF THE SUGAR ACT

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. DIGGS. Mr. Speaker, it is utterly inconceivable that a nation, such as ours, should even consider extending the Sugar Act Amendments of 1971, which will guarantee continuing subsidy to South Africa.

Throughout the course of history, it has been observed that, "repression begets repression." The story of South Africa's repressive society, as it relates to blacks, is well known and has been widely publicized. Less well known, but equally as distressing, is South Africa's stepped up repression of religious bodies in that country.

Last month, South Africa suspended the transfer of sums of money to Israel because of Israel's contribution of nearly $3,000 to the Organization of African Unity—OAU.

The July 3 edition of the New York Times carries a special article, "South Africa Curbs Priest, Indicts Second Anew" which cites the house arrest of Rev. Cosmos Desmond, a Franciscan and the first Roman Catholic priest to be placed under such restrictions.

Father Desmond has been an outstanding critic of the Government's policy of resettling "unproductive" and otherwise "unwanted" blacks in areas away from the cities. The 35-year-old South African citizen describes these conditions in his book, "The Discarded People." The Ministry of Justice served the so-called banning and house-arrest orders, against Father Desmond, effective for 6 years.

In a separate move, the Times article tells of a second indictment against the Very Reverend Gonville Aubie french-Beytagh, the Anglican dean of Johannesburg who was first detained for 8 days last January. New charges were brought against the dean by the public prosecutor. Dean french-Beytagh, a 59-year-old British subject, was originally charged under the Suppression of Communism Act, but in a later hearing, the prosecutor substituted more serious charges under the Terrorism Act, which is aimed at suppressing activities by or in behalf of black nationalists. The dean is accused of distributing pamphlets advocating the overthrow of the government and supporting a move to bring about political changes in South Africa. He is presently free under a $14,000 bail pending a hearing scheduled for August 2.

There is little doubt of the multiplicity of such acts of religious repression by the South African Government. In a hearing conducted last week before the subcommittee on Africa, the Right Reverend William F. Creighton, Episcopal bishop of Washington, revealed during his testimony that he was subjected to a brief period of detention in South Africa with no explanation given for the act. Judge William H. Booth, of New York, was also detained.

This type of repressive behavior counteracts any impressions that we may have of South Africa as a "highly civilized" nation. It is disquieting to witness a government policy which allows repression to spread—crossing the boundaries of racial repression to include religious leaders who dare to speak out against apartheid.

How can we, in good faith, support an apartheid government by guaranteeing them millions of dollars in subsidy through "the Sugar Act Amendments of 1971?" As chairman, House Subcommittee on Africa, I submitted the following testimony on June 22, 1971, before the Senate Finance Committee:

STATEMENT OF REPRESENTATIVE CHARLES C. DIGGS, JR., DEMOCRAT, MICHIGAN, CHAIRMAN, HOUSE SUBCOMMITTEE ON AFRICA, BEFORE THE SENATE COMMITTEE ON FINANCE ON EXTENSION OF THE SUGAR ACT, JUNE 22, 1971

Mr. Chairman: I appreciate the opportunity to appear before you and submit this statement of my views on H.R. 8866, "The Sugar Act Amendments of 1971".

I am confining my presentation today to the statement of the reasons requiring a termination of the sugar quota for South Africa. This can be done by nullifying the provision in section 4(3) of this bill for a 1.44 percentum proration for South Africa in accordance with the amendment submitted by Senator Harris (Amendment 163), that is by amending line 7, of page 7 of the bill, to provide that the proration for South Africa should be zero per centum and the proration for the other countries proportionately increased.

There is no political or economic justification for a sugar quota for South Africa. Moreover, a sugar quota for South Africa is directly in contravention of the very criteria set by the House Committee on Agriculture for determining whether foreign countries should be granted a proration. Finally, an analysis of the facts pertinent to the South Africa sugar quota demonstrates conclusively that there is no basis whatsoever for a sugar quota for South Africa.

Political Considerations

South Africa is the only country in the world where economic, social and political discrimination is the proclaimed policy of the Government and is instituted and implemented by law.

Apartheid, or the doctrine of separate development, means that 13% of the population of South Africa, that is the white population, is allocated by the law 87% of the land of the Republic.

Apartheid means that the Blacks, Coloreds and Indians—denominated as non-Whites in South Africa—cannot vote, have no political representation in their government, and are deprived of all political rights. South Africa is governed by an All-White Parliament, no member of whom represents the majority of the people.

Apartheid is a system whereunder the African by law is denied fundamental human rights. The Special Rapporteur of the Economic and Social Council of the United Nations has found that in South Africa the African has no freedom of association, speech, no freedom of religion or right to marry and no protection of his family life, no right to property, no freedom of movement or of residence, no rights connected with his work, no right to education, no freedom from slavery and servitude.

Apartheid is a system of repressive laws, such as the infamous Terrorism Act, permitting indefinite detention, without charge or trial, without access to any relative, friend, lawyer or clergymen, such as the Bureau of State Security Act under which an accused may be deprived of the right to give evidence in his own behalf, such as banning laws which permit the executive to place any person arbitrarily—even a person found innocent by the Courts—under house arrest indefinitely, without charge or trial and without right of recourse to any court.

The United Nations has pronounced apartheid a "crime against humanity". In South Africa no one, black or white, is safe who questions the Nazi-like tyranny and subjugation of the people by the Government. No greater potential threat to world peace exists. The United States cannot with impunity support apartheid.

Support of apartheid is a violation of the principles of the United States Constitution and of the United Nations Charter, which requires that government be based on the principle of equality of peoples and on dedication to the development under law of the right of each person to labour, to work, to raise his family, to just treatment, and to educational, political and social advancement without regard to his race, color or religion.

Support of apartheid is an insult to the 25 million black Americans. It is in complete disregard of the true interests of the United States and is a serious erosion of United States foreign policy interests in Black Africa. Credibility demands that our pronouncements of abhorrence of apartheid not be made a mockery by our supporting apartheid morally and economically.

Finally, a sugar quota for South Africa represents support for a government which has been censured by the entire international community for its repression of its own people in South Africa and for its continued occupation by force of Namibia in defiance of the United Nations and of the rights of the people of that international territory.

Only by striking the sugar quota for South Africa can Americans indicate the repugnance we feel for apartheid in all of its petty viciousness.

In taking a stand against apartheid, but declining to support a solution by force, Secretary Rogers has emphasized the necessity of seeking a solution through the constructive interplay of economic and social forces. I submit that this country must not economically undergird South Africa by providing the financial and economic support of a guaranteed market for its sugar and additionally the financial bonus of the premium price available under the United States sugar quota.

ECONOMIC CONSIDERATIONS

Clearly, a sugar quota provides economic assistance to the recipient country. South Africa is considered a developed country by all standards set by our own laws, the Foreign Direct Investment Act, the Interest Equalization Act, and Sub Part F of the Internal Revenue Code.

Moreover, South Africa is a land of diamonds and of gold with a highly developed scientific and engineering capacity, an advanced technology, and a fully operating industrial complex.

The sugar quota for South Africa is unique, since it is a developed country and, unlike Australia and Ireland, there are no special political reasons for allocating a sugar quota to it. In fact, there are compelling political reasons requiring that it not be given the comfort and support of a U.S. sugar quota.

A sugar quota allocation to a particular country can be justified on the grounds that financial support to that country is within support to the Black African countries is consistent with our foreign policy interest of helping to build viable self-sustaining economies in those countries, to some of whom the sugar industry is of vital importance to their economies and to their prospects for growth. None of these considerations apply in the case of South Africa where the total exports of the sugar industry to all countries accounts for only 2.5% of its exports.

Economic considerations also require that the United States not support a country which in its labour practices does not endeavor to meet international standards and criteria for decent labor conditions. South Africa does not meet this test.

THE CRITERIA SET BY THE AGRICULTURE COMMITTEE

The House Agriculture Committee has stated that there are five "main standards against which individual country quotas are adjusted." South Africa fails to meet three of these five criteria!

The first is that a quota recipient be a "friendly government to the United States, *including non discrimination against U.S. citizens in the quota country.*"

Another determinative factor is the "need of the country for a premium priced market in the United States including . . . (b) its relative dependence on sugar as a source of foreign exchange and (c) present stage of and need for economic development."

Thirdly, a basic consideration is the "extent to which the benefits of participation in this market are shared by factories and larger land owners with farmers and workers, together with other socio-economic policies in the quota countries." This final deficiency will be treated exhaustively in the next section of this paper.

The criteria relating to the country's stage of economic development has already been discussed and under no economic criteria is South Africa eligible for U.S. aid.

South Africa's discrimination against U.S. citizens, including Congressmen is too well known to require reciting here.

THE FACTS AS TO THE SOUTH AFRICAN SUGAR QUOTA

Under the sugar quota which South Africa received in 1962, South Africa has received *extra* profits from the United States totalling 37.3 million dollars. This is the sum of the bonuses for the years of 1962, 1965, 1966, 1967, 1968, 1969, 1970 and for the first quarter of 1971. In all of these years the price was paid to South Africa for sugar exceeded, sometimes by two-fold, the world market price. During the nine years since South Africa has had a U.S. sugar quota, there were two years, 1963 and 1964 when South Africa might have found buyers for its sugar at a higher price than the quota price, since the U.S. price for those two years was lower than the world price. Taking all nine and a quarter years into consideration, we find that the income advantage to the South African sugar industry from selling to the United States at U.S. premium prices has netted 34 million dollars to South Africa in foreign exchange.

The following chart shows the income advantage to the South African sugar industry from the U.S. sugar quota:

	Millions
1962	4.9
1963	—3.1
1964	—¼
1965	7.6
1966	4.9
1967	4.9
1968	5.5
1969	3.9
1970	3.9
1971 (Jan.–April)	1.7

I repeat, in the past decade the United States has supported apartheid with a 34 million dollar bonanza.

But this is not the whole story, because the prices we have given thus far only reflect the premium South Africa has gained in dealing with the United States. The actual support that South Africa has received from the United States under the sugar quota has been for a guaranteed market for more than one and a half billion pounds (1,629,291,299 lbs or 800,000 tons) of its sugar. The United States has paid South Africa $105,734,662 for its sugar. To repeat, 105 million dollars is the figure at which we have subsidized apartheid. And as shown above, one third of this, or 34 million dollars, is a pure giveaway.

The breakdown on these totals is as follows:

1962	190,187,237	$10,717,532
1963	254,766,674	19,667,988
1964	235,230,333	14,966,098
1965	221,332,937	13,586,402
1966	134,272,278	7,676,319
1967	150,977,858	9,278,900
1968	122,961,120	7,949,202
1969	123,263,076	7,869,021
1970	164,307,236	11,467,370
1971 (January–April)	31,992,550	2,555,830
Total	1,629,291,299	105,734,662

Let us put aside for a moment other factors militating against a quota for South Africa, such as political considerations of apartheid and the economic fact that South Africa is a developed country, and look at the sugar industry in South Africa itself to see if, nevertheless, there may be humanitarian reasons justifying a quota for South Africa. Such mitigating considerations would be based on a finding that the South African Black sugar grower reaps a meaningful benefit from the U.S. sugar quota.

Our first inquiry is to what extent the financial advantages of the quota sifts down to the African sugar grower.

South African sugar exports are handled through SASA (the South African Sugar Association) with the total price from sales to the United States at the quota premium prorated over the entire crop. Thus, we must look at the production figures for the African sugar grower to determine his participation in the profits from the U.S. sugar quota. The latest year for which we have full figures is 1969. (The SASA submitted figures for the number of growers for 1970, but we cannot use these because figures for productions are not included and it is this, the production figure, which makes the picture meaningful.)

The following is the breakdown for the number of growers by race for these years:

Africans	4,286
Indians	1,837
White *	2,127

*Including 24 miller planters.

A breakdown of the figures on productions of these growers shows the following cane production:

	Tons
Whites *	15,491,000
Indians	948,000
Africans	383,000

*Including 3,432,000 production of miller planters.

Thus, notwithstanding the fact that approximately two-thirds of the growers are African, the productions of the African growers is only about two percent of the entire crop. The figures are as follows:

	Percent
Whites *	92.4
Indians	5.6
Africans	2.3

*Including 20.7% of miller planters.

We understand from the submission of SASA to the House Committee on Agriculture that the proceeds on all sales of sugar are distributed so that two-thirds goes to the growers and one-third to the millers. So, if we look at the 3.9 million quota premium paid by the United States to the South African Sugar Association in 1969, we see that 1.3 million dollars went directly to the millers who are white and that 2.6 million dollars went to the growers. Since this amount is allocated to the growers in direct proportion to their production, and since 2.3 percent of the production is attributable to the African growers, we find that the African sugar growers received in toto $59,800. There are 4,286 African sugar growers among whom this sum was to be divided. Carrying out the computation, we see that the African grower in 1969 received $13.95 extra because of the U.S. sugar quota. Thus our sugar quota for South Africa means on the average of a $1.16 a month for the African sugar grower.

The submission of SASA states that the premium price paid by the United States means an additional $100 to the small grower who produces 500 tons of cane. Looking back at our chart, we find that the 4286 African sugar growers produced 383,000 tons of sugar in 1969 and dividing, we see that their average individual yield for that year was less than 90 tons. Thus, although the U.S. premium price may benefit by $100 the "small grower of 500 tons", the African sugar grower is not such a "small grower".

To recapitulate, so that we can see the full picture of who benefits in South Africa from the sugar quota, the following table is presented.

1961 sharing in South Africa sugar quota premium

[In percent]

White grower	47.8
White miller (including miller planter)	46.8
Indian	3.73
African	1.53

The African sugar grower receives 2.3% (his percentage of the production) of the growers' share of two-thirds of the premium or 1.5% of the whole premium. Similiarly, the Indian gets 5.6% (his proportionate proportionate production) of the growers' share of two-thirds, or 3.7% of the premium.

Thus, the actual share in the profit from the United States sugar quota was as follows:

Whites	$3,689,400
Indians	145,470
Africans	59,800

The above picture and data graphically and conclusively demonstrate that a sugar quota for South Africa cannot be justified on the grounds that the African sugar grower is a meaningful participant in the premium distribution.

One other factor should be examined to determine possible justification for giving racist South Africa a sugar quota; for African workers comprise a large segment of the field workers in the South African sugar industry. The question therefore concerns the wage structure of the sugar industry.

The poverty datum line for Africans as set by the Johannesburg Associated Chambers of Commerce is $103.00 a month. This signifies what is considered the minimum essential for an African family.

Since the available data on the wages paid to African sugar workers is not uniform, we will use the figures submitted by the South African Sugar Association—a figure which no doubt is most favorable to that association. This figure lumps together the operatives, semi-skilled laborers and the unskilled laborers. The average daily rate for all such workers is, as given by SASA only $1.67 a day or $41.75 a month. This figure which surely represents the optimal view of the wage structure situation is sixty-two dollars less a month than the poverty datum line.

Thus, no argument can be successfully advanced that the sugar quota for South Africa should be continued because it means decent wages for the African workers in the sugar industry.

CONCLUSION

For all the above reasons it is not in the national interests of the United States to give South Africa a sugar quota, and I urge this Committee to terminate the sugar quota for South Africa by amending H.R. 8866 to provide that the proration for South Africa be a zero proration.

South Africa is anathema to the civilized community of nations and considerations of justice, of human rights and elementary decency dictate that assistance to that country which "denies the humanity of most of mankind" be ended forthwith.

NEW DIRECTIONS FOR CITIES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. WALDIE. Mr. Speaker, we are all aware of the many problems faced by our urban centers today. Many incisive suggestions have been made to date as to how we might go about solving the rapidly developing crisis in our cities and I would like to add to those suggestions the article by Mr. Leon B. Sager, "New Directions for Cities."

Mr. Sager's article includes ideas which are both penetrating and practical, and I feel that it is incumbent on all of us to give them careful consideration, as we attempt to deal with the many complex problems and issues which surround the cities of this Nation.

The article follows:

NEW DIRECTIONS FOR CITIES—GOVERNMENTS AND PRIVATE ENTERPRISE COOPERATE IN CREATING THE FUTURE

The point has been reached where no one is unaware of the crisis in our cities. It is in the air city residents reluctantly breathe, the water they can no longer drink, the sky they rarely see. Unless the present direction towards city concentration is reversed many more will be robbed of the possibility of human living.

Blight in our large cities, serious enough in itself, is but one of the evils our cities face. To this must be added crime, deterioration, loss of privacy and recreational facilities, rising accidents and loss of time in urban transportation and, not least of all, drabness and ugliness. It has reached the point in Los Angeles where over half of the downtown area is covered with concrete: freeways, streets, parking lots. What has escaped adequate thought is the primary part played by rapid urbanization in environmental blight.

Over the past 35 years, seventy-five million people within the United States moved from rural areas and small towns to the cities—thirty-five million remained. This has been the most massive migration of man on any continent at any time in our history.[1] The question this article examines is whether we are prepared to add to this urban concentration the 80 million estimated to be added to our population by the end of the century. Also, to present evidence that this can be avoided; that it is within our capacities to provide more satisfactory alternatives.

Granted that a change in the physical environment is only one of the many problems that plague us, nevertheless it merits high priority. It affects the majority of the population. In addition, physical factors powerfully influence the health, mental attitudes and life-styles of urban residents. John W. Gardner has said, "we are faced with a series of opportunities brilliantly disguised as unsolvable problems."

A SECOND CHANCE

Cities no longer need be built along the humid Mississippi River as they have been from Duluth to New Orleans. For need they be crowded in a continuous, undifferentiated mass along the eastern seaboard. The past criteria and motivations for city locations are becoming obsolete. With the accelerated development of technology, including transportation, nuclear power, and communication, Federal and State policies can be developed that will guide the new growth more beneficially. We are thus afforded an important second chance.

We may benefit, in our new city and smaller city redevelopment program from a generation of European experience. In our own country, the new cities of Columbia, in Maryland; Reston, in Virginia; Irvine and Valencia, in California; Lake Havasu City, in Arizona; and many others, have explored the many problems involved. Their innovative experience can be of the highest value.[2]

Among the many advantages of building new and satellite cities, as well as redeveloping and expanding smaller cities, a few are particularly worthy of note: they open up potential employment for hundreds of thousands, including scientists and engineers from reduced Defense and Space programs; they offer far greater opportunity for development of community, citizen participation in government, and expression of individuality. Above all they offer a more pleasant environment for living. This is no less than a means whereby we may reshape our future, and—of basic importance—it is within our capacity.

A problem of this dimension requires a nationwide awareness—and a meaningful change of priorities. We have a strong commitment to defence—$68.6 billion worth; we have a strong commitment to transportation—$7.5 billion worth; we have a strong commitment to farm subsidies—$5.4 billion worth; we have a strong commitment to space—$3.7 billion worth. But our direct commitment to help people get decent homes is $375 million.[3] A second example: total expenditures for research and development by all departments and agencies of the government amount to more than $15 billion, yet only $60 million of this is for research in the field of housing and urban development. We are also far behind Europe in the development of new materials and in industrialized construction.

If there is to be significant headway in developing alternatives to big city sprawl much of the initiative must come from the Federal government. Equally imperative is a new attitude and participation by private enterprise. Fortunately both are occurring; they will be examined extensively.

Although the actions required on the part of the Federal government are numerous, two in particular may be singled out—reassessment of taxation and legislation on land-use and urban growth.

REASSESSMENT OF FEDERAL TAXES

Nationwide, critics have deplored the ever-widening imbalance of power between the Federal government, the states, and the cities. Its most obvious manifestation has been in taxes. As recently as 1932, more than fifty per cent of all taxes went to local governments; in the past twenty years this has sunk to fourteen per cent. Deprived of adequate taxation, for ever escalating needs, and neglected by the states, the cities have had to go, cap in hand, imploring assistance from Washington. Meaningful tax changes benefitting states and cities are an imperative need in solving city crises.[4]

Another means by which the Federal government could play a decisive role in the development of new cities is through providing corporations with tax-deduction incentives for decentralization. Also worthy of consideration is a change of direction of highway funds. The present antiquated concept—exclusive use for highway purposes—should be revised. A portion of these huge resources could more beneficially be used for purchase of greenbelts surrounding cities and for building new and satellite cities.

PROBLEMS OF LAND-USE, AND ABUSE

The past half century of rapid urbanization has brought many consequential changes, most of them ill. Perhaps none is more portentous than land-use; or abuse. Our grossest error was to treat land-use as a commodity of which the supply was unlimited. Among the consequences are despoilation and land speculation. A perfect example of what not to do with land is furnished by Santa Clara Valley, at the southern tip of San Francisco Bay in California. Here we find the flagrant misuse of one of the most unique agricultural areas in the world, and the substitution of a completely irrelevant urban development of massive size and questionable quality that could have been placed almost anywhere else on more appropriate land. Nationwide we are swallowing up half a million acres of cropland each year.

CONGRESS ACTS ON URBAN GROWTH AND NEW CITIES

The most important legislation ever passed by Congress to establish a rational program for urban growth, including new cities, became law at the end of 1970.

The following is the Short Title and Statement of Purposes of the 1970 Act:

"This title may be cited as the 'Urban Growth and New Community Act of 1970.'

"It is the policy of the Congress and the purpose of this title to provide for the development of a national urban growth policy and to encourage the rational, orderly, efficient and economic growth, development and redevelopment of our States, metropolitan areas, cities, counties, towns, and communities in predominantly rural areas which demonstrate a definite potential for accelerated growth; to encourage the prudent use and conservation of our national resources; and to encourage and support development which will assure our communities of adequate tax bases, community services, job opportunities, and well balanced neighborhoods in socially, economically, and physically attractive living environments."[5]

FUNDING FOR NEW COMMUNITIES AND RATIONAL URBAN GROWTH

The new law (P.L. 91–609) provides for an aggregate of $500 million of developers' obligations which can be guaranteed by the Federal government; not to exceed $50 million for a single community. In addition the Federal government authorizes the issuance of $240 million in loans; not to exceed $20 million for a single community.

Further, Grants are to be provided to States for the implementation of the new patterns of growth. Achievement of several objectives is anticipated by Grant provisions: helping States find and procure the best locations for new communities as well as expanding and enlarging existing communities; conserving land and other irreplaceable natural resources; expanding housing and employment opportunities.

This is surely a new turn in urban policy. Provided the bill is adequately funded—and this is a big proviso—it is possible to envisage a larger part of the American landscape without pollution of air, land, and water.

The bill creates a Community Development Corporation within the Department of Housing and Urban Development. The aim is not only to concentrate new building to save open space, or to initiate and experiment with new ways too of providing education, health and other services, or to avoid all kinds of pollution. Nor are the new towns to be only pleasant places for those who can already afford to live pleasantly. A foremost aim is to provide new housing close to new jobs for people not confined to the ghetto.

THREE NEW CITIES UNDER CONSTRUCTION

The new bill is the outgrowth of previous new city legislation. Under Title IV of the New Communities Act of 1968 the Department of Housing and Urban Development had already been empowered to guarantee developers' obligations for new communities. $250 million was provided in the bill; not more than $50 million in any one new community. One of the prime objectives of these guarantees is to help new communities meet their most difficult problem: securing "patient money"—investments with slow return. Income on new city development is often delayed 5 to 10 years on land purchases, streets, and the under-structure—gas, water, sewers, electricity. An important feature of the housing construction in Federally sponsored new cities is Planned Unit Development (PUD). Essentially this calls for a core area of public buildings, shopping mall, theatres and restaurants; industry concentrated in an industrial park; a residential area of villages of varying price ranges including single homes, townhouses and low-rise apartments. The government will have no part in the actual construction. Close cooperation with the private developers will be continual during the life of the guarantees.

The first three new cities under construction under Federal guarantees are: St. Charles Communities, 25 miles southeast of Washington, Park Forest South, details of which follow, and Johnathan City, 20 miles southwest of Minneapolis, Minnesota.

A Federal guarantee of up to $30 million was pledged by the Department of Housing and Urban Development for Park Forest South, near Chicago, which takes in 8,291 acres, 4,600 of which are covered by the Guarantee. Developer is Park Forest Developers, a general partnership including Park Forest South Investors, Mid-American Improvement Corporation (a subsidiary of Illinois Central Industries, Inc.) and US Gypsum Urban Development Corporation (a subsidiary of US Gypsum). In 15 years the figure of 100,000 population is expected.

The popularity of this approach to solving the city crisis gets part of its appeal from the fact that it simultaneously helps to solve another crisis—housing. Poor people, and many lower middle-class as well, are having a dif-

---

Footnotes at end of article.

ficult time finding decent living quarters, a situation greatly worsened by recent unprecedentally high interest rates, shortage of mortgage money, and inflation.

COST OF A NEW CITY

A computer appraisal of the general levels of investment for a new community of 250,000 made by the General Electric Company, arrived at the following: land costs, 40 to 50 million; improvement costs, 20 to 30 million; administration costs, 15 to 20 million; borrowing and interest, 30 to 50 million.

The calculations were made by Albert F. Trevino, Jr., now President, Urban Interface Group. By comparison, Mr. Trevino found that this cost was about equal to 30 miles of urban freeway, or one 747 Jet, or three or four major freeway-to-freeway interchanges. How far is private enterprise willing to go? One indication is the special issue of *Saturday Review*, January 23, 1971, "Can We Afford Tomorrow?" In an introduction, Mr. William C. Stolk, Chairman, Committee for Economic Development, told of a symposium devoted to social problems held by the Committee for Economic Development in the fall of 1970. "The meeting," said Mr. Stalk, "was testimony to the understanding of business leaders that social concern is enlightened self interest and that social involvement is investment in the survival of a free society." [6]

PRIVATE ENTREPRENEURIAL NEW CITIES

A significant upsurge in the building of planned new communities in America represents a pace of activity never before approached. Estimates range from less than 50 to more than 250 projects which can be designated as new communities. Regardless of the exact number, this represents an unprecedented level of activity. These new projected communities are in 18 states and range in size from 12,200 to 53,000 acres. They are designed to accommodate populations from as low as 4,000 to as high as 270,000 people; an aggregate of 3,374,000, not including three large communities with indefinite population project.[7] See Exhibit.

Among the diversity of new cities, a brief outline of three follows: Greenwood Village in Colorado, Reston in Virginia, and Irvine in California.

GREENWOOD VILLAGE, COLORADO—HOME OF DTC

"If we've got to work, then let's be comfortable. This modest statement of engineer-builder George M. Wallace, grossly understates the Denver Technological Center, located partly in Denver and partly in Greenwood Village. At the Denver Technological Center (DTC)—reputed to become the computer center of the nation—the buildings appear to be tucked skillfully into the contours of the land with an abundance of trees and grassy knolls and the grandeur of the Rockies in the distance. Some of America's most prestigious corporations have become part of DTC; among them United Air Lines, which chose DTC for its reservation center—a $45.7 million dollar complex.[8]

Among DTC's innovative features, some are particularly worthy of note. Individuals and families of varying income levels live in close proximity; minimal time is wasted in transportation; air and noise pollution are greatly reduced. It all adds up to lessening of fatigue, anxiety, and frustration, resulting from the better environment for living and working at Greenwood Village.

LARGE DEVELOPMENTS AND NEW COMMUNITIES COMPLETED OR UNDER CONSTRUCTION IN THE UNITED STATES SINCE 1947 [1]

Name [2] and location [3]	Acres [4]	Planned dwelling units [4]	Planned population [5]
Arizona:			
Kearny, Pinal County	1,300	1,000	4,000
Lake Havasu City, Mohave County	16,500	20,000	60,000
Litchfield Park, Maricopa County	13,000	22,000	75,000
San Manuel, Pinal County	700	1,500	6,000
Sun City, Maricopa County	10,700	30,000	55,000
Tucson Green Valle, Pima County	2,900	6,000	15,000
California:			
Calabasas Park, Los Angeles and Ventura counties	3,000	4,000	15,000
Diamond Bar, Los Angeles County	8,000	20,000	80,000
El Dorado Hills, El Dorado County	9,800	20,000	75,000
Foster City, San Mateo County	2,600	11,000	35,000
Irvine Ranch, Orange County	32,500	80,600	270,000
Janss, Thousand Oaks	11,000	22,000	80,000
Laguna Hills Leisure World, Orange County	2,500	18,000	30,000
Laguna Niguel, Orange County	7,900	22,800	80,000
Lake San Marcos, San Diego County	1,700	3,000	6,000
Mission Viejo, Orange County	11,300	27,000	80,000
Porter Ranch, Los Angeles County	4,100	12,000	43,000
Rancho Bernardo, San Diego	5,400	7,000	26,000
Rancho California, Riverside County	41,100	27,000	80,000
Redwood Shores, Redwood City	4,700	20,000	60,000
Rossmoor, Walnut Creek	2,000	10,000	16,000
San Martin, Novato	2,200	5,000	20,000
San Ramon Village, Alameda and Contra Costa counties	4,500	20,000	72,000
Sun City, Riverside County	1,700	8,600	11,000
University Village, Santa Barbara County	4,000	3,500	14,000
Valencia, Los Angeles County	4,000	40,000	250,000
Westlake Village, Los Angeles and Ventura counties; portion in Thousand Oaks	12,000	20,000	68,000
Colorado:			
Montbello, Denver	3,000	12,000	35,000
Northglenn, Adams County	2,700	6,500	30,000
Pikes Peak Park, Colorado Springs	4,300	11,500	35,000
Delaware: Pike Creek Valley, New Castle County	1,200	5,000	20,000
Florida:			
Coral Springs, Broward County	10,400	15,000	60,000
Deltona, Volusia County	15,000	32,000	75,000
Lehigh Acres, Lee County	51,800	(6)	(6)
Miami Lakes, Dade County	1,900	6,000	25,000
North Palm Beach,[7] Palm Beach County	9,600	7,100	25,000
Palm Beach Gardens,[8] Palm Beach County	6,100	15,000	70,000
Port Charlotte, Charlotte County	53,800	(6)	(6)
Georgia: Spring Hill, Hernando County	10,000	32,000	75,000
Peachtree City, Fayette County	15,000	4,300	15,000
Hawaii:			
Hawaii Kai, Honolulu County	6,000	16,400	56,000
Mililani Town, Honolulu County	3,000	14,000	56,000
Illinois:			
Elk Grove Village,[7] Cook County	5,800	13,500	58,000
Oak Brook,[7] Du Page County	3,600	7,000	25,000
Park Forest,[7] Cook and Will Counties	2,700	10,000	34,000
Park Forest South,[7] Will County	1,600	15,000	60,000
Louisiana:			
New Orleans East, New Orleans	32,000	120,000	250,000
Maryland:			
Columbia, Howard County	14,100	30,000	110,000
Crofton, Anne Arundel County	1,300	3,500	15,000
Joppatowne, Harford County	1,300	3,000	10,000
Montgomery Village, Montgomery County	2,200	10,000	30,000
Massachusetts:			
New Seabury, Barnstable County	3,000	3,700	16,000
Minnesota:			
Jonathan, Chaska	2,300	17,000	50,000
New Jersey:			
Willingboro, Burlington County	4,500	11,000	50,000
New Mexico:			
Paradise Hills, Bernalillo County	8,500	20,000	70,000
New York:			
Levittown, Nassau County	5,000	17,500	68,000
Sterling Forest, Orange County	20,000	(6)	(6)
Ohio:			
Forest Park,[7] Hamilton County	4,000	9,000	35,000
Grant Park, Clermont County	7,500	14,500	50,000
Pennsylvania:			
Levittown, Bucks County	5,500	17,000	70,000
Texas:			
Clear Lake City, Harris County	15,000	57,000	150,000
Sharpstown, Houston	4,000	9,900	35,000
Virginia:			
Reston, Fairfax County	7,400	25,000	75,000

[1] Compiled by the Division of New Communities, U.S. Department of Housing and Urban Development, Washington, D.C., January 1969.

[2] Arranged alphabetically by States.

[3] County, or city where annexed.

[4] To the nearest hundred.

[5] To the nearest thousand.

[6] Indefinite.

[7] Incorporated as a village.

[8] Incorporated as a city.

RESTON, VIRGINIA—THE GARDEN CITY

A high compliment is paid to Reston—it is frequently referred to as the Tapiola of America. (Tapiola, Finland, is often acclaimed the most beautiful new city in the world). Though this is a bit fanciful Reston does have many unique features. And small wonder. It was conceived and begun by an imaginative idealist, Robert E. Simon of New York City.

Before engaging architects, economists, sociologists and planners, Robert Simon laid out goals which were to become the blueprint for the building of Reston (a name formed from his initials). In addition to the primary requirement of physical beauty, Reston put emphasis on the importance and dignity of each individual. To achieve this, in Mr. Simon's view, required a variety of occupations near at hand, a wide choice of recreation facilities, and a mixture of people who would desire to remain in Reston, perhaps for generations. The mixture would be made more likely by providing variety of housing all in proximity: low-rise apartments, town-houses, and individual homes.[9]

Though much of this was accomplished, some things went wrong. Saddest for Robert Simon himself: after sinking $17 million in Reston, he ran out of money. Begun in autumn 1963, by 1967 Mr. Simon was obliged to sell. The purchaser, Gulf-Reston, a subsidiary of Gulf Oil Company, was one of the original investors. It is not unreasonable to suppose that Gulf's motive for taking over Reston was less idealism than an effort to save its investment. This it has accomplished. Nor was the investment too surprising: Gulf Oil, an international company, has built new towns in many parts of the world.

Reston today is a city of 11,000. In the three years since Gulf-Reston's acquisition, the population has tripled, 20 industrial plants have been added; also, schools, another church, another golf course, several miles of carefree walkways, and several swimming pools. Its location, 18 miles from Washington, D.C., puts Reston in the class of satellite rather than completely new cities. But this has an advantage—it enlarges employment opportunities.[10]

The future of Reston now seems assured. Though its ultimate goal of 80,000 is ob-

---

Footnotes at end of article.

scure, early expansion is certain. During the past 6 years Gulf has invested $35 million in the project. There are now 34 firms, basically engaged in research, electronics and the like. A real "shot in the arm" will occur when the $50 million, 105-acre headquarters of the U.S. Geologic Survey starts construction. Contractual arrangements with the Government Services Administration have been completed.

In the context of new city creation another prospective Reston development is of particular interest. A new community study-center will soon rise, funded by the State and Federal governments and run by the Virginia Polytechnic Institute. The center is intended to serve as a focal point for research, and programs concerned with planning, development, management and operation of new communities. It will also have a school for new personnel, which is in short supply. Not surprising, coming from the Secretary of the Department of Housing and Urban Development, George Romney considers the center will help to satisfy "one of the most pressing needs of the nation."

IRVINE, CALIFORNIA

Irvine is planned for and likely to become a city of 400,000 by the year two thousand. By that time it will probably be largely self-contained. For a long time, however, in company with nearly all other so-called new cities, Irvine will be a satellite city dependent for employment on Los Angeles, 35 miles southeast. Among Irvine's distinctive features, and there are many, a few may be selected. Over one-half of the 85 square mile non-mountain area is prime agricultural land. Largest of the new cities, Irvine has an overall area of 130 square miles. It is thus three times the area of San Francisco and five times as large as Manhattan Island. Irvine is also in the fastest growing county in the United States—Orange County, California. Through a grant of land, Irvine is able to boast its own university—the University of California Irvine.

Villages vary greatly in size. Some are and will remain small—population of about 1,000; others may increase to 15,000. Irvine planners are giving considerable thought to the kind of government that should be developed before incorporation. In conjunction with the University of California Irvine, a series of seminars is being held: a dialogue toward developing "innovative forms of government more responsive to residents."

Irvine is, above all, a planned city—as balanced as the new science of urban planning can make it. "A city of villages," to quote the planners, "Irvine will differ from much of suburbia, which suffer a crisis of the spirit." If the planners' dreams are realized, it will offer residents extensive opportunities for meaningful involvement in their environment. It is even hoped that new forms of municipal government will evolve.

The city of Irvine will certainly succeed—it is a true expression of American private enterprise. As its vice president, Raymond L. Watson, unblushingly admits, "I would hate very much for it to go down in history as a successful social experiment, but unprofitable. For then who would follow it. I am interested in that delicate balance between serving the needs and the wants of mankind."

In Irvine, as throughout California, population density is a primary issue. Equally vital is avoidance of another Los Angeles or San Jose—examples of the evil of unplanned sprawl. To this end close cooperation continues between the City of Irvine and Orange County through their planning departments on many other elements of mutual interest such as health, transportation, etc. Of the first importance is a decrease in density from 10 units per acre to 8 units per acre in the enlarged city.

SOME CONTRIBUTIONS OF NEW CITIES

Under existing economic trends, it is logical that the great majority of new communities are occurring in urban regions or near the greatest metropolitan areas. It is in these areas of urban concentration that new communities are critically needed. It is hoped that they will combat urban sprawl, protect land, water, and air resources, and provide in a more orderly way for large scale population growth. Perhaps the greatest justification for, and potential reward from the creation of new communities may be the opportunity to establish compatibility between the urban development and the natural environment—to make our new cities less destructive of the quality of life. If Americans are to have a "second chance," they must be given an opportunity of making more wholesome use of our national resources. They may ultimately become what the writer believes to be an "optimum city;" page 14.

THE OPTIMUM CITY

Very large cities are reaching the point of being ungovernable. They suffer from—extreme pollution of air and water, accelerating crime, deterioration, ugliness, decline of community, and loss of individuality.

New cities have the possibility of attaining many of the requisites for what the writer conceives of as an *optimum city*:

People—Variety of races, creeds, colors, age groups, and different economic status acting together toward the achievement of a better community.

Population—Size providing a quality environment with the variety of occupations and amenities desired. 100,000 to 1,000,000 probably most desirable.

Core area—Public buildings, shopping mall, theatres, concert hall, university. Transportation by electric powered mini-bus; private cars only in large parking area under mall, or in public garages or parking areas on periphery. Streets are for pedestrians.[11]

Residences—Villages incorporating homes, town-houses, high-rise apartments, grade schools, park and garden area.

Education—Ample and free, at all levels—nursery through university, and including extensive adult education courses.

Industries—A variety of jobs is provided by business located in industrial parks. So far as possible city strives for self-containment.

Utilities—All underground.

Beauty and recreation—Fullest use of natural attractions: mountains, hills, river, lake. If no natural features, built-in lakes. Abundant parks and a wide variety of recreation. Bicycle and footpaths abound.

Architecture—Of quality and design consistence, such as the new city of Valencia.

Communication—Newest electronic equipment for participatory democracy both in the city and, by 2-way cable television, nationally.

Justice—Citizens bring complaints through an Ombudsman to government officials (confrontations are aimed to avoid conflicts and violence).

Action by the States

The crisis of the cities is primarily a state problem. Though significant assistance, principally urban finance and planning must come from the Federal government; though important involvement by private enterprise is mandatory; though aroused citizenry, prepared for a higher tax-load, is imperative; with it all, the accomplishment—constructive city-building activity—is a task for the States. As succinctly expressed by the Advisory Commission on Intergovernmental Relations—"If we are to avoid chaos, states must also provide massive financial assistance to urban areas, revise discriminatory aid formulas and archaic tax structures."

Minimal indeed, up to this point, has been State activity. Although twenty States have created Departments of Urban Affairs, most of them lack power to deal with the infinitude of problems. Two states, New York and Colorado, have embarked on far-reaching, imaginative programs. These pioneering efforts are worth surveying both for themselves and for the lessons they provide for the entire nation.

New York State. During the past 30 years New York's population has increased from 13.5 million to 18.8 million, a rise of 39 per cent. Between now and the end of the century the total is likely to swell by an additional 7.3 million—two more New Yorkers for every five there. And despite the desperate conditions in New York City a considerable proportion of the increase is destined to enlarge the metropolitan area even more. In an effort to develop a better distribution and, hopefully, a better life, Governor Nelson A. Rockefeller, in 1968, by a determined and most strenuous effort, created the New York State Urban Development Corporation (UDC). Projects are outlined in Exhibit IV, page 18. UDC is governed by nine directors, five of whom are private citizens appointed by the Governor; four are State officials.

WHAT THE URBAN DEVELOPMENT CORPORATION MAY DO

UDC may acquire land by purchase or condemnation, build any type of facility, sell or lease projects to private investors, sell bonds up to $1 billion to finance projects.

To date 65 projects have been undertaken, with at least a dozen more under scrutiny. These range from relatively small housing developments to such exciting undertakings as the quarter billion dollar new town on Welfare Island, a New York City-owned property in the East River. For this mammoth UDC task Governor Rockefeller chose perhaps the most experienced urban builder in the nation, Edward J. Logue.

The Urban Development Corporation conceives as its basic mission improvement of the physical and economic environment of low and moderate income families. Many middle income families are also involved in what has become known as the 70–20–10 formula for housing. This mix, though it may vary according to local needs, is in the direction of 70 per cent of housing for moderate and middle income families, 20 per cent for low income families and 10 per cent for the elderly.

It is the view of Edward J. Logue, President of the New York State Urban Development Corporation, that developments which cater exclusively to low income or minority families are undesirable. They tend to produce large-scale, institutionalized, apartheid projects of questionable value either to society as a whole or to the low income families so housed. It is impossible to develop incentives and a new image for poor people which will enable them to fight their way out of poverty, Mr. Logue believes, if they only potential residential locations are among other poor people.[12]

Private sector participation is paramount to the success of this comprehensive statewide endeavor. This is achieved by the creation of local Urban Development Corporations which will have full responsibility. UDC's role will be catalytic. Plans call for turning the projects over to private enterprise for fees sufficient to keep the Corporation self-liquidating, giving private enterprize the major role.

VARIED TYPES OF UDC DEVELOPMENTS

UDC undertakings, which involve a total of 45,000 housing units, include only three new communities; the remaining 63 projects are expansions of existing urban communities. In the view of UDC, existing cities,

---

Footnotes at end of article.

which have a ready-made infrastructure of utilities and other public services, are capable of accommodating a larger proportion than they presently serve. In New York, as in a large proportion of our states, far too many are crowded in the principal city. The New York State Urban Development Corporation is hoping to prove that wiser planning can reshape the environment and provide opportunities for a pleasanter, healthier life for its people.

In essence UDC will provide the markets, coordinate the activities and, by giving guarantees, eliminate or at least reduce frustrations. Private enterprize is expected, in addition to all of the production, to do research and, hopefully, develop valuable innovations. Profit incentives will be provided for both prime and sub-contractors.

Two UDC activities are selected to give some conception of the character and scope of the enterprize:

Amherst. This suburban community immediately northeast of Buffalo is the site of a new campus for the State University of New York. UDC's first order of business was to hire a planning firm to provide expert advice and analysis of the project. The American subsidiary of Llewelyn-Davies Associates, London-based planners, was retained to do this job. In the short period of 15 years it is expected that Amherst will grow from a population of 90,000 to 240,000.

Welfare Island. This is the largest and most exciting of the New York City undertakings—a completely new community for the 2-mile-long island in the East River, adjacent to Manhattan, it calls for the creation of a new Island Town of 20,000 from all income groups. The plan, scale, and layout of the buildings, the mixture of income groups, the exclusion of cars—in these and many other ways UDC is taking advantage of the opportunity offered to do urban development differently. Resulting, it is hoped, will be a new community, a new neighborhood, a new asset for New York City—and a delightful place to live; the first completely pedestrian city proposed for the United States.

Every other state in the nation is paying the closest of attention to the efforts of the New York State Urban Development Corporation. It provides a golden opportunity for New York to prove that new directions for cities are achievable.

Leadership from a mountain state. A truly dramatic urban development is being undertaken by the State of Colorado. Under the forceful leadership of its Governor, John A. Love, comprehensive plans for the urbanization of Colorado's Front Range Corridor are in process. Just as in most other states, previous lack of forethought has resulted in a multiplicity of incorporated communities and special districts, inadequate and uncoordinated transportation, and a conglomeration of land uses.

In Colorado again, as in most other states, tax and zoning policies encourage land speculation and urban sprawl often resulting in a semi-permanent scar. This is perhaps the most agonizing feature of bad cities: they are ever present to the inhabitants.

The 1970 Land-Use Act established a Land-Use Commission. Premised on the concept: the use to which land is put has a critical effect on the environment, the Act outlines definite procedures:

Technical and financial aid to local governments for the most effective development of utilities, transportation, communication, etc.

Means by which local governments may deal with one another, with the state, and with Federal agencies.

A modern data-analysis technique which will make possible realistic prediction as to the possible consequence of a given decision about land use.

The State of Colorado plans to purchase and sell land to encourage new towns, control development by use of utilities and transportation, and utilize educational facilities and tax controls to stimulate desirable development. No state, however well governed, can achieve significant results without intelligent and enthusiastic backing by its citizens. Here Colorado is perhaps singularly fortunate. An appropriate illustration is the one per cent additional sales tax passed by the cities of Aspen and Boulder for the express purpose of arresting sprawl and creating a green-belt. The city of Denver is considering similar action. James Reston, reporting from Aspen, September 4, 1970, observed: "The tragedy is that so little is known in the nation as a whole about the success of these individual and community efforts. The community sales tax to preserve greenbelts around villages, towns and cities obviously has large possibilities, but outside of Boulder and Aspen in Colorado, the technique is not known."

ACCELERATING GROWTH OF SMALL CITIES

Where all of us live: most of the places are small—according to the 1960 Census of population, 17 million people, less than 10 per cent, lived in 5 cities of one million population or more; 11 million lived in 16 cities between 500,000 and 1,000,000, 10 million lived in 30 cities between 250,000 and 500,000—total in cities over 250,000, 39.3 million or 22 per cent.

But, the Census figures show, 62 million lived in cities and towns between 2,500 and 250,000, or 35 per cent. Nation's Cities—July 1969.

It is time to correct a frequent misconception that everyone would prefer to live in a big city. In 28 states more than half the people don't live in metropolitan areas at all. A recent Gallup poll counted 60 percent of residents of metropolitan centers hankering for a less urbanized life. For many in the United States, smaller cities—50,000 to 500,000, or thereabouts—ranging up to the size of Denver or Minneapolis, Phoenix or Atlanta, may seem the solution.

Confirming the accelerating growth of small cities, Chase Manhattan Bank, in a publication, "Developing a Rural Strategy," calls attention to the fact that so many factories are being built in the towns and small cities of the countryside that a remarkable statement can be made: "non-farm job opportunities have grown faster in rural counties than in metropolitan areas during the Sixties . . . Three out of ten new jobs created since 1962 were outside the 193 largest labor market areas . . . Building jobs increased 5.0% a year—well above the 2.9% rate of metropolitan expansion . . . In 1962, 27% of the factory jobs were outside the metropolitan areas."

There has been an astonishing growth of light industry which depends on trucks rather than ships or rails, and most small cities are close to a major super highway.

A great many U.S. small towns are being abandoned: they are no longer viable communities. Many others, however, are being revitalized and provide real hope in the battle against big city sprawl. There is a distinct advantage in keeping people where they are. Not surprising an increasing number of families in the United States consider smaller cities more human places in which to live.[13] Important also is the fact that many small cities house colleges or universities which are expanding enormously.

As in England and elsewhere abroad, small cities and small towns prove ideal nuclei for new cities. One new technique is the creation of modern new cities out of a group of small towns. Fremont, California is an example.

THE EXCEPTIONAL NEW CITY—
FREMONT, CALIF.

On January 10, 1956, 65 percent of the population of five small towns voted to create a new city, 96 miles in area. At that time the population, 22,400. By 1970 there were over 100,000 residents in Fremont. By 1980, 200,000 are anticipated. The city of Fremont, located 36 miles southwest of San Francisco, has a master plan that is both imaginative and adhered to. In 1962 this plan was selected for the American Institute of Planners Merit Award, a coveted recognition for comprehensive planning. The plan has been continuously updated to assure progressive and orderly development.

Some of Fremont's distinctiveness as a new city are worthy of note. It was created by its own residents with no government aid. It is a young city with young government officials; the average age of City Council and Planning Commission members, chosen for four years in non-partisan elections, is in the early forties. The first of the area's Rapid Transit (BART) stations will open in Fremont in 1971; Fremont will be 33 minutes away from San Francisco via air-conditioned train. With ample space and vigorous promotion Fremont is expected to be semi-self-contained within a decade.

CONCLUSION

The condition of our cities is desperate. It is not too much to say that a satisfying development of American civilization depends on solving city problems. Providing a more humane environment for ten or twenty millions, though far from meeting our full needs, is at least an achievable goal.[14] Of the highest importance it is politically feasible. The Administration and both Houses of Congress finally realize that something meaningful must be done not only because of the dreadful condition of our cities but in the realization that the problem will become far more difficult with increasing population concentration in urban areas.

The United States has a second chance. As is happening in nearly every European country, new forces are arising in the United States, both governments and private enterprize, actively engaged in building new cities and expanding small towns and cities. No other country in the world has equal facilities—ample space, wealth, know-how. We spend more on research and development than all the remainder of the world combined. We have the means of creating many attractive, healthy communities, people—rather than machine-oriented, for the sixty to seventy-five million persons who will be added to our population by the turn of the century, or we may haphazardly add them to our present megalopoli—Boston to Washington (Boswash), Chicago to Detroit (Chidet) and San Diego to Santa Barbara (Sansan).

AND HOUSING, TOO

A vital part of this program is housing. For two decades—since the Housing Act of 1948—our government has made promises that adequate housing would be built. But the promises have not been kept. We are ten million housing units short of the goal. A decent place to live for everyone ought to be a primary national objective. No one who has no stake in our system and has no apparent opportunity to acquire one can hardly care whether the system survives.

What may prove the greatest achievement of the 91st Congress was the passage of the Urban Growth and New Community Act of 1970. It was one of the few bills commanding high leadership in both Congress and the Administration. The bill provides three quarters of a billion dollars of developers' obligations guaranteed by the Federal government for the building of new cities. Further, grants are provided to States for the implementation of the new pattern of growth. This action by the government, particularly if it includes people in lower income brackets, is surely a new turn in policy. Provided the bill is adequately funded—and this is a big proviso—it is possible to envisage a larger part of the American land-

---

Footnotes at end of article.

scape without pollution of air, land, and water.

A really comprehensive program for building new cities and expanding smaller cities requires vast changes of which some of the most important follow:

Action program

Federal government—establishment of a national land-use policy including: (a) grants for Land Banks, enabling states to develop land acquisition programs, and (b) low interest loans and loan-guarantees to states and Regional Development Corporations for promotion of new cities, tax incentives to corporations participating in programs of decentralization and creation of new cities.

State government—significant income tax programs, state-wide plans for land use and population movement including: (a) reassessment of land use, (b) advance land acquisition, and (c) creation of an Urban Development Corporation for creation of new cities and expansion of small cities. The New York State Urban Development Corporation offers a pattern.

City government—expanded income taxes for the establishment of greenbelts, cooperation with Federal and state governments in new city programs, and expansion of small cities, efforts toward combining governmental activities with counties.

Corporations—active cooperation with Federal and state governments in creating new cities and satellite cities.

Citizens—political activity to promote reordering of national priorities, active participation in Community Development Corporations.

A reassessment of goals and a reordering of priorities are in the same order of magnitude as the creation of our nation. Improving the quality of life of our children will be determined by recognition of the changes required and by compelling the necessary action.

FOOTNOTES

[1] Ewald, William R., Jr. (1969) Regional Conference Resources Paper "Building the Future Environment," Waldorf Astoria, New York, January 30–31. (See page 1).

[2] Victor Gruen Associates (1966) *New Cities, U.S.A.* Statement prepared for Department of Housing and Urban Development, Summer. (See page 2).

[3] Cover page editorial (1970) "An open letter to the President," *House and Home,* February. (See page 2).

[4] Jacoby, Neill (1970) "Policies for American Economic Progress in the seventies," *Report of the President's Task Force on Economic Growth,* May. (See page 4).

[5] Report No. 91–1784 (1970) "The Housing and Urban Development Act of 1970," *House of Representatives,* December 17. (See page 5).

[6] Stolk, William C. (1968) "Beyond Profitability—Defining Corporate Goals" (Speech before the National Association of Business Economists) September 26. (See page 8).

[7] Pickard, Jerome P. (1970) "Is Dispersal the Answer to Urban Overgrowth," *Urban Land,* January. (See page 8).

[8] Hazelbush, Willard (1969) "Denver Technological Center Continuing Rapid Expansion," *The Denver Post,* March 9. (See page 8).

[9] Simon, Robert E. (1967) "Modern Zoning For Reston" *American County Government,* May. (See page 10).

[10] Eckhardt, Wolf Von (1970 "Reston Adds Low-Income Units to the Mix," *Washington Post,* April 6. (See page 10).

[11] Rudofsky, Bernard (1969) *Streets For People,* Doubleday & Co., Inc., Garden City, New York. (See page 15).

[12] Campbell, Alan K. (1969) Speech, "Political and Governmental Responsibility." (See page 16).

[13] "Does the Smaller City Have a Future?" (1970) *Changing Times,* The Kiplinger Magazine. June (See page 20).

[14] National Committee on Urban Growth Policy (1969) *The New City,* Frederick A. Praeger, New York, page 172. (See page 22).

HEW'S INVASION OF PRIVACY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. CRANE. Mr. Speaker, few rights excite the attention of Americans today as much as the right to privacy. In recent days we have heard criticisms of the FBI, the Justice Department, and other agencies of Government which have been accused of invading the privacy of individuals, either through wiretapping or other forms of surveillance.

In most instances, the individuals under surveillance by such agencies were involved in some sort of behavior deemed to be a threat to the national security. It must be made clear that all citizens, those who are under suspicion of misdeeds and those who are not, possess the same constitutional rights. If the right to privacy has been violated, it should be rapidly restored and the violations should be brought to task.

Yet, there is much more concern with the violation of the right of privacy of individuals such as those involved in the May Day protest activities, than there is with individual citizens who have neither been charged nor are under suspicion of wrongdoing of any kind. In fact, many of the same legislators who condemn the Justice Department and the FBI over the privacy issue seem totally unconcerned with the invasion of privacy of average American citizens by agencies such as the Department of Health, Education, and Welfare.

In a shocking and disturbing article, Allan C. Brownfeld, Washington editor of Private Practice magazine, the journal of the Congress of County Medical Societies, shows the manner in which HEW has intruded in the doctor-patient relationship and has compelled hospitals to forward to Washington private, confidential records of patients who are to receive medicare and medicaid benefits.

The story Mr. Brownfeld tells us is of St. Joseph Hospital in Thibodaux, La. This hospital refused to send to Government bureaucrats what is considered to be the private and confidential records of patients who applied for medicare benefits. As a result, the general counsel of the Department of Health, Education, and Welfare in Baltimore ruled that unless the "entire" record was sent, funds would be cut off.

Mr. Brownfeld notes that—

> When government initially entered the medical field there were many who cautioned that government control would inevitably follow government financial support. Those who sought additional government money rejected it, just as the farmers once rejected it, and just as those in the educational field did. But we have seen government come to control both agriculture and education, and if we are not careful medicine will be next in line.

Those who now advocate further governmental involvement in the medical field should read this article carefully.

I share this material with my colleagues, and insert this article in the Record at this time:

THE FIGHT FOR THE PATIENT'S PRIVACY

(By Allan Brownfeld)

Today in America there is probably more concern with the right to privacy than with any other alleged infringement by government upon the rights of individual citizens.

Leading members of Congress have expressed concern over the wire-tapping practices of the FBI, and others have vigorously opposed the personal questions which citizens, under compulsion of law, have been forced to answer on census questionnaires. There has, in addition, been concern over the practices of credit bureaus and of the internal revenue services, both of which maintain extensive dossiers on citizens.

The introduction of computers has furnished additional possibilities for the use and misuse of personal information. Arthur R. Miller, in his new book, "The Assault on Privacy", reports that MIT students in Project MAC (Machine Aided Cognition) were able to tap into computers handling classified Strategic Air Command data. If they can do this, any timesharing user can tap into a computer data bank. Despite claims of confidentiality, there is presently no way in which computer personnel can guarantee their control over access. They cannot even guarantee that they can prevent rewriting of the information in the computer by outsiders.

Given all of this, the story of St. Joseph Hospital in Thibodaux, La., should come as a shock to all who consider privacy an important aspect of a free society, and all who consider the confidentiality of the doctor-patient relationship on a par with the relationship between a priest and his congregants or between a lawyer and his clients.

St. Joseph Hospital refused to provide Louisiana Blue Cross with what the hospital considered to be private and confidential medical records of patients who applied for Medicare benefits. As a result, the General Counsel of the Department of Health, Education and Welfare, in Baltimore, has ruled that unless "any records required are examined personally and firsthand by authorized personnel . . . whatever services are involved will be treated as unverified and refunds will be obtained." The HEW official stated that "This includes the *entire* medical record . . ."

St. Joseph Hospital had provided the Louisiana Blue Cross and the Department of Health, Education and Welfare with completed HEW admission and billing forms. Yet, the government agency demanded more than this. It demanded that its own personnel, or those it assigns, be permitted to review the hospital records themselves. Applying what it considered to be proper medical ethics, the hospital refused to provide the additional material.

There is good precedent for this refusal. The Health Insurance Council, which represents 89 percent of all private health insurers in the country, has stated that "As a general rule, certain information is not available from the hospital record for release to third parties. This includes such data as detailed psychiatric examination information, personal history of patient or family, etc." The Council declared that "The information acquired in a doctor-patient relationship is generally considered to be confidential or privileged communication."

The government demand conflicts with the code of ethics adopted by the American Hospital Association and the American College of Hospital Administrators in 1957. This code recognizes the principle of the confidential nature of medical information: "The hospital organization and its individual employees jointly share the responsibility for the best possible care of the patient. To fulfill this obligation, the hospital and employees are both charged with certain reciprocal ethical obligations. . . . Employees are obligated . . . *to safeguard confidential information regarding patients and the hospital*. . . ." The Health Insurance Council does not hesitate to declare that "Clinical data obtained professionally and usually found in the medical section of the record is considered confidential."

St. Joseph Hospital would have been violating its own ethical code and the code set down for doctors and hospitals by the Joint Commission of Accreditation of Hospitals if it had yielded to the demands of the Department of Health, Education and Welfare.

The Standards for the Accreditation of Hospitals state that "Medical records shall be confidential, current and accurate" (Standard III). The Joint Commission's interpretation of Standard III, as published in October, 1969, is as follows:

"The medical record is the property of the hospital and is maintained for the benefit of the patient, the medical staff and the hospital. *It is the responsibility of the hospital to safeguard the information* in the record against loss, defacement, tampering or *use by unauthorized persons*. Written consent of the patient is required for release of medical information to persons not otherwise authorized to receive this information. *Records may be removed from the hospital's jurisdiction only in response to a court order.* It is recognized that in some instances, such as in the treatment of mental disorders, *certain portions of the medical record are so confidential that extraordinary means may be taken to preserve their privacy.*"

What would be included in the information called for by the Department of Health, Education and Welfare? One sample case history, with which I was provided, includes the following information. (Needless to say, the patient's name remains anonymous to me as well as to those who read this):

"Crying, pessimism, bleak future, tension, headaches, nervousness—indefinite period actually, but inclined to date everything from accident—lied to me at first, saying she hadn't been told a psychiatrist was called in, then inadvertently admitting it. Psychomotor retardation apparent. Unable to discuss more personal and intimate problems at this interview. I suggested she see me after discharge, but she said she'd snap out of it, which I doubt since the syndrome seems to be growing "*worse* rather than better with passage of time. She has taken an overdose of pills on one occasion and I think she needs psychiatric assitance, but she is not psychotic at this time and I know of no way to force her into treatment . . ."

Does the government, in order to fulfill the Medicare payment involved in the case of this patient, who was hospitalized for fainting at work, need to know the most intimate details of this individual's life, details obtained by a doctor in a confidential doctor-patient relationship?

How many patients would tell their doctors any personal and intimate details if they suspected that such information would one day find its way into the hands of government bureaucrats intent upon keeping in government files complete dossiers on the lives of all participants in government programs? The practice of medicine would surely suffer once the trust a patient places in his doctor is eliminated. This seems to be what government today is demanding of those patients who are participants in the Medicare program.

As in other areas of what has come to be known as Administrative Law, the written word of the law is often subjected to broad interpretations by government bureaucrats, often in direct violation of the intent of the Congress. Congress, it must be remembered, is elected by the people and must return to the people periodically for their judgment. Bureaucrats, protected by the civil service laws, are often responsible to no one.

Let us look, for example, at the statement which hospitals are asked to sign when they agree to participate in the Medicare program. Section 405.612, entitled "Compliance with procedural and other requirements; individual's refusal to execute request for payment" stipulates that the provider of services "Has *in its files* the required certification and recertification by a physician relating to the services furnished to the individual" and that it "Has furnished to the Secretary such information as the Secretary has found *necessary* . . ."

On the one hand, the Department of Health, Education and Welfare is not content that information be in the hospital's own files—it seeks to have them in government files as well. But, much more important, the HEW officials are given total leverage in coming to their own determination about what is "necessary" to determine the Medicare payment involved. Thus, government employees who are not doctors at all are in a position to demand of doctors information which has previously been considered confidential in order to determine whether a patient's claim is justified. By this standard neither the patient nor the hospital nor the doctor is trusted to tell the truth, while all three are expected to trust HEW officials to keep records confidential, even in the face of Arthur Miller's recent book on privacy which declares that real confidentiality in our computer age is all but impossible.

What has happened in the St. Joseph Hospital case is that HEW has interpreted the term "necessary information" in Section 405.612 of the Conditions of Hospital Participation to mean "all" information. St. Joseph Hospital, respecting the privacy of its patients, has provided only that information requested on Form SSA–1452 (In-patient Hospital and Extended Care Admission and Billing). The result: it will not be reimbursed and has been cut off from participation in the Medicare program.

When Dr. Jose L. Garcia Oller, president of the Council of Medical Staffs, wrote to the Department of Health, Education and Welfare on behalf of the hospital, he was told that ". . . information in the provider's own medical records of a patient is not subject to the confidentiality rules and regulations of the Department of Health, Education and Welfare, and, therefore, can be disclosed by the provider when it chooses to do so." This letter came from Irwin Wolkstein, assistant director of HEW's Bureau of Health Insurance in Baltimore. According to this broad view, what still *does* remain confidential is difficult to understand. Dr. Garcia Oller declares that this rule represents "a clear invasion of the confidentiality of the doctor-patient relationship" and declares that such governmental intervention into this private relationship can only negatively affect the quality of medical care.

In another letter, this one directly to St. Joseph's Hospital, Mrs. Martha A. McSteen, HEW's regional representative in Dallas, declared that in order to obtain previously confidential information, HEW needs nothing more than the signature each Medicare patient places on the information release form signed in conjunction with requests for the Title 18 payment. Mrs. McSteen writes: "Each Medicare patient who is admitted to a hospital, authorizes over his signature, any holder of medical or other information to release any needed information to the Social Security Administration or its intermediaries or carriers. We are not aware that any additonal authority is required to then obtain the needed information."

Is this what Congress intended when it passed the Medicare legislation? Members of Congress who have no idea of HEW's invasion of privacy in this regard must be made aware of the fact that Congressional intent with regard to the confidentiality of the doctor-patient relationship has been overridden by over-zealous HEW officials.

The Louisiana State Medical Society has joined St. Joseph Hospital in opposing this new interpretation of HEW policy. In a telegram to Senator Allen Ellender and Representative Patrick Caffery of Louisiana, Dr. Charles Miller, President of the Medical Society, states: "The Louisiana State Medical Society strongly protests threatened action by Baton Rouge Blue Cross to terminate payments for all Medicare and Medicaid patients in St. Joseph Hospital . . . because of hospital's refusal to disclose entire contents of confidential medical records. Such an unreasonable demand is in violation of the policy of the Louisiana State Medical Society, American Hospital Association and the Joint Commission on Accreditation of Hospitals. It is also in violation of P.L. 89–97 (Medicare) . . ."

Most doctors and most patients never felt that the Medicare law required anything different from what St. Joseph Hospital was willing to provide. The very concept that government investigators have a right to peruse and file away for future reference the confidential information about a patient's life is contradictory to everything we have always believed about a free society. It sounds, unfortunately, much like the dossiers kept on each citizen in totalitarian states.

When government initially entered the medical field there were many who cautioned that government control would inevitably follow government financial support. Those who sought additional government money rejected that idea, just as the farmers once rejected it, and just as those in the educational field did. But we have seen government come to control both agriculture and education, and if we are not careful medicine will be next in line.

Those who believe that the confidentiality of the doctor-patient relationship is an element of both good medical practice and of a free society should make their voices known today, while the confidential relationship still exists. If officials at HEW have their way, confidentiality will not only be eliminated in Thibodaux, La.—but also throughout the rest of the country.

CALENDAR OF EVENTS IN THE LIBRARY OF CONGRESS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, into the CONGRESSIONAL RECORD, I am pleased to place the fine calendar of events in the Library of Congress for July 1971. This calendar follows:

CALENDAR OF EVENTS IN THE LIBRARY OF CONGRESS, JULY 1971

NEW EXHIBITS

1 Prints and photographs division recent acquisitions. Works by such photographers as Mathew Brady, Alexander Rodchenko, and Jerry Uelsmann, plus works by such contemporary printmakers as Milton Avery, Les-

ter Johnson, Alexander Lieberman, and Peter Milton. In the southeast corridors, Ground Floor, Main Building, through September 30.

6 People's Republic of China law materials. A rare Communist Chinese legal document on justice and the law in pre-1949 China, and basic statutory materials and law journals from post-1949 China. In the foyer of the Law Library, Second Floor, Main Building, through September 30.

8 Fifty books of the year 1970. Books selected by a jury of the American Institute of Graphic Arts for their design quality. In the Rare Book Room, Second Floor, Main Building, through August 31.

MANUSCRIPT DIVISION

The holdings of the Library's Manuscript Division number approximately 30 million items and contain a comprehensive history of the Nation's life in all its diverse aspects—political, military, cultural, and scientific. The personal papers of American Presidents, from George Washington through Calvin Coolidge, are supplemented by those of many cabinet members and members of Congress. Developments in the field of science may be traced in the papers of Sigmund Freud, Jacques Loeb, J. Robert Oppenheimer, and many others. The manuscripts of major literary figures of the past, such as Maxwell Anderson, Edna St. Vincent Millay, Edwin Arlington Robinson, and Walt Whitman are augmented by authors who have enriched our contemporary literary life including John Barth, Vladimir Nabokov, William Styron, and John Updike.

The Division's Preparation Section organizes newly acquired collections of papers and describes them in published and unpublished registers. In the Manuscript Reading Room an average of 2,500 scholars make a total of 11,000 visits each year to consult papers while working on dissertations and other historical studies. The manuscript collections are increasingly being used by editors of historical publication projects such as The Papers of Woodrow Wilson.

The Division has a professional staff of historians who are available for consultation. Most manuscripts written more than 50 years ago may be reproduced by the Libary's Photoduplication Service. Readers may ask to use typewriters, tape recorders, and cameras in the Division.

CONTINUING EXHIBITS

Library showcase exhibit: 200th anniversary of the birth of Robert Owen, founder of the utopian community of New Harmony, Indiana. In the west foyer, Ground Floor, Main Building, through August 31.

White House News Photographers Association 28th annual exhibit. Prizewinning photographs of 1970. In the central corridors, Ground Floor, Main Building, through August 31.

Note: A catalog of the above exhibition is available upon request at the Information Counter, Ground Floor Entrance, Main Building. Mail orders are not accepted.

Trains in music: Railroads as depicted in the collections of the music division. Colorful sheet music covers ranging from 19th-century European and American prints to recent publications. In the foyer of the Coolidge Auditorium and in the northwest corridor, Ground Floor, Main Building, for an indefinite period.

Original cartoons and cover drawings by artists of the New Yorker magazine. Drawings made during the war years of the 1940's and the intervening years up to the recent past, including works by Peter Arno, Gluyas Williams, George Price, Saul Steinberg, Charles Saxon, and Micha Richter. In the north and northeast corridors, Ground Floor, Main Building, through July 31.

Sesquicentennial of Maine's statehood. Approximately 200 rare books, pamphlets, broadsides, manuscripts, engraved and lithographic prints, photographs, maps, drawings, and newspapers. On view in the north and south galleries. First Floor, Main Building, through September 6.

22nd national exhibition of prints. A selection of original prints, chosen by a jury of a curator and two artists, from current works submitted by contemporary printmakers. In the west gallery, First Floor, Main Building, through September 7.

Note: A catalog of the above exhibition is available upon request at the Information Counter, Ground Floor Entrance, Main Building. Mail orders are not accepted.

Gabriela Mistral: Life and works of Latin America's first Nobel Prize winner. Works depicting her life (1889–1957) as poet, essayist, teacher, and diplomat. In the Hispanic Foundation, Second Floor, Main Building, through August 31.

Ephraim George Squier, 1721–1788. Papers of America's pioneer archaeologist who explored and described prehistoric Indian relics in North and South America. Included are holograph sheets and original drawings for his *Ancient Monuments of the Mississippi Valley*. In the Manuscript Reading Room, Third Floor, Annex Building, through July 31.

Religions in Japan. Bibliographies, books, and illustrations depicting the history and influence of Shintoism, Buddhism, Christianity, and "New Religions." On the Fifth Floor, Annex Building, through August 31.

RECENT ACQUISITIONS

Toni Frissell, a noted photographer, has presented her entire collection of more than 40,000 color transparencies and over 270,000 black and white negatives to the Prints and Photographs Division of the Library of Congress. Miss Frissell has been published in *Life* and *Vogue*, as well as in books. Included are photographs of the national political campaigns, four U.S. Presidents, international dignitaries, fashions, and the Second World War.

EXHIBTS OF HISTORIC RARE BOOKS AND MANUSCRIPTS

Treasures of early printing. The Gutenberg Bible (the St. Blasius-St. Paul copy), one of three perfect copies on vellum now extant; the Giant Bible of Mainz, a 500-year-old illuminated manuscript, and other books from the Rosenwald Collection. Great Hall Area, First Floor.

The Magna Carta. Facsimile of the Lacock Abbey Version, gift of the trustees of the British Museum.

Declaration of Independence. The so-called "Rough Draft" written by Thomas Jefferson in June 1776; with emendations by Benjamin Franklin and John Adams.

Bill of rights. Engrossed copy of the proposed amendments to the U.S. Constitution, which later became known as the Bill of Rights.

George Washington. Memorandum on commission to effect exchange of prisoners with the British (earliest known document on which the U.S. Seal was impressed, 1782); letter to Colonel Lewis Nicola indignantly rejecting the suggestion that Washington be made king.

Thomas Jefferson. *The Catalogue of the Library of the United States;* Jefferson's *Manual of Parliamentary Practice for the Use of the Senate of the United States,* the basis for current parliamentary procedure in the U.S. Senate.

Abraham Lincoln. The 1st and 2nd drafts of the Gettysburg Address; papers from the Lincoln-Douglas Debates; the Inaugural Bible; the famous "With Malice Towards None" 2nd Inaugural Address.

Theodore Roosevelt. The Peacemaker Memorandum which helped restore peace between Japan and Russia in 1905; *The Ranchman and the Hunter,* one of his books on the West; letters to his children.

Woodrow Wilson. Nobel Peace Prize telegram and medallion; pages from early draft of Covenant of League of Nations; request to Congress for a declaration of war, 1917; draft of message to Germany, 1918.

The above exhibits (except Treasures of Early Printing) may be seen in the Exhibit Area, Second Floor, Main Building. Other papers of the aforementioned Presidents are also on view.

FROM THE ARCHIVES OF RECORDED SOUND

Long-playing records sold by the Library of Congress Recording Laboratory contain a wide assortment of musical performances, readings, and lectures from the Library's recorded sound archivists. From the Archive of Recorded Poetry and Literature come the voices of Robert Frost, Stephen Vincent Benét, Archibald MacLeish, T. S. Eliot, and many other distinguished poets of the English language, all reading their own works. The largest selection is offered in the three-disc set, *An Album of Modern Poetry,* devoted to 46 American and British poets. From the Archive of Hispanic Literature comes a similar series concentrating on writers in Spanish and Portuguese, both in the Americas and in the parent Iberian countries.

From the Archive of Folk Song come traditional performances of ancient ballads brought from the old world by the earliest settlers to the new. There are also early American hymns and spirituals, shanties and work songs of sailors and lumberjacks, American Indian chants and ceremonial dance songs, fiddle and banjo tunes, and Latin American songs and dances. All the performances are by the folk who have shaped and passed along the repertoire, and most were recorded "on the spot," in the fields and on the prairies, in the bunkhouses and cabins of the people.

Not all the literary recordings are of poetry, nor are all the folklore recordings of music. In the former series are lectures by such noted scholars and critics as Mark Van Doren and David Daiches, as well as a two-record set devoted to a stimulating interview with the late H. L. Mencken. The folklore series, in addition to music, includes some of the ancient repertoire of *Jack Tales,* recounted by an Appalachian woman who had heard and told them throughout her long life. A three-disc set of *Animal Tales* revitalizes the adventures of Brer Rabbit, Brer Fox, and company, in the fascinating Gullah dialect of the Georgia and Carolina coastal region. John Lomax, one-time Honorary Consultant to the Archive of Folk Song, relates some of his experiences as a *Ballad Hunter* in a lecture series.

A list of records for sale may be obtained free from the Recording Laboratory, Library of Congress, Washington, D.C. 20540. *Folk Music,* a detailed catalog is sold by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at 40 cents a copy.

LIBRARY HOURS

The Main Reading Room, Thomas Jefferson Room, National Union Catalog, Anglo-American Law Library, Science Reading Room, Slavic Room, and study facilities are open 8:30 a.m. to 9:30 p.m. Monday through Friday, 8:30 a.m. to 5 p.m. Saturday, and 1 to 5 p.m. Sunday.

The Local History and Genealogy Room is open 8:30 a.m. to 5 p.m. Monday through Saturday, 1 to 5 p.m. Sunday. The Manuscript Reading Room is open 8:30 a.m. to 5 p.m. Monday through Saturday. The Music Division is open 8:30 a.m. to 5 p.m. Monday, Wednesday, Friday, and Saturday, and 8:30 a.m. to 9:30 p.m. Tuesday and Thursday. The Microfilm Reading Room and the Orientalia Division are open 8:30 a.m. to 5 p.m. Monday through Friday, 8:30 a.m. to 12:30 p.m. Saturday.

The Newspaper and Current Periodical Room is open 8:30 a.m. to 5 p.m. Monday through Saturday, 1 to 5 p.m. Sunday. The Rare Book Room and the Prints and Photographs Reading Room are open Monday through Friday 8:30 a.m. to 5 p.m. The Photoduplication Service is open 8:30 a.m. to 4:30 p.m. Monday through Friday, 8:30 a.m. to 4 p.m. Saturday.

Exhibition Halls in the Main Building are open 8:30 a.m. to 9:30 p.m. Monday through Saturday, 11 a.m. to 9:30 p.m. Sunday. In the Annex, the exhibit hours are 8:30 a.m. to 9:30 p.m. Monday through Friday, 8:30 a.m. to 5 p.m. Saturday, 1 to 5 p.m. Sunday.

The Information Counter in the Main Building is open 8:30 a.m. to 4:45 p.m. Monday through Saturday, 1 to 5 p.m. Sunday.

All Library buildings are closed on Christmas Day. Library readings rooms are closed the Fourth of July, Memorial Day, Labor Day, and Thanksgiving Day.

TOURS

Free guided tours of approximately 45 minutes duration leave the Ground Floor Entrance to the Main Building on the hour from 9 a.m. through 4 p.m. Monday through Friday (except holidays).

OTHER LIBRARY LOCATIONS

The Division for the Blind and Physically Handicapped, 1291 Taylor St., N.W. Washington, D.C., *Hours:* 8 a.m. to 4:30 p.m. Monday through Friday, 9 a.m. to 1 p.m. Saturday, *Telephone:* 202–882–5500.

The Copyright Office, Building No. 2, Crystal City Mall, 1921 Jefferson Davis Highway, Arlington, Va., *Hours:* 8 a.m. to 4 p.m. Monday through Friday, *Telephone:* 703–557–8700.

The Geography and Map Division, 845 South Pickett Street, Alexandria, Va., *Hours:* 8:30 a.m. to 5 p.m. Monday through Friday 8:30 a.m. to 12:30 p.m. Saturday *Telephone:* 703–370–1335.

The Calendar of Events is free upon request to the Library of Congress, Central Services Division, Publications Distribution Sub-Unit, Washington, D.C. 20540.

THE POWER OF THE PRESS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. EILBERG. Mr. Speaker, all of us, at one time or another in our careers here, have done battle with the Department of Defense on behalf of our constituents.

Recently, the Army Materiel Command decided to consolidate the functions of the Army class manager activity. This required a transfer of the ACMA at the Frankford Arsenal in my home city of Philadelphia.

Many of the affected employees had more than 20 years of service in the Government or with the activity. The manner of their notification raised serious questions about the equity with which the Government treats veteran employees caught in an agency consolidation.

Columnist John Cramer, of the Washington Daily News, discovered that the Army Materiel Command was in fact functioning within the letter of Civil Service Commission regulations, but that the regulations themselves permitted inequitable and unjust treatment.

Mr. Cramer has brought this gap in its regulations to the attention of the Civil Service Commission and it has acted responsibly in tightening these rules.

I congratulate Mr. Cramer for his initiative and with the unanimous consent of my colleagues, I place the pertinent part of his column of Wednesday, June 30, in the RECORD.

NEW CIVIL SERVICE COMMISSION RULE ON TRANSFER OF EMPLOYEES

(By John Cramer)

Every now and then, not too often, someone catches religion off the sermons from this pulpit.

This time it's Civil Service Commission officials who have harkened.

In Mid-April, I reported the atrocious manner in which the big Army Material Command handled the transfer of 80 high-level supply specialists from Philadelphia to Harrisburg, Pa. I pointed out that the AMC was able to get away with it only because of a huge gap in CSC rules controlling the rights of federal employees who are transferred from one city to another.

Now CSC has moved to partially close the gap.

SUPPLY SPECIALISTS

What AMC did was to give the supply specialists only 10 days in which to decide whether to accept pig-in-poke job offers in Harrisburg. It wouldn't even guarantee them the same pay grades and pay in Harrisburg that they had in Philadelphia.

Result was that 68 refused to transfer. In the process, AMC required them to affirm in writing that they had forfeited all right to change their minds and transfer later.

Of the 12 who did accept, 8 were still wet-behind-the-ears management interns.

The National Association of Government Employes protested, AMC extended the original 10 days by an additional 10. When Rep. Josh Eilberg (D., Pa.) went to bat for his constituents, AMC first told him the employes would have 60 days to decide . . . then arrogantly thumbed its nose and retreated to its original ground.

REVISED RULES

The suggestion here at the time was that if CSC rules let AMC get away with a 10-day notice, some other agency inevitably would try 10 minutes. Milicrats—and bureaucrats—are like that.

Anyway, CSC has revised its rules so that they now say:

"When the agency asks the employee for his decision on whether he will transfer with the function, it should allow him sufficient time to consider everything that is involved and to give a responsible answer.

"The agency should not demand an answer in less time than it can reasonably allow and still have adequate time to plan and prepare for the transfer. For example, when it is possible to announce the transfer of function 60 days in advance, it would appear to be unreasonable to ask for a decision from the employee in less than 30 days. . . ."

WHAT IS INVOLVED

The new rule also tells agencies they should explain to employes "what is involved in accepting or declining" a transfer offer. Thus:

If the employe is honestly uncertain about transferring, he should be advised to accept the offer, reserving to himself the right to change his mind later.

If he has no intention of transferring, he should be advised not to accept. Then he will be eligible for immediate agency and CSC "priority assistance" in finding a new job.

Thank you, CSC. It was a pleasure to lead you to the light.

THE MONK AND THE BLACKSMITH

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. MAZZOLI. Mr. Speaker, one of my constituents, Arbra Strong, better known as "A. Strong," has toiled as a blacksmith for the past 38 years. Although his trade may seem outmoded to many, Mr. Strong is a valued employee at the DuPont plant where he makes such things as pipe clamps and brackets. Mr. Strong demonstrates his smithing to tourists on weekends.

Recently two Trappist monks from the Gethsemane Monastery near Bardstown, Ky., were instructed by Mr. Strong in the ancient, but still important, art of blacksmithing. As compensation the monks presented him with a supply of their famous cheese and bread.

So that we may always remember, as Mr. Strong says in his letter to me, "there are people who still work for cheese and bread, " I include an article by Ed Ryan, entitled "The Monk and the Blacksmith," which appeared in the June 13 issue of the Louisville Courier-Journal and Times at this point in the RECORD:

THE MONK AND THE BLACKSMITH

(By Ed Ryan)

Even his name—Strong—fits into the mind's image of blacksmith.

Arbra Strong ("just call me A. Strong, blacksmith") has the brawny arms and the sinewy hands of Longfellow's archetypal village smithy.

Disheveled swirls of thick gray hair fall just short of his brows, miniature wire-rimmed glasses sit securely near the end of his nose. The half-opened shirt reveals a manly white-haired chest, and a buckskin apron protects his legs when sparks fly from the red-hot steel being beaten into shape on the anvil.

For 38 years now, A. Strong has not only looked the part of a smithy, he has toiled from morn till night many a day becoming a master of his trade.

Yesterday, the 59-year-old craftsman who lives at 4717 S. 3rd, turned teacher for a day.

His student was a 21-year-old Trappist monk from the Gethsemani monastery near Bardstown in Nelson County.

A. Strong and Brother Jeremy Guare got together at the historic Farmington layout on Bardstown Road where Strong demonstrates his trade for tourists on weekends. During the week, Strong does his smithing at the DuPont plant, making such things as pipe clamps and brackets.

Brother Jeremy, a quiet friendly young man from Montpelier, Vt., has been at Gethsemani for three years and has taken an interest in metal crafts, especially silversmithing and ornamental iron works.

He and Brother Lavrans Nielsen, an artist at the monastery who came along to observe yesterday, have been curious about blacksmithing for some time.

Brother Lavrans explained that, despite assumptions by the public, the monks do receive permission occasionally to leave the Gethsemani monastery grounds "for study and instruction" and are allowed to converse with others.

"But we were a little surprised to see a reporter here today," he added.

Brother Jeremy, dressed in denims and blue work shirt, found that learning blacksmithing isn't easy, but he was encouraged by repeated fatherly assurances from Strong that "it takes experience."

"You're getting an advance course here in eight hours," Strong told the monk at one point. "You need to be a blacksmith's helper for six months to learn all this."

For starters, after building a hot, fan-blown (the old bellows are there for looks) fire in the forge, the blacksmith showed the monk how to make a nail.

"The first thing a blacksmith did when he came from England was to make nails to build his house," said Strong.

Deftly, the blacksmith used large tongs

to pick up a short piece of steel and placed the steel in the flaming forge. When it became searing hot, he put it on the anvil and expertly beat it with a small hammer until it was a nail.

Jeremy tried it and wasn't so successful. He had special problems with the big set of tongs.

"It's like learning to eat with chopsticks," laughed Brother Lavrans while his fellow monk struggled in his first attempt at smithing.

When Jeremy's version of a nail turned out L-shaped, somewhat irregular, the blacksmith advised him not to throw it away—"Don't waste nails, you can use that one to hold a conduit pipe up against the wall."

The next lesson was how to make a pony horseshoe, even though there are no horses at the monastery. Strong again demonstrated how to heat the steel to a point where it becomes malleable and then how to form it into a horseshoe on the pointed horn end of the anvil.

"This is one of the hardest jobs there are to do," Strong said as he drove nail holes into the horseshoe with a punch.

Again, Jeremy had problems with the tongs and then frustrations trying to form the piece of hot steel into its horseshoe shape.

"That looks like me the first time I tried to milk a cow," Brother Lavrans said in another aside.

Strong punctuated his instructions with little tidbits of smithing knowledge that come secondhand to the blacksmith but can make a novice look like a novice.

Tidbits like "always put your hammer on the anvil, then you will never lose it," or "always cool the tongs in the water (bucket) or the heat will climb up the tongs and burn your hand" or "always put the tools back on the workbench then you'll know where they are" or "keep the emery cloth (sandpaper) in your other hand and you won't be taking time to look for it."

By the end of the morning session, Jeremy was beginning to learn some of these small tricks of the trade. But his mild-mannered surface reactions were beginning to be tinged with irritation.

"It isn't easy as it looks, I tell you that," he said while trying again to beat a horseshoe into shape.

"That hammer is getting heavy," he remarked at another point. Strong, accustomed to pounding away with a heavy sledgehammer, suggested that the monk use a lighter model.

It was obvious during the day that the swarthy blacksmith was enjoying teaching the monks what he knew.

"I'm just as interested in learning you this as you are learning, so I want to take a day of my vacation this year and come out there to the monastery to help you some more," he said.

Strong's instruction fee was reasonable. "These fellows brought me some of their cheese and bread," he said with a big smile. "And they took me out to lunch."

W. W. HEATH—AMBASSADOR TO SWEDEN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. PICKLE. Mr. Speaker, recently Austin, Tex., and this country lost one of her great statesmen. William Womack "Bill" Heath has a record of public service beginning as county attorney for Grimes County, Tex., in 1925, and continuing on down to his appointment by President Johnson as U.S. Ambassador to Sweden in 1967.

The Reverend William Holmes of Austin said of Heath:

> He was a man who was intensely loyal to his friends, realistic about facing problems with candor and forthrightness; and a private man whose generosity and gifts were given without pretentiousness or fanfare.

The minister said:

> Our lives have been ennobled and enriched because Bill Heath lived and loved and gave of himself to others.

Reverend Holmes expressed well my own sentiments, for I have known and honored Bill Heath for many years. In addition to his many services in the field of Government, Ambassador Heath has had a strong hand in building higher education in Texas, both as a member of the Governor's statewide board of higher education and as a regent of the University of Texas, where he was chairman from 1962 to 1966. He had a hand in helping our hospitals and special schools as well. He was always a good man to work with—strong, to the point, and generous and understanding.

The 85 local, State, and national dignitaries, including former President Lyndon B. Johnson, who paid tribute to Bill Heath as honorary pallbearers, will miss him greatly, as will Austin, the State of Texas, and our Nation.

The student newspaper of the University of Texas joined the many others in paying tribute to this generous leader. I insert the article from that student paper, the Daily Texan, in the RECORD at this time:

LEADERS ATTEND HEATH BURIAL: "WHITE, BLACK AND BROWN" SHOW LAST RESPECTS

(Bob Plocheck)

W. W. Heath, chairman of the University Board of Regents from 1962–66, was buried Thursday in the Texas State Cemetery.

Among those attending the graveside services and funeral at University Methodist Church were former President and Mrs. Lyndon B. Johnson, Gov. Preston Smith and former U.S. Sen. Ralph Yarborough.

Rev. William Holmes, pastor of the church, noted the varied make-up of the group mourning Heath as "some of high station and some not; white, black and brown. But we all have in common the fact that we knew, loved and respected Bill Heath."

Others attending the funeral included former Gov. Price Daniel, Frank Erwin, who succeeded Heath as regents chairman; John Peace, present chairman; Dr. Charles LeMaistre, University chancellor; John Gronouski, dean of the LBJ School of Public Affairs; Walt Rostow and his wife, Elspeth; Mrs. Pat Nugent; Austin Mayor Roy Butler and City Councilman Jeff Friedman, Dick Nichols and Bud Dryden.

Rev. Mr. Holmes spoke of the symbolic representation of others Heath had served—patients of State hospitals he served while on the State Commission of Hospitals and Special Schools from 1957–59, the University community and the people of Sweden where Heath was U.S. ambassador during the Johnson Administration.

The LBJ School of Public Affairs was cited by Rev. Mr. Holmes as a long-lasting accomplishment of Heath that will always contribute to the democratic process.

Heath died of a heart attack at his Austin home Tuesday. He was 67.

Rev. Mr. Holmes called Heath a loyal friend, a realist of creativity and candor, a private man who helped others without fanfare, a good family man and a good church man.

Pallbearers were Raymond Vowell, Max Brooks, William Dillard, French Robertson, Pete Coffield, Fred Sharp, Paul Lindsey and James Duke.

Heath is survived by his wife and two daughters.

KEEPING THE RECORD STRAIGHT ON THE ILO

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. ROONEY of New York. Mr. Speaker, on last Thursday, June 24, 1971, when the House was considering in the Committee of the Whole House on the State of the Union the bill H.R. 9272 making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1972, I made the statement that the United States would not lose its vote in the International Labor Organization—ILO—until January 1, 1973.

Under the permission heretofore granted me by unanimous consent of the House I include the following letter addressed to me under date of June 25, 1971, by the Honorable William B. Macomber, Deputy Under Secretary of State for Administration:

DEPUTY UNDER SECRETARY OF STATE
FOR ADMINISTRATION,
Washington, D.C., June 25, 1971.

Hon. JOHN J. ROONEY,
Chairman, Subcommittee on Appropriations, House of Representatives.

DEAR MR. CHAIRMAN: This is to confirm information provided orally on June 24, 1971 that the United States would lose its vote in the International Labor Organization (ILO) on January 1, 1973 if it made no further payments on its assessed contributions.

This is governed by Article 13, paragraph 4 of the ILO Constitution, as follows:

"4. A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee, or in the election of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-third majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

To illustrate the above as it affects the United States, the following is presented:

	Assessment	Payments	Arrears
1970	$7,458,875	$3,758,875	$3,700,000
1971	7,816,337		7,816,337
1972	8,709,250		8,709,250
Total	23,984,462	3,758,875	20,225,587

Thus, on January 1, 1973, the United States would have lost its vote, since the arrears would have exceeded the contributions due for the preceding two full years (i.e., for 1971 and 1972) by some $3,700,000:

Total U.S. arrears	$20, 225, 587
Contributions due for 1971	−16, 525, 587
Excess of arrears over contributions due for 1971–72	3, 700, 000

Sincerely yours,

WILLIAM B. MACOMBER.

MAJOR CHANGES IN OUR PRESENT WELFARE SYSTEM

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. MITCHELL. Mr. Speaker, the Senate Finance Committee will shortly be considering H.R. 1, title IV of which institutes major changes in our present welfare system. This is surely the No. 1 piece of domestic legislation before this session of the Congress. We must insure that the legislation which we finally send to the President for his signature will be worthy of having the tag of reform attached to it.

I am today inserting into the RECORD two articles which provide significant insights into the struggle for welfare reform as it now stands. The excellent column by Tom Wicker, from the New York Times of July 4, points out some of the harmful provisions of H.R. 1 which many Members referred to during the debate on this bill 2 weeks ago. The second article, from the July newsletter of the American Civil Liberties Union, is by Sylvia Law, staff director of the health law project at the University of Pennsylvania. The article is concerned with the attempts of some States to deny welfare recipients the benefits that are rightfully theirs under the law.

If we are to deal knowledgeably with the welfare bill when it is returned to us from the conference committee, we must remain diligently aware of the consequences of the legislation on which we will be voting. I commend to my colleagues these two articles and insert them into the RECORD at this point:

[From the New York Times, July 4, 1971]

THE PRICE OF REFORM

(By Tom Wicker)

WASHINGTON.—The price of reform in America has always been high, frequently so high that it costs more than it is worth. Powerful interests, impregnable institutions, entrenched members of Congress—by the time all have exacted their concessions and protected their positions, the most powerful reform movements in the worthiest causes are likely to find themselves with less than half a loaf of stale bread.

That may not be precisely the case with H.R. 1, the welfare reform bill that has passed the House under the joint stewardship of the Nixon Administration and Representative Wilbur D. Mills. Still, this is a measure that yields so much in return for the reform it seeks that it has to be asked whether the price is not too high.

The basic reforms pursued by H.R. 1 are highly laudable. It would establish an income floor of $2,400 a year for dependent families of four, extend this aid to the "working poor" as well as the indigent, and provide some financial relief for hard-pressed states.

But aside from the fact that $2,400 is grossly inadequate in most areas, H.R. 1 has been pushed through the House Ways and Means Committee and the House itself only at considerable cost. For instance:

Forty-five states and the District of Columbia now provide more than $2,400 a year in cash and food stamps (which will not be available to recipients under H.R. 1) and 22 states pay more than $2,400 in cash. Yet, there is nothing in H.R. 1 that would require states to supplement the Federal payment so that no recipient would lose money or benefits, and no Federal incentive to lure states into such supplementation.

H.R. 1 also would impose more stringent work requirements on welfare recipients, including the mothers of fatherless children, without adequate provision for their day care. It would force these persons to accept work at $1.20 an hour instead of at the legal minimum wage, a provision that makes it all too likely that well-intended welfare reform might be some cases be warped into a source of cheap forced labor.

At the same time, where are the jobs for the adults among the 10.6 million current recipients of said for dependent children? Unemployment is already at about 6 percent, and Mr. Nixon has just vetoed a public works bill that was intended to provide emergency jobs. Are the 200,000 temporary public service jobs to be provided by H.R. 1 and the 200,000 more to be provided by a separate emergency employment act sufficient even for welfare recipients, let alone the other unemployed?

H.R. 1 also would stiffen eligibility requirements, notably by disqualifying any person who during the previous nine months had earned an amount of income that, if earned regularly, would make him ineligible for assistance. For many persons otherwise eligible, this will impose a nine-month waiting period for aid—in contrast to the "current need" standard of assistance that now prevails. Other persons—many seasonal and migrant workers, for instance—will be made permanently ineligible by this provision.

H.R. 1 also would impose numerous harassing regulations—for instance, one that would discourage recipients from seeking a hearing before their grants could be terminated, even though in 1970 the Supreme Court ruled that recipients were entitled to such hearings. The bill also would rule out any system of certifying eligibility by the prospective recipient's affidavit of need and force an investigation of all applicants.

Such provisions as these tend to negate two of the major aims of most welfare reformers—to permit a higher degree of dignity and privacy to poor people who need help, and to reduce the vast, costly bureaucratic machinery now needed to administer and "police" the program.

There are those who argue resignedly that this is only the price that has to be paid for serious welfare reform. But the real question is whether there can be serious welfare reform when provisions such as these are imposed upon it; for "income maintenance" and "aid to the working poor" become only a different, perhaps marginally better, means of doing what we are already doing if welfare continues to be demeaning to its recipients, inadequate to their needs, bogged down in red tape and suspicion, punitive in spirit and insufficient to break the cycle of dependency.

Those are qualities that will have to be eliminated by any welfare reform worthy of the name, and worthy of the supposed generosity of the American people. Unfortunately, the Senate Finance Committee, to which H.R. 1 now has been delivered, turns a meaner eye and a flintier heart on the poor than does the Ways and Means Committee, if that is possible; so the likelihood is that an even higher price will yet be exacted for the sad remnants of reform.

OPERATION NEVADA: CRISIS IN WELFARE

(By Sylvia A. Law)

This past winter witnessed the beginning of a new phase in the struggle of the very poor to obtain public subsistence with a modicum of justice and dignity.

The five years from 1965 to 1970 produced an enormous growth in the welfare rolls and modest increases in grants. Welfare recipients numbering 125,000 organized themselves into the National Welfare Rights Organization (NWRO) and some 700 local constituent chapters. Thousands of needy people were induced by organizational efforts to apply for the aid to which they were entitled.

Millions more joined the rolls on their own initiative—perhaps as a result of a growing recognition that public assistance is a right of those in need rather than a demeaning charity.

The efforts of poverty lawyers established the eligibility of thousands of others, and perhaps more significantly, eliminated many devices which states were using to reduce grants or to limit eligibility. For example, when the Supreme Court struck down the man-in-the-house rule in 1968, 200,000 to 400,000 needy mothers and children immediately became eligible for assistance worth an estimated total of $250 million annually. For another example, when the Court held residency requirements unconstitutional in 1969, 100,000 to 200,000 new recipients joined the rolls, at a cost of $125 million to $175 million per year.

UNEMPLOYMENT

Wholly apart from the efforts of organized recipients and their lawyers, the war in Viet Nam produced inflation and unemployment, which added more people to the ranks of the poor and to the welfare rolls.

Though states can always save welfare costs by reducing the size of grants, welfare grant levels have always been grossly (and concededly) inadequate, and continuing inflation makes cutbacks even more brutal.

Even back in 1967, anti-welfare sentiment was high. Congress that year imposed a "freeze" on the level of federal payments to families with dependent children and for the first time required that AFDC mothers leave their children and go to work. The "freeze" was unworkable and finally rescinded. (The on-going Work Incentive Program does not prune the rolls—it brings in more applications than there are jobs available.)

State officials facing the "welfare crisis" find that their options are severely proscribed. They cannot refuse aid to the "immoral" or to strangers. They cannot establish waiting lists or discriminate against the politically vulnerable. They can enforce work requirements, but the expense of providing training and day care centers is far greater than the costs of minimal subsistence, and jobs are simply not available in quantity.

REAGAN RHETORIC

In December, 1970, George Miller, director of the Nevada Department of Welfare, thought he had found an answer to the crisis. He turned the rhetoric of Ronald Reagan into concrete action: He launched a major campaign against welfare "cheaters."

On Jan. 1, 1971, 3,000 Nevada mothers and children did not receive their monthly checks. Miller claimed that 21 per cent of the people receiving aid had been terminated for cheating. Checks to 4,200 more individuals, an additional 28 per cent of the recipients, were reduced. Miller had engineered an "audit," consisting of mobilizing virtually the entire workforce of the welfare department to contact employers and neighbors of the poor and to study the records of the social security and unemployment compensation agencies for any evidence of unreported income in the past five or more years.

For most recipients, the first notice of the "audit" was the failure of their monthly checks to arrive or the arrival of smaller checks. In the first weeks of January they received formal notices, most dated Dec. 31, 1970, stating that the welfare department proposed to reduce or terminate aid. The typical reason given was simply "overpayment."

The "audit" was legally deficient on a variety of procedural grounds. First, federal law requires that the department seek the specific consent of the recipient whenever it contacts collateral sources for information about the recipient. Violation of this state and federal rule was structured into the "audit."

RIGHT TO CHALLENGE

Second, the Supreme Court, in 1970, said due process requires that prior to the termination of an assistance grant, the department must inform the recipient, with clear notice of the reasons; and it must continue aid until there is an opportunity for a hearing before an impartial official with the right to confrontation, a chance to present evidence and arguments, etc. Federal regulations have now extended this rule to cases where the department proposes to *reduce* a grant.

Apart from the illegality of the investigative and termination procedures, the terminations and reductions were, on the overwhelmingly whole, substantively illegal.

The only evidence produced by the "audit" was that at some point in the past five years the recipient had received income from working or from unemployment compensation. Under federal law, prior overpayment is *never* grounds for termination. It is grounds for reduction only where: (a) the recipient still has some of the excess money, or (b) the department establishes, by clear evidence, that the recipient willfully failed to report income.

In a not atypical Nevada case, aid to a mother of five children was terminated because she had earned $400 working as a maid in 1969. Obviously no money was left. The department just as obviously had sought no evidence of "willfulness."

CASEWORKERS

The work most commonly available to poor people in Nevada is temporary service work in the hotel industry (often at wages well below minimum standards, tendered with the promise that the payments would be made out of petty cash or unrecorded). Theoretically, if a recipient goes to work for a few days in the month, the welfare worker is required to recalculate the monthly grant to include the income. In some cases the department's own records reveal a scribbled note where the caseworker acknowledged that the recipient reported the earnings, but the caseworker was just not up to the hassle of a budget recomputation.

Nevada's effort to purge welfare rolls of cheaters seemed so obviously successful that George Miller dispatched a letter to the welfare commissioners of the other 49 states describing the methods used so effectively in Nevada and urging the other commissioners to follow suit. In addition, he contacted many members of Congress. He stated, "Forget about the legal structure in which these programs are administered; all states should be conducting their own investigations."

A purge of welfare "cheaters," even if done legally, is not likely to be a fruitful device for saving on welfare costs. Welfare recipients are remarkably honest. In 1969, a comprehensive study by the U.S. Department of Health, Education and Welfare revealed that 0.4 per cent of all welfare cases were fraudulent. By contrast, figures on national tax fraud and evasion show that 28 per cent of farmers, businessmen and professionals fail to report income, along with 34 per cent of those who receive interest and 29 per cent of those who receive pensions and annuities.

OPERATION NEVADA

There were meager indigenous resources available to aid the 7,000 people in Nevada who had been illegally deprived of their checks. There are small legal services programs in Reno and Las Vegas, staffed by lawyers who are dedicated but young and inexperienced in welfare. The local welfare rights organization was led by a few able and committed people, but it was small and relatively inactive. HEW, never the most vigorous defender of the people's rights under the federal law, could certainly not be counted on to act decisively in a crisis situation.

In response to local pleas for aid, NWRO, and particularly their general counsel, Edward V. Sparer of the University of Pennsylvania School of Law, mobilized "Operation Nevada." By the second week of February dozens of welfare recipient leaders from around the country, some 40 lawyers, more than 70 law students, and organizers from the NWRO staff began to work for periods ranging from a few days to a few weeks. NWRO made so substantial a commitment in Nevada on the assumption that a successful challenge there might deter other states from following the same course. And if other states could not be deterred, then the Nevada experience would at least produce a cadre of organizers, recipients and lawyers who could move to assist beleaguered recipients in other states.

ORGANIZING

The work of Operation Nevada proceeded on several fronts. Organizers went to the streets and neighborhoods to find the people who had been terminated and were afraid to come forward—or those who had tried to challenge the welfare action and had been intimidated. Many who requested appeals were told that it was "impossible" or warned that if they appealed and lost they would be sent to jail or fined. Others were coerced into signing repayment schedules which would have left them without any means to feed their families.

Organizers sought also to teach people their rights and to build on-going neighborhood groups. Additionally, they mounted a series of demonstrations at the welfare offices and, later, on the Strip. The rallies were modest by Eastern standards but were massive for Las Vegas.

One group of lawyers, led by Ron Pollack from the Columbia Center on Social Welfare Law, worked on a suit in the Federal District Court to vacate all of the terminations and reductions, on grounds that the constitutionally required notice and hearing provisions had been violated. ACLU filed a supporting brief.

Another group of lawyers and law students emersed themselves in the intricacies of Nevada and federal law and the facts of particular cases. They obtained and conducted a large number of hearings for individual recipients.

Other lawyers represented recipients in their group efforts to negotiate at the local welfare offices.

LOCAL REACTION

From early February until March 20, momentum grew in all of these areas. The reaction of the local police and welfare officials grew in proportion. Operation Nevada personnel included many veterans of the 1960's summers in Mississippi, and they saw similarities everywhere. The Nevada police, though less aggressively brutal than the Mississippi forces, ostentatiously displayed rifles, arbitrarily picked up workers and held them on suspicion, checked whether there were felony warrants out for them in other states, pumped them for information, warned them to get out of town, or, in the case of one first-year law student from California, refused to release him until he bought three boxes of Police Benevolent chocolates.

Welfare officials behaved similarly. They refused to talk with recipients. They were abysmally ignorant and disrespectful of federal requirements. They perceived conspiracy among the reformers. They kept changing their minds about what they would permit and under what circumstances. And they showed real fear when confronted by a handful of women who had not even raised a voice or stopped smiling.

Also similar was the wonderful sense of camaraderie in working with local people for goals which were concrete, probably attainable and clearly right.

Another important aspect of the "Operation" was the involvement of the left/liberal leadership, which had not previously participated actively in the struggles of welfare recipients. Dr. Ralph Abernathy, David Dellinger, Jane Fonda, Sammy Davis, Jr. and many others supported the struggle in Nevada and joined in the demonstrations on the Strip. This broadening of the community of concern was evident also in the April 24 March on Washington. NWRO banners and buttons were everywhere—often displayed by people who didn't really know what the sign meant but supported the struggle of poor folks on general principle. And from the podium the call for a $6500 guaranteed income for a family of four was added to the litany of "end the draft" and "bring the boys home."

COURT VICTORY

On March 20, the Federal District Court issued an order reinstating everyone who had been terminated or reduced in the "audit." Retroactive payments were required to those who had been terminated. The Court found that "as a result of the precipitous action described, the Administrator and his staff ran roughshod over the constitutional rights of eligible and ineligible recipients alike."

Although this was an obvious total victory for Operation Nevada, it hinged entirely on the particular circumstances in that state. Legal services attorneys had, in October, 1970, obtained a temporary restraining order implementing in Nevada the U.S. Supreme Court's ruling on hearings prior to terminations. The March ruling was simply an enforcement of the District Court's earlier order. Under other circumstances it would have been very difficult to construct a legal theory that would have reinstated, with a single court order, all of those purged by the "audit." Also, the almost total dependency of Las Vegas on tourist trade made Nevada especially vulnerable to adverse publicity, in ways to which other states may be immune, although the silence of the Eastern liberal press lessened the effectiveness of political actions.

In sum, the nature of the victory makes it difficult to know whether the experience of Operation Nevada will be transferable to other states instituting similar campaigns against welfare recipients. (There was some evidence that other states were beginning to follow the example of Nevada. NWRO had received information that similar "audits" were being conducted in Nebraska, New Mexico, Rhode Island and elsewhere. One Rhode Island recipient received a termination notice which stated that since her son no longer participated in the Work Incentive Program, she was no longer eligible for aid. The letter read, ". . . You are not eligible for AFDC payments. You will have to accept this. I know you will be upset, but please don't write anyone, because this is a basic rule of welfare eligibility and no one can change it for you . . .")

LITTLE ATTENTION

It may be that the spectacular failure of the Nevada "audit" has deterred other states for the time being. This is difficult to judge. Even though Operation Nevada produced daily banner headlines in the local press, national coverage was practically non-existent, except for network television reports of the star-studded demonstrations on the Strip.

HEW sent a report about Nevada to all of the state welfare commissioners. On April 14, after all those reduced or terminated during the "audit" had been reinstated, HEW released the findings of an "intensive" study which showed that Nevada did not follow the federal requirements for adequate and timely notice of intent to reduce or terminate. It critized the Nevada report for deeming all errors the fault of the recipients. HEW found that "the State agency itself was either wholly or partially responsible for one-third of the errors."

Apart from the procedural bolix, HEW found that three per cent of the recipients were ineligible for aid, as opposed to the 51 per cent against whom the State had acted. Unfortunately HEW's evaluation was that "the State review served a constructive purpose" in ferreting out this three per cent of ineligibles.

Perhaps the most effective deterrent was the cost to Nevada of defending their action. NWRO showed an ability to fight back and involve the State in a lengthy, expensive federal suit and endless, expensive fair hearings as mandated by the Constitution.

OTHER STATES

Optimism, however, must be strictly qualified. Other states have taken different approaches which are harder to attack. California has legislated reductions in grants and has instituted mandatory work requirements. In Massachusetts, the legislature approved only half of the appropriation needed. In New York, the legislature reduced grants, imposed a residency requirement and limited both eligibility and services covered in Medicaid.

Perhaps even more detrimental than the action of the New York Legislature are the de facto policies that assure that needy people will not receive the aid to which they are entitled. For example, although waiting lists are prohibited by federal law, those familiar with daily operations report that New York has effectively implemented a waiting list policy by taking only a quota of clients each day. This is done by giving welfare applicants appointments for some future date rather than the money they need. The anti-welfare attitudes of public officials are well reported in the press, and welfare workers know in which direction the wind blows.

Although the details are different from state to state, it is fairly plain that many states are desperately determined to reduce the levels of benefits and the numbers of people who receive them. Despite the Nevada judicial success, it does not seem realistic to expect that selected test cases are going to stop the repression. From 1970 to 1971, the Supreme Court's characterization of welfare changed from "a statutory entitlement, guaranteed to all those entitled to receive it," to "purely private charity." There is little reason to expect that lower courts will buck the obvious change in Supreme Court attitude.

SUPPORT NEEDED

There may be modes of resistance to anti-welfare measures other than test case litigation and the Operation Nevada strategy. But whatever the method, it seems plain that a massive effort is needed to maintain even the current minimal levels of subsistence and the minimal standards of fair treatment now guaranteed on paper. To mount such a massive effort will require not only the effort of all those who have traditionally supported the welfare rights movement, but also broad-based involvement of other left/liberal organizations and individuals.

It is a very difficult task. Organization is inadequate. People cannot "join" the campaign—they must still work to create one.

Perhaps more significantly, anti-welfare measures are frequently not seen as political repression of gravity similar to the harassment and repression of political dissidents. It is difficult for people with social vision to get excited about a struggle where the immediate objective is no more than to work with the poor to seek out subsistence within a structurally obsolete and humanly degrading system. But both bread and justice are political issues.

In a society that does not provide opportunities for full employment, adequate state subsidies for those excluded from or unable to work must be a subject of fundamental political concern. The needs of the very poor are so brutal and immediate that a response that is any less immediate is largely beside the point.

The states are in a difficult situation. Caught between rising welfare costs and inadequate state resources, it is hardly surprising that they should move against the vulnerable poor. This year's panacea for the problem is the federalization of welfare through Nixon's Family Assistance Plan (FAP), which has now passed the House. Except in the South, Nixon's version of guaranteed annual income means less money for fewer people. Everywhere FAP provides fewer procedural safeguards and more stringent requirements to find jobs that simply don't exist. It also reinstitutes exclusions for "immorality" which are currently prohibited. The passage of FAP is hence not a solution but rather the federalization of repression of the poor.

A RHODESIAN CORRECTS THE RECORD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. RARICK. Mr. Speaker, on June 28, 1971, I testified before the International Organizations and Movements Subcommittee of the House Committee on Foreign Affairs in support of the abolition of sanctions presently in effect against Rhodesia—CONGRESSIONAL RECORD, pages 22551–22554.

At that time, I was informed that the Department of State had recommended the committee only give favorable consideration to House Resolution 45—the sole bill under consideration that would continue these sanctions and have the effect of congressional approval of an action of the United Nations organization.

The State Department bases its argument on the current state of the internal affairs of Rhodesia. Yet, the State Department does not see fit to maintain diplomatic relations with Rhodesia and must, therefore, rely on secondhand information as the basis for judgment.

Speaking from the vantage point of one who has been there, I am satisfied that the internal affairs of Rhodesia have been grossly misrepresented and deserve to be given as they actually are. Secondhand information can only lead to secondhand decisions.

The following letter from Mr. Kenneth H. Towsey, a Rhodesian citizen and a member of the Rhodesian Information Office here in Washington, speaks for itself and should be drawn to the attention of my colleagues.

I ask that Mr. Towsey's letter be inserted at this point:

RHODESIAN INFORMATION OFFICE,
Washington, D.C., June 25, 1971.

Hon. DONALD M. FRASER,
U.S. Congress,
Washington, D.C.

DEAR MR. FRASER: I am Kenneth H. Towsey, a deputy secretary in the Rhodesian Ministry of Foreign Affairs at present acting as Director of the Rhodesian Information Office in Washington, D.C.

I attended the meetings of the International Organizations and Movements Subcommittee of the House Foreign Affairs Committee held on June 17 and June 22, and heard the testimony given on the subject of Rhodesian sanctions.

It would be my contention that for a variety of reasons (including Article 2, paragraph 7 of the United Nations Charter, the spirit of S. Res. 205 adopted September 25, 1969, and numerous statements of United States policy concerning relationships with foreign governments) Rhodesia's internal policies have no relevance to the imposition of sanctions under Chapter VII of the U.N. Charter—Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression. These are considerations relating to a country's foreign policy or actions, not its internal policies.

Rhodesia's internal policies nevertheless came under scrutiny in the course of the Subcommittee's hearings, and certain testimony regarding them was offered, primarily by Mr. Oliver Crosby of the Department of State.

There are many inaccuracies and distortions in this testimony. This is perhaps understandable. To the best of my knowledge Mr. Crosby has never visited Rhodesia. The Department of State does not maintain any diplomatic or consular representation in Rhodesia. For reasons of its own it declines to have any relationship with the Rhodesian Information Office. Its sources of reliable information about Rhodesia are therefore severely circumscribed.

During the hearings Congressman Gross aptly remarked that the general tone of Mr. Crosby's animadversions on Rhodesia could apply to almost any situation, including the United States. Since I do not believe that the trading of recriminations about domestic policy is a proper part of the intercourse of civilised nations I do not propose to engage in any reciprocity. Since, on the other hand, various erroneous, misleading and incomplete statements about Rhodesia's internal affairs have been placed on the public record I have thought it proper to offer you certain corrections as follows.

Mr. Crosby informed the Subcommittee that 'since 1965, the economy (of Rhodesia) has grown a total of just about 5 percent, something under one percent a year in terms of real production.' Mr. Crosby's figure is not reconcilable with any of the known and available facts. Rhodesia's 1971 Economic Survey reveals that the Gross National Product at market prices has advanced from R$727 million in 1965 to R$1026.9 in 1970—an increase of 41%. The following table details the advances made in major sectors of the economy:

R$ million (R$1=US$1.40)

	1965	1970	Increase (percent)
Agriculture	129.6	162.1	25
Mining	48.1	59.0	22
Manufacturing	127.7	199.7	57
Construction	34.5	60.7	76

In response to a question about African political representatives in the Rhodesian legislature, Mr. Crosby said that there were eight elected African representatives "and there are another seven who are appointed by the tribal chiefs who are essentially employees of the government."

The facts are somewhat different. Rhodesia has a bicameral legislature. The Senate has 23 members. Ten are white; ten are African chiefs elected by an electoral college of chiefs; three are persons of undefined race appointed by the President (currently two white and one of mixed race). The House of Assembly has 66 members. Fifty are white and sixteen are black. Eight of the blacks are elected from urban constituencies. Eight are from rural constituencies and are elected by electoral colleges consisting of chiefs, headmen and elected councillors in the African tribal system.

At the level of 27 there are more nonwhite representatives in the Rhodesian parliament under the country's republican constitution than at any previous time in Rhodesia's history. The constitution ensures that the number will increase.

Mr. Crosby's characterisation of African chiefs as "essentially employees of the government" calls for brief comment because it reflects ignorance of and insensitivity to the cultural traditions of Rhodesia's African people. African tribal chiefs assume their offices through a process of selection by their tribesmen. This may differ from one tribe to another according to custom. Once the government is satisfied that a tribe's selection represents the true consensus of the people, it accords official recognition to the new chief. The chief is essentially the spiritual leader of his people and the guardian of its traditions. Additionally he exercises certain judicial and administrative functions for which he is paid a stipend from the national treasury. Chiefs are not removable from office except in circumstances comparable to impeachment in the American system. Chiefs are not "bought" by government salaries any more than members of the United States Congress.

Mr. Crosby informed the Subcommittee that "in the past year a racial tribunal has been established along the lines of the similar tribunal in South Africa which investigates an individual person and designates him as a colored person or African or Indian or white person." He also stated that Rhodesia is considering a law "which is designed to move coloreds out of white residential areas."

Mr. Crosby is confused in regard to fact and intention. There is no such tribunal as that to which he refers. Some lengthy consideration has been given to a legislative proposal designed to protect property owners from "block-busting" techniques—a problem that I understand is not unknown in certain residential areas of the United States. Draft versions of this legislation provide for elaborate processes of judicial enquiry to establish proof of injury to the property owner before any dispossession (under full compensation) can take place, thus belying any suggestion that the Bill is designed to oust coloreds from white areas. The Bill has not been presented to Parliament.

Mr. Crosby informed the Subcommittee that the Rhodesian government is trying to enforce regulations which would exclude Africans from entering premises operated by American Missionaries; also that church schools are seriously threatened by this. This is not the position. Under the provisions of the Land Tenure Act certain registration requirements are laid upon voluntary associations (including churches) which operate multi-racial institutions. There has been no intereference with multi-racial worship and African enrollment at private schools in the white area continues.

Mr. Crosby informed the Subcommittee that Rhodesia's Land Tenure Act "divided the land essentially between the races with fifty percent going to the four percent whites and fifty percent to the 96 percent that are black." Mr. Crosby did not inform the Subcommittee that the African area is reserved with rigid constitutional safeguards for the exclusive use of the African people, that about three-fifths of Rhodesia's blacks reside there more or less permanently and that the remaining two-fifths reside and earn their livelihoods in the white area.

The reservation of an extensive area in perpetuity for tribal use is designed to protect peasant tribesmen from superior economic forces which would otherwise inevitably result in their quickly becoming landless—a situation which has caused much distress in other parts of the world.

Mr. Crosby characterized the tribal lands as "interior." The division is largely a historical product. The Africans preferred to work the lighter soils, leaving the heavier soils for agricultural exploitation by the whites. A land use survey conducted several years ago revealed that high fertility soils in Rhodesia constitute 16.8 percent of the total and that 8.5 percent of these soils are in the African area. The African area has 10.4 percent out of a total 16.2 percent of medium fertility soils. Thirty-seven percent of Rhodesia's land area has a rainfall over 28 inches. Half of the African area falls within this zone.

"Intellectual unrest is not a disease or a problem but a virtue, and no University can have too much of it. The problem and the threat is not intellectual unrest but academic disruption and violence which flow from substituting for the academic goals of learning the political goals of action. On the subject of violence, obstruction, destruction and disruption I have made my position abundantly clear—they have no place in the community of any University and will not be tolerated in this one so long as I preside over it."

The Rhodesian Government's position in regard to the preservation of public order is not dissimilar and it does not discriminate between university students and other citizens. Political dissent is tolerated; subversion is not. I make no apology on behalf of Rhodesia for the fact that in 1966 a University lecturer was sentenced to a period of imprisonment after pleading guilty to six counts of conspiring to commit terrorist activities.

I have every confidence that there is more freedom of political expression in Rhodesia's university than in most universities in Africa. It might be illuminating to ask the Department of State to document the treatment of university dissenters in other parts of the world and to indicate what punitive action has been taken by the United States Government where aberrations from American practice are found.

Twice in the course of the Subcommittee's hearings questions were asked about Rhodesia's provision for African education. I hope the attached booklet is helpful.

Please regard this letter as available for inclusion in the record of your hearings if you consider that it is appropriate to balance the Department of State's account of Rhodesia's internal affairs.

I have sent a copy of this letter to each member of the Subcommittee.

Yours sincerely,

K. H. Towsey.

UGLY TRUTHS ABOUT TODAY'S BEAUTY AIDS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mrs. SULLIVAN. Mr. Speaker, I am deeply gratified by the increasing attention being paid by the press to the need for passing legislation to require that cosmetics be proved safe to use. The need for this legislation has been apparent ever since the Food, Drug, and Cosmetic Act of 1938 first brought cosmetics under any form of Federal regulation. The 1938 act permits any person to make and distribute any cosmetic item without any Government interference unless and until the Food and Drug Administration can amass sufficient data to prove that the article is dangerous, in which case the agency can then move to take the product off the market. The burden of proof is on the FDA to show that the product is not safe, rather than being on the manufacturer to prove that it is safe.

This was the law also as it applied to unsafe food additives under the 1938 act, prior to the passage of the 1958 Food Additives Act. The Delaney-Sullivan food additives bill to require pretesting of food chemicals was bitterly fought by the food manufacturers for several years until the food industry itself finally became worried over the proliferation of untested chemicals then being added without hindrance to a multitude of food products, and eventually the industry acceded to reasonable regulation. In subsequent years, spokesmen for the food industry, who at first had opposed the bill, have pointed to the existence of the 1958 Food Additives Act as proving that the United States had the safest food technology in the world.

COLOR ADDITIVES ACT A "BAIL-OUT" FOR COSMETICS INDUSTRY

The cosmetics industry however, has successfully defeated all efforts to subject it to similar pretesting requirements. The only legislation we have passed since 1938 which deals in any way with the safety of cosmetics was the Color Additives Act passed in 1960, primarily for the purpose of rescuing the cosmetics industry from a trade dilemma growing out of a provision of the 1938 act which by 1960 was suddenly hurting it. The 1938 act, recognizing the inherent dangers in the use of coal tar coloring matter in foods, drugs, and cosmetics, had flatly prohibited the use of any coal tar color which was not harmless. By 1960, it had become evident through increasingly sophisticated testing methods used by FDA on coal tar colors that some of the most popular coal tar colors used in lipsticks—as well as some used in margarine and other foods—could cause injuries to the test animals when fed in very large quantities, and were, therefore, no longer considered harmless.

At that point, the cosmetics industry came in and pleaded for a change in the 1938 act to permit it to use any coloring matter proved to be safe for the purposes intended—an approach similar to that used in the Food Additives Act of 1958 for food chemicals. And so the Color Additives Act of 1960 was enacted not to protect consumers but primarily as a favor to the cosmetics industry. I believe I was the only Member of Congress to vote against it—not because it was a bad bill as far as it went but because it did not go far enough; it did nothing about requiring proof of the safety of ingredients other than coloring matter in cosmetics, and it also retained the big loophole in the 1938 act for coal tar hair dyes—which can be as virulent as anyone wants to make them as long as the label on the product carries a warning of potential danger.

INTERFERENCE WITH WOMEN'S "RIGHT TO BE BEAUTIFUL"?

During hearings by the House Committee on Interstate and Foreign Commerce on cosmetics legislation—the last such hearing was in 1962—the cosmetics industry was able to convince that all-male House committee that the women of this country would rise up in revolution if Congress interferred in any way with their "right to be beautiful". The industry witnesses insisted also that the listing of ingredients on cosmetics labels, which my bill would require, would reveal precious "trade secrets". They also maintained that pretesting of cosmetics for safety would stifle innovation and product improvement in this highly imaginative field of American marketing. And, of course, the spokesmen for the cosmetics industry kept assuring the committee that reputable manufacturers all test their products anyway before marketing them and have no desire to put out an unsafe product.

It would not be proper for me to say that the cosmetics industry, which is a most persuasive and resourceful seller of dreams and hopes and aspirations, "bamboozled" the men on the House committee, but it certainly succeeded in blocking any effective action by Congress on safe-cosmetics legislation in 1962, or any time before or since.

GETTING OUT THE FACTS ON COSMETIC SAFETY

Recently, the Wall Street Journal printed an excellent article by Ronald G. Shafer analyzing the pros and cons on cosmetics safety, which I placed in the Congressional Record on June 10 at page 19407. The syndicated consumer columnist, Peter Weaver, of the Los Angeles Times syndicate, reported ways in which allergic consumers could learn about the ingredients of some products, and I placed that in the Record the same day at page 19394.

Over the last 17 years, since I first introduced a safe-cosmetics bill, I have been interviewed in great depth on many occasions by writers for just about all of the major women's magazines, and by writers and producers for most of the television networks, on the big gaps in our cosmetics safety law. Many hours were spent on these interviews for what were to be comprehensive articles or documentaries, but they never seemed to have gotten into print or on the air. The National Educational Television network, which carries no advertising for cosmetics or anything else, has aired some useful and interesting programs on cosmetics, and the commercial networks have included in their news broadcasts some critical references to safety problems with cosmetics. Consumer reporters for daily newspapers and the news magazines have been far more alert to this problem than the rest of the media. However, I have yet to see a really critical piece about cosmetics safety during the last 17 years in any mass circulation magazine aimed primarily at women readers who are the principal customers for cosmetics products.

Last month, a major magazine piece on this issue was finally printed in a mass circulation magazine, "Today's Health," a publication of the American Medical Association, and it is an excellent article. It was written by Edwin Kiester, Jr., who has done extensive research on the cosmetics story, and I commend it to my colleagues in the Congress who may be wondering what all the controversy is about in regard to the $10 billion of products sold each year to make us all more attractive.

IF IT'S FOR SALE IT MUST BE ALL RIGHT TO USE

Most people—including, I am sure, most Members of Congress—seem to assume that if a product is for sale in the stores to apply to the face, or teeth, or body, or hair, it is certainly all right to use or the Government would not let them sell it. But in this instance, what the Government does not know can hurt you. And the FDA does not know whether a cosmetics product is safe or not until consumers write in and complain about it in which case the agency, of course, will investigate. But first it has to find out what is in the product—and the industry does not have to tell.

Most cosmetics are generally safe—there is no question about that. But sometimes they are not, and many of them cause allergic reactions—painful ones—to innumerable individuals. The consumer should be able to protect himself or herself against any cosmetic containing an ingredient the consumer knows will cause a reaction. This means, there must be informative labeling on the container describing the contents.

Since most cosmetics are made from fairly standard formulations, there would be little problem in clearing most of them for continued public sale under a preclearance testing system, unless they also contain some esoteric ingredients about which little is known of their effect upon the tissues or organs of the body. But I am sure that some of the popular cosmetics would have to change formulations once the law required proof of their safety.

"TODAY'S HEALTH" ARTICLE CITES PROBLEM INGREDIENTS

Mr. Kiester's article in "Today's Health" points up some of the problem ingredients, such as hexachlorophene, now being used in many cosmetics and indicates the degree of uncertainty about their continued use. As this article emphasizes, the Government cannot prove at present these ingredients are dangerous, so products containing them can freely be sold. Since the manufacturers generally decline to reveal to dermatologists and allergists the contents of their products—other than those cosmetic-type products which are technically and legally considered drugs and which must therefore list all ingredients on the labels—the specialist treating a cosmetic user for skin or other problems has an extremely difficult time advising the individual what products can safely be used. The so-called "hypoallergenic" products are claimed to contain lower quantities of ingredients commonly associated with well-known allergies but this is no assurance that such a product will not cause a reaction in some individuals. The point is that the individual or his doctor just does not know what they do contain.

Many people will be surprised to learn from this article that facial and other creams, which are described by Mr. Kiester as hospitable breeding grounds for bacteria, should be refrigerated.

Mr. Speaker, this article urgently points up the need for passage of safe-cosmetics legislation, such as in section 11 of H.R. 1235, my omnibus bill to rewrite the Food, Drug, and Cosmetic Act of 1938. I hope the Members will read this article in full; it is well written and carefully documented. I hope enough people throughout the country who have read this article have written to their Representatives to alert them to the fact that all is not well in the dreamland of beauty preparations, or in the vastly expanding market of cosmetic-type products used by men.

The National Commission on Product Safety disclosed last year that more than 60,000 injuries occur each year from the use of cosmetics, injuries serious enough to restrict activity for at least a day or to require medical attention. Furthermore, a survey made by the same Commission of insurance claims for personal injuries from household products showed beauty aids ranking second among all of the products surveyed. So this is by no means a problem of small dimensions or consequences.

Mr. Speaker, the "Today's Health" article referred to is as follows:

[From "Today's Health," June 1971]

UGLY TRUTHS ABOUT TODAY'S BEAUTY AIDS

(By Edwin Kiester, Jr.)

"I know most cosmetics sold today are not dangerous," says Congresswoman Sullivan. "What worries me are the ones not known to be safe."

"Childbirth is a snap," comments one mother, "compared to the agony I went through after using this cuticle cream."

The cosmetics industry promises it can help you look good. Promises. Promises.

When Amy Wilcox paid out $7.50 for new foundation makeup that was supposed to give her a smooth complexion and even tone, she got more than she bargained for. Ugly red blotches appeared on her cheeks and forehead; her eyes became swollen and bloodshot; her lips grew puffy and thick.

The cosmetics industry promises that some of its compounds will even make you feel good. Promises. Promises.

One 58-year-old woman who used a certain nail hardening product experienced severe pain, nail discoloration, and skin dryness. The hardener contained formaldehyde, a highly irritating chemical.

The cosmetics industry promises that some of its products are "safe for a baby's skin." Promises. Promises.

Recently, two brands of bubblebath had to be removed from the market and reformulated because they were linked to urinary tract irritations in young girls. Of course, the cosmetics industry lives on promises, that is what its customers want to hear. And if its products don't make a woman look as beautiful as she had hoped, well, she can try another. But there's no "second-chancing" if the industry doesn't deliver on the promise of safety. Often, there is suffering. Often, there are medical bills.

And while the safety record of the cosmetics industry isn't bad, there are enough problems like those above to demand more careful policing of beauty aids. The public assumes that all cosmetics have been thoroughly tested. They have not. The public assumes that ingredients are known by the Food and Drug Administration and by allergists. They are not.

Cosmetics manufacturers are not compelled to print the ingredients of products on labels, file the formulas with the FDA, or conduct any sort of safety tests before offering items to the public. If an allergist seeks information that would help him in treatment, the firm is not *required* to furnish it. Vigorously protesting that such revelations would give away jealously guarded trade secrets, the 2500 manufacturers have fought off every attempt at consumer protection.

Unfortunately, according to the National Commission on Product Safety, more than 60,000 women a year suffer adverse effects from cosmetics severe enough for them to seek medical attention. Cases range from mild discomfort to temporary damage to serious disfigurement and permanent injury. This figure also includes accidents involving cosmetics, such as cut hands from broken bottles.

Women have suffered underarm and skin irritations from deodorants and lotions, visual damage from shampoo, scalp burns and loss of hair from hair dye, eye infection from contaminated mascara, systemic reactions from creams and powders. Evidence is growing that lifetime use of certain cosmetics may contribute to long-range damage as well.

Yet virtually all of this could be prevented—if some simple system of consumer safeguards could be established.

One difficulty is that the cosmetics industry operates from a position of strength. Beauty is a $10-billion-a-year industry, growing at 10 percent annually in prosperity or recession. Three cosmetics companies are on the *Fortune* magazine list of the 500 largest U.S. corporations, and cosmetics stock is the darling of Wall Street. Beauty commercials make up the single largest category of television advertising, occupying about 20 percent of commercial time, and they are the chief prop of women's magazines, in whose pages seldom is heard a discouraging word about beauty aids.

When any threat is raised to the industry's privileged status, a vociferous outcry goes up. Congressmen are readily persuaded that their women constituents are unalterably opposed to any attempt to take away their beauty aids.

This is not to say that the majority of cosmetics sold today are unsafe. Most are harmless.

One notable exception, however, is nail hardeners. A few years ago, women began complaining of adverse reactions to them. These reports became so common that the FDA forced several brands off the market.

But many nail hardeners still on cosmetics shelves are formaldehyde-based. This chemical is both an irritant and a sensitizer. Products containing formaldehyde have caused reactions, including pain, discoloration and bleeding under the nails, and loosening or even loss of nails.

Problems like these are among the chief concerns of Rep. Leonor K. Sullivan, Missouri Democrat, a leading consumer advocate in the cosmetics field.

Since 1954 she has been trying to get even a modest regulatory bill through Congress. "I know that most cosmetics sold today are not dangerous," she says. "What worries me are the ones not known to be safe."

Esther Peterson, Lyndon B. Johnson's consumer adviser, recently addressed the cosmetics trade group—the Cosmetic, Toiletry, and Fragrance Association—at a Boca Raton, Florida, convention. Mrs. Peterson acknowledged, "Most cosmetics cause no harm to anyone, and if they make women feel better, that's wonderful."

"But," she added, "if there is any cosmetic item which contains anything which can hurt you or me, then I say the manufacturer shouldn't be allowed to sell it without at least a clear warning."

Under pressure, the cosmetics industry recently agreed to take a few small steps toward self-regulation. In a letter to Mrs. Virginia Knauer, President Nixon's consumer adviser, the trade group offered to register all manufacturers with the FDA and to file formulas of all products—provided the agency kept them secret.

Some cosmetic-ingredient information is now available to dermatologists from poison control centers and from the new reference book titled *Clinical Toxicology of Commercial Products*.

Food and Drug Commissioner Charles D. Edwards, M.D., told manufacturers at the Florida meeting, "The consumer's voice is being heard in our land as never before and in an ever-growing chorus . . . Time is running short for this association to reach some decisions."

Amelia Bassin, former vice president of Faberge, pleaded with her colleagues to set up a self-policing agency (like Underwriters' Laboratories in the electrical field).

Most women think cosmetics are relatively harmless because they are simply applied to the skin and washed off (or allowed to wear off) without entering the body.

Yet Leo Friedman, Ph.D., chief of the FDA's Division of Toxicology, declares, "The skin is not an altogether impermeable barrier." Cosmetic ingredients can penetrate intact skin. They can move into the body through cuts or abrasions. Or they may enter through the eyes, mouth, or lungs.

One potentially hazardous element which is absorbed into the body in small amounts is mercury. Ever since the disclosure that this heavy metal, in the form of methyl mercury, was present in alarming quantities in certain species of fish and other foods, attention has focused on other sources which might contribute to a poisonous buildup in the body. Mercury accumulates in the tissues and bloodstream and can cause neurological damage, kidney failure, and ultimately death.

FDA has set an upper limit of 0.5 part per million for mercury in fish. This form of mercury is not found in cosmetics. But about 10 parts per million (ppm) of phenyl mercuric salts are used in many cosmetics, principally eye preparations. Ammoniated mercury is the basis of so-called "bleach creams," which claim to erase brown "liver spots" on the skin. Deposits may build up if the creams are used for many years.

Mercury compounds are used as preservatives in cosmetic creams. Microorganisms multiply in unrefrigerated cream products, causing virulent infections if introduced into the body.

These quantities of mercury compounds are not considered a threat in themselves, since very little actually is absorbed into the body. But in combination with mercury from other sources, a hazard may exist. Cosmetics manufacturers are attempting to develop substitute preservatives, particularly for cosmetics used in the area of the eyes.

Another substance widely used in cosmetics is hexachlorophene. This popular bactericide—used in many skin cleansers, lotions, pediatric preparations, mouthwashes, and deodorant soap—has been known to attack the white matter of the brain if introduced into the body in large quantities.

Physicians at Shriner Burn Institute, Galveston, Texas, found that severely burned children went into convulsions, and some died, when their serious burns were disinfected by bathing them in hexachlorophene.

Until recently this finding seemed to have little application to cosmetic users, whose exposure to the chemical was quite small. But at a recent meeting of the American Chemical Society, two chemists from the federal Environmental Protection Agency reported brain damage to rats which were fed hexachlorophene. Those given five ppm suffered cerebral swelling, and those receiving 25 ppm developed brain lesions and paralysis.

The scientists said they took 14 human blood samples from persons who used hexachlorophene cosmetics and found amounts of the chemical ranging from one to 89 parts per *billion*.

The finding set off a flurry of new investigations both at FDA and in industry. Francis J. Marzulli, Ph.D., an FDA toxicologist, reported that a three-week study of persons who used extremely large amounts of cosmetics containing hexachlorophene developed accumulations in the bloodstream "which we considered uncomfortable."

Although Marzulli and other toxicologists agreed that massive amounts of hexachlorophene could poison the system, the danger level could not be fixed. Most scientists feel it is much more than even the heaviest user of cosmetics could be expected to amass if the substance is used properly and washed off promplty.

Animals given large doses of hexachlorophene quickly flushed it through their system, and those who developed paralysis recovered when the intake was stopped.

The moral for cosmetics users lay in the fact that large amounts of the chemical might be absorbed without the person's being aware of it.

The FDA's Doctor Friedman notes that hexacholrophene, in wide use for about 20 years, is an extremely valuable antibacterial agent, but adds:

"The chief problem is in misuse and abuse of hexachlorophene. People operate on the theory that if a little of it is good, a lot is better."

Of course, few women would use the chemical in huge quantities. But with no warning from manufacturers, Friedman says, many users of hexachlorophene leave it on the skin so that it is absorbed into the system.

Another potential cosmetic hazard arises from a chemical called 2,4TDA. This compound is used in some permanent and semi-permanent hair dyes (not rinses). In laboratory tests on animals, injections of 2,4TDA produced cancerous tumors. Of course this does not necessarily mean that it will cause tumors in humans.

The first suspicions about 2,4TDA go back about five years. A group of nurses at an Eastern hospital reported to a physician that they were passing black urine. The physician found that all the women had been using a hair dye containing 2,4TDA.

He reported this to FDA, which contacted the manufacturer. The firm opened its complaint files, which showed no other such reports from users. The agency surmised that some combination of the dye and a chemical to which the nurses were regularly exposed had caused the condition. Attempts to isolate the cause further proved fruitless; the nurses were told to stop using the dye, and the problem cleared up.

Further tests of 2,4TDA products are now being conducted, and the industry is attempting to develop substitutes, although 2,4TDA is still being used in some colors within 43 brands of dye.

When a cosmetic is proved dangerous, the manufacturer usually moves quickly to withdraw it from sale. No firm wishes to be sued for damages, to be stuck with a large inventory of unsalable merchandise, or to cause a tragedy which might bring down the wrath of Congress.

Spokesmen for the manufacturers maintain that in self-protection the industry always tests its products for safety before marketing, although some government sources consider these tests inadequate.

The consumer does have some protection under federal laws. Any cosmetic which alters the normal function of the body—or which the manufacturer claims does so—is classified as a drug, and therefore is subject to the new. drug laws. The product must be shown to actually perform the action it is said to perform, and be proved safe for human use.

Cosmetics which are considered drugs within this definition include antiperspirants (but not deodorants), wrinkle removers, hormonal creams, acne preparations, and disinfectant soaps.

FDA also may take court action to ban any cosmetic proved to cause injury to users. Such actions are rare, for they require an ironclad case.

As Doctor Friedman says, "It's like speeding on the highway. You've got to catch them in the act, and if you're not there, they get away." The emphasis on injury hampers the agency in enforcing the few powers of policing that it does have.

Unlike the drug manufacturers, the cosmetics industry is not required to open its complaint files of adverse reactions to FDA. It then uses the lack of public complaints as justification for its argument that no restrictions are needed.

Few women report damages traceable to cosmetics, and damage suits seldom surface. One case that did crop up several years ago, however, did prompt widespread attention. A Colorado woman maintained that she had been permanently disfigured by the single use of a permanent hair dye.

Although a patch test had indicated that she was not reactive to the dye, three days after use her hair began to fall out. A rash broke out on her neck, ears, and forehead. Within three months, she lost all her hair, eyebrows, and lashes. Within six months, her right kidney had been removed, which she also attributed to use of the dye.

Filing suit for $600,000, her attorneys maintained that many other women had suffered similar damage but were too embarrassed to come forward and sue. Eventually the woman, who was forced to wear a wig and false eyelashes for life, settled out of court for $23,500.

The FDA does keep continual surveillance on cream cosmetics, which are subject to bacterial contamination. When contamination can be shown, the products are subject to a recall order.

Over the past three years, 42 recall orders were issued for batches of cosmetics. Three recent recalls involved contaminated batches of a popular makeup base, an eye cream, and a cream mascara.

Microbiological contamination of cosmetics is a continuing and stubborn threat. As most women know, any cream product—a facial cleanser or custard pie or mayonnaise—is a natural culture medium for bacteria, particularly in hot weather. Eyeliner and eye makeup are especially vulnerable. Most cosmetics contain a preservative to inhibit bacterial growth. But often bacteria are introduced by the woman herself, who fails to wash her hands before dipping into the jar.

A few years ago, a rash of bacterial infections spread through a girls' dormitory of a Midwestern university. Physicians at first were at a loss to explain the epidemic, which caused rashes and irritation as well as system upsets. The first clue was that many of the coeds' infections seemed to center in the eye areas. The investigators finally realized that the girls had been using each other's cosmetics, and that one container of eye preparation had been contaminated.

Among infections which may be spread in this way are staphylococcus, molds, and certain fungi. One particularly virulent infection is *Pseudomonas aerugionsa*, which can cause loss of sight within 48 hours if it invades the eye. The common salmonella infection, generally associated with food poisoning, also can be contracted through use of cosmetics: The bacteria may be introduced through cuts or breaks in the skin.

Yet no warning of the possibility of such contamination is included on the labels of vulnerable products, nor is the user told how to guard against contamination.

Most complaints deal with individual allergic reactions to cosmetics. Face powders, liquid makeups, foundation creams, eye preparations, deodorants, and shampoos may cause such reactions as swelling around the eyes; rash; loss of hair, eyebrows, or lashes; irritation of the face. Underarm rashes from deodorants are frequently reported.

The letters that come to Congresswoman Sullivan are often pathetic. "I have had five children, and I can say that childbirth is a snap compared to the agony I went through after using this product," one woman wrote, complaining about a "cuticle massage cream" which she said caused her fingertips to swell, blister, and drain.

A foundation cream caused another to suffer "big blisters" on her face and left scars around her mouth and eyes.

One woman told of her search to find an eye makeup that would not cause severe reaction. One product, she said, had brought on swelling and discoloration of the face; another, itching and watering of her eyes; still a third caused her lashes to fall out. "These manufacturers just feel free to use anything they want," she wrote Mrs. Sullivan. "Is there no way to control the ingredients?"

The manufacturers acknowledge the allergy problem, marketing so-called "hypoallergenic" products—low in ingredients commonly known to cause allergic reactions in many users.

The industry maintains—perhaps rightly—that half the female population is allergic to *something*, so it cannot possibly guard against all sensitivities.

But the major problem is that because the ingredients are not disclosed, no woman (nor her allergist or dermatologist) can discover the cause of her reaction except by trial and error. Indeed, according to Mrs. Peterson, because manufacturers constantly change cosmetic formulas, a woman may believe herself free of reaction to a certain product only to have an outbreak at a later date.

The FDA's Doctor Friedman points out that a person may build up a sensitivity to an ingredient after prolonged use, and this sensitivity may carry over into a whole array of other compounds, including some prescription drugs.

According to Congresswoman Sullivan, coal-tar hair dyes may build up this kind of sensitivity. A woman may not react to a patch test the first time it is given, but as she continues to use dyes, she may become sensitized to the compounds without being aware of it. Ultimately, she may lose clumps of hair or suffer scalp irritations.

The coal-tar hair-dye hazard, says Mrs. Sullivan, is a particular problem in beauty salons, where if a patch test is given at all, it is usually done only on the customers first visit. In many cases, the customer does not even see the warning on the dye bottle.

Another potential hazard in the cosmetics area is with hair spray products. Damage to the eyes or respiratory tract may result from careless spraying of contents. And inhaling of the aerosol propellant has taken more than 50 lives in the past four years.

Aerosol products should always be used in a well-ventilated room, and spray should never be directed toward the eyes.

The most-used cosmetic of all—lipstick—appears the safest. Even though it is constantly chewed off the lips and swallowed, lipstick consists of such harmless substances as ordinary grease (about 50 percent of lipsticks are basically castor oil), perfume, and artificial coloring agents. Under a color additives act passed by Congress in 1960. FDA keeps constant vigilance on these colors; they must comply to safety standards before they are introduced, and batches are tested during production.

No one can measure whether the "magic formulas" and "miracle" ingredients actually enhance attractiveness or bring about romance.

Not even the industrys "psychological pricing," under which high charges are considered part of the sales appeal, is really questioned.

To change the pricing system, Mrs. Sullivan says, would "take a lot of fun out of womens lives. We buy cosmetics knowing full well that the glittering advertisements are a lot of bunk, but we can dream, can't we? Most of us know that the $5 jar of cream will do no more for us than the 50-cent jar. . . . Those who can afford the $5 jar, and some who cannot, buy it on the outside chance that perhaps it might be a bit more effective. At least they feel better about it.

Most women concede, that mink oil, turtle oil, oxblood skin stiffener, and other exotic products probably don't do much good. They know that these "secrets" have been tried before and found wanting.

Currently there is a rush toward "natural" products—lotions with balsam and lemon, creams and foundations billed as "peach blush" and "strawberry freshner." These come on the heels of synthetics which were the miracles of yesterday. With each new wave come new dreams.

The former executive director of a cosmetics trade association, Steve Mayhem, once said: "What we sell is hope." Another spokesman for the manufacturers put it more eloquently: "The business is one of moonbeams."

But along with her hopes, dreams, and moonbeams, a woman ought to be buying safety.

As the industry moves toward at least token policing of itself, more restrictive regulation may be in the offing. Mrs. Knauer plans to ask for voluntary registration of manufacturers, the filing of complete formulas with FDA, and opening of the industry's complaint files to the government.

Mrs. Sullivan's bill has once more been introduced in the House; it calls for labeling of cosmetics with all ingredients, full clearance and pretesting for safety.

Miss Bassin, the former cosmetics executive, has urged the industry to stop resisting regulation and comply. "Most consumers of cosmetics couldn't care less what's in that lipstick or face cream or deodorant spray," she says. "They want the government and manufacturers to care. Consumers are barely able to pronounce aluminum chlorohydrate . . . how can they be expected to know what it is? [They] would like merely to feel confident that any cosmetic they buy is safe, without having to make judgements for which they are inadequately qualified."

Mrs. Peterson told cosmetics makers, "The question is whether you are going to wait for some disaster to strike which forces you to come clean with your customers, or whether you will solve the competitive problem of individual company disclosure by requiring all manufacturers to disclose the same information in the same manner."

Most cosmetics are safe. But no woman knows which few might not be safe for her. To protect herself, she should minimize use of those which contain suspected substances. Eye preparations which might contain mercury preservatives should be discarded. Use of hexachlorophene products should be cut back, and when applied, they should be rinsed off according to directions. Cleansing creams and other breeding grounds for bacteria should be kept refrigerated. She should stop use of any product which causes an allergic reaction.

Cosmetics are psychologically important to most women. But no woman can feel uplifted by cosmetics if she simultaneously feels fearful about their dangers.

SMALL OPERATORS AGAIN CHALLENGE 1969 MINE SAFETY LAW

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, once again we find the Bureau of Mines faced with a lawsuit filed by a group of small mine operators seeking to challenge the constitutionality of the 1969 Federal Coal Mine Health and Safety Act. About 14 months ago, small mine operators sought the same objective. For a period of nearly 9 months thereafter they successfully impeded enforcement of the law, thereby resulting in a mounting toll of deaths and injuries among coal miners. During this period, Bureau and Interior Department lawyers stumbled and bungled their way through this lawsuit. In the end, the suit was settled "without prejudice" by the Government. Thus, the small mine operators were free to try again, because the Government refused to insist that settlement be with prejudice And, indeed they are trying again in court.

In addition, I would like to call my colleagues' attention to one section of the brief filed by Henry D. Stratton and Francis D. Burke, attorneys for the operators. I quote:

> Offers have been made in the form of amended proposed assessments that negligible amounts could be paid to buy peace for alleged violations of the Act.

I think this passage speaks for itself. Enforcement efforts on the part of the Bureau of Mines have far too often been concerned with maintaining peace in the coal industry rather than with insuring the safety of coal miners. I would like to include in the RECORD the full text of the brief:

[In the U.S. District Court, Eastern District of Kentucky, at Pikeville, Ky., June 29, 1971]

COMPLAINT

Bill McKinney, d/b/a B & M Coal Co.; McKinley Bartley, d/b/a Bartley & Ratliff Coal Co.; Jack R. Belcher d/b/a Belcher Coal Co.; Big Hill Coal Corp.; Big Sandy Coal, Inc.; James Spriggs, d/b/a Brushy Fork Coal Co.; Canada Coal Co., Inc.; Caney Branch Coal Co., Inc.; Earl Ward, d/b/a Cantrell Coal Co.; James R. Rice, d/b/a Carol Coal Co.; Coleman Mining Co., Inc.; Compton & Compton Coal Co., Inc.; Theodore Parker, d/b/a Conn & Parker Coal Co.; Cecil Dotson, d/b/a D & D Coal Co.; Bill Fouch, d/b/a D. F. Preece Coal Co.; Jack Roberts, d/b/a D.R.T. Coal Co.; Earl Compton, Jr., d/b/a Deluxe Coal Co.; Victor Owens, d/b/a Double "O" Coal Co.; Duncan Coal Co., Inc.; Easton Construction Co., Inc.; Edward Potter, d/b/a Ed Potter Coal Co.; Elkhorn Fuel, Inc.; Francis & Sons Coal Co., Inc.; Joe Ray Gambrel, d/b/a Gambrel No. 2 Mine; James L. Griffith, d/b/a Griffith Coal Co.; Hamil Coals, Inc.; Harold Witten, d/b/a Harold Witten Coal Co.; Branson Coleman, d/b/a Highland Coal Co.; Hilmar Coal Co., Inc.; Bruce Huffman, d/b/a Huffman Mining Co.; Jack C. Rice, d/b/a J. & H. Coal Co.; Walter Mullins, d/b/a Jill Mining Co., Kermit France, d/b/a K. F. Coal Co.; Kermit Meade Coal Co., Inc.; Lee Davis, d/b/a L. Coal Co.; Earl Ward, d/b/a L & W Coal Co.; Thomas B. Ratliff, d/b/a Landmark Mining Co.; Kennis Justus, d/b/a Lane Hollow Coal Co.; Bill Burgett, d/b/a Lick Fork Coal Co.; Lick Fork Mining Co., Inc.; Paul Fletcher, d/b/a Little Rock Coal Co.; M. L. Coal Corp.; Mars Mining Corp.; Mary Jean Coal Co., Inc.; Victor May, d/b/a May & Bevins Coal Co.; Mill Branch Coal Co., Inc.; Ronald D. Murphy, d/b/a Miller & Murphy Coal Co.; C. E. Tackett, d/b/a Mohawk Coal Co.; N & W Coal Co., Inc.; Newsom Bros., Inc.; Sam Pecco, d/b/a Pecco Coal Co.; Custer C. Picklesimer, d/b/a Picklesimer Coal Co.; Frank Milliter, d/b/a Pike Elkhorn Coal Co.; Alvie Greene, d/b/a Pond Creek Coal Co.; Potter Bros. Mining Co., Inc.; Pounding Mill Coal Co., Inc.; Rail Dotson, d/b/a R & D Coal Co.; R. M. Mining Co., Inc.; Asa Wright, d/b/a A & E Coal Co.; Alma Coal Corp.; Hoover Bartley, d/b/a Ann Coal Co.; Blake Blevins, d/b/a Art Coal Co.; Bartley Fuel Corp.; Foster Bentley, d/b/a Bentley & Holcomb Coal Co.; Frank Salyers, Jr., d/b/a Camp Fork Fuel Co.; Victor Fields, d/b/a Childers & Fields Coal Co.; Jimmy Coleman, d/b/a Coleman & Tabor Coal Co.; Leonard Younce, d/b/a Debbie Mining Co.; Robert Holcomb, d/b/a Dixie Mining Co.; Goffery Salyer, d/b/a Eddie Coal Co.; Elk Branch Mining Corp.; Harold D. Hawkins, d/b/a H. H. & B. Coal Co.; Hall Coal Co., Inc.; Harvey Hodge, d/b/a Harvey Hodge Coal Co.; Hawkins Coal Co., Inc., Roy Hawkins, d/b/a Hawkins & Swiney Coal Co.; Charlie Tester, d/b/a Horseshoe Coal Co.; Frank Fields, d/b/a Howell & Fields Coal Co.; Johns Creek Elkhorn Coal Corp.; Leigh Coal Co., Inc.; Dennis Bartley, d/b/a Low Gap Coal Co.; Jimmie Ratliff, d/b/a Mary Ann Coal Co.; Ralph May, d/b/a May & Johnson Coal Co.; ME-AW Coal Co., Inc.; Fonso Mullins, d/b/a Mullins & Mullins Coal Co.; Jimmie Mullins, d/b/a Mullins & Ratliff Coal Co.; Pike Island Coal Co., Inc.; Potter Mining Co., Inc.; C. D. Roberts, d/b/a R. G. Mining Co.; Raccoon-Elkhorn Coal Co., Inc.; Race Fork Coal Corp., Inc.; Kerry Hamilton, d/b/a Richard Coal Co.; Arnold Salisbury, d/b/a E. M. Coal Co.; Jimmy Hawkins, d/b/a Sloan & Hawkins Coal Co.; Mrs. Jeannene Smith, d/b/a Smith Bros. Coal Co.; Standard Sign & Signal Co., Inc.; Arnold Thacker, d/b/a Thacker Bros. Coal Co.; Daniel Childers, d/b/a Two Rose Coal Co.; Guy Browning, d/b/a UAC Industries; Atlas Potter, d/b/a Wolfhead Coal Co.; Dowzell Ramey, d/b/a Ramey Coal Co.; Ralph Skeens, d/b/a Ramey & Skeens Coal Co.; Shelby Valley Enterprises, Inc.; James A. Smallwood, d/b/a Smallwood Coal Co.; Southern Coal Co., Inc.; Bennie F. Sloane, d/b/a Spring Branch Coal Co.; Stanley Osborne, d/b/a Trace Fork Coal Co.; Gilbert Leonard, d/b/a Tripple "L" Coal Co.; Goebel Stalker, Jr., d/b/a Trojan Coal Co.; Asne Varney, Jr., d/b/a V & T Coal Co.; Clell Vance, d/b/a Vanco Coal Co.; Willie Dotson, d/b/a Willie Dotson Coal Co.; Larry Hunt, d/b/a Flint Rock Coal Co.; Don Roger Lawson, d/b/a Lawson & Coleman Coal Co.; Cecil Chaney, d/b/a Little Hackney Coal Col.; Cecil Chaney, d/b/a Thorte-Farley Coal Co.; Douglas Daniels, d/b/a M & D Coal Co.; Hobert Witten, d/b/a L. B. Coal Co.; Paul Daniels, d/b/a Big Three Coal Co.; Burbage Casey, d/b/a Casey Coal Co.; Kentucky Elkhorn Coals, Inc.; W. K. Loftis, d/b/a Loftis Coal Co.; Mont Fields, d/b/a Fields Coal Co.; Winfred Salyer, d/b/a Win's Coal Co.; Elzy Mullins, d/b/a Bartley & Mullins Coal Co.; Lewis Howard, d/b/a Leslie County Mining Co.; Plantiffs, vs. Rogers C. B. Morton, Secretary of the Interior, and Elburt Osborn, Director of the Bureau of Mines, Defendants.

I

The plaintiffs state that they are, or have been, the owners and operators of coal mines as defined by the provisions of § 3(h), Public Law 91–173, "Federal Coal Mine Health and Safety Act of 1969", Tit. 30 USC § 802 (h), and that they have each engaged in the work of preparing coal as defined by § 3(i), Public Law 91–173, Tit. 30 USC § 802 (i), and that they are each, or have been, subject to the provisions of said Public Law 91–173 pursuant to the provisions of § 4 thereof, Tit. 30 USC § 803 of such Act.

II

The defendants are respectively the Secretary of the Interior as specified in § 3(a) of said Act, and the Director of the Bureau of Mines, Department of the Interior, which are charged with the enforcement of said Act.

III

The coal mines of the plaintiffs and their places of operation are located in various places within the Eastern District of Kentucky, the Southern area of West Virginia, and the Western area of Virginia.

IV

This action concerns the constitutionality of a congressional act and involves potential liabilities to each of the plaintiffs for fines up to $50,000.00 and is cognizable under the provisions of Tit. 28, USC § 1331 and Tit. 28 USC § 1391.

V

The "Coal Mine Health & Safety Act of 1969" is administered by the Department of Interior and the Department of Health, Education & Welfare. The primary administrative responsibility of enforcing said Act is vested in the Bureau of Mines within the Department of the Interior. The Secretary of Interior and the Director of said Bureau are named as parties hereto by reason of the fact that they are superior officers of agents, servants, and employees of the Department of the Interior charged with the investigation of possible violations of said Act.

The commencement and institution of proceedings for the imposition of penalties against the plaintiffs in this action, the trial of such charges, and their ultimate enforcement by collection and other remedies by said Act are vested in these officers. They are necessary and proper parties to this action by virtue of such facts.

VI

The defendants, or their predecessors in office, on November 20, 1970, published in the Federal Register, Volume 35, No. 226, mandatory health and safety standards for underground mining in such a manner as not being in accordance with Title I of Public Law 91–173, in that in the development of said mandatory safety standards, the Secretary did not consult with appropriate representatives of state agencies, appropriate representatives of the coal mine operator and miners as provided in § 101, Title I, of said Act. Subsequently, regulations have been promulgated from time to time by the Secretary without compliance with the foregoing § 101(e) of said Act.

VII

Public Law 91–173, entitled the "Federal Coal Mine Health and Safety Act of 1969", is unconstitutional in that it permits and requires the imposition of penalties, both civil and criminal, and of fines up to $50,000.00 or imprisonment for five years, or both, without setting out or establishing any objective standards by which the conduct of the operator can be tested, and accordingly, denies due process of law to these plaintiffs and persons of like situation.

VIII

The plaintiffs are, for the most part, small mine operators, and enforcement of Public Law 91–173 and the regulations adopted illegally pursuant thereto, and the defendants, through their agents, have discriminatorily proposed fines and are undertaking to impose fines in a different proportion and ratio in these small mines than they have been in large mines, and have undertaken to enforce this Act in a discriminatory fashion which denies these plaintiffs equal protection of the law as required by the Constitution of the United States of America and should be enjoined from such conduct.

IX

Section 109(a)(3) of Public Law 91–173 provides as follows:

"(3) A civil penalty shall be assessed by the Secretary only after the person charged with a violation under this Act has been given an opportunity for a public hearing and the Secretary has determined by decision incorporating his findings of fact therein, that a violation did occur, and the amount of the penalty which is warranted, and incorporating, when appropriate, an order therein requiring that the penalty be paid. Where appropriate, the Secretary shall consolidate such hearings with other proceedings under section 105 of this title. Any hearing under this section shall be of record and shall be subject to section 554 of title 5 of the United States Code."

In spite of this provision, the defendants, or their predecessors in office, promulgated on January 14, 1971, regulation, Part 100 "Civil Penalties for Violation of the Federal Coal Mine Health and Safety Act of 1969", a patently, coercive, and illegal regulation which, among other things, sets out a schedule of penalty ranges which were not adopted as provided by law, and which deprive these plaintiffs and persons of like situation of equal protection of law and due process of law.

These plaintiffs, and others similarly situated, are being denied equal protection of the law in that defendants, their agents, servants, and employees are enforcing some of the requirements of said Public Law 91–173 in an illegal and discriminatory manner in that the requirements with respect to ventilation and dust control standards as set out in § 303 of said Act are not being enforced in the anthracite coal fields of Pennsylvania but are being enforced in the bituminous coal fields of those areas in which plaintiffs operate coal mines.

X

The plaintiffs state that during the calendar year 1970, the operation of their businesses, the number of men employed by them, and their total productions for the year were:

Name	Number of men employed	Tonnage production
Bill McKinney, d/b/a, B. & M. Coal Co	22	46,680
McKinley Bartley, d/b/a, Bartley & Ratliff Coal Co	7	6,679
Jack R Belcher, d/b/a, Belcher Coal Co	7	3,954
Big Sandy Coal Co , Inc	5	9,764
Clell Vance, d/b/a Vanco Coal Co	14	30,957
Cecil Chaney, d/b/a Little Hackney Coal Co	76	178,887
Cecil Chaney, d/b/a Thorte-Farley Coal Co	17	35,132
Douglas Daniels, d/b/a M. & D. Coal Co	9	11,366
Hobert Witten, d/b/a L. B. Coal Co	4	1,705
Winfred Salyer, d/b/a Win's Coal Co	5	6,781
Elzy Mullins, d/b/a Bartley & Mullins Coal Co	9	3,989
Harold D. Hawkins, d/b/a H. H. & B. Coal Co. (Hawkins & Co. No. 14 in 1970)	12	83,091
Arnold Salisbury, d/b/a E. M. Coal Co. (Roberts & Salisbury in 1970)	4	2,108
Larry Hunt, d/b/a Flint Rock Coal Co. (Abundant Life Corp. in 1970)	8	6,426
Don Roger Lawson, d/b/a Lawson & Coleman Coal Co. (Whicker & Coleman in 1970)	12	6,948
Custer C. Picklesimer, d/b/a Picklesimer Coal Co	3	3,000
Jack C. Rice, d/b/a J. & H. Coal Co	6	16,050
Paul Daniels, d/b/a Big Three Coal Co. (Blueribbon Coal Co. in 1970)	6	39,500
James Spriggs, d/b/a Brushy Fork Coal Co	4	15,288
Potter Mining Co., Inc	53	126,474
C. D. Roberts, d/b/a R. G. Mining Co	5	10,376
Raccoon-Elkhorn Coal Co., Inc	21	54,644
Kerry Hamilton, d/b/a Richard Coal Co	7	1,376
Jimmy Hawkins, d/b/a Sloan & Hawkins Coal Co	10	30,362
Mrs. Jeannene Smith, d/b/a Smith Bros. Coal Co	8	3,918
Standard Sign & Signal Co., Inc	14	44,261
Arnold Thacker, d/b/a Thacker Bros. Coal Co	6	13,670
Daniel Childers, d/b/a Two Rose Coal Co	10	57,498
Guy Browning, d/b/a, UAC Industries	28	60,982
Atlas Potter, d/b/a, Wolfhead Coal Co	6	14,215
Dowzell Ramey, d/b/a, Ramey Coal Co	11	23,996
Shelby Valley Enterprises, Inc	17	5,198
James A. Smallwood, d/b/a, Smallwood Coal Co	7	23,407
Southern Coal Co., Inc	13	11,842
Bennie F. Slone, d/b/a, Spring Branch Coal Co	12	79,389
Stanley Osborne, d/b/a, Trace Fork Fork Coal Co	4	2,500
Bill Burgett, d/b/a, Lick Fork Coal Co	15	41,785
Lick Fork Mining Co., Inc	9	35,067
M. L. Coal Corp	16	42,114
Mars Mining Corp	47	117,810
Mary Jean Coal Co., Inc	7	16,761
Victor May, d/b/a May & Bevins Coal Co	14	20,405
Mill Branch Coal Co., Inc	16	73,064
Ronald D. Murphy, d/b/a, Miller & Murphy Coal Co	5	7,547
C. E. Tackett, d/b/a, Mohawk Coal Co	8	7,906
N. & W. Coal Co., Inc	15	30,037
Newsom Bros., Inc	5	26,125
Sam Pecco, d/b/a, Pecco Coal Co	13	16,361
Victor Owens, d/b/a, Double "O" Coal Co	18	43,002
Duncan Coal Co., Inc	14	30,723
Easton Construction Co., Inc	25	70,000
Elkhorn Fuel, Inc	19	12,129
Francis & Sons Coal Co., Inc	7	37,550
James L. Griffith, d/b/a, Griffith Coal Co	6	15,466
Harold Witten, d/b/a, Harold Witten Coal Co	12	13,133
Branson Coleman, d/b/a, Highland Coal Co	22	14,169
Hilmar Coal Co., Inc	9	9,870
Bruce Huffman, d/b/a, Huffman Mining Co	15	28,230
Walter Mullins, d/b/a, Jill Mining Co	34	82,661
Kermit France, d/b/a, K. F. Coal Co	16	37,543
Kermit Meade Coal Co., Inc	16	35,031
Lee Davis, d/b/a, L. Coal Co	5	10,724
Earl Ward, d/b/a, L. & W. Coal Co	7	4,485
Alvie Greene, d/b/a, Pond Creek Coal Co	10	5,750
Potter Bros. Mining Co., Inc	7	55,295
Hoover Bartley, d/b/a, Ann Coal Co	10	32,455
Blake Blevins, d/b/a, Art Coal Co	8	40,541
Foster Bentley, d/b/a, Bentley & Holcomb Coal Co	19	5,625
Frank Salyers, Jr., d/b/a, Camp Fork Fuel Co	8	74,272
Victor Fields, d/b/a, Childers & Fields Coal Co	7	30,388
Jimmie Coleman, d/b/a, Coleman & Tabor Coal Co	5	5,076
Leonard Younce, d/b/a, Debbie Mining Co	20	80,378
Goffery Salyer, d/b/a, Eddie Coal Co	14	65,429
Elk Branch Mining Corp	14	101,873
Goebel Stalker, Jr., d/b/a, Trojan Coal Co	13	24,912
Asne Varney, Jr., d/b/a, V. & T. Coal Co	11	27,721
Theodore Parker, d/b/a, Conn & Parker Coal Co	8	24,810
Cecil Dotson, d/b/a, D. & D. Coal Co	4	1,860
Bill Fouch, d/b/a, D. F. Preece Coal Co	6	4,836
Jack Roberts, d/b/a, D.R.T. Coal Co	26	153,383
Earl Compton, Jr., d/b/a, Deluxe Coal Co	12	65,308
Hall Coal Co., Inc	10	44,253
Harvey Hodge, d/b/a, Harvey Hodge Coal Co	10	20,355
Roy Hawkins, d/b/a, Hawkins & Swiney Coal Co	14	12,752
Frank Fields, d/b/a, Howell & Fields Coal Co	8	14,997
Johns Creek Elkhorn Coal Corp	81	556,423
Leigh Coal Co., Inc	64	121,091
Dennis Bartley, d/b/a, Low Gap Coal Co	6	45,596
Jimmie Ratliff, d/b/a, Mary Ann Coal Co	7	10,275
Ralph May, d/b/a, May & Johnson Coal Co	6	13,734
ME-AW Coal Co., Inc	5	4,554
Fonso Mullins, d/b/a, Mullins & Mullins Coal Co	35	33,713
Jimmie Mullins, d/b/a, Mullins & Ratliff Coal Co	16	63,049
Pike Island Coal Co., Inc	7	29,509
Canada Coal Co., Inc	12	36,214
Caney Branch Coal Co., Inc	86	285,753
Earl Ward, d/b/a, Cantrell Coal Co	7	27,131
James R. Rice, d/b/a Carol Coal Co	22	23,075
Coleman Mining Co., Inc	9	3,825
Compton & Compton Coal Co., Inc	33	82,026
Edward Potter, d/b/a Ed Potter Coal Co	28	140,000
Rail Dotson, d/b/a, R. & D. Coal Co	20	73,611
R. M. Mining Co., Inc	75	300,000
Asa Wright, d/b/a, A. & E. Coal Co	6	16,717
Ralph Skeens, d/b/a, Ramey & Skeens Coal Co	16	42,303
W. K. Loftis, d/b/a, Loftis Coal Co	60	225,000
Kentucky Elkhorn Coals, Inc	55	250,000
Lewis Howard, d/b/a, Leslie County Mining Co	78	84,162
Total	1,835	5,312,141

XI

The plaintiffs, acting on legal advice, believed that there were serious constitutional questions with respect to said Act, and that there were questions of constitutional import in the administration of said Act, they each determined to and have filed protests to all proposed assessments to civil penalties and protested proposed amended orders of assessment. That at each step of the administrative process adopted in violation of the Act, they have been warned by the agents, servants, and employees of defendants that they were subject to penalties substantially higher than those proposed; that after the defendants, acting through the trial solicitor of the Department of Interior, commenced administrative proceedings for the determination and infliction of civil penalties, the plaintiffs, and members of their class, have been warned of liabilities ranging up to 1,000 percent of proposed assessments.

Offers have been made in the form of amended proposed assessments that negligible amounts could be paid to buy peace for alleged violations of the Act.

In truth and in fact, the defendant Secretary of the Interior has not conducted any hearings to determine if there had been violations such as to warrant the imposition of civil penalties permitted by the Act according to the standards provided in the Act.

The Act does not mandatorily require a civil penalty for each violation, but determination with respect to civil penalties is to be made as a matter of sound discretion shaped by relevant factors recited in the Act and the circumstances of the alleged violation for which a penalty is sought.

XII

The plantiffs are being denied equal protection of the law and due process of law in that the defendants are not undertaking to enforce certain sections of the "Federal Coal Mine Health and Safety Act of 1969" as against certain coal mining operators while vigorously attempting, to the disadvantage of these plaintiffs, to enforce the Act against these plaintiffs, thereby denying them their constitutional rights.

XIII

The discriminatory enforcement of the Act is posing a serious threat to the national security of the United States by causing, involuntary and voluntary, closures of coal mines at a time when the energy requirements of the United States require the expansion of the production of fossil fuels rather than a reduction of production; that such attempt is being made in the guise of health and safety when in truth and in fact, the enforcement of the Act is counterproductive of that end.

XIV

The discriminatory enforcement of this unconstitutional Act has caused the closing of mines, the loss of jobs by employees of these and other employers, and the loss of employment opportunity to thousands of workers in an otherwise economically distressed area.

XV

The measurement of dust as provided in said Act requiring the measurement of mine dust by the use of the M.R.E. dust sampling device is arbitrary and capricious in that said instrument is demonstrably inaccurate, and requiring closure of mines, imposition of fines, based on an inaccurate measuring device and standard constitutes a taking of property without due process of law.

XVI

The plaintiffs state that they are entitled to an injunction enjoining and restraining the defendants, or their delegates, from the enforcement of the "Coal Mine Health and Safety Act of 1969" in the following particulars: (a) the provisions of the Act with respect to ventilation; (b) the requirements of the Act with respect to the amount of respirable dust in coal mines; (c) the provisions permitting the closure of mines and withdrawal of men from sections of mines where no objective standards authorizing such action are provided in said Act. The enforcement of the provisions of the Act as aforesaid is causing the plaintiffs irreparable injury in that they are being subject to the taking of their property and the threatened denial of their liberties by enforcement of an unconstitutional act or by discriminatory enforcement of the Act if it be adjudged constitutional; for such injury, they have no adequate or any remedy at law; that a temporary injunction issue restraining such actions and that on final hearing, the same be made permanent and perpetual.

XVII

Plaintiffs state that a three-judge court should be convened for the disposition of this case on the merits.

WHEREFORE, these plaintiffs demand judgment as follows:

1. That the defendants be enjoined in the enforcement of the "Coal Mine Health and Safety Act of 1969" in whole and in more particularly as follows: (a) that said Act is unconstitutional and confiscatory and denies these plaintiffs equal protection of the law and due process of law, and applies standards of conduct and behavior as to these Plaintiffs and persons similarly situated which are not applied to industries of like or similar nature to Plaintiffs' business; (b) that it deprives these Plaintiffs and others persons similarly situated of due process of law and that it operates to take their property without just compensation.

2. That the Defendants be temporarily enjoined and restrained from enforcing the "Coal Mine Health and Safety Act of 1969" if it be found constitutional in whole or in part in at least the following particulars:

(a) The provisions of the Act with respect to ventilation; (b) The requirements of the Act with respect to the amount of respirable dust in coal mines; (c) the provisions permitting the closure of mines and withdrawal of men from sections of mines where no objective standards authorizing such action are provided in said Act; (d) That on final hearing said injunction be made permanent and perpetual.

3. That Plaintiffs demand a three judge court be convened for the disposition of this case on the merits.

4. That on final hearing said injunction be made permanent and petual.

5. That Plaintiffs demand all proper relief.

HORTON DISCUSSES H.R. 1: WELFARE, SOCIAL SECURITY, MEDICARE, AND MEDICAID REFORM

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. HORTON. Mr. Speaker, one of the most complicated, yet one of the most comprehensive, bills to come before the Congress is H.R. 1, which provides for major changes in welfare, social security, medicare, and medicaid programs.

I believe my colleagues in the House deserve a great deal of credit for approving this legislation. If enacted by the Senate, it will have far-reaching effects on almost every American and on the relationships between governments at all levels.

While I believe that the bill as passed by the House can be improved, especially in the area of welfare reform, it contains vast improvements over the present system of benefits. I am hopeful that when the bill is considered by the Senate amendments will be adopted to correct its present limitations.

I feel its enactment by both Houses—with the necessary amendments and revisions—can mark an improved way of life for millions of Americans.

Because of the importance of H.R. 1, I wrote a series of five articles for newspapers in my congressional district, discussing general and specific provisions of H.R. 1 and congressional action on this bill.

I would like to share these articles with my colleagues in the House, because I think they will find them both interesting and useful.

The articles follow:

THE FACTS ABOUT H.R. 1: WELFARE, SOCIAL SECURITY, MEDICARE AND MEDICAID REFORM

On May 26, the House Ways and Means Committee reported for favorable consideration a complex bill, 687 pages long, known as H.R. 1. This bill contains the most comprehensive and basic reforms in the welfare system, the social security system, and medicare and medicaid, of any bill that has been before Congress in recent memory.

The bill, as described in a 385 page-long Committee report, contains five major program reforms in the welfare and old age assistance laws, as well as a greater number of reforms in the social security, medicare and medicaid laws. There are provisions in this bill affecting nearly every American citizen, and forging basic changes in the relationship between the Federal government and State and local governments in the area of welfare and public assistance for the aged, blind and disabled.

WELFARE REFORM PROVISIONS

The following are the five major welfare reforms provided under H.R. 1:

First: The bill reforms present programs of welfare assistance to needy families by separating applicants who are employable and assigning them a separate program called Opportunities for Families, to be administered by the Department of Labor. This program, for families with an employable adult, includes training and work incentives and work requirement programs, as well as day care and other services.

Second: For families with children which do not include an employable adult, the bill establishes a Family Assistance Plan, to be administered by the Federal Department of Health, Education and Welfare. Once a family under this plan includes an employable adult, the family would be referred to the Opportunity for Families program in the Labor Department.

Third: The bill provides greater equity in welfare payments throughout the country under both the Family Assistance Plan and Opportunities for Families) and would greatly improve the administration of welfare payments. Payment provisions include a federal minimum benefit of $2,400 per year for a family of four, uniform national payment eligibility standards, payments to families where the father is working full time and is still within eligible limits—thus affording incentive to work and to continue working, rather than to slip into a cycle of dependence on welfare. Federal administration of payments procedure is also provided.

Fourth: The bill replaces the three State administered programs for assistance to aged, blind and disabled citizens with one federally-administered program under the Social Security Administration, including national eligibility standards, and including federal payment of basic benefit levels to aged, blind and disabled recipients.

Fifth: The bill provides for federal administration of not only the federal payment levels, but also of optional supplemental payments which may be made by states or localities. Federal pick-up of all administration costs would save states and localities over $1.5 billion in the first year, and would save New York State about $188 million.

SOCIAL SECURITY, MEDICARE AND MEDICAID REFORMS

H.R. 1 contains several extensive Social Security reforms, including an across the board increase in benefits of 5% as of June, 1972. This would be on top of the 10% increases enacted in March, 1971.

The bill includes a provision for automatic cost-of-living increases in benefits, similar to a provision passed by the House but rejected by the Senate last year. There are also substantial reforms in the earned income limitation (retirement test), in benefits for widows, widowers and dependents, and in disability benefit payments.

The Medicare program is broadened to include disabled social security and railroad retirement recipients, and guarantee is added that no increase in premium payments will be required unless there is a general increase in benefits.

To pay for Social Security and Medicare reforms, the bill seeks an increase in the Social Security tax earnings base to $10,200 beginning in January, 1972.

Finally, the bill provides minor income tax law reforms to permit deduction for child care expenses of working mothers, and to expand and simplify the existing retirement income credit provisions.

Further articles in this series will discuss each of these reforms in greater detail. In the meantime, Members of Congress will be considering each of these provisions, and will undoubtedly hear from constituents with arguments both for and against this complex bill.

THE FACTS ABOUT WELFARE REFORM—PART I

Legislation providing for welfare reform has been the subject of intensive debate since the last Congress, but no agreement has been reached. The welfare situation has reached a state of crisis during the past 10 years.

The present aid to families with dependent children program (AFDC) is one example of why welfare reform is needed. Operated by 54 separate jurisdictions, the AFDC program is characterized by a growing lack of confidence on the part of the taxpaying public, coupled with increasing bitterness from welfare recipients about a system which extracts self-respect as the price of its benefits. AFDC programs inspire hopelessness from those who have been trapped in a life on the dole from which the possibility of escape seems remote. They foster more and more welfare and less and less work.

The effects of these factors can be measured by the geometrically increasing costs and caseloads in the 1960's—during the last decade, the AFDC rolls grew by 4.4 million people and the cost to taxpayers increased to $2.5 billion per year. If the situation in welfare was alarming at the beginning of 1970, the program is now completely out of control. The number of AFDC recipients rose from 7,501,000 in January, 1970 to 9,773,000 in January, 1971—2.25 million more people in one year!

Immediate and far-reaching action is needed. Attempts to patch up the present system simply will not work and would lead to nothing but disillusionment and recrimination. H.R. 1 is designed to prevent the collapse of a basic function of government—assisting its citizens to a better life.

H.R. 1 provides a partial Federal takeover of the welfare system which would lift from state and local governments the terrific financial burden of employees and installations needed for the effective implementation of welfare. If H.R. 1 is enacted, New York State would save a total of $188.4 million is the first year.

Each family of four earning a total of $4,140 or less would be eligible for assistance. The amount of Federal benefits would vary from a maximum of $2,400 for a four-person family with no income to a minimum of $120 if the family is earning $4,140. State and local governments, at their own discretion, could supplement these Federal payments.

One of the major thrusts of the bill is that the receipt of welfare benefits should be a temporary status and not a way of life. Two basic difficulties have appeared in past legislative efforts to return welfare recipients to self-sufficiency: 1) all recipients have been lumped together without any realistic assessment of their ability to enter the labor force and 2) authority for employment and training programs have been diffused at both the Federal and State levels.

The proposed bill meets both of these problems by creating an entirely separate program for those who are defined under the bill as available for employment and by assigning exclusive responsibility for this program to the Department of Labor.

About 2.6 million families, having an employable adult, would enter this Opportunities for Families program and about 1.4 million families with no employable adult, would enter the Family Assistance program. While allowing a family of four earning $4,140 or less to receive benefits would increase the number of families on the welfare rolls during the first years of operation, it is this provision which offers work incentive and a start on the road to self-sufficiency for the needy. Since working poor families would be added to the rolls, they would not receive the maximum benefits payable to unemployable recipients. In other words, a short-run increase in costs will lead to a long-run decrease in both costs and numbers of people who require Federal assistance.

The bill would require that all employable adults register with the Secretary of Labor unless they are exempted by the law itself. The bill provides specific categories of exemptions. Only those individuals who are so ill, incapacitated or of advanced age that they are unable to work, or are mothers of children under 3 years of age (6 years of age for the first 2 years), or are under the age of 16 or under the age of 22 and regularly attending school would be exempt from registration for employment or training. Individuals in these categories would have the privilege of registering if they wish.

Any eligible person who did not register or take work or training as required would subject his family to a penalty of an $800 per year reduction in benefits. Every person receiving training would receive about $30 a month as an additional incentive to stay in training. As an incentive for work, the first $720 earned, plus one-third of the remainder of annual earnings, would not be used to reduce family benefits.

In other words, up to the maximum income level for eligibility, every $3 earned above $720 would reduce the welfare benefits by $1.

The American people have traditionally been sympathetic and willing to help those who are in need. But I believe that the American people do not want a system which results in promoting welfare as a way of life. The provisions of H.R. 1 are aimed at providing adequate assistance to those who cannot help themselves, while at the same time creating a system of assistance which will maximize the incentive and the obligation of those who are able to work to help themselves.

THE FACTS ABOUT WELFARE REFORM—PART II

In addition to establishing the Family Assistance Plan and the Opportunities for Families Program, H.R. 1 contains important provisions affecting assistance to the aged, blind and disabled recipients, the provision of child care for needy families, and the overall financial consequences of these changes for state and local taxpayers.

AGED, BLIND AND DISABLED

The existing Federal-State programs of aid to the aged, blind and permanently and totally disabled would be repealed, effective July 1, 1972, and a new, totally Federal program would be effective on that date. The new national program is designed to provide financial assistance to needy people who have reached age 65 or are blind or disabled and would be established in the Social Security Act. The program would be administered by the Social Security Administration through its present administrative framework and facilities.

Individuals or couples could be eligible for assistance when their monthly income is less than the amount of the full monthly payment.

Full monthly benefits for a single individual would be $130 for fiscal year 1973; $140 for fiscal year 1974, and $150 thereafter. Full monthly benefits for an individual with an eligible spouse would be $195 for fiscal year 1973, and $200 for fiscal year 1974 and thereafter.

Disabled and blind beneficiaries would be referred to State agencies for vocational rehabilitation services. A beneficiary who refused without good cause any vocational rehabilitation services offered would not be eligible for benefits.

DAY CARE

The Secretaries of Labor and Health, Education and Welfare are each given the authority and responsibility for arranging day care for their respective recipients under the Opportunities for Families program and the Family Assistance Plan who need such day care in order to participate in training, employment or vocational rehabilitation. Where such care can be obtained in facilities developed by the Secretary of HEW, these would be utilized.

Insofar as possible, arrangements would be made for after school care with local educational agencies. All day care would be subject to standards developed by the Secretary of HEW, with the concurrence of the Secretary of Labor. Both Secretaries would have authority to make grants and contracts for payment of up to 100 percent of the cost of care. The Secretary of HEW would have total responsibility for construction of facilities. $700 million would be authorized for the provision of child care services in the first fiscal year and such sums as Congress may appropriate in subsequent years. In addition, $50 million would be authorized for construction and renovation of child care facilities for each fiscal year.

FINANCIAL EFFECTS ON STATES

If a State decides to supplement the basic Federal payment, it would be required to provide benefit amounts that do not undermine the earnings disregard provision. A State could agree to have the Federal government make the supplementary payments on behalf of the State. If a State agrees to have the Federal government make its supplemental payments, the Federal government would pay the full administrative costs of making such payments, but if it makes its own payments the State would pay all of such costs.

States could but would not be required to cover under medicaid presons who are made newly eligible for cash benefits under the bill.

The Federal government, in administering supplemental benefits on behalf of a State, would be required to recognize a residency requirement if the State decided to impose such a requirement.

States would be guaranteed that, if they make payments supplemental to the Federal adult or family programs, it would cost them no more to do so than the amount of their total expenditures for cash public assistance payments during calendar year 1971.

This would be to the extent that the Federal payments and the State supplementary payments to recipients do not exceed the payment levels in effect under the public assistance programs in the State for January 1971. The food stamp values would be taken into account in computing whether the guarantee would go into effect if the State pays in cash the value of food stamps. Most States would save money under the provisions of the bill; this provision would guarantee that no State would lose money.

While these reforms may seem minor compared to the overhaul of the Aid to Families With Dependent Children program (AFDC) and the imposition of work and training requirements, they serve to round out the commitment which H.R. 1 makes to total reform of the present welfare system, and to improve that system from the standpoint of the recipient, the taxpayer, State and local governments and the overall administrative priorities of the current welfare crisis.

H.R. 1—SOCIAL SECURITY, MEDICARE, AND MEDICAID PROVISIONS

H.R. 1 contains many needed reforms affecting the Social Security, Medicare and Medicaid programs. Under provisions of this bill, additional benefits would be available to millions of our nation's elderly, poor and disabled.

PROVISIONS RELATING TO THE SOCIAL SECURITY CASH BENEFITS PROGRAM

Social Security benefits would be increased by 5 percent. The minimum benefit would be increased from $70.40 to $74.00 a month. The average old-age insurance benefit would rise from an estimated $133 to $141 a month and the average benefit for aged couples would increase from an estimated $222 to $234 a month. Special benefits for persons age 72 and over who are not insured for regular benefits would be increased from $48.30 to $50.80 for individuals and from $72.50 to $76.20 for couples.

The effective date would be June 1972.

More than 27.4 million beneficiaries would become entitled for higher payments and 16,000 people would become newly eligible. About $2.1 billion in additional benefits would be paid in the first full year.

Social Security benefits would be automatically increased according to the rise in the cost of living. Increases could occur only once a year, provided that the Consumer Price Index increased by at least 3 percent and that legislation increasing benefits had neither been enacted nor become effective in the previous year.

In any year in which automatic benefit increase becomes effective, the Social Security contribution and benefit base would be automatically increased according to the rise in average wages covered under the Social Security program (if wage levels had gone up sufficiently).

In any year in which an automatic benefit increase becomes effective, the exempt amount under the retirement test would be automatically increased in the same manner as the contribution and benefit base is increased—according to the rise in average wages covered by the program.

The first possible automatic increase would be effective January 1974.

A special minimum benefit, effective January 1972, would be provided for people who worked for 15 or more years under Social Security. The benefit would be equal to $5 multiplied by the number of years of coverage the person has under the Social Security program, up to a maximum of 30 years. The highest minimum benefit under this provision would be $150 for a person who had 30 years of coverage. The special minimum would not be raised under the automatic benefit increase provisions.

Approximately 300,000 people would get increased benefits on the effective date and $30 million in additional benefits would be paid in the first full year, under this new minimum benefit formula.

A widow (or widower), including those already on the rolls, would be entitled to a benefit equal to 100 percent of the amount her deceased husband would be receiving if he were still living. Benefits, effective January 1972, applied for before age 65 would be reduced according to the widow's age at the time of application.

Under this reform, 3.4 million people would receive increased benefits on the effective date, and $764 million in additional benefits would be paid in the first full year.

A worker's old-age benefit would be increased by 1 percent for each year (1/12 of 1 percent for each month) in which the worker between ages 65 and 72 does not receive benefits because he is working after age 65. No increased benefit would be paid under the provision to worker's dependents or survivors.

Under this reform, 400,000 people would receive increased benefits and $11 million in additional benefits would be paid in the first full year.

PROVISIONS RELATING TO MEDICARE AND MEDICAID

Health insurance protection, under Title XVII, would be extended, effective July 1972, to persons entitled to monthly cash benefits under the Social Security and railroad retirement programs because they are disabled, after they have been entitled to disability benefits for at least two years.

About 1.5 million disabled Social Security and railroad beneficiaries would be newly eligible for both hospital benefits and physician coverage under Medicare. About $1.85 billion in benefits would be paid on behalf of disabled beneficiaries in the first full year of the program.

People reaching age 65 who are ineligible for hospital insurance benefits under Medicare would be able to enroll, on a voluntary basis, for hospital insurance coverage under the same conditions under which people can enroll under the supplementary medical insurance part of Medicare. Those who enroll would pay the full cost of protection—$31 a month at the beginning of the program—rising as hospital costs rise. States and other organizations, through agreements with the Secretary, would be permitted to purchase such protection on a group basis for their retired (or active) employees age 65 or over, effective January 1972.

Incentives would be created for States to contract with health maintenance organizations or similar facilities. At the same time "disincentives" would be provided to discourage prolonged stays in institutions.

Families eligible for cash assistance would have a deductible under medicaid equal to one-third of the family's earnings above $720 (after deducting the earnings of school children and any costs of required child care) less the difference between the Medicaid standard and the payment standard, if any, in that State. All States would be required to impose such a deductible. Any family with income below the State Medicaid standard would be eligible for Medicaid assistance.

LEGISLATIVE ACTION ON H.R. 1

On June 22, H.R. 1, which provides for comprehensive reforms in welfare, Social Security, Medicare and Medicaid programs, was approved by the House of Representatives by a vote of 288–132, with my support. With this vote, the House affirmed its commitment to bringing about long-needed changes in inadequate and outdated systems of benefits for the poor, elderly and disabled.

The House-passed version of H.R. 1 now goes to the Senate, where the Finance Committee will hold hearings on it. Finance Committee Chairman Russell Long has said that this legislation will be the Committee's "Number 1 order of business." He said hearings will begin this month and resume after the August recess. I am hopeful that a bill will reach the Senate floor by early fall.

Passage by the House marked the end of a legislative struggle which began when the bill was introduced earlier this year—the first piece of legislation introduced in the 92nd Congress.

I have discussed the provisions of H.R. 1 in four preceding columns. This column will review briefly the intricate steps the bill went through in the House and prospects for Senate action.

H.R. 1 was reported for favorable consideration by the House Ways and Means Committee on May 26. It was offered on the floor of the House under what is called a "closed rule," meaning that no amendment could be offered to H.R. 1. I voted against this rule because I feel that any legislation of such comprehensive magnitude should be fully discussed by the House.

However, the House voted 200–172 to consider H.R. 1 under a closed rule. The full House, therefore, was given no opportunity to make important changes and valid amendments and improvements in the bill as reported by the Committee.

However, when the bill is considered by the Senate, amendments may be offered to correct its shortcomings.

H.R. 1 was considered under a closed rule which was made in order to offer one amendment to strike one section of the bill. Another debate over H.R. 1, therefore, involved a move to strike Title IV, which would have eliminated all of the welfare reform provisions, leaving the present welfare system intact.

The move to strike Title IV from H.R. 1 was defeated by a vote of 234–187.

I voted against deletion of Title IV and to retain the welfare reform provisions of H.R. 1, despite some of its shortcomings, because I felt very strongly that if this compromise welfare reform proposal was killed by the House, it would mean the end of any possible welfare reform during this Congress. The work incentive, work training and day care provisions of Title IV promise to bring an end to the era where welfare is a way of life for millions of families and an uncontrollable expense for all levels of government. From the standpoint of the poor, the economy and state and local governments this bill contains vast improvements over the present welfare system.

There are changes that I know the Senate will consider when it takes up this legislation—changes that could not be made in the House because of the closed rule procedure.

Some senators have announced their support for a provision that recipients would not receive less than they are getting now in welfare as long as they remained in an eligible category. The House-passed version of the bill provides that each family of four earning a total of $4,140 or less would be eligible for assistance. The amount of Federal benefits would vary from a maximum of $2,400 for a four person family with no income to a minimum $120 if the family is earning $4,140. State and local governments, *at their discretion*, could supplement these Federal payments.

A provision guaranteeing that no recipient would receive less than he is receiving now would require some state supplemental payments, although in no case as much as the states are paying presently. The federal role would be expanded, while maintaining a smaller but definite role for state governments, without placing undue burdens on them.

A bill similar to H.R. 1 passed the House last year but was never reported out of the Senate Finance Committee. This year, H.R. 1 was given top priority by the House. I am hopeful the Senate will give it the same prompt consideration. We can then provide long needed reforms in benefits—and a more dignified and productive way of life—for our nation's poor, elderly and disabled.

FIVE MILLION IN U.S. SUPPORT FOR MARXIST CHILE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. RARICK. Mr. Speaker, when Salvador Allende, a self-proclaimed Communist, assumed power in Chile, President Nixon's comments were as follows:

> The new Government in Chile is a clear case in point. The 1970 election of a Socialist President may have profound implications not only for its people but for the inter-American system as well. The government's legitimacy is not in question, but its ideology is likely to influence its actions. Chile's decision to establish ties with Communist Cuba, contrary to the collective policy of the OAS, was a challenge to the inter-American system. We and our partners in the OAS will therefore observe closely the evolution of Chilean foreign policy.
>
> Our bilateral policy is to keep open lines of communication. We will not be the ones to upset traditional relations. We assume that international rights and obligations will be observed. We also recognize that the Chilean Government's actions will be determined primarily by its own purposes, and that these will not be deflected simply by the tone of our policy. In short, we are prepared to have the kind of relationship with the Chilean Government that it is prepared to have with us.

Many Americans, even those who have been conditioned to believe we are helping so-called emerging nations, were flabbergasted when the Nixon administration announced the United States was extending to Chile $5 million in credits for the purchase of military equipment.

Since Dr. Allende's closest political ties are with Castro, many question the purpose as well as the need for our giving U.S. military assistance to Chile. Is this another balance-of-power formula designed by our State Department? Will the new U.S. arms be used in aggressive assaults against Chile's non-Communist neighbors? Does our State Department feel the military equipment is necessary to help Allende defend himself against his own people—to make sure that the Chilean people are overpowered and unable to regain control of their country?

While the Allende government has been in power for only 8 months, it has rapidly deteriorated into a first-class Castro-type socialist dictatorship. What excuses can be offered by the leaders of the U.S. Government for giving arms aid and World Bank financing except to bail out Alende's mistakes? And again we find U.S. taxpayers subsidizing a Communist regime.

I insert at this point an announcement on the U.S. arms credit to Chile, a report on unemployment and fiscal irresponsibility in Chile, and a letter from an American presently in Chile conveying his first-hand impressions.

[From the Washington Post, July 1, 1971]

U.S. Gives $5 Million Credit to Chile

The State Department said yesterday the United States has agreed to extend to Chile $5 million in credits for the purchase of military equipment.

Department spokesman Charles W. Bray said the credits were extended in response to a request by the Chilean government and that the credit level is similar to that of recent years.

Bray said the funds would be used by Chile to buy a new C–130 transport aircraft and what he described as paratrooper equipment.

The decision to extend military credits to Chile was the first such gesture by the Nixon administration toward the eight-month-old Socialist government headed by President Salvador Allende.

Chile's request was seen as an indication of Allende's desire to maintain the traditionally friendly relations between the two countries.

[From the Manchester (N.H.) Union Leader, June 25, 1971]

Marxist Regime Leads Chile to Bankruptcy—President Allende Is Guiding Nation Along Castro Cuba's Path

Contractor Magazine, in its current issue, tells what happened to Nibco Inc., a company in Elkhart, Ind., that wanted to do business with an "underdeveloped" country. Nibco is a manufacturer of valves and fittings; through the good offices of the Alliance for Progress, it launched a joint venture with a Chilean firm to build an ultra-modern brass foundry in Santiago. With half a million Nibco dollars behind it, Nibsa, as the subsidiary was called, was an immediate success.

However, last fall, after the election of Dr. Salvador Allende Gossens as president of Chile, orders began to plunge. David Hyams, general manager, reported to the home office that within a month the firm would be insolvent. Told to salvage what he could, Mr. Hyams sought to lay off some of the plant's 270 workers, but was refused permission by the union. The sole alternative offered was a loan from Corfo, a government corporation, which would have led to control of the firm. Instead, Mr. Hyams shut down the plant. Ten days later, the government forcibly seized it, ousted Mr. Hyams and filed criminal charges against him.

Most companies with holdings in Chile—U.S. investment there totals $850 million—these days have little or nothing to say. Not so Lee Martin, president of Nibco, who has appealed to the State Department for help in protecting his interests and keeping Mr. Hyams out of jail. "It is our firm conviction," writes Mr. Martin, "that this is an outright expropriation of our investment by the Chilean Government."

What really galls Mr. Martin, though, is the sympathetic attitude of official Washington toward the new Chilean regime. Noting that the U.S. Export-Import Bank is considering a loan to Santiago for the purchase of railroad equipment, Mr. Martin declares: "I am unable to understand how the United States can justify a subsidy to a government which, by its political philosophies and actions, by seizing and dissipating the local assets of foreign-based businessmen . . . proves so obviously that it abhors democratic processes."

Allende apologists in this country, of course, tend to shrug off such criticism. This the ranking foreign correspondent of a New York newspaper (which helped convince the U.S. that Fidel Castro was just an agrarian reformer) recently wrote from Santiago: "Allende's contribution is the ballot-box revolution, which so far has worked with surprising success." Secretary of State Rogers is attending a meeting of the Organization of American States in Costa Rica, along with Chilean Foreign Minister Clodomiro Almeyda; much is heard from delegates of the Andean countries, who have set a 15-year deadline for the nationalization of all U.S. interests within their borders. Washington, meanwhile, still seems under the influence of a Chilean mission which came through a few weeks ago to argue that any aid cutoff would constitute U.S. economic aggression.

OTHER LOANS

Besides possible Eximbank credits, the World Bank currently has a loan mission in Chile, appraising an agricultural project. Loans by the World Bank are not directly under the control of the U.S., but much of its capital comes from the U.S. Treasury, and Washington surely could influence the decision.

In addition, the U.S. currently is giving Chile some $6–$7 million under the Food for Peace program, while the Pentagon is making the new Socialist regime an outright gift of $803,000 for training young officers. Chile still enjoys most-favored-nation treatment.

Finally, there is the Inter-American Development Bank, which, under its former president, Sr. Felipe Herrera, funneled a disproportionate share of loans into Chile. When Sr. Allende became president, Sr. Herrera resigned to return to his homeland.

[From the Francisville Democrat, St. Francisville, La., June 1, 1971]

Hooks and Shells

(By Ben Garris)

My son-in-law, ——— ———, and family are living in the South American country of Chile. He was hired by some Dutch firm to help get a paper mill into operation and to train Chilean workers to take over the operation. I think you might be interested in parts of his last letter.

". . . The mill is progressing slowly and it is still six weeks to start up. Everything stays tied up in politics and paper work. The employees would have to be called intelligent by academic standards. Almost all of them, from our trainee counterparts down to the lowest laborers, have been in one university or another. Many of them have six-year educations, equivalent to a Masters Degree in the States. Most of them have either chemical or mechanical engineers' degrees. But for all their education, they are basically worthless. Maybe one in fifty has any ambition or initiative. I can understand the country's condition after dealing with it first hand.

"The uneducated are even worse.

"The government here is weird. It is the union for the workers. All Chileano workers belong to the union, from the manager down. The labor laws are completely beyond comprehension. The local industrial relations people do not understand them thoroughly, so it is impossible for us to. But things stay interesting anyway, what with the assassinations and what-not.

"Last month we were threatened with a plant takeover by the construction workers. I understand this to be quite common in Chile. As their jobs begin to play out (the construction workers) they start to organize enough people to just walk in and take over. Nothing violent as long as there is no resistance. Whoever is the strongest owns the property. The government does nothing to discourage this sort of thing. If anything they encourage it.

"This has happened to several large companies down here causing them to lose thousands of dollars. The takeovers are not an attempt to actually own and operate the business, but . . . just to control long enough to force the owner to hire those who take over. In the meantime they destroy or sell a lot of the equipment. They took over one building here, but relinquished after a week. I believe that they will take over the entire mill upon completion.

"The plants that have been taken over in the past end up with six or seven hundred employees in an operation requiring one hundred, making it impossible to operate at a profit.

"The people are also extremely class conscious. There are two types of employees . . . the kind that work with their hands and the kind that work with their heads. The latter don't care how much they are paid as long as they have a good title. (Because of this) . . . they have now entitled my job as "shift superintendent" rather than "foreman", since they could not get trainee counterparts to come to work here for the title of "foreman".

"Something that take one day to do in the States sometimes takes a month here.

"The government (seems) to strive to keep them backward as hell anyway. It discourages transportation. Because of government-imposed costs a car smaller than a VW costs about $5,500. A VW would cost $10,000.

And so it goes in central Chile. I'll let you know later how he does on the trout, the patos and the ferdiz.

THE BUECHEL-FERN CREEK JAYCEES: "LOTS OF HARD WORK"

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. MAZZOLI. Mr. Speaker, I would like to give some well-deserved recognition to the 165 members of the Buechel-Fern Creek Jaycees of Jefferson County, Ky., who were recently designated the top chapter out of 6,400 Jaycees clubs across the Nation. Led by 1970–71 president Roger Thomas, the Buechel-Fern Creek Jaycees conducted over 230 civic projects of all kinds during the past year. I think we can expect more of the same kind of community spirit in this fine club in the weeks and months ahead under the leadership of current president H. Carleton Godsey.

Mr. Speaker, in these troubled times there is much attention in the press and on radio and television to the spectacular and the destructive aspects of life in America today. There is not enough attention to the kind of tireless effort and civic pride that the Buechel-Fern Creek Jaycees have shown us over this past year. As vice president Bob Oser said recently:

> Lots of hard work is what it amounts to.

Those two simple words—"hard work"— are the key to the success of the Buechel-Fern Creek Jaycees.

Mr. Speaker, I insert in the RECORD at this point an article from a recent edition of the Louisville Courier-Journal and Times on the achievements of the Buechel-Fern Creek Jaycees:

"LOTS OF HARD WORK" MADE BUECHEL-FERN CREEK JAYCEE CHAPTER NATION'S BEST

(By Linda Stahl)

How does a Jaycee chapter become the best one out of 6,400 chapters throughout the United States?

"Lots of hard work is what it amounts to," Bob Oser, a vice president of the Buechel-Fern Creek Jaycees, said yesterday. The Buechel-Fern Creek Jaycees were designated the top Jaycees in the nation during the U.S. Jaycees' annual meeting this week in Portland, Ore.

The selection is the highest honor that can be attained by a Jaycee chapter, whose members are men from 21 to 35.

Commenting on the merits of his group, Oser said, "It's the most active, enthusiastic and community-minded group of people I've ever known. We go by the philosophy that says if you're not part of the answer, you're part of the problem."

Competing in Portland were chapters that won in recent state competitions.

They were judged in eight categories, including chapter management and individual development, public relations, inner-club relations, government involvement, international involvement, youth assistance, ways and means and community involvement.

During 1970–71, the Buechel-Fern Creek Jaycees conducted 230 civic projects, enough to keep at least some of its 165 members busy every weekend.

While the chapter won for the best overall program of activities, members are particularly proud of the "community involvement" and "youth assistance" projects they carried out.

They included a community survey to determine the needs of the Buechel and Fern Creek areas, the local organization of county government-sponsored cleanup campaigns, convincing the Southern Railway System to place crossing gates at a railroad crossing on Old Bardstown Road where several fatal accidents have occurred (the gates are not up yet, but an agreement has been reached), a drive to raise money for kidney dialysis machines, co-sponsorship of a special Olympics for handicapped children, and the donation of money for 20 scholarships for needy children to the Highland Branch YMCA.

Eight representatives of the club, including Roger Thomas, 1970–71 president, and H. Carleton Godsey, 1971–72 president, attended the national meeting in Oregon, where 35 judges picked the winning chapter.

They will return to Louisville tonight and attend a celebration at the Kentucky Jaycees' headquarters, 822 Phillips Lane.

Meanwhile, the Buechel-Fern Creek Jaycees have been keeping up their pace of activity. Yesterday members conducted a physical fitness program for about 500 Boy Scouts from their communities at the Highland Branch YMCA.

"Enthusiasm is contagious and once it gets going it seems to grow and grow," Oser said. "That's the way it's been in our club for the past three or four years."

WE DO NOT NEED THOSE DAMS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. WALDIE. Mr. Speaker, the time is clearly here for those of us in the Congress to put away the tired old beliefs regarding water development and to come to grips with the reality of the situation.

It should be quite apparent, Mr. Speaker, that the days of the giant dam are coming to an end.

A recent article in the Los Angeles Times stated that some 1,150 dams have been built on California rivers and streams, leaving only three river systems, the Eel, Klamath, and Trinity, remaining in the State that have enough stream flow to categorize them as "free-flowing."

Mr. Speaker, that is a shocking figure.

This past April, I introduced, for the second time, a bill which would protect those three remaining river systems from being dammed to destruction by some 20 more proposed high dams.

There is growing support for this legislation. A bill similar to my own was introduced in the State legislature earlier this year and was given favorable action by a committee of the State senate. That bill presently is being delayed by another committee, but the indications of support are most heartening.

In giving that endorsement, the Times hit upon the two key elements of my own campaign to provide protection to the Eel, Klamath, and Trinity Rivers. Those elements include: First, there is no real need to tap these vital river systems for the State's future water demands; and second, further damming of these rivers will result in severe environmental damage to the ecology of these river systems.

Mr. Speaker, the State of California's Department of Water Resources and the Metropolitan Water District of Southern California, principal advocates, along with Gov. Ronald Reagan, of holding these three rivers as a "water bank" for future withdrawals, have freely admitted that there is no real need for augmenting present water supplies.

The State and the U.S. Department of Interior have indicated that the State's vast geothermal resources should be developed—a source of water, Mr. Speaker, that if properly developed could provide enough good quality water and power, free of ecological damage, to meet any forseeable need.

The State of California has also chosen not to hide from the facts that the contemplated dams for construction in the north coastal rivers would in fact doom the fishery and river recreation values of the rivers beyond redemption.

Why then, Mr. Speaker, is the legislation designed to protect these rivers being fought with the typical ferocity mustered by water development advocates?

Let us look at the reasoning behind this opposition.

Proponents of dams, principally water developers and the Corps of Engineers, argue that only high dams can provide adequate flood protection for the Eel River Delta.

However, the fact is that flood control facilities have been authorized by the Congress which would protect the Eel Delta against all but the most calamitous of floods—a flood similar to the 1964 catastrophe which caused millions of dollars of damage and claimed more than a dozen lives.

The levees authorized for construction in 1965 at a cost of some $19 million would provide very real protection for the residents of the lower Eel area.

I have been informed by the Army Corps of Engineers that the authorized flood control project has been "shelved," because of the view of many in the Corps that optimum flood control can only be obtained by a combination of high dam and levee.

Mr. Speaker, the cost for such "optimum" flood control protection would be escalated into the hundreds of millions of dollars with such a proposal and additionally, with the additional cost of the destruction of the Eel River.

I believe that a combination of authorized levees, flood plain zoning that is realistic and workable, improved systems of storm forecasting and early warning system could provide an excellent flood control protection against damage to life and property.

Additionally, Mr. Speaker, I propose that low-cost insurance to protect residents against natural disasters such as floods should be provided by the Federal Government.

On another point, I do not believe that legislation protecting these river systems will seriously disrupt logging operations in the north coastal area.

In fact, there is every reason to suspect that poor watershed planning, including logging operations that leave vast areas stripped bare, contribute to the flooding problems.

I would hope that the logging interests in the north coastal area would see that it is in their own best interest that this area remain as pristine as possible.

In summary, Mr. Speaker, I would like to touch again on the salient points in this matter: First, there is no real need for north coastal water; second, development of these rivers would do irreparable harm to the ecosystem of the rivers; third, there are alternatives to high dams for workable flood controls.

I would, at this time, submit three articles for inclusion in the RECORD which include an article from the Sacramento Bee on the effects of a high dam on a river; the article in the Los Angeles Times regarding the wild rivers of California; and the editorial in the Times endorsing the wild rivers bill:

[From the Sacramento Bee, June 16, 1971]

Aftermath of Dam: Oroville Official Hits at State River Control

Conservationists in the Sacramento area, worried about future flows in the American River after diversions start down the Folsom-South Canal, are looking at what Oroville residents claim has happened to the Feather River near Oroville as something they do not wish repeated here.

What was once called "the beautiful Feather River" has become little more than a sluggish creek because of restrictive water flows imposed by the State Department of Water Resources following the completion of the Oroville Dam, according to City Councilman Don Miller.

Throughout practically all of the year the river flows past Oroville at a mere 400 cubic feet per second (cfs), far below the 1,200 to 1,400 feet and more that the stream bed contained up to a few years ago, he said. As a result, according to Miller, Oroville has lost not only its most scenic natural resource but its sewage disposal plant, built only 11 years ago, will have to be either replaced or substantially improved.

Only recently the Central Valley Regional Water Quality Control Board imposed a "cease and desist" order on the city thereby prohibiting the construction of any buildings of any description within the city limits.

EFFLUENT POLLUTION

The order was issued when the board declared the river was being polluted by effluent which was escaping from the plant. Many qualified engineers who have been questioned claim that the major reason for the problem is that the reduction of the river flow does not allow for sufficient water in the stream to properly dissolve the discharge.

When the river was flowing at its normal depth prior to the state's reducing it, periodic inspections by the control board indicated that the plant was functioning properly. Now, the board says, the plant is polluting the stream and the city must rectify the situation.

The voters recently approved a $1.2 million bond issue as its share of the cost of an area-wide disposal system. However, the construction of that system appears to be in doubt because of the inability of the agencies involved to arrive at an acceptable means of administering the new plant.

Not only the disposal plant has been affected by the destruction of the river, however. A beach at Bedrock Park, where several generations of Oroville residents swam during the summer, has all but disappeared. Recently the Feather River Recreation District, at the request of many citizens, scooped out a shallow pond at the park in order that children may swim. It is little more than a wading pool and the quality of the water that flows into it is in doubt.

Farther downstream a large basin provided an area for swimming, water skiing and motorboat racing. Now there are weeds growing in the middle of the streambed and the water is insufficient to float anything larger than a toy boat. Along the length of the stream as it passes the city, large blotches of algae dot the water in stagnant pools that develop behind islands of dredger tailings.

Where once the river flowed broadly from bank to bank, today there is a thin strip of fast-flowing water along the north bank but it is cut off from the other bank by islands of rock and weeds that appeared overnight when the stream level was dropped.

All of the water that flows past Oroville does not come from Lake Oroville behind the dam. More than 50 per cent of the 400 feet per day originates at the Kelly Ridge Powerhouse, a facility of the South Fork Project which was developed by the Oroville-Wyandotte Irrigation District. The powerhouse is located on the bank of the Feather downstream from the dam.

An average of more than 200 cfs flows through the generators and spills into the river where it flows to the Thermalito Diversion Dam upstream from the city. There all but the amount allotted for the main river is diverted into the Thermalito Forebay, from which point it passes through the Thermalito Powerhouse and thence into the afterbay. From there it is diverted back into the Feather, far downstream from Oroville.

Of the water that is allowed to by-pass the Thermalito Dam, an average of 66 cfs is diverted through the Feather River Fish Hatchery across the river from the town. After it is used in the breeding tanks there, it is released back into the river and flows toward the bedrock pool.

The loss of the river also has become a matter of concern for the Department of Fish and Game. A study is under way to determine whether the reduced flow has restricted annual runs of salmon and steelhead upstream. It also has become discouraging to shad fishermen who visited the stream every spring. The shad run has been all but eliminated and anglers say this is because there simply is not enough water in the river any more.

All in all, Miller said, the consensus in Oroville is that the construction of the dam, while providing excellent flood control and a firm source of irrigation water and power, was completed at a cost to the ecology and beauty of the city which will be felt for many generations to come.

Officials in the Oroville office of the Department of Water Resources said they had no comment on Miller's charges, explaining that would have to come from state offices in Sacramento.

[From the Los Angeles Times, June 20, 1971]

Three Wild Rivers: Life-and-Death Decisions Ahead; Legislative Fight Waged To Block Dams on Eel, Trinity, and Klamath

(By Philip Fradkin)

The water behind the dam is placid, waiting to be moved on at the flick of a switch for irrigation, power or drinking. It is the basic ingredient of progress and growth.

There are about 1,150 dams and reservoirs in California built at a cost of nearly $9 billion—the most massive water diversion scheme in the nation and near the top in the world.

The silver ribbon which outlines the thrashing waters of a river on its unobstructed way to the sea is a living, natural force. It nourishes its fish and riverbank vegetation and kills when in flood stage.

But only a small handful of streams remain to flow unobstructed to the ocean.

Of 38 major river systems in California, only three are free flowing—although dammed, the structures on these rivers are high enough up on the headwaters not to greatly affect downstream flows.

CONSERVATIONISTS SEEK ACTION

A strong legislative effort is being mounted by conservationists to save these three river systems—the Eel, Trinity and Klamath—from future dams.

Water planners have looked on these rivers in Northern California as the last source of untapped surface water in the state—a "water bank" for future export south.

Should legislation pass designating these three rivers as "wild and scenic," there conceivably would be no further surface water supplies for the state, since importing out-of-state water seems politically and economically unfeasible at present. Virtually all Colorado River water has been allocated.

The legislation is being offered at a time when conservationists and north Californians are launching another attack on the State Water Project and the proposed Peripheral Canal, principally through lawsuits.

These two projects will bring water from the northern part of the state to Southern California. Water from the three north coast rivers, with the Eel targeted as the first to be developed, would be the next step.

The timetable of water needs has been recently reduced, with future forecasts being drastically lowered because of a slowdown in population growth and development of alternate water supplies.

STATE SENATE MEASURE

The Wild Rivers Bill, State Senate Bill 107, is authored by Sen. Peter Behr (R–San Rafael) and Sen. Robert J. Lagomarsino (R-Ventura), Rep. Jerome R. Waldie (D-Antioch), an outspoken foe of the State Water Projects, has introduced a similar bill for the second year in Congress.

These questions have been raised: Does California have enough dams and would it not be nice to leave at least a few major rivers in their semi-wild state?

Federal and state water officials agree that dam projects are getting harder to justify because good sites are becoming more scarce and construction costs are rising.

Still, dam planning and building persists.

About 20 dams have been proposed for the north coast area and already a second generation of dams is rising in the foothills of the Sierra Nevada.

The reservoir behind New Don Pedro Dam on the Tuolumne River has inundated an older dam and New Melones on the Stanislaus River will do the same.

The use and reuse of water in the state can be phenomenal.

The American River, which eventually flows through Sacramento, has almost 40 dams and power plants located on its main stem and tributaries as it flows from the Sierra.

Agriculture, the state's largest industry, accounts for 85% of the statewide water demands, according to State Department of Water Resource figures. The balance goes toward industrial purposes and to municipalities for drinking water.

MAJOR LOCAL CONSTRUCTION

While the $2.3 billion State Water Project—which taps the Feather River—is best known because of controversy around it, the amount has been almost doubled in the last 30 years by construction under local water agencies.

In the last four years local agencies—most of which serve agricultural users—have completed or begun construction on about 35 projects, while the federal government, through the Bureau of Reclamation and Corps of Engineers, has undertaken 15.

Local agencies are not represented on the California State-Federal Interagency Group which was formed to coordinate water development plans in the state.

On the lack of cooperation between agencies, a report on protected waterways by the State Resources Agency remarks:

"The principal problem is the vast array of competing uses and the fact that the regulation of those uses and demands on waterways (rivers) is presently defined in narrower sectors of government regulation or left entirely to private enterprises.

"As a result unilateral actions by various local, state and federal agencies can drastically affect waterways and negate 'protective' steps taken by another agency."

The two federal dam building agencies, which exist under separate departments, sometimes compete with each other to build dams.

Says a bureau official who participates in interagency meetings, "We can't deny that there is competition in the water resources field.

"Sometimes we are both involved in and competing for the same watershed. Sometimes different agencies explore the same dam site and this leads to costly exploratory drilling expenses.

"The trouble is that both agencies are ruled by different congressional committees and they are jealous of their prerogatives."

The corps, which is under the Defense Department, is dependent on the Interior and Insular Affairs Committee.

A corps official explained, "There is political infighting at the higher levels to see who plans, builds and runs these projects. Money accrues to an agency and there is the matter of agency pride.

"It is just a natural situation."

The planning of a project, which can be expensive, easily leads to actual construction. Once the ball starts rolling, there is little looking back.

PLANNING ODDITIES

The assured nature of the planning process sometimes has its oddities.

Construction of the State Water Project started in 1956, four years before voters approved the bond financing. Construction has already started on New Melones Dam, whose waters will feed the East Side Canal, which has not yet been authorized by Congress.

"Not very many dams fail to pan out after an authorized study," said a corps official.

Already the bureau has spent $1.6 million studying the English Ridge Dam on the Eel River. Other federal agencies have also spent money studying this project.

This dam, on which construction could start in 1976, is the closest to reality on the north coast, except for the Butler Valley Dam on the Mad River.

Two years ago Gov. Reagan directed the State Department of Water Resources to study alternatives for the Dos Rios Dam, which would have been built on another branch of the Eel and flooded bucolic Round Valley and an Indian reservation.

At this point, considered the first in-state rebuff for water planners, conservationists widened their battle to take in all major north coast rivers.

While the 1960 bond act for $1.7 billion, approved by voters, is generally assumed to be only for Feather River development, a little-noticed provision enables the state water department to spend what now amounts to $168 million for "additional facilities" on the north coast rivers.

This money was originally targeted as the state's share of the Dos Rios project. It could still be used for development of the Eel, Trinity, Klamath, Mad, Van Duzen or Sacramento Rivers without further approval of the Legislature or voters.

SEEN AS UNCONSTITUTIONAL

It is argued that the Wild Rivers Bill could be unconstitutional, since it would bar dams on three of these rivers and voters in 1960 approved their development.

Behr's response has been to point out that Reagan has already barred development at Dos Rios and that the Middle Fork of the Feather River above Oroville Dam has been set aside as the state's only wild river, with the help of the State Department of Water Resources.

The Committee of Two Million, an amalgam of conservation groups formed to save the rivers, charges that water resources Director William R. Gianelli has become a "czar" over development of all the state's rivers.

Gianelli does not like the word czar, but he does admit that he is a "water man."

He said in an interview, "The thing that bothers me is that they try to depict water developers as guys who are trying to destroy all the streams. This is not fair. We only respond to the public.

"I don't think we are oblivious to the needs of the conservationists. But in California we have to strike a balance. We should not set aside every stream on the north coast. The public needs will not go for that."

Gianelli added, "There is some feeling that agriculture could be cut back and this water could go for additional industrial and municipal purposes. I don't know. It is not for me to cut back the state's economy."

In the latest assessment of state water needs, Department of Water Resources planners have stated there is sufficient water for the next 20 years from already completed projects.

Greater emphasis now will be given to developing new supplies from ground water, desalination, reclaimed waste water, rainmaking and geothermal sources.

The state's reduced forecast has been matched by one by the Metropolitan Water District of Southern California, which now predicts that water to be furnished from the soon-to-be completed State Water Project will take care of demands 20 to 30 years beyond original estimates—to 2020.

Conservationists have seized on these two revised estimates to declare that water from the three north coast rivers is not needed. Gianelli emphasizes there is only a "breathing spell before new dams should be built.

DAM BENEFITS CITED

Gianelli and other water developers pointed out that the recreation benefits of a river can be improved by an upstream dam. Water releases can guarantee a year-round, although diminished, flow while the wild river would most probably dry up in summer and fall months.

But Glenn E. DeLisle, a State Department of Fish and Game official who headed the Resources Agency's protected waterways study, said, "This would be fine but it is not always borne out by hard facts."

"Sometimes they cannot let the water out for fish or recreation purposes because of other demands. The resource is at the whim of the utility.

"A free-flowing river and its surrounding natural environment are all hooked up together. They have evolved over thousands of years."

An example of what a dam can do to the natural environment is outlined in a Resources Agency task force report of the effects of sediment on fish below Lewiston Dam on the upper reaches of the Trinity River.

WATER FLOW LOWERED

When Lewiston and Trinity dams were constructed on the river, the water flow was greatly lowered.

The previous high flows washed out accumulated sediment, cleansed gravel beds and retarded growth of stream bed vegetation. With the dams, this was all changed.

The spawning habitat of up to 80% of the king salmon has been lost along a 15-mile stretch of river below the dams.

The Bureau of Reclamation, which built and operates the dams, investigated and laid the blame on logging operations. The bureau claimed that the dams were of benefit to the fish, since flood flows were kept to a minimum.

But the Resources Agency report places the blame primarily on reduced flows from the dams and secondarily on sediment produced from logging and road building operations.

When dams are proposed, the recreation benefits of their reservoirs are cited as a great boon for the public and a dollar value is apportioned for recreation in the ratio used to justify construction.

But state and federal authorities agree that outside of Southern California and the more easily accessible reservoirs near San Francisco and Sacramento, there is a surplus of this type of water for recreation.

A Sierra Club report on reservoir use states that at Corps of Engineer facilities there has been a zero growth in visitor days. Statewide there has been a net decrease at facilities where the State Department of Parks and Recreation tabulates usage.

The report drawn up by the club's California River Conservation Committee states that reservoirs may actually be a financial drain on nearby communities and the counties where they are located.

Police protection has to be provided and access roads built, along with the services demanded by recreational subdivisions which spring up around new reservoirs.

There is a forecast shortage for river recreation (versus the still waters of reservoirs). Such whitewater sports as canoeing, rafting and kayaking are growing at great rates. Stream fishing has always been popular.

It is difficult to find a stretch of river in the state long enough for an overnight trip, since the many dams cut the rivers into small portions. The exceptions are on the Eel, Trinity, Klamath and Sacramento rivers.

Aesthetics plays a part in the argument. Which is the more beautiful to behold: a free-flowing river or a reservoir with its "bathtub rings"?

Seeing more financial benefits in river recreation than reservoir sports, the supervisors of Humboldt and Trinity counties have gone on record as favoring wild river status for the three rivers on the north coast.

However, Humboldt supervisors would like some flood control facilities on the Eel River, other than dams.

Wild river advocates have their greatest difficulty when arguing against the flood control benefits of dams.

The rampaging Eel caused $80 million in flood damage in 1953, 1955 and 1964. Experts agree that the Dos Rios Dam could have done little to stem these floods and that it would take more massive projects.

The Bureau of Reclamation has proposed seven dams on the Eel River and a total of 20 on north coast rivers at a 1965 cost of $2.5 billion. In presenting this plan, a high bureau official took a swipe at the Corps of Engineers.

Robert J. Pafford Jr., regional bureau director, related to the Eureka Chamber of Commerce:

"As I told the subcommittee of the House Public Works Committee on Jan. 10, I don't subscribe to the theory advanced then by another federal agency that it may be impossible to provide protection against major flood control damage in the north coast area for decades, if ever—and this plan proves what I said."

Corps officials state that alternatives to massive dam building projects could be ring levees which are built around developed areas while the wild portions of the river are left untouched.

Flood plain zoning—restricting building in flooded areas—is another alternative but this minor corps program has received little support from local governments who would be cutting back the tax base on some of the most valuable lands in their jurisdiction.

Sen. Behr's Wild River bill has met opposition from the Metropolitan Water District of Southern California, lumber companies, water developers in north coast counties and the State Resources Agency.

These interests favor a bill by Sen. Randolph Collier (D-Yreka) which proposes further study before any action is taken.

Conservationists feel that the protected waterway report by the Resources Agency was studied enough and favor the "act now" approach of the Behr bill.

The Wild River Bill has cleared the Senate Natural Resources Committee but is stalled in the Senate Finance Committee which Collier heads.

Collier has said the committee has a backlog of other bills to consider but it is understood from Senate sources that he is holding out for inclusion of the English Ridge project in the Behr bill.

This would compromise the whole thrust for wild river status and opens up a Pandora's Box of dam development, advocates of the Behr bill believe.

WE DO NOT NEED THESE DAMS

California has enough water from projects already developed to meet its needs for the next 20 to 30 years. The Metropolitan Water District of Southern California says the soon-to-be-completed State Water Project will meet the requirements of this area until the year 2020.

Nevertheless there are plans in the works to build up to 20 more dams on the Eel, Klamath and Trinity Rivers. A bill pending before the Legislature would prevent such development by designating the three stream systems as wild and scenic rivers to be preserved.

Water is vital to the economic growth of California. Yet we are not persuaded by the arguments for damming the North Coast rivers. The state's 35 other stream systems have already been heavily dammed.

William R. Gianelli, state water resources director, noted as recently as mid-May that a bulletin issued by his department says that we now have "a breathing spell" on North Coast development. "We have been able to exclude at least one river, the Klamath, from consideration for development at this time," Gianelli said. "We have time to consider supplemental water supplies from sources other than conventional dams and reservoirs."

If that is correct—and Gianelli is an expert in his field—then there is justification for preserving the Eel, the Klamath and the Trinity as wild rivers, at least for the time being. If in the future more water is been developed, then the status of the three streams could be reviewed. But we have a breathing spell, and we should take advantage of it, for wild river sports, for fishing, and to preserve at least for awhile some irreplaceable natural beauty.

Opponents of the wild rivers bill point to the need for flood control—a particular problem on the Eel. But experts, including the U.S. Army Corps of Engineers, believe that dams alone are not the answer.

Ray Peart, Humboldt County supervisor, testifying before a State Senate committee last month declared: "There is no way to justify the dams for flood control alone. Without water export benefits the dams are dead." In other words, unless revenues are generated by water export the "benefit-cost ratio" for projects on the three streams becomes economically unsound.

Peart and others in the counties traversed by the Eel, Klamath and Trinity Rivers fear destruction of the whitewater recreational potential of the stream systems and destruction of the commercial and sports fishery for salmon, steelhead and shad.

Those fears would appear borne out by experience elsewhere in the state. The Feather River below the Oroville Dam, for example, has been transformed from a beautiful stream to what has been described as "little more than a sluggish creek" due to reduced water flow.

Once the Eel, Klamath and the Trinity are dammed they can never be restored. Such irreversible action need not be taken at this time.

Under the circumstances, we believe the pending bill to preserve the rivers by Sens. Peter H. Behr (R-Mill Valley) and Robert J. Lagomarsino (R-Ojai) should be enacted into law.

SYKESVILLE HERALD CHANGES HANDS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. BYRON. Mr. Speaker, the Sykesville Herald, which will celebrate its 58th anniversary this year, has changed hands. Mr. William F. Church, editor-publisher of the weekly for 30 years, has sold the paper to the Stromberg-Times newspapers of Ellicott City, Md. I would like to congratulate Mr. Church on a job well done and include this short history of the paper as it was printed in the June 24, 1971, Sykesville Herald:

SYKESVILLE HERALD SOLD TO HOWARD FIRM

The Sykesville Herald, which next week rounds out its 58th year, has been sold to a Howard County publishing firm.

William F. Church, editor-publisher of the local weekly for nearly 30 years, announced sale of the publication rights of the Herald to Print, Inc., an affiliate of Stromberg Publications, with headquarters at Ellicott City.

Chief administrative officer of Print, Inc., is Philip St. Clair Thompson, vice president and general manager of the Stromberg-Times newspapers.

Though owned and operated by Mr. Church, in partnership with his wife, Mrs. Jane Lucille Church, the Sykesville Herald for 15 years has been printed at Stromberg's Ellicott City plant.

The new owners have leased the first floor of the Herald Building, in Sykesville, and plan to continue the newspaper office at 12 Springfield Avenue. Mr. Church plans to continue a job printing business on the second floor of the local building.

Next week's edition, No. 52 of Volume 58, will be the last under the present ownership. The new owners will take over with the Herald of July 8, the paper's first issue of its 59th year.

Mrs. Leonard Lepka and Mrs. Howard Langrehr are to continue as members of the Herald's office staff. In addition the paper is to have adequate editorial and advertising personnel to service the rapidly-expanding area.

David Barkley, a former editor of the Community Times, Randallstown, has been tapped as the new Sykesville editor.

Barkley, a graduate of the University of Maryland, served on the staff of the Howard County Times before succeeding the late Paul T. Morgan as editor at Randallstown. In recent months, he has served as assistant to John Blitz, managing editor of the Stromberg-Times newspapers.

The Skyesville Herald was founded as an independent weekly in September 1913 by the late Albert M. Hall, David W. Dean and William Samuel Church.

For more than 40 years the paper was printed in Sykesville. In 1956 the paper's mechanical operation was transferred to the Stromberg plant at Ellicott City. In 1961, with the Stromberg papers, the Sykesville Herald was among the first weeklies in Maryland to go offset.

The paper marked its 50th anniversary with a special edition in 1963.

The retiring editor has been responsible for the weekly production of the Herald since the sudden death of his stepfather, W. S. Church, in February 1942. In the intervening nearly 30 years, the paper has not missed an edition, although there were a few "near misses" as result of strikes, mechanical breakdowns and other uncertainties which make newspapering an interesting challenge.

The Herald has been owned by Mr. and Mrs. W. F. Church since 1951. The new owners plan to continue operating the paper under the name, Sykesville Herald.

In expressing their appreciation and thanks for the cooperation of subscribers, advertisers, correspondents and the general public over the years, Mr. and Mrs. Church expressed the hope that the new owners would be received in the same fine spirit of cooperation.

SPRINGFIELD STATE HOSPITAL HONORS ITS EMPLOYEES

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. BYRON. Mr. Speaker, recently the staff of Springfield State Hospital in Sykesville, Md., was honored at a dinner on the occasion of the annual presentation of longevity awards. Acting as hosts at the presentation were Dr. Frederick Pokrass, supervisor of Springfield Hospital; Clyde Springer, assistant supervisor; Mr. Robert Hildreth, assistant superintendent, Maryland Training School for Boys; and Mrs. Walter Hokemeyer, president of the Springfield Women's Auxiliary.

Several hundred staff employees were honored for their loyal service to the hospital. Special awards were presented to the employees with 10, 15, 20, 25, and 30 years service. Mrs. Ida Mae Beaver was honored for her 40 years of distinguished service. Among the unique features of the program was the presentation of awards to couples who have worked at the hospital together for up to 30 years. I would like to express my admiration of the dedicated service of these hospital employees and to wish them continued success in working with the patients at the hospital.

SENATE—*Wednesday, July 7, 1971*

The Senate met at 12 o'clock noon and was called to order by Hon. James B. Allen, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who knowest us better than we know ourselves, in our own need and our Nation's need, we pause to seek Thy wisdom and Thy grace. Speak to us the truth we need to hear; truth concerning the strength of goodness, the power of good will, the dynamism of the spirit, and the steadfastness of those who trust in Thee. Supplement our weakness by Thy strength and enlarge our wisdom by Thy grace within us.

Lead us, O Lord, beyond conventional goodness to the fullness of that love, which suffereth long and is kind—which beareth all things, believeth all things, hopeth all things, endureth all things and never fails, in that eternal kingdom over which Thou dost rule, and which by our service, those wouldst bring on earth.

In the Redeemer's name, we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., July 7, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. James B. Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Allen) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 7960) entitled "An act to authorize appropriations for activities of the National Science Foundation, and for other purposes"; asked for a conference with the Senate on the disagreeing votes of the two Houses thereon; and appointed Mr. Miller of California, Mr. Davis of Georgia, Mr. Cabell, Mr. Fulton of Pennsylvania, and Mr. Mosher managers of the conference on the part of the House.

The message also announced that the House had passed the following bills in which the concurrence of the Senate is requested:

H.R. 2127. An act for the relief of the estate of Charles Zonars, deceased;

H.R. 3475. An act for the relief of Paul Anthony Kelly;

H.R. 4667. An act for the relief of Roger Stanley, the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra;

H.R. 5420. An act for the relief of Robert F. Franklin;

H.R. 7085. An act for the relief of Eugene M. Sims, Sr.;

H.R. 3344. An act to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code;

H.R. 8629. An act to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes;

H.R. 8630. An act to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses; and

H.R. 9181. An act to amend the Northwest Atlantic Fisheries Act of 1950.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 2127. An act for the relief of the estate of Charles Zonars;

H.R. 3475. An act for the relief of Paul Anthony Kelly;

H.R. 4667. An act for the relief of Roger Stanley, the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra;

H.R. 5420. An act for the relief of Robert F. Franklin; and

H.R. 7085. An act for the relief of Eugene M. Sims, Sr.; to the Committee on the Judiciary.

H.R. 3344. An act to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code; to the Committee on Veterans' Affairs.

H.R. 9181. An act to amend the Northwest Atlantic Fisheries Act of 1950; to the Committee on Commerce.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, July 6, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE UNITED STATES AND NATO; TROOP REDUCTIONS—VII

Mr. MANSFIELD. Mr. President, in the series of articles, pro and con, commentaries, editorials, news stories, and the like, having to do with the U.S. presence in Europe, which still stands at about 300,000 men and 225,000 dependents, at a cost of $14 billion a year out of our defense budget, I ask unanimous consent that series VII of such articles, et cetera, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Janeway Service,
May 19, 1971.

To the very considerable extent that the Russians are able to supplement their political nuisance value with financial nuisance value—and this is so to a very considerable extent, as their gold sales have been suggesting—they are able to enjoy the best of both sides of the international gaming table. To that same extent, they like the way things are going and want the status quo kept undisturbed until the happy day (for them) comes when the forced contraction of the Eurodollar market gives them a chance to pull the plug on it. Hence their latest move aimed at insuring themselves against the risk that Washington may pull its "tourists-in-uniform" military garrison out of Europe. Brezhnev's call for a conference about troop reduction is a bare-faced strategy aimed at insuring the dollar's continued exposure to the strain resulting from keeping any troops there.

The White House operatives, meanwhile, are delighted because Moscow has moved swiftly and decisively to catch Senator Mansfield and other advocates of the U.S. troop pull-out from Europe in the well-known dunce-cap-wearing position. Why give away what the Russians are offering to make a trade in return for? The premise implicit in the question assumes that NATO stands for a bigger military plus than the dollar strain caused by the cost drain is a financial minus.

Moscow, traveling free from capitalistic stresses, is playing its hand on the realistic proposition that the longer America keeps the more troops in the most places, the weaker America will be. Moscow's fear is that Washington will respond to financial pressure by getting out from under it. Tragically, there is no chance. The Russians' offer to make a trade in return for a troop pull-out guarantees that America will keep its military hostages in the European financial trap—if only because all conferences with communists are slower-motion drags than even labor negotiations with the Steelworkers Union are.

Adding insult to injury, the Moscow line mouthing its supposed opposition to America's so-called military presence in Germany is that it objects to this assertion of American political domination over the German government. This is the sourest, saddest laugh of the year in this week in which the German government is undoing the miracle of Germany's export achievement. For, while

Germany is reversing the expansive dynamism of the Eurodollar market, she is demonstrating her domination over America where it counts—on the financial front. What protection can a financially weakened America be trusted to give a Germany seemingly triumphant on the financial front? And especially a Germany doing pretty well in her dealings with Russia?

[From the Nation, June 21, 1971]

TROOPS, TRADE AND DIPLOMACY

(By Robert E. Hunter)

WASHINGTON.—May 1971 could go down in the history of diplomacy as one of those critical months when a series of events sets in train developments that are to affect nations for years to come. A "breakthrough" at the SALT talks, a political agreement on Britain's admission to the European community; a Soviet offer to talk about troop reductions in Europe, and a Senate vote on the withdrawal of half the U.S. troops in Europe—all these events could foretell the end of a quarter-century of political practice. The post-war era may now be over; a new era may indeed have begun.

As often happens with such great developments, the drama began in a mundane way when, once again, Senator Mansfield introduced a proposal to reduce U.S. forces stationed on the Continent. But it ended in a political triumph for President Nixon on several fronts; in a potential reshaping of Western Europe politics; and in signs of possible major progress in East-West relations. Most important of all, the developments of May are closely related, and potentially reinforce one another.

It is tempting to dwell on President Nixon's announcement about developments at the SALT talks in Vienna but the changes now possible in Europe are equally important. Under way is a major redefinition of Atlantic politics, and the relating of these politics to East-West understanding. None of this should be surprising; the trend of events had been clear for some time, if only a number of dilemmas could be resolved.

The first dilemma resided in a conflict between U.S. and European views of *détente* with the Russians and their Warsaw Pact allies. Our allies have long held vague suspicions that we might conclude some agreement on strategic arms with the Soviet Union without at the same time trying to obtain something of interest to West Europeans. In simplest terms, this "something of interest" means a shift away from the infamous Brezhnev doctrine, under which the Russians have attempted to justify in advance a decisive role in East European countries—leading, if necessary, to attacks like that on Czechoslovakia in 1968. At the very least, the Russians have insisted, West European efforts to improve relations with East European countries must be closely controlled by Moscow, if not actually directed through the Soviet capital. For our allies, therefore, critical questions had to be answered. Would the United States reach agreement with the Russians at SALT without trying to change Soviet behavior in East Europe? Or would we insist that any progress must benefit our allies as much as ourselves?

Until recently, Washington had refused to face the implications of these questions. For one thing, the Administration permitted rumors to circulate that it did not trust the efforts being made by the West German Government to improve relations with the East. By giving voice to those misgivings, the U.S. Government only increased the tensions already existing between our direct dealings with the Soviet Union and our allies' view of them.

For another thing, Washington continued to oppose the convening of a European Security Conference, as proposed by the Warsaw Pact powers and favored by a few of the minor NATO nations. The State Department saw it as premature; as a potential vehicle for a Soviet "propaganda victory"; and as a threat to NATO's political cohesion, without promise of offsetting benefit. But here, too, we failed to understand the concern of our allies that some advance be made in a strictly European *détente* with the East, as the price of our reaching agreement at SALT. Perhaps a security conference would have been ill-advised, but we had nothing to put in its place.

The Mansfield amendment threatened to make matters worse. It called into question our willingness to keep on the Continent enough troops to indicate our support of West European objectives. It also raised doubts as to whether we are really at all concerned about the future of Europe. Coming hard upon the dollar crisis, the amendment reinforced the fears of those Europeans who already believe that the experience of Vietnam will lead us to cut down on our commitments in other parts of the world.

But while Europeans have been concerned with these broad questions of our political intentions, the U.S. Government has tended instead to concentrate on the strategic and military implications of troop reductions in Europe. The Administration has also seen possible reductions, not in terms of our allies' concerns but as a means to gain some corresponding reduction in Soviet troop strength there. In order to preserve another "bargaining chip," it therefore refused to broach the subject of U.S. troop reductions on its own, and thus paved the way for the psychological damage caused in Europe by the Mansfield amendment.

Yet neither the strategic nor the bargaining concern is all that important. In the first place, no European any longer believes that there will be a war on the Continent. Few even believe the Soviets would resort to political blackmail if the current balance of forces were not maintained. In the second place, it is likely that force reductions in the West would in any event be followed eventually by reductions in the East, because the Russians also feel the pressure of rising troop costs. Of course, the Soviet Union may still think it must retain forces in the Eastern bloc countries in order to impose some discipline over internal developments; in which case the Russians will make no reductions, whatever happens in the West. But for West Europe, the key issue is still not the relative number of U.S. troops that remain on the Continent. Rather, it is whether the United States will continue to demonstrate its commitment to Europe—a commitment that is psychological not military. If Europeans continue to believe in it, the number of U.S. troops deployed to back it up becomes a far less important issue. If they do not believe in it, today's current force levels will not suffice.

The same kind of reasoning can be applied to the interests of the Soviet Union in Western Europe. It may want to increase its influence, and reduce the NATO nations to the semi-dependent status of Finland. But gaining this objective will not depend primarily upon the state of the military balance on the Continent; it will be attained or not more according to the degree of common interest and sense of involvement that remains between West Europe and the United States.

As a result, the key U.S. interest will be to preserve and convey a sense of commitment to the Continent's future, however many troops we supply to NATO. This means that the *way* in which force reductions take place, not the absolute number that remains, will be the important factor. If the process is orderly, with the allies fully involved, there would be few political problems. But if the withdrawal is haphazard, the Soviet Union would be given all sorts of opportunities. At the same time, our European allies could well panic in the face of what seemed to be an American retreat from their area. They would probably proceed with the idea of a European defense force and, more particularly the idea of a European nuclear deterrent. Inevitably this would raise the question of West Germany's contribution to such a deterrent. Then, as Germany's neighbors revived old memories, we should have a first-class crisis on our hands. It would make no difference that this crisis would come about over a military capability that few Europeans think is necessary for defense or deterrence; the problems would arise nonetheless, if only because of the hold that traditional attitudes about military forces and security still have on people's minds.

That is the sequence of events that the Mansfield amendment promised to trigger. It may yet do so later in this session of Congress, if the Administration does not now take urgent steps to seek some U.S. force reductions in an orderly process of negotiations with our European allies. The Administration was warned many months ago that it could no longer expect to maintain 310,000 men on the Continent without challenge from Congress. Unfortunately, it chose to insist upon this "magic number" as the principal symbol of our commitment, instead of working for a much lower number that would serve just as well.

Happily for Mr. Nixon, the Russians came to his rescue. This was not the first time that Moscow had mistimed or misjudged its actions in ways that worked to its detriment. Usually, the West has benefited from Soviet threats at the very moment when some spur to alliance was required. This time, however, a Soviet proposal for direct negotiations to reduce forces in Europe gave the President the argument he needed to turn back the Mansfield amendment.

Of course, it is not certain that the Russians themselves would rejoice if the United States reduced its forces in a haphazard fashion, or even left the Continent entirely—as Moscow has long publicly advocated. Along with their Warsaw Pact allies, they, too, must be concerned about Germany, and particularly about the prospect that the *Bundeswehr* will become the only sizable military force in West Europe. West German participation in any kind of nuclear force would, to say the least, disconcert those countries that suffered German occupation during the last war.

These problems could be resolved in a series of negotiations about the reduction of forces on the Continent. Indeed, the actual substance of such talks would be less important than the fact that they had taken place. There are obvious difficulties in equating Soviet and American forces, especially since the former have only to withdraw a few hundred miles, while the latter must cross an ocean. But such considerations pale beside the political value of initiating this process of change—one in which, everyone agrees, the object is to retain a state of European security, but at less cost.

The United States was quick to indicate its acceptance of the Soviet proposal, even though it had ignored a similar suggestion made a few weeks earlier when there was no Mansfield amendment to defeat. The Administration took a further step, urging acceptance of the idea that talks about forces precede a satisfactory agreement on the status of Berlin. That is a significant development. Until recently, the allies had insisted that agreement among the four powers on Berlin precede virtually any further progress in a general European *détente*. This meant no European Security Conference; it also meant that the treaties which Bonn had negotiated with Moscow and Warsaw could not be ratified.

At the time, there was merit in this view, since the West German Government had to assure its own population that *detente* with Moscow was not being purchased at the price of West Berlin. In the process, however, the Soviet Union was being given a veto over *Ostpolitik*. That did not seem to matter, since Russia did not then seem to be prepared to move on any other major aspect either of *Ostpolitik* or of *detente* in general. But this position also gave a veto to East Germany, which has staunchly opposed *Ostpolitik* on the ground that it is a West German attempt to isolate the regime in Pankow. In fact, there is some evidence that the interruption of traffic between West Germany and West Berlin earlier this year was the doing of the East Germans, not of the Russians.

Unfortunately, by putting a Berlin agreement ahead of most other steps in European *detente*, and not just ahead of the moves by West Germany, the Western allies were making a tacit admission of failure. The Berlin issue, after all, is of such complexity and symbolic importance for all concerned, that it is likely to be settled finally as a fairly late date in *detente*, despite recent evidence of Soviet flexibility. To make Berlin the test case of Soviet intentions, therefore, was putting too much weight on the wrong issue, at the price of a more gradual, step-by-step approach to *detente*. When the Soviet Union proposed talks on troop reductions, however, the United States and its allies were faced with a dilemma: how could they continue to permit the single issue of Berlin to dominate Western actions? Even the West German Government, despite its initial insistence on the primacy of a Berlin agreement, later acquiesced in talks to reduce forces across the board in Europe.

At the ministerial meeting of the North Atlantic Council on June 3 and 4, the allies adopted a compromise formula: there should be a series of bilateral talks between East and West to clarify the Soviet proposal. This fall the council will then decide what to do in responding officially to Chairman Brezhnev.

This decision proposed by the United States, is a gamble. It is based once again on a desire to see progress made on Berlin, in order to justify the needs of Herr Brandt's coalition government. It is true that the NATO ministers did not formally link the talks on force reductions to progress on Berlin, but they still assumed that the West German interest will be satisfied before the wider issue of troop levels is joined.

The gamble could fail. Once again, it gives the Russians a veto on *détente*, by making the erroneous judgment that a Berlin settlement should be a prerequisite of *détente*, rather than a later product of it. This problem is complicated by the possibility that Senator Mansfield will reintroduce his amendment on U.S. force reductions. This time, the Senator is less likely to go along with the Administration if NATO appears to be dragging its feet on the Soviet proposal.

Thus the stage is still set for crisis in the alliance. If the Russians do not move far enough on Berlin during the next few months, there will likely appear a growing divergence between the West German interest in Berlin and the desires of the rest of the alliance to accept the Soviet offer on force negotiations. And there will be more pressures in the United States to bring some troops home, with the attendant worries in Europe about our commitment. By temporizing on the issue of troop reduction talks, therefore, the NATO ministers have bought some time to work on Berlin; but in the process they have given hostage to Soviet and East German good intentions.

The Russian proposal for talks on forces in Europe may be a vehicle for getting at still another difficult problem of *détente*. Again, this relates to the SALT talks, and the need the United States has to secure its allies' interests in *détente* at the same time. Until President Nixon and Chairman Brezhnev apparently intervened in the strategic arms negotiations, the talks were stalled, partly over the status of American aircraft and missiles stationed with NATO and with the Sixth Fleet in the Mediterranean. Were these strategic weapons to be included in any count of U.S. offensive missiles? The Russians thought so, but we faced a problem. If we admitted these weapons to the bilateral negotiations, we would be implicitly making fundamental decisions of NATO strategy without the participation of the West Europeans. As a result, we refused to discuss these so-called "forward based systems" at SALT. Of course, we could have initiated a process of negotiations with our allies on these systems, but, as with the question of our troop levels, the Administration decided not to risk losing control of the diplomatic process.

This problem would be a natural one to come up at a European conference on troop levels, along with a parallel West European concern: the few hundred remaining Soviet medium-range missiles that could reach the Western half of the Continent but not the United States. Indeed, Mr. Brezhnev included "armaments" in his proposal for European talks. So far, the Western allies have not decided what to do about this proposal insofar as it would relate to these nuclear weapons.

The issue must be faced some day. It may be that the Russians have set aside the question of forward based systems in order to get a first-step agreement at SALT, but without question they will return to it. When they do, the talks on European troop reductions that may then be under way could provide the ideal occasion for discussing these knotty political matters in a forum that would include all the Western allies, not just the United States.

These are some of the diplomatic changes and developments that have been taking place recently in Europe. They have profound implications for SALT, in that they reduce the problems for the United States of concluding on a bilateral basis an agreement that would have implications for West European interests in *détente*. Indeed, now that Mr. Brezhnev has re-emphasized his doctrine at the Czechoslovak Party Congress, fears will grow in West Europe that the Russians are making concessions to the United States on arms problems—and possibly on Berlin—in order to gain a free hand in East Europe. That gives an even stronger reason for us to support the interests of our allies, as well as our own and those of West Germany.

These diplomatic changes have also come at a propitious moment from the standpoint of Britain's projected entry into the European community. France has already extracted from Britain a general indication that the latter will move closer to Europe, and in effect abandon its postwar ambitions to have a "three-circles" foreign policy: Europe, the Atlantic and the Commonwealth. Still unresolved, however, is the possibility that some form of defense community will emerge on the Continent, with a pooled Anglo-French nuclear deterrent as its linchpin. Whether this materializes depends at least in part on what role the United States is prepared to play in the future of the Continent. It also depends on the need that various European countries feel to augment their economic and political relations with military force, the traditional coin of power.

Recent developments are important, in this context. In the first place, a possible reduction of both NATO and the Warsaw Pact forces (the so-called Mutual and Balanced Force Reductions) could increase chances that the United States will maintain on the Continent those forces needed to indicate our continuing interest in Europe's stability. It could also set in train a procedure for U.S. troop reductions less likely to be disruptive of Atlantic diplomacy than one in which a succession of Mansfield amendments is met by an adamant Administration, in a clash between Senate and President. In the second place, some progress on force reductions, plus a limited agreement at SALT, could reduce the emphasis which some West Europeans place on having their own defense community. They will be inhibited from taking new initiatives by the very fact that a process of force reductions is taking place.

But most important, this whole set of diplomatic developments in the realm of weapons and forces supports some changes that have been taking place in any event. Agreements in this area would bring the hope that the importance of military forces in estimating inherent power on the Continent will be reduced. And the nature of the Atlantic relationship itself is changing. It has become increasingly clear in the past year that relations between the United States and West Europe are becoming less concerned with military matters, of any kind, and more concerned with questions of economics and trade. Indeed, these actually are *security* questions, in the sense that America's commitment to Europe's future is the important thing, not the way to which it is expressed. If there were going to be a threat of war, or even of Soviet blackmail, that would be untrue. But with care, such threats should not materialize.

In fact, the most significant step taken by the United States to reassure our allies about our future intentions did not come with the defeat of the Mansfield amendment, nor with the President's reaffirmation of the magic number of U.S. troop levels in Europe. It came, rather, in the defeat of the Trade Bill of 1970, which might have set off an Atlantic trade war that could have substantially undermined the psychological value of a full garrison of U.S. forces on the Continent. Unfortunately, the Administration did not really appreciate the dimensions of this problem, nor its potential impact. Therefore, we have not yet given adequate attention to preventing a trade war in the future; to obtaining Atlantic understanding on the role of the dollar in Europe; to, working for a harmony of business and trading practices; or to deciding how the multinational corporation will be controlled. We have not faced the possibilities of a Continent-wide economic Gaullism that could conflict in a serious way with Atlantic attempts to eliminate strains in matters of security, and particularly strains arising from different objectives of *détente*.

It is not difficult to see why we have yet to grapple with these impending developments in the Atlantic relationship. For one thing, we are still dependent upon a set of institutions that served us well for twenty years by providing a multilateral forum for discussing common problems. These institutions are primarily military, and center around NATO. In the future, however, we shall not be able to afford the luxury of concentrating on the role of NATO in alliance politics, when relations among the allies depend increasingly upon what is done in economics and trade. The Organization for Economic Cooperation and Development (OECD) is a far better forum, and better reflects the fact that "Atlantic" relations also depend in part on the role played by nations in other quarters of the world, notably Japan. The OECD is not much of an organization at present; it will need to be made much more important, especially if present ventures in *détente* diplomacy reduce even further both the real and psychological importance of military forces and strategy on the Continent.

Finally, we still do not have a clear grasp of the changing nature of international politics. It is true that military force will not entirely disappear as a means of ordering relations among states, but its significance in the part of the world stretching from the United States across Europe to Russia is diminishing. That is particularly true as the superpowers reach understandings about the limits of each other's activities in major parts of the world, and as Europe experiences a phenomenal economic resurgence. In effect, we are entering a period, not unlike that after 1815, when a concert of interests, albeit loosely constructed, will reduce the opportunities for military power. Economic power and economic relations will become increasingly important in determining the relative strength of nations and of groups of nations.

In that period, the United States should fare well, but we can no longer expect to play the dominant role in our direct dealings with our European allies. It may be that the economic interests of the United States will not stand in fundamental conflict with a Europe soon to include Britain, but it is evident that the basis of our overall diplomatic relations across the Atlantic will be dominated by these economic and trade questions, and not by those that occupy us in the military diplomacy of the moment. These developments may also play an increasing, if not dominant, role in U.S.-Soviet relations. The real significance of May 1971 may prove to be that in that month Europe, America and the USSR took the first major steps toward liquidating practices that stood in the way of new diplomacy for a world that is increasingly interdependent. If that is the fact, May 1971 will prove to have been a month well spent.

[From the Baltimore Sun, June 30, 1971]

U.S., Bonn Continue Troops-Pact Talks

(By Joseph R. L. Sterne)

Bonn, June 29.—United States and West German negotiators failed to reach agreement tonight on a new financial package to offset the balance of payments costs of keeping almost 200,000 American servicemen in this country.

But, for the first time in weeks, Bonn sources stopped talking about a "billion-mark gap" between the two sides.

A short communique issued after the two-day session—the third so far this year—said the bargaining had been conducted in a "friendly" atmosphere and would be resumed shortly in Washington.

CURRENT CONTRACT

The current, two-year contract amounting to $1.52 billion, expires tomorrow but neither government was concerned about going past the deadline.

At stake is how much West Germany will spend in arms purchases, direct cash payments and low-interest or no-interest loans to offset balance of payments losses Washington now pegs at $1.2 billion annually.

The United States, insisting that Bonn should continue to offset 80 per cent of these rising military costs, has been demanding a two-year package amounting to almost $2 billion.

A powerful source of leverage for the American negotiators has been the likelihood that Senator Mike Mansfield (D., Mont.) might renew his campaign for unilateral U.S. troop withdrawals from the NATO command if West Germany proves tight-fisted.

ORIGINAL PROPOSAL

The West German government, after originally proposing a sharp cut in the size of the offset agreement, went into the third round of negotiations seeking to hold its total contributions to approximately the same level as in the past two years.

Despite perennial fears about U.S. troop reductions, Chancellor Willy Brandt's Government insisted that domestic budget pressures would not permit an increase.

Just yesterday, the federal economics minister, Karl Schiller, infuriated the financial chiefs of the various West German state governments by demanding spending cutbacks to help check sharp inflationary trends.

With the transportation, defense, and health and education ministries crying for public funds that are nonexistent because of the Chancellor's refusal to raise taxes, any proposal to enlarge the offset agreement is likely to arouse controversy in the Bundestag.

WHO GAVE GROUND?

Just which side gave ground and in what manner to narrow the "billion-mark gap" this week was not disclosed.

But it was predictable that both governments would want to take the sharp edge off any concessions by coating them with the financial complexities involved in offset arrangements.

While it has generally been agreed that West Germany will purchase about $400 million a year in American arms—including a new order for F-4-E. Phantom reconnaissance aircraft—the Defense Ministry would like to pay for this hardware by reducing American debts to the Bonn government.

This is an idea unpalatable to the Americans because it would not help the current U.S. balance of payments deficit, though it would reduce indebtedness from loans included in past offset accords.

NEW FEATURES

New features of the 1971–1973 agreement may include direct German cash payments of between $80 million and $100 million to the United States, plus $200 million to $300 million in no-interest or very low interest loans.

The West German government has insisted that direct budgetary support should be given much great weight than loans (on which it will be paid back) and arms contracts (for which it receives equipment).

But the United States has been reluctant to accept any cutback in the overall size of the agreement that would curtail balance of payments relief and strengthen Senate arguments that West Europeans are not carrying their fair share of the NATO burden.

[From the Los Angeles Times, June 30, 1971]

U.S. Troops Are Needed in Europe—But Not as Many as Are There Now

(By Robert S. Elegant)

Munich.—The argument is plausible: "If, after 5, 10, or 15 years of American help, 18 million backward South Vietnamese cannot defend themselves, they'll never be able to do so. Let's get out!"

The argument is also specious. It ignores the varying magnitudes, conditions and purposes of American assistance at different times, as well as the changing threat, and American national interests.

I shall, hypothetically at first, put forward an analogous argument, at least as plausible —and less specious: "If, after 25 years of American assistance, 325 million advanced Europeans cannot unite to defend themselves, they will never be able to do so. Let's get out before we go broke providing the basis of their defense—and subsidizing competition which hurts us badly!"

Champions of the present American commitment to the North Atlantic Treaty Organization consistently contend its effective military power would vanish if a significant proportion of some 300,000 American troops were withdrawn. It is, therefore, reasonable and fair to meet them on their own ground.

Although the argument is as persuasive—if as emotional—as that regarding Vietnam, I would not advocate total withdrawal of American forces from Europe. Although Europeans are much better situated to defend themselves than Vietnamese and attack is unlikely, Europe is also much more important to us. I would, however, suggest major modifications of the U.S. commitment—including substantial cutbacks in our troop strength.

The chief purpose of the American military presence in Europe is its psychological effect on our friends and our enemies.

No responsible military man believes 4⅓ American divisions could halt a Soviet thrust into Western Europe. But American units serve as a nucleus around which European units coalesce. They also enhance stability and give Europeans confidence in their security by discouraging subversion and showing that an attack on Europe would be an attack against American forces.

Although American troops are the most effective fighting units of a force which is not particularly effective, their chief function is political. They are the "hostage army," which concretely proves the American commitment to both Western Europeans and Moscow. Because of their presence, major attacks against Western Europe would, almost assuredly, force an American nuclear response.

The same effects could be attained by a greatly reduced, streamlined American military presence in Western Europe. Moreover, a smaller American force, costing substantially less, might—just possibly—stimulate greater European participation in its own defense. The often reviled Americans have too long carried a great psychological and financial burden to help Europeans recognize their own self-interest.

Hard facts on present dispositions suggest the most advantages—and least damaging—way to cut back. The American ground combat force is 4⅓ divisions—65,000 men at wartime strength. Those divisions are not at full strength; the remaining Americans are support troops.

The Sixth Fleet in the Mediterranean maintains a "shore party" of only a few thousand. Its permanent complement is just three ships. Other units, rotate every six months from the United States and are supplied from the United States. Except for a few nuclear submarines, the U.S. Atlantic fleet is also based on the East Coast. The Air Force, similarly, maintains few combat air bases and rotates combat units.

Ground forces are, therefore, the kernel of the matter. More than 200,000 troops support a striking force of no more than 60,000—and maintain "ready" facilities for the reinforcements which would, presumably, be flown to Europe to meet attack. There would be little time. NATO could hold for two weeks at most.

The same psychological and military effects now sustained by nearly 300,000 men could be attained by 100,000 American troops. That figure, some professionals feel, is generous—even lavish. They advocate no more than 70,000.

The combat force would not be diminished. But support units would be cut severely, since, by and large, they perform no immediate, essential functions.

The cutback should be accompanied by other measures that would reduce both costs and the irritations arising from the presence of many foreign troops and their dependents.

Except for senior officers and specialists, who would serve longer tours, duty in Europe could be reduced to 13 months. Short-tour soldiers would not bring their families. A vast support apparatus could be sharply trimmed: schools, post exchanges, department stores, commissaries, "community activities," and medical facilities—as well as the major regular air-lift and extensive recreational facilities.

Still the combat force would remain. Ready facilities for reinforcements would be maintained, but the reinforcements would bring their own direct support units. Support units would be brought in to any crisis protracted enough for reinforcement.

Some senior officers would agree, though many would automatically object to troop reduction. Nevertheless, the program is worth consideration by a cost-conscious America which now realizes its large troop commitment bestows neither particular advantage nor significant influence in Europe.

[From the CONGRESSIONAL RECORD, June 30, 1971]

THE COST OF U.S. FORCES IN EUROPE

Mr. PERCY. Mr. President, once a week, I try to comment on the negotiations we are carrying on with the West German Government and our balance-of-payments problems caused by our NATO troop costs in Europe.

My main concern today, Mr. President, is that no offset arrangement has been agreed upon by the United States and Germany for the next 2 years. Nathaniel Samuels, Under Secretary of State for Economic Affairs, is in Germany today for the third round of the offset negotiations and we certainly wish him Godspeed in attempting to get an equitable and fair offset arrangement for the United States.

But Mr. President, I was most disturbed to learn in last week's testimony by Mr. Samuels before the Joint Economic Committee that we may once again be thinking of accepting loans for part of the offset payments.

Loans are not a true offset, with or without interest. They merely postpone the agony a little longer. Loans are like applying a bandage to the outside of the stomach in the hope that it will cure the bleeding ulcer inside.

Germany must absorb more of the share of the costs of NATO. The Federal Republic has a lower level of inflation than we do, has only 1.3 percent unemployment, has a healthy surplus in her trade account and has a balanced Federal budget. She is capable of doing much more than she is doing.

I urged Mr. Samuels in the hearings last week to take a firm stance with the Germans in the offset negotiations and assured him that he would be backed up by Congress. An inequitable agreement will only rekindle demands for troop reductions in Europe. The best way to avoid further calls for U.S. troop cutbacks in Europe is to have our costs offset by West Germany and our other European allies.

I am pleased that this morning I had the opportunity to question Dr. Arthur Burns, Chairman of the Federal Reserve System, as to whether or not he feels that loans to cover our balance-of-payments deficit would be in any measure a satisfactory solution for this problem. I was pleased to have his prompt denial that loans would be satisfactory.

Mr. President, over the past 2 weeks the Joint Economic Committee has held most interesting hearings in the Foreign Economic Policy Subcommittee and in the International Exchange and Balance of Payments Subcommittee on the questions of the U.S. balance of payments and international monetary policy.

Some of the most interesting statements and comments have been in reference to U.S. military expenditures overseas and their effect on the U.S. balance of payments.

Witnesses, both from the administration and from private life, have discussed the burden the United States faces overseas in maintaining and paying for our military commitments.

On June 24, the Under Secretary of the Treasury, Paul Volcker, said:

"Meanwhile, a generation after the Second World War, our far-flung security interests continue to place a heavy burden upon the Nation, absorbing some 8% of our gross national product. That is far more than the proportionate cost to our allies. Nearly $5 billion of our expenditures are abroad, about $3 billion more than offsetting receipts."

Don R. Brazier Principal Deputy Assistant Secretary of Defense—Comptroller—outlined clearly and succinctly the costs to the United States of our NATO commitment. His statement before the Joint Economic Committee also pointed out the impact of military expenditures on the overall U.S. balance of payments. Col. Edward L. King—U.S. Army (retired)—talked about the costs to the United States of our NATO commitment and what he saw as less than optimum deployment of our troops in Europe. Mr. President, I ask unanimous consent that extracts from the testimony of Mr. Brazier and Colonel King be printed in the RECORD at this point.

There being no objection, the extracts of testimony were ordered to be printed in the RECORD, as follows:

STATEMENT OF PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE (COMPTROLLER) DON R. BRAZIER BEFORE THE SUBCOMMITTEE ON INTERNATIONAL EXCHANGE AND PAYMENTS OF THE JOINT ECONOMIC COMMITTEE JUNE 21, 1971

INTRODUCTION

We fully recognize that expenditures by the Department of Defense represent a substantial portion of Government expenditures abroad. Therefore, we believe we have a responsibility to minimize, to the maximum extent feasible, the impact of our overseas activities on the United States' balance of payments.

The mission of the Department of Defense is to provide for the security of the United States. Therefore, balance of payments considerations cannot be controlling, or indeed, examined independent of requirements stemming from our national security objectives, including our security commitments with other nations. Given the overriding importance of our security objectives and the obligations we have to our personnel, the Department of Defense has emphasized that *first*, essential combat capability must be maintained and *second*, expenditure reductions must be achieved without creating undue hardships for U.S. military and civilian personnel and their families. Our measures affecting personnel must also be equitable in relation to personnel in other agencies of the government.

RECORD TO DATE

During the period FY 1961 to 1965, we reduced the net adverse balance on the defense account by almost half, from $2.8 billion in FY 1961 to $1.5 billion in FY 1965, even though expenditures started to increase in FY 1965 due to Southeast Asia. As shown in Table I, this reduction was achieved by (1) a fourfold increase in our receipts, which stem primarily from sales of U.S. military goods and services to foreign countries, (2) a reduction in uranium purchases abroad for defense purposes and (3) a successful effort to hold down overseas expenditures in the face of increases in foreign prices and wages and in the pay of U.S. Defense Department personnel. In countries where we had large numbers of foreign nationals, wage increases were particularly significant. For example, based on an index of wage levels published by the International Monetary Fund, from CY 1961 through CY 1964, the wage index in France rose 27%, in Germany by 30%, and in Japan by 34%. There also were price increases in the cost of supplies and services we procure overseas. Similarly, for U.S. personnel from FY 1961–1964, military basic pay increased by about 11% and classified civilian salaries increased by about 8%.

Beginning in mid-1965, our expenditures, as shown in Table II, have increased, due primarily to the conflict in Southeast Asia. Although it is difficult to make a clear-cut distinction between expenditures relating to Southeast Asia support and expenditure increases for other reasons including wage and price increases, it is estimated that in FY 1970 roughly $1.5 billion of our total direct balance of payments expenditures of about $5 billion were associated with Vietnam. This compares to incremental budget costs of $17.4 billion. Incremental budget costs cover all the costs for all forces other than our peacetime force levels plus the extra costs above the normal peacetime operating level of peacetime force units supporting operations in Southeast Asia.

It is important to note, however, that there also have been significant price and wage increases affecting the costs of our activities overseas. From CY 1964 through CY 1970, for example, based on data published by the International Monetary Fund, the wage index has risen by 57% in Germany, 98% in Japan, 39% in the UK, and 234% in Korea. Wholesale and consumer prices have also increased abroad and are reflected in the increased costs of procurement. In addition, U.S. military basic pay raises from FY 1964–FY 1970 were 59% and U.S. classified civilian pay raises were approximately 40%. Finally, it has been estimated that the revaluation of the German mark in the fall of 1969 has increased our expenditures at an annual rate of roughly $95 million.

DEPARTMENT OF DEFENSE EFFORTS TO MINIMIZE THE BALANCE OF PAYMENTS IMPACT OF ITS ACTIVITIES OVERSEAS

In our last appearance before this Subcommittee, we covered in some detail the actions we had taken which served to minimize our foreign exchange expenditures. The basic framework of our balance of payments effort remains as we then discussed it with you. Therefore, rather than restate the details of our individual programs as they have been carried out, I will, at this time, summarize and highlight the more significant areas of our effort.

As you can see by looking at Table I, a significant portion of our expenditures are made by our military and civilian personnel and their dependents. Department of Defense efforts to minimize foreign exchange expenditures by our personnel have focused on (1) reviews of requirements for U.S. military and civilian personnel overseas, (2) actions to reduce personal spending on the economy and (3) actions to hold down balance of payment expenditures related to non-appropriated fund activities.

With respect to our personnel stationed overseas, our efforts have been directed at encouraging participation in voluntary programs designed to channel available disposable income back to the U.S. Actions undertaken in the past which have served this purpose have included internal information programs, emphasis on use of U.S. controlled recreation facilities, a more attractive savings plan, easing of regulations to permit larger allotments and, for military personnel stationed in South Vietnam, a rest and recuperation program in Hawaii.

For non-appropriated fund activities, our policy is to promote the sale of U.S. items. Military exchanges and other non-appropriated fund activities in foreign countries have been directed to take whatever steps are feasible, within the limits of sound business practice, to stock merchandise of U.S. origin to the greatest practicable extent.

As to requirements for U.S. military and civilian personnel overseas, I believe it would be fair to say that this question has received more attention in the last two to three years than in any comparable time period in recent years. Much of this attention has been devoted to U.S. strength in Asia, particularly South Vietnam. But, there also has been much attention, Executive and Congressional, on the question of U.S. strength levels in Europe.

Summary data on military strength are shown in the following table:

DOD ACTIVE DUTY MILITARY PERSONNEL BY LOCATION

[In thousands]

	All foreign countries and areas			United States and related total	United States and foreign total
	Shore based	Afloat	Total		
June 30, 1968	1,083	117	1,200	2,347	3,547
June 30, 1969	1,061	94	1,155	2,304	3,459
June 30, 1970	913	120	1,033	2,033	3,066
Mar. 31, 1971	785	82	867	1,935	2,802

Thus, between June 30, 1968 and June 30, 1970, in foreign countries and areas there was an overall reduction in U.S. military strength of 167,000 or about 14%. By March 1971, the reduction from the June 30, 1968 level was 333,000, or about 28%. Most of this reduction, of course, has come about since June 30, 1969.

As may be seen in Table I, the reduction in strength between June 30, 1968 and June 30, 1970 had served merely to retard the overall growth in our personal spending overseas. Personal spending grew from $1.5 billion in FY 1968 to close to $1.9 billion in FY 1970. We do not expect any reduction in these foreign exchange spending levels in FY 1971, even with the additional 14% reduction in strength which has been made through March 31 of this year. Wage and price increases will offset any reduction related to strength.

The Department of Defense also has made substantial efforts to hold down employment of foreign nationals to minimum essential levels. We had made some progress in stemming the overall growth in our foreign national costs by the mid-1960's in spite of substantial wage increases. The major influence on our foreign national employment levels since that time has been the requirement to support operations in Southeast Asia.

While foreign national costs have continued to rise overall, we have, however, made some progress during the past two years in reducing requirements for foreign national employment. Most of this reduction is related to the reduced operating requirements in Southeast Asia although, as shown in the table below, foreign national employment in Europe also has been reduced.

DEPARTMENT OF DEFENSE FOREIGN NATIONAL EMPLOYMENT

[In thousands]

	Europe	All other	Total
June 30, 1968	82	176	258
June 30, 1969	77	184	261
June 30, 1970	71	152	223
Mar. 31, 1971	71	133	204

In comparing these data with Table I, it is important to note that while total foreign national employment dropped by about 35,000 or about 14% between end FY 1968 and end FY 1970, our foreign national costs increased by $107 million, or about 19%.

These increases in our direct payroll related expenditures, that is, personal spending by U.S. personnel and foreign national costs are of major significance. Between FY 1968 and FY 1970, in spite of the personnel reductions I have discussed above, our direct personnel expenditures in these two categories increased by approximately $450 million. Total DoD expenditures entering the balance of payments increase during this same period by about $450 million. Therefore, the entire increase is, in effect, in these two accounts. Assuming expenditure patterns remained relatively constant during the period, these increases in turn may be attributed to the increased disposable income overseas provided primarily through pay raises, and the general impact of inflation. This would also reflect pay increases for our foreign national employees. In FY 1970, expenditures in these two categories accounted for more than 51% of our total expenditures entering the balance of payments and is expected to increase in FY 1971.

As shown in Table I, the remaining portion of DoD expenditures, totaling approximately $2.4 billion in FY 1970, generally is associated with procurement, construction and operating costs. These costs are for major equipment, construction, materials and supplies, including petroleum oil and lubricants (POL) and services such as transportation, utilities, etc. In addition, there is some minor amount of offshore procurement under the Military Assistance Program.

Department of Defense policies for a number of years have emphasized the use of U.S. materials and supplies in support of U.S. defense activities overseas. By mid-1963 we were in general applying a 50% differential in favor of U.S. products or services for our materials, supplies and services requirements, including overseas construction. These guidelines remain in effect today.

The use of such a guideline of course reinforces the basic determination which must be made in all cases that the item or service is indeed required for support of our activities overseas. In the case of construction, for example, the guidelines point to the elimination or deferral of all construction not essential to military needs, and to an effort to reduce the foreign exchange cost of essential construction.

In the case of offshore procurement for the Military Assistance Program, the Assistant Secretary of Defense (International Security Affairs) must certify in accordance with the Foreign Assistance Act of 1961, as amended, that failure to procure outside the U.S. would seriously impede the attainment of Military Assistance Program objectives. This requirement is in addition to the use of the 50% guideline.

As shown on Table I, our expenditures for materials and supplies in FY 1970 were $755 million; but about two-thirds of this total was for Petroleum, Oil and Lubricants (POL). Therefore, only a little more than 10% of our $2.4 billion in procurement, construction and operating related expenses overseas in fiscal year 1970 were for other items categorized as materials and supplies.

During the last several years, we have continued our efforts to consolidate activities and take other measures to hold at minimum required levels the numbers and functions of our overseas bases and facilities and to operate these facilities at a minimum cost. Since January 1969, there have been 245 actions taken in 17 foreign countries to reduce or consolidate activities. These actions do not consider reductions in South Vietnam and Thailand. On completion, more than 50,000 military personnel positions and over 30,000 civilian personnel positions will be reduced.

U.S. FORCES IN NATO EUROPE

There has been considerable discussion recently concerning our forces in Europe and the costs of maintaining these forces. I would like to summarize the difference bases which have been regularly used for expressing these costs to assure there is a clear understanding of each estimate. For FY 1971, estimates have been provided on three bases:

1. $14 billion represents the estimated total cost of U.S. general purpose forces both in NATO Europe and those general purpose forces usually based in the U.S. and maintained primarily for use in a European emergency, related support elements and headquarters in NATO Europe, the support in the U.S. such as training and logistics required for these forces, military assistance for NATO countries and the NATO military construction program.

2. $7–8 billion represents the cost of general purpose forces stationed in NATO Europe (including the Sixth Fleet) plus the U.S. support base required for these forces, i.e., cost of new equipment and training and logistics support.

3. $3.1 billion represents the operating cost of U.S. forces actually stationed in NATO Europe (including the Sixth Fleet). It includes military personnel costs and the costs for operating and maintaining equipment and facilities used by these personnel. It excludes indirect logistics and administrative costs outside of NATO Europe, major procurement and construction costs and the U.S. contribution to the NATO construction program.

The $3.1 billion total is included in the $7–8 billion figure which, in turn, is included in the $14 billion estimate.

In addition to the above budgetary cost estimates, U.S. defense balance of payments expenditures in NATO European countries are estimated at about $1.8 billion in FY 1971.

* * * * *

SUMMARY AND OUTLOOK

It is extremely difficult to estimate what our expenditures would have been without the programs implemented by the Department of Defense. The procurement and construction programs, for example, as they involve the use of premium budgetary costs, can clearly be attributed to our balance of payments effort. In other areas such as base closures, our balance of payments program has served as an additional impetus to reducing expenditures overseas. It is true, however, that some actions would have been taken in any case in the interest of overall management improvement. As an order of magnitude, however, it is estimated that our balance of payments program has reduced our expenditures overseas by well over $2 billion during the FY 1961–1970 period.

As a result of our past efforts, the "easy" expenditure reductions have long since been made. Our expenditures abroad today are almost completely related to our deployments. Therefore, with continuing price and wage increases (including those associated with a Volunteer Armed Force) and changes in the value of some foreign currencies to the dollar, our expenditures, assuming approximately current force levels except for Southeast Asia and Korea, cannot be expected to even approach the pre-Vietnam level. We expect some slight reduction in FY 71—to a $4.8–$4.9 billion level.

We currently intend to continue our existing programs to hold down our costs overseas. In the long run, of course, the level of our expenditures abroad, in large measure, rests on the size of our overseas deployments. As I noted earlier, balance of payments considerations cannot be controlling or examined independent of requirements stemming from our national security objectives, including our security commitments with other nations.

We also intend to continue the ongoing military sales program, where this is appropriate. In addition, we will continue to work with other government agencies in any negotiations for improving the extent and nature of arrangements to offset the foreign exchange costs of our activities overseas.

TABLE I.—*U.S. Defense expenditures and receipts entering the international balance of payments, fiscal year 1970*

[Millions of dollars]

Expenditures:	
U.S. Forces and Their Support:	
Expenditures by U.S. Military, civilian & dependents	1,862
Foreign Nationals (Direct & contract hire)	680
Procurement:	
Major equipment	189
Construction	341
Materials & supplies (including POL)	755
Services	967
Other payments	95
Subtotal	4,889
Military Assistance Program:	
Offshore Procurement	15
NATO Infrastructure	-----
Other	30
Subtotal	45
Net change in Dollar purchased Foreign Currency Holdings	+18
Total Expenditures	4,952

Receipts:	
Cash receipts	1,556
Barter	315
Total Receipts	1,871
Net Adverse Balance (DoD)	3,081
Other Expenditures (AEC and other agencies included in NATO Definition of Defense Expenditures)	11
Net adverse Balance (NATO Definition)	3,092

TABLE II.—U.S. DEFENSE EXPENDITURES ENTERING THE INTERNATIONAL BALANCE OF PAYMENTS BY MAJOR AREA, FISCAL YEARS 1961–70

[In billions of dollars]

Fiscal year	Western Europe	Major Asian countries	Canada	Other	Worldwide
1961	1.6	0.7	0.4	0.4	3.1
1962	1.6	.7	.3	.4	3.0
1963	1.6	.7	.3	.5	3.1
1964	1.6	.7	.3	.4	3.0
1965	1.5	.8	.2	.3	2.8
1966	1.6	1.3	.2	.3	3.4
1967	1.6	2.0	.2	.4	4.2
1968	1.6	2.1	.3	.5	4.5
1969	1.6	2.3	.3	.5	4.7
1970	1.7	2.4	.3	.6	5.0

TABLE III.—*U.S. defense expenditures and receipts entering the international balance of payments, fiscal year 1970*

[Millions of dollars]

Country	
Australia	41
Austria	3
Azores	4
Bahrain Islands	41
Belgium-Luxembourg	40
Bermuda Islands	7
Canada	274
China, Republic of	83
Denmark-Greenland	29
France	17
Germany, Federal Republic of	1,030
Greece	24
Iceland	20
Indochina	------
Italy	109
Japan	675
Korea	361
Morocco	6
Netherlands	45
Netherlands Antilles	22
Norway	15
Pakistan	2
Philippine Islands	200
Portugal	3
Ryukyu Islands	261
Saudi Arabia	91
Spain	54
Switzerland	12
Thailand	246
Trinidad-Tobago	14
Turkey	45
United Kingdom	225
Venezuela	18
Vietnam	542
Other American republics	96
Other	308
Total expenditures	4,963
Receipts	1,871
Net adverse balance	3,092

STATEMENT OF EDWARD L. KING, RETIRED COLONEL, U.S. ARMY, BEFORE THE JOINT ECONOMIC COMMITTEE, SUBCOMMITTEE ON INTERNATIONAL EXCHANGE AND PAYMENTS, JUNE 21, 1971

Mr. Chairman and Members of the Committee: My name is Edward L. King. I am appearing today as a private citizen and the views and opinions I state are solely my own.

I am a professional soldier. I retired from the U.S. Army in August 1969 as a Lt. Colonel. I served on active and reserve duty for nearly 23 years as an infantry rifleman, noncommissioned officer, and commissioned officer in the United States, Asia and Europe. The last three years of my service were spent with the staff of the Joint Chiefs of Staff.

The purpose of my testimony today is to focus on what I consider are some of the unnecessarily high overall expenditures and balance of payments costs involved in present national defense concepts and force deployments.

The fiscal year 1971 defense budget included a figure variously estimated at $14 billion for the support of U.S. general purpose forces in Europe and U.S. general purpose forces maintained in the United States but committed to a European contingency. The proposed fiscal year 1972 defense budget includes substantially the same funding support for these forces. The estimated operating cost of maintaining U.S. forces in Western Europe was approximately $2.9 billion last year. This operating figure includes the cost of all military and civilian personnel located in Western Europe, Greece, Turkey and the 6th Fleet as well as the costs of operating and maintaining the facilities used by these personnel.

U.S. defense expenditures entering the international balance of payments in NATO countries including Canada, have been estimated at approximately $2 billion in fiscal year 1970 and about $1.7 billion in FY 1971. A high percentage of these expenses is incurred in the Federal Republic of Germany where over 200,000 of the 300,000 U.S. troops stationed in Europe are located. For example, in fiscal year 1970 about $1.1 billion of the total balance of payments costs were spent in the Federal Republic. The current two year offset agreement with the Federal Republic expires on June 30, 1971. I have heard that the new agreement will not completely satisfactorily handle such problems as costs for local nationals which amounts to $260 million, locally procured material, supplies and equipment which cost $55 million, costs for various services which run $160 million or payment of land taxes to the Federal Republic. The chief criticism of the current method of offset payments has of course, been that it has been a deferral rather than a pure offset. There has been no direct budgetary support given by the Federal Republic since 1961 except for certain expenses involved with maintaining U.S. military forces in Berlin. And it seems that the new offset agreement is again to be more on a loan rather than cash basis.

Many arguments pro and con have been made in regard to the adverse U.S. balance of payments deficit resulting from the stationing of our forces in Europe and other areas of the world. Others have commented on the fact that the U.S. percentage of GNP devoted to defense purposes is much greater than our allies and continues to increase as that of our allies has declined. It has also been pointed out that during the same period our European Allies have consistently maintained a smaller proportion of their population under arms.

What still remains at issue is what are the reasons that these costs remain so high, and are these adverse costs balanced by a comparable combat return to our overall national security. I would like to examine some aspects of the reasons for the costs and relate them to combat return. In Central Europe the heart of our conventional combat forces are four and one-third Army divisions. Each of these Army divisions at full strength contains around 16,000 soldiers. The divisions in Europe have seldom, if ever, been at more than 90 percent of full combat strength. According to the Department of Defense these divisions at full strength are authorized 64.6 thousand soldiers. But since the four and one-third divisions have been reported by the Department of Defense to be at only 90 percent of full strength they do not have more than 59,000 soldiers assigned to them. To support these four and one-third divisions under present planning and Army Tables of Organization, the Department of Defense has indicated that there are in Europe an additional four and one-third initial support increments (ISI) of 16,000 men each and two and one-third sustaining support increments (SSI) of 16,000 men each. The Department of Defense has also stated that there are 88.1 thousand men in these ISI and SSI units (at full strength they should contain about 97.2 thousand soldiers). The commander of the U.S. Seventh Army in Europe has stated that he has 170,000 military personnel assigned to that Army. This means that there are at least an additional 22,900 soldiers assigned to the Seventh Army but not serving in the under-strength four and one-third divisions or their sustaining forces.

The majority of the soldiers serving in the ISI and SSI do not fight, their principal mission is maintenance, repair and supply. And within each of the four and one-third combat divisions there are an additional 8,000 or so soldiers who also do not fight and are involved in similar command or support duties. Broken down to basic combat terms this means that out of the 48,000 (16,000 in the division plus 32,000 sustaining it) soldiers required to put a present day U.S. Army division into the field less than 9,000 finally deliver fire on the enemy in defense of our national security. And the two and one-third SSI elements now in Europe are not performing support operations for the divisions. These elements are performing peacetime housekeeping functions such as base operations, repair, maintenance and utilities, and the operation of services for the nearly 200,000 dependent population in Germany with our soldiers. In the event of combat these SSI units have to prepare to make a transition from their peacetime functions and later move to the field to begin supporting the combat divisions. Because of this need for peacetime support the Commander of Army forces in Europe has contended that combat rather than support forces must be withdrawn in any reduction in Europe.

This is very little combat return for the tremendous costs that accrue to the American taxpayer in providing the four and one-third division force in Europe. There are today in Europe over 7,000 officers and enlisted men assigned to headquarter commands alone. Among this number are included 128 general/flag officers, or a ratio of one general/flag officer for each 2,343 soldiers assigned to Europe. Yet few, if any, armed forces units of less than 3,000 men are authorized a general or flag officer as a commander. The Congress could stop this type abuse by beginning to enforce the officer grade ceilings enacted in the 1947 Defense Reorganization Act.

All of this basically means that in order to achieve a conventional combat force of four and one-third divisions with an actual strength of about 59,000 men in Western Europe (of which less than 40,000 fire at the enemy in combat), the United States must pay in excess of $5 billion (and assume the adverse international balance of payments deficit in doing so) to station over 300,000 soldiers and 225,000 dependents there.

Furthermore, what are the probabilities that these conventional forces that cost us so dearly can accomplish the combat mission that we supposedly keep them permanently in Europe for? Assistant Secretary of Defense Roger Kelley has said, "We *assume* that the Soviets are deterred from attacking NATO by the high risk *that a conventional conflict* between NATO and Warsaw Pact forces *would escalate to the level of general nuclear war* and pose grave risks to the Soviet State itself." (Italic added). In testimony before the Senate Armed Services Committee, Mr. Kelley stated the "threat" that our NATO committed forces face in these terms, "*While we do not consider an unprovoked aggression by the USSR likely,* the fact remains that the Soviets have a vital interest in preserving the status quo in Central Europe and in retaining their hold on Eastern Europe. A crisis that *could* lead to a conflict could arise if the political situation substantially changed in a way which threatened the USSR. Such a crisis *could* escalate to hostilities. Whatever the immediate cause, the crisis *could* trigger localized hostilities, or mobilization by the Pact and NATO." (Italic supplied.)

If we do not consider an unprovoked aggression likely then how can we envision "localized hostilities" (that remain local) being any more likely? And if a conventional conflict will admittedly escalate to general nuclear war what is the real purpose of four and one-third Army divisions stationed permanently in Central Europe? All Department of Defense spokesmen are careful to include the long-standing, but seldom noticed, caveats that always appear somewhere in their statements about the ability of U.S. conventional military forces to provide any form of successful conventional defense in Europe. I know from experience in writing them that these caveats always take two forms, "assuming a period of sufficient warning and military preparation by both sides" and "NATO has a major conventional capability after a period of mobilization." Both of these caveats are intended to remove the Defense Department from responsibility for what the conventional combat capability would be in the event of a sudden Soviet attack—which is a most likely result of "localized hostilities"—which do not permit time for premobilization evacuation of the U.S. military dependents and troop reinforcement from the United States.

The facts are that in the event of a sudden Soviet attack without sufficient warning and a period of mobilization (usually considered as a minimum of 30 days in duration) the U.S. and NATO divisions must resort to almost immediate use of atomic demolition munitions and low yield tactical nuclear weapons to even hope to save themselves from destruction by the superior Soviet armored forces. Their battle plans include the early use of these nuclear weapons. Crucial to any form of defense is the ability of our tactical air forces to gain early air superiority. A U.S. Air Force general has evaluated this possibility in the terms of "we could either hope for a stalemate or defeat but not superiority." Without this air superiority and additional French airfields, it is highly unlikely that any Army divisions re-deployed to Europe by airlift would be able to land, even if the big lumbering C–141 or C–5A transports, filled with GI's, were not shot out of the air enroute by MIG's. It is more likely that sudden Soviet pre-emptive air strikes, conventionally armed rockets, or armored units would have knocked out all presently available airfields in the first few hours of battle.

Our costly four and one-third divisions stationed in Europe must receive early reinforcement by air if they are to survive even using tactical nuclear weapons, and yet the chances are that Russian tanks would be parked on most of the available air-landing sites a few days after any sudden attack on Western Europe. The United States taxpayer is and has been for the past ten years, paying for an out-dated concept of so-called flexible response that cannot be translated into reality. We are accepting very adverse balance-of-payments problems to maintain a top heavy State and Defense bureaucracy in position in Central Europe long after the time that it could perform the mission it was sent to accomplish.

This featherbedded "bureaucracy" should be reduced in the interest of economic and military good sense. In this same vein the presence of our two Army divisions that have been in Korea for over 20 years should also be reduced. They, like the European-based divisions, remain deployed under a concept that is no longer valid or necessary for our true national security. And they are far too costly for the combat return they make to our national defense.

The American people should not any longer be deceived into continuing to pay billions of dollars annually to maintain these bloated forces permanently deployed about the world. When they actually provide little real combat defense to our national security in return for the hard earned tax dollars that they cost.

If the number of U.S. forces in Europe were reduced from the present 300,000 to an Army Corps force of approximately 150,000 men. I believe savings in balance-of-payments cost in the range of at least $500 million could be realized. These savings could, I believe, be substantially more if certain practices our forces now follow in West Germany were changed and we consider the increased pay scales envisioned for our armed forces over the coming years against the background of a growing European inflationary trend.

This reduction could be accomplished in several ways. For example, 2⅓ European-based divisions and their sustaining elements plus Seventh Army and one Corps Headquarters and one armored cavalry regiment could be brought home and the headquarters and two divisions and their sustaining forces deactivated. This would be a reduction of about 90,000 soldiers from U.S. Army in Europe. It could be combined with a concurrent withdrawal of the 50,000 additional military command and support personnel such as couriers, communications men, etc., that are in Europe but not assigned to the European Command, along with the tactical air units assigned to support the 2⅓ divisions being withdrawn. Such a reduction would produce a proportionate lowering of balance-of-payments costs that we presently sustain in paying for construction, repair and maintenance of facilities these headquarters and troops use. It would reduce the amount of maneuver damage claims that must be paid when U.S. forces go on training maneuvers and damage trees or property of German citizens. And it would substantially reduce the number of dependents in Germany and thus reduce some of the outflow of dollars that many U.S. soldiers must spend on the German economy to house, feed, and entertain their families. Such a reduction would also gain the tactical flexibility of posturing a reinforced two-division U.S. Corps force in Central Europe. Such a force like the present 4⅓ divisions, could be reinforced if the required warning and mobilization period materialized before hostilities began. But in the event of sudden Soviet attack a repositioned smaller Corps force, unlike the 4⅓ division force, could be risked initially in U.S. national interests without an immediate need for the President to grant the use of tactical nuclear weapons to save a U.S. field army and nearly one-quarter of a million American women and children from capture or destruction. The deterrent symbolism of such a force would be as actually meaningful as the representative deterrent symbolism that 4⅓ divisions really provide. But with far less risk of the possibility of forced nuclear escalation or response to a Tonkin Gulf form of "localized" hostilities. It has been estimated the withdrawal and deactivation of two mechanized divisions and their sustaining elements, now stationed in Europe could result in annual savings of at least one billion dollars. For each soldier removed from Germany an approximate saving of $1,650 in individual expenditures on the European economy can be realized.

Another way to reduce the overall costs, but not the balance-of-payments deficits, would be the deactivation in the United States of one of the divisions maintained here but earmarked for use in Europe, along with its ISI and SSI forces. This could be accompanied by a deactivation and transfer of the mission to the Army Reserves of ⅓ of each of the ISI's and all of the SSI's for the remaining two divisions that are maintained in the U.S. for reinforcement of forces in Europe. At the same time the 50,000 non-European Command troops in Europe could be brought home along with some of the excess headquarters personnel that are presently there. This reduction would leave the same combat force structure in Europe. But since the SSI elements that support the divisions normally are not vitally essential to combat operations for a period of around 60 days (and the conventional war would have probably turned nuclear by then anyway) these elements need not be on standby active duty in the U.S. Their functions of heavy rebuild, repair and maintenance are very close to civilian skills and their mission could readily be assimilated in Army Reserve Units that could be called to active service and if needed, follow the divisions to Europe within 60 days.

Assuming the U.S. based division and ISI and SSI units are maintained at least at 90% strength this would be a troop reduction of approximately 82,000 men in the U.S. For example, it costs about $35 million a year less to maintain an armored division and its sustaining elements on active duty in the U.S. than Europe (it has been estimated that it costs approximately $185 million to maintain an Army division on overseas peacetime active duty for a year). This size reduction plus a reduction of 50 to 60,000 headquarters and support troops from the non-European Command forces in Europe, would represent a sizeable reduction in the total costs of our overall European troop commitment without reducing the so-called combat forces presently stationed there.

This solution has particular merit when considered in the context of the practical impossibility of being able to safely land airborne reinforcements in Europe in the event of a sudden Soviet conventional attack, and the high probability that any conventional "localized hostilities" or "probes" would have escalated to general nuclear war before these divisions could be airlifted to Europe even assuming they could be safely landed. It makes little military or financial sense to continue to spend millions of tax dollars annually to maintain these 3⅔ divisions in the U.S. to influence a mission in Europe they cannot safely arrive here in time to have any substantive effect on.

Just as it makes little military or economic sense to continue to maintain a field Army headquarters, a Corps headquarters and a logistical command to command and support two under-strength Army divisions and their sustaining units in Korea nearly 20 years after the fighting ended there. The South Korean Army—trained since 1949 by a U.S. Military Advisory Group and equipped by U.S. Military Assistance Funds—numbers over 600,000 soldiers. Yet this Army still theoretically needs a U.S. Army division to stand guard on its border with North Korea, even though the North Korean Army numbers less than 500,000 men and there are no Soviet or Chinese divisions guarding the North Korea border. These U.S. forces should after 25 years, be withdrawn from South Korea, or at least reduced in size and cost, and placed in reserve from guarding the South Korean border where young Americans can be gunned down almost at will by North Korean snipers.

In South Vietnam all but two of our combat divisions have been withdrawn and those two divisions are in the process of standing down for withdrawal. Despite this fact over 200,000 U.S. Command, support and advisory personnel still remain in South Vietnam. Obviously, the ISI's and SSI's of the withdrawn divisions were not removed with the division, nor has the component command

U.S. Army Vietnam and five Corps headquarters been withdrawn. Nearly the same basic infra-structure that was required to support 525,000 U.S. Armed forces personnel at the peak of the fighting is still in South Vietnam. This means different things to many people. It should tell the American people that the South Vietnamese Army must require even at this late date, a tremendous amount of U.S. Command and logistical support to prop it up and keep it fighting. This does not cast a very favorable light on the possibility or probability of any early or indeed any, total American withdrawal from South Vietnam. It tells the North Vietnamese miltiary commanders that the U.S. has withdrawn its mobile, quickly returnable combat units, but has not as yet removed any substantial part of its logistical infra-structure that they know is the real key to whether U.S. units can enter an area and fight or not. The North Vietnamese military are probably going to be quite skeptical about our real intention of totally leaving South Vietnam until they see a substantial part of the tremendous U.S. command and support infra-structure being withdrawn. They also, have read in our newspapers that the U.S. Army is considering 18-month tours for U.S. Army advisors to be assigned to South Vietnam (with their families), and this may make them doubtful of the true intent of the Nixon Doctrine.

In sum I do not see that there will be anything like a total U.S. military withdrawal from South Vietnam over the next five to ten years. And I do not therefore foresee a total lessening of our budgetary and balance-of-payments costs in Southeast Asia as a result of a so-called winding down of the war. A Korean style solution with a residual force of 40 to 50,000 U.S. servicemen in South Vietnam for an indefinite period into the 1970's and 1980's, appears to me a much more likely event under our present policies. This "residual base force" will generate in my estimation, about the same level of costs and balance-of-payments problems that we have experienced in Korea over the past 20 years. We are embarked on that same road now in South Vietnam.

And the taxpayer will be expected to assume the unseen, but nonetheless just as real, costs of turning over to the South Vietnamese Government (with little or no reimbursement), billions of dollars worth of U.S. supplies and equipment that the taxpayer has already paid for with his past taxes. These mountains of supplies and tons of heavy equipment will be too costly to bring home and will be given to the South Vietnamese Government, or we will be marginally reimbursed in inflated South Vietnamese currency at the current relatively unfavorable rate of international exchange. In any event a lot of the costly equipment will inevitably wind up on Japanese scrap piles and the U.S. taxpayer will have already assumed the costs of buying new defense equipment to replace it.

In my estimation, it is our insistence on maintaining featherbedded military forces that are excessive to our real national security needs, and over-defending against inflated threat analysis that keep the U.S. taxpayer constantly paying for more defense than he needs and paying too much for the defense he gets. The out-dated, worldwide deployment of these same military forces is a major contributor to our enormous defense budget and chronic balance-of-payments problem. It seems to me that what should be done about it is to cause the Armed Services to structure and equip themselves more responsibly and austerely for combat, and to stop scattering them all over the world with missions they cannot hope to legitimately accomplish—and which in truth have no direct relationship to the real combat defense of our country. It is past time that we Americans quit kidding ourselves with delusions of military and economic grandeur. We are a great and powerful people, but we cannot run the world. We do not have the means to answer every world problem. And it is now time that we put our energies and our money more to the tasks of solving our own urgent domestic problems than maintaining a far-flung empire of military bases that get us enmeshed more in the affairs of others than in protecting the security of all Americans.

[From the Los Angeles Times, July 7, 1971]

NATO GRAPPLES WITH SHIFTING PRIORITIES IN U.S., OTHER NATIONS

(By Nick Thimmesch)

BRUSSELS.—The men who serve as NATO representatives here as well as the International Secretariat staff tend to be academic types best suited for contemplating the European power balance and Soviet intentions. International political questions of the 15 member nations are less to their liking. These days, however, the NATO men are forced to give the internal questions almost the same priority as the omnipresent Soviets.

NATO isn't coming apart, but it is suffering strains, as all aging alliances eventually do. In the recent debate in the U.S. Senate over cutting U.S. troop levels by half in Europe, it was a lady, Sen. Margaret Chase Smith (R-Me.), who spoke the frankest: "We have carried the brunt of military liberation and protection of Western Europe for nearly 30 years now," she said. "We have done it through the sacrifice of our military personnel and their families and through the billions of our taxpayers' dollars.

"We lifted Western European countries off their backs and provided ther economic recovery through the generous Marshall Plan and other forms of economic aid.

"And what have we gotten in return? Continued slaps in the face. Continued biting of our hands that fed them. Continued failure of the nations of Western Europe to carry their fair share of the cost and personnel for the NATO that keeps them free nations."

NATO and other European leaders are startled to think of a greatly diminished U.S. presence in Europe. Maybe this is why they agreed last December to increase their contribution to the NATO defense system by $950 million in the next five years.

Without strong participation by the United States, it is possible that first the small West European nations would take the Swedish neutralist approach, with the larger nations (France, Germany and Italy) following suit.

Ironically, it is once again Germany, West that is, which is pivotal to the situation. The West Germans are on an economic binge. True, Chancellor Willy Brandt has eased relations with East Germany, at the same time reaffirming his nation's dependence on NATO. But what will West Germany do 5 or 10 years from now when its economy cools off—as it must—and it gropes about for stability, through nationalism perhaps?

The Soviets have vivid memories, and so do other Europeans, of German armies. Faced with a Germany searching for stability, the Russians might agree to an accommodation with West Germany. And if that happens, it is very likely that the rest of Europe would follow, and reluctantly accept German-Russian power.

There is even the notion that the Soviets, for the present, would prefer having an American presence in West Germany rather than a new West German army there. The Soviets know that if a clamor for national identity develops, Germany's young generation will be a part of it, and as one NATO official put it, "The Soviets would be very uncomfortable with 70 million German perfectionists on their flank."

With all the dreadful possibilities spinning through their heads, the NATO gentlemen see the need to press their governments for greater contributions of men and money to the NATO defense effort. The idea that the United States would force its European partners to do more, says Jorge Kastl, assistant secretary general for political affairs, is as wrong as the European idea that U.S. involvement is automatic.

Indeed, some theorists believe that Sen. Mike Mansfield (D-Mont.) was only trying to get the United States to appreciate the need for NATO. If NATO fell apart, through American neglect, the United States would risk a war and also losing U.S. enterprises in Europe valued at an estimated $100 billion.

For the present, then, the U.S. government tries to mark time while Europe regains its pre-de Gaulle momentum, appreciates the United States a little more and kicks in more money and men to NATO.

The British, for instance, showed their good intentions by recommissioning the aircraft carrier, Ark Royal, an 18-year-old splendor, for NATO service. Meanwhile, a new Italian navy sits in port because Italy won't pay for it to steam anywhere.

There are many facts which amounts to a negative for NATO these days. There is hope that when the present situation straightens out, there will be new, positive facts about NATO solidarity.

After all, as outgoing U.S. ambassador to NATO, Robert Ellsworth, told me: "When you deal with the Russians, it's important to deal in facts, not words. The Russians only respond to facts."

VACATING OF ORDER FOR SENATOR AIKEN TO SPEAK TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time given today to the distinguished Senator from Vermont (Mr. AIKEN) be vacated and that the 15 minutes be allocated, instead, to the distinguished senior Senator from Kentucky (Mr. COOPER).

The ACTING PRESIDENT pro tempore. At the same time?

Mr. MANSFIELD. Yes; if the Senator from Kentucky is here. If he is not here, then following the distinguished Senator from Minnesota (Mr. HUMPHREY), if it meets with the approval of the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the standing order, the distinguished Senator from Pennsylvania (Mr. SCOTT) is now recognized.

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with previous orders, the Chair recognizes the distinguished Senator from Georgia (Mr. TALMADGE) for not to exceed 15 minutes, to be followed by the distinguished Senator from Minnesota (Mr. HUMPHREY) for not to exceed 15 minutes.

(The remarks of Mr. TALMADGE and Mr. HUMPHREY when they introduced S. 2223 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished senior Senator from Kentucky (Mr. COOPER) for not to exceed 15 minutes.

(The remarks of Mr. COOPER when he introduced S. 2224 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAVEL). Under the previous order, the Senate will now proceed to the period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

Report on Relative Cost of Shipbuilding

A letter from the Secretary of Commerce, transmitting pursuant to law, a report on relative cost of shipbuilding in the various coastal districts of the United States, dated June, 1971 (with an accompanying report); to the Committee on Commerce.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Opportunities For Improving the Southern Monterey County Rural Health Project, King City, California, Department of Health, Education, and Welfare, Office of Economic Opportunity, dated July 6, 1971 (with an accompanying report); to the Committee on Government Operations.

Progress Report on Western United States Water Plan

A letter from the Secretary of the Interior, transmitting, pursuant to law, a progress report on the Western U.S. Water Plan, for the year 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Reports Relating to Third and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning visa petitions which have been approved according third and sixth preference to certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report on Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, reporting, pursuant to law, relating to certain aliens who have been found admissible to the United States as defector aliens (with an accompanying paper); to the Committee on the Judiciary.

Report on Proposed Establishment of a Convention Center-Sports Arena in the District of Columbia

A letter from the Administrator, General Services Administration, transmitting, pursuant to a resolution adopted by the Committee on Public Works of the House of Representatives, a report of building project survey containing a general plan and program for the establishment of a Convention Center-Sports Arena within the boundaries of the District of Columbia (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A joint resolution of the legislature of the State of California; to the Committee on Appropriations:

"Assembly Joint Resolution No. 18—Relative to Protection of the Beaches and Shoreline of Ventura County

"Whereas, The beaches and shoreline of Ventura County represent a natural resource of inestimable value to the people of California; and

"Whereas, The coastline of this portion of the state should be preserved for the enjoyment of generations to come; and

"Whereas, The storms and high tides of December 1969 caused damage to these beaches and shores amounting to hundreds of thousands of dollars; and

"Whereas, The Army Corps of Engineers has had authorization for a study for the protection of these beaches for over four years, but has been unable to obtain the necessary funds to proceed; and

"Whereas, Until such a study has been conducted, no action may be taken by the federal, state, county, or local governmental agencies or by private individuals toward protecting these shores; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the legislature of the State of California respectfully memorialize the Congress of the United States to appropriate sufficient funds for a study and report on the facilities needed to protect the beaches and shoreline of Ventura County, in the State of California, from damage by storms and high tides; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

An act of the legislature of the State of North Carolina; to the Committee on the Judiciary:

"An Act to Ratify a Proposed Amendment to the Constitution of the United States to Extend the Right to Vote to Citizens Eighteen Years of Age or Older

Whereas, The Senate and House of Representatives of the United States of America assembled (two-thirds of each House concurring) and proposed the following amendment to the Constitution of the United States, to become valid as a part of the said Constitution when ratified by the legislatures of the several states, in words as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE—

" 'SECTION 1. The right of citizens of the United States who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.' " Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1. That the said proposed amendment to the Constitution of the United States of America set out in the preamble to this act be, and the same is, hereby ratified by the General Assembly of the State of North Carolina.

SEC. 2. That certified copies of this preamble and act be forwarded by the Governor of this State to the Secretary of State at Washington, to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

SEC. 3. That this act shall be in full force and effect upon ratification.

A joint resolution of the legislature of the State of Oregon; to the Committee on the Judiciary:

House Joint Resolution 47

(Sponsored by Committee on State and Federal Affairs)

Whereas Senate Joint Resolution 7 of the Ninety-second Congress (first session) of the United States of America proposes an amendment to the Constitution of the United States, as follows:

"ARTICLE

"SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."; and

Whereas the proposed amendment shall be valid to all intents and purposes as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The proposed amendment to the Constitution of the United States, relating to the right of citizens of the United States, who are eighteen years of age or older, to vote, as set forth in this resolution, hereby is ratified.

(2) The Secretary of State shall send certified copies of this resolution to the Administrator of General Services of the United States, to the presiding officer of the United States Senate and to the Speaker of the House of Representatives of the United States.

A joint resolution of the legislature of the State of Oregon; to the Committee on Public Works:

Senate Joint Memorial 3

(Sponsored by Committee on Environmental Affairs)

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-sixth Legislative Assembly of the State of Oregon, respectfully represent as follows:

Whereas the Columbia River is the main navigational artery for Astoria, Portland and other great Oregon ports; and

Whereas the Columbia River also affords the people of this state outstanding recreational uses, including fishing, boating and aquatic sports; and

Whereas during recent years there has been an increasing accumulation of snags, sinker logs and other debris in the Columbia River; and

Whereas such debris has caused the loss of human life and property and created unsafe conditions for those using the Columbia River for navigation and recreation; and

Whereas the United States Army Corps of Engineers is charged with maintaining the Columbia River as a navigable highway for commercial uses and thereby also enhancing safe conditions for the recreational uses of the river by the people of this state; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is urged to appropriate sufficient funds to the United States Army Corps of Engineers to enable the Corps to provide a full-time patrol of the Columbia River to remove and dispose of debris accumulated in the Columbia River.

(2) The Secretary of the Senate shall cause a copy of this memorial to be sent to the presiding officer of each house of the Congress and to each member of the Oregon Congressional Delegation.

A paper, in the nature of a petition, adopted by the General Assembly of the Presbyterian Church in the United States, praying for the enactment of legislation relating to welfare reform; to the Committee on Finance.

A resolution adopted by Alianza Federal de Pueblos Libres, Albuquerque, N. Mex., praying for the enactment of legislation in regard to lands belonging to descendants of former Mexican citizens; to the Committee on Interior and Insular Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SYMINGTON (for himself, Mr. EAGLETON, and Mr. HARTKE):

S. 2221. A bill to amend Title I of the Housing Act of 1949 to permit a city whose population falls to below 50,000 to convert any outstanding urban renewal projects from a two-thirds to a three-fourths capital grant formula. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HUMPHREY:

S. 2222. A bill for the relief of Mrs. Ana Go Pavon. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. TALMADGE, Mr. AIKEN, Mr. ALLEN, Mr. EASTLAND, Mr. JORDAN of North Carolina, Mr. MCGOVERN, and Mr. YOUNG):

S. 2223. A bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. COOPER:

S. 2224. A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency. Referred jointly to the Committees on Armed Services and Foreign Relations, by unanimous consent.

By Mr. MATHIAS:

S. 2225. A bill to restore the income tax credit for investment in certain depreciable property at a rate of 6 percent of the qualified investment. Referred to the Committee on Finance; and

S. 2226. A bill for the relief of Guy B. Dompierre. Referred to the Committee on the Judiciary.

By Mr. JORDAN of North Carolina:

S. 2227. A bill to amend title 44, United States Code, to authorize the Public Printer to designate the library of the highest appellate court in each State as a depository library. Referred to the Committee on Rules and Administration.

By Mr. HRUSKA (for himself, Mr. BAYH, Mr. BURDICK, Mr. FONG, Mr. GURNEY, Mr. HART, Mr. MATHIAS, Mr. SCOTT, and Mr. TUNNEY):

S. 2228. A bill to amend chapter 235 of title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 2229. A bill for the relief of John R. Poe. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. MONTOYA, Mr. ALLOTT, Mr. BAYH, Mr. BENTSEN, Mr. CHURCH, Mr. DOMINICK, Mr. GOLDWATER, Mr. HARTKE, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGOVERN, Mr. MOSS, Mr. MUSKIE, Mr. PELL, Mr. STEVENSON, Mr. TOWER, Mr. TUNNEY, and Mr. WILLIAMS):

S. 2230. A bill to designate a certain traffic circle in the District of Columbia as the "Benito Juarez Circle." Referred to the Committee on the District of Columbia.

By Mr. MCGOVERN:

S. 2231. A bill to require that appropriations be made specifically to the Central Intelligence Agency. Referred to the Committee on Armed Services; and

S. 2232. A bill to provide increased educational assistance for police and correctional officers, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S.J. Res. 124. A joint resolution limiting military assistance and military sales to Pakistan. Referred to the Committee on Foreign Relations.

By Mr. DOLE (for himself, Mr. ALLOTT, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BUCKLEY, Mr. BURDICK, Mr. COOPER, Mr. CRANSTON, Mr. CURTIS, Mr. DOMINICK, Mr. EASTLAND, Mr. GOLDWATER, Mr. GURNEY, Mr. HARRIS, Mr. HATFIELD, Mr. JORDAN of North Carolina, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. MCGEE, Mr. MCINTYRE, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. RANDOLPH, Mr. STEVENS, Mr. TOWER, and Mr. YOUNG):

S.J. Res. 125. A joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival." Referred to the Committee on the Judiciary.

By Mr. EAGLETON (for himself, Mr. ALLOTT, Mr. BAYH, Mr. BENNETT, Mr. BIBLE, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. FONG, Mr. HARTKE, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MATHIAS, Mr. MCGEE, Mr. MCGOVERN, Mr. MONDALE, Mr. MUSKIE, Mr. PACKWOOD, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SCOTT, Mr. STEVENS, Mr. TAFT, Mr. THURMOND, Mr. TOWER, and Mr. TUNNEY):

S.J. Res. 126. A joint resolution to authorize the President to proclaim the month of January of each year as "National Volunteer Blood Donor Month." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY (for himself, Mr. TALMADGE, Mr. AIKEN, Mr. ALLEN, Mr. EASTLAND, Mr. JORDAN of North Carolina, Mr. MCGOVERN, and Mr. YOUNG):

S. 2223. A bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes. Referred to the Committee on Agriculture and Forestry.

CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Mr. TALMADGE. Mr. President, it is with considerable pride that I sponsor with Senator HUMPHREY and others legislation to create a new financial system for the development and improvement of rural America. I am proud that the legislation that is being introduced today has the sponsorship of the majority of the Members of the Senate Committee on Agriculture and Forestry. I am proud of this legislation for I regard it as the first concrete step in the fulfillment of the commitment which Congress made last year in passing the Agricultural Act of 1970.

In title IX of this act, the commitment of Congress was precisely stated:

> The Congress commits itself to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

As the author of title IX, I do not regard this language as another empty promise. I believe that the Congress has finally decided that the time has come to make an all-out effort to stem the tide of rural outmigration by developing the potential of the Nation's rural areas These rural areas, which contain over 98 percent of our country's total land area, have tremendous resources that can be developed.

The legislation that we are introducing today does not offer a panacea. We do not propose to have all of the answers to improving the living conditions and developing the economic potential of the Nation's rural areas. However, the legislation which we offer today does attempt to meet one critical need, the need to provide more capital for our rural areas. I believe that although we don't have all the answers about rural development, all of us who are concerned with the problem can agree that additional capital is essential.

President Nixon's task force on rural development has stated the need for additional financing for rural development in its report "A New Life for the Country." The task force recommended a new credit institution to provide rural areas with greater access to private capital. This institution was to be named the rural development credit bank and the task force recommended that it be structured in law as a wholly new title in an amendment to the Farm Credit Act.

Considerable thought was given to creating a rural development credit bank as a part of the farm credit system. However, we found that several problems would arise as a result of this approach. We did not want to add to the farm credit system any new branch which could possibly detract from the amount of capital which the system makes available to farm borrowers.

Therefore, we determined that the more advisable course was to create a new financial system to do for nonfarm rural borrowers what the farm credit system has done for farm borrowers. Since the farm credit system established over 50 years ago has been such a remarkable success, we patterned our new nonfarm financial system as closely as possible after it. We have, in addition, built in several important tie-ins with the existing farm credit system.

The governor of the farm credit system would be a member of the rural development credit board. In addition, the securities of our new rural development bank would be marketed by the selling agency which sells the securities of the farm credit system. Also, the rural development credit system and its member institutions will be subject to the supervision of the Farm Credit Administration with respect to all of its procedures which relate to financial operations, including the audits.

I am most gratified that legislation we are today introducing is completely bipartisan in nature. I am sure that the bill which will hopefully emerge from the Senate Committee on Agriculture and Forestry will be bipartisan. Rural development is not a partisan issue. We Democrats in the Congress cannot claim credit for all the progress made in improving and developing our rural areas. For example, no man alive has done more in this area than the senior Republican in the Senate, GEORGE D. AIKEN of Vermont. Over the years Senator AIKEN has successfully pushed for the adoption of legislation which provides for the financing of water and sewer facilities in rural areas.

I believe that both Republicans and Democrats have the same objective, the same purpose, when we speak of rural development. In S. 1612, the President's bill to establish a revenue sharing program for rural development, there are a number of worthy purposes for which the revenue sharing money could be spent. The President's bill provides for the expenditure of money for every kind of project that will provide increased employment for rural residents or any project which will benefit rural residents in other ways.

Although I personally have some concern about S. 1612, in that it would abolish many rural development programs which I consider to be worthwhile in order to provide money for the revenue sharing program, I wholeheartedly support the objectives of the rural revenue sharing legislation. Therefore, the legislation which we are introducing today will provide for the making of loans for all of the objectives in the revenue sharing bill. The legislation which we propose would not eliminate existing rural development programs, but it would make loan and subsidy funds available to rural development borrowers who are unable to obtain funds from private sources or other Government programs.

The legislation we introduce today would consist of two major provisions.

First. It would expand the authority of the U.S. Department of Agriculture to provide credit for private and public borrowers, unable to obtain credit from commercial sources at reasonable rates and terms, to undertake projects to carry out a rural development purpose. It would reorganize the structure of the direct and insured loan programs of the Department of Agriculture so that the Department could more effectively deal with the credit needs of both farmers and nonfarm rural borrowers. It would not, however, change the operation of the Rural Electrification Administration.

Second. The bill would establish a nonfarm rural credit system which would be governed by a rural development credit board. The system would consist of: First, a Federal rural development credit agency which would oversee the operations of 10 regional rural development credit banks, and second, a rural development investment administration which would provide subsidies to go with the hard loans made under the rural development credit agency.

One might ask why we have chosen to increase the rural development lending authority of the USDA while at the same time establishing an entirely new system for rural development financing. The answer is simple.

It is our hope that the combination of these new financial services will result in providing for nonfarm rural enterprise and community facilities and services the same complete credit service now provided by the Farmers Home Administration and Farm Credit Administration for farm credit.

Just as in the case of farm credit, some prospective rural businessmen and rural governments will be able and will prefer to obtain immediate credit and financial resources from private banks and other financial institutions. Other potential borrowers will be unable to obtain needed credit from such sources and they will go to one of the institutions of the rural development credit systems.

Our rural development bank will make hard credit loans for any rural development purpose. This bill will also set up a Rural Development Investment Administration which would provide subsidies for those borrowers who must have a subsidy in order to qualify for credit.

In addition, our legislation would make sweeping revisions of the authority of the USDA to provide credit for rural development. This subsidized credit would be available for the borrower who is considered a poor risk and who would not qualify for a loan from the rural development bank.

It has been my experience that any government program which does not have as its cornerstone cooperative local, State, and Federal efforts is doomed to failure. Any program which does not succeed in enlisting the willing cooperation and support of the people in the area it is designed to help will never do more than to provide a government salary for the employees who run the program. For this reason we have followed the example of the farm credit system. We place the emphasis on the borrower and the local institutions which can provide individual services for the borrower. The bill provides that borrowers shall buy stock in the amount of from 5 to 10 percent of their loans. Through this process the system can eventually become completely borrower-owned, as is the farm credit system today.

The legislation we are introducing would enlist the cooperation of local units of government and private lending institutions. Not only would these institutions qualify to enter into joint financing arrangements with the rural development bank, but they would also be actual members and voting owners of the institutions of the new rural development credit system.

The bill would give private banks`and other financial institutions in rural areas, and county, municipal, borough, or township governments the option of becoming a participant or a cooperator. To become a participator the financial institution or local unit of government would have to buy stock in the amount of 1 percent of the loans that they have outstanding. These participating institutions would be voting members of the rural development credit system.

If the local private bank or unit of government does not see fit to become a voting member of the rural development credit system, it can obtain the status of a cooperating institution by selling obligation paper to, obtaining a loan from, or submitting loans to be insured or guaranteed, discounted or rediscounted, to the financial agency of the local multicounty planning and development district, which is the local operating arm of the rural development credit system.

A novel feature of our legislation is our reliance on the multicounty, multijurisdictional planning and development districts that are being set up around the country. These districts have had the support of the Senate Committee on Agriculture and Forestry for some time. The senior Democratic member of our committee, who is now President pro tempore of the Senate, Senator ELLENDER, pioneered several years ago in this area. The senior Senator from Louisiana twice pushed through the Senate legislation for the establishment of multicounty planning and development districts. Today there are almost 40 States which have established these districts. My own State of Georgia has had the districts for about a decade and they have proved quite successful in my State. I know of dozens of examples of small towns in rural counties which have been able to get Federal assistance only because they had the services and expertise of the staff of the area planning and development commission at their disposal. Multicounty planning and development is the only solution to the economic problems of many rural counties in the Nation.

Since the multicounty concept is a proven success in Georgia and other States, our legislation would utilize the districts to bring the multicounty planning process to bear on the loans made by our rural development bank. In introducing this legislation it is our intention to utilize these planning and development districts and to strengthen and bolster them with financial resources to implement the comprehensive plans for rural development that they make.

The bill provides that in any State

which has developed these districts, the district shall, if permitted by State law, apply for and qualify to establish a financial subsidiary which would be Federally chartered and authorized to obtain financial resources from the regional rural development credit bank serving the area. In turn, the multicounty financial subsidiary would make available to local banks and units of general government the funds to finance rural development projects.

As Senator HUMPHREY will explain in his statement, the regional rural development banks will make funds available to the multicounty financial agencies which will in turn fund local banks and local units of government.

The rural development credit system which I have described would make loans for rural development purposes and these loans would be subsidized by a separate but coequal branch of the system, the Rural Development Investment Equalization Administration, by providing interest subsidies and direct grants to especially worthwhile projects, our system would make possible rural economic development where it would not be economically feasible without such a subsidy.

In addition, our reorganization and revision of the lending authorities in the U.S. Department of Agriculture would provide soft credit to those borrowers who could not qualify for a bank loan. By reorganizing these lending authorities we would completely separate rural development type loans from farm loans.

One administrator would be responsible for the Rural Electrification Administration, as he is today.

One administrator would be responsible for the Farm Development Administration, which would make loans only to farmers for agricultural purposes.

One administrator would be responsible only for nonfarm rural development loans. By providing annual funding of $300 million for Rural Enterprise and Community Development Administration grants, we would hopefully be able to finance a great many more water and sewer programs than are presently funded by the U.S. Department of Agriculture. By revising and broadening USDA authority to make rural development loans, we hope to cover the whole host of rural credit needs which cannot receive financing from other sources.

I will not attempt to cover every aspect of this very complex legislation in this statement. Senator HUMPHREY, the other principal sponsor of this legislation, will cover several features of the bill in his statement. In addition, we are placing in the RECORD several explanatory documents which should prove helpful in the analysis and understanding of this bill.

Of course, we do not feel that the bill is perfect in every respect. However, we believe that it does provide the framework of a system which will meet the rural development credit needs of this Nation. We invite comments and suggestions from all interested parties.

Hopefully, this legislation will be enacted during the 92d Congress. Such enactment would mean that this Congress intends to fulfill the commitment made in the 91st Congress—a commitment to achieve rural-urban balance in this Nation.

Mr. HUMPHREY. Mr. President, I express my appreciation to the distinguished chairman of the Committee on Agriculture and Forestry for his exemplary leadership in all matters relating to rural America and particularly for his successful efforts with relation to title IX of the Agricultural Act, which calls for the Government of the United States to give the highest priority to rural development.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. TALMADGE. Mr. President, permit me to express my deep appreciation to the Senator from Minnesota for his generosity. I compliment the Senator on his effective and diligent perseverance in trying to make title IX a reality. He has worked very diligently and effectively as chairman of the Subcommittee on Rural Development. I compliment the Senator.

Mr. HUMPHREY. Mr. President, it is a special privilege to have in the chair the distinguished Senator from Alabama (Mr. ALLEN), who serves as a member of our committee. Today we are privileged to visit his State where we will conduct our second field hearings. Tomorrow we will continue in the State of Georgia, the State of our distinguished chairman.

Mr. President, I am privileged to introduce legislation today to amend the Consolidated Farmers Home Administration Act of 1971, and to establish major new sources of financial assistance for the development of rural America.

Joining me in the sponsorship of this vital legislation are the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Georgia (Mr. TALMADGE), and six members of the Committee on Agriculture and Forestry—the distinguished Senator from Vermont (Mr. AIKEN); the distinguished Senator from Alabama (Mr. ALLEN), the present Acting President pro tempore; the Senator from Mississippi (Mr. EASTLAND); the Senator from North Carolina (Mr. JORDAN); the Senator from South Dakota (Mr. McGOVERN); and the Senator from North Dakota (Mr. YOUNG). As the chairman of the committee has already noted, this is a bipartisan group. We all have the same objectives of trying to revitalize what we call rural America and to carry out the instructions and the mandate of title IX of the Agricultural Act of 1970, known as the rural development title.

The title of the bill we are introducing today is the Consolidated Farm and Rural Development Act. But it is more than a bill for rural America.

It is a bill for the entire country. It is a bill not only for America's farmers, but America's small towns, villages and growing communities that can and ought to be centers of growth.

It recognizes the interrelationships between America's farms and the community trade and cultural centers so vital to the social and economic life of our Nation.

It is a bill to promote balanced rural-urban growth in our Nation at a time when we are experiencing one of the greatest continuing mass migrations to our cities.

And urban governments are near fiscal collapse as they try vainly to cope with the relentless pressures of population.

Meanwhile our rural areas are in decay.

As we focus on the massive problems of urban America, we sometimes forget that rural poverty remains disproportionately high. Only part of the reason is the depressed farm economy. The highest levels of rural poverty are among those people who are not in farming.

It is a bill for freedom of residence.

The rural-urban migration has produced these alarming statistics: 73 percent of our population now live on just 2 percent of our land.

Within 30 years, if the trend should continue, more than half of our people will be living in three huge metropolitan regions—one along the upper Atlantic seacoast, one around the Great Lakes, and the third along our southern California coastline.

This migration has compounded the problems of both our urban and rural areas.

It has put enormous pressures on our cities. Local governments have been unable to meet the demand for quality services for their rapidly growing populations.

We have not met the need for metropolitan housing; we have fallen behind. We have not made progress on air and water pollution; we have fallen behind. Urban slum conditions fester. Crime increases. Quality education suffers. Metropolitan transportation in most urban areas is a snarled shambles. Greenbelts and open spaces have been gobbled up in the rush to build for more and more people. We experience power shortages.

Two-thirds of our substandard housing is in rural America. Nearly 20 million rural houses lack plumbing.

Infant mortality in rural areas is higher than the national average. Education is of a lower quality. Health care is tragically inadequate. In rural South Dakota, for example, there are 16 counties with no doctors—none at all.

Most tragic of all, the migration to the cities is robbing small communities of their most precious resources—people—to rebuild and revitalize their communities. The most energetic and ambitious, the finest minds are leaving for the city because of depressed wages, lack of development, and lack of opportunity.

Our bill is designed to provide the necessary financing to revitalize our rural areas—financing for business and industrial development for new payrolls and new jobs—for better schools, for medical centers and hospitals close to the people, for parks and recreation areas, for improved transportation systems, for day care facilities, museums and cultural centers, for desperately needed housing.

And much more: Industrial parks, water and sewer systems, waste disposal plants, community colleges, rural slum clearance, streets and highways, police and fire stations, and libraries.

There are two main features of the bill:

First, it reorganizes the Department of Agriculture to insure a major emphasis on financing farm credit and nonfarm rural development requirements.

Second, it expands rural credit by making it available to private and public borrowers, unable to get credit from commercial sources, for rural development purposes.

The initial subscription by the government would be $2 billion, in 10 annual payments averaging $200 million. This would enable the system to issue about $2 to $3 billion a year in debentures and bonds in its early years, increasing to a potential of $10 to $20 billion a year after full operation when full or partial borrower-owned status is achieved.

I should note that most of this capital would come from private sources so that there would be a combination of capital investment by the Federal Government plus a large measure of private capital built on the principle of the famous Federal Land Bank system which worked so well and which today is devoid of any Federal Government capital. It has all been repaid and is now owned by the borrowers themselves.

The Consolidated Farm and Rural Development Act has the potential to revitalize rural America and to rebuild rural opportunity.

Thus we can make our rural communities the vital, attractive, prosperous communities they can and should be. We can make a reality of a new freedom—freedom of residence—by providing the environment in which all our people can make a realistic choice about where they will live and work.

Under title II of the Consolidated Farm and Rural Development Act, the system of providing development credit muscle for rural community America has 10 vital organs—10 regional banks, all of which would be located in places of under 35,000 people.

Their location in the rural areas would do a great deal to place emphasis on the financing and technical assistance which is so desperately needed by rural America.

These banks would obtain their money through the sale of debentures, bonds, and other obligations on the general money market. The regional banks would then make money available to some 500 district rural development credit agencies that would be immediately accessible for local borrowers.

This money would be available for public and private projects that would help to achieve balanced national growth. These projects are consistent with those described by the administration as the kinds of things rural community America must have if it is to progress.

The regional banks, like the district financial agencies, would be authorized to issue voting and nonvoting stock, which district credit agencies would be required to buy as a condition of loan approval. In other words, the borrower becomes an owner in the banking structure. We believe this promotes fiscal responsibility.

Each of the regional banks would be required to pay a special Federal franchise tax in lieu of paying Federal corporate income tax. The Treasury would be repaid from the earnings of the system.

This works because every one of the great credit systems that has been established by the Federal Government, such as the Production Credit Agency, the Federal Land Bank, the Bank for Cooperatives, and others, has paid back the capital that was borrowed from the Federal Government.

The present farm credit system is owned by its borrowers, and it is expected that this system will work the same way, so that eventually it will be self-supporting.

The new nonfarm rural development credit system will not be intermingled or imposed upon the present farm credit system. Instead we are building the nonfarm system on its own foundation, using the lessons learned by the farm credit system without placing further burdens on it.

Each regional Rural Development Credit Bank will have a board of directors appointed by the Federal Rural Development Credit Board. And each member of these regional boards must be a resident of a place of under 35,000 population. We want to assure that firsthand knowledge and experience are applied to the credit needs of rural America.

The regional banks will be governed and supervised by the Federal Rural Development Credit Agency, and subject to the policies and rules of the Federal Rural Development Credit Board.

Even though we want this loan system to become independent and borrower-owned, it is not the purpose of the sponsors of this bill to set up a new banking system that will be completely free of the control and guidance of the Federal Government. We propose instead that this system be an action arm of the Government to carry out the national interest of speeding up and implementing the rural development component of the national balanced growth policy which Congress made law last year.

We do not want a credit system for rural community development that can disregard the policies of the President and Congress, so we have built in a set of cross-checks and control mechanisms that will insure that "bureaucratitis" does not set in. The system will be under the constant surveillance of the General Accounting Office so that the Congress will have timely warning to correct any developments in the system not deemed appropriate.

This bill is going to help solve an age-old problem which many of my colleagues know only too well. A community may wish to build a water and sewer system. It must wait for final approval of its loan and grant, and when these are finally approved, the community must get into another long line to wait for the money to become available.

By the special authorization to the Rural Development Credit Agency to make loans to be repaid out of Federal grants when money does become available, a town or county can move ahead with construction at the time of need, and the grant money would be paid directly to the Rural Development Credit Agency when it becomes available.

All projects undertaken under this legislation would have to be proved consistent with the areawide development plans of multicounty planning agencies. And I would point out here that this legislation will offer important assistance and incentives to groups of rural counties to undertake areawide planning.

In our Nation 40 States have what we call multicounty planning agencies. We are trying to strengthen those agencies with the credit muscle which is so essential.

The Federal Rural Development Credit Agency would be authorized to undertake a broad program of technical assistance and research covering all of the purposes for which loans could be made. These would include:

Access roads and street improvements.

Hospitals, health clinics and other facilities for the improvement of health services in rural America.

Airports, developmental highways, access highways, mass transit systems and further programs to improve the quality of all forms of transportation in the countryside.

Improved rural housing, for which there is a crying need.

Municipal buildings and facilities of all kinds.

Open space and parks.

Courthouses and facilities for improvement of law enforcement.

Water and sewer systems, and projects to prevent pollution and enhance the protection of the environment.

Industrial and commercial development, with incentives for American industries to disperse their new plants.

Rural manpower development and training.

Fishing and fisheries, including fish farming.

Forest production, marketing, and processing.

Tourism and outdoor recreation.

Public libraries.

Cooperative self-help forms of economic organization such as areawide planning and development systems.

One of the reasons often given for not locating government installations and private industries in rural areas is that it is uneconomical. This point of view often expresses the theory that the big city is the only place where all the factors come together in sufficient mass and complexity to make business development profitable.

I am not going to argue that point here, even though new research by the Economic Research Service of the Department of Agriculture indicates that this theory is not true.

The studies of the 1960's show that it was the smaller places which grew at the fastest rate, and where the increase in employment was the greatest. The Economic Research Service, in a study to be published soon, has also found that in Pennsylvania, from 1960 to 1966, it was the nonmetropolitan towns of 10,000 to 25,000 people that were growing faster in employment than places of any other size.

Similar studies indicate that the same thing is happening in Minnesota, Arkansas, Georgia, Missouri, Mississippi, and

Virginia, where a maximum State effort was made to push rural development.

Despite this information, many businessmen are still convinced that industry cannot make a profit in rural areas. The wives of these businessmen say they will not put up with poor rural schools, or scarce medical and dental attention for their children. Middle management in America demands some local culture and recreation, and these things produce corporate bias against locating in the countryside.

We might have provided tax exemptions to lure industry, or provided some hidden subsidies. We chose instead to put the rural development incentives right out in the open, to be considered annually by Congress in the appropriations process.

The purpose of these incentives is not to bail out ailing industries. We propose to make the incentive payments to sound businesses and for rural community facilities in towns, demonstrating the capability to grow and prosper. We justify the incentive payments because of the importance to the Nation to direct a large proportion of its new plant development into rural areas. We are going to have an additional 75 million Americans in the next 30 years. If we create jobs outside of the present metropolitan centers, we will serve to influence some of that new population to disperse.

I must also point out that there are strict provisions in this legislation to prevent the pirating of industry from one State to another. This bill would cover only new industrial development.

The bill also provides for a partial reorganization of the Department of Agriculture, setting up a new assistant secretary who would oversee all rural credit, including rural electrification and telephone loans, farm credit and nonfarm rural credit.

This reorganization would not tear down any existing programs. Our legislation today is designed to stimulate the channeling of financial market resources to rural areas where it can create jobs and opportunity.

This bill would build upon the proven programs of the Farmers Home Administration and expand them in scope and funding. We especially want to strengthen the financial services available to young farming couples who confront major start-up investment costs.

Although jobs and new industry are an important part of the process of rural development, we can never lose sight of the fact that farmers and our agricultural economy must be protected above all.

I believe in this legislation. It is a cornerstone—something we can build on to provide a better future for the young people growing up in rural community America.

When this legislation is signed by the President, this Government will be telling those young people that they do not have to go to the big cities for jobs and opportunities. And, we will be telling our big cities that finally, someone is doing something to lessen the increasing population burdens that make providing decent city services a nearly impossible task.

This is legislation of which the sponsors are proud. I believe it is a development program that our entire Nation can support.

Mr. President, this is not a legislative proposal merely to bail out a community or a business or a farm that is on the precipice of disaster. We have legislation that helps such instances and such businesses and such institutions. This program is designed for long-term, constructive, orderly development of America. America needs a development program just like the ones through which we are helping other nations in the world.

The purpose of this legislation is not a dramatic, sudden injection of capital which might be wasted or foolishly expended. The purpose of this legislation is to provide for sustained, orderly growth and progress, to help communities develop facilities that are needed for a growing America, to help people in business and agriculture to modernize and upgrade their facilities, services, and production.

Mr. AIKEN. Mr. President, I am glad to join in sponsoring the Consolidated Farm and Rural Development Act which is being introduced today.

The end of the Vietnam war is now in sight.

Our troop commitments overseas are being reduced, not as fast as I would like to see but we are definitely returning to a peacetime economy.

Rural development will, therefore, have high peacetime priority because we must provide our rural communities with the same advantages and opportunities enjoyed by urban residents.

I recognize that this is not a perfect bill but no bill of this scope ever is when first introduced.

It will probably require considerable study and revision in committee, and I am confident we can develop a final bill which, when enacted, will provide practical ways for bringing urban benefits into our rural areas.

I commend the chairman of the Agriculture Committee, Mr. TALMADGE, and Mr. HUMPHREY, the chairman of our new Rural Development Subcommittee, for the emphasis of the committee as a whole on the problems associated with rural America.

When the Rural Water and Sewer Act was under consideration in the Senate in 1965, I pointed out that it was a major step in providing modern living facilities and jobs for persons living in small rural communities.

I also noted that when the war in Vietnam ended, there would be a great rush for funds to build these essential facilities.

Mr. President, the rush for funds started with enactment of the bill.

From the very start this program has been the most popular rural program since the enactment of the Rural Electrification Act.

Appropriations to fund these projects have never been anywhere near to adequate, because of the priority we have had to give to defense spending.

Without electricity, running water, and modern sewage facilities, no community can expect to grow.

I am glad to note that our rural water and sewer programs will become an important part of the development program this bill authorizes.

More than almost any other peacetime need is the demand for better balanced national growth.

This bill provides credit for public and private borrowers who wish to launch special projects in rural towns.

It should attract large industries to establish branch plants in rural communities, and I should point out that the bill contains a provision prohibiting one community from pirating an established industry from another small town.

Existing small companies which cannot finance expansion through normal banking channels would receive special help because the bill has special provisions to enable small-town banks to lend money for rural growth.

Technical assistance would also be provided where needed.

One very important point is the distinction this new legislation makes between existing farm credit laws and credit for rural development.

I have been assured that there is nothing in this bill which would in any way limit the farmers' access to credit under existing farm credit programs, or the expanded farm credit legislation we hope to enact this year, the Farm Credit Act of 1971.

I would not be a sponsor of any measure which would divert available farm credit to other rural development purposes.

It is my hope that we can move rapidly ahead in perfecting this bill in time for enactment next year.

It is critically important and nothing should be allowed to stand in its way.

Mr. President, I ask unanimous consent that the text of the Consolidated Farm and Rural Development Act, a section-by-section summary, and a statement entitled "How the Consolidated Farm and Rural Development Act Would Work," be printed at this point in the RECORD.

There being no objection, the bill, summary, and statement were ordered to be printed in the RECORD, as follows:

S. 2223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

SECTION 101. Section 301(a) of the Consolidated Farmers Home Administration Act of 1961 is amended to read as follows:

"(a) This title may be cited as the 'Consolidated Farm and Rural Development Act'."

Section 102. The first sentence of section 306(a)(1) of the Consolidated Farmers Home Administration Act of 1961 is amended to read as follows: "The Secretary is also authorized to make or insure loans to associations (including corporations not operated for profit), cooperatives that are unable to obtain credit from the Banks for Cooperatives, public and quasi-public agencies, and others to provide for the acquisition and improvement of lands, the application or establishment of soil conservation practices, provision of marketing and other services, shifts in land use, the conservation, development, use and control of water, the processing, manufacture, and finishing of products from raw materials and intermediate products, and the installation, improvement, equipment, or operation of drainage, waste disposal, or other rural community development projects, and recreational developments, all primarily serving or providing employment for farmers, ranchers, farm tenants, farm laborers, and other rural residents, and to furnish financial assistance or other aid in planning projects for such purposes."

SEC. 103. The first sentence of section 306 (a) (2) of the Consolidated Farmers Home Administration Act of 1961 is amended to read as follows: "The Secretary is authorized to make grants aggregating not to exceed $300 million in any fiscal year to finance specific projects for—

(i) works for the development, storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste, or

(ii) other rural community development projects in rural areas."

SEC. 104. The first sentence of section 306 (a) (3) of the Consolidated Farmers Home Administration Act of 1961 is amended to read as follows: "No grant shall be made under paragraph (2) of this subsection in connection with any project unless the Secretary determines that the project (i) will serve a rural area which is not likely to decline in population if such project is carried out below that for which the project was designed, (ii) is designed and constructed so that adequate capacity will or can be made available to serve the present population of the area to the extent feasible and to serve the reasonably foreseeable growth needs of the area, or (iii) is necessary for orderly community development consistent with a comprehensive community water, sewer, or other development plan of the rural area and not inconsistent with any planned development under State, multijurisdictional, county, or municipal plans approved as official plans by competent authority for the area in which the rural community is located, and the Secretary shall establish regulations requiring the submission of all applications for financial assistance under this section to the multijurisdictional agency and county or municipal government having jurisdiction over the area in which the proposed project is to be located for review and comment concerning among other considerations, the effect of the project upon the area-wide goals and plans of such agency or government * * * within a designated period of time. No loan under this section shall be made that is inconsistent with such multijurisdictional planning and development district area-wide plan."

SEC. 105. Section 306(a) (7) of the Consolidated Farmers Home Administration Act of 1961 is amended to read as follows:

"(7) (A) Rural areas for the purposes of this section shall not include any area in any city or town which has a population in excess of 35,000 inhabitants, nor any urbanized or urbanizing area immediately adjacent thereto.

"(B) The term 'rural community development project' includes, but is not limited to, projects, programs and activities which—

"(1) Establish and improve public works, public service, and development facilities;

"(2) Encourage private investment in, and promote the establishment and expansion of, industrial, agricultural, and commercial enterprises;

"(3) Prevent conditions of excessive unemployment and underemployment, allleviate unemployment caused by loss or curtailment of large industries or Governmental activities, generate increased employment opportunities, and assist in manpower development;

"(4) Assist in generating increased personal and corporate income;

"(5) Further the economic development and growth potential of underdeveloped areas and help such areas to help themselves achieve lasting improvement;

"(6) Improve the quality and accessibility of rural community facilities and services;

"(7) Stem outmigration of families, labor, and capital from rural areas and encourage migration to such areas;

"(8) Assist in the solution of farm, home, and community problems;

"(9) Promote the conservation, development, and proper utilization of human and natural resources;

"(10) Encourage the solution of problems of wide geographic significance;

"(11) Establish and improve educational facilities and encourage the development of improved educational methods;

"(12) Establish and improve land, water, and air transportation systems and services for goods and passengers;

"(13) Assist in the solution of problems related to law enforcement activities;

"(14) Enhance domestic prosperity by the establishment of stable and diversified local economies and improved local conditions;

"(15) Assist in the establishment of decent, safe, sanitary, and comfortable housing;

"(16) Establish and improve health facilities and services and generally promote improved health and nutrition of residents of rural areas;

"(17) Establish programs and projects of the type authorized under title I of the Demonstration Cities and Metropolitan Development Act of 1966; and

"(18) Provide direct financial incentives to industry to create jobs in rural areas."

Sec. 106. (a) The first paragraph of section 331 of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out everything beginning with "Farmers Home Administration" and inserting the following:

(1) "Farm Development Administration and the Rural Enterprise and Community Development Administration, each of which shall be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate. Each such Administrator shall be subject to the supervision and direction of an Assistant Secretary of Agriculture-Rural Development Credit, who shall be additional to the Assistant Secretaries of Agriculture otherwise authorized by law and shall be appointed by the President, by and with the advice and consent of the Senate."

(b) 5 U.S.C. Sec. 5315(11) is amended to read as follows:

"(11) Assistant Secretaries of Agriculture (4)" (c) 5 U.S.C. § 5316(4) is amended to read as follows:

"(4) Administrator, Farm Development Administration, Department of Agriculture."

(d) 5 U.S.C. § 5316 is amended by adding at the end thereof the following:

"(131) Administrator, Rural Enterprise and Community Development Administration, Department of Agriculture."

TITLE II—FEDERAL RURAL DEVELOPMENT CREDIT SYSTEM

SUBTITLE A—FINDINGS, PURPOSE, AND DEFINITIONS

SEC. 201. Title and Findings and Purpose:

(a) This title may be cited as the Rural Development Financial Resources Act of 1971.

(b) The Congress hereby finds that:

(1) farming and forestry form the backbone of the rural economy; yet the community services and facilities and the income earning opportunities needed by farm people to increase their incomes and raise their quality of life are shared with all other residents living in rural areas and rural communities who must participate in their financial support. Adequately to raise farm family income and increase the accessibility to farm people of high quality community facilities and services requires all the resources in local rural communities to be used at maximum effectiveness and efficiency; the conduct of forestry, industry, business, and commerce, as well as farming contributes to the jobs and income earning opportunities needed to maintain adequate rural facilities and services; and the receipt of adequate income is essential to improved human nutrition and family living; the same circumstances are essential to expanding the service loads and hence the ability of rural electrification systems to pay overhead costs for service to farmers and repay indebtedness on Government loans. To attain these goals it is necessary to increase the investment of capital and level of business activity and quality of community facilities and services in rural areas and communities. Much of the needed investment must come in the first instance from outside of rural areas and communities.

It is the policy of Congress to meet a large part of the need for increased investment in rural areas by establishing a system of borrower-owned financial institutions that will be able to bring rural credit needs into effective contact with the great central money markets of the nation.

(2) prosperous, productive, and attractive rural communities are essential to the well-being of farm families and of a free nation;

(3) a more general, better balanced geographic distribution of the nation's population is essential to the prosperity, general welfare, and domestic tranquility of the urban as well as the rural communities of the United States;

(4) a more general, better balanced geographic distribution of profitable private economic enterprises, income earning opportunities, and high quality public community facilities, services, and public works is necessary to reverse the flow of population from rural to urban areas and achieve a more general, better balanced geographic distribution of the Nation's population;

(5) additional capital investment and financial resources are essential to bring to rural areas the private economic enterprises, public works, and community facilities and services necessary to achieve a more uniform geographic distribtuion of the Nation's population; and

(6) a banking system to complement the Farm Credit System and the Farmers Home Administration of the Department of Agriculture is urgently needed to provide such additional capital investment and financial resources in rural areas.

(c) It is therefore the purpose of this Act to provide for a permanent system of rural development credit banks and related financial institutions and services that will improve the income and well-being of urban as well as rural America by furnishing sound, adequate, and constructive credit, capital augmentation, and closely related financial resources and services to the residents of rural areas, corporations, agricultural producer organizations (except where able to obtain credit from banks for cooperatives under the Farm Credit Act of 1933 (12 U.S.C. 1134), other cooperatives, industrial, and business enterprises, quasi-public bodies, counties, municipalities, and other units of local general and special purpose government that will establish, construct, and operate private and public facilities, works, and services in rural areas and will provide remunerative employment to increasing numbers of rural residents. It is further the purpose of this Act to encourage borrower participation in the management, control, and ownership of a permanent system of credit for non-farm enterprises and community public works, facilities, and services similar to the Farm Credit System.

SEC. 202. Definitions.—As used in this Act—

(1) The term "Rural Development Credit System means—

(A) the participating rural development

financial institutions and units of local general government as provided in such title C of this Act;

(B) the District Rural Development Credit Agencies provided for under subtitle D of this Act;

(C) the Regional Rural Development Credit Banks provided for under subtitle E of this Act;

(D) the Federal Rural Development Credit Agency provided for under title F of this Act;

(E) the Federal Rural Development Investment Equalization Administration provided for under title G of this Act; and

(F) the Federal Rural Development Credit Board provided for under title H of this Act.

(2) The term "rural area" means any area within a State or the Commonwealth of Puerto Rico which is not part of or contiguous to any municipality having a population of 35,000 or more according to the latest decennial census of the United States. The Rural Development Credit Board may by regulation, after consultation with the Director of the Office of Management and Budget, the Secretary of Agriculture, and the Secretary of Housing and Urban Development, broaden the definition of such term to include additional areas if the Board determines that such action, because of special circumstances applicable to such areas, is consistent with the purposes of this Act.

(3) The term "rural development purpose" means any project undertaken by any private industrial or business enterprise or by any State, regional, or local development authority, any public work project, or any community facility or service that contributes or will contribute substantially to the objectives of a rational national growth policy and the enhancement of any rural community or rural area as a place to live and make a living. Such term specifically includes, but is not limited to, projects that provide increased employment or income for or directly benefit rural residents and that—

(A) establish and improve public works, public service, and development facilities;

(B) encourage private investment in, and promote the establishment and expansion of, industrial and commercial enterprises including but not limited to investor-owned and cooperative marketing and other service associations and enterprises.

(C) prevent conditions of excessive unemployment and underemployment, alleviate unemployment caused by loss or curtailment of large industrial or Governmental activities, generate increased employment opportunities, or assist in manpower development;

(D) assist in generating increased personal and corporate income;

(E) further the economic development and growth potential of underdeveloped areas and help such areas to help themelves achieve lasting improvement;

(F) improve the quality and accessibility of rural community facilities and services;

(G) stem outmigration of families, labor, and capital from rural areas and encourage migration to such areas;

(H) promote the conservation, development and proper utilization of human and natural resources;

(I) establish and improve public educational facilities and encourage the development of improved educational methods;

(J) establish and improve land, water, and air transportation systems and services for goods and passengers;

(K) assist in the solution of problems related to law enforcement activities;

(L) enhance domestic prosperity by the establishment of stable and diversified local economies and improved local conditions;

(M) assist in the establishment of decent, safe, sanitary and comfortable housing;

(N) establish and improve health facilities and services and generally promote improved health and nutrition of residents of rural areas;

(O) provide direct financial incentives to industry to create jobs in rural areas.

(4) The term "local general government" means the government of a municipality, county, or township as such terms are defined and used by the United States Bureau of the Census. Such term does not include independent school districts.

(5) The term "Regional Bank" means a Regional Development Credit Bank established under subtitle G of this title.

(6) The term "region," when used in connection with a Regional Bank, means the geographic area served by such bank.

(7) The term "Federal Rural Development Credit Board" means the body established under subtitle H of this title.

(8) The term "District Rural Development Credit Agency" means any financial institution of a multi-jurisdictional planning and development district of a State designated as a District Rural Development Credit Agency under subtitle D of this title.

(9) The terms "participating institution" and "Participating Rural Development Financial Institution" means any financial institution or local unit of general government designated as a participating institution in the Rural Development Credit System under subtitle C of this title.

(10) The term "Federal Rural Development Credit Agency" means the independent Government agency established under title F of this title.

(11) The term "Executive Director" means the head of the Federal Rural Development Credit Agency.

(12) The term "financial assistance" includes loans, participation in loans, guarantee or insurance of loans, the purchase of legal obligations, and the discount or rediscount of any note, draft, or other obligation.

SUBTITLE B—BORROWERS AND AVAILABILITY OF LOANS

SEC. 301. AVAILABILITY OF RURAL DEVELOPMENT CREDIT.—In order to assist any individual, partnership, cooperative, corporation, non-profit association, and any instrumentality of a State, county, municipality, or any unit of local general government (hereinafter in this title referred to as "borrower" or "potential borrower") to carry out a rural development purpose, such entities are eligible to borrow from, sell its financial obligations to, or to insure its obligations with the Rural Development Credit System institution in the area in which the rural development purpose is to be undertaken. Such financial assistance shall be subject to the provisions of this title and the rules and regulations of the Federal Rural Development Credit Agency and policies established by the Federal Rural Development Credit Board. Preference shall be given to potential borrowers who have demonstrated and who have an established record of financial stability.

SEC. 302. ELIGIBILITY.—The eligibility of potential borrowers to obtain assistance for carrying out rural development purposes shall be determined within the multijurisdictional planning and development district in which the rural development purpose is to be undertaken in accordance with criteria established by the District Rural Development Credit Agency located in such district. Such criteria shall be subject to the approval of the Regional Bank concerned, the rules and regulations of the Federal Rural Development Credit Agency, established pursuant to policies prescribed by the Federal Rural Development Credit Board. The potential borrower must demonstrate that the financial assistance applied for is not available from any other public or private credit source.

SEC. 303. TERMS AND CONDITIONS.—The terms and conditions under which assistance may be made available to borrowers in any region shall be established by the Regional Bank concerned, subject to the rules and regulations of the Federal Rural Development Credit Agency established pursuant to policies of the Federal Rural Development Credit Board. Such terms and conditions may vary depending on the rural development purpose for which loan proceeds are to be used.

SEC. 304. SECURITY.—Borrowers shall be required to provide the best available collateral for financial assistance made available under this Act, and may be allowed to demonstrate repayment ability and that factor shall be taken into consideration in determining whether any such assistance should be approved or disapproved. In determining the amount of security necessary for financial assistance to any applicant, a District Rural Development Bank Agency shall also take into consideration any grant or payment from the Federal or State government, including any grant or payment under the provisions of this Act, for which the borrower may qualify and obtain commitment with respect to the project involved in the loan application.

SEC. 305. REQUIRED PURCHASE OF CAPITAL STOCK.—Each borrower, as a condition of loan approval, shall be required to purchase capital stock in the District Rural Development Credit Agency through which assistance is made in an amount (at par value) equal to not less than 5 per centum and not greater than 10 per centum of the amount of the loan, as determined by the Federal Rural Development Credit Board from time to time.

SUBTITLE C—PARTICIPATING RURAL DEVELOPMENT FINANCIAL INSTITUTIONS AND UNITS OF LOCAL GENERAL GOVERNMENT

SEC. 401. DESIGNATION.—Any National or State Bank, savings institution, credit union, or other financial institution making loans in rural areas for rural development purposes, and any county, municipality, or other unit of local general government shall, upon application, be considered for designation as a Participating Rural Development Financial Institution, hereinafter in this Act referred to as a "Participating Institution."

SEC. 402. FUNCTIONS OF PARTICIPATING INSTITUTION.—Any participating institution is authorized, subject to provisions of this title, the approval of the District Rural Development Credit Agency from which assistance is being sought, and subject to the rules and regulations of the Regional Bank concerned and the Federal Rural Development Credit Agency, established under policies adopted by the Rural Development Credit Board; to borrow from and to make loans for, or on behalf of, District Rural Development Credit Agencies, to make loans guaranteed or insured by the Regional Bank concerned, and to issue obligations for purchase by the District Rural Development Credit Agencies, and to perform such other duties as the District Rural Development Credit Agency concerned may delegate and the participating institution agrees to undertake.

SEC. 403. ENDORSEMENT BY PARTICIPATING INSTITUTIONS.—A participating institution shall endorse to the District Rural Development Credit Agency under which it operates such evidences of obligations as it shall sell to, insure or guarantee with, or discount with such Agency and shall assume full responsibility for the repayment of principal and interest represented by such obligation.

SEC. 404. (a) PURCHASE OF CAPITAL STOCK.—A participating institution shall require the borrower of loans made for or on behalf of District Rural Development Credit Agencies, as a condition of loan approval, to subscribe to an amount of par value capital stock in the District Rural Development Credit Agency from which such financial assistancies obtained equal to not less than 5 per centum nor more than 10 per centum of the total proceeds of the loan. In addition, each participating institution shall, as a condition of its designation as a participating institution, maintain at all times a total ownership of capital stock in the District Rural Development Credit Agency under which it operates equal to at least one per centum of the amount outstanding on all loans and other obligations in which it has participated on behalf of such District Rural Development Credit Agency.

(b) Any of the institutions listed in Section 401 are authorized to purchase voting stock or participating certificates of District Rural Development Credit Agencies authorized by this title.

(c) Any of the institutions listed in Section 401 may qualify as "cooperating financial institutions" by participating in any loan or other obligation on behalf of the District Rural Development Credit Agency. Cooperating financial institutions shall not be required to maintain stock ownership as required in section 404(a). Such institutions shall, however, be subject to all other rules, regulations and requirements provided for participant institutions.

Sec. 405. Governance of Participating and Cooperating Institutions.—With respect to all loans and other obligations which a participating or cooperating institution shall process or otherwise handle for a District Rural Development Credit Agency, the policies, rules, and regulations, and procedures followed shall be in accordance with the rules and regulations established by such Agency and approved by the Regional Bank concerned. The designation of any institution as a participating institution may be cancelled by the District Rural Development Credit Agency concerned, in accordance with rules and regulations established by the Regional Rural Development Credit Bank. Any participating institution whose designation has been cancelled under this section may appeal the cancellation to the appropriate Regional Bank. The decision of the board of directors of such bank shall be final. The Regional Banks shall, in accordance with rules and regulations established by the Federal Rural Development Credit Agency, establish appropriate rules and regulations and review bodies to implement expeditious, orderly, and fair consideration of appeals filed by participants objecting to cancelled designations or other matters related to their relationship to the Rural Development Credit System.

Sec. 406. Certificates of Participation.—Each participating institution shall be issued a certificate of participation embossed by the Rural Development Credit Board indicating on the face of such certificate (1) that the participant has been designated as an official Participating Rural Development Financial Institution of the Rural Development Credit System, (2) the date of certification, and (3) a statement in summary form of the powers and responsibilities of the participating institution. The application of an eligible institution for designation as a participating institution shall be forwarded to the District Rural Development Credit Agency along with its initial application to purchase capital stock. Such application shall be endorsed by the District Agency and forwarded to the Federal Rural Development Credit Agency through the appropriate Regional Rural Development Bank. The Executive Director will submit his recommendation for designation to the Federal Rural Development Credit Board for approval and issuance of certificate.

Subtitle D—District Rural Development Credit Agencies

Sec. 501. (a) Designations and Charters.—Any financial agency or any multijurisdictional planning and development district of a State may make application to the Regional Bank serving the area in which such district is located for designation as a District Rural Development Credit Agency.

(b) The application filed under this section shall specify in general terms the objects for which the Federal charter will be used, the powers to be exercised under the charter, and the territory it proposes to serve. The application shall be signed by appropriate officials of the agency making the application and shall be accompanied by appropriate documents authenticating the legal status of the applicant and of the officials signing the application. A copy of the proposed charter, constitution, bylaws, and other pertinent instruments of the applicant shall accompany any application filed under this section.

(c) An application filed with any Regional Bank under this section shall be forwarded by such bank to the Executive Director together with the recommendations of the bank concerning the need for such a District Rural Development Credit agency to help provide adequate credit for rural development purposes in the area the applicant would serve. The Executive Director may for good cause shown deny any application for a charter.

(d) Upon the approval of the application of any financial agency of any multi-jurisdictional planning and development district of a State filed under this section, such agency shall be designated as a District Rural Development Credit Agency and be chartered as an instrumentality of the United States. The Executive Director shall prescribe by regulation or otherwise the organization, management, and conduct of the business of any District Rural Development Credit Agency chartered under this section, shall prescibe the initial amount of stock in the Regional Rural Development Credit Bank that such District Rural Development Credit Agency shall be required to purchase, and the territory within which its operations may be carried on. The Executive Director is authorized to modify the charter of any District Rural Development Credit Agency whenever he determines it necessary to accomplish the purposes of this Act.

(e) No application for designation under this section shall be approved unless the applicant agrees to subscribe to stock in the Regional Bank concerned in such amount as may be required by such bank.

Sec. 502. Governing Board.—Each District Rural Development Credit Agency shall have a governing board of directors of such number, for such terms, with such qualifications, and elected in such manner as may be required by State law and its Federal charter. No member of the board of directors shall, within one year after the date he ceases to be a member of such board, be elected or designated a salaried employee of such agency.

Sec. 503. General Corporate Powers.—Each District Rural Development Credit Agency, subject to supervision by the appropriate Regional Bank and the Federal Rural Development Credit Agency, shall have power to—

(1) Have succession until terminated in accordance with this Act or any other Act of Congress.

(2) Adopt and use a corporate seal.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all of the usual incidents of ownership of real and personal property necessary or convenient to its business.

(6) Operate under the direction of its board of directors in accordance with this Act.

(7) Subscribe to stock of the Regional Bank of the region in which such District Rural Development Credit Agency is located.

(8) Purchase stock of a Regional Bank held by other District Rural Development Credit Agencies and stock of other such agencies.

(9) Contribute to the capital of such bank or other District Rural Development Credit Agencies.

(10) Invest its funds as may be approved by the appropriate Regional Bank under regulations of the Federal Rural Development Credit Agency and deposit its current funds and securities with such Regional Bank, a member bank of the Federal Reserve System, or any bank insured with the Federal Deposit Insurance Corporation, and may pay fees therefor and receive interest thereon as may be agreed upon.

(11) Buy and sell obligations of or insured by the United States, or of any agency thereof, or obligations of any banks of the Rural Development Credit System.

(12) Borrow money from the appropriate Regional Bank, and with the approval of such bank, borrow from and issue its notes or other obligations to any commercial bank or other financial institution.

(13) Make and participate in loans, accept advance payments, and provide services and other assistance as authorized in this title and charge fees therefor.

(14) Endorse and become liable on loans discounted or pledged to a Regional Bank.

(15) Enter into loss sharing agreements with a Regional Bank and other District Rural Development Credit Agencies.

(16) Prescribe its bylaws through its board of directors and provide in such bylaws for—

(A) the classes of its stock and the manner in which such stock shall be issued, transferred, and retired;

(B) the election or appointment of its officers and employees;

(C) property acquired, held, or transferred;

(D) the conduct of its general business; and

(E) the exercise and enjoyment of the privileges granted to it pursuant to law.

(17) Elect by its board of directors a manager or other chief executive officer, and provide for such other officers or employees as may be necessary, including joint employees with other institutions of the Rural Development Credit System; define their duties and require surety bonds or make other provisions against losses occasioned by employees.

(18) Elect by its board of directors a loan committee with power to approve applications for loans, participations, or purchase of obligations, or, with the approval of the appropriate Regional Bank, delegate the approval of applications for loans or participations within specified limits to other committees or to authorized officers and employees of the agency or to a participating institution chartered under provisions of subtitle C.

(19) Perform any functions delegated to it by a Regional Bank or the Federal Rural Development Credit Agency.

(20) Exercise by its board of directors or authorized officers or employees, all such incidental powers as may be necessary or expedient to carry on the business of the agency.

Sec. 504. Capital Stock, Classes of Stock, Transfer, Exchange; and Dividends.—(a) A District Rural Development Credit Agency may issue voting stock, nonvoting stock, preferred stock, and provide for an equity reserve. Holders of stock and equity reserve shall have such rights, not inconsistent with the provisions of this section, as are set forth in the bylaws of the agency. Stock shall be divided into shares of $5 par value each.

(b) Voting stock may be purchased only by borrowers or participating institutions who are eligible to borrow from or participate in financial operations of the agency. Each holder of voting stock shall be entitled to one vote for each such stock except as otherwise provided in subsection (d) hereof. No voting stock or any interest therein or right to receive dividends thereon shall be transferred by act of the parties or by operation of law, except to another person eligible to hold voting stock, and then only as provided in the bylaws.

(c) Nonvoting stock may be issued to the Executive Director and to other investors.

(d) Preferred stock, which shall be nonvoting, may be issued to the Executive Director and to other investors when authorized by a majority vote of the outstanding shares of the voting stock, by a majority vote of the outstanding shares of nonvoting stock, and by a majority vote of the outstanding shares of preferred stock, except that all stock held by the Executive Director shall be excluded from voting hereunder. The holders of such stock shall be entitled to one vote, in person, for each share of stock held. The authorization to issue preferred stock shall state the privileges, restrictions, limitations, dividend rights (either cumulative or noncumulative) redemption rights, preferences, and other qualifications affecting said stock, and the total amount of the authorized issue to which it belongs.

(e) Nonvoting stock may be issued to persons eligible to borrow from the agency to whom voting stock is not to be issued and to cooperating financial institutions.

(f) Each borrower from the agency shall be required to own at the time the loan is made voting or nonvoting stock as provided in the bylaws of the agency, in an amount equal in par value, as determined by the agency, to not less than $5 per one hundred dollars or fraction thereof nor more than $10 per one hundred dollars of the amount of the loan. Such stock shall not be canceled or retired upon payment of the loan or otherwise except as may be provided in the bylaws. Notwithstanding any other provision of this section, for a loan in which an agency participates with a commercial bank or other financial institution other than a Regional Bank or another District Rural Development Credit Agency, the requirement that the borrower own stock shall apply only to the portion of the loan which is retained by the agency.

(g) Voting stock shall, within two years after the holder ceases to be a borrower or a participating institution be converted into nonvoting stock at the fair book value thereof, not exceeding par. Consistent with the provisions of this title, and as provided in the bylaws of the agency, each class of stock shall be convertible into any other class of stock except preferred stock.

(h) As a further means of providing capital, a District Rural Development Credit Agency may, as provided in its bylaws, and with the approval of the appropriate Regional Bank, require borrowers and participating institutions to purchase stock in addition to that required in subsection (f) hereof and under subtitle C, or invest in the equity reserve, in an aggregate amount not exceeding $5 per $100 or fraction thereof of the amount of the loan in the case of borrowers and 50 cents per $100 or fraction thereof in the case of participating institutions. Any portion of the amounts invested under this subsection which is no longer required for the purposes of the agency may be returned to the owners thereof by revolving or retirement in accordance with its bylaws.

(i) Dividends shall be paid on preferred stock in accordance with the authorization of the stockholders to issue such stock. Dividends on stock, other than preferred stock, may be paid by a District Rural Development Credit Agency as provided in its bylaws at such rate or rates as are approved by the appropriate Regional Bank in accordance with regulations of the Federal Rural Development Credit Agency established in accordance with provisions of Section 505.

(j) Except with regard to stock held by the Executive Director each District Rural Development Credit Agency shall have a first lien on stock and participation certificates it issues, allocated surplus, and on investments in equity reserve, for any indebtedness of the holder of such capital investments and, in the case of equity reserve, for charges for any such agency losses in excess of reserves and surplus.

(k) In any case where the debt of a borrower is in default, a District Rural Development Credit Agency may retire all or part of the capital investments in such agency held by such debtor at the fair book value thereof, not exceeding par in total or partial liquidation of the debt.

Sec. 505. Application of Earnings; Restoration of Capital Impairment, and Surplus Account.—(a) Each District Rural Development Credit Agency at the end of each fiscal year shall apply the amount of its earnings for such year in excess of its operating expenses (including provision for valuation reserves against loan assets) in an amount equal to one-half of 1 per centum of the loans outstanding at the end of the fiscal year to the extent that earnings in such year in excess of other operating expenses permit, until such reserves equal or exceed 3½ per centum of the loans outstanding at the end of the fiscal year, beyond which 3½ per centum further additions to such reserves are not required but may be made, first to the restoration of the impairment, if any, of capital; and second, to the establishment and maintenance of the surplus accounts, the minimum aggregate amount of which shall be prescribed by the appropriate Regional Bank.

(b) When the bylaws of a District Rural Development Credit Agency so provide, available net earnings at the end of any fiscal year may be distributed in stock, or in cash, except that when the Executive Director holds any stock in a District Rural Development Credit Agency the cash distribution shall be such percentage of the earnings as shall be determined under regulations of the Federal Rural Development Credit Agency. Any part of the earnings of the fiscal year in excess of the operating expenses for such year held in the surplus account may be allocated to stockholders.

Sec. 506. Loans; Participation; Other Financial Assistance; Terms; Conditions; Interest; Security.—

(a) Each District Rural Development Credit Agency under rules and regulations prescribed by the board of directors of the appropriate Regional Bank and approved by the Federal Rural Development Credit Agency may through participating institutions, make, guarantee, or participate with other lenders in making loans and in providing other similar financial assistance, and may buy obligations of borrowers for rural development purposes and other requirements of such borrowers. A District Rural Development Credit Agency is authorized to make loans and provide other authorized assistance under this title directly to any applicant eligible for such assistance in any rural area in which there is no participating or cooperating institution able and willing to supply on reasonable terms and conditions the credit needs of such applicant.

(b) Loans authorized in subsection (a) hereof shall bear such rate or rates of interest as are determined under regulations prescribed by the board of directors of the agency with the approval of the Federal Rural Development Credit Agency, and shall be made upon such terms, conditions, and upon such security, if any, as shall be authorized in such regulations. In setting rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers, at the lowest reasonable cost on a sound business basis, taking into account the cost of money to the agency, necessary reserves and expenses of the agency, and services provided to borrowers and participants. The loan documents may provide for the interest rate or rates to vary from time to time during repayment period of the loan in accordance with the rate or rates currently being charged by the agency. Such regulations may require prior approval of the Regional Rural Development Bank or the Federal Rural Development Credit Agency on certain classes of loans; and may authorize a continuing commitment to a borrower or a participant of a line of credit.

Sec. 507. Other Services.—Each District Rural Development Credit Agency may provide technical assistance to borrowers, applicants, and participants and may make available to them such financial related services appropriate to their operations as is determined feasible under regulations prescribed by the Federal Rural Development Credit Agency.

Subtitle E—Regional Development Credit Banks

Sec. 601. Establishment; Title; Number.—There are established in the Rural Development Credit System ten Regional Rural Development Credit Banks as federally chartered instrumentalities of the United States. Their charters may be modified from time to time by the Federal Rural Development Credit Board, subject to approval of Farm Credit Administration and the Secretary of Agriculture, in any manner not inconsistent with the provisions of this title as may be necessary or expedient to implement this Act. The jurisdictional territory of the Regional Credit Banks shall be divided so as to correspond, to the maximum extent practicable, to the rural areas of the uniform regions established by the President of the United States for operation of Federal agencies, and the headquarters of each such bank shall be located within the rural area which it serves, but not necessarily in the same city which serves as the headquarters city of the uniform region for carrying out programs of Federal agencies. Each bank shall maintain a liaison office in the city, regardless of population, which serves as the headquarters city for the uniform region in which such bank is located. The Board of any Regional Rural Development Credit Bank may establish such branches as may be appropriate for the effective operation of its business, but the territorial jurisdiction of any such branch shall coincide with the boundary of one or more of the uniform multi-jurisdiction planning and development districts, if any, established by the Governor or the legislature of the State concerned. The headquarters of any such branch shall be located within the rural area served.

Sec. 602. Corporate Existence; General Corporate Powers.—Each Regional Bank shall be a body corporate, subject to the supervision of the Federal Rural Development Credit Agency, and shall have power to—

(1) Adopt and use a corporate seal.

(2) Have succession until dissolved under the provisions of this Act or other Act of Congress.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose and otherwise exercise all the usual incidents of ownership of real and personal, tangible and intangible property necessary or convenient for its business.

(6) Make loans and commitments for credits, accept advance payments, and provide services and other assistance as authorized in this Act, and charge, or not charge fees, therefor.

(7) Operate under the direction of its board of directors.

(8) Elect by its board of directors, a President, a secretary, a treasurer, and provide for such other officers, employees, and agents as may be necessary, including joint employees with the institutions of the Farm Credit System and of other institutions of the Rural Development Credit System, define their duties, and require surety bonds or make other provisions against losses occasioned by employees.

(9) Prescribe its bylaws through its board of directors, and provide in such bylaws, in accordance with rules and regulations of Federal Rural Development Credit Agency, for—

(A) the classes of its stock and the manner in which such stock shall be issued, transferred, and retired;

(B) the election or appointment of its officers and employees, except that the training and practice of appraisal personnel shall be subject to the supervision of the Farmers' Home Administration or, with approval of the Farm Credit Administrator, of the Farm Credit Administration;

(C) property acquired, held, or transferred;

(D) the conduct of its general business; and

(E) the exercise and enjoyment of the privileges granted to it by law.

(10) Borrow money and issue notes, bonds, debentures, or other obligations individually, or in concert with one or more other Regional Banks of such character, terms, conditions, and rates of interest as it may determine.

(11) Accept deposits of securities or of current funds from borrowers and participants and agencies established under this Act, and pay interest on such funds.

(12) Participate with one or more other Regional Banks under this title on such terms as may be agreed upon among such banks and to participate with private banks and other financial institutions in rural areas on such terms as may be agreed upon among such banks or institutions.

(13) Approve, in establishing the eligibility of any District Rural Development Credit Agency for participation in the Rural Development Credit System, the salary scale of the officers and employees of the District Rural Development Credit Agencies and the compensation of the chief executive officer thereof and supervise the exercise by such agencies of the functions vested in or delegated to them under this Act, except that the appointment of the chief executive officer of any such District Rural Development Credit Agency shall be subject to the approval of the Regional Bank concerned so long as the United States holds stock or participation certificates in such Rural Development Bank Agency.

(14) Deposit its securities and its current funds with any member bank of the Federal Reserve System, and pay fees therefor and receive interest thereon as may be agreed. When designated for that purpose by the Secretary of the Treasury, it shall be a depository of public money, except receipts from customs, upon such regulations as may be prescribed by the Secretary; may be employed as fiscal agent of the Government, and shall perform all such reasonable duties as a depository of public money or financial agent of the Government as may be required of it. No Government funds deposited under provisions of this subsection shall be invested in loans or bonds or other obligations of the bank.

(15) Buy and sell obligations of or insured by the United States or of any agency thereof, or securities backed by the full faith and credit of such agency, and make such other investments as may be authorized by the Federal Rural Development Credit Agency.

(16) Conduct studies and adopt standards for lending and provide other encouragement for the development of private business enterprise, and for the quality of life, economic earning opportunities and jobs, and public and community works, facilities, and services in the rural area it serves.

(17) Delegate to District Rural Development Credit Agencies and through them to participating institutions such functions vested in or delegated to the bank, as it may determine appropriate, as approved by the Federal Rural Development Credit Agency.

(18) Amend and modify loan contracts, documents, and payment schedules, and release, subordinate, or substitute security for any of them.

(19) Perform any function delegated to it by the Federal Rural Development Credit Board or the Federal Rural Development Credit Agency.

(20) Require District Rural Development Credit Agencies and participating and cooperating institutions to endorse those notes and other obligations of their borrowers as are presented to the bank for the purpose of obtaining financial assistance.

(21) Exercise by its board of directors or authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry out the business of the bank.

SEC. 603. RURAL DEVELOPMENT CREDIT BANK STOCK; VALUE; SHARES; VOTING; DIVIDENDS.—(a) The capital stock of each Regional Bank shall be divided into shares of par value of $5 each and may be of such classes as its board of directors may determine with approval of the Federal Rural Development Credit Agency and under rules and regulations established by the Federal Rural Development Credit Board.

(b) Voting stock of each bank shall be held only by Rural Development Credit Agencies and participating institutions and borrowers who obtain financial assistance from such banks, which stock shall not be transferred, pledged, or hypothecated except as authorized pursuant to this title or as authorized under regulations of the Federal Rural Development Credit Agency. Any District Rural Development Bank Agency may elect to receive nonvoting stock in lieu of voting stock.

(c) The Board of each Regional Bank shall from time to time increase its capital stock as may be necessary to permit the issuance of additional shares to borrowers (including participating institutions using financial assistance of District Rural Development Credit Agencies so that borrowers and participating institutions of such agencies may be eligible for loans and other financial assistance from such agencies.

(d) Nonvoting stock may be issued to the Executive Director of the Federal Rural Development Credit Agency and may also be issued to District Rural Development Credit Agencies, other rural financial institutions, and other direct borrowers.

(e) The earnings of a Regional Bank shall be determined in accordance with approved accounting principles and practices, as established by the Federal Rural Development Credit Agency subject to examination by the Farm Credit Administration and subject to the rules and regulations of the Federal Rural Development Credit Board and the General Accounting Office. Earnings shall be distributed as follows:

First, not less than 10 per centum of net earnings for the year shall be paid into the reserve fund of the bank until said reserve fund shall equal 150 per centum of outstanding stock.

Second, not less than 10 per centum of net earnings for the year shall be paid into the capital surplus fund of the bank.

Third, payment of the franchise tax as required by section 614 for any year in which any stock is held by the Executive Director.

Fourth, payment of dividends on nonvoting stock of not to exceed the average cost to the Federal Rural Development Credit Agency of funds obtained through issuance of bonds, debentures, and other evidences of indebtedness in its funding operations.

Fifth, retirement of nonvoting stock and other evidences of indebtedness of the bank held by the Executive Director.

Sixth, payment of dividends on voting stock of the bank as determined by its board of directors, if the bank has retired all of the nonvoting stock of the bank that have been issued to the Executive Director.

(f) Dividends shall not be payable on any stock held by the Executive Director. Noncumulative dividends may be payable on other stock to the extent available from earnings in accordance with subsection (e) of this section, and dividends may be paid on other stock of the bank. The rate of dividends may be different between different classes and different issues of stock on the basis of the comparative contributions of holders thereof to the capital or earnings of the bank by such classes, types, and issues; but no dividends shall be paid on voting stock and no dividends greater than 5 per centum per annum on par value of nonvoting stock until such time as two-thirds of the capital stock subscribed by the Executive Director, in accordance with provisions herein, shall have been retired; otherwise dividends shall be in the order indicated in subsection (e).

(g) Nonvoting stock may be sold by nonborrowers to borrowers or potential borrowers, participating institutions, or District Rural Development Credit Agencies who may convert such nonvoting stock into voting stock at their election at any time prior to final repayment of indebtedness to the bank. Voting stock may be sold only to District Rural Development Credit Agencies, participating institutions, or other borrowers or potential borrowers of the bank. Nonvoting stock may be redeemed at any time by the bank, at the election of the owner, in accordance with a schedule of values published from time to time by the bank. When a District Rural Development Credit Agency reduces its total outstanding indebtedness to the bank, its voting stock may be converted at par value, or such greater value as the bank may from time to time determine, into nonvoting stock, or may be redeemed in cash or as a credit to extinguish final indebtedness at such value as the bank may from time to time determine. The bank may establish, with approval of the Federal Rural Development Credit Agency under rules and regulations established by the Rural Development Credit Board, the terms and conditions for the sale, transfer, and redemption of such other classes of stock and evidences of indebtedness that it may issue from time to time. Nonvoting stock and other evidence of indebtedness of the bank held by the Executive Director may be retired at any time, subject to approval of the Federal Rural Development Credit Board, and shall be retired each year to the extent of the availability of earnings in accordance with the provisions of subsection (e).

SEC. 604. LOANS.—The Regional Banks are authorized to—

(1) make, participate in, extend mortgage insurance in connection with, refinance, discount and redistrict, or guarantee loans, purchase obligations and provide other financing for real or personal property or for working capital and operating expenses in connection with loans made or participated in or obligations purchased by District Rural Development Agencies to finance any rural development purpose project carried out or to be carried out in a rural area served by the bank;

(2) make, participate in, insure mortgages in connection with, refinance, discount and rediscount, or guarantee loans or provide other interim financing provided by District Rural Development Credit Agencies for the construction or improvement of any rural development purpose project to building contractors, leasors, architects, planning and engineering firms or other persons or firms engaged in such work; and

(3) provide or assist a District Rural Development Credit Agency in providing insurance to protect any organization, firm, or individual receiving financing for the construction, improvement, or expansion of any rural development purpose project against damage or casualty loss in connection with such project;

(4) require that District Rural Development Credit Agencies maintain ownership of voting or nonvoting stock in the Regional Banks equal to not less than $5 per $100 of outstanding loans and not more than $10 per $100.

SEC. 605. INTEREST RATES AND OTHER CHARGES.—Loans made, insured, guaranteed, participated in, refinanced, discounted, or rediscounted by a Regional Bank shall bear interest at a rate or rates, and on such terms and conditions, as may be determined by the board of directors of the bank from time to time, with the approval of the Federal Rural Development Credit Agency and under rules and regulations established by the Federal Rural Development Credit Board. In setting rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers at the lowest reasonable cost on a sound business basis, taking into account the cost of money to the bank, the necessary reserves, capital surplus, and expenses of the banks and its District Rural Development Credit Agencies and participating institutions the orderly retirement of the capital subscriptions of the United States, and the cost of providing services to borrowers and stockholders, participating institiutions, District Rural Development Credit Agencies and rural communities so that such borrowers may make their maximum contribution to enhancing economic opportunity and the quality of life in the rural area served. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan in accordance with the rates or rates currently being charged by the bank.

Sec. 606. Eligibility.—The services authorized in this title may be made available directly of through District Rural Development Credit Agencies or participating institutions of the bank, as the situation may require, to public and quasi-public bodies, cooperative associations as defined in the Agricultural Marketing Act (42 Stat. 388; 12 U.S.C. 114j (a)), if such associations are unable to borrow from the banks for cooperatives, other cooperating corporations, partnerships, or individual proprietors which are or become stockholders or owners of nonvoting stock of District Rural Development Bank Agencies or in a Regional Rural Development Bank. Such financial assistance may also be made available to multi-jurisdictional rural governmental planning and development districts established by the legislature or Governor of a State, to persons, firms, owners of rural homes, municipalities, resource conservation and development project sponsors under title II of the Bankhead-Jones Farm Tenant Act, sponsoring associations carrying out projects under the Watershed Protection and Flood Prevention Act, corporate entities established by sponsors of concerted education and training service projects carried out jointly by the Department of Agriculture, the Department of Health, Education, and Welfare, and the Department of Labor, councils of government established under State law if rural areas are included within their jurisdiction, private associations, local development districts organized under the Economic Development Act of 1965, but such eligibility shall be conditioned upon—

(1) review of the loan application by the appropriate body of the multi-jurisdictional government planning and development district, if any, established by the legislature or Governor of the State concerned and a certification by such body that the proposed facility, work or service is not inconsistent with the current comprehensive development plan, if any, for the multi-jurisdictional district;

(2) demonstration by the applicant that the facility, work, or service to be financed from the loan proceeds and rural capital augmentation and rural interest supplement payments will not result in the transfer from another location or firm of employment or business activity now provided by operations of the applicant or a directly competing firm;

(3) demonstration by the applicant that he has been unable within a reasonable time to obtain needed financial assistance from other private or public sources at reasonable rates and conditions;

(4) demonstration by the applicant that, taking into consideration any rural capital augmentation or rural interest supplement payments for which he is eligible under provisions of subtitle G, or other grants in aid, otherwise available, the applicant can meet the principle repayment and interest payments specified in the amortization schedule and loan agreement;

(5) demonstration by the applicant that the facility, work, or service provided by the project will be located in and operate primarily in a rural area to increase the employment of or for the benefit of rural residents and that the proposed project promises to make a net increase in the number of jobs, quality of life, or median family income in the rural area served; and

(6) demonstration and certification by the applicant that neither the facility, work, or service, nor any of the personnel thereof as employees will be used for the purpose of engaging in religious or partisan political activities.

Sec. 607. Security.—Loans made, participated in, insured, guaranteed, discounted, or rediscounted by, or obigations purchased by, Regional Banks shall be secured by all of the best available security owned or to be purchased by the borrower as may be required adequately to secure the loan, and by the endorsement of the appropriate District Rural Development Credit Agency and participating institutions. However, credit factors other than the ratio between the amount of the loan and the security value shall be given due consideration.

Sec. 608. Services Related to Borrowers Operations.—The Regional Banks may provide technical assistance to District Rural Development Credit Agencies, participating institutions, applicants for loans, and to other financial institutions in rural areas and may make available to them such financially related and technical services appropriate to their operations as are determined to be feasible, under regulations of the Federal Rural Development Credit Board.

Sec. 609. Loans through agencies, and participating and cooperating institutions.—The Regional Banks shall make financial assistance available to qualified borrowers through District Rural Development Credit Agencies and participating and cooperating institutions in the area served by such bank. If no existing District Rural Development Credit Agency or participating or cooperating institution is available to handle the application, or if no multi-jurisdictional planning and development district is chartered for the area where the loan proceeds will be utilized, the bank may make the loan through such bank, trust company, savings, or other financial institution as it may designate or may make the loan directly to the borrower. Such applicant shall purchase in stock of the Regional Bank an amount equal to not less than $5 and not more than $10 for each $100 of the loan proceeds.

Sec. 610. Eligibility.—The eligibility of any District Rural Development Credit Agency and of any participating or cooperating financial institution to receive or handle loans from Regional Banks and to serve as agent for such banks must be determined by the Regional Bank on the basis of an application and in accordance with criteria established by the Federal Rural Development Credit Agency under rules and regulations of the Federal Rural Development Credit Board. Such agencies, participating and cooperating institutions, meeting such criteria shall be eligible to borrow from Regional Banks and to discount or rediscount, insure, or obtain guarantee on such eligible obligational paper with or to the banks and shall with the exception of cooperating institutions, be required to purchase bank stocks equivalent to, in the case of District Rural Development Credit Agencies, 5 to 10 per centum, and in the case of participating institutions, 1 per centum, of the amount borrowed, discounted, or sold. Such eligible District Rural Development Credit Agencies shall be authorized to require the borrowers, whose paper they discount, insure, or handle for the bank, to purchase stock of such institutions to the extent that such institutions are required to purchase stocks of a Regional Bank. Only those financial institutions whose volume of loans in rural areas is more than one half of the total volume of all its loans shall be eligible to purchase voting stock of District Rural Development Credit Agencies or of Regional Banks; otherwise the required capital participation shall be acquired in the form of nonvoting stock.

Sec. 611. Boards of Directors.—(a) Each Regional Bank shall have a Board of Directors consisting of 12 members appointed by the Federal Rural Development Credit Board. Not more than 7 members may be of the same political party and all members shall be legal residents of the rural areas within which the bank is authorized to operate.

(b) During the period in which the Executive Director holds two-thirds or more of the outstanding capital stock of any Regional Bank—

(1) nine members of the board of directors of such bank shall be appointed by the Federal Rural Development Credit Board from a panel of nominees of not less than 20 persons named by the Executive Director from among eligible legal residents of the rural area served by the bank who are not officers or employees of the United States or of any State government or of any institution of the Rural Development Credit System or the Farm Credit System; and

(2) three members shall be appointed by the Federal Rural Development Credit Board from a panel of six nominees elected by the holders of voting stock in such bank, subject to the same legal residence requirements and employment restrictions prescribed in paragraph (1).

(c) During any period in which the Executive Director holds one-third or more but less than two-thirds of the outstanding capital stock of any Regional Bank—

(1) six members of the board of directors of such bank shall be appointed by the Federal Rural Development Credit Board from a panel of not less than 15 nominees named by the President of such bank from among eligible legal residents of the rural area served by the bank subject to the same legal residence requirements and employment restrictions prescribed in subsection (b)(1); and

(2) six members shall be appointed by the Federal Rural Development Credit Board from a panel of 12 nominees elected by holders of voting stock in such bank subject to same legal residence requirements and employment restrictions prescribed in subsection (b)(1).

(d) During any period in which the Executive Director holds less than one-third of the outstanding capital stock of any Regional Bank—

(1) nine members of the board of directors of such bank shall be appointed by the Federal Rural Development Credit Board from a panel of 20 nominees elected by the holders of voting stock in such bank, subject to the same legal residence requirements and employment restrictions prescribed in subsection (b)(1); and

(2) three members shall be appointed by the Federal Rural Development Credit Board from a panel of not less than six nominees named by the President of such bank from among eligible legal residents of the rural areas served by such bank, subject to the same legal residence requirements and employment restrictions prescribed in subsection (b)(1).

(e) During any period in which the Executive Director holds no capital stock in any Regional Bank—

(1) eleven members of the board of directors of such bank shall be appointed by the Federal Rural Development Credit Board from a panel of not less than 25 nominees elected by the holders of voting stock in such bank, subject to the same legal residence requirements and employment restrictions prescribed in subsection (b)(1); and

(2) one member shall be appointed by the Federal Rural Development Credit Board from a panel of not less than 5 nominees named by the President of such bank from among eligible legal residents of the rural area served by the bank.

(f) The board of directors of each Regional

Bank shall elect one of its own members to serve for one year as chairman of the board and shall elect a President of such bank, who shall be an ex officio member of the Board.

(g) The board of directors of each Regional Bank may appoint such other officials and employees as may be required for the necessary and effective operation of the bank subject to regulations established by the Federal Rural Development Credit Board.

(h) Members of the boards of directors of the Regional Banks may receive the sum of $100 for each day or part thereof spent in the performance of their official duties, which compensation shall not be paid for more than 75 days or parts of days in any calendar year and shall not be paid to any board member who is an official of the Government of the United States or of any State. Such members shall be reimbursed for necessary travel, subsistence, and other expenses incurred in discharge of their official duties without regard to the laws with respect to allowances which may be made on account of travel and subsistence expenses of officers and employed personnel of the United States.

Sec. 612. Capitalization of the Regional Banks.—Subject to the provisions of this title, the President of each Regional Bank is authorized to issue from time to time and to have outstanding voting and nonvoting capital stock of an aggregate par and face value of not to exceed 100 per centum of its pro rata share of the amount of outstanding capital stock of the Rural Development Credit System, as determined by the Federal Rural Development Credit Board, taking into account the geographic distribution among the regions served of the unmet needs for credit for rural revitalization and the initiation of the community facilities and services and public works and industrial and other economic enterprises required to expand jobs, expand income, and improve the quality of life in the areas served by the several Regional Banks. The Executive Director is authorized to purchase and accept nonvoting stock of any Regional Bank not to exceed that bank's pro rata share as determined herein.

Sec. 613. Governance of Policies, Programs, and Procedures of Regional Banks.—The Federal Rural Development Credit Board shall establish and promulgate rules and regulations, not inconsistent with provisions of this title, to govern the policies, programs, and procedures of a Regional Bank during any period in which the Executive Director of the Federal Rural Development Credit Agency holds capital stock in such bank. Any Regional Bank, its board of directors, and its President shall be conclusively presumed to be acting in accordance with such rules and regulations in all their actions and decisions.

Sec. 614. Stock Purchased by Executive Director; Retirement; Franchise Tax; Revolving Fund.—(a) Any Regional Bank may issue stock which may be purchased by the Executive Director on behalf of the United States as an initial or a temporary investment in the stock of such bank to help such bank to inaugurate lending operations or to meet emergency credit needs of borrowers. During the time such stock is outstanding, the pertinent provisions of the Government Corporation Control Act shall be applicable to such Regional Bank.

(b) The Executive Director shall require the retirement of any stock held by him in any Regional Bank at such time as in his opinion the bank has resources available therefor and the need for such investment is reduced or no longer exists.

(c) For any year or part thereof in which the Executive Director holds any stock in a Regional Bank, such bank, after complying with section 603(e) and before declaring any dividends or patronage distribution, shall pay to the United States as a franchise tax a sum equal to the lower of (1) 25 per centum of its net earnings for the year, or (2) a rate of return on such investment calculated at a rate determined by the Secretary of the Treasury equal to the average annual rate of interest on all public issues of debt obligations of the United States issued during the fiscal year ending next before such tax is due, multiplied by the percentage that the number of days such stock is outstanding is of three hundred and sixty-five days. Such payments shall be deposited in the miscellaneous receipts in the Treasury.

Sec. 615. Subscription by the United States of Initial and Additional Capital.—(a) The Secretary of the Treasury is authorized, in his discretion and upon the request of the Federal Rural Development Credit Board, to make deposits out of any money in the Treasury not otherwise appropriated, for the temporary use of any Regional Bank. Such bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such deposit, bearing a rate of interest not to exceed the current rate charged for other Government deposits but not to exceed 5 per centums, to be secured by bonds or other collateral satisfactory to the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such Regional Bank at the discretion of the Secretary of the Treasury.

Sec. 616. Power To Borrow, Issue Notes, Bonds, Debentures, and Other Obligations.—Each Regional Bank subject to supervision of the Federal Rural Development Credit Agency shall have power to—

(1) Borrow from or loan money to any other Regional Bank, borrow from any commercial bank or other lending institution, issue its notes or other evidence of debt on its own individual responsibility and full faith and credit, and invest its excess funds in such sums, at such times, and on such terms and conditions as it may determine.

(2) Issue its own notes, bonds, debentures, or other similar obligations, fully collateralized by the notes, mortgages, and security instruments it holds in the performance of its functions under this title in such sums, maturities, rates of interest, and terms and conditions of each issue as it may determine with approval of the Executive Director.

(3) Join with any or all banks organized and operating under this title in borrowing or in issuance of consolidated notes, bonds, debentures, or other obligations as may be agreed with approval of the Executive Director.

(4) Join with other Regional Banks in issuance of notes, bonds, debentures, and other obligations in the manner, form, amounts, and on such terms and conditions as may be agreed upon with approval of the Executive Director. Any such issue by two or more Regional Banks and the participation by each such bank shall not exceed the limits to which each such bank is subject in the issuance of its individual or consolidated obligations. Each such issue shall be subject to approval of the Executive Director.

Sec. 617. Aggregate of Obligations, Security.—(a) No issue of long-term notes, bonds, debentures, or other obligations by one or more Regional Banks shall be approved in an amount which, when added to the amount of other bonds, debentures, long-term notes, or other similar obligations issued and outstanding, exceeds twenty times the capital and surplus of all the Regional Banks which will be primarily liable on the proposed issue, or such lesser amount as the Federal Rural Development Credit Agency shall establish by regulation.

(b) Each bank shall have on hand at the time of issuance of any long-term notes, bonds, debentures, or other similar obligations, and shall at all times thereafter maintain, free from any lien or other pledge, notes and other obligations representing loans made under the authority of this Act, obligations of the United States or any agency thereof direct or fully guaranteed, other readily marketable securities approved by Federal Rural Development Credit Agency, or cash, in an aggregate value equal to the total amount of long-term notes, bonds, debentures, or other similar obligations outstanding for which the bank is primarily liable.

Sec. 618. Liability of Banks.—(a) Each Regional Bank shall be fully liable on notes, bonds, debentures, or other obligations issued by it individually, and shall be liable for the interest payments on long-term notes, bonds, debentures, or other obligations issued by other Regional Banks operating under provisions of this Act. Each bank shall also be primarily liable for the portion of any issue of consolidated obligations made on its behalf and shall be jointly and severally liable for the payment of any additional sums when called upon by the Federal Rural Development Credit Agency to make payments of interest or principal which any other Regional Bank primarily liable therefor is unable to make. Such calls shall be made upon Regional Banks operating under this title taking into account the capital, surplus, bonds, debentures, or other obligations which each may have outstanding at the time of such assessment.

(b) Each Regional Bank participating in an issue shall by appropriate resolution undertake such responsibility as provided in subsection (a), and in the case of consolidated obligations shall authorize the Executive Director to execute long-term notes, bonds, debentures, or other obligations on its behalf. When a consolidated issue is approved, the notes, bonds, debentures, or other obligations shall be liable thereon as provided herein.

(c) The United States shall not be liable or assume any liability directly or indirectly thereon, except as otherwise provided in this Act.

Sec. 619. Finance Committee.—There shall be estabilshed a finance committee for the Regional Banks organized and operated under this title composed of the presidents of such banks. The Committee may have such officers and such subcommittees for such terms and such representation as may be agreed upon by the members of the committee. When appropriate to the performance of their function, the subcommittees, or representatives thereof, shall constitute a subcommittee for consideration of consolidated issues of obligations. The finance committees and subcommittees thereof shall, subject to approval of the Executive Director, determine the amount, maturities, rates of interest, and participation by the several banks in each issue of joint or consolidated obligations.

Sec. 620. Bonds as Investments.—The bonds, participation certificates, and other similar obligations issued under the authority of this title shall be lawful investments for all fiduciary and trust funds and may be accepted as security for all public deposits.

Sec. 621. Purchase and Sale by Federal Reserve System.—Any member of the Federal Reserve System may buy and sell bonds, debentures, or other similar obligations issued under the authority of this title, and any Federal Reserve bank may buy and sell such obligations to the same extent and subject to the same limitations placed upon the purchase and sale by said banks of State, county, district, and municipal bonds under section 14 (b) of the Federal Reserve Act (12 U.S.C. 355).

Sec. 622. Purchase and Sale of Obligations.—Each regional bank may purchase its own obligations and the obligations of other Regional Banks and may provide for the sale of obligations issued by it, or issued jointly with one or more other banks, through a fiscal agent or agents, by negotiation, offer, bid, or syndicate sale, and to deliver such obligations by book entry, wire transfer, or such other means as may be appropriate. The sales agency of the Farm Credit System shall be utilized on a reimbursable basis by the Regional Banks for the purchase and sale of obligations.

Sec. 623. Fiscal Agency.—A fiscal agency shall be established by the Regional Banks for such of their functions relating to the issuance, marketing, and handling of their obligations, and interbank or intersystem flow of funds as may from time to time be required.

Sec. 624. Merger of Similar Banks.—Regional Banks organized or operating under this title, may, upon approval of a majority of their stockholders and the Federal Rural Development Credit Agency, merge with banks in other regions operating under this subtitle.

Sec. 625. Board of Directors for Merged Bank.—In the event of a merger of two or more banks to serve borrowers in more than one rural development credit region, a new board of directors shall be created for the resulting merged bank. The board thus created shall be composed of directors elected by the boards of the banks being merged. Notwithstanding the foregoing, the bylaws of the merged bank may, with the approval of the Federal Rural Development Credit Agency and subject to rules and regulations established by the Federal Rural Development Credit Board, provide for a different number of directors selected in a different manner. The board so constituted shall have all the powers, functions, and duties as are normally exercised by a regional bank board related to the operations and policies of the banks which were merged.

Sec. 626. Dissolution; Voluntary Liquidation; Insolvency; Mergers; Receiverships; and Conservators.—(a) No institution of the System shall go into voluntary liquidation without the consent of the Federal Rural Development Credit Agency and with such consent may liquidate only in accordance with regulations prescribed by the Federal Rural Development Credit Board.

(b) Upon default of any obligation by a Regional Bank, such bank may be declared insolvent and placed in the hands of a conservator or a receiver appointed by the Executive Director and the proceedings thereon shall be in accordance with regulations of the Federal Rural Development Credit Agency regarding such insolvencies.

Subtitle F.—Federal Rural Development Credit Agency

Sec. 701. Federal Rural Development Credit Agency; Executive Director.—There is hereby established in the executive branch of the Government an independent agency to be known as the Federal Rural Development Credit Agency. There shall be at the head of such agency an Executive Director who shall have such powers and duties as may be prescribed by the Federal Rural Development Credit Board. The Agency shall be responsible for carrying out the programs provided for in this title.

Sec. 702. Appointment of Executive Director; Salary and Expense Allowance.—(a) The Executive Director shall be appointed by and serve at the pleasure of Federal Rural Development Credit Board, except that during any period that the Executive Director holds any stock in any regional bank, his appointment shall be subject to approval of the President of the United States; and the Executive Director shall, during any such period, serve at the pleasure of the President.

(b) The compensation of the Executive Director shall be at the rate prescribed for positions in level IV of the Executive Pay Schedule provided for under subchapter II of chapter 53 of title 5, United States Code. The Federal Rural Development Credit Board shall fix the allowance for his necessary travel and subsistence expenses or per diem in lieu thereof.

Sec. 703. Compliance With Board Orders.—The Executive Director shall be responsible, subject to the supervision and control of the Federal Rural Development Credit Board, for carrying out the functions of the Agency and the policies of such Board. He shall carry out all orders and directives received by him from the Federal Rural Development Credit Board. All acts of the Executive Director shall be conclusively presumed to be in compliance with the orders and directives of such Board.

Sec. 704. Rural Development Credit Organization.—The Executive Director is authorized, in carrying out the powers and duties now or hereafter vested in him by this title and Acts supplementary thereto, to establish and to fix the powers and duties of such divisions and instrumentalities as he may deem necessary to insure the proper and efficient administration of the functions of the Federal Rural Development Credit Agency. The Executive Director shall have authority to appoint and employ such personnel as may be necessary to carry out the functions of the Agency, including the appointment with the approval of the Federal Rural Development Credit Board of a Deputy Director of the Agency who shall receive compensation at the rate prescribed for positions Level V of the Executive Pay Schedules provided for under Subchapter II of Chapter 53 of Title 5, United States Code. The powers of the Executive Director may be exercised by him through such officers and employees of the Rural Development Credit Agency as he may designate. The Executive Director shall provide on a reimbursable basis such administrative management services other than public information, for the Board and the Rural Development Investment Equalization Administration as shall be mutually agreed upon.

Sec. 705. Seal.—The Federal Rural Development Credit Agency shall have a seal, as adopted by the Executive Director, which seal shall be judicially noted.

Sec. 706. Administration Expenses.—The Federal Rural Development Credit Agency may, within the limits of funds available therefor, make necessary expenditures for personnel services and rent at the seat of Government and elsewhere; contract stenographic reporting services; purchase and exchange law books, books of reference, periodicals, newspapers, expenses of attendance at meetings and conferences; purchase, operation, and maintenance at the seat of Government and elsewhere of motor-propelled passenger-carrying vehicles and other vehicles; printing and binding; and for such other facilities and services, including temporary employment by contract or otherwise, as it may from time to time find necessary for the proper administration of this Act.

Sec. 707. Allocation of Expenses for Administrative Services by the Federal Rural Development Credit Agency; Disposition of Money.—(a) The Federal Rural Development Credit Agency shall prior to the first day of each fiscal year estimate the cost of administrative expenses for the ensuing fiscal year in administering this title, including official functions, and shall apportion the amount so determined among the institutions of the System on such equitable basis as such Agency shall determine, and shall assess against and collect in advance the amount so apportioned from the institutions among which the apportionment is made.

(b) The amounts collected pursuant to subsection (a) of this section shall be covered into the Treasury, and credited to a special fund, which fund, augmented by such additional funds as may be required during first five fiscal years of operation is authorized to be appropriated to said Agency for expenditure during each fiscal year for salaries and expenses of said Agency as set forth in appropriation Acts. As soon as practicable after the end of each fiscal year, the Agency shall determine, on a fair and reasonable basis, the cost of operation of the Federal Rural Development Credit Agency during such fiscal year and the portion of such cost which fairly and equitably should be allocated to each Regional Bank and to each of the other institutions of the Rural Development Systems their respective shares of the cost during such fiscal year. If the amount so allocated is greater than the amount collected from any Regional Bank or other institution of the Rural Development System, the difference shall be collected from such bank or other institution, and, if less, shall be refunded from the special fund to the bank or other institution entitled thereto or credited in the special fund to such bank or other institution for use for the same purposes in future fiscal years.

Sec. 708. Enumerated Powers.—The Federal Rural Development Credit Agency shall have the following powers, functions, and responsibilities in connection with the institutions of the Rural Development Credit System and the administration of this Act:

(1) Modify the boundaries of the territory of the Regional Banks, with due regard for the rural development investment and credit needs of the country, as approved by the Rural Development Credit Board and the President of the United States.

(2) Issue, amend, and modify Federal charters of institutions of the System and approve changes in names of banks operating under this Act; approve the merger of Regional Banks when agreed to by the boards of the banks involved and by a majority of the voting stockholders of each of the banks concerned.

(3) Make annual reports to the Congress on the condition of the Rural Development Credit System and its institutions and, from time to time, make recommendations for such Legislative changes as it deems necessary to improve the operation of such system.

(4) Coordinate the activities of the banks in making studies of lending standards, the need for better geographic distribtuion of population and economic opportunity, appraisal and credit standards, and credit requirements of rural industrial and commercial enterprise; approve national and regional standards, procedures, and appraisal forms; prescribe price and cost levels to be used in such standards, appraisals, and lending; supplement the work of the region under the foregoing where necessary to accomplish the purposes of this title.

(5) Prescribe loan security requirements and the types, classes, or number of loans which may be made only with prior approval.

(6) Conduct loan and collateral security review.

(7) Approve the issuance of obligations of the institutions of the Rural Development Credit System and execute on behalf of the Regional Banks consolidated obligations for the purpose of providing finanical assistance for the authorized operations of the institutions of the System, and prescribe collateral therefor.

(8) Approve interest rates paid by institutions of the System on their bonds, debentures, and similar obligations, the terms and conditions thereof, and interest or other charges made by such institutions to borrowers.

(9) Make investments in stock of the institutions of the System out of stock subscribed by the Secretary of the Treasury and require the retirement of such stock and convertible debentures.

(10) Regulate the borrowing, repayment, and transfer of funds and equities between institutions of the Rural Development Credit System.

(11) Coordinate and assist in providing

services necessary for the convenient, efficient, and effective management of the institutions of the Rural Development Credit System.

(12) Undertake research into the rural development and credit needs of the rural areas of the Nation and ways and means of meeting such needs and of funding the operations of the Rural Development Credit System in relation to changing demographic and economic conditions.

(13) Prepare and disseminate information to the general public on use, organization, and functions of the System and to investors on merits of its securities.

(14) Require surety bonds or other provision for protection of the assets of the institutions of the Rural Development Credit System against losses occasioned by employees.

(15) Prescribe rules and regulations necessary or appropriate for carrying out the provisions of this Act.

(16) Exercise such incidental powers as may be necessary or appropriate to fulfill its duties and carry out the purposes of this Act.

Sec. 709. SPECIAL POWERS.—(a) Subject to the provisions of this title, the Rural Development Credit Agency is authorized—

(1) to make commitments, directly or through Regional Banks, District Rural Development Credit Agencies, or participating and cooperating institutions to purchase, and make commitments to purchase, service, and sell, on terms and conditions determined by the Agency, any obligation (or participation therein) of a State or local government issued wholly or partly to finance any rural development purpose project, facility, or service of any kind in any rural area;

(2) to make or guarantee, directly or through Regional Banks, Distirct Rural Development Credit Agencies, or participating institutions, loans to States or local general governments to finance any rural development purpose project, facility, or service of any kind in any rural area (including loans to nonprofit or quasi-governmental organizations and entities to finance the construction of housing, medical facilities, industrial parks, buildings for industrial and business use, and other facilities, other than electric or telephone utilities which are supported by Federal or State programs and are determined by the Federal Rural Development Credit Agency to have the attributes of public facilities); and

(3) to make, directly or through Regional Banks, District Rural Development Credit Agencies, or participating and cooperating institutions, loans for the purpose of facilitating economic, physical, and social development in rural areas.

(b) The Federal Rural Development Credit Agency shall develop criteria to assure that projects assisted by it are not inconsistent with the comprehensive planning, if any, for the development of the multi-jurisdictional districts or other areas in which such projects are proposed to be located, and to assure that such projects will not be disruptive of Federal programs which authorize assistance for the development of like or similar projects in the same rural area.

(c) A loan made, discounted, rediscounted, guaranteed, or participated in under this section may not exceed the total capital cost of the project to be financed.

(d) All obligations purchased and loans made pursuant to this section shall bear interest at a rate determined by the Federal Rural Development Credit Agency.

(e) In any case in which the Federal Rural Development Credit Agency undertakes to provide assistance to a State or local government under subsection (a) for the construction of a project for which any other department or agency of the Federal Government (under another law of the United States) will also provide funds—

(1) the assistance provided by the Rural Development Credit Agency under subsection (a) may be in the full amount needed by the State or local government to finance such project (including the amount of the funds which will be provided by such department or agency), but the funds to be provided by such department or agency with respect to such project shall become payable (notwithstanding any contrary provision in the law under which they are payable) to the Rural Development Credit Agency in lieu of being paid directly to such government, and

(2) the Federal Rural Development Credit Agency may accept in return (A) an obligation or obligations of such State or local government covering only the difference between such full amount and the amount of the funds which are payable with respect to such project by such department or agency, plus (B) a commitment from such department or agency to pay the funds which are to be provided by it and are payable to the Agency as described in paragraph (1), in order to insure that such State or local government will not have to include within its debt limit that portion of the indebtedness incurred for the financing of such construction which is attributable to funds provided by such department or agency.

(f) The Federal Rural Development Credit Agency is authorized to enter into multilateral contracts and other agreements in order to assist and encourage further cooperation among States or among local governments which have common or related developmental problems.

(g) Except as otherwise specifically provided in this title, the Federal Rural Development Credit Agency may impose, or not impose, charges or fees for its services with the objective that all costs and expenses of its operations should be within its income derived from such operations.

(h) No loans, guarantees, or other assistance shall be extended to assist in relocating any business entity from one area to another, except that such limitation shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the Executive Director finds that the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment of the area of original location or in any other area where such entity conducts business operations, unless the Executive Director has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

SEC. 710. Technical Assistance.—The Federal Rural Development Credit Agency shall have, in addition to a staff adequately equipped in the field of development banking, personnel qualified to give advice in the following fields (and in any other field appropriately related to the Agency's activities):

(1) the Federal Government, particularly its organization and operation relating to State and local governments;

(2) the operation and administration of all Federal grant-in-aid programs;

(3) the administration, development, and operation of community facilities; and

(4) technical data and requirements in fields appropriately related to the Agency's activities, including the following:

(A) roads, hospitals, schools, and airports;

(B) urban mass transit systems and bridges;

(C) housing, municipal buildings, open spaces, and parks;

(D) courthouses;

(E) water and sewage facilities and air pollution controls;

(F) industrial and commercial development;

(G) rural manpower development and training;

(H) fishing and fisheries;

(I) forest production, marketing, and processing;

(J) minerals and mining;

(K) tourism and outdoor recreation;

(L) water, and water distribution, and solid waste disposal;

(M) multiple purpose water development;

(N) comprehensive area planning;

(O) community and neighborhood centers; and

(P) cooperative and other non-profit and self-help forms of private enterprise organization.

(b) The Agency shall give or provide for giving "any necessary technical assistance under this section to applicants for assistance under this title. No fees for preliminary advice shall be charged, except that after an application has been accepted for processing, the Agency may charge reasonable fees for continued assistance under this subsection.

(c) The Agency is also authorized to engage in research and information gathering, and to undertake programs to facilitate the exchange of advanced concepts and techniques relating to municipal growth and development among State and local governments.

SEC. 711. Delegation of Duties and Powers to Institutions of the System.—The Federal Rural Development Credit Agency is authorized and directed, by order, rule, or regulation, to delegate to any Regional Bank or any District Rural Development Credit Agency such of the duties, powers, and authority of the Federal Rural Development Credit Agency with respect to such Regional Bank or District Rural Development Credit Agency or the officers and employees thereof, in the region wherein such Regional Bank or District Rural Development Credit Agency is located, as may be determined to be in the interest of effective administration. Any Regional Bank or District Rural Development Credit Agency to which any such duties, powers, or authority may be delegated, or any institution of the Rural Development Credit System to which any duty, power, or authority may be redelegated, is authorized and empowered to accept, perform, and exercise such duties, powers, and authority as may be so delegated to it, and may redelegate such powers, in accordance with rules and regulations of the Federal Rural Development Credit Board, to participating institutions whose major business is conducted in rural areas.

SEC. 712. Agreements for Sharing Losses.—The Federal Rural Development Credit Agency may enter into agreements with Regional Banks for sharing the gains and losses on loans or securities held therefor or acquired in the liquidation thereof, and Regional Banks are authorized to enter into any such agreements.

SEC. 713. First Lien.—The Federal Rural Development Credit Agency, any regional bank, any District Rural Development Credit Agency, or any participating institution shall have a first lien on the stock and certificates of participation it issues, except on such stock and certificates held by the Executive Director or by the Secretary of the Treasury, for the payment of any liability of the stockholder to any such bank, authority, or participant or to any two or all of them.

SUBTITLE G—FEDERAL RURAL DEVELOPMENT INVESTMENT EQUALIZATION ADMINISTRATION

SEC. 801. FINDINGS AND POLICY.—Congress finds that it is essential to the welfare, orderly growth, higher quality of life and domestic tranquility in urban as well as rural areas to bring about a better balanced geographic distribution of improved community facilities, services, and public works as well as a better balanced geographic distribution of investments for future economic growth, and that, because of the unique disadvantages of higher costs of acquiring raw materials and delivering finished products to the ultimate consumer, more than improved access to national credit markets will be required to bring about a more desirable geographic balance of national growth. To provide the needed incentive for rural community development, in addition to the Rural Development Credit System, it is the policy of Congress to inaugurate and carry out a program of rural equalization incentive payments in lieu of the establishment of a special rural tax exemption or artificially low interest rates, which might be disruptive of national financial markets and orderly administration of Federal tax programs.

SEC. 802. INVESTMENT IN RURAL DEVELOPMENT.—The Federal Rural Development Credit Board shall cause to be established and staffed, under its direction and supervision, a Federal Rural Development Investment Equalization Administration independent of the Federal Rural Development Credit Agency and the Regional Banks to carry out programs of interest supplements and capital augmentation payments as authorized in this title.

SEC. 803. ADMINISTRATOR.—(a) There shall be at the head of the Rural Development Investment Equalization Administration an Administrator who shall be appointed by and serve at the pleasure of the Federal Rural Development Credit Board subject to the approval of the President of the United States and shall serve at the pleasure of the President.

(b) The compensation of the Administrator shall be at the rate prescribed for positions in level IV of the Executive Pay Schedule provided for under subchapter II of chapter 53 of title 5, United States Code. The Federal Rural Development Credit Board shall fix the allowance for his necessary travel and subsistence expenses or per diem in lieu thereof.

SEC. 804. RURAL DEVELOPMENT INTEREST SUPPLEMENTS; ELIGIBILITY AND AMOUNT.—(a) Any private or public borrower of any institution of the Rural Development Credit System who is using the proceeds of the loan for a rural development project, and who cannot pay, from project earnings, in any fiscal year the full amount of the annual interest on his loan shall be eligible to receive, at the end of such fiscal year an interest supplement equivalent to the amount by which the interest due exceeds the greater of (1) the amount which the borrower can pay from project earnings for such year on the enterprise undertaken with the loan proceeds, or (2) an interest payment calculated at an interest rate of 1 per centum per annum.

(b) To establish his eligibility for an interest supplement, an applicant shall be required to prove conclusively that—

(1) the enterprise, community facility, service, or public work with respect to which the interest supplement is to be paid provides a specific addition to the pre-existing volume of capital investment and job opportunities in the Nation and in the rural area where such enterprise, community facility, service, or public work is located and is not a replacement or substitution for investment and job opportunities elsewhere previously provided by the applicant or by a direct competitor;

(2) the enterprise, community facility, service, or public work will make a substantial and definite contribution, by enhancement of the quality of life or increased income and employment in the rural area where located, to the attainment of the goals of a rational policy of balanced national growth, and of the purposes and policies of this title and of this subtitle;

(3) the enterprise is operated according to principles of prudent and efficient management, and in accordance with sound acceptable accounting principles, will sustain a net loss rather than positive earnings, if the full contractual interest rate is paid; and

(4) the amount of interest supplement applied for is, as demonstrated by the audited accounts of the enterprise, not in excess of the amount for which the applicant is eligible in accordance with the provisions of subsection (a) of this section.

(5) the project to be financed will not be in direct competition with another such project that is wholly financed by private enterprise.

(c) No applicant shall be eligible for an interest supplement under this section unless his books of account are open at all times for examination by agents or employees of the Farm Credit Administration and the General Accounting Office.

SEC. 805. RURAL DEVELOPMENT CAPITAL AUGMENTATION PAYMENTS; ELIGIBILITY AND AMOUNT.—(a) Any borrower of any institution of the Rural Development Credit System, who has constructed or acquired improvements to real property and necessary equipment and working capital to establish and operate a new or expanded rural private economic enterprise, or rural community facility, or service, or rural public work to be located and operated in a rural area for the employment of or benefit to rural residents shall be eligible to apply for a rural development capital augmentation payment to be determined in accordance with the provisions of this section.

(b) To establish his eligibility for a rural development capital augmentation payment, an applicant shall be required to prove conclusively that—

(1) the enterprise, community facility, service, or public work to which the capital augmentation shall apply provides a definite addition to the pre-existing volume of capital investment and job opportunities in the Nation and in the rural area where located and is not a replacement of or substitution for investment or job opportunities elsewhere previously provided by the applicant or by a direct competitor;

(2) the enterprise, community facility or service, or public work will make a substantial contribution, through enhancement of the quality of life or increased income and employment in the rural area where located, to the attainment of the goals of a rational policy of balanced national growth and of the purposes and policies of this title and of this subtitle;

(3) the project for which the capital augmentation payment is requested was constructed or acquired in accordance with principles of prudent and efficient management, and the amount was determined in accordance with sound acceptable accounting principles from data in the audited books of record of the applicant; and

(4) that the amount of capital augmentation payment applied for is, as demonstrated by the audited accounts of the enterprise not in excess of the amount for which the applicant is eligible in accordance with the provisions of subsection (c) of this section.

(5) the project to be financed will not be in direct competition with another such project that is wholly financed by private enterprise.

(c) The amount of any rural development capital augmentation payment shall not exceed the current discounted value, at the established interest rate of the Rural Development Credit System in the area, of the amount by which the amount computed under paragraph (1) is greater than the amount computed under paragraph (2):

(1) The annual amortization payment actually due and payable by the applicant on any indebtedness incurred by him in constructing or acquiring the new or expanded improvements of real property or additions to equipment and working capital for which the application is made.

(2) The annual amortization payment, over an amortization period of the same length that could be made out of earnings by a prudent efficient manager who would utilize the facilities, works, equipment, or working capital to fulfill an effective rural development purpose within the capacity of those who will utilize the service, buy the product, or pay user charges, or to value the product at its rural location, taking into account scarcity of population settlement, median family incomes in the area, and the cost of transporting raw materials and finished products, as determined by the Rural Development Investment Equalization Administration under rules and regulations established by the Federal Rural Development Credit Board and approved by the General Accounting Office.

(d) No applicant shall be eligible for a rural development augmentation payment under this section unless his books of account are open at all times for examination by agents or employees of the Farm Credit Administration and the General Accounting Office.

SEC. 806. SUPERVISION BY FARM CREDIT ADMINISTRATION.—The Federal Rural Development Credit Board shall arrange with the Federal Farm Credit Board to utilize the services of the Farm Credit Administration for investigation, accounting, and administrative auditing of the work of the Rural Development Investment Equalization Administration and the Federal Rural Development Credit Agency and the other institutions of the Rural Development Credit System in an orderly, efficient, and effective manner. The Farm Credit Administration is authorized to provide such services on a mutually agreeable reimbursable basis.

SEC. 807. EXAMINATION OF BOOKS OF ACCOUNT.—As a condition of approval of any application, the applicant must agree to keep his books of account open at all times for examination by the Farm Credit Administration and the General Accounting Office.

SUBTITLE H—FEDERAL RURAL DEVELOPMENT CREDIT BOARD

SEC. 901. THE FEDERAL RURAL DEVELOPMENT CREDIT BOARD; NOMINATION AND APPOINTMENT OF MEMBERS; ORGANIZATION AND COMPENSATION.—(a) There is hereby established a Federal Rural Development Credit Board (hereinafter in this subtitle referred to as the "Board") composed of seventeen members, fifteen of whom shall be appointed by the President, by and with the advice and consent of the Senate, not more than eight of whom shall be from the same political party nor more than one from any State. In making appointments to the Board the President shall select persons who are especially qualified to serve on the Board because of their education, training, and experience, and shall attempt to provide a fair representation on the board of the different geographic regions of the United States and the several economic interests in rural development—farming, labor, cooperatives, local government, and private enterprise. The President shall, before making appointments to the Board, receive and consider nominations made by the President pro tempore of the Senate of the United States for five appointments to the Board, not more than three of whom shall be from the same political party and not more than one from any Rural Development Bank Region, and shall receive and consider nominations made by the Speaker of the House of Representatives of the United States for five appointments to the Board not more than three of whom shall be from the same political party and not more than one from any Rural Development Bank Region. One member shall be the representative of the Secretary of Agriculture on the Farm Credit Board, and one member shall be the Governor of the Farm Credit Administration. The Executive Director and the Administrator of the Federal Rural Development Investment Equalization Administration shall be ex officio members of the Board and shall be eligible to vote on all matters except those affecting the terms of their own employment.

(b) All members of the Board shall be citizens of the United States and all members except the member from the Farm Credit Board and the Governor of the Farm Credit Administration and the ex officio members shall be legal residents of rural areas in which the Rural Development Credit System is authorized by this title to make, participate in, extend mortgage insurance in connection with, or guarantee rural development loans.

(c) The Board shall elect a chairman and vice chairman from among its appointed members. The Board shall elect a Secretary from among its members or from outside its membership. Such officers shall be elected for terms of one year and shall hold office until their successors have been elected.

(d) No member of the Board, other than the member from the Farm Credit Board, the Governor of the Farm Credit Administration, the Executive Director, and the Administrator of the Federal Rural Development Investment Equalization Administration shall, while serving as a member of the Board, be an officer or employee of the United States or of any State or of any of the institutions of the Rural Development Credit System or of the Farm Credit System.

(e) Appointed members of the Board shall be appointed for terms of six years, except that (1) a person appointed to fill an unexpired term shall serve only for the remainder of the term for which his predecessor was appointed, and (2) with respect to the first members appointed to such Board two members appointed by the President, two recommended by the President pro tempore of the Senate, and two recommended by the Speaker of the House of Representatives shall be appointed for terms of six years, as designated by the appointing authorities at the time of appointment, and two members appointed or recommended by each such authority shall be appointed for terms of four years, as designated by the appointing authority at the time of appointment and one member appointed or recommended by each such authority shall be appointed for a term of two years, as designated by the appointing authority at the time of appointment. A vacancy on the Board shall not affect the power of such Board to act and shall be filled in the same manner as originally filled. Members shall serve until their successors are duly appointed and qualified.

(f) The Board is authorized to establish its own rules of procedure for conducting its business, except that a majority of all members of the Board shall constitute a quorum for the transaction of its business.

(g) Each appointed member of the Board shall receive $200 a day for not more than 75 days of meetings each year and all members shall be reimbursed for travel and reasonable expenses incurred in attending meetings of such Board. Nothing in the preceding sentence shall be construed to limit the number of days of meeting each year to 75 days.

(h) the Board shall hold at least four regularly scheduled meetings a year and such additional meetings at such times and places as it may determine. Special meetings shall be held at any time at the call of the chairman or by any three members of such Board.

SEC. 902. POWERS OF THE BOARD.—The Board shall establish the general policy for the guidance of the Federal Rural Development Credit Agency, the Federal Rural Development Investment Equalization Administration, and all institutions of the Rural Development Credit System in carrying out this Act; may require such reports as it deems necessary from the institutions of the Rural Development Credit System; provide for the examination of the condition of and general supervision over the performance of the powers, functions, and duties vested in each such institution, and for the performance of all the powers and duties vested in the Federal Rural Development Credit Agency and in its Executive Director, and in the Rural Development Investment Equalization Administration and in its Administrator which, in the judgment of the Board, relate to matters of broad and general supervisory, advisory, or policy nature. The Board shall function as a unit without delegating any of its functions to individual members, but may appoint committees and subcommittees for studies and reports for consideration by the Board. It shall not operate in an administrative capacity.

SEC. 903. INDIRECT PARTICIPATION BY PRIVATE FINANCIAL SOURCES.—(a) the Board is authorized on behalf of the Regional Banks and other institutions of the Rural Developement Credit System to——

(1) issue bonds, debentures, and such other certificates of indebtedness as it may determine, and issue such securities on a competitive or negotiated basis as the Board may determine;

(2) buy and sell securities it has issued or guaranteed or whose mortgages it has insured or in which it has invested;

(3) invest funds not needed in its financing operations in such property and obligations as the Board may determine; and

(4) guarantee securities in which it has invested for the purpose of facilitating their sale.

(b) The Board shall arrange with the Federal Farm Credit Board to utilize on a reimbursable basis the security selling agency services of the institutions of the Farm Credit System.

(c) Except as hereinafter provided in this subsection, the Secretary of Agriculture (hereinafter referred to in this subsection as the "Secretary") is authorized, upon such terms and conditions as he may deem appropriate, to guarantee the timely payment of principal and interest on such obligations as shall be issued by the Board on behalf of Regional Banks. The Secretary shall collect from the Board a reasonable fee for any guaranty under this subsection and shall make such charges as he may determine to be reasonable for the analysis of any obligation proposed to be issued by the Board. In the event the Board is unable to make any payment of principal of or interest on any obligation guaranteed under this subsection, the Secretary shall make much payment as and when due in cash, and thereupon shall be subrogated fully to the rights satisfied by such payment. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guaranty under this subsection. The Secretary may not guarantee payment of any obligation of the Board issued after the total amount of stock held by the Executive Director in the several Regional Banks is equal to less than 50 per centum of the total obligations of such banks outstanding.

SEC. 904. FEDERAL PAYMENTS TO THE BOARD.—(a) With respect to such amounts of loans of the Regional Banks as may be specified in appropriation Acts, the Secretary of the Treasury is authorized to make, and to contract to make, annual payments to the Board in such amounts as are necessary to reimburse the Rural Development Investment Equalization Agency for needed interest supplements and rural capital augmentation and to subscribe to capital stock of Regional Banks that may be tendered by the Board.

(b) There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out his responsibilities under this Act, including such sums as may be necessary to make payments required by contracts entered into by the Secretary of the Treasury pursuant to subsection (a) of this section.

SEC. 905. FEDERAL INSURANCE OF OBLIGATIONS TO THE BOARD.—(a) The Secretary of Agriculture, upon application by the Board, is authorized to insure any loan made, discounted, guaranteed or insured by the Board including, for purposes of this section, any obligation purchased, insured, or guaranteed by it, and to issue a commitment for the insurance of any such loan prior to the date of its execution or disbursement thereon upon a determination that all of the applicable criteria established by or under this title will be met with respect to such loan.

(b) The insurance of any loan under subsection (a) and any payments pursuant thereto shall be made on such terms and conditions, and in such manner and form, as the Secretary shall by regulations prescribe, and shall provide for the payment in full to the Board of the outstanding principal balance of the loan together with any unpaid interest, upon default by the borrower, in accordance with procedures set forth in such regulations.

(c) The Secretary is authorized to charge and collect premiums for insurance under this section. Such premiums shall be fixed at the lowest possible levels which the Board and the Secretary agree to be reasonable and sufficient to keep the insurance program under this section in a sound and secure condition and maintain the fund established by subsection (d) of this section at a level adequate to meet all anticipated losses.

(d) (1) There is established a revolving fund to be used by the Secretary in carrying out his functions under this section. All premiums charged as provided in subsection (c), and all other receipts from the insurance program under this section shall be deposited in the fund. Moneys in the fund not needed for the payment of current operating expenses or the payment of insurance under the program may be invested in bonds or other obligations guaranteed as to principal and interest by the United States.

(2) There is authorized to be appropriated as initial capital for the revolving fund established by paragraph (1) the sum of $5,000,000.

(e) In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Secretary shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth by law with respect to loans insured under the Consolidated Farm and Rural Development Act.

(f) There are authorized to be appropriated to the Secretary of Agriculture such sums as may be necessary to carry out his responsibilities under this title.

SUBTITLE I—GENERAL PROVISIONS

SEC. 1001. FINANCIAL AND OTHER SUPERVISION.—The Rural Development Credit System and all the institutions thereof shall be subject to the supervision of the Farm Credit Administration with respect to all procedures relating to financial operations, including audits; and shall be subject to the supervision of the Administrator of the Rural Enterprise and Community Development Administration of the Department of Agriculture with respect to the appraisal of real and personal property used or to be used as security for loans, obligations, and mortgages insured or guaranteed under this title.

SEC. 1002. EXAMINATIONS AND REPORTS; AUDITS—(a) Except as provided in this Act, each institution of the Rural Development Credit System, and each of its agents, at such times as the Federal Rural Development Credit Board may determine, shall be examined and audited by examiners of the Farm Credit Administration and by auditors of the General Accounting Office, but in no event shall any such institution be examined and audited less frequently than once a year. If the Executive Director determines it to be necessary or appropriate, the required examinations and audits may be made by independent certified public accountants, certified by a regulatory authority of a State, in accordance with generally accepted auditing standards. Upon request of the Executive Director or any institution of the System, credit examiners shall also make examinations of any organization other than a national bank, to which, or with which, any institution of the Rural Development Credit System contemplates making a loan or discounting paper of such organization or delegating authority under this title. For the purposes of this Act, examiners of the Farm Credit Administration shall be subject to the same requirements, responsibilities, and penalties as are applicable to examiners under the National Bank Act, the Federal Reserve Act, the Federal Deposit Insurance Act, and other provisions of law and shall have the same powers and privileges as are vested in such examiners by law. A report of each audit of the Rural Development Credit System for any fiscal year shall be made by the Farm Credit Administration to the President of the United States and to the Congress not later than six months following the close of such fiscal year. The Farm Credit Administration shall be reimbursed by the Federal Rural Development Credit Agency for the cost of performing such audits.

(b) The Federal Rural Development Credit Board shall make a report to the Congress at the end of each calendar year on the condition of economic growth in geographic areas of the country in which it operates, the condition and experience of the Regional Banks and the Federal Rural Development Investment Equalization Administration. The Board shall include in such report such recommendations for legislative action as it deems necessary to improve the operation of the Rural Development Credit System. The Federal Rural Development Credit Board may require the Federal Rural Development Credit Agency, the Regional Banks and the Federal Rural Development Investment Equalization Administration, and the District Rural Development Credit Agencies to submit to it similar annual reports.

SEC. 1003. CONDITIONS OF OTHER BANKS AND LENDING INSTITUTIONS.—The Comptroller of the Currency is authorized and directed, upon request of the Farm Credit Administration to furnish for confidential use of an institution of the Rural Development Credit System such reports, records, and other information as he may have available relating to the financial condition of national banks through, for, or with which such institution of the System has made or contemplates making discounts, loans, or delegations of power and to make such further examination, as may be agreed, of organizations through, for, or with which such institution of the Rural Development Credit System has made or contemplates making discounts, loans, or delegations of power.

SEC. 1004. CONSENT TO THE AVAILABILITY OF REPORTS AND TO EXAMINATIONS.—Any organization other than State banks, trust companies, and savings associations shall, as condition precedent to securing discount privileges or delegated powers with a bank of the Rural Development Credit System, file with such bank its written consent to examination by Farm Credit Administration examiners as may be directed by the Farm Credit Administration; and State banks, trust companies, and savings associations may be required in like manner to file a written consent that reports of their examination by constituted State authorities may be furnished by such authorities upon the request of the Farm Credit Administration.

SEC. 1005. REPORTS ON CONDITIONS OF INSTITUTIONS RECEIVING LOANS OR DEPOSITS OR REDELEGATED POWERS.—The executive departments, boards, commissions, and independent establishments of the Government of the United States, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Reserve banks are severally authorized under such conditions as they may prescribe, upon request of the Farm Credit Administration, to make available to the Farm Credit Administration or to any institution of the Rural Development Credit System in confidence all reports, records, or other information relating to the conditions of any organization to which such institution of the System has made or contemplates making a loan or for which it has or contemplates discounting paper, or which it is using or contemplates using as a custodian of securities or other credit instruments, or which it is using as or contemplates using as a depository, or to which it has or contemplates delegating powers under this title. The Federal Reserve banks in their capacity as depositories, agents, and custodians for bonds, debentures, and other obligations issued by the banks of the Rural Development Credit System or book entries thereof are also authorized and directed, upon request of the Farm Credit Administration, to make available for audit by farm credit examiners all appropriate books, accounts, financial records, files, and other papers.

SEC. 1006. JURISDICTION.—Each institution of the Rural Development Credit System shall for the purposes of jurisdiction be deemed to be a citizen of the State, commonwealth, or District of Columbia in which its principal office is located. No district court of the United States shall have jurisdiction of any action or suit by or against any unit of local general government or any private financing institution exercising delegated powers under this title, upon the ground that it was incorporated under this title or that the United States owns any stock thereof, nor shall any district court of the United States have jurisdiction, by removal or otherwise, of any suit by or against such institution except in cases by or against the United States or by or against any officer of the United States and except in cases by or against any receiver or conservator of any such institution appointed in accordance with the provisions of this title.

SEC. 1007. STATE LEGISLATION.—Whenever it is determined by the Federal Rural Development Credit Agency, or by judicial decision, that a State law is applicable to the obligations and securities authorized to be held by the institutions of the Rural Development Credit System under this title, which law would provide insufficient protection or inadequate safeguards against loss in the event of default, the Federal Rural Development Credit Agency may declare such obligations or securities to be ineligible as security for the issuance of new notes, bonds, debentures, and other obligations under this Act.

SEC. 1008. TAX EXEMPTION.—The Federal Rural Development Credit Board, the Regional Banks, and the District Rural Development Credit Agencies shall be exempt from Federal, State, and local corporate income taxes and from all other Federal, State, and local taxes except that (1) the real property and tangible personal property of such Board, Banks, and Agencies shall be subject to Federal, State, and local taxation to the same extent, according to its value, as other similar property held by other persons is taxed, (2) the income from any obligations purchased by any such institution of the Rural Development Credit System from any Federal or State governmental or quasi-governmental body, and any obligation issued by any such institution of the Rural Development Credit System shall be subject to Federal, State, and local taxation to the same extent as the income or obligations of private corporations are taxed; and (3) the Regional Banks shall be liable for the franchise tax provided in section 614 of this Act.

SEC. 1009. NATURE OF OBLIGATIONS.—(a) All obligations issued by the Federal Rural Development Credit Board or Regional Banks shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under authority or control of the United States or of any officer or employee thereof. All obligations issued by the Rural Development Credit System pursuant to this Act shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States.

SEC. 1010. AMENDMENTS TO OTHER LAWS.—(a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(95) Executive Director of the Rural Development Credit Agency.

"(96) Administrator of the Rural Development Investment Equalization Administration."

(b) Section 5316 of title 5, United States Code is amended by adding at the end thereof the following:

"(132) Deputy Executive Director of the Rural Development Credit Agency."

SEC. 1011. SEPARABILITY.—If any provision of this Act, or the application thereof to any person or in any circumstances, is held invalid, the remainder of this Act and the application of such provision to other persons or in other circumstances shall not be affected thereby.

SEC. 1012. RESERVATION OF RIGHT TO AMEND OR REPEAL.—The right to alter, amend, or repeal any provision or all of this Act is expressly reserved.

SEC. 1013. APPROPRIATIONS.—(a) There is authorized to be appropriated to the Federal Rural Development Credit Agency not to exceed $200,000,000 annually for not to exceed 10 years for the purchase of capital stock of the Regional Banks.

(b) There is authorized to be appropriated not to exceed $300,000,000 annually to the Federal Rural Development Investment Equalization Administration for interest rate supplements and capital augmentation payments authorized under subtitle G of this title.

(c) In addition to the funds authorized to be appropriated by subsections (a) and (b), there are authorized to be appropriated, without fiscal year limitation, such additional sums as may be necessary to carry out the purposes of this Act.

CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

SHORT EXPLANATION

Title I of this bill would amend section 306 of the Consolidated Farmers Home Administration Act of 1961 which now provides for loans and grants for rural water and waste disposal facilities. The bill would extend its application to all other types of rural community development projects. That term would have the same broad meaning under this Title as it has under the Administration's Rural Revenue Sharing bill.

Title II would also provide for loans and grants to borrowers for rural development purposes. This title is modeled after the laws applicable to the cooperative Farm

Credit system, but unlike that system, loans under this title would be limited to borrowers unable to obtain credit elsewhere.

SECTION-BY-SECTION EXPLANATION

Title I—Amendments to the Consolidated Farmers Home Administration Act of 1961

Section 101. *Short Title.* This section would change the title of the Consolidated Farmers Home Administration Act of 1961 to the "Consolidated Farm and Rural Development Act."

Section 102. *Loans for Rural Development Projects.* At present, section 306 of the Consolidated Farmers Home Administration Act authorizes the making or insuring of loans to associations, including corporations not operated for profit, and public and quasi-public agencies for a number of rural development activities, including water and drainage and waste disposal facilities. Section 102 of the bill would preserve this existing authority, but extend it to provide for the making or insuring of loans to any prospective borrower for any rural community development project, including those providing employment for, as well as those serving farmers, ranchers farm demands, farm laborers and other rural residents. Section 104 would impose an additional requirement that loans under this section be not inconsistent with an areawide plan of a multi-jurisdictional planning and development district.

Section 103. *Grants for Rural Development Projects.* Grants at present under section 306 are restricted to water and waste disposal projects. This section would extend the authority for grants to other rural community development projects and increase the maximum amount of grants authorized in any fiscal year from $100 million to $300 million.

Section 104. *Consistency with Comprehensive Plans.* Existing authority now requires the Secretary to determine, before making any grant for a water or waste disposal project, that the project is consistent with planned development under State, county, or municipal plans. Section 104 of the bill would extend this requirement to other rural community development projects and specifically require that for the purposes of loans and grants, all proposed projects be consistent with plans of multi-jurisdictional agencies having jurisdiction over the area in which the proposed project is to be located.

Section 105. *Definitions.* This section—

(1) Redefines rural areas as used in section 306 of the Consolidated Farmers Home Administration Act to exclude any area in any city or town which has a population in excess of 35,000 inhabitants and any urbanized or urbanizing area immediately adjacent thereto. Existing law excludes any area in any city or town which has a population in excess of 5,500 inhabitants; and

(2) Defines the term "rural community development projects" in exactly the terms used in the Administration's Rural Revenue Sharing bill.

Section 106. *Reorganization.* This section would divide the Farmers Home Administration into a Farm Development Administration and a Rural Enterprise and Community Development Administration and place these two Administrations under an additional Assistant Secretary of Agriculture—Rural Development Credit, to be appointed by the President with the advice and consent of the Senate. Like the other Assistant Secretaries he would be compensated at Level IV of the Executive Pay Schedule, which is currently $38,000 per annum. The administrators of the two new Administrations would receive the same compensation as the Administrator of the Rural Electrification Administration. They would be in Level V of the Executive Schedule which is currently $36,000 per annum.

Title II—Federal Rural Development Credit System

Subtitle A—Findings and Purpose, Definitions

Section 201. *Findings and Purpose.* This section makes findings with respect to the importance of farming and forestry and the need of the farm family and the Nation for healthy rural communities with adequate community facilities. It is the purpose of the Act to provide for the financing of such facilities.

Section 202. *Definitions.* This section defines "Rural Development Credit System," "rural area," "rural development purpose," "local general government," "Regional Bank," "region," "Federal Rural Development Credit Board," "District Rural Development Credit Agency," "participatiing institution," 'Federal Rural Development Credit Agency," "Executive Director," and "financial assistance."

The term "rural area" is defined as any area within a State or the Commonwealth of Puerto Rico which is not part of, or contiguous to, any municipality having a population of 35,000 or more, but this definition may be broadened by regulation by the Federal Rural Development Credit Board after consultation with the Director of the Office of Management and Budget, the Secretary of Agriculture, and the Secretary of Housing and Urban Development, if the Board determines that such action because of special circumstances applicable to such areas is consistent with the purpose of the Act.

The term "rural development purpose" means any public or private project that will contribute to a reasonable national growth policy and to the enhancement of any rural area as a place to live.

The Rural Development Credit System consists of the following—

(1) A supervisory Federal Rural Development Credit Agency whose chief executive officer is called the Executive Director, and whose policy-making board is called the Federal Rural Development Credit Board;

(2) a Federal Rural Development Investment Equalization Administration to provide subsidies for rural development purposes; and

(3) the following institutions which will make loans for rural development purposes:

(a) Participating institutions (also known as Participating Rural Development Financial Institutions)—Any local bank or other financial institution or any unit of local government, which applies to be, and is designated a participating institution under Subtitle C;

(b) District Rural Development Credit Agencies—Any financial agency of a multi-jurisdictional planning and development district or a State upon application to, and designation by the appropriate Regional Rural Development Credit Bank under Subtitle D. These would be chartered as instrumentalities of the United States; and

(c) 10 Regional Banks (also known as Regional Rural Development Credit Banks) established in section 601.

In addition, "cooperating financial institutions" as described in section 404(c) may participate in loans on behalf of District Rural Development Credit Agencies.

Subtitle B—Borrowers and Availability of Loans

Section 301. *Availability of Rural Development Credit.* This section provides that any borrower for a rural development purpose shall be eligible for the credit services of Rural Development Credit System Institutions serving its area.

Section 302. *Eligibility.* The eligibility of potential borrowers is to be determined in accordance with criteria established by the District Rural Development Credit Agency with the approval of the appropriate Regional Rural Development Credit Bank and in accordance with the rules and regulations of the Federal Rural Development Credit Agency and the policies prescribed by the Federal Rural Development Credit Board. Loans are restricted to borrowers who cannot obtain credit elsewhere.

Section 303. *Terms and Conditions.* Loan terms and conditions are to be established by the appropriate Regional Rural Development Credit Bank subject to the rules and regulations of the Federal Rural Development Credit Agency and the policies of the Federal Rural Development Credit Board.

Section 304. *Security.* The amount of security to be required would be determined by the District Rural Development Credit Agency.

Section 305. *Required Purchase of Capital Stock.* This section requires each borrower to purchase stock in the District Rural Development Credit Agency in the amount of 5 to 10 percent of the loan as determined by the Federal Rural Development Credit Board.

Subtitle C—Participating Institutions

Section 401. *Designation.* Any bank or other financial institution making loans in rural areas for rural development purposes and any unit of local general government shall, upon application, be considered for designation as a Participating Rural Development Financial Institution hereinafter called "Participating Institution."

Section 402. *Functions of Participating Institutions.* Participating Institutions are authorized to—

(1) borrow from and make loans for District Rural Development Credit Agencies;

(2) make loans guaranteed or insured by a Regional Rural Development Credit Bank;

(3) issue obligations for purchase by the District Rural Development Credit Agencies; and

(4) perform such other duties as the District Rural Development Credit Agency may delegate.

Section 403. *Endorsement by Participating Institutions.* This section requires participating institutions to endorse and assume full responsibility for obligations discounted by them to the District Rural Development Credit Agency.

Section 404. *Purchase of Capital Stock.* Borrowers from participating institutions are required to purchase stock in the District Rural Development Credit Agency under which the participating institution operates in the amount of 5 to 10 percent of any loan made to them on behalf of the District Rural Development Credit Agency. In addition, the institution would be required to own capital stock in the District Rural Development Credit Agency in an amount equal to one percent of the outstanding loans in which it has participated on behalf of such District Rural Development Credit Agency. Any financial institution making rural development loans may, without designation as a participating institution, (1) purchase voting stock in the District Rural Development Credit Agency, and (2) participate in loans on behalf of such agency as a "cooperating financial institution."

Section 405. *Governance of Participating Institutions.* This section provides for rules and regulations governing participating institutions.

Section 406. *Certificates of Participation.* Each participating institution is to receive a certificate certifying that it is an official participating rural development financial institution. Designation of participating institutions is subject to approval of the Federal Rural Revelopment Credit Board.

Subtitle D—District Rural Development Credit Agencies

Section 501. *Designation and Charters.* Any financial agency of a multi-jurisdictional planning and development district of a State may upon application to, and approval by, the Regional Rural Development Credit Bank serving its area, be designated a District Rural Development Credit Agency and chartered as an instrumentality of the United States. District Rural Development Credit Agencies may be required to purchase stock in the Regional Rural Development Credit Bank in such amount as may be required by such Bank as a condition of approval. The Executive Director of the Federal Rural Development Credit Agency may veto the approval of, and is to prescribe the organization, management, and conduct of the business of, any District Rural Development Credit Agency.

Sections 502, 503, and 504. *Governing Board, General Corporate Powers, and Capital Stock.* These sections deal with the Boards of Directors, the general corporate powers, and the capital stock of the District Rural Development Credit Agencies. The number, terms, qualifications, and election of Board Members would be in accordance with State law and its Federal charter.

Section 505. *Application of Earnings.* This section provides for the manner in which earnings of District Rural Development Credit Agencies after providing for valuation reserves against loan assets, shall be applied to the restoration of capital impairment, establishment and maintenance of surplus accounts and stock participation or cash distributions.

Section 506. *Loans by District Rural Development Credit Agencies.* This section authorizes District Rural Development Credit Agencies to make loans for rural development purposes through participating institutions or directly in any rural area in which there is no participating institution able and willing to supply the credit needs of the applicant. Loans would bear interest and be subject to other terms and conditions determined under regulations prescribed by the Board of Directors of the Agency with the approval of the Federal Rural-Development Credit Agency.

Section 507. *Other Services.* This section authorizes each District Rural Development Credit Agency to provide technical assistance and financial related services to borrowers, applicants and participants.

Subtitle E—Regional rural development credit banks

Section 601. *Establishment, Title, Number.* This section provides for the establishment of ten Regional Rural Development Credit Banks.

Section 602. *Corporate Powers.* This section provides for the corporate powers of each Regional Rural Development Credit Bank.

Section 603. *Regional Rural Development Credit Bank Stock.* This section provides for the issuance by the Bank of various classes of voting and non-voting stock and evidences of indebtedness, and for the application of the earnings of the Bank.

Section 604. *Loans.* The Regional Rural Development Credit Banks are authorized to—

(1) finance real or personal property, working capital, and operating expenses in connection with loans of the District Rural Development Credit Agencies to finance any rural development purpose project;

(2) provide financing for the construction or improvement of any rural development purpose project; and

(3) insure rural development purpose project construction improvement or expansion borrowers against damage or casualty loss in connection with such project.

Section 605. *Interest Rates and Other Charges.* Financing by Regional Rural Development Credit Banks shall bear interest and be on such other terms and conditions as may be determined by the Board of Directors of the Bank, it being the objective to provide such financing at the lowest reasonable cost on a sound business basis.

Section 606. *Eligibility.* Financing and insurance provided by this title would be made available to any applicant therefor if—

(1) the application is endorsed by the multi-jurisdictional governmental planning and development district, if any, established by the legislature or Governor of the State certifying that the proposed project is consistent with the current comprehensive development plan for such district;

(2) the applicant demonstrates that the project will not result in the geographic transfer of employment or business activities now provided by the applicant;

(3) the applicant demonstrates that he has been unable to obtain needed financial assistance from other private or public sources at reasonable rates and conditions;

(4) the applicant demonstrates that he can meet the scheduled payments;

(5) the applicant demonstrates that the project will operate primarily in a rural area for the benefit of rural residents and promises to make a net increase in number of jobs, quality of life, or median family income in the rural areas served;

(6) the applicant demonstrates and certifies that neither the project nor its personnel or employees will be used for the purpose of engaging the religious or partisan political activities.

Section 607. *Security.* Loans are to be secured by the best security available and by the endorsement of the appropriate District Rural Development Credit Agency and participating institution.

Section 608. *Services Related to Borrowers' Operations.* This section authorizes the Regional Rural Development Credit Banks to provide technical assistance to District Rural Development Credit Agencies, participating institutions, loan applicants, and other financial institutions in rural areas.

Section 609. *Loans Through Agencies, Participating Institution.* The Regional Rural Development Credit Banks are to make financial assistance available to eligible borrowers through District Rural Development Credit Agencies and participating institutions in the area served by such bank. If no District Rural Development Credit Agency or participating institution is available to handle the application, the bank may make the loan through any other financial institution or directly to the borrower. The applicant shall purchase stock of the bank in an amount equal to not less than $5.00 and not more than $10.00 for each $100 of the loan proceeds.

Section 610. *Eligibility of Financial Institutions.* The eligibility of any financial institution to receive or handle loans for any Regional Rural Development Credit Bank is to be determined by such bank on the basis of an application and in accordance with criteria established by the Rural Development Credit Agency under rules and regulations of the Rural Development Credit Board. Such institutions shall be eligible to borrow from such Regional Bank.

Section 611. *Boards of Directors.* This section provides for a 12-member bipartisan Board of Directors for each Regional Rural Development Credit Bank. Different methods are provided for their appointment depending upon the amount of stock in the bank held by the Executive Director. The Board would elect a chairman from among its members and would elect a President who would be an ex-officio member of the Board and such other officials and employees as may be required for the necessary and effective operation of the Bank. Members would receive $100 for each day spent in the performance of their official duties, but not more than $7,500 in any year. A Board member who was an official of the United States or of any State would not receive pay.

Section 612. *Capitalization of Regional Rural Development Credit Banks.* This section authorizes the President of each Regional Rural Development Credit Bank to issue its pro rata share of the amount of outstanding capital stock of the Rural Development Credit System as determined by the Federal Rural Development Credit Board. The Executive Director is authorized to purchase non-voting stock in the same amount the Bank is authorized to issue.

Section 613. *Governance of Policies, Programs and Procedures of Regional Rural Development Credit Banks.* The Federal Rural Development Credit Board is to establish regulations to govern the programs and procedures of the Regional Rural Development Credit Banks during any period in which the Executive Director holds stock in such bank, but the banks are conclusively presumed to be acting in accordance with such regulations in all their actions.

Section 614. *Stock Purchased by Executive Director, Retirement, Franchise Tax, Revolving Fund.* This section authorizes the Executive Director on behalf of the United States to purchase stock in any Regional Rural Development Credit Bank to help such bank inaugurate lending operations, or meet emergency credit needs of borrowers. The Executive Director may require the bank to retire this stock whenever it has resources available and the need for such investment is reduced for any year or part thereof in which the Executive Director holds stock in the bank. The bank, after, making provision for reserve and surplus funds as provided in section 603(e), shall pay to the United States a franchise tax equal to the lower of, (1) 25 percent of its net earnings, or (2) a rate of return based on the average annual rate of interest on certain public debt issues of the United States and the number of days such stock is outstanding during the year.

Section 615. *Subscription by the United States of Initial and Additional Capital.* This section authorizes the Secretary of the Treasury to deposit any money in the Treasury not otherwise appropriated for the temporary use of any Regional Rural Development Credit Bank to earn interest at a rate not exceeding the current rate charged for other Government deposits or 5 percent, whichever is lower.

Section 616. *Power to Borrow, Issue Notes, Bonds, Debentures and Other Obligations.* This section authorized each Regional Rural Development Credit Bank to borrow money in such sums as it may determine.

Section 617. *Aggregate of Obligations, Collateral.* This section limits the long term obligations of Regional Rural Development Credit Banks to twenty times the capital and surplus of all the Regional Banks primarily liable thereon, or such lesser amount as the Federal Rural Development Credit Agency shall establish by regulation.

Each bank is to maintain free from any lien or other pledge notes representing loans made under the authority of this Act, obligations of the United States, other readily marketable securities or cash in an aggregate value equal to the total amount of long-term obligations for which the Bank is primarily liable.

Section 618. *Liability of Banks.* Each Regional Rural Development Credit Bank would be liable on its own obligations and for interest payments on obligations of other Regional Rural Development Credit Banks. In addition each such Bank would be primarily liable for the portion of any issue of consolidated obligations made on its behalf and jointly and severally liable for the payment of any additional sums when called upon the Federal Rural Development Credit Agency to make payments of interest or principal which any other such bank primarily liable therefor is unable to make.

Section 619. *Finance Committee.* This section provides for a finance committee composed of the Presidents of the Regional Rural Development Credit Banks to determine the amount, maturities, rates of interest and participation by the several banks in each issue of joint or consolidated obligations.

Section 620. *Bonds as Investments.* Bonds and other similar obligations issued under the authority of this title shall be lawful investments for a fiduciary and may be accepted as security for all public deposits.

Section 621. *Purchase and Sale by Federal Reserve System.* Obligations issued under this title may be bought and sold by any member of the Federal Reserve System; and (to the same extent and subject to the same limitations as are placed upon the purchase and sale of State, county, district and municipal bonds under section 14(b) of the Federal Reserve Act) by any Federal Reserve Bank.

Section 622. *Purchase and Sale of Obligations.* Each Regional Rural Development Credit Bank may purchase its own obligations and the obligations of any other such bank and may provide for the sale of obligations issued by it or issued jointly with one or more other such banks. The sales agency of the Farm Credit System is to be utilized on a reimbursable basis for the purchase and sale of these obligations.

Section 623. *Fiscal Agency.* This section provides for a fiscal agency to be established by the Regional Rural Development Credit Banks to carry out such of their functions relating to the issuance, marketing and handling of obligations as may be required.

Section 624. *Merger of Similar Banks.* This section authorizes merger of Regional Rural Development Credit Banks upon approval of the majority of their stockholders and the Federal Rural Development Credit Agency.

Section 625. *Board of Directors for Merged Bank.* The board of directors for a merged bank shall be composed of directors elected by the boards of the banks being merged; but the bylaws of the merged bank may, with the approval of the Federal Rural Development Credit Agency and subject to rules and regulations established by the Federal Rural Development Credit Board provide for a different number of directors, selected in a different manner.

Section 626. *Voluntary Liquidation, Insolvency.* This section prohibits any institution of the system from going into voluntary liquidation without the consent of the Federal Rural Development Credit Agency and for appointment by the Executive Director of a conservator for any Regional Rural Development Credit Bank which becomes insolvent.

Subtitle F—Federal Rural Development Credit Agency

Section 701. *Federal Rural Development Credit Agency. Executive Director.* This section establishes an independent agency to be known as the Federal Rural Development Credit Agency to be headed by an Executive Director and to be responsible for carrying out the programs provided for in this title.

Section 702. *Appointment of Executive Director, Salary and Expense Allowance.* The Executive Director is to be appointed by the Federal Rural Development Credit Board, except that during any period in which he holds stock in any Regional Rural Development Credit Bank his appointment shall be subject to approval by the President and he shall serve at the pleasure of the President. His compensation would be fixed at the rate prescribed for positions in level IV of the Executive Pay Schedule which currently is $38,000 per annum.

Section 703. *Compliance with Board Orders.* The Executive Director is to carry out the policies of the Federal Rural Development Credit Board.

Section 704. *Rural Development Credit Organization.* The Executive Director is authorized to appoint and employ personnel.

Section 705. *Seal.* This section provides for a seal of the Federal Rural Development Credit Agency to be adopted by the Executive Director and to be judicially noted.

Section 706. *Administrative Expense.* This section authorizes the Federal Rural Development Credit Agency to make necessary expenditures for proper administration of the Act.

Section 707. *Allocation of Expenses.* This section provides for the assessment of the institutions of the system for their appropriate share of the cost of administering this title. During the first five fiscal years of operation appropriations would be authorized to augment such assessments. At the end of each fiscal year, the Agency would redetermine the appropriate assessment for each institution and appropriate adjustments would be made.

Section 708. *Enumerated Powers.* This section enumerates the powers, functions, and responsibilities of the Federal Rural Development Credit Agency. In general they provide for the supervision and direction of the system. They include provisions for modifying the territory of any Regional Rural Development Credit Bank, issuing Federal charters for institutions of the system, and making investments in stock of the institutions of the system out of stock subscribed by the Secretary of the Treasury, and requiring the retirement of such stock.

Section 709. *Special Powers.* This provision authorizes the Federal Rural Development Credit Agency to purchase or sell any obligation of a State or local government issued wholly or partly to finance any rural development purpose project, facility or service; otherwise finance any such project; facility or service; or make loans to facilitate economic, physical and social development in rural areas.

Section 710. *Technical Assistance.* This section requires the Federal Rural Development Credit Agency to employ personnel qualified in a number of specific fields related to the agency's activities, and to give, or provide for giving, necessary technical assistance to applicants for assistance under this title.

Section 711. *Delegation of Duties and Powers to Institutions of the System.* This section authorizes the Federal Rural Development Credit Agency to delegate to any Regional Rural Development Credit Bank or any District Rural Development Credit Agency any of its duties with respect to such bank or agency, and provides for the redelegation of any duties of any institution of the Rural Development Credit System.

Section 712. *Agreements for Sharing Losses.* This section authorizes the Federal Rural Development Credit Agency to enter into agreements with Regional Rural Development Credit Banks to share gains and losses on securities held therefor or acquired in liquidation thereof.

Section 713. *First Lien.* The Federal Rural Development Credit Agency, the Regional Rural Development Credit Banks, the District Rural Development Credit Agencies, and participating institutions are each given a first lien on stock issued by them (except in the case of stock held by the Executive Director or the Secretary of the Treasury) for the payment of any liability of the stockholder to any such entity or entities.

Subtitle G—Federal Rural Development Investment Equalization Administraton

Section 801. *Findings and Policy.* This section finds that incentive payments are needed for rural community development and declares it to be the policy of Congress to carry out a program of such payments.

Section 802. *Investment in Rural Development.* This section provides for the establishment by the Federal Rural Development Credit Board of a Federal Rural Development Investment Equalization Administration, independent of the Federal Rural Development Credit Agency and Regional Rural Development Credit Banks, to carry out programs of interest supplements and capital augmentation payments.

Section 803. *Administrator.* The Rural Development Investment Equalization Administration would be headed by an Administrator appointed by the Federal Rural Development Credit Board, except that during any period that the Executive Director holds any stock in any of the Regonal Rural Development Credit Banks, his appointment would be subject to the approval of the President and he would serve at the pleasure of the President. He would be compensated at Level IV of the Executive Pay Schedule, which currently is $38,000 per annum.

Section 804. *Rural Development Interest Supplements, Eligibilty and Amount.* Any borrower of any institution of the Federal Rural Development Credit System who cannot pay from project earnings in any fiscal year the full amount of the annual interest on his loan shall be eligible to receive at the end of such fiscal year an interest supplement equivalent to the amount by which the interest due exceeds the greater of (1) the amount which can be paid from project earnings, or (2) one percent of the loan.

Section 805. *Rural Development Capital Augmentation Payments, Elgibility and Amount.* Any borrower or person eligible to borrow from any institution of the Rural Development Credit System who has constructed or acquired improvements to real property and necessary equipment and working capital to establish and operate a new or expanded rural community facility or service may apply for a Rural Development capital augmentation payment. The amount of any such payment shall not exceed the current discounted value of the amount by which—

(1) the annual amortization payment actually due on any indebtedness exceeds;

(2) the annual amortization payment that could be made out of earnings from prudent operation of the project.

Section 806. *Supervision by Farm Credit Adminstration.* Investigating, accounting, and administrative auditing services of the Farm Credit Administration would be utilized on a reimburseable basis by the Federal Rural Development Investment Equalization Administration and the Federal Rural Development Credit Agency.

Section 807. *Examination of Books of Account.* As a condition of approval of any application the applicant would be required to keep his books of account open at all times for examination by the Farm Credit Administration and the General Accounting Office.

Subtitle H—Federal Rural Development Credit Board

Section 901. *Federal Rural Development Credit Board.* This section creates a bipartisan Federal Rural Development Credit Board composed of 17 members. Fifteen members, each from a different State, would be appointed by the President with the advice and consent of the Senate. One member would be the representative of the Secretary of Agriculture on the Farm Credit Board, and one member would be the Governor of the Farm Credit Administration. The Executive Director and the Administrator of the Federal Rural Development Investment Equalization Administration would be ex-officio members.

Appointed members would serve for terms of six years except that in case of the first members appointed, six would be appointed for terms of six years, six would be appointed for terms of four years, and three would be appointed for terms of two years. Appointed members would receive $200 per day for not more than 75 days of meetings each year.

Section 902. *Powers of the Board.* The Board would establish the general policy for all institutions of the Rural Development Credit System.

Section 903. *Indirect Participation by Private Financial Sources.* The Board is authorized on behalf of the Regional Rural Development Credit Banks and the other institutions of the System to issue bonds, debentures and other obligations, buy and sell securities it has issued or guaranteed, invest funds not needed in its financing operations in such property as the Board may determine, and guarantee securities in which it has invested for the purpose of facilitating their sale. The Board would utilize on a reimbursable basis the security selling agency services of the Farm Credit System.

The Secretary of Agriculture would be authorized to guarantee the obligations issued by the Board on behalf of Regional Rural Development Credit Banks. The full faith and credit of the United States is pledged to the payment of all amounts so guaranteed.

Section 904. *Federal Payments to the Board.* With respect to such amounts of loans of the Regional Rural Development Credit Banks as may be specified in appropriation Acts, the Secretary of the Treasury is authorized to make and to contract to make annual payments to the Board in such amounts as are necessary to (1) reimburse the Federal Rural Development Investment Equalization Administration for needed interest supplements and rural capital augmentation, and (2) subscribe to stocks of Regional Rural Development Credit Banks that may be tendered by the Board.

Section 905. *Federal Insurance of Obligations to the Board.* This section authorizes the Secretary of Agriculture to insure any obligation insured or purchased by the Board. Five million dollars is authorized to be appropriated as initial capital for a revolving fund to be used to carry out such insurance. All premiums charged for such insurance would be deposited in the fund. In carrying out his functions under this title, the Secretary would have the same functions, powers and duties as under the Consolidated Farm and Rural Development Act, and such sums are authorized to be appropriated to the Secretary for the Agricultural Credit Insurance Fund as may be necessary to carry out his responsibilities under this title.

Subtitle I—General Provisions

Section 1001. *Financial and Other Supervision.* The Rural Development Credit System would be subject to the supervision of the Farm Credit Administration with respect to all procedures relating to financial obligations, including audits, and would be subject to the supervision of the Administrator of the Rural Enterprise and Community Development Administration with respect to the appraisal of real and personal property for security purposes.

Section 1002. *Examinations and Reports, Audits.* This section provides for examinations and audits by Farm Credit Administration examiners and General Accounting Office auditors, and reports to Congress by the Farm Credit Administration and the Federal Rural Development Credit Board.

Section 1003. *Conditions of Other Banks and Lending Institutions.* The Comptroller of the Currency is required upon request of the Farm Credit Administration to—

(1) furnish for confidential use of any institution of the Rural Development Credit System any information he may have relating to the financial condition of national banks through which such institution makes loans; and

(2) make such further examination as may be agreed of organizations through which such institution makes loans.

Section 1004. *Consent to the Availability of Reports and to Examinations.* This section requires any organization seeking discount privileges or delegated powers from a bank of the Rural Development Credit System to consent to examination by Farm Credit examiners or, in the case of State banks, trust companies and savings associations, to permit State authorities to furnish reports of their examinations upon request of the Farm Credit Administration.

Section 1005. *Reports on Conditions of Institutions Receiving Loans or Deposits or Redelegated Powers.* This section authorizes various agencies to furnish information to the Farm Credit Administration or any institution of the Rural Development Credit System.

Section 1006. *Jurisdiction.* Each institution of the Rural Development Credit System shall for the purposes of jurisdiction be deemed to be a citizen of the State, Commonwealth, or District of Columbia in which its principal office is located.

Section 1007. *State Legislation.* This section authorizes the Federal Rural Development Credit Agency to declare obligations or securities to be ineligible as collateral under this Act where the State law applicable to such obligations provides insufficient protection in the event of default.

Section 1008. *Tax Exemption.* The Federal Rural Development Credit Board, the Regional Rural Development Credit Banks, and the District Rural Development Credit Agencies are to be exempt from Federal, State, and local corporate income taxes and from all other Federal, State, and local taxes, except that—

(1) their real and tangible personal property shall be subject to Federal, State, and local taxation to the same extent according to its value as other similar property held by other persons;

(2) the income from any obligations purchased by them from any Federal or State governmental or quasi governmental body and from obligations issued by them shall be subject to Federal, State, and local taxation to the same extent as the income or obligations of private corporations are taxed; and

(3) the Regional Rural Development Credit Banks are liable for the franchise tax provided for in section 614 of this Act.

Section 1009. *Nature of Obligations.* All obligations issued by the Federal Rural Development Credit Board or Regional Rural Development Credit Banks shall be lawful investments for all fiduciaries.

Section 1010. *Compensation.* This section amends title 5 of the United States Code to place the Executive Director of the Rural Development Credit Agency and the Administrator of the Rural Development Investment Equalization Administration in Level IV of the Executive Schedule which currently is $38,000 per annum, and to place the Deputy Executive Director of the Rural Development Credit Agency in Level V of the Executive Schedule which currently is $36,000 per annum.

Section 1011. *Separability.* This section provides that if any provision of the Act is held invalid, the remainder of the Act shall not be affected thereby.

Section 1012. *Reservation of Right to Amend or Repeal.* This section reserves the right to alter, amend, or repeal any provision of the Act.

Section 1013. *Appropriations.* This section authorizes the appropriation of—

(a) $200 million annually for not to exceed 10 years for the purchase of capital stock in the Regional Banks by the Federal Rural Development Credit Agency;

(b) $300 million annually to the Federal Rural Development Investment Equalization Administration for interest supplements and capital augmentation payments; and

(c) such additional sums as may be necessary without fiscal year limitation to carry out the purposes of the Act.

HOW THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT WOULD WORK

The legislation puts major emphasis on regional planning by rural counties for their own, mutual good.

It would give each of these district planning agencies a financial office.

This office would process applications for loan assistance for new industry, community facilities, or such things as housing developments by non-profit organizations.

Local bankers, who have a big stake in the success of rural development, could become members of the system, and become centers for initial processing of loans.

Let's assume that a manufacturer wanted to build a small factory in Alma, Georgia. He would make application to the member bank of his choice.

Many small town banks do not have the financial resources to handle major capital loans, but the banker then goes to the district finance office to see if he can get help in financing the loan.

If the manufacturer cannot qualify for normal loan assistance, and cannot find a local banker member of the system, he can go directly to the finance agency of the regional county planning agency's finance office.

When the loan proposal is filed with the regional development agency of a group of counties, it will be checked to see if the type of development desired is consistent with the overall plan of the multi-county district.

The local bank can then make a portion of the loan, and the district financial office picks up what would probably be the largest share.

Or, the local banker could discount the loan paper with the financial office.

Or, instead of a participating loan, the financial agency could handle the entire amount, rather than having the local banker try to sell the loan on the money market.

The local bank could also ask the finance agency to guarantee the loan of the borrower, or insure repayment of the principle and interest, or provide mortgage insurance for the loan.

Cities and counties eligible which wanted to improve community facilities would go directly to the multi-county finance agency.

The multi-county finance offices will really have no money except for their capital stock, reserves and surplus, so these agencies would go in turn to one of the ten regional banks set up under the system and seek the same terms the local banker asks for.

Working under exactly the same principle as the Farm Credit System, which has been so successful for so long, the Treasury would subscribed to a certain amount of capital stock in each multi-county district finance agency.

Each borrower who gets a loan would have to buy 5–10 percent of his loan proceeds in capital stock of the multi-county finance agency.

The local banks or the counties involved would have to put up an additional one percent of the loan proceeds for the same purpose.

Reserves and surpluses of the multi-county finance agencies would come from these earnings, and these earnings would be used to retire the U.S. Treasury subscription so that eventually the entire system can become borrower owned, and participant owned, just as the Farm Credit System is today.

A percentage of the earnings of the multi-county finance agencies would first be put in reserve, then another percentage would be added to the surplus, then the agency would pay a franchise tax, in lieu of income tax, and then it would retire the federal capital. Any additional amount would be used to pay a dividend to the stock holders or pay interest to those holding participating certificates.

The ten regional banks would have the authority to sell their own bonds and debentures on the money market at the going interest rate. The regional banks could also consolidate their paper to handle a transaction. But if it is to be sold on the money market, it would be through the Farm Credit Administration Security Sales Agency, which is already so efficient.

The Rural Development Credit Agency

would perform the function of governing the local agencies, as the Farm Credit system now operates.

Another agency, the Rural Development Investment Equalization Administration, would handle the subsidy end of this proposal. It would be handled separately to avoid problems of getting loan and grant money mixed into the same financial pot.

It has been alleged by those who claim that industry will not move to rural America that it costs more money to operate away from the population centers, and as a result, the chance for a major dispersal of industry is doomed to failure.

The sponsors of the Consolidated Farm and Rural Development Act do not necessarily agree with this conclusion, but a number of states have proved that investment incentives do draw industries.

Rather than provide under-the-table or backdoor subsidies, this legislation would make open subsidies available, but only under stringent and controlled circumstances, and this would be done on a *national* basis rather than the state-by-state effort now going on.

It must be stressed that these would not be relief payments to fiscally healthy industries, but they would be incentives to American industry to disperse.

There would be two kinds of subsidies:

1. *Interest supplements:* If a firm cannot pay its interest out of local earnings without dipping into its capital, the company can be given an interest supplement by the Rural Development Investment Equalization Administration. The payment could not bring the firm's interest level lower than one-percent.

2. *Rural Development Capital Augmentation Payments:* If a community wanted to build a sewer system, a calculation would be made of how much such a system would cost, and then it would be determined how much the people in the community could reasonably be expected to pay for it. The difference between these two figures would be the Rural Development Capital *Augmentation* payment. The same formula could be used for development of new industry, but again it must be stressed that this procedure would be under strict controls so that this money would not be used for fly-by-night or doomed-to-fail businesses.

THE REORGANIZATION

Under this bill farm and non-farm credit would come under a new Assistant Secretary of Agriculture. Under him, in two separate agencies, would be the Farm Development Administration, which now handles all farm credits (under the title Farmers Home Administration) and the Rural Enterprise and Community Development Administration, which would handle all non-farm rural credit.

The new assistant secretary would be assigned to no other duties than to oversee all rural credit. At present, the assistant secretary handling this task, must also supervise a wide range of other activities.

The 19 members of the Rural Development Credit Board would have five members appointed by the President of the United States; five nominated by the President Pro tempore of the Senate; and five nominated after consideration of the recommendations of the Speaker of the House.

The Secretary of Agriculture would appoint the same person who is his representative to the Farm Credit Board. The governor of the Farm Credit Administration would be another member of the board. The Executive Director of the Rural Development Credit Agency, and the Rural Development Investment Equalization Administration would sit on the board as ex-officio members.

By Mr. COOPER:

S. 2224. A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency. Referred jointly to the Committees on Armed Services and Foreign Relations, by unanimous consent.

Mr. COOPER. Mr. President, the formulation of sound foreign policy and national security policy requires that the best and most accurate intelligence obtainable be provided to the legislative as well as the executive branch of our Government. The approval by the Congress of foreign policy and national security policy, which are bound together, whose support involves vast amounts of money, the deployment of weapons whose purpose is to deter war, yet can destroy all life on earth, the stationing of American troops in other countries and their use in combat, and binding commitments to foreign nations, should only be given upon the best information available to both the executive and legislative branches.

There has been much debate during the past several years concerning the respective powers of the Congress and the Executive in the formulation of foreign policy and national security policy and the authority to commit our Armed Forces to war. We have experienced, unfortunately, confrontation between the two branches of our Government. It is my belief that if both branches, executive and legislative, have access to the same intelligence necessary for such fateful decisions, the working relationship between the Executive and the Congress would be, on the whole, more harmonious and more conducive to the national interest. It would assure a common understanding of the purposes and merits of policies. It is of the greatest importance to the support and trust of the people. It is of the greatest importance to the maintenance of our system of government, with its separate branches, held so tenuously together by trust and reason.

It is reasonable, I submit, to contend that the Congress, which must make its decisions upon foreign and security policy, which is called upon to commit the resources of the Nation, material and human, should have all the information and intelligence available to discharge properly and morally its responsibilities to our Government and the people.

I send to the table a bill amending the National Security Act of 1947, which, I hope, would make it possible for the legislative branch to better carry out its responsibilities.

I read the amendment at this point:

> To amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency.
>
> That section 192 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof the following new subsections:
>
> "(g) It shall also be the duty of the Agency to inform fully and currently, by means of regular and special reports to, and by means of special reports in response to requests made by, the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate regarding intelligence information collected by the Agency concerning the relations of the United States to foreign countries and matters of national security including full and current analysis by the Agency of such information.
>
> "(h) Any intelligence information and any analysis thereof made available to any committee of the Congress pursuant to subsection (g) of this section shall be made available by such committee, in accordance with such rules as such committee may establish, to any member of the Congress who requests such information and analysis. Such information and analysis shall also be made available by any such committee, in accordance with such rules as such committee may establish, to any officer or employee of the House of Representatives or the Senate who has been (1) designated by a Member of Congress to have access to such information and analysis, and (2) determined by the committee concerned to have the necessary security clearance for such access."

The bill would, as a matter of law, make available to the Congress, through its appropriate committees, the same intelligence, conclusions, facts, and analyses that are now available to the executive branch. At the present time, the intelligence information and analyses developed by the CIA and other intelligence agencies of the Government are available only to the executive as a matter of law. This bill would not, in any way, affect the activities of the CIA, its sources or methods, nor would it diminish in any respect the authority of already existing committees and oversight groups, which supervise the intelligence collection activities of the Government. My bill is concerned only with the end result—the facts and analyses of facts. It would, of course, in no way inhibit the use by the Congress of analyses and information from sources outside the Government. It is obvious that with the addition of intelligence facts and their analyses, the Congress would be in a much better position to make judgments from a much more informed and broader perspective than is now possible.

The National Security Act of 1947 marked a major reorganization of the executive branch. This reorganization made it possible for the executive branch to assume more effectively the responsibilities of the United States in world affairs and the maintenance of our own national security. The National Security Act of 1947 created the Department of Defense and the unified services as we now know them.

Section 102 of the National Security Act of 1947, established the Central Intelligence Agency under a Director and Deputy Director, appointed by the President, by and with the advice and consent of the Senate. Under the direction of the National Security Council, it was directed to advise the National Security Council on matters relating to national security and "to correlate and evaluate intelligence relating to national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities."

The language does not specifically bar the dissemination of intelligence to the Congress, but it does not provide that

Congress shall be informed as a matter of law.

I ask unanimous consent that "Title I—Coordination for National Security," sections 101 and 102, be printed in the RECORD at this point in my remarks.

There being no objection, the sections of the act were ordered to be printed in the RECORD, as follows:

TITLE I—COORDINATION FOR NATIONAL SECURITY

NATIONAL SECURITY COUNCIL

SEC. 101. (a) There is hereby established a council to be known as the National Security Council (hereinafter in this section referred to as the "Council").

The President of the United States shall preside over meetings of the Council: *Provided*, That in his absence he may designate a member of the Council to preside in his place.

The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.

The Council shall be composed of the President; the Secretary of State; the Secretary of Defense, appointed under section 202; the Secretary of the Army, referred to in section 205; the Secretary of the Navy; the Secretary of the Air Force, appointed under section 207; the Chairman of the National Security Resources Board, appointed under section 103; and such of the following named officers as the President may designate from time to time: The Secretaries of the executive departments, the Chairman of the Munitions Board appointed under section 213, and the Chairman of the Research and Development Board appointed under section 214; but no such additional member shall be designated until the advice and consent of the Senate has been given to his appointment to the office the holding of which authorizes his designation as a member of the Council.

(b) In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security, it shall, subject to the direction of the President, be the duty of the Council—

(1) to assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and

(2) to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith.

(c) The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President, and who shall receive compensation at the rate of $10,000 a year. The executive secretary, subject to the direction of the Council, is hereby authorized, subject to the civil-service laws and the Classification Act of 1923, as amended, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

(d) The Council shall, from time to time, make such recommendations, and such other reports to the President as it deems appropriate or as the President may require.

CENTRAL INTELLIGENCE AGENCY

SEC. 102. (a) There is hereby established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence, who shall be head thereof. The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services or from among individuals in civilian life. The Director shall receive compensation at the rate of $14,000 a year.

(b) (1) If a commissioned officer of the armed services is appointed as Director then—

(A) in the performance of his duties as Director, he shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of the Army, the Department of the Navy, the Department of the Air Force, or the armed services or any component thereof; and

(B) he shall not possess or exercise any supervision, control, powers, or functions (other than such as he possesses, or is authorized or directed to exercise, as Director) with respect to the armed services or any component thereof, the Department of the Army, the Department of the Navy, or the Department of the Air Force, or any branch, bureau, unit or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1), the appointment of the office of Director of a commissioned officer of the armed services, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed services, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissoned officer shall, while serving in the office of Director, receive the military pay and allowances (active or retired, as the case may be) payable to a commissioned officer of his grade and length of service and shall be paid, from any funds available to defray the expenses of the Agency, annual compensation at a rate equal to the amount by which $14,000 exceeds the amount of his annual military pay and allowances.

(c) Notwithstanding the provisions of section 6 of the Act of August 24, 1942 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: *Provided*, That the Agency shall have no police, subpena, law-enforcement powers, or internal-security functions: *Provided further*, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further*, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

(e) To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: *Provided, however*, That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

(f) Effective when the Director first appointed under subsection (a) has taken office—

(1) the National Intelligence Authority (11 Fed. Reg. 1337, 1339, February 5, 1946) shall cease to exist; and

(2) the personnel, property, and records of the Central Intelligence Group are transferred to the Central Intelligence Agency, and such Group shall cease to exist. Any unexpended balances of appropriations, allocations, or other funds available or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency.

Mr. COOPER. The Congress has yet to fully organize itself to meet its responsibilities for foreign policy and national security. By following the general pattern taken by the executive branch in the National Security Act of 1947, the bill would enable the Congress to be better able to share with the executive its constitutional responsibilities in the making of our national security policies—policies for national security founded upon a proper ordering of priorities between our domestic and foreign policy needs.

The question of the security of classified information is important. To meet this issue, under my proposed bill, legislators and those members of Senate and congressional staffs working on national security matters would be subject to similar security requirements as those levied on the executive. Members of the Legislative branch should have the responsibility to maintain security as well as access to intelligence.

In this way, by making the best intelligence information available to both the legislative and the executive, the respective capabilities for reasoned judgments of both branches of Government, deemed so necessary by the framers of the Constitution to prevent authoritarian rule by either branch, can be strengthened. Experience has underlined this necessary provision for the legislature to meet its constitutional responsibilities.

In the Nation's interest it will make basic intelligence required for sound national security policy available to both the executive and the legislative, and it will do much to strengthen the balance of responsibility for foreign and security policy formulation between the two branches. It will help, I believe, to correct the present imbalances in our governmental structure and be of great assistance in developing the best possible foreign and national security policies. The bill does not touch directly upon the difficult constitutional questions which have recently been under consideration by the United States Supreme Court but, indirectly, if enacted into law, it would result, I believe, in much declassification of information for the Congress and the public as a whole.

At this point, I would interpolate that some members of the Supreme Court, in their separate opinions, pointed out that it was the responsibility of Congress to legislate in this field, and to provide standards. I think this measure follows that suggestion.

I ask unanimous consent that this bill be referred jointly to the Committees on Foreign Relations and Armed Services.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. SYMINGTON. Mr. President, I would hope that the Senate will give serious consideration to this legislation as proposed by the distinguished Senator from Kentucky. The able Senator has long been interested in this subject of adequate intelligence information being received by the Senate prior to its authorization and appropriation of taxpayers funds so as to carry on with our various activities all over the world.

No secret has been made of the fact that for some time we on such committees as Foreign Relations and Armed Services have not been satisfied with intelligence information we have been able to obtain.

May I add that it is a refreshing experience to serve on the Joint Atomic Energy Committee, where, under the law, it is the responsibility of the Atomic Energy Commission to keep the Joint Committee informed. The Committee does not have to go after the information because the information is volunteered.

Based on this rapidly changing world some new procedure could only be to the advantage of the country. Does not the Senator agree that under his proposed legislation, there would be more opportunity to obtain far more pertinent information?

Mr. COOPER. Yes, I wholly agree with the statement of the distinguished Senator from Missouri, who is in a unique position, with his responsibilities as the only member of the Senate who serves upon the Armed Services Committee, the Committee on Foreign Relations, and the Joint Committee on Atomic Energy, of having had the opportunity to compare the intelligence received by the three committees.

Also, I might say that the amendment which I have offered today grew out, in great measure, of the experience which I have had in serving on the Senator's subcommittee of the Committee on Foreign Relations to reviewing our commitments around the world. In the course of that investigation, wherein the Senator has so ably served as chairman, we found numerous commitments or quasi-commitments throughout the world which might not have been undertaken if full information had been made available to the Congress at the time. I think the Senator will agree with my statement.

Mr. SYMINGTON. No question about it.

Mr. COOPER. I would like to make this further comment: This amendment does not attempt to reach directly the larger constitutional questions which have recently been before the Supreme Court concerning information which shall be made available to the country as a whole. As I analyzed, as best I could, the holding of the Supreme Court, a majority of the members held that there is some limitation upon the first amendment with respect to national security. Some Justices called attention to the lack of standards, and suggested that Congress should act.

I have offered this amendment, not to attempt to deal primarily with that larger problem, but to deal with the specific problem of providing information to Congress, and particularly the appropriate committees—the Armed Services Committee in both bodies, the House Foreign Affairs Committee and the Senate Foreign Relations Committee, which deal with foreign policy and with national security policy, and which must recommend to the House and Senate, measures which commit our resources and in some cases our men, to war. It seems to me absolutely essential, that Congress have the facts—the best intelligence, when it is called upon to act.

The PRESIDING OFFICER (Mr. GRAVEL). The time of the Senator from Kentucky has expired.

Under the previous order, the Chair recognizes the Senator from North Dakota.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing the distinguished Senator from North Dakota (Mr. YOUNG) be vacated and that, in substitution therefor, the distinguished Senator from Missouri (Mr. SYMINGTON) be recognized for not to exceed the usual 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. I thank the able assistant majority leader.

May I again respectfully commend the Senator from Kentucky for his typically thoughtful and constructive effort in the presentation of this bill.

When the present law, the National Security Act of 1947, was passed, I was involved as a member of the executive branch; and there never was any intention in the passage of that law for intelligence information to be as closely held from the Congress as it is being held today, to the point where committees, such as Foreign Relations and Armed Services, are not receiving information essential to accurate consideration prior to making decisions which affect the security, the very future, of this country.

As the Senator from Kentucky so well points out, as a result, often the Congress operates in the blind.

I appreciate the Senator saying that this is no effort on his part to release additional classified information to the public; no specific relationship to the recent problems which the Government apparently has had with the press. On the other hand, if the proper committees in executive session are not acquainted with this information, it is difficult to understand how the people we represent can expect us to function properly; actually, how we can so function.

One example is that we now know troops have been going from Thailand into Laos, trained and paid for by the United States. The best legal opinion we can obtain states is this is a violation of the Fulbright amendment. In any case, whether it is or not in turn is not the point of discussion this morning. Again, this information was only found out by our able staff executives actually going into Laos and finding out the truth out there on the ground. If we had been told something about this, we would have been in a much better position to make determinations about the use of the taxpayers' money.

It is rather paradoxical that at times we have been told, when we ask why we did not get the information, that we did not ask for it. It is difficult to ask for information about a particular subject in any detail when one knows nothing about the subject at hand.

It will interest the able senior Senator from Kentucky, for whom we all have very great respect, that I have written a letter today to the chairman of the Committee on Armed Services, with a copy to the chairman of the Committee on Foreign Relations and the chairman of the Committee on Appropriations, in which letter I have made certain suggestions which perhaps are pertinent to the legislation the Senator from Kentucky is proposing.

So I would hope that something along these lines would be carried through in practical fashion. It is never pleasant to be making decisions about how to utilize other people's money when one does not have adequate information so as to know whether his decision is right or wrong.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the distinguished Senator from Maryland.

Mr. MATHIAS. I should like to associate myself with the comment that the Senator from Missouri has just made, because I believe that what he is suggesting is exactly right—that we are being asked to make legislative decisions of great substantive importance to the American people without all the facts.

What the Senator from Kentucky has done is to suggest that we acquire a legislative tool which will make Congress more effective in dealing with the problems of our time.

But I would go one step further. I would come as close to disagreeing with the Senator from Kentucky as I ever have by saying that when he says this suggestion has nothing whatever to do with the recent exposés——

Mr. COOPER. I did not mean that. It is a specific proposal concerning the Executive and the Congress.

Mr. MATHIAS. This would make a difference in spirit; because, as the Senator from Missouri has suggested, if there is not that feeling of mutual confidence and there is an interchange, there is a desire either to make or to receive leaks. I think the Senator from Kentucky is making a very important contribution.

Mr. SYMINGTON. I thank the able Senator.

It is interesting that the Secretary of Defense, in open session, testified he was not conducting any military operations in Laos. That means the only other agency which could be conducting such operations is the Central Intelligence Agency—an agency which reports, through the National Security Council, directly to the President.

If these types and characters of problems continue, we could be fighting additional secret wars all around the world; wars which Congress not only has not approved, but about which it has little or no information.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield the floor to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. I wish to associate myself with the comments of the Senator from Missouri and the statement by the Senator from Kentucky.

I think the Senator from Kentucky has incorporated a very fine idea in this new proposal. As I understood him, he asked unanimous consent that the measure be referred jointly to the Armed Services Committee and the Foreign Relations Committee.

Mr. COOPER. Yes.

Mr. FULBRIGHT. How does the Senator anticipate that this will be handled—in a joint session or severally?

Mr. COOPER. Both committees have functions in this field. The 1947 Act came out of the Armed Services Committee. I would assume that both committees would conduct hearings, make its judgments, and then it might be up to a parliamentary decision as to which would have the authority to report the bill.

Mr. FULBRIGHT. I was hoping that our committees would have an opportunity to study it and make suggestions. I have no objection to it being considered jointly. I was trying to clarify the procedure to be followed.

I think the Senator has made a very good suggestion. It goes to the root of the problem that has resulted in the so-called Pentagon papers.

I believe it was the feeling on the part of a great many people, some in and some out of government, that Congress as well as the people did not know what had been going on for many years, had not been informed as to the origin of the war and all that took place during that period, which was quite true.

With regard to what the Senator from Missouri said, I do not accept as easily the idea that the whole National Security Council is covered by executive privilege. This is a grey area. On the 27th of this month, the subcommittee of which Senator Ervin is chairman will hold hearings on the matter of executive privilege.

I only say this: I do not want to associate myself with that statement, because I do not accept the finality of the idea that this great bureau that has now been created is covered by executive privilege.

Mr. SYMINGTON. The statutory members of the National Security Council, just about all our heads of departments do have the obligation to appear before the Congress. In the Defense Production Act of 1947, the National Security Council was created as an advisory board to the President. The very fact that the case is one reason why we have not only obtained relatively little information about this secret war, but also why many other secret activities we are only now finding out are going on all over the world.

I did not mean to be talking of all members of the National Security Council—members such as the Secretary of State, Secretary of Defense, Secretary of the Treasury, the Chairman of the OEP, and so forth. They are all members of the National Security Council, and none of them take executive privilege.

Mr. FULBRIGHT. As a caveat to that, in addition to the members of the National Security Council, there is this very large bureau which the papers have recently stated number between 110 to 120 employees. It is the growth of a new bureau comparable and in function very similar to the Department of State. This was what I was raising, that we should be concerned with. I believe that the bill introduced by the Senator from Kentucky will be a vehicle through which just such questions can be examined. It will be a healthy movement, justified if for no other reason by the fact that we can learn by the lesson of the Pentagon papers a great deal that we should have learned long ago at the time the incidents were occurring.

Mr. COOPER. I thank the Senator from Arkansas, the Senator from Missouri, and the Senator from Maryland for their comments.

Mr. JAVITS. Mr. President, I believe that this is a most admirable initiative of the Senator from Kentucky, to enable Congress to share with the President and members of the executive the intelligence information furnished by the CIA. He is seeking to amend the National Security Act to accomplish that purpose.

This matter having been referred to the Committee on Foreign Relations and the Armed Services Committee by unanimous consent, I shall have an opportunity, as a member of the former committee, to act in respect of it.

Mr. President, I know that the tradition of modesty which so becomes the distinguished Senator from Kentucky (Mr. Cooper). It will enable him to debate this when it comes before the committee. I believe he has introduced this amendment for the purpose, obviously, of raising this critical issue of the right of Congress to have the same information as the President. The closer we can get to that state of affairs the more secure the United States is likely to be, in my judgment, and the less likely are we to get into improvident ventures like the undeclared Vietnam war, and second major purpose is to avoid embarrassment that one or some of the people's representatives are privy to information which is not the information also of others of the people's representatives. This has been the case at times, in recent years, and has been to effect the disposition of legislation.

The responsibility which will come from being entrusted with this particular type of information could be a big problem for us. It involves the question of what rule XXXVI of the Senate rules really means. It involves the question of the responsibility to which we shall be held, as it may not be enough for us to be responsible to our constituents after the fact. It involves the question of immunity from persecution which is presented by the Constitution. It involves the questions of the power of the Executive by means of having the power to classify and thereby to also have the power to suppress. It also involves the very-much-debated question of Executive privilege, by which the Executive can literally countermand the effect of a congressional subpena, even in executive session. We have actually faced that experience in the Committee on Foreign Relations.

Mr. President, I am not trying to dismiss any of these questions. They are critical and they are real. But with the publication of the so-called Pentagon papers, a new day has dawned in America. The people and the people's representatives in Congress will insist on sharing with the Executive not only the power with respect to war—and that is the subject of my own war powers bill as well as the similar war power bills of the Senator from Missouri (Mr. EAGLETON) and the Senator from Mississippi (Mr. STENNIS)—but also the ability to act intelligently, which depends upon having complete and accurate information.

Mr. President, we are all indebted to the Senator from Kentucky (Mr. COOPER) for phrasing this matter in legislative terms and giving us an opportunity to deal at long last with the intelligence and information side of the CIA. I have offered a bill in the Senate and legislation will be offered in the other body to reassert Congress' war powers with respect to the initiation of undeclared war and which is the only way in which war is likely to be waged in the foreseeable future. If we settle these two issues, we will assure that the Senate will be able to act intelligently in events such as that in Vietnam which has resulted in the expenditure of such a mountain of treasure and so much blood of Americans and so much dissension in our own country.

By Mr. MATHIAS:

S. 2225. A bill to restore the income tax credit for investment in certain depreciable property at a rate of 6 percent of the qualified investment. Referred to the Committee on Finance.

Mr. MATHIAS. Mr. President, in a statement given on the Senate floor June 21, I expressed grave concern for the state of our economy. Our unemployment, inflation, interest rate, international trade, and the value of the American dollar together depict an economy which desperately is in need of a healthy kick in the pants.

On June 21, I introduced S. 2105, legislation which would establish a Prices and Incomes Commission to monitor the economy. The bill is designed to create an economic intelligence unit to facilitate the public's awareness of and the Government's ability to respond to recognized economic deficiences. In short, S. 2105 would create a cadre of professionals who would keep a close watch on the Nation's incomes and prices and disseminate information on any significant changes to the public, Congress, and the Executive, along with appropriate recommendations.

Today I introduce a bill which I feel is a logical companion to S. 2105, for, if enacted, it will give the sluggish economy an immediate push toward economic recovery. This legislation will restore to American business the investment tax credit. Such a restoration will benefit all Americans—big business, small business, and the entire farming community.

The alleviation of the lack of confidence which the public has in the regulation of our economic system and in the Government's ability to respond within the system is a major goal of the bill. It is absolutely essential that the Government have the flexibility to react to economic indicators—indicators which will hopefully become more distinct and sophisticated with the passage of S. 2105.

In 1962, Congress adopted an investment tax credit for the purpose of providing an incentive to business to modernize and expand the Nation's plants and equipment, to raise productivity, increase employment, accelerate economic growth and strengthen our competitive position in world markets. This tax credit continued, except for a brief suspension period, until 1969, when it was eliminated in the Tax Reform Act of 1969. It is apparent that the Nation once again needs such an economic stimulant.

In 1969, when we enacted the Tax Reform Act of 1969, we did not have the opportunity to fully debate either in a hearing or on the Senate floor the subject of tax investment credits and its subsequent revocation. Let us now provide such an opportunity; this subject is too important not to devote our full attention and involvement.

I ask unanimous consent to insert in the Record at this time the full text of the bill.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2225

A bill to restore the income tax credit for investment in certain depreciable property at a rate of 6 percent of the qualified investment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Investment Credit Restoration Act of 1971".

Sec. 2. (a) Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof the following new section:

"Sec. 50. Restoration of Credit.

"Notwithstanding the provisions of section 49, for purposes of this subpart, the term 'section 38 property' includes property—

"(1) the physical construction, reconstruction, or erection of which is completed on or after the date of the enactment of the Investment Credit Restoration Act of 1971, or

"(2) which is acquired by the taxpayer on or after such date.

In applying section 46(c)(1)(A) in the case of property described in paragraph (1) which, but for the provisions of this section, would not be section 38 property, there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection on or after the date of the enactment of the Investment Credit Restoration Act of 1971."

(b) The table of sections for such subpart is amended by adding at the end thereof the following new item:

"Sec. 50. Restoration of credit."

(c) Section 46(b)(5) of the Internal Revenue Code of 1945 (relating to certain taxable years) is amended—

(1) by inserting after "The amount" in the matter preceding subparagraph (A) "attributable to property placed in service before the date of the enactment of the Investment Credit Restoration Act of 1971"; and

(2) by inserting after "taxable year" in subparagraph (A) "attributable to property placed in service before the date of the enactment of the Investment Credit Restoration Act of 1971".

(d) Section 47(a)(4) of such Code (relating to property destroyed by casualty, etc.) is amended by inserting before the period at the end thereof the following: ", and before the date of the enactment of the Investment Credit Restoration Act of 1971, unless on or after such date, section 38 property is placed in service by the taxpayer to replace the property described in subparagraph (A)".

(e) Section 47(a)(5) of such Code (relating to certain property replaced after April 18, 1969) is amended by striking out "property which" in subparagraph (B) and inserting in lieu thereof "property which is not section 38 property but which".

(f) Section 49(c) of such Code (relating to leased property) is amended by inserting ", and before the date of the enactment of the Investment Credit Restoration Act of 1971" after "April 18, 1969".

(g) Section 49(d) of such Code (relating to property placed in service after 1975) is repealed.

Sec. 3. (a) Section 46(a)(1) of the Internal Revenue Code of 1954 (relating to determination of amount of credit) is amended to read as follows:

"(1) General rule.—The amount of the credit allowed by section 38 for the taxable year shall be equal to—

"(A) with respect to section 38 property placed in service before the date of the enactment of the Investment Credit Restoration Act of 1971, and with respect to section 38 property which is pretermination property, 7 percent of the qualified investment (as defined in subsection (c)), and

"(B) with respect to section 38 property placed in service on or after such date (other than pre-termination property), 6 percent of the qualified investment."

(b) Section 46(c)(3)(A) of such Code (relating to public utility property) is amended to read as follows:

"(A) In the case of section 38 property which is public utility property, the amount of the qualified investment shall be—

"(i) with respect to such property placed in service before the date of the enactment of the Investment Credit Restoration Act of 1971, and with respect to such property which is pretermination property, 3/7 of the amount determined under paragraph (1), and

"(ii) with respect to such property placed in service on or after such date (other than pretermination property), ½ of the amount determined under paragraph (1)."

Sec. 4. The amendments made by this Act shall apply to taxable years ending on or after the date of the enactment of this Act.

By Mr. HRUSKA (for himself, Mr. Bayh, Mr. Burdick, Mr. Fong, Mr. Gurney, Mr. Hart, Mr. Mathias, Mr. Scott, and Mr. Tunney):

S. 2228. A bill to amend chapter 235 of title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States. Referred to the Committee on the Judiciary.

APPELLATE REVIEW OF CRIMINAL SENTENCES

Mr. HRUSKA. Mr. President, I introduce for myself and eight additional members of the Committee on the Judiciary (Mr. Bayh, Mr. Burdick, Mr. Fong, Mr. Gurney, Mr. Hart, Mr. Mathias, Mr. Scott, and Mr. Tunney) a bill to amend chapter 235 of title 18 of the United States Code, to provide for the appellate review of Federal criminal sentences. I ask unanimous consent that the full text of the bill be printed at the conclusion of my remarks and that the bill be appropriately referred.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, this legislation is identical to S. 1561 which I introduced in the 91st Congress and S. 1540 which was passed unanimously by the Senate in the 90th Congress. It is my sincere hope that both the Senate and the House will promptly consider and pass this bill this session.

Mr. President, the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee is presently considering a total reform of the Federal Criminal Laws. This project stems from the work of the National Commission on Reform of Federal Criminal Laws which issued its final report on January 7 of this year. This Senator was very privileged to have been a member of that commission, along with my distinguished colleagues from Arkansas (Mr. McClellan) and North Carolina (Mr. Ervin).

The final report of this group embraced the concept of appellate review of sentencing with this suggested amendment of title 28:

§ 1291. "The courts of appeal shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam and the District Court of the Virgin Islands, except where direct review may be held in the Supreme Court. *Such review shall in criminal cases include the power to review the sentence and to modify or set it aside for further proceedings.*" (Amendment Italicized.)

This simple amendment reflects the commission's view that there should be some form of appellate review of sentences. It does not set forth the form that the review should take nor the contours of its jurisdiction. However, the entire sentencing scheme recommended by the commission is predicated on the idea that appellate review of sentences will be included in the revised code. I am introducing this bill today so that the Subcommittee on Criminal Laws and Procedures may examine it and consider including it in the total revision of the Federal criminal code as implementation for the idea set forth in section 1291.

The bill will correct one of the greatest single injustices existing in our Federal criminal process today: The lack of authority and machinery to review unreasonable sentences. Extensive studies have shown that unreasonably harsh sentences are imposed on many individuals who stand convicted of a violation of our laws. Many of these unreasonable sentences are imposed on individuals with fine families and good backgrounds, on individuals who strayed from the path on a single occasion and under trying circumstances, on individuals whose only offense was minor in comparison to those of others who have yet received far lesser sentences.

The problem of disparity of sentences has concerned Congress, bar associations and legal societies, students, and workers in the field of penology and, indeed, the executive branch of our Government and the courts for many years.

Putting aside what may be the ultimate or most desirable goals of a rational and humane sentence, we have in modern times been receding from the practice of enacting statutes calling for a mandatory fixed sentence. A greater number of our criminal laws now provide for a wide range of permissible sentences. The practical effect of this is obvious. As the final determining factor in the sentence to be imposed, the judge's discretionary power becomes increasingly important.

By and large the wisdom of this policy of delegating the function to the trial judge has been clearly demonstrated. Our district judges are exceedingly conscientious, knowledgeable, and experienced. They are best able, informed, and qualified to deal fairly with the convicted defendant. However, they are the first to recognize the inadequacies in the present system. The exercise of judgment in this delicate area is not easy.

The responsibility for determining the proper sentence is so great as to justify and warrant the means of review. There is little wonder that judges have openly commented on the incongruity of the situation that the power to impose a sentence is the only discretionary power vested in the Federal trial judge which is not subject to appeal.

A study of the Federal statutes and the interpretation given them by the courts establishes that no authority exists for an appellate review of the sentence imposed by the judge in a criminal case so as to determine whether the sentence is excessive. A sentence will be modified only when it is unauthorized by law as not being within the limits fixed by a valid statute.

In the 85th Congress the concern about the problem of sentence disparities brought about pioneering legislation: the Sentencing Act of 1958 which provided for institutes and joint councils on sentencing. Their value cannot be overestimated. The institutes have been described as giving "the Federal judges themselves an opportunity to assume the initiative in eliminating sentences which may appear biased, capricious, or the result of defective judgment."

However, this and other related legislation have not been a complete answer to the problem. The Judicial Conference of the United States rejected appellate review legislation in 1958, reconsidered it in 1961, and then approved appellate review legislation in 1964. When we review the actions of the Judicial Conference, it is logical to ask what caused such a substantial shift in judicial opinion. While a redraft of the bill and increased interest in the problem may have played a part in this change, it is clear that the original objection of the Judicial Conference was to the principle of appellate review, and not the language of any particular bill. In retrospect, it seems that a consensus in favor of the principle did not develop until it became manifest that the problem of excessive sentences was not going to be resolved by the extensive use of the facilities provided in the Sentencing Act of 1958 or by other existing legislation.

Twelve years of experience under the act has demonstrated that such procedures and techniques are not enough.

Nor has indeterminate sentencing proven to be the answer to the problem. For various reasons, many judges have declined to impose indeterminate sentences, or have imposed such sentences only infrequently.

To adequately cope with the problem of excessive sentences—to correct injustices once they have occurred—the practice of appellate review is required.

In order to illustrate the injustices which this bill attempts to correct, let me cite some fiscal year 1970 statistics regarding average sentences imposed by U.S. district courts. The table below lists seven types of crimes over which Federal courts have jurisdiction. Besides them are stated the figures—in months—for the district with the highest and the district with the lowest average sentence given, as well as the national average sentence for all convictions in each category in fiscal year 1970. These statistics are for districts which had 25 or more convictions in each of these categories during this period.

AVERAGE FISCAL YEAR 1970 SENTENCES (IN MONTHS
BY TYPE OF OFFENSE

(25 or more convictions per district)

Offense	Shortest average district	Longest average district	National average all sentences
Bank robbery	68	184	140
Auto theft	26	52	36
Forgery	26	52	33
Marihuana	45	56	47
Narcotics	55	101	80
Immigration	2	16	7
Liquor laws (Internal Revenue)	6	23	14

Just to take the figures for bank robbery sentences as an example, should a person be tried and convicted in district A, he could expect to receive a sentence in the neighborhood of 68 months. But should he be unfortunate enough to have committted the same offense in district B, he could expect to receive a sentence approximately three times as long, or some 184 months. While it should be noted that all of these sentences were lawful within the limits stated by Congress, it seems somehow unfair for similar crimes to receive such disparate sentences from one district to another. This bill would permit, but not require, that sentences like that imposed in district B could be reviewed by the circuit courts of appeal in order to bring about a greater consensus regarding length and severity of sentences imposed for a particular type of offense. I believe that these figures just cited give graphic illustration of the great disparity of sentences that exist.

In the past when speaking of the need for appellate review of sentences, I have cited specific cases where the sentence seemed to be out of line with the facts of the case. I believe that these average figures are more meaningful and illustrative of the need for this legislation than isolated examples for which special explanation may be available.

Mr. President, excessive and disparate sentencing prevent the rehabilitation of those who have been unjustly sentenced, they contribute to disorder in our prisons, and they increase disrespect for our criminal process which weakens the moral fiber of our citizens and which can only result in increasing violations of our laws.

As Justice Potter Stewart wrote in 1958, prior to the time of his appointment to the Supreme Court of the United States:

> Justice is measured in many ways, but to a convicted criminal its surest measure lies in the fairness of the sentence he receives.

The importance of the sentencing process is evident when it is observed that in fiscal 1970, 24,111 defendants were convicted in our district courts by pleas of guilty and nolo contendere, whereas only 4,067 defendants were convicted by jury and court trials.

Mr. President, the real anomaly and injustice of the existing lack of review of sentences was pinpointed by the introductory statement of the tentative draft of the American Bar Association's Advisory Committee on Sentencing and Review, "Standards Relating to Appellate Review of Sentences" when it stated:

> One of the most striking ironies of the law involves a comparison of the methods for determining guilt and the methods of determining sentence. The guilt-determination process is hedged in with many rules of evidence, with many procedural rules, and, most importantly for present purposes, with a carefully structured system of appellate review designed to ferret out the slightest error. Yet in the vast majority of criminal convictions in this country—90 percent in some jurisdictions; 70 percent in others—the issue of guilt is not disputed.
>
> What is disputed and, in many more than the guilty-plea cases alone, what is the only real issue at stake, is the question of appropriate punishment. But by comparison to the care with which the less-frequent problem of guilt is resolved, the protections in most jurisdictions surrounding the determination of sentence are indeed miniscule.

The protections in our Federal courts surrounding the determination of sentences are indeed miniscule and the situation must be corrected.

Mr. President, the concept of appellate review of sentences is not new to criminal law in the United States. Prior to 1891 the Federal Code provided a right to appeal a case on the basis of disproportionately severe sentence. However, due to an oversight or inadvertence, a revision of the statute in 1891 did not mention sentences and the courts subsequently held that the power had been withdrawn by Congress.

The situation that presently prevails in the Federal courts stands in marked contrast to the practice of 17 States, many foreign nations, including England and Canada and our military courts. Indeed, the Federal jurisdiction is a singular example of an advanced system of jurisprudence that does not allow review of sentences.

Under our existing Federal law the determination of the sentence in a criminal case is the only matter that is left to the unsupervised discretion of the district judge before whom the case is pending. As long as the sentence imposed is within the statutory limits provided by the law, the sentence is unreviewable by appeal. No matter how excessive or unjust the sentence might be, an appellate court is legally powerless to modify it in any way.

The basic shortcoming in our criminal procedure is unique to our judicial system and has allowed serious inequities and disparities in the sentences which have been imposed.

Another unfortunate aspect of the present practice is that harsh and irrational sentences have often led appeal courts to reverse convictions on technical or minor points and on strained interpretations of the law, interpretations which will serve justice and society in future cases.

I do not suggest that this bill will solve all of the difficult problems in the determination of proper sentences. However, it will provide a significant tool for improving the sentencing process and for correcting unjust sentences when they are imposed. It also will facilitate the development of proper sentencing practices and standards. In other words, an important gap in the present system will be closed.

Other phases of the work of trial judges are subject to appellate review and supervision. Only sentencing errors are immune to correction on appeal. The reasons for such a gap are for the most part historical. Such reasons are becoming irreconcilable with the standards of due process and are not in step with the need for a fair and just sentencing system.

This legislation will not allow one judge or a panel of judges, simply to substitute their judgment for that of the trial judge. Mere whim or fancy will be insufficient reason to modify the sentence. Only when it reasonably appears from the circumstances that a sentence was excessive will the appellate court act. Although the system will be made flexible by allowing review, it will remain the trial judge's duty to weigh the facts and appraise the defendant.

Valid reasons exist for variations in sentences for the same crime. Certainly a sentence which may be quite proper in a case involving one defendant and one set of circumstances may be grossly inadequate in dealing with the same offense committed by a different type of individual or under aggravated circumstances. But where the same crime has been committed by similar offenders under similar circumstances, the punishment should be reasonably uniform. Disparities based solely upon the personality of the judge passing sentence are unjust.

The determination of a proper sentence involves many considerations. Sentencing is not nor can it be reduced to an exact science. The exercise of sound judgment is an indispensable part of the process, but that does not justify arbitrary determinations. When judgments cannot be reconciled with reason, the appellate courts will be empowered to prevent a miscarriage of justice.

Mr. President, it is my hope that Congress will correct this injustice. Every effort has been made to produce a bill in the best form possible. Briefly, it provides as follows:

Subsection (a) provides that a defendant may apply to the court of appeals for leave to appeal a felony sentence of imprisonment or death imposed by a district court.

Subsection (b) provides that the court of appeals may in its sole discretion grant or deny an application for leave to appeal a sentence. A denial of leave to appeal is final in the matter. If leave to appeal is granted, the court may review the sentence to determine if it is excessive.

Under subsection (c) the court of appeals is authorized to take or direct any action on the sentence that it believes is required under the circumstances of the case, except to increase the sentence.

Subsection (d) provides that the appeal procedure is to be synchronized with the appeal rules generally and if an appeal is taken from an order of conviction as well, it allows the matter to be heard at the same time.

Subsection (e) provides that the defendant shall have the same access to presentence reports on appeal as he had at the district court. The sentencing judge is required to state for the record his reasons for selecting the particular sentence imposed in each felony case where a felony sentence of imprisonment or death is imposed.

Subsections (f) through (i) insure that appellate review does not complicate other phases of criminal procedure. Subsection (f) defers the time for filing an application for leave to appeal whenever a diagnostic study is ordered prior to imposing sentence. Subsection (g) makes certain that credit is given for time served during the pendency of a sentence appeal. Subsection (h) makes explicit that bail opportunities would not be enlarged by the enactment of the bill. Subsection (i) provides that the act shall apply only to sentences imposed 6 months after the effective date of the act. This latter provision avoids the argument about retroactivity and affords the courts time to prepare for the new procedures.

Mr. President, there are two scholarly writings in favor of an improved sentencing procedure which I wish to bring to the Senate's attention today. They are: "Appellate Review of Sentences: To Make the Punishment Fit the Crime." 20 Stanford Law Review 405 (1968) by Hon. Stanley A. Weigel; and "Appellate Review of Legal but Excessive Sentences: A Comparative Study," 21 Vanderbilt Law Review 411 (1968) by Prof. Gerhard O. M. Mueller and Fre La Poole. Mr. President, I ask unanimous consent that these two law review articles be printed in the RECORD at a point immediately following the printing of the bill in the RECORD.

Mr. President, I also ask unanimous consent that a brief appendix, which I have prepared listing several additional examples of cases where excessive sentences have been imposed, be printed in the RECORD immediately following the close of my remarks here on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HRUSKA. Mr. President, as a member of the Judiciary Committee, I have authored and coauthored a number of proposals concerning crime and improvements in our legal system. Many of these bills have been designed to assist the prosecution in bringing criminals to justice. At the same time, I have been concerned with the rights of the defendant. We must strive to insure that the criminal legal process is at all times fair and just.

Excessive sentences, which are inexplicable by any circumstances or logic, are an injustice to the individual and are a discredit to the entire criminal justice system. This is why the principle of appellate review is supported by the Judicial Conference of the United States and the American Bar Association, and why appellate review is the practice in many foreign nations, including England and Canada, in our Armed Forces, and in 17 of the States.

This bill is intended to correct this injustice.

Again, I express the sincere hope that the Senate and the House both will promptly consider and pass this needed legislation.

Exhibit 1

S. 2228

A bill to amend chapter 235 of title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 235 of title 18, United States Code, is amended by inserting immediately after section 3741 thereof the following new section:

"§ 3742. Appeal from sentence

"(a) An application for leave to appeal from the district court to the court of appeals the sentence of imprisonment or death imposed may be filed by a defendant with the clerk of the district court in any felony case in the following instances:

"(i) after a finding of guilt by a judge or jury, whether following a trial or the acceptance of a plea;

"(ii) after the revocation or modification of an order suspending the imposition or execution of a sentence or placing the defendant on probation;

"(iii) after a resentence under any other applicable provision of law.

"(b) Upon granting leave to appeal, the court of appeals may review the merits of the sentence imposed to determine whether it is excessive. This power shall be in addition to all other powers of review presently existing or hereafter conferred by law. If the application for leave to appeal is denied by the court of appeals, the decision shall be final and not subject to further judicial review.

"(c) Upon consideration of the appeal, the court of appeals may dismiss the appeal, affirm, reduce, modify, vacate, or set aside the sentence imposed, remand the cause, and direct the entry of an appropriate sentence or order or direct such further proceedings to be had as may be required under the circumstances. If the sentence imposed is not affirmed or the appeal dismissed, the court of appeals shall state the reasons for its action. The defendant's sentence shall not be increased as a result of an appeal granted under this section.

"(d) The application for leave to appeal from sentence shall be regarded as a notice of appeal for all purposes, and the procedure for taking an appeal under this section shall follow the rules of procedure for an appeal to a court of appeals. A denial of the application for leave to appeal on the ground that the sentence imposed is excessive shall not prejudice any aspect of the appeal predicated on other grounds. If the application is granted all issues on appeal shall be heard together.

"(e) When an application for leave to appeal is filed, the clerk of the district court shall certify to the court of appeals such transcripts of the proceedings, records, reports, documents, and other information relating to the offense or offenses of the defendant and to the sentence imposed upon him as the court of appeals by rule or order may require. Any report or document contained in the record on appeal shall be available to the defendant only to the extent that it was in the district court. In each felony case in which sentence of imprisonment or death is imposed the judge shall state for the record his reasons for selecting that particular sentence.

"(f) When a judge has adopted the sentencing procedure set forth in section 4208 (b) of title 18, United States Code, an application for leave to appeal may only be filed after a judgment or order is entered by the judge following the completion of the study provided by such section.

"(g) The provisions of section 3568 of title 18, United States Code, shall be applicable to any defendant appealing under this section.

"(h) This section shall not be construed to confer or enlarge any right of a defendant to be released following his conviction pending a determination of his application for leave to appeal or pending an appeal under this section.

"(i) This section shall become effective six months after its approval and shall apply only to sentences imposed thereafter."

(b) The analysis of chapter 235 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"3742. Appeal from sentence."

Exhibit 2

[From the Stanford Law Review, February 1968]

Appellate Revision of Sentences: To Make the Punishment Fit the Crime

(By Stanley A. Weigel*)

Unjustifiable disparities in the sentencing of criminal offenders have become a matter of serious concern to many observers of the criminal process.[1] The key word is "unjustifiable." Reasonable disparity is necessary to achieve the purposes of sentencing, which include prevention of further criminality on the part of the offender, rehabilitation, and deterrence of the commission of similar offenses by others. Such purposes cannot be achieved without providing some range of sentencing alternatives to allow adjustment for the special facts of each crime as well as the record and character of each convicted individual.

These considerations are reflected in the broad discretion allowed the sentencing judge by statute in the federal and in many state jurisdictions. However, most of these jurisdictions, including the federal, fail to provide any effective remedy for abuse of that discretion.

The absence of such a remedy is a serious defect in the sound administration of the criminal law, even though the number of unjust or aberrant sentences may be very few. In the words of Mr. Justice Stewart, "It is an anomaly that a judicial system which has developed so scrupulous a concern for the protection of a criminal defendant throughout every other stage of the proceedings against him should have so neglected this most important dimension of fundamental justice."[2]

The seriousness of that neglect is underscored by the fact that sentencing is the only significant adjudication performed by the trial judge in the overwhelming majority of criminal cases. This is so because the overwhelming majority of criminal defendants plead guilty or nolo contendere.[3] Moreover, sentencing is generally the most difficult determination a judge must make, one made even more difficult by the increasing variety of possible dispositions and by the paucity of meaningful guidelines to assist the judge in his choice.

In light of the foregoing, it is indeed surprising that few American jurisdictions offer meaningful remedies to the victims of unjustified severity in sentencing. This absence is all the more striking in that a comparison with other nations indicates that those American jurisdictions failing to provide a remedy stand largely alone in this respect.[4]

Recognizing that inequitable and disparate sentences constitute "a major and justified complaint against the courts,"[5] the President's Commission on Law Enforcement and Administration of Justice has recommended that "[p]rocedures for avoiding and correcting excessive, inadequate, or disparate sentences should be devised and instituted."[6] Progress has been made in the federal judiciary in recent years to encourage the development of rational, uniform sentencing criteria and practices. There are sentencing institutes for district judges,[7] and a number of district courts have set up a system of panels to assist the sentencing judge in his determination of the proper sentence.[8] However, there is a need to supplement these practices with procedures designed for the correction of grossly inequitable sentences.

I. DISPARITY AND INEQUITY IN FEDERAL SENTENCING

The past few years, then, have been marked by increasing concern over the breadth of the disparities in sentences meted out for the same crimes.[9] This concern is especially applicable to the federal system, in which the wide range of sentencing alternatives available to its trial courts[10] and a great regional diversity tend to invite sentencing disparities.

Congress has, over the years, added significantly to the choices available to district courts in setting sentences.[11] A brief summary will be illuminating.

(1) Imprisonment for a determinate length of time. Offenders so sentenced are eligible for parole after having served one-third of the sentence.[12]

(2) Imprisonment of indeterminate length. Under this alternative the sentencing court may reduce or eliminate minimum terms for parole eligibility, leaving the release of the offender to the discretion of the board of parole.[13]

(3) Probation. Probation cannot exceed a period of 5 years but may otherwise be granted upon "such terms and conditions as the court deems best."[14]

(4) Split sentence. This procedure allows a court to split a sentence between confinement of up to 6 months in a penal or treatment institution and probation for the remainder of the sentence.[15]

(5) Youth Corrections Act. This Act[16] is applicable to offenders under the age of 22 and, at the discretion of the sentencing judge, to those between 22 and 26.[17] Offenders sentenced under the Act may be placed on probation, committed for treatment and supervision for fixed or indeterminate terms, or sentenced under any other applicable penal provision.[18]

(6) Juvenile Delinquency Act. This Act[19] applies to offender under the age of 18.[20] Proceedings under the Act are regarded as adjudications of status rather than as criminal trials.[21] Juveniles found to be delinquent may be placed on probation for a period not exceeding their minority, or committed to special custody and treatment for a term not exceeding their minority or the maximum term for the offense committed, whichever is less.[22]

(7) Other dispositions. These include fines, suspended sentence, deportation, and disqualification. In addition, a district court may defer sentencing and commit an offender for a period of study, by the Bureau of Prisons, not to exceed 6 months.[23]

In my view, the number of incidents of unjustifiable disparities in sentencing by federal district judges is very small in relation to the large number of offenders sentenced.[24] Nevertheless, that such disparities do occur despite all efforts to eliminate them is suggested by a number of relevant facts.

There have been significant variations in the terms of imprisonment imposed by federal district court judges[25] and in the use of the various sentencing alternatives that are available. Average terms of imprisonment for all offenses vary widely from circuit to circuit[26] and from district to district within the circuits.[27] There is great deviation in the average terms for specific types of offenses.[28] Similar variations are to be found in the

---

Footnotes at end of article.

frequency of use of split sentences [29] and indeterminate sentences,[30] in the application of provisions of the Youth Corrections Act [31] and Juvenile Delinquency Acts [32] and in the use and duration of probation.[33] To some extent these disparities may be attributable to variations in the types of offenses committed within particular districts or circuits. The Administrative Office of the United States Courts has devised weighted averages, however, which take account of such variations and which show disparities of a magnitude almost equal to those indicated by the raw data.[34]

Certainly, careful analysis of these incidents of disparity would reveal rational justifications for a great majority of the sentences imposed. It would show, for instance, that many similarities between offenders and offenses are more apparent than real, and that many sentencing deviations result from proper considerations of factors unique to individual defendants. But such analysis would certainly also expose a small but important residue of cases in which the disparities are so excessive and the facts so similar that they preclude such justifications. That such cases do exist is confirmed by the reports of federal judges who regularly point to cases from their own experience in which substantially different treatment was accorded offenders with similar records, ages, and backgrounds who had committed the same or similar offenses.[35]

The principal reason for the existence of inequities is clear. They occur because each judge, just as each person he sentences, is a unique individual. Each judge is the product of a different inheritance and life experience. It follows inexorably that there are differences among judges in senses of values, reactions, predilections, and points of view.

There are at least some judges who tend habitually to "lay it on" convicted or confessed offenders.[36] They may do so out of antiquated or misguided notions about the functions of sentencing, or as a consequence of more obscure personal factors. Whatever the reasons for their actions, the results are aberrant and unfair sentences. These few judges do not seem to respond to persuasion or reason in regard to their sentencing practices. Since most of them are excellent judges in every other respect, discipline or removal would be a remedy worse than the disease and, if applied to the federal judiciary, would unwisely undermine its independence.

There are also a few judges who apparently regard one type of offense as particularly heinous. They may, for example, impose the maximum sentence allowable in every instance of narcotics violation or bank robbery. Their appraisals of the danger or evil of these crimes may be quite right, but the automatic imposition of the maximum penalty for a particular crime contradicts the judgment of Congress in providing for a range of punishment, and contributes to irrational disparities in the system as a whole. Differences in regional attitudes toward certain crimes may similarly contribute to disruption of the uniform implementation of national penal policies.

Finally, the best of judges make mistakes. Some federal judges in metropolitan districts sentence as many as 1,000 defendants in a single year, and rare indeed is the federal judge in any district who sentences fewer than 100. In each case the judge must study carefully the presentence reports, make his personal assessment of the defendant, and appraise the sentencing alternatives available to him. Not only is this judgmental task complex, but the judge can turn to few standards to guide him. The limited statutory criteria are nebulous,[37] and because there is no relevant appellate review, no common-law standards have evolved. It is hardly surprising, therefore, that seriously inequitable disparity is occasionally to be found in the sentences imposed.

Sentencing disparities create serious problems for the federal courts and correctional institutions quite apart from the manifest unfairness of subjecting some offenders to inordinately severe penalties. The recipient of an excessive sentence will learn, through comparison of his own sentence with those of his fellow prisoners, that he has been the victim of injustice.[38] His resentment inevitably breeds unrest and disciplinary problems,[39] and, in addition, may well undermine his reformation.

Furthermore, the impossibility of direct challenge to unfair sentences results in a great volume of appeals on tenuous technical grounds [40] and a corresponding tendency on the part of the appellate courts to find merit in otherwise questionable allegations of error, or to find error prejudicial where it would normally be considered harmless.[41] Needless to say, these attempts to redress indirectly the inequity of excessive sentences make bad law.

Finally, public confidence in the judicial system must suffer when grossly unfair sentences go unredressed, in visible violation of a most basic principle of legal justice—that similarly situated individuals be treated alike. This loss of public confidence becomes particularly troublesome where members of minority groups interpret uncorrected disparities as a form of legally sanctioned discrimination.

II. PRESENT MEANS FOR ALLEVIATING SENTENCING ERRORS IN THE FEDERAL SYSTEM

The federal system does provide for some limited means of correcting inequitable sentences. While they have been used more frequently in recent years than in the past, analysis will indicate they are inadequate.

A. The present scope of appellate review

Federal defendants may, of course, obtain redress for illegal sentences [42] such as those that exceed statutory limits for the offense charged,[43] or are ambiguous with respect to the time and manner in which the term is to be served,[44] or do not adequately specify punishment for individual counts.[45] However, where the trial judge remains within statutory bounds and observes formal and procedural requirements, review of his sentencing discretion is sharply limited.

In the 19th century the circuit courts as then constituted exercised review over the sentences imposed by federal trial courts.[46] Save for that brief historical exception, federal appellate courts have consistently refused to review the sentencing discretion of district-court judges if sentences were within the prescribed statutory limits.[47] They have occasionally suggested in dicta that they might intervene if a trial court were to exercise extreme abuse of its legal discretion,[48] but such extreme abuse has apparently never been discovered. The refusal to review district-court sentences is more commonly stated in absolute terms: "If there is one rule in the federal criminal practice which is firmly established, it is that the appellate court has no control over a sentence which is within the limits allowed by a statute." [49]

A few limited exceptions to the rule of nonreview have developed over the years. Where an offense has no statutory maximum penalty, as in the case of criminal contempt, the appellate courts will review the discretion of the sentencing court.[50] This review is justified on the grounds that "where Congress has not seen fit to impose limitations on the sentencing power . . . [a]ppellate courts have . . . a special responsibility for determining that the power is not abused, to be excised if necessary by revising themselves the sentences imposed." [51]

Additional exceptions have been recognized by the courts of appeals as a result of the decisions of the Seventh Circuit in *United States* v. *Wiley*.[52] In that case the trial judge refused to consider probation for Wiley, one of several codefendants, because he would not plead guilty on charges of possession of property stolen from an interstate shipment.[53] The circuit court reversed this "arbitrary" refusal to consider Wiley's application for probation, but the trial judge, on remand, considered and denied Wiley's application and reinstated his term of imprisonment. In a second appeal the Seventh Circuit again set aside the sentence and remanded, this time on the ground that the district court had arbitrarily sentenced Wiley more severely than it had his codefendants who had pleaded guilty.[54]

Although several federal courts have limited the *Wiley* doctrine to cases of disparity among codefendants based upon different pleas,[55] the language of *Wiley* supports the broader proposition that any demonstrably arbitrary disparity among codefendants may require remand for resentencing.[56] While *Wiley* has failed to provide the basis for any significant review of disparate sentences, it has obliged a number of courts to hear challenges similar to those in *Wiley* and to assess the reasons for the disparities involved in those cases.[57]

Arbitrary refusal to utilize diagnostic procedures provided by statute may also constitute grounds for appellate review of sentencing.[58] Lastly, in a series of recent cases, several courts of appeals have held that increases of sentence on retrial must be acceptably justified and will be reversed if arbitrary.[59]

These exceptions to the rule of nonreview are important steps in developing means of redress for sentencing inequities in very limited areas. But even if they were firmly established in all the circuits, these exceptions would reach only a small fraction of all the disparities that demand consideration.

A few commentators and judges [60] have argued that the federal appellate courts have always had authority to review all sentences by virtue of section 2106 of the Judicial Code, which empowers them to "affirm, modify, vacate, set aside or reverse any judgment, decree, or order . . . and direct the entry of such appropraite judgment . . . as may be just under the circumstances." Others have argued that review and correction of disproportionate sentences is constitutionally required, either because excessive and irrational sentences constitute cruel and unusual punishment [61] or because unreasonable disparity in the treatment of essentially similar defendants violates the equal protection clause.[62]

Whatever the merits of such arguments, federal courts have shown little inclination to adopt them. For the present, federal appellate judges are likely to continue to express the view, perhaps with some reluctance that "[u]nless we are to over-rule sixty years of undeviating federal precedents, we must hold that an appellate court has no power to modify a sentence," [63] and that problems relating to the power of the judiciary to review sentences are "peculiarly questions of legislative policy." [64]

B. Some nonappellate remedies

1. Indeterminate Sentencing

Indeterminate sentencing might appear, at first glance, to provide a solution to the problem of disparate sentences. Because the judge simply sentences the defendant to "the term prescribed by law," [65] he is relieved of the responsibility for any disparities in the length of imprisonment. But the real effect of the indeterminate sentence is to shift the burden of social justice from the judge to a parole board or parole authority. While I have the highest respect for such bodies, I believe that for some time to come, in view of the

---

Footnotes at end of article.

methods of their appointment and the shortage of qualified personnel to assist them,[66] they will certainly be no more competent to determine lengths of imprisonment than is a conscientious and independent judge. Moreover, because parole authorities of necessity operate on a committee basis, have relatively little time for each prisoner, and use more or less standard classifications, they are likely to be less responsive to the special situation of a particular offender than is a single judge concerned solely with the case before him.

The day may come when the quality, qualifications, and quantity of prison personnel and of assisting psychiatrists and sociologists, and the methods of their selection and tenure, will combine to make the indeterminate sentence the best means of avoiding unjustifiable disparity in sentencing. But that day is not here nor likely soon to be. The great majority of district-court judges apparently agree, if one may judge by the reluctance of so many to impose indeterminate sentences.[67]

2. Panels of Judges for Advance Consideration of Sentences

Various district courts have experimented with "sentencing councils," in which panels of judges regularly consider dispositions proposed by the sentencing judge and offer nonmandatory recommendations for his consideration.[68] This is a step in the right direction, but, for several reasons, it is not the best solution now available.

To begin with, nearly half of the federal districts have fewer judges than are required for such a system.[69] In these districts, to convene sentencing panels would entail travel, delay, and other complications. Even in districts with enough judges, such panels would encroach upon the working time of already overburdened jurists. Furthermore, those judges most in need of such guidance would likely be those least affected by the views of their peers.

III. THE CASE FOR APPELLATE REVIEW

The reasons that have been stated for supporting appellate review in the federal system are not claimed to be novel or unique. So much has been said and written on the general subject that there are few new arguments for or against it.[70] The best that a trial judge can offer is a point of view that is part the product of personal experience and part a personal evaluation of the considerations urged both for and against appellate review.

I am convinced that sentencing, at least for the present, ought to remain a judicial function. Courts should not abdicate their powers or responsibilites in this area. At the same time, they should be armed with every means of assuring wise, reasonable, and just exercise of this heavy power to deprive individuals of property and freedom. At present, trial judges are granted very broad discretion by Congress in the sentencing of criminals. Surely that discretion over the fate of human beings should not be held sacrosanct, particularly since no such immunity attends the exercise of discretion by trial judges in civil cases.

Some contend that appellate judges are not qualified to ascertain whether a trial judge has abused his discretion in imposing sentence.[71] This argument seems to me to be invalid. For one thing, many judges of the courts of appeals serve there after long experience on the trial bench. For another, it seems to me to be plainly desirable, in case of harsh sentences, to permit review by a group of jurists detached from the pressures and immediacies of the trial courtroom. The passage of time between sentencing and review may afford a better perspective. There is nothing so esoteric about sentencing that the decision of one man should be held sacred and beyond the proper scope of appellate review.

Some have argued that the trial judge is better acquainted with the true character of the defendant because of personal contact or observation.[72] For a number of reasons, this contention cannot withstand careful scrutiny. Frequently the judge's contact with the defendant is limited to visual observation because, in many cases, defendants do not testify. But whether the observation is exclusively visual or is supplemented by an assessment of the defendant's testimony and demeanor on the witness stand, is it really a reliable basis on which to judge whether the defendant should be imprisoned for 2 years or for 20? Who, as a defendant, would want to have that vital determination turn upon one man's assessment of his personality under such unusual and difficult circumstances? My admiration for my brothers on the federal trial bench throughout the country and for their exceptional insights into human beings is second to none, but it has not convinced me that they or I possess some unique capacity to make a sentence fit the crime on the basis of personal observation of a defendant during the course of his trial.

One more consideration should be adduced against the argument that the judge's opportunity to observe the defendant is a *sine qua non* for justice in sentencing. The great majority of defendants convicted of federal crimes have pleaded guilty.[73] In these cases, the "eyeball-to-eyeball" confrontation between judge and defendant, including the colloquy involved in the defendant's right of allocution,[74] is usually a matter of 10 or 15 minutes at the most. I do not urge that this person-to-person communication is without value. It has worth to all concerned. But great as that value is, it is not a sound predicate for the notion that, lacking such confrontation, an appellate court cannot adequately review a sentence imposed by a trial judge. So far as justice in sentencing turns upon appraisal of the defendant's personal traits, I doubt that there is a worse time to make that evaluation than when that always anxious, often frightened, individual stands before the judge for sentencing.

The federal trial judges recognize this. The principal sentencing aid for nearly all is the written presentence report of trusted and independent probation officers.[75] If these reports are available to the court of appeals along with the full record of the lower court proceedings, the appellate court will have before it all the material most significant to the trial court's imposition of sentence.

I should add that the trial judge, in his consideration of the presentence report, can and often does confer informally with the probation officer who prepared it. These conferences aid the judge in a better understanding and evaluation of the presentence report. The court of appeals might not have the benefit of these informal conferences. But such a lack, even if it were substantial, would not negate the wisdom of appellate review. To have an adequate basis for wise and effective review, an appellate court need only have sufficient information to examine intelligently what the trial court did. Then, giving due weight to the advantages that the trial court had in making its original decision, the appellate court can determine whether the trial court abused its discretion. The courts of appeals can be given more than sufficient information to make such a determination in the review of sentencing.

Furthermore, it is highly unlikely that any court of appeals would regularly substitute its judgment of the proper sentence in a case for that of the federal trial judge. On the contrary, exercise of the power to change a sentence imposed by a district judge would undoubtedly be restricted to those relatively infrequent—but extremely serious—instance where the sentence imposed was clearly excessive. Such a scope of review would no more demean the power and dignity of the federal trial judge than does the similar scope of review now exercised by the courts of appeals over innumerable rulings and decisions that are generally within the discretion of the district courts.

One hears the argument made against appellate review of sentencing that to allow it would be to open the gates to a flood of frivolous appeals. The best answer to this contentions.[75] If it be true, as I think it is not, that Appellate courts review trial-court sentences regularly in 15 states and occasionally in others; [76] the same practice has been a regular feature of other civil-law and common-law jurisdictions for many years.[77] There has been no such flood of appeals in these jurisdictions.[78] If it be true, as I think it is not, that a very large number of defendants are victimized by excessive sentences, then justice would call for a great number of appeals. And even if there were many frivolous appeals, I have observed no incapacity in our courts of appeals to make short shrift of them.

In fact, I think it is likely that appellate review will ultimately reduce the total number of appeals. As mentioned above,[79] many appeals on the merits are generated only because of the imposition of an unduly harsh sentence, and many appellate courts, dealing with an appeal on the merits where the sentence has been unduly severe, are prone to seize upon error in the trial as a sufficient ground for reversal and retrial. Provision for review of trial-court sentences would eliminate any need for unmerited appeals and for reversals motivated primarily by the harshness of the sentences involved.

IV. PROPOSALS FOR APPELLATE REVIEW IN THE FEDERAL SYSTEM

In recent years a number of proposals to permit review of sentences by the courts of appeals have been introduced in Congress.[80] The last of these was reported favorably by the Senate Committee on the Judiciary [81] and passed in the Senate on June 29, 1967.[82] The Advisory Committee on Sentencing and Review of the American Bar Association has also suggested statutory provisions for appellate review.[83] Each of these proposals would empower appellate courts to review sentences appealed on the ground of excessiveness. They differ, however, in the categories of sentences made reviewable, the powers of the reviewing court, and the procedures for review of sentences.

A. Sentences reviewable

The ABA advisory committee's report on appellate review of sentences recognized that although "[i]n principle, judicial review should be available for all sentences imposed in cases where provision is made for review of the conviction . . . it may be desirable, at least for an initial experimental period, to place a reasonable limit on the length and kind of sentence that should be subject to review." [84]

The first five of the recent series of bills would have permitted review of all convictions where no mandatory sentence was required by law.[85] Each of the other bills would limit review to sentences of imprisonment or death in felony cases,[86] or to sentences of imprisonment exceeding specified periods.[87]

Appellate review would probably not prove very useful in correcting excesses in short sentences. Given present workloads and appellate procedures, most defendants who have been sentenced to terms of less than 1 year will have been freed for good behavior before their appeals can be heard. Furthermore, however invalid the argument that the courts of appeals would be overwhelmed by a flood of appeals, it may be wise initially to limit review to sentences of appreciable severity, where the more critical disparities would occur.[88] Review could readily be extended to lesser periods of imprisonment, terms of probation, fines, and commitments under the Youth Corrections and Juvenile

---

Footnotes at end of article.

Delinquency Act[89] as the courts of appeals acquire experience in handling such cases and develop techniques for the prompt disposition of frivolous claims.[90]

E. Powers of the reviewing court

The ABA Advisory Committee on Sentencing and Review has recommended that courts reviewing sentences be empowered to remand for resentencing or to substitute any disposition of the offender originally available to the sentencing court—except that the offender's sentence could not be increased either on appeal or on remand.[91] All of the proposed bills[92] would permit reduction of sentences by the courts of appeals. Several would permit modification of sentences,[93] and of these almost all would permit increase of sentences within limits.[94] The most recent bill would authorize the reviewing court to "dismiss the appeal, affirm, reduce, modify, vacate, or set aside the sentence imposed, remand the case, and direct the entry of an appropriate sentence or order or direct such further proceedings to be had as may be required under the circumstances," but would forbid any increase in sentences.[95]

The reviewing court should be empowered to select from the full range of statutory alternatives open to the district courts, but neither the reviewing court nor the trial court on remand should be empowered to increase the original sentence. To do so would raise serious constitutional objections, particularly in view of the recent line of federal cases holding increases of sentences on retrial unconstitutional.[96] Also, because of the threat of an increase in sentences, such a procedure would deter legitimate appeals and thus make appellate review illusory for many aggrieved defendants. Finally, experience in those jurisdictions that permit review but deny power to increase sentences indicates that, contrary to the argument urged in favor of allowing longer resentences, the absence of this threat does not result in a flood of frivolous appeals.[97] The courts of appeals can readily control the volume of appeals in other, less objectionable, ways—through limitations on the category of cases subject to review and procedural techniques in the handling of appeals.

C. Review procedures

The ABA advisory committee recommended that all appeals from sentences be of right except to courts with discretion to refuse consideration of appeals from convictions.[98] A few of the bills in Congress likewise specified that all appeals from sentences would be of right.[99] However, other bills, including the latest, require defendants to seek and be granted leave to appeal by the courts of appeals.[100] Although it may be thought that aggrieved defendants should have an appeal of right against the severity of their sentences, it is undoubtedly wise as an initial step to give the courts of appeals disrcetionary review to allow adjustment to and control over the new caseloads that might be generated by sentence review.[101] Similarly, at first the decisions of the courts of appeals should be final,[102] at least until experience under the new procedures demonstrates that such an added caseload can be handled without further overburdening the Supreme Court and that the problem of disparity among the circuits deserves the Supreme Court's attention.[103]

The ABA advisory committee[104] and the last few bills in Congress[105] would require the sentencing judge to state reasons for the imposition of each sentence that might later be subject to review. The object of these provisions, of course, is to encourage carefully considered and reasoned sentences by the trial judge and to inform the reviewing court of the factors that led to the particular sentence imposed. However, I doubt that these objectives would be very well served by such a requirement. Most judges do state their reasons for sentences, and these statements are readily available to the courts of appeals.[106] To require a statement of reasons in every case might well focus concern on making a record rather than on matters of substance. Plausible rationalizations can often be adduced to support excessive sentences and, conversely, infelicitous reasoning can confuse and cast doubt upon reasonable sentences. I think that the possibility of review will in itself do enough to ensure more careful and complete consideration by trial judges of all relevant factors. It should be sufficient to authorize the courts of appeals to order statements by the sentencing judge where such statements are deemed particularly useful.

Finally, special provision is made in nearly all of these proposals empowering the reviewing court to order the production of all materials available to the sentencing judge.[107] This is, of course, undoubtedly desirable as a general proposition and is usually feasible. Special problems arise, however, with respect to material given in confidence to the sentencing judge by probation officers. There has been great controversy over the propriety and constitutionality of withholding such reports from defendants.[108] Nonetheless, while these reports must of course be available to the courts of appeals, they should not be disclosed to defendants without prior consultation with the probation officers who prepared them.[109] Such precaution is necessary to prevent family bitterness or even violence, which might result if a defendant learned the source of frank information given in confidence, and to avoid drying up confidential sources. I realize that, although the defendant usually knows the facts about himself and his actions that are revealed by such reports, there is some unfairness in withholding from the defendant any of the factors that may have been taken into account in sentencing. I realize, too, that "confidential" information is often not worth much and that trial judges are little influenced by it. On balance, I think it best to provide the probation officer with an opportunity to acquaint the reviewing court with the possible consequences of disclosure.

In all other respects, procedures for review of sentences should be identical to procedures for review of convictions, and all appeals on the same case should be considered together. This would eliminate the possibility of confusion and of fragmented appeals. The most recent proposals so provide.[110]

CONCLUSION

There are many good reasons for adopting a means of appellate review of federal district-court sentencing: It would right serious wrongs to individuals. It would promote public respect for and confidence in the law and the judiciary. It would ease the problems of discipline in prison and aid in the rehabilitation of those prisoners who otherwise might be permanently alienated from society by the knowledge that a cruel wrong imposed on them had not been righted. It would encourage greater rationality in sentencing practices. Overall, the institution of general appellate review would bring needed improvement in an important aspect of the administration of criminal justice. The latest bill before Congress, with the few modifications I have outlined, would appear to be a sound vehicle for achieving this much-needed reform.

FOOTNOTES

*A.B. 1926, J.D. 1928, Stanford University, Judge, United States District Court for the Northern District of California. The author wishes to acknowledge the research assistance of Michael John Matheson, editor, *Stanford Law Review*.

[1] The problem of disparity in sentencing is treated generally in Joint Comm. on Continuing Legal Education of the ALI and the ABA, The Problem of Sentencing 56-77 (1962); M. Paulsen & S. Kadish, Criminal Law and Its Processes 162-68 1962); *id.* at 55-56 (Supp. 1967); McGuire & Holtzoff, *The Problem of Sentence in the Criminal Law*, 20 B.U.L. Rev. 423 (1940); Rubin, *Disparity and Equality of Sentences*, 40 F.R.D. 55 (1966).

[2] Shepard v. United States, 257 F.2d 293, 294 (6th Cir. 1958).

[3] During fiscal year 1964, 91.2% of all cases ending in conviction were concluded without trial. Administrative Office of the U.S. Courts, Federal Offenders in the United States District Courts 1964, at 15, table 8 (1965).

[4] *See Hearings on S. 2722 Before the Subcomm. on Improvements in Judicial Machinery of the Senate Comm. on the Judiciary*, 89th Cong., 2d Sess. 83-102 (1966).

[5] President's Comm'n on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society 145 (1967).

[6] *Id.* at 146.

[7] The Judicial Conference of the United States is authorized under 28 U.S.C. § 334 (1964) to convene institutes and councils of federal judges to study sentencing.

[8] *See generally* Smith, *The Sentencing Council and the Problem of Disproportionate Sentences*, Fed. Probation, June 1963, at 5; Doyle, *A Sentencing Council in Operation*, Fed. Probation, Sept. 1961, at 27.

[9] *E.g., Hearings on S. 2722, supra* note 4, at 10-54, 69-82, 109-22; Address by Mr. Chief Justice Warren, American Law Institute Annual Meeting, May 18, 1960, *reprinted in* 25 F.R.D. 213 (1960).

[10] For an analysis of the sentencing structures of American jurisdictions see Note, *Statutory Structures for Sentencing Felons to Prison*, 60 Colum. L. Rev. 1134 (1960).

[11] Congress has authorized the following procedures: in 1925, the use of probation in lieu of imprisonment. Act of Mar. 4, 1925, ch. 521, § 1, 43 Stat. 1259, 18 U.S.C. §§ 3651-58 (1964); in 1938, special custody and treatment for juvenile offenders, Federal Juvenile Delinquency Act, ch. 486, § 4, 52 Stat. 765 (1938), 18 U.S.C. § 5034 (1964); in 1950, special custody and treatment for youth offenders under the age of 22, Federal Youth Corrections Act, ch. 1115, § 2, 64 Stat. 1087 (1950), 18 U.S.C. §§ 5006(e), 5011 (1964); in 1958, indeterminate sentencing, special commitments for study by the Bureau of Prisons, and commitments of offenders under the age of 26 as youth offenders, Act of Aug. 25, 1958, Pub. L. No. 85-752, §§ 3-4, 72 Stat. 845-46, 18 U.S.C. §§ 4208-09 (1964); and, finally, in 1966, special confinèment and treatment of offenders addicted to narcotics, Act of Nov. 8, 1966, Pub. L. No. 89-793, § 201, 80 Stat. 1443, 18 U.S.C. § 4253 (Supp. II, 1965-66).

[12] 18 U.S.C. § 4202 (1964).

[13] 18 U.S.C. § 4208(a) (1964).

[14] 18 U.S.C. § 3651 (1964). The power of the court to impose conditions of probation is fairly broad. *Compare* Berra v. United States, 221 F.2d 590 (8th Cir. 1955) (employment or office holding in labor union forbidden), *and* United States v. Worcester, 190 F. Supp. 548 (D. Mass. 1961) (disclosure of evidence required), *with* Karrell v. United States, 181 F.2d 981 (9th Cir. 1950) (restitution of funds in transaction not involved in indictment improper).

[15] 18 U.S.C. § 3651 (1964).

[16] 18 U.S.C. §§ 5005-26 (1964).

[17] 18 U.S.C. §§ 4209, 5006(e) (1964).

[18] 18 U.S.C. §§ 5010, 5017 (1964).

[19] 18 U.S.C. §§ 5031-37 (1964).

[20] 18 U.S.C. § 5031 (1964).

[21] *See* United States v. Borders, 154 F. Supp. 214 (N.D. Ala. 1957), *aff'd*, 256 F.2d 458 (5th Cir. 1958).

[22] 18 U.S.C. § 5034 (1964).

[23] 18 U.S.C. § 4208(b) (1964).

[24] Others have been of the opinion that the frequency of unjustifiable disparities is rela-

tively great. *See* authorities cited note 1 *supra; Hearings on S. 2722, supra* note 4, at 10–54, 69–82, 109–22. Mr. Chief Justice Warren, for example, expressed concern in 1960 about "the wide diversity in the use of probation and other sentencing practices in our several courts and the great disparity in the sentences pronounced by our judges." Address by Mr. Chief Justice Warren, *supra* note 9, at 215.

[25] *See* Glueck, *The Sentencing Problem,* Fed. Probation, Dec. 1956, at 15, 17–18; Note, *Due Process and Legislative Standards in Sentencing,* 101 U. Pa. L. Rev. 257, 259–60 (1952); Note, *Appellate Review of Primary Sentencing Decisions: A Connecticut Case Study,* 69 Yale L.J. 1452, 1458–59 (1960).

[26] The average sentence in each of the circuits for all persons committed to federal institutions in fiscal year 1965 varied from 28.3 months in the First Circuit to 45.1 months in the Seventh Circuit, *Hearings on S. 2722, supra* note 4, at 150–53.

[27] The range of lowest and highest districts in average sentences for all offenses within the various circuits is as follows: First Circuit, 21.9 months to 40.3 months: Second Circuit, 16.6 months to 37.2 months; Third Circuit, 18.0 months to 45.1 months; Fourth Circuit, 19.4 months to 57.0 months; Fifth Circuit, 20.9 months to 44.8 months; Sixth Circuit, 22.1 months to 49.6 months; Seventh Circuit, 27.7 months to 50.0 months; Eighth Circuit, 23.4 months to 63.5 months; Ninth Circuit, 0.5 month to 67.4 months; Tenth Circuit, 30.3 months to 44.3 months. *Id.*

[28] For example, the average sentence for narcotics violations varied from 44.4 months in the Third Circuit to 82.3 months in the Eighth Circuit and 82.8 in the Tenth Circuit; for forgery, from 15.8 months in the First Circuit to 35.9 months in the Eighth Circuit; for liquor violations, from 8.4 months in the Ninth Circuit to 22.3 months in the Third Circuit. Variations among individual districts were even more extensive. *Id.*

[29] The frequency of use of split sentences in fiscal year 1964 varied from 2.5% of all convictions in the Fifth Circuit to 7.4% in the Fourth Circuit, and more widely among districts within the circuits. Administrative Office of the U.S. Courts, *supra* note 3, at 76–77.

[30] Use of indeterminate sentences varied from 1.7% of all convictions in the First Circuit to 8.0% in the Sixth Circuit, with wider variations among the districts. *Id.*

[31] Use of the Youth Corrections Act varied from 1.7% of all convictions in the First Circuit to 7.8% in the Tenth Circuit, with wider variations among the districts. *Id.*

[32] Use of the Juvenile Delinquency Act varied from 0.3% of all convictions in the First Circuit to 8.6% in the Tenth Circuit, with wider variations among the districts. *Id.*

[33] Use of probation in fiscal year 1965 varied from 44.3% of all convictions (excluding violations of immigration laws, wagering tax laws, and federal regulatory acts) in the Sixth Circuit to 63.8% in the Third Circuit, with wider variations among the districts. Administrative Office of the U.S. Courts, Persons Under the Supervision of the Federal Probation System, Fiscal Year 1965, at 102–05 (1967). The percentage of probationers under supervision for less than 2 years varied from 69.3% in the Fourth Circuit to 83.7% in the First Circuit. *Id.* at 94–95.

[34] *See* Administration Office of the U.S. Courts, *supra* note 3, at 26–27, 32–33, 78–83. A total of 20 districts exceeded or fell short of the national weighted average by 20% or more in the use of probation, and 19 districts by a similar percentage in the overall severity of sentences. *Id.*

[35] As examples of possible abuses, Judge Sobeloff of the Court of Appeals for the Fourth Circuit points to the 15-year sentence imposed upon a first offender who wrote a $58 bad check to pay for rent, food, and his ailing wife's medical bills, and to the sentence of life imprisonment without parole given a feeble-minded 20-year-old Mexican boy who sold a shot of narcotics to his 17-year-old friend. *Hearings on S. 2722, supra* note 4, at 25–26. For examples of abuses in consecutive sentencing on multiple counts *see id.* at 14; 46 Iowa L. Rev. 159 (1960).

[36] *See* Glueck, *The Sentencing Problem,* Fed. Probation, Dec. 1956, at 15, 17.

[37] The following standards are typical of the statutory criteria governing the use of the various sentencing alternatives: "when in its opinion the ends of justice and best interests of the public require . . . ." 18 U.S.C. § 4208(a) (1964) (indeterminate sentencing); "when satisfied that the ends of justice and the best interest of the public . . . will be served . . .," 18 U.S.C. § 3651 (1964) (probation); "[i]f the court is of the opinion that the youth offender does not need commitment . . . ," 18 U.S.C. § 5010(a) (1964) (probation for youth offenders).

[38] *See* Ashe, *A Warden's Views on Inequality in Sentences,* Fed. Probation, Jan.-Mar. 1941, at 26–27.

[39] *See Hearings on S. 2722, supra* note 4, at 166–67. *But see* Ashe, *supra* note 38, at 27.

[40] *Hearings on S. 2722, supra* note 4, at 11, 35.

[41] *See, e.g.,* United States v. Hoffman, 137 F.2d 416, 422 (2d Cir. 1943).

[42] 28 U.S.C. § 2255 (1964) states: "A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence."

Furthermore, under Fed. R. Crim. P. 35, a court "may correct an illegal sentence at any time and may correct a sentence imposed in an illegal manner" within 120 days of the imposition of sentence, dismissal of appeal, or denial of review by the Supreme Court.

[43] *See, e.g.,* Herndon v. United States, 207 F.2d 412 (4th Cir. 1953); United States v. Baldwin, 128 F. Supp. 739 (S.D. Ohio 1953).

[44] *See* Scarponi v. United States, 313 F.2d 950 (10th Cir. 1963) (dictum).

[45] *See* Benson v. United States, 332 F.2d 288 (5th Cir. 1964).

[46] Act of Mar. 3, 1879, ch. 176, § 1, 20 Stat. 354, which remained in effect until the appellate jurisdiction of the circuit courts was transferred to the circuit courts of appeals in 1891, was interpreted as empowering the circuit courts to modify excessive sentences on appeal. *See* Bates v. United States, 10 F. 92 (C.C.N.D. Ill. 1881). *See generally* Hall, *Reduction of Criminal Sentences on Appeal,* 37 Colum. L. Rev. 521 (1937).

[47] *See, e.g.,* Gore v. United States, 357 U.S. 386, 393 (1958); United States v. Baysden, 326 F.2d 629 (4th Cir. 1964); Boerngen v. United States, 326 F.2d 326 (5th Cir. 1964); Martin v. United States, 317 F.2d 753 (9th Cir. 1963). For an exhaustive compilation of cases denying review in each of the circuits see 10 DePaul L. Rev. 104, 105 n.8 (1960).

[48] *See* United States v. Hetherington, 279 F.2d 792, 796 (7th Cir. 1960) ("manifest abuse"); Livers v. United States, 185 F.2d 807, 809 (6th Cir. 1950) ("gross abuse"); Tincher v. United States, 11 F.2d 18, 21 (4th Cir.), *cert. denied,* 271 U.S. 664 (1926) ("gross or palpable abuse").

[49] Guerera v. United States, 40 F.2d 338, 340–41 (8th Cir. 1930).

[50] *See* Yates v. United States, 356 U.S. 363 (1958); Green v. United States, 356 U.S. 165 (1958) (dictum); *cf.* United States v. United Mine Workers, 330 U.S. 258 (1947).

[51] Green v. United States, 356 U.S. 165, 188 (1958).

[52] 267 F.2d 453 (7th Cir. 1959); 278 F.2d 500 (7th Cir. 1960) (second appeal).

[53] The trial judge stated flatly: "Had there been a plea of guilty in this case probably probation might have been *considered* under certain terms, but you are all well aware of the standing policy here that once a defendant stands trial that element of grace is removed from the consideration of the Court in the imposition of sentence." United States v. Wiley, 184 F. Supp. 679, 681 (N.D. Ill. 1960) (emphasis in original).

[54] Wiley, a minor participant in the crime, received a sentence of 3 years, while the ringleader and three other minor participants received terms of from 1 to 2 years. Wiley's criminal record was less serious than those of some of his codefendants. *See* United States v. Wiley, 278 F.2d 500 (7th Cir. 1960).

[55] *See* United States v. Martell, 335 F.2d 764, 766 (4th Cir. 1964); Ellis v. United States, 321 F.2d 931, 933 (9th Cir. 1963); *In re* Cohen's Petition, 217 F. Supp. 240, 244 (E.D.N.Y. 1963).

[56] The Court of Appeals for the Seventh Circuit stated that "where the facts appearing in the record point convincingly to the conclusion that the district court has, without any justification, arbitrarily singled out a minor defendant for the imposition of a more severe sentence than that imposed upon the co-defendants, this court will not hesitate to correct the disparity." United States v. Wiley, 278 F.2d 500, 503 (7th Cir. 1960). However, "the presumption is that the court acted reasonably," and an appellant "must make allegations at least indicating some unreasonable basis for the disparity of sentences." Simpson v. United States, 342 F.2d 643, 645 (7th Cir. 1965).

[57] *See, e.g.,* United States v. West Coast News Co. 357 F.2d 855 (6th Cir. 1966); United States v. Gargano, 338 F. 2d 893, 897 (6th Cir. 1964); United States v. Vita, 209 F. Supp. 172, 173 (E.D.N.Y. 1962).

[58] *See, e.g.,* Leach v. United States, 334 F. 2d 945 (D.C. Cir. 1964) (refusal to order mental examination of prisoner under previous psychiatric care); Peters v. United States, 307 F. 2d 193 (D.C. Cir. 1962) (unreasonable refusal to order presentence investigation).

[59] Patton v. North Carolina, 381 F.2d 636 (4th Cir. 1967); Marano v. United States, 374 F.2d 583 (1st Cir. 1967); Short v. United States, 344 F.2d 550 (D.C. Cir. 1965).

[60] *See, e.g.,* Smith v. United States, 273 F. 2d 462, 468 (10th Cir. 1959) (Murrah, C. J. dissenting).

[61] *Cf.* Rudolph v. Alabama, 375 U.S. 889 (1963) (Goldberg, Douglas, Brennon, J.J., dissenting from the denial of certiorari), which suggests that the imposition of a sentence of death upon a convicted rapist might constitute cruel and unusual punishment.

[62] *See* Rubin, *supra* note I, at 62–69.

[63] United States v. Rosenberg, 195 F. 2d 583, 604 (2d Cir. 1952).

[64] Gore v. United States, 357 U.S. 386, 393 (1958).

[65] *Eg.,* Cal. Penal Code § 1213.5(b)(3) (West 1956).

[66] For a discussion of the problems of the lack of adequate resources and qualified personnel available to parole authorities see D. Dressler, Practice and Theory of Probation and Parole 231–34 (1959).

[67] About 6% of the federal offenders sentenced in fiscal year 1965 received indeterminate sentences. Administrative Office of the U.S. Courts, *supra* note 3, at 18.

[68] *See* authorities cited note 8 *supra.*

[69] *See Hearings on S. 2722, supra* note 4, at 13.

[70] *See, e.g., Hearings on S. 2722, supra* note 4, at 2–3, 7–8, 34–38, 61–66, 111–12; ABA, Standards Relating to Appellate Review of Sentences 21–31 (1967); *Sobeloff, A Recommendation for Appellate Review of Criminal Sentences,* 21 Brooklyn L. Rev. 2 (1954).

For a complete bibliography see *Hearings on S. 2722, supra* note 4, at 146–49.

[71] *See Hearings on S. 2722, supra* note 4, at 127.

[72] *Id.*

[73] *See* note 3 *supra.*

[74] Fed. R. Crim. P. 32(a) (1) provides: "Before imposing sentence the court shall afford counsel an opportunity to speak on behalf of the defendant and shall address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment."

[75] Fed. R. Crim. P. 32(c) requires a presentence investigation and report "unless the court otherwise directs." The report must contain "any prior criminal record of the defendant and such information about his characteristics, his financial condition and the circumstances affecting his behavior as may be helpful in imposing sentence or in granting probation or in the correctional treatment of the defendant, and such other information as may be required by the court."

[76] ABA, *supra* note 70, at 13. A more complete survey of the law in the various states may be found in Mueller, *Penology on Appeal: Appellate Review of Legal but Excessive Sentences,* 15 Vand. L. Rev. 671, 688–97 (1962).

[77] *Hearings on S. 2722, supra* note 4, at 83–100.

[78] Students of several such jurisdictions have been made and in no case was there found to be an excessively troublesome problem of administering numerous frivolous appeals. In Britain, only 8% of convicted prisoners appeal their sentences. *Id.* at 29. In Massachusetts, procedures for sentence review have apparently even reduced the number of appeals taken with regard to the merits of criminal cases. *Id.* at 163. *See also* Note, *Appellate Review of Primary Sentencing Decisions : A Connecticut Case Study,* 69 Yale L.J. 1453, 1464 (1960).

[79] *See* notes 40–41 *supra* and accompanying text.

[80] *See* S. 1540, 90th Cong., 1st Sess. (1967); S. 2722, 89th Cong. 1st Sess. (1965); S. 823, 88th Cong., 1st Sess. (1963); S. 2879, 87th Cong. 2d Sess. (1962); S. 1692, 87th Cong., 1st Sess. (1961); S. 3914, 86th Cong., 2d Sess. (1960); H.R. 270, 85th Cong., 1st Sess. (1957); S. 1480, 84th Cong., 1st Sess. (1955); H.R. 4932 84th Cong., 1st Sess. (1955).

[81] S. Rep. No. 372, 90th Cong., 1st Sess. (1967).

[82] 113 Cong. Rec. S132–33 (daily ed., June 29, 1967).

[83] *See* ABA, *supra* note 70.

[84] *Id.* at 13 States permitting review of sentences generally limit the scope of review according to the length or type of sentence; the type of proceeding for determining guilt or sentence, or the general authority of the reviewing court. *Id.* at 15–16.

[85] S. 1692, 87th Cong., 1st Sess. (1961); S. 3914, 86th Cong., 2d Sess. (1960); H.R. 270, 85th Cong., 1st Sess. (1957); S. 1480, 84th Cong., 1st Sess. (1955); H.R. 4932, 84th Cong., 1st Sess. (1955).

[86] S. 1540, 90th Cong., 1st Sess. § 3742(a) (1967).

[87] S. 2722, 89th Cong., 1st Sess. (1965) (aggregate of more than 1 year); S. 823, 88th Cong., 1st Sess. (1963) (5 years or more); S. 2879, 87th Cong., 2d Sess. (1962) (5 years or more).

[88] About ¾ of all possibly appealable sentences of imprisonment exceed 1 year; about ¼ exceed 5 years. *Hearings on S. 2722, supra* note 4, at 39. It has been estimated that a 1-year limit would reduce the average volume of sentence appeals to 88 annually for each circuit, and that a 5-year limit would further reduce it to about 32 per circuit. *Id.* at 29.

[89] *See* text accompanying notes 16–22 *supra.*

[90] The courts of appeals should, of course, have authority to review sentences imposed after revocation of orders suspending sentence or granting probation, and after periods of confinement for study. The latest congressional bill specifically provides for such review. *See* S. 1540, 90th Cong., 1st Sess. §§ 3742 (a), (f) (1967).

[91] ABA, *supra* note 70, at 53–55.

[92] *See* authorities cited note 80 *supra.*

[93] S. 1540, 90th Cong., 1st Sess. (1967); S. 2722, 89th Cong., 1st Sess. (1965); H.R. 270, 85th Cong., 1st Sess. (1957); S. 1480, 84th Cong., 1st Sess. (1955); H.R. 4932, 84th Cong., 1st Sess. (1955).

[94] S. 2722, 89th Cong., 1st Sess. (1965); H.R. 270, 85th Cong., 1st Sess. (1957); S. 1480, 84th Cong., 1st Sess. (1955); H.R. 4932, 84th Cong., 1st Sess. (1955).

[95] S. 1540, 90th Cong., 1st Sess. § 3742(c) (1967).

[96] *See* Patton v. North Carolina, 381 F. 2d 636 (4th Cir. 1967); *cf.* Marano v. United States, 374 F. 2d 583 (1st Cir. 1967); United States v. Russell, 260 F. Supp. 265 (M.D. Pa. 1966). *See also* 80 Harv. L. Rev. 891 (1967).

[97] All but three of the states that provide for review permit no increase of sentences by the reviewing court. *Hearings* on *S. 2722, supra* note 4, at 38. The Uniform Code of Military Justice provides for mandatory review of the sentences of courts-martial without possibility of increase, 10 U.S.C. § 871 (1964), and this system appears to have functioned without difficulty. *See Hearings on S. 2722, supra* note 4, at 140. European jurisdictions rarely permit increases in appeals by defendants, and then only with careful safeguards such as a requirement of unanimity on the part of the reviewing court. *Id.* at 85. After 60 years of experience with a system of sentence review permitting increases, the British Parliament withdrew from its appellate courts the power to increase sentences imposed at trial. Criminal Appeal Act 1966, § 4(2), c. 31.

[98] ABA, *supra* note 70, at 36.

[99] H.R. 270, 85th Cong., 1st Sess. (1957); S. 1480, 84th Cong., 1st Sess. (1955); H.R. 4932, 84th Congress., 1st Sess. (1955).

[100] S. 1540, 90th Cong., 1st Sess. (1967); S. 1692, 87th Cong., 1st Sess. (1961); S. 3914, 86th Cong., 2d Sess. (1960).

[101] At the very least, the courts of appeals should not be required to grant a full hearing on all such appeals. *See* S. 2722, 89th Cong., 1st Sess. (1965); S. 823, 88th Cong., 1st Sess. (1963); S. 2879, 87th Cong., 2d Sess. (1962).

[102] The latest bill in Congress provides specifically that the court of appeals' denial of appeal is final. S. 1540, 90th Cong., 1st Sess. § 3742(b) (1967).

[103] *See* notes 26–28 *supra.*

[104] ABA, *supra* note 70, at 42.

[105] S. 1540, 90th Cong., 1st Sess. (1967); S. 2722, 89th Cong., 1st Sess. (1965); S. 823, 88th Cong., 1st Sess. (1963); S. 2879, 87th Cong., 2d Sess. (1962).

[106] At present, the court reporter is required to transcribe and certify all "proceedings in connection with the imposition of sentence in criminal cases. . . ." 28 U.S.C. § 753(b) (Supp. II, 1965–66). This transcript would be available to the courts of appeals through Fed. R. Crim. P. 39(b), and also through provisions, in most of the bills, authorizing the courts of appeals to order the production of all trial documents. *See* S. 1540, 90th Cong., 1st Sess. (1967); S. 2722, 89th Cong., 1st Sess. (1965); S. 823, 88th Cong., 1st Sess. (1963); S. 2879, 87th Cong., 2d Sess. (1962); S. 1692, 87th Cong., 1st Sess. (1961); S. 3914, 86th Cong., 2d Sess. (1960).

[107] *See* S. 1540, 90th Cong., 1st Sess. (1967); S. 2722, 89th Cong., 1st Sess. (1965); S. 823, 88th Cong., 1st Sess. (1963); S. 2879, 87th Cong., 2d Sess. (1962); S. 1692, 87th Cong., 1st Sess. (1961); S. 3914, 86th Cong., 2d Sess. (1960); ABA, *supra* note 70, at 42.

[108] *Compare* Smith v. United States, 223 F.2d 750, 754 (5th Cir. 1955), *and Hearings on S. 2722, supra* note 4, at 117–18, *with* United States v. Durham, 181 F. Supp. 503 (D.D.C. 1960), *and* Barnett & Gronewold, *Confidentiality of the Presentence Report,* Fed. Probation, Mar. 1962, at 26.

[109] Two of the bills in Congress specifically require the courts of appeals to "take such appropriate measures as may be necessary to safeguard the secrecy of any such presentence reports and other evaluations." S. 823, 88th Cong., 1st Sess. (1963); S. 2879, 87th Cong., 2d Sess. (1962).

[110] *See* S. 1540, 90th Cong., 1st Sess. (1967); S. 2722, 89th Cong., 1st Sess. (1965).

[From the Vanderbilt Law Review, May 1968]

Appellate Review of Legal, but Excessive Sentences: A Comparative Study

(By Gerhard O. W. Mueller* and
Fré Le Poole**)

(The American criminal statutes do not generally establish criteria to be followed by the trial judges in sentencing; therefore, the right of judicial review of sentences as a matter of law is largely unavailable due to the almost total exercise of judicial discretion in the sentencing process. The authors will examine and evaluate the continental system in which the criminal codes generally provide sentencing guidelines, thus enabling sentence review to be obtained as a matter of law.)

I. EMERGENCE OF SENTENCE REVIEW

Classical penology was conceived in France in the eighteenth century,[1] and then eclipsed all over the world in the nineteenth, when Lombroso conjured up the picture of the born criminal. It was finally laid to rest in the United States in the twentieth century. Its basic tenet had been simple enough: the legislature in its infinite wisdom would seek and find the appropriate punishment for every crime. This can be accomplished if a crime is defined narrowly enough, perhaps by the creation of subcategories of that crime, so as to encompass all potential perpetrators who will each incur the same amount of criminal guilt. All perpetrators in the same subcategory are then entitled to the exact same amount of punishment in expiation of their criminal guilt. This system, so it was thought, ideally adjusts the punishment to achieve a balance between the crime and its harm and the criminal and his guilt, without going into undue subtleties of minute variations in the guilt of perpetrators in the same subcategory. Consequently the codes of the eighteenth and nineteenth centuries could satisfy themselves with defining and categorizing crimes in terms of the harm created and the specific means are in question.

The punishments in such a scheme of things, being almost entirely designed to serve the goals of retribution and deterrence of all nondescript members of a class, could be almost entirely stereotyped. A system which does not admit of variation among members of its various categories of perpetrators needs little variability of its punishments. Therefore, whether in an American state or European nation in the nineteenth century, nearly all first degree murderers were rewarded with death, and nearly all thieves received a stereotyped penitentiary sentence. To the extent that the need for variability was recognized, such variability—like its historical ancestor, the benefit of clergy—was regarded primarily as a matter of mercy to be dispensed by the sovereign. However, in nearly all countries the legislative scheme of crimes and punishments did permit a minimum of variation, usually in terms of alternate punishments, or sometimes regarding the quantum of punishment. "The duration and quantity of [fine and imprisonment] must, says Blackstone, frequently vary from the aggravations, or otherwise of the offence, the quality and con-

---

Footnotes at end of article.

dition of the patries, and from innumerable other circumstances . . ."[2]

In a system of relatively stereotyped punishments for static guilt and harm, practically no question of reviewability of sentence can arise as long as each sentence is within the narrow legislative frame. However, such an arrangement could not survive a recognition that the infinite variety of subjective and objective factors, which exist in the personality of every offender, and in the harm and guilt, must be reflected in the criminal sanction. Likewise, the criminal sanction must be adjusted to serve the needs of a variety of aims of penal policy. While the new variants in the personality of the perpetrator and in the aims of penal policy were first scientifically recognized and stated in Europe, especially by the Italian positivists, it was in this country that the first significant breaks with the established stereotyped and static penal scheme occurred. Among the devices of the new penology we find the following: (1) the mini-max statute, which allows the court to choose an appropriate sentence within a framework of a minimum and maximum sentence provided by the legislature; (2) the alternate sentence, providing for either one form of punishment or another, or both; (3) additional sentences, *e.g.*, forfeiture of office, added to imprisonment; (4) the open-ended sentence, which allows the court to individually fix either the minimum or the maximum and to make the other limit to the sentence depend on subsequent factors; (5) good conduct and good time provisions, resulting in deductions from initial punishment; (6) parole rights and duties; (7) probation; and (8) an infinite variety of commitments to special institutions.

With such a potpourri of penal dispositions available, the modern judge needs a degree of guidance unimagined in the nineteenth century. Now, a significant choice has to be made in every case, a choice which was generally not possible a few decades ago. Therefore, it seems that a legal machinery is needed to guard against the wrong choice. How does the law usually protect the defendant against a wrong choice on the part of a judge? It grants appellate review. But our system has not yet adapted itself to the novelty. Appellate review is largely unavailable to question the exercise of sentencing discretion. While a system without appellate review of criminal sentences was workable and lawful in the nineteenth century, it can be neither proper nor lawful at the present time. It can be attributable only to chance or ignorance that the American system, which permits no review of judicial choice in sentencing, has not been declared unconstitutional.

Elsewhere we have demonstrated that a movement is underfoot to provide American convicts with a machinery for the review of criminal sentences alleged to be excessive, though lawful. From the modest beginning of a single American jurisdiction which granted such review in 1858, we now have reached the point at which such remedies are available in fifteen jurisdictions, albeit on a very limited scale.[3] It does not take much courage to predict that in the foreseeable future, all American jurisdictions will adopt sentence review procedures.

II. THE LACKING CRITERIA OF SENTENCE REVIEW AT HOME

While the need for reviewing the exercise of judicial choice in sentencing may be quite apparent, what makes one pause is the lack of criteria by which we can measure the propriety of a given choice. It must be noted that we are here interested primarily in the judicial choice. There is also a legislative choice, which is subject to review. Thus, the constitutionality of a statute permitting any prison sentence from one day to life and/or a fine of any magnitude for the crime of shoplifting may well be subject to some doubt. Indeed, the supreme courts of the nineteenth century at first were considerably hesitant to uphold as constitutional, against charges of uncertainty and vagueness, statutes allowing penological variety which seemed to permit the exercise of judicial choice, unguided by fixed legislative criteria. For all practical purposes, the legislatures have not provided the judiciary with criteria to guide them in exercising sentencing discretion. If there are no criteria to begin with, how can it be charged that the wrong criteria have been used? Our system has muddled along with vague expressions like "the sound exercise of judicial discretion," "recognition of the crime and the criminal," "the gravity of the deed," "the guilt of the perpetrator," and "the protection of society." None of these slogans is law. Appellate review, however, has been customarily available for judicial violations of law—not slogans, and it is arguable that slogans are not entitled to appellate review.

Elsewhere we have endeavored to state the real criteria which have prompted courts to play with the legislative choices in sentencing and which we found to be conditioned by the infinite variety of life, manifested in the perpetrator and his crime, but always limited by the scope of the penal purposes. This limitation, designed to protect society from initial or repeated harm through crime, extends to vindication of the law, retribution for the wrong committed, penitence of the perpetrator, neutralization of the still dangerous actor, deterrence of potential wrongdoers, and above all, resocialization of the offender.[4] While these observations may properly describe reality, they are not positive law. There is a need for appellate review of criminal sentences. But upon what criteria should such review proceed and to what end?

To solve these perplexing problems we have turned to the experience of other members of the family of civilized nations. While their experiences are not likely to be dispositive of our problems, they are likely to be helpful, for all nations are endeavoring only to find the most appropriate method of insuring the establishment and continuance of the most effective sentencing policies. Although these problems appear predominantly theoretical at first glance, they have the potential of becoming explosively practical in the not-too-distant future. The Supreme Court of the United States recently held unconstitutional for vagueness a statute which permitted the jury to impose costs upon an acquitted criminal defendant, *without guidance as to when costs were or were not to be imposed.*[5] By dictum the majority added that the distribution of varying punishments based solely upon the reprehensibility of a convicted offender would certainly violate the due process clause. Mr. Justice Stewart, concurring, contended that much of the reasoning in the opinion cast grave constitutional doubt upon the settled practice of many states to allow the jury in its unguided discretion to determine the nature and degree of punishment to be imposed.[6] Also, consideration must be given to the problem of the judge's use of his unguided discretion in the sentencing process. It appears that in the near future sentencing criteria and the aims of penal policy may become matters of positive law and, therefore, subject to appellate review as questions of law. By looking at the advanced continental experience, we may be able to delineate the course that we should follow.

III. GENERAL SCHEME IN CIVIL LAW COUNTRIES

As in our system, continental code provisions contain sentencing alternatives and sentence ranges. Many foreign codes set some guidelines for the exercise of sentencing discretions, both in the penal provisions and in special sentencing sections of the more general parts of the codes. These sentencing frames and criteria have become matters of positive law, and, like all other matters of law, are subject to appellate review. However, there are many code and statutory provisions which contain no criteria for guiding sentencing choice; frequently these are found in cases where a crime category (*e.g.*, homicide) has been subdivided into minute subcategories which are descriptive of different offender types. Thus, the old, but still subsisting German Penal Code provides in section 211 that "murder shall be punished by confinement in a penitentiary for life." This stereotype sentence for all murderers is understandable only if it is considered that this provision also describes a murderer in terms of specific personality characteristics and that the murder provision is followed by eight subsequent provisions on homicide which are descriptive of other stereotypes, including: manslaughter (section 212); manslaughter under extenuating circumstances (section 213); mercy killing (section 216); infanticide (section 217); genocide (section 220a); negligent homicide (section 222); and assault and battery with fatal consequences (section 226). Each of these variations from the basic form of criminal homicide carries its own penal sanction which differs from that of the basic form. Some of these penal sanctions also allow a certain amount of variation (*e.g.*, for "mitigating circumstances," as in section 216.2, or for "serious cases," as in section 212.2).[7]

By far the most frequent sentencing variables which the continental codes place at the disposition of judges are in terms of minimum-maximum sentences and alternative sentences. For example, under the Italian Penal Code the punishment for mercy killing is "confinement in a penitentiary from six to fifteen years."[8] As regards imprisonment, the legislature has sometimes set only maximum[9] or only minimum terms[10] for each offense. Under statutes with open-ended provisions, the judge has to find the limit for the open-end in the penal provisions of the General Part of his code. For example, the Dutch Code provides: "Temporary imprisonment may be imposed for a term of at leat one day and not exceeding fifteen years. . . ."[11] Under some codes the minimum and maximum standards may be extended in case of mitigating or aggravating circumstances, which may be of either a general or a more limited nature.[12] Some codes/statutes set further standards for judges by establishing what might be termed "judicial arithmetics."[13] For example the Spanish Penal Code presents a veritable "price list" of criminal wrongs by giving consideration to a multitude of aggravating and mitigating circumstances, which is, in effect, a catalogue of human emotions (*see* Appendix A.).

We do not regard it as possible or desirable to emulate the Spanish example. Apart from the hopelessness of any effort to achieve completeness in the list of factors to be considered in sentencing, the attribution of weight measures to these human emotions amounts to an objectification of applied psychology, which is totally at odds with an individualized system of criminal justice, administered by relatively sophisticated judges and correctional officers, rather than automations.

IV. GUIDELINES FOR AND EVIDENCE OF JUDICIAL DISCRETION

Within the legal framework described and with variations to be noted, sentencing in civil law countries has remained a matter of some judicial discretion. The legislature, however, may provide guidelines. Many criminal codes (*e.q.*, the Brazilian, Bulgarian, Danish, Greek, Swedish, Swiss and Yugoslav Codes and the German Draft Penal Code) tell the judge what factors should be taken into account when imposing sentence. Different legislatures have shown a fair amount of

---

Footnotes at end of article.

agreement on this subject. Factors frequently mentioned are: the dangerousness of the offense and its harmful consequences; the motives of the offender; the intensity of his criminal intent or criminal negligence; his previous criminal record; his personal and economic conditions; and his behavior during and after the act (*see* Appendix B.).

From the nature of the different factors to be taken into account in sentencing, it is apparent that punishment is not meant to serve one goal exclusively. Rather, multiple goals—such as retribution, deterrence (both general and specific prevention), and rehabilitation—seem to have their place. Some legislatures seem to express a preference for one of these goals, while others allow the judge to determine which goal should be primarily considered in a specific case. The latter is the position of those codes which contain specific provisions on the goals of punishment (e.g., the Soviet Union and Czechoslovak Codes) (*see* Appendix C.). These lists of goals are not dissimilar to those compiled by American criminologists and are comparable to the American Model Penal Code provisions in point.[14] All such lists are subject to the criticism that they remain codified social science and philosophy and are scarcely subject to empirical validation as to their effectiveness. Nevertheless, the codification of correctional policy may be a necessary first step toward effective judicial administration of the ultimate preventive goal of all penal law.[15]

All correctional policy exhortations in penal codes are bound to remain ineffectual until there is evidence of the extent to which such exhortations have influenced judicial choice in sentencing. Consequently, in most European countries trial judges are obligated to write detailed opinions justifying their sentences in terms of the codified correctional policy.[16] A judge who fails to give evidence that he abided by the codified standards is likely to have his sentences set aside on motion of either party.[17] The Italian Supreme Court has ruled expressly that it will not accept standardized or cliché formulas adhering only formally to the codified standard.[18]

V. APPELLATE REVIEW OF SENTENCES

Most continental countries do not distinguish between appellate review of convictions and sentences. They do, however, distinguish between appellate review on matters of fact and law and on matters of law only. The former is primarily meant to serve the purpose of correction of errors of the trial court; while the latter primarily assures the unifom interpretation of the law. Generally, appeal solely on matters of law is available only if all other appellate rights have been exhausted. An appeal concerning matters of fact and law may result in a review of the sentence. This is due to the fact that European codes, unlike American statutes, prescribe sentencing rules which must be respected by the trial judge. Also, in some countries, the appellate courts interpret "law" broadly and, consequently, have an extensive power of review.

In some countries, the system of appeal differs from that just described. Norwegian law provides that a so-called "appeal proper" may be directed against a sentence for the reason, among others, that the punishment is not appropriate because it is too severe or too lenient.[19] This indicates that such appeals may be brought by either prosecution or defense;[20] however, it is not likely that a defendant will appeal a sentence he considers too lenient. The prosecutor, who is legally obligated to see that the law is properly applied, may appeal a sentence which is too severe, as well as one he considers too lenient. So as not to discourage sentence appeal by convicts, many codes provide that "the judgment may not be amended to the prejudice of the defendant, insofar as kind and amount of punishment are concerned, if the appeal was initiated by the defendant alone."[21] This doctrine, which is referred to as the prohibition of *reformatio in pejus*, has no applicability when the sentence is appealed by the prosecution for being too lenient. In that case, the appellate tribunal could either increase or decrease the punishment. This is also true where both defendant and prosecutor have appealed the sentence, as long as the sentence increase is not the result of the defendant's appeal. In the Netherlands the punishment may be increased even if only the defendant has appealed, provided that all judges of the appellate court concur.[22] Finally there is some doubt in Europe, as there is in this country,[23] as to what in fact constitutes an increase of punishment (*i.e.*, an amendment of the sentence prejudicial to the defendant). Thus, while both the German and Dutch courts hold a longer suspended sentence to be heavier than a shorter nonsuspended sentence,[24] it can be doubted that the defendants agree.

VI. PERMISSIBILITY AND SCOPE OF APPEAL ON FACT AND LAW

Most European nations permit, as of right, an appeal on fact and law. In France and the Netherlands, an appeal lies from practically all criminal judgments, except those involving very small penalties.[25] However, in France no such appeal is possible from the judgment of a jury court,[26] since there, as formerly in England,[27] the judgment of the jury is regarded as unimpeachable. Also, in France no fact-and-law appeal is possible from the judgments of a number of special courts.[28] In the Netherlands and some other countries, a defendant may not appeal a judgment of acquittal rendered "for lack of evidence," despite the fact that such a judgment leaves him under a shadow of suspicion, which he may wish to have removed by the more favorable judgment of acquittal because of "innocence."[29] In Germany, the only difference between the two types of acquittal lies in the availability of compensation for detention suffered pending trial for those acquitted because of "innocence."[30] The German Code of Criminal Procedure, which is generally regarded as providing the most limited appeal on fact and law (*Berufung*), only allows such appeal against judgments of some of the least significant criminal courts. This results in allowing a defendant tried in a minor court for a minor offense to have a fact-and-law appeal and a pure-law appeal; while a defendant tried in a major court for a major offense is limited to an appeal of law only.[31] This is regarded as one of the most serious shortcomings of the German Code of Criminal Procedure.[32]

Where partial appeals (*i.e.*, those restricted to a single issue) are permissible, the judgment unlike that of the general appeal, is subject to review only insofar as it has been attacked.[33] Ordinarily it is not advisable for a defendant to lodge a partial appeal, since this may be held to bar the appellate court from amending the judgment in the defendant's favor with respect to matters not called to its attention. Thus, the German Supreme Court has held that where a convict appeals solely on the ground that his sentence is excessive, the court has no jurisdiction to reverse and enter a judgment of acquittal for lack of criminal responsibility.[34] Where the defendant chooses to appeal the sentence only, it has been held that an appeal may not be limited to the type of punishment, and therefore, type and duration of punishment are also regarded as being reviewable.[35] Thus, when not limited by a partial application, the reviewing court will proceed to a re-examination of the entire case. It may receive new evidence,[36] or it may use only the evidence before the trial court which has become a matter of record.[37] If the court considers the appeal well-founded, it will either render a new judgment or remand the case for a new trial. Rarely will it remand the case to the trial court whose judgment was attacked.[38] The German courts have held themselves competent to review such questions as whether a commitment to an institution for cure and care was justified[39] and whether the lower court had been right in cancelling the defendant's driver's license or in imposing other supplementary penalties.[40]

VII. PERMISSIBILITY AND SCOPE OF APPEAL ON LAW ONLY

In practically all continental countries final criminal judgments are subject to appeal on matters of law. However, there are a few exceptions, such as acquittals rendered by French jury courts[41] and judgments rendered which acquit for lack of evidence or are appealable by another remedy of which the defendant has not availed himself.[42] If the appellate court finds that the law appeal is well-founded, it may reverse the judgment attacked, or it may decide the matter itself, if it can do so without a further inquiry into the facts.[43] Generally, however, it will remand the matter to a trial court other than the one which rendered the judgment attacked.[44] In Germany and the Netherlands, the court to which the case is remanded is bound to respect the higher court's decision.[45] In an appeal solely on law, the scope of inquiry is much narrower than in an appeal on fact and law.[46] The court is bound to the facts as stated in the judgment below and the review is limited to points listed in the petition for review.[47] As stated previously, appeal on law only includes sentences which under American law would not be reviewable.

In Switzerland and Austria the appellate courts hold themselves incompetent to review the determination of punishment, as long as the judge has exercised his discretion within the legal framework, but in case of clear arbitrariness, a sentence might be reversed.[48] Thus, these two alpine countries follow the same procedure as the Supreme Court of Pennsylvania.[49] According to German theory, the discretion of the trial judge is not subject to review in an appeal on matters of law.[50] But a judgment and sentence are subject to such a review if the standards of law have not been properly applied by the judge. The following are examples of successful reviews of legally "improper" sentences which nevertheless had been within the statutory framework: the trial judge had only taken into account deterrence without considering the retributive guilt of the offender;[51] the punishment imposed though within the legal framework was not proportionate to the guilt of the offender and, in that sense was excessive;[52] the trial court had not considered all aspects of the offense and the offender by taking into account all essential goals of punishment;[53] and the maximum penalty had been imposed, although it was "obvious" that the punishment should have been closer to the minimum.[54]

In Norway, the Supreme Court has full authority to reverse sentences when the punishment is too lenient or too severe, that is, excessive in either direction. Nevertheless, the Norwegian judge is given a wide discretion in sentencing.[55] Extracts from the Norwegian Supreme Court decisions show that the Court does not limit itself to reviewing sentences which are truly outrageous, but in fact does sometimes substitute its own discretion for that of the trial judge (*see* Appendix D). The Supreme Court considers the particulars of each offender and offense and decides what should be the principal objective of punishment in that particular case. If there is a reasonable possibility of rehabilitation, the Court tends to let this consideration prevail over reasons of general prevention. The Norwegian judges, as those of all other nations which have not catalogued the objectives of punishment, are ultimately driven to finding the right criteria in their own internalized notions of the proper objectives of criminal justice.

Footnotes at end of article.

VIII. CONCLUSIONS

This study of continental schemes of appellate review of legal but excessive sentences has the reassuring effect of informing us that we do not stand alone with our problems. The benefit of comparative study extends beyond theoretical reassurance; it reveals that continental law, more readily than ours, regards a proper criminal sentence within the legislative framework to be a matter of law, and therefore reviewable. The difference between review of an ordinary error of law and an error in legal sentence is one of standards for determining the error. While our legislatures have rarely seen fit to provide the judiciary with legal criteria for the imposition of legally proper sentences, many European legislatures have provided their judges with such criteria. These criteria are of two kinds: (1) the recognized aims of penal-correctional policy; and (2) the proper criteria by which the perpetrator and his deed should be evaluated.

We are not convinced that any foreign code has provided a truly acceptable list of penal-correctional aims. Nevertheless, even a hodgepodge of stated aims, as that contained in the Model Penal Code of the American Law Institute, can usefully serve as a convenient guide, the total disregard of which would be considered illegal. In any event, in accordance with continental experience, a statement of penal-correctional aims appear to us to be a necessary step toward developing a sound sentencing and sentence review system. We are totally unimpressed by the efforts of some nations in cataloguing the enormous range of human emotions and character. This approach, designed to provide a legal (and thus reviewable) framework in which the trial court may evaluate the crime and the perpetrator in imposing sentence, views man, including both the judge and the judged as a mechanical monster.

If the European experience teaches us anything, it is that an imaginative, free-thinking judge, properly guided by the codified basic penal-correctional objectives, must be trusted to find the right sentence. Since the sentence is then a matter of law, it is subject to review and revision by an appellate court which has its own criteria and approach for interpreting the legal goals of punishment and correction. These appellate court interpretations make precedent and build tradition. Several European judges have assured us in personal conversation that no one factor is as strong a sentence review criterion as the custom of the court.

Criteria and custom have been developed through appellate decisions in several European countries (Norway and Germany have been cited as leading examples). While we have cited Norway as a leading example of an enlightened practice, Norway also acquaints us with an all-to-liberal law of sentence review. We wonder whether an appellate court's view of a sentence is truly more expert than that of a trial judge. It strikes us that the proper limitation for sentence review may have been stated by the English Court of Criminal Appeal:

"In the first place, this Court does not alter a sentence which is the subject of an appeal merely because the members of the Court might have passed a different sentence. The trial judge has seen the prisoner and heard his history and any witness to character he may have chosen to call. It is only when a sentence appears to err in principle that the Court will alter it! If a sentence is excessive or inadequate to such an extent as to satisfy this Court that when it was passed there was a failure to apply the right principles, then this Court will intervene."[56]

It is doubtful whether the appellate court should be empowered to increase the sentence. In Europe, an increased sentence usually prevails only on an appeal by the prosecutor, a procedure which is not available in the United States. In England, the Court of Criminal Appeal has such power, but it has recently been proposed that this power, which was rarely used, be abolished. In 1963, out of 1976 applications for leave to appeal received by the English Court, the sentence was reduced in one hundred forty-five, quashed in thirteen and increased in only six cases. In England, as elsewhere, it is felt that an increase in sentence on appeal is basically unfair. Nor is there any evidence that the existence of the power to increase a sentence on appeal serves as a substantial barrier to frivolous appeals.[57] If, per chance, there are policy reasons—which we cannot detect—favoring the existence of the power to increase sentences on appeal, we would urge that the Dutch practice, requiring unanimity of all judges of the appellate court, be followed.

FOOTNOTES

[*] Professor of Law, Director, Comparative Criminal Law Project, New York University School of Law. Ploen College, Germany, 1947; Keil University Faculty of Law, 1949; J. D. University of Chicago Law School, 1953; L.L.M. Columbia University, 1955. This article is based upon a study made by the authors as advisors to the Senate Committee on the Judiciary and is a follow-up of Professor Mueller's American study. *See* Mueller, *Penology on Appeal: Appellate Review of Legal but Excessive Sentences*, 15 VAND. L. REV. 671 (1962).

[**] Research Assistant, Comparative Criminal Law Project, New York University School of Law.

[1] *See Canals, Classicism, Positivism and Social Defense*, 50 J. CRIM. L.C. & P.S. 541 (1960).

[2] Frese v. State, 23 Fla. 267, 270, 2 So. 1, 2 (1887), upholding fine provision without maximum as constitutional.

[3] Mueller, *Penalogy on Appeal: Appellate Review of Legal but Excessive Sentences*, 15 VAND. L. REV. 671 (1962).

[4] Mueller, *Punishment, Corrections and the Law*, 45 NEB. L. REV. 58–98 (1966).

[5] Giaccio v. Pennsylvania, 382 U.S. 399 (1966).

[6] *Id.* at 405.

[7] All citations of the German Penal Code are to G. MUELLER & BUERGENTHAL (transl.), THE GERMAN PENAL CODE (Vol. 4, American Series of Foreign Penal Codes, 1961).

[8] ITALIAN CRIMINAL CODE (hereinafter IT. C. PEN.) art. 579 (1930).

[9] *E.g.*, in the Netherlands.

[10] *E.g.*, IT. C. PEN. art. 575.

[11] DUTCH PENAL CODE art. 10 (1881).

[12] *Compare, e.g.*, DUTCH PENAL CODE art. 44 *with* art. 288; *see also* note 8 *supra* and accompanying text.

[13] See SCHMIDT, DIE STRAFZUMESSUNG IN RECHTSVERGLEICHENDER DARSTELLUNG 124 (1961).

[14] MODEL PENAL CODE § 1.02 (Official Draft 1966).

[15] *See* Mueller, *Punishment, Corrections and the Law*, *supra* note 4, at 86.

[16] *See, e.g.*, DUTCH CODE OF CRIMINAL PROCEDURE (hereinafter WvSv) art. 359; FRENCH CODE OF CRIMINAL PROCEDURE (hereinafter FR. C. PRO. PEN.) arts. 485, 543; GERMAN CODE OF CRIMINAL PROCEDURE (hereinafter STGB) art. 267.

[17] *See, e.g.*, WvSv art. 359; ITALIAN CODE OF CRIMINAL PROCEDURE (hereinafter It. D. C. PRO. PEN.) art. 574.

[18] Court of Cassation, Jan. 30, 1935 (La giustizia penale 1935, 310).

[19] NORWEGIAN MINISTRY OF JUSTICE, ADMINISTRATION OF JUSTICE IN NORWAY 80 (1957).

[20] *Compare* FR. C. PRO. PEN. art. 497, *with* WvSv art. 404, *and* STGB ¶ 296.

[21] STGB ¶ 331; STGB art. 358; FR. C. PRO. PEN. art. 515; WvSv art. 424.

[22] WvSv art. 424.

[23] See State v. Fisher, 126 W. Va. 117, 27 S.E. 2d 581 (1943).

[24] Oberlandesgericht (hereinafter OLG) Oldenburg (Monatschrift für Deutesches Recht 55, 436); Hoge Raad (hereinafter H.R.) December 18, 1933 (Nederlandse Jurisprudentie 1934, 298).

[25] FR. C. PRO. PEN. art 546; DUTCH LAW ON COURT ORGANIZATION (hereinafter WET R. O.) 44.

[26] FR. C. PRO. PEN. art. 370. But cases brought before the Jury Court have been evaluated in the pre-trial stage by two judicial authorities, the investigating magistrate and the Chamber of Indictments.

[27] In England, before the introduction of the Criminal Appeal Act in 1907, there was no appeal as of right from the verdict of a jury in a criminal trial. Only in very few cases did the trial judge decide to reserve a point of law for consideration by the Court for Crown Cases Reserved which could quash the conviction. Under the 1907 Act (§ 3), a person convicted on indictment may appeal against conviction as of right if a question of law, alone is involved. If his appeal is based on a question of fact or mixed law and fact, he may appeal only after having obtained the leave of the Court of Appeal or of the judge who tried the case. Appeal against sentences is permissible only on leave of the Court of Appeal. Compare: INTERDEPARTMENTAL COMM. ON THE COURT OF CRIM. APP., REPORT, CMD., No. 2755, at 3, 6 (1965).

[28] Court of State Security, Military Courts, etc. *See* STÉFANI-LEVASSEUR, PROCÉDURE PÉNALE 18 (1964).

[29] WvSv art. 404; STGB § 267.*V* distinguishes between the two kinds of acquittals, but the distinction has no bearing on the permissibility of appeal. (*See* STGB § 313).

[30] *See* German Law Concerning Compensation for Innocently Suffered Preliminary Detention of July 4, 1904.

[31] StGB ¶ 312–13.

[32] *See* HIRSCHBERG, DAS AMERIKANISCHE UND DEUTSCHE STRAFVERFAHREN 33 (1963).

[33] FR. C. PRO. PEN. art. 509; STGB ¶ 327.

[34] Reichsgericht (hereinafter RG) (Deutsche Rechtszeitung 22 (1930).

[35] RG (Juristische Rundschau 1927 nr. 667).

[36] Fa. C. PRO. PEN. art. 513; WvSv art. 414; STGB ¶ 323.

[37] FR. C. PRO. PEN. art. 513; WvSv art. 422; STGB ¶ 325.

[38] FR. C. PRO. PEN. art. 514–20; WvSv art. 423; STGB ¶ 328.

[39] Compare ¶ 42b GERMAN PENAL CODE.

[40] Court Freiburg (Deutsche Rechtszietung 140 (1941)).

[41] FR. C. PRO. PEN. art. 572.

[42] WET R.O. 96; WvSv art. 430. The rule is otherwise in Germany, where a defendant may waive his initial right to appeal on fact-and-law and proceed immediately to his appeal on law only (so-called "leap revision"). *See* STGB § 335.

[43] STGB ¶ 353–54; FR. C. PRO. PEN. art. 617; WvSv art. 441. Compare MINKENHOF, NEDERLANDSE STRAFVORDERING 296 (1948).

[44] FR. C. PRO. PEN. art. 609 et seq.; WvSv art. 441; STGB ¶ 354.

[45] In France this is not the case. If, however, after reversal of a first decree or final judgment, the second decree or second final judgment, rendered in the same case between the same parties, is attacked on the same ground as the first, it will be decided by the united divisions of the Supreme Court. If a reversal results, the court to which the matter is remanded is bound to respect the decision of the united divisions, unless the decree rendered by these is different from that passed by the Criminal Division in the first place. FR. C. PRO. PEN. art. 619.

[46] FR. C. PRO. PEN. art 567; WET R.O. 99; STGB ¶ 337.

[47] STGB ¶ 353.

[48] Compare SCHMIDT *supra* note 13 at 29 & 43 (1961).

[49] Commonwealth v. Green, 396 Pa. 137, 161 A. 2d 241 (1959).

[50] KERN STRAFVERFAHRENSRECHT 203 (1959).

[51] RG 76, 325; OLG Freiburg (Hochstrichterliche Entscheidungen in Strafsachen 2, 112).

[52] OHGst 1, 174. Compare State v. O'Dell, 240 Iowa 1157, 39 N.W.2d 100 (1949). But within this range of factors the trial judge's discretion is decisive. *See* OHGst 2, 145. Compare State v. Sullivan, 241 Wis. 276, 5 N.W.2d 798 (1942).

[53] OGHst 2, 94.

[54] Bundesgerichtshof 2 StR 45, 50. Compare Dalcke, Strafrecht und Strafverfahren 1365 (1955); Lowe-Rosenberg, Strafprozessordnung 1301 et seq. (1962).

[55] Compare Norwegian Penal Code 52–65.

[56] Regina v. Ball, 35 Crim. App. 164, as quoted by Interdepartmental Committee on the Court of Criminal Appeal, Report, Cmd. No. 2755, at 43 (1965).

[57] *Id.* at 42–47.

Appendix A

Provisions on Sentencing Taken From the Spanish Penal Code

(1870, modified in 1944)

CHAPTER III: MITIGATING CIRCUMSTANCES

Article 9

The following are mitigating circumstances:

1. All those mentioned in the preceding chapter, when the requirements needed for complete exemption from liability in each situation did not concur.

2. Intoxication which is neither habitful nor self-induced for purposes of committing an offense.

3. Minority below the age of eighteen years.

4. The fact that the criminal harm caused is more severe than the perpetrator intended.

5. Sufficient antecedent provocation or threats on the part of the victim.

6. When the act was committed in proximate vindication of a grievous offense against the actor, his spouse, his ascendants or descendants, his legitimate, natural or adoptive brothers, or his relatives by affinity in the same degrees.

7. The fact that the deed was motivated by moral, altruistic or patriotic reasons of considerable importance.

8. The fact that the deed was committed under such powerful excitement as to cause rage or loss of self-control.

9. The fact that the perpetrator, prior to having knowledge of the institution of judicial proceedings against him, and moved by his own voluntary repentance, proceeded to make amends in whole or in part for the harm caused, to offer satisfaction to the victim, or to confess his infraction to the authorities.

10. And lastly, any other circumstance of like significance to the above.

CHAPTER IV: AGGRAVATING CIRCUMSTANCES

Article 10

The following are aggravating circumstances. The fact that:

1. The act was committed with perfidy. Perfidy is present whenever the perpetrator commits an offense against persons through such means, forms or kinds of execution which directly and particularly insure the success of the criminal act without those risks to his own person which would result from the defensive action the victim might otherwise take;

2. The offense is committed for a price, reward or promise;

3. The offense is committed by means of flood, fire, poison, explosion, destruction of an aircraft, grounding of a ship or other willful damage, derailment of locomotives, or by any other highly destructive means;

4. The offense is committed by means of printed matter, radio broadcasting or other means facilitating publicity;

5. The ordinary harm of the offense is willfully aggravated by causing additional harm unnecessary for the commission of the offense;

6. The act is perpetrated with known premeditation;

7. Trickery, fraud, or disguise are employed;

8. Advantage is take of superior strength or through the use of means which weaken the victim's defense;

9. The victim's confidence is misused;

10. The perpetrator makes use of his official position;

11. The crime is committed during a fire, shipwreck or other calamity or misfortune;

12. The offense is committed with the aid of armed companions or persons who provide or secure impunity;

13. The act is committed at night, in secluded locations, or by a gang; a gang is present whenever three or more armed persons jointly engage in the commission of an offense;

14. The perpetrator is a general recidivist. A general recidivist is one who at the time of the commission of the deed, has previously been sentenced for another offense which carries an equal or greater punishment, or for two or more offenses which carry a lighter punishment.

15. The perpetrator is a specific recidivist. A specific recidivist is one who, at the time of the commission of the deed, has already been (executorily) sentenced for one or more offenses within the same Title of this Code.

16. The deed was committed against public authority or with disrespect toward the dignity, age or sex of the victim, or in the victim's home, provided the victim did not provoke the act.

17. The deed was committed in a sacred place.

CHAPTER V: CIRCUMSTANCES WHICH MAY EITHER MITIGATE OR AGGRAVATE CRIMINAL LIABILITY, DEPENDING ON THE FACTS

Article 11

The fact that the victim is the perpetrator's spouse, ascendant, descendant, legitimate, natural or adoptive brother, or a relative by affinity within the same degrees of relationship, may attentuate or aggravate his criminal liability depending on the nature, motives or effects of the offense.

*Article 61**

Whenever the punishment prescribed by law is composed of three degrees, the Courts shall impose it according to the following rules depending upon the concurrence of aggravating or mitigating circumstances:

1. If only one mitigating circumstance is present in the deed, the punishment prescribed by law shall be applied in its minimum degree.

2. If one aggravating circumstance is present, the punishment shall be applied in its maximum degree.

However, in cases where the maximum degree is the death sentence, and only one aggravating circumstance is present, the Courts, after considering the nature and circumstances of the felony and of the perpetrator, may refrain from imposing the death sentence.

A death sentence shall never be imposed due to the aggravation of a punishment prescribed for a felony unless prescribed in this Code for such felony.

3. When both aggravating and mitigating circumstances concur, the punishment shall be determined after reasonably weighing them in view of their relative importance.

4. In the absence of either aggravating or mitigating circumstances, the Courts shall apply the punishment prescribed by law in the degree they consider adequate, in view of the harm caused by the deed and the personality of the offender.

5. When two or more, or when one highly mitigating circumstance alone, concur in the absence of aggravating ones, the Courts may impose a punishment one or two grades lower than the one prescribed by law, in whatever degree they consider reasonable in view of the number and importance of such mitigating circumstances.

6. Regardless of the number and importance of aggravating circumstances, Courts shall not impose a punishment higher than the one prescribed by law in its maximum degree, unless the aggravating circumstance described in number 15, Article 10 is present, in which case a punishment one or two grades higher shall be imposed, starting with the second conviction for the same offense, to the extent they consider reasonable.

7. Within the limits of each degree, the Courts in determining punishment shall consider the number and importance of aggravating or mitigating circumstances and the greater or less harm produced by the offense.

Article 62

If the punishment prescribed by law does not consist of three degrees, the Courts shall apply the rules set forth in the preceding article, and shall divide the term of each punishment in three equal parts, each constituting a degree.

Article 63

Courts may impose fines as widely as allowed by law, determining the amount not only on the basis of the mitigating or aggravating circumstances present in the deed, but especially on the basis of the financial status or capabilities of the perpetrator.

Appendix B

Examples of General Guidelines for Sentencing

1. Provisions which express a preference for several theories of punishment: Section 81, Danish Criminal Code:[1]

"In determining the penalty, account shall be taken, not only of the gravity and dangerousness of the offense, but also of the previous record of the offender, of his age and of his general conduct before and after the deed, of the persistence of his criminal tendencies and of the motives underlying the act."

Article 79, Greek Penal Code:[2]

"JUDICIAL CALCULATION OF THE PUNISHMENT

"1. In the calculation of the punishment within the defined limits of the statute, the court shall consider on the one hand, the quality of the act committed, and, on the other hand, the personality of the offender.

"2. In order to determine the gravity of the offense the court shall consider: (a) the damage resulting from the offense, or the threatened danger; (b) the nature, the kind and the purpose of the offense, as well as all factors accompanying its preparation or commission, circumstances of time, place, means and manner; (c) the intensity of the intention, or the grade of the negligence of the perpetrator.

"3. In the evaluation of the personality of the offender the court weighs particularly the degree of the criminal propensity of the perpetrator, as evidenced by the act, and for a more precise determination thereof: (a) the reasons which prompted him to commit the offense, the origin and the purpose which he sought; (b) his character, and the grade of his development; (c) the individual and social circumstances and his prior life; (d) his conduct during and after the act; especially his remorse and his willingness to compensate for the harm he has inflicted.

"4. The judgment shall state the reasons explaining the decision of the court for the imposition of the sentence."

Footnotes at end of appendix C.

Articles 132, 133 Italian Penal Codes[3]

"DISCRETIONARY POWERS OF THE JUDGE IN IMPOSING THE PUNISHMENT: LIMITS

"Within the limits established by law, the judge shall apply the punishment in his discretion; he must state the grounds which justify the use of such discretionary power.

"In increasing or reducing the punishment, the limits established for each kind of punishment may not be exceeded, except in the cases expressly established by the law."

"GRAVITY OF THE CRIME: VALUATION FOR THE PURPOSES OF PUNISHMENT

"In the exercise of the discretionary powers specified in the preceding Article, the judge must take into account the gravity of the crime as inferred from:

"(1) The nature, character, means, object, time, place and any other circumstances of the act.

"(2) The gravity of the harm or the danger caused to the person injured by the crime.

"(3) The intensity of criminal intent or the degree of culpable negligence.

"The judge must also take into account the perpetrator's propensity for delinquency, as inferred from:

"(1) The motives to commit delinquency and the character of the offender.

"(2) The criminal and judicial precedents and, in general, the conduct and life of the offender prior to the crime.

"(3) The conduct contemporary with or subsequent to the crime.

"(4) The individual, domestic and social conditions of life of the offender."

Article 54, Polish Penal Code:[4]

"The court shall impose penalty according to its discretion having regard primarily for the motives and the manner of acting of the offender, and his relation to the person injured, to the degree of mental development and the character of the offender, to his past life, and to his behavior after committing the offense."

Article 37, USSR Criminal Code:[5]

"GENERAL PRINCIPLES FOR ASSIGNMENT OF PUNISHMENT

"The court shall assign punishment within the limits established by the articles of the Special Part of the present Code which provide for responsibility for a committed crime, in strict accordance with the provisions of the Fundamental Principles of Criminal Legislation of the USSR and Union Republics and of the General Part of the present Code. At the time of assigning punishment the court guided by socialist legal consciousness, shall take into consideration the character and degree of social danger of the committed crime, the personality of the guilty person, and circumstances of the case which mitigate or aggravate responsibility."

Article 38, Yugoslav Criminal Code:[6]

"For a particular criminal offense the Court shall fix the degree of punishment within the limits provided by law for that offense, with due consideration for all the circumstances influencing the punishment to be severer or milder (aggravating and extenuating circumstances), and especially, the degree of criminal liability, the motives from which the offense was committed, the intensity of the danger or wrong to the protected object, the circumstances under which the offence was committed, the earlier life, the personal circumstances and the behaviour of the offender after the commission of the criminal offence."

2. Provision which consider *retribution* as the primary goal of punishment: Section 60, German Draft Penal Code:[7]

"(1) The basis for fixing a punishment shall be the guilt of the perpetrator.

"(2) In fixing a punishment the court shall weigh against each other such circumstances, other than definitional elements, as speak for and against the perpetrator.

"Especially there shall be considered:

"The motives and aims of the perpetrator,

"The state of mind which the act bespeaks and the exercise of volition involved,

"The extent of breach of duty,

"The manner of perpetration and the wrongful effects of the act,

"The prior life of the perpetrator, his personal and economic circumstances, as well as his conduct after the act, especially his endeavor to make restitution."

Article 63 Swiss Criminal Code:[8]

"Sec. 1. General Rules. ART. 63. The court shall mete out penalties in accordance with the guilt of the offender, considering the motives, previous conduct and the personal situation of the convicted person."

3. Provisions which consider *correction* (*rehabilitation*) as the primary goal of punishment:

Section 7, Swedish Penal Code:[9]

"In the choice of sanctions, the court, with an eye to what is required to maintain general law obedience, shall keep particularly in mind that the sanction shall serve to foster the sentenced offender's adaptation to society."

APPENDIX C

EXAMPLES OF PROVISIONS SOLELY STATING THE VARIOUS GOALS OF PUNISHMENT

Section 17. Czechoslovakian Criminal Code:[10]

"1. The goal of punishment is:

"(a) to make the enemy of the working people harmless;

"(b) to prevent the offender from committing other offenses and to educate him towards respecting the rules of socialist society;

"(c) to contribute to the education of other members of society.

"2. The execution of the punishment shall not lower human dignity."

Article 20. USSR Criminal Code:[11]

"Purposes of punishment. Punishment not only constitutes a chastisement for a committed crime, but also has the purpose of correcting and re-educating convicted persons in the spirit of an honorable attitude toward labor, of strict compliance with the laws, and of respect toward socialist communal life; it also has the purpose of preventing the commission of new crimes both by convicted persons and others.

"Punishment does not have the purpose of causing physical suffering or the lowering of human dignity."

APPENDIX D

EXTRACTS FROM DECISIONS OF THE SUPREME COURT OF NORWAY CONCERNING SENTENCE REVIEW

(The decisions were kindly made available to the authors by Prof. Johs. Andenaes, a former Justice of the Supreme Court of Norway, and a member of the International Advisory Board of the Comparative Criminal Law Project of New York University.)

December 18, 1951 (Norsk Retstidende 1166 et seq.)

The defendant had been convicted of attempted homicide and sentenced to a term of imprisonment of one year and six months, less 154 days already spent in custody, as well as deprivation of the right to hold office. He appealed on the ground that the sentence was too severe.

From the opinion of the leading judge:

"I believe the appeal should be granted.

"The crime considered here is a very serious one, but in view of the fact that the Jury found that the act was committed under especially mitigating circumstances and during a strong reduction of the level of consciousness, c.f., the Penal Code, Section 56, No. 1b, I consider a punishment of 1 year's imprisonment suitable. I also attach importance to the fact that Johansen immediately after the act repented it, helped his victim to bed, "stanched" the bleeding, lay down beside her and was lying crying when people arrived. He attempted afterwards to commit suicide. The Court has been informed that after hospitalization for about 14 days, the woman he stabbed was discharged with a clean bill of health and has suffered no permanent injury. She has not put in any request for prosecution.

"The expert witnesses have found Johansen to be a person with inadequately developed mental faculties, but the Jury has given a negative answer to the question whether there is any danger that he may again commit an act as specified in Section 39 point 2 of the Penal Code. The Court has been informed that after being released from custoday he has again moved into the said woman's home and that it is his and the woman's intention to marry as soon as the latter has obtained her divorce.

"Under these circumstances and in view of the fact that Johansen is an able workman, who works for the said woman and her children, whose home he has taken part in rebuilding, I find compelling reasons for not sentencing him to serve a long term of imprisonment. I find special grounds in the case for presuming that the execution of the sentence is not necessary in order to keep Johansen from committing new offenses . . ."

Execution of the sentence was suspended.

September 8, 1959 (Norsk Retstidende 799 et seq.)

The defendant has been convicted of attempted rape and had been sentenced to a term of imprisonment of 3 year subject to deduction of one day for custody sustained. He had appealed from the judgment on the ground that the sentence should have been suspended.

From the opinion of the leading majority judge:

"I have found the case extremely doubtful, but have come to the conclusion that it is justifiable to apply a suspended sentence . . . Among the special reasons to which I attach importance, I mention that Appellant, who is married and has two children under age, has according to our information lived a normal married life, that he has no previous convictions whatsoever, and that in general nothing descreditable is known about him. These circumstances support the assumption, which also seems to be upheld by the medical certificate produced in the Court: that the offense was committed on the spur of the moment, that it was an act of emotional excitement caused by excessive alcohol consumption and committed during a conse-

---

FOOTNOTES

* The provision refers to the complicated schemes and charts ruling the grades and degrees of punishment which are contained in art. 68–79 of the Penal Code.

[1] Giersing (transl.), The Danish Criminal Code 49 (1958).

[2] Lolis (transl.), The Greek Penal Code (mimeo. ed. 1962).

[3] Translated by the Comparative Criminal Law Project, per J. M. Canals.

[4] Lemkin & McDermott (transl.), The Polish Penal Code of 1932 (1939).

[5] Berman & Spindler (transl.), Soviet Criminal Law & Procedure (1966).

[6] 10 The New Yugoslav Law (3–4) 17 (1950).

[7] Ross (transl.), The German Draft Penal Code (1965).

[8] Friedlander & Goldberg (transl.), The Swiss Federal Criminal Code, in supplement to, 30, J. Crim. L.C. & P.S. (1939).

[9] Sellin (transl.), The Penal Code of Sweden (1965).

[10] Translated from Schmidt, *supra* note 13, at 216.

[11] Berman & Spindler, *supra* note 5A, at 151.

quent reduction of his powers of judgment and ability to reason."

The execution of the sentence was suspended for a trial period of 2 years.

From the dissenting opinion:

"In my opinion, considerations of general deterrence must weigh heavily in determining the punishment for a crime of this nature. In addition, it is only permissible, in this case where the Code's minimum penalty is imprisonment for 3 years, to hand down a suspended sentence when special reasons so indicate, cf. the Penal Code Section 52, No. 2, second paragraph. Although Appellant has no previous convictions, I cannot find any such special reasons in the present case. Appellant is a married man of mature age. As pointed out by the Court of Appeal, he showed considerable brutality during the attempt at rape, and he did not abandon his attempt until his victim obtained assistance. True, the execution of the sentence will have very serious consequences for his family—wife and 2 boys, but I cannot find that these detrimental effects are greater than must normally be expected from the serving of a prison sentence of such long duration. Nor do I find it decisive that the punishment imposed is far higher than that which I would have voted for under the general principles governing the determination of sentences, if I had not been bound by the minimum penalty provided by the Code. In my opinion, this should not lead to the conclusion that the entire sentence be suspended.

"From the conference I know that a majority of the Court are for allowing the appeal, whereby the sentence will be suspended. If the appeal had been dismissed. I would have recommended—as is the case quoted in Rt. 1959, pp. 43 et seq.—that the punishment imposed be considerably reduced or in part suspended, by reprieve."

March 2, 1963 (Norsk Retstidende 231 et seq.)

Defendants had been convicted of bank robbery and sentenced to a term of imprisonment of one year and three months, subject to deduction of 71 days of sustained custody for each of them, as well as to pay compensation to the victim.

On the appeal of the Public Prosecutor, the sentence was converted to imprisonment for two years and three months less 155 days of sustained custody.

From the majority opinion:

"I come to the conclusion that the appeal ought to be allowed. It is true that the prisoners are very young. However, this is a case of a carefully premeditated crime, which has been planned and discussed by the prisoners for some time, and had been carried out cynically and in cold blood according to the plan. The amount robbed was considerable, as the offenders assumed it would be. The planning and execution of the offense were particularly likely to attract attention notably among adventurous young people; for that reason as well as the crime must be regarded as particularly dangerous to the community. In these circumstances considerations of general deterrence weigh heavily. The prisoners, both of whose intellectual qualifications and social environment should have given them every reason to behave properly, have flagrantly failed to live up to expectations."

April 6, 1963 (Norsk Retstidende 365 et seq.)

Defendant had been convicted of driving when under influence of alcohol and sentenced to imprisonment for 21 days to be suspended subject to a trial period of two years without probation, as well as a fine of Kr. 300.—or, if the fine was not paid, to imprisonment for nine days. The local Chief of Police appealed against the sentence on the ground that it should not have been suspended. The appeal was dismissed.

From the majority opinion:

"Further, I attach importance to A's young age—as mentioned in the statement of appeal he was 19 years and 4 months old at the time when the driving took place—although this age is not so low that this fact alone would have been sufficient to justify a suspension of the sentence. I also attach importance to the fact that A is at present doing his military service which he commenced on January 10, 1963. If the prison sentence is made nonsuspended the effect will be either that he must leave his military services in order to serve his sentence—with the result that his military service would be extended accordingly—or that he would have to serve his sentence after the military service has been completed in July, 1964."

May 15, 1957 (Norsk Retstidende 541 et seq.)

Defendant had been convicted of grand larcenies and sentenced to a term of imprisonment of 120 days, subject to deduction of 31 days for sustained custody. Defendant appealed, on the ground that the sentence should have been suspended. The Supreme Court decided to suspend the remaining punishment with a probation period of two years.

From the majority opinion:

"In considering the appeal, I have felt serious doubts, especially in view of the fact that Appellant has on several previous occasions been guilty of similar offenses, that he has a previous conviction for robbery (Penal Code Section 267) and that the conditions are now satisfied for applying a heavier punishment for repeated crimes pursuant to the Penal Code Section 263, first paragraph. Nonetheless, I have come to the conclusion that in view of the special circumstances in the case, it is justifiable to let the execution of the prison sentence be suspended in accordance with the Penal Code Sections 52 et seq. I have attached importance to the fact that the thefts concerned very modest values, that most of the stolen objects have been returned to their owner and that the offenses are partly of a casual nature. Appellant's previous convictions are not to my mind of decisive importance in view of the comparatively long period of time—almost 6 years—that has passed since his last offense. Appellant has been unemployed for some time when the offenses were committed; he has not obtained more permanent employment and one may suppose that the execution of the sentence, by depriving him of his employment, would have a particularly serious effect on himself, his wife and unsupported children. According to the information in the case, there is reason to believe that Appellant has received a strong warning and that he will now make a serious effort to mend his ways and not again come into conflict with the criminal law. I find it reasonable that, under these circumstances, he be given a last chance and I add that the Mayor of his home town has recommended this in a letter to the Supreme Court dated March 12, 1957."

APPENDIX

In one of our district courts a sentence of 52 years without parole was imposed on a first offender for the sale and possession of narcotics. There was no indication that this was an aggravated case and, when appealed, the Court of Appeals for the 10th Circuit agreed that the sentence was excessive but held that it was powerless to reduce the sentence imposed.

In another case, a 25 year sentence was imposed on an individual for the theft from the mail, forgery and cashing of a Treasury check in the sum of $380.51. The defendant's only prior convictions had occurred 20 and 7 years respectively prior to the theft of the check. On appeal, the Court of Appeals for the 5th Circuit also held that it had no power to reduce a legally permissible sentence; however, it reversed the conviction for legal error.

A 12 year term of imprisonment was imposed on a bank clerk for embezzlement of approximately $70,000, much of which he used for the benefit of harassed debtors of the bank. This defendant was not motivated by personal gain in most of the embezzlement; instead he manipulated the books of the bank to cover up the accounts of delinquent depositors. The judge was on assighment from another district and imposed the sentence without securing even a presentence report by the probation officer.

In 1961, two bank embezzlers were committed to the same Federal institution from the same district within the same week. Yet, sentenced by different judges, one received a term of six months, to be followed by eighteen months probation, and the other received a term of 15 years.

The above are not isolated examples. In the fiscal year ended June 30, 1969, the average sentence for transportation etc. of stolen motor vehicles varied from 13.5 months in the District of Massachusetts to 48 months in the Southern District of Iowa and 50.5 months in the District of Minnesota. Terms for forgery ranged from an average of 12 months in the Southern District of Georgia to 70.3 months in the District of Kansas. In fact, the overall average of time imposed varied from 24.2 months in the Middle District of North Carolina and 23.1 months in the Western District of Wisconsin to 74.7 months in the District of Maryland and 75.3 months in the Northern District of Oklahoma.

By Mr. CRANSTON (for himself, Mr. Montoya, Mr. Allott, Mr. Mr. Bayh, Mr. Bentsen, Mr. Church, Mr. Dominick, Mr. Goldwater, Mr. Hartke, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. McGovern, Mr. Moss, Mr. Muskie, Mr. Pell, Mr. Stevenson, Mr. Tower, Mr. Tunney, and Mr. Williams):

S. 2230. A bill to designate a certain traffic circle in the District of Columbia as the "Benito Juarez Circle." Referred to the Committee on the District of Columbia.

BENITO JUAREZ CIRCLE

Mr. CRANSTON. Mr. President, on behalf of myself, Senator Montoya and our fellow cosponsors, I introduce today, a bill calling for the designation of a circle in Washington, D.C., as the Benito Juarez Circle.

Recently the Government of Mexico presented to this Capital City a magnificent statue of Benito Juarez, which stands on a grassy plot in the middle of the traffic circle formed by the intersection of New Hampshire and Virginia Avenues and 25th Street NW. The circle which grew out of urban redevelopment and the new street construction has no name.

Benito Juarez, a Zapotec Indian, led a revolt against the Spanish Conquistadors who continued to oppress the peasants long after the Republic of Mexico achieved independence. Juarez was an accomplished lawyer and served as Governor of Oaxaca before he became President of the Republic.

We believe that naming the circle would be appreciated by our neighbors to the south who have often honored our national leaders. It would also be a gesture of this Nation's esteem for a Mexican leader who is a hero to all Americans, North and South, who love freedom.

Mr. TOWER. Mr. President, I am pleased to join today in cosponsoring the bill which will designate the circle in the District of Columbia upon which the statute of Benito Juarez rests as Benito Juarez Circle. The Government of Mexico presented this statue to the United States as a gesture of friendship between our two people. Benito Juarez was a strong believer in freedom and the rights of the individual and a strong admirer of Abraham Lincoln, whose contemporary he was.

Benito Juarez stands as a symbol of what a man can do with determination. Against overwhelming odds, he fought against the French invasion of Mexico and the establishment of the empire. This occurred at the same time that we were experiencing the Civil War in this Nation. Sometimes nearly alone, he stood as a symbol of the hope of the eventual return to republican government in Mexico. Through his example and hard work, the Mexican people were eventually able to reassert their independence and chart their own destiny once again.

Benito Juarez made the Indians in Mexico part of the ruling class, being a Zapotec Indian himself. I believe that it is altogether fitting and proper that we honor Juarez in this fashion, for his example has meant much in this country as it has in his native Mexico. By honoring Juarez we honor all Mexicans everywhere who have given so much to the culture of our continent.

By Mr. McGOVERN:

S. 2231. A bill to require that appropriations be made specifically to the Central Intelligence Agency. Referred to the Committee on Armed Services.

CENTRAL INTELLIGENCE AGENCY

Mr. McGOVERN. Mr. President, I am introducing today a bill which would require that proposed appropriations, estimated expenditures and appropriations for the Central Intelligence Agency should be required to appear in the Budget of the United States. Each of these items would be shown as a single sum.

This bill would also prohibit the use of funds appropriated to any other department or agency of the United States from being spent by the CIA.

There can be no doubt that our Nation requires the services of a major intelligence agency—the function served by the CIA. And by the very nature of its activities, the CIA cannot afford to have its detailed programs made public through an itemized budget. But we have been led into a practice which is completely contrary to our democratic principles and perhaps to the Constitution itself by hiding the expenditures for this agency in the budgets of other government agencies.

The American people have a right to know the purposes for which their tax dollars are used. Their elected representatives have the right to decide the priorities of the Nation as expressed in the Federal budget.

The Federal Government provides the Nation with a supermarket of services, and the taxpayer should be able to decide how much he wants to spend on each of the various items including intelligence.

But we cannot, at present, decide how much we want to allocate for intelligence activities. If the CIA budget were a single item in the budget of the United States, we would be in a position to judge if we wanted to spend more on intelligence operations and clandestine wars than on improvement of the environment or on education or even on other aspects of national defense.

Thus, one major purpose of this legislation would be to allow the Congress to exercise its constitutional powers over Federal finances by knowing where the administration proposed to allocate each tax dollar. This would not endanger national security, because the only choice available to Congress would be on national priorities—the CIA as opposed to other agencies and programs—not specific CIA activities.

Congressional oversight of the CIA would remain as at present.

I believe that CIA funding is now so substantial that such a single line item for the agency in the budget would not communicate usable information to potential adversaries. Indeed it would merely demonstrate what is already known—that the United States maintains a massive intelligence operation.

The second major purpose for the legislation is to allow Congress and the taxpayer to know the exact amount of money going into other Government programs. As it stands now, some Federal programs and agencies must have greatly inflated budgets in which CIA funds are hidden. As a result, we are led to believe that some programs are better financed than, in fact, they are. We have no way of knowing what these programs and agencies might be.

Personally, I am concerned that some of the money apparently allocated to American agriculture is CIA money. The needs of the American farmer are not adequately met as it is, although some people are critical of our farm support programs. If CIA funds are being hidden in agriculture funds, our debate over aid to agriculture is unreal.

I cite agriculture as an example. The same would be true of any agency or programs whose budget was the hiding place for CIA funds.

Because it is a matter of simple commonsense, I propose that the one hidden item in our budget be made subject to congressional and public scrutiny. We are talking about hundreds of millions of dollars. The people have not only the right but the need to know how their dollars are spent.

Mr. President, I ask that the text of the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2231

A bill to require that appropriations be made specifically to the Central Intelligence Agency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That commencing with the fiscal year beginning July 1, 1972—

(1) the Budget of the United States, submitted pursuant to section 201 of the Budget and Accounting Act, 1921, shall show proposed appropriations, estimated expenditures, and other related data for the Central Intelligence Agency, and

(2) appropriations shall be made to the Central Intelligence Agency in an appropriate appropriation Act.

For purposes of this section, proposed appropriations, estimated expenditures, and other related data set forth in the Budget for the Central Intelligence Agency, and appropriations made to the Agency, may be shown as a single sum with respect to all functions and activities of the Agency.

SEC. 2. Commencing with the fiscal year beginning July 1, 1972, no funds appropriated to any other Department or agency of the United States shall be made available for expenditure by the Central Intelligence Agency.

By Mr. McGOVERN:

S. 2232. A bill to provide increased educational assistance for police and correctional officers, and for other purposes. Referred to the Committee on the Judiciary.

POLICE EDUCATION ASSISTANCE ACT

Mr. McGOVERN. Mr. President, I am introducing today legislation to enlist education as a fundamental resource in the fight against crime. This legislation provides for Federal assistance for police education on a new and broadened basis reflecting the modern role of the policeman in our society. It is designed to use education to counter the serious divisions between police and public. This situation hinders law enforcement in America today.

The legislation is based on a recognition that the great need for police training and education is not a result of any major failing on the part of local police forces. This need results from the enormously complex role of the contemporary policeman. While "law and order" oratory continues from the political stage, the policeman remains on the firing line. To carry the burden assigned him today, he must ideally be law enforcer, administrator, sociologist, psychologist, family counselor, scientist, medic, social worker, race relations expert, and youth adviser. In addition, he should be an authority on alcoholism and drug addiction. And it helps if he enjoys filling out forms and spending endless hours in a courtroom.

On a minimal salary, he is expected to carry out his functions with the skill and wisdom of a lawyer and judge—all of this without higher education and without the full understanding and cooperation of the American public.

We must provide the education essential for fulfillment of the policeman's complex modern role. We must provide the necessary training for the man who deals directly with the violence, fear, and inhumanity in the complex reality of the street. And we must educate the public to the fact that the quality of our society depends greatly on quality law enforcement.

The Police Education Assistance Act that I am introducing today is designed to further these objectives. The inspiration for this legislation grew out of my own experience. Like thousands of other veterans of World War II, I was able to complete my education because of the

GI bill of rights. After the Second World War this country was faced with the widespread estrangement arising from the return of millions of men who, as a result of service overseas, had missed the opportunities for training at home. The Congress responded with the GI bill of rights. That bill was of fundamental importance in the prevention of serious national problems of unemployment, unrest, and dissatisfaction among the veterans.

The GI bill of rights has been one of the greatest instruments of social change in America in this century. For a whole generation of Americans, it provided the best chance for a better, more productive life.

On the model of the GI bill, this legislation—a kind of policeman's bill of rights—provides that for every 2 years of professional performance, an individual will receive 1 year of federally financed college education. He could receive as much as 4 full years of college. This would enable a policeman to pursue a broad range of studies consistent with his complex modern role. The education may be obtained at local colleges and universities, with the police officer remaining available to his local community for emergency duty.

The program will also be open to present or potential correctional officials. It should create a new resource for the neglected prisons of America.

The bill further provides that if he so desires, and it is agreeable to the Law Enforcement Assistance Administration, a would-be policeman or correctional official could receive a college education if he undertook to perform 2 years of law enforcement or correctional work for each year covered by the Federal grant. I intend to introduce legislation which would make this provision a formal feature of our higher education loan program.

For specialized study, the bill provides that police or correctional officials who demonstrate special interest and proficiency can receive financial support for sabbatical leave for a year. Under this provision, the broadest range of educational opportunity would be opened—including graduate study. A man could specialize in any of a variety of disciplines including criminology, police science, public administration, law, medicine, chemistry, psychology, or sociology. In the case of specialized training for correctional officials, we can provide the leadership in correctional reform to break the circle of criminal recidivism that presently accounts for two-thirds of national crime.

The new relationship of police training and higher education that will exist under the policeman's bill of rights should help to heal the divisions between police and public. As police become students on college campuses, they will share a new identity with students. As students on campuses become conscious of the intellectual and moral dedication inherent in police work, they will be able to share new identity with the requirements of order in a free society. Altogether, the present sense of difference which is the breeding ground of mistrust will be countered by the positive force of education.

A similar result can be expected in the urban ghetto. As police are better trained in relating to ghetto problems, they will find the public respect that results in the public cooperation so necessary to effective law enforcement. The hard fact is that the ghetto resident is the citizen who suffers most from crime. Nowhere is quality law enforcement more needed or desired. But until we offer the training that can bridge the cultural gap, difference will continue to breed discontent, and the natural community of interest that ought to exist will not be created.

There is an essential area of police education which must remain apart from any legislative effort. As policemen have told me, there is a wisdom of the street which no school can teach. It is a combination of instinct and experience and guts. Many policemen, who could teach the professors, will decide to forgo the type of assistance I am proposing. And rightly so. I do not think the ideal police department would be 100 percent composed of Ph. D.'s.

But the policeman's bill of rights holds a limited promise of a return to the better nature of our society. In 1944, by enacting the GI bill, this Nation expressed its gratitude to the men who had saved Western civilization from the onslaught of totalitarianism. At the very least, the policeman's bill of rights is a similar statement. It is the policeman who bears a heavy burden in protecting us from the dangers inherent in our society. We can do no less for him than we have done for the American GI.

Something essential can also be accomplished for the American people. By offering the education that insures quality law enforcement, we can have security with liberty. That is our challenge as a free people and our blessing if we succeed.

Mr. President, I introduce for appropriate reference a bill to provide educational grants for police and correctional officials.

I ask unanimous consent that it be printed at the conclusion of my remarks at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2232

A bill to provide increased educational assistance for police and correctional officers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Police Education Assistance Act".

DEFINITIONS

Sec. 2. As used in this Act—

(1) "Law enforcement" means any activities pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

(2) "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and American Samoa.

APPROPRIATIONS AUTHORIZED

Sec. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TITLE I—EDUCATIONAL GRANTS FOR POLICE AND CORRECTIONAL PERSONNEL

GRANTS AUTHORIZED

Sec. 101. (a) Part D of the Omnibus Crime Control and Safe Streets Act of 1938 is amended by inserting immediately before section 401 thereof the following:

"Subpart I—General Programs Authorized"

(1) Part D of such Act is further amended by adding at the end thereof the following new subpart:

"Subpart 2—Educational Grants

"Sec. 421. (a) The Administration is authorized to make payments under the provisions of this subpart to eligible police officers for programs of training or courses of study conducted by institutions of higher education or by other public or nonprofit private agencies or institutions offering training programs or courses of study particularly suited to law enforcement or correctional personnel approved by it for the purposes of this subpart.

"(b) The Administration shall make such payments to each eligible police officer, who applies therefor, at a rate prescribed by the Administration for each month of attendance, full time or part time, by such police officer at any such institution or agency, while he is maintaining satisfactory progress in such program or course. The Administration shall prescribe rates of payments under this subpart which are comparable to the payments for educational benefits to veterans taking comparable training under chapter 34 of title 38, United States Code. Such payments may be awarded for a period not to exceed four years.

"Sec. 422. (a) No payment shall be made to an eligible police officer under this subpart unless the application submitted by such officer—

"(1) contains assurances that he will continue to serve the law enforcement agency or correctional institution employing him, or will serve some other agency or institution approved by the Administrator, for a period fixed by such institution or agency but not to exceed two years for each year of training or study assisted through payments under this subpart; and

"(2) is approved by such law enforcement agency or correctional institution.

"(b) No payment shall be made to an eligible police officer under this subpart for any period during which he is enrolled in and pursuing a training program or a course of study paid for by the United States under any provision of law other than this subpart, where payment of such grant would constitute a duplication of benefits paid to the eligible police officer from the Federal Treasury.

"(c) No payment shall be made to any eligible police officer initiating his training program or course of study after June 30, 1981.

"Sec. 423. (a) Any eligible police officer who desires payments under this subpart shall file an application with the Administration in such form and containing such information as the Administration determines necessary.

"(b) The Administration shall require reports containing such information in such form and to be filed at such times as he determines necessary from each eligible police officer receiving payments under this subpart.

"(c) The Administration shall make arrangements with institutions of higher education and other agencies and institutions approved by him for the purposes of this subpart providing for reports to be filed in the manner prescribed by it on the enrollment, interruption, and termination of the program of training or the course of study of each eligible police officer enrolled therein and receiving payments under this subpart. The Administration is authorized to pay to such agencies and institutions the costs incident to the filing of such reports. No payment shall be made to such agencies or institutions for the period during which such reports were not submitted as required by this subsection.

"Sec. 424. As used in this subpart—

"(a) The term 'eligible police officer' means any person who is employed or will, at the completion of such training, be employed by a State or local law enforcement agency or public correctional institution.

"(b) The term 'institution of higher education' means any such institution as defined in section 1201 (a) of the Higher Education Act of 1965.

Sec. 425. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subpart."

TECHNICAL AMENDMENT

Sec. 102. Section 520 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out the word "There" and inserting in lieu thereof "Except as otherwise provided in this title, there".

TITLE II—LAW ENFORCEMENT SPECIAL SKILLS PROGRAM AUTHORIZED

Sec. 201. (a) Part D of the Omnibus Crime Control and Safe Streets Act is further amended by adding at the end of subpart 2 thereof (as added by section 101 (b) of this Act) the following new subpart:

"Subpart 3—Special Skills Program"

"Sec. 431. The Administration is authorized to make payments under the provisions of this subpart to eligible police officers for special courses of study conducted by institutions of higher education or combinations of such institutions which—

"(1) will provide such officers with new or perfected specialized skills; and

"(2) are approved by the Administration for the purposes of this subpart.

"(b) The Administration shall make payments to such eligible police officers awarded a study grant under this subpart at a rate equal to $10,000 per year plus $1000 for each dependent of such an officer

"(a) Payments may be awarded under this subpart for a period not to exceed one year.

"(d) The Administration shall allocate study payments under this subpart in such manner, insofar as practicable, as will provide an equitable distribution of such grants throughout the States.

"Sec. 432. Any eligible police officer who desires payments under this subpart shall file an application with the public State or local law enforcement agency or correctional institution by whom he is employed, in such form and containing such information as the Administration by regulation requires. The officer in charge of such agency or institution shall forward to the Administration such application as he wishes to nominate as exceptionally qualified to benefit from the study assisted under this subpart.

"(b) The Administration shall require reasonable reports containing such information in such form and to be filed at such times as it determines necessary from each eligible police officer receiving payments under this subpart.

"(c) The Administration shall make arrangements with institutions of higher education and other agencies and institutions approved by him for the purposes of this subpart providing for reports to be filed in the manner prescribed by it on the enrollment, interruption, and termination of the program of study of each eligible police officer enrolled therein and receiving payments under this subpart. The Administration is authorized to pay to such agencies and institutions the cost incident to the filing of such reports. No payment shall be made to such agencies or institutions for the period during which such reports were not submitted as required by this subsection.

"Sec. 433. (a) No payment shall be made to an eligible police officer under this subpart unless the application submitted by such officer—

"(1) contains assurances that he will continue to serve the law enforcement agency or correctional institution employing him, or will serve some other such agency or institution approved by the Administration, for a period fixed by the law enforcement agency or correctional institution but not to exceed two years for each year of study assisted by payments under this subpart, and

"(2) is endorsed by the officer in charge of such law enforcement agency or correctional institution as prescribed in the previous section.

"(b) No payment shall be made to an eligible police officer under this subpart for any year during which he is enrolled in and pursuing a training program or a course of study paid for by the United States under any provisions of law other than this subpart, where payment of such grant would constitute a duplication of payments paid to the eligible police officer from the Federal Treasury.

"(c) No payment shall be made to an eligible police officer initiating his training program or course of study after June 30, 1981.

"Sec. 434. As used in this subpart—

"(a) The term 'eligible police officer' means any person who—

"(1) is employed by a public State or local law enforcement agency or public correctional institution, and

"(2) has at the time of application for payment under this title been so employed by any such agency or institution for at least three years.

"(b) The term 'institution of higher education' means any such institution as defined in section 1201(a) of the Higher Education Act of 1965.

By Mr. DOLE (for himself, Mr. Allott, Mr. Baker, Mr. Bellmon, Mr. Bennett, Mr. Buckley, Mr. Burdick, Mr. Cooper, Mr. Cranston, Mr. Curtis, Mr. Dominick, Mr. Eastland, Mr. Goldwater, Mr. Gurney, Mr. Harris, Mr. Hatfield, Mr. Jordan of North Carolina, Mr. Jordan of Idaho, Mr. Mansfield, Mr. McGee, Mr. McIntyre, Mr. Packwood, Mr. Pearson, Mr. Percy, Mr. Randolph, Mr. Stevens, Mr. Tower, and Mr. Young):

S.J. Res. 125. A joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival." Referred to the Committee on the Judiciary.

"DAY OF BREAD" AND "HARVEST FESTIVAL WEEK"

Mr. DOLE. Mr. President, I am grateful to my many colleagues who join me in cosponsoring a joint resolution to call on President Nixon to proclaim October 5, 1971, as the "Day of Bread" and the week in which it falls as "Harvest Festival Week."

Centuries before time was recorded the conclusion of the harvest period was a time to conduct ceremonies acknowledging the blessings of the adequate provision of food. In different periods of time and in various parts of the world this recognition has taken many forms. Even today harvest festivals are observed in many parts of the world—celebrated for the grapes that make wine, the reaping of grain for bread, or for the stores of meat or fish for the larder.

Bread signifies the harvest of all crops, of food itself. What better way to express it than in prayer, "Give us this day," and in recognition throughout the world. The "Day of Bread," therefore, has become a tradition. Twenty years ago it was officially recognized in Germany. Since then it has spread to many nations until it is now an "International Day of Bread." Last year President Nixon's lead was followed by the Governors of nearly every State and the mayors of many cities in proclaiming the "Day of Bread" as part of the "Harvest Festival Week."

Emphasizing the importance of bread as the symbol of Harvest Week is the constant improvement that is being made in the nutritional quality of wheat grown and the flour milled and the bread baked. Farmers, millers, and bakers have all worked to improve the quality of their contribution to the process of providing bread. Today it is one of the most nutritious foods available and a key factor in combating malnutrition throughout the world.

Of significance this year is the fact that 1971 marks the 30th year of enrichment, whereby significant amounts of B-vitamins—thiamine, niacin and riboflavin—and the mineral iron are added to breadstuffs as part of the popular diet of this Nation. As the 30th year of enrichment a greater dimension is brought to the "Day of Bread"—1971.

Mr. President, the "Day of Bread" and the "Harvest Festival Week" have the wholehearted support of virtually all elements of the wheat and wheat products economy. They will arrange for appropriate observances in each of 50 States and many cities, and they will coordinate their efforts with similar groups in many foreign countries.

Mr. President, I urge the Senate to give speedy approval to this joint resolution for a "Day of Bread" and "Harvest Festival Week."

By Mr. EAGLETON (for himself, Mr. Allott, Mr. Bayh, Mr. Bennett, Mr. Bible, Mr. Brooke, Mr. Case, Mr. Cranston, Mr. Fong, Mr. Hartke, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. Magnuson, Mr. Mansfield, Mr. Mathias, Mr. McGee, Mr. McGovern, Mr. Mondale, Mr. Muskie, Mr. Packwood, Mr. Pearson, Mr. Pell, Mr. Randolph, Mr. Schweiker, Mr. Scott, Mr. Stevens, Mr. Taft, Mr. Thurmond, Mr. Tower, and Mr. Tunney):

S.J. Res. 126. A joint resolution to authorize the President to proclaim the month of January of each year as "National Volunteer Blood Donor Month." Referred to the Committee on the Judiciary.

NATIONAL VOLUNTEER BLOOD DONOR MONTH

Mr. EAGLETON. Mr. President, for the third consecutive year, I am introducing for appropriate reference the National Volunteer Blood Donor Month resolution. I am pleased that this year 33 Senators have joined me as cosponsors.

We have achieved notable successes in the field of medicine in recent years. But we still have not found a substitute for human blood. People who are ill and in need of blood are as dependent today on blood donations as they were 50 or 100 years ago.

There are about 100 million persons in the United States who are physically eligible to donate blood. Unfortunately, only about 3 percent of this number actually contribute their blood. The remainder of the 6.5 million units needed annually is made up by commercial blood—blood "donated" for money.

A recent survey revealed that the risk of serum hepatitis is 12 times greater when a patient receives blood from commercial sources rather than from voluntary donations. Clearly, we must do all we can to encourage more qualified volunteers to give their blood.

The American Association of Blood Banks, an organization representing more than 1,500 hospital and community blood banks in the 50 States, informs me that the Blood Donor Month campaigns in 1970 and 1971 helped to publicize this great need and to encourage donations by new volunteers. This resolution also has the support of the American National Red Cross, the American Medical Association, the American Hospital Association, and other national organizations.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1081

At the request of Mr. Bayh, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 1081, a bill to extend benefits to killed or disabled firemen and policemen.

S. 1113

At the request of Mr. Baker, the Senator from Montana (Mr. Metcalf) was added as a cosponsor of S. 1113, a bill to establish a structure that will provide integrated knowledge and understanding of the ecological, social and technological problems associated with air pollution, degradation of the environment, and other related problems.

S. 1457

At the request of Mr. Sparkman, the Senator from Illinois (Mr. Stevenson) is added as cosponsor of S. 1457, a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

S. 1541

At the request of Mr. Thurmond, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 1541, a bill to authorize the showing in the United States of documentary films depicting the careers of generals of the Army.

S. 1592

At the request of Mr. McGee, the Senator from Delaware (Mr. Boggs) was added as a cosponsor of S. 1592, a bill to establish a Commission to investigate and study the practice of clear cutting of timber resources of the United States on Federal lands.

S. 1741

At the request of Mr. Eagleton, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1741, a bill to provide increased unemployment compensation benefits for Vietnam era veterans.

S. 1828

At the request of Mr. Dominick, the Senator from Kentucky (Mr. Cooper), the Senator from South Carolina (Mr. Hollings), the Senator from Florida (Mr. Chiles), the Senator from Ohio (Mr. Saxbe), the Senator from Georgia (Mr. Thurmond), and the Senator from Kentucky (Mr. Cook) were added as cosponsors of S. 1828, the Conquest of Cancer Act.

S. 2023

At the request of Mr. Bayh, the Senator from Illinois (Mr. Stevenson), the Senator from Idaho (Mr. Church), the Senator from Maryland (Mr. Beall), the Senator from California (Mr. Cranston), the Senator from Michigan (Mr. Hart), and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of S. 2023, a bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service.

S. 2083

At the request of Mr. Bayh, the Senator from California (Mr. Cranston) was added as a cosponsor to S. 2083, a bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes.

S. 2084

At the request of Mr. Bayh, the Senator from California (Mr. Cranston) was added as a cosponsor to S. 2084, a bill to discourage the use of leg-hold or steel jaw traps on animals in the United States.

S. 2185

At the request of Mr. Bayh, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 2185, a bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes.

S. 2192

At the request of Mr. Hruska, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 2192, a bill to provide for the admissibility of certain evidence in prosecutions for drug abuse, and for other purposes.

S.J. RES. 32

At the request of Mr. Baker, the Senator from Nevada (Mr. Bible) was added as a cosponsor of Senate Joint Resolution 32, proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

S.J. RES. 62

At the request of Mr. Griffin, the Senator from Montana (Mr. Metcalf) and the Senator from Georgia (Mr. Talmadge) were added as cosponsors of Senate Joint Resolution 62, to authorize display of the flags of each of the 50 States at the base of the Washington Monument.

SENATE RESOLUTION 145—SUBMISSION OF A RESOLUTION RELATING TO VOICE OF AMERICA BROADCASTS TO THE SOVIET UNION

(Referred to the Committee on Foreign Relations).

Mr. TUNNEY. Mr. President, I submit, for appropriate reference, for myself, the Senator from New Jersey (Mr. Case) and 19 of our colleagues, the Senator from Colorado (Mr. Allott), the Senator from Indiana (Mr. Bayh); the Senator from Idaho (Mr. Church), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from New York (Mr. Javits), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Illinois (Mr. Percy), the Senator from Wisconsin (Mr. Proxmire), the Senator from Connecticut (Mr. Ribicoff), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Pennsylvania (Mr. Scott), the Senator from New Jersey (Mr. Williams, Jr.), and the Senator from New York (Mr. Buckley), I submit a resolution that calls on the Voice of America to broadcast into the Soviet Union, in Yiddish.

The major thrust of any type of broadcast into a Communist country is psychological. It is an expression of support—support for free expression, support for free speech, support for free life. The Jews of the Soviet Union are denied, along with millions of other Soviet citizens, the basic freedoms which we enjoy, but above and beyond that, they are denied their religious heritage, their religious life, their religious practices. Yiddish broadcasts cannot promise to rectify these problems. But what they will do is strike a blow for those who are struggling against such repression. It will tell the Soviet Jews that although they are told that they are forgotten—they are not. That although the struggle for religious freedom is long and hard, they have friends who will stand by them. This is the message that Yiddish broadcasts will convey.

The United States has a clear choice to make. Either it stands for religious freedom or it does not. Either it will support the apolitical humanitarian struggle of oppressed peoples for their basic human rights—or it will not. Either it will stand and be counted with the Soviet Jews—or it will not. I think the people of this country want to be counted with the Soviet Jews and that is the message that ought to be broadcast into the Soviet Union, in the language of the Jewish people, Yiddish.

There has been, Mr. President, much discussion over the merits of this bill. We have been in direct conflict with the Voice of America and the U.S. Information Agency in our support of this proposal. Their arguments fall into five major areas. First, the USIA claims that more Jews could be reached by broadcasting in the Russian language than in the Yiddish language. To reinforce this claim the Agency cites figures from the incomplete 1970 Soviet census and figures from the 1959 census. The figures show that 17.7 percent claimed Yiddish as their mother tongue and of those claiming fluency in an additional language, 16.3 percent claimed Russian and 28.8 percent other languages. These figures total out to 62.8 percent. For all other minority groups in the Soviet Union, the figure was well over 100 percent. The Soviet Union offers no explanation for this discrepancy but the explanation is really not very difficult to find. It is a very obvious fact that the political climate of the Soviet Union is not conducive to a Jew admitting voluntarily that he speaks Yiddish. It is more than reasonable to assume that the "missing" 37.2 percent simply declined to answer. If we are, however, to use census figures, then we should note that more Soviet Jews list Yiddish as the language they are fluent in than Russian and if the figures for those who speak Yiddish in addition to Russian are presumed to be accurate then we can place close to 40 percent of the Soviet Jews in the Yiddish-speaking category. There is simply no reasonable basis to believe that we will be losing any listeners if we switch to Yiddish broadcasts.

Second, the USIA has claimed that due to the many time zones and the widely scattered Jewish population, it would be "impossible to reach them with a single broadcast." This statement simply ignores the demography of the Soviet Union; 150,000 to 250,000 Soviet Jews live in the Soviet Central Asian Republics. The vast majority of the rest live in Latvia, Estonia, Lithuania, Ukraine, Byelorussia, Muldavia, and the other westernmost portions of the Soviet Union. This entire area is roughly equal to the combined size of California, Nevada, Utah, and Arizona, or, approximately 500,000 square miles, of a total Soviet Union land area of 8.6 million square miles.

The third USIA claim is that Yiddish broadcasts could not be initiated within the current time allotment for Jewish programing and without the construction of new transmitters at a cost of millions of dollars and a few years' time. The fact of the matter is, however, that the few 1-minute spot broadcasts that comprise the Jewish programing could be consolidated into one time slot. In addition to this, during the prime time hours of 7 to 8 p.m.—Moscow time—a total of six available transmitters are sitting idle, and seven are idle for 45 minutes of the hour. Certainly, Mr. President, there could be better time apportionment and program planning that would allow these broadcasts to be aired.

The fourth VOA claim is simply that present Jewish interest programing is sufficient. This argument simply cannot be supported by the facts. The overwhelming majority of Jewish news items are treated in short 30-second to 2-minute slots in the general news programing. They are spread unpredictably throughout the day in such a way that it would be impossible for a listener to know when he might hear a Jewish interest broadcast. These items, plus an occasional 2-minute feature and a 2-minute show on an early Sunday morning religious program, constitute the entire VOA effort in a program week of some 147 hours.

Fifth, the USIA points to the fact that the Israeli radio, Kol Yisrael, does not broadcast in Yiddish as proof that its own stand is well grounded. No argument could be so entirely oblivious to the issues. It is not difficult to realize the immense psychological impact of any broadcast that emanates from the Jewish homeland, Israel, Israel can claim this impact simply because it is Israel. The United States cannot. If we are to transmit our support—and our sincere desire to do this might be the real question we are discussing—then we must make that support obvious. If we mean to support the religious and cultural struggle of the Soviet Jews, then we must support them in the language of the struggle. The Yiddish broadcast will have immense psychological clout. They will say to the persecuted Soviet Jews that we do not go along with this "war of attrition" against your language and your culture. We will not sit idlely by but will stand in support of your right to religious expression. We will stand up and be counted with the Soviet Jews.

I think we should remember the words of the German pastor Martin Neimboller, who said of his actions during World War II:

> In Germany the Nazis first came for the Communists, and I didn't speak up because I was not a Communist.
>
> Then they came for the Jews, and I did not speak up because I was not a Jew.
>
> Then they came for the trade unionists, and I did not speak up because I was not a trade unionist.
>
> Then they came for the Catholics, and I was a Protestant so I didn't speak up.
>
> Then they came for me . . . by that time there was no one left to speak up for anyone.

Mr. President, persecution of one group is persecution of all groups. An infection in any part of the world's body will, in time, spread to other parts. We are not immune. If we think we are, if we feel that we can afford to sit back because "it could never happen here," then it has begun to happen. We would be compliant in a crime that is no less dangerous and brutal for its subtlety, than were the ones we witnessed only 25 years ago.

Mr. President, this resolution will not end the injustice in the Soviet Union. It is only one step, but perhaps it is a big step. What it will do is help to end this country's injustice of silence concerning the Soviet Jews. Mr. President, I ask that we join the efforts being made by all segments of the Nation's Jewish population and many people of all persuasions, to help the Soviet Jews. In the House of Representatives, Representative William Ryan has introduced this same resolution with the support of some 70 of his fellow Representatives. I hope that all of us will recognize the urgency of this action. Mr. President, I ask unanimous consent that the text of the resolution be printed in the Record at this point, together with an article from the July 3 Washington Post describing support for this legislation in the American Jewish community.

There being no objection, the resolution and article were ordered to be printed in the Record, as follows:

S. Res. 145

Whereas the Senate deeply believes in religious and cultural freedom for all persons and is opposed to infringement of these freedoms anywhere in the world;

Whereas abundant evidence has made clear that the Government of the Soviet Union is persecuting Jewish citizens and imposing restrictions that prevent the reuniting of Jews with their families in other lands;

Whereas many of the three million Jewish citizens of the Soviet Union speak the Yiddish language;

Whereas the Voice of America does not broadcast in the Yiddish language to the peoples in the Soviet Union, although it does broadcast to several population groups in the Soviet Union whose number are less than the total Jewish population;

Whereas the broadcasting by the Voice of America in the Yiddish language would bring to the Soviet Union's Jewish citizens knowledge of the worldwide sympathy for their plight and of the worldwide support for their being allowed religious and cultural freedom, as well as freedom to emigrate; and

Whereas the broadcasting by the Voice of America in the Yiddish language would constitute for the Soviet Union's Jewish citizens an act of great psychological support: Now, therefore, be it

Resolved, That the Senate urges the Voice of America to undertake broadcasts in the Yiddish language to the citizens of the Soviet Union.

YIDDISH, HEBREW PROGRAMS FOR VOICE OF AMERICA RADIO

New York.—The Anti-Defamation League of B'nai B'rith has urged Congress to pass pending bills authorizing the Voice of America to include Hebrew and Yiddish in programs now beamed to the USSR.

The current Voice of America program "ignores the more than 3 million Jews in the Soviet Union who have been deprived of their cultural heritage, and who would welcome support from abroad in their struggles to retain their ethnic identity," ADL national chairman Seymour Graubard said here.

He called on the State Department, which has jurisdiction over the program, to institute a minimum of two weekly broadcasts, one in Yiddish and one in Hebrew "for the culture-hungry Jewish audiences in the USSR."

Mr. Graubard noted that the Voice of America has been beaming its foreign language broadcasts for decades to people under Soviet domination in Eastern Europe and the USSR.

"Yet, the Jewish ethnic group, singled out by the Soviet authorities for special harassment and denial of rights, has never been represented," he said.

Mr. BAYH. Mr. President, I am extremely pleased to rise today in support of the resolution submitted today by my good friends, the junior Senator from California and my distinguished colleague, the senior Senator from New Jersey. This resolution requesting the Voice of America to conduct broadcasts to the Soviet Union in the Yiddish language, is significant. It would authorize a most important step which this country can take to demonstrate its commitment to the aspirations of Soviet Jews.

More than a hundred resolutions and speeches, more than dozens of impassioned appeals to the Kremlin's rulers, the broadcast of freedom's message in their own language to the Jews of the Soviet Union would signify our willingness to do all we can to help the Soviet Jews in their struggle to keep their cultural heritage alive.

The Yiddish language is a rich and expressive tongue. It has been the language of Eastern European Jews for many centuries. It is the language of one of the most noble and most humane literature of Western civilization. Yiddish represents in our time, one of the last and the most important link to the great heritage of East European Jewish culture destroyed by Nazi barbarism in the holocaust of World War II. And it represents, for the Soviet Jews, one of the chief links with their heritage as Jews—with a tradition dating back many thousands of years.

Today in the Soviet Union, Yiddish books cannot be published, and the teaching of Yiddish has been forbidden. This apparent effort to stamp out the cultural identity of the Jews in the Soviet Union continues despite the fact that the Soviet Constitution guarantees to all national groups within the Soviet Union the free expression of their national heritages. This attitude on the part of the Soviet Government is contrary to the spirit and language of international agreements guaranteeing the basic rights of men—agreements which that Government is a signatory.

We then, in the United States, must do all that we can to help the Jews of the Soviet Union keep their heritage alive. And by conducting broadcasts in Yiddish, we can show them that we in the free world are supporting them, and that we will help them resist efforts to stifle their culture and religion.

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 237

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. TOWER submitted an amendment intended to be proposed by him to S. 934, a bill to amend title VII of the Public Health Service Act to expand and improve our Nation's resources for the training of physicians, dentists, optometrists, pharmacists, podiatrists, veterinarians, and professional public health personnel, and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 142

CHILD ADVOCACY PROGRAM

Mr. CRANSTON. Mr. President, I ask unanimous consent that my name be added as a cosponsor of amendment No. 142, submitted by Mr. Ribicoff, for himself and Mr. Mondale, to S. 1512, the bill to amend the Economic Opportunity Act of 1964 to provide for a comprehensive child development program in the Department of Health, Education, and Welfare.

I intend to submit this amendment this week in executive session of the Employment, Manpower, and Poverty Subcommittee which is considering S. 1512.

The PRESIDING OFFICER (Mr. Buckley). Without objection, it is so ordered.

NOTICE OF HEARING ON AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940

Mr. WILLIAMS. Mr. President, I wish to announce that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs will hold a hearing on the bill, S. 2216, to amend the Investment Company Act of 1940, as amended.

The hearing will be held on Thursday, July 15, 1971, and will begin at 2 p.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with this hearing should notify Mr. Stephen J. Paradise, room 5300, New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

RESCHEDULING OF HEARINGS ON S. 674

Mr. BAYH. Mr. President, as chairman of the Subcommittee To Investigate Juvenile Delinquency, I wish to announce that hearings on S. 674, to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II, which have been previously announced, have been rescheduled for July 15 and 16, 1971, at 10 a.m., in room 6226, New Senate Office Building, Washington, D.C.

Those who wish to file statements for inclusion in the record of the hearings should communicate as soon as possible with Mr. Lawrence Speiser, staff director and chief counsel of the subcommittee at 225-2951.

ANNOUNCEMENT OF PUBLIC HEARING

Mr. JACKSON. Mr. President, I announce for the information of the Senate and the public that on Monday, July 12, at 10 a.m., the Committee on Interior and Insular Affairs will hold an open, public hearing on the nomination by President Nixon of Richard Stockwell Bodman to be Assistant Secretary of the Interior for Administration, a new position created by Public Law 92-22. He is presently serving as Assistant Secretary appointed by the Secretary of the Interior with the approval of the President, and will continue to serve until Senate confirmation.

Any Member of the Senate or of the general public who wishes to testify at this hearing should so advise the committee staff. The hearing will begin at 10 a.m. in room 3110, New Senate Office Building.

Mr. President, I ask unanimous consent that biographical data concerning this nominee be printed in the Record at this point in my remarks.

There being no objection, the biography was ordered to be printed in the Record, as follows:

BIOGRAPHY OF RICHARD S. BODMAN

Richard S. Bodman, 33, of San Francisco was appointed Assistant Secretary for Administration by Interior Secretary Rogers C. B. Morton, with the consent of the President, April 1, 1971. Mr. Bodman has been nominated by the President for the position of an Assistant Secretary of the Interior whose duties will include, among others, those of the present Assistant Secretary for Administration.

A certified public accountant, he was formerly a partner in Touche Ross and Company, one of the largest international accounting and consulting firms. He has been directing the firm's consulting practice in San Francisco and Hawaii for the past six years. Additionally, he served as Chairman of the firm's Committee for all Services to Banks, Chairman of the Management Services Long Range Planning Committee, and was a member of the Management Services Executive Committee governing the firm's nationwide management services practices.

A native of Detroit, Michigan, but a resident of San Francisco for the last ten years, Mr. Bodman is past Chairman of the San Francisco Chapter of the Management Services Committee of the California Society of Certified Public Accountants; past President of the Planning Executives Institute's San Francisco Chapter; and was a member of the National Panel of Arbitrators, American Arbitration Association. His background includes managing a wide variety of business and government administration projects, especially with large financial institutions.

He holds a BS degree in engineering from Princeton University and an MS degree in industrial management from M.I.T.

He is married to the former Helene Dunn and they have two sons, Taylor, 9, and James, 8.

NOTICE OF HEARINGS ON FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

Mr. MONDALE. Mr. President, the Committee on Labor and Public Welfare's Special Subcommittee on the Evaluation and Planning of Social Programs will hold a hearing on S. 5 on Tuesday, July 13. The bill, the Full Opportunity and National Goals and Priorities Act, was introduced by me and by the Senator from New York (Mr. Javits), and by a broad bipartisan group of Senators, on January 25.

NOTICE OF PUBLIC HEARINGS BEFORE THE SUBCOMMITTEE ON FLOOD CONTROL—RIVERS AND HARBORS

Mr. JORDAN of North Carolina. Mr. President, I wish to announce that the Subcommittee on Flood Control—Rivers and Harbors of the Committee on Public Works, of which I am chairman, will hold public hearings as follows:

On Tuesday, July 27, 1971, the subcommittee will receive testimony from the Corps of Engineers, the Soil Conservation Service, and other interested parties regarding the environmental impact of water resource channel improvement projects.

On Wednesday, July 28, 1971, the subcommittee will hear from the Corps of

Engineers on the need for increases in monetary authorizations for prosecution of certain comprehensive river basin plans. In this connection, anyone who wishes to testify or file a statement for the record, should contact Mr. Joseph F. Van Vladricken, professional staff member, or Mrs. Birdie Kyle, staff assistant, Subcommittee on Flood Control—Rivers and Harbors, Committee on Public Works, room 4206, New Senate Office Building, Washington, D.C., telephone area code 202/225–6176. The subcommittee will meet at 10 a.m. in room 4200 of the New Senate Office Building.

The subcommittee consists of the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. TUNNEY), the Senator from Texas (Mr. BENTSEN), the Senator from Kansas (Mr. DOLE), the Senator from Kentucky (Mr. COOPER), the Senator from Maryland (Mr. BEALL), the Senator from Connecticut (Mr. WEICKER), and myself.

ADDITIONAL STATEMENTS

IN DEFENSE OF THE MILITARY

Mrs. SMITH. Mr. President, in the coming search to determine first who got us into the Vietnam war and then later who lost the Vietnam war—and perhaps whether the same person or persons both got us in and lost the war by their decisions on policy, strategy, and tactics, which perhaps many of them now condemn as immoral—there will be an intensively political search for scapegoats.

The scenario that is about to unfold is not unlike that scenario that started 21 years ago in the U.S. Senate on the "Who and Why We Lost China" with all of its ploys of leaks of secrets, purloined documents, alleged deceptions, smears, intimidations, sensationalism, abuse of senatorial immunity.

Obviously it will be a long time before all of the evidence is paraded before the American public and before the witches can be exposed and the scapegoats conveniently found in this exercise of polemic indictment of our Nation. It will be well for Americans—those who do not become bored with the voluminous reporting—to withhold their indictment and conviction of the witches and scapegoats until all of the evidence is in, perhaps including that on the accusers themselves seeking the witches and scapegoats.

Let us not forget that the witch hunt that started 21 years ago ultimately ended with the greatest condemnation by the American public being made of the witch hunter himself after the full evidence was in, after a pitifully few Americans had the courage to challenge the witch hunter, and after we recovered from the national sickness of mental muteness he imposed on our Nation and people.

I urge, at the outset of the forthcoming quest for witches and scapegoats, a very serious sense of perception as contrasted to selfrighteous and fault finding emotions. I urge a sense of restraint and fairness.

An example of personal restraint and fairness is the refusal of former Undersecretary of State George W. Ball to posture an "I told you so" stance, even though he was a voice in the wilderness in urging our withdrawal from Vietnam during the controversial period. Perhaps subsequent developments proved the wisdom of his rejected advice, but he is refraining from rushing in to blame those who ignored his advice. At this moment he is standing rather tall amidst the actors of the current scenario.

He has evidenced this in more than one way. A recent example is his article in the July 5, 1971, issue of Newsweek. I commend it to Senators and to the American people for thoughtful reading and ask unanimous consent that it be printed in the RECORD.

I also invite the attention of Senators and the American people to a highly perceptive statement in the June 26, 1971, issue of the Economist. It incisively puts the forthcoming search in excellent perspective. I ask Senators not only to read it but to reread it and to study it carefully before they proceed to their own inquiry in this matter as jurors to hear the evidence and return the verdict.

Because it is an excellent charge to the jury, whether the jurors be Members of this body or the American public, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN DEFENSE OF THE MILITARY

(By George W. Ball)

It is time to speak up for the soldiers. For the past several years we have made them the scapegoats for our misfortunes. Yet, to continue to seek exculpation by loading the blame on the military is not only unjust, it risks harm to our security; so we had better take a lesson from the experience of France—something we lamentably failed to do when we committed our forces to Indochina.

In the bitter aftermath of the second world war the French Army and Air Force were given a dreary series of dirty and foredoomed assignments to sustain the remnants of colonial power, first in Syria, then Indochina, then Morocco, and finally Algeria. For almost a decade and a half, graduates of St. Cyr fought under the most frustrating conditions, taking frightful casualties, yet losing each conflict not from failure of valor on the battlefield but from a decay of political will in Paris, a decision by the politicians—reflecting public weariness—that the game was no longer worth the candle.

PERNICIOUS EROSION

By 1958 these agonizing experiences in far-off lands had loosed poisons throughout the whole military establishment. France had done what no modern democratic state should ever do; by pushing its armed forces into conflicts only fragilely supported on the home front, it had detached them from the national life of their country. For, as the politicians abandoned first one war and then another, the military suffered a pernicious erosion of their traditional role as the respected protectors of *la patrie*. Thus, inevitably they developed a festering resentment of the politicians who bartered away the gains hard won by their blood and toil, until the imminent abandonment of Algeria might have triggered a revolution had it not been for General de Gaulle on his white horse.

Today these pressures are beginning to be felt on the American scene. For ten years we have embroiled our armed forces in the wretched paddies of Indochina. Our valiant airmen have been killed in futile sorties against the north; our army has lost far more than the normal percentage of its professional officer corps. Yet, though there have been ample courage and devotion, Vietnam is now associated in the public mind not with heroes but heroin. We scorn our soldiers for being careless of civilian lives, overlooking the brutalizing character of colonial wars—while we condemn our Air Force because bombs strike whoever happens to be under them, refusing to recognize that the alternative to sophisticated weapons is more American boys dying in the jungle. Meanwhile we are assaulted by the scribblings of junior Clausewitzes designed to prove that the conflict could have been won long ago if only their patented recipes had been followed.

FATAL ERROR

No wonder our soldiers are demoralized as we speed our withdrawal from Vietnam. How could they be otherwise, since the fatal error was the choice of mission, not its execution; and what the McNamara documents plainly show is that the military did not push us into Vietnam half so much as the civilian theoreticians with theses to prove—doctrines of counter-insurgency and guerrilla tactics all reeking of the lamp?

Thus, we had better stop carping at the soldiers if we are to learn the true lessons of this ghastly experience. We had better be sure that, as a necessary and honorable element in our society, they are not pushed toward alienation or bitterness. Otherwise, though we are unlikely to repeat the shattering constitutional crisis of France, we may well drive our most gifted and competent officers out of our armed forces—men we shall desperately need when the going again gets rough.

As an urgent first step, let the universities tone down their derision; since, at the end of the day, the real "treason of the intellectuals" may well be judged not to be what Julien Benda had in mind—their abandonment of meditation for activism—but rather their role in undermining society's protective institutions. Part of the blame will no doubt fall on the young faculty cheerleader who encouraged the campus yahoos to identify all policemen as "pigs," but the most grievous offense will be the acadamicians' effort to off-load the sins of this melancholy time on the military, who, skilled more with the sword than the pen, cannot adequately defend themselves against eggheaded *francs-tireurs* blowing beanshooters from the sanctuary of their ivory towers.

[From the Economist, June 26, 1971]

THE WAY WE GO TO WAR: LBJ MAY HAVE DISSIMULATED MORE THAN MOST, BUT THERE ARE POWERFUL REASONS WHY DEMOCRATIC GOVERNMENTS ARE SELDOM PARTICULARLY OPEN WITH THEIR PEOPLE ON THE BRINK OF WAR

It was in the February of an election year that the President of the United States sent his personal envoy to talk, in what he intended to be great secrecy, to the prime minister of that battered country whose army was being bled white by an apparently unbeatable enemy. The envoy left the prime minister in little doubt about the American commitment: unless the military situation took a clear turn for the better, he said in his report two days later to the President, "it was finally understood that . . . you would intervene." But the President wanted to get himself re-elected, and kept on hoping, as men will hope in these circumstances, that something would happen to make an American intervention unnecessary; he was not being totally dishonest when he beat the Republicans that November by attacking them as the war party and claiming that his own policy was to keep America out of it. It was only in the following April that he eventually gave the order for the American army to go into action.

That election year was 1916; the President was Woodrow Wilson, the special envoy was Colonel House, and the prime minister Colonel House gave his undertaking to was M. Briand of France. The fact that there is a curious similarity between the course that Woodrow Wilson followed in 1916 and 1917, and what Lyndon Johnson did in 1964 and 1965, does not mean that the two situations were identical, or that the two men concealed their minds from the American electorate to the same degree; there is nothing quite like the Gulf of Tonkin resolution in Wilson's handling of his problem. But the similarity is close enough to make the point.

The point is that the way in which great powers, and especially great democracies, go to war rarely has much to do with the ideal of frank analysis, frankly debated, against which Mr. Johnson's performance in 1964 is now being retrospectively measured. The leaders of such countries are seldom open with public opinion, either about the likelihood of war or about the reasons why they think they may have to fight; they rely on victory to silence the questions people might ask afterwards. When President Roosevelt told the Americans in the 1940 election that "I shall say it again and again and again: your boys are not going to be sent into any foreign wars," he had already committed the United States to a huge programme of military aid to Britain, and had drawn up the Rainbow contingency plans for a simultaneous war with Germany and Japan, and was soon to slap on Japan the embargoes which some people still believe pushed the Japanese into their attack on Pearl Harbor. No doubt Roosevelt was hoping that war might even then be avoided; but that was not quite how he put it to the voters. And it is not only the Americans who get into wars this way. It is doubtful whether there has been any democratic leader in this century, except perhaps Chamberlain in 1939, who can claim to have taken this country into a major conflict with its eyes reasonably open.

But of course it is not enough to say that Mr. Johnson in 1964 was behaving in more or less the customary way, with maybe 15 per cent more deviousness than the par for the course. The question that matters is why men who lead democracies—even, and indeed especially, men who count themselves as standing on the left of centre—behave like this. That is the issue raised by the *New York Times's* publication of the secret documents about the origins of the Vietnam war, and the *New York Times* will not fully justify its action until it faces this larger issue. No doubt it is asking a great deal of men honourably but desperately obsessed with their own immediate agony to recognize that it is only one example of the general condition. But it is; we had better recognize that the problem which has burst out of its cage is the relationship between democracy and war.

If the issue can be recognized for what it is, the embarrassment that has been caused to the American government is not earth-shattering. No doubt there are plenty of people in Washington, and elsewhere, who are not going to like the new habits they will have to acquire if the Supreme Court does eventually tell the Administration that it cannot stop the *New York Times* and the rest from printing these documents. That could mean, on the worst interpretation for the civil servants, that the only sort of documents marked "secret" that the government will be able to call upon the law actually to keep secret will be those dealing with current military operations. That is not much of a restriction in a society as open as the United States, where most people are irreverent about the dignity of government and it is pretty easy for men in government service to walk out, with photostats in their pockets, to jobs in business or the universities. For the rest, the public servants whose job it is to think about the future will either have to circulate their ideas to fewer people, or put machine-guns around their filing cabinets, or just not commit their thoughts to paper; and foreign governments will have to get used to the idea that the private remarks they think they are confiding to the Secretary of State may be shared, surprisingly soon afterwards, by a dozen subeditors on their way to the composing room. This will not make the life of government any easier, but then the main business of newspapers in a free society is not to make life easy for governments. It is to publish as much as the law decides they can get away with.

There is no point in crying over the spilt milk of secrecy. The *New York Times* has done the news-making side of its job by testing the legal limits of the government's desire to conduct its affairs in private. It will have performed a much larger service if—but only if—its disclosures make people think about the whole subject of how democracies cope with the business of going to war.

It is not a sufficient explanation of why governments tell their people only a fraction of what the governments know, or suspect, to say that it is because people in general are reluctant even to think of war. Of course they are; except for the minority who like to measure themselves against fear, people hate the idea that they might be killed, or that their sons and husbands might, or even that they will have to spend a portion of their lives doing physically demanding and sometimes dangerous things a long way from home. But the real problem is not with public opinion in general. Most people are willing to acknowledge, even if they would not put it into so many words, that the question of war or peace is different from the other business they entrust to their government. They do not expect the government to deal with it by the procedures they hope it applies to its other business; they accept that it may not want to confide its calculations to its adversaries, or even to them; they know they are often told less than the whole truth, and sometimes a great deal less. It is not the full flower of the democratic idea, but it is what most people are prepared to live with until they can see what the alternative is. The odds are that there has been much less outrage, or even surprise, about the *New York Times'* revelations on the small streets of America and Europe than there has been among the politicians, or the people who write newspapers and produce television programmes.

And this is probably where the explanation lies. The way in which the democracies appear to sidle up to the question of war—crabwise, eyes averted, hand over mouth—is largely a result of the problem their governments have with one fairly small, but important, section of their population. The name this section of the population gives to itself is the liberal intelligentsia; it consists of that part of the middle class which, with a reasonably good education behind it, keeps up its interest in public affairs afterwards on the basis of what it calls left-of-centre politics. It is arguably the most influential body of opinion in the western world today. It is civilised, rational and concerned for others. As President Johnson and now President Nixon have discovered, no policy can be sustained for long without its consent. But it has one over-riding characteristic when it applies itself to the problems of international politics. Its emotions understand the misery of war, but it does not possess a matching intellectual grasp of the way cause and effect continuously operate among the powers of the world. Its feelings are international, but its reasoning remains parochial. Because it is so nice itself, it is unwilling to look too closely into the minds of the adversaries its country has to deal with. The result is that it is usually in favour of putting off unpleasant decisions: it prefers not to bring itself to face the possibility of war until it sees the knife at its own throat, or at least its immediate neighbour's.

This is the decent, kindly cross that democratic governments carry around their necks in the contest with the dictatorships. It was people like this who on August 3, 1914, heard Sir Edward Grey spell out the argument for war—the evidence of German ambitions, the commitment to Belgium, the defencelessness of France's northern coast—and could still believe, even then, that Germany was prepared to respect the integrity of Belgium and that the real trouble was Britain's "mad desire" to maintain the balance of power. It was the same body of opinion which delayed rearmament in the 1930s until it was within a few weeks of being too late, and which then made Chamberlain jump through the Munich hoop before it would recognise that Hitler was a problem for Britain too. These are the people who would have protested furiously if Chamberlain had described his war aims in 1939 as 70 per cent the preservation of British influence in the world, 20 per cent the need to keep Hitler inside Germany and 10 per cent the interests of the people of Poland; though that is about how the British government of the time saw it. They are the sort of people every country needs, but it is not hard to understand why they make governments shuffle and prevaricate—and sometimes lie—on the brink of war.

So Mr. Johnson prevaricated, and said one thing while making plans for another, and no one outside his group of intimates knew how likely it was that those plans would have to be put into action. It became fairly obvious quite soon afterwards, to quite a lot of people, that he had been playing a devious game; but that does not lessen the deviousness, or make it any less a cause for concern that leaders of democracies should so often find it difficult to be honest with public opinion at such moments. In the end, of course, like the others, Mr. Johnson will have to stand his judgment on whether the dissimulation he practised can be excused by the reasons which eventually persuaded him to go to war. And that brings the argument back to the question that has been virtually obliterated in the newspapers in the past week. The central issue of the events of 1964 is not Mr. Johnson's writhings; it is whether the United States was right or wrong about what was happening in Vietnam.

The evidence is not all in yet, and will not be for quite a time. But it is worth repeating what seemed to most people to be the case at the time, and still seems to be. This is that the war had been set in motion by a decision taken in North Vietnam, and that North Vietnam was supplying the apparently decisive margin of men and guns; that superb military efficiency of the communists had brought the South Vietnamese army to the point of collapse; that superb military efficiency tells you nothing about the political acceptability of the ideas it is seeking to enforce, as Hitler's army showed clearly enough; that the defeat of South Vietnam would have been followed by a similar process in Laos and Cambodia, and possibly elsewhere; and that for ten years already the world, not least the enemies of the United States, had been watching to see if the Americans would allow that to happen. That account of how things looked in 1964 may not be the final story; but it is an important enough part of it not to be left out of the row about those documents. After all, it is why Mr. Johnson acted as he did.

CRUSADE AGAINST DRUG ABUSE

Mr. SCOTT. Mr. President, on June 30, President Nixon announced another major step forward in his crusade against drug abuse. As a result of negotiations between the Republic of Turkey and our own Government, Prime Minister Nihat

Erim has decreed that within 1 year opium poppy will no longer be planted in Turkey.

Since assuming office, President Nixon has taken and initiated many significant executive and legislative steps in line with his commitment to halt the disastrous and heartbreaking toll of drug abuse in our Nation.

In the legislative area, these actions include his proposal of the Comprehensive Drug Abuse Prevention and Control Act of 1970, which the President signed into law in October of that year. I was gratified to take an active part in the passage of this vital consolidation and revision of our dangerous drug laws.

Three weeks ago, President Nixon sent an omnibus drug control legislative message to Congress proposing the creation of a Special Action Office for Drug Abuse Prevention within the Executive Office of the President. This Office would develop and coordinate the overall Federal attack on drug abuse. I am a sponsor of this omnibus package and am working for its early enactment.

Executive action by the President has resulted in the Bureau of Customs tightening our Nation's borders against the importation of narcotics, a nationwide program of drug abuse research and education by the Department of Health, Education, and Welfare, and increased efforts by the Department of Justice to halt the sale and distribution of dangerous drugs within our borders.

Throughout his administration, President Nixon has worked on the international level, both with individual nations and within the United Nations to halt the international trade in dangerous drugs. I believe that this agreement with the Republic of Turkey is one of the most significant and far reaching results of these negotiations.

I ask unanimous consent that the text of the President's June 30 statement announcing the agreement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

In today's world, declarations of statesmanlike intent are not difficult. But instances of courageous statesmanlike action are few. Prime Minister Nihat Erim of Turkey has just combined the two. Today he declared that the Republic of Turkey, our friend and stanch ally within the North Atlantic Treaty Organization, would abandon a traditional agricultural practice in order to make a significant contribution to the well-being of the world. In the decree of his government, he announced that within one year, in accordance with the law of his nation, the opium poppy will no longer be planted. This farsighted step will provide an example which we trust will soon be followed by other nations.

For hundreds of years, tens of thousands of Turkish families have raised the opium poppy as a legitimate cash crop and for its edible oil and seed. Under a United Nations' convention, Turkey is one of those few nations permitted legally to grow poppy for export, yet Turkey is one of the few opium-cultivating countries in which the use of opium or heroin as an addictive drug is virtually unknown. Since the opium farmer has little if any knowledge of his part in the spread of a frightening international epidemic, a ban on opium production is a particularly difficult decision. These circumstances accentuate the vision and wisdom of this very important step. We know well the importance of the agricultural sector of Turkey's economy and we are prepared to put at the disposal of the Turkish government our best technical brains to assist Turkey's program to bring about a better life for the Turkish farmer. We are proud to assist in a program from which we all will benefit.

Secretary of State Rogers told me about his discussions in April with Prime Minister Erim and senior Turkish officials. Secretary Rogers understood fully the range of problems confronting the Turkish government and its people, and he was impressed by the efforts being made to solve them. We in the United States are obligated to a friend and ally whose firm military and political commitment to the welfare and defense of the Atlantic community is well known. My Administration is committed to aid nations and peoples prepared to help eliminate the narcotics menace. I pledge continued cooperation with Turkey in its efforts to increase the well-being of its people and to maintain its independence and security.

TRIBUTE TO A FORMER COLLEAGUE, TOM DODD, OF CONNECTICUT

Mr. BYRD of West Virginia. Mr. President, I rise to pay tribute to a former colleague, and friend, Tom Dodd, of Connecticut, who passed away May 23, 1971. Senator Dodd was a hard-working and effective public servant who served in this body with distinction for 12 years, starting in January 1958. Senator Dodd and I both began our Senate service on that date.

During his tenure in the Senate, and prior to it, Senator Dodd, who was a "fighter" for the causes in which he believed, carved out for himself a long and distinguished career. Starting as a senior law student at Yale, Tom Dodd organized a group of articulate students who made crusading New Deal speeches for Franklin D. Roosevelt. These activities brought this bright young student to the attention of Homer Cummings, who was designated to be appointed Attorney General. After his appointment, the new Attorney General persuaded Tom Dodd that the Federal Bureau of Investigation had a place for a young crusader such as himself. Tom Dodd joined the Federal Bureau of Investigation and stayed with that organization until 1934, when he left it to become Connecticut director of the National Youth Administration. In this capacity he helped to establish educational and job opportunities for depression-deprived young people.

I think it should be noted that Tom Dodd retained his interest in assisting the youth of this country during his service in the Senate by his effective and active chairmanship of the Senate Subcommittee on Juvenile Delinquency.

After getting the Connecticut NYA program organized and running smoothly, Tom Dodd joined the Department of Justice and served as a trial attorney until he was selected as chief trial counsel for the Nazi war crimes prosecution at Nuremberg, Germany. At the conclusion of these lengthy trials, Senator Dodd returned to Connecticut and practiced law in Hartford until 1952, when he was elected to the U.S. House of Representatives, where he served two terms prior to his election to the Senate.

Mr. President, Senator Dodd and I came to the Senate together in the class of 1958. He served his State and his country well and made many lasting contributions during his Senate service, especially in the field of foreign relations and internal security. He was an effective and courageous fighter, who took many stands which were unpopular at the time, but which, in many instances, subsequently proved to be correct. I recall one instance when Senator Dodd repeatedly called attention to Castro's Communist connections, even though certain segments of the press and the administration were still supporting the Castro regime. Within 2 years, both the administration and the press had come around to Senator Dodd's position, and both had dropped their support of Castro.

I could cite numerous examples of Tom Dodd's political and personal courage: however, I think that is unnecessary, since all who knew him were certainly aware of that attribute.

If there was any hallmark of Senator Dodd's Senate service, it was his courage to take the stand dictated by his conscience, regardless of the political implications.

Mr. President, I take this opportunity to express my deepest condolences to his devoted wife, Grace, and to the Dodd children. They have lost a devoted husband and father, and this country has lost one of its stanchest, and most effective fighters for freedom.

THE INDOCHINA EXPERIENCE

Mr. SYMINGTON. Mr. President, a thoughtful and constructive editorial, "The Indochina Experience," was published recently in one of the Nation's great newspapers, the Los Angeles Times. This editorial concludes:

> What the country needs above all is reconciliation at home and an orderly rearrangement of its priorities and policies abroad. To both ends, the swift resolution of the war is essential. Congress can help move the country toward reconciliation of its citizens by the way it approaches the inquiry into the past.
>
> And the President must help by deciding, for once and for all, to cut the United States loose from Indochina, and cut loose fast.

This administration has now joined the previous administration, however, in refusing to recognize the difference between a defeat and a mistake.

I ask unanimous consent that the editorial, published on June 27, 1971, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE INDOCHINA EXPERIENCE

The President has said that if the United States does not get out of Vietnam in an honorable and orderly way, there would be a period of "furious recrimination" in this country.

Well, the furious recrimination is already upon us, and we aren't even out of Vietnam. The instant cause is the publication of the Pentagon papers. The reasons the government offered for suppressing them we think irrelevant. But much of the debate about them threatens to become irrelevant, too; and, worse than that, damaging.

"Who is to blame?" is becoming the common cry, and blame and self-excuses are flying between many of the actors in the long Vietnam tragedy, which is now dragging painfully toward its close. It is already distasteful; it will become damaging if inquiry into the past becomes a hunt for scapegoats.

Remember the scarring debate on the question "Who lost China?" It fouled the waters of American politics for several unpleasant years, and its stain persisted. (It is an irony of history, a rather bitter one, that President John F. Kennedy's memories of how the Democrats were blamed for getting out of China helped persuade him, and other Democrats, they had to stick in Vietnam. And the same fear of being blamed seems to haunt Mr. Nixon, seems to be keeping him stuck in Vietnam too.)

Who is to blame? is a dangerous slogan because the fact is that most Americans in the government, and most influential American institutions with a public voice, this newspaper among them, thought and argued at one time or another that the American national interest would be served by making the South Vietnamese government secure against communist insurgency and infiltration.

A few doubted all along. For the rest, doubts came at different points. Most doubt now; but only a few years ago—the war seems to stretch back endlessly into the past but it was really only a few years ago—public opinion held that as a matter of course the Communists had to be held back in Vietnam. It was the logical extension of the containment policy arrived at after World War II, though arrived at after bitter public debate, for many thought the United States ought to have a roll-back policy toward communism, and some thought we should have no policy at all. But a consensus was reached. And the consensus approved the attempt in Vietnam.

Unless the public debate over Vietnam is conducted in full recognition of that fact, we are going to have a bad time, a period of scapegoating. For the cause of this country's troubles in Vietnam was not the wickedness of this country's leaders, for they were not wicked; nor the impurity of their motives, for their motives were as pure as a statesman's can be.

What went wrong in Vietnam was simply that it didn't work as predicted. It was thought it would be easy, and it turned out it could not even be done at all, without running risks and incurring costs everyone agreed were unacceptable. It was thought that it would be cheap, and even the attempt to do it turned out to be expensive in terrible ways.

These are the basic facts about this country's involvement in Vietnam. What the Pentagon papers have highlighted is the way the government dealt with itself, and with the people, as time and events began to reveal the flaws in the Vietnam policy. The government deceived itself about its prospects, and, in so doing, it fell into deceiving the people. It was all human enough, and all tragic.

A congressional inquiry is being put together, to start with the Pentagon papers and to proceed, apparently, to the whole subject of the war. It probably has to be done: the documents published so far are only part of the story. We doubt very much that the main threads of the story will be changed, but the country will be restless until it's all told. It becomes important then to keep the telling of it under control, to keep it steady and sober and without recrimination. And such an inquiry has dangers beyond the inflammation of the public mind. It may divert the attention of Congress and the country even longer from the other problems of the United States' foreign policy. It is, after all, a backward looking exercise where the pressing task is to look forward.

What the country needs above all is reconciliation at home and an orderly rearrangement of its priorities and policies abroad. To both ends, the swift resolution of the war is essential. Congress can help move the country toward reconciliation of its citizens by the way it approaches the inquiry into the past.

And the President must help by deciding for once and for all, to cut the United States loose from Indochina, and cut loose fast.

VIETNAM POLICIES AND EXPERIENCES

Mr. SCOTT. Mr. President, Howard K. Smith, the noted television network commentator, on Friday night posed some interesting points. He said it was most important for the public to wait for the results to come in because, to quote him, "things may look different."

Mr. President, Mr. Smith makes a great deal of sense, particularly his reference to the Vietnam experiences and our policies. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ABC EVENING NEWS, HOWARD K. SMITH, JULY 2, 1971

As said in this space the other day, our Vietnam experience is ending, will-we or nil-we. Now, before it is over, is the time to weigh the effects of quitting.

For example, as said here before, don't expect the end there to solve home problems here. Only direct application to these problems will solve them, not the end in Vietnam.

Today, another warning: be wary of making scapegoats. As the London Economist said this week, the results are not all in; when they are, things may look different.

It is clear Kennedy and Johnson launched huge tactical mistakes. But that is common in all wars. Liddell Hart's History of World War II, just published, reveals enough monumental mistakes by our side to have strung Roosevelt and Churchill up—if they hadn't won.

The larger question about Vietnam—should we have tried to stop the Communists in the first place—is in my opinion still unanswered.

Suppose, stimulated by this triumph, the Communists proceed the same way with neighbor after neighbor . . . as, indeed Ho's writings suggest he wanted to do. The mood of this country could switch again. The flip-flop of Mr. Ellsberg from intolerant hawk to intolerant dove is a warning.

I have the uneasy feeling he could slip back the other way if the mood changed.

The part of wisdom is, keep emotions under discipline. Learn from our abysmal mistakes in Vietnam; don't compound them.

SUMMER IN THE CITY: A WARNING FROM THE NATIONAL URBAN COALITION

Mr. HUMPHREY. Mr. President, the problems of the cities are continuous. They overpower our sense of living and they remind us of how much remains to be done.

Of all the problems though, the most disturbing are those that lead to violence, to killings, to burnings, and to looting. We had such violence in 1967 and 1968. And we have had an additional scattering of instances of violence.

The National Urban Coalition, since 1967, has been involved in a concerted study and action program to bring the reality of our cities to policymakers.

In an article written recently for the Washington Post, Sol M. Linowitz, the national chairman of the Urban Coalition, said that the cities still possess all the elements that led to the violence of the 1960's. He noted the high unemployment, the flight to the suburbs, the crime, and the racial tensions that are, as he puts it, "inner city basic elements as explosive as ever."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AS SUMMER APPROACHES, WILL THE CITIES ERUPT IN VIOLENCE?

(By Sol M. Linowitz)

As we get deep into summer there is a new tone in our American view of summer holidays. Along with our national celebration there is a note of fear. Today we can hardly pause to look back to Philadelphia and the Revolution of 200 years ago. We are worried about what will happen in Philadelphia now, this year, this Fourth of July. In our time we have learned to fear the combination of hot weather and crowds of people.

Since cities burst into flame in 1967 and 1968, we have seen a period of relative calm. People talk less of "the long hot summer" and we have a new cliche, "the cooling of America." But thoughtful observers have noticed that in the past year we have had serious trouble in Los Angeles, and the early spring began with days of civil disorder in the Brownsville section of Brooklyn, in Chattannooga, Tennessee, and elsewhere.

I do not know of any thermometer which can take the temperature of a city.

Nonetheless, I believe there are some figures which any American can read, and which we must all understand.

Here are some of the new factors and the critical temperature readings, if you will, which are now worse than they were when Watts and Detroit first exploded a few years ago.

High Unemployment: The national rate of unemployment is 5.6 per cent, but that figure is far higher in the inner city. Any rate of unemployment has to be doubled for blacks, Puerto Ricans, and Chicanos. In recent years we have not been able to accommodate into the working force the great numbers of young people coming to maturity who are the products of the "baby boom" after World War II. So we can double the rate again for young persons. There is also an "inner city factor" which operates where people have less education, less transportation, and often less motivation to try once again in the job market which has disappointed them so often. The grim fact is that the real rate of unemployment in the inner city is more like 36 per cent, and for young persons may be higher. In Baltimore the mayor estimates that in many neighborhoods unemployment is 40 per cent. In Newark in the inner city one in three persons is on welfare. In San Francisco there are large pockets of 35 per cent unemployment in black, Chinese, and Spanish neighborhoods. Seattle, of course, is bitterly hard hit. So it goes across the nation, somewhat better in newer cities, but always a problem in the older cities, Boston, Cleveland, Los Angeles.

The Kerner Commission which investigated the riots in our cities established that most of the crowds were composed of young people, from 18 to 25. They have nothing to lose and nothing to hope for if we do not offer them opportunity to work and to learn.

The Flight to the Suburbs: Since 1967 the movement of millions to the suburbs has produced massive social changes which we are just beginning to comprehend. By and large the more established persons have fled to the suburbs, perhaps not so much in fear of crime or race trouble as in search of better schools and jobs. In recent years 80 per cent of the new jobs have been in the suburbs of the metropolitan areas. Our social system has left behind in the cities—or pushed into the cities, as some see it—the members of minority groups, the aged, the young, the jobless.

Ten years ago Washington was our only major city with a majority of black persons. Now it is joined by Newark and Gary in the North and Atlanta in the South, and many more cities are 40 per cent non-white.

The big city mayors are pleading for help and they must have it. We cannot expect to build up the outer metropolitan area, and leave behind millions without jobs, without proper schooling. These people will each year become more poor, more ignorant—and more angry.

Last year for the first time in 10 years the number of the poor in America increased by 1.2 million, according to an historic and shocking census report. This was a report on conditions in 1970, before the unemployment situation had worsened to its present level. For a decade the number of persons in poverty had decreased about 5 per cent a year.

In another historic report the census showed that in 1970 inflation had wiped out any pay raise benefits for the typical American family. This is the first time in nine years that the average American had less real purchasing power than he had the year before.

One thing this means is that it will be difficult to sell the blue-collar worker on higher taxes for more social programs—when he somehow finds that he has less actual cash than he had last year or the year before.

It is front-page news that "Job Outlook Is Bleak for Vietnam Veterans."

Two million or so men have returned from SE Asia, and about 10 per cent are unable to find work, and the number is rising. In the first quarter of this year 375,000 Vietnam veterans were unemployed, compared with 200,000 the year before. The rate for unemployed black veterans is at least 15 per cent.

The voters have been demanding and getting cutbacks in government programs and the war in Vietnam goes on, still costing billions as we withdraw troops. Since 1967 we have raised peoples' expectations, we have started many excellent programs, and now we are cutting back. The immediate cause of the Brownsville rioting and burning was reduction in help to poor people. There had been cuts in welfare, Medicaid anti-narcotic programs and in the foundation stone of our democracy—the schools.

All our recent past disorders had started because of some trigger event related to something the people of Harlem or Miami or Watts saw as offensive and evil. Brownsville did not explode because of the extension of something oppressive—such as a new police action. Brownsville blew up because of the withdrawal of something perceived as good.

Our nation is groaning under the burden of welfare programs, swollen to incredible size. But we need to make basic changes in our economy, in education, in training, and in bringing people to jobs and jobs to people, before we do anything too drastic in the way of cutting aid-for-dependent children. Who can measure dollars in one part of the balance and the emotion of angry welfare mothers in the other part of the balance?

There are some hopeful developments since 1967. Perhaps the most important is that more people are aware of the realities. But in all seriousness it does not appear that our response is yet anywhere close to the challenge.

The National Urban Coalition was formed in Washington in 1967 while fires still smouldered in some of our cities. Under the leadership of men like John Gardner and the late Whitney Young, businessmen and labor leaders, black and white and brown, worked with a sense of urgency and dedication to keep communications lines open among all the elements of the community. Now we have active local coalitions in many cities, and this is one of the hopeful new developments which is different from our situation in 1967. From the ghetto streets have come some great young leaders in the finest tradition of American democracy—men who can speak eloquently and bluntly of things they know to be true—and men who can still hope that the American system does not intend to leave our inner cities as wastelands of poverty, crime, drug addiction, and despair. These community leaders rightly warn us that the basic elements in the inner city are as explosive as ever.

There are many answers to what needs to be done. Some programs are underway, moving toward public-service employment, toward special programs for youth, toward revenue-sharing, and many other approaches to fulfill again the promise of America as a land of opportunity for all.

We simply have to find better answers. We have to face up to the answers we already know.

These are thoughts of hope and fear which I believe many Americans share as we approach the birthday of our nation. We are old enough to know what we have to do. We must recover the urgency and the will to make the American reality as great as the American dream.

WAR POWERS DEBATE

Mr. JAVITS. Mr. President, on July 4 the Washington Post published an article on the war powers debate, written by Irving Brant, the distinguished famous biographer of James Madison and a recognized authority on constitutional questions. Mr. Brant's article essentially is in the form of comment on and rebuttal of the testimony of Secretary of State Rogers before the Foreign Relations Committee on May 14.

The war powers question is perhaps the most profound issue now before the Senate. Mr. Brant has made a most important contribution to the national debate and I feel that Senators will benefit from familiarity with the article. Accordingly, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON VERSUS CONSTITUTION IN WAR POWERS DEBATE

(By Irving Brant)

The Nixon Administration's extraordinary attempt to halt publication of the Pentagon papers on Vietnam is entirely consistent with its recent opposition to congressional efforts to limit the power of Presidents to wage undeclared wars. In both confrontations, the administration has put deceptive secrecy at the heart of national war policy.

In his testimony before the Senate Foreign Relations Committee in May, opposing the bill presented by Sen. Jacob K. Javits (R-N.Y.) to make "rules respecting military operations in the absence of a declaration of war," Secretary of State William P. Rogers asserted that "the heightened pace, complexity and hazards of contemporary events often require rapid and clear decisions. The nation must be able to act flexibly and, in certain cases, without prior publicity.

"Unlike the presidency," Rogers continued, "the institutional characteristics of Congress have not lent themselves as well to the requirements of speed and secrecy in times of recurrent crises and rapid change."

The Javits bill does not challenge, but instead recognizes and regulates, the power of the President to initiate hostilities under certain circumstances inferentially sanctioned by the Constitution. Specifically, it affirms his power to repel sudden attack against American territory or armed forces, to protect the lives and property of American nationals abroad, and to comply with national commitments made by laws or treaties where immediate military action is required.

The bill requires that such unauthorized hostilities be reported promptly to Congress, and forbids their continuance beyond 30 days from their initiation, except as may be provided by Congress. Prompt committee action is compulsory and a final vote of both houses is required within the 30 days.

A PEACEFUL DEATH

Besides flatly opposing this bill as an attempt to "freeze" the allocation of war power between President and Congress (which it does, and rightly so), Rogers sought to dispose of it by recommending postponement to some quiet period "after the passions of Vietnam have faded into the past." That is, put it off until interest in it would have lapsed.

On the score of allocation of power, the Secretary's testimony was a partial re-run, in different tone, of the pugnacious remarks of former Under Secretary of State Nicholas Katzenbach in 1967, opposing the "National Commitments Resolution" to restrict the President's power to initiate war.

After listening to Rogers' argument, Chairman Fulbright and others accused him of taking the same stand as Katzenbach. This he vigorously denied; he differed completely with the former under secretary. And so he did—in tone and method—but they came to identical conclusions regarding the constitutional war powers of the Chief Executive and of Congress.

The Constitution vests "all legislative power" in Congress and grants the following specific powers in the military field: "To lay and collect taxes . . . to . . . provide for the common defense. . . . To declare war . . . To raise and support armies . . . To provide and maintain a Navy. . . . To make rules for the government and regulation of the land and naval forces."

Bearing also on the war power are these clauses concerning the President: "The executive power shall be vested in a President of the United States of America. . . . The President shall be Commander in Chief of the Army and Navy of the United States. . . . He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur" (and shall appoint ambassadors).

GRADUAL USURPATION

The excessive swelling of presidential power is an outgrowth of his blended functions as Commander in Chief and general manager of foreign affairs. Historically, in England, the king had sole power to declare and make war, subject only to Parliament's holding of the purse strings. The framers of our Constitution saw great danger in this. Kings had plunged the American colonies into ruinous wars with France. So they transferred the warmaking power to Congress, except, by implication, in situations of extreme emergency, leaving the President, as Commander in Chief, to conduct military operations.

However, the sweeping grant of executive power, and more specifically the power to negotiate treaties and to appoint and receive ambassadors, have made the President the primary formulator of foreign policy. Aided by technological developments, the result has been that the President has gradually combined his role as Commander in Chief (supervisor of operations) with his role as the formulator of foreign policy, to the derogation of Congress. Undeclared wars, initiated by the President without congressional authorization, have shifted from emergency measures into instruments of foreign policy.

All this is in clear violation of the constitutional separation of powers and in defiance of specific provisions of the fundamental charter. The relative ease and speed of one-man action, compared with the deliberate process of legislation, have helped to produce this usurpation.

There is universal agreement that Congress can halt any American military operation either instantly or by ultimate effect, by refusing to appropriate money for its continuance. That remedy, however, is too drastic in its consequences for practical use unless in the gravest emergency. It is also universally agreed, based on debate in the framing of the Constitution, that the President has legitimate power to repel invasion or resist any sudden attack on the United States without a prior declaration of war by Congress.

Beyond this, all is contention, with a historical record of gradual and progressive extension of presidential prerogative. So far has this been carried that Katzenbach was able to say in 1967, with a measure of historical support but wholly without constitutional warrant, that declarations of war are "outmoded in the international arena." Hence comes the implied corollary that the President can initiate hostilities at his own discretion, under virtually any circumstances, without a declaration of war by Congress.

The position taken by Katzenbach in 1967, and by Secretary Rogers in 1971, is supported by a chain of events culminating in the Korean and Vietnam wars and the invasions of Cambodia and Laos. Taken together they add up to this fallacious maxim: "The habitual exercise of unconstitutional power makes it constitutional."

WHAT'S AN EMERGENCY?

In this contest for power the President has a decided advantage. As Commander in Chief, constitutionally charged with the conduct of military operation, he can bull things through by mere possession of the power to do so. That, in effect, is what Katzenbach told the Foreign Relations Committee in 1967, offering virtually no constitutional argument except precedent.

Secretary Rogers takes a different tack. Instead of bluntly declaring that declarations of war are obsolete, he undertakes to find constitutional warrant for this extension of presidential power. The result is a mountain of claims unsupported by so much as an anthill of evidence.

All that Rogers demonstrated, from the historical record, was that the framers of the Constitution reshaped the clause on making war to give the President emergency power to defend the country against sudden attack. Who denies such an emergency power? To prove his point, the Secretary actually cited the one explicit action in the Federal Convention of 1787 that completely disproves his contention. Said the Secretary of State to the Foreign Relations Committee (italics added):

"The Committee of Detail submitted to the general convention a draft article which gave the Congress the power 'to make war.' Pursuant to a motion by Madison and Gerry, this was amended to the power 'to declare war.' This change in wording was not intended to detract from Congress' role in decisions to engage the country in war. Rather it was a recognition of the need to preserve in the President *an emergency power*—as Madison explained it—*'to repel sudden attacks'* and also to avoid the confusion of 'making' war with 'conducting' war, which is the prerogative of the President."

That is exactly what is claimed by those who seek to limit presidential war power to accord with the Constitution. Elaborating, Secretary Rogers said that "the necessity to repel sudden attacks" was the only situation cited by the framers in which, in 1787, "it was evident that emergency action was required." He believed, however, that the power extended beyond the cited reason for it:

"But I submit that the rationale behind the concept is broader—that is, that in emergency situations the President has power and a responsibility to use the armed forces to protect the nation's security."

This conclusion, he said, was borne out by subsequent practice and judicial precedents, extending from 1801, when President Jefferson sent a naval squadron to protect American shipping from the Barbary pirates of North Africa, down to the Vietnam War.

The key word in all this—the word that wrecks the Rogers analysis—is "emergency." Grant that the President has power both to repel sudden attack and to protect the nation's security, in an emergency, by initiating hostilities against a foreign nation. How does that furnish constitutional warrant for American entry into the Vietnam War? That entry was discussed for years between the White House and the Pentagon. The war was decided upon and expanded with slow deliberation, contention, and doubt. In no sense was the initiation of hostilities an emergency action.

The only reason for not referring the Vietam decision to Congress was fear that the answer would be negative. The pseudo-approval obtained later, in the Gulf of Tonkin Resolution, was based on false representation and artful wording, designed to deceive Congress and build up an unconstitutional executive ploy.

Thus was initiated the longest war in American history, fought on the other side of the world, "justified" by the now-discredited "domino theory" of little nations automatically collapsing into communism without internal reason for it—a war built up soldier by soldier through the years until American casualties rose to the tens of thousands.

DEFAULT BY CONGRESS

What brought this about? Chairman Fulbright asked that question and gave the answer after that 1967 session with the rambunctious Under Secretary Katzenbach: The fact that Congress has acquiesced in, or at the very least has failed to challenge, the transfer of the war power from itself to the executive, is probably the most important single fact accounting for the speed and virtual completeness of the transfer."

Nothing like this was dreamed of in 1787, and for decades after the Constitution was adopted, declarations by American statesmen took the restrictive line on executive initiative. In 1796 Madison denied that the treaty power was unlimited, for that would mean that the President and Senate, acting together, could put the United States into war. President Jefferson in 1805 sent these words to Congress about a diplomatic crisis with Spain:

"Considering that Congress alone is constitutionally invested with the power of changing our condition from war to peace, I have thought it my duty to await their authority for using force in any degree which could be avoided."

Wrote President Monroe in 1824: "The President has no right to compromise the nation in any question of war."

Said Secretary of State Daniel Webster in 1851, rejecting a Hawaiian appeal for protection against threatened French aggression: "I have to say that the war-making power rests entirely with Congress; and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws."

Does not every word of that statement apply with full force in support of the Javits bill? That bill specifies the cases, sanctioned by the Constitution, in which the President can authorize belligerent operations to cope with an emergency. It retains the basic authority of Congress in relation to war and peace. It regulates the authorized deviations from the general constitutional rule. It does not interfere in the least with the handling of any emergency, from minor property damage to nuclear holocaust.

Rogers declared that although the Javits bill requires congressional action within 30 days, this would not ensure such action. Said he: "This raises another constitutional issue, that is whether the President's authority under the Constitution—for example, to protect the nation against sudden attack—could be limited or terminated by congressional action or inaction."

For sheer inanity, that is hard to surpass. Imagine Congress, with the nation under sudden attack by a foreign enemy, violating its own law in order to paralyze military resistance to that attack! To say that such a possibility points to the Javits bill's unconstitutionality goes beyond the bounds of reason. It is almost equivalent to arguing that the President has constitutional power, in an emergency, to lay and collect taxes for the common defense because there is no conclusive assurance that Congress will levy them.

The Javits bill gathers up the loose ends of divided governmental authority and puts them in order, in harmony with the intent of the framers and with the security and welfare of the nation. That is precisely what President Nixon does not want. Speaking through his Secretary of State, he seeks to subordinate Congress to the Executive in the exact spot where congressional authority should be paramount.

Secretary Rogers, of course, is in an almost impossible situation. He has to defend a Nixon concept of presidential power that surpasses the indefinite sweep exercised by Lyndon Johnson. The latter's Under Secretary of State, Nicholas Katzenbach, told the Foreign Relations Committee in 1967 that the Gulf of Tonkin Resolution was "as broad an authorization for the use of armed forces for a purpose as any declaration of war so-called could be in terms of our internal constitutional process." President Nixon consented to have the Tonkin Resolution repealed because, he said, he has ample authority for all his current and prospective actions without it. These include the Cambodian and Laotian "withdrawals by escalation" and threats of renewed bombing of North Vietnam on a huge scale.

With that limitless Nixonian concept in the background, Rogers evaded a question put to him by Sen. Frank Church (D-Idaho). The senator restated it:

"My question was what limits do you see to the President's unilateral authority as Commander-in-Chief to make war in foreign lands without congressional consent?"

Rogers: "Well, I am not really prepared to discuss hypothetically constitutional questions because it is too risky and unwise. In order to pass judgment on those matters you have to know all the facts."

Church persisted:

"What are the limits? There are no limits in this 40-page statement, Mr. Secretary, and you say you are not prepared to suggest any limits."

To which Rogers replied:

"The limits, it seems to me, are that in any situation that is not an emergency situation, or one such as Cambodia and Laos involving a war that has been going on for a long time, the President should come to Congress, consult with the Congress, and get its authorization for the initiation of war."

Except for the reference to Cambodia and Laos, that statement could have come from Chairman Fulbright. It was equivalent to saying that the Vietnam War, which did not begin in an emergency situation, properly required a congressional declaration of war. The Cambodian and Laotian invasions were regarded as legtimate only in the context of pre-existing war.

Sen. Claiborne Pell (D-R.I.) pushed the question farther. If the Javits bill had been in effect in 1965, he remarked, we would not be in this hassle because "we would have set forth policy before and you would be following it out. Would that not be a correct statement?"

Rogers replied: "I do not think I can answer that, senator." Why not? Because, one must conclude, the only possible answer would be "yes."

A WAR IS A WAR IS A WAR

Running all through the Johnson-Nixon line of thought, but not explicitly affirmed by Secretary Rogers, is the idea that a nonemergency *limited war*, of limited scope for limited purposes, does not require a declaration, even though that action would be required for a fullscale conflict. Katzenbach in 1967 differentiated the Tonkin Resolution from a full declaration of war. Said he: "We did not declare war. Our objectives are limited. We are there for a limited purpose."

The committee, in its comments on the hearing, refused to "accept the view that 'limited' wars can be undertaken by the executive without the consent of Congress." Justice Samuel Chase, in 1800, placed the whole subject under the legislative branch when he wrote in Bas v. Tingey, a case growing out of the limited naval war with France:

"Congress is empowered to declare a general war, or Congress may wage a limited war; limited in place, in object, in time." The distinction Chase saw was that a general war was restricted only by the international laws of war, while "if a partial war is waged, its extent and operation depend on our municipal laws."

Municipal (domestic) laws do not give rise to presidential power. The fallacy of the Johnson-Nixon position is easily demonstrated. Bomb Hanoi, bomb Haiphong, bomb the rice-field dikes of North Vietnam (as many have advocated) and the limited war in Vietnam would become a general war. Such an expansion, under the concept of presidential power to initiate only limited war, would require a declaration of hostilities by Congress. Has any such thought ever been expressed by either Mr. Johnson or Mr. Nixon, or any of their spokesmen? Not a hint of it.

Broadly speaking, Secretary Rogers takes the stand that, "except in emergency situations," decisions to involve the country in armed conflict should be arrived at "jointly" by the President and Congress. Does that mean by a congressional declaration of war? Perhaps so, yet he persistently gives Congress a minor role. Thus he says:

"There are few significant matters which can be accomplished by presidential order alone. The essence of presidential power is the ability to enlist public support for national policy, and in this the President needs the cooperation of Congress."

This means that in the matter of going to war, Congress is to serve as a sounding board for presidential policy.

EQUALITY AND WOMEN'S POLITICAL RIGHTS

Mr. PROXMIRE. Mr. President, on the main doors to the New Senate Office Building there stands a large medallion with the likeness of two American citizens, a man and a woman, and above them the motto: "Equality."

Mr. President, we are all aware, particularly after the speeches and celebrations this past Independence Day weekend, that the signers of the Declaration of Independence were motivated in large part by a passionate desire to see all men free and equal. King George's English Government habitually treated the inhabitants of the American colonies as second-class citizens, denying them equal treatment in representation before Parliament and limiting their opportunities to hold public office. That attitude resulted in the Declaration of Independence.

The Nation today also faces a movement toward independence in human relations. Women who, in the past, were tied to the home are now asserting their undeniable right to participate in all sectors of national life, including the political sector.

Just this past week, the Washington Post reported that President Nixon had appointed two women to top administration posts. I ask unanimous consent that the Post article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO MORE WOMEN GIVEN HIGH POSTS IN ADMINISTRATION

(By Carroll Kilpatrick)

President Nixon yesterday named two more women to high administration posts—Rep. Charlotte T. Reid (R-Ill.) to the Federal Communications Commission and Brereton Sturtevant to be an examiner-in-chief of the Patent Office.

The President also nominated Peter G. Nash, solicitor of the Labor Department, to be general counsel of the National Labor Relations Board.

In picking Mrs. Reid for the FCC, the President accepted the resignation of Commissioner Thomas J. Houser, also of Illinois, who was appointed late last year to fill a term expiring June 30.

Houser's associates have said he wanted to be renominated for a full term but that the White House had made the commitment to Mrs. Reid.

Houser could not be reached for comment, and his letter to the President was not released. The White House cited "personal reasons" for his resignation.

The President requested Houser to serve until Oct. 1 to permit Mrs. Reid to continue in Congress until that time. She was elected in 1962.

In a letter to Houser, Mr. Nixon said: "I would hope we could call upon you again in the not too distant future." One source said he may serve as Mr. Nixon's Illinois campaign manager next year.

Mrs. Reid has served on the House Interior and Insular Affairs, Public Works and Appropriations Committees.

Miss Sturtevant is a partner in the Wilmington, Del., law firm of Connolly, Bove & Lodge, specializing in patent and trademark law. She is a native of Washington, D.C., and is a graduate of Wellesley College and Temple University Law School.

Nash, 34, is a native of Newark, N.Y., and is a graduate of Colgate University and New York University Law School.

Mr. PROXMIRE. Mr. President, we as Americans have gone a long way toward making women feel a part of the political process. We have a constitutional amendment providing for equal voting rights for men and women. Women hold high public office and exercise substantial electoral weight. Senate approval of the Convention on the Political Rights of Women, as a part of the Human Rights Conventions, would be one more step in the right direction. It would show the world that we stand four-square behind the political equality of women. I urge that this treaty be ratified.

FAULTY JUDGMENT OF DANIEL ELLSBERG

Mr. SAXBE. Mr. President, the best one can say about Daniel Ellsberg is that his judgment is faulty.

The columnists Evans and Novak disclose in today's Washington Post that this, however, is not a new affliction. They indicate that Mr. Ellsberg surrendered mentally to the Vietcong and the North Vietnamese in 1968. He apparently has been trying to justify this attitude ever since.

I ask unanimous consent to have printed in the RECORD a column entitled "A Tet Memo From Ellsberg," written by Rowland Evans and Robert Novak.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TET MEMO FROM ELLSBERG

(By Rowland Evans and Robert Novak)

The flawed vision of Daniel Ellsberg in viewing the Vietnam war, a failing that was to have profound implications for his country, was laid bare in a private memorandum he wrote for the Pentagon on Feb. 28, 1968, spectacularly misinterpreting the just completed Communist Tet offensive.

Ellsberg, then a Vietnam expert for the Rand Corp. think tank, had been asked to interpret the bloody Tet offensive for the Defense Department's Office of International Security Affairs (ISA). His memorandum was apocalyptic: "I think that the war is over"—Communists taking over the countryside, the South Vietnamese government and army deteriorating, a rapid renewal of the Communist offensive. "Two months from now . . . things are going to get much worse," he said, precluding any possibility for improvement.

No prophecy could have been more false. In truth, the Tet offensive was the Communist high-water mark, triggering a three-year decline in their Vietnamese strength (which may now be ending). But Ellsberg exasperated with Saigon's corrupt government and shoddy army, could see in Tet only the vindication of his own warnings. It was a view widely shared in ISA, whose staffers wrote the Pentagon Papers.

Thus, the spectacular mistakes of Ellsberg's 1968 memo transcend the personal. His flawed vision is the flawed history of the Pentagon Papers. It is the all-is-lost syndrome that deeply influenced U.S. policy in the months after the Tet offensive and finally led to Ellsberg's disclosure of the Pentagon Papers.

For these reasons, Ellsberg's errors about Tet are worthy of examination. Herewith are some prophecies he sent the Pentagon along with the actual outcome of events:

Ellsberg prophecy No. 1: The Communist Tet offensive of Jan. 29-Feb. 29 was a prelude to "the takeover of the countryside" by the Vietcong, "inexorably sucking" South Vietnamese and U.S. forces "toward the environs of the towns and cities, away from the hamlets and outlying regions."

The actual outcome: by their desperate Tet attacks, the Communists depleted their forces in the countryside and have not adequately rebuilt them since.

Ellsberg prophecy No. 2: The Vietcong will be drafting ever more recruits, whereas South Vietnamese armed forces "will probably be considerably smaller." By April 1, Saigon's force "will be, at the most, 75–80 per cent of its actual strength in December, 1967, and quite possibly closer to 60 per cent" because of heavy desertions.

The actual outcome: Saigon forces *increased* by 122,000 the next six months, finally surpassing one million. In contrast, Vietcong recruiting in the countryside was never the same, and the Communist war effort was increasingly carried by regulars from the North.

Ellsberg prophecy No. 3: "It is the death of pacification"—Communist control of South Vietnam will steadily increase, never receding. By April 1, "U.S. sub-sector teams will be withdrawn from a number of districts, and a number of province towns will be under siege. Some will have fallen." Some 400,000 U.S. troops would be needed to prevent this.

The actual outcome: Far from U.S. teams being withdrawn or province towns falling, Communist control of the countryside steadily receded, without any increase in U.S. troops.

Ellsberg prophecy No. 4: "The best guess is that the VC (Vietcong) cadres are busy learning lessons from the initial attacks on how to do better next month." By early April, there will be another round of heavy attacks, including renewed pressure of the U.S. Marine base at Khe Sanh.

The actual outcome: The Vietcong were hopelessly decimated by the Tet offensive. Not since then have they even contemplated an offensive comparable to Tet. By April 1, the relief of Khe Sanh had begun.

Moreover, Ellsberg completely missed this point: By their brutal assault on villages, the Communists irrevocably diminished their own political base in South Vietnam. While Ellsberg's memo predicted post-Tet tensions would result in U.S. air and artillery attacks on South Vietnamese villages, U.S. sensitivity about such politically self-defeating tactics has greatly increased since then.

Flawed though Ellsberg's judgment was, however, this mentality—in high places in and out of government—helped erode U.S. support of the war and undermine a political consensus at home. Now, in the confusion wrought by publication of the Pentagon Papers, the mistaken Dr. Ellsberg is apotheosized while those who correctly interpreted Tet as a calamitous Communist setback are in disgrace.

THE WAR IN EAST PAKISTAN

Mr. TUNNEY. Mr. President, we are at war in East Pakistan. We have not declared war, and we have no troops in Pakistan, but we are, nonetheless, in the eyes of the East Pakistanis and Indians, at war. It is our own grainships that are carrying Pakistani troops to the East. It is our planes that are searching out the ragged, desperate, ill-armed Bengladesh, and then, finally, it is our guns, rifles, and ammunition that cut them down—wholesale and indiscriminately. Without our help, the Pakistanis would be severely hampered in their warmaking powers and because that is so, because we are effectively allying ourselves with one belligerent in a civil war, we ourselves are belligerents and our actions become all the more despicable.

There is only one position for the United States in this situation and that is as an advocate of peace. A relentless advocate for sick and hungry people. In order to place this country in a position to pursue this policy, I have cosponsored the Saxbe-Church amendment to the Foreign Assistance Act. This amendment would terminate all military and economic assistance to Pakistan, until such time as effective internationally supervised relief measures are instituted in East Pakistan. This, Mr. President, is intervention for peace and not war. It is intervention for life and not death, and it is intervention with food and medicines, not guns and planes. I do not see how it is possible to act for peace in the area while we are still actively engaged in providing the wherewithal for war. I believe that cutting off aid to force relief measures would be the most justified, indeed the required, use of our ability to pressure the Pakistan government.

But there is yet another dimension to the problem.

On Monday, July 5, an editorial appeared in the Washington Post concerning our trade record with Pakistan. The editorial was entitled "U.S. Arms for Pakistan: A Shameful Record." The editorial retraces how what we all were told over a period of days by the State Department. The editorial also describes the consequent shifts in the State Department line. It is by now, to many of us, an old story.

The other day the President's special assistant, Dr. Henry Kissinger, met a not so cordial welcome at the New Delhi Airport. The reasons are as good as they are obvious. India and Pakistan are treading the thinnest of wires between war and peace and at the same time we are continuing to supply arms to the Pakistanis. Our relationship with India is rapidly deteriorating, while at the same time we are providing the wherewithal for the slaughter of millions of East Pakistanis. Who is gaining by this? Certainly not war-ravaged West Pakistan. Was no lesson learned from the Biafran tragedy? Will we sit by, not idly, but as undeclared belligerents, aiding in the misery and death of millions of East Pakistanis?

In Pakistan after consistently being told that no arms were being shipped, we find more and more appearing. What right have we to equip the West Pakistanis to fight the Bengladesh? What right have we to intervene in a civil war for any reason other than humanitarian relief and rescue? If the State Department can answer these questions, I am sure we would all be very interested. But even if the State Department could provide answers, why should we expect that the American people would listen? Why should we think we are hearing the truth? The raw facts are, Mr. President, that either the State Department has no control over the foreign activities of this Nation, or else they choose to exercise that control with one hand while dishing out public information with the other.

We have, due to the inexcusable bungling of the State Department, backed ourselves into a corner in our relationship with India. At the same time that Mrs. Gandhi is resisting the urging of some of her countrymen to go to war, we are supplying the weapons to Pakistan that exacerbate the situation. I simply do not understand, Mr. President, whose interests we are serving by our actions in that area. We enable Pakistan to continue waging war, which in turn causes India to move closer and closer to a state of war, and all the while millions of East Pakistans are dying or being made refugees. It is not a role that we should be proud of.

Mr. President, I ask unanimous consent that the Post editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

U.S. ARMS FOR PAKISTAN: A SHAMEFUL RECORD

The Pakistani army under order to crush the autonomy movement in East Pakistan on March 25. Soon after, as word of the army's appalling and indiscriminate slaughter began to seep out, the question was asked in Washington whether arms sold or given by the United States were being used and, further, whether the supply of these arms was continuing. Here is the record of the answers given in Washington.

April 2: The State Department said it could neither confirm nor deny reports from the scene that American equipment was being used.

On April 20, the fact no longer deniable, the Department informed Senator Kennedy that it had "expressed our concern over the use of American arms in East Pakistan"; it added that "arms acquired from a number of countries, including China, the U.S.S.R. and the U.K., also have been used."

Three days later: The Department specifically acknowledged to Senator Fulbright that "some M-24 tanks and F-86 aircraft have been observed in use in East Pakistan in recent weeks." It did not acknowledge that these tanks and planes had been employed against ragged desperate men armed with little more than rifles, if that.

April 6: Mr. Fulbright had asked Secretary of State Rogers for information on the "status of any current shipments" of military equipment to Pakistan. The following week a department spokesman, speaking to reporters, denied that the United States has "a large on-going military assistance program with Pakistan" and declared, "There is no—repeat—no equipment in the pipeline and none has been delivered" under a one-shot October, 1970, arms deal. Referring to a "modest" sales program dating from 1967 for "nonlethal military equipment, spare parts for equipment already in Pakistani hands and some ammunition," he said: "Insofar as shipments under these agreements are concerned, we have this matter under review."

April 14: An unattributed report appeared in The Washington Post saying that arms shipments were continuing but with minimum publicity. The next day, however, a department spokesman concluded a review of the subject this way: "In short, no arms have been provided to the Government of Pakistan since the beginning of this crisis, and the question of deliveries will be kept under review in light of developments."

April 20: The department told Senator Kennedy: ". . . none of these items [on the 1967 'non-lethal' list, including ammunition] has been provided to the Pakistan Government or its agents since the outbreak of fighting in East Pakistan March 25–26, and nothing is presently scheduled for such delivery."

May 6: Senator Fulbright was told: "In short, no arms have been provided since the beginning of the crisis and the question of deliveries is under review."

May 8: The Sonderbans, a Pakistani ship carrying arms to Pakistan, sailed from New York, without public announcement or public knowledge.

June 17: The State Department told reporters, as reported in this newspaper the next day, that "no deliveries of military equipment has been made to Pakistan since March 25, when the fighting began."

June 22: The department, responding to a story in the New York Times, acknowledged that two shiploads of arms were going to Pakistan and explained that they had been licensed before March 25. The same day the second ship, the Padma, sailed.

Six days later: The administration said it would allow further shipments of military material if licensed before March 25. The first reason cited was to apply "leverage" to induce the Pakistan Government (1) to bring about a political accommodation in East Pakistan (it has yet to do so) and (2) to take back the six million refugees who had fled to India (the flight continues, according to report, at a 40,000-a-day rate). The second reason cited by the administration—which had earlier downgraded use of American arms in the carnage by saying Soviet, Chinese and British arms also were used—was to discourage Pakistan from shifting to other arms suppliers.

June 29: It was revealed that four or five more arms ships were scheduled. The Kaptai sailed July 2.

This is, we submit, an astonishing and shameful record, with two meanings. The first is that, for the shabbiest of political reasons, the United States is supplying military equipment to a brutal regime that has killed an estimated 200,000 of its citizens and driven some six million others out of their country. The second meaning must be read in the context of the current controversy over the Pentagon Papers, which turns on the public right to know and the government's right to conceal. Here we have a classic example of how the System really works; hidden from public scrutiny, administration officials have been supplying arms to Pakistan while plainly and persistently telling the public that such supplies were cut off. We assume that this deception is due to a combination of organizational confusion and bureaucratic dissimulation and not to deliberate deceit. The fact is: arms ships still sail. It is up to the President to stop them—assuming the government is serious about its proclaimed policy.

INTERNATIONAL TRADE SHOWDOWN

Mr. FANNIN. Mr. President, the Wall Street Journal recently published a lengthy article entitled "Trade Showdown, U.S. Readies for War on International Rules for Exports, Imports."

I have great respect for the Wall Street Journal; it is one of the world's great newspapers. As might be expected in the work of competent journalists, the Journal attempted to give a sampling of sentiment on both sides of the issue.

It is my desire to have the article placed in the RECORD, but first I would like to make some comments.

First, I note that the article cites figures supplied by the U.S. Government which portray a U.S. trade surplus for last year. It says:

> Officials still expect an export surplus for the full year, but they fear it will be slimmer than last year's $2.7 billion and so will do less to offset the big dollar outflow for military, investment and other purposes.

Mr. President, the $2.7 billion figure is the one compiled by the Department of Commerce, but it is a misleading figure because it includes foreign purchases made with American aid and it computes imports on an f.o.b. basis rather than the realistic c.i.f. basis. In reality, we had a $3.2 billion trade deficit last year.

The Senator from Louisiana (Mr. LONG), myself, and other Senators have been trying to get our Government to compile statistics in a meaningful way, but so far we have not been successful. Until we get reliable statistics we can not really comprehend the depth of the problem, and we cannot intelligently formulate answers.

The article also contains a very intriguing quotation from a British trade official who says we in the United States should not worry about our declining fortunes in world trade. This British official advises us to "have faith that one's scientists and engineers will come up with something else."

Mr. President, no one has much more faith than I in the ability and ingenuity of American scientists and engineers. But to base our foreign trade policy and to gamble our future on the premise that "one's scientists and engineers will come up with something" would be ridiculous.

Too many Americans already have their head in the sand hoping that we will "come up with something" to save us from economic disaster in the international trade field.

As Mr. Peter Peterson says, technology provides a fleeting advantage in today's world of rapid communications and transportation. This point is put across even more painfully in a joke—more truth than fiction—that has made the rounds in international trade circles. According to this joke, the Americans announce discovery of a wonderful new product one month, the Soviets follow this up in the next month with a claim that they discovered it first, and before another month is out the Japanese are mass-producing the item for sale in the American market.

Mr. President, in the Journal article we are given the view that the General Agreement on Tariffs and Trade—GATT—operates through "moral suasion" and the negotiations work through a "foot-shuffling and throat-clearing process."

I submit that we need something better than foot-shuffling and throat-clearing to solve our foreign trade problems. These are complex issues that call for efficient devices for resolution. If GATT does not provide the machinery necessary for the jet age, then let us set up a system that will do the job.

The article, in its discussion of the basic GATT principle, the most favored nation—MFN—principle, goes into some very interesting testimony from N. R. Danelian, president of the International Economic Policy Association:

> The U.S. generally honors this principle (MFN), it's widely agreed, but GATT permits so many exceptions for others that Mr. Danelian contends the U.S. has fallen into a "least-favored-nation position."

Mr. President, the United States is indeed in a "least-favored-nation" position in world trade.

A classic example of the failure of our trading partners to live up to the MFN principle, and the failure of GATT to remedy the situation, involves the European Economic Community discrimination against American citrus. The EEC violated the MFN principle by granting tariff reductions on citrus of 40 to 80 percent to four Mediterranean nations while still requiring full tariff on American oranges and grapefruit. Last year we fought unsuccessfully to have this discriminatory practice stopped. Earlier this year this body passed a resolution calling for an end to the EEC tariff discrimination on citrus.

So far the matter still has not been satisfactorily resolved. The Arizona-California citrus industry has lost millions of dollars worth of sales, because of the EEC discrimination.

Finally, Mr. President, I would like to point out that the article also includes the meaningless argument put forth by the EEC that its "average" tariff rates on industrial goods is lower than the U.S. average:

> The Common Market stresses that by January its rates on industrial goods will average 6.9% of their values, compared with the U.S. average of 10.9%.

Average tariff rates are useless gages of the amount of protectionism being exercised by any nation. The so-called averages are based on a series of assumptions and weighted values. It is easy to twist this kind of statistic into whatever shape you may want.

The Director General of GATT is quoted as saying that tariffs are no longer of much importance in trade, and I would have to agree with him.

Whatever the average tariff is in the EEC, or Japan, it still is virtually impossible to ship many important American-made items into those nations.

Japan has kept American television sets out of the Japanese market by nontariff barriers, redtape, and foot dragging. Likewise, American cars have been effectively excluded from Japan for so long that Japanese companies now have their home market sewed up tight.

The EEC may have some trumped up statistic to show it has a lower-average tariff, but this does not help American companies which are trying to market power transformers either in Europe or at home.

Most foreign manufacturers of power transformers have their home markets guaranteed. In most cases the foreign manufacturers are selling to their own government or government-controlled entity which purchases exclusively from domestic manufacturers. American firms are not allowed to enter the picture. Thus, the foreign manufacturer of large power transformers can get a good price from his own government and does not have to worry about outside competition.

These foreign manufacturers do not stop at their own borders, however. Since they enjoy a high home market price level, they can cut the price of large transformers which they ship to America. This is known as dumping, and it is supposed to be illegal. But foreign manufacturers have found that they can do it and get away with it except in rare cases. That is why I have sponsored legislation to improve enforcement of antidumping actions by the U.S. Government.

Mr. President, the Wall Street Journal article helps to focus attention on the growing seriousness of the international trade situation. My observations on the article are not criticisms, but expansions of the points under discussion.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRADE SHOWDOWN: UNITED STATES READIES FOR WAR ON INTERNATIONAL RULES FOR EXPORTS, IMPORTS

(By Richard F. Janssen)

The U.S. government is getting ready for a new cold war—against the rest of the free world.

The field is the presumably peaceful one of international trade. The object: updating the rules to give the U.S. an even break in the $300 billion-plus game of world trade.

Spurring Washington to act is a vision that Europeans deride as "the American nightmare": a dark picture of a world in which other nations combine the newest technology with lower wages to rout U.S. goods from both home and foreign markets. Some in Washington see this situation being hastened by the fact that present trade pacts are enforced slowly, unfairly or not at all. Says one U.S. strategist: "How do they expect us to survive—as a nation of coupon-clippers and welfare recipients?"

U.S. officials and lawmakers complain that the present system doesn't stop Europe from offsetting the greater efficiency of American farmers through steep tariffs against U.S. foodstuffs and generous subsidies for its own farm exports. They charge, too, that existing rules let other countries encourage exports with special tax rebates, permit growing regional groups to do business duty-free among themselves and allow Japan to keep quota limits against numerous U.S. items while flooding the U.S. with autos, radios and synthetic textiles.

THE RESPONSE

In response, the U.S. is taking an increasingly tough stand in international economic organizations, is launching probes of foreign trade practices and is acting more vigorous against allegedly unfair imports ranging from French molasses to Japanese glass. Some officials hint, moreover, that the U.S. ought to cut its military commitments abroad unless there's less discrimination against U.S. wares.

The risks of the undertaking are high. The new American posture threatens to shatter the tenuous constraints against anything-goes competitive practices and protectionism abroad, and American planners concede that their trade aims could strain diplomatic and military relationships.

But they feel there's urgent need to plow ahead anyway. President Nixon was said to have been "bowled over" by the dismal trade projections of Peter G. Peterson, the head of his new Council on International Economic Policy. Mr. Nixon is devoting much time to the situation, aides report, in part because of the world political ramifications. The potential trade conflicts are greatest with Japan and West Germany, the industrial powers that he is said to deem "the key to peace in the world" now.

The first phase of the effort to revise the rules appears to be going smoothly. After Secretary of State William P. Rogers cautioned in Paris this month that "many in the U.S. aren't convinced" that the international trade rules are being applied fairly, the 23-nation Organization for Economic Cooperation and Development agreed to start sorting out the issues.

BRITISHER'S ADVICE: HAVE FAITH

But this may be the easiest phase. Serious negotiations may follow in two years or so, and this country's trading partners are determined to defend the status quo. "We understand the U.S. concern, but I'm not so sure we find it justified," says a British trade official in London. While admitting that imports are making sharp inroads in such key U.S. industries as autos, steel and consumer electronics products, he advises the administration "to have faith that one's scientists and engineers will come up with something else."

But administration men fear that any product innovations will swiftly be picked up for cheaper manufacture abroad, mainly through the foreign subsidiaries of U.S. businesses. "Technology gets transferred in a great hurry now," frets Mr. Peterson.

The apprehension is underscored by statistics showing that the U.S. imported $215 million more goods in April than it exported. Officials still expect an export surplus for the full year, but they fear it will be slimmer than last year's $2.7 billion and so will do less to offset the big dollar outflow for military, investment and other purposes.

Nor will technological progress do much good in the longer run, U.S. officials fear, if other countries continue to frustrate American export attempts by what these officials call unfair manipulation of the fair-competition rules of the General Agreement on Tariffs and Trade, the 90-nation authority based in Geneva. "The rules will have to be changed" or at least enforced more evenhandedly, Treasury Secretary John B. Connally declares. Another official adds bluntly, "We've lost confidence in GATT. The Europeans have GATT going their way, and why the hell should they give it up?"

A MUTUAL MISTRUST

The mistrust is mutual. At GATT headquarters, a pale-green hilltop villa with a breathtaking view of Lake Geneva, an aide describes the Nixon administration attitude as "fantastically dangerous" for the future of a liberal trade order. He denies that the rules or their applications are at fault, and he says the Nixon administration simply doesn't understand GATT.

"I know the U.S. feels cheated" because GATT hasn't swiftly arrested, say, the surge of Japanese textile exports to the U.S., he says. "But GATT isn't a court with police to enforce laws," he says. Rather, it's "a forum for negotiations on the basis of agreed rules and procedures" set up in 1948.

GATT works mainly through "moral suasion," officials say. The most it can do if this fails, they add, is to sanction retaliation by an aggrieved member against an offending one, such as restoration of higher tariffs on some products. To insist directly that a nation stop a disputed trade practice, an official warns, "can unravel everything" by setting off a chain reaction of rule violations or drop-outs from GATT membership.

To use GATT successfully, a staffer chides, "a country must have a foreign-trade policy—and the U.S. has none." If the Nixon administration had had a clear concept of how to dovetail the U.S.-Japanese textile dispute with such other policy problems as steel imports and the return of Okinawa to Japan, the official suggests, "we could have helped" by providing a secluded setting and technical support for serious negotiations. But as in other trade issues, GATT analysts complain, the administration couldn't get agreement among such agencies as the Commerce, State and Defense departments and the Tariff Commission to do this.

The administration recognizes this internal disarray. President Nixon's formation early this year of the council headed by Mr. Peterson was intended to unify policy-making. And at least some trade experts in Washington agencies agree that GATT can't be expected to make crisp, legally enforced rulings. "It's more of a foot-shuffling and throat-clearing process," one says.

Nor is GATT totally "loaded against us," some officials concede. It provided the forum for the widely acclaimed lowering of tariffs that President Kennedy initiated, and it routinely extends a rule waiver permitting the U.S. to impose import quotas on cheese, cattle and other agricultural products. Rather than change GATT's basic rules, "we should seek to improve its operations," testifies Nathaniel Samuels, deputy Under Secretary of State for Economic Affairs.

Still, the U.S. dissatisfaction runs deep, not only in the administration but also on Capitol Hill and in the business community. The GATT rules "should be redrawn" because they date from the early post-World War II time when "the U.S. held a virtual monopoly over production and trade," asserts a report by the staff of the Senate Finance Committee. The GATT principles of fair play "are being violated right and left," charges N. R. Danielian, president of the International Economic Policy Association, which represents big U.S. companies.

As U.S. officials start exploring possible reforms, here are some complaints they'll likely make—along with objections they're apt to encounter from other governments:

Tariffs: The most basic GATT principle is that each member should apply to the products of all other members a duty no higher than it applies against the same goods from the "most favored nation." The same rule requires that any other "favor" granted the goods of one nation must also "immediately and unconditionally" be granted to like products from all others."

The U.S. generally honors this principle, it's widely agreed, but GATT permits so many exceptions for others that Mr. Danielian contends the U.S. has fallen into a "least-favored-nation position." The six European Common Market nations are allowed to levy duties against U.S. goods while collecting none from each other, for instance, and they have a growing network of more favorable rates for Mediterranean and African countries.

Europe yawns at the American alarm. The poorer, developing countries that make up two-thirds of GATT membership "need special measures to help them expand their exports," asserts Olivier Long, GATT's director-general, and others argue that GATT negotiations have brought tariff rates down so much since World War II that they no longer mean much anyway. The Common Market stresses that by January its rates on industrial goods will average 6.9% of their values, compared with the U.S. average of 10.9%.

Taxes: GATT permits "indirect" or sales-type taxes to be rebated to exporters and to be levied against imports, but it doesn't allow this to be done with such "direct" taxes as the corporate income tax. In the U.S. view, this gives a wide pricing edge to countries that rely on sales taxes, such as the European "value added tax" levied at various stages of handling goods.

The distinction is based on an "extreme and arbitrary" economic theory, the Senate staff report charges, and it notes that European countries have sharply raised their sales-type "border taxes" over the decades. But European authorities argue that their income tax rates have gotten roughly as high as American rates, and they suggest that if the U.S. really believes that having a stiff national sales tax is such a good thing it ought to enact one. (The administration is studying the possibility of a "value added tax" for the U.S., but apparently not with any great urgency.)

Nontariff barriers: This is the broadest and thorniest area of trade disputes. GATT has compiled—by asking each member to tell the nasty tricks others are pulling—a catalog of 800 such obstacles to free trade. They are often "complex and deep-rooted," says Robert McLellan, Assistant Commerce Secretary for Domestic and International Business, and are of "considerable concern" to the administration because they're often directed especially against U.S. products.

These restrictions are often subtle. Foreign governments may offer lower rates for their export goods than for other freight on state-owned railways, or they may encourage their exports industries to get together without fear of antitrust actions. There is a "general reluctance" among other nations to give up such practices, Commerce Secretary Maurice Stans says.

The U.S. has formally complained to GATT that Western European nations are developing uniform standards for electronic and electrical products. Washington suspects the aim is to exclude a wide variety of U.S. goods. A European trade official blandly denies that this is "necessarily" the motive. Instead, he argues that on such a highly technical matter "it is simply easier to get agreement among a few countries than among many."

TRIBUTE TO LOUIS ARMSTRONG

Mr. KENNEDY. Mr. President, I rise to pay tribute to Louis Armstrong. While his life served as a source of enjoyment for musiclovers everywhere, the true meaning of his work was borne in the joy and the inspiration he gave to all who strived to become expert jazz musicians. Louis Armstrong produced a spark for thousands of young musicians that has enriched the world's volume of musical treasures.

His contribution to the world's culture is as great as any made by a single individual throughout our history. Louis Armstrong will be long remembered for his creative innovations, and his outstanding ability to compose jazz renditions that firmly establish this art form—jazz—as the only native American music style.

With his music, Americans were brought closer to peoples of other lands as Louis Armstrong traveled around the world—an ambassador of music. Because his music will live on, Louis Armstrong will never be forgotten. I believe that is the most fitting tribute to this outstanding American.

LITTLE LEAGUE BASEBALL

Mr. BENNETT. Mr. President, the Little League baseball program is one of the finest things that has ever happened to the young boys of this country. At a time when so many of our young people are wasting their youthful energies through idleness and others are turning to violence, drugs, and crime, the Little League program provides an opportunity for over 500,000 boys to participate in a wholesome constructive activity.

Congress has realized that the Nation must have such programs for our youth, and in July of 1964, Little League Baseball, Inc., was chartered by an act of Congress. The objectives of the Little League program were spelled out in that congressional charter and read as follows:

> To promote, develop, supervise, and voluntarily assist in all lawful ways the interest of boys who will participate in Little League Baseball.
>
> To help and voluntarily assist boys in developing qualities of citizenship, sportsmanship, and manhood.
>
> Using the disciplines of the native American game of baseball to teach spirit and competitive will to win, physical fitness through individual sacrifice, the values of team play and wholesome well-being through healthful and social association with youngsters under proper leadership . . .

The objectives spelled out in the congressional charter express the spirit and vision of the Little League program. They give the people who work with the "Little Leaguers" a tremendous challenge and responsibility. It is because of these men who unselfishly give of their time and talents that the Little League program so successfully reaches its objectives each year. I feel that America owes a great debt to those people who do so much for her youth.

Morris A. Shirts, dean of the School of Education at Southern Utah State College, is such a person. For years he has given unselfishly of himself to further Little League Baseball. He has the spirit and vision of the program. Because of his interest in the program and his desire to see it continue to grow and improve, he has written a book especially for "Little Leaguers" entitled "Warm Up For Little League Baseball." This book, recently published by the Sterling Publishing Co., is written in basic English that boys from 8 years on up can read and understand. It explains in step by step fashion all of the fundamentals of baseball. Incorporated in this explanation are statements concerning the importance of safety, consistent practice, discipline, competitiveness, physical fitness, teamwork, and sportsmanship. By reading "Warm Up For Little League Baseball" a boy will not only gain a working knowledge of the fundamentals of baseball but should also catch the spirit of the Little League program. I commend Dean Shirts for the excellent job he has done on this book and express my full support and recommendation of it.

VETERANS BENEFITS: IMPROVEMENTS ARE REQUIRED, NOT CUTBACKS

Mr. TUNNEY. Mr. President, those who have served in the Armed Forces of our country and, particularly those who have undertaken such service in time of war, have earned the right to a full measure of gratitude from their fellow citizens. One expression of that gratitude is the national holiday we set aside in the fall of each year to pay homage to all veterans. But that gratitude is even more strongly and far more effectively shown through the oustanding system of benefits which we have provided for our veterans.

Altogether, the bill for veterans benefits now comes to some $10 billion per year. This amount covers the cost of compensation payments for those who have suffered disabilities in the course of their military service; it covers the cost of medical treatment for those same disabilities and also for other disabilities of veterans not arising from service-connected causes. It covers pensions for aged and disabled veterans. It covers vocational rehabilitation and education assistance for veterans recently returned from service. It covers benefits for the surviving widows and children of deceased veterans. And it covers a variety of other programs designed to meet the particular needs of our veterans and their dependents.

It is, in my view, absolutely essential that we continue and intensify our efforts to improve these veterans benefit programs. America did not always do a very good job of providing for those who had served it. In the early years of our history, veterans benefits were too often provided on an erratic and haphazard basis. In this century, however, and in particular in the past few decades, we have developed a comprehensive system of veterans benefit programs of which we can justly be proud. These programs have helped meet the needs of millions of veterans and have enabled our Nation to discharge the debt of gratitude it owes to those who have faithfully served it. As a matter both of national honor and of national self-interest, we must see that these benefit programs which have been carefully developed over many years are maintained and improved.

First of all, I am concerned that the Veterans' Administration medical care system not be allowed to deteriorate. That system is now one of the largest and finest health care organizations in the world. It consists of 166 hospitals, over 200 outpatient clinics, and a number of other facilities. On an average day, more than 80,000 veterans are being treated as inpatients in VA hospitals. In March of this year, more than three-quarters of a million outpatient visits were made to VA medical facilities. Thus, it is quite clear that the Veterans' Administration is a major and irreplaceable source of medical care for America's veteran population. In addition, the VA medical system serves as a training ground for a very substantial proportion of this country's doctors, nurses, and other health care personnel.

The need for an expanded and improved VA medical care system is clear. The rapid growth of our veteran population speaks for itself as does the critical need for the training of additional medical care personnel to meet the health needs of our country. There are also other, less obvious factors which must be considered. For example, a law enacted last year permits all veterans aged 65 or over to make use of VA hospital facilities for non-service-connected disabilities. This is highly significant since there are over a million World War II veterans who are now within 5 years of reaching age 65 and about 3 million who are within 10 years of that age.

I am, therefore, appalled at the mounting evidence that the Veterans' Administration medical care system is not only failing to expand to meet the growing needs it will face in the near future but is actually suffering from a shortage of sufficient funds to maintain current levels of operation.

Looking through a recent survey of VA hospital administrators, I find that time after time they complain of inadequate funding to meet the demands placed upon them. For example, the administrator of the Wadsworth VA hospital in Los Angeles says:

> We have not been allotted sufficient funds to meet the increasing costs of supplies, drugs, equipment and medications and increased usage of these items. Each day, this problem becomes more and more acute. We do not have sufficient funds to employ janitorial personnel needed to keep the hospital clean . . .

In the same vein, the San Francisco Veterans' Administration hospital reports:

> Our single most pressing need is adequate recurring funding to meet the demands placed on this hospital. It is difficult to see how a hospital as active as this one can sustain such a large deficit without a severe impact upon all aspects of our hospital operations.

These complaints of inadequate fiscal support of our VA hospitals are confirmed by the 1972 Federal budget which indicates that the funding provided for

1971 and the funding which has been requested for 1972 will require that, over this 2-year period, the average number of patients being treated as inpatients on any given day be cut by a total of 6,500. In view of the health care crisis the Nation faces, in view of the growing veteran population, and in view of the increased demands for medical services for veterans, this failure to fund adequately the VA medical care system can only be looked upon as the most shortsighted type of false economy.

It is, therefore, my intention to fully support legislation which will restore adequate funding for the VA hospital system and which will permit the improvement and expansion of that system. More, not fewer, VA hospitals are needed, and this is particularly true in my State which has a veteran population of approximately 3 million. The first step must be the immediate construction of a new VA hospital adjacent to Loma Linda Medical School in California.

Second, I support increased compensation payments for veterans with service-connected disabilities. Of all the various types of veterans benefits, disability compensation is the one which most clearly is based on a moral obligation of the Nation. These payments are designed to offset the loss of their earnings power suffered by those who have been disabled in the course of their service in this country's Armed Forces. It is true, of course, that these benefits were last increased less than a year ago, but the continuing effects of inflation in our economy have already taken their toll. I, therefore, feel that these disability compensation rates should be looked at again and should be appropriately increased.

Third, I support efforts to improve the pension system for our aged veterans and for the widows and children of veterans who have died from causes not related to their service. In a certain sense, these benefits typify the best aspects of America's feelings for its veterans. Unlike service-connected disability payments which have an aura of obligatory compensation for an injury suffered, pension benefits are more in the nature of a freely offered expression of national gratitude to those who generously came to the aid to their country in its hour of need. Unfortunately, however, pension payments are too often grossly inadequate. Under current law, for example, an unmarried veteran over age 65 and with no other income gets a pension of only $121 per month. This is well below the official poverty line for an aged individual and is clearly inadequate. In addition, our present pension law requires that pensions be reduced whenever the veteran's other incomes goes up. For those who get an increase in social security benefits, this can mean that part of what the Federal Government gives with one hand it takes away with the other. I believe that our veterans pension programs must be restructured to assure aged veterans and widows of veterans an adequate income and to eliminate once and for all the possibility of social security increases causing reductions in veterans pensions.

In general, I think it is clear that this is a time in our history when veterans benefit programs should be strengthened and improved. The number of veterans is increasing rapidly. The needs of veterans have never been greater as is evidenced by the shockingly high veteran unemployment rates and the indications that substantial numbers of veterans are returning from Vietnam with serious drug problems. I, therefore, find it hard to understand how a reduction of effort on behalf of our veterans can be contemplated. And yet, such appears to be the case as is shown by the evidence I mentioned earlier in connection with the medical program and by other indications such as the publicly announced decision to eliminate the highly successful direct loan program. I intend to do everything I can to prevent such cuts in our veterans programs from being carried out, and I will strongly support legislation which will not just maintain but will improve and expand those programs.

When the 1972 budget was prepared, the administration proposed a $2.5 million cutback in the community service programs authorized by the Older American's Act. The protests that followed caused them to reconsider and, as a result the budget request was increased $7.5 million over the amount appropriated for fiscal 1971. The budgets for some programs really were increased to their 1971 levels only, when, in fact, they have been expanded.

For example, the foster grandparent program administered by the Administration of Aging successfully employs more than 4,200 volunteers to work 2 hours each day, 5 days a week in caring for children in institutions. California has three programs where over 160 people serve. Participants talk, listen, read and play with the children. Older people participating in the program experience a new vitality by being able to look forward to meaningful work each day. As one of the people said, "I feel alive once again because I am loved by someone who needs me." The budget, however, proposed to cutback this program for fiscal 1971 by reducing the appropriation from $10.5 million to a mere $7.5 million. The proposed reduction received harsh criticism and the budget request was revised to the $10.5 million level appropriated for fiscal 1971. This, of course, would simply maintain status quo and should be viewed in light of the $25 million Congress has authorized for this program. Concern for our aged and our children is part of our National heritage. Programs such as this should not be contracted; they should not stand still; they should be expanded.

Sixth. The knowledge we have of the aged and the aging process along with ongoing studies need to be centered in one place where they can be coordinated and where they will have a spokesman in the executive branch to plead their cause to the Congress. Thus, I have cosponsored a bill, S. 877, which Senator Eagleton introduced. This bill would establish a National Institute of Gerontology within the U.S. Public Health Service. This Institute would be the Nation's focal point for biomedical, social and behavioral research on aging and on special health problems of aging. Thus far we know little about the phenomenon of aging but an understanding of the basic causes of biological aging could conceivably be a step toward retarding or arresting the aging process.

Mr. President, I have outlined an ambitious program for aiding older Americans. Yet, ambitious as I believe it is, it is only a start. Adoption of all I have proposed would point us in the right direction only; it would not cure all of the problems older people face. When all of this is done, there will still be more to be done. Therefore, I ask that this Congress meet its responsibilities to older Americans. Let the 1970's be remembered for enacting the landmark legislation that the experience of the 1960's showed necessary.

THE PRESIDENT'S VIETNAM POLICY

Mr. FANNIN. Mr. President, it is evident that President Nixon has made great strides in working toward an end to the Vietnam war his administration inherited.

Efforts to force the President to capitulate to North Vietnamese demands have been ill conceived. It would be a sad mistake for any new efforts to be made at this time when we have new evidence of progress by the administration.

We are progressing now on all fronts. Our troops are withdrawing from Vietnam at a rapid rate, and combat details are about half what they were last year. Vietnamese troops are progressing in learning to take over their own defense. And in Paris, the North Vietnamese at long last have at least made a start in the right direction to bring about some acceptable settlement.

It is my belief that the great majority of Americans approve of the President's policy.

I ask unanimous consent to have printed in the Record a lucid editorial published in the Flagstaff, Ariz., Daily Sun of June 25, 1971. It contains some sensible arguments in support of the President, and I believe that it embodies the sentiment of the silent majority.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Exercise in Folly

The United States Senate seems determined to try and tie the hands of President Nixon in his efforts to end American involvement in the Vietnam War.

The Senate, in approving a two-year extension of the Selective Service Act, added a "national policy" declaration calling for total U.S. withdrawal from Indochina within nine months, subject to release of all American prisoners.

For the past several weeks, the Senate has been seeking to approve establishment of a firm withdrawal date.

Senator George S. McGovern, South Dakota Democrat and an announced candidate for the Democratic presidential nomination, sought to have the cutoff date set for Dec. 31 of this year.

Three other measures involving definite dates for withdrawal have been proposed and defeated in the Senate.

On the other side of Congress, the House of Representatives has on five occasions in recent weeks rejected the fixing of a specific date for withdrawal.

McGovern has insisted he will keep offering amendments seeking a firm withdrawal date. This is indeed an exercise in folly.

Opponents of the cutoff date object to giving Hanoi a definite date for withdrawal while they retain American war prisoners and refuse to bargain for peace in good faith.

President Nixon has steadily reduced the number of Americans involved in Vietnam. He is keeping his promise to end American involvement in Southeast Asia.

He has offered the North Vietnamese an honorable peace plan, including an immediate ceasefire. But the North Vietnamese have rejected such a plan.

It could well be that those advocating the definite withdrawal date, most of whom are Democratic presidential hopefuls, are seeking to make some political hay from such a move.

If they let President Nixon end American involvement in his own way, they realize it will be politically advantageous for the incumbent in the 1972 elections.

Mr. Nixon isn't playing politics with the war, however. He has obviously been working on a well-planned program for ending American involvement. A main factor was to leave South Vietnam so that country could defend itself.

Carrying out this project couldn't be done overnight. But with each passing day, the war is becoming more a South Vietnamese war than an American war.

The President is meeting his timetable. There is no reason for him to expose his entire plan to the enemy. To do so would be foolhardy.

THE VIETNAM ELECTIONS

Mr. STEVENSON. Mr. President, the President's National Security Adviser, Mr. Henry Kissinger, recently completed a 2-day visit to South Vietnam.

I am heartened to learn that a sizable portion of that visit was devoted to meetings between Mr. Kissinger and a number of important South Vietnamese who do not support President Thieu's bid for reelection. It is especially significant that Mr. Kissinger met separately with the two men regarded as President Thieu's strongest opponents—Gen. Duong Van Minh and Vice President Nguyen Cao Ky.

These and other meetings with opposition leaders will help to convey to the South Vietnamese electorate that the United States does not oppose the candidacy of Ky or Minh, and is serious about implementing the stated policy of strict neutrality in the forthcoming elections.

But much more needs to be done if we are to dispel the notion that a Thieu victory is inevitable because the United States is providing him with massive campaign assistance. This morning's Washington Post reports that two other opposition leaders with whom Mr. Kissinger met, Senator Vu Van Mau and Prof. Nguyen Van Bong, "said that simple declarations that the United States would not become involved and that the election must be fair are insufficient."

Thus far, the administration has done little else. I hope that Mr. Kissinger's visit results in vigorous and concrete action to back up our stated policy of noninterference.

Mr. President, I ask unanimous consent that the article written by Peter Jay and Peter Osnos and published in the Washington Post of July 7, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAIR VIETNAM ELECTIONS NEEDED, KISSINGER TOLD

(By Peter A. Jay and Peter Osnos)

SAIGON, July 6.—Presidential adviser Henry Kissinger was told by a prominent government official here yesterday that while security in South Vietnam has markedly improved, the Thieu administration "still does not control the people."

The observation was made by Prof. Nguyen Van Bong, director of the National Institute of Administration during a half-hour meeting with Kissinger, which Bong recounted in an interview today.

Bong said he told Kissinger that the "fairness" of the presidential election was "more important to the future of Vietnam" than whether President Thieu or his main opponent, Gen. Duong Van (Big) Minh is the winner.

KISSINGER PLEDGE

"What Vietnam needs most is a leader," Bong said, "genuinely chosen by the people," in order to instill greater faith in the central government in the political struggle with the Communists.

Whatever the outcome of the election, Bong said Kissinger told him, the United States will not "desert" South Vietnam, either militarily or economically, especially after investing 50,000 lives in its defense.

Bong was one of five leading South Vietnamese that Kissinger saw yesterday, before leaving on the next leg of his around-the-world, fact-finding trip. Others were Vice President Nguyen Cao Ky, Gen. Minh, senate president Nguyen Van Huyen and Sen. Vu Van Mau.

Mau, leader of the Buddhist slate that came in first in last August's senate election, refused to discuss details of his conversation with Kissinger, but freely aired his views on the election—presumably that main topic covered during the session.

MAIN PROBLEM

He said he was very worried about the fairness of the contest in light of President Thieu's handling of campaign preparations thus far. There is a "general feeling" among the people, he said, that regardless of how they vote, Thieu will be the winner.

Expressing a view much like Bong's, he said that with improved security countrywide, the main problem now is to assure "true representation" of the people. Because they remain "indifferent to government activities."

Bong, 42, is one of the most respected political intellectuals in Vietnam. He is considered a mild critic of the administration he works for. Mau, 57, is a strong opponent of the government and a staunch Minh backer.

Kissinger's meeting with the two were clearly intended to show American interest in the views of moderate opponents of the government, particularly concerning the election. Bong said Kissinger emphasized the American commitment to a fair election.

Doubtless Kissinger made the same point in a 2-hour meeting Sunday with Thieu.

VIETCONG THREAT

Neither Bong nor Mau believes that North Vietnamese military action is as great a threat in the coming months of U.S. withdrawal as Vietcong proselytizing, political infiltration and guerrilla activity.

Calling up a basic, but often forgotten maxim of the Vietnam war, Bong said security is only the first step in pacification. "The next step," he said, "is political," bringing the people into a governmental system in which they can genuinely participate.

Discussing the role of the Americans in the elections, both Bong and Mau said that simple declarations that the U.S. would not become involved and the election must be fair are insufficient.

"The Americans must do more," said Mau, but he declined to say what. Asked if Kissinger's trip was a step in the right direction, Mau replied, "I hope so . . . it was not a pleasure trip."

"The people," said Bong, "are more interested in local politics than whether Thieu or Minh is elected. On national politics the only issues are peace and war."

He said that one way the government might increase its influence with the people would be for the armed forces to "give up its dominant role in local administration. District and province chiefs are military officers. They are frequently unpopular with the people they govern and there are countless reports of corruption.

ELECTION IN PROVINCES

Vietnam's constitution provides for elected province chiefs beginning next year, but Thieu is expected to invoke other provisions to delay the change.

Both Minh and Ky have accused Thieu of preparing to rig the election by leaning heavily on his appointed province chiefs to line up support for the president. American officials are known to be concerned that the two candidates might drop out (Ky may not get on the ballot at all) and leave Thieu in an embarrassing one-man race.

Mau, who was interviewed at his Saigon home, said Thieu was preparing for that eventuality by pressuring legislators and provincial councillors to sign blank endorsements which the president could use himself or turn over to a hand-picked opponent if the others drop out.

Although Kissinger's discussions probably focused on the presidential race, Bong and Mau said that for many Vietnamese the lower house elections in August had considerably more meaning.

DEATH OF ADMIRAL AND FORMER SENATOR THOMAS C. HART

Mr. BUCKLEY. Mr. President, I wish to honor the memory of a remarkable man, a man almost 50 years my senior whom it was my privilege to know as a friend.

I speak of Adm. Thomas C. Hart, who died last Sunday at the age of 94. He served and loved this country as few have served and loved her during a career which included 52 years in the U.S. Navy and two in the U.S. Senate.

As a midshipman, he saw his first duty at sea on the sailing frigate *Constellation*, and his final command was of the Asiatic Fleet, a fleet which his wisdom and foresight saved from disaster in the aftermath of Pearl Harbor. Following his retirement from the Navy in 1945, he was appointed to fill out the vacancy caused by the death of Senator Francis T. Maloney, of Connecticut.

The chronicle of his long and brilliant career is contained in the obituaries which I ask unanimous consent to have printed at the conclusion of these remarks. But however great his accomplishments, he will live on in the memory of those of us who have come to know the Admiral during the quarter of a century since his retirement, not so much for his service to the Nation as for his special qualities as a human being. He will live on in our memories because of his rectitude and principle and wit, and because of the intense interest in community and country which together had made him so superb an example of the best that America has produced.

It was typical of the man that he expressed the hope, during his final illness, that he might live until the anniversary of America's independence. It is typical of his command of events that he held on to life until a few minutes after midnight on July 4, 1971. May his soul rest in peace.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 5, 1971]

ADAM. THOMAS C. HART IS DEAD AT 94

SHARON, CONN., July 4.—Adm. Thomas C. Hart, U.S.N. retired, Commander in Chief of the Asiatic Fleet at the time of Pearl Harbor and a former United States Senator, died today in his home at the age of 94.

(By Farnsworth Fowle)

Admiral Hart, who entered the United States Naval Academy in 1893 and retired in 1945 to serve for two years as an appointed Senator from Connecticut, filling a vacancy, was one of the senior commanders in World War II.

He was sent to Shanghai in 1939 to take command of the Asiatic Fleet and in December, 1941, braced his small force for the Japanese onslaught on the Philippines, Dutch East Indies and Malaya. Called to Washington in February, 1942, he resumed a seat he had held on the Navy's General Board and was entrusted with compiling the Navy's report on the Pearl Harbor disaster that had beset less vigilant commanders at the Hawaiian base.

About two weeks before the aerial attack on Dec. 7, 1941, Admiral Hart, without consulting Washington, had ordered his PBY–2 (Catalina) long-range flying boats to maintain a discreet surveillance on Camranh Bay on the southeast coast of Vietnam.

They found a massing of Japanese vessels in that anchorage as a portent of Japanese readiness to strike south. Admiral Hart relayed this to Washington and felt no great surprise when Washington sent a "war warning" message calling for "defensive deployment" to him and to the Pacific Fleet commander at Pearl Harbor a day or two later.

ISSUED ATTACK ORDER

Before the week-long battle of the Macassar Straits, Admiral Hart issued an order to attack that said "no vessel will leave the scene of action until it is sunk or its ammunition is exhausted."

On his return, President Franklin D. Roosevelt added a second gold star to his Distinguished Service Medal. The citation praised the admiral's "sound judgment and marked resourcefulness in dealing with the difficult military and diplomatic situation" on the eve of conflict, and for handling his fleet as well as could be done in combat.

Born in Davidson, Mich., on June 12, 1877, he was finishing his second year at Flint High School when he learned that a competitive examination for a Naval Academy appointment was being arranged by his Representative. He took the exam, came out first, and then, though just 16, passed the entrance examinations by cramstudying.

As a midshipman he was coxswain of crew, at a time when he was getting his first taste of deep-sea sailing on the frigate Constellation, a sister-ship of the Constitution.

GRADUATED IN 1897

He graduated with the class of 1897, which included such future admirals as Henry E. Yarnell, Arthur J. Hepburn and William D. Leahy.

The young officer had his first taste of combat in the Spanish-American War, on the battleship Massachusetts and the ex-yacht Vixen. He ran messages from Navy to Army headquarters and occasionally accompanied Col. Theodore Roosevelt of the Rough Rider regiment when the future President came to the Vixen in search of good dinner in the officers' mess.

In World War I, Admiral Hart commanded submarine units in British and Azores waters, emerging a captain with his first Distinguished Service Medal. His work with submarine forces was credited with "making them tick" in World War II.

He commanded the battleship Mississippi for two years, but later, to the surprise of many, turned down an invitation to command the Navy's battleships, a prize post before Pearl Harbor, in favor of the challenge of the more lightly armed but speedier heavy cruisers.

Shore duties between wars included Naval War College and the course at the Army War College, where he spent a second year by Army request as an instructor in amphibious war. From 1931 to 1934 he returned to Annapolis as Superintendent. Cadets of those years remember him as strict but fair, and that he made an attempt to broaden the curriculum.

His first tour on the Navy's General Board was from 1936 to 1939, when he was sent to Shanghai with the four stars of a full admiral to command the Asiatic Fleet, of which he said: "All my ships were old enough to vote."

Reading the signs of coming conflict, he moved his headquarters to Manila. He was credited with dispositions that saved all his surface ships and more than 200,000 tons of merchant vessels in the initial Japanese attack.

In February, 1942, he was ordered home, turning over command of his fleet to the Netherlands commander of the Allied fleet. Though a year overdue for retirement, he was immediately recalled to active duty and a seat on the General Board, while Congress voted him permanent four-star rank.

One of his wartime duties was to collect depositions for the Navy's inquiry into the Pearl Harbor disaster, before memories faded. For this, he traveled extensively through the combat theaters and also spoke and wrote at home to publicize the Navy's war effort.

Admiral Hart had made the King house a historic mansion in Sharon, Conn., his family home since 1924. In February, 1945, he accepted appointment by Gov. Raymond E. Baldwin, a Republican, as Senator to fill the vacancy caused by the death of Francis T. Maloney. It was at that time that he stepped down from the General Board.

As a Republican Senator he maintained that he was not a Navy spokesman and subsequently declined service on the Naval Affairs Committee, although he later agreed to serve on the Military Affairs Committee after being assured that the Army would welcome his presence.

He was an opponent of the merger of the armed services into a single Department of Defense. He contended that a separate Air Force would combine with the Army to diminish the Navy's role—and he also thought that the combination of air and surface forces in a single branch, as in the Navy, was more effective militarily than their separation.

In October, 1947, he warned that Korea probably would become the 17th Soviet Republic. "A Sovietized Eastern Asia," he said, "is fully as menacing to us as would be a Sovietized Western Europe, and the probability that it may happen is decidedly greater."

He regretted in the light of later events that the United States had sought Russian entrance into the war against Japan, saying that "Japan's China army gave up, the Russian troops were not needed at all and the estimate was all wrong."

Admiral Hart is survived by his widow, the former Caroline Brownson, daughter of an admiral; a son, Roswell R. of Sharon; 3 daughters, Mrs. LaVerne Baldwin of Taconic, Conn., Mrs. Dana Bergh of Rochester, and Mrs. Francis B. Sayre Jr. of Washnigton; 13 grandchildren and a great grandchild.

[From the Washington Post, July 5, 1971]

THOMAS HART, ADMIRAL, SENATOR, DIES

(By Paul Hodge)

Adm. Thomas C. Hart, short, peppery commander of the U.S. Asiatic Fleet when the Japanese attacked Pearl Harbor, who later served two years as a senator from Connecticut, died yesterday at his farm in Sharon, Conn. He was 94.

An 1897 graduate of the Naval Academy, the four-star admiral sailed on square-rigged ships, fought in the Spanish-American War on the battleship Massachusetts and commanded submarines in European waters in World War I.

An instructor at the Naval Academy in the 1920s, he became its superintendent in 1931. He established the academy's economics department and placed increased emphasis on physical fitness—including horseback riding. An enthusiastic horseman, he brought in his own saddle horses to replace the academy's aging plugs.

Despite the country's losses at Pearl Harbor, Adm. Hart was praised by President Franklin D. Roosevelt for handling the situation "in a manner which left nothing to be desired." Stationed in Manila at the time, Adm. Hart had transferred many of the fleet's larger ships to Australia prior to Dec. 7, 1941, and evacuated the remaining warships and even merchant ships from the Philippines without loss once the war had begun.

The son of a Michigan lumberman, he took the Annapolis entrance exams at the age of 15 and became the youngest and one of the smallest members of his class. Though only 5 foot-6 and weighing only 140 pounds, he was right end in the academy's football team. He graduated 13th in his class.

Considered somewhat of a submariner throughout his career, his favorite award came from men in the World War II submarine service for "pioneering the development and preparation which made them (the submarines) tick during World War II."

Though a strong proponent of a unified Navy, Army and Air Force command as a necessity for victory against the Japanese in the Pacific, Adm. Hart in his time had been tough on aviators. When commanding the battleship Mississippi in 1926 he chewed out one reporting airman: "We've got too many goddamned aviators aboard this ship already, Why I can take you up on my quarter deck and show you oil marks where the aviators have spilled oil . . . you aviators are just not seamen!"

An example of his uncompromising orders came during the battle of Macassar Strait in the struggle for the Philippines: "Submarines and surface ships will attack the enemy and no vessel will leave the scene of action until it is sunk or all its ammunition exhausted." The week-long battle cost the Japanese almost 40 ships.

One of the investigators of the Pearl Harbor tragedy, and the country's entrance into World War II, Adm. Hart later said "all in all . . . America has gone to war well." He made few bones about the Navy's condition at the start of the war, however. "I used to say, when asked about it, that all my ships were old enough to vote."

Adm. Hart married Caroline Brownson, daughter of former Naval Academy Superintendent Rear Adm. Willard Brownson, and his Sharon, Conn., farm has been the Brown-sons' ancestral home since it was bought from a member of George Washington's staff in 1790.

In 1945, while retired and serving on the general board, the Navy's senior advisory group, he was appointed to fill the unexpired term of the late Sen. Francis T. Maloney, a Democrat, by Connecticut's Republican Gov. Raymond Baldwin. He called himself an independent but upon entering the Senate, said, "There seems to be more room on the Republican side . . . . and I will sit on that side." He declined to run for election.

Besides his wife, he is survived by a son Roswell, of Sharon, three daughters, Mrs. Francis B. Sayre, wife of the dean of Washington Cathedral, Mrs. Dana Bergh of Rochester, N.Y., and Isabella Baldwin, of Taconic, Conn.

ADEQUACY OF AIR PASSENGER SERVICE IN ALABAMA

Mr. ALLEN. Mr. President, the Alabama Legislature recently passed a resolution which petitions the Civil Aeronautics Board, consistent with its responsibility for the encouragement and development of civil aviation, to explore the adequacy of current scheduled air passenger service into and out of the major cities of Alabama.

The resolution solicits the assistance of members of the Alabama congressional delegation in effecting such an investigation. It is a pleasure for me, the junior Senator from Alabama, to join in this most deserving endeavor.

Mr. President, I am confident that when the Civil Aeronautics Board examines this problem, it will conclude that additional scheduled flights are needed to service a rapidly expanding Alabama economy and growing populations in our major cities.

Mr. President, the State of Alabama is on the move. It is rich in untapped natural resources; it has a vast and growing system of highway and river transportation; prosperous economic institutions; an enviable labor supply of hardworking, conscientious citizens; it is blessed with imaginative, aggressive, future oriented leaders in economic, civic, and political affairs.

Mr. President, the future of Alabama is rich in promise. Air transportation must keep pace with the tempo of economic growth. I commend the Alabama Legislature for its initiative in calling upon the Civil Aeronautics Board to examine the question of adequacy of airline services currently available to the citizens of our great State.

Mr. President, I ask unanimous consent that Alabama State Senate Joint Resolution 28, authored by my esteemed friend Senator Doug Cook, of Jefferson County, and adopted by the Legislature of Alabama on June 15, 1971, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE OF ALABAMA RESOLUTION 28

RESOLUTION TO PETITION FOR AN INVESTIGATION OF AIR TRAVEL IN ALABAMA

Whereas there exists in the judgment of the Alabama Legislature on behalf of the air traveling citizens of this State, an inadequate air transportation service in and out of the major cities of Alabama, and;

Whereas, most existing schedules to major cities without the State require the traveling public to endure inconvenient and time consuming routing through Atlanta, Georgia, and;

Whereas, the nature of air service is so regulated to provide service where the need exists and not determined altogether by the economic justification of each flight, and;

Whereas, the people of Alabama are entitled to adequate service in and out of the State under the supervision and control of the Civil Aeronautics Board, and;

Whereas, the scheduled air service should be thoroughly examined by Federal officials to determine the adequacy of service in and out of the major cities of Alabama as presently served by the regularly scheduled airlines.

Now, therefore, be it resolved, that the Legislature of Alabama, both Houses thereof concurring, does hereby petition the Civil Aeronautics Board to conduct a full investigation of the adequacy of scheduled air service in and out of the cities of Alabama to include:

(1) frequency of direct and indirect flights by existing air lines,

(2) the possible need for additional service via non-existent routes of present carriers,

(3) the possible need for additional carriers to establish connections in Birmingham, Huntsville, Montgomery and Mobile.

(4) the possible need for additional service through any method deemed appropriate by the Civil Aeronautics Board; and

Be it further resolved, that the Alabama Attorney General join in this petition to the Civil Aeronautics Board for an investigation into the apparent discrimination of Alabama citizens by the regulated air carriers presently serving the State; and

Be it further resolved, that the Alabama Congressional and Senatorial Delegations are also hereby asked to join in this petition on behalf of Alabama citizens, and;

Be it further resolved, that the Governor of Alabama be asked to join in this petition by virtue of his signature to this Resolution and any other means he so chooses, and;

Be it further resolved, that if the Civil Aeronautics Board, in its best judgment, does initiate an investigation into the number of schedules, frequency of schedules, the number of carriers, and the present origin and destination of all flights, that such investigation should include oral hearings for the benefit of those in the State desiring to be heard before making any final determination, and;

Be it further resolved, that the Secretary of the Senate mail a certified copy of this Resolution to the Civil Aeronautics Board, the Alabama Congressional and Senatorial Delegation, the Governor of the State of Alabama and the Attorney General of the State.

I hereby certify that the above is a true, correct and accurate copy of Senate Joint Resolution No. 28 by Mr. Cook, adopted by the Legislature of Alabama on June 16, 1971.

McDOWELL LEE,
Secretary of Senate.

S. 1886—THE JUDICIAL DISQUALIFICATION ACT OF 1971

Mr. BAYH. Mr. President, on May 17 of this year I introduced S. 1886, the Judicial Disqualification Act of 1971. That bill would revise section 455 of title 28 of the United States Code to define with greater precision those instances in which a Federal judge ought to disqualify himself from participation in a case.

The basic principle of my bill is that a judge should not only avoid impropriety but also the appearance of impropriety, as is now required by Canon 4 of the American Bar Association's Canons of Judicial Ethics. My proposed revision of section 455 eliminates the "substantial interest" language and clarifies the type of interest requiring disqualification. The rule is clear and simple. The bill precludes participation by a judge in a case if he holds any stock—even a single share—in a corporate party, or any corporation substantially related to a corporate party. It also precludes sitting if the judge is a director or holds any other office in such a corporation.

The second section of S. 1886 deals with section 144 of title 28, which involves disqualification for bias or prejudice. When a motion to disqualify for prejudice of bias is made, a party is often dismayed to learn that under section 144 the judge himself determines whether the allegations are sufficient. Surely litigants who believe that they cannot get a fair trial before a particular judge should not have to convince the very same judge of his bias.

The Judicial Disqualification Act of 1971 would create a right in a litigant to one peremptory challenge of a trial judge assigned to hear his case, adopting a disqualification provision now employed in California and a number of other States. Under such a provision a judge is disqualified upon the filing of an affidavit alleging bias or prejudice and signed by the party or by his lawyer. The disqualified judge is left with no option except to determine whether the application has been timely made. The affidavit must be filed before any discretionary matter has been presented to the judge. Each side is restricted to one challenge, in order to avoid abuse in cases where one of the parties simply wants to create delays or to avoid trial altogether.

Mr. President, I believe that this is a sound bill and a necessary one. In order that Senators might have more information both about the need for change in our judicial disqualification laws and also about this bill—and the alternatives to this bill—I ask unanimous consent that an article entitled "Disqualification of Judges: In Support of the Bayh Bill," written by John P. Frank, be printed in the RECORD at the conclusion of my remarks.

Mr. Frank has long been acknowledged as one of this country's experts in the law of judicial disqualification. He wrote the pioneering work in the field, entitled "Disqualification of Judges," 56 Yale L.J. 605 (1947), and was asked to testify on the subject as an expert witness by the Judiciary Committee. I believe that Mr. Frank's article deserves the attention of every Member of this body.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DISQUALIFICATION OF JUDGES: IN SUPPORT OF THE BAYH BILL

(By John P. Frank*†)

The defeat of Judge Clement Haynsworth, Jr., for the Supreme Court demonstrates that the federal law of disqualification of judges needs to be rewritten. As Justice Blackmun said of a shift in his own personal disqualification practice, "The times have changed."[1]

John Marshall heard *Marbury v. Madison*

Footnotes at end of article.

although the substance of the case involved problems arising from his own failure to deliver papers when he was Secretary of State in the Madison administration. Justices Byron White and Thurgood Marshall, former Deputy Attorney General and Solicitor General, never hear cases involving matters with which they dealt in the Department of Justice.

The difference is not in the character of the Justices, but in the governing law and the changed attitudes of recent tmes. In Marshall's day, the law of disqualification was governed by two maxims from the sages. Coke, in the most famous rubric of the law of disqualification, had said, "aliquis non debet esse judex in propria causa," or no man shall be a judge in his own case.[2] Blackstone had reduced this to a straight matter of pocketbook interest by excluding the possibility of disqualification for bias or prejudice or relationship, "for the law will not suppose the possibility of bias or favor in a judge."[3]

The nineteenth century changed the rules of the game. At the beginning of the century, pecuniary interest was the only ground of disqualification. By the end of the century, bias and relationship had been added; for a strong suggestion of bias arises from relationship. The judge may be so related to a party or an attorney that he is either actually partial or appears to be. Quite aside from relationship, the judge's former career may preclude a fair approach to the case. The case may have been in his firm and he may have worked on it before he went to the bench. Whether it was or not, the party may be a former client with whom he has had a very close association. It may involve some matter with which he was directly and personally involved when he was in the executive branch of the government. In any of these instances, he may lack a free mind. All of these, with refinements which we may put aside for the moment, have become grounds for disqualification since Marshall's time.

Inevitably, judicial virtue is a mix of ethics and convenience. It draws upon the grand magniloquence of Lord Coke and the Due Process clause. On the other hand, however, school must keep; someone had to decide the cases. The reluctance to sit must be balanced by the principle of necessity, so that, for example, Chancellor Kent sat in his brother-in-law's case because there was no alternative way of deciding the matter anywhere.[4]

This balance has a practical application in the federal system. In the past thirty years, the number of federal judges has radically expanded. Only a few states now have but one federal judge, and the larger cities have such judges by the squadron. Only one court of appeals is limited to three judges. In the larger circuits, the chambers line the halls. The result both can and should be that the standard of disqualification goes up; it is so easy to put someone else on the case.

But in the Supreme Court, this is not true; the number is fixed and there are no substitutes. If even one disqualifies, it may be impossible as a practical matter to reach a decision. If four disqualify, decision is legally impossible.[5] Instances of complete inability to decide for lack of a quorum have occurred. To avoid one such lack of a quorum, after first disqualifying himself in the leading Public Utility Holding Company Act case, Chief Justice Stone withdrew his disqualification so that the case could be decided.[6] Undoubtedly because of the limit on the number of Justices, the Supreme Court Justices have not disqualified casually. On the other hand, where disqualification is clear, out they go.

THE GENERAL LAW OF DISQUALIFICATION

Disqualification is a term generally applied to the process or result by which a judge disengages from participation in a particular case which he would otherwise hear. There is a technical distinction between disqualification or exclusion by force of law, and recusation, or withdrawal at the judge's discretion, but the latter term is now largely obsolete, and I put it aside.[7] There are two sources of the law of disqualification, the common law and the statutes. But these are to some extent overlaid by the constitutional conception of due process. That is to say, some kinds of disqualification were so absolutely basic that justice would be altogether denied if a judge were allowed to participate in a case. This amounts to what might be regarded as the inner core of disqualification. Surrounding that inner core are the group of further restrictions which are not constitutional, but are simply refinements.

Interest in the proceeding. Illustrative of the constitutional inner core of the law of disqualification is the famous case of Dr. Bonham,[8] in which Lord Coke said that not even an Act of Parliament can allow a judge to retain a fine which he levies. The case illustrates the axiom that "No man shall be a judge in his own case."[9] The *Bonham* principle was followed in 1927, when the Supreme Court held that a judge could not hear a case in which he received a portion of the fine which he imposed.[10] The guiding due process principle was more recently restated by the Supreme Court:

> "A fair trial in a fair tribunal is a basic requirement of due process. . . . To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome."[11]

The Justices apply the same standard to themselves. What appears to be the first case of disqualification for interest is *Livingston & Gilchrist v. Maryland Insurance Company,* which involved the financial interest of someone referred to as B. Livingston of New York. Justice Brockholst Livingston is recorded as absent from the decision.[12] In *Fairfax's Devisee v. Hunter's Lessee,* decided the same year, Marshall, who had an interest in the land, was also "absent."[13] Chief Justice White, as a recipient of a sugar bounty, disqualified in a case involving that interest.[14]

No one doubts the principle of disqualification for direct interest, although there may be a problem as to how the principle is applied. The possibility of an accidental deviation, as in the case of Judge Haynsworth discussed elsewhere in this essay, is perfectly real. Some Justices are wealthy men, with wide holdings. The list of parties may be long. The designation *"et al.,"* though short, is a cloak large enough to cover twenty or more parties in a mortgage foreclosure. Equally troublesome is the problem on the horizon which results from holding companies or corporate affiliations through conglomerates. There is nothing published on the practices of the Justices where a Justice may own a small amount of stock in a company which in turn own stock in a party, or where any of the other possible corporate permutations exist. I believe that there is disqualification in those cases although, inevitably, there must be error where the Justice simply does not know. Prior to 1948, there was no federal statute which laid down any disqualification requirements for Justices of the Supreme Court.

The statutes then in existence were restricted to district judges, though the practice at the Supreme Court was for the Justices largely to apply to themselves the same standards as existed in the statutes.[15] The current statute, as adopted in 1948, does apply to the Supreme Court as well as to the lower courts, requiring the Justices to disqualify in the case of "a substantial interest."[16] Nothing is written as to how the Justices have applied the concept of "substantial" to themselves, but I believe that they have disqualified where they have felt that they had any interest at all.

Relationship to a party or counsel. Relationship makes so well-accepted a conflict of interest that it is a standard ground of disqualification. If the relationship is lineal, as for example a son and a father, there may be the possibility of an inheritance. In any case, there is the possibility of bias, and certainly there is the appearance of bias. Yet, the matter has its fuzzy edges: Is the relationship with the party or with the attorney? If with the attorney, is a relationship to Partner *A* in a large office sufficient ground to disqualify when Partner *B* handles a case? Does it matter whether the attorney's fee is contingent? The federal statute abandons any effort at precision, simply requiring disqualification if the Justice "is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit."[17] The matter gets its final and largest complication from the problem of how close the relationship must be. As was said in a 1572 decision, "All the inhabitants of the earth are descended from Adam and Eve, and so are cousins of one another," but "the further removed blood is, the more cool it is."[18] While in that case the line was drawn at relationship in the ninth degree, American practice has cut it off at various points between the third and the sixth degrees.[19]

The Supreme Court practice has shifted from the nineteenth to the twentieth centuries. In the nineteenth century, Justice Curtis and Field on various occasions heard cases presented by their brothers, and Justice Miller heard his brother-in-law. In the twentieth century, the line has hardened. Solicitor General Hughes resigned when his father became Chief Justice, and Chief Justice Stone would hear argument in a case his son had tried only upon the consent of the parties, and that in one highly exceptional case.[20] However, in that instance, while the son had been counsel in the Military Commission proceedings which the Supreme Court was to review, he was not involved in any way in the Supreme Court proceedings.

The Solicitor General is so actively involved in presenting cases to the Supreme Court that something like the Hughes solution was required as to that office. Other relationships between the Court and the Department of Justice, however, might well be different. The Department's problem is special because it is the largest law office in the world and has cases by the hundreds of thousands and lawyers by the thousands. For the most part, the relationship of the Attorney General to most of those matters is purely formal. As between the Assistant Attorneys General for the various Departmental divisions, there is almost no connection.

This was a problem of the Clarks, *pere et fils,* because each rose through the chairs of the Department of Justice, and son Ramsey was moving through his chairs while father Tom was on the Supreme Court. When the son was Assistant Attorney General for the Lands Division, and even when he was Deputy Attorney General and thus the number two man in the Department, the father did not disqualify himself. However, when the son moved from the office of Acting Attorney General to the full and formal post of Attorney General, the father resigned from the Supreme Court.

Justice Clark could have made his decision either way. While there is no previous case of a Justice father-Attorney General son relationship, there is one relationship even closer than this, and that is the relationship of the Justice to himself. In repeated instances, Attorneys General rise to the Supreme Court, and they must then decide whether they can sit on cases which were in the Department when they themselves were there. This is decided on a case-by-case basis. Repeatedly, Attorneys General have sat in such cases where they felt that their connection with the matter in the Department was purely nominal. An illustration

---

Footnotes at end of article.

of the subjectivity of the practice is *Schneiderman v. United States*,[21] a denaturalization matter during World War II so important that the then most recent Republican Presidential candidate, Mr. Wendell Willkie, presented the case for Schneiderman. The opinion of the Court in this closely divided case was written by Mr. Justice Murphy. Justice Jackson disqualified with a brief statement which matched its hostility to Justice Murphy only with its subtlety. Jackson said, "This case was instituted in June of 1939 and tried in December of that year. In January, 1940, I became Attorney General of the United States and succeeded to official responsibility for it. This I have considered a cause for disqualification, and I desire the reason to be a matter of record." [22]

This gratuitous reproof to Murphy, who had been the Attorney General in 1939, did not mean that Jackson always disqualified himself when he felt that his participation was only a formality. In one instance, in reversing an opinion which he had personally signed when he was Attorney General, Jackson hints that he had been merely the nominal author of the disputed Attorney General's opinion [23] Chief Justice Stone suggested that the proper standard of disqualification was whether a former Attorney General had "something more to do with the case than the merely pro forma relations which an attorney General often has with cases in the Department of Justice." [24]

Nonetheless, Justice Clark, a man immensely sensitive to the value of high ethical appearance as well as its substance, resigned. There was in fact no functional difference between the son's relationship to the Supreme Court as Deputy Attorney General or, certainly, as Acting Attorney General, a post he held for a long time, and his final position as Attorney General.[25]

Personal bias. The final ground for disqualification is bias. As used in a standard dictionary, the phrase denotes a "propensity or prepossession or bent." So far as the legal issue in the particular case is concerned, that is not what the term means in the federal law of disqualification.[26] Supreme Court Justices are strong-minded men, and on the general subject matters which come before them, they do have propensities; the course of decision cannot be accounted for in any other way.[27] Nor can bias be based upon rulings in the particular case; [28] the general federal view is that the bias must be "of extra-judicial origin." [29] Bias in this sense means that bias which arises from the judge's association with either an attorney, a party, or the government.

Apart from interest and relationship, it has not been the practice for Supreme Court Justices to disqualify because of attorney contacts except for those contacts arising from some sort of joint involvement in a particular matter. Each Justice will inevitably have friends at the bar, and some of them are very close. This, by itself, is never a ground of disqualification in the Supreme Court.[30] Ex-members of the Court may also appear—Justices Curtis, Campbell, and Hughes often did.

A problem does arise if the attorney is a former partner and if he is presenting a matter which was in the Justice's office before he went to the Court. In that circumstance, the Justice invariably disqualifies, as do all judges. On the other hand, if the attorney is a former partner but the matter was not in the office at the time the Justice withdrew, then there is no disqualification. While Justice Jackson once very sharply criticized Justice Black for having heard a case presented by a man who had been his partner more than twenty years before, the episode is regarded as an aberration on the part of Justice Jackson, who was at the time under great strain in connection with his extra-judicial duties as War Crimes Prosecutor at Nuremburg. The fact is that no Justice has ever disqualified himself because a matter was being presented by an ex-partner. Illustrations of Justices who did not disqualify in such circumstances are Holmes. Brandeis, Cardozo, and Stone.[31]

The matter of the case in the office bridges over into party contacts, because the real reason that the Justice does not sit in such circumstances is because either he or his office has represented the party in the litigation in the particular matter. As noted, disqualification is universal when the case was in the office; the federal statute expressly provides that the Justice shall disqualify in any matter in which he "has been of counsel," and if his firm was of counsel, so was he. But what shall be done as to the former client? May a Justice sit when the case was not in the office, but the party was, so that the Justice has in fact represented that particular concern in other matters previously? Here the practice is very sharply divided. Justice Stone felt that it would be "undesirable" for "a member of the Supreme Court to sit a case of a client of his former firm, even though his relations with the client had not been at all personal," and even though the particular matter was not in the office at the time.[32] But the weight of the practice has been the other way, and Justices who have previously represented particular corporations have later felt quite free to hear cases involving those same concerns on independent matters.[33]

In contemporary times, Justices more frequently come from the government than from private practice. On the present Court this was true of Chief Justice Burger, and Justices Black, Douglas, White, and Marshall. When I wrote in 1947, eight of the nine members of the Court had distinguished government backgrounds.

Justices disqualify in government cases when they have been directly involved in some fashion in the particular matter, and not otherwise. Illustrations from the Department of Justice were given earlier. The disqualification is limited to the particular department with which the person has been connected—that is to say, Justice Goldberg did not disqualify in a non-labor case coming from the Department of Justice when he was Secretary of Labor. Any other rule would make it useless to appoint government lawyers at all. More important, Justices who have come from the government do not disqualify merely because the particular matter involves a policy which, when in the government, they may have helped to form. The Justices who come from the House or the Senate do not disqualify from the interpretation of statutes which they may most actively have helped to write. Chief Justice Vinson wrote on tax matters and Justice Black on Fair Labor Standards Act cases, though each was particularly involved with those laws. Other examples could be endless. Chief Justice Taney achieved the most eccentric compromise on record. As Attorney General he had given the Secretary of the Treasury an opinion on a particular matter of federal relations of the Bank of the United States. When a case came along involving the same subject, he did not sit, but he filed an unofficial dissent in the appendix of the reports.[34]

In short, Supreme Court Justices disqualify when they have a dollar interest; when they are related to a party and, more recently, when they are related to counsel; and when the particular matter was in one of their former law offices during their association; or, when in the government, they dealt with the precise matter and particularly with the precise case; otherwise, generally no.

Federal statutes and practice. In the country as a whole, there are two conflicting currents on disqualification. In some states, disqualification is easy; for example, in Arizona, the author's state, one may have one change of judge almost for the asking. A simple affidavit will do it. In others, disqualification is hard—one must squarely show interest, relationship, or bias or keep the judge he has.

The federal practice tends to the latter view. Originating in a period of few judges, perhaps one in a state, where disqualification might well mean long delay, casual disqualification was not much welcomed. This is reflected in the two federal statutes:

"1. 28 U.S.C. § 455:

"Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein.

"2. 28 U.S.C. § 144:

"Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. . . ."

Particularly in the federal practice, the judge has an *equal* duty to disqualify when he should and to sit when he should. "It is a judge's duty to refuse to sit when he is disqualified but it is equally his duty to sit when there is no valid reason" not to.[35]

II. MAJOR DISQUALIFICATION MATTERS RAISED AS TO JUDGE HAYNSWORTH

Judge Clement Haynsworth, the Presiding Judge of the Fourth Circuit and President Nixon's choice to succeed Justice Fortas, was opposed by civil rights and labor organizations. While these groups could muster a substantial number of Senate votes, they could not, on those grounds alone, defeat the nomination. They therefore turned their attention to conflict of interest charges, and the marginal number of votes sufficient to defeat the nomination came from this source. The conflict of interest issues were essentially disqualification problems; the question was whether the Judge should have disqualified himself in certain matters which came before him on the Court of Appeals.

A. The Darlington case

The first charge against Judge Haynsworth arose from his participation in *NLRB v. Darlington Manufacturing Company*.[36] Deering Milliken Company in the early 1960s was a largely Milliken-family-held textile selling house. It was also what can be loosely called a holding company, owning or dominating seventeen textile manufacturers which had twenty-seven plants. One of those plants was Darlington Manufacturing Company, in which the Deering Milliken group held a majority, but by no means all, of the stock. Darlington fell into a conflict with the Textile Workers Union in 1956 and went out of business. The broad legal question was whether Darlington had committed unfair labor practices, and if so, whether Deering Milliken should be held financially responsible.

Judge Haynsworth, when the matter reached his Court, was a substantial stockholder in Carolina Vend-A-Matic Company, a vending machine company which sold coffee and other refreshments. This company had "locations" in many places, including three of the twenty-seven Deering Milliken affiliates. The locations were obtained by competitive bidding. Deering Milliken did not pay Vend-A-Matic to come to the premises—Vend-A-Matic paid a premium to Deering Milliken, if anything was paid. It had nothing to do with Darlington. Revenues from those plants amounted to about three per cent of the vending company's income.

When the case came before the Fourth Cir-

Footnotes at end of article.

cuit Court of Appeals, the judges concluded that its importance warranted hearing by all of the five circuit judges, of whom Judge Haynsworth was one. The Court decided three to two that there was no unfair labor practice, with Judge Haynsworth in the majority. Hence, it never reached the question of whether Deering Milliken was chargeable with the cost. The Supreme Court held that there might have been an unfair labor practice, depending upon facts which were not in the record, and that the Labor Board's opinion was not comprehensive enough to cover the case. It therefore vacated the decision of the Court of Appeals with instructions to send the case back to the Labor Board for further proceedings. On this remand, the Board found unfair labor practices, and the Court of Appeals, Judge Haynsworth concurring specially, enforced the order.[37]

In late 1963, the Textile Workers Union of America, on the basis of an anonymous telephone call received by it, forwarded an allegation to Judge Sobeloff, the Chief Judge of the Fourth Circuit, charging improper inducements by Deering Milliken to Judge Haynsworth. Judge Haynsworth asked for a full-scale investigation and consideration, both by the circuit judges and the Department of Justice. On February 6, 1964, the Union, after the investigation, withdrew its complaint with warm apologies. The Court of Appeals judges, after independent investigation, concluded that there was "no warrant whatever" for the charge. Similarly, Attorney General Kennedy expressed his "complete confidence" in Judge Haynsworth.

Clearly, if there were any basis whatsoever for the anonymous suggestion of improper inducement, Judge Haynsworth should not be considered for any post. But there is not, and the call may be put aside as one of those unhappy prices which judges must sometimes pay for the vexation of disappointed litigants. There remains, however, the question as to whether Judge Haynsworth should have disqualified himself in the case.

If Judge Haynsworth were to have disqualified in this case, it would necessarily have been for interest. That is to say, there is no conceivable question of relationship or bias, apart from interest, as those terms are used in the law.[38] Under what circumstances, if any, must a judge who is a shareholder of a company which has business dealings with a party, disqualify himself from hearing a case involving that party?

1. It is immaterial that Judge Haynsworth was a shareholder in the vending company rather than owner of the company in a personal proprietary capacity. The law of disqualification, in the heavy majority and clearly better view, treats a shareholder as though he individually were the concern in which he holds shares. In other words, if a judge holds shares in a corporation which is in fact a party before him, he should disqualify as much as if he himself were a party.[39] Every state and federal court reporting agrees that if the judge has a pecuniary interest in the party, he may not sit.

2. Where the judge has an interest in a non-party, however, the rules are entirely different. This is a necessary concession both to common sense and to the practicalities of modern life. Lines must be drawn somewhere. Thus, at common law, a judge might have disqualified in a case involving taxes in an area in which he paid. But this is not the modern view.[40] In these non-party cases, the rule of disqualification which has developed is a test of immediacy or remoteness of the interest. The interest must be direct, proximate, inherent in the instant event, and affected by the direct outcome of the particular case.[41] It must be direct, real, and certain; and not incidental, remote, contingent, or possible.[42] The interest contemplated is a "pecuniary or beneficial interest" in the case,[43] with equal attention both to the benefit and to its connection with the particular case.[44] Some cases push this to the point of saying that in order to be disqualified for interest in these third party situations, the judge must be capable of being made an actual party to the case, but this is not the better view, which is that it is sufficient if he has a proprietary interest in the actual result of the actual case.[45]

3. Coming then squarely to the problem of judges who in some manner have financial relations with a party, the question may arise when the judge is connected with a supplier, as was Judge Haynsworth, or with a creditor or debtor of the party. These problems have been solved in the manner foreshadowed by the foregoing principles. If the interest of the judge as creditor, debtor, or supplier will in any way be affected by the case, then he must disqualify. Otherwise, he should not. For example, when there was a dispute over a corporate election in Corporation *A*, which in turn has a large claim against Corporation *B*, in which the judge is a shareholder, the judge was held disqualified to pass on the election because he would in effect be choosing who was to be in control of a lawsuit against him.[46] Similarly, where a judge was a stockholder in a bank which was a substantial creditor of plaintiff and plaintiff's repayment to the bank was dependent upon a judgment in the particular case, the judge was disqualified.[47] On the other hand, where there is no direct effect in any meaningful way, the judge is not disqualified. Thus, a judge who was a stockholder but who would not be affected by the final outcome was not disqualified.[48]

The Supreme Court of Michigan has emphatically rejected a view that a judge who is a shareholder of a creditor of a party, even on a substantial obligation, is disqualified in the absence of a showing of some direct and precise benefit to the creditor from the case. A suggestion to the contrary is said to have "no foundation in reason." [49]

A leading case very close to the supply situation is *Webb v. Town of Eutaw*,[50] in which the judge was a stockholder in a bank to which a party was indebted. The Alabama court, in holding no disqualification, laid down the guiding rule that the mere existence of "a business relation with one of the parties to [the case] is to be regarded as too remote or contingent to constitute a ground of disqualification." The judge must disqualify only where the corporate creditor in which he is a stockholder has "a direct and immediate interest in the result of the suit." [51]

4. The principles just outlined are codified in the controlling federal statute, 28 U.S.C. § 455. The judge is disqualified "in any case in which he has a substantial interest" in the particular case.[52]

A judge with an interest in a third party which in turn has business relations with a party to a case is not disqualified for interest unless the case directly affects the third party. Any contrary result would lead to impossible consequences. If, hypothetically, a judge owned stock in a major automobile company, he would be disqualified from hearing auto accident cases if a party happened to be a regular purchaser of cars manufactured by "his" concern. In the *Darlington* case the issue was a determination of an unfair labor practice involving a subsidiary of a large concern which had no connection except common ancestry with other plants which Vend-A-Matic serviced. The concessionaire did business, not with Deering Milliken except as it paid for the privilege of installing machines, but with its employees. The proportion of its revenue from this source was slight. There was no issue in the case which related even in the most fanciful degree to coffee and food distribution by Vend-A-Matic. A review of all of the reported cases on disqualification in the United States shows no instance in which a judge has ever disqualified in circumstances in any way similar to the Haynsworth situation.

In the instant case, it was necessary to have all of the judges of the Circuit participate; it was an *en banc* determination. Had Judge Haynsworth not participated, the Court would not have been able to decide the case at all. But regardless of that circumstance, since he was not disqualified, it was, under the strict federal rule of duty, his plain responsibility to participate, and he would have shirked his duty under existing law if he had not done so.[53] In these circumstances, a majority of the Senate Judiciary Committee concluded that the conduct of the Judge in participating in this (and other cases involving vending customers) was quite proper. On the other hand, Senator Bayh felt that his participation violated "the strong precedents of disqualification law and the canons of judicial ethics on this subject." [54]

B. Brunswick Corporation v. Long: The problem of minor stock ownership

Not much was made of the *Darlington* matter in the final analysis except as it had cumulative weight. Far more troublesome for the nominee was *Brunswick Corporation* v. *Long*.[55] *Brunswick* was an appeal involving a minor point of law. It was heard on November 10, 1967, before a panel of three judges include Judge Haynsworth. The Court on that day concluded to affirm the trial court's decision in favor of Brunswick. The opinion was assigned to one of the other judges.

On December 20, 1967, Judge Haynsworth's stockbroker purchased for him some $16,000 worth of Brunswick stock. At that time, the Judge was aware that the purchase was being made. He was not aware, however, that the formal opinion in the *Brunswick* case had not yet come out. Later, the judge to whom the opinion had been assigned circulated a draft which was accepted by Judge Haynsworth, and the opinion was released in February, 1968. No one suggests that Judge Haynsworth used any inside knowledge gained through the case to decide the matter, or that the decision of the case would in any significant way affect the value of the stock. However, Judge Haynsworth, while he was not aware that the case was pending when he bought the stock, was aware that he had the stock when the opinion came to him for his acceptance.

The *Brunswick* case thus presents an odd variant of a problem mentioned earlier, the problem of participation by inadvertence. The special wrinkle here was that the stock was acquired after the event. The more general and common problem in the case is the effect on disqualification of holdings of minor amounts of stock. The $16,000 worth of stock represents a considerable number of shares, but in the entire eighteen million shares in the company, the number is not significant.

The general American view discussed earlier is that a judge should disqualify if he has any stock in a party. There has been some contrary view when the stockholding was regarded as extremely small. My 1947 article was based in part on an actual poll of the senior circuit judges and the state chief justices. While the heavy majority responded unequivocally that any shareholding was a disqualification, there was some limiting comments. Four courts, in notes added to their responses, said that the practice has been in terms of waiver. For example, Judge Biggs, reporting from the Third Circuit said:

"In some cases where the stockholding is infinitesimal the fact of stockownership is stated to counsel in open court and the judge states that he will not sit if either party desires him not to. In every case which has

---

Footnotes at end of article.

come to my attention counsel has invariably asked the judge to sit,"

The responses of the First Circuit, the State of Delaware, and the Senate of Utah were to the same effect.

Two courts accepted the position now taken by the Fifth Circuit in the cases set forth below. The Chief Justice of New Hampshire responded:

"Where the corporate party is a very large corporation and the judge owns so few shares of stock that the outcome of the case will not affect him financially, he does not usually disqualify."

Somewhat more elaborately, the Chief Justice of Michigan said:

"I have recommended the practice I have followed on the interest of the judge. When the amount involved in the litigation is very small, the number of his shares when compared with the total issue is also small, so that the amount for which the corporation might be held, would have almost a negligible effect on the shares held by the judge, I have always sat. If there might be a very slight effect on my interest, I have refused to sit, unless requested by all parties, in writing, the clerk of the court telling them by letter of my interest. If however I believe that the outcome might affect my interest to any appreciable extent, I absolutely refuse to sit, though I have often been so requested by the lawyers. The ABA Canons of Judicial Ethics are archaic and passed at a time when municipal bonds, mortgages, etc. giving a fair return were available."

In 1968, the Fifth Circuit took the view that, in cases of small stockholding, the judge need not disqualify.[56] While the Haynsworth matter was pending, the question came up anew in that Circuit. In this more recent response, the Court achieved the unusual result of holding that ownership of stock in a party by two of the three judges provided no basis for disqualification, while nonetheless assigning the case to a different panel.[57] Eighth Circuit practice was similar to that of the Fifth. Judge Blackmun also sat in small holding cases and, in a direct parallel to *Brunswick*, once bought stock in a party before a case was out of his court.[58] The American Bar Association Canons of Ethics adopted the view that in the case of any stockholding, the judge should disqualify.[59]

Judge Haynsworth himself accepts the majority view. He testified expressly that if he had been aware that the *Brunswick* case was still in his court, he "would not have bought the stock," and that in light of the experience, if he were to buy stock in the future, he would "check the cases that had been heard in his court and were not disposed of" to avoid such a problem.[60] *Brunswick* was an eminently forgettable matter. Judge Haynsworth did become aware of the situation before the opinion came down. Whether the best thing to do was to require the case to be reargued before a new panel or let it be decided, was a point of judgment, not rising to a level of ethics.

C. *Farrow v. Grace Lines, Inc.; Donohue v. Maryland Casualty Co.; and Maryland Casualty Co. v Baldwin* [61]

These three cases involved the same legal problem. In *Grace Lines*, Judge Haynsworth owned three hundred shares of eighteen million of the parent company which held stock in the party litigant. In the two *Maryland Casualty* cases, he held sixty-seven of four and one-half million shares of common stock and two hundred of three and one-third million shares of preferred stock, again in the parent company. The question was whether it was proper to sit in those cases.

There is a view, supported by the decision of the California Supreme Court in *Central Pacific Railway v. Superior Court*,[62] that the interest must be in the actual party, and that an interest in a parent company is too remote. While the case does so hold. I doubt that it is good law in California, for it conflicts in principle with a better-reasoned case from the same court.[63] One must blind his eyes to reality to deny that holding stock in a parent is much the same thing as holding stock in a subsidiary.

While in the author's mind, the issue of disqualification in these cases cannot properly be decided on the authority of the *Central Pacific* case, it may very well be decided in favor of participation on the authority of the Fifth and Eighth Circuit practice discussed above. The federal statute expressly requires that the judge not merely have an interest, but that he have a "substantial" interest. Moreover, this must be an interest in the particular case. Irrespective of whether Judge Haynsworth's stockholdings in the *Grace Lines* and *Maryland Casualty* cases are regarded as holdings in a parent or a party, the interest in the cases is quite insubstantial.

It is the better view, I think, that a judge should not sit in any case in which he has even one share of stock in a corporate party. or for that matter, in a parent. If I were making the law, then without hesitation that is the law I would make. On the other hand, if one takes the view of the Chief Justice of the Supreme Court of Michigan quoted above, then we do have a matter of a small case in which "the number of his shares when compared with the total issue is also small," and the result would have "a negligible effect on the shares held by the judge." If one takes this view, then it was proper for Judge Haynsworth to sit.

III. THE APPEARANCE OF IMPROPRIETY: THE COMMONWEALTH COATINGS CASE

Existing Canon 4 of the ABA Canons of Judicial Ethics prescribes that "A judge's official conduct should be free of impropriety and the appearance of impropriety." In 1940, this was extended by Committee opinion to apply to judicial disqualification.[64] This standard as applied to disqualification was most authoritatively blessed in *Commonwealth Coatings Corporation v. Continental Casualty Company*,[65] a review of an arbitration case in which the arbitrator had an undisclosed financial dealing with one of the parties. The United Sates Supreme Court held, particularly in the light of the disclosure provisions of the Rules of the American Arbitration Association, that the arbitrator, though in fact perfectly fair, must "disclose to the parties any dealings that might create an impression of possible bias." Justice Blackmun, interrogated during his confirmation hearings on the "appearance of bias" phrase in *Commonwealth Coatings*, expressly endorsed the passage and explained that it was why he had, after the opinion, abstained from hearing a case in which he held even a small amount of stock in a party.[66]

The appearance-of-impropriety concept had not, before *Commonwealth Coatings*, been overtly applied in the Supreme Court. It may be accepted that the principle was often given implicit recognition in the federal courts, for it is well known that, particularly as the number of judges has increased, federal judges have quietly erased themselves from particular situations which they thought awkward. Nonetheless, as noted above,[67] the articulated view in federal courts is that absent a certain basis for disqualification, a judge was obliged not to remove himself. *Edwards v. United States* [68] presents a vivid illustration of the operation of this principle and its reception by a great judge. In *Edwards*, the case was first decided by three judges, one from another circuit, one who soon after died, and Judge Rives. The Court of Appeals later set the matter for an *en banc* hearing, and it was heard by seven judges. Judge Rives believed that, since he was the only one of the original panel left, to insure "the appearance of fairness to the appellants," he should not sit. After consulting his fellow judges, who divided, he finally concluded that regardless of appearances, he *had* to sit, and this regardless of the absence of the others: "While their absence makes me prefer not to sit, I have not found that it furnishes me any legal excuse." [69]

I believe that *Commonwealth Coatings* conflicts with the spirit of Judge Rives' renunciation of the power to withdraw. The loose and ambiguous standard endorsed by the Supreme Court in *Commonwealth Coatings* is troublesomely vague as a guide to conduct; it comes close to being an appeal to conformity for conformity's sake. It is a standard which in the great cases, at least, is subject to the abuse of manipulation. A determined press or opposition could manufacture an appearance of impropriety, as may be currently happening in respect to Justice Douglas on obscenity cases.

On the other hand, the trouble with Judge Haynsworth's trifling holdings in the *Grace Lines* and *Maryland Casualty* cases is that they do conflict with the appearance of justice. Senator Griffin stressed the concrete case of the injured seaman who claimed $30,000 against Grace Lines and got $50. He quoted Professor David Mellinkoff of UCLA Law School, who said, "By the standards of the marketplace perhaps Judge Haynsworth's stockholding was trifling. But it looms large in the mind of the unhappy litigant searching to discover just what it was that tipped the scales of justice against him." [70] Senators repeatedly adverted to Canon 4 or its principles in voting against the nomination. Of the six dissenters in the Judiciary Committee, three rested very squarely on this ground.[71]

During Reconstruction days, Senator George Boutwell once said of the fourteenth amendment, "The point relating to 'privileges and immunities' came from Mr. Bingham of Ohio. Its euphony and indefiniteness of meaning were a charm to him."[72] "Appearance of impropriety" has that same charm of euphony and indefiniteness. With its present high sponsorship, the phrase will most likely be in the law of disqualification for as long as has been "privileges and immunities"—but probably not with so little practical effect.

IV. THE CARSWELL AND BLACKMUN APPOINTMENTS

With Judge Haynsworth defeated, President Nixon came back with Judge George Harrold Carswell as his new proposal. Judge Carswell had certainly not sat in cases in which he held stock in a party, for he held none; and he had accepted no fees for outside services.[73] His only previous significant involvement in stockholding cases had been as one of three judges in the Fifth Circuit who had recently, during the Haynsworth consideration, declared that a judge might sit if he had small stock holdings and who had then, in apparent conflict with the ruling, proceeded to take those judges out of the case.[74]

Two other disqualification problems received some attention in the Carswell hearings. Senator Kennedy expressed an interest in whether the nominee had heard cases involving former clients. The Judge responded that any such instances would necessarily have been extremely rare, since he had been a United States Attorney and out of the practice for several years before he became a district judge.[75] Judge Carswell stated that he had applied to himself the appearance-of-impropriety test rather than the substantial interest test, preferring to be stricter with himself than the statute requires.[76] Even so, Judge Carswell had a minor uncomfortable moment with what had been a plain lapse of memory or error of judgment. When the

---

Footnotes at end of article.

Judge was United States Attorney, a liquor violation was tried by his office against a man named Adams. Later, Judge Carswell sat as a district judge in a collateral attack upon a perjury judgment involving testimony given by Adams in the liquor case. On appeal, the issue of disqualification was presented to the Court of Appeals. Two judges found no impropriety, accepting Judge Carswell's statement that while the prosecution had occurred during his administration, he did not know that the case had been in his office. In addition, they stressed that defense counsel had known of the previous involvement and had made no objection at trial. Judge Brown, dissenting, felt that the dates were so obvious on the record that Judge Carswell should have known of his previous connection, there having been only a five-month gap between the original trial and the perjury indictment.[77]

The only other ethical matter raised in connection with Judge Carswell was whether he had allowed his home to be improperly used by others to lobby a horse-racing track bill through the Miami legislature.[78] Upon analysis, this episode appears to be insignificant as do the others. In the committee report and the dissent of several Senators, no one rested his opposition on ethical grounds. Judge Carswell's defeat lay in doubts as to his general competence and as to his attitude on contemporary issues of civil rights, and not in any serious questions of conflicts of interest.

To the general relief, the next appointment was Judge Harry Blackmun of the Eighth Circuit Court of Appeals. Judge Blackmun, obviously capable and obviously ethical, was confirmed without difficulty. In the area of conflict of interest, it was not easy to distinguish his from the earlier cases. He had participated in cases involving corporations in which he had small holdings. He documented fully that this was acceptable practice in the Eighth Circuit at the time, but affirmed that times had changed. More recently, after the Haynsworth episode, he had disqualified in precisely the kind of small interest case in which he previously would have sat.[79] He testified that he would interpret "substantial interest" in the statute as meaning any interest at all so far as it applied to him.[80] There is a further comparison with Judge Haynsworth, who had participated in the disposition of the *Brunswick* case despite his purchase of stock between the time of decision and the final determination. Judge Blackmun had done the same thing, having acquired stock in the Minnesota Mining and Manufacturing Company between the time of the decision of the case concerning that company and the denial of a petition for rehearing.[81]

The Blackmun episodes are hard to distinguish from the Haynsworth situation. Yet, at least the marginal votes which defeated Judge Haynsworth came from Senators sincerely troubled about conflict of interest.[82] I anticipate a stricter practice for the future. Judge Haynsworth was, in truth, the victim of the highly ambiguous federal disqualification statute which requires disqualification only in cases of "substantial" interest.[83] As an aftermath of the affair, Senator Bayh has offered a complete revision of the disqualification statute to bring it up to the standard applied in the Haynsworth case.

V. RESPONSES TO THE NEED FOR NEW LAW: THE TRAYNOR COMMITTEE REPORT AND THE BAYH BILL

As an aftermath of the resignation of Justice Fortas from the Supreme Court, the American Bar Association appointed a committee, headed by retired Chief Justice Roger Traynor of California, to review generally the matter of standards of judicial conduct. This included disqualification. Meanwhile Senator Bayh prepared a bill on disqualification and has circulated it among judges, lawyers, and professors for suggestions.[84]

The Traynor Report.[85] This proposal, as it existed in July, 1970, provided that a judge should disqualify himself in any proceeding in his court in which he knows or should know that he, individually or as a fiduciary, or any member of his family residing in his household, has an interest in the matter in controversy or the affairs of a party to the proceeding. An "interest" for the purpose of this standard includes any legal or equitable interest, no matter how small, in a party or in the *res* or issue in litigation, or any directorial, advisory, or other active participation in any enterprise involved in the litigation. It includes ownership of shares in a mutual fund or other entity holding a substantial interest in a party to the litigation.

The proposal further provides that disqualification should be by full disclosure of record as to the nature and extent of the judge's interest. When such disclosure indicates that a judge's interest is insubstantial, he may, upon written request by all parties to the proceeding, withdraw his disqualification and participate in the proceeding.

The Bayh Bill.[86] The bill, as it existed in July, 1970, provided that:

"Any justice or judge of the United States shall disqualify himself, and shall not accept waiver of disqualification, (1) in any case in which he has an interest, which shall include any stockholding in a corporate party, any stockholding in a corporation which holds 10 percent or more of the stock of a corporate party, any stockholding in a corporation of which 10 percent or more of the stock is held by a corporate party, and the holding of any office of a corporation described in this section; (2) in any case in which he has been of counsel; (3) in any case in which he is so related to or connected with any party or attorney as to create a conflict of interest or otherwise render it improper for him to sit on the trial, appeal, or other proceedings; (4) in any case in which his participation in the case will create an appearance of impropriety; and (5) in any other case in which, in his opinion, it would be improper for him to sit."

The Traynor proposal is a vast step forward from existing federal law, but it would profit from a larger infiltration of the Bayh standards.

I. The Traynor plan still permits waiver of disqualification, and the bill would not. I go with the Senator. Waiver is acceptable when the lawyers need not regularly appear before the same judges. For example, it has been sensibly approved as to arbitration, where the attorneys may never again appear before the arbiter.[87] In the conventional hometown courthouse situation, however, waiver is simply a device for bludgeoning counsel who will have to appear before the judge again and again. It reduces disqualification to a form. According to legend, Judge Learned Hand held twenty-five shares of Westinghouse, of which he advised counsel in cases involving that company; they waived the interest to keep Judge Hand.[88] If one may throw a small dart at the memory of the departed great, it would have been better if Judge Hand had not so warmly cherished his tiny stake in the corporate system and had sold those shares. The statement of Judge Biggs, quoted earlier, of universal waiver in the Third Circuit proves too much. Had Judge Haynsworth not shared this view of small holdings, I suspect he would be a Supreme Court Justice today. In his testimony he said of small holdings that "the judges we have are simply not affected by such things." [89] This, if I may be forgiven, is judicial establishment complacence. Others do not find it so difficult to think ill of fellow men in high places.

In taking this position against waiver, I do not overlook the awkwardness of disqualification. If Judge *A* goes out, a Judge *B* must come in, and from somewhere. The attendant inconvenience is tolerable, however. Today, with an enlarged federal judiciary, only a few states have but one judge, and in those states, the volume of federal litigation is, of course, small or there would be more judges. It may be accepted that those few judges will be compelled to limit their stock holding as an inescapable burden of office. If the nonwaiver standard were adopted by the Traynor Committee and the American Bar Association, it would apply as well to the states. Since these judicial systems commonly have more judges available, any disruption should be minimal.

In short, I have no doubt, upon the basis of extensive communications, that the bar regards any waiver system as a velvet blackjack.[90]

2. The Traynor plan covers any holding in a party, regardless of size. This is as it should be, and the Fifth Circuit and other isolated exceptions should be abandoned. The Traynor plan includes interests in holding companies in general; the Bayh bill gives a concrete measure as to their size, which is appropriate to legislation but not to a general standard. The Senate bill also covers holdings in subsidiaries of a party which, in view of the economic interdependence, is desirable, and this the Traynor report might also well do.

3. The bill, like existing law and canons, covers disqualification because of family relationship, or connection as counsel, or as a material witness. The Traynor draft would profitably include these elements as well.

4. The major difference between the Traynor draft and the Bayh measure is in the proposed statutory provisions for disqualification "in any case in which his participation in the case will create an appearance of impropriety," or "in any other case in which, in his opinion, it would be improper for him to sit." The developing law on this standard, discussed in the proceeding sections of this essay, imperatively must be included in the standards. If nothing else, *Commonwealth Coatings* requires it.

The earlier discussion refers to the doubts of Judge Rives in the *Edwards* case, and his conclusion that me must sit, despite the appearance which troubled him.

The object of these two subdivisions of the Bayh bill is to give Judge Rives and others like him the latitude he felt he lacked. These sections free the judge from the rigid fetters of hard-line rules and let him take into account his sense of appearances as well as his subjective sense of what is right. They wipe out the "duty to sit" rule as an absolute mandate. As has been said, the standards of the Bayh bill are those in fact being applied by the Supreme Court and by the Senate. If this is the law the Court and the Senate intend to apply when passing judgments, then it should be statutory.

Returning to the responses to my 1947 inquiry, the senior judge of the Seventh Circuit, Judge Evan A. Evans, stated, "Our understanding is that each judge must for himself decide whether [he] is conscious of a feeling or a leaning which would make it unfair to his ideals and to the litigants for him to sit." The Chief Justice of Nebraska responded, "Essentially the questions you ask are questions which each judge decides for himself." The Chief Judge of the New York Court of Appeals reported, "In so far as any relationship or interest outside statutory prohibition is concerned, the practice of this Court is for the individual Judge to decide the question." The function of the Bayh provisions is not to dictate how the judge shall use his judgment, but to give him the power to exercise it.

VI. PEREMPTORY CHALLENGE TO THE TRIAL JUDGE

The Traynor report and the Bayh bill overlap on the right or duty of the judge to disqualify himself. However, the bill moves into an area wholly outside the scope of interest

---

Footnotes at end of article.

of the Traynor Committee when it reaches disqualification of trial judges at the instance of a party.

The existing federal statute permits a party to disqualify a judge for bias and prejudice. What is required is actual bias and prejudice.[91] The affidavit of disqualification is tested by the trial judge to determine whether a complaint states a cause of action.[92] The statute is strictly construed,[93] and some district judges take extreme umbrage when an affidavit is filed.

Many states permit disqualification essentially at the option of a party and leave the disqualified judge nothing to determine except whether the application is timely made. The Bayh bill adopts this liberal disqualification practice by eliminating from existing law any requirement that the party state the facts or the reason for believing that bias or prejudice exist. The affidavit is thus reduced to a form of words; the disqualification becomes the same as a peremptory challenge to a juror, and is simply an expression that the party prefers another judge. The system is thus regarded in states which follow it.[94]

The proposed Bayh revision of 28 U.S.C. § 144, is as follows:

> "Whenever a party to any proceeding in a district court makes and files a timely affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. The affidavit shall be timely if filed (a) twenty or more days before the time first set for trial or (b) within ten days after the filing party is first given notice of the identity of the trial judge or (c) when good cause is shown for failure to file the affidavit within such times. A party may file only one such affidavit in any case, and only one affidavit may be filed on a side. A party waives his right to file an affidavit by participating in a hearing or submission of any motion or other matter requiring the judge to exercise discretion as to any aspect of the case or by beginning trial proceedings before the judge."

It will be noted that either side of a case has one opportunity, without limitation, to ask for a different judge.[95] The restriction of one such request to a side does not overlook the fact that there may be conflicting or independent interests on a "side." Rather, the proposal rejects this consideration because the goal is substantial justice within the limits of available judicial personnel and one challenge per side is as many strikes as the structure can carry. There are, of course, cases in which various parties formally aligned on the same side are truly adversary to each other. California, which uses essentially this system, has seen fit to regard each adversary interest as a "side," giving each a possible strike.[96] But there are not enough federal judges for such a luxury, and after the peremptory challenge has been used, there remains in any case the complete and independent protection of section 455, with its six grounds of disqualification still operative. Thus, for example, if Judge *A* is removed by defendant's affidavit under section 144, and Judge *B*, plaintiff's cousin, replaces him, the defendant cannot remove Judge B by affidavit but Judge *B* would commit reversible error under section 455 if he did not remove himself voluntarily.

Disqualification must not be a gimmick for delay. Hence, the proposed revision requires that disqualification be exercised before the eve of trial. On the other hand, most cases are settled. To avoid promiscuous and needless disqualification, the affidavit should not be required much before trial. The bill is designed to suit both the individual and master calendar systems. Where individual calendars are used, the parties know their judge well in advance and must file twenty or more days before the time set for trial. In master calendar systems, parties may not know until very late. Where the assignment is made less than twenty days before trial, the amendment gives the party up to ten days for objection. A "good cause" loophole is left for exceptional cases.

The peremptory disqualification device should also not be a gimmick for waste or maneuver. A party should not be allowed to test the judge, educating him through motions, and then go find someone else because dissatisfied with the rulings. The amendment seeks to limit this possibility.

Predictably, one's response to the disqualification sections of the Bayh bill will reflect the critic's experience under his own state law. The section on the judge's self-disqualification elicits an almost unanimously favorable consensus, as reflected in responses to Senator Bayh's broad-scale inquiry. The response on peremptory disqualification is less uniform. Here, too, one tends to confuse the familiar with the necessary. Those from "hard" disqualification states are shocked to suppose that one can strike a judge as he would a juror. Those from "soft" disqualification states take it as a matter of course.

The proposal is sound, however. The plain truth is that one judge is better than another, and attorneys should be entitled to consider this. Certainly one is better than another for particular cases. If one is too slow to satisfy plaintiffs, or too generous with other people's money to satisfy defendants, or too crotchety to satisfy anyone, why not let litigants take these relevant factors into account? Resistance, I suspect, will be personal and emotional; the judge does not like to be judged. He may be comforted by the fact that the system works without strain or humiliation where it exists.

There will be problems; the matter of a few states with only one judge has been mentioned. But the problems are small in relation to the whole volume of law business, the overwhelming bulk of which is in districts in which cases can be perfectly readily shifted from one judge to another and in which it is often a matter of chance where they fall in the first instance.

The Bayh bill on disqualification would substantially improve federal justice, and much of it can be incorporated into the Traynor Committee standards. Its innovations are modest, well-rooted in existing ABA standards and state practice. If one may paraphrase Justice Cardozo on another theme, there is proposed no seismic innovation. The edifice of justice would stand, its symmetry greater than before.

FOOTNOTES

* (Mr. Frank, author of numerous books on the United States Supreme Court, is presently in private practice in Phoenix, Arizona.—Ed.)

† I have been assisted in this article by Mr. John McLamb, a student at Yale Law School. An article on disqualification, above all writings, should acknowledge its biases. At the request of the Judiciary Committee of the United States Senate, I appeared as an expert witness on the matter of disqualification in connection with the Haynsworth appointment. This was because of my article *Disqualification of Judges*, 56 YALE L.J. 605 (1947) [hereinafter cited as Frank, *supra*]. On most matters, I trail cheerfully along as a respectful camp follower behind the Democratic Senators, including Senator Bayh, who dissented in the Judiciary Committee to the Haynsworth confirmation. However, to borrow Tennyson's phrase, Judge Haynsworth bears without abuse the grand old name of gentleman, and I testified to an abiding conviction that no significant objection to his confirmation should be made on the basis of disqualification. *Hearings on the Nomination of Clement Haynsworth, Jr., to be Associate Justice of the Supreme Court Before the Senate Comm. on the Judiciary,* 91st Cong., 1st Sess. 123 (1970) [hereinafter cited as *Haynsworth Hearings*]. In the case of Judge Carswell, I signed the leading opposition bar letter, *see, e.g.,* The Washington Post, Mar. 16, 1970, § B, at 4, not because of agreement with its details, but because of a general sense of the unfitness of the appointment.

[1] *Hearings on the Nomination of Harry A. Blackmun to be Associate Justice of the Supreme Court Before the Senate Comm. on the Judiciary,* 91st Cong., 2d Sess. 41 (1970) [hereinafter cited as *Blackmun Hearings*]. Disqualification is a subdivision of the general area of conflict of interest. I have written of the non-disqualification aspects of conflicts of interest, discussing matters concerning Justices Fortas and Douglas and others in the December, 1970, issue of *The American Journal of Comparative Law.*

[2] I COKE, INSTITUTES *141a.

[3] 3 BLACKSTONE, COMMENTARIES *361. In so saying, Blackstone consciously rejected the earlier views of Bracton, who had said that a judge should disqualify if he were related to a party, if he were hostile to a party, or if he had been counsel in the case. 4 BRACTON, DE LEGIBUS ET CONSUETUDINIBUS ANGLIAE 281 (Woodbine ed. 1942).

[4] *See generally* Frank, *supra*, at 611.

[5] 28 U.S.C. § I (1964).

[6] North American Co. v. S53, 327 U.S. 686 (1946).

[7] This was a meaningful distinction in the federal system prior to 1949, when the applicable statute applied only to distinct judges and not to appellate judges. Appellate judges then frequently applied the statute to themselves. The adoption of 28 U.S.C. § 455 in that year as a general disqualification statute applicable to all judges makes this term of no consequence now. For discussion of these distinctions between House Judiciary Chairman Hobbs and Chief Justice Stone, see A. MASON, HARLAN FISKE STONE 702–03 (1956).

[8] 8 Co. 107a, 77 Eng. 638 (K.B. 1608).

[9] I COKE, INSTITUTES *141a.

[10] Tumey v. Ohio, 273 U.S. 510 (1927).

[11] *In re* Murchison, 349 U.S. 133, 136 (1955).

[12] II U.S. (7 Cranch) 506 (1813). The connection, or indeed, the possible identical personality, of the Livingstons referred to is not clear from the report.

[13] II U.S. (7 Cranch) 603 (1813); *see* Martin v. Hunter's Lessee, 14 U.S. (1 Wheat.) 304 (1816).

[14] United States v. Realty Co., 163 U.S. 427 (1896).

[15] *See* Testimony of Chief Justice Stone, *Hearings on H.R. 2808 Before the House Comm. on the Judiciary,* 78th Cong., 1 Sess. 24 (1943).

[16] 28 U.S.C. § 455 (1964).

[17] *Id.*

[18] Vernon v. Manners, 2 Plowden 425, 75 Eng. Rep. 639 (K.B. 1572).

[19] Frank, *supra*, at 616.

[20] *Ex parte* Quirin 317, U.S. 1 (1942).

[21] 320 U.S. 118 (1943).

[22] *Id.* at 207.

[23] McGrath v. Kristensen, 340 U.S. 162 (1950).

[24] *Hearings on H.R. 2808 Before the House Comm. on the Judiciary,* 78th Cong., 1st Sess. 124 (1943).

[25] In all cases involving the Federal Communications Commission, Justice Black disqualified during the period that his brother-in-law, Mr. Clifford Durr, was a member of the Commission. *See, e.g.,* FCC v. Woko, Inc., 328 U.S. 223 (1946). However, in the FCC case, Mr. Durr necessarily participated in a judicial capacity in the very matter under Supreme Court review. Judge Learned Hand considered it appropriate to review decisions of his cousin, Judge Augustus Hand, when the former was a circuit judge and the latter a district judge. *See, e.g.,* New York & Albany Lighterage Co. v. Bowers, 4 F. 2d 604 (S.D.N.Y. 1925), *aff'd,* 10 F. 2d 1017 (2d Cir. 1926).

[26] *See generally* Schwartz, *Disqualification for Bias in the Federal District Courts*, 11 U. Pitt. L. Rev. 415 (1950).

[27] For a documented development of the application of the "philosophy" of the Justices to antitrust cases, see the discussion by Stern, *Commentary*, 38 Antitrust Journal, 602, 608–09 (1969). Mr. Stern illustrates that in a period in which Justice Harlan and Stewart have divided about fifty-fifty for and against the plaintiffs and the defendants in the antitrust cases, Chief Justice Warren in sixty consecutive government antitrust cases voted in favor of the government fifty-nine times. He obviously has a strong "bent."

[28] *Ex parte* American Steel Barrel Co., 230 U.S. 34, 44 (1913); Berger v. United States, 255 U.S. 22, 34 (1921).

[29] Craven v. United States, 22 F. 2d 605, 607 (1st Cir. 1927); Price v. Johnston, 125 F.2d 806 (9th Cir. 1942). I attempted to advance a more liberal view of this ground of disqualification as special counsel on a petition for certiorari in *DePinto v. Provident Security Life Insurance Company*, but to no avail. *See* 374 F.2d 37 (9th Cir.), *cert. denied*, 389 U.S. 822 (1967).

[30] *See* Frank, *supra*, at 621–22. I have had pleasant personal relations with most of the Justices, in varying degrees of closeness, over the past thirty years. As one of them has cheerfully said, "I can decide a case against you as well as against anyone else," and quite so. However, I have scrupulously sought to avoid my social contact with a Justice except in the presence of opposing counsel around the time of an argument, and have felt something of a twinge of embarrassment in accidentally finding myself at dinner with one of the Justices on the evening before a case was to be presented.

[31] The bizarre attack of Justice Jackson is exhaustively considered in Frank, *supra*, a study which was occasioned by that event.

[32] Frank, *supra*, at 623–24. Mr. Justice Blackmun agrees with Justice Stone on this point although he seems to set a limit at cases involving former "regular" clients. *Blackmun Hearings* 45.

[33] Mr. Justice Goldberg did disqualify in some labor cases when he had been associated previously with a party. *See* United Steelworkers of America v. NLRB, 376 U.S. 492 (1964); United Steelworkers of America v. R.H. Bouligny, Inc., 379 U.S. 958 (1965).

[34] Bank of the United States v. United States, 43 U.S. (2 How.) 711, 745 (1844).

[35] *See* Edwards v. United States, 334 F.2d 360, 362 n.2 (5th Cir. 1964), a case in which the judge clearly regretted that he could not withdraw. This is the general federal view. Cases to the foregoing effect, grouped by circuits, are: *D.C. Circuits:* Tynan v. United States, 376 F.2d 761 (D.C. Cir 1967); United States v. Hanrahan, 248 F.Supp. 471 (D.D.C. 1965); *1st Circuit: In re* Union Leader Corp., 292 F.2d 381 (1st Cir. 1961), *cert. denied*, 368 U.S. 927 (1961); *2d Circuit:* Wolfson v. Palmieri, 396 F.2d 121 (2d Cir. 1968); Rosen v. Sugarman, 357 F.2d 794 (2d Cir. 1966); Town of East Haven v. Eastern Airlines, Inc., 393 F.Supp. 184 (D. Conn. 1968); Cranston v. Freeman, 290 F.Supp. 785 (N.D.N.Y. 1968); United States v. Devlin, 284 F.Supp. 477 (D. Conn. 1968); *3d Circuit:* Simmons v. United States, 302 F.2d 71 (3d Cir. 1962); United States v. Valenti, 120 Supp. 80 (D.N.J. 1954); *5th Circuit:* Edwards v. United States, *supra; 6th Circuit:* United States v. Hoffa, 382 F.2d 856 (6th Cir. 1967); Pessin v. Keeneland Association, 274 F. Supp. 513 (E.D. Ky. 1962); *7th Circuit:* Tucker v. Kerner, 186 F.2d 79 (7th Cir. 1950); *In re* Federal Facilities Realty Trust, 140 F. Supp. 522 (N.D. Ill. 1956); *8th Circuit:* Walker v. Bishop, 408 F.2d 1378 (8th Cir. 1969); United States v. Love, 259 F.Supp. 947 (D.N.D. 1966); *9th Circuit:* United States v. Shibley, 112 F.Supp. 734 (S.D. Cal. 1953).

[36] 325 F.2d 682 (4th Cir. 1963).

[37] 397 F.2d 760 (4th Cir. 1968).

[38] We may for other reasons put aside 28 U.S.C. § 144; not only does it relate solely to district courts, but it requires an affidavit procedure, and it is restricted to bias.

[39] This is the clear majority rule. *See* Annot., 48 A.L.R. 617 (1927), *updated in a comprehensive collection at* 25 A.L.R. 3d 1331 (1969). There are some refinements where the holding is very small. *See, e.g.*, Lampert v. Hollis Music, Inc., 105 F. Supp. 3 (E.D.N.Y. 1952) (20 shares of 13,881,016). *See also* Frank, *supra*, at 637, reporting that in 33 state and federal courts there is disqualification in such circumstances, but that two state and two federal courts reported that disqualification might be waived where the holding was very slight, and one federal court reported that a judge had sat where the holding was very slight. I shall return to this subject in detail below. Nonetheless, the view is overwhelming. There are also refinements not necessary to be considered here when the stock is held by a member of the judge's family. *See* Note, 4, Minn. L. Rev. 301 (1920). *See also* Goodman v. Wisconsin Elec. Power Co., 248 Wis. 52, 20 N.W.2d 553 (1945).

[40] My 1947 article shows no judges disqualifying because they are taxpayers, and only two areas in which they disqualified because they would be affected by public utility rates. Frank, *supra*.

[41] Goodspeed v. Great Western Power Co., 19 Cal. App. 2d 435, 444, 65 P.2d 1342, 1345 (1937).

[42] *See* 48 C.J.S., *Judges* at 1048.

[43] United States v. Bell, 351 F.2d 868, 878 (6th Cir. 1965); Edwardson v. State, 243 Md. 131, 220 A.2d 547 (1966).

[44] Beasley v. Burt, 201 Ga., 144, 39 S.E. 2d 51 (1946).

[45] Hall v. Superior Court, 198 Cal. 373, 245 P. 814 (1926) (judge owned property in an irrigation district immediately involved in litigation). For a view requiring a party capacity, see Central Pac. Ry. Co. v. Superior Court, 211 Cal. 706, 719–20, 296 P. 883, 888–89 (1931). The proper test is whether the third party has a "present proprietary interest in the subject matter." City of Vallejo v. Superior Court, 199 Cal. 408, 416, 249 P. 1084 1087 (1926). If so, the judge is disqualified or worse. In Anonymous, I Salk. 396, 91 Eng. Rep. 343 (K.B. 1698), the judge was "laid by the heels" for sitting in an ejectment case when he was lessor of the plaintiff.

[46] Bentley v. Lucky Friday Extension Mining Co., 70 Idaho 511, 223 P.2d 947 (1950).

[47] *See* Jones v. American Cent. Ins. Co., 83 Kan. 44, 109 P. 1077 (1910).

[48] *See* Dial v. Martin, 37 S.W.2d 166 (Tex. Civ. App. 1931); Adams v. McGehee, 211 Ga. 498, 86 S.E.2d 525 (1955).

[49] *In re* Farber, 260 Mich. 652, 661, 245 N.W. 793, 795 (1932).

[50] Ala. App. 474, 63 So. 687 (1913).

[51] *Id.* at 477, 63 So. at 688. The same problem arises when municipal bodies are called upon to award contracts for public works. It is frequently held that the mere fact that a municipal officer is a shareholder in a supplier of a contractor is not a disqualification. *See* O'Neill v. Town of Auburn, 76 Wash. 207, 135 P. 1000 (1913).

[52] As was said of a third-party involvement under an earlier form of the statute, where the judge as shareholder of a creditor was wholly unaffected by the case, the interest to disqualify may be "so slight or inconsequential that the rights of the parties would be best served by his proceeding with the cause. . . ." Utz & Dunn Co. v. Regulator Co., 213 F. 315, 318 (8th Cir. 1914).

[53] *See* note 35 *supra*.

[54] Haynsworth Report, S. Exec. Rep. No. 91–92, 91st Cong. 1st Sess. 34 (1969).

[55] 392 F. 2d 337 (4th Cir. 1968), *cert denied*, 391 U.S. 966 (1968).

[56] Kinnear-Weed Corp. v. Humble Oil Refining Co., 403 F.2d 437, 440 (5th Cir. 1968). The decision rests upon the fact that the interest is not "substantial" and holds in effect that the addition of this word to the statute in 1948 changed its meaning.

[57] Austral Oil Co. v. Federal Power Commission, No. 27492 (5th Cir., filed Oct. 17, 1969).

[58] *Blackmun Hearings* 19, 46. The Blackmun matter is discussed below.

[59] ABA Comm. On Professional Ethics, Opinions, No. 170 (1957).

[60] *Haynsworth Hearings* 271.

[61] Farrow v. Grace Lines, Inc., 381 F.2d 380 (4th Cir. 1967); Donohue v. Maryland Casualty Co., 363 F.2d 442 (4th Cir. 1966); Maryland Casualty Co. v. Baldwin, 357 F.2d 338 (4th Cir. 1966).

[62] 211 Cal. 706, 719–20, 296 P. 883, 888–89 (1931).

[63] City of Vallejo v. Superior Court, 199 Cal. 498, 249 P. 1084 (1926).

[64] ABA Comm. on Professional Ethics, Opinions, No. 200 (1957). I find no subsequent ABA Committee opinion on point. The canon is incidentally and tangentially applied by the New York County Lawyers Association. N.Y. County Lawyers Ass'n on Professional Ethics, Opinion No. 346 (1956).

[65] 393 U.S. 145 (1968).

[66] *Blackmun Hearings* 49. Judge Haynsworth also expressly endorsed the "appearances" standard. *Haynsworth Hearings* 295. A thought similar to *Commonwealth Coatings* appears in Berger v. United States, 255 U.S. 22, 35–36 (1921): "The tribunals of this country shall not be impartial . . . but shall give assurance that they are impartial . . ."

[67] *See* text at note 35 *supra*.

[68] 334 F. 2d 360 (5th Cir. 1964).

[69] *Id.* at 362 n. 2.

[70] Haynsworth Report, *supra* note 54, at 46. Senator Griffin felt that Judge Haynsworth had also improperly sat in Nationwide Mutual Insurance Company v. Akers, 340 F.2d 150 (4th Cir. 1965) and Toole v. Nationwide Mutual Insurance Company, 353 F.2d 508 (4th Cir. 1965), because he held 500 shares of stock in a company affiliated with Nationwide Mutual Insurance Company.

[71] They were Senators Bayh, Tydings, and Griffin. Haynsworth Report, supra note 54, at 37, 52, 46.

[72] 2 G. Boutwell, Reminiscences of Sixty Years, 41 (1902).

[73] "It is simply that in my position, I have not accepted and will not accept any fees for outside services, period." *Hearings on the Nomination of George Harrold Carswell to be Associate Justice of the Supreme Court Before the Senate Comm. on the Judiciary*, 91st Cong., 2d Sess. 43 (1970) [hereinafter cited as *Carswell Hearings*). Judge Carswell, as a representative of the Fifth Circuit, had voted for the strict Judicial Conference Resolution of June, 1969, and continued to endorse it.

[74] Judge Carswell referred to this case, Austral Oil Company v. Federal Power Commission, No. 27492 (5th Cir., filed Oct. 17, 1969), as one in which "we disqualified the entire panel." *Carswell Hearings* 43. He refused to be drawn into any decisive discussion as to his standing on small holdings.

[75] *Carswell Hearings* 26–34.

[76] *Id.* at 34.

[77] Adams v. United States, 602 F.2d 307 (5th Cir. 1962). Judge Brown's dissent raised a plain question of integrity. He said, "I am at a loss to understand how we conclude that Judge Carswell knew nothing of the prior activity—that is, was not aware of the 'significance' of what he was doing." *Id.* at 311.

[78] *Carswell Hearings* 49.

[79] *Blackmun Hearings* 49.

[80] *Id.* at 49–50.

[81] Minnestota Mining & Mfg. Co. v. Superior Insulating Tape Co., 284 F.2d 478 (8th Cir. 1960); *see Blackmun Hearings* 19, 46. Blackmun heard four cases involving corporations in which he held stock: Hanson v. Ford Motor Co., 278 F.2d 586 (8th Cir. 1960); Kotula v. Ford Motor Co., 338 F.2d 732 (8th

Cir. 1964), *cert. denied,* 380 U.S. 979 (1965); Mahoney v. Northwestern Bell Telephone Co., 377 F.2d 549 (8th Cir. 1967); and Minnesota Mining, *supra*. He held fifty shares or less in Ford and fewer than fifty in Northwestern Bell's parent corporation, A.T.&T. In the *Kotula* case, Blackmun ruled for Ford; in *Hanson*, he ruled against Ford. He ruled for Northwestern Bell and against Minnesota Mining. *Blackmun Hearings* 30, 46–47. The Judiciary Committee was not troubled by the conflict caused by these "minuscule interests." Committee on the Judiciary, S. Exec. Rep. No. 91–18, 91st Cong., 2d Sess. 2 (1970).

[82] Senator Bayh believed that a major distinction between the two nominations lay in the fact that Judge Blackmun had no parallel experience to that of Judge Haynsworth with Vend-A-Matic. 116 Cong. Rec. S7031 (daily ed. May 12, 1970).

[83] 28 U.S.C. § 455 (1964).

[84] The bill was also introduced by Senator Tydings, Chairman of the Subcommittee on Improvement of Judicial Machinery of the Senate Committee on the Judiciary. I worked with Senator Bayh in preparing this bill, which was, in earlier draft form, widely circulated by Senator Bayh to attorneys, professors, and judges for comment. It was then revised in the light of the suggestions received.

[85] Interim Report of the Special Committee on Standards of Judicial Conduct (mimeo. June 1970).

[86] The Senator's proposals are set out in their entirety in the Appendix.

[87] *See* Commonwealth Coatings Corp. v. Continental Gas Co., 393 U.S. 145 (1968).

[88] *See* Testimony of Judge Lawrence Walsh, *Haynsworth Hearings* 154.

[89] *Id.* at 296.

[90] As Senator Bayh suggested in his statement upon the introduction of his bill, "Such waivers are often made because counsel dare not jeopardize their relationship with the judge before whom they appear regularly by seeming to question his impartiality."

[91] 28 U.S.C. § 144 (1964).

[92] *See, e.g.,* Tynan v. United States, 376 F.2d 761 (D.C. Cir.), *cert. denied,* 389 U.S. 845 (1967); Rosen v. Surgarman, 357 F.2d 794 (2d Cir. 1966).

[93] Skirvin v. Mesta, 141 F.2d 668 (10th Cir. 1944) is typical of this report.

[94] If an affidavit "is seasonably filed the judge may no longer sit in the case, the affidavit operating as a peremptory challenge to the judge." Conkling v. Crosby, 29 Ariz. 60, 68, 239 P. 506, 509 (1925).

[95] The affidavit form is retained as a gesture of deference to the familiar, and to the fact that some cases seem to regard at least a perfunctory affidavit as constitutionally necessary. *See* Austin v. Lambert, 12 Cal. 2d 73, 77 P.2d 849 (1938); Daigh v. Schaffer, 23 Cal. App. 2d 449, 73 P.2d 927 (1937). These cases are discounted by limiting language in Johnson v. Superior Court, 50 Cal. 2d 693, 329 P.2d 5 (1958); State v. Sixth Judicial District, 58 Nev. 456, 83 P.2d 1031 (1938); State v. Vandenberg, 203 Ore. 326, 280 P.2d 344 (1955). I do not believe that this form is required, and think that a simple motion would be of equal validity with an affidavit.

[96] The existence of the two sections avoids the problem considered in Johnson v. Superior Court, 50 Cal. 2d 693, 329 P.2d 5 (1958), which deals with the problem of having adverse parties on a side.

ANNOUNCEMENT OF POSITION ON A VOTE

Mr. STEVENSON. Mr. President, I was unavoidably absent from the Senate on June 17, 1971, when the Senate voted on Senator Kennedy's amendment No. 120 to the military draft bill H.R. 6531. This amendment would have required publication of selective service regulations in the Federal Register 30 days before they become effective. Had I been present, I would have voted "yea" on Senator Kennedy's amendment.

DEATH OF ADMIRAL AND FORMER SENATOR THOMAS C. HART

Mr. RIBICOFF. Mr. President, Adm. Thomas C. Hart, a senior naval commander during World War II and a former U.S. Senator from Connecticut, died this past Independence Day in his home in Sharon, Conn. He was 94 years old.

Admiral Hart was appointed to the Senate February 8, 1945, by Gov. Raymond E. Baldwin to fill out the term of the late Senator Francis T. Maloney who died in office. Admiral Hart, who sat with the Republicans but was noted for his political independence, chose not to seek election and resigned from the Senate November 5, 1946.

The admiral's service in the Senate brought to a close his naval career that began in 1893 when, at the age of 16, he finished first in a Naval Academy competitive examination in his native Michigan.

At Annapolis, Midshipman Hart was in the same class of 1897 that included other future admirals such as Henry E. Yarnell, Arthur J. Hepburn, and William D. Leahy. Admiral Hart later became Superintendent of the Academy, serving there from 1931 to 1934.

Admiral Hart was given command of America's Asiatic fleet in 1939. "My ships were old enough to vote," the admiral remarked about the aging collection of vessels he commanded as this Nation entered World War II.

The surprise Japanese attack at Pearl Harbor December 7, 1941, was less a shock to Admiral Hart, for he had warned Washington some 2 weeks earlier that Japan's naval movements in the South China Sea indicated a military offensive was being readied.

Admiral Hart was credited with having implemented defensive actions in anticipation of the Japanese attack that saved all his surface ships and considerable numbers of merchant vessels.

Recalled to Washington in February of 1942, Admiral Hart was appointed to the Navy's General Board, the senior naval advisory group, and was also assigned the task of managing the Navy's inquiry into the Pearl Harbor disaster.

Admiral Hart was a most dedicated, selfless American. His distinguished record of public service to his country in time of great need will not be easily matched. He led a full life and he lived it with uncommon grace and dignity. We mourn his passing.

The Hartford Courant and the New York Times noted Admiral Hart's many achievements in articles of July 5, 1971. I ask unanimous consent that these articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Hartford (Conn.) Courant, July 5, 1971]

Admiral Hart Dies; Former U.S. Senator

Sharon.—Thomas Charles Hart, 94, of Main Street, retired Navy admiral, former U.S. senator from Connecticut and former Naval Academy superintendent, died Sunday at his home after a short illness.

Born in Davidson, Mich., he lived in Sharon 26 years, after serving 52 years in the Navy.

At the age of 15, with only two years of high school behind him, he bested 10 older candidates in a competitive examination and won appointment to the U.S. Naval Academy. He was graduated in the Class of 1897 and almost immediately, as passed-midshipman, saw action in Cuban waters during the Spanish-American War.

"I didn't miss any of it," Hart reflected later. "It was the last gentleman's war ever fought. The days of chivalry hadn't ended."

In later life, Adm. Hart commented: "Luck, all through my life, has been the most important element in it. As I look back, I think I'm probably the luckiest man that the Navy ever had, and that goes for everything—career, marriage, family and everything else."

Hart, during a tour of duty in the Bureau of Ordinance in Washington met Caroline Brownson, daughter of Rear Adm. Willard H. Brownson, one-time superintendent of the Naval Academy and chief of the Bureau of Navigation in President Theodore Roosevelt's day.

The Harts were married in March, 1910.

At the beginning of the 20th century Hart served for three years on the U.S.S. Hartford, an old square rigger sailing ship that once served as flagship for Admiral David Farragut. Looking back on it, Adm. Hart said, "In those three years I saw much more of the world than in any other period of my life." He retained a keen knowledge of sailing ships until he died.

SUBMARINE COMMAND

In Navy circles Hart was often identified with the submarine service, although he spent only eight years there. It was a new branch of the Navy when he entered in 1914 and there was ample opportunity for his enthusiasm, independence and daring. When the United States entered World War I, Hart was sent to Europe in command of all the U.S. submarines, which were based in Ireland and the Azores.

Later, in 1929, his first command as a flag officer was of all submarines in the Atlantic and Pacific oceans.

Many awards and decorations came to Hart in his career, but none held for him the esteem he had for one—quite an unofficial one—from the men of the submarine service, "in appreciation," as they said, for what he had "contributed in pioneering the development and preparation which made them (the submarines) tick during World War II."

In rare moments of confidence, a visitor to historic King House, the Hart home in Sharon would be treated to a display of this plaque.

In 1922 there was a new direction to the Hart career, taking him into the scholastic world. First there was a course of graduate study at the Naval War College in Newport, R.I., followed by another at the Army War College.

The Army then asked him to stay at the college for another year and teach a course in quite a new subject—amphibious warfare. There were no textbooks and little historical precedent for this branch of naval warfare, which became paramount in the war with the Japanese.

NAVAL ACADEMY

In 1931 he took over as superintendent of the U.S. Naval Academy and stayed for three years. Stories are legion among other older naval officers of the Hart regime in Annapolis. He was known as a strict disciplinarian but always a fair one. He made important changes in the curriculum and, as he said "humanized it somewhat."

Every naval officer of flag rank looks back on one particular command in his career with nostalgia. Hart felt that way about his two years as captain of the battleship Mississippi.

When he turned her over in 1927 to his successor at Hampton Roads, Va., he went ashore, wandered into the grounds of the Old Soldiers' Home and sat on a bench to mediate and look out over the water at his beloved ship.

"It was a doleful hour," said Hart. "My thought was that my useful and enjoyable life was over, that I would never have anything again as good as those two years."

Perhaps this feeling for the Mississippi was surpassed only by his love of the Heavy Cruiser Division, command of which was his subsequent sea duty.

After the Naval Academy superintendency, Hart was offered command of a division of battleships in 1934. It was evident that he was "definitely in favor"—but characteristically, he turned down the offer and asked in stead for a division of the heavy cruisers.

"They were a new thing," said Hart. "I felt stimulation and challenge in their development. For a simple sailor like me, I saw more fun in the fast ships."

COMMANDS FLEET

War clouds were forming over the Pacific in the summer of 1939. Hart was ordered as commander-in-chief of the Asiatic fleet. It was a four star job, but the ships under his command were not many and for the most part outdated.

"I used to say, when asked about it, that all my ships were old enough to vote."

Nevertheless, Hart labored in Manila, as the naval counterpart of Gen. Douglas MacArthur on land, to prepare for the day that seemed more and more inevitable.

When the Japanese struck Pearl Harbor, Hart managed to save his ships at Manila and he was proud of the fact that he also saved about 40 merchant vessels, more than 200,000 tons of bottoms—a point he made later to President Roosevelt when he returned to Washington.

Hart had been retained in command of the Asiatic fleet after his normal retirement date. With the loss of the Philippines, President Roosevelt and Prime Minister Winston Churchill of Britain decided that allied military and naval forces, then based in the East Indies, should be under a single command. The A(merican) B(ritish) D(utch) A(ustralian) command was formed and Adm. Hart was designated as the naval commander.

Later it was decided that this leadership should be turned over to the Dutch and Hart relinquished his slender forces to the Dutch Adm. Helfrich, and returned by a circuitous route to the U.S.

Back home the Navy kept him busy with duties on the General Board, the Navy's senior advisory group with a special mission to gather testimony from naval personnel all over the world concerning the Pearl Harbor disaster, and with speech-making tours of the United States in the interest of morale and industrial production.

Adm. Hart received his first Distinguished Service Medal for his services in the Azores during World War 1. President Roosevelt presented him a Gold Star, equivalent to a second Distinguished Service Medal, for his "sound judgment" while commander of the Asiatic fleet and for his conduct of operations after the outbreak of war.

In January 1942 the admiral received the Grand Cross of the Order of Orange-Nassau from Queen Wilhelmina of the Netherlands for his services as commander of the allied fleet in the Far East.

APPOINTED SENATOR

Suddenly in February, 1945, there was a dramatic turn in the admiral's career, Gov. Raymond Baldwin of Connecticut asked him to accept appointment as successor to the late Sen. Francis Maloney, Hart served two years in the United States Senate, bringing to a close his unprecedented naval career. Hart had never been identified with politics. Although he sat with the Republicans, his entire term was noted for its independence.

He leaves his wife, Caroline Brownson Hart; a son, Roswell R. Hart of Sharon, three daughters, Mrs. Laverne Baldwin of Taconic, Mrs. Dana R. Bergh of Rochester, N.Y. and Mrs. Francis B. Sayre of Washington, D.C.; 13 grandchildren, and a great-grandchild.

Another son, Lt. Comdr. Thomas C. Hart, a submarine officer, died in WW II action.

The funeral will be Wednesday at noon at the First Church of Christ Congregational, with the Rev. Francis B. Sayre, dean of the National Cathedral, Washington, D.C., and the Rev. Frederick Stimson, rector of Christ Episcopal Church, officiating. On Thursday, a 10 a.m. service at Ft. Myer, Va., will be followed by burial in Arlington National Cemetery.

At Sharon mourners will walk from the Kenny Funeral Home, Main Street to the church, a short distance away.

There are no calling hours. Memorial contributions may be made to the U.S. Naval Academy Foundation, 1341 New Hampshire Ave., Washington, D.C.

[From the New York Times, July 5, 1971]

Adm. Thomas C. Hart Is Dead at 94

Sharon, Conn., July 4 (AP)—Adm. Thomas C. Hart, U.S.N., retired, Commander in Chief of the Asiatic Fleet at the time of Pearl Harbor and a former United States Senator, died today in his home at the age of 94.

Held a Top Command

(By Farnsworth Fowle)

Admiral Hart, who entered the United States Naval Academy in 1893 and retired in 1945 to serve for two years as an appointed Senator from Connecticut, filling a vacancy, was one of the senior commanders in World War II.

He was sent to Shanghai in 1939 to take command of the Asiatic Fleet and in December, 1941, braced his small force for the Japanese onslaught on the Philippines, Dutch East Indies and Malaya. Called to Washington in February, 1942, he resumed a seat he had held on the Navy's General Board and was entrusted with compiling the Navy's report on the Pearl Harbor disaster that had beset less vigilant commanders at the Hawaiian base.

About two weeks before the aerial attacks on Dec. 7, 1941, Admiral Hart, without consulting Washington, had ordered his PBY–2 (Catalina) long-range flying boats to maintain a discreet surveillance on Camranh Bay on the southeast coast of Vietnam.

They found a massing of Japanese vessels in that anchorage as a portent of Japanese readiness to strike south. Admiral Hart relayed this to Washington and felt no great surprise when Washington sent a "war warning" message calling for "defensive deployment" to him and to the Pacific Fleet commander at Pearl Harbor a day or two later.

ISSUED ATTACK ORDER

Before the week-long battle of the Macassar Straits, Admiral Hart issued an order to attack that said "no vessel will leave the scene of action until it is sunk or its ammunition is exhausted."

On his return, President Franklin D. Roosevelt added a second gold star to his Distinguished Service Medal. The citation praised the admiral's "sound judgment and marked resourcefulness in dealing with the difficult military and diplomatic situation" on the eve of conflict, and for handling his fleet as well as could be done in combat.

Born in Davidson, Mich., on June 12, 1877, he was finishing his second year at Flint High School when he learned that a competitive examination for a Naval Academy appointment was being arranged by his Representative. He took the exam, came out first, and then, though just 16, passed the entrance examinations by cram-studying.

As a midshipmen he was coxswain of crew, at a time when he was getting his first taste of deep-sea sailing on the frigate Constellation, a sister-ship of the Constitution.

GRADUATED IN 1897

He graduated with the class of 1897, which included such future admirals as Henry E. Yarnell, Arthur J. Hepburn and William D. Leahy.

The young officer had his first taste of combat in the Spanish-American War, on the battleship Massachusetts and the ex-yacht Vixen. He ran messages from Navy to Army headquarters and occasionally accompanied Col. Theodore Roosevelt of the Rough Rider regiment when the future president came to the Vixen in search of good dinner in the officers' mess.

In World War I, Admiral Hart commanded submarine units in British and Azores waters, emerging a captain with his first Distinguished Service Medal. His work with submarine forces was credited with "making them tick" in World War II.

He commanded the battleship Mississippi for two years, but later, to the surprise of many, turned down an invitation to command the Navy's battleships, a prize post before Pearl Harbor, in favor of the challenge of the more lightly armed but speedier heavy cruisers.

Shore duties between wars included Naval War College and the course at the Army War College, where he spent a second year by Army request as an instructor in amphibious war. From 1931 to 1934 he returned to Annapolis as Superintendent. Cadets of those years remember him as strict but fair, and that he made an attempt to broaden the curriculum.

His first tour on the Navy's General Board was from 1936 to 1939, when he was sent to Shanghai with the four stars of a full admiral to command the Asiatic Fleet, of which he said: "All my ships were old enough to vote."

Reading the signs of coming conflict, he moved his headquarters to Manila. He was credited with dispositions that saved all his surface ships and more than 200,000 tons of merchant vessels in the initial Japanese attack.

In February, 1942, he was ordered home, turning over command of his fleet to the Netherlands commander of the Allied fleet. Though a year overdue for retirement, he was immediately recalled to active duty and a seat on the General Board, while Congress voted him permanent four-star rank.

One of his wartime duties was to collect depositions for the Navy's inquiry into the Pearl Harbor disaster, before memories faded. For this, he traveled extensively through the combat theaters and also spoke and wrote at home to publicize the Navy's war effort.

Admiral Hart had made the King house, a historic mansion in Sharon, Conn., his family home since 1924. In February, 1945, he accepted appointment by Gov. Raymond E. Baldwin, a Republican, as Senator to fill the vacancy caused by the death of Francis T. Maloney. It was at that time that he stepped down from the General Board.

As a Republican Senator he maintained that he was not a Navy spokesman and subsequently declined service on the Naval Affairs Committee, although he later agreed to serve on the Military Affairs Committee after being assured that the Army would welcome his presence.

He was an opponent of the merger of the armed services into a single Department of Defense. He contended that a separate Air Force would combine with the Army to diminish the Navy's role—and he also thought that the combination of air and surface forces in a single branch, as in the Navy, was more effective militarily than their separation.

Admiral Hart did not seek election in 1946.

In October, 1947, he warned that Korea probably would become the 17th Soviet Republic. "A Sovietized Eastern Asia," he said, "is fully as menacing to us as would be a Sovietized Western Europe, and the probability that it may happen is decidedly greater."

He regretted in the light of later events that the United States had sought Russian entrance into the war against Japan, saying that "Japan's China army gave up, the Russian troops were not needed at all and the estimate was wrong."

Last November, he welcomed the election of his Sharon neighbor, James L. Buckley, as Conservative Senator from New York. "I always knew Jimmy had the stuff," he said.

In Sharon, he was active in such civic enterprises as the reforestation of Sharon Mountain, the Sharon Hospital, and in establishing the Sharon Historical Museum to which he gave his collection of firearms.

Admiral Hart is survived by his widow, the former Caroline Brownson, daughter of an admiral; a son, Roswell R. of Sharon; 3 daughters, Mrs. LaVerne Baldwin of Taconic, Conn., Mrs. Dana Bergh of Rochester, and Mrs. Francis B. Sayre Jr. of Washington; 13 grandchildren and a great-grandchild.

A funeral service will be held Wednesday at noon in the First Church of Christ, Congregational, in Sharon. Burial will be in Arlington National Cemetery following a service in the chapel at Fort Myer in Arlington, Va., on Thursday at 10 A.M.

PROTECTION OF ST. CROIX ESSENTIAL FOR CONTINUED RECREATIONAL EXCELLENCE

Mr. MONDALE. Mr. President, on June 18, the Minneapolis Star published an interesting editorial concerning the lower St. Croix River, which the Senator from Wisconsin (Mr. NELSON) and I have asked Congress to protect under the National Wild and Scenic Rivers Act.

As the Star points out, the St. Croix River is exceptionally valuable because its natural beauty and recreational potential are available to residents of the Twin Cities metropolitan area. If this river is not protected, the editorial adds, the St. Croix River Valley will no doubt become quickly overdeveloped and thus lose its attraction as a close retreat for Twin Citians.

Mr. President, because the editorial so succinctly summarizes the reasons why the St. Croix River should be afforded the protection of the Wild and Scenic Rivers Act, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MYSTERY OF THE ST. CROIX

How Minnesota and Wisconsin could come this far without having the St. Croix River Valley they share overwhelmed by development is a mystery. But they can be thankful that, despite the pressure of the nearby urban area, the St. Croix remains essentially a beautiful, if somewhat overworked, recreational river.

Sens. Mondale, D-Minn., and Nelson, D-Wis., have introduced legislation to include the St. Croix from St. Croix Falls to the Mississippi River under the protective cover of the national scenic and wild rivers system. A federal-state study team suggests spending about $7.5 million to preserve 8,250 acres along the river, either through purchase or scenic easements.

While probably something less than one-fourth of the valley is still undeveloped, most of what is developed has a low profile. It's still possible to preserve much of the valley's basic recreational appeal, which, incidentally, was the recommendation of a Metropolitan Council staff report recently.

Without restrictions, on the other hand, it isn't hard to predict the overdevelopment of the valley and its loss as a place to retreat from the urban crush. While circumstance has provided a chance to save this valley from and for ourselves, the opportunity can't last forever. Congress should move quickly to approve the Mondale-Nelson proposal.

PROMISES WITHOUT PERFORMANCE

Mr. BAYH. Mr. President, as chairman of the Juvenile Delinquency Subcommittee, I have been especially concerned about the need to realize the full potential of our young people. One of the prerequisites of their fullest development is a supportive environment free from fear, insecurity, and hunger. I am deeply concerned about the number of children—our greatest resource of the future—who are not only living in poverty but are struggling day to day without adequate food.

At present, our children comprise almost half of the 25.5 million citizens who live below the poverty line. In other words, about 13 million or 12.8 percent of all citizens under the age of 25 are probably suffering emotionally and physically from inadequate nutrition. It has been shown that severe hunger can impair an individual's mental abilities. Therefore, I believe that elimination of hunger should be one of the Nation's first priorities.

Earlier this year, the Department of Agriculture repeatedly urged the cities to expand their summer feeding programs. Consequently, requests from the cities were far greater than available funds. But suddenly, on June 17, the Department of Agriculture announced that it would be unable to fulfill its earlier promises to the cities to fund the expanded summer lunch program under section 13 of the National School Lunch Act. Now it appears that hungry children are going to become the victims of the administration's "promise without performance."

Mr. President, we all have read that on June 28 the Department of Agriculture announced proudly that it was prepared to spend $18.1 million on the 1971 summer lunch program as compared with $5.8 million spent in the summer of 1970. What the Department of Agriculture cleverly and purposely omitted was the fact that the $18.1 million is about $15 million less than the appropriation they led the cities to believe would be available. Not only did the Department of Agriculture deceive the cities about the appropriations, but they continued to encourage them to plan and initiate expanded programs right through the month of May. Then in June, they suddenly notified the cities that the promised funds would not be available. Such an abrupt and undeserved termination of funds places an additional problem in the laps of our already burdened cities. I am astounded by the casual treatment which cities have received from the Department of Agriculture. Less than 2 weeks before funds were terminated, the Assistant Secretary of Agriculture, Mr. Richard Lyng, testified before a Senate committee that the Department had sufficient funds to carry out all the provisions of the School Lunch Act. It begins to appear that these recent pronouncements and decisions by the administration have been somewhat whimsical.

My own State of Indiana is a prime example. As late as May the Regional Office of the Department of Agriculture urged the Indiana School Lunch Agency, through telephone calls and written correspondence, to contact churches, day-care centers and other organizations in order to plan the summer lunch program. Assurances were made that additional money would be available for the programs.

Buoyed by the written and verbal encouragement of the Regional Office, Indiana proceeded with its plans for the programs by buying food and making commitments to various organizations. In June only $1,618.32 remained of the initial funding and Indiana was unable to pay for debts incurred during April and May. The school lunch agency requested by telephone an additional $105,412 to cover debts and to start summer programs. A tentative letter was received saying the money would be coming, but to date no letter of credit has been received.

Shortly thereafter—around June 1—the Indiana office was informed that not as much money was available for summer programs as previously indicated and funding would not go beyond June 25. No new programs were to be implemented and some programs already in operation were to be terminated.

As we are well aware, Congress responded to the needs of the cities for additional funds by passing overwhelmingly H.R. 5257 by June 22. This bill extends summer feeding programs and authorizes $32,000,000 for fiscal year 1972, an increase of $12 million over funds for last year. It further authorizes the Secretary of Agriculture to use during the next 2 years up to $135,000,000 in money available under section 32. It was the clear intention of the Congress that the Secretary use that authority to provide full funding for the summer programs—and to use as much additional transferred money as necessary for the year-round programs. What we are faced with is an intentional frustration of the intent of Congress. Accordingly, I have sent a letter, with 40 other Senators to George Schultz, Director, Office of Management and Budget, urging his immediate reconsideration of the funds available for the summer lunch program. I sincerely hope that the repeated requests of Congress and the cities for more money will lead the administration to use the money available to feed our hungry children.

What will happen to the millions of children in New York and Newark, in San Antonio and Los Angeles, in Chicago and Indianapolis, and in many other cities throughout the Nation who will not be fed? It is hard for a person to concentrate on constructive summer activities, when the mind is preoccupied with hunger pains and searching for the satisfaction only food can provide.

The situation is ironic. The Department of Agriculture could reportedly save $200 million per year by supporting a reasonable farm subsidy limitation—a limitation of $20,000 per year, per crop. Two hundred million dollars would more than pay for the summer lunch program. However, the Department has chosen to sacrifice the health of our young to a program of welfare for rich corporate farmers. It is a tragedy when men play politics with our Nation's young. What is even more tragic is that if the streets of the cities become agitated during the summer by hungry young people, the administration will join the chorus of those who will not be able to grasp or comprehend the reasons. The same question will be asked, as it has in the past by these people. The question—why?

STATEMENT BY SENATOR GRAVEL AT SUBCOMMITTEE SESSION CONVENED BY HIM

Mr. CRANSTON. Mr. President, a week ago, my good friend, seatmate, and classmate in this august body, the Senator from Alaska, made a deep, personal decision—the kind of decision each of us is called upon to make at one time or another during our careers in the U.S. Senate.

Deprived of a Senator's right to the Senate floor by a parliamentary tactic, when Senator GRAVEL proceeded to convene a subcommittee session he knew that the procedure might be subject to question by some Members of the Senate. But it was a deeply felt and intensely personal decision that led him to pursue the course he did.

I ask unanimous consent that the words Senator GRAVEL spoke at the outset of the subcommittee session be printed in the RECORD. His comments provide strong insights into the fabric of his personal decision.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MIKE GRAVEL

Mr. President: Can anyone doubt that these are agonizing times for America?

Can anyone doubt that this nation is being torn apart by war that sears its conscience?

A terrible shadow of suspicion is across the land. Suspicion that we have made a terrible mistake. That we have spent lives and wealth in pursuit of an unworthy goal.

Suspicion that Government has not been, in this representative nation, of the people or by the people.

For 20 years this nation has been at war in Indo-China.

We began with the assumption that French influence must be preserved. Preserved so that Southeast Asia would not have a Communist government.

We supported the French with American tax dollars, to such an extent that by the war's peak, Americans were paying 80 percent of the total cost of the war.

That was a policy endorsed by American leaders as a means of halting the spread of communism without expending American lives.

Virtually without exception, American leaders have built upon those policy origins, each step following with apparent logic after the last step in seeming responsible and orderly fashion.

The logic of helping the French involved us in helping to frame the Geneva peace.

Involvement in the peace led us to decisions to provide massive economic and political assistance to those who governed in the name of anti-communism.

The logic of supporting the Diem regime impelled us to rise to its defense when threatened. First, through providing economic support, and weapons. Then, military advisers. And finally, as the threat increased, the full-scale, total commitment of American lives and wealth.

After 20 years of pursuing that policy, and as a direct result, millions of Asians have died, millions more have been maimed or become refugees in their own land.

After 20 years of pursuing that policy, and as a direct result of that policy, tens of thousands of Americans have been killed, half a million wounded. Hundreds of billions of dollars have supported the war effort—money that obviously could have found a use at home.

Our economy is in a precarious condition. Inflation has eaten deeply into each individual's personal resources. The jobless rate is critical. The dollar in jeopardy.

After 20 years of our Indo-China policy, and as a direct result of that policy, our youth have virtually abandoned hope in the ability of their government to represent the ideals for which the Republic stands. They have dangerously departed from a feeling of unity with this nation's leaders, this nation's purposes, this nation's commitment to individual worth and humanity.

For the past 20 years, the people have placed increased trust in the Executive Branch of Government.

As technology has contributed to life's complications, as the horror of weaponry has escalated beyond comprehension, the people have felt the need to trust in those who serve them; trust, to make wise decisions; trust, to keep faith with the governed.

But now, as a direct result of our Indo-China policy, that trust is rapidly eroding, and we all fear the result.

Can anyone seriously argue the consequences of our policy as I have stated them?

These are not forecasts of doom; these are facts. Facts staring at us baldly from through the doors that connect this chamber with the outside world.

Mr. President, recently I gained possession of the Pentagon Papers. I do not have them all, but believe that I possess more than half of the total work.

I did not seek these papers. When they were offered I accepted them. I have reviewed the papers in my possession and read much of the material.

It is a remarkable work.

Remarkable, for what it says about those chiefly responsible for managing our efforts in Southeast Asia in 1967.

They knew our Southeast Asia policy was bankrupt. They knew with a certainty that can only flow from full possession of the facts. They knew that we would achieve no worthy goal and reap only the consequences.

The study was not an attempt to build upon the origins of our policy, as our leadership had built. It was an effort to look at the foundations of that policy to see what went wrong.

It was an attempt to discover how such a great nation, a nation of elected representatives, a nation whose total resources overwhelm the resource wealth of all others—how such a nation could have made such a colossal mistake.

That study was commissioned in 1967—before the Tet offensive. Our failure was evident within the Pentagon before reality broke upon the vast body of Americans in early 1968. It was evident within the Defense Department four years ago—or more.

The Pentagon Papers are not military documents, they are policy documents.

The study is not so concerned with military tactics or logistics as it is with the detailed analysis of the development of our Southeast Asia policy.

In its own words, the report states:

"The purpose of this study is not only to tell what happened, but to help explain why it happened; not only to describe a sequence of decisions, but to help understand why these particular choices, and not others, were made, and (in order to draw lessons for the future) how things might have been otherwise.

The authors were true to their charter.

They spared no hard language, no sensitive analysis. They based their work on available documents which without question support the authors' conclusions.

These documents have been classified by the Executive Branch of Government. As of this moment, the public has no access to them. As of this moment, the newspapers in possession of the documents have no freedom to publish them.

As I understand the requirements and duties of our system of representative government, Congress makes policy and the Executive Branch implements it. Yet, until public pressure became overpowering, the Executive would not share these documents with the Legislative Branch. And even now we have them under the most stringent circumstances imaginable.

Mr. President, there is no defensible justification for failure to disclose the contents of these documents to the American people.

In the name of all this great nation and great people stand for, the people must know the full story of what has occurred over the past 20 years within their government.

The story is a terrible one. It is replete with duplicity, connivance against the public and public officials.

I know of nothing in our history to equal it for extent of failure and extent of loss in all aspects of the term.

We cannot leave the truth to be told by historians, for the same reason the Defense Department determined in 1967 it could not leave the story to be told by historians.

The war is still in progress. People, human beings, are being killed as I speak to you. Killed as a direct result of policy decisions we, as a body, have made.

Arms are being severed; metal is crashing through human bodies—because of a public policy this government and all its branches continue to support.

For what purpose?

One may respond that we have made such a sacrifice to preserve freedom and liberty in Southeast Asia.

One may respond that we sacrifice ourselves on the continent of Asia so that we will not have to fight a similar war on the shores of America.

One may respond that if Vietnam is governed by those in Hanoi all nations on its borders will suffer a loss of representative government and become bastions of Communist rule.

One can make these arguments only if he has failed to read the Pentagon papers.

That is the terrible truth of it all.

The papers do not support our public statements.

The papers do not support our best intentions.

The papers prove that for 20 years, and certainly for the last ten years, we have been victims of our Southeast Asia policy, not masters of it.

The greatest representative democracy the world has ever known, the nation of Washington and Jefferson and Lincoln, has had its nose rubbed in the swamp by petty war lords, jealous Vietnamese generals, black marketeers and grand scale dope pushers.

We have been the victims.

The policy has not been Vietnamization of Vietnam. Rather, it has been the victimization of America.

What do we do, Mr. President?

What do I do?

The war goes on.

People die.

America continues to lose faith in itself and material strength to advance itself, to preserve itself.

The war goes on, one decision seeming to logically flow from the one before it, as decisions have flowed for twenty years.

We may get out next year, or the year after that.

We may fight on other battlefields to protect our investment made to date.

We may return in force if this or that contingency comes to pass.

When, Mr. President, will the war end?

Why not today? Why not tomorrow?

Most Americans, on the evidence presented thus far, believe it should be ended as quickly as we can withdraw our forces.

Yet the war goes on.

I do not believe the war can continue once the people and their duly elected representatives have the story that is contained in the Defense Department documents.

I do not believe this Congress or this nation can reject the meaning of these documents.

I do not believe we can burn the books and forget they were written.

I do not believe we can close our eyes and continue to pretend that we live in a separate world.

I do not believe our concern for reputations or bureaucratic prerogatives will transcend our obligation to react to the honest message that has been delivered.

Mr. President, I reject the executive restraints that have been imposed to prevent full legislative use of and debate over the facts at hand.

The American people have an absolute right to know matters of overwhelming importance to their own informed decision-making.

It is my Constitutional obligation to protect the security of the people by fostering the free flow of information absolutely essential to their democratic decision-making.

The American people and the framers of the Constitution have never agreed that the truth of the performance of their elected officials should be hidden from public discussion and review.

The American people are the true sovereign.

I will not accept the notion that the President of the United States can manipulate the United States Senate into silence.

Let those who now fear the truth test themselves in the area of public judgment. That is the purpose of it all. What more basic principle underlies the government of this nation and the charter all our citizens have with it?

Mr. President, there is a great yearning in our land. And a great awakening.

There is a yearning for peace, and the growing realization that we need never have gone to war.

There is a yearning for a more open and free society . . . and the emerging recognition of increasing repression of peoples' lives, their right to know, their right to dictate the course of events.

There is a yearning for mutual trust between those who are governed and those who govern. And the sudden revelation that it has not been the people who have lacked faith in their leaders, but the leaders who have lacked confidence in the people.

For it is the leaders who have been found lacking, *not* the people. It is the leaders who have systematically misled, misunderstood and, perhaps worst of all, ignored the people and the Congress in the pursuit of a reckless foreign policy which the people never sanctioned.

This nation's public never has failed to support its government and its policies once it was convinced of the rightness of those policies. But it should not be expected to support those policies if it does not believe them to be right.

This is not a time for Stephen Decatur's philosophy of "My country, right or wrong." Rather, this is a time to right our wrongs . . . to admit our mistakes and to try and correct them. This is the true test of the patriot.

Mr. President, at this moment, free discussion of the Pentagon papers has been circumscribed in our nation's press. Free discussion must not be circumscribed on the Floor of the United States Senate.

As I speak now, the war goes on.

Immediate disclosure of the contents of these papers will change the policy that supports that war.

If we act today, perhaps one life will be saved, one village not bombed.

If we act today, the value of action is greater than action tomorrow.

And so I intend to read from the documents now, and for as long as I am physically able.

I would hope that other Senators would join with me to continue the reading until all the documents have become a matter of public record. Or I would hope that the reading itself will prompt immediate and full disclosure.

I have enough confidence in the democratic process to believe that disclosure will prompt decisions in an orderly way, through the democratic process and through our recognized and legitimate institutions of power.

And so, Mr. President, I begin with a reading of summary sections dealing with the origins of our policy in the Administration of President Harry S. Truman.

HARLEM PREP SCHOOL, NEW YORK CITY

Mr. MONDALE. Mr. President, among the many graduation exercises this June in which thousands of young people have participated, one such ceremony seemed to be especially significant—the graduation of students from the Harlem Prep School in New York City.

Most often, we like to assume that when students graduate from high school—especially those going on to college—the ceremony represents a culmination of many events: Of past educational and academic achievement, of a solid preparation for adulthood and independence and, generally, a rich and rewarding learning experience. Unfortunately, for many, this is not the case. The sad reality is that many students who graduate this June—and others who will never reach graduation at all—will be barely able to read or even do simple arithmetic. These young people represent the failure of the public school systems and other institutions to meet their needs; they are the dropouts who have been "pushed out" along the way.

In my view, one of the most exciting educational endeavors is a school housed in a renovated supermarket in the middle of Harlem—where educational prospects have at best been dim—which is making an effort to reach these pushouts and prepare them for college. Harlem Prep recognizes that the difference between the college-bound high school graduate and the "pushout" is often not ability, but motivation. As a testimony to the success of the school's philosophy, Harlem Prep recently graduated 116 former dropouts of all ages—all with scholarships to colleges and universities in the United States and abroad.

Mr. President, I read with pleasure in a recent article by Barbara Campbell, and published in the New York Times, that Harlem Prep has survived a financial crisis which threatened to close its doors this spring. I commend the students and faculty of Harlem Prep for their outstanding achievements. I ask unanimous consent that this encouraging article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EX-DROPOUTS GRADUATED IN HARLEM

(By Barbara Campbell)

The Harlem Preparatory School graduated 116 former high school dropouts yesterday, all with scholarships to such institutions as Harvard, Wesleyan, Columbia and the University of the New World in Switzerland.

The school's philosophy is that the dropouts it accepts do not lack the ability to go to college, but the motivation. That is what Harlem Prep seeks to provide.

Four hundreds persons attended the graduation on a cordoned-off block of Seventh Avenue between 124th and 125th Streets.

Four months ago it was uncertain whether any of the students ranging in age from 17 to 40 years old, would be graduated. The private school, at 2535 Eighth Avenue, was low on funds and threatening to close its doors after former donors had made no firm commitments.

NEW GRANTS RECEIVED

An obviously relieved and happy Robert J. Mangum, newly elected chairman of the school's board of directors, said that Harlem Prep had received several major grants after news of its imminent closing was made public in March.

"We already have our budget for next year, said Mr. Mangum, who is also Commissioner of the State Division of Human Rights. He added later that the budget had been cut from $600,000 last year to $462,000.

The Standard Oil Company (New Jersey) had guaranteed the school $100,000, enabling it to remain open, and $150,000 over a two-year period.

The Ford Foundation has approved a $250,000 grant, and major contributions will come from the Sheila Mosler Foundation, a consistent supporter of the school, and the Chase Manhattan Foundation.

Smaller contributions have also been coming in from individuals and from local organizations. At the graduation, a representative of the United Friends of Harlem Prep gave the school $3,500.

RETURNING ALUMNI

Among the guests at the ceremony were many graduates of the school, who believe it is their duty to return each year to celebrate the achievement of the students.

Among them were 30 graduates who will be college seniors next year. They were members of the first class of 39 students, which graduated in 1968 at Harlem community center. Two of the 39 are in the military and the other seven are no longer in college.

One reason such a high percentage of Harlem Prep graduates stay in college is the determination of such alumni as Mrs. Mabel

Blackwell, a mother of four children who graduated from the school after three years at the age of 29.

Mrs. Blackwell, who has completed her first year in the nursing school at the City College, said:

"I've got my foot in the door now and I'm going to keep on pushing." Her eventual aim is to become a doctor.

As teachers read off numerous awards, including those for scholastic excellence as well as perseverance—one student was found to have been riding a subway for a month because he had no place to stay—some of the students stood to give the clenched-fist black power salute.

"It was the toughest year we ever had," the school's headmaster, Edward F. Carpenter, told the class, which gave him a standing ovation.

But he encouraged the graduates to call the school for assistance if they needed money for emergencies.

"The money will be difficult to come by," he said, "but I want you to keep on calling on us."

SEQUENCE OF HISTORICAL EVENTS

Mr. McGEE. Mr. President, as the furor continues over the Pentagon papers and unreasoned recriminations continue to be leveled in connection with our involvement in Vietnam, I feel it would behoove all to restrain from making rash judgments based on inadequate data and inadequate research into this period of our Nation's history.

The Washington Post today published a column by Henry Owen devoted to this very point. In his column, entitled "A Deadline for Declassification?", Mr. Owen devotes his attention to the history of the public's view of the origins of each major conflict of this century. He states the public's view has been marked by three successive phases. The first phase is when the wartime official view is readily accepted. The second phase is when "a spate" of memoirs and other secret documents "persuaded people that it was largely the fault of their own wartime leaders." The third phase is when the professional historian "showed the truth to be a lot more complicated than any of these 'devil' theories would suggest."

Mr. Owen points out that we are presently in the second stage of this sequence of historical events. The final analysis, more than likely, will be completely different. It is more than likely that the final analysis will be completely different, if history holds true to form, than the verdict currently being rendered by many who have chosen to twist what little information they have to fit the confines of their own unreasoned view of Vietnam.

I have long advocated that history, and only history, can be the true judge of a nation's actions. That is why it is so very important that all of us leave the final judgment of Vietnam to the historians. It can serve no purpose to make that judgment at this time when highly speculative impressions are running rampant.

I ask unanimous consent that Henry Owen's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OPEN FILES REVEAL THE COMPLICATED TRUTH: A DEADLINE FOR DECLASSIFICATION?

(By Henry Owen)

The current furor over secret Vietnam documents fits into a familiar pattern. The public's view of the origins of each major conflict (save Hitler's war) in the last century has been marked by three successive phases: Phase I, when the wartime official view was readily accepted; Phase II, when a spate of memoirs and other secret documents persuaded people that it was largely the fault of their own wartime leaders; and Phase III, in which professional historians showed the truth to be a lot more complicated than any of these "devil" theories would suggest. We are now in Phase II on Vietnam; the need for moving as soon as possible to Phase III can be better understood if we look to past experience.

CASE ONE: In 1914–18, the view that the Kaiser had single handedly brought on the war was universal outside Germany. Then came postwar memoirs and the publication of Austrian, German and Russian secret documents; this led such revisionists as the late Harry Elmer Barnes to suggest that the war was largely the fault of Poincare and the Russian military. Finally, serious historians got to work. While they differed among themselves in distributing the blame, a succession of professional studies—culminating in Albertini's definitive three-volume history published in the 1940s—suggested that both the wartime and revisionist theories were at fault. None of the statesmen involved had wanted a general war; there were divided counsels in each government; and there was a large amount of miscalculation and at least as much incompetence as criminal intent all round.

CASE TWO: On December 8, 1941, most Americans were fairly clear that Hirohito had attacked a peaceful America out of the blue. After the war smoldering hostility toward President Roosevelt exploded in a burst of revisionist commentary, which suggested that he had tempted and provoked Japan into firing the first shot. The U.S. Government, in a burst of candor, gave two eminent scholars—William Langer and Everett Gleason—the run of its archives and invited them to form and write their own view. Phase III, which began with their two-volume work in the early 1950s, has been reflected in a succession of scholarly studies ever since. These studies have reached varying conclusions, but no one who reads all of them is likely to return to the simplistic theories of the 1940s: The failures of last-minute U.S. and Japanese efforts to avert war are, as John Toland points out in his recent work, too tragic and complicated a business to be explained by seeking out heroes and villains.

On Vietnam, we are now in Phase II. Secret documents have been revealed; wartime leaders are being discredited. But the revealed documents are inevitably a partial record: They do not include White House files; and they do not indicate either the context in which, or the tactical purposes for which, the memoranda they cite were written. They cannot fully reflect the doubts and torments of officials reaching for decision—which are, by the very nature of the government's operations, rarely committed to paper. The authors who analyzed these papers were not able to conduct interviews with the participants; as indicated in these volumes' preface, they sometimes lacked the research experience required to assess evidence which was necessarily, as a Washington Post editorial has pointed out, neither complete nor balanced. These are some of the reasons why such men as George Ball and Averell Harriman have warned against trying to draw sweeping conclusions from these documents.

One remedy was suggested by three noted historians before the current storm broke. In 1969 Professor Ernest May of Harvard proposed that all classified government records, except for those few whose disclosures would directly, surely, and powerfully prejudice national security, be opened after a fixed period to qualified professional historians. Professor James McGregor Burns of Williams followed with a similar, if more general, proposal and suggested that the waiting period be fixed at eight years. In light of recent events, this period might well be shortened. The proposal was promptly endorsed by Professor Langer, who pointed out that "systematic declassification is patently impossible: the records are so voluminous that it would take large teams of highly qualified personnel years to complete the assignment."

Professor May had in mind that a group of these historians, based in universities would then launch a major effort to produce scholarly histories of U.S. postwar foreign policy—perhaps under a foundation grant, which might be managed by an appropriate professional association or by a group of these associations. Outlining the advantages of such a historical program in persuasive terms, Professor May concluded: "Policymakers and their staffs would possess more reliable knowledge about events which they use as trend gauges and action indicators . . . Legislators, journalists, and others commenting on current actions would have less excuse for basing comparisons on legend rather than reality . . . and students would leave the classroom with somewhat more awareness than now seems common that the world is a complicated place and that the color of truth is often gray."

At the time these professors' proposals were made, they attracted scant attention. In light of current events, they warrant serious exploration. The President might appoint a mixed commission of eminent American historians and government officials to study the matter and report back to him with specific recommendations. This would be a different operation from the inter-agency study on declassification which is already underway in the U.S. Government.

In the meantime, private studies can make a modest contribution in pointing the way. Leslie Gelb, who coordinated the compilation of Pentagon documents, is embarked on a three-year analytical history for the Brookings Institution of how five successive U.S. administrations perceived and acted on U.S. interests in Indochina from 1940 to 1965. His object is not to figure out who struck whom and why, but to show the inter-relation between official decisions and the international and domestic environment in which they were taken. His research is based on public sources; the first published results, published recently in Foreign Policy and the "Outlook" section of The Washington Post, suggest that his conclusion will be both more balanced and perceptive than those now being widely drawn from the Pentagon documents often by people who haven't even read them, but have heard of them at second or third hand.

Whatever may be the verdict of history in Vietnam, one thing is sure: It will differ from many of the verdicts now being pronounced with such speed and enthusiasm on the basis of a scattered and incomplete returns.

CHANGE FOR THE BETTER IN SELECTION OF DELEGATES: WHITE HOUSE CONFERENCE ON AGING

Mr. CHURCH. Mr. President, on June 25, I directed several criticisms at the method by which the Secretary of Health, Education, and Welfare wished to select State delegates to the forthcoming White House Conference on Aging.

It seemed peculiar to me that the Secretary had called upon the Governor of each State to send a list representing 150 percent of the approved number of delegates from each State. This list was to be sent to Washington, where HEW would make the final selection. This arrangement, I pointed out, could be regarded as an attempt to "stack the deck" politically in a conference where politics should not enter at all.

In addition, I asked Governors to reject the new HEW formula on the grounds that it is an affront to each Governor, that it usurps plans which have been months in the making, and that it would put the selection of delegates into the hands of Federal officials who are somehow deemed more qualified than State officials to choose the final list of State delegates.

Similar criticisms, I understand, were made by leaders of national organizations on aging and by directors of individual State agencies on aging.

Apparently, the protests have been heard, to judge by the following letter sent by the HEW Secretary on June 28 to all Governors:

> On June 4, 1971, I sent you a letter outlining the nomination procedure for your State's delegation to the White House Conference on Aging to be held in Washington, D.C., November 28 to December 2, 1971.
>
> Subsequent to that mailing some questions have arisen in several States regarding my request that the Governors nominate 150% of their State's quota. As was stated in my letter, I feel the 150% request is necessary to reduce the delay in the processing of your State's delegates in the event of duplicate nominations.
>
> To clarify this situation, I am requesting that you submit a list of proposed delegates equal to the number of delegates assigned to the State and an additional list in the order of your preference, equal to 50% of your assigned number of delegates that we may turn to in the event such duplications occur.

Puzzled as I am by the view that a full 50 percent additional number of names is needed to prevent duplication, I nevertheless welcome the change in policy. It should help ward off the fears caused by the letter of June 4. It also indicates that the administration may be paying more attention than it has in the past to the sentiments of those who feel that the White House Conference on Aging—due to begin November 28—shall offer the broadest possible opportunity for full and free discussion of the very real issues which face 20 million older Americans of today and many millions more in the next decade. Their problems and their hopes for the future cannot be constricted or shaped into any special dogma or outlook. The people should be heard at this Conference, and they will insist on open proceedings, fairly arrived at.

CURRENT STATUS OF LAOS SECRET SESSION TRANSCRIPT

Mr. SYMINGTON. Mr. President, last June 30 I reported to the Senate the status of the transcript of the Senate's secret session on Laos which was held on June 7.

In that report I presented that the Committee on Foreign Relations had been informed on June 25 that a memorandum detailing the points of disagreement between the committee and the executive branch was being cleared within the executive branch prior to its presentation to the Secretary of State.

Yesterday, Mr. Joseph Wolf, the Secretary of State's designated representative for matters having to do with the Laos transcript, informed the committee staff that the memorandum in question had been cleared by the appropriate officials within the executive branch and was now awaiting action by the Secretary of State.

Let us hope that the executive branch will agree to final publication of this transcript at an early date. The people of this country are entitled to know far more about U.S. operations in Laos.

In the meanwhile, I have written to the Secretary of State in effort to secure additional background information regarding past and present U.S. financing of Thai troops in Laos. My request for this information was prompted by a public statement on U.S. financing of Thai troops made by the Department of State spokesman on the very afternoon of that Senate secret session.

This statement contained specific assertions as to the origins, the nature, and the legality of U.S. financing of Thai troops in Laos; and my letter asks the Department of State to provide the Senate with the facts regarding the actions in question, so that the Senate can examine those facts and draw its own conclusions before voting additional funds for Laos; also before deciding whether a ceiling, such as the one I have proposed, should be placed on U.S. expenditures in Laos.

I ask unanimous consent that my letter of June 29 to the Secretary be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 29, 1971.

HON. WILLIAM P. ROGERS,
The Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: On June 7 a State Department spokesman told the press that the United States support for Thai troops in Laos began as a program authorized by President Kennedy, that the troops are in Laos at the request of the Prime Minister of Laos and that United States financing of these troops is "fully consistent with all pertinent legislation." As Chairman of the Subcommittee on United States Security Agreements and Commitments Abroad, I am interested in obtaining background information and documentation relevant to these assertions by the Department's spokesman.

In this connection we would appreciate your furnishing the Subcommittee with the following information.

(1) A description of the specific decisions taken by President Kennedy to authorize United States funding of Thai troops in Laos, and of the subsequent actions taken by United States diplomatic and military authorities to implement such decisions.

(2) An explanation of the funding procedure used to provide financial support for Thai troops pursuant to President's Kennedy's original authorization.

(3) A description of Prime Minister Souvanna Phouma's request for Thai troops, including answers to the following specific questions:

(a) When was the Prime Minister's request (or requests) made?

(b) In what form was the request made?

(c) To whom and to what government or governments was it addressed?

(d) What specifically did the Prime Minister request?

(e) What did the Prime Minister's request say with regard to arrangements for financial support and publicity concerning Thai troops?

(f) What response was given to the Prime Minister by the person, government or governments to whom the request was addressed?

(4) An explanation of how Souvanna's request relates to the various undertakings of the Royal Lao Government in the Geneva Agreements of 1962.

(5) A detailed explanation of any discussions, arrangements and agreements, formal or informal, involving the United States Government and the Royal Lao Government or the Government of Thailand relative to past or present United States financing and support for Thai troops in Laos.

(6) An identification of the departments or agencies which have provided funds for support of each of the various programs involving Thai troops in Laos.

Because the above request is relevant to the Senate's consideration of pending legislation having to do with United States expenditures in Laos, we would respectfully request that the information be provided at earliest opportunity.

Sincerely,

STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad.

THERE IS NO "FREE" CARE

Mr. HANSEN. Mr. President, the American Medical News on June 28, in an article entitled "Nothing Is Free," pointed out that the American people should look beyond labels and examine content and cost of content in regard to national health insurance proposals.

The article makes the point that:

> What everyone must realize is that no system provides "free" care for the public.

And that—

> The public must pay for that care, whether the money comes out of the individual's pocket, is withheld from his paycheck for health insurance, is withheld from his paycheck for taxes, or is a part of the hidden costs of each product he buys.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NOTHING IS FREE

Organized labor and Sen. Edward Kennedy (D., Mass.) have teamed up to sponsor the National Health Security Act, which, they would have the public believe, would meet all the costs of illness suffered by taxpayers.

However, when the director of the AFL–CIO Dept. of Social Security, Bert Seidman, appeared recently on the radio program "Labor News Conference," the way the program would work was clarified.

Following are some excerpts:

Q. "Mr. Seidman, wouldn't your bill actually eliminate the existing health insurance industry?"

A. "I don't think it would eliminate the health insurance industry. Some parts of medical care are not covered by even the health security bill.

"The health security bill would cover a larger percentage of the costs of medical care than any other proposal that has been made. It would cover 71% of the family's health expenditures. There would be no deductibles—no co-insurance—as there is in all the other proposals.

"But, it would not, for example, in the early stages, cover the adult dental care.

"It would not cover certain types of long-term care in nursing homes, beyond a certain limit.

"It would cover prescription drugs only under certain circumstances.

"All of those types of medical costs could be covered by private insurance.

"Private insurance could play another role as the fiscal agent of groups of doctors, if they wanted a private insurance company to do that. . . ."

In response to a question about financing of the program, Seidman said:

". . . the program would be financed by the payment . . . of 1% of the worker's wage.

"The employer would pay 3⅓% of the worker's wage.

"Self-employed people, and people earning income other than employment-type income, would also pay into the program.

"Fifty percent of the costs would be met from general revenues—that is from the regular resources of the federal government. . . .

"[That money] would come from our general taxstream, and since we have a tax system, at the federal level, which is closest to the principle of ability-to-pay, the program would be financed in the most equitable way that we can have, under our present tax system."

What everyone must realize is that no system provides "free" care for the public. The public must pay for that care, whether the money comes out of the individual's pocket, is withheld from his paycheck for health insurance, is withheld from his paycheck for taxes, or is a part of the hidden costs of each product he buys.

A FINE WAY BACK TO OUR PRAIRIE PAST

Mr. MONDALE. Mr. President, Life magazine for July 2 has published, in the form of a book review written by Senator George McGovern, a nostalgic view of life in the Dakotas.

Reminiscing about his childhood on the prairie, Senator McGovern recalls:

> It was a hard life in a hard country, but our family not only endured those hardships, it seemed to thrive on them.

But the review also looks ahead and urges us to preserve "the spirit of individualism that gives our Nation strength" especially by making "life in rural America attractive to young Americans."

Here is an eloquent appeal for the preservation of our family farms and our small towns—in short, those places in America where a sense of community is the strongest.

Mr. President, I ask unanimous consent that Senator McGovern's review be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Fine Way Back to Our Prairie Past: Mrs. Wilder's "Little House" Series

(Note.—For four decades, ever since her classic "Little House in the Big Woods" appeared, Laura Ingalls Wilder has captivated children and parents with her series of Little House books, quiet chronicles of her pioneer life on the wild prairies of the American Middle West in the 1870s and 1880s. To the eight books in the series—over two million copies of which have been sold since she began writing—has recently been added a ninth, The "First Four Years" (Harper & Row, $4.95), discovered among her effects when Mrs. Wilder died at the age of 90. And in September the original eight will appear in a paperbook set, illustrated by Garth Williams, who painted the jacket pictures shown here. To commemorate the happy occasion, Life asked presidential aspirant George McGovern, a fellow Dakotan whose five children are all Little House enthusiasts, to comment on Laura Ingalls Wilder and the way of life she wrote about.)

Dakota is a word that rings with history. Although several generations separate me from the late Laura Ingalls Wilder, her Little House books of life in South Dakota's early days bring back memories of days when the frontier was not something reserved for official history books.

My father was a prairie preacher in Dakota. He moved from one small town to the next, building a congregation and a church, and then beginning again. It was a hard life in a hard country, but our family not only endured those hardships, it seemed to thrive on them.

I grew up in Dakota during dust bowl years, when eking out a living took most of one's time and energies, and the family was the main source of comfort and enjoyment. In many ways our situation was similar to the one Mrs. Wilder knew in her own childhood and described in her books. Everyone was aware of the family struggle, but it was accepted as a way of life. Time for relaxing and "visitin'" were all the more enjoyable for it.

Here was the sense of community that seems to have been lost by many in our country. We had to trust one another in order to survive. This has not been completely lost in America. Even today on South Dakota farms, the sense of a family that is really the entire community remains. The young find the pull of the city, with its congestion and pollution, less attractive. They leave rural America only because they cannot find jobs.

Many young people who have never lived in these rural areas now tell us that they want to move there. They seek the confrontation with nature and with themselves that they cannot find in urban America. They yearn for a less formal and more honest life where they can test themselves.

This rural life often means running a farm. The Wilder books show clearly what we mean when we talk of the "family farm." And what she writes in *The First Four Years* of those farms in the late 19th century remains true of them today: "It would be a fight to win out in this business of farming, but strangely she felt her spirit rising for the struggle. The incurable optimism of the farmer who throws his seed on the ground every spring, betting it and his time against the elements, seemed inextricably to blend with the creed of her pioneer forefathers that 'it is better farther on'—only instead of farther on in space, it was farther on in time, over the horizon of the years ahead instead of the far horizon of the west."

Thomas Jefferson saw this farming spirit as a mainstay of our democracy. In the intervening decades, we have learned that it is the spirit of individualism that gives our nation strength. And now we understand that this spirit must be kept alive in the factory and the city as well as on the farm. Yet the family farm remains an American institution uniquely worthy of preservation.

For those who cannot become farmers, we have an obligation to nurture small-town life in other forms. Just as the federal government gave Laura and her husband a homestead in Dakota, it should now help to make life in rural America attractive to young Americans.

These stories stimulate the imagination of her young readers, because, with great skill and artistry, Mrs. Wilder rewove her life into history. One can detect through her writing the quickness of Laura's mind and catch the twinkle in her eye. She was a kind of Grandma Moses, writing with simple honesty about a simple and honest life.

DEATH OF DOROTHY ANDREWS KABIS, TREASURER OF THE UNITED STATES

Mr. HRUSKA. Mr. President, it was with deep regret and a great personal sense of loss that I noted the untimely death of Dorothy Andrews Kabis last weekend.

Her passing deprives our Nation of one of its valiant patriots and a dedicated leader at a time when we can ill afford to lose her type of leadership.

It was my great privilege to know and work closely with Mrs. Kabis on many occasions in the past decade. Her dealings with everyone with whom she came in contact were honest, cooperative, and constructive, representative of the qualities which we all seek in our relations with our fellow man.

She was a vocal, active, and persuasive Republican, but more than that she was a loyal and conscientious American. She was a booster of our Nation—the kind of booster that is in short supply today. Yet she was not blind to our shortcomings and through both her political and civic activities she worked persistently to improve the Nation.

As Treasurer of the United States for the past 3 years, she employed the same energy and vigor, and provided the same conscientious service which she had brought to the presidency of the National Federation of Republican Women and to the many other organizations with which she was associated.

On reporting her death, one newspaper commented that she was little known outside the Treasury Department. I would have to take issue with that statement. She was well known and well respected, with a reputation for being a worker and a vital force in any organization which was fortunate enough to attract her interest.

For the millions who knew her only through her signature on our currency, I say it is most unfortunate that they did not enjoy the pleasure of knowing this great lady personally.

Her love of the soil kept her feet on the ground philosophically. It gave her a sense of practicality which seems to be slipping away from elements of the Nation today.

As the operator of a large nursery in Delaware for many years, she experienced firsthand the problems of business, of labor, and of our basic industry, agriculture. She understood so well the virtues that built this great Nation and support it, and she epitomized those virtues in all her endeavors and stimulated them in those with whom she worked.

My deepest condolence goes to her husband at this time of great loss. We can understand and reflect his sorrow, Mr. President, because the loss to our Nation is equally grievious.

NIXON ADMINISTRATION PROPOSALS ARE UNACCEPTABLE

Mr. CHURCH. Mr. President, recently I expressed my strong opposition to proposals advanced by the Nixon administration to license the recreational use of public lands by the American people, through the sale of annual, individual permits.

In my opinion, this plan is no more than a proposal for dogtagging the American camping public.

In reaction to my statements in opposition to the plan, I have received many letters of encouragement and support from concerned Idahoans. One letter, which I feel is representative of the strong feelings expressed by those who have written me, was sent by Mr. Edward C. Herr of Grangeville, Idaho. Mr. Herr's letter is excellent and points out in no uncertain terms the sentiment of the people of my State in opposition to this new proposal. I commend Mr. Herr's letter to the attention of the Senate and ask that it appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SENATOR FRANK CHURCH,
Senate Office Building,
Washington, D.C.

MR. SENATOR: I recently read in the papers of your opposition to the park fee system, and although I've never voted for you in the past, you have my vote in the future and any other help I can be of to you.

I very seldom use any of the State or Federal parks for camping, but each year (or rather until this year) I purchased a Golden Eagle Pass. I use it maybe once a year and sometimes not at all, and I know there must be many others just like me.

I'm not concerned for myself, but for the working man with a family, who buys a camper or trailer so he can take a vacation because he cannot afford the out-of-reach prices of a motel and cost of meals.

I don't think most people object to a $1.00 entrance fee (I do), but now it is $2.00 and $3.00 a night camping fee, and I have heard some ask more. If this was for as long as you would stay in any certain park, a person wouldn't object too much, but it's too much for one night for a man with a low salary, which most people who use the parks come under.

Another thing is the so-called Rest Areas on the Interstate Highways. The same poor individual and his family drives until 9 P.M. and is worn out. He sees one of these beautiful oases and stops to find a big sign, 'No Camping", or "No Overnight Parking", goes a little farther and his pet catches it, a sign "No pets except in marked areas", so on to the marked area and another sign, "Pets on leash only". A beautiful rest area with flowers, green grass, tables, etc., but don't rest, just stop and move on. The only thing lacking is a sign "Rest Limit 15 minutes". Then they wonder why so many people are killed on the highways. It is because a person can't afford the $10 to $20 per night motel and takes his chances by driving all night.

I wonder why some money hungry so-called servant of the people like Mr. Harrison Loesch and others hasn't thought of pay toilets and .05 for toilet paper. Another idea they haven't thought of is parking meters in the camp and rest areas, charge for drinking water, firewood (some parks already charge for wood) and for the air we breathe.

It is a pleasure to see in the paper this day and age that there is Senators like you, Sen. Hatfield of Ore., Sen. Moss of Utah and others working in behalf of the people, who have to use the parks instead of motels, dude ranches and other high price resorts for vacation and overnight stopovers.

The people who are always thinking of new ways to make more money in the parks must forget that there wouldn't be any parks or high paying jobs for them if it wasn't for the same people they are stepping on. If the truth were known, people like Mr. Loesch would never be seen in a rest area or park campground on his vacation, but gripes just as much on the cost of airplane, ocean cruises, safaris, etc. on his vacation as the man who has to use the parks.

In closing, whether you people who care get anything done or not, you would be surprised to know how many people feel the same way as I do on this subject. It looks like someone is trying to drive people out of the parks, rest areas, etc. back to the motels and hotels again, but I think the little man will stay home first.

I don't know whether you will ever see this letter or not, but thanks for giving me the opportunity to blow off some steam. As I said before you have my vote in the future.

Yours truly,

EDWARD C. HERR,
Grangeville, Idaho.

CRLA FULLY VINDICATED: 17-MONTH FUNDING GRANTED

Mr. CRANSTON. Mr. President, I think it is fair to say that I have not been lavish in my praise of OEO Director Frank Carlucci in terms of his handling of the California rural legal assistance refunding matter.

I have differed with him for the last 6 months over the manner, timing and substance of decisionmaking regarding CRLA. On December 30, 1970, I made clear to him that I strongly disagreed with his vacillation on refunding CRLA when its last annual grant expired, and when, based on all the facts then available, a prompt refunding decision was clearly indicated. Similarly, I objected to his January 30, 1971, decision further to postpone making a decision and instead to appoint the CRLA Commission to assist him in reaching a judgment that a reasonable man could make in only one direction. Finally, I voiced my displeasure on July 1 with his ambiguous and misleading June 30, 1971, statement regarding the decision to refund CRLA, and I continue to be unhappy with his redistribution of the text of his misleading June 30 statement.

I have not changed my mind about any of these matters. In my judgment, Mr. Carlucci should have made a forthright decision to refund CRLA by last December 31. All that has happened since then only confirms my initial judgment to that effect.

But, the fact is that he has now reached the right decision—the one which I urged him to make 6 months ago under regular OEO processes. Today, I wish to pay tribute to him for his efforts in the past week to produce an "honorable, workable arrangement." He has indeed—as he said he would on March 30, 1971—leaned very heavily on the Commission recommendations in reaching a decision on CRLA, and in doing so, he has reached his decision by June 30—as he said he would try to do.

I regret that part of the price was a $2.5 million judicare grant apparently to be administered through the State OEO, but the principle and the integrity of legal services has been sustained. That is the crucial thing.

For that, Mr. President, Frank Carlucci is owed a substantial debt of gratitude by all poor Americans receiving and in need of legal services assistance and indeed by the whole Nation. I applaud the insight and deftness he has displayed during this trying negotiation process. I thank him personally and on behalf of the people of my State for the decision on CRLA refunding.

Mr. President, as we conclude this needlessly prolonged drama of the "Political Perils of CRLA," I would like to describe the basic "honorable, workable" arrangement which has been reached.

On June 30, in the Extension of Remarks section of the CONGRESSIONAL RECORD, I described the difficulties facing the California rural legal assistance program as a result of the statement of that date by Mr. Carlucci in the wake of the June 25 report of the Commission on CRLA released that day by Mr. Carlucci. I noted certain serious questions left unclear by Mr. Carlucci's statement and deplored the possibility of a continuation of months of uncertainty for CRLA attorneys and employees and, most importantly, for the rural poor they serve. On June 30, I placed in the RECORD, for study by Senators, Mr. Carlucci's June 30 statement and the main body of the Commission's June 25 report.

On July 1, after I had an opportunity to study Mr. Carlucci's statement carefully, along with the Commission report, and after I had received some clarification of Mr. Carlucci's statement, I issued a full statement to the press regarding both documents. Mr. President, I ask unanimous consent that the complete text of my July 1 CRLA press release be printed at this point in the RECORD.

There being no objection, the release was ordered printed in the RECORD, as follows:

(Following is a statement issued today by Senator Alan Cranston (D., Calif) regarding the June 30 press release issued by Mr. Frank Carlucci, Director of the Office of Economic Opportunity explaining his decision on refunding CRLA and the report of the Special Commission on the California Rural Legal Assistance Program:)

Despite ambiguous and misleading language in his June 30 statement, it is clear that Mr. Carlucci has decided to approve a 17 month grant to CRLA for $2,655,000 subject to certain conditions I will discuss later. For this positive decision, under the most strained and delicate political circumstances, I am extremely grateful. Though certain basic issues still remain unsettled. California's rural poor will have full recourse for the next year and a half to the legal and administrative tribunals of society and to the advice of counsel in order to vindicate their legal rights and legitimate interests.

I have thoroughly studied the complete report of the Commission on CRLA.

The people of California and the nation, especially the poor served by CRLA and the federal taxpayers paying CRLA's costs, should feel gratified to know that the Commission has unequivocally vindicated CRLA and fully endorsed its operation and grant performance.

The Commission reports that it took voluminous testimony from 105 witnesses during 20 days of public hearings and reviewed hundreds of exhibits. The Commission concluded that CRLA has operated, and is still operating, in accord with applicable OEO standards and standards of professional responsibility, and its OEO grant restrictions and "that CRLA has been discharging its duty to provide legal assistance to the poor under the mandate and policies of the Economic Opportunity Act in a highly competent, efficient, and exemplary manner."

The Commission made no mention of the need for any further review of CRLA or of any special conditions to be attached to its grant.

In the body of its report the Commission exhaustively reviewed every significant charge leveled against CRLA by the Uhler report to Governor Reagan. The Commission consistently found that CRLA acted "responsibly" and "absolutely ethically", and that the Uhler charges were "completely unwarranted" and "unfounded" in each basic category. The Commission found that "the charges in the California Evaluation (Uhler Report) . . . were totally irresponsible and without foundation."

In report Appendix A, the Commission sets forth a point-by-point analysis of each of 135 incidents or charges included in the Uhler report. It found that these charges were without merit or evidentiary support in 124 instances and trivial in three other instances. In only eight instances did the Commission find any substance to the charges, though the Commission characterized them as "not of any great magnitude". The Commission found only isolated instances of a lack of judgment by individual CRLA attorneys and specifically exonerated CRLA of any organizational wrongdoing.

Moreover, Commission members stated they were "most favorably impressed" by CRLA's internal policies and its fiscal and management controls over both its operations and the conduct of its attorneys.

It concluded: "The evidence from all sources made it clear beyond peradventure that CRLA attorneys are legal craftsmen of the first order. In addition, they are thorough, intelligent young men dedicated to vindicating the legal rights of their clients."

The Commission report makes it unquestionably clear that there is no justification whatsoever in law, fact or logic for any further delay, doubt or equivocation about CRLA's future operations. I can only conclude that attaching special conditions to the 17 month grant and reqiring still further evaluation of CRLA were political concessions to Governor Reagan.

Mr. Carlucci, CRLA and the rural poor of California are caught between the conflicting political ambitions and political interests of President Nixon and Governor Reagan. I regret that situation deeply. But I appreciate that given that most unfortunate political reality, Mr. Carlucci and CRLA are doing the very best each can to salvage an honorable, workable arrangement.

After receiving clarification of Mr. Carlucci's statement, I understand that Mr. Carlucci alone will make the decision whether to continue funding at the end of this year based on CRLA's compliance with the grant conditions. Mr. Carlucci's decision will not be subject to Governor Reagan's veto. I understand that if an adverse decision is reached at that time, it will be subject to OEO administrative hearings and full appellate rights and protections applicable to grant terminations. In reaching this yearend decision, Mr. Carlucci will be guided by an evaluation of CRLA's adherence to grant conditions to be conducted by representatives of the American Bar Association, the National Leagal Aid and Defenders Association, the California State Bar Association, O.E.O., the State and perhaps others.

The basic remaining issue resolves itself down to the precise nature and language of the 22 conditions which OEO proposes to attach to the grant.

Based on the full exoneration which the Commission gave CRLA, I do not believe there is any justification for attaching conditions to the CRLA grant.

The imposition of conditions was obviously felt necessary to give Mr. Reagan the appearance, at least, of having won a point from OEO. The precise language proposed for the 22 conditions is presently under negotiations between OEO and CRLA. It is imperative that these conditions in no way impair the ability of CRLA attorneys to provide the fullest, most effective representation for their clients consistent with the canons of ethics and the code of professional responsibility, nor impair their freedom to carry out personal non-CRLA activities which do not conflict directly with the CRLA responsibilities. Whatever conditions are finally accepted by CRLA are very likely to be imposed by OEO on every new legal services grant and to be advocated by the administration as necessary for inclusion in the new National Legal Services Corporation bill.

Finally, I am extremely concerned over the new $2.5 million OEO grant to the State of California to conduct a Judicare program. Throughout his statement Mr. Carlucci indicated that the California state Office of Economic Opportunity will be intimately involved in the planning and operation of that Judicare grant. That office, in my judgment, has disqualified itself from carrying out a program aimed at serving the needs of the California poor. The recent evaluation of its activities by both the General Accounting Office and the federal OEO have established beyond dispute that the State OEO's lack of dedication to alleviate the conditions of poverty or to act as an advocate for the poor or to exercise proper control over the expenditure of funds. Moreover, the CRLA Commission report found the CRLA evaluation prepared by that state office (the Uhler report) to have presented totally irresponsible charges and unfairly and unjustly attacked the professional integrity and competence of dedicated CRLA attorneys.

I find it incredible that OEO would permit this discredited state office to have any involvement with the new experimental Judicare program in California.

I regret very much that it was found necessary to continue the doubt and uncertainty surrounding the operation of CRLA for the rest of this year. The announced purpose for appointing the Commission was to settle this matter once and for all. This has not been done. Instead, OEO's action keeps the sword of uncertainty dangling over CRLA's head for still another six months.

This latest episode in the "Political Perils of CRLA" underscores the urgency of enacting the National Legal Services Corporation Act to remove legal services from politics. I am a principal sponsor of that bill. The provisions of that bi-partisan measure (S. 1305) have already been added by the Poverty Subcommittee to the bill to extend the expired Economic Opportunity Act.

Mr. CRANSTON. Mr. President, in my July 1 statement I stated that the CRLA "Commission has unequivocally vindicated CRLA and fully endorsed its operation and grant performance." I quoted representative passages of the Commission report in unqualified praise of CRLA and castigation of the Uhler report to Governor Reagan. I noted that the end of 1971 review of CRLA adherence to the grant special conditions would be made by an independent, broadly based panel, composed largely of bar representatives, and that the decision on compliance would be made by Mr. Carlucci and not be subject to Governor Reagan's veto.

I concluded on July 1 that the "basic remaining issue resolves itself down to the precise nature and language of the 22 conditions which OEO proposes to attach to the grant—the precise language (of which) is presently under negotiation between OEO and CRLA." I concluded that:

> Mr. Carlucci, CRLA and the rural poor of California are caught between the conflicting political ambitions and political interests of President Nixon and Governor Reagan. I regret that situation deeply. But I appreciate that given that most unfortunate political reality, Mr. Carlucci and CRLA are doing the very best each can to salvage an honorable, workable arrangement.

Mr. President, I am delighted to report today that late in the evening on July 1 CRLA and OEO reached an agreement, approved by Governor Reagan, which will commit funding to CRLA through December 31, 1972, and impose no new restrictions on CRLA's operation. The 23 special conditions agreed to are those already attached to CRLA's present grant as well as some added drawn from CRLA's own internal policies and regulations. I am advised by the Director of CRLA that the standard I called for in my July 1 statement regarding any special conditions to be attached to the CRLA grant has been fully satisfied by the 23 conditions finally agreed upon on July 1:

> It is imperative that these conditions in no way impair the ability of CRLA attorneys to provide the fullest, most effective representation for their clients consistent with the canons of ethics and the code of professional responsibility, nor impair their freedom to carry out personal non-CRLA activities which do not conflict directly with their CRLA responsibilities.

Mr. President, I hope that this matter has been settled once and for all. Given the not unreasonable grant conditions finally agreed upon, the yearend review should pose no problem at all for CRLA. It can continue operating in the same ethical, dedicated, and highly reasonable manner which has won it national plaudits and general recognition as the best legal services program.

I fervently hope and trust that CRLA's embattled attorneys and administrators will be able now to return to the business of providing essential legal services to California's rural poor and that the unnecessary, unjustified, artificially imposed crisis of the last 6 months has thoroughly abated.

THE PENTAGON PAPERS

Mr. McGEE. Mr. President, in today's Washington Post, columnists Rowland Evans and Robert Novak comment on what I feel to be the valid perspective of what the Pentagon papers actually represent.

In an article devoted to a memo written just after the Communist Tet offensive by Dr. Daniel Ellsberg, both columnists point out the gross misinterpretation Dr. Ellsberg gave to this event. Dr. Ellsberg's prophecies were completely off base.

In exploring the errors Dr. Ellsberg made in his interpretations of the consequences of Tet, the columnists have called into question the very validity of the Pentagon papers, and for good reason. It is incomprehensible that credence has been given to an individual who was proven so wrong in his past assumptions. What is even more incomprehensible is that credence should be given to a study endorsed by the same individual as a true and definitive report of our involvement in Vietnam.

I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Tet Memo From Ellsberg

(By Roland Evans and Robert Novak)

The flawed vision of Daniel Ellsberg in viewing the Vietnam war, a failing that was to have profound implications for his country, was laid bare in a private memorandum he wrote for the Pentagon on Feb. 28, 1968, spectacularly misinterpreting the just completed Communist Tet offensive.

Ellsberg, then a Vietnam expert for the Rand Corp. think tank, had been asked to interpret the bloody Tet offensive for the Defense Department's Office of International Security Affairs (ISA). His memorandum was apocalyptic: "I think that the war is over"—Communists taking over the countryside, the South Vietnamese government and army deteriorating, a rapid renewal of the Communist offensive. "Two months from now . . . things are going to get much worse," he said, precluding any possibility for improvement.

No prophecy could have been more false. In truth, the Tet offensive was the Communist high-water mark, triggering a three-year decline in their Vietnamese strength (which may now be ending). But Ellsberg, exasperated with Saigon's corrupt government and shoddy army, could see in Tet only the vindication of his own warnings. It was a view widely shared in ISA, whose staffers wrote the Pentagon Papers.

Thus, the spectacular mistakes of Ellsberg's 1968 memo transcend the personal. His flawed vision is the flawed history of the Pentagon Papers. It is the all-is-lost syndrome that deeply influenced U.S. policy in the months after the Tet offensive and finally led to Ellsberg's disclosure of the Pentagon Papers.

For these reasons, Ellsberg's errors about Tet are worthy of examination. Herewith are some prophecies he sent the Pentagon along with the actual outcome of events:

Ellsberg prophecy No. 1: The Communist Tet offensive of Jan. 29–Feb. 29 was a prelude to "the takeover of the countryside" by the Vietcong, "inexorably sucking" South Vietnamese and U.S. forces "toward the environs of the towns and cities, away from the hamlets and outlying regions."

The actual outcome: by their desperate Tet attacks, the Communists depleted their forces in the countryside and have not adequately rebuilt them since.

Ellsberg prophecy No. 2: The Vietcong will be drafting ever more recruits, whereas South Vietnamese armed forces "will probably be considerably smaller." By April 1, Saigon's force "will be, at most, 75–80 per cent of its actual strength in December, 1967, and quite possibly closer to 60 per cent" because of heavy desertions.

The actual outcome: Saigon forces *increased* by 122,000 the next six months, finally surpassing one million. In contrast, Vietcong recruiting in the countryside was never the same, and the Communist war effort was increasingly carried by regulars from the North.

Ellsberg prophecy No. 3: "It is the death of pacification"—Communist control of South Vietnam will steadily increase never receding. By April 1, "U.S. sub-sector teams will be withdrawn from a number of districts, and a number of province towns will be under siege. Some will have fallen." Some 400,000 U.S. troops would be needed to prevent this.

The actual outcome: Far from U.S. teams being withdrawn or province towns falling, Communist control of the countryside steadily receded, without any increase in U.S. troops.

Ellsberg prophecy No. 4: "The best guess is that the VC (Vietcong) cadres are busy learning lessons from the initial attacks on how to do better next month." By early April, there will be another round of heavy attacks, including renewed pressure of the U.S. Marine base at Khe Sanh.

The actual outcome: The Vietcong were hopelessly decimated by the Tet offensive. Not since then have they even contemplated an offensive comparable to Tet. By April 1, the relief of Khe Sanh had begun.

Moreover, Ellsberg completely missed this point: By their brutal assault on villages, the Communists irrevocably diminished their own political base in South Vietnam. While Ellsberg's memo predicted post-Tet tensions would result in U.S. air and artillery attacks on South Vietnamese villages, U.S. sensitivity about such politically self-defeating tactics has greatly increased since then.

Flawed though Ellsberg's judgment was, however, this mentality—in high places in and out of government—helped erode U.S. support of the war and undermine a political consensus at home. Now, in the confusion wrought by publication of the Pentagon Papers, the mistaken Dr. Ellsberg is apotheosized while those who correctly interpreted Tet as a calamitous Communist setback are in disgrace.

PRESCRIPTIONS FOR THE DOCTOR SHORTAGE

Mr. KENNEDY. Mr. President, according to the Carnegie Commission on Higher Education, the most serious shortages of professional personnel in the United States today are in the field of health services. The current doctor shortage is estimated at 50,000 by the U.S. Public Health Service. By 1980, that figure will increase to 80,000. Over 26,000 students have applied for fall admission to America's medical schools, but there is room today for fewer than 12,000. The Association of American Medical Colleges says that three-quarters of the 14,000 rejects are scholastically qualified to become doctors. Tragically, it appears that these qualified students will never get the opportunity to study at an American medical school.

Two recent articles explore the crisis in health manpower and education in America. The first article, "Needed: Rx for the Doctor Shortage," by Mr. David Zinman, appears in the June 8 issue of Newsday. The crucial questions he asks are, "Why do we have such a large shortage of doctors? Wasn't anything done to anticipate the greater demand for more doctors?"

Dr. David Rogers, faculty dean of Johns Hopkins University School of Medicine, feels that medical schools are to blame for the failure to expand their output of doctors. Dr. Carl H. Ruhe, AMA medical-education director, says that today's demand is greater than anyone had anticipated. Mr. Clark Kerr, chairman of the Carnegie Commission on Higher Education, contends that the early warning signals were present before 1960. The imminent passage of medicaid and medicare—the opening of health services to millions of poor and elderly patients—should have removed any doubt of the need for more medical personnel.

The second article, a lengthy editorial in the February issue of School and Society, entitled "Medical and Dental Education for the Health Care Crisis," explores some of the recommendations made by the Carnegie Commission on Higher Education. If all medical schools reduced the time required to train a doctor from 8 to 6 years, the number of doctors trained each year would increase by one-third. The development of nine new university health science centers, and the establishment of 126 "area health education centers," would put 95 percent of the population within an hour's drive of medical care. In addition, the Medex program—training for medical ex-corpsmen with experience as doctor's assistants—would also help reduce the shortage of medical personnel and, at the same time, it would free doctors from many routine duties which could be handled by less highly trained personnel.

The two articles, "Needed: Rx for the Doctor Shortage," and "Medical and Dental Education for the Health Care Crisis," supply important information needed in planning an adequate health care system for all Americans. I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Needed: Rx for the Doctor Shortage

(By David Zinman)

Michael Conforti is a 21-year-old Hofstra graduate who wants to be a doctor.

Conforti, who has a straight-B average, has applied to 20 medical schools. All 20 have turned him down.

Like thousands of other pre-med students, Conforti has found that the odds he will achieve his ambition are against him. Over 26,000 students have applied for fall admission. But the country's 103 medical schools have room for fewer than 12,000. The total exceeds the number admitted in 1927 by only 5,400.

Ironically, while some schools are turning away 30, 40 and 50 applicants for every one they accept, the federal government says the country is short more than 50,000 doctors. By 1980, that figure is expected to jump to 80,000. An even more bitter irony is the fact that the American Association of Medical Colleges says about three-quarters of the 14,000 rejects are scholastically qualified to become doctors.

"These are personal tragedies, every one," says Dr. Clinton Young, national chairman of the Medical Committee for Human Rights. "I've met many of these kids. They really want to get trained. They really want to serve . . . So we have this enormous paradox. On the one hand, a spectacular need and fully qualified applicants. And on the other, inadequate facilities to train them."

The fact is most medical schools are approaching bankruptcy or are so financially strapped they are unable to respond meaningfully to the nation's health-manpower shortage. For example, Marquette University's medical school was so short of funds it took a $3,200,000 grant from the Wisconsin legislature and a change in status from private to semipublic to bail it out. "Medical schools are not crying wolf," says Dr. John Cooper, AAMC president. "They are in serious financial straits."

Medical schools in the red. A critical doctor shortage. Fourteen thousand student rejects. All this did not happen overnight. Where did we go wrong?

"Many of the problems we now face can be laid directly at the doors of our medical schools," says Dr. David Rogers, faculty dean of Johns Hopkins University School of Medicine. "Medical schools . . . have failed to significantly expand their output of physicians despite clear evidence that this was needed."

Not so, says Cooper. "Back in the 1950s, we undertook to stimulate expansion of class size of medical schools and increase the number of schools. But we were not joined in that campaign by the American Medical Association. At that time, their position was there was plenty of physicians."

Only a half-truth, counters the AMA. It was impossible to have foreseen all these troubles, says Dr. Carl H. Ruhe, AMA medical-education director. "Gearing up to meet supply is dependent on anticipation of demand," Ruhe says. "But today's demand is greater than anyone had anticipated."

Clark Kerr, chairman of the Carnegie Commission on Higher Education, contends the early warning signals were clear before 1960. Certainly, Kerr says, the imminent passage of Medicaid and Medicare—opening health services to millions of poor and elderly patients—should have removed all doubt.

"But all kinds of arguments were raised," Kerr says. "It costs a lot of money to build a medical school. States had little incentive to pay for them because doctors go all over the country. In Illinois, for example, 70 percent of their graduates leave the state. Why should Illinois train them to go elsewhere?

"Then, some doctors said, 'Well, you know, we can't be sure about the future shortage. And maybe with the breakthrough in drugs, the emphasis ought to be in research. We'll take care of health through research—not care.'

"It was easy to pass the word to go slow. The medical profession is highly organized. They know every congressman personally through his private doctor. There didn't have to be any public campaign.

The figures show that where medical schools were accepting almost 60 per cent of applicants in 1960, they practically turned the figure around over the next 10 years. By 1969, they were rejecting almost 60 per cent of their applicants.

In many ways, the successful candidates were remarkably alike. In the late 1960s, 41 per cent of medical students came from families with incomes of $15,000 or more—the top 12 per cent income bracket. About half of these same students were from families with incomes of $25,000 or more—the upper two per cent income category.

Blacks compose 11 per cent of the U.S. population but make up less than three per cent of the country's physicians. Most are trained in two schools—Howard University and Meharry Medical College. Women comprise 51 per cent of the population, but only eight per cent of the nation's doctors are women. This compares to 26 per cent in France, 30 per cent in England, and 75 per cent in Russia. The U.S. percentages are improving, but slowly, and only after long and intensive social pressure.

"It's easy to point fingers and look back and say, 'You ought to be ashamed'," says the AMA's Ruhe. "Maybe we should have done more. But doctors are part of a cross section of society. We did no more nor less than the rest of society of that day."

It was when medical schools began facing up to their obligations and taking expanded enrollments that they ran into problems threatening their very existence. It costs between $15,000 and $20,000 to cover a year's medical-school training. But tuition pays for only a fraction of this. And so each new student put a further strain on a school's resources. Meanwhile, medical schools have been hit by a drop in private support and a cutback in federal research grants.

The research reduction has had wide repercussions because schools use these grants to pay faculty salaries. In fact, about one-half the teaching staff of medical schools are at least partially supported by research grants. Dr. Walter Bornemeier, AMA president, says: "It's possible that the chief cause of the shortage of funds . . . is that many schools are overspending their financial resources in a maladjusted effort which emphasizes research at the expense of teaching."

But the biggest single cause of the doctor shortage may be the inability of medical schools to produce the kinds of physicians the nation needs. About 10 per cent of graduates go into research, administration or teaching. Of the 90 per cent who do practice, only 20 per cent are general practitioners. The trend has been to specialization, which offers more prestige and higher fees but helps fewer patients. All this is compounded by uneven geographic distribution. Doctors crowd the suburbs and more affluent city areas, neglecting rural sections and the ghetto, where the need is greatest.

Though troubles are many and formidable, there are nevertheless some hopeful signs. For one thing, the problems have been identified. The AMA has finally recognized the doctor shortage and urged medical schools to revamp their training. The schools are developing new leadership and they appear receptive to ideas for reform. Here are some of the new approaches that have been advanced:

The Carnegie Commission calls for medical schools to increase their output by 50 per cent in this decade. It urges, among other things, cutting the time to train a doctor from eight to six years. This change alone, if adopted by all schools, would increase the number of student places by a third.

The Commission also advocates establishment of nine new medical schools in cities on the theory that each urban area of 350,000 should have a university health-sciences center. The goal is a national complex of 126 health centers, combining schools and hospitals, located within an hour's drive of 95 per cent of the population.

AMA President Bornemeier would reemphasize teaching. That is, he would have more teachers devoting all their time to students rather than to research.

Other proposals call for holding summer sessions, 12-month semesters, night schools, even enrolling two classes a year (instead of only one, in the fall).

Most important, says AAMC President Cooper, is the federal government's role. It must, he feels, assume a substantial and continuing responsibility for support of medical education. The Carnegie Commission says that support must rise to a cool $1 billion per year by 1980.

"I think a good deal of this is going to happen," Kerr says. "Within this decade, there will be some form of national health insurance for everybody. When that happens, if we don't get the manpower to go with it, the inflation we have seen in the past three years will seem minor by comparison . . . I think every national and political leader is aware of this."

Still, this optimism is little solace to today's rejects like Conforti. While he ponders his future, Conforti works nights and weekends as a technologist at Mercy Hospital in Rockville Centre. It is as close to medicine as he can come now. It may be as close as he ever comes.

REJECTED BY MED SCHOOL: WHERE DO THEY GO?

What happens to the 14,000 students rejected by medical school for fall admission?

Those who can afford it go to medical schools abroad. Others drift into allied health professions like psychology, podiatry or osteopathy. Some take graduate courses to bolster their chances for admission to U.S. medical schools, then reapply.

But the vast majority never become doctors.

One group of students, some 600 U.S. medical students studying in Mexico, is suing the American Medical Association and three other medical groups. They are trying to knock down a controversial barrier delaying their return to the U.S. to serve as interns.

The Educational Council for Foreign Medical Graduates, formed in part by the AMA, requires a foreign student to have met all the requirements to practice medicine set by the country in which he received his medical education. This means two years or more of training beyond medical school—generally, one year of interning and one of residency. Then, on returning to the U.S., he must pass a stiff special Council exam before he can intern here. About two-thirds of all who take the exam fail. One student took it 17 times before passing.

The AMA says many foreign schools are not up to U.S. standards and the exam serves to screen out poor students. But U.S. students studying abroad—there are about 4,000 of them—point out that state licensing board exams could accomplish the same thing. As it is, they must serve a foreign, then eventually a U.S. internship, while U.S. students intern right after med school. So they say this amounts to discrimination. And in a time when American hospitals are in immediate need of intern help, they say the practice makes no sense.

Medical and Dental Education for the Health Care Crisis

Extensive reform of medical and dental education, development of nine new university health science centers, and establishment of 126 "area health education centers" across the nation were recommended in a recent report by the Carnegie Commission on Higher Education. Action is needed now, the commission said, to alleviate a crisis in health care in the 1970's. The most serious shortages of professional personnel in the U.S. today are in the health services, according to the report. They will become more serious if, as seems likely in the not-too-distant future, a comprehensive national health insurance program extending coverage to millions of additional citizens is adopted. It takes a long time to train health professionals, especially physicians and dentists.

Reducing the time required to educate doctors and dentists is a key recommendation of the commission, which recommended that the time required to obtain an M.D. degree be cut from four years to three years after the bachelor's degree. This would create space in existing facilities for about 4,500 more medical students by 1976. The commission also recommended that dental students be trained for three instead of four years for the D.D.S., and that the number of years required for postdoctoral training of physicians generally be reduced from four to three. The total reduction for physicians would be two years—from eight to six.

A central theme of the commission's report is that impending changes in medical and dental education must be geared to changes in patterns of health care. Physicians and dentists increasingly will provide their services through prepaid group practice plans and in such facilities as neighborhood health centers. They will delegate more of their activities to physicians' and dentists' assistants and other health workers. University health science centers should train their students to function effectively under these conditions and should conduct research for improving health care systems. "But no matter how many health professionals are educated," commission chairman Clark Kerr said, "and no matter how adequately medical education facilities are distributed throughout the nation, Americans will not receive adequate health care unless a system is developed to deliver services to those who need them—regardless of income, geographical location, age, or race."

The world's most affluent society, Kerr

said, lags seriously behind other industrial nations in the general health of its citizens. In 1967, the U.S. ranked sixth in female life expectancy and 19th in male life expectancy among 22 industrial nations. Infant mortality—higher than in several industrial countries—was 21.7 deaths per 1,000 live births in 1968. The nation spent nearly seven per cent of its GNP on health care in 1969, but the health care dollar is buying less services because of rapidly rising costs.

To help bring essential health education services within an hour's driving time of most Americans, the commission recommends developing 126 area health education centers as satellites of university health science facilities. Such centers usually would have a community hospital as a nucleus. They would be visited regularly by university medical school faculty. Selected patients throughout the surrounding area could be treated there. M.D. and D.D.S. candidates would receive part of their clinical instruction at the area centers, as would students in the allied health fields. The centers also would be responsible for the continuing education of practicing physicians and dentists and would be responsible for coordinating local health care training facilities in community colleges and comprehensive colleges.

The new area health education centers are proposed for regions without sufficient population to warrant full-scale university medical centers or for densely populated metropolitan areas inadequately served by existing health care facilities. Although the report suggests 126 locations, it urges states and municipalities to proceed with development of them only after making regional studies.

According to the commission report, the number of university health science centers should be increased to coordinate medical education and to assist other agencies in improving systems of health care, with the goal of a university health science center in or near every metropolitan area of 350,000. The number of medical school entrants should be increased from the estimated 1970 national total of 10,800 to 15,300 in 1976, and to 16,400 by 1978, an increase of about 50%. The productivity of doctors and dentists could be augmented if trained associates were available to work under their general supervision, and assistants to work under their specific direction—the Medex program of training medical ex-corpsmen with military experience as doctors' assistants is a promising effort of this kind, which, by 1979, could train at least 3,500 associates and assistants per year.

A National Health Manpower Commission should be appointed to study shortages in all areas of health manpower; many of the new medical and dental school entrants should be women and members of minority groups—only about six per cent of U.S. physicians are women, in marked contrast to some Western European countries where women comprise up to 30% of all doctors, although American women make up four-fifths of all persons employed in nursing and other health services, and only two per cent of physicians in the U.S. are black, compared to more than 11% of black citizens in the population.

A Federal program should be established to provide grants of up to $4,000 a year per student for low-income medical and dental students and for students enrolled in associate and assistant programs. An Educational Opportunity Bank also should be developed to provide student loans, with repayment to be excused during periods of service as a house officer or member of the armed forces.

Voluntary National Health Service Corps should be created, with partial loan forgiveness as an incentive for young doctors and dentists to participate; the Federal government—which already supports most of the costs of medical research—should provide institutions with a cost-of-instruction-allowance-per-student supplement, and should make construction grants of up to 75% of total cost to universities to build or expand health science facilities; costs of all Federal support, recommended by the commission, would total $785,000,000 in current dollars by 1975 and $1,000,000,000 by 1980—in the first year, if the commission's proposals were accepted, Federal assistance would increase by $225,000,000; the levels of support of medical schools by states should be more nearly equal—a uniform tuition should be charged, medical school requirements for state residence status should be abolished, and states should help support private medical schools; as an economy measure, training in the basic health sciences at specialized centers should be combind with science programs on general university campuses, thus reducing duplication of faculty and laboratories, but the major economy measure would be shortening the period of training by one-fourth; there is a strong case for awarding a master's degree after completion of the basic science curriculum and enabling students with these master's degrees to work toward a Ph.D. in health sciences or toward the M.D. or D.D.S.; curricular reforms favored by students, including more flexible admission standards and more training in community medicine, should be considered seriously; and the number of places for training dental students should be increased in the 1970's by 20%.

THE MILITARY JUNTA IN GREECE

Mr. PELL. Mr. President, in October 1968, more than 2½ years ago, I spoke in the Senate on specific reports of brutal torture of political prisoners by the military junta in Greece. In the succeeding months, I brought to the attention of the Senate continued reports of these inhuman practices.

More recently there had been some indication that the situation in Greece had improved a bit; that the revulsion expressed by the American and European people may have led to the abandonment of torture as an administrative practice and as a means of political suppression.

There may be improvement, but it is apparent that there are many exceptions. In this regard, I believe Senators may be interested in an article that appeared in today's New York Times entitled "The Torture of the Greeks." The article consists of letters smuggled out of an Athens prison, written by students who have been subjected to torture.

Included in the article is a list of police officers most frequently mentioned by the victims as tormentors and torturers. I find it most disheartening to note that many of these names have a familiar ring to them. Of the nine names listed in the Times article, three are names of men I listed in the Congressional Record of October 12, 1968, and a majority of the names in the Times article also were listed in the book, "Barbarism in Greece," by James Becket—a book for which I was honored to write a foreword.

When I first made public the names of these men, I stated my hope that "the white light and heat of publicity" might have "an inhibiting effect on the actions of individual police or security agents," in Greece.

This Times article indicates mine was a vain hope, as it indicates was my hope that the Greek junta would make a concerted effort to completely eliminate torture, and would transfer these agents to assignments in which they would have less opportunity to exercise their evil natures.

On the basis of the New York Times article, it seems that the torture in Greece was going on, despite all of the junta's denials and assurances, as late as January of this year.

I ask unanimous consent that the New York Times article entitled "The Torture of the Greeks" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Torture of the Greeks

Note.—The following article is taken from letters written on tissue and smuggled out of an Athens prison. They came from members of the student resistance organization, Rigas Ferraios, and describe their treatment by Greek security police.

(These are the names of policemen, all officers, given most often in the accounts by the victims as their chief tormentors and torturers: Babalis, Kalyvas, Karapanagiotis, Kravaritis, Lambrou, Loucopoulos, Mamodis, Smailis, Vasilakopoulos.)

My name is Fotis Provatas. On Christmas Eve, 1970, five individuals in civilian clothes, without a search or arrest warrant, searched my home for hours and then forced me to follow them to the general security of Athens. For 22 days I was kept in strict solitary confinement in a damp, dark, dirty cell in the basement of the security. From 14/1/71 to 20/1/71, day of my transfer to the Korydallos Prison, I was kept in a room of the fourth floor of the security.

They undressed me by force and threatened to rape me. As I was standing naked they punched me repeatedly in the face, the back, the stomach, the legs, the buttocks and on the heart. They repeatedly hit and squeezed my genitals. They dragged me around from the hair for long. They threw me naked on the floor, where they trampled me down. They kicked me, they hit me with a thick wooden club, while someone smothered my shouting with a nylon typewriter cover. They threatened that they would throw me down from the terrace. They threatened that both my friend Costarakos Costas and myself would be lost in a car accident. From the continuous blows given with a thick wooden ruler on my joints and in the palms of my hand, the bones finally broke in both palms.

My name is George Theodosius Spiliotis. Right from the start of my arrest they hit me on the head and threatened that they would throw me off a precipice on Mount Parnes. They also struck a pistol in my temples and threatened to kill me. They beat me till 11 o'clock in the evening in an office. They punched me on the head. They banged my head against the wall, dragging me by the hair. They punched me on the heart, on the ribs, on the stomach. They gave me repeated electric shocks. The blows on the head caused my nose to bleed. They put their fingers in the sockets of my eyes, they pretended to attempt to strangle me and they squeezed my genitals.

After all this, they took me on the terrace for "falanga." They tied me on a bench and started beating the soles of my feet with a thick iron pipe. The pain pierced through my body and on to the head which they kept beating at the same time. They again beat my genitals with a stick, they pressed my eye-bulbs with their fingers, or alternatively the throat to the point of strangulation. At the same time, with thick sticks they beat my fingers and my knees.

While they kept me tied on the bench, they would occasionally stop the beatings on the soles and start squeezing my genitals. The pain would make me turn on my face—I was lying on my back—and this caused new terrible pains from the ropes around my legs.

My name is Lycourgos Flessas. Agents of the general security of Athens arrested me without warrant. They took me to the Athens General Security. They immediately started slapping my face, giving me electric shock and punching me up. They pushed me in the laundry room. There they tied me on a bench and left my feet sticking out a bit. A police lieutenant started to beat the soles with an iron pipe, while somebody else threw his coat over my head to smother my shouting. Another police lieutenant hit me hard on the stomach and threatened that he would torture my girl friend, whom they had arrested the previous day. After a couple of hours they made me stand up and got me to walk about. They threw me in cell 7. In a nearby cell my girl friend was. She had suffered a nervous breakdown and was moaning all the time. They held her in this condition for one week.

My name is Costas Costarakos. On 23/12/1970, I was arrested in the house of my childhood friends. They were also arrested, together with my brother, my brother-in-law, my sister and my financée. They took me to the general security, where, right from the start, in the office of a police captain, three policemen in plain clothes started beating me and punching me in the stomach, shouting "Get ready to die." Right after this, after handcuffing my hands behind my back, they took me to the terrace laundry room. There, without taking off the handcuffs, they stretched me on the bench, they stuffed my mouth with pieces of rope and scrap paper, so as to smother my shouting and they started the falanga torture. Pain is terrible in the head. At the same time they squeezed and hit my genitals, and they also banged my head on the wall. During this torture, my torturers by shrieks and bangings tried to build up an atmosphere of false emotional tension, in order to terrify me. This lasted about three hours, in the night of 23 to 24, December. After this they threw me in a cell.

DRUG ABUSE PROCEDURES ACT OF 1971

Mr. TOWER. Mr. President, I am very much pleased that I have the opportunity to join with Senator HRUSKA and Senator McCLELLAN in cosponsoring S. 2192, the Drug Abuse Procedures Act of 1971.

In May of this year, the Comprehensive Drug Abuse Prevention and Control Act of 1970 became effective. We will hopefully begin to see the positive effects of this legislation in the immediate future. However, certain limitations are already evident. In order to expedite the prosecution of cases concerned with narcotic drugs, we need to make certain additions to existing legislation. The Drug Abuse Procedures Act of 1971 would provide for admitting into evidence the certified findings of a chemist's analyses without the personal appearance of the chemist, unless requested by the defense. This accommodation would save the time of all individuals involved without prejudicing the defendant. The second proposal of this act would allow evidence gathered in a foreign country, in accordance with the laws of that country, to be admitted in court proceedings concerned with offenses committed overseas. These additions and refinements to the present law would increase our effectiveness in prosecuting drug violations without endangering the rights of the defendant.

Mr. President, at this time, I would also like to take the opportunity to commend President Nixon for his program of international diplomacy in the fight to curtail the flow of the drug traffic. Last week, the Turkish Government announced that it would abolish the cultivation of the opium poppy within a year. This act will eliminate the source of an estimated 60 percent of the illegal heroin smuggled into the United States. The Turkish Government is also to be commended for its statesmanship. Turkey does not have a serious drug abuse problem. Furthermore, the cultivation of the opium poppy is financially lucrative to the individual farmers and is a folk tradition that is centuries old. In abolishing the cultivation of the poppy, the Government of Turkey has risen above its own interests and has shown a great concern for the welfare of the United States. Hopefully, Turkey has set an example that will be followed by our allies in Southeast Asia and Latin America.

TRUTH IN ADVERTISING

Mr. McGOVERN. Mr. President, the truth in advertising bill which I have introduced with the cosponsorship of Senator Moss, the distinguished chairman of the Consumer Subcommittee, continues to receive important endorsements.

The June 21 issue of Advertising Age contains an editorial which urges the adoption of the McGovern-Moss bill as a more constructive measure than the recent FTC decision to review advertising on an industry-by-industry basis. While I think the FTC decision is a step forward, we must give to the consumers themselves the right to protect their own interest.

I have learned from Senator Moss that his subcommittee will hold hearings on this bill in October. I hope those hearings will provide the occasion for a full-scale discussion of the pending legislation, so we can move the early Senate action on it.

Mr. President, I ask unanimous consent that the editorial in the June 21, 1971, Advertising Age entitled "Legislation Yes; FTC No" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LEGISLATION YES, FTC NO

Although we support in principle the idea that business men should be willing to document their advertising claims to anyone who's interested (as would be required in the Moss-McGovern bill), we're against the Federal Trade Commission's move to require such substantiation because (1) it's doubtful whether FTC has the authority to make such demands and (2) because the Moss-McGovern bill is fairer and more equitable to both advertisers *and* consumers.

FTC is relying on a little used subparagraph in the act setting up the commission as authority for its new demands. The subparagraph in question, which authorizes FTC to make reports to Congress and the public, has been virtually unused since FTC was created 57 years ago, yet a commission official said without cracking a smile that "we believe this is exactly what Congress had in mind."

It's been obvious for some time now that the commission is painfully anxious to be well thought of by Ralph Nader and other consumerists, after years of neglect and disdain. But they are letting their desire for respectability get the better of their legal judgment.

If FTC wants to take on this new authority, it should be required to hold hearings and entertain dissenting opinions from interested parties. We strongly urge the Assn. of National Advertisers, the American Assn. of Advertising Agencies, the American Advertising Federation and other groups to challenge the FTC's authority to promulgate its sweeping new "ad substantiation" ruling.

AA continues to support the Moss-McGovern bill requiring that all advertisers make available such documentation to whoever wants to see it. First of all, it would be fairer and more equitable to require substantiation from every advertiser, rather than just the handful that FTC swoops down on. Under the Moss-McGovern bill consumers would be free to write directly to the advertiser—any advertiser—for substantiation of his ad claim. Under FTC's setup, real consumers (not the highly vocal, organized kind) would have an easy time getting access to the information.

A TET MEMO FROM ELLSBERG

Mr. ALLOTT. Mr. President, Mr. Daniel Ellsberg is the former superhawk, now a superdove, who took it upon himself to steal and distribute the classified documents and analyses that have come to be known as the Pentagon papers.

As though additional evidence were needed, we now have additional evidence that Mr. Ellsberg's judgment is not to be trusted. Wednesday's Washington Post contains a fascinating column by Messrs. Evans and Novak on one of the memoranda which Mr. Ellsberg did not turn over to the New York Times.

The author of this memorandum was one Daniel Ellsberg. The errors contained in this document are ably recorded by Messrs. Evans and Novak. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TET MEMO FROM ELLSBERG

(By Rowland Evans and Robert Novak)

The flawed vision of Daniel Ellsberg in viewing the Vietnam war, a failing that was to have profound implications for his country, was laid bare in a private memorandum he wrote for the Pentagon on Feb. 28, 1968, spectacularly misinterpreting the just completed Communist Tet offensive.

Ellsberg, then a Vietnam expert for the Rand Corp. think tank, had been asked to interpret the bloody Tet offensive for the Defense Department's Office of International Security Affairs (ISA). His memorandum was apocalyptic: "I think that the war is over"—Communists taking over the countryside, the South Vietnamese government and army deteriorating, a rapid renewal of the Communist offensive. "Two months from now . . . things are going to get much worse," he said, precluding any possibility for improvement.

No prophecy could have been more false. In truth, the Tet offensive was the Communist high-water mark, triggering a three-year decline in their Vietnamese strength (which may now be ending). But Ellsberg, exasperated with Saigon's corrupt government and shoddy army, could see in Tet only the vindication of his own warnings. It was a view widely shared in ISA, whose staffers wrote the Pentagon Papers.

Thus, the spectacular mistakes of Ellsberg's 1968 memo transcend the personal. His flawed vision is the flawed history of the Pentagon Papers. It is the all-is-lost syndrome that deeply influenced U.S. policy in the months after the Tet offensive and finally led to Ellsberg's disclosure of the Pentagon Papers.

For these reasons, Ellsberg's errors about Tet are worthy of examination. Herewith are some prophecies he sent the Pentagon along with the actual outcome of events:

Ellsberg prophecy No. 1: The Communist Tet offiensive of Jan. 29-Feb. 29 was a prelude to the "takeover of the countryside" by the Vietcong, "inexorably sucking" South Vietnamese and U.S. forces "toward the environs of the towns and cities, away from the hamlets and outlying regions."

The actual outcome: by their desperate Tet attacks, the Communists depleted their forces in the countryside and have not adequately rebuilt them since.

Ellsberg prophecy No. 2: The Vietcong will be drafting ever more recruits, whereas South Vietnamese armed forces "will probably be considerably smaller." By April 1, Saigon's forces "will be, at most, 75–80 per cent of its actual strength in December, 1967, and quite possibly closer to 60 per cent" because of heavy desertions.

The actual outcome: Saigon forces *increased* by 122,000 the next six months, finally surpassing one million. In contrast, Vietcong recruiting in the countryside was never the same, and the Communist war effort was increasingly carried by regulars from the North.

Ellsberg prophecy No. 3: "It is the death of pacification"—Communist control of South Vietnam will steadily increase, never receding. By April 1, "U.S. sub-sector teams will be withdrawn from a number of districts, and a number of province towns will be under siege. Some will have fallen." Some 400,000 U.S. troops would be needed to prevent this.

The actual outcome: Far from U.S. teams being withdrawn or province towns falling, Communist control of the countryside steadily receded, without any increase in U.S. troops.

Ellsberg prophecy No. 4: "The best guess is that the VC (Vietcong) cadres are busy learning lessons from the initial attacks on how to do better next month." By early April, there will be another round of heavy attacks, including renewed pressure on the U.S. Marine base at Khe Sanh.

The actual outcome: The Vietcong were hopelessly decimated by the Tet offensive. Not since then have they even contemplated an offensive comparable to Tet. By April 1, the relief of Khe Sanh had begun.

Moreover, Ellsberg completely missed this point: By their brutal assault on villages, the Communists irrevocably diminished their own political base in South Vietnam. While Ellsberg's memo predicted post-Tet tensions would result in U.S. air and artillery attacks on South Vietnamese villages, U.S. sensitivity about such politically self-defeating tactics has greatly increased since then.

Flawed through Ellsberg's judgment was, however, this mentality—in high places in and out of government—helped erode U.S. support of the war and undermine a political consensus at home. Now, in the confusion wrought by publication of the Pentagon Papers, the mistaken Dr. Ellsberg is apotheosized while those who correctly interpreted Tet as a calamitous Communist setback are in disgrace.

DR. V. D. MATTIA

Mr. WILLIAMS. Mr. President, on Sunday, New Jersey and the Nation lost one of our truly outstanding men with the death of Dr. V. D. Mattia.

He was only 48, yet, since 1966 he had headed one of the world's largest pharmaceutical and research firms, Hoffman-LaRoche, Inc.

Certainly, that in itself is testimony enough to the brilliance and achievement of the man.

But those of us who were privileged to know him—and it was a privilege all too briefly enjoyed—measured his success in other terms. Dr. Mattia was a warm, generous, socially acute human being who seemed to have distilled the essence of why we are here and what we should be doing in this life.

Long before the focus of national attention fell upon the issue of corporate responsibility, Dr. Mattia said that the success of a companv cannot be measured by the results of the corporate balance sheet. And, that remained a guiding rule.

As president of Hoffman-LaRoche, he initiated a pioneering program to provide free pharmaceuticals for indigent patients.

He set up a major research program, the Institute of Molecular Biology, at Nutley, to study life processes, the first such privately funded effort.

And, he established a corporate policy of helping the less fortunate in this life.

Despite the extremely heavy responsibilities of his position, he gave unstintingly of his time for civic and charitable activities.

He was president of the Essex County Heart Association; a member of the State Board of Higher Education; chairman of the Rutgers Medical School Advisory Committee and a trustee of the New Jersey Symphony to mention just a sampling of these activities. And for "Barney" Mattia these were all working jobs, not figurehead positions.

In 1969, B'nai B'rith recognized his tremendous achievements by presenting him with the International Humanitarian of the Year Award. No man ever deserved such an award more.

Ironically, one of Dr. Mattia's most strongly held scientific beliefs was that the productive life of man could be extended to 100 years. He did not enjoy the luxury of that long a life but few men ever crowded a lifetime with more accomplishment.

Mr. President, one particularly appropriate tribute to Dr. Mattia came from a newspaper columnist who had known him for years.

I ask unanimous consent that that tribute by John Soloway, published in the Star Ledger of Newark, N.J., on July 6, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JERSEY BUSINESS

(By John Soloway)

Grievous as is its loss, the business community—in New Jersey and at-large—suffers not alone from the untimely death of Virginius Dante Mattia. Many more are poorer by his premature passing.

As chief executive of one of the nation's major business enterprises, "Barney" Mattia occupied a position of prominence and international influence in the ethical pharmaceutical field.

But Dr. Mattia was much more than a visionary, dedicated medical man and industrial leader; more than an inspirational, extremely able corporate administrator; more than a disciple truly devoted to research aimed at extending the life span, improving the health, and adding to the productive years of his fellow man.

First, and foremost, Barney Mattia was a humanitarian, and he long will be remembered as a human being in the broadest meaning of the term.

The worldwide B'nai B'rith Organization, itself a formidable force in the interest of humanity, bestowed upon him this signal recognition some years ago, and subsequently numerous others had sought—in proposed similar fashion—to focus public attention on his words and deeds, his dedication to the causes of the oppressed and the poor and the sick.

As graciously as he could, he declined such proffered encomia with an apologetic explanation that was simple and sincere and in keeping with a modesty that was truly a trademark.

"Just because I am privileged by position or circumstance, to be enabled to do my bit," he recently told me, "ought not to call for testimonials."

And, as if he had a premonition of his own abbreviated lifetime—and the remaining days should be put to greater purpose—he had added with a heavy sigh: "There is so much more than needs to be done."

Long before it became fashionable for corporate chieftains to be concerned about and committed to the welfare of the indigent, the under-privileged and the ill, Barney Mattia preached—and practiced—a philosophy now forged as a principle of enlightened management.

"How successful a company is," he had said to me in an interview more than a decade ago, "cannot be measured by the results of the corporate balance sheet."

He was then 36, newly named as general manager of the ethical pharmaceutical division of Hoffmann-LaRoche. He had gone through two wars and he was yet to endure an excruciating coronary a year before he was to become the youngest chief executive of one of the major drug manufacturing and research entities in the world.

But even at that early age, he had set his sights, had forged his resolve. He envisioned a new longevity for man, a better health, a greater usefulness. "A life span of 100 years," Dr. Mattia had predicted then, "should be a quite common thing if we can make certain basic discoveries . . . Moreover, they'll be health-filled, productive years for most people," he had prophesied.

Thus, when he became president in 1966, he set about almost at once to establish the Institute of Molecular Biology at Nutley, the world's first privately-funded study of life's processes, a multi-million dollar facility the quest of which and the work of its 200 eminent scientists, must go on as a memorial to the purpose of Virginius Dante Mattia.

The purpose of Barney Mattia had been evidenced even earlier when as executive vice president, he staunchly stood up before important stockholders and directors of the enterprise on two memorable occasions. In both, the issue was profitability.

One had to do with the establishment of the company's program to aid the indigent ill, a costly proposal. Under it, any doctor can prescribe without charge to the patient any Roche product for as long as the need remains.

The other revolved around research into which the company, having poured millions into the particular effort, was reportedly about to abandon its quest for the compound which is today perhaps the world's most-prescribed drug—Librium. Here again, Barney Mattia prevailed, and the world of medicine and man are the principal beneficiaries.

A national publication, recounting these and other contributions of Dr. Mattia a couple of years ago, characterized him as a "maverick of the pharmaceutical industry," an appellation also ascribed to him by some competitors less gifted and certainly less responsive to the needs of the times.

It may well be that Barney Mattia was a "maverick." Be that as it may, the fact is that his deeds were many and noteworthy—even as his feeling for his fellow man were deep and abiding.

IS THE PRESS FAIR?

Mr. McGOVERN. Mr. President, there are those, particularly in the administration, who appear to believe that the press is biased against the Government and that Washington reporting is especially unfair. In fact, the administration goes to considerable lengths to circumvent the Washington press corps.

A recent Louis Harris poll demonstrates, however, that a majority of those in his national sample believe that Washington press coverage is fair.

This finding is a tribute both to the Washington press corps and the commonsense of the American people.

Mr. President, I ask unanimous consent that the Harris survey on Washington news coverage be printed in the Record.

There being no objection, the survey was ordered to be printed in the Record, as follows:

Harris Survey: District of Columbia Newsmen Seen "Good" Reporters

(By Louis Harris)

A majority (59 percent) of the American people rate the quality of news coverage out of Washington as being "good" to "excellent," as against 37 percent who say it is "poor" to "only fair." Six in 10 say they feel newspapers and television have been "fair in reporting news of the Nixon Administration," with TV scoring somewhat higher than the print medium.

Here are key findings from a nationwide Harris Survey on the public's evaluation of Washington press coverage. (This survey was taken before the controversy over the New York Times release of the Pentagon study of American participation in the Vietnam war.)

A national cross section of 1619 households was recently asked:

"How would you rate the quality of the news coverage you receive out of Washington, D.C.—excellent, pretty good, only fair, or poor?"

Quality of Washington coverage

[In Percent]

	1971	*1969*
Excellent	8	8
Pretty good	51	46
Only fair	30	33
Poor	7	7
Not sure	4	6
Positive	59	54
Negative	37	40
Not sure	4	6

Questions about newspaper handling of the Nixon Administration were asked in two ways:

"Do you feel the newspaper you read most often is fair in reporting news of the Nixon Administration or not?" and "Do you feel the newspaper you read most often is unfair in reporting news of the Nixon Administration or not?"

Newspaper coverage of Nixon administration

[In Percent]

	Fair	*Unfair*
Is	59	21
Is not	25	61
Not sure	16	18

On the television side, the questions asked were:

"Do you feel the news on the television station you watch most often is fair in reporting news of the Nixon Administration or not?" and "Do you feel the news on the television station you watch most often is unfair in reporting news of the Nixon Administration or not?"

Television coverage of Nixon administration

[In Percent]

	Fair	*Unfair*
Is	64	20
Is not	24	65
Not sure	12	15

By whatever measure, it is evident that public confidence in the fairness of news coverage of the Nixon Administration is high.

DOROTHY ANDREWS KABIS

Mr. TAFT. Mr. President, we who knew Dorothy Andrews Kabis were saddened Saturday to hear of her tragic death. Her passing is a great loss to her family and to the Nation.

Serving as a delegate from her native State of Delaware to the Republican National Convention in 1960, she exemplified a role of leadership in all of her endeavors. I was pleased that President Nixon appointed her as Treasurer of the United States, a post which she served with distinction until her death.

Those of us who knew her will remember her sense of dedication, her gentle ways, and her pleasant smile. Her sudden death while visiting the grave of her father, brings a sense of great loss that we all share.

I wish to extend my deep-felt condolences to her family and many friends.

DEATH OF LOUIS "SATCHMO" ARMSTRONG

Mr. PELL. Mr. President, in the last week we have seen the demise of both a legendary figure and of a historic event in the annals of jazz. A year ago at this time, I had the distinct pleasure of introducing to thousands of Rhode Islanders and to many more visitors to Rhode Island that great jazz king, Louis "Satchmo" Armstrong, at the annual Newport Jazz Festival.

Now jazz has lost both Louis Armstrong, who fought a losing battle for his life in a Manhattan hospital and the Newport Jazz Festival which, under the direction of George Wein, lost another kind of battle.

Bunk Jones, Kid Ory, King Oliver, Fletcher Henderson were the legendary jazz figures of the past who influenced the great Louis Armstrong. Through his trumpet which echoed around the world, as he toured country after country as America's "Mr. Ambassador of Jazz," millions came to love and respect this master of the trumpet. His career in music dated back to Chicago in 1917, but as recently as 1964, his superb rendition of "Hello, Dolly" reached the top of the charts.

The Newport Jazz Festival was in the midst of presenting one of its greatest renditions of American jazz when disorders broke out among thousands of young people who evidently came to Newport, not to listen to the music, but rather to participate in youthful disturbances so symptomatic of our times.

There may never be another Newport Jazz Festival, although I firmly hope there will be. But even if there is another Newport Jazz Festival, there will be an empty space on the stage. Missing will be the gravelly voice, the high-pitched staccato trumpet, and the hand with a flowing hankerchief, wiping a perspiring brow.

Future generations of Americans will never know the warmth, the humanity, or the greatness of Louis Armstrong as those of us who knew him and saw him smile and heard him play.

He addressed kings and princesses as their equal for surely he was—the King of American Jazz.

ADDRESS BY SENATOR TOWER

Mr. TOWER. Mr. President, on May 6, I had the pleasure of addressing the Council of Savings & Loan Stock Companies at its seventh annual conference in Scottsdale, Ariz. The distinguished immediate past Chairman of the Federal Home Loan Bank Board, and a past employee of the Senate, John E. Horne, also addressed the conference.

Those of us on the Senate Banking, Housing and Urban Affairs Committee, and many other Members of Congress, know John Horne and are familiar with his long years of dedicated service in developing and supporting programs designed to enable the families of America to have adequate housing. His record on the Federal Home Loan Bank Board, both as a member and as Chairman, is one of outstanding accomplishments and contributions to the restructuring and strengthening of the savings and loan industry.

As he pointed out in his speech, the percentage of the Nation's residential financing supplied by the savings and loan industry has increased from approximately 25 percent in the 1940's to more than 50 percent at the present time. The programs developed and approved by Congress during John Horne's years on the Board helped to make this achievement and many other worthy developments possible.

Some of the changes that were made and constructive steps taken to enable mortgage lending institutions to contribute their maximum to a better-housed America, and some idea of what to expect in the years ahead are related in the speech John gave at the conference.

I ask unanimous consent that the speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY JOHN E. HORNE, CHAIRMAN OF THE BOARD, INVESTORS MORTGAGE INSURANCE COMPANY

(For delivery before Seventh Annual Conference, Council of Savings and Loan Stock Companies, Scottsdale, Ariz., May 7, 1971)

Thank you, Mr. Chairman, for the generous introduction.

And congratulations, Tom Bane, for the breadth and the depth of your program and the talent you have enticed here.

When I read the title of the subject assigned me—"Reflections of the Past—Visions for the Future"—and the name of the room in which we are now meeting—Peace Pipe Room—having been a Member and Chairman of the Federal Home Loan Bank Board, I wondered if there were an intentional connection between the two. All of you are aware that decisions of regulators are not always approved by those regulated. This is, of course, understandable and has its advantages.

A regulated industry should feel free and have the opportunity to raise questions about the proposals and actions of the regulator. A frank exchange usually is helpful to both parties. At the same time, the regulated is aware that the regulator, the Federal Home Loan Bank Board in your case, has several constituencies to serve: its members, the public and the savers. It cannot always satisfy all the groups affected by its decisions.

My assignment is a difficult one and I assure you I undertake it with both humility and trepidation—humility because whatever good was accomplished while I was on the Board was made possible by the efforts of many, and trepidation because of fear of being misunderstood in whatever I say. Even so, I was willing to take the risk because in one capacity or another I have been associated with the thrift industry—borrower, depositor, legislatively, regulator—since the 1940's. I am like the fellow who moved to a new location and had the problem of finding a church of his choice. After trying several in the city, he went to one in the suburbs. He was late arriving and as he sat down the congregation and the minister were reading that part of the prayer book which goes something like this: "I have done those things I ought not to have done, and I have not done those things I ought to have done". The stranger quickly and quietly slipped to his knees and exclaimed to himself, "Thank goodness! I've found my crowd at last".

Before commenting about the first part of the title of my subject, "Reflections of the Past", I want to make several points that hopefully will set an appropriate tone.

1. Nothing I shall say is intended to be critical of the existing Board or past Boards, or of industry members. Nor do I claim credit for what good was done since our program was a team effort. I take the blame for mistakes that were made because I was Chairman.

2. Every legislative measure proposed by the Board while I was Chairman was approved by all three Board Members, and had the support of the overwhelming majority of the industry.

3. Seldom did any Member of Congress vote "No" on final passage, although usually modifications were made in Committee on major legislation.

4. At no time did the Board take it as a personal affront when some member of the industry disapproved of a legislative or regulatory proposal.

5. As evidence that we wanted industry comments, we never submitted legislation or adopted substantive regulations without consultation with the industry. Of course, as I have indicated, there was not always unanimous agreement between the Board and the industry. However, valuable assistance was always derived by the frank and free discusions which transpired.

6. In spite of this procedure, I never felt that the Board was infallible. Understandably, we made our share of mistakes. From the advantage of hindsight, there are some things we would have done differently but, by and large, I believe we enjoyed a creditable performance.

7. Finally, and this may surprise you, we never played partisan politics with personnel or Board decisions. On no occasion did President Johnson, or his staff, or the National Committee, attempt to exert any pressure concerning the Board's decisions.

Now, I do not intend to bore you by repeating the past. But I think it well that occasionally we reflect on the past. It helps to explain the present and to prepare for the future, and thus I am pleased this topic was assigned to me.

Very briefly, I shall endeavor to reflect with you no what the Board had in mind and let you judge the results. Our program was based largely on both the economic and industry conditions that existed at the time as we saw them. Collectively, we sensed that several things were essential if the industry was to remain strong and viable and meet its statutory responsibility of being a safe place for savings and a stable source of economical and sound home financing.

Between the time I joined Senator Sparkman's staff in January, 1947, and resigned from Chairmanship of the Board in November, 1968, the residential financing supplied by the savings and loan industry increased from approximately 25% to more than 50%. Assets increased from approximately $8 billion to more than $150 billion. If for no other reason, but there were others, streamlining and modernization of legislation, regulations and procedures were made necessary by the rapid growth of the industry during this period of time and especially in the 1950's and the 1960's. Let me mention three or four areas in which we felt action was required.

One area was adequate *supervisory authority.*

It was urgent that the Board have power to prevent or stop an unsound practice without having to cancel insurance of accounts of an association. This was the only statutory authority the Board had prior to late 1966 as regards a State-chartered Federally-insured institution. To use this extreme action required prolonged periods of time and actually accomplished little so far as protecting the industry was concerned.

Most of the legal deficiencies were cured by the 1966 Supervisory Act, originally passed to extend for five years but made permanent last year. The provisions of this Act were supported by banking regulatory agencies and by most spokesmen of both the savings and loan and banking industries. Perhaps one of the most meaningful results of the 1966 Act is that it enables the Board to expand considerably case-by-case supervision and thus avoid to a considerable degree having to impose excessively restrictive regulations against the entire industry to get at the small handful who misbehave.

I recall making a speech in this same city at a national convention of a savings and loan group shortly after joining the Board in which I advocated that the Board have adequate authority to use preventive and case-by-case supervisory procedures. The response of the convention was quite favorable and I know this potential of the legislation was responsible for the strong support given by the industry.

Another somewhat more controversial legislative proposal related to savings and loan holding companies. Here again, there were only a very few who abused their savings and loan subsidiaries, but we wanted legislation to bring to a halt such abuses and flexible enough so that the Board could be fair in administering the provisions. Erroneously, some believed the Board wanted to abolish holding companies. That was not the case, and when the law was signed we sat down with holding company representatives to prepare regulations. One of the finest gentlemen in this area of operations—or any other area—is on the Board of the Company of which I am now Chairman.

One further measure which I wish to mention in the supervisory field is the Receivership Act which enables the Insurance Corporation to take over the assets of any association in which the Corporation is forced to pay out insurance of accounts.

Prior to this Act, there were several instances, and the number was growing, in which the Corporation paid off the savers but could not obtain possession of the assets. Some who administered the assets appeared to have little or no concern about protecting the Corporation. There were occasions when evidence indicated that proposed mergers were thwarted so that the assets could be seized and used for purposes contrary to the Corporation's welfare.

The Board and nearly every industry member concluded that this practice was extremely unfair to all insured associations, and the support for the bill was so overwhelming that not a single Member of Congress either in Committee or on the Floor opposed it.

As I reflect on the supervisory statutes today, I think they could have been improved but that on the whole they are sound. They enable the Board to control the few—and there are only a few—who would unwisely impair the image of the many. Experience will show where relaxation, or tightening-up, is justified. I recall that one change was made last year in the holding company law. I think the present Board is administering these statutes conscientiously.

Moreover, these supervisory measures serve to make possible the fulfillment of a second area of need to which I want to make reference and to which the present Board is also giving a great deal of attention.

I refer to a more liberal set of regulations governing the industry's practices which now safely can be permitted because of the added authority granted the Board and its ability, as I have already stated, to act on an association-by-association basis. The Board of which I was a Member had begun the process but there was too little time between the passage and implementation of the statutes and the change of Board membership for many changes to be made.

Whether or not the existing Board and the one of which I was Chairman would have taken identical steps no one can say. Definitely, though, the time had come for the Board to rewrite and modify the rules and regulations relating to the industry. As I have said, the legislation to which I have referred contributed to this process. I recall particularly the several discussions between Bob Rand and me concerning this matter, and I was pleased when he was selected to chair the Committee charged with making a study in depth to be followed by recommendations to the Board. I should like to commend the Board for the appointment and the Committee members for their tireless and conscientious labor.

A third significant achievement in the 1960's was the development of a greatly enlarged and diversified lending authority for the industry. The dual system was of immense help in this achievement because of the traditional tracking by State associations of authority granted Federals, and vice versa.

The service corporation concept, which offers many investment possibilities, is an example of what I have in mind. Educational loans; the authority to invest in urban development projects, even equity investments; increased apartment lending authorization;

mobile home loans, and too many others to discuss here, are among the many new lending and investment rights granted the industry.

Certainly among the most noteworthy new investment authorities is that relating to liquidity requirements. Prior to 1966 only cash and Governments could be considered as legal liquidity. The result was that in 1966 very few associations had real or usable liquidity. When we lowered the liquidity requirements during the 1966 crisis, hoping to make more money available for housing, only a few in the industry could take advantage of it. As a result of 1968 legislation, liquidity can be invested in a multiplicity of items, can be more flexible and thus available for mortgage lending when needed and can also improve tremendously the earnings of an association.

In fact, a student of the industry once told me that more new investment authority—liquidity and otherwise—was provided the industry during the 1963–1968 period than during the previous twenty-five years.

Unquestionably this new lending authority, and more, is essential if the industry or its central Bank System is to compete successfully for funds. Without Regulation Q in the form established in 1966, and a limitation on the size of some Treasury issues and Home Loan Bank Board, FNMA and GNMA issues since early 1970, the thrift industry would have suffered far more during the 1966–1970 period than it did.

The many among us who worked for these measures can take pride in the improvements already made possible. Many other improvements are on the horizon.

There were many other changes which stand out in my mind as being of great value—expansion of services provided members by Regional Banks; the successful negotiation with the Federal Deposit Insurance Corporation which settled for all time, I hope, that FSLIC and FDIC insurance are on par; the creation of a variety of savings instruments designed to appeal to various needs and desires of savers; the improved branch, insurance of accounts and merger procedures, which have been further modified by the existing Board; the improvement of communication between the Board and the industry, and within the System, by the production of the Federal Home Loan Bank Board JOURNAL and other means; the Friend Study authorized by Congress in 1966 and completed in mid-1969, about which initially many doubts were expressed as to its advisability, and which was distorted and inadequately reported in the press, but the great part of which by now has been praised by most of the industry and put into effect by the present Board.

Among our disappointments was the inability to raise adequate funds in 1966 to meet the heavy withdrawals from associations and at the same time supply needed funds for housing. What happened in 1966, how what could have been a catastrophe was averted, and the lessons learned that helped the industry in a similar situation in 1969 would within itself frame an enlightening speech.

The frustration of this experience was compensated for in part by establishing under Regulation Q a rate advantage over commercial banks that is still in effect, and as reported by the industry's good friend, Senator Tower of Texas has just been extended for two years; a greater understanding of the importance of the industry by the Government agencies whose decisions can be highly detrimental; a 100% cooperation with the Board by these Agencies from 1966 through the remainder of my tenure on the Board and since as far as I know; a restructuring of liquidity provisions which enables the industry on Board reduction of liquidity to feed tremendous amounts of money into home financing; and—this may surprise you—complete cooperation from the commercial banks in support of measures designed to help the savings and loan industry through the 1966 crisis.

I should point out one further gain. Both the Federal Home Loan Bank Board and the Federal National Mortgage Association supplied substantially more funds in 1969 for housing than was the case in 1966. In several respects, the experience of 1966 contributed significantly to these highly beneficial achievements.

Another disappointment experienced while I was on the Board was the failure to enact the Federal Chartering bill. The loss was so close and the stakes were so high! In my opinion, the result would have been a much stronger thrift industry. We would have gotten in one package what we shall now be seeking for several years. Passage of the bill would not have affected adversely the dual system of Federal and State institutions nor what Congress will do about Federal stock chartering.

Again, though, there were compensatory developments. We succeeded in lifting some very desirable parts of the proposed measure from the defeated bill and inserting them in the 1968 Housing Act. Among the provisions were the liquidity measure to which I have already referred; change of terminology to deposits and interest; mobile home loans; authority for a greatly expanded variety of savings instruments; and two other provisions as yet to be implemented by the Board—the right of mutuals to issue debentures and for Federals to make certain types of consumer loans.

I feel certain that from my "Reflections of the Past" you sense that I am optimistic about the future, both short- and long-range. I am.

It is already obvious that 1971 will be an exceedingly good year savings-wise for the entire thrift industry, and thus for housing. Even in the first quarter, net savings for associations, including interest credited, amounted to more than $8¾ billion. Compare this with a total of $10,843,000,000 in 1970, a record year until 1971, and you can understand that a dramatic change has occurred during the past five or six months. I doubt if this momentum will carry throughout the year, and possibly the industry hopes it won't. It is interesting to speculate, though, about what you would do with more than $30,000,000,000 of new money.

In January, I estimated that the housing volume, non-farm, for 1971 would be between 18 and 20 million units. I see no reason to change the estimate.

Should rural housing and mobile homes be included we could very well land above the 20,000,000 home mark. The Commerce Department's April survey indicates that consumer plans to purchase homes has increased strongly since the end of 1970. So with increased demand and sharply increased availability of funds, and at lower interest rates, there seems little doubt that the housing market in 1971 will be quite strong.

The lower earnings that may result from the decline in mortgage interest rates and from the reduction in dividends paid on stock by the Regional Banks are minuses but will not be disastrous. The cost of Bank System funds might be lowered by turning over high cost maturing issues with less expensive money. This could improve income on stock dividends. However, because of the excessive supply of savings, the monetary policy of the Federal Reserve Board and efforts of Congress and the Administration to hold down the cost of money, I do not expect mortgage interest rates to rise much, if any, before the end of the year. This will be true even should the savings flow taper off in the immediate months ahead.

Some highly knowledgeable and experienced housing economists strongly believe interest rates will drop further. No one can do more than stay abreast of developments and make educated evaluations on almost a month-to-month basis.

There are those who fear or expect that this industry will not survive in the years ahead. I am not one of them, although I know we must ever be alert to cope with changing demands and needs. Maybe the trials and tribulations of the 1960's conditioned me to this point of view because we overcame so many difficulties then. But I believe the industry's potential is far short of full maximization, that it too learned a valuable lesson in the decade of the 60's, and that it will avoid the temptations of over-building at excessive risks to which some members succumbed in the early 60's.

The industry is also increasingly aware of its responsibility to help make decent housing available to all deserving citizens, to carry its share of the load in all public endeavors, including the recognition that substandard housing and pollution are brothers. Many new powers have been provided that enable the industry to meet these obligations. I have named some. Other programs of enormous value were authorized in the Housing Act of 1968 and in statutes enacted in 1970. Congress seems willing to give you even more assistance as it is required.

In this regard, I think we now have the means to avoid another 1966, or even 1969. And I believe the Federal Reserve Board will be prepared in other such instances not to stand idly by while housing carries most of the brunt of money shortage.

Our capacity to raise housing funds through the industry's central Bank System, through FNMA and other sources are considerably improved over 1966.

We must make certain that the thrift industry is not bypassed in measures designed to fill the nation's housing needs. So many groups, acting in good faith, are concerned about adequate and decent housing and so many proposals are being nurtured that your capacity and knowledge could, at least in part, be disregarded. To a large degree, it is the industry's responsibility to serve as the watchdog in this area.

May I also caution the industry not to neglect the youth market potential. You may be sure that other businesses won't do so. My Company is making a very strong effort to encourage young adults to practice thrift and get in position to make a downpayment on a home.

Unfortunately the younger people today believe more in credit spending rather than in savings accounts. Over 52% of the population is under 30 years of age, and yet the average age of thrift depositors is about 50. That means there are many of your potential customers who could be saving money but are not doing so. Is this really an important market for you? *You bet it is*, since there are over 22 million families in the 25–40 age group. In the next ten years, young adults, those in their 20's and 30's, will increase 34%, a growth of 18 million people. People in all other age groups will increase by 9 million, or a mere 6%.

The young adult market of 22 million family units is the fastest growing segment of the population in the 1970's. If that market is ignored or neglected, your ability to raise money as you are doing today and have done consistently with rare exceptions for many years could be dangerously impaired. As valuable as is your central Bank, let me urge that you regularly court the public for savings so as to avoid being only a conduit of borrowed money and because money raised by deposits usually costs you less.

Help young families to own homes, and support the Savings and Loan Foundation so that it can continue and strengthen its excellent programs that build and retain a favorable public image for your industry.

Two points I wish to make in conclusion—as I view the future, and despite belief from knowledgeable sources to the contrary, there is a need for a specialized industry to finance a program of full and complete housing accommodations for the families of this country. The thrift industry has the know-how to do the job. We must continue to work until you have the means to do it. We are much nearer to this goal than 10 years ago and each year we make some progress. I do not believe nor do I think Congress believes you have to lose your identity to achieve the objective of a decent home for every American family. You cannot do the job alone, but you are carrying more of the load than any other group and you can do more as you are provided the necessary tools.

Finally, let me urge that you become a part of all efforts being made in and out of Government to reduce housing costs, and to find new and more economical methods of supplying homes in attractive surroundings. There are so many sources working on these problems that we either will become too confused to find better and more adequate answers, or we will make a breakthrough that will be dramatic and sensational. The odds are that it will be the latter and I don't want an industry in which you and I have exerted so much effort to be caught napping either at the starting line or the half-way mark.

Yes, I am an optimist about the future of your industry. I intend to continue to help in any way I consider to be appropriate. And I repeat—the savings and loan industry can continue to grow in strength and can be as beneficial to the national well-being as it has the vision and willingness to do so.

A PROPOSAL FOR REVENUE SHARING

Mr. McGOVERN. Mr. President, I have long been concerned with developing a mechanism for insuring that State and local governments receive an adequate share of the total tax dollar. For that reason, I have been encouraged by the increasing attention given to the general concept of revenue sharing and hope that the Congress will be able to adopt a satisfactory program this year.

Many of the programs that have been offered contain positive elements. But they appear to contain major weaknesses especially with regard to Federal supervision of the expenditure of Federal funds, aid to the poorer areas and aid to both urban and rural America. For that reason, I have offered a proposal for revenue sharing which would, I believe, represent the kind of program that would bring the greatest benefit with the greatest equity.

Mr. President, I ask unanimous consent that the summary release and the text of my revenue sharing proposal be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GEORGE MCGOVERN

Senator George McGovern (D-SD) today proposed a revenue sharing plan designed to encourage state and local governments to "adopt a sensible system of progressive taxes" and to aid "those in greatest need."

The revenue sharing proposal was sent to the House Ways and Means Committee, which is currently considering legislation on the subject. McGovern's plan takes the form of a series of guidelines rather than a piece of legislation.

The McGovern proposal provides for monitoring of specific aid programs by Federal agencies. If Federal goals are not met, a portion of allotted program funds would be withheld. The Administration formula contains few safeguards for the use of Federal funds.

General revenue sharing would be intended to encourage the adoption of progressive taxation in order to better meet state needs with state resources and to channel aid to the poorest areas.

The McGovern proposal contains a provision ensuring that there would be a fair distribution of aid within each state, taking into account the differing divisions of responsibilities among governments within the various states. This "pass through" formula would also equalize the financial ability of localities to meet their own needs.

Senator McGovern's proposal differs from major alternatives to the Administration bill in its national scope. His plan would insure massive aid to urban areas while at the same time insuring needed public services for rural America. Another element of McGovern's plan, lacking in other alternative proposals, is the provision for allocations to states to be based, in part, on a poverty index.

The McGovern Revenue Sharing Statement is attached:

A PROPOSAL FOR REVENUE SHARING

The current debate about revenue-sharing results from a growing and legitimate concern that state and local governments are unable to raise the funds necessary to meet adequately the needs of their citizens. Many believe that the Federal government now has a monopoly of the power to raise revenues which hampers the ability of states to provide for their own funding. As a result, the Federal government is called upon to share a part of its income with other levels of government.

The concept of revenue-sharing raises the vital issue of the distribution of Constitutional authority between the federal and state governments. Clearly neither level should have complete authority over government expenditure decisions. It is also evident that, if the Federal government raises revenues, it cannot surrender its responsibility for supervising their expenditures for the common good. Finally, the Federal government cannot be as perceptive about local needs as can local governments, which thus must have some real measure of authority over the distribution of funds.

GOALS

A program of revenue-sharing must accomplish at least three major goals.

First, we must establish some minimum standards of public services for each of our citizens wherever they may live in the United States. To meet such a goal, we need a grant-in-aid program that sets minimum standards and then provides the financial resources to achieve them.

Second, communities should be encouraged, by a national revenue-sharing program, to furnish additional public services that affect those living outside the confines of those communities. For example, communities should be given the incentive to install better sewage systems so that they do not pollute their neighbors' rivers. To meet this goal, we need a grant-in-aid program that induces communities to increase these kinds of public service programs.

Third, we should distribute financial resources more equitably so that each community could potentially buy the same package of public services with the same local tax effort. Rich communities can now afford good public services with much less sacrifice than poor communities. To meet this goal we need a grant-in-aid system that provides grants in relation to local resources. This would mean that the higher the local income, the lower the grant.

The Administration plan fails to achieve all three goals. It does not set minimum standards so it cannot insure that each citizen has some minimum quantity of essential public services. Along this line, it does not even provide assurance that would prevent racial discrimination in the distribution of federal funds.

It has no provision for increasing expenditures for those programs that influence the rest of the country, so it cannot insure that communities will stop adversely affecting their neighbors as they pursue their own programs.

The proposal made by the Administration gives money to state and local governments, but the grants are determined by population and not by economic need or local resources. Thus it cannot eliminate any inequities which now exist. The disparity between rich and poor remains.

If it does not meet any of these legitimate national goals, what is the purpose of the Administration revenue sharing plan? It is clearly a device to eliminate the New Deal and Great Society programs that have increased state and local aid from $6 billion per year in 1960 to $25 billion per year in 1970.

Even the amount of the proposed revenue sharing plan is deceptive. The $5 billion in new unrestricted aid proposed in the fiscal 1972 budget will actually amount to $3.5 billion, because the program is to begin in October rather than in July. The $10 billion in transfers from existing programs and the $1 billion in new aid for block grants in areas such as education are only authorizations, not actual expenditures. Spending in these areas are, in fact, slated to fall in the Administration's next budget to less than their present level of $10 billion. At best we are asked to support a program of new grants amounting to about $10 per person. And we cannot buy much for $10.

A number of alternative plans have been offered to the Administration's proposal. Most of them represent an attempt to compensate for the defects in that proposal, although none meets the three goals outlined earlier. One of the most serious defects of these proposals is that they are not truly national in scope. It is entirely appropriate to focus revenue sharing proposals on the needs of the cities. Millions of poor and disadvantaged Americans are city dwellers and many of the cities have made a great effort to raise their own revenues. The cities are in trouble, and they need the help of the federal government without delay.

But part of the solution to the problems of the cities must lie in rural America. Some 20 million of those now living in cities are recent arrivals from rural areas, driven from their homes by inadequate incomes, inadequate opportunity, and inadequate public services. A higher percentage of rural Americans receive incomes below the poverty level than among city dwellers. Thus, any revenue sharing plan must include aid for rural America. It is a matter of simple justice to insure that revenue sharing attempts to meet the needs of all Americans. That is the best way to aid our cities.

A satisfactory revenue sharing program assigns three tasks to the Federal government. First, it must determine what it seeks to accomplish in such areas as housing or education. Then, it must define those goals in operational terms for state and local governments. In other words, exactly how is success or failure in meeting its goals going to be measured?

Finally, it must develop methods to monitor state and local government efforts to meet the national objectives. This would enable the Federal government to determine when funds for specific areas should be increased or decreased.

The Federal government can legitimately prescribe programs to be accomplished. It should avoid setting out requirements that tell state and local governments how they should meet Federal goals.

AN ALTERNATIVE PROPOSAL ON SPECIAL REVENUE SHARING

Under the Administration proposal, Special Revenue Sharing—the allocation of funds for specific programs—would receive the larger share of the total funds available for redistribution.

Special revenue sharing without explicit federal goals is a farce. It is simply another name for general revenue sharing since Federal funds can be used in place of local funds, which can then be diverted to whatever purpose state and local governments wish—even tax cuts and reductions in services provided at the State or local level.

Local governments usually know more about local conditions than does the Federal government, but the Federal government is more aware of national needs and goals than local governments. This situation dictates the creation of some type of cooperative arrangement among the various levels of government. An examination of the comparative advantages of the federal, state, and local governments reveals that in many areas, such as housing or education, the aims or goals should be set at the federal level, but the instrumental means for achieving these goals can be left to the state or local governments.

A sensible revenue sharing system should work in the following manner: The Federal government would set some operational goals that it wishes to achieve. Thus, it might want to eliminate all sub-standard housing within a given period of time or it might want to insure that every city's educational standards should be set at or above certain minimums.

Federal grants-in-aid would be made for these purposes, but state and local governments would not be given directives on how they are supposed to achieve the desired goals, as is true in many current grant-in-aid programs. They might build new houses, re-hab houses, or make more effective use of existing standard houses. They might hire more teachers, decide to use different textbooks, use open classrooms, or any other technique that they thought would bring their children up to the minimum standards set by the Federal government. Local initiative would be given full play in the choice of methods to achieve national aims.

The Federal government would monitor the results. It might take a housing survey at the beginning of a period and at the end of a given period. It might test reading and arithmetic scores at the beginning and at the end of a given period and might also set performance standards for a given period. Local governments might, for instance, reasonably be expected to eliminate the percentage of their families living in substandard housing by 50 per cent or to reduce the percentage of children falling below the minimum reading and arithmetic standards by 50 per cent within five years.

Full grants-in-aid payments for a specific program should be made contingent on satisfactory progress. For example, a small portion of the total grant allotment could be held in abeyance until the end of the program period. It would only be paid out if evidence indicated satisfactory progress. In this way, it would serve as an incentive for accomplishment. Future grants-in-aid, however, would not be affected by inadequate performance for a specific program. Failure is not rewarded; future progress is not jeopardized. Nor will the Federal government need to expand its bureaucracy to operate programs in local areas.

In this way, special sharing proposals should be developed to replace many of the present categorical grant-in-aid programs, but they should include explicit, measurable, operational Federal goals. This will oblige the Congress and the Executive branches of the Federal government to set out their goals more clearly than they have done in the past. State and Local government will be unshackled from Federal bureacratic red tape and encouraged to find and implement creative solutions to domestic problems. But for the first time, there will be a method of insuring that grants-in-aid are actually used to accomplish Federal goals.

AN ALTERNATIVE PROPOSAL ON GENERAL REVENUE SHARING

General revenue sharing is also needed, provided it is used essentially to distribute funds to those states and localities that adopt a sensible system of progressive taxes and to those in greatest need. This means devising a distribution formula based on a progressive income tax in combination with a welfare index. S. 1770, introduced by Senator Muskie, recognizes this need in that it allocates funds to states in proportion to population, but includes a small bonus for state personal income tax collections (which meets the need for encouraging progressive taxes to a limited extent), and an allowance for total tax effort. But that bill does not take into account relative need based on the incidence of poverty.

General unrestricted grants-in-aid should be given to states which adopt a progressive income tax and which return some fraction of that income tax to the cities and towns within their jurisdiction in the form of grants. The maximum Federal per capita grant would be given to states that adopt an income tax structure that is the same as the federal tax structure (through a state tax surcharge on federal tax payments) and which rely mainly on income taxes as opposed to more regressive forms of taxation. Federal payments would be scaled down from this level for states whose income tax structure is less progressive than the federal income tax.

Such a system of grants-in-aid has two advantages. First, it encourages state governments to share revenue with local governments. States could be obligated to "pass through" a proportion of the federal grant-in-aid based on the share of total state and local expenditures made by local governments in the previous year. Second, it will persuade state and local governments to adopt a better tax system. The Federal government has not pre-empted the progressive income tax. States can and do have progressive income taxes. An important part of the long-run solution to the financial crises of state and local governments is the adoption of better state and local tax systems—not reliance on additional taxation by the Federal government. Preservation of a strong federal system will ultimately depend upon state governments assuming their proper responsibilities for raising taxes for their own purposes.

Federal grants-in-aid as an incentive for the adoption of a desirable tax structure is preferable to credits on federal tax returns for some portion of state and local taxes (even for state and local income taxes). Tax credits are primarily of benefit to wealthy states and serve to preserve the existing inequities in state and local tax systems. Citizens of wealthy states will be able to write off a far larger amount of their Federal taxes than those from poorer states even if all of them raised their taxes. Tax credits could serve to reward states making a significant effort to raise their own revenues, but they would inevitably aid those states with a bigger tax base more than others. Hence, the main thrust of H.R. 8193, introduced by Representative Byrnes, is not a satisfactory general revenue sharing plan.

A poverty index devised along the lines recommended in S. 1770 (but there restricted to distribution among localities within a state) should be made the basis for determining the factor of the need component in determining funding under general revenue sharing. It is based on the average of a "low-income ratio" (the proportion of families in a state with incomes less than $3,000 a year) and a "welfare ratio" (the percentage of families within a state who regularly receive public assistance.)

Two-thirds of the weight in the distribution formula for general revenue sharing should be placed on state and local tax effort and one-third on the poverty index, since many needs resulting from poverty will already have received specific attention under Revenue Sharing.

THE PROBLEM OF PASS THROUGH FOR GENERAL REVENUE SHARING

A general federal formula for sharing grants-in-aid among governmental units within a single state is difficult to construct. The division of functions between state and local governments differs greatly among the different states. In fiscal 1968–69, for example, the range extended from Delaware, where the state government accounted for 97 per cent of total state and local expenditures, to New York, where the state government only accounted for 23 per cent of total state and local expenditures. As a result, it is obviously inequitable to allocate general revenue sharing funds to localities based on their revenue effort alone, as in the Administration bill and to some extent in S. 1770.

Revenue should only be returned to local governments based on the fraction of total expenditures on a given function made by a local government in a base period, not according to revenue effort. Any other allocation is certain to be unfair to some local governments in every state.

Such an approach does not, by itself, meet the need for equitable treatment of local governments within a single state. Equalization can only occur by earmarking some fraction of general revenue sharing for local equalization—a method of making sure each locality is adequately funded as compared with all others. In general, the S. 1770 "pass through" provisions are acceptable, except for its lack of recognition of differing allocations of responsibility with the important exception already noted between state and local governments in the various states.

Thus, the poverty index proposed on S. 1770, together with the local share of total expenditures (and of total population) can be made the basis for within-state allocation of funds. Thus, one-third of General Revenue Sharing funds might be earmarked for potential equalization. The actual fraction of these funds used to establish equity would be determined by multiplying this 33 per cent by the per cent of total state and local expenditures undertaken by local governments, together with the poverty index. For example, in a state where 50 per cent of total expenditures are made by localities, 16.5 per cent (50 per cent of one-third) of general revenue sharing would be earmarked for per capita equalization grants, and this in turn would be combined with the poverty index to yield the final share for each locality.

With such a system it would be possible to obtain better within-state equalization of the financial ability of localities to meet their needs. Under the Administration bill, within-state inequities are made worse, not better.

BIRTHRIGHT OF PAIN

Mr. PERCY. Mr. President, last week the Chicago Tribune exhibited fine investigative reporting in a series of five articles on health care in Chicago.

The articles paint a horror story of the inequities and callousness that are the consequences of a dual health system. They provide a provocative and poignant commentary of the need for a single, unified health care delivery system that will insure the right of every American to good health care. Senator Hugh Scott, the minority leader, and I have jointly introduced S. 1598, entitled the "Health Rights Act of 1971," as a major legislative effort to eliminate the incidious two-track system of health care in our country and it is now under consideration by the Finance Committee along with other proposals. The need for a better approach than we now have is demonstrated by these articles. I ask unanimous consent that all five articles written over a period of 5 weeks by Patricia Krizmis and Angela Parker be incorporated in the Record.

There being no objection, the articles was ordered to be printed in the Record, as follows:

[From the Chicago Tribune, June 20, 1971]

Birthright of Pain: Care for Ill Black Children Is Chicago's Horror Story

(By Patricia Krizmis and Angela Parker)

They are children, Chicago's children.

They receive their birthright of pain, deformity and retardation in their mother's womb and are thrust into an insensitive world from the loins of poverty and disease.

They are black and they are dying.

In a city described by local officials as "the safest large city in which a baby can be born," 1,089 black infants died last year, condemning Chicago with one of the highest black infant mortality rates in the nation.

SURVIVAL NOT ENOUGH

But the story of health care for the black infant and young child is not merely one of dead babies and repugnant statistics.

It is a horror story of those who survive the trauma of birth, of tiny bodies wracked with suffering.

It is the story of real hurt; of medical practitioners who bilk the poor and, indirectly, the taxpayer; and of city officials who take a callous and apathetic approach to the problem.

"The need is so apparent that it is burgeoning thru the doors and windows," said Dr. Alfred Clements, head of pediatrics at the Martin Luther King Health Center, a government-funded center on the city's West Side.

REDTAPE, DISTRUST BAR THE WAY

"We are dealing with more than medical ills," Dr. Clements said. "One man can do a lot, but he can't do everything. Often, you must chip down the wall of fear and distrust with understanding and concern. Often, you must beat the system and its redtape for the sake of the patients."

We lived the health care crisis in Chicago for five weeks. And we saw some of the innocent victims sacrificed each year.

An emaciated 8-month-old boy lies in a bed of torment with tubes running into his skeletal body. He weighs only 10 pounds.

"Obviously the child is suffering from malnutrition," said Dr. Julian Berman, head of genetics and pediatrics at County Hospital, "but it isn't because his mother didn't feed him." The mother is only 15; she probably had no prenatal care, he said. If she had, she might have known to seek help earlier, he added. She tried continually to feed the baby, and when he reached this stage she brought him to County.

A 7-month-old boy twitches in agony, and with each spastic jerk, there is a wall of hurt. His entire body is covered with a skin infection. His mother repeatedly sought help from city-run clinics, but only two days earlier had health workers decided the condition was "serious" enough for referral to County Hospital.

And in a tiny grave in Restvale Cemetery lies one of last year's morbid statistics. The mother rejected Board of Health clinics because she had learned thru experience that sick children are not treated in the ones in her neighborhood.

She sought the help of private physicians. The last one brushed off the ailment as stomach flu, as he had in four previous visits.

Soon after, the child was rushed to a hospital in a coma, and emergency room doctors made desperate attempts to save her, after immediately diagnosing the problem.

THE DOCTOR DID NOT CHECK

The cause of death: acute lead poisoning. The private physician had not bothered to administer the simple blood test that detects the child-killer.

There are many physicians who work among the poor, treating them as they would North Shore patients.

In fact, some of them, angered and frustrated by the health crisis, cooperated in this investigation.

We watched babies born in roach-infested, vermin-ridden hovels that are home for the poor. We saw these tiny human beings enter the world on beds or kitchen tables covered with newspapers, used as a desperate attempt to bring the most primitive forms of sanitation where there is none.

POSED AS PATIENTS

We became victims of the crisis by subjecting ourselves as patients to licensed physicians who have become prostitutes of their profession and to the unlicensed treatment peddlers who pose as legitimate healers and tinker with human life in the slums.

We found these medical swindlers preying on people in pain, in trouble or too young or too uneducated to know better. They prescribe unnecessary medicine, give not even perfunctory examinations and bilk their victims, while, at the same time, urging them to return.

ADVISES HOSPITALIZATION, BUT . . .

And we felt the last ounces of human dignity being drained from us by these medical swindlers as it is every day from the poor in Chicago.

One doctor told a reporter she was so sick she should go to a hospital. When she said she had no money and no welfare care because she had just arrived in the city, he callously told her:

"You should go to the hospital, but if you don't have any money, I guess there is nothing that you can do. I just hope you don't fall out in the street somewhere." There was no attempt to get her into a hospital.

"If Chicago is indeed the healthiest city in the nation, as Mayor Richard J. Daley says, then the rest of America is in deep trouble," said Pierre de Vise, an expert on population, medical and urban problems who has conducted in-depth studies of Chicago's health care crisis.

FOR THE WELL ONLY

The health crisis involves a Board of Health priding itself on its 34 infant welfare stations which in reality are assemblyline factories for distributing pills and dispensing inoculations a few mornings a week to well babies and children.

The sick are turned away. Or, in the bureaucratic rhetoric spewing from the board's offices, parents of the sick infant or child are told to find a private physican or "referred" to County Hospital, where the poor take their hurt when there is no place else to go.

De Vise, project director of the Chicago Regional Hospital Study, pointed to "the incongruity of a 19th-Century Board of Health whose clinics see only well babies and well mothers-to-be." He added:

Many poor people are under the misapprehension that these Board of Health clinics see sick people and are frustrated and delayed in their search for an alternative to the long trip and wait at County Hospital clinics."

Early this year, when Dr. Murray Brown, the city's health commissioner, announced that eight health centers would be opened, he said:

"Altho we have no legal responsibility to provide health care, we felt a moral responsibility because of the magnitude of the problem."

The first center, the Uptown Community Health Center, is at 4414 N. Clarendon Av. It is run by the United States Public Health Service under contract with the city. And Dr. Brown boasts that he goes to the center because of the excellent care provided.

However, the same could not be said for a child under the age of 5. When we visited the center, posing as college students working on research papers, a nurse told us:

"We treat sick children and adults. But this center treats children who are 5 years and over. We don't treat infants and preschoolers here. They go to the Board of Health well-baby clinics."

QUOTA SYSTEM ADDS TO CRISIS

Involved in the health crisis are many of the city's private hospitals. They have their quota system—fill a few beds with patients who are both black and poor and send the others to County Hospital.

"Every patient on welfare has a card that supposedly allows her to have care just as anyone else," said Dr. Robert W. Rhumstein, an obstetrician. "In reality, the poor go to County Hospital or have their babies at home, or if they are very lucky, they get in on the quota system."

"By law and statutes," de Vise said, "the poor of Chicago are free to choose their physicians and hospitals and these private vendors may be reimbursed by the state for their service to the poor.

"In practice, however, it does not quite turn out that way. Cook County Hospital, the only public charity hospital serving the 5 million people living in the 1,000 square miles of the county, is the primary hospital for Negroes, serving over half of the Negro patients residing in Chicago's 24 poverty communities."

[From the Chicago Tribune, June 21, 1971]

Mother Shuns County: Roaches Watch Birth in a Slum Apartment

(By Patricia Krizmis and Angela Parker)

Rain beat hard against the window, and thunder echoed thru the room, heralding the infant's birth in the South Side slum apartment he would call home.

It was 2:45 a.m. when Andy was born on a bed covered with newspapers. Roaches crawled along the wall molding far above him, and below, the floor was dotted with black gummy spots.

The newspapers had been placed on the bed in an attempt to bring the most basic forms of sanitation to the newborn and his mother.

MATERNITY TEAM ARRIVES

A little more than four hours before, a team from the Chicago Maternity Center had arrived at the frame building; a squad car had awaited its arrival. Police escort the teams at night in neighborhoods where the crime rate is high.

"Sure glad you're here," said a large black woman waiting at the door. She led the team down a dark, dingy hall and thru a living room and stopped in front of two long curtains serving as a door to the bedroom where a woman lay waiting her baby's birth.

A reporter's posing as a public health observer, accompanied the medical teams from the center as they traveled thru the city's slum areas delivering the babies of poor women who chose to give birth in their homes rather than go to County Hospital.

For those shunning County, the alternative, sometimes a grisly one, is to have a neighbor or friend deliver the infant.

DECIDES ON BIRTH AT HOME

This expectant mother had decided a Maternity Center team would deliver her baby.

"I hear we're going to have a baby tonight," said Dave, a Northwestern University medical student.

"You're going to be busy, the water bag broke," the patient said. "Yes, you and Willa [the registered nurse] are going to be busy."

Maternity Center teams had delivered her two other children. She liked the way they treated her; she trusted them.

DELIVER 85 BABIES A MONTH

Last year, center teams delivered 1,183 live babies. There were 10 fetal deaths and 14 neonatal [one month after birth] deaths. The total infant mortality rate for Chicago in 1970, covering both hospital and nonhospital births, was 27.7 for every 1,000 births. The Maternity Center's teams are delivering about 85 babies a month this year, but at times the number jumps to 100.

How severe were the pains; how often did they come, Dave asked the patient as he began timing the contractions. Willa spread newspapers over the brown dresser near the bed before setting down the medical bags and utensils. She then took over the timing detail to free Dave to examine the patient and listen to the baby's heart beat.

PAINS INCREASE

The pains were occurring more frequently now, and the team made every attempt to make her comfortable.

"Breathe deeply, honey, thru your mouth like this," Willa instructed, showing her how.

The Northwestern medical students who volunteer to serve the poor thru the center continually telephone reports to the center to inform them of the patient's condition and receive advice. They keep a constant record of the patient's condition.

Dave was fortunate; this patient had a phone. Often students must run up and down flight of stairs to use a neighbor's telephone.

DOCTOR HANDLES DELIVERY

As the time of birth nears, Dr. Beatrice Tucker, head of the center at 1336 S. Newberry Av., or the doctor in residence there, is called to deliver the baby; first pregnancies take priority.

If complications are anticipated, the doctor comes to the home to examine the patient and determines if she should be taken to Wesley Memorial Hospital, the center's backup hospital.

Andy's mother suffers from high blood pressure. However, the condition did not necessitate hospital delivery, the center doctor determined.

While the patient left the room to provide a urine sample for testing, Willa and the reporter prepared the bed where the baby would be born.

INK ACTS AS STERILIZER

The family had collected stacks of newspapers, knowing a large quantity would be required. Layers of newspapers were spread over the bed, topped with a large piece of heavy plastic and then by more layers of newspapers.

"The ink in newspapers brings about some form of sterilization," a nurse had told the reporter on a previous case, "and bugs don't stay on newspapers."

Willa wrapped three soft drink bottles, lining them up one after the other, in newspapers and did the same with another three bottles. She placed the bottles on the bed in a right angle; the patient would brace her feet against them during the delivery. The bottles also would prevent the seepage of fluids onto the rest of the bed.

It wasn't necessary for Willa to drive a nail into the wall behind the bed or to bend coat hangers on which a bottle for intravenous feeding would be strung. The coat hangers remained from the last delivery.

BEGIN HEATING WATER

Center teams wear disposable paper surgical gowns, caps and masks and use plastic gloves. Every time the medical student conducts a vaginal examination, he wears a plastic glove, which is then discarded.

As Dave conducted the examination, the reporter followed Willa into the small kitchen off the bedroom, to begin heating water in a large kettle to sterilize the instruments and clean up. Newspapers were spread over the stained sink's draining area and atop a small table. First pregnancies are delivered on the firmer surface of a kitchen table and an ironing board is set up for use as a surgical table.

The kitchen was small, made even more cramped by the dilapidated refrigerator which was pushed out from the wall. The floor was sticky, and missing chunks of linoleum exposed the wooden floor beneath. The medical bags were moved to the small table to provide more room in the bedroom.

Dave was sitting in a card table chair at bedside talking to the patient, reminding her to breathe deeply.

"IT HURTS—HELP ME"

Every so often, the large black woman who had met the team at the door pushed thru the curtains to check on her daughter.

The pains were getting very severe now, and the patient was screaming:

"It hurts, Oh, Jesus, please help me."

"Now I don't want to hear no more of that, girl," the grandmother scolded. "Remember, you're a woman, a lady."

The patient's dark eyes darted from her mother to the reporter, who held a wet cloth on her forehead. Her husband had left her; she lived with her mother, her sister, eight nieces and nephews and her own children; she was now on public aid.

DOES NOT EXPECT MUCH

At 24, a series of setbacks and struggles had conditioned her not to expect too much out of life, and she quietly repiled:

"I'm sorry, Mama. I'm sorry."

A diapered toddler ran into the living room, calling for his grandmother. Grandmother pushed thru the curtain toward him and carried him to a large overstuffed chair in the darkened room, where the television blared and the screen provided the only light.

SATISFIED WITH CARE

Years ago, the grandmother had come from Mississippi. She had delivered scores of babies, but she didn't want to talk about it. The Maternity Center was taking good care of her daughters and grandchildren. She was satisfied. There were the prenatal clinics there, where mothers-to-be are examined by doctors, instructed in baby care and told what to eat and how to care for themselves.

In this case, the center had put the patient on a special diet for high blood pressure. After the baby was born, she would be given a six-week checkup and birth control information. A nurse from the center would visit the home daily for a few days after the birth to check on mother and infant. The infant would receive his two-week checkup in the center.

CONCERNED ABOUT SHEET

The patient was crying loudly now and the reporter rushed into the room. The newspapers beneath her were wet and had to be changed. The intravenous feeding had been started. Willa gently placed fresh newspapers beneath her.

The young mother was concerned about the new blue sheet she had purchased for the baby's birth. In her own way, she had tried to do the special little things for her baby. There were the two baby blankets, the robe, the diapers and the four diaper pins with yellow bears on them.

She tugged at the curlers in her hair, trying to remove them before the baby was born, and placed them on the unpainted headboard above her. Suddenly she screamed "The baby's going to come!"

DOCTOR NOT THERE YET

She was right. Willa quickly supplied the surgical dress and sent the reporter to the kitchen for the boiled water. The Maternity Center doctor hadn't arrived. Dave, the medical student, prepared himself. He gave the reporter explicit instructions on what not to touch and then sterilized the birth area.

The baby's head appeared.

"Come here, come here," the patient shouted to the reporter, who was standing off to the side so as not to interfere. "I want your hand, please."

She clutched the reporter's hand and dug her nails deeply into it. On impulse, the reporter squeezed back tightly, trying to make the hurt go away.

CORD AROUND NECK

"Check the neck for the cord," Willa reminded Dave. The cord was wrapped about the baby's neck; Dave cut it.

The mother was exhausted; she impulsively stopped cooperating with the team.

"Push, push," Dave and Willa commanded, as the shoulders appeared. "Don't stop now, push, push."

The baby was born—a boy.

Dave swabbed the baby's mouth with his gloved finger and gave it the traditional whack across the backside.

There was no cry.

RESPONSE FINALLY COMES

He held the baby about an inch over the bed, and he and Willa snapped their fingers against its arms and legs.

A whimper. Then a cry. Then a fullfledged wail.

Those few seconds seemed like an eternity. As the wail came, so did the resident from the center. There had been another birth, and Dr. Tucker had been away delivering a baby. There were two more births anticipated.

Willa had been cleaning off the baby. Dave worked on the patient and told her:

"It's a boy, a beautiful boy."

The doctor took over, and Dave examined the baby.

Willa announced 2:45 a. m. as the time of birth.

The baby was fine and so was his mother.

AN EIGHT-POUNDER

Willa took a half sheet and placed the baby in it, bunched up the end and attached the scale. "Eight pounds 2 ounces," she announced. Then she dressed the infant.

The team remains for two hours after the birth. After cleaning the area, Willa, Dave and the reporter sat down to help the mother decide on the baby's name.

Then it was 5 a.m., time for the team to leave. The family was grateful. The mother lay holding Andy, and, above them, the roaches crawled into the hole in the ceiling.

[From the Chicago Tribune, June 22, 1971]

Care Hard to Get: Where Do Sick Black Babies Go?

(By Patricia Krizmis and Angela Parker)

The killers roam Chicago's poverty areas, stunting the lives of their young black victims.

Doctors identify these major contributors to the city's high black infant mortality rate as pneumonia, influenza, prematurity, poisonings and congenital malformations.

THE SLOW KILLERS

There are the slow killers—malnutrition, sickle cell anemia, tuberculosis and infections—diseases and conditions that, like a cancer, eat away the health of the child, leaving him ill equipped to cope with society because of deformation, chronic pain and retardation.

Despite glowing reports from city officials, the Board of Health has made only piecemeal attempts to improve the health care of the black infant and child here.

For the most part, Board of Health stations serve as preventive and referral agencies, giving the free shots required by law and sending sick babies and children to other institutions.

One pediatrician described Board of Health stations as "factories where pills and shots are doled out by doctors who work a few four-hour days and where workers have an 'I don't give a damn' attitude."

NO HOURS POSTED

There are 34 infant welfare stations and four high risk clinics. The clinics, for infants up to the age of one year, serve babies born of mothers who are considered a high risk because of their age or a disease. Premature babies also are considered high risk.

Posing as college students, we visited Board of Health stations and found that:

1. Doctors spend only three to four hours, two or three days a week, seeing well babies and children in most of the clinics. Many of the 34 stations are housed in storefronts with cramped examining rooms.

2. There are no signs on most of the stations giving the hours or days the doctor will be in to see infants and children. To be served, a child must live in a specific geographical area. There is no followup service.

3. Several babies, stripped to their diapers to speed the process, were held in a large waiting room by their mothers in the station at 4350 W. 16th St. It was 11:30 a.m. on a Monday. When asked if the doctor (there was only one there) treats sick children, a large blonde nurse whose name tag was hidden by a handkerchief pinned to her uniform, replied:

"We send the kids and babies who are sick to the Martin Luther King Center (a federally-funded center). The doctor has been here all morning and we're trying to get rid of the rest of these patients."

STATION LOCKED EARLY

4. All the doors to the station at 3704 S. Vincennes Av. locked at 2 p.m. on a Friday The Board of Health claims the station is open until 4 p.m. A clerk finally responded to knocking at the door.

"The nurses are all upstairs having coffee," she said. "The doctors are gone. We see babies 8 to noon Wednesday and Friday. We give prenatal care the other times." What happens when a baby is sick? "We refer it to the hospital, Cook County Hospital. That's the best one for these people. We have three doctors, sometimes two, sometimes one is in. We give school inoculations, too."

5. In the high risk clinic at 1832 W. Washington Blvd., a licensed practical nurse, whose name tag identified her as Mrs. Pleasant replied to a query about how many doctors staff the clinic and when:

"It fluctuates. We've had a lot of changes. I can't say when they'll be in."

"COME BACK THURSDAY"

6. A reporter took a 3-year-old child to the station at 2231 W. Madison St. It was 11:45 a.m. on a Tuesday. When she entered the door a nurse yelled out:

"We're closed now. Come back Thursday between 9 and noon. Doctor's not in now. He'll be back then."

"The medical care in the city of Chicago is not the responsibility of the Board of Health by statute," said Dr. Murray Brown, the city's health commissioner, "It is the responsibility of the state and the county. Knowing there is a problem, we are looking for federal funds."

Dr. Edward Murray of the Health Department said there are 34 infant stations that serve healthy babies and give inoculations. Four of these clinics also are high-risk baby clinics, he said. There are prenatal clinics in each of the infant stations and 17 of them are high risk pre-natal clinics.

"These children are not treated except for simple things like enemia," Dr. Murray said. "But the really sick are referred to some other pediatric agency or a nearby hospital. Some can go to private doctors."

Dr. Murray said there are seven clinics that see sick children. He first named three of them as the Woodlawn Children's Clinic, 936 E. 63d St., run by the University of Chicago Hospitals; the Near North Children's Clinic, 1441 N. Cleveland Av.; and the Martin Luther King Health Center, 3312 W. Grenshaw St.

CITY FUNDS NOT USED

City money is not used in these clinics. They are financed by the Children and Youth Program of the Children's Bureau of the Federal Department of Health, Education, and Welfare.

Dr. Murray cited four Board of Health clinics which he said see sick children. They are at 6504 S. Cottage Grove Av., 880 N. Hudson Av., 3448 W. Ogden Av. and 4350 W. 16th St.

In effect, these four clinics refer sick children. The Ogden and 16th Street clinics refer sick children to the King center; the Cottage Grove clinic refers the sick to the Woodlawn clinic and the Hudson clinic sends sick children to the Near North Children's Clinic.

COULD USE 10 MORE

"We could use 10 more clinics like this in the city," said Dr. Albert Clements, head of pediatrics at the Martin Luther King Center. "The total family is our target area. However, children under 13 are really under the Board of Health stations 14 and 16."

At the center, there are about 3,000 pediatrics visits every three months. Children wait with their mothers in a large room where tiny chairs are provided for the young patients. When the family's name is called, the mother and child go to an examining room to be seen by a pediatrician. The mother is given time to undress her baby in the examining room.

DOES NOT ACCEPT RESPONSIBILITY

"The Board of Health should have a program for comprehensive health care for the poor where all services would be available," said Dr. Harry Elam, director of Mile Square Health Center, operated by Presbyterian-St. Luke's Hospital with funds from the Office of Economic Opportunity.

"I don't think Mayor Daley has accepted health care as a political priority," said Pierre de Vise, director of the Chicago Regional Hospital Study. "The Board of Health's budget is up to $18 million. But in Chicago, the city doesn't accept the responsibility for health care. They say they made a departure from this with the announcement of the eight health centers (to be constructed by 1972).

"I doubt they will all be built. The announcement came before the mayoral campaign. But in 1966, during that mayoral campaign, the city announced 12 centers would be built. They've even dropped the number."

According to the Blue Cross and Blue Shield medical study in the model cities areas, residents there had a higher incidence rate of the 20 most frequently reported diseases than the city as a whole.

MEASLES RATE HIGH

"The rate of measles was four times the city rate, while the rates for venereal disease and lead poisoning were more than three and one half times," the report said.

"It is the opinion of the Blue Cross-Blue Shield medical staff that the incidence rate for many of the diseases such as measles, mumps, chicken pox, whooping cough, rubella and poliomyelitis could be reduced if preventive techniques were utilized," the report said.

A 3½-year-old child lies in a bed in the pediatrics hospital of Cook County Hospital; his hands are swollen. He is a victim of sickle cell anemia. He is one of the fortunate victims; he is receiving treatment.

NICKNAMED "SICKLY CELLS"

Sickle cell anemia is a slow killer. It is so prevalent that black children have nicknamed it "sickly cells." The hereditary disease, found almost exclusively in Negroes, is carried by nearly 10 per cent of all black people in this country and is fatal to about one out of 400, federal medical reports show. Tho Chicago is 35 per cent black, the number of cases here has never been inventoried.

"The blood test detecting sickle cell costs 2 cents," said one black pediatrician. "It would cost $2,404.72 to test all black children under the age of 5 in Chicago. It would cost about $5,600 to test all black children ages 5 to 14. That's very little to insure the health of children."

NO SCHOOL TESTING

According to 1970 census reports, there are 120,236 black children under 5 and 279,786 children ages 5 thru 14 in Chicago.

Yet, Dr. Brown said there is no school testing for sickle cell in the public schools and the Board of Health has no plans to do so.

"If we get it in time, it is effectively treated," said Dr. Julian Berman, head of genetics and pediatrics at Cook County Hospital. "It is not as much an infant killer, but later in life, it maims, it deforms and affects thinking, depending upon what organ is affected."

Tuberculosis is a killer in poor areas. Yet a study conducted by the graduate school of nutrition of Cornell University shows that tuberculin testing was not part of the prenatal care given at Board of Health prenatal clinics serving pregnant women in Woodlawn, Kenwood, Oakland and Robert Taylor Homes.

FAILURE TO THRIVE

Failure to thrive is a term used by doctors to describe the health condition of many a poor child.

"It is caused by a variety of diseases—there are 100 or more to choose from," said Dr. Berman. Among them are rickets, malnutrition and infections.

"It is neglect of the population," Dr. Berman said. "Think of the worst horror movies you have ever seen. And we see that here."

[From the Chicago Tribune, June 23, 1971]

Find Unlicensed Doctors

(By Patricia Krizmis and Angela Parker)

An unlicensed practitioner, is posing as a legitimate medical doctor on the West Side.

Le Roy S. Matthews, who practices medicine at 2400 W. Madison St., admitted to The Tribune he is not a licensed doctor. He said he was licensed as a chiropractor in another state.

A Tribune investigation has found that Matthews even sends in claims to insurance companies for treating patients.

WOULD TREAT DURING PREGNANCY

Matthews, who first told one reporter he was a pediatrician, told another reporter he would treat her during her pregnancy.

He leads the poor who come to him to believe he is a medical doctor. The door to his office reads: "Dr. Le Roy S. Matthews." He treats patients in a three-room paneled office on the fifth floor of the Madison Street Building.

The office is equipped with medical supplies and utensils. There is an examining room with stirrups where he treats women patients and a large cabinet is filled with medicine bottles. Matthews wears a white coat worn by doctors. On his desk are stacks of books on gynecology, obstetrics and pediatrics.

NOT REGISTERED WITH AMA

The American Medical Association said Matthews is not registered with it and the Illinois Department of Registration and Education said he is not licensed with it.

The Tribune obtained documents which show that Matthews sent in claims to insurance companies for treating patients as a medical doctor. He also ordered blood tests and pregnancy tests.

The United American Insurance Co., Dallas is one of the companies which paid a claim sent in by Matthews. W. L. Mistrot, assistant vice president of United American, said the company's investigation shows that Matthews is not licensed. Company records show that one of its clients was examined by Matthews last March Mistrot said. The company paid the claim, Mistrot said, but asked Matthews for more information which never was sent.

BARRED FROM MAKING TESTS

Edward Price, attorney for the Department of Registration and Education said a chiropractor is prohibited by law from making blood tests or taking blood from patients.

As part of the investigation, we subjected ourselves as patients to illicit treatment peddlers and to licensed physicians who have become prostitutes of their profession.

After visiting Matthews as patients, we asked him:

Q.—Are you a licensed doctor? A.—Yes [pause]. No, I'm not.

"LICENSED AS CHIROPRACTOR"

Q.—Do you have any license whatsoever that allows you to practice medicine? A.—I was licensed as a chiropractor, but not in this state, in another state.

Q.—What state? A.—I don't want to tell you.

Q.—Do you treat patients here? A.—Well, [pause] I never practiced.

Q.—What did you never practice? A.—I better not say anything else.

BETTER NOT SAY

Q.—Why do you have an examining table with stirrups and other medical equipment? A.—I better not say anything.

Q.—Why did you offer to treat me for pregnancy? A.—I'm not talking.

Q.—Are you aware you are violating the law. A.—I think I better leave this interview off.

At one point, Matthews recognized one reporter.

VISIT BY REPORTER

"You came to me a few days ago, as a patient," he said. "I remember you." He referred to the visit made by the reporter in which she told Matthews she thought she was pregnant.

"Get in there and take off your slacks so I can examine you," he had told her pointing to his examining room. The reporter had told him she would rather have a friend with her because there was no nurse there. He told her to come back any Thursday, Friday or Saturday afternoon.

Another reporter went to Matthews for treatment of a sore throat. He listened to her lungs with a stethoscope and sent her to a nearby private medical clinic after telling her:

"I'm a pediatrician. I see patients on appointments only."

HUMAN DIGNITY LOST

As we visited the offices of various physicians who serve the poor, we felt the last ounces of human dignity being drained from us as it is from the poor every day. Here are our findings:

1. Many physicians practice production line diagnosis, spending only a few minutes with each patient. They offer no cursory examination and give very little explanation to the patient as to what is wrong.

2. Many don't even bother to gown a patient or to provide a sheet for cover. Many employ men who masquerade as physicians and give shots to the patients. These men wander in and out of examining rooms with no regard for the patient's dignity.

3. Many of the offices are vermin-ridden hovels where material is tossed on the floor. Often, the doctors don't even wash their hands between caring for patients.

SENT TO SPECIFIC DRUGSTORES

4. Many refer patients to specific drugstores to fill prescriptions. Others pull pills out of sample bottles and place them in boxes which are given to the patient.

In the clinic of Dr. Leslie S. Kaplan, 3527 W. Roosevelt Rd., a reporter presented herself as a patient with a sore throat. A man, who identified himself as Dr. Kaplan, conducted a brief examination, checking her throat, heart and lungs. No gown was provided.

After he left the room, a man who identified himself as Jim wandered in and told the reporter he was going to give her a shot.

OBJECTS TO SHOT

When she objected to the shot because he refused to tell her what it was, he told her, "I'm a doctor."

She began to complain. He then told her, "I'm a male nurse."

Later when the doctor returned, he explained:

"He is a medical technician, I prefer to have men here for a number of reasons."

But the medical swindlers who prey on the city's poor do more than drain dignity. Often, their lack of concern causes death.

HER DAUGHTER DIES

A mother, who will be identified only as Gloria, is a bitter woman. Her daughter, Stephanie, died last year at the age of 2 years, 28 days. Gloria, a recipient of public aid, took her child to private physicians. The last one has an office at 4809 W. Madison St.

This is Gloria's story:

"I kept taking Stephanie to Dr. F. and told him she was sluggish, not active like she always was. He told me she had a stomach virus and gave her a penicillin shot. He told me to bring her back if she wasn't better."

Stephanie's condition became worse and within two weeks, Gloria took her to the doctor four different times.

LOSING WEIGHT, FAINTS

"I kept telling him she was losing weight. She even fainted once when she was walking into the kitchen. He said she had a lack of vitamins and he gave me vitamins for her. I told him she was vomiting a lot, and she would wake up in the middle of the night crying because her stomach hurt."

Gloria also informed the doctor of other symptoms, but he insisted the child suffered from a stomach virus.

"A few weeks later, I got Stephanie up at 7:30, like I always did, and gave her a bath. She wanted some grapefruit juice. I went to get it, and my son ran into the kitchen screaming that something was wrong."

When Gloria reached her daughter, the child was sitting, staring. Her mother could get no response.

RUSHED TO HOSPITAL

"We wrapped her in a blanket and rushed her to Loretto Hospital—the emergency room. She was shaking so much. Then she passed out. A doctor—Dr. Paul Dunn—examined her. He said she was very sick. He said it might be lead poisoning or a brain tumor. Then they tested her."

LEAD POISONING CAUSE

The doctors determined the child suffered from lead poisoning.

"They worked so hard—those doctors—they really tried to save my little girl. But she died, 11 hours later," Gloria said.

The official death certificate lists acute and chronic lead poisoning as a cause of death. The pediatricians contacted about the case said the symptoms demanded a test for lead poisoning, the private physician never bothered to administer the simple test that detects the child killer.

CAN BE ELIMINATED

"The medical prostitutes would not be there if government did something," said Pierre de Vise, director of the Chicago Regional Hospital Study. De Vise has investigated the care given by many physicians to the poor.

"As in most poverty programs, it is the providers that make the money," he said.

[From the Chicago Tribune, June 24, 1971]

HEALTH CARE FOR BLACKS: SOME SUGGESTIONS ON HOW TO IMPROVE IT

(By Patricia Krizmis and Angela Parker)

The cost of Chicago's health care crisis must be measured in the lives of its victims. And that price is great.

Last year, 1,089 black infants paid with their lives, condemning Chicago with one of the highest black infant mortality rates in the nation.

Chicago's total infant mortality rate in 1970 was 27.7 deaths for every 1,000 births. However, broken down by race, 34.8 black babies died for every 1,000 born, compared with the white infant mortality rate of 21.8 deaths for every 1,000 births.

But others who survive infancy also pay—the children who are both poor and black. They are forced to live in poverty and disease which take their toll slowly in pain, deformation and retardation.

DUAL SYSTEM BLAMED

Many medical experts blame the dual system of health care, with one system for the poor and another for those who can pay.

"Because the rich and the poor, the urban, rural and inner city persons, and the young and the old cannot receive equally adequate care, we have a health crisis," said Dr. James Haughton, director of Cook County Hospital. "The number of doctors and facilities do not coincide with the location and type of need for patient care."

"We cannot survive our medical problems," said Dr. Andrew Thomas, president of the Cook County Physicians Association, "if we continue this dual health care program. Our health program is an extension of the old royalty system. Anything we initiate in health care that is good for the rich should be good for the poor."

Involved in the dual health care system, doctors say, are the shortage of qualified physicians serving poor areas, the lack of available care, the failure of existing facilities and the red tape which envelops government-funded programs. Slow payment of medical bills and piecemeal regulations also have forced many doctors to turn their backs on welfare patients.

SOLO PRACTICE ASSAILED

Dr. Haughton defines the health crisis as the shortage and maldistribution of medical personnel.

"Their persistence in the use of the private solo practice, where a fee is paid each time for services, forces them to follow the dollar even when modern technology dictates that some other practice would be more sensible," he said.

Haughton suggested that a group medical practice in which each doctor receives a set salary would be a more efficient use of manpower.

"As a nation," Haughton said, "we have been giving money to medical schools for years but we have yet to tell them what kinds of doctors to train. We are turning out super specialists, but we need good doctors who will serve the sick, the old and the poor. Most of the young doctors coming out of medical schools are trained to cure special things, but people are dying of common illnesses."

WANTS FEDERAL DIRECTION

To combat the problem, Haughton suggested that the federal government and other agencies which give grants for students to continue medical school should require that they practice the kind of medicine which is most needed at the time.

"Right now, we need physicians in the inner city," Haughton said, "physicians to treat common, everyday ailments like the common cold."

In an attempt to combat health care crisis, Cook County Hospital is beginning a program for interns and residents. Each will have 40 families, said Dr. Julian Berman, attending physician in pediatrics, head of genetics and director of medical education.

"The intern or resident will follow the 40 families for three years and will provide entire family care."

MORE FACILITIES NEEDED

Dr. Berman believes there are not enough health care facilities available to the poor in Chicago.

"But even if there were," he said, "where would you get doctors to staff them? You'd have to pay good money to get good doctors."

County Hospital, he said, is attempting to change its image. Often the poor fear County Hospital, he believes, because they have no other choice in hospitals.

Dr. Berman believes education is a major solution for health crisis. County Hospital, he said, has begun a program where young mothers attend classes to learn how to care for their babies. The program is in effect in the hospital's premature baby section.

MOBILE PLAN BEGUN

The Cook County Physicians Association is beginning a new program called the Metropolitan Chicago Mobile Health Project to offer preventive care to the poor in the Kenwood-Oakland community. Two mobile units will travel thru the community offering comprehensive medical care to the poor, said Dr. Thomas.

"Every individual in the area will have an opportunity to be immunized and will be tested for various diseases," he said.

A bill introduced by Rep. Robert Mann (D., Chicago) to take the responsibility for administering health programs for the poor away from the Illinois Department of Public Aid and to permit the state to buy comprehensive health coverage for them thru private insurance companies will come up for vote this week before the state legislature.

DOCTORS ARE RELUCTANT

Delayed payment from the welfare department, because of heavy caseloads, makes many doctors reluctant to treat public aid patients, Mann said. Most of the poor end up in emergency rooms.

"Under prepaid care, we will tighten up eligibility," Mann said. "Once the person has an insurance company card, the medical vendor won't have to worry about not getting paid."

Mann believes that the prepaid plan will stimulate physicians to practice in the inner city.

"They will know their services will be financially rewarded," he said. "The quality of care will improve by doing away with the green card [the medical card provided by the welfare department] and substituting insurance cards for it."

WOULD NOT GRANT ACCESS

Dr. Haughton, however, believes that the Mann bill is not a complete answer. It would insure that the doctor would be paid, he said, but it offers no assurance that the patient would have any more access to doctors than he does now.

"We seem to assume that by making money available to pay for medical care, we ultimately will make medical care accessible to the poor," Haughton said. "That [the bill] will not guarantee that. The doctors make the care available to the poor. They should have learned this from Medicaid and Medicare programs."

Dr. Thomas said the Cook County Physicians Association supports the Mann bill as one means of offering adequate medical care to the poor.

CALLS MEDICAID INADEQUATE

However, he agreed with Dr. Haughton on the inadequacy of Medicaid, which he described as "hastily contrived and terribly inadequate with so many red tape restrictions."

Gov. Ogilvie, who has described the health care system in Illinois as "inefficient and fragmented," has called for state aid to develop health maintenance organizations as a means of offering a high level of care for a reasonable cost.

The organizations would be operated by a group of doctors who, for a fixed fee, would provide all necessary health care services from examinations to hospitalization.

Ogilvie also has suggested setting up comprehensive health planning on state and regional levels. The Illinois State Medical Society has authorized the creation of a nonprofit physicians' organization to reach the same end—better care at a reasonable cost.

REASONABLE FEES SOUGHT

The new organization, called the Illinois Foundation for Medical Care, will attempt to set reasonable fee schedule for its member physicians. It also will work with private insurance agencies and federal agencies to establish comprehensive health coverage programs.

To offer comprehensive care to the poor, a few private multispecialty groups are springing up in the city's poverty areas.

One such group is Comprehensive Medical Associates. In it, the general practitioner is surrounded by a complement of specialists in every area of medicine, said Dr. Robert Blumstein, an obstetrician and one of the founders of the group.

"The services of such a group must be available 24 hours a day, 7 days a week and no patient can be excluded for any reason," Blumstein said. "The patient must exercise free choice in choosing the group and the physician must have available a first rate hospital."

TWO CLINICS ORGANIZED

The multi-specialty group has organized two clinics, one on the city's West Side and another on the Near North Side.

Medical experts also see the health care crisis as more than a medical problem.

The mortality rate among Chicago's black children will not decrease, said Dr. Haughton, "as long as children in the ghetto live in housing where they are exposed to lead poisoning, bitten by rats and where their parents can't afford to feed them or see that they get the proper nutrition and clothing.

"As long as these social problems exist, even if we have the best health services in the world, we are not going to stop children from dying."

A TRIBUTE TO FRANK SINATRA

Mr. WILLIAMS. Mr. President, on Wednesday, June 30, the Senate paid tribute to one of the most famous, and talented, native sons of the State of New Jersey, Frank Sinatra.

Although I was presiding over the Senate at that time and was unable to deliver my remarks personally, I want to take this time now to join Senators in honoring this truly remarkable entertainer.

Throughout his career, Frank Sinatra touched the hearts of millions of people as few men ever do.

His songs brought a glow to the eyes of young lovers; a warmth to the memories of those not so young, and a real affection for life to all of us.

And he did it his way. But the Sinatra way was not limited to a voice heard on a record player or a face seen on a movie screen.

His way extended into the lives of the countless people he helped with his boundless generosity.

He gave freely of his time, talent, and money.

He did it without hesitation whether it was playing a charity benefit or extending a helping hand to a friend in need.

And for that he earned the gratitude of a legion of people, the mighty and the average.

Now he has decided to retire. We will miss his talents.

I might perhaps sum up the feeling of his army of admirers with one sentence.

How about an encore?

SENATOR THOMAS J. DODD

Mr. LONG. Mr. President, other Senators who have spoken before me have testified very eloquently to the distinguished record Tom Dodd compiled in the Senate. I will not recite these accomplishments again except to say that his record of public service will serve as a lasting testimony to his courage, his patriotism, and the intelligence and fortitude to champion the difficult and controversial causes which became a hallmark of Tom Dodd's career.

Passing time will not diminish nor will the adverse circumstances resulting in his censure by his colleagues overshadow the demonstrable fact that Tom Dodd was an American patriot of the first order who loved his country above all else and spent his life protecting its security and making of it a better place to live.

No man who has ever served in this body possessed a more sincere and dedicated commitment to the preservation of individual and national freedom. His effective and unyielding war against the forces of Communism, his relentless war against organized crime, drug addiction, juvenile delinquency and on behalf of effective gun control, bear out how effective a Senator Tom Dodd was.

As a friend and as a fellow human being, I best remember Tom Dodd as a loyal and compassionate man, sensitive and kind, with a determined faith in the essential goodness of his fellow man.

I was privileged to be very close to the most trying period of his life. Throughout his courageous efforts to defend his innocence of the charges which resulted in his censure by his fellow Senators, Tom Dodd showed remarkable composure and character.

During the years that have passed I have had occasion to reflect upon the matter and to see it with the advantage of detached perspective. What was involved was the fact that this man of modest means went into debt by approximately $150,000 during the course of two campaigns for a seat in the U.S. Senate. He incurred very heavy personal debts which he and his wife sought to carry and keep current. The debt structure was initially politically oriented, but, as the couple borrowed from Peter to pay Paul down through the years, what started out as a clearly political debt structure came to look more and more like a debt structure of private expenses. When, after many years, Tom Dodd undertook to retire his debts, the only way he could do it was by means of political fund-raising activities in view of the fact that his personal credit had become so deeply indentured to pay the expenses of political activities.

The Senator, in my judgment, had every right to retire this debt structure out of money donated for political purposes. As a matter of fact, it has always seemed to me that any court of competent jurisdiction would have permitted any of the Senator's creditors to attach and collect any political funds within the control of the Senator in order to obtain payment of his honest debt. Therefore, I have never been able to see the reason why any man should be censured for paying debts honestly owed with money over which he had exclusive control, particularly if he was doing that which a court of law would require him to do anyway. For these reasons, it seemed extremely unfair to me that a man was censured for doing what the law would require him to do.

I am aware of the fact that we have subsequently passed a Code of Ethics which prevents a person from using political funds to pay personal expenses. Had such a rule been in effect before the matter arose, it would have been easy enough for the Senator to have segregated his political debts and kept them apart in such a fashion that it would have been clear to anyone that the debts which he paid with political funds were debts which were political debts from the start.

Furthermore, Mr. President, I have not the slightest doubt that had I and others who defended Tom Dodd on the floor of the Senate been involved in his defense from the beginning, we would have prevailed. We would have presented to the Committee on Ethics the case which was presented on the floor of the Senate, and, had we done so, I hardly think that we would have been confronted with a unanimous recommendation of censure by the Select Committee on Standards and Conduct.

As one who has made some mistakes in his life and prayed for forgiveness, I say, with the deepest conviction within me, that standing beside Tom Dodd in his hour of trial was not a mistake. If my Maker should some day call upon me to list the good things I think I have done in life in order that they may be weighed on a scale against the mistakes which I know I have made, I would most assuredly place my defense of Tom Dodd among the best things that I believe I have done in life. It cost me dearly at the time in prestige and influence but if I had it to do over again the only things about it that I would do differently would be that I would start sooner and work harder!

I defended Tom Dodd before this body because I believed, and still hold him to be innocent of any misconduct as a Senator. The more serious allegations were ultimately defeated for the simple reason that they were in error. He should never have been censured, but censured he was, and when the decision of his colleagues was rendered against him, Tom Dodd took it like the real man that he was, and, his head bloody but unbowed, continued to represent the people of his State with dignity.

If grace under pressure, and courage in adversity, are the measures of a man's character, Tom Dodd passed the test.

I am proud to be known as a friend of Tom Dodd. His passing was a grievous loss to his country, his family, and to us all. A full and accurate history will be kind to his memory.

PRESIDENT NIXON'S REMARKS TO MIDWESTERN NEWSPAPER EXECUTIVES IN KANSAS CITY

Mr. DOLE. Mr. President, yesterday, President Nixon went to Kansas City, Mo., to address a group of 150 Midwestern newspaper executives. This appearance was a part of a continuing effort he is making to inform the press in various regions of the country on administration programs and proposals. The President's appearance before this group, representing newspapers in 13 States, was preceded by background briefings from a number of key administration figures from the White House staff and the Cabinet.

The highlight of the day's events, however, was the President's discussion of virtually the full range of foreign and domestic issues confronting our Nation today.

President Nixon's grasp of subject matter and his feeling for the issues were all the more impressive in that he spoke for some 40 minutes entirely without the benefit of a prepared text or notes of any kind.

Mr. President, I believe these comments were timely and pertinent to the work of the Senate, and I ask unanimous consent that a transcript which appeared in the Kansas City Times this morning, July 7, be printed in the Record.

There being no objecton, the article was ordered to be printed in the Record, as follows:

Nixon Covers Spectrum of World, U.S. Problems

Ladies and gentlemen: From reading the agenda, I think you have had a pretty full plate on the domestic issues. I gather from looking at the people here at the head table that you have been briefed.

I heard the answer to the last question on the economy. I understand there were other questions on that, and on the health program, also on our environment, on our revenue sharing, reorganization programs, on our crime programs, particularly with regard to the control of dangerous drugs, and also programs that may be in related fields that Mr. MacGregor may have covered.

I think perhaps for this kind of meeting, what I could best do is to put all of these domestic programs into a broader context, to indicate the relationship between these programs and the problems that America has in the world.

Sometimes that seems very, very hard to do. I realize that it is quite the approach these days to suggest that we either ought to look at our foreign policy and put that as Priority Number 1, in other words, the security of America must come first; or we must put our priority on domestic problems and turn away from the problems in the world.

The answer to that is that we must do both. It would not be any good to have clean air and water if we were not around to enjoy it. On the other side of the coin, we are not going to play an effective role in the world unless we have a healthy environment, economically and every other way.

REFORM PROGRAM

For a few moments, I would like to discuss the world position we find ourselves in today, and indicate why I believe these domestic programs, a program of reform which goes far beyond any program of reform which has been submitted to the American people in over 40 years; why that program is so essential at this particular time; why it is that America now cannot be satisfied domestically, we cannot rest on our laurels, why we have to make a critical examination of everything we are doing in this country to see whether we are doing it with the most efficiency possible.

Now, in terms of our world situation, the tendency is, and this has been the case for the last five to six years, for us to obscure our vision almost totally of the world because of Vietnam. That is understandable. We are always concerned about the war in which we are currently involved. That was true at the time of Korea. It is now true of Vietnam.

The difficulty is that as we obscure our vision with Vietnam, we do not see very significant changes that have occurred in the world over the past 25 years, the period since World War II, and changes that have occurred even more dramatically, perhaps, over the past 5 to 10 years, and ones that may be in the offing. So I would like to take Vietnam very briefly.

I have nothing new to say on Vietnam. It seems to me, however, that since so much has been written and said in recent weeks about how we got in, it might be well to reiterate what we are doing to get out.

On Vietnam, what we find is that 300,000 Americans have left Vietnam since this administration came in. A division a month are coming home each month at this time. As far as casualties are concerned, it is interesting to note that the casualties in the month of June were less on a monthly basis than the weekly casualties we were having a year ago. When we came into office, they were 15 times as great per month or week or day, take the index, whatever it is. One is too many, but that does indicate the winding down of the war.

As far as the ending of the war is concerned, as far as American involvement, we find that we are proceeding on two tracks. We are actively pursuing the negotiating channel. We also, regardless of what happens on the negotiating front, are pursuing our program of Vietnamization in which all Americans will be withdrawn from Vietnam consistent with two objectives: First, of course, the release of our prisoners of war; and secondly, in a way that will contribute to a permanent and lasting peace, we hope, in Southeast Asia and in the Pacific, rather than in a way that might increase the danger of another war.

HOPE ON VIETNAM

I will simply conclude this section by saying this: Vietnam is an issue which, of course, concerns us. It is an issue, however, to which we have an answer. The American involvement is being ended. It will be ended certainly. The question is only a matter of time and only a matter of how. So consequently, it seems to me that a group of editors, opinion makers like yourselves, should, and I think will, appreciate the opportunity to look beyond Vietnam.

For example, a year from now, what is the world going to look like as Vietnam moves from our vision, or at least recedes from it, and what will America's role in the world be at that time?

As I came into the room, I noticed Martin Hayden. I shook hands with him. I perhaps can put my remarks on the world scene in context by pointing out that he first came to see me when I was a freshman Congressman. It was 24 years ago. I was thinking how much had happened in those 24 years. Many of you, a few of you, are old enough to remember what America was 24 years ago.

We were Number 1 in the world militarily, with no one who even challenged us because we had a monopoly on atomic weapons. We also at that point were Number 1 economically by all odds. In fact, the United States of America was producing more than 50 per cent of all the world's goods.

That was just 25 years ago. Now, 25 years having passed, let's look at the situation today and what it may be five years from now or ten years from now. I will not try to limit myself to five or ten years except to say that in the next decade we are going to see changes that may be even greater than what have occurred in the last 25 years, and very great ones have occurred in that respect.

NEW FACTORS

First, instead of just America being Number 1 in the world from an economic standpoint, the pre-eminent world power, and instead of there being just two superpowers, when we think in economic terms and economic potentialities, there are five great power centers in the world today. Let's look at them very briefly.

There is, of course, the United States of America. There is, second, Western Europe, Western Europe with Britain in the Common Market. That means 300 million of the most advanced people in the world, with all the productivity and all the capacity that those people will have and, of course, with the clout that they will have when they act together, as they certainly will. That is a new factor in the world scene that will come, and come very soon, as we all know.

Then in the Pacific, looking also at free world countries, we have a resurgent Japan. I met with steel leaders of industry and unions this morning. I pointed out what happened to Japan in terms of their business. Twenty years ago Japan produced 5 million tons of steel; this year 100 million; two years from now Japan will produce more steel than the United States of America.

That is what has happened. It has happened in the case of Japan, in the case of Germany, our two major enemies in World War II, partly as a result of our help in getting them on their feet, and partly because of their own energy and ability.

POWER CENTERS EMERGE

Now we have three power centers—the United States, Western Europe and Japan, noting that both Western Europe and Japan are very potent competitors of the United States; friends, yes; allies, yes; but competing and competing very hard with us throughout the world for economic leadership.

Now we turn to the other two superpowers, economic superpowers I will say for the moment. The Soviet Union, of course, first comes to mind. Looking at the Soviet Union, we are entering a period which only time will tell may be successful in terms of creating a very new relationship or a very different relationship than we have had previously.

I referred to the need for an era of negotiation rather than confrontation when I made my inaugural speech. We have been negotiating. We have made some progress in the negotiations. The important thing is, we are negotiating rather than confronting in many areas of the world, where confrontation could lead to explosion. Whether it is on limitation of nuclear arms, the issue of Europe, or negotiations on the Mideast, the negotiations are going on.

I am not suggesting that these negotiations are going to lead to instant peace and instant relationships with the Soviet Union such as we presently have with our friends in Asia who may be allied with us, or who may have systems of government that are more closely aligned to ours. What we have to recognize is that even as we limit arms, if we do reach an agreement in that field, and even if we find ways to avoid confrontation in other areas, and perhaps work out a negotiated settlement for mutual force reductions in Europe, and the problem of Berlin and all the others that come to mind, we must recognize that the Soviet Union will continue to be a very potent, powerful, aggressive competitor of the United States of America. And, ironically—and this is also true of Mainland China, as I will point out in a moment—as we have more and more success on the negotiation front, as for example the Soviet Union, like the United States, may be able if we have a limitation in nuclear arms, if we are able to turn our eyes more toward our economic development and our economic problems—it simply means that the competition changes and becomes much more challenging in the economic area than it has been previously.

So what we find, in other words, is that the success, and we do want success, of a policy of negotiation rather than confrontation will lead to infinitely more economic competition from the Soviet Union.

CONSIDERS CHINA

Mainland China is, of course, a very different situation. First in terms of its economic capacity at the present time, a pretty good indication of where it is that Japan, with 100 million people, produces more than Mainland China with 800 million people. But that should not mislead us, and it gives us and should give none of the potential competitors in the world markets, Mainland China, any sense of satisfaction that it will always be that way, because when we see the Chinese as people—and I have seen them all over the world, and some of you have, too, whether in Hong Kong or Thailand or Singapore or Bangkok, any of the great cities, Manila, where Chinese are there—they are creative, they are productive, they are one of the most capable people in the world, and 800 million Chinese are going to be, inevitably, an enormously economic power, with all means in terms of what they could be in other areas if they move in that direction.

That is the reason why I felt that it was essential that this Administration take the first steps toward ending the isolation of Mainland China from the world community. We had to take those steps because the Soviet Union could not, because of differences that they have that at the present time seem to be irreconcilable. We were the only other power that could take those steps.

AN OPEN DOOR

Let me be very, shall I say, limited in what I would discuss on this particular issue, because we should not consider that more has happened than has happened. What we have done is simply open the door—open the door for travel; open the door for trade.

Now the question is whether there will be other doors opened on their part. But at least the doors must be opened and the goal of U.S. policy must be in the long term, ending the isolation of Mainland China, and a normalization of our relations with Mainland China because, looking down the road, and let's just look ahead 15 to 20 years, the United States could have a perfectly effective agreement with the Soviet Union for limitation of arms; the danger of any confrontation there might have been almost totally removed.

But Mainland China, outside the world community, completely isolated, with its leader not in communication with world leaders, would be a danger to the whole world that would be unacceptable, unacceptable to us and unacceptable to others, as well.

So, consequently, this step must be taken now. Others must be taken, very precisely, very deliberately, as there is reciprocation on the other side.

But now let's see how this all fits into the economic program I mentioned a moment ago, and the economic challenge. The very success of our policy of ending the isolation of Mainland China will mean an immense escalation of their economic challenge, not only to us, but to others in the world.

I again come back to the fundamental point: 800 million Chinese, open to the world, with all the communication and the interchange of ideas that inevitably will occur as a result of that opening, will become an economic force in the world of enormous potential.

ECONOMIC SHIFTS

So, in sum, what do we see? What we see as we look ahead, 5, 10, and perhaps 15 years, we see five great economic superpowers: The United States, Western Europe, the Soviet Union, Mainland China, and, of course, Japan.

Now, I do not suggest, in mentioning these five, that Latin America is not important, that Africa is not important, that South Asia is not important. All nations are important and all peoples in underdeveloped or less developed countries will play their role. But these are the five that will determine the economic future, and because economic power will be the key to other kinds of power, the future of the world in other ways in the last third of this century.

Now let's see what this means to the United States. It means that the United States, as compared with that position we found ourselves in immediately after World War II, has a challenge such as we did not even dream of. Then we were talking about the dollar gap; then we were talking about the necessity of, putting it in terms of a poker game, that the United States had all the chips and we had to spread a few of the chips around so that others could play.

We did it. $100 billion for Western Europe to rebuild them, and billions of others to other countries, and it was the correct policy as it turned out. Now as we see the world in which we are about to move, the United States is no longer in the position of complete pre-eminence or predominance. That is not a bad thing. As a matter of fact, it could be a constructive thing. The United States is still the strongest nation in the world, the richest nation in the world, but now we face a situation where four other potential economic powers have the capacity, have the kind of people—if not the kind of government, at least the kind of people—who can challenge us on every front.

That brings us back home, and it brings us back home for a hard look at what America needs to do if we are going to run this race economically and run it effectively and maintain the position of world leadership, a position that can only be maintained if the United States retains its pre-eminent position in the economic field.

AMERICA'S NEEDS

I could sum up briefly this way: First in personal terms we need a healthy people. Mr. Richardson has, of course, directed his comments to the need for programs that will make us a more healthy people in a very physical sense. We need a healthy environment and Mr. Ruckelshaus has directed his remarks to programs that will make the environment in this country more healthy.

We also need a healthy economy, and Mr. Stein has been talking about the economy. I think it is only relevant to mention that in terms of the economy that we have a situation here that at the moment, again, obscures our vision because of temporary problems which will change once the problems move along. For example, when we consider the problem of unemployment, it must be noted that if the 1,200,000 who have been let out of defense plants and out of the Armed Forces since this Administration came in were still in the Armed Forces and Vietnam and defense plants, unemployment would be less than five per cent today. But the cost would be too high. What we want is high employment, full employment to the extent that we can get full employment, but without the cost of war. We can have it. That is what our policy is directed to achieve.

ACT ON INFLATION

When we speak of a healthy economy, we are also speaking, as Mr. Stein mentioned, I heard his answer to the last question, of an economy in which the fires of inflation have been cooled. We are moving on that. We have made some progress—not enough, but we have made some.

At this particular point, it is essential that whether it is in having to make the hard decision to veto a public works bill which would not speak to the problem of unemployment now, but would enormously escalate the problem of inflation a year or two or three or four years from now, or whether it is in speaking to the leaders of labor and management and calling upon them to be responsive and responsible in their wage-price decisions in seeing that they are not inflationary, the United States, of course, if it is going to have a healthy economy, must move in those particular areas, as well as in others.

Also, when we speak in terms of our health, we must speak in terms of how we accomplish some of these goals. Let me now speak quite directly about a problem that I know has been the subject of many editorials, editorials of newspapers, and, of course, on television and radio, to the extent that you are permitted to do so.

First, it has become rather common practice to berate the American system. Now, without being a bit jingoistic, and being totally objective, let's examine this system of ours, examine it in terms of the problems that I have just mentioned. Health: It would be very easy at the time that we are looking at the problems of the distribution of health care to throw the baby out with the bath water and to fail to recognize that at the present time while we have enormous problems which need to be dealt with of distributing health care fairly so that everybody who needs medical care can get it, we must handle that problem without destroying what we also enjoy, the best medical care in the world in terms of quality. That is why our medical program and our health program is not one that throws out the present medical care system; it builds on it. It reforms it. It corrects it.

Let's look at the environment for a moment. Here one is tempted, as he goes into a place like Los Angeles, and I will be there in a few hours, and you see the smog, that yellow ugly smog-hanging over the city or when you go down the Potomac and see the filth in that river, one is tempted to say: Wouldn't it be great if we didn't have automobiles? Wouldn't it be great if we didn't have all these factories? Wouldn't it be great if we could go back to the way is was in the beginning?

The answer is: Not at all. I have been and you have been to countries who do not have the problems of the environment created by an industrial society. Those countries and those peoples, of course, would very much like to have those problems if that was the cost of raising their standard of living.

BALANCED ATTACK

That is why Mr. Ruckelshaus, and this Administration, has emphasized, and will continue to emphasize an attack on the problem of the environment, but recognizing that the genius that created the industrial might of the United States, that created the problems in the environment, can be put to the task of cleaning it up. This we will do, and this we believe we can accomplish, consistent with maintaining our system.

In terms of our economy, when we talk about how we can change it and how we can deal, for example, with problems like the wage-price escalation, it of course has not gone unnoticed that many at this time tend to throw up their hands and conclude that the only answer to the problem is to go to wage and price controls. Some nibble at it at the edges and say, Well, we ought to have a wage-price board, or others go all the way and say, Why not wage and price controls? When you talk to management, however, they want wage controls. When you talk to labor, they want price controls. When you talk to Government, they recognize, as we recognize that you cannot have wage controls without price controls and any of us, as I was—I was in the OPA for a few months in 1942 before I went in the service—you cannot have wage and price controls without rationing.

It would help us on the unemployment problem. I just checked and found we had 47,000 in the OPA in World War II enforcing all the regulations in wage and price controls over the country. It was not working because it will not and cannot in peace time.

WAGE CONTROLS?

So, despite the fact that a majority of the American people, when asked, do you believe there should be wage and price controls, they say yes, if they had them for a while, they would say no with a vengeance; one, because they do not work in peacetime in controlling the problem, and two, because the cost in terms of snuffing out and dynamism and strength of the American economy would be a cost much too high to pay.

When we are talking about the system we must take the necessary steps to correct the problems that are wrong about it, but recognize that it is a system that has nevertheless produced today more jobs, higher wages, and greater opportunity than any system in the world. Before lightly changing it or reforming it in a way that changes its character, let us also have this in mind.

I look, for example, at the Soviet Union and those of you who have traveled in the Soviet Union several times, as I have—my first trip in 1959, and my last in 1967—have noted the significant change that has occurred there. There we find that they have moved more and more to a systems of rewards rather than every man according to his ability, and receiving according to his needs, because the other will not work.

At a time when we find them moving—and may I say others who are trying the total socialistic approach—moving our way, we could make no greater mistake than to move their way.

What are the economic miracles in the world today? Japan: A different system from ours in terms of government, but relying very, very heavily on private enterprise and private incentives. Germany: A different system from ours in terms of government, but again, private enterprise oriented, private incentives.

Here is the United States of America. At this particular time, as we look around the world, we should not turn away from what is really the great source of our strength.

CUTTING EXCESS

Now, I have mentioned the personal health that is very important, the health of our environment, the health of our economy, and I should also touch upon the health of government. Government in this country needs some major surgery. It is too fat. It has in many cases too many useless limbs; some need to be chopped off. Certainly it needs to be reduced in size. Most of all, of course, it needs an infusion of leadership and responsibility at local and State levels which is going to be essential if you are going to have improvement of government in this country.

That is why revenue sharing and government reorganization are very high on our agenda. There is not much sex appeal in these programs unless you talk to mayors or governors or county officials who say, please give us the money or we cannot pay our payrolls.

But on the other hand, they are enormously important because the United States cannot go into this last third of a century with competition, when we are going to have to be at our best, with an unhealthy government structure. We have to thin it down and get it ready for the race. It is not ready for the race. That is why at the present time we are strongly advocating these changes.

There is one other kind of health that the nation needs. I don't want to sound here like a moralist or a preacher, although I have great respect for preachers and moralists. This nation needs moral health. By moral health, I use the term in a very broad sense.

Don Rumsfeld, I know, has addressed himself to the problem of drugs and I assume of law enforcement. I have stated categorically, and I state it again here today, that in this administration, the era of permissiveness in law enforcement has come to an end. We are going to continue to support strong laws, dealing with criminal elements, to support law enforcement officials up and down this land, and continue to have a program that will reduce the rising crime and eventually reverse it.

CRIME DOWN

One of our most substantial achievements has been that in cities over 100,000, that in 61 of them the crime rate went down in the last quarter, and in the city of Washington, it went down for the first time in almost 20 years. This kind of progress is, of course, significant, but more needs to be made.

Let me now address myself to the narrow, but in a sense, decisive issue of drug control. I will not elaborate on what Don Rumsfeld said, except to say that we are dealing very effectively with the problem at its source. Our arrangement with the government of Turkey: To the great credit of the Turkish prime minister, we have stopped that source to a great extent, and it will be totally stopped by next year. We are dealing with it in law enforcement and better education.

But the fundamental problem of drugs goes beyond that. You can stop the source of supply in one country and if there is enough demand they will go some place else. You can have the strongest laws possible, and if there is enough demand and use, you will have to add more officials.

What we really need is to get at the fundamental cause and the fundamental cause has to do, as all of you know, with basically a problem in our society. We must recognize that the problem is no longer a black problem, it is no longer a ghetto problem, it never was, as a matter of fact, although it was predominant. It has moved to the suburbs and the uppermiddle class and upper class. It is particularly a problem among younger people. It is not just limited to veterans. It goes far beyond that. All these things we know.

The real problem, fundamentally, gets down to why; why do people take them? There we find the fundamental challenge of our time, a challenge that opinion leaders have to meet. If individuals have something to live for, if individuals have something to believe in, then the tendency to throw up their hands, to retreat, to give up on life, is substantially reduced.

TURN TO DRUGS

But as a society comes to the point where there is negativism, defeatism, a sense of alienation, it is inevitable that younger people will give up. They will turn to drugs, to any other kind of activity that is, of course, disruptive of a society.

I address myself at this point to this particular question for a reason that I think is quite relevant in view of the announcement that I made on July 3. I said then that the United States was entering its bicentennial era, because five years from July 4th of this year we will celebrate the 200th anniversary of the United States of America.

We wonder what kind of a ntaion we are going to be then. Well, I will flatly predict that five years from now we will still be the richest nation in the world. If we want to be—and this will depend upon the American people—and need to be, we will still be the strongest nation in the world. But the critical question is whether the United States will be a healthy nation, a healthy nation not simply with a healthy government and a healthy economy and a healthy environment and a healthy physical system insofar as we personally are concerned, but healthy in terms of its moral strength.

On that, there is a question. That question is raised often in your editorial columns that I have noted, because I read many of them. It should be raised. But I would only suggest that part of the reason for raising it is that again we tend to allow the problems of the moment to obscure our vision of the future. We tend to allow our faults—and we have many—to obscure the many virtures of our society.

I will not list them. Let us simply say that world leadership—oh, I know all the criticisms: the United States can't be trusted with power; the United States should recede from the world scene and take care of its own problems and leave world leadership to somebody else, because we engage in immorality in the conduct of our foreign policy. Let's take a look.

FOUR WARS

We have been in four wars in this century, and four times young Americans have gone abroad. We have done so without any idea of conquest or domination. We have lost hundreds of thousands of lives and we have not gotten a thing out of any of it, and we have helped each of our enemies, after each of the Wars, get on his feet again.

We made our mistakes. We make them now, for example, as we made them in previous wars. Let me say this: Think for a moment. What other nation in the world would you like to have in the position of pre-eminent power? What other nation in the world that has what it takes would have the attitude that the United States has, as far as its foreign policy is concerned?

Here is a nation that did not seek the preeminent world position. It came to us because of what had happened in World War II. But here is a nation that has helped its former enemies, that is generous now to those who might be its opponents, a nation that, it seems to me, is one that the world is very fortunate, in a way, to have in a position of world leadership.

DOMESTIC PROBLEMS

In terms of our domestic policies. I think we can truly say we have some problems. They are quite significant, and we like to look at those problems; not only look at them, but we must work on them, and constantly see that America is revitalized and reinvigorated.

But as we look at those problems, the enormous strengths of this country can only be appreciated once you have seen other countries, great as they are and as much as they have to offer, and come back to see what we have in America. I am not speaking of wealth. I am speaking of freedom. I am speaking of opportunity. I am speaking of concern, concern that people have not only for people here, but for people in other places.

When we presented the program on July 3rd, some of you who may have heard it will note it was in the Archives Building. I am often asked, as I am sure many of you are who are in Washington, what is your favorite building? My usual answer is the Lincoln Memorial, particularly at night, with the light shining on the statute of Lincoln. But I would say that in terms of the most impressive building, impressive because it has the appearance of the ages there, it has to be the Archives, more impressive than the Capitol, the Lincoln Memorial or the Jefferson Memorial or the White House itself.

The great marble columns give you the feeling of the past and what the Nation stands for, and you know that the building is one that holds the Constitution, the Bill of Rights, the Declaration of Independence, the great documents that started the Nation at the beginning.

Sometimes when I see those pillars I think of seeing them on the Acropolis in Greece, I think of seeing them also in the Forum in Rome, great, stark pillars—and I have walked in both at night, as I have walked down by the Archives at night from time to time.

LOST MOTIVATION

I think of what happened to Greece and to Rome, and you see what is left—only the pillars. What has happened, of course, is that great civilizations of the past, as they have become wealthy, as they have lost their will to live, to improve, they then have become subject to the decadence that eventually destroys the civilization.

The United States is now reaching that period. I am convinced, however, that we have the vitality, I believe we have the courage, I believe we have the strength out through this heartland and across this Nation that will see to it that America not only is rich and strong, but that it is healthy in terms of moral and spiritual strength. I am convinced it is there. I am convinced, as I talk to crowds of people. I am convinced as I see a group of young people, 500 of them, going off to Europe, as I saw yesterday, from 50 states.

But I also know that people need to be reassured. The people who can reassure them are opinion leaders, editors, television, radio commentators, teachers, even perhaps Presidents and politicians. At the present time, I will simply say in raising these problems, I don't raise them in any sense of defeatism; I don't raise them in the usual sense of pointing out that the United States is a country torn by division, alienation, that this is truly an ugly country; because I don't believe that.

I honestly believe that the United States, in its pre-eminent position in world leadership, has in its hands the future of peace in the world this last third of a century. I honestly believe that the United States has the destiny to play a great role, but I also know we cannot play it unless this is a healthy land, with a healthy government, a healthy citizenry, a healthy economy, and above all, the moral and spiritual help that can only come from the hearts of people and their minds, and that will only come as people are reassured from time to time. As we discuss our faults and as we correct our faults, reassured. Keep them in balance.

Don't let the problems of the moment obscure the great and good things that are going on in this country. It is that I would suggest to the editors and other opinion makers here: that from time to time, maybe once a month, that message might come through.

THE CUSTER MYTH

Mr. McGOVERN. Mr. President, Life magazine of July 2 has performed a valuable public service with its special feature, "Our Indian Heritage." I am pleased to note that the articles and pictorial essays clearly show the wisdom of resolutions which I had the honor of introducing some years back and passed by this body calling for decisionmaking by the Indians themselves at the grassroots level. Only when this becomes a reality will the Indians of our Nation be able to preserve the valued and valuable cultural heritage which Life magazine presents so vividly.

The distinguished Indian historian, Alvin M. Josephy, Jr., chronicles the brutality and massacres which came hand in hand with our era of manifest destiny. He tells in very apt terms how the once friendly Indian was forced, out of love of his land and culture, into a posture of near constant warfare.

As a nation we have set a high standard for our treatment of the Indian people. Our founding documents provided that the utmost good faith was to be accorded to the Indian people and no war undertaken but for just causes. As Mr. Josephy points out, many unjust wars—if some of the butcherings can be called that—were undertaken. Our courts also treated Indian tribes as separate nations, and Congress frequently made treaties with the various tribes to ease our westward expansion. But as the pressure for land mounted, the treaties became scraps of paper. It is indeed ironic we find ourselves in a land and air war in Asia in defense of a dubious obligation when we have flaunted our sacred word at a less fortunate people at home.

In his article, Mr. Josephy traces how our old feeling of enmity toward the Indian still lingers on and presents a stumbling block to meaningful Indian programs. If we are ever to repay the Indians for our wrongdoings and honor the commitments the United States made to the Indians, we will have to be aware of the historical perspective of our past treatment of the Indians. Because Mr. Josephy tells the story so accurately and so succinctly, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CUSTER MYTH

(By Alvin M. Josephy, Jr.)

The last time I visited Custer Battlefield National Monument on the high, tawny plains of south central Montana, Dustin Hoffman and Arthur Penn were there, shooting *Little Big Man*, the movie which deals sympathetically with the Indians who fought in the Battle of the Little Bighorn. But inside the little museum just below the hill where Custer made his last stand, the National Park Service historians were giving their usual narrative lectures to the tourists grouped around the table model of the battlefield. I was in the museum with some Indian friends: a Cheyenne from Oklahoma, a Sioux family from the Rosebud Reservation in South Dakota, and two Yakima kids from the state of Washington. They were dressed in jeans and open-necked, snap-button shirts, and appeared very much part of the crowd listening to the lecture. But it was obvious they did not like what they were hearing. They kept glancing at each other as if they were not quite sure if it was all right for them to be there.

"Something's happening these days," one of the lecturers was saying. "We better all be aware of it. Self-styled historians are deliberately tarnishing Custer—casting innuendos on him and on the men who fought here. It may be part of a scheme to undermine our traditions and our beliefs in the American army."

When the historian finally went into his account of the battle and remarked that "a horde of savages" under Crazy Horse had swept in from the north to surround Custer, one of the Yakima boys started knotting and unknotting his fists. The Cheyenne motioned for them all to leave, and they moved shyly through the rear of the crowd. Off by themselves, they pretended to examine the cases of Indian clothing, implements and weapons, the museum's gesture to "the enemy" at the battle. That is the way the whites were supposed to know the Indians: dead, dehumanized museum objects, not real people.

"Crazy Horse," muttered the Rosebud Sioux father in a low voice, "He was a great man. He fought for his people. He was no savage. He was patriotic to the Indian people. That's why they murdered him."

After their victory over Custer at the Little Bighorn on June 25, 1876, the Sioux and Cheyenne bands separated and tried to evade the punitive armies that poured onto the plains to round them up. One by one, the harried Indian groups surrendered or came voluntarily into the government agencies. The winter of 1876–77 was cold, and the holdouts starved. In February, Sitting Bull and Gall crossed their band into Canada, where they stayed in exile until 1881. But Crazy Horse's Oglalas struggled to stay free, striking back again and again in snow and fog at troops that followed closely on their trail. Chiefs who had surrendered sent emissaries to Crazy Horse, urging him to give up and bring his people into the safety of a reservation. He refused, and the longer he held out and fought back, the higher his prestige rose among the Indians who had already surrendered. Finally, he could no longer face the suffering of his people. Proud that he had not been defeated in battle, he marched his band, the last of the Sioux "hostiles," into the Red Cloud Agency on May 5, 1877. But his defiance of the whites continued, and the officials at the agency began to fear that he was planning an uprising. Four months after his surrender, he was lured to a guardhouse at Fort Robinsor near the agency and, in a sudden scuffle, was bayoneted to death by a soldier. Crazy Horse was 37 years old. Because of his many war exploits, his able leadership in battle and—most of all—his long, uncompromising resistance to the whites, he became the Sioux's greatest hero, and his legend still grows among American Indians today. Mari Sandoz, a white author, has written a sympathetic biography of him but, like her other books on Indians, including one of the finest accounts of the Battle of the Little Bighorn ever written, her biography of Crazy Horse was not on sale at the battlefield museum. Dozens of other books by lesser authors were displayed, but nothing by Mari Sandoz. "Her stuff is no good on the battle," one of the historians told me.

That was two years ago, 93 years after the ambitious, glory-chasing—maybe crazed—Civil War hero Lt. Col. George Armstrong Custer led five troops of his Indian-fighting Seventh Cavalry to death and legend. It was not the U.S. Army's worst defeat at the hands of Indians. In 1791, Little Turtle and the chiefs of confederated Ohio Valley tribes almost annihilated Gen. Arthur St. Clair's army and killed more than 600 of his men on the headwaters of the Wabash River. But the Little Bighorn was bad enough. No one knows how many Indians were in the nine circles of tepee villages strung along the Montana stream that day—estimates have ranged as high as 15,000, including warriors—but Custer lost almost 250 men in his foolishness.

The movie people making *Little Big Man* caricatured Custer, took their cue from the worst that has been said about him and played full blast upon his arrogance and madness. It made the National Park Service officials who administer the battlefield quite angry, and they refused to cooperate with the film company. It did not matter. The government owns only two patches of the battlefield, the high ridge where Custer made his last stand and the hilltop several miles away, where Maj. Marcus Reno and other troops of Custer's divided command withstood successfully a 24-hour siege by the Indians. In between, where Custer is thought by many to have launched his attack down the Medicine Tail Coulee from the high ground to the river, the land is owned by Crow Indians, whose large reservation surrounds the battlefield, and they were delighted to lease the coulee to the film company. The Crow are a jolly people who get a kick—sometimes a perverse one—out of playing with history. They used to be enemies of the Sioux, and some of their ancestors served as scouts for Custer—until they caught a glimpse of the size of the Sioux and Cheyenne villages and rode hurriedly away before the fighting started. But now every June the Crow pretend to be Sioux and reenact the battle for tourists, which disgusts the real Sioux over in South Dakota. And because the Crow were handy to the movie site and could turn out several hundreds horsemen who would look like Sioux warriors, they played the role of the Sioux again in *Little Big Man*.

The making of *Little Big Man*, which deals understandingly with the Indians' culture as well as their fate, is a hopeful sign of a new trend, reappraising the Indian and the white man's caricaturization of him as a savage. As with any stereotype the caricature had a basis in fact. Indian cultures often permitted codes of war that were accepted by the tribes but were ferocious to the whites, and Indians who fought desperately against the whites for their lives, lands and freedom enraged their enemies with atrocities, tortures and massacres like those at Deerfield and Cherry Valley (The Indian is equated with scalping, but no one really knows who started it. The Dutch at New Amsterdam and the Spaniards in the Southwest paid bounties at an early date for Indian scalps, and it is known that whites spread the practice of scalp-taking to tribes that had never indulged in it.) In truth, there was ample barbarism on both sides. But the whites were the winners, and they wrote the books, and until now they have carefully ignored their own treatment of the Indians, and especially what the white man looked like in the eyes of the Indian. Today, the Indians themselves are forcing these things to our attention. In the mid-1960s, cars owned by Indians in Montana and the Dakotas began bearing bumper plates that read: "Custer Died for Your Sins."

Why Custer?

A Nez Percé Indian in Idaho, the grandson of a man who had fought for freedom against American armies with the great Chief Joseph, once explained accurately: "The white man's knowledge of Indians is based on stereotypes and false, prejudiced history. Custer is the best-known hero of that myth to the whites. Therefore, to every Indian in the country he is the biggest and most important symbol of all the lies that have been told about us. Destroy the Custer myth, the biggest one of all and you'll start getting an understanding of everything that happened and an end to the bias against the Indian people."

To the Indians, the Custer battlefield is a place that keeps alive a jaundiced, ethnocentric and therefore false view of the long struggle between themselves and the white invaders of their lands. If Indian historians were among the interpreters and lecturers at the museum, it might be different. But as the National Park Service presently administers it, the battlefield is a sore from America's past that has not healed.

There are similar sores across the map of America, from the Pequot country in Connecticut and the Powhatan country of Virginia to the Nisqually River at Puget Sound and the former acorn-gathering grounds of Indians who were shot down for sport by forty-niners in California. Custer's attack against the Indian villages at Little Bighorn is best known because of the drama of his defeat and the dark mystery of what he was doing and what, precisely, happened to him.

But there were many other assaults on Indians—often surprise attacks on peaceful villages—that worked. A few of those "battles," which present-day Indians regard as true massacres, are known to the whites. Most of them are forgotten.

One has perhaps heard of the Big Hole in western Montana, where troopers in 1877 swept into a sleeping village of Chief Joseph's hounded Nez Percé, shooting and bayoneting every Indian in sight. But scarcely anyone knows of the home village of Chief Looking Glass, also a Nez Percé, that was similarly attacked on a Sunday morning by federal troops in Idaho. The maddened massacre by Col. J. M. Chivington and his Colorado volunteers of a Cheyenne village at Sand Creek in 1864 is well known. But few know of the Sioux families who were roused from their sleep by troopers under Gen. W. S. Harney and shot and clubbed to death at the "battle" of Blue Water Creek in Nebraska in 1855.

There are many others. The battle of the Washita brought Custer and his Seventh Cavalry their first glory as Indian fighters in 1868. The women and children who died there, and at Lancaster, Pa. in 1763, at the Grande Ronde in Oregon in 1856, at Bad Axe in Wisconsin in 1832, at scores of villages and settlements in California, and at hundreds of other places they called home were, like the trees, being cleared away. They were no-people. They had no names. They had no right to life.

Why not?

On July 4, 1779, Maj. Gen. John Sullivan's officers, who were about to invade the Iroquois country of western New York State, drank a toast: "Civilization or death to all American savages." His words bluntly state the policy which the white man has directed from the first against the Indian—which Custer, Harney, Chivington and the other military men, as instruments of that national mandate, carried out for the non-Indian American people, and which some whites continue to regard, though with different words, as the only way to deal with the Indian people on reservations even today.

In the 16th and 17th centuries, the first colonists along the Atlantic coast looked upon the Indians, found them different and judged them therefore as inferior. It is a fact that everywhere the Indians greeted the first settlers with friendship. The Indians, reported Capt. Christopher Newport, commander of the colonists' ships at Jamestown in 1607, were supposed to be treacherous, "howbeit we could not finde it in o'r travell up the river, but rather a most kind and loving people." In New York the Manhattes brought food and other gifts to the Dutch in 1609, and even in Massachusetts, where earlier traders had kidnapped, enslaved and spread disease among the Indians, the Pilgrims were welcomed and instructed in how to survive in the harsh new world by Samoset, Squanto and the Wampanoag chief, Massasoit.

The Christian newcomers viewed Indian societies from their own European-based point of view, failing, with rare exceptions, to understand or appreciate their complex customs and traits and the richness and self-sufficiency of their cultures. What they saw they condemned as "satanic" and uncivilized because it was strange. But they were weak and the Indians were strong, and for a while the settlers found it necessary to live peaceably side by side with the natives.

Not for long. The Indians had what the white man wanted—land—and the greed for the Indians' property, which was never to end, exploded finally in Virginia, Connecticut and Massachusetts in the first of the frontier wars. The Powhatans, Pequots and Wampanoags went down under fire and sword, fighting for their homelands, and the desperation of their resistance created the enduring image of the "savage" Indian. From then on, there could be no coexistence. As the whites pressed westward, justifying their hunger for Indian land with the belief that the laws of God and nature directed them to take the earth from those who "wasted" it, they saw only what they wanted to see in the Indian.

The Indian had one escape route; to become a white man. Cut his hair, adopt Christianity, wear white men's clothes and settle down as a farmer or mechanic. If he gave up his "inferior" values, adopted those of the white man and melted into the general population so that he was indistinguishable from everybody else and no further trouble to anyone, he could live. On every frontier, missionaries worked on the "wild" Indians to save them before a landgrabber shot them. It was a fearful choice for an Indian, who was told to stop being what he was and be someone else. Thousands of Indians survived by shedding their cultures, their loyalties and often their identities. Many more Indians resisted: even if they could drop their Indian-ness, they were too proud of what they already were and not at all convinced of the superiority of the white man's values.

Nevertheless, the two strains——civilization and extermination—marched through American history from King Philip's War in 17th-century New England to the massacre at Wounded Knee, S. Dak. on Dec. 29, 1890. Behind the frontier, where the Indians' power no longer existed, the national aim could be stated more benignly, as it was by Jefferson and other leaders of the federal government: "The Indians must assimilate or they will die out." No tribe fought harder to live its own way, unmolested on its own lands, than the Sioux—the many independent but often allied bands that called themselves Dakotas or Lakotas, depending on their dialect, and roamed the plains after buffalo in Montana, Wyoming, Nebraska and the Dakotas. The white man knew that he faced a day of reckoning with these proud people, but for generations he moved warily past them on the Oregon and California trails and left them alone. Finally the Civil War was over, the Pacific Coast was settled, and the Great Plains were left to take. Civil War officers, seeking more exhilaration and glory after the letdown that followed Appomattox, came charging onto the plains.

It was inevitable, perhaps, that the confrontation would be dramatic. The plains tribes were warrier societies whose men lived for the joy and honor of killing an enemy, stealing a horse or, best of all, counting coup (touching a live enemy and getting away unharmed). One by one, fighting as long as they could, they were forced into smaller and smaller areas, but the Great Sioux Nation—the bands of Hunkpapa, Miniconjou, Brule and Ogala—were the biggest and the strongest, and they fought back hardest under the best leaders. In 1868 they heaped the greatest possible insult on the army, forcing it out of their hunting grounds in Wyoming and making Gen. William Tecumseh Sherman agree to a treaty acknowledging the sanctity "forever" of the lands they claimed as their own.

Forever lasted six years. In 1874 Custer violated the treaty, invaded and explored the Black Hills, the holiest of lands to the Sioux, and announced to the world that he had discovered gold there. When gold miners poured into the area, responding to Custer's invitation to "come and take it," the government was obliged to forget the treaty and try to buy the land from the Sioux. The Indians refused to accept the $6 million the government offered them for it.

Rumors spread that the plains were teeming with "hostile" Sioux, bloodthirsty, wild Indians who menaced civilization. The "massacre" of Custer, who was leading one of the forces trying to round up the "hostiles," proved the point. Thus the myth of Custer was born (pictured graphically on saloon walls throughout the country). The story of brave, surrounded troopers fighting to the last on a lonely Montana hilltop was told. But nothing of a broken treaty; nothing of a power-crazed officer who lured miners into the Sioux country; nothing of Custer's slaughter of women and children at the Washita.

The Sioux eventually lost the Black Hills. The army had to crush the perpetrators of the outrage on Custer, and no mercy was shown. The soldiers who chased the Sioux all over the plains during the winter after Little Bighorn may have wondered why the government had got in such a mess over some greedy gold-seekers, but they also knew that national honor demanded that Custer be avenged and that the Indians be taught who was the master. The buffalo, on which the Indians depended for their food, was all but exterminated, and the members of the harried Sioux bands starved and died on the trail. Gradually the holdouts were rounded up and put on reservations. The troops secured the Black Hills—for which the Sioux have never been justly paid—and opened the plains to the cowboys and nesters.

But the hatred for the Indian who frustrated and embarrassed the white man went on. The reservations were prisons, and the Indians lived in misery and semistarvation, lacking every freedom and suffering punishment for every offense, real or imagined, from practicing their own religion to "sauciness." The Indians made desperate attempts to escape from their persecutors. The climax came in 1890, when Big Foot's band of Miniconjou Sioux, fearful of punishment for practicing their so-called "Ghost Dance" religion, stole away from their reservation in the middle of the winter and tried to travel to another one, where they hoped for better treatment. The great Sitting Bull, suspected of having planned an uprising by the Ghost Dancers, had just been murdered.

Troops of the reconstituted Seventh Cavalry intercepted the fleeing Miniconjou at Wounded Knee, S. Dak., herded them in a knot and surrounded them. The Indians were cold, hungry and in rags and had no thought of resistance. But after most of them were disarmed, a gun went off accidentally. The troops opened fire on them, and from a hilltop above the wild melee, Hotchkiss machine guns raked the swirling mass of people. Some 60 soldiers were killed or wounded—most, if not all, by their own men. Almost 300 Indian men, women and children perished, and their bodies several days later were thrown in a single grave.

The long, rectangular common grave, edged with a concrete curb and tended by the Sioux of the Pine Ridge Reservation, is still there. But the flat where the Indians huddled is all but covered by the macadam of a road intersection. There is, of course, no national memorial to Wounded Knee.

It was the last serious armed confrontation between Indians and whites in the United States. But today, 81 years after Wounded Knee, the national Indian policy still discriminates harshly against them. Voice has often been given, most recently by President Nixon in July 1970, to the Indians' right to manage and control their own affairs and to be Indians if they wish to be. But non-Indian public opinion still believes that an Indian cannot be happy unless he is like most other Americans. Since the final defeat of the tribes, every act of Congress and every program of each administration that dealt with general Indian policy has been designed to speed the Indians' assimilation. The guns have long since ceased but, say the Indians, cultural genocide has not stopped.

THEY ARE STILL THE POOREST OF THE POOR

On most reservations, the agents of the Bureau of Indian Affairs still manage and control the Indians' most important affairs, depriving them of initiative and the right to do what they think is best. The Department of the Interior still maintains veto power over most Indian decisions, as well as over tribal finances, use of lands, selection of lawyers, and even the drafting of individual wills. The Indians are the poorest of the poor, with the highest unemployment, the lowest standard of living, and the worst health and housing of any Americans.

In Nevada there is hatred today for Paiute Indians who are trying to regain water, diverted from them by a white man's irrigation project, so that they can save their Pyramid Lake and its fish. At Pugent Sound there is hatred for the Nisqually and Puyallup Indians who are fighting, sometimes with guns, for their treaty-guaranteed fishing rights. In the Southwest there is hatred for the Hopi and Navajo traditionalists who want to stop the strip-mining of coal on their reservations, a step that would halt the fuel supply for white man's power plants. In the town of Gregory on the Rosebud Reservation in South Dakota, Indian children who attend school with whites are constantly warned that they must learn to get along with the whites or "get out." This June, the guidance counselor at the high school quit his job and moved away because of disgust with his superiors' acquiescence in the bigotry practiced against the Sioux students. "I couldn't beat the system," he said.

The nearby city of Winner, also on Rosebud, is worse. One block off the main street is Indian Town, where 72 Sioux families live in hovels that lack sanitation facilities, running water, electricity and heat, and yet cost them up to $50 a month in rent. Some of the buildings are old railroad shacks, one-room, 8'x10' in size, and Indian families have been paying rent on them for more than 20 years. The rest of Winner's streets are paved, but not those in Indian Town. Most of the descendants of the warriors who live there are afraid of the white fathers of the town, who on several occasions have turned aside their requests for joint action with the Rosebud Tribe to erect new housing for them in a healthier location. John Fire, an elderly Uwipi medicine man, recently brought suit against the city government for discrimination against the Indians, but few people expect anything to come of it.

"Indian-hating," wrote Herman Melville in 1857, "still exists; and, no doubt, will continue to exist, so long as Indians do."

NATURAL GAS SHORTAGES

Mr. TOWER. Mr. President, The June 30, 1971, issue of the Wall Street Journal contained an editorial entitled "Out of Gas." In my opinion, this editorial summarizes fairly the natural gas shortages now facing the Nation.

The article attributed the present short supplies of producing reserves of natural gas primarily to the 17 years of inept Federal Power Commission regulation of the prices of natural gas. The conclusion reached in the article is that possibly the free market mechanism could do a better job than the FPC of setting the well-head prices of natural gas being sold into interstate commerce.

I agree that this onerous regulation is one of the primary reasons that we are running out of producing reserves of this ideal, clean-burning fuel. We possess vast undiscovered quantities of natural gas. Needed are adequate incentives to stimulate exploration for these undiscovered reserves. The best incentive is to grant the producer a fair price for his gas. This price can be determined best by the free market mechanism.

On February 4, 1971, I introduced S. 637, a bill designed to remove the Federal Power Commission from the regulation of the well-head prices of new reserves of natural gas which are being sold into interstate commerce.

I urge prompt consideration of the bill.

I ask unanimous consent that the Wall Street Journal article be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Out of Gas

Given the sad state of the nation's railroads and airlines, federal regulation doesn't have a very shiny image these days and the shine isn't improved much as we hear more of the plight of another regulated industry, natural gas.

It became evident last summer that gas pipeline companies had expanded facilities close to the point of offering customers more gas than was in fact available. The industry scraped through last winter but there are other winters, and new possibilities of shortages in some markets, on the way. The Federal Power Commission regulates the industry under the Natural Gas Act of 1938; regulation deserves some of the blame for the present state of affairs.

Regulation has tended to keep the price of natural gas cheaper in many markets than coal or oil, even though these are in many ways less desirable fuels. The result has been that demand for natural gas and expansion of the pipeline network to supply the demand has outpaced the development of gas reserves.

Most of the trouble goes back into the controversial history of natural-gas regulation. The 1938 act was initially interpreted as allowing the FPC to regulate only gas transmission and resale. But in the late 1940s the FPC, with backing from Harry Truman, broadened its interpretation of the act to include setting "wellhead" prices paid to producers. The Supreme Court upheld this expansion of the FPC power in the landmark Phillips decision of 1953.

However, the FPC of that era had not reckoned sufficiently with the complexities that would be involved in setting fair producer prices. Natural-gas price regulation has been a battleground since. The commission usually has leaned towards holding prices down in the face of pressures from consumers and consuming-state politicians.

Now, however, with a shortage impending, the FPC is faced with the task of trying to crank some belated price increases into the cumbersome regulatory system, with the hope of stimulating a higher rate of exploration and development of natural gas and damping some of the demand. The adjustment will take time and it won't be popular with consumers suddenly faced with some surprisingly large price increases.

In reviewing the whole affair the other day in a speech to an industry group, FPC Commissioner Lawrence J. O'Connor Jr. said the FPC doesn't deserve all the blame. That is no doubt true. He faulted pipeline companies for not being more careful in seeing to it that their customer commitments were adequately backed with gas reserves. He blamed the Department of Interior for being too restrictive in granting offshore exploration leases. He blamed the federal General Services Administration and state power commissions for constantly intervening in rate cases to demand lower prices.

Mr. O'Connor said the FPC should establish a new "pricing mechanism" to restore market stability. There is an alternative, though. The nation could reexamine the whole concept of federal regulation, which is in trouble on so many fronts. It might find that market forces could do a better job in most areas and that the idea of regulation ran out of gas even before the gas industry itself did.

CARGO THEFT—TIME FOR CONGRESSIONAL ACTION

Mr. WILLIAMS. Mr. President, yesterday and today, July 6 and 7, the Department of Transportation has been holding conferences designed to further examine the problem of cargo theft in the transport industries. This illicit activity is conservatively estimated to have exceeded $1.4 billion dollars nationally in 1970, an increase of at least 17 percent over 1969 figures. I naturally welcome any new initiatives designed to reduce the proportions of this crime, a type of larceny which has proven so lucrative to organized criminal elements in particular. However, I wish to remind my colleagues of the fact that there are some opportunities for immediate action on this problem which have been pending for quite some time, and which have already received the benefit of a great deal of discussion and legislative consideration. I am referring to two pieces of legislation, both of which have received congressional hearings, and which represent varying, but none-the-less compatible approaches to the cargo theft issue, S. 942, Senator Bible's proposal to establish a Commission of Safety and Security of Cargo, and Senate Joint Resolution 54, a resolution sponsored by the four Senators from New Jersey and New York to grant the consent of Congress to a bi-State compact aimed at combatting cargo theft.

Senator Bible's bill, which I have joined in cosponsoring both in the 91st Congress and in the present Congress, received hearings before the Senate Commerce Committee last year. It represents a broad based attack upon the overall problem of cargo theft through an analysis of the cause and prevention of cargo losses, and the establishment of a centralized loss reporting system so that the scope and extent of this activity can be gaged. Senate Joint Resolution 54, on the other hand, represents a direct effort to deal with the cargo theft at the airports in the New Jersey-New York metropolitan area through an extension of the authority of the existing waterfront commission to the air freight industry. It would provide for actual airport regulations concerning the security of air freight, the licensing of persons involved in air freight handling and the designation of certain air freight security areas of restricted access. In short, Senator Bible's bill is a more comprehensive, nationwide attack upon cargo thievery, while the bill sponsored by myself and Senators Case, Javits, and Buckley is a specific attempt to curtail the particularly acute losses which have occurred at the major metropolitan airports, Kennedy, Newark, and LaGuardia.

I support both approaches to this extremely difficult problem. Although there has been a tendency on the part of those who oppose extending the jurisdiction of the waterfront commission to the air freight industry to support S. 942 as a preferable alternative to Senate Joint Resolution 54, it should be emphasized that neither piece of legislation is exclusive of the other. In fact, they are complementary. Senator Bible's bill specifically stipulates the responsibility of State and local governments for stimulating measures to provide greater cargo security. Senate Joint Resolution 54, on the other hand, would provide sufficient flexibility so that it could conform to any subsequent Federal initiatives in the cargo theft area. It is however, an emergency measure, needed now to combat the heavy involvement of organized crime in the metropolitan area airports, an involvement graphically illustrated by the recent testimony, before Senator John McClellan's Subcommittee on Permanent Investigations, of Robert Cudak, a convicted felon who stole nearly $100 million in cargo while employed as a ramp man for a major airline. Mr. Cudak's testimony, as well as the findings of committee staff and law enforcement officials, point unquestionably to the heavy and systematic involvement of some major figures in organized crime in this highly lucrative racket.

Estimates as to the extent of the theft vary widely, due to the fact that many thefts go unreported or are not recorded due to uncertainty as to where the thefts took place. The value of cargo stolen at John Fitzgerald Kennedy Airport alone rose from $45,000 in 1963 to over $3.3 million in 1969. It has been claimed by industry spokesmen, in defense of their proposals for self-regulation and in opposition to Senate Joint Resolution 54, that the total value of goods stolen declined to $1.5 million in 1970. However, grave doubts as to the accuracy of the figures exist, and certain discrepancies have been brought out during the course of recent testimony before Senator McClellan's subcommittee.

In any event, the number of thefts at Newark airport in New Jersey rose still further in 1970 and the extent of cargo loss remains clearly unacceptable. It is a loss which is almost certainly passed on to the consumer in the form of higher rates of tariff, soaring insurance costs, and in many cases, the immeasurable loss of valuables that are not insured or are of sentimental value.

The State Legislatures of New Jersey and New York have both given their approval to this legislation by substantial margins in the past, and both Governor Cahill, of my State, and Governor Rockefeller, of New York, have enthusiastically endorsed this legislation. It is a measure which has received wide support from both political parties in the State legislatures. The same legislation was introduced simultaneously in the House of Representatives by all 15 New Jersey Representatives and 25 Representatives from New York. With such overwhelming support from the duly elected representatives of both States, Congress should not stand in the way. Only congressional consent is required. The expenses involved will initially be appropriated by the States and will eventually be furnished by those licensed by the new commission, to be known as the Waterfront and Airport Commission of New York and New Jersey. This resolution is now pending before the Senate Judiciary Committee. Last year, it was reported favorably from the Senate Commerce Committee.

It is my earnest hope that there will be favorable action soon within both Houses on this urgently needed legislation. We must countenance no further delay in correcting the present situation whereby huge losses due to cargo theft are substantially passed on to the airline user and consumer, and the stranglehold obtained by organized crime over certain parts of the air freight industry begins to jeopardize the job security of the rank-and-file airport worker.

ANALYSIS OF THE VIETCONG PROPOSAL

Mr. DOLE. Mr. President, the editorial page of the Saturday, July 3, Washington Star contained a thoughtful analysis of the most recent proposal put forth at the Paris negotiations by the Vietcong. This editorial concisely separated the wheat and chaff of this latest ploy by the North Vietnamese and the NLF, and it also suggested some realistic and responsible ways in which the administration and concerned Americans might react in the context of current domestic and international realities.

This commentary merits wide consideration. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Evening Star, July 3, 1971]

THE VIETCONG'S INITIATIVE

The seven-point "peace plan" presented at the Paris talks on Thursday by the chief negotiator of the Viet Cong amounts in its totality to an American capitulation in Southeast Asia and is, therefore, unacceptable as a package. It does, however, afford the basis for negotiations and President Nixon should not dismiss it out of hand.

The unacceptable aspects of the proposal call for the hasty withdrawal of all American and allied troops without any concomitant withdrawal of North Vietnamese forces, the ouster of the Thieu-Ky regime in favor of a "peace" government in which the Communists would participate, the termination of American support to Saigon, the release of all political prisoners held by the South Vietnamese and the acceptance by the United States of "full responsibility" for all war damage to both North and South Vietnam.

What is new and positive is that, for the first time, the Communists have stated that, if the United States agrees to withdraw all its forces by the end of the year, the American prisoners of war held in North and South Vietnam (but not in Laos or Cambodia) will be released on a timetable tied to the return home of U.S. troops, and that both processes will be completed on the same date.

Thus there are grounds for optimism but such optimism must be extremely guarded. The real question is to what extent the Communists are willing to separate the related issues of American troops and prisoners from that of South Vietnam's political future.

Mr. Nixon rightly has pledged himself not to make any deal which would result in automatically condemning 17 million South Vietnamese to Communist tyranny, and the Viet Cong "peace plan," if accepted as a whole, would do just that. Nor can it be known at this point if the proposal has goals other than to further divide U.S. public opinion and to worsen relations between Washington and Saigon prior to next month's South Vietnamese legislative elections.

There is reason to believe that the Communist initiative is the fruit of tortuous probing by Mr. Nixon and that it was not unexpected. Which is precisely why we urged in these columns last Sunday that the Mansfield Amendment, which would have tied the President's hands in regard to a timetable (and which since has been rejected by the House), should be defeated. By the same token, the threat on the part of Senators McGovern and Hatfield to reintroduce legislation forcing an American withdrawal by the end of the year if the President does not accept the Viet Cong initiative is mischievous and unhelpful.

There are unlikely to be any dramatic announcements within the next day or so, nor should there be. Ambassador Bruce will have ample opportunity to probe the Communist offer at next Thursday's session of the Paris talks. And the presence in Paris very shortly of presidential adviser Henry Kissinger will afford the chance for secret discussions between him and Le Duc Tho, the powerful North Vietnamese politburo member who recently returned to that city.

Talk now of "having the boys home by Christmas" is premature and dangerous. But there is room for hope that the President's negotiators may be able to reach a reasonably just compromise with their Communist counterparts. And that is a task that can better be accomplished with less advice from the sidelines.

U.S. RELATIONS WITH CHINA

Mr. FULBRIGHT. Mr. President, the Committee on Foreign Relations recently concluded 4 days of hearings on pending legislation proposals dealing with U.S. relations with China.

These hearings were televised live and in their entirety by the eastern educational network. Each of the four evenings a 1-hour summary with special commentary was televised in most of the country via 90 public television stations.

I think these stations particularly WETA in Washington, which originated the telecasts, are to be commended for this public service. We were privileged to have a number of excellent witnesses at the hearings and through public television people across the Nation had an opportunity to see firsthand the discussion of this vital foreign policy question.

With very limited resources, public television is making an effort to bring to the American people quality programing and coverage of significant events. I believe public television can make a real contribution to education, in its broadest sense, and I hope that it will receive the support it deserves.

NEW RIGHTS, RESPONSIBILITIES FOR TENNESSEE 18-YEAR-OLDS

Mr. BAKER. Mr. President, the Supreme Court of the United States, the Federal Congress and the Tennessee General Assembly have, within recent months, each taken actions that extend major new rights to Tennesseans who are 18 or more years of age. Because of the significance of these rights—and especially because of the importance of concurrent new responsibilities which younger Tennesseans also now have for the first time—I am making available a summary of the recent changes in the law so that they may be better understood.

I ask unanimous consent that my summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

TODAY IN TENNESSEE

[A Special Edition of "What's Happening in Washington, D.C.," June 1971]

AS A HIGH SCHOOL SENIOR

You either have, or soon will reach the magic age of 18—you will soon be acquiring your Age of Majority, for on May 11, 1971, Tennesse became the third state in the union to grant full legal rights to all persons over the age of 18.

I am proud of Tennessee for taking this action, and I am pleased that you will soon be sharing with me the full legal rights and responsibilities of a citizen of our state. I believe you and your generation are ready to assume full citizenship at the age of 18, and I am anxious to do everything I can to help each of you fully appreciate and exercise your new-found rights and responsibilities.

There are several things which the magic age of 18 will mean to you:

I. VOTING

You can now vote for the President of the United States, the Vice-President, and members of Congress. Your participation in state and county elections has not yet been fully resolved, but in all likelihood this right will be added in the not-too-distant future.

In order to exercise this right, however, you must go by your county's Election Commission Office, generally in the county Court House, and register to vote at least 30 days prior to an election. I suggest that you go by as soon as you reach the age of 18, so that you will not miss any elections. It only takes a few moments to register.

As soon as you register, you should decide how you can best participate in the democratic process of government. If you are a Democrat or a Republican, go by the office of your choice and ask them what you can do to help the party. If you are an Independent, pick a candidate who you can support, and then go by his office and volunteer to help in his campaign. And by all means do not underestimate the influence you can have on an election by your personal, determined efforts.

II. LEGAL CONTRACTS

Upon reaching the age of 18, you will be able to enter into any legal arrangement which is recognized in our legal system. However, this can be a two-edged sword, because you can now be sued if you break a contract. Therefore, you must now stand fully responsible for any contracts which you sign. This is a great right, but also a serious danger if you enter contractual arrangements carelessly.

III. MARRIAGE

Anyone in Tennessee over the age of 18 now has the right to marry without parental consent. This is certainly an important right, but with it comes an extremely important responsibility to yourself and to your prospective partner.

IV. ITEMS RESTRICTED FROM SALE TO MINORS

After you reach the age of 18, you will have the right to purchase anything which is legal for anyone to purchase in Tennessee. This right may be important to some, but it can be a burden if not handled with maturity.

You will also have the right to own property and the right to visit establishments that are not open to minors. On the other hand, you will have the responsibilities of paying taxes and of being tried as an adult for any violations of the law.

The above rights and responsibilities of an adult make one thing clear, the age of majority has not been 21 all these years as a punishment to young people. This age was set to protect anyone below that age from having to assume complete responsibility for himself. Now our state has decided, and rightly, that anyone over the age of 18 can assume complete responsibility for himself, and is therefore capable of assuming a role of full citizenship in our state and in our nation. This is the highest compliment our government can pay to you—to say "assume complete responsibility for yourself, and join us in directing the affairs of our nation."

We do not render this honor lightly—I must confess that we yield it with some concern—but we step forward because we truly believe that you are anxious to help carry the load. And we hold the firm conviction that you will be able to make a significant contribution to the tasks at hand. We do not relegate total responsibility, but we invite you to lend your youth, your energy, your creativity to the problems with which we wrestle, and which will so dramatically affect the world in which you will live.

I write to you as high school seniors because you are just at the point of assuming your new rights, and I wanted you to know of my interest and of my desire to be of help in any way that I can. If I or my staff can be of help to you by answering questions, providing information, or just by talking with you, please do call on us. My offices in Tennessee are:

Memphis, Room 390 Federal Building, Telephone 534–3861

Nashville, Room 716 U.S. Courthouse, Telephone 749–5129

Knoxville, Room 313 Post Office Building, Telephone 546–5486

Chattanooga, Room 204 Federal Building, Telephone 266–3151

Tri-Cities, Airport in Blountville, Telephone 323–6243

I woud also like to especially you to visit me if you are ever in Washington. (Room 2107 New Senate Office Building, Telephone 202—225–4944)

Congratulations on your high school graduation, and best wishes in your soon-to-be undertaken adventure into full citizenship.

Sincerely,

HOWARD H. BAKER, JR.,
U.S. Senator from Tennessee.

DEATH OF LOUIS ARMSTRONG

Mr. CRANSTON. Mr. President, I rise today to salute the memory of a man whose talent truly had a world following. I refer in a time of sadness, to the great jazz artist Louis Armstrong, who died yesterday.

Whether he was performing in night clubs, theaters, on television, or in films Louis Armstrong exuded that special blend of talent, charisma, and charm that ascends a person to stardom. As a roving ambassador of good will, Louis Armstrong made appearances all over the world, delivering a message of friendship from his nation to the people abroad.

Satchmo was one of a kind and he will be missed by all.

REVENUE SHARING

Mr. BAKER. Mr. President, the Subcommittee on Intergovernmental Relations is at present holding a series of hearings on the subject of general revenue sharing. Although I am no longer a member of that subcommittee, through the generous invitation of its chairman, Senator MUSKIE, I have been privileged to sit with the subcommittee during these hearings. I have been significantly encouraged by the spirit of constructive compromise that has characterized the sessions to date.

The Governors of several States have been among the witnesses to testify in support of the concept of revenue sharing. Although the Governor of my State of Tennessee, the Honorable Winfield Dunn, has not been able to appear personally, he has submitted a very thoughtful and concise statement that dramatizes the need for such legislation. I ask unanimous consent that the text of Governor Dunn's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF WINFIELD DUNN, GOVERNOR OF TENNESSEE

I appreciate the opportunity to submit this statement for the record in support of H.R. 4187, the General Revenue Sharing Act of 1971.

The federal system as we know it consists of an effective partnership of governing authority between the federal government on the one hand and state and local units on the other. It is because of my sincere belief that the future of our Country interrelates to a large degree with our ability to preserve this partnership system that I welcome the opportunity to submit this statement.

As members of the Senate are well aware, federal assistance to state and local governments has increased at a rapidly accelerated rate during the last 20 years. In spite of this increase, as well as a dramatic growth in state and local tax collections, there has been no let-up in the intense fiscal pressure on states and their local entities, and every indication is that state and local expenditure demands will continue to rise sharply.

Because of progressive tax policies, federal revenues tend to increase at a rate faster than the growth of the nation's economy, and it is apparent that some form of additional federal assistance must be made available to state and local governments.

This leaves open the decision as to what should be the form of future federal aid. The problem which confronts the Congress is the establishment of the most efficient delivery system for this rapidly proliferating assistance. In my judgment, we should move away from almost total reliance on federal grant in aid instruments and establish a delivery system with a greater degree of flexibility.

The State of Tennessee has, during the current fiscal year, been allocated $419 Million of federal funds which must be matched with $160 Million of state money. This total figure of $579 Million represents 53% of the operating budget for the State of Tennessee during the current fiscal year. In other words, the federal government is determining the priorities and establishing the guidelines for more than half of the operating budget of Tennessee. It is my firm opinion that unless some flexibility is developed in the delivery system of federal assistance, the federal system as we know it will be destroyed.

I recognize that in the history of our Country there were times when state government was not responding adequately to the needs of the people. But I respectfully submit that this situation no longer avails. The State of Tennessee, as demonstrated by our record, is meeting her obligations to the people of the state. I am convinced that other states and localities are fulfilling their responsibilities to the very best of their ability. But there is a limit to our resources.

When I assumed the office of Governor on January 16, 1971, I examined with care the fiscal situation of our state and after carefully reviewing Tennessee's resources and its level of services, I estimated that in order to continue ongoing programs at their present level, we would need approximately $31 million in new revenue in addition to that obtained as a result of economic growth. In other words, if the Administration did not propose a single new or expanded program to the Tennessee General Assembly, we would still need $31 Million in additional taxes just to continue existing programming.

In addition, there were many services that the state was not providing that in my opinion were essential to the well being of the people of Tennessee. For this reason, I determined that Tennessee would need $95 Million in new revenue during fiscal year 1972, and the legislature responded by enacting $68 Million in additional taxes. This will permit us to continue existing programs and will also enable Tennessee to provide some new and expanded essential services.

The $68 Million tax increase was the largest single tax increase in the history of our state, but the fiscal pressure confronting Tennessee state government continues unrelenting.

If state and local governments are to continue to perform the bulk of essential civilian services for our citizens, then we must have additional assistance from the federal government. And if the federal system as we know it is to survive, then this assistance must come in the form of general federal revenue sharing.

General federal revenue sharing is the only program that has been advanced that will provide fiscal relief to the states and their local entities and that will at the same time reinvigorate and revitalize our federal system.

I have heard it said that revenue sharing is in reality "debt sharing." The people of Tennessee have invested heavily in every financial obligation of the United States Government. It is inconsistent, in my opinion, to isolate revenue sharing as "debt sharing" while considering other heavy investments in a different light. Tennesseans share in the investments or debts for moon exploration, highway construction, welfare assistance, Viet Nam, and many other programs. We are now ready to share in the return of our tax dollars to Tennessee.

For these reasons, I urge the enactment of the General Revenue Sharing Act of 1971.

NEW WHITE HOUSE OFFICE FOR DRUG ABUSE PREVENTION

Mr. PERCY. Mr. President, an announcement of major significance was made during the course of the hearings this morning before a joint session of the Subcommittee on Executive Reorganization and the Subcommittee on Intergovernmental Relations convened to consider S. 2097 which I have introduced on behalf of the administration and S. 1945 which Senator MUSKIE has introduced. Both bills would create a new White House Office for Drug Abuse Prevention.

Deputy Secretary of Defense, David Packard, appearing as part of a panel along with Attorney General John Mitchell and HEW Secretary Elliot Richardson, announced the issuance of a new memorandum, effective today, related to the rehabilitation of drug users in the military. Emphasizing the need to encourage GI's to submit themselves voluntarily for treatment of drug abuse problems, the memorandum stated in part:

> A military member may not be subject to disciplinary action under the Uniform Code of Military Justice or to administrative action leading to a discharge under other than honorable conditions for drug use solely because he has volunteered for treatment under the Drug Identification and Treatment Program of the Department of Defense.

Of equal importance and consistent with President Nixon's comprehensive drug message to the Congress of 3 weeks ago which stressed the importance of regarding addicts as persons who should be rehabilitated rather than punished, Mr. Packard informed the joint session that this policy would be implemented retroactively. This is to say, consent with principles of equity and justice, the records of former servicemen who were discharged from the military under less than honorable circumstances due to drug related problems will be reviewed in accordance with the principles of the above-stated policy. Discharges that were less than honorable will be made honorable if the sole reason for the less than honorable discharge was the fact that the serviceman was drug dependent.

Mr. President, I do not think it is necessary to detail the hardship that can be caused by a serviceman's discharge having been anything less than honorable. That stigma remains with him for life, and can grievously affect his vocational opportunities and his personal and family life.

While years of suffering can not be undone, hopefully, this new policy pronouncement will relieve literally thousands of ex-servicemen from future anxiety and frustration occasioned by a former affliction that was wrongly treated as a crime.

I commend the Department of Defense on the enlightened policy of amnesty and I ask unanimous consent that the full text of Deputy Secretary Packard's memorandum be printed in the Record. I also ask that excerpts from the highly informative and valuable testimony of Mr. Packard, Attorney General Mitchell, and HEW Secretary Richardson be printed.

There being no objection, the items were ordered to be printed in the Record, as follows:

Washington, D.C., *July 7, 1971.*

Memorandum for Secretaries of the Military Departments, Chairman, Joint Chiefs of Staff.

Subject: Rehabilitation of Drug Abusers.

Consistent with guidance from the President of the United States, it is the policy of the Department of Defense to encourage military members to submit themselves voluntarily for treatment and rehabilitation under the Drug Identification and Treatment Program of the Department of Defense.

Accordingly, evidence developed by, or as a direct or indirect result of urinalyses administered for the purpose of identifying drug users may not be used in any disciplinary action under the Uniform Code of Military Justice or as a basis for supporting, in whole or part, an administrative discharge under other than honorable conditions. Similarly, a military member may not be subject to disciplinary action under the Uniform Code of Military Justice or to administrative action leading to a discharge under other than honorable conditions for drug use solely because he has volunteered for treatment under the Drug Identification and Treatment Program of the Department of Defense.

This policy does not exempt military members from disciplinary or other legal consequences resulting from violations of other applicable laws and regulations, including those laws and regulations relating to the sale of drugs or the possession of significant quantities of drugs for sale to others, if the disciplinary action is supported by evidence not attributed to a urinalysis administered for identification of drug abusers and not attributable solely to their volunteering for treatment under the Drug Identification and Treatment Program of the Department of Defense.

This policy is effective immediately and steps should be taken to insure its complete understanding and immediate compliance within the Armed Forces.

David Packard,
Deputy Secretary of Defense.

Statement of Hon. David Packard, Deputy Secretary of Defense

The Department of Defense welcomes the opportunity to participate in this new Presidential initiative to solve this very serious national problem. The Department of Defense has been concerned with the problem of drug abuse for some time, and has taken a number of actions in the past designed to cope with this problem.

During 1970 and 1971 the Department has increased its attention to this problem and a number of steps have been taken to deal with drug abuse in the Military Services. As we have addressed this problem over the past two years, it has become abundantly clear that this is not a problem of the military alone; it is not a problem in Viet Nam alone. Drug abuse is a problem of our entire society, particularly of the young in our society. While there are serious symptoms of this drug problem in the military in Viet Nam, there are also serious symptoms among the young people outside the military in the United States.

We consider it our responsibility in the Department of Defense to identify, to the extent we are able, every user of hard drugs in the Military Services. We propose to do what we can by way of treatment for those users we can identify while they are in the Service. We are eager to cooperate with all interested agencies to help provide for the care and treatment of users when they are identified as they leave the Service and go back to the civilian society.

More than four years ago the Department of Defense convened a task force to investigate drug abuse among members of the military departments. The findings and recommendations of that task force resulted in a definitive defense policy on the illegal or improper use of drugs in the Armed Forces. That policy emphasized preventive drug abuse education and enforcement procedures. Accordingly, mandatory drug abuse education programs for all military members have been required in the Department of Defense since February 1968.

In addition, special drug orientations are required for our members prior to their departure for overseas areas.

In March 1969 the 4th Infantry Division in Vietnam initiated one of the first voluntary treatment program in the military services. The U.S. Army, Vietnam, adopted the concept in October 1969.

In July 1970 the Secretary of Defence again convened a high-level task force to reexamine drug policy and programs to recommend appropriate policy revisions. That task force's recommendations resulted in a new Department of Defense policy on drug abuse which was issued in October 1970. Voluntary treatment programs and rehabilitation were encouraged throughout the military departments.

Despite these initiatives and expanded actions to combat the drug problem, the use of drugs in the Armed Forces has continued to increase. The use of hard narcotics increased from .67 individuals per 1,000 investigated in 1969 to 1.29 in 1970. In Vietnam the increase was from .59 in 1969 tc 2.06 per 1,000 investigated in 1970. The number of hard drug users identfiied in 1971 indicated a continuing increase over 1970 not only in Vietnam but world-wide. I am certain that our statistics are not yet sufficiently reliable to accurately measure the problem but they do show some very troublesome trends. We know we have a very large and serious problem to deal with and we have not been dealing with it in a satisfactory manner. As part of the Presidential initiative we are mounting an additional all-out effort to attack the problem.

The first additional action we are taking is to test every service member departing Vietnam to determine whether he has been using heroin. The second is to increase the inspection of mail and package delivery both into and out of Vietnam and to identify and eliminate the channels through which the hard drugs are obtained. The third action is to establish expanded programs for detoxification and follow-on treatment for every user we identify. While the initial emphasis of these programs is Vietnam, they are already being expanded world-wide.

Testing for identification of service members departing Vietnam who are using heroin has commenced. When so identified they are referred for immediate detoxification in-country before returning to the United States. Thereafter they are given follow-on treatment in the United States. Such programs will be broadened by the military departments to ultimately identify and treat all members world-wide who are dependent on drugs.

I am distributing today a new memorandum related to Rehabilitation of Drug Users, which stresses the need to encourage military members to submit themselves voluntarily for treatment.

It has become increasingly apparent that the problem of drug abuse is national in scope. It is not simply a problem of the military, or of the civilian sector, or of a particular locality. It has staggering proportions and its solutions are complex. It requires overall planning and direction as well as marshalling of the resources of the Federal Government if we are to effectively meet the problem.

We believe that the Special Action Office for Drug Abuse Prevention will provide an excellent means to coordinate activities on a government-wide basis and to assure that Federal resources are actively marshalled in an all-out attack on this troublesome problem. I strongly urge the Congress to act favorably and promptly on the President's proposal.

Statement of Attorney General John N. Mitchell

Dependence on drugs for a person of any age is a personal tragedy. But with thousands of Americans under the age of twenty-one addicted to drugs, and with the number increasing at an alarming rate, that dependence evidences much more than a series of personal tragedies—it evidences, in the President's words, a national emergency.

The individual addicts and their families are not the only ones who suffer from the traffic in illicit drugs. The debilitating effect on society occasioned by the loss of the constructive contributions of so many of the next generation of our nation's leadership is not the end of the problem. Addicts feed their destructive habit with acts of destruction. There is no doubt that the increase in the number of drug addicts is reflected in the increase of street crimes and of burglaries and of prostitution.

As you know, the President has recently asked the Congress to enact legislation to implement his plan to provide a coordinated Federal response to this grave situation, and that legislation, S. 2097, is before you today. We are here to discuss what is presently being done within the government and what we hope to achieve through this new effort.

In 1968, the Federal drug abuse control activities were unified within the Department of Justice. By Reorganization Plan No. 1 of 1968, the Bureau of Narcotics of the Department of the Treasury and the Bureau of Drug Abuse Control of the Department of Health, Education and Welfare were transferred to the Department of Justice.

The Plan created, as the primary drug law enforcement agency, the Bureau of Narcotics and Dangerous Drugs. This Bureau was given enforcement authority for control and regulation of narcotics and dangerous drugs. And, at the same time the Narcotic and Dangerous Drug Section was formed in the Department's Criminal Division to provide a more effective prosecutive effort in narcotics and dangerous drug cases.

Our law enforcement efforts were greatly enhanced by the passage last year of the Drug Abuse Prevention and Control Act.

To complement this legislation the Department of Justice assisted in the drafting of a model State drug control law to provide a comprehensive national approach to drug abuse prevention. Nineteen States have enacted this law already and we expect action by another 12 in the next year. Also, we are—through BNDD—cooperating with State and local law enforcement agencies.

As the President pointed out in his recent drug message, the "laws of supply and demand function in the illegal drug business as in any other." Since the great majority of the drugs which lead to addiction are imported into this country, the "supply" must be attacked on an international as well as a national scale. The Department of Justice is primarily concerned, of course, with the "supply" side of the drug problem.

We are hopeful that our efforts to reduce illegal importation of drugs will soon show a real impact on the American drug problem. In 1970 we entered into an agreement with Mexico and early this year with France to assist in the eradication of the international drug traffic. Just last week Prime Minister Erim of Turkey issued a decree to ban production of opium in that country. We anticipate that others will also join in our struggle to combat widespread addiction.

As to the overall efforts of the Federal government on this "supply" side of the drug effort, I am satisfied that it is effective and well coordinated. The Department's units, including the Immigration and Naturalization Service, work closely with the Bureau of Customs and other agencies involved in the investigation of offenses which may involve drugs, such as the Postal Inspection Service. As Attorney General, and pursuant to Presidential directive, I am working with the Secretary of State in our efforts with other countries.

The Department's involvement in the "demand" side of the drug problem is through our responsibilities related to the operation of the Narcotic Addict Rehabilitation Act of 1966, commonly referred to as NARA. Under the terms of that Act, certain persons who are charged with Federal crimes, and who are addicted to drugs, may be committed for treatment in lieu of being prosecuted. Also, some addicts may be eligible for Federal commitment on a voluntary basis if there are no State or local facilities available to provide them with treatment.

The Narcotic and Dangerous Drug Section of our Criminal Division maintains a close working relationship with the Narcotic Addict Rehabilitation Branch of the National Institute of Mental Health with respect to the day to day operations of NARA.

Under the Act, government prosecutors are involved only to the extent that they receive petitions for voluntary commitments and certify the lack of available State or local facilities, and, in cases of commitments in lieu of prosecution, they participate by preparing the various forms and court orders required and by maintaining close contact with the National Institute of Mental Health regarding the addict's progress and prospects for rehabilitation.

Pursuant to Title II of NARA, more than 800 addicts who have been convicted of Federal offenses were committed for treatment in institutions rather than being sentenced to conventional prison terms.

Some offenders are not eligible for the NARA program because of the nature of their offenses. Therefore, a sizeable number of our prison population with a history of narcotic addiction or drug abuse is not treated in that program. Of the 21,000 inmates in Federal prisons over 4000 have reported drug use. Most of these are under thirty years, of age.

In response to this problem, a Drug Abuse Program similar to the NARA effort has been established at two United States penitentiaries and three other units are planned.

While the rehabilitation of drug abusers is primarily a State and local responsibility, the Federal government should provide financial assistance to their efforts. To this end, we are supporting drug programs through the Law Enforcement Assistance Administration.

While the bulk of LEAA funding is done through block grants to States, some funds are available for distribution by LEAA as discretionary grants. Last year, LEAA designated a portion of these funds for narcotics control programs and 13.3 million dollars were granted for this purpose. This is in addition to the block grant funds being channeled into this area by the States. A review of the State plans for the use of their block grants indicates that 16.8 million dollars were expended on drug projects.

I feel we are making progress. I know that the Special Action Office of Drug Abuse Prevention, which the President has proposed can strengthen our efforts and accelerate our progress.

STATEMENT OF THE HONORABLE ELLIOT L. RICHARDSON, SECRETARY OF HEALTH, EDUCATION, AND WELFARE

As the President noted, the drug problem "has assumed the dimensions of a national emergency." Awareness of this emergency has now become national as well. An increasing number of people in many parts of the country are becoming addicted to narcotics. Abuse of amphetamines, barbituates, and hallucinogens gives us additional cause for very serious concern.

Many parts of our Department have been at work to reduce the distress and waste visited upon anguished individuals, their families and their society by dependence on drugs. There is urgent need for coordinating our activities at HEW with those of other federal agencies.

To provide this coordination, the President has recommended the establishment of a Special Action Office for Drug Abuse Prevention. He has proposed that the Director of that Office shall provide overall planning and policy guidance and shall establish objectives and priorities for all Federal drug abuse training, education, rehabilitation, research, prevention, and treatment programs. I believe that favorable action on the President's request will substantially improve the effectiveness of national efforts to combat drug abuse.

DRUG ABUSE ACTIVITIES OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

I would like now to summarize for you the major activities of my Department which relate to drug abuse. Four components are responsible for them: the Health Services and Mental Health Administration—particularly through the National Institute of Health, the Office of Education, the Social and Rehabilitation Service, and the Food and Drug Administration.

NATIONAL INSTITUTE OF MENTAL HEALTH

In addition to its role as the Department's "lead agency" for drug abuse activities—(a function which I shall describe later)—The National Institute of Mental Health provides support for a wide variety of treatment and rehabilitation programs in all parts of the country. Where community mental health centers are already in operation—at present, they cover areas with 30% of the population—comprehensive drug addiction treatment programs can be most effective if they are built into these mental health centers. In all cases, the narcotic addiction programs are closely inter-related with other health, mental health, vocational rehabilitation and social service programs. In the just-concluded fiscal year NIMH spent slightly more than $26 million on grant and contracts for such purposes.

Another major—and critical—activity of NIMH is the search for new knowledge relating to the causes, prevention and treatment of narcotic addiction and other forms of drug abuse. In recent years a vigorous program of marihuana research has been mounted to clarify many of the uncertainties surrounding this substance. Major studies also are underway evaluating the effectiveness of various treatment modalities—including methadone and other narcotic antagonists. In FY 1971 close to $18 million was awarded in grants and contracts to scientists in universities and research centers throughout the country. Moreover, significant studies are being conducted by the NIMH staff in its own research facilities here in Washington and at the Addiction Research Center in Kentucky.

In addition to supporting treatment and rehabilitation programs and funding research activities, NIMH also carries on drug abuse education and information activities, as well as major efforts to train professional and nonprofessional personnel for work in the drug abuse field.

OFFICE OF EDUCATION

Our schools clearly are ideally suited for the development of broadly-based and effective programs on drug abuse. However, the development of such programs cannot occur unless a variety of teaching materials and curricula are made available and—most importantly—unless teachers receive special training to enable them to be effective in the drug abuse education field.

The Office of Education is responsible for the National Drug Education Training Program, funded in the amount of $6 million in FY 71. This Program trains school personnel, particularly teachers, in the fundamentals of drug education, and aims at reaching every school district in the Nation during the coming school year. In February of last year, the Office of Education, in cooperation with NIMH, The Bureau of Narcotics and Dangerous Drugs, and The Office of Economic Opportunity, conducted a curriculum review from a nationwide survey of drug education curricula. Outside experts and young people assisted in that review. From it, ten curricula were selected for placement and distribution as samples in the National Clearinghouse for Drug Abuse Information, eight of which are now being disseminated by the Clearinghouse. The review of promising new drug education curricula will be an ongoing concern of the Office of Education.

SOCIAL AND REHABILITATION SERVICE

Vocational rehabilitation—particularly in the form of job training—is an essential component of treatment programs for narcotic addicts. Many narcotic addicts have not been gainfully employed during their addiction. Unless they can be assisted to obtain jobs, there is little likelihood that they can be successfully rehabilitated. Rehabilitation counselors in state and local rehabilitation agencies can play a key role in community-based treatment programs for narcotic addicts. Emphasis needs to be placed on group collaboration between these counselors and the staff of narcotic addiction treatment centers. In the absence of such collaboration, the likelihood of successful treatment is greatly reduced.

As the Federal partner in the State-Federal program of vocational rehabilitation, the Rehabilitation Services Administration provides fiscal support and technical assistance to State rehabilitation agencies. The State agencies in turn provide rehabilitation services to physically and mentally disabled people, including the drug abuser, to assist them in becoming gainfully employed. In 1969, there were 564 rehabilitants from this disability category, 800 in 1970 and over 1,000 in 1971.

The Federal expenditure by the Rehabilitation Services Administration in FY 1971 for rehabilitating drug abusers was $1,834,000. Of this amount, approximately $1.5 million was channeled to State rehabilitation agencies under the basic support grant program mentioned above. The remaining monies were used for innovation, expansion, and New Careers projects in drug abuse.

FOOD AND DRUG ADMINISTRATION

In his recent address to the American Medical Association, the President called attention to the "link which exists between the inappropriate use of drugs within the medical context and the abuse of drugs outside that context." He further emphasized that within the last four years the production and distribution of tranquilizers has doubled. During the last year close to one-third of all adult Americans used either a tranquilizer, amphetamine or barbituate. Because of this widespread use—and the considerable misuse—of prescription drugs the activities of the Food and Drug Administration are of special importance.

The FDA is responsible for assuring that prescription drug labeling and advertising for tranquilizers, analgesics, sedatives and stimulants accurately reflect the drug dependence characteristics of these drugs.

The FDA is also responsible for determining the safety and efficacy of methadone and other drugs used for investigational programs.

In developing treatment and preventive programs, the Department has emphasized four basic principles:

1. promoting community-based treatment and rehabilitation rather than relying on large institutions distant from the drug abusers home community;

2. providing in the community multi-modality rather than single-modality treatment programs to meet the varied needs of different types of drug abusers;

3. wherever possible, building treatment and preventive services into existing health, mental health, social service and educational systems—in all cases ensuring appropriate linkage between service units so that continuity of care and maximal utilization of scarce resources are promoted; and

4. including evaluation of treatment and preventive activities as part of activities all supported by the Department's programs.

These same four principles were emphasized by the President in his June 17th message to Congress. They also, I believe, express the philosophy of Dr. Jerome Jaffe whom the President has chosen to provide leadership for the national crusade against drug abuse.

ROLE OF THE DEPARTMENT "LEAD AGENCY"

Because narcotic addiction and other types of drug abuse often are deeply intertwined with medical, psychological, social, economic and vocational problems, a wide range of services must be involved in treatment and preventive programs. This requires planned and coordinated action by many different components of the Department. To ensure that this occurs we are utilizing a Departmental "lead agency." I have designated the National Institute of Mental Health—a component of the Health Services and Mental Health Administration—as the lead agency for all of the Department's drug abuse activities.

In its role as the lead agency NIMH assists each relevant unit of the Department to: (1) identify its appropriate role in the drug abuse area and (2) coordinate and plan its activities with those of other components of the Department. NIMH is a central source of information on all Departmental programs for the Secretary, it advises the Secretary concerning the classification of controlled drugs, and it acts as a clearinghouse for all legislative developments in the drug abuse field.

Other NIMH responsibilities relate to organizations outside the Department. Particularly important to the states and communities is the assignment to NIMH of responsibility for coordinating the provision of technical assistance and consultation. This will ensure that there is one place within this very large Department which can rapidly—and accurately—supply information regarding the numerous sources of support for drug abuse programs that are available from HEW. The Comprehensive Drug Abuse Prevention and Control Act of 1970, P.L. 91–513, assigned to NIMH the coordination of all Federal programs in drug abuse education and prevention. NIMH also has the responsibility to ensure that the Department is represented in its collaboration with other Federal agencies such as the Department of Justice, the Department of Defense and the Veterans Administration.

NEED FOR IMPROVED FEDERAL COORDINATION

In sum, we believe that using the lead agency mechanism enables us to make excellent progress in planning and coordinating the various Departmental activities to which I have briefly alluded. But that same progress cannot be said to typify the coordination of our plans and programs with those of other Federal agencies.

The presence of the Attorney General, Deputy Secretary Packard, and myself this morning not only emphasizes the President's concern with the grave and vexing national problem of drug abuse, it also demonstrates our desire to assure that the drug abuse activities for which we are individually responsible complement each other in the most effective way.

While our departments are the ones most deeply involved in drug programs, there are, altogether, nine Federal agencies involved in one way or another with the problems of drug addiction. In such a situation, overall Federal efforts are fragmented and Federal resources dispersed. This in turn means that our profound national concern with drug abuse has no corresponding institutional focus.

It is this deficiency that the President seeks to remedy with his proposal for a Special Action Office for Drug Abuse Prevention.

The Office will have overall Federal responsibility "for all major Federal drug abuse prevention, education, treatment, rehabilitation, training, and research programs in all Federal agencies." It would establish priorities for Federal programs and evaluate program performance. Consequently, the Special Action Office will provide the mechanism with which the programs of my department and of all Federal agencies can contribute their fullest measure to solving this urgent national problem. I join the Attorney General and Deputy Secretary Packard in urging prompt and favorable consideration of the President's proposal.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A $4 BILLION F–14 OVERRUN SEEN

Mr. PROXMIRE. Mr. President, it has been an interesting year for the F–14.

Early this year there were press reports of a $700 million to $2 billion overrun for a 710 aircraft program. Then Grumman Aircraft Corp., manufacturer of the F–14, indicated in a letter to the Navy that it would probably be unable to perform under the terms of the existing contract. Teams of Government auditors descended on the Grumman plant, and a short time later the House Armed Services Committee cut all F–14 production funds from the fiscal 1972 budget. Now Secretary Packard has asked the Senate to restore those funds, admitting that he himself does not know at this point how they would ultimately be spent.

SECRETARY PACKARD'S REQUEST

The issue for the Senate to decide is whether it should honor Secretary Packard's request.

On the surface, the request has some attraction to it. Surely it is important, if there are to be bailout negotiations and ultimately a restructured contract, to put the Government in the strongest possible bargaining position. If Grumman is let off easy, other contractors will not be deterred from getting in the same position. And unless the Navy is provided with funds with which to purchase 48 production aircraft in fiscal 1972, the Navy rather than Grumman will default on the existing contract.

But whether there should be a bailout under any terms—whether it makes any sense at all to continue with the F–14 program—is an entirely different question.

The F–14 has long been regarded by many defense experts as a very marginal system, the main function of which is to provide defense for aircraft carriers under conditions where their survivability—with or without the F–14—is seriously open to question. None of these experts have ever questioned the need for some aircraft carriers and capable aircraft to go with them. But they have felt all along that other alternative aircraft offered far better value for the dollar.

Before we proceed further with this marginal system, we should certainly find out what we are in for if we do. What are the ultimate long-term costs really likely to be if we continue? And what portion of those costs can Grumman rather than the Government reasonably be expected to bear?

Precise answers to such questions are not possible. But reasonable approximations are. Surely defense analysts who can estimate accurately the expenditures of the Soviet Union on all its development programs can do the same for one of ours.

CONCLUSIONS CITED

The purpose of my remarks today is to set forth the results of my own investigation into the cost status of the F–14 program.

I have attempted to be realistic in judging the problems which lie ahead, but my conclusions are sure to be attacked. I have therefore written to the General Accounting Office for an evaluation of my conclusions and the reasoning on which they are based.

It is my belief that it would cost the Navy from $18 to $20 million per copy to purchase the 301 production F–14's which it presently plans to buy through fiscal 1975. Contrasted to the $11.5 million cost per copy long touted by the Navy, this means a cost overrun of roughly $6 to $8 million per copy and $2 to $2.6 billion in total to purchase these planes alone. Given these huge increases, a larger total buy is most unlikely. If such a buy were made, unit costs would no doubt decrease but the total overrun would steadily rise. It could approach $4 billion for a 710 aircraft buy. That would be double the overrun on Lockheed's C–5A.

If these figures are accurate, we would only be deluding ourselves to suggest that Grumman and not the Government would have to foot the bill. Many of these increases, as I shall explain later, are not the responsibility of Grumman in the first place. Even to the extent they are, however, Grumman is a small company, at least compared to Lockheed and other aerospace giants. Its net worth is only $180 million. If Lockheed could absorb without bankruptcy only a $200 million fixed loss in a tough settlement on the C–5A, a tough settlement with Grumman would probably yield no more than a $100 million loss at best. And the rest of the tab would be taxpayer responsibility.

If these figures are accurate, they mean also that the relative merits of alternative fighter options have been drastically revised. If the F–14 was a marginal system at $11.5 million each, at $17 to $20 million it is a lemon, pure and simple. We would do much better to meet our interim needs for carrier-based fighter aircraft with an improved version of the F–4 and to begin work anew on an F–4 successor. Secretary Packard's proposal to give several contractors prototype development funds, which they could use subject to minimally necessary restrictions, might be a good way to find one.

THE PROBLEM IN DEPTH

It is time, however, to go behind these final figures and to look at the manner in they were derived.

The F–14 contract was awarded to Grumman in February 1969. Under the terms of the contract, Grumman and subcontractors of its choosing were responsible for the airframe of the new plane, accounting for approximately 50 percent of the total costs involved. The other major subsystems of the plane were to be contracted for by the Government and made available to Grumman as Government-furnished equipment. The most important of these subsystems are the engines for both the A and B versions of the plane, contracted to Pratt & Whitney, and the AWG–9 fire control system, a Hughes Aircraft development project.

As will be seen, the troubles now plaguing the F–14 program are not confined to any single portion of it. They run the gamut—from the airframe to the engine to the avionics.

THE PROBLEM AT GRUMMAN

The most heavily publicized problem facing the F–14 has been the problem at Grumman itself. According to the company, the effects of inflation and a declining business base have combined to raise its costs to such an extent that it would lose vast sums under the terms of the existing contract. This argument is worth exploring for a moment.

Grumman has indicated, with respect to inflation, that its original cost estimates were predicated on an assumption that labor costs would increase at 3 percent and materials costs at 2 percent annually, for a composite inflation factor of 2.5 percent. Yet actual experience to date, the company maintains, shows a 5-percent composite inflation factor. The cumulative dollar costs of inflation for the next four production lots—lots IV–VII, funded in the fiscal year 1972–75 budgets—are now estimated by Grumman at $103 million, according to Navy testimony to the House Armed Services Committee.

But the bulk of its problems are attributed by Grumman to a "decline in the business base." This decline is not documented in any detail. The inference, however, is that Grumman is experiencing a phenomenon allegedly widespread throughout the aerospace industry today. As its total business has declined, its overhead has not decreased proportionately, with the result that the F–14, as the company's major program, will have to pick up an increasing percentage of the total overhead costs.

It is Grumman's position that the Government should respond by rewriting the F–14 contract. According to company president L. J. Evans, as quoted in the June 12 edition of Business Week:

> I refuse to get into this idiocy of trying to forecast what will happen in 1978. [The result is] absurd contracts in which you deceive not only yourself but the public as well.
>
> Our position is a very simple one. No plane can meet the Russian fighter threat in the 1970's and beyond as well as the F–14. If it proves to be a good quality product, then we will insist on a fair price that will continue to return us a fair profit. If the plane does not live up to expectation, then it should be terminated.

GRUMMAN STORY DECEPTIVE

My own investigation leads me to the conclusion that the public has indeed been deceived with respect to the F–14 problem. The cause of the deception lies less with the viability of the original F–14 contract, however, than with Grumman's explanation of its problems.

The following tables illustrate those problems rather clearly. They are comprised of unclassified data furnished by Grumman in recent months to the Pentagon and other sources. The purchases cover the 12 development and 301 production aircraft now scheduled by the Navy through fiscal 1975. The amounts shown cover airframe costs only. The first table presents a comparison of Grumman's cost estimates at the time the existing contract was signed and the costs estimated by the company today. The second table breaks down into constituent elements the cost data shown in table 1. I ask unanimous consent to have these tables printed in the RECORD at this point.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

TABLE I.—F–14A, CONTRACT VERSUS CURRENT ESTIMATES, COSTS AND CEILINGS

[Dollars in millions]

		February 1969 contract				Current estimate			
			Margin [1]				Margin		
	Quantity	Estimated cost	Percent	Dollars	Ceiling	Estimated cost	Percent	Dollars	Ceiling
I	6	$396.5	25	$99.1	$495.6	[2] $511.4	0.4	$2.1	$513.5
II	6	63.4	25	15.9	79.3	[2] 89.3	(7.5)	(6.7)	[2] 86.6
III	26	163.0	25	40.7	203.7	210.8	(3.4)	(7.1)	203.7
IV	48	190.6	25	47.6	238.2	292.9	(18.7)	(54.7)	238.2
V	48	163.8	20	32.8	196.6	277.9	(29.3)	(81.3)	196.6
VI	88	266.3	20	53.3	[3] 319.6	500.3	(21.6)	(108.7)	[4] 391.6
VII	91	258.7	20	51.7	[3] 310.4	500.5	(22.1)	(111.0)	[4] 389.5
Total	313	1,502.3	22.7	341.1	1,843.4	[5] 2,383.1	(15.4)	(367.4)	2,015.7

[1] Margin represents difference between ceiling price per contract and estimated cost as proposed. Final proposal reflected target profit rate on estimated costs of 10 percent for lots I and II, and 12 percent for all subsequent lots.

[2] Includes authorized changes.

[3] Excludes estimated increase for abnormal escalation clause.

[4] Includes estimated increase for abnormal escalation clause.

[5] Increased costs are principally the direct result of abnormal inflation and the declining business base.

TABLE II.—F-14A, FYDP SCHEDULE, ESTIMATED COST BREAKDOWN, FEBRUARY 1969 CONTRACT VERSUS CURRENT ESTIMATE

[Dollars in millions]

		February 1969					Current estimate				
	Quantity	Direct labor	Material	Overhead	Other direct costs	Total	Direct labor	Material	Overhead	Other direct costs	Total
Lot—											
I	6	111.1	129.1	148.5	7.2	396.5	129.1	192.6	179.6	10.1	511.4
II	6	18.1	20.7	23.5	1.1	63.4	20.6	33.0	34.8	.9	89.3
III	26	39.1	64.0	57.9	2.0	163.0	32.4	102.2	74.0	2.2	210.8
IV	48	39.0	85.3	64.2	2.1	190.6	36.5	156.0	98.0	2.4	292.9
V	48	30.5	81.0	50.6	1.7	163.8	33.3	148.4	93.8	2.4	277.9
VI	88	41.7	144.4	77.8	2.4	266.3	48.5	286.9	161.7	3.2	500.3
VII	91	37.9	146.4	72.2	2.2	258.7	44.1	293.9	159.4	3.1	500.5
Total	313	318.0	670.9	494.7	18.7	1,502.3	344.5	1,213.0	801.3	24.3	2,383.1

Mr. PROXMIRE. Mr. President, there are a number of interesting conclusions which can be drawn from these tables:

First. Grumman's estimated costs for the 313 development and production airframes purchased according to the schedule shown have increased from $1.5023 billion to $2.3831 billion, an increase of almost $900 million, in the little more than 2 years since February 1969.

Second. Less than half of this increase can be attributed to inflation and a declining business base as evidenced in increased overhead costs. As indicated earlier, Navy testimony to the House Armed Services Committee has cited a Grumman projection of $103 million in increased costs attributable to inflation over lots IV–VII. As indicated in table II, Grumman presently projects an increase in overhead costs for the 313 airframe program from $494.7 to $801.3 million, an increase of $306.6 million. These inflation and overhead factors together account for little more than $400 million of the almost $900 million total projected increase.

Third. As indicated in table I, the ceiling in the existing Grumman contract, adjusted according to the contract's abnormal escalation provisions for lots VI and VII, is $2.0157 billion. It provides a margin of $513.4 million over and above Grumman's original $1.5023 billion cost projections. If the projected cost increases now faced by Grumman were limited to the inflation and overhead factors alone—$409.6 million—this margin would enable Grumman to earn a profit of $103.8 million on the contract, notwithstanding those increases.

The facts of the matter are quite straightforward. Whatever else may be said about it, the existing F–14 contract made considerable allowance for factors of the kind Grumman has cited as the cause of its problems. Grumman's real difficulties have been of a more simple and time-honored nature. Due to the totally unrealistic nature of its original estimates, it is experiencing huge cost overruns in its production of the F–14.

OTHER CAUSES NOTED

A deeper insight into the causes of Grumman's problems can be gained by a consideration of matters not totally reflected in the above tables.

To begin with, the main constituent element of Grumman's projected cost increases is higher materials costs. As table II itself indicates, the company projects a materials cost increase from $670.9 million to $1,213.0 million, a rise of $542.1 million, or well over half the total increase. The main cause of this increase, I have learned, is sharply increased costs to Grumman for the airframe materials furnished to it by its major subcontractors. The problem is due to sloppy contracting procedures on the part of Grumman itself, which never negotiated firm option prices with its subcontractors until several months after the F–14 contract was first awarded to it in February 1969. When these firm option prices were finally negotiated, Gumman did not get as good a deal as it originally expected. And it hopes now to pass the added costs on to the Government.

Another cause of Grumman's problems has its origins in the final negotiations preceding the award of the existing contract. During the last several months of competitive negotiations in late 1968, Grumman reduced its ceiling prices by about $400 million, a reduction resulting not from a change in its cost estimates, but solely from a reassessment by the company of the risks which development entailed. It is a smiple fact that if this ceiling reduction had not occurred, Grumman would not now be faced with the $367.4 million F–14 loss which it projects under the existing contract for a 313 aircraft buy. While Grumman's reduced ceiling price was still approximately $100 million higher than that of its competitor, McDonnell Douglas, competitive pressures simply cannot be used to justify buy-ins on major defense contracts. The inevitable result would be to remove what little integrity still remains in the weapons procurement process and to insure vast overruns and restructured contracts on each and every weapons system procured.

F–14 UNIT COST IMPACT

But whatever the precise reasons for Grumman's present problems, what are the likely implications in terms of F–14 unit costs? Assuming, that the data above are accurate, the answer can be calculated easily.

Absent any problems at Grumman and elsewhere, the estimated unit cost of the 301 production aircraft in question would be $12.3 million. This figure differs, of course, from the $11.5 million figure long touted by the Navy as the F–14's unit cost. That estimate is a reasonable production unit cost projection, however, only for a buy of 400 aircraft or more. For a buy of only 301 production planes, the cost could be expected to rise. The figure of $12.3 million per copy is consistent with the costing methodology the Navy has used in its own F–14 cost projections. I have provided a more detailed explanation of previous Navy estimates at the conclusion of my remarks.

That $12.3 million estimate assumes airframe costs at contract ceiling without provision for abnormal escalation. To determine the cost impact of Grumman's present difficulties, all one needs to do is to calculate its projected overceiling costs and then spread these costs over the total number of planes involved. For the four production lots in question, Gumman is projecting costs $513.9 million over ceiling. Spread over 301 production aircraft, this amounts to $1.7 million per copy.

Added to the $12.3 million basic per copy cost, this gives a $14 million unit cost thus far.

Before moving on to consider other sources of unit cost growth, a word on the accuracy of the Grumman data might be in order. Pentagon spokesmen have suggested in recent days that Grumman might be "puffing" in order to support its case that a new contract is really needed. There may indeed be something to the point. It would be wrong to conclude, however, that eventual airframe costs are therefore likely to be less than the costs just calculated relying on the Grumman data.

The F–14 is still in the early stages of its potential program life, with further unanticipated cost problems a very real possibility. Grumman itself appreciates the problem. What it seeks is a new contract with provisions for ceiling and profit above its new cost data. Accordingly, the use of that data without any ceiling or profit assumes that "puffing" may well be taking place.

"B" ENGINE RELATED PROBLEMS

Despite the vast amount of attention focused to date on Grumman's problems in producing the basic F–14 airframe, there are equally serious problems elsewhere in the program. And in most of these areas the Government does not have even the limited protection which firm contract prices could give it. Problems related to the engines which will power the F–14 provide one illustration.

The engine long counted on by the Navy to power the F–14 has been the Pratt & Whitney N–401–PW400 advanced technology turbofan engine, which will also be used on the Air Force's F–15. The Navy, however, in order to get a jump on the F–15 and the earliest possible F–14 deployment date, so arranged the F-14 program that earlier models would use a version of the older Pratt & Whitney TF30-P-12 engines, developed originally for the F-111B. Navy planning has long called for a switch from the "A" to "B" engine models beginning with the 68th production version of the F-14 brought off the assembly line.

A series of unfortunate problems now threaten to arise from this two-step engine program.

AIRFRAME MODIFICATION COSTS

The simple fact of the matter is that all estimates of airframe costs to date—the Navy's original cost data and the revised Grumman data in tables 1 and 2—are predicated on an airframe designed to accommodate "A" engines. These airframes are designed and costed with room allowed to accommodate the "B" engines, but before they can be accommodated, basic modifications to the airframe will be needed.

These modifications will entail, first, a non-recurring R. & D. charge, to determine the precise changes necessary. The existing contract with Grumman contains a ceiling of approximately $15 million to cover the design work in question. I have learned, however, that this ceiling is no longer applicable, because the design of the "B" engine has been changed since the contract was written to provide considerably greater thrust. As a result, the cost of the design changes will have to be negotiated with Grumman, and they can be expected to cost considerably more.

Of greater significance than these nonrecurring research and development costs would be the recurring costs resulting from introduction of the design changes in question into each and every F-14 airframe. The cost of this work also will have to be negotiated with Grumman, which in turn will have to negotiate new agreements covering that portion of the work which its subcontractors will perform.

The actual cost of this work would obviously depend on the significance of the "B" engine/inlet interface problem encountered when the work was performed; $200,000 per copy is a reasonable minimum projection. Adding this amount to my $14 million unit cost running total yields $14.2 million thus far.

Less significant than the actual cost of the work, however, is the Grumman/Government bargaining significance of the fact that prices for the work still have to be negotiated. There is no conceivable way in which Grumman could be forced to take more than perhaps a $100-million loss on the F-14 program. But is any loss at all a possibility? Holding Grumman's feet to the fire on the F-14 "A" contract may be something of a charade since it is the "B" version the Navy has always wanted and in pricing which Grumman could get well.

Then there is the cost of the engines themselves. The "A" engines, priced thus far at less than $800,000 per copy, apparently have presented little problem. The "B" engines are another matter.

"B" ENGINE OVERRUNS

These engines are designed to provide almost 40 percent more thrust than the "A" engines, and problems have already been encountered in their Air Force-run development program. This program, I have learned, is already as much as 6 months behind schedule, and Pratt & Whitney has demanded $117 million extra in development funds to do the additional work and conduct the additional testing needed to guarantee the performance specifications sought for the "B" engines. This is an overrun of roughly 25 percent for the development program, and a substantial portion of this extra cost will have to be borne by the Navy.

But the important point once again is the production cost of the new engines. All Navy estimates of F-14 costs to date have been predicated on the use of engines costing approximately $800,000 per copy. This is a price which the new engines will not be able to meet.

The production contract for the new engines is a fixed price contract with a ceiling of about 150 percent. In other words, the ceiling costs of the new engines are about 50 percent greater than the target costs, and any cost increases over target up to the ceiling will be picked up by the Government under the contract's terms.

An examination of the standard lot options under the contract shows an average target price for the first several buys of just over $800,000 per copy, little different from the figure used to date in Navy estimates and actually met by the "A" engine. The ceiling price, however, is about $1.2 million per copy. In light of the huge increases already experienced on the development contract, the only really "live" question is not whether this ceiling will be reached, but whether it in fact will be exceeded. Pratt & Whitney's experience on the "A" engines themselves—the present $800,000 cost is more than double the initial estimate for the F-111B version of the engine—does not presage a happy answer.

Even without a breach of the existing contract, eventual engine costs can, therefore, be expected to grow $400,000 per engine over the figures now in use. Since there are two engines per plane, this means at least an $800,000 growth in F-14 unit costs, even forgetting the cost of spares. Adding this increase to my $14.2 million unit cost running total yields a $15 million total thus far.

"A" ENGINE REPLACEMENTS

And there is one final engine cost still to be considered. The Navy has always planned to re-engine its "A" models with the "B" engines once available. This means that the first 67 production aircraft would actually have two sets of engines. The cost of the first set—134 "A" engines at approximately $800,000 each—is additive to the costs already shown. The total cost for these engines will exceed $100 million. In terms of F-14 unit costs for a 301 aircraft buy, this amounts to more than $300,000 per copy, which brings my running total to the $15.3 million mark.

F-14 AVIONICS COSTS

Turning from the engines to the avionics, the same sad story continues. The key avionics component is the AWG-9 fire control system.

Navy estimates of F-14 unit cost have long been predicated on a less than $1.4 million cost per copy for the AWG-9. This cost is nowhere reflected, however, in a firm and binding contract of any kind. The Navy contract with Hughes Aircraft Co., manufacturer of the AWG-9, is a fixed-price incentive contract with successive reset provisions, which means that the fixed prices for successive lots are subject to negotiation with the Navy. Since negotiations for upcoming lots have not been completed, the price of the AWG-9 has not yet been definitized. I have learned, however, that internal Navy projections of AWG-9 costs are presently running at a minimum of $2.5 million per copy, with additional increases in sight.

Moreover, the prices of other avionics subsystems are also undefinitized at this time, and internal Navy cost projections for the total avionics package have jumped from $2.6 to $4.3 million per plane during the past year.

To be conservative, only this virtually assured $1.7 million of added avionics costs will be factored into my unit cost running total, which has now reached the $17.0 million level.

THE PROSPECT OF SCHEDULE SLIPPAGE

My analysis thus far has been predicated on the purchase of 301 production F-14's according to the schedule presently planned by the Navy through fiscal 1975. But the purchase of 301 production F-14's according to that schedule is no longer realistic. That schedule assumes the purchase of 48 production aircraft in fiscal 1971, using $806 million in production funds appropriated by the Congress. But in light of the problems at Grumman alone, there is no way in which 48 planes could be produced for that amount of money. Once the money was appropriated, Grumman would have no choice but to declare itself in default on the existing contract, and negotiations for a new schedule and contract would have to follow.

This new schedule would necessitate upward revisions of all the cost data contained in my analysis thus far.

At Grumman itself, it would first be necessary to stretch lot III—the 26 production aircraft purchased last year—to provide for an orderly phase of effort. Lot IV would then have to be reduced, with some of the purchases scheduled there being dropped into subsequent lots. And there would be similar slippage throughout the present program.

This slippage would have repercussions on all the other subsystems. It would necessitate reduced buys of both engines and avionics. Such reduced buys would cost more per copy, if permitted at all under existing contract terms.

COST OF SLIPPAGE

The precise impact of such slippage on F-14 unit costs is virtually impossible to calculate. An indication of its potential magnitude can be ascertained, however, by considering only the short-term implications of one alternative being considered. That is the possibility of a 12-month lot III stretch and a zero aircraft lot IV buy. Under this alternative, there would be no further procurement of production F-14's until fiscal 1973. This alternative, I have learned, would require the expenditure of more than $300 million simply to stretch lot III, with further extra costs down the road.

This alternative, however, is an extreme case, and less severe slippage would be more likely. But whatever slippage were ultimately chosen, I see no way in which it could possibly have a cost impact of less than $300 million over the whole life of the restructured program. Such an impact, over a 301 aircraft program, would be $1 million per copy.

If this $1 million is added to my $17 million running total, I have a final projected F–14 unit cost for 301 aircraft of $18 million per copy.

ADDITIONAL COSTS DOWN THE ROAD?

In reaching this $18 million total, I have attempted to be quite conservative. I have not included any of the increased development costs for either the "B" airframe or the "B" engines, despite the fact that these are real economic costs if the F–14 program continues. Except for the Grumman airframe contract, I have stayed within the costs allowable under existing contract provisions. And I have limited my remarks to only presently ascertainable problems in the main subsystems of the plane.

All I propose to do now is to cite four additional problems which, together with the conservatism in my estimates thus far and the possibility of problems yet unforeseen, might raise total costs to the $20 million level.

MUCH CONCURRENCY

One such problem is the incredible amount of concurrency inherent in the F–14 schedule. Consider just two examples of the extreme concurrency involved. As far as the basic "A" aircraft is concerned, the original schedule envisaged no testing of the aircraft with the AWG–9 fire control system and basic armament items aboard until 86 production aircraft had already been ordered and funded. And qualification testing on the "B" engine was not envisaged until well over 100 airplanes expected to accommodate this engine had already been committed to production.

The F–14 prototype crash last December and the delays encountered in the "B" engine development program have only increased this concurrency. The F–14 has been and still remains a totally untested airplane, despite the production commitment made. And it is almost a foregone conclusion that this concurrency if continued will take its toll in extensive modification costs later in the life of the program.

The prospect of such costs could be mitigated, of course, by stretching lot III and going to a zero aircraft lot IV buy. But in light of the $300 million short-term cost growth which would automatically be entailed, the Navy would be more likely to take its chances on the modification costs further down the road.

ENGINE CONTRACT DEFAULT

A second problem worth noting is the possibility of a Government default on the "B" engine production contract. The options in the contract are tied to calendar dates, rather than development milestones, and the first option comes due this year. It should present an interesting choice for the Navy. Should it buy engines which are as yet untested and which would not be needed even in the event of a small further reduction in the lot IV aircraft buy? Or should it open the way for a restructured contract at higher prices in the future?

A third problem arises from the nature of the Government's responsibility for the engines, avionics, and other subsystems under the terms of the Navy's contract with Grumman. As I mentioned earlier, the Government is furnishing these subsystems to Grumman as Government furnished equipment—GFE. It is the Government's responsibility, under this arrangement, to provide these items to Grumman consistent with the schedule and specifications contained in the existing Grumman contract. Any failure by Pratt & Whitney, Hughes Aircraft Co., and other subcontractors to themselves meet these schedules and specifications would reopen some contract terms, forcing higher Navy prices at Grumman.

Finally, there is the prospect of troubles by Grumman with its own subcontractors. Grumman's contracts with its suppliers simply do not provide, in some instances, for deliveries in the small lot quantities anticipated in the immediate future, which means that these contracts will have to be renegotiated. And some of Grumman's subcontractors, in the infectious climate now prevailing in the aerospace industry, have already followed Grumman's own lead and written letters to the company indicating that further performance under their existing contracts is "commercially impractical" at the present time.

F–14 SHOULD BE CANCELED

Mr. President, if we continued with the F–14 it would cost us $18 to $20 million per copy for the first 300 aircraft alone. The F–14 is simply not worth this kind of money. Even on paper, it offers only marginal improvements over the F–4 in terms of air-to-air combat performance.

All over the world austere new fighters are being developed for only a few million dollars per copy. The Mirage 5 used by the Israelis is being sold by the French Government in the world market for less than $1.5 million each. Yet, it, like the F–4, is more than a match for the Mig–21, which itself is a $1 million airplane.

American companies could themselves produce an austere new fighter with combat performance superior to the F–14 for only a fraction of its cost. About the only thing the F–14 would have which these planes would not is the Phoenix missile and its AWG–9 fire control system. But the Phoenix and the AWG–9 probably cannot perform their intended mission yet to reduce actual air-to-air combat performance that the F–14 might not be able to stand up to the Soviets' new Mig–23.

A COMMENT ON NAVY COST ESTIMATES

Until recent problems developed, F–14 unit costs had long been estimated by the Navy at $11.5 million. A few words of explanation are needed to put this figure in perspective.

This $11.5 million figure has been regarded publicly as the Navy's production unit cost estimate for a 710-plane program. In fact, unclassified portions of recent selected acquisition reports on the F–14 show that it was actually a program unit cost projection. That is, it included not only projected production costs but development costs as well. The corresponding Navy production unit cost estimate is shown as $9.8 million in these SAR's.

It follows that in contrasting my own $18 to $20 million production unit cost estimate with an $11.5 million Navy figure, I am in a sense understanding the cost growth which has occurred.

For several reasons, however, I have decided to ignore the Navy's $9.8 million estimate and go with the $11.5 million figure instead.

First, the $9.8 million figure has been a fictional number all along. We have never had more than 463 production model F–14's under contract in standard lot options at any time. And for this number of planes $11.5 million was a reasonable production unit cost approximation under the assumptions being used.

Second, there is a reverse bias already present in my own figures, because they are based on an even smaller 301 aircraft buy.

Third, it would now be difficult, in light of the general acceptance accorded the $11.5 million figure as the production unit cost base to be used, to correct misunderstandings about the figure.

I have also decided not to factor F–14 development costs into my own estimate, which would have raised it to the $21 to $23 million level or higher for a 301-plane buy. Obviously this would have been more dramatic. But for the most part, development costs are now behind us, and the real issue is how much we should be willing to pay for production aircraft. Moreover, the factoring in of these sunk development costs would make it appear that there was considerable advantage in terms of unit costs to expanding the ultimate buy.

Actually, in terms of largely unsunk production costs, it would probably cost us $18 to $20 million each, or as much as $6 billion in total, for a 300-aircraft buy. For a 700-aircraft buy, that figure might well fall to the $16 to $18 million level on a unit cost basis, but inflation in the out years could prevent even this. And for this $2 million per copy savings, we would have invested over $6 billion more.

Mr. President, I intend to speak further about the actual mission deficiencies of the F–14 in the near future. For I want no mistake about them to be made. Even at $11.5 million each, the F–14 was a marginal system. At $18 to $20 million, it is simply a lemon all the way.

ORDER FOR RECOGNITION OF SENATORS BOGGS AND ROTH

Mr. BYRD of West Virginia. Mr. President, normally the leadership prefers not to program 15-minute orders for the recognition of Senators beyond that period which immediately precedes the transaction of routine morning business. However, a matter came to the attention of the leadership too late to schedule the two Senators from Delaware prior to the transaction of routine morning business for today.

Circumstances are such as to justify, and I ask unanimous consent, Mr. President, that immediately following the period for the transaction of routine morning business today, the distinguished senior Senator from Delaware (Mr. Boggs) be recognized for not to exceed 15 minutes and that at the close of his remarks the distinguished junior Senator from Delaware (Mr. Roth) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the conclusion of the orders for the recognition of the two Senators from Delaware, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOGGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the senior Senator from Delaware.

Mr. BOGGS. I thank the Presiding Officer and I wish to thank the distinguished Senator from West Virginia, the acting majority leader, for his kindness in making the arrangements.

Mr. BYRD of West Virginia. The Senator is welcome.

The PRESIDING OFFICER. The Senator may proceed.

DEATH OF MRS. DOROTHY ANDREWS KABIS, TREASURER OF THE UNITED STATES

Mr. BOGGS. Mr. President, a great lady and a great American has passed from our midst. Death has taken from us Mrs. Dorothy Andrews Kabis, and we all are grieved by her passing.

Mrs. Kabis, the Treasurer of the United States, died last Saturday while visiting her father's gravesite in Sheffield, Mass. She is to be interred beside him today.

We in Delaware have known and loved Dottie Kabis for many years. She chose to live among us on a farm near Middletown, Del.; and we all were better for having her with us.

Her energy and vitality, her quick wit and charming personality, and her willingness to work hard for any worthwhile cause made her a leader in our State. And it was not long before the Nation recognized her talents and sought her services.

Mrs. Dorothy Andrews Kabis was born 54 years ago in Wilkes-Barre, Pa. She came to Delaware at an early age and became active in her church, in farm organizations, and in politics.

Through the years she received many national honors and attained many national offices, but she never relaxed her efforts in Delaware. She remained active in her church, St. Paul's Methodist Church in Odessa, Del. Despite her obligations in Washington and throughout the country, she continued to serve as financial secretary of the church, as well as a steward and trustee.

She was active in the Grange, serving as legislative chairman and chaplain of Central Grange 61 in St. Georges, Del. She once served as a trustee of Kruse School, a Delaware State correctional institution for young women, and later as State adviser for the Farmers Home Administration. Last year she was honorary chairman of the Delaware multiple sclerosis campaign. Mrs. Kabis also was active in the General Federation of Women's Clubs and the Daughters of the American Revolution.

In another area, Mrs. Kabis rose through the ranks of the Republican Party in Delaware to become one of the most prominent ladies in the national party. She served 5 years as president of the National Federation of Republican Women, longer than any other president. She was a member of that organization's board of directors since 1954, when she was elected president of the Delaware Federation.

In 1964 the League of Women Voters of the United States honored Mrs. Kabis as one of the 12 outstanding political women in the country. Four years later, the National Federation of Republican Women named her "The Republican Woman of the Year."

On March 28, 1969, President Nixon recognized her abilities by appointing her the 33d Treasurer of the United States. She had many friends and acquaintances in the Senate, whom she held in high esteem. This body approved her nomination unanimously on April 25, 1969.

That undoubtedly was a happy moment in Dottie Kabis' life, but an even happier one occurred last year when she married Mr. Walter L. Kabis of Odessa, Del. The Kabises were a happy couple and they enlivened any gathering they attended in Washington or in Delaware.

Mrs. Boggs and I extend our condolences to Mr. Kabis and other members of her family.

We in Delaware and throughout the Nation mourn the passing of Mrs. Dorothy Andrews Kabis. She has been a most pleasant and important part of our lives for many years, and we all will miss her.

Mr. President, Mrs. Kabis is being buried today in Massachusetts. Tomorrow, Thursday, a memorial service will be held in her memory in Odessa, Del., and at 2 p.m., tomorrow, at the National Presbyterian Center in Washington there will be a memorial service at which former Senator John J. Williams of Delaware will be the principal speaker.

Mr. President, at this time I yield to my colleague from Delaware.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the junior Senator from Delaware.

Mr. ROTH. Mr. President, I join my distinguished colleague, the senior Senator from Delaware, in honoring the memory of a dear friend who died over the past weekend, Mrs. Dorothy Andrews Kabis, the 33d Treasurer of the United States.

The news of Dottie's sudden death came as a great shock to me, for she was a close friend, a fine person, and a great American.

Born in Wilkes-Barre, Pa., Dottie came to Delaware shortly after leaving Marysville, Tenn., College. Following a brief period during which she worked in the legal department of the Du Pont company in Wilmington, she began to operate a 183-acre nursery farm near Middletown, Del.

But Dottie Kabis' interest in public life was strong, and she soon became active in Republican Party work in Delaware. Her fight for clean elections, first in her hometown of Odessa, Del., and later throughout the State, made her one of the best known and most respected women in public life in our State.

She was a tireless worker for the causes in which she believed so strongly. From her early days in Delaware when she became active in the State Grange—where she was legislative chairman, chaplain, lecturer, and public relations chairman of Central Grange 61 at St. Georges, Del.—to her most recent position as Treasurer of the United States, Dottie Kabis could be counted on to devote her seemingly boundless energy to whatever task she would undertake.

In the years when she was active in Delaware Republican politics, Dottie Kabis served as charter member and cofounder of the Delaware Federation of Republican Women and was president of the State Federation in 1954. She was a delegate to the Republican National Conventions in 1956 and 1960, and was a speaker at the 1964 convention. In 1968 she served as an alternate delegate to the national convention.

During the years between 1963 and 1968, Dottie's political attention shifted from the State to the national scene, as she admirably filled the position of President of the National Federation of Republican Women, a position which she held longer than anyone else. During those years, Dottie maintained a pace and speaking schedule that would have exhausted the hardiest of individuals.

But that was the nature of Dottie Kabis. She was not one to shirk a job or a duty; she was constantly active, always on the go, ever ready to accept new responsibilities that would challenge her immense abilities.

On March 28, 1969, President Nixon appointed Mrs. Kabis 33d Treasurer of the United States, a position to which, Secretary Connally said earlier this week, she brought an extra dimension. The deep respect which she earned during her active career in Delaware and Washington cut across party lines; Delaware's State Treasurer, Mrs. Emily H. Womach, a member of the Democratic Party, demonstrated the universal affection in which Mrs. Kabis was held when she remarked earlier this week that Dottie Kabis, as Treasurer of the United States, brought great honor to Delaware and yet retained her personal sincerity and human warmth.

The flags on all State buildings in Delaware are at half-mast today, by order of Gov. Russell W. Peterson. They will remain that way in quiet tribute to a magnificent woman until services are completed. It is a most fitting gesture that a grateful people can offer to a woman who gave so much of herself for her State and her Nation.

From time to time individuals in public life are asked, "What can I as an individual do to change things?" and a simple answer is not always forthcoming. But I would suggest that the life of Dottie Kabis would serve as an outstanding example. When she came to Delaware, she apparently had no particular desire to become involved in politics. A few years ago, looking back over a remarkable career, Dottie described her initial interest in politics in this way:

> I was shocked by the misuse of the ballot. Young as I was, I realized what was going on. You would have to be pretty stupid not to see it. Votes were being bought and this upset me.

She was then a member of the State Grange and she effectively used that position to plead for cleaner elections in Delaware, particularly for the use of voting machines. That she was effective in stirring up interest in this most vital aspect of our elective process is attested to by the fact that within a few years the paper ballot became a thing of the past in Delaware as voting machines were installed throughout the State.

From that point her rise in the ranks of the Republican Party continued, spurred always by the energy and dedication to a cause that were characteristic of this talented woman. Her tragic passing leaves a void that will not quickly be filled.

The news of her death last weekend in Massachusetts left me shocked and saddened. I extend my deepest sympathy to her mother and her husband, Walter Kabis, to whom she was married less than 10 short months ago.

Delaware has lost one of her finest citizens and the United States has lost a dedicated public servant. And I have lost a very dear friend.

Mr. BOGGS. Mr. President, I want to thank my distinguished colleague for his kind remarks.

I would like to yield at this time, if I may, to the distinguished Senator from Nebraska (Mr. CURTIS).

Mr. BYRD of West Virginia. Mr. President, I believe the junior Senator from Delaware has some time left. I am sure he will be glad to yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, will the Senator yield me about 2 minutes?

Mr. ROTH. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, it was not my privilege to know, in a personal way, the distinguished lady about whom we are speaking at this time, but I did know of her public career, and I want to join with the many friends of Dorothy Andrews Kabis in paying tribute to her public service.

She was an inspiration to many people. This was true when she came to Washington to serve. It was true of those who served with her in a political capacity. It was true of many of those who served with her officially.

She came to Washington after a very distinguished career in her own State. She was a businesswoman. She had been active in a number of worthwhile organizations, and was an effective and eloquent speaker.

It is indeed a loss to our country, and I am sure to her native State and her State by adoption, that she should leave us at such an early age. I wish to have the RECORD show my admiration and respect for her, and I send to her mother and brother and her other relatives my most sincere sympathy.

Mr. SCOTT. Mr. President, I wish to join with the distinguished Senators from Delaware, Mr. BOGGS and Mr. ROTH, in paying tribute to Mrs. Dorothy Elston Kabis, Treasurer of the United States, whose untimely passing has grieved us all.

It has been my pleasure to have known Dotty for many years, and I have been privileged to work with her during the years she was president of the National Federation of Republican Women. Her activities as president of the Federation contributed greatly to increasing the participation of women throughout the United States in Republican Party activities.

As Treasurer of the United States she discharged her responsibilities to the credit of her position and to the Government of the United States.

Marion and I extend to Mr. Kabis our heartfelt sympathy in this hour of his bereavement.

RESUMPTION OF TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements therein limited to 3 minutes, be now resumed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOUIS "SATCHMO" ARMSTRONG

Mr. MANSFIELD. Mr. President, it is with a sense of sadness that I note in the press the passing of the great Louis "Satchmo" Armstrong.

I may be what is called a "square," but I must admit that, like tens of millions of other Americans, I achieved a great deal of satisfaction and comfort from the music of this outstanding American. He was an ambassador of good will in the best meaning of the term, and he represented us and this country with humor, with dignity, with understanding, and, as far as his fellow citizens were concerned, we appreciated the representation which he gave to all of us.

In New Orleans, he came up from practically nothing. He learned his trade the hard way, but he developed a keen sense of musicology. He traveled the world. He spread the spirit of a real part of this Nation, and with that spreading there went a lot of good will.

I think I can say on behalf of all the Members of this body that the passing of Louis "Satchmo" Armstrong is a real loss. We extend to his wife, his relatives, and to all his friends, our deepest sympathy in their hour of sorrow, and we extend our condolences to all the rest of our fellow citizens on the passing of a great American.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business now be closed and that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, morning business is closed.

CONQUEST OF CANCER ACT

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which will be stated by title.

The legislative clerk read the bill by title as follows:

> A bill (S. 1828) to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate now stand in recess until 3 o'clock p.m. today.

The motion was agreed to, and at 1:39 p.m. the Senate took a recess.

The Senate reassembled at 3 p.m., when called to order by the Presiding Officer (Mr. BUCKLEY).

CONQUEST OF CANCER ACT

The PRESIDING OFFICER (Mr. BUCKLEY). Pursuant to the previous order, the Senate will proceed to the consideration of S. 1828 to amend the Public Health Service Act on which there will be 3 hours of debate.

The Senate proceeded to consider the bill S. 1828, to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer which has been reported from the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Conquest of Cancer Act".

SEC. 2. The Public Health Service Act is amended by adding following section 406 the following:

"FINDINGS AND DECLARATION OF PURPOSE

"SEC. 407A. (a) The Congress hereby finds and declares—

"(1) that the incidence of cancer is increasing and is the major health concern of the American people;

"(2) that the attainment of better methods of prevention, diagnosis, and treatment of cancer deserve the highest priority; and

"(3) that a great opportunity is offered as a result of recent advances in the knowledge of this dread disease to conduct energetically a national program for the conquest of cancer.

"(b) In order to carry out the policy set forth in this part it is the purpose of this part to establish a Conquest of Cancer Agency as an independent agency within the National Institutes of Health.

"CONQUEST OF CANCER AGENCY

"SEC. 407B. There is hereby established a Conquest of Cancer Agency as an independent agency within the National Institutes of Health.

"SEC. 407C. (a) The Conquest of Cancer Agency shall be administered by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall serve under the direction of the President. There shall be in the Agency a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director.

"(b) The Director is authorized to appoint within the Agency not to exceed five Assistant Directors.

"FUNCTIONS OF THE AGENCY

"SEC. 407D. In order to carry out the purpose of this part, the Director shall—

"(1) carry out all research activities previously conducted by the National Cancer Institute, together with an expanded, intensified, and coordinated cancer research program, and shall administer the authority of the Secretary under this Act with respect to cancer;

"(2) make such grants or contracts as are desirable to accomplish the purposes of this part;

"(3) expeditiously utilize existing research facilities and personnel for accelerated exploration of the opportunities for the conquest of cancer in areas of special promise;

"(4) encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

"(5) strengthen existing cancer centers, and establish new cancer centers as needed in order to carry out a multidisciplinary effort for clinical research and teaching, and for the development and demonstration of the best methods of treatment in cancer cases;

"(6) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer, including the establishment of an international cancer research data bank to collect, catalog, store, and disseminate insofar as feasible the results of cancer research undertaken in any country for the use of any person involved in cancer research in any country;

"(7) establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for research, including viruses, cell cultures, and animals, and set standards of safety and care for persous using such materials;

"(8) support research in the cancer field outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants, and the training of American scientists abroad and foreign scientists in the United States;

"(9) support appropriate manpower programs of training in fundamental sciences and clinical disciplines to provide an expanded and continuing manpower base from which to select investigators and physicians for participation in the programs, including where appropriate the use of training stipends, fellowships, and career awards; and

"(10) prepare and submit an annual budget estimate for the program directly to the President for review and transmittal to Congress and receive from the President and the Office of Management and Budget directly the funds appropriated by Congress for obligation and expenditure by the Agency.

"ADMINISTRATIVE PROVISIONS

"SEC. 407E. (a) The Director is authorized, in carrying out his functions under this part, to—

"(1) appoint and fix the compensation of personnel of the Agency in accordance with the provisions of title 5, United States Code, except that (A) to the extent the Director deems such action necessary to the discharge of his functions under this part, he may appoint not more than fifty of the scientific, professional, and administrative personnel of the Agency without regard to provisions of such title relating to appointments in the competitive service, and may fix the compensation of such personnel, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to pay rates not in excess of the highest rate paid for GS-18 of the General Schedule under section 5332 of title 5 of such Code; (B) to the extent that the Director deems necessary to recruit specially qualified scientific or other professional personnel without previous competitive service he may establish the entrance grade therefore at not to exceed two grades above the grade otherwise established for such personnel under such provisions;

"(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in him or in the Agency and delegate any of his functions to any officer or employee under his direction or his supervision;

"(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain cancer centers, laboratories, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Agency for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

"(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act;

"(6) utilize, with their consent, the services, equipment personnel, information, and facilities of other Federal, State, or local public agencies with or without reimbursement therefor;

"(7) accept voluntary and uncompensated services;

"(8) accept unconditional gifts, or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

"(9) enter into such contracts, leases, cooperative agreements, or other transactions without regard to section 529 of title 31, United States Code, as may be necessary in the conduct of his functions with any public agency, or with any person, firm, association, corporation, or educational institution, an make grants to any public or nonprofit private agency, organization or institution;

"(10) allocate and expend, or transfer to other Federal agencies for expenditure, including the National Institutes of Health, for cancer-related programs, such funds made available under this part as he deems necessary, including funds appropriated for construction, repairs, or capital improvements;

"(11) take necessary action together with the Director of the National Institutes of Health so that all channels for the dissemination and cross-fertilization of scientific knowledge and information existing prior to the effective date of this Act between the National Cancer Institute and the other Institutes of Health shall be maintained between the Agency and the Institutes of Health to insure free communications between cancer and the other scientific, medical, and biomedical disciplines; and

"(12) take such other actions as may be required for the accomplishment of the objectives of the Agency.

"(b) Upon request made by the Director, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available, to the greatest practicable extent consistent with other laws to the Agency in the performance of its functions with or without reimbursement.

"(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the daily rate prescribed for GS-18 undr section 5332 of title 5, United States Ccde, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(d) The Director shall, by regulation, provide for proper scientific review of all research grants and programs over which he has authority (A) by utilizing, to the maximum extent possible, appropriate peer review groups within the National Institutes of Health, and (B) when appropriate, by establishing, with the approval of the National Cancer Advisory Board, other formal peer review groups as may be required.

"REPORTS

"Sec. 407F. The Director shall, as soon as practicable after the end of each calendar year, prepare and submit to the President for transmittal to the Congress a report on the activities of the Agency during the preceding calendar year.

"NATIONAL CANCER ADVISORY BOARD

"Sec. 407G. (a) There is hereby established in the Agency a National Cancer Advisory Board to be composed of the Director of the National Institutes of Health and eighteen members appointed by the President, by and with the advice and consent of the Senate. Not more than twelve of the appointed members of the Board shall be scientists or physicians and not more than eight of the appointed members shall be representative of the general public. Appointed members shall be appointed from among persons, who by virtue of their training, experience, and background are exceptionally qualified to appraise the programs of the Agency. The Secretary, the Director of the Office of Science and Technology, and the Director shall be ex officio members of the Board.

"(b) (1) Appointed members shall be appointed for six-year terms, except that of the members first appointed six shall be appointed for a term of two years, and six shall be appointed for a term of four years as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Appointed members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) A vacancy in the Board shall not affect its activities and eleven members thereof shall constitute a quorum.

"(c) The President shall designate one of the appointed members to serve as Chairman for a term of two years.

"(d) The Board shall meet at the call of the Chairman but not less often than four times a year and shall advise and assist the Conquest of Cancer Agency in the development and execution of the program.

"(e) The Director of the Conquest of Cancer Agency shall designate a member of the staff of the Conquest of Cancer Agency to act as Executive Secretary of the Board.

"(f) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities of the Conquest of Cancer Agency.

"(g) The Director shall submit to the Board for its evaluation, comments, and recommendations each year's program plan and budget prior to the formal submission of the budget request to the President.

"(h) The Board shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Conquest of Cancer Agency toward the accomplishment of its objectives.

"(i) The Board shall supersede the existing National Advisory Cancer Council, and the members of the Council serving on the effective date of this section shall serve as additional members of the Board for the duration of their terms then existing, or for such shorter time as the President may prescribe.

"(j) Members of the Board who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS-18 under section 5332, title 5, United States Code, for each day they are engaged in the performance of their duties, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for person in the Government service employed intermittently.

"(k) The Director shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

"(l) The board shall insure that the Director, by regulations, maintains scientific peer review of research grants and programs.

"DEFINITIONS

"Sec. 407H. For the purpose of this Act the term—

"(1) 'Director' means the Director of the Conquest of Cancer Agency;

"(2) 'Agency' means the Conquest of Cancer Agency;

"(3) 'Board' means National Cancer Advisory Board;

"(4) 'cancer center' means such cancer research facilities as the Director determines are appropriate to carry out the purposes of this part, including laboratory and research facilities and such patient care facilities as are necessary for the development and demonstration of the best methods of treatment of patients with cancer, but does not include extensive patient care facilities not connected with the development of and demonstration of such methods;

"(5) 'construction' includes purchase or lease of property; design, erection, and equipping of new buildings; alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof); and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings;

"(6) 'function' includes power and duty; and

"(7) 'Federal agency' means any department, agency, or independent establishment of the executive branch of the Government including any wholly owned Government corporation.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 408. For the purpose of carrying out any of the programs, functions, or activities authorized by this part, there are authorized to be appropriated for each fiscal year such sums as may be necessary."

COMPENSATION OF THE DIRECTOR AND THE DEPUTY DIRECTOR

Sec. 3. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Director, Conquest of Cancer Agency."

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Deputy Director, Conquest of Cancer Agency."

Sec. 4. (a) The heading of title IV of the Public Health Service Act is amended to read "TITLE IV—CONQUEST OF CANCER AGENCY; NATIONAL RESEARCH INSTITUTES".

(b) The heading to part A of title IV of such Act is amended to read "Part A.—Conquest of Cancer Agency and National Cancer Institute."

NATIONAL CANCER INSTITUTE MADE PART OF CONQUEST OF CANCER AGENCY

Sec. 5. (a) Section 401 of the Public Health Service Act, including the heading thereto, is amended to read as follows:

"NATIONAL CANCER INSTITUTE

"Sec. 401. The National Cancer Institute shall be a part of the Conquest of Cancer Agency.".

(b) Section 402 of the Public Health Service Act is amended by striking out all that precedes clause (a) of such section, except the heading thereof, and inserting the following in lieu of such stricken matter:

"Sec. 402. In carrying out the purposes of section 301 with respect to cancer, the Conquest of Cancer Agency, in consultation with the National Cancer Advisory Board, shall—".

(c) Section 403 of the Public Health Service Act is amended (1) (A) by striking out "Surgeon General" wherever it appears in such section and inserting "Conquest of Cancer Agency" in lieu thereof; (B) by striking out "he" and "him" wherever either appears in such section and inserting "the agency" in lieu thereof; and (C) by striking out "section 402" wherever it appears and inserting "section 402 and section 407D" in lieu thereof; and (2) by striking out "Institute" in subsection (b) thereof and inserting in lieu thereof "Agency or Institute".

MERGER OF FUNCTIONS OF NATIONAL ADVISORY CANCER COUNCIL

Sec. 6. (a) (1) Sections 301(d), 301(1), 403(b), and 403(c) of the Public Health Service Act are amended by striking out "National Advisory Cancer Council" and "National Cancer Advisory Council" as it may variously appear therein, and inserting in lieu thereof "National Cancer Advisory Board". The word "Council" as used in any such section to describe the National Advisory Cancer Council or the National Cancer Advisory Council, is amended to read "Board".

(2) Section 217 of such Act is amended by striking out "the National Advisory Cancer Council" wherever it may appear.

(b) (1) Section 404 of the Public Health Service Act is amended by striking out "The council is authorized" preceding clause (a), and inserting in lieu thereof "The National Cancer Advisory Board is authorized".

(2) Such section is further amended (A) by striking out "Surgeon General" wherever it may appear and inserting in lieu thereof "Conquest of Cancer Agency"; (B) in clause (a) thereof by striking out "section 402" and inserting "section 402 or section 407D" in lieu thereof.

EFFECTIVE DATE

Sec. 7. (a) The amendments made by the preceding provisions of this Act shall take effect sixty days after the date of enactment of this Act or on such prior date after the enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding the provisions of subsection (a), members of the National Cancer Advisory Board (as authorized under section 407G of the Public Health Service Act, as amended by this Act) may be appointed in the manner provided for in such section, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in section 407G of the Public Health Service Act, as amended by this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Conquest of Cancer Agency pursuant to this Act.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, in view of the fact that, under the agreement, time will be under the control of the distinguished Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator form Colorado (Mr. DOMINICK), both of whom are on the same side of this question, I ask unanimous consent that the time be equally divided between and controlled by the distinguished Senator from Wisconsin (Mr. NELSON) and the distinguished Senator from Colorado (Mr. DOMINICK).

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 15 minutes.

Mr. DOMINICK. Mr. President, I ask unanimous consent that, in addition to the cosponsors I have just submitted at the desk, the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I do not think the importance of S. 1828, the Conquest of Cancer Act, can be overstated. It will set up the machinery for a greatly expanded national effort against cancer, the disease most feared by Americans. It has some 66 cosponsors, and is the result of a bipartisan, cooperative effort. Senator KENNEDY as chairman of the Health Subcommittee, and Senator WILLIAMS, chairman of the full committee, have presided over the deliberations with admirable impartiality and selflessness.

There was never any argument about the need for this legislation. Cancer strikes one out of four Americans. At current rates, 34 million of those now living will die of it. I do not think there is a Senator in this Chamber who has not had a close friend or relative affected by it. I have just returned from the funeral of a close friend in Colorado who was stricken by it. The only issues have been with respect to how to develop the most effective national program to find cures for it. S. 1828 represents the best thinking of the committee, the administration, the Panel of Consultants on the Conquest of Cancer, and members of the scientific community on this.

A quick summary of the background of this legislation will facilitate our discussion of it. On March 25, 1970, Senator Yarborough introduced Senate Resolution 376, which authorized the appointment of a Panel of Consultants on the Conquest of Cancer to conduct a study of the status of cancer research and to recommend a program designed to find cures for cancer within "the earliest possible time." He suggested that the Panel should direct "particular attention—toward the creation of a new administrative agency which would guarantee that the conquest of cancer becomes a highly visible national goal."

The resolution was passed on April 27, 1970, and about 7 months later, on November 25, 1970, the Panel submitted a report which recommended a national cancer program to be carried out by a new independent agency, the National Cancer Authority. The National Cancer Authority would assume the functions of the National Cancer Institute, and would administer the new cancer program outside of, and separate from the National Institutes of Health. On December 4, 1970, Senator Yarborough introduced legislation, S. 4564, to implement the Panel's recommendations. That bill was reintroduced in slightly different form as S. 34 by Senator KENNEDY and Senator JAVITS early this year.

Mr. President, let me interpolate here that every American should be grateful to the panel of consultants on the Conquest of Cancer, chaired by Mr. Benno C. Schmidt. They did an enormous amount of work in a relatively short period of time and did it with facility, with imagination, and at practically no cost. It is unique in our history to find a panel which will devote as much expertise and talent as they did to this particular report and do it at practically no expense to the taxpayers.

During hearings on S. 34, representatives of the Department of Health, Education, and Welfare—Dr. Egeberg, Assistant Secretary for Health and Scientific Affairs; Dr. Marston, Director of the National Institutes of Health; and Dr. Baker, Director of the National Cancer Institute—and members of the research community testified that establishment of an independent agency to administer the new cancer program separately from the National Institutes of Health would be a mistake. They voiced concern that such action would result in fragmentation of our overall biomedical research effort. They emphasized the importance of keeping the new cancer program within the framework of the National Institutes of Health in order to preserve the relationship between cancer research and other types of research conducted within and supported by the National Institutes of Health. Their views reflected the assessment of the research community generally that cancer research is not yet far enough advanced to enable us to isolate it from other types of biomedical research and adapt it to a strictly programmatic approach. The testimony of Dr. Phillip R. Lee, a chancellor of the University of California, and former Assistant Secretary for Health and Scientific Affairs, was representative. He said:

> Cancer is not simply an island waiting in isolation for a crash program to wipe it out. It is in no way comparable to a moon shot, which required mainly the mobilization of money, men and facilities to put together in one imposing package the scientific knowledge we already possessed.
>
> Instead, the problem of cancer—or rather the problem of the various cancers—represents a complex, multi-faceted challenge at least as preplexing as the problem of the various infectious diseases.
>
> We do not yet have the single cancer cure. We have barely begun to perceive the fantastic array of causative factors involved in cancer, the methods by which they work and the agencies by which they can be controlled.
>
> We are not yet ready to start a countdown for an anticancer blastoff, no matter what emotional appeal such an approach may have to the public.

On May 11, this year, I introduced with Senator GRIFFIN an administration bill, S. 1828, which proposed a comprehensive national cancer program to be administered within the National Institutes of Health. It recommended establishment of a cancer conquest program within the National Institutes of Health, headed by an administrator reporting directly to the President. This approach reflected the thinking of the administration that in mounting an accelerated cancer effort, it was extremely important to maintain the relationship between cancer research and other biomedical research, and that this could most effectively be done within the framework of the National Institutes of Health. The President's Science Adviser, Dr. Edward E. David, Jr., had earlier said:

> In structuring the [cancer] effort we must take account of the differences between this effort and the Apollo and Manhattan projects. When we embarked on those, Lisa Meitner's demonstration of fission and the launching of Sputnik had already been achieved. In cancer, we do not know whether the critical experiment has yet been done. . . .
>
> It is the President's belief that having honed and sharpened our biomedical research mechanism, the National Institutes of Health, we should now use it and call upon it as we embark on this new adventure. To isolate the cancer effort would prejudice the very outcome we seek. The problem of cancer straddles virtually all the life sciences—molecular biology, biochemistry, virology, pharmacology, toxicology, genetics—any one of these, or all of them, will contribute to the final solutions. No one is wise enough to pick and choose just those components of the total biomedical spectrum that will be vital. Who knows what new discovery will become vital even next year? This aspect presents a stark contrast with Apollo and nuclear energy. Indeed, we do not believe in an AEC or NASA for cancer.

With that background, then, it can be seen that the only real issue presented to the committee was whether the new accelerated cancer program could most effectively be carried out within, or separate from, the National Institutes of Health. S. 1828, as reported, resolves that issue in favor of keeping the program within the National Institutes of Health. It will establish a "Conquest of Cancer Agency" as an independent agency within the National Institutes of Health. The National Cancer Institute will be the nucleus of the new agency. The Director of the Cancer Agency will be directly responsible to the President, and will submit the Agency's annual budget directly to the President, without intervening review by anyone.

The Cancer Conquest Agency would be assisted in carrying out its program by a National Cancer Advisory Board, which would replace the existing National Advisory Cancer Council. The Board would consist of 19 regular members—the Director of the National Institutes of Health, not more than 12 scientists and physicians, and not more than eight laymen. In addition, there would be three ex officio members—the Secretary of Health, Education, and Welfare, the Director of the Cancer Conquest Agency, and the Director of the Office of Science and Technology.

I feel, and I think most members of the committee agree, that S. 1828 is an excellent compromise. It will give the new cancer program the kind of independence and high visibility it will need to carry out its mission. And, it will do this within the framework of the National Institutes of Health, rather than through a completely separate agency, thus avoiding the isolation of cancer research from other types of biomedical research.

It has been argued that S. 1828 gives the Cancer Agency too much independence, and will lead to fragmentation of the overall biomedical research effort. In this context, it has been suggested that it might be preferable to establish the National Institutes of Health as an independent agency separate from the Department of Health, Education, and Welfare. First, I think it is important to keep in mind that the President, in proposing this legislation, intended not only to give the new cancer program the kind of management and budget independence needed in order to quickly exploit new research opportunities and to mobilize a "total national commitment" against cancer, but also to maintain the integrity of the total biomedical research effort. The President has publicly committed himself to both objectives. I ask unanimous consent that the text of his statement upon introduction of S. 1828 be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

Cancer has become one of mankind's deadliest and most elusive enemies. The conquest of cancer is one of the most important efforts of our time.

Success will test the very limits of our imagination and our resourcefulness. It will require a high sense of purpose and a strong sense of discipline.

In my message to the Congress on the State of the Union on January 22, 1971, and again in my special message to the Congress concerning a National Health Strategy on February 18, 1971, I expressed my determination to wage a successful campaign against this dread disease. I called upon the Congress to appropriate an additional $100 million to support such an effort. I am pleased that in recent days the Appropriations' Committees in both the Senate and the House of Representatives have favorably viewed this request and I am hopeful that the House—which votes today—and the Senate will both follow the Committee recommendations.

FEARS AND HOPES ABOUT CANCER

Across the Nation, there is a growing consensus that our vast scientific and technological resources should promptly be marshaled in an unprecedented attack on this devastating disease.

This consensus springs both from fear and from hope.

Cancer is second only to heart disease in the number of lives it takes in this country. And the nature of its ravages makes it our most feared disease. If the present incidence of cancer were to continue some 52 million Americans who are alive today would contract this disease someday. This means that cancer would strike one out of every four individuals in this country—and two out of every three American families. It would mean that in the next ten years alone, three and a half million Americans would die from cancer. For many of its victims, death is a slow and painful process. And for many of their families, the personal tragedy is compounded by the financial implications of a prolonged disease.

At the same time, however, there is much reason for hope.

New vistas are now opening for further research into the treatment and prevention of cancer, the result of some remarkable advances which have been made during the past ten years as we have multiplied many times over our fundamental knowledge in this area. Virus research, for example, has demonstrated that cancer can be produced in animals by over 110 of the nearly 1000 viruses that science has identified. We have learned that animal cancers can be induced by over 1,000 chemical substances. Effective measures for preventing cancer have been developed in animals, and scientists have even demonstrated that human cancers can be prevented by avoiding exposure to certain chemicals. Other advances include new surgical procedures, more effective radiation therapy, and techniques for treating cancer with improved combinations of known drugs.

All of these developments have fueled our hopes and provided a broad frontier of possibilities for researchers in the months and years ahead. This is why I was able to suggest in my special health message to the Congress in February that "of all our research endeavors, cancer research may now be in the best position to benefit from a great infusion of resources."

MORE MONEY AND BETTER ORGANIZATION

The time has now come for us to put our money where our hopes are. In the first full budget developed by this administration last year, an increase of $20 million was provided for cancer programs. For Fiscal Year 1972, the administration request for cancer programs is slightly over $332 million—an increase of $100 million from the 1971 Fiscal Year. If these resources are provided by the Congress, we should be able to finance a new and massive assault on cancer. If it should turn out that we need more money, however, I will not hesitate to ask the Congress to provide whatever funds can be effectively utilized. But I would also emphasize this important point: More money alone will not be enough. Money can help set the stage for faster progress, but in the end it is brainpower alone which can lead us to our goals. This means, of course, that we need to mobilize the intelligence and imagination of our doctors and scientists. And it also means that we must do a better job of tapping the Nation's administrative and organizational skills, which can help remove many roadblocks to success. Our capacities for efficient management were instrumental in our efforts to split the atom and travel to the moon. Now we need to apply those same capacities to the conquest of cancer.

This means, for one thing, that a wide variety of research activities in all parts of the country, in many areas of society and in a great number of disciplines must be carefully coordinated. There must be as much cross-fertilization as possible between various scientific pursuits.

In the past, the National Institutes of Health have had considerable success in fostering such coordination and cooperation and, in the process, they have earned both the respect of the scientific community and the gratitude of thousands who live happier and healthier lives because of NIH successes. It is for this reason that I have asked the Congress to establish a Cancer-Cure Program within the National Institutes of Health, where it can take the fullest advantage of other wide ranging research.

At the same time, it is important that this program be identified as one of our highest priorities, and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and red tape. For this reason, I am asking the Congress to give the Cancer-Cure Program independent budgetary status and to make its Director responsible directly to the President. This effort needs the full weight and support of the Presidency to see to it that it moves toward its goals as expeditiously as possible. I am further recommending that this Director be supported by a strong management group which has as its one goal: the cure of cancer—and which can pursue that goal with single-minded tenacity.

In addition, I am recommending that a new Cancer-Cure Advisory Committee be set up to provide a broad range of advice and assistance for the President and for others who lead the Cancer-Cure Program, particularly as they work to set intelligent priorities for the Nation's efforts in this area.

I am pleased to report that the detailed management and administrative mechanisms for carrying out these plans have been discussed in considerable detail within the National Institutes of Health, with experts in the field outside of Government, and in the Office of the Secretary of the Department of Health, Education and Welfare. As these plans are translated into action, I hope that the Congress will comment on them and suggest additional ways in which we can work toward these significant goals.

I would not want to discuss the subject of cancer research, however, without offering a word of caution. Many of the experts that we consulted with told us that biomedical research is a notoriously unpredictable enterprise. Instant breakthroughs are few and the path of progress is stewn with unexpected obstacles. As we undertake this crusade, we must put on the armor of patience, ready to persist in our efforts through a waiting period of unknown and possibly anguishing duration.

Yet I feel confident that with such funding as I have proposed, with such organizations as we are developing, with the dedicated efforts of thousands of men and women from many disciplines, and with the cooperation of the Congress and the people of the United States, we can make great strides against this terrible enemy, bringing new hope for all Americans—and indeed new hope for all the world.

Mr. DOMINICK. Mr. President, his emphasis on coordinating the accelerated cancer effort with other types of research, and on keeping the new program within the National Institutes of Health clearly indicates that he does not intend to permit this legislation to result in fragmentation of biomedical research. Admittedly, an "independent agency within the National Institutes of Health" is an unusual concept. But, the President's personal responsibility for the program, and his commitment to maintaining the coordination between cancer research and other types of research conducted within and supported by the National Institutes of Health, insure that fragmentation of the biomedical research effort will not result. In short, the President has ample power to see that the new cancer program is carried out consistently with his announced objectives.

Moreover, there are several provisions in S. 1828 which will insure continuation of the cross-fertilization and communication between cancer research and other types of biomedical research so highly valued by the scientific community. The Director of the Cancer Conquest Agency is specifically authorized to—

> Take necessary action together with the Director of the National Institutes of Health so that all channels for the dissemination and cross-fertilization of scientific knowledge and information [are continued in order] to insure free communication between cancer and the other scientific, medical, and biomedical disciplines.

The bill requires the Director to utilize existing research facilities at the National Institutes of Health. This will mean that central services and facilities on the NIH campus will continue to be shared with other institutes. The Director will also be required to utilize "to the maximum extent possible" the existing peer review mechanisms of the National Institutes of Health. These peer review mechanisms have been key ingredients in the cross-fertilization of knowledge between cancer and other research areas. This provision will insure their continuance.

The fact that the Secretary of Health, Education and Welfare, the Director of the National Institutes of Health, and the Director of the Cancer Conquest Agency will all serve on the National Cancer Advisory Board, will facilitate coordination of the cancer effort with other health programs within the Department of Health, Education and Welfare and the National Institutes of Health. The board will review the cancer agency's annual program plan and budget, and will submit an annual progress report to the President. Although the Director of the National Institutes of Health will not have the authority to veto or change the agency's annual budget, the committee report suggests that he be given the opportunity to evaluate and comment on it to the President. He will also have that opportunity as a full member of the advisory board.

In summary, I believe these provisions of the bill, coupled with the President's commitment to maintain the integrity of the biomedical research effort, will insure that the cancer program will not become isolated.

With regard to the suggestion that the National Institutes of Health be separated from the Department of Health, Education and Welfare, and established as an independent agency, I have only two brief comments. First, I just don't think it makes good sense to completely isolate health research functions from other health functions. Secretary Richardson made this point when he testified before the committee and said:

> The idea of establishing the National Institute of Health as an independent agency goes far beyond a proposal to establish a cancer agency reporting directly to the President but within the existing general health framework which includes research, delivery and regulations. It is our position that we must maintain a close organizational relationship between research, which can lead to improved methods for disease prevention, diagnosis and treatment, and health services and regulations. Therefore, we would find it impossible to support a bill which would separate the National Institutes of Health from the Health Services and Mental Health Administration and the Department of Health, Education and Welfare.

Second, since this suggestion was never offered as an amendment in committee, it was not fully explored and developed, as the legislation before us was.

The PRESIDING OFFICER (Mr. BUCKLEY). The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 5 minutes.

Mr. DOMINICK. Mr. President, in conclusion, while I believe S. 1828 offers our best hope for solving cancer, it is extremely important that it not create unrealistic expectations of quick success. Cancer is in reality many complex diseases, none of which is yet well understood. There have been several important breakthroughs recently, but more are necessary, and they cannot be forced. There is simply no basis for predicting with any certainty when they will come. It can be stated with certainty, however, that substantially increased effort and resources will shorten the time necessary to achieve those breakthroughs, and this legislation rests on that proposition. I hope it can be enacted quickly.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOMINICK. Mr. President, I would be happy to yield to the Senator from New York, who has done an enormous job on the bill.

Mr. JAVITS. Mr. President, the Senator from Colorado is very kind. I thank the Senator for his very fine words in respect to his advovacy of the pending bill. I shall have my own time to speak, which I am sure the Senator will arrange for me.

Mr. President, I rise to point out that the maturation of this bill and the bringing of it to the floor represents one of the finest acts of statesmanship and cooperation I have seen in this or the other body, and I have served in both for almost a quarter of a century.

I pick this out as a single example. The Senator from Colorado (Mr. DOMINICK) introduced the administration bill. The Senator from Massachusetts and I introduced a bill which implemented the work of a commission which had been provided for by Senate Resolution 376, aided by a distinguished New Yorker, Benno C. Schmidt, who with Dr. Farber, served as cochairmen of the national panel of consultants on the conquest of cancer.

The administration was very firm in its approach through NIH. The Senator from Massachusetts and I were equally convinced that the commission was right. Through the statesmanship of Mr. Schmidt, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Colorado (Mr. DOMINICK), and the administration, we concluded the arrangement and the plan which is incorporated in this bill.

Many people always think that we are very strong-minded and that we want to have our imprimatur on everything and will never yield a single prerogative or permit the name of anyone else to get on a bill except our own names, but in this instance we had to finally prevail on the Senator from Colorado (Mr. DOMINICK) who felt he wanted the Senator from Massachusetts (Mr. KENNEDY) to bring the bill to the floor. It is an extraordinary legislative achievement and I want the Senate and the country to know of it.

Mr. DOMINICK. I thank the Senator. The Senator from New York was one of the moving forces behind this cancer legislation. His contributious have been tremendous. I owe a deep debt of gratitude to him for his flexibility and for his work in trying to solve the difficult administrative problems we had in the bill on which he has already commented.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a brief unanimous consent request?

Mr. KENNEDY. I yield.

Mr. BYRD of West Virginia. Mr. President, once again modifying the previous request, I ask unanimous consent that the time on the bill be equally divided and controlled by the Senator from Colorado (Mr. DOMINICK) and the Senator from Massachusetts (Mr. KENNEDY) on the one side and the Senator from Wisconsin (Mr. NELSON) on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, will the Senator from Massachusetts yield for a unanimous consent request?

Mr. KENNEDY. I yield.

Mr. NELSON. Mr. President, I ask unanimous consent that Mr. John Steinberg of the Committee on Labor and Public Welfare be allowed on the floor during the course of this debate.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I shall not object. I understand that this is the fifth member of the committee staff and unanimous consent would, therefore, be necessary.

I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, at the outset I wish to express my own deep personal appreciation to the distinguished Senator from Colorado (Mr. DOMINICK), who was a principal sponsor of this legislation. As the Senator from New York (Mr. JAVITS) pointed out, he and I introduced S. 34 earlier this year. That bill was based upon the efforts in the last Congress which were led by the then distinguished chairman of the Health Subcommittee Senator Ralph Yarborough.

Although there was much in both pieces of legislation that was similar, there were rather dramatic and fundamental differences.

I would like to pay tribute to the Senator from Colorado (Mr. DOMINICK) for the work he has done on this legislation and for the interest he has provided in connection with the hearings on the bills. It is because of his active participation that we are where we are today.

In any consideration of legislation of this dimension it is only appropriate that we mention the wonderful leadership that was provided by former Senator Yarborough in this area of the conquest of cancer It was through his initial efforts that the distinguished panel of cancer consultants was appointed. He took great personal interest in the work and the deliberations of the committee and the panel of consultants.

I have worked extremely closely with the Senator from New York (Mr. JAVITS) in connection with S. 34. He was extraordinarily attentive in our hearings and to the matters that arose throughout the development of S. 34 and S. 1828. And he was extremely active in working out adjustments and accommodations which led to the bill before us now. His brilliance as a lawyer is reflected in more than one of the sections of the legislation. I think the form of the legislation we are considering today is a great tribute to him and I want to express my warm sense of appreciation to him for his efforts.

Mr. President, the Senator from Colorado (Mr. DOMINICK) has outlined in considerable detail where we are this afternoon in considering this piece of legislation. I think the report that has been made available to the Membership is one of the most comprehensive reports that has ever come out of the Subcommittee on Health. It goes into the various recommendations made by the panel of consultants, and it goes into them in considerable detail. I am hopeful that the report will reflect the interest of those who share in the support of S. 1828 as well as allay the concerns of those who raised questions about the bill. The separate and individual views speak for themselves.

I know Senator NELSON will discuss certain matters about which he is concerned and I hope to be able to respond to those points

We have a special piece of legislation before us in the Senate this afternoon. It is a special piece of legislation because the conquest of cancer is a special problem of such enormous concern to all Americans. We can quote statistics, but I think every one of us in this body, and most families across the country have been touched by this disease one way or another. There are 200 million Americans today, 50 million of those people alive today will contract cancer, and 35 million of them will die from it unless progress is made. This number is twice the size of the population of the New England States. If we had a natural disaster of those dimensions, we consider it to be intolerable.

While we may be able to refer to the fact that other health diseases might strike down more Americans, I do not think there is any disease Americans genuinely fear more or are more concerned about than cancer. We have to recognize that fact.

I think one of the most interesting revelations of the cancer panel was that we are medically advanced to the point where an individual organization with special funding, special managerial technique, and special programing, may well have rather dramatic impact in combating this dreaded scourge. I think the way this panel went about justifying that position has been reaffirmed in the last week or 10 days with the recent discoveries in the cancer field regarding the isolation of a virus which may cause certain cancers in human beings.

The most distinguished laymen and scientific personnel feel that with the kind of significant advances made to date, more significant advances are ahead if we are willing to take the steps outlined in S. 1828.

Next, the panel of experts, chaired by Mr. Benno Schmidt and Dr. Sidney Farber, as well as laymen, scientists, and others concerned with cancer, have recommended the procedure of establishing an independent agency with separate programing, separate managerial skills, separate budgeting and direct line authority to the President and the Congress, but within the NIH.

We had a series of hearings in March and June of this year. We listened to the panel of consultants. We listened to the AAMC, the spokesmen for the medical schools. We listened to those who would be most affected by this program in NIH. And we listened to the most eloquent testimony of the Secretary of HEW.

One of the reasons why we are where we are today is the great interest of the President of the United States in cancer. In several Presidential messages he has stated that cancer was the one area on which he would focus attention with great specificity. He has stated he will request of the Congress whatever funds are necessary in order to conquer cancer. And the President of the United States has indicated his support for an independent type of agency with direct line authority to him. This was, of course, very heartening.

So, with the interest of the President, and with the inclusion in the report of the endorsement of the Secretary of HEW as to whether this would be a workable procedure, and with the support of the panel of experts, I think we can now proceed. I think all Americans are indebted to the panel, made up of men and women who have given of their time and interest to the problems of cancer, who gave weeks and months to the development of the panel report, a panel which I think represents the best in government, in which busy people in private life are willing to put aside their own businesses and tax their talents to developing a report such as this, and to continue to support it and help Congress, and particularly those on the health subcommittee, to fashion this legislation. We are very much indebted to these ladies and gentlemen.

Mr. President, today the Senate has the opportunity to authorize landmark legislation. As reported by the Senate Committee on Labor and Public Welfare, the Conquest of Cancer Act would enable the President to initiate a bold program aimed at the eventual conquest of this dread disease.

The background of this legislation, Mr. President, began in March of 1970 with the introduction of Senate Resolution 376, which called for a study of cancer, cancer research and the causes and cures of cancer. Underlying the broad-based support for that resolution was:

First, that cancer is the No. 1 health concern of the American people. It is the disease most dreaded by a majority of Americans, and its incidence is increasing. According to current statistics, of the 200 million Americans alive today, 50 million will be afflicted by some type of cancer, and 34 million will die of it, if better methods of prevention and treatment are not discovered;

Second, that recent advances in cancer research have brought this field to the verge of important and exciting developments in the early detection and possible control of this dread disease; and

Finally, that as a Nation we are neither putting forth the effort nor deploying the resources needed to exploit the full potential of these gains against cancer.

To assist in carrying out the new cancer study required by Senate Resolution 376, the Senate Labor and Public Welfare Committee established in June 1970, a panel of consultants on the conquest of cancer, composed of 13 eminent laymen and 13 eminent scientists, chaired by Mr. Benno C. Schmidt, managing partner of J. H. Whitney and Co., New York City, and with Dr. Sidney Farber, founder and scientific director, Children's Cancer Research Foundation, Boston, as cochairman.

As the panel began its deliberations, a further resolution from the Congress underlined the importance of the study undertaken: On July 15, 1970, the House of Representatives passed Concurrent Resolution 675, later passed by the Senate, expressing the unanimous sense of the Congress that "the Conquest of Cancer is a national crusade" and that "the Congress should appropriate the necessary funds so that the citizens of this land and all other lands may be delivered from the greatest medical scourge in history."

The report of the panel of consultants, entitled "A National Program for the Conquest of Cancer" was transmitted to the Committee on Labor and Public Welfare on November 25, 1970. Part I of the panel's report provides a brief summary of the cancer problem, identifies areas of special promise which offer unusual opportunities for intensified effort, and states the recommendations of the committee. The second part of the report sets forth the scientific and medical background in more detail.

Briefly, Mr. President, the special panel of consultants recommended:

First, that there be created an effective administration with clearly defined authority and responsibility;

Second, that there be created a comprehensive plan for a coherent and systematic attack on cancer, and

Third, that the necessary financial resources be made available.

At the end of my statement I shall include for the record the brief summary of the panel's recommendations.

At the beginning of the 91st Congress, I introduced S. 34 along with the distinguished ranking minority member of the Senate Labor Committee, Mr. JAVITS. S. 34 was designed to implement the recommendation of the special panel of consultants. It was cosponsored by more than half of the entire U.S. Senate. Briefly, S. 34 proposed:

First, that the prevention diagnosis, and cure of cancer be declared of the highest national priority;

Second, that an independent cancer

authority be established to conduct and support research on cancer, and to collect and disseminate information on cancer to the public and scientific community;

Third, that a national plan be submitted to the Congress, through the President, for the conquest of cancer which would include: measures to be taken in combating cancer; a timetable for the accomplishment of the measure; cost estimates for major portions of the plan.

Fourth, that an 18-member National Cancer Advisory Board be approved by the President with the concurrence of the Senate to advise and assist the administrator of the cancer authority.

As a part of his state of the Union message and in an additional message, the President has demonstrated his strong support for a major effort to conquer cancer essentially consistent with the recommendations of the special panel of consultants and S. 34. For example, in his special message of May 11, the President stated:

> In the past, the National Institutes of Health have had considerable success in fostering such coordination and cooperation and, in the process, they have earned both the respect of the scientific community and the gratitude of thousands who live happier and healthier lives because of NIH successes. It is for this reason that I have asked the Congress to establish a Cancer-Cure Program within the National Institutes of Health, where it can take the fullest advantage of other wide-ranging research.
>
> At the same time, it is important that this program be identified as one of our highest priorities, and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and redtape. For this reason, I am asking the Congress to give the Cancer-Cure Program independent budgetary status and to make its Director responsible directly to the President. This effort needs the full weight and support of the Presidency to see to it that it moves toward its goals as expeditiously as possible. I am further recommending that this Director be supported by a strong management group which has as its one goal the cure of cancer, and which can pursue that goal with single-minded tenacity.

At the end of my statement, Mr. President, I shall include for the RECORD a copy of the President's statements.

Subsequent to the President's statement, Senator DOMINICK, the esteemed ranking minority member of the Health Subcommittee, introduced S. 1828 on behalf of the administration.

Public hearings on the bills were held in March and in June of this year. A wide range of witnesses, including the administration, the Association of American Medical Colleges, and the special panel of consultants, testified in support of the basic objective which underlies both bills—to substantially enhance this Nation's commitment to the conquest of cancer at the earliest possible time.

Within the context of that broad consensus though, there has been considerable discussion in respect to the best organizational manner in which to implement the program envisioned by both bills. Specifically, Mr. President, there are those, particularly within the academic scientific community, who were alarmed at the notion of the creation of a separate agency of the Government to implement the cancer program. To a substantial degree, their concerns go to the need to insure the viability of the National Institutes of Health as the lead agency for the support of biomedical research. In addition, there was concern that the new program might not rely upon the principle of scientific peer review which has characterized the NIH since its creation in 1937; and that the new agency might well be precedent-setting, thereby inevitably leading to the creation of a host of additional, separate programs with the attendant destruction of the NIH.

Now, Mr. President, the bill as reported by the committee deals with each of these concerns.

First, the most vexing question has been the organizational location of the new program. S. 34 envisioned the creation of a National Cancer Authority outside of the Department of Health, Education and Welfare, but with close substantive relationship with the NIH. S. 1828 as introduced called for the creation of a cancer cure program within the NIH, but reporting to the President except with respect to those functions as the President might delegate to the Secretary of HEW.

The bill as reported by the committee combines the best of both of those proposals. It calls for the creation of a Conquest of Cancer Agency within the NIH, but with direct access to the President and the Congress with respect to all matters of policy and substance. The committee's action in this matter, supported by the President himself, is deliberately designed to assure the closest cooperation between the programs of the new agency and the NIH, while simultaneously assuring the independence of management, planning, budgeting, and the assessment of priorities which are requisite to a successful program to conquer cancer as quickly as possible. Only the President of the United States has the authority to mandate this unique organizational pattern. And the President has given the American people his assurance in this regard.

Second, the bill and its accompanying report make it crystal clear that it is—and always was—the committee's intention to preserve and enhance the excellence that is the National Institutes of Health. Every member of the committee shares that view. No nation on earth can challenge the preeminence of the United States regarding the generation of biomedical knowledge.

Clearly, the NIH and its grantee institutions are principally responsible for that unquestioned preeminence. In large measure, the evolution of a scientific system of peer review has assured the quality and scientific merit of the research which the NIH has sponsored. Since the creation of the NIH in 1937, the peer review process has been an essential element in the NIH equation of excellence. That process has been successful because it has been appropriately modified as the scope of the NIH has increased since 1937. The committee expects that the objectivity, impartiality, and vigilance of outside peer review that has characterized the NIH over the past 34 years will also characterize the activities of the Conquest of Cancer Agency.

To a considerable extent the committee has recommended that the Conquest of Cancer Agency be within the NIH in order that its programs and those of the NIH can have a synergistic effect upon one another. The committee's bill specifically deals with the interrelatedness of the substantive programs of the NIH and those proposed to be undertaken by the Conquest of Cancer Agency. For example, the director of the Agency is authorized to:

First, take necessary action together with the Director of the National Institutes of Health so that all channels for the dissemination and cross-fertilization of scientific knowledge and information existing prior to the effective date of this act between the National Cancer Institute and the other Institutes of Health shall be maintained between the Agency and the Institutes of Health to insure free communication between cancer and other scientific, medical, and biomedical disciplines; and

Second, by regulation, provide for proper scientific review of all research grants and programs over which he has authority; first, by utilizing, to the maximum extent possible, appropriate peer review groups within the National Institutes of Health, and second, when appropriate, by establishing, with the approval of the cancer advisory board, other formal peer review groups as may be required. Furthermore, the National Cancer Advisory Board, authorized by section 407G of the bill, shall:

First, include the Director of the NIH as a member; and

Second, insure that the Director of the Conquest of Cancer Agency, by regulations, maintains scientific peer review of research grants and programs.

The committee understands and expects that the Directors of the NIH and the Conquest of Cancer Agency, as well as their respective staffs, shall work in comity with one another. For example, the committee intends that the Director of the Agency will make available to the Director of the NIH a copy of the Agency's budget and program plan not later than the time of its submission to the President.

Mr. President, I also want the record to be clear on the fact that there is reason to believe that a broader and more systematic attack on cancer will increase the likelihood that a major breakthrough can be made. Just last week there was reported the research results of Dr. Leon Dmochowski and his associates at the M.D. Anderson Hospital and Tumor Clinic in Houston, Tex. His group has for the first time succeeded in isolating and growing in large quantities of the virus that has been associated with certain types of human cancer, such as leukemia, and which is known to be causative in producing certain animal leukemias. This achievement will now permit studies in man to further pin down the likelihood as to whether this virus is in fact causative for a human cancer. Such studies should lead to control measures for prevention.

Mr. President, this discovery is analogous to the elucidation of the EB virus a few years ago with regard to another of the cancers—Burkitts lymphoma. Each of these efforts has been sponsored by the special cancer virus program of the National Cancer Institute, and this program will be one which may well provide powerful insights into the mysteries of cancer.

Mr. President, cancer experts have defined a number of areas which are deserving of a special effort. And I am including at the end of my statement a description of some of the broad areas which the Conquest of Cancer Agency will probably want to vigorously explore.

Finally, Mr. President, there is the concern that the creation of this Agency within the NIH will somehow inevitably lead to the destruction of the NIH as a result of analogous efforts for a whole host of other diseases, the most prominent of which is heart disease. The committee was fully aware of that concern at the time of its public hearings and executive sessions. In that regard, I want to quote briefly from the committee's report on the bill because we have dealt with this matter in our report:

> The Committee, in recommending this far-reaching program for the Conquest of Cancer, has not attempted to reach any conclusions with respect to the applicability of its approach to other diseases. The Committee has had no opportunity to consider that question. No hearing record or legislative record with regard to any other diseases has yet been made. This unique approach we are now recommending for cancer amounts, at this point, to an empirical proposition. Prudence requires that there be an adequate opportunity for assessment of this program before considering whether to extend its approach to other critically important diseases.

In summary, Mr. President, this is an excellent bill. It is the product of intensive efforts of both distinguished private citizens and scientists, working in concert with the members of the Senate Health Subcommittee. The provisions of the bill before the Senate today come largely from S. 34 as it was introduced earlier this year. The modifications which have been included have improved the bill and should allay the concerns which have been raised as the committee worked on the bill.

The important thing is that the American people want action on the cancer front, and they want action now. The Senate has an opportunity to set in motion a series of events which is likely to benefit millions upon millions of people throughout the world. Surely this is an effort in which we can all take pride. I urge my colleagues to vote for the passage of S. 1828 as reported.

I ask unanimous consent to have printed in the RECORD a portion of the committee report concerning the Report of the Panel of Consultants and President Nixon's statement of May 11, 1971, regarding a national cancer cure program.

There being no objection, the extract and statement were ordered to be printed in the RECORD, as follows:

REPORT OF THE PANEL OF CONSULTANTS

The Report of the Panel of Consultants, entitled "A National Program for the Conquest of Cancer" was transmitted to the Committee on Labor and Public Welfare on November 25, 1970. The Report (Report No. 91–1402, 91st Congress, 2nd Session) was ordered to be printed on December 4, 1970. On April 14, 1971, it was ordered to be re-printed with illustrations, as Senate Document No. 92–9.

Part I of the Panel's Report provides a brief summary of the cancer problem, identifies areas of special promise which offer unusual opportunities for intensified effort, and states the recommendations of the Committee. The second part of the Report sets forth the scientific and medical background in more detail.

The principal findings and recommendations of the Panel were as follows:

1. Cancer is the No. 1 health concern of the American people. A poll conducted in 1966 showed that 62 percent of the public feared cancer more than any other disease. Of the 200 million Americans alive today, 50 million will develop cancer at present rates of incidence, and 34 million will die of this painful and often ugly disease, if better methods of prevention and treatment are not discovered. About one-half of cancer deaths occur before the age of 65, and cancer causes more deaths among children under age 15 than any other disease. Over 16 percent of all deaths in the United States are caused by cancer, making it by a wide margin our second greatest killer (after cardiovascular diseases). Cancer often strikes as harshly at human dignity as at human life, and more often than not it represents financial catastrophe for the family in which it strikes.

2. The amount spent on cancer research is grossly inadequate today. For every man, woman, and child in the United States, we spent in 1969; $410 on national defense; $125 on the war in Vietnam; $19 on the space program; $19 on foreign aid and only $0.89 on cancer research. Cancer deaths last year were 8 times the number of lives lost in 6 years in Vietnam, 5½ times the number killed in automobile accidents, and greater than the number of Americans killed in battle in all 4 years of World War II. Given the seriousness of the cancer problem to the health and morale of our society, this allocation of national priorities seems open to serious question. In addition to the poignancy of the disease, and the death and suffering that it causes, the economic loss is staggering, with estimates of its costs to the Nation running as high as $15 billion per year, of which some $3 to $5 billion represents direct care and treatment costs and the balance is loss of earning power and productivity.

3. The incidence of cancer is increasing. This is partly due to the fact that a greater number of our citizens are reaching more advanced ages, where cancer strikes more frequently, but it is also due to the sharp increase in lung cancer, undoubtedly attributable to the air pollution in certain environments and most importantly to the self-pollution of those who smoke cigarettes. It is estimated that if the American people stopped smoking cigarettes this alone would eliminate about 15 percent of all cancer deaths.

4. The nature of cancer is not yet fully known. We know that human cancers are caused by certain chemicals, by certain types of radiation, and probably by viruses. The precise mechanisms by which these carcinogenic agents cause, or interact to cause, cancer is not known, and very little is known about the natural defense mechanisms that prevent cancer in some cases and not in others. A great deal more must be learned about chemical carcinogens, radiation, and viruses, and how they work. We must also learn more about what takes place at the cellular level when cancer occurs. There is very strong suggestive evidence that viruses cause some human cancers, but which viruses, how they are transmitted, and how they operate are unknown. It is erroneous to think of cancer as a single disease with a single cause that will be subject to a single form of immunization (as in the case of polio) or a single cure. Cancer comprises many diseases and results from a variety of causes that will have to be dealt with in a variety of ways. However, as our knowledge is expanded, more and more cancers will become preventable or curable.

5. The cure rate for cancer is gradually improving. In 1930 we were able to cure only about one case in five; today we cure one case in three; and it is estimated that the cure rate could be brought close to one in two by a better application of knowledge which exists today, i.e. detection at an earlier stage through the more widespread use of existing techniques (such as the Papanicolaou test for women and mammography), coupled with an extension to all citizens of the same quality of diagnosis and treatment now available at the best treatment centers. There are three methods for curing cancer today; surgery, radiation therapy, and chemotherapy. Often two or even three of these methods are used in combination. Some types of cancer are far more curable than others. For example, early breast cancer treated by surgery, cancer of the cervix by radiation or surgery, and choriocarcinoma and Burkitt's tumor by chemotherapy, are among those most susceptible to cure today. Treatment techniques are improving markedly, paricularly in radiation therapy and chemotherapy, and more widespread availability of the best quality detection and treatment will give us more and more cures. However, it is still true that those cancers which disseminate rapidly are seldom curable today, and this represents a major gap in our existing knowledge. Where we stand today in our knowledge of the causes, nature, prevention, diagnosis, treatment, and control of cancer is set forth in detail in part II of this report.

6. There have been major advances in the fundamental knowledge of cancer in the past decade, and these advances in knowledge have opened up far more promising areas for intensive investigation than have ever heretofore existed. These areas of special promise must be explored with vigor, if we are to exploit the great opportunities that lie before us. They are examined in detail in part II of this report.

Among the areas of special promise which must be aggressively pursued are:

(*a*) The identification and study of the chemical, physical, and other environmental factors that cause cancer (food additives, air pollutants, industrial hazards, radiation, and other carcinogens);

(*b*) Viruses causing cancer (what viruses cause cancer, how are they transmitted, and how do they act);

(*c*) Cell and tumor biology (including cell surface phenomena, molecular functions, differentiation and genic expression, controls of cell division mechanisms of metastasis, nutritional requirements and other biological factors);

(*d*) Immunology (host resistance against cancer, its nature, causes and therapeutic use);

(*e*) Epidemiology (the variables in cancer incidence and types stemming from geographic, social, economic, nutritional, occupational, and constitutional differences);

(*f*) Cancer prevention (more effective utilization of existing knowledge and intensified research on preventive measures);

(*g*) Diagnosis (the development of new and improved diagnostic techniques);

(*h*) Chemotherapy (the development of new and better drugs and improvement in their uses);

(*i*) Radiotherapy (development of new and better techniques and apparatus for radiation therapy);

(*j*) Surgery (the best techniques in cancer surgery coupled with earlier diagnosis must be made generally available in order to further increase the cure of cancer. Better rehabilitation techniques must be further developed and utilized to return the cancer patient to an active and full life);

(*k*) Combinations of treatment modalities (improvement in treatment results by better combinations of surgery, radiotherapy, chemotherapy, and immunotherapy).

7. A national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge. However, such a program will require three major ingredients that are not present today:

First, effective administration with clearly defined authority and responsibility;

Second, the development of a comprehensive national plan for a coherent and systematic attack on the vastly complex problems of cancer. Such a plan would include not only programmatic research where that is appropriate, but also major segments of much more loosely coordinated research where plans cannot be definitively laid out nor long-range objectives clearly specified; and

Third, the necessary financial resources.

At the present time there is no coordinated national program or program plan. The National Cancer Institute has done excellent work itself and has supported grants and contracts in the scientific community which have resulted in much outstanding work, but the overall research effort is fragmented and, for the most part, uncoordinated. The effort in cancer should now be expanded and intensified under an effective administration charged with developing and executing a comprehensive national plan for the conquest of cancer at the earliest possible time. The three foregoing elements are considered separately in more detail in the succeeding paragraphs 8, 9, and 10.

8. *Administration.*—An effective major assault on cancer requires an administrative setup which can efficiently administer the coherent program that is required in this formidable and complex scientific field. Such a setup will not be easy to achieve within the Federal Government. The effective implementation of such a program will require a simplification of organization arrangements and a drastic reduction in the number of people involved in administrative decisions. This type of straight-line organizational efficiency does not exist today in the National Cancer Institute, the National Institutes of Health, or the Department of Health, Education, and Welfare. Obviously, from many standpoints it can be argued that any cancer programs should be in the Department of Health, Education, and Welfare and indeed that it should be in the National Institutes of Health. However, there is real doubt whether the kind of organization that is required for this program can in fact be achieved within the National Institutes of Health or within the Department of Health, Education, and Welfare. Apart from the question of whether it can be done, there is also the question of whether it would be wise to require the Secretary of Health, Education, and Welfare to attempt to give cancer the priority necessary to carry out the congressional mandate in a department charged with the multiple health and other responsibilities of that Department.

In the past when the Federal Government has desired to give top priority to a major scientific project of the magnitude of that involved in the conquest of cancer, it has on occasion, with considerable success, given the responsibility for the project to an independent agency. Such an agency provides a degree of independence in management, planning, budget presentation, and assessment of progress which is difficult if not impossible to achieve in a large government department. Accordingly, if the Congress and the administration are truly committed to making the conquest of cancer a "national crusade", as expressed in the concurrent resolution of the Congress, it is the view of the Committee that a National Cancer Authority should be established whose mission is defined by statute to be the conquest of cancer at the earliest possible time. All the functions, personnel, facilities, appropriations, programs, and authorities of the National Cancer Institute should be transferred to the National Cancer Authority. The Authority should be headed by an Administrator appointed by the President with the advice and consent of the Senate, and he should report directly to the President and present his budgets and programs to the Congress. In considering the feasibility of an independent agency, it should be borne in mind that we are talking about a major scientific program and, as pointed out in subsequent paragraphs, not the delivery of patient care generally in cancer cases. The only patient care involved in this program will be that associated with clinical research and teaching and the development and demonstration of improved methods in the delivery of patient care undertaken as a part of the comprehensive program plan.

The powers of such a National Cancer Authority should be very broadly defined in order to accomplish a mission of this complexity. It would not be useful to attempt to enumerate here all the powers that such an Authority should have and in the writing of the implementing legislation, the Committee believes that the powers should be broadly defined and not enumerated. However, the following are illustrative of the kinds of powers which the National Cancer Authority will have to be able to exercise in order to carry out a comprehensive program of the type envisaged:

(a) The power to enter into prime contracts with authority in the prime contractor to enter into subcontracts;

(b) The power to commit available funds until expended rather than on a year-to-year basis;

(c) The power to authorize exceptions to existing regulations, where necessary, to permit the use of experimental drugs, biologicals, and devices in cancer research;

(d) The power to establish or support the large-scale production of specialized biological materials for cancer research, such as viruses, cell cultures, animals, and the like, as well as the power to set standards of safety and care for those using such materials;

(e) The power to support research outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants, and training of American scientists abroad and foreign scientists in the United States, to the extent that such activities will promote the accomplishment of the mission. The Committee believes that cancer research offers a particularly fruitful field for collaboration with other nations, including those nations with whom present cooperation is limited but with whom greater collaboration is desired;

(f) The power to fund by loan, grant, contract, or otherwise any facilities or programs, or to take such other actions, as may be required for the accomplishment of the mission.

9. *Program plan.*—A comprehensive national plan for the conquest of cancer should be developed as promptly as possible. The development of a coherent overall program plan should include the following features:

(*a*) The present research activities now being carried forward under the National Cancer Institute should in no way be impeded or interrupted while plans are being made for the expansion, intensification, and coordination of the cancer research program;

(*b*) Existing research facilities and manpower should be used as promptly as possible for the accelerated exploitation of the opportunities in the areas of special promise. There is substantial unused capacity in this country today that should be utilized in order to attract and retain the manpower that is needed. It is a myth that we could not spend effectively on cancer very much more than is now being spent. The fact that Federal support for cancer research has leveled off since 1967 and that, due to inflation, the actual amount of work done has decreased, has created a serious gap between what we are doing now and what we could and should be doing in cancer research. It is estimated that current expenditures could be doubled within the framework of the existing facilities and manpower potential of this country today, exclusive of the great industrial research capability in this field which should be brought to bear on an appreciable scale in high priority areas to which this type of capability is particularly suited.

(*c*) Existing cancer centers should be strengthened and additional cancer centers in different parts of the country should be created. The solution of the cancer problem lends itself to a multidisciplinary effort, where teams of highly qualified specialists are available to interact on problems of research, both clinical and nonclinical, teaching, diagnosis, preventive programs, and the development of improved methods in the delivery of patient care, including rehabilitation. Among those who work in the cancer field, there is great emphasis on the advantages of critical mass—a critical mass of scientists and physicians committed to the cooperative solution of the cancer problem, of research facilities, of patients, and of financial and other resources. This is simply another way of saying that the comprehensive cancer center offers the best organizational structure for the expanded attack on cancer. In addition to the few comprehensive cancer centers that exist in the United States today, there are a number of other institutions which combine all or most of the capabilities for a multidisciplinary effort in cancer. These could serve as a base for the creation of additional centers. The new centers should have appropriate geographic distribution and should, wherever possible, be created where a nucleus of scientific, professional and managerial personnel already exists and preferably where a university or a medical school affiliation exists or is planned.

In the creation of new cancer centers, manpower limitations should be taken into account, and new centers should not be created where there would be a dilution in the effectiveness of existing centers which would offset any gain from the new center. There should be a realistic operating plan for each center which assures the scientific and managerial commitment and ability necessary to the creation and operation of a successful center.

It should be emphasized that the strengthening of existing cancer centers and the creation of new cancer centers does not mean that under this program general responsibility should be undertaken for the care of the Nation's cancer patients. The delivery of patient care in cancer cases is a part of the general problem of the delivery of patient care and should be so dealt with. However, this inhibition must not prevent the cancer centers from including such patient care facilities as are necessary for clinical research and teaching and for the development and demonstration of the best methods of treatment in cancer cases.

(*d*) The cancer centers should also serve as administrative coordinators of those programs which require regional coordination. Such centers should support and assist clinics and community medical centers in their own geographic areas in order to assure the widespread use of the best available methods for early detection and treatment of cancer. They should also serve to collect data useful in the prevention and cure of cancer, including patient follow-up information, and be responsible for the dissemination of information, both at the lay and professional levels, that is useful in the prevention, diagnosis and cure of cancer. The effective dissemination and utilization of such information is a most important part of any national plan to conquer cancer.

(*e*) A national plan of the type envisaged must take account of the manpower requirements for this effort. There is a critical need for training and career opportunities for young scientists, physicians, and other personnel in this program. We must reaffirm to young investigators our confidence in the future of American science and in our national dedication to success in the conquest of cancer. A manpower program in this field should include training stipends, predoctoral fellowships for particularly promising candidates, postdoctoral fellowships for brilliant investigators, and career positions where appropriate through career initiation awards, career development awards, and senior career awards.

(*f*) A national plan for the conquest of cancer should provide for the generous use of grants as well as contracts and other methods of funding. There should be increased emphasis on the grants mechanism in order to stimulate continued independent exploration, particularly in those areas where knowledge is not sufficiently mature for a coordinated program aimed at reaching defined objectives.

(*g*) A comprehensive national program requires optimum communication and centralized banks of information. There must be an accurate and prompt information flow in both directions. This will call for integrated data processing, storage, and retrieval in order to rationalize the decision-making and to make information available when and where needed. As indicated above, the centers can be important foci in both the collection and dissemination of this information.

(*h*) A coordinated national program plan should, to the greatest possible extent, be generated by the voluntary productive interaction and joint planning of the scientists who will be responsible for doing the work. The program should not be the result of the happenstance of a multitude of random decisions independently arrived at. An integrated and coherent plan resulting from the joint effort of representative scientists who will be responsible for its execution is fundamentally different from the hierarchial imposition or direction of a research program from above. However, the effective use of collective planning does not mean that centralized administration or management of resources should be sacrified.

10. *Funding.*—The Committee estimates that a coordinated national program aimed at the conquest of cancer at the earliest possible time, as envisaged by the concurrent resolution of the Congress, would require an appropriation in fiscal 1972 of approximately $400 million. Thereafter, the cost of the program would increase at the rate of approximately $100 to $150 million per year, reaching a level of $800 million to $1 billion in 1976. These sums are not large in terms of our national resources or of the human suffering and economic loss attributable to cancer. A program of the type herein recommended is so important to the American people and to the world that we feel that the amounts called for should be provided even if this necessitates the raising of additional revenues. It is of utmost importance that the financing of this program not result in cutbacks in other health programs.

11. *National Cancer Advisory Board.*—Both the public and the scientific community must be effectively represented in this effort, and must have a part in its planning as well as its execution. To this end, a National Cancer Advisory Board should be created with 18 members, nine of whom are distinguished scientists and doctors in the field of cancer, and nine of whom are distinguished laymen. The members should serve for a term of 6 years with the terms of one-third of the members expiring every 2 years. Members of the Board should be appointed by the President of the United States with the advice and consent of the Senate. The Chairman of the Board should be elected by the members and should serve for a term of 2 years. The Board should meet not less than once each quarter and its function should be to advise and assist the National Cancer Authority and its Administrator in the development and execution of the program. The Administrator should be an ex-officio member of the Board. The Board should have statutory responsibility for the approval of each year's program plan and budget, but the responsibility for administering the program should rest with the Administrator. The Board should have full investigatory powers and should be required to report once each year to the President and the Congress on the progress of the National Cancer Authority in the accomplishment of its mission. This Board should supersede the presently existing National Advisory Cancer Council, and the members of that Council should serve as additional members of the National Cancer Advisory Board for the duration of their present terms.

12. Cancer is an implacable foe and the difficulty of eliminating it as a major disease must not be underestimated. A top priority commitment by the Congress, the President, and the American people is required if we are to mount and sustain an assault on cancer of the magnitude envisaged by Senate Resolution 376 and the concurrent resolution of the Congress. Such a commitment involves a recognition not only of the difficulty and complexity of cancer but also of the time and resources required to attack it effectively. While it is probably unrealistic at this time to talk about the total elimination of cancer within a short period of time or to expect a single vaccine or cure that will eradicate the disease completely, the progress that has been made in the past decade provides a strong basis for the belief that an accelerated and intensified assault on cancer at this time will produce extraordinary rewards. The Committee is unanimously of the view that an effective national program for the conquest of cancer should be promptly initiated and relentlessly pursued.

President Nixon's Statement of May 11, 1971, Regarding a National Cancer Cure Program

Cancer has become one of mankind's deadliest and most elusive enemies. The conquest of cancer is one of the most important efforts of our time.

Success will test the very limits of our imagination and our resourcefulness. It will require a high sense of purpose and a strong sense of discipline.

In my message to the Congress on the State of the Union on January 22, 1971, and again in my special message to the Congress concerning a National Health Strategy on February 18, 1971, I expressed my determination to wage a successful campaign against this dread disease. I called upon the Congress to appropriate an additional $100 million to support such an effort. I am pleased that in recent days the Appropriations Committees in both the Senate and the House of Representatives have favorably viewed this request and I am hopeful that the House—which votes today—and the Senate will both follow the Committee recommendations.

FEARS AND HOPES ABOUT CANCER

Across the Nation, there is a growing consensus that our vast scientific and technological resources should promptly be marshaled in an unprecedented attack on this devastating disease.

This consensus springs both from fear and from hope.

Cancer is second only to heart disease in the number of lives it takes in this country. And the nature of its ravages makes it our most feared disease. If the present incidence of cancer were to continue, some 52 million Americans who are alive today would contract this disease someday. This means that cancer would strike one out of every four individuals in this country—and two out of every three American families. It would mean that in the next 10 years alone, 3½ million Americans would die from cancer. For many of its victims, death is a slow and painful process. And for many of their families, the personal tragedy is compounded by the financial implications of a prolonged disease.

At the same time, however, there is much reason for hope.

New vistas are now opening for further research into the treatment and prevention of cancer, the result of some remarkable advances which have been made during the past 10 years as we have multiplied many times over our fundamental knowledge in this area. Virus research, for example, has demonstrated that cancer can be produced in animals by over 110 of the nearly 1,000 viruses that science has identified. We have learned that animal cancers can be induced by over 1,000 chemical substances. Effective measures for preventing cancer have been developed in animals, and scientists have even demonstrated that human cancers can be prevented by avoiding exposure to certain chemicals. Other advances include new surgical procedures, more effective radiation therapy, and techniques for treating cancer with improved combinations of known drugs.

All of these developments have fueled our hopes and provided a broad frontier of possibilities for researchers in the months and years ahead. This is why I was able to suggest in my special health message to the Congress in February that "of all our research endeavors, cancer research may now be in the best position to benefit from a great infusion of resources."

MORE MONEY AND BETTER ORGANIZATIONS

The time has now come for us to put our money where our hopes are. In the first full budget developed by this administration last year, an increase of $20 million was provided for cancer programs. For fiscal year 1972, the administration request for cancer programs is slightly over $332 million—an increase of $100 million from the 1971 fiscal year. If these resources are provided by the Congress, we should be able to finance a new and massive assault on cancer. If it should turn out that we need more money, however, I will not hesitate to ask the Congress to provide whatever funds can be effectively utilized. But I would also emphasize this important point: More money alone will not be enough. Money can help set the stage for faster progress, but in the end it is brainpower alone which can lead us to our goals. This means, of course, that we need to mobilize the intelligence and imagination of our doctors and scientists. And it also means that we must do a better job of tapping the Nation's administrative and organizational skills, which can help remove many roadblocks to success. Our capacities for efficient management were instrumental in our efforts to split the atom and travel to the moon. Now we need to apply those same capacities to the conquest of cancer.

This means, for one thing, that a wide variety of research activities in all parts of the country, in many areas of society, and in a great number of disciplines must be carefully coordinated. There must be as much cross-fertilization as possible between various scientific pursuits.

In the past, the National Institutes of Health have had considerable success in fostering such coordination and cooperation and, in the process, they have earned both the respect of the scientific community and the gratitude of thousands who live happier and healthier lives because of NIH successes. It is for this reason that I have asked the Congress to establish a Cancer-Cure Program within the National Institutes of Health, where it can take the fullest advantage of other wide-ranging research.

At the same time, it is important that this program be identified as one of our highest priorities, and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and redtape. For this reason, I am asking the Congress to give the Cancer-Cure Program independent budgetary status and to make its Director responsible directly to the President. This effort needs the full weight and support of the Presidency to see to it that it moves toward its goals as expeditiously as possible. I am further recommending that this Director be supported by a strong management group which has as its one goal the cure of cancer, and which can pursue that goal with single-minded tenacity.

In addition, I am recommending that a new Cancer-Cure Advisory Committee be set up to provide a broad range of advice and assistance for the President and for others who lead the Cancer-Cure Program, particularly as they work to set intelligent priorities for the Nation's efforts in this area.

I am pleased to report that the detailed management and administrative mechanisms for carrying out these plans have been discussed in considerable detail within the National Institutes of Health, with experts in the field outside of Government, and in the Office of the Secretary of the Department of Health, Education, and Welfare. As these plans are translated into action, I hope that the Congress will comment on them and suggest additional ways in which we can work toward these significant goals.

I would not want to discuss the subject of cancer research, however, without offering a word of caution. Many of the experts that we consulted with told us that biomedical research is a notoriously unpredictable enterprise. Instant breakthroughs are few and the path of progress is strewn with unexpected obstacles. As we undertake this crusade, we must put on the armor of patience, ready to persist in our efforts through a waiting period of unknown and possibly anguishing duration.

Yet I feel confident that with such funding as I have proposed, with such organizations as we are developing, with the dedicated efforts of thousands of men and women from many disciplines, and with the cooperation of the Congress and the people of the United States, we can make great strides against this terrible enemy, bringing new hope for all Americans—and indeed new hope for all the world.

Mr. KENNEDY. Mr. President, the Special Panel of Cancer Consultants identified certain broad areas of cancer research which in their expert judgment warrant particularly vigorous exploration. These are:

(1) *Epidemiological Research* can identify intrinsic influences (such as chemicals, viruses, and radiation) that may play substantial roles in determining the frequency of cancer. Different types of cancer are known to occur with varying incidence in different geographic regions and under varying circumstances of social, economic, nutritional, and occupational conditions. Epidemiological identification of intrinsic conditions such as genetic predisposition, immunological impairment, hormonal effects, or metabolic differences may elucidate other factors affecting the incidence of cancer which could be clinically controlled.

(2) *Chemical Carcinogenesis* is a research area of prime importance because of the variety and quantity of new compounds introduced into the biosphere. Preliminary efficient screening should be used to eliminate or reduce this hazard. The ability to evoke neoplastic change in isolated tissue in culture should accelerate the research in defining hazardous compounds and the mechanisms by which cancer is caused. Further research is needed on:

(a) The basic cellular and molecular mechanisms of action of carcinogenic chemicals, viruses and radiations. There may be several mechanisms (both genetic and epigenetic) for each class of carcinogens.

(b) The kinds of interactions of viruses, chemicals, and radiations which result in the production of neoplasms in experimental animals and man.

(c) The proportion of tumors in man induced by viruses, chemicals, radiations, and combinations of these agents.

(d) The prevention of chemically induced cancer in man by the identification and removal of causative chemicals.

It is known that in most circumstances, a compound is transformed to a proximate carcinogen, which is then directly involved in the carcinogenic process. There appear to be common chemical characteristics of the proximate carcinogens and also common characteristics of the cellular metabolities with which they can react. Further research is called for on how to interfere chemically with the metabolism which produces the proximate carcinogens or to inactivate it once it is formed.

(3) *Virology.* The recognition that a variety of neoplastic diseases in domestic and wild animals are due to viruses makes it appear increasingly probable that some types of human neoplasia are due to viruses. Although viruses have been found in human cancers, proof of their etiologic relationship is still incomplete. An expanded study of viruses in cancer should include the mechanisms of (a) how a virus initiates cancer, (b) how a virus may be carried in cells for long periods of time without expressing its cancerous potential, (c) how a natural defense against viral oncogenesis occurs, (d) how a virus can sometimes cause tumors and sometimes other, non-neoplastic diseases, (e) how the presence of a virus can be detected by characteristic and special chemical reactions, and (f) how the interactions between viral infection and chemical carcinogens occur which sometimes can evoke tumors.

(4) *Tumor Antigens.* The characterization, isolation, and purification of antigens from normal cells and from specific tumor cells are important both to the understanding of differences in cellular chemistry in the neoplastic state and to the development of tools for the study of tolerance or rejection of tumors. Some of these antigens may be identical with those found in embryonic tissues, and some may be specifically associated with virus infection.

(5) *Cellular Immune Mechanisms.* Much further work is needed on the chemical, biochemical, and antigenic nature of cancer cell membranes in comparison with those of normal cells, especially in terms of the role of the membranes in coordinating cell activity with bodily needs. Substantial evidence indicates that some, if not all, tumors have surface antigens different from normal cells. These differences allow recognition and possible eradication of the tumor by cells of the lymphoid or reticuloendothelial system of the host. This surveillance mechanism is known to be influenced by genetic, hormonal, chemical, and physical factors, and perhaps by many others. The characteristics of production, distribution, and mechanism of action of the effector cells that participate in the defense against tumors are of great importance. Failure of cellular mechanisms to eradicate emerging tumor populations may be the final step before a tumor becomes established and begins to grow and so is worthy of intensified study.

(6) *Humoral Immunity* is conveyed through the agency of one or more of the five immunoglobulins and perhaps by other proteins in the plasma. Humoral effects on tumor cells span the range from lethality to apparent protection of the cell by interfering with cellular immune mechanisms. The interrelation of the immunoglobulins with other proteins, their relation to receptor sites on the cell, and their influence on cellular immune mechanisms, urgently need clarification.

(7) *Immunoprophylaxis and Immunotherapy* have both been shown to be effective in experimental animals, and useful immunotherapy has been reported in some children with acute leukemia. Specific and nonspecific stimuli may enhance immunologic response of the host's own immunocompetent tissue, both *in vivo* and *in vitro*. Techniques of using specific tumor antigens, additional immunocompetent cells, and nonspecific immunologic stimuli, are worthy of intensified study. The timing of immunotherapy with respect to other procedures needs clarification, but this form of treatment would appear to be most useful after maximal reduction in tumor size by surgery, radiation, or chemotherapy.

(8) *Diagnosis.* Precise and highly sensitive techniques of diagnosis prior to the appearance of clinical symptoms or of large masses of cancerous tissue are of major importance to advances in therapy. It is suspected that many, if not most, neoplasms secrete materials into the blood which have remote effects on the patient and which are not yet recognizable with tests available. Immunological assay methods have been successfully used to quantify tumor products in biological fluids. For example, chorionic gonadotropin indicates the presence of trophoblastic neoplasia and its detection allows diagnosis and appropriate therapy before a tumor mass is recognizable. A carcino-embryonic antigen appears in the blood of patients with carcinoma of the bowel, and a sarcoma antigen in patients with sarcomatous tumor growth. Continuing research to seek biochemical and immunological means of detecting cancers early deserves expansion. Automated analytic techniques with comparisons of results against computer-banked data for the healthy population and for the same individual at an earlier date would provide a more precise method for early diagnosis.

(9) *Chemotherapy.* Several disseminated human tumors have been cured with drugs alone, giving ample testimony to the proposition that selective toxicity does exist and that a potential for cure is present. Effort must be extended to understand the interaction of drug, host, tumor, oncogenic agent, and host defense mechanisms in this equation. Research on which drugs to give for which tumors, in what combinations, and when in the course of the disease (before operation, after operation, with radiotherapy, after widespread metastasis, etc.) are areas of great importance.

(10) *Tumor Cell Kinetics.* Only a portion of tumor cells are in an active growth cycle at any one time, and the synthesis of critical cellular constituents is known to occur during specific phases of that cycle. A much deeper understanding of selective toxicity during different phases of the cell cycle is needed in addition to elucidation of the natural death of cells within the tumor, the fraction of cells in the tumor which can reproduce, and techniques of killing cells which are not in the critical phases of synthesis. These types of information are required particularly for slow growing spon-

taneous neoplasms in experimental animals and in man.

(11) *Sanctuary*. Tumor cells lodged at a distance from the closest capillary or beyond the blood brain barrier may enjoy a pharmacological sanctuary where adequate drug concentrations cannot reach them to exert lethal effects. Experimental and clinical research of this problem is required.

(12) *New Drugs*. Chemical syntheses of compounds or polymers designed to interfere with critical steps in cancer cells biosynthesis and metabolism are important. The specific targets and techniques of selecting the compounds for trial must be arrived at by chemists and biologists in coordination, and these synthetic programs must be carried out in close proximity to biological testing, so that rapid feedback occurs. Empiric screening of natural products, particularly plant extracts and antibiotics, continues to provide compounds of major clinical usefulness. Nearly a dozen substances of botanical and microbiological origin are now in clinical use and have demonstrated therapeutic benefits against cancer. The programs of search for botanical and antibiotic drugs against cancer should be extended together with relevant biological screening in close proximity. Much additional research is also needed on:

(a) Metabolic or enzymatic differences between normal and malignant cells, which might lead to new drug design.

(b) Sophisticated testing of compounds, particularly antibiotics, against various important biosynthetic enzymes. Drugs which may affect enzymes unique to oncogenic viruses hold particular promise for neoplasms found to be caused by viruses.

(c) Pharmacology and metabolic disposition of known active compounds in human cancer patients.

(d) Development of growth-inhibiting compounds that are not immunosuppressive.

(e) Synthesis and structure-activity analyses of series of compounds that inhibit key enzymes, with the aim of discovering species or tissue differences in affinities for the drugs.

(f) Attempts to lay the groundwork for the development of new classes of drugs that would affect processes of malignancy other than growth, such as invasion and metastasis.

(g) Elucidation of the mechanisms whereby certain drugs potentiate the lethal effects of heat on tumor cells.

(h) Attempts to find new and effective drugs to produce a radiosensitization of tumors.

Predictive Testing of Drugs before human use is of major value and must be extended. The optimal dose, route, schedule and conditions of administration may be learned from experimental animals in addition to the toxicities and side effects which may develop. What is more, development of methods by which a drug can be tested in the laboratory for its effectiveness on the patient's own tumor prior to its clinical use is an area where important advance can be made.

Clinical Investigations in chemotherapy provide an essential link in cancer research, since the ultimate goal is prevention and relief of the disease in man. Cooperative group studies bring earlier results of higher precision and validity because of the positive intellectual input of several investigators in planning the research.

(13) *Radiotherapy*. Use of new radiation sources may allow avoidance of the problems of anoxia in tumor tissues and so substantially improve radiotherapeutic results. Another area of great importance is the continued and expanded study of the effects chemotherapeutic agents in combination with radiotherapy where the optimal choice of drug, schedule, dose, and radiation regimen needs wide investigation.

(14) *Surgical Improvements* can be made which should substantially increase cure rates. These involve the early use of surgery as a prevention of the development of invasive and matastatic cancer by removing precancerous tissues. In addition, the combination of radiation and surgery in the eradication of established neoplasms is subject to major improvement by appropriate design, precise scheduling, and the use of drugs, to take advantage of the small residual tumor populations after the initial major reductions. Organ transplantation should be developed as an aid to the extension of curative surgery.

(15) *Fundamental Biological Studies* are of the greatest importance in disclosing information about the causes of cancer and strategy for its cure and prevention. Molecular biology can eludicate DNA mutations. A change in DNA structure as a random event or as a response to an environmental trauma may lead to cellular death, or, if the injury is compatible with cellular survival, a mutation. Following such a mutation, a series of descendants may appear whose change in the DNA, if unrepaired, may be heritable and could be the cause of neoplastic transformation. In the course of normal growth and maturation, this change in DNA would be reflected in the composition of RNA, which in part provides messages specifying particular protein syntheses which determine the character of the cell's enzymes and thus its whole metabolic machinery. Mutations and derangements in the repression and derepression of genetic material are susceptible of study by a wide range of experimental systems. These studies must be pursued in great detail because of their relevance to cancer. Further work is needed in the area of biochemistry to support both the search for preventive and therapeutic measures:

(a) Further documentation of biochemical diversity in cell components and in responses to control factors is necessary to depict the true magnitude of the cancer problem and perhaps to sort out the threads of unity which must exist.

(b) Examination of tumors in terms of *isozymes* is particularly important because, if two different enzymes can catalyze the same reaction but possess different three-dimensional structures, they may respond differently to chemotherapeutic agents, and the information may suggest new modes of chemotherapy. Isozyme research is also important because it is relevant to the understanding of gene regulation in differentiation, in transformation of normal cells to cancer cells, and in the understanding of the relation of the two processes.

(16) *The Nature of Cell Surface* is imprecisely known. Its chemical and physical composition, its mediation of the cell's antigenic identity, its function in nutrition and in drug intake, are poorly understood. The mechanism by which the surface affects the control of a cell's mobility and the role of how this is distorted to allow the characteristic invasion and metastasis of cancer is not understood and merits continuing research.

(17) *Biological Organization*. Intercellular communication in a multicellular animal is an obvious reality. The right number of particular types of cells of given architectural relationships accumulate to make up our characteristic normal organs. Among the most typical features of cancers is a loss of normal architectural arrangement suggesting a major alteration in intercellular communication. Mediators of this intercellular communication must be sought. Tumors evoke a new blood supply and a chemical complex responsible for this activity, known as the angiogenesis factor, has recently been isolated and is worthy of major additional exploration. More research is needed on:

(a) The development of assay systems for sensing and measuring the growth-regulating chemicals which operate between different cells in specific growth situations and neoplastic conditions.

(b) The isolation and characterization of the active principles.

(c) The synthesis of precursors, analogs, and antagonists of these important intercellular regulators.

(d) The elucidation of the cell cycles and the manner in which new agents and analogs modify steps in the cell's replication cycle.

(e) The use of cell biological and genetic methods for modifying the cell's response to the action of such controlling factors.

(f) The mechanisms of action of known hormones and nutrients in the control of cell replication and differentiation.

(g) The application of this knowledge in the effective staging of cells for more efficient use of existing chemotherapeutic agents.

In addition to opening new avenues to cancer therapy, the knowledge derived from these approaches to the biology of growth control has the extra advantage of being widely applicable to other growth dyscrasias such as vascular and kidney disease, nerve regeneration or replacement, immune defects, and aging.

PROGRESS AND OPPORTUNITY HIGHLIGHTS FOR CANCER PREVENTION AND TREATMET

MANY CANCERS ARE CAUSED BY EXTRINSIC FACTORS

Many of the types and numbers of human cancers are caused by chemical, physical or biological factors in the environment or by sociologic patterns of life which increase one's risk to these factors.

This is important because, with the realization that genetic factors play a limited role in cancer, it means that it is not man's inherent destiny to develop cancer. It means further that we can improve the means to detect cancer-causing agents in the environment and thereby devise and implement better procedures to irradicate such factors, to prevent exposure, or to increase man's resistance to these agents.

CANCERS ARE PREVENTABLE NOW

The prevention of some cancers in man is not new—we have been doing this or have known how to do it for many years. Better utilization of diagnostic X-rays, diminution of tobacco consumption and the restriction or modification of commercial chemicals have clearly resulted in substantial reductions of the number and types of cancer in exposed individuals and populations.

This is important because it shows that cancer can be prevented following identification of causative factors and that this and additional know-how holds great promise for the prevention of other types of cancer in larger segments of our population.

VIRAL VACCINES PREVENT CANCER IN ANIMALS

Over one hundred ten different viruses have already been identified as causes of many different types of cancer in all major groups of laboratory and domestic animals. Highly effective vaccines have already been developed and used for the prevention of leukemias, sarcomas, and lymphomas like Hodgkin's disease in different animal systems.

This is important because it extends the principle of vaccine protection from the classic infectious diseases such as polio to cancer and is providing the intellectual and technological base upon which to prevent cancers in people (see below).

VIRUSES HAVE BEEN ISOLATED AND GROWN FROM HUMAN CANCERS

Viruses of four different types have been isolated from patients with leukemia, Hodgkin's disease, tumors of the womb, and breast cancer. We are particularly intrigued with the type B virus from human breast cancer because (1) this virus has many characteristics in common with a type B virus known to be a major cause of breast cancer in animals and (2) breast cancer is the most common cause of death in women at ages of peak risk to this cancer.

These very recent findings are *important because* the availability of large quantities of viruses isolated and grown from human cancers will make it possible to determine whether these viruses are actually major causative factors of these cancers in man. Such studies may very well lead to the development of means for the prevention of these cancers in people. These studies may also provide important clues as to how to better treat existing cancer patients with available drugs or with drugs that might be tailor-made for the control of these tumors.

IDENTIFICATION OF PRECANCEROUS LESIONS OR OF INCREASED RISK OF CANCER

Research leads are available and are developing which in addition to the Pap Test for cervical cancer may provide means for detecting diseases or non-apparent lesions which may predispose to the development of cancer. In particular, intensive studies are being conducted on the "Gold" antigen which may be diagnostic of colon cancer and on analyses of cells in sputum which may indicate early changes associated with lung cancer.

This is *important because* in many patients early diagnosis substantially increases the chances of successful treatment of the disease. People who show early predictive signs of cancer can be brought in to the physician's office or the clinic for more frequent and more intensive examination so that if they do develop cancer they can be treated early with a higher probability of success.

BETTER TESTS TO IDENTIFY CANCER-CAUSING CHEMICALS

Studies conducted over many years have shown that approximately one thousand chemicals are capable of causing cancer in mice and other animals. About twenty of these are known to be carcinogenic in man. Over the past three years alone three hundred thousand new chemicals have been synthesized per year throughout the world. About ten thousand of these are produced in quantities of at least one ton. At present approximately only three hundred chemicals can be tested in this country each year. Each test requires at least two hundred mice and two hundred hamsters which must be treated and held for two years at a total cost of $40,000 per chemical tested. More tests of the type that determined the hazardous potential of cyclamates, DDT, asbestos and other chemicals will be performed with additional funding. Perhaps more importantly, new tests are being developed that appear to be able to detect cancer-causing potentials of drugs, food additives and commercial chemicals within four to six weeks in a smaller number of animals or with animal cells grown in tissue culture and at greatly reduced cost.

This is *important because* with advancing technology, including the continuous introduction of new consumer and industrial products, we must develop sensitive relatively short term tests to safeguard man against undesirable products and contaminants of his environment.

DEVELOPMENT OF A UNIFYING HYPOTHESIS ON THE CAUSES OF CANCER

Substantial evidence has been obtained which suggests that cancer-causing information from silent or hidden viruses is inherited by the newborn of most animals, including man. Factors, such as other viruses, other diseases, chemical and physical comtaminants, and old age itself, may enhance or trigger the virus or its information for the production of cancer. Most recently, an apparent unique chemical substance (called a polymerase) has been detected in virtually every virus known to cause or be associated with leukemias, sarcomas, Hodgkin's-like cancers and breast cancer. This substance is also found in the cancers themselves but not in normal tissues.

These findings are *important because* the detection of this unique enzyme is supportive evidence for the "oncogene hypothesis" in that it suggests the causative presence of viral activity. Secondly, the detection of this material in certain individuals may well provide a sensitive means of early diagnosis of cancers at a time when they are nondetectable clinically. Thirdly, this is important because if the polymerase is essential for the continuation of the cancer as a cancer then specific drugs can be found or designed to interfere with this activity thereby preventing the development of cancer or interrupting the development of an existing cancer. Within the past six months three classes of drugs have already been identified which are capable of interfering with this substance in the test tube. Plans are well under way to develop other drugs and to test them in the clinic.

CANCERS CAN BE CURED WITH DRUGS

About fifteen per cent of man's cancers are of the fast growing type. These include tumors of the female afterbirth (choriocarcinoma), tumors predominantly of young children (Wilm's neuroblastoma, acute lymphocytic leukemia, and Burkitt's lymphoma) and Hodgkin's disease. Up to ninety per cent of patients with these diseases can be put into symptom-free remission for long periods of time following treatment with drugs under controlled dosages and regimens. A considerable number of these patients have survived symptom-free for more than five years and in some cases are considered to be cured.

This is *important because* it shows clearly that effective treatment of some cancers is a reality and because this technical know-how provides a base for even more effective treatment of the majority of cancers which are of the slow growing type.

There is excellent justification for the optimistic view that substantial progress has been made and will be made for the prevention and treatment of cancers in people. It must be stressed, however, that most such studies are complex, long term and expensive. Several years elapse between the detection of activity of a new drug for animal cancers and its effective utilization in man. Optimal testing for cancer-inducing properties of environmental chemicals now takes two years. The effectiveness of present vaccines for polio, measles, mumps, and other infectious diseases was proven in one season (4–6 months). When testable vaccines became available for cancers (e.g., childhood leukemia and adult breast cancer) it could take 5–45 years respectively to determine the goodness of the appropriate vaccine. Unquestionably, additional resources will substantially decrease these time frames by virtue of our ability to support present and to recruit and motivate additional investigators for the development of new and the exploitation of existing leads. Nonetheless, it must be appreciated that long term understanding and support are essential for the attainment of common major goals—effective prevention; and in the interim, cure of disease.

Mr. President, I ask unanimous consent to include in the RECORD at the conclusion of my remarks on S. 1828 a set of issue papers which extract from the committee's report on the bill, the hearing record, and the CONGRESSIONAL RECORD which extract relevant material with regard to the bill now under consideration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ISSUE—WILL CANCER BE THE FIRST OF MANY SEPARATE AGENCIES?

The Committee, in recommending this far-reaching program for the Conquest of Cancer, has not attempted to reach any conclusions with respect to the applicability of its approach to other diseases. The Committee has had no opportunity to consider that question. No hearing record or legislative record with regard to any other diseases has yet been made. This unique approach we are now recommending for cancer amount, at this point, to an impirical proposition. Prudence requires that there be an adequate opportunity for assessment of this program before considering whether to extend its approach to other critically important diseases.

SENATOR CRANSTON'S FLOOR SPEECH MAY 21, 1971 ON SENATE RESOLUTION 126

This resolution must be considered in light of S. 34, the proposed Conquest of Cancer Act, now pending before the Subcommittee on Health of the Committee on Labor and Public Welfare.

I firmly support the move to make a massive attack on cancer, which killed 323,330 Americans in 1969. However, we cannot rationally or conscientiously ignore the No. 1 cause of death in this country, heart and cardiovascular diseases.

It is my hope that the submission of this resolution about which I intend to speak in more detail next week will mark the beginning of a massive, national attack on the No. 1 killer—heart and other cardiovascular diseases.

ISSUE

Position of the Panel with respect to the need for a separate agency.

Mr. SCHMIDT. Now, I would like to say in that regard, Mr. Chairman—of HEW prior to the President's recent statement, we reconvened our panel and we met in New York—I believe the date of that meeting was April 29. At that meeting, only thirteen members of our panel were present, and at that meeting we reconsidered this question of whether the independent agency was the right approach to this problem, or whether we should reconsider and revise that recommendation for some form of inclusion of the program within the NIH.

Dr. Henry Kaplan, who had been an active participant in the deliberations of the panel, stated at that meeting that he had on further reflections developed misgivings about the separation of the agency from the NIH, and that he would like to go on record as saying that he would like to see some solution found which would leave the agency within the NIH, but which would give it the independence and management planning, budget presentation and assessment of progress that we have proposed.

So, at that time the panel then—that portion of the panel present at that meeting—was divided by a vote of 12 to 1 on that issue. So that that will give you the background as I understand it, and I was present and presiding at all the meetings of the panel which were held.

Senator KENNEDY. Have there been any other votes taken other than those two?

Mr. SCHMIDT. No. As I said—No, we never voted other than at the time of the final recommendations. . . ."

Senator NELSON. The only point I was making was before you got to clean-up position, so to speak, where you decided as in all organizations and you say, let us make it unanimous—the vote was 16 to 10, wasn't it?

Mr. SCHMIDT. No sir, I don't recall any 16 to 10 vote at all. We didn't follow a procedure of taking votes normally.

Senator NELSON. There was no 16 to 10 vote at any time?

Mr. SCHMIDT. I don't recall that there was. At a preliminary time in the panel's deliberations, I think we did ask for—I did go around the table in this room and ask for indications of where people stood on various points, and I never recorded those votes and I never—I don't recall that this particular issue was ever put to that kind of a vote."

Issue

Can the new agency work independently within NIH?

Senator Javits. Do you believe that the degree of autonomy which can be attained with the highest interests of the conquest of cancer at heart is capable of being attained through an independent agency within the National Institutes of Health headed by a director, appointed by the President, subject to the advice and consent of the Senate, and who will serve under the direction of the President?

Secretary Richardson. Yes, I believe so.

Senator Dominick. Mr. Secretary, I just have a very short series of questions here which parallel very much, I think, what the Senator from New York was saying.

It is my understanding that under the proposal which we have before us in S. 1828, upon which conferences have been held to see how we can put together the proper bill, that the director will report to the President, but will be working within the NIH on a mutually agreeable basis so that the cross fertilization of ideas in the other institutes will still be available, is that correct?

Secretary Richardson. Yes.

Issue

Will basic research be undercut?

Dr. Farber. May I make a brief remark about biomedical research in cancer? We have spoken here as though—this morning, as though these are different entities. There is no cancer research without bio-medical research. It rests heavily upon biomedical research and it returns to the rest of biomedicine an eminent amount of valuable information. The Cancer Institute has supported with its grants and funds a great deal of basic bio-medical research, and there has been interchange among and between these enterprises.

Just recently, within the last year, Senator Nelson is familiar with this, I am sure, the research worker, Professor Demon, in a cancer institute in Wisconsin, made an observation, quickly made also by Dr. Bolter, which has completely shaken the dogma of DNA. The foundation of modern molecular biology when these men showed that there is an enzyme working on RNA, which permits RNA to work upon DMA, and protean synthesis in a manner which was never thought possible by other people in molecular biology or biomedical science. This is a two-way street. It will be unthinkable for anyone in charge of a cancer enterprise to neglect biomedical research.

The whole purpose of the recommendations which were originally in S. 34 and now I understand are in your bill is to expand the relationship between cancer and biomedical research, and all other research supported by governmental bodies, by the government in various research bodies in Washington.

Issue

Will a "business-like" approach cure cancer?

Senator Kennedy. There has been some suggestion that this kind of approach which has been made by the Panel itself is just trying to apply some managerial efficiency of the medical-industrial complex and that this will really not be—not contribute positively in a significant way to be——

Mr. Schmidt. Well, I certainly agree with Senator Nelson that it is possible to overestimate what "business-like methods" do in a program of this complexity and of this scientific depth. That does not, however, it seems to me, mean that we shouldn't do the best we can to have clearly defined authority and responsibility, to have a comprehensive overall plan, albeit one that includes a big segment of basic scientific research, and to have an independent budget and a clearly defined mission so that we can measure progress against that mission.

I don't think we necessarily do things better by keeping them in a larger compartment. I think sometimes the world's unfinished business can get done better if it is bit off in bites that people can define and take as a specific mission. I think that is what we are trying to achieve here. I don't know of any belief that there is any magic business formula here that is going to do this job.

All we are after is just good organization, good planning, and clear definition of mission.

Issue

Does the bill overpromise of an instant cure of cancer?

Senator Kennedy. Let us take this issue of the question about an instant cure. As I understand from your testimony, both in terms of the recommendations of the commission itself, your testimony here on two other occasions, your presentations to the members of the Senate that was sponsored by the majority and minority leader, you were never really representing that there would be an instant cure as a result of this legislation.

Mr. Schmidt. Absolutely. On the contrary, Mr. Chairman, one of the points that we have made and made repeatedly is that cancer is not a single disease. It will not lend itself to a single form of immunization or a single cure, in all probability. We have endeavored in everything we have done to avoid raising false hopes. No one wants to raise false hopes, but it doesn't seem to me that the counterpart of that is that we should not make a greater effort.

Issue

Will peer review be undercut?

Secretary Richardson. I think insofar as the National Institutes of Health as an entity overall established a peer review system which it believes valid, that it is appropriate for and desirable that NIH make this applicable to all the institutes. Here, however, we are dealing with legislation that would create a somewhat different kind of entity, one reporting directly to the President, although within the framework of the National Institutes of Health.

Therefore, we think since we are considering new legislation that this legislation should, while mandating a requirement or peer review, nonetheless leave open the possibility that the director of the new effort might, in mutual consultation with the Director of the National Institutes of Health and on the advice of his advisory body decide to do it some other way.

* * * * *

Dr. Farber. Mr. Chairman, gentlemen, the peer review has been referred to as though it was a sacred cow, something which was once established remains the same over the years. That is not the case at all. In the 25 years I have known the NIH intimately, the peer review system has been shaped and reshaped many times and improved always. But two features have always remained, and these two will continue with the Cancer Authority or any other operation of this kind, I am perfectly certain. These features are, first, complete fairness to every applicant with honesty integrity on the part of those who participate in the peer review. The second is expertise. Not all sixty study sections may be needed for this cancer authority, but the pattern which is there will certainly be used by anyone who wants to make a success of an enterprise of this magnitude. It may be that a smaller number would be required, but experts who are capable of giving advice in a dispassionate manner with complete fairness to any applicant from any part of the country, this will continue.

* * * * *

Senator Nelson. Will you feel better if we wrote in the report that it was our urging that we follow, so long as we insist that there is some review, that the new Director follow the time-honored and tested procedures that have been followed in the NIH in the past?

Mr. Murtaugh. That would be reassuring.

* * * * *

In large measure, the evolution of a scientific system of peer review has assured the quality and scientific merit of the research which the National Institutes of Health has sponsored. Since the inception of the National Institutes of Health, the peer review process has been an essential element in its equation of excellence. That process has been successful because it has been appropriately modified as the scope of the National Institutes of Health has increased. The Committee expects that the objectivity, impartiality, and vigilance of outside peer review that has been characteristic of the National Institutes of Health over the past 34 years will also characterize the activities of the Conquest of Cancer Agency.

* * * * *

Mr. Schmidt. Now, so far as peer review is concerned, no committee could have been more dedicated to the proposition of peer review than our panel was, and it is not the desire of our panel to impinge in any way on the reflective necessity of peer review, nor do we believe that our recommendations would lead to that result. So far as any thought of a systematic—Mr. Chairman, I am just attempting to hit what I think have been some of the highlights of the testimony this morning, and then I will conclude.

Issue

To what extent will the President delegate authority to the Secretary?

Secretary Richardson. Under U.S.C. Section 301, I have now found out, the President has authority to redelegate any authority vested in him anyway, so to that extent S. 1828 is redundant. But we put it in there for the reason essentially that the President's office shouldn't have to exercise any *purely administrative* function that he believes could better be vested somewhere else.

S. 1828, as originally introduced, provided that the Director would serve under the direction of the Secretary of Health, Education, and Welfare with respect to such functions as the President might prescribe. This provision was not included in the bill as reported, because under existing law—3 U.S.C., Sec. 301—the President has broad delegational authority. The Committee understands, however, that since the President has stated he will assume personal command of the program, and that he wants the Director to be personally accountable to him, he does not intend to make broad use of this authority.

Issue

What should be the composition of scientists and laymen on the Advisory Board?

The National Cancer Advisory Board will be composed of the Director of the National Institutes of Health and eighteen members appointed by the President, by and with the advice and consent of the Senate. No more than twelve of the appointed Board members shall be scientists or physicians, and no more than eight shall be members of the general public. The Committee felt that the National Cancer Advisory Board would be required to make decisions and recommendations that are largely scientific in nature, and therefore it should contain a predominance of scientific and medical personnel, while at the same time, having the laymen public point of view represented.

The Secretary of Health, Education, and Welfare, the Director of the Cancer Conquest Agency, and the Director of the Office of Science and Technology will be ex officio members of the Board. The Committee understands that all members of the Board may participate fully in discussions, hearings, voting, etc., and that there will be no distinctions made in such activities between appointed and other members. The Committee views the Board as an effective mechanism through which communications between the Cancer Conquest Agency and the National Institutes of Health can be further maintained.

* * * * *

Mr. SCHMIDT. Now, on the point of ratio of the board, I have no strong feeling about the 9–9 ratio on the board. We thought a lay participation was desirable and we came to the numbers of equal participation, but I can say from my own experience on the panel that it was the scientific members on the panel who contributed most and were most effective, although the lay members contributed very substantially, so that if it were the view of the committee or the view of the Congress that those proportions were troublesome, I would certainly have no problem with that.

ISSUE

Should the bill funnel the Agency's budget through NIH?

The Director of the Cancer Conquest Agency will prepare and submit its annual budget directly to the President. The new Agency must clearly have access to the funds and resources necessary to accomplish its mission in the shortest possible time. The President has already announced his intention to ask for whatever funds can be effectively used.

It is therefore the Committee's intent that the Director be treated under the Budget and Accounting Act of 1921 as a head of a department or establishment of Government. The Office of Management and Budget should give technical budget guidelines directly to the Agency, and the Agency will formulate its budget and submit it directly to the OMB for the President's approval. Subject only to limitations imposed by the President and the Congress, the Director will have full authority to reallocate funds among program activities within his overall budget. This flexibility is necessary if the Agency is to be able to respond promptly to changing priorities or unanticipated research opportunities. For that reason, the Committee rejected an amendment offered by Senator Nelson which would have required the Cancer Conquest Agency budget to go to the Director of the National Institutes of Health for review and evaluation before going to the President.

It is, however, expected that plans and budgets will be developed in close coordination with the National Institutes of Health. The Director of the Cancer Conquest Agency should have an opportunity to review and comment on the plans and budget of the National Institutes of Health that are in any way related to cancer research. The Director of the National Institutes of Health should have an opportunity to review and comment on the plans and budgets of the Cancer Conquest Agency.

In this regard, the Committee intends that the Director of the Cancer Conquest Agency will make a copy of the Agency's annual budget and program plan available to the Director of the National Institutes of Health not later than the time of its submission to the President. This will give the Director of the National Institutes of Health an opportunity to submit his comments to the President, without interfering with the Cancer Conquest Agency's budget independence. The Committee believes that such reviews and comments, particularly in development phases, will facilitate progress in both cancer research and in biomedical research generally.

Finally, Mr. President, I ask unanimous consent to have included in the RECORD at the conclusion of my remarks a letter to the editor of the New York Times by Mr. Benno Schmidt. Mr. Schmidt was a member of the special panel of cancer consultants and its excellent cochairman. His letter in response to a Times editorial is a systematic explanation of the views of the panel with regard to the need for legislation as contained in S. 1828 as reported.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 3, 1971.

EDITORIAL PAGE EDITOR
The New York Times,
New York, N.Y.

DEAR MR. EDITOR: The New York Times in its editorial of May 31, 1971, *War on Cancer,* presents so misleading a picture of the political, scientific and organizational aspects of present discussions looking to an increased national effort in cancer research that some comment seems desirable. The purpose of this letter is to review briefly the recent history on this subject and to attempt to put the present discussions and differences into perspective.

In April of last year the Senate of the United States appointed a Panel of Consultants to study the cancer problem and develop recommendations for making the 'conquest of cancer" a major national goal. Thirteen members of that Panel were drawn from among the nation's outstanding cancer scientists and doctors, and thirteen members were lay representatives of the public. The Panel had no interest other than to discharge the mission given it by the Senate of preparing the best possible report on:

(1) Where we stand today in the field of cancer;

(2) What are the areas of greatest promise for significant advance; and

(3) What steps should be taken to make the conquest of cancer a major national goal?

After six months of the most wide-ranging and intensive study, including the consideration of the written or verbal testimony of 289 witnesses and advisers, the Panel arrived at its findings and recommendations which were presented to the Senate on December 4, 1970.

The Report of the Panel has been called by the American Association for Cancer Research, an organization that includes 1600 of the country's outstanding cancer scientists, "the most comprehensive, realistic and constructive analysis of the state of cancer medicine and cancer research that has ever been made."

First, let us look briefly at the facts relevant to the Times charge that President Nixon and Senator Edward Kennedy are engaged in a "duel to gain political advantage from cancer." The member of the Senate who worked most closely with the Panel during its deliberations and the formulation of its findings and recommendations was Senator Ralph Yarborough of Texas, then Chairman of the Health Subcommittee of the Senate Committee on Labor and Public Welfare. It was Senator Yarborough whose Resolution created the Panel and it was he who introduced in the last session of the Congress the *Conquest of Cancer Act* (S. 34) to enact into law the recommendations of the Panel. At the time of Senator Yarborough's work with the Panel, and at the time of his introduction of the Cancer Bill, he had already been defeated for reelection to the Senate in the Democratic primary by Senator Lloyd Bentsen. I have no question that Senator Yarborough's support of the Conquest of Cancer Act was nonpartisan and nonpolitical, and this was certainly what the Panel desired and intended. The Panel was bipartisan in its makeup and unanimous in regarding the cancer issue as wholly outside of politics. Having had an intimate connection with the early history of this legislation, I know from the bipartisan support which we received that the legislation was similarly regarded by all concerned.

When the new Congress was organized, Senator Kennedy became the new Chairman of the Health Subcommittee of the Committee on Labor and Public Welfare of which Senator Javits was the ranking Republican member. Accordingly, Senators Kennedy and Javits became the sponsors of the Conquest of Cancer Act in the new Congress, along with 51 bipartisan cosponsors in the Senate. This hardly qualifies as an effort on the part of Senator Kennedy to gain political advantage from cancer, unless political advantage accrues from a good faith effort by the Chairman of the Health Subcommittee to implement the nonpartisan recommendations of a nonpartisan panel on a nonpartisan subject within the jurisdiction of his Committee.

Turning now to the organizational point referred to in the Editorial, after a most thorough study of the pros and cons the Panel concluded that a major program of cancer research of the type envisaged by the Congress could best be conducted by an independent authority under an administrator appointed by the President and responsible directly to the President and to the Congress. It was thought desirable to get the cancer program out from under the six layers of bureaucracy and the red tape which overlay it today, and to give it clearly defined authority and responsibility and the independence in management, planning, budget presentation, and assessment of progress which are so necessary to the success of a complex and major scientific effort of the magnitude of that involved in the cancer problem.

In criticism of this conclusion, the TIMES editorial points out that the analogy to the splitting of the atom or the space program (where independent agencies were given the job) is not valid because we do not have the basic scientific knowledge in cancer that we had in those fields, and therefore this program is not a program of engineering implementation of existing knowledge as those programs were. I assure you that the Panel was thoroughly aware of this distinction in making its recommendations, and we took it into full account. The valid analogy is not the scientific analogy, but the organizational analogy. The cancer program, in order to succeed, needs the same independence in management, planning, budget presentation and assessment of progress that those programs needed and in those respects the organizational analogy is a valid one.

The TIMES editorial also speaks of the dangers of fragmenting basic biomedical research if the recommendations of the Panel are adopted. The direct opposite is true. Today there is no comprehensive and coherent overall plan for the conduct or the coordination of the cancer research program itself or for its coordination with other biomedical research. The Panel recommendations, strongly influenced on this point by the views of the Director of the National Cancer Institute, call for an overall plan to be generated primarily by a representative cross section of the best of the scientists who will be responsible for its implementation. Furthermore, our recommendations call for the kind of coordination of the effort which will enable the scientists at work on this program to know what other scientists are doing in the same and related fields.

This does not mean that we are calling for an unbalanced programmatic approach, because the Panel's plan envisages a substantial increase in unprogrammed, basic biomedical research supported by grants. But the recommendations do envisage a comprehensive overall program with important segments of programmed research in those areas which are ready for that approach.

"Fragmentation of medical research" is not necessarily related to common funding. Its avoidance depends upon the existence of a plan and the effectiveness of the coordination thereunder. However, this has become a favorite phrase of those opposed to the independent management of the cancer effort, although I have never seen it accompanied by any analysis of the degree of fragmentation that exists today or the effect of the recommended coordination under the new proposals.

Understandably, the recommendation of the Panel for an independent organization met with opposition from the National Institutes of Health, of which the National Cancer Institute is now a part. Our recommendations would not move, terminate or interrupt the activities of the National Cancer Institute, but they would make that Institute the nucleus of a National Cancer Authority with its own management, planning, and budgetary responsibility. It seems to be in the nature of things that organizations fight against losing any of their component parts, particularly the largest single component part. Therefore, it is not surprising that the Director of the N.I.H. opposed this aspect of the recommendations of the Panel. Similarly, it is not surprising that the Secretary of Health, Education and Welfare supported him in this opposition and that the great majority of the noncancer scientists who receive support from N.I.H. joined in support of the N.I.H. position. In particular, the medical schools have been virtually unanimous in expressing their distrust of the proposed new arrangements, in spite of the fact that, in fact, medical schools would receive greater support for their cancer-related activities under the Panel recommendations than they have received heretofore. Also, I believe that the example of greater support for cancer would also result in greater support for biomedical research generally.

I would like to emphasize that our Panel is strongly of the view that cancer research should not be funded at the expense of other biomedical research or medical education. But the way to avoid this is not to divert funds appropriated to cancer to these purposes, but to use the cancer funds for cancer and look squarely at the funding needs of these other areas.

I would also like to emphasize that no member of our Panel desires to weaken the other activities of the National Institutes of Health. Many members of our Panel have worked closely with the N.I.H. for a number of years and we recognize that the N.I.H has done outstanding work in certain of its intramural programs and in funding grants and contracts made in response to applications throughout the country. But the Panel believes that the time has come for more comprehensive overall planning of the cancer effort than that which results from the happenstance of the sum total of the approved grants and contracts, and that independent management can best give us this new emphasis in moving away from the status quo. We see no need for this to weaken other activities of the N.I.H. Quality need not be a function of size (in fact, the opposite is more often true), and the Congress and the Executive have the power to keep the N.I.H. in its very important remaining roles as strong as they want it to be.

President Nixon, recognizing the validity of the arguments for clearly defined authority and responsibility and for eliminating what he describes as "the familiar dangers of bureaucracy and red tape," has indicated a desire to provide the cancer program with independence in management, planning, budget presentation, and assessment of progress. At the same time, he is aware of the fears that exist among the medical schools and many biomedical scientists that taking this program out of the N.I.H. will weaken N.I.H. and thereby weaken biomedical sciences outside the field of cancer. Therefore, he has made recommendations which attempt to resolve this problem by leaving the program in the National Institutes of Health, while at the same time giving it the stature and independence envisaged by the Panel's recommendations. He has also called for a strong cancer advisory committee, in line with the Panel's recommendations, which would assure the representation of the scientific community and the public in the planning and execution of this effort. Far from playing politics with this issue, he is, it seems to me, joining Senators Kennedy, Javits and others in attempting to give the American people what they want—a higher priority for cancer and the most effective possible use of our scientific and technological skills to reduce the impact of this most dreaded of all diseases.

The New York Times, which has been in the forefront of those calling for a reorientation of our priorities, should applaud President Nixon, Senator Kennedy and the many others who are attempting to make intelligent progress in this most difficult field. Admittedly, the organizational issue is a difficult judgment decision, upon which opinions can intelligently and honestly differ, but insofar as I have been able to see from a very close vantage point, the President and the Senators involved in this matter are working diligently and without partisan motives to find the best answers for the American people.

In many ways, the most disturbing aspect of the New York Times editorial is not the misleading quality of its political observations or its simplistic approach to a difficult organizational question, but is its negativism on cancer research itself. Of course, no general cure for cancer is in sight and there is still much ignorance about the origin of cancer, but there are vast new insights in cell biology, in immunology, in virology, in detection and diagnosis, in chemotherapy and radiotherapy, and in other areas which offer the promise of extraordinary rewards if they are pursued with diligence, intelligence and efficiency. Nobody wants to hold out false hopes. Cancer is not a single disease, and it probably will not lend itself to a single form of immunization or a single cure, and certainly there is no suggestion of a fixed date for all the answers. However, in the past two decades there has been a broad and powerful wave of advances in cancer research. In some places, the tide has raced ahead, providing enough knowledge for the prevention or cure of certain types of cancers. The momentum of advances, the breadth and depth of current knowledge, and the recognizable goals in research are such that a greater effort can and should be sustained.

Cancer is an implacable foe and the difficulty of eliminating it as a major disease should not be underestimated. No one is suggesting that "the country's entire yearly military budget," or anything approaching that amount could properly or efficiently be spent in this field. What is being suggested is a top priority commitment by the Congress, the President and the American people, recognizing not only the difficulty and complexity of cancer, but also the time and resources required to attack it effectively. The Panel believes that this would involve expenditures commencing at $400 million per year and moving up over a 5-year period to an annual rate of $800 million to $1 billion.

We believe that an effective and well managed program of this magnitude should be promptly initiated and relentlessly pursued. Without holding out false hopes, we can give our cancer effort new impetus and new emphasis, and move away from the defeatism that has so long characterized our attitude toward cancer and that is so evident in the tone of the New York Times editorial. Such a program can be an important step in the reorientation of our national priorities. Where could we find a better field in which to make our advanced technologies and scientific skills work for us and for all humanity?

Sincerely yours,
BENNO C. SCHMIDT, *Chairman,*
National Panel of Consultants on Cancer.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, the chairman of the Health Subcommittee, the Senator from Massachusetts (Mr. KENNEDY), as well as other members of the committee, including the Senator from Colorado (Mr. DOMINICK) and the Senator from New York (Mr. JAVITS), have quite obviously put in a lot of time, conducted extensive hearings, and worked very hard to prepare a bill which has as its objective expanding our efforts to find better methods of treatment and care for the victims of cancer, with the ultimate objective being the conquest of cancer itself.

No one, so far as I know, would quarrel with the efforts of those who have been involved in preparing this bill, as well as the panel that carefully evaluated this question over a long period of time and recommended this approach in the important undertaking to ultimately conquer cancer.

Insofar as I know, no one in the United States would quarrel with the objective, and everybody in the Congress, and the public, too, would be prepared to appropriate and spend whatever amount of money could be effectively spent in seeking to accomplish the objective in which we are all interested.

My reservation about the bill is that it creates a separate institute outside of the National Institutes of Health. In my opinion, this particular provision is going to hamper the effort to successfully conquer cancer. I fear that this will handicap the effort more than it will enhance it.

Furthermore, creating a separate independent institute, with its own board bypassing the Director of NIH, reporting directly to the President, is going to establish a precedent which will require the Congress, if we are going to act in a logical fashion, to create other separate institutes. In fact, the National Heart and Lung Institute has now requested that they be treated in the same fashion. So that there will be a National Heart and Lung Institute housed within the building of NIH, but reporting, with its own advisory board, its own Director, directly to the President of the United States.

Their case will be just as good as a case for a separate cancer institute outside of NIH.

In fact, the statistics are that 38.4 percent of the people who die in this country die from diseases of the heart. That is the jurisdiction of the National Heart and Lung Institute. Malignant neoplasms cause 16.9 percent of the deaths; cerebral vascular diseases, 10.8 percent of the deaths; accidents, 5.9 percent; influenza and pneumonia, 3.7 percent; uncertain causes of infant mortality, 2.2 percent; diabetes, 2 percent; arteriosclerosis, 1.8 percent; bronchitis, emphysema, and asthma, 1.6 percent; cirrhosis of the liver, 1.6 percent; all other causes, 15.1 percent.

I have repeatedly asked the proponents of this measure—that is, the proponents of creating an independent institute outside of NIH—just what is to be gained by it. You can search the testimony, and you will find that there is not much of a reason for it except a kind of emotional commitment to do something with an independent institute that they think cannot be done if they remain within the NIH, the finest institution of its kind anywhere on earth.

The Senator from California (Mr. CRANSTON) joined me in filing individual views. I should like to read into the RECORD our comments on the bill, as spelled out in our individual views:

We voted to report S. 1828 as amended in Committee, and to co-sponsor the original S. 34, because we strongly support the objective of the bill.

The bill is designed to expand the resources and intensify the effort to achieve better methods of treating and controlling cancer with the final conquest of cancer as the ultimate objective.

There is no doubt that the Congress, the Administration and the Nation are prepared to give extensive support to expanding the effort to eliminate cancer. This is amply demonstrated by the fact that the President asked for, and Congress appropriated, an immediate additional $100 million for cancer research in the Second Supplemental Appropriations Bill (PL 92–18) for fiscal year 1972.

However, while we agree with the *intent* of the bill, we have serious reservations about the design and structuring of the *approach* as spelled out in the language of the bill.

The bill provides that a newly-created independent Conquest of Cancer Agency will be established *within* the National Institutes of Health with the Director of the Agency and the National Cancer Advisory Board each reporting independently and directly to the President on all matters respecting cancer research, including programs, plans, budget proposals and annual progress reports.

Thus, the Director of NIH is specifically by statute bypassed in the chain of command and communications. We think this is a serious error because the NIH Director has under his jurisdiction the other nine Institutes, several of which are engaged in continuing cancer and cancer-related research, and he is, therefore, the only individual in or outside of NIH with the overview and responsibility for all cancer-related activities and research.

No credible rationale for bypassing the NIH Director can be found in the testimony. The proponents assert that bypassing the NIH Director will somehow expedite the program, enhance the prestige of the enterprise and assure the acquisition of a higher quality Director. A better argument can be made, we think, that this approach will tend to handicap the program rather than improve and expedite it.

For all practical purposes, this bill creates an independent Agency, with its own Director and independent Advisory Board housed within the NIH but in no way responsible to the Director of NIH.

Of course, it is intended by language in the bill (as reported from Committee) that the Director of NIH and the Director of the Cancer Agency will engage in whatever cooperative efforts are indicated to implement the program effectively.

We think this arrangement raises very serious practical and policy questions that will impair the effort and set a very bad precedent.

While it is our view that the best approach was spelled out in our proposal to create a special cancer authority within an independent NIH, (described in our joint floor statement of May 21, 1971, set forth at the end of our view) we think that at the very minimum, this bill should require that the annual budget and program be submitted to the Director of NIH and that he submit it to the President with his comments and evaluations.

We recognize that the Committee Report states:

"The Committee intends that the Director of the Cancer Conquest Agency will make a copy of the Agency's annual budget and program plan available to the Director of the NIH not later than the time of its submission to the President. This will give the Director of the NIH an opportunity to submit his comments to the President, without interfering with the Cancer Conquest Agency's budget independence. The Committee believes that such reviews and comments, particularly in development phases, will facilitate progress in both cancer research and in biomedical research generally"

We feel this report language is insufficient.

It is anomalous that the only person in government with overall responsibility for cancer-related research in the various Institutes within NIH does not have the formal responsibility for presenting his evaluation of the cancer program and budget to the President. The NIH Director's only statutory role concerning the cancer budget and program is as a member of the Cancer Advisory Board, where he is only one voice of 22 members.

Furthermore, there are sharp divisions within the medical and scientific community over the best approach or approaches to the conquest of cancer. When, in fact, there are such substantive divisions over a particular research program or budget, it should be the NIH Director's formal responsibility to so advise the President.

We also believe that in the interest of efficiency and sound management, the NIH Director should be made responsible for coordinating the cooperative activities of the Cancer Agency with the other NIH Institutes.

The Congress and the public should recognize that by creating a totally independent Cancer Agency reporting directly to the President, a compelling precedent will have been set for creating similar agencies to deal with other afflictions—for example, an independent Heart and Cardiovascular Disease Institute. The case for creating such an Institute can surely be presented in an equally convincing way, and it will be difficult to deny such Institute the same status. Inevitably, cases will be developed for other Institutes with arguments for independent status presented as forcefully as Cancer's or Heart and Cardiovascular Diseases.

Advocates of heart and cardiovascular disease research already have written the Secretary of HEW seeking status for the National Heart and Lung Institute equal to that established for cancer research.

Arthritis is a disease which affects literally millions of persons; why shouldn't the National Institute of Arthritis and Metabolic Diseases be given equal status?

In short, we believe that totally independent status for *any* Institute will tend to weaken NIH, and to hinder the success of an attack on cancer or any other disease, rather than strengthen it.

The breakup of NIH, probably the finest biomedical research structure in the world, would be, in our opinion, highly undesirable and unwise. S. 1828 as reported poses a clear and present threat of this breakup.

Dr. James A. Shannon (who served as Director of NIH during its period of greatest growth) stated in a letter submitted as testimony on March 9–10, 1971, during hearings on S. 34 before the Health Subcommittee:

"The several Congressional actions which propose that the new program be mounted under a separate Authority, perhaps reporting directly to the President, and, as a corollary, to be operated outside the NIH, is to my mind without merit and dangerously destructive. The NIH is many things, but above all, it symbolizes a set of processes for the governance of the orderly growth and development of science . . . the NIH, in the sense described above, is an invaluable and irreplaceable guarantor to the nation that order, stability, sound judgment, balance, flexibility, responsiveness, and responsibility will characterize the country's assault on the problems of disease, disability, and death."

A large number of management problems arise when a research effort is made independent of others in NIH. Cancer research is heavily dependent on extensive supporting resources of NIH, such as clinical facilities, animals, instrumentation, computer services, central research grant services and a variety of logistical services. The various Institutes share scientific and manpower resources. They deal with the same grantee institutions and the same contractors. They should be governed by common and consistent policies.

We fully recognize that those joining in the Committee Report have only the best intentions in inserting language calling for communication and coordination between the Cancer Agency and NIH. We believe, however, that what is needed is an interrelationship under the overall direction of the NIH Director, which would be stronger than could be achieved among research Institutes of clearly differing rank and authority.

As Dr. Philip R. Lee, former Assistant Secretary for Health and Scientific Affairs in HEW, testified at the March 9–10 hearings:

"Cancer is not simply an island waiting in isolation for a crash program to wipe it out. It is in no way comparable to a moon shot . . . which requires money, men and facilities to put together in one imposing package the scientific know-how we already possess. Instead, the problem of cancer—or rather the problem of the various cancers—represents a complex, multifaceted challenge at least as perplexing as the problem of the various infectious diseases . . . We do not know where the breakthroughs will come and I think it would be a great mistake to begin to dismantle NIH in favor of an untested approach."

Therefore, we see no compelling reason to set up cancer research as an independent entity, an approach which we suspect may turn out to be more detrimental than beneficial to conquering cancer or any other disease. We believe the answer to a successful attack on cancer is to strengthen NIH as much as possible.

And we should expand the resources as we are doing in the field of cancer research and cancer treatment.

I point out that when we look at the organizational chart of NIH, we note that there are ten institutes. One of those is the National Cancer Institute. Each of the 10 institutes has its own advisory council. Several other institutes within the NIH work on cancer and cancer-related research.

So if this bill is passed unamended, we will have a budget of about $332 million being spent by the Cancer Institute and $100 million more being spent on cancer-related research in other Institutes.

I have no doubt that all that money

and more can be usefully spent in seeking a solution to the problem about which we are all concerned. But note that under this bill, $332 million will go to the National Cancer Institute, which is set up independent of and outside the NIH but is physically housed within it, with its own board, not under any direction at all of the Director of NIH, reporting directly to the President, while several other institutes under the direction of the Director of NIH will be spending approximately $100 million in cancer-related research. So we will have the anomalous situation of the Director of NIH being responsible, under this bill, for the 9 other institutes, several of which will be spending a total of approximately $100 million on cancer-related research—mainly, the General Medicine Institute, the Neurological Diseases and Stroke Institute, the Institute of Child Health and Human Development. So he will have the overall direction of that research or the overall supervision of it.

Then we will have another $232 million being spent by an independent cancer institute established legally outside of NIH, housed there, however, and reporting, as I said earlier, directly to the President. It does not make much sense at all. I think that if everybody sat down and thought about it for a while, they would recognize that this is not the best approach to accomplish the end we all seek.

I also note one other aspect: The President did not support this independent institute. The President did not endorse it. The President was for keeping the National Cancer Institute within NIH. But he changed his mind and came out in support of the proposal for a separate agency as advocated by Senator KENNEDY.

I think the President was right on that point in the first place, and he should have adhered to this position.

I did not agree with the aspect of his position which would continue to have these institutes operating through the various bureaucratic layers of HEW. I favored an independent NIH with a special cancer authority within NIH and under the Director of NIH, with just the Director of NIH between the cancer authority and the President of the United States.

Everyone who knows anything about how government operates knows very well that at some stage the President will have to delegate the responsibility to somebody else to handle the Cancer Institute's budget and program. No President is an authority in this field. So is the science adviser, who may or may not know anything about it, going to do it? Or will it be done as the President originally considered—that he delegate it back to the Director of NIH? Then we will have created a bureaucratic kind of Rube Goldberg thing, where we bypass the Director of NIH, go straight to the President with the budget and plan and program, and then the President has to have somebody overview that, and he cannot do it, so he refers it back to the Director of NIH.

That was the original proposal, and that was dropped. But somebody is going to handle this; and I think that good commonsense dictates that when the budget and plan and program for the cancer institute is drafted by the director of the institute and prepared on the advice and counsel of the advisory board, that it then should go to the director for his formal comments and evaluation. With all the disputes that there are and will continue to be, about the best approaches in seeking the conquest of cancer the President, the Congress and the country should have the benefit of the independent observations of the Director of NIH. Important disputes within and medical and scientific community should be pointed out by the Director of NIH.

The Director of the NIH is responsible for all the institutes. Let us take a look at the NIH structure for a moment. There are 60 study sections made up of distinguished scientists from the various disciplines under NIH. These study sections are composed of scientists from the various scientific disciplines such as biochemistry, medicine, surgery, genetics, and so forth. So we have the 60 study sections within NIH with scientific expertise from all over the country. These 60 study sections evaluate the scientific proposals, coming from various institutions and individuals are the basis of their scientific merits. Then they are sent or referred to the appropriate advisory councils for the various institutes within the NIH. So that some will be sent to the National Heart and Lung Institute, some to the Cancer Institute, some to the National Institute of Allergies and Infectious Diseases, and so forth. Then each one of these institutes has an advisory board. The National Advisory Board then decides which one of the programs that have been submitted to them, after evaluation by one or more of the 60 study sections, should be funded. All of this activity is also under the Director of the NIH.

The money for these projects, about $100 million worth, in the field of cancer related research, will be in other institutes within the NIH, not the Cancer Institute.

Who should be responsible for the coordination of all cancer related activities within NIH and activities and relationships between all institutes involved in cancer research?

Obviously, it is the Director of the NIH. All we have in the bill is some language which indicates that they should cooperate. But, do not be misled by it. The National Cancer Agency is an independent, legal entity reporting directly to the President, period.

I think we are setting a dangerous precedent that will haunt us for a long time to come. I want to know what is the argument when the next institute comes, the National Heart and Lung Institute, as they are now requesting, to say that they want the same treatment on the same ground, on the same basis, with the same merit as an independent institute outside of the NIH reporting directly to the President, just the same as the Cancer Institute.

I have yet to hear what answer there is to that.

The answer is "Yes," if it is valid for the Cancer Institute, it is valid for the Heart and Lung Institute, for metabolic diseases. This is the beginning of the dismantling of NIH, which I think is the greatest institution of its kind anywhere on earth. I do not believe that we should be going that route; whereas I am sure I will not be able to persuade this House, as I could not persuade the committee, to accept my vewpoint on this, I hope that the House of Representatives will take a good, hard look and take all the good parts of the bill, of which there are many without any doubt, plus the funding which I am happy to support, but correct this aspect of the bill so that we do not begin to dismantle the NIH.

Mr. President, I ask unanimous consent to have printed in the RECORD some NIH comments in response to Dr. Solomon Garb's questions and answers relating to management subjects, contained in his letter of April 26, 1971, on a national cancer authority.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NIH COMMENTS ON DR. SOLOMON GARB'S QUESTIONS AND ANSWERS RELATING TO MANAGEMENT SUBJECTS, CONTAINING HIS LETTER OF APRIL 26, 1971, ON A NATIONAL CANCER AUTHORITY TO MEMBERS OF THE FEDERATION OF AMERICAN SOCIETIES FOR EXPERIMENTAL BIOLOGY

ALLEGATIONS OF INEFFICIENCY, OVERLAPPING, ET CETERA

1. *Statement—page 3: Question*—"What is the evidence of inefficiency, delay, duplication of review and overlapping of responsibility in HEW?" *Answer*—"Statements and testimony by HEW administrators brought the Panel around from its original position of keeping the cancer agency in NIH to liberating it from HEW altogether. The evidence on which this was based would be most easily accessible now in a book by Dr. A. L. Levin entitled 'The Satisficers' and in the report of the General Accounting Office entitled 'Administration of Contracts and Grants for Cancer Research—NIH, HEW Report B-164031(2).'"

Comment: The Panel did not interview anyone in the DHEW above the level of the National Cancer Institute. The only contact made with the Office of the Director, NIH, was an introductory meeting by the Panel's Staff Director with the Director, NIH, at the beginning of the study.

"The Satisficers" was written by a young physician who had served his two years of military duty in the Public Health Service Commissioned Corps. It consists of a series of anecdotes all designed to show, in the words of its preamble, that "Officials do not try to maximize but, instead, they 'satisfice' (satisfy and suffice)." Without discussing the specific aspects of the book (it does not contain material directly related to the cancer issue), I can only comment that, if things are as universally bad within the spectrum of Government observed by Dr. Levin as they are portrayed in his book, there would appear to be no reason to suppose that the rest of the Government is not afflicted by the same bureaucratic syndromes and, indeed, that independent agencies would be exempted from them. Those who know NIH can make their own judgment as to whether or not it is managed by "satisficers."

The GAO report points to certain delays which are involved in the NIH scientific review process for research grants and its final review and signature of research contracts and in the appropriations and funding process. It recommends that research grants be awarded up to a specified dollar limit without review by study sections and that authority be delegated to the National Cancer Institute for final negotiation of research contracts. The Department commented that it would study the recommendation on grants and pointed out that the decision to delegate final contract authority to NCI had already been made as a consequence of a study made within the Department. The problem of uncertainties of funding results, of course, from causes external to NIH; however, in the case of cancer research, the request for an additional $100 million was submitted in the form of a 1971 supplemental estimate, so that the funds would be available by this July 1 (rather than await the normal 1972 appropriation action later in the year). Certainly none of this supports the conclusion that the cancer research program can only be effectively managed outside of NIH.

2. *Statement—page 3: Question*—"What specifically in the H.E.W. structure do you feel leads to the problems mentioned?" *Answer*—"The National Cancer Institute is one of ten institutes in the National Institutes of Health. A recommendation from the Director of the NCI must go through several assistant directors of the National Institutes of Health to the Director of that organization. But NIH itself is one of three bureaus under the Surgeon General, so the recommendation then moves to the assistants to the Surgeon General and the Surgeon General himself. From there, it goes to the Assistant Secretary for Health and his assistants and staff who head one of three divisions of HEW. From there, the recommendations next go to the Deputy Secretary for HEW, then to the Secretary for HEW, and finally to the Office of Management and Budget."

Comment: This description of the hierarchy is inaccurate. First, NIH is *not* "one of three bureaus under the Surgeon General." Since 1968, it has been one of three operating agencies reporting directly to the Assistant Secretary for Health and Scientific Affairs. The Surgeon General functions as a deputy to the Assistant Secretary and has acted for him in his absence. Second, deputies and assistants participate in the budget process on an advisory basis; they do not constitute separate layers of management decision-making. The Under Secretary is not a separate level of review. Reviews by deputies and staff assistants facilitate final decisions by the responsible line managers.

3. *Statement—page 5: Question*—"Wouldn't moving cancer research to a separate agency increase overhead costs?" *Answer*—"On the contrary, it would decrease those costs. Right now, there is enormous wastage of time, energy, and money getting through the levels of bureaucracy. The individual grantee may not always be aware of this, but he is nevertheless affected. Large sums are wasted on superfluous offices and personnel in the NIH and HEW hierarchies. This wastage reduces the money available for grants and fellowships. Time is wasted at many levels, and time costs money. The energies of N.C.I. officials and scientists are dissipated in dealing with a large number of nominal superiors in the bureaucracy; superiors who sometimes know little or nothing about cancer."

Comment: These are rather sweeping allegations concerning the nature of the management processes within NIH and DHEW. We have not seen the evidence to support them. In fact, the Questions and Answers enclosed with Dr. Garb's letter reflect considerable misunderstanding of these processes. This will be evident in the discussion later in this document on the budget process.

4. *Statement—page 2: Question*—"Why do people in HEW object to a National Cancer Authority?" *Answer*—"We understand the question raised by some in the Department of Health, Education and Welfare and by the director of the National Institutes of Health, because no one likes to admit that overlapping delays in decision making, duplication and inefficiency exists, but the fact is that they do exist and we see no potential for removing them other than through a new organizational arrangement."

Comment: The basis for objecting to a National Cancer Authority is much more substantial than this suggests. There are undoubtedly some delays and overlaps. However, we have seen no "evidence" to support a conclusion that progress in cancer research has been significantly impeded by administrative problems and that existing inadequacies are not correctable within the organizational framework of NIH and HEW.

We would further point out that the Panel's report provides no specific information to support its conclusions on organization and management. All of the discussion in the report on these subjects is contained on pages 4 and 5 of the Summary. It consists merely of (1) a series of generalized assertions and conclusions without any supporting examples or other evidence and (2) a listing of powers which should be vested in the new Authority without pointing out wherein these powers were lacking in the current situation. As a matter of fact, NCI already has most of the cited powers and we are advised that NIH has taken steps to obtain others.

RELATIONSHIPS WITHIN NIH

1. *Statement—page 4: Question*—"I have heard it said that moving cancer research out of H.E.W. into a new agency would cut cancer off from all other biomedical communication. Is this true?" *Answer*—"Not at all. Cancer scientists would continue to communicate and interact with other scientists just as they always have. They never had to rely on N.I.H. for that. . . ." On page 7, it is pointed out that "the present NCI buildings would be assigned to the National Cancer Authority."

Comment: The problem is not merely one of scientific communication. It is one of insuring appropriate coordination and management of closely related programs and achieving a balanced allocation of resources among them in accordance with priorities. Various Institutes and Divisions of the NIH are engaged in and support research work that is highly relevant to the areas of special promise listed by the Panel. The virologists, immunologists, cell biologists, epidemiologists, pharmacologists, and others involved in such studies are focused on fundamental life processes undoubtedly vital to the understanding of cancer, even though they may be addressing their research with different problems in mind. Also, cancer research is heavily dependent on the extensive, central supporting resources of NIH—e.g., clinical facilities, animals, instrumentation, computer services, central research grant services, and a whole variety of logistical services. The various Institutes compete, in many ways, for the same scientific and technical manpower resources. They deal with the same grantee institutions and the same contractors and must be governed by common policies to avoid confusion and to insure a consistent approach to the overall problems of these institutions and contractors. Scientists and other staff living side by side at NIH should be treated under policies which are equitable for all concerned. These are but a few illustrations of the need for overall program and management action across the several areas of biomedical research.

2. *Statement—page 4: Question*—"If cancer reesarch would be helped by taking it out of H.E.W., wouldn't heart research and other research also be helped by taking them out of H.E.W.? *Answer*—"Perhaps, I hope that H.E.W. can be effectively reformed before that becomes necessary." However, it is further stated on page 5 that "the reform of HEW at this time appears to us to be a political impossibility. The rescue of one part of it, NCI, is possible, and in time may help speed other reforms."

Comment: This recognizes the precedent the Cancer Authority proposal would provide for intensive pressure by other categorical interests for similar treatment. Apparently, it reflects the view that the future of NIH as a national leader in biomedical research is not a paramount consideration—a view which we certainly cannot share. Nor does it confront the management problems which would be involved for the Executive Branch through such a fragmentation of biomedical research programs and their organizational separation from responsibilities for other health programs of the Department of Health, Education, and Welfare.

THE BUDGET PROCESS

1. *Statement—page 9: Question*—"It is hard to believe that H.E.W. officials would oppose more funds for cancer research. Why would they do such a thing?" *Answer*—"Those who deal with them intimately say it is a desire to demonstrate their willingness to keep federal expenditures down. Each tries to outdo the other and when this is compounded five or six times through the whole superstructure above the N.C.I., the result is disaster. The National Cancer Authority would eliminate this cumulative folly."

Comment: In the first place, HEW officials do not oppose more funds for cancer research. Both the 1971 and 1972 budgets of the President included substantial increases for cancer research.

In the second place, the above description reflects a totally erroneous concept of how the budget process works. It does not begin at the bottom and go up through echelons with each taking a slice off the estimate. In fact, the formal process usually begins with the establishment of fiscal policies at the top. A critical factor is the overall dollar ceiling initially provided the Department by the Office of Management and Budget. The Department in turn allocates ceilings and provides other guidelines to the agencies as a basis for formulating their budgets. Agencies submit their budgets within these ceilings but are usually offered the opportunity of outlining urgent needs which cannot be covered under the ceiling. Not infrequently, higher echelons will increase an estimate for a given program either because of a different judgment on priorities, an easing in the overall dollar ceiling, or a combinaiton of the two. There are negotiations and appeals at various levels before decisions are finally made. In short, it is a complex process and one which is not accurately described in terms of cumulative effects up through the hierarchy. It is emphasized that decisions at the top—namely, by the Office of Management and Budget, as the President's management arm—are major determinants in the process of formulating the budget as well as in the presentation and defense of the budget before Congress. Expenditure ceilings set by the Congress and the President are also important controls over the execution of the budget.

2. *Statement—pages 8 and 9: Question*—"Why couldn't we compromise, forget about moving the National Cancer Institute out of H.E.W., and just settle for getting the extra funds for research?" *Answer*—"because the extra funds would not materialize. . . . For the years 1968, 1969, and 1970, the H.E.W. officials who testified before the House and Senate appropriations subcommittee asked for decreases in cancer research funding. . . . During these years the professional judgment budgets of the NCI were high enough but they were cut in turn by NIH, PHS, several layers of HEW and the Bureau of the Budget. What we propose now is to have the director of the National Cancer Authority go directly to the Office of Management and Budget with his professional judg-

ment figure and prevent the six layers of cuts that winds us up in despair."

Comment: This goes back to the misconception about the budget process which have already been discussed. The overall constraints come from the Office of Management and Budget in the first place. HEW witnesses are obliged to defend the President's decisions before Congress. The "decreases" requested by HEW were not from existing levels but in the amounts of proposed increases; the HEW action was required for defense of decisions made by the President and the Office of Management and Budget.

"Professional judgment" budgets have little meaning in the context of fiscal realities. A separate Cancer Authority, like NSF and NASA, would be subject to the overall fiscal policies established in the Executive Office of the President and would be obliged to defend the President's decisions before Congress.

It is simply not true that extra funds for cancer research will "not materialize." The President, a year ago last February, asked for an increase in cancer research of $21 million for fiscal year 1971 and last January, approved the obligation of the full amount of the $49 million increase finally appropriated by Congress. For fiscal year 1972, he has asked for another $100 million to be available this coming July 1, which, in effect, will raise the total increase to $250 million above the program level for fiscal year 1970 and most of fiscal year 1971 (that is, until the 1971 appropriation was approved by Congress in January).

3. *Statement—page 9:* "In his book, 'The Satisficers'. on p. 100, Dr. Arthur Levin, who had been in the Surgeon General's office, writing of a secret meeting of top H.E.W. officials at the Linden Hill Hotel, stated: 'The Bethesda health plan, however was different. The plan proposed, among other things, that the federal government cut its spending for health research by 30 percent. . . . The plan proposed, in effort, to mark time in our research efforts and to spend the money in other ways.'"

Comment: We are not familiar with the Linden Hill Hotel meeting in the Spring of 1967. However, the "proof of the pudding" is that the next budget submitted by the President included an increase of 7 percent in funds for biomedical research. As mentioned previously, the Office of the Surgeon General echelon no longer exists.

4. *Statement—page 2:* (Quote from the Panel Report) "In the past when the federal government has desired to give top priority to a major scientific project of the magnitude of that involved in the conquest of cancer, it has on occasion, with considerable success, given the responsibility for the project to an independent agency."

Comment: The positive arguments for a separate authority and some of the criticisms of the present system are not entirely without merit, particularly if viewed from the narrow perspective of "what's best for cancer," as if this could be disjointed from and pursued independently from the health goals of the Nation.

Careful analysis, however, suggests that the advantages of independent agency status are due less to organizational status than to the nationally perceived climate of urgency surrounding the problem with which the organization deals. NSF has not experienced meteoric growth, despite such independent status, for the simple reason that science qua science is not a flag around which non-scientists readily rally. Nor is independent agency status insuring favorable budget treatment to NASA, now that the public no longer feels as intensely about the space race as it did a decade ago. If the President and the Congress, with broad public support, commit this Nation to a continuing crusade against cancer, their intent will be implemented, in whatever organizational setting.

THE PANEL'S DELIBERATIONS

1. *Statement—page 3: Question*—"In view of some of the questions or points of opposition to the Panel's recommendations and to S-34, is it possible that the Panel did not consider the entire problem thoroughly enough?" *Answer*—The Panel Chairman is quoted as follows: "I am pleased to be able to say that none of the questions or points of opposition which I have seen is new. These same questions and points of view were thrashed out at great length in the Committee's own deliberations before our final recommendations were arrived at." The following statement is also made on page 3: "If the salvation of this nation depended upon our success in dealing with the cancer problem, I doubt that anyone familiar with the situation would recommend continuation of the present organizational arrangements."

Comment: From the foregoing questions and answers as well as the Panel Report, it would appear at least doubtful that the Panel did have before it a thorough exposition of the questions or points of opposition and that it was indeed fully familiar with the present organizational arrangements and the way in which the budget process works within HEW.

Mr. NELSON. Mr. President, critical to cancer research is the need to maintain a wide range of basic research, which has in the past, and no doubt will produce in the future, breakthroughs in cancer research.

It is essential that cancer research be closely integrated with research being conducted by other NIH Institutes and with all basic research.

The biomedical community is concerned that by setting cancer research apart from other disciplines, such an integration with basic research may be diminished.

The following are examples of cancer breakthroughs, and discoveries in other diseases, that have occurred unexpectedly.

Mr. President, I ask unanimous consent that these examples of serendipity be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Examples of Serendipity in Biomedical Research

Research frequently produces unexpected knowledge that is useful in a direction quite different from the original purpose of the investigation. Recognition of the usefulness of such incidental knowledge, by the original investigator or by others, leads to concentrated research efforts in the new areas, which may pay high dividends. It is the occurrence of such observations and their utility that led Pasteur to state that "chance favors the prepared mind." One should not lose sight of the interdependence of biomedical science, taking account of the productivity of research in one field and failing to identify the original incidental findng from another field which stimulated it. A few examples are cited below.

Oncogenicity of SV 40 virus. During work on poliomyelitis vaccines, which were produced by growing the poliovirus in monkey kidney cell tissue cultures, a semian virus was found to be a common contaminant of the tissue cultures. When such cultures were inoculated into baby hamsters, tumors were produced at the site of inoculation. This was one of the early observations that stimulated a rebirth of the theory of viral induction of cancer.

T antigens in virus-induced tumors. Adenoviruses are the causes of a variety of diseases of the upper respiratory tract in children and young adults. In work to develop vaccines against these agents, the viruses were tested for tumor-inducing potential. Some adenoviruses were indeed found to be oncogenic. They were also found to produce special antigens in the tumors even when the virus could no longer be detected in these lesions. These are the so-called "T" antigens, which are footprints of the virus. After this finding, "T" antigens were looked for, and identified, in tumors caused by other viruses.

Immune mechanisms in cancer. Efforts in transplantation, to control the immune response against grafted tissues or organs, included the use of immunosuppressive agents, and resulted in an increased incidence of tumors. This has, conversely, stimulated the search for mechanisms of enhancing the immune response to cause suppression or elimination of cancers.

Rifampicin. This substance is an antibiotic which was originally produced as an antibacterial agent. It and its derivatives were later shown to have activity against poxviruses and reoviruses. This led to testing of these drugs against RNA tumor viruses, with recent results indicating that they are effective in inhibiting transformation of cells by such viruses.

RNA-dependent DNA polymerase. DNA is the principal genetic material of animal and plant cells. It serves as the template for making more of itself and of RNA, which is the messenger substance, carrying information from the nucleus to the cytoplasm of the cell. RNA is also the basic substance of cell constituents on which the cell manufactures its enzymes, hormones, etc. There are viruses, however, which have only RNA, and the mechanism by which they reproduced was unknown. Enzymes involved in the synthesis of nucleic acids were discovered to be part of the mature virus particle in infectious agents such as pox- and reoviruses. This discovery led to the search for such enzymes in RNA tumor viruses. Eventually it was shown that one of the enzymes involved is able to produce DNA on the RNA template, which explains the mechanism of tumor-induction by an RNA virus. As a corollary, the mode of action of rifampicin is explainable.

L-Dopa. This substance and its metabolic derivative dopamine have been known for many years, as an intermediate in the formation of certain hormones, norepinephrine and epinephrine, involved in nerve transmission and in the control of blood pressure. A great deal of attention on the control of blood pressure was related to the study of the mode of action of a substance called reserpine, its effect on levels of serotonin, and the further relationships of these to the adrenal glands. About 10 years ago, some studies of basal ganglia in the brain, where the adrenal hormones are found only in low level, revealed high concentrations of dopamine. This was followed by the finding that in Parkinson's disease, which is a disease of the basal ganglia, dopamine is virtually absent. This led to attempts to ameliorate Parkinsonism by restoring brain levels of dopamine. Since, as had been learned from other unrelated studies, dopamine does not enter the brain from the blood, l-dopa was used, and was found to be effective in high doses. Thus, work focused originally on neural hormones and their mechanisms of action, which led to the Nobel prize for Axelrod and von Euler, also led to an unanticipated and spectacular therapeutic agent because of certain incidental and unrelated findings.

Discovery of the rheumatoid factor. The rheumatoid factor is an immunoglobulin found in patients with rheumatoid arthritis and related disease. Research related to this substance has added immensely to the knowledge of rheumatoid disease. The observation which led to its discovery was made purely by chance. While working on an epidemic disease transmitted by mice, a research worker was testing antibody production in patients, including herself because she had contracted a laboratory infection. Some of the reagents for the complement-fixation test, which she was doing, were set up the night before the test was to be completed by the addition of the final reagent, complement. The following morning she noticed that the sheep red blood cells in the tubes containing her serum had agglutinated, while all the others had not. A flash of insight correlated this observation with the fact that she was the only case of rheumatoid arthritis in the group. This hypothesis was confirmed on further investigation.

Chemotherapy of cancer with methotrexate. In the 1940's, a considerable amount of attention was devoted to the synthesis of drugs that would interrupt certain chemical pathways which depended on enzymes associated with definite vitamins. A series of compounds were synthesized as antifolic agents for use against bacteria and other infectious agents. Some of these were tested in other systems, because of the relationship of diet to hormone activity. Folic acid was found necessary for response to estrogen. Methotrexate, one of the anti-folic agents, depressed estrogen response in animals on regular diet. Some observations of the effect of methotrexate on hormone-production by tumors which occasionally produce hormones showed a depression of such hormone-production. This observation led to trial of methotrexate in choriocarcinoma, a tumor of the placenta which regularly produces hormones. The drug was shown to be effective in eradicating this tumor. It is currently one of the key drugs in the chemotherapy of acute leukemia.

Thus, research initially undertaken to study the interactions of hormones and vitamins, led to an agent effective against a lethal tumor in young women, and in leukemias and lymphomas.

Prednisone. It was observed, in early studies of steroid hormones, such as ACTH and cortisone, used originally in the treatment of rheumatoid diseases, that they had a striking effect on lymphoid tissue, with dissolution and decreased production of lymphocytes. This led to trials on the use of prednisone in tumors of the lymphatic system, where it has contributed to therapy of various leukemias.

When alternate methods of synthesis of cortisone were being studied, two steroids were made as intermediates. Biological studies of these showed that they had potent and unexpected activities. One was prednisone which is a corticoid used in treatment of arthritis because it does not produce edema, and, as already mentioned, in treatment of leukemias. The other is florinef which is used by patients with adrenal disease, because it is a potent salt-retaining substance.

These are but a few examples of unexpected and profitable leads from research focused in another direction. There are so many of these examples that two books have been published describing accidental discoveries. These are:

Science and Serendipity; Great Discoveries by Accident. By D. S. Halacy. MacRae-Smith, Philadelphia, 1967.

Great Accidents in Science that Changed the World. By J. S. Meyer. Publisher Unknown 1967.

The PRESIDING OFFICER (Mr. Buckley). Who yields time?

Mr. DOMINICK. Mr. President, I yield 15 minutes to the distinguished Senator from New York (Mr. Javits).

The PRESIDING OFFICER. The Senator from New York is recognized for 15 minutes.

Mr. JAVITS. Mr. President, I believe that even Senator Gaylord Nelson's presentation evidences the degree of devotion which has gone into the study of this problem. Although we disagree, I thing that the Senate can be satisfied that every conceivable way of looking at this matter has been met. But there is a fundamental difference, and this is what it is—and I know that my colleagues with spirit enough will tell me if they think it is an incorrect diagnosis.

There is the added position that if we proceed within the context of all existing research, including biomedical and research in the life sciences, and the whole thing goes forward, as it were, together, the likelihood of success in cancer is just as great, or if it is slightly less great, the advantages to be gained by the other disciplines, from the fact that they will go in tandem with cancer research, is worth the minor difference which we might have in the breakthrough program on cancer.

That is one point of view, which has been eloquently and very well expressed by the Senator from Wisconsin (Mr. Nelson).

On the other hand, Senators Dominick, Kennedy, and I, and a majority on the committee, feel that we are so close to breakthroughs in cancer, that cancer represents to the people such an awesome disease or illness, that we must, as a national effort, quite apart from the scientific question, undertake a crash program under a unified direction, to make the final breakthroughs.

Now the feeling is a real one. The whole difference, in my judgment, the fulcrum of the answer to the eloquence of the argument of the Senator from Wisconsin (Mr. Nelson), supported by many professionals and scientists in the field, is the twin proposition that the country finds the death rate from cancer unacceptable because it thinks it is imminently avoidable.

That is the question we think we are close enough to breakthroughs on, and that one final drive will do it; whereas, in these other fields, including the heart field, there is such a diversity, whether diet or many other things, that we do not feel we are as close to a breakthrough, which will mean as much as it did in infantile paralysis, as to warrant a crash effort.

That is our whole effort. We believe that we are that close. We believe that the findings of the commission, which are very imminent, prove that we are close. That is why we take our position. We do not take our position to shatter everything that we have done in the health field. We believe that this deserves one final push and that it is worth it.

We have done the best we could to avoid the difficulties in our drafting of the legislation to every extent possible. However, we are fundamentally legislating a massive drive aimed at the conquest of most cancers.

If Senators will note item 1 on page 4 of the committee report, they will see that that pictures why we think the public is so taken with this situation. Aside from the fact that it is the No. 2 killer—heart disease and stroke being No. 1—the fact is that cancer often strikes as harshly at human dignity as at human life and, more often than not, it represents financial catastrophe for the family in which it strikes.

Then, if we look at page 16, we will see the key to this situation as we see it. That is that we get the feeling of the imminence of a possibility of a breakthrough. We have that imminence of the possibility of a breakthrough plus the awesomeness of the illness which we are trying to eliminate. We have the rationale of our views as to what is the right program. Everything else that I will add to this is justification. These are the essential elements of the situation as we see it. And if the Senate agrees with us, then the bill should be passed and this is the right prescription.

Page 16 reads in part:

> There is broad agreement that cancer research has advanced to the stage where a substantial increase in resources and effort could be very productive. There seems to be a consensus among cancer researchers that they are within striking distance of achieving the basic understanding of cancer cells which has eluded the most brilliant medical minds in the world for all this time. Several significant breakthroughs have occurred recently, and cancer researchers feel they are close to others.
>
> While it is true that such breakthroughs are often "serendipitous", and cannot be forced, the Committee feels that a substantial increase in resources, along with increased organizational efficiency, will shorten the time necessary to achieve them.

Mr. President, stated in colloquial terms, I know many a person, as does every other Member of the Senate, who loses a member of the family to cancer and says to himself, "If only this death could have been put off for 1, 2, 5, or 10 years, we are sure that a cure would be found and that this life could have been saved."

Mr. President, this is unlike any other major killer. We are trying to accelerate the finding of a cure for this dread disease. That is the justification for this approach. And it is supported both by the civilian and professional side in this magnificent landmark report of the national panel of consultants on the conquest of cancer. This report has been printed as a Senate document.

Mr. President, I ask unanimous consent, since these men and women have rendered such remarkable service to the country, that the list of the members of that panel, together with their connection, be printed at this point in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Panel of Consultants on the Conquest of Cancer, composed of 13 eminent laymen and 13 eminent scientists, chaired by Mr. Benno C. Schmidt, Managing Partner of J. H. Whitney and Company, New York City, and with Dr. Sidney Farber, Founder and Scientific Director, Children's Cancer Research Foundation, Boston, as Co-Chairman. Other members of the Panel were:

Mr. I. W. Abel, president, United Steelworkers of America,
Mr. William McC. Blair, Jr., general director, the John F. Kennedy Center for the Performing Arts,
Mr. Elmer Bobst, chairman of board, Warner Lambert Pharmaceutical Co.,
Dr. Joseph Burchenal, vice president, Sloan-Kettering Institute for Cancer Research,
Dr. R. Lee Clark.

Dr. Paul B. Cornely, president, American Public Health Association,
Mr. Emerson Foote,
Mr. G. Keith Funston, chairman of board, Olin Corp.,
Dr. Solomon Garb, scientific director, American Medical Center at Denver,
Mrs. Anna Rosenberg Hoffman,
Dr. James F. Holland, chief of medicine A, Roswell Park Memorial Institute for Cancer Research,
Dr. William B. Hutchinson, president, Pacific Northwest Research Foundation,
Dr. Henry S. Kaplan, chairman, Department of Radiology, Stanford University Medical Center,
Dr. Mathilde Krim, Sloan-Kettering Institute for Cancer Research,
Mrs. Mary Wells Lawrence, Wells, Rich & Green Advertising Agency,
Dr. Joshua Lederberg, professor of genetics, Stanford University School of Medicine,
Mr. Emil Mazey, secretary-treasurer, United Automobile Workers,
Mr. Mike O'Neill, managing editor, New York Daily News,
Mr. Jubal R. Parten, member of board, Fund for the Republic,
Mr. Laurance S. Rockefeller, chairman, Rockefeller Brothers, Inc.,
Dr. Jonathan E. Rhoads, chairman, department of surgery, University of Pennsylvania School of Medicine,
Dr. Harold P. Rusch, professor of cancer research, McArdle Laboratory, University of Wisconsin,
Dr. Wendel G. Scott, clinical professor of radiology, Washington University,
Mr. Lew Wasserman, president, Music Corp. of America, Inc.,

Mr. JAVITS. Mr. President, everything else goes by way of confirmatory evidence. The Senator from Wisconsin (Mr. NELSON) very graciously, as his wont, stated exactly what we are relying on. We give the director of the conquest of cancer agency and the director of NIH a common track. He gets the material at the same time the President does. We give very strict instructions, referring to page 25 of the report, for the director of the conquest of cancer agency to work in tandem with the Director of NIH so as to be sure that all channels for the dissemination and cross-fertilization of scientific knowledge and information existing prior to the effective date of the act between the National Cancer Institute and the other Institutes of Health shall be maintained between the Agency and the Institutes of Health to insure free communication between cancer and the other scientific, medical, and biomedical disciplines.

Mr. President, this is not only a national question. It is also an international question because there are no secrets. We want to get information from the other countries of the world by telling them everything that we know.

We have emphasized very strongly the question of peer review of a scientific reporting of the research programs and projects by those who are doing the research.

We have tried—and I think we have done a workmanlike job—to meet the arguments that have been properly advanced against our plan and that of the panel. However, we must bear in mind that this is a massive attack upon a given target in a specialized way.

Mr. President, I have one last point which I think is critically important. The argument was made that the next people to come along will be the heart people, then the kidney people, then the diabetes people, and that all will ask for the same thing. I think it is only fair to say, that as far as I am concerned, I have the suspicion—and I believe this goes for other Senators as well and others who are engaged in this effort—that if we think we have the same promise of a breakthrough and the situation commends itself to our judgment, we are certainly entitled to invoke the authority of this panel with great importance and with mass resources, as I have said.

We could then make a breakthrough. When the time comes for a breakthrough in heart disease, kidney disease, or any other major killer—as we think the time has come with respect to cancer— we can attack that problem. It may have come or may not have, but it could not be any worse than it is, and it can be very much better.

Let us remember that just as in the case of infantile paralysis, through this agency we might be able tomorrow to save a life that would have been taken by this dread disease of cancer. I believe that we can do this if we accelerate our effort.

Mr. President, I could not conclude my advocacy of this bill without referring to a man with whom I served in the Armed Forces of the United States 25 years ago —C. P. Rhodes, then the director of the Medical Division of the Chemical Division of the Army.

C. P. Rhodes came to us from the presidency cr the head or medical director of the Sloan Kettering Institute, for years the leading and outstanding cancer research of a voluntary character in the United States. Twenty-five years ago, C. P., or "Dusty," Rhodes, as he was called in the Army, preached this very doctrine. He said:

> There are so many hypotheses that we have to knock down in order to arrive at a final resolution of what may be the answer, that the faster we can knock them down, the faster we will get the answer. We must always allow for that great scientist, that genius, sitting in his attic with chin in the palm of his hand, who will come up with the answer. But we cannot sentence millions to death while waiting for the answer.

It may happen. If it does, that is fine. In the meantime, let us accelerate this dreadful, painstaking process of knocking down one more hypothesis as fast or faster until we get some answers. We are getting a good many answers now and that is what makes us feel—and we have this tremendous authority to back us up—that a massive offensive is justified and necessary. I deeply believe in it, the Senator from Colorado (Mr. DOMINICK) does, the Senator from Massachusetts (Mr. KENNEDY) does, and a great majority of the committee does. I know that the Senator from Wisconsin (Mr. NELSON), the Senator from California (Mr. CRANSTON), and others who do not agree with us will join with us in the fervent hope that we are right.

Mr. President, I hope very much the Senate approves the bill.

Mr. President, I would like to, in closing, again make clear the remarkable nature of this bill. It has been a truly bipartisan measure, as indeed it should be; for there is no place for politics in our efforts to conquer cancer. I would like to call to the attention of my colleagues the remarkable exercise of statesmanship, by the administration—the President and Secretary Richardson—the chairman of the Health Subcommittee, Senator KENNEDY, with whom I introduced S. 34, to establish a National Cancer Authority in order to conquer cancer at the earliest possible date, and which bill had the bipartisan support of more than half the Senate, and Senator DOMINICK. We can have great respect for the consensus achieved in reporting S. 1828 and can only hope that it will be a portent of our future efforts to deal with other aspects of the Nation's health crises.

We are all familiar with the tragic statistics of the toll cancer takes of our population every year—323,000 died from cancer in the United States; but one aspect of these figures bears reemphasis. Cancer strikes at the most valuable group in the population—our youth. It is the largest single killer of children between the ages of 1 and 15, and the emotional and economic toll which cancer takes of its victims and their families is staggering. We cannot accept this loss of potential talent and manpower.

It has been suggested that we cannot legislate scientific progress. This is true, but what we are doing in S. 1828 is to create the organizational and scientific capability needed to conquer cancer and insure that no research is curtailed because of organizational or fiscal constraints. And we are convinced that we are on the threshold of a breakthrough in cancer which can be accelerated by some years through a directly targeted national program like that in this bill. Advances made in basic cellular knowledge, cancer etiology, immunology and chemotherapy all suggest that we are on the verge of significant breakthroughs in the cure and prevention of cancer. A sustained and intensified effort now may be able to capitalize on these imminent breakthroughs. Indeed, news reports from Houston which tell us that researchers have isolated a human cancer virus only give added emphasis to our efforts to establish a national program to conquer this dread scourge.

Benno Schmidt, head of the National Panel of Consultants on the Conquest of Cancer, has pointed out:

> Three things that do not exist today are necessary if we are to have an effective national program to conquer cancer. First, there must be an effective administration with clearly defined authority and responsibility. Second, there must be a comprehensive national plan for a coherent and systematic attack on the vastly complex problems of cancer. Third, there must be the necessary financial resources.

S. 1828 reflects these requirements. Primarily, a Conquest of Cancer Agency will be established as an independent agency within the National Institutes of Health. It will be headed by a Director, appointed by the President with the advice and consent of the Senate. Essentially, the Agency will carry out the research now conducted by the National

Cancer Institute and simultaneously expand and intensify these activities into a coordinated national program. In doing this, the new Agency will make grants and contracts; encourage private industrial research; strengthen existing cancer centers and establish new ones, emphasize a multidisciplinary approach to research and teaching; establish a cancer data bank; and support the production of needed specialized biological materials. Finally, the Agency will be authorized to support foreign cancer research; and to support manpower training programs to insure an adequate supply of expert manpower to continue the fight against cancer.

S. 1828 also establishes a 22-member National Cancer Advisory Board including the Director of the National Institutes of Health, which will advise the Director of the Conquest of Cancer Agency on the formulation of a comprehensive program, evaluate the Agency's annual budget, and maintain high standards of peer review. The Advisory Board will also report annually directly to the Congress.

There are two aspects of the bill which merit special attention, these are closely related to and concern the establishment of an independent agency within NIH, and the manner in which the new agency will be administered.

The Conquest of Cancer Agency is within NIH, but will report directly to the President and the Congress and thus have access to the highest levels of Government and at the same time not be placed in competition with the other highly commendable programs of the NIH. However, it should be borne in mind that although the Conquest of Cancer Agency is an independent agency within NIH, and an organizational creation designed to best facilitate the attack on cancer, it is in no way proposed that the Agency disrupt in any way ongoing relationships with the other institutes of health or fragment basic biomedical research or disrupt communications between specific research fields.

The Director of the Agency would have complete flexibility to reallocate resources to take full advantage of unanticipated research breakthroughs and would submit his budget directly to the President. It is intended that the cancer budget will be treated in the same manner as other Cabinet-level departmental budgets. The National Cancer Advisory Board will be the only review stage between the Conquest of Cancer Agency and the President. It is, however, expected that plans and budgets will be developed in close coördination with the National Institutes of Health; and the Director of the Cancer Conquest Agency will have an opportunity to review and comment on the plans and budget of the National Institutes of Health that are in any way related to cancer research, while the Director of the National Institutes of Health will have an opportunity to review and comment on the plans and budgets of the Cancer Conquest Agency.

It is intended that the Director of the Cancer Conquest Agency will make a copy of the Agency's annual budget and program plan available to the Director of the National Institutes of Health not later than the time of its submission to the President. This will give the Director of the National Institutes of Health an opportunity to submit his comments to the President, without interfering with the Cancer Conquest Agency's budget independence. Such reviews and comments, particularly in development phases, will facilitate progress in both cancer research and in biomedical research generally.

In addition, the Director of NIH, as a member of the National Cancer Advisory Board—section 407G(a) of the bill—will have an input into the formulation of the Conquest of Cancer Agency budget.

By having the Agency submit a separate budget we hope to insure that the attack on cancer will not be downgraded in the budgetary shuffle, both within the Government as a whole or within the NIH. The Conquest of Cancer budget will be highly visible, and responsibility for its functions will not be hidden in layers of bureaucracy. Similarly, funds allocated for cancer must be used for cancer research and cannot be diverted to other programs.

If present trends continue, of the 204 million Americans alive today, 51 million will contract cancer at some time in their lives, and 34 million of them will die from it. And if present trends continue the success of the search for means of prevention and cure could be deferred for years before it could be realized by a program like that in this bill.

Mr. President, I believe that we have now confirmed that we should make the conquest of this dreaded mass killer—16 percent of all deaths in the United States are caused by cancer—our highest national health priority until we conquer it.

I urge my colleagues to support the passage of S. 1828.

I yield back the remainder of my time.

Mr. NELSON. Mr. President, for the purpose of brief response I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. NELSON. Mr. President, the Senator from New York very effectively states the position of the advocates of a separate, independent authority outside of NIH. That is the precise point of difference between the position of the supporters of this bill and myself.

So far as amassing resources are concerned, I think, as I said earlier, I do not believe there is anyone in this body who is not prepared to vote the appropriation of whatever amount of money can effectively be spent in the pursuit of a cure for cancer. Nobody disagrees with that at all.

We are not talking about the amount of resources we should bring to bear on this problem. We all agree on that. I would support much more money than is already provided here if it could be spent effectively; and I expect as we expand the effort we will be able to spend more money than is proposed for the next year and spend it effectively. Everybody will endorse that effort. So we do not have that difference at all about the objective, the necessity, or the importance of expanding our effort, or of the fact that more resources should be put into the effort. We do not disagree about the fact we ought to put all of the energy we can into solving the very important problem that the country and all the world is concerned about.

The precise difference, and nobody has explained it on the floor, is how do we get a more effective thrust out of this effort, a more effective utilization of our resources, by taking an institution which is an integral part of the NIH—which has all kinds of relationships with a number of other institutes—and improve our effort and drive more effectively by moving this institute outside of NIH?

That is the question I have been asking of witnesses who have come before the committee and everyone else. I have yet to get what seemed to me to be a logical answer.

What is the gain in taking this institute out of NIH rather than having its board and its director prepare the budget, prepare its program, prepare its plan, bring it up to the director of NIH for his comments and evolution prior to referrals to the President.

Nobody has explained how an independent institute enhances or improves the program for the conquest of cancer. Therefore, I do not see the point in doing it.

As I said before, I think this is going to handicap our efforts. No convincing argument has been made, in my judgment, in behalf of an independent institute.

In committee hearings I asked the question and here this afternoon I ask in what way will an independent institute improve our program. No one has explained it yet. I think people have gotten emotional about it and have decided we can do something by putting the institute outside of NIH and that something is going to happen that will not happen if it is kept within the institute.

I yield the remainder of my time.

Mr. JAVITS. Mr. President, will the Senator yield to me for 2 minutes so that I may answer?

Mr. DOMINICK. I will yield to the Senator but first I would like to comment briefly.

I find the arguments of the Senator from Wisconsin very interesting. He and the Senator from California (Mr. CRANSTON) cosponsored S. 34. That bill would have taken the cancer authority totaly out of NIH.

Now, as I understand his argument, he is saying that S. 1828 is the same as S. 34 and he is opposed to it. I find this to be somewhat interesting.

I was one of the first members in committee to bring up the problems that would arise if we were to take the Cancer Institute out of NIH; but I thought we should keep it in to preserve the relationship between cancer and other types of research. We have given the cancer program enormous prominence and it will have the ability to go forward on necessary research and treatment. This is a terrible disease. But S. 1828 provides that it will go forward within the NIH and not outside. This is of major importance in the bill.

I yield to the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from Colorado made the first point I was going to make, that we are not taking this out of NIH. So far as humanly possible we are keeping it in NIH and also making a massive specialized effort. That is the compromise and that is why the Senator from Colorado is with us and not against us.

The Senator asks what makes this better and why do we need it. We need it because the record of performance under the old scheme is inadequate. The panel found that to be so and they said on page 284, in the scientific section:

> But it also becomes clear that there has not been an organized national cancer control effort, carefully planned and centrally administered. This has led to unnecessary expenditures and duplication of effort in some areas.

Then, on page 3 in the summary of findings they said:

> A national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge. However, such a program will require three major ingredients that are not present today:
>
> First, effective administration with clearly defined authority and responsibility;
>
> Second, the development of a comprehensive national plan for a coherent and systematic attack on the vastly complex problems of cancer. Such a plan would include not only programmatic research where that is appropriate, but also major segments of much more loosely coordinated research where plans cannot be definitively laid out nor long-range objectives clearly specified; and
>
> Third, the necessary financial resources.

Our performance up to now demands this new approach because it has been inadequate. To make it adequate this is what the panel recommends we do, and that is why we are doing it.

Mr. NELSON. Mr. President, I yield myself 2 minutes to respond to the Senator from Colorado (Mr. DOMINICK).

As I stated and as the Senator from California stated in separate and individual views, we joined as cosponsors of S. 34 because we believe in the objective, and we believe in it very strongly.

I expressed my reservations about an independent agency outside of NIH very early, as soon as I looked at the bill. I had reservations about that aspect. Then, after extensive hearings and exploration, it was clear that the reservations I had in my opinion on that one point, just that one point in the bill, were sound reservations, and I think they still are.

I yield 10 minutes to the Senator from California (Mr. CRANSTON).

S. 1828—ASSENTS AND DISSENTS; THE CONQUEST OF CANCER

Mr. CRANSTON. Mr. President, first I would like to congratulate the distinguished chairman of the Health Subcommittee, the Senator from Massachusetts (Mr. KENNEDY), for his persistence in seeking to focus public and governmental attention on the inadequacy of current programs to combat the consequences of cancer. His tenacity in pursuing the conclusions of the panel of experts in the cancer field, who were brought together by resolution of the Senate Labor and Public Welfare Committee—S. Res. 376 of April 27, 1970—and whose establishment I fully supported, has resulted in the recommendation of S. 1828 by the Committee on Labor and Public Welfare with the full support of the administration. Senator Kennedy has most unselfishly deferred consideration of his bill, S. 34, in order to reach agreement with the administration.

In November 1970, the report of the panel of consultants concluded:

> A national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge. However, such a program will require three major ingredients that are not present today.
>
> First, effective administration with clearly defined authority and responsibility;
>
> Second, the development of a comprehensive national plan for a coherent and systematic attack on the vastly complex problems of cancer. Such a plan would include not only programmatic research where that is appropriate, but also major segments of much more loosely coordinated research where plans cannot be definitely laid out nor long-range objectives clearly specified; and
>
> Third, the necessary financial resources.

To implement these recommendations the panel recommended:

First. The establishment of a National Cancer Authority which would be given all the functions, personnel, facilities, appropriations, programs, and authorities of the National Cancer Institute. The Authority would be an independent agency, reporting directly to the President and presenting its budgets and programs to Congress.

Second. The development of a comprehensive national plan for the conquest of cancer to include expansion, intensification, and coordination of the cancer research program; accelerated exploitation of opportunities in areas of special promise; construction of additional and strengthening of existing cancer centers—which should serve as administrative coordinators of programs requiring regional coordination—manpower development; the generous use of grants as well as contracts and other methods of funding; optimum communication and centralized banks of information; and voluntary interaction and joint planning of the scientists who will be responsible for doing the work.

Third. Increased funding up to the amount of $800 million to $1 billion in fiscal year 1976.

The committee version of S. 1828 has responded to each of the three major recommendations of the panel of consultants as follows:

S. 1828 would establish a Conquest of Cancer Agency as an independent agency within the National Institutes of Health under a Director reporting directly to the President. The Agency's purpose would be to conduct an energetic national program for the conquest of cancer.

The Agency would submit its budget estimates directly to the President and be generally responsible to him. The new Agency also would present its budget estimate to the Congress and would receive directly from the Office of Management and Budget the funds appropriated for the Agency by Congress.

The bill would make the National Cancer Institute a part of the Conquest of Cancer Agency. It would also establish a National Cancer Advisory Board to advise the Agency in the development and execution of its program. The Board would assume the functions now performed by the National Advisory Cancer Council, which it would supersede. The Director of the Agency is authorized in the bill to take necessary action, together with the Director of the National Institutes of Health, to maintain existing channels for the free communication of scientific knowledge between the Agency and the other health institutes, and for the coordination—through mutual program and budget review—of their respective activities.

I voted to support S. 1828 in committee—as I also cosponsored S. 34, the original bill before the committee—because of my full agreement with the intent of the bills and the conclusions of the cancer panel calling for a national mobilization to conquer cancer. The mechanisms established by S. 1828 are intended to increase the productivity and improve the administration of programs to combat cancer. However, I have several reservations concerning their effectiveness in actual implementation.

Elevation of the cancer program to a separate entity outside the authority of NIH will, I fear, set a virtually irresistible precedent for establishment of similar agencies to conquer other diseases which devastate our society. For example, according to U.S. Public Health Service 1969 estimates, heart diseases account for 38.4 percent of deaths; cancer, 16.9 percent; accidents, 5.9 percent; influenza and pneumonia, 3.7 percent; certain causes of infant mortality, 2.2 percent; diabetes mellitus, 2 percent; arteriosclerosis, 1.8 percent; bronchitis, emphysema, and asthma, 1.6 percent; cirrhosis of the liver, 1.6 percent; and all other causes, 15 percent.

Advocates of heart and cardiovascular disease research already have written the Secretary of Health, Education, and Welfare, seeking status for the National Heart and Lung Institute equal to that proposed for cancer research in S. 1828. This could well be the beginning of the dissolution of the NIH, probably the finest unified biomedical reasearch institution in the world.

In addition to this compelling consideration is the failure of S. 1828 to provide adequately for the degree of management support which would be lost by removing the Cancer Conquest Agency and the National Cancer Institute from operational supervision within NIH. Cancer research depends heavily on extensive supporting resources of NIH, such as clinical facilities, animals, instrumentation, computer services, central research grant services and a variety of logistical services. In other words, the institutes share scientific and manpower resources. They deal with the same grantee institutions and the same contractors, and should be governed by common and consistent policies.

I trust that while it may prove difficult to work out common and consistent policies, administrative steps will be taken to insure that the supporting resources of NIH will be available to the cancer conquest agency. If I did not assume that this could be worked out, I would offer an amendment to the pending measure to cover this point. I assume that NIH will take this step because it makes sense to do so in terms of conquering cancer, and because failure to do so would contribute to the weakening of NIH itself.

I am concerned that, without the overall direction of the NIH director with respect to cancer research, this management support which is a major budget item will be duplicated in the new agency, diverting scarce funds from the direct task of conquering cancer into the more indirect administrative support programs.

Mr. President, the statutory interrelationships between the Cancer Conquest Agency and its counterpart medical research programs are limited in S. 1828 to the following provisions:

1. The director of the agency is given authority to coordinate cancer research with the other research programs of NIH.

2. The agency director is authorized to utilize the resources of other agencies.

3. The director of the cancer conquest agency is authorized to transfer funds to other Federal agencies, including the NIH, for cancer-related programs.

4. The agency's director is authorized to take action with the director of NIH to maintain between the agency and the institutes of health the communication channels which has existed previously between the National Cancer Institute and other institutes of health.

5. The director of NIH is made a member of the 22-member national cancer advisory board.

None of these authorities give the Director of NIH, nor are they intended to do so, any line responsibility over the cancer reseach program.

The committee report language stating the committee's intent that the Director of NIH may submit his comments to the President regarding the budget and program plan of the Cancer Conquest Agency is insufficient. What is needed is statutory authority making clear that the Director of NIH should have the formal responsibility of submitting the cancer program plan and budget to the President, along with his evaluation of the cancer program and budget and appropriate recommendations.

If each of these provisions were carried out to the maximum extent, it is possible we might have a program capable of contending with the responsibilities envisioned by the cancer panel. However, I feel the likely association between the Cancer Conquest Agency and the Institutes of Health will in practice be all too tenuous.

In effect what the bill establishes is a completely independent agency labeled as located within the National Institutes of Health but with no responsibilities given to the Director of NIH. The Cancer Conquest Agency head is given only discretionary authority to coordinate programs and to transfer funds to programs of individual institutes.

The basic flaw in practice and concept lies in the bypassing of the Director of NIH, who has under his jurisdiction the other nine Institutes, several of which are engaged in continuing cancer and cancer-related research, and who is, therefore, in probably the best position in the Federal Government to have a complete grasp of all cancer-related activities and research. However, the Director of NIH's only formal, statutory connection with the Cancer Conquest Agency is as a member of the National Cancer Advisory Board where he will share in decisionmaking with 21 other members.

As Dr. Philip Lee, chancellor, University of California at San Francisco and former Assistant Secretary of HEW—Health and Scientific Affairs—stated in testimony before the Senate Labor and Public Welfare Committee—

> To have the best chance of success, a battle against cancer must be able to draw not only on the cancer specialists and investigators in the National Cancer Institute, but on the other specialists in other Institutes of the N.I.H.—the experts on virus diseases, on genetics, on aging, on endocrinology, on molecular biology, on pharmacology and immunology. This will require the same kind of close collaboration among the various N.I.H. institutes that has been required many times in the past.

He went on to say—

> There is a further problem with the proposed national cancer authority—competition for scarce resources. I believe a separate authority would immediately create competition for funds and scientific talent. This would not help the conquest of cancer and it might set back research in other crucially important areas.

Mr. President, beyond the competition created for funds and creative talent are the disagreements often encountered among members of the scientific community as to the best approach and method of attacking a research problem. This is especially true applied to cancer research. As the report of the cancer panel pointed out, the routes to the conquest of cancer are many. Decisions as to the routes to choose should be made in close association with decisions being made in related research programs to prevent duplication and wasted effort. These potentials for conflict can best be averted by providing the Director of NIH with the overall supervision of research programs and responsibility for their coordination. The Association of American Medical Colleges assembly in a resolution adopted recently fully supported this view, in the following language:

> The present state of our understanding of cancer is a consequence of broad advances across the full scope of the biomedical sciences. In preparing for a greater effort, it is of the utmost importance to understand that despite the progress thus far made, the basic nature and origins of cancer are still not known. The kind of scientific formulation that permitted the development of nuclear energy and that underlies our space exploration does not exist for cancer. Further advance in fundamental biomedical sciences is essential to the solution of the unsolved problems that limit our ability to control cancer. Thus, the development of a special and extraordinary national program in cancer should be in the context of broad support of the related and underlying fields of scientific effort and in an organizational framework which assures sound direction and leadership in advancing this complex set of interrelationships.
>
> The framework of the NIH, which had its origins with the Act of 1930, enlarged by the National Cancer Act of 1937, and the successive statutes creating the several categorical institutes in the post-war period, has made it possible to bring into being the most productive scientific community centered upon health and disease that the world has ever known. It is precisely because this organization has assured a close integration between fundamental scientific endeavor and organized attack upon specific disease problems that this extraordinary blossoming of medical science, and thus our medical capability, has taken place. Therefore be it
>
> Resolved that the Association of American Medical Colleges wholeheartedly endorses Federal support of a broad-based and intensive attack on the cancer problem called for by President Nixon in his State of the Union Message and of the magnitude envisaged in the report of the National Panel of Consultants on the Conquest of Cancer, and that this major expansion be undertaken as an integral part of the existing national framework for the advancement of biomedical knowledge for the nation's health as provided by the structure of the NIH and the National Cancer Institute.

As Dr. John Cooper, president of the AAMC, pointed out in testimony on June 10, "this same view has been endorsed by the leading academic societies in this country. As a result," he said—

> It is not an exaggeration to describe this view as truly representative of the Nation's academic medical community which encompasses most of the scientific leadership upon which progress in cancer is critically dependent.

Mr. President, Senator NELSON, Senator SCHWEIKER, and I tried to avert the weaknesses of the bill before us by offering, as an amendment—No. 109—to S. 34, an alternative plan which would have maintained programs for cancer research in the National Institutes of Health but in a new national cancer authority within National Institutes of Health whose Administrator would also be Deputy Director of Cancer from the new National Institutes of Health. The National Institutes of Health in turn would have been separated from HEW and made an independent agency accountable directly to the President. I felt and still feel that such an organization arrangement would provide the necessary focus and priority emphasis deserved by cancer programs and at the same time would maintain the greatest degree of collaboration and coordination with other biomedical research efforts.

We believed that the serious and valid objections raised by the biomedical research community could be met through this approach, and that the conclusions and recommendations of the cancer panel could best be implemented through that mechanism.

Before closing, I want to pay special tribute to my colleague from Wisconsin (Mr. NELSON) with whom I joined in submitting individual views in the committee report—No. 92-247—on S. 1828. The serious questions Senator NELSON has raised about the approach in the bill and its predecessor (S. 34) in no way indicate he is any less committed to the conquest of cancer than the distinguished principal sponsors of the measure, Mr. DOMINICK and Mr. KENNEDY. Senator NELSON and I fully support the urgent need to prevail over cancer at the earliest possible date. I know he joins me in hoping that our fears and reservations about the approach in S. 1828 will prove groundless and that the cancer conquest agency will live up to the promise of its name.

Mr. President, I have grave reservations that the solution reached in the committee bill, S. 1828, can be successfully implemented and it is for that reason that it is with some reluctance that I shall cast my vote for the bill.

However, we must conquer cancer. This measure—considered with care by so many public officials and private citizens, many of them professionals with vast experience and the very highest qualifications, others of them laymen like the indomitable Mary Lasker with the deepest dedication and concern and with truly remarkable experience in what it takes to launch a vital new undertaking with requisite public, private, professional, and lay support—constitutes what all of us must hope is a start toward the end of cancer.

I, therefore, urge support of this measure.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, how much time do the Senator from Massachusetts and I have remaining?

The PRESIDING OFFICER. Thirty-nine minutes.

Mr. DOMINICK. I say to the Senator from Massachusetts I have a request for about 20 minutes of time.

Mr. KENNEDY. I do not have any requests. I should like to take about 5 minutes at this point.

Mr. DOMINICK. Very well.

Mr. KENNEDY. Mr. President, I should like to address myself to some of the remarks made by the distinguished Senator from Wisconsin (Mr. NELSON) and the distinguished Senator from California (Mr. CRANSTON) in the separate views filed by those Senators in the committee report.

I want to express my appreciation to the Senator from California for his generous remarks at the outset of his comments. He has been an extremely active member of the Health Subcommittee, and probably next week will be importantly adding to the debate on the health manpower legislation. He has left a strong imprint on that legislation, as on many other bills, so I think all of us should seriously consider his comments and those of the Senator from Wisconsin (Mr. NELSON) with a great deal of care.

A rather interesting and perhaps ironic point has been raised by those gentlemen in terms of their concern about the dismemberment of the NIH by the fact that we are establishing an independent agency which would be within the NIH following the recomendations of the panel. Regarding the demise of the NIH, I repeat, it is interesting to hear the comments of those gentlemen, since only last spring they introduced Senate Resolution 126, which would do for heart disease exactly what they are apparently concerned about.

So I have some difficulty in following the line of their argument and listening to their rhetorical questions, asking as to how we are going to be able to better meet the problems and challenges presented by cancer by setting up a special agency given the fact that the very same principle has been incorporated in the resolution sponsored by the distinguished Senator from Wisconsin and the distinguished Senator from California to which I have referred.

But that aside, three important provisions have been included in S. 1828 in terms of the role of the Director of the Conquest of Cancer Agency.

On page 14, under the administrative provisions, the Director is authorized, in carrying out his functions under this part, to—

> Take necessary action together with the Director of the National Institutes of Health so that all channels for the dissemination and cross-fertilization of scientific knowledge and information existing prior to the effective date of this Act between the National Cancer Institute and the other Institutes of Health shall be maintained between the Agency and the Institutes of Health to insure free communication between cancer and the other scientific, medical, and biomedical disciplines.

Then on page 15, we have the following language:

> The Director shall, by regulation, provide, for proper scientific review of all research grants and program over which he has authority (A) by utilizing, to the maximum extent possible, appropriate peer review groups within the National Institutes of Health, and (B) when appropriate, by establishing, with the approval of the National Cancer Advisory Board, other formal peer review groups as may be required.

This language was not all that the distinguished Senator from Wisconsin wanted, but once again, we are utilizing established peer review group procedures which have been utilized successfully in the past, and which those of us who supported S. 34 and support S. 1828 support vigorously.

Then on page 17 of the bill:

> The Director shall submit to the Board for its evaluation, comments, and recommendations each year's program plan and budget prior to the formal submission of the budget request to the President.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. KENNEDY. I yield myself 4 additional minutes.

The Director of the National Institutes of Health is a full member of the advisory board. He will be aware of and a full participant in its deliberations. Obviously his role as a Director of the National Institutes of Health will be strong and his views will be listened to and respected by members of the advisory board.

Furthermore, Mr. President, in responding to questions by the Senator from New York (Mr. JAVITS) and the Senator from Colorado (Mr. DOMINICK), during our hearings on the bills, Secretary Richardson, who obviously has the broadest view and scope of this problem, responded to an inquiry by Senator DOMINICK as follows:

> It is my understanding that under the proposal which we have before us in S. 1828, upon which conferences have been held to see how we can put together the proper bill, that the director will report to the President but will be working within the NIH on a mutually agreeable basis so that the cross fertilization of ideas in the other institutes will still be available, is that correct?
>
> Secretary RICHARDSON. Yes.

And also we have comments, in terms of whether this bill would really adversely affect the research in the biomedical sciences. Dr. Farber, who has been a distinguished researcher and cochairman of the panel testified:

He said:

> Just recently, within the last year, Senator Nelson is familiar with this, I am sure, the research worker Professor Demon, in a cancer institute in Wisconsin, made an observation, quickly made also by Dr. Bolter, which has completely shaken the dogma of DNA. The foundation of modern molecular biology when these men showed that there is an enzyme working on RNA, which permits RNA to work upon DNA, and protein synthesis in a manner which was never thought possible by other people in molecular biology or bio-medical science. This is a two-way street. It will be unthinkable for anyone in charge of a cancer enterprise to neglect biomedical research.

That thesis has been supported time and time again by the recommendations of the panel group as well as by the reports.

I think that the Senator from New York (Mr. JAVITS) has commented adequately on whether we are going to have a proliferation of separate agencies. I share the view that if this is going to be an effective way to meet the scourge of cancer, we should then keep an open mind with regard to the applicability of this unique model to other diseases. But we have not had an adequate record made in terms of other diseases at this point, as our report points out on page 25. And, therefore, we have not made recommendations with respect to other diseases. We will have to wait and determine the effectiveness of this program first.

Mr. President, I hope that S. 1828 will be passed by the Senate this afternoon.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. CRANSTON. I thank the Senator from Massachusetts again for his leadership in this effort and for his generous remarks in regard to this bill. I do not want to prolong the discussion of this measure.

I do want to say, in response to the Senator's comments about a resolution that I introduced with Senator Nelson, regarding looking into the matter of cardiovascular diseases, that that resolution in no way calls for the creation of an institute. It in no way prejudges what should be done about that and related diseases.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. CRANSTON. May I have 1 minute?

Mr. NELSON. I yield the Senator whatever time he needs.

Mr. CRANSTON. It simply urges that we take a long, hard look, through a panel, at what this disease is doing to the citizens of our country, and we seek recommendations as to what we should do about that disease. There has been enough adequate research on that disease to show that it is the No. 1 killer, that 38.4 percent of American deaths are caused by that disease. Those are not only elderly people. Among the young people of our land, apparently about as many die of those diseases as from cancer.

I hope that as we now come to grips with the matter of cancer, the No. 2 killer, we will set in motion steps that will help us come to grips with the No. 1 killer, heart and cardiovascular diseases.

Mr. NELSON. Mr. President, I wish to comment on the same point. Senator HANSEN and I introduced a resolution to make a heart and lung study. It was copied after the Yarborough resolution. If that resolution were passed and the panel were created, whether the panel would come up then with the same kind of recommendation, I do not know. If it did, I would disagree with that aspect of the recommendation, as I disagree with that aspect of the recommendation of the cancer panel.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. KENNEDY. It is my understanding that the heart people have already requested an independent agency patterned after the cancer agency. Is the Senator familiar with that request?

Mr. NELSON. Yes, they have. I think it is inevitable that they will request that if this bill is passed. I disagree with that.

I wish to emphasize once more that I think the panel did an excellent job of evaluating what the problem was. I think that the committee and Senator KENNEDY did an excellent job. I just disagree on the one point of an independent institute outside of NIH; that is all. But it is a very fundamental point which I think is a serious fault in this bill.

I am debating the question today not in the expectation that I will persuade anybody to change the bill, because I know I will not, on this side. But I am hopeful that the House will give it a deliberate, careful look and will remedy what I think is a serious defect in an otherwise very fine bill.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield 10 minutes to the distinguished Senator from Maryland, a member of the Subcommittee on Health.

Mr. BEALL. I thank the distinguished Senator from Colorado.

Mr. President, as cosponsor, I rise in support of the pending measure, S. 1828, the Conquest of Cancer Act. This bill would establish a Conquest of Cancer Agency as a independent agency within the National Institutes of Health. It is hoped that this new agency will provide the administrative and organizational framework for a stepped-up and successful battle against cancer. President Nixon has already requested, and the Congress has approved, an additional $100 million for the cancer program for this fiscal year. In addition, the President has pledged, if more money is needed, "to provide whatever funds can be effectively utilized."

As a member of the Health Subcommittee, I believe that the legislation reported to the Senate floor is a good bill and should receive the support of the Senate. I, of course, am pleased to have had the pleasure of helping to shape this legislation in subcommittee.

As my mail indicates, legislation to accelerate the Nation's battle against cancer certainly has the support of fellow Marylanders and other citizens across the country.

CANCER—CITIZENS FIRST HEALTH CONCERN

Cancer is the No. 2 killer of our people and their No. 1 health concern. A 1966 poll revealed that 62 percent of the American people feared cancer more than any other disease.

Over 16 percent of the deaths in the Nation are caused by cancer. Cancer deaths last year claimed more lives than we have lost in 6 years in Vietnam, and were greater than the total number of Americans killed in action during World War II. Cancer deaths last year were 5½ times the number killed in automobile accidents.

The economic loss to the Nation from cancer deaths are truly astronomical. The panel of advisers on cancer research estimated that direct care and treatment costs plus the indirect costs represented by loss of earning power and productivity by victims of cancer was a staggering $15 billion. Of that sum, $3 to $5 billion represented direct care and treatment costs.

Mr. President, cancer strikes all ages. About one-half of all cancer deaths occur before age 65. Cancer causes more deaths among children 15 and under than any other disease. Although these statistics convey the magnitude of the problem, they do not reveal the individual suffering and hardships that result both to the family and victims and friends. One can only understand this from personal experience or through an examination of individual cases. Earlier this year Carroll County in my State was stunned and saddened when cancer claimed the life of one of its most promising young men, Mike Causey, who was only 17 years of age.

Mike excelled both athletically and academically at Westminster High School. Mike was president of his class for 3 years, was voted by his senior class as the best leader, and was also very active in his church and his community. Mike's untimely death underscores the need for the national commitment and program for the conquest of cancer.

Mr. President, the incidence of cancer is increasing. The fact that our citizens are living longer and the incidence of cancer is higher among senior citizens is partially responsible. It is also due to a large increase of lung cancer, which many attribute to pollution, both air in certain areas, and the self-pollution caused by our citizens' insistence on smoking notwithstanding the warning that appears on every cigarette package. It has been estimated that if every American citizen would quit smoking, cancer deaths could be cut by 15 percent. I am pleased to say that I am one American who has been able to stop smoking. While accelerating the attack on cancer, we must continue to push the fight against pollution, both as individuals and as a nation.

This is necessary for if the present incidence of cancer were to continue, 52 million Americans, one out of every four individuals in this country, will contact cancer some day. This would mean that cancer would strike two out of every three families and in the next 10 years 3½ million citizens will die from cancer.

EARLY DETECTION IMPORTANT

It is hoped that the results of this stepped up effort and a continuing improvement in the cure rate for cancer will enable us to prove these dreary projections untrue. It is important to emphasize to the American public that many forms of cancer today, detected early enough, can be cured. In 1930, we were able to cure only one out of five cancer victims; today, we can cure one out of three and it is estimated that with the better use of existing knowledge we could cure one out of two. The 1.5 million citizens who are alive and well today, 5 years after being treated for cancer, are a living testimony of early detection and treatment. In addition, another 700,000, treated within the past 5 years, are alive and well. One is generally considered cured 5 years after treatment if there has been no reoccurrence.

While the above are encouraging, we do not want to hold out to the American public that a cancer cure is imminent. First, cancer is exceedingly complex. It is not a single disease with a single cause that will likely be solved by a single cure such as the Salk vaccine did for polio. Cancer more properly should be thought of as many diseases resulting from many causes and for which we will need many cures. President Nixon, although strongly committed to the conquest of cancer, sounded a word of caution and urged the American public to be patient when he said "that biomedical research is a notoriously unpredictable enterprise. Instant breakthroughs are few and the path of progress is strewn with unexpected obstacles. As we undertake this crusade, we must put on the armor of patience, ready to persist in our efforts through a waiting period of unknown and possibly anguishing duration."

Also the cancer panel sounded a similar note when it stated:

> While it is probably unrealistic at this time to talk about the total elimination of cancer within a short period of time or to expect a single vaccine or cure that will eradicate the disease completely, the progress that has been made in the past decade provides a strong basis for the belief that an accelerated and intensified assault on cancer at this time will produce extraordinary rewards.

TRIBUTE TO NIH

Mr. President, this afternoon much mention has been made about the National Institutes of Health and the proposed legislation. Representing the State of Maryland, I naturally am proud of the National Institutes of Health and its many dedicated employees. There is no question that the United States is No. 1 in medical research. NIH and its dedicated men and women are in no small part responsible for the preeminence of biomedical research in the United States. In fact, the bill that the Senate is considering today might be thought of as a tribute to the work they have done, for the National Cancer Institute at NIH has helped to push basic research to the place where the Nation is now able to launch a massive attack against cancer.

The National Panel of Consultants on the Conquest of Cancer observed that—

> Advancements in the fundamental understanding of cancer in the past decade have opened up far more promising areas for major advances in cancer prevention and treatment than have ever before existed.

Similarly, the Labor and Public Welfare Committee report acknowledged the "excellent work" done at and supported by NIH grants and contracts. And the President paid tribute to NIH in his cancer message when he said:

> They have earned both the respect of the scientific community and the gratitude of thousands who live happier and healthier lives because of NIH successes.

Because I was aware of the NIH record, I shared the viewpoint of most members of the scientific community that it would be unwise to establish a new cancer authority outside NIH. I feared that such a move might be destructive of the excellent NIH structure. It might have prevented or hindered the important and necessary cross-fertilization between cancer research and other biomedical research. It should be pointed out that in the cancer area we still need basic scientific breakthroughs. Cancer research has profited from a close relationship with biomedical science in the past and the interdependence of the medical science is likely to be needed and to continue in the future. It is also true that other disciplines will most likely profit from a close contact with a great expanded cancer research effort.

But I think that today we have the best of both worlds, because today we have the availability of the tremendous research that has gone on at the National Institutes of Health as well as a national commitment to find the cure for this dread disease.

I want to congratulate Senators Dominick, Kennedy, and Javits, and the administration for reaching the compromise which is before the Senate today, a compromise which will enable the Nation to get on with the business of searching for cures for cancer. I support the compromise. The compromise authorizes a new independent Conquest of Cancer Agency which will be located within NIH. The Conquest of Cancer Agency will be headed by a Director who will report to President Nixon. This compromise certainly represents an important improvement over the original measure. By keeping the new Conquest of Cancer Agency within NIH, cancer's link with the other biomedical researchers will be continued and the danger of the loss of association with the National Institutes of Health is largely eliminated.

In summary, defeating cancer or substantially reducing its incidence is as difficult and as complex an undertaking as this Nation has ever embarked. To be successful it will require talented men and women, extraordinary management, adequate resources, and probably some good luck. President Nixon has pledged he will make the added resources available as research unlocks promising leads necessitating additional sums of money. The bill the Senate will pass today will enable the country to launch this conquest of cancer effort. It is an undertaking that will have the prayers and support of all of our citizens.

I personally feel confident that this accelerated attack will enable us to make great strides against this dreaded disease of mankind. As a member of the Health Subcommittee, I intend to follow and to do everything I can to make the conquest of cancer effort successful. I urge enactment of the measure.

FORT DETRICK

I invite attention to section 407D, on page 34 of the committee report. Section 407D reads:

> In order to carry out the purpose of this part, the Director shall—

Subsection (3) then reads:

> Expeditiously utilize existing research facilities and personnel for accelerated exploration of the opportunities for the conquest of cancer in areas of special promise;

I point out that recently we have gone out of the business of biological warfare in this country, and as a result many talented people and a great deal of unique facilities are available which can and should be utilized in the conquest of cancer effort.

I am, of course, speaking of Fort Detrick which is located within my State of Maryland. Fort Detrick is uniquely suited for biomedical research in cancer and related areas. It has $250 million worth of facilities and equipment which are available now for use in the fight against cancer.

A number of our top medical science professionals have indicated the need for a research center with the same capabilities as Fort Detrick. They have said that if Fort Detrick were not available for use in virus research, it would have to be built. With these facilities available, Mr. President, the cancer fight can proceed swiftly ahead with no time lost for construction. I urge that the Detrick Laboratories be made part of the Federal Government's crusade to beat cancer.

Mr. President, I believe that one additional point needs to be made. Despite the expanded effort against cancer envisioned by S. 1828, I would hope that the countless communities across the country will not in any way diminish their individual crusades against cancer. These individuals and community efforts, which occur throughout my State and the country, are very important in the overall battle against this dread disease.

I ask unanimous consent that an article which appeared in the June 30 Frederick Post, describing one of the successful cancer crusades in my State. be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

We Want To Wipe Out Cancer in Your Lifetime

A successful Cancer Crusade is made up of a whole lot of dedicated people who for reasons of their own, some very dear to their hearts, are willing and desirous of working in this campaign—the largest of all public health drives.

Some of the people who made the Frederick County Cancer Crusade another goal-busting success are pictured on this page . . . but these are only a handful of the more than 1,400 men, women and children who each did their part to help Frederick County exceed its $25,000 goal by almost $3,000.

This Cancer Crusade involved all walks of life—the rich and the poor, students and teachers, doctors, lawyers, businessmen, retired persons by the scores.

Cancer Society President Francis W. Bush Sr. and Crusade Chairman Sterling E. Bollinger jointly praised the fine team of 1,400 volunteers, and especially the divisional chairmen—including Crusade Vice Chairman Isaac L. Stevens.

The chairmen include: Joseph D. Baker, special gifts; Robert P. Marendt Jr., business and industry; Donald C. Linton, clubs and organizations; Edwin F. Nikirk Jr., memorials; Mrs. Dale Carter, city residential; Claude H. Barrick, county residential; Mrs. Samuel Thompson, office volunteers; Mrs. William Roessler, public education; Dr. Bjarne Pearson, professional education; Mrs. Nellie S. Simpson, service chairman; and Gene T. Mills, public information.

It would be difficult to point out individuals, but mention is due the two largest divisions in the crusade—The County Residential Division chairmanned again by Claude Barrick of S. W. Barrick & Son Inc., of Woodsboro, and the City Residential Division, again headed by Mrs. Dale (Doris) Carter, Frederick County Health Department. Their lists of volunteers follow:

CITY

Mrs. Carter-James Harrison, Miss Anne Stone, Mrs. James McSherry, Mrs. Alan H. Hargis, Mrs. Irene Spurrier, Mrs. Glenn Waltz, Isaac Stevens, Mrs. Ella C. Murphy, Murray F. Fox, Mrs. Charles L. Gorgas, Mrs. Arthur Kester, Mrs. C. B. Hobgood, Mrs. Charles Crawford, Mrs. Gordon Palmer.

Also, Mrs. Helen Mills, Mary Jane Cregger, the American Legion Auxiliary Unit No. 11 members, Mrs. Robert Fisher, Mrs. Edwin Nikirk, Mrs. T. V. Levinson, Miss Pauline Sheets, Mrs. William O. Wertenbaker, Jr., Mrs. Beulah Roop, Mrs. Ernest B. Harris, the Home League Ladies of the Salvation Army, Miss Denise Porr.

Also, Mrs. Harry Main, Mrs. Alton Shaff, Mrs. Belle Keyser, Mrs. D. L. Wigginton, Mrs. Jack L. Roach, Mrs. Robert S. Turner, Mrs. Lloyd Stup, Mrs. Kea Hersperger, Mrs. Mary Holdcraft, Mrs. George Dorsey, James and Billy Graham, Mrs. Grace Chafin, Mrs. Ruth E. Stup, Mrs. John Hanson, Stanley Staley, Mrs. Elmer Wachter, Mrs. Joseph Price, Mrs. Harold Schaden, Mrs. Thomas Eichelberger.

Also, Miss Dorothy Keys, Mrs. Leonard Dobucki, Mrs. William J. Mohan, Mrs. Charles Rumpf, Mrs. George F. Cresap, Mrs. Thomas Notally, Mrs. Edward Routzahn, Mrs. John Ponton, Mrs. Paul Gordon, Mrs. Adel Demiray, Mrs. Wilson Stup, Mrs. Dare Morton, Mrs. Ruth E. Brandenburg and son, Mrs. Owen Mercer, Miss Eleanor Brown, Mrs. Robert Stanton, Mrs. Alice Davis.

Also, Mrs. Claude R. Delauter, Mrs. George Ambush, Mrs. Raymond Scott, Mrs. William Kennedy, Mrs. George C. Meyer, Ronald Summers, Mrs. Kenneth Crampton, Mrs. William Barry, Mrs. Douglas Whittington, Mrs. M. L. McKenna, Mrs. William R. Cole, Mrs. Frank House, Mrs. J. Earl Gilbert.

COUNTY

Claude Barrick-Elmer Highhouse, Mrs. Leon Howard, Mrs. R. J. Opel, Mrs. John Carnochan, Jr., Mrs. Louis Faville, Mrs. Eugene Kefauver, Mrs. Albert Main, Mrs. Joseph Hering, Mrs. John C. Spahr, Mrs. Ellen Jacobs, Mrs. Austin Cooper, Mrs. Carroll Lee Zecker, Mrs. Verna Ward, Mrs. Louise E. Fraley, Mrs. C. Ray Green, Mrs. Clyde V. (Jessie) Knipple, Mrs. Dorsey Lovell, Mrs. James Fisher, Mrs. Keefer R. Crampton, Mrs. Fred Oyhus, Mrs. Glenn Bumbaugh.

Also, Charles C. T. Stull, Mrs. Frank Sterling Warner, Mrs. Stafford Grabill, Mrs. Millard Eiler, Mrs. William Buzzerd, Mrs. Paul Brunner, Mrs. Joseph Brown, Mrs. Brinton E. Sullivan, Mrs. Frank Gladhill, Mrs. Bertram Enfield, Mrs. Richard Jones, Mrs. Karl S. Manwiller, Jr., Mrs. Stanley Y. Bennett, Mrs. John Graham.

Also, Mrs. Sterling Bollinger, Mrs. Dale Ericson, Mrs. John Moser, Mrs. Charles Hoke, Mrs. Harvey Starkey, Mrs. Joseph Beeson, Mrs. Claude Barrick, Mrs. George F. Quinn, Mrs. Carl Harbaugh, Mrs. John D. Vachon.

During the crusade year, there were scores of organizations and other individuals who planned and carried out special fund-raising projects, or were cited for their efforts on behalf of the campaign.

One of the projects which for the third consecutive year drew praise from county and state cancer officials, as well as interested citizens, was the "Road Block" solicitation by students of the University of Maryland who chose to "demonstrate" in the Crusade rather than on campus.

John Wrightson was chairman of the project which involved members of Alpha Gamma Rho fraternity and Pi Beta Phi sorority. Members soliciting for the crusade at area shopping centers included:

Alpha Gamma Rho—Wrightson, Jason Myers, Tommy Bligeman, Bert Ford, Rob Powell, Greg Browning, Bob Fry, Rick Stuller and Larry Grossnickle; Beta Phi—Irene Zolnaski, Linda King, Barb Porterfield, Chris Baumann, Sharon McKim, Patty Griffin, Holly McCabe, Dale Ganley, Julie Johnson.

Every little bit helps—and so it was with projects for cancer such as the back-yard carnival conducted by the children at the home of the Willard Posts on Thomas Avenue . . . Net: $3.50.

Frederick High Students, according to Thomas Van Pelt, held a welfare drive under Student Council and the share for the Cancer Crusade was $55. Student Council officers involved were Perri Fellers, president, and Stephanie Brown, vice president, and Welfare Committee members Allen O'Hara, Eric Summers and Carol Main.

One of the biggest efforts in terms of people involved was the Rallye Day USA charity road rally sponsored by the Francis Scott Key Mustang Club, with H. Wayne Williams as chairman. The April 18 event netted $108 for the Cancer Crusade.

The Traffic Department of C & P Telephone Company in Frederick sponsored a cancer drive in memory of LeRoy Koogle, a former plant employee and cancer victim. The program netted $325 for the crusade. Principals in the project were Chairman Dorothy DeGrange and Mrs. Anna Bussard and Mrs. Olie Nikirk who sold the most tickets. John Copenhaver of Baltimore, Bill Fourhman of Westminster and Pat Murphy of Middletown received the gifts.

Every crusade has its gems, and this was no exception, according to Mrs. Louise Creager, executive secretary of the Frederick Cancer Society.

One of the projects, Mrs. Creager explained, was the "Send a Mouse to College" campaign in which anyone could, by contributing 27 cents, pay for an experimental mouse to be used in cancer research.

The mouse "hunt" was conducted in April by Hood College students, with Grace E. Lippy as chairman. The project netted $120.22 for the fight against cancer through research.

One of the envelopes containing 27 cents came from Martha Kazenmadel, all the way from Saddle River, N.J., and included the following notation:

"If possible, please use my 27 cents to purchase some equipment or something. Please do not buy a mouse and kill him."

What goes into a successful Cancer Crusade? A lot of dedicated people and a lot of work . . . and a purpose that's worth working for:

"We want to wipe out cancer in your lifetime."

The PRESIDING OFFICER (Mr. STEVENSON). Who yields time?

Mr. DOMINICK. I yield 5 minutes to the distinguished senior Senator from Maryland (Mr. MATHIAS).

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. MATHIAS. I thank the Senator from Colorado for yielding me this time.

Mr. President, I support the bill with a great deal of sincerity. Like most Americans, we have all felt the scourge of cancer in our families. We all know the toll it takes in the lives of Americans and what it costs in human terms, human terms so deep and personal that we do not even like to consider what cancer means in the economy of America.

Few of us realized, until a very short time ago, for example, how cancer attacks our children or, for that matter, how impartial it is to the ages of the victims it strikes.

Mr. President, let me revert to the subject raised by the distinguished junior Senator from Maryland (Mr. BEALL), the question of facilities now available which can be of some help to children who are threatened by cancer today, and to older Americans who are threatened by cancer today—to whom time is a matter of great importance.

It is all very well to talk about programs which are ultimately going to be of help to the whole of the American people, but it is a different thing to talk about programs which can be put into effect today, where progress can be made today, and not just a question of the long-range prospect of help, or a blueprint being needed which will be effective for all Americans who will be born after the year 2000.

What is important to American lives in danger from cancer today is some help today.

What the junior Senator from Maryland has suggested, and what I should like to emphasize now, is that we have facilities in being, bought and paid for—insofar as anything that the Government has can be said to be bought and paid for—which have cost the American public about a quarter of a billion dollars, for studying the effects of the various strains of the virus of cancer on human beings. That is the point at which we begin to find the causes of cancer and, thereafter, the cure for cancer.

We have a team of people trained to operate this system, as the junior Senator from Maryland has pointed out. They are all waiting and ready to go to work. This is the team at Fort Detrick, trained in biological warfare but immediately adaptable to the peaceful cause of finding the cure for cancer.

If we can utilize the facilities at Fort Detrick, we will accelerate the impact of this legislation immediately, because a telephone call today can put Fort Detrick to work for peace. As a matter of fact, there would be no delay at all in utilizing this unique facility. It would not only save time but it would also save money, because if we do not use Fort Detrick, the expert judgment in this country is that we will have to go out and duplicate the facilities which already exist there.

Thus, in terms of time and money, the purposes of this legislation, which I believe will get the overwhelming support of the Senate, can be served by immediate utilization of Fort Detrick, whose experts are objective, have no partisan ax to grind, and are interested in nothing but performing their jobs efficiently.

Fort Detrick is a magnificently specialized laboratory which could be rapidly transformed into a bastion in the fight against cancer. So states Dr. James F. Holland, president of the American Association for Cancer Research, and a number of other scientific experts in this field who have testified that the Fort Detrick facility is available and ready to go to work at once.

One of the problems is, I fear, that the case of Fort Detrick is being considered as just another base closing, just another situation where a community which has benefited by the proximity of a large military installation regrets its closing. Well, of course, those elements do exist, but the fact is that this is not just a base-closing question but one of a pledge made to the American people by the President of the United States, a pledge which can be redeemed more quickly, more economically, more efficiently, and, I think, more successfully, by utilizing the facilities at Fort Detrick.

Therefore, I am very much pleased to associate myself with the remarks that have been made by the distinguished junior Senator from Maryland in urging passage of the bill and the utilization of Fort Detrick to accomplish the purposes of the bill.

Mr. DOMINICK. Mr. President, I want to thank the two disitnguished Senators from Maryland for their support of this bill. I know how important the facilities at Fort Detrick could be in finding answers to the various kinds of cancer. I note that the bill gives the Director of the Cancer Conquest Agency specific authority to acquire any facilities he deems necessary to carry out the cancer program. Presumably, to make use of Fort Detrick, this would only involve a transfer from DOD to HEW.

Mr. President, at this point I yield 5 minutes to the distinguished Senator from Vermont (Mr. PROUTY).

The PRESIDING OFFICER (Mr. STEVENSON). The Senator from Vermont is recognized for 5 minutes.

Mr. PROUTY. Mr. President, as a cosponsor of S. 1828, the Conquest of Cancer Act, I urge Senators to support the bill as reported by the Committee on Labor and Public Welfare Committee.

While not the major cause of death in our Nation, cancer is the disease most dreaded by Americans. Of the 200 million Americans alive today, 50 million will develop cancer at present rates of incidence and some 34 million will die of this painful disease. Cancer must be conquered and we as a Nation must commit ourselves to this conquest. The measure before us embodies this commitment as expressed by President Nixon and a bipartisan array of sponsors and cosponsors of the two bills which resulted in the compromise in the amended version of S. 1828 now before us.

As a member of the Senate Health Subcommittee, I would like to share briefly with Senators the problems that developed in seeking a means to achieve a shared goal.

There were clear, well-intentioned differences of opinion as to whether our expanded efforts against cancer should be conducted by an agency independent of the present National Institutes of Health or within the NIH framework. After much thought I became convinced that maintaining the integrity of biomedical research was essential to achieve our goal because the problem of cancer straddles almost all the life sciences any one, or all, of which may contribute to the final conquest of cancer.

The bill before us reflects a compromise between those who deeply felt that a separate agency was needed in our fight against cancer and those of us who believed that the battle must be waged in the closest harmony with the NIH troops already on line.

I commend all who endeavored so long and hard to achieve this compromise. It is indeed in the finest tradition of the United States Senate.

I am convinced that as set up in this measure the Conquest of Cancer Agency, independent but within NIH, is the best vehicle for carrying out our firm commitment to apply whatever resources are necessary to conquer cancer as rapidly as possible.

Some Senators may express concern that the role of the Director of the National Institutes of Health as it pertains to the new Agency should have been more clearly defined in this bill. Perhaps this is so, but with Dr. Robert Marston as Director of the National Institutes of Health I have no doubt the activities of NIH and the Agency will be carefully coordinated and that there will be no let up in the research momentum he has so expertly developed in his 3 years as Director of NIH.

To a large extent the success of the Conquest of Cancer Agency, or any agency for that matter, depends on the quality of its leadership. The National Institutes of Health has been made excellent by great directors like Dr. Marston and I am confident that with his deep commitment to conquer cancer President Nixon will appoint a Director of the Conquest of Cancer Agency who will follow in this tradition of excellence and in the closest cooperation with Dr. Marston.

Mr. President, I believe this bill as reported is essential to reach a goal everyone seeks and hopes is reachable, the conquest of cancer. I urge Senators to enthusiastically support S. 1828.

Mr. President, I thank the Senator from Colorado for yielding.

Mr. DOMINICK. Mr. President, I thank the Senator from Vermont for his contribution.

Mr. President, as far as I know, we have now outlined the matter in detail. I do not have any additional requests for time. I do not know whether the Senator from Massachusetts has. Apparently he does not.

Mr. President, I ask unanimous consent to have printed at this point in the Record an extremely interesting article entitled "Cancer Virus Isolation in Human Is Reported," written by Victor Cohn, and published in the Washington Post.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cancer Virus Isolation in Human Is Reported

(By Victor Cohn)

The first isolation of a human cancer virus—an elusive goal of science for more than half a century—was claimed by a Texas medical team yesterday.

Two Houston scientists said they extracted the virus from the cells of a 5-year-old boy who died of Burkitt's lymphoma, a lymph gland cancer.

The pair—Drs. Elizabeth Priori and Leon Dmochowski of the *University of Texas'* noted *M.D. Anderson Hospital* and *Tumor Institute*—then succeeded in growing the virus in human lymph cells in the laboratory.

If confirmed, their achievement could open the way to learning not only the way many cancers are caused, but possibly how to prevent them, maybe by vaccination.

There is already widespread excitement over the reported discovery at the National Cancer Institute in Bethesda, under whose contract the work was done.

The findings still must be checked by many scientists. It may take long study before anyone can positively say that the particles they are growing are human cancer viruses.

There is also a prior claimant for "first" isolation of a human cancer agent—the isolation of another type of virus linked with another variety of Burkitt's lymphoma by Drs. Michael Epstein and Y. M. Barr in Britain in the mid-1960's.

Their "EB" (for Epstein-Barr) virus is still called only a "cancer-associated, herpes-type virus" (because it resembles the viruses of herpes diseases). It has been implicated in other diseases too, and its true role is still unclear.

The Houston claim comes from a team led by a well-established authority, the 61-year-old, Polish-born Dmochowski, head of virology at M. D. Anderson. He believes he has strong evidence that "indeed a human virus has successfully been obtained for the first time."

His sphere-shaped virus is a so-called C-type, the same type that is the proven cause of cancer in rats, mice, cats, dogs, monkeys and other mammals.

"If this finding is true," said Dr. John B. Moloney of the National Cancer Institute, "this is a huge step forward. Here is something we have been looking for for a long time."

It could prove the most important discovery so far in the institute's $40-million-a-year "special cancer virus program." This effort mainly financed the Texas work and many other recent advances, as part of an intense search for cancer viruses and a cancer cure.

An animal cancer—chicken leukosis or leukemia—was first shown to be caused by a virus in 1908. But it has been only in the last few decades that evidence has begun to accumulate that human cancer too may be associated with viruses.

The Texas evidence comes in a year in which, first, scientists reported still another type of cancer virus (B-type) in high number in the milk of women having a strong family incidence of breast cancer.

Next, in late June, doctors discovered an apparent epidemic of Hodgkins disease—another kind of lymphoma—in 12 members or close contacts of the 1954 graduating class of an Albany, N.Y., high school. This raised the possibility that Hodgkins disease is infectious and caused by a virus—or maybe caused by a virus triggered by some common factor in this group's environment.

In all, Dr. Frank Rauscher of the cancer institute noted recently, "the era of the '70s is the era of confrontation with the cancer mystery and will reveal more about the mechanism of cancer than any time since the inception of research."

Houston's Dmochowski (with C. E. Grey) first identified what he believed to be C-type viruses in the lymph nodes of a Hudson patient in 1957.

But identifying a virus—in electron microscope photos magnified perhaps 90,000 times—and snagging it are two different things. The latter was finally accomplished by Drs. Priori and Dmochowski and colleagues with the virus from the boy with Burkitt's lymphoma, a cancer that particularly affects the face and knee bones.

To "isolate" a virus a scientist must not only grow it in a lab dish full of cells. He must then show that he can infect other such cultures with an extract, then do so in culture after culture in what virologists call "serial passage." The Houston group has made 40 such passages.

They have sent cultures to others, and workers at both the cancer institute and New York's Memorial-Sloan-Kettering Cancer Center have determined that the particles are not contaminants, or animal cancer viruses that somewhat migrated into the laboratory.

What are the next steps in proving that "ESP-1"—the name of the new virus, for Elizabeth S. Priori—is really a human cancer virus?

If the victims were animals, scientists would try to infect other animals. In humans they must be more indirect: showing that the virus harms cells in the laboratory, for example; looking at other patients for the virus; looking at the general population to learn the virus distribution.

Evidence already indicates that the virus infects human embryo cells grown in the lab, said Dmochowski.

Mr. TAFT. Mr. President, the Conquest of Cancer Act, which I have cosponsored and is before us today, is the result of deep concern and a firm commitment by Americans to expedite the discovery of a cure for cancer. The consensus of all that the conquest of cancer is a top priority must be matched by the financial resources, human knowledge, and the administrative framework necessary to make this goal a reality.

I believe that this bill will provide that framework. The study and discussion of how we might be most successful in achieving the conquest of cancer has been consistently characterized by dedication, reason, and compromise. Recent advances in cancer research prompted the passage of S. 376 in March of 1970, which authorized an in-depth study of cancer research including recommendations to facilitate its conquest. In June of 1970, the eminent panel of consultants on the conquest of cancer began this study. With singleness of purpose, these thoughtful men and women reported their findings and recommendations. They told us that a national program for the conquest of cancer would be essential to build upon recent advances in this field of research. They recommended that the program must be administered with clearly defined responsibility and adequate financial resources.

In his state of the Union address, President Nixon made the discovery of a cure for cancer one of his six great goals for this Nation. He requested the appropriation of an additional $100 million to begin this campaign against cancer. Based on the recommendations of the panel of consultants, the distinguished Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from New York (Mr. JAVITS) introduced S. 34, the Conquest of Cancer Act. After the exchange of ideas in hearings and numerous discussions, the distinguished Senator from Colorado (Mr. DOMINICK) and the distinguished Senator from Michigan (Mr. GRIFFIN) introduced S. 1828, an act to conquer cancer, on behalf of the administration. Further exchanges of ideas concerning the best method of achieving our common goal—the conquest of cancer—brought forth the compromise bill which we are now considering. I congratulate all who have joined in this effort.

S. 1828, in its present form, would establish a Conquest of Cancer Agency as an independent agency within NIH. While the new agency would be administratively independent, the continued coordination of cancer research with other biomedical research is insured in this bill.

It is my hope that the threads of dedication and reason which have run through each stage of this legislation will culminate today in the overwhelming approval of the Conquest of Cancer Act.

Mr. PERCY. Mr. President, I wish to offer strong support for S. 1828, the Conquest of Cancer Act.

Cancer strikes young and old, strong and weak, and black and white indiscriminately. In our lifetime, cancer will attack one in every four Americans. In the 1970's alone, 6.5 million Americans will develop cancer, 10 mililon will undergo medical treatment for cancer, and 3.5 million will die from cancer unless better methods of prevention and treatment are discovered.

This Conquest of Cancer Act is timely. It comes at a time when research successes in the past 10 years are raising hopes, when cancer research is in the best position to benefit from an infusion of resources. The cure rate is gradually improving, up from 20 percent in 1930 to 33 percent today, and headed for a potential 50 percent in the near future.

I am pleased to have been a cosponsor of S. 34 as I am a cosponsor of S. 1828. However, I hope this Conquest of Cancer Act signals the beginning of our national commitment to find relief, not only for cancer, but for all dread diseases. On August 3, 1970, I called for a crash program for the cure of dread diseases: cancer, heart and stroke. Today, I pledge again to do everything in my power to help eliminate those diseases by 1976 or earlier.

I would like to commend the administration, Senator KENNEDY, the full committee, and the subcommittee for a job well done in bringing forth this most important piece of legislation that will surely hasten the day when we will find a cure for cancer. I would be remiss also if I did not mention the important role played by an outstanding nationally syndicated newspaper columnist, Ann Landers, who urged her readers to support S. 34 and help wage war on cancer. I alone in just one Senate office received a total of 28,250 telegrams and letters attributable directly to this one column. As has been aptly said before, "never underestimate the power of a woman."

Mr. TOWER. Mr. President, I rise to give my strong support to S. 1828, the Conquest of Cancer Act.

As a cosponsor of S. 1828, I am extremely pleased that the Committee on Labor and Public Welfare has reported this bill unanimously to the full Senate. It must be noted that the bill as reported differs to an extent from the bill Senator DOMINICK introduced on behalf of the President on May 11.

However, the measure we now consider represents the bipartisan commitment which is needed if we are to make the progress in the field of cancer research demanded by the American people. The Senate Labor and Public Welfare Committee should be commended for striking a compromise between the President's objectives as outlined in his special message of May 11 and the objectives contained in S. 34 introduced by Senators KENNEDY and JAVITS on January 26, 1971.

The pending bill will establish a conquest of cancer agency with independent budgetary authority. The Director of the agency will be responsible to the President. The autonomous nature of this agency is necessary to insure the national commitment to eradicate cancer that has now been endorsed by the executive and legislative branches of the Federal Government.

While I firmly believe that a national cancer commitment is in order, I also feel that such action should not be undertaken in an isolated manner. The United States is the recognized world leader in the field of biomedical research. Our effort in this field has been coordinated and directed by the National Institutes of Health. The scientific intricacies involved in cancer research necessitate the implementation of a program that will allow a free flow of ideas between the National Institutes of Health and the Cancer Conquest Agency.

I am convinced that this bill will allow for such a continuum which will promote an overall attack upon this dreaded disease. By making the Conquest of Cancer Agency an independent agency within the frame work of the National Institutes of Health, we will insure the existence of a mechanism to explore, in much greater depth, the questions relating to the many types of cancer. With this legislation, we will embark upon a national crusade directed by a dedicated nucleus of scientists and physicians.

Americans should be heartened by the action we take today. Yet, it would be a disservice to Americans directly concerned with this disease to categorically state that an end to their hardship is in sight. President Nixon warned against such misguided optimism in his special message of May 11:

> I would not want to discuss the subject of cancer research, however, without offering a word of caution. Many of the experts that we consulted with told us that biomedical research is a notoriously unpredictable enterprise. Instant breakthroughs are few and the path of progress is strewn with unexpected obstacles. As we undertake this crusade, we must put on the armor of patience, ready to persist in our efforts through a waiting period of unknown and possibly anguishing duration.

It must be made fully clear that this legislation represents only a commitment to achieve a long sought scientific objective. Legislation alone cannot cure anything. The Congress can only stimulate activity toward such an end. Yet, we are today making such a commitment, and my undying faith in the intelligence and creativity of the American people leads me to believe that we eventually shall see success in the fight against cancer.

I gave my full support to President Nixon's special request for an additional $100 million for fiscal year 1971 funds for cancer research. I intend to give my full support to future appropriations increasing this Nation's commitment to find a cure for cancer.

I, therefore, urge my colleagues to support S. 1828 as the proper vehicle to encourage scientific breakthrough in our efforts to find a cure for cancer.

Mr. WILLIAMS. Mr. President, with the establishment of the National Cancer Institute in 1937 and the excellent work it has undertaken over the past 34 years, significant progress has been made in the Nation's efforts to fight this dread disease.

Much has been accomplished, yet much more remains to be done.

As far as the American people are concerned there is no question that cancer, like polio and cholera and smallpox before it, must be eradicated. The American people feel about cancer the way they felt about splitting the atom and the way they felt about the moonshot—that these are truly exceptional and unusual circumstances; that there is no reason why people must suffer with this disease; and that cancer can be conquered.

By a wide margin, members of the American public fear cancer more than any other disease. And with good reason. Of the 200 million Americans alive today, 50 million will develop cancer and 34 million will die of cancer if we do not find better means of prevention and treatment.

Cancer not only represents financial catastrophe for the family which it strikes but the greater tragedy is the eroding effect it has upon human dignity.

On March 25, 1970, Senate Resolution 370 was introduced by Senator Ralph Yarborough, my distinguished predecessor as chairman of the Committee on Labor and Public Welfare. Under its authority a special panel of consultants to the committee was created. That distinguished panel consisted of 26 persons—13 eminent scientists and 13 eminent laymen. On November 25, 1970, the panel presented its report to the committee. Its conclusions were unanimous:

> A national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge. However, such a program will require three major ingredients that are not present today:
>
> First, effective administration with clearly defined authority and responsibility;
>
> Second, the development of a comprehensive national plan for a coherent and systematic attack on the vastly complex prob-

> lems of cancer. Such a plan would include not only programmatic research where that is appropriate, but also major segments of much more loosely coordinated research where plans cannot be definitively laid out nor long-range objectives clearly specified; and
>
> Third, the necessary financial resources.
>
> At the present time there is no coordinated national program or program plan. The National Cancer Institute has done excellent work itself and has supported grants and contracts in the scientific community which have resulted in much outstanding work, but the overall research effort is fragmented and, for the most part, uncoordinated. The effort in cancer should now be expanded and intensified under an effective administration charged with developing and executing a comprehensive national plan for the conquest of cancer at the earliest possible time.

In response to the recommendations of the panel Senator Yarborough introduced a bill on December 4 of last year, the Conquest of Cancer Act. Although no action could be taken on this measure in the few remaining days of the last Congress my distinguished colleagues, Senators KENNEDY and JAVITS, introduced similar legislation—S. 34—on January 25, 1971. I was proud to be a cosponsor of that bill, S. 34 proposed:

First, that the prevention, diagnosis, and cure of cancer be declared of the highest national priority;

Second, that an independent Cancer Authority be established to conduct and support research on cancer, and to collect and disseminate information on cancer to the public and scientific community;

Third, that a national plan be submitted to the Congress, through the President, for the conquest of cancer which would include measures to be taken in combating cancer; a timetable for the accomplishment of the measure; and cost estimates for major portions of the plan.

Fourth, that an 18 member National Cancer Advisory Board be approved by the President with the concurrence of the Senate to advise and assist the Administrator of the Cancer Authority.

On the same day that S. 34 was introduced in the Senate, the President made clear his view of the timeliness and urgency of a major effort to conquer cancer as rapidly as possible. In his state of the Union address to the Nation, the President called for a "total national commitment" to an intensive campaign to find a cure for cancer.

After 2 days of hearings in early March, some controversy had arisen concerning the efficacy of creating an independent cancer agency. Indeed, I found it remarkable that the reasoning and thoughtful opinion of so many men showed such great merit on both sides of the issue.

Everyone agreed that cancer is a major killer and a painful, horrifying disease. Everyone agreed that the past 10 years have seen significant breakthroughs in our efforts to treat cancer. And everyone agreed that the moment is ripe for a special effort on the part of the Federal Government to provide a massive infusion of money which might assure that the conquest of cancer can become a reality in our lifetime.

The crux of the disagreement centered upon the question of how best to fashion the mechanism to reach our common objective.

The panel and many other eminent scientists, doctors, lay professionals, and legislators saw the best approach as the creation of an independent National Cancer Authority.

The administration, and many eminent scientists, doctors, lay professionals, and legislators urged that the effort remain within the National Cancer Institute of Health.

Mr. President, we are all aware that when so many of the experts find themselves in such sharp disagreement on how best to implement a new and major Federal initiative, there must be clarifications made in legislative proposals to accommodate specific needs and to overcome justifiable concerns. Thus, subsequent to the March hearings on the cancer bill I introduced amendments designed to accomplish a great many objectives.

It is important, in my judgment, to insure the present lines of communication and cross-fertilization of scientific knowledge existing among and between the various Institutes of Health be maintained. I fully agree with those who urge that cancer research and other biomedical sciences must not and cannot be fragmented or isolated. And so I introduced an amendment to assure that the director of the cancer agency must be held accountable for continuing the free and open exchange of information and ideas.

To make certain that the work of the cancer agency and the whole of NIH are coordinated at the highest administrative and working levels I proposed to put the Director of NIH as an ex officio member of the national cancer advisory board. That board has been designed to have overall control of the direction and policy of the cancer agency.

Another concern then expressed related to the question whether the cancer agency would be empowered to lend financial support to research underway in the remaining institutes of health—research which demonstrated great promise in unlocking many of the remaining mysteries about cancer. There is no question in anyone's mind that large segments of basic biomedical research are relevant to cancer. Thus I felt it important to remove any doubt that funds may be transferred from the resources of the cancer agency to other NIH programs for the added support of promising cancer-related activities.

The concerns within the scientific community that peer review procedures must be clarified were accommodated in another of my amendments. The panel expressed its view that a national cancer program should include the voluntary, productive interaction and joint planning of the scientists responsible for the research projects. I feel that this is an important aspect of any professional endeavor since one's peers so often provide insights which too frequently escape the researcher in his zeal to pursue a novel theory. Thus, I propose an amendment directing that regulations be established governing appropriate peer review procedures for research grants and other programs of the cancer agency.

On May 11, 1971, Senators DOMINICK and GRIFFIN introduced S. 1828 on behalf of the administration. This bill in large part represented the view that the cancer agency cannot be made independent of the NIH. Among its key features:

First. The bill would establish a cancer cure program within the National Institutes of Health, which shall have as its objective the conquest of cancer at the earliest possible time.

Second. The program would be administered by a Director who will be appointed by the President with the advice and consent of the Senate, and will serve under the direction of the President.

Third. The Director would serve under the direction of the Secretary, HEW, with respect to such functions as the President may prescribe.

Fourth. The program would act in coordination with the other programs and activities of the National Institutes of Health.

Fifth. A Cancer Cure Advisory Committee would be established, consisting of the Secretary of HEW, the chairman and members of the National Advisory Cancer Council, and Director of the Office of Science and Technology—all of the preceding as ex officio members, and not to exceed 10 additional members to be appointed by the President.

After another day of hearings to consider this new proposal it became clear that a substantial increase in resources along with increased organizational efficiency will shorten the time necessary to bring a full understanding of cancer. To do this, it was the consensus of the committee that the legislation must assure that the cancer agency have the greatest amount of flexibility and independence. At the same time we thought it vital to preserve the traditional whole of biomedical research by keeping the cancer effort within the framework of the National Institutes of Health.

In sum and substance this is what S. 1828 seeks to accomplish. With its enactment we will witness a great national plan for a coherent and systematic attack on this dread disease. We will see independence in management, planning, budget presentation, and assessment of progress along with the commitment of national purpose which can only come directly from the President of the United States. We will, at the same time, assure that no violence is done to the relationship between cancer and other scientific efforts which might ultimately lead to fragmentation of the overall biomedical research effort.

I am, of course, pleased that the legislation has preserved the sense of the amendments which I proposed several months ago. We have, in the legislation, clear assurances of cross-fertilization between the agency and the other Institutes. The Director of NIH plays an important role in the cancer effort and his presence on the Board assures the greatest of cooperation among the various health research efforts. We have clarified the question of peer review with the assurance that the already excellent NIH system will be utilized but with the option for new procedures should the cancer effort so require. And the overall concept behind the legislation—independence, flexibility, adequate funds, comprehensiveness, and coordination—should give us the boost necessary to achieve the success we all so fervently seek.

Mr. President, as everyone in this chamber knows it has taken enormous energy and creativity to arrive at the legislative proposal before us today. There have been a great number of individuals who have played vital roles in helping the committee fashion a wise and workable program. Mr. Benno Schmidt, as Chairman of the Panel of Consultants, is to be highly commended for his utmost devotion to the task he set out to accomplish. And, of course, we owe a large debt of gratitude to the other members of the panel for their work. All of these men and women have had a historic impact for having helped us to realize that we can break through to find a cure for cancer.

Of equal importance, Mr. President, has been the great dedication of Senator KENNEDY—chairman of the Health Subcommittee—of Senator JAVITS—ranking minority of the full Labor Committee and of Senator DOMINICK—ranking minority member of the Health Subcommittee. If it had not been for their singleness of purpose and their conviction, that, regardless of any political consideration, this is something which must be done, it might not have been done and before us today. I am truly proud to serve with them on the Labor and Public Welfare Committee.

Mr. President, let us look to this legislation as a project which will demonstrate to ourselves and to the world that biomedical research can excel when it is reasonably free of bureaucratic and governmental restraint. Let it demonstrate that when this Nation sees particular suffering we can and we will establish a priority and reach the objective.

We in the Senate today have an opportunity seldom given in the lives of men—to turn on the power that will eventually save the lives of hundreds of thousands of men, women, and children in the United States. And we can pass on that knowledge all over the world and the name of America will be blessed.

Let the answers which are now within our reach soon be within our grasp.

Mr. BOGGS. Mr. President, as a cosponsor of S. 1828, the pending legislation to establish a cancer cure program, I wish to reaffirm my strong support for this measure and to urge my colleagues to pass on it without delay.

I am pleased that committee action on this legislation has been completed quickly and that a compromise was reached on alternative proposals. I believe this speedy action and the spirit of compromise have been prompted by the universal recognition that we must give new emphasis and financial support to efforts at conquering this disease in its many forms.

By creating within the National Institutes of Health a new cancer cure program whose Administrator will report directly to the President, we insure that new research will be built on previous efforts, but that it will not be lost in the vast HEW complex.

Again, I urge my colleagues to seize this opportunity to give new impetus to our efforts to find a cancer cure by passing this legislation today.

Mr. PELL. Mr. President, I am most happy to rise in support of S. 1828, the Conquest of Cancer Act.

As a cosponsor of this needed legislation and as a member of the Senate Health Subcommittee, I would urge my colleagues to support the passage of this legislation.

It is my hope that the Conquest of Cancer Act will represent a step forward in the readjustment of our national priorities.

I think it is important to note at this point the low priority that cancer research has had in the past years in the Federal budget. For example, in 1971, while the Federal Government spent $438 per capita for national defense and the war in Vietnam, it spent only $1.01 per capita for cancer research.

It has often seemed to me that our concern for the well-being and security of our people would be better served if the ratio between spending for national security objectives and domestic health security objectives was something less than 438 to 1. It is my hope that the Conquest of Cancer Act will result in a readjustment of that spending ratio.

At this point, I ask unanimous consent to insert an analysis of per capita selected Federal outlays for fiscal years 1969 through 1972.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

PER CAPITA SELECTED FEDERAL OUTLAYS, FISCAL YEARS 1969–72

	Actual		Estimate	
	1969	1970	1971	1972
Cancer research	$0.85	$0.87	$1.01	$1.24
Education	45.67	52.40	61.06	64.90
Health [1]	32.95	35.71	42.23	42.86
International affairs and finance	18.20	17.16	17.24	19.38
National defense	390.58	386.03	367.51	372.65
Space research and technology	20.42	18.00	16.19	15.15
Special Southeast Asia defense operations	138.52	111.54	[2]60.58	[2]41.35

[1] Includes Federal funds only, does not include trust funds.

[2] Based on estimates by Charles Schultz in "Setting National Priorities, the 1972 Budget," Brookings, 1971.

Source: Budget of the United States, fiscal years 1971 and 1972.

Mr. PELL. Mr. President, I am also proud to support the passage of the Conquest of Cancer Act for another reason. Included in this proposed legislation is an amendment I offered in the committee to establish an international cancer data bank. It is my hope that this international cancer data bank will enable American citizens to enjoy the benefits of foreign medical research and to allow foreign citizens, no matter in what country they live, to enjoy the benefits of American cancer research.

Mr. GAMBRELL. Mr. President, this session of Congress should go down in history as one which, in a significant way, determined upon an adjustment of material goals and priorities, which directed our resources toward the pressing needs of the American people. This is as it should be. For too long we have neglected many of the problems which afflict us at home. The price of preeminence in international affairs has frequently been a failure to excell to the extent of our capacities in domestic affairs.

Today we will be considering the merits of S. 1828, known as the Conquest of Cancer Act, which, if enacted, will establish an independent Conquest of Cancer Agency within the National Institutes of Health, and a National Cancer Advisory Board to advise this Agency in the development and execution of its program. My decision to support this bill was an easy one to make, for here we have an opportunity in the reordering of our national priorities, to attack an affliction which directly and severely hampers our national well-being.

Mr. President, I believe that there could be found no better point of embarkation on a national effort to combat our domestic problems than to direct our available resources into such programs as are contemplated under the auspices of the Conquest of Cancer Act. There can be no more direct benefit to the people than money and human resources spent toward a concentrated effort to control a disease which will kill 335,000 Americans in 1971, which cost over a billion and half dollars for patient care in 1969, and which annually takes from our economy another $15 billion in lost wages and other indirect costs. Over 6,000 of the people of my State will die this year of cancer and 12,000 will develop the disease.

In voting affirmatively on this bill, we will be saying to the American people, "Yes; we feel your most intimate concerns, and they are our concerns as well. We intend to do something about this, and about other urgent problems you face." A survey in 1966 showed that cancer was the No. 1 health concern of Americans, that 62 percent of us feared cancer more than any other single disease. And well we should, for at the current rates, of 200 million Americans living today, 52 million will develop cancer at some time, and 34 million will die as a result.

All this is not to say that a problem of such magnitude and scope has been completely ignored. Thirty years ago, American medical science could cure one cancer case in five; today, we cure one case in three. But the fact is that if we were better able to apply the knowledge we already have, we could be curing one case in two.

Researchers have made exciting progress in some areas. Last week, Drs. Elizabeth Priori and Leon Dmochowski of the University of Texas' H. D. Anderson Hospital made public their achievement of a major goal—the isolation of a human cancer virus. This is a feat which scientists have been trying to accomplish for over half a century and, if confirmed, may lead to further discoveries as to the causes, and possibly the cures, of different cancers.

It should be readily apparent to all of us, however, that this accomplishment alone is of no value, that many additional millions of dollars must be spent in research, before we are able to use this building block in the construction of the apparatuses that will bring about the conquest of cancer.

The time has come that piecemeal efforts cannot be allowed to suffice, that a few dollars from this fund, or that bequest, cannot bear the major burden of fighting cancer. We must attack it from a centralized vantage point, supporting our efforts with whatever funds and manpower may be required.

The proposed bill before us provides just such a coordinated attack. It gives the conquest of cancer agency sufficient autonomy to act quickly and effectively in promising areas, to allocate its funds for their most efficient use. Placing the agency within the National Institutes of Health enables the agency and the Institutes to mutually benefit from related projects and discoveries.

This bill also enables us to continue utilizing those funds and projects already underway, and to coordinate the entire program so that no avenue or possible source of benefit to the overall goals is left unexplored. For these reasons, I urge that we immediately approve S. 1828, to put our prestige and our promise behind an effort which can be justly commended only in the most admirable of terms.

Mr. President, I will also take this opportunity to urge the Congress to proceed rapidly to the consideration of other pressing problems in the area of national health. We will have made a very good beginning by passing the Conquest of Cancer Act, but medical science has no more than scratched the surface of a myriad of other problems equally devastating. We see at hand the opportunity to decisively attack a feared and dangerous killer, but perhaps run the risk of neglecting other health problems of equal urgency. We must go forward at once with our Conquest of Cancer, but at the same time, we must keep in the forepart of our minds that in 1969, cardiovascular—heart—diseases killed over a million Americans—three times as many as cancer; strokes took another 100,000, and influenza and pneumonia, 70,000 more. Such things as mental diseases, muscular dystrophy, birth defects, and arthritis afflict millions of Americans each year and are more than deserving of our attention and efforts.

In evaluating the importance which we place upon various claims to our national treasury, surely the claims for war against cancer and other diseases which every year take such a heavy toll of lives and directly affect every American family, must receive the highest priority.

In our 200 year history, we have never yet failed to find within ourselves the resources to overcome a deadly enemy of the American people. Let us today identify cancer as such an enemy, and set about to conquer it as we have other enemies in the past.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record a statement and insertion by the distinguished Senator from Washington (Mr. Magnuson).

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement and Insertion by Senator Magnuson

Mr. Magnuson. Mr. President, it is not without some very personal feelings and emotion that I wish to associate myself with those supporting S. 1828 and the Conquest of Cancer Act of 1971.

In 1937, when the Congress established the National Cancer Institute it was by a unanimous vote in both the House and Senate. For the first time, the Federal government helped to support biomedical research and cast some light into the darkness surrounding that dread disease, cancer. It is one of the pleasures of my legislative career to have sponsored that legislation, along with my senior colleague from the State of Washington, and my close friend, Senator Homer T. Bone.

At that time, as a House member, I extended my remarks, and although somewhat dated after 34 years, I would like to have them inserted at this point in the Record.

[August 2, 1937, Extension of Remarks]

Cause, Treatment, and Prevention of Cancer

Mr. Magnuson. Mr. Speaker, leave was granted me to extend my remarks in the Record on S. 2067, introduced in the Senate by the senior Senator from the State of Washington, and H.R. 6100, introduced in the House of Representatives by myself, being bills authorizing the Surgeon General to study the cause, treatment, and prevention of cancer and to cooperate with the States in the eradication of that disease, and providing for an annual appropriation to be expended for these purposes under the Surgeon General's direction. This measure, with sundry amendments, has passed the Senate, and on July 23 passed the House of Representatives. I wish to submit the following supplemental observations to my own remarks in the debate before the House today.

The subject of cancer is one which transcends all question of politics, color, or creed. It may seem a shameless exhibition of insolent presumptiousness for a layman, such as myself, to attempt to speak on a subject about which scientists admittedly have so much to learn. You may describe my so speaking as extremely audacious, but, Mr. Speaker, no one can say that there is anything audacious about my insisting that it is high time that the Government of the United States of America did something about "that great darkness" called cancer.

Mr. Speaker, during the year 1936, 710 people in my home city of Seattle, Wash., died of cancer. During that same year over 60,000 people in 187 large American cities died of cancer. Mr. Speaker, the New York Times of December 15, 1936, reported that cancer's death toll mounted in the year 1935 to 153,000. Cancer is the modern menace of civilized nations. It kills more of our American citizens than all our wars combined. The menace is growing each year. The Members of the House who have aided me in the passage of this bill have joined forces in one of the most impressive movements of modern times.

Let word arise at any time of a new pest attacking the fruit industry, or let a scourge of insect life invade the cotton fields, and legislatures of the State and Nation stand ready to smite the rocks of finance and pour forth rivers of revenue to repel the dangerous invaders. Let there be news of an unknown disease of cattle, and scientists march to the battlefield bulwarked with millions of good American dollars, to overcome the foe. In 1936 this Congress appropriated $1,715,000 for the eradication of tuberculosis in cattle. In the same year over half a million dollars was granted by this Congress to remove ticks from cattle, while $125,00 was employed in the destruction of the disease of hog cholera. For other diseases of animals not specified we appropriated $335,000. These totals are impressive. These figures do not include the millions of dollars spent by States themselves for like purposes. I have no quarrel with the appropriation for these funds. I have no objection to the sound economic reasons back of these grants. But it is a sad commentary on our civilization when we realize that not more than $700,000 a year is spent in the entire United States on cancer research. The pitiful truth is that our National Government spends only $100,000 a year in such research work.

Since the introduction of this bill my office has been flooded with letters from medical men throughout the United States commending its purpose. Editorially, this measure has been the subject of laudatory comments throughout the length and breadth of our land. Sufferers from this scourge, and their loved ones as well, have written me with a prayer on their lips for its passage. Anyone who has ever witnessed the silent, helpless anguish of a cancer patient cannot but cry aloud, "Why have we been so tardy?"

Modern scientists know now that the Byzantine Empress Theodora, wife of Justinian the Lawgiver, succumbed to a breast cancer in the year 548 A.D. Down through the centuries since man wrote his records in books we find that phantom specter stalking across the pages of history, leaving behind his trail of misery and pain. Queen Anne, the daughter of Philip the Third of Spain; Mary Tudor, daughter of King Henry the Eighth, and first of his six wives, Catherine of Aragon; the Bonapartes; and the Hohenzollerns are further proof of the fact that cancer is no respector of persons or personages. And yet, I repeat, with all the advances made by medical science, 153,000 people a year die in the United States alone from this disease, and we, in the past, have been interested enough to appropriate $100,000 a year to find out what it is all about!

Another horror which riddles our land is the cancer quack who thrives on the ignorant and unfortunate who hope for surcease from their cancer-induced woes. This measure and the publicity being given its passage should go a long way toward convincing cancer sufferers of the necessity of early medical attention and diagnosis upon the first appearance of what might seem to be cancer symptoms. Those with lack of knowledge have been ready prey for the jackals who travel along the medical border line. "Benign and malignant tumors", are the distinguishing definitions used by scientists, but the quack is never benign, and his malignancy is exceeded only by his success in plying his frightful trade.

Knowledge is needed in this fight. We know that cancer always begins in a small localized area and is curable if treated before it has time to spread into inaccessible parts. Its very danger is its insidiousness. Its early symptoms are not frightening. Like a thief in the night it worms its way into the body. Pain does not accompany its early growth. Science knows a great deal about cancer. Science knows that it is not infectious. Science knows that certain kinds of irritation can cause cancer and that it is not a germ disease. Cancer has been described by some as "cell development gone wild."

In closing, I want to quote from a letter which I received from Dr. William J. Mayo, in which he says:

> My brother, Dr. Charles H. Mayo, and I, and our associates in the clinic are very glad that you have introduced this bill, the purpose of which is of the greatest importance to the welfare of the people of this country and to the world. Too much cannot be said in favor of proper means and measures to learn the cause of cancer and to cure and prevent the disease.

Mr. Speaker, this amended bill provides for an annual exepnditure of $700,000 in this great work. I feel that we here this afternoon have made a real contribution to those noble scientists who have labored so long and hard in their endless search for truth. If no other major legislation comes out of this Congress, we can go home to our people and point with pride to the passage of this bill. The altars of experiment can now be warmed by the fuel which you gentlemen have today provided. I thank you.

Mr. MAGNUSON. In 34 years, our population has more than doubled. In 1935 the cancer death toll was estimated to be 153,000 and for 1969 it was estimated to be 323,000 in the United States. In 1936, the cancer death toll in my home city was estimated at 710 and in 1969 it was possibly 1,350 for Seattle and over 5,000 for the State of Washington.

Those statistics do not indicate a great deal of progress over the years, but figures are often deceptive, especially in areas like this where even today accurate statistics are difficult to secure. Back in 1937, of those known to be suffering from cancer, only about one in five had any chance for survival. Today, that figure is about one in every three, and if we could just get adequate care and early treatment to everyone who might have cancer it could possibly be one in every two.

Since that modest beginning in 1937, the National Cancer Institute has expended over $2,281,000,000 in a continuing search for the causes of cancers, the development of treatments and cures. Much has been learned and a great deal accomplished. Many of those accomplishments are detailed in the Report of the National Program for the Conquest of Cancer, and most of them were supported in whole or in part through programs of the National Cancer Institute and the National Institutes of Health.

Perhaps because it was the first "institute" created, certainly because it was held to be the first among equals, the Cancer Institute has always received the largest appropriation and the greatest public recognition. Since 1946, over $960 million in cancer research grants have been awarded by NCI and that accounts for over 15% of the total NIH grant support for biomedical research. The altars of biomedical research have truly been fueled over the years by the funds provided through NCI and NIH.

Today the situation is far different from that in 1937. The Congress established the Cancer Institute in what was almost a scientific, biomedical research vacuum. This was certainly the case with the Federal government where support of biomedical research was almost nonexistent.

Appropriations for NCI have grown from $400,000 in 1937 to over $230 million for Fiscal 1971. The National Institutes of Health now encompasses eleven separate "institutes" and divisions, and their appropriation for Fiscal 1971 exceeded $1,166 billion, and the total NIH research grant support program exceeded $666 million.

Today, the Cancer Institute is an integral part of NIH where collectively we conduct and support research into the whole spectrum of diseases that plague mankind. Heart, lung, arthritis, infectious diseases, neurological, kidney, eye—all of these individual, yet interrelated illnesses are studied and researched in the most professional manner possible by the most competent people available.

The National Institutes of Health is many things, but above all it symbolizes a set of processes for the governance of the orderly growth and development of biomedical science. It is trusted and respected by the only people here, or in the entire world, who can solve the problems facing mankind in biomedical science.

The NIH approach to the solution of those problems is truly comprehensive and coordinated, and most importantly it has been effective. Their approrach has facilitated the interchange of information about all diseases of man that are as interrelated as the human body itself.

NIH may be less than perfect, their procedures and processes might be improved, but we should tread cautiously in changing what is and has been successful. I am delighted that S. 1828 recognizes the merits of retaining cancer research within the overall NIH structure. Although I would not claim to know what structure is best, I did fear that separation of those activities out of NIH might well prove to be counter productive.

The major intent of this bill to increase the authority and visibility of the conduct of cancer research is something I support wholeheartedly so long as this is achieved without fragmenting biomedical research activities.

Any expansion of our cancer research programs must be organized in such a way that we will be assured of the closest possible links with all other basic biological research, and we must minimize any bureaucratic barriers between researchers and research organizations.

As the human body itself is indivisible, there is an indivisibility of biomedical research, the whole spectrum of health activities and the entire health community. Any tinkering or adjustments to a part has effects upon the whole and each of the constituent parts. We don't need any greater separation or isolation of efforts, we need more intimate interchange of ideas and inter-action among investigators in all scientific fields throughout the United States and the world.

On that basis, I am convinced that more adequate funding of all NIH activities will assure us of success in achieving the promise contained here in this measure—a promise that indeed all men of goodwill everywhere support and applaud.

Any change that Congress might legislate today for NIH or cancer or any of the other institutes must avoid what I believe to be certain pitfalls. Foremost is that of raising false hopes. Especially the false hope of immediate successes and a simple cure on an early tomorrow.

The horror of the cancer quack who thrives on the ignorant and unfortunate who hope for surcease from their cancer-induced woes continues to riddle our land. We must not become just as cruel by falsely raising the hopes of cancer victims in any way.

The problems of biomedical science, of cancer and other dread diseases can't be compared with our technological problems. To call upon qualified experts to build a better mousetrap, grant them the necessary funds and set a deadline for the delivery of a prototype is a reasonable undertaking.

In biomedical science, many of the key factors are unknown. If we've failed to achieve already what might have been achieved—in cancer or any dread disease—the reason is the inadequacy of the scientific base. Our knowledge about cells and the basic building blocks of human life, and even all the real functions of various organs within the human body is still too meager. If there is a latchkey to that knowledge, it is people who are especially trained and competent in their fields of expertise who are given adequate support to probe the unkown. This takes both time and treasure, and regrettably time cannot be simply purchased.

NCI and NIH have helped through the years to produce greater numbers of men and women needed to engage in biomedical science, and they have helped to support the research activities of competent investigators. They have accomplish this without preempting the field. Other public and private resources contribute substantially to these endeavors and share in the successes that have been achieved.

The National Institutes of Health is very much the weathervane, and this is a fact many have failed to comprehend. When NIH and their programs, intra- and extramural are thriving, all of American biomedicine, by a multiplier effect, thrives too. But whenever NIH shivers from fiscal constraints, all of American biomedicine throughout the nation sneezes and soon suffers a bad cold!

Most of us in the Congress have tried to maintain funding levels for NIH, all of the institutes and all of their activities, at a pace that would allow for a well tempered and graduated acceleration of efforts across the board. When breakthroughs appeared imminent, we have not hestitated to grant additional funds. I would cite our action last year in providing an additional $10 million for the special genetics task force. Those funds went to the Institute of General Medical sciences, but almost every expert in cancer research acknowledges the intimate relationship of genetics to cancers, and the results of these grants will surely prove beneficial to cancer research efforts.

NIH has not allowed breakthroughs in one area to distract them from other opportunities for conquests in other fields of biomedicine as they might emerge. This has been vital to overall biomedical research and it has been vital to bringing about solutions to particular problems in cancer and other dread diseases.

Again, I would stress that this measure recognizes these interrelationships and has provided for the continuation of cancer research along with all the other research activities of NIH within the framework of the National Institutes of Health.

S. 1828 recognizes that promise and performance are equally dependent upon funding that is adequate and reliable. I applaud the Committee and the sponsors for what they have proposed in funding. The universal complaint of all who served on the National Panel that initially proposed this legislation was the lack of adequate funding and the competition created for whatever funds did exist.

Frankly, I would not deplore that competition and it is probably a very healthy factor in biomedicine as it is upon the playing fields or even here in the Congress. But too often the funding for these programs has not been adequate. This bill would provide a far more adequate fiscal base for cancer research and I hope it is enacted.

I would also hope that all concerned, present and future Presidents, Administrations and Congresses, will be equally responsive to these fiscal needs for cancer and all of NIH, and provide whatever means prove necessary during annual deliberations over appropriations. I know the record will show that I have not been parsimonious in the past with NIH, and so long as I have any influence upon these decisions I will continue to do what I can to see that they are all adequately funded.

Mr. President, in conclusion let me recall again that it was almost 34 years ago that Congress enacted my bill creating the National Cancer Institute measure. On July 22, 1937, the United States Senate passed that bill by a unanimous vote. A bill that would dedicate our nation to the conquest of cancer merits similar support. May history be repeated here today in the Senate.

CONGRESS FACES MAJOR RESPONSIBILITY TO PASS, CONQUEST OF CANCER BILL

Mr. RANDOLPH. Mr. President, I speak on a subject of major importance, both to America and to the world. That subject is the prevention, diagnosis, and cure of man's most terrible disease, cancer. Our concern is expressed in the Senate today in the form of a most urgently needed bill, S. 1828, the Conquest of Cancer Act.

This dreaded, implacable killer of men, women, and children took 323,000 American lives in 1969. This figure, staggering in itself, is even more horrifying when contrasted with other grim statistics. Deaths from cancer in just that 1 year were:

Greater than all U.S. battle deaths in the 4 years of World War II; four times the combined total of battle deaths in the 3-year Korean war and the 6 years of U.S. participation in Vietnam; and more than six times the number of deaths caused by automobile accidents in the same year.

One out of four Americans now alive, or 50 million people, will contract cancer during their lifetimes, and of those 50 million, 34 million will die unless a concerted, priority effort is made to wipe out the dread disease.

And yet cold, hard statistics, regardless of the horror they generate, cannot begin to plumb the depths of misery and heartache and despair of the millions of cancer victims and their families. Their silent desperation and their cries of suffering must be heard. And hearing, we must act.

The American people and their Congress, prodded by the magnitude of the cancer epidemic and also by recent encouraging developments in cancer research, have resolved to end this blight on humanity. A concurrent resolution passed both Senate and House in 1970 which expressed the unanimous sense of Congress that "the conquest of cancer is a national crusade," and that "Congress should appropriate the necessary funds so that the citizens of this land and all other lands may be delivered from the greatest medical scourge in history."

Pursuant to a Senate resolution last year, a committee of consultants was appointed to report to the Senate on, first the current scientific knowledge of the causes, treatment, cure and elimination of cancer; second, the prospects for success in conquering the disease; and third, measures necessary or desirable to facilitate success at the earliest possible time. The panel of consultants completed its work, and its report to Congress was published April 14, 1971. As a result of the distinguished panel's recommendations, the able chairman (Mr. KENNEDY) of the Health Subcommittee of the Committee on Labor and Public Welfare and its able ranking minority member (Mr. DOMINICK) introduced at the beginning of this session of Congress S. 34, a bill to establish a National Cancer Authority, which I cosponsor.

After careful consideration, both in the Health Subcommittee and in the full Committee on Labor and Public Welfare, Senator DOMINICK's proposal, S. 1828, was amended and was reported to the Senate. This bill is the result of painstaking effort by many people. I offer special praise to the consultants, to the chairman of the Health Subcommittee, Senator KENNEDY, whose guidance and involvement in bringing forth this legislation earned him the appreciation and respect of his colleagues on the committee, notably, Senator DOMINICK.

S. 1828 is a good bill. It is a vitally important measure. It will establish a beacon of hope to many who now live only with despair. It is a written testimonial to the firm commitment of the President and the Congress to end the scourge of cancer. It was my responsibility to join in sponsorship of the agreed on version, S. 1828.

And yet the American people must be cautioned. The conquest of cancer is not simply a matter of applying money to existing technology, as it was in the case of the successful lunar landing mission. There are many forms of cancer and much about the disease is yet unknown. Breakthroughs in medical science are not alone achieved through additional funds, though more funds can always be used. Cancer research over the last decade has convinced people of medicine and citizens generally, that a new focus and a priority program can achieve exciting and revolutionary results on many fronts.

If lives can be saved, if pain and suffering can be eased, if progress can be made toward creating a better life for all mankind, how can such a program be rejected?

This Congress has an overriding obligation to do what it can to rid us of death-dealing cancer. Congress has already expressed its commitment. Let us now translate our words into affirmative action.

Mr. DOMINICK. Mr. President, I am willing to yield back the remainder of my time, if the Senator from Wisconsin is willing to do so.

Mr. NELSON. Mr. President, unless someone else desires time, I yield back the remainder of my time.

Mr. DOMINICK. Mr. President, I am willing to yield back the remainder of my time, if the Senator from Wisconsin is willing to do so.

Mr. NELSON. Mr. President, unless someone else desires time, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the bill is open to amendment. If there be no amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate adjourns today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW TO MONDAY, JULY 12, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate adjourns tomorrow, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONQUEST OF CANCER ACT

The Senate continued with the consideration of the bill (S. 1828) to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Utah (Mr. MOSS) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from North Carolina (Mr. ERVIN), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Indiana (Mr. HARTKE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Oregon (Mr. HATFIELD) are absent on official business.

The Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea."

The result was announced—yeas 79, nays 1, as follows:

[No. 136 Leg.]

YEAS—79

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bennett
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hruska
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Muskie
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—1

Nelson

NOT VOTING—20

Bellmon
Bentsen
Bible
Burdick
Church
Cook
Cotton
Eastland
Ervin
Harris
Hartke
Hatfield
Hollings
Hughes
Inouye
Magnuson
Montoya
Moss
Mundt
Packwood

So the bill (S. 1828) was passed.

The title was amended, so as to read: "A bill to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date."

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR STAR PRINT OF SENATE DOCUMENT 92-25

Mr. McGEE. Mr. President, I ask unanimous consent that, in order to make certain technical corrections, a star print be authorized for Senate Document 92-25 entitled "Study Mission to Central and East Africa, February 1971."

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 8629 AND H.R. 8630, HEALTH MANPOWER PROPOSALS, AT DESK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that H.R. 8629 and H.R. 8630, the so-called health manpower proposals, received today by the Senate from the House, be held at the desk pending the report of companion Senate bills anticipated in the next 2 or 3 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest what I assume will be the final quorum call of the day. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR JOINT COMMITTEE REFERRAL OF A NOMINATION

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the nomination of Joseph H. Blatchford, of California, to be Director of Action, be jointly referred to the Committee on Foreign Relations and the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

There is not really much to be said. There are only three measures on the legislative calendar, so the leadership does not anticipate any controversies tomorrow as to legislation.

It is hoped that committees will act as expeditiously as possible to report measures to the Senate for floor action. The majority leader, I am sure, would want to emphasize and underscore the urgency for committee action, so that the Senate can complete as much business as possible before the August 6 recess begins, that being a little less than a month away.

On tomorrow, the Senate will convene at 12 o'clock noon. Immediately following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

No rollcall votes are anticipated tomorrow, and when the Senate completes its business tomorrow, it will stand in adjournment until 12 o'clock noon on Monday next.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 44 minutes p.m.) the Senate adjourned until tomorrow, Thursday, July 8, 1971, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 7, 1971:

IN THE ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3384:

To be brigadier general

Col. Willie E. Dixon, Jr., SSAN [redacted] Infantry.

Col. Carlos K. Hayden, SSAN [redacted], Field Artillery.

Col. Marvin H. Knoll, SSAN [redacted], Field Artillery.

Col. William B. Pendlebury, SSAN [redacted] Field Artillery.

Col. Aureliano Rivas-Flores, Jr., SSAN [redacted] Medical Corps.

Col. Lawrence B. Rohde, SSAN [redacted] Civil Affairs.

Col. Frederick A. Welsh, SSAN [redacted] Infantry.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3385:

To be major general

Brig. Gen. Vahan Vartanian, SSAN [redacted]

To be brigadier general

Col. Paul P. Foran, SSAN [redacted] Infantry.

Col. James T. Keltner, SSAN [redacted], Air Defense Artillery.

Col. Thomas J. Kennedy, SSAN [redacted] Infantry.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier general

Col. Cunningham C. Bryant, SSAN [redacted] Military Police Corps.

Col. Lauris D. Graves, SSAN [redacted], Medical Corps.

Col. Leigh R. Wilson, SSAN [redacted], Field Artillery.

HOUSE OF REPRESENTATIVES—*Wednesday, July 7, 1971*

The House met at 12 o'clock noon.

Rev. James Clark Brown, the First Congregational Church, San Francisco, Calif., offered the following prayer:

Let us pray.

Let us remember the words of our Lord Jesus Christ when He said: "Those unto whom much has been given, of them will much be required."

O God, mighty, merciful, mysterious, before whose judgments nations and individuals rise and fall, inspire the leaders and people of this land that we may more faithfully know and do Thy holy will. O God, there is a hunger in our land; a hunger for moral heroes; for men and women whose passion is to bring into being the kind of world where every privilege and dignity which is enjoyed by the few may be made available to be enjoyed by all people. To that end, direct, comfort, and guide Members of the Congress.

"O Thou, whose Spirit first fashioned life,
Intending all creation Thy love to share,
Use us, O God, to do Thy work
Until the earth be fair."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE REVEREND JAMES CLARK BROWN, OUR CHAPLAIN FOR TODAY

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, I am proud today that our opening prayer has been given by an Oklahoman whom I have known for many years, a young man who grew up in Okmulgee County in the city of Henryetta, and who once served here in the House of Representatives as one of the staff rendering faithful service to this country.

Today James Clark Brown is minister of the First Congregational Church of San Francisco, and carrying on there a great ministry.

Many Washingtonians will remember him as the pastor for a number of years of the Cleveland Park Congregational Church here in Washington, D.C. With his wife, Verne, and their lovely children, David Edmond and Edith Louise, he is doing a great work in the State of California.

Again I say I am proud and pleased that that he could be with us today in a place he has always loved, to lead the House of Representatives in today's devotions.

A SALUTE TO WADE LUCAS

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, scarcely a day goes by without our national news media publicizing a conflict between Indians and civil authorities over the title to Federal property, alleged violations of legal or moral commitments or other basic differences of opinion.

It is refreshing to know that on Saturday of this week, Mr. Wade Lucas, a constituent of mine will be visiting Niagara Falls, N.Y., as a guest of the Tuscarora Indians. While there, he will be made an honorary chief and, with the authority of Gov. Robert Scott of North Carolina, will sign a formal peace treaty with the Tuscarora Indian Nation.

I might add that Wade Lucas, unlike so many "Honorary Chiefs" we see at campaign time, is not a politician running for office and seeking to court favor with Indian voters. Instead, Wade is a retired newspaperman with no aim or purpose in mind other than to cement a personal and official friendship with these Indians which dates back to Memorial Day more than 8 years ago when he visited the Tonawanda Reservation in an official capacity as public information officer for the State of North Carolina under the administration of Gov. Terry Sanford.

The Tuscarora Indians of the Tonawanda Reservation are a lot like many other Americans of all races and creeds throughout our Nation. They respond warmly to a genuine show of friendship and interest. Wade Lucas' longtime personal friendship with them is the kind of "people to people" relationship which will solve our international differences if they are ever to be solved.

INTRODUCTION OF LEGISLATION INCREASING FEDERAL SHARE OF EMPLOYEES' HEALTH BENEFITS PROGRAM

(Mr. WALDIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WALDIE. Mr. Speaker, I am pleased today to introduce a bill calling for increasing the Government's share of the Federal employees' health benefits program.

Under the present cost-sharing system, the Federal Government pays 40 percent of the basic cost of the health insurance of Federal employees.

This 40-percent figure was reached only last year. The House of Representatives had passed legislation calling for increasing the Government share to 50 percent, but after considerable pressure from the administration, including the threat of a Presidential veto, House-Senate conferees agreed to a reduced figure.

Mr. Speaker, I believe that the attitude of the administration may have changed in the course of the past year. On February 18 of this year, President Nixon called for private employers to provide 65 percent of the cost of basic health insurance coverage for employees as of July 1, 1973, and 75 percent of the total cost 3 years later.

The President based this appeal on the need to spread health insurance coverage to more of the Nation's citizens.

Mr. Speaker, I fully agree with the President on this mattter.

Further, I believe it to be fully consistent and proper for the Federal Government to lead the way for the private sector in meeting the President's goal of 75 percent of the costs for employees' medical insurance.

I hope that the Retirement, Insurance, and Health Benefits Subcommittee, which I chair, will hold hearings on this important legislation in the very near future, and I am hopeful of administration support for this proposal, which incorporates the President's own suggestions.

DIRECTING THE SECRETARY OF STATE TO FURNISH TO THE HOUSE CERTAIN INFORMATION RESPECTING U.S. OPERATIONS IN LAOS

Mr. MORGAN. Mr. Speaker, I call up House Resolution 492 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 492

Resolved, That the Secretary of State, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, any documents containing policy instructions or guidelines given to the United States Ambassador in Laos for the purpose of his administration of those operations controlled or directed by the country team in Laos, between January 1, 1964, and June 21, 1971, particularly with regard to—

(1) covert Central Intelligence Agency operations in Laos;

(2) Thai and other foreign armed forces operations in Laos;

(3) United States bombing operations other than along the Ho Chi Minh Trail;

(4) United States Armed Forces operations in Laos; and

(5) United States Agency for International Development operations in Laos which have served to assist, directly or indirectly, military or Central Intelligence Agency operations in Laos, and details of such assistance.

The SPEAKER. The gentleman from Pennsylvania is recognized for 1 hour.

Mr. MORGAN. Mr. Speaker, it is my intention to move that this resolution be laid on the table. It is also my intention to move that House Resolutions 493, 494, and 495, which are also privileged, be laid on the table as they are called up.

I do not want to prevent all discussion of these resolutions and at the same time I want to conserve the time of the House.

I propose to yield a reasonable amount of time for discussion while House Resolution 492 is before us. After this resolution which is now pending has been disposed of, it is my intention to move immediately that each of the three remaining resolutions of inquiry be laid on the table.

Mr. Speaker, I do not propose to debate this resolution. The action of committee on the resolution is set forth in the adverse committee report. The report contains a communication from the Department of State providing some of the information requested and giving the reasons why the rest was not supplied.

Each of us here this afternoon has to use his own judgment as to whether the Executive is justified in withholding certain types of information. Each of us must judge also whether additional information will be forthcoming if the House should not accept the recommendation of the Committee.

I will yield only for the purpose of debate.

I yield 5 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Speaker, I rise in support of the resolution.

The issues presented by these resolutions are not overly complicated. The issues are congressional access to information necessary for the proper discharge of constitutional responsibilities. On this issue alone today we should weigh very carefully our actions in this House.

The revelations in the daily press of certain documents on the Vietnam war raised fears and anxieties which have not yet been fully explored. These documents revealed simply that much of the conduct of the Vietnam war, and many of the assumptions and options concerning that conflict, were never communicated to the Congress. The fears which exist in Congress, I regret to say, center on the extent to which Congress bears a responsibility for proceeding in ignorance to finance and support a war so hidden from its view that its moral and legal judgment was numbed.

The moral philosophers have a phrase for this behavior: It is culpable ignorance. When one has the access or right of access to information needed to make a proper judgment and that information is not sought, the ignorance becomes the responsibility of the person acting or failing to act properly. That, I fear, has been the posture of congressional attitudes toward this war.

Even in 1965 there were serious and public doubts about the nature of the war we were fighting in Vietnam and the reasons we were fighting. The public press was filled with those questions 6 years ago. The administration at that time naturally defended its policies; could it do otherwise? Can the patient cure itself? Can the perpetrator of an act define adequately his motives and alternatives? The answer is no. The secret strength of our Government is the constitutional recognition that the separate branches must be watched by one another in the performance of their duties. But when one branch fails to watch with diligence and with the sufficient information for its observation, the system, to the extent of that failure, fails itself.

I fear, Mr. Speaker, that many of us did not want to know all of the facts of our involvement in Vietnam in 1965 or 1968 or even yesterday. I think that the Congress remained much too long is self-imposed insulation from the public fears which swelled and finally swept across our country. We feared that more knowledge would mean more responsibility for us. For the smell of disaster was in the air even in 1965.

The question today is not our involvement in Vietnam. We now know too much of how that involvement came. The question is how Congress fulfills its future responsibilities. How will we face the questions of Laos 10 years from now. How will we accept the effects of American policy in Greece, in Spain, in Latin America?

Mr. Speaker, we can no longer say we did not know. We cannot plead that we were not told. We cannot protest our ignorance.

Our ignorance, if continued, becomes more and more culpable. Our constitutional role in foreign affairs becomes pitted and eroded by a continuing inability to face the questions of a shared responsibility, a responsibility which we obviously cannot will away. The congressional role remains, facing each of us today as we consider these resolutions.

Let us act finally with the resolve given us by the Constitution, and confirmed by our own judgment: these resolutions form a test for Congress. Let us not fail.

I would urge my colleagues to vote in favor of the resolution so that once and for all we can meet our constitutional responsibilities and obligations. We cannot do that without the information that ought to be made available to us.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Speaker, I want to speak in favor of and support of this resolution. This Nation for some 7 years has been engaged in the war in Laos. It is reported that we have now dropped more bombs on Laos than we did on Nazi Germany in World War II. Many of us may disagree on our policies in Southeast Asia, but I suspect no one in this body disagrees with the concept that the House of Representatives has the constitutional responsibility to be fully informed on the affairs in any nation where we are conducting a war of this magnitude for this period of time.

The Senate has held a full day of secret hearings to be apprised of the circumstances in Laos. This administration has steadfastly refused to report to the people and to the Congress the nature of the CIA covertly directed war in Laos where the CIA agents are advising the Meo tribesmen. The administration has steadfastly refused to admit that we are hiring Thai mercenaries and ferrying them to Laos in American aircraft to conduct a war in defense of the Laotian Government—a war which this administration has not declared. The administration has steadfastly refused to concede that we are bombing civilian centers of northern Laos. Yet it is widely reported in the papers—the New York Times and the Washington Post and other newspapers, Life magazine and the Christian Science Monitor—that all of these events are taking place. We in Congress are forced to depend on what we are advised of in the public newspapers as to our involvement in Laos.

In my judgment this House cannot afford to remain ignorant. To us is given the power and the responsibility to provide for the common defense, to declare war, and to fund a standing army but for a period not to exceed 2 years. The Executive is assigned the power as Commander in Chief to take care that the laws are faithfully executed, and that the laws of this Nation are observed, whether we are involved in Laos, whether we are fighting a war, or whether we are assisting Thais and Meo tribesmen to kill people in Laos.

This Congress must be advised if we are to meet our constitutional responsibilities. For this reason specifically with respect to House Resolution 492 it seems to me eminently proper to ask the State Department to fully advise us of the nature of the war which they conduct. I as well as others of us have been in the Embassy in Laos. The Ambassador directs and controls all American air strikes in Laos.

Members might note, that in its report to the committee, the State Department suggested, in effect, that the bombing in northern Laos, where we are not at war and are not protecting American lives other than the CIA agents involved there, that we should ask the Defense Department for the information as to the extent of the bombing.

Well, I have asked the Defense Department for this information, and I should like to quote to the House from a letter dated June 11, from Deputy Assistant Secretary Dennis J. Doolin of the Department of Defense. He said this:

> It is neither feasible nor useful to go beyond these steps to furnish extended photography of Laos.

We had asked them for the photographs of 196 villages allegedly destroyed, by the testimony of their residents, yet the State Department and the Defense Department continue to say these villages have not been destroyed and we are not bombing villages.

We are not going to get this information under the claim of executive privilege unless this House exhausts its remedies provided for in our rules. Since the inception of this Nation, our rules have provided that in matters where we have jurisdiction—the declaring of war, the conduct of war—we are entitled to insist of the executive branch that the full details be disclosed to the House.

It is incredible to me that the Senate should be fully informed on this matter yet the House might refrain from demanding equal and full information.

We are elected every 2 years. We have to justify to our constituents revenue measures to support this war every 2 years. We vote for the standing Army for a period limited to 2 years.

This House, the House of the people, has every right, and in my judgment, the constitutional obligation to be fully informed. We can force this issue and become informed by the enactment of this resolution.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong support of the adverse report of the Committee on Foreign Affairs. I believe it would be most unwise for us to try to press for the documents requested.

Various speakers today have suggested, as did the minority views, that in some way the Department of State has been unresponsive. It is claimed that Members of Congress and the public need to know more about the nature of the operations in Laos during the 1960's than we presently know.

Let us look at the resolution. The resolution is very specific in what is requested. "Any documents containing policy instructions given to the U.S. Ambassador in Laos" are demanded of the executive branch. The reply from the Department of State points out that it is not in a position to provide the documents requested.

For two basic reasons I believe we were right in reporting this resolution adversely.

In the first place, as the State Department has stated, a good deal of the information requested is not available to them and the request for information should be directed to other agencies of the Government. I believe that unquestionably is true. The Central Intelligence Agency and the Department of Defense, and not the State Department, are certainly more appropriate places to turn, for additional information if the Members of Congress need to know more than they do.

I should like to point out that there has been considerable information that has already been made available to Members of Congress. Indeed, as has been pointed out, the Senate Foreign Relations Committee has held hearings and the other body has held an executive session to discuss this whole question of U.S. operations in Laos.

So we have already considerable information. Furthermore, the Executive has said it is willing to come and discuss our involvement in Laos further with us. I believe the Committee on Foreign Affairs should keep itself fully and currently informed about the extent of our obligations and past activities there.

But to suggest—and this is what the language of the resolution seeks to do—that documents containing policy instructions or guidelines given to the U.S. Ambassador in Laos is an appropriate way to proceed strikes me as quite obviously inappropriate. What is being asked is to demand access to what is probably the highest level of Executive privilege, all instructions and communications between the President of the United States and his personal representative in a particular country, namely our Ambassador in Laos.

If we want to understand, and get more details about, the policy of our country has been with respect to activities in Laos, or any other country we certainly should not seek to do it through that particular method, proposed by seeking the written instructions from the President to his Ambassador. Quite obviously if Congress should say that this is the way we should get the information the Executive will say, "It is impossible to grant that request."

I would suggest, if we are trying to get information, we should not even try to get it in this particular form. Those documents surely should be classified at the very highest level.

To some perhaps classification may mean nothing these days. For the minority views it is pointed out that the public needs to know more than it does, so presumably, if Congress had access to these documents and they were made available, this would only be a way station to having them made fully public. I would suggest that the national interest would not be served by this approach to what is quite obviously a sensitive subject.

Of course the Foreign Affairs Committee has a responsibility and Members of Congress have a right to know as also does the public. However, in this case the route requested to obtain information is surely the wrong one.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield to me?

Mr. FRELINGHUYSEN. I am glad to yield to the gentleman.

Mr. McCLOSKEY. On this secrecy question, this House under the Constitution has the right to keep its proceedings secret under article I, section 6, of the Constitution. There is no concern that if we gain this information, we would make it any more public than if the Congress held a secret session.

Mr. FRELINGHUYSEN. What the gentleman is saying is very naive. He contends that if 435 Members had access to highly classified information, on a subject where some information has already been made public, there would not be a great many leaks. In fact, a case is being made to have access to this information so as to make it available to the public. As I understand the gentleman's case, he is saying the people have a right to know, and we are the representatives of the people. So would it not be our responsibility to make available to the people, in turn, what we are given on a highly classified basis?

Mr. McCLOSKEY. If the gentleman's thesis is correct, the ultimate conclusion is that any information that the Executive would not want us to know about, he has the right to conceal. If he conceals it because of the danger of leaks, then how can the Congress declare war or act in other matters of the common defense without knowledge of the facts?

Mr. FRELINGHUYSEN. I am not arguing against the Congress having knowledge. Of course we should have knowledge. But I say that we have to go about it in the right way. This resolution is not the right way, to seek the written documents and the instructions from the President of the United States to his personal representatives; namely, the Ambassador of a country. It is presumptuous and naive of us to think that Congress is going to gain any meaningful information by taking this route.

Mr. MORGAN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WALDIE) for debate only.

Mr. WALDIE. Mr. Speaker, because of the constraints on time, I will address myself to another resolution that is not immediately before us but that I understand will be tabled because the committee voted 26 to nothing, I believe, against that resolution of inquiry involving the provision of more information on the Phoenix program and operations in South Vietnam.

I spent the morning in the committee's offices. The State Department apparently provided the information sought by that resolution to the committee. I spent the morning in the committee's offices reading that material. I did not find any reference whatsoever in those materials, Mr. Speaker, to the function of the Central Intelligence Agency with respect to their role in administering the Phoenix program. The fact remains that they perform a very important part in the administration of that program; they operate the Province Interrogation Centers. All detainees that are picked up in the net of the Phoenix program are taken and held up to 45 days for interrogation before they are then presented to the Security Committee that is in the various provinces for sentencing. The function of the Central Intelligence Agency was told to me while I was in Indochina several months ago, and one of the operators of the Province Interrogation Center in fact told me that he was employed by the CIA. That operation, the entire Province Interrogation Center, is the key to the Phoenix program.

What abuses that may very well occur in that program will occur during the period of the detention at the province interrogation centers. I am concerned about those abuses, Mr. Chairman, and I would hope, Mr. Chairman, in your role as committee chairman that with reference to those individuals who provided these materials, a major gap exists in what they have furnishd and the documents with reference to the operation of the province interrogation centers, and the role of the CIA in the operation of those centers as contrasted to the material provided us.

Mr. Speaker, my concern stems from a document to which I had access, which was among those documents provided us, a directive from MACV in Saigon, dated May 18, 1970, which states, in part, as follows, "to all American military personnel engaged in the Phoenix program," and this is the sentence that gives me the greatest concern:

> This directive establishes policy and responsibilities for all U.S. personnel participating in, or supporting in any way, Phoenix operations.
>
> U.S. personnel are under the same legal and moral constraints with respect to operations of a Phoenix character as they are with respect to regular military operations against enemy units in the field. Thus, they are specifically unauthorized to engage in assassinations or other violations of the rules of land warfare.

Mr. Speaker, I want to repeat that one sentence:

> Thus, they are specifically unauthorized to engage in assassinations or other violations of the rules of land warfare.

Mr. Speaker, it is incredible to me as a Member of Congress to believe that we would have to instruct American military personnel that they are not permitted to engage in assassinations. The fact that we must so instruct them, as recently as May 18, 1970, leads me to believe that this program has seriously gotten out of hand and that it is bringing a blemish on this country that this Congress ought to examine more closely.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. BINGHAM) for purposes of debate only.

Mr. BINGHAM. Mr. Speaker, I should like to make three points with regard to House Resolution 492, which is the resolution that a group of the Foreign Affairs Committee believe should have been reported affirmatively to the House. I urge affirmative action on that resolution.

First of all, House Resolution 492 calls only for policy instructions or guidelines given to the U.S. Ambassador in Laos. The items of the resolution spelling out the areas with which those policy instructions or guidelines might be concerned are illustrative only.

Therefore, the argument that the State Department makes at several points that it does not have the information requested is ridiculous on the face of it.

We are asking the State Department for policy instructions and guidelines given to the U.S. Ambassador in Laos, and the State Department comes back and tells us that they do not have this information, that the Department of Defense has it. Surely that is not a plausible proposition.

We are not asking for the details of these operations; that would be in the hands of the Department of Defense. We are asking for policy instructions and guidelines. So, when they say that the CIA has given certain information, that is irrelevant. The same with regard to the bombing operations along the Ho Chi Minh Trail. We are not asking for the details of those operations, but for the policy instructions given to the Ambassador.

Mr. Speaker, my second point is the question of whether or not this is Executive privilege. It seems to me that Executive privilege can only reasonably be claimed when what we are asking for is a memorandum from a subordinate to the President making recommendations which may turn out to be different from what the President ultimately decides. But, when we are asking for policy instructions given to an Ambassador in the field, this is surely not subject to Executive privilege. This may well be the best way to find out what the policy really has been. Unfortunately, we have been told from time to time by the executive branch that the policy is thus and so and then we find out that different policy instructions have been given to persons in the field.

So here again we are asking for something which is surely within our province to inquire about as to what was the policy as it was conveyed to our Ambassador in Laos.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I wonder if the gentleman could answer a question—and I certainly respect very much the right of the Congress to know what is going on, and to keep itself informed. However, I wonder if the gentleman has examined the precedents in this instance? Are there any precedents for the Congress making a demand of this kind upon the executive?

I am troubled because it seems to me that in line with something the gentleman from New Jersey (Mr. FRELINGHUYSEN) said, that it was clear that the executive would not furnish this documentary evidence, and that we would merely be provoking a confrontation between the legislative branch and the executive branch, and his point was with respect to our system of the separation of powers.

So I wonder if the gentleman from New York can tell me what the precedents are?

Mr. BINGHAM. I must confess to the gentleman that I have not studied the precedents, but I would say that if a confrontation follows from this where we are only seeking to know what the policy instructions were, then I do not believe we should withdraw from that confrontation.

Perhaps the gentleman from California (Mr. MCCLOSKEY) has more information on the precedents than I do.

Mr. McCLOSKEY. Mr. Speaker, if the gentleman will yield, I will state to the gentleman that the rules of the House are clearly not incompatible with such a request. I might add that the first use of a resolution of this kind was in 1792 when President Washington was President, and the Commander in Chief. So I think that we have the right to ask for this kind of information from the executive branch, because it has been extended the right of administration so that the subordinates to the President would be free to give him competent and carefully studied advice so that the information can be used by the President to carry out the policies.

Mr. BINGHAM. Mr. Speaker, I thank the gentleman for his response.

Mr. Speaker, the next point I want to make is with regard to whether this could be classified information. I am really surprised that the gentleman from New Jersey (Mr. FRELINGHUYSEN), would suggest that this House should not have access to classified information because some of it might leak out. After all, we who serve on the Committee on Foreign Affairs continually deal with classified information, and the same is true of those who serve on the Committee on Armed Services. Also the President recently sent the entire bulk of the Pentagon papers to both Houses of the Congress, recognizing that the House and the Senate have the right to have access to classified information.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BINGHAM. Mr. Speaker, I wonder if I might not be granted 1 additional minute?

Mr. MORGAN. Mr. Speaker, I yield 1 additional minute to the gentleman from New York.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding, and I merely wish to state that I did not say we should not have access to classified information because it might leak out.

The gentleman from New York is misinterpreting my position. I said it would be foolish for us to ask for information that could be held privileged between the President of the United States and his Ambassador to a foreign country. And if we did ask for it then it would be futile because it would be leaked out, quite obviously, because that is the very purpose of this entire operation. The whole point of the entire operation, as I understand it, to leak whatever information might be made available, based on the theory that the American people and the Congress should have access to such information, and this would provide the means to leak the information out.

Therefore I think that we should look at this whole matter with our eyes open as to what would be forthcoming where classified information is made available.

Mr. BINGHAM. I am a little confused by the position taken by the gentleman from New Jersey. On the one hand, he says that he is really talking about executive privilege, not classified matter, and on the other hand he points out that some Member might leak the classified information.

As one Member who signed the minority views, it is certainly not my purpose that the information supplied should be leaked to the public, it is my purpose that this information should be given to the Congress of the United States.

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I rise in support of this resolution. The most compelling reason for the House to support this resolution is to be found in the President's Kansas City speech of July 6. He spoke of declining morality, the decadence of American society, and the need to reaffirm and reestablish moral values in this country.

If there is one point in the social, political, and governmental fabric of this Nation where repair must be made immediately, it lies in the area of the U.S. Government's credibility with the American people.

There exists today in this country the largest gap in credibility that I have known in my 9 years in the U.S. Congress.

One result of publicizing the history of our involvement in the Vietnam war has been to indicate the extent to which the executive branch took action in a way to minimize the public's awareness of what our Government was actually doing.

And we do not know today, for example, the extent of the air war being conducted in Laos by our Government in our name presumably to further America's ideals and goals. We do not know what it is that our Government is doing in that air war over Laos, an air war that has produced hundreds of thousands of refugees.

This resolution seeks for the Congress information concerning what is being done in Laos through the use of modern, technically advanced aircraft and other kinds of weaponry. It is understandable why our Government bombs the Ho Chi Minh trail. But I would like to have somebody stand up on the floor of the House today and tell me what targets are being bombed that lie off the Ho Chi Minh trail. Will somebody in the House tell me what those targets are? Can anybody volunteer that information? Is there anyone here who will get up and say that they know, but do not want to discuss it for reasons of security?

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. WAGGONNER. The gentleman asked for information but I would ask the gentleman so far as that information is concerned what he wants with that information.

Mr. FRASER. Because I am going to be asked to vote for appropriations to carry on this air war. Does not the gentleman want to know what we are doing?

Mr. WAGGONNER. In other words, the gentleman takes the position that he will only vote for an appropriation for the conduct of military activities in the future that he specifically approves of?

Mr. FRASER. Let me put it this way. As a Member of Congress and as a member of the House Committee on Foreign Affairs, I think I should be entitled to know what the U.S. Government is doing in the air war over Laos.

Mr. WAGGONNER. Does the gentleman take the position that he ought to know this in advance?

Mr. FRASER. I surely do.

Mr. WAGGONNER. Then the gentleman has no concept as a practical matter of how the military must operate if they are to accomplish their goal.

Mr. FRASER. I think the gentleman has made the contrast between us very clear. The gentleman from Louisiana apparently would say that no matter what weaponry is used and no matter how many deaths we exact, he is prepared to appropriate for all that, even if it involves the utilization of nuclear weaponry and antipersonnel weapons.

Is that the gentleman's position?

Mr. WAGGONNER. This gentleman takes the position that there are some things that some people in this country had better not know for the security and future well-being of this country. Therefore, they must keep some information from me and they must keep some information from you for the benefit of the future security of this country. It is better that information as a rule be overclassified than underclassified.

Mr. FRASER. Will the gentleman enlighten me concerning the national security interest of the United States in Laos?

Mr. WAGGONNER. Anything that keeps the United States of America foremost in Laos and in the family of nations involves our national security.

Mr. FRASER. How much further should the U.S. Govenment go?

Mr. WAGGONNER. They need not go any further as far as I am concerned and if they do that makes it worth while.

Mr. FRASER. Would the gentleman from Louisiana like to know what else we are doing there?

Mr. WAGGONNER. I think I have some concept of what they are doing, and I approve of it.

Mr. FRASER. Let me say that the gentleman is willing to trust the military to that extent but, frankly, I am not willing to do so. I cannot go back to my district and stand up in a public meeting and answer questions about how we rained bombs on Laos, more bombs than have been dropped on any country in the world in this history of mankind. I cannot get up and explain what we are doing, why we are doing it, and what our objectives are. Why cannot the executive branch tell us what they are doing? It does not have to do this in a public fashion. It need only supply the information in the way it is supposed to.

But, Mr. Speaker, we have the right to know. If the gentleman believes that he has no responsibility in this Congress in connection with our activities in Southeastern Asia, that is clearly the gentleman's privilege, but I find it to be an indefensible position to say, "I do not want to know. I do not have the right to know. My responsibilities as a Congressman do not extend to knowing those facts. I will simply vote to support the activity, and if they choose to explain what they are doing at some future date, I will consider it to be a gracious gesture on their part."

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from Louisiana.

Mr. WAGGONNER. Is the gentleman so naive as to believe that if the information provided for in this resolution was provided as requested that it would be privileged information, or would it be given to the New York Times or some other whistle blower?

Mr. FRASER. I would only tell the gentleman that I would hope it would be unclassified, because the Pathet Lao knows what we are doing, the villagers who were driven out of their villages know what we are doing, the Soviets know what we are doing, the Red Chinese know what we are doing. The only people who do not know what we are doing are the American people and the Congress of the United States. Where is security involved in this situation?

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from California.

Mr. MOSS. This is the first time I have heard it implied that the leak to the New York Times came from the legislative branch of the Government. It came about because of the failures of the executive branch of Government to properly protect that which they had classified, and is in no part the burden of the House of Representatives or of the other body.

Mr. FRASER. I thank the gentleman from California. That is correct. It does not seem to me that it is fair to assume that Members of the Congress will violate the law. I do not suppose the gentleman from Louisiana intended that.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. The gentleman from Louisiana did not imply that a member of the legislative branch of the Government gave the information in the Vietnam papers to the New York Times newspaper. I certainly said no such thing. But I say this: It might be easier to get somebody to steal this information as they did the Vietnam papers than to get it by the means now proposed.

Mr. MOSS. Mr. Speaker, will the gentleman yield further?

Mr. FRASER. I yield to the gentleman from California.

Mr. MOSS. Having studied the matter of leaks for some 16 years as chairman of the Information Subcommittee, I found far more instances of serious breaches of security through the leaking of information from the executive than have ever occurred from either House or any of the committees of the Congress. In fact, such items of significant character are virtually nonexistent in the records of the period from World War II to the present.

The SPEAKER. The time of the gentleman has expired.

Mr. MORGAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, I am amazed to hear some of the things that I have heard in these discussions today. I have heard a Member of this body say we should be informed as to why we are bombing in certain areas in Southeast Asia and why we are moving troops in certain villages. If the Congress of the United States is going to be intimately involved in the conduct of any military engagement we are then going to be truly in trouble. Once we are in a military engagement, I do not think we can or should order the executive branch or the Armed Forces to start letting the Congress know what detailed actions they are taking in the military engagement in order that we can approve or disapprove future appropriations.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Minnesota.

Mr. FRASER. Will the gentleman tell me under what authority the executive branch is carrying on hostilities in Laos?

Mr. PEYSER. The executive branch has been carrying on all of its operations that are legally justified in Southeast Asia based on the actions of this Congress; namely, the approval of the Tonkin Gulf Resolution.

Mr. FRASER. That resolution has been repealed.

Mr. PEYSER. I know it has been repealed, and the President is now taking steps and has been taking steps to get us out of Southeast Asia, and I support as rapid a withdrawal as possible.

Mr. FRASER. By what authority did he conduct hostilities in Laos?

Mr. PEYSER. Rather than yield any further on that point, due to the limited time I have I would like to say the following: It was very interesting to me a week ago to be in the Government Operations Committee and to hear much talk about how all the actions of the Government should be public.

When I left that meeting, I went down the hall in the Rayburn Building and went past one committee room after another that was marked "Executive Session—Public Not Allowed."

If we are really going to talk about the public personally knowing what is happening in every meeting, then the idea of the committees having executive meetings does not seem to make sense. I do not think, however, we can operate our Government without the ability of our officials elective and appointed to meet on some occasions in private. I do not think the executive can do its jobs if it has to make all of its decisions dealing with foreign policy public and open to discussion.

Mr. LEGGETT. Mr. Speaker, the Supreme Court's decision concerning the Pentagon papers unequivocally denies the Government any right to exercise prior restraint over the media. I agree with the majority opinion. Injunctions should never have been sought or issued against the New York Times and the Washington Post.

Revealing these documents in no sense threatens the national security. They relate the tragic errors of the past, not the military and diplomatic policies of the present. The papers involve the crucial issues of war and peace. We can never avoid the agonies of future Vietnams if our people are prohibited from understanding the origins of our disastrous commitment.

The only ongoing policy disclosed in this incident is that of Executive secrecy and deception. Present and past administrations have joined in a conspiracy directed against the American people's right to know. This, even more than the war itself, is the issue raised by the publication of the documents. The first amendment contains no exception for a government that wishes to insulate itself from the people. Suspending the rights of a free press intolerably excludes the electorate from participation in meaningful policy decisions.

The American people are required to participate in governing our country. This becomes impossible when the rights of a free press are even temporarily suspended.

Despite the claims of the Justice Department, overclassification does not increase national security. It systematically destroys the security based on an informed electorate. Officials too often classify to protect their policies or reputations, rather than the national interest.

The press should not be expected to cooperate in concealing embarrassing information. Administrative convenience must never become an excuse for censorship.

The McNamara study should be made available to the American people. Only if this is done can an informed government best represent an informed public. I hold with Justice Brennan's decision that every restraint issued in this case, whatever its form, has violated the first amendment. It has violated our right to know about our Government policies, to debate those policies, and to assist in the determination of such policies.

I include in the RECORD at this point editorials from the Los Angeles Times, the Christian Science Monitor, the New York Times, and the Washington Post. I feel all deal perceptively with this critical issue. The editorials follow:

[From the Los Angeles Times, June 17, 1971]

PUBLICATION OF THE WAR PAPERS

The publication by the New York Times of secret government documents about the Vietnam war, and the government's attempt to prevent the New York Times from publishing them, raise three questions of great importance to the people of this country.

Those questions are: the documents themselves and what they reveal about the war; the judgment of the New York Times in publishing them even though they were classified "Secret" and "Top Secret"; and judgment of the government in attempting to stop the publication of further articles.

To the first, what the documents show, the answer is that they show not much that is wholly astonishing. The arguments of the principals within the Johnson Administration about the war are seen pretty much as they have been understood.

But the documents published to date do indeed show details that were not known before. Incomplete as they are, the documents show that the men of that administration moved sooner than the public knew toward an involvement in the war deeper than the public knew. They show further that the Johnson Administration engaged in, at best, dissimulation, and, on a few occasions, deliberate deception of the people of the United States, in a course of action of great importance to those people. The documents document the "credibility gap."

It was, as we all know by now, a tragic series of acts by the government, tragic in the real sense because what the government did in those years was done from the highest motives of idealism, of patriotism. How it was done, and what can be learned from the way it was done, and how to avoid doing anything like it in the future as best we can avoid it—these are the questions illuminated by the publication of those documents. That they are accurate, and that they touch on the deepest issues confronting the people—war and peace—no one can deny.

The question then is the judgment of the New York Times in publishing them. The New York Times argued simply that "it is in the interest of the people of this country to be informed." The American government is the servant of the people; what the government does is the public's business. With that general statement no one can quarrel. To protect the freedom of the citizens to know what their government is doing, and to dispute it if they wish, and to keep the government in the hands of the citizens to whom it is responsible—it was for these purposes that the First Amendment to the U.S. Constitution was adopted. Not for the press as an industry, but for the citizens.

Is the press then at liberty to publish whatever it wants to no matter what the consequences? Of course not. It is restrained by the laws of libel; it is restrained by sensible governmental regulations—and it is restrained finally by its own good judgment and sense of fairness.

The record of the American press in refraining from publishing confidential information affecting the security of the country and the lives of its citizens is, we can say in all candor, excellent. With one lamentable exception, the press went through the Second World War, when censorship was a reasonable and necessary regulation, without breaching security; so too, on the whole, in the Vietnam war, where there is no censorship.

No newspaper we know of would knowingly compromise the national security interest of the country or the lives of its citizens; and the government has its "Secret" and "Top Secret" and other classifications to keep confidential that kind of information. The Executive Orders establishing those classifications are specific and reasonable about what kind of information is not to be made public.

By no standard of either those classifications or of common sense can the documents published by the New York Times yet be said to endanger the security of the country or the lives of its citizens. The documents are past history. They reveal old arguments, not present intentions or future operations.

Yet the Justice Department contends in its suit that with the continued publication of the information, the "nation's security will suffer immediate and irreparable harm."

Some embarrassment, yes; some personal anguish, certainly. But there is no evidence yet offered to show that the security of the country is in any way endangered by the publication.

Unnamed government spokesmen have suggested that the verbatim publication of actual messages exchanged abroad may enable the Soviet Union to break American codes. If so, and if the government asserts and proves that in court, it would be a different matter; then the argument could well be made that the publication of the texts verbatim did indeed endanger national security.

The government claims also that the publication endangers the confidentiality of communications with other governments. That is a consideration. It would be much more a consideration if democratic governments around the world did not continually spill the diplomatic beans about their negotiations; and if officials of the American government, from Presidents down, did not tell state secrets as they saw fit and for their purposes.

Which is what the present controversy is all about, really; the history of the war in Vietnam, and how we got into it. It is a history already being told, in part, in books and memoirs. The current publication of documents merely adds more pieces to that history. It is all coming out, anyway; and it will continue to, as the participants to those decisions tell their versions of one of the most difficult episodes in the American experience.

It was astonishing, therefore, that the government sought to stop publication. On the arguments so far brought by the government, there is no evidence that the national security is endangered. There is only the evidence that the government does not like what is being published.

That, in a word, is censorship. The government is relying on the Espionage Act to enforce against the newspaper a law that perhaps was never intended to be used against the press; that certainly never has been so used; and that, we firmly believe, cannot, under the Constitution, be so used in this case.

The government's action is almost without parallel in the history of the nation. It is a sweeping assertion of government power, and, on the evidence produced so far, an assertion of power that challenges the basic right of the people to be informed about the activities of their government.

[From the Christian Science Monitor, June 23, 1971]

THE DUTY TO PRINT

The classic case of overclassification of government documents was Queen Frederika's menu. The former Queen of Greece was given a moderately elaborate dinner at an American military base during her official tour of the United States. A thoughtful officer stamped "classified" on the menu to avoid the comments which some reporter might otherwise have made on what might have been called a non-democratic event.

We do not mean to suggest that much official classification of documents is as frivilous and improper as that of the royal menu. We do say that there is a tendency in Washington to overclassify, which is itself a tendency to forget that the government of the United States is supposed to be "of the people, by the people and for the people."

In theory only such documents are classified as pertain to the military and political security of the state. In theory the people are told everything short of what would give aid and comfort to present or possible future enemies. In theory the people are given every possible chance to know about proposed new public policies, to debate those proposed policies and to share in the decision about those policies.

TELLING TOO LITTLE

In practice we are dealing now (in the matter of the printing of the Vietnam papers by three American newspapers: the New York Times, the Washington Post, and the Boston Globe) with the results of the government of the United States' taking the country into a major military commitment without first informing the people fully about was intended and involved, without a general debate, and without a clear-cut mandate from the people themselves through their elected representatives in the Congress.

True, there was a debate in the Senate over the Gulf of Tonkin resolution. But the administration was less than candid at that time about its intentions or their implications. More, by far, than ever before in American history, the people were taken into a war which they did not understand with a price for which they were not prepared.

The classification of documents bearing on the story of how this all happened has nothing to do with military secrets. They deal with past foreign policies. This has already been confirmed by two federal courts. The affair has everything to do with the relationship between government and people in what is supposed to be a democracy.

HOW MUCH TO TELL

The key question here is who determines what the people should or should not be told, and by what standards.

Classification of documents in Washington is done by government officials whose first motive may not always be the fullest possible informing of the people. For details on this point see the reprint from the New York Times elsewhere on this page.

The problem is different in different countries. In a parliamentary democracy such as Canada or Britain the opposition is responsible for ferreting our information which those in power would prefer to keep out of sight. The press has no constitutional function in Britain. It is not legally "the Fourth Estate."

But there is no well-organized opposition in the United States as there is in Britain, with an official leader whose daily task is to keep the government as honest and as responsive to the wishes and interests of the people as possible.

In the absence of the kind of opposition which exists in Britain a far heavier responsibility lies on the press, and indeed has been placed there by the First Amendment to the Constitution of the United States.

PROPER CONCERN

Excessive withholding of information from the people is the proper concern of the opposition in Britain. It is the proper concern of the press in the United States. Unless vigilant reporters and editors are constantly seeking all information the public should have, the bureaucracy would tell less and classify more, until the United States could even become like Nazi Germany or Soviet Russia in which the state is everything and the people merely its servants.

There is not only a constitutional right to print. There is also a duty to print. And if some newspaper should at times become overzealous in exercising that duty, it is a far better thing than the reverse. If the press neglected its duties in the United States the bureaucrats would classify more than Queen Frederika's menu; the people's right to know would be atrophied from neglect; and the people would not soon or easily regain their knowledge of their government and its policies.

[From the New York Times, July 1, 1971]

"AN ENLIGHTENED PEOPLE"

The historic decision of the Supreme Court in the case of the United States Government vs. The New York Times and The Washington Post is a ringing victory for freedom under law. By lifting the restraining order that had prevented this and other newspapers from publishing the hitherto secret Pentagon Papers, the nation's highest tribunal strongly reaffirmed the guarantee of the people's right to know, implicit in the First Amendment to the Constitution of the United States.

This was the essence of what The New York Times and other newspapers were fighting for and this is the essence of the Court's majority opinions. The basic question, which goes to the very core of the American political system, involved the weighing by the Court of the First Amendment's guarantee of freedom against the Government's power to restrict that freedom in the name of national security. The Supreme Court did not hold that the First Amendment gave an absolute right to publish anything under all circumstances. Nor did The Times seek that right. What The Times sought, and what the Court upheld, was the right to publish these particular documents at this particular time without prior Governmental restraint.

The crux of the problem lay indeed in this question of prior restraint. For the first time in the history of the United States, the Federal Government had sought through the courts to prevent publication of material that it maintained would do "irreparable injury" to the national security if spread before the public. The Times, supported in this instance by the overwhelming majority of the American press, held on the contrary that it was in the national interest to publish this information, which was of historic rather than current operational nature.

If the documents had involved troop movements, ship sailings, imminent military plans, the case might have been quite different; and in fact The Times would not have endeavored to publish such material. But this was not the case; the documents and accompanying analysis are historic, in no instance going beyond 1968, and incapable in 1971 of harming the life of a single human being or interfering with any current military operation. The majority of the Court clearly recognized that embarrassment of public officials in the past—or even in the present—is insufficient reason to overturn what Justice White described as "the concededly extraordinary protection against prior restraint under our constitutional system."

So far as the Government's classification of the material is concerned, it is quite true, as some of our critics have observed, that "no one elected The Times" to declassify it. But it is also true, as the Court implicitly recognizes, that the public interest is not served by classification and retention in secret form of vast amounts of information, 99.5 per cent of which a retired senior civil servant recently testified "could not be prejudicial to the defense interests of the nation."

Out of this case should surely come a total revision of governmental procedures and practice in the entire area of classification of documents. Everyone who has ever had anything to do with such documents knows that for many years the classification procedures have been hopelessly muddled by inertia, timidity and sometimes even stupidity and venality.

Beyond all this, one may hope that the entire exercise will induce the present Administration to re-examine its own attitudes toward secrecy, suppression and restriction of the liberties of free man in a free society. The issue the Supreme Court decided yesterday touched the heart of this republic; and we fully realize that this is not so much a victory for any particular newspaper as it is for the basic principles of freedom on which the American form of government rests. This is really the profound message of yesterday's decision, in which this newspaper rejoices with humility and with the consciousness that the freedom thus reaffirmed carries with it, as always, the reciprocal obligation to present the truth to the American public so far as it can be determined. That is, in fact, why the Pentagon material had to be published. It is only with the fullest possible understanding of the facts and of the background of any policy decision that the American people can be expected to play the role required of them in this democracy.

It would be well for the present Administration, in the light of yesterday's decision, to reconsider with far more care and understanding than it has in the past, the fundamental importance of individual freedoms—including especially freedom of speech, of the press, of assembly—to the life of the American democracy. "Without an informed and free press," as Justice Stewart said, "there cannot be an enlightened people."

[From the Washington Post, July 1, 1971]

THE PENTAGON PAPERS: FREE—AT LAST

"Our democracy depends for its future on the informed will of the majority, and it is the purpose and the effect of the First Amendment to expose to the public the maximum amount of information on which sound judgment can be made by the electorate. The equities favor disclosure, not suppression. No one can measure the effects of even a momentary delay."

This passage from the ruling of U.S. District Court Judge Gerhard Gesell on June 21, 1971, comes close to summing up our own views in the case of the United States Government vs. The Washington Post—and, frankly, we would have preferred to leave it at that. Instead, the issue moved up to the Supreme Court and yesterday the government's plea for a restraining order against this newspaper and The New York Times was dismissed by a vote of 6-to-3. Perhaps the best way we can express our gratification with the outcome is to refer you to page one where we are resuming publication today of material from the Pentagon papers, otherwise known as the "History of U.S. Decision-Making Process on Vietnam Policy." That we are again free to print this material is an undoubted gain if only because to have remained under restraint would have been an immeasurable loss not for us alone, nor for the press alone, but for the public, and for the country, and for the democratic processes: It is the purpose and the effect of the First Amendment to expose to the public the maximum amount of information on which sound judgment can be made by the electorate.

But it has to be added that from the beginning of this unprecedented confrontation between press and government, the issue has not only been *what* we could print but also *when*. So it cannot be forgotten now that for a period of more than two weeks, in the case of The Times, and ten days in the case of The Post, and for shorter spans in the case of the Boston Globe and the St. Louis Post Dispatch, newspapers in this country, abiding by court orders, have, in effect, been prevented by government from publishing certain material. It is not enough to say that the material in question was historical (and therefore hardly urgent) because even history, freshly authenticated and in compelling detail, has the capacity to shape contemporary events. Another time we might be dealing with information of far greater urgency and *no one can measure the effects of even a momentary delay*.

It can hardly be said, then, that yesterday's Supreme Court opinion, together with six separate concurrences and three separate dissents, effectively comes to terms with the tormenting issue at the heart of this dispute—the government's right of prior restraint of the press. It does not resolve the dilemma posed by the First Amendment's protections of the press, on the one hand, and the government's undoubted right to protect security on the other. For what the court majority seems to be saying, without attempting in this space to take into account the many conflicting conclusions stated by all nine justices, is that the government failed to make its point—*not* that a point was not necessarily there to be made. Some justices saw merit in the government's argument, as to the facts, and others were at pains to suggest that the government's point might better be made in a different way—through criminal penalties for publication of at least some parts of this material.

So there is not all that much comfort, let alone clearcut law, to be found in yesterday's outcome, though in fairness to the Court and to the government, the affair of the Pentagon papers was an exceedingly difficult case on which to rest broad principles of law; it involved a breakdown of government security of such scope and magnitude that relief from the courts, in any practical sense, was probably never within the government's reach. It seems doubtful, in short, that we will see its likes again, and this says several, in some ways contradictory, things to us, not least of which is that the losses and gains on both sides can best be measured, not in theoretical law, but in real and practical terms.

We were dealing here, presumably, with 7,000 pages of classified material, some of it rated exceedingly sensitive. So it is not entirely surprising that the courts should have been reluctant to dismiss the government's plea out of hand—although the District Court here did just that. On the other hand, the sheer bulk of the material and the manifest insensitivity, in any real sense, of so much of it, necessarily undermined the government's argument, which came down in the end to a plea for highly selective restraints by the courts against only a small portion of the whole. Out of this process, perhaps, may come a positive boon in terms of a thorough re-examination of the classification procedures of the government; for even the government's counsel, as well as the administration, conceded along the way that the existing practices result in massive overclassification of material, for far too long a time.

But the real lesson of this affair, in practical terms, lies elsewhere, or so it seems to us, for what we have been witnessing over the past two weeks has been a belated and very nearly frantic effort by the government to remove from the public domain what should never have been lost—and under circumstances that are quite unlikely to repeat themselves. It has not been often in our history that a newspaper has found itself in possession of so prodigious an amount of classified material, and has begun to publish it, with a clear statement of what it had in hand, and a plain forewarning of what was still to come; such an opportunity for prior restraint does not normally present itself. And neither, for that matter does the government often bundle together quite such an extraordinary load of classified material and leave it lying around quite so negligently.

The very uniqueness of this affair, in other words, has grossly distorted the realities, which are that the government has a very broad grant of authority to conduct its activities in secret, and enormous powers to preserve its essential secrets, and an impressive record of doing so. That it failed to do so in this case was never an argument, in our view, for suspending the First Amendment rights of the press or for limiting the prerogative of the press to exercise its own judgment in the handling of these documents. Still less was it an argument for denying the public its right to be informed.

MOTION TO TABLE OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Speaker, I move that the resolution be laid on the table.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McCLOSKEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 261, nays 118, not voting 54, as follows:

[Roll No. 178]

YEAS—261

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Baker
Barrett
Belcher
Bell
Bennett
Betts
Blackburn
Blanton
Boggs
Bolling
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Davis, S.C.
Davis, Wis.
Delaney
Dennis
Dent
Devine
Dickinson
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gonzalez
Goodling
Gray
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hillis
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
McClory
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Mahon
Mailliard
Martin
Mathias, Calif.
Meeds
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
O'Konski
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Peyser
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rogers
Rooney, N.Y.
Rostenkowski
Rousselot
Runnels
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Vigorito
Waggonner
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—118

Abourezk
Abzug
Adams
Addabbo
Anderson, Tenn.
Ashley
Aspin
Badillo
Begich
Bergland
Biaggi
Bingham
Boland
Brademas
Burke, Mass.
Burton
Carey, N.Y.
Chisholm
Clay
Conte
Conyers
Cotter
Culver
Dellenback
Dellums
Diggs
Dingell
Dow
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Findley
Foley
Fraser
Frenzel
Fulton, Tenn.
Gibbons
Grasso
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Howard
Hungate
Jacobs
Karth
Koch
Kyros
Leggett
Link
Long, Md.
McCloskey
McCormack
Macdonald, Mass.
Madden
Mazzoli
Mikva
Minish
Mink
Mitchell
Moorhead
Morse
Mosher
Moss
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pike
Podell
Pryor, Ark.
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Roncalio
Rosenthal
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Snyder
Steiger, Wis.
Stokes
Symington
Thompson, N.J.
Tiernan
Ullman
Van Deerlin
Vanik
Waldie
Whalen
Wilson, Charles H.
Wolff
Yates
Yatron

NOT VOTING—54

Alexander
Anderson, Calif.
Aspinall
Baring
Bevill
Biester
Blatnik
Bow
Brasco
Caffery
Clawson, Del
Corman
Danielson
Davis, Ga.
de la Garza
Denholm
Derwinski
Donohue
Edwards, La.
Ford, William D.
Gallagher
Goldwater
Green, Oreg.
Hanna
Hansen, Wash.
Hogan
Jones, Ala.
Jones, Tenn.
Kastenmeier
Landrum
Long, La.
Lujan
McCulloch
Mann
Mathis, Ga.
Matsunaga
Mayne
Melcher
Metcalfe
Miller, Calif.
Mills, Ark.
Nichols
Pickle
Pirnie
Purcell
Robison, N.Y.
Rooney, Pa.
Ruppe
Sikes
Stratton
Stubblefield
Udall
Wampler
Watts

So the motion to table was agreed to.

The Clerk announced the following pairs:

Mr. Brasco with Mr. Pirnie.
Mr. Matsunaga with Mr. Hogan.
Mr. Miller of California with Mr. Del Clawson.
Mr. Danielson with Mr. Goldwater.
Mr. Donohue with Mr. Robison of New York.
Mr. Purcell with Mr. Derwinski.
Mr. Rooney of Pennsylvania with Mr. Biester.
Mr. Jones of Alabama with Mr. Baring.
Mr. Stubblefield with Mr. Wampler.
Mr. Sikes with Mr. Lujan.
Mr. Alexander with Mr. Ruppe.
Mr. Aspinall with Mr. Hanna.
Mr. Caffery with Mr. Mayne.
Mrs. Green of Oregon with Mrs. Hansen of Washington.
Mr. Pickle with Mr. Stratton.
Mr. Nichols with Mr. Udall.
Mr. Mills of Arkansas with Mr. Bow.
Mr. Landrum with Mr. Watts.
Mr. Mann with Mr. Mathias of California.
Mr. Jones of Tennessee with Mr. Edwards of Louisiana.
Mr. Melcher with Mr. Gallagher.
Mr. Kastenmeier with Mr. Davis of Georgia.
Mr. William D. Ford with Mr. Metcalfe.
Mr. Corman with Mr. Long of Louisiana.
Mr. Denholm with Mr. Blatnik.
Mr. Bevill with Mr. Anderson of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENTAL PROBLEMS, SELECT COMMITTEE ON SMALL BUSINESS, TO SIT DURING DEBATE TODAY

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Select Committee on Small Business, Subcommittee on Environmental Problems of the small businessman, which is holding hearings on prepaid prescription drug programs, may sit this afternoon while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. ANDERSON of California. Mr. Speaker, this afternoon I missed the vote on Mr. MORGAN's motion to table House Resolution 492. Earlier, at a meeting, I had been informed that I had sufficient time in which to cast my ballot. However, when I arrived at the Chamber to vote, I was a few minutes late.

Mr. Speaker, had I been present, I would have voted "nay" on the motion to table House Resolution 492.

DIRECTING THE SECRETARY OF STATE TO FURNISH TO THE HOUSE CERTAIN INFORMATION RESPECTING THE PHOENIX PROGRAM

Mr. MORGAN. Mr. Speaker, I call up House Resolution 493 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 493

Resolved, That the Secretary of State, to the extent not incompatible with the public interest is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, all documents in the English language with respect to (1) the Phoenix Program, and (2) to the extent of United States involvement in such program.

MOTION TO TABLE OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Speaker, I move that the resolution be laid on the table.

The motion to table was agreed to.

A motion to reconsider was laid on the table.

DIRECTING THE SECRETARY OF STATE TO FURNISH TO THE HOUSE THE REPORT ENTITLED "UNITED STATES-VIETNAM RELATIONSHIPS, 1945-67"

Mr. MORGAN. Mr. Speaker, I call up House Resolution 494 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 494

Resolved, That the Secretary of State, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, the report entitled "United States-Viet Nam Relationships, 1945-1967", prepared by the Viet Nam Task Force, Office of the Secretary of Defense.

MOTION TO TABLE OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Speaker, I move that the resolution be laid on the table.

The motion to table was agreed to.

A motion to reconsider was laid on the table.

DIRECTING SECRETARY OF STATE TO FURNISH TO THE HOUSE CERTAIN INFORMATION RESPECTING BOMBING OPERATIONS IN NORTHERN LAOS

Mr. MORGAN. Mr. Speaker, I call up the House Resolution 495 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 495

Resolved, That the Secretary of State, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days after the adoption of this resolution, any documents respecting the rules of engagement and targeting, and procedures followed by the United States Ambassador in Laos with respect to the direction and control of bombing operations conducted by the United States in northern Laos during the period beginning January 1, 1965, and ending June 21, 1971, together with the most recent aerial photographs of the following named one hundred and ninety six Laotian villages:

The refugees who came from Xieng Khouang to Vientiane:

I. Muong Khoun (Tassengs Khoun, Sene Noi, Kang Sene, Phanh):

A. Tasseng Khoun:

1. Ban Tham (present location: Ban Thong Ba).
2. Ban Nahey (present location: Ban Thong Ba).
3. Ban Soua Tay (present location: Ban Thong Ba).
4. Ban Soua Neua (present location: Ban Thong Ba).
5. Ban Khoun (present location: Ban Thong Ba).
6. Ban Nathone (present location: Ban Thong Ba).
7. Ban Kosy (present location: Ban Thong Ba).
8. Ban Boua (present location: Ban Thong Ba).
9. Ban Phonxay (present location: Ban Thong Ba).
10. Ban Khoua (present location: Ban Thong Ba).
11. Ban Khouane (present location: Ban Thong Ba).
12. Ban Bouei San (present location: Ban Thong Ba).

B. Tasseng Sene Noi:

13. Ban Na Kho (present location: Ban Veun Khene).
14. Ban Na Ha (present location: Ban Veun Khene).
15. Ban Nhang Nhao (present location: Ban Veun Khene).
16. Ban Thouang (present location: Ban Veun Khene).
17. Ban Na Hoa (present location: Ban Veun Khene).
18. Ban Ngoua Tay (present location: Ban Veun Khene).
19. Ban Ngoua Neua (present location: Ban Veun Khene).
20. Ban Phone (present location: Ban Veun Khene).
21. Ban Manh (present location: Ban Veun Khene).
22. Ban Oh (present location: Ban Veun Khene).
23. Ban Na Ngam (present location: Ban Veun Khene).
24. Ban Nong Tay (present location: Ban Veun Khene).
25. Ban Sao (present location: Ban Veun Khene).
26. Ban Toua Neua (present location: Ban Veun Khene).
27. Ban Toua Tay (present location: Ban Veun Khene).
28. Ban My (present location: Ban Mak Hieo).
29. Ban Phou Hon (present location: Ban Mak Hieo).
30. Ban Na Su (present location: Ban Mak Hieo).
31. Ban Kandouan (present location: Ban Mak Hieo).
32. Ban Sy (present location: Ban Mak Hieo).
33. Ban Khou (present location: Ban Mak Hieo).

C. Tasseng Kang sene:

34. Ban Ha Moun (present location: Ban Y Lai).
35. Ban Na Pai (present location: Ban Y Lai).
36. Ban Xieng Dy (present location: Ban Y Lai).
37. Ban Ponh (present location: Ban Y Lai).
38. Ban Macheung (present location: Ban Y Lai).
39. Ban Pha Ngeun Tay (present location: Ban Y Lai).
40. Ban Pha Ngeun Neua (present location: Ban Y Lai).

41. Ban Hay (present location: Ban Y Lai).
42. Ban Nanoung (present location: Ban Y Lai).
43. Ban Soua (present location: Ban Y Lai).
44. Ban Natheng (present location: Ban Y Lai).
45. Ban Poth (present location: Ban Y Lai).
46. Ban Chao Ho (present location: Ban Y Lai).
47. Ban Na Thoe (present location: Ban Y Lai).
48. Ban Xieng Neua (present location: Ban Y Lai).
49. Ban Pha (present location: Ban Y Lai).
50. Ban Na Vane (present location: Ban Y Lai).

D. Tasseng Phanh:

51. Ban Phanh (present location: Ban Veun Kham).
52. Ban Naa Sy (present location: Ban Veun Kham).
53. Ban Nong (present location: Ban Veun Kham).
54. Ban Phonsay (present location: Ban Veun Kham).
55. Ban Poung (present location: Ban Veun Kham).
56. Ban Vene (present location: Ban Veun Kham).
57. Ban Khong Tay (present location: Ban Veun Kham).
58. Ban Khong Neua (present location: Ban Veun Kham).
59. Ban Thang (present location: Ban Veun Kham).
60. Ban Ko (present location: Ban Veun Kham).

II. Muong Pek (Tassengs Kat, He Mouane, Hauang Thay, Phat, Khang, Sieng, Ang, Soui):

E. Tasseng Kat:

61. Ban Ly (present location: Ban That Xang).
62. Ban By (present location: Ban That Xang).
63. Ban Muong (present location: Ban That Xang).
64. Ban Ngoui (present location: Ban Na Nga).
65. Ban Khou (present location: Ban Na Nga).
66. Ban Boua (present location: Ban Na Nga).
67. Ban Tha Khek (present location: Ban Na Nga).
68. Ban Na Nga (present location: Ban Na Nga).
69. Ban Nam Thom (present location: Ban Na Nga).
70. Ban Vieng (present location: Ban Na Nga).
71. Ban Theune (present location: Ban Na Nga).
72. Ban Lat Houang (present location: Ban Na Nga).
73. Ban Mouane (present location: Ban Na Nga).
74. Ban Nhoun (present location: Ban Na Nga).
75. Ban Phonesavan (present location: Ban Na Nga).
76. Ban Sa (present location: Ban Na Nga).

F. Tasseng He Mouane:

77. Ban Kay (present location: Ban Nam Pot).
78. Ban Soui Tay (present location: Ban Nam Pot).
79. Ban Hop Oh (present location: Ban Nam Pot).
80. Ban Poung Bong (present location: Ban Nam Pot).
81. Ban Na Kay (present location: Ban Nam Pot).
82. Ban Ho Kang (present location: Ban Nam Pot).
83. Ban Khong (present location: Ban Nam Pot).
84. Ban Na Boune (present location: Ban Nam Pot).
86. Ban Sak (present location: Ban Nam Pot).
87. Ban Nong (present location: Ban Nam Pot).
88. Ban Soui Neua (present location: Ban Nam Pot).
89. Ban He (present location: Ban Nam Pot).
90. Ban Naleuang (present location: Ban Nam Pot).
91. Ban Na Khoaune (present location: Ban Nam Pot).
92. Ban Na Koung (present location: Ban Nam Pot).
93. Ban Bouam (present location: Ban Nam Pot).

G. Tasseng Khouang:

94. Ban Poung Leng (present location: Ban Vieng Kham).
95. Ban Poung Manh (present location: Ban Vieng Kham).
96. Ban Pen (present location: Ban Vieng Kham).
97. Ban Song Mak (present location: Ban Vieng Kham).
98. Ban Pouei (present location: Ban Vieng Kham).
99. Ban Phang (present location: Ban Vieng Kham).
100. Ban Muong Kheun (present location: Ban Vieng Kham).
101. Ban Som Ben (present location: Ban Vieng Kham).
102. Ban Don sang (present location: Ban Vieng Kham).
103. Ban Nhom (present location: Ban Vieng Kham).
104. Ban Mak Ngouane (present location: Ban Thin).
105. Ban Sai Kham (present location: Ban Thin).
106. Ban Kham Leum (present location: Ban Thin).
107. Ban Koung Toi (present location: Ban Thin).
108. Ban Hoat Tanh (present location: Ban Thin).
109. Ban Vanh (present location: Ban Thin).
110. Ban Lio (present location: Ban Thin).
111. Ban Samuong (present location: Ban Thin).
112. Ban Beuak (present location: Ban Thin).
113. Ban Ang (present location: Ban Thin).

H. Tasseng Thay:

114. Ban Choey (present location: Ban Mak Nao).
115. Ban Pek (present location: Ban Mak Nao).

I. Tasseng Phat:

116. Ban Phat Soi (present location: Ban Phao (Phonesay)).
117. Ban Vieng (present location: Ban Phao (Phonesay)).
118. Ban Nakhouane (present location: Ban Phao (Phonesay)).
119. Ban Nong Pha (present location: Ban Phao (Phonesay)).
120. Ban Nhap sy (present location: Ban Phao (Phonesay)).

J. Tasseng Khang:

121. Ban Phai Ngum (present location: Ban That Xang).
122. Ban Khong Vieng (present location: Ban That Xang).
123. Ban Mane Som (present location: Ban That Xang).
124. Ban Pouang (present location: Ban That Xang).
125. Ban Lao (present location: Ban That Xang).
126. Ban Samthong (present location: Ban Na lao).

K. Tasseng Sieng:

127. Ban Nathao (present location: Ban Veunkham).
128. Ban Houei (present location: Ban Veunkham).
129. Ban Na Hoi Mai (present location: Ban Veunkham).
130. Ban Phieng Luang (present location: Ban Veunkham).
131. Ban Ang (present location: Ban Veunkham).
132. Ban Teng (present location: Ban Veun kham).
133. Ban Phon Thong (present location: Ban Veunkham).
134. Ban Na Hoi Thay (present location: Ban Veunkham).

L. Tasseng Ang:

135. Ban Neua (present location: Ban Kok Kieng).
136. Ban Ang (present location: Ban Kok Kieng).
137. Ban Poua (present location: Ban Kok Kieng).
138. Ban Om (present location: Ban Kok Kieng).
139. Ban Sy Luang (present location: Ban Kok Kieng).
140. Ban Sa Thath (present location: Ban Kok Kieng).
141. Ban Sa Mon (present location: Ban Kok Kieng).
142. Ban Xay (present location: Ban Kok Kieng).
143. Ban Kam chat (present location: Ban Kok Kieng).

M. Tasseng Soui:

144. Ban Mang (present location: Ban Nalongkhoune).
145. Ban Nakhoua (present location: Ban Nalongkhoune).
146. Ban Xieng houng (present location: Ban Nalongkhoune).
147. Ban Nong Ha (present location: Ban Nalongkhoune).
148. Ban Xieng Naa (present location: Ban Nalongkhoune).
149. Ban Nai Houane (present location: Ban Nam Pot 1).
150. Ban Noua Na (present location: Ban Nam Pot 1).
151. Ban Khay (present location: Ban Nam Pot 1).
152. Ban Nong (present location: Ban Nampot 2).
153. Ban Pong (present location: Ban Nampot 2).
154. Ban Sack (present location: Ban Nampot 2).
155. Ban Bone (present location: Ban Nampot 2).
156. Ban Xay (present location: Ban Nampot 3).
157. Ban Hong Keng (present location: Ban Nampot 3).
158. Ban Nato (present location: Ban Nampot 3).
159. Ban Sam tay (present location: Ban Nampot 3).
160. Ban Sam Neua (present location: Ban Nampot 3).
161. Ban He (present location: Ban Nampot 3).
162. Ban Vang Kam (present location: Ban Nampot 3).
163. Vang Xienghoung (present location: Ban Nampot 3).

III. Muong Plan (Tassengs The, Hat Nam):

N. Tasseng The:

164. Ban San Phan (present location: Ban Nong Pene).
165. Ban Na Pa (present location: Ban Nampot 1).
166. Ban Nian (present location: Ban Nampot 1).
167. Ban Phiengdy (present location: Ban Nampot 1).
168. Ban Ka cheng (present location: Ban Nampot 1).
169. Ban Hat (present location: Ban Nampot 1).
170. Ban Xieng Kio (present location: Ban Nampot 1).
171. Ban Dong (present location: Ban Nampot 1).
172. Ban Phonesai (present location: Ban Nampot 1).

173. Ban San Phanh (present location: Ban Nampot 1).

174. Ban Phone Ngam (present location: Ban Nampot 1).

175. Ban Khane (present location: Ban Nampot 1).

176. Ban Tha Phane (present location: Ban Nampot 1).

177. Ban Piat (present location: Ban Nampot 1).

178. Ban Tat Luang (present location: Ban Nampot 1).

179. Ban Chom thon (present location: Ban Nampot 1).

O. Tasseng Hat Nam:

180. Ban Hio (present location: Ban Thath).

181. Ban Nhoun (present location: Ban Thath).

182. Ban Phone Phien (present location: Ban Thath).

183. Ban Hatio (present location: Ban Thath).

184. Ban Poun Sane (present location: Ban Thath).

185. Ban The Phane (present location: Ban Thath).

186. Ban Ha Nhone (present location: Ban Thath).

187. Ban Na Pa (present location: Ban Thath).

188. Ban Kok So (present location: Ban Thath).

189. Ban That Luang (present location: Ban Thath).

190. Ban Kouan (present location: Ban Thath).

191. Ban Houm (present location: Ban Thath).

192. Ban Phiengfay (present location: Ban Thath).

193. Ban Nay (present location: Ban Thath).

194. Ban Phon Ho (present location: Ban Thath).

195. Ban Geo (present location: Ban Thath).

196. Ban Nieng (present location: Ban Thath).

Total: three Muongs, fifteen Tassengs, one hundred ninety-six villages.

Mr. MORGAN (during the reading). Mr. Speaker, I ask unanimous consent that this resolution be considered as read. This resolution was printed in the RECORD last Thursday. I am sure Members of the House are familiar with its contents.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOTION TO TABLE OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Speaker, I move that the resolution be laid on the table.

The motion to table was agreed to.

A motion to reconsider was laid on the table.

REQUESTING THE PRESIDENT, THE SECRETARY OF STATE, SECRETARY OF DEFENSE, AND THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY TO FURNISH THE TEXT OF THE STUDY ENTITLED "UNITED STATES-VIETNAM RELATIONSHIPS, 1945-1967" AND OTHER RELEVANT INFORMATION REGARDING THE U.S. INVOLVEMENT IN SOUTHEAST ASIA

Mrs. ABZUG. Mr. Speaker, I move to discharge the Committee on Armed Services from further consideration of House Resolution 491, a privileged resolution of inquiry.

The Clerk read the resolution as follows:

H. RES. 491

Resolved, That the President, the Secretary of State, Secretary of Defense, and the Director of the Central Intelligence Agency be, and they are hereby, directed to furnish the House of Representatives within fifteen days after the adoption of this resolution with full and complete information on the following—

the history and rationale for United States involvement in South Vietnam since the completion of the study entitled "United States—Vietnam Relationships, 1945–1967", prepared by the Vietnam Task Force, Office of the Secretary of Defense;

the known existing plans for residual force of the United States Armed Forces in South Vietnam;

the nature and capacity of the government of the Republic of Vietnam, including but not limited to analyses of their past and present military capabilities, their capacity for military and economic self-sufficiency including but not limited to analyses of the political base of the Republic, the scope, if any, of governmental malfunction and corruption, the depth of popular support and procedures for dealing with non-support; including but not limited to known existing studies of the economy of the Republic of South Vietnam and the internal workings of the government of the Republic of South Vietnam;

the plans and procedures, both on the part of the Republic of South Vietnam and the United States Government for the November 1971 elections in the Republic of South Vietnam, including but not limited to analyses of the United States involvement, covert or not, in said elections.

POINT OF ORDER

Mr. HÉBERT. Mr. Speaker, I make the point of order that the resolution is not privileged under the rules.

The **SPEAKER**. Does the gentleman insist on his point of order?

Mr. HÉBERT. Mr. Speaker, I reserve the point of order in order to give the gentlewoman from New York an opportunity to speak to the point of order.

The **SPEAKER**. The gentleman from Louisiana reserves the point of order.

Does the gentlewoman from New York desire to be heard?

Mrs. ABZUG. Yes, Mr. Speaker.

Mr. Speaker, I have offered a motion to discharge the Committee on Armed Services from the further consideration of the resolution, House Resolution 491, a privileged resolution of inquiry. As Members know, a resolution of inquiry asks for information from the executive branch. The rules of this House provide that a resolution of inquiry must be reported out of committee within 7 legislative days after it is introduced; this resolution was introduced on June 21 by 19 Members, including myself. More than 7 legislative days have elapsed since then, but the resolution has not yet been reported to the floor.

The resolution seeks information on a number of studies which the executive branch has prepared regarding our involvement in South Vietnam. The subjects of these studies include the history of our involvement there since the completion of the 1968 Pentagon study which has been the subject of so much attention in recent weeks; the plans for retaining a residual force of U.S. troops in South Vietnam after our combat troops have been withdrawn; the military, economic and political bases of the South Vietnamese Government, including information on governmental malfunction and corruption; and plans and procedures regarding the November 1971 elections scheduled in South Vietnam, including plans for U.S. involvement in those elections.

I think that it is important to note that this resolution is not designed to elicit any information which is essential for national security purposes. It does not request information on specific military or naval bases, equipment, operations, or defense plans. The studies which we are seeking involve solely matters relating to political decisions.

This is information which is imperative if the Members of this House are to fulfill their duties. It should normally flow to the elected representatives of the people, but the bureaucracy has decided to protect itself against having any of its mistakes or errors in judgment revealed by labeling as "Top Secret" almost everything in sight.

We need this information if we are to enact appropriate and meaningful legislation. We were not elected to rubber stamp the decisions of the Pentagon, the Defense Department, and the State Department. We were elected to keep a watchful eye on the decisions of these agencies. This is a responsibility which we all share.

The question here, baldly stated, is whether we can represent the interests of our constituents when we are blindfolded by the executive branch.

The strength of this Nation has rested primarily in the freedom of full debate on political questions. The shame of the past decade is the secrecy with which the lives of all Americans were changed by decisions in which they and their elected representatives played no part. Now that the Congress and the people have become partially informed and increasingly outraged at our conduct in Vietnam, we are presented with an opportunity to begin rebuilding a bond of trust between this Government and this body and our citizens. We must demand that crucial political decisions such as those which involved us in Vietnam be made by Congress as well as by the Pentagon and the executive departments.

The adoption of this resolution would be a big first step toward reinstating Congress to its proper role in the making of foreign policy and ending Government by stealth and secrecy.

I urge your support for this motion to discharge as well as for adoption of the resolution.

The **SPEAKER**. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. HÉBERT. Yes, Mr. Speaker, I desire to be heard.

Mr. Speaker, the resolution calls for opinions and under the rule the resolution of inquiry must seek facts, not opinions. The resolution obviously requires an opinion when it asks for "the nature and capacity of the Government of the Republic of Vietnam." It also asks for opinion when it seeks analyses of the past and present military capabilities of the Republic of Vietnam. It clearly asks for opinion when it seeks "the depth of popular support," of the South Vietnamese Government.

Any resolution asking for a determination of "capacity" and asking for "analyses" of past and present military capabilities asks for opinions, and thus destroys the privileged nature of the resolution. I refer to volume 3, Cannon's Precedents, section 1873.

And finally, Mr. Speaker, there can be no question that a resolution which asks for the "rationale" for U.S. involvement in South Vietnam most assuredly seeks an opinion. Webster's Dictionary defines the word rationale as:

> An explanation of controlling principles of opinion, belief, practice or phenomena.

I make the further point of order, Mr. Speaker, that the resolution is not confined to heads of departments or the President but also includes the head of an agency and, therefore, the resolution is not privileged.

Mr. Speaker, I press the point of order.

The SPEAKER. The Chair is prepared to rule.

The gentlewoman from New York has moved to discharge the Committee on Armed Services from further consideration of the resolution, House Resolution 491. The gentlewoman has furnished the Chair a copy of the resolution, and the Chair appreciates that fact, since it gives an opportunity to the Chair to examine the resolution prior to ruling on the point of order.

The resolution under consideration has not been reported by the committee to which it has been referred.

Clause 5 of rule XXII provides that:

> All resolutions of inquiry addressed to the heads of executive departments shall be reported to the House within one week after presentation.

The gentleman from Louisiana makes a point of order against the motion to discharge on the ground that the resolution is not privileged under the rule because it calls for opinions in addition to factual information.

It has been consistently held that to retain the privilege under the rule, resolutions of inquiry must call for facts rather than opinions—Cannon's precedents, volume VI page 413 and pages 418 to 432. Speaker Longworth, on February 11, 1926, held that a resolution inquiring for such facts as would inevitably require the statement of an opinion to answer such inquiry was not privileged—RECORD, page 3805.

Among other requests, House Resolution 491 calls for the furnishing of one, the "rationale" for U.S. involvement in South Vietnam since the completion of the study; two, the nature and "capacity" of the Government of the Republic of Vietnam, including "analyses" of their military "capabilities"; their capacity for self-sufficiency which would include analyses of the Government's political base, the scope of malfunction and corruption, the depth of popular support; and three, analyses of U.S. involvement in 1971 elections in South Vietnam.

In at least these particulars, executive officials are called upon—not for facts—but to furnish conclusions, which must be, essentially, statements of opinion.

The Chair therefore holds that House Resolution 491 is not a privileged resolution within the meaning of clause 5, rule XXII, and that the motion to discharge the Committee on Armed Services from its further consideration is not in order.

Mrs. ABZUG. Mr. Speaker, I appeal from the ruling of the Chair.

MOTION OFFERED BY MR. BOGGS

Mr. BOGGS. Mr. Speaker, I move to lay that appeal on the table.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The question was taken; and the Speaker announced that the ayes had it.

So the decision of the Chair stands.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

WASHINGTON, D.C.,
June 30, 1971.

Hon. CARL ALBERT,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of Section 301(a) of the National Traffic and Motor Vehicle Safety Act of 1966, as amended, the Committee on Public Works has approved the enclosed resolution for a compliance test facility at the Ohio Highway Transportation Research Center, East Liberty, Ohio.

Kindest personal regards.

Sincerely,
JOHN A. BLATNIK,
Chairman, Committee on Public Works.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 6483, APPOINTMENT OF MARINE CORPS OFFICERS TO THE GRADE OF GENERAL

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 469 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 469

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6483) to amend section 5232 of title 10, United States Code, to provide authority for appointment to the grade of general of Marine Corps officers designated under that section for appropriate higher commands or for performance of duties of great importance and responsibility. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 469 provides an open rule with 1 hour of general debate for consideration of H.R. 6483 providing for the appointment of Marine Corps officers to the grade of general.

The purpose of H.R. 6483 is to provide authority for the appointment of Marine Corps officers to the grade of general.

Present law prohibits Marine Corps officers from attaining the rank of general except as Commandant, as Chief of Staff to the President, or as Assistant Commandant.

As introduced, the bill provided no limitation as to the number of officers who could serve as generals in the Marine Corps. Since the Army, Navy, and Air Force all have limitations as to the number of officers serving in four-star grades, the Committee on Armed Services amended the legislation to limit the number to four Marine Corps officers in the grade of general, including the Commandant and the Assistant Commandant.

Enactment of the legislation will result in no increase in the budget.

Mr. Speaker, I urge the adoption of House Resolution 469 in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I concur in the statements made by the gentleman from Tennessee (Mr. ANDERSON).

May I simply add that this bill was reported unanimously by the Committee on Armed Services with the exception of possibly one objection about which I have heard although there are no dissenting views.

Mr. Speaker, I know of no objection to the rule and urge its adoption.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Speaker, there is one tiny little error in the Committee Report on this bill, in that the report says that the bill passed the Armed Services Committee unanimously. What the report says actually is as follows:

The Committee on Armed Services on May —, 1971, a quorum being present, unanimously agreed to report H.R. 6403 to the House and strongly recommends its enactment.

The fact that the date is left blank does lead me to the faint suspicion that the report was written before the committee had acted, and obviously after it had acted it was too late to change it, although they might at least have filled in the date. It is perfectly possible that the fact that this bill is reported as having passed the committee unanimously is my own fault. We did not have a record vote on the bill. We had a voice vote on the bill, and it is conceivable that I did not say "No" loudly enough to be heard. If my voice was too faint in opposing the bill to be heard, it was because I opposed it more in sorrow than in anger, and because it is not a big bad bill, it is just a little silly bill. It is, however, symptomatic, perhaps, of one of the things which I believe is wrong with our military, and I hate to see it spreading to the Marine Corps.

Once upon a time, a long, long time ago, I was a marine, and proud of it. I am still a marine at heart and proud of that, too. I went only last week over to the Marine Corps Monument and sat on the grass and watched that magnificent drill team and the headquarters company march as marines have always marched, and listened to the Marine Corps Drum and Bugle Corps play music that would make any man want to march, and that was the Marine Corps which I have always loved and still do. But I do not think that there was anyone there marching above the rank of captain. There may have been a major, but I doubt it, and I guarantee you there were not any four-star generals. The Marine Corps has always prided itself on being lean and mean, and I take pride in that reputation. They accomplish more things with less fuss, less muss, and less money than anyone in our Armed Forces, and they have managed to do it with less pomp and above all, less four-star generals, than anyone else, too, and the reason I oppose this silly little bill is because I hate to see them going down the route of pinning more stars on more shoulders because I think it will make them eventually a lesser, softer, richer fighting corps than they are today.

Four-star generals, you know, breed three-star generals, and three-star generals breed two-star generals, and two-star generals breed one-star generals like rabbits, no matter which service you are talking about. In World War II, when we had about six times as many men under arms as we have today, we had in America a grand total of 31 four-star generals and four-star admirals. Today, with one-sixth of the people in the military, we have not one-sixth as many four-star generals and admirals but we have gone from 31 to 41. In World War II the Army and Air Force between them had 13. Today the Army has 17 and the Air Force alone has 13. Only the Navy has reduced the number of its four-star admirals. They had 17 in World War II; they have only nine today. The Marine Corps had exactly one four-star general in World War II. They have two today, and if we pass this bill they have four times as many four-star generals to preside over the destinies of less than a fourth as many men.

I suppose it is futile to hope that this would not happen. Perhaps inflation has caught up with stars just as it has with the dollar. In my opinion it will hinder rather than help the unique fighting quality of the Marine Corps and its unique esprit de corps. I am aware that the Marines have fewer four-star generals per capita than the other services have, and my reaction to that is simply, "So what?" To me it would be more useful if instead of more four-star generals and admirals in all of our armed services, with their lordly prequisites of office, chauffeur-driven limousines, and all of the pomp and glitter that goes with it, we went in all of our services back to the doctrine of lean and mean, under which four-star rank really meant something.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 8805, OBSCENE MAIL CATEGORY FOR MINOR AND POTENTIALLY OFFENSIVE SEXUAL MATERIAL

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 516

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8805) to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendments as may have been adopted, and report the bill to the House with such amendmests as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 516 provides an open rule with 1 hour of general debate for consideration of H.R. 8805, the purposes of which are to create a new category of nonmailable obscene matter with respect to minors; define the word "obscene" with respect to matter that is mailed, broadcast, imported, or transported in interstate commerce; and to provide mail patrons with a means of prohibiting delivery of unsolicited potentially offensive sexual material. The legislation will strengthen several provisions of existing law.

Present law regarding unmailable obscene matter has been ineffective because of the lack of a definition of "obscene." H.R. 8805 establishes definitions of "obscene" matter that will be unmailable to minors under 17 years old, as well as other "obscene" matter which would be unmailable, imported, broadcast, or transported in interstate commerce.

Any obscene matter which is mailed shall be so marked on the outside of the envelope by the sender. Any mail patron may, for himself or his minor children, submit a form to the post office to the effect that he does not desire to receive such mail. If a patron does receive obscene mail he may return it to the post office marked "refused" or he may destroy it.

The Postal Service is required to implement procedures to prevent the delivery of such mail to persons requesting that it not be delivered.

Mailers failing to make the required designation on not more than 25 pieces of obscene mail shall be subject to a maximum fine of $1,000, or a maximum fine of $50,000 if the mark is not placed on more than 25 pieces of mail.

The law becomes effective at the beginning of the sixth month after enactment.

Mr. Speaker, I urge the adoption of the resolution in order that H.R. 8805 may be considered.

Mr. SMITH of California. Mr. Speaker, as stated by the gentleman from Indiana (Mr. MADDEN), House Resolution 516 provides for 1 hour open rule for the consideration of H.R. 8805.

The purpose of the bill is to prohibit the mailing to minors of obscene matter, to define the word "obscene" with respect to mailed or broadcast matter, and to provide a method of stopping unsolicited offensive sexual material from being delivered to a home over the objections of the homeowner.

The bill prohibits the use of the mails to sell, deliver, or offer for sale to minors under 17 any material depicting or describing nudity, sexual contact in a manner deemed harmful to minors. Mailers have provided to them an affirmative defense: if they reasonably believe the purchaser was over 16, based on information supplied by the purchaser, they are not guilty of any criminal act.

The bill also defines what is "nonmailable obscene matter" relying for its definition on the language used by the Supreme Court in Roth v. U.S., 354 U.S. 476. Basically, obscene matter is defined as predominately prurient in its appeal when considered by contemporary community standards. Further, the bill states that "Any matter which is obscene under this section shall be deemed conclusively to be utterly without redeeming social importance. Any slight social value in such matter shall be deemed outweighed by the social interest in order and morality."

Finally, the bill provides a mail patron with a means to keep obscene matter which has not been ordered out of his home. Under the bill all "sexually oriented advertisements" sent through the mails must bear on the envelope a mark or notice, devised by the Postal Service, which will identify it as such. Any mail patron may stop such mail from being delivered to his home by notifying the Postal Service of his desire to stop such deliveries. The Postal Service is required to develop procedures to ensure that such mail is not delivered in the future to anyone filing such a notice with the Service. Failure of any mailer to include the identification mark on his unsolicited material will result in a fine first, of $1,000 if mailed to 25 or fewer persons; or second, $50,000 if mailed to more than 25.

There are no minority views. The Department of Justice favors H.R. 2330, a similar bill, as the better method of protecting minors and homeowners. That bill provides for larger fines, and also does not seek to define what is obscene with such specificity. The Department believes that the defintion of the reported bill may increase the burden of proof needed to prove guilt.

Mr. Speaker, I urge the adoption of the rule.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—UNITED STATES VERSUS MARGARET BUTTERFIELD

Mr. MILLS of Arkansas. Mr. Speaker, I rise to a question of the privileges of the House.

The SPEAKER. The gentleman is recognized.

Mr. MILLS of Arkansas. Mr. Speaker, I have been subpenaed to appear before the Superior Court of the District of Columbia to testify on the 7th day of July 1971 at 2 p.m. in the case of the *United States* v *Margaret Butterfield* (docket No. 27078–71) and to bring with me certain papers under the control of the Committee on Ways and Means.

Under the precedents of the House, I am unable to comply with this subpena duces tecum without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

I send the subpena duces tecum to the desk.

The SPEAKER pro tempore (Mr. BOGGS). The Clerk will read the subpena.

The Clerk read as follows:

[In the Superior Court of the District of Columbia, docket No. 27078–71]

UNITED STATES *v.* MARGARET BUTTERFIELD

To: Representative Wilbur D. Mills, Chairman, U.S. House of Representatives Committee on Ways and Means, Room 1136, Longworth Building, or his Representative.

You are hereby commanded to produce before Judge Harris, Superior Court of the District of Columbia at 2:00 o'clock p.m., on the 7th day of July 1971 for Margaret Butterfield (Defendant) the official transcript of the hearings of the Ways and Means Committee on May 5, 1971. You are further directed to produce the above at Room 206, 613 G Street, NW., Washington, D.C. and not depart the Court without leave thereof.

Witness, the Honorable Chief Judge of the Superior Court of the District of Columbia, and the seal of said Court this 6th day of July, A.D., 1971.

STANLEY S. HARRIS,
Judge, Superior Court.
PAUL G. MOTHERSHEAD,
Department Clerk.
PHILIP J. HIRSCHKOP,
PETER WEISMAN,
Attorney for Defendant.

PRIVILEGES OF THE HOUSE—UNITED STATES AGAINST MARGARET BUTTERFIELD

Mr. ICHORD. Mr. Speaker, I rise to a question of the privileges of the House.

I have been subpenaed to appear before the Superior Court of the District of Columbia on the 7th day of July 1971 at 2 p.m. in the case of *United States* v. *Margaret Butterfield* (docket No. 27078–71) and to bring with me certain papers under the control of the Committee on Internal Security.

Under the precedents of the House, I am unable to comply with this subpena duces tecum without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

I send the subpena duces tecum to the desk.

The SPEAKER pro tempore. The Clerk will read the subpena.

The Clerk read as follows:

[In the Superior Court of the District of Columbia, docket No. 27078–71]

UNITED STATES *v.* MARGARET BUTTERFIELD

To: Representative Richard Ichord, Chairman, U.S. House of Representatives Committee on Internal Security, Room 2429, Rayburn Building, or his Represenative:

You are hereby commanded to produce before Judge Harris, Superior Court of the District of Columbia at 2:00 o'clock p.m., on the 7th day of July 1971 for Margaret Butterfield (Defendant) the official transcript of the testimony of Capitol Police Chief James M. Powell, given before the Committee on May 19, 1971. You are further directed to produce the above at Room 206, 613 G Street, N.W., Washington, D.C., and not depart the Court without leave thereof.

Witness, the Honorable Chief Judge of the Superior Court of the District of Columbia, and the Seal of said Court this 6th day of July, A.D., 1971.

STANLEY S. HARRIS,
Judge, Superior Court.
PAUL G. MOTHERSHEAD,
Deputy Clerk.

Philip Hirschkop & Peter Weisman, Attorney for Defendant. Phone No. 347–7518.

APPOINTMENT OF MARINE CORPS OFFICERS TO THE GRADE OF GENERAL

Mr. FISHER. Mr. Speaker, I ask unanimous consent that the bill (H.R. 6483) to amend section 5232 of title 10, United States Code, to provide authority for appointment to the grade of general of Marine Corps officers designated under that section for appropriate higher commands or for performance of duties of great importance and responsibility, be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill as follows:

H.R. 6483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 5232(a) of title 10, United States Code, is amended by inserting "general or" before "lieutenant general".

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

That section 5232 of title 10, United States Code, is amended as follows:

(1) The second sentence of subsection (a) is amended by inserting "general or" before "lieutenant general".

(2) Subsection (b) is amended by adding at the end thereof the following sentence: "Notwithstanding any other provision of law, the number of officers serving in the grade of general may not exceed four, including the Commandant of the Marine Corps and the Assistant Commandant of the Marine Corps when serving in the grade of general."

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. FISHER. Mr. Speaker, the pending bill is designed to correct a hiatus in existing law which discriminates against the Marine Corps. At the present time there are only two four-star marine generals. No more than two for the Marine Corps may be appointed by the President under present law—unless an additional one is chosen to be Chief of Staff to the President, and that is no longer being done. In this bill, it is proposed to increase the three four-star ranks that are now authorized, to a maximum of four.

That simply permits one appointment in the Marine Corps—from a three-star to a four-star rank.

Keep in mind that the present law authorizes four-star marine generals when such officers serve as Commandant and as Assistant Commandant of the Marine Corps. In actual practice, that is the limit. None of the other three services are restricted in this manner.

Now, why should we by this legislation authorize the President to change one three-star marine general to a four-star rank—and that is what we are really talking about?

As I have pointed out, there is now no statutory authority for such appointment—such advancement—as applied to Marine Corps officers—other than Commandant and Assistant Commandant—whose services may be needed in higher commands or who are performing duties of great importance and responsibility.

But such a blockage does not apply to the Army, the Air Force, or the Navy.

Let me illustrate how this discrimination against the Marine Corps applies.

Today, under present law, no matter how well qualified or how superior his qualifications may be, a Marine Corps general cannot be appointed Commander in Chief of Pacific forces—because only one with a four-star rank can serve in that capacity.

Likewise, no matter how well qualified or how superior his qualifications may be, a marine cannot be Commander of the Atlantic forces—because only one with a four-star rank can serve in that capacity.

Indeed, regardless of qualifications, a marine cannot serve as commander in chief of a unified command—because that billet requires one with a four-star rank.

That same discrimination militates against a marine who serves in other positions of great importance and responsibility—such, for example, as Assistant Director of the CIA—a position previously held by a four-star Air Force general but now held by a three-star Marine Corps general. Because of the discrimination against the marines the Assistant Director, when filled by a marine general, can be no more than a three-star rank; whereas if the same slot were filled by the Army, the Air Force, or the Navy, one with a four-star rank would be assigned.

This arbitrary restriction—applied only to the Marine Corps—is manifestly unfair to that branch of the service, and it is unfair to the public because it may on occasion restrict the use of officers with proven ability and outstanding qualifications. That is particularly true as applied to independent commands.

I remind you, too, that in his report to the committee the Secretary of Defense stated that

> The enactment of this proposal would result in no increase in budgetary requirements.

Any additional cost would, of course, be negligible.

Moreover, by allowing one additional four-star rank for the Marine Corps the ratio of such generals to the total active duty strength would bring the Marine Corps up to the approximate ratio which now obtains for the other three services.

I am aware of no valid reason why the present statutory discrimination against the Marine Corps should not be removed. There is virtually no cost involved, and in practice we can assume that only one promotion—from a three-star to a four-star rank—is involved. This is indeed a very modest request and it is highly justified.

Mr. BROOKS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the proposed legislation before us today is purely and simply a request for authorization to remove an inequitable restriction imposed on the Marine Corps prohibiting the appointment of a Marine Corps officer to the grade of general even though the officer is assigned to a position of great importance and responsibility. This inequity, I might add, is one that applies only to the Marine Corps, for all other services are authorized to promote their officers to the grade of general or admiral when assigned to these important positions.

Title 10 of the United States Code provides for only three situations in which Marine officers may be appointed to the grade of general: as Commandant of the President; and, as Chief of Staff to the President; and, as Assistant Commandant, provided the active duty strength of the Marine Corps exceeds 200,000. The Commandant of the Marine Corps while testifying before the Armed Services Committee on April 21, 1971, identified the positions of Commander in Chief, Pacific; Commander in Chief, Atlantic; and Deputy Director of the Central Intelligence Agency as being possible positions in which the President might at some future date desire to assign a Marine general. He further stated that someday, a Marine might be Chairman of the Joint Chiefs. I personally am in agreement with this line of thinking and I believe it behooves the Congress to insure that the President has the authority to select the best qualified military officer for any responsible position he chooses, regardless of the officer's service affiliation.

An example of the impact of the present restrictive provisions of existing law, Gen. Lewis W. Walt, a recently retired Marine general, whom I have known for many years, could not have been reassigned by the President to another position of great importance and responsibility calling for the grade of general and retained his grade of general. The President would have had no choice had he selected General Walt for such an assignment, except to request enactment of similar legislation to that before the House today.

The proposed legislation will have no appreciable effect upon the Department of Defense budget, since it authorizes only the possibilities of two four-star generals.

I have had the pleasure of continuous association with general and flag officers of all services for the past 20 years and I can assure you without bias or qualification that there is no apparent reason why the President should be restricted as he is now.

As Commander in Chief, he should be able to nominate an officer of any service for a position calling for four-star rank. The officer qualifications should be the focus of his search for these men—not the color of his uniform. Most certainly he should not be hampered in his exercise of this trust by what I sincerely believe is an inequitable anomaly in the law which was never intended. I urge the passage of House Resolution 6483 as amended.

Mr. Speaker, I want to commend my distinguished colleague from Texas for his fine presentation.

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I am delighted to yield to my colleague from Texas.

Mr. FISHER. I believe, in order that there may be no misunderstanding about what the bill deals with, it should be pointed out it has no relationship whatever to the number of generals in the Army, to the numbers of generals in the Air Force, or to the number of admirals in the Navy. It has nothing to do whatever with those subjects. It relates only to the Marine Corps, and only to one advancement of a three-star general to a four-star general, one that is highly needed at this time.

Mr. BROOKS. I thank the gentleman very much. I believe that is correct.

Mr. BRAY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, it is a privilege for me to speak in support of H.R. 6483 which would provide authority for the President to appoint to the grade of general Marine Corps officers who are designated for appropriate higher commands or for the performance of duties of great importance and responsibility.

Marine Corps participation in the war in Vietnam has added another page to its illustrious history of unselfish dedication to our Nation. As in Korea, World War II, and all the other conflicts in which our national interest was at stake, the Marines were called upon again in Vietnam and were not found wanting. In spite of their relatively small size, the corps carried the brunt of much of the fighting in Vietnam during the critical phases of that conflict. The extent of their commitment was reflected in the fact that at the height of their involvement in the war almost one out of every three marines was deployed to the Western Pacific. The dedication of marines during the war was reflected in the fact that over 44,000 marines voluntarily extended their tours in Vietnam and approximately 10,000 marines served two or more full tours there.

The leadership which generates such devotion and dedication has been a hallmark of the Marine Corps since its creation. Consequently, it is anomalous that under existing law that the President is restricted in utilizing this leadership in positions of importance and responsibility. At present there are only three positions in which Marine Corps officers may serve in the grade of general. One is as Commandant of the Marine Corps. The second is as Chief of Staff to the President. The third is as Assistant Commandant, provided the active duty strength of the Marine Corps exceeds 200,000. On the other hand, there is no such statutory bar to the appointment of officers in the other services who are appointed to positions of great importance and responsibility.

Surely there is no valid reason to delimit the President's authority in this area in regard to the Marine Corps. The proposed bill would remove this unwarranted restriction on the President's appointment authority and would make relatively uniform for all services the authority to appoint officers to four-star grade. Failure to enact this legislation is to deny the President the flexibility to appoint the best qualified officers of all the services to fill these highly important positions.

Let me also point out that the proposed legislation is not a blank check for the Marine Corps to automatically obtain more four-star generals. The bill merely authorizes the President to appoint a marine officer to four-star grade when he determines that such an appointment is warranted. Further, the total number of four-star marine generals is limited to a maximum of four at any time, including both the Commandant and the Assistant Commandant. Also, this authority has no effect on the total number of general officers in the Marine Corps. Appointments to four-star grade come from among the authorized numbers of general officers, so that there is no increase in the total numbers of generals by virtue of such appointments. Finally, the proposed bill puts the Marine Corps on a par with the other services.

In conclusion, I strongly urge passage of this bill not only as a matter of equity, but as an action in the best interests of our Nation.

Mr. DANIEL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of H.R. 6483.

Members have heard from the Marine Corps in the person of my distinguished and beloved friend from New York on this bill. While I was not in the Marine Corps—I would have been proud to have been a marine—I was associated in one way or another with three wars.

However, I speak on this bill not as an ex-serviceman but as a former personnel director of a large corporation. In that capacity I worked on the theory that all employees should be given equal opportunity for advancement to the top positions in the company. The same applies with respect to the bill which we are now discussing.

Under present policy there is a restriction on the number of four-star generals we can have in the Marine Corps. This bill is designed to remove that limitation. It provides for no affirmative action. It simply removes an inequity in the services. It broadens the President's options in personnel selection.

The present policy discriminates against the Marine Corps, and I think that that defect ought to be removed in order that the President may have as wide a selection as is possible in personnel selection.

The passage of this bill does not in itself promote any Marine. However, it gives the opportunity of promotion to a Marine if he is found to be the best qualified for a position.

It has been said that if this proposal becomes law, the Deputy Director of the Central Intelligence Agency would become a four-star general. That may very well be true, but remember that it would not be automatic. He would not be automatically upgraded.

How does one become a general? He becomes a general through appointment by the President and approval by the Senate. What is the cost of this proposal? It could very well be zero, depending upon the President's options. In any event, it could not cost more than $8,400 annually.

It has also been suggested that there are too many generals in the services. While I am not persuaded in this matter, I will be pleased to join with my colleague, the gentleman from New York, in committee to review all general positions with a view toward correcting any excesses which may exist.

This is not the issue before us today, however, Mr. Speaker. The issue here is shall there be equity among the services and shall the President have the benefit of the broadest possible selection and options in filling positions.

Mr. Speaker, I urge support of this resolution.

Mr. PIKE. Mr. Speaker, will the gentleman yield for a question?

Mr. DANIEL of Virginia. I will be pleased to yield to my good friend from New York.

Mr. PIKE. Might we not achieve the equity in the services by accepting an amendment to this little bit of legislation saying that the other services should be reduced to the same ratio that the Marines have instead of raising the Marines to the same level that all of the other services have?

Mr. DANIEL of Virginia. I have already said that I will be pleased to join with my colleague from New York on the committee to review the general positions and, if they are found to be in excess, we can act upon it at that time.

Mr. PIKE. Would the gentleman yield for an additional question?

Mr. DANIEL of Virginia. I will be delighted to yield to the gentleman.

Mr. PIKE. If we have got to go from two Marine Corps generals to an authorization for four Marine Corps generals, my question is how on earth do you suppose we ever won World War II when we had only one?

Mr. DANIEL of Virginia. Authorization and appropriation, as the gentleman knows, are two entirely different things, and the same applies here. They can be authorized but not necessarily appointed.

Mr. PIKE. Will the gentleman yield for an additional question?

Mr. DANIEL of Virginia. I am glad to yield to the gentleman.

Mr. PIKE. Do you think for one minute that they will not appoint these generals as soon as they are authorized to do so?

Mr. DANIEL of Virginia. I hope that will not be the case and the generals will be appointed.

Mr CONABLE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I suppose as a former marine, if there is such a thing as a former marine, and I am not sure that our enthusiasm as former marines is relevant in the instant bill. I have a splendid speech here which is largely repetitive of what has already been said.

We have before the House today H.R. 6483, a bill which would amend section 5232 of title 10 of the United States Code to provide authority for the appointment to the grade of general Marine Corps officers designated for appropriate higher commands or for performance of duties of great importance and responsibility. Under the provisions of the bill, the total number of Marine Corps officers designated to serve in the four-star grade would not exceed four.

I feel that there are several substantial reasons for favorable action on this bill.

One important factor is the obsolescence of present law governing the appointment of Marine Corps officers to the grade of general. According to the United States Code, only three officers of the Marine Corps may serve in the grade of general. They are the Commandant of the Corps, the Assistant Commandant, and the Chief of Staff to the President. In the latter two cases, there are severe limitations on appointment. The Assistant Commandant may hold the rank of general only if, at the time of his appointment to the post, the strength of the Corps stands at 200,000 or more men, and then only at the discretion of the President. The Chief of Staff is a position which has not been used since the Second World War.

At the present time, only the Commandant and the Assistant Commandant of the Marine Corps hold the rank of general and there is no functional provision for the appointment of additional officers to that rank, even under emergency conditions.

This is the source of a serious inequity with respect to the other branches of the military. The Army, the Navy, and the Air Force all have provisions for the appointment of officers to the grade of general for the performance of special duties. For example, an officer of any of these three branches may serve at the head of a joint or unified command of military forces.

However, because of the limitation placed on the number and function of Marine Corps generals, no Marine officer may serve at the head of such a command—even if the majority of the forces involved are Marines, or even if a Marine officer is the most qualified man for the position. The bill before the House would end this archaic inequity and would enable the President to appoint qualified officers from any of the four branches to positions of importance and responsibility.

Passage of this bill would not mean an immediate increase in the number of general officers currently authorized for the Marine Corps. The appointment of one or two general officers to special duty at the rank of general would merely decrease, by a corresponding number, the number of general officers at a lower grade. The present authorization of 76 general officers would remain the same.

In other words, by the appointment of one or two additional generals, the ratio of four-star generals to total Marine Corps strength would be brought to a figure approximately equal to that of other services, while the ratio of general officers to total strength would remain at its present level, which is the lowest of the four branches.

It is also worth mentioning the financial impact which the bill would have. The additional salary which would accrue to a general officer upon promotion from the three-star to the four-star grade is approximately $350 per month or about $4,200 per year. This sum represents a modest expense, especially when weighed against the momentous duties which would be performed by a Marine Corps officer promoted to the grade of general under the conditions outlined in this bill.

In summary, by providing authority for the appointment of additional Marine Corps officers to the grade of general, this bill would eliminate an archaic restriction on the number and function of Marine Corps generals and would enable the

President to select, for positions of great importance and responsibility, the very best qualified officers available, regardless of the uniforms they wear. Considering the great dedication of the Marine Corps to the defense of America and the high caliber of Corps leadership which augments and directs that dedication, I feel that it is unquestionably in the national interest to take full advantage of the kind of leadership offered by the Marine Corps. I therefore strongly urge passage of H.R. 6483.

The SPEAKER pro tempore (Mr. Boggs). The question is on the committee amendment.

The committee amendment was agreed to.

Mr. FISHER. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

OBSCENE MAIL CATEGORY FOR MINORS AND POTENTIALLY OFFENSIVE SEXUAL MATERIAL

Mr. NIX. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8805) to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter, certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes.

The SPEAKER pro tempore (Mr. Boggs). The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8805, with Mr. Steed in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. Nix) will be recognized for 30 minutes and the gentleman from Iowa (Mr. Gross) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Nix).

Mr. NIX. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 8805 was ordered reported by the Post Office and Civil Service Committee by a vote of 17 to 2 and was supported unanimously in the Subcommittee on Postal Facilities and Mail. This bill and an identical bill were cosponsored by 19 members of the committee.

The bill has three purposes:

To create a new category of nonmailable obscene matter with respect to minors;

To define the term "obscene" with respect to matter that is mailed, imported, broadcast, or transported in interstate commerce; and

To provide mail patrons with a means not to receive "unsolicited potentially offensive sexual material."

The bill will add three key definitions to the United States Code.

These are definitions of what is: harmful to minors; obscenity; and potentially offensive sexual materials.

HARMFUL TO MINORS

The minors provision prohibits the use of the mails to make a sale, delivery or distribution or offer thereof, to minors under 17 years of age, or to residence in which such a minor resides, or matter which depicts or describes nudity, sexual conduct, or sadomasochistic abuse in a manner harmful to minors.

OBSCENITY

The bill further prohibits the use of the mails to make a sale, delivery or distribution or offer thereof of obscene matter. Obscene is defined as having a predominantly prurient appeal, when considered as a whole by contemporary community standards. The term "prurient interest" is also defined as including "a shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation." This definition of pruriency also includes the concept of patent offensiveness set out in Justice Harlan's decision in the case of *Manual Enterprises v. Day* (370 U.S. 478, 1962). The definition of the term "obscenity" is extended to criminal laws under chapter 71 of title 18, relating to mail matter, importation into the United States, and transportation in interstate and/or foreign commerce.

PRIVACY PROVISIONS

Under the privacy provisions of the bill a mailer of potentially offensive sexual material is required to place a symbol on the envelope when he sends such material unsolicited to an addressee. Recipients of such material may either destroy it or send it back to the post office marked "refused". Mail patrons who do not wish to receive unsolicited mail bearing the symbol may notify the Postmaster General who will devise procedures to prevent delivery of such mail. Violations will be a misdemeanor. Fines of up to $50,000 may be assessed.

BACKGROUND

The minors provision is based in concept on a New York Supreme Court Statute which was upheld by the U.S. Supreme Court in *Ginsberg* v. *New York* (390 U.S. 629, 1968).

The definition of the general term obscenity is identical to that proposed by the minority of the President's Commission on Obscenity and Pornography.

The provisions of the privacy section of the bill, section 3014, are similar to a tentative draft of obscenity legislation incorporated as appendix C in "Progress Report" of the Commission on Obscenity and Pornography, approved June 5, 1969.

COST

No additional cost will result from the application of definitions of obscenity or matter harmful to minors. We have no information on which to estimate additional cost resulting from the application of the privacy provisions of the bill.

SOURCE

The minors' provision, section 3012, is substantially identical to title I of H.R. 15693, which was pased by the House of Representatives in the 91st Congress, with no action by the Senate. Section 3013 is very similar to H.R. 19541, which was introduced in the 91st Congress and on which hearings were held. Section 3014, the privacy provision, is identical to H.R. 13585, which was introduced in the 91st Congress by Mr. Henderson. Hearings were held on this bill among others.

OPPOSITION

The American Civil Liberties Union is opposed to the minors' and definitions' provisions of the bill, without having had the opportunity to take a position on the privacy provisions of the bill. The Postal Service objects to the administrative burdens which would be placed on it by the privacy provisions of the bill and, while approving of the goals of the minors' provisions, prefers the administration bill, H.R. 2330.

SUMMARY

There are several provisions of existing law which restrict the sending of obscene matter through the mails which will be strengthened by this legislation.

Section 3001 of title 39, United States Code, provides that obscene matter, as described in section 1461 of title 18, United States Code, is nonmailable. These provisions, read together, have not been effective in that no provision of Federal law provides a definition of the term "obscene." As a result, the courts have supplied definitions for this term.

In addition, Federal law does not provide a separate definition of that which is obscene to minors.

H.R. 8805 attacks this problem in two ways.

First, the new section 3012 establishes definitions of "obscene" matter that will be nonmailable to minors under the age of 17 years of age, consistent with the Ginsberg against New York decision.

Second, the new section 3013 provides a definition of "obscene" matter for general application under the Federal laws which will be applied to distribution of matter through the U.S. mails.

Also, section 5 of the bill, the same definition of "obscene" is applied to the criminal laws under chapter 71 of title 18, relating to mail matter, importation into the United States, transportation in interstate or foreign commerce, or broadcasting.

Section 6 of the bill will apply the same definition to the provisions of the Tariff Act of 1930 (19 U.S. Code 1305), relating to the importation of "obscene" matter.

H.R. 8805 attacks the privacy problem in section 3014 of the bill.

The new section 3014 proposed in H.R.

8805 affords postal patrons a means to prohibit the delivery to them through the U.S. mails of "unsolicited potentially offensive sexual material." The legislation permits the postal patron to notify the Postal Service that he does not wish to receive such mail and the Postal Service is required to establish procedures to prevent the delivery of such mail to any person who has filed such notice. Any person who mails unsolicited potentially offensive sexual material is required to place on such mail a symbol to be prescribed by the Postal Service, and the Postal Service is required to establish appropriate procedures to prevent the delivery of mail carrying such a symbol to any person who has filed a notice that he wishes not to receive that type of mail.

Mr. Chairman, I urge passage of the bill, H.R. 8805.

Mr. GROSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 8805 and to commend my colleague from Pennsylvania, the chairman of the Subcommittee on Postal Facilities and Mail, for his continuing effort to develop and enact antiobscenity legislation. While I can speak only for myself, Mr. Chairman, I want to point out that this legislation comes to the House with the unanimous backing of the Republican members of our committee, and I can recommend its enactment without reservation.

The features of this legislation have been explained in detail, and so I will not elaborate on the mechanics of the bill. I will reemphasize, however, the three major purposes of the bill:

To create a new category of nonmailable obscene matter with respect to minors;

To define the term "obscene" with respect to matter that is mailed, imported, broadcast, or transported in interstate commerce; and

To provide mail patrons with a means by which they can insulate their households from unsolicited "potentially offensive sexual material."

These three features give important and needed bolstering to existing law, and primarily give added protection to minor children whose lives can be irreparably damaged by the pornographic material which continues to circulate through the mails.

The provisions of the bill relating to obscene material mailed to minors is not new to the House. They were contained in legislation which passed the House overwhelmingly in the 91st Congress, but unfortunately died in the other body. Therefore, I hope that the House will reaffirm its position on this issue.

The remaining provisions of the bill are, I believe, soundly written and reflect the attitude of the American public against the proliferation of obscene matter.

Mr. Chairman, I suggest we would be delinquent if we in the Congress did not recognize the moral decay which is fostered by the current flood of pornography and take some action to stem this flood, at least as it infiltrates our homes through the U.S. mails. I urge that this legislation be promptly approved.

Mr. NIX. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the full committee, the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Chairman, I appear in full and in enthusiastic support of the pending legislation, H.R. 8805.

It was ordered reported June 3 by a 17-to-2 vote of our Committee on Post Office and Civil Service. The reported bill represents a "clean" bill from the Subcommittee on Postal Facilities and Mail after hearings earlier this year.

H.R. 8805 incorporates in full the basic features of my bill, H.R. 2159, introduced earlier this year, as well as related bills which I sponsored in the 91st Congress.

Mr. Chairman, the scourge of obscenity and pornography in our Nation today has been the subject of much discussion and many sincere—though thwarted—efforts to impose controls.

I will take second place to no one on my continuing concern about the rights of the individual as laid down by the Constitution.

They represent the foundation upon which this Nation was founded.

Having made my position clear and unequivocal on that point, I turn now to the pending legislation.

MAIN POINTS OF BILL

To my mind, H.R. 8805 has two vitally important purposes:

First, it would create a new category of nonmailable obscene matter with respect to minors.

Second, it would define, for the first time in law, the term "obscene."

The jurisdiction of our committee is narrow in this very broad and depressing field of obscenity and pornography. We can deal only with that which goes through the U.S. mails.

Within that jurisdiction we are dealing here in particular with material sent through the mails and addressed to minors.

I have never received a letter from anyone in support of unrestricted mailing of smut to minors. I doubt that any of my colleagues have, either.

But I long since have lost count of the number of blistering letters which I have received from parents and other concerned persons about the flow of smut mail addressed to minors. The examples of smut mail sent to me are utterly sickening.

PUTTING BURDEN ON MAILERS

Hardly a week goes by that I do not receive an indignant demand from one of my colleagues here in the House asking what we can do to halt the flow of smut mail into homes where minors reside.

I do not know for sure where the peddlers get their mailing lists. We have had some indications, but that is not relevant here.

What we propose to do in this bill is to put the burden on the mailer to see that he does not send smut mail to minors.

And since some publishers and purveyors of filth have some difficulty in defining smut mail, we are offering a clear definition of "obscene" to become part of the law of the land.

These legislative approaches are separate but crucially related. One without the other will not be nearly as effective. We need and must have both.

Mr. Chairman, for the information of the Members I would like to elaborate a little on the specifics of these items in the pending bill.

CREATING SPECIAL CATEGORY

The first purpose I mentioned would establish a special category of nonmailable matter, comprised of certain sexually oriented material mailed to minors under 17 years of age or to a residence where such a minor resides.

This category would include all types of material which on the whole is harmful to minors and which depicts or describes verbally nudity, sexual conduct, or sadomasochistic abuse. These are further defined in the bill.

Any person who is convicted of violating these provisions would be subject to criminal sanctions. An initial conviction, for instance, could entail a term of confinement of up to 5 years and a maximum fine of $5,000.

There can be no question in the minds of decent Americans as to the necessity for these provisions.

Make no mistake about it. We are not dealing with idealistic or well-meaning believers in free expression. We are confronting purveyors of filth and smut whose sole purpose is personal enrichment at the expense of our youth.

A BLOW TO SMUT PEDDLERS

Passage of these provisions will not damage or threaten freedom of expression, but it most certainly will dent the pocketbooks of merchants of pornography.

The second purpose of this bill is to define in a clear-cut and unmistakable manner the word "obscene."

The necessity for such a clarification is obvious. Each of us who has been involved in the judicial or legislative process concerning obscene matter knows the utter confusion and frustration resulting from a lack of clear-cut definition.

The absence of an unmistakable statutory definition has subjected legal proceedings to the mercy—or lack of it—of judicially enunciated guidelines. These have served as a basis for a myriad of so-called obscenity decisions which not only are varied but also, in many cases, are contradictory.

POLICE, JURISTS HAMPERED

As a result, law enforcement officials are necessarily restrained in their fight to police illegal activity in this area.

Prosecutors are frustrated in their efforts to pursue prosecutions.

Jurists are practically helpless in convicting the filth mongers.

It is no small wonder that the smut peddler has found his Utopia.

Having a clear, legal definition of obscenity for the sake of judicial uniformity would be sufficient justification in itself for enactment of the pending bill. But we should not stop there.

The Members are well aware by now of the controversial report issued last fall by the President's Commission on Obscenity and Pornography.

IN LINE WITH HILL-LINK REPORT

A few days ago, I sent each Member a copy of the Hill-Link minority views from that Commission's report. The pending bill follows in line with that very excellent Hill-Link minority report.

Mr. Chairman, I want to commend the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. Nix), under whose leadership this measure has reached the floor so promptly in this session of the Congress.

The gentleman from Pennsylvania and his colleagues on the subcommittee, as well as the other members of the full committee, are vitally concerned with halting the flow of smut mail.

I hope that my colleagues in the House will give resounding support to the pending legislation when it comes to a vote.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. McClure).

Mr. McCLURE. Mr. Chairman, today this body is again being called upon to vote on legislation to curb the flow of obscenity and pornography through the mails. As with other antiobscenity measures, this legislation (H.R. 8805) is both timely and needed.

Throughout the country we have heard voices, some official and unofficial, telling us that obscenity and pornography is not harmful, is somehow desirable, and therefore should be freely available. Be that as it may, we are also aware of the voices of our constituents strongly raised against the use of the U.S. mails as the disseminating vehicle of this material. They are not advocating the repeal of the antiobscenity statutes on the books, but rather are urging more restrictive laws to stop the smut merchants.

As an example of this attitude, Mr. Chairman, in 1970, the public filed with the Post Office Department 284,266 formal complaints because of receipt of unsolicited pandering advertisements. Included were 195,704 requests for prohibitory orders.

The pandering advertisement statute, which was enacted in 1967, provides a means whereby the recipient of an advertisement for material he, in his own judgment, considers erotically arousing or sexually provocative may obtain an order prohibiting the mailer from sending him any further mailings.

On February 1, 1971, certain provisions of the Postal Reorganization Act became effective designed to stop the mailing of pornographic advertisements, as defined in the law, to those persons who do not wish to receive them. As of April 21, 1971, the U.S. Postal Service has received 170,500 applications from persons invoking the provisions of this law. This in and of itself strongly indicates to me that the American public does not wish to be bombarded with pornographic materials.

The details of H.R. 8805 have already been fully explained, so I will not take up any more time to reiterate what has been said. I only wish to say this legislation will complement the obscenity statutes on the books.

Mr. Chairman, I cannot stress too strongly the necessity for passage of this legislation. Many Members and thousands upon thousands of decent citizens do not agree that constitutional guarantees of free speech necessarily should protect this material and desperately want stronger laws. Our committee, however, is seeking here to take steps we believe will be upheld by the courts. I urge the passage of this bill.

Mr. NIX. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from North Carolina, a valuable member of the full committee (Mr. Henderson).

Mr. HENDERSON. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding this time. I take a moment to commend him, the members of the subcommittee, the chairman of our full committee who introduced the bill before us today, and Members on both sides of the aisle for the very hard and difficult work which has been done to bring to the House today what I consider to be an effective piece of legislation to deal with a most difficult problem facing our Nation. I am quite sure the overwhelming majority of the Members of this House will support this bill.

Mr. Chairman, I rise to support the bill H.R. 8805, and specifically in support of section 3014 of H.R. 8805.

This section which contains, essentially, the language of H.R. 13582, 91st Congress, does two things that are not done by present law or by other provisions of H.R. 8805.

First, it establishes a procedure by which all unsolicited mail containing sexually oriented matter is readily identifiable. Many mailers already publish warnings on the outside of the envelopes and say at the outset that anyone who would be offended can return the mail unopened. This provision would extend this practice to all of such mail.

Second, it gives the mail patron a procedure which completely guarantees his right not to receive unsolicited sexually oriented mail. One of the chief reasons why the Supreme Court has consistently knocked down antismut laws is the concept that the sender has a right to disseminate information which is guaranteed by the Constitution. This section would attempt to meet that argument by protecting the equally important right of the mail patron not to receive.

Under present law, the mail patron has nothing except after-the-fact protection. If he receives sexually oriented mail and it is offensive to him, he can insist that it be sent back. He can have his name removed from mailing lists. He can even have his name put on a master mailing list, but in the final analysis, there is not a procedure established to guarantee that he will not receive the mail, and if he does, he can only seek prosecution against the offending mailer.

This section, which was included in the bill at my insistence, directs the Postmaster General to establish a mark or symbol which is required to be placed by the mailer on the outside of every piece of mail containing sexually oriented matter.

Then, it gives to every mail patron the right to have his name and those of minor members of his household placed on a local list to be maintained at his local post office. Then any mail carrying the symbol will not be delivered to him or them.

This provision was specifically recommended by the President's Commission on Obscenity and Pornography, and while it may not be a complete answer, we should add it to our arsenal of weapons. If the Supreme Court declares a part of our laws unconstitutional, we want to have others in reserve. It can be argued that, to some extent, a part of this section is a duplication of similar laws, but, in my judgment, it is sufficiently different to warrant enactment as a part of this bill.

It places the emphasis where, in my judgment, it belongs; namely, on protecting the right of the mail patron not to receive instead of protecting the supposed right of the mailer to disseminate information under the first amendment.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am delighted to yield to the distinguished gentleman from Illinois.

Mr. MIKVA. The gentleman is referring, I assume, to section 3014, which appears on page 9 of the bill?

Mr. HENDERSON. The gentleman is correct.

Mr. MIKVA. As I read that, it says it is the purpose of the section to afford recipients the option not to receive unsolicited potentially offensive sexual material.

My question is: How are we ever going to send this bill to anyone?

Mr. HENDERSON. Any way you describe obscenity, even in the best medical and legal language, could itself be described as obscene or offensive.

Mr. MIKVA. We are talking about potentially offensive language and not obscene language here. I call your attention to the language that appears on page 4 where you talk about homosexuality, genitals, and pubic areas.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NIX. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MIKVA. Will the gentleman yield further?

Mr. HENDERSON. Yes. I yield to the gentleman.

Mr. MIKVA. Would not that language be potentially offensive to some people? It certainly would be to some people in my district.

Mr. HENDERSON. I think it would be. You certainly highlight the very problem that we have in the legislature, where we are continually faced with a problem of devising a statute that meets all of the objections of our people and yet be a statute that will pass the constitutionality test in the courts.

Mr. MIKVA. If I may say so—and I do not say this facetiously—I am afraid that we have created a dilemma here where in the very bill we pass we cannot notify our constituents about it because sending that bill through the mails will violate the very act that we have enacted. So for that reason, if for none other, I will continue to vote no on this type of legislation.

Mr. HENDERSON. If I have any constituents that will be offended by the legislation, I would like by this action of the House to give them the right not even to receive the law they consider offensive.

I thank the gentleman for yielding me the additional time, and I yield back the balance of my time.

Mr. GROSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. Scott).

Mr. SCOTT. Mr. Chairman, just about every time we turn around we are being told that our air and our lakes and rivers are polluted. It is an important problem. But, I believe, of equal importance is the question of "moral pollution."

In the last decade, we witnessed a burgeoning growth of the pornography industry in the United States. Its influence has reached every form of expression.

The effects of exposure to pornography are being felt by people of differing philosophies and there is a growing uneasiness, even among civil libertarians, as to its eventual results.

Mr. Chairman, since H.R. 8805 deals exclutively with the nonmailability of pornography, the question has been raised by some as to the reason to think that anyone was ever corrupted by a book. Of course, if we believe that no one is ever corrupted by a book or printed material, we might also reason that no one is ever improved by a book or printed material. I cannot subscribe to this kind of reasoning.

It is time to put a stop to the smut peddlers and, I believe, this bill, H.R. 8805, will provide added protection to the public, generally. However, the main thrust of this proposal is directed against the smut peddlers who focus their sales efforts toward minors. It has been said that "children cannot grow in love if they are trained with pornography. Pornography is loveless; it degrades the human being, reduces him to the level of an animal."

Mr. Chairman, I urge the passage of this proposal to rid our Nation's mail boxes of unwanted salacious material and especially to prevent it from coming into the hands of youngsters under 17 years of age.

Mr. NIX. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. Mikva).

Mr. MIKVA. Mr. Chairman, I sort of feel like the man who is at a sad movie, and so I will not take the full 5 minutes allotted to me and will not seek to break up the harmony that everyone seems to have expressed for this bill.

I merely want to say that I feel more concerned about the books that kids do not read than I am about the books that kids do read.

I think that this proposal which almost, but not quite, tries to throw down the gauntlet to the Constitution of the United States and the Supreme Court in terms of interpreting the Constitution of the United States and this bill which seeks to remedy a problem in a way that it cannot be remedied and this bill which seeks to impose this Congress as some kind of a superparent to do the things that will be either done in the family or not done at all and this bill which seeks to substitute something by way of insignia and symbols for the substance of morality, I really think is wide of the mark.

However, rather than bore my colleagues with the full 5 minutes, I merely ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MIKVA. Mr. Chairman, I rise in opposition to the bill, H.R. 8805. It is an obscene bill, patently offensive and utterly without redeeming social importance.

Let us first be absolutely clear about what the bill would do. First, it would remove all discretion from parents as to the extent of freedom they wish to allow their children in viewing or reading artwork, photography, or literature which deals with sexual themes. This is done with blithe disregard for the substantial body of evidence and opinion, most recently affirmed in the report of the President's Commission on Obscenity and Pornography, that sexually explicit materials are not in any way related to antisocial conduct, and in fact may reduce antisocial conduct by removing the "forbidden fruit" excitement from sexual behavior.

The second thing which the bill would do is substantially broaden the definition of what is obscene and unmailable, trampling on the first amendment in the process. In my opinion, the bill as drafted is unconstitutionally vague and overbroad. Under the proposed definition in section 3013 of the bill, material is obscene if it is held to appeal to the prurient interest of the censor, regardless of its social importance as art, literature, or an expression of thought. Matthew Arnold once warned that in the battle between the literati and the Philistines, the Philistines will always win. This bill increases their odds of victory a thousand fold. It would encourage us to be a sniggering society of sexual ostriches, who stick our heads in the sand and pretend that the most important central human fact does not exist as a dynamic social force.

The third thing H.R. 8805 does is to impose an unconstitutionally vague and unjustifiably expensive system of postal restrictions on material which is not obscene, even under the newly expanded definitions of this bill, but which is merely potentially offensive. This includes just about every reference to or portrayal of any natural human function or body part, according to the statutes. In fact, under the terms of this statute, I have serious doubts as to whether the bill itself and the committee report which accompanies the bill could be freely sent through the mail. The definitions of "nudity" and of "sexual conduct" on page 4 of the bill are pretty explicit stuff.

These are the three principal things this bill would accomplish. In the name of what great good and urgent need are we asked to charge forth? To tilt against a windmill which none but the most confirmed Don Quixote would still envision as a live, breathing dragon—the terrible antisocial effects sexually explicit material allegedly has on the tender minds and hearts of our people. Many of us have been pleading for years that this emperor has no clothes. I, for one, had hoped that the paper dragon had been slain after the Commission on Obscenity and Pornography confirmed, after considerable study, what every previous analysis had shown—namely, that exposure to sexually explicit material bears no colorable relationship to antisocial behavior, and in fact may do some people some good.

If the bill were only foolish and hypocritical, I would not be so concerned; but legislation like this serves to detract from more productive efforts to improve our laws and our society. It clutters up our statute books with imaginary solutions to imaginary problems, all the while consuming resources which are urgently needed for providing real solutions to real problems.

The Chief Justice and the Attorney General have recently joined the list of distinguished men of the law who have called for a more rational use of the criminal law. At present we clutter up not only our statute books but our courts and our jails as well with people who have committed victimless crimes. We have over used the criminal law to try to affect private, personal conduct which harms no one but the actor. More than 50 percent of all our criminal justice resources are wasted on branding as criminals alcoholics, draft resisters, drug abusers, homosexuals, adulterers, and others whose undesirable conduct hurts no one but themselves and whose only crime is their offensiveness to the moral sense of the lawmakers. The criminal law is not the best tool for protecting people from themselves. Particularly in the arena of private morality, including obscenity, it is an absurd and criminal waste of scarce resources to prosecute as criminals those whose conduct does not demonstrably injure anyone.

The Post Office opposed enactment of this bill before us because, as they state on page 12 of the committee report:

> The anticipated benefits to be received from the legislation would (not) be commensurate with the burden it would impose on the Postal Service and the delay it would cause in mail delivery.

This is putting it gently. The mail is already costly enough and slow enough. Do we really need to bog it down further by imposing on the Postal Service the job of playing Sancho Panza to our Don Quixote as he wanders about the countryside rescuing unlikely damsels from imaginary harms?

Mr. Chairman, surely we can figure ways to exercise our legislative mandate in more responsible and more productive ways.

I urge my colleagues to vote down this bill which pretends to protect the privacy of our people while in fact trampling on the Constitution in the process. If the bill merely expanded existing protections against receiving unwanted junk mail, I would support it. But I cannot support the expanded definition of obscenity contained in section 3013 which would stifle legitimate, meritorious material, and the unconstitutional prohibitions contained in section 3014 against the dissemination of material which is not obscene and is therefore entitled to protection under the first amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding. The gentleman is not boring all the Members of the House. I think his remarks are quite accurate and I must join with the gentleman in support of hopefully trying to begin to get the message across to this body that the Constitution should be honored by the legislators in this House. I do not think we are doing it here.

Mr. Chairman, as the gentleman from Illinois has so appropriately stated, perhaps some day we will begin to concern ourselves with the real questions that are involved in educating our young people in this country.

This bill has two basic provisions both of which I oppose on the grounds that they seriously infringe the first amendment rights of both readers and publishers.

Title I of the bill would ban from the mails sexually oriented materials deemed "harmful to minors." I firmly believe that the Government should not use its powers over the mail to make judgments about what kinds of material can be distributed. The proper place for this decision is in the hands of the minor's parents, not in the hands of the Government. Moreover, to curb the risk that such mail will fall in the hands of minors this bill would have a "chilling effect" on its distribution to adults even though distribution to adults is both legal and constitutionally protected.

Title II of the bill would incorporate into Federal law the definition of "obscene" recommended by the minority of the President's Commission on Obscenity and Pornography. Any material found to appeal to the prurient interest would automatically be deemed to be "utterly without redeeming social value." The very purpose of the first amendment is to insure that ideas are allowed to circulate. This bill, however, would allow "appeal to the prurient interest" to totally invalidate the presence of "social value." It is just this kind of overbroad restraint against which the first amendment was erected. Moreover, enacting this definition into law would entirely ignore the findings of the majority report of the President's Commission which recommended doing away with the Federal ban on obscene materials for adults. In contrast, this bill would expand the scope of that law. I do not believe that the Congress should act totally contrary to the carefully researched findings of the Commission in this way. Moreover, I believe the conclusions of the Commission to be sound and would urge us to follow them instead.

In further support of my views, I would like to insert at this point, excerpts from a letter by Mr. Lawrence Speiser, former director of the Washington Office American Civil Liberties Union:

> As H.R. 8805 comes to the floor of the House, we urge you to give careful consideration to the serious infringements on protected First Amendment rights—of both publishers and readers—which will result from enactment of this bill.
>
> As seems to be the case with many anti-obscenity bills H.R. 8850 establishes extremely vague standards of conduct and enforces compliance with them through the imposition of severe criminal penalties. The bill greatly blurs the present distinction between "obscene" and "non-obscene" material by omitting certain key words from the definition of "harmful to minors" approved by the Supreme Court in *Ginsberg* v. *New York*, 390 U.S. 629 (1968). Under this weaker standard, it will be extremely difficult for a publisher to locate with any accuracy the line between permissible and non-permissible material. His errors of judgment will be punished by heavy fine and long imprisonment.
>
> Moreover, a publisher is required to examine his often enormous mailing lists to identify with certainty each and every residence which might contain minors. A single mistake in even a good faith attempt to draw up an accurate list—a task which itself may well be impossible—can result in severe criminal penalties. Furthermore, the bill establishes an arbitrary presumption that all mail not personally addressed to an adult is intended for the minor who resides there. This arrangement will result in prosecution of publishers who had absolutely no intention of violating the law. The very basic *scienter* requirement needed to make the imposition of criminal sanctions constitutional is therefore lacking. See *Smith* v. *California*, 361 U.S. 147 (1961).
>
> In its effort to stop the flow of objectionable material to minors, H.R. 8805 has an unconstitutional impact on the flow of material protected by the First Amendment. First, by altering the definition of "harmful to minors," the bill significantly waters down the Supreme Court standard of "obscenity," so that material protected under both *Roth* v. *United States*, 354 U.S. 476 (1959) (adults) and *Ginsberg* v. *New York*, *supra* (minors), would be barred from the mails. Even more seriously, although the bill purports to outlaw or ban only materials "obscence" with respect to minors, it will have a sharp inhibiting impact on persons wishing to mail to adults material admittedly not obscene for adults and thereby protected under the First Amendment. Not wishing to chance the accidental delivery of such materials to a residence containing a minor, the sender will be forced to limit the unsolicited mailing of such materials to every household only to that which is not obscene for minors. However, the Supreme Court, in *Butler* v. *Michigan*, 352 U.S. 380 (1957) has firmly rejected, as an unwarranted restriction of First Amendment rights, the notion that protected material can be proscribed as part of an effort to keep unprotected material away from minors.

Mr. Chairman, again I congratulate the gentleman from Illinois and commend him for his remarks.

Mr. MIKVA. I thank my colleague from Michigan for his contribution.

Mr. GROSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. Young).

Mr. YOUNG of Florida. I thank the gentleman for yielding, and I rise in support of H.R. 8805.

Mr. Chairman, the question before us is whether we as a legislative body can effectively deal with the problem of obscenity and pornography through the mails. I believe we can, through the enactment of H.R. 8805, the bill under consideration.

The need for legislation is apparent. There is probably not a Member in this body who has not received a good many irate complaints from constituents objecting to the receipt of unsolicited smut materials. And, we have all had the opportunity to review such material. It is not very pretty. Most of it is pure unadulterated garbage which reduces human beings to animals of the lowest level. In a word, it is disgusting.

Mr. Chairman, in recent years, our Post Office and Civil Service Committee has sensed the urgency to stop the traffic of smut through the mails and, as a result, two laws are presently on the books. The Anti-Pandering Act—Public Law 90-206—authorizes postal patrons receiving a pandering advertisement to request that no further mailings from that mailer be sent to their home. Under this law, the postal patron is the sole judge of the offensive nature of the advertisement. It prohibits mailers from ignoring such requests under penalty of law. The constitutionality of this act has been upheld by the U.S. Supreme Court in Rowan against United States Post Office Department.

The Postal Reorganization Act—Public Law 91-375—provides postal patrons an opportunity to register with the Postmaster General their desire not to receive sexually oriented advertisements from any mailer.

These laws are working, but the President has requested and the public demands further protection of our youngsters and additional means under which concerned adults can register their objection to receiving obscene and pornographic materials in the mails. H.R. 8805 serves this purpose and will complement the laws on the books.

Mr. Chairman, the right to protect one's home from unwanted, uninvited pornographic material is paramount. Therefore, I urge prompt approval of this legislation.

Mr. NIX. Mr. Chairman, I have no further requests for time.

Mr. GROSS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Chairman, I thank the gentleman from Iowa for yielding.

I rise in support of H.R. 8805. It is similar to a bill which passed the House during the 91st Congress, but unfortunately was lost in the legislative logjam experienced in the other body late last year. Mostly, I want to take the time to express my deep appreciation for the dedicated and persistent efforts of the gentleman from New York, Chairman Dulski, and the gentleman from Pennsylvania, Chairman Nix, for their efforts to find workable laws that the Postal Service can use in dealing with pornography. It is my judgment that the root cause of many of the problems in our country is the erosion of our moral fiber. The recent deluge of smut material is a threat to our moral well-being. I feel many of our problems stem from a moral decay which threatens to overcome feelings of concern for the rights of individuals and feelings of patriotism. So, I compliment the gentleman from New York (Mr. Dulski), chairman of the Committee on Post Office and Civil Service; and the gentleman from Pennsylvania (Mr. Nix), the chairman of the Subcommittee on Postal Facilities and Mail; and Mr. H. R. Gross, the ranking Republican of the House Post Office and

Civil Service Committee and all members of this distinguished committee whose perseverance on this serious problem is surely in accord with the views of the majority of the American people and will receive their wholehearted support.

At the appropriate time I will offer an amendment designed to add a tool to the authority of the Postmaster General to make it unlawful to use the mail to send money for obscene materials. The amendment is to meet objections of a Supreme Court decision on January 14 of this year which held unconstitutional section 3006 in its present form. Section 3006 may be found in the report accompanying H.R. 8805. Basically, my amendment is in response to suggestions of the Supreme Court concerning guidelines as to an appropriate method under which the Postmaster General may halt the use of the mails and of postal money orders for commerce in obscene materials. If we can devise ways to reduce the profit, we will reduce the flow of smut material.

Mr. GROSS. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Chairman, I rise in support of H.R. 8805.

Mr. Chairman, in a postscript to United States against Reidel, a case involving the constitutionality of section 1461 of title 18, United States Code which prohibits the knowing use of the mails for the delivery of obscene matter, the majority of the Supreme Court opined that—

> There is developing sentiment that adults should have complete freedom to produce, deal in, possess, and consume whatever communicative materials may appeal to them and that the laws involvement with obscenity should be limited to those situations where children are involved or where it is necessary to prevent imposition on unwilling recipients of whatever age.

H.R. 8805 deals directly with this recommendation, and in addition, prohibits the use of the mails to make a sale, delivery or distribution or offer thereof of obscene matter. "Obscene" is defined as having a predominantly prurient appeal, when considered as a whole by contemporary community standards.

It also allows a mail patron who objects to receiving potentially offensive sexual material to notify the Postmaster General, who will devise procedures to prevent delivery of such mail.

Mr. Chairman, the mails must not be used to disseminate this filth that finds its way into the American home. It is an intolerable misuse of the mails. It must be stopped—now.

Mr. Chairman, much attention has been given this legislation and, I believe, its enactment will further help to slam the door in the face of the smut merchants throughout the United States.

Mr. GROSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. BROTZMAN).

Mr. BROTZMAN. Mr. Chairman, I support H.R. 8805 and urge its adoption by the House today. This legislation is similar to legislation I introduced and which the House passed in the 91st Congress. Unfortunately, the other body did not act on the measure prior to adjournment.

The bill has three purposes: to create a new category of nonmailable obscene matter with respect to minors; to define the term "obscene" with respect to matter that is mailed, imported, broadcast, or transported in interstate commerce; and to provide mail patrons with a means not to receive unsolicited "potentially offensive sexual material."

Of all the forces which are working today to erode the dignity and basic morality of our young people, I believe the most disgusting is the use of the U.S. mails to purvey obscenity and pervasion. I am sure that all of my colleagues are familiar with the tactics used by those vicious men who would do absolutely anything to make a few dollars.

Using mailing lists derived from a number of legitimate sources, they flood the Nation with offers of hard-core smut which runs the gamut of photographs and written material which, a decade ago, would have been absolutely unmailable. Even the promotional material is obscene by practically any standard of human dignity.

I doubt if there is a Member of Congress who has not received letters from anguished parents, pleading for a way to keep this filth out of the privacy of their homes. They take the position that they should have the right to expect that at least the U.S. mails should be denied those who would make profits from pandering to the curiosity of the young. I agree with them, and I believe that H.R. 8805 fills their legitimate expectations.

The bill prohibits the use of the mails to make a sale, delivery, or distribution or offer thereof to minors of any obscene matter which is described in the bill. Moreover, with respect to unsolicited mail, the bill makes it easier for individuals to exercise an option to not receive offensive material in the first place. Mailers will be required to clearly identify the potentially offensive nature of an envelope's contents, and they will be responsible for seeing that their smut is not mailed to persons who fill out forms to be provided by the Postal Service.

Mr. Chairman, I believe this legislation ought to be passed because it stays within the constitutional parameters established by the Supreme Court, because it allows parents a measure of control over what is pandered to their minor children, and because it shifts a great deal of the burden of protecting decent people to the panderers.

Mr. GROSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I rise today in support of H.R. 8805 which would amend and strengthen Federal postal laws dealing with offensive sexual materials. This new piece of legislation sets forth the mechanics which will be necessary to stem the flow of traffic in obscene materials. By defining the term "obscene," by requiring that sexually oriented advertisements sent through the mails bear an identifiable mark or notice, and by providing that no materials so marked will be sent to any postal patron who has notified postal officials of his desire not to receive potentially offensive matter, we are providing the first meaningful protection for the postal patron.

One of my greatest frustrations during my years in Congress has been the fact that U.S. postal officials have not had the means of stopping the flow of potentially offensive materials. There will be some who will decry approval of this legislation by the Congress but in my opinion the slight social value in most sexually oriented materials is far outweighed by the interest which we, as Americans, have in order and morality in our country.

Mr. GROSS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, the legislation which we are considering today addresses several aspects of an area which is of deep concern to a great many of us. That is the distribution of sexually oriented material to our children and to those who have not asked to receive it.

In addition to having reservations about the substance of the bill, H.R. 8805 fails to treat one aspect of the pornography traffic which I believe should be dealt with. As presently drafted, the bill would permit a mail patron to reject certain explicit materials by requiring that they be identified by a symbol and by permitting postal patrons to advise the Postal Service to prevent delivery of such mail to them. It is my opinion that when only commercial advertisements are involved that the burden should be upon the distributor to assure that these offensive appeals are not delivered unsolicited. The administration has recommended legislation which would deal with this problem.

I had intended to offer an amendment which would have dealt with this situation by prohibiting any distribution of unsolicited salacious advertising by the use of the mails or other means of commerce. In part because there is some question as to its germaneness, I will not offer this amendment today.

I do, however, intend to press for action on the provisions contained in my amendment before the Judiciary Committee which is considering a bill, H.R. 2332, identical in terms with the amendment.

You may recall that just last year this body passed H.R. 11032 by the overwhelming vote of 322 to 4, a bill identical to the amendment which I had intended to offer and backed by the administration.

That action was taken after lengthy consideration and a favorable and unanimous report on the measure by the Judiciary Committee, of which I am privileged to be a member. Indeed, Subcommittee No. 3, on which I serve, held 14 days of hearings in which more than 150 antiobscenity measures were considered.

The record of the hearing made it quite clear that there is a tremendous volume of salacious advertising being disseminated to unwilling recipients and that there is urgent need for a strong remedy.

The American public needs and deserves protection from this type of material.

Congress has an obligation to prevent the unchecked flow of offensive and indecent materials into American homes.

I hope we are able to come back to this House in as short a time as possible with a salacious advertising bill which will provide us with an opportunity to close the door further on the pornography marketeers.

Let me just say this, Mr. Chairman, that I think the gentleman from Illinois and some of the other members of Subcommittee No. 3 were very careful in working out and meeting the constitutional definition of salacious advertising. I think that the value of that bill would have been that it would have prevented—and I repeated, prevented—the distributors of pornography from mailing any kind of advertising into our homes on an unsolicited basis. It seems to me this would have been a stronger bill and a better bill for that reason.

Mr. DERWINSKI. Mr. Chairman, H.R. 8805, a clean bill which I cosponsored, and which was reported out of our Post Office and Civil Service Committee by a vote of 17 to 2, effectively deals with the problem of the carriage of obscene and pornographic matter in the mails.

It is basically the same as another bill I cosponsored, H.R. 2159, except for the additional language requiring the mailer of potential offensive sexual material to place a symbol on the envelope when he sends such material unsolicited to an addressee. Mail patrons who do not wish to receive unsolicited mail bearing the symbol may notify the Postmaster General, who will take the necessary steps to prevent delivery of such mail.

Mr. Chairman, over the years our committee worked continuously to deal with this important issue. In the last Congress, the House passed H.R. 15693 which would have substantially helped to increase the public's protection from unwanted and uninvited obscene material through the mails. However, because of a number of reasons, the other body failed to act on this comprehensive proposal and instead amended the Postal Reorganization Act to include only a part of H.R. 15693. And while this action was a step in the right direction in preserving the sanctity of the family's mailbox, it failed to fully protect the minor, 17 years of age or younger, from being exposed to these mailings.

This, I believe, is what is at stake. And this legislation is, I believe, responsive to that void.

In brief, it will prohibit the use of the mails to make a sale, delivery, or distribution to a minor, or an offer for a sale, delivery, or distribution to a minor, of obscene matter defined in the bill. It further restricts any such mailings to a residence in which a minor resides unless such material is contained in a sealed envelope or sealed wrapper which conceals completely the contents, and unless such material is specifically addressed to a person who is not a minor at that residence.

This provision is based in concept on a New York State statute which was upheld by the Supreme Court.

Mr. Chairman, the time to stop this unwanted, uninvited dissemination of sexually oriented material to minors through the mails is long overdue. However, I believe there is still time to arrest this problem. Therefore, I urge immediate approval of this legislation.

Mr. NIX. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of this bill and particularly I want to commend the gentleman from North Carolina (Mr. HENDERSON) for his contribution to it.

Mr. MURPHY of New York. Mr. Chairman, I rise in support of the legislation now being considered. As everyone in this body who has fought the smut merchants knows, the solicitation and advertising of pornography has largely been through the use of the U.S. mails and the actual sale and delivery has been almost entirely in interstate commerce. These two facts of life make it the concern of the Federal Government.

And there is no one in Congress who is not aware of this. Mail to Members of Congress on pornography has increased in direct proportion to the torrent of unsolicited smut mail received by their constituents.

As I read the protest, the public is no longer willing to tolerate the use of the mails and the channels of interstate commerce for the pandering and sale of obscene picture books and films to children and teenagers.

The point is rapidly being reached where concern for the yet-to-be-decided constitutional rights of pornographers is being outdistanced by the outrage of parents having the down-and-out filth of the ages hand delivered by a Government agency to children already tempted beyond their capacities by the uncertainties of the times, a burgeoning drug and narcotics traffic never imagined only a decade ago and a host of other pressures that have brought our young people to the point of revolt.

Concern for a proper atmosphere in which to bring up their children has moved thousands of parents in New York and the rest of the United States to write me that something be done about this problem.

Seldom do I receive more spontaneous, more serious, and more impassioned letters than from parents whose homes have been invaded by this filth.

It is easy to understand their anger. This mail is vile. It debases the human beings it portrays and those to whom the material is sold.

I do not believe it is essential to demonstrate clinically that pornography has bad effects on children.

It is not necessary to engage in philosophical speculation about the merits of true art and this counterfeit.

There is no merit in arguing the proposition that anything goes, as long as it is labeled free speech.

Private citizens must have the right to decide what kind of reading and viewing matter they will allow in their homes.

Unsolicited, unwanted pandering advertisements are pouring into private homes and schools. Complaints to the Post Office Department reflect this increase. There were 52,263 citizens who voiced their disapproval of obscene mail in 1962. By 1966 the number quadrupled to nearly 200,000. In fiscal year 1969, 232,072 complaints were registered. About 35 percent of these complaints involved mail addressed to juveniles.

In 1967, Congress passed a law it hoped would solve this problem. Briefly, it prohibited the mailing of pandering advertisements offering for sale matter which a postal patron determined to be erotically arousing or sexually provocative.

The statute provided for the issuance of stop orders on the specific mailing determined to be erotically arousing or provocative and for the removal of the postal patron's name from that particular mailing list.

During the calendar year of 1969 there were a total of 392,782 complaints about offensive obscene mail made to the Post Office Department. Of these, 292,679 were requests for stop orders to be issued to mailers of pornography. Another 100,103 were simple complaints about the lewd mailings.

Unfortunately, these stop orders have not even put a dent into a business which flourishes to the tune of several billion dollars a year; 3,500 cases were referred by the Post Office Department to the Justice Department under the 1967 statute. Although 924 court orders have been entered since January 1970, not a single mailer has been convicted to date for failing to observe a court order to stop the mailings to a postal patron. Only one conviction has been achieved—against a corporation. So it is easy to see that the risk of conviction is slight and the fines are minimal when balanced against the huge profits of the pornography industry.

But there is really no reason for the pornographer to take a chance under the 1967 law. His list may contain 100,000 and if he removes a dozen or so names from that list he loses really nothing.

The 1967 law constituted an immense and unreasonable burden upon the citizen with little or no burden imposed upon the individual mailer. Thus, a postal patron could have his name removed from the mailing list of one distributor of pornography, but the same patron would have to request time and time again to have his name removed from the lists of other mailers.

Provisions in the Postal Reorganization Act of 1970 put more of the burden on the mailers of pornography. A citizen could request that the Post Office Department add his name to a list of those citizens who did not wish to receive any sexually oriented materials in his home. Those in the pornography business could then buy the list and cease mailing to those who had so requested.

But even this statute does nothing to stop that first unwanted and unwarranted intrusion into one's home of pornographic materials.

Its effect upon reducing the unwanted receipt of unsolicited pornography has been minimal at best.

The volume of this objectionable mail has grown and its content has changed drastically in the last 4 years. No longer are partially draped, tiny black and white photographs tucked into mimeographed advertising copy. Slick color pages of completely nude figures depicting the gamut of sexual aberrations now insult the eye as well as the sensibility of any normal viewer.

This expensive promotion may escape the Supreme Court's pandering concept, but it surely cannot be defended when it is addressed to children. And it is being sent to children. One mailer I know about sent polished ads for the "Photographic Manual of Sexual Intercourse" to names clearly children's nicknames and without adult designations of "Mr." or "Mrs." to many New York homes.

Aware that parents and Congressmen are prone to special wrath when abuse of children is perpetrated, the mailers try to circumvent the postal patron's complaint by printing a disclaimer on the envelope and by having a disclaimer in the order coupon stating that the purchaser is over 21 years old. This subterfuge is so transparent that it insults the intelligence of every parent who has seen it.

Any parent knows, and certainly the mailer does, that a good way to get a child to look at something is to tell him not to look at it. And the mailer knows that a child is flattered to receive any mail at all. Few children get large amounts of mail, so an occasional legal sized envelope with a computerized mailing label makes a child particularly curious.

As we consider the pending legislation we must keep in mind that the present law simply does not address itself to the basic distribution methods of the mail order pornography business. Enacted in 1967 as Public Law 90–206, title 3, and now section 4009 of title 39 of the United States Code, the law in theory can only halt second or subsequent mailings from one mailing company.

It may not do even that.

Because the stop order is addressed to the publisher/mailer, the order to strike a postal patron's name from a mailing list never reaches the list owner. Most mail order businesses do not keep their own lists. They usually rent them from list brokers, whose directory of specialized lists is used to select the group most likely to buy the mail order merchants' product. The broker rents the list to many mail dealers and the company which receives a stop order may never use the same list again.

The difficulty of defining what is legally obscene is sidestepped under the present law by allowing the postal patron to declare only that the mail is offensive to himself.

A recent news item described how one postal patron harrassed by junk mail stopped the avalanche by declaring it all undesirable and asking the Postmaster to issue a stop order to the mailers.

Under the antipandering statute passed in 1967, his request was perfectly legitimate. Since the law does not clearly define pornography, a postal patron could conceivably ban "Little Women" from his mail as appealing to prurient interests.

Clearly, the law was never intended to do any such thing. In the legislation we are considering today, there is a clear definition of what constitutes "material harmful to minors." It is explicit enough to avoid the charge of being obscure, vague, and difficult to determine. The sale or offering of "material harmful to minors" is the offense for which penalties are imposed.

This bill is based on the concepts of the New York State statute which the Supreme Court upheld in the Ginsberg case in a 1968 decision. That criminal obscenity statute prohibits the sale to minors under 17 years of age of material defined to be obscene on the basis of its appeal to them whether or not it would be obscene to adults—Sam Ginsberg against State of New York, April 22, 1968.

The New York statute was upheld on the basis that the publications in question contained pictures which depicted female nudity and that the pictures were harmful to minors in that they had that quality of representation of nudity. The latter was further defined as nudity which predominantly appeals to the prurient, shameful or morbid interest of minors, nudity which is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and, nudity which is utterly without redeeming social importance for minors. While the third standard is not included in H.R. 8805, I agree with the authors of the legislation that this concept is inherent in the language of the bill. In any event, it should not cause the legislative slowdown of this important law to the youth of our country—despite the bleatings of the ACLU.

In handing down this decision, the Supreme Court also affirmed the State's power to employ variable concepts of obscenity. The opinion, written by Mr. Justice Brennan, asserts that the New York law "simply adjusts the definition of obscenity 'to social realities by permitting the appeal of the type of material to be assessed in terms of the sexual interest' of such minors." He added:

> The State has power to make that adjustment seems clear, for we have recognized that even where there is an invasion of protected freedoms "the power of the state to control the conduct of children reaches beyond the scope of its authority over adults."

The Court further stated:

> Constitutional interpretation has consistently recognized that parents' claims to authority in their own households to direct the rearing of their children is basic in the structure of our society. . . . The (New York) legislature could properly conclude that parents and others, teachers for example, who have this primary responsibility for children's well-being are entitled to the support of laws designed to aid discharge of that responsibility.

The New York law "expressly recognizes the parental role in assessing sex related material harmful to minors according 'to prevailing standards in the adult community as a whole with respect to what is suitable material for minors.' "

> Moreover, the prohibition against sales to minors does not bar parents who so desire from purchasing the magazines for their children.

The Court strongly suggested that obscenity constitutes an abuse which might prevent a child's growth into a well developed citizen; obscenity might also intrude upon the parent's right to bring up his children as he sees fit. Thus, the Court declared it necessary only to find that—

> It was not irrational for the legislature to find that exposure to material condemned by the statute is harmful to minors.

Scientific certainty is not required for legislation. The Court upheld the objective of the New York law to safeguard minors under 17 against harm, without requiring proof by the legislature that such harm would actually be done.

On the questions of vagueness and the requirement that the sales be made knowingly, the Court asserted that the definition of what constitutes obscenity gives "men in acting adequate notice of what is prohibited"—from the earlier "Fanny Hill" decision—and (also from an earlier decision) that—

> Only those who are in some manner aware of the character of the material they attempt to distribute should be punished. *It is not innocent but calculated purveyance of filth which is exercised* . . . (Emphasis made by Justice Brennan).

The bill before us has incorporated provisions similar to the New York law which the Court upheld. Conversations with constituents and their correspondence to all Members of Congress are more than ample evidence of their wish to have some control over the kind of mail they will allow into their homes and into the hands of their children. This legislation does nothing to stop the over-the-counter sale of pornography. I am currently preparing legislation in this area that I plan to introduce in the near future. But for now we must accept our responsibility and pass this piece of legislation. I look forward to its speedy passage in the other body and its passage into law.

Mr. BENNETT. Mr. Chairman, I wish to take this opportunity to speak in favor of the bill before us H.R. 8805 to exclude from the mails as a special category of nonmailable matter, pornographic material offered for sale to minors and to improve the protection of the right of privacy by defining obscene mail matter. I have legislation pending, H.R. 529, the provisions of which are very close to the provisions contained in H.R. 8805. It has become clear to me that the Congress needs to specifically and explicitly define what is pornographic. This legislation sets out such a definition in clear and concise terms.

I believe that this bill is one which will easily be upheld by the courts as constitutional. I say this because the thrust of the bill is to protect minors from receiving unsolicited advertisements for pornographic materials. The Supreme Court has ruled that there is a difference in the law on minors and adults in this matter and that variable obscenity standards, one for minors and one for adults, are constitutional.

An aspect of my bill which is not included in the legislation before us is a provision to limit the appellate jurisdiction of the Supreme Court in matters of fact as distinguished from matters of law, concerning obscenity and related subjects. Adoption of this provision would have the effect of allowing regional differences in the view of the lower courts in regard to what in fact is considered obscene in their areas. Certainly there is a difference in what in fact is obscenity in New York City for example when compared with Des Moines, Iowa. I believe that the Supreme Court should not be allowed to hear matters of fact in obscenity cases when these matters have been decided in the lower courts and that the lower courts rulings should not be appealable in such factual matters; and this is the thrust of my provision. I believe that the Congress should move rapidly in this direction and that this provision would not in any way be unconstitutional. This idea is not without precedent.

I do want to take this opportunity to express my strong support for H.R. 8805 and I hope it will be promptly approved by the House and Senate and quickly implemented to protect our minors from such damaging materials.

Mrs. REID of Illinois. Mr. Chairman, as the sponsor of a similar bill—H.R. 4612—I am pleased to give my support to H.R. 8805, to protect children from receipt of obscene materials through the mail and to afford postal patrons a means to prohibit the delivery to them through the mails of unsolicited potentially offensive material. Similar legislation was passed by the House of Representatives in the 91st Congress with no action being taken by the Senate. I find it encouraging that H.R. 8805 has been brought to the House floor for consideration this early in the session and that it is high on the list of priority measures for final enactment during the 92d Congress.

There is no question that most Americans are deeply irritated by the outpouring of unsolicited obscene materials which come into their homes through the mail. Who among us has not received numerous letters from constituents urging that we take new initiatives to control the dissemination of indecent materials? Another indication of the enormity of the problem is reflected in the fact that well over a half million persons have filed complaints with the Postal authorities over the past several years specifically objecting to obscene mailings.

Smut peddlers have sent thousands of unsolicited indecent advertisements into the homes of families throughout the United States. When received, the solicitations could be opened by the youngest, most innocent child in the home. Of course, the purpose of the mailings is to sell this pornographic literature material.

The time has come to act decisively to protect those who do not wish to receive these unsolicited mailings. Recent judicial opinions have indicated a constitutional basis for legislation on this subject and, in reporting H.R. 8805, the Committee on Post Office and Civil Service has acted to solve the problem created by mass mailings of obscene materials to minors and the mass of unsolicited sexually oriented advertisements going through the U.S. mails. At the same time, the legislation presented for consideration should not have any difficulty in meeting the standards of constitutionality.

The Supreme Court has very specifically set out an area in which legislation is valid, and, in my opinion necessary, and I would urge the Congress to move swiftly in enacting H.R. 8805.

Mr. ROBINSON of Virginia. Mr. Chairman, I rise in support of the bill, H.R. 8805, because I believe it most important that the Congress undertake to match in resourcefulness the purveyors of filth.

I need not remind my colleagues that past legislative efforts have been less than successful in denying these pernicious peddlers access, through the mails, to the homes of America and, in particular, the children of those homes.

The Congress has not had effective support by the courts of its lawmaking attempts in the area of pornography control, and it is to be hoped that the carefully drawn language of the bill before us will satisfy the judicial branch.

What is being undertaken here presupposes—accurately, I believe—a widespread concern among parents in regard to the massive increase in the distribution of unsolicited hard-core pornography aimed at the curious young. For the most part, as the advertising circulars forwarded to my office by indignant postal patrons reflect, this trash cannot qualify by even the most liberal standard as possessing a scintilla of redeeming value for the serious phychological investigator or mature student of the aberrations in human sexual conduct.

The bill undertakes a more precise definition of obscene material than contained in existing Federal statutes applying to mailability of sexually oriented matter.

It requires that permitted mailings of sexually oriented matter shall bear an identifying symbol on the envelope or wrapper, in order that its character might be disclosed without opening.

There is the further provision that postal patrons could make known to the U.S. Postal Service their desire to be spared receipt of such mailings—by themselves or minors in their households—with obligation on the Postal Service to intercept such unwanted mailings.

We cannot hope, Mr. Chairman, to eradicate the production of this filth, because it will continue to be manufactured and distributed underground as long as there is a significant adult market for it, despite laws and ordinances intended to constrict public sale. We do have an obligation, however, to deny pornography free passage through the U.S. mails to the homes of the great majority of citizens who abhor it, and have a regard for the impressionable minds of their children.

Mr. DORN. Mr. Chairman, may I commend our esteemed colleague, the distinguished gentleman from Pennsylvania (Mr. NIX) for his leadership in bringing this bill before the Congress and for his skill in so effectively presenting the bill today. This bill represents months and even years of work and study by him and his great subcommittee. Every parent of a young child is indebted to the able gentleman from Pennsylvania. I am proud to call him my friend.

Mr. Chairman, I unequivocally support this bill which is intended to curb the disgraceful torrent of pornographic filth and smut. The bill would make it illegal to mail to minors under the age of 17 any sexually oriented material which—under the precise standards provided by this bill—is deemed harmful to minor children.

Surely, Mr. Chairman, the Congress is empowered under the Constitution to protect our children from being emotionally upset by the ever-growing flood of unbelievably sordid material. As GI's touring Paris after VE Day we were never exposed to the smut and filth to which our children are exposed today by the hucksters of smut who mail their "literature" unsolicited to children.

No wonder we see about us a breakdown in parental and societal discipline. No wonder that some areas of the nation are plagued by permissiveness and crime. This Nation, supposedly a "nation under God" is being undermined by a moral decay which is most flagrantly manifested by uncontrolled pornography. The American people are growing indignant and they demand relief from the invasion of their privacy and the invasion of their right to be free from offensive and sordid smut. This bill is an important step in that direction.

Mr. CLANCY. Mr. Chairman, I rise in support of H.R. 8805, which would raise another defense in this Nation against the onslaught of pornography and obscenity.

Throughout my five terms in Congress, I have consistently opposed the spread of pornography and we have passed laws to curb this threat to the moral fiber of our Nation. But the dealers of smut have found and wriggled through the loopholes and around the laws.

They advertise their wares in living, shameful color. They offer it to people who do not want it and they do not take "no" for an answer. They change the addresses and names of their companies and trade their mailing lists. And they continue to send their advertisements through the mail to people who do not want them.

I am sure every Member in this House has seen the material which comes unsolicited through the mail slot on their front doors. The greatest danger of course, is the effect this material has on teenagers who are at the most vulnerable and impressionable age. It exploits an area of a teenager's imagination which is just being opened up by a natural and insatiable curiosity.

But it does so in an unhealthy manner. Sometimes, pornography comes under the guise of educational information but far more often, it is openly salacious and conveys unhealthy impressions about a natural instinct. From such a formed impression, a young person enters adult life with warped ideas which may take years to overcome, or which may badly affect the life of him and his family.

The only person to gain from the distribution of such material is the pornographer. Doubt it not; he gains and his reward is measured by many thousands and millions of dollars. It matters not to him that pornography can wound and warp a young mind. All that counts to a smut dealer is how healthy are his dollar profits.

This bill, which is supported by the Nixon administration, defines the term "obscene" as it has been defined by the courts. It prohibits the mailing of pornography to persons under the age of 17.

Perhaps even more effective is a provision protecting postal patrons who do not want to be flooded with smut. Under this provision, a patron would fill out a form for the Post Office, explaining that he or she does not want pornography or sexually oriented mail delivered to them. Pornography companies are required to identify their mail with a mark, or a symbol, stamped on the wrapper. Such mail would be deleted from the mails before it could be delivered.

Pornographers failing to use the identifying mark or symbol could be prosecuted. If found guilty, they could be fined up to $1,000 for sending unsolicited material to no more than 25 addressees. If they sent such material to more than 25, they could be fined up to $50,000. Such a penalty would hit them where they hurt most.

I do not expect H.R. 8805 to solve the problems which pornography has raised. I think that the smut dealers will find other devious routes to our children. But, H.R. 8805 does give us another line in our defense which we need and I urge my fellow Members of Congress to pass this measure.

Mr. KOCH. Mr. Chairman, last year there were two bills brought before this House on the subject of obscenity, H.R. 15693 and H.R. 11032. The first dealt with obscenity as it relates to minors, and I voted for that bill. The second dealt with obscenity as it relates to adults, and, because I believe that adults may read what they wish, subject only to the limitations placed on pornography by the Supreme Court, I voted against that bill.

Both of those bills passed the House of Representatives but failed to become law because of Senate opposition. This year the committee has brought forth a bill which contains limitations on that which can be made available to both adults and minors. If the bill only applied to minors, I would vote for it, because I believe that minors should be protected from exposure to pornography and obscenity. But the committee has included in the bill provisions which would place additional limitations on materials available to adults, who are able to make judgments in this area themselves. This I will not support, and therefore I am voting no.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 8805, a bill designed to prohibit the mailing of obscene material to minors, and, also, designed to prohibit the use of the mails for the advertising of obscene matter.

I can testify that my constituents are outraged at the quantity and character of obscene material which is being disseminated in the country. American parents do not want this material for themselves, and more importantly, do not want it to fall into the hands of their children, whom they are trying to prepare for productive, normal lives.

The estimates on the total annual cost of pornography in the Nation vary from $500 million to over $1 billion. The Postal Service, in fiscal year 1968, received over 167,000 complaints about obscene mail. During fiscal year 1969, the number of complaints jumped to over 234,000.

Mass mailing techniques and direct mail advertising are essential tools of the sellers of smut. If the mails are no longer available to them, as proposed in H.R. 8805, the smut dealers will no longer be able to distribute enough material to make their operations profitable.

For years, law-enforcement agencies have been struggling to interpret, from hazy laws and Supreme Court guidelines, which types of material are obscene. H.R. 8805 defines in precise terms the categories of nonmailable matter which are deemed harmful to minors. The explicit definitions encompassed by this legislation will go far to eliminate the confusion, dispute, and debate which have developed around the ambiguous judicial tests that the law enforcement agencies face today.

I urge my colleagues to join with me in supporting this important piece of legislation and I urge prompt passage of this bill to protect the interests of parents and their children in our Nation.

Mr. FULTON of Tennessee. Mr. Chairman, it is with mixed emotions that I rise to support this legislation before the House today, legislation which should and is going to pass by an overwhelming margin.

This bill is designed to protect our children and safeguard their moral training from the smut peddlers who prey indiscriminately upon the innocent or the perverse thrill seeker.

While I support this bill and express the sentiment that it is long overdue, I am nonetheless saddened to think that such legislation is necessary in this country.

Yet, it is obvious that it is, because there are those who would sacrifice developing attitudes and good mental health of our children in order to make the dirtiest dollar to be had today.

I am saddened too that my own community which has long prided itself for its culture, refinement, and rich religious heritage now finds this reputation being overshadowed by a new reputation as one of the smut capitals of the South.

It just takes one or two shrewd operators to give a good community a very bad name and this is what is taking place.

Therefore, I view this bill a very healthy step, albeit a small one, forward in the growing war against smut and pandered perversity in this country which, under the guise of freedom of speech, seeks to infect the moral fiber of the Nation with its debilitating venom for the sake of a few dollars.

This is very similar to legislation which I sponsored with an identical aim, to protect our children. I commend the Committee on Post Office and Civil Service for the work it has done on the bill and for bringing it to the floor.

Mr. PREYER of North Carolina. Mr. Chairman, for a good many years now, a great number of well-meaning and intelligent people have argued against any form of censorship of literature or entertainment. They have won their case, for in the last 10 years censorship in the United States has to all intents and purposes ceased to exist.

But things have not worked out the way these well-meaning people had hoped. Instead of a great creative flowering, we have live sex shows which you can visit during your lunch hour in Times Square in New York; we have pornographic movies which are a blasphemy against the human spirit; we have the "flush toilet" school of literature. Do not all of us in this country have a feeling that things have gone wrong with our public morality and that it is time to do something about it? Do we not all feel ashamed at the quality of our public life? I support this bill because it is one effort to bring us to our senses.

Pornographic literature can corrupt. If we argue "that no one was ever corrupted by a book," then you must believe that no one was ever improved by a book—or a TV program or a movie. You have to believe, in other words, that all education is irrelevant. Of course it corrupts; common sense tells us that.

Furthermore, there is a point where public authorities must step in to limit "self-expression." No society can be completely indifferent to the ways its citizens publicly entertain themselves. Society no longer permits bearbaiting and cockfighting, not only out of sympathy for the suffering of the animals, but because they degrade and brutalize the people who watch them. No one would argue that we ought to permit gladiatorial contests in Yankee Stadium, like those in the old Roman Coliseum—even if "consenting adults" only were involved.

This is what pornography does—it brutalizes our citizenry, it is an insult to the human spirit. It must be stopped. When sex is a public spectacle, a human relationship is debased into an animal one.

It is argued that if we allow any kind of pornography to be sold, we will soon become bored with it and it will no longer have any effect. But common experience tells us that sadists don't get bored with sadism, sexual perverts do not get bored with perversion. Instead, there is a sexual regression—it tends to get worse.

The argument that Denmark has abolished all restraints on pornography which has resulted in a reduction in sex crimes ignores the fact that sex crimes have been eliminated; that is, there is no longer a crime of statutory rape so naturally there is less statutory rape. One might as well say we can eliminate burglars by making burglary no crime.

The "quality of life" that we hear so much about these days does not mean just cleaner air, cleaner water, cleaner streets. It also involves the character of the people. Self-government depends on the character of the people who govern. Society is rightly concerned, therefore, about the individual and the influences which educate him or degrade him. Society cannot permit people carelessly to corrupt themselves, and certainly cannot allow traders in smut to use the mails to grow rich while corrupting our young people.

We can control pornography and obscenity without repressive censorship of the valid work of art; we always have until the last 10 years. Pornography should be made illegal. It is necessary to save the quality of life in our democracy.

Mr. GRIFFIN. Mr. Chairman, I support H.R. 8805, which is designed to shelter American families from the unwanted and unsolicited exposure to forms of obscenity, pornography and perversion. Americans should have the right to raise their children in a decent and moral atmosphere.

The measure before us will establish an effective and workable mechanism to stem the flow of filth into our homes through the use of the mail.

The Supreme Court has so narrowed the scope of obscenity and pornography that virtually anything can be found to come under their definition of having "redeeming social value." These Court decisions have lifted all controls over the distribution of vile publications.

It has only been recently, in the 182 years of our Constitutional Republic, that obscenity and pornography have been found to be worthy of the first amendment protections of freedom of the press. This new loosening of restraints upon the printing of such material has led to the establishment of "mail-order pornography shops." The pandering purveyors of pornography and perversion have, in recent months, begun large scale, unasked for, mailing of their obscene material in innocuous, unmarked envelopes addressed "Occupant" to private homes across the width and breadth of our Nation.

The Supreme Court has so shortened the reach of law, Mr. Chairman, that many Americans are almost afraid for their children to open their mail.

It is the use of the United States Mail Service for the distribution of this unsolicited and unwanted filth to which I and my constituents object.

The measure now before us will prohibit such unsolicited mailing to minors under the age of 17 or, more important, to any home where such a child lives.

It will, significantly, require the identification of such material by a symbol, designed and publicized by the Postal Service, to be affixed to the outside of any envelope or pouch containing such material.

It will set a clear and understandable legal definition of obscenity to clear the air of the confusion which has surrounded it for so long.

Also, and most important, it will provide teeth in the form of a fine of up to $50,000 for offenders and I can only criticize this penalty for not being severe enough. It should include a jail term.

I urge passage of this measure, Mr. Chairman, because it will provide effective and enforceable relief for American families wanting to raise their children in an environment of moral principles.

Mr. BINGHAM. Mr. Chairman, H.R. 8805 represents an effort to place restrictions on the mailing of matter considered obscene in addition to those which already exist. While the effort is, I am sure, well-intentioned, I am constrained to oppose the bill as unworkable and probably unconstitutional.

The bill has three major aims: First, to develop a new definition of the term "obscene" with respect to matter that is mailed, imported, broadcast or transported in interstate commerce; second, to create a new category of nonmailable obscene matter with respect to minors; and, third, to provide mail patrons with a means not to receive unsolicited "potentially offensive sexual material."

The bill defines "obscene" as "matter which has its predominant appeal to the prurient interest when considered as a whole by contemporary community standards." Any matter which is found to be obscene by this test is "deemed conclusively to be utterly without redeeming social importance." By establishing a conclusive presumption against redeeming social value, the bill represents an effort to repeal the Supreme Court's requirement that "no redeeming social value" be proven by independent evidence. Furthermore, the provision does not explain what community is to be judge of contemporary standards. Shall it be the national or State community? Or should the standards be set by every individual locality in the country? The tests set up to determine what is a "prurient interest" are not only highly subjective but vary from case to case, depending on the recipient of the material. These tests are so vague as to make it impossible in any given case to decide whether the material to be mailed is or is not "obscene." Moreover, there is no exemption from the definition for works of fine art or scientific or medical material. A painting may be viewed as masterful by one community, while obscence by another. If Congress intends to impose criminal sanctions upon violators of such provisions, it must express its definitions with much greater clarity.

In another section, the bill attempts to provide mail patrons with added means to avoid receiving unsolicited mail which is "potentially offensive sexual material." The bill requires the sender to place a symbol on correspondence which comes within the definition of "potentially offensive sexual material": Then, the postal employee must select out such letters and make sure they are not delivered to persons who have indicated their desire not to receive such matter. The Postal Service would therefore be burdened with the task of contacting mail patrons all across the Nation, determining whether they want to reject such mail, and sorting out all marked material. The Post Office Department opposes this bill on the ground that the complexities of the procedure could well result in serious delays in mail deliveries.

Under existing law—which I supported—mail patrons can notify the Postal Service that they do not want to receive salacious advertising, and so forth. The Post Office, in turn, circulates a list of such persons to senders of the mail. The obligation is then on the sender to prevent mail from reaching such people. The committee has not established any compelling need to use a different procedure in this case, which is cumbersome and puts the burden on the Postal Service instead of on the sender.

Additionally, the bill does not exempt scientific works and works of fine art from the definition of "potentially offensive sexual material," but authorizes the Postal Service to draw regulations for such exemptions. There is no assurance that such needed exemptions would be properly made or indeed made at all.

Finally, the bill creates a new category of nonmailable material to persons under 17 years of age. Again subjective tests are used. The proscribed material must be "harmful to minors," and that term, in turn, is defined as "predominantly appealing to the prurient, shameful, or morbid interest of minors and is patently offensive to prevailing standards in the adult community concerning what is suitable material for minors." Again, the question arises as to what "'community" is meant and how its "prevailing standards" are to be determined. I cannot believe that such vague standards meet the test long laid down that a criminal statute must be sufficiently precise so that a reasonable person would know whether or not a given action was in compliance with it, or a violation.

Mr. RANDALL. Mr. Chairman, I rise in strong support of H.R. 8805, the bill which creates a category of nonmailable obscene material to minors and which presents mail patrons with a means of rejecting unsolicited material which is potentially offensive.

As I am sure must also be true of most of the Members of this body, our mail has been substantial to heavy in protest against the flood of salacious material going through the mails today. It would be difficult to estimate the number of individual constituents who have written to express their interest in the enactment of a law which could prohibit the movement of unsolicited pornographic material through the postal system. I distinctly recall a concerned official of the Knights of Columbus of Missouri writing us in the early part of this year, speaking for over 22,500 members in the State of Missouri, to plead with us to do all in our power to see that legislation like H.R. 8805 is enacted.

I am pleased to see this measure come before the House today for what I am certain will be overwhelming approval. Back in the early part of this first session of the 92d Congress, I introduced H.R. 1508 to exclude from the U.S. mails unsolicited offers to sell, loan or rent certain obscene materials. My bill covers such things as pictures, photographs, drawings, sculpture, motion picture film, or similar image of a person or portion of the human body, which depicts nudity, sexual conduct, or sadomasochistic abuse in any manner designed to appeal to the prurient interests of the viewer. As I read H.R. 8805 and the accompanying report, the same prohibitions obtain in this bill as in our bill. Let me hasten to add I wish to be the first to acclaim its provisions are an improvement over our own effort because it specifically prohibits the use of the mails to make a sale to minors under age of any such objectionable material.

We all know that the flow of filth entered into the mail by smut peddlers is not only objectionable but has been increasing in volume. Many means have been tried to stop this flow. First, there was the revocation of post office box privileges; then the forms of notice to be sent to the sender. This form of refusal may have helped some but it seems to me that today we are moving in the better and stronger way we should have done before. Today we are creating a class of material to be prohibited from moving through the mails. This kind of action strikes at the root of the problem and hits the offender where it should hurt most.

The penalties seem to be strong enough because the punishment for the first offense of mailing to minors is a $5,000 fine and/or 5 years imprisonment and for the second offense it jumps to $10,000 fine and/or 10 years imprisonment. For the other offenses—failing to provide the required mark on unsolicited "potentially offensive sexual material," the penalty is $1,000 for mailings of up to 25 addressees and jumps to $50,000 for mailings of more than 25 addressees.

It appears there are objections to some of the provisions of the bill on one basis or another from those who come forward as opponents. For example, the Justice Department has objected that the description of material which is harmful to minors is defined with greater specificity than required and may thus place an unnecessary burden on the Government in dealing with young people. Then the Postal Service believes that the legislation places an administrative burden on the Postal Service which may possibly delay the delivery of mail and prefers that the burden should be placed on the mailer, rather than on the Postal Service.

Well, our reaction to these complaints is that the effort to stop this flood of smut is so important and so long neglected and so badly needed that these objections should be quickly overuled.

Finally, I have no patience with those who say they must oppose this necessary legislation because they regard the restrictions of the bill as an invasion of the right of free speech and free press. In the eyes of these opponents free speech and free press is an absolute right which should never under any circumstances be infringed. For these opponents our reply is the same as those three dissenting Justices of the U.S. Supreme Court who replied in the case of the Pentagon Papers that no provision of any individual right, even free speech and free press, is an absolute right beyond and above any limits or restrictions. When the exercise of such privileged rights curtails and infringes other rights of the individual, as in this instance, there may be raised some questions of constitutionality.

I hope the Members of this House will support H.R. 8805 on the premise and in the belief that these questions can be resolved and that, when the time comes, the courts will hold that an individual has the moral right to be free from receiving potentially offensive sexual material, as a right such as existence as the alleged right of the profit motivated mailer to mail these offensive materials as an exercise of his right of freedom of speech and freedom of the press.

Mr. RYAN. Mr. Chairman, H.R. 8805 reflects an impatience with the first amendment which I believe to be misguided. Events of recent weeks have demonstrated that we must be vigilant to protect first amendment guarantees. To be sure, the bill before us does not raise the same kind of global issues involved in the "Pentagon Papers" case. Nevertheless, the first amendment values at stake here are no less important.

The bill contains three basic provisions. The first would prohibit the mailing of a special category of nonmailable matter that is "harmful to minors," or advertisements for it, unless mailed to a specified adult. The second would write into Federal law the very broad definition of "obscene" favored by the minority of the President's Commission on Obscenity and Pornography. The third would give the homeowner the right to bar the mail delivery of unsolicited "potentially offensive sexual material" to his home by placing his name on a Postal Service list.

I would like to discuss section 4 of the bill which, in my view, is its most disturbing aspect. It would write into Federal law a definition of "obscene." Anything which fell within that definition could then be barred completely from the mails. Under the proposed definition, material would be obscene if it has "its predominant appeal to the prurient interest when considered as a whole by contemporary community standards."

"Prurient interest" in turn is defined to include:

> A shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation.

Any material obscene under the above definition is then "deemed concusively" to be utterly without redeeming social importance.

Anyone familiar with this problem will recognize in this definition words taken from the Supreme Court's effort to create a workable and constitutional definition of "obscene." Although there has been disagreement and difference among the Justices of the Court, the test which has grown out of the line of cases from *Roth* v. *United States,* 354 U.S. 476 (1957), to *Memoirs (Fanny Hill)* v. *Massachusetts,* 383 U.S. 413 (1966), for a constitutionally sound definition of "obscene" has three elements: First, predominant appeal to the prurient interest; second, patent offensiveness; and third, utterly without redeeming social importance.

This bill is an obvious attempt to define "obscene" far more broadly. It would eliminate "patently offensive" from the definition and would conclusively compel a finding of "utter lack of redeeming social importance" once the appeal to prurient interest were identified.

I do not wish to repeat here the debate over whether any or all of these three elements are constitutionally required under the Supreme Court's multiplicity of opinions in this area. For it seems perfectly clear to me that if the Constitution permits any kind of total ban on the distribution of materials because they are obscene, it can only do so under circumstances which do not establish restraints on the flow of ideas.

The requirement that obscene material be utterly without redeeming social importance is the safeguard by which the Supreme Court has attempted to insure that the flow of ideas will not be interrupted. This is what the first amendment, after all, is all about. In the words of Mr. Justice Frankfurter "the widest scope of freedom is to be given to the adventurous and imaginative exercise of the human spirit." *Kingley Pictures Corp.* v. *Regents,* 360 U.S. 684 (concurring).

I do not believe that section 4 will be able to meet whatever test ultimately receives Supreme Court approval. If a statute is enacted which will clearly suppress the distribution of material without regard to its esthetic, artistic, or literary merit, abridging the right of the distributor to disseminate and the corresponding right of the public to make its own judgments about the kinds of literary and artistic materials it wishes to obtain, then the constitutional protection wll be a paper one, without much meaning in practice.

Any discussion of this section of the bill would be incomplete without a reference to the case of *Stanley* v. *Georgia,* 394 U.S. 557 (1969) and some comment on the report of the President's Commission on Obscenity and Pornography. In the Stanley decision the Supreme Court ruled that an individual cannot constitutionally be prosecuted for possessing obscene material for his own use. In the words of the Court:

> If the First Amendment means anything, it means that a state has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch. Our whole constitutional heritage rebels at the thought of giving government the power to control mens minds. (394 U.S. at 565.)

The President's Commission on Obscenity and Pornography endorsed this concept and recommended that Federal, State, and local legislation prohibiting the sale, exhibition, or distribution of sexual materials to consenting adults be repealed.

Section 6 of the bill would expand existing section 3010 of title 39, enacted as part of the 1970 Postal Reorganization Act. At present, section 2010 makes it a crime to mail "sexually oriented advertisements" to any person who has placed his name on a Postal Service list as not wanting to receive them. H.R. 8805 would expand this by also making it a crime to send "potentially offensive sexual material" to individuals choosing not to receive them.

I support giving the individual tools to protect his privacy. The Supreme Court has upheld a similar statute giving him the right to do so. *Rowan* v. *Post Office Department,* 397 U.S. 728 (1970). However, H.R. 8805 contains a very broad standard which could include all kinds of material and indeed would probably cover many publications which have been on the best seller list in recent months.

In conclusion, I would recall the oft-quoted, but no less valid, observation of Mr. Justice Brandeis in *Olmstead* v. *United States,* 277 U.S. 438, 479 (1928) (dissent):

> The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding.

Mr. MILLS of Maryland. Mr. Chairman, I rise in support of H.R. 8805.

This bill is another big step forward in the fight to protect the American home from unwanted, obsence materials through the mails.

As my colleagues know too well, our Post Office and Civil Service Committee has grappled with this problem of stopping the flow of pornographic materials through the mails for some time. The Postal Revenue and Salary Act of 1967 contained a provision prohibiting the mailing of pandering advertisements. It permitted the postal patron an opportunity to request no further mailings of unsolicited advertisements from mailers who have previously sent them advertisements which they deem sexually offensive in their sole judgment, and it further prohibited mailers from ignoring such requests. This provision of law was challenged and the Supreme Court on May 4, 1970, upheld its constitutionality in Rowan against the U.S. Post Office Department.

The Postal Reorganization Act—91-375—which was enacted on August 12, 1970, provided postal patrons the means by which they can register with the Postmaster General their intention not to receive "sexually oriented advertisements" from any mailer, as that term is defined in the law. Violation of this law is punishable up to 5 years' imprisonment, a fine of $5,000, or both.

And while these two laws provide a measure of protection from unsolicited pornographic mailings, they do not regulate the distribution of sexual materials to young persons. This bill, I believe, closes that gap in the law.

In brief, H.R. 8805, as its main objective would prohibit the mailing of sexual matter, as defined in the bill, to minors under 17 years. These provisions are based in concept on a New York State statute which was upheld by the U.S. Supreme Court. The bill also makes applicable for violation of this new section a criminal penalty of $5,000 fine and/or 5 years imprisonment for the first offense, and $10,000 fine and/or 10 years imprisonment for a second offense. This should serve as an adequate deterrent.

There are other important provisions of this bill and they have been adequately explained by the distinguished chairman of the Postal Facility Subcommittee.

Mr. Chairman, passage of this bill is necessary now. We cannot afford to wait.

Mr. ROYBAL. Mr. Chairman, I would like to begin by saying I oppose obscenity. I believe that this legislative body has the responsibility to develop bills that would remedy the proliferation of obscene material.

Honest men and women differ on how this can be accomplished. Obscenity is not a word to be taken lightly. It is a highly explosive issue that invites deep feelings and emotions. The depth of these feelings makes our task as lawmakers more difficult, for it is our duty to put the issues into perspective. The remedy sought requires serious and thoughtful deliberation if we are to pass effective legislation.

H.R. 8805 misses the mark—it is not an effective piece of legislation. This bill can only make our fight against obscenity more difficult if not impossible.

In trying to remedy this problem, we must be careful not to exchange one excess for another. H.R. 8805 disturbs me, first, because it contains unconstitutional provisions and it violates our first amendment freedoms; second, because it usurps parental responsibility and substitutes instead congressional guidance.

H.R. 8805 so blurs the distinctions between obscene and nonobscene, between permissible and nonpermissible material, that it endangers our constitutional guarantees of free speech and press. Specifically, it ignores standards established by the courts to protect material of redeeming social importance. H.R. 8805 presumes, unconstitutionally, that material it considers objectionable automatically lacks such importance.

Any matter which is obscene under this section shall be deemed conclusively to be utterly without redeeming social importance. Any slight social value in such matter shall be deemed outweighed by the social interest in order and morality.

Further, this bill would have an unconstitutional impact on the mails by banning material protected by the first amendment. It would also put an unconstitutional sanction on a publisher who mails to a minor by mistake without any criminal intent to violate the law.

I consider it vitally important that we act responsibly in this area by producing effective constitutional laws. H.R. 8805 does not accomplish this purpose. The bill ignores the difference in views among honest parents of what is permissible. It sets up its own standard of judgment and censorship in violation of constitutional rights.

The bill's effectiveness rests on an elaborate postal scheme of symbols and insignia which our Postal Service is not equipped to handle. The scheme would cost a great deal of man-hours and delays in all mail delivery without producing the desired effect.

On pages 11 and 12 of the committee's report, General Counsel for the Post Office pointed out:

> Assuming that only 10 million people out of a population of more than 200 million wish to be on record as not wanting to receive offending mail, a substantial amount of work and time, with consequent delay of the mail, would be required by postal workers in checking mail addressed to those patrons in order to comply with their expressed wishes. We do not believe that anticipated benefits to be received from the legislation would be commensurate with the burden it would impose on the postal service and the delay it would cause in the mail delivery.

If the Postal Service cannot handle the task, then why enact a bill that cannot be enforced. Once the courts have deleted the unconstitutional provisions, what is left is a paper law that lacks punch or substance.

The remedy will not be found in legislation which runs counter to the Constitution but in ourselves as parents. Congress can never replace the parent in caring for and overseeing the development of his or her child. The issue which underlies this whole debate—and which we must face first—is how can we foster a closely knit family life, which contains the element of love and openness between parents and children. This cannot be done by merely passing laws. If we begin in the home first, then I think we have gone far in slaying this ogre of obscenity. For these reasons I have decided to vote against this bill.

Mr. GROSS. Mr. Chairman, I have no further requests for time.

Mr. NIX. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds—

(1) that the United States mails are being used to effect the sale, distribution, and delivery to minors of matter offensive to prevailing standards in the adult community concerning which materials are suitable for, and should be made available to, minors;

(2) that it is against the public interest that the United States mails be used to convey this offensive matter to minors; and

(3) that, in order to protect the children of the United States from exposure to harmful and offensive matter by means of the United States mails, it is sound public policy to establish, in addition to other classes of nonmailable matter, a special category of matter which may not be sent to minors through the United States mails.

SEC. 2. (a) Chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91-375), is amended by adding at the end thereof the following new section:

"§ 3012. Special category of nonmailable matter with respect to minors

"(a) The mails may not be used to make a sale, delivery, or distribution to a minor, or an offer for a sale, delivery, or distribution to a minor, of any matter described in this section. Such matter constitutes a special category of nonmailable matter with respect to minors, as follows:

"(1) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or a portion of the human body; which—

"(A) depicts nudity, sexual conduct, or sadomasochistic abuse; and

"(B) is harmful to minors; or

"(2) any book, pamphlet, magazine, or other printed matter, however, reproduced, and any sound recording, which—

"(A) depicts nudity, sexual conduct, or sadomasochistic abuse or contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse; and

"(B) taken as a whole, is harmful to minors.

"(b) If deposited in the mails for delivery to a residence in which a minor resides, matter which is described in subparagraph (1) or subparagraph (2) of subsection (a) of this section, or which constitutes or contains an offer or advertisement therefore or information as to where or how such matter may be obtained, shall be deemed to have been deposited in the mail for delivery to such minor, unless such matter is contained in a sealed envelope or sealed wrapper which conceals completely the contents and unless such wrapper or envelope is clearly, specifically, and personally addressed to a person who is not a minor who resides at that residence.

"(c) As used in this section—

"(1) 'minor' means any person who has not attained his seventeenth birthday;

"(2) 'nudity' means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

"(3) 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's covered or exposed genitals, pubic area, buttocks or, if such person be a female, breast;

"(4) 'sexual excitement' means the condition of human male or female genitals when in a state of sexual stimulation or arousal;

"(5) 'sadomasochistic abuse' means (A) flagellation or torture by or upon a nude person or a person clad in undergarments, a mask, or bizarre costume, or (B) the condition of being fettered, bound, or otherwise physically restrained on the part of a nude person or a person so clothed;

"(6) 'harmful to minors' means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it—

"(A) predominantly appeals to the prurient, shameful, or morbid interest of minors; and

"(B) is patently offensive to prevailing standards in the adult community concerning what is suitable material for minors.

"(d) Nothing in this section shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 3008, 3010, 3011, or 3014 of this title.".

(b) The table of sections of chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91-375), is amended by adding—

"3012. Special category of nonmailable matter with respect to minors."

immediately below—

"3011. Judicial enforcement."

Sec. 3. Section 1461 of title 18, United States Code, is amended—

(1) by inserting ", or section 3012" immediately after "declared by this section" in the penultimate paragraph thereof; and

(2) by inserting immediately before the last paragraph thereof the following new paragraph:

"It shall be an affirmative defense to a charge of violating section 3012 of title 39 that the defendant reasonably believed that the addressee of the matter in question was an adult residing at the address shown on the sealed envelope or sealed wrapper referred to in section 3012(b) of title 39. Such reasonable belief may be based upon reasonable reliance by the person so charged on a purchase order or other declaration which such person in good faith believed to have been executed by the addressee, representing such addressee to be an adult, or on other evidence.".

Sec. 4. (a) Chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91-375), is amended by adding at the end thereof the following new section:

"§ 3013. Nonmailable obscene matter

"(a) The mails may not be used to make a sale, delivery, or distribution, or an offer for a sale, delivery, or distribution, of any obscene matter described in this section.

"(b) For the purposes of this section—

"(1) 'obscene' includes matter which has its predominant appeal to the prurient interest when considered as a whole by contemporary community standards; and

"(2) 'prurient interest' includes a shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation when judged by the following standards:

"(A) if it appears from the character of the matter or the circumstances of its dissemination that the matter is designed for, or directed to, an especially susceptible audience, the matter shall be judged with reference to such audience;

"(B) if the matter is distributed or exhibited to a minor who has not attained his seventeenth birthday, the matter shall be judged with reference to an average person in the community of the same age as the minor to whom such matter is distributed or exhibited; and

"(C) in cases other than those described under subparagraph (A) or (B) of this paragraph, the matter shall be judged with reference to the average person in the community.

"(c) Any matter which is obscene under this section shall be deemed conclusively to be utterly without redeeming social importance. Any slight social value in such matter shall be deemed outweighed by the social interest in order and morality.".

(b) The table of sections of chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91-375), is amended by adding at the end thereof the following:

"3013. Nonmailable obscene matter.".

Sec. 5. (a) Chapter 71 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1466. Definitions

"As used in this chapter 'obscene' includes the meaning provided for such term by section 3013 of title 39.".

(b) The table of sections of chapter 71 of title 18, United States Code, is amended by adding at the end thereof the following:

"1466. Definitions.".

Sec. 6. Section 305(a) of the Tariff Act of 1930 (19 U.S.C. 1305), is amended by adding at the end thereof the following:

"As used in this section 'obscene' means obscene as defined under section 3013 of title 39, United States Code.".

Sec. 7. (a) Chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91-375), is amended by adding at the end thereof the following new section:

"§ 3014. Unsolicited mailing of potentially offensive sexual material

"(a) It is the purpose of this section to afford recipients of mail the option not to receive through the United States mail unsolicited potentially offensive sexual material.

"(b) Any person who, for himself or by his agents, mails or causes to be mailed any potentially offensive sexual material to any addressee who has not expressly requested receipt of such material from the sender, shall place on the envelop or other wrapping or cover under which such material is mailed a symbol which the Postal Service shall prescribe. The symbol shall not bear, contain, or consist of language or signs indicating a judgment regarding the nature, quality, or characteristics of the material to which the symbol is required to be affixed. The Postal Service shall prescribe, by regulations, the form, design, placement, size, and other attributes of the required symbol. Insofar as possible, the regulations shall not be of such nature that significant additional expense will be incurred by any person subject to the regulations in order to comply with the requirements therein. The regulations, and any changes therein, shall be published in the Federal Register and initially posted in all United States post offices on the same date; but such regulations or changes shall not require compliance therewith earlier than the ninetieth day after the date of such publication and posting of such regulations or changes.

"(c) The Postal Service shall take such action as it considers appropriate to acquaint the public with the symbol provided for by subsection (b) of this section and with the definition of 'potentially offensive sexual material' provided by this section.

"(d) Any person who receives mail bearing the symbol required by subsection (b) of this section and who does not wish to open such mail may either destroy it, or mark it 'refused'. He may return any such mail so marked to the post office from which delivery was made for destruction by the Postal Service. The right of destruction or refusal under this subsection may be exercised by a parent or guardian on behalf of any of his minor children residing with him who has not attained his seventeenth birthday.

"(e) Every person who wishes not to receive unsolicited mailings of any potentially offensive sexual material may notify the Postal Service to that effect on a form provided by the Postal Service for that purpose. Such form, which shall contain the definition of potentially offensive sexual material set forth in this section, shall be made available to the public at every United States post office and shall be deliverable to the postmaster through any post office. A notification under this subsection may be made by a parent or guardian on behalf of any of his minor children residing with him who has not attained his seventeenth birthday. A person also may give such notice on behalf of any other adult receiving mail at the same mailing address, if expressly authorized in writing by such other adult to give such notice. The Postal Service shall take suitable steps to inform mail recipients of their option under this section not to receive unsolicited mailings of potentially offensive sexual material.

"(f) Any person who, having notified the Postal Service pursuant to subsection (e) of this section that he does not wish to receive unsolicited mailings of potentially offensive sexual material, wishes to revoke that notification, may do so on a form which the Postal Service shall provide for that purpose. Such forms shall be made available to the public at every United States post office and shall be deliverable to the postmaster through any post office. The Postal Service may, by regulation, prescribe a reasonable period of time before such revocation shall become effective and may further provide, by regulation, reasonable restrictions upon the frequency with which the powers conferred upon mail addressees by subsections (e) and (f) of this section may be alternatively exercised.

"(g) The Postal Service shall devise and implement procedures to prevent the delivery of mail bearing the symbol required by subsection (b) of this section to any person who notifies him pursuant to subsection (e) of this section that he does not wish to receive unsolicited mailings of potentially offensive sexual material. However, if practical considerations so require, the postmaster may restrict the application of such procedures to mail addresses where the option under subsection (e) of this section has been exercised by or on behalf of all persons residing at that address.

"(h) For the purposes of this section—

"(1) 'person' means, as applicable, a natural person, corporation, partnership, association, or other organization;

"(2) 'potentially offensive sexual material' means—

"(A) any pictorial representation, photographic or otherwise, of uncovered adult human genital or public areas, of human sexual intercourse sodomy, masturbation, or direct physical stimulation of clothed or unclothed genitalia, or of flagellation or torture indicating an erotic relationship, or any description of, or advertisement or offer to sell or distribute, such pictorial material if such description or advertisement presents an excerpt or excerpts from, or a detailed verbal description of, such material; or

"(B) any artificial human penis or vagina or device primarily designed physically to stimulate genitalia, or any description of, or advertisement or offer to sell or distribute, such an artificial organ or device if such description or advertisement presents either a pictorial representation or a detailed verbal description of such organ or device or its manner of use; or

"(C) any pictorial or verbal material consisting primarily of instruction in or depictions of human sexual techniques or of detailed fictional or factual descriptions or depictions of human sexual practices, or any description of, or advertisement or offer to sell or distribute, such materials, if such advertisement or description presents an excerpt or excerpts from such material incorporating detailed descriptions or depictions of sexual techniques or practices or presents a summary of the contents of the material describing in detail its treatment of sexual techniques or practices.

Matter otherwise within the definition of 'potentially offensive sexual material' provided by this paragraph (2) shall not be deemed to be 'potentially offensive sexual material' if such matter constitutes only a small and insignificant part of the whole of a single catalog, book, or other work the remainder of which does not primarily treat sexual matters. In addition, the Postal Service shall, from time to time, issue regulations of general applicability exempting certain types of material, or material addressed to certain categories of addressees, such as advertisements for works of fine art or solicitations of a medical, scientific, or other similar nature addressed to a specialized audience, from the definition of 'potentially offensive sexual material' provided by this paragraph (2), if such exemption does not impede the purpose of this section.

"(i) The fact of compliance by any person with the requirement of subsection (b) of this section shall not be used against that person, either as evidence of his violation of laws pertaining to obscenity or related matters or as a reason for initiating or pursuing any investigation of him for violations of such laws, or in any other manner whatsoever. The prohibition of this subsection shall be applicable to all law enforcement officers and all proceedings, whether Federal, State, or local.".

(b) The table of sections of chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91–375), is amended by adding at the end thereof the following:

"3014. Unsolicited mailing of potentially
offensive sexual material.".

SEC. 8. (a) Chapter 83 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 1738. Unsolicited mailing of potentially
offensive sexual material

"Whoever knowingly mails or causes to be mailed any potentially offensive sexual material in violation of section 3014 of title 39 shall be fined not more than $1,000 if the violation consists of the contemporaneous mailing of unsolicited material without the required symbol to not more than 25 addressees, or shall be fined not more than $50,000 if the violation consists of the contemporaneous mailing of unsolicited material without the required symbol to more than 25 addressees.".

(b) The table of contents of chapter 83 of title 18, United States Code, is amended by adding to the end thereof the following new item:

"1738. Unsolicited mailing of potentially of-
fensive sexual material.".

SEC. 9. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

SEC. 10. The provisions of this Act shall become effective at the beginning of the sixth calendar month following the date of enactment of this Act.

Mr. NIX (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. NIX. Mr. Chairman, I ask unanimous consent that the reading of the committee amendments be dispensed with, that they be printed in the Record, and that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The committee amendments are as follows:

On page 5, line 19, strike out ", or section 3012" and insert in lieu thereof "or section 3102 of title 39,".

On page 12, line 1, strike out the word "him" and insert in lieu thereof the word "it".

On page 12, line 15, strike out the word "public" and insert in lieu thereof the word "pubic" and insert a comma at the end of the line immediately following the word "intercourse".

On page 14, line 22, strike out "39" and insert in lieu thereof "18".

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wylie: On page 15, immediately before line 15, insert the following and renumber the succeeding sections accordingly:

SEC. 9. (a) Section 3006 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 747; Public Law 91–375), is amended to read as follows:

"§ 3006. Unlawful use of mails to obtain re-
mittances for obscene matter or
to provide information regarding
acquisition thereof

"(a) Upon evidence satisfactory to the Postal Service that a person—

"(1) is obtaining or attempting to obtain remittances of money or other property of any kind through the United States mail for an obscene matter; or

"(2) is depositing or causing to be deposited in the United States mail information as to where, how, or from whom such matter may be obtained;

the Postal Service may request the Attorney General to initiate and maintain an action, and the Attorney General is authorized to initiate and maintain an action as soon as possible after such request is made, in the United States district court in the judicial district in which such person receives his mail, for an injunction against such person (including, as the Attorney General may consider appropriate, a preliminary injunction or temporary restraining order pursuant to rule 65 of the Rules of Civil Procedure for the United States district courts)—

"(A) to prevent any further use of the United States mail by such person to obtain or attempt to obtain remittances of money or other property of any kind for such obscene matter; or

"(B) to prevent such person from further depositing or causing to be deposited in the United States mail information as to where, how, or from whom such matter may be obtained; or

"(C) both.

"(b) To the maximum practicable extent the district court concerned shall give precedence over other cases on the docket of such court to an action for an injunction under this section and shall expedite the trial of such action in every possible way. The person sought to be enjoined shall be entitled to a trial of the issues within one day after joinder of the issues. The court shall render its decision within two days after such trial is concluded. Failure by any person or his agents to comply with the provisions of an injunction issued against such person under this section may be punished by the court as contempt thereof.

"(c) For the purpose of this section "obscene" includes the meaning provided for such term by section 3013 of this title.".

(b) The table of sections of chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91–375), is amended by striking out—

"3006. Unlawful matter."

and inserting in lieu thereof—

"3006. Unlawful use of mails to obtain re-
mittances for obscene matter or to
provide information regarding ac-
quisition thereof.".

SEC. 10. Section 3007(a) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 747; Public Law 91–375), is amended by striking out "sections 3005 and 3006" and inserting in lieu thereof "section 3005".

Mr. NIX (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with and that it be printed in the Record.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. Wylie) is recognized.

Mr. WYLIE. Mr. Chairman and members of the committee, I rise to urge the adoption of my amendment.

This amendment is in line with the Supreme Court decision on January 14 of this year in the case of Blount against Rizzi doing business as the mail box in which case the Court held that the present section 4006 of title 39, United States Code annotated is unconstitutional.

This section gave authority—and I use the past tense because it has been declared unconstitutional, to the Postmaster General to stamp as "Unlawful" and return to the sender letters addressed to any person and prohibits payment of postal money orders to that person if he finds on "evidence satisfactory to him" that the person is obtaining or seeking money through the mails for an obscene matter or is using the mails to distribute information about how such items may be obtained.

Under the Postal Reorganization Act, this section was changed to section 3006—and that is the way it appears in the report which accompanies this bill.

The Court held three things:

First. That this section did not provide that the censor must initiate judicial review and prove that the material is unprotected expression;

Second. It did not provide for prompt judicial review, which is mandatory within the law to be constitutional; and

Third. Any restraint before a final judicial determination must be limited to the shortest fixed period compatible with sound judicial resolution.

During the course of the opinion delivered by Justice Brennan, the

Supreme Court established guidelines and indicated how the statute could be amended so that it would be constitutional.

Feeling as I do that additional antiobscenity enforcement tools should be available to the Postal Service, on April 19, 1971, Congressman JOHN HUNT of New Jersey and I introduced the bill, H.R. 7497, as cosponsors to cure the constitutional defects as announced by Justice Brennan in Blount against Rizzi.

On April 28, 1971, the Subcommittee on Postal Facilities and Mail of the Committee on Post Office and Civil Service, under the leadership of the gentleman from Pennsylvania (Mr. NIX), began hearings on H.R. 2159, which in substance is H.R. 8805, the bill we have before us today in final form. As I stated, H.R. 8805 is very similar to H.R. 15963, which passed this House last year, but was not acted on by the other body.

On May 11, I received a letter from the gentleman from Pennsylvania (Mr. NIX) to the effect that——

Mr. NIX. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I am glad to yield to the distinguished chairman.

Mr. NIX. I would like to inform the gentleman that we have considered the amendment on this side and we find it acceptable. It does add something to the bill. It was inadvertently omitted. I also ask the gentleman to yield to the chairman of the committee.

Mr. WYLIE. I thank the gentleman for his significant support and I am glad to yield to the distinguished chairman.

Mr. DULSKI. Mr. Chairman, I rise in support of the amendment, and wish to commend the gentleman in the well for his great contribution to this very important bill. I know that during the last session of the Congress he introduced legislation that became a part of the bill which was passed. Again I say the gentleman from Ohio (Mr. WYLIE), has done a tremendous job in this field.

Mr. WYLIE. I thank the distinguished chairman for his essential support and complimentary remarks.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I am glad to yield to the distinguished gentleman from Iowa.

Mr. GROSS. The minority is pleased to accept the gentleman's amendment, which I understand is endorsed by the Postal Service.

Mr. WYLIE. That is correct. I thank the gentleman from Iowa for his support.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I am glad to yield to the gentleman from Idaho.

Mr. McCLURE. I wish to commend the gentleman not only for his amendment, which I believe is acceptable to all Members of the subcommittee and the committee who have heard this matter, but also for his very strong and untiring support of important legislation in this very difficult field, legislation which will lead to more protection of the young people of our country and respond to the sensitivity of people of various households who are demanding some help.

Mr. WYLIE. I thank the gentleman from Idaho who has been an integral part of the continuing effort to enact enforceable laws in this field.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KEATING

Mr. KEATING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEATING: On page 3 line 5, strike out "harmful to minors" and insert in lieu thereof "obscene to minors";

And on page 3, line 14, strike out "harmful to minors" and insert in lieu thereof "obscene to minors";

And on page 5, line 1, strike out "harmful to minors" and insert in lieu thereof "obscene to minors".

Mr. KEATING. Mr. Chairman, this amendment is necessary to avoid confusion and complication of the term "harmful to minors." The language we employ in this statute must remain rooted to established historical concept.

I am offering the term "obscene to minors" in the place of "harmful to minors" in an effort to clarify the intent of the legislation and the meaning of the language. As a former judge, I appreciate the difficulty a jurist encounters when he is required to render judicial interpretation of language which is new or subject to varying explanations.

The language of the bill we are considering, H.R. 8805, was drafted after penal law section 484(h) of the New York code had been established by the New York State Legislature in 1965. The drafters of the New York statute employed the special language "harmful to minors" and the New York Court of Appeals in upholding the constitutionality of such provisions construed the term to mean "obscene to minors." The case was *People* v. *Charles Tannenbaum* (18 N.Y. 2d 268, 274, N.Y.S. 2d 131), wherein the New York Court of Appeals said:

> In response to the deeply felt needs of the community, our State Legislature enacted . . . statutes . . . proscribing disseminations to infants under 17 . . . of materials *obscene as to such infants*.

It was this statute and this interpretation which was upheld by the U.S. Supreme Court in *Sam Ginsberg* v. *N.Y.* (20 L.Ed. 2d 195 at 206 (1968)).

In order to derive full benefit from these two cases, the present bill should follow the interpretation given to that New York statute by the New York Court of Appeals and approved by the U.S. Supreme Court. There is no question but that the legislative phrase "harmful to minors" was interpreted by these courts to mean "obscene to minors," and the constitutionality of such meaning was upheld.

It is fundamental to constitutional law that the U.S. Supreme Court in reviewing the validity of a State statute must take that statute as interpreted by the highest court of the State from where the case arises. The Supreme Court must accept the State court's construction and proceed to test the validity on that basis. *Kingsley Pictures Corporation* v. *Board of Regents* (360 U.S. 649 at 688). The statute which was before the U.S. Supreme Court was 484(h) of the New York penal law section and the New York Court of Appeals had held "harmful to minors" in said statute to mean "obscene to minors."

If we are now to codify in Federal law, language which has previously been reviewed by the highest court of the land, I would strongly recommend that we use the same interpretation which was approved by our highest court.

If we are to pass legislation which will have constitutional validity and which will achieve the goals that we as the framers of that legislation intend it to have, we should use the language which is most clear and least susceptible to constitutional attack and judicial misinterpretation.

I, therefore, strongly recommend that the amendment I am offering be adopted by this body to achieve the purpose of this legislation. Failure to make this change would be to ignore established judicial precedent and invite future confusion and misinterpretation.

Mr. Chairman, I yield back the balance of my time, but I do have another amendment at the desk.

Mr. NIX. Mr. Chairman, I rise in opposition to the amendment to substitute the word "obscene" for the word "harmful" as it appears in section 3012.

Subsection (c)(6) of this section defines the term "harmful to minors" to mean that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or abuse, when it predominantly appeals to the prurient, shameful, or morbid interest of minors, and is patently offensive to prevailing standards in the adult community concerning what is suitable material for minors.

Comment on this question is made at page 471 of the report of the Commission on Obscenity and Pornography and our bill overcomes the adverse criticism by including the definition of "harmful to minors."

The gentleman's amendment would destroy the pattern we have worked out for use under this section and for this reason I must oppose the amendment.

However, Mr. Chairman, I would like to read that section of the President's Commission's report on obscenity and pornography, which is found in the last paragraph on page 471:

> *Variable Obscenity: Sales to Minors* (b) *"Harmful to Minors", as Used in Sam Ginsberg, Means "Obscene to Minors"* When *Sam Ginsberg v. New York* was handed down April 22, 1968, a blind legislative stampede was started in other states to incorporate into law the provisions of the Special New York Minor's Statute at issue in the *Sam Ginsberg* appeal. In our opinion, a blind application of the language of that statute without more is unwise. If *Sam Ginsberg* is to be properly understood, one must consider the history of the New York statute and the results reached in the New York cases which tested the constitutionality of that provision.

We in the committee have made these determinations. We have studied the issues involved, and we have worked out a bill consistent with the decisions of the

Court and particularly with consideration of that decision.

Mr. Chairman, I oppose the amendment.

Mr. McCLURE. Mr. Chairman, I move to strike the requisite number of words.

I commend the gentleman from Ohio (Mr. Keating), for his interest in strengthening this legislation and in making certain that the Court interpretation of the law will not be ineffective in its application. I believe all of us should join in our commendation of him for that interest.

However, I am constrained to join with the chairman of the subcommittee in stating it is our belief that the language contained in the definition on page 5 of the bill will overcome the objection raised by the Supreme Court and therefore render unnecessary the proposed amendment.

I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Keating).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MIZELL

Mr. MIZELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Mizell: On page 9, strike out line 1 and all that follows down through the second period in line 11 on page 15, and insert in lieu thereof the following:

"§ 3014. Unsolicited mailing of potentially offensive sexual material

"(a) Any potentially offensive sexual material which is unsolicited by the addressee is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

"(b) For the purposes of this section, 'potentially offensive sexual material' means—

"(1) any pictorial representation, photographic or otherwise, of uncovered adult human genital or pubic areas, of human sexual intercourse, sodomy, masturbation, or direct physical stimulation of clothed or unclothed genitalia, or of flagellation or torture indicating an erotic relationship, or any description of, or advertisement or offer to sell or distribute, such pictorial material if such description or advertisement presents an excerpt or excerpts from, or a detailed verbal description of, such material; or

"(2) any artificial human penis or vagina or device primarily designed physically to stimulate genitalia, or any description of, or advertisement or offer to sell or distribute, such an artificial organ or device if such description or advertisement presents either a pictoral representation or a detailed verbal description of such organ or device or its manner of use; or

"(3) any pictorial or verbal material consisting primarily of instruction in or depictions of human sexual techniques or of detailed fictional or factual descriptions or depictions of human sexual practices, or any description of, or advertisement or offer to sell or distribute, such materials, if such advertisement or description presents an excerpt or excerpts from such material incorporating detailed descriptions or depictions of sexual techniques or practices or presents a summary of the contents of the material describing in detail its treatment of sexual techniques or practices.

Matter otherwise within the definition of 'potentially offensive sexual material' provided by this subsection shall not be deemed to be 'potentially offensive sexual material' if such matter constitutes only a small and insignificant part of the whole of a single catalog, book, or other work the remainder of which does not primarily treat sexual matters.".

(b) The table of sections of chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91–375), is amended by adding at the end thereof the following:

"3014. Unsolicited mailing of potentially offensive sexual material.".

Sec. 8. (a) Chapter 83 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1738. Unsolicited mailing of potentially offensive sexual material

"Whoever knowingly mails or causes to be mailed any potentially offensive sexual material in violation of section 3014 of title 39 shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first such offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for each such offense thereafter.".

Mr. MIZELL (during the reading). Mr. Chairman, since both desks have a copy of the amendment, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MIZELL. Mr. Chairman, I rise at this time to offer an amendment to H.R. 8805, prohibiting pornography dealers from sending "potentially offensive" material through the mail unless it has been specifically ordered.

Before I expand on the reasons behind this amendment, I would like to commend the distinguished chairman of the Post Office and Civil Service Committee, Mr. Dulski, the ranking minority member, Mr. Gross, and the full committee membership for reporting an excellent, effective and much-needed piece of legislation.

Their efforts to provide more stringent controls on the distribution of pornography surely meets with the approval of the overwhelming majority of the American people.

But there is one concern I have, that this bill does not go far enough. The people I represent in North Carolina have expressed great displeasure that they are required to fill out a form to keep this kind of filth out of their homes.

Our common law, and our written statutes, have traditionally recognized the fact that "a man's home is his castle," not to be penetrated by anyone or anything without the permission of the owner.

A man is not required to register at the police station in order to have his home protected from thieves. Why should he have to register at the postoffice to keep merchants of filth from intruding with their unwanted wares?

The burden of the law should be weighted as heavily against the pornography dealer who invades the American home.

My amendment would serve that purpose. It is a simple amendment, but it has great significance. It protects the American home from unwanted, unsolicited pornographic material, and it puts pornography dealers on notice that to violate the sanctity of the home is to violate the law.

Mr. Chairman, I want to express my strong support for the efforts that have been made, and that are being made today, to strengthen the right of the private American citizen not to be subjected to the onslaught of pornographic material in his own home.

Pornography is a cancer in this country, growing ever more widespread every year. Private homes are bombarded with the worst kind of filth that even the basest sense of decency must recognize as being "obscene."

I firmly believe that every legal, financial and procedural burden involved in the distribution of pornography should be placed squarely on the man who sells pornography for profit.

I cannot see any reason at all why we should require private citizens who do not want this filth in their homes, who are not at all interested in this kind of material, to go to the trouble of making a trip to the post office and having to fill out a form in order to protect their homes from pornography.

The right to peddle pornography should end at the door of the American home, and the penalty for violating the sanctity of that home by use of the mail should be severe.

With this in mind, I offer my amendment to all the bill presently considered, prohibiting pornography dealers from mailing potentially offensive material to private homes unless that material has been ordered by the resident.

I wish there were a way we could rid our society of this trade in filth, in all its forms.

It has now reached the point that the people I represent in North Carolina can not even take their families for a drive through the countryside without being subjected to explicit, sickening, and tasteless scenes of sexual activities that are the current fare at thousands of open air, drive-in theaters.

I hope we can continue the efforts we are beginning today, until we reach the point at which pornography is once again relegated to the filthy environs from which it first sprang, and not featured on thousands of theater screens and millions of book covers for children and decent adults to endure.

My amendment is an important first step in that direction. I think it is time we took that step.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. MIZELL. I am happy to yield to my colleague from North Carolina.

Mr. HENDERSON. I thank the gentleman for yielding.

As I understand your amendment, it would strike out section 3014 of the bill and substitute the language you propose in your amendment. Is that correct?

Mr. MIZELL. My amendment would strike on page 9, line 1, through line 11 on page 15 and insert in lieu thereof the language contained in my amendment.

Mr. HENDERSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is with a great deal of reluctance that I oppose the amendment offered by my good friend from North Carolina, because I know of his longtime interest in getting at the very roots of the problem we are considering here today.

I do join him in the objectives of his amendment. I wish the amendment was prepared as an addition to the bill rather than in the form which strikes section 3014 of the bill.

The section now in the bill entitled "Unsolicited mailing of potentially offensive sexual material" was recommended by the President's Commission on Obscenity and Pornography. While it does require the mail patron or householder to put his name and those of the minors in his household on a local list, the problem has been created by the interpretation of the court as to what rights mailers have and what protection they have under the Constitution.

Many of us are dissatisfied with the decisions of the courts in this area. But, having studied those decisions, I have concluded Congress cannot make this matter nonmailable; inasmuch as the courts have held that the sender has a right to mail it; and the recipients, if they want it, have a right to receive it.

Mr. Chairman, I wish we could put this language in a separate section of the bill and again let the Court decide its Constitutionality. I am sure the gentleman does not intend that the section which we have in the bill and which has been recommended by the President's Commission, and which I think is better than the present pandering law fall with his amendment. In other words, the effect of the gentleman's amendment would be to knock that language out of the bill and substitute the language which many of us feel the Court would hold unconstitutional.

We would like to put as many tools into the law as we can, hoping that the Court would uphold the legislative action where it does not violate the Constitution and thereby give some protection to the mail patron.

We believe that this section will be held within the framework of the Constitution. I am afraid that the gentleman's amendment would be held unconstitutional because it makes this material nonmailable.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am delighted to yield to my colleague from North Carolina.

Mr. MIZELL. I am well aware of my colleague from North Carolina's efforts in this field. I know of his deep concern and certainly his expertise in this particular field. However, I do not think we can legislate in anticipation of what the Supreme Court decisions might be, at least based upon the ones which they have handed down recently. So, I think we should take as strong position as possible this afternoon to try and protect the privacy of the American home and put the burden on those who are peddling this pornography for profit, instead of upon the residents of an American home.

I commend the committee and the gentleman from North Carolina in their efforts, but I feel my amendment strengthens this privacy of the American home.

I thank the gentleman for yielding and hope the committee will adopt my amendment.

Mr. HENDERSON. I would not object to the amendment and I would not oppose it if it were a separate section, even though I might have some doubts about its constitutionality. But, I must oppose it as it seeks to strike section 3014.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MIZELL).

The question was taken; and on a division (demanded by Mr. MIZELL) there were—ayes 20, noes 33.

Mr. MIZELL. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. KEATING

Mr. KEATING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. KEATING: On page 7, line 22, strike out "conclusively";
>
> And on page 7, line 25, strike out the quotation marks and the second period;
>
> And on page 7, immediately after line 25, insert the following:
>
> "(d) This section shall not apply to persons who may possess or distribute obscene matter or participate in conduct otherwise proscribed by this section when such possession, distribution, or conduct occurs in the course of law enforcement activities, or in the course of bona fide scientific, educational, or comparable research or study, or like circumstances of justification. If this issue is not presented by the prosecution's evidence, the defendant may raise the same as an affirmative defense by presenting some evidence thereon. Where raised, the prosecution must sustain the burden of proving the defendant guilty beyond a reasonable doubt as to that issue."

Mr. KEATING. Mr. Chairman, I am offering this amendment to avoid constitutional attack on this statute, which may result if the word "conclusively" remains in this section. The use of the word "conclusively" presents a situation in which the statute might be attacked constitutionally on the ground that it does not permit the handling of such materials in situations where their use might offer redeeming social value, as was the case in *U.S.* v. *31 Photographs* (156 Fed. Supp. 350), sited in *U.S.* v. *Ginzburg* (16 L. Ed. 2d 31 at 40).

In that case, material which was obviously hard core obscenity was held not to be obscene when handled by specific audiences. In this case, it was a group of sociologists who were using the material for legitimate purposes.

The trial judge in the 31 Photographs case acquitted members of the group when the use was shown to have social value.

The present language of H.R. 8805, in this particular section creates an irrebuttable presumption that material is deemed to be obscene and does not allow for a situation where the materials may be used for other purposes, for instance, law enforcement purposes.

The problem with this language is that it may well allow a legitimate constitutional attack and, therefore, endanger the validity of the statute before the courts.

My amendment would allow for an affirmative defense to be presented by the defendant in an action under this section. I want to point out that the prosecutors' burden would in no way be increased by this amendment, but, on the contrary, would make it incumbent upon the defendant to come forth with an affirmative defense to an action under this bill.

The fact that the 31 Photographs case was cited in a footnote by the U.S. Supreme Court indicates that the Court approves of a situation where obscene materials may, under certain limited circumstances, be used by legitimate groups, such as law enforcement, social, and so forth.

Again, I believe my amendment would in no way endanger the effectiveness of this legislation, but in fact, provide for a legitimate affirmative defense in the event such materials are used by legitimate groups.

Mr. NIX. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the inclusion of the word "conclusively" as recommended by the committee removes any question of a presumption as to the matter being utterly without redeeming social importance and precludes any rebuttable argument being made on this point.

One of the recommendations included in the statement of Morton A. Hill and Winfrey C. Link and concurred in by Charles H. Keating, Jr., included in the report of the Commission on Obscenity and Pornography on page 418, is that as a matter of public policy, anything which is obscene by definition shall be conclusively deemed to be utterly without redeeming social importance.

Our committee attempted to carry out this recommendation by including the provisions, as the committee did, in subsection (c) of section 3013. That is why we took this course.

As to the second paragraph of this amendment, and I read, beginning at (d):

> This section shall not apply to persons who may possess or distribute obscene matter or participate in conduct otherwise proscribed * * * etc.

I point out that what this amendment seeks to do is to have this committee write into the bill the people who are excluded—and not the people and situations which are included in the law at this time.

Mr. Chairman, if we allowed ourselves to be drawn into this sort of exercise, we would have to change all of the criminal statutes of this country in order to include those who do not come under the provisions of the law.

Mr. Chairman, I urge the defeat of the amendment.

Mr. McCLURE. Mr. Chairman, I oppose the amendment offered by the gentleman from Ohio although I do so rather reluctantly because I think he has pointed to an area that has demanded some concern on the part of each of us and that is the legitimate uses of some materials which in the hands of some would be determined to be obscene or pornographic but in others are legitimate efforts of people engaged in scientific research or in educational pursuits.

I do think, however, that the amendment has a couple of defects which lead me at least to oppose the adoption of this amendment. One is the fact that the bill we have presented to the Congress from our committee deals with the mailability and this amendment is much broader than that and deals with possession and conduct as well as distribution and, therefore, I think is far beyond the purview of the statute we are discussing here today.

The second one is that I think in this very difficult and very troublesome area for definitions to hinge on commas and where interpretations are fought over by various members of the courts who are compelled to rule upon the interpretation, we must be extremely careful in the wording of a statute that we adopt.

I would say to the gentleman who has offered this amendment that I understand his purpose and I agree with him that we want to avoid unnecessary attacks upon the constitutionality of proposed legislation. I will pledge to him my continued effort to get before our committee consideration of the affirmative defense which he has here sought to have imposed in one section of the bill.

I think it is worthy of noting in that connection that we have felt it was necessary and did include in another section of the bill that affirmative defense with respect to the mailability of obscene materials to minors.

Similarly there may be an area of an affirmative defense that ought to be available under this section of the legislation as well. However, I do believe it ought to be subject to hearings. It ought to be subject to rather protracted and detailed consideration and not adopted in this manner on the floor of the House. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KEATING).

The question was taken; and on a division (demanded by Mr. KEATING) there were—ayes 17, noes 43.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8805) to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes, pursuant to House Resolution 516, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McCLURE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 356, nays 25, not voting 52, as follows:

[Roll No. 179]

YEAS—356

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Begich
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Blackburn
Blanton
Blatnik
Boggs
Boland
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Dorn
Dowdy
Downing
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Mazzoli
Meeds
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—25

Abzug
Badillo
Bingham
Bolling
Burton
Celler
Conyers
Dellums
Dow
Drinan
Edwards, Calif.
Fraser
Harrington
Koch
Mink
Morse
Railsback
Rangel
Reuss
Rosenthal
Roybal
Ryan
Scheuer
Seiberling
Waldie

NOT VOTING—52

Alexander
Baring
Barrett
Bevill
Biester
Bow
Brasco
Caffery
Carey, N.Y.
Clay
Corman
Danielson
Davis, Ga.
de la Garza
Denholm
Derwinski
Donohue
Dwyer
Edwards, La.
Ford, William D.
Grasso
Green, Oreg.
Gubser
Halpern
Hanna
Hansen, Wash.
Hogan
Jones, Ala.
Jones, Tenn.
Kastenmeier
Landrum
Long, La.
McCulloch
Mann
Mathis, Ga.
Matsunaga
Mayne
Melcher
Mikva
Mitchell
Nichols
Pickle
Pirnie
Purcell
Ruppe
Sikes
Stratton
Stubblefield
Teague, Calif.
Udall
Wampler
Wolff

So the bill was passed.

The Clerk announced the following pairs:

Mr. Brasco with Mr. Biester.

Mr. Matsunaga with Mr. Halpern.

Mr. Danielson with Mr. Gubser.

Mr. Donohue wth Mr. Bow.

Mr. Purcell with Mr. Derwinski.

Mr. Pickle with Mr. Hogan.

Mr. Nichols with Mr. Mayne.

Mr. Mann with Mr. Pirnie.

Mr. Melcher with Mr. Ruppe.

Mr. Kastenmeier with Mr. Teague of California.

Mr. William D. Ford with Mr. Mitchell.

Mr. Corman with Mr. Clay.

Mr. Bevill with Mr. Wampler.

Mr. Denholm with Mr. Barrett.

Mr. Udall with Mr. Baring.

Mr. Mathis of Georgia with Mr. Wolff.

Mr. Stratton with Mr. Edwards of Louisiana.

Mr. Hanna with Mr. Long of Louisiana.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mr. Jones of Tennessee with Mr. Mikva.

Mr. Landrum with Mrs. Grasso.

Mrs. Green of Oregon with Mr. Davis of Georgia.

Mr. Sikes with Mr. Stubblefield.

Mr. Caffery with Mr. Alexander.

Mr. Carey of New York with Mr. Jones of Alabama.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN H.R. 8805

Mr. NIX. Mr. Speaker, I ask unanimous consent that the Clerk, in the engrossment of the bill H.R. 8805, be authorized and directed to make such changes in section numbers, cross-references, and other technical and conforming corrections as may be required to reflect the actions of the House.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. NIX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 8805 and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ADDITIONAL LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I take this time to announce that tomorrow we will call up H.R. 19, the Federal Boat Safety Act of 1971. The Rules Committee today granted an open rule with 1 hour of general debate.

The reason for this addition to the program at this time is to pass the bill during National Boat Safety Week, which this week was proclaimed by the President, who was acting pursuant to a resolution of the Congress.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished majority whip yield for a question?

Mr. O'NEILL. I am happy to yield to the minority leader.

Mr. GERALD R. FORD. As I understand it, the program for Thursday will be the Export-Import Bank extension bill, the desalting program expansion bill, and that bill the gentleman announced a moment ago.

Mr. O'NEILL. That is correct. Rules were granted on those bills today.

Mr. GERALD R. FORD. Will they come in that order?

Mr. O'NEILL. They will come in that order.

Mr. GERALD R. FORD. I thank the distinguished gentleman.

Mr. O'NEILL. And there will be no session on Friday of this week.

A TRIBUTE TO LOUIS ARMSTRONG

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSENTHAL. Mr. Speaker, Louis Armstrong—one of the world's greatest jazz musicians—died this past Tuesday morning at his home in Corona, Queens, N.Y. While Mr. Armstrong was a constituent of mine, he was really a citizen of the world and one of this Nation's greatest natural resources.

"Satchmo" was not only a great performing jazz artist. He was more importantly, an inspiration and teacher to his fellow musicians and the major driving force behind 20th century jazz. Most importantly, he provided countless millions of people in many countries with hours of exciting music.

With the possible exception of musical comedy in the legitimate theater, jazz music is probably the only art form whose origins are exclusively American. And because jazz, as an art form, is basically improvisational in character, it took a man with great individuality and depth to create and nurture that art form. Louis Armstrong was that man. From the streets of New Orleans to the jazz halls of America and the palaces of Europe, he expressed his incredible love of life with his trumpet and his songs.

Louis Armstrong was an American "original." He was one of that rare breed of persons who is instantly loved, even by those who are not his friends or acquaintances He will be missed. But, above all, he will be remembered.

I know that all my colleagues in the Congress join with me in our deep sorrow at his passing and in our expression of condolences to his family.

LOUIS ARMSTRONG

(Mr. HÉBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HÉBERT. Mr. Speaker and Members of the House, I thank my colleague, the gentleman from New York, for his tribute to the great Louis Armstrong.

Louis was a constituent of my colleague, the gentleman from New York—but he was my constituent when he was born. He was born on July 4, 1900, in the city of New Orleans in the district I have the honor to represent.

It was one of my privileges to have known Louis Armstrong throughout his entire career. I consider him as one of the finest musicians in the country, and coming from a city which has given the world the greatest musicians.

It was my pleasure to have had a chat with Louis, the old Satchmo, at the National Press Club when another distinguished citizen of New Orleans, Vernon Louviere, was inaugurated its president. I agree with the gentleman that the world has lost not only a great musician but a great person, and who was a credit to the race he represented.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, it was my privilege to become acquainted with Louis Armstrong one time when he came to my part of the State of Michigan, in my district, and performed as he always did with great skill. He was a tremendous hit with people of all races and all ages and it goes without saying that not only has the United States lost but the world has lost a most talented musician and a great citizen.

Mr. HÉBERT. I yield to the gentleman.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Speaker, I was saddened to read of the death of Louis Armstrong and I join with the gentleman from Louisiana, Mr. HÉBERT, in paying tribute to the memory of this great American.

I well remember the first records of Louis Armstrong that I heard in the early thirties. Recording on the old Okeh label, he sang such numbers as "Chinatown, My Chinatown," "Star Dust," "Sleepy Time Down South," "Just a Gigolo," and many others. With the ebullient power of his trumpet rising above the sometimes uninspired accompaniment and with his raspy, but warm and rhythmic voice and above all with the power of his enthusiasm and his phenomenal energy, he made an impression that was instantaneous and lasting.

Although unschooled and brought up in poverty, he retained throughout his life his pleasant disposition and his willingness always to look upon the constructive and progressive side of life. He kept to the end his innate simplicity, and in the midst of tawdriness, degradation, and artificiality, he found human goodness, sacrifice, and charity.

Louis Armstrong rose from the role of playing the trumpet in the red light district of New Orleans to that of unofficial ambassador of good will throughout the world on behalf of the United States. In Europe, in Africa, and behind the Iron Curtain, he did more for the image of our country than a thousand official members of the Foreign Service.

Although music was Armstrong's forte, from time to time he wrote an article for a prominent periodical and in his warm, artless, unmannered but expressive style, he duplicated the genius of his music and left a memorable record of his early days, his family life, his friends and his musical career that the finest literary craftsman could not have improved.

That musical genius and the warm humanity of Louis Armstrong lightened my life on many occasions over the years. I feel that I have lost a friend and I know that the United States has lost one of its most illustrious and admirable citizens.

Mr. HÉBERT. I thank the gentleman from Connecticut.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to my colleague, the gentleman from New Orleans.

Mr. BOGGS. Mr. Speaker, I agree with the very fine remarks of my colleague from New Orleans, but I would remind him that in later years those districts were moved so that at least at the time of his death, Louis Armstrong was a constituent in the Second Congressional District, which is my district, so I have a little claim to him, too.

Mr. HÉBERT. I thank the gentleman for his observation. But come the next election, he will be back in my district.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to associate myself with the gentleman from New Orleans in his tribute to this great American, Louis Armstrong.

Yesterday, one of the great Americans of our time or any time died in his sleep. I do not qualify that description of Louis "Satchmo" Armstrong, as is customary on such occasions, by saying a great entertainer or a great American musician or a great American Negro. The fact is that this country lost a great American. He excelled at everything he tried, largely by excelling at what he knew best. His music, in the process, became our music; his gift to the Nation became this Nation's gift to the world; his musical idiom became the hallmark of an age, setting its style, its tone, its whole way of life. With his roots in the birthplace of the blues and jazz, New Orleans, he drew upon his local surroundings, its sounds and its soul, to create and transform what came natural into a new art form. So successful and so closely identified was this great man with the whole jazz culture that as long as he was with us, all of us knew that the age of great men was still with us and was not over. For Louis Armstrong was truly a legend in his own time and this Nation was indeed fortunate that his time with us was so long. Fortunately, with him and his talents grew the recording industry, so that present and future generations will continue to be able to enjoy the genius of this great man. As Mr. Slusser says in the article which follows:

> He was not just a star, he was a constellation.

And if you think the horizons of this all too gloomy world are darkened a little bit more whenever a star goes out, think of the gloom resulting from the passing of a whole constellation. Although he walked with kings and mixed with all nationalities, he never let it go to his head or lost his down-to-earth appeal. I will leave it to others to give this man the big funeral he obviously expected. I simply want to rise today to pay my respects to his memory in the only way I can. At this point, I would like to enter into the RECORD two excellent articles from the Washington papers, paying tribute to this great man:

[From the Washington Star, July 7, 1971]

"This One's for You, Rex"

(By Richard Slusser)

("This one's for you, Rex."—Louis Armstrong to King George V. of England in 1936.)

Louis (Satchmo) Armstrong, the little man with the big trumpet, died this morning in his New York home, two days after celebrating his 71st birthday.

Only recently released from a hospital where he had been admitted in critical condition with kidney and heart trouble, Armstrong was practicing an hour a day on his gold-plated trumpet for a return to work.

It was not just a big trumpet and handkerchief that made Louis Armstrong one of America's most effective nonpolitical ambassadors. He was one of the world's great trumpet players, a composer of songs, a singer in his own inimitable gravelly-voiced style.

His innovations in traditional American jazz are beyond measure in their contributions to popular music. He also, quite simply, was a helluva showman.

Anyone who ever heard or saw Satchmo perform cannot forget that smile, the teeth, the handkerchiefs wiping the sweat, the clowning, and, most of all, the music. Anyone who heard him knew he was not just a star, but a constellation.

After he called King George Rex, the audience was startled, but the king just nodded.

Again in London, 20 years later, where he received a great ovation, the audience became hushed after he said: "We've got one of our special fans in the house and we're really gonna lay this one on for the princess."

Princess Margaret, like her grandfather, was unruffled. Mr. Armstrong performed as promised.

When he performed—from Holland to Hawaii and Singapore to Sweden—he always "laid one on," always with his music.

"We don't want to get mixed up in any politics. We just want to blow," he once said. "I ain't got nothin' to do with politics, daddy, an' I don't know nothing about 'em."

On a European tour in 1955 he was in Geneva, where the Big Four foreign ministers were meeting. "Unify Germany?" he exclaimed, "Why, man, we've already unified it. We came through Germany playing this ol' happy music, an' if them Germans wasn't unified, then this ain't ol' Satchmo talking to you."

An American society woman once asked Satchmo for a definition of jazz. "Lady, if you got to ask, you'll never know," he said.

Mr. Armstrong generally did not talk about politics and civil rights causes. He said, he contributed money for the latter.

Louis Armstrong was born in New Orleans, the birthplace of jazz, on July 4, 1900. His mother, a former servant, and his father, a turpentine worker, were separated when he was five. He went to live with his great-grandmother in the area of Liberty and Perdido Streets.

Satchmo and three friends sang at night, roaming around the Storyville area, the Red Light district, passing a hat for pennies. His first instrument was a guitar made of a cigar box and four copper wires.

When he was about 11 he would go whenever possible to the Dago Tony Honky Tonk to hear Bunk Jones play the cornet. Jones taught him to play by ear and also provided a great influence in his musical career.

WORKED IN A DAIRY

In 1913 he was sent to the Waifs Home in New Orleans for a year. He mastered the bugle at the home and later the cornet and became the leader of the home's brass band.

After selling newspapers and working in a dairy he listened to King Oliver, who later gave him trumpet lessons. Oliver went to Chicago in 1917 and Mr. Armstrong took King's place in Kid Ory's band.

Two years later he played in Fate Marable's orchestra on the Dixie Bell excursion boat. During the boat's 2,000-mile summer cruises in 1920 and 1921 he learned to read music from Dave Jones, a melophone player. He later played at the Orchard Cabaret in New Orleans and at the Real Thing.

During this time he composed "I Wish I Could Shimmy Like My Sister Kate," which he sold for $50.

RECORDED WITH BESSIE SMITH

King Oliver brought Louis Armstrong to Chicago in 1922. There he made his first recordings with the band, but soon became first trumpet for Ollie Powers at Dreamland.

Satchmo went to New York in 1924 to join Fletcher Henderson's band at Roseland Ballroom. During the year there he made blues recordings with vocalist Bessie Smith which now are collectors' items.

He later appeared in Chicago at the Vendome Theater and the Sunset Cabaret, recorded Louis Armstrong's Hot Five for Okeh records, and began playing the trumpet instead of cornet.

In the 1920s white musicians crowded the Sunset to hear Satchmo, and in 1928 he began playing at the Savoy Ballroom in Chicago.

BEHIND THE IRON CURTAIN

Returning to New York with his band in 1929, he played at Connie's Inn, then one of the city's leading night spots. He and "Ain't Misbehavin" became famous through the "Hot Chocolates" revue.

He went to Hollywood's Cotton Club and made many records before touring Europe. Satchmo broke box office records for a band at London's Palladium Theater and toured England and Scotland.

He returned to New York in 1932 and the next year toured England again, also appearing in Denmark, Sweden, Norway and other countries.

Other foreign tours include Europe in 1954–55, Africa in 1956, Australia and the Far East in 1963, Norway, Austria and Iron Curtain countries in 1965.

"PENNIES FROM HEAVEN"

Satchmo's first film was with Bing Crosby in "Pennies From Heaven" in 1936. He appeared in several others including "High Society," also with Bing Crosby.

Many of his some 1,500 recordings are worth hundreds of dollars. One of his most recent hits, "Hello Dolly,'" in 1964, outsold many rock and roll recordings.

He also was known for appearances at jazz festivals in Monterey, Newport, Cincinnati and abroad, and for his classic renditions like "Back Home in Indiana," "Basin Street Blues" and "When It's Sleepy Time Down South."

His first marriage was to a childhood sweetheart, Daisy Parker in 1917; his second was in 1924 to Lillian Hardin, a pianist and composer who aided his musical career; his third, in 1942, was to Lucille who lives at the 12-room home in the Corona section of Queens, N.Y.

"Musicians don't retire," Mr. Armstrong once said. "They only retire when there are no gigs . . . or when they die. Then you lay them out and give them a big funeral march."

In an appearance on a television program with the late Edward R. Murrow, Mr. Armstrong was asked, "What would your mother have said if she could see you now?"

He answered: "She'd say, 'is that my boy blowing all that horn?' "

[From the Washington Post, July 7, 1971]

"Satchmo": Jazz Symbol, American Original

(By Hollie I. West)

Louis Armstrong, a New Orleans street singer for pennies as a boy and the world's best known trumpeter for a generation, took his music out of the ghettos of New Orleans and Chicago and made it an international language.

Known to millions the world over as "Satchmo," he became the symbol of jazz and a goodwill ambassador across the globe. He died yesterday at 71.

Mr. Armstrong had been in poor health since September, 1968, when he was hospitalized with kidney and liver ailments. He did not perform in public after that until he attended birthday celebrations for him last july.

The first night of the 1970 Newport Jazz Festival last July 10 was a grand tribute to

Mr. Armstrong. About 8,000 excited persons shouted their approval at his arrival.

Musicians from all over the country came to pay homage six days after the trumpeter's 70th birthday. There were brass and ragtime bands from New Orleans and gospel singer Mahalia Jackson performed.

One of the high points came when six major trumpeters, ranging in age from Wild Bill Davison, then 64, to Jimmy Owens, then 26, played pieces associated with the master.

Dizzy Gillespie, a leader of the bebop revolution of the 1940s, prefaced his rendition of "I'm Confessin'" with a warm salute: "Louis Armstrong's station in the history of jazz is unimpeachable. If it hadn't been for him, there wouldn't be none of us. I thank Mr. Louis Armstrong for my livelihood."

This may seem like extravagant praise for a man whom the young and uninitiated older listeners associate with low comedy and Uncle Tom manners, the genial "Satchmo" on television or the smiling trumpeter who entertains tired businessmen. But the evidence of Mr. Armstrong's majestic talent and worldwide influence is there for those willing to look.

In his life time, he literally changed a substantial part of Western music, jazz and otherwise. Before Mr. Armstrong emerged in the 1920s, jazz was primarily an ensemble art, but beginning about 1925 he began liberating the music for the soloist. No other instrumentalist had dominated his surroundings with Mr. Armstrong's power and authority. His influence reached beyond the trumpet to touch all instrumentalists, who imitated his music, style of dress and quick wit.

EXTENDED RANGE

At the same time, he was extending the range and flexibility of the trumpet. In the 1920s, the acceptable high note range for the trumpet was high C. Anyone who played above this range was considered exceptional. But Mr. Armstrong came along and startled his listeners by playing high Fs with ease. Sometimes he would blow 250 high Cs in a row and top them off with a high F.

Cornetist Rex Stewart told the story of how trumpeter Jabbo Smith challenged Mr. Armstrong at an Easter morning breakfast dance in Harlem during the 1920s. Smith, a member of the Charlie Johnson Orchestra, played well, fanning his brass derby on high Cs.

When Mr. Armstrong's turn came, Stewart recalled "He blew a searing, soaring altissimo, fantastic high note and held it long enough for every one of us musicians to gasp. Benny Carter, who has perfect pitch, said, 'Damn! That's high F!'"

Mr. Armstrong could do this because he possessed almost perfect physical characteristics for a trumpeter. His ideal lip size allowed maximum compression for high notes, his relaxed and open throat muscles sustained a clear and full tone and his broad and powerful diaphragm furnished the push for the air that produced his unwavering sound.

Mr. Armstrong's impact caused concert composers to demand more of brass instrumentalists. Symphonic trumpeters now play with a slight vibrato because Mr. Armstrong had one.

The trumpeter's influence on the vocal arts was also profound, despite a dark, gravelly voice. He introduced new ideas of rhythms and phrasing that affected singers as diverse as Bing Crosby and Billie Holiday. In 1950, Crosby said, ". . . Just as Bix (Beiderbecke) himself found inspiration in Armstrong out on the South Side of Chicago in the late 20s, so did I. I'm proud to acknowledge my debt to the Rev. Satchelmouth. He is the beginning and the end of music in America."

Through Crosby, Mr. Armstrong touched Perry Como, Frank Sinatra, Dean Martin, Tony Bennett, Andy Williams, Steve Lawrence, Jack Jones and the list goes on.

The trumpeter was best known to the masses as a vaudevillian, a role he first took about 1930. This made him known to audiences all over the world, to people he would never have reached without his music.

At his best, Mr. Armstrong succeeded in combining great art with comedy, suggestive of his basic outlook on life. Pianist Joey Bushkin once asked Mr. Armstrong, "Tell me, Pops, when you're improvising what do you think about. How do you get the feeling?" Mr. Armstrong replied: "Joe, just close your eyes and remember the good times you had when you were a kid. Then you'll find music will just come out."

Those who criticized Mr. Armstrong's mugging and forced jokes as Uncle Tom humor were usually unmindful of the social conditions under which black entertainers became prominent in the 1920s and 1930s. Poet Sterling Brown explained: "I think you've got to understand Louis' grinning and all the rest and see that as an approach that they had to take at that time. The music is not grinning. What he does with his horn is a very important thing."

BECAME "SATCHMO"

Nevertheless, the trumpeter's grin and flashy teeth became a symbol. In England, where he acquired the nickname "Satchelmouth" (later shortened to "Satchmo"), a billboard sign showing his famous smile was all that was needed to announce his arrival for a concert tour.

Mr. Armstrong never let any surroundings intimidate his natural wit and informality. In 1932, when he made his first European tour, the trumpeter gave a command performance for King George V at the Palladium in London. At one point during the concert, he bowed to the royal box and told the king, "This one's for you, Rex," and tore into "You, Rascal, You."

Twenty years later, he was equally gallant to a granddaughter of the late king, Princess Margaret. "We're going to lay this one on the princess," he said before soaring into "Mahogany Hall Stomp," a New Orleans jazz classic that celebrates one of the old Storyville sporting houses.

Mr. Armstrong had an audience with Pope Pius XII in 1949 and said he "floored him with a couple of good belly laughs." According to the trumpeter, the pope, who spoke English, asked whether he and Mrs. Armstrong (who was present) had any children. Armstrong replied: "Not yet, but we're having a lot of fun trying."

He also enjoyed joking about Swiss Kriss, a laxative he took faithfully for 30 years and of which he made a virtual fetish. Although he watched his health closely over the years, the numerous and exhausting one-nighters did not begin taking their toll until 1968 when he suffered kidney and liver infections that kept him from making public appearances for almost two years. But birthday celebrations in 1970 at Newport and Los Angeles found him in trim condition, at 5 feet 8 and 170 pounds.

"DOLLY" SUCCESS

The 1960s were kind to Mr. Armstrong musically. His popularity, which had declined in the late 1950s, soared again with the enormous success of his recording of "Hello Dolly" and "It's a Wonderful World," which topped hit parades throughout the world. In 1969, he also appeared in his 36th motion picture, the film version of "Hello Dolly" with Barbra Streisand.

His international tours were huge financial successes, taking him to all points of the globe. Although the trumpeter had toured Europe on many occasions, he did not achieve an international reputation until after World War II.

His first trip to Africa in 1956 resembled the return of a conquering hero. More than 100,000 persons turned out to hear him in Accra, Ghana. Mr. Armstrong, who said he was a "pure-blooded" black, believed his ancestors came from Ghana. He described his first visit to the country as the second most exciting event in his life (the first was when he joined King Oliver's band in 1922).

Later tours took him to Central and Eastern Europe. In 1965, he played a concert for 91,000 persons at the NEP Stadium in Budapest. Mr. Armstrong never realized his dream of performing in the Soviet Union. He was scheduled to tour the country for the State Department in 1957 but canceled in anger over the way the Eisenhower administration handled the Little Rock school integration crisis.

He accused President Eisenhower of being "two-faced" and denounced then Arkansas Gov. Orval Faubus as "an uneducated plowboy."

On tour in the Plains states at the time, Mr. Armstrong said, "My people—the Negroes—are not looking for anything. We just want a square shake. But when I see on television and read about a crowd in Arkansas spitting and cursing at a little colored girl, I think I have a right to get sore—and say something about it. After all, America is my country, too, and I've always tried to do anything I could to help it."

It was not characteristic of Mr. Armstrong to take a public stand on a social issue, although he reportedly contributed generously—and anonymously—to black organizations.

Mr. Armstrong was once described by Duke Ellington as "an American standard, and an American original." Indeed, his birthdate, music and patriotism all had a strong American imprint.

Daniel Louis Armstrong was born July 4, 1900, in a two-room, 50-cents-a-month shanty in James Alley, in the poorest black section of New Orleans—the area called "back o' town." His mother, Mary Ann, had been a domestic, and his father, Willie, was a turpentine worker. They lived with Mr. Armstrong's maternal grandmother, a former slave.

But the couple quarreled frequently and by the time Mr. Armstrong was 5, his parents had separated and he, and his sister, Beatrice, lived with the two women at Liberty and Perdido Streets in the third ward.

Mr. Armstrong's musical ability showed itself early. He sang in a strolling quartet that performed for pennies. Drummer Zutty Singleton recalled years later how he saw Mr. Armstrong at age 12 or 13 singing with a quartet at a tent show. He went on the recommendation of legendary New Orleans trumpeter Bunk Johnson, and said, "Louis was singing tenor then, and they broke it up that night."

On other nights, Mr. Armstrong made the rounds of bars and whore houses in the famed Storyville section of New Orleans, the city's red light district that was considered the most open in the nation until it was closed down by a U.S. Navy order in 1917. During these visits, he heard the famed cornetists who were to later influence his playing—Buddy Bolden, Bunk Johnson, King Oliver, Freddie Keppard.

The musician remembered those years as carefree ones. He celebrated New Year's Eve, 1913, by firing a .38-caliber pistol his stepfather had left behind. Mr. Armstrong was arrested and wound up in the Colored Waif's Home for a stay of less than two years.

This was considered the major turning point of his life. At the home he learned discipline and self-reliance, but most importantly, he learned to play the bugle. Later he went on to the cornet under the tutelage of "Captain" Joseph Jones, director of the home, and warden professor Peter Davis, both amateur musicians.

Before the year was out, Mr. Armstrong was leading the home's brass band and once had the pleasure of marching down his own street in front of his mother's house.

On discharge from the waif's home in 1915, Mr. Armstrong, using a rented horn, got a job playing in a honky-tonk. He also peddled newspapers, delivered coal and searched garbage cans for food to take home or sell to restaurants.

The hours were long. He did not get away from the honky-tonk until 4 a.m. He would sleep briefly and then report for work hauling coal from 7 a.m. to 5 p.m. At age 15, he made 75 cents during the day and $1.25 plus tips at night.

During this time, the musician also performed at parades, dances and funerals. King Oliver, who was then the acknowledged jazz master in New Orleans, took the younger man under his wing and regularly gave him tips on music and life. It was the beginning of a master-pupil relationship that lasted well into the 1920s.

When Mr. Armstrong ran errands for Oliver's wife, Stella, he was paid off in trumpet lessons from the master. "I could not have asked for anything I wanted more," he said.

Shortly after Oliver left New Orleans for work in Chicago, in 1918, Mr. Armstrong began playing with Kid Ory's band, where he learned valuable lessons from another master. But the younger man had to continue supplementing his income with odd jobs.

BOAT BAND

Not until he joined Fate Marable's band on the Sydney, the Mississippi excursion boat, in 1920 did he get a permanent, well-paying musical job. During the summers of 1920 and 1921 on the trips up the river to St. Louis, Mr. Armstrong's clear tone, formidable technique and rhythmic freedom began making him a drawing card. By this time he also had acquired the nickname "Dippermouth," sometimes shortened to "Dipper."

This period also saw him write a song, "Get Off Kate's Head," which was published as "I Wish I Could Shimmy Like My Sister Kate." The publishers did not give Mr. Armstrong composer credit or the $50 they had promised him for the song.

The trumpeter left Marable's group to return to work in New Orleans after a steamboat captain asked the group to imitate Paul Whiteman's Orchestra. Fletcher Henderson, touring as a pianist with a group that accompanied singer Ethel Waters, heard him during this time and asked him to join the group. Mr. Armstrong declined.

His next move, however, was significant in the history of jazz. Successful with his Original Creole Jazz Band in Chicago, King Oliver sent for Mr. Armstrong in July, 1922, and his former pupil became second cornetist in the band.

The younger man recalled his arrival vividly: "I'll never forget the night I joined the Oliver band. They were playing at the Lincoln Gardens, at 31st near Cottage Grove . . . I didn't come in on the train that Joe was supposed to meet. So that makes me come in all by myself. I looked all around and I didn't see anybody. I said: "Lord, what's going to happen now?' and I wondered if I should go right back on the next train. I was just a youngster from New Orleans, and I felt real lost in Chicago. But a redcap told me: 'Why don't you get a cab and go out to the Lincoln Gardens.'

"CATS WERE GLOWING

"When I got there and got out of the cab, I heard this band. They were really jumping, and I commenced to worry all over again. I wondered if I could ever fit into that band. Oh, those cats were glowing!"

He fit in all right. The recordings he made with this band are unanimously acclaimed as jazz classics. Before long young Chicago musicians were coming around to learn from Mr. Armstrong.

The trumpeter married Lillian (Lil) Hardin, pianist with the Oliver group in 1924 and both left the band the same year. He subsequently left Chicago for New York to take the third-trumpet chair in Fletcher Henderson's orchestra.

Although he was paid only $55 a week, $20 less than he received from Oliver, this was an important phase in his career. It helped prepare him for the stardom he was to achieve.

Mr. Armstrong was exposed to an entirely new set of influences in New York and on the road with the orchestra. Although none of the Eastern musicians had the New Orleans blues feeling or power in their playing, they had technical polish and precision, which he was to add to his style.

The story is frequently recounted about how Mr. Armstrong, in one of his first rehearsals with the Henderson group, played at full blast throughout a piece. Henderson, a meticulous musician, asked the new recruit if he had noticed the letters "pp" and added that they stood for pianissimo, or play very softly. Armstrong said: "I thought that meant 'pound plenty'."

The Henderson Orchestra of this period, the forerunner of many present-day large jazz ensembles, included such musical notables as Coleman Hawkins, Charlie Green and Don Redman. Mr. Armstrong's fresh and uninhibited style made as strong an impact on them as their smoothness had on him.

On his return to Chicago in 1925, Mr. Armstrong was hot property. He was on the brink of replacing his former idol, King Oliver, in the public eye. In New York, he had switched from the mellow-voiced cornet to the more piercing-toned trumpet and started singing.

Under his wife's steady encouragement to become a leader, Mr. Armstrong organized a group that played at the Dreamland. He also began a series of recordings—the Hot Five sessions—that established him as a genuine innovator.

During one of the sessions, while recording "Heebie Jeebies," Mr. Armstrong is reported to have dropped the sheet music and delivered some scat-singing (wordless singing) in place of the lyrics. Although others had scat-sung before, this record popularized the practice.

Later came the Hot Seven sessions, which were one more step removed from the New Orleans tradition than the Hot Five recordings. It was during this time that Mr. Armstrong, while leading a group at the Sunset Cafe, had his first contact with Joe Glaser, owner of the cafe. Glaser, later the head of Associated Booking Corp., managed the trumpeter for more than 40 years before dying in 1969. He is generally credited with making Mr. Armstrong a millionaire through shrewd bookings and careful investments.

In 1928, Mr. Armstrong and pianist Earl Hines combined for a series of recordings—"Weather Bird," "West End Blues," "Fireworks" and others—that set new standards for jazzmen everywhere. The trumpeter gave advanced, virtuoso performances that served as the foundation for jazz trumpet developments in the 1930s and 1940s. The discs stand today as examples of sublime melodic and rhythmic invention and dazzling technical display.

In a 1966 appreciation of Mr. Armstrong, jazz critic Whitney Balliet wrote of the trumpeter's work in the 1920s and 1930s: "He created the sort a super, almost celestial art that few men master; transcending both its means and its materials, it attained a disembodied beauty . . . Armstrong's outpouring emotion was universal. There were peaks and cloud kingdoms and heavenly pastures in his playing that summoned the listener, elated him and sent him on his way."

A turning point in Mr. Armstrong's career occurred in the 1930's when he began to perform in front of mediocre big bands that were usually led by someone else. The inferior quality of his surroundings seemed to hurt his playing.

He did not return to the small group format until 1947 when he organized an all-star band that included jazz greats Hines, Jack Teagarden and Barney Bigard. In their presence, his performances took on new life.

In 1949, Mr. Armstrong played at the inauguration ball for Illinois Gov. Adlai Stevenson and was crowned King of the Zulus at the New Orleans' Mardi Gras. Edward R. Murrow made a CBS television documentary, "Satchmo the Great," of Armstrong in 1956.

During all this success and acclaim, he continued living with his wife, Lucille, in a comfortable but modest home in Corona, Queens, New York. He frequently enjoyed eating his favorite New Orleans dish, red beans and rice.

The musician was born a Baptist but always wore a Star of David around his neck. He rarely went to church but always said grace before meals.

Mr. Armstrong's first marriage, to Daisy Parker, ended in divorce in 1917. His second marriage, to Lillian Hardin, ended in 1932. He had been married to his present wife, Lucille, since 1942.

Mr. HÉBERT. I thank the gentleman from Massachusetts.

In conclusion, may I say I had one connection with Louis Armstrong that I am sure nobody in the House has had. I was his press agent when he played in New Orleans at the Old Beverly Club. I was on the newspaper at that time and nobody can top that.

TO CORRECT INEQUITIES IN WHEAT PRICE SUPPORT PROGRAM

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, today I am introducing legislation which will offset the locational differences in the certificate value of domestic wheat. Under this proposal, the producer's marketing certificate shall be adjusted, either up or down, so that it is equal to the national average price support loan rate in fact as well as in theory.

In my State of Wyoming, wheat values are lower than in many other areas of the United States. Variations in wheat value by location reflect solely the transportation cost of wheat to a utilization point.

To say that the parity price for wheat shall remain the same throughout our country in order to reflect the difference between parity price and the average price producers receive for wheat, and then to not compensate for the distance to terminal markets, is to state that one will be fair with all producers, but "more fair" with some than with others.

I am hopeful this proposal can receive full consideration. Wheat growers are already operating on a marginal profit, and equalization of the certificate value of domestic wheat would be a real boon to my State, and to other areas across this Nation that are some distance from major domestic wheat utilization points.

At this time, I would like to insert the following article from the Western Nebraska Observer written after an interview with Mr. George Haldeman of Albin, Wyo.

Albin Farmer Says Wheat Program Unfair to Area

George Haldeman of Albin, Wyo., is resting the theory that one man really can change things if he works at it. He is instigating a campaign to get wheatgrowers in this area fired up to write their Congressmen and work through the Department of Agriculture to try to get the present interpretation of a part of the government wheat program changed.

He has been presenting his idea (which he feels would help equalize income of wheatgrowers in this area with those living near terminal markets) to county agents, newspapers, bankers, ASCS personnel, wheat growers' groups and individuals. And he has been picking up quite a little support. He had also written his Congressman.

To clarify his idea, Haldeman uses a graph (see cut—not reproduced in the RECORD). Shaded portions of the vertical bars represent average market prices of wheat from July to November, 1970. The one on the left is for eastern Wyoming ($1.15), the middle the national average ($1.37) and the right the average terminal market price ($1.59) estimated by Haldeman.

Average market price of wheat in this area has the cost of freight to the terminal subtracted from the price paid for wheat at the terminal.

White portions of the bars represent the estimated certificate value of $1.50 per bushel which is set by subtracting the national average market price from parity. Parity (fair price farmer should get for his product in relation to costs and other price levels) has been set at $2.87. Certificate payments are made to farmers on the part of his production which represents his share of the domestic wheat allotment.

Thus Haldeman's graph illustrates that the national average wheat price plus the $1.50 certificate payment (middle bar) exactly equals parity price of $2.87.

However, the eastern Wyoming price of $1.15 plus the $1.50 certificates only brings parity in that area (and also western Nebraska) to $2.65, while farmers delivering to or near terminals are getting parity near $3.09 (estimated).

This reflects an approximate 44 cent difference between parity in this area and parity in areas near terminals.

To correct this situation, Haldeman proposes that certificate values be determined on a county-by-county basis by subtracting the average market price (or perhaps the county loan rate which would be simpler to implement) to determine the certificate values.

Haldeman says that production costs in this area are comparable to those in areas with more favorable market prices and that adjustments in certificate payments could help producers here get a price comparable with other areas at least on their share of the domestic wheat.

With the small margin of profit (or less) with which farmers are now operating, he feels his plan is important enough to this area that all wheat growers should write letters to their Congressional delegations and keep pushing until something concrete is accomplished.

FREEDOM OF THE PRESS

(Mr. MIKVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I am deeply disturbed by last week's vote of the House Commerce Committee to call into question the contents of a news broadcast by CBS which happened to be critical of the Pentagon public relations machine and the Government's actions in Indochina. I am even more deeply disturbed at the possibility that the House will seek to use its contempt power to coerce compliance by CBS with this unwarranted and unconstitutional interference with the freedom of the press.

One need not find the program "The Selling of the Pentagon" worthwhile, or even fair, to be opposed to the subpena of out-takes and notes used in preparing the show. The freedom of the press is not conditioned on its being a fair press. Indeed, every dictatorship professes to be for a free press, as long as it "tells the truth" as the dictatorship sees it. The greatest sins against freedom have been committed in the name of protecting the people from "untruths." Well-meaning motives of the censor have never been sufficient protection for personal liberty. The American colonists knew this only too well, and they insisted that their Constitution protect them in clear terms from any government attempting to decide for the people what they should or should not be entitled to know and to be told.

The fact that the technical nature of broadcast frequencies necessitates "regulation" to prevent electrical interference does not by any stretch of the imagination justify interference with freedom of speech or of the press by supervising the content of broadcast programs. The power to license television stations in order to regulate traffic on the limited number of available frequencies, does not invest the Government with the power to license the truth. Investigation of the content of a television news broadcast by the Government violates the first amendment just as surely as it would if "The Selling of the Pentagon" had been printed in the Washington Post.

Two hundred years after the adoption of the first amendment, we should not have to reenact the debate over whether the Federal Government is the proper one to decide whether the people are getting a straight story in the newspapers and in news broadcasts on radio and television. The first amendment makes it crystal clear by its terms and by its history that the Government has no business whatsoever deciding for the people what they should or should not be told.

The importance of shielding the press from being held accountable by the Government, particularly where the right to criticize the Government is involved, was first established in America in the trial of John Peter Zenger in 1734. Although it was more than 40 years before the Constitution was drafted, the people who sat on the jury which acquitted Zenger expressed their determination that in America, people should be free to criticize their government without being subjected to legal process.

Subsequent cases involving the Alien and Sedition Acts, obscenity cases, and even the recent New York Times case involving the Pentagon papers, have given rise to the questionable notion that the first amendment rights of free speech and free press are less than absolute—that even though the first amendment says Congress shall make no law abridging the freedom of speech or of the press, Congress may nevertheless pass some laws abridging free speech or freedom of the press.

What makes the proposed contempt citation against CBS particularly heinous is that, unlike these previous cases, the press is being prosecuted not because of the substantive content of the speech, but because of the alleged lack of objectivity with which it was said. It is not claimed that "The Selling of the Pentagon" poses a clear and present danger comparable to the crying out of "Fire" in a crowded theater, or threatens the national security or "imperils the safety of a transport already at sea."

Allegedly, the Government has no interest in the contents of the program, except the question of whether the presentation was truthful, by whatever standard of truth the Government claims to apply. There is nothing in the history of the first amendment or the cases decided thereunder which would justify the kind of action this House of Representatives is being asked to take.

How could we have strayed so far from the clear design of the Constitution to shield the people from this kind of arrogant imposition of censorship by the Government? Like a seduction, the rape of a free democracy progresses by imperceptible degrees. No single advance seems serious enough to fight off, until in retrospect we look back and wonder how it ever went so far.

We are asked by a majority of the Committee on Interstate and Foreign Commerce to force a retrial of the Peter Zenger case. We are asked to require that news broadcasters obtain a license to publish their views, conditioned on governmental approval of the truthfulness and objectivity of the contents. This is utterly inimical to the fundamental principles of a free society, and completely contrary to the Constitution by which even the Congress is supposed to be governed.

No one ever claimed that a free society is without risks. It should be obvious that freedom of speech or press involves freedom to be wrong as well as to be right. The whole premise of a free democracy as contrasted with an authoritarian system of government, is that the people will be better served in the long run by "open and robust debate" than by receiving only "the truth" as defined by the Government. The dangers represented by Government censorship are obviously more grave than those posed by possible lack of objectivity in the press. That is why we have the first amendment.

If CBS lies to me, there is some hope and likelihood that NBC or ABC or even Herb Klein will counter those lies with countervailing lies of their own, and I will have a basis for making a judgment as to where the truth lies. But if the Government refuses to let CBS tell me anything, then where do I look for the truth? I am forced to rely on one side only. No one side ever has a monopoly on the truth. Every individual perceives and understands the same events differently, as judges and juries and lawyers in personal injury suits find out constantly. The truth, whatever that term means, always lies somewhere in between—closer to Aristotle's golden mean than to the golden tongue of either SPIRO AGNEW or Roger Mudd.

In a free society such as ours, the only proper remedy for faulty speech is more speech—that is the heart of the freedom we used to hold dear in the United States. The truth will best be served by allowing and encouraging all viewpoints to flourish, to compete for acceptance in an open marketplace of ideas—not by permitting only those which meet Government standards of acceptability.

A free democracy rests on the assumption that the people are capable of and have the right to determine the truth for themselves. That faith in the people seems to be dissipating in the councils of the executive branch. A majority of the House Commerce Committee seems to have caught the pernicious disease of disdain for the people from Mr. Mitchell, Mr. Kliendienst, Mr. AGNEW and their lot. Let us hope that the House as a whole will show more sensitivity to the Constitution and more respect for the ability of the people of America to judge the truth for themselves.

There are two types of possible responses to criticism. One is to attack the critic. The other is to attack the critic's arguments. The former kind of response betrays weakness. The latter requires the strength of conviction to be willing to place one's own views alongside one's critic's, and let them compete for acceptance in the marketplace of free speech, based on their respective merits.

I regret that a majority of a committee of this House has gone with the forces of weakness, and has displayed the same kind of careless disregard for the traditions and meaning of the first amendment that we have come to expect from the administration.

I urge my colleagues to reject the temptation to impose on the electronic press a Government-approved standard of truth.

It is regrettable that the president of CBS was asked by the committee to subject the news network to Government scrutiny. It would be a travesty of constitutional principles if he were held in contempt for properly resisting this official imposition on the freedom of the press to speak directly to the American people without interference from the Government.

It would be tragic if "The Selling of the Pentagon" were to provide the occasion for the selling of the first amendment by the Congress. This House should not be party to such an assault on the Constitution.

PROPOSED SALE OF DULLES AND NATIONAL AIRPORTS

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, the President in his annual budget message of January 29, 1971, for fiscal year 1972 proposed the sale of Dulles International and Washington National Airports by the Federal Government.

Since that date, several proposals to acquire these airports have been set forth. Among them are: purchase by the already existing Airport Authority in the Commonwealth of Virginia, purchase and ownership and operation by the Washington Council of Governments, purchase by a separate Regional Authority which would own, control, and operate not only these two airports, but Friendship Airport as well. There have also been rumors of a willingness to purchase these two airports by private groups.

The main stumbling block in all of these proposals has been the inability of any of these groups to approach the Federal Government with cash-in-hand, ready, willing, and able to strike a business bargain.

Recently, I have been informed that certain airlines of this Nation are in a position to guarantee or to underwrite the necessary bonds required to finance the purchase of Dulles International Airport and Washington National Airport from the Federal Government. The airlines are also willing to finance $50 million above the amount necessary for purchasing the airports for expansion of these facilities.

It is also my understanding that the airlines are willing to make this offer to any local government or group of local governments or their duly constituted corporation or authority or any responsible private group.

I am very enthusiastic about this proposal. Especially since these two splendid airports are in the congressional district which I have the good fortune to represent in the Congress. I see this offer as giving northern Virginia citizens and their elected officials a realistic option to the plans that have heretofore merely been flirted with.

Recently, I held a conference with the administrative heads of the counties of Arlington, Fairfax, and Loudoun, which represent the primary jurisdictions wherein these airports are located. It was my purpose in informing them so that they might properly put these proposals before their respective county boards for consideration.

To further facilitate the action proposed by the President, I am drafting legislation, which I shall shortly introduce, to authorize the executive branch to sell these facilities to an appropriately constituted authority.

It is my personal judgment that these three northern Virginia jurisdictions should have first consideration to purchase these airports from the Federal Government. This right stems from a simple and undeniable position that the lands to build these airports came from these jurisdictions. By the same token, these jurisdictions should also have a priority right over the economic byproducts resulting from the future operations of the airport.

Some of my friends in northern Virginia might have reservations regarding the magnitude of such an undertaking. I say to them, I would agree if we were attempting to build these facilities from scratch at today's prices. But it is my understanding that it is the Government's intentions to dispose of these two airports at a price which represents the Government's equity in these facilities, a price which will be considerably lower than building them at today's costs. Second, I realize that some persons in northern Virginia are concerned about air and noise pollution which presently comes from these two facilities. This is a valid position. Again, I say to them, the airports are here and serve a much needed service not only to our community, but to the Nation. The airports are not going to fold up and silently steal away into the night; instead those disturbing aspects affecting our environment shall have to be corrected and are being corrected. In this regard, I believe it is wiser to have control over the operation of these airports vested in a level of government in which those affected the most have the best chance to bring their influence to bear on the management and operation of the facility than at some higher level of government over which they have less influence.

It is also important to note that each of these communities already has substantial economic, political, and social interest in these two airports. They daily deal with problems originating from their operations. They shall continue to face these problems in the future regardless of who owns these airports. However, these problems could better be solved, and the public and the airports better served if they were a more direct part of these communities.

It is my recommendation that the communities of northern Virginia should agree to purchase these two airports if they find a thread of advantage to these communities in the proposal offered by the airlines.

It is my judgment that the northern Virginia communities should own and operate Dulles International and Washington National Airports. I also believe that the Federal Government should give priority rights in the sale of these airports to those several communities wherein these facilities are geographically located, over consideration to any other group of communities or regional entities which might want to buy and operate these airports.

RELEASE LEGISLATION TO SAVE OUR SCHOOLS

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, while our Federal courts work relentlessly to destroy the neighborhood school system and quality education in America, critically needed remedial legislation remains bottled up in committee.

Time is running out—plans for the fall term at public schools across the Nation are now being made. Unless we act promptly, there will be massive forced busing, without regard for the welfare of students or the wishes of their parents, in thousands of communities, and we will be embarked irrevocably on a course that will have grave consequences on this and future generations of young Americans.

To right this tragic wrong, I introduced a proposed constitutional amendment, House Joint Resolution 600, on April 29, aimed at guaranteeing that the right of students to attend the public school nearest their residence shall not be denied or abridged because of race, color, national origin, religion or sex.

Today, I am filing a discharge petition to get this bill on the floor where the people of America, through their elected representatives, will have the opportunity to vote on it. The destruction of our schools—resulting in the erosion of yet another of our freedoms—is too important a matter to languish any longer in committee.

The choice is inescapable: Congress already has been asked to appropriate hundreds of millions of dollars in public funds to help communities try to solve problems brought about by the senseless and discriminatory rules set down by the courts.

Right now, the South is the whipping boy. The South cannot have an all-white or an all-black school, regardless of neighborhood living patterns. Yet such schools are permitted in the North.

But my colleagues from other sections of this great Nation cannot rest easy—their turn may well be next, for those who are bent on forcing their social schemes on the public are not going to be satisfied until every school system in America conforms to their arbitrary standards.

This struggle involves all of us, and I urge my fellow Congressmen to join in this cause by signing the discharge petition to bring House Joint Resolution 600 to the floor where we can decide this great issue in behalf of the American people.

ENCOURAGING NEWS WITH REGARD TO ENDING THE VIETNAM WAR

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, over the past weekend we received some of the most encouraging news we have had in a long time with regard to ending the Vietnam war. This was the seven-point plan presented by Mrs. Nguyen Thi Binh, the Chief Vietcong delegate at the Paris peace talks. We were further encouraged yesterday to hear that both Mrs. Binh and Mr. Le Doc Tho, a member of the Politburo of the ruling Communist Party of North Vietnam, stated this was not a take-it-or-leave-it proposal.

I am certainly aware of the position in which this action places the Nixon administration. They would not be wise to blindly accept or refuse to adopt this entire plan, but it would also be unwise and foolish to do nothing. Ambassador David Bruce should be willing to negotiate at least on point I at the next peace talk meeting which takes place tomorrow. In addition, Henry Kissinger, who will be in Paris later this week, should make a point to meet with Mrs. Binh and Mr. Tho. Mr. Tho has already indicated he would like to talk with the President's national security adviser.

We have an opportunity here to end America's decade long involvement in Southeast Asia. Many of us have long been advocating that we set a definite withdrawal date by the end of this year. The Nixon administration and many of my colleagues have refused to go along with this, mainly because of the question of our prisoners of war. Point 1 of the Communist proposal solves this problem. If we set a date, the Communists will begin to release our men. It is important to note here that we are speaking of both the North Vietnamese and the Vietcong. Many people have expressed concern that those Americans held by the Vietcong would not be considered in any settlement of the war.

In an interview yesterday, Mr. Tho stated:

> I think the setting of a final date of troop withdrawal and the release of prisoners *of all parties* (emphasis added) is the first settlement of the war. It is our desire to achieve that. It does not mean that only Point 1 is settled and we stop there.

Every American who desires peace in Southeast Asia cannot help but concur with these thoughts. Further negotiations will be necessary, particularly with regard to the release of prisoners in Laos and Cambodia. But if we fail to act favorably now, then we will be hard pressed to deny the allegations made that we do not truly seek peace.

This is the first time the Communists have officially become flexible in their position. Let us now respond in a positive way to this new opportunity.

ARMS AID TO PAKISTAN

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, on July 1, 1971, I introduced House Joint Resolution 765 which affirms that "all military assistance, and all sales and deliveries of military equipment and weapons" to Pakistan and "all licenses for military sales including those already approved" shall be suspended for a period of 365 days unless the President determines that such assistance, sales, or deliveries are required for reasons of overriding national interest and so reports to the Congress. Senator MATHIAS will introduce similar legislation in the other body today.

As a joint resolution, this legislation will not only convey the sense of Congress. It will also have the force of law.

It is important that Members understand the urgent need for rapid action on this resolution. An editorial in the July 5 Washington Post traces the background of our policy regarding arms deliveries to Pakistan. From my understanding of this editorial, several points of interest regarding my resolution emerge:

First. The Department of State until late June 1971, was convinced that following the eruption of civil war in East Pakistan on March 25, 1971, the United States had been able to bring to a halt all arms deliveries to Pakistan.

Second. On the strength of this conviction, the Department of State repeatedly and formally stated to the Congress and the press that no arms had been or were being provided to Pakistan on or after March 25, 1971.

Third. In all likelihood without the knowledge of administration officials at the policy level, on May 8, 1971, the *Sonderbaus*, a Pakistani ship carrying arms still in the supply pipeline as of March 25, 1971, set sail for Pakistan from New York.

Fourth. On June 22, a second Pakistani ship carrying U.S. arms still in the supply pipeline set sail for Pakistan from New York. At this point solid investigative reporting by the New York Times uncovered the existence of the supply pipeline loophole.

Fifth. On July 2, a third Pakistani ship carrying supply pipeline arms left New York for Pakistan.

Sixth. Four to five more ships are scheduled to leave in July and August and even then no one can be certain the supply pipeline will be unclogged and exhausted.

By its decision, still in force, to suspend further arms sales to Pakistan, I believe the United States demonstrated that it was adopting the only policy appropriate for an outside power with respect to the tragic civil war in East Pakistan; namely, a policy of neutrality, noninterference, and noninvolvement. In my judgment, the important step which we had to take from the standpoint of our military sales policy was this halt in all further sales. But we cannot at the same time ignore the diplomatic and political significance of the pipeline deliveries.

In an article in the New York Times former Ambassador to India Chester Bowles warns on July 6 of the possible sequence of events which may soon confront us. It is:

First. India "in a desperate effort to cut off the flow of refugees, return the present refugees to their own homes, and prevent the establishment of an extreme left-wing government in East Pakistan" may move troops into East Pakistan.

Second. Pakistan may then be expected to reply by attacking India in Kashmir and the Indian Punjab.

Third. China may deliver an ultimatum to India.

Fourth. The Soviet Union may then support India to ward off China and the escalation may continue.

In this scenario, which Ambassador Bowles believes is a "very real possibility," could the United States ultimately avoid involvement? I believe the minimal step which the United States must take is to halt all arms deliveries to Pakistan including those deliveries in the supply pipeline which have not left our shores. With each one of our actions we must convey conviction that we favor an immediate standdown in the level of violence in East Pakistan.

In spite of our hopes that the strife will soon end and thus permit the United States to avoid some of these painful policy decisions, the July 6 New York Times reported that Bengali insurgents have now knocked out the Dacca electrical power station. This suggests that resistance is far from ended. It may continue for months, perhaps years.

I insert the Washington Post editorial and Ambassador Bowles' observations in the RECORD at this point:

[From the New York Times, July 6, 1971]

South Asia: The Approach of Tragedy

(By Chester Bowles)

Essex, Conn.—Unless two rather unlikely developments occur, South Asia is in imminent danger of erupting into a tragic, needless war.

These developments are: First, that the ruling West Pakistan Government turns away from the path of terror against its own subjects in East Pakistan and agrees to a settlement that will stem the flow of frightened, homeless refugees into India; and second, that the world community soon mounts a massive campaign to relieve India of the burden of supporting nearly six million refugees who have already crossed the border.

The Indian Government is making a Herculean effort to provide food, medical assistance and shelter to these destitute and frightened people. The cost, which is estimated at more than $10 million a week, is being assumed by India at a time when its economic assistance from the World Bank and the Consortium (the United States, Britain, France, Italy, Germany, Japan and Canada) has been sharply reduced and more than $500 million in principal and interest on past debts is scheduled to be repaid this year alone.

These economic constraints are compounded by political factors. Prime Minister Gandhi has emphasized that the refugees belong to "every political persuasion—Moslem, Christian, Buddhist and Hindu." But reports are now spreading that the West Pakistan military has begun to focus its fury on the Hindu minorities throughout East Pakistan. If this is true it is bound to create religious tension with India's 65 million Moslem minority.

Finally, India fears that an independent East Bengal may encourage West Bengal, where the Communist party Marxists are the largest single element, to merge into a single Bengali nation and thereby create a target for Chinese intrigue and subversion.

In a recent speech in the Indian Parliament, Mrs. Gandhi asserted, "This is not as some say 'an internal problem' of Pakistan. It is a problem which threatens the peace of South Asia. Has Pakistan the right to compel at bayonet-point not thousands, not hundreds of thousands, but millions to flee their homes? This is an intolerable situation. This Government may have its faults, but it does not lack courage. It it not afraid to take a risk that is a necessary risk."

The possible sequence of events that may soon confront us is appalling: (1) India in a desperate effort to cut off the flow of refugees, return the present refugees to their own homes and prevent the establishment of an extreme left-wing government in East Pakistan may move troops into East Pakistan; (2) Pakistan may then be expected to reply by attacking India in Kashmir and the Indian Punjab; (3) China may deliver an ultimatum to India (similar to the one she delivered in October of 1965 toward the end of the East Pakistan war); (4) the Soviet Union then supports the Indian position and wards China off, and the escalation continues.

This scenario may be dismissed by many as a bad dream. In my opinion it is a very real possibility, and if the situation continues to drift, a probability.

Mrs. Gandhi's government has acted responsibly in its handling of the crisis on its northeast border, but the financial and political pressures are rapidly pushing India to the breaking point.

The world community through the United Nations channel, by direct initiative or any other means, must act. What is happening in East Pakistan is an immoral and humanitarian outrage which must be condemned and stopped. At the same time India must be relieved of the responsibility for the care of the six million refugees. This, long-suffering, struggling, democratic country which a few months ago seemed about to achieve economic self-sufficiency must not be allowed to suffer, perhaps go under, because of a situation not of its own making.

It is reported in the press that members of the Consortium and the World Bank with the exception of the United States have agreed to stop economic aid to Pakistan until a political understanding is reached with East Pakistan and the East Pakistanis are assured their full share.

Since the outbreak of the struggle in East Pakistan in late March the United States has shipped three cargoes of military equipment to Pakistan that can only be used against her own people in East Pakistan or against India. This step has been taken despite a solemn assurance to Congress that no arms would be sent. It was first accepted as just another bureaucratic blunder which did not represent United States policy. However, in the last few days there is evidence this was not an accident but a deliberate decision.

If this is in fact correct the United States, once again, has committed an abysmal error in Asia, one that historians may find even more difficult to condone or excuse than the debacle in Indochina.

[From the Washington Post, July 5, 1971]

U.S. Arms for Pakistan: A Shameful Record

The Pakistani army undertook to crush the autonomy movement in East Pakistan on March 25. Soon after, as word of the army's appalling and indiscriminate slaughter began to seep out, the question was asked in Washington whether arms sold or given by the United States were being used and, further, whether the supply of these arms was continuing. Here is the record of the answers given in Washington.

April 2: The State Department said it could neither confirm nor deny reports from the scene that American equipment was being used.

On April 20, the fact no longer deniable, the Department informed Senator Kennedy that it had "expressed our concern over the use of American arms in East Pakistan"; it added that "arms acquired from a number of countries, including China, the U.S.S.R. and the U.K., also have been used."

Three days later: The Department specifically acknowledged to Senator Fulbright that "some M-24 tanks and F-86 aircraft have been observed in use in East Pakistan in recent weeks." It did not acknowledge that these tanks and planes had been employed against ragged desperate men armed with little more than rifles, if that.

April 6: Mr. Fulbright had asked Secretary of State Rogers for information on the "status of any current shipments" of military equipment to Pakistan. The following week a department spokesman, speaking to reporters, denied that the United States has "a large on-going military assistance program with Pakistan" and declared, "There is no—repeat—no equipment in the pipeline and none has been delivered" under a one-shot October, 1970, arms deal. Referring to a "modest" sales program dating from 1967 for non-lethal military equipment, spare parts for equipment already in Pakstani hands and some ammunition," he said: "Insofar as shipments under these agreements are concerned, we have this matter under review."

April 14: An unattributed report appeared in The Washington Post saying that arms shipments were continuing but with minimum publicity. The next day, however, a department spokesman concluded a review of the subject this way: "In short, no arms have been provided to the Government of Pakistan since the beginning of this crisis, and the question of deliveries will be kept under review in light of developments."

April 20: The department told Senator Kennedy: ". . . none of these items [on the 1967 'non-lethal' list, including ammunition] has been provided to the Pakistan Government or its agents since the outbreak of fighting in East Pakistan March 25–26, and nothing is presently scheduled for such delivery."

May 6: Senator Fulbright was told: "In short, no arms have been provided since the beginning of the crisis and the question of deliveries is under review."

May 8: The Sonderbans, a Pakistani ship carrying arms to Pakistan, sailed from New York, without public announcement or public knowledge.

June 17. The State Departemnt told reporters, as reported in this newspaper the next day, that "no deliveries of military equipment has been made to Pakistan since March 25, when the fighting began."

June 22: The department, responding to a story in the New York Times, acknowledged that two shiploads of arms were going to Pakistan and explained that they had been licensed before March 25. The same day the second ship, the Padma, sailed.

Six days later: The administration said it would allow further shipments of military material if licensed before March 25. The first reason cited was to apply "leverage" to induce the Pakistan Government (1) to bring about a political accommodation in East Pakistan (it has yet to do so) and (2) to take back the six million refugees who had fled to India (the flight continues, according to report, at a 40,000-a-day rate). The second reason cited by the administration—which had earlier downgraded use of American arms in the carnage by saying Soviet, Chinese and British arms also were used—was to discourage Pakistan from shifting to other arms suppliers.

June 29: It was revealed that four or five more arms ships were scheduled. The Kaptai sailed July 2.

This is, we submit, an astonishing and shameful record, with two meanings. The first is that, for the shabbiest of political reasons, the United States is supplying military equipment to a brutal regime that has killed an estimated 200,000 of its citizens and driven some six million others out of their country. The second meaning must be read in the context of the current controversy over the Pentagon Papers, which turns on the public right to know and the government's right to conceal. Here we have a classic example of how the System really works; hidden from public scrutiny, administration officials have been supplying arms to Pakistan while plainly and persistenly telling the public that such supplies were cut off. We assume that this deception is due to a combination of organizational confusion and bureaucratic dissimulation and not to deliberate deceit. The fact is: arms ships still sail. It is up to the President to stop them—assuming the government is serious about its proclaimed policy.

LEGALIZED GAMBLING SCHEMES THREATEN THE NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Patman) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, in 1967, I was accused of spreading "hillbilly morality" when I proposed that the commercial banks be prohibited from operating the New York State lottery.

I quite happily accepted this label and today, as in 1967, I feel that this country does, indeed, need a good dose of "hillbilly morality."

All over this Nation, we are seeing "get rich quick" schemes being proposed in the guise of raising revenues to support public projects and programs. Hidden behind high-sounding purposes, these proposals are rapidly pushing the Nation toward all-out legalized gambling. The effort is centered in New York State which now has legalized both a statewide lottery and off-track horse betting. The disease is rapidly spreading to other States.

Mr. Speaker, this is a dangerous trend, and it is one which the Congress must carefully watch. If necessary, the Congress should consider legislation which will control—if not stop—some of these more outlandish schemes to raise public moneys through gambling.

Despite bitter attacks, we were successful in the 90th Congress—in 1967—in stopping the banks and other financial institutions from handling the New York State lottery. At the time, I felt it was ironical that financial institutions were promoting thrift at one window and selling lottery tickets at the next window. Of course the whole concept of introducing gambling as a major banking function was against the public interest and highly damaging to the image of these financial institutions. To the lasting credit of the 90th Congress, we were able to put a stop to this effort, but the gambling craze continues to spread, not only in New York but in smaller States.

Recently, the New York Times surveyed the legislatures and spotted widespread interest in adopting the New York "get rich quick" concept of separating the people from their money. The article noted the rapid growth of the New Jersey State lottery and described proposals for new legalized gambling schemes in such States as Connecticut, Virginia, Hawaii, Minnesota, Missouri, Colorado, Delaware, and Florida. Other news articles have mentioned new or renewed gambling proposals in Arkansas, California, Maryland, and Rhode Island. Undoubtedly, there are other areas which have been missed in these nationwide surveys, but the evidence is clear that the concept of gambling as a legitimate means of raising public moneys is gaining new strength.

Three States—New Hampshire, New York, and New Jersey—actually operate full-scale lotteries and Connecticut has just joined the parade. New York City, of course, now has its city-operated horse parlors—the so-called offtrack betting run by Howard Samuels, who used to run the Small Business Administration in Washington.

Mr. Speaker, I place in the RECORD a clipping from the New York Times of April 17, 1971, entitled "Offtrack Betting Attracting Nationwide Interest" and another article from the Washington Post from February 14, 1971, with the headline, Legal Gaming Luring States:

OFFTRACK BETTING ATTRACTING NATIONWIDE INTEREST

(By Charles Grutzner)

The financial yield from the legalized offtrack betting that started here last week may eventually affect many more Americans than those who wager $2 or more on a horse.

Legislators in several states, along with voters and varied special interests, have their eyes on the experiment here to see whether it can, after its false starts produce the promised millions in state revenues to take some of the pressure off burdened taxpayers.

Lawmakers in California, Florida, Maryland and Rhode Island are giving serious thought to offtrack betting as a means of replenishing state treasuries.

Howard J. Samuels, president of this city's Offtrack Betting Corporation, has received requests from a number of other states for details of the New York experiment—the nation's first full-scale offtrack venture—while it was still in gestation.

Mr. Samuels believes offtrack betting will yield at least $25 million to the city and $2.8 million to the state in its first year of full operation.

With about $5.5 million spent on salaries, computer rentals, office space and other preparations in the nine months since the public corporation was created, Mr. Samuels expects the operation will lose money during the first three months of betting, until the number of betting locations is increased from its present two to at least 20 and until this form of legal gambling takes popular hold.

Under the state's local-option law adopted a year ago, other cities and counties may set up offtrack betting of their own.

Mr. Samuels has said that the expected flow of money into the city and state treasuries would be, for him, "a very welcome but only a secondary" aspect of his operation.

"Our first purpose," he said, "is to take away much of the gambling business from organized crime."

There is wide disagreement in law enforcement and in gambling circles on how much damage legal gambling can do to the illegal numbers game and bookmakers.

Some New York City officials are hopeful that off-track betting will be successful enough to widen legal gambling. They plan to ask the State Legislature to open all sports to legal wagering and to lower the legal age for gambling from 21 to 18.

MORE LOTTERIES POSSIBLE

A survey by The New York Times of state legislatures and public opinion across the country indicates little likelihood that any state will follow New York's lead and legalize off-track betting this year. The chances are better that one or more legislatures may authorize state lotteries, which are limited at present to New Hampshire, New York and New Jersey.

The phenomenal financial success of the New Jersey lottery has quickened interest in several states as a "painless" alternative to higher taxes. The five-month-old New Jersey lottery has been generating an average of $3.5 million a month for education after meeting the prize money and administrative costs.

NO EVIDENCE AT HAND

The four-year-old New York lottery has yielded an average monthly net of only $2.5 million.

New Jersey officials say frankly that they profited from the mistakes of New York which used a dignified "soft sell" stressing that the lottery's profits would go to education.

New Jersey lottery officials use the "get rich quick" lure in their weekly drawing with 50-cent tickets.

How well the state lotteries will succeed in crimping the gambling operations of the underworld is a big question. There is no evidence so far that legalized gambling has hurt the illegal business.

With parimutuel betting at horse-race tracks already legal in 30 states (seven of which also permit betting at dog tracks) the survey indicated that this form of legal gambling is most likely to be adopted eventually in additional states. In at least half a dozen states the take from parimutuels has eased the taxpayers' burden by hundreds of millions of dollars over the years.

In Connecticut, where all gambling is outlawed except bingo and bazaar games sponsored by churches and other nonprofit groups support is growing in the General Assembly for at-the-track parimutuel betting, off track betting and a state lottery.

Gov. Thomas J. Meskill has such confidence in adoption of a lottery bill this year that he included anticipated gambling revenues in his proposed budget for fiscal 1971.

VIRGINIA SETS UP PANEL

There have been efforts to permit pari-mutuel betting at horse tracks in Hawaii, Minnesota, Missouri and Wyoming, but 1971 is not the year for their realization.

In Virginia, where a new State Constitution removed the absolute ban on all forms of gambling, a combination has been set up to study pari-mutuel betting. This could lead to legislation in 1972 to permit horse-race betting but it would face strong Baptist opposition.

Several states, New York and New Jersey in particular, are toying with the idea of legalizing and then taxing gambling casinos. In New Jersey, where powerful interests are trying hard to establish Atlantic City as an Eastern Las Vegas, the casino issue has sparked hot controversy at public legislative hearings.

Foes of the proposal have cited the evils that wide-open gambling has generated in Nevada, such as underworld infiltration of hotel, casino and related business operations corruption of some public officials and an influx of swindlers and prostitutes. Nevada this year became the first state to legalize brothels on a local-option basis.

Pari-mutuel betting at horse tracks has over the last 37 years contributed greater revenues to state governments than any form of gambling. In many states it has been the only lawful kind of gambling.

PERSUASIVE FIGURES

But the tax yield from Nevada's wide-open legal gambling has persuaded many local and state legislative leaders that legal casinos, now permitted only in Nevada and Puerto Rico, bear close examination as revenue producers.

Nevada collected $39,473,230 last year from legalized gambling other than horse-race betting and its county and local governments split $19,017,091 in taxes. Nevada's tax yield from legal betting on horse races was, by contrast, a meager $4,242.

This yield, the lowest of any state's except Wyoming, which collected only $3,911 in taxes on pari-mutuels, compares with more than $164 million that went into New York State's treasury from pari-mutuel betting last year.

Nevada residents pay no state income tax, yet the state spends as much per capita for education as does New York.

"CHEATING" IN LAS VEGAS

In New Jersey, State Senator Frank X. McDermott, Republican of Westfield, whose bill would permit casinos in Atlantic City, has claimed that revenues would be enough to make a state income tax unnecessary.

But Gov. William T. Cahill, the Senate leaders and the State Attorney General are opposed on the ground that legal gambling might open the door to further infiltration of the state by members of organized crime.

Col. David B. Kelly, Superintendent of State Police, and other New Jersey law-enforcement officials who went to Las Vegas to observe casino operations, agree with the Governor's fears. Colonel Kelly told the public hearing that he had found "cheating" at all levels of licensed gambling in Nevada.

Casino gambling advocates have made some headway in New York State and city legislatures for legalization as a possible "easy money" plaster for governmental fiscal ailments.

Dreams of pumping vast amounts of gamblers' money into state and municipal coffers took shape in Albany and in City Hall early this year. Earl W. Brydges, Senate majority leader, announced on Jan. 6 that he would offer a bill to permit licensing "under strict state supervision" of casinos in which all sorts of games of chance could be played.

The next day City Councilmen Matthew Troy Jr., Democrat of Queens, and Monroe Cohen, a Brooklyn Democrat, proposed creation of a "Las Vegas of the East" on the city-owned North Brother Island in the East River. But neither of the Councilmen has taken any formal step to test legislative reaction.

BRYDGES' REASONING

Senator Brydges' proposal received more serious consideration, largely because of the public stature of its sponsor. Mr. Brydges, a Niagara Falls Republican and one of the most powerful members of the Legislature, is a churchgoer who until making his proposal had been a foe of gambling. He argued that since the state had already legalized lottery and offtrack betting it would be consistent to remove the bar against casinos, potentially the richest tax source in the field of gambling.

His proposal was denounced by the State Council of Churches, which represents 90 per cent of the Protestant church membership in this state, as "a sort of legalized 'con game' by the Legislature" to "avoid the hard reality of raising taxes." Mr. Brydges has since retreated to the less controversial ground of seeking the creation of a state commission to study the casino gambling proposal.

In the 30 states where on track parimutuel betting is legal, a total of $461,498,886 was collected in taxes on racetrack operation in 1969, the latest year for which complete figures are available. Of this, $303,205,668 came from thoroughbred racing, $147,518,108 from harness racing, and $10,775,110 from quarter horse and state fair racing.

Two-thirds of all this tax yield was produced at tracks in four states. New York's take was $164,880,039, California's was $62,860,689, Illinois got $43,335,772 and New Jersey, $35,033,501.

GAINING ADHERENTS

The most conservative estimate in law-enforcement quarters is that for every dollar that goes through a pari-mutuel machine at least six dollars is bet illegally with bookmakers.

The tax potential in this vast lawless enterprise plus the even larger amounts that now change hands in illegal betting on sports events and in numbers play, dice and roulette is making gambling appear more attractive to some who have opposed gambling.

California, in the tighest fiscal bind since Ronald Reagan's first year as Governor in 1967, has legislative proposals for casino gambling, offtrack betting and a state lottery.

A group reportedly with financial backing to move into Catalina Island as soon as casinos are legalized, wants to revitalize its sagging appeal as a resort area by making it a "little Monaco." But passage of any of the gambling bills is unlikely in 1971.

SITUATION IN ARKANSAS

Only in Puerto Rico are there more forms of legal gambling than in Nevada. Betting at race tracks was legalized in 1916, a limited form of off-track betting in 1922 and casinos in 1949. The lottery has been legal since days of Spanish rule, and cockfight wagering is also legal.

Puerto Rico has kept its casinos free of underworld control, but the commonwealth has been less successful in keeping the underworld out of the lottery business. The legal lottery, which does an annual business of $120-million, must compete with bolito, the illegal lottery, which does about $50-million in business a year. Tickets for the weekly government lottery are sold out in the first day or two, with the result that speculators who manage to obtain blocks do a brisk black market business selling 25-cent shares for 35 or 40 cents.

In Arkansas, where pari-mutuel wagering has been legal only since 1956, the state tax on the pari-mutuels at one horse track and one for dog racing yields about $4.5-million a year. During the racing season the police still catch bookmakers in Little Rock, but the illegal casinos that once made Hot Springs famous have been effectively closed.

The Colorado Legislature, where a perennial sweepstakes bill had always gone down to defeat, came within six votes of passing it last year. The bill came up again this year, with adoption still doubtful.

In Delaware, State Representative Thomas L. Little is trying to line up support for his bill to license a private contractor—who would be chosen in competitive bidding—to run a weekly lottery with the state's share earmarked for medical services.

In Florida which divides its revenue (about $20-million) from pari-mutuels at horse and dog tracks and jai alai games equally among its 67 counties, Miami Beach business interests keep trying for legalization of casinos. A straw vote last year rejected the casino proposal by about 9,000 to 7,000. The Mayor and civic and church groups all opposed the proposal.

LEGAL GAMING LURING STATES

(By Karl E. Meyer)

NEW YORK.—The big wheel whirled in Trenton, N.J., not long ago and Gov. William T. Cahill picked from a drum ticket No. 394584 as the first winner of the state's brand-new and thoroughly legal lottery.

In Albany, N.Y., after hearing Gov. Nelson A. Rockefeller deliver a doleful report on the state's financial crisis, the Majority Leader of the State Senate had a helpful suggestion—legalize casinos.

In New York City, a strange new company—the Off-Track Betting Corp.—is advertising that New Yorkers will soon be able to "bet by phone (legally)." It is being soberly forecast that the OTB soon will be grossing $1 billion a year, yielding a profit to the city of $100 milion.

And everywhere in New York State, citizens are being exhorted to do what was once considered illegal or immoral or both—to bet themselves blind. "Hit it once," says an ad for the New York State lottery, with unsubtle directness, "and your troubles are over."

All of these are symptoms of the mood of increasing desperation among state and local governments in the search for painless ways to raise money. In places such as Florida, Arkansas and California there are periodic proposals to legalize gambling and thereby (so the theory goes) unloose a river of money into state treasuries while dealing a blow to organized crime.

But in the view of the experts, it hasn't worked out that way, partly because bureaucrats make poor professional gamblers.

Doubters point to the experience of the New York State lottery, which was supposed to produce $30 million monthly in sales, with 45 per cent of the take going to the schools. In fact, the highest single monthly sweepstakes was the first, which yielded only $6.4 million in $1 sales in June, 1967.

In an effort to fatten the pot, New York experimented this year with a $1 million first prize. The novelty appeal worked, and $16.7 million in $3 tickets were sold last summer. But the second million-dollar drawing fell well below that figure.

Defenders of the lottery reply that in three years a total of $199 million in tickets have been sold, meaning that the state has painlessly earned nearly $90 million for the schools. This, however, is far below the initial grand expectations.

In New Hampshire, the first state to hold a legal lottery in modern times, the experience has been the same. The inaugural year of 1964 saw the peak return—the sales of 1.9 million tickets at $3 each, producing $2.8 million for education.

The poor showing of the state lotteries may seem strange since the odds are fairer to the bettor than the illegal mob-run numbers game.

An ad for the New York sweepstakes boasts: "Not only are our odds better than the numbers—our numbers are better than the numbers."

Police and gamblers are in accord in explaining why the lotteries have made so little impact on the numbers. In the numbers racket the action is faster: There is a daily payoff for a dime bet made through a local candy store.

By contrast, the average New York lottery bet costs $1 and the player may wait more than a month for a drawing.

"Let's face it," says Jimmy (The Greek) Snyder, of Las Vegas, the country's leading odds-maker, "bureaucrats don't understand anything about gambling. If they legalized casinos in New York, they'd mess that up too."

Jimmy the Greek contended in a telephone interview that the Bahamas might be hurt by Nevada-style casinos in New York, but that Las Vegas would scarcely notice the difference. Nevada has the experience, the hard-to-find trained personnel, the lavish entertainment and the nearby tourist attractions of California—especially Disneyland—that New York could never match, he said.

Nevertheless, Earl W. Brydges, the Majority Leader of the State Senate, wants the Legislature to put to a public referendum a local-option measure that would legalize casinos by 1974.

"We've come so far down the road that there's no turning back now," Brydges said. "This action won't convert non-gamblers into gamblers. What will happen is that people who used to fly off to Vegas or the Caribbean to gamble can do their betting right in their own backyard."

Brydges, a powerful figure in the New York Legislature, gave these odds for approval: "Three-to-two and take your choice."

Jimmy the Greek sees it a little differently: "Without any research, I'd say a 20-to-1 shot that New York will approve legalized casinos in the next four years."

The decision on the casinos may hinge on New York City's experiment in off-track betting, which is being guided by the hard-driving Howard Samuels, an upstate millionaire and Democratic candidate for governor last year.

Samuels is given high marks among professional gamblers for his effort to understand the bettor's mentality. His Off-Track Betting Corp. plans to have up to 60 parlors open in a year to handle an estimated annual volume of $250 million in computer-processed wagers. He hopes the volume will quadruple in three to five years, with the city getting a clear 10 per cent profit.

"If anyone deserves to succeed, Howard does," said Jimmy the Greek. "But they have some funny ideas in New York—how about that rule against loitering in a bet shop? Whatya supposed to do, walk in and out like a deaf mute?

"I think the only way they could make gambling pay is if they let The Greek take it over, at one-half per cent."

If Samuels does succeed, however, it is a fair bet that the click of dice and the soft sounds of the croupier's rake will be heard—legally—from Manhattan to Niagara Falls.

Mr. Speaker, it is easy to sympathize with the plight of our cities and States which are hard-pressed for funds to meet basic needs of their citizens. Education, public works, sanitation and a host of other activities are becoming more and more difficult from a cost standpoint, but none of this can excuse the efforts to resort to gambling to solve a fiscal crisis.

Completely aside from the moral issues involved in legalizing a vice such as gambling, these schemes unquestionably place a heavy burden on the poor, on the people who work for a living. For any of these gambling efforts to succeed, it is necessary for them to attract the great mass of people, the low-income families included.

They are the ones being encouraged to buy the lottery sheets and the $2 tickets at the off-track betting windows. They are the ones being encouraged to gamble their savings in hopes of some distant "jackpot" that will put them on easy street for the rest of their lives. For hard-working people—with few advantages and comforts—such a prospect is highly appealing and hard to resist, but it is a disgrace when their own government supports and promotes such delusions.

The winners of the big jackpots are given great publicity in the news media. The million dollar winners are glorified and the public is encouraged to believe that they, too, can hit the jackpot and "get rich overnight." A great snare and delusion promoted by public officials in cooperation with the news media.

But, the newspapers and the publicity chiefs for the gambling operations never publicize the poor soul who gambles away his last savings, or his family's rent money in one of these legalized, government-operated betting parlors. The social problems created by government-promoted and government-owned gambling are never pictured in the press, and the public gets a steady diet of stories and pictures of the winners—the big winners.

Legalized gambling is the greatest form of regressive taxation that can be imposed on the people. It socks the poor and lets the rich—who do their gambling in stocks—off the hook. Instead of taxing the banks, the corporations, the foundations and the other holders of great wealth, local governments are turning to gambling devices in an attempt to extract money by trickery from those who can least afford to pay.

This is a country that prides itself on "progressive" taxation and now we have the most regressive of all taxation schemes gaining favor with local governments.

Invariably, the promoters of legalized gambling come up with the old cliche that they are driving the illegal, corner-cutting sharpies out of the gambling rackets. This idea that legalizing a vice will cleanse it has never been supported with hard evidence. In fact, many experts feel that the legalized gambling device gives the entire vice a "respectability," luring new customers into games of chance and providing gambling rackets with a whole new clientele.

The Kefauver Committee debunked the idea that legalized gambling would drive out the gangster element. In a report filed in the 81st Congress, Senator Kefauver stated:

> The legalization of gambling would not terminate the widespread predatory activities of criminal gangs and syndicates. The history of legalized gambling in Nevada and in other parts of the country gives no assurance that mobsters and racketeers can be converted into responsible businessmen through the simple process of obtaining State and local licenses for their gambling enterprises. Gambling, moreover, historically has been associated with cheating and corruption.
>
> The committee has not seen any workable proposal for controlled gambling which would eliminate the gangster or the corruption.

The Christian Science Monitor last year surveyed Great Britain and called attention to the gangster element that has moved in with the legalizing of gambling in that nation.

In an April 11, 1970, edition, the Monitor said:

> In 1960 that was changed. Gaming was legalized, betting (it was hoped) reformed. The wheel of the giddy permissive society was set spinning.
>
> It was a gamble that did not pay off. Britain was left wide open to the gangster.

Without question, gambling strikes right at the nerve center of the Nation—at its basic moral fiber. It promotes the idea that somehow success and happiness can be achieved by chance through some easy get-rich-quick scheme. It creates a state of euphoria where a properly placed $5 bet put the gambler on easy street for the rest of his life.

It is the same kind of thinking that has promoted the "drug culture" where everything is gambled for instant euphoria—anything for a quick kick. Gambling contributes to this national sickness, to the belief that life is a series of artificially induced "high" with no worry about the ultimate consequences to the individual or society.

And this sickness is not made any more palatable simply because the proponents of these gambling schemes claim they are helping "education" or some other worthy cause through the proceeds.

The March 8, 1967, edition of the Christian Century refers to this fact:

> Perhaps on the questionable theory that a questionable practice for a worthy cause becomes unquestionable, some promoters have attempted to identify their legal lotteries with patriotic or high moral themes.

This theme is expanded on by the Baptist Standard which carries an article entitled, "Gambling Grows in American Life" in a recent issue. Mr. Speaker, I place a copy of this article in the RECORD:

GAMBLING GROWS IN AMERICAN LIFE

If as New York goes so goes the nation, Americans will have to recognize that gambling will be a factor in their lives from the cradle to the grave.

What some segments of society and many churches have condemned as vice, what others have frowned upon but countenanced, and what some churchmen have feared, widespread gambling, is about to be built into the framework of U.S. life, "respectable" but dangerous, legal but lethal for some, all because the American city is crumbling.

In New York City, according to one critic, the truly public-spirited citizen is one who, in another era, would have been regarded as a dissolute person. He smokes (taxes), he drinks (taxes), he pollutes (gasoline taxes) and now he gambles. He may never vote but so long as he steps up to the $2 window with frequency, and his money holds out, he presumably will help save America's dying cities.

In an era of high taxes that has produced taxpayer revolts, the politician has thrown in the towel and taken dead aim on so-called petty vices as a money-making target. Thus it was this year that Easter and Passover fell within the octave of legalized off-track betting in New York City.

Maundy or Holy Thursday produced $66,000 gross at two city-operated horse parlors, Good Friday's take was $4,000 higher, and the Easter Saturday-Passover betting operation brought about $80,000 in bets to New York's windows.

CANT BE IGNORED

Nobody but nobody, as Gimbels would put it, can possibly ignore racing and gambling, or even escape it, if he lives in New York.

Protests against the city's operation has been relatively light. Churchmen who fought the idea as immoral lost at both the city and state levels and in the legislature. It's the law.

However, Howard Samuels, the businessman some thought would reach New York's governorship before he became commander-in-chief of the Off-Track Betting Corporation, may have stirred some concern with an off-hand remark. It was made as he opened his third "betting office"—in a Bronx area where the residential population is 90 per cent Puerto Rican and black and 10 per cent Irish and Italian.

Where thousands had jammed Grand Central Station to bet on opening day, only 60 patrons were waiting in line in the Bronx. Samuels remarked:

"The Spanish people in this area don't play the horses. They're numbers-oriented. We hope to educate them to play the horses."

The word "educate" was unfortunate. While it accurately reflected the almost evangelizing concern of a man to promote betting for the benefit of the stone-broke city, it clashed head-on with a comment made in late 1970 by an official of the Council of Churches of the City of New York.

"Any extension of gambling," the churchman said, "preys upon those least able to afford it—persons with low incomes caught up with the desire to get the pot of gold at the end of the rainbow. This group should be the major concern of government, not its prey."

A "rhubarb" of sorts may develop in the New York State Legislature over a series of bills endorsed by the Off-Track Betting Corporation, a controversy that churchmen may enter. These bills would:

Allow betting by 18-year-olds in New York State.

Exempt all track winnings from city and state taxes.

Permit racing on Sunday, presumably to make the city's off-track betting a seven-day operation.

SPORTS GAMBLING

Samuels is seemingly intent on the city's taking over all forms of gambling, particularly betting on sports events. Major League baseball has long used security men to prevent known gamblers from entering or operating in a ballpark. In most cases they were ousted from the stadium, with full police approval. Commissioner Bowie Kuhn might be expected to protest any move to spur betting on baseball, which nearly perished as a major professional sport amid the Black Sox scandals of a half-century ago.

New York City has yet to make its first dollar of profit from off-track betting and it will be some time before any profits materialize. In fact, Samuels' operation began several million dollars in the red, it being no inexpensive matter to set up a computerized, electronic operation; at one point, the city shifted some welfare funds temporarily to finance equipment, offices and personnel.

Despite these early troubles, off-track betting almost inevitably will be exported to other beleaguered major cities and perhaps even to some states having financial difficulties. The success of New Jersey's state-run lottery is also a factor. More popular than New York's with cheaper tickets and more frequent drawings, the New Jersey lottery has rolled up profits far exceeding the most sanguine of predictions.

Eastern politicians are studying New York's horse betting and New Jersey's lottery for possible use in their own baliwicks. And, according to a survey by *The Christian Science Monitor*, a variety of gambling measures, some of them advocating off-track betting, are being prepared in Massachusetts; New Hampshire, whose lottery is a flop; Maryland; Delaware; Colorado and Wyoming.

The *Monitor's* survey also produced some data from law enforcement leaders to counter the argument in New York and elsewhere that "legalized gambling . . . would knock the props from under the Mafia." It also noted that a number of tax experts scoff at the notion that gambling taxes will solve the cities' money woes.

Undoubtedly, some gambling will be siphoned from racketeers' grosses, but it is noteworthy that a quick survey of off-track bettors at Grand Central Terminal found that many New York bookies won't take $2 bets, rejecting them as "penny ante."

Spread of off-track betting seems certain to draw the churches into campaigns of opposition at the city and state levels as mayors and governors bid for gambling dollars to avoid heavier taxes. State councils of churches almost uniformly have condemned gambling as immoral and an inadequate substitute for taxation.

On the latter point their views are supported by Charles F. Conlon, executive director of the Federation of Tax Administrators. "Most people in public finance and taxation take a dim view of gambling as source of revenue," he says.

Conlon told *The Christian Science Monitor* that if public services have to be paid for, then cities and states need a system for enforcing payment on a fair and equitable basis. Governors and mayors are foolish to depend on voluntary contributions of those who gamble, he held.

SOUTHERN BAPTISTS

In the forefront of opposition to gambling as a tax device have been the nation's Southern Baptists. In several areas Baptists and some Methodist bodies have been successful in stemming gambling promotion by government. There is no doubt but what they will accept the challenge in each state where such revenue-raising is suggested.

The churches, at the same time, will have to consider their role in a society in which gambling will grow. The compulsive gambler is but another form of alcoholic, experts say. Thus, the churches who have done much to promote the spectacularly effective Alcoholics Anonymous movement may well turn to greater cooperation with Gamblers Anonymous.

Mr. Speaker, this craze is part of the moral decay of this Nation. And I sincerely hope that the State and local governments will reconsider their efforts to promote gambling. The Congress, however, cannot dodge its responsibility in this area and if these efforts continue to grow, we must consider the need for remedial legislation. In the coming weeks, I shall have more to say on this subject.

THE PENTAGON PAPERS AND PRESS FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Crane) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, the debate concerning the publication by the New York Times of classified papers taken illegally from the Pentagon has mistakenly been viewed as a dispute over "freedom of the press," with the Government one side, and the press on the other.

There are, however, many other considerations and the issues are far more complex than many simplifiers in the media would lead us to believe.

How can our country, for example, conduct negotiations with foreign governments, many of them concerning highly controversial matters, if the representatives of those governments are not assured that such discussions will remain private?

In an editorial broadcast over Metromedia News, columnist and commentator Robert Novak states that:

> If the ability of the U.S. to protect the confidentiality of its dealings with foreign governments is suspect, then the ability of the United States to function as a great power in world affairs is seriously impaired.

Unfortunately, as Mr. Novak points out, many of those who hail the action of the New York Times advocate a new American isolationism and support the Times action not so much because of questions about freedom of the press as because they applaud every effort which hamstrings our country in world affairs. Mr. Novak states that:

> The greatest ultimate tragedy of Vietnam may be that it led America back to isolationism, and the publication of the secret documents certainly contributes to that end.

I wish to share this commentary with my colleagues and insert it into the Record at this point:

Comment by Robert D. Novak—Metromedia

Whatever the outcome of the present litigation concerning the Vietnam papers and whatever the long-range political effects, the release of the secret documents already has had one clear-cut result. It is this: in the foreseeable future, no foreign diplomat can sit down across from a U.S. official and have confidence that what they say and do will remain secret. The first installment of the papers had scarcely appeared in the New York Times than diplomats were saying precisely this.

Now, freedom of information is a wonderful thing, but diplomacy simply cannot be conducted in a fishbowl. And if the ability of the U.S. Government to protect the confidentiality of its dealings with foreign governments is suspect, then the ability of the United States to function as a great power in world affairs is seriously impaired.

Within the last day or two, I have mentioned this prospect to several liberal Democrats who have been rejoicing over the publication of the papers. Their reaction: So what! Better that the U.S. should *not* be wheeling and dealing in world affairs.

And herein lies the real significance of the disclosure of the Vietnam papers. This is but part of a great fight over the future role in the world of the United States. The papers add fuel to the arguments of those who want America to get out of world affairs, to draw in upon itself like a muscle-bound Switzerland. The greatest ultimate tragedy of Vietnam may be that it led America back to isolationism, and the publication of the secret documents certainly contributes to that end.

This is Robert Novak, Metromedia TV News, Washington.

Mr. Speaker, the real issue we face in the case of the publication of stolen, classified documents is not so much what the particular documents, once published, reveal, but whether the Nation's security can withstand the approval of such publication.

These particular documents, for example, reveal that the Democratic administrations of John F. Kennedy and Lyndon Johnson acted in such a way as to seriously mislead the American people concerning the nature of our commitment in Vietnam and their own policy decisions with regard to it. On this basis, then, the Republican administration of Richard Nixon should have welcomed the publication of the documents.

To see this issue only from such a limited, partisan perspective, however, is to misread it. No one elected the editors of the New York Times to determine what is in the national interest and what is not. They are under no obligation to return to the people for reelection, at which time the people have an opportunity to make some judgment about the actions of their elected officials. They have assumed powers which they do not, and should not, have.

Unfortunately, the Supreme Court seems to have acted in undue haste in this matter. In his dissent to the Court's decision, Mr. Justice Blackmun said that the haste of the Court and of the lower courts in a climate of "panic and sensationalism" had produced inferior opinions. He argued for continued partial injunctions, leaving "comparatively few documents specified by the Government" under seal until their secrecy can be more carefully litigated.

Chief Justice Burger, in his dissent, stated that:

> We all crave speedier judicial processes but when judges are pressured as in these cases the result is a parody of the judicial process.

Mr. Justice Burger pointed out that the Court was acting in the dark about the facts in the cases. Noting that the Times had the material for 3 months before publishing them June 13, he asked:

> Would it have been unreasonable, since the newspaper could anticipate the government's objections to release of secret material, to give the government an opportunity to review the entire collection and determine whether agreement could be reached on publication?

Freedom of the press has never meant the publication of stolen, classified, documents. The Nation's security is at stake, and this is a far more important consideration for the future than the substance of these particular documents in today's political debate. Hopefully, we will turn to that consideration in our discussion of this question.

The important point that freedom of the press is less involved in the current debate than are other considerations is also highlighted in an important speech given by Vice President Spiro Agnew.

Mr. Agnew notes that:

> The First Amendment does not provide an umbrella to cover newspapers which invade the privacy or slander the good name of American citizens. It does not give a news-

paper the right to publicize crucial intelligence or military secrets. It does not place the editors above the laws of the United States.

In his speech, the Vice President illustrates the fact that the New York Times took precisely the opposite position 9 years ago, in 1962 when, in the wake of the Cuban missile crisis, it published an editorial entitled "Breach of Security."

At that time the Times was critical of a magazine article "purporting to tell what went on in the executive committee of the National Security Council." The Times declared that:

> The secrecy of one of the highest organs of the United States has been seriously breached . . . What kind of advice can the government expect to get under such circumstances? How can there be real freedom of discussion or dissent; how can anyone be expected to advance positions that may be politically unpopular or unprofitable?

At that time the leak injured one of the Times' favorite public servants, Adlai Stevenson. If such leaks injure the reputation of someone supported by the Times, Mr. Agnew points out:

> They are a moral outrage, an unconscionable breach of security . . . However, if an opportunity presents itself to savage Lyndon Johnson and discredit the war effort in Vietnam—then one cannot quibble over insignificant considerations such as top secret classifications and the security interest of the United States.

The Times, as a result of its own past statements, sounds less than sincere when it advances "freedom of the press" as the reason for publishing stolen, classified material. The reason it seems, lies elsewhere.

I wish to share Vice President Agnew's thoughtful discusison of this subject with my colleagues and insert it into the Record at this time:

Statement of Vice President Agnew

Mr. President, for a fortnight now, we have heard it charged that the President has been censoring legitimate news. That the Administration seeks to suppress the truth about the war in Vietnam. That the Government of the United States has been trampling with impunity upon the First Amendment Rights of the New York Times.

These charges are propaganda—malicious, deceitful and false.

They are a smoke screen hurried, thrown up to cloud the central issue at hand. They are being broadcast, morning and evening, to shift the focus of national attention away from what the Times did—and to evade if possible the rightful censure the Times deserves, for its arrogant and reckless mishandling of secret documents affecting the security interests of the United States.

Like a veteran burglar, being hauled in for his umpteenth arrest, the first thing the Times did on arriving at the station house was to accuse the arresting officer of violating its constitutional rights.

This gambit—swearing one's innocence and proclaiming one's virtue, while denouncing the prosecutor—has been partially successful.

The reasons are twofold. First, many, if not most American journals see the controversy as institutional in nature—a conflict in rights between government and press—and they have sided with their own. Secondly, the dominant media which controls how the controversy is presented to the American public, is itself, largely controlled, by soul brothers of the New York Times.

Thus, my purpose is to present arguments that have not been fully aired before the American people—to attempt to redress the imbalance in the national news coverage.

I do not agree with those who have already conceded to the New York Times the Pulitzer Prize for a triumph in investigative reporting. Investigative Reporting seems to me, as it does to columnist John Roche, a "strange description of having a truckload of documents dumped on your doorstep."

No enterprise was required for the Times to lay hands upon these documents. If any courage was required it was on the part of the sneak thief who violated the trust his government placed in him, who violated the laws of the United States, who smuggled out top secret documents of government office—and surrendered those documents to the New York Times.

In receiving, in publishing those smuggled papers, the New York Times was thus collaborating with a thief and trafficking in stolen goods.

That may not be the image the New York Times sees as it gazes into the mirror—but it is often salutary to view ourselves as others view us.

For the Times justifies publication of the papers by falling back upon its time-honored claim to be a principal mid-wife of the people's right to know.

But neither the first Amendment right of free press, nor the "people's right to know," is an absolute right in a free society. The First Amendment does not provide an umbrella to cover newspapers which invade the privacy or slander the good name of American citizens. It does not give a newspaper the right to publicize crucial intelligence or military secrets. It does not place the editors above the laws of the United States.

And when one recognizes the somersault on principle the Times had to execute in a decade to publish the Pentagon papers, its motives appear less savory and more sinister the simplistic rationale that the Times acted solely in the public interest.

Nine years ago, in 1962, in the wake of the Cuban missile crisis, in an editorial entitled "Breach of Security," the Times was hot with rage over a magazine article "purporting to tell what went on in the executive committee of the National Security Council." Here is a sampling:

"The secrecy of one of the highest organs of the United States has been seriously breached." The *Times* exclaimed, and asked rhetorically, "What kind of advice can the President expect to get under such circumstances? How can there be real freedom of discussion or dissent; how can anyone be expected to advance positions that may be politically unpopular or unprofitable? Does no one in Washington recall the McCarthy era and the McCarthy technique.

"The various positions of the members of the NSC taken during deliberation must remain secret . . . the integrity of the National Security Council and the advice received by the President, is at stake."

From the track record, it appears that for the Times there is but a single controlling principle on security leaks. If they injure the reputation of a Times' hero like Adlai Stevenson, they are a moral outrage, an unconscionable breach of security.

However, if an opportunity presents itself to savage Lyndon Johnson and discredit the war effort in Vietnam—then one cannot quibble over insignificant considerations such as top secret classifications and the security interest of the United States.

Perhaps the people's right to know has become one of those splendid phrases in whose name many crimes are committed.

Let us consider briefly the men whose reputations have been most damaged by the publications within the pages of the Times.

I do not wish to speak or act as public defender for either the Johnson Administration—or Mr. Rusk, Mr. McNamara, Mr. Bundy, or General Taylor.

Their Vietnam policy is not something for which *this* Administration must answer. President Nixon opposed these men and their Administrations in the election of 1960, in the election of 1964 and in the election of 1968. He changed their policy in Vietnam; he altered the course of American involvement. With President Nixon's taking the oath of office, American disengagement from the Vietnam War at last began.

But, regardless of the fact that these men were the Administration's political opponents, they are entitled to a fair trial in the court of public opinion—and they have not received anything like that fair trial at the hands of the Times.

What the country has been led to believe is that the Times publicized and sensationalized coverage of the papers represents a comprehensive history of the American involvement in Vietnam. The Times' reports contain but a fraction of that. The Times reports contain but a very small selection of secret papers extracted by anti-war editors and writers from a 47-volume war history prepared by an anti-war minority in a single department of a departed Administratiton. And that is all.

As General Maxwell Taylor wrote in his defense, the principle served by the *Times* "was not the people's right to know all about the Government's policy, but rather the right of the Times to determine what parts the public should know about it."

With these documents, however, the Times and those who want out of Vietnam *now* and without regard to consequence, have found the peg on which to hang their hats. If it can be reasonably argued that they were lied to, deceived, duped into backing the war in Vietnam—then their former support can be explained away with a good conscience. And they can, without a troubled conscience, denounce as immoral and rotten to the core the very military effort they were proclaiming half a decade ago.

Democrats who stood in the convention hall at Atlantic City chanting "All the Way with LBJ" are now proclaiming that they were innocents led down the primrose path. Writers who were war hawks in the middle sixties now denounce men who merely ask that we leave Vietnam with honor intact. Democratic Senators who declaimed their support of the Tonkin Gulf Resolution, who cheered the arrivals of American troops in Vietnam, who played the jingo in the middle years of the past decade, now condemn the President's men for supporting a war they charge is not just only wrong-headed but immoral. Former Cabinet officers who sat contentedly in war councils with Lyndon Johnson during the years of escalation now parade forth dencuncing President Nixon as a failure because he is not ending fast enough a war they could not win and could not end. Even a former Vice President can now be found before the television cameras pleading total ignorance of the vital decisions of an Administration whose primary publicity man he was proud to be.

Men who happily rode the Johnson coattails in 1964 and prospered in the Johnson Presidency now openly denounce and deny their old leader for having mislead them all.

What a sorry spectacle today is the liberal wing of the Great Democratic Party. Many of its articulate members are demanding investigations of what *their* Administration was doing when they were its voices and defenders in the Senate.

Democrats controlled every office in the Cabinet. Their unanimous convention choice sat in the White House. Their Democratic Party controlled both Houses of Congress by enormous margins.

Today, six years later, they come forward, piously protesting that despite their positions of power and influence and dominance over the American Government, none of them had any idea what was going on.

Of all the political sins committed by or charged against Lyndon B. Johnson, none of them surely merits the backstabbing, the desertions, the disloyalty, and the turn-coating on the part of his beneficiaries dependents and wards now running for cover all over Capitol Hill.

If some of these young ambitious liberals were so palpably ignorant as they claimed to be—of their *own* President's decision—they should resign from office on the grounds of incompetence.

But let us go to the heart of the matter.

Why, it is asked by the President's friends, and demanded by the President's enemies, have we moved to block publication of these top secret documents. Why have we interfered with freedom of the press; why have we censored the *New York Times*. What does the Nixon Administration have to hide.

The answer is the Administration has nothing to hide. There are no political interests of the Nixon Administration remotely involved in embarrassing revelations about the Democratic Administration which was defeated in 1968.

The Department of Justice acted not in the Administration's political interests—but in the national interest.

This Government is charged with enforcing the law—and with publication of those documents in violation of a law, a wholesale breach of national security occurred. The Government *had* to act. Without acknowledge of which secret documents, communiques and memoranda, the *Times* possessed, the Government could not possibly know if whether or not publication would compromise American secret codes, reveal national secrets, endanger the war effort, jeopardize its national defense, or compromise communications with friendly governments.

Nor was this Government about to sit idly by waiting patiently while the editors of the New York Times decided each day which top secret documents they would de-classify for the world the next morning. To have adopted that passive posture would have been to abnegate their duty to Congress and the people.

When the Government witnesses what appears to be a deliberate and massive breach of national security it has a duty to act—despite the fact that the perpetrator is an institution of the unrivaled pretensions of the *New York Times*.

I recognize, and would readily admit, that within the Nixon Administration as in others, documents have perhaps been classified not for reasons of national security, but reasons of political security. This is a failing common to all Administrations.

But there are other and excellent reasons for maintaining the secrecy of government documents. There is the question of matters relating to national defense. There is the need to protect the security of American codes and intelligence sources. There is the vital need for confidentiality in diplomatic dealings with both friendly or hostile governments.

My contention is not that each of the secret documents released deserves a top secret clearance. My argument is that it is not the *Times'* right to decide which secret document can be published and which should remain classified.

If the Congress, wishes to give the power and right of declassification to Mr. Sulzberger or Mr. Reston, they would have so specified that in the past. But Mr. Sulzberger and Mr. Reston are not mentioned in the law; and they do not have that right.

And by what Mr. Stewart Alsop calls the most serious breach of security in modern history—they have arrogated to themselves a right they do not possess.

Who elected the editors of the *New York Times* to decide which Government official secrets should remain secret from the world? The answer is no one.

The *Times* has finally itself taken up the practice of civil disobedience it has so long excused in others. It has placed itself above the law which is supposedly above us all. It has told the nation that it and it alone will make the judgment as to which of its smuggled secret documents will be released to the nation and the world.

So the Administration acted and I believe rightly.

Mr. Speaker. While making it clear that the prerogative to determine what is classified and what is not cannot rest with newspaper editors, we must also be aware of the fact that in many instances classifications relate more to the interests of the bureaucrats making such determinations than they do to the national interest.

For many years we have faced a situation in which government bureaucrats label as secret or confidential material which in no way relates to the country's vital interests, but which does assist them in avoiding embarrassment.

Let us consider one instance of such classification. Prof. Julius Epstein of Stanford University is seeking access through the courts to government documents dealing with "Operation Keelhaul" following World War II. Under this operation, a million or more Soviet nationals in German POW camps at the end of the war were handed back against their will to Soviet authorities by the United States and Britain. It is commonly believed that they were given long camp terms, if not executed by Stalin.

Professor Epstein states that:

> In 1954, I discovered the existence of a documentary dossier 'Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul' in the Historical Records Section of the Army. . . . When I ordered the dossier, I was told by an embarrassed librarian that it was classified and the index card should never have been placed in the catalogue.

While newspaper editors have no right to publish stolen material which is classified, government bureaucrats should similarly have no right to label as classified all things they would rather keep to themselves. What is needed is a legislative solution which clarifies what kinds of material shall be classified and which provides criminal penalties for the violation of such classification. Hopefully, this case will result in that kind of legislative action.

To further illustrate this problem, I would like to enter in the Record a statement by Prof. Julius Epstein which was reprinted in the Washington Post of June 20, 1971:

[From the Washington Post, June 20, 1971]

. . . AND A SCHOLAR GOES TO COURT

NOTE.—The following remarks were delivered by Julius Epstein, a historian at the Hoover Institution, Stanford University, at a National Archives conference last week in Washington.

I'd like to make a few remarks concerning the accessibility to government documents dealing with World War II. I'll restrict myself to one single example—"Operation Keelhaul."

(Under "Operation Keelhaul," a million or more Soviet nationals in German POW camps at the end of the war were handed back against their will to Soviet authorities by the United States and Britain. It is commonly believed that they were given long camp terms, if not executed, by Stalin.)

In 1954, I discovered the existence of a documentary dossier "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul" in the Historical Records Section of the Army, Alexandria, Virginia. When I ordered the dossier, I was told by an embarrassed librarian that it was classified and the index card should never have been placed in the catalogue.

Since that day, I have waged a battle for the access to the Operation Keelhaul files. I was, of course, unsuccessful.

Then, the horizon brightened when President Johnson signed the so-called "Freedom of Information Act" on July 4, 1966. It went into force on July 4, 1967. I decided to test the Act in the American courts.

I filed my complaint in the District Court of San Francisco against the Secretary of the Army, Mr. Stanley Resor. I maintained that the "Operation Keelhaul" file was improperly classified Top Secret and that therefore, it should be declassified and released to the American people.

When Judge Carter raised the question in the District Court what the intent of Congress was when it created the Freedom of Information Act, I suggested to Rep. John E. Moss (D-Calif.), the main sponsor and author of the Act, to submit a sworn affidavit to the Court. Congressman Moss did this.

In his affidavit, he said, and I quote:

"It was the overriding concern of Congress that disclosure be the general rule, not the exception, that the burden be on the agency to justify the withholding of a document and not the person who requests it, that individuals improperly denied access to the documents have a right to seek injunctive relief in the Courts, and that in general the statute be a disclosure statute and not a withholding statute; specifically, it was the intent of Congress to grant to the District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation by an agency bringing documents within an exemption found in Section "(e)" of the Act; and that the powers granted to the Court and the burdens granted to the Court and the burdens placed upon the Government in Section "(c)" were meant to include rather than exclude the exemptions."

The Top Secret classification of the "Operation Keelhaul" dossier was mainly based upon President Eisenhower's Executive Order 10501, of Nov. 5, 1953, which provides that this classification, and I quote:

". . . shall be authorized . . . only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount and the unauthorized disclosure of which could result in exceptionally grave damage to the nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense."

I maintained in my lawsuit against the Secretary of the Army, the first of its kind in American history, that de-classification of the "Operation Keelhaul" file and release to the American people could not result in "exceptionally grave damage to the nation such as leading to a definite break in diplomatic relations" or in "outbreak of war or in the compromise of military or defense plans, or intelligence operations or scientific or technological developments vital to the national defense," the only reasons for the use of the Top Secret classification.

It was of no avail. I lost in the District Court. I lost in the Court of Appeals. Then, I filed my petition of certiorari with the Supreme Court:

On June 15, 1970, I was informed by the Supreme Court:

"The petition for a writ of certiorari is denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition."

On April 22, 1971, Congressman Ashbrook of Ohio introduced House Resolution 399, asking for the creation of a Select House Committee to investigate forced repatriation, past and present and especially the unwarranted secrecy classification of the "Operation Keelhaul" file.

This resolution, now pending in Congress, may also lead to an amendment of the Freedom of Information Act in order to prevent its misinterpretation by the courts.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The Atomic Energy Commission was established in 1946, which created a five-man commission of civilians to develop and utilize atomic energy toward improving the public welfare, increasing the standard of living, strengthening free competition in a private enterprise, and promoting world peace.

MILITARY PAY BILL MAY PROVIDE LEGISLATIVE REORGANIZATION ACT WITH ITS FIRST MAJOR TEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, in one of the finest hours of the 91st Congress, this body enacted the Legislative Reorganization Act of 1970. That legislation, designed to reform and modernize the legislative process, may soon come under a major test of its effectiveness.

One of the key provisions of that legislation is embodied in a committee amendment, proposed by the distinguished gentleman from California (Mr. SISK). Recognizing that the will of the House has often been altered in conference as a result of actions taken by the other body, he proposed to provide a clear definition of the matters upon which a conference committee held authority. Under clause 3, rule 28, the conference committee is only authorized to consider the differences between the versions passed by both bodies. As a result of the amendment to the Legislative Reorganization Act, clause 3 of rule XXVIII now holds that the report of conferees: "shall not include matter not committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue, or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue, or proposition as so committed to the conference committee."

It now appears that we will soon be confronted with a test of the substantive effect of this measure. As my colleagues will recall, both the House and the Senate have overwhelmingly approved military pay increases of $2.7 billion to be effective on the first day of the first month after enactment. These increases were supported not only by the proponents of the voluntary military, but also by those who wanted to provide an equitable pay scale for our GI's, whether they be volunteers or draftees. It has now been widely reported in the press that the conferees have decided to postpone enactment of the pay increases until October 1.

Mr. Speaker, I cannot imagine a more blatant violation of the Legislative Reorganization Act. Section 14 of the draft bill passed by the House (H.R. 6531) regarding the pay provisions states:

> Sections 4–11 of this Act are effective on the first day of the first month after enactment.

As passed by the Senate, the parallel—section 206—states:

> The provisions of this title shall become effective on the first day of the first calendar month following the month of enactment. . . .

Likewise, the committee reports are explicit on the matter of military pay.

House Report 92–82 states on page 44:

> EFFECTIVE DATE
>
> Sections 4 through 10 of the bill, which include all of the changes in basic pay, quarters allowance, and special pay, would be effective the first day of the first month after enactment.

Senate Report 92–92 states:

> SECTION 206
>
> Provides that all the pay portions under Title II would be effective on first day of the first calendar month following the month of enactment.

In view of the identity in enacting clauses in the House and Senate versions, there is clearly no difference which could be committed to conference to be amended. Therefore, it would do violence to the intent of both Houses to set an effective date of October 1, as opposed to the more immediate day in the bills passed by each body.

The only possible reason for delaying enactment of the bill would be on account of "budgetary constraints." Yet, Mr. Speaker, I recall the words of the Armed Services Committee in reporting a competitive pay scale which exceeded the administration's request by $1.7 billion:

> If the standard of equity established sets the level of pay demanded for military personnel at a higher level, then compelling reasons would be required to justify not going to that level.
>
> Under repeated questioning, however, the only justification for not going to the 1973 (competitive) rates now that was given to the Committee by the Assistant Secretary of Defense for Manpower and Reserve Affairs was "budgetary constraints."
>
> The Committee would recall the words of the Assistant Secretary himself that we should not use the draft as a means of compelling young men to serve at substandard pay.
>
> Specifically, the Assistant Secretary said, "Even if the goal of zero draft was not at stake, it is unfair to use the power of the draft to enforce inordinately low pay levels. . . ."
>
> The Committee would also note that the preponderance of witnesses questioned on this point by the Committee supported the increased rates of the Department of Defense fiscal year 1973 program and concurred in the opinion that if constraints were to be placed on the budget, they were not to be placed there at the expense of young men who make an inordinate commitment to their country by being inducted into the Armed Forces.

Are these words, Mr. Speaker, any less valid today than when the committee bill was passed by the House, or when a competitive pay scale was approved by the Senate? Are our GI's making any less of an "inordinate commitment" today? Must they and their families continue to suffer, through the summer and fall, the degradation of inadequate housing and the humiliation of dependence on welfare and food stamps?

I would point out to the budget conscious that, due to the slow action on this bill by the other body, a savings of about $225 million has already been achieved through delaying the date of enactment past July 1. Furthermore, I would find it hard to accept the proposition that the conferees can decide for the Congress on the matter of budgetary constraints, after both Houses have overwhelmingly decided that an expenditure of $2.7 billion is acceptable.

This body has clearly decided that the authority to induct must be extended. It was also my belief we had decided that the use of the induction authority to enforce poverty level wages had been ended. Yet now the press has reported that the conferees want to extend the authority to induct at poverty level wages through October 1. As a supporter of equity in military pay I am disappointed, and as a proponent of the Legislative Reorganization Act, I fear that this reform will be rendered meaningless. A point of order will be clearly justified if the conference committee in fact, seeks to thwart the will of both Houses; and I am hopeful that the Rules Committee, which labored so diligently for passage of the reorganization, will not approve any requests for a waiver of points of order against clause 3(2) of rule 28.

Mr. Speaker, it should also be noted it is reported that the conference committee has reduced the rates of pay for the recruit grades to a figure lower than that adopted by either body. This manipulation of the pay scales is theoretically possible, because the House provided raises in basic pay and quarters and subsistence allowances, while the Senate places nearly all of its increases in basic pay. Thus, since the Senate provided no quarters allowance increase, it is possible for the conferees to take the lower pay figure of the House, and whatever fraction of the House quarters the conferees wished to choose.

By using the technical distinction between basic pay and the quarters allowance, it is reported that the conferees managed to reduce the benefits in the pay bill by over $300 million in the following manner:

[In millions of dollars]

	House	Senate	Compromise
Basic pay	1,825.4	2,667	1,825.4
Dependents Assistance Act	184.1	79	105.9
Quarters allowance	640.1	0	409.8
Subsistence allowance	37.8		
Total	2,687.4	2,746	2,341.1

The result of this compromise is to provide the first-termers—who were the target of the pay increases in the first place—with a lower annual rate of compensation than they would have had in either the Senate or House versions. But the careerists, who have been favored in every pay increase since the end of World War II, are given a compromise that splits the difference between the two bills. As can be seen in the table below, increases for the careerists are achieved by reducing the increases for the privates, corporals, and lieutenants:

COMPARISON OF AVERAGE REGULAR MILITARY COMPENSATION

Pay grade	House bill	Senate bill	Compromise
O-10	$43,872	$40,827	$42,725
O-9	39,169	36,319	38,107
O-8	35,772	33,042	34,751
O-7	31,654	29,065	30,689
O-6	27,197	24,850	26,389
O-5	21,821	19,796	21,122
O-4	18,234	16,527	17,630
O-3	15,025	13,591	14,501
O-2	11,474	11,138	[1] 11,045
O-1	8,985	9,611	[1] 8,659
W-4	17,653	16,088	17,074
W-3	14,537	13,097	14,023
W-2	12,299	11,108	11,859
W-1	10,138	9,195	[1] 9,738
E-9	14,919	13,417	14,392
E-8	12,812	11,571	12,334
E-7	11,063	9,980	10,634
E-6	9,550	8,647	9,160
E-5	7,691	7,248	7,356
E-4	6,457	6,329	[1] 6,189
E-3	5,893	5,831	[1] 5,663
E-2	5,484	5,530	[1] 5,311
E-1	5,036	5,320	[1] 4,872

[1] Compromise falls below both House and Senate versions

Moreover, if we use the figures as reported in the press, the compromise will give the average private—E-3—an annual increase of $1,532, while a brigadier general will get a $1,624 hike, and a two-star general will receive a raise of $1,709.

I should like to make it very clear that I am not opposed to increases for the careerists, especially since their BAQ is in need of adjustment. It is for this reason—and the generous increases that were provided for first termers—that those of us who introduced the Gates Commission legislation supported the pay bill which was reported by the Armed Services Committee. But I would find it very hard to support a bill which provides increases for senior people by reducing junior men to a figure that was less than that mandated by both Houses of Congress.

Unlike the change in date of enactment it is possible that the technical difference between basic pay and quarters may allow the conferees to reduce the amount without violating rule XXVIII—but it is a clear violation of the spirit of that rule. As the gentleman from California said in explaining his amendment to the Legislative Reorganization Act:

> For example, the House passes a piece of legislation authorizing $1 million; the other body after having considered the legislation passes a bill authorizing $5 million; then the conference committee could not come back and report $10 million or, going the other way, report $500,000.
>
> The point is that it should stay within the scope of what the two bodies have done initially.

Mr. Speaker, I would add that the technical differences in the components of military compensation should not be manipulated so as to deprive the individual, serving his nation in uniform, a fair wage. I would again like to recall the words in the report of the Committee on Armed Services—House Report No. 92-82, page 24 and following—in justifying the pay scales which were overwhelmingly approved by this body:

> The Congress in Public Law 90-207 defined Regular Military Compensation (RMC) as consisting of the following elements that service members receive in cash or kind every payday: basic pay, quarters allowances, subsistence allowance, and tax advantage received because the quarters and subsistence allowances are not subject to Federal income tax.
>
> It is the Regular Military Compensation that is used to establish competitive military pay levels which bear a reasonable relationship to civilian wages for equivalent levels of work. . . .
>
> In developing the pay proposals on which the Committee bill is based, the Department of Defense constructed a military pay standard to assure that military pay was properly equated with remuneration in other areas of national life. . . .
>
> The Committee's bill would provide total increases in Regular Military Compensation costs of $2,687.4 million per year. This includes $1,825.4 million in basic pay increases, $824.2 million for increases in basic allowances for quarters and $37.8 million for increases in basic allowances for subsistence.

It is abundantly clear, Mr. Speaker, that the committee regards the regular military compensation standard as the means to equate military and civilian pay, and that basic pay and allowances are merely elements of the package. Given the committee's strong support for the RMC standard—and their demonstrated concern for the welfare of the individual serviceman—it is simply incomprehensible to me that the conferees would provide the recruit with a lower rate of pay than the bills passed by either House. Therefore, while the conferees are still engaged in finalizing the details of the draft bill, I would hope that they would reconsider the pay sections which have been reported in the press, and provide our GI's with the adequate wages they have been granted by both Houses of Congress.

Mr. Speaker, at this point I include two articles describing the conference committee's actions and a number of editorials supporting restoring these pay raises in the RECORD at this point.

[From the Baltimore (Md.) Sun. July 5, 1971]

ANALYSIS: CONGRESS CONFEREES TAKE ODD ROAD TO COMPROMISE

(By Adam Clymer)

WASHINGTON, July 4.—Question: How does a House-Senate conference committee compromise differences that do not exist when it goes to work on two versions of a bill.

Answer: With gusto, a shrug at rules and a wary eye on the federal budget.

Last week the senior members of the House and Senate Armed Services committees got together to try to settle 28 points of difference between the House and Senate versions of the draft bill.

They settled 27, and most of their actions were routine, with one side giving way, or the other, or a simple compromise being struck.

NO REAL COMPROMISE

But the biggest issue they faced (they will not face until Wednesday a Senate amendment calling for a pullout from Vietnam) was pay raises for the military. Here, they did not really compromise, and they did not take either House's version.

Each chamber had voted for an increase in pay and allowances totaling something over $2.7 billion a year. The House went for $2.7108 billion and the Senate for $2.7895 billion.

A casual observer would expect the eventful amount to be somewhere in the middle, but certainly no higher than the Senate figure and no lower than the House's.

The casual observer would be wrong. The final figure is $2.4046 billion a year in pay increases.

A LOT OF RAISES

Even so. that covers a lot of raises. Counting all allowances and benefits, it would mean a recruit whose earnings now total $3,107 a year, would get $4,872. Not bad, even if it is less than the $5,036 in the House bill or the $5,320 in the Senate measure.

It certainly is enough of a boost to test the basic theory of the volunteer Army advocates—that sharp increases in pay will bring sharp boosts in enlistments.

But when should a suitably impressed young man enlist?

He is not going to be drafted for a while, because the old draft law expired at midnight last Tuesday, so the only way to get that $4,872 a year is to enlist. First of all, he should wait until the bill is passed, and that may be a while, because of the Vietnam amendment.

WRONG AGAIN

Then, since both the House and Senate bills said the raises should take effect on the first of the month following enactment, he would think the time had come to sign up.

This suitably impressed young man would also be wrong.

The conferees decided to postpone the pay raises until October 1. One conferee explained simply that the administration would like to save—at least for a while—the $200 million a month the hikes will cost.

What the conferees did with the total of the increase is fairly simple. The Senate, over the objections of its Armed Services Committee and the administration, had voted a fat increase, with almost all of it ($2.667 billion) in basic pay.

EXCEEDED REQUEST

The House, following its Armed Services Committee (which was not exactly ecstatic), also exceeded the administration's request for a $908 million pay boost, voting $1,825.4 billion in basic pay. And it voted a big increase in allowances—$885.4 million.

So the conferees took the lower pay figure—the House's. Then they compromised between the Senate and House versions on allowances, going for a $579.2 million figure, mostly for quarters.

That approach is old hat for conferees and hardly surprising to students of congressional folkways. It might look like a clear distortion of the bill of either House, but conferees are generally acknowledged to know what is best. Conference reports are very rarely voted down.

CREATIVE COMPROMISING

But the creative compromising on the effective date of the pay increases is different. It is just as if the conferees had decided to ignore the votes in both bodies for a two-year extension of the basic draft law, and had decided to make it one year, or even twenty.

Since there was no difference between the two bills, the issue was not properly before the conferees, at least under House rules reinforced by last year's Legislative Reorganization Act.

Even the traditional helpfulness of the House parliamentarian to embattled committee chairmen might not be enough to withstand a point of order, forcing the conferees to go back to an earlier effective date.

SOME UPSET

"We'll just get a rule waiving points of order," explained Representative F. Edward Hébert (D., La.), the chairman of the House Armed Services Committee, when told some young advocates of the volunteer Army were upset at the change.

"And what's more," he continued, "we knew it was subject to a point of order before they did."

That means he will have to go to the Rules Committee with his conference report and ask for a special procedure, instead of just taking it to the House floor. There may be an argument there, but he will probably win.

PROSPECT OF AGREEMENT

Some wags suggest that the October 1 date is only a realistic estimate of the earliest date an agreement on the Vietnam pullout amendment can be expected.

But others, close to the conferees, say there is now a real prospect of an agreement being worked out this week—the conferees reconvene Wednesday—calling for a total withdrawal from Vietnam contingent on the release of prisoners, but omitting the Senate's 9-month requirement.

Conferees Cut Military Pay Raise as Authority To Draft Runs Out

(By David E. Rosenbaum)

Washington, June 30.—The Nixon Administration won a major budgetary victory today in the House-Senate conference on the draft extension bill.

The conference agreement also appeared to represent a setback for supporters of an all-volunteer Army, who had sought larger pay increased than those cleared by the conferees.

The conferees accepted a figure for military pay and allowances that was more than $900-million below what both the Senate and House had approved. The raises voted by the conferees would cost about $1.8-billion in the fiscal year starting tomorrow and would go into effect Oct. 1.

The figure approved by the conference was still $800-million above what President Nixon sought in his budget, but the House and Senate had passed increases of about $1.7-billion over the budget.

The Nixon Administration had argued that so large an increase would force severe and possibly dangerous reductions in other parts of the defense budget.

The Government's basic authority to draft men into the military expires at midnight tonight.

The conferees completed action on all provisions of the draft bill today except the Senate-passed amendment that calls for the withdrawal of United States troops from Indochina within nine months if prisoners of war are first released.

The conference chairmen—Senator John C. Stennis of Mississippi and Representative F. Edward Hébert of Louisiana, both Democrats—said no agreement could be reached now on this amendment, which was sponsored in the Senate by Mike Mansfield, Democrat of Montana, the majority leader.

The conferees took the House provisions on actual pay and then reduced the allowances 15 per cent from the House figure. Over a full fiscal year, the conference agreement would cost $2,404,000,000, but, since it would not go into effect until October instead of July, it would cost $601-million less this fiscal year.

They adjourned the conference this afternoon and will not continue negotiations until next Wednesday, since the Congress is taking a long Fourth of July break.

Conferences are held among senior Senators and Representatives to reconcile the difference between the House and Senate versions of legislation. The agreement must then be approved by the House and Senate. Sometimes, one House or the other rejects an action taken by a conference, but usually the decisions are accepted.

Ronald L. Ziegler, the White House press secretary, said there were no plans to induct anyone until Congress completes action on the legislation, but he added, "We feel Congress will move rapidly."

Pentagon officials believe a brief hiatus in the draft will cause no significant problems to the military.

On servicemen's pay and allowances, the House had approved an increase of $2,711,000,000, the Senate an increase of $2,789,000,000 for the fiscal year that begins tomorrow.

HOW CHAMBERS VOTED

The figure adopted by the conference was $1,803,000,000 for the fiscal year. The pay increases, according to the conference agreement, will not go into effect until October, even though both Houses voted for the increases to be effective at the beginning of the first month following enactment of the measure.

The sums originally voted by the House and Senate would have been distributed differently. The Senate money would have all been spent on pay for low-ranking enlisted men and junior officers. In the House bill, $1.8-billion would have been spent for pay during the fiscal year and the rest of the $2.7-billion would have gone for subsistence and quarters allowances.

For the individual serviceman, there is little difference between pay and allowances. Both appear in the same pay check.

Under the House bill, the average recruit would have received a total of $5,036 annually. Under the Senate bill, the figure was $5,320. The conference calls for $4,872. The average recruit's salary now is about $3,000.

The rules of Congress state that the conferees may not exceed the bounds of the House and Senate bills. The agreement, in other words, must be identical with the bill of one House or the other or must be a compromise between them.

Senator Stennis and Representative Hébert justified the lower total amount for pay and allowances by saying that they had considered pay and allowances as two separate items.

Congressmen who want to move rapidly toward an all-volunteer army called this a "subterfuge" today, but they acknowledged that it probably could not be challenged. They were considering challenging the delay in the effective date until October, however.

These Congressmen and their aides believe that the conference decision is a severe blow to the prospects of a volunteer Army in the next year. The rejected higher raises, they argued, were designed to induce men to volunteer for the service.

Among the other major actions by the conferees were the following:

They voted to give the President authority to end student deferments but said that anyone who was in school during the regular 1970–71 academic year could have a deferment to finish college.

They accepted a ceiling on inductions in the next two fiscal years of 130,000 men in the fiscal year 1972 and 140,000 men in the fiscal year 1973. The over-all strength of the military one year from now was set at about 2.4-million men. These limits may be exceeded without specific Congressional authorization, under the agreement.

They voted to continue the term of required civilian service by conscientious objectors at two years.

They voted to permit the President to pay bonuses of up to $3,000 to men who enlist in combat units.

They dropped a Senate amendment that would have permitted potential draftees to be accompanied by a lawyer when they appeared before their draft boards, but the conferees accepted other procedural rights for registrants.

They voted to require the military to identify and take steps to rehabilitate drug addicts and acoholics in the service.

Army Pay

The United States military has the temerity to assume that all recruits and draftees are single and without dependents. That blind policy decision has put about 330,000 men on first tour duty with the military and married in a basic pay structure that prevents family support.

Most servicemen can't go on welfare, even though their annual income may be as much as $600 below the national poverty level. Their full time jobs in the military disqualifies them. Some men have sought relief through food stamps, living in substandard housing, a second job, or finding a place to put their small children so their wives can work. Even these unacceptable alternatives are difficult to come by and they all serve to humiliate the men, affect their morale and hence the organization they serve.

Hope that some relief would come with the draft extension bill's provision to raise recruit pay to over $5,000 a year went down to apparent defeat last week. Conferees reduced the total allocation approved by the House and Senate more than $900 million by cutting pay and allowances and delaying enactment of even reduced increases until October 1st.

There is little hope the conferees will change their minds, so a challenge should be presented on the floor, demanding more money. The military family, be it draftee, recruit, or volunteer, should not have to live in squalor. That is not the way to run an Army, Navy, Air Force, or Marine Corp.

[From the New York Times, July 3, 1971]

The GI Pays

The decision of a House-Senate conference to cut nearly a billion dollars from a $2.8-billion military pay raise may represent a victory for the budget-makers but a defeat for low-ranking servicemen who were to have been the principal beneficiaries of the increase. The conference committee's action is an affront to substantial majorities in both houses who voted the full amount.

The Administration has bitterly assailed the $2.8-billion raise, included in a new Selective Service Act, on the grounds that it would divert scarce funds from other defense needs. But a Government that squanders billions on cost-overruns for procurement and on other military extravagances can certainly afford to pay a living wage to its men in uniform.

A Presidential commission has pointed out that current pay scales for the lower ranks are substantially below comparable civilian wages and amount, in effect, to a discriminatory tax on servicemen. If more funds are needed for other items in the defense budget, which we doubt, they should be raised from the general taxpaying public and not taken out of the pockets of men who are being asked to lay down their lives for their country.

WELFARE REFORM PROVISIONS TO TITLE IV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS), is recognized for 30 minutes.

Mr. COLLINS of Texas. Mr. Speaker, certain things have been taking place in recent weeks in the U.S. Congress which seem to me to defy even the simplest rules of logic and which appear to me inconceivable to anyone with a rudimentary understanding of economics.

What I am talking about is perhaps best illustrated in the action recently taken by the House when it passed the bill H.R. 1, containing the so-called welfare reform provisions of title IV. It would be more appropriately named the welfare deficit bill.

In virtually the opening round of debate on the measure this statement was made.

> The present (welfare) program would be your preference, I assume, if you vote to strike the provisions of H.R. 1. That is the only way I can figure it out, because for the life of me, I do not know how we can come back any time soon or even within this Congress with any other approach to the restructuring and reforming of the welfare system, than that which we have in this present bill.

In the taking of that position, consideration of any alternative proposal was ruled out, though the fact is that at least one alternative which the Ways and Means Committee had not considered did exist. The impression was given that the only choice available to Members of the House was H.R. 1 or the present chaotic program. For the life of me, I do not know how such a statement can be described in any way except as totally illogical.

What may have been meant was it would not be convenient for the committee to consider the matter further, or that the committee did not wish to have the matter considered further, or that other business or political considerations made it impractical to consider the matter further. If this is what was meant, that is what should have been said and then Members could have reached a value judgment as to whether or not to accept such reasoning.

Mr. Justice Marshall in his recent opinion on the Government's request for a restraining order against publication in the newspapers of certain Pentagon documents stated:

> It may be more convenient for the Executive if it need only convince a judge to prohibit conduct rather than to ask the Congress to pass a law and it may be more convenient to enforce a contempt order than seek a criminal conviction in a jury trial. Moreover, it may be considered politically wise to get a court to share the responsibility for arresting those who the Executive has probable cause to believe are violating the law. But convenience and political considerations of the moment do not justify a basic departure from the principles of our system of government.

Likewise, it might be considered more convenient or politically wiser not to permit further consideration of possible alternatives to welfare reform, but I think it equally true regarding this issue that convenience and political considerations of the moment do not justify a failure to do so when we are dealing with a proposal that constitutes so basic a departure from the principles of our republican system of government and our free enterprise economic system. And to contend, without amplifying reasons, that it was simply impossible to do so, was, I repeat, illogical.

But what really puzzles me is the apparent lack of economic and political logic displayed by the House in adopting this measure or at least in failing to strike title IV when given the opportunity.

Under the provisions of title IV every family in America, whether one or more of its members is employed or not, would be guaranteed a minimum annual income equivalent to $2,400 per year for a family of four. Never mind that such a concept is the rankest kind of socialism. Never mind that such a national uniform standard ignores the widely divergent economic, geographic, and social differences that exist in this vast Nation of ours, thus discriminating among the poor by benefiting some substantially more than others. Never mind the peculiar logic which permits an advocate of the bill to admit of his own volition in his own prepared statement that "a guaranteed annual income will weaken rather than strengthen family stability," and then proceed to defend H.R. 1 as necessary to reform the tendency of the present program to drive fathers away from their families.

Never mind these small inconsistencies. Let us look only at the political and economic logic—or lack of it—inherent in the House's action.

First consider the political logic. And may I add here that a similar lack of political and economic logic taints the current administration which has advocated and supported H.R. 1.

It was the administration which requested and the Congress which enacted legislation to take the post office out of politics and eliminate the burden of political patronage which accompanied it. Without rendering judgment on the wisdom of that action, one must conclude that it reflected a desire on the part of Members of Congress to be freed of the political pressures inherent in a system that involved Congress in the dispensation of political plums. We also provide, in H.R. 1, the very bill under discussion, for automatic cost-of-living increases in social security, presumably to relieve Congress of the repetitious necessity for increasing social security benefits and the crosscurrents of political pressure which accompany every such proposal.

Yet in title IV we establish a uniform guaranteed minimum annual income at a level of $2,400 per year for a family of four. Opponents repeatedly pointed out during the debate that this is substantially below the present poverty level. And the logic of my colleague, the gentleman from Oregon (Mr. ULLMAN), is, it seems to me, indisputable when he states:

> Once you make the decision to accept that guaranteed annual income . . . you have reached a point of no return. Once you have adopted the principle, then the only question is: Are you guaranteeing enough? And, of course, all of us know the pressures that will build. All of us know . . . that you can mount a tremendous argument that it is not enough—once you have accepted the principle.

Thus we illogically set out to destroy with one hand what we have painstakingly wrought with the other.

Or let us look at the economic logic of the adoption of H.R. 1. As was pointed out in the debate, if we were to adopt the $6,500 base income for a family of four which the National Welfare Rights Organization demands, it would cost $70 billion. And one can hardly read the record of the debate or the daily discussion of this issue in the press without developing the uneasy feeling that we may be halfway there before H.R. 1 even becomes law and it will be only a limited time before the base is upped to $6,500 or even beyond. Yet the entire fiscal year 1972 budget for defense is only $77.5 billion. There has been a great deal of agitation for reductions in defense spending and a reordering of our national priorities, with emphasis on domestic programs. But in one great gulp the House has swallowed a measure which could conceivably eat up virtually every cent we would save if we wipe out our entire defense budget. Where will the money come from to pay for the other financial boondoggles looming on the legislative horizon. Or for that matter, where will we get the money to pay for welfare reform, since we are not likely to see a 90-percent reduction in defense spending very soon. Will the money come, perhaps, from an increase in taxes, the burden of which, despite tax reform, still falls most heavily on the overburdened middle-income families of America?

"But that is all conjecture," you say. I think it is sound conjecture, but if you doubt this progression of events, let me turn to something more certain.

There is no question but that H.R. 1 will immediately add some $5 billion to the present cost of the welfare program. By what economic logic does the administration recommend and the Congress enact legislation to pump 5 billion new Federal dollars into an economy still struggling to overcome a bout with severe inflation. By what logic can people who have suffered surtaxes, tight money, high interest, and unemployment in the name of fighting inflation be expected to accept as visionary reform legislation a bill which will pour 5 billion new Federal dollars into the economy to fuel the fires of a new inflationary spiral. Having repeatedly told the people that it was irresponsible Federal spending which caused inflation to begin with, we now ask the same people to believe [illegible] new Federal spending for the purpose of putting working people on the dole and increasing the level of support for those who have never worked in an effort to get them to work is in the best interests of the country and economically logical.

My friends, reason rebels. I would just like for someone to tell me precisely where this monstrosity comes from. Whose brainchild is it?

The family assistance plan was sent up to the 91st Congress as an administration proposal, though it borrowed heavily from the report of the Heinemann Commission established by President Johnson. Rejected by that Congress, it has now been reworked by Chairman MILLS and the Ways and Means Committee and has passed the House and will soon be taken up by the Senate Finance Committee. Yet I find myself sharing the sentiment of those who have pointed out that what the administration has said it wants in the way of welfare reform, when compared with what H.R. 1 will do, is clearly a horse of a different color. Quite frankly it appears that somewhere along the way the scriptural exhortation, "Let not thy left hand know what thy right hand doeth," has been applied with most undesirable results.

I strongly urge that the members of the Senate Finance Committee give this matter careful and extended consideration. For I believe there is a commendable alternative which not only eliminates many of the objectionable features of H.R. 1 but, in adapting the concept of revenue sharing to the solution of the welfare problem, accomplishes two of the administration's goals at one legislative stroke and does so in a way which preserves our federal system of government and our free enterprise economy. This alternative is the Curtis-Duncan bill, which I joined as cosponsor in the House.

Unfortunately, there was no opportunity for its consideration in the House, but neither time nor rules prevent the other body from giving it thorough consideration and nothing should deter them from rewriting H.R. 1, or scrapping it entirely, in order to obtain meaningful and sensible welfare progress.

The administration insists that there is no viable alternative to H.R. 1. I hope the President will be able to take a careful look at the Curtis-Duncan bill. He will find that it is Nixonian in its approach. Of course, the President is a busy man, and he must rely on the advice of those around him. Apparently his advisers for domestic affairs have not discussed the Curtis-Duncan approach with him. This is most unfortunate. It is not too late, however, for the administration to reconsider. The upcoming Senate Finance Committee hearings would be the perfect opportunity to do so.

Mr. Speaker, I request unanimous consent to include immediately following my remarks a recent editorial from the Milwaukee Sentinel which expresses support for the Curtis-Duncan alternative and echoes some of the sentiments I have expressed regarding H.R. 1 and the need for a critical reevaluation of it in the Senate.

And let me summarize what H.R. 1 will mean to America if it becomes law. With all of its deficit spending it will bring more than welfare. The deficit spending will accentuate inflation. If H.R. 1 passes, in 1973 we will have 10 percent annual inflation, bank interest charges including fees and compensating balances will be 15 percent. Long-term loan money will be hard to find. Young people will be saddled with an annual increase in debt involving $40 a year.

Besides the young, the senior citizens must also suffer. Senior citizens are deserving of priority consideration as are the handicapped. Now we combine all relief cases which dilutes their social security checks which are so essential.

H.R. 1 if it becomes law could make America a welfare state. Let us all take a second look at this legislation.

The article referred to follows:

A BETTER PLAN

The new welfare plan adopted by the House makes two basic changes. It nationalizes the system and it converts the dole into a guaranteed annual income.

The plan is called reform, implying that it will be an improvement over the present system. President Nixon, in congratulating the House for approving the bill, said it offers the nation "a way out of the present welfare morass."

Now the measure goes to the Senate, where its chances are said to be uncertain. Similar legislation died there last year.

Increased Social Security benefits—and whopping tax increases to finance them—are tied to the welfare reform measure. By rights, Social Security and welfare reform measures should be separated. They are lumped together, evidently in the belief that the sacred cow of Social Security will pull welfare reform through with it.

This suggests that the welfare reforms would not make it on their own merits. Certainly, the Senate Finance Committee should once again subject the welfare proposals to a most critical examination.

Such an examination, we believe, will show that the new system will merely mean change, not reform. And, in fact, it may mean change for the worse.

Having Washington run welfare through its computerized bureaucracy appears bound to do nothing to improve the condition of the individual cases on the local level. If the federal government were capable of handling a welfare system, the American Indians would be a great deal better off.

The Nixon administration and other proponents of the new welfare system deny that it establishes a guaranteed annual income. But that's what it is. Calling it a federal floor under family income, as the administration does means the same thing.

Admittedly, welfare is in an unholy mess, and something needs to be done. But what?

The most promising solution has been offered by Sen. Carl Curtis (R-Neb.). It has the added advantage of combining two of Mr. Nixon's pet proposals—revenue sharing and welfare reform.

Curtis proposes to return to the states the meaningful control over their welfare programs which Congress contemplated when the initial federal laws were enacted. He points out that the federalization of welfare is a solution which goes exactly counter to the very essence of our federal system of government and to Mr. Nixon's fundamental reason for advocating revenue sharing.

"My bill will return the complete administration of welfare programs to the states," Curtis explains. "It will allow the states to spend the money with the wisdom which comes only from the knowledge they possess, without HEW bureaucrats dictating every move. It will give the states incentive to reorganize their programs so that greater benefits can go to the truly needy, and waste and fraud can be eliminated. Finally, it will give the states sufficient federal funds to overcome the fiscal crisis which threatens not only all welfare recipients but also the entire economy of this nation."

The Senate Finance Committee would do well to adopt the Curtis bill as a substitute for the plan which has passed the House.

(Mr. COLLINS of Texas asked and was given permission to revise and extend his remarks and include extraneous matter.)

PRAYER FOR OUR MEN IN VIETNAM

The SPEAKER pro tempore (Mr. SEIBERLING). Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 5 minutes.

Mr. McKINNEY. Mr. Speaker, as the war in Southeast Asia winds down to its final conclusion, the horrors of war which we witnessed daily on the evening news gradually fade from memory.

As a nation, we are now beginning the long task of healing the wounds of war—of restoring to health the disabled and injured and of restoring a nation's shaken faith in the wisdom of its elected representatives.

In the long days ahead, when those engaging in public debate will lodge charges of deception and culpability, we might quite easily lose sight of the central enduring point of this or any other war—the sacrifices made by our soldiers.

Whatever position one holds on the war, whether hawk or dove, the incontrovertible, enduring reality is that as a nation we sacrificed the lives of 54,000 Americans in Southeast Asia and that in a democracy the prosecution of a war is not the perogative of a ruling military clique but is in fact an activity of the people comprising the Nation. As such, it would seem appropriate at this juncture to set aside some time to reflect upon what we asked of the young men of our Nation.

Toward this end, I have introduced a joint resolution authorizing the President to proclaim the second Sunday in July—July 11—as a day of prayer for our men in Vietnam.

Let us take some time out of our day next Sunday to pray for those who have given their lives in battle and also let us ask protection and care for the wounded, missing, and incarcerated.

And perhaps let us also pray for our Nation that God may grant us the wisdom and understanding to work as an agent of peace and harmony among the nations of the world.

LOS ANGELES HONORS SBA FOR AIDING EARTHQUAKE VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 5 minutes.

Mr. BELL. Mr. Speaker, on June 30, 1971, in twin ceremonies in Los Angeles, Administrator Thomas S. Kleppe of the Small Business Administration was presented with commendations by both the city and County of Los Angeles.

All of Los Angeles admires Tom Kleppe, a former distinguished Member of this House, for his response to the terrible earthquake of February 9, 1971. Administrator Kleppe and the entire SBA disaster staff reacted with speed, courage, and outstanding humanitarian concern to the tragedy. I am pleased to read the commendations, as follows:

CITY OF LOS ANGELES

[Founded 1781]

COMMENDATION

Whereas, the residents of the City of Los Angeles suffered extensive loss of life and property in the February 9 earthquake; and Whereas, the Small Business Administration offered vital and needed assistance to victims of the disaster; and Whereas, the Administrator of the Small Business Administration the Honorable Thomas S. Kleppe and Director Gilbert Montano demonstrated their personal concern for the people and accelerated assistance to the victims; and Whereas, the Small Business Administration is making a major contribution to the rapid economic recovery of the City from the earthquake: Now therefore, I, Sam Yorty, Mayor of the City of Los Angeles, do hereby commend Administrator Kleppe and Director Montano and the Small Business Administration disaster staff and thank them for their outstanding performance of public duty.

SAM YORTY, *Mayor.*

COUNTY OF LOS ANGELES

THOMAS S. KLEPPE

Whereas, the County of Los Angeles suffered severe damage as a result of an earthquake on February 9, 1971, and Whereas, disaster victims required assistance to rehabilitate their property and restore normalcy to their lives, and Whereas, the Small Business Administration immediately established offices in the affected areas with the assistance of the banking community to assist the disaster victims; and Whereas, the Administrator of the Small Business Administration the Honorable Thomas S. Kleppe, personally visited the disaster area and initiated actions to speed assistance to disaster victims; and Whereas, the Small Business Administration has already approved 8,890 loans totaling $43 million for earthquake victims; Now therefore be it resolved that the County of Los Angeles and all of its residents extend to Administrator Thomas S. Kleppe and to the staff of the Small Business Administration their thanks and appreciation for the personal concern and effective action shown in helping earthquake victims recover from this disaster.

WARREN M. DORN,
Supervisor, 5th District.

ENVIRONMENTAL LEGISLATION—IV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, today I am introducing my fourth piece of environmental legislation incorporating the use of economic incentives to control pollution. This bill attacks the increasing problem of abandoned automobiles by placing a $50 deposit on all motor vehicles. This deposit will be returned when the vehicle is either sold or disposed of at the end of its useful life.

A drive through one of our Nation's cities or along our country roads and highways will demonstrate why such a bill is necessary. The scattered, rusting hulks of cars, buses, and trucks are an eyesore. They are dangerous, if not deadly, eyesore, attracting small children looking for places to play.

The abandoned car problem is not small—1,000 cars a week are abandoned in New York City, and in Chicago, the rate is double—2,000 every week. There are presently over 100 million motor vehicles in use in the United States. About 9 million are retired each year; approximately 85 percent of them entering junkyards, with the remaining 15 percent abandoned on either public or private property. Thus we are accumulating 1,300,000 abandoned motor vehicles every year, adding to the present inventory of somewhere between 15 and 20 million rusting hulks already cluttering the landscape.

Why are they not hauled to salvage yards? Salvage operators make most of their money selling parts from cars that are from 1 to 4 years old. After a car is 7 years old it virtually has no parts value at all; its only value is derived from the sale of the scrap metals it contains. The profit margins in the scrap operation are small, forcing scrap dealers to pay little or nothing for any worn-out autos over 5 years of age.

Thus, when confronted with the alternative of paying someone $10 to $25 to haul your worn-out car to the scrap yard or abandoning it along some street or road, the choice is very often to abandon it.

My bill would reverse the present incentive; it would simply make it more profitable in virtually all cases for a car owner to have his car hauled to the junkyard in order to get his $50 deposit back, rather than abandon it on a public road. In addition, the bill provides the cities and States reimbursement for collecting the already existing stock of abandoned autos. I hope my colleagues will give this legislation their careful consideration.

PALESTINIAN REFUGEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 20 minutes.

Mr. HAMILTON. Mr. Speaker, one important problem that a settlement of the Arab-Israeli conflict must address is the plight of the Palestinian refugees. The United Nations Security Council Resolution No. 242 of November 1967, which provides a framework for the settlement of the conflict, calls for "a just settlement of the refugee problem." If no just solution for these people without hope is found, another round of fighting becomes almost inevitable. The United States must redouble its efforts to insure that another generation of Palestinians does not grow up in refugee camps, and to find ways and means to provide their lives with hope and dignity, their bodies with sustenance and strength, and their vocations with purpose and skills.

GENERAL BACKGROUND

The Israeli war of independence or the Palestinian war of 1948 uprooted almost 1 million Palestinian Arabs, Christians as well as Moslems, and some half-million Jewish citizens of Arab countries. Israel was able to absorb the Jewish refugees from North Africa, the Fertile Crescent and Yemen, primarily because she has had the desire, the money, and the capacity to train them. However, for political, financial, and manpower reasons, the poorer countries around Israel—Egypt, Lebanon, Syria, and Jordan—have had little success in helping the Palestinian refugees. The refugees have not been allowed to return home, and they have not received compensation for the property they lost. As part of any settlement in the Middle East, efforts must be made to deal with the 1948 claims of both Arab and Jewish refugees.

After 1948, an educated minority and a few Palestinians who had funds available found work in other Arab countries. They were, for the most part, hardworking and intelligent people who have played an important role, for example, in the development of Kuwait and the tiny states of the Persian Gulf.

Unfortunately, the overwhelming majority of Palestinians—the aged, the very young, and the unskilled—became dependent refugees. For them, life was hard and uncertain, and many became bitter and resentful refugees hovering in overcrowded camps near Israel's borders. Since 1948, these refugees have become increasingly embittered and frustrated by the failure of their Arab neighbors, the United Nations and the big powers to help them regain the land they claimed was theirs. In the 1960's many refugees found solace in the extreme, radical, national movements manifested in the plethora of commando organizations that sprang up before and after the June 1967 war.

The political frustrations of these refugees have been matched by the human trials of a large number of people living on the borderline of destitution, rampant disease and undernourishment. Ten cents a day for each refugee in a camp provides just enough basic medical services, education, food and lodging facilities for survival. The June war in 1967 radically altered, but did not change, the plight of the refugees who for the most part continue to live in an international dole of about $40 per capita a year.

Today there are nearly one and a half million Palestinian refugees registered with the United Nations refugee agency. Of these, about 830,000 or roughly 60 percent, receive rations, and of whom some 40 percent live in camps. Half a million refugees live in East Jordan and about 580,000 live in Israeli Occupied Territories—the West Bank and Gaza. These figures do not include the nearly 1 million displaced Egyptians and Palestinians who have moved from occupied territories and the Suez Canal area since 1967. They still fervently claim a piece of land in the area from which they were dislodged, even while many have found new homes and jobs in other areas.

These refugees have suffered long, and

their sufferings continue. There will be no peace in the Middle East until the parties to the Arab-Israeli dispute and the international community lay aside political considerations and focus on the necessity for justice for all the refugees. This is the root of the whole Middle East problem and to deal with other aspects of the Middle East conflict without solving the refugee issues caused by the 1948 fighting is to treat symptoms without eradicating the cause.

ATTITUDES OF GOVERNMENTS IN THE MIDDLE EAST

The difficulties of finding a "just solution" for the refugees are exacerbated by the parties to the dispute. Each side claims the other is responsible for the refugee problem. In fact, it is fruitless to debate who is responsible as there is evidence to support the allegations of both sides.

Israel has usually contended that: First, the Arabs alone caused the problem and thus have major responsibility for it; second, instead of helping the refugees, the Arab Governments are consciously using the refugees for political objectives. They keep the refugee issue boiling in an effort to decrease the permanence of the State of Israel and force the return of refugees to Palestine; third, the Arab States have enough jobs, space and materiel to resettle these refugees; fourth, the Israelis cannot, for important political, security and social reasons, accept large-scale repatriation—no country will willingly create a hostile fifth column within its borders; fifth, Israel will consider compensation if the international community will help and if Jewish refugees from Arab countries are compensated for their loss of property; and finally, the Palestinians would be far happier if they lived in the Arab world.

The Arabs, on the other hand, have contended that: First, the major Western powers, the Israelis, and the U.N. are primarily responsible for the refugees and they must solve the problem; second, an attempt to solve the Arab-Israeli issue must deal with the refugee issue if there is to be any progress on other aspects of the problem; third, the refugee problem is more than an economic issue; political and humanitarian considerations are equally important; fourth, unlimited Jewish immigration into Israel must be stopped because it only hardens Israeli opposition to repatriation; and fifth, the just solution to the refugee problem must include the choice of compensation or repatriation as U.N. resolutions on the refugees have repeatedly stated.

Some of these attitudes have undergone changes in emphasis in recent years and others have not changed. Two constants remain, and they should provide a basis for settlement. First, there should be an appreciation of the Israelis' very real concern that any large-scale repatriation of refugees inside Israel could necessarily create a fifth column; and second, there must be political and humanitarian, as well as economic, justice for the Palestinians. Specifically, this can mean some form of compensation and the right of self-determination.

UNITED NATIONS RELIEF AND WORKS AGENCY

The community of nations also has not been able to deal successfully with the refugee problem. Over the years, many international, national, and religious organizations have sought to meet the physical and social needs of the refugees. These efforts, however ecumenical or international in origin, have only reduced the human suffering.

The United Nations Relief and Works Agency for Palestine Refugees (UNRWA) has had primary responsibility for providing and administering relief and educational services. For over 20 years now, the United States has supported, despite its deficiencies, the UNRWA program because of the human needs of the refugees and because UNRWA's services, especially vocational training, can contribute to political stability at a time when our overriding interest in the Middle East is peace.

UNRWA continues to provide education and relief services for those refugees of 1948 and their offspring. Its 14,000-man staff is about half teachers who now administer some 46 percent of UNRWA's budget. UNRWA's efforts to meet the challenges of educating increased numbers without increasing its budget have not been entirely successful because of budgetary limitations.

UNRWA'S FINANCES

The U.S. voluntary contribution to UNRWA has varied from as high as 70 percent of UNRWA's budget to the present 54 percent of a budget between $45 and $50 million.

One of the more encouraging aspects of the financial situation of UNRWA in recent years is the increased diversity of financial support for the budget and of special contributions to meet the deficit. Even Arab governments, long reluctant to support UNRWA, are now contributing to certain educational services UNRWA provides in cooperation with UNESCO. There have also been hints that certain East European countries might reconsider their opposition to UNRWA. Still, as we enter the 1970's, only 48 of the 127 U.N. members are making donations with Britain, the United States, Canada, the Scandinavian countries and West Germany providing the vast majority of funds. More important, UNRWA is beginning to run a large deficit, estimated to be around $6 to $7 million in the next fiscal year.

UNRWA EDUCATION

The most significant work that UNRWA does in dealing with the needs of these refugees is its education of some 250,000 students each year. In the last two decades, however, only a small minority of the over half a million refugees who have reached maturity have found meaningful jobs. Palestine was traditionally an agricultural society and the vast majority of refugees were primarily in farming.

The crucial issue confronting UNRWA is how to maximize the number of refugees receiving nonagricultural job training in an area suffering from overcrowding on agricultural lands.

Of the 30,000 refugees who complete the basic 9-year education sponsored by UNRWA and UNESCO, only a few more than 4,000 go on to high school and university or vocational schooling. The greater the percentage of the 30,000 refugees that receive vocational training each year, the greater the hope for the refugees having a rewarding life outside the camps and the less the attraction of the councils of despair who see Palestinians gaining dignity only through the barrel of a gun.

Fortunately, increased attention has been given to vocational training in recent years. After the June war, the Israeli Government trained some 16,000 Palestinians, many of them refugees, for semi-skilled jobs in Israel's construction industry. These jobs gave an economic alternative to the lonely and unrewarding void of a refugee existence.

The United States has also helped this vocational training effort. The 2-year supplemental $2 million U.S. appropriation for vocational training enabled UNRWA to expand some of its vocational training facilities to train over 1,000 men. Such efforts must be continued so that more refugees have the opportunity to see life in terms of a choice. Without such training, becoming a guerrilla remains the only chance to improve their lot. And that choice by sufficient numbers will lead to violence.

PALESTINIAN POLITICS

As their numbers have increased, so also has the Palestinian political consciousness. For two decades, refugees placed their fate in the hands of the international community in general and their Arab neighbors in particular; there was much talk, mostly inflamed rhetoric, and little purposeful action.

It was only after some 20 frustrating years that the Palestinian guerrilla movement started to gain support in the camp communities. The desperate tactics of some guerrillas in the last couple years reflect their deepest fear that others—Jordan, Israel, and the United States in particular—were trying to negotiate or decree their national being out of existence. The 4 years since 1967 have emphasized that any peace in the Middle East must implement the U.N. Resolution 242's call for "a just settlement of the refugee problem."

The disruptive capacity of the Palestinian guerrillas should not be judged solely on the basis of actions against Israel or the United States precisely because those actions have largely failed. Rather it is the ability of the guerrillas to veto moves toward peace, to influence Arab politics and to reduce the effectiveness of the Governments of Lebanon and Jordan, in particular, that the guerrillas have had limited success.

HOPEFUL SIGNS

Recently, there have been some hopeful signs that the parties may be moving closer to the realization that a political settlement is essential and that a military solution to the Arab-Israeli problem will never work. For a time the guerrillas controlled many refugee camps in Jordan but the Jordanian Government in the last several months, has been able to reassert most of its authority. Other Arab Governments are also trying to improve the climate for peace, and the proposed Arab federation of Syria, Libya, and Egypt could provide a basis for Syria to become a party to Resolution 242. Many Arab Governments have also cooperated with UNESCO officials in trying to remove inflammatory rhetoric from textbooks used in UNRWA schools, and Israeli authorities now permit almost all books into the occupied territories. Although such acts do increase political stability and help maintain the momentum for peace, they alone cannot drive asunder the ambitions of the guerrillas.

While the guerrilla movement may represent one alternative, certain developments in the West Bank represent another. Since the June war, an independent West Bank Palestinian political consciousness has burgeoned. Like the guerrillas, this group is thinking about the future of Palestinianism, but unlike the guerrillas, members of this community have supported the Rogers Peace Plan and the Security Council Resolution 242. The "National Pact of the West Bank" is also a constructive sign of a new political community among some Palestinians.

Another important sign of hope can be seen in the statements of some Israelis. For instance, the Secretary General of Israel's Labour Party, Arie L. Eliav, recently wrote that—

> We owe them (the Palestinians) . . . the option of self-determination.

He added—

> Let the Arab States know that we shall never deny the Palestinians' right to self-determination.

The only way to curb the guerrilla movement and the many paramilitary youth groups that feed it is to give the Palestinians a viable alternative. Vocational training for productive jobs is part of the answer, but not all of it because, while the refugee's alienation is visibly economic and social, it is also political. To solve the Palestinian refugee problem is to give the refugees the Palestinian political alternative.

PALESTINIANS, ISRAELIS AND THE FUTURE

Any solution of the refugee issue will have many components and involve social problems. Five elements that a just settlement should include are:

First, there should be limited repatriation of Palestinians with a recognition of Israeli concerns that unlimited repatriation would create political problems and would make it difficult to preserve the Jewish identity of the state. In such a move it may be very difficult to determine which refugees are repatriated.

Second, compensation must be made to all refugees. Jewish refugees from Arab countries and Palestinian refugees from Israel must be compensated for loss of property. Only last week, Israel reexpressed its willingness to compensate 1948 Arab refugees. The international community also should play a role in this phase of a settlement by helping to pay the bill and to determine the amount of compensation and to whom it goes.

Third, education and health programs of Palestinian refugees should be expanded and intensified. More Palestinians must have a choice in life, and education and sound health offer part of a choice.

Fourth, a political alternative should be given to the Palestinians. Self-determination would help break the present impasse on one of the more troublesome aspects of the dispute. The international community should not try to impose the form that self-determination might take. In an internationally sponsored election held in the West Bank with Palestinians from all countries voting, the Palestinians might choose one of a variety of courses. They may opt for a new independent Palestine. They might, however, prefer some semiautonomous status in some connection to Jordan. Or, the Palestinians may desire to return to Jordan. Guerrilla organizations control of their community or such an election is not a foregone conclusion, nor can the guerrilla organizations be considered a monolith. To give the Palestinians the right of self-determination is to cut out the very strength of the guerrillas who see self-determination coming only with guns. Indeed it would be risky to predict any non-Palestinian group who would be able to predetermine the outcome of such an election. The past quarter of a century has only made the Palestinians more anxious to determine their own future. They feel that they have left their problems to others too long with too few results.

Finally, there are many problems and tensions involved in each of the four essential courses of action listed above. The international community must be responsible for and the handler of the execution of such plans. This means that the international community must pay a good part of the costs involved. Both these bills are small compared to the potential human costs of another war in the Middle East that could involve both Russia and the United States.

Throughout the world community and the Middle East, there is emerging an increasing concern for and understanding of the Palestinians, their various spokesmen and the need for a just solution of the refugee problem. Recent events have produced a dialog between some Israelis and some Arabs. And in the Arab recognition of a range of political opinion in Israel and Israeli recognition of many Arab and Palestinian viewpoints is an assumption that there is some segment of the opponent's camp with whom a dialogue is possible. That is one small result of more than 20 years of violence in the Middle East.

PANAMANIAN DIPLOMATS DEMAND CONTROL OF U.S. OWNED CANAL ZONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, whenever the United States and the Republic of Panama engage in diplomatic negotiations the event is a great one on the Isthmus and hence receives prominent mention in the Panamanian press. In the United States such news has to compete with the issues of the great powers and hence receives little or no attention. The result is that the people living on the Isthmus are far better informed about crucial Panama Canal questions than are those of the United States, including the Congress where the ultimate authority and responsibility in policy determination rests.

It is important, therefore, for the Congress to know what is transpiring in Panama as expressed by Panamanians. In an address to the House in the CONGRESSIONAL RECORD of June 17, 1971, under the title of "Panama Canal: Intense Panamanian Hostility Campaign Against the United States," I attempted to show from statements taken from the Spanish language press of Panama over a period of months that the government of that country is engaged in an organized campaign of hate-infected hostility against the United States and Panama Canal authorities.

A leading Panama newspaper recently published two significant news stories concerning the then projected diplomatic discussions. One quoted Foreign Minister Juan Antonio Tack, a vociferous Panamanian fire brand, as bent upon removal of the United States from its jurisdiction over the Canal Zone. The other, published on the eve of the departure of the Panamanian diplomats for Washington, quoted one of them as stating that they would not sign any treaty with the United States that does not "return" the Canal Zone to the jurisdiction of Panama. This is about as senseless as could be a demand by France to "return" the Louisiana Purchase.

This Panamanian spokesman further stated that in the event of inability to obtain such cession he could not predict "what the reaction of the Panamanian people will be." This, Mr. Speaker, is an implied threat of destructive violence comparable to the Red led Panamanian mob assault on the Canal Zone in January 1964 or a Vietnam type of war on the Isthmus.

In either event, the U.S.S.R. would probably aid Panama as it has aided, and is still aiding, the Vietcong in Southeast Asia.

Our own diplomats have taken the naive position that relations between the United States and Panama "must be improved" at all costs, and it seems even if such improvement involves a complete and abject surrender by the United States as to the Canal Zone and Panama Canal in disregard of our treaty responsibilities with Great Britain and Colombia. Our negotiators have even gone so far as to advocate the construction of an extravagant, unneeded, and ecologically dangerous canal of so-called sea level design that hinges upon the surrender of U.S. sovereign right, power, and authority over the U.S. owned zone territory.

Moreover, one of our officials in these maneuvers has publicly admitted that such type of canal is not only unjustified economically but also may never be constructed. Could anything be, to say the least, more stupid? Why do our high officials not speak out in support of our treaty based rights, power, and authority as did Secretary of State Charles Evans Hughes? Why do they not demand the extension of the Canal Zone to include the entire watershed of the Chagres River as was once recommended by Gen. Clarence Edwards when he was commander of the U.S. Army on the isthmus?

Such extension of the zone territory would end present demagogic clamor of Panamanian revolutionaries demanding the payment of $13,000,000,000 for water used in past lockage operations of the Panama Canal, which use is specifically granted in perpetuity to the United States in article IV of the 1903 treaty.

The Panama Canal treaty negotiations were resumed on June 29, 1971, after a 4-year lapse. The negotiators for the United States are Robert B. Anderson, chief negotiator, who also served in the same capacity for the discredited 1967 treaties and was Chairman of the Atlantic-Pacific Interoceanic Study Commission under Public Law 88–609 that recommended only a sea level project in its voluminous and costly December 1, 1970, report; and John C. Mundt, lawyer, professor of Spanish and business executive, as his deputy. Col. John P. Sheffey, former executive director of the sea level study panel, is their backstop in the Department of State.

For Panama, the negotiators are: Jose Antonio de la Rosa, Panamanian Ambassador to the United States; Dr. Carlos Lopez Guevara, former Minister of Foreign Affairs; and Fernando Manfredo, former Minister of Commerce and Industry.

As I have pointed out repeatedly the Constitution of the United States in article IV, section 3, clause 2, vests the "power to dispose—of territory or other property belonging to the United States" in the Congress, which includes the House as well as the Senate. This salutory and imperative provision was ignored in the drafting of the publicly repudiated 1967 proposed treaties and apparently is being completely ignored in the present diplomatic negotiations. I make this constitutional reference as a challenge to our present negotiators and call upon them to answer it, for they are bound by oath to support the Constitution and should not ignore its provisions.

The revolutionary junta of Panama knows that the perpetual control of that country, which they seek, is in absolute violation of the Panamanian Constitution, which provides for a free and representative government. These revolutionaries hope to retain power indefinitely and are resorting to every type of political blackmail to attain their ends. As further proof of their intention to retain power and to prevent a return to constitutional government may be cited the facts that their plans contemplate the complete abolition of Panama's National Assembly and that they have converted the building housing the Assembly into a government office building.

As the two indicated news stories give the present thinking among Panamanian revolutionary leaders, I quote both as parts of my remarks:

[From the Panama Star & Herald, June 20, 1971]

DISSATISFIED PANAMA SEEKS ZONE CONTROL

(EDITOR'S NOTE.—Charles Green, Chief of the Mexico Bureau of The Associated Press was in Panama recently. He wrote the following story on Panama-United States treaty negotiations.)

(By Charles Green)

PANAMA.—The United States will soon have to begin negotiating with this dissatisfied country on a new Panama Canal treaty.

The waterway, which cuts Panama in two, is a constant source of irritation for Panamanians who resent U.S. control of the areas adjacent to the Canal—the so-called "Zone."

Signing of a new treaty to give Panama jurisdictional control over the Canal Zone has become a current strengthening nationalism in this country.

The 1903 treaty, still in force, gives the United States jurisdiction over a strip on both sides of the waterway. Reclamation of this area gave rise to riots in 1964 which compelled the United States to agree to negotiate a new treaty to put an end to the conflict.

In 1967, a draft of a new treaty was ready but was not ratified by either government. In August last, strongman Omar Torrijos shelved this draft arguing that the main source of conflict—control of the "Zone"—was not modified.

"We must eliminate the basic cause of conflict—United States jurisdiction over the Canal Zone," Foreign Minister Juan Antonio Tack recently told a group of students. The proposed new treaty at the same time would eliminate the clause giving control of the Canal Zone in perpetuity to the United States.

Torrijos' revolutionary government has publicly adopted a hard-line for negotiations—a line which some conservative American elements in the Zone think might lead again to serious anti-US feelings.

Tack and the three Panamanian negotiators—former Foreign Minister Carlos Lopez Guevara, former Minister of Commerce and Industry Fernando Manfredo and Ambassador to the U.S. Jose Antonio de la Ossa—have held a series of meetings with businessmen, workers and students, aimed at making public Panama's position in the negotiations.

Their position at those meetings has been that Panama will demand that the 1903 treaty be cancelled and Panama recover jurisdiction over the Canal Zone, with the premise that the United States would be permitted to operate the Canal under Panamanian supervision.

ASKING TOO MUCH?

There are some in the Zone who believe that Torrijos' government may be asking for something the United States is not willing to grant and that it might return from Washington to Panama with something less than the people expect.

This frustration, it is said, could be explained by anti-United States elements to create a problem similar to that of 1964. One of Panama's main arguments is that the Canal Zone is the product of colonialism and that it also violates Article 103 of the Charter of the United Nations.

The United Nations Charter, Dr. Lopez Guevara says, has precedence over the 1903 treaty.

"The 1903 treaty provides that the Canal Zone must be neutral," Lopez Guevara told students "but we have official documents showing that the United States is using its military bases in the Canal Zone as part of its strategic defense system.

"In addition they are violating the neutrality clause of the 1903 treaty and we have the right to denounce that treaty because of that violation," he added.

"We will negotiate with the support of the people," Tack said. "This not only will be a revision of the existing treaty but negotiations to give Panama a brand new treaty with sovereignty and total jurisdiction for Panama."

JOINT CONTROL?

The position of the United States negotiators, Robert B. Anderson and John Mundt, has not been made public here, but they are expected to propose some kind of joint control over the Canal Zone with U.S. majority on the controlling agency.

The Panamanian proposal would leave operation of the Canal in the hands of the Panama Canal Company, but would make of the Canal Zone an integral part of Panamanian territory subject to the laws and courts of Panama.

The people of Panama have received many promises from the government that something will be done about the 1903 treaty, so that the revolutionary government's pledges are taken calmly by many. But nationalism is intense. Students and leftist commentators are adopting hard positions and urging the government not to back down on the question of jurisdiction.

A new treaty must be ratified by the U.S. Senate. How Panama would ratify it is a matter for debate since Torrijos abolished the legislature when he overthrew the constitutional government of Arnulfo Arias in October, 1968.

One way could be a national plebiscite, giving the citizens the right to accept or reject the contents of the treaty.

If the negotiations fail, Tack told the students, "we will go before public opinion." Lopez Guevara said the first step probably would be an appeal before the Organization of American States and if this too failed, then an appeal before the United Nations.

[From the Panama Star & Herald, June 26, 1971]

NO JURISDICTION, NO TREATY, R.P. NEGOTIATORS SAY

Panama's treaty negotiators will not sign a treaty with the United States that does not give back to this country jurisdiction over the Canal Zone, now under United States control.

At a press meeting on the eve of their departure Sunday for Washington, they said if a just treaty for Panama cannot be obtained "we will return without a treaty" to tell the people why the negotiations failed.

"I cannot predict what the reaction of the Panamanian people will be," Dr. Alfredo Lopez Guevara said. He and Fernando Manfredo will join the third member of the Panamanian negotiating team, Ambassador Jose Antonio de la Ossa, in Washington.

Lopez Guevara and Manfredo reiterated at the 2-hour press conference Thursday night at the Casa del Periodista that Panama's paramount objective in the coming round of talks is full jurisdiction over the Canal Zone and that they have clear instructions to that effect. They said Panama is prepared to grant the United States administrative rights to assure the safe and efficient passage of ships through the waterway and to participate jointly with the United States in providing adequate protection to the vital installations of the waterway.

JURISDICTION FOREMOST

They stressed the question of Panamanian jurisdiction will be foremost.

Negotiator Manfredo said there has been an exchange of agendas between the two countries and that there are indications there is sufficient ground to come to an understanding. He said the United States realizes it cannot live in tranquility in the Canal Zone under the present system of American control which dates back to 1903.

On the question of jurisdiction, Dr. Lopez Guevara recalled that until 1911, Panamanian laws were enforced in the Canal Zone through Panamanian courts. In that year, the United States unilaterally changed the system to enforce its own laws through its own courts.

Today, Manfredo pointed out, 5,500 American personnel and dependents from the Canal Zone live in Panama, under Panamanian laws, without any problem.

POLITICAL DECISION

With respect to military bases in the Zone, the negotiators said that by the United States' own admission, these are for national and hemispheric defense, not for the protection of the Panama Canal. They cited training in the Canal Zone for American military personnel assigned to Vietnam. This they added, is a violation of the 1903 provisions on the neutrality of the canal and gives Panama grounds for denouncing the 1903 treaty. Denounciation, however, is a political decision which Panama has not yet exercised, they added.

If negotiations fail, according to Dr. Guevara López, Panama is committed with the United States before the Organization of American States to seek a peaceful solution for their conflicts and Panama would still have available such recourses as denouncing the 1903 treaty or seeking its nullification.

In answer to a newsman's question, the negotiators said Panama has not withdrawn the complaint of aggression lodged against the United States with the United Nations in connection with the armed clashes between Panamanian civilians and U.S. Army troops. The 1964 crisis, they pointed out, led to the present negotiations.

CANAL IS ONLY AIM

Panama is going into these negotiations prepared to discuss only the present lock canal, but if the United States raises other questions such as a new canal, Panama will analyze the proposals, the negotiators said.

The objective of the negotiations is to eliminate the causes of conflict between the two countries—and the over-all cause is the "overwhelming presence" of the United States, the negotiators said. The immediate objective is to reduce that presence; the long-range goal is a Panamanian canal run by Panama and the complete elimination of the Canal Zone, they added.

"This will not be a revision," Dr. Lopez Guevara said. "This will be a new treaty. We're starting from scratch."

In his opening remarks, Manfredo told newsmen Panama will seek to provide all services to the population of the Canal Zone. Revenues from taxes and from the operation of commercial activities, he added, would enable Panama to maintain the present standard of such services.

Manfredo termed Panama's position one of "fair equilibrium".

Disclosing that Panama's negotiators have toured the Canal Zone and the Panama Canal with the full cooperation of officials there, Manfredo declared he is more convinced than ever that Panama can take over responsibility for civilian activities of the Canal.

BEGAN IN 1903

Dr. Lopez Guevara said in his opening remarks that the series of conflicts between Panama and the United States arise from the manner in which the present treaty was signed in 1903 and from the unilateral interpretation of that instrument by the United States since 1904.

As an example of the unilateral interpretation of the treaty, Dr. Guevara called attention to Article 1 of the 1903 Treaty, granting to the United States rights on a strip of land 5 miles on either side of the Canal but excluding the cities of Panama and Colon. The United States, he said, by unilateral interpretation took away La Boca and the harbor from Panama Panama City, depriving this country of its port.

He said the negotiators are leaving now for the United States for the first round of talks but will return to Panama for other discussions, for the two countries have agreed to conduct negotiations in the United States and in Panama and "wherever else it may be convenient."

POLICY CHANGE SEEN

Dr. Lopez Guevara expressed optimism regarding a change for the better in U.S. international policy citing these recent developments:

—Abrogation of the Bryan-Chamorro treaty between the United States and Nicaragua concerning a Nicaraguan canal.

—The return of Okinawa to Japan.

(A newsman later challenged these two examples, saying the Nicaraguan canal never was built and that the Japanese people are unhappy because the United States will keep military bases in Okinawa.)

Pointing out that Japan fought against the United States in the last war, Dr. Lopez Guevara remarked: "We have far more reasons than Japan to expect that we will receive justice."

He appealed for national unity and expressed confidence that students would keep high the torch in the struggle to return the Canal Zone to Panamanian jurisdiction.

Here are the answers the two negotiators gave to questions from the floor.

NEUTRALITY PROVISIONS

—The United States by its own admission, has used the Panama Canal as a logistical support for their own military operations, regard the military bases in the Canal Zone as part of the national and hemisphere defense systems, and have used such bases to train American military personnel for duty in Vietnam. This is a clear violation of the neutrality provisions in the 1903 treaty of the Panama Canal, and gives the right to Panama to denounce the treaty (as the United States did with respect to the Clayton-Bulwer Treaty). Denouncing a treaty, however, is a political decision up to the government and not to the negotiators.

—The 1967 treaty drafts (on the present canal, the sea-level canal and defense of the waterway) have been rejected by this government because they are not entirely fair to Panama. But there are some good provisions in those drafts. The trouble with the 1967 drafts is that they were negotiated with a revisionist mentality.

Now Panama seeks a brand new treaty that will eliminate the sources of conflict and provide a fair share of the benefits to each country, on the basis of what each furnished for the construction of the waterway—the United States, money; Panama, the land, geographical position and cheap labor.

The causes of conflict that must be eliminated are "a government within a government," the overwhelming presence of the United States, the present unfair disposition of benefits, and the perpetuity clause. Some provisions of the new treaty will be similar to those of the 1967 drafts.

TO ELIMINATE CONFLICT

—The actual negotiations have not begun. There have been preliminary contacts. Panama has received an agenda proposed by the United States and in turn has proposed its own agenda. Indications are that there is sufficient ground to arrive at an understanding. This team of negotiators has clear instructions that the paramount objective for Panama is the reacquisitions of jurisdiction over the Canal Zone—meaning the enforcement of Panamanian laws through Panamanian courts.

—The coming negotiators are intended to eliminate the cause of conflict originating from the present canal and the Panamanian negotiators have been instructed to limit discussions to the present waterway. The question of a new canal does not come into the present picture.

—While Panama is a signatory to the 1947 hemisphere defense treaty, it has signed no treaty with any country authorizing bases in its territory for hemispheric defense.

—The Panamanian complaint of aggression against the United States, lodged with the United Nations in 1964, has not been withdrawn.

TO MUCH IDLE LAND

—Panama's objective is to put an end to the perpetuity of the present Canal arrangements. The long-range goal is a Panamanian canal, run by Panama. The immediate goal is to reduce the physical area of the Canal Zone. There is too much land in the Canal Zone that lies idle and which Panama needs for its own development; thus, the final goal is the elimination of the Canal Zone. There is a great economic potential for Panama on the banks of the canal. The present Canal Zone area of 97,000 hectares above water must be reduced to a minimum.

—There is no deadline for completing the negotiations. The 1903 treaty still is in force; Panama has not exercised so far the political decision to denounce the treaty or to invoke its nullification. Panama has an undertaking now to negotiate; if the negotiations fail, Panama can denounce the 1903 treaty or declare its nullification or pursue other steps. Panama seeks full jurisdiction over the Zone, that is, that all activities there—hospitals, schools, commercial operations, etc.—now conducted by the United States government for the community be provided by Panama, either by the government or by authorized concessionaires; in other words, reducing the overwhelming presence of the United States.

PLEBISCITE FOR TREATY

Panama wants sole jurisdiction in the Canal Zone, just as it existed until 1911. Gov. George Goethals, in his 1911 annual report, praised the Panamanian laws that governed the Canal Zone then. In the years immediately following the 1903 treaty, Panamanian courts operated in the Canal Zone. Today, there are 5,500 American personnel and their dependents from the Canal Zone living in Panama, under Panamanian laws. Do they live in terror of Panamania laws? Of course not. American residents of the Canal Zone are not prisoners there—they come into Panama daily. Every day, Americans appear before Panamanian courts. There is no valid argument against the enforcement of Panamanian laws in the Canal Zone.

Any decision to break relations with the United States if the negotiations fail is a political decision outside the province of the negotiators. Panama is entering into the negotiations as a peaceful means of solving conflicts. If the direct negotiations fail, there are still other recourses under international law. We are duty-bound to exhaust those resources.

While there is no deadline on the negotiations, this doesn't mean that Panama will be negotiating perpetually. Actually, the current round of talks goes back to 1964 and the people of Panama have shown excessive patience in awaiting results. While the negotiators are optimistic, they are not losing sight of the fact that the United States has been denying Panama's aspirations since 1903. But the United States has realized now that it cannot continue with the 1903 system and live in tranquility in the Canal Zone.

Panama is prepared to negotiate only on the present lock canal. The United States, however, may propose discussions on other issues; if so, Panama will study such proposals.

The 1903 treaty was drafted only in English. The new treaty will be drafted in English and Spanish and each text will be equally valid, so that if any discrepancy of interpretation should arise, both texts would have to be taken into account.

DR. VIRGINIUS D. MATTIA PASSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 10 minutes.

Mr. MINISH. Mr. Speaker, the sense of grief and desolation that the passing of Dr. Virginius D. Mattia has evoked in thousands of persons in all groups of our society is a measure of the statute of this truly remarkable man. As doctor, business leader, humanitarian, Dr. Mattia made an invaluable contribution to the well being of the American people. Rare intellectual ability combined with an equally rare spirit of compassion, vision, broad-ranging interests, and driving energy enabled Dr. Mattia to achieve far more in his lamentably brief career than most men who are blessed with much longer lives can claim.

As president of Hoffman-LaRoche, Inc., since 1966, having served with the firm since 1957, Dr. Mattia was instrumental in the firm's tremendous expansion program now underway. Two of this complex man's achievements illustrate the scientist and the humanitarian—the Roche Institute of Molecular Biology, devoted to long-range basic research to shed light on the fundamental life process, and the Roche medicare reimbursement program for indigent patients.

On May 7, 1969, it was my privilege to be among the 2,000 guests who attended the 125th anniversary dinner of the B'nai B'rith when the International Humanitarian Award was conferred upon Dr. Mattia. This honor had previously been accorded to President Dwight D. Eisenhower, David Sarnoff, the founder of RCA, and presidential adviser Bernard Baruch. The citation admirably summed up Dr. Mattia's "service to humanity—personal humanity—leadership in causes which promote brotherhood, advance scientific achievement, and nurture educational and cultural well-being of youth."

On that occasion the Newark Star-Ledger paid fitting tribute to the qualities that won this high honor for Dr. Mattia. The editorial from the Star-Ledger of May 7, entitled "Humanitarian" is inserted following my remarks.

Yes, Barney Mattia fully paid his debt before his untimely death on July 4. His fellow countrymen who are so indebted to him can best amortize our debt by adopting his credo.

Mrs. Minish and I, together with countless thousands, mourn the passing of this great and good man whom we were privileged to call a friend. To his lovely wife and mother, his fine children and other family members go our heartfelt sympathy.

The editorial follows:

[From the Star-Ledger, May 7, 1969]

HUMANITARIAN

In an affluent era,, where an imbalanced, premium value is placed on materialism, the thread of humanitarianism too often becomes obsecured in our social fabric. But a profound, abiding concern for one's less fortunate fellow man is the distinguishing mark of mortality, the imprint more indelibly impressed than any notable achievement in public or corporate service.

There are some men and women—unfortunately the number is small in comparison with contemporary human suffering and deprivation—who have been able to retain a fulfilling sense of social responsibility, even in a system where the profit factor is an obsessive symbol of the fierce competitiveness of the free enterprise system.

In precise, human terms, it is a difficult role to fill.

But it has been filled, in full compassionate dimension, by the president of a major, Jersey-based drug firm, Dr. V. D. Mattia, who is being given tonight the 1969 Humanitarian Award by the worldwide B'nai B'rith organization for his "service to humanity . . . personal beneficence . . . leadership in causes which promote brotherhood."

"Barney" Mattia is a rugged individualist in an industry that has been censured and railed against for profiteering and price-fixing (which three of its members tacitly admitted with their agreement to refund $120 million to purchasers who felt they had been overcharged). Dr. Mattia declined to jointly underwrite a massive promotional campaign to cosmeticize the industry's down-at-the-mouth image, but his firm each year gives away $1.4 million worth of pills to needy persons selected by physicians.

It is a social program that is an amalgam of humanity and corporate acuity, and the latter does not diminish the spiritual and material worth of the act of helping those in difficult circumstances. The motivation can be gleaned from the man's own words: "I came to the conclusion a long time ago that a man can reap the benefits or this great society for only so long before he's in debt to it."

Barney Mattia has been amortizing that debt, paying it off in impressive human installments.

THE ALLIUM TRICOCCUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 15 minutes.

Mr. STAGGERS. Mr. Speaker, a mark of sophistication in an organized society is the number of foods on its bill of fare. The gourmand finds delight in the taste or aroma of some new plant or animal, and adds it to his menu. Ingenious cooks contribute their skills. Foreign nations offer their resources and their experience. Finally there is scarcely a plant or animal which escapes the palate of the eager eater. The Chinese are said to believe that an American will eat anything. It is a tribute to the preeminent rank of American civilization.

The Allium tricoccum, as an article of diet, is all-American. The ancient Egyptians had their leeks, and the Hebrews had their lilies of the valley—kindred plants. But there is no reason to credit these peoples, or the Greeks or Romans, with adoption of the Allium tricoccum as a food. None of them approached that height of gustatory sophistication.

It happens that Mr. Ted Fearnow, president of the Society for the Protection of Allium tricoccum, has prepared an article setting forth the many virtues of the plant, both as a food and otherwise. The article was published in Wonderful West Virginia, a periodical devoted to the task of laying open the wonders and beauties of my native State. For the enlightenment of any of my colleagues who have not found time to explore these wonders in person, I offer the article for inclusion in the RECORD:

SAVE OUR RAMPS

(By Ted Fearnow)

For many years a group of outdoor oriented West Virginians has been assembling annually at Shot Cherry Cabin, in the shadow of Spruce Knob. The assembly is scheduled close to Easter, when ramps are green and tender and the accumulated snows of the preceding winter are leaving. This early spring outing has provided a group of professional conservation administrators; biologists, foresters, outdoor writers and related specialists, an opportunity to get together at the beginning of the active field work season. The rustic accommodations in a sylvan setting, clear mountain air and good companionship all combine to afford a stimulating environment in which to consider a broad range of West Virginia conservation problems and opportunities.

Out of this background of common interests has developed an annual high country event that is acnieving international renown. The traditional sponsor has been the U.S. Forest Service or more specifically the men of the Monongahela National Forest, from its headquarters at Elkins, W. Va. It is variously known as the Ramp festival, Ramp tour, and Ramp romp. Of course, countless family and other groups in the mountain state also enjoy the annual ritual of ramp eating.

Known to West Virginians and other southern Appalachian highlanders as ramps, this plant is also identified by botanists as a wild leek, or by its Latin name *Allium tricoccum*. The small onion-like tubers have long been prized by mountaineers as a delicacy and spring tonic. They are also proverbial for their pungent odor and delightful flavor. A visiting outdoor writer from Washington, D.C., was once reminded that the ramp is a member of the lily family, closely related to the lily of the valley, to which it bears a strong resemblance. His reply: "Ramps may be lilies but people who eat 'em ain't."

Ramp eating is only one feature of the Spruce Knob outdoor foray, but gustatory enjoyment of this distinctive plant should not be underrated. Ramps tend to promote compatibility; a nonparticipant in the ramp eating ritual soon finds himself at a distinct disadvantage, particularly when he is spending a long weekend in a somewhat crowded cabin. It is a known fact that the best defense against ramp breath is for the offended individual himself to partake.

Young, tender ramps are frequently chopped, both tops and bulb, and mixed with scrambled eggs for breakfast. At dinnertime they may be prepared in much the same manner as green beans. The traditional West Virginia meal includes ramps cooked with ham hock and served with corn bread and buttermilk. This simple diet dates back to the days when West Virginia mountaineers wintered on salt meat and dried beans in the remote logging camps. The tender green ramps are rich in Vitamin C and medical men express the belief that they were a valuable supplement to the diet of early mountain settlers.

Cream of ramp soup, perfected at Spruce Knob after much experimentation, is now one of the favorite items among the ramp eaters. Mrs. Fearnow, wife of the writer, was drafted as a consultant in the ramp venture many years ago. She has devised a tossed salad in which ramps play an active role. This is a popular item on the Spruce Knob menu at ramp time. "What sassafras tea is to the lowlander, the ramp is to the mountaineer," says Mrs. Fearnow.

Even while late snows still remain on the ground, ramps push their way up out of the earth, exhibiting leaves of a delicate green color. The ramp seeker uses a mattock-like hook with a sharp cutting edge. Pulling ramps is not practical because the extensive root system gives them such a tenacious hold on the earth that they almost invariably break off in the process.

Several years ago I visited a venerable 99-year-old high country West Virginian as he was approaching his 100th birthday. Armed with a tape recorder I drove as close to his mountain home as possible, then took off on foot up the hollow to his secluded but thoroughly delightful place of abode. As I drew near I detected the unmistakable odor of ramps wafting down the cove. Peeping into the kitchen as I entered the house I spotted the big black kettle in which they simmered on an old wood-burning stove. This lent an unmistakable air of authenticity to the interview for which I had carefully prepared.

Welcomed with traditional West Virginia hospitality, I mentioned that I had detected the aroma of ramps as I entered his home and the old man chuckled again. "Tell me," I asked, "do you attribute any measure of your longevity and vitality to the eating of ramps?" Again the old man's eyes twinkled as he smiled at me and said, "Well they sure didn't hurt anything!"

Following the 1970 Spruce Knob convocation at which the Society for Protection of Allium tricoccum was formed, Dr. George B. Green, Medical Officer with the U.S. Food and Drug Administration and Medical Adviser to SPAT sent word of the new group to medical colleagues in France where he formerly served as medical officer for the U.S. Embassy in Paris. A prominent French doctor has since asked for membership in SPAT, adding that he has found the plant to have medicinal value in treating certain urinary disorders. So SPAT now goes International!

If we use good judgment and restraint, I believe the rich mountain coves of West Virginia can continue to produce annual crops of Allium tricoccum far into the future.

A well-known botanist from Virginia Polytechnic Institute has suggested that the plant should be harvested only where abundant, with some left to propagate, as it can easily be wiped out from an area. Southwest Virginia includes ramps in the native flora. They are usually located at high elevations in the Old Dominion, closely associated with northern hardwood timber—beech, birch and maple.

The commercialization of a wild plant such as Allium tricoccum raises some serious questions at this point in time. Even the community or organization ramp feed has some questionable features. Ramp festivals in the Southern mountains have attracted thousands of interested diners. One of these events has been estimated to consume 70 to 100 bushels for a single gathering. Local supplies are running low and rampers are now crossing into an adjoining state to obtain an ample supply of the tubers.

The current interest in ramps may be endangering the future of this plant more seriously than most people realize. The practice of unearthing the tubers before new growth shows above ground is one fraught with danger. Many ramp fans know where the beds are located and work from memory in digging out the dormant bulbs, often raking away snow to find them. This mining for ramps can expose the roots to dry out, freeze out and eventually die. Many mountain people feel this has been a major factor in exterminating ramp beds near settled areas in West Virginia.

The directors of SPAT are not extremists—they do not suggest that a closed season be ordered against ramp digging. Restraint and good management should first be employed to meet the emergency as it currently exists and three specific recommendations are made in the spirit of true conservation:

Discontinue blind digging or "mining" for ramps.

Harvest only a portion of the plants available at a given site and try to leave a small portion of each clump. Scatter the digging effort and leave some plants undisturbed to propagate and renew the supply.

Eschew commercialization of *Allium tricoccum*. The fresh air, exercise and renewal of spirit that comes from an experience in searching out a "messaramps" is not to be compared with buying a sack of onions at the nearby supermarket.

It is indeed fortunate that many of the remaining stands of *Allium tricoccum* in West Virginia are located in the high country of the Monongahela National Forest where they can be managed to serve the broadest public interest.

I rest my case in defense of ramps by repeating the precept that led to the formation of SPAT. "I hope we never see a spring so barren that a West Virginian willing to carry his own digging hook into the hills, cannot be rewarded with a 'messaramps!' "

THE SHARPSTOWN FOLLIES—X

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, once again I want to enlighten the House on the matter of the great Sharpstown Follies. I have been asking why the Department of Justice found it necessary—or convenient—to make a spectacular deal with Mr. Frank Sharp, who filched millions of dollars. Rather than seeking to prosecute Mr. Sharp, the Justice Department for some strange reason made a deal with him, whereby he entered a plea of guilty on a rather minor crime and received the sentence of a $5,000 fine and 3 years in jail—probated. Not only that, they asked the judge to grant Sharp immunity from any other charge stemming from his crimes, and the judge granted that request. Apparently the Justice Department would like to use Mr. Sharp as a witness against his former associates—they are letting the big fish get away in hopes of netting some smaller ones.

But this deal was made for other reasons. The Assistant Attorney General for the Criminal Division, Mr. Will Wilson, was a close friend and associate of Frank Sharp. By protecting Sharp from prosecution the Justice Department aims to protect Will Wilson from exposure. Well, Sharp is safe from prosecution, but I am bringing to light the association of the Assistant Attorney General with Sharp.

Wilson worked for Sharp in many ways; he was adviser, counselor, and house lawyer for Sharp and his companies.

Wilson had nice retainers from Sharp—a fee of $1,000 a month as retainer for being counsel to the Sharpstown State Bank. His law firm also got free office space at the bank, which was used by a partner in the firm, Mr. Joe Ridings. Ridings got $1,000 a month as his basic fee. Wilson and Ridings, of course, received additional fees for their services to the bank and for their services to other companies controlled by Sharp.

Wilson was also general counsel for National Bankers Life Insurance Co. and his basic retainer was again $1,000 a month.

Wilson also had other retainers from Sharp, for example, $1,500 fee each month for services to the Sharpstown Realty Co. On an annual basis all of these fees—and these are just retainers—Wilson got $42,000 from Sharp. The value of the free office space, the expenses advanced to him, and other items made Sharp an extremely valuable client to Mr. Wilson.

Certainly Mr. Wilson is reluctant to discuss these matters. Nothing I know of in the legal canons of ethics would have prevented him from disclosing these facts, but I suppose that he knows this better than I.

Now it could be that Mr. Wilson cannot say how he earned all that money for his legal labors. It is certain that he will not say.

The people have a right to know all of this, since Sharp is safe from any prosecution, thanks to the courtesy of the uncharacteristic generosity of Mr. Wilson's prosecutor, one Anthony J. P. Farris, and Mr. Wilson's boss, Deputy Attorney General Kleindeinst.

If Wilson had knowledge of these acts of Sharp's, he might well have been a participant—and the people have a right to know this. Since the deal the Justice Department made with Sharp neatly covers up his dealings with Wilson, we may never know just what the situation was—whether Wilson was aware of the Sharp deals and did nothing, which in itself would be a matter demanding explanation, or whether Wilson knew nothing, and was simply Sharp's patsy. It would be odd if a lawyer getting the kind of fees Wilson was getting from Sharp knew nothing about his client's dealings—again, a matter that deserves some explanation.

Just how did Mr. Wilson earn his fees from Sharp?

For example, the tangled records of Sharp's companies show some strange dealings between his companies, dealings that may well have been contrary to State laws. If Wilson knew of these deals he had a duty to give his legal opinion of them. One wonders if he did, and what opinion he rendered. If he did not know of them, it would be very strange indeed.

Right after Sharp bought control of National Bankers Life—a deal that was negotiated by Wilson, Sharp named Wilson to be general counsel of National Bankers Life. This was in July 1968.

Almost as soon as Sharp got control of the insurance company—which is now in receivership—the wheeling and dealing started. To cite only one example, Sharpstown Realty—owned by Sharp, and represented by Wilson—borrowed $2 million from National Bankers Life, which was also owned by Sharp and represented by Wilson. The collateral was 150,000 shares of Sharpstown State Bank stock. The bank was of course owned by Sharp and represented by Wilson.

The Texas Insurance Code, article 3.67 says that—

> No director or officer of any insurance company shall be pecuniarily interested as principal, co-principal, agent or beneficiary in any purchase loan, or sale by or from such company.

On the face of it, an observer like me cannot escape the conclusion that Sharp had an interest in the loan he was making for his realty company, from his insurance company, and for which he pledged some stock of his bank. It would also seem that the counsel for the bank, the realty company or the insurance company might question the wisdom of such a self-dealing loan. That is, unless the counsel for all three happened to be the same man, which in this case he was—and none other than Will Wilson.

Now did this October 1968 transaction take place in the complete ignorance of Counsel Wilson? It is astonishing to think that the insurance company did not bother to clear the loan with its general counsel, or that the realty company did not check with its lawyers. Either Wilson knew of this deal and approved it, in which case he was—so it would seem—endorsing a loan that was plainly illegal and contrary to the laws of Texas—laws that he once was elected to enforce—or he knew of it and objected, but not to the point of resigning his job at the sight of plain lawbreaking. We do not know what Wilson knew or what he did. He will not say.

If he knew of deals like this and approved of them—and there is no reason in the world to think that he did not—then I seriously question his fitness to hold the post he now occupies.

It is possible that Mr. Wilson did not know of this deal and others that took place while he was Sharp's lawyer. In that case he was just another patsy for Sharp. Patsies do not belong in the assistant attorney general's office.

Wilson is silent on these matters. I am troubled by the questions that deals like this arouse. They are questions that bear on the fitness of the man to serve. They are questions that may never be answered, because Sharp will never be prosecuted for these deals, thanks to the Justice Department immunity order for Sharp, and thanks also to Wilson's strange silence.

YIDDISH BROADCASTS BY THE VOICE OF AMERICA INTO THE SOVIET UNION

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, we are all painfully aware of the oppression under which the Jews of the Soviet Union suffer. Their Government has pursued a course of religious and cultural repression aimed at destroying the Jewish identity of the 3 million Jews now living in the Soviet Union.

Much has been said of the impact of world opinion in attempting to ameliorate this tragic situation. World opinion did play a significant role in producing the reduction in sentences of the nine Jews convicted of alleged hijacking. In this effort to muster world opinion, this House played a significant role by its passage of House Resolution 1336 last December 31.

However, much of the effects of world opinion, and of the world support for Soviet Jewry, is unknown to them, for the strictures on the Soviet press bar them from the knowledge of the worldwide sympathy and concern they have aroused.

They need hope.

That hope and that knowledge can be provided by the Voice of America, which broadcasts into the Soviet Union. Currently, however, the Voice of America does not broadcast in Yiddish, the native tongue of many of the 3 million Soviet Jews.

On May 26, I urged the Director of the U.S. Information Agency, Frank Shakespeare, to initiate broadcasts in Yiddish. I put forth that request in a letter joined in by 73 Members of the House. At the same time I introduced House Resolution 454—now cosponsored by 78 Members of the House—calling for the commencement of such broadcasts.

On June 14, Director Shakespeare replied, rejecting our request. It is my feeling that his response, which I will include in the Record at the conclusion of my remarks, indicates a serious failure to appreciate the importance of demonstrating effectively our Nation's firm support of Soviet Jewry.

First, the USIA has claimed that the number of Jews understanding Yiddish is small and that a greater Jewish audience can be reached with present broadcasts. That is erroneous. In calculating the number of Jews who speak Yiddish, the USIA has used an incomplete report of the Soviet census of January 15, 1970, together with figures from the previous census of 1959. Although these figures are questionable, the report does show that more Jews list Yiddish as the language in which they are fluent than list Russian.

Second, the USIA has argued that the wide geographic dispersal of Jews in the Soviet Union precludes effective use of the Voice of America. The truth is that the Jews in the Soviet Union are not widely scattered. One hundred and fifty thousand to 250,000 Soviet Jews live in the Soviet Central Asian Republics. The vast majority of the remainder live in the westernmost Soviet Republics of Latvia, Lithuania, Estonia, Byelerussia, Ukraine, Muldavia, and the westernmost area of Russia itself. This area is roughly equal in size to the combined areas of California, Nevada, Utah, and Arizona, or about 500,000 square miles of a total Soviet Union land area of 8.6 million square miles.

Third, the USIA has also raised the point that Kol Yisrael, Israel's own transmitter, does not broadcast in Yiddish. This argument reflects a basic misapprehension of the purpose of Yiddish programing by the Voice of America. It is intended to demonstrate U.S. support for the efforts of Soviet Jews to express their Jewish identity. Obviously, Israel's broadcasts to Soviet Jews—in any language—have that effect; U.S. broadcasts will not have that effect unless they are in a language which communicates that message to Soviet Jews. Indeed, the failure to broadcast in Yiddish in light of the fact that the Voice of America broadcasts into the Soviet Union to seven other national minorities in their own language tends to indicate to Soviet Jews that America cares less about their problems.

In other communications that I and other concerned individuals have had with the U.S. Information Agency, other arguments have been offered as justifications for the Voice of America's refusal to broadcast in Yiddish.

The USIA has claimed that it would be impossible to initiate broadcasts in Yiddish without sacrificing some time from broadcasts in other languages. However, the USIA contends that it is presently allotting substantial time to Jewish interest programing. If that is true, then it simply could allocate part of that time to broadcasting in Yiddish.

But a close study of actual programing shows that the overwhelming majority of items covered were treated as brief news stories within a general news program, and consumed not more than half a minute to 2 minutes of air time, and that approximately one item of Jewish interest was reported per day. Occasional features of longer duration and a 2-minute portion on an early Sunday morning religious program constitute the total Voice of America effort, in a weekly broadcast schedule of 147 hours to the Soviet Union. In addition, since the timing of Jewish news items is unpredictable, a listener in the Soviet Union does not know when in the broadcast day the programs directed to him will be heard. That is hardly adequate to let Soviet Jews "know they have not been forgotten," the purported aim of Voice of America.

Finally, the USIA has argued that the initiation of Yiddish broadcasts would necessitate the construction of new facilities and the construction of these facilities would cost several millions of dollars.

It should be pointed out that the Voice of America facility listings and time schedules indicate that at present, during the prime time hours of 7–8 p.m.—Moscow time—a total of six transmitters of types presently broadcasting to the Soviet Union are sitting idle, and seven transmitters are idle for 45 minutes of that hour. USIA considers six transmitters optimal to overcome jamming. It has been estimated that the expense of broadcasting under these circumstances is $150,000 per year.

I find the USIA's refusal to initiate Yiddish broadcasts into the Soviet Union very distressing. Hopefully, the Congress will now take immediate action to act affirmatively on House Resolution 454, which I introduced on May 26 and which is now cosponsored by 78 of my colleagues. I am very pleased to note that an identical resolution was today introduced in the Senate by Senators Clifford Case and John Tunney on behalf of themselves and 20 of their fellow Senators.

Yiddish is the native tongue of more than 2 million Soviet Jews. Broadcasting in that language—which is the cultural bond of Soviet Jewry—would constitute a powerful act of moral support for these beleaguered people, whose identity and culture Soviet policy seeks to destroy.

It is essential that the Voice of America—the only medium reaching the Soviet Union which conveys official American policy—broadcast to Soviet Jewry in Yiddish. These oppressed people need hope. They need to know that the world and the United States, in particular, care about what is happening to them. By broadcasting in Yiddish, our Government would show its support for the Jewish citizens of the Soviet Union and provide unparalleled psychological support for them.

At this point, I am including the May 26 letter sent by myself and 72 of my colleagues to Director Shakespeare and Director Shakespeare's response of June 14. I am also including my letter of May 27 to Secretary of State Rogers and Assistant Secretary of State Abshire's response of June 28 to me:

MAY 26, 1971.

Hon. FRANK SHAKESPEARE,
Director, U.S. Information Agency,
Washington, D.C.

DEAR MR. SHAKESPEARE: We are all aware of the oppression under which the Jews of the Soviet Union suffer. Their government has pursued a course of religious and cultural repression, aimed at destroying the Jewish identity of the 3,000,000 Jews now living in the Soviet Union. Virtually all of those who wish to emigrate are barred from doing so.

Much has been said of the impact of world opinion in attempting to ameliorate this tragic situation. World opinion did, in fact, play a significant role in producing the reductions in sentences of the 9 Jews accused and convicted of an alleged highjacking. In this effort to muster world opinion, the House of Representatives played a significant role by its passage of House Resolution 1336 last December 31.

However, much of these effects of world opinion, and of the world support for the Soviet Jews, is unknown to them, because the Soviet press bars them from the knowledge of the world sympathy they have aroused. They need hope.

That hope and that knowledge can be provided by the Voice of America, which broadcasts into the Soviet Union. Currently, however, the Voice of America does not broadcast in Yiddish, the native tongue of many of the 3 million Soviet Jews. True, many of them can speak Russian, as well as Yiddish, and so can understand our current broadcasts. But, some of them cannot. And equally important, the very fact of broadcasting in Yiddish can be an enormously important psychological uplift for these oppressed people.

Currently, the Voice of America has several target populations smaller than the total of Soviet Jewry. For example, the Voice broadcasts to the following target population in their native tongues:

Estonian, 1.3 million.
Slovenian, 1.8 million.
Latvian, 1.0 million.
Lithuanian, 2.73 million.
Albanian, 2.74 million.
Georgian, 2.83 million.
Armenian, 2.94 million.

We urge you to direct the Voice of America to begin broadcasts, as soon as possible, in the Yiddish language. As we have said, this action would fill a need which exists, and it would provide psychological support of enormous importance to the 3,000,000 Jews of the Soviet Union.

With best regards,

Sincerely,

Members of Congress: William F. Ryan, John Buchanan, Gilbert Gude, F. Bradford Morse, Thomas P. O'Neill, James H. Scheuer, Joseph P. Addabbo, John B. Anderson, Frank Annunzio, and Bill Archer.
Thomas L. Ashley, Herman Badillo, William A. Barrett, Nick Begich, Mario Biaggi, Jonathan B. Bingham, Edward P. Boland, J. Herbert Burke, James A. Burke, Philip Burton, Hugh Carey, Emanuel Celler, Lawrence Coughlin, Philip Crane, and John Culver.
George Danielson, Harold D. Donohue, John G. Dow, Robert F. Drinan, Bob Eckhardt, Don Edwards, Joshua Eilberg, Marvin L. Esch, Hamilton Fish, Daniel J. Flood, Thomas S. Foley, Cornelius E. Gallagher, and Robert N. Giaimo.
Henry B. Gonzalez, Ella T. Grasso, Seymour Halpern, William D. Hathaway, Augustus F. Hawkins, Ken Hechler, Henry Helstoski, Frank Horton, Edward I. Koch, Peter N. Kyros, Norman F. Lent, Clarence D. Long, and Romano L. Mazzoli.
Joseph M. McDade, John Melcher, Abner Mikva, Joseph G. Minish, William S. Moorhead, and Robert N. C. Nix.
Claude Pepper, Bertram L. Podell, Walter E. Powell, Melvin Price, Roman C. Pucinski, Thomas M. Rees, Ogden R. Reid, Donald W. Riegle, Benjamin S. Rosenthal, and Dan Rostenkowski.
B. F. Sisk, Robert T. Stafford, Robert O. Tiernan, G. William Whitehurst, Lester L. Wolff, and Sidney R. Yates.

U.S. INFORMATION AGENCY,
Washington, D.C., June 14, 1971.

Hon. WILLIAM F. RYAN,
House of Representatives.

DEAR MR. RYAN: On my return from an overseas inspection trip, I found the letter of May 24th which you and your colleagues have addressed to me regarding the situation of Jews in the Soviet Union. I read your letter with the keenest interest.

The problem of providing the most effective moral support to Soviet Jews—within the limits imposed by the official character of the Voice of America—has occupied our attention ever since the Leningrad trials brought the situation into the open.

We have made a thorough study of possibilities and as a result I had from the outset instructed the Voice of America substantially to increase its coverage of news developments regarding the Jews in the USSR.

Thus, the Voice has been featuring regularly the news of Jewish dissent in the Soviet Union as well as interviews with Soviet Jews who were allowed to emigrate and succeeded in reaching the free world.

For instance:

The Voice has fully reported press interviews with Lyuba Bershadskaya, the Washington press conference of Esther Aisenstadt and the efforts of Leonid Rigerman to leave the Soviet Union, his subsequent arrival in the United States and his reception by top level United States officials including the Secretary of State. More recently, VOA has been reporting developments in Soviet Jewish affairs at the time of the 24th Soviet Party Congress and the latest trials of Soviet Jews in Leningrad, Kishinev and Riga. The mother of one Riga defendant, Rivka Alexandrovitch who came to the United States recently, was also given extensive coverage. The Voice has also given prominence to all United States demonstrations and expressions of concern in support of Soviet Jewry including, of course, House Resolution 1336 of last December. At the same time, mindful of the Agency's primary mission, we have been contrasting the treatment of Soviet Jews with news of religious cultural and community developments of our own citizens of the Jewish persuasion.

The programs to which I refer have been broadcast in seven ethnic languages and especially in Russian and Ukrainian which are understood and spoken by the overwhelming majority of Soviet Jews. Unlike other ethnic groups which are concentrated in limited geographic areas and form individual Soviet republics, Soviet Jews are scattered throughout the country, and providing a service specifically directed to them would present us with technical problems of spanning eleven time zones, if we should want to reach them all.

Even assuming it were technically feasible to inaugurate a Yiddish service, we would be, in effect, increasing our costs without materially increasing our audience. Incidentally, it may be of interest that Israel's own transmitter, Kol Yisrael, beams the bulk of its programs to its coreligionists in the USSR in the Russian language.

In conclusion, I want to assure you that, although at this time we are not prepared to inaugurate the service which you propose, we shall continue, as we have in the past, to stress in our broadcasts the deep concern of the United States, its government and its elected representatives with the fate of Soviet Jewry and provide all the moral support and encouragement which is consistent with our own national interests and with the Agency's mission.

Sincerely,

FRANK SHAKESPEARE.

MAY 27, 1971.

Hon. WILLIAM P. ROGERS,
Secretary, Department of State,

DEAR MR. SECRETARY: On May 26, 1971, 73 Members of the House of Representatives sent a letter—a copy of which I am enclosing—to the Director of the United States Information Agency urging him to direct the Voice of America to undertake broadcasts in the Yiddish language into the Soviet Union. On the same day, 71 Members cosponsored a House Resolution (House Resolutions 454, 455, and 456) urging the Voice of America to undertake such broadcasts.

The premises for the Voice to undertake such action are dual. First, such broadcasts would constitute an act of enormous psychological support for the 3 million Jews of the Soviet Union, who are being exposed to a campaign of cultural and religious oppression, combined with a refusal by the government of the Soviet Union to allow most of those who wish to emigrate to do so. Second, the Voice already broadcasts to several population groups within the Union of Soviet Socialist Republics whose numbers are less than the total number of Soviet Jews (approximately 3 million) and/or less than the total number of Soviet Jews who speak the Yiddish language (approximately 2.26 million). For example, the Voice broadcasts in their native languages to 133 million Estonians, 1.8 million Slovenians, 1.9 million Latvians, 2.73 million Lithuanians, 2.74 million Albanians, 2.83 million Georgians, and 2.94 million Armenians.

I hope that you will use your good offices to assist in arranging for the Voice of America to undertake broadcasts in Yiddish.

With best regards,

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., June 28, 1971.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: The Secretary has asked me to reply to your letter of May 27, in which you asked him to arrange for the Voice of America to undertake broadcasts to the Soviet Union in Yiddish. You enclosed with your letter a copy of a letter sent on May 25, 1971 by 73 Members of the House of Representatives, including yourself, to Mr. Frank Shakespeare, Director of the United States Information Agency.

The Department of State agrees with the contents of Mr. Shakespeare's reply to you of June 14. The fact that the Yiddish-speaking population is small, that most Yiddish-speaking Soviet citizens also speak Russian or another language in which VOA already broadcasts, and that the Yiddish-speaking population is widely dispersed over the world's largest country, all argue against using VOA's limited transmitter facilities for the purpose of introducing Yiddish-language broadcasts.

We support fully VOA's policy described to you in Mr. Shakespeare's letter of featuring news about Jewish events in the United States and the Soviet Union as well as bringing to the Soviet public interviews with Soviet Jews who have succeeded in reaching the West. We believe that this moral support given a Soviet minority under pressure is in the best traditions of Voice of America broadcasting.

Sincerely yours,

David M. Abshire,
Assistance Secretary for Congressional Relations.

STATEMENT ON VIETNAM—JULY 7, 1971

(Mr. JAMES V. STANTON asked and was given permission to extend his remarks at this point in the Record.)

Mr. JAMES V. STANTON. Mr. Speaker, for the past few weeks, the people of this country and the entire world have been following the various chapters of the Pentagon papers with a degree of fascination never before accorded such a series of documents.

A long series of errors, miscalculations, bad judgments, trickery, and top secret shenanigans have been disclosed and exposed to the light of public scrutiny.

The reaction of the American people—as shown by every reading of the pulse of public opinion—is an overwhelming demand that we admit our past errors, close out our Vietnam nightmare as quickly as possible, and get on to the bright national future that lies ahead if we can heal the wounds and scars of this unfortunate venture into violence.

I think we have arrived at a point in history when we must cast aside the time-consuming fripperies of phony baloney conventional diplomacy. The so-called normal channels of diplomacy have proven ridiculously unwieldy, unnecessarily complicated, and totally unproductive in all previous efforts to end the Vietnam horror by talks rather than by terror and destruction.

In these days of instant global communications, it seems stupid to depend on horse and buggy days diplomatic negotiations. It would be a crime against some American family to let even one more soldier die in Vietnam, because of diplomatic or other delays in carrying out a national policy of getting out and ending the Southeast Asia bloodshed.

Therefore, I am about to propose a possibly unconventional but very realistic method to cut through the redtape and protocol and effectuate bold and immediate action to create the peace which everyone claims to desire.

One of the leading industrialists in the city of Cleveland, which I am proud to represent in Congress, is a rather controversial rugged individualist named Cyrus Eaton. Among other distinctions, he is chairman of the board of the Chesapeake & Ohio and Baltimore & Ohio Railroads. He sponsored the first Pugwash Conference of Scientists, which gave the world one of its earliest expert warnings—through the words of top scientists from more than a dozen nations—that human civilization may not survive a total nuclear war involving two great powers.

These and other considerations have made Cyrus Eaton, despite his advanced age of 87, a tireless quester for world peace. This quest has caused him to develop sincere friendships with many top officials of the Soviet Union, and with scientists, educators, editors, and statesmen throughout the world—including Red China and North Vietnam.

At the time of the U-2 incident, Cyrus Eaton used his personal contacts to help convince then Soviet Premier Nikita Khruschev and other Russian leaders that it would be suicidal for the human race to permit such an episode to trigger atomic attacks and counterattacks.

More recently, in his quest for peace, Mr. Eaton journeyed to Hanoi, the capital of North Vietnam. With the knowledge if not the full approval of our own Government, he was seeking a formula for peace in Vietnam.

This was in December 1969. The multimillionaire Cleveland capitalist spent 10 days as a guest of the Hanoi regime. He had long talks with Hanoi's principal officials and policymakers.

One result of these talks was a private promise by Premier Pham Van Dong of North Vietnam that he was willing to personally meet with President Nixon at any time, at any mutually convenient place, to attempt to work out a settlement of the war in Vietnam.

This is probably the first time you have heard of this offer, because, rather than seizing the opportunity for settlement, our Government's reaction was to sweep it under the rug.

Mr. Eaton conveyed the exciting information to our State Department, but it was buried in the files—along with hundreds of other documents and reports that may some day come to light and cause as much of a stir as the Pentagon papers.

Remember, the Pentagon papers published by the New York Times and other newspapers cover only what happened during previous administrations. What has transpired since President Nixon took his oath of office?

I do not pretend to know—but I do know that, at the time Mr. Eaton brought this message from Hanoi, the official public position of our Government was that the North Vietnamese were refusing to negotiate except through the comic opera sideshow in Paris, in which the only problem ever settled was the shape of the negotiation table.

I now propose that the Government of the United States take immediate action to follow up on the opportunity opened by Mr. Eaton, if it can be revived.

My suggestion is that President Nixon should lose no time in communicating to Premier Pham Van Dong his acceptance of the face-to-face conference proposal made to Cyrus Eaton.

President Nixon could keep in touch with the Saigon Government and Premier Pham Van Dong could clear any agreement with the Vietcong or National Liberation Front, as they prefer to be called.

Both sides should order a cease-fire on all fronts the moment an agreement to meet is reached. The cease-fire should be extended to include Cambodia and Laos.

Mr. Eaton has informed me that he is willing to do anything his country may ask in the interests of world peace, including service as an intermediary to arrange such a conference.

This is no time to stand on ceremony and follow so-called normal diplomatic procedures. Where have such procedures gotten us so far? What has become of the traditional American willingness to try new methods and techniques to accomplish great and desirable goals?

The actions I propose can save the lives of many young Americans—and also the lives of many Vietnamese, North and South—if taken without delay.

Yes, I think it is highly desirable to save the lives of Vietnamese, as well as Americans. I do not accept the policy of Vietnamization, which would mean continuing to pour billions of dollars' worth of American airpower and equipment into continuing a senseless struggle.

I think our policy should be to bring peace to Vietnam and all Indochina, and to, if necessary, provide economic aid to rebuild the region and permit its people to live in peace and dignity—and to choose their own political way after the wounds have had a chance to heal.

Economic help would be a lot cheaper and far more productive than continued military involvement.

The time to make the move for peace which I propose is now—today.

Let us not wait until some future date, when the "Nixon papers" are exposed, and possibly cause as much of an eruption of public disgust, dismay, and disillusionment as has been occasioned by the Pentagon papers.

ADM. THOMAS C. HART, HERO, STATESMAN

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the death of retired Navy Adm. and U.S. Senator Thomas C. Hart on the Fourth of July brings to a close a distinguished life of devoted service to the State of Connecticut, the United States, and to the peace-loving world.

Admiral Hart served in the U.S. Navy for 52 years, commanding vessels ranging from the old square-rigger, the U.S.S. *Hartford*, to battleships, heavy cruisers, and submarines. A man who embodied and cherished the meaning of duty, he took commands in World War I and World War II, the latter extending beyond his retirement date. As an educator, he served as superintendent of the

Naval Academy at Annapolis, where he made curriculum changes to humanize the routine, as he said. And in 1945 he answered another call to duty when asked to serve as U.S. Senator by Governor Raymond Baldwin, filling the remainder of the term of the late Senator Francis Maloney. As an editorial in the Hartford Courant on July 6, 1971, noted, "Surely the Nation must sense its good fortune because Thomas C. Hart spent his life in her service."

Mr. Speaker, another article in another great newspaper, the New York Times, of July 7, 1971, by Farnsworth Fowle, is an excellent tribute to this great man. I include both articles as part of the RECORD:

[From Hartford (Conn.) Courant, July 6, 1971]

ADMIRAL THOMAS C. HART

The death on the Fourth of July of retired Navy Admiral and U.S. Senator Thomas C. Hart brings to a close a distinguished career of service to his state, his nation and the world. No matter when duty called, Admiral Hart answered in the affirmative, his versatile talents enhanced by a patriotic spirit.

On the sea, Admiral Hart sailed and skippered many kinds of vessels ranging from the old square rigger, U.S.S. Hartford, once the flagship of Admiral David Farragut, to battleships, heavy cruisers and submarines. Besides his commands as head of the submarine fleet in Ireland and the Azores during World War I, and later as flag officer to all subs in the Atlantic and Pacific Oceans in 1929, he also commanded the Asiatic Fleet during World War II, that assignment extending beyond his retirement date. In addition, he headed the combined American, British, Dutch, and Australian military and naval forces in the Far East, a post acknowledged by Queen Wilhelmina of the Netherlands by awarding Admiral Hart her nation's Grand Cross of the Order of Orange-Nassau.

Between duties on the seas, Admiral Hart shared his expertise with young men in training as a teacher at the war colleges of both the Army and Navy and served as superintendent of the Naval Academy at Annapolis, where he made curriculum changes to "humanize" the routine, as he said.

Admiral Hart answered another call in 1945, that time from Governor Raymond Baldwin, to serve Connecticut as a United States Senator filling the unexpired term of the late Francis Maloney.

Admiral Hart's contribution to the nation's good spanned 52 years in the Navy beginning during the Spanish-American War, and ending as one of the Navy's senior advisors on its General Board. He once remarked, "As I look back, I think I'm probably the luckiest man that the Navy ever had, and that goes for everything . . ." Surely the nation must sense its good fortune because Thomas C. Hart spent his life in her service.

[From the New York Times, July 7, 1971]

ADM. THOMAS C. HART IS DEAD AT 94

(By Farnsworth Fowle)

SHARON, CONN., July 4.—Adm. Thomas C. Hart, U.S.N., retired, Commander in Chief of the Asiatic Fleet at the time of Pearl Harbor and a former United States Senator, died today in his home at the age of 94.

Admiral Hart, who entered the United States Naval Academy in 1893 and retired in 1945 to serve for two years as an appointed Senator from Connecticut, filling a vacancy, was one of the senior commanders in World War II.

He was sent to Shanghai in 1939 to take command of the Asiatic Fleet and in December, 1941 braced his small force for the Japanese onslaught on the Philippine, Dutch East Indies and Malaya. Called to Washington in February, 1942, he resumed a seat he had held on the Navy's General Board and was entrusted with compiling the Navy's report on the Pearl Harbor disaster that had beset less vigilant commanders at the Hawaiian base.

About two weeks before the aerial attack on Dec. 7, 1941, Admiral Hart, without consulting Washington, had ordered his PBY–2 (Catalino) long-range flying boats to maintain a discreet surveillance on Camranh Bay on the southeast coast of Vietnam.

They found a massing of Japanese vessels in that anchorage as a portent of Japanese readiness to strike south. Admiral Hart relayed this to Washington and felt no great surprise when Washington sent a "war warning" message calling for "defensive deployment" to him and to the Pacific Fleet commander at Pearl Harbor a day or two later.

ISSUED ATTACK ORDER

Before the week-long battle of the Macassar Straits, Admiral Hart issued an order to attack that said "no vessel will leave the scene of action until it is sunk or its ammunition is exhausted."

On his return, President Franklin D. Roosevelt added a second gold star to his Distinguished Service Medal. The citation, praised the admiral's "sound judgment and marked resourcefulness in dealing with the difficult military and diplomatic situation" on the eve of conflict, and for handling his fleet as well as could be done in combat.

Born in Davidson, Mich., on June 12, 1877, he was finishing his second year at Flint High School when he learned that a competitive examination for a Naval Academy appointment was being arranged by his Representative. He took the exam, came out first, and then, though just 16, passed the entrance examinations by cram-studying.

As a midshipman he was coxswain of crew, at a time when he was getting his first taste of deep-sea sailing on the frigate Constellation, a sister-ship of the Constitution.

GRADUATED IN 1897

He graduated with the class of 1897, which included such future admirals as Henry E. Yarnell, Arthur J. Hepburn and William D. Leahy.

The young officer had his first taste of combat in the Spanish-American War, on the battleship Masachusetts and the ex-yacht Vixen. He ran messages from Navy to Army headquarters and occasionally accompanied Col. Theodore Roosevelt of the Rough Rider regiment when the future President came to the Vixen in search of good dinner in the officers' mess.

In World War I, Admiral Hart commanded submarine units in British and Azores waters, emerging a captain with his first Distinguished Service Medal. His work with submarine forces was credited with "making them tick" in World War II.

He commanded the battleship Mississippi for two years, but later, to the surprise of many, turned down an invitation to command the Navy's battleships, a prize post before Pearl Harbor, in favor of the challenge of the more lightly armed but speedier heavy cruisers.

Shore duties between wars included Naval War College and the course at the Army War College, where he spent a second year by Army request as an instructor in amphibious war. From 1931 to 1934 he returned to Annapolis as Superintendent. Cadets cf those years remember him as strict but fair, and that he made an attempt to broaden the curriculum.

His first tour on the Navy's General Board was from 1936 to 1939, when he was sent to Shanghai with the four stars of a full admiral to command the Asiatic Fleet, of which he said: "All my ships were old enough to vote."

Reading the signs of coming conflict, he moved his headquarters to Manila. He was credited with dispositions that saved all his surface ships and more than 200,000 tons of merchant vessels in the initial Japanese attack.

In February, 1942, he was ordered home, turning over command of his fleet to the Netherlands commander of the Allied fleet. Though a year overdue for retirement, he was immediately recalled to active duty and a seat on the General Board, while Congress voted him permanent four-star rank.

One of his wartime duties was to collect depositions for the Navy's inquiry into the Pearl Harbor disaster, before memories faded. For this, he traveled extensively through the combat theaters and also spoke and wrote at home to publicize the Navy's war effort.

Admiral Hart had made the King house, a historic mansion in Sharon, Conn., his family home since 1924. In February, 1945, he accepted appointment by Gov. Raymond E. Baldwin, a Republican, as Senator to fill the vacancy caused by the death of Francis T. Maloney. It was at that time that he stepped down from the General Board.

As a Republican Senator he maintained that he was not a Navy spokesman and subsequently declined service on the Naval Affairs Committee, although he later agreed to serve on the Military Affairs Committee after being assured that the Army would welcome his presence.

He was an opponent of the merger of the armed services into a single Department of Defense. He contended that a separate Air Force would combine with the Army to diminish the Navy's role—and he also thought that the combination of air and surface forces in a single branch, as in the Navy, was more effective militarily than their separation.

Admiral Hart did not seek election in 1946.

In October, 1947, he warned that Korea probably would become the 17th Soviet Republic. "A Sovietized Eastern Asia," he said, "is fully as menacing tours as would be a Sovietized Western Europe, and the probability that it may happen is decidedly greater."

He regretted in the light of later events that the United States had sought Russian entrance into the war against Japan, saying that "Japan's China army gave up, the Russian troops were not needed at all and the estimate was wrong."

Last November, he welcomed the election of his Sharon neighbor, James L. Buckley, as Conservative Senator from New York. "I always knew Jimmy had the stuff," he said.

In Sharon, he was active in such civic enterprises as the reforestation of Sharon Mountain, the Sharon Hospital, and in establishing the Sharon Historical Museum to which he gave his collection of firearms.

Admiral Hart is survived by his widow, the former Caroline Brownson, daughter of an admiral; a son, Roswell R. of Sharon; 3 daughters, Mrs. LaVerne Baldwin of Taconic, Conn., Mrs. Dana Bergin of Rochester, and Mrs. Francis B. Sayre Jr. of Washington; 13 grandchildren and a great-grandchild.

A funeral service will be held Wednesday at noon in the First Church of Christ, Congregational, in Sharon. Burial will be in Arlington National Cemetery following a service in the chapel at Fort Myer in Arlington, Va., on Thursday at 10 A.M.

UNINSPIRED SOCIALISM

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, our socialist planners in this country should pay special attention to the reports now emanating from East Germany that socialism is failing there, as it has in every other country which has experimented with it on a large scale.

One need only take note of the attitude and work habits of the East German laboring man and the low production figures to realize that things are not as they're said to be by East German officials.

Unfortunately for the German people residing in East Germany, there is little hope other than leaving the country, which is something their totalitarian leaders forbid.

Mr. Speaker, I think all of us here should read the article from the Christian Science Monitor for July 6 which follows my remarks:

[From the Christian Science Monitor, July 6, 1971]

UNINSPIRED SOCIALISM

(By Paul Wohl)

BERLIN.—Things aren't what they used to be—or at least aren't what they're said to be—in East Germany.

Workers frequently arrive at their place of work a quarter or a half hour late, eat one breakfast before starting and a second one around 11 a.m. After lunch they take off time for a snack, and a half an hour or so before work ends they change their clothes and disappear. No wonder that the quality of some industrial products has deteriorated and that East Germany not so long ago had to take back 250 defective tractors sold to India.

Only a small percentage of the labor force—10 percent at most—take pride in their work. Little remains of the committed socialist attitude toward work which this writer occasionally witnessed in 1962.

Reports from many sides concur that labor productivity in factories and mills has remained stationary or declined, statistic program reports notwithstanding.

A high East German official explained when questioned about lagging labor discipline and enthusiasm. "It's the same as with herring. In the beginning they swim. Once they are put into a barrel and salted, they no longer move."

Because of this changing attitude the Berlin wall is more necessary today than it was five years ago—when probably 80 percent of those allowed to leave would have returned. Today the urge to get out is greater than ever.

When ordinary people below 30 are asked, "Would you leave if you could?" the answer is always the same: "We'd scram; we'd run; we'd go immediately."

Yet today's East Germans do live better than five years ago; they also seem to have more self-respect. Just as in the U.S.S.R., where improved living standards have made Soviet consumers more demanding. East Germans have become more inclined to assert themselves.

POLITICAL JOKES COMMON

The many jokes now told point in this direction. Formerly there were few good jokes in East Germany.

"What is the scope of the economy?" one joke asks. Answer: "Five feet, two inches."

"Why?"

"So that First Deputy Premier Gunther Mittag [who is five feet, three inches tall] can watch over it."

Another joke asks: "What is the curve of East Germany's economic development?" In reply a hand with extended finger is held up. The little finger stands for 1967, the next finger for 1968, the long middle finger for 1969 when the republic celebrated its 20th anniversary and went on a spree, the costs of which still have not been wholly recovered. The shorter index finger stands for 1970, and the thumb for 1971.

These jokes greatly exaggerate the ecoomy's downward trend, but that is not what matters.

BITTER HUMOR

What they convey is a feeling of bitter humor and resignation.

Five years ago it looked as if life would not only become better—it actually did in some respects—but also as if the regime would ease up, as if the incessant production drive would cease, as if there would be less bureaucracy and cracking of the whip. Some East Germans even believed that occasional visits to West Germany or at least to West Berlin might be permitted.

Nothing of the kind has happened. Radio and press continue to dish out the same stereotypes, to present a grossly distorted picture of the West which East Germans know to be deceitful because they listen to Western broadcasts and watch Western television.

INCOME GAP STILL WIDE

Erratic management and brusque alterations of plans are a common occurrence. People tell about expensive machines purchased in the West which local mechanics could not operate efficiently and which had to be scrapped—even after Western repair men got them to work again for a short while. Such experiences undermine the workers' respect for their leaders.

Another factor is the contrast in living standards, which has become so glaring that the regime recently felt compelled to whittle down the earnings of the general managers of the so-called V.E.B. or branch combines of the state-owned industry.

These men earned up to 60,000 marks a year, a hundred times more than a skilled worker. Another measure to iron out differences was the supposed raising of pensions from 170 marks to 196 marks a month. (This writer talked with a veteran of World War I who still only receives 170 marks.)

However one looks at it, the differences between those on the top and those at the bottom remains staggering in a country which claims to have entered the "unfolded socialist society."

OFFICIAL OPTIMISMS

Even more depressing is the fact that people at innumerable meetings and political indoctrination courses have to repeat theses of the regime which they know to have little or no relation to their everyday experience. The need to assert official optimism, when inside one knows better, makes for double and triplethink, another cause of indifference and mental fatigue.

If the system continues to function and even to progress, it is due to the stubborn faith of a small minority of workers who fanatically accept the party's tenets—and to careerists who want to get ahead at any price. These are the people who act as pacemakers among the rank and file, denying the evidence even when they see it.

Another asset of the regime is the elite of what the people call "the toiling intelligentsia," a group of several hundred highly talented public servants and dedicated Communists who direct the administration, the propaganda machine, advances research institutes and laboratories. Last but not least, there remains the tenacity of the German worker — disappointment, discouragement, and fatigue notwithstanding.

IN DEFENSE OF THE MILITARY

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, amidst the growing attacks on this country's Armed Forces largely as a result of our involvement in Southeast Asia, it is, indeed, refreshing to see one of those responsible for the decision to increase our military commitment to that part of the world, come to the defense of our servicemen in their time of need.

I've read with great interest and, I must admit, some surprise, former Under Secretary of State George W. Ball's column in the July 5 issue of Newsweek, entitled "In Defense of the Military," wherein he rightly explains that the "fatal error" to commit U.S. fighting men in Southeast Asia was not the decision of the military; nor, I might add, was the execution of the war once our forces were committed. If the policymakers would have followed the advice of the military as to how to fight the war, the fighting would have been over a long time ago,

Although Ball certainly cannot be absolved of his complicity in formulating the policy which allowed for the no-win war we now find ourselves inextricably engaged, or for any part he might have played in hamstringing the Military in their handling of the war, his forthrightness in exculpating our fighting men in this regard is to be noted.

Mr. Speaker, I'd like to call to the attention of my colleagues the above mentioned article which follows my remarks:

[From Newsweek magazine, July 5, 1971]

IN DEFENSE OF THE MILITARY

(By George W. Ball)

It is time to speak up for the soldiers. For the past several years we have made them the scapegoats for our misfortunes. Yet, to continue to seek exculpation by loading the blame on the military is not only unjust, it risks harm to our security; so we had better take a lesson from the experience of France—something we lamentably failed to do when we committed our forces to Indochina.

In the bitter aftermath of the second world war the French Army and Air Force were given a dreary series of dirty and foredoomed assignments to sustain the remnants of colonial power, first in Syria, then Indochina, then Morocco, and finally Algeria. For almost a decade and a half, graduates of St. Cyr fought under the most frustrating conditions, taking frightful casualties, yet losing each conflict not from failure of valor on the battlefield but from a decay of political will in Paris, a decision by the politicians—reflecting public weariness—that the game was no longer worth the candle.

PERNICIOUS EROSION

By 1958 these agonizing experiences in far-off lands had loosed poisons throughout the whole military establishment. France had done what no modern democratic state should ever do; by pushing its armed forces into conflicts only fragilely supported on the home front, it had detached them from the national life of their country. For, as the politicians abandoned first one war and then another, the military suffered a pernicious erosion of their traditional role as the respected protectors of *la patrie*. Thus, inevitably they developed a festering resentment of the politicians who bartered away the gains hard won by their blood and toil, until the imminent abandonment of Algeria might have triggered a revolution had it not been for General de Gaulle on his white horse.

Today these pressures are beginning to be felt on the American scene. For ten years we have embroiled our armed forces in the wretched paddies of Indochina. Our valiant airmen have been killed in futile sorties against the north; our army has lost far more than the normal percentage of its professional officer corps. Yet, though there have been ample courage and devotion, Vietnam is now associated in the public mind not with heroes but heroin. We scorn our soldiers for being careless of civilian lives, overlooking the brutalizing character of colonial wars—while we condemn our Air Force because bombs strike whoever happens to be under them, refusing to recognize that the alternative to sophisticated weapons is more American boys dying in the jungle. Meanwhile we are assaulted by the scribblings of junior Clausewitzes designed to prove that the conflict could have been won long ago if only their patented recipes had been followed.

FATAL ERROR

No wonder our soldiers are demoralized as we speed our withdrawal from Vietnam. How could they be otherwise, since the fatal error was the choice of mission, not its execution; and what the McNamara documents plainly show is that the military did not push us into Vietnam half so much as the civilian theoreticians with these to prove—doctrines of counter-insurgency and guerrilla tactics all reeking of the lamp?

Thus, we had better stop carping at the soldiers if we are to learn the true lessons of this ghastly experience. We had better be sure that, as a necessary and honorable element in our society, they are not pushed toward alienation or bitterness. Otherwise, though we are unlikely to repeat the shattering constitutional crisis of France, we may well drive our most gifted and competent officers out of our armed forces—men we shall desperately need when the going again gets rough.

As an urgent first step, let the universities tone down their derision since, at the end of the day, the real "treason of the intellectuals" may well be judged not to be what Julien Benda had in mind—their abandonment of meditation for activism—but rather their role in undermining society's protective institutions. Part of the blame will no doubt fall on the young faculty cheerleaders who encouraged the campus yahoos to identify all policemen as "pigs," but the most grievous offense will be the academicians' effort to offload the sins of this melancholy time on the military, who, skilled more with the sword than the pen, cannot adequately defend themselves against eggheaded *francs-tireurs* blowing beanshooters from the sanctuary of their ivory towers.

CHAPTER VIII—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the eighth in a series of articles on children and youth and maternal and infant care programs. Support for H.R. 7657, as amended, is increasing. The bill which would extend for an additional 5 years the children and youth and maternal and infant care programs which are now slated for oblivion as of June 20, 1972, has at this time 71 House cosponsors, and 16 cosponsors in the Senate.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the RECORD descriptions of six children and youth programs.

The material follows:

CHILDREN & YOUTH PROJECT NO. 614–A, BRONX, NEW YORK

The Comprehensive Child Care Project at the Albert Einstein College of Medicine has enrolled 2000 children from 800 families in the Bronx.

Like most poor families in New York they have many things to worry about—the terrible housing, the lack of jobs, the crime in their neighborhods, the crisis in the school system. But for these 800 families there's one thing that's no longer a worry: health for their children.

Before, if a child got sick, it meant a trip to a dingy overcrowded City Hospital Emergency Room. Now if a child is sick, a mother has a place to call for advice, a nurse she knows to talk to, and the child's own pediatrician to see him if he needs it. At the Project there are no long waits, no lost records and no strange faces.

But it isn't just sick care a mother gets for her child there. At the Project, the aim is to keep children healthy by doing all the things that are known to prevent disease, teaching families what children need to be healthy and encouraging them to work for the changes in the community that will make it a better place for them and their children.

The Project is a place where, among other things: dental care starts for four year olds and teeth never get a chance to rot away; every child has his hearing tested as a baby and before starting school; every mother is given a thermometer and shown how to read it; if a child isn't keeping appointments, a community worker tries to find out why. It may mean there's a family crisis; parents, through their elected representatives on the Advisory Board, have a say in how the Project is run and what is done there.

These parents (as well as the local community agencies) know that this kind of children's health program, planned to meet all the health needs of their children is not available anywhere else in the community. Even families with Title I funds available to them have found they can't buy elsewhere what the Project provides. They ask how it is possible the Project might close, when it really should be expanded tenfold for the many other children who need it.

Even with a Project for support, it's hard to raise healthy children in the ghetto. Without a Project, it may be impossible.

CHILDREN & YOUTH PROJECT NO. 659, CHARLESTOWN, MASSACHUSETTS

The central objective of providing comprehensive health services for children and youth in low-income areas is to create a health service system in which will be represented all the skills, manpower and resources required to cultivate high level physical, cognitive and psychological health during the maturity cycle and formative years of infancy and childhood, and to prevent, detect and treat disease and disability as necessary to maintain optimal health throughout life.

The Children and Youth programs are providing badly needed clinical resources and attempting to reach these goals. The Massachusetts Central Hospital staff and the people of Charlestown value this extension of the central hospital's services and we are successfully carrying out our goals of preventing disease; bringing health education to the people; making better use of low cost, accessible facilities; and rationalizing the use of health manpower.

They are a form of group practice with salaried doctors, nurses, nutritionists, community, aides, etc. and are very popular with the public. Such developments are entirely in keeping with the thrust toward Health Maintenance Organizations.

We hope that Title V of the Social Security Act will be amended to extend the authorization for such projects until June 30, 1977. Certainly, a minimum of five years are needed to build up Health Maintenance Organizations in low income areas, and these projects are a fine base for such development.

CHILDREN & YOUTH PROJECT NO. 627, WASHINGTON, D.C.

CompCare has been in operation since January, 1967. It operates three neighborhood clinics in an inner city poverty area of 5.3 square miles in the District of Columbia. It currently is providing comprehensive care to over 18,000 children out of a potential 58,000.

In addition to providing regular pediatric well and sick child care, including consultation and hospitalization at Children's Hospital, CompCare has concentrated heavily on dealing with the reservoir of chronic illnesses in our children. *Lead poisoning* is very common and we not only serve as a major treatment resource but work closely with the D.C. Government to enforce housing codes. *General undernutrition* as well as *iron deficiency anemia* are widley prevalent. In addition to the intensive nutritional counseling we ourselves provide, we certify for the supplementary food program. Members of our staff played a major role in persuading D.C. authorities to include iron-fortified milks in supplementary food packages.

Dental caries in children are rampant in our community, and our dental program is only beginning to meet the need. We have a large treatment program for *emotional and learning disorders* and place heavy emphasis on tutoring children who are one to several years behind in their ability to read and learn. This program involves over 60 volunteers, mostly teachers in the public school system, who provide individualized counseling to school-age children.

CompCare places heavy emphasis on adolescents. The wide prevalence of *pregnancy in early adolescence* and the high frequency of complications of pregnancy in this age group stimulated us to establish a clinic for the pregnant girl under 16 years. Not only can these teenagers get the highly specialized care they need, but also the personal counseling and birth control information (with parental permission) they often require. In addition to a large general treatment program for adolescents we reach out to a junior high school to recruit adolescents who otherwise might not receive care and to provide a program for health education.

CompCare has invested heavily in providing health services to other community programs. Direct diagnostic and treatment services are provided to local Headstart programs, a Parent and Child Center and the D.C. Public Schools. This sharing of resources has prevented costly reduplication of services.

The multiple and interlocking nature of the health problems of our children make it mandatory that this program continue. In its absence, parents will again have to fall back on fragmented, incomplete services provided in multiple settings. This not only gives rise to costly duplication of effort but also frequently results in a parent giving up in sheer frustration.

In addition, over the past four years, we have noted steadily rising expectations of service from our parents. They now know what good health care is. We do not believe they should be asked to return to the fragmented and episodic care which they had prior to the establishment of CompCare.

Children & Youth Project No. 658, Little Rock, Arkansas

C & Y Comprehensive Project, 658 operates as an administrative section of the Pediatric Ambulatory Service, Department of Pediatrics, University of Arkansas Medical Center, Little Rock, Arkansas.

The project area includes roughly the eastern half of Little Rock and the southern half of its twin city, North Little Rock and nearby portions of Pulaski County. Included in this area are approximately 70% of the indigent children of Pulaski County. This fact makes this C & Y Project virtually unique, in that this project can be viewed as an important step in building a community wide system for the delivery of health care to children, with emphasis upon the community's underpriviledged children. With this objective, the C & Y Project has invested considerable effort inside and outside its own operation toward strengthening, stimulation and coordination of a number of health care facilities which serve needy children. For example, it has established and operated three satellite clinics serving various localities of its district. In addition, members of the staff acting in private capacities have contributed substantially to the establishment and maintenance of three other pediatric clinics which are operated using voluntary resources. Also operating in a voluntary fashion, staff members have contributed a large fraction of the time required for the annual health assessment of several hundred children who are enrolled in the Pulaski County Head Start and Follow Through Programs. The project has stimulated a more effective role in health supervision by school nurses and has backed these nurses with the resources to follow through on health problems that are discovered.

The project has effected important changes in school policies regarding expulsion from school and regarding the handling of pregnancy among school age girls. Largely through the efforts of the C & Y project a new, daily, low cost clinic for the care of sick children has been instituted at a children's hospital which is located centrally in regard to the community's poor people. The project was seminal in the development of an interagency committee to deal with problems of child abuse and child neglect that come to medical attention. Through this committee improved psychiatric programs, improved welfare department case work and follow-up, and improved legal and court procedures have developed for the management of such cases in Pulaski County (and to a lesser extent in other regions of Arkansas).

The project has assembled medical and paramedical talents (21 professional people) which never previously existed for the poor in any location in Arkansas. Never before had dental care, physical therapy, and nutrition services been available. Never before have medical, nursing, and social work, and psychological services been available in such volume. Presently approximately 15,000 medical visits and 7,000 dental visits are being provided annually. Virtually all medical visits entail supplemental nursing benefits. About 3,500 nutrition contacts are provided in behalf of about 8,500 people (patients and their families).

During the two and one half years of project operation the families of approximately 10,000 children have learned to look to the C & Y project 658 for solution of their children's health problems. In addition, professional people in the schools, health departments, voluntary health agencies, model cities, and OEO programs have learned to look to the C & Y Project for the solution of innumerable problems for which there previously was no solution. In large part because of this project's participation, a very large number of health and welfare programs in and near its district are being upgraded and made more effective. Presently a new level of hope exists where previously only disappointment, frustration, and progressive disease existed.

Children and Youth Project No. 606–C, Baltimore, Md.

The Greater Baltimore Medical Center Comprehensive Children and Youth Project (606–C) is currently providing a full range of continuing coordinating care to the 3,400 children who live in the vicinity of the clinic. These children have been supervised with respect to growth and development; have been given their needed immunization; and their physical and dental conditions have been evaluated. Their acute and chronic illnesses have been cared for and the reasons for deviations from normal have been sought after in the physical, mental and emotional spheres. All remedial and rehabilitative measure have been instituted whenever possible to correct their physical or emotional abnormality.

The community has identified with our project through its increased involvement and participation in clinic affairs. Cooperation from local agencies has exceeded our expectations and has given stimulus to our project. The great participation of residents in clinic affairs is well demonstrated by our Parent's Club and Community Newsletter—"Clinic and Community Caller". The parent's club and newsletter is regarded as an invaluable instrument in promoting good will between clinic and community. It is a good evidence of well motivated constructive and creative work from the community.

Most significant of all, we have expanded our C&Y Project to a Family Care Program. Using our existing C&Y Program as a foundation, we have participated in prepaid health program which will allow us to extend our medical, mental and dental service to the adult population. In other words, this C&Y Program has become "HMO" center for this community.

It is needless to point out, the discontinuation of the C&Y Project will not only affect 3,400 children under the care of this clinic, but also will affect 2,000 parents whom we expect to enroll in this Family Care Program. Our goal of becoming "Health Maintenance Organization" of this community will also be shattered and crumbled.

Children and Youth Project No. 636, Miami, Fla.

I am advised that you share our concern for the future of the U.S. Department of Health, Education, and Welfare's. Children and Youth Project Grants. Therefore, I have taken the liberty to send you a synopsis of the impact this program has on the group of low socio-economic consumers who reside in the southwestern section of affluent Dade County.

The Dade County Department of Public Health, Children and Youth comprehensive care project was authorized May 1967. Organizational and personnel development delayed registration of the first project child until late fall, then health services were offered to south Dade low income residents for children through six years of age.

The 800 square mile area within which the project is established is unique. It is composed of a variety of ethnic groups. There are 350,000 permanent residents from Latin America, 90% of Cuban origin, about 12,000 Mexican-American migrants and a segment of Seminole indians. Over 200,000 of the permanent population is black. There is a disproportionate share of impoverished families in this group, approximately 45%; who are medically indigent and financially unable to afford medical attention. The project offers care and hope for their children.

The project took meaningful form during 1968–69. But it was not until the end of 1970, through philosophical and organizational changes in the County Health Department, which in turn effected the project, that comprehensive child health care began producing dramatic results.

From March 1, 1970 to February 28, 1971, 3,111 cases were seen which might otherwise have gone without treatment. At the present time, Dade's Children and Youth Project is providing clinical, hospital and emergency medical care along with dental, social, psychological, speech, hearing and vision services to its enrollees at the rate of over 500 patients a month, or approximately 6,000 cases per year. Without the Children and Youth Project the County's pediatric care would no doubt be confined mostly to well-baby clinics.

Pediatric comprehensive health care provided by the Children and Youth Project through seven clinic areas in Health Department community units has drastically reduced hospitalization by 75% within the past six months. This would not have been possible without a Federal grant specifically designed and for the express purpose of establishing high quality personal health services for under-privileged preschool children.

During the year 1,200 project patients received full dental care including caps, crowns, space maintainers and oral surgery.

Since the project moved into the community, project nurses are focusing on family centered services. This coordination of nursing services at the Unit level has led to greater pediatric involvement of non-profit nurses.

THE NATION NEEDS COAL GASIFICATION NOW

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, today I am introducing a proposal to provide for the development of a Coal Gasification Development Corporation.

Although the problem of energy is not new, it has only recently reached public concern and its consequences are now being considered with an eye to the future. The energy problem will increase as demand for new fuels and new sources of power intensifies.

In dealing with a problem of this size we must realize certain priorities and objectives, giving each the consideration that it deserves. It is very important that we develop a new energy supply, and that we restrict the possibilities by saying that it must be developed without undue harm to the environment.

The facts are that by the year 2000, the demand for energy will double, possibly triple. The Interior Department projects that we will need 1,000 trillion cubic feet of gas in the next 30 years. In a shorter period, 1970–80, the U.S. demand for energy will increase by 56 percent.

In 1970, American homes consumed more than six times as much electricity as they did in 1950, and the use of basic fuels for home heating increased by 50 percent in the same period. The United States, although accounting for only 6 percent of the world population, consumes an incredible 40 percent of the total energy.

Government and industry have two duties to the American people, as I see it: one is to satisfy the Nation's great need for energy at a low, reasonable cost —price; the other is to provide a source of energy that will have no adverse effects on the environment. My bill will provide for both of these measures, that in the final analysis will prove so important to the American way of life. It will provide a workable means for cooperation between government and industry which is imperative if we are to answer our energy problems in an intelligent manner. Lastly, it will provide protection, by virtue of the quality of the fuel developed, for all life on earth.

The need for a corporation of this type is plain. To industry, the costs of this venture would be prohibitive, and government alone would not be able to provide the leadership necessary to prove it a success. Only by working in a joint, cooperative program, pooling their resources and funds, will these two powerful forces be able to tackle and resolve the problem.

As I stated before, there is a great need for a program to assure the cleanliness of our environment. It is a fact that nonpolluting natural gas will not meet our growing energy demands, however, high-sulfur content coal is in tremendous supply. Whatever the sulfur content of coal, it is evident that we are not using it to its optimum. With the development of this corporation, nonpolluting synthetic gas, derived from coal gasification processes would be in vast supply, not only solving a great part of our energy crisis and using coal to its fullest capacity, but also protecting our environment by using nonpolluting synthetic gas as a source of energy.

Recognizing the energy problem, the coal gasification development process comes into proper perspective as an important supplier of energy in the future. Realizing this problem is only the first step to resolution. It is for these reasons that I introduce this bill and urge its full consideration.

A NOTED WYOMING MOTHER, MRS. MAE REEB

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, last Thursday at 2 p.m. in Casper, Wyo., funeral services were held for Mrs. Mae Reeb, at the First Presbyterian Church in that central Wyoming city. She was born in 1889 in Ellwood City, Pa., and lived in Kansas prior to coming to Casper. She was a former deaconess of the Presbyterian Church, a treasurer of the Presbyterian Women's State Association and active in the auxiliary of the Belaire Nursing Home and an organizer of the Headstart program in Casper. She is survived by her husband, Harry, a sister in Pennsylvania, and her daughter-in-law, Mrs. Marie Reeb and four grandchildren, of Casper. She had one son, whom I eulogized from this very House well 6 years ago this year, following his death in Selma, Ala. He was the Reverend James Reeb, who was murdered in Selma in 1965.

I praised Reverend Reeb with an eulogy 6 years ago when we were in the midst of a decade of violence. I praise his mother in eulogy today in the hope that the 1970's will bring reconciliation and understanding and compassion, in place of hatred and distrust and malice and the murder of her son that so marked the decade recently closed.

A NEW KIND OF PATRIOTISM

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the July 9, 1971, issue of Life magazine contains a cogent editorial by Ralph Nader which is very thought-provoking:

WE NEED A NEW KIND OF PATRIOTISM

(By Ralph Nader)

At a recent meeting of the national PTA, the idealism and commitment of many young people to environmental and civil rights causes were being discussed. A middle-aged woman who was listening closely, stood up and asked: "But what can we do to make young people today patriotic?"

In a very direct way, she illuminated the tensions contained in the idea of patriotism These tensions, which peak at moments of public contempt or respect for patriotic symbols such as the flag, have in the past few years divided the generations and pitted children against parents. Highly charged exchanges take place between those who believe that patriotism is automatically possessed by those in authority and those who assert that patriotism is not a pattern imposed but a condition earned by the quality of an individual's, or a people's behavior. The struggle over symbols, epithets and generalities impedes a clearer understanding of the meaning and value of patriotism. It is time to talk of patriotism, not as an abstraction steeped in nostalgia, but as behavior that can be judged by the standard of "liberty and justice for all."

Patriotism can be a great asset for any organized society, but it can also be a tool manipulated by unscrupulous or cowardly leaders and elites. The development of a sense of patriotism was a strong unifying force during our Revolution and its insecure aftermath. Defined then and now as "love of country," patriotism was an extremely important motivating force with which to confront foreign threats to the young nation. It was no happenstance that *The Star Spangled Banner* was composed during the War of 1812 when the Redcoats were not only coming but already here. For a weak frontier country beset by the competitions and aggressions of European powers in the New World, the martial virtues were those of sheer survival. America produced patriots who never moved beyond the borders of their country. They were literally defenders of their home.

As the United States moved into the 20th century and became a world power, far-flung alliances and wars fought thousands of miles away stretched the boundaries of patriotism. "Making the world safe for democracy" was the grandiose way Woodrow Wilson put it. At other times and places (such as Latin America) it became distorted into "jingoism." World War II was the last war that all Americans fought with conviction. Thereafter, when "bombs bursting in air" would be atomic bombs, world war became a suicidal risk. Wars that could be so final and swift lost their glamour even for the most militaristically minded. When we became the most powerful nation on earth, the old insecurity that made patriotism into a conditioned reflux of "my country right or wrong" should have given way to a thinking process; as expressed by Carl Schurz: "Our country . . . when right, to be kept right. When wrong, to be put right." It was not until the Indochina war that we began the search for a new kind of patriotism.

If we are to find true and concrete meaning in patriotism, I suggest these starting points. First, in order that a free and just consensus be formed, patriotism must once again be rooted in the individual's own conscience and beliefs. Love is conceived by the giver (citizens) when merited by the receiver (the governmental authorities). If "consent of the governed" is to have any meaning, the abstract ideal of country has to be separated from those who direct it; otherwise the government cannot be evaluated by its citizens. The authorities in the State Department, the Pentagon, or the White House are not infallible; they have been and often are wrong, vain, misleading, shortsighted or authoritarian. When they are, leaders like these are shortchanging, not representing, America. To identify America with them is to abandon hope and settle for tragedy. Americans who consider themselves patriotic in the traditional sense do not usually hesitate to heap criticism in domestic matters over what they believe is oppressive or wasteful or unresponsive government handling of their rights and dignity. They should be just as vigilant in weighing similar government action which harnesses domestic resources for foreign involvements. Citizenship has an obligation to cleanse patriotism of the misdeeds done in its name abroad.

The flag, as the Pledge of Allegiance makes clear, takes its meaning from that "for which it stands"; it should not and cannot stand for shame, injustice and tyranny. It must not be used as a bandanna or a fig leaf by those unworthy of this country's leadership.

Second, patriotism begins at home. Love of country in fact is inseparable from citizen action to make the country more lovable. This means working to end poverty, discrimination, corruption, greed and other conditions that weaken the promise and potential of America.

Third, if it is unpatriotic to tear down the flag (which is a symbol of the country), why isn't it more unpatriotic to desecrate the country itself—to pollute, despoil and ravage the air, land and water? Such environmental degradation makes the "pursuit of happiness" ragged indeed. Why isn't it unpatriotic to engage in the colossal waste that characterizes so many defense contracts? Why isn't it unpatriotic to draw our country into a mistaken war and then keep extending the involvement, with untold casualties to soldiers and innocents, while not telling Americans the truth? Why isn't the deplorable treatment of returning veterans by government and industry evaluated by the same standards as is their dispatch to war? Why isn't the systematic contravention of the U.S. Constitution and the Declaration of Independence in our treatment of minorly groups, the poor, the young, the old and other disadvantaged or helpless people crassly unpatriotic? Isn't all such behavior contradicting the innate worth and the dignity of the individual in America? Is it not time to end the tragic twist of patriotism whereby those who work to expose and correct deep injustices, and who take intolerable risks while doing it, are accused of running down America by the very forces doing just that? Our country and its ideals are something for us to uphold as individuals and together, not something to drape, as a deceptive cloak, around activities that mar or destroy these ideals.

Fourth, there is no reason why patriotism has to be so heavily associated, in the minds of the young as well as adults, with military exploits, jets and missiles. Citizenship must include the duty to advance our ideals actively into practice for a better community, country and world, if peace is to prevail over war. And this obligation stems not just from a secular concern for humanity but from a belief in the brotherhood of man—"I am my brother's keeper"—that is common to all major religions. It is the classic confrontation—barbarism *vs.* the holy ones. If patriotism has no room for deliberation, for acknowledging an individual's sense of justice and his religious principles, it will continue to close minds, stifle the dissent that has made us strong, and deter the participation of Americans who challenge in order to correct, and who question in order to answer. We need only to recall recent history in other countries where patriotism was converted into an epidemic of collective madness and destruction. A patriotism manipulated by the government asks only for a servile nod from its subjects. A new patriotism requires a thinking assent from its citizens. If patriotism is to have any "manifest destiny," it is in building a world where all mankind is our bond in peace.

ECOLOGY IN PARADISE

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, Puerto Rico is a tropical paradise, but one that needs and is attracting industry. What happens when industry comes to paradise?

The conflict between industrialization and the environment is difficult to resolve. But Puerto Rico is trying to resolve the problem. The visitor today can see in some parts of the Commonwealth both the problems and the potential solutions not just for Puerto Rico but for many of the developing nations of the world.

Several weeks ago, I had the opportunity to address a seminar on industrial pollution which was conducted in San Juan, P.R., under the sponsorship of the School of Engineering, University of Puerto Rico, Department of Public Works, Department of Health, Water Resources Research Institute, and the Institute of Engineers, Architects and Surveyors. One must visit this sunny land which is ably represented in Congress by our good colleague, JORGE L. CÓRDOVA, to appreciate the tremendous problems faced by the Commonwealth of Puerto Rico.

From the time of the early Spanish explorers until 1940, Puerto Rico for several centuries was a sugar cane-coffee plantation economy. Today, Puerto Rico is entering the fourth decade of transition to a modern society with heavily urbanized areas, growth in light and heavy industry and a heavy involvement in tourism. Puerto Rico today illustrates what the late 1970's and 1980's hold in store for many of the developing nations of the world. Here we can see both the intricate problems and some of the solutions to these problems.

Puerto Rican commerce and industry provide necessary new jobs but can have side effects which degrade the environment. This, in turn, could hurt the healthy tourist industry.

Thus, Gov. Luis A. Ferre is moving to establish a balance between industrial development and a program of conservation of both Puerto Rico's rich historic and natural heritage.

For example, Governor Ferre's administration is working closely with the University of Puerto Rico to establish an extensive 175-acre botanical garden, which when completed will cost over $3.5 million. This would be part of a plan to provide open space in a rapidly urbanizing area of San Juan where urban sprawl could be an unhappy blight. The garden already includes spectacular orchid nurseries and bamboo groves which lend an air of tropical lushness. This green space development will provide recreational and educational attraction to natives and visitors alike.

Governor Ferre's Department of Public Works is also pushing forward with the development of a panoramic highway which will be Puerto Rico's "Skyline Drive." Here natives and tourists can leisurely drive and enjoy a spectacular sweep of scenery from the very crest of the island's mountains. The Panoramic Highway will feature restored coffee plantations where, along with modestly priced accommodations, one will find a rich interpretation of the coffee industry which is part of the history of many of the Caribbean islands.

Another innovation being undertaken is the operation of a sugar cane railroad to provide a tour of another facet of Puerto Rico's economic heritage.

These attractive facilities will broaden the base for a tourism industry now essentially based on lavish beach hotels offering international style food and accommodations.

Puerto Rican economic and historic culture is interwoven in many ways with that of the other Caribbean islands. Regional recognition of the shared cultural interest, as well as developing conservation problems, has led to the formation of the Caribbean Conservation Association now in its fourth year of organization. The association's annual meeting will be held in San Juan this coming October. Organizations representing both the private sector as well as the several governments of the Caribbean Islands are to be commended for such a regional initiative. Membership includes the islands of Trinidad and Tobago, Grenada, St. Vincent, Barbados, St. Lucia, Antigua, Nevis, St. Kitts, Anguilla, Jamaica, and the Virgin Islands—United States—as well as Puerto Rico. In addition, private groups such as the Barbados National Trust, the Society for the Restoration of Brimstone Hill, the Friends of Morne Fortune, and the Caribbean Research Institute are members.

The objectives of the Caribbean Conservation Association are:

First, to ascertain and coordinate the needs of the area in the several fields of conservation;

Second, to keep an inventory of interested groups and individuals and of work already accomplished or underway in the various islands and countries;

Third, to encourage the creation of national and other conservation organizations in each island and country;

Fourth, to explore possible sources of technical and financial assistance to the Association itself, to member organizations and Caribbean governments, and to establish a clearinghouse to facilitate the flow of such assistance; and

Fifth, to assist in fostering in the people of the area a greater awareness of the value of their natural and cultural resources.

The association will not only yield substantial profits to all of its members but is a vehicle by which better understanding among nations will be achieved.

Clean air, white sunny beaches with clear, blue water over coral reefs, luxuriant tropical flowers and foliage are important to all tropical and subtropical islands. Preservation of these conditions are important to visitor and native.

The petrochemical industry, which has extensive development in Puerto Rico, is coming to grips with the complex problem of heavy industries being able to live in, yet not wreck, this paradise environment. The activities of two industrial enterprises located at Guayanilla near Ponce on the southern side of the island are illustrative of modern technology working to overcome the degrading side effects of heavy industry.

I had the opportunity to tour Union Carbide's extensive petrochemical facility and, in particular, their recently established secondary treatment plant which is a major step forward to cleaning up petrochemical effluent. Union Carbide's treatment plant utilizes anaerobic and aerobic treatment ponds which remove substantial portions of noxious materials by using bacteria, those that need no oxygen, in the first case, and those that need oxygen, in the second. In the course of developing their secondary plant, Union Carbide has found it feasible to recycle certain petrochemical components which were originally discharged as waste. An interesting aspect of the anaerobic pond treatment utilizes anaerobic bacteria which are transplanted from a culture utilized in the production of rum at a nearby Puerto Rican rum plant. To date the bacteria have failed to complain of the change in diet to such unsavory fare. I am pleased that Union Carbide is already considering further upgrading of its treatment plant to tertiary treatment which would remove both nitrogen and phosphorus from the final effluent.

Next to the Union Carbide plant at Guayanilla is the Commonwealth Oil Refining Corp.—Corco—facility. Corco's plant includes a desalinization unit which reflects the awareness by Corco that recycling in industrial processes is going to be more and more a necessity if we are going to do an efficient job of cleaning up our environment. The increased industralization in the Guayanilla area is requiring higher general water withdrawals from the wells. The higher water wells production have lowered the ground water tables, and allowed some seawater encroachment into wells near the coastline. Additional water well development in the area would result in salt water encroachment, with resultant high chloride yields. Corco's Desalination Plant will help in the recharge to the aquifers underlying the southern coastal plain due to a lower consumption of ground water.

Corco's facility has a total capacity of desalinizing approximately two and one-half million gallons of sea water a day utilizing the heat from their petro-chemical plant. The heat from the boiler operation is harnessed in a vacuum process to purify sea water to a quality higher than that necessary for drinking water.

All industry must emulate such efforts as have been made by Corco to recycle heat for both efficiency and protection of the environment. If we are going to efficiently manufacture energy from atomic or fossil-fueled plants and carry on the manufacture of products as demanded in both developed and developing nations, we must look more and more to closed or recycling-type systems.

The efforts which Puerto Rico is making to advance in commercial and industrial development while, at the same time, to safeguard its cultural and natural heritage, are a tribute to their Resident Commissioner, JORGE L. CÓRDOVA, and the leadership of Governor Ferre, who are dedicated to a better life for all of the people of the Commonwealth. At the same time the Commonwealth provides us with an opportunity to profit from its experiences—experiences which the underdeveloped nation of the world will face in the coming decades of industrialization and mushrooming population growth.

PERSONAL EXPLANATION

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, on Thursday, July 1, 1971, I was unavoidably absent and missed three record votes. The first was a vote on the Conference Report on S. 31, the Emergency Employment Act. This was passed by a vote of 343 to 14 (Roll No. 175). Had I been present, I would have voted "yea."

The second was a vote on final passage of H.R. 8629, the Health Manpower Training Act. This bill was passed by a vote of 343 to 3 (Roll No. 176). Had I been present, I would have voted "yea."

The third was a vote on final passage of H.R. 8630, the Nurses Training Act. This bill passed by a vote of 323 to 0 with one voting "present" (Roll No. 177). Had I been present, I would have voted "yea."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MATHIS of Georgia (at the request of Mr. BOGGS), for today, on account of official business.

Mr. DERWINSKI (at the request of Mr. GERALD R. FORD), on account of official business as a member of the House Committee on Post Office and Civil Service.

Mr. KASTENMEIER (at the request of Mr. O'NEILL), for today through July 15, 1971, on account of official business.

Mrs. HANSEN of Washington (at the request of Mr. O'NEILL), for today July 7, and the balance of the week, on account of official business.

Mr. CORMAN, for Wednesday, July 7, 1971, on account of official business.

Mr. MIKVA for July 7 through July 16, 1971, on account of official business for the Judiciary Committee.

Mr. EDMONDSON (at the request of Mr. BOGGS) for July 8, 1971 on account of official business in Oklahoma.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MCCLOSKEY (at the request of Mr. GUBSER) for 1 hour on Monday, July 12, and to revise and extend his remarks and include extraneous matter.

Mr. GUBSER for 1 hour on Monday, July 12, and to revise and extend his remarks and include extraneous matter, following Mr. MCCLOSKEY.

Mr. DEVINE for 1 hour on July 12, 1971, and to revise and extend his remarks and include extraneous matter following Mr. GUBSER.

(The following Members (at the request of Mr. BAKER), to revise and extend their remarks, and to include extraneous matter:)

Mr. CRANE, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes today.

Mr. STEIGER of Wisconsin, for 15 minutes, today.

Mr. KEMP, for 5 minutes, tomorrow.

Mr. COLLINS of Texas, for 30 minutes, today.

Mr. MCKINNEY, for 5 minutes today.

Mr. BELL, for 5 minutes, today.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 20 minutes, today.

Mr. HAMILTON, for 20 minutes, today.

Mr. FLOOD, for 10 minutes, today.

Mr. MINISH, for 10 minutes, today.

Mr. STAGGERS, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. STOKES, for 10 minutes, on July 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LEGGETT to extend his remarks prior to the vote on House Resolution 492 and to include extraneous matter.

Mr. DERWINSKI (at the request of Mr. GROSS) during consideration of H.R. 8805 today.

Mr. ANDERSON of California, to extend his remarks immediately following the vote on the motion to table House Resolution 492 today.

Mr. RANDALL in two instances, and to include extraneous matter.

(The following Members (at the request of Mr. BAKER) and to include extraneous matter:)

Mr. HILLIS.

Mr. GUDE.

Mr. HOSMER in two instances.

Mr. BETTS.

Mr. DERWINSKI in two instances.

Mr. HANSEN of Idaho.

Mr. KING in five instances.

Mr. TALCOTT in three instances.

Mr. SCHMITZ.

Mr. KEATING in two instances.

Mr. NELSEN.

Mr. SHRIVER.

Mr. RIEGLE.

Mr. BOW.

Mr. ASHBROOK in two instances.

Mr. ROUSSELOT in two instances.

Mr. MILLER of Ohio in six instances.

Mr. SCHWENGEL.

Mr. WYMAN in two instances.

Mr. PRICE of Texas.

Mr. WIGGINS.

Mr. REID of New York.

Mr. LUJAN in two instances.

Mr. ANDERSON of Illinois in two instances.

Mr. MCCLORY.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to include extraneous matter:)

Mr. HATHAWAY in three instances.

Mr. FRASER in three instances.

Mr. ASPIN in two instances.

Mr. EILBERG in three instances.

Mr. SARBANES in five instances.

Mr. BOLLING.

Mr. BIAGGI in 10 instances.

Mr. JAMES V. STANTON.

Mr. STOKES in 10 instances.

Mr. RARICK in three instances.

Mr. GALLAGHER.

Mr. WALDIE in four instances.

Mr. BINGHAM in three instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. SEIBERLING.

Mr. RYAN in three instances.

Mr. KARTH.

Mr. RODINO in two instances.

Mr. HUNGATE in two instances.

Mr. JACOBS.

Mr. HAGAN in three instances.

Mr. PEPPER.

Mr. MAZZOLI in two instances.

Mr. DRINAN.

Mr. VANIK in two instances.

Mr. ANDERSON of California in two instances.

Mr. ADAMS.

Mr. FULTON of Tennessee.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, July 8, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

944. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 23, 1970, submitting a report, together with accompanying papers and an illustration, on Kaneohe-Kailua Area, Oahu, Hawaii, in response to an item in section 208 of the River and Harbor Act of 1965 (H. Doc. No. 92–141), to the Committee on Public Works and ordered to be printed with an illustration.

945. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 24, 1970, submitting a report, together with accompanying papers and an illustration, on Atlantic Intracoastal Waterway bridges, North Carolina, in partial response to resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted September 30, 1968 and December 11, 1969 (H. Doc. No. 92–142); to the Committee on Public Works and ordered to be printed with an illustration.

946. A letter from the Executive Officer of the National Academy of Sciences, transmitting a report on the progress made toward providing a study with respect to the technological feasibility of meeting certain emissions standards, pursuant to section 6 of the Clean Air Act Amendments of 1970 (Public Law 91–604); to the Committee on Interstate and Foreign Commerce.

947. A letter from the Secretary of Commerce, transmitting the annual report on the relative cost of shipbuilding in the various coastal districts of the United States, pursuant to section 213(c) of the Merchant Marina Act of 1936, as amended; to the Committee on Merchant Marine and Fisheries.

Received from the Comptroller General

948. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improving the automated supply system of the Veterans' Administration; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 8407. A bill to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel (Rept. No. 92–332). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9395. A bill to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts (Rept. No. 92–333). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 9020. A bill to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such act for a certain period of time; with amendments (Rept. No. 92–334). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 525. Resolution providing for the consideration of H.R. 19. A bill to provide for a coordinated national boating safety program. (Rept. No. 92–335). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 526. Resolution providing for the consideration of H.R. 8181. A bill to require Federal Reserve banks to discount certain commercial paper used to finance the export of U.S. commodities, to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes (Rept. No. 92–336). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 527. Resolution providing for the consideration of H.R. 9093. A bill to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes (Rept. No. 92–337). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 528. Resolution providing for the consideration of H.R. 9388. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 92–338). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOMFIELD:

H.R. 9603. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced-fare transportation on a space-available basis for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 9604. A bill to prohibit the unlawful use of a rented motor vehicle; to the Committee on the District of Columbia.

H.R. 9605. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 9606. A bill to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes; to the Committee on the District of Columbia.

By Mr. HALPERN:

H.R. 9607. A bill to amend the Foreign Assistance Act of 1961 to provide for programs of assistance to restrict and eliminate illegal international traffic in narcotic drugs and psychotropic substances, and for other purposes; to the Committee on Foreign Affairs.

H.R. 9608. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

H.R. 9609. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 9610. A bill to amend title 38 of the United States Code to provide for cost-of-living increases in compensation, dependency, and indemnity compensation, and pension payments; to the Committee on Veterans' Affairs.

H.R. 9611. A bill to make available to veterans of the Vietnam war all benefits available to World War II and Korean conflict veterans; to the Committee on Veterans' Affairs.

H.R. 9612. A bill to amend title 38 of the United States Code to provide for cost-of-living increases in compensation, dependency, and indemnity compensation, and pension payments; to the Committee on Veterans' Affairs.

H.R. 9613. A bill to provide equitable treatment of veterans enrolled in vocational education courses; to the Committee on Veterans' Affairs.

By Mr. MOSS:

H.R. 9614. A bill to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO (for himself, Mr. Ryan, Mr. Eilberg, Mr. Flowers, and Mr. Seiberling):

H.R. 9615. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 9616. A bill to amend section 397b(a) of the Agricultural Adjustment Act of 1938, as amended, so as to offset the locational differences in the certificate value of domestic wheat; to the Committee on Agriculture.

By Mr. ROSENTHAL (for himself, Mr. Horton, Mr. Pryor of Arkansas, and Mr. Ryan):

H.R. 9617. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation to handicapped person and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Howard, and Mr. Runnels):

H.R. 9618. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchases of packaged perishable or semiperishable foods; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 9619. A bill to provide for the sale by the Federal Government of the Alaska Railroad; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE (for himself, Mr. Hillis, Mr. Scott, and Mr. Hogan):

H.R. 9620. A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

By Mr. WINN:

H.R. 9621. A bill to authorize the establishment of the Tallgrass Prairie National Park in the State of Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WOLFF (for himself, Mr. Carney, and Mr. Podell):

H.R. 9622. A bill to establish a Commission on Security and Safety of Cargo; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN:

H.R. 9623. A bill to amend the Internal Revenue Code of 1954 to impose a refundable disposal tax on automobiles registered after 1971; to the Committee on Ways and Means.

By Mr. COLLINS of Texas (for himself, Mr. Brown of Ohio, Mr. Frey, and Mr. Keith):

H.R. 9624. A bill to provide for the reporting of weather modification activities to the Federal Government; to the Committee on Interstate and Foreign Commerce.

H.R. 9625. A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 9626. A bill to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH:

H.R. 9627. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself, Mr. Anderson of Tennessee, and Mr. Conte):

H.R. 9628. A bill to amend the Defense Product Act of 1950 to establish national defense petroleum reserves; to the Committee on Banking Currency.

By Mr. HARSHA:

H.R. 9629. A bill to authorize the Secretary of the Army to investigate, plan, and construct projects for the control of streambank erosion; to the Committee on Public Works.

By Mr. KYROS:

H.R. 9630. A bill to create a rural community development bank to assist in rural community development by making financial, technical, and other assistance available for the establishment or expansion of commercial, industrial, and related private and public facilities and services, and for other purposes; to the Committee on Banking and Currency.

By Mr. LONG of Maryland:

H.R. 9631. A bill to amend the Solid Waste Disposal Act to provide for Federal grants to States and local governments to purchase equipment for litter cleanup; to the Committee on Interstate and Foreign Commerce.

By Mr. LUJAN:

H.R. 9632. A bill to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. McFALL:

H.R. 9633. A bill to provide for the creation of an authority, to be known as the Reclamation Lands Authority, to carry out the congressional intent respecting the excess-land provisions of the Federal Reclamation Act of June 17, 1902; to the Committee on Interior and Insular Affairs.

By Mr. MARTIN:

H.R. 9634. A bill to change the name of the Nebraska National Forest, Niobrara division, to the Samuel McKelvie National Forest; to the Committee on Agriculture.

By Mr. MOSHER:

H.R. 9635. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NELSEN:

H.R. 9636. A bill to amend the District of Columbia Traffic Act, 1925, to provide for use of a distinctive emblem on slow-moving vehicles; to the Committee on the District of Columbia.

By Mr. MORGAN:

H.R. 9637. A bill to provide for the establishment of an American Council for Private International Communications, Inc., to grant support of the activities of private American organizations engaged in the field of communication with foreign peoples; to the Committee on Foreign Affairs.

By Mr. RONCALIO:

H.R. 9638. A bill to establish a Coal Gasification Development Corporation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 9639. A bill to bring the tax reductions for individuals provided by the Tax Reform Act of 1969 into immediate effect; to the Committee on Ways and Means.

By Mr. SCHMITZ:

H.R. 9640. A bill to amend the National Labor Relations Act to provide additional protection of the rights of employers and employees in connection with labor disputes; to the Committee on Education and Labor.

By Mr. SCHWENGEL:

H.R. 9641. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for the development of a consumer information program concerning the damage susceptibility and crashworthiness of passenger cars, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mr. Murphy of Illinois, and Mr. Mosher):

H.R. 9642. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. SYMINGTON (for himself, Mr. Clay, Mr. Cederberg, Mr. Madden, Mr. Mollohan, and Mr. Ichord):

H.R. 9643. A bill to amend title I of the Housing Act of 1949 to permit a city whose population falls to below 50,000 to convert any outstanding urban renewal projects from a two-thirds to a three-fourths capital grant formula; to the Committee on Banking and Currency.

By Mr. VANDER JAGT:

H.R. 9644. A bill to amend the Military Selective Service Act of 1967 to exempt from the draft physicians who agree to practice at least 4 years in rural and inner-city doctor-shortage areas; to the Committee on Armed Services.

By Mr. WALDIE (for himself and Mr. McCloskey):

H.R. 9645. A bill to amend title 46, United States Code, section 239(d), to provide that environmental protection groups be accorded full status as "parties in interest" in investigations of marine casualties; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITEHURST:

H.R. 9646. A bill to amend the Public Health Service Act to provide medical care for certain retired merchant seamen, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Texas:

H.R. 9647. A bill to amend the National Flood Insurance Act of 1968 to assure the inclusion of church properties among those for which flood insurance is provided; to the Committee on Banking and Currency.

By Mr. DOWNING:

H.J. Res. 769. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KOCH:

H.J. Res. 770. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LUJAN:

H.J. Res. 771. Joint resolution proposing an amendment to the Constitution of the United States relative to Federal elections and Federal personal income tax; to the Committee on the Judiciary.

By Mr. McKINNEY (for himself and Mr. Steele):

H.J. Res. 772. Joint resolution: a Day of Prayer for Our Men in Vietnam; to the Committee on the Judiciary.

By Mr. WINN:

H.J. Res. 773. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. BRADEMAS:

H. Con. Res. 359. Concurrent resolution to provide for the reprinting of the prayers offered by the Chaplain; to the Committee on House Administration.

By Mrs. HICKS of Massachusetts:

H. Res. 522. Resolution to express the sense of the House of Representatives that the week of October 12 each year, should be designated as "National Italian American Week"; to the Committee on the Judiciary.

H. Res. 523. Resolution expressing the sense of the House with respect to disclosure of the results of the national nutrition survey; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H. Res. 524. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 9648. A bill for the relief of Octavio Manuel Garcia; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.R. 9649. A bill for the relief of Robert J. Ebbert and Design Products Corp., Troy, Mich.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

99. The SPEAKER presented a petition of the United Carolinian Association, Saipan, Mariana Islands, relative to the political status of the Trust Territory of the Pacific Islands, which was referred to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

CAN AMERICA GROW UP

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Wednesday, July 7, 1971

Mr. TAFT. Mr. President, on June 2, the Senator from California (Mr. Cranston) and I were joined by 25 Senators in introducing Senate Joint Resolution 108, which commits our Nation to the voluntary stabilization of population growth. We are convinced that this resolution, with its wide bipartisan support, will be instrumental in developing a national policy for population growth.

I ask unanimous consent that the editorial, "Can America Grow Up," published in the New York Times of June 17, be printed in the Record. The editorial explains and refutes several misconceptions about our population problem.

There being no objection, the statement was ordered to be printed in the Record, as follows:

[From the New York Times, June 17, 1971]

CAN AMERICAN GROW UP?

In 1950, there were 151 million Americans. Today, there are 208 million. By the year 2000—only 29 years from now—that number is expected to swell to roughly 300 million. In other words, if present growth patterns persist, the population of the United States will double in the last half of the twentieth century.

Citing these statistics, Senator Cranston of California and 26 other Senators have introduced a joint resolution putting Congress on record in favor of zero population growth. The fact that the co-sponsors come from both parties and across the political spectrum from Barry Goldwater to George McGovern is positive proof that the population issue has moved to the forefront of public concern.

There are several misunderstandings concerning this country's population problem. There is the belief that the introduction of the birth control pill and the wider availability of abortion are rapidly reducing the birth rate. It is true that the birth rate which stood at 25 live births per thousand in 1957 declined during the subsequent decade. But that decline leveled off in the last two years. Last year, it was approximately eighteen per thousand or nearly twice the death rate. As we noted yesterday, multiple births are rising because of increased use of hormones to combat infertility, and in other respects as well there is nothing less than a scientific revolution going on at the present time in the field of human reproduction.

Women in their twenties produce the most children. This country is beginning to have a rising number of women in that age bracket. These young women and their husbands are the babies born during the population boom of the late nineteen-forties and early nineteen-fifties.

A second myth is that excessive child-bearing is primarily a phenomenon of the least-educated, low-income elements in society. It is true that this group has proportionately more children. But seven out of every ten children are born to middle- and upper-income families. In other words, even if the poor began to have children at the same rate as the society as a whole, this country would still have a rapidly rising population.

Yet a third mistaken belief is that if every American family began immediately to have just two children, the problem would be solved. Because of the post-World War II population boom, even the two-child family would mean continued population growth until the year 2037, when America's population would level off at 277 million, more than one-third greater than it is now.

The joint resolution introduced in the Senate proposes no drastic remedies. It urges stabilizing the population by voluntary means consistent with human rights and individual conscience. Its objective is to provide a declaration of national policy as well as a positive context in which the necessary attitudes, policies and research can evolve.

If zero population growth is to be achieved, many popular attitudes and expectations will have to change. For three centuries, Americans dwelling in a nearly empty, richly endowed continent developed a cult of growth. Small towns dreamed that the railroad would bring growth or that new industry would boom land values. The "booster" became an American stereotype and unending growth a national obsession. But now Americans have to develop the self-discipline to prevent an overcrowded and impoverished society. The question is no longer whether America will grow but whether Americans can grow up.

BETWEEN US

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. GAYDOS. Mr. Speaker, the dangers of unrestricted foreign steel imports to American steelworkers grows greater each day as the present voluntary restraint arrangement inches toward expiration with no acceptable substitute yet in sight.

No one stands to lose more than the steelworker himself. Each ton of steel imported means one less he will produce. The loss of domestic steel orders is reflected in the loss of domestic steel production which means fewer work hours for the steelworker and fewer dollars in his paycheck. Eventually, it could mean his job.

In a recent issue of U.S. Steel News, Mr. Edwin H. Gott, chairman of United States Steel Corp., pointed out that firm's American Bridge Division had to withdraw bids for erecting a large building in the West, because another construction company planned to use Japanese-made structural steel, which made all other bids noncompetitive. He also said a study of major construction projects on the west coast, representing more than 160,000 tons of steel, have been built with fabricated foreign materials since 1969. This tonnage, Mr. Gott points out, represents 2 million man-hours of steel production and 2¼ million man-hours of steel fabrication.

Another less publicized threat to the American steelworker is tied to the present contract negotiations now underway in the domestic industry. American buyers have placed large orders with foreign firms in anticipation of a work stoppage here. However, it is common for the foreign producers to link an order for steel now with future steel orders. Handcuffed by this legal obligation, it means American firms will be restricted from buying American steel products once the present negotiations are settled.

Mr. Speaker, I am including Mr. Gott's remarks in the Record and I urge my colleagues to read them. The steel import problem is too serious to be ignored any longer.

The remarks follows:

BETWEEN US

A few months ago, our American Bridge Division had to withdraw bids for fabrication and erection of the structural framework for two large bank buildings to be erected in the West. The reason: another construction firm planned to use structural steel from Japan, making all other bids on these projects noncompetitive.

About the same time, a group on the West Coast that is concerned with the problem of steel imports reported that, since 1969, major construction projects in that area representing more than 160,000 tons of steel have been built with fabricated foreign materials. They estimated that the total tonnage of foreign materials used in these projects represented 2 million man-hours of steel production and two and a quarter million man-hours of steel fabrication.

These instances are further evidence of how the problem of steel imports is growing more serious month by month. In March, more than one and one-quarter million tons of foreign steel mill products entered the United States—a new record for that month. More than three and three-quarter million tons were imported into this country during the first three months of this year—another record and 60 per cent greater than steel imports of a year ago.

These figures, of course, do not represent all of the foreign steel that is lowering demand for our own domestic products. They do not include foreign fabricated steel or foreign consumer products made of steel that can enter American markets with relative ease under this country's current tariff and trade policies.

And, regrettably, steel imports may continue to rise in the months ahead. Steel customers are known to be placing orders with foreign suppliers for delivery later this summer, in anticipation of a possible shutdown of steel-making operations in the United States at the end of July.

It is common for foreign steelmakers, under these circumstances, to insist on future steel orders, before they will agree to supply so-called "strike hedge" steel. And where this happens, it means that many months may pass before customers are again in the market for our products.

Because this problem of steel imports has been around for a long time—too long, in my opinion—it is a subject that has lost interest for some people. But the fact is that imports are a very real threat to the jobs and income of the people of U.S. Steel.

Every ton of foreign steel bought by an American customer—every foreign car or other consumer product made of steel that is bought by Americans—every piece of fabricated foreign steel that goes into a construction project in this country—means there was an order somewhere that we might have gotten, but didn't. And every possible order we lose means that many fewer hours of work, that many fewer dollars in pay for the people who might have produced or fabricated that steel.

I realize that many things will have to be done before this complex problem of imports can be resolved. The entire philosophy of this country toward supporting foreign economies and giving foreign industries easier access to our markets will have to change.

Companies like U.S. Steel must continue to find better and more efficient ways to produce through continuous research and investment in the technology made possible by research. Most important, we must avoid uneconomic increases in employment and other costs which can only impair still more our ability to compete against foreign products.

Meanwhile, and for the long pull, the ultimate answer will require everyone doing his job as best he can. It will be up to us to prove to our American customers that they can get the most value—the highest quality, the broadest range of products, the best in service—when they buy from us.

TEENAGE CALIFORNIA HEROES

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 7, 1971

Mr. CRANSTON. Mr. President, on June 29, two teenage boys in Palmdale, Calif., risked their lives to save a California highway patrolman who was being physically attacked and threatened with a gun.

One boy, Guy Tinder, is 15 years old; the other, Don Stafford, is 16.

In recognition of their courage, alertness, and high civic-mindedness, I ask unanimous consent that an article from the June 30 issue of the Antelope Valley Daily Ledger-Gazette, whose news editor, Don Hanson brought this remarkable incident to my attention, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Daily Ledger-Gazette, Lancaster (Calif.), June 30, 1971]

Youths Credited With Saving Life of Officer in Parking Lot Scuffle

It was all over in about five minutes shortly after noon yesterday, but two Palmdale youths and a California Highway Patrolman have already spent many times that amount of time talking it over with friends, strangers and newsmen.

Patrolman L. Dean Biss credits the two youths with saving his life in a brief scuffle with a drunk driving suspect who had snatched Biss' gun from its holster and threatened his life with it, as all four wrestled on the ground in a Palmdale parking lot.

Don Stafford, 16, 2149 East Ave. Q–6, somehow thrust his thumb between the trigger and the trigger guard rendering the weapon impossible to fire.

Stafford and his companion Guy Tinder, 15, 38844 Juniper Tree Rd., ran to Biss' aid when Gary Joe Garrett, 18, 38444 Fifth St. East, Palmdale, screamed and jumped Officer Biss after Biss had asked to see Garrett's driver's license.

According to Biss' report on the incident, he first saw Garrett as he was patrolling on Palmdale Blvd. near Fifth St. East at 12:20 p.m. yesterday. Garrett was driving erratically, Biss said, and drove off the roadway into a vacant lot on the north side of the road and to the west of Fifth St. East.

Garrett reportedly spun his car around in the dirt field several times. Biss had to go to Sixth St. East to make a U-turn to go back to the vacant lot. As he stopped for the U-turn a man stopped behind him and ran up to Biss' patrol car and told Biss that he had narrowly missed being hit by the car.

When Biss reached the vacant lot Garrett was gone. Biss called for a back up police unit and began a search pattern to find the subject's blue car.

The patrolman spotted the vehicle as it turned from westbound Palmdale Blvd. into the Alpha Beta supermarket parking lot. As it turned it bounced off to the center divider, Biss reported, and drove through the parking lot area at an estimated 40 miles per hour.

Garrett stopped when Biss turned on his red spotlight and got out of the car. When Biss told him that he appeared to be having a little difficulty driving and asked for his license, Garrett reportedly screamed and jumped at Biss from a short distance.

As they grappled on the ground, Stafford and Tinder left the car in which they were riding and ran to Biss' aid. Biss was attempting to handcuff the struggling Garrett and Tinder was trying to do the same with the free cuff. In the struggle, Biss wound up with his own right hand handcuffed.

At that point Garrett snatched Biss' service revolver from his holster in spite of a safety strap snapped across it. Garrett reportedly pointed the gun at Biss' stomach as Biss straddled him on the ground and shouted "I'm going to kill you, you son-of-a-bitch."

Biss grabbed the weapon with both hands, holding the firing hammer and Stafford grabbed for the pistol thrusting his thumb into the trigger guard behind the trigger. Garrett bit Biss on the thumb in an attempt to get the gun free.

Yelling for everyone to get back, Biss hit Garrett in the side of the head with his knee twice shoving Garrett's head into the pavement rendering him unconscious.

Biss handcuffed the unconscious man, replaced his revolver in its holster and called for assistance.

During the scuffle, an unidentified man attempted to call for help on the patrol car radio, but could not remember the location in the excitement.

Biss and Garrett were taken to Antelope Valley Hospital in a patrol car for treatment of minor scrapes and bruises, then Garrett was booked on charges of assault with a deadly weapon on a police officer.

Tinder and Stafford, both seniors at Quartz Hill High School, were riding with Tinder's mother at the time of the incident, and had seen Garrett's erratic driving and were following him to get the car license number, when Biss stopped Garrett's light blue car and the scuffle began.

This morning the two youths and Biss were being interviewed by television and newspaper reporters at Palmdale High School, where both youths are enrolled in summer school courses.

It is expected that portions of the interviews will be seen on this evening's news program on several Los Angeles channels.

"COUNTERBUDGET: A BLUEPRINT FOR CHANGING NATIONAL PRIORITIES 1971–76" AS PROPOSED BY THE NATIONAL URBAN COALITION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. BRADEMAS. Mr. Speaker, this spring the National Urban Coalition made a great contribution to the campaign to reorder priorities in Federal spending with the publication of a historic document—"Counterbudget: A Blueprint For Changing National Priorities 1971–76."

Drawing from a number of expert sources, Editors Robert S. Benson and Harold Wolman, of the National Urban Coalition staff, prepared a 25-chapter discussion of the issues confronting the Nation and how our tax dollars can best be expended to meet our needs.

Because we believe the National Urban Coalition "Counterbudget" is a significant study and deserves to be heard in the national dialog on priorities, 24 other Members of Congress and I joined in inserting the entire document in the Congressional Record. Mr. Speaker, I would like again to call to the attention of my colleagues that the "Counterbudget" appears on pages 16452 to 16504 of the Record of May 21, 1971.

As I said in introducing the document:

> Certainly, Mr. Speaker, there is no lack of problems in America which we must meet if the American people are to build the kind of free society which the Founding Fathers of this Republic intended. And certainly, Mr. Speaker, these problems cannot always be reduced to politically partisan issues.

I was pleased, Mr. Speaker, that the group inserting the "Counterbudget" proposals was bipartisan—15 Democratic and 10 Republican Members of the House of Representatives.

The Members who each inserted a chapter into the Record were:

John Brademas, Democrat of Indiana.
James G. O'Hara, Democrat of Michigan.
F. Bradford Morse, Republican of Massachusetts.
Louis Stokes, Democrat of Ohio.
Martha W. Griffiths, Democrat of Michigan.
Orval Hansen, Republican of Idaho.
Howard W. Robison, Republican of New York.
Thomas L. Ashey, Democrat of Ohio.
William S. Moorhead, Democrat of Pennsylvania.
Edward I. Koch, Democrat of New York.
Fred Schwengel, Republican of Iowa.
Paul N. McCloskey, Jr., Republican of California.
Gilbert Gude, Republican of Maryland.
Charles A. Mosher, Republican of Ohio.
Abner J. Mikva, Democrat of Illinois.
Ogden R. Reid, Republican of New York.
Benjamin S. Rosenthal, Democrat of New York.
Charles W. Whalen, Jr., Republican of Ohio.
Jonathan B. Bingham, Democrat of New York.
Shirley Chisholm, Democrat of New York.
Henry S. Reuss, Democrat of Wisconsin.
Donald W. Riegle, Jr., Republican of Michigan.
James C. Corman, Democrat of California.
Thomas M. Rees, Democrat of California.
Richard Bolling, Democrat of Missouri.

Indeed, Mr. Speaker, the various Members listed above do not necessarily endorse all of the recommendations included in the "Counterbudget." Rather we inserted the document in its entirety in order to draw attention to the crucial questions it raises in the consideration of national priorities.

Mr. Speaker, at this point I include in the Record the review of "Counterbudget" which appeared in today's edition of the Washington Post:

[From the Washington Post, July 7, 1971]

Budging the Budget, Prying Priorities

(Counterbudget: A Blueprint for Changing National Priorities, 1971–1976. By The National Urban Coalition. Edited by Robert S. Benson and Harold Wolman. Foreword by Sol M. Linowitz)

(Reviewed by Walter Pincus)

How do you praise a book that should be required reading because it provides the most cogent and thus compelling analysis of the myriad domestic problems facing this country—yet completely fails to accomplish its stated goal of providing a "blueprint for changing national priorities?"

That, frankly, is my problem with "Counterbudget." The National Urban Coalition apparently sees the book, according to the foreword by its chairman, Sol M. Linowitz, as an effort to provide a "new set of national priorities" accompanied by a proposed five-year federal budget that "represents a milestone in the growing national debate over what our priorities should be." The proposed budget may be a milestone, but it is one that hangs around the necks of readers like a millstone.

I believe in following the federal dollar and thus retain great respect for authors who approach the problem of reordering today's America by choosing "the federal budget as our vehicle for examining priorities." I firmly agree with them that "unread as it may be, the federal budget is the single most important instrument for the setting of national priorities."

One also cannot argue with their analysis that "budget allocations are too often determined through what might be called the let's-see-what-we-gave-them-last-year-and-give-them-a-little-more-this-year approach. This practice," the authors continue, "militates against new ideas and tends to preserve programs that may no longer serve their original purposes." They should have added that such an approach also meets the needs of a Congress that has ultimate power but little time to hold extensive hearings, to debate and approve substantial changes in more than a few programs of major significance each year.

"Counterbudget," by eliminating the political realities, takes you from today's governmental situation to Utopia with no explanation of how the country and particularly the Congress will be driven or tempted to get there. Thus the brilliant presentation of today's problems is magically wiped away by the proposed budget that fails to take into consideration the very political process that put us where we are. Take, for example, the chapter on national defense, which calls for a cut in fiscal 1972 defense spending of over $15 billion. Only last week Sen. William Proxmire's amendment to cut less than $7 billion was demolished by 40 votes in the Senate—the house of Congress most likely to initiate reductions.

No, the guts of the book—and they are in the impassioned chapter-by-chapter recitation of where this country is domestically—from its troubled schools, hospitals and homes to its failing transportation systems to its farms to its aging system of laws and administration of justice. The detailing of situation after situation, many of which have been buried from public view for years under Vietnam stories, serves as a sharp reminder of how the war has had its effect here at home.

Of particular interest are the analyses of health, education, metropolitan and rural development, and criminal justice.

The summary of health problems, which subsequently are developed at some length, illustrates the breadth of this book's approach and its even-handed yet forceful manner of presentation:

"These problems generally can be summarized under four headings:

"An absence of national health policies out of which goals, objectives and strategies can emerge;

"A shortage of manpower, equipment and facilities;

"An uneven distribution of services; and

"Spiraling medical costs that do not result in increased services."

Responsibility is assigned to "many institutions" including the "private insurance carriers," "hospitals and medical schools" and "the federal government." But in the end, it is the reader—the concerned citizen whose own life has not been troubled by a lack of health facilities and who thus has failed to concern himself with the plight of others—who suddenly feels a new responsibility.

Proposed solutions then pour forth across the pages, but they tend to stimulate thinking rather than persuade acceptance. They also force forward the questions that hang as a cloud over the entire presentation: How much can be changed? Who are the political and bureaucratic principals? How could their support be secured to bring about the basic changes necessary to meet the problems expressed?

In a few pages, "Counterbudget" gives a tough criticism of the present patchwork of programs that govern what is called the federal government's farm policy. Price supports are "poorly suited for easing the economic hardship of low-income farmers—the richest 10 per cent of all farmers receive more than 50 per cent of price support payments." The book describes land diversion, or payments for taking farmland out of production, as "analogous to bailing water from a boat in preference to fixing a leak." Three programs that cost the taxpayers over $750 million are deftly chopped up as having "outgrown or subverted their original purposes and now aggravate the agricultural capacity problem."

This chapter, in particular, cries out for the political input. For agriculture policy is a captive of Congress and it is to the men on the Hill, particularly Reps. Jamie Whitten, (D-Miss.) and W. R. Poage (D-Tex), with their hammerlock hold on agricultural legislation and appropriations that one must look for change—or lack of it.

There are limitations—or gaps—in some analyses. Though the authors come down hard against subsidies for transportation services that "benefit specific groups—particularly higher-income groups," they never detail today's $1.6 billion in federal aid to aviation. Furthermore, their projection of that aid in 1976 rises to $3 billion, again with no explanation of where the money should go or why.

The weaknesses in presentation are, however, minimal and the overall effect of a concentrated reading is either depression at the state we are in or determination to help make it better—or both.

We have always been a society of study groups, academic research efforts, foundation grant projects, congressional investigations and Presidential blue ribbon commissions. Thus it is not surprising that today, when the country finds itself in trouble abroad and at home, these institutions uniformly have turned to inquire into the problems seen developing. The result is a weighty steady flow of speeches, pamphlets, reports, books and even series of books. "Counterbudget" is clearly one of these—but one worth reading.

One would hope that the Urban Coalition now turn its funds and its personnel toward the challenging job of determining how we take the steps toward the utopia they have seen. Today's America, as seen in "Counterbudget," suggests we have not too much time for study.

Note.—The reviewer was chief investigator for the Symington Subcommittee inquiry into American military commitments abroad and their influence on foreign policy and recently reviewed the Federal Budget for this newspaper. A former investigative reporter for The Washington Post and Washington Evening Star, he is now organizing a national daily newspaper, The Morning News.

GENERAL THOMAS WHITE TROPHY AWARDED TO IGOR SIKORSKY

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 7, 1971

Mr. GOLDWATER. Mr. President, the Air Force this year awarded to Igor Sikorsky the General Thomas White Trophy. It was in recognition of Mr. Sikorsky's great contributions to aviation probably as great as any living man. After the presentation Mr. Sikorsky delivered a wonderful résumé of his life in aviation accompanied with slides. It is impossible to use the slides in the Record but the words should be there for history to remember.

I ask unanimous consent that this outstanding résumé by Mr. Sikorsky be printed in the Extensions of Remarks.

There being no objection, the résumé was ordered to be printed in the Record, as follows:

Recollections of a Pioneer

This audience, which it is my honor and privilege to address, includes many who are better informed on the history and the present development of aviation than I am. However, there were very few left who lived and worked in those dramatic, pioneering years of aviation. Therefore, it is not as an historian but rather as a witness and participant, that I speak to you.

By way of introduction, it is interesting to me to speculate why man, who dreamed of flying for literally thousands of years, certainly experimented for hundreds, only flew successfully in this century. At least three types of "aircraft" could have been built and flown 2 to 4 thousand years ago. These are the hot air balloon, the large mancarrying kite, and the glider. Excellent craftsmen, capable of sophisticated work in wood and fabric, lived in Greece, Rome and Egypt. However, the time was not yet ripe. Man could dream of flying, but could not progress beyond legends and fairy tales.

Two centuries ago, in June 1783, the Mongolfiere hot air balloon appeared. In November, only five months later, Pilatre and D'Arlandes became the first human beings (that we know of) to fly. Though balloons were steadily perfected since then, inherent limitations, such as complete dependence on wind, made practical transportation a hit-or-miss affair at best.

Then, at the end of the last century, driven by some force or intuition, a few isolated pioneers began to approach the problem of heavier-than-air flight in a scientific manner. Though there are many others, three names seem particularly important to me. . . .

The Frenchman Clement Ader, who was, in my opinion, the first man who actually lifted briefy, for seconds, from the ground in a mechanically-powered flying machine.

Shortly afterwards, the Englishman Hiram Maxim also left the ground in a huge steam-driven aeroplane.

However, both these aircraft were hopelessly, uncontrollable and incapable of true flight.

Otto Lilienthal of Germany approached the problem in a different manner. He first experimented with gliders, and taught himself piloting at the same time. He made over 2,000 flights before his death in a crash in August of 1896. His brilliant work stimulated many men, among them a young French army officer and two brothers building bicycles in Ohio.

Despite this, the century ended with the great majority of scientists convinced that flying would forever remain an impossible dream. At that time, 11 years old, I was told that man had not yet reached the North or South Pole (but probably would); no-one had climbed Mt. Everest (and probably never would) and no-one had successfully flown (and very definitely never would).

At the turn of the century, the Wright Brothers started serious experiments. After only four short intense years of work, they made their first flight on December 17, 1903. Now why was it that the Wright Brothers succeeded where so many had failed before them?

Probably, because they were the first pioneers (with Lilienthal) to realize that building a successful flying machine was only part of the problem . . . learning how to fly it was an equally great challenge.

Therefore, the correct approach by way of gliders. Equally important, the primitive gliders would not have been successful without optimum gliding conditions during the difficult training phase. The Wrights realized this, and after considerable research, found the proper combination in Kitty Hawk, North Carolina, with its desolate, rolling hills and reasonably strong, uniform winds. And just as many of us admire the natural wonders of the world and give them names (such as the Natural Bridge in Virginia) I would refer to Kitty Hawk as the "natural wind tunnel", because that's exactly what it is.

Their work showed very practical thinking and brilliant compromises. For instance, they placed the pilot in a prone position, to reduce air-resistance. To reduce weight, they left their wheels on the ground. Now, every practical engineer knows that one can cross a belt but that one should not cross a chain. It is wrong to cross a chain, and the Wright Brothers, with years of experience as bicycle mechanics, knew this better than anyone else. But, they crossed the chain, eliminated torque and made their successful flight.

However, even after the first news of the flights, many considered aviation impossible. A prominent American newspaper dismissed the first news of the Wright Brothers flights with the following statement "When a man of profound scientific wisdom has demonstrated with unassailable logic why man could not fly, why should the public be fooled by silly stories about two obscure bicycle repair men, who have not even been to college . . ."

Reports of their work began to reach Europe and France, birthplace of the balloon, became the center of European aviation. A young French officer, Captain Ferdinane Ferber, has visited Lilienthal before his death. Ferber began constructing gliders and testing them. His enthusiasm stimulated others; when rumors of the Wright brothers flight reached France, they generated a new wave of experiments.

In September 1906, a wealthy Brazilian named Santos Dumont, living in Paris, made the first "flight" in Europe . . . a hop of 80 feet (25 meters). In November, he made a 21-second flight that covered flights of over ½ hours' duration in Ohio . . . but avoiding all publicity.

In 1907, the Voison brothers built two identical airplanes . . . one for an art student turned racing driver named Henri Farman, the other for his friend, a sculptor named Leon Delagrange. These two began to make "hops"; by November Farman has succeeded in keeping his modified Voison in the air for one minute fourteen seconds; in January of 1908, he won a 50,000 fr. prize by staying one minute 43 seconds in the air while flying a one-kilometer distance.

Then, in August of 1908, Wilbur started demonstrating the Wright "flier" at Le Mans France. The first flights were a sensation . . . a sensation that continued as Wilbur began carrying passengers, making flights of one hour and more. An amazed and enthusiastic world recognized their unchallenged technical knowledge . . . and piloting experience. From August to December, Wilbur flew over 26 hours and carried some 60 passengers. A number of flights were of one or more hours' endurance; in September he established a record of 1 hour 31 min.

That summer, I was vacationing with my father in the Alps. I had always been interested in aviation, especially after a dream I had at the age of twelve. In this dream, I saw myself walking down a passage way, walking slowly over an attractive carpet, I felt a slight vibration under my feet, but different from a ship or train. Just as I reached the end of the corridor I suddenly realized that I was in a flying machine, and woke up, the dream crystal-clear in my mind.

This dream so impressed me that when I saw the articles and photographs describing Wilbur Wright's first flights in France, I made the immediate decision that somehow, someway I must fly. I was, at that time, 19 years old.

I determined to build a helicopter, but soon realized that I needed practical know-how. My main occupation then became that of convincing my family to send me to Paris to study aviation. Paris had a "doubtful" reputation; friends warned that a nineteen-year old boy in Paris with a fair sum of money in his pockets was a very risky proposition. They said that I would no doubt return with a number of interesting experiences—but few of them connected with aviation. However, my parents gave their permission, and I came to Paris in January of 1909.

Paris was then the aeronautical center of the world. However, aeronautics was neither an industry nor a science . . . Too little was known. Aeronautics was an "art" and a "passion" . . .

And to many, a miracle. At Juvisy and Issy, dozens of weird and wonderful airplanes were being built. Luckily for their pilots, most of these aircraft, never got off the ground. Others could not rise more than a foot or so . . . and flew short hops (measured in seconds) across the field. However, even the brief, unsteady flights were deeply impressive. Many times I observed exxpressions of exultation *and tears* in the eyes of witnesses, who, for the first time, watched a flying machine carrying a man in the air.

About the same time began the period that I like to call the "era of engineering impossibilities". Wise and respected scientists began to prove conclusively a number of facts such as . . .

It would be impossible to fly aircraft heavier than one ton,

Impossible to build aircraft with more than one engine,

Impossible to fly any significant altitude or distance, such as over the Alps or across the Mediterranean,

Impossible to equal speeds already reached by a number of racing cars and trains.

In Paris, I met Captain Ferber who gave me valuable advice and inspiration. He advised against the construction of a helicopter, insisting that fixed wing aircraft were the logical way to go. Ferber recommended an aviation "school" at Juvisy, where he was one of the instructors. It was an extraordinary school, no text-books, no examinations . . . not even a program. I would compare it to the discussion schools of the ancient Greek philosophers! On one hand, a small group of students eager to learn something about a subject of burning interest to them, about which at that time there existed no science, no reliable books and frighteningly little practical information. On the other hand, a few men, including Captain Ferber, who *did* know something and were willing to talk about it. The students would assemble, on the field or in a hangar, gather around one of teachers and listen to whatever he would be willing to talk about.

We watched every second of every flight we could, no matter how short, and learned much from the landings.

I determined to buy a motor to take back to Russia. I asked an experienced pilot: "What is a good aero engine?" He answered: "There is no good aircraft engine." I continued: "Well, what is the least bad engine?" His answer was: "Probably the Anzani, because it has the least number of parts. Thus, even if every part is bad, it will at least have a lesser number of bad parts."

I remember purchasing a 15-horsepower engine at the Anzani factory (a large organization of 35 workers) and meeting another client who was just purchasing a similar engine. This man, Louis Bleriot, was becoming well known in Europe as a designer of a new increasingly successful family of monoplanes.

In May, I returned to Russia, with Captain Ferber's motto ringing in my ears "to design an airplane is nothing . . . to construct it is very little . . . to make it fly is everything."

Despite Ferber's advice, my first project was my first love . . . the helicopter. Powered by the 15-hp. Anzani, it demonstrated many of the characteristics of the modern helicopter; it cost much money, made a great deal of noise, and much vibration. It had one minor technical problem . . . it would not fly . . . but otherwise it was a good helicopter.

That summer, aviation was attacking one of the great "impossibilities" . . . flight across the English channel. On July 19th Hubert Latham was the first to try. This chain-smoker, it was said, had been told by his doctors that he had only one year to live, and took up flying to live it fully. Shortly after leaving France, the engine of his Antoinette stopped. He ditched, 5 miles out, and was rescued.

Then, during the night of July 24–25 Louis Bleriot, unable to sleep because of pain from a leg injured in a previous accident, realized that the weather was improving enough to try the flight. At dawn, July 25, he took off. Flying by pure guess, for he had no compass or other navigation instruments, he flew across the channel and landed in triumph at Dover. His flight created headlines around the world and won him a firm place as one of great pioneers of aviation. He received orders for over 100 of his aircraft in the next two weeks . . .

One week later, Latham tried again, and made it to within two miles of the English coast before his engine quit. Again, he was fished out of the water, still smoking his "permanent" cigarette. Latham went on to fly the Antoinette all over Europe, becoming quite famous. After outliving some of his doctors, he was killed . . . big-game hunting in Africa.

(The next crossing of the channel was one year later again a Bleriot, flown by Jacques Delesseps, son of the man who "dug" the Suez Canal!)

In September, Captain Ferber died when his Voisin Pusher aeroplane ran across a small ditch while landing. The gear collapsed, the rear-mounted engine tore loose and crushed him. His last words as he died moments later, were ". . . quel stupide accident"! ". . . what a silly accident". It was this tragedy that convinced me to design my future aircraft as a tractor aircraft; that is, with the engine mounted in front of the pilot. This decision probably saved my life in a number of later crashes.

In October, I returned to Paris for a few months, saw the flight of Count De Lambert on October 18, 1909. He took off from Juvisy, flew over the city of Paris, circled the Eiffel Tower and returned. During his flight he reached the incredible altitude of 1,300 feet, all Paris was mad with enthusiasm; it was the first time an airplane had flown over the city.

I remember a debate in a Paris magazine entitled: "Is Flying Dangerous." I read Leon Delagrange's article insisting that flying was dangerous and Bleriot's answering to the effect that flying was not. Delagrange (who insisted flying was dangerous) died in a crash two months later; in January of 1910. Bleriot lived to a ripe old age.

That winter I built my second helicopter, which proved unsuccessful and I temporarily postponed further experiments, little knowing that my "temporary postponement" would last nearly 30 years.

My first airplane, built that same winter, rolled along the ground rather well . . . but that was all it did well. My second aircraft, the S-2, could make very short hops lasting a few seconds. It had fairly unique control characteristics. If you pulled back the stick a little bit, it would go up. If you pulled the stick back a little bit more, it would go down; if you pushed the stick forward, it would also go down.

I crashed and rebuilt the S-2, S-3 and S-4 in rapid succession. Fortunately, none of these aircraft could fly very well, but I did become expert at rolling on the ground at impressive speeds and tried to learn to control them during the very short hops they made. I might add that I had never been in the air, even as a passenger, until my first hops in the S-2. This was the case with all the early pioneers, who built an aircraft without knowing how to build it, and then climbed into the cockpit and tried to fly it, without knowing how to fly.

We were learning by trial and error, by triumph and tragedy. Chavez, the first pilot to fly across the Alps, in September 1910, was just about to land in Domodossola to a hero's welcome, when his aeroplane was caught in a sharp downdraft or gust! His wings failed downwards, and he crashed to his death. This catastrophe proved the necessity of introducing reverse load factors in the airplane . . . negative G was not known before.

In those days, I would estimate there was about one fatality for every 2,000 miles of flight and probably two to three crashes for every 100 miles. In other words, the average pilot could expect approximately one serious crash per flying hour, and only the exceptional pilot survived more than fifty flying hours before killing himself!

Much of the design and flight knowledge that is now taken for granted was then unknown.

Thus, misfortunes of another nature became numerous. Multitudes of inventors became convinced that they had invented an outstanding flying machine. They mistook uncontrolled imagination for creative intuition. When warned of obvious errors, they replied with confidence that all great inventions had been scoffed at. They would spend their lifes' savings, mortgage their homes and borrow to the limit, in order to construct a total failure. A series of tragedies and ruined fortunes were left on the road of aviation progress!

In 1911, one year, four aircraft and innumerable crashes later, the S-5 was a success and I began to gather flying experience. After a series of increasingly successful aircraft (such as the S-6) I became associated with the Russian-Baltic Railroad Car Company, and convinced them to build a large four-engined airplane.

Many obstacles were mentioned: First, no four-motored aircraft had ever flown, despite several attempts in the past and many aviation authorities could prove conclusively (on paper) that a large aircraft would never fly.

Lacking scientific data, I was guided by intuition and insisted on the more difficult solution of building a biplane of extremely high (for that time) aspect ratio. Here, I had little scientific data to draw upon, but somehow felt that this was the right course. In retrospect, there is no doubt that any other solution would have been a failure.

I made the first flight in the late evening of May 13, 1913. It was the first successful four-motored aircraft in the history of aviation, it weighed some 9,000 lbs. (4 tons), and flew at approximately 65 miles an hour. In fact, it took off at 65, flew at 65 and landed at 65!

It was also the first aircraft to have an enclosed pilots and passenger cabin, which again violated a number of long-standing aviation taboos. In passing, however, I would like to deny one rumor, to the effect that I tested the structure for strength by placing a chicken between the struts and wires and timing how long it took it to get out. The active life of the grand turned out to be just over four months and included a 25-mile cross-country to an army airfield where it was inspected by the czar.

The experience gained in the "grand" permitted the construction of a larger and more successful airplane called the "Ilia Mouronetz". It first flew in January, 1914. In the following six months, it established a number of world records. On one flight carrying sixteen persons. To prove the safety of the multi-motor concept, a motor would often be shut down in flight, then the mechanics would climb out of the wings and change the spark plugs as a demonstration.

In late June, the aircraft made a cross-country flight from St. Petersburg to Kiev, a distance of over 800 miles. A number of stimulating incidents occurred, including an engine fire in mid-air (put out by two men climbing out on the wings and beating out the flames with their coats). The aircraft continued flight on the remaining three engines and averted disaster.

Two weeks after my return flight from Kiev, World War I started. The Russian Government ordered the aircraft into production as a heavy bomber. Constant improvements in performance were made during the war years. To my knoweledge, it was the first aircraft to fire a 37 mm. cannon in flight; and the first aircraft to have a tail gunner's position. Over a hundred of these aircraft were built; only one was shot down by enemy fighters. Many however, fought their way to their targets and back, riddled with holes. One bomber was so badly damaged by flak that the wires supporting the reverse load for the aircraft were shot away. The bomber limped home to a safe landing and as it rolled to a stop the wing, deprived of lift, slowly collapsed.

After the Communist revolution in 1917, I emigrated to France, and then travelled by ship across the North Atlantic to the United States. This ocean had already begun to challenge the imagination during the war. However, many qualified technicians kept repeating that successful transatlantic flight could only be accomplishd by the dirigible, if at all.

In May of 1919, a United States Navy NC-4 seaplane, was the first aircraft to cross the Atlantic to Europe, but with refueling stops en route. Then, on June 14, 1919, the British team of Alcock and Brown made the first non-stop flight across the Atlantic. Starting from Newfoundland and landing in Ireland, their 1960-mile flight dramatically shattered yet another "Aviation Taboo."

My work in America started under extremely difficult conditions. Following World War I, military aviation was virtually discontinued and commercial flying was yet to come. However, I organized a company with $800 in cash and $2,000 in questionable subscriptions. Our first airplane, known as the S-29A, proved a success. After I finished test-flying it, we were able to earn a few dollars now and then on charter work. Eventually, we sold it to Roscoe Turner, who flew it extensively for numerous charter and advertising contracts, he was so busy in so many different places that people thought he owned a whole fleet of S-29's.

He then sold it to Howard Hughes, who disguised it as a German bomber and deliberately crashed in his famous aviation movie, "Hell's Angels".

With enormous difficulties the Sikorsky Aero Engineering Corporation constructed a small number of other designs through 1927. It was this period in America that inspired one person to say, "The greatest danger in aviation today . . . is starvation". It was a fact that many of us only really ate well when invited to a banquet as an after-dinner speaker.

Then in May 1927, Charles Lindbergh made his dramatic solo flight across the Atlantic. The brilliant flight was a milestone because it was not merely another attempt to fly across the ocean, but a take-off from a specific point and a non-stop flight to a specific, predetermined airfield in Europe. This flight ended what, I believe, was the pioneering age and opened a new era. The world, and particularly America, became "aviation-minded" overnight.

Other successful aircraft were produced by our company among them the twin-engined S-38 amphibian which flew throughout South America, Hawaii and many other corners of the world. The unusual configuration of the S-38 earned it a variety of descriptions, one of which was "a collection of aviation spare parts flying in close formation". Over 100 were built, which was a huge production run in those days.

In 1929, the Sikorsky Aviation Corporation became, first, a subsidiary and later a Division of the United Aircraft Corporation. With their backing and support, the development of large flying boats and later the helicopter was successfully carried out.

In the fall of 1931, Sikorsky Aircraft delivered the first four-engined flying boat to Pan American Airways. On the formal acceptance, with Pan Am pilots in command, I had no duties and enjoyed the flight. As the sun sank below the horizon, I walked back from the cockpit into the darkening passenger cabins, then stopped, surprised. The lighting, the corridor, the vibration . . . all was disturbingly familiar. Then, suddenly, I realized that this was exactly the cabin I had seen in my boyhood dream, 31 years before.

Later came the S-42, which established several world records: then pioneered trans-ocean routes to Asia, and in 1937, began commercial trans-Atlantic service.

The last of the Sikorsky flying boat types was the S-44, several of which made non-stop flights across the Atlantic during World War II. For several years one held the blue ribbon for the fastest seaplane trans-Atlantic crossing, 14 hrs. 17 minutes. One of these aircraft is still flying today in the Virgin Islands.

The 1930's were marked by increasing attention to rotary-wing aircraft. One of the great pioneers was Juan de La Cierva, who developed the autogyro in 1923. In creating this machine, he perfected the flexible, rotating, wing, later used by the helicopter and was first to prove that autorotation was possible.

A number of helicopters were attempted; Pescara and D'Ascanio were moderately successful; Breguet's successes were greater still.

However, in my opinion, the first real success belongs to Dr. Henrich Focke, who, between 1937 and 1939, created a helicopter which flew to 11,000 ft., made power-off landings from various altitudes and was flown inside an exhibition hall. This prototype was followed by a considerably-larger helicopter, which, however, was just starting production as the war ended.

In the mid-thirties, I also returned to my first interest—the helicopter. In early 1939, (after four years of design studies) we built a prototype, the VS–300. It was a very challenging problem, and a most interesting chance to live one's life again; to conceive a new type of aircraft, to build it without really knowing how to build it and then to climb into the cockpit and test-fly the machine without really knowing how to fly it.

The first tentative hop was made on September 14, 1939. Control and stability were serious problems. The first motion pictures of the helicopter showed such an unstable machine that we never showed the films, except in slow motion, which slowed the darting movements to a graceful weaving and bobbing.

We experimented with a variety of configurations including two, three and four-rotor combinations. After one of our early demonstrations to a few guests, one of them asked me "Mr. Sikorsky, it's a remarkable machine. It hovers, flies sideways and even backwards. But I haven't seen it fly forward". I was forced to answer: ". . . Yes . . . forward flight is a minor technical problem we have not solved yet".

However, by steady, patient work we solved the problems and began to fly satisfactorily, and by May of 1941 were able to establish a number of world records for the helicopter.

The subsequent development of the helicopter, and recent achievements, are too well known to be discussed here in detail. However, one highlight will always remain of interest to me . . .

Almost from the start, the helicopter proved its unique talents for the saving of human lives, and in its short life to date, *has saved well over half a million people.* Many of these rescues required brilliant piloting and a high degree of heroism. We, in the helicopter industry, are very proud of these pilots, and humbly grateful to them for the skill and courage they are demonstrating day and night, around the world.

Today, the conventional helicopter has become a valuable tool and is being used around the world. The helicopter, and particularly the crane, is helping to move and supply remote drill rigs, is building transmission towers across inaccessible terrain and literally carrying houses from one site to the other. Quite simply, it will allow man to live and work in areas that were virtually inaccessible before the helicopter.

In the near future, a significant improvement in helicopter cruising speeds may be predicted by the introduction of compound helicopters. This concept would permit the development of 80-passenger helicopters, cruishing at 250 to 300 knots for distances of several hundred miles.

In this address I have mentioned traveling above the surface of our planet. Recently, yet another of those great "impossibilities" has been successfully realized by men leaving the earth; first by short hops into orbit. Just as we hopped into the air during the birth of aviation . . . then recently successfully traveling to the moon, and finally stepping on its surface.

It is my personal conviction that our solar system contains no other intelligent life, except for that on the earth. Therefore, while other planets or satellites could be visited. such visits would be made only in the interest of furthering scientific study by earthly men.

However, I am equally convinced that intelligent life must and does exist in many, many other places throughout this magnificent universe.

I also venture to make the totally heritical statement, from the standpoint of modern science, that the velocity of light is not the upper limit of speed. Much greater velocities can exist in the universe even though we have never observed them and cannot imagine them. Nevertheless, for man-kind, even the velocity of light is out of the question for travel, at least into the foreseeable future.

I am aware of the dangers of making scientific predictions, since I have made a few myself in my career. In general, my conservative forecasts proved to be more often wrong than the optimistic or extravagant ones. After all, while a boy, I was told that man would fly . . . recently, I had the honor of meeting the first man to have walked on the moon.

To participate in the birth of aviation has been a challenging and satisfying profession. The memories of the pioneers and their machines are still vivid in my mind today.

Perhaps the greatest truth that these pioneers have given me is to appreciate the importance of free work performed by free men. Now, once a man creates an idea, the development and mass production requires large organized groups of men, working to some common objective. Nuclear power and space travel to mention two fields, could not have become realities without it. Nevertheless, as the initiator, it is the man who is the greatest and most important element and in order to do the job and to do it right, he must have freedom—freedom of initiative, freedom of choice, freedom of work and freedom of thought.

That is where all progress starts.

RESULTS OF CONGRESSIONAL QUESTIONNAIRE SUBMITTED BY RESIDENTS OF EIGHTH CONGRESSIONAL DISTRICT OF OHIO

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. BETTS. Mr. Speaker, residents of the Eighth Congressional District of Ohio have responded in overwhelming numbers to a questionnaire which I circulated this spring. Approximately 25,000 completed questionnaires have been returned to my office and these were recently tabulated. Actually, the number of participants in this poll could run as high as 40,000 because the questionnaire form contained an answering space for only one respondent, and in many cases the form was signed by both husband and wife. In fact, I received one form signed by 12 people.

As in the case of any public opinion poll, the sampling may not necessarily reflect the attitude of the eight district. Nevertheless, on the basis of opinions expressed in accompanying letters and comments to the questionnaire as well as my personal conversations with constituents, I believe the answers are representative. One thing is for certain: Ohioans are vitally concerned about the issues of the day, because over 2,500 questionnaires were returned with letters.

Mr. Speaker, after several weeks of tabulating, the results are complete, and I would like to bring them to the attention of my colleagues and the Nation. I am also sending a copy of the results to the President. At this point in my remarks I include the questions and answers. The answers are on a percentage basis.

	Yes	No	Undecided
1. Do you approve revenue sharing of Federal funds by direct payment to States and local governments without Federal control?	51.6	42.6	5.8
2. Should persons who voluntarily strike be entitled to food stamps?	13.2	85.5	1.3
3. Would you favor a federally controlled program of national health insurance financed by increased social security taxes and other Federal taxes?	26.2	69.1	4.7
4. Should the President have additional authority to control strikes in the transportation industry?	70.1	27.7	2.2
5. Do you believe in limiting foreign imports if they are found to unduly hurt American industry and jobs?	85.8	11.4	2.8
6. Do you approve of the present administration of welfare programs?	5.8	90.2	4.0
7. Do you favor lowering the voting age to 18 years?	38.6	59.6	1.8
8. Which of the following best indicates your position toward the Vietnam war?			
(a) Gradual withdrawal	39.3	------	2.0
(b) Firm date for complete withdrawal	18.5	------	------
(c) Immediate withdrawal	16.4	------	------
(d) Resume bombing of North Vietnam and attempt a military victory	23.8	------	------
9. What policy should the United States take in regard to the Israeli-Arab dispute in the Middle East?			
(a) Furnish arms to Israel	26.7	------	2.1
(b) Active military support to Israel	1.9	------	------
(c) More friendly to Arab nations	3.4	------	------
(d) Hands off	65.9	------	------
10. Please indicate in order of priority steps you feel should be taken to combat inflation.			
(a) Reduce Federal domestic spending			3
(b) Reduce military spending			4
(c) Reduce space spending			2
(d) Reduce foreign aid			1
(e) Wage and price controls			5
(f) Increase taxes			6

Mr. Speaker, as might be expected, the war in Southeast Asia was the dominant topic in the area of foreign affairs in those questionnaires which contained additional comments or letters. A principal reason for this was the Calley decision which was handed down just after the questionnaire was mailed. However, two areas of domestic concern—welfare reform and inflation—occupied the greater percentage of those added comments. This was, to a large degree, I believe, because the questionnaire coincided with income tax time. The Ohio General Assembly is debating a State income tax proposal and many Ohio counties recently increased real estate taxes, so spending at all levels of government prompted a flood of criticism from my constituents.

Obviously, every national issue cannot be covered in a questionnaire. For this reason, I try to vary the questions from year to year, except on the Vietnam war and the state of the economy. Then, too, the attitudes of people also vary in different areas of the country but I think you can get a good cross-section of opinion in the Eighth Congressional District of Ohio. For this reason I want to discuss each question separately in order to give a clearer perspective to the responses.

First—Revenue Sharing. The questionnaire indicated that many people are not certain what revenue sharing is all about. On this question the undecided tally was 5.8 percent, which was by far the largest undecided response to any question.

I found no widespread opposition to revenue sharing as a concept; however, numerous respondents felt that the funds to be shared had no business in Washington in the first place. As a fiscal conservative, I support this view. Nevertheless, as a practical matter, once various government spending programs are inaugurated, one of the most difficult tasks imaginable is to rescind them or even to curtail them. Even if a program has merit, often it is so entangled in the Federal bureaucracy that the intended beneficiaries are totally frustrated in their attempts to get assistance.

Of course, I feel that Congress must share the blame for this problem, because too often Congress agrees to create various grant-in-aid programs without first seeking to consolidate those in existence. Bureaucracy only perpetuates itself when additional programs are launched to supplement those already in existence whose performance fell short of expectations. Certainly, nothing is more infuriating than to have a locality apply for a grant, discover that there are untold programs in numerous agencies with provisions that might be applicable for eligibility and then be turned down on some bureaucratic technicality.

I have seen no evidence that the Federal Government would be superior to States and localities in administering grant programs. On the contrary, confusion, duplication, and overlap are the rule rather than the exception in Federal administration of grant programs, and in some instances, administrative costs are greater than the actual funds distributed.

Quite frankly, I am so opposed to an unnecessary and excessive bureaucracy that I feel any opportunity to bypass it is in the public interest. With revenue sharing we can make a stab in this direction and when I discuss this aspect of revenue sharing with those who are either uncommitted or downright skeptical, I find that interest in the program increases and opposition diminishes.

Second—Food Stamps for Strikers. There was absolutely no doubt how my constituents felt on this issue. Not only did 85.5 percent vote "no" on food stamps for those who strike, but this question had the lowest uncommitted vote—just 1.3 percent.

Now, I do not interpret this vote as being hostile toward union employees. In fact, many union workers wrote to express their opposition to the handing out of food stamps to strikers. Rather, the vote was a resounding indictment of the entire food stamp program, which the average person intensely dislikes. The wage earner with no food stamp supplement can get pretty wrought up about this program when he goes through the checkout counter of the supermarket with his wife and observes the person in front of him using food stamps to pay for steak when he can only look forward to ground beef for dinner.

Rarely, if ever, has a Federal program been so fraught with mismanagement and corruptive practices as in the case of food stamps. In most cases of Government scandal, people only see it through the eyes of the news media, but food stamps are an everyday proposition and people actually witness the abuses.

The basic disagreement does not seem to be with the food stamp program per se. I find little, if any, views that might be construed as a callous disregard for the plight of those who are victims of misfortune. In areas where malnutrition exists as a result of extreme poverty and ignorance, the issuance of food stamps can certainly be justified. But, I believe my constituents are saying that the program should not be used as a tool to perpetuate a strike or to enhance the publicity of a politician, especially since the program is financed by the taxpayers.

Food stamps for strikers did not begin until after 1968. It is interesting to note that the number of persons receiving food stamps grew from 3.34 million in 1968 to 7.17 million in 1970. The number of persons receiving food stamps in January, 1971 was a whopping 157 percent above the total for the preceding January. These percentages are alarming, and it is evident that that is the feeling of most of my constituents.

Third—National Health Insurance. Despite a great deal of fanfare and political rhetoric extolling the virtues of a government-controlled national health insurance program, the voters in my area of the country are opposed to such a scheme because they realize how much it would cost the American taxpayer.

So often when arguments are made for passage of the so-called Health Security Act under which the Federal Government would take over virtually all U.S. health care, there is rarely a corresponding explanation by its advocates as to how such a program would be financed. This is why my question stated: "Would you favor a federally controlled program of national health insurance financed by increased social security taxes and other Federal taxes?" The Social Security Administration estimates that the cost of the much publicized plan would be $77 billion by 1974. This would mean that the payroll tax base on social security would rise to $15,000. I'm hearing from a lot of young people these days about social security and they are unalterably opposed to increasing the base.

Everyone recognizes that we are rapidly approaching a health care crisis in this country, but Congress is challenged to come up with a health plan that is fiscally solvent. In doing so, I feel it is necessary to utilize every possible resource of the private sector in conjunction with the Federal Government. Emphasis must be directed at prevention of illness in addition to caring for those who are ill.

People in our rural areas are greatly concerned over the shortage of doctors and trained medical personnel in smaller communities. There are many communities in America in the 5,000 population class that do not have a physician. There are other concerns too, such as providing more extensive systems of emergency medical transportation, updating health care facilities, and improving the administration of health care resources. These and numerous other points were mentioned by my constitutents and they are looking to Congress for solutions. As a member of the Ways and Means Committee, I recognize that the solutions will not come easy as we prepare to hold hearings on the various health proposals that have been offered.

Fourth—Emergency Strike Legislation. While just over 70 percent of those who responded felt that the President should be given additional authority to control strikes in the transportation industry, there is a possibility that the percentage would have been higher inasmuch as about two-thirds of the questionnaires had been returned by May 17, the day approximately 13,000 members of the Brotherhood of Railway Signalmen struck the Nation's major railroads.

Like my constituents, I feel that we have got to find a permanent method of responding to emergency strikes or lockouts. It seems to me that we are not meeting the needs of the public when Congress must pass special legislation every time we have a strike in the transportation industry. Since 1963, Congress has been forced to rush through five stopgag measures to deal with railroad strikes alone. It has been almost 1½ years since President Nixon recommended legislation in this crisis area and Congress alone is to be blamed for failure to enact permanent strike legislation.

Fifth—Limiting Imports. Foreign imports have had a particularly devastating effect on industries in my congressional district and when cheap, low-wage imports hit American jobs, we should expect to hear from our workers. Over 85 percent of the respondents feel that imports should be controlled if they are hurting American industry and jobs and I agree completely.

Unfortunately, the whole concept of free trade has been abused by our trading partners in recent years. The truth of the matter is that every other country in the world is protectionist-oriented except the United States and I think the majority of the American people believe the time has come for Congress to act to protect American industry, labor and American institutions until other nations remove some of the nontariff or artificial barriers against our exports. The loss of jobs for American workers, an increase in the balance-of-payments deficit and the dependence of our national defense upon the friendliness of foreign nations are all results of topheavy imports.

Sixth—Welfare Reform. I asked a very simple and direct question about welfare in the hope that it would generate some additional comments. Quite frankly, we weren't prepared for the avalanche of observations in connection with welfare. For every letter written in regard to Vietnam, we received three concerning the need for welfare reform. As expected, only about 6 percent of the respondents were satisfied with the present administration of welfare.

Subsequent to the final tabulation of the questionnaire the House passed H.R. 1 with the welfare reform provision intact. While I supported the FAP section, I have not argued that it will be a panacea for the welfare problems that beset us. Nevertheless, unless Congress takes positive action, the present system of unrestricted, unruly, and unproductive welfare is a threat to our very economic system.

Seventh—Eighteen Year Old Vote. This issue was the real sleeper in the poll. Quite frankly, I thought that the response would be about evenly divided, but almost 60 percent of the respondents said that they did not favor lowering the voting age to 18, and I received a great many additional letters to this effect. There is no doubt that the wave of anti-everything demonstrations on the part of a small minority of misguided young people has hurt the image of our youth, the overwhelming majority of whom are law abiding, patriotic and dedicated Americans. This is a real tragedy, and unfortunately the national news media has done precious little to help correct this error.

Eighth—Vietnam. There are almost as many varied opinions on the subject of Vietnam as there are people willing to discuss the issue. For this reason, I asked a multiple-choice question that reflected the four most prominent views of the war and how best to achieve disengagement. Interestingly enough, 23.8 per cent felt that we should resume the bombing in North Vietnam and attempt a military victory.

The majority of those who favored immediate withdrawal, according to their added comments, were not dovish toward the war but simply frustrated that everything had not been done militarily to achieve victory. I suppose the closest thing to a dove position would be the selection of a choice of a firm date for complete withdrawal, and here again, many people chose this because of their view that a military victory would not be attempted. The largest vote—39.3 percent—was in favor of gradual withdrawal, or the President's program.

Any number of factors that have occured this year, such as the Calley case, the Laos incursion, withdrawal resolutions, et cetera, no doubt influenced the vote on this question. Nevertheless, one thing stands out in my mind, the overwhelming majority of my constituents are not impressed with the continuous, carping criticism of the President by some well-known individuals and organizations. It is significant to note that both the democrat and republican leadership in the House have displayed bipartisan support for the President's withdrawal program, and I think people appreciate and applaud this show of unity.

Ninth—Israeli-Arab Dispute. Here again, I posed a multiple-choice question. There is no doubt that the long, bitter experience in Vietnam has left people with a hardened view toward involvement in other disputes. Almost two-thirds of the respondents said hands off in regard to the Middle East. As a part of this question, I wanted to get an idea of how many people would be willing to give active military support to Israel, and only 1.9 percent replied in the affirmative. This indicates how people feel about committing American fighting men to this conflict.

Tenth—Controlling Inflation. Inflation remains a major problem for the U.S. economy and the questionnaire was a good indication of how acutely aware the public is of this problem. This is always a difficult question to ask, because so many factors enter into the inflation control picture. Thus, I suggested six steps that could be used to control inflation and requested that they be listed in order of priority.

There was little, if any, element of surprise in this question. Despite a great hue and cry from some quarters in society that military spending should be drastically reduced or even eliminated, my constituents feel that a reduction in Federal domestic spending is preferable to reducing military appropriations. However, a reduction in spending for most Federal programs, even the military, should be undertaken, according to my constituency.

While there have been some hopeful signs that inflation is being curbed and overall economic growth is on the upswing, it is evident that the ordinary citizen is not convinced. Significantly, I find most of the ire for this situation directed at Congress. There is widespread dissatisfaction with the salary increase voted for Members of Congress and I find that people are incensed over useless unnecessary items in the budget, especially funding for the Office of Economic Opportunity and other controversial programs. As usual, the housewife feels the burden of increased costs more than anyone. While food prices have remained somewhat steady in the past few months, the trend is still upward.

It seems to me that the average American wage earner is beginning to question in earnest the proposition that the Federal government can always spend us into prosperity. The New Deal philosophy of substituting Federal programs or solutions for all phases of activity is being challenged from every corner, especially the young. My questionnaire is ample proof of the mounting suspicion with which the American people view big government. The President seems to be especially aware of this trend, and while final enactment of his visionary programs for government reform may be months, even years, away, I feel he is on the right track. My questionnaire would seem to add the firm support of the people of Ohio's eighth district to that view. The expression of opinions on revenue sharing, national health insurance, welfare programs, Vietnam, and control of inflation all indicate, either directly or indirectly, backing for the policies and programs of President Nixon.

THE BURNED CHILDREN—MORE GOVERNMENTAL CALLOUSNESS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. ROSENTHAL. Mr. Speaker, it is hardly a secret that my principal domestic interest as a legislator, has been the protection and representation of the American consumer. H.R. 14—together with H.R. 15 by Mrs. Dwyer and H.R. 16 by Mr. Holifield—which would establish a strong Federal Consumer Protection Agency and White House Consumer Office, represents the culmination of that interest to date.

I am hopeful that the House Committee on Government Operations and the full House will act favorably on that measure in this session of Congress.

Hardly a day passes that there is not further dramatic proof of the desperate need for a new Federal consumer agency. Unfortunately, each day's delay in enacting such legislation can be measured in product-related deaths and injuries and fraudulent practices that cost the buying public millions of dollars.

The latest example of governmental inaction in a vital consumer protection field—flammable fabrics—is contained in an article by Ralph Nader in the July 3, 1971, issue of the New Republic. That article, entitled "The Burned Children, 4,000 Fatal Fabric Fires," shows how the Department of Commerce has delayed in enforcing the Flammable Fabrics Act. Their inaction has had tragic consequences for thousands of victims of burns from flammable fabrics.

Because existing Federal departments and agencies which administer consumer laws are far less interested in protecting consumers than they are in promoting industry's products and services, we need to institutionalize a voice for the consumer in Washington. We need a vigorous consumer advocate in an independent consumers agency to prod and bolster the backbones of existing agencies. H.R. 14 would, in my judgment and in the judgment of the leading consumer groups around the country, accomplish that purpose.

I would like to include in the Record at this point, the full text of the Nader article:

The Burned Children: 4,000 Fatal Fabric Fires

(By Ralph Nader)

A five-year-old boy was playing in the kitchen while his mother was outside putting wash on the clothesline. The next time his mother saw him, the child was running into the yard and his body was totally black. At first she thought she had been playing with ink or paint. But as she got closer, she realized that his pajamas had burned. All that was left of them were the cuffs burning around his ankles. Later she found bits of charred cloth scattered through the house where the child had run widly after the pajamas caught fire, apparently on the stove. Four weeks later, the boy died.

This tragic incident occurred just before Christmas last year. It is not an isolated case. Approximately 3000 people die every year after their clothing catches fire. Over 150,000 are injured in the same way. When all fabric fires are included more than 250,000 people suffer injuries and 4000 die each year. An unusually high proportion are children and elderly people. More children under the age of five die from fires and explosions than from any other kind of injury.

Despite the fact that physicians and public health officials have been pointing out these facts for years, and citing instances as shocking as the case of the five-year-old boy, consumers still have little protection against the hazards of flammable fabrics.

The Flammable Fabrics Act passed in 1953 has long been recognized by safety experts as a sham. William White, former chairman of the National Commission on Product Safety, has noted that the Act "is famous for allowing 99 percent of all fabrics marketed in this country to pass the test. It is well known to the plastic surgeons who repair the burned children who were wearing the clothing made from fabrics that always pass this test."

In 1967 attempts were made to correct this situation. The Flammable Fabrics Act was amended to include home furnishings and wearing apparel such as shoes and hats which were not previously covered, and to provide for new flammability standards to be set by the Department of Commerce. Today, three-and-a-half years later, only one new standard has been set and not a single new standard for clothing. The Secretary of Commerce did not even call a meeting of his advisory committee on flammability standards until May of 1969, nearly one-and-a-half years after the amendments were passed.

All the department has done with regard to clothing is to propose a standard for children's nightwear which is so restricted that by industry's own count it will eliminate only 1 percent of the total clothing-related burns. The standard applies only to sleepwear up to the size of 6X. (Yet even many five-year-olds wear larger sizes.) It is less inclusive than England's regulation, in effect since 1967, that *all* children's sleepwear be flame-retardant and that all adult sleepwear be labeled if it does not pass the tests.

The formal administrative procedures to set a new standard for children's sleepwear began in January, 1970. Department of Commerce officials, after many unwarranted delays, now say that a mandatory standard will be set within a few weeks. However there may be yet another delay; the effective date of the standard may be extended from 1972 to 1973 to allow more time for industry to comply.

The only standard the Department has actually set under the 1967 amendments is a test for rugs and carpets that went into effect April 16, 1971. This test was heartily endorsed by the carpet and rug industry because it is so weak most of their products can already pass it. Even the National Bureau of Standards, not known for its vigorous safety efforts, considers the "pill" test for carpets to be inadequate. This test utilizes an aspirin-sized methanamine tablet as a timed ignition source. The National Bureau of Standards calls it a "first generation test," since it "fails" only those carpets that can be easily ignited by a flame as small as that of a cigarette. It does not measure the reaction of a carpet to a larger fire. The carpet that contributed to the deaths of 32 nursing home patients in Marietta, Ohio, in 1969 would have passed the "pill" test.

Rugs that might have trouble passing the test—small machine-tufted carpets—are virtually exempt. The Commerce Department has ruled that such rugs can still be sold whether or not they pass the pill test. The only "safeguard" for the consumer is a requirement beginning December 8, 1971, that small rugs which fail the test be so labeled. These small rugs, less than 4 x 6 feet, account for 18 percent of the market, with approximately 55 million sold every year. Shag rugs, some of which present the greatest flammability hazard of all rugs, are often made in this size range. According to industry's own statement, 80 to 90 percent of these small rugs are made of cotton or rayon and would fail the pill test.

The final loophole in the standard is that carpets produced before April 16 may be sold without being tested or labeled, so consumers can't tell whether a rug has even undergone the pill test. The Department of Commerce hasn't alerted the public to this fact.

The industry has successfully resisted meaningful flammability standards primarily by persuading the Department of Commerce that consumers should bear the burden of protection. The remarks of George S. Buck, Jr., research director for the National Cotton Council, are typical. Mr. Buck alleged at hearings before the Department of Commerce in January, 1971, that "consumers don't give a damn about inflammable fabrics. . . . They are much more interested in comfort, wear-life, and style than . . . fire-resistance."

Even more blatant was the statement of an industry representative who wrote to the Department of Commerce protesting proposed flammability standards for children's nightwear: "It is impossible for industry or government to completely insulate a child from the hazards caused by careless and negligent parents or guardians that allow a child to become dangerously close to a source of flame. This small minority of parents and guardians who fail in their duty should not force the majority of careful and sensible parents to bear the cost of the hardship."

Passing the burden to the consumer is one of the oldest tricks of the marketplace. In reality, the consumer has almost never been offered a meaningful choice in flammable fabrics. It is virtually impossible to outfit a family and furnish a home in flame-retardant material, even though many fabrics can be made flame-retardant. Nor does the consumer have the information to enable him to make a choice between safe and unsafe fabrics. Few consumers think about flammability when they read advertisements that talk of nothing but style and comfort. How many manufacturers have attempted to sell safety in the way they sell fashion and convenience? The answer is virtually none. Even the Department of Commerce, charged with regulating flammability hazards, devotes an entire page in its textile "consumer guide" to "the exciting world of fibers and fabrics" and another page to wash-and-wear miracles. No page is devoted to warning the consumer about the hazards of flammability.

Most people learn about the hazards of flammable fabrics when tragedy strikes their own family. It is almost inevitably a costly lesson. One family in the state of Washington lost two children—a 13-year-old girl and her younger brother—in separate incidents that involved clothing that caught fire.

There are few injuries more traumatic than severe burns—and few burns more serious than those involving clothing ignition. The pain, the scars, the difficult and expensive medical treatment are excruciating burdens for burn victims and their families. And the opportunities for fires are all too prevalent in the home, where 80 percent of all burns occur. Another family lost their only child after his pajamas ignited from touching or coming near the burner on an electric stove. The two-year-old child lived for 69 days with third-degree burns over a large part of his body. In most of these cases, it would have been difficult for the parents to protect their children without totally unrealistic precautions.

Such accidents are not restricted to the young. An 86-year-old retired physician sustained burns over nearly half of her body when the sleeve of her nightgown caught on fire after coming in contact with the burner on an electric hot plate. She died after 22 days in the hospital.

Even when burns are not fatal, in addition to their anguish, families often have astronomical medical bills. One girl was burned when her jacket caught fire; she sustained second and third degree burns over 45 percent of her body. An HEW report stated that reconstructive surgery for her face, hands, and arms could cost $50,000 or more.

Time after time, physicians have brought in evidence of severe burns that could have been less serious or even avoided if the clothing had been flame-retardant. Two electricians were burned when a flash emitted from the high-voltage fuse panel they were servicing. One suffered a severe 40 percent body burn because his flannel shirt caught fire. He was in the hospital for three months and required several skin graft operations. The second man was wearing a heavy cotton work shirt and suffered only second degree burns to his hands and face. He was in the hospital for 25 days and required no grafts. Dr. Abraham Bergman, a Seattle physician, asked at Senate hearings in June 1970: "How many bodies have to be stacked up before effective action is taken to prevent clothing burn injuries?"

Efforts to improve consumer protection have been hindered by the fact that the magnitude of the fabric-burn problem has been concealed through lack of precise data. Statistics are still collected so haphazardly that current figures on burn injuries may underestimate the real picture. The National Commission on Product Safety took an important step toward correcting the dearth of injury information by instituting a system of hospital reporting, now operated by the Food and Drug Administration. But there are ominous signs that FDA is actually regressing in the investigation of reported burn cases. It has allowed its specialized teams that make in-depth investigations of injuries to deteriorate to the point where both the Boston and Denver Injury Study Units are operating at half their former level. Many injury investigations are now being carried out by FDA field inspectors who have no expertise at all in the area of consumer product safety.

The Department of Health, Education, and Welfare has been woefully inefficient in submitting its reports to Congress on injuries and deaths associated with the use of fabrics. These reports should be made annually under the 1967 amendments to the Flammable Fabrics Act. The first report was due in 1968 and was not delivered until after the second report was due in December 1969.

A chief block to greater safety remains weak government standards, often with loopholes so that manufacturers can avoid meeting even those regulations. The setting of weak standards initially makes it even harder to improve them, a fact recognized by the industry since 1953. The Department of Commerce, one of the least responsive of all government agencies to needs of consumers, has gone along like putty in the hands of manufacturers. Senator Warren G. Magnuson, author of the original Flammable Fabrics Act and Chairman of the Senate Commerce Committee, commented recently on the performance of the Department of Commerce in implementing the Act. He said: "No single bill with which I have been associated has been so bitter a disappointment. . . . A National Commission on Product Safety report last year reached two basic conclusions: the powers contained in the Act are adequate; the Department of Commerce is grossly inadequate."

Regulation has been reduced to an impotent approval of products that are cheapest for industry to make and will yield the highest profits. Low or nonexistent standards have made possible a controlled market where the innovative manufacturer who develops a safer fabric can be undercut by competitors who lower their prices temporarily and drive him off the market. Furthermore, manufacturers have frightened consumers by telling them that prices will go up for flame-retardant clothes (without mentioning that millions of dollars would be saved if burn injuries decreased). The available evidence suggets that the projected price increases are, in large part, either bluff or so much in excess of costs that manufacturers would be able to sustain them only by colluding. One garment manfacturer we contacted, for example, anticipates a $1.70 price differential between flame-retardant and regular pajamas. But cost data which he later provided shows that the additional cost of producing flame-retardant pajamas amounts to little more than the extra 55 cents per pair required to buy chemically treated fabric.

Instead of intervening on the side of the innovative manufacturer and the consumer, Commerce has been a loyal defender of these textile interests who say they "cannot afford" to provide safety.

Two things are urgently needed if there is to be any change. First, the Department of Health, Education, and Welfare is going to have to provide more vigorous data collection on burn injuries and renew its almost dormant research function. Consumers will have to demand that information collected by HEW be made public and that specific brands be named as market guides, according to their flammability hazards or their safety improvements.

Second, concerted consumer pressure will be required if the Department of Commerce is to be moved to enforce the law. Congressional hearings to inquire into the protracted delays in setting standards is one step. Another step is citizen petitions to the Department to activate administrative procedures to set meaningful standards. The insurance industry could be of key assistance here. It may well be that a legal challenge to the Department's failure to move expeditiously in this area will be required or that the regulatory function should be placed elsewhere. It is Senator Magnuson's firm judgment that "the flammable fabrics program should be taken from the Department of Commerce and merged with the overall product safety program in an agency which is willing and capable to do what must be done."

Many deaths could be prevented and injuries greatly reduced in severity. We know how to make fabric less flammable. We know too that it is more efficient to make clothing safer than to keep children from climbing on stoves or persuade mothers not to buy frills for little girls. In few areas have industry and government been less responsive to consumers.

INDIANAPOLIS POLICE CHIEF SPEAKS ON FIREARMS CONTROL

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. BRAY. Mr. Speaker, recently, Winston Churchill, chief of Indianapolis Police, was asked for his comments on more restrictive firearms legislation. With his permission, I am happy to insert his letter to the National Council on Crime and Delinquency:

APRIL 6, 1971.

MILTON G. RECTOR,
Executive Director, National Council on Crime and Delinquency, New York, N.Y.

DEAR MR. RECTOR: I appreciate sincerely the opportunity you provide for me to express to you my thoughts, relative to firearm legislation, or a policy relative to use and/or control of the use of firearms.

Let me assure you that I have for some time, been concerned about the number of persons arrested in Indianapolis, carrying firearms.

I have had several conversations with the Prosecutor and the Deputy Prosecutors, and likewise conversations with the Judges of our Municipal Courts, relative to the problem.

Clearly, we must be doing something wrong when a person arrested for carrying a concealed weapon says, and I quote, "I'd rather get caught with it than without it."

In response to your questions:

1. Do you favor the registration of each rifle, shotgun, or handgun by the owners of such weapons?

Answer: No.

2. Do you favor requiring permits for those people who wish to purchase, possess or use handguns, rifles, or shotguns?

Answer: No.

3. Do you favor restricting the ownership of handguns to police, bank guards, or those in similar occupations?

Answer: No.

Before you believe that my remarks and my answers to your questions do not coincide, let me explain. I firmly believe the answer to our gun problem will be found in local levels, not in federal legislation.

Indiana, in my opinion, has good, sound, enforceable laws relative to carrying firearms, but we don't use it. The law clearly states that anyone found carrying a concealed handgun, on conviction, shall be imprisoned not less than one year, nor more than ten years.

In the vast majority of such arrests, we find that the charge is being reduced in court to carrying a concealed weapon, a misdemeanor, and the individual often walking out of court paying a meager fine, or receiving a few days jail sentence, which is often suspended.

I hope for the day when all of our laws, including this one, is not used as a threat, but in fact, used as I believe our legislators intended it to be used.

I don't believe my thoughts would be much in error, if in fact, it was widely known that we intended to put people in prison for not less than one year nor more than ten years, if they were carrying a gun, and then did so.

If someone, the attitudes of the Prosecutor and Judges were to change, we would benefit. It would not appear that I have been too successful. Their answer to me is that to apply our 1935 Firearms Act as it is written, would flood our already burdened Criminal Courts. This is, to me, a back door and totally unacceptable answer to the problem.

If we would use our existing 1935 Firearms Act as it is written, I firmly believe we would no longer feel a necessity for federal legislation, or a policy statement from your council on the subject.

Again, thank you sincerely for allowing me to express my views.

Very truly yours,
WINSTON CHURCHILL,
Chief of Police.

RECONFIRMATION OF FEDERAL JUDGES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 7, 1971

Mr. BYRD of Virginia. Mr. President, I recently received a letter informing me of the support of the District L Retired Teacher's Association of Virginia for my proposed amendment to the Constitution which would require reconfirmation of Federal judges by the Senate every 8 years.

I ask unanimous consent that the text of the letter, signed by J. J. Brewbaker, president and P. H. O'Hara, corresponding secretary of the association, be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORFOLK, VA.

Senator HARRY F. BYRD, Jr.
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: The District L Retired Teacher's Association went on record at the June 3rd meeting as unanimously endorsing your proposed amendment to the Federal Constitution, which would require federal judges to undergo Senate reconfirmation every eight years.

That group seemed to be in complete agreement with you when you stated: "Federal judges are appointed for life. They are accountable to no one. It is time that we restore balance in the government by making federal judges more responsible to the will of the people."

Members of our organization feel that Congress and not the federal courts should possess legislative powers, and believe that the passage of the amendment that you recommend would be a much needed step in the right direction.

Our association also went on record as requesting that this letter be made public.

Yours sincerely,
J. J. BREWBAKER,
President.
P. H. O'HARA,
Corresponding Secretary.

REGULATION DESIGNED TO PREVENT AND OUTLAW CHANGE: THE SOUTH AFRICAN LEGAL SYSTEM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. FRASER. Mr. Speaker, on June 24 I placed in the RECORD, page 22121, Mr. Joel Carlson's essay, "Why I left South Africa." I recently received a copy of his April 30, 1971, speech before the Section of Individual Rights and Responsibilities of the American Bar Association and the Lawyers' Committee for Civil Rights under Law.

His speech, "South Africa 1971: The Security of the State Versus the Liberty of the Individual, a Precedent," describes a legal system obsessed with "state security." He describes what happens to individual liberties when "state" or "national" security is defined and enforced by the state alone in the person of a police official. It is a chilling tale Mr. Carlson relates.

Mr. Speaker, I thought it might be useful to include with the speech additional information about Mr. Carlson. The biographical sketch from the November 1970 "Drum" indicates that, "From the look of things, nothing will make Mr. Carlson move." As we know, Carlson has left South Africa and is now in this country. The newspaper clippings describing the several violent attacks against him make it clear why he finally had to leave.

His return to South Africa depends upon fundamental changes taking place in that society. As long as the United States—by official deed and unquestioning business investment—contributes to the international respectability of South Africa these changes will not occur. They may not occur in any event. But the citizens of the United States should not make the tasks of South Africa's Joel Carlsons more difficult than they are already.

The speech and additional information follows:

SOUTH AFRICA 1971: "THE SECURITY OF THE STATE" VERSUS "THE LIBERTY OF THE INDIVIDUAL"

"A PRECEDENT"

(By Mr. Joel Carlson)

Mr. Chairman, Brothers in Law, ladies and gentlemen: You have both honored and challenged me by your invitation to me to address your two august law bodies. It is an honor which is more than I deserve, for what I did in South Africa was to react as any civilized person would respond, but may I accept the honor gratefully and humbly. It is a challenge for you to have asked me to speak to you on the eve of "Law Day" and South Africa has a lesson to teach. It is a challenge I accept. Let me tell you then of South Africa today.

The Republican Constitution Act No. 32 of 1961 created S. Africa a Republic. A Parliament of 166 white members elected from 4 provinces and from S.W. Africa—now called "Namibia" constitute a Sovereign Legislature.

Out of a population of just under 22,000,000 people, 2,028,000 whites are permitted to vote to elect members of Parliament. At the last election in 1970—1,493,000 white voters cast their votes for the white candidates of the legally exclusively white parties.

96.5% of this electorate voted for the continuance of the present white supremacist society. 3.5% of this electorate voted for the most moderate change to be made within the existing framework. These moderate conservatives have one member of Parliament, Helen Suzman, who is elected more for her personality than her party policies.

It is true to say, given the alteration of a detail here or there, that the whole white electorate wish the status quo to be maintained.

The question is: Can it be?

There are 22 million people in S. Africa and Namibia but only 2 million have a voice in its supreme legislative authority.

I as a lawyer, brought onto the frontiers of change, was able to witness the struggle between those forces maintaining the status quo and the forces urging some real and more equitable system of government. As a result I can tell you something about how the status quo is maintained.

In examining how this is done we are able to see what is done. It is necessary therefore to appreciate that it serves little to maintain law and order by such force of law that in the process individual liberty and fundamental freedoms are destroyed.

In South Africa there is little left of fundamental liberty, liberty of the individual that can be enjoyed. This applies, as indeed it must do, to all the population. Black and White are deprived of their liberties.

In order to uphold, by force of law, the rule of the whites and their supremacy, these rulers have needed to substitute for the "concept of the fundamental liberty of the subject," the "concept of the security of the State." The Whites, happy to enjoy their privileges and the highest standard of living anywhere in the world, have accepted the replacement of "liberty" by "State security."

To the Courts, to the White public, to all authority the use of the magic phrase "this constitutes a threat to State security" silences all questions and justifies all police actions.

I have seen Bishops accept it when their Deans are arrested and detained: I have seen lawyers accept it when their brothers are detained, and editors accept it, as well as the White public authority, accept it, and most unforgivable I have seen Judges not only accept it but lean over to uphold the patently unjust and irregular actions of the executive and police.

It is most unforgivable for Judges and lawyers to accept blindly this concept of "State security" when harsh executive action is taken. For lawyers are above all the Guardians and watchdogs of our liberty. In looking back at South Africa, my country of birth which I dearly love, I can tell you how the status quo, the security of the state, has been maintained at the cost of human dignity and liberty.

A prerequisite of any examination of South Africa is the appreciation that "the State" rest squarely on a concept which featured largely in Europe in the thirties and forties—that is Race Classification.

After 20 years of legislation the "Population Registration Act No. 29 of 1970," is the streamlined basis of rigid race discrimination. In terms of it, every single person alive or dead is classified according to race. It is necessary on birth, during life, and on death for every person to be classified, for on a person's classification flows all his rights and privileges or lack of them. The Act provides that every person shall be issued with a race classification document immediately after registration of birth; this replaces the old birth certificate.

On reaching 16 years of age every person is photographed and shall apply for a more comprehensive document setting out identity numbers. This number is part of a code which will indicate sex, date of birth, race classification and citizenship.

For Africans only such documents shall register:

a) his district of ordinary residence

b) his ethnic group or tribe to which he is attached

c) further details concerning his birth

d) his fingerprints

In addition provision is made for a "record of voting" for all those who are entitled to vote but this has not yet been promulgated by the State President. Why is there a delay? Not because of any hesitation on the part of the State to implement the law, but only because the state has not yet "computerized" all this information it wishes to keep. Who, I wonder, will be the lucky supplier of this computer—an English firm, an American one, a French one? I do not know.

There are just over 15 million Africans in South Africa and Namibia—all classified according to ethnic origin and tribe. Over a ten year period 8,000,000 of them have been arrested and jailed for pass offenses. These "Pass" offenses are crimes nowhere else in the world. They are crimes relating only to color of skin—the Blackness of Africans. This is part of the race classification pattern—part of the discrimination based on race.

Every single day, 7 days a week, 365 days a year, and on Sundays too for this super Calvinist regime, a daily average of 2500 Africans are arrested under the Pass Laws in South Africa: The average time for a case is 2 minutes.

In Parliament in 1969, a Parliamentarian was shocked and disclosed that 1,777,662 Africans had been arrested. But the average yearly figure is 750,000. Our prison population on a daily average basis is presently on last known figures 90,555, that is 2½ times that of the United Kingdom which is 38,000. Britain population is 55,000,000 which is more than double that of S. Africa's. 47% of the world's hangings take place in S. Africa.

The degradation of police and of their victims is an inevitable result. Pass Laws and their execution act like acid corroding human relationships of society and destroying respect for law. The feelings and concern for one another which I believe all men and women have and exhibit in all civilized society is eaten away.

Increasingly there are Africans and others no longer willing to accept the state of affairs in South Africa who seek changes. The State security forces armed by the many laws already passed strive to prevent any such change. I say any quite deliberately. Parliament has designed laws to prohibit the bringing about of any political, social or economic change to the present structure.

A body of laws exists to deal with such matters and is called "Security Legislation." It may also be called "Regulation Designed to Prevent and Outlaw Change." It is a crime punishable by death, or by long imprisonment, one year being compulsory, to advocate political, social or economic change where this involves any unlawful act or omission, whatever the nature of the unlawful act or omission (Suppression of Communism Act which creates "Statutory Communism.")

It is a crime punishable by death or a minimum of 5 years imprisonment, to commit any unlawful act whereby the mainteance of law and order is endangered, any property damaged, the movement of traffic obstructed or the administration of the affairs of state embarrassed unless the defense can prove various listed circumstances.

It is a crime punishable by death or a minimum of 5 years imprisonment, to commit any act—and here no qualification of unlawfulness is present—if done with intent to endanger the maintenance of law and order, such intent be presumed where the act is likely to have had any one of a number of listed results, such as the achievement of any political, social or economic aim—the cause of financial loss to any person.

In order to escape conviction a defendant must prove beyond reasonable doubt he did not intend any of the listed results. These are crimes of "Terrorism."

Having classified a person by calling him a nasty name "Terrorist" "Communist" "Subversive" it is easy to deal with him and deprive him of all his rights and his liberty.

The law assists too by providing definitions of crimes which are vague, wide and all embracing—[as see above what a terrorist is].

To assist further the law legislates backwards. An act committed in 1962 may have been legal then but is now made illegal in 1967, e.g. [Sec. 9(1) of the Terrorism Act 83 of 1967. Sec. 23 of the General Law Amendment Act No. 62 of 1966 and others].

The law permits special courts and special procedures providing for instance for the prosecution to join in the same indictment a number of charges not necessarily relating to the same offense or arising out of the same transaction against a number of persons. Even although the offense is committed by different persons at different times and places and different offenses are committed persons may be charged in the same charge and all tried together. [Sec. 327(1) and 328 of the Criminal Procedure Act No. 56 of 1955. Sec. 5(c) of the Terrorism Act, Sec. 12(6) (a) of the Suppression of Communism Act No. 37 of 1963.]

The right to bail is removed merely by the Attorney General handing in a certificate and the Court may then make no inquiries into the matter.

The burden of proof is made easy for the State and since 1953 (General Law Amendment Act) an accused is more and more frequently required to prove his innocence and the Court may presume his guilt.

Furthermore whether the crime is commited in Los Angeles or Miami the trial can be held in Syracuse.

The above 1953 law outlaws organized protest and processions and imposes heavy fines, imprisonment or whipping or both for any offense "committed by way of protest or in support of any campaign for the repeal or modification of any law." [Criminal Procedure Act No. 8 of 1953].

Thus 354 students, lecturers, churchmen, and others were arrested and charged under this wide ranging law when they marched in orderly fashion to the main police station in Johannesburg to protest redetention of "The 22" last year. The 22 Africans had been detained originally over a year earlier as "Terrorist detainees." They were then brought to Court and charged, not as "Terrorists" but as "Communists." Then in February 1970 they were acquitted by the Supreme Court when the Attorney General withdrew his prosecution. Immediately the Judge left the bench, the Security Police moved in, and in Court, redetained "The 22."

12 weeks after their redetention, again under the Terrorism Act, the students after a meeting at their university spontaneously walked in procession to John Vorster Square. They were arrested and charged. Of the 354, 30 were charged and 29 of them pleaded guilty to a municipal by-law contravention and paid a R50 fine. But as with all those who show opposition in S.A. the punishment did not end with the Court conviction and sentence. The Security police pursued and still pursue everyone of those marchers. When they apply for passports they are called in for questioning. If they need Government approval for any action—a bursary, a grant, a visa, the Security Police interferes. The arm of the law is long and so is its vengeance.

Concerning "The 22," after all the protest, 19 of them were brought to trial after a further 5 month redetention. 3 had mysteriously disappeared, one of these being found in a mental home. Eventually in August 1970, some 15 months after their detention and remaining in custody they were retried. But with all the powers of the law the inept Attorney General and his inefficient prosecutors brought 540 allegations against the same accused who had been acquitted in February. Of these allegations about 538 were identical and not even the Judges could help the Attorney General and the Security Police in finding the differences in allegations which originally said "Accused 1, 2 and 3 consented to do this and that" to "Accused 1, 2 and 3 agreed to do this and that." The Judge found he had no alternative but to throw the new charge out and did so.

This upset the Security Police and on their suggestion the Justice Minister immediately issued Banning and House Arrest orders on all those twice acquitted. They were all placed under restrictions for 5 years. In addition the State lodged an appeal to the highest Court in the land and arranged for an expeditious hearing. The 3 Appeal Judges deliberated long and cautiously but found that they could only come to one conclusion. In reality, try as they might they could find no difference in the 2 indictments, so in December 1970 they dismissed the Appeal.

But the 19 were still subjected to constant harassment, intimidation and persecution and their families too suffered.

It must be emphasized that acquittal does not mean a defendant is free. Despite long periods of detention and interrogation the accused is still considered guilty—guilty in the eyes of the Security Police and in the eyes of the Justice Minister. So there is the whole practice of "Punishment without charge or trial"—Banning, house arrest, banishment or indefinite detention.

Moreover, a man who has been punished after his conviction and sentence—and having served his sentence, is punished twice. Before such a man, a political prisoner who serves his full sentence without any remission and in the harshest maximum security conditions, leaves jail he is served with house arrest or banning orders. Or he may disappear from society into banishment. The Security Police never forgets or forgives and is ever vengeful of the threats passed to it by anyone.

Yet with all these powers the Security Police were not satisfied. As a lawyer in S. Africa I saw the Security Police ask for a relaxation of the rule of law to permit aberration (a). Then having been given (a) they said in fact it wasn't sufficient and they needed (b) and (c). Then they said with the knowledge they now had managed to obtain, and their own judgment which was of course sound and necessary and in the interest of State security they needed (d) (e) and (f). They, of course, had to get that too.

Now the position is that the Security Police are a law unto themselves. Their actions are the law.

It is the head of the Security Police as it happens who tells the public and all authority—that in future all political trials will be held in such a place. The Minister of Justice and the Attorney General listen.

If you are to be punished without trial, the Minister acts on the advice of his Security Police.

If you are to receive a passport or not, or you have your passport withdrawn, it is a matter of security and the Security Police believe this is necessary so the Minister acts.

If you are to hold a procession or a meeting it is not the Mayor or the Chief Magistrate who must be consulted and finally determine the matter—it is referred to the Security Police and the Mayor or Chief Magistrate acts on the recommendations of the Security Police.

The Security Police are everywhere and with large secret funds of undisclosed amounts, in the Universities, as informers in political parties, as spies, informers in churches, and everything you say may be heard. There is telephone tapping and bugging and surveillance of people. There are agent provocateurs, there is intimidation, warnings, questionings, late night visits, harassments of all kinds. But State Security is maintained and police power has gone mad.

What is the limit of the power of the Security Police? Do they themselves know and accept any limit?

Section (6) of the Terrorism Act permits indefinite detention of a person without trial.

If the Security Police will it, such a person is held in solitary confinement. If the Security Police require it, he is held incommunicado or allowed visitors, as Security Police decide.

If Security Police consider it necessary a detainee may not be allowed to wash or shave or change his clothing or have eating utensils—it all depends on them.

A detainee may be interrogated endlessly or not for months after his detention.

No Court may inquire into or pronounce upon the validity of any such action taken by the Security Police (Sec. 6(1) of the Terrorism Act).

Professor Arthur Larson of Duke University attended one trial in Pretoria as observer for the World Lutheran Federation—the trial of the 37 Namibians and said,

"If you pass a statute which gives the police . . . free reign to do almost anything they please in the way of human rights, and then excuse this by saying that you will of course rely on the discretion of the authorities not to abuse this power, you have for all practical purposes, thrown away law and substituted unlimited personal tyranny."

It is not surprising and not unexpected that time and again serious allegations have been made of unlawful assaults and tortures during interrogation.

It is not surprising too that the Minister when called on to investigate declines to do so and no judicial enquiry is held.

Detainees have said on oath that they have been stripped naked, suspended above the ground, electrically shocked after being blindfolded, and made to stand endlessly.

It is known that at least 14 detainees have died in detention but the figure of 18 has substance too. It is hard to ascertain how many have died as a result of detention. Inquest Magistrates have held that at least 7 detainees died by "suicidal hangings."

One detainee jumped from the 7th floor window of his interrogation room. The Security Police have said others have died as a result of "falling in a shower" or "slipping on a piece of soap" or "falling downstairs."

The most poignant record of the death of a detainee which speaks for all is the statement in Parliament which simply records:

"An unknown man died on an unknown date of a cause unknown."

How can the unbridled, power and Security Police now be controlled. The answer for S. Africa and S. Africans is not an easy one and it may be that peaceful ways of change are outdated.

But the lesson to be learned is not to start on this road to ruin, this self-destroying plague of arbitrary powers being granted to Security Police or executive authority. Make everyone subject to the law and equal before it. The words of an American Judge were:

"The history of liberty has largely been the history of observances of procedural safeguards."

It is not new but it must be said again and again so that it is remembered and applied.

Lawyers must invoke the protection of the laws guarding the subject's liberty. Lawyers must ensure that the Rule of Law is supreme. Lawyers must be awake to any threat to liberty. Lawyers must reject all laws which do not observe and provide for procedural safeguards.

Lawyers must ensure that the liberty of the individual is upheld under the Rule of Law.

WHO IS JOEL CARLSON?

[From Drum, November 1970]

(A lanky sensitive youngster just out of school worked as a clerk at Fordsburg where thousands of pass defaulters are prosecuted. He wrinkled his youthful brow while listening to the tales of woe of pass laws and farm labour victims. With scholarly objectivity he decided to carry out his own investigations. This is Joel Carlson, backroom boy behind the acquittal of the 19 held under the Terrorism Act, the man so many know about, but few really know. Stan Motjuwadi finds out the true character of this tireless lawyer.)

Now 41, dapper Joel Carlson's brow is still wrinkled and it gets even more so when he laughs—something he often does in spite of the things that have happened to him over the years.

Two years ago during the case in which he appeared for Gabriel Mbindi, the detainee who sued the Minister of Justice claiming assaults by the Security Police, Mr. Carlson was missed by a sniper's bullet and a car tried to run him down while walking in a street in South West Africa.

He and his family escaped four blasts from a shotgun and a petrol bomb thrown into his study in February this year.

Over the years he has got used to getting up late at night to answer threatening anonymous phone calls or abuse. His poison pen fan mail has also grown.

Enough you might say, to dampen the enthusiasm of an ordinary mortal, but Joel Carlson goes about his business as though nothing has happened, taking everything in his very fast and long stride.

"On the other hand Joel feels compensated by the many sweet letters and phone calls he gets from well-wishers, urging him to carry on. It is also surprising that there are more of these than the nasty ones. In spite of everything we have made many friends," Mrs Jeanette Carlson, mother of four and wife of the lawyer, told Drum.

Studying law always had been an obsession with Joel Carlson while still at school. After matriculating, just for experience he took up a job as clerk of the court at the Bantu Commissioner's in Fordsburg.

For the first time the youngster came face to face with blood and flesh evidence of the cruelty of the laws and the farm labour system which he was later to fight in a one-man crusade.

"I was nauseated by what I saw and heard and conducted my own investigations. To me it represented slavery, and the Native Commissioner's Court at Fordsburg was like a slave market with farmers competing for these men as labourers," Mr. Carlson said after dumping the job he detested to further his studies at the university.

This was during the late '40s after Mr. Carlson had spent a year working from inside with a department that enforced passes and influx control. By then he was something of an expert having collected as much data as he wanted in his private investigations.

After varsity, Carlson became articled to a firm of lawyers, and when he completed he struck out on his own in 1954.

Any lawyer starting on this lonely road needs money to establish his practice. But not Carlson. With an unbusinesslike disregard for money he started on the mission he had set out for—to fight pass laws and the farm labour system.

I remember those days when I used to visit his office as a young reporter. The whole place was in a shambles all the time, furnished with rickety tables and chairs and crowded with men who had fallen foul of the intricate pass and influx laws. It was more like a Pass Advice Bureau than anything.

"The youngster will never make it. He's ruining his practice and forgetting that he must live," established colleagues sniped behind his back.

In the old days pass fenders used to be sold to farmers for labour. They would be huddled in the big yard at Fordsburg for farmers to make their choice. This was something Carlson had sworn to fight.

As a lawyer he appeared in many cases for pass offenders. He also challenged the legality of the farm labour system. In 1959 he wrote to the Minister of Bantu Administration and Development.

One of the greatest days in Carlson's life was when the system was scrapped.

Over the years Carlson has appeared for many political offenders and has accepted briefs that many of his colleagues would not touch.

What he can't fight in the courtroom, Carlson always takes up with the highest authorities. After complaints by 90-day detainees, Carlson wrote a letter to the then Minister of Justice, Mr. Vorster for an investigation into the treatment of detainees.

As a champion of the underdog Carlson had to travel widely but in 1969 his passport was witheld. It was then that he got letters of support from the Lawyers Committee for Civil Rights Under Law, formed by the late President John Kennedy, British lawyers and the International Commission of Jurists, of which he is a member.

What does Mr. Carlson himself think? After the latest attempt on his life and property this is what he said, running his fingers through his unruly blond hair:

"I've been threatened before, but this is the first case of physical violence. But I certainly don't intend to move," he replied.

Once he had to work for a machinery enforcing the law he detested; now he seeks better justice. From the look of things, nothing will make Mr. Carlson move.

[From the Star, Oct. 23, 1970]

Carlson's Office Hit by Bullets

Mr. Joel Carlson, the Johannesburg attorney who represented detainees at their recent Terror Trial, walked into his office today to find seven or eight bullet holes in two windows and in the walls of the offices facing the windows.

Mr. Carlson has had his property damaged before. On January 30 this year he found bullet-holes in his car. Then later this year an explosive was thrown into his study at his Oaklands home and his car was again shot up.

HEARD SHOTS

Mr. A. S. MacGregor, the caretaker of the office building, said he had heard several shots about 9 o'clock last night.

There were at least five shots into the room housing Mr. Carlson's copying machine. Mr. Carlson said he often worked in the room late at night.

On November 2, at the Supreme Court in Bloemfontein, Mr. Carlson will handle the case of 19 Africans at an appeal lodged by the State against the Africans' acquittal of charges under the Terrorism Act last month at the Pretoria Supreme Court.

[From the Express, Oct. 25, 1970]

U.S. Law Committee Condemns Action

Mr. Joel Carlson, the Johannesburg attorney who had several shots fired at his office this week, has received a telegram from the Lawyers' Committee for Civil Rights under Law, expressing their concern at the shooting.

The committee, whose headquarters are in Washington, yesterday sent the following telegram to Mr. Carlson: "Committee most distressed to learn of further deplorable violent attempt to intimidate you for professional representation of accused. Committee reaffirms its view that your work is in highest tradition of legal profession.—Peter J. Connell."

The committee which, according to Mr. Carlson, is "one of the most fastidious legal bodies in the world", was formed at the request of President Kennedy and blessed by President Johnson. Among its members are deans of all prominent law faculties in the United States, past Supreme Court judges, ambassadors, secretaries of state, and past presidents and the president of the American Bar Association.

Mr. Carlson, who recently defended the 20 detainees held under the Terrorism Act, is the only lawyer outside America to be instructed by the committee.

Yesterday Mr. Carlson criticised the Minister of Justice for being "quick off the mark" to criticise judges, condemn liberals and Communists, and to make statements in and out of Parliament concerning his clients whilst their cases were still before the courts.

But yet, added Mr. Carlson, he had not said a word about "these violent attacks" in the past or now.

"Does terrorism only apply against the State, and not against the individual?" asked Mr. Carlson, who was dismayed at local police taking fingerprints at his offices after the shooting.

"It seems as if the shots were fired from a floor below me, or certainly at a much higher level than ground floor. The police have shown very little interest so far, and despite their powers they haven't found the criminals who attacked my home earlier this year."

In January this year, Mr. Carlson's car was extensively damaged when thugs attacked his Oaklands, Johannesburg, home. Three blasts from a shotgun were fired at his car and a petrol bomb hurled at the window of his study.

"The Minister is always condemning terrorism", he said, "so why doesn't he condemn this type of violence? If he cannot countenance this, why doesn't he condemn it?

"If the Minister doesn't take firm action to prevent local terrorism, he will be encouraging it."

Local churchmen, university lecturers, professors, friends and clients had expressed their concern and alarm at the shooting incident, added Mr. Carlson.

"I am only a professional man, carrying out professional duties, and I will continue to work late at night as is required in my profession."

During a telephone interview with Mr. Carlson and the Express, the call was suddenly cut off. Commented Mr. Carlson afterwards: "Strange things are happening on this line."

[From the Star, Nov. 9, 1970]

Carlson Finds Bomb in Post

A bomb, hidden in the cut-away pages of a book, arrived in the morning post at the offices of the Johannesburg attorney, Mr. Joel Carlson, today.

Less than an hour after Mr. Carlson had opened the parcel, a warrant officer from the Security Police told him: "You were lucky the bomb did not go off!"

The parcel, stamped with a Lusaka, Zambia, postmark, contained the "Selected Works of Mao Tse-tung," a hardcover book about the same size as legal books which Mr. Carlson receives regularly from Pretoria.

"As soon as I saw the title, I realized that someone was making mischief for me," Mr. Carlson said. "When I opened the book I saw the electronic device and immediately called the police."

The centre pages of the book were cut away to make room for two small batteries and a complicated wiring mechanism.

This is the third violent attack this year on Mr. Carlson, who is well known for his defense of accused people in trials of a political nature. The walls and windows of his city offices still bear the bullet marks of a shooting attack a fortnight ago.

A Molotov cocktail petrol bomb was thrown at the study window of his home earlier this year, and his car was also shot up.

When a police expert arrived at Mr. Carlson's offices today, he dismantled the wires leading to the batteries in the bomb, and took the book.

POLLING THE PEOPLE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. EILBERG. Mr. Speaker, each year, since being elected to Congress, I have conducted a poll of my constituency. The poll has become a useful and important instrument of exchange between myself and the nearly half million Philadelphians I am proud to represent.

Once again I am mailing the questionnaire to every household in my congressional district, a total of 144,093 households.

With the unanimous consent of my colleagues, I enter my 1971 congressional questionnaire in the Record:

Congressman Joshua Eilberg Wants Your Opinion, July 1, 1971

Dear Friend:

This is the fifth consecutive year I have sent a questionnaire to every household in Northeast Philadelphia. I have adopted the practice of sending out an annual questionnaire because of the sheer number of people I represent, 471,271 according to the 1970 census. The Fourth Congressional District is the largest in Philadelphia.

Because ours is such a large community, it is difficult to know at times how its residents view the issues that touch all of our lives. Attitudes always are changing. And so are the issues.

In years past, each Congressional district was much smaller and Congressmen spent as little as three months in Washington, returning home for the rest of the year. Now, Congress sits year 'round, from early January through Christmas, and each Congressional district is much larger.

I am home every weekend and I take every chance to speak with as many of our Northeast neighbors as possible. But clearly, I can only meet and talk with a small percentage of the 471,271 people I represent.

That is why this questionnaire is important to me—and to you. I want to know how you think, so that I can do my job, representing you in the Congress, better. Your views are important because this finally is your country and your government, no matter how large and how impersonal it may seem at times.

So please sit down and take five minutes to answer these questions. Then fold the questionnaire according to the instructions and return it to me. Your answers will be confidential. As in the past, the results of the poll will be mailed to every household in Northeast Philadelphia.

Because the technical requirements of a poll like this sometimes restrict the range of possible answers, I welcome any additional comments you may have. Thank you for your consideration and attention.

With best wishes,

Sincerely yours,

JOSHUA EILBERG.

CONGRESSMAN JOSHUA EILBERG WANTS YOUR OPINION

1. A. Do you believe that inflation is under control?

B. Do you believe that the recession has eased?

C. Do you believe unemployment is in check?

2. Non-essential government spending must be cut. If you were writing the Federal budget, which program would you cut first? (*Check one.*)

(a) Crime.
(b) Defense.
(c) Education.
(d) Foreign aid.
(e) Health.
(f) Highways.
(g) Housing.
(h) Pollution control.
(i) Space.
(j) Welfare.

3. Would you increase, cut, or leave the same Federal aid to:

(a) Elementary and secondary public schools?
(b) Private and parochial schools?
(c) Colleges and universities?

4. Federal revenue sharing would return millions of dollars to Pennsylvania and Philadelphia to spend according to the best judgment of local officials. Revenue sharing would relieve some of the continuing pressure to raise local taxes. Do you support this plan?

5. A. Are you in favor of a national health insurance plan administered by the Federal government?

B. Are you a member of a private health insurance plan, like Blue Cross/Blue Shield?

C. If you are a member, are you satisfied with the services of your plan?

D. If you are a member, are you satisfied with the costs of your plan?

6. A. Do you think the present level of Social Security benefits is adequate?

B. Do you favor my proposal to include prescription drugs under Medicare?

7. A. Do you feel personally threatened by crime on the streets?

B. Which of the following approaches do you think promises the most chance of success in dealing with the narcotics and dangerous drugs problem? (*Check one.*)

(a) Education.
(b) Rehabilitation.
(c) Law Enforcement.

C. Would you reduce first offender penalties for possession of marijuana?

D. I have sponsored legislation which authorizes economic sanctions against foreign countries who refuse to cooperate with the United States in eliminating the international traffic in illicit drugs. Do you support this proposal?

E. Opium is the major crop for many farmers in Turkey. That opium is sold on the international market and converted into the heroin which eventually is smuggled into the United States. As an American taxpayer, would you favor a proposal to have the United States government buy up Turkey's total opium crop at local market prices and destroy it?

8. A. Do you feel that some progress has been made in the past year in cleaning up our air and water?

B. Are you satisfied with the progress being made to clean up the environment?

C. Are you prepared to bear some of the cost of cleaning up the environment, either in the form of increased taxes or higher prices for some goods and services?

9. I have been engaged with the Federal government in debate on the future of North Philadelphia Airport. Are you personally concerned about the development of the airport?

10. A. Construction of a nuclear power generating plant has been proposed for Newbold Island, up the Delaware River from the Northeast. Do you feel that such a facility is dangerous?

B. Do you believe that such facilities can provide vast reserves of electrical power without polluting the water or the air?

C. Do you think the draft system should cal power shortages. To assist in conserving electrical energy would you be willing to sacrifice some of your electrical appliances, like a television set or an air conditioner?

11. A. Do you think the present draft system is fair?

B. Do you think the draft system should be abolished in favor of an all-volunteer army?

C. Do you think the draft system should be abolished even if the alternative, an all-volunteer army, is not available?

12. A. Do you support the present United States policy in Vietnam?

B. Do you think the campaigns in Laos and Cambodia will bring to a more rapid close American participation in the war?

C. Do you support the principal of a fixed timetable for American withdrawal from Southeast Asia?

13. A. Do you think that Israel should withdraw from all territories it occupied in the Middle East during the 1967 Six-Day War?

B. Do you think it should withdraw from some of these territories?

C. Do you think Israel should withdraw from occupied territory before or after it negotiates a peace agreement with the Arabs?

Before.
After.

D. Do you think the United States should continue to lend Israel money?

E. Do you think the United States should continue to sell Israel arms?

F. Do you think United States troops should participate in an international force to keep the peace in the Middle East once the Arabs and the Israelis sign a treaty?

14. What do you think are the three most pressing problems facing America today? Please list in order of urgency.

1. ------------------------------------
2. ------------------------------------
3. ------------------------------------

15. What one problem in Northeast Philadelphia is of most concern to you?

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 2,200 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 239,500 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

HOUSE RESOLUTION 492

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, it is with some reluctance that I rise in opposition to House Resolution 492 which would require the Secretary of State to furnish the House with certain information respecting American involvement in Laos. In hailing the Supreme Court decision in the Times-Post case involving publication of the Pentagon Papers last week, I cited the concurring opinion of Justice Stewart to the effect that an enlightened citizenry may provide the only effective restraint upon executive policy and power in the areas of national defense and international affairs. I pointed out at that time that—

> There is a tendency in government to overclassify and to keep from the people, and the people's representatives, information which is essential to the proper functioning of a democratic system. When there is secrecy for the sake of secrecy, or for self-protection or self-promotion, then credibility is seriously undermined and the real security of that system is strained to its very limits.

There is understandable concern that Laos may prove to be another quicksand trap as perilous as Vietnam and that we may already be in too deep. I am not saying that we are, but I am saying that we in the Congress have a right to know just how deeply we are involved. We have learned from our Vietnam experience just how easily military and economic assistance can balloon into a major military commitment. That is not to say we should avoid the former for fear of the latter; obviously, there must be a middle course between playing world policeman and international ostrich, and I think the Nixon doctrine provides such a middle course.

But at the same time we must carefully examine the apparent contradiction between the dual theses that we are presently overextended and that we will honor all of our present commitments. We must ask ourselves how extensive are our commitments, and what is the exact nature of those commitments. There seems to be a firm resolution in this country, which I am sure is shared by the administration, not to stumble into another Vietnam. And central to this resolution is the realization that if we are to avoid another tragic mistake, the Congress and the people must have the answers to the questions I have just raised—we must be fully and periodically informed as to the extent of our involvements overseas. Without such information, we could easily find ourselves confronted in the future with another backdoor war and another internal crisis of confidence and divisiveness.

I can therefore sympathize with those who support this resolution. Their intentions are honorable and not without merit. At the same time, there are certain aspects of this resolution which trouble me deeply, and which have led to my decision to vote against it. First, from what I can determine, this represents an unprecedented attempt on the part of the Congress to obtain current confidential communications from the Executive to an ambassador, something which I believe is a matter of Executive privilege. It seems to me this would provoke an unnecessary confrontation, especially when the Department of State has expressed a willingness to provide an oral briefing on this subject to the Congress.

Second, two of the requests included in the resolution are misdirected to the Secretary of State when they should in fact have been addressed to the Secretary of Defense—those relating to bombing operations along the Ho Chi Minh trail and U.S. Armed Forces operations in Laos.

And third, it is my understanding that the Director of the CIA has already briefed the appropriate committees of Congress on that Agency's involvement in Laos.

And again, several committees of the Congress have been briefed on the nature and extent of USAID operations in Laos.

And so, Mr. Speaker, I think it might be better for this Congress to compile the information with which it has already been presented on these issues, and build future hearings and investigations on the gaps and questions arising out of that compilation, calling in the appropriate Government officials to fill those gaps and answer those questions. This is the way to proceed it seems to me. I am not suggesting for a moment that we have all the facts on our involvement in Laos, and I am not suggesting for a moment that we should not vigorously pursue this subject. Quite to the contrary, I welcome a full-scale congressional investigation and appraisal of all our overseas commitments and involvements. It seems to me that such a comprehensive appraisal could prove most useful in helping to shape the specifics of the evolving Nixon doctrine. I have long been a strong advocate of restoring to the Congress its coequal status with the Executive in matters both foreign and domestic. But I think this can best be done through a spirit of cooperation rather than confrontation. I therefore think the resolution before us today is ill-advised because it would tend to provoke the latter rather than promote the former.

JOB TRAINING SUCCESS STORY

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 7, 1971

Mr. SCOTT. Mr. President, the distinguished Senator from Delaware (Mr. Boggs) recently wrote an excellent editorial entitled "OIC: Job Training Success Story." The editorial, published in the Ripon Forum of July 1971, featured the tremendous accomplishments of one Philadelphia minister, Dr. Leon H. Sullivan. Dr. Sullivan has in many ways surpassed the titanic efforts of the Federal Government by providing a low-cost, highly effective job-training program.

Dr. Sullivan's program, called Opportunities Industrialization Center (OIC), has been operating since 1964 with very low Federal subsidy and the program is providing the urban poor with a light of hope in their struggle to obtain training and a decent job. I ask unanimous consent that Senator Boggs' editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

OIC: Job Training Success Story

(Guest editorial by Senator J. Caleb Boggs)

For nearly a decade the Federal Government has been trying to train the disadvantaged for gainful and useful employment, and for the entire decade the results have been, at best, mixed.

Federal participation in job training began with the Area Redevelopment Act of 1961 and was greatly expanded with the Manpower Development and Training Act of 1962 and the Economic Opportunity Act of 1962 and the Economic Opportunity Act of 1964. Along the way, programs have included MDTA Institutional training, On-the-Job Training, Job Corps, Neighborhood Youth Corps, Mainstream, New Careers, Concentrated Employment Programs and NAB–JOBS.

Not surprisingly, Federal expenditures have expanded to match the proliferation of programs. From an infinitesimal $4 million in 1959, funding has grown to a proposed $2.9 billion for Fiscal Year 1972.

Thus, it is evident that there has been a sincere intent on the part of Congress and succeeding administrations to do something about the problem—to provide valuable training for the unemployed and the underemployed.

Unfortunately, the well-intended programs and the nearly $10 billion spent during the decade have not always produced satisfactory results. Program costs often have been exorbitant; men and women most in need of training often have not been reached, and the percentage of those who actually find jobs after training or who keep the jobs they find has often been far too small.

PRIVATE GENESIS

There is, however, a very successful job-training program begun seven years ago, not in Washington, but in the inner city in North Philadelphia. Its genesis came, not from a Federal executive or a Member of Congress, but from a Baptist minister and his congregation.

The minister is the Reverend Doctor Leon H. Sullivan, pastor of Zion Baptist Church. He named his program the Opportunities Industrialization Center. Started in 1964 in a former jailhouse leased from the City of Philadelphia and backed by $100,000 raised by the Zion Baptist congregation, OIC organizations now exist in more than 100 American cities.

Those in operation are providing effective and efficient job training at relatively low cost, and they are doing it with very little support from the Federal Government.

Doctor Sullivan, who recently became the first black man to serve on the board of directors of the General Motors Corporation, has raised most of the money which supports OIC through contributions from private industry and local governments.

The Federal support of OIC over the years has averaged $7.5 million channeled through existing manpower programs.

HIGH RATE OF RETURN

Despite inadequate or sporadic funding, OIC's have attained success in very large measure. Of trainees completing the OIC course, 71.2 percent have been placed in jobs. As further evidence of its successful record, OIC's have a one-year job retention rate of 76 percent, the highest, to my knowledge, of any manpower training program in the country.

Dollar for dollar, the return has been far greater than money spent in most other programs. Cost per OIC trainee has been about $1500, which is about one-third of the cost of many Federal programs.

The reasons for OIC success are many, but they start with Doctor Sullivan. His tireless work and apparently limitless energy give the OIC's a vitality not often found in the more staid Government programs.

The key, however, is that OIC's are not merely job training enterprises. They are comprehensive programs which begin with pretraining counseling and end with job placement and follow-up at regular intervals.

OIC's also are located where the need for job training is greatest—within our urban centers. The trainee remains with his family and friends in his own neighborhood. OIC's prepare the individual for actual job training by means of a prevocational feeder program designed to provide basic reading and writing skills and to build self confidence.

Following completion of the feeder program, the trainee learns a skill which is in demand by businesses in the area. The trainee thus has a realistic goal for which to strive. Many times he is guaranteed employment before his OIC training is completed.

In addition, OIC in some instances has ventured into black capitalism. In Philadelphia, OIC hac built a multi-million dollar shopping center and it opened Progress Aerospace Enterprises, which employs 150 people on a NASA sub-contract, and Progress Garment Manufacturing Company, where 100 employees turn out 2000 garments a week.

It is evident, I believe, that OIC with relatively little financial help has accomplished much. How much more could it accomplish with only a small share of the proposed $2.9 billion manpower budget?

I believe it is time we give Doctor Sullivan and his colleagues the opportunity to prove what they can do on a larger scale. That is why I introduced this year the Opportunities Industrialization Assistance Act, which would authorize $432 million in Federal funding for OIC's over the next three years.

Doctor Sullivan estimates that his organization would reach a level of 51,000 trainees within the first 12 months of funding and that at the end of three years OIC would be serving 100,000 persons.

This legislation would make OIC funding the exclusive responsibility of the Secretary of Labor, removing the current problems of multi-agency funding.

This legislation is not new. I introduced similar legislation last year and it was adopted as an amendment to the Employment and Manpower Act of 1970 which was vetoed. The OIC provision of that bill was not a cause of that veto. It was, I believe, the only section of the bill to enjoy near unanimous support of the Senate.

The report of the Senate Labor and Public Welfare Committee said of the OIC: "The facts clearly seem to justify the conclusion that this is an unusually successful and surprisingly low-cost manpower program, solidly accepted by the poverty community and the private sector."

The Labor and Public Welfare Committee again this summer will hold hearings on a comprehensive manpower bill, and OIC again will be under consideration.

The Senate Labor Committee is not alone in its appreciation of the OIC. I have been pleased to have a long and impressive list of co-sponsors of this legislation. They include

Senators Bayh, Harris, Kennedy, Muskie, Pell and Mondale from the Democratic side of the aisle and Senators Javits, Schweiker, Scott, Taft and Bellmon from the Republican side. Without them, I know this legislation would not have received the attention it has.

It is my great hope that this year the aspirations of Doctor Sullivan's great program will be realized and that the Federal Government will provide it with the means for orderly and constructive expansion.

With that aid, I am confident the OIC will prove to be the most effective job-training program in the country.

J. CALEB BOGGS.

THE POWDER PUFF DERBY

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. SPRINGER. Mr. Speaker, the Powder Puff Derby is on again.

Eastern Illinois has been represented for the past 12 years by Mrs. Barbara Jenison of Paris, Ill. She has always given a good account of herself and one year came in third. This year Mrs. Jenison and Mrs. Eula Schmidt of Robinson as well as Mrs. Kathleen Wood of Sullivan will also represent eastern Illinois in the derby.

Everybody is talking about "Women's Lib" as if it were something recent. Mrs. Jenison has been in that category on ability and experience for a long time.

This year's route is a new one but tremendously interesting starting at Calgary, Alberta, to Great Falls, Billings, Rapid City, Denver, McCook, Lincoln, St. Louis, Little Rock, and ending at Baton Rouge. I would think that they would experience almost every kind of weather condition. It should be a tough contest and I am sure it will be. Following is an article from the Paris, Ill. Beacon-News, regarding the Powder Puff Derby of 1971. The route is a distance of 2,444 miles and it starts the day after the 4th of July. I am sure all of us wish these fine women the very best of luck.

I include the article as follows:

FROM CALGARY TO BATON ROUGE—PARIS, ROBINSON PILOT TEAM IN POWDER PUFF RACE AGAIN

Eastern Illinois will be represented once again in the famed "Powder Puff Derby," all-women's transcontinental air race, when the annual event marks its twenty-fifth anniversary this year.

Mrs. Barbara Jenison, Paris, and Mrs. Eula Schmidt, Robinson, are enroute to Calgary, Alberta, Canada, where the 2,400 mile race will start on July 5. For the first time, the course will run from north to south, with the end of the race set at Baton Rouge, La. Previous races have been flown east or west from coast to coast.

This year's course follows a "zig-zag" route from Calgary to Great Falls and Billings, Mont., on to Rapid City, S.D., Denver, Colo., McCook and Lincoln, Neb., St. Louis, Little Rock, Ark., and Baton Rouge.

For the Paris pilot, the 1971 race will mark her 12th year of competition in the event and it will be Mrs. Schmidt's fourth. They have flown together in three previous races, and finished third in one of them.

The silver anniversary race has drawn the largest field in history—150 planes—attracted by the largest cash prizes in history, a total of $22,500, with $10,000 for first place. For that reason, this year's entry list includes many aviation "pros" who are full time pilots, instructors, charter pilots and airport operators. Among them are several who have logged from 10,000 to 20,000 hours in the air.

The field had to be limited to 150 planes, and on the first day to enter there were 141 entries. The field filled up and there has been a standby list of hopeful entries ever since. Accepted "standby" entries will get to compete only if some of the original starters fail to qualify by arrival at the race starting point in time, or should be "scratched" for other reasons like mechanical problems prior to race time.

Numbers for the race entries were assigned by lot among the first day entrants. The Paris-Robinson team drew No. 26. Numbers are not important except that original take off is by the numbers, and those with the high ones must wait longer on the airport as planes are flagged off at 20 second intervals.

Only elapsed flying time is counted in the computation for winning. Electronic devices time each plane at lift off, and similar devices at each of the authorized stops mark arrival and departure time. The planes range in size from single to twin engine, and from a minimum of 145 to a maximum of 600 horsepower. A handicap system equalizes the competition, based on performance above rated speed for each size of aircraft. Only stock models, built in the past ten years, can be entered.

The race is flown only in daylight hours under visual flight conditions, and the contestants have four days to complete the course. Stops at other than authorized points eliminates them from contention. Both Canadian and American aviation agencies supervise the race and flight and safety rule violations result in disqualification.

Winners are not determined for certain until the deadline for completion of the race by all contestants. Awards will be presented at a banquet for all the fliers in Baton Rouge Saturday night, July 10.

Illinois has a larger number of entries than usual this year, a total of ten, four from the Chicago area and the remainder from the rest of the state.

A nearby contestant is Mrs. Kathleen Wood, Sullivan, Ill., who with her husband once operated the Shelbyville airport. Her co-pilot will be Mrs. Clarissa Holcomb of Marissa, formerly of Danville.

There are two "mother and daughter" entries from Illinois. Mrs. Lois Feigenbaum of Carbondale and her daughter, Mrs. Sue Long of St. Louis, constitute one team. The other includes Mrs. Mary A. Lowe of Greenville and her daughter, Miss Sylvia E. Lowe.

The other entries are: Mrs. Pat Clark, Calumet, with Mrs. Elinor Johnson, Dallas, Texas, as co-pilot; Mrs. Marion P. Jayne, with Mrs. Mimi W. Stott, co-pilot, both of Palatine; Mrs. Lois Shafer, St. Jacob, with Mrs. Amy Laws, St. Louis, as co-pilot; Mrs. Sharon S. Ehrlich, Pekin, with Mrs. Fern P. Rath, Moline, as co-pilot; Mrs. Charlene H. Falkenberg, Hobart, Ind., with Mrs. Jeanine R. Tellekson, Oak Lawn, as co-pilot; and Mrs. Barbara W. Silagi, Somonauk, with Mrs. Pamela K. Stowell, Arlington Heights, as co-pilot.

Mrs. Jenison and Mrs. Schmidt are flying a Piper Comanche 260, a single engine plane, owned by Louis Dyson's Illini Aviation, Inc., at Urbana. The ship was readied for the race at Urbana airport and flown to Robinson, where the women fliers took off Friday morning. They flew first to St. Louis, and then planned to fly the race route north to Calgary, inspecting race route and facilities at each authorized stop. Earlier this month they tested their plane on the southern section of the route from St. Louis to Little Rock, Ark., and Baton Rouge.

At Calgary all planes must undergo inspection to make sure no modifications have been made since the race is limited to stock models. Once inspected, the planes are impounded during a four day period prior to the race start. During that time the racers will be the guests of the City of Calgary for a variety of events, including a preview performance of the famed Calgary Stampede, and a civic banquet. One day they will enjoy a trip to Banff.

The race is under the supervision of the Ninety-Nines, Inc., international organization of women pilots of which both Mrs. Jenison and Mrs. Schmidt are members. It is the largest competitive aviation event for women in the world.

Race pilots must hold private and commercial or instrument ratings. Among the 300 contestants age is not a limiting factor for 55 are grandmothers.

There are 35 makes and models of aircraft entered, and all but seven of the 150 planes are single engine ships. Cessna 182's usually predominate but this year there are 29 Piper Comanche 260's to top the list.

Some of the more unusual entries this year include a plane guided by Mrs. Trudy Cooper, wife of U.S. astronaut Gordon Cooper; and a team from Sunnyvale, Calif., sponsored by Zero Population Growth, the organization founded by famed Stanford biologist, Dr. Paul Erlich, and featuring the official No. 0 on the fuselage.

There will also be a light craft piloted by Fran Salles of Baton Rouge, who has a monkey for her co-pilot.

There are other entrants from Alaska, Hawaii, Canada, Mexico and South Africa.

LEGAL ASSISTANCE TO THE POOR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. WALDIE. Mr. Speaker, my position on legal services to the poor in California is, I am sure, well known as a result of the recent controversy in California over the California rural legal assistance program. I submit, however, a letter I have received from Mr. Willie Dorsey, chairman of the Contra Costa County Area Council of OEO.

Mr. Dorsey's letter confirms my belief in the concept of legal assistance to the poor wherever they are found and this letter is demonstrative of the support one program has received in California:

OFFICE OF ECONOMIC OPPORTUNITY,
Martinez, Calif., June 15, 1971.

Hon. JEROME WALDIE,
Washington, D.C.

DEAR MR. WALDIE: We, the people of the North Richmond Iron Triangle community of Richmond, California, wish to take this opportunity to inform you of our recent evaluation of Contra Costa Legal Services Foundation, its staff and director, Gene Swann. Our evaluation to us indicates that this organization is providing superior representation to the poor of our community and that the dedication and competency of its staff has been a source of great pride and support to our efforts to improve our lives.

We, unfortunately, have noticed that there are not enough attorneys or staff to do the full job which we felt it can and should do. By its past-proven performance, this organization should be expanded and more funds for additional staff be made available.

Before Legal Services we had a negative impression of lawyers and the law. We felt that the legal profession and court system were unresponsive and unconcerned about our problems. After four years of contact with the attorneys in Legal Services, we have come to realize that, indeed, the law and lawyers can have a beneficial impact on the quality of our daily lives and offer an acceptable avenue for redressing grievances. For the more than 18,000 people that Legal Services has served throughout the county, we again urge you to provide additional funds to further the concept of justice for all.

Sincerely,

WILLIE DORSEY,
Chairman.

CARS VERSUS MASS TRANSIT—COMPETING FOR THE COMMUTER'S CUSTOM

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. MIKVA. Mr. Speaker, at a recent meeting of the National Conference on Public Transportation, Theodore Kheel, the nationally known labor mediator, delivered a perceptive and provocative address.

Mr. Kheel speaks to the vital urban problem of mass transit, bringing up the startling statistic that now, when the need for mass transit is at its greatest, there are less buses available than at any time in recent years.

At first glance, this situation would appear to give the bus manufacturers an outstanding opportunity to boost their sales, and indeed they probably would were it not for the fact that the single largest bus manufacturer is also the largest automobile producer in the world, and any increase in the available mass transportation would hurt their own automobile sales.

Mr. Kheel reaches the heart of this serious problem and suggests what seems to be a viable solution to it. The text of his speech follows:

STATEMENT BY THEODORE W. KHEEL

(Cochairman, Conference on Public Transportation, Sheraton-Park Hotel, Washington, D.C., June 1, 1971)

There is a war being fought with increasing intensity between the private automobile and mass transportation and we are all the losers for it. The fight is for the patronage of the urban dweller who must travel from home to work each day and return when he is through. But competition, usually an advantage to the consumer, has here made him the victim, not the beneficiary.

When the Second World War ended in 1945, most everyone came to work by bus, subway, or commuter rail. Since then, the trend has been increasingly to private cars. In 1947, 2,600,000,000 people rode the buses and subways of New York City. By 1970, the number had dropped to 1,700,000,000, almost a billion less. During the same period, automobile crossings of the Hudson River over and through the bridges and tunnels of the Port of New York Authority jumped from 40,000,000 a year to 140,000,000 a year. Automobile registrations in New York City have been soaring since 1947 and are now up to 1,500,000 cars. Other cities have had similar declines in mass transportation and increases in private cars.

It is a war that the automobile is winning overwhelmingly, ironically to its own disadvantage. Those who have switched to personal from mass transportation now suffer from traffic congestion and air pollution just as the riders of mass transportation suffer from poor service and dilapidated facilities. It is a war that must end not in victory but in a balanced system of transportation if urban societies in the United States are to survive.

Time is running out. New transit facilities take years to plan and decades to carry out. And we still have failed to understand the interrelationship of these two forms of transportation, a necessary prerequisite to a solution. If a man decides not to use mass transportation, it does not mean he has disappeared. It means that he has found another way to commute and that way has most frequently been a private car with one person in it. Such switches, often prompted by fare increases, have invariably been followed by a cut in the level and quality of mass transportation, leading, in turn, to further declines. Poor mass transportation not only prevents inner-city residents from jobs in the suburbs and drives other companies to move from the central city—thereby intensifying the burden on those who remain—but the cost of a switch from mass to private transportation, though difficult to measure, means at a minimum a tenfold increase in the real cost to the public for the air pollution, traffic congestion, lost time, street repairs, police assistance, and accidents that result.

This conference proves that a new force, representing the public and capable of uncovering the seriousness of the conflict between mass and private transportation and providing the means of doing something about it, is taking shape. The groups here present, joined by their common interests in environmental protection, in economic development, in better transportation, can, I believe, develop a true commitment to a balanced system of transportation, to the vast improvement of transportation facilities, to new technologies of transportation, to improved inner-city mass transportation, to public transportation in the suburban areas, to better inner-city service, and to expanded service and efficiency of buses.

All these programs must be part of our effort. But we must properly identify our problem and see the war for what it is if we are to succeed. Let me give an important example of what I mean. General Motors, the largest maker of private cars, is likewise the largest maker of buses. These two methods of transportation are in deadly competition with each other. We have not only failed to see this but to do anything about it, even though an unsual opportunity exists.

In 1956, the United States government filed a lawsuit against General Motors, charging that company with monopolizing the manufacture and sale of buses in violation of the Sherman Act. The government suit charged that General Motors had through various illegal devices and practices assumed monopoly power over the bus industry and used that power to force others to discontinue or curtail their bus operations. The government suit stated that in 1955 General Motors sold 2,724 buses or 84.3% of the total market and that only three other companies delivered more than one percent of the total of new buses: the Flexible Company made 215 buses for 6.7%; Mack Trucks, Inc. produced 118 buses for 3.7% of the total, and the Southern Coach Manufacturing Company, Inc. accounted for 73 buses or 2.3%. According to the complaint, General Motors' conspiracy and condonation to monopolize bus making began in 1925 and had these harmful effects: (a) to drive most of General Motors' competitors out of the bus manufacturing business; (b) to curtail the supply of new buses readily available for purchase; (c) to deprive bus operating companies and the bus riding public of the benefits of competition in the manufacture of buses; (d) to increase prices paid by bus operating companies; (e) to prevent other concerns from entering the bus manufacturing business, and (f) to deny to some bus operating companies access to certain bus models.

In 1965, after nine years of delay and preliminary proceedings, the government finally settled its suit with General Motors through a consent agreement. The company promised to stop some of its restrictive practices and methods of putting pressure on the other bus companies and operators. But the decree allowed General Motors to continue as the dominant force in bus manufacturing, disregarding the built-in conflict between buses and private cars. However, the consent decree also provided that if at any time before 1976 a competing bus manufacturer disappeared from the industry and was not replaced by a new entrant, the Justice Department could return to court and secure an order forcing General Motors to create a competitive company and then divest itself of it or take such other action as would effectuate the purpose of the decree.

I can report to you that not one but two of the competitors which were making buses at the time the suit was begun have now disappeared. The Southern Coach Manufacturing Company, Inc., was acquired by the Flexible Company after the decree and Mack Trucks, Inc., discontinued its bus operations after the decree.

In 1966, the year after the decree was entered, 3,100 motor buses were delivered to transit operators in the United States, according to the American Transit Association's Fact Book. This number has dropped every year since, and preliminary figures for 1970 indicate that the number is down to 1,442—or less than half the 1966 total. Up to the present, the Justice Department has not made any effort to reopen the case and seek relief of divestiture, to which it is entitled under the settlement agreement.

Apart from the merits of the anti-trust suit, there is the additional reason why General Motors should be removed from the bus-making business, a reason not understood when the government brought the suit in 1956. It is, as we now know, the incalculable injury to our urban societies from the war between mass and private transportation. The great automobile maker's domination of bus manufacturing must serve to restrain all development of public transportation by buses in the nation. That is apparent when we see the need for commuter and inner-city public transportation which has soared since 1956 and then find that General Motors and its one remaining competitor are making half as many buses today as they did five years ago.

This should not surprise us, for every bus GM makes potentially increases the capacity of some Americans to get to work or to shopping areas without a car and, despite appearances to the contrary, that is not good for General Motors. If public bus transportation is to develop, it must be developed by companies whose commitment to mass transportation is unqualified, whose wish to improve the technology is uninhibited, whose desire to sell has no built-in limitations.

General Motors should, and I hope will, recognize that it must divest itself of its bus manufacturing and selling operations at once. I believe that the Attorney General should return to the Federal Court in the Eastern District of Michigan immediately to request an order of divestiture as provided under the 1965 decree. Thus we will really gain the fruits of competition in the best American tradition instead of destructive competition in the war between mass and private transportation.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following commentary concerning the publication of the Pentagon papers.

In recent days, the Nation has been wrestling with a question of historic importance: Can the courts stop the publication of documents which the Government asserts will damage national security?

The issue grew out of the decision by several newspapers to publish portions of a 47-volume, 7,000-page Pentagon study of the Vietnam war. The action created a legal conflict between those claiming freedom of the press, and the Government asserting its right to maintain national security.

While Washington discussed the impact of the study on Democrats and Republicans . . . on former President Johnson and President Nixon . . . on future presidential candidates, a more serious consequence was being overlooked. The real victim may be the American people's confidence in the integrity of their Government.

I agreed with the Supreme Court's ruling that the documents could be published. While the Government argued that irreparable damage would come from their publication, in my view, greater damage would result from continued secrecy. The Pentagon papers deal with some fundamental questions which need answers if we are going to avoid future Vietnams: What went wrong in Vietnam? How did we get involved? How did we lose our way?

The task before us is to learn from the Pentagon papers. Several lessons already are apparent:

First, we must improve the decision-making process in this country. While our policymakers were involved in raging debates over the Vietnam conflict, very little of it surfaced. The American people, who had the most at stake, were given little or no opportunity to understand the stakes, the difficulties, or the options.

The vital process of policymaking must be improved by raising the quality of debate, assuring that fundamental questions are continually reassessed, and that the whole process be open and responsive to the people. My own bias is that policy which is held up to public debate tends to be better policy, and we must do all we can to open up the process.

Second, the Government classification system is inadequate, and in some instances, absurd. We need a more rational system, with the chief aim of making far more information available to the public, assuring us that relevant documents on any crisis, including Vietnam, are made available. This means establishing regular procedures outside the executive branch of the Government for examining and deciding on the release of documents.

Third, the Congress must become more effective in the foreign policy process, serving as a counterweight to the executive. I served on the Foreign Affairs Committee during several of the years covered in the Pentagon Papers, and I am concerned about the amount of information which was kept from the Congress.

It would appear the Congress was, in the view of the Executive, an obstacle to overcome, a nuisance, and certainly not a partner in policymaking. Hopefully, one of the results of this experience will be a better working relationship between the President and the Congress.

Fourth, the experts deserve more respect. The one Government agency which emerges from the Vietnam debate with honor is the CIA. It consistently provided accurate assessments of our position in Vietnam, and was just as consistently ignored.

Fifth, our policymakers must have time to examine the fundamentals of policy, and not become exclusively involved in the implementation of policy. The Pentagon Papers reveal that the Vietnam debate was concentrated upon the best means of achieving policy objectives, and not what our policy should be. There appears to have been little discussion of the vital question: Is Vietnam in the national interest?

Sixth, it would be a grave mistake for the Nation to engage now in a search for scapegoats. The fact is that most of our top leaders since World War II shared in the decisions which led to Vietnam. Nothing is to be gained, and much is to be lost, in picking out villains among them.

The Pentagon Papers have shown us the Government did not act in a manner in which to earn the confidence of the people, but there is another side to the issue. The people must act in a way to earn the confidence of Government, to be informed, and not to react by instinct to complex questions, or engage in careless rhetoric and name calling.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

BRAILLE CURRENCY FOR THE BLIND: THE NETHERLANDS EXPERIENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. RARICK. Mr. Speaker, on June 15, 1971, I wrote De Nederlandsche Bank N.V., requesting information relevant to the use of braille currency for the blind by the Netherlands. I was hopeful that their reply might indicate the feasibility of undertaking a similar operation here in the United States, as proposed in my bill, H.R. 9102.

Their reply is most interesting and informative. It serves to indicate that there are no technical or practical problems involved in switching to this type of marking on currency that cannot be overcome.

I am hopeful that this information will enable us to join together to give, to borrow the concluding phrase of Mr. Loeff's excellent lecture, "the visually handicapped a more independent place in the 'paying situation.' "

I ask that the reply I received from De Nederlandsche Bank N.V. and a copy of my bill, H.R. 9102, be inserted in the RECORD at this point:

DE NEDERLANDSCHE BANK N.V.,
Amsterdam, June 29, 1971.

Re: Braille currency for the blind

Mr. JOHN R. RARICK,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR SIR: In reply to your letter of June 15, 1971 we have pleasure in sending you herewith a copy of a lecture by Mr. E. A. M. Loeff on tangible marks on Netherlands bank notes, which we hope will give you all the information required.

Yours truly,
DE NEDERLANDSCHE BANK N.V.

TANGIBLE MARKS ON THE NETHERLANDS BANKNOTES

(Lecture given by E.A.M. Loeff at a Study Conference of the NBW (Netherlands Association of the Blind) held at Beekbergen in October 1970)

Subject: recognition of Banknotes and their denomination by the Visually Handicapped

The recognition of banknotes is a known problem in the life of the visually handicapped. On the one hand this problem is overcome by the confidence in the person to whom the note is handed, confidence which persons with normal eyesight also have, both in banknotes and in human beings. On the other hand this problem is overcome by the assistance of the shop attendent or of the helping hand of a seeing person who happens to be there at the moment of paying. Some handicapped people have cleverly developed their own method for recognizing banknotes, which method has proved to be very practical: use is made amongst others of the different sizes of the notes, of different ways of folding notes, of folding corners, of a special method to put notes into a purse or wallet, or of a combination of these possibilities.

However, such systems become more difficult when banknotes of various countries are involved, or when an additional banknote is put into circulation, as for instance the Netherlands "new" 5 guilder banknote. This note is known to have created some problems to some visually handicapped because of the small difference in size when compared to the 10 guilders note and the 2.50 currency note, or because their method of putting notes in wallets or purses had made no allowance for the appearance of a new denomination.

The Central Banks and the banknote printers are well acquainted with the problem of the visually handicapped to recognize banknotes, both on the national and on the international level. So far, however, no solution was found for this problem.

The complaints resulting from the putting into circulation of the "new" 5 guilder note and the development of a new 10 guilder note have led De Nederlandsche Bank N.V., the designer Mr. R.D.E. Oxenaar and Joh. Enschedé en Zonen to join in another thorough study of the problem.

In looking for a solution, they had amongst others to take the following points into consideration:

Requirements for the use of banknotes by the masses (of persons with normal eyesight)

Requirements for the handling of notes by the banks

Requirements for protection against counterfeiting and forgery

Requirements regarding the composition of the notes

Technical possibilities of paper-maker and printer.

First of all a possibility seemed to be the application of a braille mark. This soon appeared unpracticable, not only because the technical means gave insufficient results, but especially because such a mark would soon disappear from the note when in circulation, the body of the paper not being fit for this purpose. A punched-out hole in the border of the note did not appear practicable either, as this would result in technical problems both in the handling of notes by the banks and for the printers, to such an extent that the costs involved would be quite out of proportion.

Finally a solution was sought in the printing forms. This idea was conceived after it had become known that some visually handicapped recognized the Dutch Dfl. 25 note by the heavily printed rosette at the top left-hand corner of the face of the note. This rosette appeared to be sufficiently tangible to identify the note, without however establishing its shape. The printing process used for it is a characteristic feature of banknotes. For those not yet acquainted: the banknote is made of paper with a special watermark on which the design on the face and the reverse and the numbering are printed. For the visually handicapped the printing process used is of great importance. The numbering of the note is printed in the "flat" letterpress technique and is therefore not tangible. Nor are the parts printed by the offset process, which is also "flat".

Those parts of the design which are printed in the intaglio or direct plate process usually the portrait, some line structures and part of the text are tangible through the relief or embossing characteristic to this process.

The intaglio process uses a metal plate in which deep lines are engraved. A solid type of ink is pressed into the lines, after which the paper is pressed into the grooves under high pressure. This print causes a relief in the paper, whilst the (thick) ink accentuates this relief. In order to get the greatest possible relief, the grooves are therefore to be made as deep as possible. One will understand that this depth is limited and has to conform to printing technical standards.

To apply by this process tiny dots of the size used in braille appeared technically impossible. Besides, the application of a recognition mark in braille code would not help those who do not know braille, still a significant number of the visually handicapped. Hence the functional value of such an aid would be greatly reduced.

For this reason a simpler recognition mark was looked for and found in a large dot of approx. 6 mm in diameter. The study committee who contributed to this result is of the (otherwise modest) opinion that this dot will be reasonably tangible. The tangibility of this dot will be all the more pronounced when it is placed in an area bare of any other relief print. The study committee was supported in this train of thought when proofs of the dots were submitted to representatives of the Dutch Advisory Committee of the Blind, who localized the marks fairly quickly.

This test also showed that the persons involved could discern the difference in the number of dots; thus the various denominations can be indicated by varying the number of dots. For the Netherlands the following arrangement has been chosen: Dfl. 5,—: no mark. Dfl. 10,—: 3 marks. Dfl. 25,—: 2 marks. Dfl. 100,—: 1 mark and Dfl. 1000,—: no mark. A decrease in the number of marks for each higher denomination has been chosen because it is practically impossible to remove a dot without damaging the paper noticeably. In order to prevent any misunderstanding it should be emphasized that the marks applied to the new series, should never be regarded as distinguishing true notes from counterfeits, but solely as a mark to recognize the various denominations.

As regards the durability of the marks on the notes in circulation, we observe that the ink used for printing the dots will no more disappear in circulation than the other printing on the note. The paper will indeed undergo the aging process, but it will have to be seen whether the wear of the paper will affect the tangibility adversely or whether the result will be an increase.

Finally it should be observed that nor De Nederlandsche Bank, the designer or the printers, Joh. Enschedé en Zonen, are of the opinion that an ideal solution has been found for the visually handicapped. However, they have for the time being endeavoured to find a practical solution. The study committee faces the practice with the tangible marks with confidence. How far the marks will improve or deteriorate in circulation only practice can show. The study committee will appreciate from practice, through a central contact organization, which problems the handicapped persons encounter in handling the notes with these marks.

This is not only important for further developments of this subject in our own country, but also for progress on an international level. Through contacts with foreign Central Banks and banknote printers, the development of our tangible marks is in the meantime watched with much interest in other countries.

The study committee hopes that this development may contribute to giving the visually handicapped a more independent place in the "paying situation".

HAARLEM, *October 1970*.

E.A.M. LOEFF.

H.R. 9102

A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there shall appear on the face of all paper money of the United States which is printed after January 1, 1972, a designation in braille indicating the denomination thereof.

(b) The Secretary of the Treasury shall carry out the provisions of this Act, and for such purpose he may establish such rules and regulations as he determines appropriate.

THE CANCER OF RUNAWAY PUBLIC WELFARE SPENDING

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. ROUSSELOT. Mr. Speaker, I wish to bring to the attention of the Members of this Congress the June 28 editorial of the Alhambra, Calif., Post-Advocate.

Following passage of H.R. 1, by the House of Representatives, this Copley chain newspaper editorialized, "Time for Second Thoughts." To this I say, "Amen." I hope that the Members of the other body which now has this measure before it, the President, and his White House advisers, will pay serious attention to this clear warning. May their thinking focus on the keynote of this editorial:

> If the staggering welfare cancer is to be controlled, it must be curbed, not expanded.

Where are our working poor taxpayers going to come up with another $4 to $6 billion to underwrite the additional welfare funds now estimated for the first year under this plan?

Why should they have to pay the salaries of the 30,000 additional bureaucrats the bill's proponents admit will eventually be needed just to administer this plan when, with sharply rising prices of food, clothing, and shelter, they find it increasingly difficult just to care for their own family needs?

With more attractive incentives to get off welfare and go to work than H.R. 1 offers, only 235 families out of the 200,000 welfare families in New York City chose to accept the alternative of working. Let us give this unreasonable welfare concept deep second thoughts. To help the needy, yes; to exhaust more of our conscientious working taxpayers' hard-earned wages to support the indolent, no.

TIME FOR SECOND THOUGHTS

(The Issue: This is the time to face the truth. If the staggering welfare cancer is to be controlled it must be curbed, not expanded. Strict regulations must be drawn to eliminate the greedy.)

Approval by the U.S. House of Representatives of a so-called Family Assistance Plan of welfare reform is regarded as a critical test of this controversial proposal which has been simmering in Congress for the last two years.

Hopefully, the detailed scrutiny that the American people will receive in the Senate will give that body and the American people occasion for second thoughts about the landmark changes in principle that are proposed.

As we consider the immense problem of runaway welfare in the United States which is taxing all public treasuries to their limits, it is important to remember that mental attitudes as well as figures are involved.

The reason that welfare has been doubling every few years is in a large part due to the fact that the American attitude has changed. Within the life span of the youngest of our voters, welfare was considered a last resort—a necessity for the genuinely unfortunate and a misfortune for those temporarily down on their luck. For the latter, the goal was to become self reliant as soon as possible.

Today, welfare, which has its roots in humanitarian concepts is hailed as a right, and organizations are formed to give its recipients publicity instead of dignity. The idea is fostered that those with the lowest earnings in our country, or those unable to work, are the victims of the more affluent who must support them. Welfare recipients demand the best lawyers, occasionally live in fine hotels, and want an extra measure of all benefits of our society. The excesses are encouraged by an entrenched welfare bureaucracy which has become a political power in its own right.

The unhappy fact is, welfare is becoming accepted as a way of life and its psychology is expansive.

Unfortunately, the Family Assistance Plan is in the same mold. It would further push welfare in the category of a "right." It would nearly double the welfare rolls as well as the spending. With the increase would come commensurately larger federal bureaucracy, unresponsive to local needs and conditions.

This is a time to face the truth. If the staggering welfare cancer is to be controlled, it must be curbed, not expanded. Compassionate standards must be set to give more and better assistance to those in geniune need. Strict regulations must be drawn to eliminate the greedy.

None of this can occur unless Americans first convince their representatives in government that there is no virtue in exalting poverty.

CLEANING UP ENVIRONMENT IS NO SIMPLE JOB

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. REID of New York. Mr. Speaker, I wish to insert in the Record a copy of a speech which was delivered recently to the Conservation Councils of Virginia.

The speaker in this case was Mr. John W. Hanes, Jr., vice chairman of Virginia's Council on the Environment, and one of this country's most knowledgeable and effective leaders in the field of conservation and the environment.

Mr. Hanes faces some important realities in this speech. He points out that:

> "Cleaning up the environment" is no simple job; on the contrary, it is going to take concerted effort and even more money. This movement cannot be a temporary one, it cannot be a fad, or a "bandwagon" to which thousands rush for a week because they want to be "counted in" as helpful members of the community.

Finally, Mr. Hanes emphasizes that:

> We are going to have to be tough if we want to get anything done in this field; we are going to meet inevitable conflicts and perhaps we are going to have to settle for compromise solutions. But if we want any solutions, we are going to have to build up far more expertise than we now have, and use it well.

Mr. Speaker, I commend this speech to the attention of my colleagues:

REMARKS OF JOHN W. HANES, JR.

It is a great pleasure for me to be here with you today and to represent who is actually the top man on the Governor's Council on the Environment—the Governor. He purposely kept the Chairmanship of that Council when he created it, both because of and to demonstrate his own very real interest in the problems of the environment. As some of you will recall, in his inaugural address, Governor Holton set out two major areas in which he hoped some significant progress could be made during his administration. One of those was the field of race relations and one of them was the field of environment; and in both of them, the Governor said that he hoped we could begin setting Virginia on the path of leadership, as so often before in the history of this country it has been the leader for other states and the rest of our country.

I really want to talk with you today not about the work of the Governor's Council but rather about some of the problems that we in the Governor's Council have come to see are basic as we face the task he gave us. That task is: to provide leadership in beginning to correct some of the things that have not been done or have been done badly in the past, and to plan for the future. We shall try to prevent new mistakes from crowding in upon us as we go about the process of correcting mistakes of the past; and we shall seek to plan a future that will be better-grounded in wisdom than the actions of the past, in many cases, have been.

Our biggest problem, as we approached this job, was really to get our arms around it and find out what *is* the problem and how *do* you approach it. Because in a real sense, to say "the environment" is to include everything. Putting this in the context of state government, for instance, if we took the agencies of state government that deal with the environment and put them together, we would have just re-created the state government, because there is no single aspect of government that does not impinge in some way on something that we can call the environment. But that is not a very useful kind of approach. The other problem, however, that we all found is that many people deeply interested in this problem have tended to go to the other extreme, which is to adopt an unduly narrow interpretation of the environment—usually narrow in the context of the particular interest of the persons involved. This is the approach taken by many of the traditional conservation and environmentally-oriented organizations, which have developed over the last half century. It seems to me, however, an inadequate type of approach today.

I would like to suggest to you a few of the broader concepts that seem to me to be important. In doing so, I would also suggest that these are the kind of questions which should at all times be present, underlying every meeting that you may have as individuals, as groups or as organizations—whatever the particular narrow purpose of that meeting may be (and they often have to be narrow to get a particular job done). Only as we approach the answers to these broader questions will we, in my judgment, have any opportunity of really solving any of the particular problems.

The first one that I want to speak about is what I call the measurement of the economic cost of environmental problems, as we are today facing them. The economic cost of cleaning up our environment, keeping it clean and hopefully maintaining such cleanliness into the future. (Obviously you will recognize that I am using certain shorthand words; to say "cleaning up" goes far beyond the physical removal of a physical pollutant. One can have a situation needing "cleaning up" simply because there is overcrowding rather than because there is an infusion of some type of specific liquid, solid or gaseous waste into the environment.)

There is a cost, however, to whatever we do in this area. More accurately, there is a range of costs, because, depending on what you want to do, there is a whole range of responses. We can, in other words, have varying degrees of a cleaned-up environment. Technology today, by and large, can produce almost any desired degree of cleanliness up to and including the sterile chambers that are used for certain types of drug manufacturing processes. It is perfectly plain that such a degree of cleaning up is neither economically feasible nor particularly desirable. In other words, the maximum available technology is not always the one most suitable to any given situation. As in most other things, this, too, is an area of compromise; but there has been little or no work done on the costs of these options—the economic cost of any of these ranges of possibilities. Most of the debate that has gone into this question has been emotional. I would submit to you that, until there is some good basic "gut work" done in the economics, there is not going to be a lot of real progress made; because in the final analysis, everything costs something, and somebody has to pay for it. What that cost is and who is going to have to pay for it is going to have to be determined beforehand rather than afterwards if you want to achieve a continued stream of progress.

Don't forget that we are not just talking about the cost of cleaning up something that is present, such as a sewage system that doesn't work or a factory that is spewing out some type of a pollutant. We must also consider the cost of alternatives; for if we are to prevent similar problems in the future, we have to do things differently in the future than we have done them in the past. Perhaps a different type of technology in the industrial process. What is the cost? Who is going to pay for it? Perhaps a different type of material; for example, a different type of chemical achieving the same result but with less adverse effect upon the environment. What is its cost? What is its availability? Who will pay for it? Perhaps just a different way of doing something; for instance, a cessation of the use of hard pesticides such as DDT in certain types of agricultural endeavor. This may mean a very real drop in production or a very real increase in the cost of maintaining a similar level of production. Again, what is this cost? Who will pay it? Someone must.

It is important that these questions be faced and answered. It is important that there be a lot more hard work done in this area than has been done up until the present time. The bill that cleaning up the environment will present, and who that bill will be presented to, is by no means clear today to anyone. It is going to be impossible, I submit, to get any meaningful and sustained actions through the legislatures and the other governmental processes—or, indeed, supported over the long-term by the citizens of this country (or any other country) without some basic kind of work of this type, just as it has required that kind of basic economics to produce the intricate industrial, commercial, housing and other complexes which we build today. Very few people build such things without first knowing what the economic bottom line is. Those few who do generally end up bankrupt; and they don't generally build a second one.

If we can think of what I have just been saying as the need to develop an environmental algebra, my second theme is the very real need for the development of what I will call an environmental calculus, going far beyond a measurement of economic impacts. It is perfectly plain today, I think, and increasingly accepted in our country, that economics is not the only measure of value. It is not a measure of value which has produced a tolerable result in our lifestyle today. It is the measure of value, in fact, which in many cases has produced the very things we are talking about preventing, cleaning up and stopping. But we have no good ways of measuring what other values ought to go into this equation. We have no consensus on what those other values are; but even when there is any kind of an agreement, there is no mathematics that enables us to put these various other factors into an equation so that, faced with a particular problem, we can come out with a meaningful result—

namely a set of priorities. Something should be done or shouldn't be done; it should be done with high priority or with low priority. We have no way of "environmentally" evaluating different things on a consistent basis, so that we could weigh one project against some other project, or some other alternative.

I can suggest to you some of the kind of things that should go into such an equation, and they are the kind of things that, it seems to me, we should be trying to develop a mathematics about. Because, in some way we have got to develop such mathematics; it isn't good enough just to say that economics are bad; they are insufficient; let's weigh in beauty. All right, beauty is a perfectly proper thing to weigh in, but how? What weight is it to be given? What weight is it to be given in the building of a housing development? in building a power plant? in preserving a stream? I don't know. But we had better learn some method of getting this kind of thing into the equation or we are never going to have anything more than a series of irrational and unrelated projects, rather than having real priorities or having anything that could legitimately be called a program.

This kind of value measurement affects the entire range of land use policies, for instance, which most definitely includes possible control on population growth. Should we have population growth controls, implemented or encouraged by the state, either directly—by preventing the birth of children—or indirectly, as some states have done, by discouraging the immigration of persons into out states or into our country from other places?

The entire range of questions involving land use comes down to a determination of what is the optimum use of different types of land. But that whole sentence is loaded with things that we don't know. What is an "optimum" land use? Is it the way that you get the "most" on to a piece of land? The most what? Is it the way that provides the most satisfaction to the most number of people? If so, what is the "most" satisfaction? What is "satisfaction"? Is it the way that provides a certain type of satisfaction to perhaps only one, two or a few people? Are we to have a quantitative view of these things? Is a type of recreation more important because ten thousand people want to engage in it than is another because only a hundred want to engage in it? Is there room in our society for all of these things? This type of question is at the heart of land use policies; because merely to say that one should have land use policies is a very, very small, tentative and hesitant step down the road of getting to them in a meaningful way.

What is the measurement of the social and psychological desirables, for instance, such as one I mentioned before: the prevention of overcrowding. You have all probably read of some recent experiments in which it has been rather conclusively shown that a rat colony subjected to a specific amount of overcrowding will, in due course, start a nonreversible trend toward self-extermination by failing to breed; and this reproduction-failure doesn't cease when the population has descended; it persists to ultimate extirpation of the colony. This is a psychological reaction. Some rat colonies studied in the past have had disturbing parallels to human reactions; so this is a troubling type of thing.

How do we value the various types of appeals of things that appeal to different people; things that are important to different people? What kind of quantifying mathematics are we going to apply to aesthetics? Again, how do we define aesthetics?

Is there importance to the maintenance of a certain amount of open space or wilderness? "Wilderness", of course, is a relative term, because Central Park can be a wilderness as far as the kids from the ghettos of New York go; it is also enough of the wilderness for some other people. How do we apply measurements so we may come to decisions about how much "wilderness" we should have—or, perhaps, that we must have?

There are sub-questions, of course, to all of these things. What, as far as that is concerned, is overcrowding? If you don't want to define beauty, what is ugliness? That is something you will have a hard time finding a consensus about.

However, only when we get to the point that we find a way to put these things into our equation will we be able intelligently to face the individual problems we have—a dam here, a power plant there, a factory, a housing development, a new town—and make some sort of a rational decision; make some sort of meaningful priority. Because the one thing that is absolutely certain is that there is already too little of everything to go around, and there is increasingly less of it to go around.

Priorities *are* going to have to be set; compromises *will* have to be made. They will be made only as intelligently as our ability to put together this kind of mathematics. In the past, we have had little such ability; and, therefore, they have not been made very intelligently. In general, most have been made with the only kind of mathematics we have been confident of, which is the economic determinant. If you don't think it is good enough, you had better be among those who get on the stick and try and help develop another one that is better.

The third basic matter I would like to suggest to you is the need, in carrying out this kind of program, to assemble and maintain an effective political majority. At the moment, environmental concerns have a good deal of political sex appeal. A lot of people have rushed to get on this bandwagon, to the extent that whereas twenty years ago we might have been concerned about the few people who were interested, today I am equally concerned about the number of people who want to be counted in, who don't really now what they are doing but who, nonetheless, think this is a pretty good thing. But that won't last. This type of public approval is a fickle thing and flits from one to another of the latest fads. It will not last unless there is a sustained effort at education and at building up a true constituency; and the true constituency in this field—that is to say, the informed constituency—is still perilously small. It will also not last unless it is translated, in some manner, into a more effective type of presence on the political scene and in the political structures which, in fact, govern our country and our lives on the local, on the state and on the national level.

The "environmental" movement is still a very fragmentary process today; and probably one of the reasons it is fragmentary is that most of its leaders are persons who, by and large, are inexperienced in the political process—and a number of whom find it actually objectionable. I would submit to you that this type of attitude is also not good enough. Basically, I would not visualize any major change in the political processes of our country over the next twenty, thirty or forty years. If you want to make your point, therefore, you had better work within the system and figure out how to make that political process work toward your objectives, rather than attempting to work outside of it, or merely standing on the outside and complaining about what it is not doing.

I appreciate that the existence of this group and your coming together here today is a recognition of this. I say to you, however, that there is still an insignificant recognition of political facts and political necessities on the part of many individuals and many organizations deeply concerned with environmental matters.

One of the problems is that in order to make the political system work, you have to understand that there are values and value systems different than the ones you are interested in. You have to recognize not only that they are there, but also that they have validity. And a failure to recognize this is a prelude to total failure in the political process. Let me give you just two examples.

Recently, in attempting to develop a child education program in New York City, drawing from the ghetto schools and bringing children together to give them some basic environmental education, some very talented friends of mine ran into a total roadblock. They were holding their classes in, as it happens, Central Park; and they found that the children practically went rigid in these classes, and they couldn't get through to them. Well, I will make this very short, but after a good deal of investigation, what transpired was that these children had never known, in a direct physical way, not only what trees looked like but even what grass was; and the fact that they were being forced to sit on grass was, to them, a traumatic experience that filled them with fear. These were children of around four, five and six years old. To them, this was literally like a city-dweller of old having to go into the deepest, darkest forest.

Unless we are willing to recognize these wide gulfs in the value systems of others, and not automatically to assume that ours exist elsewhere, we are going to have a difficult time relating to the political process. I would point out to you that those children who I have just described are not only voters of tomorrow, but probably very close to the majority of voters of tomorrow. It is in the cities that the voting power of this country not only resides today but is increasingly being made more powerful by reapportionment and other reforms throughout our state and national legislatures, as you all know.

Unless the people with that voting power believe that some of these concerns are relevant to them, the chances of any long-term legislative interest or support of this type of program in our governmental system is remote at best.

A second example: I think there is a very serious lesson involved in at least one aspect of the recent SST battle, and that is the serious alienation of organized labor in this country from the environmental movement on this issue. Labor, as it happens, is a fairly natural ally of the environmental movement. But labor is bitterly against what it sees as a narrow approach, in the matter of the SST, to a problem that involves livelihoods, jobs and well-being to large numbers of people that it considers as its constituency. I am not suggesting any answers to this particular question; I am suggesting that, in this case, there was an awful lot more homework that could and should have been done—probably on both sides. There are a great many more factors involved, in other words, in this kind of thing than just the simple matter of an environmental impact (and that is not so simple, either). Unless those other factors are recognized more fully and recognized earlier; unless there is more attempt to realize that different people not only have different values, but also have valid different approaches to this kind of problem, there is going to be an increasing amount, I am afraid, of this sort of passing in the night. The result will be to end up in a series of political fights, each decided by who has the most political troops. This is not usually the best way of getting an intelligent result, nor of developing a consistent long-term program.

The fact is that, like it or not, there are going to have to be a lot of hard choices, and a lot of them are going to end up being compromises. The population of this country, at least for the foreseeable future, *is* going to continue to grow at a considerable, if not an alarming rate. There *will be* the requirement of more houses; there will be an overwhelming requirement for power, meaning power plants and power lines and many other things of this sort.

There no longer is enough environment to go around without these things conflicting. Somehow or other, we have got to find not only the mathematics of determining how to minimize these conflicts (you can't eliminate them), but then the political methods of bringing that result into the political system so that an intelligent decision can, in fact, become an intelligent result. The two are equally vital.

The last point I want to make is related to the one we have just been discussing, and that is the question of governmental organization itself. What type of organization should we have to handle this sort of problem? I am not here today to give any kind of answer, because not only do I not have, but I think no one else has, these answers; but rather to give you some of the questions.

I would point out only a few things: one of them is that there is a very clear difference between the policy aspect of government, the administrative aspect of government and the enforcement aspect of government. All three happen to be important in the environmental area. An example of the policy aspect would be Russell Train's Environmental Quality Council. An example of enforcement would be the Virginia Water Quality Control Board. An example of the administrative would be the National Park Service. Obviously, there are overlaps in these things, but they are all distinct problems. There are problems when these three types of governmental activity are brought into one agency; there are different but equivalent problems when they are left separate. Neither is a perfect solution.

One of the problems of keeping them separate, for instance, is how do you then get any "teeth" into the policy-making aspect if the administrative people say, "Well, it is our budget and we are going to administer it any way that we want, no matter what policy says".

If you put them all together, how do you handle the problem of just sheer bureaucratic size? And, if you are going to have one agency, how many things do you put into an environmental agency anyway? Certain functions clearly should go in; but what about the others—what do you do about the marginal departments that deal with matters of the environment, but only fifty percent of the time? What do you do with those? I don't suggest—and I don't think most people would suggest—that the Division of Highways belongs within an environmental agency; but it sure enough better not exist totally remote from such an agency nor from its policies if you intend to have a meaningful environmental program. How, administratively, is one to structure that kind of organization?

State government, itself, is a difficult concept today, because by and large our state governments over the last half century have been defunct; and yet in this environmental area particularly, it is pretty clear that local government on the town or county level isn't good enough any longer—if it ever was; it is too subject to political pressure, and it can't look at a broad enough scope. And I would strongly recommend that you not put all of your faith in the federal government to solve these problems. I happen to have spent some twelve years in the federal government, so I speak with some feeling. But there is one thing that the federal government will probably be in a good position to do, and that is to lay down general enforcement criteria. The federal government, however, is not good when it gets around to applying them to a local situation; that is something we had better keep on a more local level, although probably not at a village level; but again, how? What are the processes that we need to accomplish this type of result?

So I guess what I am saying in all of this is that the kids, nowadays, all use the term "relevant"; we have got to be "relevant"; this is right. But, we have to remember that relevance is something that does not exist only to us in our own particular value system as we see it. I have relevance and ideas about relevance; so do you, each of you. So do a lot of other people.

Those of us in this room today probably would have little difficulty putting our various relevances together to come to a program. But, when you get out into the main stream of politics, which means our state, our towns, and our country (and also means whether the things we are talking about here today are merely going to be talk, or whether they will be translated into effective action) then we had better recognize that there are a lot of other relevances as well as ours. Some of them are different; some of them we find objectionable; some of them, however, are equally valid. Who knows, some of them might even be more valid; at least they are more valid to the people who hold them, and we had better recognize this as a fact. We had better broaden our visions and learn, perhaps, to do more careful groundwork when we suggest a program, and also, perhaps, to be a bit more tolerant—to be a bit more willing to recognize that the final outcome of almost any program of action, if it is to be a successful one, is likely to be a compromise rather than precisely what you or I or any one of us as individuals might think is the ideal solution. Because I can promise you that the absolutely ideal solution to anything is not likely to be found in the ideas (or prejudices) of any one of us, or even of any small group of us.

Thank you for your invitation to speak to you.

THE PROBLEM OF DEFINING "CONSCIENTIOUS OBJECTOR"

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. LUJAN. Mr. Speaker, the problem of defining "conscientious objector" and establishing relevant and usable criteria for the draft boards of our Selective Service System was highlighted by the decision of the Supreme Court in the case of Muhummad Ali.

Nowhere are there valid rules or clear guidelines to be found for the men who administer our draft laws. I recently received a letter from the chairman of one of draft boards in my congressional district, giving his reasons for resigning this position after 20 years of service. He clearly and poignantly outlines how the recent Court decisions, coupled with congressional inaction, have caused him to believe that he cannot discharge his responsibilities justly in the determining of conscientious objector status. I recommend reading his letter to all of my colleagues. Text follows:

LOS ALAMOS, N. MEX.,
June 17, 1971.

Hon. MANUEL LUJAN,
House of Representatives,
Washington, D.C.

DEAR MR. LUJAN: I recently submitted my resignation as chairman and member of New Mexico Selective Service Board no. 30, Los Alamos, New Mexico, to be effective June 30, 1971. Since the reasons for this resignation were prompted primarily by actions (or lack of action) by the United States Congress, I should like the New Mexico Senators and Representatives to know my reasons.

Before the Congressional election of 1970, I had correspondence with all of the New Mexico delegation to Congress expressing my concerns about the Selective Service law. Since that time administrative changes have been made in the operation of the Selective Service program. I feel that these have been improvements for the most part, but the one area where I feel the need for change most strongly has changed only because changes have been forced upon it by Supreme Court decision. I am referring to the problem of conscientious objection. I have watched this problem grow greatly in the past few years, yet I have seen little effort on the part of the Executive Department of our government or leaders in Congress to try to solve some of the problems which now exist.

It is my feeling that Supreme Court decisions in the past few years have interpreted this portion of the law in a manner which few, if any, members of Congress intended when the law was originally passed. In effect, it seems to me, the Court has passed some legislation. I am not a lawyer, and I do not know whether the Congress has the power to pass any legislation which might change the broad effects of these decisions. Perhaps the members of Congress do not wish to change them, even if they have the power. I do not object to the changes, provided that the will of the people and Congress is being followed.

But even assuming that these new interpretations are the will of Congress, I do not believe that the Congress has really looked at the conscientious objection problem in any complete way. Congress needs to consider how our American society has changed in its thinking in the years since conscientious objection was first written into the laws of Selective Service. Senator Edward Kennedy chaired a sub-committee of the Senate Armed Services Committee during the 91st Congress. The report of this sub-committee included a brief, but quite complete statement of the alternatives facing the nation on the sticky problem of conscientious objection. I do not know how much consideration the Senate Armed Services Committee of the 91st Congress gave to this portion of the report. Certainly during the present session news reports on Congressional deliberation on Selective Service indicate plenty of discussion on length of extension, number of men to be called up, and other problems, but nothing on conscientious objection. I feel that Congress has ignored the problem.

My objections to the present circumstances are two-fold. First I believe that the Supreme Court decisions have handed local Selective Service Boards the impossible task of deciding the "sincerity" of a registrant's claim. As I see it, a board member has three alternatives. He could reason as follows: "I cannot tell whether this registrant is sincere or not, but I will consider him to be such, unless it is proved otherwise". Under this reasoning nearly all of those requesting it would achieve a I–O classification. A member could take the opposite view and not accept a man's sincerity unless he proves he is. In this approach most would be denied their requests. Most members will honestly try to accomplish the impossible task of making a fair, considered judgment. So the most intelligent, widely read actors win their cases. I do not believe this is fair, and I can no longer take part in such a procedure.

The second part of my objection to the present procedure is the fact that local boards and those registrants who do achieve a I–O classification must go through very cumbersome and ineffective processes in getting the registrant into acceptable alternate service. Local boards do not have the information or the ways and means to handle this operation. Once a boy is sent for induction into the armed services the Selective Service Board turns him over to the control of the military. But once a conscientious objector is called up, the local board must operate the machinery which finally gets him placed, and the boards are not equipped to do this.

I write to you, not to complain about you as an individual member of Congress, but to impress upon you my feeling that the handling of this problem is an example of the inefficient ways in which our national legislature operates in many areas. I am willing to leave it to our government to decide whether or not the United States needs to keep Selective Service. But if we are to have it, I believe it is up to Congress to make it as fair and efficient as possible.

I am not resigning in protest of our Indo-China policies, or the continuation of Selective Service. I am protesting the unwillingness of the Congress of the United States to look at this situation in the light of the responsibilities which have been placed on many volunteer citizens in this country who would like to do a good job in a situation that is not popular or easy under the best of circumstances. I have been a member of Selective Service Board No. 30 for nearly twenty years. Only in the last two or three years have I felt personally torn inside by the decisions I have had to assist in making when there were no real grounds or guidelines for making those decisions. I don't believe it needs to be this way.

If my thoughts are of any value, perhaps you can share them with your colleagues.

Sincerely yours,

EDWARD E. SPENCE.

PRIMITIVE CULTISTS OF D.C. AND NEW GUINEA—A WASTE OF TAXPAYER'S MONEY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. RARICK. Mr. Speaker, anyone with any degree of intelligence can, after reading Washington newspapers, reach the conclusion that the Federal Government is deliberately creating a hysterical situation that forces the people of this Nation to support more and more socialistic programs and increased Federal controls, especially in the economic sector where people of today expect a guaranteed annual income or, at most, an excessively high minimum wage standard.

Never has this deliberate action on the part of the Federal Government been more evident in the recent accounts of separate incidents regarding Federal expenditures here in the Nation's Capital. In separate accounts, the Washington Post, the liberal's "bible," reveals a waste of taxpaper money wherein the Federal Government is providing $1.60 per hour for 1,400 schoolchildren to attend summer school here in the District—a wage scale equal to the minimum national scale and more than the minimum for agricultural workers, who only get $1.30 per hour—and a Federal subsidy of crime insurance to be made available in the District August 1 through the Department of Housing and Urban Development—only necessary because the people of the District cannot police themselves and tend to their own problems.

Small wonder that the American wage earner throws up his hands in disgust and feels he must appeal to the Federal Government for either higher minimum wages or a guaranteed annual income. That farmworker who gets only $1.30 per hour pays taxes on that, and sees it thrown away as a bribe to get kids to go to summer school—and the children do not even want to do that, for only 400 of the expected 1,400 signed up for the Federal gift—is totally and completely disgusting. It is a sad state of affairs when the taxpayers of this country see their hard-earned money wasted by giving it to a bunch of kids in the Nation's Capital as an inducement to keep them off the streets because their parents cannot, or would not control them.

How I could be expected to explain this to the people of my district is beyond me. The situation in the Nation's Capital is somewhat similar to that reported in Port Moresby, New Guinea, where primitive New Guinea cultists wait patiently for their gods to deliver the white man's goods in great quantity, all the time refusing to work. The only difference is that for us the gods of New Guinea are the "moralists" of the "New American Revolution" and the primitive cultists are the people of the District. The people in the District have their money and do not want it; the people in New Guinea do not have it and are praying for it. They just do not know how lucky they really are—or how free they really are.

My people object most strongly to the use of their tax money for such purposes. We know that if the trend toward complete socialism is not stopped, it will not simply be the District population refusing a $1.60 per hour dole to go to summer school because it is too much work; it will be the population of every town and city in this great land.

I insert related news articles at this point:

[From the Washington Post, July 7, 1971]

SCHOOL PROGRAM APPROVED

(By Eugene L. Meyer)

The D.C. City Council approved the summer "Earn and Learn" program for 1,400 model cities neighborhood youngsters yesterday, but expressed displeasure that only 400 had signed up so far to be paid $1.60 per hour to go to summer school.

The approval vote was unanimous, but Council members who began by defending the controversial program became sharply critical of its administration by the time the vote was taken. "I'm terribly disappointed," said Vice Chairman Sterling Tucker, who at first enthusiastically supported the program. "My feeling is the planning is not what it could be . . . I have real questions as to whether we're geared up at all.

"I will be extremely disappointed if we only have 400 or 500," Tucker said. "I would not look upon this program as a success at all."

Council member Henry S. Robinson, in moving for approval for the program, added: "I must strongly chastise the model cities officials and school system for going into this program without doing homework."

Charles Diggs, a school official in charge of the program, said that delays in getting necessary official approval had hurt recruiting efforts.

He said that because of the program's uncertainty "summer teachers have also disappeared. I'm not sure some of the summer administrators haven't also disappeared."

The program, under which youngsters will earn $1.60 an hour for attending school for four hours a day for seven weeks, was supposed to begin last Monday. It is now tentatively set to start next Monday at Dunbar High School and Hamilton Junior High.

The city's school board approved the program in May. The $544,000 cost is being paid by model cities money already allocated for the Shaw, Trindad, Stanton Park and Ivy City areas.

The model cities commission approved the plan on June 15, disapproved it June 22 when youths said the money should be spent on jobs instead, then reapproved it June 25. Late last week, the matter was taken to the City Council, whose approval also was needed.

The program was conceived to fill in for a severe summer job shortage for youths between 14 and 21 living in the model neighborhoods.

[From the Washington Post, July 7, 1971]

CRIME INSURANCE DUE AUGUST 1

Insurance against crime will be available on Aug. 1 for businesses and private residences in the District of Columbia and Maryland, the Department of Housing and Urban Development announced yesterday.

The government-subsidized insurance, which will provide for a maximum coverage of $15,000 for commercial policies, was voted by Congress last year to help residents of high-crime areas who have been priced out of private insurance coverage.

Rates for the insurance, not yet released, will be based on a formula reflecting FBI crime statistics for the area.

In addition to D.C. and Maryland, residents of California, Illinois, Massachusetts, Michigan, Missouri, New York, Ohio, Pennsylvania and Rhode Island will also be eligible for the new insurance.

[From the Washington Evening Star, July 7, 1971]

SHOWERS OF RICHES AWAITED BY CULTISTS

PORT MORESBY, NEW GUINEA.—Thousands of primitive New Guinea cultists today removed a concrete survey marker from atop a mountain in a tribal ritual they hope will appease their gods and bring them the white man's goods in great quantity.

The marker, erected on Mt. Turu by U.S. Geodetic Survey men seven years ago, was carried several miles down the mountainside near Wewak Township, in the East Sepik District.

The cult, known as the Yangoru Cargo, is led by Matthias Yeliwan and Daniel Hawena, who have promised their followers that this Sunday is the day the white man's riches will be delivered to them.

The belief in the arrival of superabundant riches stems from World War II when natives witnessed the unloading of vast amounts of American military supplies.

Thousands of villagers have deserted their work in the last three months in expectation that the ritual will provide everything they want—canned foods and luxury products. The territory's Australian administrators fear that many of the 30,000 cultists will wind up hungry because farmers deserted their fields and hired workers left their jobs to go to the mountain.

Australian patrol officers and Australian, Dutch, German and American missionaries have been trying to get the cultists to go back to work.

STOP OIL DRILLING OFF PACIFIC PALISADES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. WALDIE. Mr. Speaker, the Los Angeles County grand jury has recently taken a position against any oil drilling or exploration within one-half mile of the mean high tideline. This decision is in direct response to the dangers of oil drilling in areas such as Pacific Palisades which have a propensity to slip without prompting from outside sources.

The Army Corps of Engineers is currently making a geological study of this area, and I must support the demands of the group known as No Oil Inc. of Pacific Palisades that oil companies not be allowed to perform any exploratory drilling in the area until the corps completes its study.

The following, then, are articles from the Los Angeles Times and the Santa Monica Outlook which describe the action taken by the grand jury of Los Angeles County in urging county officials to ban oil exploration in these potentially dangerous areas. I commend the grand jury for its action and also No Oil Inc. of Pacific Palisades for its efforts to stop exploration in their area.

[From the Santa Monica Evening Outlook, June 22, 1971]

At Pacific Palisades—Oil Drilling Holdup Asked

(By Tom Sullivan)

The Los Angeles County Grand Jury has called for a moratorium on oil exploration in Pacific Palisades until the Army Corps of Engineers completes its land stability investigation.

In letters sent to all Los Angeles councilmen and Planning Director Calvin Hamilton, the jury foreman, Leo Epstein, also called for enactment of pending legislation that would prohibit drilling for one-half mile inland from the mean high tideline, excluding existing M-3 industrial zoning.

Epstein said oil drilling along the Palisades' coastal bluffs could "seriously damage the ecological balance" of the coastline.

The 1970 Grand Jury also supported the efforts by No Oil, Inc. (NO) of the Palisades in its attempt to prevent Occidental Petroleum Corp. from exploring near the landslide-prone bluffs.

"Unrestricted drilling for oil can seriously disturb the ecological balance of our shoreline, can pose a danger . . . from lubrication of already unstable geological formations, and at the very least threatens oil spill pollution, an all-too-familiar tragedy," said Epstein's letter, dated last Thursday.

"Therefore, we respectfully urge that any new oil drilling in the city of Los Angeles be banned for a half-mile inland from the mean high tideline, excluding existing M-3 industrial zones," he wrote.

SEEKS HELP

The foreman also sent another letter last week to William D. Ruckelshaus, director of the federal Environmental Protection Agency in Washington, D.C.

In that letter, Epstein asked Ruckelshaus to help obtain a ban on all drilling in the Palisades until the corps of engineers completes its study.

The foreman said "severe damage" has already occurred from earth slippage in the area, and further damage may result if oil exploration is allowed.

The corps of engineers is studying the land slippage problem in the Palisades as ordered by Congress in the 1966 Flood Control Act.

FEASIBILITY STUDY

It is charged with determining if it is scientifically and economically feasible to correct the problem, using engineering techniques.

Col. Robert J. Malley, district engineer for the corps, is heading the study of the Palisades.

Epstein sent a copy of the letter to the councilmen to Col. Malley. But the officer said he doesn't have the authority to order a moratorium on drilling in the area.

[From the Los Angeles Times, June 22, 1971]

Grand Jury Urges Ban on New Inland Oil Drilling Near Shore

(By Ron Einstoss)

The Los Angeles County Grand Jury has urged that the city of Los Angeles ban new oil drilling for a half-mile inland from the mean high tideline, it was revealed Monday.

Jury foreman Leo Epstein made the request in a letter to city Planning Director Calvin Hamilton. Copies of the letter were sent to each member of the City Council.

"Unrestricted drilling for oil can seriously disturb the ecological balance of our shoreline, can pose a danger from subsidence and from lubrication of already unstable geological formations and at the very least threatens oil-spill pollution, and all too familiar tragedy," Epstein wrote.

The jurors also added their support to a moratorium on all drilling in the Pacific Palisades area until an Army Corps of Engineers' study now under way has been completed. It was also suggeted that their recommendations be considered part of the master plan for land use to conserve coastal recreation and scenic areas.

Epstein directed another letter to William D. Ruckelshaus, head of the federal Environmental Protection Agency, in which the grand jury expressed its concern over oil drilling in populated areas.

The jurors asked that the federal government require an environmental impact study from any company which desires to drill for oil in the offshore, coastal or inland areas.

KILLING COPS AND THE REVOLUTIONARY MYSTIQUE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. BIAGGI. Mr. Speaker, police killings in New York City, Washington, D.C., and other urban areas of our Nation have proliferated to frightening proportions in the past year. This sad state of affairs represents a severe symptom of a grave sickness becoming more and more embedded in our society. It is time the people of this country and its leaders fully recognize the seriousness of the situation and start to deal with it in realistic terms.

Max Lerner in his May 26, 1971, article in the New York Post goes right to the core of the problem by describing the societal ailment in terms of a "revolutionary mystique" and then eloquently debunks the mystique by exposing it for what it really is—an attempt on the part of the guilt ridden to clothe their foul deeds in a mantle of abstractions. Mr. Lerner quite correctly identifies the assailants as those opposed to the authority of police institutions as they exist in America, who indiscriminately mow down men who happen to be in blue coats, regardless of their color or creed.

I want to commend Max Lerner for his incisive article, printed in the RECORD for the benefit of my colleagues.

[From the New York Post, May 26, 1971]

Killing Cops

(By Max Lerner)

New York is a city of hardened people, but when two cops were shot cold-bloodedly in a police car (they barely survived), and then two others were shot in the back and killed in Harlem, a wave of nausea swept the city. It suffered a crisis of confidence in itself—a crisis of belief in the city's capacity to deal with the berserk terrorists without going vigilantist in the process.

Everyone is against killing cops—everyone, that is, except the cop killers, and everyone, except those who wouldn't do it themselves, but in whose hearts little fires are lit when they read that someone else has done it, because they feel cops are "fascist pigs." If you are going to speak out against killing cops, you must speak out also against these little fires, and the emotional climate in which they thrive.

Let us put an end to this mindless killing of cops, but put an end also to the ever-present granary of hatred and baiting of cops, which feed the flames that finally produce these killings. It is being said now in New York, and other cities where cops are being killed, that it is just "plain and simple murder." True, it is murder, but not quite so plain nor quite so simple.

An individual who kills someone he knows, out of a murder impulse, doesn't infect others. But someone who kills a cop doesn't kill anyone he knows, against whom he nourishes a grievance. He kills a category, the way Hitler's storm-troopers did, the way lynchers in the South used to, the way the terrorist kidnappers did just the other day in Turkey.

Whoever kills a category thinks he is a hero, and basks in his belief that he has somehow tapped a pipeline to history or justice. He sparks the same impulse in others, and he gets support from them, including many who would not themselves kill.

Police Commissioner Murphy, himself one of the best cops, says the killings are "undoubtedly the work of madmen." To call them madmen, bums, punks, is one way of stripping them of the mystique of "revolution" in which they try to clothe themselves.

It is important to strip these murderers of their revolutionary mystique. But I go farther: it is important to strip revolution itself of its mystique of being somehow above the standards of law, morality, and language that bind mere earthlings to the society and each other.

I am not speaking now of toughs and killers. There are presumably gentle people, who seem sensitive and tender, but who feel that if destructive deeds are done for "the revolution"—whether black or white—they are shriven of guilt and washed in the blood of the Leninist or Maoist lamb.

The epithets of "fascist pigs" and "racist pigs" may be uttered in hysteria, or in cold calculation that the collective violence which we call revolution cannot succeed unless it has first broken down the necessary sense of confidence between the police and the people. That is what the hardcore revolutionaries mean to break down. Don't let them.

Edward J. Kiernan, who heads the police union in New York, had a fit of hysteria of his own—and doubtless a fit of union electioneering as well—when he advised police they had a right as private citizens to equip themselves with shotguns. Riding shotgun on the beat is no answer, nor shooting first and asking questions later.

To follow this line would involve the police in what might easily become a race war, with black cops and lawful black civilians caught in the middle. It would give credibility to the terrorists by adding the charge of vigilantism to the charge of racism.

Nor is it a solution (as some well-meaning people advocate) to turn the control of the police over to the neighborhood, and have the blacks in Harlem run their own police system. The police killings would continue, only the black cops who died at the hands of the same terrorists would be killed as "Uncle Tom pigs" who had betrayed their race.

The best hope for both police and people is to use humanity and reason toward each other. Where cops are corrupt—and a number of them doubtless are—ferret them out, and discipline and punish them.

Where they are racist in their core attitudes, or just gun happy, weed them out. In all these cases they don't belong in their jobs. Don't hobble the rest with impossible restraints, and back them up in danger. Build professionalism, but with it build also a sense of human concern.

This is the credo neither of a "bleeding heart" nor a "do-gooder" (the quotes are Kiernan's) but of someone who believes that both the cops and the city deserve a better break.

THE CRIMINALITY OF UNPREPAREDNESS

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. RANDALL. Mr. Speaker, the annual Independence Day observance held on the steps of the Truman Library in Independence, Mo., is an event which is always well attended. Each year a distinguished speaker is on the program.

This year we were privileged to have as our guest speaker on Saturday, July 3, Rear Adm. Heinz H. Loeffler, U.S.N.R. On this 14th annual observance, commenced by Mr. Truman in 1957, our speaker noted that the Truman Library had recently accepted for permanent display the 18-foot model of the battleship U.S.S. *Missouri*. This model will become a part of the historic memorabilia of an era which marked the entry of America into the age of atomic and nuclear power.

Admiral Loeffler in his speech lamented, however, that the little model would only be a symbol of an era since the day of the battleship passed with the signing of the surrender documents aboard the *Missouri* by Japanese and allied forces in September 1945.

The admiral quite rightly emphasized that America in the Pacific in 1945 had the mightiest naval force ever to sail the seas. With the signing of the surrender documents, there suddenly seemed to be no need for these ships and the trained crews that manned them. He said he is convinced Americans now look back in retrospect at that great assembly of ships as a remembrance of the glory of our past without stopping to think that this magnificent fleet shortly after the war went into mothballs, there to languish and age. It is now completely outdated in the light of scientific advances which have happened during the postwar years.

The Reserve admiral in his remarks, then proceeded to call attention to the Soviet maritime expansion as an awesome challenge, not only in terms of naval power but also from a national policy viewpoint. In the words of Russian Fleet Admiral Gorskov:

> The age-old dream of our people has become a reality. The pennants of Soviet ships now flutter in the most remote corners of the seas and oceans.

Our U.S. sea control forces have not really been challenged since World War II, but today we must confront the force of the Soviet naval power all over the globe wherever the objectives of the free world may demand our presence. The names of possible opponents in this international chess game of survival have changed, the admiral commented, but the basic requirements for survival remain the same.

I listened most attentively to the remarks of Admiral Loeffler. I am proud to acknowledge that I lead the applause when he said those who would have all the rest of us believe that any defensive action beyond our borders is equivalent to aggression are themselves misguided souls. These misguided persons think about as clearly as those poor confused human beings who first convince themselves, then try to sell their belief to others that the readiness of manpower and the manufacture of weapons prior to a physical attack on our shores is only due to the clever influence of the so-called military-industrial complex.

I regard it not only as a pleasant opportunity, but also as a clear obligation to share with my colleagues the challenge expressed by Rear Admiral Loeffler in his remarks on the steps of the Truman Library at Independence, Mo., on Saturday, July 3, as follows:

REMARKS BY REAR ADM. HEINZ H. LOEFFLER

Mr. Jessee, Congressman Randall, Dr. Brooks, honored guests, citizens of this historic community which has the meaningful and fine-sounding name of Independence. As a naval officer I am indeed honored to be the principal speaker at your annual observance of our Nation's freedom from the bondage of tyrannical foreign oppression.

Enshrined here at the Harry S. Truman Library are the historic memorabilia of an era which marked the progress of America into the age of atomic and nuclear power. As long as the free world exists this institution will be a focal point for historic research for all the generations to come.

I have noted that this date also is the day on which the 18-foot model of the battleship USS *Missouri* will be formally accepted for permanent display in the Truman Library. I hope it will remain here for our grandchildren and, in turn, their grandchildren to see and appreciate as part of America's national heritage and as a symbol of United States seapower as it was in the mid-twentieth century.

We must face the fact, however, that it will only be a symbol for all time, since the day of the battleship passed with the signing of the surrender documents aboard *Missouri* by Japanese and Allied Forces in 1945. The model housed here, and perhaps the original ship, will in time have as great, or perhaps greater, historic significance as the United States Frigate *Constitution* in the sense that both ships marked the ending of eras of great importance in the development of America.

There are perhaps many persons in the audience today who contributed their pennies as school children so that *Constitution* could be preserved as a national memorial to the loyalty and bravery of those Americans of previous generations who sailed the world's ocean and seaways to develop the international commerce that has made America the great Nation that it now is. In so doing, many gave their lives to insure that the principle of freedom of the seas would be an enduring principle of our national policy. That the restortaion of *Constitution* was made possible only through the penny collections of school children is perhaps an indicator of how forgetful a nation can become of its past history.

In respect to the Battleship *Missouri*, the same sense of apathy is beginning to show. So many things have happened, both for good and bad, since that historic September 1945 in Tokyo Bay, that Americans tend to become preoccupied with the day to day affairs and, thus, they relegate what happened on board *Missouri* and what has transpired since then to the back passages of the mind.

We tend to forget the wise words by George Santayana, "those who cannot remember the past are condemned to repeat it."

And sometimes we forget the lessons learned in the days of Hitler and Stalin and the wisdom of Winston Churchill which can be paraphrased as follows:

"That the nation which will not fight far from home with stout allies by her side may be doomed in the end to fight alone within her own castle walls—without friends, at an hour when the enemy has achieved his greatest strength."

This is more difficult today than it was a few years ago. The specter of Stalin has been replaced by the less awesome masks of Khrushchev who talked of Goulash communism and of Breshnev, Kosygin and Podgorny who talk comfortably about cost accounting and even provide Russian consumers with Italian automobiles.

But to return to the events aboard Missouri and in Tokyo Bay on that historic date they will always remain in our memories. In that relatively small body of water, there was assembled the mightiest naval force ever to sail the seas. This great fleet had just been victorious against powerful and vindictive enemies.

Then, suddenly, with the signing of the surrender, there seemed to be no need for those magnificent ships and the highly trained crews that manned them. Nevertheless it is the picture of that great assembly of ships, in retrospect, a great many Americans have indelibly fixed in their minds. But this is a remembrance of things past as seen through the diffusion lens of elapsed time. While it is a magnificent view, as indeed the event itself was magnificent, it is now essentially a distorted picture which can only be brought into proper focus and perspective in the light of events that have since transpired.

The price of freedom is eternal vigilance and the surrender in Tokyo Bay was, in the historical sense, an end for us to a bitterly fought war. In the mass enthusiasm created by the event itself, we as a nation momentarily lost our sense of vigilance until we were abruptly awakened by the reality of what has come to be known as "the cold war"—the bloodless but implacable opposition of opposing political ideologies.

The magnificent fleet assembled in Tokyo Bay went into mothballs, there to languish and age and to become outdated in view of the technical and scientific advances which came heel and toe one upon another in the hectic post-war years when America went back to the processes of scientific development which it had been partially denied during the war years.

Meantime, the cold war erupted into a variety of international crises and, as in Korea and now in Vietnam, progressed into actual shooting wars. And, all during this period American seapower steadily decreased while the opposing side demonstrated an ever-increasing awareness of man's destiny on the oceans and waterways of the world.

America, once unchallenged on the seas which are the effective highways of international commerce, now has serious competition which poses threats not only to America but to all the world.

Soviet maritime expansion has become an awesome challenge, not only in terms of naval power, but also from a national policy viewpoint.

Starting from practically nothing following the end of World War II, the Soviets have built naval and merchant fleets on the philosophical premise of human destiny on the seas that I have just mentioned. The subject of Soviet seapower actually has three distinct facets.

It breaks down first into the nature of their naval buildup in the context of military capabilities and force levels. Secondly, what does this naval buildup tell us about Soviet strategy and Soviet foreign policy? and, thirdly, in what direction is the United States navy moving in the face of this Soviet buildup?

The one area of the Soviet naval buildup that has received the most international public attention is the Soviet submarine fleet.

Beginning in the 1950's, the Soviets created an operational and technological base from which they have continued to modernize their various classes of submarines and to grow ever more effective and sophisticated in their operations. The Soviet submarine service has nuclear capability and is continuing to grow rapidly. Simultaneously, great emphasis has been placed on continued development of new surface craft.

The expansion of the Soviet fleet has been fast and broad-based. In the past 12 years they have delivered 10 cruisers, 75 destroyers and ocean escorts, 160 patrol craft and two large helicopter carriers. All the new cruisers are equipped with surface to air and surface to surface missiles with a 400-mile capability.

There is now no doubt that this Soviet naval buildup has significantly bolstered the combat capabilities of both Soviet strategic and general purpose undersea and surface forces.

The second question remains: What does this buildup mean for future Soviet strategy? In this age of thermonuclear intercontinental weapons, neither side can afford a position of obvious insufficiency. At the same time, there exists on both sides such a mutual horror of the consequences of a nuclear exchange as to make this an absolutely last resort.

With naval power leverage at different places and at different times we have been challenged by the phenomenal growth and development of this newly awakened giant with its newly acquired knowledge of the value of seapower.

First, there was the attempt to put Soviet missiles in Cuba, in 1962. Later, the presence of Soviet ships in Haiphong Harbor in North Vietnam added new and serious considerations to the purely military aspects of bombing or mining that port. Our political leadership felt that damage or destruction of Soviet shipping there would induce further escalation. And, the almost continuous presence of Soviet ships in the southeastern Mediterranean has restricted the military options of the Israelis against Egypt. There are other examples to demonstrate the strategic importance of this new life on the seas for the Soviets.

The position of the Soviets in relation to their new status as a major naval power is perhaps best summarized in the words of their Fleet Admiral Gorskov, who stated more than a year ago, "the age-old dream of our people has become a reality. The pennants of the Soviet ships now flutter in the most remote corners of the seas and oceans. Our Navy is a real force and possesses the ability to resolve successfully the task of defending the state interests of the Soviet Union and of the whole socialist camp." His statement demonstrates the keen understanding the Soviets have acquired of the many uses of seapower, both in peace and war.

The third question I posed is: What is the United States doing in the face of this Soviet buildup and in the face of today's social and political aspirations?

The obvious answer is that we must be ready to meet, and beat, the competition. While that is obvious it is also trite! This is a very big question which requires much more than a trite answer. In the Navy, we must make our contribution to deterrence in the face of a lower budget level. The same as our sister services. And, all the services are subject to factors such as the political climate, the needs and aspirations of our youth and the desires of our citizenry.

In addition to our Navy's strategic mission of deterrence, we have three additional significant missions, they are:

First. Readiness to project power into the Eurasian rimland. The tools used to project that power are our merchant marine; our carrier strike forces and our amphibious forces.

Second. Control of the seas to maintain freedom on the high seas: ability to control the seas is made up of a complex of naval weapons systems—submarine warfare aircraft and our strike aircraft operating from our attack carriers.

Third. Most important of the missions is that of overseas presence. If you look back over the last quarter-century, you can see that our projection forces were used in two significant wars—the Korean war and the present conflict in Vietnam. These are wars in which our sea control was never significantly challenged and our projection forces were therefore able to devote themselves completely to their task and we should not forget that 97% of all military supplies to Vietnam went in ships.

In effect, therefore, our sea control forces have not really been challenged since World War II.

In summary: We face the prospect of confronting the new and powerful force of Soviet naval power anywhere on the globe where the objectives of the free world demand our presence. To do this effectively, we must have a Navy which is varied, credible, versatile, and mobile. That is the challenge we must now meet!

The late President Eisenhower once stated that, "until war is eliminated from international relations, unpreparedness for it is well-nigh as criminal as war itself."

People sometimes forget that the security interests of the United States remain substantially unchanged, if indeed they are not immutable so long as the eastern colossi believe that power grows out of the barrel of a gun. As in 1917 and 1941 we cannot be disinterested when a hostile force threatens the balance of power. Germany and Japan were in no sense hereditary or foreordained enemies of the United States. It was rather that we could not tolerate the establishment of a hegemony in either Europe or Asia capable of marshalling the resources and manpower of these continents against the Western Hemisphere and the security of the United States itself.

The names of possible opponents in this international chessgame for survival have changed—but the basic precautions, indeed the basic requirements for survival remain the same. And still there are those in this country, most of them utterly sincere, who feel that any defensive action beyond our borders is the equivalent of aggression, that readiness of manpower and manufacture of weapons prior to a physical attack on our shores is due to undue influence of the so-called military-industrial complex.

Perhaps the neo-isolationist sentiment is explicable in part because half of our population is under 25 years of age. With no memory of purge trials and death camps and who may regard the "totalitarian threat" as part of the fantasy world of the late night movies, not the bitter reality of daylight politics.

That new generation has grown up in the meantime, a generation which did not live through the shock and frustrations of the years immediately preceding World War II. They feel—many with great sincerity—that the country's leaders are warmongers—that we do not have enemies—that if we were to dismantle our military, all the world would be one great big brotherhood of peaceful men. In their youthful idealism they don't realize that human nature hasn't changed much since a roman senator said 2000 years ago "Si vis pacem para bellum"—and a German poet said 200 years ago "es kann der Beste nicht im Frieden leben wenn es dem boesen Nachbarn nicht gefaellt."

In talking with you today, I realize that your fine city of independence is far from the seas I have been speaking of. However, the symbolic presence of the USS *Missouri* enshrined here has made you more aware than most communities of the role of seapower in the destiny of our Nation.

This may be only hindsight, but let's look at some historical facts in relation to President Eisenhower's statement on the criminality of unpreparedness. The USS *Missouri* and many of her sister ships, and our great aircraft carriers, had not been built when we lost a fleet at Pearl Harbor.

If we had *Missouri* and those other great ships on December 7, 1941, would the outcome have been different?

America learned on that fateful day the hard lesson of being unprepared.

I ask now: Has that lesson been forgotten?

Ladies and gentlemen I would like to end my presentation on a personal note—and I would like to particularly address the young people in this audience. I was 17 when I came to this country from Germany. I had $50 in my pocket. I didn't know the country nor the language. With a reasonable amount of hard work and a great deal of good luck I was able to work myself up to become the president of a fair size corporation and a rear admiral in the United States Navy.

Where else in the world could this have happened?

So don't worry so much about the present or the future of this country, don't listen to the prophets of doom and destruction, to the critics of the system that has produced the greatest individual prosperity and personal liberty the world has ever seen but tell them that today you saw a man who is living proof that this is still—as it always has been—the land of unlimited opportunity.

Thank you very much.

MARK EVANS ADDRESSES SALT LAKE ADVERTISING CLUB

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 7, 1971

Mr. GOLDWATER. Mr. President, on May 11 of this year the distinguished newsman and commentator, Mark Evans, delivered an address before the Salt Lake Advertising Club in Salt Lake City, Utah.

In the contents of his speech he has touched on matters of importance to our country at this particular time, and because I believe that Members of Congress would enjoy reading the speech, I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SALT LAKE ADVERTISING CLUB—SILVER MEDAL AWARD

[Mark Evans, May 11, 1971]

Thank you very much, I think.

It is a thrill to be back here in the "Valley of the Mountains" and to look into the faces of people who have been near and dear to me throughout my life, and to especially see one who gave me the biggest break—Dave Romney and his lovely wife, my missionary companions, the leadership of the Church. It is a thrill to come back, I can assure you, particularly to pay tribute to Arch Madsen.

Anybody fresh out of Washington should have news, and I have some for you. This is a Commerce Department report. I know all of you businessmen are interested in what is going on in the world, particularly in the world of Commerce, and this report reads thusly:

The Commerce Department reports that sales and income figures show an easing up of the rate at which business is easing off which is taken as proof of the Government's contention that there is a slowing up of the slowdown. Now, let me clarify the terminology of the experts. It should be noted that a slowing up of the slowdown is not as good as an upturn of the downturn. But it's a good deal better than either a speedup of the slowdown or a deepening of the downturn, and it does suggest that the climate is about right for an adjustment to the readjustment.

Now, turning to unemployment. We find a definite decrease in the rate of increase which clearly shows there's a letting up of the letdown. Of course, if the slowdown should speed up, the decrease in the rate of increase of unemployment would turn into an increase in the rate of decrease. Are there any questions?

As usual, Washington people bring confusion. My favorite anecdote on that was told me by the late and great distinguished Senator from Illinois, who looked most of the time like an unmade bed, or as though he had just been electrocuted. I refer, of course, to the beloved sage of the Senate, Everett Dirksen.

He accosted me one time in the hallway of the Senate—we always exchanged stories—and said, "You know, Mark, when I go home to Illinois, I wear a very large button on my lapel. On that button I have inscribed the letters 'B A I K', and when somebody comes up to me and says, 'Everett, what does B A I K stand for?' I simply tell them, 'It stands for: "Boy, am I confused!"' And when some smart-aleck comes up to me and says, 'Everett, you don't spell confused with a "K"',' I simply tell them, 'You don't understand how confused I am'."

Washington is either looking forward to elections or looking back on one. We are now looking forward to one. Politics are wonderful. They never seem to change. We have very ambitious men in Washington now who seek high office. Mr. Muskie has been told that he resembles Abraham Lincoln—he spends his weekends splitting rails. Mr. McGovern has definitely given up the Arab vote in North Dakota—he is recommending the sale of airplanes to the Arabs—the C5A and the F-111. Secretary Laird says there are no ground troops in Laos, and they have every right to be there. Civil Rights are always with us. We have a new slogan in Washington which reads, "Bigotry doesn't have a Chinaman's chance."

The latest story out of Washington is the story of a Jewish man by the name of Samuel Schwartz who had some business cards printed up. On one side it said, "I would rather do business with 1,000 Arabs than one Jew." On the other side, it said, "Sam Schwartz, Mortician."

There is a new face in Government in Washington—a new collar, I should say. He's a Roman Catholic priest and you might be interested in knowing how he was elected. He had a very important bumper sticker (in the world of communications they become very vital) which read: "Vote for me or go to Hell."

Watches have become big business in Washington as you well know. The Agnew watch has set a whole new pattern—it is now called "The gift bearing a Greek." Mr. Meany's watch tells time and a half. Mr. Humphrey's watch still doesn't run down. Barry Goldwater's watch runs backward. Ted Kennedy has one that is absolutely waterproof. Martha Mitchell has a new watch, too—it doesn't say what time it is, it tells you.

There is a new force in Government called "Ralph Naderism". Between Ralph Nader and St. Christopher almost everybody is afraid to drive an automobile any place nowadays. They tell me that after St. Christopher was downgraded, five million Catholics went out and had their brakes checked.

The President of the United States is still fair game. The one who left with the birds flew south and is still being talked about. One night before he left the White House he couldn't sleep. He reached over and, in the darkness of the night, swallowed what he thought was a sleeping pill. After it had gone down, he realized it wasn't the right flavor or size. Immediately, he turned on the light and, lo and behold, found he had swallowed a little pellet from a box marked "Department of Agriculture."

The Secretary of Agriculture had waited for eight years for that phone to ring. It rang in the middle of the night—at 3 o'clock in the morning—and a voice said, "What in the world are these little pellets you sent over to the White House, Orval?" Orval said, "I don't know what you are talking about, Mr. President." "Those little pellets that look like pills. I have swallowed one of them. What are they?" asked the President. Orval answered, "The only thing I can think of, Mr. President, is that they might be some pellets Mrs. Johnson wanted sent over for her African Violets."

Mr. Johnson said, "Great Caesar's Ghost, I've swallowed one of them. Are they poisonous?" "Oh no, Mr. President, we are very proud of them in the Department of Agriculture. Believe it or not, there's a ton and a half of fertilizer condensed down to that little pellet. My only suggestion is that you be careful of what you say for the next few days."

The Mayor of Washington asked me to chair the Bicentennial Commission to celebrate the 200th Anniversary of our country. I thought I had troubles running the President's Inaugural Ball, but, believe me, that was child's play! The Mayor said all I had to do was to "turn this City around." All I could think of was Will Rogers' famous story about when he suggested the ending of World War I: "All you have to do is heat the ocean until the submarines come to the top. Then, you shoot them out." Someone asked, "How do you heat the ocean?" Rogers answered: "I just gave you the idea. You work out the details."

I have a running love affair with Washington. It's a great city. I intend to make '76 (and I hope you don't mind this commercial) the most flagwaving, corny, square, Yankee Doodle year this country has ever known, and I hope it will make us forget 1971.

As I study our founding fathers, and this assignment gives me an opportunity to do this in considerable depth, I have observed that they had many problems we don't have today, and vice versa. Hegel put it pretty plainly when he philosophized that "we learn from history that we learn nothing from history." My offices used to be right across the street from the Archives of the United States, and, as you enter that great building which has all of the records of this Nation, there is inscribed on the left-hand side: "What is Past is Prologue." A Washington cab driver described that as meaning, "You ain't seen nothing yet."

Today's problems are not unique. Many youngsters in this country have a gross misconception. The "now" generation feels it has some kind of monopoly on problems. For their information, hunger followed the exodus from the Garden of Eden; wars began with Cain and racism wasn't far behind; drugs recall ancient history.

We are big on phraseology in our country and one of the big words today is "gap" and we hyphenate that with just about everything on which we can lay our tongues. I can assure you, and I wish my Dad was here to testify, there was a generation gap between him and me. No doubt his father could say the same thing, as well as his father's father. When wasn't there a communications gap?

I am reading a book now called, "Presidents and the Press." I have yet to find one who didn't have difficulty with a communications gap with the people who were criticizing him. Any married woman of seniority is an expert on the subject of a credibility gap. So what's new?

With three children behind me and a grandchild of which I am unbelievably proud, I have learned the art of attention getting. They learn it from infancy. It's almost born with them.

Last week I saw our Federal City full of infant tactics. Although full-grown, these malcontents were seeking attention in strange and devious ways. It was a convention of American cop-outs, a mixture of college hell week celebrants, draft-dodgers, pinkos and avowed Communists. The gap most obvious was what I call the "yap gap"—there was no lull in the conversations. I turned off one whose ranting I could no longer stomach by saying, "Remember Mr. Emerson's words when he said, 'Be careful of what you want, you might get it.'"

In today's world, replete with man's inhumanities, it seems we have almost reached the zenith of what we can do to destroy bridges, both fore and aft—bridges on which people will follow us and bridges which we, ourselves, must use. Men seem determined to destroy bridges.

How refreshing it is to come here for a few minutes and pay tribute to one whose life has been dedicated to building bridges, Arch Madsen, in whom there is no rancor. I have known him for over twenty years. He is a Rotarian who lives the very epitome of the slogan, "Service Above Self." He's a member of the Church who truly loves his fellowman. He's a professional broadcaster and a recognized statesman in our beleaguered industry. He is a man whose life and attitude make the word "gentleman" into two words—"gentle man." His God-given gift of enthusiasm is exceeded only by his sincerity and his integrity.

The oldest of eight children, at the age of seven he was stricken with a crippling disease, and inadequate medical facilities gave him every reason to be resentful. He had every reason to cop-out. He was an expert on poverty, but didn't know it; he didn't finish school because of illness—he got sick of it, though that really isn't true because, with seven behind him, Arch formed part of the production team early in the Madsen family.

It seems that his physical infirmities have only tempered the steel in his spine. He has become one of the country's leading gap-closers—bridge-builders. At the outset, may I plead guilty to a monumental bias for this man. It is not inconceivable that the strength of his limbs was transplanted to his character thus providing the strong foundation of his avocation and his spiritual life. I have seen him face trying situations, both spiritually and in business, sometimes facing both simultaneously, and I have been inspired to see him come smiling through, choosing wise alternatives when he was stymied in his original purposes.

Arch reminds me a little bit of the man who came home from work and found his five-year-old son eager to play with him. The man was tired and wanted to get to the evening paper and relax. Recognizing that he had a challenge, he took the center section of the paper, spread it on the floor, drew a picture of the world on it, cut it up jig-saw-puzzle fashion, mixed the pieces up and said, "Son, I want you to put the world back together again."

The little boy went to work on it and the man went back to his paper. Within a few short moments, the boy came crashing onto his Dad's lap. Annoyed, the father said, "Son, I gave you a job to do; why didn't you finish it?" The little boy answered, "Look, Dad, it's all finished." And sure enough it was. The man asked, "How on earth did you do it so quickly?" Said the child, "It was simple, Dad. There was a picture of a man on the back, and I put the man together, and the world turned out all right."

May I recognize and congratulate the industry that singled out this man.

Our industry has suddenly been singled out as unsavory. Frankly, I don't think our industry has ever been fully recognized for the part it has played in America's growth in peace or in war Strangely enough, advertising, abundant with panacea for every other industry, has now got gargantuan problems of its own. It is now high on the list of public enemies, a list made up by those cop-outs, drop-outs, the anti-establishment, anti-work, anti-soap, addicts and other unfortunates mixed with a hardcore group of anti-Americans, left-leaning pinkos and rightout Reds who professionally and ideologically seek an end to our democratic way of life—and make no mistake about it!

In my office in Washington, the Bicentennial office, not my business address, there is a great picture window. For two days I saw Washington under siege. That is why I am stirred up today. These misguided, degenerate souls, ironically enough, have been encouraged, endorsed, enthusiastically espoused and thoroughly understood by segments of our media whose very existence and economic life depend on the survival of the system as we know it. They ofttimes seem set on destroying it, and I must confess, after thirty years, I don't understand their attitudes.

Soapbox opportunities afforded by media have provided a magnet for dedicated liberals. Their missionary zeal covers all media from the classroom to the pulpit, from the cameras to the typewriters, from the microphones to the theatre. To earn a living and to have a forum is the best of all possible worlds. Their urging, their tolerance, their permissive attitude on leftist causes have now gained frightening proportions.

I wish every lethargic American in this room, and in this country, would have witnessed what I did at 6:00 AM on April 30th of this year in West Potomac Park in Washington. I could just barely see the Capitol Dome. I was in my car driving around the outskirts of that encampment and became lodged in traffic. I couldn't move and all six feet three inches of me was terror-stricken as I feared for my own life. In a baby blue Mark III Continental, believe me, I wasn't in happy circumstances surrounded by those odd balls. The stench of pot, the pollution of human souls, the unhappy countenances are indescribable. And I am not talking about a handful of people, ladies and gentlemen, I am talking about a crowd of 40,000 people. It looked like Dante's "Inferno". I couldn't find a single normal looking human being in that whole mob. Unbelievable as it must seem, there were those in media who justified what was going on, and still do.

My emotion here today is a result of that experience. When will we stop our wishful thinking? When will we learn we cannot allow the inexperienced, the unwashed, the untried, to play catch with baseballs made of TNT?

Mr. Justice Holmes put it pretty well when he said, "Freedom of speech doesn't permit anyone to cry 'Fire' in a crowded theatre." There is, as never before, a need for bridges and courageous bridge builders. We need surveyors with a long view. We need engineers with integrity and dedication. We need statesmen among the people—statesmen are not relegated to politicians alone. "A statesman is one who builds the nation." We need people to realistically appraise the new world.

In the building in which I live in Washington, there is a wonderful old man who was a top-flight lawyer in Poland and is now a political refugee. He is a guard in the building. One day, looking up from an issue of the Washington Post, he shook his head and said, "Mr. Evans, I wonder if Mr. Jefferson had been alive today and knowing communism, if he wouldn't have made a couple of alterations in the Constitution of the United States."

In only one way can we build bridges in this travesty in which we find ourselves; only one way can we span this gap. There is only one language that these people understand. The advertising industry, and I am making a self-indictment, is a parroting industry. We echo the wishes of our sponsors—the ideas, wares and services we sell for him. The weight of making changes falls squarely on the American industry.

American business, American free enterprise, must cease their gutless attitude on issues detrimental to the future of business, the future of this Government. It is time to stand up and be counted!

Now, we can afford many things. I don't know whether we can afford the moon. I don't know whether we can afford Vietnam. I *do* know what we *can't* afford—we can no longer afford the luxury of lethargy. We can no longer, as they say in this year's campaign for the U.G.F., "sit on our apathy." The menace will not evaporate.

Media, cannibalistically devouring the hand that feeds it, must be informed with objectivity, with candor and with determination. Mr. Free Enterpriser, say to the media chorus of leftism: "No more. Say all you like, print what you will, film what you may, but you do it no longer with our advertising dollars. In the name of this Republic, we demand fairness. The Mickey Mouse game must end."

Sound-thinking American consumers—you, Mrs. Housewife—who love liberty, must learn to say to short-sighted merchants who fear losing business, by not using unfriendly media, "Advertise how you choose, support whom you like, any media you prefer, but do so without my account. I'll buy elsewhere until I know my spending dollars are not supporting causes antipathetic to the way of life dear to most of us."

Now, fortunately, in "The Valley of the Mountains" I don't think you have the problems we have in some of our major cities such as Washington, for example. We must insist on fairness.

The results are becoming obvious hourly. Freedom of the press, freedom of assembly, freedom of speech are sacred, but they must be preserved for all ideologies; and when they try to stop you from going down the main streets of the Capitol of the United States, it seems to me they are infringing upon my right to assemble.

Surely we must realize that communication, transmitting press and speech, are overwhelmingly sympathetic to one philosophy, and the bridge of democracy is structurally weakened.

A dozen major advertisers in this nation—in New York, Washington and other major cities where this hanky-panky game is going on—could straighten out most media with concentrated action, with concerted action. Two papers, for example, in Washington are delivered daily to every member of Congress, to 114 Ambassadors and others, and within hours, the so-called American public opinion is flashed to every major capital in the world—and it is *not* your opinion.

The electronic media, reaching millions of viewers daily due to Government regulations regarding fairness, go through the motions and are less pointed in their opinion, Public broadcasters, such as Arch, don't have much to say about what comes along that news line.

As a thirty-year veteran of broadcasting, I know the game. A raised eyebrow, a choice of adjectives, verbs or adverbs, the placement of a story in the paper—all of these can alter the meaning completely. Doubt not that the overwhelming majority of electronic opnion-makers are of one persuasion. I can personally name many who have actually had policy-making positions with past adminstrations of one party and who can now only find fault with the current administration. This is normal.

I do not fault the bias, but I do fault the lack of balance. Lest you draw the wrong conclusion, let me reiterate: I freely acknowledge the valuable role of liberalism. Those who espouse it are sincerely seeking answers. Some work; some don't. I fault not liberalism. I fault the lack of equalization. A statesman is a politician who is held upright by pressure on all sides.

I fear Mr. Jefferson never dreamed media could one day compete with, and even exceed, the power of elected officials. Mr. Franklin wondered whether or not we could handle a democracy. We are now facing that test more than ever before in the history of this land.

Bulwar made it pretty simple when he said, "All that is necessary for the triumph of evil is for good men to do nothing." The great experiment is now 200 years old. Never before has there been a greater need for the principles on which the Republic was founded. Check and balances, the fourth estate, the fourth branch of Government—more powerful sometimes than elected officials—must be checked constantly. They, too, have motives.

There are those who query Government. They must, in turn, be subject to query. Mayor Stokes of Cleveland recently demanded full disclosure by the city's daily papers. A true accounting can be achieved only by those who financially support the media—my media, the one in which I work, and the one in which many of you work. Those advertising dollars pay the freight, and those who pay the freight must make certain that both sides of the story are told. It can be done. It must be done.

America's problems are many. They are multitudinous. It would only add to them if advertisers tried to dictate editorial policies. Those who pay the bill most righteously fight bias from either side on the front page. False headlines—we must battle them; we must urge balance. Publishers, boards of directors, network officials will get the message, plain and simple, of their sacred trust once revenues start shifting. If changes aren't brought about, wild elements such as those who invaded your nation's capitol will get bolder and bolder, and will get more and more violent. The politicians and media who urge them on will alter America's course drastically.

I do not fear liberalism. We need it. My fear is from apathetic moderates and conservatives. I do not fear a communist takeover as much as I fear a possible delayed action, a delayed reaction, a militant over-reaction. Urged by fear, it is not impossible that a strong charismatic leader with great television appeal and with a bundle of money, can come up with some over-simplified answers, and we could find the opposite of communism which we don't want, either. It's not much of a choice.

I think the strong silents, who finally fed up with nonsense and the system, will surely suffer. Need I remind you that a recent third party candidate registered a very sizeable vote in the last national election?

There are signs of hope, ladies and gentlemen. We, too, shall overcome! I don't think there is any lock on the meaning of that word or that sentence.

But, we won't do it by wishful thinking. We, as businessmen, must get off our capitalistic derrieres. We must continue to recognize bridge builders such as Arch Madsen. We must make our advertising dollars effective tools in seeking balance. We must learn from the baseball players that screaming at the umpires won't change the past decision, but they'll be more alert on the next one.

In a recent talk, Thomas Shepard made these hopeful comments:

"Our air is getting less fouled up all the time. In city after city, the water we drink is the safest in the world and many of our streams will soon look as wholesome as they are. The birthrate in the United States has been dropping continuously since 1955 and is now at the lowest point in history. The mercury in our oceans came mostly from deposits of nature. The 900 tons of mercury released each year by industries is nothing—it's like blaming a small boy with a water pistol for the Johnstown flood. We are not becoming a nation of drug addicts. We are becoming a nation of non-addicts.

"Seventy years ago, one in four hundred Americans was hooked on hard drugs. Today, it is one in three thousand. There isn't any black rebellion in America. The vast majority of blacks are staunch believers in the United States. Unemployment, the current out-of-work level, is 6% which is about par through our whole history. I am aware of the problems we face and the need to find solutions and put them into effect," said Mr. Shepard, "and I have nothing but praise for the many dedicated Americans who are devoting their lives to making this a better nation and a better world.

"The point I am trying to make in this: We are solving most of our problems. The conditions are getting better. They are not worse. American industry is spending three million dollars a year, and more, to clean up the environment, and additional billions to develop products that will keep it clean. The real danger today is not from the free enterprise establishment that has made ours the most prosperous, most powerful, most charitable nation on earth," he continued. "The danger today resides in the disaster lobby. Those dedicated crepe-hangers who, for personal gain or out of sheer ignorance, are undermining the American system and are threatening the lives and fortunes of the American people. There is an answer—and we will find it."

One of the most exciting moments of my life was spent at the Hilton Hotel not more than a month ago. Maybe two months. Gathered there was every branch of the Government—the President and the Vice President with their wives, right on down to the Court, the Congress of the United States, and most of the executive leaders all through the various departments. They had come together for just one reason—to pray. With bowed heads they stand, and this is the prayer offered by the Secretary of Labor. Think on it well because it is the theme of your own meeting:

"On this inspiring occasion and in this illustrious gathering, we would, this morning, reflect for a moment on the subject of bridges. The bridge is, indeed, wondrous—both as a structure and as a concept. As a structure, the bridge transcends trouble and shortens distance. It links separated points and spans dangerous chasms. It surmounts hazardous currents. All of this with serene and purposeful utility. As a concept, the bridge constitutes one of the great hopes and needs of our time.

"Ours is a world much in need of bridges—bridges of communications, of understanding, of goodwill; bridges anchored in compassion and buttressed by a fullness of spirit. How then shall we succeed better than in building bridges to span the gaps among nations and groups of men? Here, our Father, we need the insight and the direction that flow from an understanding of Your will. We pray that all men may achieve such understanding.

"Particularly we pray that You will inspire and guide our President, our public officials, the men of Congress, to enhance this role and skill as builders of bridges among men. And may we all understand the greatest bridge of all—the bridge between man and the source of strength and spirit he reflects—the bridge of Faith in Your guidance. Amen."

The words of a book just written by a man whom I hope you will have a chance to meet sometime, Aug Manning, were these: (I am going to paraphrase them.)

"We, and our forefathers, have built the greatest country in the history of the world. At Menlo Park we harnessed electricity and brightened the world; at Kitty Hawk we conquered gravity and made us all neighbors; from Cape Kennedy we walked on the moon; at Pittsburgh we conquered paralytic polio. We produced Lincolns and Jeffersons, Faulkners and Sandbergs; we have sheltered an Einstein, a Von Braun and a Fermi. We've split the atom and thrown our voice across the ocean; built the Golden Gate Bridge and Marina Towers."

Why do we beat our breasts and turn away from the challenge of this day? Are today's wars so much more horrifying than the war between the States? Is today's battle against pollution of our environment any more fearsome than the early settlers struggled with for sheer survival in this very valley?

You are living in the most exciting time ever known to man and you have within your power to make it the best of times—the Spring of Hope rather than the Winter of Despair.

Perhaps the secret that will help you, and all of us, to life our heads high once more lies in a four letter word—LOVE. Sometime in the past two decades, we have forgotten how to love our God, our country, our environment, our neighbors and ourselves; and the fruit of our forgetfulness is now being harvested by all of our children.

Now that our perspective and sense of proportion have changed, perhaps we can have another chance.

REFLECTIONS ON THE DEATH OF A YOUNG FARMER

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. RIEGLE. Mr. Speaker, Columnist James J. Kilpatrick recently published a set of thoughts entitled "Reflections on the Death of a Young Farmer." I have it printed here for my colleagues:

REFLECTIONS ON THE DEATH OF A YOUNG FARMER

(By James J. Kilpatrick)

SCRABBLE, VA.—Garfield Burke died on a Tuesday and was buried two days later in the little graveyard at Woodville. Meanwhile, on Wednesday, Mr. Griffith and his son Tommy came out to build the new deck, and this past weekend, once the sun got behind the mountains, it was possible to do some quiet sitting and thinking.

The death of a young husband and father—Garfield was 38—is always a matter of special wonderment and sorrow. The Rev. B. Gayle Titchnell, who delivered the eulogy, touched on the universal question that forever arises: Why this man? Until cancer felled him, he seemed in perfect health—strong and wiry, a clear-eyed farmer who could make hay for 12 hours and never seem to tire. In a small community such as ours, it seemed especially unfair for death to claim Garfield Burke. Mr. Titchnell said, as all preachers do, that we have to understand it was the Lord's will. Such understanding comes hard.

But life goes on. The Burkes have planted a big piece of the meadow in corn this year, and early on the morning after the funeral, Garfield's brother-in-law was up there with the big tractor, working the crop. From down on the deck, over the noisy rhythm of hammers and hand saws, we could hear the engine fighting our rocky soil. Later in the day, Garfield's father, our rural letter carrier, was back on the road delivering the mail.

It may be—I venture the idea tentatively—that country people develop a certain stoicism about death that city dwellers somehow miss. In the midst of our life, we are always in death. Most of the farming here is cattle farming, chiefly of Black Angus. The sullen beasts have their doom written in their dark and heavy heads: On some distant and inevitable Thursday, they know that tumbrels await for the auctioneer's call.

Country life is geared to living and dying, the yielding seed, the killing frost, the dead wood that finds a certain resurrection in bright flame and fertile ash. Birds and animals are a great part of our world—fish and insects too, for that matter— and we know, without ever really thinking of it, that chains of life are moving constantly around us. The chorus of frogs sounds a great amen.

We talk about these things, out on the new deck by night, with the trees in somnolent silhouette against an iridescent sky. This is a big year for fireflies; their soft lanterns are moving candles, points of light that dance with stars. But it is a big year for living creatures generally. Not since the summer of 1966 have we seen so many snakes—or so many chipmunks. Perhaps you can't have one without the other.

It has been a wet May and June. This is a country of granite and limestone—and every other rock known to man—and water runs off swiftly; but so much stays behind that our springs are gushing and the weeds are leaping. Our roadsides are a forest of day lilies, red as old barns; of blue chicory, massed honeysuckle, black-eyed susans, daisies that might have been lacquered in bone-white enamel. The dill is in full blossom; its slim stems shoot up like roman candles and explode in yellow diadems. We cut it for August picking; and we marvel.

The rains have been great for night hunters too. It is useless to turn out the hounds when the countryside is hot and dry, but every evening, by 11 o'clock or thereabouts, you can hear them now. These are small hounds, lean and purposeful; at first glance they all look alike, and they stream past like so many Little League players running to keep their legs in shape. Lorenzo, our bossman collie, hates them absolutely. He complains as bitterly as the captain of a 747 besieged by Piper Cubs, but after a while he gives up in brooding disgust, and the hunt goes on. It is like sleeping in the middle of an octet for French horns.

This is the life and the world that Garfield knew and we are sorry for his leaving it. Not much of high politics here; nothing of finance or industry, and very little of getting and spending. We are a long way, as they say, from where the action is; but we are very close, I think, to something else.

U.S.A. AND THE SOVIET MYTH: CHAPTER 2

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. BRAY. Mr. Speaker, chapter 2, "Seeing Russia in Toto," of U.S.A. and the Soviet Myth, by Dr. Lev E. Dobriansky, presents a concise, historical background to Soviet Russian expansionism. With this background, Russian involvement in Vietnam, the Middle East, and the Caribbean becomes more clear. Parts of this chapter follow:

SEEING "RUSSIA" IN TOTO

Winston Churchill: *"Russia is 'a riddle wrapped in a mystery inside an enigma'."*

"Russia" is no riddle. Nor is it a mystery or an enigma. The problem posed is purely subjective, not objective. It is in our minds, not in Eastern Europe and Asia. As a matter of fact, the most prodigious riddle in modern times is that so many, in so many unexpected places, hold this false Churchillian view of "Russia." This is the view that has been popularized, though Churchill with some certainty qualified it by adding "But perhaps there is a key. The key is Russian national interest." He failed to point out toward what?

Some, of course, use this riddlish view as a convenient cover for their lethargic disposition toward the problem. The majority has come to believe in it after having been periodically jolted by Moscow's calculated zigzags. Others in effect perpetuate this obscurantist view with their conditioned notions about Russia. But the riddle is not Russia. It is, indeed, the amazing perseverance of our misconceived ideas about "Russia."

With the growing threat that hangs over us, it is about time that this and other truths about Russia are faced squarely and intelligently. No subject is fraught with as many basic misconceptions and errors as that of Russia. In the precincts of academic study, for example, what so often happens is that on the basis of these fundamental errors, misleading analyses are constructed. Invariably they lead to a number of false conclusions. Then, in time, the mere popularization of these conclusions only reinforces the original erroneous premises. The cycle repeats itself on higher levels of assembled information. In the meantime, the malformed perspectives spun about the subject become more entrenched than ever before. At no risk of exaggeration, this still is the general state of our so-called Russian studies in this country.

SOME ENIGMATIC NOTIONS ABOUT RUSSIA

Before we begin to see "Russia" in toto, it would profit us to glance at a few enigmatic notions commonly held about the Soviet Union; more examples will follow in later chapters: The first and foremost is that the USSR is Russia. One may perhaps excuse the average journalist for notoriously perpetuating this myth and all the consequent errors it breeds, but it is clearly unpardonable for any responsible scholar or official to reveal his limitations by committing this basic error. For, in plain fact, Russia, the homeland of the Russian people, is no more coincident with the USSR than the United States is with North America.

A second ruling misconception has the Soviet Union as a "nation," with a Soviet people, a Soviet society, a Soviet economy, a Soviet political system and humans called "the Soviets." Here, too, the Soviet Union is no more a nation than was the British Empire. Whether many realize it or not, these monolithic terms have for some time been the stock of Moscow's terminology for export. They readily serve the semantic purpose of blurring the real, diverse and distinctive elements in the Soviet Union. The true meaning of a soviet, as a council of workers, is no longer even recognizable.

As we shall see in greater detail later, from these two paramount misconceptions many others evolve. For example, how often have you heard that the USSR is like the United States, "a country of many nationalities and ethnic groups," some 177 or more of them; or, that like the United States, the Soviet Union has its "national minorities, the Great Russians constituting the majority"; or that the USSR is a "federal union" like ours, Byelorussia being a counterpart of Massachusetts or, as George F. Kennan would have it, Ukraine a counterpart of Pennsylvania? These notions have as much real meaning as those harbored by many uncritical Americans only three decades ago that the Constitution of the USSR is actually like ours and that in many respects the USSR is a democracy like ours. They bear as much validity as the baseless assertions that "the Soviet Union was formed 50 years ago," that "Kiev, Kharkov, Baku are Russian cities," that "there are the Russian peoples," and that there even is a "Gross National Product of the Soviet Union," which again suggests the fiction of a Soviet nation.

Needless to say, the greatest part of anyone's education is devoted to an objective and accurate identification of things and events. If an address or lecture contained remarks to the effect that the United States was formed in 1776 or that Warsaw or Sofia is a Russian city, you would entertain prudent doubts about the interpretations and judgment of the speaker. It obviously follows with equal force of logic that if these misconceptions about the Soviet Union prevail, interpretations that follow can only be viewed with similar doubt. In fact, as the Nazi experience in the USSR well showed, policies and plans based on flagrant misconceptions invite only disaster. The moral is simple: we cannot afford to misidentify the sources of the enemy.

INSTITUTIONAL SINEWS OF THE U.S.S.R.

Let us then look into these roots, into the institutional sinews and background of the USSR. One of the most misleading illusions is that the Bolshevik Revolution represented a break with Russia's past and uniquely ushered in a new and chaste society. It is the height of unrealism to believe that any such institutional hiatus is achievable in the existence of any social organism. An eminent Russian historian well points out in the preface to his authoritative work that "the roots of the Russian Revolution are deeply imbedded in the historical backwardness of Russia. . . ."[2] In a holistic view of Russian development down to the present, these roots and their long stems can be essentially summed up in three overall and determinative phenomena. One is Russian imperialist expansionism and colonialism. The second is totalitarian despotism and tyranny. And the third is an institutionalized Messianism expressed in a variety of expedient ideologies. There are, of course, other strains of a more constructive and salutary kind for the advance of civilization, but they certainly fall short of the weight and predominance of these three.

The history of Russia is in the largest degree the history of the Russian Empire. The former pales without the latter. Imperialist expansionism and colonialism have formed the chief sinew of parasitical Russian growth. Reading Russian history without a constant awareness of this is like reading American history without a penetrating sense of constitutional government.

Considering this first imposing feature of the Tsarist past and the pseudo-Communist present, probably no definition of it surpasses the one offered by Secretary of State Dean Acheson in 1951. He said: "Historically, the Russian state has had three great drives—to the west into Europe, to the south into the Middle East, and to the east into Asia. . . . Historically, also, the Russian state has displayed considerable caution in carrying out these drives. . . . The Politburo has acted in the same way. It has carried on and built on the imperialist tradition . . . the ruling power in Moscow has long been an imperial power and now rules a greatly extended empire. . . . It is clear that this process of encroachment and consolidation by which Russia has grown in the last 500 years from the duchy of Muscovy to a vast empire has got to be stopped."[3] Compare this and its evidence with drivel such as this: "From the days of Ivan the Great until our own time, a period of five centuries, the history of Moscow is one of steady, continuing expansion. Yet this expansion, in a way peculiar to Russia, is not an aggressive expansion."[4]

A glance at the political maps covering this imperialist expansion is sufficient for one to appreciate the old Russian saying, "Russia grows larger and larger." (*See maps pp. 34–39.*)

Tolstoy put it this way: "Russia is the Continent and Europe its Peninsula." A review of the record of Russian imperialist expansion reveals that there really is nothing new in the drives of present-day Moscow.[5] As every alert student of Russian history knows, the three chief directions—west, south and east—have always been present. Moreover, the frequency of wars and aggressions, the "eternal peace" gestures followed by broken treaties, constant meddling in the affairs of other states, the tactic of alternation—first west, then east, again west, and then south—and the relentless conquest of nations form an unmistakable legacy for the heirs of the Tsars.

When it comes to diplomacy, duplicity, and divisive conspiracy, the institutional approach provides deeper insights into the present than any abstractionist reliance on the principles of Leninism. The progress of imperialist Russian expansionism over the centuries has been largely based on these factors. To mention only the zigzag operations of Alexander I, his double-cross of the Western allies for Napoleon in the Treaty of Tilsit was a perfect model for Stalin's double-cross of Hitler in 1939. Also, none of the countless violations of treaties by the Red Tsars could improve upon Alexander's violations of the Holy Alliance of 1814–15. Although pledged to police Europe in the maintenance of the status quo, he used the alliance as an umbrella for the instigation of Greek uprisings against Turkey. Alexander himself only transmitted to his heirs a tradition set by Ivan III, Peter, and Catherine.

To strike a note of irony here, let us see how Marx and Engels viewed the Russian menace in writings which are taboo in the Soviet Union. In an article on *The Foreign Policy of Russian Czarism* (1890) Engels observed, "Once again stupid Europe was made a fool of; Czarism preached legitimacy to the princes and reactionaries, to the liberal Philistines it preached the liberation of op-

---

Footnotes at end of article.

pressed peoples and enlightenment—and both believed it." How different is this today—peaceful coexistence for the West, arms for Asia and Africa; trade for the business interests, the inevitable "victory of socialism" for the masses and so forth? In an article on *Poland's European Mission* (1867) Marx strikes a familiar ring: "In the first place the policy of Russia is changeless, according to the admission of its official historian, the Muscovite Karamsin, but the polar star of its policy—world domination—is a fixed star." This has a familiar ring today when we're told about Moscow's fixed goal of world domination.

Above all, let us not confuse the terms "nation" and "state." It is sometimes amazing how the two terms are confused by our officials and journalists. Legalistically, the present Russian empire may be viewed as a state, but its political structure is thoroughly multi-national; and at that consisting of relatively few compact nations. As we saw, the Baltic countries were absorbed into this empire-state, but this in itself did not extinguish the Lithuanian, Latvian, and Estonian nations. In fact, as suggested earlier, the criteria for what constitutes a nation, the integrating soul of a people—namely common territory, descent, language, tradition, customs, history, and religion—are more applicable in number to such non-Russian nations as Georgia, Armenia, Ukraine, and Turkestan than they are to most of the independent nations or states in Asia and Africa, or even to our own country where the language, in common with several other nations, is English. These non-Russian nations in the USSR have all these qualities that make up their individual national consciousness and their collective personalities, plus the indomitable will for national independence.

Without our institutional understanding of the Soviet Union, the usual population figures and classifications could be very misleading. This shows up in such inaccurate usages as "the national minorities" or "177 ethnic groups." First, since we are dealing in effect with manipulated estimates, there is real doubt that in the Soviet Union as a whole the Russians even constitute a majority. In fact, considering the dominant political position of Russia in the empire and the background to current statistics, there is every reason to believe that they are in the minority. I have held this position for over twenty years, and at this writing I should not be surprised that the 1970 USSR census did finally disclose what should have been admitted years ago. From a propaganda point of view, the minority "Russians" will stress that they don't manage this empire; instead, they use as window dressing Ukrainians and others.

Past estimates on the basis of the empire census of 1897 showed about sixty per cent of non-Russians. Lenin himself held that "in Czarist Russia the Russians constituted forty-three per cent of the total population, i.e., a minority, while the non-Russian nationalities constituted fifty-seven per cent." In the present period it is interesting to read in a standard textbook used in the USSR that "particularly rapid is the natural increase of population among the formerly oppressed nationalities . . . The census of 1926 showed that already the rate of natural increase among the formerly backward nationalities surpassed considerably the average birth rate of the USSR as a whole."[6]

There are many statistical tricks in padding figures for political purposes. Russians have been masters at such tricks. Counting a person as a Russian because he knows the Russian language or making election districts larger to reduce the quantitative influence of non-Russians is only one in the bag of tricks. However, as in the above case or in the careless disclosures of G. M. Chekalin in 1941, slips are made. With the aid of governmental demographers, the Displaced Persons Commission took an interest in this subject and on the basis of reasonable extrapolations of the 1939 census, showed in 1951 that of an estimated total population of 202 million, over 54 per cent were non-Russians.[7]

It should be mentioned that soon after the release of this estimate in November 1951, the MVD head, Lavrenti P. Beria, vehemently denied its validity. Not only the overall percentages must have politically vexed the Kremlin then but also the breakdowns which refute the misleading notions of "177 ethnic groups." The non-Russian nations as represented by the non-Russian republics and certain cohesive groupings—with Turkestan combining the five Central Asiatic republics—alone comprise over 90 per cent of the total non-Russian population. This obviously leaves little for percentage distribution among the other-so-called ethnic groups, most of which are tribes with no national character. In the event of the collapse of the empire, the problems will not be insoluble as some, like Dr. Philip C. Jessup, our pioneer representative to the U.N., suppose. Moreover, it is rather fuzzy thinking to regard any nation a "national minority" by virtue of its absorption and captivity in the empire.

A critical analysis of the 1959 census in the USSR further substantiates these observations. The original 208.8 million estimate was rather quickly revised to 212 million which also represents an underestimate. After the 1951 episode mentioned above, Moscow evidently could not afford to leave a detailed republic breakdown to other sources. What was not revealed along these lines in the 1939 census now appears. As anticipated at the time, the Russians were painted in the majority. From a political viewpoint it could scarcely have been otherwise. Conditions are different now.

About ten million Cossacks who are profoundly proud of their distinctive heritage are indiscriminately merged in the Russian figure. The countless who find it expedient to call themselves "Russians" are also covered by this nebulous figure. And what Frank Lorimer some time ago established in his book, *The Povulation of the Soviet Union,* the genocidal Russification process, is poignantly revealed by this census, particularly in Turkestan. In the Kazakh part of this Moslemic country the Russian colonialists now make up about 43 per cent of the population. Although simple sociologic explanations may be offered, in the '70s a different census, with the Russians in the minority, will doubtlessly be put to maximum propaganda effect, namely the multinational management of the empire.

FOOTNOTES

[1] Nicholas Berdyaev, *The Origin of Russian Communism,* London, 1948, p. 7.

[2] Petr B. Struve, *Sotsial'na i ekonomicheskaya istoriya Rossii,* Paris, 1942, p. vii.

[3] Dean Acheson, *The Mutual Security Program,* Committee on Foreign Affairs, 82nd Congress, 1st Session, 1951, pp. 11–12.

[4] Louis J. Halle, *The Cold War As History,* London, 1967. p. 17.

[5] See a condensed record of Russian imperialist expansion at the end of the chapter.

[6] *Economic Geography of the USSR,* ed. by S. S. Balzak et al, New York, 1949, p. 174.

[7] *U.S. Congressional Record,* Vol. XCVII, October 17, 1951, p. A6460.

A CLOSER LOOK AT PING PONG

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. DERWINSKI. Mr. Speaker, the now renowned ping pong diplomatic move of Red China's should be understood for what it is, a major propaganda gesture which behooves us to take an objective, thorough look at its significance.

This point is very effectively made in an article by David Lawrence in the Washington Star of June 28 which I insert into the RECORD at this point:

A CLOSER LOOK AT PING PONG

(By David Lawrence)

Ever since the American table tennis team came back from Red China and it appeared that a friendly relationship was going to be established between the Peking regime and the United States, many people have been wondering what would happen to the Nationalist Republic on Formosa. Would it be abandoned by the United States? Would it have to give up its membership in the United Nations and its seat on the Security Council?

Oddly enough, the government at Taipei had little to say publicly until just a few days ago, when its ambassador to the United States, James C. H. Shen, made a frank speech to the National Press Club. He indicated clearly that there are a lot of phases of the problem which probably have not been thought of by Americans but which inevitably will become better and better known in the immediate future.

Ambassador Shen has lived and studied in the United States and speaks fluent English. He has had much experience in diplomacy, and understands world problems very well. He said at the outset of his talk:

"There are many in your country who are convinced that the free world can live on friendly terms with an aggressive Communist dictatorship such as that which is headed by Mao Tse-tung. Although we respect the sincerity of effort, we in Taiwan do not share your optimism.

"If we of the Republic of China seem to have little faith in often-voiced hope of building bridges to the Communist-occupied Chinese mainland, it is because we have a long and bitter experience with Mao Tse-tung and his cohorts. We have learned, at a great cost, the worthlessness of his promises. We have experienced the fanatical ruthlessness with which he pursues his goals. We know that even behind Chou En-lai's much-publicized smiles lurks the unaltering intent to trap the free world, and especially the United States, into letting down its guard. We know from their own boasts that their aim is the subjugation of the world. With such an opponent, truces are meaningless."

The ambassador went on to say that the Chinese Communist regime has not changed at all, and he called attention to the current campaign against the United States by newspapers which are owned and controlled by the Peking government.

He pointed out that, scarcely a month after "the ping pong overtures," the Peking press published an editorial "which touched an almost all-time low in savage hatred and contempt for the United States."

He said the editorial pictured the American People as turning against their government, and quoted its statement that they are "dealing heavier and heavier blows from within an important vigorous force in the world struggle against American imperialism."

Shen emphasized that this was published within a month after the United States had "made the friendliest gestures" to Peking since the Korean War and while the American press was full of talk about a thaw in Washington-Peking relations. He quoted from other newspapers in Red China, "all official organs of the Communist regime," and asserted that there is no sign of receding one inch from past policies, no matter what concessions the United States is willing to make. The ambassador made another significant point.

He declared, "In all the utterances of Mao-

Tse-tung and Chou En-lai, one thing is always noteworthy: In official pronouncements they make no attempt to speak to the United States government. If you read their statements closely, you will note that they are always speaking over the head of the U.S. government to what they describe as the rebellious masses of American people. Their words are not words of amity. They are the words of an unchanging enemy government which is thinking constantly about incitement of revolution in this country. Their terminology has not changed in the slightest, despite the repeated gestures of friendship from your government."

Shen said he is convinced that the United States will not desert his country and that Americans are "too intelligent and too knowledgeable not to realize that their self-interest lies with the Republic of China on Formosa and not with the Chinese Communists who oppose everything for which America stands."

He concluded with this appeal: "The future of Asia and of the whole free world depends on your decision. I know you will not fail us."

FARM SUBSIDY PROGRAM MUST BE CURBED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. ANDERSON of California. Mr. Speaker, the farm subsidy program has gotten completely out of hand.

This giveaway program, which I have fought since entering Congress, is not designed to aid the small, family farm. It is designed to help the large agribusinessmen who can afford to cultivate huge tracts of land.

We hear many complaints concerning the welfare recipient who collects a check to maintain herself and her children at a subsistence level, but we rarely receive complaints concerning the rich who continue to dip into the Federal Treasury to supplement their large income.

When the administrator of the farm subsidy program collects $48,000 in Government checks from the program he administers—not for administering, but for farming—it is time to reevaluate our oversight procedures, as well as review the intent of the farm subsidy operation.

Actually, I favor a $10,000 per farm limit. However, I recognize the fact that many oppose any action to alter the current regulations which allow corporations to collect hundreds of thousands of dollars. Thus, we may have to compromise and settle for a $20,000 limit.

The taxpayers of this country are justifiably outraged over conditions which allow the wealthy to dip into the Federal Treasury to supplement their already bulging pockets.

Mr. Speaker, at this point, I place in the Record an article that appeared in the July 5, 1971, Washington Post, which reveals just one of the many abuses of the farm subsidy program.

Farm Subsidy Director Qualifies for $48,000

Kenneth Frick, the Agriculture Department's administrator for farm commodity programs, this year will get a federal subsidy check for about $48,000 from programs he administers.

Frick's farm partnership with his brother will receive $95,000 in cotton subsidies and about $25,000 in sugar beet payments. Although Frick's 40 per cent interest is being managed for him by a Bank of America trust while he is in the government, Frick said he will get the income.

The Frick partnership last year received $195,000 in cotton subsidies. The new ceiling on farm payments would not permit the Frick brothers to receive more than $110,000 in cotton subsidies this year. The partnership, therefore, gave up leased cotton allotments worth $100,000, Frick said.

Frick said the partnership, unlike many other large growers, made no effort to reorganize its business interests in an effort to retain higher payments. He said the reason was his position as administrator of the subsidy programs.

AN ARTICLE ON THE EXERCISE OF PRIVATE CENSORSHIP

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. HUNGATE. Mr. Speaker, in these days when the news media are waging such a valiant defense on the rights of free speech and free press in America, I thought the following article on the exercise of private censorship might provide a relevant lesson in this field:

The Most Unkindest Cut of All

(By Goodman Ace)

In the olden, golden days of radio and early TV, comedy writers had one common, natural enemy—the network censors. They were out to get us, examining every line of dialogue with a fine-tooth microscope for jokes considered to be in "bad taste." Or for "indecent language"—such as "hell" and "damn," which were sheared from the script and made to read "heck" and "darn."

I'm trying to recall one such joke marked "bad taste." Oh yes. It was when we were writing the Perry Como program. Our Christmas show. One of the guests was Bishop Fulton Sheen. The scene was a Christmas tree laden with presents bearing the names of the recipients, who came and picked up their gifts.

Bishop Sheen, according to our script, was to come to Perry and ask if he might exchange his gift.

"Why?" asked Mr. Como. "What did you get?"

"A necktie," was the reply.

The Bishop enjoyed the line at rehearsals. But the censors marked it "bad taste." Clip, clip went the shears.

It happened every week and on all programs. The network censors found various reasons to delete comedy lines. And, at first, the writers took it all supinely, crushed and defeated, watching what they considered their best efforts go down the blue-penciled drain.

Finally, at secret meetings held from coast to coast, they resolved to fight this censorship by sneaking in lines so adroitly phrased that the censors would overlook them. When such a line showed up on a broadcast, all the gagmen honored the sneaky writer with a dinner at a delicatessen near the network, where he was toasted with a bottle of Cel-ray Tonic.

One writer who supplied the jokes for a program sponsored by Old Gold cigarettes wrote a sketch about the gold rush of '49 in which the comedian discovered a gold mine and came on stage shouting, "I've made a lucky strike." The network censors overlooked the obvious conflict with the sponsor's interests, and the joke stayed in. And that night at the dinner Cel-ray flowed like champagne.

I was almost similarly honored when I wrote a program for Chesterfield cigarettes. In a sketch, I had one of the players say, "That was the straw that broke the camel's back." It went through all rehearsals, but on the day of the show the network shamus caught it and it was out. That night at the dinner I was given an E for effort and toasted with a glass of seltzer.

A craftier man than I was W. C. Fields. As a guest on the Lucky Strike program one Sunday night, Mr. Fields mentioned that he had a nephew named Chester.

It wasn't till the laugh had died down that the censor knew he had been had. That night at our dinner Mr. Fields was toasted in absentia with a glass of whatever he had been having plenty of.

But one writer and comedian on radio stood aloof from all this chicanery. He was Fred Allen, the most censor-bothered writer of the day. But he fought censorship in the open. Every week he met the censors with honest dissension, until one day he came up with such a delightful bit of sneakiness that he won the admiration of all downtrodden practitioners of the craft.

It was a simple and brilliantly diabolic plan. He wrote into each of his scripts at least three obviously objectionable lines that would attract the attention of the censor. And when the censor came up with six lines to be deleted, Mr. Allen offered to compromise. He would delete the objectionable three lines, which he wouldn't have used anyway, if the censor would allow the other three. Invariably it worked.

As the years went by, I became sanguine and more understanding of the problems of network censors. The Great Understanding. To achieve The Great Understanding takes a lot of understanding. And lots of Brioschi and aspirin. Oops! Make that Anacin, for the sake of an auld lang radio sponsor.

I have lost to the censors' shears not only an occasional brilliant line of dialogue but, once, an entire script. However, now I am able to murmur. "This too shall pass." And at night I slash my wrists. Not deeply. I only want to die a little.

So you will pardon the small, supercilious smile that curls my lips when I read that the networks themselves are now being censored by the White House. Network executives cry havoc, claiming the administration is interfering with their electronic journalism.

Now they know what the comedy writers went through all those years. How does it feel to be watched over by the eagle eye of Spiro T. Agnew, V.P.? Video Protector, that is.

FISCAL "HERESY"?

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. ROUSSELOT. Mr. Speaker, in the midst of an incredible trend to spiral Federal spending up, up, and up, with what would appear to be total disregard to the mounting national debt, I am proud to bring to the attention of my colleagues an extraordinary example of good old-fashioned prudence.

In vivid contrast to the popular concept of "deficit spending," the administrators of Mount San Antonio College in my district in California have practiced remarkable fiscal responsibility with the dollars collected from their local property taxpayers and have, in fact, economized so efficiently that the junior college district's 1971–72 budget shows a tax rate decrease. My colleagues, we might just do the same.

The following editorial which appeared in the Covina Sentinel is submitted so that my colleagues can thoughtfully consider the practical possibility that sound economizing could restructure the Nation's spending toward a sensible fiscal policy:

FISCAL "HERESY"

The old saying, "You get what you pay for," is illustrated well by Mt. San Antonio College.

Property taxpayers in the junior college district have been paying to support a quality program of higher education since the end of World War II and their money has been well spent.

So well spent, in fact, that the district's 1971–72 budget features, of all things, a tax rate decrease. That seems to be tantamount to fiscal heresy these days.

The ability of the district to maintain its operations, despite an anticipated student enrollment jump of six per cent and the inflationary spiral which has most government agencies gasping for financial breath, while slicing more than $250,000 from its budget, can be traced largely to the old American philosophy of spending no more than necessary . . . and keeping expenses within the limit of income.

College administrators have been fortunate over the years in that district voters have responded consistently to requests for voluntary tax increases to fund vital construction projects. Had the voters refused these requests, the district today would be saddled with debt and spending a considerable amount of taxpayers' money for interest payments.

Instead, the communities within the MSAC District enjoy a modern, well-equipped and well-run junior college which ranks with the best in the nation. For all this, the public indebtedness is zero.

The administrators and trustees of MSAC deserve a pat on the back for maintaining sound fiscal policies through the years. They have shown that government can be operated on a sound financial footing and still provide service of high quality.

HIGHWAY SAFETY—ADOPTING THE "SLOW-MOVING VEHICLE (SMV)" EMBLEM IN THE DISTRICT OF COLUMBIA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. NELSEN. Mr. Speaker, I have introduced today a bill that would amend the District of Columbia Traffic Act so as to require the use of a distinctive emblem—SMV, slow-moving vehicle—in a prominent position on slow-moving vehicles.

I introduced similar legislation in the 91st Congress.

In Washington, D.C., as in other areas, there are a number of slow-moving vehicles using the streets and highways; that is, brush and water street cleaners, snow removal equipment, utility repair trucks, salt spreaders and street repair equipment, and other similar equipment. It can be anticipated that the subway construction will increase the number of these types of vehicles and equipment using the city's streets and highways.

I am informed that studies conducted at Ohio State University have established that the SMV emblem has significantly reduced rear-end accidents because the oncoming traffic is alerted to the fact that they are overtaking a slow-moving vehicle ahead.

Adoption of such legislation by the Congress for the District of Columbia would, I am informed, bring the District highway safety laws into conformity with those in the adjoining States of Maryland and Virginia where the laws will go into effect in January 1972.

I might point out that this legislation is similar to that required on slow-moving vehicles in my own State of Minnesota. Our State law, as contained in Minnesota Statutes 169.522, requires the use of an iridescent triangular slow moving emblem on all animal-drawn vehicles, implements of husbandry, and other machinery, including all road construction machinery which are designed for operation at a speed of 25 miles per hour or less.

It is requested that the attached statement of the National Safety Council be inserted in the RECORD since it indicates the support of the Council for legislation such as that contained in my bill. It is my understanding that the American Association of Motor Vehicle Administrators, the American Automobile Association, the American Society of Agricultural Engineers, and the Automotive Safety Foundation also endorse such legislation.

In the interest of traffic safety on the streets and highways of the District of Columbia, I introduce this legislation.

The statement follows:

NATIONAL SAFETY COUNCIL POLICY STATEMENT ON THE SLOW-MOVING VEHICLE EMBLEM

It is necessary for various vehicles with limited speed capability to utilize public streets and highways from time to time. This classification of vehicles includes farm tractors and other farm vehicles, road maintenance and construction equipment, and horse-drawn vehicles, designed for a speed no more than 25 miles per hour.

These slow-moving vehicles frequently cause conflict with faster moving traffic, and it is necessary for drivers of fast-moving vehicles to take extra precautions when overtaking slow-moving vehicles. However, the driver of a fast-moving vehicle must be able to perceive and recognize a slow-moving vehicle in time to take the necessary action to avoid a collision. There is need that the slow-moving vehicle be identified as such. This is partially met by various requirements in states that such vehicles display rear lights and/or flags.

However, these requirements are not standardized and do not necessarily identify the vehicle as of the slow-moving type. A standardized device is needed that not only increases the visibility of the vehicle but also identifies it as slow-moving. This need is met by the triangular reflectorized, fluorescent emblem developed through research by the Ohio State University and recommended by the American Society of Agricultural Engineers. The latter organization has also developed specifications for physical properties, dimensions, component materials, and use of the emblem (ASAE R276.)

The National Safety Council supports the promotion and use of the Slow-Moving Vehicle Emblem and urges that every effort be made to encourage the use of this emblem on slow-moving vehicles and to educate the public to recognize it as identifying a slow-moving vehicle.

Approved by the Board of Directors, National Safety Council on April 13, 1966.

SOVIET MACK TRUCK DEAL AND ORGANIZED LABOR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. RARICK. Mr. Speaker, the announcement that the Mack Truck Co. of Allentown, Pa., plans to build a $700 million truck factory in the Soviet Union using American capital and know-how is only surpassed by the approval of such anti-American action by the U.S. administration presently in power.

Reaction to these actions is only exceeded in amazement by the bewilderment at the announcement that the hierarchy of the United Auto Workers and the United Electrical Workers Union not only urged President Nixon to approve of the Soviet Mack truck deal, but felt that it would help American labor by providing "an important contribution to the national economy," and would "provide badly needed employment for thousands of American workers without in anyway affecting the interests of the United States."

One possible reason for this uprecedented support of American entanglement with the Union of Soviet Socialist Republics by two of the leading American unions can be found in an announcement that followed sharply on the heels of the union's support of the $700 million Mack Truck deal—the United Auto Workers is in dire financial straits; it has even been forced to borrow money from the Teamsters Union.

Perhaps the UAW brass feel that, what with work going out of style with the advent of a guaranteed annual income, they can be more successful in organizing the Russian workers employed under the Soviet Mack truck plan.

I insert several related articles at this point in the RECORD:

[From the Christian Science Monitor, July 1, 1971]

TWO UNIONS SUPPORT SOVIET-MACK TRUCK DEAL

(By Ed Townsend)

NEW YORK.—Vermont members of the United Electrical Workers Union (UE) in the machine-tool industry have been hard hit by a recession that has reduced the industry's operations to about half of its capacity.

Unemployment in the Springfield, Vt., area is a high 11.4 percent (nearly double the national level) or an estimated 15 percent or higher if those who have exhausted jobless-pay benefits are included. According to the UE, the unemployment office is one of the busiest spots in the area.

Many members of the United Automobile Workers Union (UAW) employed in the machine-tool industry elsewhere are jobless. The industry's first quarter of 1971 was its worst in years; three-month figures this year were 42 percent below the comparable months in

1970—and last year was not a good one for the industry.

Although there are some slight signs of a pickup, for the first time in the history the United States will not be the leading producer of machine tools this year, an executive officer of the National Machine Tool Builders Association said recently. West Germany is moving into the top spot, with Japan right behind. And the Soviet Union now is moving up strongly.

POLITICAL DECISIONS HIT

The industry and UE, UAW, and other unions complain that the situation which is costing the jobs of "tens of thousands of highly skilled American workers" must be blamed not only on the recession but also—many say much more—on "cold war" political decisions in Washington that have stopped U.S. producers from going after huge foreign orders.

Unless the political decisions are changed soon, they warn, "the American machine-tool industry runs the risk of being permanently relegated to an inferior position in the world with consequent permanent loss of jobs for workers."

Worries about this happening are behind the pressures being applied in Washington for approval of the recent agreement between the Soviet Union and Mack Trucks, Inc., for a truck plant to be built in Russia. The deal, subject to U.S, Government approval, contemplates the sales of upward of $750 million of truck-production equipment (machine tools) to the Soviet Union, along with $22 million of off-highway vehicles. Present U.S. policies would have to be relaxed to issue necessary export licenses for shipments to carry out the proposed contract.

Within hours after the announcement of the Soviet Union-Mack Truck agreement, UE's executive board met in New York to urge the President to approve the deal. The board said that "several thousand" workers, now unemployed, could be helped.

WOODCOCK URGES APPROVAL

Almost as quickly, in Detroit, UAW's president, Leonard Woodcock, called on the administration "to clear the way promptly for approval of the licenses." Mr. Woodcock said this would be "an important contribution to the national economy" and would "provide badly needed employment for thousands of American workers without in any way adversely affecting the interests of the United States."

Both unions say that lowering the trade bars would ease tensions between Russia and the United States. The administration recently relaxed restrictions on exports to Communist China in a move toward improved relations and better understanding.

The U.S. machine-tool industry, supported by the unions representing its employees, has been campaigning vigorously for a sanction to accept orders from the Soviet Union and Eastern European countries linked to Russia. On May 21, representatives of 15 leading American companies went to Moscow to explore the possibility of obtaining some of the lucrative orders which have been going to West Germany and Japan. According to industry spokesmen, the orders "could run into several billions of dollars," including the potentials in Hungary, Poland, and other countries.

On their return, company executives in the Vermont area told UE that Russian trade representatives indicated a readiness to place "very large" orders with them whenever they can be assured that the administration will grant shipping licenses. The Vermont group said that this business could boost production and employment in their depressed industry.

Other industry spokesmen said that, translated into jobs and payrolls, success in winning export licenses to take advantage of business available in Russia and Eastern Europe could mean "recovery for many communities, such as those in Vermont, where machine tools are the predominant industry."

The U.S. Commerce Department helped arrange the Moscow sales trip and a representative went along to suggest, at least, that the Nixon administration favors easing the trade restrictions. Without the implied support, the delegation undoubtedly would have run into Russian reluctance to risk doing business with the Americans.

GOODS AVAILABLE ELSEWHERE

James A. Gray, executive vice-president of the National Machine Tool Builders Association, who went to Moscow earlier to arrange for the trip, said that "one thing that came in loud and clear in Moscow then was that there is a great reluctance on the part of the Russians to buy from American companies because of the difficulties of getting licenses."

The licensing policy is a part of an old cold-war theory that by keeping Russia and its allies from buying in the United States without approval in Washington, they can be kept weak and subject to U.S. political pressures.

Such a policy may still be necessary for some strategic military goods, but otherwise what the socialist countries need, they can buy—if not from the United States, then from other countries, including some of America's closest allies.

The Commerce Department reported recently that Eastern European countries, excluding the Soviet Union, bought $3.9 billion worth of goods from the West, of which only $144 million came from the United States. Such a figure is misleading in one respect: A substantial part of the purchases from outside the United States were from plants wholly or partially owned by U.S. companies unable to fill orders from plants in this country because of export restrictions.

Millions of dollars in machine-tool sales in other countries are for equipment made under licenses given or sold by U.S. companies to outside manufacturers.

Under such circumstances, the U.S. machine-tool industry contends, export licenses should be automatic. Russia and its allies are getting the equipment they need, regardless, so why not let U.S. producers get their business?

POLICY FACES REVIEW

When a UE delegation went to Washington to support this position, a State Department spokesman told the unionists that this country's imbalance in international trade would be helped considerably if the restrictions could be lifted, and that there is a growing feeling now that "licenses to ship the goods the Russians buy here should be granted more readily."

Other Commerce Department officials also expressed support for an amendment of regulations governing the granting of credit by the Export-Import Bank, to place trade with Eastern European countries on the same footing as that with other countries.

The Soviet Union-Mack Truck deal now has set the stage for a broad reassessment of the export-license policy. The Soviets are going to build a truck plant, regardless. They hope to buy equipment from the United States and benefit from the technological assistance that Mack Truck can supply. But, according to reports, they are hedging their bets through standby negotiations with automotive companies in Western Europe.

"We can make it harder for the Soviets, to our own disadvantage," says UAW's Mr. Woodcock, "but, even if there were reasons to do so, we could not stop them from building the plant. Cutting off one's nose to spite one's face is hardly a sound policy and denial of export licenses would be an exercise in futility."

The administration is studying the plans for the truck plant and the specifications for equipment needed. There is strong backing for the desired sanction—and for opening the way to machine-tool business otherwise. This would be in line with President Nixon's desire to move from a period of international confrontation into one of negotiations. However, there is fierce opposition from within the Defense Department.

The military is reiterating its old argument: A country should not build up the capacity of a potential enemy to make war—and a plant with U.S. machine tools designed for peaceful production, to make trucks for Russian farms and industry, too easily could be transformed into a military support facility.

[From the Evening Star, July 6, 1971]

PRESIDENT MEETING INDUSTRY AND UNION ON STEEL CONTRACT

(By Norman Kempster)

President Nixon takes a long, although possibly reluctant, step toward the "jawbone" economic policies of his Democratic predecessors today by calling steel industry and union negotiators to the White House for a lecture on inflation.

This is the first time Nixon has summoned both management and labor for a meeting with him during negotiations for a national contract. The President has met separately with differing sides in earlier labor disputes.

The steel negotiators are scheduled to resume talks tomorrow on a contract to replace one that expires July 31. About 450,000 workers are covered by the pact.

WARNINGS PLANNED

Administration officials said Nixon planned to warn both sides that a big wage increase could further weaken the U.S. position in the world steel market and eventually result in lost jobs as well as lower profits. He would be relying on a new administration study of steel industry problems.

The President was expected to urge the United Steel Workers of America to make reasonable demands, and he is expected to urge the steel companies to hold the line on prices. He probably will not spell out specific guidelines for negotiators to follow.

The Steelworkers union is demanding a 31 percent pay boost over three years.

PROFITS DECREASE

Steel industry profits sagged last year to $513.2 million, lowest since 1947, largely because of domestic price increases and booming imports.

Steelworkers union president I. W. Abel has said there can be no contract extension this year. The 1968 settlement was hammered out just days before the deadline, and the union worked more than four months without a contract in 1965.

Former Presidents John F. Kennedy and Lyndon B. Johnson frequently called management or labor to the White House to warn against inflationary increases. The technique, called "jawboning," reached its peak in Kennedy's confrontation with steel companies in 1961 over a $6 per ton price increase. The increase was rescinded.

POLICY ABANDONED

Nixon denounced jawboning and abandoned the wage-price guidelines on which it is based shortly after he took office. But he has used the technique on occasions in an effort to control inflation.

Advocates of a more activist government policy against inflation, such as Federal Reserve Chairman Arthur F. Burns, want Nixon to establish a national wage-price review board. This agency would have no enforcement powers, but it would be able to focus public attention on wage or price increases it considered excessive.

The day before announcement of Nixon's plan to meet with the steel negotiators, Treasury Secretary John B. Connally, the administration's new chief economic spokesman, said the President had ruled out a wage-price review board.

TRUMP CARD

Nixon's intervention in steel bargaining is consistent with his earlier anti-inflation actions. The President's trump card in dealing with steel is the quota restrictions on the import of lower-priced foreign steel.

In January, he forced a partial rollback of a 12 percent price increase posted by Bethlehem Steel Co. after he threatened to relax the quotas.

After today's session, the President and Mrs. Nixon depart for Kansas City, Mo., for a briefing with Midwest newspaper and broadcast executives on the administration's domestic proposals. The Nixons then fly to their home in San Clemente, Calif., for a two-week stay.

UAW FINANCIAL WOES REVEALED BY WOODCOCK

MIAMI BEACH.—The United Auto Workers union is in "bad financial trouble" because of the 1970 strike against General Motors and the building of a family recreation and education center, UAW President Leonard Woodcock said yesterday.

But Woodcock said the 1.3 million-member UAW, second largest union in the nation, is taking steps to put its financial books in order.

Woodcock was in Miami Beach for the convention of the nation's largest union, the 2.1 million-member Teamsters union. He told delegates that James R. Hoffa is a "political prisoner" of the government who should be paroled from prison.

MATTER OF NAMES

"If Jimmy Hoffa's name was not Jimmy Hoffa, he would have been paroled last April as he should have been," Woodcock said. The former Teamster president is serving sentences totaling 13 years for jury tampering and mail fraud.

Hoffa has been in the federal penitentiary at Lewisburg, Pa., for the past four years, and has twice had parole bids denied. He resigned last month from all union posts.

Woodcock said the Justice Department, under the Kennedy and Johnson administrations, had "pursued Hoffa more than the average citizen" would have been.

In discussing his own problems, Woodcock said the UAW has called a special convention for Sept. 11 in Detroit to devise ways to balance its budget and retire a $23 million debt stemming mostly from the Black Lake, Mich., family center that cost the union more than $20 million to build. The center was conceived by the late UAW President Walter P. Reuther and dedicated to him after he died in a plane crash last year.

PAYMENTS SUSPENDED

Woodcock disclosed that the UAW has suspended, effective in April, its 5-cents-per-member monthly payments to the Alliance for Labor Action, a federation set up by the UAW and the Teamsters Union to rival the AFL–CIO.

He said the 115-day strike last fall against GM dissipated the union's $121 million strike fund, with the UAW paying out $15 million a week in strike benefits and $5 million a week to pay health and welfare premiums for the strikers.

He said the strike eventually cost the UAW $161 million, and the union will "never forget" the $25 million loan made by the Teamsters, which now holds a mortgage on Black Lake.

Woodcock said the UAW has now built up a $10 million strike fund, but has been unable to balance its budget or pay off the $23 million debt, despite laying off more than 100 staff members last year.

Woodcock said his union's financial troubles also rule out any possibility of reaffiliation with the AFL–CIO soon because "we can't afford" the per capita dues. Reuther pulled the union out of the AFL–CIO in 1968 in a dispute with its president, George Meany.

[From the Baton Rouge (La.) Morning Advocate, June 30, 1971]

WHEN READERS SPEAK TO THE EDITOR AND YOU

EDITOR, ADVOCATE: An issue most crucial to the life of Republic USA is the plan of Mack Trucks, Inc., to build the world's largest truck manufacturing plant in Russia. The people should make it clear to that company and the Nixon Administration that such a deal will not be tolerated. Mack Trucks should not wish to make profits from a deal which, ultimately, may mean the end of this Republic and the death of Freedom. The Russians are outbuilding us 3 to 1 in nuclear submarines; now we propose to cure another Red weakness. These trucks will be used to transport munitions to kill freedom-loving people who dare to stand up against Communist subversion and aggression and, worse, to kill U.S. fighting men. Communists have not changed their announced goal of burying us. This $700 million truck plant would allow the use of capitalist industry and capitalist know-how to destroy all non-Communist institutions and our Republic.

H. L. HUNT.

DALLAS, TEX.

RAYMOND "HAP" DUMONT, FOUNDER OF NATIONAL BASEBALL CONGRESS, IN WICHITA, KANS.

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. SHRIVER. Mr. Speaker, the great American past time of baseball has lost one of its great innovators. I have lost a good friend. Last Saturday in Wichita, Kans., Raymond "Hap" Dumont, founder and president of the National Baseball Congress, died suddenly at his desk near the stadium. We are saddened by this great loss; but Kansas, our Nation, and baseball are the beneficiaries of the legacy left by "Hap" Dumont.

He was the founder of the National Baseball Congress which for many years has sponsored a double elimination national semipro championship tournament in Wichita. Thirty-two teams from all over the Nation compete in this tournament.

Some 200 players have come up the rank from the semipro tournaments to perform in the major leagues.

"Hap" Dumont produced the first Kansas State tournament in 1931, and this Friday night the 41st annual tourney will open in Wichita's Lawrence Stadium. Similar tournaments will be held in the other 50 States to determine the entries for this year's national championship event that begins August 13.

"Hap" Dumont has been described as "baseball's man in motion." His contributions to the game are many. These innovations include the compressed air homeplate duster; a popup homeplate microphone; an electric timer to enforce the 20-second rule for pitcher's delivery; and grand-scale merchandising of baseball through the nonpro baseball network.

Bill Hodge, executive sports editor of the Witchita Eagle, eloquently euologized Mr. Dumont on Sunday's sports page stating in part:

> He was the only one of his kind when it came to promoting.
>
> His death last Saturday afternoon while working alone in his office was a shock to his many friends, and yet it was the way many of them knew he someday, probably, would reach his end.
>
> It truly could be said of Dumont that he loved his work and its rewards better than life itself. That is not to eulogize the man. It's just the way he was . . .

Ray Dumont was born in Wichita, Kans., on December 26, 1904. He was valedictorian of his high school graduating class. He had served as sports editor of the Hutchinson News and in 1929 returned to Wichita to work in the sports department of the Wichita Eagle. He later went to work for Goldsmith's Sporting Goods in Wichita, and it was in an effort to promote the sale of baseball equipment that led Mr. Dumont to inaugurate the successful State and National semipro organization.

Mrs. Shriver and I join with many Kansans today, as well as baseball lovers everywhere, in extending our heartfelt sympathy to Mrs. Dumont; her children, Raymond Wesley Dumont, Ray Eden, and Mrs. Julius Govert, on the passing of "Hap" Dumont.

OUR COLLEAGUES ERR ON WAR SECRETS ISSUE

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. KING. Mr. Speaker, one of the best articles I have read concerning the purloined Pentagon papers was an editorial which appeared on the front page of the Detroit News on Sunday, June 27, 1971. The editorial was reprinted in full in the July 12 issue of U.S. News & World Report.

Under leave to extend my remarks in the CONGRESSIONAL RECORD, I would like to include the editorial entitled "Our Colleagues Err on War Secrets Issue." I am pleased to call the article to the attention of my colleagues.

The article follows:

OUR COLLEAGUES ERR ON WAR SECRETS ISSUE

The Detroit News does not agree with those of our press colleagues contending that national interest—and the cause of a free press—are served by the current battle over publication of secret Pentagon papers.

As the U.S. Supreme Court considers a case which could produce a new interpretation of the rights and responsibilities of the press in a democracy, this newspaper wants to emphasize that, though we will be affected and bound by the decision, the newspaper lawyers in the court are not speaking for The Detroit News.

We do not believe the New York Times and other involved newspapers acted responsibly and in the public interest when—without even trying to use established procedures for declassification of secret papers—they chose to publish an edited version of what it now appears was an incomplete account of our involvement in the Vietnam war.

Despite our devotion to, and dependence upon, the basic rights guaranteed under the First Amendment, we do not accept the premise that the doctrine of a free press is an unrestricted license to print any secret document, the publication of which, in an individual editor's opinion, would be in the national interest.

Finally, we consider as unfactual the current contention by some newspapers that there never before has been any prepublication restriction on what newspapers decide to print.

Our brief includes several points:

First, carried to its logical conclusion, the Times theory would permit publication of any government secret—the design of a Polaris missile, contingency war plans, intelligence reports on enemy war preparations—provided only that the editor believed such publication would be in the national interest.

Such a conclusion, we believe, would result in a disastrous (for the press) collision between press freedom and the manifest democratic need for orderly government.

Granted, the bureaucratic tendency to cover mistakes with a "top secret" stamp is a problem. It always has been and newspapers have an obligation to fight it. But the solution does not lie in a grant to an individual—be he editor, scientist or public official—of power to substitute his personal definition of national interest as a basis for declassification.

To argue otherwise would be to accept the thesis of defenders of Dr. Klaus Fuchs that his betrayal of Anglo-American atomic secrets was justified by his sincere conviction that a better world would result from their delivery by him to the Soviet Union.

Newspapers which have published the Vietnam war papers protest that, in stopping them by court action, the Justice Department sought to establish a precedent of prior restraint upon newspaper publication.

Is that true? Forgetting the national defense field, is it not accepted that both state and federal judges use "prior restraint" to protect their own secrets? Would any of the judges to whom the Times appealed last week have listened for a minute to a contention that a newspaper which acquired a transcript of a grand jury investigation of organized crime had a right to publish it on the ground that Mafia operations constitute a national problem concerning which the public has a "right to know"?

We and the New York Times know the offending editor would be jailed for contempt of long-recognized prepublication restraints.

It is argued now that an informed public has a right to know right now what individual diplomats and military men recommended over the years of our Vietnam war escalation. But the Times itself has not always followed this theory, as it reported in the current Newsweek magazine by Columnist Stewart Alsop.

Alsop recalls the Cuban missile crisis and an article which he co-authored describing deliberations of National Security Council members. The Times then reacted with outrage to what Alsop calls his "attempt to present the American public a history—admittedly incomplete—of decision-making at the highest levels of government."

In an editorial captioned "Breach of Security," the Times fumed then that: "The secrecy of one of the highest organs of the United States has been seriously breached."

"What kind of advice can the President expect to get under such circumstances?" asked the Times. "How can there be any real freedom of discussion or dissent; how can anyone be expected to advance positions that may be politically unpopular or unprofitable? Does no one in Washington recall the McCarthy era and the McCarthy technique?"

What the Times asked then we'd repeat today. If it was wrong for McCarthy retroactively to crucify diplomats for alleged wrong decisions and recommendations when China was falling to communism, is it proper to assail military and State Department men in 1971 for reports they wrote a decade ago when our Vietnam effort had general support?

As the Times (and The Detroit News) said during the McCarthy era the President will get no sincere recommendations if his subordinates suspect that they will be publicly pilloried for them a few years later, and in the context of different times.

And were the newspapers which published the documents motivated solely by a search for the whole truth? Current revelation as to the sources of the misappropriated documents raises questions.

First, the 40-odd volumes of secret papers went to the Times, which studied them for several weeks and then, without bothering to apply for declassification, began publication. When a Federal Court temporarily blocked further Times publication, the busy peddlers of the documents hurried them to other papers, each—like the Times—an advocate of immediate Vietnam withdrawal.

Simultaneously the papers were peddled to anti-war congressmen then preparing their effort to use the draft extension bill as a new vehicle to force adoption, without enemy reciprocation, of a firm withdrawal date for all U.S. forces in Indochina.

Manifestly the newspapers were used by the peace movement to get over a propaganda point. Obviously there is reason to wonder if they would have responded with such alacrity to an effort to publicize documentation supporting an opposite view of the Vietnam problem.

But, it is contended, publication did not harm national security, is that true?

Included in the published material were verbatim and dated translations of coded messages. Given the translation, cryptographers have a major tool for codebreaking. Granted, most of the codes have been changed but ability to decipher now our secret transmissions of the 1960's (which other nations have recorded) opens all our messages of that era to any country wishing to use them for diplomatic mischief.

Secretary of State William Rogers has noted other serious diplomatic problems:

What government is going to freely and frankly exchange views with us if it suspects the correspondence shortly will be published worldwide?

What head of state allied with Washington is going to be comfortable in the relationship when he reads the published recommendation of Assistant Secretary of State Roger Hilsman (now a leading resident of the dovecote) that military plotters who later murdered President Diem be given a free hand in disposing of the head of government with whom we had a fighting alliance?

Even if the papers publishing them did not so intend, the prospects are that the already obdurate Hanoi negotiators may feel that revelation of the alleged "immorality" of every U.S. president since Harry S. Truman will so stir American protest as to force President Nixon to surrender now. Certainly if a negotiated peace is in the American interest, none of the events of the last two weeks have helped our bargainers get one.

In summary, The Detroit News does not want the freedom of press so important to our existence stretched to justify this type of irresponsibility.

We do not defend the proposition that any government employee with access to classified material has a right to leak it for publication in the name of national interest.

We repeat that a contrary contention can lead only to a confrontation which the public will decide in a manner destructive to freedom of the press.

NATION'S ENERGY CRISIS

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. HATHAWAY. Mr. Speaker, today's New York Times first page carries the second of three articles on the national energy crisis produced, at least in part, by the conflict between the need for more power and the desire of most Americans to save the environment. The series is authored by John Noble Wilford. I insert at this point in the RECORD:

NATION'S ENERGY CRISIS: NUCLEAR FUTURE LOOMS

(By John Noble Wilford)

Slowly, reluctantly and fearfully, the United States is moving toward a nuclear-powered future. It is not that people have learned to love the atom; it is because few can think of any other acceptable answer to the nation's energy crisis.

Nuclear power is technically difficult, initially expensive, a source of thermal pollution and the subject of acrimonious controversy and widespread anxiety about possible radiation hazards.

And yet to a growing number of technologists, economists and political leaders, it is the only way within the traditional economic's system to meet the ever rising consumer demand for a steady supply of reasonably inexpensive power without ravaging the environment.

Thus the Nixon Administration has made nuclear power the keystone of its "clean energy" plan for the decade. And future Administrations, barring unforeseen discoveries, can be expected to follow the same general policy.

For nuclear power, despite its drawbacks, is without doubt more plentiful, ultimately cheaper and relatively less damaging to the environment than other fuels. The alternatives, in other words could be worse.

Coal, for example, is still plentiful; it might last for a few more centuries. But it cannot last forever. Most coal moreover, is too full of sulphur to meet present environment standards. Thus no new fossil fuel plants are allowed in the entire Los Angeles basin. And the extraction of coal exacts great environmental and human costs.

The cheapest way to extract coal is by strip mining, which now accounts for one-third of production. But strip mining is desolating tens of thousands of acres a year of some of the most beautiful mountain country in the nation, with little likelihood that the damage will ever be repaired. Only 58,000 of the 1.8 million stripmined acres have so far been restored, the Department of Interior reports.

But if strip mining is outlawed, as many conservationists are urging, then a greater reliance will have to be placed on deep mining, which is not only roughly three times as expensive but more hazardous as well. More than 80,000 miners have died in deep mine accidents since 1910. Safety precautions, while they might make the process humanly acceptable, would make it even more expensive and less economical.

Other sources of energy are equally problematic. Petroleum costs are rising as the search for new supplies grows more difficult and expensive, extending to the poles and farther out on the continental shelf. The price of fuel oil in Boston, for example, has doubled in a year's time. Before oil begins running out in a century or so, it may have to be rationed so that what is left is used only for transportation and the manufacture of plastics—not for burning up in the production of electricity or home heating.

RELIANCE ON FOREIGN SOURCES

Moreover, a continued reliance on petroleum and natural gas would mean a growing dependence on foreign sources. American demand for petroleum will reach 28 million barrels a day by 1985, the Humble Oil and Refining Company estimates, and only 11 million barrels are expected to be domestic.

More than 90 per cent of the fuel oil used on the Eastern Seaboard already comes from abroad, mostly from the Caribbean. This gives a number of foreign governments a major voice in the price and flow of American fuel.

Damming more rivers cannot fill the need for energy either. Hydroelectric power accounts for only 4 per cent of present energy production, and most of the suitable dam sites have been exploited. Even the Tennessee Valley Authority, originally a water power project, now derives less than 20 per cent of its power from hydroelectric facilities.

Harness the tides or tap steam inside the earth? These are considered interesting but limited alternatives. Convert sunlight directly to electricity? Engineers doubt this would ever be practical for large-scale energy generation.

At every turn, then, the complications confound as easy solution to the energy crisis and nuclear power seems more and more attractive.

AN ALCHEMIST'S DREAM

Nuclear reactors now produce 1.4 per cent of the nation's electricity. By 1980 the figure is expected to be 25 per cent, and by the turn of the century 50 per cent. Electricity then will crackle along high-voltage lines from "nuclear parks," clusters of reactors far from urban centers, and through submerged lines from reactor stations on platform anchored miles out in the Atlantic and Pacific waters.

Present nuclear reactors will seem old-fashioned. The more advanced types, called "breeders," will be a sort of alchemist's dream, making more fuel than they consume. Eventually, perhaps as early as the year 2000, there may be machines, based on the sun's energy-generating processes, that run on fuels almost as abundant as water itself.

But no energy-environment equation is ideal, not even the nuclear alternative. Nuclear power has its drawbacks, too.

Its technology has turned out to be more complex than expected. Development costs are high. Capital costs of a large nuclear plant have risen sharply in the last three years, from about $120 for each kilowatt capacity to more than $200.

Nuclear reactors produce even more waste heat than fossil-fuel generators. The problems of "thermal pollution," the heating of a stream or lake to the point that it can become inhospitable to fish, has disturbed environmentalists. And the safety of reactors is a matter of bitter controversy.

Since no one can forget nuclear energy's devastating debut at Hiroshima, people harbor deep-seated fears about anything atomic, fears over explosive accidents, insidious radiation leaks and the problem of how to dispose of radioactive fuel residue.

Public protests are holding up construction of several nuclear plants. The titles of some recent, widely discussed books reflect the gnawing concern: "Perils of the Peaceful Atom," "The Careless Atom" and "Population Control through Nuclear Pollution."

TOUGHER SAFETY RULES

Responding to recent attacks, the Atomic Energy Commission announced last month even stricter safety standards for nuclear reactors and reduced sharply the limit on the amount of radiation exposure that the public is permitted to receive from reactors—down to 1 per cent of the level permitted under current Federal radiation standards. Still, some critics raise questions about long-term genetic effects from repeated exposure to these minuscule doses.

These drawbacks and fears have been largely responsible for the slow and reluctant acceptance of nuclear power—until now. Whatever their reservations, engineers and many environmentalists, economists and utility executives now can see no realistic alternative to the atom.

"Nuclear power certainly is the best answer to our needs right now and probably in the long run," says Byron Lee Jr., assistant to the president of the Commonwealth Edison Company of Chicago. By the end of the year, 25 per cent of the utility's generating capacity will come from nuclear power.

Although the initial capital investment is higher for a nuclear plant, Mr. Lee says, fuel costs over the estimated 30-year life of a plant are considerably lower. And because low-sulphur coal and oil are expensive in the Midwest, as in other regions, nuclear power is also considered "environmentally preferable."

The trend toward nuclear power is strong. Although only 21 commercial nuclear reactors are now in operation, supplying less than 1 per cent of the nation's energy needs, more power-generating capacity is now on order for atomic plants than for the conventional types. There are 54 under construction in this country, and orders for 42 more. Even a major Texas utility, in the heart of gas country, plans to go nuclear.

$2 BILLION ASKED BY NIXON

The nuclear commitment was reinforced last month when President Nixon asked Congress to pledge $2-billion in Federal funds over the next decade for development of a commercial "fast breeder" reactor. This is considered the next major step in nuclear technology.

Conservation of resources is the breeder's chief selling point.

Conventional nuclear reactors of the water-cooled type obtain energy from the splitting of fission, of the extremely scarce form of uranium, U–235. It makes up only seven-tenths of 1 percent of natural uranium, and is in danger of depletion in a few decades. The more abundant U–238 is the non-fissionable part of the fuel mix.

As the U–235 fissions, it releases energy, which boils water and creates the steam to drive turbines and produce electricity. Apart from the fuel and its unusual properties, the method is essentially the same as in ordinary fossil-fuel stream generators.

In the process, some neutrons that are released turn the U–238 into the fissionable plutonium, but in an inefficient manner. The breeder reactors will make the most of this transmutation of elements.

"A QUESTION OF RELIABILITY"

In the breeder, a fissionable fuel, either U-235 or plutonium 239, will be split for the heat-to-steam-to-electricity process. The surplus neutrons, allowed to travel at faster speeds, will react with the U–238 in such a way as to produce 14 atoms of plutonium for every 10 atoms consumed.

Like other nuclear technologies, the breeder has its highly vocal critics. A group of scientists, headed by Dr. Margaret Mead, the anthropologist, has filed a suit in Federal court in an effort to stir a national debate on the advisability of developing the breeder. They maintain that the A.E.C. has failed to make public enough information to judge the potential impact of breeder reactors on the environment.

To many scientists, however, the breeder is only an interim technology, a holding action until they can master the difficult art of controlling thermonuclear fusion. This is the release of tremendous energy through the fusing of light atoms, which is the basis of the hydrogen bomb and the nuclear reactions going on inside the sun.

Although President Nixon has asked for $2-million in addition to the $30-million already budgeted for fusion, a number of scientists call the lower priority for this technology "a disgrace." They predict the Soviet Union may be the first to harness fusion.

As Dr. Richard F. Post of the Lawrence Radiation Laboratory at Livermore, Calif., puts it: "We've got two really good horses to ride and we ought to ride them both." He predicts that fusion power will be controlled in the 1980's and be economically "in full swing" in 1990.

Most scientists are somewhat less optimistic. They doubt that fusion will be a practical source of energy until after the turn of the century. A few question whether it will ever be practical.

Fusion's promise seems to make the continued effort worthwhile. Fusion produces new worrisome radioactive wastes except tritium, which most specialists believe can be recycled through the system without significant hazard.

More advanced fusion techniques might lead to direct conversion from energy to electricity, thus bypassing the steam process and its waste-heat inefficiencies. A runaway chain reaction would be unlikely, since the fusion reaction stops if it cools ever so slightly.

Another important advantage is that the most likely fuel for fusion would be one or more forms of hydrogen, such as deuterium, which are derived from sea water. Thirty cubic kilometers of sea water could contain a deuterium energy equivalent to the current inventory of the earth's fossil fuels.

Not all current energy research involves nuclear technology.

A number of researchers are working on processes to remove polluting chemicals from fuels before combustion and on devices, such as improved electrostatic precipitators, to clean stack gases. Utilities are supporting research to improve transmission lines, since up to 20 per cent of the electricity generated is lost in transmission. This will become more critical as power plants are increasingly placed farther from urban centers.

Aircraft engine manufacturers are stepping up the development and sales of gas turbines, which are similar to jet engines, for generating electricity.

Though relatively small, gas turbine plants can be turned on and off quickly to handle a utility's periods of peak demand or as a back-up facility. They can burn a variety of liquid or gaseous fuels, from natural gas to kerosene, switching from one to another at a moment's notice.

One of the more promising lines of research is directed toward converting high-sulphur coal into sulphur-free, pipeline-quality gas—a synthetic form of natural gas.

The Department of Interior's Office of Coal Research is doubling its efforts in coal gasification, aiming toward the operation of a large demonstration plant by 1976. A smaller pilot plant is running in Chicago.

HEATING CRUSHED COAL

The gasification process involves heating crushed coal under very high pressures. Reactions between steam and the coal's carbon give off carbon monoxide and hydrogen. In a series of further reactions, sulphur is removed and the gases are converted to methane, which is what natural gas is.

Dr. Hoyte Hottel, proposed emeritus of chemical engineering at M.I.T., who is making a comparative study of new fuel sources for Research for the Future, Inc., is not optimistic about extracting oil from the plentiful shale deposits in the Western states.

"It requires heating up so much inert material to get a few gallons of oil," Dr. Hottel says. "I'm for leaving it alone until we've made more use of our other resources."

Many other technologies are expected to be investigated through a new National Science Foundation program called Research Applied to National Needs. The largest single item in the program's $81-million budget is energy resource research and analysis.

Through evolving combinations of research, nuclear and otherwise, the nation's engineers, scientists and energy managers hope to find the technological "fix" for the current crises. It is a traditionally American response, this faith that it all can be worked out through some more Yankee ingenuity.

There are those, however, who have some doubts. Even new technologies, they say, may not be sufficient unless Americans learn to curb their seemingly insatiable appetite for more and more energy.

PENTAGON PAPERS

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. JAMES V. STANTON. Mr. Speaker, the so-called top secret Pentagon Papers are perhaps more of a folly than the American people realize.

While the Justice Department presses for prosecution of those who leaked the documents to the New York Times and other newspapers, they appear to have done little about those who transmitted these secrets to Communist leaders in Hanoi, Peking and Moscow.

Last weekend Mr. Cyrus Eaton, a Cleveland industrialist and confidant of world Communist leaders, revealed that Communist heads of state "knew virtually every move the United States planned in Indochina before it happened.

In an exclusive interview with Mr. Irving Leibowitz, the distinguished editor of the Lorian Journal, Mr. Eaton said: "The only things that were really secret were to our allies and to the American people."

I call this interview to the attention of my colleagues in the Congress with the hope that our Government will be able to stop these leaks as quickly as possible.

I include the article as follows:

EXCLUSIVE: CYRUS S. EATON SAYS HANOI KNEW PENTAGON "SECRETS"

(By Irving Leibowitz)

Communist leaders in Hanoi, Peking and Moscow had "the most complete" information of secrets in the Pentagon Papers within hours, according to Cyrus S. Eaton, Cleveland industrialist and confidant of world Communist rulers.

He said Communist heads of state knew virtually every move the U.S. planned in Indochina before it happened—and that "the only things that were really secret were to our allies and to the American people."

Eaton, 87, visited Hanoi in December, 1969, for ten days as the guest of the North Vietnam government and was entertained by Premier Pham Van Dong and Ton Duc Thang, head of state. Eaton has many times been a guest in the Soviet Union of Premier Alexei N. Kosygin, President Nikolai V. Podgorny and Leonid L. Brezhnev, Communist Party general secretary.

"It's nearly a year and a half since I have been in Hanoi," Eaton said, "but I have been in touch with them constantly ever since directly, not only with the leaders in Hanoi, but also with their representatives in Paris and Moscow."

Reached by telephone at his farm in Nova Scotia, Eaton said that he was told of secret U.S. plans and policies before they happened. He also said that much, if not most, of the material in the Pentagon Papers covering the years of Truman, Eisenhower, Kennedy, and Johnson were all familiar to Communist leaders in Hanoi, Peking and Moscow.

In Hanoi, Eaton said he had met "and saw quite a little of" Hoang Pung, an editor Eaton described as "the head of North Vietnam's intelligence network." Eaton said that he was told the contents of secret cables, documents, policies and meetings that took place in the U.S. embassy, the Saigon government and at the U.S. military and naval commands.

The North Vietnamese "had patriotic, reliable and resourceful spies" placed everywhere, Eaton said.

Pressed for specifics on what U.S. secrets he obtained from leaders in North Vietnam, Eaton recalled these events, some of which are covered in the period of the Pentagon Papers and some later during the administration of President Richard Nixon.

Nixon's early role: Eaton said that Hanoi rulers had pictures of Nixon when he was Vice President conferring with "commander in chief of the French Army in Indochina and Nixon's exact words to the French, urging them to continue fighting, not to get out, but that he would do his best to get the United States to come in not only with troops but with more money."

Diem coup: Eaton said the North Vietnamese knew the role the U.S. and Ambassador Henry Cabot Lodge played in supporting the coup of Saigon generals Nov. 1, 1963 against President Ngo Dinh Diem of South Vietnam. "They had the most complete information on that," said Eaton.

Bombing North Vietnam: Eaton said the Hanoi government knew the U.S. planned to bomb North Vietnam before it happened.

Honolulu Conference: Eaton said the North Vietnamese knew that at a conference in Honolulu in 1963, the U.S. had discussed contingency plans to use nuclear weapons if the Red Chinese entered the war.

Cambodia and Laos: Eaton said the Communist leaders told him of secret U.S. plans to invade Cambodia and later Laos when he was in Hanoi in 1969. The invasion of Cambodia took place in May, 1970, and the invasion of Laos occurred in February, 1971. (The invasion of Cambodia was a surprise and shock to the U.S.)

Johnson escalation: Eaton said the North Vietnamese knew that Johnson was escalating the war at a time when he was telling the American people he would not send American boys to die in Asia.

Eaton many times has tried to play the role of "peacemaker" in the Vietnam War because of his friendship with world Communist leaders and his interests in the United States and its people. He said he has often told U.S. officials of the superior intelligence services of the Communist countries—and has been rebuffed.

Once, in 1965 when he was visiting Russia and talked with virtually every leader there, he tried to persuade American diplomats that the Soviet Union and Red China were committed to support North Vietnam against the United States.

Eaton said that U.S. Ambassador to Russia Foy Kohler tried to tell him (Eaton) that "there is nothing that goes on in Southeast Asia of any real interest in the Soviet Union."

Eaton said: " I almost had a fist fight with Kohler."

Eaton was not reluctant to talk publicly about the U.S. secrets since the Pentagon Papers are being published in newspapers across the country.

LEROI: THE KING OF NEWARK

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. SCHERLE. Mr. Speaker, so much money pours into antipoverty programs these days that control of federally funded projects has become a rich political plum at the local level. Big city poverty programs today provide much of the patronage, and hence the political clout, formerly supplied by the party machine. Nowhere does the fight for fiscal power rage more fiercely than in Newark, N.J.

Chief contender for control of the city's approximately $6 million in antipoverty money is LeRoi Jones, sometime poet and playwright, full-time radical and rabble-rouser. Jones, who has a long history of association with Communist-front organizations and black extremist groups, was convicted of unlawful possession of weapons during the 1967 riots in Newark. He is now free on bail pending appeal of his 2½-year sentence, and he has emerged as a significant force in Newark politics.

His radical views have become the rallying point for those who believe that the city's black mayor, Kenneth Gibson, is not sufficiently militant. Jones wants all political power in the hands of Newark's black majority, and has publicly committed himself to driving whites from positions of authority. Mayor Gibson maintains that the city, which has been torn by racial tensions for years, cannot survive without the cooperation of black and white alike.

This voice of moderation has been increasingly drowned out by militant demands, and the influence of the mayor's year-old administration appears to be on the wane.

Jones' supporters recently defeated the mayor's candidates in an election of trustees of the United Community Corporation. The executive committee of the UCC largely controls the distribution of antipoverty funds. Jones has also extended his influence to include the presidency of the school board and key elements in the Newark Housing Authority. He is now concentrating on wresting control of the Federal Model Cities Agency, one of the last major Federal programs controlled by Mr. Gibson. If he succeeds, this self-appointed community leader will wield more of the power that counts—the power of the purse—than the duly elected mayor. The city of Newark, far from having profited from the grim lessons of the 1960's, will be firmly set on the disastrous course of racial strife.

That, of course, is exactly what LeRoi Jones wants. The whole progression of events might have been written by Jones as the scenario for one of his revolutionary plays. He knows that, in America at least, all political power need not "grow out of the barrel of a gun." An even more potent weapon is the taxpayer's money. What is in store for

Newark—and other cities like it—if fanatics like LeRoi Jones are permitted to pervert millions of tax dollars to their own sinister ends can be easily imagined. It is an outrage against common sense and common decency, as well as flagrant neglect of the Government's responsibility to oversee the expenditure of taxes, that such men should be allowed to gain power over public funds.

CAPITAL INVESTMENT CRISIS PLAGUES AMERICAN MANUFACTURERS

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. KEATING. Mr. Speaker, I rise to discuss the capital investment crisis that has plagued American manufacturers and, in particular, the machine tool industry. There is a direct relationship between a high rate of capital investment in these industries and a healthy economic environment. If we are to build our productive capacity, and improve upon the ability of our products to compete favorably in world markets, then we must act now to provide a more favorable tax climate for capital investment.

It is my firm belief that the investment tax credit, taken as an integral part of our economic policy, will help achieve this goal. It will help promote long-term price stability. It will provide an increasing number of jobs in our expanding labor market. It will contribute to closing the gap between productivity increases and wage increases. It will contribute to the solution of our balance-of-payments problem by making our products more competitive in foreign markets. The implementation of an investment tax credit will be helpful in easing the Nation's transition to an expanding peacetime economy. The machine tool industry provides us with an example of why an investment tax credit is both necessary and desirable to safeguard American interests.

Since the repeal of the investment tax credit in 1969, the machine tool industry has suffered its most damaging depression since the middle 1930's. Major domestic orders for the first quarter of 1971 are running 63 percent below 1970. No significant upturn is in sight.

The employment situation for the machine tool industry is equally bleak—down 33 percent from last year. Perhaps even more grim is the fact that many of these employees were highly skilled laborers who have since sought out other jobs. Replacing them cannot and will not be accomplished overnight. Should a national emergency require full production capacity from the machine tool industry, months would be needed just to secure the necessary labor.

Until this year, the United States was first in machine tool production. Now, the United States is second to West Germany. At today's rate, Russia and Japan could also pass American machine tool production this year, and the American position will continue to deteriorate unless we take action.

Many people continually point to the excess industrial capacity in the United States in support of the contention that no tax incentive to investment is needed today. These same people completely ignore the fact that too much of this excess capacity is high cost, obsolete, and must be replaced. A 1970 McGraw-Hill survey revealed that the United States has the highest percentage of overage obsolescent production facilities in relation to gross national product than any of the leading industrial nations. Perhaps even more sobering is the fact that, at the current rate, 1971 will see the smallest percentage increase in investment in American manufacturing facilities since 1953.

I do not mean to suggest that all of our country's economic problems are a result of insufficient tax incentives. However, I firmly believe that inadequate incentive for capital investment has been a contributing factor to many of these problems.

I do not advocate restrictive trade bills. This is not a remedy for the machine tool industry. Instead, U.S. firms need and seek the opportunities to have capital investment encouraged by the tax structure. Equally important is that such a tax incentive be made a permanent element in our tax code. This will contribute to long-term price stability and avoid many of the pitfalls inherent in using the investment tax credit as a "pump primer." Our objective should be the adoption of a tax policy which will facilitate the decisions of private industry regarding long-range investment practices. There can be no doubt that the "off-again-on-again" use of the investment tax credit makes sound, long-range investment decisions a near impossible task.

The accelerated depreciation guidelines offered by the administration will be a desirable step toward improving this situation. However, more needs to be done. The Governments of Japan, the United Kingdom, and West Germany offer such depreciation to their industries, and indications are that other countries may soon follow suit. Accordingly, I support and recommend to my colleagues the adoption of the 7-percent investment tax credit.

I believe the difference between the depreciation deduction and the investment tax credit deserves mention. The depreciation affects the earnings of a corporation by providing a reduction in the computation of the taxable income. On the other hand, the investment tax credit is a direct credit against the income tax. Therefore, it offers a much greater boost to industry income and provides corporations with the immediate capability for reinvestment in capital assets.

There can be no question that the investment tax credit would stimulate new investment in capital equipment. When the investment tax credit was in effect during the early 1960's, for example, domestic orders for the machine tool industry increased from 150,000 per year to more than 500,000 in 1965. After the 1969 repeal of the credit, there was a serious drop from 550,000 domestic orders to 150,000 in a 1-year period.

In industries that require heavy outlays on capital goods, the investment tax credit would mean sizable additions to aftertax profits each year. The latest year for which official detailed figures are available—1965—serves to illustrate this point. The investment tax credit was responsible for an increase of more than 16 percent in aftertax profits to the airline companies which are still heavily committed to the purchase of new planes. Railroad companies, also committed to large capital expenditures, realized an increase over 12 percent in aftertax income. That these two industries, and many like them, could benefit from an investment tax credit is beyond question.

I believe that action on our part is now needed. I believe that the future of vitally important industries is involved. American labor and the number of jobs available in the 1970's are intricately involved in this picture and will be the greatest beneficiaries. The American public will reap the benefits of enactment of the investment tax credit.

PRISONERS OF WAR

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. HANSEN of Idaho. Mr. Speaker, no issue, perhaps, is more frustrating and fraught with more human compassion than the plight of our American servicemen held prisoner in Southeast Asia. It has now been 7 years, 103 days, since the first American was taken prisoner by North Vietnam. He is still held captive.

The war in Indochina has probably divided our Nation to a greater degree than anything since the Civil War. Yet the problem of our prisoners of war and men missing in action is one on which we can all unite. Their barbaric treatment must stop. They must be released.

In 1969, our ambassador at the Paris peace talks said:

> Let me remind you once again that we have proposed since the very first session of these Paris meetings that your side and ours enter into negotiations for the release of all prisoners of war on both sides. I call on your side to live up to the international standards for the treatment of those who are missing or held prisoner in Vietnam. This humanitarian issue should be dealt with separately from the political and military questions we face in the Paris meetings. We propose that our two sides enter promptly into discussions on all questions affecting prisoners of war held on both sides, including the question of their early release. The United States delegation stands ready to enter into such negotiations without delay.

We are still ready. We are still waiting. The Nixon administration has made every effort to negotiate their release. Our President has proposed a mutual withdrawal of all foreign troops from

Vietnam and a return of all prisoners of war. Still, our brave and helpless men remain. After more than 7 years, over 1,600 of our men are considered missing in action, with at least 400 of these estimated as being held captive by the Communist forces.

The magnitude of this unnecessary inhumanity to these men and their families increases with each passing day and month. We in Congress must continue to marshal United States and world opinion to expose the Communists for this inhumanity, and to effect the release of our men. Their families ask for no sympathy, but simply help for their husbands, their fathers, their sons, their brothers.

LEAK OF CLASSIFIED MATERIALS FLOW FROM GORED POLITICAL OXEN

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. BOLLING. Mr. Speaker, John P. Roche, in his column in the AFL–CIO News of July 3, expresses an informed point of view concerning publication of the so-called Pentagon papers. The column follows:

LEAKS OF CLASSIFIED MATERIALS FLOW FROM GORED POLITICAL OXEN

(By John P. Roche)

By a strange coincidence, just about the time the New York Times was proofreading the Pentagon Papers the Senate Judiciary Committee approved the nomination of Otto Otepka as a member of the Subversive Activities Control Board. A number of right-wingers looked on this as a vindication of Otepka, who had been fired by those wicked liberals over at the State Dept. for bootlegging classified information to congressional committees.

However, recent events may lead the Senate Judiciary Committee, and Pres. Nixon, who nominated Otepka to the SACB, to rethink their stance. If Otepka deserves a slot on the SACB for the trivia he leaked, surely the person who conveyed the Pentagon Papers to the Times merits a spot on the Federal Communications Commission.

And, in fairness, the Times and other papers that have been oozing with virtuous editorials about freedom of information and the absurdity of the classification system should immediately support Otepka's nomination. If leaking classified materials is a blow for freedom, you really can't exclude the late Joe McCarthy's "loyal American underground" from the warrior band.

This thought is not advanced in any cynical spirit, but rather to make the point—that has been obscured in the rhetorical mist—that as usual in American politics one's views on leaking classified material tend to depend, in FDR's phrase, on "whose child has the measles." Let us therefore try to escape from an atmosphere dominated by editors reciting Milton, and government lawyers predicting the end of the bureaucratic world, and take a hard look at the real questions.

First, has the publication of these documents endangered "national security?" The answer: of course not. Anyone who has even a reasonably specialized knowledge of events in 1964 knows, and has known for years, that there were contingency plans being considered to deal with the worsening Vietnamese situation.

The documents have provided a lot of background. One can argue that their publication was imprudent, but that is an entirely different question.

Second, has the publication of these documents damaged the operation of the government? This is a tricky one, particularly since one of the worst tendencies in the State and Defense Departments was to overclassify just about everything.

I was convinced, for example, that certain men stamped their missives "Top Secret" just to attract attention, presumably figuring that nobody would bother to read a merely "Confidential" memo. Yet, at the same time, if one expects high government officials to lay their convictions, however unpopular they may be, on the line. there should be some guarantee that condfidentiality will be maintained. One of the unfortunate by-products of Joe McCarthy's "loyal American underground" was that dissenters in the State Dept. kept their views to themselves.

Part of the historical bias built into the Pentagon Papers arose from the fact that such old hands as Dean Rusk and Lyndon Johnson profoundly distrusted the security system. Rusk was known to sit down and type up his "eyes only" memos to the President, and the latter openly took the view that to send any sensitive material to the State Dept. was to guarantee its publication in the next morning's paper.

Nobody ever sent the minutes of the Tuesday lunches—where crucial decisions were hammered out—anywhere except to the White House files. As mentioned here before, when Pres. Johnson wanted opinions, he sidestepped the system. In November 1967, for example, he canvassed a number of advisers on a radical deescalation of the war, but no word of it leaked out.

Publication of the documents will undoubtedly encourage bureaucrats to be more noncommittal in their memoranda and will probably stimulate Pres. Nixon to follow the Johnson-Rusk format (Nixon's "National Security Council System," which has papers flowing up, down, and sideways, is a sitting duck for an ambitious leaker.) But we can survive on that basis.

In short, given the paranoia that has been generated, I think the full Pentagon history should be turned over to a special congressional committee. I stand pat on my thesis that there is nothing to hide.

TRANSPORTATION IN THE NATION'S CAPITAL

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. GUDE. Mr. Speaker, transportation progress for the Nation's Capital would be well served by the recognition and implementation of the principles recently set forth by the District of Columbia Republican Committee. This realistic statement represents a breadth of understanding of this region's real transportation problems and steps needed for the solutions. I commend this statement to my colleagues.

I include the statement:

STATEMENT OF DISTRICT OF COLUMBIA REPUBLICAN COMMITTEE ON NEED FOR A COMPLETE TRANSPORTATION SYSTEM

During April, May and June 1971, the fight to restore $34.2 million for Metro subway construction continued unabated. Congressman William H. Natcher continues to recommend that the District's overdue share of current Metro construction costs be refused, and for the third time this fiscal year, the House Appropriations Committee said "no" to Metro. There is no controversy in the Senate over the releasing of $34.2 million. There is too much at stake for the opposing view-points to be adamant in their positions. We urge everybody involved in the long, drawnout fight over subway versus freeways to bend a little so that we can get on with the job.

We agree with the statement of the Chairman of the Washington Metropolitan Area Transit Authority that continued refusal of Congress to provide the District funds threatens to erode solid suburban support for the Metro, and otherwise destroy the program's delicate and complex financial program. Other local governments of the Washington area have, without exception been meeting their contractural fiscal obligations to the transit system, but not so the District.

Although work on the subway will continue, the refusal of Congress to release the District's contribution toward this fiscal year's construction will not only postpone operation of trains on the first six miles of the proposed 97 mile line beyond the planned start in late 1973, but will jeopardize the public sale of the multi-million revenue bonds, which in turn will threaten the subway program's entire financial structure. It is difficult for local governments to sell bonds for anything, including Metro construction. The Federal government's on-again, off-again payments could very well make the bonds impossible to sell. Bond buyers, after all, have a right to expect that the Metro in which they are investing will actually be built.

The Chairman of the House Appropriations Subcommittee has said that subway money would be withheld until the District completely obeys the 1968 and 1970 Highway laws. In this he has succeeded only too well. He claims the Freeway program isn't proceeding properly, and that city and Federal officials have failed to comply in good faith with Congress's freeway building demands, and until the Freeway program does, there will be no money for the subway. It is clear he means just that.

We do not pass upon the merits of Congressman Natcher's claim, nor do we question his power to withhold subway funds, but we do question the wisdom of making construction of the subway dependent upon the building of more freeways when such a course may result in wrecking the Metro system.

In the event the Metro system is wrecked, the blame should not fall on Congressman Natcher alone. We feel that the blame should fall equally upon Congress which insists upon giving continued priority to freeways, and upon those in the District Government who continue to oppose freeways. Both sides are shortsighted. The truth is—we need not only a subway system now, but we also need more freeways now. Our goal should be to expedite progress on both.

Realistic studies of the transportation problem in the Nation's capital began in 1954, and have continued to date. These costly studies demonstrated a need for a balanced transportation system, with one part subway, one part bus, one part freeway, and one part parking. If the feud between Congressman Natcher and District and Federal officials is not brought to an immediate stop so both subways and freeways can be built, it will be necessary to embark on a new program of long and costly surveys and studies, as the prior findings will be out of date.

We certainly need a transportation network which will convert the Metropolitan area into one large economic community instead of the dozen small communities which now exist. We must also solve the transportation problem or else be faced with inner-city blight and decay, with resultant unemployment, crime and increased welfare rolls.

We support a subway system which will perform its task of rushing suburban commuters to the inner city and inner city resident to jobs in the suburbs during morning and evening rush hours. We believe the Metro system now under construction will be a major factor in revitalizing the inner city. We also believe that a subway cannot do the entire job by itself. To revitalize the city and to increase the city's tax base, thereby creating new jobs and making possible needed improvements in school, recreation, health and welfare programs, we need a good freeway system, an adequate bus system, and an established, adequate parking program. Accordingly—

We also support the Congressional planned freeway system. We believe that the only way to lessen congestion on our streets is to channel motor traffic onto limited-access freeways. Freeways are needed to handle non-rush hour traffic and random passenger vehicles, as well as service vehicles which pick up and deliver goods. Both transportation consultants and Metro planners are agreed that even with a completed subway, nearly 40 percent of the public traveling to downtown at rush hours will be using automobiles, and that more than 80 percent of all trips in the Washington area during a twenty-four hour period will be made in automobiles. Consequently, an effective freeway system is essential to insure accessibility to and from downtown, and to provide traffic relief to the inner city. A subway system alone is not enough.

We also support an adequate bus system. A bus system is needed to provide transportation to those areas not served by subway, to provide crosstown transportation and to provide feeder service for the subway system. It will be necessary to merge the bus system with the subway system, to reshape the present bus system, as the subway system is phased in. This can be done effectively and efficiently only if the subway system and the bus system are under single ownership. We recommend that the Transit Authority be given the power to acquire ownership of D. C. Transit at a fair price. We believe the purchase should be made now, while the Transit System and its equipment are in good shape, and not later when it has become run down and too costly to salvage.

Public ownership of the bus lines in the District and in Maryland and Virginia, however distasteful, is now a fact of life. Taking over the bus system is not a political move and an economic plus. It is a transportation necessity to effectively move people. This fact has been recognized by the states of Maryland and Virginia, which have given the transportation authority the power to purchase the bus lines. There is no reason why we alone should drag our feet in doing the same.

We also support a strong program for public and private parking. The absence of an Authority or other control mechanism over parking has contributed heavily to traffic-snarled streets. An overall plan for parking is as important as freeways and rapid transit.

Finally, in our opinion the economy of the center city depends upon the movement of people and goods. To the extent that people and goods can move efficiently throughout the region and within the center city, orderly physical development can take place in an atmosphere of sound economic expansion. Mass transportation of people and goods in the National Capital region cannot be achieved without a balance among rapid rail transit, freeways, bus service and a planned parking program. A unified system of subway, busses, freeways and parking would not only reverse the present trend of merchants and businesses moving to the suburbs, but will help attract business to downtown Washington, thereby broadening our narrow tax base.

It is apparent that the time has come to stop talking, to stop making costly studies and for both Congress and the District to stop giving lip service to the need for a "balanced transportation system."

Let us procure that balanced transportation system by moving ahead with both the subway and freeway programs. The time has come to act.

THE BOOK MAN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. MAZZOLI. Mr. Speaker, I insert in the RECORD an inspiring story by John Fetterman in a recent issue of the Louisville Courier-Journal and Times magazine about Everett Allen—"The Book Man."

Mr. Allen, who just turned 65, has made a life's work of bringing books to the people of the remote reaches of Kentucky's mountainous Perry, Knott, and Powell counties. In his special way, over the years since he first took the job in 1933, Mr. Allen has brought joy and learning to thousands of Kentuckians. During this time, Miss Lula Hale, director of Homeplace and its 12,000 book library since 1930, has supervised more than 2.5 million book loans through Everett Allen's bookmobile.

Mr. Speaker, John Fetterman has done a superb job of putting into words the kind of dedication that brings people to devote their lives to one of the greatest treasures we have—books. I hope that young people, such as Lexington's Vicki Jones, who runs an innercity bookmobile, continue to dedicate their efforts to this meaningful and rewarding pursuit.

Mr. Speaker, I insert at this point in the RECORD John Fetterman's article, "The Book Man." I regret that it is not possible also to reproduce his captivating photographs which mirror the joy in the faces of children discovering the magic and beauty of books.

[From the Louisville Courier-Journal and Time magazine, June 27, 1971]

"THE BOOK MAN"

(By John Fetterman)

In an era of affluence and cultural progress, it appears incongruous that many Kentuckians are grateful if someone will lend a book to read. To satisfy that craving, many people—private and public—have labored over the years, often with little recognition.

Everett M. Allen, who recently turned 65, is one of the pioneers. Vicki Jones, who is only 23, is one of the new recruits. Allen retires from work this month after nearly four decades of hauling books to mountain people, sometimes over almost impassable roads. Miss Jones presides over a big, modern bookmobile which moves over smooth Lexington streets, and it serves hundreds of grateful people in the inner city.

Across the more remote parts of Perry, Knott and Powell Counties, schoolchildren, drop-outs and older people have learned to greet Allen as "the book man." Ever since 1933, when he was graduated from Berea College with a degree in chemistry, Allen has been a "book man." He took the job for $1 a day and has been at it ever since, except for a three-year hitch in the Air Force.

Why? "Well, I never thought seriously of doing anything else," he said. His 1960-model ¾-ton panel truck was bumping along the banks of Grapevine Creek in Perry County, en route to a remote one-room school. The truck was modified so that its sides opened up to reveal bookshelves. Down the center of the truck was a long bookcase which could be extended out the back door. The truck's odometer had just turned over the 90,000-mile mark. Like Allen, it was a veteran of the trade.

"I like people," Allen was saying. "But sometimes I just like to be alone. It's really hard to tell you why I've stuck to this. It gives you an inner feeling of satisfaction."

The reason for the "inner satisfaction" became apparent when Allen parked the red and white truck beside one-room Dunraven School and began to open the doors along the sides of the "bookmobile."

From inside came tiny voices shouting, "It's the book man!" And Allen was soon deluged by the 19 pupils who make up the school's eight grades. He addressed most of the children by their first names. The teacher there is Mrs. Mahala Ruth Napier and she was only slightly less excited than her pupils.

"It's the only visitor we've had in five months," she said, waving a hand toward the dusty truck.

All day, as he has done for four days of each week since 1933, Allen coaxed the truck along dirt roads, creek banks and up steep grades. Schools were not the only stops. He has learned that the people wait for books at their homes, at the cross-roads and at the tiny post offices.

On each Friday, Allen has spent the day repairing, cleaning and replacing the books, and getting his records up to date.

The bookmobile is a project of Homeplace, a mountain community project financed by the E. O. Robinson Mountain Fund. Miss Lula Hale, director of Homeplace since it was founded in 1930, says that more than 2.5 million "loans" have been made by the bookmobile. The project started in a modified station wagon and has worn out several vehicles over the decades.

"They say we've got the smallest library, the raggedest library and the best-loved library in the world," Miss Hale said. "An awful lot of people are reading because of us. We estimate that every book gets at least four readings before we get it back."

The some 700 books which the truck can carry are selected from the Homeplace library of around 12,000 volumes. Homeplace also has a second "bookmobile" making the rounds of other remote hollows and the concern around there was to find an adequate replacement for Allen. Allen himself mused over this as he ate his lunch while perched on a rock beside a mountain stream. He said he hoped a new book man would be found soon. "The folks will be missing their books."

Allen and Vicki Jones do not know each other, although both have felt the call of similar aspirations. Miss Jones presides in a comparatively plush, 28-foot, air-conditioned bookmobile in the "inner city" of Lexington. "So the children call it the "in-mobile," she said. She is a native of Orlando, Fla., a graduate of Clark College in Atlanta and has a master's degree in library science from the University of Kentucky.

The "in-mobile" is administered by the Lexington Public Library and is an extension of the outstanding bookmobile project of the Kentucky Department of Libraries, through which it is federally financed. The State program now boasts some 100 bookmobiles capable of handling up to 700 volumes each. In addition, there are five larger vehicles, such as the "inmobile," operating in the larger cities. In a year, the bookmobiles circulate more than 5 million books, as well as comic books, magazines and records. The "in-mobile" can accommodate more than 3,000 titles on its neat shelves.

On a typical day, Miss Jones will check out between 80 and 100 volumes, and her customers are largely small fry, although she says she is having some success with her attempts to involve more adults.

The driver of the "in-mobile" is the Rev. James H. Carter, a Baptist minister. Once the vehicle is parked, he assumes the task of checking in books at the front door, while Miss Jones checks others out at the back door. Behind her, a portable radio is tuned to a rock station and the often-crowded interior of the bookmobile has a happy, almost-carnival air. Small hands tug the books from the shelves and few of the youngsters want help in selecting books. "They know what they like," Miss Jones said. But occasionally, with considerable diplomacy, she will persuade a young reader to make another selection, something nearer his reading and comprehension level.

The idea of taking books to Kentuckians in all walks of life is not new. In the state's earliest history, teachers and traveling ministers carried books and Bibles in their saddle bags. As early as 1916, the Berea College Library was sending books into remote homes and schools in its area via wagon. The big push for Kentucky's fleet of bookmobiles came in the early 1950s after considerable groundwork by individuals and corporations working through organizations called Friends of Kentucky Libraries and the Kentucky Bookmobile Project. In 1954, it was all put together with the purchase of more than 20 bookmobiles, an event of such importance that the new vehicles were paraded in Louisville during the state fair of that year.

Allen's long career, and Miss Jones' budding career, differ in some respects. To Allen, the years have meant taking worn and oft-repaired volumes up hundreds of hollows. His patrons eagerly took the novels, Bible stories and books on Appalachia. Miss Jones dispenses freely from a comprehensive section on black history, "how to" books on subjects ranging from home repair to hair styling, and reference works used to enhance the preparation of school homework.

There is no way to measure the long-term results of either project. But when one watches the gratitude and eagerness in the eyes of a mountaineer when he is handed a book, or the excitement in the face of an inner-city child when he literally sprints home to start reading his new book, the odds seem to indicate that the results will be favorable.

Or one could consider the other side of the coin: What would the results be if there were no books?

ADVANCES IN THE WAR ON HEROIN

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. PEPPER. Mr. Speaker, one of the very beneficial aspects of the increased public awareness of the menace of drug abuse has been the increase in educational and informative articles and editorials appearing in the press. Because of the valuable role the media plays in keeping the public aware and informed, these articles can only serve to increase drug abuse. And the greater the knowledge about drug abuse, the less likely the knowledge of the citizenry concerning that abuse will occur.

I was particularly pleased to read an article in the National Journal of July 3, 1971, by Mr. Dom Bonafede analyzing President Nixon's proposed drug by Mr. George Beveridge in the Sunday Star of July 4, 1971, addressing itself to Turkey's ban on opium cultivation.

You know that my Select Committee on Crime has been vitally concerned with both these issues, and I would like to share with my colleagues these two fine pieces of journalism.

I include these two articles:

[From the Washington Star, July 3, 1971]

Breakthrough on Heroin

Turkey's agreement to eliminate within a year her total production of opium poppies was hailed the other day by President Nixon as "the most significant breakthrough" yet achieved in a world-wide crusade to attack the problem of heroin at its source. He was quite right. The decision's importance, on several scores, can hardly be exaggerated.

The most pertinent fact is that more than half the heroin that filters into this country through illicit channels, and possibly as much as 80 percent, now originates as black-market opium in Turkey. The crackdown negotiated with Turkish Prime Minister Nihat Erim thus will turn off the primary faucet of current supply. And although the United States in return will cough up dollars and technical aid to help Turkey's farmers shift to other crops, Erim's move was nevertheless an extraordinary gesture of friendship. For while on the one hand opium production for legitimate pharmaceutical use has long been a legal activity in Turkey, that country ironically is not afflicted with a serious problem of opium-derivative addiction. Erim, in other words, was hardly responding to the same socio-political pressures which apply here.

As a good many experts are now noting, the Erim agreement is only a beginning. Turkey, despite its high volume of illicit exports, happens to be merely one of 12 opium-producing countries. Considering the lucrative illegal market for heroin in the United States, the international traffickers in narcotics are certain to tap these other sources. And indeed, the year-long period before Turkey's moratorium takes effect will give them time to re-group.

But those legitimate concerns do not in any manner diminish the very real consequences of the accord with Turkey. In its own right, a cessation of Turkish production not only will cut a primary source of opium but will disrupt an entire network of international criminal supply. For the first time, furthermore, the United States now has a precedent with which to try to induce the other 11 opium-producing nations of the world to follow Turkey's lead.

That psychological advantage must be exploited to the maximum now in negotiations with Mideast and Asian nations, where the principal threats of stepped-up illicit activity exist. Within our own shores, meanwhile, Congress should sharply accelerate research to find acceptable non-addictive synthetic substitutes for such opiates as morphine and codeine. With no legitimate market for these drugs, as Chairman Pepper of the Select Committee on Crime told the House the other day, the goal of a worldwide ban on the cultivation of opium will be much easier to attain.

[From the National Journal, July 3, 1971]

White House Report/Nixon's Offensive on Drugs Treads on Array of Special Interests

(By Dom Bonafede)

The effectiveness of President Nixon's proposed drug offensive hinges on complex factors—bureaucratic jealousies, international relations, domestic political concerns, juridical and scientific concepts.

Recognizing the array of special interests involved, Mr. Nixon said in a June 17 message to Congress that the problem of drugs is "universal" and "must be faced on many fronts at the same time." He said that if the program were to be successful, it needed bipartisan support in Congress and the cooperation of foreign governments whose countries are the source of supply of illicit drugs or serve as way stations in global drug traffic.

In extraordinarily blunt language, the President demanded that federal agencies with jurisdiction over drugs "quit fighting each other and start fighting the drug problem."

Defining the problem: By his action, the President made the drug problem a top-priority issue. "America's public enemy number one is drug abuse," he said. "If we cannot destroy the drug menace in America, then it will surely in time destroy us. I am not prepared to accept this alternative."

Nevertheless, the Nixon plan—perhaps unavoidably—relies in part on mobilizing uncertain domestic political and international elements which conceivably could undermine it, if they were uncooperative.

Following long diplomatic negotiations, the Administration scored a breakthrough June 30 when Turkey, the largest source of illegal heroin in the U.S. market, announced a ban on the production of opium, effective in the fall of 1972.

But opium producers and merchants in Turkey are expected to try to circumvent the prohibition through clandestine operations—as they have done in the past when curbs on opium were more limited. Some U.S. officials also expect opium producers elsewhere, particularly in South Asia, to try to replace Turkey as the principal source for the U.S. market.

The scientific portion of the Administration's plan is mainly experimental, adding another unknown quantity to the President's initiatives.

All these factors could block achievement of the plan's ultimate objectives.

Dr. Jerome H. Jaffe, newly appointed special consultant to the President for narcotics and dangerous drugs, acknowledged: "The problem is so massive I'm not sure we fully appreciate the dimension of it."

The Nixon plan: Essentially, Mr. Nixon's plan calls for creation of a new authority, named the Special Action Office of Drug Abuse Prevention and located within the Executive Office of the President.

Jaffe, the agency director, would be accountable directly to the President and would supervise and be responsible for all federal drug-abuse programs involving prevention, education, treatment, rehabilitation, training and research. He would have almost unprecedented authority in selecting priorities, allocating budgets and evaluating programs, with the power to revise and implement them.

Jaffe would have jurisdiction over the whole gamut of federal drug-abuse programs, with the exception of law enforcement.

The Administration's program also would establish a mandatory seven-day detoxification process for American servicemen diagnosed as drug addicts prior to their return to the United States, and three weeks of expanded treatment in this country on a voluntary basis.

International aspects of the program stress bilateral and multilateral efforts to reduce opium production abroad and to control the shipment of contraband drugs into the United States.

Mr. Nixon asked Congress for $155 million in new funds to underwrite his plan, bringing the total budget for drug abuse this year to an estimated $370 million.

FORMULATING THE PLAN

Not unexpectedly, Mr. Nixon's declaration of war on drugs raised questions among Members of Congress, several of whom had introduced drug legislation, as to its timing—particularly since the severity of the problem has been common knowledge for several years.

The House Select Crime Committee, headed by Rep. Claude Pepper, D-Fla., and the Senate Labor and Public Welfare Subcommittee on Alcoholism and Narcotics, chaired by Sen. Harold E. Hughes, D-Iowa., have sounded repeated warnings of a U.S. drug epidemic.

Mr. Nixon made one move against drugs shortly after taking office. He introduced legislation in July 1969 for a comprehensive reform of federal drug enforcement laws, which Congress finally adopted in October 1970 (84 Stat 1236).

In his recent drug message, Mr. Nixon chided Congress for dragging its feet. "In the fifteen months between the submission of that legislation and its passage," he said, "much valuable time was lost."

Study groups: The White House set up two groups in 1970 to study the drug problem: an intergovernmental group headed by Egil Krogh Jr., deputy assistant to the President for domestic affairs, and Jeffrey Donfeld, a staff assistant; and an outside advisory group directed by Jaffe, who is an associate professor of psychiatry at the University of Chicago and director of the drug-abuse program of the Illinois department of mental health.

A third group, the President's Advisory Council on Executive Organization, headed by Roy L. Ash, president of Litton Industries, made a separate study.

Conflicting reports—all came up with different answers.

The Ash Council recommended on June 25 that a federal drug coordinating office be established within the HEW Department.

The government review unit favored drug treatment facilities at the local level under the National Institute of Mental Health.

The Jaffe group recommended a separate agency.

The Office of Management and Budget reviewed the recommendations early in 1971. And there were consultations among John D. Ehrlichman, assistant to the President for domestic affairs; OMB Director George P. Shultz; HEW Secretary Elliot I. Richardson, and Attorney General John N. Mitchell.

Resolution—The Administration bought the Jaffe approach.

"We felt we couldn't get control of policy unless we put it all together—everything but law enforcement," said Krogh. "There was strong feeling it should span everything, be accountable to the President and be in the President's office."

In Mid-May, Mr. Nixon directed implementation of the single-agency concept.

Two task forces were set up in OMB to draft the legislation and to design the organizational machinery: One, under OMB Assistant Director Richard P. Nathan, dealt with domestic matters; the other, headed by James R. Schlesinger, another assistant director of OMB, confronted the problems of foreign affairs.

Each task force was backed by a working group. Overseeing the project was a steering panel supervised by Arnold R. Weber, OMB associate director, and including Krogh, Nathan and Schlesinger.

During planning discussions for dealing with drug addiction among U.S. servicemen abroad, it was suggested that the law be changed to keep the addicts in the service for treatment beyond their normal terms. This suggestion, which some participants in the discussions equated with mandatory civil commitment, was abandoned.

On June 5, a Saturday, the policy groups had a final meeting to tie up the plan's loose ends. About five days later, it was endorsed at a White House conference of Mr. Nixon and his chief domestic advisers, Ehrlichman and Shultz.

On June 17, the President submitted the plan to Congress.

Time factor: Nathan defended the timing of Mr. Nixon's proposal: "The President felt we had worked on it a long time and were ready for the next step."

He said the $155 million in additional funds represented "the amount that can be effectively used, based on the problem and the kinds of resources needed."

Making an analogy with the U.S. space program, Jaffe said in an interview with *National Journal*, "All the resources in the world couldn't have gotten man to the moon one month earlier."

Nonetheless, Democratic National Chairman Lawrence F. O'Brien has characterized the Administration's program as "too little, too late."

He said that the White House was responding to public pressure with a "late-inning flurry of activity."

Rising concern—The President's message to Congress followed a series of events spotlighting the drug issue.

Drug abuse ranked third among national problems—after the Vietnam war and the economy—in a Gallup poll released in mid-June. The percentage of persons polled who listed drugs as the leading national problem had doubled since March, according to the poll, from six to 12 per cent.

Public reaction to reports of widespread drug addiction among U.S. servicemen in Southeast Asia led to speculation that the drug problem would force the government to speed its pullout of troops from the area.

Sen. Jacob K. Javits, R-N.Y., said that the American people "could get so fed up that the troops will be out of there faster than McGovern, Hatfield or anybody else ever dreamed of, regardless of the consequences." (Sens. George S. McGovern, D-S.D., and Mark Hatfield, R-Ore., are strong proponents of rigid withdrawal deadlines for American forces in Vietnam.)

"It is entirely possible that this is the kind of issue that can change the whole situation," Javits said.

Members of Congress were taking the initiative on the drug front and stealing the issue from the White House. At the time Mr. Nixon unveiled his program, 79 drug bills were pending in Congress.

A highly publicized report on the use of heroin worldwide, particularly among members of the U.S. armed forces in Southeast Asia, was released May 27 following a special study mission by Reps. Morgan F. Murphy, D-Ill., and Robert H. Steele, R-Conn.

The two House Members estimated that 10 to 15 per cent of all U.S. troops in South Vietnam are addicted to heroin, and that 200 GIs will die of addiction during 1971. (*For background on the Murphy-Steele report, see No. 25, p. 1321.*)

Three weeks later, the Defense Department confirmed that 10 per cent of U.S. servicemen in Vietnam are heroin users.

Visits to Vietnam—Krogh said, however, that the Administration's war on drugs resulted from an "incremental increase" of concern by the White House and "not as a response to Steele and Murphy."

He recalled that during a two-week trip to Vietnam in the summer of 1970 he learned to his "surprise and shock" of the prevalent use of heroin among American soldiers.

"The guys were then getting it under the misconception that it was cocaine," Krogh related. "Sellers were going around yelling, 'coke, coke, coke.' "

Ehrlichman saw the problem at first hand during a trip to Vietnam the following September.

During his stay in Vietnam, Ehrlichman met with President Thieu, alerted him to Washington's concern over the drug problem there and requested his cooperation in dealing with it.

FOREIGN ASPECT

Heroin is made from morphine, a derivative of the opium poppy, which is not native to the United States and has never been cultivated here. Heroin has no legal or medical use in this country.

Yet, according to the National Institute of Mental Health, there are about 250,000 heroin addicts in the United States.

Pointing out that the United States is the world's largest illicit market for the drug, President Nixon has made the drug problem a major consideration in the nation's foreign policy.

In his June 17 message, Mr. Nixon said:

"Heroin addiction is the most difficult to control and the most socially destructive form of addiction in America today. Heroin is a fact of life and a cause of death among an increasing number of citizens in America, and it is heroin addiction that must command priority in the struggle against drugs.

"To wage an effective war against heroin addiction, we must have international cooperation."

Early steps: The Nixon Administration had already taken several steps in the area of foreign affairs:

Early in his Administration, Mr. Nixon created the State Department position of special assistant to the secretary for narcotic matters. Appointed to the position was a career officer, Harvey R. Wellman.

In August 1969, the United States signed a $3-million drug-control agreement with Turkey, which supplies about 80 per cent of the heroin that reaches this country.

Later that year, the United States and Mexico waged a bilateral attack, called "operation cooperation," which was designed to interdict the flow of marijuana and other drugs from Mexico.

In February 1971, the United States signed the Convention of Psychotropic Substances, which restricts production, distribution and international commerce in hallucinogenic drugs such as LSD. The same month, the United States signed an agreement with France regarding the suppression of narcotics on a cooperative, bilateral basis.

Also, during the Nixon Administration, the budgets and personnel of the Customs Bureau and the Bureau of Narcotics and Dangerous Drugs—the chief U.S. law enforcement agencies concerned with illegal drug trafficking—have more than doubled.

Despite the international agreements and the beefing up of antidrug agencies, only an estimated 10 to 15 per cent of illegal drugs are intercepted on their way into the country.

Enforcement problems: In a statement to the United Nations Commission on Narcotics in September 1970, at Geneva, ENDD Director John E. Ingersoll said:

"The list of addicts is growing by several thousand each year, and, in 1969, the number of new addicts doubled from the preceding year. Every time one addict is cured, more take his place because of the ever-increasing amounts of heroin available . . . In New York City alone, persons are dying of drug-related causes at the rate of three per day."

Ingersoll concluded that "only a total ban on opium production would eliminate the scourge of opiate addiction."

Testifying before Pepper's crime committee on June 2, 1971, Ingersoll referred to his statement before the U.N. commission: "I wish I could say that other members of the commission agreed on this position. Unfortunately, that is not the case. . . .

"The problem is complicated by deep-rooted politico-socio-economic factors which influence both the ability and the incentive to suppress production, and a geography which would preclude enforcement of such an edict in some of the most prolific growing areas."

Ingersoll said that in the remote northeastern part of Burma, which produces more illegal opium than any other area in the world (about 400 tons a year), the government is unable to control insurgent tribes who use opium as a cash crop to finance their causes.

A similar situation exists in northern Thailand and in some regions of Laos. Other countries, such as India, Yugoslavia, Japan and the Soviet Union, are opposed to international abolition on grounds that they are able to control production and restrict diversion to illegal channels.

Turkey: As the prime supplier of heroin to the United States, Turkey has been a special problem.

Recent Turkish governments have made modest attempts at curbing illegal opium production by encouraging crop substitutions, by tightening the surveillance of poppy fields and by restricting the number of provinces allowed to cultivate opium poppies.

The Turkish government's June 30 decree would ban all opium production there after 1972. The decree also limits plantings this fall to four provinces in western Turkey. Twenty-one provinces were producing opium crops legally as late as 1967.

Under current restrictions, about half of Turkey's opium production (an estimated 100 metric tons) has been diverted into the illegal market, which pays two to three times the legal rate—or approximately $25 a kilogram—for crude opium.

Attitudes—Harvey Wellman, of the State Department, said in a speech before the American-Turkish Society at New York last Dec. 14:

"The United States and Turkey are poles apart in addressing the problem of drug abuse. . . . Turkey has no opium or heroin addiction problem. . . . In Turkey, cultivation of the opium poppy has been traditional from time immemorial. . . .

"It is hard for the Turkish government and people to appreciate the death and suffering which come from use of and addiction to heroin. It is hard for the American government and people to appreciate the difficulties of bringing Turkish opium production under effective control and preventing its diversion to illicit traffickers for processing into heroin and smuggling into the United States."

Compounding the problem is the fact that an estimated 85,000 Turkish farmers are engaged in poppy growing.

Wellman told *National Journal*, "The problem in Turkey is not money: it is effective collection of all opium produced. The Turkish government could market all the opium the country produces and put it into legal channels. But the illicit trafficker pays more than the legal market."

Last year, he said, governmental control of the "leakage" of opium into the illicit market was "disappointing."

Lawmakers' report—Murphy and Steele, in their May 27 report, offered a critical assessment of Turkey's efforts to control opium production:

"While there are indications that the prime minister intends to take action to control the growing of poppies, the study mission is of the opinion that there is no sense of immediacy on the part of the Turkish government. . . ."

In reference to the $3-million drug loan to Turkey, Murphy and Steele reported: "All of the commodities programmed under this loan have not been received in Turkey. Bureaucracy and red tape have held up the clearing of the commodities through Turkish customs, with the result that much of the equipment sits around on the dock for substantial periods of time."

White House efforts—Turkey's recent restrictions on heroin production have come at the behest of the United States.

In return for Turkey's agreement to ban production after 1972, the United States agreed to compensate poppy farmers for their losses, which will amount to $3 million to $5 million.

In addition, President Nixon indicated that Turkey will get more economic aid from this country. "I pledge to continue cooperation with Turkey in its efforts to increase the well-being of its people and to maintain its independence and security," Mr. Nixon said.

South Asia: A State Department officer said that opium originating in Burma, Thailand and Laos, and converted in Bangkok and Singapore, now accounts for 10 per cent of the heroin smuggled into the United States (double the percentage of two years ago), and almost all of the heroin used by U.S. servicemen in Vietnam.

Vietnam—Murphy and Steele said in their report that most of the heroin produced in Southeast Asia is for Americans. They said that uncontrolled production, corruption among officials and lax customs procedures play a major role in the area's illicit drug business.

"Strong action must be taken to stop heroin traffic in South Vietnam," their report said. "We are not optimistic that the government is either willing or able to take such action. One of the major reasons for pessimism is the internal political situation in South Vietnam, where differences between President Thieu and Vice President Ky inhibit effective action being taken."

Burma—Burma has tried to steer a narrow ideological line between the United States and the Soviet Union and cannot easily be pressured by Washington. As a result, this country has approached the problem of Burma as a heroin source through the U.N.'s multilateral techniques.

The State Department officer pointed out a fundamental difference between the drug problems with Turkey and Burma: "The problem in Turkey is leakage from legal production; the problem in Burma is illegal production."

He said that the illegal drug market in Burma is in large measure controlled by remnants of the Kuomintang, the former regular army of China before the Communist takeover.

Special mission: Mr. Nixon sent two of his top aides, Counselors Robert H. Finch and Donald Rumsfeld, on a special mission to 11 countries in April to "emphasize the President's personal concern about the drug problem." They were instructed to tell the leaders of the 11 nations that drug abuse was not solely a U.S. problem but affected all the world. (Finch and Rumsfeld visited England, Ireland, Morocco, Spain, Italy, Romania, Yugoslavia, Austria, West Germany, Switzerland and France.)

The two also were instructed to try to persuade the nations to support proposed amendments to the U.N. Single Convention on Narcotic Drugs. The convention is largely a vehicle by which the members attempt through international agreement to control the production and distribution of narcotic drugs. Its force rests mainly on voluntary compliance.

The United States supports two amendments to the convention: One would authorize the International Narcotics Board to make direct inquiries concerning opium production, rather than rely on voluntary reports; the second would authorize the board to embargo exportation and importation of drugs. (It can only recommend embargoes now.)

Commenting on the mission, Rumsfeld said, "We were instructed to say that the President has elevated the problem of drugs into the foreign policy area. That says a lot. It's a major change in U.S. attitude."

The reaction, Rumsfeld said, was "full recognition" of the President's interest and concern.

"There were differences in their conception of our problem. But regardless of how they view the problem, the very fact that the President elevated it as a foreign policy matter makes it important all by itself."

Internal dispute: There has been dispute within the Administration over just how far the government should go and how hard it should push other countries.

The positions ranged from a hard stand at the Treasury Department to a go-slow approach at the State Department.

A high-ranking Treasury official said the department's position was "pretty hard-nosed." He said that Treasury's approach "would include the threat to cut off economic aid and PL 480 funds" to those countries which decline to cooperate.

A State Department officer said: "We can't shift the blame to foreign suppliers; we have to look at the problem in its entirety—supply, demand, enforcement and so on. . . . You can talk about pressure, but it all depends on whether the country is directly affected (through drug abuse). There aren't many client countries who rely so much on us that our wishes constitute a demand on them.

"As for Turkey, I don't know whether we depend more on Turkey or Turkey on us. Remember, they have about 500,000 men under arms, about half of the land forces in NATO.

"It's a proud, sovereign country. You have to put it on a basis of cooperation, not coercion. You have to point out that it is in their interest as well as ours. You can't push even a good friend too hard or too far.

"There's another aspect of the question of aid: We give it because we think it is in *our* interest."

Paul L. Perito, chief counsel for Pepper's crime committee, says that compromise will fail.

"Unless we work toward the total eradication of opium production, we're not going to get anywhere," he said.

"The question is how great is our commitment. Pressure at the highest level is crucial."

In a compromise of sorts, the Administration has chosen to employ subtle pressure on those nations which figure in the production and shipment of narcotics.

Diplomats' meeting: In a move to demonstrate publicly that he intended to initiate "a worldwide escalation in our existing programs for the control of narcotics traffic," Mr. Nixon on June 14 summoned the Ambassadors to Turkey, France, Mexico, Luxembourg, Thailand, the Republic of Vietnam and the United Nations to a White House conference.

Mr. Nixon told the Ambassadors that the interdiction of narcotics is a matter of U.S. foreign policy. They were instructed to make clear to their host governments that what they do to suppress narcotics might well have a bearing on U.S. economic aid and military support.

"We want good relations with other countries, but we cannot buy good relations at the expense of temporizing on this problem," the President said in his message to Congress.

A Presidential assistant conceded that the Administration's maneuver constituted a sophisticated form of heat.

"The way it is publicly prescribed is crucial," he said. "What we wanted to avoid was having the threat put on the books in the form of legislation calling for punitive action. That would have been counterproductive.

"What we're really asking for is a cultural metamorphosis. Turks have been growing opium poppies for generations—like grapes in Bordeaux. As it was, the State Department was pulled along more than it liked."

BUREAUCRATIC INFIGHTING

Following a bipartisan leadership meeting on June 17 to discuss his drug program and the creation of the special action office, President Nixon said:

"I very much hesitate to bring some new responsibility into the White House. . . . But I consider this problem so urgent, I also found that it was scattered so much throughout the government, with so much conflict, without coordination, that it had to be brought into the White House."

Jurisdiction: Although Mr. Nixon did not mention them by name, the Treasury Department's Customs Bureau and the Justice Department's BNDD have been locked in a jurisdictional dispute over drug law enforcement for more than a year, despite White House intervention to settle the issue.

The two agencies are considered the first line of defense in the war against drug abuse.

Because of the bureaucratic feud, the two agencies often failed to coordinate enforcement activities and to exchange information. Frequently, each pursued its own investigations without informing the other, duplicating efforts in some instances.

The dispute reached serious proportions late in 1969 when the two agencies competed bitterly for primacy in overseas enforcement of drug laws.

In February 1970, President Nixon himself moved to settle the conflict by issuing jurisdictional guidelines. In a Presidential memorandum, he said that BNDD should be the accredited agency representing the nation "in dealing with foreign law enforcement officials on narcotics questions. Customs should not represent the United States in this area, except when authorized by BNDD."

The guidelines further directed BNDD to control "all investigations involving violations of the laws of the United States relating to narcotics, marijuana and dangerous drugs, both within the United States and beyond its borders. . . ." Customs was to remain mostly a port surveillance agency.

The guidelines said that future disagreements between the two agencies "shall be resolved in writing by the Attorney General."

Customs considered this a final affront, since BNDD is part of the Attorney General's department. (*For background on the dispute, see Vol. 2, No. 29, p. 1532.*)

Feud lingers: Almost a year and a half later, the differences remain unresolved.

This became clear during the fiscal 1972 budget hearings.

Customs—During testimony before a House appropriations subcommittee, Chairman Tom Steed, D-Okla., asked Treasury Secretary John B. Connally about the relationship between Customs and BNDD.

Connally replied that he had heard "considerable rumblings" that all was not going well; that the "restrictions placed upon the Customs people are far too restrictive, and that the cooperation anticipated is not quite being realized." The situation, he said, "impinges on much more than the overseas operations; it impinges on operations within the United States as well."

Customs Commissioner Myles J. Ambrose told Steed he did not think either agency "is happy with all facets" of the bureaucratic detente.

As an example, he said that the Customs agent in Hong Kong, an important transmission point for drug smugglers, may be unable to remain, because BNDD wants to increase its staff there.

Ambrose said that if his agent were recalled it would "cause very severe handicaps in our efforts to gain intelligence in this area. It would be seriously detrimental to the overall U.S. efforts to fight the narcotics problem."

Traditionally, Customs is a favored agency with Members of Congress, partly because it raises revenues. Last year, it collected $3.3 billion.

This preferred position was clearly apparent in Steed's remarks to Ambrose:

"We feel, to put it bluntly, that you need elbow room to do your job. We are going to take a very dim view of any kind of administrative action that unduly handicaps your ability to do just that.

"I think you ought to know that this is a very strong feeling of this subcommittee and that we think the public interest is of such overriding importance, especially in the field of drugs and narcotics, that to handicap your ability to cope with it for any reason whatsoever is just not in the public interest.

"It may not serve the empire-building ego of some other bureaucratic activities, but that has not anything to do with what we think our responsibilities are and our relationship to the Bureau of Customs, because you are not only the guardians of our ramparts, you are the whole ball game insofar as the actual interdiction of unwanted contraband coming into the country, which is another way of saying that you not only come first, you are the whole ball game, and we intend for it to stay that way and to support you in seeing that you can do that."

Narcotics bureau—BNDD's Ingersoll, by contrast, took a thorough raking over from Rep. John J. Rooney, D-N.Y., chairman of another appropriations subcommittee.

The record includes the following exchange:

INGERSOLL. Although the number of arrests declined in 1970——

ROONEY. From what did they decline?

INGERSOLL. In 1970, the domestic arrests declined from 3,978 to 2,560. We project an increase to 3,250 by the end of 1971.

ROONEY. Quite a substantial decrease, is it not?

INGERSOLL. Yes, it was a decrease. As explained before——

ROONEY. I said quite a substantial decrease.

INGERSOLL. Yes, sir, a decrease of over 1,400 arrests.

ROONEY. Do you object to the word "substantial"?

INGERSOLL. No, sir.

ROONEY. Let me try it once again straight out. That is quite a substantial decrease, is it not?

INGERSOLL. Yes, sir, that is a substantial decrease in arrests.

Inhibitions—As part of a statement before the House Ways and Means Committee last July, Rep. Pepper noted the inhibitions on Customs in following up narcotics investigations beyond border points.

"As a practical matter," he said, "Customs is forced to turn over all such surveillance activities to BNDD even though that agency had nothing to do with the details of commencement of such investigation.

"Naturally, guidelines of this nature inevitably must cause uncertainty, rivalry and consequent inefficiency between the two agencies. Something must be done to iron out these difficulties. Because of the seriousness of the problem, we simply cannot afford petty jurisdictional bickering among bureaucrats."

Recently, Nathan acknowledged, "There are pretty important differences on how we should proceed on overseas enforcement procedures."

Connally said that unless the matter is settled on an interagency level, he will ask Congress to look into it.

OUTLOOK

Jaffe and other specialists concede that the treatment and rehabilitation of heroin addicts represents a dark area in the world of science and that no magic formula will solve the problem.

Dr. William Martin, of the Louisville narcotics treatment center, has called the current state of knowledge "primitive."

Jaffe contends that addicts are a heterogeneous group requiring different types of care and treatment.

During testimony before the Pepper crime committee in April, he said in reference to his work in Illinois: "Our program could be called a controlled comparison of several different approaches, somewhat competitive, but friendly . . . We believe to reach the majority of addicts it requires more than one approach or modality."

He favors locating treatment centers in communities where the patients live. However, he said, "no program, no matter how sound it might appear to be theoretically or how appealing it was emotionally, would be continued unless objective evaluation revealed it to be effective and to justify the expenditure of public funds."

Goals: In the course of an interview, Jaffe said he did not anticipate any trouble in obtaining federal funds to operate the Administration's new drug program.

He cautiously declined to project a time frame in which real achievements will be observable.

"It's not clear it can be done in the next couple of years," he said. "We can only go into this with a sense of optimism."

Jaffe said his office will have multiple goals but that one achievable objective is to provide treatment for anyone who wants it.

Jaffe's special action office is located in the New Executive Office Building. He will have a staff of about 30 at first. Once the operation is fully under way, however, his staff will exceed 100.

Legislation: In an unusual procedure, the President created the new special action office by executive order (Exec. Order 11599), and also offered legislation authorizing it (HR 9264).

Rep. Paul G. Rogers, D-Fla., chairman of the Interstate and Foreign Commerce Subcommittee on Public Health and Environment, which will handle the Administration's legislative proposal as well as other drug-related bills, said he intended to give the Nixon plan thorough hearings.

"I'm interested in seeing whether they plan to use existing materials or set up another layer of government facilities," he said.

Rogers has introduced a bill of his own which calls for use of community mental health facilities to treat addicts (HR 9059).

Rogers said he did not know why the White House established the new drug agency by executive order and also proposed legislation.

"Evidently, they felt they needed the legislation," he said. "But it does give it (the Administration program) some visibility, doesn't it?"

Pepper said he doubted that the Administration program could do much good because of the "relatively paltry sums" the President asked to fund it. "It is difficult for me to understand how this limited amount of federal money can possibly be truly responsive to our national drug addiction crisis."

Krogh has said that the President will request more money if he feels the program requires it.

THE DRUG CRISIS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. ROSENTHAL. Mr. Speaker, our Nation is beset by a plague that gnaws away at our most precious resource, our youth, and affects all segments of our society. I am speaking of the spreading crisis of drug addiction. It knows no geographic boundary, it does not discriminate among its victims by age, sex, political views, social status, or economic position.

President Nixon, in his proposal to establish a special action office to coordinate the Federal effort to combat the narcotics problem, has taken a valuable first step. I would like to help him make that a bigger step and strengthen his effort still further by expanding the protected jurisdiction of any such new agency.

I am a sponsor of H.R. 6732 to establish an office of drug abuse control in the Executive Office of the President. While encompassing many of the thoughts later expressed by the President in his proposal, this bill goes significantly further and is more comprehensive. It includes both research on and enforcement of narcotics control on both national and international levels. I feel strongly that this office should exercise control over the Justice Department's Bureau of Narcotics and Dangerous Drugs, the Treasury Department's Customs Bureau, and other related programs in the Departments of State and Housing and Urban Development, some of which are currently engaged in a duplication of efforts or which are working at cross purposes.

The new Executive drug control agency also should be given authority over Defense Department enforcement programs. No antinarcotics effort can ignore the increasingly critical drug abuse problems confronting our Armed Forces today. The proposed office must be able to compel all the Cabinet departments to adopt a coordinated approach, perhaps by exercising control of funding for their programs through the Office of Management and Budget.

The most compelling recent example of the narcotics addiction problem involves American troops stationed abroad. In Vietnam, the U.S. command is only beginning to realize the extent of its own unwitting contribution to the increasing use of drugs by our soldiers. Mr. Speaker, we must not ignore these 10–15 percent of our men who have fallen victim to the drug blight while in the Government service. We must mount a mass attack, a search-and-destroy mission, if you will, against the overseas drug addiction of American personnel, which hampers their assimilation back into civilian life and threatens to further aggravate the explosive crime problem at home already resulting from civilian drug addiction. This is why I advocate control over military drug rehabilitation programs by the proposed new Executive Office.

I often have criticized Defense Department policy in this area in the past, especially for its punitive discharges of servicemen who have become addicted to narcotics. Such handling does nothing to cure the addict, and only results in his transfer to civilian life with poor chance of ever receiving adequate treatment. The conditions in which our young men must live in Vietnam are often so bad that many of them are driven to drugs for relief. Thus it becomes our moral obligation to assist these men with all the resources at our disposal.

I have pressed the Department of Defense for summaries of the addiction problem at the various service installations around the world, and I am pleased that the Department has recently become more aware of the social and psychological problems of narcotics addiction in its own ranks. Secretary Laird has recently announced establishment of detoxification treatment programs for returning soldiers and identification of addicts before they are returned to the United States. But an even greater commitment of resources is required after these initial efforts. I have urged the Department to provide funding for locally administered or private agencies which could treat veterans away from the military environment. Addicts in the services should be discharged for civil commitment to a civilian health facility, and should be supported by Department of Defense funds. In this way, returning soldiers will not overtax the already crowded Veterans' Administration hospitals, few of which have the laboratories, staff, or other facilities for drug rehabilitation.

I am supporting legislation to cope with the drug problem in its entirety—the importation of dangerous drugs from abroad, Government enforcement of narcotics laws, and educational programs aimed at increasing young people's knowledge of the grave threat the disease of addiction poses to them.

I have sponsored legislation which would deal directly with the source of so much of the illegal traffic in heroin and other drugs from Europe, Asia, Latin America and the Middle East. Ironically, the United States is the principal victim of this traffic, though we produce no opium or heroin. The House Foreign Affairs Subcommittee on Europe, which I chair, is concerned with a number of bills which help solve this crisis. One which I have sponsored, H.R. 8093, would direct the President to end military and economic assistance to those countries which have failed to cooperate in international efforts to stop the traffic in narcotics and other dangerous drugs. Strong measures like this may be the only way to force many of these nations to end their frequently open support of the cultivation of marijuana, poppies, and other sources which fuel the world's narcotics market. Of course, we should also encourage and support those countries which have made efforts to dry up their own clandestine drug industries. We should furnish technical and economic assistance to our ally, the Republic of Turkey, the source of 60 percent of the world's raw opium poppy, as it implements its decision to reverse agricultural practices going back hundreds of years by ending all opium poppy cultivation by June of 1972. Similar such measures elsewhere would rapidly dry up the world market and help put international pushers out of business.

In the United States itself, a different approach to the problem is required. Drug addiction has rapidly become the greatest single cause of death among young people between the ages of 18 and 35, and of the estimated half-million addicts in the Nation at least one-quarter are teenagers. In New York City and other major urban areas, small children can buy narcotics openly on street corners. A large percentage of robberies and muggings are caused by drug addicts desperate to pay for the next "fix" and support their $50–$100-a-day habits.

I have nothing but contempt for pushers and have always strongly urged prosecution to the fullest extent of the law for those who traffic in drugs. But in my view, the Federal Government has in the past been ineffective in its efforts at drug abuse control because of its failure to view the problem realistically. To deal with the thousands of drug addicts who give the international drug profiteers their market, we must treat drug dependency as an illness, not as a crime. It is self-defeating to punish, rather than cure, those who are the victims of drugs.

Reform is clearly needed in the Government's present antinarcotics efforts. Until the special action office proposed by the President, or some other form of executive agency in this area is formally established, we must keep up the pressure on our existing institutions to curtail the spread of narcotics. As the President has said:

> The best way to end drug abuse is to prevent it.

We must use every opportunity. I have pressed the Food and Drug Administration to inquire into the justification for the amount of amphetamines and barbiturates produced in the United States. The narcotics crisis is in part the result of the drug culture created by manufacturers. The public has been conditioned to use drugs freely as a cure for all ills. We make 8 billion dosage units of "pep pills" a year, though current medical needs require about one-sixth of this amount. One of every two of these pills produced is currently being diverted into illegal channels. The uncontrolled production of these drugs, which are as dangerous as heroin, is a national disgrace.

The Government can only do a limited amount to regulate the use of drugs. We must, therefore, deal with the underlying conditions which contribute to their use, which force young people into the cycle of addiction from which they are helpless to free themselves. How can we hope to conquer narcotics addiction if we allow slum conditions—substandard housing and sanitary conditions, lack of recreational facilities, substandard public schools—to go unchecked? I have seen slum areas in New York and other cities where living conditions are so intolerable that one can readily sense the desperation which drives its young people into the arms of narcotics pushers. Drug addiction is often a direct result of other social problems, and it in turn feeds their continuation.

The Nation must begin immediately to tackle the many interrelated urban problems which can lead to addiction. Short of this, we can increase penalties for drug pushers to try to cut off the available supply. We also can beef up drug education programs in our schools and throughout society. I have advocated that training in all aspects of the drug menace become a requirement for the granting of a teaching license in New York State. Every teacher should know the techniques for coping with the uncertainties and ignorance that drive our young people toward the drug habit. By starting programs of this type nationwide, we can at least hope that the numbers of those innocently lured into addiction solely because of the availability of narcotics can be reduced.

Mr. Speaker, I cannot emphasize strongly enough my firm support for the creation of an executive office on narcotics abuse. It is absolutely essential to coordinate all the efforts of the Federal departments, bureaus and agencies under one roof. I am glad the President has recognized the gravity of the problem and wants to do something about it. But I am hopeful that this House, with all the various bills before it, will want to go farther. We should create an office of drug abuse control which can act with independent and forceful authority to coordinate the Government's many separate programs into a unified crusade against the grave national problem of drug addiction and its causes.

TIME FOR THE TIMES

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. SPRINGER. Mr. Speaker, much has been said in recent days with reference to the publication of the Pentagon papers and the responsibility of those who have released them as well as those who have published them.

The attached editorial from the Paris, Ill., Beacon-News of June 26, certainly has made clear that the important thing is that we are getting out of Vietnam. More study and more comment ought to be given that side of the Vietnam matter than finding fault with what has already taken place. Every poll that I have seen approves the President's getting out of Vietnam and that is what this editorial is all about.

It was written by an ex-Congressman, an old colleague of ours, Ed Jenison, who had so many years represented eastern Illinois in the Congress of the United States.

The editorial follows:

TIME FOR THE TIMES—

Now that a week or so has passed, clarity is beginning to replace confusion in the case of the New York Times and the famous or infamous Pentagon papers.

It wouldn't be a bad idea to attempt a calm appraisal at this point. Of course, the issue is before the courts, and perhaps laymen should hesitate to express an opinion even at this point.

But some facts are clear. The Pentagon, at somebody's direction, did undertake an exhaustive study in the mid-sixties on how and why the United States became drawn into a shooting war in Vietnam, and how and why a half a million young American men eventually found themselves on the fighting end of a gruesome conflict half a world away.

When the report came to light, rightly or wrongly, one fact emerged, at least. There was indeed, a difference between what Candidate Johnson had to say to the American people in his campaign for re-election in 1964, and the plans of President Johnson for what he deemed would be necessary in escalating the war effort in the immediate months ahead.

But why the furore in 1971? The New York Times, having come into possession of a study of those years labeled "top secret," saw fit to begin publishing voluminous extracts from even more voluminous volumes. And the fat was in the fire.

As a result, the Johnson administration is on the pan, but the Nixon administration, without any responsibility for the actions of that period, is forced into the position of protecting the national security by protesting an obvious violation.

The Times, and some other newspapers in its wake, continued to publish the material until halted, temporarily, by government intervention through court action.

But why the turmoil? It is a tempest in a tea pot. The matters under review were almost ancient history. The "revelations" to date were a matter of common knowledge to informed sources at the time and since. It could be true, as the government has suggested through court action, that some of the material, published in complete text in the case of some top secret communications, might reveal to an unfriendly power a clue to codes of transmission which might unlock other and unrelated but more important information vital to the security of the United States. But insofar as the information contained is concerned, there is little to indicate anything previously unknown has been revealed.

Perhaps one or two observations are worth making. In the first place any study so extensive it led to a 47 volume report could hardly remain confidential, much less "top secret." and tax payers might properly wonder why so many Pentagon hands were engaged in such a costly venture delving into the past when there were far more pressing present problems calling for solution.

But on the other side of the coin, the material was at least labeled "top secret." When it came into unauthorized hands, in this case the New York Times, from any source, the newspaper had a direct responsibility to take the proper course. And the proper course was not to rush the material into print.

Any experienced newspaper man, and any established newspaper, knows that security matters must be cleared through the proper government agency. The Times is as well informed on this fundamental procedure as any newspaper in the land. No more than a phone call would have been necessary to request consideration for declassifying the "top secret" material with the possible exception of isolated passages perhaps revealing the mechanics of military security. If such declassification had been rejected on request, the Times and all other newspapers would have had a proper case for public indignation in the cause of a free press. But the declassification might have come promptly, on proper request, and the day or few days delay would have had no harmful effect.

Instead, everybody is in the fog of uncertainty. The Nixon administration stands accused of "suppressing" important information when it is actually striving to protect national security. And such a posture, ironically, puts it in the role of "protecting" grave shortcomings of the Johnson administration.

But there is a vast difference between defending the procedures for national security and protecting or condoning past failures of a previous administration of opposite political faith. Violations of security are violations, whenever and wherever they occur. Unnecessary labeling of material, favorable or unfavorable, as "top secret" is a temptation difficult for bureaucrats to resist, but it can and should be overruled by an administration once alerted to the danger.

The present confusion is unfortunate, but it can be clarified, and material labeled "top secret" long ago and no longer in that category ought to be declassified and released for public appraisal. Any material still in fact "top secret" should be maintained in that category, and security should be strengthened to guarantee it is kept inviolate.

There must be no infringement on a free press but a free press must necessarily share responsibility with government when and if the security of freedom is in peril.

Let the dust settle. It is time for the Times and the rest of the press to recognize responsibility as well as principle. There is an orderly way to serve both. Unless the press, and government and the public recognize this, and practice it, there is a danger at hand far more serious than any or all of the material in a 47 volume "top secret" report.

And just this postscript: It would be tragic indeed if the furore over the past should hinder the problem of the present. How we got into the Vietnam situation is not so important at the moment as how we get out. One thing the partial disclosures have done is to contrast dramatically the policies of the Johnson and Nixon administrations. It is as simple as this—Johnson sent more U.S. troops in; Nixon pulled troops out and is continuing to do so. This is a hard and inescapable fact of political life. And no amount of smokescreen strategy of demanding a definite withdrawal date, with accompanying criticism of President Nixon for opposing it, is going to alter that basic truth.

The Number One task remains unchanged—to get U.S. forces out of Vietnam on an orderly basis with maximum protection to our own troops and maximum assurance for peace in the future. President Nixon has been pursuing that policy continuously. He is getting results. He deserves the continued support he has enjoyed to date from the American people who, in an overwhelming majority, hope and believe he will succeed.

TRIBUTE TO THE CARROLL COUNTY COURTHOUSE IN MARYLAND BAR JOURNAL

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. BYRON. Mr. Speaker, the July 1971 issue of the Maryland Bar Journal has a picture of the Carroll County Courthouse in Westminster, Md., on its cover with a tribute to the building prepared by Judge Edward O. Weant, Jr., of the Fifth Judicial Circuit.

I would like to share Judge Weant's remarks about the historic Carroll County Courthouse.

Carroll County was established January 19, 1837, and the cornerstone for its courthouse was laid June 13, 1838, on property contributed to the county for that purpose by Isaac Shriver who operated a tavern near the courthouse site. The architect for the courthouse was the first burgess of Westminister, James M. Shellman; the contractor was Conrad Moul and the masonry work was done by Ephraim Swope and Thomas Durbin. The cost of the first construction was approximately $18,000. The first change was the addition of the columned portico, steps, and cupola. The mechanics who built the cupola found it necessary to sue the county commissioners in order to be compensated for their efforts. In 1882 an expenditure of $12,000 was authorized by the general assembly for repair and the addition of two one-story wings. In 1935 the wings were enlarged by adding a half story. The original building is still standing and forms the central unit of the existing structure.

HOUSE OF REPRESENTATIVES—*Thursday, July 8, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Blessed is everyone that feareth the Lord: That walketh in His ways.—Psalms 128: 1.

Almighty and eternal God, ever ready to hear the prayers of Thy children and always eager to answer them in accordance with Thy wisdom, let Thy blessing rest upon us as we now lift our hearts unto Thee. Guide us throughout the hours of this day and keep us mindful of Thy living presence. Help us to be good stewards of Thine, faithful in the discharge of our duties and may we so live and labor that what is done in this Chamber may commend itself to our Nation and to the nations of the world.

In the Master's name we offer our morning prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

REPRINTING BROCHURE ENTITLED "HOW OUR LAWS ARE MADE"

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 206) to reprint the brochure entitled "How Our Laws Are Made," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 2, after line 4, insert:

"SEC. 2. There shall be printed for the use of the Senate fifty-one thousand five hundred additional copies of the document authorized by section 1 of this resolution."

Mr. BRADEMAS. Mr. Speaker, House Concurrent Resolution 206, to reprint the brochure entitled "How Our Laws Are Made," passed the House on May 20, 1971. The Senate Committee on Rules and Administration amended the House version and the amended version passed the Senate on June 16, 1971, and is now on the Speaker's table.

As the resolution passed the House, the brochure was authorized as a House document with 98,000 additional copies, 10,000 of which would be for the use of the House Judiciary Committee and the remainder for the use of the House Members—200 copies each.

The Senate amendment provides for 51,500 additional copies for the Senate—500 copies for each Senator. The total copies authorized would be printed in the amended version of 149,500. The total cost is estimated to be $17,543.24.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CORRUPT OPERATION IN THE SAIGON GOVERNMENT

(Mr. ANDERSON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Tennessee. Mr. Speaker, I make this statement with no sense of joy.

Slightly more than a year ago I returned from Indochina and stated that the United States was urgently in need of new ambassadorial leadership in Saigon. In light of the recent testimony of the gentleman from Connecticut (Mr. STEELE), before the House Foreign Affairs Committee, that Gen. Ngo Dzu is "one of the chief traffickers" in heroin in South Vietnam, I again urge the early replacement of Ambassador Ellsworth Bunker.

This is the most sordid tale of all to come out of our involvement with the vile and corrupt elements of the South Vietnamese regime.

Think of it, Mr. Speaker, while our young men die to defend this Government, a high ranking general is dealing in the heroin that is gouging the life out of young people here at home and many of the young servicemen conscripted to serve in Vietnam. Besides this, he is reportedly using aircraft and vehicles that we have furnished to carry out the illicit and deadly game.

Could there be a greater reason to get out of Vietnam now? I think not.

General Dzu cannot be alone in this corrupt operation. Others high in the Saigon government are bound to be involved.

But we must sadly acknowledge our own responsibility in this matter. The heroin problem did not crop up overnight. Why, with his vast army of intelligence operatives of all sorts, did our Ambassador not get on top of the situation long ago and put the proposition squarely to President Thieu that reform, decency, and an immediate stoppage of heroin traffic were nonnegotiable conditions for our further involvement and assistance?

Ambassador Bunker is an honorable and dedicated American. But he is well up in years. He has been in this present post too long. He is not on top of the situation in Vietnam, much less in tune with the conditions of the country he represents. Our national interests demand he be replaced immediately by a man of iron will and determination.

PEACE IN THE MIDDLE EAST

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, the rocketing of some suburban areas of Tel Aviv and the killing of civilians yesterday again points up the need for realistic boundaries and a permanent peace settlement in the Middle East.

Mr. Speaker, it is my own personal view that our State Department would better serve the interests of peace were we to make it known that we are not interested in having the Suez Canal opened on an interim basis without a permanent peace, and without realistic and defensible boundaries being afforded Israel. Experience has proven that the 1967 boundaries make Israel subject to attack and indeed may even encourage attack.

This Nation will better serve the interest of peace by insisting that realistic and defendable boundaries be afforded. After all, were the 1967 boundaries restored much of Israel will be within rocket range and more deaths can be expected.

Mr. Speaker, it has been less than 30 years since all of the area, including Egypt, Israel, and Jordan, in question was under British control. Boundaries in this part of the world have been quite fluid. The world needs boundaries which will promote peace not invite war.

Mr. Speaker, the fears of the people of Israel are well founded. We can best serve the interests of peace by letting the world know we do not intend to abandon our commitment to Israel and let it be known to all that we insist Israel remains a free nation not subject to constant attacks.

PROVIDING FOR CONSIDERATION OF H.R. 9093, DESALTING PROGRAM EXPANSION

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 527 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 527

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9093) to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 9093, it shall be in order in the House to take from the Speaker's table the bill (S. 991) and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 9093 as passed by the House.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 527 provides an open ruile with 1 hour of general debate for consideration of H.R. 9093, the Saline Water Conversion Act of 1971. After passage of the bill, it shall be in order to take S. 991 from the Speaker's table, move to strike all after the enacting clause and amend it with the House-passed language.

The purpose of H.R. 9093 is to expand and extend until June 30, 1977, the desalting program being conducted by the Secretary of the Interior.

The Secretary is authorized and directed to conduct and promote scientific research and develop processes to convert saline and chemically contaminated water into water fit for consumption. He should pursue findings of the research having potential application to matters other than water treatment and have them published in an effective form for use by others. For demonstration purposes, he is charged with conducting engineering and technical work including design, construction, and testing of pilot plants. Also, he shall study methods for recovery and marketing of byproducts resulting from desalinization and undertake economic studies and surveys to determine costs of producing clean water.

The Secretary is directed to seek cooperative agreements with non-Federal utilities and governments and report his recommendations to the President and the Congress within 1 year.

He may accept financial and other assistance from any State or public agency and may enter into contracts thereto.

Grants may be made to educational and scientific organizations and contracts may be effected with them and with industrial or engineering firms.

The services of chemists, physicists, et cetera, may be acquired and Federal scientific laboratories may be utilized.

Information shall be coordinated and published to advance the development of low cost conversion projects.

Any money realized from the disposition of water and byproducts shall be paid into the Treasury.

The Secretary shall submit, not later than December 31, 1975, a report on the status of his research and development and make recommendations thereon.

A total sum is authorized in the amount of $27,025,000 for fiscal year 1972 and appropriations as necessary will be authorized for fiscal years 1973 to 1977.

The ongoing program is a dynamic one and is effectively administered.

Mr. Speaker, I urge the adoption of House Resolution 527 in order that H.R. 9093 may be considered.

Mr. Speaker, I yield 30 minutes to my colleague from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

As stated by the gentleman from California (Mr. SISK) House Resolution 527 does provide a 1 hour open rule for the consideration of H.R. 9093, extending the desalting program of the Department of the Interior.

Upon completion of consideration of the bill there is a provision to substitute the House-passed bill for the Senate bill which has already been passed.

The purpose of the bill is to extend for 5 years—through June 30, 1977—the saline water conversion program of the Department of the Interior, and to turn the emphasis of the program from basic research to applications of the advances made thus far.

The Saline Water Act of 1952 was aimed at developing the technology to make potable both saline and brackish waters. Much success has been reached over the years. Currently, we can produce potable water from sea water at a cost of $0.65 per thousand gallons. Further progress is expected in a number of areas over the next 5 years as our research programs move from the laboratories and demonstration projects into commercially useable applications.

While the bill extends the program for 5 years, authorizations are included only for fiscal 1972. These total $27,025,000, with $23,060,000 earmarked for research, testing and development of equipment.

The bill was reported unanimously.

It is supported by the administration; there are no minority views.

Mr. Speaker, I urge adoption of the rule.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the bill making appropriations for the Department of Transportation and related agencies for the fiscal year 1972.

Mr. CONTE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXPORT EXPANSION FINANCE ACT OF 1971

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 526 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 526

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8181) to require Federal Reserve banks to discount certain commercial paper used to finance the export of United States commodities, to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking and Currency now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 8181, the Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 581, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 8181 as passed by the House.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 526 provides an open rule with 1 hour of debate for consideration of H.R. 8181, the Export Expansion Act of 1971. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment and, after passage of the bill, it shall be in order to discharge the Committee on Banking and Currency from further consideration of S. 581, move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purposes of H.R. 8181 are to require Federal Reserve Banks to discount certain commercial paper used to finance the export of U.S. commodities, to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls.

The bill, as reported, would exempt the Export-Import Bank receipts and disbursements from the totals of the budget and from annual expenditure and net lending limitations imposed by the budget. The President would be required to transmit to the Congress annually a budget for the Bank and a report on the amount of net lending of the Bank.

The aggregate amount of insurance relating to exports which the Bank may have outstanding at any one time will be increased from $3.5 billion to $10 billion.

The ceiling on the aggregate of all loans, guarantees, and insurance which the Bank may have outstanding at any one time would increase from $13.5 billion to $20 billion.

The life of the Bank would be extended from June 30, 1973, to June 30, 1974 and the Bank would be authorized to sell in the open market its notes and other obligations with maturities beyond the Bank's statutory life.

The President would be authorized to halt any Bank activity in connection with any person or nation if he determines the activity to be contrary to the national interest.

The Bank paid into the Treasury in each of fiscal years 1969 and 1970 a $50 million dividend. Since its inception it has paid a total of $706 million in dividends.

H.R. 8181 would give the Bank more flexibility in order to meet the finance needs of our exporters.

Mr. Speaker, I urge the adoption of House Resolution 526 in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the gentleman from California (Mr. Sisk), House Resolution 526 provides for 1 hour under an open rule for the consideration of H.R. 8181, the Export-Expansion Finance Act of 1971.

Mr. Speaker, the committee bill is a substitute, so the rule permits the substitute to be considered as the original text.

Also, at the conclusion, the House-passed bill may be substituted in lieu of the language for an already passed Senate bill.

The purpose of the bill is to extend the life of the Export-Import Bank for 1 year—from June 30, 1973, to June 30, 1974—to remove the operations of the Bank from under the limitations of the budgetary process, and to expand its lending authority.

The Export-Import Bank was created in 1945 as an independent corporate agency of the Government to aid in financing American export sales. It is authorized to extend credits to foreign buyers, provide loans, guarantees and insurance of such export credits and to discount export debt obligations held by commercial banks. During fiscal 1970 Eximbank authorized support of our export sales covering some $5,500,000,000 of U.S. exports. No appropriated funds are used by the Bank in its activities.

As our trade surpluses have continually diminished over the last decade from a peak of $7,100,000,000 to an average of $1,600,000,000 during the last 3 years, the Eximbank needs more flexibility to finance American export sales abroad. One of the ways to improve our balance-of-payments situation is to increase our sales abroad.

H.R. 8181 provides that the receipts and expenditures of the Eximbank will not be included in the budget of the U.S. Government and shall be exempt from any expenditure ceiling imposed on budget outlays. Under the unified budget, adopted in 1969, bank operations are included in the budget; even though it uses no appropriated funds. This has limited the operations of the Bank at the very time when more flexibility is needed to support American export sales.

This provision would not alter congressional control and review of Eximbank operations, as the Bank's length of existence and operational policies would still be controlled by the Banking Committees of the Congress.

The bill also provides for an increase from $3,500,000,000 to $10,000,000,000 in the aggregate amount which the Bank may have outstanding at any one time in guarantees and insurance for export sales. Also increased is the Bank's lending authority, from $13,500,000,00 to $20,000,000,000 in outstanding loans at any one time. These two increases are expected to greatly enhance the Bank's ability to support American export sales.

Finally, the bill amends the current prohibition against Bank financing of trade with Communist countries who are trading with North Vietnam or any other country with which we are engaged in armed conflict. The new language prohibits Eximbank assistance in export sales to any nation which is engaged in armed conflict with the United States or to any nation, when those exports are to be used principally by or in any nation engaged in armed conflict with the United States. Thus, East European countries which have assisted North Vietnam could trade with the United States and such trade could be assisted by the bank if the goods were for use of the East European country.

Additional views are filed by eight members. They support the bill except for the provision which opens up Eximbank assistance to exports to Communist countries, who may be at the same time trading with North Vietnam. They support the present policy of no trade assistance to such countries.

Mr. Speaker, I urge adoption of the rule.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8181) to require Federal Reserve banks to discount certain commercial paper used to finance the export of U.S. commodities, to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 180]

Alexander
Badillo
Baring
Bevill
Biester
Blanton
Bow
Brasco
Burton
Caffery
Clark
Clay
Conyers
Corman
Danielson
de la Garza
Dellums
Dent
Derwinski
Diggs
Donohue
du Pont
Dwyer
Edmondson
Edwards, La.
Erlenborn
Ford, William D.
Grasso
Hagan
Halpern
Hanna
Hansen, Idaho
Hansen, Wash.
Hastings
Hicks, Mass.
Hogan
Howard
Jarman
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kemp
Landrum
Leggett
Long, La.
McCulloch
McKinney
Mailliard
Mann
Mathis, Ga.
Matsunaga
Mayne
Melcher
Mikva
Mills, Ark.
Murphy, N.Y.
Nichols
Pelly
Pettis
Pickle
Pike
Pirnie
Pryor, Ark.
Purcell
Quillen
Railsback
Rangel
Rees
Roberts
Ruppe
Scheuer
Sikes
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Udall
Vander Jagt
Wampler

The SPEAKER. On this rollcall, 350 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXPORT EXPANSION FINANCE ACT OF 1971

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. Patman).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 8181, with Mr. McFall in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Patman) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. Widnall) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. Patman).

Mr. PATMAN. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. Staggers).

(By unanimous consent, Mr. Staggers was allowed to speak out of order.)

(Mr. STAGGERS asked and was given permission to revise and extend his remarks and include extraneous matter.)

CBS CONTEMPT OF CONGRESS

Mr. STAGGERS. Mr. Chairman, as most of the Members know, the Commerce Committee has voted to seek a contempt citation against Dr. Frank Stanton and the Columbia Broadcasting System for their defiance of a subpena issued by one of our subcommittees. This is a matter of the greatest importance to the American people as it involves the use of the public property—the Nation's airwaves—to deliberately deceive the public. We have proof that this was done. As to how much of it was done, and how it was done—that evidence is being withheld from the Congress, and the people, by CBS.

This has been an issue which has been subjected to more public misinformation and more intensive lobbying than any that I can recall since coming to Congress.

At this point, I would like to enter into the Record a copy of a letter which I am sending to every Member today, together with a statement of the facts and issues—the real facts and issues—involved here.

I would also like to enter a copy of two staff memorandums which deal with the legal issues raised by the CBS contempt of our subpena. I would urge all Members to read these documents as they conclusively refute all of the arguments which have been raised in an attempt to discredit this legitimate and necessary congressional inquiry.

I have been encouraged throughout this matter by the consistent good sense being shown by the American public; they, at least, have not been misled by the propaganda barrage which has been set off by the media. I would like to enter copies of some of the letters received by our subcommittee on this matter.

This is one of the most important votes the Congress has ever faced. I am confident that once the Members have the facts the rights of the Congress, and of the people, will be upheld.

The material follows:

WASHINGTON, D.C., *July 8, 1971.*

DEAR COLLEAGUE: As you know, the Committee on Interstate and Foreign Commerce will soon be asking you to agree with it that CBS and its president, Dr. Frank Stanton have contemptuously defied a validly issued and lawful subpoena. I am inserting into today's CONGRESSIONAL RECORD a statement, copy enclosed, of the reasons behind the subpoena concerning "The Selling of the Pentagon" program, and the necessity for action by the House.

I would urge you not to lose sight of the very important issue you will be asked to vote upon—the citation for contempt because of a willful refusal to comply with a legitimate Congressional inquiry.

Deception in broadcast news is like a cancer in today's society. The spread of calculated deception, paraded as truth, can devastate the earliest efforts of anyone of us seeking to represent our constituents. Make no mistake. We have clear evidence of deceit—men's words electronically altered to change their very meaning. Allegations of other instances of fraud are awaiting our further exploration; the whole story behind this program has not yet been told.

When deliberate attempts are made to deceive a great multitude of American citizens—the owners of the airwaves—the representatives have the duty to make careful inquiries—and I think the broadcaster who was responsible should be prepared to answer such questions. I think it is ludicrous to suggest that such a monumental act against the public interest should simply pass without legislative inquiries to see if the existing laws are adequate, and if the Federal Communications Commission is doing its job properly. Until we have the subpoenaed materials, this public inquiry is being blocked by CBS.

This issue is too vital to our Nation to be decided by CBS, or any other corporate enterprise. I am sure that if we meet our responsibilities, the courts will vindicate our assertion of the people's right to know. I earnestly encourage you to read the enclosure and to join with me in voting for the contempt citation.

Sincerely yours,

HARLEY O. STAGGERS,
Chairman.

SUBCOMMITTEE STATEMENT CONCERNING SUBPOENA OF MATERIALS RELATING TO THE CBS PROGRAM "THE SELLING OF THE PENTAGON"

PURPOSE

In view of serious, and partially substantiated, allegations that a nationally televised news documentary program contained altered film and sound calculated to deceive the public, the Commerce Committee's Investigations Subcommittee determined to inquire into the matter. The inquiry was based upon the Subcommittee's jurisdiction, pursuant to House Rule XI, Clauses 12 and 28, and House Resolution 170.

The Subcommittee has made similar inquiries over the years, some of which have resulted in amendments to the Communications Act of 1934, the present law governing broadcasting. In recent inquiries ("Deceptive Programing Practices—Staging of a Marijuana Broadcast", H. Rept. No. 91–108; "Network News Documentary Practices—CBS 'Project Nassau' ", H. Rept. No. 91–1319), the Subcommittee has obtained evidence, through subpoena process, of questionable practices being engaged in by the producers of nationally televised news documentaries, including the staging of purportedly spontaneous events. In its present inquiry, the Subcommittee is particularly concerned with the allegations that spoken words have been electronically manipulated so as to distort the speech of persons presented on the program. Such calculated deception, in the context of a "news documentary" raised obvious questions as to the adequacy of the present laws, and their administration by the Federal Communications Commission.

The material under subpoena, the so-called "outtakes," comprises those portions of the filmed material which were excluded from the broadcast by the CBS producer and film editor. The subpoena covers only such material as relates to the actual broadcast; it has been established that no secret sources of information are involved.

While the Subcommittee has in its possession evidence which establishes that deception was indeed practiced through film and sound manipulations, it is still not clear how this was accomplished in such a way as to defy detection by the millions of persons who viewed the program. Other allegations have been brought to the Subcommittee concerning which no evidence is yet available.

The "outtakes" provide the original events which were filmed and extracted for use in the program. They will show if the sequence of events has been inverted or spoken words rearranged. Furthermore, through analysis of such evidence, it is possible to determine the techniques, both sound and visual, which were used to conceal the manipulations from viewers. Such information is essential if the Committee is to consider appropriate legislation to deal with such techniques.

LEGISLATIVE RESPONSIBILITY

The refusal of CBS and Dr. Frank Stanton to comply with the duly authorized and lawful subpoena of the Special Subcommittee on Investigations constitutes a grave challenge to the Congressional right to legislate. This threat to our Constitutional duty cannot be over-emphasized. The position asserted by CBS would require Congress to legislate without full understanding of the abuses it is trying to cure. Furthermore, the CBS position would prevent enforcement of any laws which Congress might enact directed against calculated manipulation of the news.

The Subcommittee is seeking information about practices which could, and were designed to, mislead TV viewers into believing they are viewing reality when in fact they are viewing a fiction created by a film editor. The inquiry is more important than preventing deception in quiz shows, advertising, lending or the sale of securities—areas of deceptive practices in which the power of Congress to legislate is clear. CBS and Dr. Stanton have told the Subcommittee that neither it nor the American public have any right to inquire into any questionable broadcast practices—past, present and future.

The Subcommittee has conducted past investigations which clearly documented numerous instances of fraud and deceit in TV broadcasting. Each of these investigations was initiated by the subpoena process. We are now seeking nothing more than we have sought in the past. Despite the past proof of fraud and deceit, or perhaps because of it, CBS and Dr. Stanton now assert that we had no right to conduct such investigations, that it was only through their indulgence that we were able to do what we did and that they will no longer accede to the right of Congress to investigate and to legislate.

MANIPULATION OF THE BALLOT BOX

The American viewing public bases its decision at the ballot box upon the information it obtains from its most prominent news source—the TV set. The raw naked power to manipulate by gross fabrication the input data is the power to manipulate, however well intentioned, the decision-making process of the American electorate. The House Committee on Interstate and Foreign Commerce has the responsibility to answer this direct attack upon its right to investigate for the purpose of legislation. By its contempt resolution of July 1, the Committee has made clear its intention to meet this calculated affront.

CALCULATED DECEPTION AND THE FIRST AMENDMENT

CBS is asserting that the First Amendment guarantee of freedom of the press is a barrier to any inquiry. The First Amendment provides: "Congress shall make no law . . . abridging the right of freedom of speech, or of the press."

But the Supreme Court, only a month ago, again pointed out that calculated falsehood falls outside the fruitful exercise of the rights guaranteed by the First Amendment. The Subcommittee, by its subponea, is seeking nothing more than the best and only real evidence to lay to rest the charges that CBS has engaged in calculated falsehood.

The right of a free press is derived from the right of the people to speak freely and to learn the freely expressed views of others. CBS has been strangely silent about the right of free speech of those whose words were altered and the right of the viewing public to learn the views of others without manipulation or deceit.

ALLEGED DOCUMENTARY—ALLEGED DECEPTION

On February 23 and again on March 23, 1971, the CBS network carried a news documentary program entitled "CBS Reports—The Selling of the Pentagon." The program, which critically reported on the public affairs efforts of the Department of Defense, provoked a great deal of controversy both pro and con. That controversy, however, is not the concern of the Subcommittee.

Allegations have been raised and sustained by sworn testimony and other evidence that the network engaged in some rather artful editing techniques. As Assistant Secretary of Defense Henkin told us, "There is no question that [my] interview was doctored in such a manner as to misrepresent my views." In another instance, a military officer was shown making a public address containing allegedly improper statements of foreign policy. To illustrate this point, the network presented the officer apparently delivering a segment of his public address. Subsequent disclosures demonstrate that the officer's words were rearranged out of their original order to make him appear to be delivering a statement which he did not in fact deliver.

SUBPOENAS

On April 8, CBS was served with a subpoena. That subpoena called for the production of materials which could enable the Subcommittee to determine whether legislation controlling deceptive broadcast practices was necessary. On that same day, Dr. Stanton wrote Chairman Staggers indicating, in part:

"[W]e sincerely hope that your subcommittee will reconsider this matter and modify the subpoena so that it calls for only such material as were actually broadcast and other information directly related thereto—which we do not object to furnishing and which we will furnish on the date specified."

A representative of CBS appeared before the Subcommittee on April 20 and asked for additional time to consider the Subcommittee's statement of legislative authority and to submit additional matters. A brief from CBS' counsel was received on April 30 and carefully reviewed. On the basis of that review and independent legal research and analysis, it was concluded that the Subcommittee was within its legal rights in asking for the materials.

Thereafter, the first subpoena was withdrawn and a new subpoena was issued May 26 limiting the materials called for to those outlined in Dr. Stanton's letter. As such, the new subpoena called only for materials directly related to the broadcast.

INFORMATION CONCEALED IN THE OUTTAKES

While the Subcommittee has obtained transcripts of a portion of the interviews included on the broadcast, the printed word cannot reveal graphically how sequences of the interview were spliced out of order without revealing that a splice occurred. The art of cutting and pasting TV film is now so sophisticated that a sentence may be cut in half, qualifying words removed and the sentence put together without the least indication that this occurred. This is truly the "newspeak" of 1984; the age of Big Brother is already upon us.

For the Subcommittee to determine how to curtail deception on television, it must be able to study not only what was done, but how it was done. Television functions in two ways: picture and sound. With only written transcripts in our possession, we can tell how words are changed, but we cannot analyze the way in which the picture is manipulated, either as a separate form of deception, or as a means of concealing audio alterations. There are many highly technical methods by which film can be cut or altered to make the camera "lie". Only by thorough understanding, gained by examination of all the film used to deceive, can the Subcommittee conclude whether legislation is needed—and if so, what kind. For that, we need the outtakes. Furthermore, the allegations we have explored are not the only ones we have received.

NEWSMAN'S PRIVILEGE

CBS is asserting that film outtakes—i.e., the film which is editorially deleted from the final broadcast—are for a broadcast journalist the equivalent of a newspaper reporter's notes. Counsel for CBS has cited three recent trial court decisions which would extend to broadcasters the privilege of newsmen to refuse to identify their confidential sources. When the issue of access to a reporter's notes is raised, the courts normally look for a compromise of confidential sources. Even in those few states which have a Newsman's Privilege Act, a news reporter is only given the limited right not to divulge his news sources. CBS in "The Selling of the Pentagon" asserted that "we sought no secret files, no politicians pleading special causes, no access to classified documents. We looked only at what is being done for the public—in public." Since the present situation admittedly contains no confidential sources, the refusal by CBS to deliver up what it admits is public is inconsistent with its assertion of a newsman's privilege.

THE ART OF CUT AND PASTE

If asked whether Congress can pass upon editorial judgment, we would be the first to admit that it cannot. But deliberate mechanical alteration of a person's words to make him say the opposite of what he says is not editorial judgment. The issue at hand is not even a question of misquoting through honest mistake. The TV film editor cannot misquote except by deliberately calculating which words he will transpose, which ideas he will cut, which non-sequiturs he will join together.

In its examination of Dr. Stanton on Thursday, June 24, 1971, the Subcommittee explored the deceptions practiced by CBS in its abortive news documentary "Project Nassau." When asked his views of the investigation conducted by the Subcommittee which clearly established the willful deceit of CBS, Dr. Stanton replied, "I don't believe it served a useful purpose." He went on to add that today he would have a reluctance to comply with a subpoena calling for "Project Nassau" outtakes. He stated, "I must respectfully decline, as a witness summoned here by compulsory process, to answer any questions that may be addressed to me relating to the preparation of 'The Selling of the Pentagon' or any other particular CBS news or documentary broadcast."

PUBLIC'S FIRST AMENDMENT RIGHTS

It is clear that the First Amendment right of freedom of the press is derived from and conditioned upon the public interest and necessity for preserving the right of free speech. See, e.g., de Tocqueville, *Democracy in America*, wherein he stated: "The sovereignty of the people and the liberty of the press may therefore be regarded as correlative." As the Supreme Court pointed out in *Curtis Publishing Co.* v. *Butts*, 388 U.S. 130 (1967):

"Federal Securities regulation, mail fraud statutes, and common-law actions for deceit and misrepresentation are only some examples of our understanding that the right to communicate information of public interest is not 'unconditional.' "

CBS has said nothing about its denial of the First Amendment rights of the speakers whose words it has manipulated.

ELECTRONIC MANIPULATION

Today, we know that techniques of electronic manipulation have been developed which facilitate the presentation of artificially created scenes as objectively observed facts. The visual capture of an event by a camera implies the elimination of that editorial process so obviously a part of the process of recording events in the printed medium. The viewer reasonably expects that the visual recording of an event is a means of preserving for history's sake that event as it occurred. When such is not the case, the viewer should be told.

CLEAR AND PRESENT DANGER

Finally, because a free electorate forms its decisions on matters which it determines to be factual, the artificial transmutation of fact into non-fact without disclosure is a clear and present danger to that electorate. The danger to the public from manipulation of its political decisions is much more real, serious and far-reaching than any danger from false advertising, stock market touting or rigged quiz shows.

WELL-COMM, INC.,
Miami, Fla., May 28, 1971.

Congressman HARLEY STAGGERS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STAGGERS: Now comes Walter Cronkite to join Stanton, Goodman, Reuven Frank, Rule, Pinkham, etc., etc., etc. in not only proclaiming innocence of news bias and censorship but counter-attacking those in and out of government whose primary goal is to see that news is reported fairly, truthfully and completely factual.

Frankly, the concerted and obviously coordinated mouthings of these individuals make me nauseous. Perhaps if I hadn't spent 25 years in the broadcasting business, the last eight as part owner and General Manager of WLBW-TV Ch. 10 in Miami, their languishing outcrys would not disturb me. They do disturb me because like so many other broadcasters we have seen this slanted news for far too many years. The coordinated crying of these individuals indicates that a very sensitive nerve has been struck. A nerve which many general managers of television stations will tell you has been exposed more and more as each year goes by.

The thrust of the defense of these gentlemen seems to be that they are protected to do as they please by the First Amendment and that they are professionals and this makes everything alright.

They claim to be professionals. Has anyone of these men defined a professional newsman? They have not, because they cannot. To them a professional newsman is a professional newsman is a professional newsman. Is the assignment editor a professional newsman? Is his assistant? Is the cameraman a professional news man? Is the sound man? Is the writer a professional newsman? Is the film editor a professional newsman? Is the director? Is the producer? Is the on-the-air reader? Why do these people hide behind this cloak of alleged professionalism when it exists only in their minds? Experienced broadcasters who are close to their own local news departments will tell you that the term "professional newsman" has no meaning.

These broadcasters do not hide behind a self-determined adjective. These broadcasters will tell you that there must be a constant and continuous surveillance to be certain that news is presented factually, fairly, honestly and unprejudiced. They can spot the bias in a minute.

With all due respect to Stanton, Goodman, Rule, etc., these men are in no position to judge the quality and honesty of their own news departments. They are not close to their day-to-day operation and they have been living with the bias so long that to them it is no longer bias.

Recently, NBC devoted a full half-hour to an alleged Captain (in US Army) who turned out to be a phoney Captain. On a subsequent news program John Chancellor stated, matter-of-factly, that the man was not a Captain but an enlisted man. NBC proclaims they were the first to announce this and this makes it just fine. We ask ourselves, before devoting thirty minutes of network time to an imposter, shouldn't someone in this "professional" news department have checked the man's credentials? Maybe even gone to the trouble of asking for his I.D.? Why not? Because these "professionals" found a negative voice and had to be first, instead of being right.

One network "professional" asks a G.I. in Vietnam what he thinks of morale. For two minutes the entire network news audience watches and listens to a typical G.I. gripe about morale. Does anyone know any G.I. in combat who thought morale was good? The network wraps a 24-hour war up into two minutes of negativeness and expects us to swallow it.

Then another network "professional" asks a G.I. if he thinks he is getting enough fire support from a South Vietnamese battery on his flank. Guess What? This authority on fire support said "No", and the network audience was again treated to a two minute negative wrap-up of a 24-hour war. Professionalism? Yes, by the network's own definition.

About one year ago at the CBS affiliates meeting in California, Walter Cronkite did a news feed on the network for the benefit of the affiliates. Does Cronkite remember the reactions of the affiliates to the film on the Vietnam war? They were appalled. Perhaps Cronkite should ask his Vice President Bill Leonard to give him an account of his appearance at the annual convention of the Florida Association of Broadcasters (June 1970) when he completely misunderstood the statements of Governor Kirk and then later at the New York State Convention, according to Variety, completely distorted the Florida Governor's remarks.

Cronkite's statement, accusing the Nixon administration of a conspiracy, without any basis in fact, is a complete indictment of his judgment and ability. Are we to have confidence in one who would make such unfounded statements? Cronkite said "Now is the time for candor" and so it is. Television network news, particularly on CBS and NBC, is managed news laced with innuendo and bias. The public is entitled to see and hear factual news—not what someone *thought* he heard or saw. The networks are in no position to be judge and jury over their own game. It's time for the public to be told the entire truth and it's a duty of Congress to see that this is accomplished.

Years ago when television news was in its infancy, broadcasters and television newsmen were loudly proclaiming that now the public was about to see news as it happened right from the scene; the people could see for themselves and would not have to rely on what some reporter thought he saw, or on one "still" shot that could be taken out of context or "cropped". What we see on a large segment of today's network television news is a far cry from this proclamation.

That bias, prejudice, ignorance, inexperience and ineptness, exist in and around network news departments and talk shows, is not news to most broadcasters. What might be news is the hue and cry raised by those who defend these practices. Could it be that these men cry out with "innocence by association" because they are scared stiff of what the public might find if they ever gain an insight into the day-to-day operations of a television news department?

The public has a right to view all the news, not just part or parcel of it. No one, network or station, has a right to censor news, regardless of their political or philosophical feelings. If news cannot be presented factually, fairly and honestly, then television reporting should cease. That it can be presented factually, honestly and fairly is attested to by the hundreds of affiliate stations throughout the country. They get the job done and they do it well. They also know that Cronkite, Salant, Goodman, Frank, etc. "protesteth too much."

The networks now accuse their detractors of driving a wedge between them and their affiliated stations. This will bring tears to the eyes of most affiliates to know that their networks have such a close feeling for them. It is usually when the networks are in trouble that affiliates become their big brother—the rest of the time, they are treated like a long-lost cousin.

The issue is not one of "First Amendment" but simply whether or not network news departments are permitted to censor news based on bias and prejudice. Once a film has been shot it is no longer a secret source—it is a film recording of an event or happening. No one should have the right of censorship regardless of their motives.

The American public has a right to know the whole truth—and news organizations have a duty to be honest, if nothing else.

Sincerely,

THOMAS A. WELSTEAD,
President.

SYRACUSE UNIVERSITY PRESS,
Syracuse, N.Y., April 19, 1971.
Hon. HARLEY O. STAGGERS,
Chairman, Special Subcommittee on Investigations, Interstate and Foreign Commerce Committee, Washington, D.C.

DEAR CHAIRMAN STAGGERS: I received this morning a copy of the text of a telegram dated April 16 and signed by Mr. Sanford Cobb, purportedly representing the views of the Association of American Publishers, Inc., on the subject of your Subcommittee's subpoena to CBS in connection with their documentary, *The Selling of the Pentagon*. As the director of a book publishing house which is a member of the Association of American Publishers, I should like to inform you that Mr. Cobb's telegram in no way represents the views of all the members of the AAP, who were not even consulted about their views before some of the office staff and/or officers of the Association composed and sent the telegram to you.

Indeed, I deplore the high-handed use of AAP's members for the political purpose of whatever small group was responsible for the April 16 telegram. On matters of this sort no such clique can speak for the entire membership unless a poll is taken. I hope, therefore, that you will not attach undue weight to Mr. Cobb's telegram, but will take note of the fact that among the 262 members of AAP there are other and even opposite views of the matter your Subcommittee is investigating.

My own view is that I do not welcome deceptive propaganda from either the Pentagon or a television network; and further, that one is as harmful as the other since both are hucksters and inadequately controlled. Of the two, only one is even remotely accountable to the electorate; the other is accountable only to its stockholders and advertisers. You and your Subcommittee have my good wishes.

Cordially yours,

RICHARD G. UNDERWOOD,
Director.

RICHARDSON, TEX.
Representative HARLEY STAGGERS,
House of Representatives,
Washington, D.C.

DEAR SIR: I am writing to you concerning the CBS "The Selling of the Pentagon" issue.

I am an ordinary citizen with a wife and two sons (15 and 17). We are ever trying to be informed and have deliberately chosen to watch documentaries in an attempt to arrive at our own responsible opinions. In this spirit we assume the dictionary meaning, and common usage of the word documentary to mean a factual, objective, substantial, authoritative support of a statement or hypothesis.

We were distressed to discover that there were alleged splices and rearrangement of data distorting the actual events, speeches, etc., that prior to this disclosure we had accepted as factual, truthful, and as it really was.

As a citizen, I feel keenly this alleged misrepresentation that willfully made me and millions of others, vulnerable to distorted information and therefore wrongfully manipulating my decision making process. I desired, expected, and assumed I was getting factual information on the activities of the Pentagon.

As a father and parent of two teenage sons, I raise the moral issue of such misrepresentation when a nationwide organization, dedicated to keeping the public truthfully informed, deliberately and knowingly twists and distorts the facts. How then do I teach my sons to be honest, truthful and nonmanipulative in the achieving of their own ends if the contrary is accepted as practice by CBS.

I am greatly disappointed that the president of CBS should consistently respond to these allegations, not with reasoned, clarifying information, but with defensiveness, hiding behind cries of censorship. We feel totally at the mercy of a leading source of information which responds to criticism almost exclusively by raising the censorship issue. This appears to leave CBS immune from the checks and balances of accountability. If the documentary was in fact truthful and not distorting then Mr. Stanton and CBS has nothing to fear. If the allegations are true, then the people of the land need to know this.

I would therefore heartily urge the perusal of this issue with the hope that a full inquiry and disclosure would restore integrity to a medium of information that I sincerely want to trust and upon which I can rely in the expression of my citizenship.

Sincerely yours,

DAVID E. ERB.

RADIO WIRA,
Fort Pierce, Fla., June 12, 1971.
Hon. HARLEY O. STAGGERS,
Chairman, Interstate and Foreign Commerce Committee, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN STAGGERS: I don't believe any broadcaster has the unlimited and free right to knowingly distort and falsify news, documentaries or commentaries. I further believe it is the obligation of the major networks to so supervise their personnel that these distortions are eliminated prior to airing. It seems that the networks have taken the position in the past of laissez faire rather than proper supervision. I strongly believe some measures need to be taken to severely penalize broadcast networks for airing such materials.

In your investigation of the "Selling of the Pentagon" you might look into this fact. Bill Leonard of CBS spoke to the Florida Broadcasters Association and when asked when the "Selling of the Pentagon" was filmed, he stated 1969 and 1970. It so happened a Mrs. Wesley Ward of Radio Station WJCM in Sebring, Florida was sitting at our table. On purpose she had the question asked since she and her husband, when viewing the film, recognized herself sitting at a Marine Corps banquet in 1967.

The story is that Mr. and Mrs. Ward were in Kansas City, Missouri where the Marine Corp League Convention was being held. Since she was an old friend of Sargeant Herb Sweet who at the time was in charge of the head table, he asked her to sit at a vacant place at the head table. CBS or someone else took movies of the banquet and thus Mrs. Ward was filmed in 1967 and this portion of the film was used according to her in the "Selling of the Pentagon."

I sincerely hope that you will find a way to protect the public and yet give broadcasters every protection possible under the first Amendment of the Constitution. I furthermore hope that you will come to the conclusion that newsmen do not have to reveal their sources. But I fully support you that CBS should be required to reveal whether they cut up their films in such a way as to distort what various officials had truly said.

Sincerely yours,

HUDSON C. MILLER, Jr.,
President.

JACKSON, KELLY, HOLT & O'FARRELL,
Charleston, W. Va., June 23, 1971.
Hon. HARLEY O. STAGGERS,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN STAGGERS: You are rendering an invaluable public service in insisting that the Columbia Broadcasting System produce all of the film, used and unused, shot in connection with producing "The Selling of the Pentagon." You are defending the right of the public to know the truth. In the light of the facts, as I understand them, that at least two disinguished Americans testified before your committee that their filmed statements were cut and edited in a manner to have them saying the opposite of what they in fact said is a most serious charge. I have heard CBS officials deny that they engaged in deliberate deception in the editing and presentation of the material contained in this documentary. Who is telling the truth can be demonstrated conclusively and without question only by an examination of the film, used and unused.

While there are First Amendment considerations in radio and television broadcasting, the United States Supreme Court has made it quite clear that First Amendment rights of broadcasting licensees cannot be equated with those of newspaper publishers. As Justice White, speaking for a unanimous court in *Red Lion Broadcasting Co.* v. *F.C.C.*, 395 U.S 367 (1969) observed, shortly after the enactment of the Radio Act of 1927 the Commission concluded that its congressional mandate to allocate frequencies among competing applicants in a manner responsive to the public "convenience, interest or necessity" meant, that the "public interest requires ample play for the free and fair competition of opposing view, and the Commission believes that the principle applies . . . to all discussions of issues of importance to the public." This doctrine has been applied through the years through denial of license renewals by the Commission, sustained by the courts.

Until 1940 the Commission took the view that the public interest obligated a licensee "not only to cover and to cover fairly, views of others, but also to refrain from expressing his own personal views." Opinion of Justice White, 395 U.S. 377.

While the Commission in 1940 withdrew its limitation on the right of licensees to express their own personal views, the "fairness doctrine" continued in the sense that (1) the broadcast coverage must be *fair* in that it *accurately* reflects opposing views and (2) this must be done at the broadcaster's own expense if sponsorship is unavailable. Justice White at 395 U.S. 377:

"Every licensee who is fortunate in obtaining a license is mandated to operate in the public interest and has assumed the obligation of presenting important public questions fairly and without bias." 395 U.S. 383.

Justice White put this whole matter in proper perspective in the following language (395 U.S. 389, 390):

"There is nothing in the First Amendment which prevents the Government from requiring a licensee to share his frequency with others and to conduct himself as a proxy or fiduciary with obligations to present those views and voices which are representative of his community and which would otherwise, by necessity, be barred from the airwaves.

"This is not to say that the First Amendment is irrelevant to public broadcasting. On the contrary, it has a major role to play as the Congress itself recognized in § 326, which forbids FCC interference with 'the right of free speech by means of radio communication.' Because of the scarcity of radio frequencies, the Government is permitted to put restraints on licensees in favor of others whose views should be expressed on this unique medium. But the people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistently with the ends and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. See *FCC* v. *Sanders Bros. Radio Station*, 309 US 470, 475, 84 L Ed 869, 874, 60 S Ct 693 (1940); *FCC* v. *Allentown Broadcasting Corp.* 349 US 358, 361–362, 99 L Ed 1147, 1152, 1153, 75 S Ct 855 (1955); 2 Z. Chafee, Government and Mass Communications 546 (1947). It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee."

I would appreciate receiving as and when available copies of the transcripts of any hearings involving "The Selling of the Pentagon."

Sincerely,

F. PAUL CHAMBERS.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. PATMAN. Mr. Chairman, I yield the gentleman from West Virginia 1 additional minute.

Mr. STAGGERS. I thank the distinguished gentleman from Texas very kindly.

Mr. Chairman, I had hoped that this controversy could be avoided. When the subcommittee issued its original subpena Dr. Stanton wrote me requesting that we would "reconsider" the matter and modify the subpena so that it would call only for such materials as were broadcast "and other information directly related thereto."

Subsequently, the subcommittee did, in fact, withdraw its first subpena. The modified subpena which we then issued does, in fact, call only for materials "directly related" to the broadcast. Yet Dr. Stanton has again refused to comply. I am inserting into the RECORD a copy of Dr. Stanton's letter to me:

COLUMBIA BROADCASTING SYSTEM, INC.,
New York, N.Y., April 8, 1971.

Hon. HARLEY O. STAGGERS,
House of Representatives,
Washington, D.C.

DEAR CHAIRMAN STAGGERS: Following up our telephone conversation late this afternoon, I enclose a copy of the statement we are releasing concerning the subpoena of your Subcommittee which was served on me this morning.

The Constitutional issue raised by the subpoena gives us no choice but to decline to comply with all of the demands for outtakes and other materials related to the preparation of The Selling of the Pentagon. However, we sincerely hope that your Subcommittee will reconsider this matter and modify the subpoena so that it calls for only such materials as were actually broadcast and other information directly related thereto—which we do not object to furnishing and which we will furnish on the date specified.

With all good wishes.

Sincerely,

FRANK STANTON,
President.

Mr. PATMAN. Mr. Chairman, by a vote of 27 to 2, your House Banking and Currency Committee reported H.R. 8181. I shall attempt to cover the main highlights of this proposed legislation and the Honorable THOMAS LUDLOW ASHLEY, the esteemed and most able chairman of the International Trade Subcommittee of the House Banking and Currency Committee, will, in detail, discuss the specifics of the bill and the justification behind each of the various sections.

Mr. Chairman, in brief, the bill, if enacted, would do the following:

First. It would exempt the receipts and disbursements of the Export-Import Bank from the totals of the budget of the United States and from any annual expenditure and net lending limitations imposed by the budget.

Second. It would increase the aggregate amount of insurance relating to exports which the Export-Import Bank may have outstanding at any one time from $3.5 billion to $10 billion and would also increase the ceiling on the aggregate of all loans, guarantees, and insurance which the Export-Import Bank may have outstanding at any one time from $13.5 billion to $20 billion.

Third. The bill, if enacted, would extend the life of the Export-Import Bank from June 30, 1973, to June 30, 1974, and would authorize the Export-Import Bank to sell in the open market its notes, debentures, bonds, and other obligations with maturities beyond the statutory life of the Bank.

Fourth. The Export-Import Bank would be amended by this bill by repealing certain limitations now existing on the Export-Import Bank concerning activities in connection with any nation which supplies goods and services to a country with whom the United States is engaged in armed conflict. This amendment to the bill would provide the President with discretion to stop or preclude any Export-Import Bank activity with any person or nation if he determines that such activity would be contray to the national interest.

Fifth. Another amendment to the Export-Import Bank contained in this bill would direct the Export-Import Bank to provide guarantees, insurance, and extensions of credit at rates and on terms which are competitive with such rates and terms offered in countries whose exports compete with those of the United States.

Sixth. Finally, Mr. Chairman, the bill before you would eliminate any limitations and restraints maintained by the Board of Governors of the Federal Reserve System on banks and other institutions in connection with extensions of credit for the purpose of financing exports of the United States. This section precludes the Federal Reserve System from providing any limitations or restraints.

Mr. Chairman, as I indicated initially, this bill, if enacted, would exempt the receipts and disbursements of the Export-Import Bank from the totals of the budget of the United States and from any annual expenditure and net lending limitations imposed by the budget. In principle and in fact, except under most extenuating circumstances, I am opposed to any legislative proposals which would accomplish what this language seeks to do. However, having given careful thought and consideration to the significant role which the Export-Import Bank plays in fostering the sale of U.S. goods and services abroad, I am convinced that at least for a short period of time we ought to allow the Export-Import Bank this authority to see whether or not it achieves the objectives of increasing our sales of goods and services overseas.

As we all know, our balance-of-payments situation is horrible. For the last 2 months—for the first time in many, many years—we have a trade deficit. This language, if enacted into law, would not remove the Export-Import Bank from continued congressional scrutiny. The Bank will still be reported in the President's budget which is submitted to the

Congress and the appropriate committees and the Congress will continue to have the right to exercise its prerogatives to reduce or expand the financial activities of the Export-Import Bank. In no way does this proposed legislation remove congressional control over the operations of the Export-Import Bank.

In my opinion, we should give the Export-Import Bank the authority it seeks in this instance. However, to assure continued scrutiny over the program by the authorizing committee, we are not suggesting—as did the administration—that the life of the Bank be extended until 1976. Rather, the bill before you extends the life of the Export-Import Bank only until June 30, 1974. In this way, any necessary changes or considerations that have to be given to the way in which the Bank operates will, in the very near future, be before this body again.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the Export-Import Bank of the United States offers the most efficient and effective means available to us for greatly increasing U.S. exports. Enactment of H.R. 8181 would provide Eximbank with the flexibility and continuity necessary to assure that our national export expansion goals are achieved.

Since its inception in 1934, and more particularly since its reincorporation in 1945, Eximbank has stood behind U.S. exporters in helping them meet those credit needs of their customers which the commercial banking system could not or was unwilling to fulfill. Today, however, the credit needs of our overseas customers have increased greatly.

Much of what this Nation produces best, and sells in volume overseas, consists of the large technology-intensive goods with price tags beyond the ability of most buyers to pay cash. Consequently, most buyers seek and demand terms—terms corresponding usually to the economic payout of the items he buys. Even on the smaller items, the "buy now, pay later" philosophy of the Americas has become an international fact of life. And if our salesman will not offer "pay later" terms, he has a host of overseas competitors who will—with their governments' full backing.

Governments on all continents support their exporters with export financing. The several of the developing nations that do not, are now working on such schemes. Indeed, the white heat of competition which our exporters face in making sales abroad is intensified by the availability of government-supported credit almost everywhere.

In the face of this competition, we must make certain that U.S. exporters have the backing necessary to offer competitive credit. Major provisions of H.R. 8181 endorsed by the administration would provide this backing.

It is important to understand the full range of Eximbank's export financing facilities and how these facilities may be used to gain increased exports.

First, Eximbank has the authority from the Congress to make direct loans to overseas buyers of U.S. goods and services. It does so in cooperation with private capital.

Second, Eximbank has the authority from the Congress to guarantee and insure export obligations.

Through its Commercial Bank Exporter Guarantees program, Eximbank will guarantee repayment of export debt obligations acquired by U.S. banking institutions without recourse from U.S. exporters.

Through another program, handled in cooperation with FCIA, an association of some 50 stock and mutual insurance companies, U.S. exporters may insure their export receivables against loss resulting from failure of their buyers to pay, for commercial or political reasons.

Third, Eximbank, under its Commercial Bank Export Credit Loan program, more popularly known as the discount loan facility, will lend to U.S. commercial banks and Edge Act corporations up to 100 percent of their eligible export debt obligations. This program assures banks of liquidity for their export transactions and also offers banks a means of countering foreign government-supported export financing in highly competitive situations.

During the 27 months since Henry Kearns became chairman of the Export-Import Bank, these basic programs have been sharpened and streamlined to make them more effective tools for fulfilling the export expansion assignment given the Bank by President Nixon. As a result, the volume of export sales supported by Eximbank has increased significantly.

In fiscal year 1969, Eximbank activities supported export sales valued at $2.9 billion. In fiscal year 1970, Eximbank activities supported export sales valued at $5.5 bililon—up 90 percent over the previous year.

In fiscal year 1971, just concluded, Eximbank activities supported export sales valued at $6.7 billion—up 133 percent over fiscal year 1969.

With one of the smallest staffs of any major agency in Government, and without operating on appropriated funds, Eximbank has performed exceedingly well in adapting its programs to meet the ever-changing conditions of a highly competitive international marketplace.

As remarkable as this performance may have been, however, it falls considerably short of achieving the export totals required to attain and sustain a trade surplus sufficiently large to assist in overcoming our balance-of-payments difficulties. And Eximbank's performance will continue to fall short unless its activities are removed from the budget totals as proposed in H.R. 8181.

The financing needs of the Nation's exporters to meet the challenge of increased sales abroad today are beyond the resources available to Eximbank under unified budget procedures.

This is why the major provisions of H.R. 8181 have been introduced and endorsed by members of both political parties in both houses of the Congress. This is why H.R. 8181 merits the support of every Member of Congress. This is why enactment of H.R. 8181 is so important.

Exports produce nearly two-thirds of U.S.-earned foreign exchange. Receipts from exports make it possible for us to support many of our country's international responsibilities, including national security and development assistance. Since exports are the principal earner of foreign exchange, we cannot afford to be complacent with regard to them. It is imperative that we take steps to increase materially our Nation's export business.

Opportunities for such an increase abroad.

One of the greatest potentials for expansion of U.S. exports is the sale abroad of nuclear power facilities. Thousands of manufacturers throughout the Nation participate in each such sale, providing employment and income to communities in nearly every State. Another potential for increased sales abroad can be found in exports of commercial jet aircraft where again benefits accrue to nearly every segment of the popultaion. Still another potential is in the growing field of liquified natural gas where U.S. technology is notably superior.

These and other technology-intensive exports such as steel mills, chemical plants, computer complexes, and the like require large-scale, long-term financing which can be made available, however, only with Eximbank participation.

There is considerable potential in the field of exports requiring financing on short-term. This kind of export brings immediate benefit to our balance-of-payments account, and yet it appears that we are losing our relative share of the international market for goods moving on short-term credit. Only with enactment of H.R. 8181, can Eximbank move quickly into the development of programs designed to provide short-term financing support for the Nation's exporters.

The steps we must take for a material increase in our Nation's export business thus must include the restoration of flexibility and continuity in the Export-Import Bank's operations. If Eximbank is to meet its obligations to the Nation and its exporters in the most efficient and effective manner possible, enactment of H.R. 8181 is a necessity.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Chairman, we have for consideration today H.R. 8181, the Export Expansion Finance Act of 1971. This bill is divided into two sections: the first amends the Export-Import Bank Act of 1945, as amended, and the second removes credit extended for financing U.S. exports from the Federal Reserve System's Voluntary Foreign Credit Restraint program.

Last week's report that the United States experienced its first 2-months trade deficit in 21 years, thus wiping out any trade surplus for the first quarter of this year, is only the latest in the series of indicators that this Nation needs to move energetically, and move now, to restructure the support it provides to U.S. exporters if they are to compete effectively in the international marketplace. An expanding U.S. export trade is of the highest priority not only in terms of this country's international payments balance and currency stability, but because it is essential to a strong U.S. domestic economy. Exports mean jobs here at home. They mean earnings to the U.S. business community, and they mean revenue to every level of government.

While it is clear that an increase in our trade account will not in itself solve this Nation's serious balance-of-payments problem, this is one area in which we can make a positive contribution through our actions here today.

The international marketplace has become fiercely competitive, both in types of products sold and in terms used for the sales. Credit for export sales, like credit in domestic sales, is required everywhere for all types of transactions. U.S. exporters must have available to them export credit facilities which are at least equal to those provided through Government-supported channels abroad. In short, absent competitive export financing, the United States sale is lost.

The proposals contained in H.R. 8181, as reported by your committee, as well as several other suggestions designed to materially assist in an expansion of the U.S. export trade, were the subject of 6 days of hearings before the Subcommittee on International Trade of the Banking and Currency Committee from May 18 through May 26 of this year. The subcommittee heard extensive testimony from all Federal agencies involved in our Government's export promotion and financing activities as well as representatives from industry, the private banking community, trade associations, and the U.S. Chamber of Commerce's Task Force on Export Financing. In addition, your committee has received an unusually large volume of letters and other expressions of support for these proposals from persons involved in exporting in one way or another from one end of this country to the other.

Among the principal provisions of the bill these three are the only ones which have prompted any controversy: Section 1(b)(1) of the bill removes the receipts and disbursements of the Export-Import Bank from the totals of the budget of the U.S. Government and exempts them from any annual expenditure and net lending limitations imposed on that budget.

Section 1(b)(5) prohibits the Bank from financing exports to or for use in any nation which engages in armed conflict with U.S. Armed Forces or from financing any transaction which the President determines to be contrary to the national interest, thus removing the absolute prohibition, enacted in 1968 against the use of Eximbank programs in such areas as Eastern Europe, when the President determines that specific transactions are not contrary to the national interest.

Section 2 removes any credits extended by banks or financial institutions for the purpose of financing exports from rules, regulations or guidelines set by the Board of Governors of the Federal Reserve System.

With respect to the question of exemption from the budget, the problem is simply this: Although Eximbank does not use appropriated funds, its activities were included under the unified budget concept, first adopted in the fiscal year 1969 budget. This means that the Bank's net loan disbursements are accounted for as budget outlays, or expenditures, not loan receivables even though the money disbursed will return with interest. Its collections from repayment of principal and interest on outstanding loans, other fees received on its program operations, and receipts from so-called sales of assets are accounted for as receipts, or offsets to budget outlays. The problem for the Bank under this type of accounting procedure is that in periods of increasing need for export financing and rapidly expanding activity, such as the Bank has been experiencing in the last few years and will continue to experience under the mandate in this legislation, its disbursements necessarily exceed its collections within a fiscal year period. The result is a "net lending outlay" from Eximbank activities in the overall Federal budget. This outlay amounted to $246 million in fiscal year 1969 and $219 million in fiscal year 1970, while for these same periods the Bank actually made a profit from its operations of $104 million in fiscal year 1969 and $110 million in fiscal year 1970, from which it paid annual dividends to the U.S. Treasury.

Eximbank's loan disbursements follow its loan authorizations by as long as 5 years and repayments of principal and interest on those loans naturally follow even further behind disbursements. However, the net budget outlay ceiling established for the Bank under the present budget procedures generally are not established on the basis of the difference between disbursements required on loans previously authorized and anticipated receipts from outstanding loans. The outlay ceilings for the Bank, frankly, are based on other immediate budget needs and an administration's attempt or need to reduce the overall Federal deficit or increase the budget surplus during a current year.

The unified budget places a further restraint on Eximbank in terms of the method that the Bank is required to use to fund itself. Borrowings from the private market through issuance of the Bank's own obligations, such as debentures, are considered as borrowings and not receipts, and therefore cannot be accounted for as budget offsets. Thus, the Bank in order to have the proceeds from such sales credited as budget receipts, has been compelled to use a complicated and costly form of asset sale—called a certificate of beneficial interest—which is difficult to market because it is nonnegotiable and not a familiar instrument to investors. In fact, the low net budget outlays attributable to the Bank in the last 2 fiscal years were realized only through this sales procedure.

Exclusion of the Export-Import Bank's receipts and disbursements from the computation of the budget as proposed in the pending legislation would eliminate the distortion in its operations resulting from its inclusion under this type of accounting system and would permit the Bank to fund its operations in the orderly and rational manner envisioned under its basic charter.

Let me make one thing absolutely clear at this point. Enactment of this provision exempting the Bank's activities from the unified budget totals will not lessen the present congressional or executive branch controls over the Bank's activities. The Banking Committees of the Congress will still have responsibility for review and oversight of the Bank through its enabling legislation, the Export-Import Bank Act.

Under the budget proposal contained in H.R. 8181, the Bank will still be required to prepare an annual budget and submit that budget to the President through the Office of Management and Budget for submission to the Congress. The Appropriations Committees will still have responsibility for reviewing and recommending annual authorization and expense levels for the Bank pursuant to its budget presentations, and those authorization ceilings will continue to be approved by Congress each year in one title of the Foreign Assistance and Related Agencies Appropriations Acts. Thus Congress in no way loses any control, either general or fiscal, over the Export-Import Bank.

All of the existing executive branch controls over this Bank, as a U.S. Government agency, will remain. Borrowings by the Bank will still be subject to prior approval by the Secretary of the Treasury as to amounts, interest rates, and timing of issues.

As I mentioned earlier, your committee considered several proposals designed to provide U.S. exporters with the type and amount of financing which it has been repeatedly demonstrated that they urgently need if they are to be able to compete successfully with foreign government-assisted financing. The Export-Import Bank has assured the committee that if they are relieved of the unified budget restraints, they will be able to and will provide the financial assistance required by our export community. Clearly they have not done so over the past 2 fiscal years, and certainly there is no assurance that any additional budget flexibility or continuity will be available to them, either now or for future years, expansion of their activities without this legislation.

The second controversial point in this legislation is the removal of the absolute prohibition on Eximbank involvement with Communist countries with which we are not in armed conflict. The section in the Bank Act which is amended by this bill was added by Congress in 1968. It includes a ban not only on the Bank's support of exports to a nation with which we are engaged in armed conflict, but also covers exports to any other country the government of which trades with such a nation. The effect of the 1968 amendment has been to deny support to U.S. exporters for any potential sales which they might be able to conclude in all of the Eastern European markets except for Yugoslavia, even though such purchases would be paid for in dollars and would thereby assist not only the U.S. balance of payments but our domestic economy as well.

Trade with Eastern Europe now comprises approximately 16 percent of total world trade. The U.S. share of that market, however, is only 3 percent. Eastern Europe, like everyone else today, buys on credit, and it is one of the fastest growing marketplaces in the world. Yet, the United States alone among our allies restricts its support of export credit to Eastern Europe.

This restriction denies no products to Eastern Europe. The business merely goes elsewhere, either to a foreign supplier or is shipped out of subsidiaries of U.S. companies abroad. It simply means that the U.S. economy does not get the benefit of the trade.

The United States has ample controls under other legislation to prohibit the supply of any U.S. goods and services to Communist countries which might affect our national security. Moreover, the Export Administration Act of 1969 specifically states a national policy and directs the Department of Commerce to encourage trade in peaceful, nonstrategic goods with all countries with which we have diplomatic or trading relations except in those instances when it would be against our national interest.

Finally, section 2 of H.R. 8181, as amended, although opposed by the Federal Reserve Board, was reported unanimously by the committee. This section requires that the Federal Reserve System shall not limit or restrain, through any rule, regulation, or guideline promulgated by its Board under the voluntary foreign credit restraint program, any bank or financial institution in connection with the extension of credit for financing U.S. exports.

In 1965 the Federal Reserve established what was then described as a temporary voluntary foreign credit restraint program, which has been continued since that time with only minor changes in its guidelines. The restraints on export credit imposed by the Federal Reserve have added to the reluctance of the commercial banks to give to export finance the kind of all-out effort which it deserves in light of the country's balance-of-payments deficit and its implications for the soundness of our Nation's currency. Commercial bankers naturally put their marketing efforts into the areas of greater profit potential, and export finance has not been as attractive in this connection as it should be.

In a recent survey conducted by the U.S. Chamber of Commerce Task Force on Export Financing and Credit, most banks indicated that the VFCR program increases the normal cost of export credit, obliges banks to unnecessarily obtain FCIA insurance or Eximbank guarantees for transactions to avoid VFCR ceilings, and inhibits banks from encouraging exports in their market areas and from expanding their international business in general. Many banks have found it necessary to sell foreign loans abroad to stay within Federal Reserve ceilings at a given reporting date, and many have lost export financing opportunities because of the VFCR limitations. Smaller inland banks in particular have been deterred from either establishing or enlarging export departments because of the low ceilings on lending accorded them under the Federal Reserve program. Thus, this program has had a decidely negative impact on commercial bank international finance operations.

Both banking and industry witnesses who appeared before the subcommittee were unanimous in their recommendation that this restriction be lifted. It makes no sense to put forth a major effort to provide sufficient and competitive export financing primarily through the private banking sector while they are hampered by this type of administrative restriction.

H.R. 8181 provides a realistic opportunity for U.S. export expansion. It provides incentives for the commercial banking system to expand their financing of exports and to stay in the export financing business even in times of tight money, both through increased support from Eximbank and by removal of the counterproductive VFCR program. Of the greatest importance, it sets forth clearly that this Nation is willing to take the steps necessary to improve our trade posture immediately and to recognize the importance of the long-term competitive problems facing U.S. traders.

Mr. Chairman, prompt enactment of H.R. 8181 is urgently required.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I am gravely concerned about the provision which takes the Eximbank loan out of the unified budget. The Comptroller General of the United States has opposed this action. He correctly stated in his testimony before the subcommittee that the American people have a right to know the full debt obligations of the United States. How does the gentleman reconcile his position with that of the Comptroller General whom we hired to give us advice and counsel on how better to do our work?

Mr. ASHLEY. Mr. Chairman, we listened attentively to the testimony of the Comptroller General as we did to the other witnesses who testified on this same point. We have no trouble with this provision, because it is a matter of actual fact that the operations of the Bank continue to be subject to intense congressional scrutiny on an annual basis.

It is necessary for the Bank as a budget supplement to indicate what the extent of its disbursements will be on an annual basis.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. PATMAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. ASHLEY. Mr. Chairman, I was saying that the legislation itself requires that the bank submit its predicted disbursements on an annual basis. Further than that, it is necessary for the bank through the OMB to come to the Congress, to the appropriations committee, to the subcommittee chaired by the gentleman from Louisiana (Mr. PASSMAN) to get approval for its administrative budget.

It is necessary for the Bank to come, on a periodic basis, before the Committee on Banking and Currency for its authorization.

My point, in response to the query of the gentleman from Ohio, is simply that the operations of the Bank continue to be subject to the scrutiny of the Congress.

Mr. VANIK. I should like to ask the gentleman from Ohio, the distinguished chairman of the subcommittee, just how much red ink is blotted out by the action provided for in this section? How much red ink in the debt of the United States is washed out on an annual basis by the action which is contemplated by this section?

Mr. ASHLEY. Let us get one thing straight. The Bank since its inception has returned to the U.S. Treasury some $706 million in dividends. Last year it earned over $100 million in profits, as it did the year before, returning in each of those years $50 million to the U.S. Treasury.

If the gentleman is asking how much will be wiped out in the way of red ink, what he is really saying is that the loans the Bank makes are considered budget outlays. Yet they have no real budget impact whatsoever. They are accounts receivable.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. PATMAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding. Mr. Chairman, I rise in support of H.R. 8181. I want to commend the subcommittee chairman, the gentleman from Ohio (Mr. ASHLEY) as well as the chairman of the full committee, and all the members of the Banking and Currency Committee, for reporting this legislation, which will undoubtedly expand our U.S. trade exports.

I have a question I should like to ask the gentleman. It is my understanding that the proposed revision of section 2 (b)(3) of the Export-Import Bank Act of 1945, as amended, recommended in the bill before the House, would make it possible for the Export-Import Bank to promote American trade in nonstrategic items with certain countries of Eastern Europe. As I understand the proposed revision, it would not be limited to any particular country, but would also open the way for participation by the Export-Import Bank in transactions in all Eastern European countries, including such countries as Yugoslavia and Poland. Am I correct in this understanding?

Mr. ASHLEY. The gentleman's understanding is entirely correct.

Mr. ZABLOCKI. If the gentleman will yield further, as he knows, I recently introduced a bill, H.R. 8871. Among other things, this bill would direct the Export-Import Bank to give preference to trade transactions involving countries with which the United States has most favored nation status trade treaties and agreements. I have long felt that the countries to which we accord such treatment and status should receive priority consideration over countries with which we do not conduct normal trade. Does the gentleman from Ohio feel that this is an appropriate consideration to guide the Export-Import Bank in its operations?

Mr. ASHLEY. That is a very touchy matter. The administration testified on the legislation before us and said in part that if this provision is adopted, as I trust it will be, in all likelihood Rumania will be the first additional Eastern European country which would have access to the facilities of the Export-Import Bank. Yugoslavia has this access now.

I believe I would be honest in responding to the gentleman by saying that this committee will have to look very, very carefully before it establishes any order of country priority as guidance for the Export-Import Bank.

Mr. ZABLOCKI. I agree. I do hope, however, that the apparent inconsistency in this area will be corrected.

Mr. ASHLEY. The gentleman has a point with respect to consistency. I can assure him the subcommittee will consider his recommendation.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Chairman, the sole purpose of the pending legislation, H.R. 8181, is to enable the U.S. producer to be more competitive in world markets through strengthening the programs of the Export-Import Bank and by eliminating unwarranted restrictions on the extension of private export credit. Enactment of this bill would benefit every segment of the U.S. economy, including labor, agriculture, service firms such as those engaged in engineering and construction, as well as shipping, packaging, communications, and other trade-related industries.

The Export-Import Bank is the only U.S. Government institution which can meet the competition in export financing offered by Government-supported exports in other countries. The world tends more and more to buy on credit for several reasons. For one thing, there is a shortage in the world money supply in relation to the growing volume of trade. For another, credit is absolutely necessary in large capital equipment purchases, such as large commercial aircraft, nuclear power facilities and mining projects. Scarcely any buyer has the resources to pay cash for such items; in fact, credit is looked upon as a means of paying for them "as-they-earn."

Eximbank's programs of loans, guarantees, and insurance make it easier for the purchasers of U.S. goods and services to obtain favorable credit. By participating with commercial banks in providing the money for export credits, Eximbank is able to reduce the effective interest rate charged to the borrower. By assuming the exceptional risks and longer repayment terms, Eximbank encourages commercial banks and other lenders to do more export financing.

Because Eximbank's operations are thus essential to export business which benefits the entire U.S. economy, we should not be swayed by arguments that this bill might set a precedent for removing other agencies from the calculations of the Federal budget. Eximbank's role is unique. It should not be included with Government lending agencies whose operations tend to benefit only certain groups or geographic areas.

In one way or another, exports provide jobs in every part of the country, probably in every congressional district. More than 3,000,000 Americans depend on exports for their jobs and most of them do not know it. They produce component parts or subassemblies or agricultural commodities without knowing that the ultimate purchaser will be located overseas. More exports of any kind mean more jobs at home, and sometimes these jobs are badly needed. Recent sales of commercial jet aircraft abroad have been a godsend to many employees in the aerospace industry at a time of heavy layoffs from cutbacks in the defense program.

U.S. agriculture stands to gain substantially from this bill. If granted the new funding authority and flexibility, Eximbank intends at once to extend its discount loan program to cover short-term—less than 1 year—transactions. This is the export category which covers agricultural commodities, along with iron and steel products, chemicals and other nondurable goods. Because of limited resources, Eximbank now confines its discount loan program to the medium-term range. Under this program, Eximbank agrees that whenever called upon to do so, it will lend a commercial bank up to 100 percent of the outstanding value of export paper that the commercial bank is holding. By being thus assured that its export paper will be entirely liquid, the commercial bank is encouraged to lend money for export credits. H.R. 8181 will thus mean more and competitive financing for all short-term sales, including agricultural exports, which now have to rely mainly on Eximbank's exporter insurance program for support.

Eximbank does not compete with private lending sources. Rather, it supplements what they are willing and able to do. By participating in direct loans along with commercial banks, and by agreeing, where necessary, to take the later maturities and let the commercial bank be repaid first, Eximbank makes it possible for these banks to profit from export transactions which otherwise would be lost to the bank and in all probability to the U.S. exporter as well.

These are the types of service which will be improved by the adoption of H.R. 8181.

Eximbank must compete with the support which governments of virtually all other countries provide to their exporters. Other governments use various ways of insulating their export financing from their domestic economies. Eximbank, on the other hand, has had to take its place alongside other U.S. Government agencies seeking allocations under the Federal budget. One of the purposes of H.R. 8181 is to remove this handicap to meet a persistent and growing international competitive situation.

Increased exports mean economic growth for the Nation and a better standard of living for Americans. They also mean an improvement in the U.S. balance-of-payments position which is sorely needed in order to keep the dollar strong and the world monetary system more stable.

Eximbank's revised and expanded programs supported $5.5 billion in U.S. exports in fiscal 1970, compared to $2.9 billion the year before. They are capable of accomplishing much more if properly funded, as provided for in H.R. 8181. This bill merits our support.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

(By unanimous consent, Mr. BARRETT was allowed to speak out of order.)

THE HOUSING AND URBAN DEVELOPMENT ACT OF 1971

Mr. BARRETT. Mr. Chairman, I wish to call to the attention of the House the introduction today of the proposed Housing and Urban Development Act of 1971 by the gentleman from Texas (Mr. PATMAN) and other members of the Banking and Currency Committee.

This bill, which contains the legislative recommendations of three Housing Subcommittee panels, is the result of an intensive study made by subcommittee members during the past few months of all Federal housing and urban development programs. The three study panels met with expert witnesses, reviewed some 36 papers prepared especially for them, and took several field trips before meeting again to make their recommendations. In addition, the entire Housing Subcommittee met in executive session five times to review the panels' work.

I would like to commend the three panel chairmen—Mrs. SULLIVAN of Missouri, Mr. ASHLEY of Ohio, and Mr. MOORHEAD of Pennsylvania—for their outstanding work over the past few months. They and their panel members gave long hours and hard work to all the bill's recommendations. I would like also to thank the ranking minority member of the subcommittee, Mr. WIDNALL of New Jersey, for his full support and cooperation throughout this study.

Three of the bill's proposals deserve special mention and the close attention of all House Members. Title II of the bill contains a proposal by Mrs. SULLIVAN's panel to help stop the spreading problem of housing abandonment. Title V of the bill contains a proposal by Mr. ASHLEY's panel for housing block grants to State and metropolitan housing agencies. Title VI contains a proposal by Mr. MOORHEAD's panel for community development block grants to our Nation's cities.

Taken together, these three proposals form a solid and impressive congressional initiative to help our cities and rural areas meet their most urgent housing and urban development problems. And, they do so without the detailed redtape and administrative regulations which have hampered our programs for many years.

I urge all Members of the House to read carefully the report of the three subcommittee panels which is being released today. I believe it is an outstanding report which points the way to more effective solutions of our housing and urban development problems.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I rise in support of H.R. 8181.

In order to improve our presently unfavorable balance of payments, we definitely have to increase our export market. Today we have firms headquartered in the United States which have subsidiary operations elsewhere in the world.

The U.S. based firms do want to buy American products. Yet, in numerous instances they have bought products made in England and Japan not because of any great difference in price but because those other countries have organizations which are comparable to the Export-Import Bank of the United States that are giving lower interest rates and longer terms.

In developing the legislation before us today a provision was added which will correct this condition. This provision appears at the bottom of page 9 of the bill H.R. 8181. It reads as follows:

> "(b) (1) It is the policy of the United States to foster expansion of ports of goods and related services, thereby contributing to the promotion and maintenance of high levels of employment and real income and to the increased development of the productive resources of the United States. To meet this objective, the Export-Import Bank is directed in the exercise of its functions to provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are competitive with the Government-supported rates and terms and other conditions available for the financing of exports from the principal countries whose exporters compete with United States exporters.

Mr. Chairman, I trust that this directive will be followed faithfully by the Export-Import Bank of the United States so that we can help to stimulate the export of American manufactured products and regain our position in the world market which we have lost to a substantial extent during the last 5 years.

Mr. Chairman, I urge support of H.R. 8181.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, in support of H.R. 8181, I want to call attention to a service of the Export-Import Bank which is too little understood and often overlooked. The Export-Import Bank, long identified with the export financing of manufactured goods and capital equipment, has also made a major contribution to the financing of agricultural exports. Since its founding in 1934, this U.S. Government institution has supported the export of farm products worth over $1.5 billion with direct loans, guarantees, and insurance.

The tempo of Eximbank's agricultural financing support has picked up considerably in the last 2 years. The range of products covered has broadened dramatically and the volume of activity has risen with the introduction of new programs and other innovations which have greatly assisted the agricultural exporter.

During the last fiscal year, for example, Eximbank supported the export of farm products worth over $200 million and in the current fiscal year an even greater volume of agricultural export assistance is anticipated in order to assure that U.S. exporters remain competitive with their counterparts in other countries.

The four main programs which Eximbank is currently utilizing to assist agricultural exporters are discount loans, direct credits, commercial bank guarantees, and export credit insurance.

The discount loan program is the newest method of Eximbank assistance, and last year was utilized the most heavily by agricultural product exporters and their banks. Under this program, the U.S. farmers' commercial banks can obtain Eximbank credits equal to the full value of specific export paper, which relieves the banks' liquidity problems and permits them to make loans at reasonable rates, whereas without such assistance individual banks might not be able to assist export transactions at all. During the fiscal year ended July 30, 1970, Eximbank authorized 48 such loans for agricultural transactions. These loans had a total value of $110.7 million, or about 20 percent of all such authorizations during that period. The discount loans assisted in the sale of corn, wheat, grain sorghum, cotton, barley, tobacco, and sheepskins to 13 different countries.

Also of great importance to agricultural exporters has been Eximbank's direct loan program which has financed the sale of farm products to overseas customers every year for the past two decades. Most of this business has been in cotton and livestock but other products have been financed as well.

During the last 2 years, Eximbank has followed a general policy of mixing its own direct credit moneys with commercial bank funds in order to maximize the impact of its own money and avoid any possibility of competing with, rather than supplementing, private sources of financing. A recent example of this "participation financing" was a soybean credit to Israel, which involved a cash payment by the buyer of 10 percent, an Eximbank direct loan of $5.4 million and an Eximbank financial guarantee of a $5.4 million commercial bank loan, which together supported the sale of $12 million of U.S. exports.

This system of mixing Eximbank funds with private money in order to minimize the output of Eximbank money and maximize Eximbank's effect on U.S. exports has been used to great advantage by the establishment of a number of cooperative financing facility—CFF—lines of credit. Forty-five financial institutions in 22 different countries have obtained these lines of credit from Eximbank. It is anticipated that these lines will be used for the purchase of a variety of U.S. farm products as well as for manufactured goods and capital equipment.

Another program of real assistance to the U.S. farmer has been the Eximbank/FCIA export credit insurance facility. Under this program, Eximbank supported the sale of about $50 million of farm products in 1970, ranging from cotton, grains, rice, and other products to baby chicks, breeding cattle, and other livestock. Export credit insurance is available to the U.S. exporter for transactions justifying either short or medium terms of repayment. If short-term payments are involved, coverage of up to 98 percent of the export value may be obtained. If medium-term sales of over 180 days credit are involved, Eximbank will require the foreign buyer to make a cash payment of 10 percent and the exporter to cover a minimal 2 percent of the risks for his own account. This supplier participation of 2 percent for agricultural exports compares with a normal 10-percent participation required for manufactured goods and was recently authorized by Eximbank in recognition of the normally lower margin of profit on farm product exports.

The Eximbank guarantee program is also available under attractive conditions for farm product exports. In fiscal 1970, export sales of cotton to such markets as Taiwan and Korea and shipments of livestock to Mexico enjoyed this Eximbank coverage and in past years Eximbank commercial bank guarantees have supported the sale of a variety of farm commodities including wheat, corn, soybeans and poultry. Under this program, Eximbank guarantees repayment of export debt obligations acquired by U.S. commercial banks from U.S. exporters. Coverage is available for medium term transactions, that is those with a repayment term of over 180 days. Cash payment and supplier participation requirements are the same as under the export credit insurance program. Eximbank will cover a maximum repayment term of up to 3 years for large sales of cattle, and, in recognition of the special nature of agricultural transactions will permit annual repayments compared with at least semiannual installments on nonfarm products.

If Eximbank receives relief as requested from present budgetary restrictions, it has indicated that one of the major consequences will be the establishment of a short-term discount loan program. Farm products are expected to be a major beneficiary of such a program.

Furthermore, Eximbank has indicated its intention to step up its program of seminars and other exchanges of information on export finance in the areas of the United States which are most heavily involved in agricultural production with the hope of stimulating greater utilization of its programs by farm exporters.

A significant part of the requested increase in Eximbank's lending authority would be used to raise agricultural exports. This increased authority and the other changes requested would permit the Eximbank to provide the flexibility and continuity in export finance which is so greatly needed by the U.S. farmer and other members of our Nations' business community.

Mr. WIDNALL. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, since the 79th Congress enacted the Export-Import Bank Act of 1945 to aid the financing of exports and imports, the nature of our involvement in foreign trade has changed substantially. The amendments offered in H.R. 8181 reflect the necessary changes in the Export-Import Bank regulations to allow for changing economic conditions.

Since 1945, foreign manufacturing processes and technical expertise have caught up with American manufacturers. Additionally, most foreign manufacturers have the support of an aggressive central bank which in many cases has allowed the foreign producer to put together a more attractive financial package than the U.S. manufacturer could provide. I find it distressing that there is currently not enough effective effort by U.S. agencies of Government offering the type of assistance to exporters which can be found in almost all other developed nations of the world. The Export-Import Bank has demonstrated the capability to fill part of this void, and its capability should be expanded by the passage of H.R. 8181.

A second change is the wider distribution of firms manufacturing products for export. Though exact figures are not available, best estimates indicate that the trade market area served by the Minneapolis-St. Paul financial center generates $1 billion in goods, mostly agricultural, and services for foreign markets. By Eximbank standards, this amount of trade accounts for 87,000 full-time jobs. The Export-Import Bank in recent years has provided our local banks with the assistance to meet many of the financial needs of the local export producers, especially small producers. Henry Kearn and his staff are to be commended for their increased attention toward the educating of potential customers of the services available through the Eximbank.

Third, as the Eastern European nations continue to emerge as factors in the economic world, exciting opportunities for trade will be available to U.S. exporters. The unnecessarily prohibitive features of the Fino amendment should be changed, as provided in H.R. 8181, to allow for U.S. participation in this market when it is in the national interest to do so. Increased trade with these Communist-bloc nations, which constitute one of the fastest growing international market areas, is a matter of economic necessity now; and it may offer a prelude to a greater undertanding and international cooperation.

Our critical balance of payments deficit will be solved and maintained only through long-term programs, and not with short-term measures. A balance of trade surplus is a necessary first step in achieving a continuing favorable balance of payments. In the long run our country's success will depend on our ability to sell competitively in foreign markets. The proposed amendments for the Export-Import Bank Act will not provide an immediate cure to our international trade ills, but it will allow the Export-Import Bank the flexibility and increased capacity to assist American marketers to sell in international markets on a basis more nearly equal to foreign competitors.

Mr. WIDNALL. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, I want to strongly second what was said by my friend and colleague, the gentleman from Georgia (Mr. STEPHENS). I think that too many of us from the agricultural areas are inclined to overlook the importance of the Eximbank insofar as agricultural exports are concerned.

Mr. Chairman, enactment of H.R. 8181 will provide major gains for the Nation's agricultural community.

Farm income has been enhanced measurably through exports and certainly agricultural exports over the years have contributed significantly to the Nation's balance of international payments. In fact, no other single segment of the Nation's economy sells as high a proportion of its full production overseas.

Food consumption in the United States is growing steadily and American agriculture will continue to benefit from that growth. Nevertheless, incremental increases in farm income will be highly dependent upon the farmer's ability to sell even more of his production abroad, and the availability of competitive export financing will be key to this success.

We have seen over the past 2 years the value of Export-Import Bank programs to agricultural exports. Shortly after his appointment as Chairman of Eximbank, Henry Kearns initiated a total review of the Bank's support of agricultural exports. As a result the programs were modified, the amount of assistance increased, and the range of products financed was broadened substantially.

In fiscal year 1971, Eximbank loans and financial guarantees for agricultural exports totaled $130 million. The commercial bank discount program committed $56 million for such exports and bank guarantees and FCIA insurance provided $7.5 million in support. The value of shipments for which such financing was made available by Eximbank exceeded $200 million.

These authorizations covered soybeans, wheat, corn, rice, cotton, grain, sorghum, barley, tobacco, poultry, livestock, and hides and skins.

As good as the record may be, however, the performance falls far short of what is required by the American farmer. The bulk of farm shipments overseas moves on short-term financing and Eximbank's inability under the unified budget procedures to finance short-term transactions denies assistance where it is needed most.

The profit margin on agricultural exports is narrow. To remain competitive in the international marketplace, the farmer must have financing at attractive rates of interest, for he cannot cover a high cost of financing within his profit range. The answer to the need for short-term financing at competitive rates for farm exports lies in the expansion of Eximbank's commercial bank discount program to support short-term agricultural transactions.

H.R. 8181, which includes the provision to remove Eximbank's operations from unified budget calculations, will make it possible for Eximbank to establish a farm program for needed short-term agricultural export transactions.

Thus, enactment of this bill will be of major benefit for farmers throughout the United States. The Nation will gain through the contribution of farm exports to the balance of payments. With the ability to compete effectively abroad, the farmer will gain increased means for his improved export performance.

Mr. PATMAN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, I rise in vigorous support of the bill H.R. 8181.

Mr. Chairman, never in the past decade has the need for increased exports to improve our balance-of-payments position been as pronounced and urgent as it is today. The activities of the Export-Import Bank make a significant and measurable contribution to such improvement. Passage of H.R. 8181 will enable Eximbank to increase that contribution.

We know of the dwindling surplus in our trade account—from $4.9 billion in 1960 to $2.2 billion in 1970, and to a virtual zero balance so far this year. We know that the U.S. share in world exports has declined by almost 10 percent, from 16.7 percent of the total in 1960 to 15.1 percent in 1970. And the aggregate balance-of-payments deficit over the same period on a liquidity basis, is over $31 billion. As a result, our reserves of gold and foreign exchange have declined by over 25 percent, from $19.4 billion in 1960 to $14.5 billion in 1970. The Export-Import Bank helps to correct these negative influences.

In fiscal 1970 Eximbank contributed nearly $1 billion to the favorable side of the U.S. balance of payments through the inflow of principal, interest, and fees on loans extended directly to foreign borrowers during previous years. But, this figure by no means measures Eximbank's total contribution. To it must be added cash payments and payments received by exporters or their banks on sales backed by Eximbank insurance and guarantee programs. These inflows—cash payments, payments by foreign banks, principal repayments, and payments of interest and fees contributed an estimated additional $880 million to the credit side of the balance of payments. Thus Eximbank's total contribution in the last fiscal year was some $1.9 billion.

Today Eximbank is conducting its operations to provide greater balance-of-payments benefits within its limited authority. Foremost among its activities which affect the balance of payments is the increased use of offshore financing. For example, when airlines in developed countries buy American jet aircraft, they normally make a 20 percent cash payment, and half of the financed portion is now frequently provided by a non-U.S. bank, with a resulting benefit to our balance of payments. Figures for fiscal 1971 are not yet available, but it appears certain that Eximbank's impact on the payments balance for this year will be above that of any previous year.

To carry forward this offshore financing activity, Eximbank has recently adopted a program which is known as the cooperative financing facility designed to cover smaller transactions to enable buyers abroad to finance their U.S. purchases through their own commercial banks, thus using methods familiar to them and their bankers. The foreign commercial bank finances half of the purchase, after a cash payment, and the other half is financed through an Eximbank line of credit extended to the foreign bank. As this program expands, Eximbank anticipates a substantial increase in U.S. exports and an increased use of offshore funds with consequent benefit to the U.S. balance of payments.

It is important to remember that in addition to its contribution to the U.S. balance-of-payments position, Eximbank activities also yield an income to the U.S. Government, and without using appropriated funds to finance its operations. The Bank annually pays a dividend to the U.S. Treasury on its capital stock and reinvests the remainder of its income in additional support of U.S. exports. This reinvestment will again assist the U.S. balance of payments when it is repaid.

It is clear that the United States must increase its exports if its overall international accounts are to be brought into balance. Such balance is essential if the dollar is to remain a strong international currency.

A critical element in increasing this country's export trade is the assurance of adequate credit support to the U.S. exporter in his attempts to meet foreign competition and gain new and bigger markets for his sales. Eximbank's programs provide the major tool through which this support is provided. Enactment of H.R. 8181 will permit the Bank the flexibility and continuity in its programs required to meet an expanding export effort, which in turn will help meet the critical U.S. balance-of-payments problem.

Mr. WIDNALL. Mr. Chairman, at this time I have an additional request for time, and I therefore yield 3 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of this legislative proposal, and I wish to point out that the most significant issue probably is the removal of the Export-Import Bank from the budget accounting procedures.

I should point out that in doing this we are merely restoring the previous condition of the Export-Import Bank when it was not under the unified budget or under expenditure ceiling limitations.

If the Export-Import Bank is to perform the service to exporters that it should, it is essential that it have the flexibility and the ability to perform its financing services on a continuous basis where it will not be required to renege upon its commitments, and its financing proposals because of the limitations of the budget, or an expenditure ceiling.

I think it should also be remembered that in financing our exports the Export-Import Bank is not engaged in the same money market that other demands of our economy are engaged in domestically, and it should be remembered that the Export-Import Bank is competing with foreign money, with foreign financing. Also, I think most of us would agree that we cannot compete as effectively today in many markets because of our labor costs and because the quality of our products, much superior in the past is being seriously challenged as competing exporters improve their own products. If we are going to be effective in correcting or improving our balance of trade, it is essential that the one area left open to us—and that is more competitive financing—be enhanced as much as possible by adoption of the legislation we are considering today.

Again, Mr. Chairman, I strongly support this legislation.

Mr. PATMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, at the appropriate time I expect to offer an amendment striking from this bill the proposal to exclude the Export-Import Bank loans from the combined budget and from the debt.

This provision in the bill flaunts the advice of the General Accounting Office. It flaunts the advice of the President's Bipartisan Commission on Budget Concepts of 1967, and that advice was of unshaken validity. That advice was that we express in the debt everything that is owed by the Federal Government.

I am for expanding the capital of the bank and I am for expanding the program—I have no objection to that—but it would constitute a fraud to remove these borrowings from the Federal debt. It is fraudulent advertising to permit the American people to believe that somehow or other we have repaid about $3 billion of the Federal debt. It is an erroneous impression that we should not permit.

All the debts of the U.S. Government should be indicated in the debt. We talk about having truth in advertising. Let us establish and stand by the principle of truth in the Federal debt. This information is necessary to the Congress and to the American people who must make vital decisions on economic policy.

Mr. PATMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Chairman, I thank the distinguished Chairman for yielding.

Mr. Chairman, I want to raise my voice against H.R. 8181, a bill to free the Export-Import Bank from oversight by the Congress and to take their operations out from review under the comprehensive budget concept.

I am opposed specifically to that part of the bill which would remove from the budget the receipts and disubursements of the Eximbank.

We created a new budgetary concept a few years ago to include all expenditures and all income into the budget and now we see a pattern of many agencies wanting to be excluded from oversight by the Congress and from budget review.

I am disturbed by this persistent trend of legislation and reorganization which is removing more and more Federal agencies and departments from being included in the budget. I oppose that general principle of removing agencies of the Government from under the budget.

Fannie Mae operations are now out from under the budget.

The Home Loan Bank Board desires also to be excluded and is attempting to be excluded from budget review. Our committee earlier has denied this request.

Now we see the Export-Import Bank wanting to be excluded from oversight by the Congress and from budget review.

The Congress recently established the U.S. Postal Service to be a corporation independent of the Congress and no longer subject to being reviewed by the Congress. We have seen this trend continue in reorganization after reorganization and the enlargement of the Office of Management and Budget and we see it here today in this bill to exclude the growing Export-Import Bank from congressional oversight.

I think this is a bad trend and is wrong. Such legislation is gradually reducing the constitutional oversight authority of the Congress—and thereby lessening its budgetary control over the Federal Establishment although it is generally held responsible for Federal expenditures.

The time has come to say "No" to this continuing pattern of robbing the Congress of its constitutional powers.

I voted against this proposal last year when it was defeated and I see no reason to change my position at this time.

One member of the committee that supports this bill today said to me, "Well, I am opposed, in principle, to exempting an agency of the Government from oversight of the Congress—it is like excess drinking—but I am ready for one more drink."

Mr. Chairman, I oppose removing the operations of the Export-Import Bank from budgetary review of the Congress and I trust this pattern and trend of exclusion from congressional oversight will be stopped and discontinued.

Mr. WAGGONNER. Mr. Chairman, there is no doubt of the need for the legislation before us today. With our balance-of-payments deficit what it is in this country and our trade balance becoming less and less favorable, we should all be thinking in terms of increasing the lending authority of the Export-Import Bank, which has done a credible job over the years since its existence.

However, I cannot vote for increasing the lending authority of the Eximbank if the bill before us does not include language which would prohibit the financing of trade with a country with whom we are presently at war—and we are at war, Mr. Speaker, all suggestions to the contrary notwithstanding—or would prohibit the financing of trade with any nation presently aiding our enemy in Southeast Asia.

Mr. Chairman, I do not know how any man here can vote for this legislation without the prohibitions I have mentioned and still look in the eye the parents of our fighting sons serving in Southeast Asia or, for that matter, look themselves in the eye.

Certainly, we need the increased trade which this legislation, if enacted into law, would engender. It would mean more jobs for more people and would help, perhaps, in setting our financial house in order. But, Mr. Speaker, who in this country wants "blood money"? And that is what it would be if we financed trade with our enemies. I can assure you the people in my district do not, and neither do I. We owe it to our fighting sons, as long as they remain in Southeast Asia—and I would hope they would be home soon—to protect them as best we can on the one hand and to discourage and prohibit, where possible, the aiding of our enemy on the other. To allow anything else, Mr. Chairman, smacks of treason of the worst kind.

Mr. ANNUNZIO. Mr. Chairman, I rise in full support of the pending legislation, H.R. 8181.

Over the years I have been extremely interested in the operations of the Export-Import Bank because of the direct impact it has had in my district and my State. As you know, Illinois is and has been one of the largest exporting States in this great country. In fact, it now ranks first in agriculture exports. The industries in my State have only been able to maintain this record because of the support and financing which have been provided by Eximbank. Obviously, these exports have created numerous jobs and have brought substantial income into our communities and my State as a whole.

Today, we are faced with the grimmest trade picture that this country has seen in the last 20 years. We have had a trade deficit during each of the last 2 months and only a minimal surplus for the first 5 months of this year. Unless we make the necessary changes proposed in H.R. 8181 and give Eximbank the flexibility it absolutely needs to do this job, which we have repeatedly instructed it to do, the stability of our dollar will weaken in the eyes of the world.

We have already seen evidence that the other countries are not going to stand by and maintain confidence in the U.S. dollar unless we can minimize or remove this deficit in our balance of payments. The only practical way to accomplish this is to increase exports. To do so, we must have a competitive Eximbank as is proposed by this bill.

Mr. Chairman, the strength of our dollar demands that we pass H.R. 8181. I strongly urge immediate approval of this legislation.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 8181, the Export Expansion Finance Act of 1971. This measure would extend the life of the Export-Import Bank for 1 year from June 30, 1973, to June 30, 1974, would remove the Bank's operations from the limitations of the unified budget, and would expand the Bank's lending authority.

The Eximbank was created back in 1945 as an independent corporate entity of the Government to aid in financing American export sales. It is authorized to extend credits to foreign buyers, provide loans, guarantees, and insurance of such export credits, and to discount export debt obligations held by commercial banks. In fiscal year 1970 the Bank authorized support of export sales covering some $5.5 billion of U.S. exports.

Mr. Chairman, over the last decade our trade surpluses have fallen from a peak of $7.1 billion in 1964 to an average low of $1.6 billion over the last 3 years. And the situation this year is even more bleak: the surplus for this year is projected to decline to a low of $0.6 billion. While imports are increasing at an annual rate of 9.4 percent, exports are increasing at only 4 percent, and at the same time the U.S. share of world trade is shrinking.

Obviously it is in the national interest to take immediate action to reverse these trends; means must be found to foster an expansion of American exports. The bill before us today provides a partial solution to that problem by giving the Eximbank expanded and more flexible authority. Specifically, Eximbank's operations are removed from the computations of the unified Federal budget which has tended to impose severe and unnecessary restraints on the Bank's activities. Second, the aggregate amount the Bank may have outstanding at any one time in guarantees and insurance is increased from $3.5 billion to $10 billion; and the overall statutory limitation on the Bank's lending, guarantee, and insurance authority is raised from $13.5 billion to $20 billion. Third, the bill modifies the prohibition against Eximbank assistance involving export sales to countries who trade with our armed adversaries, leaving the matter of national interest one to be resolved by Presidential determination. Fourth, the bill directs the Bank to provide export financing with competitive rates, terms, and other conditions. While our long-term credits are competitive, our medium- and short-term credits are not, even though the bulk of world trade moves on medium- and short-term credits. And finally, the bill provides that the Federal Reserve System shall not limit or restrain any bank or financial institution in connection with the extension of credit for financing U.S. exports. The so-called temporary voluntary foreign credit restraint program instituted by the Fed in 1965 has become more or less permanent, having a decidedly negative impact on commercial bank international finance operations.

Mr. Chairman, in conclusion, I think this measure is deserving of our enthusiastic support because it does provide the Export-Import Bank with the flexibility essential to fulfilling its urgent assignment. Passage of this bill will help to restore the confidence of the American exporter, and thereby hopefully increase our export effort and trade surplus.

Mr. ROSTENKOWSKI. Mr. Chairman, I would like to add my support to H.R. 8181, the Export Expansion Finance Act of 1971. This bill, which would amend the Export-Import Bank Act of 1945, is an extremely important piece of legislation in light of the continuing increase in our balance-of-payments deficit. In the last 6 years our trade surplus has declined from $7.1 billion to $1.6 billion and the projection for this year is no better. As the competition for world markets increases American businesses are forced to vie with foreign exporters supported by Government financing. We cannot at this time allow the United States to slip any further in the world trade market.

I would like to particularly commend my distinguished colleague and friend, THOMAS LUDLOW ASHLEY, chairman of the Subcommittee on International Trade who has labored diligently to bring this proposal before the House. The bill will give the Export-Import Bank the flexibility it needs to be a truly effective agent in supporting America's world trade. Removing the ceilings under which the Bank must now operate will be an important step toward increased financing for those projects that private institutions for one reason or another are unable to back. Also the removal of the Bank from the unified Federal budget will exempt the Bank from annual expenditure or budget outlay ceilings. The present congressional review and control, however, will quite rightly be retained.

Mr. Chairman, in light of our present economic problems and the current assault on the dollar I feel it is imperative that we take steps to encourage and support the exportation of American goods and I therefore heartily endorse this bill and urge its speedy passage.

Mr. BADILLO. Mr. Chairman, during our debate on H.R. 8181—the Export-Import Bank extension—this afternoon, I believe it would be both important and pertinent to consider the apparent interest by the Government of Chile in purchasing three commercial jets from the United States with the backing of the Export-Import Bank and the manner in which this is being handled by the Nixon administration.

I am informed that, although a formal request for a loan has not yet been submitted to the Bank, efforts have been underway for the past several weeks to ascertain the nature of the reception which such a request might receive. Chile is apparently anxious to avoid any rebuff which could seriously rupture relations which are already somewhat strained.

I am troubled by the manner in which these soundings are being considered and the apparent effort being made to remove the decision from the Export-Import Bank solely to the Department of State and the National Security Council. This situation seems to be the result of the apprehension on the part of certain administration officials that these jets may be used on LAN-Chile flights which stop in Havana en route to and from Europe. However, these officials seem to ignore the fact that a precedent already exists in that Iberia Airlines of Spain, which also uses American aircraft, stops in Havana. While I realize it is standard procedure for the Eximbank to consult with the State Department on such matters, it would seem that undue consideration is being given to imagined political problems and too little to economic facts and more realistic considerations.

It seems clear that the best interests of the United States would be served in a number of ways by approving a Chilean request for Export-Import Bank financing of the commercial jet sale. The purchase of the two Boeing 707's and one Boeing 727 would certainly be helpful to the financially plagued aerospace industry and would be of considerable benefit to our domestic economy. Furthermore, by facilitating the Chilean purchase of these planes the United States would be giving some clear sign of our interest in promoting amicable relations with Chile—something which has been almost totally absent since the election of President Allende. If Chile is not assisted in purchasing these from the United States it would apparently have no alternative but to seek such aid from the Soviet bloc—a disastrous political, economic, and psychological blow to our already troubled Latin American relations.

Mr. Chairman, the primary basis of the determination whether or not to grant Export-Import Bank financing is the applicant's credit worthiness and this must be the basis upon which the United States should respond to Chile's overtures. There are already a number of difficult factors involved in our relations with Chile and our hesitancy over furnishing a meaningful and sympathetic response to its sounding on financial underwriting for these jets will simply add additional and unnecessary pressures. To date, our relations with the Allende government have been marked by indifference and ineptness and a positive turning point is long past due. Last week I urged the President and his appropriate advisers to give this matter full and careful consideration with a view toward indicating the United States willingness to fairly and favorably receive and consider any Chilean request for Export-Import Bank financing of the commercial jets. I urge our colleagues to join in expressing their interest and support.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 8181, the Export Expansion Finance Act of 1971. This measure would provide a "shot-in-the-arm" for U.S. exports by easing credit restraints on the Export-Import Bank and by removing export credit from the Federal Reserve's voluntary foreign credit restraint program.

This measure would allow our country to compete more effectively with foreign countries which are becoming increasingly active in international trade. H.R. 8181 would direct the Export-Import to provide export financing which is competitive with foreign government-supported financing in countries which compete with our exports. The legislation would make our short- and medium-term credit programs competitive in world money markets.

To aid the small exporter, H.R. 8181 would direct the Export-Import Bank, in carrying out its programs, to afford equal opportunity to those, who, because of size, have difficulty competing with large concerns in the export financing market.

Mr. Chairman, the Export-Import Bank has meant much to our shipping industry—an industry that is fighting desperately for cargo. In 1969, U.S.-flag vessels carried well over $838 million worth of cargo that was generated by loans from the Export-Import Bank.

This legislation will, first, help us expand our export business so that we might enjoy a larger share of the world's market. Second, H.R. 8181 will generate needed cargo for our merchant fleet to transport to foreign countries. Third, our economy will receive a boost from the increased exports by improving our balance of payments.

Mr. Chairman, I commend the Banking and Currency Committee for their deligence in preparing H.R. 8181, and I urge my colleagues to support this legislation which will mean so much to our country and, especially, to our citizens engaged in international trade.

Mr. PATMAN. Mr. Chairman, we have no further requests for time on this side.

The CHAIRMAN. Does the gentleman from New Jersey have further requests for time?

Mr. WIDNALL. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. Under the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Export Expansion Finance Act of 1971".

(b) The Export-Import Bank Act of 1945 (12 U.S.C. 635 and following) is amended as follows:

(1) Section 2(a) of such Act is amended by inserting "(1)" immediately after "Sec. 2. (a)" and by adding at the end thereof the following new paragraph:

"(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank, which budget shall also include the estimated annual net borrowing by the Bank from the United States Treasury. The President shall report annually to the Congress the amount of net lending of the Bank, including any net lending created by the net borrowing from the United States Treasury, which would be included in the totals of the budget of the United States Government if the Bank's activities were not excluded from those totals as a result of this section."

(2) Section 2(c)(1) of such Act is amended by striking out "$3,500,000,000" and inserting in lieu thereof "$10,000,000,000".

(3) Section 7 of such Act is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

(4) Section 8 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974", and by inserting immediately following the words "Secretary of the Treasury" "or any other purchasers".

(5) Section 2(b)(3) of such Act is amended to read as follows:

"(3) The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with (A) the purchase of any product, technical data, or other information by a national or agency of any nation which engages in armed conflict, declared or otherwise, with the Armed Forces of the United States, or (B) the purchase by any nation (or national or agency thereof) of any product, technical data, or other information which is to be used principally by or in any such nation described in subparagraph (A). The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product, technical data, or other information by a national or agency of any nation if the President determines that any such transaction would be contrary to the national interest."

(6) Section 2(b)(1) of such Act is amended to read as follows:

"(b) (1) It is the policy of the United States to foster expansion of exports of goods and related services, thereby contributing to the promotion and maintenance of high levels of employment and real income and to the increased development of the productive resources of the United States. To meet this objective, the Export-Import Bank is directed in the exercise of its functions to provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are competitive with the Government-supported rates and terms and other conditions available for the financing of exports from the principal countries whose exporters compete with United States exporters. The Export-Import Bank shall, on a semiannual basis, report to the appropriate committees of Congress its actions in complying with this directive. In this report the Export-Import Bank shall survey all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters and indicate in specific terms the ways in which Export-Import Bank rates, terms, and other conditions are equal or superior to those offered from such other governments directly or indirectly. Further, the Export-Import Bank shall at the same time survey a representative number of United States exporters and United States commercial lending institutions which provide export credit to determine their experience in meeting financial competition from other countries whose exporters compete with United States exporters. The results of this survey shall be included as part of the semiannual report provided for under this section. It is further the policy of the United States that the Bank in the exercise of its functions should supplement and encourage and not compete with private capital; that the Bank shall accord equal opportunity to export agents and managers, independent export firms, and small commercial banks, in the formulation and implementation of its programs; that loans, so far as possible consistently with carrying out the purposes of subsection (a), shall generally be for specific purposes, and, in the judgment of the Board of Directors, offer reasonable assurance of repayment; and that in authorizing such loans the Board of Directors should take into account the possible adverse effects upon the United States economy."

Sec. 2. In connection with section 2 of Executive Order Number 11387, dated January 1, 1968, and any rule, regulation, or guideline established by the Board of Governors of the Federal Reserve System in connection with a voluntary foreign credit restraint program, there shall be no limitation or restraint, or suggestion that there be a limitation or restraint, on the part of any bank or financial insitution in connection with the extension of credit for the purpose of financing exports of the United States.

Mr. PATMAN (during the reading). Mr. Chairman, since the substitute committee amendment is printed in the bill, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with, that it be printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYLIE: Page 9, strike out line 3 and all that follows thereafter down through line 19.

And redesignate the succeeding paragraph accordingly.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes in support of his amendment.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and one Members are present, a quorum.

The gentleman from Ohio is recognized.

Mr. WYLIE. Mr. Chairman and Members of the Committee, my amendment, simply stated, would retain the so-called Fino amendment, which prohibits trade with countries supplying nations with which we are engaged in armed conflict. The Senate reported a bill which included language to the effect that the Export-Import Bank could make loans mostly to Eastern European nations which do business with North Vietnam. H.R. 8181 was reported from the Banking and Currency Committee with the Senate amendment in it repeating the trading with the enemy amendment.

I offered an amendment during the executive session of the Banking and Currency Committee which would strike the language on page 9 from line 3 through line 19 and restore the language which was adopted by this Congress in 1968.

On February 6, 1968, the House adopted an amendment which would prohibit the Eximbank from loaning moneys to countries with which we are engaged in armed conflict, and that part of it has been retained.

We also adopted an amendment which provided that the Eximbank could not loan moneys to countries which furnish by direct governmental action goods, supplies, military assistance or advisers to nations as described in subparagraph (a), which are nations with which we are engaged in armed conflict.

The Eximbank is a creature of the Congress. The actions of the Eximbank are controlled by Congress. All lending authority of the Export-Import Bank must be approved by Congress. I do not think that we as a Congress want to leave the impression that we are in favor at this critical time in our history of loaning money through the Export-Import Bank to governments which lend support to North Vietnam.

I think that the wrong impression would be left with the other nations of the world and I think indeed it might jeopardize negotiations leading to an end to the conflict in Southeast Asia. The impression was left—I think perhaps inadvertently but I believe such impression was left because a Member came to me and asked me about it—that the administration supports the bill in its present form and supports a repeal of the so-called Fino amendment.

I refer to the hearings before the Subcommittee on International Trade, on page 36, where Mr. Kearns, who is head of the Export-Import Bank testified and said:

> The original legislative restriction was passed by the Congress without indication from the executive branch that it was desired. In this case the executive branch does not support the legislation to repeal or change the Fino amendment.

There are several other references to like effect during the course of the hearings.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Chairman, would it not be more accurate to say that the administration neither favored nor opposed the provision in question?

Mr. WYLIE. That probably would be more accurate. I think rather the administration in this case is willing to allow the House to work its will, but Mr. Kearns did say very specifically in this case the executive branch "does not support the legislation to repeal or change the Fino amendment." The point I was making is that at least one Member of this body came to me and said, "I understand the administration is in favor of the committee amendment," and I think that came on the heels of something the gentleman from Ohio (Mr. ASHLEY) said in response to a question.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Chairman, let us take a specific case. Say a country like Rumania: Would the Export-Import Bank under the present statutes and the Fino amendment be allowed to do business with Rumania?

Mr. WYLIE. That is a very good case and I appreciate the gentleman asking this question. In the instance of Rumania, which is a Communist nation and even if my amendment is adopted and the Fino amendment is retained, we still have language which would permit a loan from the Export-Import Bank to Rumania if the President approves the transaction.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. WYLIE was allowed to proceed for 1 additional minute.)

Mr. WYLIE. Mr. Chairman, in the case of Rumania, there is a finding that Rumania has not been trading with North Vietnam, so it is not trading with the enemy and even though it is a Communist country it could receive a loan from the Export-Import Bank. That is precisely the point of my amendment.

What my amendment does is simply prohibit the Export-Import Bank from lending money to a country which is directly supplying goods, materiel, assistance, or advisers to North Vietnam at the present time, or to any nation with which we are engaged in armed conflict in the future.

At no time do I think we should encourage the Export-Import Bank to make loans to nations which trade with our enemies. I do not think we ought to leave the impression that we are encouraging nations to trade with our enemies, and I urge the adoption of my amendment.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Ohio (Mr. WYLIE) has referred to the so-called Fino amendment that was adopted in 1968. I think it is worthy of note that in the Export Administration Act of 1969 this Congress said as a matter of policy that the United States should encourage trade with countries with which we have diplomatic relations. Let us face it. What was said in 1968 and what was said in 1969 are not consistent. So the question before us is whether or not we modify the Fino amendment, to bring it into conformity with the policy statement adopted by the Congress in 1969 with the adoption of the Export Administration Act.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Ohio.

Mr. WYLIE. I believe there is a wealth of difference between saying we should encourage trade with nations with which we have diplomatic relations so far as export control is concerned, and this bill which authorizes loans from a bank. We license companies to do business with any country with which we have diplomatic relations. Here we are dealing with the Export-Import Bank which makes loans to nations to finance exports. I believe there is a wealth of difference, because my amendment concerns the making good loans to countries; in this case most of them behind the Iron Curtain. Export licensing through the Export Control Act involves private corporations doing a cash business in most instances.

Over and beyond that, as I say, this Bank is the creature of the Congress. It is the creature of this body and of the other body. We ought to provide certain guidelines insofar as its operations are concerned, whereas in the general overall picture of trade in the world today that is a different concept, more political than financial, in my judgment.

Mr. ASHLEY. I really find it a little difficult to accept the distinction. What the gentleman seems to be saying is that it is quite appropriate for the Congress to prohibit the Export-Import Bank from making loans to Communist countries with which we are not at war, but it is quite all right for private commercial banks to make those very same loans to the very same countries.

What on earth could justify this distinction? Shall we say it is all right to do privately what we will not do publicly? What kind of hypocrisy does this represent?

Mr. WYLIE. Present language in the bill provides that the Export-Import Bank shall not guarantee, insure, or extend credit to any country dealing with our enemies if the President determines that any such transaction would be contrary to the national interest.

Mr. ASHLEY. That is right.

Mr. WYLIE. This places the President of the United States in the position of being a banker.

Mr. ASHLEY. No. The gentleman is entirely mistaken on that. There would have to be the finding by the President first, before the loan is transacted.

Mr. WYLIE. It says:

> The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product * * * if the President determines that any such transaction would be contrary to the national interest.

Mr. ASHLEY. It is perfectly clear that the Bank is not going to engage in the transaction and then put the question to the White House. It is going to put the question to the White House and then make the transaction if the finding is affirmative.

Mr. WYLIE. Whether it is a condition precedent or a condition subsequent, it is still putting the President in the position of being a banker.

Mr. ASHLEY. Who on earth is in a better position to make foreign policy decisions than the President of the United States, who is vested with that very responsibility by the Constitution?

Mr. WYLIE. I believe that is the whole difference between us. In the Export Control Act we are concerned about foreign policy decisions. In this bill we are talking about the Export-Import Bank acting like a bank. We are placing the President in the position of making decisions for a bank as a lending institution.

The Bank has a great history, which has been laudable since it was created in 1934, by Executive order of President Roosevelt, and made an independent agency of Congress in 1945. The Congress of the United States created it. It has had an excellent history of making loans and money has been coming back into the Bank.

The point I make is that the Export-Import Bank is not supposed to be in the political arena. It is supposed to be loaning money to countries with the assurance that those countries will then deal with the United States and the United States will be able to export its goods to them.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. ASHLEY was allowed to proceed for 5 additional minutes.)

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Wisconsin.

Mr. REUSS. On this question of the position of the administration, would not the gentleman from Ohio agree with my reading of the record? The record as I read it shows that Mr. Kearns, the President of the Export-Import Bank, when asked about the provision of the bill lifting the embargo on export-import guarantees for Eastern Europe, said that the administration's position would be made clear by the State Department, through Mr. Trezise.

Is it not further clear from the RECORD that when Mr. Trezise testified on page 601 of the hearings, he was asked by you, the gentleman from Ohio, the following:

> Most certainly we are not legislating for the moment, we are hopefully legislating in a responsible way on a prospective basis.
>
> Would it not be the hope that this particular kinship that we seem to have for Rumania might be extended to Poland, Czechoslovakia, and others in the near future?
>
> Would that not be more or less our national aim?
>
> Mr. TREZISE. Well, I think my answer is "Yes", and that this is entirely possible, if not probable.
>
> The statement is, as you see, drafted with some care. The reference to Rumania is qualified by "under present circumstances".
>
> If the Congress sees fit to give the President discretionary authority, I trust that authority will be available generally.

Now, if the English language means anything, that means that the administration wants, as does the gentleman from Ohio, to end the senseless policy in which we cut off our own exports and weaken the dollar and the security of this country while our friends and allies in Europe do the trading with Eastern Europe. Is that not a fair statement?

Mr. ASHLEY. The gentleman makes an eminently accurate statement, and he is quite right, particularly with respect to the expanding market represented by Eastern Europe, which now comprises some 16 percent of total world trade. Yet the U.S. share of the trade with Eastern Europe is only 3 percent. The rest of the world has 97 percent. Why is this? It is because of this ambivalent, counterproductive policy that we have insisted on pursuing.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman.

Mr. WYLIE. Since my name was mentioned, I would like to respond to the gentleman from Wisconsin.

I think he has made an argument in favor of my amendment. As I stated earlier, Rumania has been found not to be dealing with North Vietnam and therefore it is being considered for an Export-Import Bank loan. If Poland or the Soviet Union or Red China or any other Communist nation will agree not to deal with North Vietnam, I would say let the Export-Import Bank consider a loan to it. That makes my point precisely.

Mr. REUSS. Will the gentleman yield further?

Mr. ASHLEY. I yield to the gentleman.

Mr. REUSS. What Mr. Trezise is saying is that it is the object of our national policy to loosen up Eastern Europe and try to inculcate a little independence there. If they occasionally send a cargo of chickenfeathers to Hanoi, we do not want to allow that to inhibit the power of the Export-Import Bank to advance export sales of the United States, and thus strengthen the dollar and improve our national security. It is as simple as that.

Mr. ASHLEY. It does seem to me to be as simple as that.

Mr. Chairman, I conclude by saying that the Export Administration Act of 1969 did state the policy, which is the policy of the United States today; namely, that it is our purpose to encourage trade with all nations with which we have diplomatic relations. It is entirely possible—and hence the caveat expressed in this legislation—that there may be diplomatic situations which would justify an aberration in our trade policy. It is for this very reason we say that of course the President shall have the authority to determine whether transactions are in the interest of the United States, but by and large I think it must be emphasized it is the policy of the United States to encourage trade with all of the countries with whom we have diplomatic relations.

Mr. BLACKBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. HALL. Mr. Chairman, I renew my point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Ninety-six Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 181]

Addabbo
Alexander
Anderson, Tenn.
Baring
Bevill
Biester
Bow
Brasco
Brooks
Burton
Caffery
Carey, N.Y.
Carter
Clark
Clay
Conyers
Corman
Danielson
de la Garza
Dent
Derwinski
Diggs
Dingell
Donohue
du Pont
Dwyer
Edmondson
Edwards, La.
Fascell
Foley
Ford, William D.
Frelinghuysen
Grasso
Hansen, Idaho
Hansen, Wash.
Hébert
Hicks, Mass.
Hogan
Howard
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kemp
Landrum
Leggett
Long, La.
McCulloch
Mann
Mathis, Ga.
Matsunaga
Mayne
Melcher
Mikva
Mills, Ark.
Monagan
Morgan
Morse
Murphy, N.Y.
Nichols
Pelly
Pepper
Pettis
Pirnie
Purcell
Reid, N.Y.
Roberts
Rooney, N.Y.
Rosenthal
Roush
Ruppe
Scheuer
Sikes
Sisk
Stratton
Stubblefield
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Vander Jagt
Wampler
Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MCFALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8181, and finding itself without a quorum, he had directed the roll to be called, when 351 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order was made that no quorum was present the gentleman from Georgia (Mr. BLACKBURN) had been recognized for 5 minutes.

The Chair now recognizes the gentleman.

Mr. BLACKBURN. Thank you, Mr. Chairman.

Members of the Committee, at the time the quorum was called we were taking under consideration the Wylie amendment to the bill now before the Committee.

What the Wylie amendment would do would be to terminate the possibility of any Export-Import Bank financing of trade with those nations which might be trading with other nations engaged in actual combat with this country.

Mr. Chairman, the present language which is in the bill would change this legislative mandate from an absolute prohibition to a discretionary function vested in the executive branch of the Government.

Mr. Chairman, as the Export-Import Bank Act now provides, there is a legislative prohibition against trading with countries who are trading with enemies of this country and time of actual combat.

The testimony of Mr. Kerns before the Subcommittee on International Trade of the Committee on Banking and Currency was that the administration does not support the proposed change. Thus we are left without any clear-cut executive direction.

Mr. WYLIE in response to a question stated that the executive branch of the Government does not have any position but that it is willing to leave this matter to the will of the House.

Gentlemen, our responsibility is to be answerable to the people of the United States in deciding what is in their interest and what they want us to do.

To me this matter is a relatively simple one. If we are going to ask the American public and the fathers and mothers of this country to allow their sons to be committed to military actions, as directed by their Nation's leaders, if we are going to ask the taxpayers of this country to support military activities in furtherance of American policy when foreign policy commitments require military action, then a question arises, do we have the right to ask the same American parents and the same American taxpayers to allow their tax dollars to finance countries which are in turn assisting those nations that are opposed to us and in actual combat with us? To me the matter is very simple. Our responsibility to the people we represent is to take action to insure that their resources are not used on both sides of a conflict. To allow such mutually destructive use of our resources, both men and treasure, would be a form of national suicide.

I do not pretend that I can speak for all of the American public, nor can I speak for all of the people in my own congressional district, but I do suspect there is an overwhelming sentiment in this country of opposition to the proposition of allowing tax dollars to be used to finance countries that are trading with the enemies of our own country.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Ohio.

Mr. WYLIE. The gentleman from Wisconsin (Mr. REUSS) suggested that the Export-Import Bank should not be prohibited from loaning money to Red China because Red China might send a load of chickens to North Vietnam.

The gentleman from Georgia has made my point precisely and that is that we are not talking about a load of chickens. We are talking about permitting financing through a bank, if you please, which is a creation of this Congress, and an agency of the United States, to make loans to improve the economy of countries which help finance the activities of a nation killing American boys.

I think the gentleman has put his finger on the crux of my amendment, which provides one simple thing, and that is that the Export-Import Bank is prohibited from loaning money to a country which is supplying aid to North Vietnam.

Mr. BLACKBURN. I thank the gentleman for his observation. I think it is pertinent to point out that Red China is today providing, estimates I have seen run as high as 80 percent, the small arms and ammunition being used by the North Vietnamese against American forces in South Vietnam.

Any provision for financial assistance to Red China would be indirectly an assistance to our enemies in North Vietnam.

Mr. Chairman, let me make one further observation. If we make any change, if we allow any change to be made in the existing language, in the language that is now in the act, it is going to be interpreted by the executive branch of Government as being a desire to liberalize our trade policy with Communist countries and a desire to extend credit to countries trading with North Vietnam. I for one do not want to go on record as proposing or supporting any such change.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I shall be glad to yield to the gentleman.

Mr. HUNT. I take this opportunity to compliment the gentleman from Georgia who is supporting the amendment which has been offered by the gentleman from Ohio (Mr. WYLIE). The gentleman from Georgia has put his finger directly on the sore spot.

Just this past week one of our great news media here in Washington, which shall remain nameless at this time, announced that the aid that Red China was furnishing to North Vietnam was a gratuity in support of North Vietnam. You know, however, a very strange thing happened on the same day and this has caused me to make up my mind to support this amendment.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HUNT. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mrs. ABZUG. Mr. Chairman, I object.

Mr. HUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Georgia.

Mr. BLACKBURN. I appreciate the gentleman from New Jersey's making the observations that at the very time that Red China, the principal supplier of small arms to North Vietnam announced an extension of its agreement to provide war materiel to North Vietnam, it is now being proposed on the floor of the House that we change existing language in the authorization of the Export-Import Bank which would have the direct result of encouraging trade not only with Red China but with other Communist countries.

Mr. HUNT. That is exactly what some people want. But, on the same day that it was announced in this particular news media that Red China was going to continue to extend her gratuitous help to North Vietnam, the same newspaper in the adjoining column carried an article to the effect that three members of the Armed Forces of the United States had been killed at Danang by an enemy rocket.

Mr. Chairman, we know where the rockets are made. I cannot see the Export-Import Bank loaning money to Red China for the purpose of producing arms or armament that will continue to kill American soldiers. I think it is asinine, to say the least.

Mr. REES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, and members of the committee, I would ask for a "no" vote on this amendment. I think that the President should have the widest latitude in terms of expanding American trade. I think that trade policy, especially with Eastern Europe and Red China, is something that changes on a day-to-day basis. If we of the legislative branch, in a law which will last for the next 5 years as the law of the country, put in an absolute prohibition, we will find that we will tie the hands of the Executive and not allow him the flexibility that he should have.

I have seen in several important cases where the Executive would like to liberalize trade with Eastern European countries such as Yugoslavia, but has been prevented from doing so by this Congress at a time when Yugoslavia was trying to decentralize their country and become more of a market economy, oriented to the West something supposedly our foreign policy is for.

Under this bill it means the Export-Import Bank could not finance any goods to a country at war with the United States and, No. 2, any goods that would move out of a country later, being supplied by this country, to a country at war with the United States. And then down at line 14 it reads:

> The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product, technical data, or other information by a national or agency of any nation if the President determines that any such transaction would be contrary to the national interest.

This ties in very directly with the President's power in regard to the Department of Commerce and the issuance of export licenses. In combination with the issuance of export licenses the President can determine himself if he wishes to have transactions with a country such as Red China or those in Eastern Europe. I think that we have to give the President the power to use his discretion.

Just in the last few months we have been noting Ping-Pong diplomacy with Red China; we have been talking about perhaps extending trade to Red China. This is under a Republican administration. I think whether it be a Republican administration or a Democratic administration that the President should have that flexibility.

I think this bill is a good bill. It gives the President the power he needs to view the problem of our national interests. Therefore, Mr. Chairman, I would urge that the amendment proposed by the gentleman from Ohio (Mr. WYLIE) be voted down.

Mr. CRANE. Mr. Chairman, will the gentleman yield

Mr. REES. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, there has been a point made twice today during the debate by my distinguished colleagues, the gentleman from Ohio and the gentleman from California, which suggests very strongly that there should be an extension of discretionary power to the President in the area of foreign policy.

But it seems to me a little inconsistent that those who very recently have been very outspoken in their criticism of the conduct of our foreign policy by the executive branch, have been very outspoken in their determination to try to restore some of the legislative prerogatives that have been relinquished over this past generation to that executive branch, should at this particular time seek to give discretionary power to the executive branch, that has been resident in the legislative branch, and which the distinguished gentleman from Ohio (Mr. WYLIE) would seek to retain in this body.

Mr. REES. I believe that, when the Congress starts legislating specific restrictions in the area of foreign trade or starts legislating in the area of American investment in other countries, that we are putting restrictions into the law which, in the long run, will hurt American business, hurt American investments overseas. That is why I think the amendment offered by the gentleman from Ohio (Mr. WYLIE) would be a bad amendment. There is nothing in this bill that would prevent Chase Manhattan or Bank America from financing of like types of exports. The restriction is in the licensing authority to export to a country in Eastern Europe or Red China. That is where the restriction is, and you do not need two restrictions. Why make it doubly difficult for American businessmen to do business?

Mr. CRANE. Mr. Chairman, if the gentleman will yield further, I do not think that that is the issue involved in this discussion of the amendment offered by the distinguished gentleman from Ohio (Mr. WYLIE) whether we should deny the extension of credit or financial trade to Communist or non-Communist countries. It is a question of where the power should be to make that determination. In other words, the President could just as well restrict the financing of exports as the Congress, but the proper location of the power is in the latter branch.

Mr. COLLIER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think one point has been made here that should be clarified.

The previous speaker indicated that it was not the responsibility, at least from his point of view, that the Congress legislate in the area of foreign trade. I submit that the Constitution of the United States specifically directs the Congress of the United States to establish trade relations and it is not the prerogative nor the right of the executive branch of the government to perform this function. It becomes quite evident when only those powers which are granted to the Executive by the Congress in the area of foreign trade become his responsibility, and I think we must remember it is solely not only the duty but the responsibility of the Congress to direct the policies of foreign trade of this country.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. BLACKBURN. I would like to ask the gentleman if he would not agree that although the Congress in the past has been derelict in the delegation of too much responsibility to the executive branch of Government and that this would be a good area in which we should exercise our responsibility?

Mr. COLLIER. I would say—yes, in a general way, and specifically in the area of foreign trade the Congress regretfully abdicated its responsibility in the 1962 Trade Expansion Act. Looking back in retrospect, I cannot quite find anything that developed that would justify calling that legislation a trade expansion act because, indeed, it was not.

There were those who were willing to give to the executive branch of the Government a blank check to cut tariffs without full reciprocity and the right to control in the process they merely abdicated their constitutional responsibility.

I would hope that at some point in our history the Congress would once again reestablish its responsibility in this field and reassume its constitutional obligation to the people of this country.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. WYLIE).

I want to associate myself with the remarks of the gentleman from Illinois (Mr. COLLIER) which I think are absolutely correct. Congress on too many occasions has abdicated its clear responsibility under the constitution to regulate foreign commerce. I think that is the main issue before us in this particular amendment. I think we must reassume that authority and do it now.

Mr. Chairman, I rise in support of the Wylie amendment and I do so, Mr. Chairman, for the following reasons:

First. It is entirely appropriate while our American military men are engaged in a critical battle in South Vietnam that the Export-Import Bank be absolutely prohibited from financing trade with any nation that supports another nation with which U.S. forces are engaged in armed conflict, declared or otherwise.

Second. The Constitution of the United States of America clearly delegates to the Congress, not the President, the full power and authority "To regulate Commerce with foreign Nations—article I, section 8—therefore, as the gentleman from Illinois (Mr. COLLIER) and the gentleman from Ohio (Mr. WYLIE) have previously stated, this clear responsibility which each Member of Congress has to his constituency, and to the Nation as a whole, should not be delegated away or abandoned.

Third. It is important to maintain the concept in the present law, known as the Fino amendment, in this legislation before the House today. It has been the sense of Congress that these carefully defined prohibitions on the Export-Import Bank should be maintained while our American men are being asked to give up their lives in South Vietnam.

No one in this Congress would have contemplated the idea of having the Export-Import Bank and/or the President be allowed the discretion of guaranteeing loans or making loans to any country that was dealing with Nazi Germany during the time that we were at war with that nation from 1941 to 1945. In my opinion, the situation today is parallel to that condition of the 1940's. The American people would, by the voting process, have removed any Member of Congress who supported that kind of thinking at that time, and in my opinion would do so today were they here to participate in referendum on this same issue.

I once again compliment the gentleman from Ohio in offering this important amendment to this legislation which I intend to support.

Mr. BROWN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall be very brief. It has been rather fascinating to me today to hear the discussion about the powers of the President when it comes to the conduct of foreign affairs. I have listened to this discussion in the context of a discussion that was held on the floor of the House a couple of weeks ago.

It seems to me that the President is as qualified and authorized to be in effect the Commander in Chief with respect to trade and those matters of foreign affairs as he is in military affairs.

I realize that Emerson said, "Foolish consistency is the hobgoblin of small minds." But, frankly, it seems to me that both my colleagues on this side of the aisle and my colleagues on the other side of the aisle could afford to be guilty of a little more consistency, whether it be foolish or not.

I think we were right 2 weeks ago when we granted to the President the authority to conduct negotiations with respect to the termination of hostilities in Southeast Asia. I think we would be right today to give to the President the discretion to continue to conduct our relations with foreign nations with respect to foreign trade and foreign affairs and I join in support of the amendment.

Mr. FINDLEY. Mr. Chairman, as author of several amendments some years ago which had much the same effect as the one offered by the gentleman from Ohio, I feel I should take just a moment to explain that I have changed my view. Perhaps I can justify it because conditions themselves have changed materially. Back in the mid-1960's many of us thought we were trying hard to achieve a military victory in Vietnam. The action of Congress in accepting my amendments was to impose economic sanctions, to try to tighten down through nonmilitary means upon the enemy and upon those who were supplying the enemy. That to me then was thoroughly justified, and as I look back to that period, it was justified. But today no one surely thinks we are trying to win the war militarily in Vietnam. I believe the time has come to shed the vestige of that earlier period and open trade opportunities for our Nation with the countries of Eastern Europe and elsewhere in the world. I thank the gentleman.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from California.

Mr. HANNA. I wish to commend the gentleman for his statement and say that as far as the powers of the Congress are concerned, it is clear that the powers of Congress include the expansion of trade. That is one of the things that this country stands for and one of the things that make it great, starting with the clipper ships of yesteryears. It seems to me that you have to make a case if you are going to put an impediment on trade. It seems to me we are up against a rock in hard places. In each particular instance we have to make a distinction as to whether we are dealing with a country that is shipping pig iron to one of our enemies or whether they are shipping chicken feathers. That is a decision you cannot lay down in a piece of legislation. You have to designate someone with the power to make such a decision. The gentleman is correct. The President ought to have the power to make this kind of decision.

Previous legislation made it impossible to make the distinction between materials which would be used against our boys, as the saying goes, or whether the material was a commodity which was in no way related to our war effort. The President is the person best suited to make that kind of decision. Is that not the point the gentleman is making?

Mr. BROWN of Michigan. That is correct. The policy the gentleman from California is talking about was recognized in the Export Administration Act. We are not talking about the financing of all exports to those countries, because most is done through the private sector and would be unaffected by this amendment. All we are saying is that where the President thinks it would be in the interest of this country to extend the benefits of the Export-Import Bank, he can do so, and I am satisfied that this President will not abuse that discretion nor will he exercise it unwisely.

Mr. RARICK. Mr. Chairman, I rise to ask several questions of the chairman of the committee. I was wondering if during the hearings, the committee took testimony on the extension of $5 million in Export-Import credits to the Government of Chile to buy U.S. military equipment. Was that matter brought up?

Mr. ASHLEY. No, it was not. I do not believe that that will be found in our hearings.

Mr. RARICK. I think that this committee is entitled to know of this transaction since it is pretty well-acknowledged that the Government of Allende in Chile is Marxist-oriented. It has been branded communistic of a breed similar to Castro's Cuba.

I would call the gentleman's attention to the transcript of the Department of State press briefing on June 30, 1971, just a little over a week ago. At that time it was announced that there had been extended to the Government of Chile $5 million in credits to buy U.S. military supplies, which were identified as one C–130 aircraft, paratroop equipment—without further explanation—and also the leasing of a seagoing vessel to the Chilean Navy which was identified as the *Arikara*.

I would like to read this transcript of the State Department press briefing on the extension of $5 million in Export-Import credits to the Government of Chile to buy U.S. military equipment. It is very short, but extremely important, because it indicates a deliberate act on the part of this Government to circumvent the provisions of the Export-Import Bank Act.

The transcript follows:

TRANSCRIPT OF DEPARTMENT OF STATE PRESS BRIEFING

JUNE 30, 1971.

Q. Charlie, can you confirm that the United States has granted Chile $5 million in credits for the purchase of military equipment?

A. My understanding is that in response to a Chilean request, we have agreed to extend up to $5 million in credit in this fiscal year (FY 1971) for the purchase of U.S. military equipment.

"Grant" has a special technical connotation in this context, which is why I said "extend credit."

This is within the range of amounts that we have extended to Chile in recent years; basically, the equipment contemplated is some paratrooper equipment and a—that is, one—C–130 aircraft.

Q. Can we put this in a bit of a time frame, Charles? The fiscal year ends at midnight tonight. When was this decision made, and when was this extension offered?

A. The decision was made fairly recently, Gary.

I'm not quite sure I understand what you mean by "extension."

Q. Well, you're offering them $5 million—up to $5 million credit for the purchase of military equipment—presumably there's a certain time period that these transactions would require.

A. No, I don't—

Q. The fiscal year ends in twelve hours.

A. Well no, in that respect, there is no extension required. The case is opened with this fiscal year's funds—they can be expended in subsequent year or years.

Q. Charles, I didn't hear what was included besides the C–130 aircraft.

A. Some paratroop equipment—on which I have no further details now.

Q. Charles, is extension of Export-Import Bank Loans to Chile to buy commercial aircraft in this country being held up pending a settlement of the copper dispute?

A. I am going to have to fall back, I think, on some reasonably delphic langauge, here John (or maybe it's unreasonably delphic language, depending on where you stand) and say that this question of the pending sale of commercial airliners is essentially a banking matter which will be decided on its merits.

Q. Well—any idea when, Charlie?

A. No, can't predict when it will be made.

Q. Would you say that the copper dispute has an input into the consideration?

A. No comment.

Q. Wasn't there an armed Navy ship also mentioned in the article we are all talking about, this morning?

A. No, I think it was a seagoing tug—the *Arikara*, which we are leasing to the Chilean Navy for a period of five years.

Q. That was just one C–130?

A. One—"a" C–130.

Q. Thank you.

[The briefing was terminated at 12:56 p.m.]

Mr. ASHLEY. I am a little surprised at the comments of the gentleman, because in 1969 amendments were adopted into the law stating that—

> No funds or borrowing authority available to the Export-Import Bank of the United States shall be used by such bank to participate in any extension of credit in connection with any agreement to sell defense articles and defense services entered into with any economically-less-developed country after June 30, 1968.

Mr. RARICK. May I say to the chairman that the question was asked at the briefing as to whether this $5 million extension of credit of military equipment to Chile was for the fiscal year ending 1971 specifically? Whoever handled the interview asked if this would expire in 12 hours, when the fiscal year 1971 expired, and the answer was that no extension was necessary—that the funds could be expended in a subsequent year or years when the Chilean Government made the request. The interview posed unanswered questions only on the problems created by the Chilean Government nationalizing U.S. copper interests in that country.

Would the chairman agree that granting Export-Import Bank credits to the Marxist Government of Chile, which must be a decision made by the President of the United States, will be questioned by many Americans as not being in the best interests of the American people or of our many Latin American friends?

Mr. ASHLEY. Whatever kind of litmus paper test does the gentleman expect the Bank to perform in determining its known policies?

Mr. RARICK. I was only asking the gentleman if this was discussed in the hearing.

Mr. ASHLEY. I have responded in the negative to the gentleman.

Mr. RARICK. The American people have also heard in recent days about a $700 million Mack truck factory to be constructed in the Soviet Union. Is this also to be financed in whole or in part by the Export-Import Bank?

Mr. ASHLEY. My recollection, if the gentleman is talking about the Fiat transaction, is this.

Mr. RARICK. My question had to do with the Mack truck transaction.

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. RARICK. I yield to the gentleman from California.

Mr. REES. Mr. Chairman, the Mack truck transaction is an independent contract between the Mack truck business and the Soviet Union. To date, they have not applied for any credit, whether in Export-Import Bank credits or credits from private banks. This is a separate contract.

Now, vis-a-vis Chile, the president of Chile happens to be Marxist, but I tell the gentleman now the armed forces are not Marxist.

This was a loan application put in long before the Marxist government was elected by the people of Chile.

I think we have to get away from looking at these situations as black and white and look at them rather as grays.

Mr. RARICK. I think rather we have to look at them as red or shades of red.

Are we preparing to arm the President of Chile to attack his neighbors? Paratroopers are usually regarded as an offensive arm unless they are used domestically as shock troops to suppress popular uprisings.

Many Americans are quite conscious that U.S. vessels that were loaned to other Latin American countries have been used to capture our fishing boats. We have just within the week recovered U.S. fishermen from Marxist Allende's Communist comrade Castro in Cuba.

Mr. REES. If the gentleman wants them to become Communist and politically aimed with the Soviet Union, his policies might be the best thing.

Mr. RARICK. He may not be directly alined with Communist Russia, but he is in bed with Communist Cuba and its imperialistic dictator Castro.

Mr. WYLIE. Mr. Chairman, I think I should clarify what my amendment does, because there is a great deal of sand in the air about what it does not do.

My amendment would simply retain in the law the prohibition against the financing of trade through loans from the Export-Import Bank with any nation which furnishes by direct governmental action, goods, supplies, or military assistance to any country with which we are engaged in armed conflict that is now or in the future. Today it applies only to North Vietnam.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE).

TELLER VOTE WITH CLERKS

Mr. WYLIE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. WYLIE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. WYLIE, PATMAN, BLACKBURN, and ASHLEY.

The Committee divided, and the tellers reported that there were—ayes 207, noes 153, not voting 74, as follows:

[Roll No. 182]

[Recorded Teller Vote]

AYES—207

Abbitt
Abernethy
Andrews, Ala.
Archer
Ashbrook
Aspinall
Baker
Belcher
Bell
Bennett
Betts
Blackburn
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Coughlin
Crane
Daniel, Va.
Davis, S.C.
Dennis
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Esch
Eshleman
Evins, Tenn.
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gettys
Giaimo
Goldwater
Goodling
Griffin

Gross
Grover
Hagan
Haley
Hall
Halpern
Hammerschmidt
Harsha
Harvey
Hastings
Hays
Heckler, Mass.
Henderson
Hicks, Wash.
Hillis
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Kazen
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
Lujan
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Martin
Mathias, Calif.
Michel
Miller, Ohio
Mills, Md.
Minish
Mizell
Montgomery
Myers
Natcher
Nelsen
O'Konski
Pelly
Perkins
Pickle
Pike
Poage
Poff
Powell
Preyer, N.C.

Price, Tex.
Pryor, Ark.
Quie
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Rousselot
Roy
Runnels
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Slack
Smith, Calif.
Snyder
Spence
Springer
Stafford
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Waggonner
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zion
Zwach

NOES—153

Abourezk
Abzug
Adams
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Biaggi
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas

Brown, Mich.
Burke, Mass.
Byrne, Pa.
Carney
Casey, Tex.
Celler
Chisholm
Clark
Clay
Collins, Ill.
Conte
Conyers
Cotter
Culver
Daniels, N.J.
Davis, Ga.
Delaney
Dellenback
Dellums
Denholm
Diggs
Dingell
Dow
Drinan
Dulski

Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Findley
Fish
Foley
Fraser
Frelinghuysen
Frenzel
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Gibbons
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hamilton
Hanley
Hanna
Harrington

Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Holifield
Horton
Jacobs
Karth
Kee
Kluczynski
Koch
Kyros
Leggett
Link
Long, Md.
McClory
McCloskey
McCormack
McFall
McKay
Madden
Mailliard
Mazzoli
Meeds
Metcalfe
Miller, Calif.
Mink
Mitchell

Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Nedzi
Nix
O'Hara
O'Neill
Passman
Patman
Patten
Pepper
Price, Ill.
Pucinski
Railsback
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal

Rostenkowski
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Sisk
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, James V.
Steed
Stokes
Sullivan
Symington
Tiernan
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Yates
Zablocki

NOT VOTING—74

Addabbo
Alexander
Arends
Baring
Bevill
Biester
Blanton
Bow
Brasco
Burton
Cabell
Caffery
Carey, N.Y.
Corman
Danielson
Davis, Wis.
de la Garza
Dent
Derwinski
Donohue
du Pont
Dwyer
Edmondson
Edwards, La.
Fascell
Ford, William D.

Grasso
Gray
Gubser
Hansen, Idaho
Hansen, Wash.
Hébert
Hicks, Mass.
Hogan
Howard
Jones, Ala.
Jones, Tenn.
Kastenmeier
Landrum
Lennon
Long, La.
McCulloch
Mann
Mathis, Ga.
Matsunaga
Mayne
Melcher
Mikva
Mollohan
Mills, Ark.
Minshall
Murphy, N.Y.
Nichols

Obey
Pettis
Peyser
Pirnie
Podell
Purcell
Roberts
Roush
Ruppe
Sikes
Skubitz
Stratton
Stubblefield
Stuckey
Teague, Tex.
Thompson, N.J.
Udall
Veysey
Wampler
Wilson, Bob
Wilson, Charles H.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: Page 7, line 25, strike out "(2)" and all that follows down through page 8, line 16.

Mr. VANIK. Mr. Chairman, the amendment which I offered would simply strike from this bill the provision which would exempt and remove from the debt ceiling and from the combined budget the borrowings of the Export-Import Bank.

In my opinion this is a very bad provision which should be deleted from the present bill.

In other respects I support the legislation. I think the legislation is necessary and wise, but the provision contained in the present law which this amendment seeks to remove is the section which would remove the borrowings of the Export-Import Bank from both the combined budget and from the debt limitation.

Mr. Chairman, it seems to me that we have reached a point in this country where we ought to be truthful about our borrowings. I think there is a great need for putting it on the record and keeping it there.

Mr. Chairman, the language in the bill which I seek to remove flaunts the advice of the Comptroller General of the United States who stated before the committee that there should be full disclosure of the debt of the United States. It flaunts the advice of the President's bipartisan Commission on Budgetary Concepts.

For these reasons this amendment should be adopted.

This language in the bill would give the appearance of clearing $3 billion or $4 billion of the debt and would leave an erroneous impression that the Federal debt is less.

I therefore ask, Mr. Chairman, that this Committee accept this amendment and provide for the inclusion of this Export-Import borrowing in the debt ceiling, and in the combined budget.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to my distinguished colleague, the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, I would ask my friend, the gentleman from Ohio (Mr. VANIK) if it is not true that all of the language beginning with "in accordance" on line 5 on page 8, and running through to the end of the line 16, is in fact surplusage?

Mr. VANIK. It is unnecessary language which my amendment strikes out.

Mr. JONAS. I agree with the gentleman from Ohio that this language is surplusage anyway, and therefore it should be stricken.

Mr. VANIK. It should be stricken. It is not necessary.

Mr. JONAS. I agree.

Mr. VANIK. It is not necessary to have it in the bill.

Mr. JONAS. That is correct.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. I thank the gentleman from Georgia.

Mr. Chairman, again I urge the adoption of the amendment.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman.

Mr. RAILSBACK. I gather from your earlier remarks, and I just wanted to see if I was correct—is it not also true that these loan amounts that may be made in 1 year, under the present system are reflected as expenditures and all of the loan repayments are naturally made in later years. Also, the operations have been so successful that dividends have been paid to the Treasury. It really in not an accurate picture to have these loans shown as budget outlays.

Mr. ASHLEY. It is not an accurate picture. The gentleman is 100 percent right. He understands exactly the problem facing the operation of the Eximbank at this time.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman.

Mr FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Illinois.

Mr. FINDLEY. Is it a fair statement that the more business the Export-Import Bank does, the better off the American people are?

Mr. ASHLEY. There is no doubt about that. That is in terms of jobs, that is in terms of dollar stability, and that is in terms of the entire national economy.

Mr. FINDLEY. There is no question either that the effect of the amendment will be to curtail the potential business the Export-Import Bank could do. Is that correct?

Mr. ASHLEY. There can be absolutely no question about that, because if the gentleman's amendment is adopted, it will mean that in order for the bank to do a higher volume of business in financing American exports, there will have to be a budget impact of enormous proportions. The gentleman says, "Well, it is not honest to do it in any other way." I could not disagree with that more. There is no attempt—and I say it is very much to the contrary—to withhold information from the Congress or the American people. In fact, under the bill before us the bank is required to prepare annual budgets for submission through the Office of Management and Budget to the Congress so that the Appropriations Committee can continue to have the responsibility of reviewing and recommending the administrative budget of the Eximbank. Furthermore, the bank's borrowings from the Treasury must be approved as to amount, interest rates, and the timing of the issues. So in both terms of executive oversight and in terms of congressional oversight there is ample opportunity for review.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from California.

Mr. HANNA. I wish to associate myself with the comments the gentleman is making. Let me point out to the House this basic fact: There are only three ways we are going to be able to deal with our balance-of-payments problems, and do so effectively. One I think would be to get a sharing of security costs with the free world. The second would be to have equitable access to all the markets of the free world. But the third is to arrange financing for our exports. That matter is before us, and it will serve the interests of this country.

Mr. GROSS. Mr. Chairman, I rise in support of the amendment.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, let us make no mistake. One of the main purposes of this bill is to exclude the receipts and disbursements of the Export-Import Bank from the total of the budget of the U.S. Government; to exempt that Bank from any annual expenditure and net lending limitations imposed on the budget.

In 1966, President Johnson appointed the members of the Commission on Budget Concepts. Chairman of that Commission was the former Secretary of the Treasury, David Kennedy, and among the members was the Comptroller General of the United States, Mr. Elmer Staats, and the chairmen of the House and Senate Appropriations Committees, including Mr. MAHON and Mr. BOW. The Commission's staff director was Robert Mayo, who recently served as Director of the Bureau of the Budget.

The purpose of the Commission was to recommend to the President guidelines with respect to the budget and with particular reference to programs which should be included or excluded from the budget totals.

The Commission reported in the fall of 1967 and that report was unanimous. According to Comptroller General Staats, the report recommended that all loan programs operated by entities in which the capital stock is owned by the Government or which have recourse to Federal funds should be included in the budget on a net lending basis. That is to say, the budget totals include the difference between loan outlays or disbursements on one side, and loan reimbursements or repayments on the other side.

On May 20, 1971, Mr. Staats, the Comptroller General, appeared before the Banking and Currency Committee. Let me read from his statement:

> As you know, the General Accounting Office has over many years favored the principle of full disclosure to the Congress and review by the Congress of the budgetary programs submitted by the Executive Branch. In our view excluding the Export-Import Bank's receipts and disbursements from the budget totals would establish a highly undesirable precedent since the exclusion could with equal logic and justification be applied to other loan programs.
>
> In my opinion, it is impossible to differentiate between this program and other loan programs in the budget. It would open the door to excluding other programs, a weakening of the budgetary process, and reduce the ability of the Congress to establish budgetary priorities. The objectives of the legislation could be accomplished with equal effectiveness by an amendment to the Expenditure Control and Limitation Act or by administrative action by the Office of Management and Budget to increase the limit on expenditures for the Bank.
>
> Our position is consistent with the conclusion of the President's Commission on Budget Concepts of October, 1967, that all loan programs operated by Federal entities in which the capital stock is owned by the Government should be included in the budget on a net lending basis.

On May 13, 1971, less than 2 months ago, Mr. MAHON addressed a letter to the Banking and Currency Committee, and I quote from that letter by the chairman of the House Appropriations Committee. He said:

> I incline heavily to view that it would be unwise to exclude a wholly-owned government enterprise from the budget totals. It would be something of a precedent that others might well seek to take advantage of, and that is what especially troubles me.
>
> Now that the House has decided that we should not have an overall expenditure ceiling beginning on July 1, I trust that your committee will see fit to delete the provisions in question.

Mr. Chairman, this amendment ought to be adopted. It is only fiscal responsibility that we see to it that there is some oversight, and conformance with the budget of the United States.

Mr. REES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment. It is also, I understand, opposed by the present administration. The Members might not realize it, but the United States is in trouble with our trade international balance and with the status of the dollar overseas. Just a couple of months ago we read about the fact that the German mark was being revalued vis-a-vis the dollar. In our trade balance in the last 2 months we have had negative for the first time in 21 years. We find our capital account, which is money going in and out of U.S. investments, has been deteriorating.

If this country does not start developing a unified trade policy and begin worrying about our balance of payments overseas we will be in more trouble economically than we are now in these troubled times. When our balance of payments goes to pot we are in deep trouble.

This is a field I dealt with professionally for quite a few years before I was elected to Congress. I know the United States has to export. To do that we have to be able to compete, and to do that we have to have a facility like the Eximbank that can give American exporters the terms—that means low interest and long term loans—so that we can compete with the nations of Asia and Europe, and with the European Common Market.

I would like to address myself to the specific bill. The bill does exempt the Eximbank from the budget, but we have to remember that they are dealing primarily with contingent money—loan guarantees for the most part. They are not specific loans made by the Eximbank for the ABC Export Co. They are guarantees made for instance to the Chase Manhattan Bank or the Bank of America for a line of credit to an American company to export goods to other countries.

If we are supposed to take contingent liabilities and consider them to be a part of the national debt, we might as well take all the accounts insured by the FDIC and say that every insured bank deposit should be a part of the national debt. But this is basically contingent debt that we are talking about.

To effectively compete in the world market we have to have the flexibility so our trade balance can increase without undue restrictions. We have a year-and-a-half lag in the Federal budget. The budget that we are working on now is for a fiscal year that started last week.

So if we have this medium term inflexibility in the budget vis-a-vis the Export-Import Bank, which is primarily a guaranteeing institution and not a lending institution, we will find we could have so much inflexibility that when the American exporters need that credit to export to build up our trade balance the money might not be there.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I agree with the gentleman about the dire straits in which our trade balance is, but we are giving away about $13 billion a year in foreign aid, loans, one facet and another. I would have thought that would have been a more efficient way to bring our trade balance in bounds.

I wonder if the gentleman can tell me exactly how taking the Export-Import Bank out of the unified budget is going to seriously restrict foreign trade?

Mr. REES. I just mentioned it puts in a rigidity.

Mr. LONG of Maryland. Exactly what is that rigidity?

Mr. REES. The rigidity is the year and a half it takes for the legislative branch to pass on to the executive branch budget.

If the gentleman will look at page 8 of the bill, he can see the President is required to give the Congress, every year, a complete report on exactly what the Eximbank is doing. If this body does not like what the Bank is doing, we can change the law to restrict certain activities or by putting them back into the budget.

But by having them in the budget, they are building an inflexibility by a year and a half. For example, based on what the current trade is now, the committee might set a very low level, and all of a sudden the trade might start increasing. In a year and a half it would still take another year and a half to adjust to what that new trade might be.

Mr. LONG of Maryland. Can the gentleman cite chapter and verse as to exactly where and at what time this has held down our trade and exports? Is the gentleman postulating a theory rather than an actual condition, a kind of vague apprehension?

Mr. REES. I believe it is a very live apprehension.

Again, remember that we are not talking about specific appropriation. We are talking basically about guarantees to American exporters, guarantees made to American banks.

Mr. HANNA. Mr. Chairman, I move to strike the requisite number of words.

I believe there can be a good deal of confusion, Mr. Chairman, which would be unfortunate in respect to this important measure.

In the first instance, let me say that Mr. Staats is subject to some correction if he said there is no distinction between this lending and the other lending the United States does.

May I point out to the gentlemen here, who I am sure are aware of this, that for the other lending or for other guarantees the Government has an interest, and as to this we are providing the money at a lower than market interest rate or are taking an extra risk because of the type of person to whom the loan is being made. As to the Eximbank, neither one of these things is true.

The Eximbank operation is a hard loan window. It operates on market interest rates. It lends money to people who have a demonstrable capability to pay it back. It has a track record which will back up that assertion.

The thing which the gentleman from California (Mr. REES) was trying to point out, and which the gentleman from Maryland evidently did not catch, is that if we have the restriction of the budget on the operation of the bank over and above whatever restrictions we put on in terms of the amount of money we authorize for them to lend, or to operate guarantees on, that will have a very unpredictable effect on the bank, which will curtail commitments already made on the basis of what they thought the Congress told them they could do, which the Congress now tells them they cannot do.

As a businessman, let us say that I go to the bank and say, "Lend me some money to make this deal with a customer abroad so that the people in my factory will have jobs building this particular piece of equipment." The bank says, "All right; we will make a commitment, Mr. Hanna." Then I start on the business of doing this. Then they call me on the telephone, about two or three weeks later, and say, "Pardon me, we have to cancel that commitment because the budget boys have told us there is not that much flexibility in the budget."

Well, now, what way of doing business is that? If you were a businessman and subject to this, would this encourage you to help out the United States of America and its balance of payments problem? I suggest to you that it would not. That is why the administration came to us and that is why the Treasury is for this bill and that is why the administrative authorities on the highest levels have asked us to support this measure.

Excluding Exim from the U.S. budget, as proposed, in no way harms or attacks the integrity of the U.S. budget. By all rational judgment, Exim does not belong in the budget in the first place.

Removing Exim from the U.S. budget will clarify the budget and will remove the irrational restrictions which being in the budget places on Eximbank, a bank which is profitable and which uses no appropriated funds. Constraining the activity of Exim for budgetary reasons in the same manner as we constrain the activities of other Government departments and agencies makes no sense at all.

The removal of Eximbank from the budget is called for by the fact that the bank performs a unique service as a Government entity. Most Government agencies spend money at a cost to the taxpayers. Exim, to the contrary, lends money, generating a profit to the taxpayers. Furthermore, among the lending agencies of the Federal Government, Eximbank has the distinction of making hard loans at current interest rates to low-risk borrowers who have proven their ability to repay the loans.

The testimony heard by members of the Banking Committee during our 6 days of hearings on this legislation, and material gathered and examined by the committee members and staff over the past few months, provide overwhelming evidence: First, that the bank is being unduly and unwisely constrained by its inclusion in the unified budget, second, that removing Eximbank from the budget is the only viable solution to the Bank's problems and therefore removing the Bank from the budget is not only warranted but necessary, third, that because of the Bank's nature and uniqueness such removal is defensible from an accounting standpoint and most certainly will not set a precedent, and fourth, that so removing the Bank will not, in any way, lessen the review and control which the Congress has over Bank activities.

Under the unified budget concept, first adopted in the fiscal year 1969 budget, Eximbank's net loan disbursements are accounted for as budget expenditures rather than as loan receivables, even though the money disbursed will soon return with interest; its collections from repayment of principal and interest on outstanding loans are accounted for as receipts, or offsets to budget outlays. We are in a period of extensive expansion in world trade. In such a period it is only natural that a profitmaking lender will have a "net lending outlay." It is not very sound business practice to regard this as a negative budgetary expenditure. A commercial lender would not regard this as an expenditure, but that is how Exim appears in the Federal budget.

The negative impact on the budget attributed to Eximbank amounted to $246 million in fiscal year 1969 and $219 million in fiscal year 1970. However, for these same periods, under generally accepted accounting procedures—that is, where one asset—cash—is exchanged for another asset—a loan receivable—the Bank's operations actually showed profits of $104 million in fiscal year 1969 and $110 million in fiscal year 1970.

Further, the Bank paid a $50 million dividend to the general fund of the Treasury in fiscal years 1969 and 1970, as it has over the past several years, and the Bank has, in fact, paid since its inception a total of $706 million in dividends on its capital stock investment.

The inclusion of Eximbank in the budget was brought about by the adoption of the unified budget in fiscal year 1969, which resulted from the recommendations of the President's Commission on Budget Concepts—the Kennedy Commission. The Kennedy Commission recommended that all Federal credit programs be included in the budget. This recommendation was, and is, sound and valid except in the case of Eximbank which is unlike any other Federal lending program in the budget.

The Commission noted that most all Federal loans were either at very low-interest rates—say, 2 or 3 percent—or were for extraordinary long terms—say, 25, 30, or 40 years—or were to persons whose credit worthiness could not justify the extension of loans on normal terms. The bad debts resulting from such loans are quite high.

Thus, the term "soft" loans applies to such Federal credit programs, and they are properly included in the budget. Such soft loans, even when repaid in full, entail the repayment over such a long period of time and at such a low rate of interest that there is a substantial cost to the Government.

Eximbank, on the other hand, makes only "hard" loans.

Eximbank's interest rate is currently 6 percent or higher; its terms are those normal for commercial trade and average about 7½ years. As required by its basic statute, the Bank seeks "reasonable assurance of repayment" in all of its loans. In fact, loans written off since the inception of the Bank total only two-one hundredths of 1 percent of loan disbursements made over that time.

Finally, I think that the Congress must keep in mind the critical role played by the Eximbank in our balance-of-payments situation. As I see it there are three approaches that must be taken jointly to provide a favorable balance of payments: First, we must encourage other free world nations to accept a much greater share of the burden of collective security than is now the case, second, we must insure our access to the markets of the free world, and third, we must have competitive trade financing in order to keep these profits from going to the credit facilities of other industrialized nations. The House is in a position today to take an important step toward the third approach by extending and improving the operation of the Eximbank.

Clearly then, the Bank is different from other Federal lending institutions. Equally clearly, exclusion of the bank from the U.S. budget does not attack the integrity of the U.S. budget and does not set a precedent for removing other lending programs from the budget.

Another very important fact, discussed in detail on page 6 of the committee's report on H.R. 8181, is that excluding the bank from the budget in accordance with H.R. 8181 will not, in any way, diminish the control and review which Congress has over the bank's programs and activities. Four specific dollar limitations set by the Congress on the bank's program activities and administrative expenses will continue to be included annually as a separate title of the foreign assistance and related agencies appropriations acts.

Thus, it is with strong conviction and a sense of urgency that I ask my colleagues to join with me in voting for passage of this very important legislation.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield to me?

Mr. HANNA. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Let me say that up until we initiated the unified budget the Export-Import Bank operated just as we proposed it operate under the committee bill before us today.

Mr. HANNA. That is right.

Mr. GERALD R. FORD. I happened to be on the subcommittee of the Committee on Appropriations for a number of years that had jurisdiction over the Export-Import Bank's budget. At that time we did not have the unified budget. That subcommittee regularly reviewed the Export-Import Bank operations. For an experimental reason we put the Export-Import Bank operations under the unified budget. I have not seen the Export-Import Bank improve its operations because it has been under the unified budget. As a matter of fact it has been handicapped in the functioning and the responsibility of the Export-Import Bank because it has been forced to operate under the unified budget. Let us go back to the way we had it when it operated well and where I think it can operate better in the future than it has in the last 2 or 3 years.

Mr. HANNA. I agree with the gentleman, and I wish to assure the House that this is the way they ought to vote.

Mr. BURKE of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today, because I feel that the time has come for this body to begin to attack the whole question of this country's foreign trade policies in a comprehensive and uniform manner, rather than in a piecemeal manner, which has been the traditional approach, I am afraid, over the years. The fact is that the bill under consideration and the Export-Import Bank itself are crucial elements in this policy. While I hesitate to tackle something like the Nation's Export-Import Bank, fearful that it might be looked upon as akin to attacking such venerable institutions as motherhood and apple pie, I feel the time has come for a serious reexamination of all the elements in this country's trade picture and that means the sacred cows in our society such as the Export-Import Bank and its role in all of this. Obviously, over the years the Bank has performed yeoman's service in the cause of increasing this Nation's exports. Obviously, this country cannot afford to ignore the fact that similar institutions exist in other countries around the world. But that does not mean that we cannot make suggestions for constructive reform of this institution and, if need be, criticize certain aspects of its performance and put forth some ideas about how it should be performing in the future.

What I am getting at is this: In recent months pressure has grown for a complete review of this Nation's foreign trade policy. This is not a surprising development, particularly when one considers the dismal trade figures of the past 2 months. It is not surprising when one considers the rising unemployment figures for the past several months. Considerable concern has been expressed on this floor about the wholesale export of American jobs. As a matter of fact, lately it seems that this is the only export this country seems to excel at—exporting American jobs. We seem to have the field to ourselves and do not seem to meet with much foreign resistance to this kind of export. Most speakers on the subject have focused on the need for some form of quota legislation. We know the AFL-CIO is preparing a whole legislative package which will go considerably further in meeting this problem than any proposals currently before committees of this House. In view of this concern and these plans, I think we should not just rubber-stamp this Export Expansion Finance Act, because what we do here today has a direct bearing on this Nation's trade policy. The fact is that while it is true the Export-Import Bank has been around a long time and we have grown used to it, its practices in the past have sometimes contributed to the export of American jobs. Considerable capital machinery has been exported from this country to other countries with Eximbank assistance, only to manufacture goods to flood our markets and cost American workers their jobs. The magic combination of highly technical American machinery and cheap foreign labor has proved an unbeatable combination in one American market after another. With the Bank's bias toward medium- and long-term financing, it is only natural that most of the deals in its portfolio represent the sale of American capital goods and machinery to potential foreign competitors.

I am not going so far today as to say it should all be stopped. I realize that to some extent if we did not sell these goods, other countries would. What I am saying is that while we are about the business of crying about the further loss of jobs in this country, let us realize how some of them are being lost. This institution under consideration today accounts for part of the story. We should vote today with our eyes wide open. I feel this Bank owes the Congress a complete breakdown of where its credits are going, what products are being financed, and how the sale of these goods affects the trading figure of our trading pictures. There is no question that in exempting Eximbank from the unified Federal budget and exempting the Bank from annual expenditure or budget outlay ceilings, we are providing this institution with considerably more freedom than they now enjoy to go on making and increasing this kind of financing. Make no mistake about it. Every Member here should realize what he is doing on this vote. It sounds great. Let us encourage exports. But let us face it, there is a price we pay in the name of encouraging exports. This institution will be looking to the domestic money market for the bulk of its funds. Insofar as it does, it will be competing directly with other financial institutions seeking to meet other domestic needs. This has to have an effect on the interest rate structure in our money markets. The funds in turn will then be supplied to foreign firms at prices competitive with foreign interest rates. Any difference in what it costs to raise the money and what can be realized on the loans is subsidized by the American taxpayer. Similarly, the discounting facilities promised by this Bank in the future to encourage private banks to participate in its financing arrangements may well have to be conducted at a loss to be absorbed again by the taxpayers.

A fact which leads me to another provision of this bill about which I am greatly disturbed and that is that in the future the Federal Reserve may not limit banks or financial institutions in their credits to extend export financing. In other words, export credits to foreign companies will be exempted from the voluntary credit restraint program. Banks will be free to use up their whole ceiling under this program to loan to foreign firms and/or subsidiaries of the multinational firms. This is bound to have an undesirable effect on this Nation's balance of payments program, even though it is being done in the name of encouraging exports. This is being offered as an incentive to the private banking sector to make more loans to small exporters. At present, the banks are turning many of these people down with the excuse that the voluntary restraint program makes it impossible. I predict here today that banks will still be turning down the small man interested in exporting or the small importers in a foreign country, because they will still be using as their criteria in granting credit such factors as total profitability of the account relationship, potential future business, compensating balances, volume transactions, letters of credit, and transfer and remittance orders. What will happen is that now the total amount of the VFCRP ceiling will now be available for the banks' prime rate customers, the multinational firms. It will also allow the larger banks increased latitude for investment in foreign banks and financial institutions, something which the original Federal Reserve program was supposed to discourage or curb.

In conclusion, all the elements in our international trade policies are interdependent. What we do to encourage exports may well end up encouraging increased imports. If we have problems, and few can deny that we do, with our balance-of-payments picture, then we must refrain from doing, for perfectly good reasons, something which will return to plague us in another area. We can no longer afford the luxury of treating something so central in the foreign trade picture as the Export-Import Bank as a kingdom unto itself. Before proceeding with the changes embodied in this legislation, this Congress owes it to the American worker to proceed with a complete and thorough review of this Nation's whole foreign trade policy.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to make an inquiry of the gentleman from California. There are many types of lending operations which do come before the Committee on Appropriations, which are authorized, and which are in the budget. Among them are loans for the Small Business Administration, college housing, public facilities, the Government National Mortgage Association, the Farmers Home Administration, rural electric, and many other forms of agricultural credit loans. Would the gentleman advocate that we remove the Small Business Administration, for example, from congressional purview? If he does not, would the gentleman feel, for some reason, that the foreign borrower should be in a superior position to the fellow who wants to get a loan from the Small Business Administration?

I was very touched by the gentleman's statement. He says, you go to the Small Business Administration wanting some money and you are told that that is too bad because SBA does not have any money left because Congress did not authorize it. When the lid is on for the American borrower, why should it be off for the foreign borrower?

Mr. HANNA. I did not want to confuse the presentation that I was making with the gentleman's point, which is that for some reason or other this bill will affect the Appropriation Committee control over the Export-Import Bank. It will not. It has a history since 1949 of being under the Committee on Appropriations. I did not hear anybody on the Committee on Appropriations coming before this Congress saying that they were not satisfied with the controls they had over the Export-Import Bank. What we are trying to correct here is the fact that you impose on the will of the Congress this particular application of the condition of the budget on the operation of this dynamic institution.

Mr. LONG of Maryland. The gentleman answered my question.

I yield to the gentleman from Illinois.

Mr. VANIK. I thank the gentleman for yielding.

I just want to say this action in taking the Export-Import Bank out from under the debt ceiling will open a floodgate of other applicants. There are going to be others coming along, and pretty soon we will not know what our debt is. Right now our latest figure on the condition of the economy is months old. The latest figures on the receipts of the Government are in the February report. We know there has been a shortfall of revenue. We need this information in order to legislate intelligently and wisely. It ought to be in the budget, and I think it will be.

I urge adoption of my amendment.

Mr. LONG of Maryland. I would like to ask this question of the gentleman from California, who pointed out that these are hard loans and this is good money. Is it the purpose of the gentleman only to make hard loans and only have bad risks denied by the Federal Government?

Why not have some good hard loans in the debt to which we can point with pride. I do not think this should be the argument——

Mr. HANNA. I agree with the gentleman, but the fact of the matter is if you look at this thing as a sensible acccountant would do, a bank doing business takes cash as an asset and it lends it out and it takes receipts from the borrowing customer and puts them in their assets. So one asset takes the place of the other.

The Export-Import Bank does exactly what a commercial bank does. It changes one form of asset to another form of asset. But under the budget you could not offset one asset against the other. You have to call it an absolute debt until the loan is paid off. I submit that is not necessary based upon the knowledge which we have of the Export-Import Bank.

Mr. CAREY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to respectfully differ with some of my distinguished colleagues on the great Committee on Ways and Means who seem to think we need to contribute to the deficiency or deficit which we have now. The deficit will be bad enough as it is without incurring other ways of increasing the deficit gap that now exists, no matter what is done with regard to this bill.

This makes artificial increases in the debt and the deficit because this is a hard liability and we know we are going to collect it. It is secured by the merchandise or hardware produced by American exporters with American labor. It frees our own plants to put on extra labor with which to produce goods that we can sell in foreign markets and thereby improve our balance of payments.

A vote against the amendment, a vote with regard to supporting those who do not want to give the Export-Import Bank this leverage, this ability to compete, is a vote to increase the deficit.

Mr. Chairman, we do not need to increase that deficit.

Further, if the gentlemen really want to play honesty games with a deficit and worry about the liability when we have collateral merchandise to back up those loans, under that theory we should include in the deficit or the liabilities of the Government the FDIC, the Federal Mortgage Corporation and their contingencies as well as many, many others and then that will really give us a gargantuan ceiling in the Federal deficit which would be around $600 billion and you would have to finance that by going in the market at the going interest rate in order to finance that $600 billion.

Mr. Chairman, I wonder how many would vote for the debt ceiling to be increased up to $600 billion because we put in the budget every possible realm of imaginative potential liability, particularly that which is furnishing employment.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I am afraid I would have to differ with my good friend on the Ways and Means Committee. I want to point out the fact that the Export-Import Bank finances the exportation of machinery, textile machinery and shoe manufacturing machinery to these foreign countries and thereby it is exporting jobs. That is what they are doing.

Mr. Chairman, I think our friend from Ohio has offered a good amendment here and if we want to save the jobs of the working men and women of this country I think we ought to vote with the gentleman from Ohio.

Mr. CAREY of New York. Let us agree that the shoe business is not going abroad very fast. It will be here for a long time. At least, we will have the opportunity to build machinery if we do not make the shoes. This way we will be out of the shoe business but will be in the machinery business.

Mr. BURKE of Massachusetts. And we will be out of the electronics business also.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

I would like to compliment the gentleman upon his very clear explanation of what is involved here and wish to associate myself with his remarks. I think a vote for the Vanik amendment is actually a vote against the Export-Import Bank and the manner in which it functions.

Mr. CAREY of New York. It is a sort of a method by which we finance our American manufacturers and thereby provide American jobs. The American unemployment rate has reached the astronomical rate of 6 percent of the work force. You are voting not to provide jobs for the building of machinery so we can sell in competition with other nations and so we can sell in competition with them, but sell American-made machines and hardware of all kinds. If we have confidence in American business, we ought to vote down this amendment.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

TELLER VOTE WITH CLERKS

Mr. VANIK. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. VANIK. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the chairman appointed as tellers Messrs. VANIK, PATMAN, ASHLEY, and GROSS.

The Committee divided, and the tellers reported that there were—ayes, 112, noes 249, not voting 73, as follows:

[Roll No. 183]

[Recorded Teller Vote]

AYES—112

Abbitt
Abernethy
Abourezk
Abzug
Albert
Andrews, Ala.
Archer
Ashbrook
Badillo
Begich
Bennett
Blackburn
Blatnik
Brademas
Bray
Brinkley
Brooks
Broomfield
Buchanan
Burke, Mass.
Burleson, Tex.
Byrne, Pa.
Byron
Clawson, Del
Crane
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Delaney
Dennis
Dorn
Dowdy
Eckhardt
Edwards, Calif.
Evins, Tenn.
Flynt
Fountain
Fraser
Fulton, Tenn.
Garmatz
Gaydos
Griffiths
Gross
Haley
Hall
Harsha
Hays
Hechler, W. Va.
Hull
Ichord
Jonas
Jones, N.C.
Karth
Kyros
Lennon
Link
Long, Md.
Lujan
McClure
McEwen
McMillan
Macdonald, Mass.
Mahon
Martin
Mazzoli
Miller, Ohio
Mink
Minshall
Mollohan
Montgomery
Nix
O'Konski
Passman
Pickle
Pike
Powell
Quillen
Rarick
Riegle
Roe
Rooney, N.Y.
Roy
Runnels
Ryan
Satterfield
Saylor
Scott
Seiberling
Shipley
Smith, Calif.
Smith, Iowa
Snyder
Steed
Steiger, Ariz.
Stokes
Stuckey
Symington
Thompson, Ga.
Ullman
Van Deerlin
Vanik
Veysey
Watts
White
Whitten
Wilson, Charles H.
Wolff
Wyatt
Wydler
Wyman
Young, Fla.
Zion

NOES—249

Adams
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Baker
Barrett
Belcher
Bell
Bergland
Betts
Biaggi
Bingham
Boggs
Boland
Bolling
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burlison, Mo.
Byrnes, Wis.
Cabell
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Cotter
Coughlin
Culver
Davis, S.C.
Davis, Wis.
Dellenback
Dellums
Denholm
Devine
Dickinson
Diggs
Dow
Downing
Drinan
Dulski
Duncan
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Harrington
Harvey
Hastings
Hathaway
Hawkins
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
McClory
McCollister
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
Madden
Mailliard
Mathias, Calif.
Meeds
Metcalfe
Miller, Calif.
Mills, Md.
Minish
Mitchell
Mizell
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Poage
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Railsback
Randall
Rees
Reid, Ill.
Reuss
Rhodes
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Rousselot
Roybal
Ruth
St Germain
Sandman
Sarbanes
Scherle
Scheuer
Schneebeli
Schwengel
Sebelius
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, N.Y.
Spence
Springer
Stafford
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stephens
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Thone
Tiernan
Vander Jagt
Vigorito
Waggonner
Waldie
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Williams
Winn
Wright
Wylie
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NOT VOTING—73

Addabbo
Alexander
Arends
Baring
Bevill
Biester
Blanton
Bow
Brasco
Broyhill, Va.
Burton
Caffery
Conyers
Corman
Danielson
de la Garza
Dent
Derwinski
Dingell
Donohue
du Pont
Dwyer
Edmondson
Edwards, La.
Ford, William D.
Grasso
Gray
Hansen, Idaho
Hansen, Wash.
Hébert
Hicks, Mass.
Hogan
Howard
Jones, Ala.
Jones, Tenn.
Kastenmeier
Landrum
Leggett
Long, La.
McCloskey
McCormack
McCulloch
Mann
Mathis, Ga.
Matsunaga
Mayne
Melcher
Michel
Mikva
Mills, Ark.
Murphy, N.Y.
Nichols
Pelly
Pettis
Peyser
Pirnie
Podell
Purcell
Rangel
Reid, N.Y.
Roberts
Roush
Ruppe
Schmitz
Sikes
Staggers
Stratton
Stubblefield
Thompson, N.J.
Udall
Wampler
Ware
Wilson, Bob

So the amendment was rejected.

Mr. ICHORD. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. ICHORD. Mr. Chairman, I take this time to direct a question to the chairman of the committee and also to the ranking member. I will insist that we address ourselves to this question. I am frank to admit that I do not have the answer. I am not here to offer an amendment at this time, but I want to place this problem in the RECORD to make certain that the committee, the Congress, and the Export-Import Bank address themselves to the problem in the weeks and months ahead.

I have been following the bond market, Mr. Chairman, and I know that recently some of the airlines—one in particular—issued bonds for the purchase of 747's, 707's, and 727's.

I know also, Mr. Chairman, that these bonds have been sold at par bearing an interest rate of 11.25 percent. Admittedly the airlines are in a very peculiar financial position. Some of them are on the verge of bankruptcy. We know our commercial airlines are in competition not only with other U.S. airlines, but also with airlines from Germany, England, France, as well as various other countries around the world.

I know also that this particular agency has financed foreign competitors in the purchase of American aircraft at a rate of 6 percent interest. Think of what a serious disadvantage, competitively, this puts the U.S. airlines when they have to pay 11.25 percent interest while their foreign competitors, using U.S. taxpayers' money, which this body is appropriating, finance the purchase of their airplanes at 6 percent.

Frankly, I do not know what the answer is, but I think this body should direct itself to this very troublesome and vexing problem. It is one of the things that is similar to the mountain road: You meet yourself coming and going sometimes.

May I have the comment of the chairman of the Committee on Banking and Currency on this problem, and also the comment of the ranking minority member, as to whether this has been considered by the committee and what solution they have to offer?

We should not subject U.S. airlines to a 5.25 percent competitive disadvantage. How will they possibly survive the present period of financial depression. How can they possibly compete?

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, certainly a remedy cannot be found by charging 11.25 percent. The solution will be to lower the rates down to the other rates—and these rates can be lowered. The prime rate has been increased in the last 24 hours which, of course, will not help.

Mr. ICHORD. How is that a solution? Let us address ourselves to the problem. I know the commercial airline companies now are paying as high as 11.25 percent interest while we with the taxpayers' money finance foreign airlines with 6-percent interest. Give me the answer.

Mr. PATMAN. There is a very simple solution, a very simple answer. We should never have repealed the RFC. It should have been available, but we do not have it now. The big banks have no competition, they can make their own terms at any interest rate. We can legislate a National Development Bank and have interest rates that would be sufficiently low that could help in this situation.

Mr. ICHORD. Where is that legislation to reach this thorny problem?

Mr. PATMAN. It is right in the Banking and Currency Committees of the House and Senate.

Mr. ICHORD. But did the gentleman consider the problem in this legislation?

Mr. PATMAN. Certainly.

Mr. ICHORD. Why did he not have something in this bill?

Mr. PATMAN. I misunderstand. It does not belong in this legislation. It belongs in the Lockheed legislation, and it will be considered when we take it up on July 13, and in the remainder of the session.

Mr. ICHORD. I hope so. I think this problem should have some consideration.

Mr. PATMAN. It will have, and there will be a remedy. The National Development Bank bill, H.R. 3550, will have a capitalization of $1 billion, and can expand on this through borrowing by 20 to 1. It could have $20 billion to help out in the situation the gentleman from Missouri raises and in solving many other economic problems.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. Mr. Chairman, let us be honest. The gentleman in the well is absolutely correct.

Mr. ICHORD. Frankly, I admit I do not have the answer, and I am not prepared to offer an amendment at this time.

Mr. J. WILLIAM STANTON. The gentleman does well in pointing out the problem.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. ICHORD was allowed to proceed for 3 additional minutes.)

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield further?

Mr. ICHORD. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. I believe the gentleman in the well should further recognize that today on this specific subject we are considering the export of American products abroad. We should put that in perspective with the differing interest rates. We all know exports mean jobs. I had no idea they meant so much. Jobs in manufacturing agricultural exports, in fact, are more than 87,000 full-time jobs.

Mr. ICHORD. I understand that.

Mr. J. WILLIAM STANTON. I just wanted to be fair and to bring out both sides.

Mr. ICHORD. I understand this is to finance exports, but there are also jobs at stake in the commercial airline companies that are now on the verge of bankruptcy. We are, in effect, subsidizing their foreign competitors through the practice I have just described.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, I thank the gentleman for yielding.

I would like to suggest that the gentleman should look at the difference in interest rates not just from the standpoint of what they are in this country but also from the standpoint of available export financing to others, financing from other central banks, other than the Export-Import Bank, for the purchase of exports. The Export-Import Bank must be competitive with the other available financing, or the purchase of American exports would be jeopardized including aircraft exports. This is a part of the problem.

We have in this country better quality and preferred aircraft, yet financing is a factor in all these deals.

The Export-Import Bank in this legislation has been mandated again to make sure their rates are competitive with other financing of exports.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Iowa.

Mr. GROSS. Did the gentleman from Missouri ever think he would see as much snow in Washington, D.C., in July as he has seen in the last few minutes?

Mr. ICHORD. I still did not receive an answer to my question, I say to the gentleman from Iowa.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. MCFALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8181) to require Federal Reserve banks to discount certain commercial paper used to finance the export of U.S. commodities, to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes, pursuant to House Resolution 526, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Two hundred and twenty-three Members are present, a quorum.

The bill was passed.

The title was amended so as to read: "A bill to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes."

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 526 the Committee on Banking and Currency is discharged from the further consideration of the bill S. 581.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PATMAN moved to strike out all after the enacting clause of the bill S. 581 and to insert in lieu thereof the provisions of H.R. 8181, as passed, as follows:

That (a) this Act may be cited as the "Export Expansion Finance Act of 1971".

(b) The Export-Import Bank Act of 1945 (12 U.S.C. 635 and following) is amended as follows:

(1) Section 2(a) of such Act is amended by inserting "(1)" immediately after "SEC. 2. (a)" and by adding at the end thereof the following new paragraph:

"(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank, which budget shall also include the estimated annual net borrowing by the Bank from the United States Treasury. The President shall report annually to the Congress the amount of net lending of the Bank, including any net lending created by the net borrowing from the United States Treasury, which would be included in the totals of the budget of the United States Government if the Bank's activities were not excluded from those totals as a result of this section."

(2) Section 2(c)(1) of such Act is amended by striking out "$3,500,000,000" and inserting in lieu thereof "$10,000,000,000".

(3) Section 7 of such Act is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

(4) Section 8 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974", and by inserting immediately following the words "Secretary of the Treasury" "or any other purchasers".

(5) Section 2(b)(1) of such Act is amended to read as follows:

"(b)(1) It is the policy of the United States to foster expansion of exports of goods and related services, thereby contributing to the promotion and maintenance of high levels of employment and real income and to the increased development of the productive resources of the United States. To meet this objective, the Export-Import Bank is directed in the exercise of its functions to provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are competitive with the Government-supported rates and terms and other conditions available for the financing of exports from the principal countries whose exporters compete with United States exporters. The Export-Import Bank shall, on a semiannual basis, report to the appropriate committees of Congress its actions in complying with this directive. In this report the Export-Import Bank shall survey all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters and indicate in specific terms the ways in which Export-Import Bank rates, terms, and other conditions are equal or superior to those offered from such other governments directly or indirectly. Further, the Export-Import Bank shall at the same time survey a representative number of United States exporters and United States commercial lending institutions which provide export credit to determine their experience in meeting financial competition from other countries whose exporters compete with United States exporters. The results of this survey shall be included as part of the semiannual report provided for under this section. It is further the policy of the United States that the Bank in the exercise of its functions should supplement and encourage and not compete with private capital; that the Bank shall accord equal opportunity to export agents and managers, independent export firms, and small commercial banks, in the formulation and implementation of its programs; that loans, so far as possible consistently with carrying out the purposes of subsection (a), shall generally be for specific purposes, and, in the judgment of the Board of Directors, offer reasonable assurance of repayment; and that in authorizing such loans the Board of Directors should take into account the possible adverse effects upon the United States economy."

SEC. 2. In connection with section 2 of Executive Order Number 11387, dated January 1, 1968, and any rule, regulation, or guideline established by the Board of Governors of the Federal Reserve System in connection with a voluntary foreign credit restraint program, there shall be no limitation or restraint, or suggestion that there be a limitation or restraint, on the part of any bank or financial institution in connection with the extension of credit for the purpose of financing exports of the United States.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Two hundred eighteen Members are present, a quorum.

So the motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 8181) was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DESALTING PROGRAM EXPANSION

Mr. JOHNSON of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9093) to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. JOHNSON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9093, with Mr. TIERNAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. JOHNSON) will be recognized for 30 minutes, and the gentleman from California (Mr. HOSMER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Colorado, the chairman of the Committee on Interior and Insular Affairs, Mr. ASPINALL.

Mr. ASPINALL. Mr. Chairman, I take this time to speak in support of H.R. 9093, to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes. This is probably the most important and significant water resources related bill that the Committee on Interior and Insular Affairs will be bringing to the House in this Congress. The measure not only authorizes appropriations with which to continue this important program during fiscal year 1972, but presents a substantial rewrite of the organic legislation under which the program is conducted.

The Saline Water Conversion Act of 1952, as amended, expires by its own terms on June 30, 1972. It is therefore crucial that the Congress address itself to the question of extending this important program. In short, H.R. 9093, as reported, would extend the operation for 5 additional years—until June 30, 1977, with an additional 3-year phaseout period for termination of ongoing contracts, the preparation of necessary reports, and the liquidation of the organization and its assets.

Testimony before our Subcommittee on Irrigation and Reclamation amply supports this extension. It is endorsed by the Department of the Interior, speaking for the administration; and the facts as they are known to our committee verify a continuing public service that can be rendered by proceeding for 5 more years.

There has been made available for expenditure, by the Office of Saline Water since inception of the program in 1952, about $210,000,000. This is, indeed, a substantial sum of money, and there are those who feel that not as much has been accomplished as was initially expected. I am one, Mr. Chairman, who is disappointed that we have not seen more dramatic achievements in terms of reducing the cost of desalted water, but I am prompt to give credit for what has been accomplished.

Some of the more notable and creditable accomplishments of this program cannot readily be measured in absolute terms. For instance, largely through the research findings of the saline water program, we now have a growing and expanding desalting industry capable of competing with other nations for the growing world market for desalting technology and hardware. This makes a positive contribution to our trade balances and our technical posture in the eyes of the world. More tangible, is the fact that the cost of water from a truly commercial, unsubsidized distillation plant has been reduced from about $4 per thousand gallons to a price today in the $0.65 per thousand gallons price range. Desalting is furnishing the water supply for a growing number of areas that have no viable conventional alternative sources. Key West, Fla.; Guantanamo Naval Base; Coalinga, Calif.; Buckeye, Ariz.; and Siesta Key, Fla., are just a few of the places where this technology now affords the best solution.

It has been said that the agency program has not really produced anything new. This is not a fair charge. The most promising process on the horizon today for conversion of brackish water is the reverse osmosis process. It has been brought forward in its entirety through research and development efforts that would not have ever been undertaken, except for the availability of supporting funds from the saline water program. Today it stands on the threshold of widespread commercial availability for the solution to problems in the size range up to 5 million gallons per day.

H.R. 9093, which will be known as the Saline Water Conversion Act of 1971, as I said earlier, does a number of things. Specifically, it repeals the existing statute and reenacts it in an improved and modernized form. Our committee believes that the bill, in its present form, takes note of the changing national needs and priorities and reflects the experience gained in the immediate past, both in terms of research findings and administrative experience.

In section 2, the bill states the recognition and policy position of the Congress to the effect that desalting along with all other techniques of water management will be required to cope with our growing water supply management problems.

Section 3 conveys basic authority and direction for the Secretary of the Interior to conduct research on saline and other chemically contaminated water in search of processes for conversion of such waters for beneficial use irrespective of their source or the causes of their contamination. It should be emphasized most carefully that the Secretary's mandate under this section is confined to water supply for beneficial use. It is not properly construed to authorize a general hunting license for the Interior Department to engage in general water quality research which is more properly under the aegis of the Environmental Protection Agency.

Section 3 also contains explicit authority for the Secretary to follow so-called spin-off findings of his water supply research only so far as necessary to document the technology and make it available for consideration by those who might appropriately pursue such research. Our committee recognized that there are byproduct discoveries stemming from this program that have potential application in other fields. Indeed, something as vital as artificial kidney machines and many food processing techniques had their origin in the OSW program. We do not, however, expect the Office of Saline Water to branch out into these areas, although there is every justification to carry such work to the point that it can be fully documented and safely stockpiled for use by others.

The bill would also authorize development and operation of test beds and modules, in addition to pilot plants. Hardware of this scope is an essential adjunct to the testing of technology carried forward under the basic research and development authority. The bill also authorizes research in brine disposal and byproduct marketing as well as economic studies to maintain factual information on the competitive posture of desalting in the water supply picture. Mr. Chairman, I want to emphasize to my colleagues that the legislation I am discussing is in the nature of an organic charter for the program. Specific programs must, in accordance with other provisions of the bill, be specifically authorized on an annual basis.

Section 4 of the bill specifically authorizes and directs the Secretary to present a feasibility report on a large-scale prototype plant within 1 year. This is a most important aspect of the legislation and will be discussed for the committee in considerable detail by the gentleman from California (Mr. JOHNSON) who chaired the subcommittee handling the legislation and who is managing the bill today.

There are other less important aspects of the organic legislation which Mr. JOHNSON will also discuss along with the annual appropriations for fiscal year 1972. In closing, I would like to say that this bill has been most carefully developed in the Committee on the Interior and Insular Affairs, it has no opposition from within the committee, and to the best of my knowledge is also keenly supported by the Department of the Interior. For these reasons, I have no hesitation in commending it to my colleagues and urge their complete support.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. Did the gentleman say that there has been some $200 million expended in total on desalting experimentation?

Mr. ASPINALL. Approximately $210 million in the last 18 years.

Mr. GROSS. And that has been spent within the United States?

Mr. ASPINALL. Practically all of it has been spent within the United States. In the early years, as ~~my friend~~ knows, there was some money that was directed to some research activities in other areas. But several years ago we saw fit to eliminate this. Then last year we provided that there would be authority up to $100,000 in the expenditure for certain contracts in order to gain expertise from foreign countries, and my friend will find that in this bill that we have made possible the expenditure of approximately $108,000 this year, as follows:

> (c) Not more than 2 per centum of the funds to be made available in any fiscal year for research under the authority of this Act may be expended, subject to the approval of the Secretary of State to assure that such activities are consistent with the foreign policy objectives of the United States, in cooperation with public or private agencies in foreign countries for research useful to the program in the United States.

That takes us out of the difficulty that my friend has considered through the years and to which he is making reference at the presence time.

Mr. GROSS. I am sure the gentleman is aware that $20 million was made available a year or so ago to Israel for the construction of a desalting plant. Has your committee received any progress report with respect to the expenditure of the $20 million, which is almost the annual expenditure in the United States?

Mr. ASPINALL. We know what is going on in that area of operations, but it does not come under our jurisdiction. Congressman JOHNSON will talk about that when he takes the floor in a minute.

Mr. GROSS. But the gentleman is saying that we have had no direct fallout from that experimentation as yet, is that correct?

Mr. ASPINALL. That is correct.

Mr. GROSS. Would the gentleman think that it is possible, in the light of experimentation in the United States, to now produce water through desalting plants for irrigation purposes?

Mr. ASPINALL. Of course not. My friend knows that.

Mr. GROSS. That is exactly what is proposed in Israel.

Mr. ASPINALL. But my friend has suggested that it was in Israel. We have no place in the United States at the present time where this program is in any way close to feasibility for producing water for irrigation purposes. We do have places where it is feasible for municipal purposes and also for industrial purposes.

Mr. GROSS. Yes, but it was the contention of some of us at the time, though the House gave no heed to it, that it was impossible to economically produce water for irrigation purposes, yet Congress went right ahead and gave Israel $20 million for that purpose.

Mr. ASPINALL. My friend is talking about another program. This does not come under our jurisdiction.

Mr. GROSS. I understand, but it ought to be related. There ought to be some fall-out of information to this country when $20 million is handed out for one project in a foreign country.

Mr. ASPINALL. The kind of authority we give here is not involved in this particular matter.

Mr. GROSS. I am not criticizing the gentleman from Colorado, not at all, but I would be interested in finding out what happened to that $20 million.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. JOHNSON of California. Mr. Chairman, that money was not to be spent until they qualified with a feasibility study. They would have to present a feasibility study first, and that $20 million has never been spent to my knowledge.

Mr. ASPINALL. That is correct.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. GROSS. Then I wonder what has become of it. Has it gone into birth control or another foreign aid project or what?

Mr. JOHNSON of California. Mr. Chairman, if the gentleman will yield, this is money made available to the State Department, and when the country qualifies with a feasibility study—but as I understand it the feasibility study has never been submitted and the money has never been spent.

Mr. GROSS. Well, then, I guess I had better find out what has happened to that $20 million.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Idaho.

Mr. McCLURE. Mr. Chairman, I concur with what the gentleman from Iowa, Mr. GROSS said. I was one of those who took the floor and objected to the fact that such a program was not integrated in any way with this program, and this committee was not consulted with respect to that program or grant, and it should have been at least considered by the committee that has the responsibility and oversight of our saline water programs.

I commend the gentleman from Iowa for raising this point again that was made at the time on the floor when the other legislation was considered.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from California.

Mr. HANNA. Mr. Chairman, I support the bill the gentleman's committee brings to the floor.

Mr. Chairman, I rise support H.R. 9093, the Saline Water Conversion Act of 1971. I have long supported the research efforts in this area. I am convinced that desalinization offers the best alternative water source for our metropolitan area in the future. The dollars we invest now in conversion research will return substantial dividends in the future. These dividends are foreseeable, first of all, in the form of lower costs to the public for water. The conversion program also offers the promise of improved water sources for irrigation and industry. The Federal Government began this research effort almost 20 years ago and, over this period, the conversion cost has been drastically reduced. We may now be on the verge of greatly expanded use of converted saline and otherwise chemically contaminated water.

I am confident that further significant reductions in costs of usable water will result from the proposed 5-year extension of the program. Considering the results we have seen so far and the potential benefit we may soon receive, we cannot afford not to extend the program.

One of the research projects in this program is getting underway in my home county. The project is a joint operation of the Office of Saline Water and the Orange County Water District. The Fountain Valley, Calif. project is an encouraging example of the ability of the Federal Government to work with local authorities and of this partnership's promotion of one of the most important technological advances of our time.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, I rise in support of H.R. 9093, to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes. I urge the support of my colleagues for this worthwhile program.

Ever since 1967, the Office of Saline Water has annually come to Congress asking for money to run this program for another year. I am glad to report to you that this year the overall program is reduced in cost from fiscal year 1971 by over a million and a half dollars—$1,652,934—and that the Secretary of the Interior only wants $27,025,000 to run the program for fiscal year 1972.

Significantly, I think, the categories are spelled out in the bill for which funds, that are finally appropriated for the program will be spent. Research and development are not lumped together as they have been in the past, but, rather, separate amounts are authorized for each subject. For example, research expense has been allocated $5,475,000, while development has an authorization of $10,200,000. This year, only $1,425,000 is requested for building, operating, and testing modules; reduced from fiscal year 1971 by $4,170,000 because of the nonrecurring cost of the vertical tube evaporator-multistage flash module authorized for procurement during the last fiscal year. However, reduction is offset for the most part by increases elsewhere in the program, the most significant of which is the authorization of two reverse osmosis test beds costing approximately $1,000,000 each. The amounts approved for the category of administration and coordination are $2,503,000, a net increase of only $37,000. Listing the categories for which moneys are to be spent in the program sets the framework for authorizations for future years.

The language of this bill permits reprograming discretion and each of the categories I have enumerated, except for the category of administration and coordination, may be increased by 10 percent if there is a corresponding decrease in one or more of the other categories—a salutory feature, in my opinion, which allows the administrators of this program sufficient flexibility in which to accommodate the sometimes random acceptance of practicality by researchers. Administration and coordination, however, may only be augmented by 2 percent.

Last year we authorized the Secretary to engage in a limited amount of foreign research activity, specifically at the Weizmann Institute in the Republic of Israel and at the University of York in the United Kingdom. That activity has, in the opinion of the Secretary, been beneficial to the overall program and so this year, the new bill has a provision in it that would permit 2 percent of the funds appropriated under the category of "research expense" to be expended with foreign individuals and organizations to acquire skills and knowledge; provided, of course, that such expertise should not be available here in the United States.

One of the objectives in continuing the program has been touched upon already and that is to start applying the technology that has been developed to remedy existing water problems. I am filled with the hope that this objective can at last be fulfilled, for the requirements of this Nation for potable water will be most pressing by the last quarter of this century, a scant 4 years away. I recall at the beginning of this program, there were wild promises that someday we would be able to make the deserts bloom. That would be an excellent goal to achieve. So far we have not come up with a desalinization plant to accomplish this, but I, for one, will be satisfied if we can construct a large-scale desalinization plant, conquer the enormous engineering problems inherent in the construction and operation of such a plant, and at least put the technology that has been developed in this field to work producing good clean water. The direction to the Secretary, contained in this bill, to report to the Congress within 1 year on the feasibility of such a plant is a step in the right direction.

As much as I want to see some practical results flow from this program, I recognize that continued research is necessary. The bill provides for continuation of the research as well as the development activities of the Secretary in this field for an additional 5 years, from fiscal years 1973 through 1977, with an additional 3-year period for completing those activities and for preparing a final report.

Coordination with other major Federal programs, which might either utilize the technology being developed or contribute to its development, is essential in continuing this program, and this bill provides for that coordination as well as assurances that research findings shall be made available to the public.

In sum, I believe this bill will provide the authority to the Secretary of the Interior to continue and extend where advisable the desalting program begun in 1952, and it will provide for the necessary investment of public funds with a promise of capital gain to us all. I urge my colleagues to support the passage of this bill.

Mr. HOSMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 9093, a bill "To expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes."

The purposes of this bill are to extend the saline water conversion program for an additional 5-year period; to bring the law up to date to accord with what we have learned from our research; to focus emphasis on present needs and opportunities revealed by that research, and to authorize appropriations for the program for fiscal year 1972.

This program was established by Congress in 1952, it will expire at the end of this fiscal year, except for a 3-year termination period beyond that date for then existing contracts, unless extended. During a period of almost 19 years, the Office of Saline Water has fathered the development of potentially viable desalting processes. It has not been a wizard's dream come true, but many steps in the right direction have been taken. As is usually the case with scientific endeavors, dramatic breakthroughs have not resulted. Rather, systematic and incremental solutions to problems have marked its progress and opened new avenues for exploration promising greater rewards. In this case examples are the possibility of further cost reductions in desalting brackish and saline waters, and the likely feasibility of a large-scale prototype desalting plant to verify that desalting by reverse osmosis is practicable on a large-scale basis.

If we are going to meet the burgeoning future needs of this country for potable water, extension of this program and a steady, adequate investment of funds in the work of the program for the next 5 years is necessary.

The bill we bring the House provides for the continuation of the major programs to research and develop processes to convert saline water to fresh water. It provides both for the protection of patent rights and for disclosure of the results of that research so that the technology developed during the program may be known and used by others.

Design and construction of pilot plants, test beds, and saline water conversion modules will also be authorized. The bill makes provisions for the study of methods and means to recover, utilize, and market byproducts of processes developed and tested. It calls for and supports continued study of the economics of producing water fit for consumptive use from either brackish or saline waters. The bill specifically directs the Secretary of the Interior, within 1 year from the date this legislation becomes law, to prepare and submit to Congress a proposal for a large-scale prototype desalting plant. To date, we have been perfecting theory and testing models. It is now time to put the technology we have developed to the test of practicality on a major scale. It is time to meet head on the numerous practical engineering, mechanical, heat transfer, and similar problems inherent in a large-scale high-volume desalting plant. The only way to do that is to build one and make it work. Once we do that we can have confidence that we have in hand the technology required to meet our regional water supply needs at costs that are economic.

The fact that developments in the field of saline water conversion also may have uses in other water related fields, such as in the field of waste treatment, is recognized in the proposed legislation by the inclusion of language in section 6(b) to permit research on proposals that could contribute indirectly as well as directly to the attainment of the objectives of the Federal Water Quality Control Act.

The Secretary of the Interior is directed by the end of the fiscal year 1975 to report to the Congress the status of the program, including his recommendations on any further or alternate role the Federal Government should play in the future to encouraging the development and application of water desalting technology and techniques. It is hoped that the analysis contained in that report will form the basis for recommendations for desalting in accordance with the western U.S. water plan of the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885).

The appropriation authorized for fiscal year 1972 by this bill is $27,025,000, a reduction from fiscal year 1971 appropriations of $1,652,934. It is unnecessary this year to provide for nonrecurring cost items in the module program included in fiscal year 1971 funds. Categories of expenses are set forth in the bill. Where such expenditure is useful to the programs of the United States, 2 percent of the research funds authorized to be appropriated can be spent in cooperation with public or private, foreign instrumentalities if approved by the Secretary of the Interior. Significantly, the practice of requiring annual appropriations authorizations for program continuation begun in 1967 is continued.

The procedural approach of this bill is to repeal the existing law and substitute an improved law calculated to produce more, better and faster results.

The Committee on Interior and Insular Affairs unanimously recommends that H.R. 9093 be enacted and I urge the support of my colleagues to that end.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. I rise in support of the bill now before the House, H.R. 9093, the Saline Water Conversion Act of 1971.

As one of the cosponsors of this legislation and a member of the Subcommittee on Irrigation and Reclamation, which considered it, I am very much aware of the need for its enactment. In my judgment, the act is an integral part of this Nation's program to provide future generations with potable water, along with other ongoing and vital water supply efforts. This would include, as well as use of fresh water supplies, reclaimed and recycled water.

As a member of subcommittee. I was privileged to take part in an on-the-site inspection of current efforts in the southern part of my State of California, which has taken the lead in these research efforts. As a result of this trip and the testimony given before the subcommittee, I became even more convinced of the necessity of continuing and expanding this program.

As has been stated, it is the considered judgment of the committee, in which I heartily concur, that the program thus far has proven very successful and, if extended for an additional 5 years, significant reductions in the cost of desalting both sea waters and brackish waters can be achieved. The current program has already resulted in a cost reduction from $3 to $4 per thousand gallons to $0.65, which is a remarkable success, in my judgment.

What is needed now, in order to bring the cost down even further, is the construction of a large scale prototype desalting plant, in order to properly and adequately test new techniques which are being developed as a result of ongoing research efforts sponsored by the Federal Government under the existing authorization and also studies being conducted independently in this field.

The legislation now before us directs the Secretary of Interior to commence work on a proposal to establish such a prototype facility, and report back to the Congress within one year on a specific plan of action.

The legislation also provides for the extension and expansion of the ongoing research efforts and proposes to move forward on a dynamic cooperative program between Federal and State governments, educational institutions and private sector research facilities on all phases of the desalting process. Included in this would be comparative economic studies of desalting versus conventional methods of producing water for human consumption, marketing of byproducts of the desalinization process and decontamination of other chemically polluted waters, along with a myriad of further technical investigations into all phases of the program.

In addition, the development of large and economically priced supplies of desalted or otherwise decontaminated water would be a major factor in the planning of comprehensive water programs for many areas of the country and, in fact, where feasible decontamination programs are developed, would assist greatly in efforts to clean up this country's rivers and streams.

I urge my colleagues in the House to support the Saline Water Conversion Act, which was unanimously approved by our committee.

Mr. HOSMER. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. McCLURE).

Mr. McCLURE. Mr. Chairman, I thank the gentleman for yielding.

I take this time only to underscore a part of the bill and of the report dealing with it. Section 6(b) of the bill has to do with the enhancement of the objectives of the Federal Water Pollution Control Act. I point out that in some instances when one enhances the quality of some water one may also have some effluent of the plant discharged at some other place, that may degrade the quality of the water in that area.

The bill and the report are written in such a way that the absolutes of the Environmental Protection Act do not apply to the effluent of that plant where it may be discharged, if that is necessary. I believe it is important to understand that limitation.

I believe this legislation is very important for the entire Nation. This is not simply an irrigation water project act. It is not simply for municipal and industrial water. It is for water for all the United States. I believe it deserves and demands the support of every Member of Congress.

Mr. HOSMER. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WYATT).

Mr. WYATT. Mr. Chairman, I thank the gentleman for yielding this time.

I should like merely to express the fact that I do deeply support this bill. During my service with the gentlemen who are presenting the bill to the House today, when I was on the Interior and Insular Affairs Committee, I became deeply interested in the desalting program primarily because of the push that was on at that time for transbasin diversion of water. I did not feel it was enough to sit idly by and negatively say I was opposed to it. I felt some obligation to find some alternative sources of water for the water-short areas.

This led to my interest in desalting, which quickly proved to me to be the most feasible substitute for transbasin diversion. This, of course, then led to the general problems of desalting and to the world water problems.

In connection with the cost, I believe we do ourselves a disservice when we point to the present cost of desalting water and say we have not gone any further than this because we must look at the real cost of other water consumed—the real cost of reclamation water; the real cost of water that is transported, in many of our States, for many miles and sold with a great amount of subsidy involved in it.

We have made substantial progress compared to the real cost of water produced from other sources. There is certainly a long way to go before we can talk meaningfully about using desalted water for agriculture, other than perhaps for highly specialized crops which bring very high market prices.

I think one of the real needs we have—and I am delighted to see it recognized in this bill—is the development and the ultimate construction of a very large-scale nuclear desalting plant, dual purpose, because until we have such a plant constructed and in operation any estimates we have as to the cost of water produced by such a plant will only be an estimate. We will not know until it is actually in operation what the cost will be.

Mr. Chairman, I strongly urge the support of this bill.

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO. Mr. Chairman, I am pleased to be one of the cosponsors of this legislation. I believe this is an excellent bill serving a long-needed purpose. I am hopeful that it will pass and make its contribution toward solving the almost crisis-proportion problem in the field of water quality. The continuation of this excellent program of conversion of brackish and salt water to fresh water is very much needed.

Mr. JOHNSON of California. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I rise in support of this bill.

I want to compliment the committee on bringing out this excellent piece of legislation.

Few people have made enough of a study of the water resources of this country to realize the importance of this bill. Next to clean air, clean water is the most necessary ingredient of life. We are rapidly polluting our sources of fresh, clean water. We are getting to the point here in this country where we will have to have the development of an economical way of taking care of salt water, saline water, and polluted water of all kinds. We may have to use our water over and over again.

Mr. Chairman, on this point, before we can do what we want to do in this field, we must have an adequate supply of energy, because you cannot clean water, you cannot treat sewage, and you cannot furnish the heat to turn water into steam unless you have power. In order to get fresh water out of salt water you have to have energy. That means you will have to increase the supply of electrical energy available. If you pick up your New York newspaper of today, you will see that the "Big Allis" generator in New York failed again. This is one of the largest generators in the world. It has been plagued with different troubles from time to time and has caused a drop in voltage of about 5 volts. That means that the brilliance of your lights goes down. They flicker a little bit. And your motors turn a little bit slower.

Few people realize that this is no cure for a shortage of electricity. If you go to 10 percent, your motors burn out and your elevator operations in tall buildings stop, et cetera. It is only a warning. It is no solution to our shortage of electrical energy by decreasing the voltage.

Mr. Chairman, I am putting in the RECORD tonight under unanimous consent a series of articles which have been running in the New York Times which I consider to be a very balanced set of articles on the energy problem of our country. This is tied in with the desalting of water. It is a necessary part of the solution of the problem to have an adequate supply of energy from some source. The source should be the cleanest energy source available, because in creating the energy we do not want to create additional pollution.

The desalting program is tremendously important and will become more important as our population increases.

Mr. Chairman, I think the committee is to be commended for its foresight and its vision in bringing this research and development program to us. It will mean a great deal to our people in future years.

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. I thank the gentleman from California for yielding to me this time.

Mr. Chairman, I compliment the committee on bringing out this excellent bill. I consider this bill to be so well established that I did not cosponsor it this year. I have introduced similar bills in the past and have always voted for this program and still plan to do so.

Mr. Chairman, I am grateful to the committee for bringing to us such an excellent program for the future.

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I rise in support of this bill and I, too, like my colleague from California (Mr. HOLLIFIELD), wish to compliment the committee for bringing out what we consider to be very important legislation. I know that the House will give it its full support when we come to a vote on it later this afternoon.

Mr. Chairman, I rise in support of H.R. 9093, the bill which extends the Office of Saline Water's desalting program. In my remarks I would like to comment chiefly on the nuclear aspects of desalting.

Throughout the years as a member of the Joint Committee on Atomic Energy, I have supported the nuclear desalting program carried out by the Atomic Energy Commission. The committee has held a number of hearings over the years on this subject; and, in particular, I would like to reference two committee prints resulting from those hearings which, I believe, are of significance.

The first is the Joint Committee print "Use of Nuclear Power for the Production of Fresh Water From Salt Water," August 18, 1964. This is a comprehensive record of the formulation of the AEC–OSW joint effort and the status of desalting at that time.

In September of 1966 the committee held hearings on "Proposed Large-Scale Combination Nuclear Power-Desalting Project." This print resulted from a hearing held on September 14, 1966, dealing specifically with H.R. 17558, a bill which authorized the AEC to enter into a cooperative arrangement with the Department of Interior, the Metropolitan Water District of Southern California, and others for participation in a nuclear power desalting project. A great deal of effort and study went into this project, but unfortunately it never came to fruition. There was some delay during which definitive arrangements were discussed but never satisfactorily resolved. This was the so-called Bolsa Island plant to be located off the coast of Southern California. The estimated costs for this project at each reevaluation continued to rise and, ultimately, were deemed too high to form the basis for a satisfactory arrangement.

I would like to call to the attention of my colleagues a fundamental study conducted in 1964 which formed the basis for our national desalting program. At the request of then President Lyndon Johnson, a cooperative study was undertaken by the AEC, the Department of Interior, and the Office of Science and Technology. The results of this study effort were released in a White House statement of October 1964 in which President Johnson quoted the words of his predecessor, John F. Kennedy, while praising the participants in the study and announcing a national desalting program. President Kennedy's words were:

> There is no scientific breakthrough, including the trip to the moon, that will mean more to the country which first is able to bring fresh water from salt water at a competitive rate, and all those people who live in deserts around the oceans of the world will look to the nation which first makes this significant breakthrough.

You are all familiar with the successful program that this Nation carried out in sending its astronauts to the moon and bringing them back safely. I personally remain hopeful that our Nation will achieve the breakthrough cited by President Johnson.

I believe that there is a common understanding among nations that there is an ever-increasing need for fresh water in many countries throughout the world. The most important need, of course, is for drinking water; but if successful large-scale plants can be developed and the cost of energy held sufficiently low, there is a significant potential application for the use of desalted water in agricultural uses as well.

Nuclear energy as the heat source for large desalting plants is a likely prospect and well worth our continued study. Nuclear plants have the advantage of economy of scale. The larger the plant, the lower the unit cost of energy will be. Our electric generating nuclear plants are now demonstrating the effectiveness of large-scale and the economies that can be achieved. These plants are approaching 1,100 megawatts electric or roughly 3,300 megawatts of heat. The amount of heat needed for a reasonably sized desalting plant will be at least several times this size.

Each year the Joint Committee on Atomic Energy, in reviewing the AEC authorizing legislation, reviews the progress that has been made in the desalting program. I regret to point out that this year no special money was requested by the administration for AEC's portion of the desalting program. The Joint Committee, recognizing the tremendous potential which this program offers, recommended in its report the addition of $1,500,000 to the civilian nuclear power research and development program, money which would be available for nuclear desalting studies.

The Commission through its Oak Ridge National Laboratory has since 1962 studied applications of nuclear energy to desalting and has engaged in cooperative efforts with several foreign nations interested in making specific studies of such applications. During the past year, joint studies were completed on: the potential of a nuclear energy center for Puerto Rico, the feasibility of dual purpose nuclear desalting plants for the New York metropolitan area over the time period 1990 to 2020; and the potential for agro-industrial complexes for the Mideast. The AEC is presently engaged in: continuation of technical assistance on a study of the potential of energy centers for India; follows-on studies to the joint United States-Mexico assessment of nuclear power and desalting for southwest United States and northwest Mexico; and cooperation with the Office of Saline Water in its joint feasibility study with the California Department of Water Resources of its 30 to 50 million gallon per day demonstration plant.

Mr. Chairman, this is work toward a fine ultimate objective. I for one will fully support both the AEC and the OSW efforts toward achieving that objective; and I hope that my colleagues in the House will do the same.

I congratulate the gentleman from California (Mr. JOHNSON) for his work and leadership in this important field.

Mr. JOHNSON of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise at this time to endorse the remarks of the gentleman from Colorado, Chairman of the full Committee, and to discuss certain other aspects of this important legislation.

Chairman ASPINALL made brief mention of section 4 of H.R. 9093 and testified to its importance. Many people knowledgeable in water resource development and water supply matters believe that our country is facing up to water shortages within this century; perhaps if not in absolute terms, at least in sectional imbalance. Accordingly, the Congress has in recent years enacted a number of statutes dealing with water resources planning on river basin and regional boundaries. These efforts are going forward at this time under the general supervision of the Water Resources Council and, with respect to the Western United States, under the supervision of the Secretary of the Interior.

One of the facts emerging from these efforts is that all technological avenues of water supply and distribution must be examined to comparable detail if we as a Nation are to make enlightened selections from among the many alternatives. Desalting of saline and brackish water is one such alternative.

While, as Chairman ASPINALL pointed out, the Federal Government has devoted something more than $200 million over the past two decades to saline water conversion and development, we still do not have an intelligent assessment of its capability for meeting long-term regional water needs.

Section 4 of H.R. 9093 represents the first step of such an assessment. Specifically, it directs the Secretary of the Interior to prepare and submit to the Congress within 1 year a feasibility report on the plan for the development of a large-scale prototype desalting plant. The bill is explicit in outlining the issues which the Secretary should consider in making his recommendations. When this report reaches the Congress, we may consider it and if the proposal has merit, we can then authorize its construction and operation. Anything short of actual development and operation of a full-scale prototype plant leaves water resources planners in the same position they have occupied for years; that is, guessing about the economics of large-scale desalting.

Mr. Chairman, what the Nation needs to know and know soon is whether or not we can indeed look to the oceans for potable water in our time. It is almost as important to learn that we cannot, if this indeed be the answer, as to learn that we can. Even a negative result would be in the public interest for then we could perhaps quit spending money on desalting research in the secure knowledge that nothing was being foregone, and turn our attention to other solutions, whether they be alternative modes of water supply or a social and political commitment to simply do without. I cannot emphasize to my colleagues too strongly the depth of my belief and the importance of going forward with a "one of a kind" large-scale desalting plant. The ultimate shape of our life in the West depends upon it.

There are other aspects of H.R. 9093 that, while not as significant perhaps as section 4, nevertheless will be of interest to Members, as follows:

Section 5 is largely the reenactment of administrative authorities which the Secretary now has under the Saline Water Conversion Act of 1952. In that sense they are "old law."

Section 6, however, undertakes to explain and establish relationships between the Saline Water Conversion program and other areas of the Federal Government which by their nature impinge on this program. One in particular to which I would like to call attention is section 6(b) having to do with the Environmental Protection Agency. EPA, as we all know, has a legislative mandate on behalf of general water quality improvement and in the exercise of this mandate is authorized to engage in research on technology. This fact suggests the possibility of overlap and duplication between the Environmental Protection Agency and the Saline Water Conversion program. Now, Mr. Chairman, none of us are interested in overlap and duplication among and between the several Federal agencies so it has been necessary for the committee to spend considerable time in designing and spelling out the relationships of these two programs as we see them. Members will want to study carefully our committee report on this topic. There it will be noted that we have drawn the interface between these two programs in terms of their mission; that is, Environmental Protection Agency to solve water quality problems, and the Office of Saline Water to solve water supply problems. Our Committee on Interior and Insular Affairs believes that the administrators of their respective programs can indeed work successfully and harmoniously within the framework of our legislation without duplication.

In addition to its provisions establishing the legislative framework in which the Office of Saline Water shall operate, H.R. 9093 also expressly authorizes appropriations in the sum of

$27,025,000 for carrying out the program during fiscal year 1972. As has been pointed out in the committee report on this legislation, the sum is approximately $1,600,000 less than was available in the immediate preceding fiscal year. This reduction is caused by the omission of a $4 million procurement item in the fiscal year 1971 program, partially offset by increases in other categories of expense. There are two major new procurements authorized by this bill, they both being in the nature of reverse osmosis test beds. One test bed, the site of which has not yet been selected, would test reverse osmosis technology on seawater. The other would be a high yield reverse osmosis test bed through the operation of which we would seek to remove up to 80 percent of the water from brackish feed sources. One can readily see that this objective would vastly simplify brine disposal at inland locations where reverse osmosis has its greatest potential.

In prior years, saline water conversion appropriations have been authorized in four categories. In H.R. 9093 we have established five categories by separating research from development. We believe this is particularly important inasmuch as the bill authorizes 2 percent of the research expense to be encumbered in foreign countries and it is therefore necessary to have a base item to which the limitation may be applied. In previous years, the Congress has not seen fit to permit foreign researchers to participate in this program. Testimony available, however, indicates that there are unique opportunities to acquire technology not otherwise available domestically and that a modest program of foreign involvement is necessary and desirable.

Mr. Chairman, this completes a neccessarily brief summarization of H.R. 9093 and its justification for enactment. I am personally persuaded of the singular importance of this program to our continued economic and social health and strongly urge all colleagues to join with me in its passage.

Mr. RYAN. Mr. Chairman, section 4 of H.R. 9093, the Saline Water Conversion Act of 1971, very properly addresses a very critical matter in the development of water desalination technology. This section authorizes the Secretary of the Interior to—

> Conduct preliminary investigations . . . in order to develop recommendations for Federal participation in the construction, operation, and maintenance of prototype plants utilizing desalting technologies for the production of water for consumptive use.

I want to express my appreciation for and commendation to the chairman of the Committee on Interior and Insular Affairs, the distinguished gentleman from Colorado (Mr. ASPINALL) as well as to the distinguished chairman of the Subcommittee (Mr. JOHNSON of California), for their excellent endeavors on this legislation.

There is, however, a matter which I do want to address today, inasmuch as the issue before the House is legislation concerning water desalination. There is, in fact, already existing law authorizing the construction of a "large-scale water treatment and desalting prototype plant." This authorization exists in Section 104 of the Foreign Assistance Act of 1969, Public Law 91–175, which created a new section 219 of the Foreign Assistance Act of 1961, as amended, and was the culmination of my efforts, as well as the efforts of several of my colleagues, to secure a joint United States-Israeli endeavor aimed at advancing desalination technology, with the benefits redounding to both Nations.

Unfortunately—and without justification, I believe—this law has never been implemented, even though the Congress appropriated $20 million in fiscal year 1970, in Public Law 91–708, for the construction of this plant. As my earlier correspondence with the administration revealed, the administration was opposed to this project. Thus, the will of the Congress was thwarted.

Since the 1970 appropriation, which was not used, the administration has maintained its posture by requesting no funds to implement section 219. Thus, this project—authorized by existing law and embodying an actual executive commitment made by President Johnson to Israeli Premier Eshkol—as stated by Premier Eshkol on Jan. 19, 1969—is currently moribund.

I intend to support H.R. 9093, the bill before us today. But I want to make clear that the Congress has recognized the importance of the construction of a prototype plant, and has provided for that very construction previously.

Specifically, section 104 of the Foreign Assistance Act of 1969, Public Law 91–175, provides:

> ### PROTOTYPE DESALTING PLANT; PROGRAMS FOR PEACEFUL COMMUNICATIONS
>
> SEC. 104. Title II of chapter 2 of part I, relating to technical cooperation and development grants, is amended by adding at the end thereof the following new sections:
>
> "SEC. 219. PROTOTYPE DESALTING PLANT.—(a) In furtherance of the purposes of this part and for the purpose of improving existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advanced concepts which will contribute materially to low-cost desalination in all countries, including the United States, the President, if he determines it to be feasible, is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and necessary appurtenances to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the President deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of the water treatment and desalting facilities of the dual-purpose project.
>
> "(b) Any agreement entered into under subsection (a) of this section shall include such terms and conditions as the President deems appropriate to insure, among other things, that all information, products, uses, processes, patents, and other developments obtained or utilized in the development of this protoype plant will be available without further cost to the United States for the use and benefit of the United States throughout the world, and to insure that the United States, its officers, and employees have a permanent right to review data and have access to such plant for the purpose of observing its operations and improving science and technology in the field of desalination.
>
> "(c) In carrying out the provisions of this section, the President may enter into contracts with public or private agencies and with any person without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529 and 41 U.S.C. 5).
>
> "(d) Nothing in this section shall be construed as intending to deprive the owner of any background patent or any right which such owner may have under that patent.
>
> "(e) In carrying out the provisions of this section, the President may utilize the personnel, services, and facilities of any Federal agency.
>
> "(f) The United States costs, other than its administrative costs, for the study, design, construction, and operation of a prototype plant under this section shall not exceed either 50 per centum of the total capital costs of the facilities associated with the production of water, and 50 per centum of the operation and maintenance costs for the demonstration period, or $20,000,000, whichever is less. There are authorized to be appropriated, subject to the limitations of this subsection, such sums as may be necessary to carry out the provisions of this section, including administrative costs thereof. Such sums are authorized to remain available until expended.
>
> "(g) No funds appropriated for the Office of Saline Water pursuant to the appropriation authorized by the Act of July 11, 1969 (83 Stat. 45, Public Law 91–43), or prior authorization Acts, shall be used to carry out the purposes of this section.

The history of the project dates back to a proposal made in 1964 by President Johnson, when he announced that the United States and Israel would cooperate in desalting research and development. The President in 1965 ordered a thorough study to be done, and the conclusion drawn from this report, entitled "Engineering Feasibility and Economic Study for Dual Purpose Electric Power Water Desalting Plant for Israel," was that an operating plant could be built, and if begun then, be in operation by late 1972.

I originally introduced legislation—H.R. 14250—to accomplish this on Dec. 4, 1967. Subsequently, in the 91st Congress, I introduced H.R. 587, which again called for participation by the United States in the construction of a dual-purpose electrical power generation and desalting plant in Israel.

The thrust of this legislation was incorporated in section 104 of the Foreign Assistance Act of 1969, Public Law 91–175, which created a new secton 219 of the Foreign Assistance Act of 1961, as amended. This provision authorizes an appropriation not to exceed—

> Either 50 per centum of the total capital costs of the facilities associated with the production of water, and 50 per centum of the operation and maintenance costs of the demonstration period, or $20,000,000 whichever is less.

Because of either apathy or antipathy toward the project on the part of the present administration, none of the funds subsequently appropriated were spent on the project.

Thus, there exists a congressional commitment, as well as an executive commitment, to undertake this project. This commitment has not been met.

The joint project, authorized by section 104 of Public Law 91–175, would provide advantages for both participants. Israel is a growing country with growing needs. Its limited fresh water resources have been thoroughly exploited with no relief in sight. The need for more water to be used in industry, agriculture, and for human consumption has reached emergency levels. Water has been used and reused until it has eventually become contaminated.

Dr. Abel Wolman, who has served as chairman of the National Water Resources Board, and the president of the American Water Association, testified before the Foreign Affairs Committee July 29, 1969, and commented that—

> Israel's fresh water supply will be used to its fullest by the mid 1970's. It cannot meet the 1970–1980 demand for water.

Presently, 95 percent of Israel's available fresh water supplies are being used. Israel's present population of 2.7 million is expected to increase by at least 1.5 million by the early 1980's. Thus her plight is very real and dangerous. The need for a prototype desalting program in Israel is obvious.

The creation of such a plant would not be limited to production of fresh water. The plant would produce 450 megawatts of electricity daily. Thus, it provides the United States with the opportunity to use its foreign assistance program to abet economic development in Israel through cultivation of arid lands, resulting in the creation of usable land and jobs that would make a significant contribution to the stability of the entire Middle East.

Moreover, the United States will not be solely a giver in this affair; it will receive benefits that will aid us in future desalination projects. As was stated in an official letter to Congress on Jan. 17, 1969, from the Office of the Secretary of the Department of the Interior, and signed by Max N. Edwards, who was then Assistant Secretary of the Interior:

> In summary, while the project is vital to Israel in terms of water supply and power, its significance to the United States is the opportunity to improve and advance science and technology in the field of saline water conversion and to contribute materially to development of low cost desalination processes. We believe we should take advantage of this opportunity.

Section 219 of the foreign assistance Act of 1961, as amended, specifically provides, furthermore, that pursuant to any agreement into which the United States enters with Israel,

> All information, products, uses, processes, patents, and other development obtained or utilized in the development of this prototype plant will be available without further cost to the United States.

Let me emphasize again Israel's urgent need for large scale desalination. The mandate of Congress should be implemented. And the administration should wholeheartedly support the funding of the prototype plant.

To this end I have today introduced legislation appropriating $20 million for the undertaking of this project—the maximum amount authorized by the law.

The need is a real one. In describing the need for desalination programs, President Kennedy said in 1961:

> No water resources program is of greater long-range importance—for relief not only of our shortages, but for arid nations the world over—than our efforts to find an effective and economical way to convert water from the world's greatest cheapest natural resources—our oceans—into water fit for consumption in the home and by industry. Such a breakthrough would end bitter struggles between neighbors, states, and nations—and bring new hope for millions who live out their lives in dire shortage of usable water and all its physical and economical blessings, though living on the edge of a great body of water throughout that parched lifetime.

At this point, I include the letter which I have sent to the administration of the Agency for International Development urging implementation of section 219:

Aid Israeli Desalinization,
July 2, 1971.

Dr. John A. Hannah,
Administrator, Agency for International Development, Twenty-First Street and Virginia Avenue, Washington, D.C.

Dear Dr. Hannah: I am writing to urge the Agency for International Development to carry out the commitment which President Johnson made to the late Premier Eshkol for United States participation in the construction of a desalinization plant in Israel.

Congress authorized $20 million in the Foreign Assistance Act of 1969, Public Law 91–175, and appropriated $20 million in the Foreign Assistance and Related Programs Appropriations Act, 1970, Public Law 91–708, for this project.

Unfortunately, the program has nevertheless never been implemented. I believe this to be a grave mistake.

The Israel desalinization project has been considered for a number of years. The feasibility study conducted pursuant to the 1965 agreement between the United States and Israel, and carried out by Kaiser Engineers in association with Catalytic Construction Co., established the feasibility of the desalting plant. The February, 1966, report of that study entitled "Engineering Feasibility and Economic Study for Dual-Purpose Electric Power Water Desalting Plant for Israel," concluded that an operating plant could be in existence by late 1972, if begun then.

This plant is urgently needed for Israel's future well-being, since she has largely harnessed her available fresh water resources. It also would, as made clear in former Assistant Secretary of the Interior Max N. Edwards' letter of January 17, 1969, to the Congress, be highly beneficial to the United States, which would gain the expertise experience this plant would provide.

I urge that this project authorized by the Congress, and engendered by an executive commitment, be implemented now.

With best regards,
Sincerely,

William F. Ryan,
Member of Congress.

Mr. ROGERS. Mr. Chairman, in view of the impending potential water crisis in our country, programs which provide for new water sources are urgently needed.

No example more dramatically demonstrates the proximity of this water crisis than the recent droughts in south Florida and Texas. Had the Florida drought continued any longer, salt water intrusion into the underground water supplies there was imminent, and would have resulted in a water crisis of disaster proportions.

With this tremendous and increasing dependence on our scarce supplies of fresh water, it is imperative that we continue to expand programs which will provide for research and development of new sources of fresh water.

This legislation to expand and extend the desalting program is vital if we are to meet our growing demands for water.

We cannot ignore our responsibility to provide new water sources at a time when the lives of several million people in south Florida depend on a water supply that came within a few weeks of extinction.

We have made many significant breakthroughs since this legislation was initiated in 1952, and I am hopeful that the Congress will act quickly to continue this important program.

Mr. JOHNSON of California. Mr. Chairman, I have no further request for time.

Mr. HOSMER. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 9093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Saline Water Conversion Act of 1971".

Sec. 2. The Congress in consideration of the Federal responsibility for water resource conservation by means of comprehensive planning, planning and construction of water resource development projects, administration of the navigable waterways, and maintenance of water quality standards finds that the technology for the conversion of saline and other chemically contaminated waters is vital to all these areas of responsibility. It is the policy of the Congress, therefore, to provide for the development and demonstration of practicable means to convert saline and other chemically contaminated water to a quality suitable for municipal, industrial, agricultural, and other beneficial uses.

Sec. 3. The Secretary of the Interior is authorized and directed to—

(a) conduct, encourage, and promote basic scientific research and fundamental studies to develop effective and economical processes and equipment for the purpose of converting saline and other chemically contaminated water into water suitable for beneficial consumptive uses;

(b) pursue the findings of research and studies authorized by this Act having potential practical applications to matters other than water treatment to the stage that such findings can be published in an effective form for utilization by others;

(c) conduct engineering and technical work including the design, construction, and testing of pilot plants, test beds, and modules to develop desalting processes and plant design concepts to the point of demonstration on a practical scale;

(d) study methods for the recovery and marketing of byproducts resulting from the desalination of water to offset the costs of treatment and to reduce impact on the environment from the discharge of brines into lakes, streams, and other waters; and

(e) undertake economic studies and surveys to determine present and prospective costs of producing water for beneficial consumptive purposes in various parts of the United States by the saline water processes as compared with other standard methods, and by means of mathematical models or other methodologies prepare and maintain information concerning the relation of desalting to other aspects of State, regional, and national comprehensive water resource planning: *Provided,* That in carrying out this function, the Secretary shall coordinate these studies with planning being performed under the provisions of the Water Resources Planning Act (79 Stat. 244), as amended.

Sec. 4 (a) The Secretary is authorized and directed to conduct preliminary investigations and to explore potential cooperative agreements with non-Federal utilities and governmental entities in order to develop recommendations for Federal participation in the construction, operation, and maintenance of prototype plants utilizing desalting technologies for the production of water for consumptive use.

(b) The Secretary is authorized and directed to report to the President and to the Congress, not later than one year after the date this subsection becomes effective, his recommendation as to the best opportunity for the early construction of a large-scale prototype desalting plant. In making his recommendation, the Secretary shall consider the following—

(i) plant size and process type best suited, within the presently available technology, to demonstrate the practicability of construction and operation of a large-scale plant for water supply on a reliable basis, and to provide information on the management problems and economics of such operation;

(ii) availability of cooperating entities or utilities willing to enter, and capable of entering, into agreements and contracts to provide a market for water and an operating agency for the plants;

(iii) availability of entities or utilities willing to enter, and capable of entering, into agreements and contracts to provide an energy source for the plants;

(iv) availability of a site, the environmental implications of the energy source, and brine disposal problems; and

(v) need for the development of new water sources in the area.

(c) In carrying out the provisions of this section, the Secretary shall utilize the expertise of the water and power marketing agencies of the Department of the Interior or of other Federal agencies to insure that the recommended prototype plant and the supporting agreements are fully integrated and compatible with the water and power systems of the region.

(d) The Secretary is authorized to accept financial and other assistance from any State or public agency in connection with studies or surveys relating to saline water conversion problems and facilities and to enter into contracts with respect to such assistance.

SEC. 5. In carrying out his functions under this Act, the Secretary may—

(a) make grants to educational institutions and scientific organizations, and enter into contracts with such institutions and organizations and with industrial or engineering firms;

(b) acquire the services of chemists, physicists, engineers, and other personnel by contract or otherwise;

(c) utilize the facilities of Federal scientific laboratories;

(d) establish and operate necessary facilities and test sites to carry on the continuous research, testing, development, and programing necessary to effectuate the purposes of this Act;

(e) acquire secret processes, technical data, inventions, patent applications, patents, licenses, land and interests in land (including water rights), plants and facilities, and other property or rights by purchase, license, lease, or donation;

(f) assemble and maintain pertinent and current scientific literature, both domestic and foreign, and issue bibliographical data with respect thereto;

(g) cause on-site inspections to be made of promising projects, domestic and foreign, and, in the case of projects located in the United States, cooperate and participate in their development when the purposes of this Act will be served thereby;

(h) foster and participate in regional, national, and international conferences relating to saline water conversion;

(i) coordinate, correlate, and publish information with a view to advancing the development of low-cost saline water conversion projects; and

(j) cooperate with other Federal departments and agencies, with State and local departments, agencies and instrumentalities, and with interested persons, firms, institutions, and organizations.

SEC. 6. (a) Research and development activities undertaken by the Secretary shall be coordinated or conducted jointly with the Department of Defense to the end that developments under this Act which are primarily of a civil nature will contribute to the defense of the Nation and that developments which are primarily of a military nature will, to the greatest practicable extent compatible with military and security requirements, be available to advance the purposes of this Act and to strengthen the civil economy of the Nation.

(b) The Secretary shall cooperate with the Environmental Protection Agency to insure that research and development work performed under this Act contributes, to the extent practicable, to the attainment of the water quality objectives of the Federal Water Pollution Control Act, as amended.

(c) The Secretary shall cooperate fully with the Atomic Energy Commission, the Department of Health, Education, and Welfare, the Department of State, and other concerned agencies in the interest of achieving the objectives of this Act.

(d) All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided for in such manner that all information, uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public. This subsection shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder. Within six months of the date of this Act, the Secretary shall publish rules in the Federal Register to give effect to the provisions of this subsection and shall subsequently publish all revisions in the same manner.

(e) The Secretary may dispose of water and byproducts resulting from his operations under this Act. All moneys received from dispositions under this section shall be paid into the Treasury as miscellaneous receipts except where such operations may be undertaken as a part of a Federal reclamation project in which case the financial provisions of Reclamation Law (32 Stat. 388 and Acts amendatory thereof and supplementary thereto) will govern.

(f) Nothing in this Act shall be construed to alter existing law with respect to the ownership and control of water.

SEC. 7. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of this Act.

SEC. 8. The Secretary shall submit to the President and to the Congress not later than December 31, 1975, a report on—

(i) the status of research and development work in progress under the provisions of section 2, subsections (a), (b), (c), and (d), along with a program for the orderly termination of these activities in accordance with subsection (a) of this section; and

(ii) the status of work in progress under the provisions of subsection 2(e) and section 3 along with recommendations for the integration of these remaining functions within the on-going water resources programs of the Department of the Interior.

SEC. 9. As used in this Act—

(a) the term "Secretary" means the Secretary of the Interior;

(b) the term "saline water" includes sea water, brackish water, mineralized ground or surface water, and irrigation return flows;

(c) the term "other chemically contaminated water" includes agricultural runoff, municipals and industrial effluent, mine drainage, and naturally contaminated waters which contain chemicals not susceptible to removal by conventional sewage treatment methods but susceptible to removal by desalting processes;

(d) the term "United States" extends to and includes the District of Columbia, the Commonwealth of Puerto Rico, territories of American Samoa, Guam, and the Virgin Islands; and the provisions of this Act shall also apply to the Trust Territory of the Pacific Islands;

(e) the term "pilot plant" means an experimental unit of small size, usually less than one hundred thousand gallons per day capacity, used for early evaluation and development of new or improved processes and to obtain technical and engineering data;

(f) the term "test bed" means an intermediate-sized, experimental desalting plant of up to two million gallons per day capacity used for further evaluation and refinement of processes in the field and designed to facilitate the incorporation of experimental features for performance testing and to permit process changes and improvements as required;

(g) the term "module" means a section or integral portion of a desalting plant which is used initially to study large-scale technology and critical design features in preparation for subsequent prototype construction;

(h) the term "prototype" means a full-size, first-of-a-kind production plant used for the development, study, and demonstration of full-sized technology, plant operation, and process economics.

SEC. 10. (a) There is authorized to be appropriated to carry out the provisions of this Act during fiscal year 1972, the sum of $27,025,000, to remain available until expended as follows:

(1) Research expense, not more than $5,475,000;

(2) Development expense, not more than $10,200,000;

(3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $7,385,000;

(4) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $1,425,000; and

(5) Administration and coordination, not more than $2,540,000.

Expenditures and obligations under paragraphs (1), (2), (3), and (4) of this subsection may be increased by not more than 10 per centum, and expenditures and obligations under paragraph (5) may be increased by not more than 2 per centum, if any such increase under any paragraph is accompanied by an equal decrease in expenditures and obligations under one or more of the other paragraphs.

(b) There are authorized to be appropriated such sums, to remain available until expended, as may be specified in annual appropriation authorization Acts to carry out the provisions of this Act during the fiscal years 1973 to 1977, inclusive, and to finance, for not more than three years beyond the end of said period, such grants, contracts, cooperative agreements, and studies as may theretofore have been undertaken pursuant to this Act and such activities as are required to correlate, coordinate, and round out the results of studies and research undertaken pursuant to this Act.

(c) Not more than 2 per centum of the funds to be made available in any fiscal year for research under the authority of this Act may be expended, subject to the approval of the Secretary of State to assure that such activities are consistent with the foreign policy objectives of the United States, in cooperation with public or private agencies in foreign countries for research useful to the program in the United States.

SEC. 11. The Act of July 3, 1952 (66 Stat. 328), as amended, is repealed.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that it be printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. If there are no amendments to be offered, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Boggs) having assumed the chair, Mr. Tiernan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9093) to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes, pursuant to House Resolution 527, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 325, nays 0, not voting 108, as follows:

[Roll No. 184]

YEAS—325

Abbitt
Abernethy
Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Biaggi
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dellums
Denholm
Devine
Dickinson
Dingell
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Gross
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lent
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Mazzoli
Meeds
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pickle
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Rousselot
Roy
Runnels
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Sebelius
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Watts
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Zablocki
Zion

NAYS—0

NOT VOTING—108

Addabbo
Alexander
Arends
Ashbrook
Baring
Bell
Bevill
Biester
Blanton
Bow
Brademas
Brasco
Broomfield
Buchanan
Burton
Caffery
Celler
Chisholm
Clay
Conte
Conyers
Corman
Danielson
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Diggs
Donohue
du Pont
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Evins, Tenn.
Findley
Fish
Ford, William D.
Frelinghuysen
Gibbons
Goldwater
Grasso
Gray
Griffiths
Grover
Hansen, Idaho
Hansen, Wash.
Harvey
Hébert
Hicks, Mass.
Hogan
Howard
Jones, Ala.
Jones, Tenn.
Kastenmeier
King
Koch
Kuykendall
Landrum
Link
Long, La.
McCloskey
McCormack
McCulloch
Mann
Mathis, Ga.
Matsunaga
Mayne
Melcher
Mikva
Mills, Ark.
Murphy, N.Y.
Nichols
Pepper
Pettis
Peyser
Pike
Pirnie
Purcell
Quillen
Rangel
Roberts
Rodino
Roush
Roybal
Ruppe
Scheuer
Schmitz
Scott
Seiberling
Sikes
Stanton, J. William
Stratton
Stubblefield
Stuckey
Thompson, N.J.
Udall
Veysey
Wampler
Ware
Whitten
Wilson, Bob
Yates
Young, Tex.
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Brasco with Mr. Arends.

Mr. Matsunaga with Mr. Bow.

Mr. Danielson with Mr. Dennis.

Mr. Donohue with Mr. Goldwater.

Mr. Purcell with Mr. Ashbrook.

Mr. Pickle with Mr. Derwinski.

Mr. Nichols with Mr. Kuykendall.

Mr. Addabbo with Mr. Fish.

Mr. Kastenmeier with Mr. Bell.

Mr. William D. Ford with Mr. McCloskey.

Mr. Corman with Mr. Biester.

Mr. Bevill with Mr. Mayne.

Mr. Udall with Mr. Dellenback.

Mr. Sikes with Mr. Edwards of Alabama.

Mr. Stratton with Mr. Findley.

Mr. Landrum with Mr. Pettis.

Mr. Caffery with Mr. Broomfield.

Mr. Mathis of Georgia with Mr. Peyser.

Mr. Mikva with Mr. Conte.

Mrs. Grasso with Mr. du Pont.

Mr. Thompson of New Jersey with Mr. Frelinghuysen.

Mr. Stuckey with Mr. Buchanan.

Mr. Celler with Mr. Grover.

Mr. Delaney with Mr. Pirnie.

Mr. Evins of Tennessee with Mr. Hansen of Idaho.

Mr. Jones of Alabama with Mr. Quillen.

Mr. Dent with Mr. Harvey.

Mr. Mills with Mr. King.

Mr. Melcher with Mr. Hogan.

Mr. Rodino with Mr. Wampler.

Mrs. Griffiths with Mrs. Dwyer.

Mr. Links with Mr. Ruppe.

Mr. Burton with Mr. Scott.

Mr. Blanton with Mr. Veysey.

Mr. Howard with Mr. J. William Stanton.

Mr. Hébert with Mr. Schmitz.

Mr. Murphy of New York with Mr. Ware.

Mr. Edmondson with Mr. Bob Wilson.

Mr. Roberts with Mr. Zwach.

Mr. Rangel with Mr. Eilberg.

Mr. McCormack with Mr. Clay.

Mr. Yates with Mr. Diggs.

Mrs. Chisholm with Mr. Roybal.

Mr. Alexander with Mrs. Hansen of Washington.

Mrs. Hicks of Massachusetts with Mr. Jones of Tennessee.

Mr. Brademas with Mr. Baring.

Mr. Koch with Mr. Conyers.

Mr. Pepper with Mr. Gray.

Mr. Scheuer with Mr. Roush.

Mr. Gibbons with Mr. Edwards of Louisiana.

Mr. Mann with Mr. Long of Louisiana.

Mr. Young of Texas with Mr. Whitten.

Mr. Stubblefield with Mr. Seiberling.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, pursuant to House Resolution 527, I call up from the Speaker's table the bill S. 991.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Johnson of California moves to strike out all after the enacting clause of S. 991 and to insert in lieu thereof the provisions of H.R. 9093, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 9093) was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

FEDERAL BOAT SAFETY ACT OF 1971

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 525 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 525

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19) to provide for a coordinated national boating safety program. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts, Mr. O'Neill, is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 525 provides an open rule with 1 hour of debate for consideration of H.R. 19, the Federal Boat Safety Act of 1971.

The purpose of this bill is to improve boating safety by encouraging State boating safety programs, with Federal funds on a share basis being provided for this purpose, and by authorizing the establishment of construction and performance standards for boats and equipment. Under the bill, the U.S. Coast Guard, through the office of the Secretary of Transportation, would set safety standards for recreational boats. Manufacturers would be required to certify that their boats and equipment meet these standards. Penalties are provided for manufacturing or selling products that do not meet these requirements and for mislabeling with respect to these standards.

H.R. 19 is identical to H.R. 15041 which passed the House on December 7, 1970, except for two clarifying amendments. These amendments appear on page 1 of the report accompanying H.R. 19.

At the present time, there are approximately 9,000,000 small boat operators and it is expected that this number will reach 50 million in the next few years. In each of the past 5 years, about 1,350 persons have died while engaged in recreational boating. Through enactment of this bill, it is hoped that the public will be able to enjoy recreational boating with greater safety.

Mr. Speaker, I urge the adoption of House Resolution 525 in order that H.R. 19 may be considered.

Mr. LATTA. Mr. Speaker, the purpose of the bill is to improve safety with respect to recreational boating.

Over the last 5 years about 1,350 people each year have been killed while engaged in recreational boating. Excluding cars, this is a larger figure than for any other mode of transportation including civil aviation. Most deaths occur when boats capsize or people fall overboard. Boat safety requires that manufacturers construct their boats in such a way as to minimize these dangers.

The bill requires that recreational boats be built according to standards prescribed by the U.S. Coast Guard and promulgated by the Secretary of Transportation. Further, manufacturers will be required to certify that their boats have been constructed in accordance with such standards.

The bill applies to all noncommercial vessels excluding foreign boats, military vessels, or those belonging to a State or its political subdivisions. The bill preempts State action in the field, but in cases of uniquely hazardous situations, a State, with the approval of the Secretary, may prescribe certain marine equipment to meet such unique conditions.

No boat may be manufactured or sold, except for export, which does not conform to the standards promulgated under authority of this bill. While no system of Federal licensing or certification of boats or owners is provided for by the legislation, all manufacturers must certify to the Secretary of Transportation that their boats are constructed in compliance with standards set by the Secretary.

Penalties are provided for persons manufacturing, selling or mislabeling as to compliance with the established standards. A fine of up to $2,000 for each violation with the maximum fine for a series of violations of $100,000 is provided as civil penalties. Criminal penalties for use of a boat which does not meet the standards are a fine of up to $1,000 or imprisonment for up to 1 year, or both. The Coast Guard and the Secretary may also seek injunctive relief to restrain the sale or manufacture of boats which do not meet the established standards.

5-year cost estimates

First full year operating expenses	$2,578,517
4 succeeding years operating expenses ($2,394,927 per year)	9,579,708
5-year operating expenses	12,158,225
5-year research and development costs (at $300,000 per year)	1,500,000
Financial assistance funds for 5 years to States ($7,500,000 per year)	37,500,000
Total 5-year implementation costs	51,158,225

Finally, the bill requires the Secretary to name a National Boating Safety Advisory Council of 21 members who are to advise and consult with the Secretary on safe boating matters.

The bill is supported by the Department of Transportation, the Coast Guard, and the Department of Interior.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CLARK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19) to provide for a coordinated national boating safety program.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. Clark).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19, with Mr. McFall in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. Clark) will be recognized for 30 minutes and the gentleman from Massachusetts (Mr. Keith) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Clark).

Mr. CLARK. Mr. Chairman, we have before us today H.R. 19, the Federal Boat Safety Act of 1971, which is a recreational boat safety bill to provide for a coordinated national boating safety program. The record of the hearings indicates that this legislation is necessary and that there is a great and growing need for it. Last year there were approximately 1,300 fatalities in small boat accidents and the Coast Guard was called upon approximately 31,000 times in 1969 to help small-boat operators.

Although the bill does not provide for Federal licensing or certification of small-boat operators, which is a controversial proposal, it does provide in section 22 that the States may require the operator of a numbered vessel to hold a valid safety certificate. The bill does not apply to foreign vessels, military vessels, vessels of a State or political subdivision used principally for governmental purposes or ships' lifeboats. The bill does apply to any noncommercial vessel leased, rented, or chartered for noncommercial use or engaged in the carrying of six or fewer passengers.

The thrust of the various sections of H.R. 19 is to promote and encourage safety in the manufacture and use of recreational boats. One of the primary purposes of the bill is to provide the recreational boater with a boat constructed to provide safe boating through the means of construction and performance regulations and standards. In this connection, the bill provides for the issuance of regulations, first, establishing safety standards for boats and allied equipment, and, second, governing the installation and use of associated equipment.

A basic purpose of the bill is to encourage the States to participate in boating safety through the establishment of boating safety programs and to encourage the States already having boating safety programs to enlarge and intensify their participation in these programs. The bill is designed to foster State participation by setting up a system of Federal funding to the States. H.R. 19 provides that $7½ million be authorized and appropriated every year beginning in fiscal year 1972 with the $7½ million being allocated to the States in each of the next 4 succeeding fiscal years.

In allocating this $7½ million for a 5-year period, the bill sets out an initial level of Federal funding set at a Federal contribution of 75 percent the first fiscal year which then phases down at the fifth year to a Federal contribution of 33⅓ percent. No State may receive more than 5 percent of the Federal funding available for allocation in any fiscal year. The purpose of the phaseout device is to provide large Federal funding in the beginning and phasedown the Federal contribution as the States become more involved financially and operationally so that at the end of the 5-year period, the Federal Government hopefully will be out of the picture completely, at least with respect to the funding of the State boating safety programs. The total 5-year implementation costs of the legislation including financial assistance costs, operating expenses, and research and development costs is estimated by the Coast Guard to be $51,158,225.

Another important feature of the bill is that it provides for a Boating Safety Advisory Council which will consist of 21 members selected to assure adequate representation from all segments of the boating community. The purpose of this Advisory Council is to insure that the boating community will have an input into such important recreational boat safety matters as the promulgation of standards for the manufacture of recreational boats.

In addition to the features mentioned above, this bill provides for the numbering of all undocumented vessels equipped with propulsion machinery and encourages boating safety by providing uniformity among the various States with respect to the aspects of boating safety.

Any person who willfully uses a vessel in violation of this act or the regulations issued thereunder shall be subject to a fine of not more than $1,000 for each violation or imprisonment not more than 1 year, or both. Any person who manufactures, constructs, assembles or introduces into interstate commerce a vessel in violation of the act or its regulations shall be subject to a civil penalty of not more than $2,000 for each violation. The maximum civil penalty for any related series of violations shall be $100,000.

The Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation held extensive hearings on this legislation from March until July 1970, both here in Washington and in various boating centers of the United States.

This bill is the same as H.R. 15041, which passed the House last December 7. Unfortunately, the Senate never acted on the bill. The House Merchant Marine and Fisheries Committee voted out virtually the same bill on June 29, 1971, except that we added two minor amendments.

In the course of the hearings and subsequent deliberations, we ironed out the many problems which were raised initially so that this bill comes to the House floor with virtually the total support of the various organizations and interested parties comprising the boating community. For this reason, because the bill is timely, it fills the need, and is a good bill, I urge the support of all the Members for the passage of this very worthy piece of legislation.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. CLARK. I yield to the gentleman.

Mr. MONAGAN. Mr. Chairman, I support H.R. 19, the Federal Boating Safety Act of 1971. This bill is substantially the same as legislation which I sponsored in the 91st Congress and which passed the House on December 7, 1970. I am hopeful that this bill will be enacted into law without undue delay.

Recreational boating is increasingly popular. Currently there are more than 40 million people participating in the sport and the number is expected to increase by 10 million in the next 5 years. There are approximately 9 million recreational boats on the waters, and the number is increasing by 200,000 annually.

While the numbers of persons and craft involved in recreational boating is increasing at a rapid rate, our laws governing the manufacture and use of boats have not kept pace. The shortcomings of the existing laws and regulations are being cataloged in terms of unnecessary deaths, personal injuries and property damage directly related to boating accidents. There are currently two laws on the books relating to recreational boating: the Motorboat Act of 1940 which deals with specific items of safety equipment required to be carried by such boats, and the Federal Boating Act of 1958 which is primarily a boat numbering statute. Because of the limited scope of these two laws, there is a tremendous need to update and expand the recreational laws. I am proud to have played an active part in the development of the comprehensive boating safety bill we are considering today as chairman of the Special Studies Subcommittee of the Government Operations Committee in the 91st Congress.

The subcommittee held hearings on motorboat safety in 1967 and 1968 and also on the effectiveness of the U.S. Coast Guard's administration of its statutory responsibilities for boating safety. The hearings pointed up the need for safer boats, more uniform regulations, increased seamanship education for boat operators, and documented the need for a national, coordinated boating safety program.

The March 8, 1968, subcommittee report on this subject focused on the need to revise current laws to achieve greater safety, and it recommended that the Merchant Marine and Fisheries Committee consider revising existing laws to apply safety standards at the manufacturing level and to expand existing numbering and licensing requirements. I am pleased that the bill under consideration follows the subcommittee recommendations.

This bill for the first time introduces uniform Federal standards for recreational boat construction; second, authorizes the States to require the operator of a numbered vessel to hold a valid safety certificate; third, provides for the establishment of a uniform numbering system; and, fourth, authorizes $7.5 million per year to aid in the establishment of State boating safety programs.

Enactment of this comprehensive bill will greatly enhance the ability of citizens to enjoy recreational boating in safety, and I urge my colleagues to join me in voting for passage.

Mr. KEITH. Mr. Chairman, I rise to support H.R. 19, legislation to establish the Federal Boat Safety Act of 1971.

This legislation providing for a coordinated national boating safety program is long overdue. It has been pointed out that there were over 1,300 deaths resulting from small boat accidents in 1969. The tally for 1970 was approximately 1,400. Much can be done to reverse this toll through improved vessel design and construction and through educating the boating public. H.R. 19 is the result of combined efforts on the part of the Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation; the Coast Guard; the States and representatives of the boating industry and public. It is the culmination of intense legislative effort which began in 1968.

H.R. 19 is almost identical to H.R. 15041, which passed the House during the 91st Congress on December 7, 1970. The Senate failed to consider the bill in the 91st Congress and accordingly the bill died.

During consideration of this legislation your committee amended last year's bill in two respects. These changes reflect the amendments proposed by the Department of Treasury, which last year deferred to the Department of Transportation.

The first of these amendments is on page 9, lines 7, 8, and 9. It places the lead agency responsibility for the issuance of regulations regarding the importation of nonconforming boats and associated equipment with the Secretary of the Treasury in consultation with the Coast Guard. The bill which passed the House last year provided for joint regulations.

The committee felt that the lead agency approach would insure streamlined enforcement of this provision and avoid problems associated with joint regulations. Both the Treasury Department and the Coast Guard concurred in this approach.

The second committee amendment, on page 9, line 17 through 21 of the bill—would more clearly define those boat component items which the Bureau of Customs must evaluate in regard to allowing their importation by requiring the Coast Guard to list by regulation the items of "associated equipment" to which importation provisions would apply.

Other than these two items of a clarifying nature, there are no changes in the bill which the House is considering now and the bill which passed the House during the 91st Congress.

In the vital area of recreational boat design and construction this legislation for the first time recognizes the fact that responsibility should be placed upon the manufacturer to produce a safe product. The Motorboat Act of 1940, the first Federal small boat law, placed responsibility for compliance solely upon the boat owner. This was true even for such devices as backfire flame control equipment sold as an integral part of the boat. The boat owner is responsible for the effective operation of this device even though it may have been poorly designed or constructed. The average small-boat owner is no better equipped to judge the quality of the various components which go into his boat than the average automobile purchaser. Responsibility for providing the boatman with a boat and equipment meeting Federal safety standards properly should lie with the manufacturer. A single set of standards is therefore necessary. To leave responsibility for the establishment of standards to the States could result in safety standards and equipment requirements so varied as to make compliance by the manufacturers extremely difficult. Varying State requirements also tend to raise the cost to the boatman, since the manufacturer must tailor his product for the area of boat use.

As reported by your Committee on Merchant Marine and Fisheries therefore, the legislation authorizes the Secretary of the Department in which the Coast Guard is operating to issue regulations establishing minimum safety standards for boats and associated equipment, and to establish procedures and tests required to measure conformance with such standards. These standards must be reasonable and geared to meet the needs of boating safety. All noncommercial boats regardless of size or method of propulsion are included within the standards-setting authority of this act.

In establishing standards, the Secretary must consult with the Boating Safety Advisory Council. The Council, composed of 21 members drawn from State officials, boat and associated equipment manufacturers and boating organizations and the general public, will insure that there is adequate communication between the Federal Government and the private sector in the establishment and enforcement of standards.

The States may establish regulations governing the carriage or use of marine safety equipment which exceed or are in addition to Federal requirements to meet uniquely hazardous conditions with the State. Except in the case of such unique conditions the legislation prohibits the imposition of State or local standards or requirements. This preemption is essential.

Following the precedent established in the field of motor vehicle safety standards, this legislation provides for the notification of boat owners by the manufacturer whenever a defect in design or construction is discovered. The notice must be furnished to the Secretary who may publish this information to insure that the public is fully informed.

The second principal element of the Federal Boat Safety Act is the encouragement of State boating safety programs. The safe use and enjoyment of boats should be fostered at levels of government which are closer to the boating public. Through a program of financial assistance, the States will be encouraged to increase their safety patrol and enforcement activities and boat safety education. A boating safety program must be adopted and approved by the Secretary in order for a State to receive full financial assistance under the act. As reported by your committee, the act authorizes $7.5 million for the current fiscal year and for each of the succeeding years.

The States will have 3 years within which to develop their boating safety programs. During these 3 years, all States will be entitled to their share of Federal assistance based upon the allocation formula of the act. During the fourth and fifth years, however, assistance to States which have not adopted an approved boating safety program will be reduced. The Federal share of each State's program may not exceed 75 percent of the total cost in fiscal year 1972 decreasing to approximately one-third in fiscal year 1976.

Mr. Chairman, I believe that the system of financial assistance to the States established in H.R. 19 is sound. It provides an incentive to the States to increase their activity in this vital area and requires the States to take over the total burden of operating their programs within a reasonable period of time.

The Federal Boating Safety Act of 1971 contains a number of other important provisions which I would like to discuss briefly. Section 13 of the bill authorizes Coast Guard officers to direct boat operators to take corrective steps including, if necessary, returning to port whenever the officer observes a boat being used without sufficient lifesaving or firefighting equipment or in an overloaded or otherwise unsafe condition. Overloading and capsizing are the primary causes of boating fatalities. Some concern was expressed during previous hearings over this provision; however, it is an unfortunate fact that a great many people go out on their boats without regard to the most elementary safety requirements. Their guests may be completely unaware of the operator's negligence in inviting too many people aboard or in failing to provide enough lifejackets. Under existing law, the Coast Guard has limited authority to cite boat operators for unsafe or negligent operation, but no authority to direct the operator to take immediate corrective action. I do not believe the Coast Guard will use this authority to second-guess the actions of responsible boatmen. This section of the bill, however, will enable the Coast Guard to intervene when there has been a failure to adhere to basic safety requirements.

Another important provision of the act is the so-called good Samaritan clause, section 16. This provision requires the operator of a vessel to render assistance to persons involved in a marine casualty to the extent that he can do so without endangering his own vessel or passengers. Any person complying with this requirement in good faith is immune from civil damages. Often emergency first-aid is required by the victims of marine casualties. While the lack of this protection has not inhibited dedicated boatmen in the past, the tremendous increase in recreational boating which is now taking place warrants its adoption.

Mr. Chairman, this legislation is an important step forward. While we may not entirely overcome the problem of the boating fool, we are insuring that the boats which are offered to the public are safe, if used with reason and consideration for others. At the same time, we are encouraging the States to assert their proper role in the field of boating safety and education.

I urge my colleagues to support the Federal Boat Safety Act of 1971.

(Mr. PELLY (at the request of Mr. KEITH) was granted permission to extend his remarks at this point in the RECORD.)

Mr. PELLY. Mr. Chairman, I rise to support the bill, H.R. 19, which would establish a Federal boating safety program, and to associate myself with the very able remarks of my colleague on the committee, the gentleman from Massachusetts (Mr. KEITH).

This bill is a recreational boat safety bill. Its thrust is to promote and encourage safety in the manufacture and use of recreational boats. The bill would insure that our millions of recreational boaters will be on the waters of this country in a safely constructed boat through the means of construction and performance regulations and standards.

In addition, the establishment of a 21-man Boating Safety Advisory Council representing all segments of the industry, boating public, and State and Federal agencies, will insure that the promulgation of regulations and standards will be accomplished with the needs and interests of the entire boating community in mind.

One of the basic purposes of the bill is to encourage the States to participate in and foster boating safety. This is accomplished through the medium of Federal funding in order to encourage States having existing boating safety programs to upgrade and expand the programs in addition to assisting those States who do not now have such a program to take immediate steps to implement the boating safety program required under the bill.

Regional hearings were held by your committee in Seattle, Wash., June 18, 1970, in addition to other hearings in Washington and throughout the country during the 91st Congress. This extensive work culminated in the passage of the same bill being considered by the House today during the 91st Congress.

It is imperative that we take action now to reverse the steadily increasing trend of boating accidents and deaths. More and more of the general public are turning to our inland waters, lakes, rivers, and coastal areas for both recreational activities and boating pleasures.

The importance of the bill's passage can be more readily understood when it is learned that approximately 8.8 million persons owned or operated boats in 1970. A key factor in the prevention of boating accidents and deaths is to insure that our boating public is protected against the use of potentially hazardous boats. This bill will provide that protection by requiring manufacturers of small boats to build a boat which complies with certain specified safety criteria and standards.

President Nixon, pursuant to a joint resolution of Congress, has declared the week of July 4, 1971, as "National Boating Week"—a time when the entire boating public should educate themselves as to various safety measures to be used and followed when boating. It is fitting that this body lend support to such a declaration by passage of the Federal Boating Safety Act of 1971.

Mr. CLARK. Mr. Chairman, I yield to the gentleman from Mississippi (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. Chairman, I rise in support of H.R. 19, the Federal Boat Safety Act of 1971, of which I am coauthor. I urge my colleagues to approve this significant and important measure

Mr. Chairman, in each of the last 5 years, about 1,350 people have died in recreational boating accidents. The significance of this statistic becomes apparent when the fatality rate in all modes of transportation is compared.

Such analysis reveals the startling fact that more Americans die in recreational boating than in any other mode of transportation; with the exception of automobile travel which is a case in and of itself. And, even the fatality rate of highway travel pales when one considers the number of hours spent behind the wheel by the average driver as compared to number of hours behind the helm of the typical small boat operator.

Additionally, and no less important, is the amount of property damage incurred in boating accidents. With only some 8.4 million people owning small boats, the Coast Guard was called on over 31,000 rescue operations in 1969 and property damage has averaged over $7 million per year for the last 5 years.

Of all the various types of accidents in boating, such as grounding, capsizing, sinking, fire, fuel explosion, collision with another boat, with a fixed or floating object, or man overboard, clearly the most potentially fatal accident is capsizing.

An average of 600 fatalities occurred in capsizing accidents in each of the last 5 years. This is virtually half of all fatalities which occurred among 14 separate and distinct categories. The second largest category is man overboard in which an average of 325, nearly one out of four total fatalities, occurred in each of the last 5 years.

While such accidents as collision, man overboard, or others are most likely the result of operator mistake, the design and manufacture of a boat is a critical factor in whether it may capsize and in its floatability once capsized.

This is the direction in which the Federal Boat Safety Act of 1971 is designed to act. It will provide authority for establishment and enforcement standards in the manufacture of boats and their related gear so as to reduce the potential for accidents and provide greater survivability once an accident has occurred.

Similar authority has existed for years in regard to the manufacture of aircraft. Such authority has been greatly expanded, in recent years, in the manufacture of automobiles. It is time, now, for Congress to exercise the same authority to protect citizens in their purchase, operation, and enjoyment of recreational boats.

An important feature of H.R. 19, will provide our States financial assistance for their boating safety law enforcement and education programs. I point out to my colleagues that every State may participate in this program during the first 3 years merely by having a boating safety program, or expressing an intention to develop one during the 3-year period. This gives our State legislatures time to enact parallel legislation where required in conformity with the Model State Boat Act. Our purpose in assigning this flexibility early in the program is to encourage uniform laws and enforcement which this Congress urged upon States and Federal Government alike in the Federal Boating Act of 1958. That important policy is reiterated in the preamble to this bill.

During the final 2 years of the financial assistance program, all States may continue to receive some funds merely by applying—as was the case in the earlier years. But the majority of funds will be available only to those States establishing their eligibility through more uniform laws and a more active boating safety program. This important provision assures progress toward the goal of uniformity. It further assures increased State participation in this important program.

Again, I urge passage of H.R. 19.

Mr. Chairman, I wish to commend the able gentleman from Pennsylvania (Mr. CLARK) for his expert handling of this important bill.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman from Pennsylvania yield for a question?

Mr. CLARK. I yield to the gentleman.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

Mr. Chairman, in reading the report you have listed the cost of the legislation. I can presume that those figures, the total of which you will find on that page, constitute the cost to the Federal Government.

Has there been any estimates made of the cost to the State governments of this legislation or eventually as to the consumer because of the safety equipment features and so on that necessarily will be required on both if this legislation is passed?

Mr. CLARK. We have no estimate of the cost to the States. The figures here of the cost as estimated for the Federal Government and also giving funds to the States.

Mr. BROWN of Michigan. This is the cost to the Federal Government, including the portion that the Federal Government would be contributing to the States?

Mr. CLARK. That is right.

Mr. BROWN of Michigan. The reason I ask this question is—I think the House and the Congress itself sometime has got to come to the conclusion in passing legislation of this nature, that there has got to be a reflection of the ultimate cost—and not just the cost to the Federal Government, because if we look at all the protecton and safety legislation that has passed, we do not begin to scratch the surface of the ultimate cost to the consumer by passing legislation such as this. I think the public should be informed when we pass legislation of this kind.

Mr. LATTA. Will the gentleman yield?

Mr. CLARK. I yield to the gentleman from Ohio.

Mr. LATTA. The gentleman stated before the Rules Committee that there was no authorization in this bill for a licensing provision, a licensing of the operator; is that correct?

Mr. CLARK. There is permissive legislation for licensing by the States.

Mr. LATTA. But not by the Federal Government?

Mr. CLARK. No.

Mr. LATTA. I think it is important to point this out, because on page 5, line 16, the bill states—

> SEC. 5. (a) The Secretary may issue regulations—
>
> (1) establishing minimum safety standards for boats and associated equipment,

et cetera. It might be implied that the Secretary would have the power under that section to license boat operators, and I think it is important to get that on the record, that they do not have that authority.

Mr. CLARK. To get it on the record, I repeat that they do not have that authority whatsoever.

Mr. LATTA. One further thing. I would hope that, when you get this bill in conference that you abandon the definition on page 2 dealing with boats so that every rowboat in the country will not be covered.

Mr. KEITH. Mr. Chairman, I have one further request for time. I yield whatever time he may require to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Chairman, I rise in support of H.R. 19, the Federal Boat Safety Act of 1971.

This week is National Safe Boating Week as proclaimed by President Nixon according to legislation approved by the Congress in 1958 which I had the privilege of sponsoring. There could be no better time than now at the height of the recreational boating season, and at a time specifically dedicated to promoting boating safety, for the Congress to act to equip the Coast Guard to do an even better job of insuring safety on our waterways.

As I pointed out in remarks appearing in the Congressional Record of July 1, while much is being done to keep boating accidents to a minimum in the face of the increasing popularity of recreational boating, more needs to be done. The latest estimates indicate that during calendar year 1970 about 44 million people participated in some form of boating, that is one-fifth of our entire population. Last year a total of 4,762 vessels were involved in 3,803 boating accidents involving property damage of at least $100 each. While this represents 264 fewer accidents than in 1969, the number of boating accident deaths increased from 1,350 in 1969 to 1,418 in 1970, and total property damage rose to about $8.2 million or an increase of $1.9 million over 1969.

It is apparent then that while good efforts are now being made, additional steps will be needed if our waterways are to be made safe. One of these major steps needs to be an updating of current safety requirements since present regulations are based on a 30-year-old law. The updating and tightening of these regulations is a principal purpose of H.R. 19, which is almost identical to legislation passed by the House last year but which the Senate failed to consider. Under the provisions of the Federal Boat Safety Act of 1971 minimum Federal safety standards for boats and associated equipment will be established and for the first time responsibility for building a safe boat will be placed on the manufacturer. The boatman, of course, will still be responsible for the safe operation and proper maintenance of his craft. I support this bill and urge every Member of Congress to do likewise.

Mr. CLARK. Mr. Chairman, I yield to the Chairman of the full Committee, the gentleman from Maryland (Mr. Garmatz).

Mr. GARMATZ. Mr. Chairman, the bill we have before us for consideration, H.R. 19, the Federal Boat Safety Act of 1971, is a recreational boat safety bill to promote and encourage recreational boat safety.

It is the same as H.R. 15041, which passed the House last year on December 7, 1970, except that the committee in executive session last week added two minor amendments.

The House Committee on Merchant Marine and Fisheries has been working on this type of legislation since 1968. Originally, there were a number of problems concerning this legislation. However, by holding hearings in the various boating centers of the Nation, as well as hearings in Washington, and by constant consultation between staff members, the Coast Guard, and the various parties from the boating community, we are able to bring a bill to the floor today which has the support of virtually all the interested parties in the recreational boat community.

Of all the areas of marine activity, the recreational boat field is the one at the present time most in need of reasonable legislation to foster and promote safety. Last year there were approximately 1,400 fatalities arising from small boat accidents. H.R. 19 will make a significant contribution to decreasing this statistic and minimizing the hazards which give rise to it. The bill would enhance small boat safety in several material respects:

First. It would provide a safe boat by authorizing the Secretary to promulgate performance and construction standards governing the manufacture of small boats.

Second. The bill would provide a Boating Safety Advisory Council which will be available to consult with the Secretary on the many important aspects of boating safety including the promulgation of construction and performance standards mentioned above.

Third. It will go a long way toward encouraging the States to participate in boating safety through the establishment of boating safety programs set up and maintained by a system of Federal funding to the States.

Fourth. The bill would also contribute to boating safety by establishing uniformity in the area of boating safety.

The need for this legislation is all too apparent. The bill before us is a sound and reasonable legislative proposal which goes a long way toward promoting needed safety in the recreational boat field. I urge all the Members to join with me in support of H.R. 19, especially since this is National Boat Safety Week.

Mr. BYRNE of Pennsylvania. Mr. Chairman, although a number of factors account for fatal accidents in recreational boating, by far the largest number of fatalities is due to capsizing of the boat and by people falling overboard. Expert opinions vary on the precise cause of boating accidents and accident reports frequently attribute the final cause of an accident to multiple reasons but 1,350 fatalities are far too many to permit further academic discussion whether accidents are caused by the negligence of the operator, or inadequacies in the construction of the boat.

For every argument that a recreational boat capsizes or that a person falls overboard due to negligence, there is a counter argument that the boat would not have capsized or the person would not have fallen overboard if the boat had been built to standards making it more difficult for a boat to capsize or for a person to fall overboard. Accordingly, the major thrust of this legislation is to introduce for the first time general requirements that manufacturers of recreational boats shall construct those boats in accordance with standards prescribed by the Secretary of Transportation. Similar authority exists with respect to the construction of civil aircraft and, in growing degree, the construction of passenger automobiles and motor vehicles on our highways. It is time that recreational boats be built in accordance with standards prescribed by one Federal agency—in this case the Coast Guard—so that the public can enjoy recreational boating with greater safety.

This bill will accomplish that purpose by requiring manufacturers to certify they have built their recreational boats in accordance with applicable Federal standards.

Mr. DINGELL. Mr. Chairman, I rise in support of H.R. 19, which will establish the responsibility of boat and equipment manufacturers to deliver to our constituents new boats and equipment which meet needed minimum safety standards. The act of April 25, 1940, as amended—the Motorboat Act—now places the responsibility for compliance with the standards listed therein solely upon the owner-operator. The person who buys a boat should not have to evaluate for himself the safety features provided by manufacturers, but should have assurance that the boat he buys meets needed and reasonable safety standards.

The more flexible standards authority of this act will allow the Coast Guard to respond to safety problems where need is established. Establishment of required standards covering major safety hazards will assure that boat and equipment manufacturers will build to a nationally recognized safety level. It will no longer be necessary for a manufacturer to balance the cost of safety features he provides against those provided by his competitors. The result will be safer boats for the public.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 19, the Federal Boat Safety Act.

As a cosponsor of this measure, I am pleased that it has arrived on the floor of the House for our consideration and passage. The House Committee on Merchant Marine and Fisheries, of which I am a member, has been working on this legislation since 1968. On December 7, 1970, the House passed H.R. 15041, a bill identical to H.R. 19. Unfortunately, no action was taken on this measure by the Senate in the 91st Congress.

This recreational-boat safety bill seeks to provide for a coordinated national boating safety program. The need for such a program is apparent when we consider that there were approximately 1,300 fatalities arising from small boat accidents in 1969.

H.R. 19 will make a significant contribution to decreasing this statistic and minimizing the hazards which bring it about.

This measure would encourage small-boat safety by setting standards for boat manufacturers.

The average small boatowner is no more able to judge the quality of the various components which go into his boat than the average automobile purchaser. The responsibility for providing the boatman with a boat and equipment, meeting Federal safety standards, properly should be with the manufacturer. They have recognized this responsibility and their cooperation has resulted in a more effective bill.

Further, H.R. 19 enhances small boat safety by aiding the States in funding boating safety programs. I believe the system of financial assistance to the States is sound and encourages them to participate in boating safety. Those States which already have boating safety programs are encouraged to enlarge and intensify their participation in these programs.

Mr. Chairman, the popularity of recreational boating has increased to the point where over 40 million people presently participate in the sport, and it is estimated that the number will exceed 50 million by 1975. By 1980, another 10 million people will take up the sport. The number of recreational boats now in use is estimated to be 9 million and this number is increasing by 200,000 annually.

This great surge in recreational boating must be met with a corresponding growth in safety regulations to govern the quality of recreational boating equipment and the conduct of those engaged in the sport. This legislation before us today will take some long-needed steps toward greater boating safety.

I urge my colleagues to support the Federal Boat Safety Act.

Mr. JONES of North Carolina. Mr. Chairman, I wish to comment on the background of this bill. Boating accidents often involve a chain of avoidable circumstances which include the boatman, the boat and its equipment, and the environment in which the boat operates. Operator fault is most often considered as the principal cause of boating accidents, since the boatman is the last person who can avoid an accident. But by breaking the chain of contributing events, accidents can be avoided and their consequences reduced.

A major part of a balanced program is education. The boatman must know safety rules and his responsibility to others for safe operation. Once he knows these responsibilities, effective enforcement is necessary to assure his continued awareness. Good engineering safety standards for his boat and its equipment will reduce the contribution of his boat to accidents. Finally, up-to-date and pertinent environmental and weather information will help him to avoid circumstances which are dangerous. Taken together, these four points offer a balanced and effective boating safety program. This bill provides incentives for greatly increased state enforcement and education programs, and broad authority to establish required engineering safety standards. I urge your support.

Mr. CLARK. Mr. Chairman, I have no further requests for time.

Mr. KEITH. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 19

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Boat Safety Act of 1971".

DECLARATION OF POLICY AND PURPOSE

SEC. 2. It is hereby declared to be the policy of Congress and the purpose of this Act to improve boating safety and to foster greater development, use, and enjoyment of all the waters of the United States by encouraging and assisting participation by the several States, the boating industry, and the boating public in development of more comprehensive boating safety programs; by authorizing the establishment of national construction and performance standards for boats and associated equipment; and by creating more flexible regulatory authority concerning the use of boats and equipment. It is further declared to be the policy of Congress to encourage greater and continuing uniformity of boating laws and regulations as among the several States and the Federal Government, a higher degree of reciprocity and comity among the several jurisdictions, and closer cooperation and assistance between the Federal Government and the several States in developing, administering, and enforcing Federal and State laws and regulations pertaining to boating safety.

DEFINITIONS

SEC. 3. As used in this Act, and unless the context otherwise requires—

(1) "Boat" means any vessel—

(A) manufactured or used primarily for noncommercial use; or

(B) leased, rented, or chartered to another for the latter's noncommercial use; or

(C) engaged in the carrying of six or fewer passengers.

(2) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(3) "Undocumented vessel" means a vessel which does not have and is not required to have a valid marine document as a vessel of the United States.

(4) "Use" means operate, navigate, or employ.

(5) "Passenger" means every person carried on board a vessel other than—

(A) the owner or his representative;

(B) the operator;

(C) bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(D) any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

(6) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(7) "Manufacturer" means any person engaged in—

(A) the manufacture, construction, or assembly of boats or associated equipment; or

(B) the manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

(C) the importation into the United States for sale of boats, associated equipment, or components thereof.

(8) "Associated equipment" means—

(A) any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component; and

(B) any accessory or equipment for, or appurtenance to, a boat; and

(C) any marine safety article accessory, or equipment intended for use by a person on board a boat.

(9) "Secretary" means the Secretary of the Department in which the Coast Guard is operating.

(10) "State" means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia.

(11) An eligible State means one that has an accepted State boating safety program.

APPLICABILITY

SEC. 4. (a) This Act applies to vessels and associated equipment used, to be used, or carried in vessels used, on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States.

(b) Sections 5 through 11 and subsections 12(a), (b), and (c) of this Act are applicable also to boats moving or intended to be moved in interstate commerce.

(c) This Act, except those sections where the content expressly indicates otherwise, does not apply to—

(1) foreign vessels temporarily using waters subject to United States jurisdiction;

(2) military or public vessels of the United States, except recreational-type public vessels;

(3) a vessel whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(4) ships' lifeboats.

BOAT AND ASSOCIATED EQUIPMENT STANDARDS AND USE

SAFETY REGULATIONS AND STANDARDS

SEC. 5. (a) The Secretary may issue regulations—

(1) establishing minimum safety standards for boats and associated equipment, and establishing procedures and tests required to measure conformance with such standards. Each standard shall be reasonable, shall meet the need for boating safety, and shall be stated, insofar as practicable, in terms of performance;

(2) requiring the installation, carrying, or using of associated equipment on boats and classes of boats subject to this Act; and prohibiting the installation, carrying, or using of associated equipment which does not conform with safety standards established under this section. Equipment contemplated by this clause includes, but is not limited to, fuel systems, ventilation systems, electrical systems, navigational lights, sound producing devices, fire fighting equipment, lifesaving devices, signaling devices, ground tackle, life and grab rails, and navigational equipment.

(b) A regulation or standard issued under this section—

(1) shall specify an effective date which is not earlier than one hundred and eighty days from the date of issuance, except that this period shall be increased in the discretion of the Secretary to not more than eighteen months in any case involving major product design, retooling, or major changes in the manufacturing process, unless the Secretary finds that there exists a boating safety hazard so critical as to require an earlier effective date; what constitutes major product redesign, retooling, or major changes shall be determined by the Secretary;

(2) may not compel substantial alteration of a boat or item of associated equipment which is in existence, or the construction or manufacture of which is commenced, before the effective date of the regulation; but within that limitation may require compliance or performance that the Secretary considers appropriate in relation to the degree of hazard that the compliance will correct; and

(3) shall be consistent with laws and regulations governing the installation and maintenance of sanitation equipment.

PRESCRIBING REGULATIONS AND STANDARDS

SEC. 6. In establishing a need for formulating and prescribing regulations and standards under section 5 of this Act, the Secretary shall, among other things—

(1) consider the need for and the extent to which the regulations or standards will contribute to boating safety;

(2) consider relevant available boat safety standards, statistics and data, including public and private research, development, testing, and evaluation;

(3) shall be consistent with laws and regulation or standard is reasonable and appropriate for the particular type of boat or associated equipment for which it is prescribed;

(4) consult with the Boating Safety Advisory Council established in compliance with this Act regarding all of the foregoing considerations.

DISPLAY OF LABELS EVIDENCING COMPLIANCE

SEC. 7. The Secretary may require or permit the display of seals, labels, plates, insignia, or other devices for the purpose of certifying or evidencing compliance with Federal safety regulations and standards for boats and associated equipment.

DELEGATION OF INSPECTION FUNCTION

Sec. 8. The Secretary may, subject to regulations, supervision, and review as he may prescribe, delegate to any person, or private or public agency, or to any employee under the supervision of such person or agency, any work, business, or function respecting the examination, inspection, and testing necessary to carry out his responsibilities under sections 5 and 6 of this Act.

EXEMPTIONS

Sec. 9. The Secretary may, if he considers that boating safety will not be adversely affected, issue exemptions from any provision of this Act or regulations and standards established thereunder, on terms and conditions as he considers appropriate.

FEDERAL PREEMPTION

Sec. 10. Unless permitted by the Secretary under section 9 of this Act, no State or political subdivision thereof may establish, continue in effect, or enforce any provision of law or regulation which establishes any boat or associated equipment performance or other safety standard, or which imposes any requirement for associated equipment, except, unless disapproved by the Secretary, the carrying or using of marine safety articles to meet uniquely hazardous conditions or circumstances within the State, which is not identical to a Federal regulation issued under section 5 of this Act.

ADMISSION OF NONCONFORMING FOREIGN-MADE BOATS

Sec. 11. (a) The Secretary of the Treasury, in consultation with the Secretary (of the department in which the Coast Guard is operating), may issue regulations authorizing the importation of a nonconforming boat or associated equipment upon terms and conditions, including the furnishing of bond, which will assure that the boat or associated equipment will be brought into conformity with the applicable Federal safety regulations and standards before it is used on water subject to the jurisdiction of the United States.

(b) For the purposes of this section and the prohibition concerning the importation of associated equipment of section 12(a), the term "associated equipment" means only those items which shall be listed by the Secretary of the Department of Transportation in implementing regulations.

PROHIBITED ACTS

Sec. 12. (a) No person may manufacture, construct, assemble, introduce, or deliver for introduction in interstate commerce, or import into the United States, or if engaged in the business of selling or distributing boats or associated equipment, may sell or offer for sale, any boat, associated equipment, or component thereof to be sold for subsequent assembly, unless—

(1) it conforms with regulations and standards prescribed under this Act, or

(2) it is intended solely for export, and so labeled, tagged, or marked on the boat or equipment and on the outside of the container, if any, which is exported.

(b) No person may be held liable for a violation of this section if he establishes that he did not have reason to know in the exercise of due care that a boat or associated equipment does not conform with applicable Federal boat safety standards, or who holds a certificate issued by the manufacturer of the boat or associated equipment to the effect that such boat or associated equipment conforms to all applicable Federal boat safety standards, unless such person knows or reasonably should have known that such boat or associated equipment does not so conform.

(c) No person may affix, attach, or display a seal, label, plate, insignia, or other device indicating or suggesting compliance with Federal safety standards on, in, or with a boat or item of associated equipment, which is false or misleading.

(d) No person may use a vessel in violation of this Act or regulations issued thereunder.

(e) No person may use a vessel, including one otherwise exempted by subsection 4(c) of this Act, in a negligent manner so as to endanger the life, limb, or property of any person. Violations of this subsection involving use which is grossly negligent, subject the violator, in addition to any other penalties prescribed in this Act, to the criminal penalties prescribed in section 34.

(f) No vessel equipped with propulsion machinery of any type and not subject to the manning requirements of the vessel inspection laws administered by the Coast Guard, may while carrying passengers for hire, be used except in the charge of a person licensed for such service under regulations, prescribed by the Secretary, which pertain to qualifications, issuance, revocation or suspension, and related matters.

(g) Subsection 12(f) of this Act does not apply to any vessel being used for bona fide dealer demonstrations furnished without fee to business invitees. However, if on the basis of substantial evidence the Secretary determines, pursuant to section 6 hereof, that requiring vessels so used to be under the control of licensed persons is necessary to meet the need for boating safety, then the Secretary may promulgate regulations requiring the licensing of persons controlling such vessels in the same manner as provided in subsection 12(f) of this Act for persons in control of vessels carrying passengers for hire.

TERMINATION OF UNSAFE USE

Sec. 13. If a Coast Guard boarding officer observes a boat being used without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition as defined in regulations of the Secretary, and in his judgment such use creates an especially hazardous condition, he may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended.

INSPECTION, INVESTIGATION, REPORTING

Sec. 14. (a) Every manufacturer subject to the provisions of this Act shall establish and maintain records, make reports, and provide information as the Secretary may reasonably require to enable him to determine whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder. A manufacturer shall, upon request of an officer, employee, or agent authorized by the Secretary, permit the officer, employee, or agent to inspect at reasonable times factories or other facilities, books, papers, records, and documents relevant to determining whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder.

(b) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (a) containing or relating to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, or authorized to be exempted from public disclosure by subsection 552(b) of title 5, United States Code, shall be considered confidential for the purpose of that section of title 18, except that such information may be disclosed to other officers, employees, or agents concerned with carrying out this Act or when relevant in any proceeding under this Act.

NOTIFICATION OF BOAT DEFECTS

Sec. 15. (a) Every boat manufacturer shall furnish notification of a defect in any boat produced by the manufacturer, which he determines in good faith relates to safe use of the boat, to the dealer to whom the boat was delivered and to the purchaser (when known to the manufacturer) of the boat, within a reasonable time after the manufacturer has discovered the defect.

(b) Notification shall be accomplished—

(1) by certified mail to the first purchaser (not including any dealer of the manufacturer) of the boat containing the defect, and to any subsequent purchaser to whom has been transferred any warranty on the boat; and

(2) by certified mail or other more expeditious means to the dealer to whom the boat was delivered.

(c) Notification shall contain a clear description of the defect, an evaluation of the risk to boating safety reasonably resulting from the defect, and a statement of measures to be taken to repair the defect.

(d) Every manufacturer shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to purchasers or dealers required under this Act. The Secretary may publish so much of the information contained in the communication as he deems will contribute to boating safety.

RENDERING OF ASSISTANCE IN CASUALTIES

Sec. 16. (a) The operator of a vessel, including one otherwise exempted by subsection 4(c) of this Act, involved in a collision, accident, or other casualty, to the extent he can do so without serious danger to his own vessel, or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the collision, accident, or casualty. He shall also give his name, address, and the identification of his vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection are in addition to any duties otherwise imposed by law.

(b) Any person who complies with subsection (a) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonably prudent man would have acted under the same or similar circumstances.

Numbering of Certain Vessels

VESSELS REQUIRING NUMBERING

Sec. 17. An undocumented vessel equipped with propulsion machinery of any type shall have a number issued by the proper issuing authority in the State in which the vessel is principally used.

STANDARD NUMBERING

Sec. 18. (a) The Secretary shall establish by regulation a standard numbering system for vessels. Upon application by a State the Secretary shall approve a State numbering system which is in accord with the standard numbering system and the provisions of this Act relating to numbering and casualty reporting. A State with an approved system is the issuing authority under the Act. The Secretary is the issuing authority in States where a State numbering system has not been approved.

(b) If a State has a numbering system approved by the Secretary under the Act of September 2, 1958 (72 Stat. 1754), as amended, prior to enactment hereof, the system need not be immediately revised to conform with this Act and may continue in effect without change for a period not to exceed three years from the date of enactment of this Act.

(c) When a vessel is actually numbered in the State of principal use, it shall be considered as in compliance with the numbering system requirements of any State in which it is temporarily used.

(d) When a vessel is removed to a new State of principal use, the issuing authority of that State shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in the new State.

(e) If a State has a numbering system approved after the effective date of this Act, that State must accept and recognize any certificate of number issued by the Secretary, as the previous issuing authority in that State, for one year from the date that State's system is approved, or until its expiration date, at the option of the State.

(f) Whenever the Secretary determines that a State is not administering its approved numbering system in accordance with the standard numbering system, or has altered its system without his approval, he may withdraw his approval after giving notice to the State, in writing, setting forth specifically wherein the State has failed to meet the standards required, and the State has not corrected such failures within a reasonable time after being notified by the Secretary.

EXEMPTIONS

SEC. 19. (a) The Secretary, when he is the issuing authority, may exempt a vessel or class of vessels from the numbering provisions of this Act under such conditions as he may prescribe.

(b) When a State is the issuing authority, it may exempt from the numbering provisions of this Act any vessel or class of vessels that has been exempted under subsection (a) of this section or otherwise as permitted by the Secretary.

DESCRIPTION OF CERTIFICATE OF NUMBER

SEC. 20. (a) A certificate of number granted under this Act shall be pocket size, shall be at all times available for inspection on the vessel for which issued when the vessel is in use, and may not be valid for more than three years. The certificate of number for vessels less than twenty-six feet in length and leased or rented to another for the latter's noncommercial use of less than twenty-four hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative. A vessel which does not have the certificate of number on board shall be identified while in use, and comply with such other requirements, as the issuing authority prescribes.

(b) The owner of a vessel numbered under this Act shall furnish to the issuing authority notice of the transfer of all or part of his interest in the vessel, or of the destruction or abandonment of the vessel, within a reasonable time thereof, and shall furnish notice of any change of address within a reasonable time of the change, in accordance with prescribed regulations.

DISPLAY OF NUMBER

SEC. 21. A number required by this Act shall be painted on, or attached to, each side of the forward half of the vessel for which it was issued, and shall be of the size, color, and type as may be prescribed by the Secretary. No other number may be carried on the forward half of the vessel.

SAFETY CERTIFICATES

SEC. 22. When a State is the issuing authority it may require that the operator of a numbered vessel hold a valid safety certificate issued under terms and conditions set by the issuing authority.

REGULATIONS

SEC. 23. The issuing authority may prescribe regulations and establish fees to carry out the intent of sections 17 through 24 and section 37 of this Act. A State issuing authority may impose only terms and conditions for vessel numbering which are prescribed by this Act or the regulations of the Secretary concerning the standard numbering system.

FURNISHING OF INFORMATION

SEC. 24. Manufacturers may request from an issuing authority vessel numbering and registration information which is retrievable from vessel numbering system records of the issuing authority. When the issuing authority is satisfied that the request is reasonable and related to a boating safety purpose, the information shall be furnished upon payment by the manufacturer of the cost of retrieval and furnishing of the information requested.

STATE BOATING SAFETY PROGRAMS

ESTABLISHMENT AND ACCEPTANCE

SEC. 25. In order to encourage greater State participation and consistency in boating safety efforts, and particularly greater safety patrol and enforcement activities, the Secretary may accept State boating safety programs directed at implementing and supplementing this Act. Acceptance is necessary for a State to receive full rather than partial Federal financial assistance under this Act. The Secretary may also make Federal funds available to an extent permitted by subsection 27(d) of this Act to national nonprofit public service organizations for national boating safety programs and activities which he considers to be in the public interest.

BOATING SAFETY PROGRAM CONTENT

SEC. 26. (a) The Secretary shall accept a State boating safety program which—

(1) incorporates a State vessel numbering system previously approved under this Act or includes such a numbering system as part of the proposed boating safety program;

(2) includes generally the other substantive content of the Model State Boat Act as approved by the National Association of State Boating Law Administrators in conjunction with the Council of State Governments, or is in substantial conformity therewith, or conforms sufficiently to insure uniformity and promote comity among the several jurisdictions;

(3) provides for patrol and other activity to assure enforcement of the State boating safety laws and regulations;

(4) provides for boating safety education programs;

(5) designates the State authority or agency which will administer the boating safety program and the allocated Federal funds; and

(6) provides that the designated State authority or agency will submit reports in the form prescribed by the Secretary.

(b) The requirements of subparagraph (a) (2) of this section shall be liberally construed to permit acceptance where the general intent and purpose of such requirements are met and nothing contained therein is in any way intended to discourage a State program which is more extensive or comprehensive than suggested herein, particularly with the regard to safety patrol and enforcement activity commensurate with the amount and type of boating activity within the State, and with regard to public boat safety education, and experimental programs which could enhance boating safety.

ALLOCATION OF FEDERAL FUNDS

SEC. 27. (a) The Secretary shall allocate the amounts appropriated to the several States as soon as practicable after July 1 of each fiscal year for which the funds are appropriated.

(b) In order to encourage and assist the States in the development of boating safety programs during the first three fiscal years for which funds are available under this Act, the funds shall be allocated among applying States having a boating safety program, or which indicate to the Secretary their intention to establish boating safety programs in accordance with section 25 of this Act. One-half of the funds shall be allocated equally among the applying States. The other half shall be allocated to each applying eligible State in the same ratio as the number of vessels propelled by machinery numbered in that State bears to the number of such vessels numbered in all applying eligible States.

(c) In fiscal years after the third fiscal year for which funds are available under this Act the moneys appropriated shall be allocated among applying States. Of the total available funds one-third shall be allocated each year equally among applying States. One-third shall be allocated so that the amount each year to each applying eligible State will be in the same ratio as the number of vessels numbered in that State, under a numbering system approved under this Act, bears to the number of such vessels numbered in all applying eligible States. The remaining one-third shall be allocated so that the amount each year to each applying eligible State shall be in the same ratio as the State funds expended or obligated for the State boating safety program during the previous fiscal year by a State bears to the total State funds expended or obligated for that fiscal year by all the applying eligible States.

(d) The Secretary may allocate not more than 5 per centum of funds appropriated in any fiscal year for national boating safety activities of one or more national nonprofit-public service organizations.

ALLOCATION LIMITATIONS; UNOBLIGATED OR UNALLOCATED FUNDS

SEC. 28. (a) Notwithstanding the allocation ratios prescribed in section 27 of this Act, the Federal share of the total annual cost of a State's boating safety program may not exceed 75 per centum in fiscal year 1972, 66⅔ per centum in fiscal year 1973; 50 per centum in fiscal year 1974, 40 per centum in fiscal year 1975, and 33⅓ per centum in fiscal year 1976. No state may receive more than 5 per centum of the Federal funds appropriated or available for allocation in any fiscal year.

(b) Amounts allocated to a State shall be available for obligation by that State for a period of three years following the date of allocation. Funds unobligated by the State at the expiration of the three-year period shall be withdrawn by the Secretary and shall be available with other funds to be allocated by the Secretary during that fiscal year.

(c) Funds available to the Secretary which have not been allocated at the end of a fiscal year shall be carried forward as part of the total allocation funds for the next fiscal year for which appropriations are authorized by this Act.

DETERMINATION OF STATE FUNDS EXPENDED

SEC. 29. In accordance with regulations prescribed by the Secretary computation by a State of funds expended or obligated for the boating safety program shall include the acquisition, maintenance, and operating costs of facilities, equipment, and supplies; personnel salaries and reimbursable expenses; the costs of training personnel; public boat safety education; the costs of administering the program; and other expenses which the Secretary considers appropriate. The Secretary shall determine any issues which arise in connection with such computation.

AUTHORIZATION FOR APPROPRIATIONS FOR STATE BOATING SAFETY PROGRAMS

SEC. 30. For the purpose of providing financial assistance for State boating safety programs there is authorized to be appropriated $7,500,000 for the fiscal year ending June 30, 1972, and $7,500,000 for each of the four succeeding fiscal years, such appropriations to remain available until expended.

PAYMENTS

SEC. 31. (a) Amounts allocated under section 27 of this Act shall be computed and paid to the States as follows:

(1) During the first three fiscal years that

funds are available the Secretary shall schedule the initial payment to each State at the earliest possible time after application and compliance with subsection 27(b) of this Act.

(2) For fiscal years after the third fiscal year for which funds are available, the Secretary shall determine during the last quarter of a fiscal year, on the basis of computations made pursuant to section 29 of this Act and submitted by the States, the percentage of the funds available for the next fiscal year to which each eligible State shall be entitled. Notice of the percentage and of the dollar amount, if it can then be determined, for each State shall be furnished to the States at the earliest practicable time. If the Secretary finds that an amount made available to a State for a prior year is greater or less than the amount which should have been made available to that State for the prior year, because of later or more accurate State expenditure information, the amount for the current fiscal year may be increased or decreased by the appropriate amount.

(b) Notwithstanding any other provision of law, the Secretary shall schedule the payment of funds consistent with the program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of funds from the United States Treasury and the subsequent disbursement thereof by a State.

(c) Whenever the Secretary, after reasonable notice to the designated State authority or agency, finds that—

(1) the boating safety program submitted by the State and accepted by the Secretary has been so changed that it no longer complies with this Act or standards established by regulations thereunder; or

(2) in the administration of the boating safety program, there has been a failure to comply substantially with the standards established by the regulations;

the Secretary shall notify the State authority or agency that no further payments will be made to the State until the program conforms to the established standards or the failure is corrected.

(d) The Secretary shall, by regulation, provide for such accounting, budgeting, and other fiscal procedures as are necessary and reasonable for the proper and efficient administration of this section. The Secretary and the Comptroller General of the United States shall have access for the purpose of audit and examination, to any books, documents, papers, and records that are pertinent to Federal funds received by the States under this Act.

CONSULTATION AND COOPERATION

Sec. 32. (a) In carrying out his responsibilities under this Act the Secretary may consult with State and local governments, public and private agencies, organizations and committees, private industry, and other persons having an interest in boating and boating safety.

(b) The Secretary may advise, assist, and cooperate with the States and other interested public and private agencies, in the planning, development, and execution of boating safety programs. Acting under the authority of section 141 of title 14, United States Code, and consonant with the policy defined in section 2 of this Act, the Secretary shall insure the fullest cooperation between the State and Federal authorities in promoting boating safety by entering into agreements and other arrangements with the States whenever possible. Subject to the provisions of chapter 23, title 14, he may make available, upon request from a State, the services of members of the Coast Guard Auxiliary to assist the State in the promotion of boating safety on State waters.

BOATING SAFETY ADVISORY COUNCIL

Sec. 33. (a) The Secretary shall establish a National Boating Safety Advisory Council, which shall not exceed twenty-one members, whom the Secretary considers to have a particular expertise, knowledge, and experience in boating safety. Insofar as practical, to assure balanced representation, members shall be drawn equally from (1) State officials responsible for State boating safety programs, (2) boat and associated equipment manufacturers, and (3) boating organizations and members of the general public. Additional persons from those sources may be appointed to panels to the Council which will assist the Council in the performance of its functions.

(b) In addition to the consultation required by section 6 of this Act the Secretary shall consult with the Advisory Council on any other major boat safety matters related to this Act.

(c) Members of the Advisory Council or panels may be compensated at a rate not to exceed the rate provided for Federal classified employees of grade GS–18 when engaged in the duties of the Council. Members, while away from their homes or regular places of business, may be allowed travel expenses, including a per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Advisory Council employees or officials of the United States for any purposes.

CRIMINAL PENALTIES

Sec. 34. Any person who willfully violates subsection 12(d) of this Act or the regulations issued thereunder shall be fined not more than $1,000 for each violation or imprisoned not more than one year, or both.

CIVIL PENALTIES

Sec. 35. (a) In addition to any other penalty prescribed by law any person who violates subsection 12(a) of this Act shall be liable to a civil penalty of not more than $2,000 for each violation, except that the maximum civil penalty shall not exceed $100,000 for any related series of violations.

(b) In addition to any other penalty prescribed by law any person who violates any other provision of this Act or the regulations issued thereunder shall be liable to a civil penalty of not more than $500 for each violation. If the violation involves the use of a vessel, the vessel, except as exempted by subsection 4(c) of this Act, shall be liable and may be proceeded against in the district court of any district in which the vessel may be found.

(c) The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General. Subject to approval by the Attorney General, the Secretary may engage in any proceeding in court for that purpose, including a proceeding under subsection (d) of this section. In determining the amount of any penalty to be assessed hereunder, or the amount agreed upon in any compromise consideration shall be given to the appropriateness of such penalty in light of the size of the business of the person charged, the gravity of the violation and the extent to which the person charged has complied with the provisions of section 15 of this Act or has otherwise attempted to remedy the consequences of the said violation.

(d) When a civil penalty of not more than $200 has been assessed under this Act, the Secretary may refer the matter for collection of the penalty directly to the Federal magistrate of the jurisdiction wherein the person liable may be found for collection procedures under supervision of the district court and pursuant to order issued by the court delegating such authority under section 636(b) of title 28, United States Code.

INJUNCTIVE PROCEEDINGS

Sec. 36. The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this Act, or to restrain the sale, offer for sale, or the introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of any boat or associated equipment which is determined not to conform to Federal boat safety standards, upon petition by the Attorney General on behalf of the United States. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and except in the case of knowing and willful violation, shall afford him a reasonable opportunity to achieve compliance. The failure to give notice and afford such opportunity does not preclude the granting of appropriate relief.

CASUALTY REPORTING SYSTEMS

Sec. 37. (a) The Secretary shall prescribe a uniform vessel casualty reporting system for vessels subject to this Act, including those otherwise exempted by terms (1), (3), and (4) of subsection 4(c).

(b) A State vessel numbering system and boating safety program approved under this Act shall provide for the reporting of casualties and accidents involving vessels. A State shall compile and transmit to the Secretary reports, information, and statistics on casualties and accidents reported to it.

(c) A vessel casualty reporting system shall provide for the reporting of all marine casualties involving vessels indicated in subsection (a) of this section and resulting in the death of any person. Marine casualties which do not result in loss of life shall be classified according to the gravity thereof, giving consideration to the extent of the injuries to persons, the extent of property damage, the dangers which casualties create, and the size, occupation or use, and the means of propulsion of the boat involved. Regulations shall prescribe the casualties to be reported and the manner of reporting.

(d) The owner or operator of a boat or vessel indicated in subsection (a) of this section and involved in casualty or accident shall report the casualty or accident to the Secretary in accordance with regulations prescribed under this section unless he is required to report to a State under a State system approved under this Act.

(e) The Secretary shall collect, analyze, and publish reports, information, or statistics together with findings and recommendations he considers appropriate. If a State accident reporting system provides that information derived from accident reports, other than statistical, shall be unavailable for public disclosure, or otherwise prohibits use by the State or any person in any action or proceeding against an individual, the Secretary may utilize the information or material furnished by a State only in like manner.

APPROPRIATIONS AUTHORIZATION

Sec. 38. There is authorized to be appropriated amounts as may be necessary to administer the provisions of this Act.

MISCELLANEOUS PROVISIONS

Sec. 39. (a) The following are repealed:

(1) Section 7, as amended, and sections 13 and 14 of the Motorboat Act of 1940, Public Law 76–484, April 25, 1940 (54 Stat. 165);

(2) The Federal Boating Act of 1958, Public Law 85–911, September 2, 1958 (72 Stat. 1754), except subsections 6(b) and 6(c) thereof;

(3) The Act of March 28, 1960, Public Law 86–396 (74 Stat. 10); and

(4) The Act of August 30, 1961, Public Law 87–171 (75 Stat. 408).

(b) Subsection (c) of section 6 of the Federal Boating Act of 1958, September 2, 1958 (72 Stat. 1754), is amended to read as follows:

"(c) Such Act of April 25, 1940 (46 U.S.C. 526–526t), is further amended by adding at the end thereof the following new section:

" 'SEC. 22. (a) This Act applies to every motorboat or vessel on the navigable waters of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia, and every motorboat or vessel owned in a State and using the high seas, except that the provisions of this Act other than sections 12, 18, and 19 do not apply to boats as defined in and subject to the Boat Safety Act of 1971.

" '(b) As used in this Act—

" 'The term "State" means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.' "

(c) Any vessel, to the extent that it is subject to the Small Passenger Carrying Vessel Act, May 10, 1956 (70 Stat. 151), or to any other vessel inspection statute of the United States, is exempt from the provisions of this Act.

(d) Nothing contained in this Act shall be deemed to exempt from the antitrust laws of the United States any conduct that would be unlawful under such laws, or to prohibit under the antitrust laws of the United States any conduct that would be lawful under such laws.

(e) Regulations previously issued under statutory provisions repealed, modified, or amended by this Act continue in effect as though promulgated under the authority of this Act until expressly abrogated, modified or amended by the Secretary under the regulatory authority of this Act.

(f) A criminal or civil penalty proceeding under the Motorboat Act of 1940, as amended, or the Federal Boating Act of 1958, as amended, for a violation which occurred before the effective date of this Act may be initiated and continue to conclusion as though the former Acts had not been amended or repealed hereby.

Mr. CLARK (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 9, beginning in line 6, strike out "The Secretary of the Treasury and the Secretary may, by joint regulations, authorize" and insert in lieu thereof the following: "The Secretary of the Treasury, in consultation with the Secretary (of the department in which the Coast Guard is operating), may issue regulations authorizing".

Page 9, line 6, insert "(a)" immediately after "Sec. 11."; and after line 13 insert the following:

"(b) For the purposes of this section and the prohibition concerning the importation of associated equipment of section 12(a), the term 'associated equipment' means only those items which shall be listed by the Secretary of the Department of Transportation in implementing regulations".

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker having resume the Chair, Mr. MCFALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 19) to provide for a coordinated national boating safety program, pursuant to House Resolution 525, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I take this time to ask the distinguished majority leader if he will advise the House of the program for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, first I should like to announce that this completes our program for this week, and I plan to ask for a unanimous-consent adjournment to Monday next.

Monday is District day. We have four bills:

H.R. 6968, Uniform Commercial Code amendment, re: Warehousemen's lien;

H.R. 7718, Tax Exemption of Property of Scottish Rite of Free Masonry;

H.R. 8407, Authorize District of Columbia To Enter into Interstate Agreement on Qualifications of Educational Personnel; and

H.R. 9395, Authorize Salary Deductions from School Employees.

On Tuesday we will have:

H.R. 8699, Administrative Assistant for the Chief Justice, under an open rule, with 1 hour of debates; and

House Joint Resolution 3, providing for creation of a Joint Committee on the Environment.

On Wednesday we will have:

The Department of Transportation Appropriations for fiscal year 1972; and

H.R. 9020, Egg Products Inspection Act amendment, which is subject to a rule being granted.

On Thursday and the balance of the week we will have:

H.R. 9388, Atomic Energy Commission Authorization, under an open rule, with 1 hour of debates; and

H.R. 9092, Equitable System Wage Board, which is subject to a rule being granted.

Mr. Speaker, conference reports and privileged matters may be brought up at any time and any further program will be announced later.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker, I thank the gentleman for yielding.

I wonder if the majority leader can give us any guidance as to when we might expect the privileged resolution on the matter of CBS and Dr. Frank Stanton to come to the floor.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, as the gentleman knows, the majority leader does not control the resolution. Once the resolution has been filed, the Chairman of the Committee may call that up at his pleasure.

I might say the Chairman of the Committee has indicated to some of us informally he might call it up on Tuesday.

Mr. VAN DEERLIN. Mr. Speaker, I notice the presence of the Chairman of the Committee, and I assume that is the case, that on Tuesday of next week we can expect the Stanton resolution? Will the gentleman yield for the inquiry?

Mr. RHODES. I yield to the gentleman from California for the inquiry, and later to the gentleman from West Virginia if he does care to make any statement, of course.

Mr. BOGGS. Mr. Speaker, I have no further statement to make.

Mr. STAGGERS. Mr. Speaker, I have no comment to make to the gentleman from California. We will bring it up as soon as we can.

ADJOURNMENT OVER TO MONDAY, JULY 12

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMERCIAL AIR TRAGEDIES

(Mr. HILLIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. HILLIS. Mr. Speaker, the two recent commercial air tragedies of June 6 and 7, 1971, have greatly concerned me, particularly the accident occurring at New Haven, Conn., in which 28 of 31 persons were killed.

According to newspaper accounts, the minimum operating ceiling of the New Haven airport was 380 feet. The aircraft attempted a landing with a ceiling at 200 feet or less.

This accident is presently under investigation, and I do not attempt to prejudge the results. An instrument or mechanical failure may have been at fault, but in all probability, the investigation will disclose the pilot was attempting a below-minimum landing.

The statements which appeared in the press indicated that perhaps this accident would not have occurred if an instrument landing system had been installed, and this further disturbs me. This gives the impression that by merely spending millions of dollars at airports around the country these horrible accidents could be eliminated. Unfortunately this is not the case. As long as pilots continue to disregard minimum requirements and as long as they attempt landings below these requirements, these tragic accidents will continue to occur.

I recently wrote to the Department of Transportation concerning this matter, and have now received a reply from Mr. Shaffer, the Administrator of Federal Aviation Administration.

The FAA is hard at work on this problem and should be congratulated on the development of a system which will expose the pilot who disregards the rules, thereby bringing about greater safety to the general commercial air traveling public.

Also I commend this Agency for further integrating into the air traffic control system military operations whenever possible.

Mr. Speaker, I hereby include Mr. Shaffer's letter with my remarks:

Department of Transportation,
Federal Aviation Administration,
Washington, D.C., July 3, 1971.

Hon. Elwood H. Hillis,
House of Representatives,
Washington, D.C.

Dear Mr. Hillis: Thank you for letter of 15 June 1971 regarding the two recent commercial air tragedies of 6 and 7 June 1971.

The Allegheny accident at New Haven is still undergoing investigation and every effort is being made to determine why the aircraft descended below the prescribed altitude for that portion of the instrument approach.

The airlines and the agency in recognition of the need for inflight monitoring of flight crew performance have for several years been engaged in a project to accomplish this objective by use of airborne integrated data systems. This method of monitoring pilot proficiency provides an effective way of inflight safety monitoring through the use of sophisticated flight recorders. This concept hinges on a total systems approach in problem solving and decision making. One of the benefits can be an effective method of monitoring pilot proficiency while reducing the actual number of airline training flights.

When fully developed, this system will benefit industry and fill one of the agency's most vital needs since so much time expended by our inspectors is used in determining what happened. In-flight monitoring and analysis programs give promise for changing this.

With regard to the "see and be seen concept" the agency continually promotes and encourages participation in the air traffic control system through the use of instrument flight plans. As a result, the commercial airline operations are usually conducted within the system as well as considerable military and civil operations. The specialized and variety of military operations at times dictate the use of visual flight rules to accomplish their mission. Also, the recognizable public right of freedom of transit through the navigable airspace prevents the "closing" of all airspace to those other than the system users.

In the case of the accident between the Air West DC-9 and the Marine F-4 jet, at this moment investigations are in progress to determine the circumstances surrounding the accident and whether there were violations of Federal Aviation Regulations that may have played a part in this terrible tragedy.

In the interim until these investigations are completed, we are redoubling our efforts with the military authorities to incorporate existing military visual flight rule operations within the air traffic control system to the maximum extent practicable. In consonance with our efforts the military services have issued instructions to their commands to work closely with the local Federal Aviation Administration facilities to minimize the number of visual flight rule operations that must still be conducted within the nation's airspace. For these operations a joint study has been undertaken with the military services to determine what steps can be taken to provide additional safety, either through segregation or by integration into the air traffic control system.

Thank you again for passing along those two ideas and our special thanks for your kind remarks about our facilities which you have visited. We appreciate your continued interest in air safety.

Sincerely,

J. H. Shaffer,
Administrator.

CAMPAIGN SPENDING

(Mr. STAFFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STAFFORD. Mr. Speaker, there has been a great deal of debate, controversy, and proposed legislation on the issue of limiting campaign spending. Most of the legislation introduced to date has had a broad scope, targeted at national and local elections, for President, Senators, and Congressmen. It is my opinion that my colleagues and I, as Members of the House of Representatives, should set our own spending and disclosure policies.

Therefore, Mr. Speaker, I have introduced H.R. 7299, the "Campaign Expenditure Disclosure Act of 1971," a bill designed specifically for campaign spending disclosure and limitation in the House of Representatives.

This act, presently being considered by the Committee on Standards of Official Conduct, of which I am a member, has three parts. I will mention them briefly today and discuss them fully in subsequent weeks.

First and most importantly, my bill provides for full and complete disclosure of any campaign contributions—public or private—in the amount of over $10. There will be two reporting dates—10 days before the election and 28 days after the election. This will insure each candidate sufficient time to assemble and submit complete and thorough reports.

Second, my bill would place a limit of $100,000 on the amount any candidate may spend in a general election. There is to be no stipulation on how this money is to be spent.

Finally my bill provides for the establishment of a Registry of Election Finance, attached to the General Accounting Office, to be responsible for keeping financial records of elections and making them available to the public on demand.

Further, the bill provides for each candidate to designate one bank within his State as the campaign depository to hold, register, and record all campaign funds.

My bill also includes stiff penalties for failure to comply with any of the above provisions.

Mr. Speaker, it is important that the House act as swiftly as possible to enact campaign spending limitations. We all know too well how expensive the last two elections have been to all parties involved, and how expensive future elections will be if we do not act promptly.

Mr. Speaker, I earnestly believe that if the House of Representatives passes a campaign spending bill, responsive to its own particular characteristics and needs, it will set a strong and positive example to the Nation, proving that Government is a servant of the Nation, capable of honorably policing its own affairs.

SOME OF THE NEWS IS TAILORED TO FIT

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, recently, I had the opportunity to brouse through the Columbia Journalism Review for May–June 1971. In the supplement to the Review, the New Press Critics, there appeared an interesting article by Frank Keane of Journalists Newsletters, originally published in April 1970.

The article tells of a story in the Providence Journal describing a reorganization of a subsidiary company of the Providence Journal Co.

In my review, the article illustrates that actual news management is more the prerogative and practice of publishers and owners rather than editors. In light of the Pentagon Papers case, it seems to me that some publishers ought to leave the job of editing to the editors and not involve themselves in the dubious practice of tailoring the news to fit their views.

At this point in the Record, I enclose a copy of the article:

All the News We Choose To Print

(By Frank Keane)

Did you know there are local stories in the Providence Journal that are considered perhaps so sensitive or so technical that the news or financial departments are not permitted to write or edit them?

There are such stories, and, interestingly enough, they are about the Providence Journal or its associated companies.

Such was the case when the Providence Journal Company bought a cable TV firm in July, 1969, Colony Communications, Inc., which operates Westerly Cable TV and Vision Cable Company of R.I., Inc.

Such was the case, too, this year when Providence Gravure, Inc., brought in a new president and made some other changes among its executive officers.

On March 20 the financial department was given a galley proof of a story with accompanying picture of Jack L. Briggs, the president of the Gravure Company with the instructions that the story was to run "As is." The financial department followed instructions and the story appeared with its headline: Gravure Names New President—on the financial page of the Journal.

One of the duties of the Journal copydesk is to read through the paper after the first edition has come out to check for errors, backstopping themselves, the composing room, and the proofreaders. So it was that Harry Bernstrom was reading the financial page and the Gravure story thereon and noticed that the headline said Gravure Names New President. But the story didn't say that. The story only said that John C. A. Watkins was elected chairman of the board and that Jack L. Briggs was elected president. At the end of the story there was a paragraph of biography on Mr. Briggs, but no specific reference to his succeeeding anybody as president.

So after conferring with Don Breed, who had been the makeup man for the financial page, Harry changed the headline to read: Gravure Names New Board, Officers. That was true and fudged the issue of whether Mr. Briggs was the new president or just a reelected one.

But a check with the clips from last year's Gravure annual election story shows that Mr. Briggs was indeed a newly elected president. Because John C. A. Watkins, who is president of the Providence Journal Company, was also reelected president of the Gravure Company last year. Mr. Briggs' name was not among the list of officers.

So it seems that what has happened here is that Mr. Watkins has been moved upstairs to become chairman of the board and Mr. Briggs has been brought in to run the Gravure Company.

Do you suppose the people who prepared the story did not want those inquisitive reporters and copyeditors asking potentially embarrassing questions about this reorganization? The way to avoid that, of course, is to go around the reporters and copyeditors and put the story in the paper the way you want it.

I'll bet Textron and Leesona wish they could do that.

It seems we have a double standard here. News about the Journal and its associates is privileged. Other profitmaking organizations are fair game.

What is the motto the Journal liked to use in Editor and Publisher? Something about Clarity, Competence, and Color, wasn't it? Well, I guess we only have to be clear when we want the reader to know what's going on. And we only have to be competent when we are writing about something other than the Journal. That leaves color. I'd color those standards hypocritical.

MANPOWER TRAINING AND EMPLOYMENT ACT OF 1971

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today I have introduced the Manpower Training and Employment Act of 1971. This is the same bill that has previously been introduced by Mr. HANSEN of Idaho and Mr. ALEXANDER. The purpose of this legislation is to continue the basic intent and purposes of the Manpower Development and Training Act of 1962, as amended, by providing education and training opportunities to unemployed and underemployed individuals, by continuing to assist in the relief of skills shortages both in critical and in emerging occupations, and to make essential and timely improvements to the existing legislation.

First, let me briefly outline the major provisions of this legislation. Title I establishes the National Manpower Advisory Council, and directs the council to prepare an annual report pertaining to manpower requirements, resources, research, use, training, and evaluation. It further sets forth provisions for evaluation, information, and research programs, and for training and technical assistance.

Title II describes the various manpower training services and activities that may be conducted under the act, including the Job Corps now under the Economic Opportunity Act of 1964. It sets forth the requirements for State participation under the act, including the establishment of State manpower advisory councils; provides for a comprehensive manpower planning system at the State level; establishes State apportionment of benefits; describes participant eligibility and allowance payments; and describes the responsibilities of the Secretary of Health, Education, and Welfare and the Secretary of Labor.

Title III establishes a labor market information and job-matching program as well as career and employment development programs in both public and private agencies; career training through public service employment with public and private nonprofit agencies; and an emergency employment assistance program to provide relief to designated job-distressed areas.

Title IV contains a number of miscellaneous provisions relating to the responsibilities of the Secretary of Health, Education, and Welfare and the Secretary of Labor in carrying out their duties under the act.

Several provisions in the Manpower Training and Employment Act have already been developed and tested during the almost 10 years of operation of the Manpower Development and Training Act.

In the consideration of the future direction and development of our Nation's manpower training programs we should note that recent evaluation efforts sponsored jointly by the Department of Labor and the Department of Health, Education, and Welfare have reported favorably on the effectiveness of the institutional training program under the Manpower Development and Training Act of 1962. For example, a recent study completed by the North American Rockwell Information Systems Co. for the Department of Labor states:

> MDTA institutional training is regarded by manpower professionals as being an "ongoing" program that "runs itself." Although there appear to be a number of administrative impediments, this attitude seems to be justified. It may be that the program, because it is running without major difficulty, does not receive the emphasis or critical analysis that it deserves.
>
> On the whole, the MDTA institutional program is fulfilling its mission of providing useful employment training to the disadvantaged, notwithstanding a number of administrative impediments.

The MDTA program has been a popular program. It is notable for its continued bipartisan support in both Houses throughout its history. Since its enactment in 1962 and in the subsequent years of operation and improving amendments, the Manpower Development and Training Act sustained only a handful of "nay" votes in both Houses, which is a phenomenal record for any piece of legislation. Yet, it is possible that this important piece of legislation, which is the cornerstone of our Nation's manpower policy will terminate without an appropriate substitute.

The benefits of the MDTA program which have been beneficial to my constituency may be measured in dollars and cents and in numbers of trainees who complete programs and are employed. There are, of course, many other ways, including the effect on the lives of the participants, that a program may be measured. These benefits must not be lost and one way to assure this is to improve our manpower programs by building on the strengths of what is currently in existence and to seek to correct those shortcomings and problems that have been identified for us by existing reports and studies such as the one I mentioned conducted by the North American Rockwell Information Systems Co. This is the aim of the Manpower Training and Employment Act of 1971. There are three major areas—the creation of the National Manpower Advisory Council, decentralization of program administration, and the provisions for public service employment where this effort is most apparent and is most needed. As my colleague, Mr. HANSEN of Idaho, pointed out in his speech before this body on May 26:

> Unlike other pending comprehensive manpower legislation, my Manpower Training and Employment Act of 1971 would strengthen the structures for interagency planning and cooperation in the conduct of our national manpower program. In spite of the complexity of manpower problems, adequate structures for Federal interagency cooperation and coordination of manpower programs and resources do not now exist to the extent I feel is desirable. My bill addresses this problem by providing for a National Manpower Advisory Council whose members would be appointed by the President and represent all Cabinet-level agencies having a manpower input or expertise. The Council would establish national manpower goals; advise all manpower agencies of the Federal Government on manpower programs and services; review the administration and operation of manpower training programs; and report to the President and to the Congress concerning their findings including recommendations for legislative change. This provision would help us avoid some of the problems engendered by unilateral agency administration of the multiagency manpower input which have plagued us in the present manpower program. Manpower problems acknowledge no agency jurisdictional boundaries. I hasten to assure those who see this as diffusion of program responsibility, that such is not the case. Based on the findings of such an advisory council

> which is not an arm of any single agency as the present National Manpower Advisory Committee, the Congress will clearly be better able to identify program lines and fix or shift the burden of responsibility. The Council, with its full-time staff, should greatly assist in providing the Congress with feedback concerning program areas needing legislative action or additional oversight—a gap we have long needed to fill.

Mr. HANSEN also noted that my esteemed colleague from Illinois (Mr. PUCINSKI) had introduced an almost identical measure, H.R. 18101, to create a National Manpower Advisory Council. He then went on to say:

> The existing administrative structure and manpower expertise developed through 8 years of program operations under the Manpower Development and Training Act of 1962 must not be lost in the rush to decentralize manpower program initiatives. The Manpower Training and Employment Act of 1971 I am proposing would provide for orderly institutional change without destroying the solid base which has been established by the Congress under the Manpower Development and Training Act of 1962; and, in effect would provide for the expansion of State and local agency responsibility—a trend given great impetus by the 1968 amendments to the MDTA which vested greater responsibility for program control with the States.
>
> The Manpower Training and Employment Act of 1971 incorporates a public service employment feature urgently needed at the present time to relieve pressing pockets of unemployment; and, to enable our fiscally hard-pressed State and local governments to keep up with expanding demands for public services. Contrary to other proposed public service employment measures, including the one recently reported out by the House Education and Labor Committee, my bill would assure that individuals who went on public payrolls are provided with the necessary education and training to enhance their attachment to the labor force and assure that quality public services would be provided. Central to the provision is the concept of career development. To do less than this is a disservice both to the public and to the participants in public service employment programs.

Among the effective features of the Manpower Development and Training Act of 1962 that have been retained in the Manpower Training and Employment Act of 1971 are building the expertise of State and local program administrators. As the North American Rockwell information systems report states:

> Perhaps the strongest impression received is that the methods of individualized instruction and attention to the needs of the disadvantaged developed in MDTA are of potentially great benefit to vocational education and to the entire field of general education. It is said that instructors experiences in MDTA training have an outstanding ability to relate to their students in general education.

This unexpected, but welcome, benefit of the Manpower Development and Training Act of 1962 is one which is mentioned over and over by program evaluators. Our educational needs being as great as they are today, we certainly should continue to promote improvements in our educational programs and processes through every effective means. It is for this reason as well as others, especially because of his concerns in the areas of human health and welfare, that new manpower legislation must provide for the continued involvement of the Secretary of Health, Education, and Welfare. The stewardship of HEW responsibilities in manpower training programs has been effectively and imaginatively carried out, while the inherent administrative problems in joint responsibility have been minimized.

Program administrators in both agencies are constantly seeking ways to further remove administrative impediments to effective program operations and the benefits of their experience should not be lost.

Finally, we must not delude ourselves into thinking that we have plenty of time to consider new manpower legislation. The Manpower Development and Training Act of 1962 will expire in less than 1 year. While program disbursements may continue for an additional 6 months after that time, the effect of this termination date is beginning to be felt. We must not lose all that we have gained during the past 9 years and we should seek to preserve all of those developments that will further our Nation's manpower training program. It is for these reasons that I have introduced the Manpower Training and Employment Act of 1971 and that I advocate its provisions.

SPECIALTY TUBULAR PRODUCTS AND FOREIGN IMPORTS

(Mr. CLARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLARK. Mr. Speaker, on June 15 I introduced H.R. 9136, a bill to provide for orderly trade in iron and steel products.

We, who represent steel-producing communities in the United States, recognize the seriousness of the import situation to the steel industry. A healthy steel industry means the difference between life and death to many of those communities. I do not believe, however, that some Members of this body, and others in policymaking and decision-making capacities realize how completely all of us depend upon our domestic steel industry for our day-to-day living. It is extremely doubtful that the United States could long survive in this world, as it is today, without a healthy domestic steel industry fully capable of serving the needs of the domestic markets for the many mill forms and grades of steel involved.

Imports have injured our domestic steel industry. With each passing day, this injury becomes more serious. We think it is time the injury should be treated.

Steel is more than just a piece of metal. Steel, instead, is a great many different products which we, as individuals; we, as communities; we, as industries; and we, as a nation, must have if we are to maintain our rank in the world in which we live. Let us look at some facts related to just one of the mill forms of steel—specialty steel tubular products.

Does this country need electrical power? By far the major share of electrical power is generated by coal-, oil-, or gas-fired boilers of a nuclear-type boiler. These boilers and auxiliary equipment are made up of a maze of specialty steel tubular products—boiler tubes, high temperature piping, heater and condenser tubes of carbon, alloy, or stainless steels. Imports of these highly specialized tubular products have increased rapidly since the mid-1960's.

Does this country need oil products, gasoline, industrial hydrocarbon products, chemical products? An oil refinery, a gas processing plant, a chemical processing plant is a maze of furnaces, heat exchangers, condensers and piping employing custom-produced speciality tubular products of carbon, alloy, and stainless steels to meet specific problems involving temperatures, pressures, corrosion, and oxidation. Imports of these specialty tubular products have increased rapidly since the mid-1960's.

Does this country need food products and modern up-to-date farming machinery? Food processing equipment and farm machinery employ the whole gamut of specialty steel tubing—stainless steel pipe and tubing for product purity in food processing, carbon and alloy steel tubular products in food packaging equipment and structural parts of farm machinery and the bearings and hydraulic equipment they employ. Imports of these specialty tubular products have increased rapidly since the 1960's.

Does this country need transportation equipment, construction equipment, machine tools, and defense-related equipment? Structural parts of this equipment and functional parts such as gears, transmission parts, bearings and hydraulic equipment are produced from specialty steel tubing of carbon and alloy steels. Imports of these highly specialized tubular products have increased rapidly since the mid-1960's.

In just about every one of the cases I have cited—no substitute material—or no other mill form of steel can do the job.

The voluntary quota system for steel imports was negotiated in 1968. Did it ease the import problems for producers of steel specialty tubular products of the types used by the industries mentioned? I can assure you, the answer is "No."

Let us look at the record.

First, let us look at the whole picture—all types of steel tubular products. In 1968 imports were 1,618,000 tons. In 1970, imports were 1,927,000 tons—an increase of nearly 20 percent. In share of market, imports had 14.10 percent of the domestic markets in 1968. In 1970, imports had 20.29 percent of the market. Perhaps the reason for this increase rests in the fact that of all the mill forms of steel—tubular products have the highest dollar value per ton. This is so because of the complexity of manufacturing operations, the quality control procedures demanded by users of the product, and the manpower needed to manufacture it. Foreign trade is not a battle for tons but a battle for dollars.

Now let us look at specialty tubular products—the sophisticated types needed to bring us electrical power, oil and chemical products, food products, and those types of tubes which enable our machinery to function economically.

These specialized tubular products account for about 1 percent of total steel shipments. These are tubular products whose individual markets are small—considerably less than a hundred thousand tons in most cases. They also have a rather high dollar value because of their complexity.

Seamless stainless and heat resisting. Import rates so far in 1971 are equal to over 50 percent of domestic production. Over 80 percent of it comes from Japan and the import rate in 1971 from Japan is over three times that which it was in 1968—the base voluntary quota year.

Welded stainless steel tubular products. Import rates of this product in 1971 are about double that in 1968. Over 75 percent of it comes from Japan and the rate in 1971 from Japan is nearly twice that which it was in 1968—the base voluntary quota year.

Seamless alloy steel bearing tubing. Import rates so far in 1971 are 23 percent higher than in 1968. About half of it comes from countries which were nonsignatory parties to the voluntary agreements. The import rate so far in 1971 for Japan, a signatory to the agreement, is 50 percent higher than in 1968. The import rate for United Kingdom, a nonsignatory to the agreement, in 1970–71, is 10 times over that during 1968.

New annotations have been added to the tariff schedules in 1970 and 1971 which now permit the measurements of imports of alloy steel pressure tubing and seamless and welded carbon steel pressure tubing. These are the products used in power generation and oil and chemical processing.

Imports of alloy pressure tubing are now equivalent to over 25 percent of domestic production. Of the imports of this product over 80 percent comes from one nation—Japan.

Imports of seamless carbon steel pressure tubing so far this year are about 20 percent of domestic production and during the first 4 months over 80 percent came from one nation—Japan.

Imports of welded carbon steel pressure tubing so far this year are equivalent to about a third of domestic production and, according to Department of Commerce records, over half of it came from Japan with major tonnage also coming from Italy and Switzerland.

These are just a few of the facts of the case. The 1968 voluntary quota system did harm to the domestic manufacturers of steel tubular products. This quota system also placed the domestic producers of specialized steel tubular products into an even more precarious position. This harm came because little or no attention was given to the product mix part of the agreement. Also, there are other nations, not part of the agreement, who export specialty tubular products to the U.S. markets.

From just about any point of view one might have, the products and services of the domestic specialty steel tubular products industry are vital to the people in the United States. The current situation must be a national concern and I ask for your cooperation in seeking an equitable solution to the import situation involving these products.

CIVIL DISORDER

(Mr. ABBITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ABBITT. Mr. Speaker, in these days when so many militant groups and individual activists are stirring our land, it has become increasingly puzzling and frustrating that so many of these people freely roam from one disorder to another, even though they are on bail.

During the recent May Day disturbances in Washington, it was ironic that two of the ringleaders of the "Chicago Seven" took an active role in planning and fomenting the activities and one, Rennie Davis, was presumably the principal mastermind of the whole endeavor. It is incredible to me that our laws now can be flaunted with impunity and that the courts have become so obsessed with the idea of protecting the right of free speech that they lose all sense of proportion on other aspects of the law.

On May 6, I wrote the Attorney General with particular reference to the Davis situation, as it seemed to me that the Government should have moved to have the bond canceled, if, in fact, Davis was under regular bond in Chicago.

I have now received a letter from Mr. James R. Thompson, first assistant U.S. attorney in Chicago, in which he says in part:

> I fully appreciate your concern over the notion that one who is on bail after conviction can apparently travel about the country and become involved in new unlawful acts without consequence insofar as his original appellate bail is concerned. I share your concern. As soon as we received word that Davis had again been arrested in Washington, we filed a motion with the Court of Appeals to restrict his travel to the district in which he resides. We did not file a motion to cancel his appellate bail because we believed that the Court of Appeals, based upon past experience, would not grant it. We hope they would grant us at least this lesser form of relief. Even these hopes, however, were not fulfilled because our motion was denied.

The case of Rennie Davis is, of course, only symptomatic of the whole problem which law enforcement officials face today. The courts are bending over backward to pamper and protect the offender without proper regard for the rights of the vast majority of our people. The militant activist has it all over society because it is he who calls the turn and it is his rights that the courts are most willing to protect.

Those who planned the May Day activities here in Washington, as well as the outrageous goings-on in Chicago nearly 3 years ago, can only be encouraged in their endeavors by the knowledge that restraining actions sought by the Government are quickly rejected by the courts. Bail thus becomes a sham and whatever restraints might be imposed by the courts, limited though they may be, are seldom enforced.

Such actions make one seriously wonder how we can expect to avoid crucial problems—such as the public release of classified documents—if the attitude toward lawbreakers continues to become more lenient all the time. Where one militant or activist chooses to vent his feelings in organizing street demonstrations or blocking traffic, another may choose to disrupt college campuses, which result eventually in tragedies such as at Kent State University last year. Another may seek out ways of protesting at political conventions, while comrades in disorder focus upon influencing Congress or the administration in taking or not taking a particular course of action. The next step may be to leak vital documents—or to deliberately interfere with the movement of troops.

Where does the line stop? When and where is the point at which the unbridled rights of the individual militant have exceeded personal privilege and become a threat to society as a whole?

The courts ought to be seriously considering the possibility that leniency in one instance may be only the initial step in something far more serious. Further, leniency, particularly dealing with the area of crime, can only encourage offenders and reduce the probable risk which they run in considering future actions.

The American people are getting sick and tired of this trend toward permissiveness on the part of the courts. They have cause to wonder at what point the courts are prepared to draw the line. If a newspaper sent one of its reporters out to the Pentagon and he stole classified papers, he would probably be brought to trial and maybe convicted. But someone, in the name of antiwar activity provides the papers with such material and this becomes a wholly different concept.

By the same token, if an individual, on his own, should do some of the things involved in these demonstrations, without any claim to be protesting anything, he would probably be convicted. The trick then seems to be to get yourself a "cause"; flaunt the law; protest when you are arrested; and bask in the sunshine of court approval.

If this is not the picture which the courts intend to convey, it is the one which often emerges loud and clear to the average American. Until this situation is corrected and erased with finality, we can expect more of the same.

DROUGHT RELIEF BILLS

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, the current drought in the Southwest coupled with the absence of a full disaster declaration has pointed out glaring deficiencies in our present farm disaster relief programs and pressing needs for improvements in the administration of what programs we have.

A drought is probably the most deadly of disasters which can strike a farmer or rancher. It is so deadly because it is so enduring. It comes up on him slowly, it saps his strength slowly, and it only slowly yields to recovery efforts. Even if it does rain in the meantime, a lost crop is gone forever; a decimated foundation heard will take years to build up; topsoil will take generations to rebuild.

There are things which the Federal Government can do to help—but mostly right now Federal assistance is one mass of stumbling blocks. Perhaps this is because a drought is not so dramatic a disaster as a hurricane or a tornado or a flood. Those disasters come quickly—and go quickly, and we can all go down and survey the damage and rush in aid and rebuild. But a drought is harder to follow and the aid not so dazzling.

I think it is time for the Congress to plant its feet in the good—if dry—soil of this country and look a drought in the face. I think it is time for us to clear the dust from our eyes and give our Southwest farmers and ranchers—and future victims of drought all over the country—an aid program which will help them.

I have today introduced three bills which I hope the Congress will act promptly on. And I speak here to all the Congress, for these bills, strange as it may seem, will affect each one of our constituencies, urban or rural.

The drought now centers in the Southwest, but each of us here with a rural constituency knows that his time will come—his time to be faced with major farm disasters and only piles of redtape to scatter over decimated fields. And each of us here with urban constituencies need only watch the price of meat, of corn, of cotton goods, of bread, even of bread—to know that his time is coming too when his people back home will feel the drought dipping into their own pocketbooks.

The first bill I have introduced seeks to aid recovery from a drought by keeping a farmer's support payments on a more even keel. A farmer's support payment is based on an average yield, called the history, computed over the 3 preceding years of the farmer's operation. But whenever there is a drought year, there is every possibility that the crop yield will be extremely low—and the farmer's average pulled way down. This means that not only must he contend with the bad year but that he is penalized for the next 3 years—years in which he is trying to get back on his feet—by the low average. My bill would simply ignore drought years in computing that farmer's history, with the concurrence of the county ASCS Committee.

I recognize that the 1970 Agriculture Act gave the Secretary the discretion to take drought years into account when computing a farmer's history. And I am glad to see that this administration has finally come around to do so. It is not that I do not trust this administration or any other administration, but I simply think that this matter ought to be one of law, not of discretion. Even when an administration recognizes the need for taking drought years into account the delays in getting the thing into operation have brought our farmers down to the fall line before they know if they are going to live or die. This bill would clear the matter up for both sides.

My second bill removes the now infamous "poverty oath" which our farmers and ranchers must sign before they can receive emergency hay and feed. I think that it can be established that hay and feed are not available in an area without making a farmer or rancher sign a belittling statement that he is not only beleagured by drought but at the dry bed of his finances as well. If a farmer or rancher has a foundation herd and if there is not enough hay and feed in the area, then I think he ought to be furnished the hay and feed that he needs. Our local ASC committee are making sensible and practical decisions in this area already.

My third bill is identical to one introduced earlier by my good colleague from Oklahoma, the Honorable Ed Edmondson. This bill attempts to remove much of the redtape surrounding a disaster declaration and expands the provisions of the forgiveness clause relating to loans made by the Farmers Home Administration. Incidentally the FHA offices in my district are doing an excellent job with the machinery they have available.

This bill authorizes the Secretary of Agriculture to designate an area of a State as a drought emergency area upon a request from the Governor of that State. He may do so if he finds that total precipitation for at least 3 of the previous 6 months has been less than one-half normal, as determined by the Environmental Science Service Administration, or if he finds that the need for agricultural credit in the area is the result of a drought.

The Secretary may then move immediately to furnish emergency hay and feed to drought-stricken farmers and ranchers, to institute emergency FHA loans, and to provide unemployment compensation up to the maximum amount or duration of payment under that State's unemployment program.

The Secretary may further cancel all portions of loans which were meant to cover losses due to a major disaster or due to a drought deemed by the Secretary to be an emergency to the extent that those losses are not compensated for by insurance or any other means.

Mr. Speaker, sooner or later a drought hits us all, affects us all. I sincerely hope that the Congress will give these proposals a full consideration and will take speedy action to clear the stumbling blocks in our drought aid.

INVESTMENT TAX CREDIT

The SPEAKER pro tempore (Mr. Dingell). Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, Congress must help remove obstacles to generating jobs, higher productivity, better wages, and a more favorable position with foreign manufacturers. I therefore am cosponsoring legislation today to restore the income tax credit for investment in certain depreciable property.

What determines expanding job opportunities and higher wages for workers in Erie County and the Nation is a continuous improvement in technological equipment. This legislation is a necessary step to stimulate business and industrial investment. I am working on additional bold measures to assist companies and workers injured economically by foreign competition and the flow of U.S. capital to other nations.

Congress cannot stand by while workers in steel, electrical, and machine tool plants in Buffalo and across the country are furloughed or taken off payrolls because our exports are lagging and imports are rising. We all know these trends add to the balance-of-payments deficit and the threat of a world money crisis in the future.

But, Mr. Speaker, it also adds to the already intolerable unemployment levels right now. Because of inflated costs and the inability to improve equipment and facilities, companies are setting up shops abroad in a decade when 20 million more Americans are seeking jobs.

Now is the time when we must provide investment incentives for companies to build American and for consumers to buy American. The investment credit is a proven economic tool.

During 7 years before President Kennedy instituted the credit in 1962, capital expenditures were practically static—$35 billion in 1956 and $37.3 billion in 1962.

After the credit was approved, plant equipment increased at a healthy rate, reaching $64 billion in 1968. After its repeal in April 1969, orders for metal cutting tools dropped from $1.2 billion in 1969 to $650 million in 1970 and an even lower rate in the first quarter this year.

As a result, the United States is no longer first in machine tool production, having fallen to second place behind West Germany and in danger of falling behind Russia and Japan.

Unless incentives are provided now to make U.S. firms more productive, their competitive position is in danger of further erosion, including American steel firms which, it is feared, could be surpassed by Japanese companies in 2 years.

Other steps which can be taken to take Americans off welfare and placed on payrolls include agreements with U.S. allies to assume a greater share of defense burdens, a tougher U.S. policy toward Europe and Japan on trade restrictions, and a realinement of the relative values of the dollar, the yen, the mark and other currencies in order that U.S. products become easier to buy in world markets.

Although it helps our unemployment problem somewhat indirectly, I would also favor tax breaks for exports and investment incentives for companies that build and sell overseas—not runaway plants that flood American markets with foreign products bearing American labels.

As a case in point, in 1970, Caterpillar Tractor exported approximately 235,000 tons of American steel in the products they shipped abroad. Caterpillar recorded that of $1.1 billion in foreign sales in 1970, $767 million were generated by exports from the United States. This is fine, but we can also see that Caterpillar's foreign plant is selling overseas.

Moreover, Mr. Speaker, they calculate that of 50,000 Caterpillar jobs in the United States, every third one is dependent on exports. Caterpillar has steadily increased the size of its wholly owned foreign plant. In each case where Caterpillar has established a plant outside the United States, exports to that country have increased.

U.S. companies face the challenge of

foreign, Government-supported cartels, including the powerful Japan, Inc., in a wide variety of markets. We face the prospect of taking the same course which brought Britain to her economic knees.

Mr. Speaker, I have requested the General Accounting Office to investigate the decline of the U.S. machine tool industry in addition to requesting my own legislative staff to research possible anti-dumping legislation. From preliminary information, I expect the GAO study will dramatize the effects of foreign imports on American machine tool firms and their workers.

Failure to act decisively and quickly on the investment credit and other steps to expand job opportunities would be self-destructive. With unemployment already at an intolerable rate, with 370,000 former GI's unemployed, with a million teenagers out of work and the fact that 20 million more Americans will be looking for jobs by the end of this decade, we have a clear mandate to act now.

As a member of the House Education and Labor Committee, I urged my colleagues last May to reinstate the credit and called upon the Internal Revenue Service to adopt a simplified and modernized system of tax depreciation for industrial equipment. There are ample precedents for such modernization in that France, West Germany, Great Britain, and Italy permit businessmen to recover an average of 85 or 90 percent of the costs of assets within 7 years after they are placed in operation.

Mr. Speaker, at this point I include two letters from constituents which speak very well to this subject and commend the comments of Phil O'Reilly and Michael Speranza to the attention of my colleagues:

Houdaille Industries, Inc.,
Buffalo, N.Y., June 29, 1971.

Hon. Jack F. Kemp,
House of Representatives,
Longworth House Office Building,
Washington, D.C.

Dear Jack: Your letter of June 15 directed to Mr. Saltarelli has been forwarded to me for comment on two specific topics: 1) Reinstatement of the Investment Tax Credit, and 2) Establishment of import quotas.

I personally spent several days in Washington, D.C. in early May talking to various of your colleagues and soliciting their support for reinstatement of the Investment Tax Credit. Your gracious office staff attempted to provide me with an appointment at which time I had hoped that you and I could discuss the subject; however, your busy schedule and my appointments did not permit our meeting. Perhaps we can do so in the near future.

I am attaching a copy of a letter that I directed to Wilbur Mills on March 22 in part describing my thoughts relative to the reinstatement of the Investment Tax Credit and describing a slightly different approach to the subject that might make the Investment Tax Credit more palatable particularly to organized labor. I am also taking the liberty of attaching several confidential charts indicating the very substantial impact that the recession has had on Houdaille Industries' machine tool operations. On one of these schedules, you will see a comparison of orders written for the first quarter of 1971 with various other recent quarters and the very dramatic decrease that has occurred. On the second study, you will see the impact that these reduced orders has made on employment at these respective divisions. I am also attaching a chart entitled, "The ADR," which compares capital recovery in the United States with other industrialized countries and shows the effect of (1) the President's current program (ADR) (2) with the addition of a 7% Investment Tax Credit, and (3) the implementation of the full Alexander Committee Report, and in each case showing capital recovery after one, three, and seven years. You will see from these charts that we lag behind the rest of the world by a considerable margin. You will see also in the fourth chart the effect that activation of the Investment Tax Credit has had on machine tool orders and how responsive the level of these orders is to changes in the status of the Investment Tax Credit.

It is our opinion that the country is badly in need of a complete restructuring of capital recovery embracing the full recommendations of the Alexander Committee coupled with reinstatement of an Investment Tax Credit. Certainly, nothing is more important to our economy than providing modern tools to enable our productive work forces to remain competitive in the world market. With our high wage rates, we must enable productivity through modern tools. The recommendation contained in my letter to Wilbur Mills wherein Investment Credit would be allowed on a domestic value added basis provides a possible positive means of overcoming the dearth of imports without imposition of additional tariffs or quotas which, in themselves, might invite further retaliation.

For an excellent primer on capital recovery and business taxation worldwide, may I refer you to a U.S. Government Printing Office publication 1970, 0-402-574, entitled, "Business Taxation" The Report of the President's Task Force on Business Taxation, September 1970.

If you feel there is any further information we can provide at this time, please do not hesitate to call upon us.

Very truly yours,
Phillip A. O'Reilly.

Houdaille Industries, Inc.,
Buffalo, N.Y., March 22, 1971.

Hon. Wilbur D. Mills,
Chairman, House Ways and Means Committee, Congress of the United States, House of Representatives, Washington, D.C.

Sir: I would respectfully submit to you and your committee a concept of a tax incentive stimulus for capital goods.

I view this proposal as one of, hopefully, several alternative concepts that might be considered extantly to achieve our recognized basic goals; i.e., the resurgence of our economy which, in large measure, can be accomplished by an increase in capital spending (substantial capital investment creates an air of confidence with the populace and probably would stimulate a commensurate increase in consumer purchasing), and, perhaps even more importantly, the need to bolster the long-term viability of the capital goods sector. (My personal opinion is that insufficient recognition is being given to the erosion of our more basic industries caused by imports. While we continue our trend toward a service-oriented economy, we overlook the fact that the income required to support such an economy must be derived from basic industries. Our extractive industries have been hurt by depletion of our natural resources and now we are further cutting off the true income-producing sources when we permit our basic industries to diminsh and be supplanted by importation.)

While we all strongly urge caution in considering further duties or import restrictions because of the possibility of backlash, nonetheless, we must give some consideration to basic industry if we are to retain our industrial base and our mobilization capability. The capital goods sector is the very basis of our mobilization posture and items like machine tools and other capital goods are under the most severe import pressure currently.

Certainly, if we have to undergo a war mobilization effort through importation of equipment, our very existence could be threatened. As we all realize, the current forecasts indicate that the U.S., which has been the No. 1 producer of machine tools since the early 1800's, could well fall to fourth place in the next year with every indication that the downslide would continue.

As an alternative to further duties or restrictions, I would propose a program which should stimulate quick recovery of our economy and, at the same time, offer favored treatment to domestic capital goods producers long term. I would propose that we reinstate an investment tax credit on capital equipment; however, the value of the tax credit claimed by the purchaser would be dependent upon the percentage of domestic (U.S.) value added to the ultimate product sold; e.g., if the investment tax credit in total is 7%, and a capital equipment item (such as a machine tool, etc.) contained a value of 50% of its sale price in imported components or cost value, then the purchaser would be entitled to 50% of the 7% investment tax credit, or 3.5%. If the item is 100% imported, then the investment tax credit would be zero and, contrariwise, if the capital item represented 100% domestic production, then the full 7% investment tax credit would be applicable. The domestic value added would be established by a certification from the seller establishing the percentage.

A rationale for such seeming discrimination could be based on the fact that the foreign content had not contributed to the local or federal tax base other than through duties while, obviously, the domestic content contributed heavily through the stack of taxes paid by suppliers (i.e., the steel producer paid real estate and income taxes, the hydraulics producers paid a multitude of taxes, etc.) and thus any relief afforded through an investment tax credit is merely a tax equalization factor. I would speculate that this type of proposal should be favorably received by labor since it encourages domestic production with commensurate higher employment. Free trade advocates should not object since it in no way would alter the present status as far as laid down import prices are concerned. Since conditions change, I could foresee imposition of a limited duration of four years on the act with it then subject to renewal. The limited duration feature should force some sense of urgency on buyers to take advantage of the relief immediately since renewal would not be automatic and would always remain a question.

Obviously, the proposal poses the problem of a two-edged sword for many businesses, including our own, which avail themselves of low-cost foreign components and yet the overriding benefits of some type of similar proposal to American industry should be given careful consideration.

We should not overlook the fact that depreciation reform as contained in the administrative act of January 11 is tax deferral, while an investment tax credit is tax forgiveness. This factor is most important currently since many companies are attempting to bolster earnings for 1971 and increased depreciation is a penalty to earnings, while a tax credit should have a more immediate stimulating effect.

The subjects of duties, taxes, and trade are complex, interrelated problems and do not lend themselves to simple solutions but perhaps, if enough people search for alternatives, a viable solution can be found.

Thank you for your consideration.

Very truly yours,
Phillip A. O'Reilly.

HOUDAILLE INDUSTRIES, INC., MACHINE TOOL DIVISIONS—NET ORDERS WRITTEN

[In thousands of dollars]

	1st quarter 1971	1st quarter 1969	Percent increase (decrease)	1st quarter 1970	Percent increase (decrease)	4th quarter 1970	Percent increase (decrease)
Burgmaster—Los Angeles, Calif	1,541	3,645	(58)	3,028	(49)	1,515	—
Di-Acro—Lake City, Minn	1,059	1,576	(33)	1,777	(40)	939	13
Powermatic—McMinnville, Tenn	1,464	2,796	(52)	2,259	(35)	1,324	11
Strippit—Buffalo, N Y	2,645	3,342	(21)	2,967	(11)	2,121	25
Houdaille Machine Tool Canada—Brantford, Ontario	409	683	(40)	404	1	498	(18)
International/Burgmaster Ltd., London, England	221	391	(43)	494	(55)	236	(6)
Logan Engineering Co., Chicago, Ill	369	571	(35)	553	(33)	410	(10)
Universal Engineering, Frankenmuth, Mich	1,689	2,411	(30)	2,154	(22)	1,316	28
Total	9,397	15,415	(39)	13,636	(31)	8,359	12

Note: Increase and decrease percentages relate in 1st quarter of 1971 to respective quarters shown.

HOUDAILLE INDUSTRIES, INC.—TOTAL EMPLOYMENT COMPARISON

Division	Peak employment	Current employment	Number of employees reduced	Percent reduction
Burgmaster—Los Angeles, Calif	517	204	313	60.5
Di-Acro—Lake City, Minn	332	203	129	38.9
Powermatic—McMinnville, Tenn	774	382	392	50.6
Strippit—Buffalo, N.Y	681	452	229	33.6
Houdaille Machine Tool Canada—Brantford, Ontario	71	42	29	40.8
Logan Engineering Co.—Chicago, Ill	144	80	64	44.4
Universal Engineering—Frankenmuth, Mich	557	353	204	36.6
Total, machine tools group	3,076	1,716	1,360	44.2
Total, corporation	8,408	6,754	1,654	19.7

BUFFALO, N.Y.,
July 4, 1971.

CONGRESSMAN JACK KEMP: I am enclosing a news article that was published in the Buffalo Evening News July 3, 1971, it shows the seriousness that is caused by steel imports from other countries, at a time when our nation's unemployment is at a serious high.

The steel negotiations between the steel companies and the United Steel Workers union which go in full strength this month will bring out many legitimate arguments for both sides. Here are some of them.

The steel companies will claim their profits are extremely low due to state, local and always increasing sales taxes, I assume they will also bring out the high cost of pollution control. Incidentally I may add that foreign steel companies have not such problems and expenses.

The steel union will also present strong arguments for a higher wage contract, due to a high cost of living, and also a sharp rise in local taxes and sales taxes.

The cost of food in the last few years have risen from fifty to a hundred per cent.

My city (Buffalo) and county (Erie) taxes have risen 100% in ten years. The sales tax has risen from 1 to 8 cents on a dollar during the same period. I assume that the foreign steelworker has not had this problem.

Congressman Kemp having presented the above arguments I petition you, Congress, and the president of United States to curtail steel imports to the United States from foreign countries.

I am a member and a union steward of Local 2602 of U.S.W. and I am also a registered Republican who also votes conservative who is pleased with your work in Congress.

I remain your constituent,

MICHAEL L. SPERANGA.

P.S.—In the matter of revenue sharing for the cities, I believe the city taxpayer shall benefit not the city politicians.

"FORD ORDERED FRENCH STEEL AS HEDGE AGAINST U.S. STRIKE

"A Ford Motor Co. spokesman said today that the 6600 tons of French-made steel received at Buffalo Port Terminal Friday was contracted months ago in anticipation of a threatened U.S. steel strike later this year.

"'Less than 2.5 per cent of Ford's 1971 consumption will be received from foreign markets in Britain, Europe, and Japan,' he said.

"'Although we prefer U.S. producers, we must go to other markets when continuity of the supply is threatened,' he said.

"In light of a nationwide steel strike threatened for August, the spokesman said, 'Ford is requiring stockpiling of steel for protection in the event of disruption.'

"The spokesman said the French-made steel's arrival was a matter of 'bad timing' in view of the curtailed production and layoffs by Buffalo steel plants.

"Earlier this week, Bethlehem Steel Corp. announced it was laying off hundreds of workers and Republic Steel said it plans to close virtually all of its plant next week. The companies said the actions stemmed from a severe slump in the steel business, which they blamed partly on increased foreign competition."

TRIBUTE TO GENERAL THADDEUS KOSCIUSZKO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 10 minutes.

Mr. STOKES. Mr. Speaker, all Americans owe a tribute to the Polish people, one of the many ethnic cultures which combine to make our Nation dynamic and vital. It is the spirit of the Polish people, their tenacious commitment to the concept of freedom, the backbone of the American philosophy of government, which must be commemorated. The Polish people have made a tremendous contribution to the intellectual and moral growth of our Nation. Their tireless efforts and unselfish dedication to American ideals have sealed a bond of friendship between the United States and their native Poland.

It is with great pleasure and a sense of rich privilege that I introduce a bill to honor that outstanding military leader of both Poland and the United States, General Thaddeus Kosciuszko. This bill would establish Kosciuszko's former home in Philadelphia as the Kosciuszko Home National Historic Site.

It was Kosciuszko's undaunted dedication to the principle of freedom and liberty for all that urged him to offer his service to the cause of the American colonies in their struggle for independence. It was his strategic skill and commitment to the highest ideals of morality which helped to change the course of history for the colonies. Thaddeus Kosciuszko distiguished himself as the first foreign patriot to come to the aid of the colonies. His military skill was invaluable in his fortification of Bemis Heights which was instrumental in the victory of Saratoga and his strengthening of the defenses of the Hudson at West Point. Of his latter accomplishment, General Armstrong wrote: "Kosciuszko's merit lies in this that he gave the fortification such strength that they frightened the very enemy from all temptation of even trying to take the Highlands."

Kosciusko's unfaltering commitment to the independence of the American Colonies was again demonstrated in his role as chief engineer of the Army of the South. When the campaign changed into guerrilla warfare, he disregarded his rank of colonel and fought with the rest as a soldier, exemplifying his quality of leadership and willingness to serve in any capacity for the cause of freedom. As a token of the "high sense of his long, faithful, and meritorious service," Congress awarded him the brevet commission of brigadier general as well as U.S. citizenship.

A great humanitarian, Kosciuszko lived by the principle of love for his fellow man. These efforts are worthy of the highest praise. Moved by the misery of the English prisoners of war, he unselfishly divided his own rations and pay among them while at West Point.

In the South, he witnessed at close quarters the deplorable situation of the blacks. Upon his departure from America, more than 50 years before the Emancipation Proclamation, he left a will with his friend Thomas Jefferson instructing that his property in the United States be utilized for purchasing slaves and setting them free. Funds arising from the sale of his property were used to found the Colored School in Newark, N.J., one of the first educational institutions for blacks in America.

Kosciuszko's commitment to freedom for his native land is well known to all of us. Yet, on his death, he was honored by the Polish people as simply "the friend of Washington." It is only fitting that we who have benefited so greatly from his dedicated spirit honor his memory by establishing the Kosciuszko Home National Historic Site, which will serve as both a reminder of the past and an inspiration for the future freedom of all men.

The bill follows:

H.R. —

A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership the historically significant property associated with the life of Thaddeus Kosciuszko for the benefit and inspiration of the people of the United States, the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange in accordance with the provisions of 35(b) of the Act of July 15, 1968 (16 U.S.C. 460 1–22 (Supp. V)), the land and interests in land, together with buildings and improvements thereon, located at, or in the vicinity of, 301 Pine Street, Philadelphia, Pennsylvania, together with such other lands and interests in lands, including scenic easements, as the Secretary shall deem necessary for the administration of the area. The Secretary shall establish the Thaddeus Kosciuszko Home National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purposes of this Act.

Sec. 2. Pending establishment and thereafter, the Secretary shall administer lands and interests in lands acquired for the Thaddeus Kosciuszko Home National Historic Site in accordance with the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) as amended and supplemented and the Act approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467) as amended.

Sec. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

MOTIVES BEHIND MERCHANDISING STOLEN PROPERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Devine) is recognized for 15 minutes.

(Mr. DEVINE asked and was given permission to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, much has been said and written about the publication of classified Government documents by the New York Times, the Washington Post, the Boston Globe, and so forth, and this matter undoubtedly will be hashed and rehashed at length in the weeks to come.

Many segments of the media, Mr. Speaker, apparently purposefully neglect to treat the issue of merchandising stolen property and elect to ride the matter of the first amendment suggesting that the only issue involved is freedom of the press and the right of people to know.

The position of the Times, Post, and so forth, has been strengthened measurably by the decision of the U.S. Supreme Court, which incidentally was pretty well confined to the substantive matter of whether or not the security of the United States was endangered by the revelations. The Court decision, in my opinion, did not reach the gut issue.

One cannot help but wonder just how far the champions of these freedoms might go when they suggest "the public has a right to know." Do they really feel that all classified Government information, no matter how obtained, should be publicized? If so, would they suggest that those who deal in stolen goods might start stealing the income tax returns of persons connected with the Times, like Arthur Sulzberger, Rosenthal, and so forth, and publishing this information on the basis of the "people's right to know"? Would they go a step further and suggest that newspapermen no longer can hide behind the faceless nebulous informants such as "an authoritative source" or "it is reliably reported" or "a high Government official suggests"?

CBS at the same time, in righteous indignation, is facing possible contempt citations by the Congress because they do not wish to have certain information revealed, again claiming immunity under the first amendment, freedom of the press, and so forth. These issues cannot be separated and the overall subject matter must be treated as a whole in an effort to avoid double standards.

In last Monday's Columbus, Ohio, Dispatch, July 5, 1971, there was an excellent feature by Jeffrey Hart under the headline of "Undermining Nixon Is Goal of Use of Pentagon Papers." This article went on as follows:

UNDERMINING NIXON IS GOAL OF USE OF PENTAGON PAPERS

(By Jeffrey Hart)

In all the furor now surrounding the Pentagon papers, the essential thing to keep in mind is the reason the Times printed the documents in the first place. That reason has nothing whatsoever to do with "the people's right to know" or anything of the kind. Again and again in the past the Times has howled with rage about "the integrity of government" when some official has leaked information, even to a congressman, about, say, "security risks."

No, the point of the disclosures is specifically political. The aim is to create the impression that we have been the victims of massive deception, and to cast doubt on the integrity of all government officials, most particularly those now in office, and force President Nixon to abandon his carefully considered Vietnamese phase-out.

Whatever else he may be, Lyndon Johnson is a shrewd politician, and he grasped the political point instantly. The danger is, Newsweek reports Johnson as thinking, that President Nixon will be pressured to get out of Vietnam before achieving the main objective—getting South Vietnam in shape to protect itself.

Here, in my view, Johnson underestimates the tenacity of Richard Nixon, who has taken on tougher characters than Messrs. Sulzberger, Rosenthal, Wicker, and the rest.

The Times clearly believes, no doubt correctly, that hardly anyone will read the text of the government documents and compare this text with the Times' running commentary; the text, for example, flatly refutes the claim of the commentary that Lyndon Johnson had made up his mind to bomb the North long before his 1964 election campaign.

That the Times could print the refutation of its claims on the same page as the claims themselves reflects an arrogance matched only by the nauseating self-righteousness of its editorials.

In the days following the disclosure of the documents, demagogic columnists and editorial writers played the story for all the anti-administration mileage they could get. "The government still doesn't want Americans to know what is happening," wailed the Times' own Tom Wicker in simulated outrage, "or even what has happened, because it is still afraid to let the truth be known."

Now the goal of all this, and the goal of the Times' original disclosure, is to wreck Nixon's steady policy in Southeast Asia.

More is at stake than even that. The ultimate political goal embraces the defeat of Nixon in 1972 and an advance on wider social and political objectives.

A substantial anti-administration cabal now exists with roots in the government bureaucracy, the academy and the mass media which sees itself, in an unaccustomed way, without much influence in the White House.

The pity is that the Times, as all those rolls of microfilm in every college library testify, used to be a great and valuable newspaper of record, its news columns, at least, generally reliable.

Now it has descended from that eminence and become, instead, only a kind of political pamphlet, the scheming voice of a mere faction.

Another article appeared in the same issue of the Columbus Dispatch by Joseph Kraft, wherein he seriously doubts the judgment of Dan Ellsberg who apparently has provided the classified information to the New York Times and possibly others. This article, too, relates to the overall subject and is worthy of the attention of our colleagues.

ENCOUNTERS WITH ELLSBERG REFLECT PLIGHT OF NATION

(By Joseph Kraft)

No one connected with Vietnam brings to bear on the problem more formidable equipment than the apparent purveyor of the Pentagon papers, Dan Ellsberg. With intimate knowledge of the war on the ground, he combines experience in the Washington bureaucracy, intelligence of the highest order, and a well-nigh starting capacity for articulation of difficult themes. Unlike most Americans, moreover, he truly cares about what happens to individual Vietnamese.

But if I came to admire Ellsberg abundantly over a period of five years of intermittent meetings on Vietnam, I also came to doubt his judgments profoundly. And the story of those encounters is worth telling, for it says something about the present plight of both Ellsberg and the country.

Our first meeting took place in the Pentagon when Ellsberg was working for the late John McNaughton who was then assistant secretary of defense for international security affairs.

I had recently seen something of the Vietnamese Communists. At that time not much was known of them and I went to the Defense Department to tell McNaughton and Ellsberg my impressions.

Ellsberg in particular posed a series of hard questions. He wanted to know about Communist morale, about possible leadership rifts, about conflicts between North and South Vietnamese Communists, about their relations with China and Russia, about the origins and history of the Liberation Front, about its infrastructure and doctrinal notions. At the end I was asked what way I saw of ending the conflict.

I replied that the key was fostering in Saigon a regime that would negotiate with the Communists. That idea McNaughton and Ellsberg flatly rejected. There was no possible way for negotiation in their view. Vietnam was a test of the American will to resist Communist aggression.

A second meeting took place in Saigon when Ellsberg was working for Brig. Gen. Edwin Lansdale. The Lansdale idea, of which Ellsberg had become a violent partisan, was that a Saigon regime friendly to the United States could filch the Communist appeal to the countryside by a combination of social reform and vigorous police action. That notion seemed to me a pernicious fallacy and I had written as much.

When I first called him in Saigon, Ellsberg refused to see me. Then we arranged a clandestine meeting. He told me that in view of my doubts about the policy there was no point in our talking.

I next ran into Ellsberg in the spring of 1968 at a lunch in the home of Sen. Edward Kennedy in McLean, Va. By that time Ellsberg had changed his views and to the considerable embarrassment of everybody at lunch he talked at great length of how wrong he had been.

A last meeting took place several months ago at my house in Washington. By this time Ellsberg had long since become convinced that the war was profoundly immoral. He talked obsessively of America's guilt and the need to cleanse the national soul.

He recounted in every detail debates he had had with leading figures in the government. He kept casting about for things that might be done to expose the officials responsible for Vietnam. It must have been about that time that the Pentagon papers were turned over to the New York Times.

Two themes run through these different, and not very consequential, meetings. One is the notion of national struggle. From first to last Ellsberg regarded Vietnam as something terribly important for the United States, a critical test of American strength and discipline and probity.

The other constant theme is ego involvement. Ellsberg at all times saw Vietnam as a measure of personal as well as national commitment. His sense of his own standing with himself and the world became a function of who was right when and where and for what reasons on Vietnam.

But the central fact about the Vietnam problem is that it is vastly remote from such exalted considerations. It is a shabby affair in an insignificant country distant from the big issues of world history.

It matters immensely to most Vietnamese but cannot for long matter much to most Americans. Thus there has been no way of meeting the problem by the force of positive achievement—either national or personal.

That is why Vietnam has been a special disaster for the best and brightest Americans, those most dedicated to find some good way out. And of these victims, not the least is Dan Ellsberg.

THE CALIFORNIA DESERT

.The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MATHIAS) is recognized for 10 minutes.

Mr. MATHIAS of California. Mr. Speaker, the overall environment of the California Desert with its ecological, economic, and recreational resources is in danger of being destroyed.

The California Desert, which once represented the unfriendly land Americans had to cross to settle the West, is now a symbol of the new needs of our country—recreation areas and protection of the environment.

The ecologist knows that we depend upon the land for our existence. The social scientist has learned in recent years that we depend upon land for healing powers—open space to clear our minds of too much city and too many people. We are placing a greater and greater premium on what can probably best be termed "room to roam".

The need for open space is receiving much attention in our great cities, as well it should. Park lands in and near urban centers are important, way-out yonder lands, where a man can stretch himself physically and spiritually from horizon to horizon.

Although it was once considered a wasteland, the California Desert is rich in a multitude of resources: minerals, unique vegetation and wildlife, historical and archaeological values, unparalleled scenery, and recreational opportunities. Since the desert is so large, it would seem that these resources would always be protected and available, but, unfortunately, the desert is limited and its resource exhaustible. The desert is, in fact, very fragile, like other areas of our environment.

The struggle is harsh and the delicate balance between soils, plants, animals, water, and air can be damaged or destroyed by thoughtless exploitation.

The land, or course, will probably be there forever. But the things that give the desert its appeal—fragile flowers, unique wildlife, ancient relics of a past civilization, and a sense of untouched open space—are in peril.

We cannot afford such losses. We must seek to understand the total desert environment so that we can use it wisely. We can only enjoy its benefits when we are assured that we can protect its values.

I am today introducing legislation that will provide for the immediate and future protection, development, and administration of the public lands in the California Desert. My bill will establish the California Desert National Conservation Area.

This plan of action is designed to meet the present and future needs of the land balanced with the needs of the people all within the framework of a program of multiple use, sustained yield, and maintenance of environmental quality.

The California Desert is a land with many faces. It stretches 200 miles by 240 miles across the bottom of the State, from the Mexican border north to the Death Valley National Monument and from the Colorado River west to the borders of Los Angeles.

This 16 million acres of starkly beautiful land is located within minutes of 10 million people.

The desert is so big, so vast, that there appears to be room for everyone, and everything. Because of this illusion, our Nation has played tic-tac-toe on a good bit of this region. The land is scarred with ever-increasing road and utility rights-of-way, pockmarked by past, present, and speculative mining operations, desecrated by substandard construction, littered with trash and debris, and plundered of its natural and scientific values.

It is a storehouse of wealth, capable of serving many needs and uses. It cannot however, be considered from a single point of view. In fact, the single purpose approach has been responsible for many of the problems that exist there today.

If we are not willing to look ahead, understand and appreciate the pressures on the desert lands, and provide wise management for their use, then we may very well lose the natural, scientific, economic, and social values that are there.

The twofold need is to provide better management of the desert lands and better management of the ways in which people use the desert.

Three-fourths of the land in the California Desert belongs to all Americans. It is public domain land under the stewardship of the Bureau of Land Management in the U.S. Department of the Interior.

Since the BLM has the responsibility of managing the 12 million acres in the California Desert, they undertook a study beginning in 1968 of its resources and uses. The initial study by the California State Office of the Bureau of Land Management clearly demonstrated two facts: first, the desert land has a great potential for providing outstanding recreation and is, in fact, serving far more people than had been realized; second, the tremendous demands being placed on the desert lands for recreation and many other uses can soon lead to the reduction or total destruction of a wealth of outdoor recreation opportunities.

The outcome of this valuable study was a plan of action to preserve the desert environment and to satisfy the public's demand for new and expanded uses.

The legislation I am introducing today will implement this plan of action. It will provide for a program that will meet the present and future needs of the California Desert.

I would like to include in the RECORD at this time a copy of a statement by Secretary of the Interior Rogers Morton on the need to protect the California Desert and its resources. His comments clearly point out the way the desert is being degraded and why there is such an urgent need for positive action.

The Department of Interior and the administration are giving this matter close attention. I am hopeful that by working together we can have a program that will provide for better management of the desert lands as well as meet the recreational needs of the people.

Secretary Morton's statement follows:

REMARKS OF SECRETARY OF THE INTERIOR ROGERS C. B. MORTON CONCERNING PROTECTION AND ENHANCEMENT OF THE CALIFORNIA DESERT

The California Desert is a 17-million-acre national treasure. We, as Americans, own more than 12 million acres of the California Desert. The California Desert once symbolized the hostile land that Americans crossed to win the West and create our nation. Today, the desert is a playground for millions of people; home for many; source of livelihood for others. Its wide open spaces beckon to millions, particularly the great urban population of Southern California only a few miles away, to relax from the pressures of urban life.

Now, because the desert is so attractive to so many people, it is in serious trouble and immediate action is needed if the desert as we know it is to survive the mounting pressures being placed upon it.

The very values people seek on the desert are being degraded. Wildlife habitat is being diminished. Vegetation and soil mantle are being damaged by indiscriminate off-road vehicle use, improper grazing, careless mining operations and unplanned construction, including road building.

That is why the Department of the Interior, through the Bureau of Land Management—the agency responsible for approximately three-fourths of all the public land in the Desert, has made a California Desert Study. The Bureau now proposes a California Desert Program, which is now being carefully reviewed by the Department of the Interior.

There is need for a program that will give us an opportunity to protect the California desert and its resources. The Administration is giving this matter very close attention. Its 1972 fiscal year budget calls for the beginnings of a desert ranger force and—as in Fiscal 1971—some funds for planning. Additional authorization and funding may be required, and we are giving careful consideration to that question.

Meanwhile, we welcome the vigorous interest shown by Congressman Bob Mathias and we know we can count on his help as we proceed to determine how far and how fast we can move on this important matter.

ENACTMENT OF MAJOR MONEY BILLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, the news media have taken note that this Congress has again failed to enact the major money bills with the fiscal year underway. There have been only three bills cleared, and the press is making note that funds to operate Congress is one of them.

Since 1964 there have been 86 major money bills passed by the Congress. Only six of them have made it before the start of the fiscal year. This, of course, breeds inefficiency and uncertainty in the operation of government. Some bills are not passed until the following session of Congress, which promotes panic spending during the last fiscal quarter by agencies attempting to dispose of funds they could not adequately plan for.

It is time that we give serious consideration to changing our fiscal year. The pattern is clear—with the huge budgets we are considering, the mid-year fiscal year termination places an unfair burden on us, and is creating chaos at the local level where budgets are built around Federal grants. Many localities borrow money to tide them over. This adds to costs. They delay projects. This adds to costs.

I have introduced legislation to change from the fiscal to the calendar year. We should be able to read the fiscal handwriting on the wall and take steps to bring Congress into the 1970's budgetwise. A full year to pass the appropriations would give us more time to take a closer look at what is being requested, and would benefit not only Federal fiscal procedure, but the thousands of local governments left holding the bag when we are unable to meet the fiscal year budget deadline. The calendar should tell us that it is time for a change.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

There are more than 20,000 State, county, and municipal health and sanitation jurisdictions in the United States, assuring consumers purity and nutritive value of dairy products.

CAMP PENDLETON MARINE CORPS BASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 30 minutes.

Mr. BELL. Mr. Speaker, we expect to hear very soon the decision of the White House concerning the proposed transfer of a portion of underutilized lands currently closed to the public as part of the Camp Pendleton Marine Corps base in California.

The people in my district and the rest of southern California have been awaiting this decision eagerly since March 31 of this year when President Nixon issued a directive to report that approximately 6 miles of beach and 3,400 upland acres would be declared excess and available for public use.

In his announcement the President declared that the Pendleton transfer was to be the first in a series of actions by the executive branch to transfer to the public a substantial number of parcels of property throughout the country.

As the President pointed out, over half the land—apart from park land—in the Western States is owned and controlled by the Federal Government. This land is closed to public use.

But the new program announced by the President and set into action with the Pendleton transfer would recognize the concept of insuring the best use of the public lands of the Nation so that the beauty of the mountains, the beaches, and the seas would be preserved for, and opened to, the public wherever possible.

The people of southern California and the rest of the Nation received the President's announcement enthusiastically and with much fanfare as the beginning of an exciting effort to preserve the enjoyment of our natural environment.

And these same people were stunned by the recommendation of the House Armed Services Committee that the vast majority of the acreage proposed for transfer be held by the Marines in spite of the fact that it is virtually unused today.

The committee's recommendation, if followed, would close to the public an area of beach used as an exclusive enlisted men's club and not for any military purpose. It would freeze the entire 3,400-acre upland tract in the hands of the Marines and bar turning that beautiful land over to the public for use as urgently needed picnic and campgrounds. The upland acreage is not currently used for military purposes; some of it is leased to private ranchers to grow strawberries.

The Pendleton lands had been thoroughly studied and surveyed by the General Services Administration, the Property Review Board, and the Marine Corps, and Department of Defense. It was agreed that of the 18 miles of choice coastal beachland and 126,000 acres of mountains, lakes, and canyons which comprise the enormous area of Camp Pendleton, a small portion—3 percent—of this could be opened for the use of the people living in the burgeoning areas of southern California.

It is, of course, essential that the entire area be protected from private development and be maintained in as wild and natural a state as possible. The intention is not to create a crowded "asphalt playground" but to make accessible to the public a gigantic nature park. The California State Parks director, Mr. William Penn Mott, Jr., has assured us that the State is determined "to preserve both the beach and the upland camping complex in as wild a state as possible."

I am confident that the President will not allow this bold new program to be crippled in its very first step by an arbitrary recommendation of the House Armed Services Committee, but that he will adhere to his original call for the transfer of these beautiful lands for recreational purposes for the people of California. Thus, the President will demonstrate that the Pendleton transfer is, as he declared on March 31, merely the first step in a series of transfers "in all sections of the country, in the East, the North, the South, whereby we will declare excess property that presently is being used by the Federal Government, or some agency of the Federal Government, but in a way that we have determined is not the best use."

Mr. Speaker, I am introducing below a collection of materials which indicate the enthusiastic endorsement of the President's proposal by the people of my district and the rest of southern California for this incomparable beachland and campground area. The people in this area overwhelmingly support the President's program for preserving and making available these lands.

The materials follow:

LOS ANGELES, CALIF., June 30, 1971.

Hon. ALPHONZO BELL,
House Office Building,
Washington, D.C.

BEACH FRONT LAND AROUND CAMP PENDLETON

I hereby certify that the attached report of the State, County and Federal Affairs Committee was adopted by the Los Angeles City Council at its meeting held June 30, 1971.

REX E. LAYTON,
City Clerk.

RESOLUTION

Whereas, Congressman Alphonso Bell of Los Angeles has been leading a fight for public control and use of beach front surrounding Camp Pendleton for public recreation purposes; and

Whereas, Camp Pendleton has 17 miles of empty beach front presently going to waste, although it contains some of the most beautiful, unspoiled beach front available for public recreation of all kinds, including surfing, swimming, sunning and fishing; and

Whereas, a lease has already been negotiated for a three and one-half mile stretch of beach in this area to be turned over to the State of California for public use, but the remaining area is still not available to the public; and

Whereas, the President of the United

48-059 O - 72 - pt. 18 - 49

States has ordered six miles of Camp Pendleton's beach front to be released for public recreational purposes, but this is being opposed by the Armed Services Committee of the United States House of Representatives;

Now, therefore, be it resolved that the City Council of Los Angeles goes on record as urging that the State of California be given control over the coastline area around Camp Pendleton as provided for in President Nixon's Executive Order, so that this beach area will be available to the public for recreational purposes; and

Be it further resolved that the action of the City Council be communicated to the President of the U.S., the U.S. Senators from California, the Southern California Congressional delegation and the House of Representatives Armed Services Committee.

To the Council of the City of Los Angeles:

Your State, County and Federal Affairs Committee reports as follows:

We have received a resolution urging that the State of California be given control over beach front land around Camp Pendleton for public recreational purposes.

We recommend that this resolution be adopted as amended, to indicate support for the President's Executive Order for release of six acres of beach front land around Camp Pendleton.

Respectfully submitted,
STATE, COUNTY AND FEDERAL AFFAIRS COMMITTEE.

Action of the City Council of the City of San Clemente, Calif.

Addressed to: The Commandant of the Marine Corps.

Copy to: Senator Alan Cranston, Senator John Tunney, Representative John G. Schmitz, Commanding General of Camp Pendleton.

Subject: 109—Resolution No. 62-71 re Disposition and Use of Camp Pendleton Lands as Described in Press Release by President Nixon.

Mayor Evans presented a proposed Resolution regarding the disposition and use of 3400 acres of undeveloped Camp Pendleton land lying in the back of Highway 101 on the San Clemente side of the Camp Pendleton base as described in an April press release by President Nixon and proposed to be made available either to public bodies, or for public sale, in which case the proceeds would be added to the Land and Water Conservation Fund and used for Federal and local park developments.

Discussion ensued on the four sections of the proposed Resolution which are summarized as follows: (1) Said lands be made available for recreation purposes with some consideration being given to the possibility of a national park, (2) That this should be accomplished on a lease basis with a reclaim clause for protection of military interests in the event of a national emergency, (3) That said lands should not be made available for purchase by private developers as said lands serve as a buffer zone between the City and Camp Pendleton, and (4) That the existing leases to farmers on portions of said lands are in the best interest of the area and should not be terminated.

Mayor Evans explained that Representative Alphonzo Bell was urging support of the original intent of the press release, but the Mayor expressed opinion that it would be better to have a national park than a state park and in either case the property not be available for sale. It was determined to add the words "long term" before "lease basis" and "when needed" after "military interests" in section 2.

A motion by Councilman O'Keefe to adopt the Resolution with sections 1 and 3 only and omitting 2 and 4, died for lack of a second.

The Resolution with all four sections, as amended, was further considered and upon motion of Councilman Northrup, seconded by Mayor Evans, and unanimously carried, Resolution No. 62-71, being a resolution of the city council of the city of San Clemente, California, expressing its opinion as to disposition and use of 3,400 acres of Camp Pendleton lands as described in a press release by President Nixon in April, 1971, was introduced, passed, and adopted.

Resolution No. 62-71

Resolution of the city council of the city of San Clemente, California, expressing its opinion as to disposition and use of 3,400 acres of Camp Pendleton lands as described in a press release by President Nixon in April, 1971.

Whereas, in April, 1971, President Nixon issued a press release to the effect that 3,400 acres of undeveloped Camp Pendleton land lying in back of Highway 101 on the San Clemente side of the Camp Pendleton base would be made available either to public bodies, or for public sale, in which case the proceeds would be added to the Land and Water Conservation Fund and used for Federal and local park developments, and

Whereas, the City of San Clemente lies adjacent to the north boundary of the above described lands,

Now, therefore, be it resolved by the City Council of the City of San Clemente that it is of the opinion and urges as follows:

1. That the above described lands be made available to the people of the country for recreation purposes with some consideration given to the possibility of a national park.

2. That this should be accomplished on a long term lease basis with a reclaim clause for the protection of military interests, when needed, in the event of a national emergency.

3. That said lands should not be made available for purchase by private developers in that said lands serve as a buffer between the City of San Clemente and heavy artillery firing sounds emanating from the base during practice maneuvers and operations.

4. That the existing leases to farmers on portions of said lands are in the best interest of the area and that said leases should not be terminated.

Be it further resolved that the City Clerk is hereby authorized and directed to transmit copies of this Resolution to Senator Alan Cranston, Senator John Tunney, Representative John G. Schmitz, the Commandant of the U.S. Marine Corps, and the Commanding General of Camp Pendleton.

Adopted, signed, and approved this 16th day of June, 1971.

CITY OF EL MONTE,
El Monte, Calif., June 9, 1971.

Congressman ALPHONZO BELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BELL: At their regularly scheduled meeting on Tuesday, June 8, 1971, the El Monte City Council voted unanimously to support your position endorsing President Nixon's plans to transfer beach and upland areas of Camp Pendleton for California public recreational use.

The Council instructed me to request background material mentioned in your correspondence so that this information might be considered by our City Attorney for the purpose of writing an appropriate resolution.

When the resolution has been adopted, copies will be forwarded to your office for your file.

Very truly yours,
KENNETH E. BOTTS,
Administrative Officer.

CITY OF LOS ALAMITOS,
June 16, 1971.

Congressman ALPHONSO BELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BELL: May we take this opportunity to advise you that the Los Alamitos City Council took the following action at its regular meeting of June 14, 1971. Please find enclosed a copy of the Council's action and I trust it will assist you in your present efforts at Camp Pendleton. As you may know, this City is also engaged in a very critical encounter with the federal government, more specifically the United States Navy, relating to the future uses of the Naval Air Station, Los Alamitos.

Could you please, at your early convenience, "touch bases" with our Congressman Dick Hanna and any assistance you may be able to offer will be greatly appreciated.

Our very best regards,
WILLIAM H. KRAUS,
City Manager.

A Resolution of the City Council of the City of Los Alamitos Urging the United States Government To Transfer Certain Lands at the U.S. Marine Corps Facility at Camp Pendleton, California for Recreation Purposes

Whereas, there exists an extremely serious need to provide additional public recreational areas for the State of California, and

Whereas, the President of the United States and many other federal, state, county and local officials and the general public have attempted to seek the transfer of approximately six miles of beach and 34 upland acres at Camp Pendleton, California, and

Whereas, the proposal would not be detrimental to the best interest of this Nation and its military establishment, and

Whereas, the City of Los Alamitos is engaged in a similar situation to secure the 1400 acre U.S. Naval Air Station, Los Alamitos for public recreation and open space uses following the recent phase-out of air-related activities at said base, and

Whereas, the proposal to utilize a portion of Camp Pendleton for recreational activities is in conformance with previous stands taken by said City regarding NAS, Los Alamitos,

Now, therefore, be it resolved by the City Council of the City of Alamitos that the federal government be urged to transfer six miles of beach area and 34 upland acres at Camp Pendleton, California for public recreational use due to the dire need of the general community for open space and recreational purposes, and

Be it further resolved by the City Council of the City of Los Alamitos that said endorsement of this proposal be made in conformance to this City's current efforts to secure the vacated Naval Air Station, Los Alamitos facility for general public and community purposes.

[From the Los Angeles Times, May 31, 1971]

Pendleton Beach and the Public

President Nixon overlooked the House Armed Services Committee last month when he ordered several miles of Camp Pendleton's unspoiled beachfront released for public recreation.

He should have been more careful. That powerful committee, at the urging of the Marine Corps, has blocked, temporarily we hope, the gift of six miles of beach and 3,400 adjacent upland acres to the State of California.

Taking advantage of a law that allows it to review the disposal of federal property, the committee decided the land should remain under Marine control for emergency use. It is not adverse to a 25-year lease to the state.

So far, a lease has been negotiated on a 3½-mile stretch. Nothing has been done about the remaining 2½ miles which contain an enlisted men's club and some of the finest surfing, swimming and fishing beach on the West Coast.

Fortunately, something can be done to obtain the entire stretch. The committee ruling is not binding on either the President or the Department of Defense.

Rep. Alphonzo Bell (R-Los Angeles), who testified before the committee on behalf of the public, urges a massive letter-writing campaign to Mr. Nixon, the Department of Defense, the Marines and members of Congress.

Camp Pendleton has 17 miles of empty, inviting beachfront going to waste. Of course, the beach should be available for maneuvers when needed. The rest of the time, however, the entire 17 miles, not just six, should be firmly in the public domain.

[From the Washington Post, Apr. 10, 1971]

CALIFORNIA'S NEW PUBLIC BEACH

It's easy to understand why the Marine Corps was not particularly eager to give up any of that 18 miles of the California coast it has controlled for years at Camp Pendleton. The beaches are among the best in the nation and the place is deeply involved in the history of the corps. Nevertheless, President Nixon quite properly intervened to open up a third of that coast for civilian recreational purposes and we hope that Congress will not object to his act. There are simply too many people in Southern California now for the Marines to hang on any longer to so much prime sand and surf.

The President's action seems to have taken both the Marine Corps and his neighbors at San Clemente by surprise. The corps, after years of heavy pressure, had agreed to lease a three-mile stretch of the beach to the State of California but was putting off the opening date until every last detail was tied down. San Clemente's city council held an emergency session to discuss the whole situation a few hours after the President doubled the beach area and tossed in a 3,400-acre inland tract as well.

The one remaining problem, as we understand it, is that the state and local recreational funds may not be sufficient to handle the whole inland area. In that event, the President's order says the remaining parts of that tract will be sold to private interests. We hope this will not come to pass, either through action by California officials to raise the funds they need or through a change in federal policy.

The 3,400-acre tract ought to be preserved, one way or another, for all the people to enjoy and not turned into housing or commercial development sites.

SOUTHERN CALIFORNIA ROD AND
REEL CLUB, INC.,
Los Angeles, Calif., June 17, 1971.

Hon. ALPHONZO E. BELL Jr.,
House of Representatives
Washington, D.C.

DEAR CONGRESSMAN BELL: On June 9, 1971, during a General Meeting of our Club, a resolution was passed unanimously supporting your efforts to act on President Nixon's plan to transfer six miles of beach and 3400 acres of Camp Pendleton for California Public recreational use.

It is our sincere wish that you succeed in having the President's plan endorsed by the House.

Any assistance that our 120 members and their families can provide is yours for the asking.

Yours truly,

AARON M. SHANNON,
Secretary.
TREVOR SIMPSON,
Board Chairman.

KFI EDITORIAL

As an Easter Gift to the people of California, President Nixon announced that six miles of beautiful beach land, adjacent to Camp Pendleton, would be granted to the state as an addition to the state parks and beaches. This grant included two and one-half miles to the north of the nuclear generating plant at San Onofre . . . and three and one-half miles of shoreline south of San Onofre. The grant also included 3400 acres of upland property on the other side of Highway 101.

Now the House Armed Services Committee in Washington has failed to endorse the President's move to transfer the six miles of beach to California for recreational use.

This refusal by the committee is not binding on the President . . . but past events have shown that few, if any, ever dare challenge the powerful House Armed Services Committee.

KFI feels that this land is needed by the people of the state. The plan to keep it unspoiled . . . and yet available to the public . . . is in keeping with our ecological needs.

But the President must be made aware of the feelings of the people of California. KFI urges its listeners to write or wire the President . . . urging him to sign the grant . . . to keep his promise to the people of California . . . and not to be swayed by the House Armed Services Committee.

A letter or wire to the President of the United States at the White House in Washington will let Mr. Nixon know you are concerned. And further . . . that you expect him to live up to his Easter promise.

THE MARINES AND A BEACH II—KABC RADIO EDITORIAL

We're flying in the KABC Air Traffic Watch plane over 17 miles of virgin swimming and surfing beach just south of San Clemente. The nearly 1100 miles of beaches along California's shoreline are perhaps our greatest recreational resource. But tragically, only about 300 of that 1100 miles remain available for public use. The stretch of beach along Camp Pendleton below us belongs to the Marines, or more correctly, to the Federal government. The Camp Pendleton Beach is only used a few days each year for amphibious maneuvers. The rest of the time it is absolutely vacant . . . used only by a few privileged military officers. The waste of this Pendleton Beach is totally unnecessary.

Last April, a three-and-one-half mile section of the beach was opened to the public, on lease to the State . . . but only after six tedious years of negotiations with the Marine Corps. It took the persistent effort of Congressman Alphonzo Bell, and finally the direct intervention of President Nixon himself to accomplish the lease. At the same time, the President declared that a total of six of the 17 mile Pendleton Beach, along with 3400 adjacent acres, would be turned over as a gift to California for recreational use.

Now, the House Armed Services Committee has refused to approve the President's decision . . . presumably because it doesn't want to yield an inch of Federal military land. Fortunately, the Committee's decision is not final. It can still be reversed by President Nixon or the Department of Defense. The President, when he announced the transfer of the beach property to the State, said that his decision was the result of his own presidential initiative. In so doing, he said he overrode some very deep bureaucratic and Congressional opposition. Now, it's time for the President to again use that same initiative and reject the vote of the House Armed Services Committee.

Congressman Bell, and Congressman Chet Holifield, the dean of the California Congressional delegation, have promised KABC they will make every effort to see that the President carries out the intentions he expressed last March. The Pendleton Beach below us will be a precious addition to the dwindling California coastline that still remains open to all the public. KABC asks you to please write directly to President Nixon and urge him to act promptly in transferring six miles of the Pendleton Beach to the people of California.

PENDLETON REVISITED

When and if a state park does open at what is now Camp Pendleton, it will probably hold the all-time record for causing conflict and bitterness between branches and various levels of government.

On one side are President Nixon, Congressman Alphonso Bell, the State Department of Parks and Recreation and about 20 million Californians. On the other side, outnumbered but not defeated, are the Marine Corps and the House Armed Services Committee.

The issue is whether or not the Marines will give up part of Camp Pendleton, and how much they'll give up. The camp now contains 17 miles of beach. And according to an announcement by President Nixon in April, 6 miles of that beach is supposed to be turned over to the state, along with 3400 acres back in the hills, for San Onofre State Park. That announcement *seemed* to settle years of bargaining between the Marine Corps and the State.

It seemed to, but it didn't.

Last week, very quietly, the House Armed Services Committee voted not to approve the President's plan, which tosses the whole park question back up in the air.

That committee's approval or disapproval won't kill the park, but it could delay it or force another expensive and unnecessary redesign of the park facilities.

It's our opinion the Committee made its negative decision not on the basis of the Marine Corps' real need for the land, but because the State didn't go through channels to get it.

And that seems to us a petty attitude we wouldn't have expected from the United States Marines. The President can act without the Committee's approval. In this case, we think he should.

[From Oceanside (Calif.) Blade-Tribune, Mar. 31, 1971]

NIXON GIVES PENDLETON LAND, BEACH TO STATE

(By Norm Covington)

CAMP PENDLETON.—President Nixon is ordering the Marine Corps to part with six miles of beach and 3,400 upland acres to be used for public recreation.

The property, declared surplus by Nixon, totals 4,055 acres.

The release order, signed by Nixon Tuesday, was confirmed today at a news conference held on a bluff outside the Western White House.

He told newsmen that this was the beginning of a move to turn over to state control some of the surplus federal lands throughout the country.

The presidential order includes 3.5 miles of beach which were to be leased to the state for 25 years as a beach park.

Dedication of the San Onofre Beach Park is scheduled for Saturday.

The six miles of beach property extends south from the Western White House in San Clemente both north and south of the San Onofre nuclear generating plant.

The 3,400-acre inland parcel runs along the entire south limits of San Clemente, a distance of about five miles.

The rectangular property, all within San Diego County, begins at the San Diego Freeway and includes the valleys of San Mateo Creek and San Onofre Creek. Much of the area is now farmland.

Congressman Alonzo Bell, who led the battle to open up the Camp Pendleton beaches, said today he was elated over the President's action.

"In his message to the Congress on the nation's environment last month, President Nixon pledged to make suitable federal lands available for state parks," Bell said in Washington.

"Today he has demonstrated that he is as good as his word, and I hope that this will be just the beginning of a continuing national program to convert unused federal land to recreational purposes."

The Presidential decision will open up the famed Testles surfing beach and bring to end the private San Onofre Surfing Club.

The additional coastline will increase the new San Onofre Beach Park to 655 acres.

As soon as Congress approves the plan, the six miles of coastline will become the property of California.

Recreational development of the inland acreage will be decided by the city of San Clemente, San Diego and Orange counties and the state of California.

* * * * *

Surfers, in particular, will now be able to reach two of the best beaches in California: Trestles, and the San Onofre Surfing Club beach.

The state parks department has already drawn up plans to designate the Trestles beach exclusively for surfing, the first such beach in the nation.

Nixon's order directs Secretary of Defense Melvin Laird to initiate proceedings which will offer the beach property to the state for use as a public park.

The President acted on the recommendation of the Federal Property Review Board which has been directed by Nixon to make federal lands available to the public for recreational use where possible.

Following today's announcement, Nixon took a 15-minute helicopter flight over the area.

[From the San Clemente (Calif.) Daily Sun-Post, Apr. 1, 1971]

PRESIDENT OPENS "MAGNIFICENT BEACH"

(By Craig Van Note)

SAN CLEMENTE.—"This is a magnificent beach. This is one of the last great swimming beaches in America," commented President Nixon Wednesday as he made an aerial inspection of the San Onofre coastline in his helicopter.

Less than an hour before, he had announced he was turning over to the state parks department six miles of beach south of the Western White House and opening to public use 3,400 acres of Camp Pendleton land on the south city limit of San Clemente.

The President suggested the huge acreage inland from the San Diego Freeway be used as a camping area. The entire San Mateo Creek basin and the smaller Cristianitos Creek are included in the one by five-mile strip.

State parks director William Penn Mott today agreed with Mr. Nixon, predicting "this will probably be the largest camping and beach recreation development in the United States. Between two and three thousand campsites could be easily accommodated in the San Mateo Creek basin, Mott said.

"This represents the finest beach, not only in California, but on the East and West Coasts," Mott stated. "Naturally, we are very pleased."

With President Nixon making the inland acreage available, he said, the six-mile strip of coastline west of the freeway, covering a total of 655 acres, "can now be kept in its natural, virgin state," the parks director stated.

Previous plans for the San Onofre Bluffs campgrounds and parking lots along the beach bluffs. Now, Mott said, the camping and parking can be kept inland. "We should work out new, innovative ideas of transporting people from the back areas to the beach."

The 3,400 acres will be made available to all public agencies, including the state, city of San Clemente, and Orange and San Diego counties. The federal government will decide how the property will be allocated.

Presidential aide John Ehrlichman said Wednesday that the Property Review Board, established by Mr. Nixon to convert federal lands to better uses, had concluded neither the city nor the state would use all the 3,400 acres. He predicted part of the acreage would be sold on the open market, private to developers, and the proceeds would go toward park development.

SURFING BEACHES

Mr. Nixon seemed particularly pleased that he was providing sorely-needed public beach. Speaking on his office lawn overlooking the Trestles beach, he said:

"Just two years ago I was walking along this beach, and I realized that here in Southern California there were millions of people who wanted to go to the beach, and that when you go by Santa Monica, Long Beach, or any of the other great beaches that I used to go to as a youngster, that they are just too crowded these days, and there is a great need for more beaches where people can go."

The President said the new public beaches probably wouldn't have become a reality "unless I had taken a walk on the beach two years ago at San Clemente and walked an extra mile and saw the great possibilities and decided that the time had come for Presidential initiative."

Later, making a helicopter tour of the beach, he exclaimed. "You really can't appreciate this unless you walk the beach."

"This is a good place to surf because of the waves," he stated. He used to marvel at the skill of the surfers riding the waves at the Cotton's Point and Trestles surf spots in front of his house, until the Secret Service chased them off.

The Secret Service will keep a quarter-mile buffer zone between the Western White House and the new state park while Mr. Nixon remains in office. It will extend into the middle to San Mateo Creek. Surfers will still be able to use the lower Trestlcs beach, considered by some the best surf spot in the state.

Farther south down the beach, Mr. Nixon flew over the small Marine Corps recreation and camping area. He ordered the buildings there turned over to the state park. Also gobbled up in Mr. Nixon's executive order is the San Onofre Surfing Club beach, stretching 3,500 feet on the north of the nuclear plant.

A total of 2.5 miles of additional beach between the Western White House and the nuclear plant will be added to San Onofre Bluffs State Beach.

The presidential order is subject to review by the House Armed Services Committee and the Senate Armed Forces Committee. Mr. Nixon predicted they would approve the new public lands within 30 to 45 days.

The lease for the 3.5 miles of beach south of the nuclear plant has been given final approval by the federal government and the dedication of that portion of the park will occur as scheduled Saturday.

NIXON GIVES STATE CAMP PENDLETON LAND

(By Craig Van Note)

SAN CLEMENTE—President Nixon is ordering the Marine Corps to give up an additional 2.5 miles of beach—stretching from the Western White House to the San Onofre Nuclear Generating Station—to the state parks department, the Daily Sun-Post has learned.

And the President will turn over to the public 3,400 acres of Camp Pendleton property immediately south of the San Clemente city limits and inland from the freeway.

A statement from Mr. Nixon ordering the release of the military property is expected late today.

The presidential decision will open up the famed Trestles surfing beach and bring to an end the private San Onofre Surfing Club.

The additional coastline will increase the new San Onofre Bluffs State Beach to six miles in length, covering a total of 655 acres.

President Nixon may attend Saturday's dedication of the 3.5-mile section of San Onofre Bluffs State Beach south of the nuclear plant. Security plans are already being organized if he should decide to participate. The Western White House reports no firm decision has been made.

The new public beach will be given to the state, instead of leased, the President has decided. As soon as Congress approves the plan, the six miles of coastline will become the property of California. The original plan for the San Onofre beach south of the nuclear plant called for a 25-year lease from the Marine Corps.

SAN CLEMENTE LAND

The 3,400 acres to be turned to public use runs inland along the entire south limits of the city of San Clemente, a distance of about five miles. The rectangular property, lying within San Diego County, begins at the inland side of the San Diego Freeway and runs about one mile deep into Camp Pendleton.

It is more than five square miles and includes the valleys of San Mateo Creek and San Onofre Creek. Much of the flatland area is now farmed.

Just how the 3,400 acres are put to use will be decided by the city of San Clemente, San Diego and Orange counties, and the state of California. The federal General Services Administration will negotiate the ultimate use of the land with the state and local governments.

It could become a sprawling recreational area, complementing the nearby state beach. Or the property could be sold to private interests and the funds turned to other public uses.

The President's decision to give the state all the beach north of the nuclear plant will greatly expand the recreational potential of the new state park. The beach south of the nuclear station is relatively inaccessible because of the high bluffs.

In contrast, the 2.5 miles of beach south of the Western White House is not fronted by bluffs and will easily accommodate thousands of beachgoers.

Surfers, in particular, will now be able to reach two of the best breaks in California. Trestles (so named for the railroad trestles crossing San Mateo Creek) and at the San Onofre Surfing Club beach.

The state parks department has already drawn up plans to designate the Trestles beach exclusively for surfing, the first such beach in the nation.

BELL ELATED

Congressman Alphonzo Bell, who led the battle to open up the Camp Pendleton beaches, was elated over the President's action:

"In his message to the Congress on the nation's environment last month, President Nixon pledged to make suitable federal lands available for state parks," Bell stated in Washington.

"Today he has demonstrated that he is as good as his word, and I hope that this will be just the beginning of a continuing national program to convert unused federal land to recreational purposes."

Earlier this month Bell wrote the President a letter urging additional beach be included in the new state park. "I had no idea the response would be so quick or so generous."

SACRAMENTO, CALIF.,
May 18, 1971.

Mr. DARRELL TRENT,
Executive Secretary, Property Review Board,
White House, Washington, D.C.

As director of the California Department of Parks and Recreation the need for the 3,400 acres of Camp Pendleton east of Interstate 5 proposed by President Nixon is essential for park purposes. The department will develop this land for campground and picnic facilities with necessary support structures. This will insure preserving the beach and the bluff in their natural condition and make possible maximum use of the beach by people. Camping needs in this area of California are greater than any other region of the State. There is a deficit of 30,760 camp spaces and 30,810 picnic areas for this area. Unless the 3,400 acres of land is made available to us we cannot possibly eliminate this deficiency. Making the land available to the State will insure that it will be preserved in perpetuity for public park and recreation use.

WILLIAM PENN MOTT, Jr.,
Director, California Department Parks and Recreation.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., May 18, 1971.
Hon. ALPHONZO BELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BELL: As you requested, I have reviewed future utilization plans for the back 3400 acres of Camp Pendleton announced excess by the President on March 31, 1971, at San Clemente.

At the time the property was announced excess, the President stated that it would be made available to the State of California and the City of San Clemente for possible development. Mr. William Penn Mott, Jr., Director, California Department of Parks and Recreation, has sent the attached telegram to Darrell Trent, Executive Secretary of the Property Review Board. The property has been found to be particularly well suited for development for parkland. The telegram states that the property is essential for park purposes and that the State is prepared to develop the land for campground and picnic facilities with necessary support structures. It further stated that the need for additional parkland becomes more pressing every year, especially in Southern California.

Under Section 202 and 203 of the Federal Property and Administrative Services Act of 1949 as amended (40 USC 83), the Administrator of General Services has the responsibility for determining the best utilization of Federal real property which has been declared excess by departments or agencies, and the authority to dispose of surplus real property pursuant to law.

I have determined that priority consideration must be given to conversion of this property for park use.

Sincerely,

ROBERT L. KUNZIG,
Administrator.

DEPARTMENT OF THE NAVY—SUBMITTED BY: COMMANDER, NAVAL FACILITIES ENGINEERING COMMAND

DISPOSAL REPORT NO. 322

Station Designation: U.S. Marine Corps Base, Camp Pendleton, Calif.

Former Use: Marine Corps Training Base.

	Area in acres	Acquisition cost		
		Land	Improvements	Total
Fee	125, 567	4, 237, 419	149, 708, 269	153, 945, 688
To be retained	121, 512	4, 098, 657	149, 608, 269	153, 706, 926
For disposal	4, 055	138, 762	100, 000	238, 762

Consideration: To be reported to General Services Administration as excess.

1. The Department of the Navy proposes to report to GSA as excess for disposal approximately 4,055 acres of fee owned land with improvements comprising a portion of the Marine Corps Base, Camp Pendleton, California. The total area comprising Camp Pendleton was acquired by two condemnation actions in 1942 and 1943, by transfer of 1,575 acres from the Department of Interior in 1945, and by direct purchase of 112 acres in 1949.

2. The area proposed for disposal consists of approximately 655 acres of land with approximately 6 miles of frontage on the Pacific Ocean. A nuclear power plant is located on 84 acres of the beach. The plant was built and is operated by Southern California Edison Company and San Diego Gas and Electric Company. The power plant, together with appurtenant facilities including a railroad spur tract, roads, and electric transmission lines were constructed on land on which the Navy has granted easements to the Power Company. The remaining area of approximately 3,400 acres to be disposed of is located along the northern boundary of the Base. The 4,055 acres are a part of the land acquired through condemnation. On the land to be excessed are improvements which consist primarily of water wells and distribution lines, sewage holding ponds, roads and other utility systems. The disposal of the land will be subject to the reservation of water rights, water wells, the sewage holding ponds and ingress and egress for maintenance. Relocation of the Enlisted Recreation Beach facility will be at no cost to the Government.

3. The excess property has been screened throughout the Department of Defense and with the Coast Guard with negative results. The Navy does not contemplate the acquisition of land for similar use at or near the excess properties in the foreseeable future.

4. The State of California has expressed an interest in acquiring the excess beach front property for public park purposes.

5. Disposal of the property will be under the authority of the Federal Property and Administrative Services Act of 1949, as amended. Disposal has been approved by the Assistant Secretary of Defense (Installations and Logistics) and is being reported pursuant to Title 10 U.S.C. 2662.

DEPARTMENT OF PARKS
AND RECREATION,
Sacramento, Calif., July 24, 1970.
Hon. ALPHONZO E. BELL, JR.,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN BELL: I wanted to take this opportunity to express our most sincere thanks to you for your good efforts regarding the Camp Pendleton area.

As you know, the State of California, and specifically our Department, has been interested for a number of years in obtaining a portion of the Camp Pendleton beach area for public use. The Marine Corps, perhaps understandably, has been very reluctant to release any of the seventeen miles of beach frontage for public use.

I know that you are personally interested in this problem and I have had several conversations with Mr. Thompson of your office about the status of the lease negotiations. I know that you became involved in this during a time when the Camp Pendleton district did not have congressional representation due to the untimely death of Congressman Utt. We are of the opinion that any breakthrough will have to be accomplished at the Washington level in the Department of Defense.

There is nowhere in California where there is any greater deficiency of recreational activities than in the Southern California beach areas. Our adjacent state parks are jammed to beyond capacity and the turn-aways amount to well over 100,000 people a year. The four and one-half miles of Camp Pendleton beach property that we are interested in obtaining would give us a large enough area to justify the several million dollars of capital improvements in utilities and road improvements necessary to properly service the public.

I want you to know that we are most appreciative of your efforts, and if I may add a personal note, as you may know, I have been and still am, a long-time constituent of yours and maintain my place of voting in Pacific Palisades. My very best personal regards.

Sincerely,

ROBERT H. MEYER,
Deputy Director.

CAMP PENDLETON SEESAW—BELL SAYS BEACH "LOSS" NOT BINDING

(By Thomas D. Elias)

Congressman Alphonzo Bell said today a House committee's decision not to give six miles of Camp Pendleton beachfront to the state is not binding.

"If we press very hard for this beach, we will still be able to get it all." Bell, R-Santa Monica, West Los Angeles, said.

But the congressmen said that even though the President and the Defense Department can overrule the House Armed Services Committee, this never has been done "autocratically" in the past.

Bell, who has been the leading advocate of creation of a San Onofre State Park, said he was the only pro-park witness allowed to appear before the congressional committee last week.

President Nixon has recommended that the Marine Corps give the land to the state, and Bell told newsmen in Westwood he will continue to press the Defense Department to go ahead with its original plan.

The state Parks and Recreation Department currently leases 2½ miles of the beach frontage, but under Nixon's proposal it would get outright possession of the full six miles and 3,400 upland acres.

The committee recommended that five miles of the beach frontage be leased to the state, and the upland acreage be sold by the federal General Services Administration.

Bell said the best way Californians can fight for the park would be with a strong letter-writing campaign.

The next step which Bell wants taken, he said, is for Defense Department representatives to meet with committee members in the next week and to attempt to convince them the park is needed.

Meanwhile, State Parks and Recreation Department officials expressed depression and frustration today in the wake of the decision not to permit President Nixon to give six miles of beach at Camp Pendleton to the state.

Instead, the committee called for leasing of 2½ miles of the beach to the state and another section to the San Onofre Surfing Club.

The Marine Corps would retain title to the land and would turn 3,400 acres of property over to the General Services Administration for sale, rather than giving it to the state for a park.

"We were very disappointed," State Parks Director William Penn Mott Jr. said from Sacramento. "This land was being made available to the public in the area where it is most critically needed, in Southern California.

"It has excellent freeway access so that people from Los Angeles and most other parts of Southern California can get there within one to two hours."

Mott's deputy, Robert Meyer, said the committee's decision came as a shock to him, since Nixon had made it clear he wanted the land devoted entirely to park use. It is adjacent to the Western White House.

"I probably feel now like some people in

California feel about state government," he said. "I am at a loss for how to deal with the federal government on this issue. I am sure there are some things going on beneath the surface which may let us decide on some new action to try to reverse the decision."

Meyer said his department, which had been counting on using the upland portions of the proposed San Onofre State Beach to alleviate a severe shortage of campgrounds, didn't learn until late last week the congressional committee was considering any action at all.

"By the time we found out about it, they had already completed most of their hearings," Meyer said. "They never even asked us if we'd like to testify before them."

SENT TELEGRAM

When Mott heard the action was coming, he sent a telegram to the executive secretary of the Federal Property Review Board which had originally recommended that the land be turned over to the state.

The committee said it took its action because it believed the Marine Corps may some day need the beach property.

But Mott's telegram assured the federal lands office that at any time it was needed, the land would be cleared and made available to the Marines.

Parks officials also believe fears expressed in San Diego County that the state intended to sell part of the property to private developers may have played a role in the congressional decision.

Laguna Beach, Calif.,
June 10, 1971.

Representative Alphonzo Bell,
House of Representatives,
Washington, D.C.

Dear Mr. Bell: Many of us in southern Orange County have been following your efforts to effect the opening of Camp Pendleton beaches which seldom, if ever, have been used for national defense training purposes, since acquisition of the Santa Margarita Ranch by the federal government in the early 1940's.

I am enclosing some newspaper clippings from the local newspaper in 1929, indicating that park status for the area has long been considered.

Please continue your efforts, and let us hope that this matter does not become bogged in personalities or politics for another forty years.

Very truly yours,
William M. Wilcoxen.

Outlook for Park Is Encouraging

The first objective in the drive to make the Santa Margarita Rancho a State park has been gained, according to W. H. Griswold, chairman of the Rancho Santa Margarita for State Park Association, following the meeting held by the State Park commission in Los Angeles Monday afternoon.

Griswold stated that the first objective of the organization was to have the project receive the official consideration of the Park Commission and have the proposed park listed as one of the sites to be investigated.

A committee consisting of Griswold, Capt. H. H. Hammer of San Clemente, and M. F. Forster of San Juan Capistrano was heard by the commission and the project listed. Griswold addressed the commission, sketched the advantages of the Rancho as a State park, presented the body with a resolution of endorsement by the San Juan Capistrano Chamber of Commerce, a set of maps illustrating the topographical contour of the property, and an invitation from the association, inviting the members of the commission to partake of an airplane trip over the Rancho at a date to be set by themselves.

The commission politely declined the invitation to fly over the property at this time because of lack of time, but turned over the project for survey to Frederick Law Olmsted, chief engineer for the Park Commission.

The next move contemplated by the park association will be to hold a mass meeting of the members of the body to discuss further action in the promotion of the project. The date of this meeting will be announced later, according to Griswold—Capistrano Missionite.

A Parksite for the World

In the suggestion of the Santa Margarita Ranch, known widely as the O'Neil ranch, as a State park lies plenty of food for thought.

It is of especial interest to the counties of Orange, Riverside and San Diego as it lies within them. Over 200,000 acres are comprised in the great grant.

Southern California is destined to become more and more the world's playground and recreation center. More and more it will draw tourists. Already the interest of Europeans is being secured, and Southern California can well be included in their itineraries.

This being true, it is the duty of Southern California toward its visitors, and good business practice as well, to provide for them.

In the great Santa Margarita ranch lies the opportunity to create a park which will be more than tri-county, more than State, more than national. It can become a world park.

In support of this broad assertion, it may be pointed out that in the old Spanish Grant, or immediately contiguous, lie forests, mountains which are snow-clad during much of the year, beautiful canyons, hot springs, rivers, 18 miles of shore line, deserts, fertile areas. What it may lack in absolute grandeur of scenery is made up in beauty and variety. And added to this is the highly important fact that the climate permits full use of this park during the entire winter.

Many of those who come to California do so in the winter. They want the outdoors climate. That is one of the reasons why they come. That is why a park which is comfortable in mid-winter is imperative.

These visitors come to enjoy the ocean, for to many of them the ocean is a supreme attraction.

It is an important consideration, likewise, that the proposed site has much arable land. Enough, it is claimed by its enthusiastic adherents, to defray much of the expense of the park.

Many Laguna people have been interested in a park between Capistrano and Newport Beach. The News has strongly advocated such a park. That it would have no such magnificent appeal to the imagination as the O'Neil site is apparent, though there are some compensating advantages.

Margarita Park Officers Meet—Decide on Plan To Present Project Before State Board March 25

Representatives from Laguna Beach, San Clemente, San Juan Capistrano and Oceanside met in San Clemente Monday evening in a called meeting to discuss the best method of presenting the Santa Margarita Ranch State park project before the State park board.

The meeting was called by W. H. Griswold of Capistrano, who read letters and a questionnaire before those present. He stated that the State park board did not hold the meeting in Yosemite Valley at which it was expected the proposal would be presented, and to which meeting it had been planned representatives go by plane. The board has tentatively set March 25 as a meeting date.

The plan outlined at the San Clemente meeting Monday evening was to take the board by airplane over the big ranch, if possible. Mr. Griswold was made a committee of one on arrangements. Data to be laid before the board is to consist chiefly of photos, it was decided, with Capt. H. H. Hammer of San Clemente entrusted with the task of procuring certain beachline photos.

That the Santa Margarita Ranch is a park without any work being done on it, with no expense beyond the initial purchase price, and with certainty of income from much of the land, are points to be presented to the park board. Stress was laid on the fact that though the initial purchase price might be high, it would probably total no more than the cost of property of less value which would require expensive improvements. That the 18 miles of beach are not surpassed anywhere was averred.

Those who attended the meeting, which was chiefly of officers of the Santa Margarita Ranch for State Park Association were W. H. Griswold of Capistrano, H. H. Hammer of San Clemente, H. F. Crandall, Dr. Fred Loe, Bernard McDonald and R. L. Loucks, three of them city officials, of Oceanside; George E. Thompson, E. S. Wooster and W. T. Lambert of Laguna Beach.

That Laguna should continue to urge the contemplated park area near here was agreed.

Remarks of the President Upon Ordering Portions of Camp Pendleton Property Released for Public Use, San Clemente, Calif.

Ladies and gentlemen: I am sending today to the Secretary of Defense a directive that he is to report to the House and Senate Committees on Armed Services that six miles of beach and 3400 acres of upland, which presently are part of Camp Pendleton, will be declared excess and will become available for public use.

In the case of the beach property—and Mr. Erlichman will brief you later with regard to the technical details—three miles of it will be available starting this Sunday because there will be approximately a 30-day, and maybe a 45-day period in which the two committees have an opportunity to veto the President's declaration of the property being excess. If they do veto it, and I do not expect them to, that would mean that we would have to reconsider what we are doing.

But in that 30-day period, and particularly with the Easter vacation period coming up, we have arranged on a temporary basis to lease three miles of beach, the best beach, right in this area so that starting Sunday, all of the people that like to go to the beach on the Easter vacation period will have three more miles of the best beach in the world to go to.

I should point out that this action, while it deals with property very close to my home in California, relates to the whole Nation, but I should also point out that what we are doing here has triggered my thoughts with regard to activities throughout the Nation.

Just two years ago I was walking along this beach, and I realized that here in Southern California there were millions of people who wanted to go to the beach, and that when you go by Santa Monica, Long Beach, or any of the other great beaches that I used to go to as a youngster, that they are just too crowded these days, and there is a great need for more beaches where people can go.

Consequently, I checked and found, and with the cooperation of the Marine Corps, that they did not need the total of 18 miles of beach which they presently occupy. So we have worked out that this six miles will be declared excess, and that in the future, millions of particularly young people in California, and older ones as well, who enjoy the beach will have greater access to this property, which has been closed since World War II when the Marine Corps took it over, for obvious reasons.

In addition to that, having made that decision two years ago with regard to this particular property, I asked that a survey be made of all properties held by the Federal Government, properties held by the Department of Defense, by the GSA, by the Veterans Administration, and by the Department of the Interior.

Over half of the land, for example, in the Western States is owned by and controlled by the Federal Government. This is apart from parklands. This is land which is used by and controlled by the Federal Government, and denied to the public, as far as their use is concerned.

Much of this use is not proper in terms of the best use. Consequently, this is the first of a series of announcements that will be made over the next few months in which, in all sections of the country, in Northern California as well as in Southern California, in the East, the North, the South, announcements will be made whereby we will declare excess property that presently is being used by the Federal Government, or some agency of the Federal Government, but in a way that we have determined is not the best use.

That means that then the State, in this case, gets the opportunity to use this as parkland. In other cases, it may be determined that property, for example, that is in the middle of a city may be turned over to the tax rolls and the funds that are acquired thereby can then be used to develop parks.

In any event, this is an indication of the scope of this program. I say that it probably wouldn't have happened unless I had taken a walk on the beach two years ago at San Clemente and walked an extra mile and saw the great possibilities and decided that the time had come for Presidential initiative, Presidential initiative which has overridden, I must say, very deep and understandable bureaucratic opposition and very deep and understandable opposition in some segments of the Congress, only because Members of the Congress at times were reflecting the views of the bureaus. Most Members of the Congress, I am sure, will applaud this decision.

Statement by the President

Camp Pendleton, California, is part of the legacy which the World War II era left for the Seventies. For thirty years these 18 miles of choice coastal land have served as an important training center for the U.S. Marine Corps. During that same period, California has become the Nation's most populous and most urban State; several million people now live within an hour's drive of Camp Pendleton in the San Diego-Los Angeles metropolitan complex.

For these people, as for all Americans, we must seek to leave a legacy that goes beyond good housing, vital industries and strong defense. We must also provide an endowment of parklands and recreational areas that will enrich their leisure opportunities and make the beauties of the earth and sea more accessible to them. As an important step toward creating such a legacy for the people of Southern California, I am pleased to announce today that fully one-third of the beach front area within Camp Pendleton will soon be made available for recreational use by the general public.

I recently requested the Secretary of Defense to initiate proceedings which will offer approximately six miles of the Camp Pendleton beach front, located on both sides of the San Onofre nuclear generating station, for parkland and public use, by transfer of title to the State of California. Another 3,400 acres of undeveloped land lying in back of Highway 101 on the San Clemente side of the base will also be made available either to public bodies, or for public sale, in which case the proceeds would under the law be added to the Land and Water Conservation Fund and used for Federal and local park development. In accordance with statute, Secretary Laird will inform the interested committees of the Congress that this property is to be released.

On Tuesday the Department of the Navy signed a lease agreement making some three miles of beach front south of the nuclear generating station available for immediate public use. This is a temporary arrangement undertaken in order to provide immediate public access to the beach area and to avoid any interference with plans which have been made by the State of California to open this segment of the beach front to the public during the school holidays in April. As soon as it becomes possible formally to declare that the entire six miles of beach front are in excess of Federal Government needs, the lease will be terminated and the six mile beach front area—with the exception of the site of the San Onofre nuclear generating station—will be deeded to the State of California for park purposes.

The Property Review Board, which I established last year, has studied the Camp Pendleton lands at my request, and has recommended the action I am announcing today. The Board is continuing its survey of the real property held by the Federal Government in every area of the country, and will make further recommendations concerning lands which can be better utilized if they are opened to the public. Further announcements will be forthcoming as quickly as additional properties can be cleared for improved use. I am confident that the result will be better Federal property management, improvements in the preservation and enjoyment of our natural environment, and a growing legacy of parks and recreational facilities that will benefit all Americans just as the Camp Pendleton action does.

IT APPEARS OUR DETERMINATION TO IMPLEMENT VIETNAMIZATION PROGRAM IS BEARING FRUIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Terry) is recognized for 1 minute.

Mr. TERRY. Mr. Speaker, in any nation's history, there are times when its entire existence seems threatened by events not capable of being controlled. In the past few years, we have seen this Nation edge toward such a position as a war in a far off land has all but engulfed us. Optimism has turned to despair. Commitment at times replaced by vacillation. In the wake of the New York Times case, our entire credibility as a Nation was laid bare before the world.

Suddenly despite the self-incrimination that resulted from these reports, we have for the first time in many, many months, the opportunity of hope that our adversary in Vietnam is responding at the conference table in Paris.

The degree of frustration which has resulted from our involvement in Vietnam is represented by many individuals, well motivated, but in my judgment working against an early settlement to the conflict, who have attempted to conduct negotiations through channels other than the normal means. Unfortunately these efforts have contributed to a confusion in this country and in many other nations.

The determination of the present administration to end our involvement in Vietnam was apparent from the first days of the President in office. Unfortunately, when the mistakes of the previous 8 years could not be rectified in the first months, the critics of the war again started their private diplomacy. Those who warned about such activities were rebuked as individuals who favored a continuation of the war.

Our experience in dealing with the Communists should have taught us that they respect strength and exploit weaknesses. Hanoi and the Vietcong have played on the confusion of the American people with great skill.

But in the past weeks, there are indications that at long last, the Vietcong and the North Vietnamese are willing to negotiate. Proposals have been offered which offer a real chance for substantive negotiations.

There are elements in their proposals which are unacceptable. They have called for the removal of President Thieu as well as withdrawal of all American men, material, and financial assistance. This of course would place the South Vietnamese in a vulnerable position.

Their proposal is still very encouraging. It appears that our determination to implement the Vietnamization program is bearing fruit.

There is undoubtedly tough negotiating ahead. Indications are that the enemy is planning an offensive undoubtedly designed to weaken the South Vietnamese negotiating position.

But we can only have cause for optimism that at long last, the Vietcong and the North Vietnamese have decided to propose a plan which has elements designed to produce meaningful negotiations.

CITATION OF DR. FRANK STANTON FOR CONTEMPT OF CONGRESS IS DIRECT CHALLENGE TO THE FIRST AMENDMENT'S LONGSTANDING PROTECTION OF PRESS FREEDOM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. James V. Stanton) is recognized for 10 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, to cite Dr. Frank Stanton for contempt of Congress is a direct challenge to the first amendment's longstanding protection of press freedom.

The House should reject the charge for several reasons.

First, there must be a clear and compelling national interest which cannot be served by any other alternative before a congressional subcommittee can demand to see a reporter's notes. Certainly there is not such national interest involved in "The Selling of the Pentagon." This principle was reaffirmed last year in the decision on Caldwell against United States.

Second, the grounds cited by the subcommittee are insufficient to support the charge of contempt of Congress.

In support of its subpena, the subcommittee contends that although a reporter's notes cannot be reached by subpena, as stated in Caldwell against United States, unused film outtakes can, since they "pertain to actual events" and are "not the private thoughts of the reporter."

However, outtakes are in fact television's counterpart to a reporter's notes.

A film interview is constitutionally undistinguishable from an interview in which a reporter makes his own written notes or uses a recording device.

The Supreme Court has repeatedly held that the first amendment prohibits compulsory disclosure of confidential associations and private communications obtained in a context analogous to a newsman's situation.

These decisions have placed the broadcast and print journalists on precisely the same footing. Whatever the test applied, the general rule is that the first amendment protects a newsman's sources and notes from compulsory disclosure by a court, Congress or any other investigating agency.

The first amendment provides broadcasters with the same protection as other forms of the press. And this protection is sufficient grounds to reject the charge of contempt and withdraw the subpena.

THE FAILURE OF THE SUMMER HIRING PROGRAM BY THE FEDERAL GOVERNMENT IN CLEVELAND, OHIO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, for over 6 years my office has closely followed the role of the Federal agencies in the Cleveland community in regard to summer employment for students who have taken the summer Civil Service test and for those young people who are economically disadvantaged.

I am very sorry to report today that this year's efforts by the Federal agencies in my home community of Cleveland are the lowest of any year in which this program has been in operation.

Several weeks ago, in connection with my great interest in this enormous employment problem, I wrote the following letter to every Cabinet officer in the hopes of stimulating greater effort on the part of every Federal agency for this critical summer. The letter was sent to the following Federal officials: Hon. Elliot L. Richardson, Hon. Clifford M. Hardin, Hon. George W. Romney, Hon. Melvin R. Laird, Hon. Maurice H. Stans, Hon. Rogers C. B. Morton, Hon. John N. Mitchell, Hon. James D. Hodgson, Hon. William P. Rogers, Hon. John A. Volpe, and Hon. John B. Connally, Jr. A sample of the text of the letter is as follows:

Washington, D.C.,
June 3, 1971.

Hon. Elliot L. Richardson,
Secretary, Department of Health, Education and Welfare, Washington, D.C.

Dear Mr. Secretary: As the summer approaches, I must share with you my deep concern for the plight of young people in the Greater Cleveland Community and similar communities throughout the Nation. Student employment opportunities are at a lower level than I have known them to be in the past twelve years.

I have noted that the Administration has announced plans for a massive job program for students this summer in an effort to deal with the massive unemployment among our young people. While these plans are laudable, they are tardy and may reach only a segment of those so critically needing employment to continue education.

In years past, I have worked closely with Cabinet Officers in an effort to open significant numbers of summer positions among the federal establishments within cities like ours to help meet this critical shortage of employment. It is my hope this year, that it would be possible for you to direct your offices in Cleveland to develop a greater number of summer positions than normally would be considered. Usually, in the past, one summer position would be developed for every 100 federal workers. In view of the unemployment crisis this year, would it not be possible to increase the ratio of summer positions to one for every 25–30 regular federal employees? Such a plan was effectively carried out during the summers of 1963, 1964 and 1965 and helped immeasurably in lessening the tensions which resulted from the frustration of unemployment and idleness.

It is essential that such positions should be fairly apportioned among young people who depend on such employment to continue their education or to upgrade their skills. It is essential for the federal government to provide leadership in the most critical area of unemployment confronting the Nation.

Your assistance and cooperation in this vital effort would be deeply appreciated.

Sincerely yours,

Charles A. Vanik,
Member of Congress.

The following are the texts of the replies which I received from some of the Cabinet Officers who replied. The letters are as follows:

U.S. Department of Justice,
Washington, D.C., June 11, 1971.

Hon. Charles A. Vanik,
House of Representatives,
Washington, D.C.

Dear Mr. Vanik: The Attorney General has asked that I reply to your letter of June 3, 1971, regarding your concern for student employment opportunities in Cleveland.

This Department shares your concern for student employment, and we are engaged in a sizable summer employment program. This year, our offices throughout the country will hire about 1,000 youngsters for the summer. This will include 14 young people in the Cleveland area. This number represents a ratio of approximately one young summer employee for each 23 regular Justice employees in Cleveland.

Sincerely,

Kenneth J. Stallo,
Director of Personnel and Training.

The Secretary of the Treasury,
Washington, D.C., June 22, 1971.

Hon. Charles A. Vanik,
House of Representatives, Washington, D.C.

Dear Mr. Vanik: I share with you your deep concern for unemployed young people throughout the Nation. As has been the case for the past several years, the President again this year asked that Federal agencies employ at least one disadvantaged youth for each 40 permanent full-time employees. The Department of the Treasury has always met this goal and in addition has hired many young people who are not disadvantaged. This year we hope to hire in excess of 2,700 young people throughout the country. In the greater Cleveland community, our four bureaus expect to hire one youth for each 24 permanent employees. We have 1,236 permanent employees and plan to hire 52 young people.

It is my goal that wherever the funds are available, we will hire just as many young people as we can where there is meaningful work to be performed. You have my best wishes for success in your efforts to increase the number of jobs available for young people.

Sincerely yours,

John Connally.

Secretary of Housing
and Urban Development,
Washington, D.C., June 28, 1971.

Hon. Charles A. Vanik,
House of Representatives,
Washington, D.C.

Dear Mr. Vanik: Thank you for your letter of June 3, 1971, in which you shared deep concern for the plight of young people in the Greater Cleveland Community and similar communities throughout the nation as far as summer employment opportunities are concerned, and of your suggestion that in view of the unemployment crisis this year that we consider the feasibility of increasing the ratio of summer positions from one for every 100 Federal workers to one for every 25–30 regular Federal employees in the Cleveland Community.

I am very happy to report that our summer hiring in the Cleveland Community is quite in line with your recommendation, in that we have allocated three positions for the 84 regular Federal employees.

This Department has always been quite concerned about job opportunities for our young people, and we appreciate your interest in this vital area. Whenever funds permit, we shall endeavor to provide more and more opportunities for the employment of our young people.

Thank you again for your interest in young people, and this Department.

Sincerely,

George Romney.

U.S. Department of Commerce,
Washington, D.C., June 11, 1971.

Hon. Charles A. Vanik,
House of Representatives,
Washington, D.C.

Dear Mr. Vanik: Secretary Stans has asked me to reply further to your letter of June 3, 1971, which was earlier acknowledged by Mr. Sol Mosher on June 4, 1971.

I have reviewed the Department of Commerce policy on Summer Employment of students in Washington as well as nationwide and have found the following.

This year the Department of Commerce will hire 1 disadvantaged youth for approximately every 40 permanent employees nationwide. These figures are based on March 31 personnel ceilings which were somewhat higher than our present employment figures.

We also will be hiring high school summer aides and high school junior fellows. Another program will be our "stay in school" group. These students are hired as part time employees during the school year and then converted to full time summer employees.

The combination of all these programs should result in the Department of Commerce hiring approximately 1250 summer employees nationwide. You can be assured that our office in Cleveland will also hire its fair share based on the ratio of approximately 1 summer for every 40 permanent employees.

I am sorry we cannot quite meet the ratio of 1 summer employee for every 25 or 30 permanent employees but I know you will agree that 1:40 is an improvement over 1:100.

If I can be of any further help in this matter, please feel free to contact me at any time.

Sincerely,

Edward W. Huffcut,
Special Assistant.

Department of State,
Washington, D.C., June 18, 1971.

Hon. Charles A. Vanik,
House of Representatives,
Washington, D.C.

Dear Mr. Vanik: The Secretary has asked me to reply to your letter dated June 3 in which you express deep interest in summer employment with the Federal Government for young people in the Cleveland area.

The Department of State has no offices in the Cleveland area. However, you may be interested in knowing that in those cities where we do have field offices, we will be employing a number of economically depirved youngsters. This is in addition to the youths we plan to employ in the Washington D.C. area.

We appreciate your writing us about the summer employment situation, and we hope that you will continue to call on us whenever you believe we can be of assistance.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary,
Congressional Relations.

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 18, 1971.
Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: Secretary Hardin has asked me to thank you for your letter of June 3, 1971.

I want to assure you that the Department of Agriculture actively participates in the President's effort to provide summer jobs for students. Last summer we hired more than 10,000 students, including 2,800 under special programs for the economically disadvantaged. We plan to hire about the same number this summer. Since our permanent employment is approximately 83,000, I think you will agree that we are doing our part.

Here is a recent Secretary's Memorandum in which Secretary Hardin has committed the Department to hiring at least one needy person for every 40 regular employees.

I wholeheartedly concur in your estimation of the importance of summer employment of youth. You can be sure that this program will continue to be given high-priority consideration in this Department.

Sincerely,

S. B. PRANGER,
Director of Personnel.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., June 16, 1971.
Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN VANIK: Thank you for your letter of June 3, 1971, expressing your concern about the lack of summer employment opportunities for young people. Secretary Hodgson has referred your letter to this office for reply.

As you know, the State of Ohio has recently received additional funds from the $105 million summer supplemental appropriation. The revised Neighborhood Youth Corps (NYC) summer program slot allocation for Cleveland will be 8,213.

In addition, the Manpower Administration, working through the Federal-State employment service system sponsors a nationwide Summer Employment Program to encourage employers to hire youth during the summer months. Applicants are referred from local employment service offices to private employers, government agencies and employers participating in the National Alliance of Businessmen's Youth/JOBS Program.

As you know the Civil Service Commission has implemented the Federal Summer Employment Program for Needy Youth every year since 1965. The Civil Service Commission has indicated that since 1968 the President has announced the goal of employing one needy youth in Federal agencies for every 40 regular employees. The Federal agencies in the Cleveland area have met, and generally exceed, this goal every year. This program is expected to provide meaningful work experience as well as financial assistance to youth to enable them to return to school in the fall. Although it is not one of the stated objectives of the program, the summer jobs may provide youth with opportunities to continue working part-time after returning to school in the fall.

I hope this information will be helpful to you. Please feel free to call on us if we can be of any further assistance.

Sincerely,

PAUL J. FASSER, Jr.,
Deputy Assistant Secretary,
Manpower and Manpower Administrator.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 11, 1971.
Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: This is in reply to your letter of June 3, 1971, concerning summer employment opportunities for youth in the Greater Cleveland Community.

In January of this year we asked the military departments and defense agencies to establish their plans for the employment of youth during the summer. While minimum component goals were prescribed in order to assure the continued support of this program at desirable levels, it was recognized that a successful campaign would depend on more than meeting numerical goals; that challenging and interesting work assignments would have to be provided these young people, particularly assignments which could be related to future adult employment. Consequently, all components of Defense were cautioned to not only direct their maximum available resources toward the employment of needy youth, but also to emphasize the development of productive and meaningful work assignments.

The summer employment plans of the Defense installations in the Cleveland area have been reviewed, and we are pleased to report that these installations plan to hire this summer one youth for every twenty-seven regular employees. More than three-fourths of the youths to be hired will be those with an established economic or educational need.

It is hoped that the above information will be helpful to you.

Sincerely,

CARL W. CLEWLOW,
Deputy Assistant Secretary of Defense,
Civilian Personnel Policy.

As can be seen, many of the agencies specified the numbers of young people to be employed in the Cleveland area. At this point it would be helpful to examine the actual statistics of the numbers of young people who were hired from Civil Service rolls, Special Civil Service Direct Hire; Youth Opportunity Corps, Schools Neighborhood Youth Corps, and the stay-in-school program. The chart is as follows:

CENSUS ON SUMMER HIRING IN CLEVELAND—1971

Agency	Civil Service Summer Program [1]	Civil Service Special Hire [2]	S. NYC	YOC	Stay-in school
I.R.S	2	0	20	0	0
Navy Finance	0	5	0	21	0
Social Security	0	0	10	10	0
Veterans Hospital, East Boulevard	0	0	175	0	0
Veterans Hospital, Brecksville	0	0	55	11	0
Coast Guard	0	0	4	8	2
Defense Contractor Administration	16	1	3	42	0
Post Office	5	0	0	5	0
NASA	1	0	121	0	0
FTC	0	0	0	1	0
FHA	0	0	0	1	2
SBA	0	0	2	2	0
Navy Printing	0	0	4	0	0
Navy Reserve Training Center	0	0	6	0	0
GSA	0	0	6	4	0
FAA	0	0	0	7	0
Labor-Bureau of Employees Compensation	0	0	5	1	0
Coast Guard U.S.S. Cod	0	0	2	0	0
EEOC	0	0	0	1	0
U.S. Marshal	0	0	0	3	0
Navy Recruiting	0	0	3	0	0
Army Recruiting	0	0	2	0	0
Civil Service Commission	0	0	2	0	0
Secret Service	0	0	0	2	0
Veterans Administration	0	1	15	4	0
	23	7	435	123	4

[1] The regular Civil Service Summer Hire program requires a special Civil Service entrance examination designed for this program. At present, entrants with scores in the high 90's are not being hired for lack of employment opportunities.

[2] The Special Hire Program of Civil Service allows a young person to be hired for the summer if his or her grade average is 3.5 out of 4 points or above without the usual Civil Service summer examination.

The remainder of the programs are associated with the Economic Opportunity program and are totally federally funded. The agencies involved do not have to use "in-house" funds for these programs. Obviously, they are oriented toward economically disadvantaged young people.

The Northern Ohio Region is comprised of several counties. Last year in the Northern Ohio Region, 320 young people were hired under the regular Summer Civil Service program. This year 82 were hired.

As can be seen, a total of 30 young people have been hired from the Civil Service rolls. This compares with a total of 93 in 1970 and 513 from all Civil Service programs for the summer of 1966. It is simply disgraceful that the Federal agencies in Cleveland have cut back their efforts to hire from regular summer Civil Service rolls in Cleveland. It appears to me from these statistics, contrary to the expressed intent of the letters which I received from heads of agencies in Washington, that most of the Federal agencies have not invested any of their resources to hire summer employees or interns as has always been the case in the past.

At a time when regular employment in the Cleveland area and throughout the Nation is severely curtailed, many young people had only the Federal Government to whom they could look for meaningful and gainful employment. In the instances brought to my attention through personal interviews, many of these young people took the summer Civil Service examination in the good faith and in the belief that there was a chance for summer employment if their scores were sufficient. As it turns out, that was hardly the case. Those with scores of 90 and above are not now being hired because the agencies did not budget for such employment in the first instance.

Apparently, the departments never authorized funds to be set aside from their budget to allow field offices of their agencies to allocate positions for summer hire. This attitude by the various Federal agencies has dashed the hopes of thousands of well-meaning young people who have desperately sought such employment and who believed that the already arduous employment application process for summer employment would mean a chance at gainful employment. This policy will critically affect plans for higher education. It will also spread disillusionment among young people concerning their opportunity to participate in Government programs.

As for the hiring program of those young people who are economically disadvantaged, the story is not too much better. As can be seen from the chart, a total of 562 disadvantaged young people have been hired. The funds for this program, as far as I can determine, are allocated from special Office of Economic Opportunity money, and other specially allocated funds, recently announced by the President. In other words, the hiring of these disadvantaged young people does not cost the agencies any funds from their regular budgets. Obviously, there is a commitment of staff time required to supervise these young people. But this commitment is by no means overwhelming.

While 562 disadvantaged young people have been hired in this year's summer program, that compares with 1,127 in 1970, 979 in 1969, 971 in 1968, and 894 in 1966. Even in the area of hiring the economically disadvantaged, the Federal agencies have fallen way below their own previous standards.

I might take this time to point out that the U.S. Postal Service is the worst of any of the agencies. In previous years, as can be seen from the chart, the Postal Service hired well over 500 per summer under all of the summer hire programs. This year they hired a grand total of five. It appears that this is now the policy of the new Postal Service since it has become partially independent of the Congress and the executive. This does not, in my judgment, mean that the Postal Service is independent of its responsibility to the public and especially hard-pressed young people who were expecting to be considered for employment in the Service.

What I fear, Mr. Speaker, is that the same situation is prevalent throughout the Nation. I suspect that if the other Members of this body check Federal summer hiring practices in their districts, they will find the same deplorable conditions.

Mr. Speaker, it is my sincere hope that the executive departments can still redirect the efforts of their agencies so that young people can still be hired throughout the Nation this summer. It is not too late. There is still time if the Cabinet officers in charge will take the responsibility to direct their field offices to apply the philosophy which they themselves expressed to me in the letters which I cited above.

I sincerely hope that the Cabinet officers and personnel directly involved in every Federal agency will avail themselves of this last opportunity to hire more young people both from the summer Civil Service rolls and the various Federal summer programs for the economically disadvantaged before time runs out. I shall again urge each Cabinet Officer and the Postmaster General to face up to this critical need.

In conclusion, I wish to insert at this point in the RECORD, the charts listing the Federal summer employment efforts for 1966 and 1970 to provide a direct means for my colleagues to compare them with the dreadful 1971 statistics. The 1966 and 1970 statistics on summer hiring by the Federal Government in Cleveland are as follows:

SUMMER EMPLOYMENT OF THE DISADVANTAGED, 1966—FEDERAL AGENCIES, CLEVELAND

Agency	Youth Opportunity	School Work Study	Neighborhood Youth Corps	Women's Job Corps	Total
Cleveland VA Hospital	12	191	21	36	260
NASA-Lewis Research Center	181	11			192
Post Office	183				183
Navy Finance Center	17	10	19		46
Department of Labor	18		15		33
Defense Supply Agency	28				28
Internal Revenue Service	21	1	4		26
VA Regional Office	8	17			25
Social Security Administration	10	13			23
Brecksville VA Hospital	10	9			19
Federal Aviation Agency	11	4			15
Immigration and Naturalization	2		6		8
Ninth Coast Guard District	5				5
General Services Administration	3		2		5
Customs Bureau	4				4
Federal Housing Administration	4				4
Air Force Recruiting			4		4
Army recruiting			4		4
Navy recruiting			2		2
Small Business Administration	2				2
Department of Agriculture	1				1
Department of Commerce	1				1
Federal Trade Commission	1				1
National Labor Relations Board	1				1
U.S. Army Engineers	1				1
U.S. Attorney	1				1
Total	525	256	77	36	894

OTHER SUMMER EMPLOYMENT PROGRAMS—1966 FEDERAL AGENCIES, CLEVELAND

Agency	ASPA intern	Student trainee	PO seasonal assistant	Office and science assistant	Total
Post Office			279		279
Defense Supply Agency	7	18		71	96
NASA-Lewis Research Center	4	53		25	82
Internal Revenue Service	3	2		29	34
Brecksville VA Hospital		9			9
Navy Finance Center	1			3	4
Social Security Administration				4	4
Federal Aviation Agency	2				2
Civil Service Commission	1				1
Cleveland VA Hospital				1	1
U.S. Attorney				1	1
Total	18	82	279	134	513

SUMMER EMPLOYMENT, DISADVANTAGED YOUTH—FEDERAL AGENCIES, CLEVELAND, OHIO

Agency	Aid hires [1]	Stay in school	School NYC	Total	Summer CSC exams
Post Office	185	320		505	62
Cleveland VAH	8		150	158	
NASA	54		81	135	
Brecksville VAH	10		69	79	
DCASR	29	2	19	50	26
VA Regional Office	15	2	16	33	
Internal Revenue Service	27	4		31	1
Navy Finance Center	21			21	2
Social Security	13		3	16	
Coast Guard	12			12	
Federal Aviation	4		7	11	1
Army Recruiting			8	8	
GSA	6			6	
Labor, BEC			6	6	
Agriculture	5			5	
EEO Commission	5			5	
Marine Recruiting			5	5	
AFEES			4	4	
Army Support Detachment	4			4	
Navy, FAA	4			4	
Small Business	1		3	4	
Corps of Engineers	3			3	
FHA	3			3	
Navy Reserve			3	3	
CSC–IAB	1		1	2	
Customs	2			2	
National Bank Examiners	2			2	1
Navy Recruiting			2	2	
Federal Trade Commission	1			1	
Labor, Wage and Hour	1			1	
NLRB	1			1	
Navy Printing	1			1	
Secret Service	1			1	
U.S. Attorney	1			1	
U.S. Marshal	1			1	
Weather Bureau	1			1	
Total	422	328	377	1, 127	93

[1] State employment service referrals.

THE SHARPSTOWN FOLLIES—XI

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday I began a discussion of how the now Assistant Attorney General Will Wilson, earned his very substantial fees from Frank Sharp and all the enterprises controlled by that felonious fraud. It would appear that the Department of Justice wants to protect Mr. Wilson from exposure, and so it has arranged to free Mr. Sharp from facing any criminal trial for his deeds. In fact, the Justice Department procured such a sweeping immunity order for Sharp that his attorneys argued that the Securities and Exchange Commission could not even ask for a Federal court injunction that would order Sharp to obey securities laws in the future. I understand that Judge Hughes, of Dallas, has nevertheless agreed to hear the case that the SEC will present.

Most of the enterprises that Sharp owned or controlled, and which he employed Will Wilson to represent as general counsel, are now either defunct or in various states of disarray and failure.

It seems to me that a duty of a counsel is to help his client know what the law is, and to see that his client stays within the law. According to that interpretation this is what Will Wilson was being paid by Frank Sharp to do.

However, in examining another example of the Sharp company dealings today, I can only conclude that Counselor Wilson knew nothing about his client's problems or that he saw nothing wrong with what Sharp was doing, or that his advice was ignored, although he did not seem constrained to quit the job as he would have done if he had felt strongly about the strange deals of his boss, Mr. Sharp. For that matter, Mr. Wilson does not protest at all the strange deal made by his present boss, Mr. Kleindeinst, that resulted in virtually no penalty and no possibility of penalty for Mr. Sharp.

Mr. Wilson was employed as general counsel of the Sharpstown State Bank. That bank performed fairly well in its first years of operation, but developed some problems in 1967. From that time on, Sharpstown State Bank was the site of wheeling and dealing that is almost beyond comprehension or belief. Bad management became progressively worse, and it is a matter of sheer conjecture whether the bank would have collapsed of its own weight had not events hastened its demise.

In analyzing the causes of the failure of the Sharpstown State Bank, the Chairman of the Federal Deposit Insurance Corporation noted that these were some of the signs of bad management in the bank:

> Self-serving transactions through extension of a large volume of questionable quality loans that exceeded statutory limitations to the control owner and related interests . . . disregard for requirements of statutes and regulations . . . and so on.

These self-serving tendencies, these dangerous practices were noted as early as 1967. Warnings of progressively more drastic nature went to the bank from supervisory agencies. Yet the conditions persisted and worsened until at last, Frank Sharp had incurred loans of $30 million to himself and his companies from his bank.

Some of this took place after Wilson left the employ of Frank Sharp; but some of it took place while he was working for Sharp. And so, especially in view of the report of the FDIC, that the bank was lending money to its officers and interests controlled by its officers in amounts above legal limits, and that it disregarded laws and regulations, I have to ask: What did Will Wilson know of all this? What part did he play in it? Was he an adviser who was ignored, or was he an adviser who operated in ignorance? Could it be that he might have been a party to these questionable practices of Sharp's insurance company, and still other odd doings of Sharp's realty company?

Wilson has not spoken. That is too bad, because as these deals are revealed, people can only conclude as I have that the Justice Department let Frank Sharp off the hook because they wanted to keep Will Wilson from being caught himself.

THE RIGHT OF AMERICAN CITIZENS TO ASSEMBLE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Tennessee (Mr. BLANTON) is recognized for 30 minutes.

Mr. BLANTON. Mr. Speaker, the right of American citizens to assemble to petition their Government for any reason whatsoever is a cherished privilege in our free society. Most important, it is a guaranteed right under the Constitution.

There comes a time, however, when we must emphasize duties which are concurrent with rights. I think we tend to talk too much about rights rather than our duties.

I have monitored the demonstrations in Washington, D.C., for the past 3 years, and have become increasingly alarmed at the expense the city of Washington incurs when mass demonstrations are held.

Last year, in a speech before this body—June 26, 1970—I listed a complete cost study made of demonstrations here in the Nation's Capital. The report and survey were conducted at my request by the Mayor of Washington.

I again requested an additional report this spring after the so-called May Day demonstrations. The Honorable Graham W. Watt, assistant to the Commissioner, responded and I would like to include the statistics he supplied me for the benefit of both my colleagues on the House Committee on the District of Columbia, and the Members of the House.

Mr. Watt said in his covering letter, in part:

> The District of Columbia government is very concerned about this situation. Until now the city has absorbed the costs of such events although they are not concerned with local issues or problems. However, the magnitude of the recent events makes it impossible for the District to continue to sustain these costs without additional financial support. We are currently examining various alternatives for obtaining relief, both for the immediate problem and for the future.

The cost of the May Day activities and the peaceful April 24 demonstration against the war was $3,920,781. Police services contributed 91.5 percent of these costs. District agencies have indicated an ability to absorb $2,021,138 of the total, leaving $1,899,643 requiring additional budget action.

The budget for the city of Washington, D.C., is lean enough without this extra burden. I think it is imperative for Congress to come up with measures which will assist the government and taxpayers of Washington, D.C.

Now these figures do not represent additional millions of dollars for the Federal Government outside of the District's expenses. The Federal Government spent as much as a half million dollars in bringing in additional Federal troops to the Washington area during the first week of May to cope with the threats of the May Day violence mongers. The National Guard had to be mobilized, costing hundreds of thousands of dollars. The total expenses for May Day probably exceed $4 million alone.

What about the local taxpayers? They bear the burden for both the cost of Federal action, as well as the loss to their own city during these demonstrations. Since 1969, damage to private property has exceeded $400,000 in antiwar demonstrations. The loss of revenue to commercial establishments in the Washington downtown area during these demonstrations probably exceed several million dollars. When commercial establishments do not generate much trade, then city tax revenues go down, thus amounting to a further burden on the District of Columbia.

I will be seeking, through the District of Columbia committee, various answers to these critical questions. Should the District of Columbia government bear the full cost through their budget for these antiwar demonstrations? Should demonstrators be forced to post some type of peace bond to pay for the costs resulting from their actions? Should the Federal Government allot specific funds in contingency to the District to take care of demonstrations?

Further, I want to have Congress to take a good hard look at the somewhat laxity of our laws relating to offenses during demonstrations.

We are relying on disorderly conduct and unlawful entry laws which were written expressly for individual incidents, such as the drunken man on the downtown streets, rather than for demonstration offenses.

We need to revise the District of Columbia Code to reflect the growing mass assembly offenses, or else tackle the perplexing problem of applying extraordinary measures during mass demonstrations from existing laws.

The system of "collateral," where a person posts $5, $10 or $25 and then can forfeit it without any further repercussions, tends to increase the tendency for youths to resort to violent acts, rather than hinder them. Collateral should be utilized as a measure to diminish criminal acts, not just as a punishment. You are not punishing people by making them pay a $10 fee. After all, a tourist from Tennessee driving in Washington can be fined $15 for making an illegal turn on a street—$5 more than a kid who throws a brick through a window at one of the frequent demonstrations here.

The District of Columbia Board of Judges sets the collateral, and in rare cases have they raised it to a level sufficient to deter demonstration violence. The power to set collateral is solely at the discretion of the judges. I think we ought to have statutory minimums and maximums set by law for violence occurring in groups of 25 people or more. It is ridiculous to fine a drunk $10 for disorderly conduct and a demonstrator the same amount when the latter is bent on destroying public property, and the former has no measures whatsoever.

My study of antiwar demonstrations in the Nation's Capital since 1969 indicate that over 14,000 people have been arrested for offenses taking place during these mass rallies, and over 1,000 have forfeited collateral of less than $25.

I have also learned from good sources that professional demonstration organizers actually pass the word along to prospective participants on college campuses that the chances of getting arrested in Washington during a demonstration are practically nil, and that, even if one is arrested, the "fine" is probably going to be $10. This was before, of course, the mass-arrests procedures used during May Day. Further, since the collateral is so low, many organizers bring along several thousand dollars in a "defense fund" to post the collateral for those who want to toss a few bricks or harass the police, or set a fire or two.

Our lax system begets further violence, and we have no one to blame but ourselves if we permit the situation to exist without changes in the laws to cope with this new mass-violence technique being deployed against the safety and order of our Nation's Capital.

Mr. Speaker, I wish to include in the RECORD, for the review of my colleagues, statistics from antiwar demonstrations since January 1969. I believe it will be most interesting to see, first, how the judicial process has failed; second, how burdened the city government here is with the expenses; and, third, the obvious need for a response by Congress to both situations:

THE DISTRICT OF COLUMBIA,
Washington, D.C., June 25, 1971.

Hon. RAY BLANTON,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. BLANTON: Thank you for your letter of May 5, 1971, regarding the antiwar demonstrators which occurred in Washington, D.C. during April and May of 1971. I very much appreciate your concern on this matter. I am happy to answer the questions you have raised and provide whatever information you seek in determining your policy positions on handling the cost of demonstrations and any revisions to the D.C. Code on the issue of collateral.

The number of arrests for the period April 18 through May 6, 1971 was 13,501.

The number of arrests for May 3, 1971, or 7,400, is an estimate due to the fact that the Police Department changed its means of operations because of the existing conditions, and computer records were not maintained.

Our Metropolitan Police Department has no means of determining the extent and cost of any property damage, although some is known to have occurred. There were 39 police officers and 35 civilians injured during the April and May events.

The Executive Officer of the District of Columbia Courts announced on June 9, 1971, the following court actions through and including June 8, 1971, with respect to the May Day and other demonstrations that occurred from April 28 through May 7, 1971:

Total cases filed	7,473
(Number of defendants	6,624)
Total cases disposed	3,215
Number papers	631
Nolle prosequi	645
Dismissed	908
Security forfeited	268
Judgment not guilty	75
Judgment guilty	688
Total cases pending	4,258

Of the guilty findings, 605 were by plea of Nolo Contendere, 20 by plea of guilty and 63 after trial. Of the 688 findings of guilty by the court, 259 were given suspended sentences, 58 were imposed a fine and 371 committed and released.

We have just completed our study of the costs to the District government of the three major events which required extraordinary security, sanitation and other services of District agencies—the peace demonstrations of April 24 and May 8, and the May Day activities which occurred from May 1 through May 7.

The total cost of all these activities was $3,920,781; $584,080 for the April 24 Peace March, $3,271,560 for the May Day activities and $65,141 for the May 8 Peace March. Police services were the major cost, constituting 91.5% of the total cost. District agencies have indicated an ability to absorb $2,021,138 of the total, leaving $1,899,643 requiring additional budget action. Supporting detail for these amounts is attached. The study precludes assessment of any intangible costs, such as revenue losses related to lessened commercial activities during the time of the demonstrations.

The District of Columbia government is very concerned about this situation. Until now the city has absorbed the costs of such events although they are not concerned with local issues or problems. However, the magnitude of the recent events makes it impossible for the District to continue to sustain these costs without additional financial support. We are currently examining various alternatives for obtaining relief, both for the immediate problem and for the future.

I would like to thank you again for your concern in this matter.

GRAHAM W. WATT,
Assistant to the Commissioner.

INAUGURAL ARRESTS JAN. 18, THROUGH JAN. 20, 1969

Charge	Total	Elect forfeit $10	Elect forfeit $25	Elect forfeit $5	Nolle pros	No paper	Guilty	Juveniles turned over to youth aid
Disorderly	75	70			1			4
Destruction of property	4	1					(1)	1
Mutilation of U.S. flag	3		2				(2)	
Pedestrian violation	9			9				
Depositing trash	1	1						
Placing advertisement	1		1					
Burning of U.S. flag	3		3					
Throwing missiles	2		2					
C.D.W.	2					1		1
Assault on police	1					1		1
Total	101	72	8	9	1	2	3	6

[1] 1-$100 or 30 days—1 to 30 days.
[2] 1 to 60 days.

NEW MOBILIZATION AND VIETNAM EMBASSY DEMONSTRATIONS NOV. 14 THROUGH NOV. 17, 1969

Charge	Total	Elect forfeit $10	Forfeit in court	No papers	Nolle pros	Not guilty	Dismissed	Continued in court	Juveniles turned over to youth aid	Guilty
Disorderly	172	105	38	11	7	2		1	8	
Destruction of property	2								1	(1)
Mutilation of U.S. flag	2			1					1	
Unlawful entry	2					2				
Demonstrating within 500 feet of an embassy	19				15	1	3			
Pedestrian violation	21	20	1							
Dangerous Drug Act	1							1		
Defacing Washington Monument	1		1							
C.D.W., knife	1					1				
Assault on police	3				2	1				
Trespassing	3			2					1	
Impeding traffic	1	1								
Unlawful assembly	2		1						1	
Total	230	126	41	14	24	7	3	2	12	1

[1] 1 to 180 days.

PEACE MARCH, AMERICAN UNIVERSITY DEMONSTRATION, AND HEW DEMONSTRATION, MAY 8 THROUGH MAY 14, 1970

Charge	Total	Elect forfeit $10	Elect forfeit $25	Forfeit in court	Guilty	Not guilty	No papers	Nolle pros	Continued in court	Juveniles turned over to youth aid	Turned over to ASPD
Disorderly	365	174	19	133	1	1	25	3	3	4	2
Destruction of property	3			2					1		
A.D.W.	1						1				
Assault on police	1								1		
P.P.W.	1						1				
Dangerous Drug Act	1								1		
Throwing missiles	1			1							
Indecent exposure	5		4	1							
Violation police line	10	5		5							
Improper riding auto	3	2		1							
No driver's permit	1			1							
Pedestrian violation	1	1									
Total	393	182	23	144	1	1	27	3	6	4	2

INJURIES/COST—ANTIWAR DEMONSTRATIONS IN WASHINGTON, D.C.

	October 1967	January 1969	October 1969	November 1969	May 1971
Injuries:					
a. To police officers	13	(1)	None	26	13
b. To military personnel	10	(1)	None	0	0
c. To demonstrators/onlookers	24	(1)	None	580 [2]	[2] 150
Estimated damage to public and private property	(1)	(1)	None	$244,130 to $268,130	$185, 325
Estimated cost to Government for police overtime and cleanup	$129, 475	$265, 100	$27, 422	$688,714	$600, 000

[1] Unknown.

[2] Major portion were those treated for exposure to tear gas.

SUMMARY OF COSTS TO THE DISTRICT OF COLUMBIA, ANTIWAR DEMONSTRATION OF MAY 9–10, 1970

Agency	Direct costs	Indirect costs	Total costs	Funds absorbed by agency	Additional funds needed
Office of the Commissioner	$253		$253	$253	
Public Affairs Office	268		268	268	
Corporation Counsel	1, 909		1, 909	181	$1, 729
Personnel Office	417		417	417	
Office of Community Services	71		71	71	
Department of General Services		$1, 283	1, 283	1, 283	
Office of Civil Defense	2, 722		2, 722	2, 722	
Department of Economic Development	2, 217		2, 217	2, 217	
Youth Opportunity Services	396		396	396	
Coroner's Office	199		199		199
Zoning Commission		60	60	60	
Metropolitan Police	528, 821		528, 821	528, 821	
Fire Department	$1, 083		$1, 083	$1, 083	
Juvenile Court	82		82	82	
Department of Corrections	15, 000		15, 000		
Recreation Department	4, 198		4, 198		$4, 198
National Park Service	27, 572		27, 572	27, 572	
Vocational Rehabilitation	187		187	187	
Public Health	5, 418	$958	6, 376	6, 376	
Public Welfare	498	133	631	631	
Department of Highways and Traffic	11, 402		11, 402		11, 402
Sanitary Engineering	8, 697		8, 697		8, 697
Total			613, 844		

Source: Office of Budget and Executive Management, May 22, 1970.

ANTIWAR DEMONSTRATION OF NOVEMBER 13–15, COSTS TO THE DISTRICT OF COLUMBIA

Agency	Direct costs	Indirect costs	Total costs	Funds absorbed by agency	Additional funds needed
Corporation Counsel	$3, 399		$3, 399	$3, 399	
Department of General Services		$3, 979	3, 979		$3, 979
Department of Economic Development	232		232	232	
Office of the Coroner	445		445	445	
Metropolitan Police	544, 502		544, 502	101, 220	443, 282
Fire Department	5, 642		5, 642		5, 642
Office of Civil Defense	2, 969	26	2, 995		2, 995
Legal Aid Agency	22		22	22	
D.C. Bail Agency	232		232	232	
Department of Corrections	10, 500	630	11, 130		11, 130
Public Schools	$107	$830	$937	$937	
Recreation Department	4, 209		4, 209		$4, 209
National Park Service	41, 725		41, 725	41, 725	
Department of Public Health	33, 989	1, 806	35, 795	15, 795	20, 000
Department of Public Welfare	9, 508		9, 508	9, 508	
Department of Highways and Traffic	17, 956		17, 956	17, 956	
Department of Sanitary Engineering	6, 006		6, 006		6, 006
Total	681, 523	7, 191	688, 714	191, 471	497, 243

Source: Office of Budget and Executive Department, Nov. 26, 1969.

COST OF DEMONSTRATIONS TO THE DISTRICT OF COLUMBIA, APRIL AND MAY 1971—SUMMARY BY PERSONAL SERVICES AND BENEFITS (01–02) AND OTHER OBJECTS (03)

Agency	Peace March, April 24			Mayday, May 1–7			Peace March, May 8			Total cost		
	Total cost	Personal services and benefits	Other objects	Total cost	Personal services and benefits	Other objects	Total cost	Personal services and benefits	Other objects	Total cost	Personal services and benefits	Other objects
Personnel Office				$233	$233					$233	$233	
Office of Civil Defense	$1, 236	$1, 236		1, 986	1, 285	$701	$78	$78		3, 300	2, 599	$701
Office of Corporation Counsel	518	478	$40	23, 480	17, 460	6, 020				23, 998	17, 938	6, 060
Finance and revenue	686	686								686	686	
Department of General Services	1, 148	1, 148		10, 622	10, 617	5	105	105		11, 875	11, 870	5
Public library	23	23								23	23	
Department of Economic Development	136	109	27							136	109	27
Youth Opportunity Services				700	700		531	531		1, 231	1, 231	
Human Relations Commission	1, 250	1, 000	250	1, 121	1, 121		119	119		2, 490	2, 240	250
Police department	529, 035	516, 490	12, 545	3, 002, 285	2, 806, 878	195, 407	55, 516	55, 516		3, 586, 836	3, 378, 884	207, 952
Fire department	1, 566	1, 566		20, 109	20, 010	99	448	448		22, 123	22, 024	99
Superior Court	532	532		47, 862	47, 862					48, 394	48, 394	
Bail Agency				15, 258	14, 972	286				15, 258	14, 972	286
Department of Corrections	1, 125	1, 075	50	42, 128	22, 622	19, 506				43, 253	23, 698	19, 555
Department of Recreation	2, 276	2, 276		1, 808	1, 808		238	238		4, 322	4, 322	
Department of Human Resources	18, 255	12, 290	5, 965	24, 211	17, 566	6, 645	2, 938	2, 666	$272	45, 404	32, 522	12, 882
Department of Highways and Traffic	8, 888	8, 082	806	61, 572	50, 315	11, 257	3, 244	3, 051	193	73, 704	61, 448	12, 256
Department of Santtary Engineering	17, 406	16, 292	1, 114	18, 185	15, 138	3, 047	1, 924	1, 754	170	37, 515	33, 184	4, 331
Total	584, 080	563, 283	20, 797	3, 271, 560	3, 028, 587	242, 973	65, 141	64, 506	635	3, 920, 781	3, 656, 377	264, 404

FINALITY OF JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, the innocent accused, when wrongly convicted, desperately needs ready access to the courts. His remedy is the writ of habeas corpus. That remedy is specifically recognized and defined in the statutes.

But the remedy is meaningless when it cannot be utilized promptly and dispositively. For the innocent convict, that remedy too often today is submerged in a flood of purely frivolous post-conviction proceedings initiated by the guilty convict solely for dilatory purposes. The cause of simple justice cries out for reform.

The Attorney General of the United States recently gave voice to that cry. In a speech addressed to the Alabama Bar Association in Huntsville, Ala., on June 25, 1971, he explained in graphic detail the urgency of the need. With the unanimous consent of the House, I quote herewith Attorney General Mitchell's comments:

RESTORING THE FINALITY OF JUSTICE

(An Address by John N. Mitchell, Attorney General of the United States)

The story is told that many years ago a bishop and a judge were arguing with one another as to who was the more powerful. The bishop said to the judge "All you can say to a man is 'You be hanged,' whereas I can say to him 'You be damned.' "

To this the judge responded, "Yes, but when I say 'You be hanged,' you *are* hanged."

Certainly this tale proclaims its own antiquity. Fortunately, the day is long past when a single sentencing judge had unreviewable discretion in determining the fate of a convicted criminal.

But today, both in the Federal and state criminal court systems, we have gone to the other extreme. In Federal courts alone, petitions for appeal in criminal cases more than quadrupled during the 1960s. It is not unusual for cases to drag through the courts for years. Frank Hogan of New York, the dean of American district attorneys, said, "there is virtually no such thing as finality in a judgment of conviction."

In my opinion this a serious misdirection of justice. The process of rehabilitating offenders is seriously impeded when they never reach the point of recognizing their own guilt. Justice must be fair, impartial, and protective of human rights, but it should also have another attribute—finality.

As you know, President Nixon has been very concerned about the effectiveness of the American judicial system. Last March, at the National Conference on the Judiciary in Williamsburg, Virginia, he delivered a major address calling for court reform. The United States Department of Justice is dedicated to this cause, and is doing what it can within its jurisdiction. It drafted and promoted the passage of the District of Columbia Court Reform and Criminal Procedure Act of 1970, which is an important example of reform. Through the Department's Law Enforcement Assistance Administration, we are providing funds to states and localities for improvement of their court systems. One of the most important of such projects has been proposed to LEAA by the 23rd Judicial Circuit, covering Madison County in which we meet tonight. It would study the causes of court congestion and delay, and recommend solutions. I am pleased to announce tonight that this project has been approved, and LEAA is granting nearly $57,000 for this purpose. The 23rd Circuit is contributing the time of the four circuit judges and courtroom staff, of County Bar Association personnel, and other operating expenses. It is hoped that the proposals from this project will be a model for other circuits.

So as you can see, court reform is in the air, and there are a number of us here tonight who are already involved in the process. In my regards I would like to deal with one aspect I have already introduced—the question of finality. And I would like to concentrate on one factor which in recent years has done more than any other to compound the problem.

Today, final judgments of conviction are subject not merely to direct attack on appeal, but to collateral attack through post-conviction remedies seemingly derived from the writ of habeas corpus. This means that when a criminal defendant has been convicted and sentenced in the state courts, and has exhausted his right of direct appeal to higher courts, he may nonetheless relitigate the case all over again in Federal courts on claims of constitutional violations, using the theory of habeas corpus.

The writ of habeas corpus became of importance in England during the fight against the prerogative of the King to commit persons without disclosing the cause of the arrest. Without the cause of the arrest made known, the prisoner could neither be bailed nor tried. The writ of habeas corpus was used by the courts to force the jailer to bring the person arrested before the court so that the court could determine the legality of the detention. It was only a pre-trial device to force the disclosure of the cause of detention. It could never be used after conviction.

In the United States the present form of the writ bears little resemblance to its early counterpart. The Federal writ was made available as a post-trial remedy for Federal prisoners as early as 1789, and for state prisoners in 1867. Since then its use in this manner has been greatly expanded by court decisions, especially since 1953.

Today in the post-conviction proceedings derived from habeas corpus, a single Federal district judge is called upon to redetermine questions of Federal constitutional law which may well have already been passed upon by the trial courts and the highest court of the state. Sometimes these involve new interpretations which change the legal concept on which the trial had been based years earlier. If he determines that a Federal constitutional violations has occurred and that it prejudiced the defendant's trial, he will order the conviction overturned. His decision is appealable by the losing party to the appropriate Federal court of appeals, and thereafter review may be sought in the Supreme Court.

Under existing law there is no limit to the habeas corpus-type petitions that can be filed by a prisoner. As the Supreme Court has construed the habeas corpus statute passed by Congress in 1867, a prisoner may raise a new claim at any time regardless of the number of petitions he may have filed earlier. The only limitation—and one very difficult to enforce—is that he must not have consciously and deliberately withheld the claim from his earlier petitions. Thus there are instances substantiated by Federal court records in which prisoners have filed as many as forty or fifty petitions, and there is one case with 57 petitions.

It is entirely permissible under existing law for a prisoner to file a Federal petition claiming that a confession given by him was coerced. Much later he may file another contending that evidence seized in his home was the product of an unreasonable search and seizure. Still later he may challenge the composition of his jury, or claim that adverse publicity prior to the trial prejudiced the result.

The Federal court must consider the merits of each of these claims, notwithstanding full prior adjudication of these same issues. In short, prisoners are almost entirely free under present law to have their convictions relitigated again and again on the basis of alleged constitutional infirmities, many of which are new interpretations suggested by an imaginative defense attorney.

This, in my judgment, is an exploitation of the court system. I think that today's notions of habeas corpus are not only inconsistent with the writ's historic tradition, but serves more often than not to frustrate justice rather to promote it. I do not mean that we should deny the right of the prisoner to challenge the constitutionality of the proceedings that led to his conviction. I do feel strongly that the use of collateral attack, which was intended only as an extraordinary remedy, must be brought under manageable control in order to restore some balance to the judicial process.

The abuse of habeas corpus not only distorts the function of the courts, but gives an undue legal advantage to the offender who can afford to retain an attorney on a continuing basis to think up new modes of attack. The indigent prisoner must, without legal training, think up his own grounds for attack, and the court determines whether the merit of his petition warrants assigning him a paid lawyer. In my opinion this represents an unequal application of justice.

There is another serious reason for such reform. The lack of finality has an effect on the rehabilitation of convicted persons. Writing in the Harvard Law Review, Professor Paul M. Bator of Harvard Law School has argued persuasively for more finality, and has pointed out its impact on the rehabilitation process. He observed that the first step in rehabilitating offenders is a "realization by the convict that he is justly subject to sanction, that he stands in need of rehabilitation. . . ."

Lack of finality may well have similar negative effects on the respect for law generally. Do we not demonstrate a certain lack of confidence in our legal processes if we must keep avenues open for endless redetermination of questions long ago passed upon by competent judicial tribunals? As Judge Henry Friendly, Chief Judge of the Court of Appeals for the Second Circuit, recently observed, "It is difficult to urge public respect for the judgments of criminal courts in one breath and to countenance free reopening of them in the next." In the same vein, Mr. Justice John M. Harlan, concurring in a recent Supreme Court opinion, observed:

"No one, not criminal defendants, not the judicial system, not society as a whole, is benefited by a judgment providing that a man shall tentatively go to jail today, but tomorrow and every day thereafter his continued incarceration shall be subject to fresh litigation on issues already resolved."

If some substantial percentage of the petitions filed were determined to be meritorious, perhaps there might be a basis for concluding that the expanded writ is necessary and that, on balance, it should be retained as it is. However, the statistics indicate that less than one percent of the petitions filed in the Federal courts are found to be meritorious. For every sound petition, there are scores of patently frivolous ones. As Mr. Justice Robert H. Jackson noted nearly twenty years ago, "It must prejudice the occasional meritorious application to be buried in a flood of worthless ones."

The manpower burden which the abuse of habeas corpus imposes on the courts, defense attorneys, and both local and Federal prosecutors is intolerable. It even contributes to the significant delays that exist in certain jurisdictions between arrest and trial. The number of petitions filed by state prisoners in the Federal courts each year is staggering, and the increases in that number over the past two decades are equally staggering.

Twenty years ago, for example, the number of petitions filed annually was less than 500. By 1960 the number had risen to 900, and since then the filings have multiplied more than eightfold to more than 7,500 in 1969.

The petitions could be disposed of in only one of two ways—either by consuming a substantial amount of time of lawyers and judges, or by being relegated to a sort of second-class type of Federal action, to which all parties concerned would give short shrift. Neither of these methods of disposition is a sound basis for administering criminal justice, in my view. Justice is not served when the litigation of frequently frivolous habeas corpus petitions diverts the energy and resources of the legal community from criminal cases, thus further undermining the Constitutional guarantee of speedy trial.

Now, if this is a fair statement of the finality problem, what can be done about it? Let me discuss three alternatives under consideration.

In his address on the subject of Federal habeas corpus, Judge Friendly has proposed that certain constitutional claims be open to review only if the petitioner makes what the judge terms a "colorable showing of innocence." Since the prisoner has already had a chance to challenge constitutionality at his trial and on direct appeal, there may be something to be said for limiting habeas corpus to claims which may demonstrate the petitioner's innocence.

Another alternative would be to limit the habeas corpus claims to those concerning the reliability of the fact-finding process. For example, where the constitutional claim does not affect the reliability of the evidence adduced—as in the case of unlawful searches and seizures, or the failure to warn of the right to counsel—such a claim could be made on direct appeal, but not on the use of the so-called Federal habeas corpus appeal. This is the same principle applied by the Supreme Court in determining whether certain of its constitutional decisions will or will not be retroactive.

Still another response could be to establish a Federal forum, other than the Supreme Court, to provide direct review of state and Federal convictions. This review could be a substitute for the present-day application of Federal habeas corpus. It could provide more opportunity for review than the Supreme Court now has time for, and there could still be the possibility of appeal from its rulings to the highest court. This could tighten up the review process and hasten finality.

You will note that none of these proposals contemplates revoking the Federal habeas corpus statute, but only providing some modification. And in identifying these various alternatives, I do not mean that we should adopt them all simultaneously or that we should choose only one. A combination of two or more, in varying degrees, might be desirable. Each has its own merits and its problems.

I have catalogued them, not to endorse any or all, but to further expand the dialogue that must occur within the legal profession if we are to restore the element of finality to the justice process. We in the Department of Justice are examining these various alternatives so as to make recommendations. I urge other interested organizations to do the same. The Judicial Conference of the United States, too, should play an instrumental role in developing any remedy. Views should also come from the Conference of State Chief Justices, the National Association of State Attorneys General, and appropriate representatives of the criminal defense bar. Since the present-day use of habeas corpus as a post-trial remedy stems from a Federal statute, I would hope that Congress will join in this review, looking toward meaningful amendment of the law.

Above all, I feel that some consensus must be reached without too much delay. As matters now stand, the unrestricted application of habeas corpus is robbing the judicial process of whatever finality it had a few years ago. Partly because of this abuse, our courts are fast moving toward a state of, to borrow Milton's words, "confusion worse confounded." There is no doubt in my mind that collateral attack using the writ of habeas corpus must be brought within reasonable bounds. If so, we can restore to American justice that moment of truth in which the guilty may begin rehabilitation, and the innocent may go free.

DR. DELYTE MORRIS—A TRIBUTE TO A GREAT EDUCATOR

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, few men can equal the record compiled by Dr. Delyte Morris retiring president emeritus of Southern Illinois University. In his 23 years as university president and president emeritus, Southern Illinois University emerged from the academic back waters as a struggling teachers college to a modern university complex that is the 17th largest university in the United States.

From 1948 until 1970 as university president, Delyte Morris' leadership and inspiration saw the university increase its student enrollment from 3,013 to 35,000 and undertake the development of a new campus at Edwardsville, Ill., in addition to its original campus at Carbondale. Additionally, a new dental school is soon to be opened.

Delyte Morris has been more than a builder or entrepreneur. He has fought valiantly for the students and the faculty. He has breathed life into the university in order that its academic standing is top rated. Delyte Morris' spirit embodies the whole of the university. It is a personal monument to his strength and imagination.

On August 31, when he retires as president emeritus the education community will lose an invaluable resource. I know of no other man who has been as responsible for bringing quality higher education to Southern Illinois than Delyte Morris. His impact, however, does not stop there. Today, Southern Illinois University has a graduate studies program in Washington, D.C., as well as a number of education components overseas.

Delyte Morris is a man of broad vision. He forged a strong partnership between the university and the areas in which it is located. To him, the unversity functions to serve all the people.

Now 67, Delyte Morris has been involved in public education for 43 years. His major positions have included instructor in public speaking and director of forensic activities at the University of Maine, chairman of the speech department and director of the special education clinics at Indiana State Teachers' College and professor of speech and director of the speech and hearing clinic at Ohio State University.

CHAPTER IX—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the ninth in a series of articles on children and youth and maternal and infant care programs. Support for H.R. 7657, as amended, is increasing. The bill which would extend for an additional 5 years the children and youth and maternal and infant care programs which are now slated for oblivion as of June 30, 1972, has at this time 77 cosponsors and 16 cosponsors in the Senate.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the Record descriptions of six children and youth programs.

The material follows:

Children and Youth Project No. 638—Miami, Fla.

The University of Miami Comprehensive Health Care program for Children and Youth No. 638 began in May 1967 and saw its first patient in the latter part of 1967. Its present budget is approximately $675,000 in Federal Funds and $225,000 in local matching funds from the Dade County Department of Hospitals.

Five thousand patients are presently receiving comprehensive health services. The patient population is more or less equally divided between Black, Spanish speaking and Caucasian patients. A complete range of health services is provided. Costs of care per patient have decreased 70% since project initiation. The basic service component has allowed us to augmented our program by receiving additional funds to evaluate our program and to receive HEW funds to train medical students in public health. What does terminating our C&Y Project mean:

(1) It means that a portion of the 5,000 children and youth aged birth to 20 years will return to undignified, fragmented, episodic health services; it means that the remainder will receive no care at all.

(2) It means that the promises we have made to 5,000 children and their families is broken.

(3) It means that the many patients who are now maintained in a level of health supervision, return to the meaningless and more costly curative health cycle.

(4) It means lowered immunization levels and the possibility of epidemics (like the 1970 diphtheria epidemic) spreading to include the children and youth in our 10 square mile geographic area.

(5) It means the termination of the C & Y Pediatric Rehabilitation Clinic at Jackson Memorial Hospital and that the children who now receive physical therapy, pros-

thesis and exceptional orthopedic services will continue to limp, have untreated spinal curvatures, and other untreated physical handicaps.

(6) It means the end to the enthusiasm generated at all levels of the University of Miami School of Medicine in Community Medicine. It means the end to the inroads made in educating faculty, staff, and students to the importance of health care delivery. It means an end to one of the most ingenious models ever developed to get medical students (⅓ of C & Y Projects are located in Medical Schools) excited in community and public health to the point of making career plans in this field.

(7) It means the end to our demonstration programs. Fifty predominantly Black students at Miami Jackson High School in 2 classrooms will not get the complete dental and medical services they are now receiving; they will no longer enjoy a 2 hour weekly conference with our physicians, psychologist, psychiatrist, and dentist that occurs during regular school hours.

(8) It means that the weekly health education column in dentistry that our staff writes in the local newspaper (anonymously) will terminate and the small strides that have been made in getting the concept of preventive dentistry to the public is no more.

(9) It means the end to the clothing boutique which has been set-up for the teenagers in our area; it means that the clothes donated to us by Burdines, Jordan Marsh and others do not get channelled to the ghetto teen-agers who now wear them with pride and dignity.

(10) It means that Willy Carter and Susan Morales do not go to summer diabetic camp.

(11) It means that the Boy Scout Troop which our staff people sponsor terminates.

(12) It means that children like Melodie Riviera, now 18 months and normal would have now been dead, or crippled from heart disease to the point of being unable to ambulate.

(13) It means that treatable diseases in early stages would again be left to smolder and mature. It means that high levels of anemia would again flourish, that other nutritional diseases would increase, and that children eat their school lunches in pain from caries and oral infection.

(14) And lastly it means that the children in our community decide again that they have no friends in the Establishment, and they return to a life of militancy, antisocial behavior, juvenile delinquency and cycle of poverty.

The Children and Youth Project No. 637—Nashville, Tenn.

The Meharry Children and Youth Project (C & Y), funded originally under a grant from the U.S. Children's Bureau of the Department of Health, Education, and Welfare, has been in operation since March 1968. This program is an integral functioning part of the Department of Pediatrics of Meharry Medical College of Nashville. The Program offers complete health care services to a patient population of approximately 12,000 children from birth to 18 years of age. At present more than 6,500 of these children have been registered for services. The target area served is approximately 85 square miles, covering the North and Northwest portions of Metropolitan Nashville. About 70% of the children registered come from families with an annual income of less than $3,000.00.

The C & Y Project is staffed by competent and well-qualified professionals, including pediatricians, dentist, public health nurses, a speech pathologist and hearing specialist, a nutritionist, child psychologist and others.

Comprehensive medical and dental care is provided to children from birth through age 18, with special emphasis on the preschool years (3 through 6 years of age). The comprehensive care provided routinely includes complete medical and dental care (with periodic planned revisits for complete well-child re-evaluation and re-screening), audiometric screening and therapy, speech evaluation and therapy, psychological screening and counseling, nursing service, social service and nutritional guidance.

The complete facilities of Meharry Medical College and its teaching hospital (Hubbard Hospital) are available to all children registered under the Children and Youth Program. In addition, the Meharry Child Development Clinic provides consultation, counseling and supervision for C & Y children who are mentally retarded or emotionally disturbed.

During the past year (January through December, 1970) there were more than 10,000 patients visits to the Center, and approximately 36,000 separate items of patient service were rendered.

In addition to the wide array of services provided our patients, the Meharry Children and Youth Project also is actively involved in teaching and in health research in its ambulatory setting. Medical and dental students from Meharry Medical College and nursing students from Tennessee State University, the University of Tennessee and Vanderbilt University have rotated through the Center as a part of their out-patient experience. Fisk University senior students, who are interested in communications disorders, observe demonstrations in audiological and speech and language testing procedures and are instructed with regard to basic principles of audiology and speech pathology.

Research is now underway, in cooperation with the University of Minnesota and Ohio State University, to determine the nutritional status of our children.

The Meharry Children and Youth Project is the only Comprehensive Care Program in the whole of Middle Tennessee which is child-oriented and which concentrates all its resources on the delivery of broad and comprehensive care to needy children of all ethnic groups.

During the past 3 years of operation of the program there has been considerable improvement in the health status of children of the community, and from all indications the need for hospitalization within this group has declined perceptibly. It is our opinion, and that of knowledgeable people in the community that, the loss of this project will have disastrous results on the medical and social welfare of our children inasmuch as there is no equivalent alternate facility available to take care of their many, many health needs.

Children and Youth Project No. 619—Philadelphia, Pa.

The Hahnemann Children and Youth Program is the core of a Family Maintenance Program of Comprehensive Health Care. It necessarily includes the need of recognizing and treating health problems not only of the children but also of the adult members in the family. Thus, the Program is essential to the introduction of Preventive Maintenance Plans in the community, and to the Hahnemann concept of community-based diagnostic service centers in the Center City area. The Ambulatory Out-patient Clinics at the Hospital serve as the back-up facility for these health centers.

This Program of Comprehensive Care includes complete history, physical examination, treatment for identified health problems, and an appropriate follow-up to insure the progress of the child toward a stable condition. The process of treatment also includes a collaborative effort between the Progress Staff and the family to correct environment and educational deficiencies which are detrimental to maintaining health.

To accomplish this goal, the Children and Youth Program and their Grantee organizations mobilize a varied staff of professional health practitioners. In the Hahnemann Department of Pediatrics C&Y Program—Project 619—our organization includes Pediatricians, Nurses, Nurses Aides, Dentists, Dental Hygienists, Social Workers, a Nutrition and Nutritional Health Education Staff, and a Community Relations Staff. This group is under the direction of the Chairman of the Department of Pediatrics. For some of the staff, funding comes from hospital or other sources, as well as from the Children and Youth Program.

Termination of the Children and Youth Program would force us to give up the Comprehensive Care Concept, drop our secondary and tertiary health service staff, and return to the concept of Emergency or Episodic Care only. This would seem to be a direct reversal of policy, and would undo much of the accomplishment listed herein, and, more importantly, would say to our Community that the things which we have already demonstrated can be done for the health of their children are really not important.

Children and Youth Project No. 603—Minneapolis, Minn.

The Minneapolis Health Department has had a Maternity and Infant Care Project #509 since 1964 and a Children and Youth Project #603 since 1966.

The Maternity and Infant Care Project made it possible for the first time to set up a neighborhood maternity clinic in the City of Minneapolis. Many of the women that we are serving are very high risk. Before the Project started, over 60% of women delivering at the County Hospital had no prenatal care. At the present time only about 17% of women deliver at the hospital without prenatal care. We believe that the project has had a profound impact on quality of care not only among its own patients but also among other low-income patients through the educational programs we are conducting. At the beginning of the project, patients usually sought care in their third trimester. At present, the majority begin care in their first and second trimesters.

The Children and Youth Project was added on to the existing well child clinics of the Health Department and a sub-project was started by the University of Minnesota. Prior to the project both the Health Department and local school had found many children with health problems, but there were few resources to have these problems taken care of because of the rigid financial and residential eligibility requirements of the county hospital, which still exist. Even the advent of funds through Title XIX (Medical Assistance to Children) did not provide the help that was expected because the high risk families usually place such a low priority on health and need a great deal of assistance to get the health care for their children that they require. This is made possible through the social workers, home economist and community health aides that the project is able to hire and which are not traditionally part of health departments or other health resources.

In the past, the Minnesota State Health Department has not given priority to providing maternal and child health funds to Minneapolis because we have been told we have our own tax base and must provide services ourselves out of this. We are afraid that if federal grants do not come directly to the Minneapolis Health Department the funds will either be drastically reduced or eliminated. This is evident through a recent communication from the Minnesota State Health Department to Dr. C. A. Smith, Commissioner of Health of Minneapolis, that U.S. Public Health Service funds to the Minneapolis Health Department in the areas of tuberculosis control, immunization, etc. will be greatly reduced for the next fiscal year.

Therefore, I urgently request that legislation be introduced extending Federal jurisdiction over C & Y and M & I Projects through 1977.

Children and Youth Project No. 644—Omaha, Nebr.

The Children and Youth Project No. 644 is a combined and cooperative effort between the Creighton University School of Medicine and the Omaha-Douglas County Health Department. In 1967, before the Children and Youth Project, the Health Department conducted 26 Child Health Clinics per month, and the Creighton Out-Patient Pediatric Clinic was open five mornings a week and hospitalization was at Creighton Memorial, St. Joseph's Hospital or Children's Memorial Hospital. Average figures were: 350 Health Department visits per month and 150 to 200 for the pediatric clinic. As of March 1971, this program has grown to 40 Child Health Clinics per month, Pediatric Clinics meet all day with five evening sessions each week, and emergency services are available at all hours of the day or night or on the weekend at St. Joseph's Hospital. A full complement of services is available—general medical and subspecialities, dental, nursing, social work, nutrition, health education, speech and hearing, psychiatry, and rehabilitation and occupational therapy via referral to special institutes. The Children and Youth Project No. 644 has had a tremendous growth based primarily on the quality and quantity of services offered. As of March 31, 1971, 13,690 children have been registered in the project. In the last complete year of operation, there were 10,980 children registered; 15,430 outpatient visits were seen in the Pediatric Clinic; the Child Health Clinics saw 5,928 patient visits; and 2,349 dental visits were made as well as home visits; public health home visits were made for 8,328 home visits. New and innovative ways have reduced excessive duplication have decreased gaps in service. The emphasis of this Project is service to children and youth. Interchange of personnel has been extremely helpful in extending services of professional personnel for the maximum use. Use of central health records and telecode system has demonstrated to all staff the benefit of central health records and communications. Patients have an easy, continuous and coordinated exchange of information and services reducing unnecessary duplication, diminishing gaps in service and conserving the mother's time in seeking health services. Any reduction of the Children and Youth Project No. 644 in this area would deny comprehensive medical care to over 14,000 children in the target areas of poverty.

Children and Youth Project No. 602-2—Jamaica Plain, Mass.

The Martha Eliot Health Center is a comprehensive neighborhood health center located in the Bromley Health Housing Project in the Jamaica Plain section of Boston. The Center has been supported by two federal programs, the Maternal and Infant Care Program and the Children and Youth Program.

In order to understand the full impact of the Martha Eliot Health Center on this community, it is necessary to know what the community is like, what services the Center provides, and what the Center's actual experience has been over the past four years since its inception.

The portion of the Jamaica Plain community served by the Martha Eliot Health Center suffers from poverty and urban blight, both of which increase yearly. There are over 17,000 people in the area, many elderly, many children, many women, and few income producing males. The median income for a family of four is under $6,000. Over 40% of the population is on public assistance.

The population is racially and ethnically mixed. Almost 50% are black; 25% are Spanish speaking with a mixture of Cuban refugees and Puerto Ricans. There is also a small colony of Greek immigrants.

The municipal services to this community are poor. The schools are inadequate. Criminal activity increases daily while police protection appears to diminish almost as rapidly. Drugs, violence, crime, unemployment, chronic poverty, inadequate housing, poor transportation services all create the overwhelmingly depressing environment of this community.

Until the Martha Eliot Health Center was created, health services were limited to the emergency rooms and outpatients clinics of distant hospitals. The Boston City Hospital served the bulk of the needs of the community, despite the difficulty in getting there and the overcrowded impersonal fragmented service that was received once a patient did get there.

The Martha Eliot Health Center was started in 1967 through the efforts of the Harvard School of Public Health, Children's Hospital Medical Center, the Boston Hospital for Women, the community, and the State Department of Public Health. It is now a complete health center through the assistance of the Peter Bent Brigham Hospital which has helped add on an adult health service.

Services offered at the Martha Eliot Health Center include comprehensive pediatric care, maternity care, adult health care, dentistry, mental health services, social services, home nurse care, outreach and community development services and emergency child care.

The Center has become far more than a clinic delivering medical care; it has become a potent community force. It employs and trains community personnel. It has served as the catalyst in the development of an infant day care center and a drug rehabilitation center. It has brought into the community other agencies so that they might focus services thus multiplying benefits.

The Center has registered over 85% of the families in the area. The volume of health care provided is extremely high; 13,000 pediatric visits per year, 6000 obstetrical and family planning visits and over 6000 dental visits.

Published studies have documented the acceptance of the Center by the community and evaluating studies have shown significant charges in the health care patterns and general health level of the community since the Martha Eliot Health Center opened its doors.

If the Martha Eliot Health Center does not survive, this community would suffer irreparably. First, the cost of delivering health services would increase considerably for many reasons. The patients would have to travel to emergency rooms, hospitalizations would necessarily have to increase, and disease states would not be treated in their early, manageable stages.

Secondly, the general child welfare would suffer. Without the Center as the portal of entry of a large number of service organizations, coordinating and mobilizing child welfare services, the community would not be able to benefit from the services. The Center has become *the* strong community agency, a key link to the network now created.

The Martha Eliot Health Center is a dynamic, evolving, and growing institution. It has flourished on the steady base provided by the C & Y and M & I grants. Without this support the Center would lose its ability to serve the community. The Jamaica Plain community has seen the Martha Eliot Health Center survive while other government programs have faltered, failed, or found themselves no longer funded. If this was to happen to their health center, the slender bond of trust with the establishment that has been created would be severed probably permanently.

MATERNITY AND INFANT CARE PROJECTS

(Mr. MITCHELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MITCHELL. Mr. Speaker, the distinguished Appropriations Committee is now considering the Maternal and Child Health Service budget for the coming fiscal year. I would like to emphasize the important contribution one particular project is making to the organization of community health services in our Nation. I am referring to the maternity and infant care projects, authorized in 1963, and now providing comprehensive community based care to low income, high risk patients.

The maternal and infant care projects began operation in the spring of 1964. There are now 56 projects in operation in 35 States. These programs are located in rural as well as urban areas, although the emphasis has been on reaching the inner city ghetto population. Maternal and Infant care programs are providing prenatal care, hospital inpatient care, delivery and postpartum care for about 125,000 women a year. Over 60 percent of the M. & I. project centers are located in cities with a population of 100,000 and over. The centers serve exclusively low income districts. Sixty percent of all women served in 1970 were black, reflecting the urban location of the projects, as well as the predominance of blacks in the medically indigent segment of the population. Federal funds are meeting up to 75 percent of the cost of these projects, and the States are willingly contributing more than the required 25 percent.

Besides the obvious objective of reducing maternal and infant mortality and morbidity through the provision of comprehensive maternity services, the M. & I. projects have assisted communities in organizing their maternity and infant care services to increase the accessibility of care as well as improve the quality of care. These programs help to mobilize community resources to provide a better and more effective delivery system—a delivery system that is sensitive and responsive and reflects the needs of the patient population.

In many areas, M. & I. projects have served as prototypes for several subsequent programs with similar objectives to alter the present woefully inadequate pattern of providing medical care to the poor.

Maternity and infant care programs allow for the decentralization of needed services into ghetto neighborhoods, reducing the gross overcrowding of our municipal hospitals. They are providing care to areas where there are few physicians in private practice and where the existing clinics are terribly overcrowded. M. & I. projects are reaching pregnant women in low-income areas, where community workers help to promote public prenatal care. In total, M. & I. programs are helping to establish well organized, community based systems of health care delivery to provide comprehensive medical services, including casefinding, prevention, health supervision, diagnosis and treatment.

The referral system between maternity and infant care projects and other community agencies allows for the provision of care on a comprehensive basis and assures coordination and cooperation between the various community projects responsible for the delivery of care. These agency interrelationships help to identify families whose problems are aggravated by the lack of coordination of community resources. Thirty-eight children and youth and M. & I. projects have working relationships with the Office of Economic Opportunity, Community Health Services and NCFPS projects and activities. The relationship among these programs may include patient referral, sharing of clinics and other facilities, or sharing of personnel.

In these programs community resources are being utilized to improve the quality of life of low-income urban people. I urge my colleagues to consider the benefits being derived from these programs, particularly the M. & I. and C. & Y. projects, as we prepare to consider the health appropriations measure for fiscal year 1972.

The American Academy of Pediatrics and the Coalition for Health Funding have recommended an appropriation of $130 million for maternal and child health special projects. This increase of $40 million over the President's request would indeed indicate that the health of our children and of our low-income citizens is a national priority.

MODEL CITIES FAILURE

(Mr. THOMPSON of Georgia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMPSON of Georgia. Mr. Speaker, one of the causes of civil unrest is the disparity between the promises of government and the performance of government. When the American people are led to believe that the government is performing in one fashion and then discover that the government is, in fact, performing in another fashion, they become rightly angered. The disclosure of the Pentagon papers makes us all too painfully aware of this because of the alleged deceptions practiced by the Johnson administration in Vietnam. Those of us who live in the South are well aware of the gap, in the eyes of the public, between what the Nixon administration says it stands for and what it does in the area of housing and schools. Just 2 weeks ago I spoke out here on the floor against this particular disparity between promise and performance. Now I must address myself to yet another ugly contrast between that which we have been told to expect by the Johnson administration who conceived the Model Cities program and that which we find to be true. I am referring to the performance of the Model Cities program in Atlanta.

Model Cities was supposed to mean new housing, better health care, job development, educational improvement, and increased recreational facilities in the targeted part of Atlanta. This is what we were led to expect. What we find, however, is quite different.

After 2 years of planning and 2 more years supposedly devoted to action, $16 million has been spent in the Atlanta model cities program. The lack of results of this program are scandalous.

A conservative estimate is that at least 1,000 families have been displaced by the demolition of housing in the model cities area. Not one single new permanent housing unit—not one unit, Mr. Speaker—has been built by model cities. Atlanta model cities Director Johnny Johnson estimates that no new housing units will be ready for occupancy until January of 1973, this presumably, after 2 more years of spending millions of taxpayer dollars which displace additional families.

It should be pointed out that the failure of model cities to build housing on available land in Atlanta makes one skeptical about the purpose of model cities and seems to confirm charges that Secretary Romney is seeking to place public housing in the suburbs rather than on available land cleared of homes by model cities money.

I must say that model cities did spend $2 million for 200 mobile trailer homes, which model cities then left unoccupied and idle for more than 6 months after taking delivery. As of the end of May many of these mobile homes were still unoccupied.

Here I present only one example, a housing example, of what this program has done to, not for, the residents of Atlanta—all at a tremendous cost to the taxpayers. The Atlanta constitution, ordinarily a supporter of social action programs, has called Atlanta model cities a colossal failure.

There are those who will say that Atlanta is an isolated case. I do not think so. A recent investigation showed the same deleterious impact of model cities on New York City's housing. Though there have been some modest successes with the model cities program in some areas, we must weigh these successes both against the money expended and against the human suffering actually caused by the program in other locales. As the Atlanta director himself said, model cities both in Atlanta and throughout the country is "about to lose—its—credibility." In my opinion, and in the view of those in my district who suffer from model cities, the program has long since lost its credibility.

I believe that this disparity between promise and performance is inherent in all such schemes of social engineering. Until we realize this, the people's distrust of its government will grow.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. GRASSO (at the request of Mr. BOGGS), for today, on account of illness in the family.

Mr. MATHIS of Georgia (at the request of Mr. BOGGS), for today, on account of official business.

Mr. McKEVITT (at the request of Mr. GERALD R. FORD), beginning 5 p.m. today, and the balance of the week, on account of official business as member of the House Subcommittee on Immigration.

Mr. DENNIS (at the request of Mr. GERALD R. FORD), beginning 5 p.m. today, and the balance of the week, on account of official business as a member of the House Subcommittee on Immigration.

Mr. CORMAN, for Thursday, July 8, 1971, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DEVINE, for 15 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. WHITEHURST) and to revise and extend their remarks and include therein extraneous matter:)

Mr. MATHIAS of California, for 10 minutes, today.

Mr. MICHEL, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. BELL, for 30 minutes, today.

Mr. POFF, for 10 minutes, today.

Mr. TERRY, for 1 minute, today.

Mr. BROYHILL of North Carolina, for 1 hour, on Monday, July 12.

(The following Members (at the request of Mr. DENHOLM) and to revise and extend their remarks and include extraneous matter:)

Mr. JAMES V. STANTON, for 10 minutes, today.

Mr. VANIK, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. BLANTON, for 30 minutes, today.

Mr. MOSS, for 60 minutes, on July 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. STAGGERS to include extraneous matter in his remarks made today.

Mr. RARICK, and to include a press release, in his remarks during general debate in the Committee of the Whole today on the Export-Import Bank bill.

Mr. STAGGERS in two instances.

(The following Members (at the request of Mr. WHITEHURST) and to include extraneous matter:)

Mr. DEVINE.

Mr. DICKINSON.

Mr. ROBISON of New York in three instances.

Mr. MICHEL in two instances.

Mr. DERWINSKI.

Mr. KUYKENDALL.

Mr. SHRIVER.

Mr. BRAY in two instances.

Mr. HOSMER in two instances.

Mr. WYMAN in two instances.

Mr. MILLER of Ohio.

Mr. McCLORY in two instances.

Mr. KEATING in two instances.

Mr. ZWACH in two instances.

Mr. PRICE of Texas in four instances.

Mr. Veysey.

Mr. Schmitz.

Mr. Duncan.

Mr. Goldwater.

Mr. Hunt.

Mr. Baker in two instances.

Mr. Anderson of Illinois in two instances.

Mr. Broyhill of Virginia.

Mr. Brown of Ohio.

Mr. Collier in three instances.

Mr. Pelly in two instances.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. Brademas in 10 instances.

Mr. Fraser.

Mr. Drinan in two instances.

Mr. Badillo.

Mr. Dingell in two instances.

Mr. McFall in two instances.

Mr. Carney.

Mr. Kluczynski in two instances.

Mr. Begich in three instances.

Mr. Waldie.

Mr. Corman.

Mr. Bingham in two instances.

Mr. Downing in two instances.

Mr. Charles H. Wilson in two instances.

Mr. Abourezk.

Mr. Hungate in three instances.

Mr. McCormack in two instances.

Mr. Hébert in two instances.

Mr. Adams in two instances.

Mr. Eilberg.

Mr. Hagan in three instances.

Mr. Edwards of California in two instances.

Mrs. Abzug in three instances.

Mr. Wolff in three instances.

Mr. Rarick in four instances.

Mr. Jacobs.

Mr. Hanna in two instances.

Mr. Patten.

Mr. Blanton.

Mr. James V. Stanton in three instances.

Mr. Anderson of Tennessee in two instances.

Mr. Harrington in two instances.

Mr. Bolling.

Mr. Metcalfe in two instances.

Mr. Pepper in four instances.

Mr. Anderson of California in four instances.

Mr. Evins of Tennessee.

Mr. Scheuer in two instances.

Mr. Gonzalez in two instances.

Mr. Holifield in two instances.

Mr. Patman in two instances.

Mr. Moss in three instances.

Mr. Pickle in three instances.

Mr. Stokes in two instances.

Mr. Mazzoli in two instances.

Mr. Rooney of New York.

Mr. Griffin in two instances.

Mr. Tiernan.

Mr. Zablocki in two instances.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until Monday, July 12, 1971 at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

949. A letter from the secretary, Ladies of the Grand Army of the Republic, Washington, D.C., transmitting a report of the proceedings of the 84th annual national convention of the Ladies of the Grand Army of the Republic, Inc., held in Miami Beach, Fla., August 23–27, 1970, pursuant to Public Law 86–47; to the Committee on the District of Columbia.

950. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Subversive Activities Control Act of 1950, as amended; to the Committee on Internal Security.

951. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to provide overtime pay for intermittent and part-time general schedule employees who work in excess of 40 hours in a workweek; to the Committee on Post Office and Civil Service.

Received From the Comptroller General

952. A letter from the Comptroller General of the United States, transmitting a report entitled, "The Community Mental Health Centers Program—Improvements Needed in Management", Health Services and Mental Health Administration, Department of Health, Education, and Welfare; to the Committee on Government Operations.

953. A letter from the Comptroller General of the United States, transmitting a report entitled, "Further Action by Veterans' Administration Could Reduce Administrative Costs and Improve Service to Veterans Receiving Educational Benefits"; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 9092. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; with amendments (Rept. No. 92–339). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 6239. A bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920; with amendments (Rept. No. 92–340). Referred to the Committee of the Whole House on the State of the Union.

Mr. McFALL: Committee on Appropriations. H.R. 9667. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–341). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 9650. A bill: Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. ANDERSON of Tennessee:

H.R. 9651. A bill to amend the Federal Meat Inspection Act to provide that State-inspected facilities after meeting the inspection requirements shall be eligible for distribution in establishments on the same basis as plants inspected under title I; to the Committee on Agriculture.

H.R. 9652. A bill to increase to 5 years the maximum term for which broadcasting station licenses may be granted; to the Committee on Interstate and Foreign Commerce.

H.R. 9653. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 9654. A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes; to the Committee on Education and Labor.

By Mr. CARNEY:

H.R. 9655. A bill to provide for the orderly trade in iron and steel products; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 9656. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 9657. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced-fare transportation on a space-available basis for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON (for himself, Mr Roe, and Mr. McKinney):

H.R. 9658. A bill to amend the act of August 13, 1946, to increase the Federal contribution to 90 percent of the cost of shore restoration and protection projects; to the Committee on Public Works.

By Mr. HUTCHINSON:

H.R. 9659. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced-fare transportation on a space-available basis for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Pennsylvania:

H.R. 9660. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. MATHIAS of California:

H.R. 9661. A bill to provide for the establishment of the California Desert National Conservation Area; to the Committee on Interior and Insular Affairs.

By Mr. O'HARA:

H.R. 9662. A bill to amend chapter 34 of title 38 of the United States Code to restore entitlement to educational benefits to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

By Mr. PEPPER (for himself, Mr. Link, Mr. Nichols, and Mr. Fulton of Pennsylvania):

H.R. 9663. A bill to make it unlawful in the District of Columbia to intentionally promote or facilitate illegal drug trafficking by possession, sale, or distribution, of certain paraphernalia, and further to make it unlawful for a person to possess an instrument or device for the purpose of unlawfully using a controlled substance himself; to the Committee on the District of Columbia.

By Mr. QUIE:

H.R. 9664. A bill to restore the investment tax credit and to provide that the President may suspend or reduce such credit when necessary or desirable; to the Committee on Ways and Means.

H.R. 9665. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him for special education furnished to a child or other minor dependent who is physically or mentally handicapped; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 9666. A bill making appropriations to the President for the development of a prototype desalting plant in Israel; to the Committee on Appropriations.

By Mr. McFALL:

H.R. 9667. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. ANDERSON of California:

H.R. 9668. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ASHBROOK:

H.R. 9669. A bill to amend the Subversive Activities Control Act of 1950, as amended; to the Committee on Internal Security.

By Mr. BELL:

H.R. 9670. A bill to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

By Mr. BERGLAND:

H.R. 9671. A bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes; to the Committee on Agriculture.

By Mr. BIAGGI:

H.R. 9672. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. BROOKS:

H.R. 9673. A bill to extend the time within which assurances of local cooperation must be provided on a portion of the Texas City and vicinity, Texas, flood control project, and for other purposes; to the Committee on Public Works.

By Mr. CEDERBERG:

H.R. 9674. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced-fare transportation on a space-available basis for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. DELLENBACK:

H.R. 9675. A bill to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. DUNCAN:

H.R. 9676. A bill to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee; to the Committee on Agriculture.

H.R. 9677. A bill to amend the act of January 8, 1971, to correct certain inequities with respect to the eligibility of surviving spouses to survivor annuity under the civil service retirement system; to the Committee on Post Office and Civil Service.

By Mr. GERALD R. FORD:

H.R. 9678. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain amounts paid for the education of the taxpayer, his spouse, or his dependents; to the Committee on Ways and Means.

By Mr. GALLAGHER (for himself, Mr. Hamilton, Mr. Gude, Mr. Mitchell, Mr. Halpern, Mr. Rosenthal, and Mr. Harrington):

H.R. 9679. A bill to amend the Foreign Assistance Act of 1961 to suspend all assistance to the Government of Pakistan; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mr. Koch, Mr. Aspin, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Bingham, Mr. Burke of Massachusetts, Mr. Burton, Mr. Dellums, Mr. Edwards of California, Mr. Eilberg, Mr. Fish, Mr. Fulton of Tennessee, Mrs. Grasso, Mr. Halpern, Mr. Hathaway, and Mr. Helstoski):

H.R. 9680. A bill to amend section 16 of the act of March 3, 1899 (30 Stat. 1121, 1153, ch. 425; 33 U.S.C. 411 and 412); to the Committee on Public Works.

By Mr. HARRINGTON (for himself, Mr. Koch, Mr. Halpern, Mr. Hathaway, Mr. Helstoski, Mr. Mikva, Mr. Morse, Mr. Nix, Mr. Obey, Mr. Rangel, Mr. Rees, Mr. Rosenthal, Mr. Rodino, Mr. Ryan, Mr. Scheuer, Mr. Seiberling, Mr. Tiernan, Mr. Vanik, Mr. Vigorito, Mr. Charles H. Wilson, and Mr. Wolff):

H.R. 9681. A bill to amend the act of March 3, 1899, commonly referred to as the Refuse Act, relating to the issuance of certain permits; to the Committee on Public Works.

By Mr. HARSHA:

H.R. 9682. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residencies, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. KEATING (for himself, Mr. Stafford, Mr. Kemp, Mr. Archer, Mr. Forsythe, Mr. Shriver, Mr. Frenzel, Mr. Harvey, and Mr. Frey):

H.R. 9683. A bill to restore the income tax credit for investment in certain depreciable property; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Harrington, Mr. Mikva, Mr. Morse, Mr. Nix, Mr. Rangel, Mr. Rees, Mr. Rodino, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Seiberling, Mr. Tiernan, Mr. Vanik, Mr. Vigorito, Mr. Charles H. Wilson, and Mr. Wolff):

H.R. 9684. A bill to amend section 16 of the act of March 3, 1899 (30 Stat. 1121, 1153, ch. 425; 33 U.S.C. 411 and 412); to the Committee on Public Works.

By Mr. KOCH (for himself, Mr. Harrington, Mr. Aspin, Mr. Ashley, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Bingham, Mr. Burke of Massachusetts, Mr. Burton, Mr. Dellums, Mr. Edwards of California, Mr. Eilberg, Mr. Esch, Mr. Evans of Colorado, Mr. Fish, Mr. Frenzel, Mr. Fulton of Tennessee, and Mrs. Grasso):

H.R. 9685. A bill to amend the act of March 3, 1899, commonly referred to as the Refuse Act, relating to the issuance of certain permits; to the Committee on Public Works.

By Mr. NELSEN:

H.R. 9686. A bill to direct the establishment of health standards for employees of food service establishments in the District of Columbia; to the Committee on the District of Columbia.

H.R. 9687. A bill to provide that the health regulations of the District of Columbia shall extend to the restaurants of the U.S. Senate and the House of Representatives; to the Committee on the District of Columbia.

By Mr. PATMAN (for himself, Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Moorhead, Mr. Stephens, Mr. Gonzalez, Mr. Minish, Mr. Hanna, Mr. Annunzio, Mr. Rees, Mr. Hanley, Mr. Brasco, Mr. Koch, Mr. Cotter, and Mr. Mitchell):

H.R. 9688. A bill to broaden the national housing goals, to provide housing assistance, and promote community development through block grants with emphasis upon the preservation and more efficient use of the existing housing stock and upon the revitalization of declining neighborhoods, to improve programs of Federal planning assistance with emphasis upon modernizing and increasing the management capabilities of State and local governments, and for other purposes; to the Committee on Banking and Currency.

By Mr. PATTEN:

H.R. 9689. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9690. A bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMINGTON (for himself, Mr. Carey of New York, Mr. Reuss, Mr. Mitchell, Mr. Morse, Mr. Moss, Mr. Ryan, Mr. Jacobs, Mr. Obey, Mr. Brademas, and Mr. Garmatz):

H.R. 9691. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 9692. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Saint Croix River, Minn. and Wis., as a component of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. THONE:

H.R. 9693. A bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes; to the Committee on Agriculture.

By Mr. VEYSEY:

H.R. 9694. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 9695. A bill to make Flag Day a legal public holiday; to the Committee on the Judiciary.

By Mr. PATMAN (for himself, Mr. Barrett, and Mr. Stephens):

H.R. 9696. A bill to reverse the decline in residential construction and the increase in unemployment due to rising mortgage loan interest rates and discounts; to the Committee on Banking and Currency.

By Mr. PICKLE:

H.R. 9697. A bill to amend the Agricultural Act of 1949 to delete the requirement that, in order to receive feed from the Commodity Credit Corporation during a major disaster, a farmer must first satisfy the Secretary of Agriculture that he cannot obtain such feed through normal channels without undue financial hardship; to the Committee on Agriculture.

H.R. 9698. A bill to amend the Agricultural Adjustment Act of 1938 with respect to the computation of payments for the production of cotton in any drought year, and for other purposes; to the Committee on Agriculture.

H.R. 9699. A bill to amend the Consolidated Farmers Home Administration Act of 1961 in order to establish a special emergency loan program for drought areas, and for other purposes; to the Committee on Agriculture.

By Mr. CRANE:

H.J. Res. 774. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. SCHMITZ (for himself, Mr. Ashbrook, Mr. Broyhill of Virginia, Mr. Dickinson, Mr. Rarick, Mr. Rousselot, and Mr. Waggonner):

H. Con. Res. 360. Concurrent resolution expressing the sense of the Congress with respect to the obligations assumed by the United States as a signatory to the Geneva Convention of 1949 Relative to the Treatment of Prisoners of War and the fulfillment of such obligations in connection with the conflict in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Tennessee:

H. Res. 529. Resolution to direct the executive branch to take a scientific approach to eutrophication and its relationship to phosphates and phosphate detergents; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS of Texas (for himself and Mr. Thompson of Georgia):

H. Res. 530. Resolution to direct the Secretary of Health, Education, and Welfare to furnish certain documents to the House of Representatives; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII,

240. The SPEAKER presented a memorial of the Legislature of the State of Oregon, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HELSTOSKI:

H.R. 9700. A bill for the relief of Anthony John Clark; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 9701. A bill for the relief of Eleftheria Ligdis; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

100. The SPEAKER presented a petition of the mayor and the City Council of Fairbanks, Alaska, relative to overriding the veto of the President of the accelerated public works bill, which was referred to the Committee on Public Works.

SENATE—*Thursday, July 8, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. Ellender).

The PRESIDENT pro tempore. The Chair has the pleasure and the honor to present the very first lady ever to lead the Senate in prayer. I present the Reverend Dr. Wilmina M. Rowland, director, educational loans and scholarships, Board of Christian Education, United Presbyterian Church, of Philadelphia, Pa.

The Reverend Dr. Wilmina M. Rowland offered the following prayer:

Eternal God, we thank You for revealing to us that You are our Father, and that all persons are Your children. Sometimes we have called ourselves Your children, but lived as if we thought others were not. When we forget that all persons are members of the family of God, forgive us, we pray. If we have despised other men and women for their ignorance, but denied them the means of knowledge; if we have forced them to fight for what they need, but condemned their aggressiveness; or if we have offered them no opportunities except servitude, but complained because they were nothing but servants, forgive us. Cause us to look within ourselves and see there all that we condemn in others.

O God, who daily bears the burden of our life, we pray for humility as well as forgiveness. As our country plays its part in the life of the world, help us to know that all wisdom does not reside in us, and that other nations have the right to differ with us as to what is best for them.

God, our ruler of the universe, give to every nation what we seek for our own country—concern for the human needs of every man and woman and child, sensitivity to moral issues, strength to be free and to carry the burden of freedom, readiness to accept responsibility and not to evade its consequences, deliverance from cynicism and despair.

And now, for those who serve in this place, we pray that they may go through today's work with faithfulness, strong to do justly, to love mercy, and to walk humbly with You. All this we ask in the name of Him whose life was perfect faithfulness, and an unmeasured outpouring of love. Amen.

Mr. MANSFIELD. Mr. President, I should like to yield the floor at this time to the two distinguished Senators from Pennsylvania.

Mr. SCOTT. Mr. President, today marks a historic first, since this is the first time in the long history of the Senate that the opening prayer has been offered by a minister of the gospel who is a very distinguished servant of God and a very distinguished woman, whose career has carried her far in the councils of the Presbyterian Church and who is honored today, thanks to the suggestion of our distinguished Chaplain, the Reverend L. R. Elson, and with the warm approval of the joint leadership.

Thus, we note this day with a great deal of pleasure.

Mr. President, I ask unanimous consent to have printed in the Record a short biography of our Chaplain for the day and yield to my distinguished colleague from Pennsylvania (Mr. Schweiker).

There being no objection, the biography was ordered to be printed in the Record, as follows:

Born in Augusta, Ga., Dr. Rowland graduated magna cum laude from Wilson College, Chambersburg, Pa., with a B.S. degree. She holds an M.A. degree from Yale University and a B.D. degree from Union Theological Seminary where she graduated cum laude. In 1957 the honorary degree of Doctor of Humane Letters was conferred upon her by Wilson College.

Dr. Rowland was the twelfth woman to be ordained to the ministry of word and sacrament in the Presbyterian Church which now has over 25 ordained women.

She is the author of "When We Pray," published in 1955 by Friendship Press, and numerous articles and book reviews for national publications. She has also studied at the New School for Social Research and was a staff member of the Merrill-Palmer Institute in Detroit.

Dr. Rowland has also been a teacher in China and delegate to the World Council of Christian Education in 1959. Dr. Rowland has traveled extensively—in Europe, the British Isles, Asia, and South America. At the present she is the Director, Educational Loans and Scholarships of the United Presbyterian Church in the United States, with offices in the Witherspoon Building, Philadelphia, Pa.

Mr. SCHWEIKER. I thank my colleague from Pennsylvania, the distinguished Republican leader, for yielding to me.

I want to associate myself with his remarks and to express my sense of pride that not only all Pennsylvanians but all the people of this country must feel to have this important first, this historic event take place today in the Senate.

It is a real tribute not only to Dr. Rowland, who is very deserving, for a long and outstanding career in religious life and in the ministry, but also to all women everywhere in this country who pursue the ministry as a way of life. It is a tribute to all of them that the Reverend Wilmina Rowland was selected to participate today.

Mr. SCOTT. I thank the distinguished majority leader for yielding this time to us.

Mr. MANSFIELD. Mr. President, so that this event will be marked clearly for what is truly intended, that is a bipartisan token of appreciation to the Reverend Dr. Rowland, let me say that I join wholeheartedly in the remarks of the two distinguished Senators from Pennsylvania.

All I can add is, amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, July 7, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR ALL COMMITTEES TO FILE REPORTS, THAT MESSAGES MAY BE RECEIVED FROM THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT BY THE SECRETARY, AND THAT THE PRESIDENT PRO TEMPORE BE PERMITTED TO SIGN DULY ENROLLED BILLS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, from the conclusion of business today, until 5 p.m. this afternoon, and between the hours of 10 a.m. and 5 p.m. on Friday, July 9, 1971, all committees be authorized to file reports, that messages may be received from the House of Representatives and the President by the Secretary, and that the President pro tempore be permitted to sign duly enrolled bills.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

PROSECUTION OF PERSONS PURLOINING GOVERNMENT SECRETS

Mr. BYRD of West Virginia. Mr. President, last week I addressed the Senate with reference to the harm done the country by the effectuation of a philosophy behind Supreme Court decisions excusing misconduct because of the purity of motive of the actor. It is obvious that if "right" motive and nobility of purpose are to become enshrined as the cornerstone of judging the culpability of persons for their acts, then we have indeed arrived at the point where ends do justify means and courts of law give way to the psychiatrist's couch.

These observations are made in the context of the controversy surrounding the leaking of the so-called Pentagon papers and the newspaper publication of them. A grand jury in Los Angeles has returned an indictment charging Dr. Ellsberg with holding and disseminating the papers illegally. Because that matter is now pending in court I would not wish directly to comment further on this individual or any other person.

But this respect for ongoing court proceedings should not restrain us from noting general principles and the necessity to adhere to them. I do not comment at this time on the substances of the Pentagon papers, but it seems to me that this leak, as well no doubt as other less notorious leaks, are fostered and encouraged by a feeling that "going public" or "going to the country" or some other euphemism for betraying one's Government by spilling its secrets is justified by some higher law of morality. If Government will not do what one personally wants or what one personally sees as the only morally justified course of action, then, as such people see it, that government forfeits our respect and our loyalty and, in their view, we are justified in "turning it around" by any means at our disposal.

No government can function if even a few of its officers and employees harbor this view. There are many activities of Government, to be sure, which should be open and exposed. Much domestic activity is of this type. And there is entirely too much Government material which is labeled "secret," "top secret," and so forth, without proper justification. But when we come to certain aspects of formulation and execution of foreign policy and defense policy, some secrecy is not only necessary, it is also indispensable. Nations do not negotiate with each other in goldfish bowls. If certain indispensable functions cannot be carried out in secret, then the Nation is in trouble.

For that reason, we must cut to the foundation of an attitude that would deprive Government of its ability to conduct foreign affairs and military matters with the degree of secrecy that the particular and special circumstances call for in a given instance. New laws may or may not be necessary; time will tell. But a certainty is that prompt and vigorous and successful prosecution of every person employed in a sensitive Government position who arrogantly takes upon himself the power to expose policies with which he is in personal disagreement is absolutely indispensable. Every person has a right to dissent; but no person, having taken on responsibilities to his Government, should be allowed to carry that dissent to levels which betray vital secrets and violate laws against espionage.

Failure to prosecute for whatever reason can only encourage those with these attitudes. Failure to prosecute will only insure that leaks will become more and more prevalent, more and more harmful. Failure to prosecute can only allow a mantle of respectability to fall upon the shoulders of those who are already being lionized for their "courage" and "higher sense of responsibility."

Thus, the Los Angeles grand jury or other appropriate juries should be pressed to continue their studies of Federal law violations in this case. Everyone who took part in purloining these papers should be prosecuted.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA AND FOR RESUMPTION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the period for transaction of routine morning business today the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 20 minutes, and that at the conclusion of his remarks there be a resumption of the period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for improving the automated supply system of the Veterans' Administration, dated July 7, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the community mental health centers program—improvements needed in management, health services and mental health administration, Department of Health, Education, and Welfare, dated July 8, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on further action by Veterans' Administration could reduce administrative costs and improve service to veterans receiving educational benefits, dated July 8, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT OF LADIES OF THE GRAND ARMY OF THE REPUBLIC

A letter from the District of Columbia representative, Ladies of the Grand Army of the Republic, Washington, D.C., transmitting, pursuant to law, a report of that organization, for the year 1970 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED LEGISLATION AMENDING THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

A letter from the Attorney General submitting proposed legislation to amend the Subversive Activities Control Act of 1950, as amended (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION PROVIDING OVERTIME PAY FOR CERTAIN EMPLOYEES

A letter from the Chairman of the Civil Service Commission submitting proposed legislation providing for overtime pay for intermittent and part-time general schedule and other salaried employees who work in excess of 40 hours in a week (with accompanying papers); to the Committee on Post Office and Civil Service.

PROGRESS REPORT OF THE NATIONAL ACADEMY OF SCIENCES

A letter from the Executive Director of the National Academy of Sciences reporting on the progress of the Academy in connection with the Clean Air Act Amendments of 1970; to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated.

By the PRESIDENT pro tempore:

A joint resolution adopted by the Congress of Micronesia; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 14

"A Senate joint resolution respectfully requesting the United States Congress to amend existing tariff laws to allow the same treatment of Micronesian products entering into the United States as is provided for insular possessions of the United States

"Whereas, the United States as an Administering Authority has given and continues to give sympathetic attention to the economic plights of Micronesia as evidenced by annual grant funds to support the administration of the Trust Territory and to carry out public works projects, programs, and services; and

"Whereas, trade and commerce between the United States and Micronesia have been hampered to a large extent by tariff restrictions imposed by the United States on Micronesian products entering the United States proper and its possessions and territories; and

"Whereas, appropriate amendments to the Tariff Schedules of the United States (19 U.S.C.A. 1202) would greatly promote future commercial interchange between the United States and Micronesia and would further advance the well-being of the Micronesian people; now, therefore,

"Be it resolved by the Senate of the Congress of Micronesia, Fourth Special Session, 1971, the House of Representatives concurring, that the United States Congress be and it is hereby respectfully requested to amend its existing tariff laws to allow Micronesian products to enter the United States on the same basis as are the products of United States insular possessions and territories; and

"Be it further resolved that the High Commissioner is hereby requested to use all means at his disposal to support this Senate Joint Resolution before the United States Congress; and

"Be it further resolved that the Secretary of the Interior is hereby respectfully requested to use all means at his disposal to support this Senate Joint Resolution before the United States Congress; and

"Be it further resolved that certified copies of this Senate Joint Resolution be transmitted to the President of the United States; the Speaker of the House of Representatives, the President of the Senate, the Chairmen of the House of Representatives Committees on Ways and Means and Interior and Insular Affairs, and the Chairmen of the Senate Committees on Finance and Interior and Insular Affairs of the United States Congress; the Secretaries of the Departments of State and the Interior of the United States; and the High Commissioner."

A joint resolution of the Legislature of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 3

"Relative to the creation of a Golden Gate National Recreation Area

"Whereas, Much of the natural beauty and charm of the San Francisco Bay area is a result of the relatively undeveloped state and federal lands located on both sides of the Golden Gate and in Fort Baker, Fort Barry, Fort Cronkhite, Fort Mason, Fort Miley, Fort Scott, Fort Funston, and the San Francisco Presidio; and

"Whereas, These federal lands provide significant open-space areas within the otherwise congested urban San Francisco Bay area; and

"Whereas, There are numerous projects proposed or planned for these federal lands which would be disastrous to the public interest in retaining open-space lands in urban areas; and

"Whereas, Due to expected increase in urban population within the San Francisco Bay area the public need for urban open-space lands will significantly increase with the passage of time; and

"Whereas, It has been proposed that Fort Baker, Fort Barry, Fort Cronkhite, Fort Mason, Fort Miley, Fort Scott, Fort Funston, and much of the San Francisco Presidio be included in a Golden Gate National Recreation Area which would retain the natural open-space character of such federal lands; and

"Whereas, There are many parcels of land owned by various federal agencies, the State of California, the City of San Francisco, and private parties, whose inclusion in this project would create a Golden Gate National Recreation Area of approximately 10,000 acres as the best possible use of such land; now, therefore, be it

"*Resolved, by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to establish a Golden Gate National Recreation Area, to include those portions of Fort Baker, Fort Barry, Fort Cronkhite, Fort Mason, Fort Miley, Fort Scott, Fort Funston, and the Presidio not essential for the national defense; and be it further

"*Resolved,* That those additional parcels of federal, state, city, and private land which would create an outstanding national recreation area of more than 10,000 acres be included in the Golden Gate National Recreation Area; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 46

"Joint resolution ratifying an amendment to the U.S. Constitution relating to voting rights of persons 18 and older

"Whereas, both houses of the ninety-second Congress of the United States of America, at the first session, by a constitutional majority of two-thirds, made the following proposition to amend the Constitution of the United States of America in the following words:

" 'S.J. Res. 7

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'Article —

" 'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'; and

"Whereas, the people of the sovereign State of Wisconsin, represented in Senate and Assembly, have studied said proposed addition to the Constitution of the United States and have reached a consensus that the federal government be permitted thus to alter the Constitution of the United States; now, therefore, be it

"Resolved by the senate, the assembly concurring, That said proposed amendment to the Constitution of the United States of America is hereby ratified by the legislature of the State of Wisconsin; and, be it further

"Resolved, That copies of this joint resolution, certified by the Secretary of State, be forwarded by the Governor to the General Services Administration of the government of the United States, in Washington, D.C., and to the presiding officer of each house of the Congress of the United States."

A joint resolution of the Legislature of the State of Alabama; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 10

"Ratifying the proposed amendment to the Constitution of the United States granting citizens eighteen years of age or over the right to vote in State elections

"Whereas, the 92nd Congress of the United States of America at its first Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words to wit:

" 'JOINT RESOLUTION

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"'ARTICLE

"'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"'SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation.'

"Now, therefore, be it resolved by the House of Representatives of the State of Alabama, the Senate concurring, That:

"1. The proposed amendment to the Constitution of the United States as herein shown be and the same is hereby ratified.

"2. Duly authenticated copies of this resolution shall be forwarded by the Clerk of the House to the Administrator of General Services, Washington, D.C. and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

A resolution adopted by the Board of Commissioners of Ottawa County, Michigan, memorializing Congress to allow old age assistance and other categorical assistance payments to persons in publicly run care facilities; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S. 2150. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 92-249).

By Mr. SPARKMAN, from the Committee on Foreign Relations, without amendment:

S. Res. 136. A resolution requesting a negotiating conference in reference to the prices of wheat.

By Mr. MANSFIELD, for Mr. LONG, from the Committee on Commerce, with amendments:

S. 696. A bill to provide for a coordinated national boating safety program (Rept. No. 92-248).

INTERNATIONAL WHEAT AGREEMENT, 1971—EXECUTIVE REPORT OF A COMMITTEE

As in executive session, Mr. SPARKMAN, from the Committee on Foreign Relations, reported favorably, without reservation, the International Wheat Agreement, 1971, Executive F, 92d Congress, first session, and submitted a report (Executive Rept. No. 92-7) thereon, which was printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PROUTY:

S. 2233. A bill to authorize a study of the financing of post secondary education in the United States, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BEALL:

S. 2234. A bill to amend the Internal Revenue Code of 1954 to remove the 2-year limitation during which an individual may qualify as a surviving spouse. Referred to the Committee on Finance.

By Mr. McGOVERN:

S. 2235. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROUTY:

S. 2233. A bill to authorize a study of the financing of post secondary education in the United States, and for other purposes. Referred to the Committee on Labor and Public Welfare.

POST SECONDARY EDUCATION FINANCING STUDY ACT

Mr. PROUTY. Mr. President, I introduce for appropriate reference a bill entitled the Post Secondary Education Financing Study Act. I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROUTY. Mr. President, on June 30, the Subcommittee on Education of the Committee on Labor and Public Welfare ordered reported to the full committee a higher education bill which I consider to be a landmark measure as great in import and impact as the National Defense Education Act of 1958. I am confident that when this bill is reported by the Labor and Public Welfare Committee, Senators will share my assessment of this measure and hopefully my enthusiastic support of it.

The bill I introduce today anticipates support for the committee's action and looks beyond this landmark measure to distant landmarks as yet uncharted.

The purpose of this bill is simple—it requires the Secretary of the Department of Health, Education, and Welfare to conduct a comprehensive study of the financing of post secondary education. While the purpose of this measure is simple, the problems faced in conducting such a study are complex for the very course of our Nation depends in large measure on our educational processes.

It is not an easy task that this bill proposes, but it is necessary. Coincident with the accolades that the forthcoming higher education bill deserves should be the acknowledgement that while it represents a great step ahead, there remain more steps to be taken.

The bill I introduce today provides a broad mandate for the Secretary's study, yet it, also, specifies certain avenues of investigation.

The measure seeks a general review of the past and present patterns of financial support for education from all sources, private, local, State, and Federal and an investigation of alternate appropriate, future roles for each source.

Earlier I referred to the National Defense Education Act of 1958, and I would like to explore briefly the changes in post secondary education since the passage of that act.

In 1958, students attended public and private universities in about the same numbers. Today there are more than two times the number of students attending public universities as those who attend private universities. By 1980 this ratio is expected to increase to 4 to 1 in favor of public universities. Many of our private colleges are hard pressed financially, experiencing either a "crisis" or a "crunch" as the condition is alternatively described. The need for some form of Federal institutional support is apparent, yet the precise and equitable formula for any general aid seems elusive while a "student following" aid formula is within our grasp. It must, also, be remembered that for the forseeable future Federal institutional aid will have to compete with student aid for precious Federal resources.

In the ordering of our priorities, I believe that we must first consider the financial needs of our young people who are present and potential students.

At the time of passage of the NDEA, most student aid was available only from the few private universities with substantial endowments. Opportunities for higher education were offered only to the affluent or those of moderate means and exceptional ability. Today, through the Federal role begun with the NDEA and expanded significantly with the Higher Education Act of 1965 and amendments thereto, the Federal Government provides some $2 billion annually in student assistance to meet in part the needs of 71 percent of the students who require some type of financial aid in order to enroll, continue or complete their postsecondary education.

Soon the Labor and Public Welfare Committee will report a measure which will provide for the first time a federally assured minimum level of support for every young American, who seeks to continue his education beyond high school.

I shall welcome the passage of this bill particularly, because it embodies the essential element of assurance.

Beyond the minimum level of student assistance to be assured and supplementary grants responding in part or whole to the costs of a student's education lies a problem which I have been weighing throughout the deliberations on the higher education bill.

This problem stems from the vast differences in the costs of education among different types of postsecondary institutions and curriculums. While it is clearly the responsibility of the Federal Government to promote equal educational opportunity for all young Americans, it does not follow that the American taxpayer should be compelled to automatically pay the student's entire bill regardless of the cost of his education. But it is clearly the Federal Government's responsibility to look to ways to help students, who seek a more expensive education, meet these higher costs after other forms of assured and discretionary student assistance are exhausted.

To me it is time to look beyond the present measure of students assistance, which is based solely on present need. I believe education is an investment for the individual as well as the Nation. I know this investment pays off in tangible and intangible rewards.

It seems to me time to consider additional forms of student assistance that respond to a student's future ability to pay.

I see such additional aid mechanisms taking three possible forms, each of which my bill would require the Secretary of House, Education, and Welfare to investigate.

The first form is income contingent lending, which is known as the pay as you earn—PAYE—system. Simply put, in the PAYE system borrowers are required to repay a certain percentage of their income per $1,000 borrowed and those borrowers who become more affluent, in effect, subsidize those who become less affluent. The percentage of repayment works in the same manner as a life insurance premium.

Many variations of the PAYE proposal have been advanced and Yale University and Duke University now have experienced PAYE plans under way. Governor Gilligan of Ohio has proposed a plan of deferred payments, where the student contributes to the cost of his education after he leaves school.

The PAYE system is alluring in concept, but not without difficulties in implementation. The potential problems are too vast to explore today and are rightly a matter for the study I propose.

However, I should point out two essential components required to insure the success of a PAYE system. First, is the need for actuarial accuracy in estimating the future income profile of any group of lenders. Second, is the need for a large capital base to begin a PAYE system. Here there are many alternatives to consider. It may be that PAYE plans could be developed with the various States providing the capital base. Perhaps the Federal Government could provide the capital or serve as the guarantor of sound State or institutional PAYE plans.

If full protection of the fiscal integrity of the Social Security Trust Fund could be assured, the trust fund might be used as a capital base with the fund investing in students as well as Federal paper. Alternatively a quasi-public corporation could be set up as a capital base for a PAYE system. The alternatives are vast and exciting to explore and I am hopeful that this study I propose will explore them completely.

The second form of student assistance referred to in my bill is less complex than the PAYE system, because it would retain the concept of a fixed obligation contained in the existing national defense student loans and guaranteed student loans. I propose that the Secretary investigate the desirability and feasibility of graduated repayment schedules for federal or federally insured student loans. At present many students are reluctant to assume debts on a fixed repayment schedule of equal installments, because such installments are excessively burdensome in the early, low-income years. If loan programs could be adjusted on a graduated basis, the installments would respond to ability to pay with smaller installments in the early, low-income years and larger installments in the later, high-income years. Such a readjustment of present loan programs would, I believe, make them more attractive to students.

The third form of loan assistance required to be studied by my bill is similar to the second. It would take into consideration the borrower's income in the repayment process by either deferring or cancelling the repayment in any given year if the repayment exceeded a certain percentage of the borrower's annual income.

As with the second form of student assistance, this form would reduce the anxiety of potential, young borrowers about large repayments during times of small incomes.

Mr. President, all three of the new forms of student loan assistance I propose that the Secretary of Health, Education, and Welfare study are based on the same concept—the recognition that the ability to repay a student loan is more properly a product of a student's future earnings than of a student's present need.

I am hopeful that the study I propose will be conducted and result in a favorable determination as to a source or sources of capital and the ability to predict future earning profiles for large groups of borrowers.

I should note, Mr. President, that my bill specifies these three proposed forms of student assistance only as part of a general study of alternative forms of student assistance. Thus, it is likely that the study would yield other new forms of assistance for Congress to consider.

What is to me most important is that we constantly have before us new ideas and concepts on financing postsecondary education together with a clear view of the past flow and projected need for financial support from the various sectors of our economy.

My bills proposes to provide Congress and the Nation the new ideas and concepts and at the same time an overview of the financial history, present condition, and future needs of postsecondary education.

I would suggest that I cannot foresee the development of one single form of student aid responding to the varying needs of our diverse student population. On the contrary, I envision the continuation of a package of Federal student aid programs which should begin with assured grants and move gradually toward loan programs. The Federal responsibility is now and should remain to provide a floor of postsecondary educational support for every young American. Beyond that, the Federal Government, in concert with the States, localities and private sections, should in every way possible, insure the availability of assistance for every young American to go as far as he wishes in pursuit of his education.

In March of 1970, President Nixon said:

> No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal; I proposed we achieve it now.

Mr. President, with the measure shortly to be reported by the Labor and Public Welfare Committee, we shall be able to achieve this "great American goal." But historically, we, as a people, have set new goals as soon as old goals are met. Today, I foresee the day when not only is a postsecondary education available to all who seek it, but the means are available for every young American to pursue his education as far as he chooses within the limits of his ability.

The study I propose today looks to the goal beyond the goal we are about to reach and I am anxious to proceed to respond to the needs of a changing student, a changing educational system, and a changing Nation.

EXHIBIT 1

S. 2233

A bill to authorize a study of the financing of postsecondary education in the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Post Secondary Education Financing Study Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to authorize a study of the impact of past, present, and anticipated private, local, State, and Federal support for postsecondary education, the appropriate role for the States in support of higher education, alternative student assistance programs, and the potential Federal, State, and private participation in such programs.

SEC. 3. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") shall conduct a thorough study and investigation of the impact of past and present support and the appropriate level of future support for higher education from private sources and from Federal, State, and local governments.

(b) In conducting such investigation and study, the Secretary shall consider—

(1) alternative models of State and local support for postsecondary education;

(2) new Federal initiatives to complement alternative State and local programs; and

(3) alternative forms of student assistance, including—

(A) loan programs based on income contingent lending;

(B) loan programs which utilized fixed, graduated repayment schedules; and

(C) loan programs which provide for cancellation or deferment of part or all of repayment in any given year based on a certain level of a borrower's income; and

(4) the potential Federal, State, local, and private participation in such programs.

SEC. 4. In order to carry out the provisions of this Act, the Secretary is authorized to—

(1) enter into contracts with institutions of higher education and other appropriate individuals, public agencies, and private organizations;

(2) appoint and fix the compensation of such personnel as may be necessary;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement; and

(5) consult with the heads of such Federal agencies as he deems appropriate.

SEC. 5. Not later than December 31, 1972, the Secretary shall report to the President and Congress the results of the investigation and study authorized by this Act, together with such recommendations, including recommendations for legislation, as he deems appropriate.

(1) alternative models of State and local support for postsecondary education;

(2) new Federal initiatives to complement alternative State and local programs; and

(3) alternative forms of student assistance, including—

(A) loan programs based on income contingent lending;

(B) loan programs which utilized fixed, graduated repayment schedules; and

(C) loan programs which provide for cancellation or deferment of part or all of repayment in any given year based on a certain level of a borrower's income; and

(4) the potential Federal, State, local, and private participation in such programs.

SEC. 6. There are authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the provisions of this Act.

By Mr. BEALL:

S. 2234. A bill to amend the Internal Revenue Code of 1954 to remove the 2-year limitation during which an individual may qualify as a surviving spouse. Referred to the Committee on Finance.

Mr. BEALL. Mr. President, I send to the desk a bill designed to correct an "inequity" in our Federal tax laws with regard to widows with children. This bill would extend to such widows on a permanent basis the right to continue to take advantage of the joint return tax rate.

Under present law, a widow may file a joint return for the taxable year in which her spouse dies. In addition, a widow, who has not remarried and who maintains a household for a dependent child or stepchild, may also use the joint return tax rate for 2 additional taxable years following the year in which the spouse died. Certainly the death of a father to a family is not only a great personal loss, but often is an economic disaster for a family. This problem was brought to my attention by a Maryland constituent, Mrs. Richard Schwartz, who had this to say about the problem:

> The family's greatest casualty is the loss of the father, companion, head of household and bread-winner. Yet the widow and children are taxed at a higher rate on the income received than couples filling joint income tax returns.
>
> Why can't widows claim the true loss (casualty) of income? Because this inequity requires action by Congress for any change. The widows do not have a lobby representing their cause in Congress. They are too busy trying to make up for the loss of a father to their children and supporting and educating the children to the best of their ability.
>
> Thus this precludes the widows organizing as a group to lobby Congress for a tax that meets 'ability to pay'. This has always been a basic principle underlying the income tax laws of the United States. The widow with children pays 20% more taxes for equivalent income than other family units.
>
> Is not the loss of a father the greatest loss the family experiences; and yet the family pays 20% greater tax for this loss.

I agree, Mr. President, that the loss of the father in most cases is a great economic blow to a family, a family which then needs as much help as it can in order to continue, following the loss of one who is normally the principal breadwinner.

To do equity for such widows with minor children and to ease her problems and burdens somewhat, I introduce this measure today and would hope that the Senate Finance Committee and the Congress will give favorable consideration to it.

By Mr. McGOVERN:

S. 2235. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system. Referred to the Committee on Finance.

SOCIAL SECURITY AND FEDERAL EMPLOYEES

Mr. McGOVERN. Mr. President, in 1966, Representative Eugene J. Keogh of New York introduced a bill to give Federal employees the option of coming under the Federal social insurance system. This year the same bill has been introduced in the House of Representatives by Representative JAMES H. SCHEUER of New York as H.R. 1665.

Many Federal employees are actively seeking to have this option and there is no plausible reason why it should be denied to them. If Federal employees are denied the opportunity to join the social security program, they are denied certain important benefits available to other Americans. In effect, they are the object of discrimination simply because they work for the Federal Government. That discrimination should now end.

When he first introduced the bill, Representative Keogh made a comprehensive statement on the subject. I ask unanimous consent that his remarks on May 25, 1966, be printed in the RECORD at this point, together with the text of the bill that I have introduced today.

There being no objection, the remarks and bill were ordered to be printed in the RECORD, as follows:

Elective Coverage of Federal Employees Under the Social Security System

Mr. KEOGH. Mr. Speaker, I have today introduced legislation to permit Federal employees to elect to come under the Federal social insurance system established by title II of the Social Security Act. I hope this legislation will resolve, finally, the question of coverage of the single largest group of employees in the United States who have been denied the privilege of obtaining the benefits of our very fine and very sound old-age, survivors, and disability insurance protection. This is a matter which has been under consideration by boards and bureaus, committees and commissions, both in, and out, of the Congress, for more than 15 years. It has been considered by Cabinet-level commissions, by departments of Government, and by the Committee on Ways and Means on numerous occasions. It is time for action and not another 15 or 10 or 5 years or even 1 year of discussion. Our Federal Government, as the largest single employer in the United States, can ill afford to continue in the anomalous position of refusing to permit its employees this protection which it has afforded to 95 percent of all the other citizens of the United States. I believe the legislation which I have today introduced resolves the problems fairly, equitably, and in the best interests of both the employees and the U.S. Government.

In brief, the solution embodied in my bill is to permit Federal employees to make a choice as to whether they will come under the social security system in addition to their civil service retirement coverage. Private employees get social security coverage in addition to whatever private pension they may have. New employees would have 2 years from the date of their employment within which to file a certificate indicating their desire for such coverage. Existing employees would likewise have 2 years to make such election. This election generally can be retroactive for a 1-year period if the employee so chooses and if he pays the tax due. In addition, in order that employees might have a further opportunity, because of changed family or financial conditions, and so forth, to elect coverage, the bill provides that at the end of a 5-year period, each employee will have one further chance to elect coverage. There would be 6 months within which to elect coverage at that point.

The bill provides that the employee shall pay the employee tax. This would be done by the employer—the Federal agency—withholding the appropriate amount.

Mr. Speaker, without going into further detail of this bill, permit me to point out that with regard to its actuarial soundness, it follows the precedent established last year when coverage was extended to 1½ million individuals who receive earnings in the form of tips and gratuities by providing that only the employee share of the tax shall be payable and that the employer share shall not be payable. Therefore, there would be no budgetary impact. It would not cost the Federal Government a single penny. The Chief Actuary of the Social Security Administration testified that extension of social coverage to be the 1½ million individuals who receive earnings in the form of tips by payment of the employee share of the tax was an actuarially sound solution to that coverage problem. This would be equally true of extension of coverage to Federal employees because they are, as a group, generally conceded to be superior risks in terms of insurance actuarial considerations. I believe the majority will elect coverage. There would be no adverse selection, because they would have to come in at one of two points in time, or be barred from coming in.

Therefore, the solution which my bill embodies is actuarially sound; it is in the interest of the employees because it permits them to make the election in their own interest; and it is in the interest of the U.S. Government not only from a budgetary point of view but also because it closes the final large gap of coverage which remains under the social security system and removes the quite legitimate criticism that the U.S. Government has denied its own employees coverage which it has mandatorily extended to employees of private organizations and employers.

Mr. Speaker, I shall use every parliamentary means at my command to secure favorable consideration of this legislation during this session of the 89th Congress.

S. 2235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 210 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"ELECTIVE COVERAGE OF SERVICE PERFORMED BY FEDERAL OFFICERS AND EMPLOYEES

"(p) The term 'employment' shall, notwithstanding the provisions of subsection (a), include service otherwise excluded from such term by paragraph (5) or (6) of such subsection which is performed during the period for which a certificate, filed pursuant to section 3121(r) of the Internal Revenue Code of 1954, is in effect with respect to such service."

SEC. 2. Section 3121 of the Internal Revenue Code of 1954 (definitions relating to tax under Federal Insurance Contributions Act) is amended by adding at the end thereof the following new subsection:

"(r) ELECTIVE COVERAGE OF SERVICE PERFORMED BY FEDERAL OFFICERS AND EMPLOYEES.—

"(1) WAIVER OF EXCLUSION.—Any individual performing service which (without regard to this subsection) is excluded from 'employment' by paragraph (5) or (6) of subsection (b) may file a certificate (in such manner and form and with such official as may be prescribed by regulations made under this chapter) certifying that he elects to have the insurance system established by title II of the Social Security Act extended to service described in paragraphs (5) and (6) of subsection (b) performed by him. For purposes of this chapter other than for purposes of the taxes imposed by section 3111, the term 'employment' shall, notwithstanding the provisions of subsection (b), include service otherwise excluded from such term by paragraph (5) or (6) of such subsection which is performed by him during the period for which such certificate is in effect.

"(2) TIME FOR FILING CERTIFICATE.—

"(A) INITIAL FILING PERIOD.—Any individual who desires to file a certificate pursuant to paragraph (1) must, except as provided in subparagraph (B) of this paragraph, file such certificate before the close of the second calendar year ending after the date of the enactment of this subsection during one or more calendar quarters of which he was paid remuneration of $50 or more for service described in paragraph (5) or (6) of subsection (b) which (without regard to this subsection) is excluded from 'employment'.

"(B) ADDITIONAL FILING PERIOD.—An individual who could have filed a certificate pursuant to paragraph (1) during the initial filing period provided by subparagraph (A) of this paragraph but did not do so may file such certificate at any time during the six-month period beginning five years after the close of such period.

"(C) NOTICE TO EMPLOYER.—An individual filing a certificate pursuant to paragraph (1) shall give such notice thereof to the head of the Federal agency or instrumentality in or by which he is employed, at or before the time of filing such certificate, as may be prescribed in regulations made under this chapter.

"(3) EFFECTIVE PERIOD OF CERTIFICATE.—A certificate filed by an individual pursuant to this subsection shall be effective with respect to all calendar quarters beginning with the calendar quarter in which it is filed; except that such certificate may be effective beginning with any of the 4 calendar quarters immediately preceding the calendar quarter in which it is filed if (A) the individual so requests in the certificate (specifying one of such 4 calendar quarters) and (B) the certificate is accompanied by an amount equal to the taxes which would have been payable under section 3101 with respect to all service described in paragraphs (5) and (6) of subsection (b) which was performed by him during the quarter so specified and all subsequent calendar quarters ending before the calendar quarter in which the certificate is filed if such service had not been excluded from 'employment' at the time it was performed. An election made pursuant to this subsection shall be irrevocable."

SEC. 3. (a) Section 205(p)(1) of the Social Security Act is amended (1) by striking out "and including service" and inserting in lieu thereof "including service", and (2) by inserting after "to which the provisions of section 210(o) are applicable," the following: "and including any service to which the provisions of section 210(p) (relating to elective coverage) are applicable,".

(b) Section 3122 of the Internal Revenue Code of 1954 (relating to Federal service) is amended—

(1) by striking out "and including service" and inserting in lieu thereof "including service" in the first sentence;

(2) by inserting after "to which the provisions of section 3121(p) are applicable," in the first sentence the following: "and including any service to which the provisions of section 3121(r) (relating to elective coverage) are applicable,"; and

(3) by adding at the end thereof the following new sentence: "The Secretary or his delegate shall prescribe such regulations and establish such procedures as may be appropriate to insure that the heads of the various Federal agencies and instrumentalities know at all times which of their employees are performing service to which the provisions of section 3121(r) are applicable; and, notwithstanding the first sentence of this section, such regulations and procedures may permit the Secretary or his delegate to make the determinations described in such sentence and provide for the collection of the tax imposed by section 3101, with respect to an employee performing such service, in a case where it is not feasible for the head of the Federal agency or instrumentality involved to do so."

SEC. 4. The amendments made by this Act shall apply only in the case of service with respect to which certificates are filed (pursuant to section 3121(r) of the Internal Revenue Code of 1954, as added by section 2 of this Act) in calendar quarters beginning more than 20 days after the date of the enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 77, S. 278, S. 1781, AND S.J. RES. 15

Mr. NELSON. Mr. President, I ask unanimous consent that at the next printing of Senate Joint Resolution 15, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor.

I also ask unanimous consent that at the next printing of S. 1781, the Clean Water Financing Act, the names of the Senator from Oregon (Mr. HATFIELD) and the Senator from Utah (Mr. MOSS) be added as cosponsors.

Also, I ask unanimous consent that at the next printing of S. 278, a bill to control shoreline erosion, the name of the Senator from Michigan (Mr. GRIFFIN) be added as a cosponsor.

I also ask unanimous consent that at the next printing of S. 77, the Mined Lands Restoration and Protection Act, the name of the Senator from Illinois (Mr. STEVENSON) be added as a cosponsor.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

S. 1311

At the request of Mr. PEARSON, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 1311, the Newsmen's Privilege Act of 1971.

S. 2097

At the request of Mr. PERCY, the Senator from Delaware (Mr. BOGGS) and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 2097, a bill to create a Special Action Office for Drug Abuse Prevention in the Executive Office of the President.

S. 2223

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from North Dakota (Mr. BURDICK), I ask unanimous consent that his name be added as a cosponsor of S. 2223, a bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENT

AMENDMENT NO. 238

(Ordered to be printed and to lie on the table.)

INDEPENDENT ELECTIONS COMMISSION

Mr. PEARSON. Mr. President, I offer an amendment to the campaign finance reform bill (S. 382) recently reported out of the Rules and Administration Committee.

Before doing so, however, I want to commend the Rules Committee and the Commerce Committee for reporting a bill that goes far toward meeting the problems posed by current campaign practices. I have long believed that these practices are a blight on our political system. The cost of effective campaigning has soared beyond all reasonable bounds. The money poured into campaigns has more than doubled over the past decade, but the percentage of popular participation in elections has actually declined. In effect, elective office today is practically closed to the citizen of modest means, unless he is willing to put himself in debt to wealthy donors. The situation cries desperately for reform.

Early this year I offered, with my colleague Senator GRAVEL, a bill that I thought would remedy these failings. The bill now before us differs in several respects from what I then proposed, but I think it nonetheless attacks the problem usefully, and I hope that the Senate will approve it.

S. 382 would lower media rates for political advertising during a campaign period. It would impose spending limits on selected media, and it would require full and frequent disclosure of campaign receipts and expenditures. These are strong provisions. If enforced, they would stand as the landmark reforms of this Congress.

But that little phrase "if enforced" is a crucial one. Enforcement, in my judgment, is the essential element in campaign reform. History vividly illustrates this fact. Campaign finance regulation has been on the books since 1925. But the enforcement of law has been so consistently and notoriously weak that its authority and purpose have been forgotten. I hope we can learn something from our past mistakes.

What does effective enforcement require? It requires the clean delineation of procedures to be followed once a violation is detected. S. 382 does this. But above all it requires the establishment of an entity to carefully and diligently ferret out violations of law, an agency that can be counted on to follow up these violations without regard to partisan considerations. In the field of campaign finance, laden as it is with partisan overtones, these are not easy requirements to meet. In order to give credibility to this legislation we must insure that its enforcement agency is clearly free of political influence.

S. 382 would establish a registry in the General Accounting Office for this purpose. This approach is an improvement over the present practice of leaving enforcement responsibility with the Secretary of the Senate and the Clerk of the House. But reestablishment of public confidence in the electoral process demands a truly independent means of recordkeeping, disclosure, and enforcement. This task cannot be accomplished with full public confidence if it is assigned to employees of the Congress or even to an agency that is an arm of the Congress. It must be completely independent.

Mr. President, I draw the Senate's attention to a letter from the Comptroller General to the distinguished chairman of the Commerce Committee, Mr. Magnuson, an excerpt of which is included in the Rules Committee report. In it, the Comptroller General states:

> It is the position of the General Accounting Office that we should not be given the responsibility for any audit, investigative and enforcement duties in connection with campaign fund reporting. We consider that the effectiveness of our Office depends in large measure upon a reputation for independence of action and objectivity of view. Not only must we remain free from political influence, but we must zealously avoid being placed in a position in which we might be subject to criticism, whether justified or not, that our actions and decisions are prejudiced or influenced by political considerations. We are, therefore, apprehensive of any measure that might place us in a position where we might be subject to such criticism, the inevitable result of which would be a dimunition of congressional and public confidence in our integrity and objectivity.
>
> *Because our relationship to the Congress closely resembles that of principal and agent, we especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal.* Over the years this Office has had frequent and recurring associations with many of the various committees of the Congress as well as with many of the individual members thereof. Our relationship has been most harmonious. However, we are fearful that the relationship would be severely impaired were we required to investigate, inquire into, and report on individual members of the Congress concerning campaign funds and expenditures.
>
> We agree that there is a need for legislation relating to the disclosure and financing of Federal election campaign costs, but strongly recommend that the administration of any legislation in this area not be placed in the General Accounting Office.

Clearly, Mr. President, GAO should not bear this heavy responsibility. The head of GAO even is opposed to it. These policy decisions must be made by persons completely free of employer-employee relationships.

My amendment would establish a five-man Federal Elections Commission with members serving 10-year terms so staggered that a new member would be appointed by the President with Senate approval every 2 years. No more than three members of a single political party could serve on the commission simultaneously. The commission would be required at specified times to compile and publish reports on campaign expenditures and receipts, grouped in categories that would facilitate public scrutiny. It would issue a campaign bookkeeping manual and establish uniform accounting and reporting procedures. It would have the power to investigate charges of illegal activity in Federal campaigns and to subpena evidence. And it would report possible violations of law to the Justice Department for action.

Mr. President, it should be clear that an independent commission is better suited to this task than a registry in the GAO. GAO performs too many other important and delicate functions to be exposed to the occasional squalls of abuse and controversy that will inevitably beset any agency that presides over campaign finance. The enforcement agency should stand on its own, bearing the full consequences of its decisions.

Mr. President, I urge the Senate adopt this amendment. It would give needed muscle ot the important provisions set forth in S. 382. It would dramatize our determination to depart from past practices. It would lend credibility to our announced intent to open political campaigns to objective scrutiny. And it would constitute an important step toward the kind of responsive government we all seek.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Gerald E. Murch, of Maine, to be a member of the Board of Parole for the term expiring September 30, 1977.

Maurice H. Sigler, of Nebraska, to be a member of the Board of Parole for the term expiring September 30, 1972, vice Walter Dunbar, resigned.

William T. Woodard, Jr., of North Carolina, to be a member of the Board of Parole for the term expiring September 30, 1977.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, July 15, 1971, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

HEARINGS ON JUDICIAL DISQUALIFICATION

Mr. McCLELLAN. Mr. President, on behalf of Mr. Burdick, chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce hearings for the consideration of S. 1553 and S. 1886 pertaining to judicial disqualification.

The hearing will be held on July 14, 1971, beginning at 10 a.m. in room 6202, New Senate Office Building.

Those who wish to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building (extension 53618).

ADDITIONAL STATEMENTS

THE FOLLY OF MILITARY AID TO PAKISTAN

Mr. McGOVERN. Mr. President, when the conflict in East Pakistan broke out, I urged that the United States remain strictly neutral while insuring that humanitarian services were provided to those suffering from the ravages of war and the preceding cyclone.

Assurances were given by the Government that the United States was not providing military aid to Pakistan because of the freeze that had existed even before the outbreak of the conflict on March 25. Now we see that our economic aid continues to favor one side against the other and that we have actually decided to send military assistance to the Pakistan Government.

This decision is incredible. We have not learned the lesson of Vietnam, if we insist on taking sides in another Asian civil war.

We are mistaken to provide military aid to either side and to provide economic aid only to one side.

And the administration is once again misleading both the Congress and the American people, by first saying that it will not provide military assistance and then, when the initial expression of public interest has passed, agreeing to provide such aid.

Mr. President, I ask unanimous consent that an editorial "Helping To Kill More Bengalis" from the Washington News of June 30, an article "Death in 'Golden Bangla Desh'" from the New York Times of May 20, and my own statement of April 9 be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Daily News,
June 30, 1971]

Helping To Kill More Bengalis

> The Administration's decision to send more economic and military aid to the brutal, repressive regime in Pakistan is as shortsighted as it is inhumane.
>
> The testimony before Congress, the State Department admitted its fear that shutting off the flow of arms to Pakistan would be resented "as sanctions and intrusion."
>
> What, we ask, is so bad about sanctions against mass murder and genocide? For that is exactly what the West Pakistani-dominated army committed against the helpless Bengalis of East Pakistan.
>
> In its treacherous attack starting March 25, the Pakistani army slaughtered 200,000 Bengalis and sent six million refugees fleeing for their lives into India. It is morally unjustified to send more weapons to such a regime.
>
> With its talent for justifying the unjustifiable, the State Department explains that halting economic aid would remove our "leverage" with Pakistan—altho we have almost no leverage now.
>
> Also, stopping our arms shipments would cause Pakistan to turn to other suppliers, like communist China. However, the department admits that China has never stopped furnishing weapons to Pakistan.
>
> Sen. Edward M. Kennedy, D-Mass., has called all this "doubletalk, incompetence, or both"—and he's right.
>
> Our partners in the international effort to prevent the Pakistani economy from collapsing are not as timid as the United States. The World Bank, Britain, Canada, Belgium and others favor withholding economic aid until the military regime reaches a political settlement with East Pakistan.
>
> But not the United States.
>
> Pakistan is, of course, desperately poor and can use all the help it can get. But the trouble with aid now is that it props up the

government and helps it maintain the army of occupation in East Pakistan.

The Bengalis in the east voted overwhelmingly for home rule in the only free election in Pakistan's history. Instead they got the genocidal assault by the western army, which is still shamefully going on.

History suggested, however, that West Pakistan from 1,000 miles away cannot forever subjugate the Bengali people. What we are doing by sending arms to Pakistan is to make sure the Bengalis will remember that American weapons murdered them during the birth pangs of their beloved Bangla Desh (Bengali nation).

[From the New York Times, May 20, 1971]

DEATH IN "GOLDEN BANGLA DESH"

(By Homer A. Jack)

KARACHI, PAKISTAN.—Poet Rabindranath Tagore wrote many years ago: "I love you my golden Bangla Desh. . . . O Mother, during spring the fragrance of your mango groves maddens my heart with delight . . ." This spring there is only the stench of death in the mango groves of East Pakistan/Bangla Desh as many hearts are maddened by massacre.

Firm figures of massacre in East Pakistan, as anywhere, are hard to verify. Some say thousands, others insist on two hundred thousand. Probably 50,000 is a conservative estimate. Numbers of refugees are more obtainable: 650,000 in four Indian states on May 1.

The refugees from East Pakistan insist that those massacred were Bengalis—Moslems, Hindus, Buddhists, Christians living in East Pakistan who were systematically eliminated by the Pakistan Army immediately after March 25 when negotiations for the autonomy of East Pakistan broke down. The West Pakistanis insist those massacred in the "east wing" were Biharis—Moslems originally from Bihar and other Indian states who migrated to East Pakistan after partition but had not yet been absorbed into the Bengali culture.

A visitor to Karachi finds the Pakistan economy going downhill, martial law declared in the West and East, and a Government desperately trying to show a return to normalcy among the 75 million people in East Pakistan. All in Karachi are deeply upset about the massacre of the Biharis, not by the army, but by some members of the autonomy-cum-secessionist Awami League; however, almost all deny any massacre of the Bengalis by the army.

West Pakistanis feel the whole situation is an Indian plot—Indian "infiltrators" (soldiers without uniform), Indian ammunition, even Indian (not Pakistan) refugees—aided by a few "antistate elements."

A visitor to Delhi finds an India united as seldom before in recent history with the people pressing Prime Minister Indira Gandhi to recognize Bangla Desh (the independent state of East Bengal) and to give the "freedom fighters" arms. The Indian press emphasizes the massacre of Bengalis. India is obviously taking every political and psychological advantage of the situation, yet so far is acting with great restraint.

In Calcutta and especially at the border, one sees thousands of recent refugees—only one-quarter in camps. Optimistic cabinet ministers of the Bangla Desh Government plead for recognition and arms. Refugees show how West Pakistan has treated East Pakistan as an internal colony for 2 years. They feel their country can no longer remain as part of an integrated, two-wing Pakistan since the events of March 25.

Sheik Mujibur Rahman's Awami League won 98 per cent of the seats for the National Assembly in East Pakistan during the first national election since independence in 1947. Sheik Mujib campaigned on a six-point platform calling for autonomy, not secession. Apparently the military rulers of Pakistan, aided by the powerful bureaucracy and some industrialists, refused to submit to this major transfer of power. On March 25 they declared martial law, banned the Awami League, arrested Sheik Mujib, and their army began the massacre. Before and after this army action, some elements in East Pakistan apparently indulged in their own massacre in this seldom nonviolent subcontinent.

Why the unconcern about East Pakistan in the U.S., the U.N. and the world? Are Americans unconcerned merely because Moslems are again killing Moslems and, in any case, no white Americans are involved? Or because, for once, no ideology appears involved, at least not Communism? Or are Americans unconcerned because East Pakistan could easily become a second Vietnam?

Why the unconcern at the U.N.? In an era of norms against genocide, are events in East Pakistan merely an "internal" matter and not a clear violation of the rights of man? Is this situation still "domestic" if it endangers the peace of the world, with Indian and Pakistani armed incursions into each other's territory, not to mention possible intervention by the big powers?

Why the unconcern from the nonaligned nations? Does each nation have its own Bangla Desh in its belly? Can no process be devised by the international community to face squarely the "autonomy plus" of peoples in the 1970's, so a people, such as the East Bengalis—separated by language, culture, and one thousand miles—can opt for freedom if it is truly a free choice?

Bangla Desh struggles to be born. The green and red flag, with an outline of the country's borders in gold, flies over the headquarters of Pakistan's former deputy high commissioner in Calcutta. And the "freedom fighters have adopted Tagores song for their national anthem: "I love you my golden Bangla Desh . . .

Will the U.S., the U.N. and the world do nothing?

STATEMENT OF SENATOR MCGOVERN

The warfare and violence in East Pakistan is a new source of concern for an already troubled world. From the information available, it appears that a full-scale civil war, likely to last for some time, is now underway.

I urge that the United States government refrain completely from intervening in the war between the Pakistan forces and those of Bangla Desh. The embargo on the sale of arms and military supplies to Pakistan, in effect since 1965, should be maintained in force without any exceptions.

Economic assistance cannot be provided to only one side. Our government should work to insure that our economic aid can continue to reach the people in both West Pakistan and the area known as Bangla Desh. If this proves impossible because of the unwillingness of the authorities in control of any region to permit the free flow of such aid, then I ask that the U.S. Government suspend all such economic assistance.

The complete suspension of economic aid would be a tragedy for the people in the Bangla Desh area who were the victims of the recent cyclone. They desperately need housing materials, food and medical supplies. Undoubtedly other people in Bangla Dest require food and medical supplies. I hope that such assistance could be channeled to those in need through the International Red Cross or through CARE and the Catholic Relief Services, which, I understand, continue to operate in Dacca.

The lesson that the United States should have learned in the years since World War II and especially as a result of our experience in Vietnam is that we have no right and no duty to intervene in civil wars. But we should use our best efforts to insure that assistance for humanitarian purposes reaches all those in need.

In addition, if the events now taking place in East Pakistan become a threat to international peace and security, I urge that the United States ask the United Nations to give the earliest consideration to steps to end hostilities.

THE DEATH OF DOROTHY KABIS, TREASURER OF THE UNITED STATES

Mr. DOLE. Mr. President, last week the Nation, the Nixon administration, and the Republican Party lost a gracious and charming lady, Mrs. Dorothy Kabis, Treasurer of the United States.

Her untimely death last Saturday has deprived America and the administration of a devoted public servant who was widely admired for the ability and energy she brought to her job. Her pleasant personality and talent for working with people will be missed by all with whom she had dealings in Government.

Her death is also a great loss to the Republican Party and particularly the Federation of Republican Women which she led as president longer than any other person. Within the party she was warmly regarded by professional workers and volunteers alike, for she was always eager to do whatever she could to promote the best interests of her party and her country. And during her 5 years as head of the Federation of Republican Women she continually strove to unite the party and stimulate its growth among women in every part of the country.

Dottie Elston Kabis, as many of us knew her, was active in a great variety of activities outside the Government and the GOP; she was a member of the Methodist Church, the Grange, and gave of herself generously to many other civic groups.

In this age of heightened interest in the contributions which women can make to the affairs of business, Government, and society, Dorothy Kabis was an outstanding example to women everywhere of the value and importance their participation holds for the Nation.

Her death is a loss to us all.

TAIWAN BUYS VOTES WITH U.S. FUNDS

Mr. McGOVERN. Mr. President, although U.S. policy toward the People's Republic of China is under careful review, we are at the same time giving the Chiang Kai-shek regime millions of dollars each year to buy votes to keep its seat in the United Nations.

The essence of the arrangement is that Taiwan offers foreign assistance to third countries, mostly in Africa, using funds generated by our Public Law 480, or Food for Peace program. Taiwan gets the credit—and support for its effort to keep Peking out of the United Nations—and the United States foots the bill.

The program, called "Project Vanguard," was initiated in 1967, even though we ostensibly ended economic assistance to Taiwan, with great fanfare, in 1965. Under the agreement concluded in 1967, the United States sells farm commodities to Taiwan on a concessional basis and accepts local currency in payment. But then 50 percent of the funds are turned back over to Taiwan, and are used to supply agricultural assistance to some 23 African nations.

Through this setup, the United States paid 75 percent of the cost of Taiwan's Vanguard program—or about $18.2 million—in fiscal years 1968 through 1970. In January of this year we signed a new agreement with the same basic provisions, except that Taiwan's own contributions are expected to rise somewhat. At least half of our Food for Peace funds will still be left at Taiwan's disposal.

This cozy arrangement is an obnoxious perversion of the Food for Peace program. It involves the United States in international bribery. Certainly it cannot be reconciled with a sincere interest in resolving the United Nations issue or in encouraging the People's Republic to assume her proper place in the world community.

The administration should move immediately to end this strange form of assistance to the Chiang Kai-shek regime.

PROBLEMS IN THE MIDDLE EAST

Mr. PACKWOOD. Mr. President, I have just returned from a trip to the Middle East, where I had an opportunity to view, firsthand, the strategic areas in and around Israel. For this reason, I was shocked to learn this morning that two persons had been killed and 30 wounded by Arab rockets just after my departure.

This heinous act is further evidence that the United States must not impose a solution on the Middle East. The Arabs and Israelis must be left alone to work this out. Israel's unique geography makes it imperative that any settlement be designed to safeguard its interests.

The lesson that Vietnam should have taught the United States is that this Nation is neither omnipotent nor omniscient in the world. The day has passed when we could make it our business to impose American solutions on every problem area in the world. While our dynamic, fast-moving history has conditioned us to quick solutions, in the realm of foreign affairs quick solutions often spell disaster.

We should be willing to supply—without fanfare—the Israelis with sufficient weapons to enable them to provide for their own defense. But we should not have to start every year by debating this question anew. The time has come for us to make a firm commitment of continuing assistance to Israel—a commitment which will enable this little democratic nation to survive.

Mr. President, I ask unanimous consent that an article about the latest Arab shelling of Israel, published in this morning's Washington Post, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rockets Hit Israeli City, Killing Two

Tel Aviv, July 7.—Arab-launched Katyusha rockets ripped into the Tel Aviv suburb of Petah Tikva tonight, killing two persons and wounding 30 others, Israeli police reported.

A hospital for the chronically ill received a direct hit, and other rockets fell in a schoolyard, the radio said.

A police spokesman said three or four rockets fell on the town of 15,000, which is about six miles east of here.

[In Beirut an Arab commando spokesman said that Jordanian tanks and armored cars tried to force their way into Palestinian commando positions in northern Jordan tonight and opened heavy fire on a refugee camp in the area.

[The spokesman said it was the third time the army had tried to force its way into commando positions during the day and added that heavy shelling was continuing late tonight.]

The rocket attack was the first in the area—Israel's most densely populated—in years, and the first guerrilla incident in the region since last November, when two bomb blasts in Tel Aviv's central bus station killed one person and wounded more than 20 others.

Today's attack occurred at 10:30 p.m. local time (4:30 p.m. EDT.)

One rocket crashed into a hospital for the chronically ill, most of whose patients are elderly. Others hit nearby buildings, including a house where a 5-year-old girl was killed.

Petah Tikva lies within rocket range of the Israeli-occupied West Bank of the Jordan River captured by Israel during the Six Day War of June, 1967.

Defense Minister Moshe Dayan, who often flew helicopters to the scene following an outbreak of violence, was reported to have visited both the hospitals where the injured were taken, arriving within about two hours of the attack.

Dayan told newsmen it was impossible to prevent such a shelling. He said all Arab West Bank villages within range of the suburb had been placed under an immediate curfew.

[Earlier today the commandos accused Jordanian troops of intercepting one of their groups returning from an operation in Israeli-occupied territory in the Nazar area, near the northern Jordan City of Irbid.

[Later a spokesman accused Jordanian troops of shelling all commando positions in northern Jordan and a refugee camp in the area for three hours at noon today.

[He said the Gaza Camp was "isolated from the world" and added that a child was killed by the Jordanian shelling.

[In a final statement tonight the commando spokesman said that tanks and armored cars had tried for the third time to force their way into commando positions and that shelling was continuing.]

THE PENTAGON PAPERS

Mr. McGEE. Mr. President, few people in the Nation have rationally assessed the impact of the publishing of the Pentagon Papers by the New York Times. Fewer people have rationally assessed the future ramifications of this action and the possible consequences it has for the world as a whole. But one man, who has done just this, offers some very disturbing views which cut through the emotionalism surrounding the publication of this admittedly biased 47-volume study and confronts us all with some very stark realities.

On Tuesday of this week, a lengthy article on an interview with Dr. Walter W. Rostow was published in the Summer Texan, a University of Texas student newspaper.

Dr. Rostow, whom I hold in the greatest esteem, points out what really is a stake in the world at this moment in history. A very delicate balance is being maintained and this balance must be pursued if true world peace is ever to be achieved.

Dr. Rostow assesses the flaws, not only in the Pentagon Papers themselves, but also the conclusions drawn by the New York Times concerning these papers.

A very gifted individual has presented us with his views which hold ominous tones for the future.

I, therefore, ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rostow Blasts Times for Misleading Public: Document Cited as Partial Evidence

(Editor's Note: The following is an interview with Walt Rostow, who served as a special assistant for national security affairs under President John F. Kennedy, chairman of the Department of State's Policy Planning Council from 1961–66 and as special assistant on Southeast Asia to President Lyndon B. Johnson from 1966–69. Dr. Rostow teaches at the University.)

(By Ann Bennett and Miles Hawthorne)

Walt W. Rostow, professor of economics and history, in an interview Thursday accused The New York Times of misleading the American public with its analysis of the controversial Pentagon papers, a study commissioned during the Johnson Administration by then-Secretary of Defense Robert McNamara.

The study is an analysis of U.S. involvement in Southeast Asia from World War II to mid-1968 and includes 4,000 pages of official documents.

The Pentagon account, Rostow said, "is an uneven report based on partial evidence lacking the most critical evidence, that is, the President's mind, his consultations with his leading advisers and his consultation with the congressional leadership.

"But the worst of it, in my judgment, is what The New York Times did in its first three articles. It proceeded from this limited evidence to draw conclusions which are in no way warranted by the evidence itself."

He added that the first three articles in The Times series by Neil Sheehan "will be studied in journalism schools as a classic example of the distortion in the relationship between headlines, lead writing, editorials and evidence."

Rostow pointed out that The Times makes essentially three charges dealing with policy in 1964 and 1965.

The first was that in 1964 President Johnson planned to increase the number of U.S. troops in Vietnam to enlarge the American role in the war but concealed his plans.

"But the evidence itself shows that what happened in 1964 was simply that normal contingency planning was conducted," Rostow said.

"When I came down to Washington with President Kennedy in January of 1961, there already existed a major contingency plan should we have to fight to honor the SEATO treaty, known as SEATO Plan 5, and that plan was under constant revision."

Rostow said, in his opinion, the first "great technical journalistic error" made by The Times was "to mistake routine contingency planning . . . for decisions of the President."

The second charge in The Times articles "which was blazoned in headlines was that a consensus was arrived at in September (1964) to bomb North Vietnam and that this was held because the President wanted to await the election."

He explained that although the date in The Times was wrong, "there was a meeting held in September on the subject and the conclusion of that meeting was against bombing. What they did decide was that they would make a contingency plan in case there were major attacks on U.S. units in Vietnam or special attacks on the South Vietnamese."

Concerning the third charge that Johnson concealed his decision to put major U.S. troop units into Vietnam in April, Rostow said, "The decision in April was to enlarge the protection of the DaNang air base by putting in two Marine battalions plus some logistical forces. This was not announced for security reasons until the troops were in place, when a routine announcement was made."

It is this April troop commitment that is often referred to as the point of no return in the U.S. involvement in Southeast Asia, the point at which the United States began the shift from a defensive to an offensive position.

Rostow said the change in mission was "simply that the American forces would be permitted to go out and rescue a South Vietnamese unit within 50 miles of the base if it was in trouble. This was simply to put more distance between the Communist forces and the base, and it was not a change of policy. The basic decision on troops came at the end of July 1956, and it was fully revealed by Johnson.

"I think that if you simply take The New York Times or any other reputable reporting of that period, you will find that the American people were extremely well informed of what was going on, of the debates in the Administration, of the choices being made."

The fundamental question that must be asked about the Pentagon papers and The Times articles, Rostow said, is "did the President, as reported in the New York Times of 1964–65 mislead the people, or did the New York Times of 1971 mislead the people as to how they were informed of that period."

In reference to the Pentagon report, Rostow said, "I'm afraid our obsession with all these papers and what they contain, which they don't, will weaken us at a moment when our eyes should be fastened on the possibilities for peace: the SALT talks, the Middle East and the opportunities opened up by the new mood in Peking. We need a strong, purposeful America to translate these possibilities into solid agreements.

"Right now we look like a stumbling giant. And I'm afraid that we'll encourage the hawks in Moscow and Peking, Cairo and Hanoi.

"I'm not predicting any catastrophes because of these papers, but I do think we are in danger of diminishing the chances for bringing the world a lot closer to a stable peace," he added.

Rostow explained that he feared this "period of self-flagellation" over the contents of the Pentagon study might push the nation toward isolationism which "could lose us the greatest opportunities for moving towards peace since the end of World War II."

He said, "If we pull out of Asia and tear up our pact . . . I find it very hard to believe that India and Japan will not go nuclear, and if they do I don't see how other countries will avoid it. The whole nonproliferation treaty is at stake.

"What we want is a balance in Asia in which no single power out there dominates. This is why Asian regionalism is so important—that is to say, the collaboration of Japan, Korea, Australia and all the others—because if they work together they will be able to form not a hostile bloc against China but a body of people and nations which will not tempt China—will balance China."

When asked about the "domino theory," a phrase coined during the Eisenhower Administration referring to a concept whereby the fall of South Vietnam would result in the Communist takeover of the rest of Asia, Rostow said, "This wasn't a theory—it almost happened."

As an illustration, Rostow read from a speech he had presented before the Global Strategy Discussions at the Naval War College in June. He said the "panorama of Asia in 1965" included South Vietnam "on the verge of defeat and takeover; Indonesia in confrontation with Malaysia, out of the United Nations, making common cause with Peking, eager to complete what both Djakarta and Peking described as a 'pincer movement' to take over the whole of Southeast Asia . . .; and a Peking official proclaiming that 'Thailand is next.' "

The Times articles reveal that Johnson asked the CIA about the credibility of this theory to which the agency replied that "with the possible exception of Cambodia, it is likely that no nation in the area will quickly succumb to communism as a result of the fall of Laos and South Vietnam."

Rostow said this statement did not constitute a rejection of the domino theory, but merely that it "was not certain that Thailand would fall immediately.

"If you ask me did I and do I believe that the fate of all Southeast Asia is at stake in the struggle in Vietnam and in the viability of the American commitment to Thailand and to Southeast Asia, my answer is yes, I do."

He explained that the Russians and the Chinese, "given their interests," would be unable to ignore the vacuum he believes would be created by an American withdrawal from Southeast Asia.

"Then when they move, after they have committed themselves, the American people will realize the danger, and then we'd come roaring back late and convulsively and, quite possibly, in a nuclear environment.

"But," Rostow continued, "the fundamental question to me is whether Asia matters to the U.S. I think it does—I believe that it will matter increasingly."

He then explained what he calls the "Atlanticist view," which he believes is at the core of most anti-Vietnam war sentiment.

"People in effect say, 'all this pain we're taking is not worth it for those brown devils out there—they're not that important.

"The future of Asia will be at least as important in your lives and in your children's lives as Europe. Now I think that if you strip away a lot of the passion of the debate on Vietnam this issue is down at the bottom," he said.

Looking back on the policy decisions of the early '60's, Rostow said, "I think the greatest mistake was that the U.S. did not insist immediately, with whatever force was required, on the enforcement of the Laos Accord of 1962."

It was the North Vietnamese continued infiltration through southern Laos and the presence of their forces in northern Laos in violation of the agreement, he explained, that led to air operations in 1964 involving U.S. planes supporting Laos forces, trying to keep the North Vietnamese out of the heavily populated Mekong Valley. These included pilots of Air America, a pseudo-private airline run by the CIA. "These operations (known, according to the Times, as Plan 34A) were undertaken to harass the North Vietnamese guerillas who were infiltrating South Vietnam," Rostow said.

The 34A operations, the Times reports, included flights over North Vietnam by U–2 spy planes, kidnaping of North Vietnamese citizens for intelligence information, parachuting sabotage and psychological warfare teams into the North and commando raids over North Vietnam and Laos.

The Times reported that Operation 34A and the Tonkin Gulf incident in August, 1964, resulted in the suggestion of a policy to provoke the North Vietnamese.

The Tonkin incident, involving an attack by North Vietnamese PT boats on the American destroyers *Maddox* and *C. Turner Joy*, the Pentagon study reports, was "an important threshold in the war," resulting in U.S. reprisal air strikes with "virtually no domestic criticism."

Sheehan wrote, "The study makes it clear that the physical presence of the destroyers provided the elements for the Tonkin clash. And immediately after the reprisal air strikes, the Joint Chiefs of Staff and Assistant Secretary of Defense John McNaughton put forward a 'provocation strategy' proposing to repeat the clash as a pretext for bombing the North."

According to Rostow, the "provocation strategy" was "simply some staff fellows scratching their heads about whether we should have such a policy.

"But I assure you, there wasn't," he added.

"What happened was that in the time of President Kennedy, in the face of infiltration from the north, raids were begun on the North to harass them."

He added that the Tonkin Gulf incident was totally independent of these raids. "Those fellows were not sent up there (the Turner Joy and Maddox) for any other purpose than to gather electronic intelligence in international waters—just the way the Russians do, we do and other people do."

When asked how long he thought the U.S. economy could support the war in Southeast Asia, Rostow replied, "It has never been an economic problem at home. The peak cost was $25 billion—that was out of a near trillion-dollar economy and now it's way down—$16 or $17 billion.

"There are plenty of reasons for trying to get the war over, but I don't think the economic one is fundamental."

Of the use of defoliants in the war, he said, "South Vietnam has had the largest harvest in its history this year. This is not a country that has suffered an ecological disaster. The criticism of their use is grossly over-done."

Reviewing the last decade, he commented, "Although the nations and peoples of Asia have gathered strength, they will require a diminishing level of American support.

"The anxiety in Asia is that we will pull out too fast. I know of no Asian leader who does not believe that if we withdraw our commitments prematurely to the SEATO treaty, that the whole area, down to Singapore and possible Indonesia, will lose its independence."

When asked how he felt about his involvement in the war, Rostow said he saw his role in the policy-making as "Not very important. President Kennedy's views on Asia were formed independently of mine. I am grateful and proud that I could work with President Johnson from 1966 on. But again, I believe his views were formed independently of mine."

FREEDOM FLIGHTS FROM CUBA TO THE UNITED STATES

Mr. DOLE. Mr. President, one of the great landmarks to man's individual freedom in the history of the world is to an All-Volunteer Armed Force. United States.

Seldom in the history of the world has one nation done so much for the individual freedom of so many, selflessly and without ulterior motive.

Therefore it came as a shock to many of us that in the name of economy and jobs an effort was being made to end these flights, even though there are about 40,000 more Cubans who have signified that they prefer freedom in the United States to paradise in Castro's Communist Cuba.

Mr. President, there is no way in the world to equate money or material things with freedom. Any man who has once lost his can tell you that. Last year, in one of the great moral blunders in our history, we turned an escaped refugee sailor back to his Russian masters. The shame of that deed will linger a long time.

Now, multiply that, if you will, by 40,000, because the proposal, in the name of jobs and economy, was a proposal to condemn 40,000 freedom loving men and women to lifetimes of slavery. Who, here, is willing to participate in such a deed.

Mr. President, much has been said about the freedom airlift, much has been said about how the Cuban refugees have integrated into American life; there is little I can add.

But I can urge those who first presented the amendment, which was later withdrawn, to reconsider. Our country was founded and has been built on one foundation—freedom. The torch of freedom in New York Harbor has beckoned millions to these shores.

Symbolically that torch shines brightly in Florida today for those 90 miles away who know what it is to be denied freedom.

Mr. President, I hope that this Chamber will never put money ahead of freedom and that no man who seeks to be free will be turned from these shores because he could not, and would not, pay the price.

If such happens, Mr. President, the loss to the heart and the soul of America would be more than free Americans could ever regain. And we would be a smaller country and a lesser people for it.

ECONOMICS, FREEDOM, AND THE DRAFT

Mr. McGOVERN. Mr. President, the selective service legislation remains before Congress. I continue to believe that the best course for Congress would be the complete transfer from conscription to an All-Volunteer Armed Force.

As Senators well know, the case for an All-Volunteer Armed Force was made by the Gates Commission. Robert Eisner, a professor of economics at Northwestern University, has written a perceptive and compelling review of the Gates Commission report for the publication Public Policy.

Mr. President, I ask unanimous consent that the review by Professor Eisner be printed in the Record.

There being no objection, the review was ordered to be printed in the Record, as follows:

Review Article: Economics, Freedom, and the Draft

(By Robert Eisner) *

"The question then will amount to this; whether it be just in a community, that the richer part should compel the poorer to fight for them and their property for such wages as they think fit to allow, and punish them if they refuse?" Benjamin Franklin[1]

The Report of the President's Commission on an All-Volunteer Armed Force is a sober, well-balanced presentation of the view that elimination of the draft is feasible and desirable, along with a set of concrete recommendations on how to accomplish this end in the immediate future. While the auspices of a president committed in principle to elimination of the draft might have led us to expect such a report, it is noteworthy that the recommendations of the Commission, under the chairmanship of Thomas Gates, former Secretary of Defense, and consisting of a wide variety of generally conservative and distinguished civilians and former military leaders, were unanimous.[2]

The Commission calls for a basic pay increase amounting to $2.68 billion and other increases in budget expenditures for proficiency pay, reserve pay, additional medical corps expense, and recruiting, ROTC and miscellaneous costs, bringing the gross budget increase to $3.24 billion. Of this, $540 million would be recovered in federal income tax collections, thus implying a net cost to the Treasury of $2.7 billion. Assuming provision of these additional funds to be effective July 1, 1970, the Commission envisioned transition to an all-volunteer force by July 1, 1971. The increased budget costs would relate mostly to raising the basic pay of military personnel in the first two years of service from $180 a month to $315 a month or, including total compensation, from $301 a month to $437 a month. Total compensation of officers in their first two years would be raised from $717 a month to $869 a month. In addition, the Commission would "make comprehensive improvements in conditions of military service and in recruiting" and would "establish a standby draft system by June 30, 1971 to be activated by joint resolution of Congress upon request of the President."

President Nixon is quoted as saying, "We have lived with the draft so long that too many of us accept it as normal and necessary" (p. 11). Yet, as we are reminded, the draft does not have a long tradition in our history as a free nation. The federal government never employed conscription in peacetime or in any war until the Civil War. Then, instituted relatively late, the draft resulted in major riots and accounted for only a tiny proportion of the armed forces actually engaged in that combat. Indeed, it was not until 1917 and World War I that conscription ever became a major source of our armed forces. Immediately after World War I the draft ended and we returned to all-volunteer, and very small, armed forces. A new draft law was enacted in 1940 after the beginning of World War II but was allowed to lapse after the end of that war, only to be succeeded, after some interval, by our first peacetime conscription, in 1948. As we approach our 200th anniversary as a nation, therefore, we find that over little more than a quarter-century have we ever raised any of our armed forces by conscription and, indeed, over most of that period most of the armed forces were volunteers.

If ample support for the draft is not to be found in our historical traditions—there is even some hint in the Commission's report that its constitutionality, at least in peacetime, was accepted on the basis of rather thin precedent, and one may wonder how a "strict constructionist" Supreme Court might decide the matter—its economic rationale is virtually nonexistent. The simple fact is that conscription or "slave labor" is not an efficient way to run a business. Arguments that the draft costs less money or, conversely, that volunteer forces would cost more, are readily seen to involve a confusion between budgetary costs and real costs to the economy. "Conscription is a tax," the report points out, and a most inequitable tax at that. It is actually a tax in kind, which may be viewed, as the Commission puts it, as "the difference between the pay that the inductee or reluctant volunteer actually receives as a first-term serviceman and the pay that would be required to induce him to enlist" (p. 25). This tax in kind is no less real and frequently more onerous and inequitable than the justly abhorred tithes and the *corvée* to work on the roads and other public works which finally disappeared in the Western world with the French revolution. The Commission estimates a total implicit tax on draftees and draft-induced volunteers of $2.0 billion, implying an average tax rate of 48% of the income that draftees and draft-induced enlistees would have earned in civilian life. This compares with an effective tax rate of only 15% of gross income for civilians earning *comparable income*.[3] Aside from the fact that this is a very high tax rate, it is concentrated arbitrarily on a tiny proportion of the total taxpaying population and, indeed, on only 8% of the male population reaching age 19 each year. We can only argue that taxes are lower with the draft because we ignore this tax in kind. Taxes may indeed be less to the rest of us who are not drafted, but that is because we in effect tax the draftees to pay for their own services.

That the *real* cost of an all-volunteer force would in many aspects be less than can readily be seen. First, of course, by securing volunteers and paying enough so that we could choose those most qualified (and indulging in differential pay where appropriate to get the right person for the right job) we should clearly be able to get men who are better qualified and better motivated for the work at hand than those who are dragged off, in some cases almost literally kicking and screaming, at the whim of local draft boards or by the caprice of chance.

But further, volunteers would be likely to serve longer than draftees. On the basis of initial enlistments alone, volunteers serve three-year terms, whereas we have not found it appropriate to require more than two years of draftees. In addition, those who chose military service of their own free will are much more likely to re-enlist for further duty than those who are forced into the service, and statistics confirm this amply. Since it takes a minimum of six months to train each new serviceman, the longer terms of service and greater re-enlistment of volunteers will imply that (1) a smaller total force will be necessary to have any given "effective" force, past the period of traineeship, and (2) a smaller proportion of trained officers and men will have to be allocated to the training of new recruits. And if in the armed forces, as in most other organizations, skill and ability tend to increase after the first two years of service, the average capability of more experienced volunteers should be greater than that of relatively less experienced draftees.

---

*The reviewer is indebted to Mark V. Pauly for helpful comments.

[1] Quoted in *The Report of the President's Commission on an All-Volunteer Armed Force* (Washington, D.C.: Government Printing Office, February 1970, xiv +211 pp., paperback, $1.25), p. 24.

[2] Members, in addition to Gates, included Thomas Curtis, Frederick Dent, Milton Friedman, Crawford Greenwalt, Alan Greenspan, General Alfred Gruenther, Stephen Herbits, Father Theodore Hesburgh, Jerome Holland, John Kemper, Jeanne Noble, General Lauris Norstad, W. Allen Wallis, and Roy Wilkins. Wilkins, who missed a number of meetings because of illness, did not sign the report but also endorsed "the basic idea of moving towards an all-volunteer armed force."

[3] The Commission's comparison may be a bit overstated here, as a more appropriate measure of the implicit tax might have been the amount of their civilian income that draftees would have been willing to pay in additional taxes to avoid military service, thus eliminating from our calculations the "income effect" of the higher remuneration that *would have been* necessary to induce them to volunteer. See my review of J. C. Miller III, ed., "Why the Draft? The Case for a Volunteer Army," *American Economic Review*, LVIII (September 1968), esp. p. 953.

Further savings may be expected from the proper attribution of costs that might come from recognizing the true price of military personnel. Economies might run in the direction of substituting machinery, civilians, and women for servicemen whom military planners may prefer when their costs or purchase price are reckoned as $301 a month, the current total remuneration to draftees.

It is the "opportunity costs," what draftees would be earning and producing as civilians, rather than what they are paid as involuntary military personnel, which begin to give a measure of the real cost to the economy of conscripted servicemen. And the total cost to the economy of conscription is really even higher. For every draftee and reluctant volunteer taken out of civilian production there are many other young civilians who are prevented from fulfilling their optimal role in the economy because of the existence of the draft. These would include, for example, large numbers of reluctant students, who avoid military service at a cost of both the livelihood which they might otherwise earn in full-time work and the expenses of educational services that they may not have wanted, may not enjoy, and may not use.

The Commission's report states and "answers" a number of "objections" which have been raised to an all-volunteer force. We have already discussed the matter of cost. Regarding the question of flexibility, it is pointed out that "military preparedness depends on forces in being, not on the ability to draft untrained men" (p. 13), and provision for a standby draft is in any event recommended.[4] On the matter of the danger of developing a powerful military caste, it is explained that shifting to an all-volunteer force would have only a marginal impact on the composition of the services, since most current enlisted men and a very large proportion of officers have been recruited voluntarily; the most pervasive change in moving to an all-volunteer army would be to substitute volunteers for draftees among the very lowest-ranking and least influential first-term enlisted men.

Taking up the touchy issue that an all-volunteer army may become overwhelmingly black, the Commission concludes, after examining enlistment and draft rates, that for the current type of mixed force of draftees and volunteers the proportion of blacks might go as high as 15.1 percent, as against 16.0 percent for an all-volunteer force. On consideration of the preponderance of whites among the population and the higher acceptibility rate of whites for military service (with current and prospective physical and educational standards), the likelihood of a dominantly black volunteer force turns out to be an arithmetical myth. It may be added that the Commission is probably correct in suggesting that its basic recommendation of higher rates of remuneration would be more likely to increase the proportion of white volunteers than of black volunteers since, sadly, for many young blacks, current miserable rates of military remuneration are already higher than civilian alternatives. It may finally be pointed out that, from the standpoint of blacks, serving as volunteers at higher pay will certainly be superior to the current situation in which, whether as draftees or as volunteers, they are paid at rates which would be considered the rankest exploitation anywhere else in our relatively prosperous economy.

The Commission takes up two related if somewhat contradictory objections, that "an all-volunteer force would stimulate foreign military adventures, foster an irresponsible foreign policy, and lessen civilian concern about the use of military forces" (p. 17), and that the higher defense budget necessary to provide for an all-volunteer force would force the Department of Defense to cut back expenditures in other areas or cut back the total forces that will be kept in readiness. The Commission arguments on the latter point may well be quoted:

"The contention that an all-volunteer force is undesirable because it would result in smaller defense forces raises a serious issue regarding the conduct of government in a democracy. Conscription obscures a part of the cost of providing manpower for defense. When that cost is made explicit, taxpayers may decide that they prefer a smaller defense force. If so, the issue has been resolved openly, in accord with the Constitution, and in the best tradition of the democratic process. Those who then argue that too little is being devoted to national defense are saying that they are unwilling to trust the open democratic process; that, if necessary, a hidden tax should be imposed to support the forces they believe are necessary . . ." (pp. 19–20).

The somewhat contrary concern that an all-volunteer force may lead to a more and unduly aggressive foreign policy is perhaps not so easily dismissed. The paradoxical possibility exists that the lesser real cost of volunteer forces will make them more dangerous. One may argue that there will be more inclination to get involved in foreign adventures—as the world's policeman, in common parlance—if we are not inhibited by the immediate cost of a balky and less efficient army of conscripts. The American youth rebellion, clearly at least partially fueled by concern over the draft, may well have something to do with the shift from escalation to de-escalation of our unpopular venture in Southeast Asia. With a volunteer system it may well be possible to find a small minority of the population with a taste for adventure, combat, and perhaps brutality, who would prove a ready instrument of a dangerous and adventurous foreign policy. We have seen them elsewhere, but in the best of nations, after all, there may be some proportion of sadists of storm-trooper mentality. Would a system of self-selection, at what the Commission points out would not necessarily require much greater pay than we have now, result in such a force? Might irresponsible leaders use such a force with relatively little economic cost and with the main body politic relatively unconcerned?

One answer to this question may be that there is no substitute for the responsibility of an enlightened citizenry in a democratic society. Those of us who are concerned less our nation take an imperial road to disaster must look to the democratic process to block that road, and not to the constraints of the tyranny and arbitrariness of conscription somehow to make it sufficiently unpleasant to be avoided. One may wonder, moreover, whether a system of all-volunteer armed forces would not prove a better and quicker signal of the costs, to be matched against the benefits, to be ascribed to activities in which our armed forces might become involved. Indeed, the Commission's report is perhaps understandably silent on some of these matters. It does point out well that the costs of an all-volunteer force would depend substantially upon the size of the force to be maintained. For armed forces of two million men it argues plausibly that, at least in peacetime, no increase in budgetary costs would be necessary, although, even for such a force, the rates of remuneration should be raised on grounds of equity. As our force becomes larger, however, costs rise not merely because we have to pay more men but because we have to raise rates more to recruit larger forces. "Thus the net additional budget expense required to maintain an all-volunteer force equivalent in strength to a 2.5 million man mixed force on a stable, continuing basis is about $2.12 billion per year. For the 2.0 million man force the comparable figure is $1.47 billion; for the 2.25 million man force it is $1.74 billion; and for the 3.0 million man force, $4.55 billion" (p. 194).

But what the Commission has neglected to highlight is that an all-volunteer force might well make the budgetary cost a clear function of our foreign and military policies. There would be ample volunteers even at low rates of pay for a small peacetime force. The Defense Department is reported to have argued, however, that at almost no reasonable rate of pay might there be sufficient volunteers to fight our war in Vietnam.[5] (If this is so, what an indictment of our policies!) I can well imagine that, with an all-volunteer force, rates of pay would have to be adjusted as our foreign entanglements changed. The economic costs of dirty and unpopular wars would become readily clear. It is perhaps instructive to hypothesize a free market for volunteers very much like the stock market for capital assets. If supply and demand equilibrated both markets we might find that war scares would drive stock prices down, at the prospect of higher taxes, and the price of volunteers up, at the anticipation of both higher demand and lower supply from young men who are interested in a *peaceful* military career.

One may raise technical questions here and there. How reliable are surveys, which have endeavored to distinguish true volunteers from "reluctant volunteers" who would not have enlisted if they had not faced the more unpleasant imminent alternative of the draft? In using census data of wages and salaries by age of employee in comparing military and civilian compensation by years of service (Table 5–11, pp. 53–55), is truly comparable civilian compensation possibly understated? For unlike career soldiers, civilians with, say, eight "years of service" may include many, with varied work experience, who lack the qualifications to hold on to a single job. And related to these issues, but fundamental to the Commission's recommendations, how reliable are the estimates of elasticities of supply of volunteers? We are promised, in the near future, reports of the technical analyses underlying the conclusion that relatively inexpensive increases in compensation would bring forth large additional numbers of volunteers. The Commission's conclusion here, and its critical review of quite different estimates, in the 1966 Department of Defense study, that an all-volunteer force of 2.65 million men would add $4 billion to $17 billion per year to the defense budget (Appendix C), are persuasive but not unchallengable.

I would argue, however, that these technical questions are small in the light of a larger issue which the Commission, perhaps out of a desire to preserve unanimity, did not fit to stress. For the logic of freedom and the logic of efficiency argue that the more expensive in budgetary terms an all-volunteer armed force would be, the more inexcusable it is to continue the draft. The more it would cost to convert to an all-volunteer armed force, the greater is the hidden tax so outrageously imposed on draftees. The greater the budgetary cost of an all-volunteer force, the greater are the real economic dislocations and losses created by the draft. The greater the cost of an all-volunteer force, the higher, by their own revealed preference, is the value of the liberty which we are taking from our young men when we draft them. And the higher the budgetary cost of an all-volunteer armed force, the greater is the true cost and the more likely the self-delusion, in the pursuit of the policies to which our armed forces are committed.

---

[4] One may wonder whether this is an injudicious concession, contrary to the broader aims and principles underlying the Commission's report. Forcing young men to register every year for a standby draft may raise some of the same questions of conscience that arise with a draft in being. It would appear that arrangements for a draft, if ever its reinstitution were requested, could be made during the time of Congressional deliberation and debate. Registration could then take place promptly when and if the new draft were enacted.

[5] A *New York Times* dispatch dated March 14, 1970, declared: "An all-volunteer armed force is both desirable and feasible, top Pentagon officials say. But if the Selective Service System is dropped while American casualty rates remain high in Vietnam, they say they doubt whether sufficient numbers of men will volunteer, regardless of pay."

While all this might have been proclaimed, and the tedium, tyranny and terror, along with sheer waste in any system of slavery, and military slave labor in particular, might have been stated boldly, *The Report of the President's Commission on an All-Volunteer Armed Force* is a fine and remarkable document for what it does say. It shows clearly that the end of the draft is feasible and desirable and argues effectively that the shift to an all-volunteer armed force should be begun virtually immediately and could be completed by July 1, 1971. Elimination of the draft and the move to an all-volunteer armed force has long had the support of outstanding Vietnam doves such as Senators George McGovern and Mark Hatfield and of more than one outstanding hawk such as Barry Goldwater. Senate Majority Leader Mike Mansfield has voiced his endorsement of the report and opposition to extension of the draft. If President Nixon would act now on the findings and recommendations of his own Commission, we might find a bipartisan coalition for successful action to restore freedom and the prospect of freedom to millions of Americans.

THE PRESIDENT'S ENERGY MESSAGE

Mr. GRAVEL. Mr. President, all the people of Alaska will be extremely interested in reviewing and watching developments on President Nixon's message of the other day on the supply of energy for the United States.

As is well known, Alaska has vast discovered energy resources awaiting development, and it is to be hoped that the administration's announced attention to the overall problem of energy supplies will be followed by useful action. Last month testimony on the message was taken by the Interior and Insular Affairs Committee on which I am honored to serve.

We now need the administration to spell out in greater detail a full strategy and plan to achieve the stated goal of adequate energy production at acceptable cost to the environment. I would like to offer a number of remarks around three subjects mentioned in the President's message—oil exploration and development, coal technologies, and nuclear power generation and its alternatives.

I. OIL

While the President referred to "efforts already underway to develop the fuel resources of Alaska" the fact is that the orderly and expanded development of Alaska's rich oil heritage has been arrested and frustrated by the Federal Government and the Federal courts now for 3 years. Some of the obstacles thrown in the way have been legitimate and some have not. At any rate the President's new concern over domestic energy issues—except for the Canadian case I could find no reference to the several international options that are open to us to help alleviate the problem—should bode well for moving ahead on the Alaska front.

The State of Alaska has half the Continental Shelf area of the United States, and this area is geologically promising of oil provinces. Accelerated oil and gas lease sales on these Federal lands is welcomed so long as there are stringent controls to safeguard Alaska's valuable fisheries resources also found there. Still more immediate—and closer to shore—would be the timely settlement of the long-outstanding court dispute over whether the State of Alaska or the Federal Government owns the highly promising offshore oil lands of lower Cook Inlet in southcentral Alaska.

The President's message spoke also of "appropriate leasing programs" for Federal lands where "the Government should be able to recover the fair market value of these resources." Though not mentioned specifically, a prime candidate for such action should be naval petroleum reserve No. 4 located just west of the great oil discoveries of Prudhoe Bay.

Pet No. 4 has been known and initially explored since 1923 and at one time probably had some real—but never used—place in our national security arrangements. Whatever this role was, it is widely acknowledged to have long since disappeared and only governmental inertia and some bureaucratic struggles between the Navy Department and the Department of the Interior have kept us from taking the public interest action of leasing the field into the private sector with the U.S. Treasury recovering the fully allocated costs associated with the enterprise all these years.

Mr. President, this could be simply done through congressional authorization and I hope that this will happen. Last time I looked at the figures the actual historical costs to government for Pet No. 4 were about $60 million, and this could be very rapidly recovered. I look forward to the administration coming forward with such a plan as part of the follow-on to its energy message.

While one direction of emphasis in the message was the locating of new oil supplies and the boosting of the nuclear alternative, reference to fully exploiting known oil supplies was noticeably absent. I refer particularly to hand-ups in the exploration, production, and transporting of the huge oil and gas finds on the north slope in Alaska.

Here we have billions of gallons of low sulfur content crude oil waiting for a transport system to be permitted and in place in order to supply the great energy demands the President spoke about to the rest of the United States. What of this "restriction" of supply? What can the administration be expected to do to unravel this before the Nation's energy crisis is further heightened and Alaska's economy is further depressed? As the President said in his message, "To move from geological exploration to oil and gas well production now takes from 3 to 7 years." Indeed it does. Perhaps tomorrow's witnesses before the Interior and Insular Affairs Committee will enlighten us on these points.

In a related part of the administration's energy message we find two statements that seem to me to bear very much on the Alaska pipeline issue:

> The development of the new technology required to minimize environmental damage can further delay the provision of additional energy.

And elsewhere:

> Industry should play the major role in this area, but government can help by providing technical leadership . . .

Mr. President, I agree with both these statements and would only hope that the administration is bending all its agency efforts toward a rapid resolution of any outstanding obstructions to getting out the Alaska oil and a timely issuance of the pipeline permit supported and concurred in by all relevant facets of the Federal Government.

II. COAL

I was pleased to hear the President strongly emphasize the importance of coal, as well as oil and gas, in meeting the growing national demand for energy and the increasing emphasis on cleaner fuels.

The importance of our coal reserves is often minimized in discussions of national energy demands. Yet, the 1,600 billion tons of mapped and explored coal reserves in the United States amount to approximately 90 percent of our recoverable fossil fuel energy reserves, while ultimate U.S. coal reserves are estimated to be in the neighborhood of 3,200 billion tons.

My own State of Alaska has coal reserves in excess of 265 billion tons, with about 50 percent of this total being either of bituminous or subbituminous grades.

In strong contrast to its large reserves, total U.S. coal consumption in 1970 came to just over 605 million tons, with Alaska's contribution amounting to only about 0.6 million tons.

ESTIMATED COAL RESOURCES OF ALASKA

[In millions of short tons]

Coal field	Bituminous	Sub-bituminous and lignite	Total
Northern Alaska	19, 292	100, 905	120, 197
Nenana		6, 938	6, 938
Jarvis Creek		76	76
Broad Pass		64	64
Matanuska	137		137
Susitna		2, 395	2, 395
Kenai (Homer District)		318	318
Total	19, 420	110, 696	130, 125

Source: Barnes, Farrell F., Coal Resources of Alaska, U.S.G.S. Bulletin 1242-B, Washington, D.C., 1967.

Alaska's coal industry has a long history. In fact, the first coal mine on the Pacific coast of North America was probably one opened in 1855 by the Russians at Port Graham on the southwest tip of the Kenai Peninsula. However, although there were large known coal deposits in Alaska, very little development took place prior to World War I because the Federal Government refused to permit anyone to obtain title to coal lands or even to mine the coal under a lease agreement. As a result, Alaskans who were living near excellent beds of coal were forced to pay extremely high prices to have coal shipped in from a foreign country.

This situation was obviously untenable. Following an American tradition established much earlier in Boston, the citizens of Cordova held a "Coal Party" and dumped a considerable amount of coal into the bay. Like its predecessor, this "Party" also attracted much attention and was a significant factor in the passing of a coal-leasing law in 1914.

The era of sustained coal production in Alaska came with the completion of the Alaska Railroad to the Matanuska coalfield in 1916 and to the Nenana coalfield in 1918. Production rose quickly to 60,000 tons in 1920 and continued its upward trend to reach 174,000 tons by 1940. During World War II and up to the mid-fifties, Alaska coal production underwent further rapid increases until after 1953 when it began to fluctuate between 650,000 and 900,000 tons annually.

In 1967, a total of 925,000 tons of coal was mined in Alaska. However, the conversion from coal to natural gas by the Anchorage military bases had a dramatic impact on coal production which fell to 750,000 tons in 1968 and still further to approximately 667,000 tons in 1969. Mine closures occurred, particularly in the Matanuska Valley where 95 percent of the coal market was lost following the conversion to gas by the military bases. Prominent among these closures was the Evan Jones Coal Co.'s Jonesville mine which had been in continuous operation since 1922.

Thus, despite its having almost 10% of the nation's reserves, Alaska's coal production now accounts for only about one-one thousandth of the national total.

If there is indeed a national energy crisis, as the President's message assumes, then it is not only Alaska's oil and gas reserves that are available to help abate this situation, but also her coal.

Even today, coal is a much underrated energy source. In 1969, energy generated by bituminous and anthracite coals accounted for 20.5 percent of the national total. Still more impressive is the place of coal in the generation of electric power. In 1970, out of a total national production of approximately 596 million tons of coal, some 320 million tons were used by the country's electric utilities and accounted for 46.4 percent of all electric energy produced. By contrast, oil accounted for 11.8 percent; gas for 24.1 percent and nuclear power for a mere 1.4 percent of the Nation's electric energy production.

Should the nuclear liquid metal fast breeder reactor demonstration program advanced for 1980 be unsuccessful in reducing radioactive pollution to acceptable levels, and this appears likely at the present time, it is probable that the United States will have to devote its energies to the development of thermonuclear fusion and solar energy—the subjects of my concluding remarks.

However, even if the breeder reactor demonstration was deemed acceptable, it would not be until 1990 when a significant impact from this form of power generation would be felt. Since the economic development of thermonuclear fusion and solar power now appear to be longer range developments, the net result would be a greater demand for fossil fuels over a longer period.

This increased demand could be met through a national energy policy which utilized the full range of fossile fuels. Indeed, there is a growing realization within the fossil fuels industry of the interdependence of these energy resources. The removal of sulfur oxides and the conversion of coal into clean gas capable of being transported through existing natural gas pipelines in energy-deficient areas is such an example of this interdependence and can also serve to provide a greater balance between energy demands and the environment.

The President also stressed the need for further development of coal liquefaction techniques to convert coal into clearer liquid fuels; as well as magnetohydroelectric power cycles which convert coal and the other fossil fuels into energy more efficiently.

Thus, to meet the increasing national energy demands, I urge that increased research and development of our fossil fuels be undertaken to produce an adequate supply of clean energy while we at the same time pursue more advanced methods, such as fusion and solar energy, toward making these sources assume a large portion of increasing demands for power in the United States.

III. NUCLEAR

I predict that President Nixon's energy message last Friday will produce a moral struggle of classic and colossal proportions between love and money, between humility and arrogance, between everyone who appreciates the wonder of life on earth and others who are willing to gamble with it in return for some fleeting engineering thrills and monetary advantages.

I am referring to the Presidential blessing given to nuclear fission. Mr. Nixon called it, "our best hope today" for lots of electricity.

Nuclear electricity has more than Mr. Nixon's blessing. It has the political clout of 17 billion business dollars already invested in it, plus a development subsidy of about 3 billion tax dollars.

Today I wish to make only two points:

First. A decision to promote nuclear electricity, which inevitably creates grotesque amounts of radioactive waste, is a gamble with the planet which requires ethical judgment and moral debate of the strongest nature.

Second. The nuclear gamble simply is not necessary; man already knows how to produce all the electricity he could want from sunlight, safely. The crucial difference between solar electricity and nuclear electricity is a $3 billion Government subsidy to the nuclear interests—with a request from Mr. Nixon for an additional $2 billion for developing the plutonium "breeder." Mr. Nixon's energy message gave lipservice to solar electricity and to other alternatives like fusion—but he gave all the dollars to fission.

THE MORAL PROBLEM

Mr. Nixon's announcement Friday is an endorsement of what AEC Chairman Glenn Seaborg calls "the plutonium economy of the future." Let me describe what that grim phrase really means.

It means an economy and a civilization depending for energy primarily on a substance widely acknowledged to be the most devastating pollutant which man knows how to create: Plutonium-239.

A single particle of radioactive plutonium about the size of a dust particle, inhaled and stuck in the lung, can cause lung cancer and kill you.

A single pound of plutonium is a quantity which represents the maximum permissible "body-burden," or dose, for 700 million people.

One large nuclear power plant, either "breeder" or conventional, produces over 600 pounds of plutonium every year—an amount equivalent to the maximum permissible lifetime body-burden for 420 billion people.

The AEC hopes to license about 1,000 nuclear plants within the next 29 years, and they will make a quantity of plutonium every year equivalent to 420 trillion maximum permissible doses.

AEC Commissioner Larson has said that a loss-rate of 1 or 2 percent of the plutonium inventory is "unavoidable"—October 1969, WASH 1147, cited in Science, April 9, 1971. Does this mean we can expect the loss of four to eight trillion lifetime doses of plutonium every year?

Any plutonium particles escaping into the environment will circulate for 24,000 years before losing half their radioactive harmfulness. That is forever, in human time-scales. Furthermore, it means that annual plutonium contamination will be cumulative.

The plutonium hazard alone is obviously on a scale which is incomparable with other pollution problems, or with anything like highway hazards. The potential risk compares with nuclear or chemical/biological warfare.

Plutonium losses may be augmented by plutonium thefts, for black-market atomic bombs. AEC Commissioner Larson has said:

> A market for such illicit materials is bound to develop . . . and I fear such growth would be extremely rapid once it begins. Such a theft would quickly lead to serious economic burdens to the industry and a threat to national security.

The massive security checking and regimentation required in attempting to prevent losses and thefts might well put a severe strain on personal freedoms.

President Nixon, and all of us, need to examine the concept of a "plutonium economy" carefully indeed, and in many aspects.

In addition to plutonium, large amounts of long-lived fission products, like stronium-90, are produced inside all nuclear powerplants—both "breeder" and conventional. That is a fact of physics, and better engineering cannot change it. A single nuclear powerplant—1,000-megawatts electrical—simply produces as much long-lived radioactivity every year as would the explosion of about 1,000 Hiroshima bombs.

Mr. President, I have two memos explaining the reactor-bomb comparison in detail. I ask unanimous consent that they be printed at the end of these remarks as supplement No. 1.

Nuclear enthusiasts intend to keep all this radioactive poison confined and separated from the biosphere for the next 50 generations. They are not moral monsters, and their intentions are good. The central question, one which Mr. Nixon did not present, is this:

Even if men everywhere agree, which they do not, to try to keep all radioactive garbage contained in perpetuity, can man succeed?

The amount of radioactive poison involved requires 99.9 percent success. If we achieve only 99.9 percent success, we will have poisoned the planet radioactively for all life to come.

Can the engineering community guarantee even 99 percent success? Such a promise would defy belief. And who is willing to gamble the planet on the basis of an engineering promise?

Engineers have a law, called Murphy's law: "If anything can go wrong, it will go wrong."

When 525 members of the national society of professional engineers were polled a year ago, almost 60 percent answered "yes" when asked whether there is a valid reason for the public to be worried about nuclear plants.

The senior member of the Joint Committee on Atomic Energy, Representative CHET HOLIFIELD, acknowledged last year again that "the construction and operation of nuclear reactors are very, very complex, costly, and inherently dangerous matters."

We see just the tip of the iceberg in the recently revealed uncertainties about the emergency core cooling system—which is one essential engineered safety system standing between today's nuclear powerplants and potential radioactive calamities.

Weight ought to be given to the warning issued in April by Dr. Hannes Olof Alfven, who won the 1970 Nobel Prize for physics:

> In my opinion, the dangers associated with the fission energy have not received necessary attention . . . if a reactor goes out of control, the consequences may be terrible. Even if extreme safety precautions are taken, the large quantities of radioactive material in them constitute a permanent danger . . . in a full scale fission programme, the radioactive waste will soon become so enormous that a total poisoning of our planet is possible. Under such conditions, safety margins which are acceptable in other fields, are inadequate. It is not evident whether the waste problem can be solved in a satisfactory way.
>
> If solar energy or fusion energy were available now at comparable cost, no one would use fission energy (for peaceful purposes). . . . If this is achieved, the fission reactor, especially the breeder, will be of interest only as a danger which must be eliminated as soon as possible.
>
> The views expressed here are shared by many competent physicists. They are basically different from those on which the present policy is based. An important decision about the future energy policy of the USA—and the whole world—should not be made until a thorough discussion has taken place involving advocates for all the three different alternatives (solar, fusion, fission) for solving the energy problem.

Mr. Nixon's personal opinion that fission represents "our best hope today" is only that—a personal opinion. His decision to back the breeder will surely fuel a sizzling moral debate. As far as radioactivity is concerned, the "breeder" is even more hazardous than conventional nuclear plants—not less.

Decisions about fission are urgently needed because, every day, man is creating additional radioactive garbage which he cannot get rid of. He can only move it from one place to another. A so-called "clean" or "zero-release" reactor simply means that the thing is engineered to put the radioactive problem somewhere else.

Providing there are no accidents beforehand, the radioactive waste moves out from a "clean" nuclear powerplant in special casks which each requires 30 to 100 tons of lead to shield the world from its contents.

The radioactive waste moves over roads and rails into a full reprocessing plant hundreds or thousands of miles away, where deadly accidents continue to be a possibility. In a "plutonium economy," each nuclear reprocessing plant will have an inventory of more liquid radioactive waste than we can comprehend: about as much as would be produced by exploding a half-million Hiroshima bombs.

Has any engineer convinced Congress that not even a fraction of 1 percent of it will ever get loose? Do we feel completely confident that accidents, leaks, carelessness, and sabotage are impossible? When the stakes are so high, these are questions urgently demanding answers.

In a few weeks, the European Nuclear Agency plans to make its third dump of radioactive waste into the North Atlantic; the dumps will be increasing in size, and accelerating in frequency. Radioactive pollutants in the ocean are even more dangerous than nerve gas. Nerve gas can become chemically neutralized, but radioactivity can be neutralized in no way. Only time—sometimes centuries—can eliminate the hazard.

The United States no longer dumps radioactive waste directly into the ocean, because it is "more economical" to use the land, according to the AEC booklet "Radioactive Wastes"—May 1967.

In this country, we continuously pump, dump, and dribble low- and intermediate-level radioactive waste directly into the ground. If future monitoring detects trouble, it may be too late for any remedy.

High-level wastes—the most intensely radioactive ones—are accumulating in leak-prone tanks. There is talk about burying them, solidified, in salt-mines. No safety tests have yet been made using real radioactive waste. Solidified wastes will remain radioactive for a thousand years, and may require human attention generation after generation—for instance, in order to remove the heat which the wastes will generate in the caves. No one can be sure what will happen down there.

Meanwhile, the U.S. Atomic Energy Commission is still moving ahead with the idea of dumping 25 million gallons of high-level radioactive slurry into redrock along the Savannah River, below the Tuscaloosa Aquifer—in spite of a warning in 1966 from a committee of the National Academy of Sciences that the project is unavoidably dangerous.

When man starts filling the earth's seas and burrowing into the earth's crust with radioactive garbage, he is taking a chance with the very livability of this planet for any kind of life. That is obvious.

How can such a bamble be justified? Does this generation of human beings have the conceit to leave behind a radioactive legacy which just might poison the planet once and for all, and finally?

I should like to quote a passage from the last speech of the late Adlai Stevenson:

> We travel together, passengers on a little spaceship . . . preserved from annihilation only by the care and, I will say, the love we give our fragile craft.

The whole plutonium proposition may be one of man's most grotesque ideas . . . and also one of the most absurd. Contrary to a well-nurtured myth that man must take the radioactive gamble because there is no other way to produce lots of electricity, we do have an attractive, inherently safe alternative to nuclear energy if we want abundant electricity. We would have a "sunshine economy" instead of a "plutonium economy," and we could have it even faster.

AN ATTRACTIVE ALTERNATIVE

Man has known for many years how to make sunlight into electricity. We have been doing it reliably for ten years in the space program. Plenty of solar energy reaches the surface of the earth too—plenty to spare.

The annual incidence of solar energy on earth is about 25 times greater than the energy stored in the world's entire coal reserves. That is annual and inexhaustible solar energy.

About 10 trillion kilowatt-hours of solar energy fall every year on Death Valley alone. That amounts to about five times more electrical energy than is currently generated in the whole United States.

According to Drs. Norman Ford and Joseph Kane in the University of Massachusetts Physics Department at Amherst:

> For technical reasons, we can not recover more than about 40% of that energy, but it does appear technically feasible to obtain about 4 trillion kilowatt-hours in electrical energy from Death Valley alone . . . what we have said so far has been known for a long time. The more important question is, can we recover this power at reasonable cost?

Their answer is "Yes," in a paper entitled "Solar Energy and Public Power," dated April 1971.

Solar energy systems must provide ways to store the energy for nights and dark days. Because one way is to use the sun's energy to produce gaseous, pollution-free fuels which can then be shipped and stored, I would like to add the Ford/Kane statement that about 2 percent of our major deserts are capable of producing enough hydrogen gas to produce all the electrical power we now use. Hydrogen gas is perfect for fuel-cell conversion to electricity.

Mr. President, in view of the connection between some solar energy propositions and fuel cells, I ask unanimous consent to have two articles about fuel-cell development printed as part of supplement 2 at the end of my remarks.

Another way to store solar energy for nights and dark days has been proposed by Dr. and Mrs. Aden Meinel, of the Optical Sciences Center at the University of Arizona in Tucson. Their proposal is simplicity itself: Thermal storage of solar energy in tanks of salt or metals which have large heats-of-fusion.

The Meinels have thought through an entire solar energy system which requires no technical breakthroughs in either solar cells or fuel cells. If adopted, we might see a 100-megawatt solar plant in operation by 1976, and the first 1,000-megawatt plant in operation by 1980—which is President Nixon's accelerated target date for operation of the first 300- or 500-megawatt nuclear breeder plant.

Mr. President, I ask unanimous consent to have printed at the end of my remarks as a part of supplement No. 2 an article from Science magazine, May 14, 1971, about the Meinel proposal, and a paper by the Meinel's, April 27, 1971.

The Meinel's propose heat accumulation and generation of electricity via the familiar steam turbine system. Drs. Kane and Ford propose conversion of water to hydrogen and the distribution of nonpolluting energy via our familiar gas pipeline system. There is a third kind of solar energy proposal which would employ silicon solar cells adapted from the space program.

Silicon cells convert sunlight directly to electricity without moving parts or byproducts. Their present efficiency is about 10 percent in commercial versions, 14 percent in laboratory versions, and 20 percent expected soon.

Mr. President, I ask unanimous consent to have a paper by Dr. Peter E. Glaser, head of engineering sciences at Arthur D. Little, Inc., printed as part of supplement No. 2 at the end of these remarks.

The cost of silicon cells, which are now wildly expensive, is high because of present manufacturing processes, not because of the material. Silicon is an abundant element. readily refined from sand. The cost of silicon cells could readily be reduced fourfold just using presently known techniques, and might well be reduced an estimated 700-fold with the application of a little industrial engineering.

Mr. President, I ask unanimous consent to have a paper on this subject by Dr. E. L. Ralph of Heliotek-Textron, Inc. printed as part of supplement No. 2 at the end of my remarks.

Though we know for sure that silicon works, it may not necessarily be the most efficient substance for solar cells. Organic semiconductors, for instance, would present no inherent upper limit to the cell's efficiency, and might reduce the cost of solar electricity even below silicon's lower limit. Dr. Elliot Berman has a research team working on the problem under the auspices of the Esso Research and Engineering Co.

Mr. President, I ask unanimous consent to print the Esso news release, November 24, 1970, as part of supplement No. 2 at the end of these remarks.

That solar energy is technically a sure thing seems understood by President Nixon. In his energy message, he said:

> The sun offers an almost unlimited supply of energy if we can learn to use it economically . . . and we expect to give greater attention to solar energy in the future.

But he gave the dollars to the breeder.

I emphatically disagree that "economics" should be the determining factor when the fate of the planet is at stake. Nevertheless, let us look at the "economics" of the breeder a moment.

The estimated capital costs of the breeder rose 50 percent between 1968 and March 1971, according to the AEC. By 1980, the Government investment in the breeder will be way over $2.5 billion, and the business investment even higher. That makes $5 billion without counting the $2 billion additional tax dollars invested in developing the present generation of civilian nuclear power plants.

All in all, by 1980, this country will have at least $5 to $7 billion invested in developing a 500-megawatt plutonium breeder, depending on how you count.

Therefore, when someone tries dismissing solar energy as "uneconomical" compared to nuclear energy, he overlooks the fact that large-scale solar energy might well look competitive already if the Government were subsidizing its development to the tune of $3 to $5 billion.

Strangely, some people say:

> If solar energy is so great, why isn't business interested?

Apparently it does not occur to these people to ask the same question about nuclear fission. Business would certainly not have grown devoted to nuclear fission if it had not been for the $3 billion Government development subsidy, the controlled fuel prices, and the Price-Anderson Act which removed normal public liability.

Remarkable, I think, is the growing business interest in solar electricity in spite of zero support from the Government. It is notable that several of the articles I have requested to be printed in supplement No. 2 are business-sponsored studies.

If Congress decides to treat solar energy to some of the lavish encouragement given nuclear fission, I predict we will see immense employment and solar business opportunities open up overnight. If we diverted $4 billion from the breeder to solar electricity, we would have economic solar energy. The least we should do, I believe, is to match our fission and solar investments dollar-for-dollar.

Therefore, I am considering a solar energy development bill for introduction this session and I would welcome cosponsorship of it.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE PLUTONIUM ECONOMY

Fissioning of nuclear fuel (uranium or plutonium) produces radoactive fission products in direct proportion to the amount of nuclear which is fissioned. It matters not whether the fissioning is done as an instantaneous explosion, or slowly as it happens in a nuclear power plant operating properly. The amount of nuclear fuel required to produce bombs of a certain size measured in kilotons, and to produce electrical power measured in megawatts, is known. Therefore, it is possible to compare the radioactive fission products produced in a nuclear reactor with the radioactive fission products produced by exploding an atom bomb.

NUCLEAR WEAPONS AND FALLOUT

The following are approximations encompassing three assumptions about nuclear weapons and fallout:

1. The Hiroshima bomb had a yield of about 20 kilotons (20,000 tons of TNT equivalent).

2. About 200 megatons (200,000 kilotons) of fission explosives were detonated in nuclear bomb-tests (US, USSR, UK) before the 1963 Test Ban Treaty.

3. Since most of the bomb-test fallout fell in the Northern Hemisphere, and since the continental United States comprises about 3% of the surface area of the Northern Hemisphere, approximately 3% of the 200 megatons, or about 6 megatons of long-lived radioactive fission-products will have fallen on the USA when all of the bomb-fallout has fallen.

NUCLEAR POWER PLANTS

The following are three assumptions about the fission-products created by nuclear power plants:

1. A 1000-megawatt (electrical) nuclear power plant—LMFBR breeder-design or present models—produces about as much long-lived radioactivity each year of operation as is produced by the explosion of about 1,000 Hiroshima bombs (equivalent to 20,000 kilotons, or 20 megatons of fission-bombs).

2. By the year 2000, the AEC hopes to license 500 breeders in the USA, each at least 1000 megawatts (electrical). In addition, the AEC expects to have licensed 500 water-moderated nuclear power plants by the year 2000, and expects to see another 1,000 nuclear power plants in operation in other countries.

3. 500 breeders, each producing long-lived fission-products equivalent to a 20-megaton bomb per year, will combined produce each year the equivalent of 10,000 megatons of fission-explosion.

500 water-reactors in operation will produce another 10,000 megaton equivalent per year.

1,000 water and breeder reactors in other countries will produce an additional 20,000 megatons of fission-products per year.

Every year, a single 1000-megawatt nuclear power plant (water model) produces enough radioactive plutonium alone to give 500,000,000,000 people the maximum permissible "body burden". This is in addition to the radioactive fission-products discussed above. The physical half-life of plutonium–239 is 24,000 years.

COMPARISON

1. If Americans manage to achieve 99.9% success containing the annual production of fission-products from 500 breeders, still the equivalent of 10 megatons of fission poisons would be escaping into this country's biosphere eventually. Thus, even a success-rate as high as 99.9% (which is unlikely in human efforts) would eventually release 300 megatons of long-lived radioactivity in this country from just 30 years of breeder activity. That is 50 times more radioactive contamination than we received from the bomb-test fallout, and excludes contamination from the water-reactors and foreign reactors.

2. In fact, 30 years is too short a period to assign to the production of radioactive waste from the breeder program. The AEC has stated its expectation that breeders should be developed and deployed because they are "essential to assure to our Nation, for centuries to come, an adequate supply of energy" (Milton Shaw to JCAE, Fiscal 1972

Authorization Hearings, page 27 in typewritten submission).

Therefore, the breeder program clearly poses the possibility of totally and permanently poisoning the planet, even if man could achieve a phenomenal 99.9% success-record in confining its radioactive by-products in perpetuity.

THE FISSION-PRODUCT EQUIVALENCE BETWEEN NUCLEAR REACTORS AND NUCLEAR WEAPONS

(By Dr. John W. Gofman)

What is desired here is a determination of the comparison of production of long-lived fission products (for example, Strontium 90 or cesium-137) in nuclear power reactors with such production in nuclear weapons. In particular we shall determine what megatonnage of atomic *fissicn* bombs is required to produce an inventory of long-lived fission products equivalent to that within a 1000 Megawatt (electrical) nuclear generating station that has operated for one year.

Listed below are certain physical conversion factors and parameters of relevance, together with the source of such information.

Energy Units: 1 Kilowatt-hour equals 8.6 times 10^5 gram-calories.

Reference: Handbook of Chemistry and Physics, 44th Edition, 1962–3, Chemical Rubber Publishing Co., Cleveland, Ohio. page 3305 (Units and Conversion Factors)

Equivalents of 1 Kiloton of TNT: 1 Kiloton TNT equals 10^{12} gram-calories. 1 Kiloton TNT equal 1.15 times 10^6 kilowatt-hours.

Reference: "The Effects of Nuclear Weapons", Samuel Glasstone, Editor, Published by the U.S. Atomic Energy Commission, Revised Edition, February, 1964 (U.S. Government Printing Office, Washington, D.C.) page 14, Chapter I, Table 1.41.

Yield of Hiroshima Bomb: 1 Hiroshima Bomb is roughly 20 Kilotons TNT.

Reference: Ibid., page 6, Chapter I.

CALCULATIONS

1. In one year of operation of a nuclear reactor, long-lived fission products that have been manufactured will not have decayed significantly. Hence the inventory at the end of one year will be almost precisely equivalent to the total quantity of such fission products that has been produced.

2. The nuclear generating station will be taken as 33% efficient in the conversion of thermal to electrical energy. Thus 3000 Megawatts (thermal) yields 1000 Megawatts (electrical). Obviously, the calculation can be correspondingly modified for any other efficiency value chosen.

3. The nuclear generating station will be presumed to operate at full power throughout the year. Clearly, the calculation can readily be modified for any deviation from 100% operation over the full year.

Now, 1 year of operation represents 24 times 365, or *8760* hours of operation.

If 1 Kilowatt-hour equals 8.6 times 10^5 gram-calories, then 1 Megawatt-hour equals 8.6 times 10^5 times 10^3 equals 8.6 times 10^8 gram-calories.

Therefore 1 Megawatt-year (or 8760 megawatt-hours) equals (8.76 times 10^3) (8.6 times 10^8) equals 7.53 times 10^{12} gram calories.

But 1 Kiloton TNT equals 10^{12} gram-calories.

Therefore a reactor at 3000 Megawatts (thermal) for one year is equivalent to 2.26 times 10^{16} equals 2.26 times 10^4 Kilotons of TNT, divided by 1 times 10^{12}.

1 Megaton equals 1000 Kilotons.

So 2.26 times 10^4 Kilotons represents 2.26 times 10^4 divided by 10^3 equals 22.6 Megatons.

So, we can say 3000 Megawatts (thermal) for one year is equivalent to 22.6 Megatons of fission bomb.

Now, taking 1 Hiroshima bomb as 20 Kilotons, we can say 3000 Megawatts (thermal) for 1 year equals 2.26 times 10^4 divided by 20 equals 1130 Hiroshima bombs equivalent.

(Note: The energy of the reactor and of the bomb are totally from nuclear fission. Hence, if we have compared equal *energy* production, we have automatically compared equal fission product production. And since, for long-lived fission products we neglect the decay, we can say the inventory of fission products (*long-lived*) in a 3000 Megawatt (thermal) reactor is equal to that from 1130 Hiroshima bombs.)

We can check this calculation by an alternative one. We listed above that 1 Kiloton TNT equals 1.15 times 10^6 kilowatt-hours.

Also 3000 Megawatts (thermal) for 1 year equals 3000 times 8760 equals 2.628 times 10^7 megawatt-hours.

2.628 times 10^7 megawatt-hours equals 2.628 times 10^{10} kilowatt-hours.

Therefore, 3000 Megawatts (thermal) for 1 year represents 2.628 times 10^{10} divided by 1.15 times 10^6 equals 2.29 times 10^4 Kilotons.

(Note: Calculating above via calories, we got 2.26×10^4 kilotons. Within rounding off errors, this result is identical, approached via kilowatt-hours or calories, which is, of course, expected.)

Converting to Hiroshima bombs equivalent, we have 2.29 times 10^4 divided by 20 equals 1,145 Hiroshima bombs. (Via calories, we obtained 1,130 Hiroshima bombs, again in agreement, within rounding errors.)

SOME POSSIBLE MODIFICATIONS

(1) It is claimed that, in the future, nuclear reactors may operate at 40% efficiency (thermal to electrical) instead of the 33% efficiency employed in these calculations.

In such a case, the Hiroshima bomb equivalent would be 1,130 times 33 divided by 40 equals 932 Hiroshima bombs for 1,000 megawatts (electrical) (2,500 megawatts (thermal)).

(2) One might, for any calculation, consider that the reactor will not operate at 100% power throughout the year. Estimates like 75% have been suggested.

If a 1000 Megawatt electrical plant, with 33% efficiency, operates 75% of the year.

The Hiroshima Bomb equivalent = (0.75) (1130) = 848 bombs.

If a 1000 Megawatt electrical plant, with 40% efficiency, operates 75% of the year,

The Hiroshima Bomb equivalent = (0.75) (932) = 699 bombs

Therefore, looking toward the future, and using 40% efficiency and 75% operation, it appears that 699 Hiroshima bombs equivalent is the lowest figure.

(3) The Hiroshima Kilotonnage was taken as "roughly" 20 Kilotons. York, in "Race to Oblivion," suggests the Hiroshima bomb may have been 14 Kilotons.

Above we calculated for 3000 Megawatts (thermal) for one year we have the equivalent of 2.26 x 10^4 Kilotons TNT

If one Hiroshima Bomb is 14 KT,

then 3000 Megawatts (thermal) for 1 year equals 2.26 x 10^4 divided by 14 equals 1614 Hiroshima Bombs, instead of the 1130 bombs calculated above.

[From the Wall Street Journal, May 19, 1971]

"LITTLE BLACK BOX" FUEL CELL, LONG SEEN AS ELECTRICITY SOURCE, MOVES AHEAD IN TESTS—COSTS REMAIN UNECONOMICAL BUT ARE STEADILY FALLING; COMMERCIAL SERVICE BY 1975?—GAS VERSUS ELECTRIC UTILITIES

(By Roger W. Benedict)

FARMINGTON, CONN.—A "little black box" that many major corporations have relegated to the back shelves of their research laboratories is undergoing a renaissance that could have broad economic and ecological significance.

The gadget is nothing mysterious. It's the long-heralded, but still unperfected, "fuel cell," a silent, essentially pollution-free device with no moving parts that produces electricity through a chemical reaction of hydrogen and oxygen. The hydrogen can come from many common fuels—such as natural gas—and the oxygen from the air.

The first field test of a new lower-cost version of the device is under way in a plush display home in this Hartford suburb, and 59 other units will be tested over the next year and a half in such diverse locations as a Los Angeles drugstore, a Chicago hamburger stand and a Brooklyn apartment. By the end of next year, its backers, the Pratt & Whitney division of United Aircraft Corp. and 32 gas and electric utilities, will decide whether they will proceed to commercial fuel cell service by 1975.

A MAJOR BENEFIT?

If the venture succeeds, its advocates say, it could prove of major benefit in closing the nation's growing energy gap and in tackling some of the most pressing environmental problems. In the process, they believe, the fuel cell could change the whole concept of the electric-utility business by introducing substantial competition into a field now largely the preserve of regulated monopolies.

But the fuel cell's ability to compete with conventional power remains to be proved, and many observers are skeptical. And in each state, lawmakers, regulators and courts will have to decide who can offer fuel-cell service and on what basis.

Invented 132 years ago, the fuel cell still has few practical uses, although it supplies electricity on Apollo moon flights. It also has found limited commercial use at oil pipeline pumping stations and in operating switches on European railroads. Thus far, fuel cells have proved too costly to make and operate to challenge conventional power sources in most applications.

Fuel cells would probably become "of real interest" when the cost of producing electricity drops to about $150 per kilowatt, says W. Donham Crawford, president of the Edison Electric Institute. The institute is a trade group of investor-owned electric utilities, which potentially could face stiff opposition from fuel cells powered by natural gas. Mr. Crawford says he understands the cost has been cut sharply to about $400 per kilowatt from $1,200 a few years ago, when fuel-cell electricity cost nearly 10 times as much as that bought from a local power company. At present, power-generating costs vary widely throughout the industry but generally range from $100 to $200 per kilowatt at plants using gas, coal or oil.

William H. Podolny, who heads the fuel-cell program at Pratt & Whitney, declines to estimate the specific cost per kilowatt achieved to date. But he does say, "We have made substantial progress in reducing the cost."

Robert Suttle, president of the group formed by the project's backers and also managing director of the Southern Gas Association, says, "We don't want to give anyone the impression he can go down to his corner gas-company office and sign up for fuel-cell service in the next few years. We are at about the midpoint of an estimated nine-year development program. We still have a long way to go to get a competitive cost."

EXPERIMENTAL DEVICE UNVEILED

Yesterday Pratt & Whitney and gas-industry officials unveiled an experimental 12.5-kilowatt gas-powered device occupying less space than a modern furnace. Already the device is quietly generating power in the basement of a futuristic $109,000 condominium here that Connecticut Natural Gas is using to demonstrate the fuel cell to the public. At a news conference, they also disclosed a production-line model only one-fourth the size and weight of the test unit, or no bigger than a TV set.

The gas utilities hope to have such units coming off the Pratt & Whitney production line in time to offer fuel-cell service by 1975. This, they say would provide industrial, commercial and residential customers with an option of buying their electric power from a gas utility or an electric utility.

"Even in my wildest dreams, I can't see gas fuel cells eliminating the electric utility." says Robert H. Willis, president of Connecticut Natural Gas. "But we believe fuel cells will get a lot of the electricity market. They will certainly bring about growing competition between gas and electric utilities, and that competition could even become strong enough to eliminate the need for utility regulation."

Mr. Willis estimates that the fuel cells could initially gain as much as an additional $100 million to $200 million of new revenue annually for gas utilities and that within seven to 10 years after its first commercial introduction, it could be producing as much as $1 billion of new business.

Up to now the nation's electric systems have become increasingly centralized, using ever-larger power plants tied together by increasingly wider integrated networks of power lines. Such moves have achieved the "economies of scale" that have reduced power costs by more than one-third since World War II. But this approach is being confronted with growing problems of air and water pollution, rising controversies over plant sites and power-line rights-of-way, increasing construction costs and delays, and the danger of massive "cascading blackouts" over vast sections of the country.

Some electric-industry executives see the fuel cell as a possible answer to such problems, permitting them to add decentralized fuel cells at neighborhood substations as local power needs rise. These cells would reduce the need to build new central stations and long-distance power lines. To test this concept five of the Pratt & Whitney fuel cells will be used at electric substations by two members of the supporting group, Public Service Electric & Gas Co. and Northeast Utilities.

"A lot of our friends in the electric industry think we're crazy for helping the gas industry develop the fuel cell," says Raymond A. Huse, general manager of research and development at Public Service, New Jersey's largest electric utility. "But we think the gas industry is doing us a favor."

Northeast Utilities, New England's biggest power company, is already urging Pratt & Whitney to develop larger fuel cells for use in integrated power systems and would like such units to be able to run on either gas or liquid fuels interchangeably, reports Sidney H. Law, the utility's director of research and system studies. He says that tying fuel cells into existing electric systems would maintain the advantages of "diversity of load" (many customers sharing the same power source) and emergency backup power. And he adds that electric utilities would need fewer kilowatts of fuel-cell-power to do the same job than would gas utilities putting units into individual homes, where each must meet that family's peak power needs.

But Peter J. McTague, a utility consultant with Gilbert Associates Inc. of Reading, Pa., believes most electric utilities have been slow to recognize both the threat and the potential of fuel cells. He talks of "the approaching apocalypse" that could prove to be a "period of turmoil, conflict and agony for the utility industry." And he says, "Gas utilities are a little unrealistic if they expect to maintain their own monopoly position (supplying gas to electric utility fuel cells as well as their own) while destroying the monopoly position of the electric utilities."

Many observers are already predicting there will also be nonutility suppliers of fuel-cell service to the public. Considered to be prime candidates are fuel-oil dealers and their oil-company suppliers, which already compete against gas and electric utilities in the home-heating field.

One major oil company, Atlantic Richfield Co., through a joint venture with Bolt, Beranek & Newman Inc., a Cambridge, Mass., research firm, has developed a fuel cell that can run on gasoline, kerosene or propane (bottled gas) as well as natural gas. The two companies are seeking to license the cell for manufacture.

LIGHT AT THE TUNNEL'S END

"We're all a little disappointed at how slowly the fuel cell has been developing," says Frank Long, product director in the commercial development department of Atlantic Richfield's Arco Chemical, "but now there seems to be some light at the end of the tunnel." He says he expects success of the gas-utility fuel cells to attract attention to the Bolt-Beranek fuel cell, which he considers to be a more advanced device.

Late in 1970 Standard Oil Co. (New Jersey) agreed with a unit of France's Compagnie Generale d'Electricite on a $10 million, five-year fuel-cell development program. And both British Petroleum Co. and the Royal Dutch-Shell Group have turned out experimental fuel cells.

Pioneer Systems Inc. of Manchester, Conn., has been selling fuel cells commercially for more than a year, powered by hydrazine, a chemical used in rocket fuel. David N. Abrams, president, says, "They're not a completely satisfactory substitute for conventional power at this point, but they are entirely satisfactory for specialized power uses." He adds that he is "not bullish on the possibility of every home having a fuel cell" but sees growing industry uses for them.

The success of the Pratt & Whitney devices could revive the interest of some of the many companies that have sidetracked their fuel-cell programs. Much of this work was done under federal contracts, and the companies decided there wasn't sufficient commercial potential to pursue the research with their own funds when the contracts expired. Much of it, too, dealt with the fuel cell as a possible replacement for the internal-combustion engine in vehicles, and scientists generally believe this possibility is a long way off.

THE SMITHSONIAN GETS A TRACTOR

Allis Chalmers Manufacturing Co., which developed the first fuel-cell vehicle in 1959, says the vehicle, a farm tractor, is in the Smithsonian Institution and the company's fuel-cell research is in mothballs. Others no longer actively pursuing fuel cells include Monsanto Co., which developed a fuel-cell truck; Union Carbide Co., which had a fuel-cell motorcycle; Texas Instruments Inc., which made fuel cells to run radar and communications equipment, and General Electric Co., which was active in the space fuel-cell program.

With so many others dropping by the wayside, however, Pratt & Whitney has stuck doggedly to its belief that the cost problems of the fuel cell can be solved. Mr. Podolny, who heads the fuel-cell program, persuaded the National Aeronautics and Space Administration to adopt fuel cells for the Apollo program and is given much of the credit for getting the fuel cell out of the laboratory and into practical application. With nearly 1,000 fuel-cell researchers, Pratt & Whitney's total effort in the field is estimated by competitive researchers as exceeding that of all other companies combined.

The Team to Advance Research for Gas Energy Transformation (TARGET) was formed in 1967 by 27 gas utilities—five more utilities have since joined—to work with Pratt & Whitney in a concerted push for a commercial fuel cell powered by natural gas. Over the past two years, the concerns have poured $20 million into the program and have committed another $30 million through the end of next year. This is one of the largest research ventures ever undertaken entirely with private capital. But the companies are quick to give credit to the space program for providing substantial fallout benefit to their current research effort.

"We don't know at this point whether we have a viable, marketable fuel cell," says E. L. O'Rourke, manager of market planning for Pacific Lighting Corp.'s Southern California Gas Co. and head of TARGET's marketing committee. "But we hope we'll have the answers by the end of next year, and if it proves to be a commercial product, we've got an exciting concept. There's nothing to preclude anyone from selling fuel cells, but we believe the gas utility will have an advantage in this field."

PUSHING THE TECHNOLOGICAL LEAD

The gas companies are counting on both their technological lead over cells using other fuels and on the fact that gas can be transported at about one-fifth the cost of electricity and sells for less than most competitive fuels.

Edwin S. Larson, vice president of Brooklyn Union Gas Co., even notes, "we're not unhappy about the probability that electric utilities will be using fuel cells—because they'll most likely run on gas they buy from us."

With the nation facing a growing shortage of natural gas, how do the gas utilities justify entry into a potentially broad new market?

"Fuel cells can make a substantial contribution to conserving energy resources by saving 30% or more of the fuel that would be needed to generate the same power in central stations," says John W. Partridge, president of Columbia Gas System Inc., the nation's largest gas utility. "And we're working very hard on the gas-supply problems, and we believe they'll be solved by the time there is significant market penetration by fuel cells." By such time, he says, he expects gas supply to be increased by an Alaskan pipeline, coal gasification (that is, making pipeline-quality gas from coal), imports of liquefied natural gas and stimulation of conventional drilling by higher gas prices.

N. P. Chestnutt, vice president and operations manager of Southern Union Gas Co. of Dallas, says that over the long term he expects gas utilities to lose much of their present industrial gas load, which produces a low profit return. "We hope to replace this with a higher-return fuel-cell service," he adds.

RESEARCH BY WESTINGHOUSE

The potentially greater efficiency of fuel cells has caused Westinghouse Electric Corp., a major builder of conventional power plants, to research the possibility of building large-scale fuel-cell plants running on gasified coal.

"We hope to be able to build a fuel-cell power plant for no more than the cost of a conventional plant, but with a 50% to 60% greater efficiency," reports Daniel Berg, director of energy systems. "We can do it on paper," says Jack Brown, manager of energy storage. Westinghouse is pursuing the project with its own funds but is seeking federal money from the Office of Coal Research to build a 100-kilowatt experimental plant.

"But we want to emphasize that fuel cells are just one arrow in our quiver," says Mr. Berg. "We're working on a lot of other ways to reduce the cost of power, and in the long run some of these may prove to be more important than the fuel cell."

But Edison Electric's Mr. Crawford has undergone a substantial change of opinion on fuel cells over the last year. "It might well be that these units could play a significant role in electric-utility operations of the future," he says now. Only a year ago, he said, "We just don't believe the little black box will become a viable option for central-station power."

[Excerpts from Chemical and Engineering News, April 5, 1971]

CHEMICAL THERMODYNAMICS IN THE REAL WORLD

(By Frederick D. Rossini)

(NOTE.—Dr. Frederick D. Rossini delivered his Priestley Medal address March 29 at the national ACS meeting in Los Angeles, Calif.

The Priestley Medal was established in 1922 by ACS to recognize distinguished services to chemistry. The award consists of a gold medal designed to commemorate the work of Joseph Priestley and a bronze replica of the medal. It is awarded to members and nonmembers of ACS; medalists are selected by the Board of Directors.)

Fuel cells.—Fuel cells are another example of the importance of thermodynamics in man's control of energy. In 1967, we published a report on the thermodynamics of fossil fuel cells. During the past 50 years, the total quantity of energy consumed in the U.S. per year has about tripled. Today, all fossil fuels—natural gas, petroleum, and coal—account for about 95% of the energy produced in the U.S. The natural supply of petroleum and natural gas may last another 50 to 100 years. The natural supply of coal may last another 500 to 1000 years.

The conventional combustion of fossil fuels for power may take place in a steam-turbine-generator system to produce useful energy for electricity or in an automotive engine to produce useful energy for transportation. In both of these cases, the conversion of the heat energy into useful energy is severely limited by the second law of thermodynamics, through the Carnot factor. On the average, only about 35%, or less, of the heat energy is actually converted into useful energy.

The conventional combustion of a fossil fuel is a thermodynamically irreversible process. However, it is possible, by means of a device called the fuel cell, to carry out the process of combustion in a thermodynamically reversible manner. In this case, theoretically, 100% of the energy is convertible into useful energy. Even allowing for a 30% loss, we could thus obtain with the fuel cell twice as much energy from the same amount of fuel as with the conventional process.

The schematic, below, gives a diagram of an ideal hydrocarbon fuel cell, using propane. In this ideal picture, the fuel enters at the upper left, the oxygen enters at the upper right, the produced carbon dioxide is discharged at the lower left, and the produced water is discharged at the lower right. At the anode, propane reacts with water to form carbon dioxide plus hydrogen ions and electrons. The hydrogen ions produced pass from the anode through the electrolyte to the cathode. The electrons pass from the anode into the external circuit through the work machine and return to the system at the cathode. At the cathode, the oxygen molecules combine with hydrogen ions and electrons to form water molecules. The sum of the electrode reactions is simply the combustion of propane in oxygen to form water and carbon dioxide.

The fossil fuel cell power plant has many attractive possibilities. As previously mentioned, a given amount of fuel in it should produce about twice as much energy as in a conventional power plant. Other possible advantages of the fossil fuel cell power plant are summarized as follows: No noise; no vibration or moving parts; no mechanical generating problem; no heat transfer problem; no starting problem; minimal maintenance; no dirt or other local pollution; no atmospheric pollution; completely self-contained; and can be coupled directly to a direct current motor.

Fossil fuel cell power plants could be used in many different places, such as trucks and passenger vehicles for city driving; industrial plant trucks; locomotives; marine installations; standby power generators; portable power plants; a central generating plant for isolated areas; and small power installations in isolated areas. When the fossil fuel cell power plant is part of a mobile vehicle, the fuel is carried in a suitable container aboard the vehicle. When the fossil fuel cell power plant is stationary, the fossil fuel can be fed into it as a gas, liquid, or pulverized solid, through a pipeline from a nearby or a remote source.

The possible advantages and uses of the fossil fuel cell power plant appear so attractive as to warrant the considerable amount of research and development work still required before a fully operational and practical everyday device becomes available. We hope that this may come in the not too distant future.

[From the Science magazine, May 14, 1971]

SOLAR ENERGY: A FEASIBLE SOURCE OF POWER?

(By Allen L. Hammond)

Hopes for utilizing solar energy on a large scale have never materialized in the past. Recent discussions of how to meet growing national energy needs have focused on fission breeder reactors and fusion reactors as the best long-range replacements for fossil fuels and have usually dismissed solar energy altogether.[1] However, a new proposal for a solar energy system has been attracting considerable attention among Washington officials. The proposed system would capture the sun's energy extremely efficiently by means of specially coated collecting surfaces, which would be heated by the resulting super "greenhouse" effect to temperatures as high as 540° C; the heat energy would be collected and stored in a thermal reservoir, to which conventional steam boilers, turbines, and electrical generating equipment would be attached. Although several key questions remain to be answered, preliminary calculations indicate that such a system may well be technically and economically feasible.

The proposed new solar energy system was designed by two astronomers, Aden B. Meinel, director of the Optical Sciences Center of the University of Arizona at Tucson, and his wife, Marjorie. Their system, which would operate at much higher temperatures than those of earlier solar energy schemes, would attain a 25 to 30 percent overall efficiency of conversion of incident sunlight to electricity.

In the relatively cloudless deserts of the southwestern United States, the solar energy flux reaching the earth's surface averages about 0.8 kilowatt per square meter for the middle 6 to 8 hours of day during most of the year. An ordinary black surface absorbs most of this energy, but much is reemitted as thermal radiation. It is the spectral differences between the incident and reemitted radiation that makes efficient use of solar energy possible. The incident energy flux has a maximum at a wavelength of about 0.5 micrometer, near the center of the visible region—0.4 to 0.7 micrometer—but the flux decreases rapidly toward the red end of the spectrum. The thermal reemission is mostly in the infrared with a peak near 5 micrometers at the temperatures envisioned for the collecting system. Hence highly selective coatings that are black in the visible and are poor emitters in the infrared are able to absorb essentially all of the incident sunlight but give off almost nothing.

There appear to be many ways of making suitable coatings from layers of thin films deposited on a steel collecting surface by evaporation techniques. One type of coating developed recently by Bernard Seraphin at the University of Arizona depends on the intrinsic properties of materials. An example of this type of coating consists of a semiconductor material that is opaque to visible light but transparent to infrared; underneath the semiconductor layer would be another layer of a material, such as gold, which has a very low emissivity in the infrared. Because of the transparency of the semiconductor to infrared radiation, the composite coating would act like a mirror—a desirable property because high reflectivity corresponds to low emissivity—in the infrared.

Other more sophisticated coatings involve interference phenomena. Layers of a metal and of a completely transparent material, such as quartz, can be alternated with thicknesses adjusted to the wavelength of the reflected light, so that the coating absorbs visible light well but is a good mirror in the infrared or ultraviolet.

The collecting surfaces in the proposed system would be enclosed in a vacuum to eliminate convective cooling. Liquid sodium would be pumped through channels in the steel to transport the heat to a tank containing a eutectic mixture of molten salts, which, like a giant water-ice system, can maintain a constant temperature over a wide range of energy storage. The molten salt system would provide a reservoir from which energy could be drawn by the steam turbine as required, so that operation overnight and for short periods of cloudy weather would be possible. According to the Meinels' estimates, about 8 square kilometers of collecting surface and a 50-million-liter thermal storage tank would be required for the equivalent of a 1000-megawatt generating plant—a size comparable to nuclear power plants being built today. The largest question as to the technical feasibility of the proposed system appears to concern the durability of the thin film coatings.

Solar energy systems have no fuel costs, but they require higher initial investments in equipment than do other energy systems. In addition, the cost of manufacturing thin film coatings on a large scale has always been prohibitive in the past, because of the high vacuum and large currents required. Recently, however, large continuous evaporators have become available and are now used to coat such products as architectural glass. If a commitment were made to utilize solar energy on a sufficient scale, so that a large manufacturing plant could be built to produce the collecting surface, then, Meinel estimates, the unit costs should decrease to the point that electricity from solar energy would be economically attractive—in the range from 5 to 10 mils per kilowatt-hour, exclusive of distribution costs. Comparable figures for fossil fuels range from 1.5 to 5 or more mils per kilowatt-hour at present. Although in this country solar energy plants would be restricted to the southwestern deserts, developments in cryogenic or superconducting power transmission lines could make the power available to a larger region.

Solar energy systems are environmentally attractive, because they do not contribute to air pollution, and because they avoid the radioactivity hazards of nuclear power systems. However, solar energy systems would still require cooling water for the steam turbines, so that thermal pollution would potentially still be present. Meinel envisions dual-purpose plants that could use the waste heat for industrial or agricultural purposes, or for running evaporators to produce fresh water by desalinization.

It is still too early to make accurate assessments of the economic feasibility of solar energy, but the prospects appear to be encouraging enough to warrant further research. Similar economic questions remain to be resolved about breeder reactors, and fusion power systems have yet to be proved scientifically feasible, so that solar energy must be considered a significant, if still uncertain, alternative for future power needs.

---

[1] See, for example, a speech by Glenn T. Seaborg, U.S. Atomic Energy Commission, at a forum on Energy, Economic Growth and the Environment, Washington, D.C., 21 April 1971.

A PROPOSAL FOR A JOINT INDUSTRY-UNIVERSITY-UTILITY TASK GROUP ON THERMAL CONVERSION OF SOLAR ENERGY FOR ELECTRICAL POWER PRODUCTION

(For Presentation to the Arizona Power Authority, Phoenix, Ariz., April 27, 1971, by Dr. A. B. Meinel, Director, Optical Sciences Center, University of Arizona, Tucson, Ariz.)

(NOTE.—Figures referred to are not printed in the RECORD.)

SUMMARY

This document outlines a proposal for the eventual establishment of a National Solar

Power Facility along the Colorado River desert strip with a total capacity of 1,000,000 megawatts of electricity. Using waste heat from the turbines, it will be possible to desalinate 50 billion gallons of water per day, enough for 120,000,000 people.

The basic technology proposed for thermal conversion of solar power has been verified, and a proposal to proceed toward a program culminating in 1976 with a 100-megawatt generator has been formulated for consideration by the National Science Foundation.

A brief technical description of how the proposed system functions and interfaces with present steam turbine power generation is given here, and several points for possible action are listed.

INTRODUCTION

Dr. A. B. Meinel and Marjorie P. Meinel of the Optical Sciences Center of the University of Arizona, Tucson, have recently shown that new technology is available that casts new light on the feasibility and economics of converting solar energy into electrical power. Laboratory experiments by Optical Sciences Center scientists Drs. D. B. McKenney and Bernhard O. Seraphin confirm the computations by the Meinels, and we feel that it is time to seek the support necessary to see this task explored as a potential answer to the critical need of the United States for pollution-free electrical power. It appears that Federal financial support can be obtained for this project, and we propose that a Task Group be formed to provide a practical overview of the effort and sponsorship of action items when such become appropriate.

The interests of the governments of both Mexico and the United States are involved in this project because the water byproduct of the proposed National Solar Power Facility requires access to ocean water for fresh water production. This aspect is not a minor one since a 1,000,000-megawatt power facility has the capability of also producing 50 billion gallons of water per day, enough for 120,000,000 people. The potential for early and amicable relations with interested offices in both Sonora and Mexico City should have the attention of the Task Group.

WHAT IS THE PROJECT?

The project is for the thermal conversion of solar energy into power. By thermal conversion we mean use of the heat of sunlight as contrasted to direct conversion by means of silicon solar cells as used on spacecraft. We propose a system for gathering and storing solar energy as heat at 1000°F, which can be readily interfaced with the standard 1200-psi–1000°F steam turbine generating technology, as is used by the power utilities in the United States. The project initially is to verify the projected technology and develop a demonstration generating station of approximately 100 megawatts, to be located in the Yuma-Wellton area, by 1976. The ultimate goal of the project is the development of 1,000,000 megawatts of generating capacity in the Colorado River desert corridor, using about 10% of the uninhabited desert stretching from the Gran Desierto region of Sonora to Las Vegas, Nevada. This amount of electrical energy can supply the major fraction of the needs of the United States and northern Mexico by the year 2076. A map of the prime areas is shown in Figure 1.

HOW CAN THE PROJECT BE STARTED?

It is clear that the magnitude of the task and the probable length of time from initiation to development of a commercial product is too large for it to be economically feasible for implementation by private industry or public utilities. Utilities are already economically stressed to meet today's demand for power, and they *must* use interim methods—fossil and nuclear—regardless of the ecological problems involved. The importance to the people of the United States of a pollution-free source of electrical power and one that will not be depleted makes it appropriate that this project be initiated by funding from the Federal Government.

The University of Arizona has initiated action in Washington through the Arizona Congressional delegation and other interested offices in the Executive branch. A favorable reception has been forthcoming, and a proposal for a grant of $64,000 has been made to the National Science Foundation (NSF) for an 8-month study. A further proposal for a Phase I study costing $10,900,000 over three years has also been discussed with the NSF and the Office of Science and Technology (OST).

Although the study can be done with the staff and facilities available at the Optical Sciences Center and the Department of Electrical Engineering of the University of Arizona, it is clear that the magnitude of the Phase I task (see below) is more than is appropriate for a university. We propose that the major part of the Phase I and II work will be done in close cooperation by industry, the University of Arizona, and an appropriate utility group. The industry entity would be an association of interested companies, probably a new corporation, Helio Associates. The probable division of funds during these two phases would be 70% to industry, 10% to the university, and 20% to the utilities. All three would join in making the required proposals to the Federal Government.

PROGRAM OUTLINE

The research and development relating to solar power systems can be divided into several phases.

A. Studies: Concept Development and Program Definition; 8 months

B. Phase I: Basic Technology Development; 36 months

C. Phase II: Power Research Installation (1 MW); 36 months

D. Phase III: Demonstration Power Facility (100 MW); 60 months

E. Phase IV: Commercial Power Facility (>200 MW); 72 months

F. Phase V: Byproduct Development (water, etc.)

The time estimates are not sequential in that, upon passage of key milestones, the following phase can be initiated before the preceding one is fully completed. The proposal covering Studies is for 8 months of work.

A. Studies:

The work to be done under Studies covers the following tasks:

1. Rounding out the concept
2. Analysis of the mutually interacting parts of the concept
3. Definition of the magnitude of the effort and time scale to be required in each of the phases
4. Definition of critical milestones
5. Collection of relevant technology documents
6. Consultation with utilities and industry on technical goals and cost estimates
7. Consultation with branches of the Federal Government as may be necessary
8. Laboratory materials study to verify the key technology points
9. Experiments with selective films and measurement of operating parameters
10. A feasibility report on the power project including impact on questions of National needs

HOW DOES THE SYSTEM WORK?

In spite of the considerable effort that has been expended for solar energy research over the past 25 years, applications of solar energy for production of low-cost electrical power have not been successful. The reasons for failure can be summarized in one basic fact: failure to be economically competitive with fossil or nuclear power systems. Contributing to this basic fact are

(1) high initial capital facilities cost

(2) maintenance of the energy collectors

(3) low conversion efficiency (<2%) owing to low operating temperatures

(4) heat losses within the system

(5) degradation of mirrors and Fresnel lenses with dirt and time

(6) energy storage problems for night and cloudy periods

A preliminary re-examination of technology available in 1971 shows that there are new factors that can affect these six points sufficiently to make a system that will be economically competitive with other possible future power systems. Like the D–D fusion reaction, solar power offers an energy source unlimited in time and very large in possible amounts. Unlike the D-D reaction, solar power conversion can very likely be achieved sooner with lower developmental expenditures. This proposal is directed to the examination of the questions of feasibility and the milestones that must be passed in progressing from the conceptual phase to verification of the technology and demonstration of a working system.

Energy losses and carnot principle

Thermal conversion of solar energy encounters a basic conflict between the Carnot principle and energy loss mechanisms. The Carnot principle states that maximizing the yield of work out of a given quantity of heat depends upon maximizing the working temperature. On the other hand, all heat loss mechanisms are also maximized at the maximum working temperature. As a consequence, to maximize the net efficiency for conversion of solar energy into work, we must simultaneously maximize temperatures and minimize heat losses. It is easy to lower conduction and convection losses by minimizing the cross section of supporting structures and evacuating the air from the vicinity of the absorbing surface. Radiation losses are harder to control since one needs an absorbing surface that can both absorb sunlight and inhibit reradiation, i.e., a "selective" surface.

Selective surfaces

The reason one can achieve such a selective surface is shown in Fig. 2. Solar radiation peaks near 0.5 μm and has dropped to a low value at 1.5 μm. Thermal emission from a blackbody (or gray body) peaks in the infrared and at 700 K is about 4.5 μm. As the temperature of the emitting surface is raised, to 900 K for example, the peak shifts toward shorter wavelengths. It is therefore clear that if one can make a surface of the characteristics shown in Fig. 3, one could absorb sunlight (high emittance) and inhibit infrared re-emission (low emittance).

The basic technical capability that is key to the proposed solution is the ability to make highly selective absorbing coatings. These coatings have high absorbance (black) for sunlight and low emittance (high reflectance) in the infrared. As a consequence these surfaces become hot even in the absence of mirror or lens sunlight concentrators. We have already made laboratory samples that can reach the operating temperatures needed to operate conventional high-pressure steam turbine power generators. To reach such temperatures one needs to vacuum encapsulate the absorbing surfaces to reduce convective and conductive losses to minimal values.

One can quickly predict the performance of a selective surface. If we plot the solar absorbance α and the infrared emittance e we obtain the graphs shown in Figs. 4 and 5. Note that solar flux on such a planar surface can yield high temperatures and a maximum extractable energy suitably high to be attractive for system applications.

We find that these highly selective surfaces can be made in at least two basic ways:

1. Intrinsic solid-state films, such as silicon over gold, suitably isolated for diffusion

by a dielectric layer; the surfaces are deposited by evaporation, sputtering, or reactive chemical deposition.

2. Interference thin films where ordinary metals and dielectrics are combined to produce highly selective optical properties by means of proper selection of film thicknesses, the layer being deposited by evaporation, sputtering, or reactive chemical deposition.

At this point we do not know which of the several methods that are available will yield the optimum cost for the final system.

The use of evacuated selective film absorbers changes points (3) and (4) above [page 5] and offers the possibility of yielding total conversion efficiencies in a steam turbine system on the order of 30% of the solar energy incident on the surface of the earth. Operating temperatures of 1000° F (540° C), currently used by power utilities, seem obtainable.

The achievement of a practical power *system* requires some way of storing all the received energy and allowing use of this energy at the actual demand rate imposed upon the utility.

Direct conversion of solar power, or of energy once it is converted into electricity, can be done only by use of batteries (expensive, relatively short cycle lifetime) or hydrostorage (huge volumes of water per megawatt-hour storage). In the case of thermal conversion, we have the option of storing the energy as heat. At the high operating temperatures that we propose we can use the high *heat of fusion* of common materials to store energy at a constant temperature.

SYSTEM DESCRIPTION

The proposed system is shown in Fig. 6. The upper portion is the energy supply subsystem. The lower portion is the energy conversion subsystem. The central portion interfacing these two subsystems is the storage and transfer subsystem.

Supply Subsystem I. The field of solar collectors is provided with a circulating system of liquid metal (Na or NaK) to extract heat from the collectors and transfer it to the storage subsystem. The liquid metal (LM) would enter the collector field at a low temperature, as determined by the condenser temperatures of the steam turbine. It would exit at a high temperature (1000+°F), close to that of the input temperature of the steam turbine. Much of the basic AEC technology for handling LM would be applicable and have fewer complications since the LM would not be radioactive. Different modes of operating the LM loop will be used depending on whether the system is gathering energy or is in a standby mode.

Thermal Storage Subsystem II. The thermal storage subsystem is a large tank, probably sunk into the ground, containing a material whose melting point is approximately equal to the turbine operating temperature. A number of salts and metals having large heats of fusion are available. The exact choice depends both on the exact temperature desired and its cost and physical handling properties. The LM loop from subsystem I passes through the storage medium and transforms a portion of it to the liquid phase.

The shape of the tank is optional since adequate thermal insulation can be provided at low cost to make the thermal relaxation time several weeks or months long; hence the shape can be determined for engineering convenience either as a cylinder with the hottest zone in the center or a rectangle with the hot zone at either end or in the central region. The top of the tank should be free-floating since the melting material will in general change volume upon phase change. The top of the tank, for example, could be a floating raft of firebrick of density lower than that of the liquidus phase.

Our study will examine the tradeoffs of various thermal storage media, geometrical configurations, and heat exchanger loops.

Conversion Subsystem III. The conversion subsystem consists of the high-pressure steam loop, turbine and generator, reject heat exchanger and condenser, and pumps. The pressurized working fluid (water) is injected into the boiler stage of the subsystem II where it is vaporized. The steam is superheated in the superheater stage of the subsystem II and carried to the turbine. The turbines can be of a wide variety of types depending on the reject temperature desired. If maximum energy is extracted by an ultra-low-pressure turbine stage, the condenser temperature need be only 20°F above ambient. If one wishes to use the reject heat for auxiliary uses, such as desalination or chemical processing, then the low-pressure stage of the turbine may be eliminated.

The steam loop of subsystem III enters the thermal storage subsystem at a low temperature and exits at close to the temperature of the incoming LM loop from subsystem I.

System Details. Subsystem II can store a large amount of energy at constant temperature. The system temperature T_s is achieved when the output end reaches melting temperature at energy input Q_1. The system temperature remains "constant" up to energy input Q_2 when all of the storage material is melted. If additional energy is pumped in and if the LM temperature is above T_s, then the storage system temperature will rise. The total mass of the storage medium is then determined by how much energy ($Q_2 - Q_1$) is to be stored. The minimum amount is clearly the amount needed to supply power during the nongathering period of 24 hours. Additional material is needed to provide reserve energy for successive cloudy days, rare for the Yuma area of California and Arizona. The order of size of the thermal storage for a 1000-MW generator will be 300,000 barrels, a large-sized oil storage tank.

The solar collectors must be evacuated, and the mass of glass required represents a major portion of the costs of the proposed systems. Studies will be made to optimize the size/area relationships, and our preliminary estimate is that the optimum size will be a 6-in. to 8-in. diameter glass pipe.

The absorbing surfaces can be arranged as shown in Fig. 7a. A planar surface of width equal to the pipe diameter is conceptually simple and has the advantage that the collector will function well on bright cloudy days, whereas "lens" collectors function only when a direct image of the sun is available. Planar surfaces, however, require higher values of *a/e* to reach a given operating temperature.

A simple form of optical flux concentrator is showing in Fig. 7b, where the lower half of the pipe is used as a mirror. This portion of the pipe in any case is high-reflectance-coated to minimize radiation back-losses, so use of it seems attractive if higher operating temperatures are desired for a given *a/e* rate. The mechanical structure having the selective coating in this case can be a simple pipe or triangular structure to minimize mass of the pipe and total surface coated. Choice of one or the other depends upon optimization studies.

One idea of what a solar power station might look like is shown in Fig. 8. The actual collecting panels will probably be of the tubular type rather than the flat panels shown in this figure.

In the next three pages are quantitative descriptions of the efficiencies, cost, and needed areas for the solar power systems.

SYSTEM EFFICIENCIES

Sunlight (average, desert, sea level)	0.800 kw/m².
Absorbance × Losses	0.75.
Q input	0.600 kw/m²
Carnot efficiency	0.55.
Turbine	0.75.
Energy utilized	0.250 kw/m².
Efficiency	31%.

ALTERNATE DERIVATION

BTU input	2700/m²·hr.
Clear days/year (Yuma)	330 days.
Average day	8 hrs.
Hours/year	2650 hrs.
Absorbance × Losses	0.75.
BTU output	5.4×10^6 BTU/m²·yr.
"Therms"/m²·year (At "standard" utility conversion rates per therm of energy)	5.4.
Energy output	660 kw hr/m²·year.

WHAT IS THE COST OF THIS ENERGY?

[Solar power faces the economic problem that energy is purchased via a capital outlay rather than an operating expense]

SYSTEM COST

	K.g./m²	Amount
Absorber	15.6	$13.8
Envelope	34.3	7.9
Coatings		2.1
Plumbing	15.0	13.9
Support	25.0	11.2
Heat collection	17.1	6.8
Thermal storage	19.9	2.2
Site		2.2
Labor		20.0
Cost per meter²		77.9

Amortization 10 years (5 percent).	
Cost of energy (0 to 10 years)	18.0 mills/kilowatt hour.
Mean life to failure	40 years.
Cost of energy (10 to 40 years)	0.6 mills/kilowatt hour
Average energy cost	5.0 mills/kilowatt hour

AREA NEEDED

250 MW AP: [1] (850 MW PP[2] input):	
Collecting Area	3.4×10^6 m²
Land area	9.0×10^6 m²
Dimensions	3 km square.
1000 MW AP:	
Collecting area	14×10^6 m²
Land area	36×10^6 m²
Dimensions	6 km square.
National Solar Power Facility 1,000,000 MW AP:	
Land area	36×10^9 m²
Dimensions	188 km square or 117 mi square.
Area	13,700 mi²
Desert areas of the United States	100,000+ mi²
We need 13.7 percent of the "Desert"	

[1] AP=24-hour average power.

[2] PP=10 AM peak power.

WHAT ACTION IS APPROPRIATE NOW?

We would like the utilities of Arizona to recommend how the utility industry should be represented in the project. Initially the Western states will all benefit from the project. We cannot ignore the critical needs of the Eastern Seaboard, and their needs and the need to solve the matter of long-distance power transmission become inescapable parts of this project. Would West Associates be an appropriate representative, or should some of the Eastern utilities groups or Edison Electric Institute be invited to participate?

What action can the State of Arizona take to facilitate such things as land availability and siting approvals for the demonstration units? Could an area of several square miles be set aside as a "Solar Energy Reserve"?

What action can our Congressional delegation take to establish the project? One area of concern is that the charter of the NSF states that it can give grants or contracts to industry only with the approval of the President. For this reason, the NSF has dealt entirely with universities and nonprofit groups. It now appears that the NSF through its new RANN program (Research Applied to National Needs) will have a charter to catalyze solutions to the energy problem. The energy problem is so large that industry must be a primary participant; therefore, it seems appropriate that an effort be made to facilitate Presidential approval (through the OST) for this project.

THE ENVIRONMENTAL CRISIS IN POWER GENERATION AND POSSIBLE FUTURE DIRECTIONS

(By Peter E. Glaser, Phd., Head Engineering Sciences Section, of Arthur D. Little, Inc., Cambridge, Mass.; presented at: 39th National Meeting of the Operations Research Society of America, Dallas, Texas, May 7, 1971)

THE GENESIS OF THE CRISIS

We can no longer doubt that the Earth's resources are finite. We have to accept the reality of "spaceship" Earth. This realization has brought about the awareness that we cannot continue the mindless exploitation of nature for much longer. Yet, we have to tap the world's energy resources to maintain our industrial potential and to meet our consumer needs. We are not sure whether we can satisfy our projected energy demands without imposing unacceptable burdens on the environment. Our major urban centers have already experienced the miseries of electric power shortage, a new phenomenon in our formerly energy-rich society. We expect that these problems will be with us for a long time and will not be solved easily.[1] We are not certain whether the technology of energy production which is being developed to meet our projected electric power demands will spawn a whole host of hydra-like problems.

Increases in the level of energy consumption in the United States can be directly related to increases in the GNP.[2] Our consumption of energy has increased from about 3% a year between 1947 and 1965 to about 5% a year since 1965. Our appetite for energy has become so voracious that each year we are burning up 500 million tons of coal, 20 trillion cubic feet of natural gas, and 5 billion barrels of oil.[3] And, there is no sign of a slowdown. Between now and the year 2000, if we are to meet our burgeoning demand, we will have to increase our power-generating capacity to six times its present level—from 330 million kilowatts to nearly 2 billion. In that time, electric utilities will have to invest about $600 billion in capital expenditures.[4]

The problem we face in trying to avert the crisis is two-pronged. First, the world does not have limitless supplies of coal, oil, or gas, or even of fissionable elements.[5] Second, even if the supply of these energy sources were infinite, we could not continue to use them as we have without placing an intolerable burden on the environment. In fact, our still new concern for the environment has already made our limited supply of fuels even more limited. Witness, for example, the prices utilities and cities have had to pay for low-sulfur residual oil. For example, a barrel of oil cost Boston Edison $1.75 three years ago and now costs $4.25. We need options, but our options are sharply restricted by the limitations on our fuel supplies and our need to protect the environment. And one option that we may not have is the alternative of putting artificial ceilings on the demands for energy; energy itself is a prerequisite for many of our social and ecological goals.[6] Therefore, the challenge to us is to use our present resources more efficiently while we develop options for the future.

WHAT'S GOING ON TODAY

Our present efforts to avoid a power crisis are moving along three paths: increase the efficiency of fossil fuel power plants, develop advanced nuclear power plants, and control the fusion reaction.

Approximately two-thirds of the total energy converted in present-day power plants is rejected as waste heat at relatively low temperatures. Thus, efforts to improve efficiency are directed at putting this heat to use or minimizing the amount of waste heat generated. In the past, for example, economics dictated that waste heat be rejected to nearby bodies of water if possible. With the advent of water quality standards, however, limitations are being set on the amount of heat that can be rejected to a cooling water source. Consequently, users are turning to cooling towers, recirculating the water, and exploring ways of putting the waste heat to good use.[7]

Magnetohydrodynamics (MHD) represents an attempt to reduce the amount of waste heat. MHD has the potential to increase the cycle efficiency of steam power plant to about 50 or 60% and thus reduce their waste heat to 40–50%. An experimental power plant using MHD has been constructed in Russia. However, there is no assurance as yet that the inclusion of MHD in the steam power plant cycle will prove to be economically viable.

Nuclear power, although still very promising, has run into a number of roadblocks. Some of these are purely technical and have led to increased costs. Some deal with the inherent problem of waste-heat rejection and safety. Some concern adequate supplies of uranium unless advanced breeder-type reactors can be developed.

The thermal efficiencies of breeder power plants could approach those of modern fossil-fueled power plants and thereby reduce the waste heat rejection problem. However, very substantial sums of money will have to be invested before 1500-megawatt breeder power plants can be purchased by utilities on a competitive bid basis with effective performance warranted. Furthermore, even if power plants based on breeder reactors are successfully developed two major problems will have to be overcome: the difficulty of assuring completely safe operations and the disposal of low-and high-level radioactive wastes.[8] These problems will have to be resolved fairly soon if we are to raise our nuclear electric power capacity to the hoped-for goal of 740,000 megawatts by the year 2000. With only 86,000 megawatts of nuclear power capacity in operation, being constructed, or committed for construction, we already face the task of bringing onstream more than twenty 1000-megawatt nuclear power plants a year for the next 30 years to reach this goal.

There is additional political concern with the widespread production of plutonium threatening a nuclear black market when our dependence on plutonium will rise from about 15% in 1980 to 70% in 2000 as the energy source for electrical power.[9] By then plutonium reserves will total $18 billion in value and 720,000 kilograms in quantity. Only 5 kilograms are required to produce a bomb of the size which destroyed Nagasaki in August 1945.

Controlled nuclear fusion holds substantial promise—a virtually infinite energy source with the possibility that 90% of the fusion energy may be converted to electrical energy. Controlled fusion probably will be demonstrated in the laboratory within the next decade. But commercial viability is something else again. A fusion reactor probably won't be operational before the end of the century. In short, our present efforts to avert an energy crisis are being directed at means which are at best stop-gap measures because of supply limitations, potential threat to the environment, or both. Furthermore, even these efforts are being hindered because we have not established any coherent, comprehensive national energy policy to guide them.

Decisions regarding specific energy sources have been based on the conventional techniques of cost analysis and on the interplay of technical, economic, and social factors in changing political situations. Conflicting reports and recommendations concerning energy vie for public attention as diverse groups argue the merits of their particular energy production methods. There is no technical perspective, let alone a broader social perspective even though such is vital to the achievement of our national goals—goals that will certainly be furthered by the availability of abundant energy with minimal side effects.

One consequence of this dilution of effort is that we are not yet in a position to state what bets should be placed on each of several advanced energy technologies. However, this position may be a blessing in disguise for we have not yet decided that any one energy source is best. Thus we still have the opportunity to systematically evaluate all energy sources—putting each into perspective in terms of costs, benefits, and degree of maturity.

WHAT OF THE FUTURE?

In any evaluations of energy sources, we simply cannot ignore our primary energy source—the sun—which has sustained life and led to the complex interrelationships of the Earth's ecology. We have always depended on the sun but only for its natural function of providing the Earth with a hospitable biosphere through the processes of atmospheric, hydrologic, and oceanic circulations and through photosynthesis. Yet, the sun continuously provides 178 trillion kilowatts to the Earth—about half a million times greater than the present U.S. electrical power generating capacity, five thousand times greater than the world's geothermal capacity, and 60 thousand times greater than the total tidal energy. We have not, however, tapped more than a minute fraction of this colossal reservoir of energy—even though solar energy is available everywhere, is free of pollution, and costs nothing to supply or distribute. This is not to say that man has not tried to take advantage of the sun's energy.[10] He has, perhaps as far back as the early days of Rome.[11] Man has tried to convert solar energy directly to useful power—one example being the photovoltaic cell. He has tried the indirect approach—for example, utilizing temperature differences at various depths in ocean waters.[12] But solar energy was dismissed as being a less feasible means of generating power than conventional methods.

This conclusion is understandable in light of the technology available for the conversion of solar energy before the 1960's. Recent advances in technology, however, have markedly increased the potential for large-scale conversion of solar energy to heat or to electric power.

1. Conversion to heat

The sun's radiation is readily convertible to heat; one need only provide a surface on which the solar energy can be absorbed. If a fluid such as air or water is then brought in contact with the heated surface, the energy can be transferred into the fluid and subsequently utilized for some practical purpose.

An example of the successful application of this principle is the several million domestic hot-water heaters in use in a dozen countries including Australia, Israel, and Japan. A solar hot-water heater usually consists of a blackened sheet of metal or plastic in a shallow glass or plastic-covered box occupying 10–50 square feet of roof area. Water circulates through tubing fastened to the surface of the blackened sheet, and the warmed water is stored in an insulating tank. (The tank can be supplied, if desired, with auxiliary heat.)

The principle employed in solar hot-water heaters can be applied to heating homes—all that is required are more or larger solar-

---

Footnotes at end of article.

heating panels. Enough heat can be absorbed in the circulating water or air to provide most of the heating requirements of houses in reasonably sunny climates. Of course, the storage tank must be large enough to provide carry-over capacity during short periods of cloudy weather—perhaps one or two days. Conventional energy sources can be used to supplement the solar heater. If air is used as the heat-transfer medium, it is delivered by fan/duct system either directly throughout the house or to a storage tank filled with water or crushed stone. In the latter case, the heat from the air is transferred to the water or stone.

In the past 25 years a number of houses and laboratory buildings have been heated at least partially with solar energy on an experimental basis in the U.S., Australia, and Japan. Most of these installations have been technically successful and extensive performance data have been obtained on various modifications of the air or water heating systems.

In most U.S. locations residential heating with solar energy would be somewhat more costly than present conventional means because of the relatively high cost of equipment still under development. If produced on a large scale, however, solar house-heating systems could be competitive with fossil fuels, particularly when all of the hidden environmental costs are accounted for.

An extensive economic study of residential solar house-heating indicates that, for the cities considered, the least-cost system size would provide substantially less than the total heat supply.[13] If the solar heating system were designed to supply a more substantial percentage of total heat, average costs would be quite high because the cost of solar heating is almost all in fixed capital investment. Because 100% solar heating is not a rational objective an optimal mix of solar and conventional heat has to be employed.

The least-cost, house-heating system will be applicable to the Southwest and Far West. Higher-cost systems will be useful at more northerly latitudes, e.g., New York, and in more humid climates. The Southeast, e.g., Florida, is a poor site for solar house heating because the heating requirements are too low to justify such equipment. Supplementary heat will be required when solar energy is not available. The optimum combination of solar and electric heat will be that which is equivalent in cost to the cost of electrical power over a 20-year period.

Energy consumption for comfort control can be further reduced with such simple expedients as proper site selection, lay-out, overhangs, insulation, and so forth.

Residential cooling systems that rely on absorption-refrigeration cycles which use the solar-heated water or air from a roof-mounted collector will require more technical development. However, the solar collector would be the same unit used to heat residences and the cooling unit would be a somewhat more expensive version of the conventional heat-operated air conditioner. The inherent advantage of solar cooling is that the maximum requirement coincides roughly with the time when the maximum amount of energy is available to operate the system. In addition, the solar collector, which is the most expensive portion of the system, can be employed nearly year-round if cooling is combined with solar heating.

The technical development of the devices required to cool and heat houses with solar energy has reached the stage where these devices should be available in about 10 years. Their potential impact is evident from two bits of data. First, a 10% reduction in electrical usage normally translates into a 30% reduction in the energy requirements at a power plant. Second, in the year 2000, our power plants will need to generate 120,000 megawatts to heat or cool residences.

2. Conversion to power

The primary advantage of producing power from solar energy is the inherent absence of virtually all of the undesirable environmental conditions ascribed to present and anticipated means of power generation with fossil or nuclear fuels. The interest in producing power with solar energy goes back at least a century.[14] [15] Mouchot's solar-powered steam engine was a central attraction at the Paris Exposition of 1878. More recently, several imaginative concepts have been proposed for the large-scale untilization of solar energy on Earth,[16] in the atmosphere,[17] and in space.[18] Which of these approaches will be the most feasible alternative to present power-generation methods remains to be established. The fact is that most of them are based on existing technology and well-known physical principles.

Space exploration has provided a unique opportunity to develop new materials and methods to invent better technical devices, to improve manufacturing procedures, to lengthen the life of instruments, and to discover new frontiers. This technology and man's capability to successfully undertake major development projects should provide the opportunities and lend credibility for the concepts advanced for the large-scale production of power with solar energy. Two major approaches can be distinguished:

Terrestrial Solar-Energy Conversion

The possibility of direct energy conversion to electricity on the surface of the Earth is intriguing. For example, a 10% solar-energy-conversion efficiency would produce 180,000 kilowatts per square mile while the sun is shining. Thus, it is not surprising that solar-energy conversion, particularly based on photovoltaics, is of interest. The state of the art of solar cells, especially that which is based on single-crystal silicon, is well understood and conversion efficiencies of about 10% can be reached routinely. The major drawback is that present solar cells are prohibitively expensive because they have been developed to meet the stringent requirements imposed by their application in spacecraft missions. New designs for solar cells and the supporting arrays would have to be developed to permit the cells to be mass-produced and to obtain the consequent savings. Cost reduction by more than two orders of magnitude would be required so that a price of $1.00 per watt could be approached. Designs based on partial concentration of solar radiation could be evolved to minimize the number of solar cells. Approaches following these lines might decrease the cost to about $150 per kilowatt.[19]

The location of a solar power station would be crucial. Even in Arizona January normally has 15 days of 0.3 cloud cover or less, 7 days of cloud cover between 0.3 and 0.8, and 9 days of cloud cover of 0.8 or greater. This amount of cloud cover would greatly reduce the solar-energy conversion capability. Thus, energy storage for night periods and overcast days would be required. Whether this would be pumped-water storage, pneumatic storage, or hydrogen and oxygen produced by electrolysis for use in fuel cells would have to be carefully evaluated. Land costs, power substations, and transmission lines will substantially affect the economics of operation. For example, to supply Arizona in the year 1990 would require about 190 square miles of solar-energy-conversion surface if the various inefficiencies of the system are taken into account.[20] The economic attractiveness of this approach could be greatly enhanced by increasing the efficiency of solar cells from the present 10% to 20%, which appears to be a distinct possibility.[21]

Solar Energy Conversion in Space

The successful missions of unmanned spacecraft in Earth orbit and to other planets have demonstrated the feasibility of direct conversion of solar energy in space to produce power and telemeter signals. Based on this experience and the further advances in space technology which can be projected, the concept of a system of satellite solar power stations has been proposed.[22] Suggestions to use satellite collectors to concentrate solar energy and beam it to Earth are not new,[23] [24] but the technology now available to us makes such suggestions practical.

Such satellites, when placed in synchronous orbit around the Earth's equator, will be exposed to solar energy for 24 hours a day except for short periods near the equinoxes. Lightweight solar cells deployed over a substantial area of a solar collector can produce electricity which can be transmitted to microwave generators.[25] Microwaves of a selected wavelength can be beamed by an antenna to a receiving station on Earth with no significant ionospheric or atmospheric absorption.[26] The receiving station on Earth, consisting of a microwave rectifying antenna, converts the microwave to DC electricity.[27] A system consisting of a network of such satellite solar-power stations could generate enough power to meet foreseeable future energy production requirements.

The primary advantage of this approach is that the inefficiencies of the conversion process can be tolerated in outer space. On the Earth microwaves could be converted to electrical power with efficiencies of about 90%.[27] This efficiency cannot be equaled with any known thermodynamic process. The microwave beam power density would range from one-tenth of the solar energy received on Earth (at the fringes of the receiving array) to an amount equal to the solar radiation density (in the middle of the array). Since the microwave beam position with respect to the receiving array can be carefully controlled, the beam *should not represent a significant health hazard.* Beyond the confines of the receiving arrays the beam density would drop to immeasurably low values.

A satellite solar power station capable of producing 10,000 megawatts, for example, to meet the demands of a city such as New York in the year 2000, would require an Earth-orbit transportation system with a reusable booster and a space shuttle.[28] The development over the next decade of such a transportation system coupled with the experience which will be gained in placing large, manned space stations in orbit indicates that many common technical problems will have to be addressed.

Detailed design concepts have not yet evolved to the point that cost and weight trade-offs among components can be made. However, on the basis of likely developments, capital costs of $500 to $1,000 per kilowatt appear to be feasible.[29]

To develop a system of major proportions will require the type of systems engineering and management techniques which have already been proven in such massive engineering undertakings as the manned lunar landing program. Although the task appears to be immense so are the opportunities if we can succeed.

IN SUMMARY

We appear to be at the threshold of a new era of energy production. Before we commit ourselves to pursue any one direction, solar energy, and its potential large-scale application relative to other technically feasible energy production methods capable of meeting national needs, should be evaluated. This evaluation should involve the definition of standards, criteria, and procedures for analysis on technologic, economic, social, and political grounds. With such an evaluation, the steps we take over the coming decades will be consistent with national goals and broader national purposes.

We can envisage the possibility of forming a global partnership to develop solar-energy applications to benefit all peoples. Such a partnership might very well mean the reali-

---

Footnotes at end of article.

zation of the goal: "to curb the arms race, to improve the human environment, to defuse the population explosion, and to supply the required momentum to development efforts before the problems facing the world today will have reached such staggering proportions that they will be beyond our capacity to control."[30]

ACKNOWLEDGEMENT

I owe a debt of gratitude to many persons who have supported and encouraged my endeavors to advance the utilization of solar energy. These include colleagues at Arthur D. Little, Inc., and many valued friends in the International Solar Energy Society. I wish to acknowledge valuable discussions with Mr. W. Brown, Raytheon, Mr. W. Cherry, NASA/Goddard, Dr. G. Löf, Denver, and Mr. E. Ralph, Heliotek; they have been most helpful in providing valuable inputs in terrestrial and atmospheric applications of solar energy and microwave transmission.

FOOTNOTES

[1] Stern, M.: Con Edison's Prospects of Meeting City Demands in 10 Years Held Bleak, *The New York Times*, March 17, 1971, p. 30.

[2] Dole, H. M.: America's Energy Needs and Resources. Dept. of Interior. Presented at Stanford University, Palo Alto, California, January 12, 1971.

[3] Committee on Public Works, United States Senate. Some Environmental Implications of National Fuels Policies. December 1970.

[4] Crawford, W. D.: Electric Power in the 21st Century, *Prof. Engineer*, Vol. 41, 2, 1971, p. 20.

[5] Hubbert, M. K.: Energy Resources for Power Production. Prepared for Symposium on Environmental Aspects of Nuclear Power Stations. International Atomic Energy Agency, Paper IAEA–SM–146/1. United Nations, New York, August 10–14, 1970.

[6] The Energy Policy Staff, Office of Science and Technology. Electric Power and the Environment. Washington, D.C., August 1970, p. 2.

[7] The Energy Policy Staff, Office of Science and Technology. Considerations Affecting Steam Power Plant Site Selection. Washington, D.C., December 1968, p. 14.

[8] Gravel, M.: U.S. Senator, Alaska. Reason to be Worried—The Need for a Moratorium on Construction of Nuclear Power Plants. Statement to the Oregon State Legislature, March 3, 1971.

[9] Shapley, D.: Plutonium: Reactor Proliferation Threatens a Nuclear Black Market, *Science*, Vol. 172, 9 April, 1971, p. 143.

[10] Daniels, F.: Direct Use of the Sun's Energy. Yale Univ. Press, New Haven, Conn., 1964.

[11] Rau, H.: Solar Energy, Macmillan Co., New York, 1964, p. 43.

[12] Claude, G.: Power from the Tropical Seas. *Mech. Eng.*, Vol. 52, No. 12, December 1930, p. 1039.

[13] Tybout, R.A. and Lof, G.O.G.: Solar House Heating. *Natural Resource Journal*, Vol. 10, No. 2, April 1970.

[14] Ericsson, J.: The Sun Motor and the Sun's Temperature. *Nature*, Vol. 29, January 1884, p. 217.

[15] Mouchot, A.: L'Energie Solaire et Ses Application Industrielles. Gauther-Villars, Paris, 1869.

[16] Meinel, A. B. and M. P.: A National Solar Power Facility—2076 AD. To be presented at International Solar Energy Society Conference, NASA-Goddard Space Flight Center, Greenbelt, Maryland, May 10, 1971.

[17] Cherry, W. R.: Concept for Generating Commercial Electrical Power from Sunlight. Presented at Eighth Photovoltaic Specialist Conf., Seattle, Washington, August 1970.

[18] Glaser, P. E.: Power from the Sun: Its Future. *Science*, Vol. 162, November 22, 1968, pp. 857–861.

[19] Ralph, E. L.: A Plan to Utilize Solar Energy as an Electric Power Source. Presented at Eighth Photovoltaic Specialist Conf., Seattle Washington, August 1970.

[20] Rink, J. E. and Hewitt, J.: Concepts for Larger-Scale Solar Energy Conversion on the Earth's Surface. To be presented at Intersociety Energy Conversion Engineering Conference, Boston, Mass., August 7, 1971.

[21] National Academy of Sciences. Report on the study of the increased efficiency of solar cells. To be published.

[22] Glaser, P. E.: Power Without Pollution. *The Journal of Microwave Power*, Vol. 5, No. 4, December 1970.

[23] Oberth, Hermann: Die Rakete zu den Planetenräumen. Oldenbourgh Press, Munich/Berlin, 1923.

[24] Gaucher, L.: Energy Sources of the Future of the United States. *J. Solar Energy Soc.*, Vol. 9, 1965, p. 119.

[25] Brown, W.: High-Power Microwave Generators of the Crossed-Field Type. *The Journal of Microwave Power*, Vol. 5, No. 4, December 1970.

[26] Falcone, V.: Atmospheric Attenuation of Microwave Power. *The Journal of Microwave Power*, Vol. 5, No. 4, December 1970.

[27] Brown, W.: The Receiving Antenna and Microwave Power Rectification. *The Journal of Microwave Power*, Vol. 5, No. 4, December 1970.

[28] Tischler, A. O.: Space Shuttle—Defining a Giant Step in Space Transportation. *Astronautics & Aeronautics*, Vol. 9, No. 2, 1971, p. 22.

[29] Glaser, P. E.: Space Resources to Benefit the Earth. Presented at Third Conference on Planetology and Space Mission Planning, The New York Academy of Sciences, October 29, 1970.

[30] U Thant: Quoted by J. Reston, *The New York Times*, October 23, 1970:39M.

LARGE SCALE SOLAR ELECTRIC POWER GENERATION

(By E. L. Ralph, Heliotek, Division of Textron, Inc., Sylmar, Calif.; presented at Solar Energy Society Conference, Greenbelt, Md., May 10, 1971

(NOTE.—Figures referred to are not printed in the RECORD.)

ABSTRACT

The need for a new source of energy for generating electric power has been well established. This new energy source must be able to meet the many demands of our society in respect to resource depletion, increased electrical power requirements, peak demands, site location, low costs and the elimination of pollution. The one energy source that provides a solution to these problems is solar energy. Although no significant effort or funds are being spent on solar energy research, there are indications that this energy could be tapped with present day technology. This paper describes some features of a large scale solar cell electric power generating system that could be built to show the feasibility of utilizing solar energy. The basic system components are described and an engineering analysis made of the electrical, optical, mechanical, and thermal characteristics of the system.

INTRODUCTION

One important question facing the world today is whether solar energy will become an important source of power for the future. Power has become very important in modern man's life. Everyone is aware of the vast amount of energy being used to supply this thirst for power. Also, almost everyone is aware that a precarious balance exists between the discovery of natural resources that supply this energy and the rate that it is used. It is known that the fossil fuel resources being used are not replaceable and will eventually be depleted. Probably the only reason there is no crisis declared is that for the immediate time and short term future, fuel is plentiful and cheap. As long as this is the case the Earth will be looted and stripped of these resources because everyone is enjoying the power.

Even though the vast majority of the people on Earth would not want to change this situation today, it is the responsibility of the leaders in government and science to have a plan to conserve resources and provide power for generations to come. This responsibility extends beyond the area of fuel resources into an understanding of all resources of the Earth and the limits these resources place on man's usage.

To better understand the significance of the earth's power situation an epoch of fuel exploitation and potential has been shown in Figure 1. (1) A period of time has been selected to which one can relate, in respect to the civilization that has preceeded us over 2000 years and a time in the future half as long. Total world power has been plotted on a log scale to provide accuracy in data and at the same time provide a scale covering a wide range of power. Of primary concern are the fossil fuel curves for crude oil and coal. These are shown as solid curves (as is the U235 nuclear burner source) since these are actual production levels and projections based on studies of the source reserves.

The short dashed curves represent potential power sources which have a finite amount of energy so they too must eventually be depleted. The long dashed lines represent power sources that are perpetual. The line represents the maximum level of power if the resource were fully developed. It can be seen that geothermal and tidal power potential are quite low. Surprisingly, water power usage is presently quite low in respect to what is could be if it were developed fully. Nuclear breeder reactors could provide a high level of power for 1000 years if the development problems can be solved in time so that the natural radioactive fuel (needed to breed new fuel) are not depleted first. The lithium-deuterium fusion reaction could provide about the same power level. The limit on time is based on the depletion of lithium.

All the above energy sources could provide power levels at or near the world consumption rate (the 1950 rate is shown for reference). None of these sources, however, can provide perpetual power. Only coal can be relied upon for the near future, unless some technological breakthrough occurs in breeder and fusion reactor research. The two obvious giants in respect to energy sources are deuterium-deutrium fusion and solar energy. D–D fusion could provide 10^{17} kwh/yr for 6000 years before it would deplete the ocean of deuterium. The solar energy intercepted by the earth converted at 10 percent efficiency could provide this same power level perpetually. A look at the amount of energy available from the D–D fusion reaction makes it clear why research is being sponsored. Since solar energy has this same potential it appears to have equal justification for research support.

SOLAR POWER STATION PLANNING

A proposed plan that has been discussed (2) would follow a step-by-step development of solar power systems starting from small modular arrays and going up to large scale solar power stations as shown in Figure 2. The research and development on new materials, new devices, manufacturing methods, regulation and storage systems, and power transmission would be done during Phase I and II. Prototype power stations would also be built during Phase II. By 1985 large scale power stations on the Earth could be constructed to prove feasibility and stimulate production. In the 1990's full scale solar power stations would be built. These could be ground based, airborne, or space stations depending on the results of the development program. The direction to be followed in developing large scale solar power stations depends on factors other than strictly technical requirements.

There will be strong economic factors to be considered. The system must be competitive with the prevailing costs of power stations. This will not be able to be proven unless the proper research and development funds are made available to work out the system design and prove feasibility. As inexpensive fuels are depleted and cost of making pollution free power stations go up, the economic justification for alternative power sources increases.

Social factors will become more important than they have in the past with the development of other power sources. The waste products of massive power generating stations and transportation power are becoming a curse to society. There is a great social need for the development of a clean power source.

Another factor to consider is the impact of a new field of business emerging. How will it affect the business of long established energy interests? The transition must be made at a pace that causes the least hardship and stress for a business that provides employment for large numbers of people.

Then there is a factor of public opinion and acceptance. New ideas and different physical features will need to be accepted. A power station may be a farm having crops consisting of many acres of solar cells producing electrical power. Power may be generated during the sunlight hours and stored in the form of a fuel (such as hydrogen or aluminum) for use in a fuel cell as the power is required. Power may be beamed from one point to another instead of traveling on wires.

Political factors will also play a part. The advantage of huge quantities of perpetual power and a pollution free power source might be a strong platform to win constituent approval: Countries that conserve their fossil fuel resources for use in products and use solar energy as a power source, will be the powers of the world when others have burned their resources.

SOLAR POWER STATION DESIGN

Today's silicon solar cell technology can be taken and applied to the design of a large scale solar power station. Silicon solar cells could simply be connected together in a weather protected array of any size and power level. This array would produce electric power from solar energy on the Earth's surface at an efficiency greater than 10 percent. The design problem one faces is how to build the array economically. In order to solve this design problem we need to determine the basic components required and the cost levels of these components. Let's consider a specific power station design with characteristics shown in Figure 3.

The solar power station will be a terrestrial design. It will be one square mile in area which corresponds to a peak electrical generating capacity of 0.259 x 10^6 kw at a solar intensity of 100 mW/cm^2 and a conversion efficiency of 10 percent. It will be located in the Phoenix, Arizona area which has a mean daily solar radiation value of 540 langleys per day on a horizontal surface. (3) The one square mile station will therefore receive 16.1 x 10^6 kwh per day and produce at 10 percent efficiency 1.6 x 10^6 kwh per day. The raw DC electrical power generated would be fed directly to a central switching station by conventional DC transmission lines. The central station would convert the DC to AC, transform the voltage to standard levels and switch it onto the existing distribution systems. All the solar electric power generated would be utilized, while power from conventional turbine generators would be switched into the system as needed to supply the demand just as it is with conventional electric power distribution stations.

Energy converter design

Silicon solar cells will be used as the solar energy converter. The design of this device cannot be fixed at this time because the system cost will be primarily dependent on the converter design. A conventional single crystal silicon solar cell as built today would provide a very good technical design, but a poor economical design. New devices or low cost concentration techniques must be developed before the device design can be fixed. However, a test has been made of the feasibility of using silicon as the building block for large scale solar power stations and the results are shown in Figure 4.

The amount of silicon required to cover one square mile at a thickness of 0.010 inches is 1.5 x 10^6 kg. Assuming 50% waste the total amount of single crystal silicon required would be 3.0 x 10^6 kg which corresponds to a cost of $920 x 10^6 at the current rate of $0.30 per gram. Consequently, this cost represents a investment of $3550 per kilowatt of generating capacity just for the silicon used in the converters, so it is apparent that this approach is not competitive with conventional fossil fueled plants that cost as low as $125 per kilowatt generating capacity.

A look at the costs for various forms of silicon reveals that the raw material is not the basic limitation, but instead it is the particular process used that determines these costs. For instance, single crystal silicon can be formed by depositing directly from the vapor phase instead of going through an intermediate step of melting and growing single crystals. In this case single crystal silicon rod, which costs $0.07 per gram, for the one square mile array would cost $215 x 10^6 which corresponds to $830 per kilowatt generating capacity. Already this is a good cost reduction and no new technology is required.

If we assume silicon technology and production techniques can be improved, then it might be reasonable to assume that costs would be close to the cost of the purified raw material (trichlorosilane cost is about $0.01 per gram) used to produce the silicon. (4) In this case the silicon for the one square mile array would cost $30 x 10^6 or $115 per kilowatt of generating capacity. This would be about $1 per square foot and brings the silicon costs into a competitive range so that an array design with no concentration techniques need be considered.

Another cost reduction step might be feasible if one could use metallurgical grade silicon which is 96 to 99% pure, plentiful, and costs $0.0004 per gram. (5) This material would cost $1.2 x 10^6 for a one square mile array or $4.6 per kilowatt generating capacity. Raw material silicon costs as obviously not a limiting factor.

Silicon production capacity was also considered. The yearly production of high purity silicon in the U.S. is estimated to be 0.5 x 10^6 kilograms. The one square mile power station requirement of 3.0 x 10^6 kilograms would have a significant impact on the high purity silicon production facilities since it is a requirement about six times the present capacity. On the other hand it represents only five percent of the metallurgical grade silicon production which is 66 x 10^6 kilograms per year.

Thermal control design

The power output for a given solar cell is dependent upon the incident illumination spectrum, the cell response function, and the cell temperature. Any significant utilization of solar cells for terrestrial power generation will require ultra high cell array outputs. Due to the relatively premium cost of solar cells, terrestrial solar cell power systems must include some economical means of providing high solar cell power output. This is commonly achieved by using low cost reflective collectors to increase the illumination intensity on the cell which in turn will reduce the cell quantities required for given power needs. These collectors, nominally consisting of reflective aluminum surfaces have a drawback in that large quantities of solar radiation which fall outside the solar cell's response region are equally intensified on the cell. This radiation, and also the radiation within the cell response region not converted into electrical current, is ultimately transformed into heat. This causes the cell temperature to increase, until equilibrium is attained with the surrounding environment. This increase in temperature reduces the cell output.

Consequently it is desirable to eliminate incident radiation which falls outside the cell's response region, and also radiation which is not efficiently utilized as that most of it is converted to heat. Techniques for achieving this consist of the use of cold mirror concentractors, which do not reflect inefficient wavelengths upon the cell, and multilayer interference filters located between the cell surface and reflector which transmit only "efficient" portions of the collected beam.

A theoretrical analysis of cell output under idealized conditions of incident radiation wavelength discrimination was conducted to determine the magnitude of cell power improvement that could possibly be attained through the use of large reflector collection values. The solar illumination spectrum and intensity upon the cold mirror was taken as air mass two. A typical panel was envisioned as solar cells bonded to a thin aluminum plate which was placed upon a 45° inclined hill consisting of finely divided and compacted sand. The reflector was envisioned as a number of cold mirrors located at some distance from the solar panel which concentrated light upon the panel.

An ideal cold mirror was assumed consisting of 95 percent reflection between 0.61 microns and 0.96 microns and 0% reflection outside those limits. A simple heat transfer relation was utilized for determination of the cell's equilibrium temperatures under varying concentrator ratios, i.e.:

$$\alpha G=(0.29)\left(\frac{\Delta T_1}{L}\right)^{1/4}\Delta T_1 A+0.71\left(\frac{\Delta T_2}{\Delta X}\right)A \quad \text{(Eq. 1)}$$

=heat convected to atmosphere+heat conducted to ground

where α=solar cell absorptivity=0.82
G=incident radiation intensity in BTU/hr
$\Delta T_i=T-T_i \quad i=1, 2$
T=cell temperature
T_1=air temperature ~90°F
T_2=ground temperature ~60°F
$\Delta T_2/\Delta X$=temperature gradient of earth beneath panel
A=panel area=1 ft^2
L=panel side=1 ft.

This relationship can be solved to find T for a particular value of G only when the Earth temperature gradient is determined.

In the given equation all terms, with exception to the Earth temperature gradient are sufficiently listed in reference material (6) (7) that values of T can be calculated. The temperature gradient could be determined empirically; however, for this analysis, another approach was utilized. Sample collector and cell systems, consisting only of aluminum reflective surfaces, (no cold mirror surface) were examined to determine the relative cell output versus panel temperature. Since these systems did not reject the inefficient energy which the cold mirror would, it was assumed that for a given relative output the operating temperature of the ideal system would be lower (or at worst, the same) than the aluminum collector. For this analysis it was conservatively assumed the aluminum and ideal collector systems would have the same temperature for given relative cell outputs. Through trial and error the heat transfer equation was solved to satisfy the above requirements and a value for the temperature gradient was obtained. This, in turn, was solved to yield a value for Δ x which was then used for all concentrator levels.

Typically cell output was then determined by assuming some collector ratio; hence determining the illumination intensity. This spectrum was then multiplied by the cell response curve to yield the cell output current for a 28° C temperature. This value was then compared to the output of the same cell under unfiltered AM2 conditions 28° C. Following this the cell's operating temperature was calculated from the heat transfer relation and based upon cell I–V characteristic vs. cell temperature data, (8) the cell's power was adjusted to correspond to the new operating temperature. This procedure was repeated for a wide range of collection ratios, varying from 1 to 35. The curve in Figure 5 labeled "ideal mirror" shows the calculated cell output relative to the same cell at AM2, 28° C conditions.

The data presented in Figure 5 shows three curves: the linear relation expresses relative cell output versus concentration ratio for a fixed temperature system. In practice this could be achieved only through the use of perfectly designed cooling fixtures. Next to this is shown the data points for simple aluminized collector systems that have been experimentally tested. The dotted line extrapolates this type system to higher concentrator ratios. The third curve plots the calculated output for the ideal cold mirror system. Figures adjacent to the data points are the temperature values for the illuminated cell.

The aluminum and cold mirror collector curves exhibit similar behavior showing a cell output increase with concentration ratio, a peak power output, and a falling off in power for further concentration due to increasing temperature. The cold mirror collector, although initially yielding inferior power output in comparison to the plain collector eventually obtains higher outputs than can be achieved by the plain collector. Such a family of curves for various concentrator-filter configurations would be useful in designing terrestrial power systems. Where low cost, low power systems would be required or where limited room was available the plain aluminum collector would provide the best solution. Conversely for high power requirements and high concentration ratios a filtered collector would be expected to provide an advantage. Of course, the cost of the collector needs to be thoroughly examined and for some power requirements might prove to outweigh cell costs. In such a situation the power system designer might more economically utilize large cell quantities or forced cooling systems. It is evident that the use of collector configurations and passive cooling will provide a limited practical solution to the economic power generation problems. By utilizing inexpensive collector systems (either reflective or cold mirror) a solar cell system capable of providing moderate power levels over extensive periods of time under minimum maintenance circumstances should prove to be economical and "ecological." For larger power requirements and high concentration ratios some means of forced cooling would be needed in addition to the passive cooling system in order to gain the advantage of increased power per solar cell.

SUMMARY

It is quite clear that solar energy could be used to produce vast amounts of electrical power by using solar cells. To make this practical, efforts must be directed toward a substantial reduction in the cost of solar cell arrays. Considering the low cost and plentiful supply of metallurgical grade silicon, it appears that it would be desirable to try and develop a purification process that would produce solar cell grade silicon at a small fraction of the cost paid today.

Although silicon cost reductions alone appear quite promising, it has been estimated that work directed toward a reduction of solar cell processing costs and array fabrication costs would also provide another substantial cost reduction. (2) Also concentration techniques can be utilized if necessary to reduce the number of solar cells required. Assuming these cost reduction development efforts are successful and solar power stations such as that described above become operational a schedule should be made for phasing in this new power source.

Figure 6 shows the level of electrical power generation in the United States for the past fifty years. This curve has been extrapolated about 70 years based on forecasts made to the year 2000. (9) The slope of this curve indicates that electrical generation in the U.S. is increasing at a rate of a factor of two every decade. Assuming a start of the use of solar power stations about 1990 the total U.S. requirement could be provided within sixty years if the solar power generating capacity was increased by a factor of ten every decade. By the year 2000 there would be ten one square mile power stations. By the year 2020 there would be 1000 square miles of solar arrays which would produce a level of power generation almost equal to that produced in 1960. This substantial capability would require an area 10 miles wide by 100 miles long, a size that could easily be accommodated in many locations in the U.S. By the time all electrical power could be generated from solar power (year 2040) 100,000 square miles would be needed. Probably some of the arrays would be located on the oceans so that the 100 mile by 1000 mile area would not need to use up too much land area. Although the rate of increase of solar power stations could be much slower if other new power sources are developed, this arbitrary rate was selected so that all electrical power will be generated from solar energy at a time when both crude oil and conventional nuclear (burner) reactors are being phased out because the fuels are depleted.

REFERENCES

(1) "Resources and Man," N. H. Freeman Co., San Francisco, California, 1969

(2) E. L. Ralph, "A Plan to Utilize Solar Energy as an Electric Power Source," IEEE Eighth Photovoltaic Specialists Conference Record No. 70C32ED August 1970

(3) "Handbook of Geophysics," Macmillan Company, New York, pp. 16-28 to 16-29, 1961

(4) Private Communication

(5) Bureau of Mines Minerals Yearbook, U.S. Department of the Interior, Vol. I–II, 1969.

(6) "Heat Transfer," Alan Chapman, Macmillan Co., 1967.

(7) "Heat Transmission," Sidney Kirkpatrick, McGraw-Hill, 1954

(8) E. L. Ralph, "Performance of Very Thin Silicon Solar Cells," IEEE Sixth Photovoltaic Specialists Conference Proceedings, March 1967

(9) A Review and Comparison of Selected United States Energy Forecasts, Battelle Memorial Institute, Prepared for OST Des. 1969.

ESSO RESEARCH AND ENGINEERING COMPANY

(Media Relations, P.O. Box 172, Linden, N.J. 07036, Harlan F. Stone, (201) 474–2701 (Office), for release November 24, 1970)

LINDEN, N.J.—A Corporate Research Energy Conversion Unit has been formed by Esso Research and Engineering Company to develop the science and technology needed for low-cost commercial solar cells. Dr. Elliot Berman, who has extensive experience in photochemistry, photochemical phenomena, and the photographic industry, will lead the new project.

Dr. Berman is employed by Jersey Enterprises, an affiliate, and is on special assignment to Esso Research and Engineering. He will report directly to Donald L. Baeder, vice president for corporate and government research. Esso Research and Engineering is the chief technical affiliate of the worldwide Standard Oil Company (New Jersey).

Present solar cell technology results in a cost of about $100 per watt to convert solar energy from the sun into electrical energy, Dr. Berman said. The conversion takes place within a cut and polished silicon crystal, which absorbs the solar energy. The high cost of solar cells has limited their utility. Solar cells have powered monitoring instruments that the astronauts left on the moon and are used as power sources for satellites.

"There is a potential use for commercial solar cells wherever electricity is used now," Dr. Berman said. "Initially they will best meet electrical needs where relatively small amounts are required, such as in movie cameras, wrist watches, and radios. If they can be made low enough in cost, they can eventually move into markets such as water pumping in desert areas, residential electricity in remote geographical areas, and other uses where it is not now possible to tie into existing electrical distribution systems."

To discover materials for low-cost, light-to-electric power conversion, Dr. Berman will form an inter-disciplinary task force. He expects the group to contain scientists with training in solid state physics, electrical engineering, organic chemistry, and biophysics.

"Our initial program of investigation will include such areas as electronic conduction in organic and inorganic materials, effects of light on these materials, organic synthesis, dye sensitization, and energy storage and conversion," Dr. Berman said.

Dr. Berman holds 23 U.S. patents on photochemical systems and novel image-forming processes. He has been director of the Lexington Research Laboratories and of the Photosensitive Materials Group of Itek Corporation, the photographic equipment manufacturer, where he has worked for the past ten years. Before Itek he worked at National Cash Register Company, where he was head of the Organic Section of the Fundamental Research Department. He received his bachelor's degree in chemistry from Brown University and his doctorate in chemistry from Boston University.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Chair recognizes the Senator from Virginia.

APPLICATION OF THE FIRST AMENDMENT TO PUBLICATION OF SECRET VIETNAM DOCUMENTS

Mr. BYRD of Virginia. Mr. President, the month of June 1971 will figure prominently in American history.

It was on Sunday, June 13, that the New York Times began publishing a series of articles from a secret study, made in the Defense Department, of American participation in the Vietnam war.

The documents were labeled "Top Secret," although the material covers a period that ended in 1968—and thus, in a sense, is a history of the early years of the war.

The Justice Department asked the New York Times to refrain from publication on the grounds that it would cause "irreparable injury to the defense interest of the United States."

The Times refused to withhold publication. Meanwhile, the Washington Post began publication of the "Top Secret" documents.

The Justice Department sought and obtained a court order temporarily restraining publication of the documents.

Meanwhile, various other newspapers began publication of the controversial documents, which had been stolen from the Government and made available to the press.

The temporary restraining order against the Times and the Post was appealed to the Supreme Court. On June 30, the Supreme Court ruled:

> Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its Constitutional validity . . . the government thus carried a heavy burden of showing justification of the enforcement of such a restraint . . . we agree . . . that the government has not met that burden.

The decision was six to three—with each of the nine Justices setting forth his own separate view, a unique procedure.

The historic nature of the case can best be understood when it is realized that never before has the U.S. Government sought to enjoin a newspaper from publishing information in its possession. The first amendment to the Constitution, guaranteeing freedom of speech, press, and religion, long has stood as a bar to the imposition of judicial restraints prior to publication.

But is the first amendment an absolute? A reading and rereading of the nine separate opinions does not give a clear answer as to the view of the present court.

At least two Justices—Mr. Justice Black and Mr. Justice Douglas—believe that the first amendment is an absolute guarantee to the press, while at least one, Chief Justice Burger, rejects the view that the first amendment is absolute in all circumstances.

If I can interpret the individual opinions of the nine justices accurately, the prevailing view—and to my mind the most logical view—is best enunciated by Mr. Justice Stewart and Mr. Justice White. In ruling in favor of the newspapers, they drew a distinction between prior censorship and subsequent criminal prosecution for actual publication of vital Government secrets.

Mr. Justice Brennan put it this way:

> The entire thrust of the Government's claim throughout these cases has been that publication of the material sought to be enjoined "could," or "might" or "may" prejudice the national interest in various ways. But the First Amendment tolerates absolutely no prior judicial restraints of the press predicated upon surmise or conjecture that untoward consequences may result.

In the case at issue, the Government simply failed to convince the Court that publication of the Vietnam documents would cause "irreparable injury to the defense interest of the United States."

For this the Defense Department itself must bear a substantial part of the blame. Clearly the documents are overclassified.

While I have not read all of the Pentagon papers, I have read 1,000 or more pages and have seen nothing that could reasonably be construed as jeopardizing the security of the United States.

Mr. Justice Stewart hit straight to the point, it seems to me:

> Without an informed and free press there cannot be an enlightened people.
>
> Yet it is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy.
>
> I think there can be but one answer to this dilemma, if dilemma it be. The responsibility must be where the power is. If the Constitution gives the Executive a large degree of unshared power in the conduct of foreign affairs and the maintenance of our national defense, then under the Constitution the Executive must have the largely unshared duty to determine and preserve the degree of internal security necessary to exercise that power successfully . . .
>
> I should suppose that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake.
>
> For when everything is classified then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained.

Mr. Justice Stewart has struck at a point which needs emphasizing; namely, the overclassification of Government documents.

To quote Mr. Justice Stewart again:

> For when everything is classified then nothing is classified.

The tendency in Government is to slap a secrecy label on almost every document that comes along.

Why?

I put this question last week to the Assistant Secretary of Defense for Administration when he came before the Senate Armed Services Committee for confirmation to the post of Secretary of the Army. He replied that most persons in Government feel that they will not be condemned for overclassifying, but could be condemned for not classifying.

Why should Government officials not be condemned for overclassifying?

The overclassification of Government documents is not only denying to the American people information they should have, but it is tending, as Mr. Justice Stewart notes, to destroy the entire security system of the Government.

Most certainly unwarranted secrecy and the failure to inform the public and the Congress has seriously weakened the credibility of the U.S. Government.

The Congress needs to come to grips with the question of classification of Government documents. The Congress has sat silent too long.

The Nation as a whole, as well as the executive branch of Government, would benefit, I feel, if there were to be established an independent group to review the classification of Government documents.

Senator Roth, of Delaware, has introduced legislation to accomplish this, and I have joined with him as a cosponsor.

Until this is done, however, Executive leadership should make clear that overclassification of documents will not be tolerated.

The Government needs less "Top Secret" documents which in fact do not justify such a label—and a tighter security system for safeguarding those relative few documents which, in order to prevent irreparable injury to the defense interest of the United States, should logically be tightly safeguarded.

If a document such as the Vietnam papers, which the Defense Department regards as top secret, can be stolen and disseminated, how do we know what other top secret documents affecting our national security are being taken from the vaults?

Indeed, it is important that the person or persons who stole the documents be prosecuted to the full extent of the law.

I associate myself at this point with the distinguished and able Senator from West Virginia (Mr. Byrd), who earlier in the day called for full prosecution of those who stole from the Government the top secret documents.

While the court sided with the newspapers in its decision of June 30, a close reading of the nine decisions suggests that the communications media cannot escape from the fact that their freedom from censorship entails responsibilities to the Nation. The press, I should hope, will view the decision as something more than a cause for celebration.

The Washington Evening Star put it well, I think, in an editorial on July 1:

> It should be noted, too, that the concept of press responsibility is no more abstract than that of press freedom.

If the favorable court decision will have the effect of sharpening the communication media's sense of responsibility—and if the unfavorable decision, from the Government's point of view, should bring about a reappraisal of its reclassification policy—then the Nation as a whole will benefit greatly from the events of June 1971.

What the people of the Nation need are more facts.

The Government and the press, by accepting and carrying out their respective responsibilities, can make the facts available to the people, without jeopardizing the security of the Nation.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Stevenson). Under the previous order, the Senate will proceed to the consideration of routine morning business, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ROLE OF THE JUDICIARY IN PRESERVING AMERICA

Mr. BYRD of Virginia. Mr. President, on June 25, 1971, the distinguished junior

Senator from West Virginia, Mr. ROBERT BYRD, addressed the 41st Fourth Circuit Judicial Conference. This Fourth Circuit Judicial Conference was held at Hot Springs, Va., and was attended by outstanding lawyers and jurists from throughout the area of the Fourth Judicial Circuit.

Since that date of June 25, about 3 weeks ago, I have received many communications from those who were present commenting on how excellent was the address made by Senator BYRD of West Virginia. These communications have come from outstanding lawyers in Virginia and from judges in Virginia, all of whom were tremendously impressed by the logic of the remarks of the distinguished Senator from West Virginia.

So, after receiving so many communications in regard to the speech, I sought the permission of my distinguished colleague from West Virginia to insert in the RECORD the text of his speech. All of us in the Senate know Senator BYRD of West Virginia to be a man of unusual ability, and one who is learned in the law. Speaking personally, I cherish my close association with him as a Member of the Senate, and I commend him and compliment the people of his State for the magnificent job that he is doing in representing not only the people of West Virginia, but all of the people of the United States, in the U.S. Senate.

I ask unanimous consent that the outstanding address delivered by ROBERT C. BYRD, U.S. Senator from West Virginia, on June 25, 1971, before the 41st Fourth Circuit Judicial Conference, be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY ROBERT C. BYRD, U.S. SENATOR FROM WEST VIRGINIA

Chief Judge Haynsworth, Judge Maxwell, Judges of the Fourth Judicial Circuit, Members of the Conference, Ladies and Gentlemen:

I feel privileged, and I value this opportunity, to address the 41st Fourth Circuit Judicial Conference.

The role of the Judiciary in preserving America for our children cannot be underestimated.

All of us have noted the recent breakdown in order in this country. We have noted a trend, now quite pronounced, to reject authority of any sort, to decide for oneself whether a particular law or rule is to be observed. It is a matter of great concern to the people and considerable moment to the courts, since the power which courts have is pretty much dependent on the willingness of the parties and the public to obey rulings even when they disagree with them.

It is only necessary to refer to a remark frequently ascribed to President Jackson that Chief Justice Marshall had made his decision, now let him enforce it; or to Alexander Hamilton's overworked phrase about the Court having neither purse nor sword; in order to appreciate that it is the authority of the courts which inevitably suffers first and greatest from a disposition not to be bound by rule or authority—which disposition unfortunately has gained wide currency in our society.

Since this is true, it is more than passing strange, then, that many persons believe that some of the federal courts, and in particular the United States Supreme Court, have done more than any other branch of government—local, state, or federal—to foster such a feeling and mood and disposition in our society—more indeed than any other institution with the possible exception of the American educational establishment.

I realize the obligation all lawyers necessarily feel to accord the greatest amount of respect to the U.S. Supreme Court. I feel that obligation; my feeling of respect is considerable; I honor the Court as an institution. But I need not quote the remarks of distinguished judges, lawyers, and scholars that respect does not require loss of critical faculty.

Thus, despite my trepidation, despite my respect, and despite the fact that I address a body of men whose professional lives are inextricably involved in parsing and closely examining the reasoning of the Supreme Court and other appellate courts and the District Courts, I sincerely trust that you will not think it presumptuous of me to believe it possible to contribute to the discussion by sharing with you not only my own thoughts but also the conclusions and thoughts which I hear expressed frequently in the Congress and in the conversations and letters from constituents about the Supreme Court and what are considered its errors of recent years.

There are, of course, many areas in which the Court's rulings carry out the Constitution and the laws and promulgate standards for sound governance of society. But while we welcome and support those rulings, our objections run to the fact that the Court has in many areas appeared not to follow the Constitution—or has followed strained interpretations of it or has ignored Congressional direction in matters subject to statutory regulation.

Thus, while we welcomed the Allen decision last year was welcomed authorizing trial judges to take the necessary steps to deal with obstreperous defendants by setting them outside the courtroom or binding and gagging them or citing them immediately for contempt of court—and while it is to be hoped the same standards will be applied to riotous defense counsel—one cannot ignore the evidence that the Court itself has contributed to the problem by applying Court-created constitutional limitations on the inherent powers of trial judges to deal with contempt committed in their presence or outside their presence. The unprecedented application of jury trial requirements to contempts when the sentence may exceed a certain limit, the rulings in *Mayberry* this Term, and the Mississippi case within the last month limiting the authority of judges to deal with contempts directed at them—these and other rulings appear to be expressing a feeling that trial judges, sworn to uphold and defend the Constitution, are not to be trusted to be fair and just.

In other words, one can perceive this series of cases only as carrying over to the trial judges the Court's well-known aversion to trusting Congress and the legislatures to uphold the Constitution. When a body of men forming the court of last resort in this country becomes seized of such a fear—a fear of their lower court brethren and of legislators and for all we know of the President as well—then there is a substantial danger that rigid rules will be laid down to circumscribe the discretion of everyone.

And unless my reading is wrong, I see a danger that this mistrust so recently applied to the trial courts is soon to be transferred back to the legislatures. The Court recently granted review of an appellate court decision sustaining the power of the Wisconsin legislature to imprison summarily Father Groppi for leading a raid on the floor of the legislature while it was in session to protest a legislative decision. It would not surprise me at all to find the *Powell* and *Bond* decisions, and the decisions curbing the power of Congress and the legislatures to investigate, expanded and applied to infringe on the inherent power of legislatures—and of Congress—to punish for contempt without invoking the aid of the courts. We simply cannot afford to submit to further chipping away at the powers and prerogatives of legislators and trial judges.

Thus, even when the Court, as in the *Allen* case, reaches an eminently correct result, it may be that the problem was either created or compounded by earlier Court decisions or still remains a problem because the Court persists in error.

I would not contend that the Justices have been actuated by anything but high motives or pure ideals. The problem, instead, has been that they have made bad law and rendered wrong decisions in pursuit of those high motives and pure ideals rather than admit that however socially desirable something might be in abstract principle it should not be attained except within the context of applicable constitutional, principles.

Let me illustrate what I mean by noting the recent decision involving the closing of a number of swimming pools in Jackson, Mississippi, after their desegregated operation was decreed by a local federal district court. In a five-to-four decision, the Court held—and, I think, rightly—that the Constitution did not compel the City of Jackson to reopen those pools.

Some of the Justices may have felt that the Jackson officials closed the pools because of an impure motive, a refusal to operate them so as to permit white children and adults and Negro children and adults to swim together.

But that was not the question which faced the Court. The question was whether the United States Constitution compelled the City to reopen and to operate those pools. It was a question of constitutionality, and I think that Chief Justice Burger's concurring opinion capsuled the matter in a way that cannot be bettered. "All that is good is not commanded by the Constitution and all that is bad is not forbidden by it."

In the spirit of judging the issue by what the Constitution commands or forbids, then, the majority noted that insofar as the equal protection clause was concerned everyone in Jackson was deprived of public swimming pools. The City was not attempting surreptitiously to preserve racial separation by seeing that the pools were kept in operation in collusion with private groups. The pools were closed. Thus, said the majority, whatever the motivation of public officials, their acts were not forbidden by the Constitution nor did the Constitution require them to operate what is in essence a luxury.

The minority did not look at the matter that way. It was enough for them that Jackson officials had been actuated by bad motives: because their thoughts were impure their actions were constitutionally tainted and the Court ought not let them "get away with it."

It should be said that some Justices resist the impulse to sit in judgment on the innermost thoughts and motivations of others and, instead, judge their actions by the standards of constitutional commands and prohibitions. But others, unfortunately, appear to psychoanalyze motives and approve or condemn actions on the basis of what such an exercise in psychology reveals.

It is this proclivity which comes through clearly if we look at the "sit-in" cases of the early 1960's, which illustrate how a majority of the Court has often confused good intentions with lawful actions, starting the nation on a path leading to disorder and contempt for law.

The essence of the philosophy of the "sit-in" movement was the conviction that if law protected the prejudice of an owner of private property in being selective regarding his choice of customers, then the law would be disobeyed. It would be violated by persons placing their bodies in forbidden areas and inviting arrest. I should say that if all these people wanted was to bear witness to their objection to racial discrimination by inviting arrest and submitting to conviction for violating clearly neutral and constitutional laws, thereby petitioning for legislative change outlawing private discrimination, that would be one thing. The actions might be disruptive but the viability of law to preserve order would not be called into question.

But neither the demonstrators nor the Supreme Court was willing to leave the matter at that. The demonstrators did not submit to conviction as a method of bearing witness; they appealed, seeking to void their convictions by obtaining a ruling that the Fourteenth Amendment either outlawed all private discrimination or else prohibited the enforcement of trespass and other laws by which the States and localities lent some assistance to store owners and other owners of private property. Such a ruling, of course, would have had enormous consequences for American constitutional jurisprudence, all of it bad. Some Justices, notably Mr. Justice Douglas and Mr. Justice Goldberg, were willing to go that far. A majority of the Justices did not feel so inclined. But that did not mean that the demonstrators were out of luck. The Court simply used every device which could be thought of to reverse all convictions without ever reaching the ultimate decision.

The result was that not any conviction which was appealed to the Supreme Court was sustained. No doubt the majority was impressed with what they considered to be the general "good" motivation of the demonstrators. No doubt the majority thought that some means, almost any means, were justified in order to let the "pure in heart" off. The radiations from these decisions show what a monumental mistake this sentimental conclusion from the heart instead of from the head was in fact.

Can anyone doubt that the waves of campus demonstrators, arrogantly presuming themselves qualified to dictate educational decisions, were undertaken with the the demonstrators in the "sit-in" cases had succeeded. No doubt the fact that the earlier demonstrators had not had to pay to bear witness with jail sentences inspired the cry for amnesty which accompanied every demonstration, every trashing, every invasion of a dean's office, which the students undertook. Or it may be that the amnesty cry simply reflected the puerile character of the affluent college student as contrasted with the serious purpose underlying the Negro demonstrators' actions.

Whichever is the case is really irrelevant. The earlier Court decisions which affirmed that a degree of "purity" of motive could excuse lawbreaking bore fruit, not only in the college demonstrations, but also in the riots when apparently respectable people went to looting to secure what they wanted and in the "rock" festivals where young people flaunted their distaste for all values by engaging in open nudity, open public copulation, open marijuana smoking, and open pervasive destruction of property.

Bitter fruit, indeed, but the lesson is unlearned where the learning of it would be most valuable. Evidence? On June 7 of this year, there was a five-to-four decision of the Supreme Court which reversed the California conviction of disturbing the public peace by offensive conduct of a youth who appeared in the crowded corridors of a court house in the presence of women and children with the four letter word "F—the draft" printed on his jacket. The Court's opinion was written, incredibly, by Mr. Justice Harlan, and at one point he solemnly assures us that it is "often true that one man's vulgarity is another's lyric." In the same paragraph, he says: "Surely the State has no right to cleanse public debate to the point where it is grammatically palatable to the most squeamish among us."

So, objection to the profusion of four-letter words and the most open profanity is appalling only to the "squeamish" among us! The power of government to prevent children and objecting adults from being subjected to the most objectionable and callous obscenities means nothing more to the Justices than making "public debate . . . grammatically palatable." It is nothing short of astounding! It would help the Justices in the majority to take a walk around a few blocks of their Court building and just observe and listen to the nauseating language and the sickening abuse of verbal sexual assault which any woman, no matter how old or how young she may be, is subjected to. The streets are unfit for decent people now and it is tragic to notice how young children so casually utter the most obscene, barnyard language which they have picked up by simply listening.

More evidence? On June 1, the Court struck down as being in violation of the right of assembly a Cincinnati ordinance which punished persons who congregated on the public streets and engaged in annoying conduct. The majority was not even concerned with the conduct the particular defendants had engaged in. Mr. Justice Stewart simply pronounced that no government could "make criminal the exercise of the right of assembly simply because its exercise may be 'annoying' to some people." Furthermore, he said, government could not proceed against persons who annoy others because of "their ideas, their lifestyle or their physical appearance."

With all due respect, I submit that this is ridiculous! Of course, merely assembling to express ideas or protest may not be prohibited if it should annoy some persons. But what about a crowd of rowdies who harass passers-by, who throw trash around them, who congregate outside a church and throw a drunken revel. Is there any doubt in your minds that such annoying conduct should be punishable? The Court should have restricted the City's application of the ordinance; it is not difficult to distinguish between protected and unprotected conduct. But the Court blithely struck the whole ordinance down.

And what is wrong with applying such an ordinance to the sort of grimy loafers who are familiar to us all if their "lifestyle" involves public nudity and public copulation or simply who gather in unsightly conglomerations which affront every decent person.

Thus, the trend which began with the "sit-in" cases continues unabated. A majority of the Court seems content to preserve the right of everyone, in the current vernacular, "to do his thing" no matter how nauseating it may be to his fellow citizens. But we have come so far from the "sit-in" cases that we do not have as an excuse the argument of purity of motives. Some of the "sit-in-ers" may have had good motivations; many of these people now are simply bums, addicted to drugs and immorality and avoidance of work. But somehow they have a constitutional right to their own "lifestyle".

I am very much afraid that what has happened to the Justices is the sort of thing which afflicts people who think in concepts and abstractions instead of thinking in "things," as I believe Justice Holmes once recommended. Abstractly, it may be a good thing that each person should have a large degree of control over his person in the sense that his choice of "lifestyle," of language and dress and leisure and the like is pretty much unfettered by the legal system. But the actuality of the matter is that society then is at the mercy of the lowest common denominator of "lifestyle" and behavior.

Society has an interest in having clean, safe streets. And if a subclass of people persist in attempting to turn those streets (or parks or whatever) into pestilential mudholes in which unsightly individuals using nauseating language indulge in obnoxious behavior, then society is obligated to sweep them off the streets. It does us little good to speak of the uplifting qualities of individual freedom if our children and our women, indeed any decent human being offended by such things (and there is no reason men may not be so offended), are subjected to spectacle after spectacle of degrading public activities.

And yet, the Court gives no sign of recognizing the fact that freedom for all cannot exist without the exercise of responsibility for all and the fact that if there are persons in the society incapable of balancing their exercise of freedom with the exercise of responsibility, then society must rein them in. Instead, the Court has just granted review of two vagrancy cases and we may except that in the coming Term the ability of police, of society, to deal with petty criminals, professional bums, and obnoxious characters will be further curbed.

This is not idle prophecy. We need only look at other cases to notice how concentration on abstractions has created a gulf between the Justices and the reality which the rest of the people must live with.

A good example is in the area of forced integration in the public schools. The desegregation decision of 1954 was right and proper, in my judgment. I believe that decision is supported by a majority of the American people. I believe further that a majority of white Americans want black Americans to have the opportunity for education and economic advancement which they rightfully should have. But those desirable goals, in my judgment, will not be reached by some of the means that have been resorted to to effectuate forced integration.

I shall not dwell on that matter here except to say that the almost fanatical efforts to force an artificial racial mix in the schools only serve to push the suburbs ever outward and inevitably hasten the decay of the inner cities, together with their public school systems. Forced integration has not yet produced better education for black or white, and I do not believe that it will. Indeed it may have done just the contrary. The numbers game being played with respect to forced integration is doomed to failure, and the American people in general, in my opinion—black as well as white—would like to see an end to this folly which threatens to convert the primary purpose of the public school system from that of education to that of integration.

Under the equal protection clause of the 14th Amendment, no child may be discriminated against on the basis of race in the assignment to a public school. This, in essence, was the meaning of the 1954 school decision. And it was the right decision, based on the Constitution as amended.

In the years that have since intervened, not one "jot or tittle" has been changed in the verbiage of that amendment. Yet, children today—by virtue largely of Federal Court decisions—are being assigned to public schools throughout the South, specifically and wholly on the basis of their race, and that alone.

How long will the people tolerate the seeming obsession of the courts in this profitless pursuit of abstract social goals rather than pursuit of reality?

Another example of concentration on abstractions is in connection with the rash of instances of flag burnings and other acts of desecration we have witnessed in the last few years. It would no doubt have astonished the drafters and enacters of the First Amendment had it been suggested that they might be immunizing a shoddy practice of protesting something through the desecration of the flag: "symbolic speech" as a concept and a fact would undoubtedly have merited only contemptuous rejection from Madison and the members of the First Congress. It is simply absurd to permit the flag to be so treated simply because someone wants to make a splashy show of protesting a grievance—a grievance often feigned rather than real.

The tragedy is that at a time when patriotism is at a low ebb and devotion to country is something too many people snicker at, the Court is lending support to further erosion not out of any sympathy for such a sorry trend but because the attention of the Justices is focused on an abstraction, on a concept of speech as an absolute.

It is this same single-minded focus, I believe, which forms the basis for the Court's incredible performance with regard to obscenity. From *Roth* to the cases this Term, the Court—Justices Black and Douglas dissenting—have pronounced obscenity to be outside the area of protection of the First Amendment. So much for official doctrine. The result, as the Court has proceeded through the cases, is that less and less is held to be legally obscene, from the printed page of the grubby paperbacks produced solely to titillate, to the peep shows, to the feature movies which throw in a little something "socially significant" to justify the 98% raw sex.

The Court seems to be so tied up in single-minded concentration on free speech in the abstract that its rules and standards for defining what is obscene and for suppressing what is obscene have so hemmed in the police and the lower courts that they are incapable of protecting the vast majority of the public from constant exposure to all this sordidness. As a result, free speech is not advanced any, but a lot of *fast-buck, seedy operators* are making a lot of money off a clientele of pathetic people who are being made even more pathetic by the exploitation to which they are subjected.

The entire area of First Amendment jurisprudence is infected with the Court's beguilement by an abstraction. The infection can also be seen in the *Times* v. *Sullivan* case and the cases following it in which the Court is immunizing more and more libel and slander from legal accountability. Certainly, it is one of the prime functions of the First Amendment to protect public disclosure on public issues. Free press and free speech are absolutely necessary to the functioning of a free government. But freedom, I assert again, without responsibility is detrimental and destructive of the values of a free society.

Now the Court tells us the defense of truth is inadequate to protect the freedom of the media. The First Amendment protects lying too, unless a libeled person can psychoanalyze the offender and show the jury that malice lay at the base of the lying. So far, the burden of such a rule has been on public officials and candidates for public office who have always been considered fair game anyway, but in the recent *Rosenbloom* case, the Court extended the rule to libels and defamations of private individuals connected in some way with an event the media finds "newsworthy."

I think that it is fortunate when we turn from the area of First Amendment jurisprudence to the area of criminal law and criminal procedure that we see reflected in recent Supreme Court cases a dissatisfaction with abstraction and a dedication to realism which the criminal cases of Chief Justice Warren's tenure wholly lacked.

With the possible exception of search and seizure which still remains a morass of contradictory rules and arbitrary limitations, the Court is moving away from a hyperactive concern with the rights of criminal defendants in the abstract and deciding cases on the basis of the effect of constitutional rules in real cases.

I will not dwell on the cases which bear out these statements, for you are more familiar with them than I. Nor will I dwell further on my point about the Court's abstraction with theory versus reality as evidenced in the *Bruton* case in 1968, the *Harrison* case in the 1967 Term of the Court, or in *Miranda, Escobedo, Wade* and the like, except to say the importance of cases like *Miranda* is not so much the damage that is actually done in keeping out valid confessions or authentic reliable evidence. The damage lies in the fact that every crook is thereby encouraged to think that a hypertechnical Court is turning their confederates loose. An increase in confidence that, if caught they can "beat the rap", has without doubt contributed to the increase in crime.

It is in that sense I think that we have to acknowledge the influence of court decisions on crime. Criminals, normally, do not read Supreme Court decisions or lower court decisions. But once a court begins to lean hard on the police and issues a few rulings that are publicized which make it more difficult to convict, criminals are encouraged simply because the impression is about that their chances are better.

Severity of sentence in my opinion is a deterrent to crime. Equally effective is the belief generally abroad that the chances of getting caught and being convicted and serving time are substantial. The principal fault of the courts in recent years is that they have made possible a contrary opinion.

But not only criminals are subject to such prevailing influences. I have no doubt that trial courts also now, state and federal, have for years been afflicted with the fear of reversal by the higher courts so that they have grown more and more lenient on sentences, given defendants more and more of the doubt in ruling on suppression motions, and generally have made the jobs of prosecutors more difficult. I have no doubt that, for example, a study of the district courts in the District of Columbia would show that the supersensitive-to-defendants attitude of the Court of Appeals has made trial judges lean over backward in favor of defendants.

There would appear to be little doubt then that a change in the Supreme Court on criminal law should correct this attitude. It will be none too soon in my opinion. If we are to call a halt to the spiraling increase in crime we must speed up trials which means cutting out a lot of the waste and the coddling which goes on. Stiff sentences have to be handed out upon conviction. Habeas corpus must be returned to traditional limits so that once a defendant has exhausted his appeal rights he cannot simply, over and over again, clog up the courts with frivolous petitions.

I have no doubt at all that if the exclusionary rule at one end of the process and habeas corpus at the other end were returned to their traditional orientation the clutter in the courts could be cleaned up faster, trials could be more expeditious, sentences would be more meaningful, and justice would be done, society as well as the criminal.

Regrettably, I must except from my generally complimentary remarks about the Court's very recent criminal law trends its search and seizure doctrines. As the *Coolidge* decision handed down only this week demonstrates, the Court is still mired in confusion of its own earlier making with respect to the Fourth Amendment, and, through its unwise extension of the unwise exclusionary rule to the States, the confusion afflicts all fifty States. *Coolidge* is particularly illustrative since there the majority held that police who had come lawfully onto the defendant's property to arrest him lawfully were held forbidden to seize and impound his car which was parked in plain view in his driveway and which police knew had been used in the commission of a brutal murder of a 14-year old girl.

Worse still, on the same day in the *Bivens* case a six-Justice majority held that any crook who claimed that federal agents had committed an unlawful search and seizure could sue for damages in the federal courts. No act of Congress gives them this right; the Fourth Amendment says nothing about it. But the Court implied the remedy from the "spirit" of the Amendment.

The harm to law enforcement is obvious. *Coolidge* demonstrates that the Justices cannot agree on what constitutes illegal searches, but if law enforcement officers in the field guess wrong they are subject to suit under a judicially-created tort theory.

No more can society live in a state of fear of crime than it can suffer the degradation of many of its members by abuse of the right of speech and press. We were once in a state where these excesses did not exist and no one can argue we were less free. Then, a man could take his family out without fear of robbery or rape or subjecting his children to the brutalization of language and immorality and fear which now exists. That man and his family were free. We can have that state of existence again but it takes discipline and rejection of what passes for intellectual counsel these days. It takes perseverance and dedication to first principles. And we can do it.

Let me repeat, in closing, that I have respect for the Supreme Court as an institution. But I shall continue to be disturbed by what my colleague in the Senate, Sam J. Ervin of North Carolina—a distinguished jurist in his own right—has called the "misty idealism" of many of the Court's decisions in recent years.

Woodrow Wilson once said: Constitute them how you will, governments are always governments of men, and no part of any government is better than the men to whom that part is entrusted. . . . The courts do not escape that rule. So far as the individual is concerned, a constitutional government is as good as its courts; no better, no worse.

The Federal Judiciary, of which you who are here today are so important a part, bears a heavy responsibility in the years ahead for a return to order and tranquillity in our society, a restoration of respect for law and the courts, and the preservation of constitutional government.

INTERNATIONAL WHEAT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the International Wheat Agreement.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I ask for the yeas and nays.

The yeas and nays were ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 206) to reprint the brochure entitled "How Our Laws Are Made".

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6483. An act to amend section 5232 of title 10, United States Code, to provide authority for appointment to the grade of general of Marine Corps officers designated under that section for appropriate higher commands or for performance of duties of great importance and responsibility; and

H.R. 8805. An act to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 6483. An act to amend section 5232 of title 10, United States Code, to provide authority for appointment to the grade of general of Marine Corps officers designated under that section for appropriate higher commands or for performance of duties of great importance and responsibility; to the Committee on Armed Services.

H.R. 8805. An act to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

LAOS—APPROPRIATING "IN THE BLIND"

Mr. SYMINGTON. Mr. President, in the course of the June 7 closed session of the Senate at which various U.S. activities in Laos were discussed, I stated that I would propose an amendment to the defense authorization bill, S. 939, limiting obligations or expenditures for economic aid, military assistance, and all other U.S. activities in Laos to $200 million in the fiscal year 1972. The sole exception was combat air operations by U.S. forces over the Ho Chi Minh Trail area in southern Laos.

On June 15, I made a statement on the floor of the Senate at the end of which the amendment, amendment No. 160, was printed.

As stated on both June 7 and 15, my reason for proposing such an amendment was because in many cases we have been authorizing and appropriating money for our activities abroad "in the blind"; that is, we do not know how much we were and are really spending, or how said funds were being spent.

In the course of consideration of the defense authorization bill in the Armed Services Committee, the Department of Defense was asked for its views on this, my amendment.

Their memorandum in reply states that—

> DOD strongly opposes the amendment.

This memorandum contained one confidential paragraph and one paragraph classified "secret." The remainder of the memorandum was not classified, however, and I ask unanimous consent that the text of the memorandum, less the two classified paragraphs, be printed in the Record at this point.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

DOD Position on the Symington Amendment

(Adding Sec. 502 to the bill S. 939 which authorizes appropriations in FY 72 for procurement, etc. for the Armed Forces.)

EFFECT OF THE AMENDMENT

The proposed amendment would limit obligations or expenditures to $200 million for economic and military assistance and for support of all military operations in, to, for, or on behalf of Laos during FY 72 except for the expenditure of funds to carry out combat air operations by US forces over the Ho Chi Minh Trail area in southern Laos and "areas immediately adjacent to such trails." In addition, the amendment would prohibit any funds from being obligated or expended for operations in Laos outside the Ho Chi Minh Trail beginning with FY 73, unless specific new authorizing legislation is enacted. Finally, the amendment requires a quarterly report by the President to Congress of all expenditures "in, for, or on behalf of Laos" during the preceding quarter.

DOD POSITION

DOD strongly opposes the amendment.

1. It would substantially impair our ongoing operations in Laos, operations which have been undertaken at the request of the Government of Laos to assist it in resisting military takeover by North Vietnam.

The strategic location of Laos, bordering the other states of Indochina plus Thailand and Burma, makes it especially important that a belligerent state not control Laos. The opportunity for regional stability is being kept open by the continued independence and neutrality of Laos. The following comment by President Nixon on 7 October 1970 is relevant: "The war in Indochina has been proved to be of one piece; it cannot be cured by treating only one of its areas of outbreak."

This Administration has continued American support for the efforts of Prime Minister Souvanna Phouma to reconstitute the 1962 Geneva Agreements guaranteeing his country's neutrality, independence and territorial integrity. Limitations imposed by Congress on our ability to achieve that objective would raise doubts not only about our determination to adhere to our stated objectives, but to our more formal commitments as well.

Such a limitation would severely limit our ability to effectively implement that part of the Nixon Doctrine that calls for sufficient military assistance to allow such governments to resist Communist aggression. In implementing his policy, the President should have sufficient flexibility to meet with an adequate response, changes in the local military situation. As he indicated about Indochina in his 25 February 1971 foreign policy report: "A negotiated settlement for all Indochina remains our highest priority. But if the other side leaves us no choice, we will follow the alternative route to peace—phasing out our involvement while giving the region's friendly countries the time and the means to defend themselves."

The overall limitation of $2.5 billion annually for expenditures in military assistance to friendly and local forces in Southeast Asia already applies to DOD budgeted support of Laos.

II. The proposed amendment would intrude into matters properly within the constitutional authority of the President, as Commander-in-Chief, to direct military operations in Southeast Asia. A special limitation on the amount of funds which may be used in one of the operational areas of conflict would be a back door attack on the President's authority.

III. As drafted, the amendment cannot be administered by the Executive branch. With the knowledge and express concurrence of the cognizant congressional committees since FY 67, the records of the Department of Defense for military assistance service funded (MASF) for Southeast Asia have been maintained only on an estimate basis because of the necessary integration of the supply and fiscal procedures of MASF with our own operations to meet a combat situation. Further, while DOD has been able to maintain records by country on an estimate basis with respect to *obligations*, it has not been able to maintain records on a country-by-country basis—as distinguished from Southeast Asia as a whole—with respect to *expenditures*.

IV. Assuming, however, that it were possible to establish and maintain current records both as to expenditures and obligations, to impose a fiscal year ceiling on both expenditures and obligations would be to cut the actual level of operations in a current fiscal year substantially below the amount specified in the Amendment as the ceiling on obligations—inasmuch as expenditures in any fiscal year necessarily involve obligations incurred in prior fiscal years as well as those which relate to obligations of the current year.

V. Finally, it should be observed that subsection (C) of the Amendment is ineffective, as drafted, to carry out the Sponsor's intent to provide an exception for combat air operations over the Ho Chi Minh Trail area. Whereas the operative subsections which impose constraints are written in terms of obligations *and* expenditures, the exception provided for in subsection (C) with respect to combat air operations over the sanctuary areas in Southern Laos only excludes expenditures and not obligations.

Mr. SYMINGTON. Mr. President, I would now make the following three comments on the memorandum of the Defense Department:

First. The Department of Defense memorandum states that a limitation of $200 million "would substantially impair our on-going operations in Laos, operations which have been undertaken at the request of the Government of Laos to assist it in resisting military takeover by North Vietnam."

I would say, in reply: How much does the Department of Defense want for United States operations in Laos for the coming fiscal year?

Surely, we in the Senate should not continue the present practice, which gives us no real indication whatever of what we are actually spending in Laos.

Surely, the American people have a right to know something about how their tax dollars are being spent in Laos; and in any case the Department of Defense should state to the Congress how much it considers necessary for the United States to spend to assist the Government of Laos in this fiscal year.

In its memorandum the Department of Defense takes the position that my amendment "would intrude into matters properly within the Constitutional authority of the President, as Commander in Chief, to direct military operations in Southeast Asia."

It adds that the kind of limitation my amendment would apply "would be a back door attack on the President's authority."

This is an intriguing comment. The Department of Defense would appear to be saying that the responsibilities the Congress has under the Constitution to raise and support armies, does not mean what it says. The President, as Commander-in-Chief, has the constitutional authority to direct military operations; but under our system of checks and balances, he can do so only with the funds authorized by the Congress.

As the Defense Department memorandum states, the Congress has limited to $2.5 billion, the amount that can be spent for military assistance in Southeast Asia. If that limitation is constitutional, why is a sublimitation delineating the amount that can be spent in Laos itself any less constitutional; or a back door attack on the President's authority.

Second. Equally disturbing is the statement in the Department of Defense memorandum that such an amendment "cannot be administered by the Executive Branch."

The memorandum goes on to point out that the records "for military assistance service funded for Southeast Asia have been maintained only on an estimate basis."

As two members of the staff of the Subcommittee on United States Agreements and Commitments Abroad discovered on a recent trip to Laos, however, those estimates bear little relation to the actual amounts both obligated and spent. In this fiscal year, for example, the estimated amount is only half the amount which U.S. authorities in Laos expect to spend.

Also disturbing, is the admission in the Department of Defense memorandum that it has not been able—

> to maintain records on a country-by-country basis—as distinguished from Southeast Asia as a whole—with respect to expenditures.

How can the executive branch be certain that expenditures do not exceed obligations in each country? Indeed, how can it be certain that the limitation of $2.5 billion for expenditures in military assistance in Southeast Asia is being adhered to if it does not know how much is being spent in each country?

Far from being an argument against my amendment, this admission strikes me as a strong argument for its adoption. It could well force the executive branch to institute procedures which will provide an accurate accounting of what we are spending in Laos, in Thailand, and in Vietnam.

This would be an accounting which the Congress most certainly should consider in judging the various authorization and appropriation bills which relate to these countries on which, under the Constitution, it must act.

Third. Finally, I note that the last paragraph of the Department of Defense memorandum states that subsection (c) of my amendment is ineffective as drafted because it excludes only expenditures for combat air operations over the Ho Chi Minh Trail area and not obligations and expenditures.

The Office of the Senate Legislative Counsel does not agree; but in any case we plan to change the language of the subsection so as to exclude both the obligation and the expenditure of funds to carry out combat air operations in southern Laos. In that way there can be no misunderstanding and the Congress will be in a better position to perform its constitutional functions when it comes to authorizing and appropriating funds.

Mr. President, on the ticker this afternoon the following is stated with respect to what is going on in Laos today:

> VIENTIANE, LAOS.—The defense ministry declared today the new special forces drive in the Plain of Jars was the responsibility of the U.S. Embassy, not the Laotian Government.
>
> Gen. Thongphanh Knoksy, defense ministry spokesman, conceded tribal special forces are on the plain but declined to discuss details, telling newsmen: "You should ask the American embassy. This is their affair." Andrew P. Guzowski, an embassy spokesman declined comment.
>
> It is no secret that the Central Intelligence Agency pays, equips and advises the special forces and the Meo tribal army under Gen. Vang Pao, who is in command in the Plain of Jars region.
>
> The Meo tribesmen, and the general is a member, are militants and U.S. sources say they are the best fighting force in Laos.
>
> Asked if Vang Pao had informed the Laotian Government of his activities, Thongphanh replied: "No, the government is not responsible for this operation."

Mr. President, if this information is correct, it proves what many of us have been saying for some time; namely, that for years the Government of the United States has been operating a war in secret in Laos not only without the approval of the Congress, but also without its knowledge.

CONCLUSION OF ADDITIONAL MORNING BUSINESS

The PRESIDING OFFICER (Mr. SPONG). The time for the transaction of routine morning business has expired.

QUORUM CALL

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR THE TRANSACTION OF ADDITIONAL ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it so ordered.

RELATION OF PROPOSED DRUG AND CANCER AGENCIES TO THE PRESIDENT'S REORGANIZATION PROGRAM

Mr. PERCY. Mr. President, in proposing the creation of a Special Action Office for Drug Abuse Prevention, reporting directly to the President, President Nixon has recognized the overwhelmingly critical need to establish a vitally strong, coordinating unit for most Federal drug-related programs. The President has similarly recognized the special importance of the need to coordinate Federal programs leading to a cure for cancer, and has proposed that Federal Government programs for this purpose be coordinated by an office reporting to the White House.

One of the questions raised by these two new units is their relationship to the President's executive reorganization program. At least superficially, these two new agencies created specifically to report to the President run counter to one of the major purposes of the executive reorganization program, which is to reduce the number of units reporting directly to the President. In this way, the level of conflict resolution and decision-making can be reduced to the departmental level, freeing the President and his staff for policy consideration, planning, and evaluation.

In light of this question about possible conflict. I have requested and received from the Office of Management and Budget an explanation of the relationship of the new special White House drug abuse and cancer units to the executive reorganization proposals. As this brief paper makes clear, the special drug and cancer programs are seen as emergency efforts requiring initial strong Presidential leadership. According to OMB:

> The proposed new (drug) Office would be temporary in character, on the assumption that when the Office operating out of the Executive Office succeeds in welding together an integrated program it will then be possible to place direction of the overall program or its separate elements into one or more of the existing agencies for continuing operation.

With regard to the cancer office it states:

> The proposed organization for cancer research represents an effort by the President to provide direction to an area of priority medical and social concern. The Director would have authority over the cancer programs of HEW and be responsible for advising the President on the utilization of the Federal resources engaged in cancer research. Such an arrangement may be temporary but is needed at this point in time to assure that cancer activities are united in a truly national effort.

Secretary of Health, Education, and Welfare Elliot Richardson confirmed this concept at the Government Operations Committee's opening hearings on the creation of the Special Action Office (S. 2097) on July 7. He said that the special drug office was not to be seen as a permanent unit, and, after its statutory tenure, could be redirected to report to an existing agency. This is envisaged in S. 2097 itself, which in section 14(b) provides the Special Action Office with a life of 3 years, extendable up to 2 more years by the President, but expiring not later than June 30, 1976. To extend it beyond this date would require a new act of Congress.

I think it noteworthy that the Special Action Office reporting to the President was in good part necessitated by the existing fragmented Government structure that the executive reorganization proposals are intended to change. Were there, for example, a Department of Human Resources such as would be created by S. 1432, a more comprehensive and logical framework would now exist for coordinating many of the programs to be managed by the Special Action Office.

Another factor is that the executive reorganization proposals were not intended to exclude the possibility of creating new units in the White House to respond to specific and special needs. There was no intention by the President's Advisory Council on Executive Organization, the "Ash Council," to block the creation of such new units; in fact, the Council specifically recognized that they might be necessary. In providing that the drug office be temporary, the President has indicated his intention to adhere to the managerial and organizational principles on which his executive reorganization program is based.

If there was any question in the mind of anyone as to the need for a special crash program or a Special-Action Office on Drug Abuse, reporting directly to the President, that doubt would have been resolved by anyone who could have heard the testimony taken this morning by the Committee on Government Operations, under the chairmanship of the Senator from Connecticut (Mr. RIBICOFF), who is the chairman of the Subcommittee on Executive Reorganization.

We had before us three former drug addicts, two of them 15-year-olds from New York City, the other a 25-year-old returned veteran. Drug usage has reached epidemic proportions in the ghetto areas of our major cities, and it has reached epidemic proportions in Vietnam. Certainly any feeling we might have had that this is a smaller problem as revealed by the only 2 percent showing in the urinalysis tests conducted in recent days in Vietnam was refuted by one of the witnesses who testified as to the extensive use of heroin and hard drugs, not this year, not last year, but 3 years ago.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement of the Office of Management and Budget on the "Relation of Proposed Drug and Cancer Agencies to the President's Departmental Reorganization Program."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RELATION OF PROPOSED DRUG AND CANCER AGENCIES TO THE PRESIDENT'S DEPARTMENTAL REORGANIZATION PROGRAM

A question has been raised as to whether the creation of the proposed agencies for prevention of drug abuse and for cancer research runs counter to the principle of organization by major purposes.

The President's Departmental Reorganization Program (PDRP) was never intended to foreclose the creation of specialized agencies when conditions warrant, even if the new departments were in existence. For example, the proposed Special Action Office for Drug Abuse Prevention reflects the President's determination to launch a broad ranging and concerted program to deal with a deepening crisis. The Director of the Office through his control of funds and organizational position in the Executive Office can be the "man in charge," answerable only to the President. The proposed new Office would be temporary in character, on the assumption that when the Office operating out of the Executive Office succeeds in welding together an integrated program it will then be possible to place direction of the overall program or its separate elements into one or more of the existing agencies for continuing operation.

The full range of drug programs contemplated for the proposed agency would in no event be encompassed by the Department of Human Resources. For example, the Veterans Administration and the Department of Justice, which support drug programs, would not be affected by the PDRP.

One of the primary objectives of the President's Departmental Reorganization plan is to enable the day-to-day coordination of established programs to occur at the departmental level so as to enable the President to give attention to those urgent problems of high national priority. The intent is to have the Cancer-Cure Program administered in an agency (NIH) which is to be transferred, under PDRP, to the new Department of Human Resources. Because of the critical impact of cancer programs on this nation's well-being, however, the President will appoint the Director and provide him with the necessary guidance and resources needed.

As in the case of drug abuse, the proposed organization for cancer research represents an effort by the President to provide direction to an area of priority medical and social concern. The Director would have authority over the cancer programs of HEW and be responsible for advising the President on the utilization of the Federal resources engaged in cancer research. Such an arrangement may be temporary but is needed at this point in time to assure that cancer activities are united in a truly national effort.

In summary, the organization proposals for both drug abuse and cancer research demonstrate that (a) emerging social needs and opportunities may require new organizations tailored to the specific area, (b) the President can selectively use his authority to direct programs cutting across agency lines, and (c) the PDRP would not always obviate the need for specialized agencies some of which would be temporary in charcter. This last point reflects the fact that a number of agencies not included within the PDRP will play important roles in special efforts such as the curtailment of drug abuse. When new specialized agencies have achieved their integrative purpose, every effort should be made to place them within the appropriate major purpose department. For example, the Department of Human Resources with its medical, education, and manpower components would offer much more promise as a location for drug rehabilitation responsibilities than would either the present HEW or Labor.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest what I assume to be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday, immediately following the recognition of the two leaders under the standing order, the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ANT WAR

Mr. NELSON. Mr. President, recently the House of Representatives passed House Resolution 9270, the appropriations bill for the Department of Agriculture. Included in that bill were funds for the continuation of the imported fire ant control program through massive application of the chlorinated hydrocarbon mirex.

The efforts of the USDA to wipe out this insect date back to 1957, when they began unleashing huge quantities of pesticides into the environment. Since that time over 80 million acres have been treated with various poisons.

In recent years several studies have been published which contain substantial and persuasive evidence that the present fire ant control program is a dramatic overaction to the threat posed by this insect either as an agricultural pest or a human health hazard and that continuation of the program could well have serious adverse effects on nontarget organisms.

In response to this criticism from the scientific community, the USDA has toned down the program, describing it now as a fire ant control program—with spraying restricted to heavily infested areas and the implementation of environmental controls.

However, in spite of the severe criticism of the program and the cancellation of the registration of the pesticide mirex under the Federal Insecticide, Rodenticide, and Fungicide Act, the USDA has never addressed itself to the basic question of the need to continue the present program at all.

This has prompted me to write to Senator MCGEE, the chairman of the Senate Agriculture-Environmental and Consumer Protection Appropriations Subcommittee, to request that the funds for this program be deleted from the USDA budget, and that the subcommittee order an indepth study of the imported fire ant by qualified experts to determine what hazard, if any, exists, and the most environmentally sound and economically feasible means of dealing with it.

I ask unanimous consent to insert in the CONGRESSIONAL RECORD a copy of an article which appeared in a recent issue of Environment magazine, entitled "The Ant War," which reviews the USDA efforts to eradicate this insect and cites the various studies which have appeared in recent years regarding the characteristics of the imported fire ant and the adverse effects of the pesticides used in the program.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ANT WAR

(By Donald W. Coon and Robert R. Fleet)

An insect called the imported fire ant has a bad name in the Southeast. Whether the reputation is valid is open to serious question. The question is important, since considerable money and large volumes of pesticides have been earmarked for a massive eradication campaign which some experts believe will do more environmental harm than good.

The imported fire ant (IFA) was introduced to the U.S. accidentally from South America early this century, but has become widespread only in the past two decades. As it spread, state and federal agricultural officials issued alarming warnings about the ant's capacity to injure crops, wildlife, and people. Local eradication programs began in 1937 and intensified with more recent widespread use of long-lasting insecticides. Such activities culminated in an organizational meeting on September 8, 1969 in Montgomery, Alabama. Members of IFA eradication committees and other interested persons from thirteen southern states unanimously approved a twelve-year eradication program developed jointly by the Southern Plant Board and the U.S. Department of Agriculture (USDA). The program calls for the Agricultural Research Service of the USDA and cooperating state agencies to treat 120 million acres in nine southeastern states three times with 1.25 pounds of Mirex (a chlorinated hydrocarbon insecticide) per acre per treatment.[1] The new program would cost about $200 million.

The exact date, manner, and source of the importation of the fire ant, which has the scientific name *Solenopsis saevissima richteri,* is not known. The first official recognition of the fire ant was made by H. P. Loding in an observation dated July 15, 1919 in *USDA Insect Pest Survey Bulletin 9.*[2] Loding indicated that this species had appeared in Mobile, Alabama in 1918. Mr. Loding reported his findings to Dr. William S. Creighton of Harvard University, who included the species in a work on the genus in 1930. This delay in recognition of the IFA was probably due to its similarity to native fire ants. (The IFA is blackish with a dull orange band at the base of its abdomen.)

It seems reasonable to assume that the IFA was inadvertently introduced to the U.S. via ship from South America, where it is native to Argentina and Uruguay. For about ten years it lived within or near the city limits of Mobile.[3] Then, about 1930, another form of the same species, smaller and pale red in color, appeared in the Mobile area. This variety is common in Brazil and Paraguay, and the evidence indicated a new importation rather than a mutant form. (The new, pale phase has mostly replaced the dark form,[4] which has had a very slow rate of spread, generally an outward expansion of one mile per year or less.)

In 1932, the pale variety's rate of expansion increased from one to three miles per year and after 1950 tended to become exponential. By 1963 the imported fire ant occupied roughly 31 million acres in nine southeastern states. Its present range encompasses 120 million acres within an area from eastern Texas and Arkansas eastward into North Carolina with the exception of Tennessee, from which it apparently has been eliminated.[5]

The first significant effort at eradication-control of the IFA was carried out in Baldwin County, Alabama in 1937 by the Alabama Department of Agriculture and Industries and the U.S. Public Works Administration. The campaign was soon abandoned, and the effects were short-lived. In the spring of 1948 the Mississippi state legislature appropriated $15,000 for the control of the IFA in that state. This project, like its predecessor in Alabama, was soon abandoned. Quantities of chlordane insecticide were furnished free by Alabama in 1949, and at cost by Louisiana in 1952, to provide local control.[6]

Then, in 1957, the USDA launched a campaign against the IFA, utilizing press releases, newspaper articles, and motion pictures.[7] Later that year the USDA requested congressional funding for eradication of the IFA. Congress responded with a $2.4 million annual allocation approved with the stipulation that local matching funds be made available.[8]

Spraying with two pounds of dieldrin per acre began in November 1957. Heptachlor at 1.00 to 1.25 pounds per acre was substituted in 1958, and this dosage was later reduced to two applications of $0.25 pound spaced three or four months apart. Not until the spraying program was under way were wildlife and health authorities notified about the use of these powerful, chlorinated hydrocarbon insecticides.[9] Immediate and widespread objections to the program by biologists were largely ignored by the USDA. Massive die-offs of fish, wildlife, and domestic animals occurred.[10]

In 1959, the Food and Drug Administration set a zero level of tolerance for heptachlor and its epoxide derivative in food. This action, coupled with continuing outcries by such distinguished biologists as Rachel Carson and Dr. Clarence Cottam and the obvious fact that the IFA was not being controlled, let alone eradicated, moved the Alabama legislature to withdraw matching funds in 1959. The Florida legislature followed suit in 1960.[11]

In 1961, Mirex (also a chlorinated hydrocarbon, but supposedly without the decided disadvantages of earlier pesticides) was developed by the Allied Chemical Company for control of several ant species. The federal program from 1961 until 1969 used Mirex and was aimed at containment rather than eradication.

EVALUATION AS A PEST

A sampling of statements in agricultural and mass media publications reveals how the fire ant has acquired a bad name, particularly in the past fifteen years.

A formidble army of South American fire ants has invaded the United States . . . Already the destructive insects have captured much of the South's best farmland and are eating their way northward and westward. Their onslaught, if unchecked, may not stop short of California and Canada.[12]

When their mound is disturbed, these ants attack by sinking powerful jaws into the skin, then repeatedly thrust their poisonous stingers into the flesh. Fire ants may attack and kill newborn pigs, calves, sheep, and other animals; newly hatched chicks; and the young of ground-nesting birds.[13]

Imported fire ants are destructive, costly and a nuisance. This ant can damage many kinds of young plants by gnawing holes in roots, tubers, stalks and buds.[14]

If you've never had a bout with stinging ants, consider yourself lucky. When the insect involved is the imported fire ant, the bout generally becomes a rout—and in short order! Imported fire ants are vicious stingers and attack without provocation.[15]

This ant damages vegetable crops by sucking juices from the stems of plants and by gnawing holes in roots, stalks, buds, ears, and pods. It injures pasture grasses, cereal and forage crops, nursery stock, and fruit trees.[16]

There is testimony aplenty that in areas where the imported fire ant has gained a stronghold, it inflicts losses on this game bird [bobwhite quail] so popular to Florida hunters. Although some reports on wildlife and livestock losses to the fire ant may have been exaggerated, extreme young of animals and birds certainly have been killed by this pest.[17]

Almost all of these statements are misleading in that they are half-truths.

It has been stated by many authors that the IFA is a menace to quail, particularly to the young birds as they emerge from the shell.[18] Statements such as "The ants enter the quail egg as soon as it is pipped and consume the entire chick before it can escape from the shell" and "quail chicks and their parents have been eaten while confined in brooder pens" are common in the literature.

A study conducted at Auburn University by the Alabama Cooperative Wildlife Research Unit, however, produced different conclusions about the IFA and its damage to quail:

1. Imported fire ants rarely attack and kill normally hatching quail chicks. Most incidents of attack are confined to chicks that are not normal and healthy.
2. Death of chicks in many cases may be attributed to predation by ants when the actual cause of death was some other factor, the ants being attracted to the nests after the chicks had died.
3. Drought may prevent some chicks from escaping the shell after pipping. Ants may then be attracted to the nests, covering the living chicks trapped within the shells as well as those that have already died.
4. Adult birds can keep limited numbers of ants out of the nest. Deserted nests in which the chicks have survived to pip the shell, may become covered with ants, and the chicks may be killed in the shells.
5. The limited destruction of hatching chicks by IFA has no significant effect on overall quail populations.[19]

Several investigators [20] have stated that the IFA does not have any effect on the overall populations of birds and mammals in an infested area. "There are no published papers on imported fire ants as destroyers of birds and animals, but Travis . . . has discussed the destruction of quail by the less populous native fire ants." [21]

Fire ants native to the Southeast have behavioral patterns similar to those of the IFA. They build small mounds, are insectivorous, and, when annoyed, sting with the same ferocity as the IFA. Bernard Travis [22] suggested that the IFA was responsible for the decline (reported by R. W. Williams in 1904 [23]) in the number of ground doves in Leon County, Florida. However, this would have been impossible since the reduction of the dove population occurred 14 years prior to the ant's introduction into the U.S. and 46 years before its range encompassed Leon County, Florida. We were unable to find any documented reports of significant destruction of quail or other ground-nesting birds by the IFA.

Statements such as "These insatiable pests can kill newborn calves and pigs," and "They chase brooding hens from the nest and eat their chicks; they prey on the eggs and young of quail and other ground-nesting birds" [24] are without basis and serve as scarce tactics to arouse public opinion.

PREFERENCE FOR INSECTS

That the IFA feeds mostly on agricultural crops has been presented as a well-publicized fact. E. O. Wilson stated, "In Alabama and Mississippi sections of fields of newly sprouted corn, beans, and other principal crops have been cut down by the marauding worker ants; one picks up crumpled plants only to find their stems and roots riddled by feeding ants." [25] J. Wheeler said about the IFA: "Its appetite for seeds, plants, and trees makes it destructive to many agricultural crops." [26] A. Rankin stated, "The fire ant is one of the most conspicuous nuisances ever to threaten U.S. farmers and the citizenry at large. It damages practically all edible plants by sucking the juice from their roots, stems,

---

Footnotes at end of article.

seeds, and tender shoots. With the fiery sting that gives it its name, its legions rout field hands trying to gather row crops like potatoes, strawberries, cotton." [27]

These and other reports of damage of varying degrees to major agricultural crops, young livestock, newborn wildlife, and to pasture grasses were based on hearsay, not on analytical studies.

Let us examine the research studies which have been completed on the biology of the IFA. In 1959 S. B. and K. L. Hays wrote:

> Experiments were conducted in 1957 to determine food habits of the imported fire ant (*Solenopsis saevissima richteri*), by field observations and laboratory experiments. Ant mounds were dissected in the field to determine food storage, and ants were observed at work to determine the materials collected by the ant foraging parties.[28]

Stored food material included insects and other invertebrates such as termites, weevils, and beetles, cutworms, snails, and fire ants, indicating some degree of cannibalism. At all openings along the tunnels radiating from the mound, workers were observed bringing various insect parts to the mound entrances where the parts were devoured. Aphids, small spiders, various larvae, and some beetles were included. Fly larvae seemed to be a favorite food. Thus, the principal dietary items were insects, not plant material.

Laboratory studies by the same investigators [29] revealed that of seventeen kinds of dry seeds placed on the mounds, only peanuts were eaten. The ants neither damaged nor removed seeds of the other plants. Germinating seeds of the plants were also available to the ants, but only peanuts, okra, and corn were eaten. A thorough examination of roots and above-ground parts of eighteen species of seedling plants transplanted into mounds and allowed to grow for six weeks revealed no damage. Eighteen species of plants were produced from seeds planted in the mound; there was no damage to the seeds, and, of the plants, only okra was eaten. Where food was not available, cannibalism occurred.

In a later study by H. B. Green,[30] visual examination of the ants returning from foraging trips to an eighteen-inch mound revealed that about 25 percent of them were carrying burdens in their mandibles; all of these burdens were parts of insects. The remains of pill bugs or other crustacea have often been found in the "kitchen middens" of the IFA. At some times of the year, small terrestrial snails seem to form part of the fire ant diet. The IFA has also been observed tending aphids, scale insects, and mealybugs, and feeding on the honeydew discharged by these insects.[31]

K. L. Hays in 1958 reported on an inspection trip he made to Argentina, the home of the IFA, with two USDA officials. He noted,

> The food of the imported fire ant in Argentina is composed largely of insects. Argentine specialists have not noted injury to vegetation except in building of mounds. Occasionally, ants have been observed to feed on germinating seeds, particularly those of high oil content. Most specialists consider these ants beneficial because of this insectivorous habit. Many reported seeing ants stinging, killing, and carrying numerous harmful species of insects into their mounds. One specialist estimated he had seen more than 100 different species of insects stored in the mounds of these ants.[32]

Hays continued,

> The specialists, agricultural workers, and farmers of Argentina do not consider the imported fire ant an economic pest. Since little or no hay is harvested and since farmers do not clip or mow their pastures, no damage to farm machinery was reported. A large proportion of the agricultural produce of Argentina is harvested by hand. Persons working in citrus and apple orchards and cotton fields reported being stung only when they stood on a mound. In frequently cultivated areas, very few mounds of the IFA were seen. It appears that the ants cannot tolerate cultivation or frequent disturbances of their mound.[33]

These studies indicate that the IFA is primarily insectivorous and acts as a generalized predator on many species of insects, including some agricultural pests.

ALLERGIC TO STING

Some people are made ill by the sting of the IFA. The USDA reported: "The stings cause long-lasting sores that sometimes leave scars. People who are allergic to the stings may require medical care." [34] In 1958, Wheeler gave the following example of damage due to fire ant stings: a child in Jacksonville, Florida, in 1957, was found with a temperature of 106 degrees, and the attending physician reported that the illness was caused by fire ant stings. Fire ants are also thought to have been a contributing factor in the death of three people in Florida.[35] A USDA report described the fire ant sting as having a burning and itching sensation, followed by the formation of a white sore or pustule which may leave a permanent scar.[36]

Dr. Rodney Jung of the Tulane University School of Tropical Medicine found that the venom of the IFA is unlike that of other stinging ants, bees, and wasps. A person who is unusually sensitive to this venom may suffer chest pains, become nauseated, and even lapse into a coma from a single sting. Anyone who suffers severely from fire ant stings should be treated immediately for allergic reactions if stung.[37] G. H. Blake reported that the IFA is a vicious stinger and attacks without provocation.[38] Rankin stated that "ordinarily the fire-ant sting brings only searing momentary pain followed by small, pimple-like pustules that last three to ten days. People oversensitive to their venom may feel sharp chest pains and nausea, gasp for breath, turn blue in the face, and lapse into coma." [39] Rankin then goes on to calm the fears of the reader by saying: "The sting is rarely fatal, however, and entomologists remind us that stings of bees and wasps can have the same violent effects on persons allergic to them." [40] Wilson wrote in 1959: "Actually, the sting of the worker ant is much less severe than that of a bee or wasp but this is more than made up for by the size and ferocity of the colonies; the slightest disturbance of a nest brings out hundreds or even thousands of workers which attack any moving object within reach." [41] The same can be said for native fire ants with respect to stinging ability, however.

Some people, when stung, have general (systemic) allergic reactions such as headache and nausea, in addition to a local reaction (which varies from one individual to another). Allergic responses have occurred in individuals receiving one or two or as many as fifty to one hundred stings. However, in all documented cases, a previous history of stings has been recorded. People suffering allergic reactions probably have become sensitized to the venom by previous stings of these or other species of ants.[42] According to three investigators, *all* species of ants accounted for only *four* of the 460 fatalities reported from venomous animals in the United States from 1950 through 1959.[43]

We have not tried to eradicate the wasp, the yellow jacket, the bumblebee (with a much worse sting), the hornet (even worse yet), or the common honeybee. All of these pack a large amount of venom and kill a number of people each year. Bees were the cause of 124 deaths from 1950 through 1959; wasps accounted for 69, yellow jackets 22, and hornets 10 in the same period.[44] People who are allergic to venom must take extra precautions to insure that they do not get stung. It would appear that the IFA fits into the same category as the other types of venomous insects. According to entomologists working with the IFA, the foraging workers do not attack when approached. Instead, they communicate, presumably via chemical substances, and retreat to the nearest entrance of their mound.

ANTHILLS MINOR PROBLEM

Finally, mounds of the IFA are alleged to cause widespread damage to farm machinery with resultant economic loss to landowners. Several authors have suggested that blades of harvesting machinery may be damaged or broken when they strike the hard mounds.[45] It seems logical to assume that some working parts of harvesting machinery could become clogged with dirt from fire ant mounds and that rotary collection blades might be bent when striking the mounds. The idea that hard, steel cutting blades might be completely ruined seems highly doubtful. Information on the nature of the mounds of the IFA indicates that damage resulting from dirt clogigng and bending would be limited to a few specific conditions. For example, mounds of the requisite height and hardness to cause damage are found only in clay soils, and the mounds are not maintained to their maximum height during dry months—when most harvesting would take place.

CONTROL MEASURES ASSESSED

Before and after the initiation of the federal-state cooperative fire ant eradication program in 1957, many chemicals were used in the attempt to rid the country of this insect. S. W. Clark first reported on the use of calcium cyanide to control native species of fire ants in the Rio Grande Valley of Texas.[46] He also used poisoned baits that incorporated thallium sulphate as the active ingredient. Both of these treatments were successful in controlling the native fire ants under the conditions of his experiments. Apparently these methods were not suitable for the eradication programs planned by the USDA. New chemicals (super insecticides) were widely used instead. Among these were dieldrin, chlordane, and heptachlor—all chlorinated hydrocarbons, highly residual in nature, and requiring very small concentrations to be effective against non-target animals. Conservationists made their views known early in the campaign after several incidents of environmental damage were noted. Many reports appeared on the subject, all of them condemning large-scale use of "hard" pesticides.[47] Many instances of widespread damage to wildlife were reported. Maurice F. Baker said heptachlor or dieldrin applied by air at the rate of two pounds per acre resulted in a total kill of thirteen coveys of quail that ranged on the treated area. Two other coveys that ranged mostly off the treated land survived. A wide spectrum of other vertebrate animals was also killed.[48] Leslie L. Glasgow found a high rate of wildlife mortality following the application of two pounds of heptachlor per acre.[49] Redwing blackbirds and meadowlarks were reduced to zero in one study area, and earthworms, the chief food of the woodcock, contained heptachlor five months after treatment. In addition to the discovery that the control measures did more harm to wildlife than to the fire ant, incomplete control of the ant was noted in several of the studies. Reinfestation of treated areas was common, especially after one or two years.

The USDA, after consideration and study, discontinued large-scale use of these chemicals; however, chlordane is still used to treat specific areas.

More tests were conducted by the Plant Pest Control Division of the USDA on different compounds and baits (attractants and poisons) that would be more specific to the IFA and less dangerous to other animals.

Finally, as a result of these tests and other studies, a new chemical, the chlorinated relative of Kepone, Mirex, was studied exten-

---

Footnotes at end of article.

sively. It was determined that the main food item of the IFA is insects and that it feeds upon plant matter only as a last resort. It was further determined that the best baits for the IFA are those high in protein or fatty acids. Following up this lead, C. S. Lofgren, J. L. Thompson and USDA investigators [50] determined specifically that the best baits are cottonseed oil, soybean oil, peanut oil, fancy tallow, and lard. Soybean oil was chosen as the best single attractant and solvent for Mirex. A combination of Mirex at a concentration of between 0.05 and 0.45 percent dissolved in the soybean oil, then absorbed by ground corncob (grits) as a carrier, has proved to be the most effective insecticide for the IFA. Foraging workers bring food to the round, where it is fed to the nest queen first. Next in line are the larvae. The slow-acting insecticidal action of Mirex insures the death of the colony; since there is only a single queen (the only female with reproductive capabilities) per nest, and no replacements for lost workers, the colony expires.

Entomologists and ecologists examined the effects of Mirex applications on the wildlife of treated areas. J. B. DeWitt and his colleagues found that Mirex was less toxic to quail than was an equal dose of Kepone.[51] Research in 1964 showed that Mirex was less toxic to pheasants and mallards than was Kepone.[52] Baker studied the possible effects of Mirex bait on bobwhite quail and other birds. Although there were no deaths of quail or other birds attributable to Mirex when used in field tests, there was a reduction in fertility and hatchability of quail eggs in pen studies (where the birds are caged in the field). However, Baker stated that the pen tests were inconclusive and recommended only that further investigation be conducted. He concluded that it would be safe to use Mirex under the operational conditions of the eradication program.[53]

INTERFERENCE WITH REPRODUCTION

Baker [54] was the first scientist to check for and report on the long-term effects of Mirex on reproduction. Other researchers followed his lead. E. E. Good and his colleagues [55] demonstrated that Kepone, when fed at five parts per million (ppm) in the diet of the laboratory mouse, reduced litter frequency. Kepone apparently produced in the female test animals a hormonal imbalance which caused them to be in a continual state of sexual receptivity and prevented successful ovulation.[56]

Mirex, the more highly chlorinated relative of Kepone, has largely replaced Kepone for some uses, particularly IFA control in the South. It is much less toxic to quail,[57] pheasants, and mallards.[58] Little information is available regarding effects of Mirex on mammals. It has been reported that the amount required to kill 50 percent of a sample of male white rats was about three times that of Kepone.[59] However, preliminary tests with Mirex produced different results. George W. Ware and E. E. Good found that its toxicity was considerably greater than that of Kepone when fed continuously to one strain of laboratory mice. Dietary Mirex at 7 ppm produced greater mortality than 50 ppm of Kepone.[60]

In contrast to the findings with mice, Edward C. Naber and George W. Ware in 1965 found that much higher levels of Mirex than of Kepone (150 ppm Kepone as opposed to 660 ppm of Mirex) were required in the diets of laying hens to reduce hatchability of eggs.[61]

Another effect observed in experimental rats fed low dietary levels was the development of cataracts in the offspring. Litters from mothers that had not been fed Mirex were transferred at birth to foster mothers that had been fed Mirex at the rate of five ppm in their diets for 73 days. Not only was survival at weaning reduced (only 54 percent survived) but 37.5 percent of the infant rats from nine litters developed cataracts.[62]

Differences were found in the effects of Mirex, DDT, and Telodrin on two strains of laboratory mice. In one strain, the Mirex diet produced the smallest first litters, the smallest litters throughout the tests, and a significant increase in parent mortality. In the other strain, Mirex had no effect on parent mortality, but altered significantly the number of young per pair. In first litters, Mirex resulted in a significantly lower number of offspring produced per day than did DDT. "In all instances the Mirex diet resulted in reduced litter size and number of offspring produced per day." [63]

It is apparent, then, that Mirex is a poison that can, in certain concentrations, at least reduce reproductive success in certain mammals. Furthermore, a report on pesticides made to the Secretary of Health, Education, and Welfare by a special scientific commission lists Mirex as a carcinogen (cancer-producing agent) that induces tumors in mice.[64] The USDA believes, however, that in the small concentrations used in the eradication programs, the effects would be insignificant to species other than the several ant species for which Mirex is allegedly a specific toxicant.

The USDA policy differs with that of the Department of the Interior. The Secretary of the Interior recently announced a policy banning the use of 16 pesticides and sharply restricting the use of 32 others, including Mirex, on the 70 percent of all federal land holdings managed by the Interior Department.[65]

CONCENTRATED IN FOOD CHAIN

Generally ignored, however, is the question of food-chain buildup, that process by which environmentally persistent pesticides are concentrated within the ecosystem. Such buildups have occurred with other chlorinated hydrocarbons (such as DDT), which have turned up in high concentrations in the tissues of various vertebrates. Mirex, a chlorinated hydrocarbon, might also be expected to follow the route of biological concentration. Dr. L. D. Newsom, chairman, department of entomology, Louisiana State University at Baton Rouge, indicated in a personal communication to us on May 26, 1970 that this was indeed the case. The following is a statement by Dr. Newsom:

Data which have become available in the past few weeks have shown that Mirex has been accumulating in the wildlife of Louisiana. The potential importance of this new information is such that I am urging that the fire ant eradication program currently being undertaken by the USDA Plant Pest Control Division be halted immediately so that this program can be further studied.

In 1969 P. A. Butler studied pesticide residues in 5,000 samples of oysters and shellfish from estuaries on the Atlantic, Gulf, and Pacific coasts. He showed that over a three-year period Mirex was the fourth most frequently encountered pesticide residue. Mirex was exceeded only by DDT, endrin, and toxaphene.[66]

It has been noted that individual treatments of areas with Mirex have failed to control the IFA, much less eradicate it. L. D. Newsom stated that Mirex has been sprayed for several years in Louisiana and has failed to control the IFA for any extended period of time. This is true even after six applications of Mirex on some areas. F. Bellinger and his colleagues were even more blunt:

Based on data summarized in this report, the United States should free itself from any illusion that current airplane spray operations with Mirex [are] anything but a "control" operation, which will require reapplication more than once a year to the periphery of the infested area, even simply to prevent the spread of infestation.[67]

IN SUMMARY

Widespread danger to mankind from the IFA does not exist. Statements in the literature which indicate that the IFA kills livestock and wildlife, preys on the eggs of young quail, and is responsible for decreases in the numbers of ground-nesting birds have not been substantiated. Instead, such statements have been disputed with documented research.

The sting of the worker ant is less severe than that of a bee or wasp. Persons allergic to insect venom may suffer systemic reactions to the sting of other venomous insects. *All* species of ants accounted for only *four* of the 460 fatalities reported from venomous animals in the United States from 1950 through 1959.

Under certain circumstances, working parts of harvesting machinery *may* become clogged with dirt from fire ant mounds, and rotary collection blades may be bent when striking the mounds, but there is little to indicate such damage has been an extensive agricultural problem.

Field observations and laboratory experiments indicate that the diet of the IFA is composed primarily of insects and insect products, not plant materials, as some proponents of eradication have claimed. In its Argentine homeland, the fire ant is considered beneficial to agriculture due to its diet of harmful insects.

Mirex, a chlorinated hydrocarbon, has been used since 1962 to control the imported fire ant. This chemical was believed to be safer to wildlife than heptachlor, chlordane, and other pesticides which have been used by the USDA in previous attempts to eradicate the IFA. Recently it has been shown that Mirex is accumulating in the tissues of several species of wildlife in Louisiana and Mississippi. Mirex is highly resistant to breakdown into nontoxic form and is responsible for a decrease in the reproductive ability of certain test animals. Mirex has failed to control its target species, the IFA, as is evidenced by the continued expansion in range of the insect to an estimated 120 million acres.

The IFA is not the danger that is alleged. The Mirex program to eradicate the IFA, on the other hand, is dangerous. It will kill myriads of nontarget organisms, and will not eradicate the fire ant.

BACKGROUND

An article appearing on April 30, 1970 in the Bryan-College Station (Texas) local newspaper, The Daily Eagle, was the first indication that the imported fire ant had been found in Brazos County, Texas. The article discussed the "large, cement-like mounds on agriculture land . . . the extremely painful bite which . . . frequently causes the death of young livestock and wildlife," and "treatment with Mirex granules which does not affect common red ants, wildlife or humans."

A second article in the Daily Eagle of May 3, 1970 indicated that 5,200 acres, including parts of the city of Bryan, would receive an initial treatment against the imported fire ant beginning Monday, May 4, 1970. The area was to be treated with Mirex bait granules distributed by low-flying aircraft at the rate of one and one-fourth pounds per acre. The remainder of the article discussed Mirex bait and its supposedly low toxicity to other animal life.

The lack of documented information concerning both the imported fire ant and Mirex, along with incorrect information apparently provided to the newspaper, suggested to us that the proposed treatment should be temporarily halted until further studies could be made of its long-term environmental effects. Such studies may be requested by

---

Footnotes at end of article.

private citizens under Section 102 of the National Environmental Policy Act of 1969.

Thus, on the morning of May 5, 1970 we and Sidney E. Forsyth, all residents of College Station, Texas and students at Texas A&M University, attempted to obtain an interview with persons in charge of the imported fire ant control program in Brazos County. It was determined that the personnel connected with the project were employed by the U.S. Department of Agriculture (USDA). None of these people could be contacted prior to the spraying activities.

When the USDA district supervisor for the Plant Protection Division heard of our request for an interview, the single aircraft being used in this particular instance was recalled while we presented our case. We were informed by Mr. John Landrum, the USDA district supervisor, that in his opinion, the imported fire ant was a menace, Mirex was safe, and aerial distribution of Mirex was the most economical method of treatment. He further stated that the only person able to stop the Mirex application was the director of the Plant Protection Division of the USDA in Hyattsville, Maryland. The aerial distribution program was subsequently resumed and the initial treatment was completed by the evening of May 5, 1970.

This report is an attempt to assess both the role of the imported fire ant as an economic pest and the use of Mirex as a control measure.

FOOTNOTES

[1] Ferguson, D. E., "Fire Ant: Whose Pest?" *Science*, 169 (3946); 630, 1970.

[2] Cited in Green, H. B., "The Imported Fire Ant in Mississippi," *Bulletin of the Mississippi State University Agricultural Experiment Station*, 737: 1–23, 1967.

[3] Bellinger, F., R. E. Dyer, R. King and R. B. Platt, "A Review of the Problem of the Imported Fire Ant," *Bulletin of the Georgia Academy of Science*, 23(1):1–22, 1965.

[4] Bellinger et al., *loc. cit*. Green, *loc. cit*.

[5] Bellinger et al., *loc. cit*. Agricultural Research Service, *Observations on the Biology of the Imported Fire Ant*, United States Department of Agriculture, ARS–33–49:1–21, 1958.

[6] Allen, Ralph H., "History of the Imported Fire Ant in the Southeast," *Proceedings of the 12th Annual Conference, Southeastern Association of Game and Fish Commissioners*, 1958, pp. 227–233. Bellinger et al., *loc. cit*.

[7] Graham, F., Jr., *Since Silent Spring*, Houghton Mifflin Co., Boston, Massachusetts, 1970, 333 pp.

[8] Allen, *loc. cit*. Carson, Rachel, *Silent Spring*, Houghton Mifflin Co., Boston, Massachusetts, 1962, 368 pp. Rudd, R. L., *Pesticides and the Living Landscape*, University of Wisconsin Press, Madison, Wisconsin, 1964, 320 pp.

[9] Rudd, *ibid*.

[10] Carson, *loc. cit*.

[11] Rudd, *loc. cit*.

[12] Rankin, A., "The Great Fire-Ant Invasion," *Reader's Digest*, 71(425):74–77, 1957.

[13] Agricultural Research Service, *The Imported Fire Ant*, United States Department of Agriculture, PA–592, 1968, pp. 1–4.

[14] Thomas, J. G., *Fact Sheet: How to Control the Imported Fire Ant*, Texas A&M University, Agricultural Extension Service, 1–384, 1967, 4 pp.

[15] Blake, G. H., Jr., "Imported Fire Ant—On the March in Alabama," *Highlights of Agricultural Research*, Alabama Agricultural Experiment Station, 3(3):5, 1956.

[16] Agricultural Research Service, *The Fight Against the Imported Fire Ant*, United States Department of Agriculture, PA–368:1–4, 1958.

[17] Wheeler, Joe, "The Fire Ant," *Florida Wildlife*, March, 1958.

[18] Stoddard, Herbert L., *The Bobwhite Quail, Its Habits, Preservation, and Increase*, Charles Scribner's Sons, New York, 1936, 559 pp. Travis, Bernard V., "The Fire Ant (*Solenopsis sp.*) as a Pest of Quail," *Journal of Economic Entomology*, 31(6):649–652, 1938. Travis, Bernard V., "Fire Ant Problem in the Southeast with Special Reference to Quail," *Transactions of the North American Wildlife Conference*, 3:705–708, 1938. Emlen, John T., Jr., "Fire Ants Attacking California Quail Chicks," *Condor*, 40(2): 85–86, 1938. Rankin, *loc. cit*. Wheeler, *loc. cit*. Wilson, E. O., "Invader of the South," *Natural History*, 68(5): 276–281, 1959.

[19] Johnson, A. S., "Antagonistic Relationships Between Ants and Wildlife With Special Reference to Imported Fire Ants and Bobwhite Quail in the Southeast," *Proceedings of 15th Annual Conference of Southeastern Game and Fish Commissioners*, 1961, pp. 88–107.

[20] Murray, Robert W., "A Synecological Study of the Effects of the Fire Ant Eradication Program in Florida," *Proceedings of the 16th Annual Conference of Southeastern Game and Fish Commissioners*, 1962, pp. 145–153. Rhoades, W. C. and R. W. Murray, "A Synecological Study of the Imported Fire Ant Eradication Program," *Bulletin of the University of Florida Agricultural Experiment Station*, 720:1-42, 1967. Arant, F. S., Kirby L. Hays and Dan W. Speake, "Facts About the Imported Fire Ant," *Highlights of Agricultural Research*, Agricultural Experiment Station, Alabama Polytechnic Institute. Vol. 5, No. 4, 1958.

[21] Agricultural Research Service, *Observations . . . . loc. cit*.

[22] Travis, "Fire Ant Problem . . . ," *loc. cit*.

[23] Williams, R. W., Jr., "A Preliminary List of the Birds of Leon County, Florida," *Auk*, 21:449–462, 1904.

[24] Rankin, *loc. cit*.

[25] Wilson, *loc. cit*.

[26] Wheeler, *loc. cit*.

[27] Rankin, *loc. cit*.

[28] Hays, S. B. and K. L. Hays, "Food Habits of *Solenopsis saevissima richteri* Forel," *Journal of Economic Entomology*, 52 (3):455–457, 1959.

[29] *Ibid*.

[30] Green, *loc. cit*.

[31] *Ibid*. Agricultural Research Service, *Observations . . . , loc. cit*.

[32] Hays, Kirby L., "The Present Status of the Imported Fire Ant in Argentina," *Journal of Economic Entomology*, 51(1):111–112, 1958.

[33] *Ibid*.

[34] Agricultural Research Service, *The Imported Fire Ant, loc. cit*.

[35] Wheeler, *loc. cit*.

[36] Agricultural Research Service, *The Imported Fire Ant Program and Progress*, United States Department of Agriculture, ARS–81–9–1, 1963, 10 pp.

[37] *Ibid*.

[38] Blake, *loc. cit*.

[39] Rankin, *loc. cit*.

[40] *Ibid*.

[41] Wilson, *loc. cit*.

[42] Bellinger et al., *loc. cit*.

[43] Parrish, Henry M., "Analysis of 460 Fatalities from Venomous Animals in the United States," *American Journal of Medical Sciences*, 245(2):129–140, 1963. Pratt, Harry D. and John M. McDowell, "Current Status of Some of the Important Arthropod-borne Diseases in the United States," Report from Vector Control Services, Training Section, Training Branch, Department of Health, Education, and Welfare, Atlanta, Georgia, 1963.

[44] Pratt and McDowell, *ibid*.

[45] Arant et al., *loc. cit*. Thomas, *loc. cit*. Agricultural Research Service, *The Imported Fire Ant . . ., loc. cit*.

[46] Clark, S. W., "The Control of Fire Ants in the Lower Rio Grande Valley," *Bulletin of the Texas Agricultural Experiment Station*, 435:1–12, 1931.

[47] Baker, Maurice F., "Observations of Effects of an Application of Heptachlor or Dieldrin on Wildlife," *Proceedings of the 12th Annual Conference, Southeastern Association of Game and Fish Commissioners*, 1958, pp. 244–247. Curl, L. F. "Aerial Application in Eradication Programs," *Agricultural Chemistry*, 13(4) :42–44, 99, 1958. Cutler, M. Rupert, "Pesticides Versus Wildlife," *Virginia Wildlife*, 20:4–5, 1958. Glasgow, Leslie L., "Studies on the Effect of the Imported Fire Ant Control Program on Wildlife in Louisiana," *Proceedings of the 12th Annual Conference, Southeastern Association of Game and Fish Commissioners*, 1958, pp. 250–255. Kyle, George M., "These Died on 100 Acres of Fire Ant Treatment Area," Alabama State Department of Conservation, News Release, April 18, 1958, 4 pp. Lay, Daniel W., "Fire Ant Eradication and Wildlife," *Proceedings of the 12th Annual Conference, Southeastern Association of Game and Fish Commissioners*, 1958, pp. 248–250. Newsom, L. D., "A Preliminary Progress Report of Fire Ant Eradication Program," Concordia Parish, Louisiana, 1958. Rosene, Walter J., "Whistling-Cock Counts of Bobwhite Quail on Areas Treated with Insecticide and on Untreated Areas, Decatur County, Georgia," *Proceedings of the 12th Annual Conference, Southeastern Association of Game and Fish Commissioners*, 1958, pp. 240–244. Clawson, S. G. and M. F. Baker, "Immediate Effects of Dieldrin and Heptachlor on Bobwhites," *Journal of Wildlife Management*, 23(2) :215–219, 1959. Gaines, J. F. and H. E. Lowry, "The Controversial Fire Ant," *Southeastern Veterinarian*, 12(1) :122–124, 1960. Jenkins, J. H., "A Review of Five Years Research on the Effects of the Fire Ant Control Program on Selected Wildlife Population," *Bulletin of the Georgia Academy of Science*, 21(1/2) :3, 1963. Rusoff, L. L., R. S. Temple, R. G. Myers, L. D. Newsom, E. C. Burns, W. F. Barthel, Calvin Corley and Ava Allsman, "Residues in Fatty Tissues and Meat of Cattle Grazing on Pastures Treated with Granular Heptachlor," *Agriculture and Food Chemistry*, 11(4) :289–291, 1963.

[48] Baker, *loc. cit*.

[49] Glasgow, *loc. cit*.

[50] Agricultural Research Service, *The Imported Fire Ant Program . . ., loc. cit*. Lofgren, C. S., W. A. Banks and C. E. Stringer, *Toxicity of Various Insecticides to the Imported Fire Ant*, Agricultural Research Service, United States Department of Agriculture, 81–11:1–5, 1964. Thompson, J. L., "Baits and Natural Feeding Stimulants of the Imported Fire Ant," unpublished master's thesis, Department of Entomology, Mississippi State University, Starkville, Mississippi, 1967.

[51] DeWitt, J. B., W. H. Stickel and P. F. Springer, *Pesticide-Wildlife Studies, 1961–1962*, U.S. Fish and Wildlife Service, Circular 167, 1963, pp. 87–88.

[52] DeWitt, J. B., C. M. Menzie, J. W. Spann and C. Vance, *Pesticide-Wildlife Studies, 1963*, U.S. Fish and Wildlife Service, Circular 199, 1964, pp. 105–109.

[53] Baker, Maurice F., "Studies on Possible Effects of Mirex Bait on the Bobwhite Quail and Other Birds," *Proceedings of the 18th Annual Conference, Southeastern Association of Game and Fish Commissioners*, 1964, pp. 153–160.

[54] *Ibid*.

[55] Good, E. E., G. W. Ware and D. F. Miller, "Effects of Insecticides on Reproduction in the Laboratory Mouse: I. Kepone," *Journal of Economic Entomology*, 58:754–757, 1965.

[56] Huber, J. J., "Some Physiological Effects of the Insecticide Kepone in the Laboratory Mouse," *Toxicology and Applied Pharmacology*, 7:516–524, 1965.

[57] DeWitt, et al., *Pesticide-Wildlife Studies, 1961–1962, loc. cit*.

[58] DeWitt, et al., *Pesticide-Wildlife Studies, 1963, loc. cit*.

[59] Martin, H., *Guide to the Chemicals Used in Crop Protection*, Publication 1093, Fourth Edition, Queen's Printer, Ottawa, Canada, 1961, Spencer, E. Y., "Supplement to the Fourth Edition," *Guide to the Chemicals Used in Crop Protection*, Publication 1093, Queen's Printer, Ottawa, Canada, 1964.

[60] Ware, George W. and Ernest E. Good, "Effects of Insecticides on Reproduction in the Laboratory Mouse. II. Mirex, Telodrin, and DDT," *Toxicology and Applied Pharmacology*, 10:54–61, 1967.

[61] Naber, Edward C. and George W. Ware, "Effect of Kepone and Mirex on Reproductive Performance in the Laying Hen," *Poultry Science*, 44:875–880, 1965.

[62] Gaines, Thomas B. and Renate D. Kimbrough, "Oral Toxicity of Mirex in Adult and Suckling Rats," *Archives of Environmental Health*, 21:7–14, July 1970.

[63] Ware and Good, *loc. cit.*

[64] *Report of the Secretary's Commission on Pesticides and Their Relationship to Environmental Health*, U.S. Government Printing Office, Washington, D.C. 1969.

[65] "Forty-Eight Pesticides Harnessed," *Sport Fishing Institute Bulletin*, 216:5, 1970.

[66] Butler, P. A., "Monitoring Pesticide Pollution," *Bio-Science*, 19:889–891, 1969.

[67] Bellinger, et al., *loc. cit.*

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the order for the recognition of the distinguished senior Senator from Virginia (Mr. BYRD), there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY BEFORE THE SENATE THE UNFINISHED BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday, immediately on the close of the period for the transaction of routine morning business, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST FOR CONFERENCE CONCERNING PRICES OF WHEAT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate Resolution 136.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read the resolution (S. Res. 136) by title, as follows: "A resolution requesting a negotiating conference in reference to the prices of wheat."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD of West Virginia. Mr. President, there will be no action on this measure today. It has been made the pending business for the purpose of its being laid before the Senate on Monday next at the close of morning business as the unfinished business.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday and the subsequent days of next week, as far as can be determined at the moment, is as follows:

On Monday the Senate will convene at 12 o'clock noon. Following the recognition of the two leaders under the standing order, the distinguished senior Senator from Virginia (Mr. BYRD) will be recognized for not to exceed 15 minutes. There will then be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to exceed 30 minutes. The Chair will then lay before the Senate the unfinished business, Senate Resolution 136, the so-called McGee resolution.

Following action on Senate Resolution 136, the Senate will proceed, in executive session, to the consideration of the International Wheat Agreement, on which the yeas and nays have already been ordered. Therefore, there will be at least one yea-and-nay vote on Monday next and Senators are so apprised.

Also on Monday it is quite likely that the Senate will consider and dispose of the Federal boat safety bill, which is being reported today by the Commerce Committee.

I have been asked by the distinguished majority leader to announce that the vote to override the Presidential veto on the accelerated public works bill will be scheduled for Wednesday next. There will be a rollcall vote on the proposed veto override.

Two health manpower bills will be reported on Monday from the Committee on Labor and Public Welfare, and they may be taken up on Tuesday or Wednesday.

On Wednesday next, the Appropriations Committee will report a bill making appropriations for the Department of Agriculture. It is hoped that the Senate can proceed to the consideration of that appropriations bill on Thursday next.

On Thursday, the Appropriations Committee is expected to report the Department of the Interior appropriations bill, the Department of Housing and Urban Development appropriations bill, and the State-Justice-Commerce appropriations bill. So, three appropriations bills are expected to be reported from the committee on Thursday next, and it is the intent of the majority leader to attempt to schedule as many as possible of those bills for action on Friday next, with the hope that they may be disposed of on that day.

In view of the past practice, generally, of ordering the yeas and nays on the final passage of appropriations bills, therefore, Senators are on notice that undoubtedly there will be yea-and-nay votes on appropriations bills on Thursday and Friday of next week.

Other possible items for consideration late next week are the Atomic Energy Commission authorization bill, which has been reported today, as I understand, and on which action may be taken Thursday or Friday of next week, as well as reconsideration of the vote on the Veterans' Committee resolution, and it is my understanding that this may be taken up Thursday or Friday.

Senators will be aware, therefore, of the very busy week ahead of us, with a certain yea-and-nay vote on Monday, and with yea-and-nay votes to follow on days subsequent to Monday of next week.

ADJOURNMENT TO MONDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 1 o'clock and 41 minutes p.m.) the Senate adjourned until Monday, July 12, 1971, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 8, 1971:

DEPARTMENT OF DEFENSE

Charles L. Ill, of Maryland, to be an Assistant Secretary of the Navy.

U.S. DISTRICT COURTS

Malcolm M. Lucas, of California, to be a U.S. district judge for the central district of California, vice a new position created by Public Law 91–272, approved June 2, 1970.

Lawrence T. Lydick, of California, to be a U.S. district judge for the central district of California, vice Thurmond Clarke, deceased.

EXTENSIONS OF REMARKS

THE UTTER WRONGNESS OF OUR PAKISTAN POLICY

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Wednesday, July 7, 1971

Mr. CHURCH. Mr. President, the 4-month-old civil war afflicting the people of East Pakistan worsens, and no relief is in sight to heal the deep and festering wounds. Committing monstrous acts of inhumanity, the West Pakistan military regime, with an Army of 70,000 men, equipped, armed, and trained for the most part by the United States, still occupies the eastern wing of this bifurcated Asian country. Reports of atrocities continue to come in.

In turn, the Bengali sufferers, 75-million Muslims and Hindus, making up the majority of the country who won the majority of seats in the new National Assembly last December, continue to resist. Latest dispatches from Dacca, for instance, tell of the freedom fighters knocking out the electrical power systems of the biggest cities, Dacca and Comilla.

During this tragic period, the utter wrongness of American policy has become blatantly apparent. The United States supports the Government at Islamabad, the very creators of the widespread suffering in their own country. We keep shipping arms, ammunition, and spare parts and, although the U.S.

bureaucracy has advised against filling the arms export licenses still outstanding, the President has said to go ahead anyway.

Thus, the American Government gives tacit support to a regime at which even the British Conservative Government has openly expressed outrage. Sir Alec Douglas Home, the Foreign Secretary and a man noted for his high regard for the Pakistani oligarchy in the past, has urged:

> The creation of a framework in which civil government can be formed, that will give confidence to the refugees to return home.

Otherwise, he has warned:

> The danger of war is very real and could convert what is already a tragedy into a catastrophe.

American editorialists have unanimously labeled the regime in the harshest words possible, the Washington Evening Star rightly saying:

> The American people are not in a mood to finance experiments in genocide.

Others have said that the actions of the West Pakistanis are something like what Hitler did.

However, neither President Nixon nor Secretary of State Rogers have said one public word about the tragedy. The President has even reportedly sent "a very warm, kind personal letter" to the leader of the regime that has caused upward of 6½ million of its citizens to flee, and brought the possibility of war with India closer and closer. Why do we befriend such an Asian Minotaur?

We say in Vietnam that we are fighting for "self-determination" so that the people there can have the opportunity to choose their own government, yet in Pakistan we continue to give support to an authoritarian clique that conducts business by martial law and forcibly deprives its own citizens of the right of self determination, even after a free and fair election! A Bengali student recently asked what had his people done wrong to be treated to a 4-month campaign of violence; the answer is that an election was held and the Awami League won over 80 percent of the votes and 167 out of a possible 169 seats in the National Assembly, becoming the dominant political group in the country.

Our Government goes to great pains to warn us of a fearsome bloodbath that will befall the people of South Vietnam if the regime there is left to fight on alone, yet one of the worst manmade bloodbaths of our time is taking place in East Bengal, administered by the Pakistan Army. The martial law ruler, General Tikka Khan, has been quoted recently as saying:

> We will reduce you (the Bengalis) to a minority.

This supports the widespread conviction among the foreign community in Dacca that the huge exodus of refugees to India stems not from panic and false propaganda, as military spokesmen claim. Rather it stems from the fact that Pakistan army soldiers have shot and continue to shoot Muslim intellectuals and professionals plus much of the Hindu community as an expression of their fury at the outcome of last December's elections.

If the Nixon administration were really concerned about the principles of self-determination in Asia, the United States would do all it possibly could to end the gruesome tragedy in East Pakistan. At the very least, our policy would be one of total abstention.

However, the administration is so unconcerned about events in Pakistan, as well as voices of outrage in Congress, the press, and among private citizen groups, that the transfer of arms to the transgressors continues on a "business as usual" basis. I understand an estimated $35 million is still in the arms pipeline, and the President refuses to stop the flow.

The most embarrassing commentary is that while the United States takes no action to stop its intervention on the oligarchy's side in Pakistan, the Canadian Government stepped in, over the weekend, to try to do what it could to prevent further arms from being loaded aboard the Padma, one of the ships loaded in New York harbor with American arms, ammunition, and spare parts.

The best Congress can do is to suspend all U.S. moneys for economic assistance and transfer of military goods, in all shapes and in all forms, to Pakistan until an international relief effort takes place throughout East Bengal and a majority of the refugees in India are repatriated.

To build further a record relating to events in East Bengal, I ask unanimous consent that the following exhibits of pertinent articles be printed in the RECORD:

Exhibit 1, editorial opinion as expressed in the leading newspapers and journals in the United States and United Kingdom.

Exhibit 2, articles dealing with U.S policy toward the Pakistan civil war.

Exhibit 3, news dispatches from Pakistan and India of development there.

Exhibit 4, a thoughtful analysis of the present crisis by Selig Harrison, longtime observer of the subcontinent.

There being no objection the exhibits were ordered to be printed in the RECORD, as follows:

EXHIBIT 1—EDITORIAL OPINION

[From the Washington Evening Star, April 21, 1971]

AID FOR PAKISTAN

In view of the tragic news from East Pakistan, it strikes us as odd that the government in Islamabad should pick this particular time to make a major pitch for $70 million in economic development loans from the United States. It strikes us as even odder that the plea has apparently been sympathetically received at the White House and the State Department.

American economic aid for Pakistan has been suspended since March 25 when West Pakistani troops were ordered to crush a movement for political independence by the predominantly Bengali population of East Pakistan. The program is "under review," with the implication that no new funds will be freed as long as the killing goes on.

And quite evidently it is going on at a horrifying pace. Western reporters who have recently visited East Pakistan have estimated the deaths on both sides at up to half a million. The Indian government reports that it is giving refuge to some 2.6 million Bengali refugees, with many more expected. Millions of others face death from disease and starvation, through the destruction of food stocks and transportation facilities. Willfully or not, conditions are being created that could result in the expulsion or extermination of a substantial portion of East Pakistan's population.

Until now, the government in Islamabad has refused to allow the distribution of aid for East Pakistan by any of the international relief agencies. It remains to be seen whether acceptance of an offer of help from the United Nations will change matters. A few days ago the provincial military governor declared bluntly that "the outside world will simply have to take our word that aid will be effectively distributed by us." Under the circumstances, the outside world will do no such thing.

It is not hard to understand why the Pakistanis want American loans. Their exercise in military repression has brought the nation to the brink of bankruptcy. The resumption of the aid program—which has been running at a rate of some $200 million a year—is believed essential to maintain the stability of Pakistan's currency.

What is hard to understand is why Secretary of State Rogers should have encouraged M. M. Ahmed, senior economics adviser to the Pakistan government, to take his pitch for aid directly to the American people in a public hearing of the Senate Foreign Relations Committee. The committee chairman, J. William Fulbright, quite correctly in our view, turned down that suggestion. The American people are not in a mood to finance experiments in genocide.

[From the New York Times, May 24, 1971]

RELIEF IS NOT ENOUGH

The tidal wave of refugees from East Pakistan into India, which is reported nearing the three million mark and growing by tens of thousands each day, presents humanitarian and political problems of staggering proportions to India and to the world.

There is hope that the humanitarian problem can be met, at least in the short run, especially now that Rawalpindi has agreed to accept international relief assistance inside East Pakistan itself. In spite of overwhelming domestic concerns of its own, India has responded generously to the needs of the pathetic Bengalis who have fled the military crackdown in East Pakistan. The United Nations already has an investigating team in the field in response to India's plea for international assistance. The United States has allocated $2.5 million to help the Indian relief effort.

But the political issues created by the suppression of East Pakistan's popular movement for regional autonomy and the exodus into India will be far more difficult to control. Already the influx of refugees is provoking resentment and intensifying the chronic condition of unrest in India's violence-prone state of West Bengal. The continuing persecution of Hindus in East Pakistan could touch off serious new communal conflicts between Moslems and Hindus in both Pakistan and India. The likely emergence of a fedayeen-type guerrilla movement among the refugees concentrated in India along the Pakistan border could in time provoke a new Indo-Pak conflict.

It will not be enough to provide food and shelter to the refugees. If grave international consequences are to be avoided, it is essential that the refugees return to their homes at an early date under conditions of security and confidence that obviously do not now exist. This can be achieved if the United States and other members of the Aid to Pakistan Consortium stick to their reported demand that the Yahya Government seek a political accommodation with the Bengalis as a condition for the resumption of assistance that the Pakistani economy desperately needs.

[From the New York Times, June 2, 1971]

Bengal Is the Spark

Tariq Ali, a Pakistani radical who has been active in British left-wing student circles, turned up recently in Calcutta, where he was reported encouraging secessionist tendencies in both West Bengal and East Pakistan with the aim of promoting a united socialist Bengal.

"The revolutionary movement has a big opportunity in Bengal," Mr. Ali told a British reporter. "This is a heaven-sent opportunity which we should not miss. What I see in the future is the distinct possibility of India and Pakistan disintegrating—and Bengal is the spark."

Mr. Ali's radical vision of chaos on the Indian subcontinent cannot be taken lightly. The Pakistan military government's brutal crackdown on a popular democratic movement that sought a large measure of autonomy for East Pakistan has set the stage for an increasingly violent and radical reaction in the long-neglected and much-abused eastern state.

A prolonged guerrilla conflict in East Pakistan would have profound repercussions in the neighboring violence-prone Indian state of West Bengal, already shaken by the influx of more than three million refugees from the Pakistani Army's campaign of terror. Prime Minister Indira Gandhi is under mounting pressure to intervene to try to check this threat to India's own internal peace and integrity.

It is obviously in nobody's interest to allow the Bengali "spark" to explode into a major international conflict, one which might speedily involve the major powers. Nor is it wise to permit the situation in East Pakistan to continue to fester, inviting the gradual political disintegration of the entire subcontinent.

To deprive Tariq Ali and his like of their "big opportunity" it is essential that Pakistan's President Yahya Khan come to terms speedily with the more moderate Sheik Mujibur Rahman and his Awami League, which won an overwhelming popular mandate in last December's national and state elections. Such an accommodation with East Pakistan's elected representatives should be a prerequisite for the resumption of United States aid, except for relief assistance, to Pakistan.

[From the Washington Post, June 8, 1971]

East Pakistan: A Wound Unhealed

An outbreak of cholera among Pakistani refugees in India's West Bengal region has cost 1,000 or more deaths and threatens to take a larger toll before adequate medical supplies can be gathered and—more to the point—before they can be put to use among the hordes of refugees, many of whom are simply on the roads, their suffering not even contained within camps. Since the Pakistani army suppressed the East Pakistan autonomy movement in March, the flow of terrorized and uprooted Bengalis has reached an estimated four or five million. And despite the government's claim that normality has returned, the refugee flow goes on. The government has set up 20 "refugee reception centers" in East Pakistan to "help rehabilitate Pakistanis returning to the country," but there are no reports these centers are being patronized.

As a result, India, whose West Bengal region hardly had resources to spare before the Pakistani explosion, is being overwhelmed. International contributions for Pakistani refugees have come in relative dribs and drabs; the lesser disaster of the East Pakistan cyclone touched the world's heart, and its pocketbook, far more deeply. It is a sobering comment that the refugee pileup had become so normal and accepted that it took an outbreak of cholera to restore it to world consciousness. Meanwhile, India has had to cope. It deserves far more help than it has so far received in accommodating its Pakistani wards.

The need persists to enable the refugees to return to their homes. A few weeks ago President Yahya Khan appealed conciliatorily to them to do so, but no significant number seems to have heeded his call. Press censorship remaining as rigid as it has, one can only guess why. Only the other day did his government finally agree to let the United Nations establish itself as a funnel for world relief inside Pakistan proper; until this time, the requirements of "law and order" and, one suspects, of army pride have kept the government from this overdue step.

President Yahya has made some effort to restore political life in the eastern wing. However, having outlawed the Awami League, the vehicle of the East Pakistani independence movement, he has had trouble locating local politicians of any stature willing to collaborate. The United States and other important providers of aid to Pakistan continue quietly to withhold assurances of further support. They should keep the pressure on until President Yahya is in a position to demonstrate that his government intends to do a good deal more than it has to heal the wounds of March.

[From the Christian Science Monitor, June 18, 1971]

The World Community Must Help

Only a few days ago the number of East Pakistani refugees in India was put at 5,000,000. Now it has risen to 6,000,000—a figure so huge that it beggars the imagination.

No wonder Indian Prime Minister Indira Gandhi cries out to the world for more help in coping with this human tidal wave. She told her parliament: "No other country has ever had to face an influx of such magnitude. No country in the world has had to face even one-tenth of the situation before." And poignantly she added: "They have come to a country which is itself one of the poorest in the world."

Unhappily it is a fact that the world community as a whole has been slow in responding to the refugees' plight.

True, magnificent efforts have been made by private relief organizations. United Nations specialized agencies are getting into operation. Britain has made a virtually open-ended relief commitment. The United States has pledged $17 million in aid, and other countries have made generous gestures. But it is only in recent days that international aid has begun to arrive on a scale sufficient to make any impact, and even then it falls far short of the massive, overall needs.

Once more the acuteness of the human problem points up the necessity for a centralized international agency to coordinate relief in the event of an emergency of such dimensions and to see that the aid is channeled in swiftly and used to the best advantage.

Last year, after a series of natural disasters—the earthquakes in Peru and Turkey and the cyclone in East Pakistan—Turkey and other countries sponsored a move to get such an agency established under UN auspices. Their proposal was endorsed by the UN General Assembly last December. Now Secretary-General U Thant has gone a stage further and prepared a comprehensive plan for a UN disaster relief center.

The plan will be submitted to next month's meeting in Geneva of the UN Economic and Social Council and hopefully it will be acted on by the General Assembly in the fall. Under it relief supplies would be stockpiled at various locations around the world ready to be drawn upon when needed.

The relief center would be intended to deal with man-made disasters, whereas the refugee drama in Bengal is the result of a political disaster. But surely the agency's provisions could apply to this kind of an emergency too where the human need is so great.

[From the Washington Evening Star, June 21, 1971]

Pakistan Problem Goes Deeper Than Poverty

(By William F. Buckley, Jr.)

LIECHTENSTEIN.—I know it's hard to remember exactly where it is. But it exists, calm and exquisite—just east of Zurich—and Tresonier, which looks down on the Rhine, sits by the little ski resort recently made fashionable by the Prince of Wales and his sister, who went there to learn how to ski.

Skiing is the most egalitarian of sports, in that it renders ungainly its novitiates notwithstanding the color of their blood. In England there is a great debate going on over the question whether Her Majesty should get the extra couple of million dollars she had requested in order to continue to perform her duties in the traditional way. Her principal critic is Richard Crossman, the indomitable socialist editor of the New Statesman, who, however, distinguishes his position from that of the anti-monarchists. He is, to begin with, a royalist. More, he does not want his queen to go about on bicycles, like the Scandinavian monarchs. He wants her in skirts, surrounded by plumed guardsmen and chariots and gilt and the rest of it, though he does believe that she could afford to continue in the royal manner using her money, not England's, and that is what they are talking about in England.

There are the darker subjects being discussed. The spectre of Willy Brandt's Realpolitik. The larger implications of Sen. Mike Mansfield's recent proposal to demand that U.S. troops be withdrawn from Europe. The fate of the United States dollar. The coming Soviet hegemony in the Mediterranean.

In Europe, the concern is far greater than in America over the developments in India and Pakistan. As regards this particular disaster, there is the additional moral humiliation being felt in England that much of the suffering is the conscious policy of a country whose reigning spirit, Pandit Nehru, brought so many Westerners to their knees during his lifetime, bowled over by his simple, untechnologized benignity. It is his daughter who now presides over the holocaust.

Listen to the disillusionment. The following paragraphs are from a column by the editor of the Sunday Telegraph, Peregrine Worsthorne:

"If the British raj still ruled in India, the dreadful human tragedy that now darkens that subcontinent would not be taking place . . . It was of course always understood that in the immediate aftermath of the white man's withdrawal there would be an awkward time of adjustment.

". . . Hitherto this has been conceived as mainly a problem of poverty, to be met by furnishing economic aid through agencies like the World Bank. But the agony of Bengal today, like the agony of Biafra a year ago, has very little to do with the problem of poverty. It does not result from material deficiency or technological backwardness, fit objects for sympathy and charity, but from terrorism and oppression which spring from moral deficiency and human savagery, to which the normal Western reaction would be fierce indignation and anger.

". . . The white man's immense material superiority, in short, was qualified by a feeling that this was really nothing to boast about; almost the opposite. Indeed, the moral advantage has rested with the coloured world, which succeeded in presenting itself as poor but honest, innocently impractical, charmingly feckless, as against the white man's ruthless lust for power. This moral advantage exercised an astonishing influence in world affairs since the war.

". . . It is no crime to be poor and backward. Indeed, the underdeveloped world has in recent years enjoyed a certain strength from this kind of weakness.

"But to be poor and backward and morally repulsive as well—that is something very different! If Hitler had set up the gas ovens and practiced genocide from a posture of abject military and economic weakness, and had combined an attitude of outrageous moral provocation to the sensibilities of the Western world with humiliating material dependence on its charity, how long would it have been before something was done to put an end to such a monstrous absurdity? . . . It is not going to be enough to give material aid, since the problem goes much deeper than poverty. How can the World Bank cope with genocide?"

[From the New York Times, June 23, 1971]

Abetting Repression

Responding to public and Congressional shock and anger over the Pakistan Government's savage repression of Bengalis seeking autonomy in East Pakistan, the State Department sent a letter to the Senate Foreign Relations Committee last April 23, saying:

"We have been informed by the Department of Defense that no military items have been provided to the Governments of Pakistan or its agents since the outbreak of fighting in East Pakistan on March 25 and nothing is now scheduled for such delivery."

Similar assurance reportedly was given last week to the Foreign Minister of India.

But yesterday a Pakistani freighter sailed from New York bearing military equipment from United States Defense Department excess stocks sold to Pakistan under State Department license. At least one other ship bearing American military equipment for Pakistan sailed from this port last month. According to the bills of lading, equipment for the earlier shipment was delivered at a New York dock on the same date that the State Department sent its letter to the Senate committee saying no deliveries were scheduled.

These shipments represent a breach of faith with the American public, with Congress and with a friendly foreign power. They serve further to undermine the credibility of the United States Government. And they put the United States in the position of abetting an act of repression that is not only morally repugnant but which constitutes a serious threat to this country's own long-term interest in peace and democratic development on the Indian subcontinent.

[From the Washington Post, June 23, 1971]

When an Embargo Is Not an Embargo

Repeatedly the State Department has said that "no military items have been provided to the Government of Pakistan or its agents since the outbreak of fighting in East Pakistan March 25 and nothing is now scheduled for such delivery." Many Americans—naive souls—took that to mean that the American government had embargoed arms shipments to Pakistan, whose bloody repression of the autonomy movement in East Pakistan shocked even the Russians. But no. It turns out that at least two shiploads of arms have left American ports for Pakistan, one on May 8 and the other yesterday. How can this be?

The first part of the answer is that the bureaucracy was being very slippery and misleading. When the State Department said no military items were being provided, it hedged: it said it had been so "informed" by the Defense Department. When it said no such items had been "provided" since March 25, it was excluding weapons and equipment which had already passed a certain point in the pipeline. So shocked were many Americans by the spectacle of Pakistan's using American-supplied arms against its own citizens that they read State's words too quickly. They did not realize that the Department, far from trying to close loopholes, was trying to keep them open.

And why? The specific answer is contained in the Department's letter of May 6 to Senator Fulbright. It repeated earlier language about new sales and deliveries, and it went on: "The continuing military supply program . . . continues to be an important element in our overall bilateral relationship with Pakistan." And: "It would, therefore appear desirable for the U.S. to be able to continue to supply limited quantities of military items to Pakistan to enable us both to maintain a constructive bilateral political dialogue and to help ensure that Pakistan is not compelled to rely increasingly on other sources of supply." In other words, business as usual.

Well, from what is known so far, the United States is entitled to claim some success in its policy. Doubtless continued arms deliveries have contributed to a "dialogue" with Pakistan and kept it from straying to other suppliers. But this is, of course, to ignore the shame of helping a military regime suppress a democratic autonomy movement. Why is it so important to be cozy with Karachi? Would it not be just as well to let a few signs of coolness and disapproval enter into official American-Pakistani relations? Senator Church suggests that the United States halt the second arms ship, which is due to touch at Baltimore on its way from New York to Pakistan. That's a good idea.

[From the Baltimore Sun, June 28, 1971]

Pakistan-Bound

It well may be, as the United States declares, that the acknowledged presence on two ships at sea of American military equipment for Pakistan involves only certain radio material and spare parts for aircraft engines. It well may be too that the equipment, though loaded after the March 25 ban on arms sales to Pakistan, had been purchased by the Pakistan government before that date. (A State Department spokesman says he has discovered that two licenses were issued after that date, one on March 31 and one on April 6, since "the decision to cut off assistance as of March 25 was not taken until shortly after April 6, when it was communicated to the munitions control" section of the department.)

It could easily be, further, that as stated in a news release by the American Embassy in New Delhi, the United States had not been aware that the Pakistani ships were loading until the New York *Times* reported the fact. In other words, a picture of confusion.

It may still serve to bring sharply to mind the increasingly desperate situation that has developed in South Asia since the troops of the government of Pakistan, armed principally by the United States and by China, savagely cracked down on East Bengal on the evening of March 25. It is a situation of a continued suppression of East Pakistan; of an India intolerably burdened with millions of refugees from East Pakistan; of epidemic cholera; of a West Pakistan virtually sealed from outside scrutiny; not to mention an East Pakistan so sealed, but for hints of famine.

It is a situation that cannot be forgotten and will not be ignored.

[From the Nation, June 28, 1971]

The Arms Harvest

From 1954 to 1965 we sold considerable quantities of weapons to West Pakistan, including forty-eight light tanks and sixteen Sabrejet aircraft. When hostilities broke out between West Pakistan and India, we embargoed further shipments. In 1967, however, the embargo was eased to permit West Pakistan to buy spare parts and ammunition for the weapons we had furnished. All the evidence at hand indicates that these weapons, and the auxiliary equipment more recently furnished, were used in the blood bath the West Pakistani army inflicted on East Pakistan when that colony—which it is in fact—had the temerity to vote overwhelmingly for a measure of independence (167 out of 169 seats assigned to East Pakistan in the 313-seat national assembly—which never met).

As the massacres and rapine were taking place, Washington looked the other way. True, we had not furnished all the arms; Chinese and Soviet weapons also saw action. But it was not until June 12 (more than two and a half months after the carnage began) that the State Department took public notice. Since the influx of refugees was causing serious disturbance in India, our State Department appealed to India and Pakistan to exercise restraint and urged the Pakistanis to restore normal conditions in East Pakistan through "peaceful accommodation."

The potential for further mischief in this region can hardly be exaggerated. East Pakistan was not 100 per cent Muslim. It contained some 10 million Hindus, many of whom would now prefer to live in India, where their misery and insecurity could scarcely be worse than in East Pakistan. There is reason to believe that the West Pakistani army is exerting pressure on these people, while also perpetrating mass murder on their own coreligionists.

In *The New York Times* of April 18, Chester Bowles urged that we lodge a strong protest with the West Pakistani Government over the misuse of U.S. military equipment and cut off all aid except medical supplies and food. He also urged United Nations intervention. In the U.S. Senate, Senators Church and Saxbe have introduced an amendment to the Foreign Assistance Act that would suspend economic and military assistance to West Pakistan, pending establishment of an international relief agency to give aid to East Pakistan, and until the majority of East Pakistanis are repatriated.

How seriously this will be taken by the Nixon Administration remains to be seen. Unless relief action can be organized quickly and efficiently, and all the diverse interests and malignant hatreds of the region be at least temporarily allayed, the prospect for epidemics and famines in the future is nothing short of terrifying.

[From the Baltimore Sun, June 30, 1971]

Helping Pakistan

Most other members of the Aid to Pakistan Consortium are in favor of withholding further assistance until a political solution is found to that country's convulsion of terror and turmoil. Not so the United States. A spokesman for the State Department says that by providing economic aid the United States would be able to exert leverage on President Yahya Khan for a "political accommodation" with East Pakistan on the basis of autonomy, thus promoting conditions under which millions of refugees who have fled to India might return.

The spokesman declares further that continued shipments of American "nonlethal" military equipment, under licenses previously granted, is proper. Not to permit shipment of this licensed stuff, he says, and not to continue economic assistance, in a situation of "civil strife," would be seen "as sanctions and intrusion" in the internal problems of another nation. He says still further that if the United States didn't send along the military materiel, Yahya Khan might turn to other sources, such as Communist China.

It is a dubious case, as the spokesman himself admits it to be when he acknowledges that any leverage is not yet measurable, that few refugees have returned home and that Pakistan has for some time been getting military supplies from China—since 1966 anyway, he might have added.

As to a Yahya accommodation with East Pakistan, a dispatch by John E. Woodruff printed on this page today analyzes sharply the sort of accommodation the Pakistani president seems to have in mind. As to the refugees' return, a slight lifting of the veil in East Pakistan in recent days discloses there an iron reign of intimidation and of continued killing, with the victims more likely to be Hindu than not: and the great majority of the refugees were, before they fled, members of the Hindu minority in East Pakistan.

As to whether or not what happens in Pakistan is internal, to see it so may be theoretically proper, but in fact the refugees and the circumstances that caused them to become refugees have made it a matter of international concern, threatening the stability and the peace of all South Asia.

Precisely what American policy ought to be is indeed difficult to say, but formulation of a policy will hardly be made easier by a refusal to see what the elements of the situation actually are.

[From the Baltimore Sun, June 30, 1971]

YAHYA KHAN'S FORMULA FOR PAKISTAN

(By John E. Woodruff)

HONG KONG.—President A. M. Yahya Khan's announcement of new plans for governing troubled Pakistan constitutes a final repudiation of the majority rule he said was his goal when he seized power two years ago.

Instead, he has chosen to make indefinite the 12-year-old rule of both wings by the West Pakistan-dominated army. The main new element will be an attempt to give the army some civilian camouflage and thus hand the country's free-world money donors an excuse to back away from the *de facto* aid suspension they adopted in Paris last week, with the United States aside. But even without foreign aid, he warned, the army intends to work its will.

His decision seems certain to set up an intense behind-the-scenes debate among member countries of the Pakistan-aid group during the four months he says it will take to put his plan into effect.

President Yahya's new plan will have these major effects:

1. Abandonment of any effort to have the National Assembly draft the constitution that was to be its first major task and assignment of that job to a committee of experts instead. This will effectively wipe out the results of last December's elections. The Awami League had won its absolute majority in the Assembly on a platform demanding broad constitutional autonomy that would have enabled East Bengal to wrest control of its economy from the 22 industrialist families that share control of West Pakistan with the army.

2. Advance warning that the constitutional experts must provide a strong central government. This will assure that East Bengal's economy and government will remain under control of West Pakistan, 1,000 miles away.

3. Indefinite extension of the ban that was imposed on the Awami League—Pakistan's majority political party—on March 25, the night the army shot and burned its way into control of Dacca. But individual Awami Leaguers who did not partake of what the army calls "anti-state activities" may still take any offices to which they were elected—in effect, a call for any collaborationists among the Bengalis to step forward. So far, the army claims to have won over some two dozen of the more than 300 Awami Leaguers elected to the national and provincial assemblies.

4. Use of by-elections to put men acceptable to the army in the seats of the autonomists and any uncooperative or dead Awami Leaguers. Coupled with President Yahya's renewal of the treason accusation against Sheikh Mujibur Rahman, head of the Awami League, this means that the only man who has led a majority party in Pakistan since the Muslim League disintegrated nearly 20 years ago will be stricken from the assembly roster in favor of someone yet to be approved by the army.

To the Bengalis who gave the Awami League 167 of East Pakistan's 169 seats in the National Assembly last December, such a program can only reconfirm what became obvious the night the army struck: their choice must be between total subservience and total independence.

Several impartial observers who have visited East Bengali recently have privately given varying estimates of the carnage, but all guess that the number killed by the army alone runs into hundreds of thousands.

Their guesses may ultimately prove to be better indicators of the horror of what they saw than of the actual numbers dead.

But when the thousands of non-Bengalis killed by the enraged East Pakistanis are added to the tens of thousands apparently killed by the army, at least one prospect seems certain: The middle road attempted by the Awami League—economic freedom for East Bengal but a loose political and defense association under a united Pakistan—is no longer thinkable for either side.

In these circumstances, General Yahya's plan promises to become a formula for prolonged carnage on both sides—and very likely for continuing increases in the number of Bengali refugees in India, which claims it already has more than six million of them.

What already stands as one of the greatest man-made catastrophes in history thus promises to grow still greater rather than to diminish.

But there is no sign yet that the outside world will persuade itself to do anything but wring its hands, send token relief aid and seek absolution by invoking the provisions of international law that make the suffering of millions on both sides of the India-Pakistan border an "internal" affair and thus the exclusive concern of the generals and industrialists in West Pakistan.

When the army moved in last March to crush the elected leaders' attempt to exercise the power they had won at the polls, American diplomats on the Indian subcontinent cautioned newsmen that the U.S. must act carefully to retain whatever "restraining influence" it might have with the generals in Islamabad.

Now, three months later, Pakistani ships are still carrying fresh ammunition and equipment from American ports to resupply the army that the State Department claimed it was trying to restrain.

The State Department even felt obliged last week to leak a denial of the published accounts of the World Bank-led aid consortium's informal decision to withhold aid to Pakistan. It offered no explanation of what other meaning could exist for the consortium's postponement of any further meetings without taking action on urgent Pakistani pleas for aid.

That aid is the easiest lever the outside world has to press for relaxation of the East Bengal terror, for Pakistan's economy was a shambles even before the army's costly move into East Pakistan.

Today that economy is virtually shattered. A proposed $250 million foreign-exchange infusion—now suspended by the aid group—would have relieved the only pressure that promised to have any restraining effect on the army.

Even that pressure will be eased considerably by Peking's recent decision to hasten its own large infusion of aid to Islamabad's military-industrial oligarchy.

But China is just getting its own development going again after the Cultural Revolution and hardly has the spare money it would take to help Islamabad impose on 75 million Bengalis the kind of solution Washington tried in Vietnam.

And Pakistan is already so desperately in debt that high officials talk openly of defaulting outright even on World Bank low-interest loans.

For the moment, however, the aid from China has apparently emboldened the generals to increase their own share of Pakistan's budget and thus, presumably, their ability to impose their will on the Bengalis. Last week Islamabad announced that the military will get $26 million more next year than the $425 million it got this year.

[From the New York Times, June 30, 1971]

WHY AID PAKISTAN?

After months of equivocation and evasion, the State Department has finally made it clear that the Administration intends to keep on furnishing military and economic assistance to the Government of Pakistan despite continuing acts of repression in East Pakistan that have shocked the world. This incredible policy decision defies understanding.

The admission that aid is continuing as before undermines the credibility of the United States Government at home and abroad. The public, members of Congress and at least one vitally interested foreign government (India) had been led to believe—although always in evasive language—that all military assistance and any new development assistance for Pakistan would be held in abeyance until there was progress toward a political resolution of the crisis in East Pakistan. The exposure of this deception is likely to be particularly damaging to United States relations with India, whose foreign minister left Washington a few days ago with what he believed were firm assurances concerning American policy toward Pakistan that have now been thoroughly discredited.

The decision to continue economic aid puts the United States in defiance of the World Bank and the eleven-nation Aid to Pakistan Consortium, which has decided informally to refrain from making new aid commitments to Islamabad at this time. The Nixon Administration repeatedly in the past has indicated its policy would be to channel more and more United States aid through such international means in order to avoid the kind of unilateral decision it is now making in respect to Pakistan.

Administration officials say they opposed the consortium decision because it amounts to using aid as a political instrument. But at the same time they argue the United States must continue aid in order to gain leverage to persuade President Yahya Khan to seek a political solution in the East. They can't have it both ways.

Perpetuation of American aid to Pakistan is not, in fact, likely to help persuade the military regime there to move toward restoration of genuine democratic government any more than continuing American support for the Athens junta has helped restore democratic rights to the Greek people. It will, however, put the United States in the untenable position of underwriting policies of repression, which have led to the ruthless and continuing slaughter of hundreds of thousands of Bengalis in East Pakistan. These policies have already driven more than six million East Pakistanis into exile in India where their presence creates grave political, social and economic tensions and a rising threat of domestic and even international conflict.

President Yahya's recent proposals for restoration of civilian rule offer little hope for significant change since they continue to exclude the outlawed Awami League, the party which won an overwhelming majority of the votes in East Pakistan and an absolute majority of the seats in the unconvened National Assembly in last December's elections. Under these circumstances, can anyone in Washington explain how additional military or developmental aid to Pakistan can be justified morally or in terms of this country's pragmatic self-interest in peaceful, democratic development on the Indian subcontinent?

[From the Washington Daily News, June 30, 1971]

HELPING TO KILL MORE BENGALIS

The Administration's decision to send more economic and military aid to the brutal, repressive regime in Pakistan is as shortsighted as it is inhumane.

In testimony before Congress, the State Department admitted its fear that shutting off the flow of arms to Pakistan would be resented "as sanctions and intrusion."

What, we ask, is so bad about sanctions against mass murder and genocide? For that is exactly what the West Pakistan-dominated army committed against the helpless Bengalis of East Pakistan.

In its treacherous attack starting March 25, the Pakistani army slaughtered 200,000 Bengalis and sent six million refugees fleeing for their lives into India. It is morally unjustified to send more weapons to such a regime.

With its talent for justifying the unjustifiable, the State Department explains that halting economic aid would remove our "leverage" with Pakistan—altho we have almost no leverage now.

Also, stopping our arms shipments would cause Pakistan to turn to other suppliers, like communist China. However, the department admits that China has never stopped furnishing weapons to Pakistan.

Sen. Edward M. Kennedy, D-Mass., has called all this "doubletalk, incompetence, or both"—and he's right.

Our partners in the international effort to prevent the Pakistani economy from collapsing are not as timid as the United States. The World Bank, Britain, Canada, Belgium and others favor withholding economic aid until the military regime reaches a political settlement with East Pakistan.

But not the United States.

Pakistan is, of course, desperately poor and can use all the help it can get. But the trouble with aid now is that it props up the government and helps it maintain the army of occupation in East Pakistan.

The Bengalis in the east voted overwhelmingly for home rule in the only free election in Pakistan's history. Instead they got the genocidal assault by the western army, which is still shamefully going on.

History suggests, however, that West Pakistan from 1,000 miles away cannot forever subjugate the Bengali people. What we are doing by sending arms to Pakistan is to make sure the Bengalis will remember American weapons murdered them during the birth pangs of their beloved Bangla Desh (Bengali nation).

[From the Christian Science Monitor, June 30, 1971]

A STEP TOWARD CONCILIATION

At this stage the extent of the physical and political damage done by the Pakistan Army's repressive measures in the unhappy province of East Bengal is still immeasurable.

And President Yahya Khan's long overdue effort at conciliation, announced in his speech to the nation June 28, will not be sufficient in itself to heal the wounds.

Much more will be needed in practical ways that the bewildered people of East Bengal can understand. The physical damage must be repaired, relief allowed to get through to where it is needed. And above all a sense of security must be achieved so that at least a substantial number of the six million refugees who fled across the border to India will feel encouraged to return to their homes.

In his speech President Yahya ruled out the possibility of new elections to replace the National Assembly elected with such high hopes last year. He announced that the task of drafting a new constitution would be removed from the assembly and given to a special commission. The assembly, he said, would meet for the first time when the constitution is complete in about four months' time.

The President maintained his ban on the popular Awami League of East Bengal which won a majority of seats in the National Assembly on a platform demanding virtual autonomy for the province. He said that league members elected to the federal and provincial assemblies would be allowed to take their seats except for those who have committed "antistate or antisocial activities or criminal acts." There is no knowing how many of the league supporters would want to come forward and accept this offer after the repression exercised against their province and the imprisonment of their leader, Sheikh Mujibar Rahman. The President said under the new constitution the provinces would have "maximum autonomy" but this is likely to fall far short of the goal set by Sheikh Mujib.

President Yahya denied that his promise of a return to civilian government was the result of pressure from the consortium of Western powers who coordinate financial aid for Pakistan. But the consortium's decision 10 days ago to postpone a discussion of fresh aid until the President defined his terms for a political settlement must have had some influence on his deliberations.

The East Pakistani crisis has put heavy strains on the Pakistan economy, and President Yahya badly needs the aid that flows through the consortium's pipeline both to shore up the economy and go ahead with his development projects. It remains to be seen whether the program he announced will be sufficient to reassure the Western aid donors.

President Yahya is undoubtedly sincere in his desire to return his country to civilian rule. Unfortunately the mishandling of the East Pakistani crisis and the ruthless methods employed by the Army in trying to solve it have only compounded his difficulties and made it that much harder for him to come up with valid solutions.

Now he has pledged to give the country a constitution in four months' time. If he is to convince his countrymen of his sincerity and enable them to build for the future in peace and calm, he must hold to that pledge.

[From the Washington Evening Star, July 2, 1971]

AIDING PAKISTAN

There are two schools of thought about how givers of foreign aid can better influence the government of Pakistan to stop killing and driving out citizens in the secession-minded eastern wing of the country.

Most members of the 11-nation consortium of donors to Pakistan, operating under auspices of the World Bank, are reported in quiet agreement to postpone new economic assistance pending a move toward political settlement between West and East Pakistan. The United States, however, disagrees with this tactic. We will continue aid-as-usual in the hope of maintaining "leverage" for persuading the Pakistani government to do right, according to Senate testimony by a State Department official.

The unpredictability of the government of President Yahya Khan, which carried out the sudden massacre of Bengali dissidents and untold thousands of miscellaneous citizens starting March 25, makes it impossible to assess the relative tactical merits of withholding or continuing aid. Perhaps neither approach has much chance of working. Holding back on aid is seen by Pakistani leaders as an attempt to interfere in their internal affairs, and might drive them into isolation from enlightened world opinion. Continuing aid might just encourage them to go on as before, while easing the financial burden on Islamabad of its policy of suppression in East Pakistan.

Tactics aside, we prefer the stance of our friends in the aid consortium, including Great Britain. The outrage in East Pakistan, with 6 million of its citizens in frightened and disease-ridden refuge in India, is too overwhelming to sanction an everyday diplomatic posture by the State Department. American taxpayers should not be asked—and must resent being asked—to help finance the repression of Pakistan's powerless majority. Our officials' equivocation about recent arms shipments to Pakistan, despite the general understanding that this was banned, is disturbing.

Yahya Khan's promise to convene a new national assembly is empty in the light of the outlawing and decimation of East Pakistan's Awami League, which won the last election and would be running that government now if the electoral process had been honored. The government has done little to restore normal living conditions in East Pakistan—a prerequisite for the return of the refugees—and humanitarian aid efforts have been hampered severely by government distrust of foreigners.

The United States and other aid-giving nations should not let the funds flow under present conditions. Yahya Khan should not regard such aid policies as outside interference so much as a refusal to take part in his folly.

[From the New York Times, July 3, 1971]

U.S. AID FOR PAKISTAN

TO THE EDITOR:

Your editorials of June 17 and 30, advocating that aid for Pakistan be withheld until there is a genuine political accommodation with democratically elected leaders, is based on some assumptions that need closer examination.

President Yahya's June 28 plan for the transfer of power does not include from the National Assembly members elected on the Awami League ticket. They are members in their individual capacities and can still be in absolute majority if they should decide to form a new group to work for maximum provincial autonomy within a single federal state.

In stressing the Awami League's presence in the National Assembly you have ignored the fact that its democratically elected leaders had by March 26 (when it was banned) gone far beyond its program approved by the East Pakistan electorate.

Their electoral mandate was for provincial autonomy and not secession. Their opposition to the process of transfer of power, starting with the meeting of the National Assembly, was the breaking point in the Dacca negotiations.

President Yahya's offer to withdraw martial law the moment the National Assembly met and gave some form of validity to a central government was turned down. The Awami League extremists seemed not to want even a weak center which would in any way symbolize Pakistan's unity.

Had the National Assembly convened, its members, at the opening session, would have had to take the oath of allegiance to Pakistan. This obviously did not fit in with the post-election "mandate" drawn up by the extremists who, with third-degree methods, at this stage dominated the moderates.

You have charged that the Pakistan Government is "at war" with a large part of its population. But the action that the Pakistan Army was forced to take to put down a mutiny and an armed attempt at the dismemberment of Pakistan cannot in this context be described as the sort of war implied in your editorial.

Your position tends also to ignore the needs of a larger part of Pakistan's population and at the same time encourage the secessionists who are now operating from India and are not interested in a political settlement on the basis of one Pakistan.

And, finally, would Pakistani displaced persons in India be encouraged to return to their homes if development aid to Pakistan is delayed or denied? With the restoration of law and order, the assurance of continuing expenditure on rehabilitation and development will be an added incentive for all of them to respond to President Yahya's appeal and cover of general amnesty to return home.

HAMID JALAL,
Press Counselor, Pakistan Mission to the United Nations.
NEW YORK, *June 30, 1971.*

TO THE EDITOR:

Our Government has asked India to use restraint, meaning restraint from activities that would escalate the crisis in East Pakistan or provoke war there. Yet, our Government is doing the very thing it is asking India not to do. It is still supplying arms to Pakistan, which could escalate the crisis and provoke war.

The different echelons of our Government may justify each other's actions about shipments of arms to Pakistan after the declared ban on such shipments. But how do we look to the world? Why would the world take our excuse to justify such shipments? And how will India receive our advice for restraint?

It is time for our Government to show a sincere desire to stop the crisis in East Pakistan. Acting, as Senator Frank Church suggested, to halt the present shipment of arms would be an example.

A. K. AZIZ.
OXON HILL, MD., *June 22, 1971.*

[From The Washington Post, July 5, 1971]

U.S. ARMS FOR PAKISTAN: A SHAMEFUL RECORD

The Pakistani army undertook to crush the autonomy movement in East Pakistan on March 25. Soon after, as word of the army's appalling and indiscriminate slaughter began to seep out, the question was asked in Washington whether arms sold or given by the United States were being used and, further, whether the supply of these arms was continuing. Here is the record of the answers given in Washington.

April 2: The State Department said it could neither confirm nor deny reports from the scene that American equipment was being used.

On April 20, the fact no longer deniable, the Department informed Senator Kennedy that it had "expressed our concern over the use of American arms in East Pakistan"; it added that "arms acquired from a number of countries, including China, the U.S.S.R. and the U.K., also have been used."

Three days later: The Department specifically acknowledged to Senator Fulbright that "some M-24 tanks and F-86 aircraft have been observed in use in East Pakistan in recent weeks." It did not acknowledge that these tanks and planes had been employed against ragged desperate men armed with little more than rifles, if that.

April 6: Mr. Fulbright had asked Secretary of State Rogers for information on the "status of any current shipments" of military equipment to Pakistan. The following week a department spokesman, speaking to reporters, denied that the United States has "a large on-going military assistance program with Pakistan" and declared, "There is no—repeat—no equipment in the pipeline and none has been delivered" under a one-shot October, 1970, arms deal. Referring to a "modest" sales program dating from 1967 for "non-lethal military equipment, spare parts for equipment already in Pakistan hands and some ammunition," he said: "Insofar as shipments under these agreements are concerned, we have this matter under review."

April 14: An unattributed report appeared in The Washington Post saying that arms shipments were continuing but with minimum publicity. The next day, however, a department spokesman concluded a review of the subject this way: "In short, no arms have been provided to the Government of Pakistan since the beginning of this crisis, and the question of deliveries will be kept under review in light of developments."

April 20: The department told Senator Kennedy: ". . . none of these items [on the 1967 'non-lethal' list, including ammunition] has been provided to the Pakistan Government or its agents since the outbreak of fighting in East Pakistan March 25-26, and nothing is presently scheduled for such delivery."

May 6: Senator Fulbright was told: "In short, no arms have been provided since the beginning of the crisis and the question of deliveries is under review."

May 8: The Sonderbans, a Pakistani ship carrying arms to Pakistan, sailed from New York, without public announcement or public knowledge.

June 17: The State Department told reporters, as reported in this newspaper the next day, that "no deliveries of military equipment has been made to Pakistan since March 25, when the fighting began."

June 22: The department, responding to a story in the New York Times, acknowledged that two shiploads of arms were going to Pakistan and explained that they had been licensed before March 25. The same day the second ship, the Padma, sailed.

Six days later: The administration said it would allow further shipments of military material if licensed before March 25. The first reason cited was to apply "leverage" to induce the Pakistan Government (1) to bring about a political accommodation in East Pakistan (it has yet to do so) and (2) to take back the six million refugees who had fled to India (the flight continues, according to report, at a 40,000-a-day rate). The second reason cited by the administration—which had earlier downgraded use of American arms in the carnage by saying Soviet, Chinese and British arms also were used—was to discourage Pakistan from shifting to other arms suppliers.

June 29: It was revealed that four or five more arms ships were scheduled. The Kaptai sailed July 2.

This is, we submit, an astonishing and shameful record, with two meanings. The first is that, for the shabbiest of political reasons, the United States is supplying military equipment to a brutal regime that has killed an estimated 200,000 of its citizens and driven some six million others out of their country. The second meaning must be read in the context of the current controversy of the Pentagon Papers, which turns on the public right to know and the government's right to conceal. Here we have a classic example of how the System really works; hidden from public scrutiny, administration officials have been supplying arms to Pakistan while plainly and persistently telling the public that such supplies were cut off. We assume that this deception is due to a combination of organizational confusion and bureaucratic dissimulation and not to deliberate deceit. The fact is: arms ships still sail. It is up to the President to stop them—assuming the government is serious about its proclaimed policy.

[From the New York Times July 5, 1971]

SOUTH ASIA: THE APPROACH OF TRAGEDY

(By Chester Bowles)

ESSEX, CONN.—Unless two rather unlikely developments occur, South Asia is in imminent danger of erupting into a tragic, needless war.

These developments are: First, that the ruling West Pakistan Government turns away from the path of terror against its own subjects in East Pakistan and agrees to a settlement that will stem the flow of frightened, homeless refugees into India; and second, that the world community soon mounts a massive campaign to relieve India of the burden of supporting nearly six million refugees who have already crossed the border.

The Indian Government is making a Herculean effort to provide food, medical assistance and shelter to these destitute and frightened people. The cost, which is estimated at more than $10 million a week, is being assumed by India at a time when its economic assistance from the World Bank and the Consortium (the United States, Britain, France Italy, Germany, Japan and Canada) has been sharply reduced and more than $500 million in principal and interest on past debts is scheduled to be repaid this year alone.

These economic constraints are compounded by political factors. Prime Minister Gandhi has emphasized that the refugees belong to "every political persuasion—Moslem, Christian, Buddhist and Hindu." But reports are now spreading that the West Pakistan military has begun to focus its fury on the Hindu minorities throughout East Pakistan. If this is true it is bound to create religious tension with India's 65 million Moslem minority.

Finally, India fears that an independent East Bengal may encourage West Bengal, where the Communist party Marxists are the largest single element, to merge into a single Bengali nation and thereby create a target for Chinese intrigue and subversion.

In a recent speech in the Indian Parliament, Mrs. Gandhi asserted, "This is not as some say 'an internal problem' of Pakistan. It is a problem which threatens the peace of South Asia. Has Pakistan the right to compel at bayonet-point not thousands, not hundreds of thousands, but millions to flee their homes? This is an intolerable situation. This Government may have its faults, but it does not lack courage. It is not afraid to take a risk that is a necessary risk."

The possible sequence of events that may soon confront us is appalling: (1) India in a desperate effort to cut off the flow of refugees, return the present refugees to their own homes and prevent the establishment of an extreme left-wing government in East Pakistan may move troops into East Pakistan; (2) Pakistan may then be expected to reply by attacking India in Kashmir and the Indian Punjab; (3) China may deliver an ultimatum to India (similar to the one she delivered in October of 1965 toward the end of the East Pakistan war); (4) the Soviet

Union then supports the Indian position and wards China off, and the escalation continues.

This scenario may be dismissed by many as a bad dream, in my opinion it is a very real possibility, and if the situation continues to drift, a probability.

Mrs. Gandhi's government has acted responsibly in its handling of the crisis on its northeast border, but the financial and political pressures are rapidly pushing India to the breaking point.

The world community through the United Nations channel, by direct initiative or any other means, must act. What is happening in East Pakistan is an immoral and humanitarian outrage which must be condemned and stopped. At the same time India must be relieved of the responsibility for the care of the six million refugees. This long-suffering, struggling, democratic country which a few months ago seemed about to achieve economic self-sufficiency must not be allowed to suffer, perhaps go under, because of a situation not of its own making.

It is reported in the press that members of the Consortium and the World Bank with the exception of the United States have agreed to stop economic aid to Pakistan until a political understanding is reached with East Pakistan and the East Pakistanis are assured their full share.

Since the outbreak of the struggle in East Pakistan in late March the United States has shipped three cargoes of military equipment to Pakistan that can only be used against her own people in East Pakistan or against India. This step has been taken despite a solemn assurance to Congress that no arms would be sent. It was first accepted as just another bureaucratic blunder which did not represent United States policy. However, in the last few days there is evidence this was not an accident but a deliberate decision.

If this is in fact correct the United States, once again, has committed an abysmal error in Asia, one that historians may find even more difficult to condone or excuse than the debacle in Indochina.

[From the Washington Evening Star, July 6, 1971]

INDIA'S TRIAL

The arrival of 6 million East Pakistani refugees, with thousands more coming daily, is a potential tragedy for India as well as for the unfortunates who have fled the devastation of Pakistan's civil war.

For India, the cost of taking care of such staggering numbers of refugees promises to be immense—several hundreds of millions of dollars that an overburdened economy can ill afford. The $50-million international aid effort for the refugees has been described by Prime Minister Gandhi as "pitiable and a tenth of what is required," and no one has refuted her.

The drain on India's financial and administrative resources could put a serious crimp in the vast nation's promising efforts to develop its economy. The effectiveness of economic-aid programs sponsored by the United States and other relatively well-off countries could be seriously compromised.

Aside from financial considerations, the presence of the refugees in such numbers poses a threat to India's internal stability. Moslem refugees face resentment among India's dominant Hindus. And the appearance of Hindu refugees helps build up Indian feeling against the Pakistani regime, encouraging talk of a possible new India-Pakistan war. Ominously, it is noted that the 1965 war with Pakistan over Kashmir cost less than $70 million, a fraction of the prospective cost of handling the refugees.

For India, the need is two-fold: A massive increase in international aid for the refugees, and the creation of conditions in East Pakistan to permit their early repatriation. The United States should assume a full share of the aid responsibility, and apply all its influence toward the restoration of sanity in the stricken half of Pakistan, and the return of the refugees to their homes.

EXHIBIT 2—U.S. FOREIGN POLICY TOWARD PAKISTAN AND INDIA

[From the Wall Street Journal, May 20, 1971]

RANCID SURVIVAL BISCUITS MAKE A BIG HIT IN PAKISTAN

The Office of Civil Defense spent $147 million in 1962 to stock fallout shelters with medical and sanitation kits, water drums and 315 million pounds of food, including graham cracker-like "survival ration biscuits." The agency specified that the food have a shelf life of five years (although the manufacturers said it would last twice as long).

In some warmer climates, the water drums are starting to leak and the biscuits are turning rancid. This didn't stop the perhaps-unknowing State Department not too long ago from offering a supply of the biscuits to the Pakistani government as part of a disaster relief shipment.

The Pakistanis discovered the biscuits were rancid—and were delighted. It seems a national habit is dipping rancid yak butter in tea, and the biscuits were a perfect substitute, or so swears a high civil defense official.

[From the New York Times, May 20, 1971]

UNITED STATES AND BRITAIN SAID TO AGREE ON AID PROGRAM FOR PAKISTAN

(By Benjamin Welles)

WASHINGTON, May 19.—The United States and Britain are reported to have agreed to head an international effort to shore up the precarious financial position of Pakistan.

The United States decision was reported to have been made last month in discussions between Henry A. Kissinger, White House assistant for national security affairs, Secretary of the Treasury John B. Connally and Robert S. McNamara, president of the World Bank.

Mr. McNamara is understood to have won a British pledge of cooperation during discussions in London April 22 and 23 with Prime Minister Heath and the Foreign Secretary, Sir Alec Douglas-Hume.

As a result, the World Bank and the International Monetary Fund will send survey teams to Pakistan next month as the first step in a four-stage program aimed at restoring vitally needed international economic assistance.

ASSURANCES SOUGHT

The foreign aid, however, will be contingent on moves by Pakistan's central Government to seek a political accommodation with the Bengalis in East Pakistan and to permit an international relief effort to assist destitute civilians there.

Muzaffar M. Ahmad, senior economic adviser to the Pakistani Government, is understood to have given assurances that Pakistan would comply in talks here during the last ten days with President Nixon, Mr. Kissinger, Secretary of State William P. Rogers and Joseph J. Sisco, Assistant Secretary of State for Near Eastern and South Asian Affairs.

Qualified informants in the State Department said that delegates of the 11-nation Aid to Pakistan Consortium would meet in Paris in mid-June to study a standby loan to Pakistan reported to range between $85-million and $125-million.

Mr. Ahmad is known to have suggested during his discussions here that Pakistan urgently needs a standby loan of $100-million before July 1 and another of $500-million to $1-billion during the fiscal year ending June 30, 1972.

REPATRIATION SOUGHT

On March 25 Pakistani troops were ordered to suppress a movement for political autonomy backed by the predominantly Bengali population of East Pakistan. Since then Sheik Mujibur Rahman, head of the Awami League and leader of the autonomy movement, has reportedly been arrested, the economy of East Pakistan has been disrupted and an estimated 3 million refugees have crossed into neighboring India.

The State Department said today that it had impressed on Pakistani officials here the need for early voluntary repatriation of these refugees to East Pakistan. It also said that it was supporting the appeal issued today by Secretary General Thant for international aid to the refugees.

Charles W. Bray, 3d, the State Department spokesman, said that the United States had transferred $500,000 to the office of the United Nations High Commissioner for Refugees, Prince Sadruddin Aga Khan of Iran, to help feed the refugees in India. This sum, he said, had been taken from $5-million previously earmarked for refugee relief by United States voluntary agencies already working in India.

Pakistan has now indicated to the United Nations and to United States officials that she intends to admit United Nations and other international relief experts next month. The United States had warned Pakistan that its protracted resistance to doing so had harmed her international reputation and delayed the resumption of foreign aid.

All aid to Pakistan by the Aid to Pakistan Consortium—including United States loans, food and military equipment—has been suspended since March 25. In the last 17 years, Pakistan has received more than $4-billion in United States aid.

FOUR-STAGE PROGRAM

After the talks with Mr. Ahmad, State Department officials made it clear that the United States would not resume economic or military aid to Pakistan until completion of the program.

The first stage, they said, would involve the surveys to be made by teams from the World Bank and the International Monetary Fund next month.

Secondly, they went on, Pakistan would be expected to prepare a "realistic" development plan covering both West and East Pakistan.

In the third stage, the officials said, the consortium, which furnishes Pakistan with approximately $450-million annually, would review the reports by the World Bank, the International Monetary Fund and Pakistan.

The consortium comprises the United States, Japan, Britain and other industrialized countries. The annual share of the United States is approximately $200-million.

Finally, State Department officials said, the consortium members would decide how much each would contribute.

[From the New York Times, May 20, 1971]

DEATH IN "GOLDEN BANGLA DESH"

(By Homer A. Jack)

KARACHI, PAKISTAN.—Poet Rabindranath Tagore wrote many years ago: "I love you my golden Bangla Desh . . . O Mother, during spring the fragrance of your mango groves maddens my heart with delight . . ." This spring there is only the stench of death in the mango groves of East Pakistan/Bangla Desh as many hearts are maddened by massacre.

Firm figures of massacre in East Pakistan, as anywhere, are hard to verify. Some say thousands, others insist on two hundred thousand. Probably 50,000 is a conservative estimate. Numbers of refugees are more obtainable: 650,000 in four Indian states on May 1.

The refugees from East Pakistan insist that those massacred were Bengalis—Moslems, Hindus, Buddhists, Christians living in East Pakistan who were systematically eliminated by the Pakistan Army immediately after March 25 when negotiations for the autonomy of East Pakistan broke down. The West Pakistanis insist those massacred in the "east wing" were Biharis—Moslems originally from Bihar and other Indian states who migrated to East Pakistan after partition but had not yet been absorbed into the Bengali culture.

A visitor to Karachi finds the Pakistan economy going downhill, martial law declared in the West and East, and a Government desperately trying to show a return to normalcy among the 75 million people in East Pakistan. All in Karachi are deeply upset about the massacre of the Biharis, not by the army, but by some members of the autonomy-cum-secessionist Awami League; however, almost all deny any massacre of the Bengalis by the army.

West Pakistanis feel the whole situation is an Indian plot—Indian "infiltrators" (soldiers without uniform), Indian ammunition, even Indian (not Pakistan) refugees—aided by a few "antistate elements."

A visitor to Delhi finds an India united as seldom before in recent history with the people pressing Prime Minister Indira Gandhi to recognize Bangla Desh (the independent state of East Bengal) and to give the "freedom fighters" arms. The Indian press emphasizes the massacre of Bengalis. India is obviously taking every political and psychological advantage of the situation, yet so far is acting with great restraint.

In Calcutta and especially at the border, one sees thousands of recent refugees—only one-quarter in camps. Optimistic cabinet ministers of the Bangla Desh Government plead for recognition and arms. Refugees show how West Pakistan has treated East Pakistan as an internal colony for 25 years. They feel their country can no longer remain as part of an integrated, two-wing Pakistan since the events of March 25.

Sheik Mujibur Rahman's Awami League won 98 percent of the seats for the National Assembly in East Pakistan during the first national election since independence in 1947. Sheik Mujib campaigned on a six-point platform calling for autonomy, not secession. Apparently the military rulers of Pakistan, aided by the powerful bureaucracy and some industrialists, refused to submit to this major transfer of power. On March 25 they declared martial law, banned the Awami League, arrested Sheik Mujib, and their army began the massacre. Before and after this army action, some elements in East Pakistan apparently indulged in their own massacre in this seldom nonviolent subcontinent.

Why the unconcern about East Pakistan in the U.S., the U.N. and the world? Are Americans unconcerned merely because Moslems are again killing Moslems and, in any case, no white Americans are involved? Or because, for once, no ideology appears involved, at least not Communism? Or are Americans unconcerned because East Pakistan could easily become a second Vietnam?

Why the unconcern at the U.N.? In an era of norms against genocide, are events in East Pakistan merely an "internal" matter and not a clear violation of the rights of man? Is this situation still "domestic" if it endangers the peace of the world, with Indian and Pakistani armed incursions into each other's territory, not to mention possible intervention by the big powers?

Why the unconcern from the nonaligned nations? Does each nation have its own Bangla Desh in its belly? Can no process be devised by the international community to face squarely the "autonomy plus" of peoples in the 1970's, so a people, such as the East Bengalis—separated by language, culture, and one thousands miles—can opt for freedom if it is truly a free choice?

Bangla Desh struggles to be born. The green and red flag, with an outline of the country's borders in gold, flies over the headquarters of Pakistan's former deputy high commissioner in Calcutta. And the "freedom fighters" have adopted Tagore's song for their national anthem: "I love you my golden Bangla Desh . . ."

Will the U.S., the U.N. and the world do nothing?

[From the Christian Science Monitor, May 25, 1971]

STANDBY LOAN?: PAKISTANIS PRESS UNITED STATES FOR AID

(By Lucia Mouat)

WASHINGTON.—Both sides in the Pakistani civil strife are telling Washington its pending decision of whether or not to give economic aid to the Pakistani Government is all-important.

Top West Pakistani economic advisers met earlier this month with President Nixon, his security adviser Henry A. Kissinger, Secretary of State William P. Rogers, and others to persuade them to help out on grounds that the Pakistani Government stands on the verge of bankruptcy.

The United States had been contributing some $200 million a year to Pakistan through the 11-nation aid-to-Pakistan consortium—aid suspended when civil war broke out March 25.

The U.S. now is reported ready to participate in a standby loan of roughly $100 million to be given by the consortium this summer. The offer is supposedly contingent on some kind of acceptable political settlement between the sides and development of a realistic economic program for spending it.

BANGLA DESH OPPOSES AID

Meanwhile, representatives of the secessionist Bangla Desh government, claiming to speak for 75 million Bengalis in East Pakistan or more than half Pakistan's total population, are working, largely through public-opinion channels in this country to persuade the U.S. Government to have no part in any aid effort. They reason it would only prolong the war.

Speaking to this point of view in a recent press conference, Rehman Sobhan, former economic adviser to Sheikh Mujibur Rahman, leader of the Awami League, said that despite government promises that much of the money would go for relief efforts in East Pakistan, the government lacks effective distribution machinery.

The net effect, he said, would be military rather than humanitarian aid.

Mr. Sobhan, an economics professor at the University of Dacca (now shut down under martial law), termed Army efforts to quash the Bengali independence move "genocide." He said the brutality of the methods used had done much to solidify Bengali commitment to its quest for nationhood.

UNION REJECTED

"There is absolutely no question of our union with them (the Pakistan Government)," he insisted. "We are fighting for the right of determination, and it is essentially a question of time now—what price has to be paid."

Asked to comment on current efforts of the Pakistan Government to achieve some kind of political settlement, he said that the government has been forced to "dig very deep into the political gutter" to find Bengalis willing to cooperate in any arrangement and that those chosen have almost no support from Bangla Desh supporters.

"How long the war goes on will depend on whether the world's aid donors choose to underwrite it," he emphasized.

Although the U.S. State Department is on record as deploring the heavy loss of life in East Pakistan and as hopeful that a peaceful political accommodation can be reached, it is pointing no fingers. The civil war is officially viewed as an "internal" matter.

EMBASSY TENSION NOTED

The depth of feeling involved in that "internal" fight is mirrored in the tension noted by Washingtonians in the Pakistani Embassy here.

So far this spring, two Bengali civil servants have been fired for their purported participation in rebel activities.

Gousuddin Ahmad, an assistant in the accounts division since 1965, was dismissed in April when he admitted he participated in March 29 demonstrations in front of the Capitol and White House.

A. R. Khan, an assistant education officer with the embassy since February, 1964, was fired earlier this month for having attended a congressional subcommittee hearing May 11 on the East Pakistan situation.

Mr. Khan says he had permission to take a leave of absence that day, that an embassy counselor and other West Pakistani staff members were present at the public hearing and received no criticism, and that he took no active role in the hearing.

INQUIRY STARTED

"His job is to look after education problems of Pakistani students in this country," retorts the press spokesman for the Pakistan Embassy. "He has no business attending Senate or House debates."

A hand-circulated communiqué from the embassy's second secretary has gone out to the staff asking if anyone has knowledge that two staff members, both Bengalis, participated in the March 29 antigovernment demonstrations in Washington.

The memo notes that both men have denied participation and that the ambassador decided to institute an inquiry. The information is requested by Monday, May 24.

Akm Fazlu Bari, one of the two men, says: "I did not participate physically in the demonstration. I may have passed by, but I was a spectator—I wasn't carrying a placard or making speeches."

OPEN LETTER CIRCULATED

Mr. Bari is one of three Bengali employees of the embassy to sign an open letter protesting the firing of Mr. Khan for alleged "misconduct." They termed the action "humiliating and discriminating."

The writers say it makes "explicitly obvious the intention of the Government of Pakistan to extend its persecution of Bengalis even to those employed by that government here in the U.S."

The Pakistan Government interprets its actions differently:

"The point is that Pakistan's Government servants have, since the foundation of the country, been prohibited from participating in any political demonstration," says the embassy press spokesmen. "Governments may change, people may change—but that is an iron rule which stays the same. Anyone who wants to participate in politics is offered a simple choice: resignation."

As to the charge raised by some that Bengalis have been given menial work in the embassies since the difficulty because they are not trusted, the press spokesman points out that the embassy minister (second in authority only to the ambassador), a counselor, an economic secretary, and an economic adviser are all responsible positions and are held by Bengalis from East Pakistan.

While there have been no reports of similar tension in other Pakistani embassies around the world, the Washington case is regarded by some as one of the more blatant examples of what must be a fairly typical situation.

Statement of Robert Dorfman Before the Subcommittee on Asian-Pacific Affairs, Foreign Affairs Committee, House of Representatives, May 25, 1971

My name is Robert Dorfman. I am Professor of Economics at Harvard University, a Member of the Council of the American Economic Association, past president of the Institute of Management Sciences. I have published a number of books and articles and in short have all the usual academic credentials.

For the past dozen years I have been concerned professionally with the economic problems of the less developed countries particularly Pakistan. My interest in these problems began in 1960 when I had the honor of serving as a member of a panel appointed by President Kennedy to advise the government of Pakistan about the serious problems then confronting the irrigated agriculture of the Indus Basin. I flatter myself that this presidential panel made a substantial contribution to reversing the downward course of agriculture in that region. We proposed a sensible plan for increasing the yields of irrigated agriculture, while arresting the ominous progress of environmental decay, building on much excellent work that the Pakistanis had already done. That plan, together with the introduction of high-yield Mexican wheat a few years later and with some essential economic reforms, laid the foundation for the so-called green revolution, which brought hope to communities where there had been only despair.

Subsequent to that work I retained my interest in Pakistan in various capacities, serving as a consultant for the Agency for International Development, the Development Advisory Service of Harvard University and most recently the World Bank.

In order to dispel any suspicion that I am biased in the current conflict between East and West Pakistan I should mention that virtually my entire association with that country has been concentrated on the problems and development of West Pakistan. When I have occasion to criticize the policies that foster the economics of West Pakistan to the neglect to the problems of the East I am criticizing myself among others. I was a party, a small party, to those policies. Throughout the long period of my concern my attitude was typical of many others. I visited East Pakistan only twice in all that time and regarded it as an unfortunate backward province of the country, whose problems were so intractable that I averted my gaze from them. That was hardly a humane attitude to take to the 70 million or more people who live in East Pakistan, but it was my attitude and it was prevelent. That attitude was quite properly resented by the people of East Pakistan, a resentment that led eventually to the tragic events that occasioned this hearing.

As an economist I can speak to you with any authority only about the economic aspects of the current crisis. It has of course many ramifications, political, cultural, religious, ethnic. But the economic aspects are peculiarly important, as is indicated by the fact that three of the six points in the program of the Awami League, which won a ten-to-one majority in the recent elections in East Pakistan—half of their program as I said is devoted to economic and fiscal reforms. The current crisis, then, is largely economic in its genesis, economic in its objectives, and its resolution too will depend large largely on economic factors. I should like to address my remarks first to the economic circumstances that lie behind the uprising and then to the economic factors that will determine its outcome. These latter factors are of a special concern to this committee because unfortunately, they imply that the attitude and actions of the United States will have a significant and perhaps decisive effect on the struggle. So our country has an inescapable though unwelcome responsibility in the matter. I believe also that our national interests are involved.

I am not going to take your time to review a lot of technical information about the economic problems of Pakistan, East or West, but there are a few crucial facts that I am anxious to put before you, mostly relating to the poverty of East Pakistan and to the problem of income disparity between East and West Pakistan. The poverty of East Pakistan is so appalling that I cannot describe it straight forwardly. From an economic point of view East Pakistan is simply a mistake. There are more than 70 million people trying to wrest a living from about 22 million acres and very little else by way of natural resources. That works out to about an acre-and-a-half per farm family, which is approximately one half of one percent of the average size of an American farm. On top of that they have the cyclones, the floods and the droughts. Last year's cyclone which killed at least 300,000 people and devastated hundreds of thousands of acres was only an especially bad instance of a periodic catastrophe. The floods are not as lethal, but are more crippling economically. In each annual monsoon, approximately one third of the land area of East Pakistan is inundated and its crops lost or severely damaged. Between the monsoons, in much of the land there is not enough rain to grow crops without irrigation, for which facilities are lacking. Farm yields and incomes are as low as this recital of difficulties would lead you to expect, and this is particularly grim in a country where about 60 percent of all income is derived from farming. The result is a per capita income of not much more than $45 a year, which is a figure so far below our experience that it is meaningless.

West Pakistan is poor also. Per capita income there is about $75 a year, but low as that is, it is at least 60 percent higher than per capita income in the East. This great gap between the levels of income in the two parts of the country—or better the degrees of poverty—is one of the main, longstanding economic problems of Pakistan as well as the principal underlying cause of the current crisis. The stated official policy of Pakistan has been to annihilate this gap and to achieve income equality, but absolutely no progress has been made in executing this policy. On the contrary, the discrepancy has been growing: over the last decade total national income in West Pakistan rose by about six percent per year while in East Pakistan income increased by only four percent a year, most of which was eaten up by population growth.

One of the most bitterly contended issues in Pakistan is whether the official policy of eliminating the income disparity has been implemented sincerely. No one contests that the policy has been completely frustrated. There are instances and shreds of evidence on both sides of the debate and I cannot resolve it in the few moments available to me. The best indication in my view is the allocation of investment between East and West Pakistan, because public investment is directly controlled by the government while private investment is indirectly controlled to a very large extent by the systems of industrial licensing and foreign exchange allocation. Public investment in East Pakistan has never been as great as in West Pakistan, though 55 percent of the people live in the East. In the past half-dozen years public investment in East Pakistan has climbed from about half of what it is in West Pakistan to approximately 90 percent of the amount in the West. Private investment is even more disproportionate; it is about three times as great in West Pakistan as in East Pakistan. So all together more than 60 percent of investment occurs in West Pakistan where only 45 percent of the people live. This distribution of investment appeals to me as a strong indication that the day-to-day activities and programs of the government have not implemented the announced policy of closing the income gap. There are other indications too, as well as some contrary ones. At any rate, the East Pakistanis find the results disheartening and are convinced that the great preponderance of government programs favors the West at their expense, almost as if they were an economic colony. I have to say that I personally agree with them.

It should be mentioned in extenuation that the bulk of promising investment opportunities, both public and private, are located in West Pakistan. The United States and other donor nations have tended to allocate their funds in accordance with the normally sound principle of supporting the projects which promised to contribute most to economic development. So West Pakistan received a disproportionate share of foreign aid. We rarely asked whose economic development they contributed to. But that is a critical question in a bifurcated country such as Pakistan since projects in one part of the country make virtually no contribution to the advancement of the other part. By following this normally sound principle, we have contributed to the economic deprivation of East Pakistan. We can see now that that policy was a grievous mistake and bears some of the responsibility for the current crisis.

So much for history. I mentioned in my opening paragraph that we cannot avoid heavy responsibility for the course and outcome of the current struggle. In principle, of course, this is an internal Pakistani affair and the United States ought to try to avoid intervening however we may feel about the rights and wrongs. The problem is that we are so heavily involved already in the economy of Pakistan that whatever we do in our efforts to maintain neutrality will affect the balance of forces to a significant degree. To make this clear, I have to digress from economics for a moment to summarize the current state of military affairs. The pitched battles are now over for awhile, and West Pakistan's tanks, planes, artillary and disciplined soldiers have won all of them. The troops now occupy Dacca, Chittagong and all the principal cities and towns, and all they now have to do is subjugate the rest of the countryside where most of the people live. But we know that that can be quite a task. In fact, it is more of a task than Pakistan can afford to carry out. It requires them to maintain an expeditionary force of upwards of 50,000 troops at the end of a supply line 3,000 miles long and they are already a poor country in deep financial difficulties. In the past year, their foreign exchange reserves have been drawn down from over $300 million to less than $170 million. Their annual foreign trade deficit, even without the expenses and disruptions of warfare, is over $500 million, so that their current reserves are less than a third of their annual requirements or scarcely an adequate working balance. In fact, at the moment it appears that Pakistan is desperately seeking a moratorium on its debt installments that fall due this month. This means that if the war is to go on for more than a few months and essential imports are to be procured, outsiders are going to have to provide the resources, and the United States is the principal traditional source of external funds for Pakistan. By and large, American grants and loans have amounted to about $250 million a year, not counting our contributions to IDA and UNDP. This covers about half of Pakistan's adverse balance of trade. Therefore, the continued flow of American grant and loans is the most important immediate objective in West Pakistan's strategy, more important by far than any military operation.

So part of America's dilemma in this tragic conjuncture is how to follow a neutral course, when continuing the flow of aid dispersements will provide indispensible support to the suppressive efforts of the government of Pakistan, while discontinuing the flow will interrupt a traditional relationship on which the government of Pakistan has come to rely. Since either policy is consequential we are involved inexorably no matter how earnestly we wish we could stand apart. Besides, our own national interests are engaged. East Pakistan is in the corner of the Indian subcontinent and what goes on there is of vital concern to Pakistan, India, mainland China, and Burma at least. It affects political alignments and the balance of power throughout South Asia. Our national interest in South Asia is principally to maintain peace and tranquility. I don't say that out of high-minded or of humanitarian motives, but for two entirely selfish reasons. A protracted struggle in East Pakistan will engage the attentions of both India and Pakistan, will weaken both of them, will inflame their animosities to a dangerous degree, and will divert their energies from the peacetime solution of their political and economic problems. It will, in short, endanger the stability of the whole subcontinent with consequences that cannot be foretold. Second, the longer the struggle goes on the more likely it is that it will take a sinister as well as a tragic turn. At the moment, the movement toward autonomy in East Pakistan is led by a Western-educated, Western-oriented middle-class. It is confined to a sectional struggle with only slight ideological overtones. But experience teaches that it is very hard for moderates with democratic aspirations to keep control of an inflammatory, violent, hate-breeding struggle. In such struggles, the leadership tends to gravitate into the hands of extremist factions who feel no constraints against exploiting the hatreds that the struggle engenders. Such factions are already present in East Pakistan, notably certain elements of the National Awami Party and the "Naxalites," an illegal West Bengali party with Maoist connections. The danger that these elements will take control of the rebellion if it continues unresolved for very long is much more than fifty-fifty. You can picture for yourself the implications of a Maoist-led rebellion in East Pakistan.

So America's overwhelming concern must be to restore peace in East Pakistan as promptly as possible. We cannot intervene nor should we even want to. But we have already seen that we are in a position in which we cannot avoid influencing the course of events. We should use our influence to work toward a compromise rather than an attempt at military suppression. We can do this by refusing to finance the military operations.

I do not believe that neutrality obliges us to make our funds and resources available for prosecuting an internal war, funds and resources that can be used properly only for fostering economic development and defending the country against external aggressors. We ought to make it perfectly clear that our policy is that no American funds should be diverted from development purposes to military purposes. To this end we should attach effective safeguards to all future American disbursements in order to assure that they will not be used directly or indirectly to further the war effort. In addition, of course, we should discontinue military assistance forthwith. Of course we should nonetheless stand ready to provide food and medical relief to East Pakistan, where the disruption is virtually certain to cause a famine of serious proportions. Such relief also should be safeguarded against diversion to military purposes.

These are the objectives that I strongly recommend that we pursue. I have not thought through the ways and means for attaining them. They probably entail a virtual cessation of commodity and program aid to Pakistan and a substantial restriction of project aid. The crucial difficulty is that almost any commodities or funds that we might provide to Pakistan for development purposes can be used to meet requirements for military support that otherwise would have to be met by foreign exchange purchases. So, in effect, giving development aid in such forms is an indirect way to finance the war effort. Any substantial reduction in development support would have unfortunate consequences, but continued development aid would be largely fruitless anyhow until a political settlement is reached and attention can once more be concentrated on economic development.

I believe that if this policy is followed the Government of Pakistan will be under irresistible pressure to seek a political settlement, and one that will assure to East Pakistan genuine equity in the pursuit of democracy and economic development. It would contribute to the stability of the entire continent, and be in everyone's interest.

I want to thank you for the opportunity to express my views.

[From the Frontier, May 29, 1971]

LETTER FROM AMERICA: UNITED STATES AND EAST BENGAL

(By Robi Chakravorti)

Recently, I received a letter from a friend of mine in Calcutta asking me why America is silent over the massacre in East Bengal. At about the same time, I came across an article published in *The Statesman* which claimed that the average American was "deeply moved" by the army action against unarmed freedom fighters in East Bengal.

Both reactions are typical of the confusion that, I assume, prevails in West Bengal regarding the U.S. posture on East Bengal. The confusion, I suppose, has been made worse by the action of the Senate Foreign Relations Committee calling for suspension of all military aid and military sales licenses to Pakistan until the conflict in East Bengal is resolved.

The confusion stems from our muddled thinking on some simple facts of life about the United States, its political process and its foreign policy assumption. When we criticise, support, oppose or adore the "United States," we do not know what we are talking about. Are we referring to the Foreign Policy executed by the Administration, or to newspaper editorials in a handful of great newspapers or magazines? Are we thinking of some Congressmen and public opinion leaders, assuming that their views can influence Congressional deliberations and, eventually, the White House?

To avoid confusion, it is necessary to make a separation between three factors relevant to the making of U.S. foreign policy. First, there is the executive branch of the United States Government. Second, there is Congress. Third, there is the vague thing called public opinion which is supposed to be reflected in or moulded by the mass media. When we discuss the United States' silence on the atrocities in East Bengal, we must remember to make a clear distinction between these three factors.

Let me take the third factor first. *The Statesman* article is very much on my mind, and I would like to use it as an illustration of how journalists often mislead people in their ignorance combined with a lofty opinion of their own vocation. *The Statesman's* reporter—K. K. Katyal is his name—wrote, "A recent visit to the USA and Britain revealed surprising gaps between official postures and popular sentiments. In both countries, there was no mistaking the non-official mood—expressions of horror at the genocide in East Bengal were forthright and sincere. The Government, however, dithered—or so it seemed." In another part of the article, Katyal talked glibly of the "average" American, and sermonised, "Whatever the Government or politicians may or may not do, the average American, it was clear, was deeply moved by the army action against unarmed freedom fighters."

Katyal seems to have accepted the people he must have met during his short visits to big cities as representative of the "average" American. He must have, also, read editorials and newspaper reports in great "national" newspapers and magazines and quickly concluded that they reflect the views of the "average" American. It is not that simple; if it were, the Vietnam war would have been over by now and the Negroes in this country would have had real, substantive equality in all walks of life, not merely in the small area of schooling. In fact, Nixon and his political strategists are making the point that the mass media do not accurately reflect the views of the "middle America", the "average" American, if you please, and they are not all that wrong in their estimate.

Newspapermen from India and other "underdeveloped" countries, visiting this country on Government or Foundation auspices, often make the easy mistake of equating the views of great newspapers as representative of the "average" American. They forget that these great newspapers are few in number, straddling a country geographically much larger than India and population-wise about two-fifth of India's size.

AVERAGE AMERICAN

The "average" American, if there is one, reads his hometown newspaper, which is fatter than Indian newspapers and frequently, leaner in coverage of foreign news. He works from eight to five, and if you take into account the time for commuting, his household worries, his downpayment problems, etc., he is a pretty harassed fellow who does not only lack time for absorbing foreign news carefully, but often, also, intellectual capacity, interest or motivation to do so. Whatever the "average" American may do or think, he certainly does not sit behind a typewriter in the office of the *New York Times* or the *Washington Post*.

American public opinion, thus, cannot be judged from opinions and news reports published in a few newspapers and magazines, such as the *New York Times* or *Newsweek*. Secondly, even if these handful of publications did reflect the opinion of the "average" American, we have to recognize the fact that public opinion is a vague, elusive thing, and that unless it is aroused on an issue that affects the interest of the country directly, it is unlikely to have any influence on the machinery of policymaking. The "average" American has only peripheral interest in East Bengal; he will have a great deal of difficulty even in locating the country on the map. East Bengal is not an issue which falls in the area of the "average" American's interests—cultural, political or economic. The situation would perhaps have been different if there were large pockets of American residents of East Bengal ancestry who could have compaigned for public interest or put pressure on Congressmen.

Public opinion in this country may have taken into cognizance the events in East Bengal with a mixture of curiosity, puzzle-ment and some compassion. On some sensitive minds, the reports and pictures from East Bengal may have left scratches. But it would be outright folly to claim, as the writer in *The Statesman* has done, that the "average" American has been "deeply moved" by the events in East Bengal.

The elites are, however, another matter. They consist of intellectuals, writers, journalists, old India hands, such as former Ambassadors or Fulbright scholars and Congressmen. The Senate Foreign Relations Committee's action on the military aid to Pakistan was taken, independent of any pressure from the "deeply moved" average American. The Senators on the Committee were moved, not their constituents. Likewise, Chester Bowles exposed the folly of the U.S. arms aid to Pakistan. Peggy Durdin wrote an excellent article in the *New York Times Magazine*. The AP correspondent, one of the six foreign newsmen to visit East Bengal under army escort, described the horrors of carnage there. Popular magazines like *Newsweek* and *Time* published reports which can be interpreted as critical of the Yahya regime. Left-wing journals such as the *New Republic* and *I.F. Stone's Bi-weekly* have called for suspension of aid to Pakistan.

It is one thing, however, to claim that these opinions exist; it is another to argue that they reflect a deep concern on the part of the average American, and that, consequently, the U.S. policy towards Pakistan is likely to change. The Senate Foreign Relations Committee has spoken as did a number of newspapers and magazines; but there is little indication that policymakers in Washington are going to change their thinking towards Pakistan.

At the moment of writing, the U.S. Government—different from the Senate Foreign Relations Committee and some newspapers and magazines—seems to be unflinching in its military and economic support of the Yahya government. The State Department's answer to the Senate Foreign Relations Committee's vote against continuance of military aid to Pakistan is evidence of the U.S. Administration's official attitude to the problem. The suspension of aid, the State Department argued, "would not significantly affect the military situation in East Pakistan and could have a strongly adverse political impact on our relations with Pakistan." If the logic appears Machiavellian, it is so only in the eyes of those who are emotionally involved in the struggle for Bangladesh. To policy-makers in Washington, it is realism.

The parameter of U.S. "realism" in foreign policy is, of course, a balance of power that favours its interests and endangers Communists. It is not that intellectuals in the State Department and the White House and strategists in the Pentagon do not have emotions and sentiments; they do not take them into account in making decisions. The killings in East Bengal are not likely, therefore, to weigh as much in the thinking of the U.S. policymakers as they do on the minds of Bengalis. If a Bengali reader is shocked by this statement and angrily point out the U.S. contradiction in harping on the theme of "bloodbath" in Vietnam and official ignorance of the same in East Bengal, he is confusing the rhetoric of foreign policy with its reality, superficiality with substance. The United States is a Big Power and like all Big Powers, it controls its tear ducts like a ham actor and tells fairy tales like a governess. As Richard Barnet, author of *Intervention and Revolution*, pointed out, the U.S. policymakers are highly selective in the violence they notice and inconsistent in the moral judgments they make about them.

"On November 23, 1946, for example," Barnet wrote, "at the very moment when the State Department was preparing a major U.S. intervention against Greek 'terrorists', a French naval squadron turned its guns on the civilian population of Haiphong and killed more than six thousand in an afternoon. The United States did not protest, much less intervene. Violence in behalf of the established order is judged by one set of criteria, insurgent violence by another. When established institutions kill through their police or their armies, it is regrettable but, by hypothesis, necessary. When the weak rise up and kill, their violence threatens order everywhere. Sympathetic as U.S. bureaucrats were with the objectives of the Hungarian freedom fighters in 1956, they breathed a sigh of relief when they were disarmed."

The State Department's position on the military aid to Pakistan shows once more what Barnet has so forcefully pointed out and what any dispassionate observer of the U.S. foreign policy must have known. Bengalis are not, however, dispassionate on the issue of East Bengal and continue to equate righteousness with the impulse for success. What they forget is that violence can be successful when used by the unscrupulous. Hitler had succeeded with his reign of terror in Europe and although the movies and magazines later made folklores out of the partisan struggle in Europe, the fact remains that the underground movement by itself could not topple Hitler. A massive invasion army organized from abroad defeated him.

The U.S. Government which has used violence throughout history may have overestimated its value in Vietnam; but certainly it knows its use better than the greenhorn fighters for Bangladesh who died heroically but uselessly. The latter's fault was underestimating the power of organized violence and terrorism.

The State Department's position on the military aid to Pakistan reveals its philosophy of realpolitik. It shows that the U.S. policy is not going to change simply because thousands of people were killed in East Bengal. In his recently published book, *Promises to Keep*, Chester Bowles has confessed that after eight years of effort as Ambassador to India he has encountered no success in persuading the State Department to revise the U.S. policy in South Asia. Yahya and the ruling clique in Pakistan know this; the freedom fighters for Bangladesh do not. That is why Pakistan has always gotten away with murder—in its conflicts with India and now, in its genocidal policy in East Bengal.

It appears that Pakistan may pull it off again—over the dead bodies of thousands in East Bengal and aided by the opportunistic policies of Big Powers, including the United States which may deplore the use of violence privately but knows its efficacy in international affairs. After all, as I. F. Stone pointed out, the methods West Pakistan are using in East Bengal are "fully as cruel as those we have been using in Vietnam."

[From the Washington Post, May 30, 1971]

"WARM" LETTER TO PAKISTAN?

President Yahya Khan of Pakistan, in his first meeting with the foreign press since the tragic events occurred in East Pakistan, recently said that he received "a very warm, kind personal letter" from President Nixon. Much that comes out of West Pakistan these days is hyperbole, but certainly the President of the United States cannot be "warm" or "kind" to a regime which has massacred upward of 50,000 persons and caused upward of 2 milillion of its citizens to flee. These conservative figures are not hyperbole from India, for I was on the India/East Pakistan border late in April and heard tales of massacre from refugees and saw, even then, thousands of refugees fleeing from the West Pakistan army. The White House, in view of President Khan's statement, should release the actual text of its message and, more important, end promptly all material and moral aid to West Pakistan.

HOMER A. JACK,
Secretary-General, World Conference of Religion for Peace.
UNITED NATIONS, N.Y.

[From the Boston Sunday Globe, May 30, 1971]

KENNEDY ISSUES PAKISTAN WARNING

(By Matthew V. Storin)

WASHINGTON.—Indifference by the US and other nations to millions of East Pakistani refugees is bringing the South Asia region "towards the brink of war," Sen. Edward M. Kennedy charged yesterday.

In a letter to Secretary of State William P. Rogers, Kennedy said reports to his subcommittee indicate that at least 3.5 million refugees have already crossed into India.

The exodus began two months ago when the Pakistani government moved to put down the Bengali independence movement.

Prime Minister Indira Gandhi of India also estimated this week that the refugee total had reached 3.5 million.

Kennedy said: "Their number increases daily at a rate approaching 100,000 a day."

Mrs. Gandhi's estimate of the daily flow was 60,000.

Kennedy said: "Our national leadership seems tragically immobile while a whole region moves towards the brink of war. . . ."

Earlier this week a State Department spokesman said the United States is planning to assist the East Pakistanis on a "high priority basis," including the deployment of coastal vessels to move supplies.

Faced with logistical difficulties, the United States is prepared to send a specialist from the Agriculture Department to survey port facilities for off-loading, the spokesman told reporters.

The United States has also promised 150 metric tons of food grain as soon as arrangements for delivery are complete, and has set aside 200,000 metric tons of surplus foods in Karachi to be shipped to East Pakistan when conditions permit. Another 170,000 metric tons of food is available in the US for eventual shipment, the State Department said.

Kennedy, whose subcommittee has prodded the government on refugee activities in Southeast Asia and Nigeria said:

"The situation continues to deteriorate. Nearly all reports, including those to our government, tell of growing human need, sporadic military conflict, lack of government services and deepening divisions between the central government and the people of East Pakistan."

Growing political tensions between Pakistan and India "escalate daily," Kennedy said, and threaten "great power confrontations." The government of Pakistan has strong ties with China.

In his letter to Rogers, Kennedy:

Asked for stronger efforts by individual governments and by the United Nations to encourage political accommodation between the central Pakistan government and the rebels of East Pakistan.

Called on the US to respond immediately to Pakistan's food, water and medical needs.

Suggested immediate initiatives by the United States and other governments to cool "escalating tension" between Pakistan and India.

Urged the United States to take unilateral action to aid India's appeal for refugee assistance even if the UN continues to be unresponsive to India's requests.

PAKISTAN REFUGEES HIT BY CHOLERA

NEW DELHI.—Cholera has claimed 150 lives in the past two days in border area refugee camps where tens of thousands of refugees have fled into India from the civil war in East

Pakistan, the Press Trust of India reported, yesterday.

So far an estimated 3.5 million refugees have entered India's West Bengal state bordering East Pakistan. The PTI said the cholera outbreak centered in several refugee camps in Karimpur town in the Nadia district of West Bengal state.

---

14 PAKISTANIS DIE IN DUST STORM

LAHORE, PAKISTAN.—Fourteen persons died in a severe dust storm which hit Lahore at 70 m.p.h. on Thursday, it was reported here yesterday. About 80 people were reported injured but the condition of 11 now under treatment at hospitals was said to be improving.

[From the New York Times, May 30, 1971]

PAKISTANIS' TIES WITH U.S. SOURING; DIPLOMATIC AND ECONOMIC RELATIONS AFFECTED

(By Malcolm W. Browne)

ISLAMABAD, PAKISTAN, May 29.—The troubles that have shaken Pakistan recently are being compounded by a general souring of life-giving economic and diplomatic relations with the United States.

American aid, amounting to more than $4-billion, has brought about the beginnings of a "green revolution" in both East and West Pakistan, introducing new high-yield strains of wheat and rice to fight nearly unbearable population pressures.

In West Pakistan, Western aid, mainly from the United States, is helping build a canal system greater in extent than the Panama and Suez Canals. This vast irrigation and power system will include the two largest dams in the world, scheduled for completion in 1976.

In the East, among many other projects, American aid is helping to build a 2,300-mile dike to protect low-lying paddy lands from the tides and storms of the Bay of Bengal.

SITUATION CHANGED IN MARCH

Over the years American aid has been heavily committed to health, education, industrial development and every other phase of development in Pakistan, as well as sustaining the nation's budget and currency.

But on March 25 a national army made up mostly of West Pakistanis stormed into East Pakistan to crush the Bengali separatist movement. Since then, Western countries have heaped criticism on the Government in Islamabad for its policies and its heavy-handed tactics in East Pakistan.

In addition to the criticism there has been a curtailment of foreign aid that will have serious repercussions.

"We feel hedged in on all sides by our fair-weather friends in the West," one Pakistani said. "Thank God for real allies, especially the Arab lands and People's China."

But the Arabs themselves depend on foreign aid and China has yet to demonstrate ability or willingness to fill the vacuum. Government communiqués here glowingly praised recent Chinese commodity loans and the arrival of a planeload of powdered milk in East Pakistan from Peking, but such assistance falls far short of real requirements.

RELIEF AID GOES ON

The United States has not discontinued relief aid in the form of food and emergency supplies to East Pakistan, although shipping has been almost impossible because of disrupted communications.

Neither is the United States likely to terminate assistance to partly-finished projects such as the Indus River basin irrigation and power plant; too much already has been invested to let such projects fall by the wayside, some officials say.

But American and other Western aid is under close review and even continuation of major building projects is strongly criticized in some quarters.

An American technical expert said: "We may not be able to change Pakistan's internal policies, but we don't have to go on supporting them, especially in the teeth of what has happened in East Pakistan. Why should we continue any aid at all?"

This line of thinking is not shared by top American officials, who generally feel that some midway point should be established between business-as-usual and a total cessation of aid.

The outstanding borderline case is a projected $80-million commodity-import loan. An American decision on the loan must be made within the next few weeks or all or part of it will be lost to Pakistan.

VITAL FOR PLANNING

The American commodity loan is a vital part of Pakistan's planning, and the national budget will have to be austerely reduced without it. Pakistan already has asked for a six-month moratorium on repayment of her foreign debts, and gloomy technical talks with missions from the International Monetary Fund and World Bank are expected soon.

All the foreign criticism has stung West Pakistanis perhaps even more than the curtailments of aid. The United States in particular has been charged with paternalism and imperialistic designs on Pakistan.

A surprisingly common view was expressed by a Western educated refinery engineer who said: "The American banks are controlled by Jews so of course Washington supports Israel against the interests of the entire Islamic world. Right now Pakistan is the target. We Pakistanis think the Germans were right in World War II."

A more moderate opinion was expressed by a high Government official. "There are some nations which I shall not mention by name," he said, "who have no moral right to speak to us. They are taking their pound of flesh in the form of servicing our debts, tied aid which must be repaid in convertible currency and shoddy goods they sell us.

"We are ready to listen to criticism but there are limits beyond which we will not go."

[From the Baltimore Sun, June 3, 1971]

UNITED STATES CALLED READY TO HELP INDIA MOVE REFUGEES; SAID TO BE LOOKING INTO AIRLIFT FOR RELIEF OF CROWDED AREAS

WASHINGTON, June 2.—The United States is prepared to help India fly Pakistani refugees out of overcrowded areas, an official source said today.

Through the United Nations high commissioner for refugees India asked for airlift assistance to shift refugees now in Tripura—which is east of East Pakistan—to other less crowded areas of eastern India. India said there were now 500,000 refugees in Tripura, which has a population of 1.5 million.

The United States has agreed in principle to the request, the official said, and is now checking on its feasibility, looking into such matters as the suitability of airfields for large cargo aircraft, such as C–130's.

The Indian request came to light when Senator Edward M. Kennedy (D., Mass.) accused the government of failing to respond "to India's appeals for relief supplies, such as tents and for logistical support, such as C–130's and helicopters."

"How much longer," he asked in a statement inserted in tomorrow's *Congressional Record,* "will our government point with satisfaction to the meager efforts it is making and to an international relief program that so far remains on paper?"

Senator Kennedy, the chairman of the Judiciary Committee's subcommittee on refugees, urged the government to "respond immediately" to the need of feeding 4 million refugees—the Indian figure—without waiting for the U.N. relief operation to begin.

Mr. Kennedy said that the State Department had advised him it would cost $30 million to feed 4 million refugees for three months and that the U.S. was prepared to carry half the cost. But, he complained, only $2.5 million has been allocated to date.

He criticized the Pakistani government for contending "that conditions are 'normal' in East Pakistan, when each day sees tens of thousands of its citizens fleeing across the border into India."

Senator Kennedy asserted: "It is clearer every day that a massive human tragedy is developing as a result of unrest and conflict in East Pakistan. How much longer will the world stand idle while the region plunges toward the brink of disaster?"

[From the New Republic, June 5, 1971]

THE UNITED STATES AND BANGLA DESH; BAILING OUT PAKISTAN

(By Rehman Sobhan)

As Pakistan slides towards disintegration, the United States is being forced to do some fundamental rethinking of a policy dating back to the days of Dulles diplomacy which inaugurated Pak-US relations through a Mutual Security Pact in 1954. Pakistan did well out of the relationship, receiving $1.5-to-2 billion in armaments and $3 billion in economic aid up to 1969. It is less certain what the US got out of it, apart from a U-2 base in Peshawar, since Pakistan never made any bones about the fact that it needed American arms to face India.

The ostensible purpose of this investment, however, was to contain Communism in Southeast Asia and the Middle East and Pakistan was happy to subscribe to this illusion by making anticommunist noises at international forums. While the US sold its aid package to Pakistan in Congress as part of its containment strategy, the pacts were sold in Pakistan as an expedient to get arms to defend the nation against Indian designs. No one on either side sought to question these contrary assumptions until Pakistan actually became embroiled in a shooting war with India in September 1965, when a large quantity of US gifted hardware was seen in action on the plains of the Panjab.

Washington's reaction to this failure of policy was to suspend all arms shipments to both sides, but the denial was far more severely felt in Pakistan where the entire military machine had been geared to the United States. The move soured Pak-US relations which had already been strained by the US decision to send arms to India following the Sino-Indian border war in 1962. Pakistan moves to strengthen ties with China on the assumption that "my enemy's enemy is my friend" had knocked out another key assumption underlying US policy, and the Pak-Indian war merely wrote *finis* to that phase in the relationship .

As history has shown, US arms are far more likely to be used to suppress popular movements at home, than to reisist external aggression. The rise of the military whose numbers and strength within Pakistan grew with every shipload of American weapons received gave testimony to this truth. By October 1958 the armed forces under Ayub Khan felt strong enough to take over the country and frustrate the prospects of a genuine return to democracy imminent in the general elections set for early 1959.

While the Pak-Indian war in 1965 led to a suspension of arms shipments to Pakistan, the US continued pumping in economic aid. The emphasis on aggregate growth rates concealed the fact that during the Ayub decade inequalities increased sharply both between social classes and between East and West Pakistan. Disparities in per capita income in favor of West over East Pakistan increased from 32 percent in 1959–60 to 61 percent in 1969–70. This followed from the fact that less than one-third of the development financed by aid, took place in the East, though 55 percent of the population lived there. $2.6 billion worth of resources in the way of East Pakistan's foreign exchange plus its legitimate share of foreign aid were transferred to West Pakistan between 1948–49 and 1968–69. Such policies were possible because power in Pakistan, whether indirectly before 1958 or directly since, rested with the armed forces and bureaucracy which was overwhelmingly drawn from West Pakistan. To the extent that the US underwrote these military regimes, it perpetuated a set of power relationships which permitted the West wing based army-bureaucratic complex to dominate the more numerous East.

The war of liberation now raging in East Pakistan stems from an attempt by the Bengalis to break free of the hegemony of West Pakistan's ruling groups. They thought they could do it within the framework of Pakistan by seeking a loose federal relationship which put all decision-making and resources into the hands of the regions. But this was seen as a threat not only to the captive markets of West Pakistan's inefficient industrialists but as a threat to the westward flow of resources. And to the army it appeared as a menace to their privileged budget: East Pakistani revenues and foreign exchange were vital, particularly since arms had to be bought for cash from the French and other suppliers after the suspension of large-scale US arms shipments in 1965. The refusal of the army to come to terms with the peaceful attempt to restructure power relations within Pakistan has now compelled it to use force to suppress the Awami League which won 80 percent of the votes and 98.5 percent of the seats in the East wing on its autonomy platform. Since the entire eastern population of 75 million is united in its support for its elected representatives, the army has had to resort to genocide. Visiting foreign journalists estimate that this has led to over half a million Bengali dead within the first 6 weeks of fighting. It is hardly surprising that a political struggle by East Pakistan for autonomy within Pakistan has been transformed into a full-scale war of independence for the creation of Bangla Desh.

The United States remains an uneasy but by no means uninvolved spectator. Its economic aid strategy which favored the west wing has now culminated in a drive for freedom by 55 percent of the population, and the arms Washington gave are being used by the West Pakistani army to crush this drive.

The US is further involved by the recent request from West Pakistan to rescue it from economic catastrophe. All exports from East Pakistan being suspended, Pakistan's foreign exchange earnings are cut by 50 percent and their reserves are expected to be down to zero in another two months. A business recession threatens West Pakistan due to the loss of captive markets and a price inflation of up to 100 percent is imminent because of the drop in production. This plus the loss of all revenues from the East promises that only half of the next Pakistan budget can be financed. A war now costing the improverished economy $2 million a day will have to be financed by creating paper.

In this predicament Pakistan has asked aid donors for up to $1 billion to bail her out. She needs $70 million in commodities aid from the US, plus $100 million as ready cash. A further $300–$400 million will be required by the year's end, just to stay afloat.

How Washington will respond to this request depends on how determined the Americans are to go on compounding their failures in Pakistan. Indications are that the US has bought time to make up its mind and is taking cover behind a World Bank-IMF mission being sent out early this month to look over the situation.

Meanwhile, Pakistan presses for a "political" solution to the war and speaks of the need to get relief to Bengalis faced by famine. But both these issues are tied up with a willingness by Pakistan to come to terms with reality and to negotiate disengagement with the elected leaders of Bangla Desh.

Only an inclination to resume business with old friends could persuade the Americans to buy Pakistan's proposed solution of setting up a Quisling Administration in Bangla Desh, on the pretense of returning Pakistan to civilian rule. If the US chooses under these circumstances to resume aid and agrees to put relief into the hands of the Pak army, it will neither be tranquilizing the crisis nor saving the Bengalis from famine. It will merely hand another weapon —relief—to the Pakistan army and will foster the illusion that Washington can insulate West Pakistan from the costs of this war. By doing so, the Americans will ensure that the war goes on with a mounting expenditure of Bengali lives and resources and eventual disaster for West Pakistan as the price for its refusal to negotiate a political disengagement before it is too late. An open-ended crisis of this dimension transcends the frontiers of Bangla Desh and threatens not just a subcontinental war but because of the interest of both China and the USSR in the area, possibly another global confrontation. The United States, today, can buy disengagement cheaply by refusing to underwrite Pakistan's military adventure in Bangla Desh. Tomorrow it may find itself in yet another quagmire not of its own making.

[From the Washington Post, June 7, 1971]

UNITED STATES, BRITAIN WITHDRAWING DIPLOMATS FROM E. PAKISTAN

KARACHI, PAKISTAN, June 6.—The United States and Britain are withdrawing senior diplomats from Dacca, capital of strife-torn East Pakistan, foreign diplomatic sources said here today.

American Consul General Archer K. Blood leaves for Washington Thursday and will not return, they said.

Britain's deputy high commissioner, Frank Sargent, will leave for London a week later, they said. Neither has completed a normal tour of duty.

American sources explained that Blood went to Dacca on direct transfer from Athens and the time spent in both posts totaled an average assignment.

British sources would make no comment on the move of Sargent, who took up his post in Dacca late last year.

Observers here recalled that Blood was thrown into controversy following the Pakistan army's March 25 crackdown of the eastern provinces breakaway efforts.

URGES EVACUATION

[On March 30 Blood urged Washington to evacuate all American women and children in East Pakistan and some men. There were fears for the safety of Americans in what was described privately by U.S. officials "as a massacre."]

In related developments elsewhere Reuter reported:

In Lucknow, India, Indian Prime Minister Indira Gandhi described the bloodshed in East Pakistan "as the most unabashed example of the use of governmental violence in human history."

"The international community has a duty to impress upon the rulers of Pakistan that democratic urges cannot be suppressed through armed might," she said.

NOT JUST INTERNAL

Mrs. Gandhi made her statement in a message to a national convention of minorities being held in this northern Indian city.

Mrs. Gandi said: "When 4 million people are forced to flee from their homes and their country into our territory though terror, obviously the matter cannot remain an internal matter of Pakistan."

Meanwhile Indian Foreign Minister Swaran Singh arrived in Moscow the first stop on his six-nation tour to tell the world that India cannot cope with the influx of East Pakistanis fleeing across its borders.

He is due in Bonn on Wednesday; Paris, Thursday; Ottawa, Sunday; Washington, June 15 and London June 18.

[Estimates of the cholera death toll in eastern India ranged from a conservative 4,000, according to West Bengal State officials, to as high as 10,000, according to unofficial sources in close touch with the relief work, AP reported.]

CALCUTTA FEARS REFUGEES' CHOLERA

CALCUTTA, INDIA, June 6.—East Pakistani refugees have carried the cholera epidemic inside the limits of this city of 12 million poverty-stricken inhabitants, leading to fears today of a massive outbreak.

About 12,000 refugees have slipped past government cordons around the city and set up a camp at the Salt Lake city housing project in northern Calcutta since Wednesday. Tens of thousands of other refugees are crowding all approaches to Calcutta in their bid to reach the city.

At a refugee tent city of 40,000 on the city's outskirts, doctors said they were dealing with about 300 cases of cholera and gastro-enteritis. They said 14 persons had died there from what they called "choleric diahhrea" in the past 48 hours.

To make matters worse, rain today turned the tent area into a lake of mud, adding the threat of typhus and typhoid to the cholera and gastro-enteritis already in the camp. Doctors also feared an outbreak of pneumonia.

[From the Baltimore Sun, June 9, 1971]

TWO SENATORS ASK CUT-OFF IN AID TO PAKISTAN

(By Adam Clymer)

WASHINGTON, June 8.—All American aid to Pakistan should be halted until its government changes its policies enough so that refugees return to that country, Senators William B. Saxbe (R., Ohio) and Frank Church (D., Idaho) urged today.

They announced they would offer an amendment to the foreign aid bill next week to bar any military or economic aid to Pakistan until a majority of the estimated 5,000,000 refugees now in India are repatriated and international relief efforts are begun.

Senator Church contended the amendment was necessary to eliminate American support of one side—the government—in a "civil war." He said it was "neutral" and not an effort to interfere in Pakistan's internal affairs. But under questioning he conceded the amendment sought to force a change in Pakistan government policies toward East Pakistan citizens—a change broad enough so that the refugees would feel safe in returning home.

UNITED STATES TO PROVIDE $15 MILLION

Meanwhile, Charles Bray, a State Department spokesman, announced that the United States was providing another $15 million in aid to India to cope with the Pakistani refugees. This is in addition to $2.5 million announced earlier.

Of the allotment, $10 million will go for food, and the remainder for medical supplies and other needs, Francis L. Kellogg, special assistant to the secretary of state for refugees affairs, announced.

Mr. Kellogg said that refugees are continuing to cross the border at a rate of 50,000 to

100,000 a day, and the U.S. is committed to feeding 1,250,000 of them. He said the Indian government's current estimate of the number of refugees was 4.7 million.

He said the latest report of cholera deaths was 3,000 and the U.S. would send 1,000,000 anti-cholera shots in later this week.

MILITARY MISSION ARRIVES

In New Delhi, a 27-man U.S. military mission arrived in an Air Force C–130 transport. They will check out airfields in Tripura, to the east of East Pakistan, to see whether an airlift mission can be mounted to move refugees (now totalling 500,000 compared to the state's basic population of 1.5 million) into less crowded Indian areas. Three other C–130's will be sent if it proves feasible, they said.

The two senators will propose their amendment when the Senate Foreign Relations Committee takes up the foreign aid bill next week. The committee earlier approved a resolution—not yet acted upon by the Senate—which would bar further military aid to Pakistan. The South Asian country is basically armed with U.S. equipment, but only spare parts and ammunition have been sent to it since the 1965 Indo-Pakistani war.

Senator Church estimated that the current pending economic aid would total about $80 million. He said he did not know how much military aid was in prospect. Sales of planes and armored personnel carriers authorized last October have not yet been completed.

Both senators complained that American aid to the government of Pakistan put it in opposition to the Bengalis of East Pakistan. Senator Saxbe complained that the Army had "crushed" Sheikh Mujibur Rahman and his moderate, generally pro-Western Awami League, who had recently won national elections.

Senator Saxbe also put forward Dr. Jon E. Rohde, a physician who was in East Pakistan with the Agency for International Development. Dr. Rohde contended that relief had to be international because the Pakistan Army had shown during last December's cyclone and flood that it was incapable of handling relief operations.

He said American aid—which the State Department has said has been held up since the civil war began—meant "the U.S. is currently supporting one side." He added that "it is documented that mass slaughter has gone on."

[From Reuters, June 10, 1971]

WASHINGTON, June 10.—A bipartisan amendment to cut off U.S. economic as well as military aid to Pakistan was introduced in the Senate today.

The measure was co-sponsored by Senators Frank Church (Democrat, Idaho) and William Saxbe (Republican, Ohio).

It would suspend military and economic aid to Pakistan until food and medical relief supervised by international agencies is provided on a regular basis throughout East Pakistan and the majority of the five million Pakistani refugees now in India are repatriated.

Senator Church, a member of the Foreign Relations Committee which will consider the measure, said in a Senate speech that "a full scale international relief operation is mandatory."

He also told the Senate that the refugee situation not only imposed an unbearable burden upon India but could threaten peace.

"The creation of another refugee problem along the Indian border, like that which plagues the Middle East, would be alarming in its implications for the future," he declared. "Under these circumstances the United States must apply such leverage as it can to alleviate this human tragedy through the implementation of essential international relief and the speedy repatriation of refugees."

Earlier this week, Senator Church told a press conference that an estimated 80 million dollars (33 million sterling) was in the economic aid pipeline to Pakistan and the proposed legislation would cut off future American contributions to the international consortium providing economic assistance to that country.

Meanwhile, Dr. Jon (RPT Jon) Rohde, an American doctor who until recently worked in East Pakistan, told the Foreign Relations Committee that "Through continuance of economic assistance of any kind to the military Government of Pakistan, we are a partner to what may become the greatest loss of human life in one area in this century."

Urging the committee to cut off economic aid as it began hearings on the administration's foreign aid bill, he said: "One is reminded of other situations in southeast Asia in which massive U.S. support of a military elite has dragged us into a continuing commitment of unforeseen magnitude."

AID-FINANCED BOATS WILL SUPPLY EAST PAKISTAN CYCLONE SURVIVORS

The Agency for International Development will provide $1 million for coastal shipping in East Pakistan to move food grains and other supplies to survivors of last November's cyclone, it was announced today (June 10).

The funds will enable the Government of Pakistan to charter six to eight boats and crews from other countries for four months for the distribution of supplies.

Cyclone survivors in the more than 3,900 square miles of devastated area are in dire need of food as a result of the crop losses created by the cyclone, which swept away about 400,000 tons of rice crops along with 470,000 cattle, goats and sheep and 9,000 fishing boats.

Cyclone survivors will continue to need outside food supplies throughout this year until their principal rice crops can be harvested.

Within a few days, the Government of Pakistan is expected to issue an international request for bids for shallow-draft vessels of less than 1,000 tons, with crews.

Altogether, including the $1 million for the boats, the United States has provided about $10 million worth of supplies and money for cyclone disaster relief in East Pakistan.

[From the New York Times, June 10, 1971]

BRITON URGES EAST PAKISTANI SETTLEMENT

(By John M. Lee)

Special to The New York Times

LONDON, June 9.—The British Foreign Secretary, Sir Alec Douglas-Home, made a strong appeal today for a political settlement in East Pakistan, terming an essential condition for any permanent solution to the Pakistani refugee disaster.

Speaking in an emergency debate in the House of Commons on the relief situation in East Pakistan and India, Sir Alec said the real tragedy lay in the fact that this was not a natural disaster but a political one.

He said the relief of immediate suffering should be followed "very soon by the creation of a political framework in which civil government can be formed and which will give confidence to the refugees to return home."

Sir Alec also urged continued restraint in the tense relations between Pakistan and India. Otherwise, he said, "the danger of war would be very real and would convert what is already a tragedy into a catastrophe.

Politicians of all parties rose to deplore the disorders in East Pakistan and to express concern at the plight of the refugees. The refugee flow began last March after the Pakistani Army moved against East Pakistani secessionists.

Mrs. Judith Hart, the Labor party spokesman on overseas development, said: "The Government must not for one moment feel limited in any efforts they can make about who is going to pay the bill at the end of the day."

Sir Alec, who reported yesterday that the Government had so far given $4.2-million for food and relief, said "We are ready to do substantially more as soon as we can assess the need and the opportunities unfold."

He recalled that Britain had pressed the Pakistani President, Agha Mohammad Yahya Khan, to open East Pakistan to relief efforts and added that as soon as this is done, "we'll be making contributions there."

It is the Government's intention that all future development aid to Pakistan should be spent in East Pakistan, he said, but the Government feels unable to authorize new projects until normal civil life is restored.

RELIEF PROGRAM PLANNED

GENEVA, June 9.—A special representative of Secretary General Thant of the United Nations today requested the cooperation of the Food and Agriculture Organization and the League of Red Cross Societies in a large-scale food relief program for East Pakistan.

According to reliable sources, the two agencies, together with the United Nations Children's Fund and donations from governments, are expected to provide the bulk of the grain and edible oils needed.

The United Nations official, Ismat Kattani, an Assistant Secretary General, stopped off in Geneva today on his way back to New York after conferences in Dacca, the capital of East Pakistan. He plans further talks with the officials of UNICEF after he reports to Mr. Thant tomorrow.

Reliable sources said Mr. Kattani felt that he had obtained the consent of the Pakistani Government, which had previously been unwilling to accept outside help, for aid under the "United Nations umbrella."

UNICEF ISSUES APPEAL

UNITED NATIONS, N.Y., June 9.—The head of the United Nations Children's Fund is making a worldwide plea for immediate assistance to refugees from East Pakistan.

The appeal by Henry R. Labouisse, UNICEF director, is twofold: for continued emergency aid such as drugs and foodstuffs now being supplied by UNICEF and for long-term assistance for the two million children living in the crowded refugee camps in northeastern India.

At least $5-million will be needed initially for this program, Mr. Labouisse advised the UNICEF committees in 27 countries. These committees raise funds from individuals, organizations and other non-governmental sources.

Secretary General Thant's May 19 appeal to governments has brought contributions or pledges of $32-million.

REFUGEE FLOW CONTINUES

CALCUTTA, INDIA, June 9.—East Pakistani refugees continued moving into the troubled Indian town of Barasat today as five foreign planeloads of medical supplies reached Calcutta to help fight the cholera epidemic.

Reserve policemen were called in yesterday to prevent Hindu-Moslem rioting from breaking out in Barasat, normally a town of 90,000 now flooded with more than 200,000 refugees. Some of the refugees had tried to set up camp in Moslem mosques.

The town, 15 miles north of Calcutta, remained tense today with East Pakistanis squatting by the roadside on muddy open ground and in official buildings.

[From the New York Times, June 12, 1971]

Refugee Airlift Causing Concern; U.S. Aides Fear Pakistanis Will Meet Hostility

(By Sydney H. Schanberg)

Calcutta, India, June 11.—American officials here are growing concerned about their planned airlift of East Pakistani refugees to camps in India's extreme northeast.

The officials are worried that if the American planes carry more refugees into the northeast, the airlift will be met with hostile and perhaps violent demonstrations.

The airlift plan calls for four C–130 transports to move about 50,000 refugees from Tripura, which borders East Pakistan on the East, to the state of Assam, which borders it on the northeast.

A report in this morning's issue of The Hindustan Standard—the best informed newspaper here on refugee developments—said that 6,000 refugees had already left the northeast border state of Meghalaya and had returned to East Pakistan out of disgust, fear, grief and a feeling of uncertainty. More refugees were said to be making the return trek daily because of the hostility of the local tribal population.

The local resentment stems from the strains the refugees have placed on the poverty-level economy of the backward and hilly northeast region. The refugees have disrupted the sanitation system and have caused food scarcities that have driven prices up. They have brought cholera with them.

Two days ago, the Tribal Youth Welfare Association—a student group in Shillong, capital of Meghalaya—brought the city to a virtual standstill by calling a general strike to protest the influx of refugees and their unrestricted movement outside their camps.

Meghalaya is an autonomous state within Assam. The growing friction in Assam between the inhabitants and the refugees is reported to be nearly as bad as that in Meghalaya.

ATTEMPT TO EASE SITUATION

Tripura, a region of 4,000 square miles with a population of 1.5 million, has already absorbed more than 700,000 refugees. It is the least accessible of Indian border states, which have received more than five million Bengali refugees fleeing the Pakistani Army. Since March 25 Pakistan has been trying to crush the Bengali independence movement in East Pakistan.

The airlift was planned to ease the situation in Tripura by transferring some of the refugees there to areas that are easier to reach with relief supplies. It is expected to take about a month or so. The Soviet Union is reported to have promised a similar airlift, but no Russian planes have yet arrived.

The original enthusiasm for the Bengali independence movement and sympathy for the refugees has all but disappeared, particulary in the border states. The sentiment in the areas where the refugees are living is often close to anger—over cholera, the taking over of the schools as refugee camps, over many irritations.

The first of the American planes arrived this week and flew a trial run between Agartala, capital of Tripura, and Gauhati the capital of Assam, to see if the airlift was feasible.

After the flight over hilly territory where the weather is often bad, commander Col. Charles E. Turnipseed, said he was optimistic, but the final decisions on the airlift would have to await the report of the Air Force technicians who went on the trial run.

Aid to Be Distributed

United Nations, N.Y., June 11.—An official of the United Nations who has just returned from Pakistan said today that President Mohammad Agha Yahya Khan's Government would distribute United Nations relief supplies in East Pakistan.

Ismat Kittani, an Assistant Secretary General, said that he did not yet know how assurances could be obtained that the aid would actually reach the East Pakistanis but he indicated that he was counting for verification on foreign officials and on the United Nations staff workers who are returning to jobs here.

[From the New York Times, June 13, 1971]

Indian Opposing Aid to Pakistan; Gandhian Touring Capitals in Support of Bengalis

(By Joseph Lelyveld)

The one Indian leader with a record of having spoken out over the years for conciliation and compromise with Pakistan is now touring world capitals to ask that the Government of President Agha Mohammad Yahya Khan be cut off from all forms of foreign assistance.

He is Jayaprakash Narayan, now the leading spokesman for the Gandhian viewpoint in India and, before he turned his back on party politics in 1957, his country's most prominent Socialist.

Before and after India's war with Pakistan in 1965 over Kashmir, Mr. Narayan labored for a settlement between the two countries on the basis of autonomy and self-determination for Kashmir—a stand that, he says, "earned me intense unpopularity in my own country."

Now Mr. Narayan, who is 70 years old, has been trying to generate international outrage over the denial of self-determination to the Bengalis of East Pakistan by the Pakistan Army, which since March has been seeking to crush the province's separatist movement.

"I have been very deeply hurt by what the Government of Pakistan has done," he said in an interview at the Indian Consulate here. "It is something like what Hitler did. I'm emotionally involved, I admit, but not as an Indian, as a democrat, as one who believes in peace."

The first stop of his unofficial mission was Cairo, where he failed in his attempt to meet any important figures in President Anwar el-Sadat's Government. He thinks that his failure was caused by the political crisis then taking place in Egypt but is not sure. Other Indians wondered whether it was because leaders in Cairo were reluctant to seem to be criticizing another Moslem government.

MET ARAFAT, TITO, POPE

But he did meet Yasir Arafat, the Palestinian commando leader who, he said, was "bubbling" with support for Bangla Desh, or Bengali nation, as the advocates of independence call it. Mr. Narayan said Mr. Arafat had told him that his forces had clashed with units of the Pakistan Army serving in Jordan. He quoted him as having said, "I can quite imagine what they must be doing to those Bengalis."

Later Mr. Narayan conferred with President Tito of Yugoslavia, Pope Paul VI and Chancellor Willy Brandt of West Germany. He also stopped in Moscow, Helsinki, Paris and London before arriving in Washington, where he met Joseph J. Sisco, Assistant Secretary of State for Near Eastern and South Asian Affairs, and Henry A. Kissinger, President Nixon's adviser on national security.

Mr. Narayan has argued against the contention of Western officials that a total halt in aid to Pakistan would end any constructive influence they might have in the crisis.

On the contrary, he told them "putting the screws" on Pakistan would make it impossible for the military regime to continue its operations against the Bengalis. Giving aid, he contends, involves the donor nations in "the guilt of the Pakistan Army."

Mr. Narayan said he had been told in some capitals that aid must continue because of agreements made before the army moved against the Bangla Desh movement. He said he replied: "Those agreements were made by Pakistan. Where is that Pakistan today when there is no administration in East Pakistan where 60 per cent of all Pakistanis live?"

For Mr. Narayan, the tour has been a necessary distraction from his main preoccupation—an effort to promote rural democracy in an obscure corner of the improverished state of Pihar where the Maoist terrorists known as Naxalites have been active.

[From the New York Times, June 13, 1971]

U.S. Urges Indians and Pakistanis To Use Restraint

(By Tad Szulc)

Washington, June 12—The United States appealed today to India and Pakistan to exercise restraint and urged the Pakistanis to restore normal conditions in East Pakistan through "peaceful political accommodation."

It was the first public statement by the United States on the situation in the subcontinent since the Pakistani Army last March 25 began quelling the East Pakistani movement for autonomy and later for independence. The statement reflected the increasing concern here that hostilities may erupt between India and Pakistan if the massive movement of East Pakistani refugees into India is not halted.

The latest figures available to the State Department indicated that more than five million refugees have crossed the borders into India. This represents more than 7 percent of East Pakistan's population. Refugees were reported still entering India at a rate of more than 100,000 a day.

CHOLERA VACCINE SENT

A cholera epidemic is spreading among the refugees, and the State Department announced today that three United States Air Force planes were delivering a million doses of anticholera vaccine to India. The planes are to participate in a refugee airlift.

The United States concern is that peace may be threatened by the pressures generated by the refugee problem in India and by Indian fears that the East Pakistani independence advocates may move toward the extreme left.

Officials here said India feared that such a move to the left might affect the political stability of her West Bengal State, and the American concern is that she may decide to intervene in the East Pakistani conflict.

A related concern is whether West Bengal can much longer withstand the economic and social tensions created by the refugees and the frictions between them and Indians in that state.

In a statement, the Assistant Secretary of State for Near East and South Asian Affairs, Joseph J. Sisco, said, "Because of the possibility that the situation in East Pakistan and Eastern India could escalate dangerously, we have counseled restraint on both sides."

"We have made clear our belief that normalcy can be restored in East Pakistan only within the context of a peaceful political accommodation," Mr. Sisco said.

He emphasized that such a political accommodation was essential to stem the flow of * * * permitting their return home.

Other United States officials said that this view had been privately communicated twice recently to the Pakistani Government "on the highest level" by the American Ambassador, Joseph S. Farland. It was also communicated by Mr. Sisco to the Pakistani Ambassador here, Agha Hilaly.

Today the State Department chose to publicize these diplomatic efforts. Another opportunity to try to stabilize the situation on the subcontinent will come next week when the Indian Foreign Minister, Swaran Singh, meets here with President Nixon and Secretary of State William P. Rogers.

In conversations with Pakistani officials, American diplomats have reportedly suggested that the peaceful political accommodation that Mr. Sisco called for would involve the acceptance by President Agha Mohammad Yahya Kahn of the "six points of autonomy" proclaimed by the Awami League, the major East Pakistani political party, after its victory in elections for a National Assembly last December. The Assembly, in which the Awami League would have had a majority, never convened.

Under the league's autonomy formula, the central Government would retain control only over defense and foreign affairs in East Pakistan. Officials here noted that on May 24 President Yahya expressed hope of returning power to elected leaders, but they indicated some doubts whether this would be feasible since the Awami League has been permanently banned.

Officials made it clear, however, that the United States did not plan to withhold economic development assistance from Pakistan to force the central Government into an accommodation with East Pakistan.

THREE TRANSPORTS LEAVE

The United States also announced today that the three C–130 Air Force transport planes were leaving for India tonight from Pope Air Force Base in North Carolina to begin an airlift of refugees from the tiny border state of Tripura, on the eastern border of East Pakistan, to Assam to the north. The airlift is to include a fourth C–130 already in India.

Expected to take about a month, the airlift is to more some refugees to areas that are easier to reach with relief supplies.

In addition to the anticholera vaccine being carried by the three planes, the United States will also provide air transport for 300 tons of rehydration fluid used in treating cholera that are now being collected in Geneva by the World Health Organization, the State Department said. The United States Air Force is to fly in 10 Japanese ambulances for work among the refugees.

So far, the United States has provided $17.5-million in relief aid to the Pakistani refugees. Of this total, $10-million is earmarked for food for 1,250,000 refugees in the next three to six months and the balance for medicine and other assistance.

Commenting on reports that the airlift may encounter hostility by the refugees, American officials said that it had been arranged at India's bequest. But they said the United States would not attempt to move refugees against their wishes.

Four Soviet AN–12 aircraft and Indian planes are to join the airlift. It is planned to move 50,000 people from Tripura to Assam, and the American aircraft, scheduled for two flights daily, can move between 800 and 1,000 refugees a day.

Meanwhile, a report received here through private channels from Dacca, the East Pakistani capital, described continuing unloading of Pakistani war materiel in East Pakistani ports.

The report on May 24 said that six ships at Narayangani were unloading military vehicles and a seventh was unloading ammunition. Pakistan has to supply its 60,000 troops in the east by sea since India has banned overflights by Pakistani military planes. East Pakistan and West Pakistan are separated by 1,000 miles of Indian territory.

The report said that in the town of Barisal "for the last weeks they have been executing 10 to 20 people a day."

"The towns and roads have been secured," the report said, "and the army is now fanning out from the main centers into the villages on a virtual house-to-house hunt for Hindus."

American officials here said that other reports indicated that Pakistani repression was continuing against East Pakistanis—especially against Hindus, who comprise 10 percent of the population. They privately expressed concern that this might lead to reprisals in India against Moslems.

[From the New York Times, June 17, 1971]

ATTACK IN DACCA ON AID OFFICIALS REPORTED

(By Malcolm W. Browne)

ISLAMABAD, Pakistan, June 16—Knowledgeable sources reported today that officials of an international aid consortium narrowly escaped death in East Pakistan last Thursday from bombs presumed to have been thrown by Bengali separatist extremists.

The incident reportedly occurred in front of the Intercontinental Hotel in downtown Dacca, capital of East Pakistan. According to the sources, one American and two British officials were about to get into a car when three bombs were thrown, one of which exploded in the car. Bomb fragments were said to have caused some minor injuries, and the car was demolished.

A mission of the 11-nation consortium is in Pakistan to study prospects of peace and political stability as one of the prerequisites to full-scale resumption of aid to this country.

The consortium, which includes the United States, is headed by the International Bank for Reconstruction and Development, or World Bank. [A spokesman for the World Bank headquarters in Washington said he knew nothing about the bomb report. He said the bank was in daily contact, by cable, with the consortium and had received no reports of any violence directed against the financial mission.]

AID DOWN TO A TRICKLE

United States aid to Pakistan is largely channeled through the consortium, on which Pakistan's economy is heavily dependent. Since March 25, when the Pakistani Army began suppressing the secessionist movement in East Pakistan, with heavy resultant loss of life, international aid to Pakistan has been reduced to a trickle.

Foreigners concerned with the situation report that terrorist resistance to martial-law authority in East Pakistan has increased markedly in recent weeks. They say that members of Government "peace committees" have been assassinated and that officials cooperating with the military regime there have been receiving threatening letters on official stationery overprinted with the words "Bangla Desh."

Bangla Desh, meaning Bengali nation, is the name separatists have given East Pakistan. A Bangla Desh underground government is said to be functioning both in neighboring India and in a few isolated border areas in East Pakistan.

Some foreigners report that installers of irrigation wells, rural agricultural teams and other local technicians on whom the administration of aid to East Pakistan is dependent are too frightened to leave the main towns to work in the countryside.

Pakistan's financial and economic position, in the opinion of foreign economists, verges on the desperate. Government officials are rushing preparation of a new annual budget scheduled for presentation on June 26.

Largely as a result of the East Pakistan situation, Pakistan's exports of such commodities as jute are understood to have fallen sharply in recent months, as has revenue from taxes.

At the same time, military spending is believed to have soared. Government officials have indicated privately that the new budget will include a very large increase in military appropriations, ostensibly because of fear of a war with India.

The resulting economic strains have produced an especially great need for foreign aid at a time when donor nations are extremely reluctant to maintain largescale aid programs.

The consortium mission, headed by I.P.M. Cargill of the World Bank, has just completed a series of talks with the Pakistani Government, including President Agha Mohammad Yahya Khan.

The substance of the talks was secret but it is believed in diplomatic circles that donor nations are insisting on a rapid political accommodation that would give the people of East Pakistan grounds for hoping they could go back to work and cooperate with the Islamabad Government.

In the absence of such popular cooperation, it is felt, no amount of aid to East Pakistan is likely to ameliorate conditions much.

TEXT OF THE SPEECH AT THE NATIONAL PRESS CLUB OF WASHINGTON, D.C., BY THE FOREIGN MINISTER OF INDIA, SARDAR SWARAN SINGH, AND QUESTIONS AND ANSWERS

JUNE 17, 1971.

VERNON LOUVIERE. Just yesterday, the Washington Post carried a disturbing story about the plight of some six million refugees of the recent civil war in East Pakistan. Our guest of honor today is on a world mission to acquaint statesmen with the inhuman suffering of these people, some of whom are still in refuge, and others who have fled in search of shelter and food.

The Foreign Minister of India, Sardar Swaran Singh, has spent his entire life in Indian state and national service. A physicist and lawyer by profession, he began his career in the Legislative Assembly of the Province of Punjab prior to Indian independence in 1947. In 1952, he moved to New Delhi, capital of independent India, to join the Indian cabinet under the late Prime Minister Nehru, whom he served as Minister of Work, Housing and Supply, as well as Minister of Commerce and Consumer Industries.

In 1957, he was elected to the Lok Sabha, the lower house of India's National Parliament. Again, he accepted important political assignments, serving in a number of cabinet positions. He became Minister of Foreign Affairs in 1964 and, except for his stint as India's Minister of Defense, resumed this post in June of 1970. He has represented his country at the United Nations Economic and Social Council and led the Indian delegation to the United Nations General Assembly.

Today, he is here to talk about the Pakistani situation and hopefully about the current status of U.S.-Indian relations.

Ladies and gentlemen, His Excellency, the Foreign Minister of India, Sardar Swaran Singh.

(Applause.)

Foreign Minister **SARDAR SWARAN SINGH.** Mr. President, I value and appreciate the invitation to address the National Press Club. There is a special reason for this. I've come here to seek, together with your leaders, a just, peaceful and enduring solution of the problem which has been reported upon so well and in such detail by your press. So I'm happy to have this opportunity to speak to this distinguished gathering of the representatives of the American press who play such a vital role in shaping public opinion.

The tragedy of East Bengal looms large on the horizon of India today. It looms large on the horizon of Asia. It poses a great threat to peace and progress in our region. The facts of the situation in East Bengal are well known to you all. But I wish to draw your attention to the dangerous potential of this problem for us and for our region. We should also consider the consequences that the world may have to face tomorrow if today, due to a sense of indifference or helplessness, or out of some misplaced feeling of delicacy toward the perpetrators of the tragedy, we permit the situation to drift further.

The concern and anxiety which this situation in East Bengal causes to us in India are not ours alone. They are yours too. The character and the magnitude of the happenings in East Bengal are such that they are bound to have repercussions beyond the frontier of Pakistan and be a source of concern to the international community. Besides our two countries have a common commitment to democratic principles and values. These same values and principles are being brutally suppressed in East Bengal. The suppression of democratic principles by the army in East Bengal, I would remind you, cannot be defended on the ground that it is an attempt to deal with a secessionist movement.

The elections took place in Pakistan in December last for an assembly to frame a constitution for that country. The Awami League, led by Sheikh Mujibur Rahman, swept the polls on a program demanding greater control over state affairs in East Bengal within the union of Pakistan. The League's Six Point Program was not a manifesto for secession or independence. The demand for independence for Bangla Desh came, it should be remembered, in the wake of the bloodbath which began on March the 25th. The case is, therefore, clearly one of a minority, with gifts of money and arms from abroad, trying to undo, through the use of brute force, the verdict of popular vote.

One of the results of this reign of terror unleashed by the army is that six million people have fled their homes in East Bengal and have sought refuge in India. There is no end yet in sight to this mass exodus. Each day some hundred thousand East Bengalis are driven by the Pakistan Army across the border of East Bengal into our territory. The dimension of this exodus will perhaps be better understood if I say that we are receiving one refugee every second. Every second of day and night both. We offer these refugees such succor and relief as we can afford. In our states bordering on East Bengal the schools of our children have had to be closed down to provide shelter for the refugees. Our health services are stretched thin, and there are shortages of transport and tents, food and medicine, and other resources needed to cope with this grim tragedy.

In the Indian state of Tripura today—this is one of the adjoining states which adjoins Pakistan territory—there is one refugee from East Bengal to every two local inhabitants. West Bengal, already heavily populated, is groaning under the weight of this endless influx. Clearly the humanitarian job of providing food, shelter and medicine must have high priority. The cost of relief will run into hundreds of millions of dollars. We have made a token provision of eighty million dollars in our budget for the current year. But even this token provision represents thirty percent of the additional tax burden which our people will have to bear this year. And while I'm away from India, I read a speech of a finance minister on the plight of the refugees where he has said that this token provision will have at least to be trebled to meet the additional bodies that have already come over to India.

While we are doing the best we can within our resources, the financial burden of looking after the refugees is beyond our resources. We have welcomed such assistance as has been forthcoming from foreign governments, from voluntary organizations and agencies, and from private citizens. Even though these contributions may not be very large, our government and people appreciate the sentiment behind them.

Nevertheless, the task is a very large one, and we in India have our own pressing problems of poverty and unemployment to attend to. We, therefore, hope that the United States, a prosperous country of generous humanitarian instincts, and indeed other countries of the world may before long address themselves more adequately to the problems and needs of relief. But necessary as the relief is, it is a palliative and not a solution to the problem which lies at the root of the situation. It is immediately necessary to stop further influx of refugees from Pakistan, and that will come about only if the military action in East Bengal is ended forthwith. The international community must persuade and pressurize the government of Pakistan to that end.

Equally, conditions must be created for the return to East Bengal of those who were forced out of their homes and had to take shelter in India. The government of Pakistan must be made to accept its proper responsibility for the rehabilitation of these refugees in their home. In the meantime their properties in East Bengal should be preserved and protected under international supervision, pending their return. The return and resettlement of refugees in their homes will obviously take a while, and relief measures will be necessary and camps will have to be set up for the purpose.

It seems to us that temporary relief camps should be set up in East Bengal itself and the refugees now in India should be transferred to those camps. The Pakistan government claims to have set up camps or reception centers in East Bengal. But refugees are not returning there, because they apparently do not trust the Pakistan government's declaration of amnesty or for reason of security.

It is, therefore, necessary to restore their confidence that they will be well treated on return; that they will enjoy safety of person and property and that bona fide measures will be taken to rehabilitate them and protect their rights and interests.

As a measure in that direction, an area in Pakistan may have to be set aside for temporary camps to be administered by the refugees themselves under international supervision. The basic problem is a political one and it calls for a political solution. Without such a solution, the atmosphere of confidence and security, which is necessary for the return of refugees, will not be generated. There are two essential prerequisites. First, the necessary political solution must be found urgently. And, secondly, the solutions, to be effective and enduring, must be in accord with the wishes of the people of East Bengal, which means what is desired by their elected representatives.

Any effort to set up a regime in East Bengal which is not truly representative will only prolong the agony and harden attitudes, and pose hazards to peace of the entire region.

We feel great concern for the personal safety and well-being of Sheikh Mujibur Rahman. He's a leader of very high stature and rare human qualities who commends the affections of the entire people of East Bengal. We hope that the international community will spare no effort to persuade the rulers of Pakistan to release Sheikh Mujibur and to join with him in search of a political solution acceptable to the people of East Bengal. He symbolizes the ideas, aspirations and hopes of seventy-five million people, which are expressed as late as December last. These will not be extinguished by his incarceration.

We will ask the international community as a whole and countries friendly to Pakistan, in particular, to bring their influence to bear on the Pakistan government for a political solution on these lines. Our views with regard to the grant of military aid to Pakistan are well known. A situation has now arisen in which even the grant of economic aid to that country in present circumstances is bound to be used for the suppression of the majority of Pakistan's people. It is, therefore, not out of any ill will for the people of Pakistan, but in the desire that the agony of strife in Pakistan shall end as quickly as possible, that we urge that all countries should suspend all military and economic assistance to Pakistan till a political solution acceptable to the people of East Bengal is found.

I hope that the people of this country will understand and appreciate our grave anxiety over the situation in East Bengal.

We in India have been at the receiving end of the results of the reign of terror and killing that has gone on in East Bengal since the 25th of March. The point has now been reached where the actions of Pakistan's military government threaten to disrupt the economic, social and political fabric of our society and of our state. These actions threaten to engulf our region in a conflict the end of which it is not easy to predict.

We have acted with patience, forbearance and restraint. But we cannot sit idly by if our political stability and economic well-being is threatened.

In the twenty-three years since our independence we have struggled to give economic and social meaning to our political democracy. We have not succeeded in eliminating poverty and hunger and disease from our land. But the lives of our people are a little better than they were two and a half decades ago. We have doubled our food production; we have vastly expanded the availability of education, medical care and the opportunities of work to our people. The rate of annual increase in our exports touched the high of seven percent last year, and our growth rate has moved up to five percent per annum. The United States has helped us in our endeavor, and I'm sure you share our pride in these achievements.

After our general elections in February which gave our Prime Minister, Indira Gandhi, and our party, the Indian National Congress, a massive verdict of popular support for our program, we were getting ready for a powerful assult on our economic and social problems. And then came this crisis of Pakistan's making which threatens to wipe out our gains and destroy the prospect of peace and progress for our children.

To any responsible government, this would be an intolerable situation. Hence our anxiety that a political solution should be forced in East Bengal, which is acceptable to the Bengali people and their elected representatives, so that peace may return to that troubled land and the refugees who have come to our country should go back to their homes. We face a grave situation. But we continue to have faith and hope that concerted and determined action of the world community will help find a satisfactory solution and lift this threat to India's stability and to the peace of the region. It was in that spirit that I undertook this tour which has brought me to Washington. I have found here understanding of our apprehension and sympathy with our objectives.

Thank you, Mr. President. (Applause.)

LOUVIERE. Thank you, Your Excellency.

Congressman Gallagher, I'm glad that you could be with us. Would you stand, please. (Applause.)

Your Excellency—Your Excellency, you stated last night that you're going to take care of six million refugees for six months. What happens if Pakistan refuses to take back these refugees?

FOREIGN MINISTER. Each question is separately answered?

LOUVIERE. Yes.

FOREIGN MINISTER. The question is important. What happens if there are additions to six million? That is the precise reason that we are doubly anxious about this issue. And our first demand is that whatever else happens or does not happen, this further movement of refugees must stop. And in this respect, even a change in the political situation is not absolutely necessary to put a stop to the movement of refugees. If those who happen to be now in charge of the administrative and military apparatus which can systematically push out people, if they start applying that machine and that apparatus in the reverse direction and produce conditions of confidence, at any rate cease to put pressure on these various sections of the East Bengal community, this will result in stopping of movement. And the conditions which are already so grave will become even more grave if this does not happen and this movement does not stop.

And I hinted in a portion of my speech that if this thing continues we will not be able to watch helplessly this addition to our troubles and this increasing threat to our security and stability of not only our territory, but of the entire region.

Question. Mr. Minister, why do you refer to East Pakistan as East Bengal? Does this indicate eventual unification of West and East Bengal?

Foreign Minister. I call it East Bengal because originally it was East Bengal. Bengal was divided into two parts, the East and West. And this also to a certain extent we use in order to satisfy the ideas of the people in East Bengal who, seventy-five million of them, are engaged in the mighty task of ending the military domination and suppression of the Pakistan Army, which is predominately West Pakistani in its content and contitution.

The use of this expression does not mean that there is any risk of West Bengal, which is a state of Indian union, at any time thinking of joining East Bengal, even if it becomes independent. They know the value of being equal partners in the great country of ours, India, where they have played a significant role in the political field, in the social and economic field. And thus I do not realize that there is ever any risk of people of West Bengal, a constituent state of India, ever thinking of opting out of India, whatever is the future of East Pakistan, whether it succeeds in attaining the type of autonomy which is contained in the six point program of the Awami, or whether it emerges in course of time as an independent state, mostly on account of the continued oppression by military means of the wishes and aspirations of the people of East Bengal.

Question. President Nixon has not so far publicly condemned genocide in East Bengal. Did he condemn it in your private talks with him?

Foreign Minister. I am sure this sophisticated audience will not like me to speak on behalf of President Nixon. You have, perhaps, better means of knowing what is in the mind of President Nixon. And it's farthest from me that I should comment upon what he should or should not do. It's my duty to put across my viewpoint as precisely, but as forcefully, as possible to you as I have to President Nixon and other important leaders of your government. And it's for them to take up attitudes, public or private. And I would not like to have any quarrel with them on that score.

Question. Your Excellency, what pressures, beside diplomatic protest, if any, could the United States bring to bear on the West Pakistani government to force them toward humanitarian treatment of the Bengalis?

Foreign Minister. I have no doubt in my mind that without even making a diplomatic protest—the expression used in the question—if the disapproval of the government and people of the United States is expressed in a forthright manner, that will have a powerful impact upon the military rulers, even upon the people in West Pakistan, who, on account of rigorous imposition of various types of controls on the press, are unaware of what is happening in East Pakistan. And a forthright and clear expression of disapproval will go a long way in not only applying the necessary solace, giving comfort to the sufferers, but will be a strong deterrent against the continued military action by the perpetrators of these heinous crimes against democracy and against liberal traditions.

Question. By saying India "will not sit idly by" if the refugee flow continues, do you mean India will declare war on Pakistan?

Foreign Minister. There are other ways of enforcing our wish than declaring war. And I hope we will not be compelled to resort to those other means, which perhaps you cannot expect me to spell out at this stage.

At the present moment, we are engaged in the tasks of mobilizing public opinion, both governmental as well as private, to focus their attention on the basic issues, the moral issues involved. And I have no doubt that by paying a very small price at this stage of expressing this assessment in a clear manner, and also applying such levers as there may be—some of it I've entered—the situation can be retrieved. And it is our earnest hope and it is our fond hope, at any rate, that this situation can be corrected only if the international community, both at the official and nonofficial level, wakes up to their responsibility and do not by their silence connive or acquiesce in the continued military action which will surely lead to much graver and much more disastrous results.

Question. Mr. Minister, why do you think that the foreign offices in the Western nations have had so little to say about the massacre in East Pakistan?

Foreign Minister. I wish I could speak on their behalf. But the hard reality is that they are reticent. And the day has come when this conscience should be stirred. And they should speak out really and should view the situation in view of the gravity of the situation in its proper perspective and try to tackle the roots rather than touch the periphery.

Question. Should Hindu refugees also be asked to return to East Bengal? And what do you think about a united Bengal, independent of India and Pakistan?

Foreign Minister. My reply to the first question is that no one will return merely because he's asked to return, be he a Hindu refugee, a Muslim refugee. And I would like to add to your information that there are, besides these two communities, Christian refugees and Buddhist refugees also. They have been quite impartial in their acts of oppression against various communities.

And the refugees will not return simply because they are being asked to return. They will return only if the crisis of confidence which has overtaken the people there—this crisis of confidence is ended and in its place an atmosphere and a situation of confidence and hope is regenerated. This can come about not by asking an individual to go or not to go, but by induction in East Pakistan—an administrative setup which represents the ideals and aspirations of the people, so unmistakably demonstrated at the time of the last election, giving a hundred sixty-seven seats out of a hundred sixty-nine to the Awami League; I think a record of success, by any standard in the world, in any part of the world.

So it is really the establishment, the reestablishment of an administration there which inspires the confidence of the people that the return of the refugees will be facilitated.

With regard to the second question, I have already touched upon it. I do not realize that in West Bengal, of our valiant members of the great Indian community, who with their rich historical and cultural heritage have played such a significant role in the reconstruction and development of the country, and who have taken such prominent part in the mainstream of public life in India, after seeing what has happened to people in East Bengal, would ever dream of, or think of, opting out of the Indian territory, and would ever dream of taking a step which, to us, appears to be borne out of a complete misunderstanding and misjudgment of the situation.

Question. Your Excellency, would you please comment on a radio network report that your government is preventing or hindering press coverage of American airlifts of Pakistani refugees while allowing coverage of similar Soviet airlifts?

Foreign Minister. We are completely nonaligned within these two superpowers. And I would like to dispel any such feeling in any quarter that we are discriminating in the matter of coverage of C-130 planes as compared to AM-12 or AM-14 planes. We—I have myself seen a full and complete report of the sorties undertaken by the American planes. And I'm sure that in India, which has traditions of a free press which most of the time is not too charitable to us—even they've never complained that there has been any discrimination on this call.

Question. Do you feel confident that the government of Pakistan would equitably distribute relief supplies given to it on a bilateral basis?

Foreign Minister. I have my grave doubts about their capacity to dole out even the least in an impartial manner. And I have grave doubts if it will reach the real needy individuals. And this concern of mine is broadly shared by the international community, by the U.N. circles. And it's for this reason that they have been insisting on supervision by the international community, U.N. organization, of the distributive arrangements—distribution arrangements with regard to such relief that might be made available to the government of Pakistan.

There is no substitute for experience. And by now it is well known that even the relief that was given to the Pakistani government for the relief of the sufferers of a cyclone some months back—a good part of it has remained unutilized. And I can say on good authority that the boats for relief work, which were given at that time to Pakistan authorities, came in very handy for the Pakistan military authorities when they were dealing with the freedom fighters.

Question. Mr. Minister, do you think it at all possible that the two sections of Pakistan can be continued under one government?

Foreign Minister. I would not like to comment upon the future course of events. I would like to clarify our stand with regard to this issue; that we consider, and we have taken the stand, that this is a matter between whatever may be the central authority of Pakistan and the people of East Bengal. It's for the people of East Bengal to work out their future. And so far as we are concerned, we'll be perfectly satisfied if the elected representatives who represent the wish of the people—almost unanimously the wish of the people—if they work out any arrangement. It's for them to take a view of the future course of events. And the quantum of autonomy or the nature of the relationship, whether it's independent or semi-independent, autonomous or whatever, is their future—it's for those people to decide. And we have not taken any fixed stand with regard to this issue.

Question. In response to any earlier question as to whether India might act to absorb East Bengal, you said that West Bengal would not want to quit India to form a new state of both Bengals. Can you answer the original question, please?

Foreign Minister. Can you repeat, Mr. President?

Question. Apparently someone was not content with the earlier question as to whether India might act to absorb East Bengal and would probably want you to comment further, if you will.

Foreign Minister. I think East Bengal freedom fighters, who are so keen to gain their own independence—I do not think that they will readily like again to become nonindependent by becoming a part of India. This does not appear to be consistent with the ideas of freedom which today are swaying in such a powerful manner the people—almost unanimously the people in East Bengal.

Question. Your Excellency, how much, in a specific figure, does India believe it needs in international humanitarian aid for the remainder of the year?

Foreign Minister. In this connection, I

would like to state one or two points. One, our view has always been, and continues to be, that, in the first place, the care of the East Pakistani citizens who happen now to be temporarily in India—the entire responsibility is clearly that of the government of Pakistan.

In the second place, it is the responsibility of the international community. And India will be prepared to contribute their share, even more than their pro rata share, in discharging this international obligation towards the victim of oppression.

And if that is given to look after these refugees, we never regard it as aid to India. It might be aid to Pakistan, because, to that extent, partially it reduces the direct responsibility of the government of Pakistan to look after these refugees.

Now in the quantum thereof, we know that the amounts that have been indicated so far will meet only a small fraction of the entire expenditure that may have to be incurred in looking after the refugees. But the most important thing to be kept in mind is that the social, economic tensions that have been generated in our area, the element of instability and the long-range risk of this instability continuing are factors which cannot be determined in terms of money. And it is this aspect which has to be kept in mind.

And it is for this reason that we have always stressed and highlighted the importance of a necessary political corrective to be applied. Because there's no use dealing with a symptom if you don't deal with the root cause.

We are conscious of the fact that even the most generous response of the international community is likely to reach only a small fraction of the total burden that we will have to carry, even in terms of money. But we still value it, because it's the thought behind it rather than the actual quantum thereof.

Question. What is your assessment of the effect of Chinese support of the government of Pakistan's action in East Pakistan on China's credibility and influence in the Third World?

Foreign Minister. Surely any support that Pakistan military rulers might get from any quarter, which gives a pat on their back when they're engaged in this task of suppressing by military means an unarmed and innocent people, this will encourage them in their intransigeance. And to that extent, this support from the government of the People's Republic of China is something which encourages them to continue upon their path of repression; and to that extent is definitely a negative factor in the entire situation.

Question. Mr. Minister, what is the cholera situation among refugees and others?

Foreign Minister. There were cases of cholera. And I think that, by and large, the action taken so far has resulted in halting the spread of cholera. And in our vast country where we deal with such vasts numbers, the steps that our health organizations have taken in controlling cholera have, by and large, been successful. And we would not like the international community to feel too much concern about the spread of cholera. We have sometimes an uneasy suspicion that highlighting cholera may have been hit upon as one of the methods of diverting attention from the core of the problem. And we would like you to concentrate on the core of the problem rather than be too much obsessed by this risk of an epidemic spreading.

Question. Has Communist China issued any warning to India with regard to any future conflict between India and Pakistan?

Foreign Minister. For once I want to reply with one word, and that is, no.

Question. What if any economic expenditures will India cut back to finance refugee relief?

Foreign Minister. I think it's quite obvious that the entire expenditure on refugees will be nonproductive. And it will definitely cut into our expenditure which had been earmarked for developmental purposes. And it is from that point of view the impact of this upon our advance on the economic front which is the source of concern.

Question. Mr. Minister, how can Indo-American relations be improved at this point?

Foreign Minister. It's difficult to answer that. But one method is that if all of you support me in this, they will be very greatly improved. (Laughter.)

Question. A questioner wants to know, candidly, what percentage of your people go to bed hungry every night? Is your country making maximum use of fishmeal to provide needed protein in the diet of your people? And do you view the population explosion as the leading problem facing the world community of nations today? And on the same subject, what can you tell us about the progress of birth control in India?

Foreign Minister. Several question rolled into one. And perhaps a full-dress debate on our economic planning and development will be initiated or triggered off if I deal with these matters in any great detail.

But I'll try to answer as briefly as I can. And the first question is as to how many people sleep without a meal. My reply is none, because our food production last year crossed a hundred million ton mark. And I think in cereal our position is fairly comfortable. And we have drastically reduced our food imports. We are importing some small quantities, more to build up a reserve than for current consumption.

The second question is about utilization of fishmeal, or what is it?

Question. Yes, sir. Is your country making maximum use of fishmeal to provide needed protein in the diet of your people?

Foreign Minister. Well, we haven't got enough of fish, and we want to catch more. And we are prepared to go even to troubled waters for that. (Laughter.)

And we have no inhibitions in consuming fish. And if you have served it and you have watched the Indians handling their fork in in relation to fish, you probably would have got the answer for this.

And what is next . . . ?

Question. Do you view the population explosion as the leading problem facing the world community of nations today?

Foreign Minister. I agree. And it is for this reason that we also urge in all international forums that just as peace is indivisible, it should be increasingly realized that poverty also is indivisible. And, therefore, a great burden lies on the affluent society to watch this situation very carefully and to willingly contribute their share in ameliorating the lot of the people. So that an increasing number of bodies in comparatively poor countries surely will create a problem for those countries. But the other part of the countries who are having all the good things of life and abundance will not remain unaffected by this increasing difference between the levels of living of people.

And we on our side are fully convinced of taking effective steps for controlling the population. And I would like to share this thought with you, that there is no resistance to this. It depends on the methods and the wherewithal that will enable us to push ahead in a more effective manner our population control program.

Question. Your Excellency, you have been talking of political problems. The U.S. government has been talking of relief and money and aid. Is this a dialogue of the deaf?

Foreign Minister. If it were a dialogue of the deaf, then probably nothing will be heard. And it requires two deaf people to block a dialogue. And I do not think that the two attitudes are inconsistent. And the United States government has been mentioning the relief measures that they have taken. We welcome them.

We have also pointed out to them the necessity of dealing with the root problem and not touching only the symptom. And I will not be reporting faithfully if I were to say that all this fell on deaf ears.

Chair. Your Excellency, before asking the final question, I would like to present you with a certificate of appreciation to commemorate your visit with us today.

Foreign Minister. Thank you very much. (Applause.)

Chair. As well as the official necktie of the National Press Club, which I'm afraid you'll have to wear with Western dress. (Laughter and applause.)

Foreign Minister. Thank you very much.

Question. The final question, sir, is it true that you once presented Ambassador Ken Keating with an alarm clock? (Laughter.)

An alarm clock.

Foreign Minister. An alarm clock? (Laughter.)

Chair. I don't know the significance.

Foreign Minister. This is a very pleasant subject that has been raised. First of all, I would like to thank you, Mr. President, for your thoughtfulness in screening the questions and trying to 'club' them in as presentable and palatable form as possible. And I greatly appreciate your thoughtfulness and your consideration.

In the second place, I greatly value these souvenirs which have been presented to me. And they will be a constant reminder of a very pleasant function in which I had a dialogue and I could see the free press in action. And I was missing this for some time because I've been away from my Parliament and my press for now over ten days. And this perhaps was very hospitable to what is awaiting me when I return to my own country. And these will be very valuable reminders of the very excellent opportunity that I had to put across my viewpoints and the viewpoints of my country.

And the last question is about presentation of an alarm clock to Ambassador Keating. I would like to say that Mr. Ambassador Senator Keating is one of the most loved and respected ambassadors in our diplomatic corps. And I would like to . . . (Applause.)

I would like to acknowledge that he has been doing excellent work for improving relations between our two countries, strengthening them, and trying to consolidate the areas in which there has been fruitful collaboration and cooperation between our two countries. And I would like to assure you that as people we are reasonably courteous and we do not embarrass any person by presenting such ridiculous items as alarm clocks. (Laughter.)

And Mr. Keating is so alert that he doesn't require the chime of a clock to awaken him. He seldom sleeps on important issues. And, therefore, he need not be subjected to the agony of the ticking or the chime of the clock to wake him up. Because on all important issues he's awake all the time. (Applause.)

And maybe perhaps I'll purchase some sleeping pills for him from here. But I would like to say that Mr. Keating is coming up to the highest traditions of American life. And it's my pleasure to say that he's doing very excellent work. But still there is room for frivolity in framing this question or putting out a news item of that type.

Thank you very much. (Extended applause.)

[From the Washington Post, June 18, 1971]

PEACE IN PAKISTAN CALLED FIRST TASK

(By Marilyn Berger)

Indian Foreign Minister Swaran Singh said yesterday that he had found "near unanimous agreement" in world capitals that the

Pakistani government must negotiate a political accommodation with East Pakistan and end the fighting that has driven millions of refugees into India.

In an interview at the Indian ambassador's residence here, Singh, who held talks in Moscow, Bonn, Paris, Ottawa and New York before coming to Washington, conceded that governments are "reluctant" to say, what measures they are prepared to take.

But he said he believed that diplomatic representations, combined with public sentiment, would "in itself have a powerful effect on the Pakistani military regime and is bound to make them consider seriously the futility of continued action."

State Department spokesman Charles W. Bray, meanwhile, discussing Singh's Wednesday meeting with Secretary of State William P. Rogers, said that in the talks it was recognized that ending the flow of refugees into India "would be greatly facilitated by the restoration of peaceful conditions in East Pakistan and a political accommodation." He said the department welcomed India's "restraint" in the situation.

Singh, in an appearance before the National Press Club yesterday, also refrained from outlining any specific formula for a political accommodation.

The burden of Singh's remarks, both in the interview and at the press club, was that aid to feed and clothe the refugees was only a palliative; what is needed is international pressure on Pakistan to stop seeking a military solution in East Pakistan.

Singh also called on all countries to cut off military and economic aid to Pakistan. "In our view," he said in the interview, "any aid, economic or military, given to Pakistan at the present juncture would only prolong the agony of innocent people and would amount to condoning the acts of repression and would make the military rulers even more intransigent."

The State Department said no deliveries of military equipment had been made to Pakistan since March 25, when the fighting began.

[From the New York Times, June 19, 1971]

Indian Asks World Pressure on Pakistan

(By Tad Szulc)

WASHINGTON, June 18.—Foreign Minister Swaran Singh of India said here today that the international community must "utilize its leverage to compel Pakistan to work out a political solution" for the crisis in East Pakistan and abandon "the military method."

He met with President Nixon and Secretary of State William P. Rogers here this week after having carried India's diplomatic campaign on the Pakistani question to Moscow, Bonn, Paris and Ottawa.

Before leaving for London, he said in an interview that any form of military aid to Pakistan would only strengthen its military rulers in attempts to "subvert democracy" and "undo the results of the elections" last December. This was a reference to the election of a constitutional assembly, in which the Awami League of East Pakistan won a commanding majority.

Also today, authoritative sources here reported that a survey team of the International Bank for Reconstruction and Development, or World Bank, and the International Monetary Fund had counseled in a preliminary secret recommendation that the International Consortium studying Pakistan's economic needs refrain from providing assistance to the regime of President Agha Mohammad Yahya Khan.

CONSORTIUM TO MEET

The survey team, now in Islamabad, Pakistan's capital, is scheduled to present its full report to the 11-nation consortium, which includes the United States, at a meeting in Paris next Monday.

It was understood that the mission, headed by Peter Cargill, a Briton, had urged that the consortium's aid to Pakistan, running about $500-million a year, be stopped until President Yahya Khan had found the "political solution" for East Pakistan.

The United States, which so far has taken the view that economic aid should not be reduced for political reasons, provides $200-million of the annual package.

The Nixon Administration, however, has also pressed Pakistan to solve the East Pakistani crisis politically through the granting of autonomy to the region and the restoration to power of the Awami League.

The Indian Foreign Minister's visit was made as concern continued to mount here that the flow of East Pakistani refugees to India might result in military clashes between India and Pakistan. The number of refugees now in India was put at six million by Mr. Singh. He said that they continued to enter at the rate of 100,000 daily.

PRESSURES CITED

United States officials said that Mr. Singh had indicated in his talks here that the point may already have been reached where the Indian State of West Bengal could no longer withstand the political, economic and social pressures created by the refugees.

In the interview, Mr. Singh insisted that relief to refugees was only a palliative" and that "the root cause has to be tackled."

He said that the first essential step was the creation of conditions in East Pakistan that would allow the flow of refugees to be halted.

On behalf of the Indian Government, Mr. Singh said, he had urged the international community to come up with "a clear expression of disapproval of the military repression by the rulers of Pakistan."

He said that the community should also insist publicly on the implementation by Pakistan of measures conducive to the refugees' return. Finally, he said, all forms of aid should be refused.

"My thesis is that to give aid to the Pakistani military rulers before they apply correctives [in East Pakistan] is interference in Pakistan's domestic affairs," he said. "It is giving aid to a minority, a dictatorial regime."

Pakistan, he said, had not created proper conditions for the refugees' repatriation because of the "continued military action" against the East Pakistanis. He added that according to information reaching the Indian Government, Pakistan proposed to place in power "elements opposed to the Awami League."

Arms to Pakistan Revealed

Mr. CHURCH. Mr. President, in the New York Times this morning, there is a disturbing report that U.S. military equipment is being shipped to Pakistan in violation of the administration's officially proclaimed ban on such shipments.

I have seen the bills of lading and Air Force delivery listings covering these shipments, and I can personally affirm the accuracy of the Times article.

I have today called upon the President of the United States to direct appropriate U.S. agencies and officials to take prompt action to halt this shipment of military items which still remain within our reach by intercepting and removing them. The Pakistani ship Padma left New York harbor this afternoon and is due, I am informed, to dock in Montreal tomorrow.

If the Coast Guard is unable to intercept the Padma in American waters, then we should solicit the cooperation of the Canadian Government in recovering these forbidden shipments.

The seriousness of the disclosures by Mr. Tad Szulc of the New York Times cannot be overemphasized. These shipments of arms to the Government of Pakistan are in direct violation of U.S. policy, as declared and defined by the Nixon administration.

In a letter to the chairman of the Senate Foreign Relations Committee on April 23, 1971, the Department of State explicitly stated that—

> we have been informed by the Department of Defense that no military items have been provided to the Government of Pakistan or its agents since the outbreak of fighting in East Pakistan on March 25 and nothing is now scheduled for such delivery.

Mr. Szulc's revelation contradicts the State Department's official statement of American policy, raising new questions about the credibility of this administration.

At this point, Mr. President, I ask unanimous consent that the following documents be printed in the RECORD:

First. Mr. Szulc's article from the New York Times.

Second. A bill of lading from the National Shipping Corp. of Karachi, sent to the Embassy in Pakistan, dated April 8, 1971, covering shipment of military goods aboard the Pakistani ships Sunderbans, which sailed from New York on May 8.

Third. A similar bill of lading, from the same corporation, covering shipment of additional military items on the Sunderbans, dated April 16.

Fourth. A copy of the deck receipt, from East-West Shipping Agencies, Inc., to the Defense Procurement Division of the Embassy of Pakistan, dated May 21, listing military items received for shipment to Pakistan, apparently on the Padma.

Fifth. A copy of a letter I today sent to President Nixon, requesting that he take necessary steps to enforce his declared policy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 22, 1971]

U.S. Military Goods Sent to Pakistan Despite Ban

(By Tad Szulc)

WASHINGTON, June 21.—A freighter flying the flag of Pakistan was preparing today to sail from New York for Karachi with a cargo of United States military equipment for Pakistan, apparently in violation of the Administration's officially proclaimed ban on such shipments.

Senior State Department officials, in response to inquiries, acknowledged that at least one other ship was now on the way from the United States to Pakistan carrying what they described as "foreign military sales" items.

These items, they indicated, came from excess Defense Department stocks and apparently were shipped as a result of confusion within the Administration as to how the three-month-old ban on shipments of military equipment to Pakistan should be applied.

"There has evidently been some kind of slippage here," an official said.

TO KARACHI IN AUGUST

The Padma, the ship that was preparing to sail from New York, is scheduled to arrive in Karachi in mid-August with a cargo that is said to include eight aircraft, parachutes and hundreds of thousands of pounds of spare parts and accessories for planes and military vehicles.

The Sunderbans, another ship of Pakistani registry, sailed from New York on May 8 with other items of military equipment for Pakistan, including parts for armored personnel carriers, according to the ship's manifesto and the accompanying State Department export license. She is due to arrive in Karachi Wednesday.

All this equipment has been sold to Pakistan by the United States Air Force under provisions of the Foreign Military Sales Act.

After troops of the Pakistani Army, mainly West Pakistanis, were ordered to crush the self-rule movements in East Pakistan last March 25, the State Department announced that all sales of military equipment to Pakistan had been suspended and that the program, initiated in 1967, had been placed "under review."

Today, State Department officials, responding to queries about the sailings of the Padma and the Sunderbans, said that it remained the official policy of the Administration that sales of all types of military equipment to Pakistan were prohibited under the ban imposed shortly after the severe repression of the East Pakistani independence movement began early in the spring. The State Department estimates that at least 200,000 East Pakistanis have died in the subsequent fighting and that about six million refugees have fled to India.

Senior State Department officials said in interviews today that they were not aware of shipments of military equipment to Pakistan after March 25.

They acknowledged that such shipments would constitute a violation of the proclaimed policy.

The State Department officials said they had been informed by the Defense Department that no military equipment under the foreign sales program had been delivered "to the Government of Pakistan or agents of the Government of Pakistan" since March 25.

NO EXPLANATION OFFERED

They said the Defense Department "reaffirmed" this policy today in discussions with the State Department. They could not explain how this Pentagon statement could be reconciled with the fact that, according to the bills of lading submitted to the Pakistani Embassy here, the equipment to be loaded on the Sunderbans was received at the dock in New York on April 23 and the equipment for the Padma on May 21.

A communication from the shippers to Lieut. Col. M. Amram Raja at the defense procurement division of the Pakistani Embassy covering the dock receipts for the two ships was sent on May 21.

The Defense Department, asked about the shipments last Saturday and again today, referred all inquiries to the State Department. Officials appeared to be at a loss for an explanation of the shipments.

State Department sources quoted the Defense Department as saying that no sales or deliveries to Pakistan had been authorized since March 25 and that the equipment aboard the two freighters had been purchased prior to the official prohibition.

INQUIRY BY SENATOR CHURCH

But they offered no comment as to why the dockside deliveries and actual shipments had been made after March 25.

The State Department has not yet replied to a letter sent on June 17, by Senator Frank Church, Democrat of Idaho, to Secretary of State William P. Rogers requesting information about "certain items of military equipment" being shipped to Pakistan under State Department licenses.

Senator Church, who is a member of the Senate Foreign Relations Committee, advised Mr. Rogers that he understood that the State Department had issued License No. 19242 for some of this equipment.

A check of the bills of lading of the cargo aboard the Sunderbans showed that this license covered an item described as "28 skids, parts," weighing 11,895 pounds. No further description of these items was available.

But another license issued by the State Department for the Sunderban's cargo specified "parts and accessories for military vehicles." The Sunderbans carries a total of 21 items, according to the dockside delivery listings, identified on these documents only as cases and cartons of "auto parts and accessories," "skids and parts," "boxes" and "parts."

PLANES AND PARACHUTES LISTED

The dockside delivery listings for the Padma include two entries of "four aircraft" each, 113 parachutes and parts, and auto parts, accessories, skids and "wooden boxes."

An item described as "crates, bundles and parts" is listed as weighing 14,133 pounds.

The program of military sales to Pakistan, begun in 1967, had been running at nearly $10-million a year, according to Robert J. McCloskey, the State Department spokesman. The United States agreed in that year to sell "nonlethal" equipment to both Pakistan and India, lifting in part the embargo placed on military deliveries after the 1965 Indian-Pakistani war.

In October, 1970, the Administration agreed, as an "exception," to sell Pakistan an undisclosed number of F–104 fighter planes, B–57 bombers, and armored personnel carriers. However, the State Department said today that none of this "exception" equipment had been delivered.

But authoritative sources here, who cannot be identified, said that the flow of military equipment to Pakistan from Air Force sales alone had reached $47,944,781 between 1967 and April 30, 1970.

A communication sent on May 28 to the defense procurement division of the Pakistani Embassy by the headquarters of the Air Force accounting and finance center in Denver enclosed a "status report . . . listing all your open foreign military sales cases, showing case value, amounts collected, delivered and undelivered."

The letter—signed by Elaine B. Loventhal, chief foreign military sales branch comptroller at the Denver headquarters—was headed: "USAF statement of military sales transactions and detail delivery listings."

The "status report" noted that previous charges on Pakistani military purchases were $25,679,654.10, that undelivered items totaled $21,730,740.07 and that "cash received to date" was $24,342,782.37.

State Department officials were unable to say precisely what period this report covered.

The Air Force report said, however, that the Pakistani Government had to remit "on or before 31 May, 1971" the sum of $3,376,-253.51 for further "total cash requirements."

A notation on the report showed that a check from Pakistan for $404,116.49 had been received "in May, 1971."

Authoritative sources here said that "in all likelihood" additional sales to Pakistan might have been made by the Army and the Navy.

Spokesmen for the East West Shipping Agency, the New York agents for the Padma and the Sunderbans, indicated that the Padma had carried military equipment to Pakistan on a number of recent voyages, most recently delivering it in Karachi on March 22, three days before the troop action in East Pakistan.

The voyage for which the Padma is now preparing is her first to Karachi carrying military equipment since the ban was imposed after March 25. The current trip by the Sunderbans is also her first with such equipment since the ban. But authoritative sources said that other ships with military equipment for Pakistan might have sailed since March 25 from East and West Coast ports.

Bill of Lading

Forwarding agent—shipper's references: Ref Exp: 63942MVF Inter-Maritime Forwarding Co., Inc., 30 Church St., N.Y.

Shipper: Embassy of Pakistan (Defence Procurement Div.), Washington, D.C.

Consigned to order of: C/O Embarkation Headquarters, Karachi, Pakistan.

Address arrival notice to: Commandant Officer, Central MT Stores Depot Golra, C/O Embarkation Headquarters, Karachi, Pakistan.

Also notify: None.

Vessel: S.S. Sunderbans (National Shipping Corp.).

Pier: No. 36 East River.

Port of loading: New York, N.Y.

Mark and numbers: EXP:63942; BAC–1/19, BAF–1/8, BAD–1.

Number of packages: 28.

Description of packages and goods: Skids, parts and accessories for military vehicles (claw screw cam control).

Gross weight in pounds: 11,895.

Dated at New York: 4/8/71.

Bill of Lading

Forwarding agent—shipper's references: REF EXP: 53950MVP, Inter-Maritime Forwarding Co., Inc., 30 Church St., N.Y.

Shipper: Embassy of Pakistan (Defence Procurement Division), Washington, D.C.

Consigned to order of: C/O Embarkation Headquarters, Karachi, Pakistan.

Address arrival notice to: Commandant Officer, Central MT Stores Depot Golra, C/O Embarkation Headquarters, Karachi, Pakistan.

Also notify: None.

Vessel: SS. Sunderbans (National Shipping Corp.).

Pier: No. 36 East River.

Port of loading: New York.

Marks and numbers: EXP: 63950, BAG–1/9, UNI–1/13, BAD–1.

Number of packages: 23.

Description of packages and goods: Pieces (22 skids, lctn.), parts and accessories for military vehicles (shaft, screw, mount knob).

Gross weight in pounds: 18,171.

Dated at New York: 4/16/71.

EAST WEST SHIPPING AGENCIES, INC.,
New York, N.Y.

EMBASSY OF PAKISTAN,
Washington, D.C.
Attention: Lt. Col. M. Akram Raja, Attache (D.P.) *Defense Pres. Division*

DEAR SIR: We are pleased to forward copies of dock receipts together with a list covering that merchandise received for the past week, May 21, 1971.

Trusting you find the above in order, we remain,

Very truly yours,
EAST WEST SHIPPING AGENCIES, INC.

UNITED STATES SENATE,
Washington, D.C., June 22, 1971.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It has come to my attention that the Pakistan ship *Padma*, that left New York harbor this afternoon bound for Montreal, is carrying a load of United States supplied arms, weapons, and related spare parts which is in violation of our officially proclaimed policy banning all arms and weapons to the Government of Pakistan at this time.

I take the utmost objection at the failure of the United States to prevent these arms from being loaded on the *Padma*. Certainly we should be able to enforce the publicly declared policy of the government.

It is reported that the *Padma* will dock in Montreal before proceeding further. If the Coast Guard is unable to intercept the ship in American waters, then I urge you to solicit the cooperation of the Canadian Government in recovering these forbidden shipments.

I hope you will take prompt and necessary measures to see that American arms are removed from the *Padma*.

Very truly yours,
FRANK CHURCH.

[From the Baltimore Sun, June 23, 1971]

U.S. SAYS PAKISTAN CARGO DOES NOT VIOLATE EMBARGO

WASHINGTON, June 22—Two shiploads of military equipment are being sent to Pakistan, but this is not a violation of a United States arms embargo on Pakistan, the State Department said today.

The weaponry was purchased before the ban went into effect March 25, the department said.

Charles Bray, the State Department spokesman, said the two freighters contained military equipment, mostly spare parts and accessories for planes and vehicles.

TURNED OVER BEFORE EMBARGO

They were formally turned over to the government of Pakistan before an embargo was placed on military sales following the civil strife that accompanied independence demands in East Pakistan.

In announcing the arms embargo, the State Department said that all sales of military equipment to Pakistan was being suspended and that the arms aid program, begun in 1967, was being put under review.

SHIP SAILED MAY 8

One shipload of supplies sailed from New York May 8 and was due in Karachi tomorrow. The second ship was scheduled to sail from New York today with an estimated arrival in Karachi in mid-August.

Mr. Bray added that the arms sales were made under a long-term understanding that they be used for defense purposes. If they were used to put down the East Pakistani independence movement it would be of considerable concern to the United States, he said.

INDIA CITES U.S. PLEDGE

NEW DELHI, June 22—The Indian external affairs minister, Swaran Singh, said here tonight that the United States had given clear assurance to India that it would not supply military equipment of any kind to Pakistan.

At a press conference on his return from a tour of six world capitals, he said he felt that none of the countries he visited was likely to send aid to the military regime in Pakistan. His tour included stops at Moscow, Bonn, Paris, Ottawa, Washington and London.

Specifically answering questions about reports that two Pakistani ships, carrying surplus stores sold by the U.S. Air Force, were now bound for Karachi, Mr. Singh said that if the news item is correct, it is a "clear departure" from assurances given to India.

SEEKS HALT TO "REPRESSION"

Mr. Singh expressed "every hope" that the governments concerned will use their leverage and influence on Pakistan's rulers to stop the "military repressions" in East Pakistan.

Mr. Singh also appealed to these governments to help stop the flow of refugees into India—now estimated at about 6 million. He said the refugees were not only creating financial and organizational problems but were also causing social and economic tensions in eastern India, a politically sensitive area.

Outlining India's approach to the whole problem, he said a solution has to be reached between the minority rules of West Pakistan and the people of East Pakistan through their elected representatives, Sheikh Mujibur Rahman and his Awami League.

In anticipation of next Monday's broadcast by Pakistan's president, A. M. Yahya Khan—in which General Khan is likely to outline the political approach to the problem of East Pakistan—Mr. Singh warned that any attempt to bypass the accredited leaders of East Pakistan would complicate rather than resolve the crisis.

He said if this happens there will be a "grave risk" that the leadership of the East Pakistani Bengalis would pass into the hands of extremists and create additional problems for East Pakistan as well as all kinds of difficulties and complications for India.

[From the Washington Star, June 23, 1971]

CHURCH URGES NIXON TO HALT PAKISTANI SHIP

(By Tad Szulc)

The office of Sen. Edward M. Kennedy, D-Mass., says the State Department has informed the senator that two Pakistani freighters now en route from New York to Karachi are carrying ammunition for the Pakistani armed forces.

Sen. Frank Church, D-Idaho, urged President Nixon in a letter to order the Coast Guard to intercept the freighter Padma, which left New York yesterday, to prevent the delivery of military equipment to Pakistan.

He said that if this could not be accomplished, the United States should seek Canada's co-operation in halting the ship. The Padma's first port of call is Montreal.

A spokesman said Kennedy was advised by a ranking State Department official that the Pakistani freighter Sunderbans, due in Karachi tomorrow, carries munitions and other military equipment sold to Pakistan under the U.S. Foreign Military Sales program as well as through commercial suppliers.

Kennedy was told, the spokesman said, that the Padma carried munitions along with spare parts and other military-use items bought commercially by Pakistan and licensed for export by the State Department.

The State Department refused to comment on Kennedy's report. A spokesman said, "We do not know what there is aboard the ship" and announced that the State Department and the Bureau of Customs had launched a joint investigation to determine the nature of the Padma's cargo.

A State Department spokesman, Charles W. Bray II, said that "it is possible" that equipment purchased under the military sales program and turned over to the government of Pakistan in the United States before March 25 was aboard the Padma.

Bray took the view that the shipments aboard the Sunderbands and the Padma did not constitute a specific violation of the administration's ban on deliveries of military equipment to Pakistan imposed after the eruption of the civil war in East Pakistan March 25.

He said that this was so because the interruption of the military sales program and the licensing of commercially purchased equipment on the State Department's munition controls list had been made effective on that date and did not affect earlier transactions.

In New Delhi, Indian Foreign Minister Swaran Singh said today that if the United States is shipping munitions to Pakistan, "it is a clear departure from the assurances given me."

"I cannot comment on the correctness of the New York Times report," Singh said. "I got the clear impression from the United States authorities that there has been no supply of military equipment to Pakistan, especially, after the trouble started in East Bengal (East Pakistan)."

[From the Washington Post, June 23, 1971]

ARMS SALES TO PAKISTAN CLARIFIED

The State Department acknowledged yesterday that two shiploads of U.S. military equipment were being sent to Pakistan but said this was not in violation of an official ban on weapons sales.

State Department spokesman Charles Bray said Pakistan purchased the arms before the ban went into effect on March 25.

The spokesman added that the sales were made under a long-term understanding that the equipment be used only for defense purpose by the Pakistanis. If it were used to put down the bloody independence movement in East Pakistan this would cause consternation to the United States, he said.

The State Department has already acknowledged that Pakistan was using earlier U.S.-supplied tanks and jet planes to put down the rebellion.

The Assistant Secretary of State for Congressional Relations, David M. Abshire last month told a group of U.S. senators that Pakistan was under no obligation to consult with Washington on the transfer of weapons from one part of the country to another. He added that the American weapons were being used in the eastern wing of the country despite secret diplomatic pressures from the United States.

The State Department has frequently said that "no military items have been provided to the government of Pakistan or its agents since the outbreak of fighting in East Pakistan March 25 and nothing is now scheduled for such delivery."

In its Tuesday edition, The New York Times said one Pakistani vessel—the Sunderbans—sailed from New York on May 8 with military equipment, including parts for armed personnel carriers. The newspaper also reported that another ship, the Padma, was preparing to leave for Pakistan bearing eight U.S. military planes, 113 parachutes and mechanical spare parts sold to Pakistan by the U.S. under the Foreign Military Sales Act.

[From the Washington Post, June 24, 1970]

POLICY REVIEWED ON PAKISTAN ARMS

Senior U.S. officials are reviewing intensively the continued supply of U.S. arms to Pakistan despite a recently announced ban on such shipments, the State Department said yesterday.

Officials said the review would cover the two Pakistani freighters now carrying U.S.-supplied arms to Pakistan and a quantity of other weaponry being provided to Pakistan by Department of Defense subcontractors.

The State Department announced April 15 that an arms cutoff had been in effect since March 25, when civil strife broke out in East Pakistan.

The department said no additional armaments under military sales provisions would be turned over to Pakistan and that no additional sales licenses would be granted.

The New York Times disclosed Tuesday that two Pakistani vessels, the Sunderbans and the Padma, left New York with arms for Pakistan. It said the Padma left Tuesday. Sen. Frank Church (D-Idaho) sent a letter to President Nixon Tuesday urging interception by the Coast Guard.

State Department spokesman Charles Bray said Tuesday that the arms aboard the two ships had been turned over to the Pakistanis before March 25 and therefore were not covered by the cutoff.

[From the New York Times, June 24, 1971]

INDIA ASKS U.S. TO CLARIFY REPORT ON AID TO PAKISTAN

NEW DELHI, June 23.—The United States chargé d'affaires in New Delhi, Gallen L. Stone, was called to the Foreign Ministry today for clarification of a report in The New York Times that two Pakistani ships had sailed from American ports carrying United States military equipment, including aircraft and spare parts for army vehicles.

However, neither the embassy nor the Indian Government had any details or confirmation of the report.

Foreign Minister Swaran Singh, who returned early today after a visit to six world capitals, said that the contents of the report were "contrary to assurances" that he had from American officials in Washington that military aid would not be provided to Pakistan.

Shown a copy of the report published in The Times, Mr. Singh said: "I cannot accept the correctness of the report. I got a clear assurance that no arms will be given to Pakistan."

Later, the spokesman for his ministry commented that the newspaper account contained "so much details and research work" that they could not dismiss its veracity.

Indignant Members of Parliament demanded a detailed statement from Mr. Singh, which he promised to make tomorrow.

Reports from Indian correspondents on Mr. Singh's visit to Moscow, Bonn, Paris, Ottawa, Washington and London, suggested that he had succeeded in impressing on world powers that they should discontinue military and economic aid to Pakistan to exert pressure on her to work out a political settlement in East Pakistan.

Twenty-five Members of Parliament marched to the United States Embassy today shouting anti-American slogans.

CRITICISM BY SYMINGTON

WASHINGTON, June 23.—Senator Stuart Symington, Democrat of Missouri, said today that the sailings of two ships carrying United States military items to Pakistan presented "an incomprehensible picture of insensitivity" and indicated either ignorance or deception on the part of the State Department.

[From the Baltimore Sun, June 25, 1971]

U.S. AIDE FEARS INDIA-PAKISTAN WAR OVER REFUGEES

(By Adam Clymer)

WASHINGTON, June 24.—The continuing flow of refugees from East Pakistan to India is likely to lead to war between India and Pakistan, an American diplomat told the Senate Foreign Relations Committee today, according to congressional sources.

Archer K. Blood, until a few weeks ago the United States consul general in Dacca, East Pakistan, appeared before the committee in closed session. The Congressional sources also said he called the refugee situation with 6,000,000 Pakistanis now in India, worse than the situation of Palestinian refugees.

He predicted the flow of refugees would continue unless the Pakistan government reaches a settlement with political leaders in East Pakistan.

AID CUT-OFF SUPPORTED

A congressional effort to put pressure on the regime to do that and to speed up relief programs gained significant support today from the Senate Republican leader and the chairman of the House Foreign Affairs Committee. They announced they supported efforts to cut off all American aid—military and economic—to Pakistan.

Senator Hugh Scott (R., Pa.), the minority leader, quietly put his name down as one of 24 who backed a cut-off amendment to the foreign aid bill that Senator William B. Saxbe (R., Ohio) and Frank Church (D., Idaho) proposed.

Representative Thomas E. Morgan (D., Pa.) whose House Foreign Affairs Committee is now preparing the final version of the aid bill, said in an interview he favored a ban comparable to one suggested by Representative Cornelius E. Gallagher (D., N.J.), chairman of that panel's subcommittee on Asian and Pacific affairs.

BACKS GREATER LOOPHOLE

But Dr. Morgan said he believed any ban should include a greater loophole for presidential discretion to continue aid than does Mr. Gallagher's version.

Action may come next week in the House panel. On the Senate side, sessions to prepare the final version of the bill are likely to begin July 6.

Meanwhile, the Secretary of State, William P. Rogers, announced that an additional $70 million in aid would be given to India to help that country deal with the 6,000,000 East Pakistan refugees. This brings to $90.5 million the total U.S. commitment.

Mr. Blood will be testifying in open session Monday before the judiciary subcommittee on refugees, which is also scheduled to go into the question of the recent arms shipment to Pakistan.

These shipments—in spite of repeated State Department assurances that no arms would be sold to Pakistan after the civil war began—have increased congressional chances of passing some sort of aid cut-off, Capitol sources believe.

"A VIOLATION OF POLICY"

Senator Edward M. Kennedy (D., Mass.), chairman of the refugee subcommittee, said Tuesday the arms shipments, whether "double-talk, incompetence or both . . . is a violation of policy . . . it will continue to fuel military actions which have already been the cause of over 6,000,000 refugees and countless civilian dead."

He said it appeared the United States is "more efficient in moving military hardware than in arranging humanitarian relief."

Senator Stuart Symington (D., Mo.), chairman of the foreign relations subcommittee on Near Eastern and South Asian affairs, told the Senate today the news of the shipments "indicates that the State Department either did not know what was going on or deliberately misled the committee." He cited an April 23 letter from David M. Abshire, assistant secretary of state for congressional relations, saying "nothing is in the pipeline" for arms to Pakistan.

[From the Baltimore Sun, June 25, 1971]

INDIA URGES U.S. TO STOP ARMS BOUND FOR PAKISTAN

(By Pran Sabharwal)

NEW DELHI, June 24.—India has asked the United States government to try to stop the delivery of American arms now en route to Pakistan aboard two of that country's ships.

Swaran Singh, Indian minister of external affairs, told Parliament today that the shipment of arms was a clear violation of assurances given to India by the U.S.

The American government came in for strong criticism in both houses of Parliament. Angry members called the U.S. action "hostile" and said that India should intercept the two Pakistani ships.

Mr. Singh said India has also asked the U.S. government for assurance's that there will be no further shipments of military stores to Pakistan even under authorization made before March 25—the day the Pakistan Army moved against the Bengali Nationalists who had asked for a democratically elected government on the basis of last year's elections in Pakistan.

Although, Indo-American relations did not suffer much of a setback as a result of the New York *Times* disclosures of the arms shipment, there was a strong anti-American reaction by the Indian public which was alarmed by developments in * * *

Quoting the recent disclosures of Vietnam war documents, members of Parliament charged that no American administration can be trusted.

[From the New York Times, June 25, 1971]

3D SHIP SAID TO HAVE LEFT U.S. WITH ARMS GOODS FOR PAKISTAN

(By Tap Szulc)

WASHINGTON, June 24.—The State Department said today that a third Pakistani freighter loaded with military equipment sailed from New York for Karachi after the United States had banned deliveries of arms to Pakistan.

Department officials said the vessel, the Kaukahla, left New York on April 2, a week after the Pakistani Army moved to crush the autonomy movement in East Pakistan.

The officials said they had "reasons to believe" that the freighter carried equipment for the Pakistani armed forces that United States foreign military-sales program and from commercial suppliers.

The other Pakistani ships known to have sailed with a military cargo after the ban on new deliveries were the Sunderban, which was due in Karachi yesterday, and the Padma, which sailed from New York last Tuesday.

The State Department reportedly discovered only yesterday that a third vessel was involved in the controversial shipments. But it was not able to identify the Kahkahla until late today. She reportedly arrived in Karachi late in May.

In the wake of these developments, Secretary of State William P. Rogers today ordered the creation of a special study group of senior officials to determine how the Administration's policy banning deliveries of arms to Pakistan was being implemented.

He acted as differing statements were made about the circumstances under which one of the ships—the Padma—had been boarded and searched by United States customs agents to determine her cargo.

Lieut. Gen. Robert H. Warren, who is Deputy Assistant Secretary of Defense for Military Assistance and Sales, testified this afternoon before the Senate Appropriations subcommittee on foreign operations that "we had the ship stopped at sea and United States customs officials went aboard to examine her cargo."

But a Defense Department spokesman said later that General Warren's remarks were misunderstood and that the boarding actually took place in the Port of New York before the Padma had sailed for Montreal.

Customs Bureau officials here were unable to provide a full account of the checking of the Padma cargo. But one official said his understanding was that customs agents in New York had simply compared the ship's manifest with State Department licenses authorizing the exports before the Padma sailed. There appears to have been no physical inspection of the cargo, he said.

The Padma, whose interception was requested today by the Indian Government, was reported late today to be in the St. Lawrence Seaway bound for Montreal.

General Warren told the subcommittee that the customs agents "found no aircraft" aboard the Padma. The New York Times reported Tuesday that the Padma's bills of lading had shown the loading of eight items marked as "aircraft."

But informed sources said today that the equipment described as aircraft were small, radiocontrolled pilotless "drones" designed to serve as practice targets for antiaircraft gunners.

Under question by Senator William Proxmire, Democrat of Wisconsin, General Warren testified that there was no military equipment on the Padma, "unless you consider parachutes as military equipment." The Times reported that the ship had carried 113 parachutes and military spare parts.

[From the Washington Star, June 25, 1971]

INDIANS BLAST U.S. ON PAKISTAN ARMS

NEW DELHI.—Demonstrators burned an effigy of President Nixon today and the Indian government demanded that the United States halt freighters carrying military equipment to neighboring Pakistan.

"Curse President Nixon!" and "Nixon may be destroyed!" shouted a crowd of 300 persons as they marched on the U.S. Embassy. The demonstrators were led by a member of

Parliament from President Indira Gandhi's ruling Congress party.

The State Department acknowledged yesterday that three Pakistani freighters loaded with military equipment had sailed from New York for Karachi after the United States announced a ban on deliveries of arms to Pakistan.

"REASON TO BELIEVE"

They said they had "reason to believe that the (first) vessel carried equipment for the Pakistani armed forces that was purchased under the United States foreign military sales program and from commercial suppliers" the New York Times reported.

A State Department spokesman acknowledged that while the administration order to halt the issuing of licenses for military sales to Pakistan was meant to have been effective on March 25 it did not actually go into effect until April 6. The first ship left April 2.

He said two additional export licenses were issued to Pakistan after the ban went into effect—one for frequency calibration equipment for radios, dated March 31, and another for aircraft engine spare parts, authorized on April 6. The licenses were canceled yesterday, he said, but he did not know whether the equipment had already been shipped.

PROTEST LETTER

The New Delhi protesters were halted outside the Embassy gates by police and a small delegation was allowed to deliver a letter of protest addressed to Nixon. The group included Parliament members, members of the Delhi State Congress Committee, students and workers. They set fire to a cardboard effigy of Nixon.

In Parliament, Foreign Minister Sardar Swaran Singh told a noisy session of the lower house today that India had asked the United States to try to stop two Pakistani freighters which have not yet delivered their military cargoes.

Singh said the U.S. government had agreed to take the matter under "urgent consideration" and said India was awaiting a reply.

Opposition members of parliament interrupted Singh repeatedly with shouts of "American Imperialists!"

[From the Washington Post, June 26, 1971]

11 Nations Decline Aid to Pakistan

(By Bernard D. Nossiter)

The major aid-giving nations, led by the World Bank, have quietly agreed to postpone indefinitely any new economic assistance for Pakistan.

A consensus of the 11 donors was reached at a meeting on Monday in Paris, it was learned yesterday. The informal decision was taken after a mission from the World Bank and International Monetary Fund reported after a visit that Pakistan was an administrative and economic shambles.

The agreement will not affect the humanitarian assistance that nations intend to give Pakistan or its refugees in India. It does, however, hold up several hundred million dollars in development funds on which President Yahya Khan's regime had been counting.

In the last year in which normal aid flowed, the budget year ending June 30, 1970, Pakistan received $316 million from the donors.

In addition, it was learned, the IMF has decided for now against giving the central government a $250 million package of foreign exchange that the Fund had been considering.

The Paris consensus was reached with the assent of the United States, despite strong urgings to the contrary from some U.S. quarters. Washington's ambassador to Pakistan, Joseph S. Farland, is known to believe the donor nations should meet soon to pledge assistance to greater influence the central government and lessen its dependence on China.

But the Paris meeting concluded that no early gathering of the aid consortium should be held because it would openly confirm the widespread opposition to assistance now.

According to reliable sources, Belgium, Canada and Britain argued strongly in Paris that public opinion in their countries deeply opposes aid to Pakistan and that none should be forthcoming until Yahya's regime reestablished civilian rule in East Pakistan.

Yahya is expected to pledge on Monday the eventual restoration of civilian government in East Pakistan. But knowledgeable officials are predicting that his promise will be hedged with too many qualifications to be taken seriously.

The 11 nations at Paris—the others were Japan, Norway, the Netherlands, France, Germany, Italy and Denmark, with Sweden as an observer—were strongly influenced by a devastating report from Peter Cargill; he is director of the World Bank's South Asia department, chairman of the Pakistan aid consortium, and has just led a Bank-Fund team to Pakistan.

Cargill and the other team members were permitted by the central government to travel freely through East Pakistan during the first two and a half weeks in June. According to those familiar with Cargill's report, the mission found:

A continuing reign of terror in East Pakistan conducted by the 70,000 West Pakistani troops there. The army had been given a free hand to deal with "secessionists." And Hindu or Awami League member is said to fall under this heading.

One team member was told of 50 Hindus who had been slaughtered and their corpses pushed into a river the day before his arrival in a town. A driver led him to two corpses whose submersion was incomplete.

The shattering of urban life. The mission found towns with only 10 per cent of the population remaining. The rest had been killed, had dispersed to India or had fled to villages. Troops had shelled and destroyed public buildings and bazaars at random, and commercial life was at a virtual standstill.

Paralysis of the East Pakistan economy. Although the central government has ordered the opening of mills, the mills typically work only half a shift daily. Jute and tea production, principal earners of foreign exchange, is at a fraction of its normal level.

Active guerrilla resistance by those favoring an independent East Pakistan. Collaborators with the martial law regime are in mortal danger, and two British tea planters have been murdered for attempting to continue normal operations. A bomb was thrown in the courtyard of the Intercontinental Hotel in Dacca while the Bank-Fund team was there, but no one was hurt.

A demolished transportation network. About 60 percent of East Pakistan goods normally move by rail, but the train system is barely functioning. At least 13 key bridges have been blown up by guerrillas, and the regime has made only *kutcha* or makeshift repairs.

A strong likelihood of widespread famine this fall. It will occur not because of a lack of rice, the staple diet of Bengali East Pakistan, but because the transportation network is so deeply damaged and distribution systems have broken down.

Ignorance by the Yahya regime as to the true conditions in East Pakistan and the state of world opinion. Pakistan's envoys abroad, with few exceptions, are said to be minimizing the widespread revulsion over the violence in their country.

Cargill himself is understood to have had a heated meeting with Yahya on June 14. Cargill is said to have disputed a Yahya forecast that life will return to normal by September.

The World Bank official reportedly said that Pakistan could not use aid effectively at this point. Yahya, who had indicated he wanted $100 million now and more to follow, is known to have exploded at this statement and hotly asserted that the conclusion amounted to interference in Pakistan's internal affairs.

Among other things, the Bank-Fund mission is known to be disturbed by Pakistan's rising military budget. Arms outlays last year were 3 billion rupees, or $630 million at the official exchange rate, and are planned at 3.4 billion rupees, or $710 million, this year.

The mission suspects that Pakistan is spending what is left of its foreign exchange to buy arms abroad, notably fighter planes and sophisticated antisubmarine weapons systems from France.

[From the Sunday Star, June 27, 1971]

Interpretive Report—Is U.S.-India Policy British?

(By Kuldip Nayar)

New Delhi.—Mrs. Indira Gandhi, the prime minister, told a meeting recently that America follows Britain when formulating policy on India, Pakistan and other countries in the region. She was answering a question why the United States was not openly siding with India on the question of East Bengal.

More or less, that is the quintessence of Indian opinion. There is a feeling here that despite the liberal traditions of America, Britain has been able to influence it in adopting an "anti-people" policy to preserve the status quo.

It is conceded that U.S. public and press are sympathetic to India's insistence that no refugee from East Bengal can go back unless there is an acceptable government in that part of Pakistan. But it also is alleged that the State Department and the Pentagon, particularly the latter, are unwilling to put enough pressure on Pakistan to alienate it or drive it completely to the Chinese side. And here, as far as India is concerned, is the land of London.

Both the government and the people of India are happy that the visit of Indian Foreign Minister Sardar Swaran Singh to Washington has brought about some change in the U.S. thinking in the sense that the government realizes that President Yahya Khan of Pakistan will have to make major political concessions to create a climate for the return of the refugees.

But the peductance of the United States to openly condemn Pakistan or to pressure it is deplored. Yet a segment of opinion in the Indian government and among the people believes that had it not been for behind-the-scenes activity by Britain, the United States would have come out on India's side in a more positive way.

U.S. assistance in the wake of cholera in the refugee camps has been appreciated, and the visit of Frank Kellogg, special assistant to the Secretary of State for refugees and migration affairs has been welcomed.

But the reluctance of the United States most countries in the world, has been tardy in its reactions.

And where Indian opinion feels most sensitive is that the United States has not as vehemently condemned the barbarities of the Pakistan army in East Bengal, particularly on the Hindus, as might have been expected.

"America has rightly felt angry over the My Lai incident; but it is surprising how scores of incidents like My Lai in East Bengal have gone almost unnoticed in the United States," says a top official of the Indian External Affairs Ministry.

However, the real disappointment of the Indian people is not so much from America as from the Arab countries which New Delhi has been supporting all along. Their complete silence over the happenings in East Bengal has come under adverse notice both by the public and the press.

And some quarters are demanding a reassessment of the policy which, according to them has been tantamount to having no contact with Israel lest the Arab countries should feel offended. Indian officials say the fact of Pakistan being a Moslem country has weighed with the Arab countries more than the brutality and the influx of six million refugees into India.

[From the New York Times, June 27, 1971]

U.S. AND PAKISTAN—WHEN AMMUNITION IS A THEOLOGICAL QUESTION

(By Ted Szulc)

WASHINGTON.—The Nixon Administration discovered from newspaper disclosures last week that it has been violating the ban it had imposed on shipments of American military equipment to Pakistan following the outbreak of civil strife in that country's eastern region.

In finding out belatedly that at least three freighters laden with military equipment had sailed from New York for Karachi after the ban became effective on March 25, and that new export licenses had been illegally issued since that date, the Administration faced public embarrassment, Senatorial anger and political problems with India.

The incident also served to underscore Washington's ambiguous attitude toward the potentially explosive situation in East Pakistan, where Pakistan's military suppression of the Bengali independence movement is reported to have claimed nearly 200,000 Bengali lives and has sent six million refugees pouring across the Indian border.

Few observers believed that any deliberate official deception was involved. It was generally accepted that the arms shipments resulted from a breakdown in internal communications between those who make policy at the top and those executing it on the working level, a phenomenon that one harried bureaucrat described last week as "the price you pay for an elephantine government."

The bureaucratic confusion surrounding the shipments was monumental in every aspect. The State Department, which had assured a number of Senators only a few weeks earlier (in writing) that no arms shipments to Pakistan were scheduled, was surprised to learn of the sailing of two freighters (it later discovered the third one) and turned to the Defense Department for explanation.

The Pentagon checked its computers and produced the information, startling the State Department, that the March 25 ban on shipments took effect only on April 6. Then, the Administration explained that military equipment delivered to Pakistani officials in the United States before March 25 could be shipped anyway. It did not say why.

A special high-level task force was quickly formed to ascertain the facts, but four days elapsed before the State Department learned that the Padma, the Pakistani freighter loading in New York last weekend, had sailed with (1) $1.2-million worth of ammunition, (2) spare parts for military aircraft, armored vehicles and jeeps and (3) small radio-controlled pilotless drones for antiaircraft gunners' practice.

For three days, State Department spokesmen and newsmen argued over the official claim that ammunition was not a "lethal" item. This stemmed from an earlier State Department admission that the military sales to Pakistan, confined to "non-lethal" items, included ammunition. On the third day, a reporter asked: "When does ammunition become lethal?" The State Department spokesman replied: "This is a theological question."

Left unclear was the essence of United States policy toward the East Pakistani crisis against the background of what is recognized here as a very real threat of warfare between India and Pakistan unless a political solution is promptly found for the autonomy aspirations of the easterners.

This threat emanates from the severe strain that the refugee army has placed on India's resources, the mounting frictions between the refugees and the local Indian population and India's fear of political radicalization of the East Pakistan "freedom fighters." All these factors are seen by New Delhi as a direct menace to the political stability of the Indian state of West Bengal and to peace in the subcontinent.

Indian policy, strongly supported by Britain and Canada, is to bring enough international pressure to bear on President Yahya Khan to grant East Pakistan its demands for autonomy. India argues that this must be done if conditions are to be restored in East Pakistan for the return of the refugees. She insists that foreign economic aid must be denied Pakistan as an instrument of pressure.

The attitude of the United States on this point is ambiguous. The Administration's instincts, particularly at the Pentagon, are that reasonably good relations with Pakistan must be maintained at all costs so as to compensate for the close ties between India and the Soviet Union. This view is maintained even though Pakistan in recent years has drawn close to Communist China.

Although the State Department publicly counseled Pakistan earlier this month to seek "political accommodation" with the easterners—the first time it had done so after two months of bloody fighting—it rejects the argument that economic pressure should be applied.

However, a mission from the World Bank recommended last week, following a survey of the Pakistani situation, that no new funds be supplied by the international aid-to-Pakistan consortium until the Islamabad regime had turned to "political accommodation" in the East.

[From the New York Times, June 29, 1971]

U.S. SAYS IT WILL CONTINUE AID TO PAKISTAN DESPITE CUTOFF URGED BY OTHER NATIONS

(By Tad Szulc)

WASHINGTON, June 28.—The Nixon Administration reaffirmed today that it intended to provide economic aid to Pakistan despite international pressures to halt foreign assistance until the central Government reached a political accommodation with East Pakistan.

Most of the 11 nations forming the Aid to Pakistan Consortium have concluded that assistance, running at about $500-million a year, should be withheld pending a political settlement of the crisis that has resulted in the death of an estimated 200,000 East Pakistanis and the flight to India of about six million refugees.

The World Bank, which coordinates assistance to Pakistan, has recommended against further aid. Britain, Canada and Belgium, among other members of the consortium, have taken a similar stance.

Their positions emerged at an informal meeting of the consortium held in Paris last Monday to receive the report of a World Bank mission that toured Pakistan. Robert S. McNamara, the president of the bank, was reported to have approved this policy last Thursday.

Administration officials reported at Senate hearings today that the United States said in Paris that it disapproved of the policy of denying economic aid to Pakistan as a political instrument of pressure. This view was reaffirmed here today.

Testifying today before the Senate Judiciary Subcommittee on Refugees, the Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs, Christopher Van Hollen, said that by providing economic aid the United States would have leverage in persuading President Yahya Khan to seek a "political accommodation" in East Pakistan on the basis of autonomy and to create conditions allowing the refugees to return.

He admitted, however, that such "leverage" was not yet measurable and that few refugees had returned home.

Mr. Van Hollen also announced that the Administration had no plans for placing a full embargo on shipments of military equipment to Pakistan.

He told the subcommittee, headed by Senator Edward M. Kennedy, Democrat of Massachusetts, that it was "likely that additional military equipment will be shipped to Pakistan."

He explained that while the Administration had halted the granting of export licenses for military items under its four-year-old program of credit and cash sales after the outbreak of hostilities in East Pakistan last March 25, the permits issued before that date would not be revoked.

Other Administration sources had reported, however, that this decision was made only last week by the National Security Council after newspaper disclosures showed that at least three Pakistani ships carried military equipment from New York to Karachi despite what the State Department had originally described as a ban on all shipments.

KENNEDY PROTESTS

The State Department later issued a clarification, saying that the ban did not apply to equipment purchased by the Pakistanis before March. Under questioning by Senator Kennedy, Mr. Van Hollen conceded that the State Department's earlier public statements on the matter were "confusing" and "misleading."

Later in the day, State Department officials confirmed reports that the Pakistani freighter Kaptai, due in New York today, would sail for Karachi about July 2, "presumably with items on the munitions control list," and that between four and five other ships would sail with similar cargos before mid-August.

This information led Senator Kennedy late in the afternoon to telephone Joseph J. Sisco, Assistant Secretary of State for Near Eastern and South Asian Affairs, to protest the new shipments.

Mr. Kennedy then issued a statement charging that the hearings before his subcommittee this morning had indicated that the Administration's policy on military supplies to Pakistan was "misleading and contradictory."

"In violation of the understanding conveyed to me and others in Congress, our Government has freely tolerated at least three shipments of military equipment to Pakistan over the past two months," he said.

"Today, after the hearings, we learned that still another ship, the Kaptai, is docking in New York to be loaded with still more military hardware for Pakistan and four to five more ships are expected to be loaded in the coming weeks.

"I've asked the Administration to stop the policy of shipping arms to Pakistan."

At the subcommittee hearing, Mr. Van Hollen justified the decision to continue economic aid to Pakistan and to maintain the validity of the military export licenses on the ground that to do otherwise in a situation of "civil strife" in East Pakistan would "be seen as sanctions and intrusion in internal problems."

He said that the United States had decided to keep selling "nonlethal" military items to Pakistan so that President Agha Mohammad Yayha Khan would not turn to other sources of supply, such as Communist China.

He acknowledged, however, that China had been supplying arms to Pakistan all along.

[From the Washington Post, June 29, 1971]

KENNEDY, U.S. AIDE CLASH ON PAKISTAN

(By Lewis M. Simons)

The United States has not halted shipment of all military weapons to Pakistan because this would turn the regime of President Yahya Khan to "other areas of supply," a senior State Department official said yesterday.

Deputy Assistant Secretary of State Christopher Van Hollen told a Senate subcommittee hearing on refugee problems in Pakistan and India that an outright embargo on arms shipments would be interpreted by Pakistan as "a sanction and intrusion into internal problems."

In response to sharp questioning by subcommittee chairman Sen. Edward M. Kennedy (D-Mass.), Van Hollen said such an embargo would undermine U.S. efforts to persuade the Pakistani government to establish favorable conditions for the return to East Pakistan of a reported six million refugees now in India.

Showing impatience with his witness, Kennedy shot back, "The reason for our supplying arms is that if we don't, China or Russia will and we want to keep our leverage. Well, where is our leverage now?"

Van Hollen said the "other areas" to which Yahya could turn included Western Europe and Communist China. China, he said, has never ceased supplying Pakistan with arms.

When fighting between East Pakistani dissidents and government forces broke out last March, Van Hollen said, the United States "began a close review" of its policies and "made certain adjustments and took certain steps."

This "interim action" included placing a "hold" on sales of military equipment under Defense Department control and a freeze on issuing new licenses to ship arms to Pakistan as well as renewing expired permits.

Kennedy termed government explanations to date "highly misleading" and said he was planning to submit legislation to halt all weapons shipments to Pakistan "at the earliest possible moment."

Van Hollen conceded that official statements had caused "some confusion," but he denied that there was any attempt to "mislead" the public.

[In a report from New Delhi, Reuter quoted Indian Foreign Minister Swaran Singh as saying U.S. government spokesmen were contradicting themselves over the sale of arms to Pakistan. "The more I have looked into it deeply, the greater is the concern," he said.]

Another government witness, John W. Sipes, director of the Office of Munitions Control, denied recent news reports that two Pakistan flag carriers were sailing from the United States to Pakistan with military weapons including four planes. The only munitions aboard either ship were 2,000 rounds of "sporting type" .22 cal. ammunition, he said.

As to whether there were any rifles aboard, Sipes said, "if there are, they're sporting type too, for use in safaris."

"Safaris in East Pakistan," Kennedy retorted, to laughter from about 70 persons attending the session.

At a separate briefing, State Department spokesman Charles Bray denied reports that agreement was reached by an 11-nation consortium in Paris last week to halt all aid to Pakistan.

"Formal aid commitments to Pakistan were neither invoked nor considered and, contrary to press reports, no agreement was reached to postpone indefinitely new economic development assistance to Pakistan," Bray said.

[From the Washington Post, June 30, 1971]

MORE U.S. WEAPONS WILL GO TO PAKISTAN

Four or five ships carrying licensed United States military equipment will sail for Pakistan in the next month or two, U.S. officials said yesterday.

But, State Department press officer Charles Bray said, the equipment was all licensed for sale to Pakistan prior to the March 25 arms clampdown.

Bray said one ship was already being loaded. Other officials said four or five vessels would set sail in the next one to two months.

Bray denied published reports that Secretary of State William P. Rogers would visit India and Pakistan for a first hand view of the civil strife in East Pakistan and the resultant refugee crisis in India.

In New Delhi, Prime Minister Indira Gandhi rejected demands from some of her Congress Party members in Parliament that India go to war against Pakistan. She said her government would not "embark on any adventurist policies."

"Do not talk loosely of war or similar adventurist policies," Mrs. Gandhi reportedly told a party caucus. The meeting was closed to the press, but several members gave newsmen a summary of her remarks.

They said she reacted strongly to a suggestion from Y. S. Mahajan that West Pakistani forces "should be thrown out by military methods" from East Pakistan to enable "democracy to be restored and a popular government under Sheik Mujibur Rahman to be formed."

Mrs. Gandhi replied that the situation in East Pakistan is "a problem for the 75 million people of the area to decide themselves."

She said President Agha Mohammed Yahya Khan's speech Monday night which ruled out any political compromise with Sheik Mujibur "vindicated India's stand that the military rulers in Pakistan are isolated from the people and have failed to respond to their democratic and secular urges."

She added that the speech "betrayed the failure of the military regime to install a puppet government" in East Pakistan.

Government sources said India's policy toward the crisis in East Pakistan would probably "stiffen" because of Yahya's speech, which was considered unconciliatory toward the East Pakistanis and hostile toward India.

Rebel East Pakistani leaders condemned Yahya Khan's announced plan to return civilian rule to Pakistan.

"Yahya's speech once again confirmed the fact that democracy is dead in Pakistan," a rebel Bengali said in Calcutta.

Mrs. Gandhi's government took over the administration of West Bengel State under "President's rule," yesterday for the third time in three years, enabling New Delhi to deal directly with the influx of millions of East Pakistani refugees into the region.

[From the Washington Post, July 1, 1971]

KISSINGER ON MISSION TO VIETNAM, PAKISTAN

President Nixon is sending Henry A. Kissinger, assistant for national security affairs, to Vietnam and other countries for a first-hand foreign policy report, the White House announced yesterday.

Kissinger is scheduled to leave today for two or three days in Saigon. He will then visit Thailand, India and Pakistan, completing his trip with a stop in Paris to consult Ambassador David K. E. Bruce, chief U.S. delegate to the Vietnam peace talks.

Press Secretary Ronald L. Ziegler said that Kissinger would return to the United States about July 10 and report to the President and Secretary of State William P. Rogers at San Clemente, Calif.

The President will go to California Tuesday and stay about two weeks, Ziegler said. While there he will work primarily on budget planning, but Rogers will be there part of the time for a foreign policy review, Ziegler said.

Ziegler said plans for Kissinger's trip had been under discussion "for some weeks." He insisted that no major change in policy was indicated by the visit and that no untoward developments at home or abroad prompted it.

There was widespread speculation, nevertheless, that the President wanted to explore possible new moves in the Vietnam war. Official sources, however, maintained that the trip was one more attempt to bring information up to date on Vietnamization, Hanoi's military intentions, the economy and prospects for the presidential election Oct. 3.

Kissinger is expected to confer with President Nguyen Van Thieu, but officials here discouraged speculation he may also meet with Communist officials at the Paris peace talks.

The stops in India and Pakistan will enable Kissinger to obtain the latest information on the Pakistan refugee problem and to express the President's hope for a peaceful solution to the problem.

Ziegler said that en route to California Tuesday Mr. Nixon would stop in Kansas City to brief Midwestern editors and publishers on his domestic legislative proposals.

Among officials who will confer with the President in San Clemente will be, in addition to Rogers and Kissinger, Secretary of the Treasury, John B. Connally and George P. Schultz, director of the Office of Management and Budget.

Ziegler said that "the President used this period last year" in San Clemente to work on the 1972 budget, which he sent to Congress last January. He will begin work on the 1973 budget on this trip, the press secretary said.

[From the Washington Post, July 1, 1971]

CANADA BLOCKS SHIPMENT OF WEAPONS FOR PAKISTAN

The Canadian government stopped a shipment of spare aircraft parts to Pakistan and said that no Canadian arms were to be loaded aboard the Padma, which arrived in Montreal Tuesday from New York.

Customs officials said that the order blocked the loading of 46 crates of parts for F-86 Sabre jets; an official of the firm shipping the parts said that the contracts went back as far as five years.

In Calcutta, a British doctor said that a fresh outbreak of cholera had struck the West Bengal district of Bangaon, 60 miles northwest of Calcutta, with 500 new cases being reported in one day alone. Although medical authorities said cholera appeared to have been contained elsewhere, the physician who headed an inoculation team in the area earlier this week, said that "The number of cholera victims is doubling every day" in Bangaon.

The London office of The New York Times announced yesterday that the paper's correspondent Sydney Schanberg had been expelled from East Pakistan after being given 12 hours' notice. He had been in East Pakistan for nine days.

[From the Sunday Star, July 4, 1971]

PAKISTAN SEEKS U.S. BOMBERS DESPITE EMBARGO

President Mohammad Yahya Khan asked the United States to sell Pakistan seven B57 reconnaissance-bombers on June 9, three months after the government imposed a ban on all military sales to his country, diplomatic sources said yesterday.

Even though Pakistan is near bankruptcy because of the civil war that erupted in East Pakistan in late March, Yahya apparently is willing to pay the $1,250,000 that each of the sophisticated jet planes would cost, or a total of $8,750,000.

State Department officials, acknowledging Yahya's request, said it was being held in abeyance while the United States reviews its entire military assistance program to Pakistan.

The request heightened the anger of Indian diplomats already smarting from disclosures that military equipment was shipped from New York aboard Pakistani vessels in late June in violation of the sales ban.

Both incidents are considered certain to be discussed when Dr. Henry A. Kissinger, President Nixon's national security affairs adviser, visits India and Pakistan next week on his way to Paris from Saigon.

Pentagon officials would not comment on the Pakistani request.

The B57, which was manufactured until 1959, can be used as a tactical bomber with a 6-ton bomb load or for reconnaissance at altitudes of 50,000 feet.

There was concern here that the jet request indicates that Pakistani officials do not take seriously the ban imposed by the United States in early April, retroactive to March 25, the date the East Pakistan civil war began.

State Department officials acknowledged June 23 that the embargo had been violated. It was understood that about $2,000 worth of aircraft engine parts and accessories had been shipped on a Pakistani vessel from New York despite revocation of the sale license.

The department indicated it was a case of a Defense Department subcontractor making a delivery agreed upon before the ban went into effect.

Some officials believe Yahya has interpreted such shipments as a signal of tacit endorsement by the Nixon administration of his stern measures against East Pakistan.

There also was concern here that Pakistan envoys are misinforming Yahya about the real extent of international criticism of his methods of putting down the civil strife. This, they fear, could undermine world pressure on Yahya to restore civil government in East Pakistan.

[From the Washington Star, July 6, 1971]

AGNEW SPEAKS ON AID TO INDIA

BOMBAY.—Vice President Spiro T. Agnew expressed U.S. sympathy today for India's burden in caring for 6 million refugees from the fighting in East Pakistan and said Washington probably will seek to give New Delhi "the additional economic assistance to handle this matter."

He said he brought no specific promises of assistance, but told newsmen aboard Air Force Two as it flew here from Singapore for a 90-minute refueling stop that he believes more U.S. aid to India will be under "continued consideration" by the State Department. He is en route to the Middle East.

Outside Bombay Airport, several hundred Indians demonstrated against continued U.S. military shipments to Pakistan. Police kept the demonstrators from the airport, which was cordoned off to everyone except persons with plane tickets.

Agnew, on a 10-nation, month-long goodwill tour, said an improved attitude in the Arab world toward the United States has strengthened chances for a major U.S. role in settling Middle East problems.

The vice president, whose next scheduled stop is Kuwait, said he will not try to play a role in the Middle East negotiations but will try to get more understanding and sympathy for the Nixon administrations' peace efforts.

Agnew is to spend nearly two days in the oil-rich little Persian Gulf kingdom of Kuwait, the highest-ranking American official ever to visit there. On Thursday he will cross the Arabian peninsula to Jidda, on the west coast of Saudi Arabia.

The vice president is carrying to Kuwait and Saudi Arabia a message that the U.S. government seeks a balance of power that will assure the security of all nations.

He told newsmen in Singapore yesterday that in the Middle East the Nixon administration has tried to counter the increased Soviet naval presence in the Mediterranean and Moscow's aid to Egypt by keeping "the Israeli government supplied with sufficient disincentive to anyone to attack them" while at the same time "attempting to maintain a non-hostile posture toward the Arab republics."

[From the Evening Star, July 6, 1971]

KISSINGER GREETED IN INDIA BY ASSAULT ON U.S. POLICY

(By Henry S. Bradsher)

NEW DELHI.—Dr. Henry Kissinger arrived in India from Thailand today during the most angry outburst of disgust with U.S. policy to occur here in many years. A few airport demonstrators greeted him.

Indian government opinion and informed public opinion feel that Washington has betrayed promises to New Delhi and violated basic moral principles by allowing military equipment to be shipped to Pakistan and leaving the door open to give it more economic aid despite the suppression of East Pakistan.

Kissinger, President Nixon's security adviser, came here on a Far East tour to discuss the "Bangla Desh" problem, which has flooded India with more than 6 million refugees.

DIVERGENCE SEEN

There is little enthusiasm here for the visit, a leading newspaper declared today. The Times of India said, "The sharp divergence now revealed between Indian and U.S. viewpoints vis-a-vis the developments in East Bengal scarcely permits a meaningful dialogue."

A columnist writing separately in the same paper said Kissinger should see "that America's credibility here has suffered enormously in the past two weeks . . ."

Kissinger will meet Indian Prime Minister Mrs. Indira Gandhi and other top officials, including the defense and economic planning ministers. He is scheduled to fly Thursday to Islamabad for talks with Pakistani government leaders.

Public accusations of U.S. perfidy began in India recently when the foreign minister, Swaran Singh, returned from Washington. About the time he got home, it became known that the United States was shipping military equipment to Pakistan, although Singh thought he had understood otherwise.

"Washington's highest policymakers from the President down," the Washington correspondent of the Indian Express wrote today, "led us up the garden path and betrayed us."

The Times of India's Washington correspondent wrote that the U.S. government has shown it "will be happy to continue business as usual with the killers and rapists, once the dust has settled on the East Bengal scene."

In Bangkok, Foreign Minister Thanat Khoman said Kissinger had assured Thai leaders there will be no change in U.S. commitments to Thailand, the Associated Press reported.

Thanat said Kissinger brought a message from Nixon reaffirming the U.S. government's intention to support Thailand's efforts to maintain peace and security.

Kissinger conferred with Premier Thanom Kittikachorn and other leaders on the general situation in Indochina and "particularly exchanged ideas" on the latest Viet Cong peace proposal, the foreign minister said.

Both sides were "satisfied" at their common approach, Thanat said.

KISSINGER SILENT

Kissinger refused to talk to newsmen. Ambassador Leonard Unger said the talks included discussion of "the whole question" of U.S. relations with Communist China as well as Washington's view of the future in Vietnam.

"I can't tell you any details," Unger added.

Sources in Washington said earlier that Kissinger would assure the Thais that the U.S. program of military withdrawal from Vietnam would not leave Thailand exposed to Communist attack.

United Press International quoted Saigon diplomatic sources as saying Kissinger gave President Nixon's assurances to President Nguyen Van Thieu during his visit there that the United States is "not going to be stampeded" out of Vietnam.

[From the Wall Street Journal, July 7, 1971]

Indians protesting U.S. arms sales to Pakistan shouted slogans as President Nixon's security adviser, Henry A. Kissinger, arrived in New Delhi for a two-day visit. Other demonstrators turned out in Bombay where Vice President Agnew stopped to refuel en route to the Mideast. Indian Foreign Ministry sources said there is a "crisis of confidence" in India's attitude toward the U.S. as a result of disclosures that Pakistan is still receiving U.S. military supplies. It's believed that Kissinger's main task is to regain new Delhi's trust.

EXHIBIT 3—EVENTS RELATING TO PAKISTAN CIVIL WAR

[From the Far Eastern Economic Review, May 15, 1971]

MAOISTS ON THE MOVE

(By Nayan Chanda)

Calcutta: "In this cold world of diplomacy, nothing counts" said a student leader from Bangla Desh; "neither the electoral majority of a government nor the bloodbath of a people". If the euphoria which greeted the first split with West Pakistan, and which was sustained by last month's proclamation of the new state, has faded under the crushing artillery of Punjabi troops, courage and determination remain. But resistance is falling in political terms ever more under a leftist influence.

The first organised move to override the Awami League and establish a National Liberation Front took place in Bangla Desh in the last week of April. While the League and the government it has set up are busy trying to win diplomatic recognition, the leftist groups under the banner of the Liberation Front are preparing for "protracted people's war".

The only absentee at the April 25 meeting of leftist parties was Mohammed Toha's EPCP-ML (East Pakistan Communist Party-Marxist Leninist). Participating were Maulana Bashani's NAP (National Awami Party), the Matin-Sikdar group which calls itself the EBCP (East Bengal Communist Party) and the Zafar-Menon group which had always been particularly militant and operated underground. Leaders of some peasants' and workers' unions were also present.

The meeting is reported to have drawn up a broad programme which listed imperialism and feudalism as enemies to be fought. According to an EBCP leader, "the primary contradiction at this stage is between the West Pakistani army and big bourgoisie and the East Bengal people as a whole. The contradiction between feudalism and the people takes second place, the orientation of the whole fight being anti-imperialist."

This leader was critical of Mohammed Toha for relegating the struggle against West Pakistan to second place, but he refused to criticise Peking. "The Chinese stand is perfectly logical and consistent," he said. "In their recent statements they have scrupulously avoided pledging support to the integrity of Pakistan. Peking will certainly support a genuine anti-imperialist people's war by the Bangla Desh people." (It seems this particular leader had not heard Chou En-lai's message to Yahya Khan in which he said "the unification of Pakistan and the unity of the people of East and West Pakistan are the best guarantees for Pakistan to attain prosperity and strength".) However, the formal coming together of the left parties shows that events are moving towards what many commentators had predicted: development of a guerrilla situation, ideological radicalisation of the struggle and the eventual takeover of the leadership by hardened revolutionaries, possibly even Maoists.

Islamabad's Blind Alley

(By a Correspondent)

Calcutta: Some seven weeks after General Yahya Khan struck at East Pakistan, in a military operation supposed to end within 72 hours, neither side is anywhere near the kind of victory that makes sense to the outside world. And it is almost impossible even to speculate what lies ahead, both for Bangla Desh and for West Pakistan's military regime.

At this stage, what matters most to Islamabad is a clear military victory over the liberation forces of the self-proclaimed Bangla Desh government. Without such a victory, there can be no attempt to restore any form of civil administration to the province, never mind establish the kind of puppet government which was attempted early in April with the help of some rightwing Dacca politicians, including former chief minister Nurul Amin and former foreign minister Hamidul Huq Chowdhury.

It is said that when Yahya launched his offensive, hoping to get the situation well under control in a matter of days, he still had a vague tentative political time table in mind. The formation of an interim government in East Pakistan headed by one of these rightwing leaders figured prominently in this schedule, which envisaged organising a fresh election in the province. A similar government would have been formed in West Pakistan, headed by PPP (Pakistan People's Party) leader Zulfikar Ali Bhutto or his nominee. Bhutto supported the plan because it offered him certain clear political advantages. Without the participation of the banner Awami League and National Awami Party in the election, the representatives elected from East Pakistan would probably be split into small factions. This would offer him an opportunity to form the government on the basis of a coalition with one or two East Pakistan groups.

For all practical purposes, this plan (disclosed by a non-Awami politician who has escaped to Calcutta) is now as good as dead. There can be no move in the political field prior to a military "solution".

The government troops have undeniably gained the upper hand, but it is anything but a victory. They have captured all the district headquarters and the majority of sub-divisional towns and have successfully sealed much of the border with the Indian state of West Bengal. But they have not yet established their authority on the border with the Indian province of Assam, where the frontier lies partly through the Khasi Jainta hills and partly along the river Kushiara.

The extremist Naxalites, Maulana Bashani's organised peasantry and the militant Awami League workers are now consolidating their position in the countryside, organising the pockets of resistance, something they should have done right from the beginning, instead of fighting pitched battles against the federal troops in such big towns as Rajshahi, Jessore, Pabna and Sylhet and losing precious men and ammunition. Again, the border with Assam is essentially rural. The nearest towns are Sylhet and Maulvi Bazar, both some 30 miles from the frontier. In other words, if the Pakistan army wants to seal off the border with Assam, it must move into the villages.

This is easier said than done. The army can carry out a few raids on scattered villages as long as it does not go very far from its urban bases. The monsoon will affect road communications and the Pakistani army has few motorised patrol boats. In monsoon conditions, government troops may only control areas within 5 or 10 miles of each major town. The rainy season will hamper troop movements, aerial bombardment and fire-power.

Another major problem is the usefulness of army raids. At this stage, pacification can hardly be the aim of an army which has already killed far too many people to inspire any kind of trust and confidence anywhere in East Bengal. Obviously it can hunt out pockets of resistance, hidden arms and rebel leaders. But civil intelligence and co-operation from the local population, both non-existent, would be essential for the troops to lay their hands on Maoist leaders—Toha or Abdul Huq, Rashid Menon or Sikdar, or countless others—who may well be hiding in the villages.

The villagers can shelter members of the liberation forces, hide arms and weapons in the paddyfields and, when necessary, transport them from place to place by river. In this respect, among others, Yahya Kahn's troops operating in East Bengal are in an infinitely more difficult situation than the Saigon government troops which are out to destroy all the NLF (National Liberation Front) strongholds in South Vietnam.

The hazards government troops face in the second phase of their operation are pretty clear; the position of the Bangla Desh Mukti Fauj (liberation army) is vague. So far the Mukti Fauj is made up of scattered guerrilla groups rather than an army taking its orders from a well-knit military command. "General" Usmani, named by the provisional government of Bangla Desh as the military commander, is operating without any communication facilities. He has developed a courier service of his own, but it may still be too slow-moving to help him maintain effective coordination with his "troops." Even when supplies are organised from outside, how can he ensure their use and distribution inside the country?

The liberation forces cannot yet work on the basis of a province-wide coordinated plan. The most they can do—and this would be worthwhile—is to develop local plans of action and carry out commando operations against government troops: ambushes, harassment and disruption of the army's communication lines. Success in these fields could mean the resistance fighters came to exercise control over hundreds of villages within a defined territory, perhaps in the district of Sylhet along the border of Assam, consolidating the position of the Bangla Desh government. At the moment, this is the best chance for Usmani's under-fed barefooted soldiers.

The supporters of Bangla Desh face more serious problems elsewhere—in the field of policy direction, and the ideological approach to the struggle. It was a tactical mistake on the part of the Awami League to exclude Maulana Bashani and Mohammad Toha from their provisional government set up in Mujibnagar early last month (in all probability, these two leaders were not then contactable); but at the local level all the groups appear to be working together. There may be some differences at the top, but probably not serious enough to cause serious concern to the leadership.

Despite their ideological differences, they obviously accept that the present struggle has all the characteristics of a national liberation movement calling for a unified national leadership. Toha, a highly educated, intelligent person, is unlikely to regard it as a socialist revolution (which it is not) just as Awami League leaders who have proclaimed the "independent republic of Bangla Desh" are no longer in a position to return to a moderate approach.

However, it may prove hard to thrash out possible differences among these groups on the issues of military tactics, obtaining help from outside, relations with the big powers or even the kind of arms the liberation forces should use. The tactics of General Usmani, a retired trained military officer from the Pakistan army, may not always fit in within the framework of what could be loosely termed Maoist guerrilla strategy—and vice versa.

Again, extreme leftist elements like Toha, Abdul Huq, Rashid Menon and Sikdar may oppose attempts by the provisional government (and Maulana Bashani) to gain sympathy for the struggle from Delhi, Washington and Moscow. Their strong fear of big power intervention provides a psychological barrier between the militant left and the leadership of the provisional government.

With time, the militant millions in East Bengal may well develop a strategy of their own which can accommodate differences about tactics, political divergencies and even the ideological clashes. The struggle is unlikely to follow any established pattern. In this sense, the extreme leftists may be totally mistaken in assuming that it will eventually develop in an out-and-out guerrilla war, Vietnam style. To their dismay, they might discover many of the ingredients are absent. One thing is certain. The struggle will be long and bitter. Having raised a new flag over a devastated land, no one in East Bengal dares lower it.

Aid Dilemma

(By Werner Adam)

Islamabad: Depression symptoms were scarring the Pakistan economy long before Sheikh Mujibur Rahman's eastern wing drew blood, but last week there was growing evidence the nation was confronted with an economic crisis of monolithic proportions. The symptoms, in fact, had culminated in a liquidity crisis, compelling the government to end all payments in foreign exchange—both principal and interest—on Pakistan's debts for six months from May 1.

Members of the Aid-Pakistan consortium—the U.S., Canada, Britain, Sweden, West Germany, the Netherlands, Belgium, France, Italy and Japan—and other donor nations were told of the step only days before it was implemented. Islamabad frankly admitted that Pakistan's reserves would be "wholly exhausted before too long if all foreign exchange commitments, including those of debt service, are to be met in full," but vowed to meet all obligations. With foreign exchange reserves insufficient even to cover necessary imports during the next two months, the country clearly was in no position to continue its debt redemption.

The government blames the economic strife on disturbed conditions—"particularly in East Pakistan"—resulting in an interruption of jute exports from the first week of March. It anticipates that foreign exchange earnings in 1970–71 will be much lower than earlier estimates: officials speak of an expected shortfall of Rs500 million. The government already has moved to reduce strains on its foreign exchange position by imposing new import restrictions. However, this measure is likely to be swallowed by military expenses in the eastern sector and by the upward price trend resulting from such restrictions. Industry faces increasing difficulties in importing raw materials and spare parts.

Small wonder then that Islamabad is relying on the donor nations rather than on its own limited resources in overcoming the crisis. In its aide memoire to the Aid-Pakistan consortium, the government reminded members of a longer-term question for Pakistan's external debt. The memorandum declared: "It is imperative that the whole question of debt service payments be examined before too long in order to maintain a reasonable rate of growth of Pakistan's economy, for it is only such growth which will make it possible for Pakistan to repay its debts."

Thus confronted, the World Bank immediately sent South Asia Director I.P.M. Cargill to Islamabad for talks with President Yahya Khan and economic adviser M. M. Ahmed. Whether the consortium members will sanction Pakistan's unilateral decision will depend on Cargill's report to his boss, Robert McNamara, and on a special session of the Aid-Pakistan consortium scheduled for Paris next month.

Diplomats in Islamabad who are directly concerned with the matter say consortium members have little choice but to accept. But they foresee considerable difficulties in winning new aid pledges from the donor countries. Each government, these diplomats point out, will have to take into account criticism expressed by their parliaments and public during the civil war in East Pakistan—taking care to avoid any charges of financing a "military adventure", as one Western ambassador put it.

Feeling the Impact

(By A. Hariharan)

New Delhi.—The arrival in India last week of a three-man UN team, headed by Deputy High Commissioner for Refugees Charles Mace, has set the stage for the international aid for which India has desperately appealed. The problem is already on the scale of two million—the estimated number of Bengalis who have already fled to West Bengal, Assam, Tripura, Meghalaya and Manipur. And the flow of refugees continues at probably a minimum rate of 60,000 a day; if Pakistan does not allow relief missions to operate in East Bengal more are bound to come as the food situation there worsens.

Meantime the first major load of relief supplies from British charities arrived in Calcutta; and UNICEF (United Nations Children's Fund) announced that gravely concerned over the plight of refugee mothers and children, it was providing a similarly large shipment of food and drugs. It also financed a charter flight which left Calcutta last weekend for Agartala carrying milk powder. Most officials believe the chief problem is likely to be transport, particularly to camps in remoter areas where cholera is already a problem.

India has impressed upon the international community that it cannot undertake relief operations single-handed; it has set up medical units, and poured nearly Rs10 million into relief supplies. But more outside help is vital—as India points out, it could have avoided the burden on it by closing its frontiers. International agencies now seem alive to the scale of the problem and but for unforeseen calamities, it may be possible to avoid famine and widespread pestilence. All the same, the prospects of the refugees' early return home look bleak, and the strain on India's economy will be severe.

[From the New York Times, May 20, 1971]

Chinese Presence in Pakistan Is More Noticeable

(By Malcolm W. Browne)

Rawalpindi, Pakistan, May 19—The Chinese presence in Pakistan has become increasingly noticeable as new aid from Peking is announced, newspapers praise Chinese policies and columns of blue-uniformed Chinese officials march through airport waiting rooms.

Last week China pledged a new interest-free loan to Pakistan of about $20-million, bringing total pledges to date of Chinese aid to about $307-million.

Western officials note that of $450-million pledged over the years to Pakistan by all Communist nations, including the Soviet Union, only about one-third has actually been disbursed.

China's loans to Pakistan, which are repayable in commodities rather than cash, are evenly divided into two categories. The first is to provide the means of buying commodities, especially coal, coke, rice and some raw materials. The second is for various projects.

One of the projects was for an arms factory at Ghazepur, near Dacca, in East Pakistan, employing upwards of 1,500 workers. When massive civil disobedience by Bengali separatists disrupted East Pakistan in March, the plant had to halt production for lack of workers. The Government has since reported that work there has resumed.

The type of equipment manufactured at the plant has not been disclosed, but it is understood to include small arms and ammunition of Chinese design. Some of this equipment was probably used by the army in East Pakistan in suppressing the separatist rebellion.

U.S. AID POLICIES CRITICIZED

Other Chinese projects include a heavy-machinery complex at Taxila in West Pakistan and a 380-mile blacktopped road linking Thakot, West Pakistan, with Sinkiang Province in China.

But the Chinese presence in Pakistan has acquired special signifiance since the United States suspended aid in March. Newspapers and Government officials daily draw unfavorable comparisons between United States aid policies here and those of China.

When a plane load of powdered milk arrived from China last week, officials pointedly noted that the milk was to be distributed by Pakistani officials themselves without foreign supervision. The United States insists that foreign observers be present when goods are distributed to insure that they are actually delivered to the intended recipients.

A Pakistani official whose views reflect those of the Government recently told an American, "If you Americans tell us to go to hell, you must expect that we will turn increasingly to China."

FOOD IS A PROBLEM

Chinese aid to Pakistan dates from 1965, the year Pakistan and India fought a brief war over the disputed Rann of Cutch area. There is a feeling here that the struggle between Pakistan and India has to some extent involved the Soviet Union as a friend of India and China as a friend of Pakistan.

Only South Vietnam has received more American aid than India and Pakistan. Since 1954, Pakistan has received more than $4 billion.

Bengali separatists and others have condemned United States aid as one of the main props of the Pakistani central Government. The Government, on the other hand, has charged that the suspension of aid was a political act motivated by a wish to meddle in Pakistan's domestic affairs.

The presence of uniformed Chinese officials has not gone unnoticed by the local population. And, privately, some Chinese have expressed a certain sense of discomfort at living in Pakistan.

A minor problem is food. Moslem law, which is practiced rigidly in Pakistan, precludes the eating of pork. The Chinese miss this and also vegetable cooking oils from home and other specialties.

Pakistan, currently governed under martial law by the army, is not a socialist country. For the most part, the Chinese diplomatically avoid political discussion here.

But most experts feel that China will assert a cautious but increasingly important role in Pakistan.

[From the New York Times, May 23, 1971]

East Pakistan: Three Million Links in a Chain of Misery

(By Sydney H. Schanberg)

New Delhi.—The frightened refugees pouring into India from East Pakistan have posed for New Delhi a problem perhaps as serious as any it has faced since independence in 1947.

According to Indian figures, the number of Bengalis who have crossed over to escape the Pakistan Army—which since March 25 has been trying to crush the Bengali independence movement in East Pakistan—has topped three million. Tens of thousands more arrive every day—pitiful, dazed, broken people carrying a few salvaged belongings. Some are wounded. Others have died on the way.

They are now massed, like a human chain, in schools, public buildings and open fields along India's 1350-mile border with East Pakistan. India is trying to provide adequate shelter and care, but camps of tents or bamboo-and-thatch barracks cannot be erected fast enough to keep up with the flow. Schools have been shut down to house some of the refugees, but these cannot be kept closed indefinitely.

CHOLERA THREAT

Sanitary facilities are inadequate, adding to an already severe health problem. Indian hospitals are overflowing with the wounded and sick, many of whom have to lie on mats in the corridors and aisles. Dysentery is rife. Cholera and smallpox have broken out. And much of this is taking place in difficult-to-reach border regions—Assam, Meghalaya and Tripura—where medical care in normal times is either inadequate or nonexistent. The problem of getting enough food to these remote areas is also straining India's limited resources.

And in the one easily accessible area, West Bengal state, the refugee influx has caused food shortages and forced prices up. At the same time, refugees offering to work in the fields at any price have driven the daily wage rate down. Resentment among local poor Indians has already surfaced, and in an overcrowded tinderbox state like West Bengal, one quarter of whose 45 million population is of earlier refugee origin, this could be explosive.

Hindu-Moslem tensions are also feared. Over-all, the refugee breakdown is 60 percent Hindu and 40 percent Moslem. Though Moslems predominate in East Pakistan, the Pakistan Army appears to be striking hard at the minority Hindus, who have always been regarded by the West Pakistanis as pro-Indian and who gave overwhelming support in last December's election to the autonomy-minded Awami League party, which has now been outlawed.

The Indians are worried, and not without cause. Prime Minister Indira Gandhi's Government feels that the Pakistanis are deliberately terrorizing Bengali Hindus and other potential dissidents into fleeing across the border to place grave strains on India's economic and social fabric. The Indians also fear that large numbers of Pakistani agents are crossing over, undetected, with the refugees. Further, New Delhi is concerned that the refugee camps might eventually become military staging aeras for the independence struggle, thereby becoming a target for the Pakistan Army and turning the border into a battle arena.

As a result, India last week mounted a massive diplomatic and publicity campaign to try to mobilize world pressure against Pakistan. The Indian message being spread in world capitals is that unless other governments persuade Pakistan to halt its "deliberate campaign of terror" and "deliberate expulsion" of Bengalis, India will be "forced to act to protect our national interests." What "forced to act" means is not clear, and most diplomats here do not think India has actually mapped out in any detail what she will do if the world response is disappointing.

WORSE THAN CYCLONE

Though the civil war has caused more human disruption than the killer cyclone that struck East Pakistan last November, foreign governments have been far less responsive with relief. Within days of the cyclone, tens of millions of dollars in relief goods had been flown in, and much more had been pledged for long-range rehabilitation. The war refugees started flowing into India nearly two months ago and foreign aid still totals only a few million dollars. The cost of maintaining the refugees for just one year will run into the hundreds of millions, which India clearly cannot handle alone.

The apparent reason for the sluggish foreign response is that the United States and other Western nations were reluctant to give much aid unilaterally for the refugees, fearing that this might imply support for the Bengali independence movement and thus alienate the Pakistan Government—which has insisted that the civil war is entirely an internal matter and that most of the refugees are "Indian infiltrators" who have been routed by the Pakistan Army.

The Western nations were looking for an international relief effort, a less offensive conduit through which to channel their donations. The appeal last week by U Thant, United Nations Secretary General, "for humanitarian assistance . . . on an emergency basis" has presumably provided this umbrella. Yet even if the immediate relief problem is eased, and with it India's financial burden, the much more crucial question will remain—when will it be safe for the refugees to go home again?

[From the Washington Sunday Star, May 23, 1971]

Pakistani Rebels Seize River Boat, Condemn 17

Rawalpindi, Pakistan.—East Pakistani dissidents have seized the passenger river steamer The Rocket and sentenced 17 of its non-Bengali passengers to death in a "people's court," diplomatic sources said yesterday.

This indicated resistance is continuing in the East despite army claims of crushing it, they added.

The sources said such incidents maintained a "climate of terror," preventing politicians from collaborating with the regime and frightening West Pakistani civil servants who have been assigned to work in the East since the army crackdown against Shiek Mujibur Rahman and his now-banned Awami League.

According to the diplomats, dissidents are also seizing barges and burning cargoes of jute on their way to market towns.

According to the informants, dissidents in early May halted the steamer which makes regular runs between Dacca and Khulna, 40 miles southwest of Dacca and the home territory of Sheik Mujib, as he is familiarly known.

They selected 17 persons to be tried at a people's court in Jaynagar High School in Gopalganj. According to one witness, 12 of the 17 sentenced to death were executed.

The Rocket, which often carried foreign tourists on pleasure cruises through part of the Sunderban Jungles, was operated by a private Pakistani river service.

Sources said the identity of the dissidents were not known. They speculated the resistance movement was being taken up more by radical groups not connected with the Awami League.

[From the New York Times, May 23, 1971]

India Seeks Halt in Refugee Flow

(By Sydney H. Schanberg)

New Delhi.—India has mounted a broad diplomatic and publicity campaign to try to mobilize world pressure on Pakistan to halt the refugee flow from the East Pakistan.

More than three million Bengalis have poured into India, and the Indians charge that the refugees have fled as a result of the two-month-old drive against the Bengali independence movement in the east.

The message that is being spread with unusual vigor in the local press here and by Indian diplomats abroad is that unless the world community persuades Pakistan to stop her "deliberate campaign of terror" and "deliberate expulsion" of Bengalis, India will be "forced to act to protect our national interests."

Indian officials do not elaborate on what "forced to act" means, and foreign diplomats here doubt that New Delhi has made any definite plans for its next step if world response proves disappointing.

But the refugee and border situation is becoming more serious, and while it is clear that neither India nor Pakistan wants another war, observers here do not rule out the possibility. Should a military clash erupt, India is hoping that both Indian public opinion and world opinion will have been prepared for it and will understand India's case.

PRESSURE ON GOVERNMENT

Another apparent reason for the tough stance is to satisfy the wide public sympathy in India for the Bengali independence struggle and to relieve some of the resultant pressure on the Government to grant recognition to the recently proclaimed government of Bangla Desh, or Bengal nation, the Bengali name the insurgents have given to East Pakistan.

Prime Minister Indira Gandhi has said she feels recognition at this time would be a mistake because it would lend credence to Pakistan's charge that the independence movement was engineered by India in order to dismember Pakistan. The pressure for recognition will be renewed by opposition parties when the next session of Parliament opens on Monday, and Mrs. Gandhi will now enter the session with fresh ammunition.

The Indian diplomatic offensive, which began this week, was preceded by a protest note to Pakistan, which said that the military action in East Pakistan "has created a human problem of unparalleled magnitude which is capable of producing serious repercussions in the area leading to a threat to peace in the region."

In a speech last Tuesday, Mrs. Gandhi said, "If a situation was forced upon us, then we are fully prepared to fight."

REFUGEES 60 PERCENT HINDU

The Indian Government believes—and its ambassadors reportedly have been instructed to convey to foreign Governments that the Pakistani Army is now calculatedly terrorizing certain unwanted elements in the East Pakistan population, such as the minortiy Hindus, so that they will flee across the border and place grave strains on India's economic and social fabric.

The refugees are about 60 percent Hindu and 40 percent Moslem. From their composition and their accounts of what happened in their villages, it would appear that the army's main targets are students, young people, intellectuals, party workers for the now-banned Awami League and Hindus, who voted strongly for the proautonomy Awami League in last December's election and who have always been regarded as pro-India by the West Pakistanis.

Some West Pakistani newspapers have been attempting recently to blame the Hindu vote for setting off the conflict. The papers argue that Hindus should never have been given an equal franchise in an Islamic state.

In a statement on the refugees yesterday, Pakistan's President, Agha Mohammed Yahya Khan, said that "bona fide Pakistani citizens are welcome to return to their homes.'"

President Yahya repeated Pakistan's contention that many of the refugees are Indian infiltrators who entered East Pakistan to help the insurgents. He said violence by antistate elements had forced a number of innocent persons to seek shelter in India, and he contended that other Bengalis "were encouraged by India to leave with the object of disrupting East Pakistan's economic life."

COST CONCERNS INDIA

Home of the refugees this correspondent interviewed on a recent three-day tour of refugee camps mentioned any factor but the Pakistan Army in explaining why they fled East Pakistan.

The cost of sheltering and feeding the Bengali refugees—estimated at hundreds of millions of dollars a year—is considered prohibitive for India, whose resources are already strained by a population of 550 million.

India is even more worried about the social tensions and security problems.

[From the New York Times, May 24, 1971]

A Political Solution for East Pakistan Is Urged by Bhutto

(By Malcolm W. Browne)

Karachi, Pakistan, May 23.—Zulfikar Ali Bhutto, leader of West Pakistan's majority party, warned today that Pakistan was in danger of disintegration unless a quick political solution was found for the crisis in East Pakistan.

"If the situation in Pakistan continues to deteriorate, and events are moving fast," Mr. Bhutto told a group of newsmen, "we cannot guess what will happen. The economic crisis in Pakistan was alarming even before the events in East Pakistan. The solution is urgent and it can only be found by the leaders and representatives of the people."

Mr. Bhutto leads the Socialist-oriented Pakistan People's party in West Pakistan, which won 88 seats in the election for a National Assembly last Dec. 7. Pakistan's military leaders never convened the assembly because negotiations over sharing of power between the Pakistan People's party and East Pakistan's dominant party, the Awami League, broke down.

On March 25, the army moved into East Pakistan to crush the Bengali separatist movement. The Awami League, which had won 167 seats, was banned and its leader, Sheik Mujibur Rahamadr, was imprisoned on charges of treason.

"To insist here that the elected representatives of the people are power hungry in wanting to assume office is like calling President Nixon power hungry for wanting to occupy the White House after he was elected," Mr. Bhutto said.

"On Dec. 7 the people made their choices and the result was three forces in the country try—the Government, the Pakistan People's party and the Awami League. Now the Awami League is banned so there are only two forces. We must accept that political reality."

Mr. Bhutto called for a moratorium on foreign debt repayment, but a more precise word is default. There is a food crisis. There is labor unrest. There is total loss of confidence on the part of the peasantry. There is a fall in production with no immediate likelihood of improvement. We speak a lot in this country about the hostile foreign press. Well, if we want a better press we must have a nation which is not a graveyard in the community of nations."

[From the New York Times, May 25, 1971]

Yahya Again Says Aim Is Civil Rule

(By Malcolm W. Browne)

Karachi, Pakistan.—President Agha Mohammad Yahya Khan said today that he was determined to bring about "an orderly transfer of power" to a civilian government.

General Yahya told a group of foreign correspondents at the presidential mansion here that he would present a plan for doing so in "two or three weeks."

"I have been saying for the past two years that it [the transfer] would happen," he declared, "and last December [when elections for a constitutional assembly were held] I said, 'By God, I've done it.'

"Well, I'll still do it even though some of my countrymen don't like the idea. They say: 'What the hell's going on? This will lead to chaos.'

"But I am determined on an orderly transfer of power to the elected representatives of the people."

MARCH MEETING PLANNED

The National Assembly elected last December was to have met March 3 to start to write a constitution that would return Pakistan to civilian rule. But General Yahya postponed the session when the Pakistan People's party, the dominant political group of West Pakistan, which had won only a minority role in the assembly, said it would not attend.

A series of protest strikes followed in East Pakistan, whose principal party, the Awami League, had captured a commanding majority in the assembly on a platform of regional autonomy.

General Yahya was asked today if his plan for an "orderly transfer of power" would also apply to the Awami League, which led the Bengali separatist movement in East Pakistan. The league was outlawed in the early stages of the army crackdown, which began on March 25.

The President replied that the Awami League, as a political party, would "remain forever banned."

But he said that many members of the Awami League had been misled by the separatist cause and were welcome to assume their functions as representatives later.

"Some people have spoken of a general amnesty for the Awami League," the President said.

"For those who were genuinely misled, all right, but for those who committed rebellion, murder, looting, raping and arson, no. I shall deal with those criminals."

Today's meeting was the first President Yahya has had with the foreign press since the military action began in East Pakistan.

He spoke particularly bitterly about Sheik Mujibur Rahman leader of the Awami League, who is now believed to be imprisoned on charges of treason.

"He was plotting against me," the President said. "He even tried to have me arrested, I hear he confessed that himself."

"What did he have to lose, for God's sake? I offered him the Prime Ministry on a silver platter and he refused it, always talking of separate legislatures for East and West Pakistan and so forth."

"I'll be damned if I'll see Pakistan divided," the President added.

Asked about the fate in store for Sheik Mujib, the President replied: "Why is that of any interest to you? Sheik Mujib is a citizen of Pakistan and the Government of Pakistan will deal with him as it sees fit."

WON'T WHIP UP FRENZY

On the subject of Pakistan's hostile relations with India, the President said that "in their heart of hearts they [the Indians] don't want war," and added, "I could whip up a frenzy for war very quickly in my country but I refuse to do so."

Touching on the severe strains on recent relations between Pakistan and the United States, President Yahya said that he had recently received a letter from President Nixon.

"It was a very warm, kind personal letter in which Mr. Nixon offered to do anything he could to help," he said.

Today's meeting at the presidential mansion was held primarily for the 10 correspondents who are being permitted to enter East Pakistan tomorrow for a four-day visit. They represent United Press International, The Los Angeles Times, The Washington Post, the West German news agency D.P.A., Agence France-Presse, Le Monde, Far Eastern Economic Review, the Kyodo news agency and Asahi Shimbun and Yomiuri Shimbun of Tokyo.

This is the second such trip since all foreign correspondents were expelled from East Pakistan March 26. The New York Times was represented on the first trip earlier this month.

The President said that after the latest group returned all foreign correspondents would be invited to go to East Pakistan. He also asserted that censorship of dispatches sent by foreign correspondents in Pakistan had been lifted since the first trip to East Pakistan.

A number of correspondents here have complained of many deletions in their copy since then, however, and all press cablegrams still must be approved by a Government censor.

[From the New York Times, May 25, 1971]

MARTIAL PAKISTANI CHIEF—AGHA MOHAMMAD YAHYA

President Agha Mohammad Yahya Khan seldom ventures out in public without a swagger stick tucked under his arm, even when wearing a business suit.

Associates say he does it to preserve an image as military commander in chief with a caretaker role in public life. But time and the tides of Pakistani politics and civil strife have obscured the image of the man and the future of his country. When General Yahya replaced Mohammad Ayub Khan as President in March, 1969, one of his first orders of business was to pledge his determination to establish a civilian, democratic, constitutional government, disclaiming any personal ambition to continue the autocratic rule of his predecessor.

Yesterday—two years, one month and 28 days later—the President, meeting foreign correspondents for the first time since the outbreak of fighting in East Pakistan two month ago, again declared that he was determined to bring about a civilian government.

It was clear, however, that he was finding the deed more difficult than the word.

President Yahya, pronounced YA-YA, now 54 years old, had been a military man all of his adult life until he assumed power two years ago. The descendant of a long line of military men, he attended military schools, fought in World War II and in the 1965 war with India over Kashmir and rose rapidly through the ranks of the Pakistani Army.

YOUNGEST BRIGADIER

Known as "The Chief" to his men, he was, at 34, the youngest brigadier, at 40 his country's youngest general, and in June, 1966, at the age of 49, Pakistan's youngest commander in chief.

Since becoming President, he has wrought some changes: curbing business monopolies, bringing corruption charges against hundreds of former officials, raising minimum wages, increasing allocations for education and development, and fostering the election of a National Assembly last December—the first free national election in 23 years of Pakistani independence.

But in a nation of 130 million people, where more than 20 political parties compete for attention and where poverty is widespread, the very meaning of democracy and constitutional government is a matter of dispute.

Although the President says he seeks eventual civilian rule, he has repeatedly demonstrated that military power is the nation's cohesive force, at least for the time being.

AN EXACTING SOLDIER

A stocky, silver-haired man with heavy eyebrows and a big chin, President Yahya is described by fellow officers as an exacting professional soldier in public and a convival conversationalist in private.

He was born in Peshawar, on the Northwest Frontier of British India, on Feb. 4, 1917, into the historically important Quizilbash family, whose name means "red turbans." The family was descended from the elite soldiery of Naga Shah, the Persian ruler who conquered Delhi early in the 18th century.

At 18 he entered the Indian Military Academy at Debra Dun and was graduated with the title of King's Cadet, awarded for being first in his class. He later attended Junjab University.

In World War II, he saw action in Egypt, Libya and Italy, and when India was partitioned in 1947, he set up the Pakistani Staff College, having been promoted to lieutenant colonel.

As he rose quickly through the military ranks, he became closely associated with President Mohammad Ayub Khan and was reported by British sources to have been a key figure in the coup d'état that brought General Ayub to power in 1958.

In the 1965 border war, General Yahya was awarded the Hilal-i-Jurat, Pakistan's second highest military honor, for his performance in the Chamb sector.

The President is married, and has one son and one daughter. In keeping with Moslem custom, his family keeps discreetly in the background.

[From the Christian Science Monitor, May 25, 1971]

POWER SHIFT TO DACCA POLITICIANS?

(By Denzil Peiris)

NEW DELHI.—Pakistan's President Yahya Khan is expected to announce a transfer of power to politicians in the rebellious east wing of his country when he visits Dacca, its capital, early next month.

He is evolving a working arrangement with a group that includes compliant second-rung politicians from the Awami League.

These men did not join the breakaway Bangla Desh government announced by the resistance movement last month.

They surrendered to the Army after military action began following the breakdown of talks between President Yahya and Sheikh Mujibur Rahman, the Awami League leader.

Since then East Pakistan has been under a military governor, Gen. Tikka Khan.

When asked a few days ago by reporters whether there would be a transfer of power, the Pakistani President replied: "Who is there to receive it?"

A modified form of autonomy for the east wing now will probably be handed over to the "reasonable men" he had hoped to discover at the time he started military action.

Greater job opportunities will be given to East Bengalis, especially in the upper strata of administration, thus reducing their list of grievances.

The Pakistani President also hopes that the new move will appease the United States, which has been pressing him for some political accommodation to help it continue with its aid program.

[From the Washington Post, May 25, 1971]

NOBODY SEEKS WAR, SAYS YAHYA KHAN

KARACHI.—Pakistan President Agha Yahya Khan said today that "nobody wants war" since it would solve nothing. Yahya said he believes Mrs. Gandhi did not want a war despite her recent statements.

Yahya told journalists that he would announce a plan within a few weeks to turn over governmental power in Pakistan to representatives elected last December. He also offered amnesty to members of the secessionist Awami League who did not commit crimes in the initial fighting last March in East Pakistan.

He said President Nixon had offered Pakistan aid in what Yahya called a "warm-hearted, kind, personal letter of friendship," received Saturday.

[From the Washington Post, May 25, 1971]

INDIA RAPS POWERS OVER E. PAKISTAN

NEW DELHI.—Prime Minister Indira Gandhi accused the world powers today of not doing enough about the civil war in East Pakistan and said India may have to "take all means as may be necessary to ensure our own security."

As she spoke before Parliament, the Indian Army took over control of a border post in Assam after it was shelled by Pakistani troops, officials here said..

The mortar shelling of the post of Sutarkandi, about eight miles from the town of Karimgnaj, had died away by this evening, the Press Trust of India news agency reported.

The agency said the post had been manned by the border security force, two of whom were killed in the firing. It also said three civilians died and 25 were wounded.

Mrs. Gandhi said more than 3.5 million refugees have fled from East Pakistan into India and that the influx is continuing at the rate of 60,000 a day, threatening to disrupt the Indian economy and drain the government's resources.

"I have pleaded with all countries to recognize this threat to peace on the subcontinent," she declared.

"If the world does not take heed we shall be constrained to take all means as may be necessary to ensure our own security and for the preservation of the structure of social and economic life. I say this with full sense of responsibility."

She did not elaborate, but she hinted strongly that a military solution was one possibility.

"Our nation, our people are dedicated to peace and are not given to talking in terms of war or threat of war," she said. "But I should like to caution our people that we may be called upon to bear still heavier burdens."

Mrs. Ganhi spoke on the refugee situation after unruly scenes in the Lok Sabha (lower house) culminating in a walkout by most opposition members who wanted a full-scale debate in the East Pakistan situation and diplomatic recognition of the independent republic of Bangla Desh (Bengali nation), the secessionist name for the east wing of Pakistan.

Defense Minister Jagjivan Ram said Pakistani troops had crossed the Indian border seven times sinces the trouble began in East Pakistan on March 25. There had been 43 incidents of firing across the border and 11 violations of air space.

Instructions had been given that intruding aircraft were to be shot down if they disobeyed orders to return to Pakistan territory, he said.

Deputy Foreign Minister Surendra Pal Singh told Parliament that since the Pakistan civil war 38 Indian citizens had been killed, 19 injured and 14 kidnapped in border violations by the Pakistan army.

[From the New York Times, May 25, 1971]

PAKISTANI STRIFE SAID TO CONTINUE

(By Sydney H. Schanberg)

NEW DELHI.—Despite official descriptions of normality in East Pakistan, guerrilla activity and the army crackdown continue, according to reports from the area.

This picture of disrupted life has been provided by authoritative foreign sources inside East Pakistan, by foreigners who have recently visited the area and by information gathered by this correspondent on a recent tour of border regions. Foreign newsmen, except for six taken on a brief Government-guided tour early this month, have been barred from the province since the army crackdown began on March 25.

The foreign informants report that the Pakistani Army has been able to widen its control of vital installations and major towns and cities. But they said that guerrilla and terrorist activity by Bengali insurgents—buttressed by Bengali noncooperation in general—have prevented the army from establishing an effective civil administration in most of East Pakistan.

EVIDENCE OF FIGHTING

While the army asserts that "organized armed resistance has been liquidated all over the province," the foreign sources say there is considerable evidence to the contrary.

On May 12, they say, Bengali insurgents clashed with army troops only 15 miles northwest of Dacca, the provincial capital, at the town of Admin Bazar.

On the same day, insurgents reportedly captured the Rocket, a large well-known river steamer that plies between Dacca and Khulna to the southwest. Many foreign tourists used to take the Rocket for the leisurely and scenic ride.

The foreign informants say about 300 passengers were on board when the steamer was seized near Khulna. All were reported to have been robbed.

Foreign sources also say that Bengali activists are making and exploding fire bombs and grenades in Dacca.

Martial-law authorities last week announced the arrest of 10 persons for throwing grenades in Dacca.

The regime warned of "exemplary punishment" for creating "panic and a feeling of insecurity." The authorities have offered rewards for information leading to the capture of "saboteurs."

DESTROYING RAILS AND BRIDGES

Reliable informants also report that separatist forces have continued to destroy rail lines and bridges. The insurgents, informants say, are also seizing barges and destroying cargoes of jute, whose export provides the biggest share of Pakistan's foreign exchange.

The army, according to these sources, continues to carry out bloody reprisals against civilians wherever the insurgents are active. The particular targets are said to be young men, intellectuals, members of the now-banned Awami League, once East Pakistan's principal party, and the minority Hindus, who voted heavily for the Awami League in December's election for a constitutional assembly.

The army, the informants report, has been enlisting, and in many cases arming, anti-Awami League segments of the population to try to suppress the Bengali insurgence. These minority segments, it is said, include non-Bengali Bihari Moslems and supporters of traditionalist, religiously oriented parties.

The informants say some Biharis have been informing on and killing Bengalis. But the army, these sources say, has been much more sweeping and systematic in its attempts to force compliance from the hostile population—razing villages and sometimes killing large groups of Bengalis. Many Bengalis fleeing to India—more than three million have entered the country, according to Indian officials—have been shot at, and killed or wounded, the sources assert.

[From the Christian Science Monitor, May 28, 1971]

INDIA STUDIES ARMED AID FOR EAST PAKISTAN

(By Denzil Peiris)

NEW DELHI.—Indian military experts are offering three alternative solutions to the trigger-tense situation on the East Pakistan border.

1. To recognize the Bangla Desh provisional government in East Pakistan and send in trained refugee guerrillas.

2. To order the Indian Army to wage a "limited war" to clear a 50-mile deep strip in East Bengal for the $3,500,000 refugees who have streamed into India.

3. To give all-out military support to Bangla Desh and help the provisional government to clear the Pakistan Army from the whole of East Bengal.

All three plans have major flaws.

The first is handicapped by the refugees being unready for warfare for another three months. Prime Minister Indira Gandhi has also ruled out recognition of Bangla Desh for the present in spite of opposition pressure.

NEHRU REJECTED PROPOSAL

The second option is similar to a proposal rejected in 1951 by Mrs. Gandhi's father, the late Jawaharlal Nehru. There also is doubt about the willingness of refugees to return to an area of continuous fighting.

The countervailing view to the third plan is that while military experts think that India can easily fight a war on two fronts with East and West Pakistan, it cannot fight on a third front if Communist China came to the aid of its Pakistan ally.

India has launched a diplomatic offensive to persuade Pakistan to create political conditions for the refugees to return, and the United States also is urging Pakistan to make a political settlement.

Meanwhile, the border situation is worsening. The Indian Army has replaced the paramilitary border units in some sections, and antiaircraft guns have been placed in key areas of West Bengal.

[Meanwhile, Reuter indicates tension is high along Indian's frontier with East Pakistan after the Press Trust of Indian reported that Indian security forces killed 120 Pakistani troops who crossed the border on May 26.

[The news agency reporting from the northeastern Indian town of Shillong said the clashes occurred in the early part of the week.]

[From the Far Eastern Economic Review, May 29, 1971]

INDIA-PAKISTAN—HORROR IN STORE

(By A. Hariharan)

NEW DELHI.—By the end of the month some three million people from East Pakistan will have crossed into India as refugees, 60% of them Hindus, 30% Moslems and the balance Buddhists and Christians. They are not political refugees—these may number only a couple of thousand—but old people, women and children whose homes have been destroyed or who fear they will fall victim to the Pakistan military machine.

The bulk of the refugees are accommodated in camps in the border Indian states of Assam, Tripura, Meghalaya and Manipur. The camps are makeshift with no protection against the oncoming monsoon or possible outbreak of epidemics. For India it is a great burden but on humanitarian grounds it has not been possible to seal the long border or insist on valid papers for the refugees to enter India. Consequently eventual repatriation will be a serious problem.

Apparently Pakistan has been driving out all inhabitants from a 25-mile belt directly across the Indian border, perhaps with the intention of getting dependable West Pakistan settlers to occupy this strategic and sensitive area. Both the Indian government and the UN Refuge Relief Committee have organised relief measures on the optimistic assumption that the refugees will be able to return to their homland in about six months. Pakistan, which often has accused India of sending "intruders" into East Bengal, is bound to raise obstacles to prevent their return.

Prime Minister Indira Gandhi is worried about this situation and as India's motivations are based on humanitarian considerations, it looks certain that India will end up having to find homes and work for the bulk of the refugees. They will be able to return only if the bid to carve out a separate Bangla Desh (Bengal nation) is successful.

International response to Mrs. Gandhi's

appeal for generous help to feed and house the refugees was at first disappointing. But following the UN Refugee Relief Committee's findings and U Thant's appeal, large donations of cash, food, milk powder and medicines have been promised. India has told the UN that India's own effort, considerable in itself, will have to be underwritten to the extent of Rs2,000 million by other nations.

However, the main problem is not money. What is needed is an organisation efficient enough to distribute relief supplies and a team of doctors and nurses to look after the health of the migrants. Communication and transport in Tripura, Manipur and Assam will become increasingly difficult as the summer rains set in. Railway lines in some of these states are far from the border areas.

Because of the health hazard, some of the states have demanded that the refugees be spread out to other states. But Mrs. Gandhi has resisted this mainly because their continued encampment in the border zone will facilitate repatriation, if necessary under UN supervision. Neither is she sure that all entrants are genuine refugees. If some of them are agents and spies of the Pakistan government, Delhi feels they should be confined to specific areas where a check can be made of their movements.

If the refugees do not return soon, India will have many more serious problems to face. Social tensions are already building up in the border regions. The refugees already are in the labour market and there is competition for work as farm hands. The people of West Bengal feel they are being displaced by cheaper labour. Some refugees have crossed over with their hand-drawn rickshaws, others their tools of trade. In the acute employment situation already prevailing in the region, the sudden influx of a large number seeking jobs could lead to violence and chaos.

Attempts also will be made by interested parties to rouse communal passions. In Assam there have been some incidents since the East Pakistan exodus began. In the present context even a minor incident involving individuals could lead to a conflagration engulfing large groups of Hindus and Moslems.

Some people in India believe that the ultimate objectives of Pakistan are to eliminate all the minorities from the eastern wing and to place new strains on India's economy. There are approximately eight million Hindus in East Pakistan. If India has to undertake responsibility for all these, there will be demands in India that an equal number of Moslems be expelled from India. India has about 63 million Moslems.

There is no doubt that for peace in India and Pakistan, Islamabad must change its policy of repression in East Pakistan. Only by granting the democratic right of dissent can the situation be retrieved.

[From the New York Times, May 30, 1971]

PAKISTAN'S ROLE PONDERED AT U.N.

(By Kathleen Teltsch)

UNITED NATIONS, N.Y.—The dispute between political factions in East and West Pakistan that erupted into bloody fighting in March has left a legal problem for the United Nations to unravel:

What to do about Abu Sayed Chowdhury, a jurist and educator from East Pakistain who was named to the Human Rights Commission before the crisis?

The Pakistani Government last week notified the United Nations that it wanted Justice Chowdhury taken off the prestigious commission. In due course, the Government said, it would offer a successor.

However, Justice Chowdhury has now turned up here, talking to delegates in their offices and telling them his version of the March fighting.

The 51-year-old judge said during an interview that he would fight to keep his seat on the commission with one aim in mind: "I want to be able in the United Nations forum to tell the world how the Pakastani Government of President Yahya Khan committed atrocities unparalleled in history against the people of East Pakistan."

Justice Chowdhury says that he now supports the provisional government of Bangla Desh (Bengal Nation) set up by East Pakistani separatists. He is working in Britain to rally support for the cause among the 100,000 Bengalis living there.

His status as a member of the Human Rights Commission is now being studied, say legal experts here. One diplomat predicted that it would lead to a "good fight" in the commission's parent body, the Economic and Social Council, later this year.

There are precedents for individuals continuing to serve on some council commissions after being disavowed by their governments. However, the 32 members of the Human Rights Commission traditionally are regarded as representatives of their governments.

"I still consider myself a member of the commission," Justice Chowdhury declared. He argued that since the council had confirmed his designation, the council would have to decide on his removal and that he was entitled to a hearing.

"It is a fundamental principle of jurisprudence that nobody can be condemned unheard," he said.

Justice Chowdhury was a member of the High Court of East Pakistan for 10 years and also served as vice chancellor of the University of Dacca.

In his talks here he has been particularly bitter that the casualties of the fighting included hundreds of students at his university. He refers to them often as "my children."

As he tells it, he had left meetings of the commission in Geneva and gone to London when news reports reached him that the Government of President Aga Mohammad Yahya Khan had outlawed the Awami League, which was pushing for autonomy in East Pakistan. Next came reports that West Pakistan troops had fired on civilians during the night of March 25, he said.

"When they killed my students and my teachers, I knew I could not go back," he added. "I could not serve under an administration that murdered in utter lawlessness. As a judge I, could not uphold the rule of law in a country where people are shot while they are sleeping.

[From the Washington Post, June 2, 1971]

REBEL BENGALI LEADERS MEET WITH INDIRA GANDHI

Indian Prime Minister Indira Gandhi for the first time met yesterday with rebel leaders from East Pakistan who sought support for their provisional Bengali government.

The three Bengalis said the meeting was "encouraging" but disclosed no details. The three, all officials of the Awami League, East Pakistan's majority party, were also guests of a reception held by the Indian parliament, which has sympathized with the separatist cause.

In Karachi, the government of President Yahya Khan lifted censorship of outgoing press dispatches. Censorship had been in effect since March 26 when federal troops moved to crush the East Pakistan breakaway movement.

Meanwhile 800 person were reported dead from cholera in the last five days in refugee camps for East Pakistanis who fled into adjacent districts of India. The chief medical officer of Nadia district of West Bengal said another 1,200 refugees wre being treated for cholera.

The World Health Organization and Red Cross in Geneva said they had received no request from India for help in fighting the cholera but that supplies of vaccine and health teams were ready.

[From the Christian Science Monitor, June 3, 1971]

PAKISTAN REFUGEES FLOOD INDIA

(By Abu Abraham)

ON THE EAST PAKISTAN BORDER.—Emaciated, silent, cheerless, the East Pakistani refugee children who have poured into India to escape war are a heartrending sight.

Together with their mothers, many of them with babies in their arms, they huddle in temporary shelters uncertain as to their future.

As Pakistani government troops spread along the Indian border to contain the East Pakistani secessionist revolt, the flow of refugees into the Indian states of Tripura, Assam, and West Bengal continues.

It is estimated that there now are three million refugees from East Pakistan in India.

POPULATION SURGE

Tripura's population, which was 1.5 million two months ago has increased by almost half as much.

There are more than a half million registered refugees in Tripura, and perhaps at least 100,000 are unregistered and living with relatives and friends.

The situation has led to a serious problem in food supply and has adversely affected the development projects in this Indian Union Territory.

But if the children depress, their grown up brothers in the Mukti Fauj (Liberation Front) see no need for despondency.

Somewhere on the border some miles from Agartala, the capital of Tripura State, on the fringe of a forest, I spent an hour at a training camp of the Mukti Fauj.

Past the armed guard in lungi (a piece of colored striped cloth worn below the waist) and shirt, I was led to an old wooden house. There I was met by a young boy who looked hardly 18, who introduced himself as the commander. He is a former cadet of the military academy in Dacca.

He introduced me to some of his fellow fighters, all of student age and wearing lungis and shirts.

As I sketched one of them, who sat guarding a stack of rifles, the commander talked to me about the daily exploits of his boys, about their regular encounters with Pakistani troops. He was confident of victory. "The morale of the boys is very high," he said repeatedly.

When I had finished the drawing, he came over and had a look. "Don't show him afraid," the commander said. "You must put some courage in his eyes. Our morale is very high."

LESS OPTIMISM VOICED

The situation on the refugee front is a lot less optimistic.

About half the refugees, it is estimated, have been provided with temporary shelter.

Many schools and some temples have been turned into camps, but thousands live in huts made of pleated bamboo screens and grass thatching.

The jungles of Tripura have plenty of bamboo groves and the screens are made by hundreds of refugees working at various construction camps.

The huts look pretty and neat, but they can be blown over in a storm. They will be poor protection when the heavy rains begin in June. Moreover, thousands of families now live in the open, under trees.

PITIFUL SCENE

The condition of the refugees is far worse in West Bengal than in Tripura. Because of the heavier local population, the congestion is more evident; besides, the weather in West Bengal is hotter and more humid.

Bangaon, about 60 miles from Calcutta and two miles within the Indian side of the border, presents a sad spectacle, with thousands of mothers with little children and babies in arms living along the roadside, cooking food or resting in the shade.

Despair is written on their faces. Long columns of people were waiting at different places for their ration of 400 grams of rice per day.

At Sabrum, 70 miles south of Agartala, is one of the biggest camps in Tripura. A town with a normal population of 2,000 now has several times that number. Eighty-thousand people have passed through Sabrum in the last month.

A few hundred yards away from the camp, the Fenny River flows, marking the boundary with East Bengal. A tapering, hooded Bengali boat lay moored on the Indian bank. A group of children were peering across to the other side. "There!" said one in a hushed voice. "There they go." Two Pakistani officers were marching in step in the compound of what was once a post office, now turned into an army camp.

BATTERED, DESERTED TOWN

This is the town of Ramgarh. There was not another soul in sight. Beyond the post office were wide open spaces. Next to it, a partly damaged school building and a half-destroyed mosque. Nearby were the charred remains of a few houses, a clump of burnt-out banana trees, and a couple of badly damaged coconut trees.

Back at the Circuit House in Agartala my bedroom windows rattled every night as Pakistani shells burst along the border. The shelling goes on during the day as well, though with less regularity. It is probably aimed at the guerrilla forces operating from the border, but it is also, no doubt, a way of intimidating the villagers in these areas and forcing them to leave.

[From the Times of London, June 4, 1971]

SECRET CATALOGUE OF GUILT AND DISASTER OVER EAST PAKISTAN

(By Peter Hazelhurst)

Within a space of a few short weeks both East and West Bengal have suddenly become international trouble spots. Millions of people have been uprooted by the civil war. Thousands have been killed. Famine and disease are already beginning to stalk the countryside and a full-scale war between India and Pakistan threatens to break out at any moment.

But even more disturbing is the fact that the situation can only deteriorate. The world leaders are, of course, talking glibly about the hope that the East Bengalis and the West Pakistanis will come to a "political settlement." But even the most naive student of Pakistani affairs knows that a political settlement is out of the question now.

CHRONOLOGICAL SEQUENCE

In the coming months, the legal aspects behind this man-made holocaust will be hotly debated in the capitals of the world and on international platforms. But many of the issues which precipitated this convulsion have been clouded by the cries of "secession" or "genocide" and other accusations and counter-accusations and if the accusing finger is to be pointed at any single Pakistani leader then one must at this juncture take a judicious look at the chronological sequence of events leading up to the rift.

It is worthwhile picking up the threads in January 1970 when President Yahya Khan, who had promised to hand over power to a popular Government, lifted the ban on political activity in both East and West Pakistan as a prelude to the election of a Constituent Assembly to hasten a Constitution-making process and to assuage the fears of the West Pakistanis who believed that the integrity of Pakistan might be jeopardized by the imagined East Bengali separatists. The President had earlier issued a Legal Framework Order (LFO) which gave him the right to ratify or reject the Constitution.

It has already been obvious that the former Foreign Minister Bhutto would emerge as the most popular leader in West Pakistan and the fiery East Bengali leader Sheikh Mujibur Rahman had already demonstrated his strength on the streets of East Pakistan.

HOPE OF DEMOCRACY RAISED

Political activity began in earnest the moment the ban was lifted and as both the leaders began to barnstorm their respective provinces, Pakistanis began for the first time to look forward to their first taste of democracy.

But as the two leaders launched their campaigns, it soon became clear that they were fighting elections on rigid and diametrically opposed grounds and that there would be hardly any common meeting ground in the Assembly. Bhutto, whose whole political base is essentially founded in militant Punjabis' obsession over the Kashmir dispute, began stomping up and down the Western province, talking of a thousand-year war with India. And to maintain this attitude he assured his voters that he stood for a strong Central Government, a strong army and a new offensivé to liberate Kashmir.

As millions of Pakistanis went to the polls in the country's first free elections last year, General Yahya Khan and his aides waited for the results with bated breath. President Yahya certainly intended to hand over power but he had hoped that results would force the East and West Pakistani leaders into an alliance which would preserve the integrity of the country.

THE NEW FACTORS

But the General had not counted on two factors. At the last moment Awami League's major political opponent, left-wing National Awami Party, decided to boycott the elections leaving the field open to the Awami League. At the same time the West Pakistani administration's alleged failure to come to the timely assistance of the cyclone victims was used to conjure up more votes for the Awami League and in terms of preserving the integrity of the country, the results were disastrous. Almost every Bengali endorsed Sheikh's 6-Point Program which turned the election into a referendum. The Awami League swept the polls and claimed 167 out of 169 Bengali seats and with the support of anti-Punjabi regional parties in the Western province, Sheikh Mujibur Rehman was confident of obtaining the support of more than two-thirds of the 313 members of the Constituent Assembly. In West Pakistan Bhutto and his Peoples Party won 82 out of 138 seats allocated to the western wing. The Punjab recoiled in horror for it became blatantly obvious that the Bengalis would be able to draw up their own Constitution the moment the Assembly met.

BHUTTO'S PLANS

But Bhutto, who knew that he could never become the Prime Minister of undivided Pakistan was thinking of the future within hours of election. He suddenly discovered that he had a vested interest in the President's Legal Framework Order. The clause which gave the President the right to veto, or reject the Constituent Assembly's document had become the Punjab's veto.

On the night after elections the flamboyant lawyer revealed a part of his plan to me: "What do you think I will do. The Sheikh will push his Constitution through with his brute majority and the responsibility will lie on the President's shoulders. I doubt whether he will sign the document which is unacceptable to West Pakistan."

In other words, Bhutto had a vested interest in keeping the LFO in force. He had told that he had heard disconcerting reports that the Sheikh was planning to declare that the Constituent Assembly was a sovereign body the moment it met.

In other words, the LFO and the Punjab's veto would disappear.

"OUR FUTURE PRIME MINISTER"

In the meantime Bengalis were in a restive mood and there had been no move toward secession. On December 24 President Yahya had described Mujibur Rehman as "our future Prime Minister" and had agreed that the Constituent Assembly would sit in Dacca. The Bengalis began to decorate the city and the Assembly House and the mood in Dacca had relaxed.

The slogan "Bangla Desh" had not been raised and no one was talking of Independence.

But Bhutto had other ideas. At first he tried to oppose the early sitting of the Assembly but on February 13 President Yahya announced that the Assembly would meet on March 3.

POINT OF NO RETURN

The actual point of no return which precipitated the present crisis came two days later on February 15. Bhutto announced that his Party would boycott the Constituent Assembly and at the same time he threatened any other West Pakistani politicians who were planning to travel to Dacca. In short, Bhutto began to pile up pressure on President Yahya.

At the same time Bhutto had met several of President Yahya's Generals who were considered hawks on the subject of East Bengal. They included the present Governor of East Pakistan, General Tikka Khan.

In the meantime, several West Pakistanis had defied Bhutto's threat and had traveled to Dacca in the last week of February to participate in the framing of the Constitution. In terms of arithmetic, representatives of two-thirds of the country had congregated in Dacca.

BHUTTO THREATENS YAHYA

But on February 28 Bhutto flew to Rawalpindi to remind President Yahya of the consequences he would have to face if he ratified the constitution which was unacceptable to the Punjab and subsequently to the Punjabi army.

President Yahya made his first mistake. He succumbed to the Punjabi pressures and without consulting Sheikh Mujib, as the leader of the largest party, he postponed the Constituent Assembly on March 1.

BENGALIS LOSE FAITH

The Bengalis, who saw the move as a conspiracy, went wild and the army was called out to quell the disturbances in Dacca. The Bengalis had lost their faith in the President and the first cries of "Bangla Desh" were heard on the streets of Dacca. The hawks in the Awami League began to call for Independence and the Sheikh promised to make a dramatic announcement at a mass rally on March 7. On March 6 the President attempted to retrieve the position and announced that the Assembly would meet on March 25. But things had gone too far. On the next day, staving off militant cries for Independence, the Sheikh announced 4 preconditions for future talks. The most important was the withdrawal of Martial Law itself (this would eliminate Bhutto's veto in the form of LFO).

But one thing was clear at this juncture: The Sheikh, facing a tremendous pressure, was still prepared to participate in the Union of Pakistan.

The Punjab sighed with relief. The Bengalis had been allocated a built-in majority in the Constituent Assembly by virtue of their large population but every Punjabi believed that they had found a leader who could stand up to Sheikh. He would certainly not compromise the Kashmir issue by resuming trade ties with India (as the Bengalis had advocated) and opposed all of Bengal's demands for autonomy which would strip the Central Government of all effective power.

AUTONOMY IS NOT SECESSION

But across India, in the impoverished Eastern Wing, the fiery Bengali leader and his Awami League lieutenants were adamant that they would not concede one inch of their 6-Point Program for autonomy. The Sheikh had made it plain too, that when he talked of autonomy he did not mean secession. "I want constitutional guarantees which will end this economic exploitation forever. We have larger population so how can the majority secede from the minority," he told me at that time.

YAHYA'S OFFERS

To give weight to his demand for immediate withdrawal of the Martial Law, the Sheikh launched a massive civil disobedience movement. Life in the entire Province was disrupted and as the cries of "Bangla Desh" became louder, the President flew to Dacca on March 16 with two alternate offers; (1) he said he was willing to restore the power to the elected representatives of the people immediately if the Sheikh was willing to form a Provisional National Government at both the center and at the provincial level or (2) he would restore the power to the Provinces and the Interim Government led by the President himself would administer the day-to-day needs of the country until the Constitution was framed.

BHUTTO'S DEMAND

At that time, the two leaders said there was room for optimism. But in the meantime Bhutto had heard of the proposals and had publicly declared that West Pakistan would go up in smoke if the Peoples Party was not included in the proposed Coalition Government. To prove his point, he launched a massive and violent campaign in the Punjab and flew to Dacca on March 21 to join the talks with the other West Pakistani leaders.

When President Yahya asked the Sheikh whether he was prepared to take Bhutto, leader of the largest West Pakistani Party, into the Central Coalition Government, the Sheikh cited democratic precedents and said that as a leader of the single largest party, he must be allowed to select his own partners. Again his willingness to participate in the Central affairs of Pakistan does not suggest that the Sheikh was planning secession.

But the President succumbed to Bhutto's strident threats again and the proposal for a National Government was dropped.

YAHYA'S SECOND FORMULA

As time began to run out, the Sheikh and Yahya Khan agreed to a second compromise formula: immediate restoration of the power at the provincial level. The Sheikh asked the President to issue an immediate proclamation withdrawing the Martial Law and restoring the power to East Pakistan and the four Provinces of West Pakistan. The Sheikh agreed to the suggestion that the President could continue to administer the Interim Central Government until a Constitution was framed.

But in the meantime Pakistan's future was being decided by other forces. Bhutto had met the hawks in the Army and a mass movement on the streets of Bengal had slipped out of Mujib's control.

BHUTTO'S NEXT MOVE

As the soldiers slipped into battle-dress in the barracks, angry and frustrated Bengalis began to raise the flag of "Bangla Desh" in Dacca. It was Bhutto who finally brought the President to take the decision which set East Bengal on fire. When the President put the Sheikh's proposal to the West Pakistan leaders, Bhutto pointed out that if the Martial Law was withdrawn, Pakistan would be broken up into five sovereign States, the moment the President restored the power to the Provinces. He expressed the fear that Sheikh Mujibur Rahman was trying to liquidate the Central Government. Because when the President withdrew the Martial Law, he had no sanction to carry on as Head of the State.

LAST STEP TO HOLOCAUST

Half-convinced, the President went back to Sheikh Mujibur Rahman and expressed these fears. He promised Mujib that he would withdraw the Martial Law the moment the National Assembly met and gave the Central Government some form of validity. Sheikh Mujib reiterated his demand for the immediate withdrawal of the Martial Law and President Yahya, now fully convinced that he was dealing with a traitor, turned to his Generals. Taking events to their logical conclusion, there is no doubt that the present holocaust was precipitated by President Yahya Khan when he postponed the Assembly without consulting the Bengalis. But even more so by Bhutto's deliberate decision to boycott the Assembly on March 3.

[From the Washington Post, June 4, 1971]

INDIANS ADAMANT: PAKISTAN REFUGEES MUST RETURN HOME

(By Lee Lescaze)

CALCUTTA, June 3—Indian officials believe that the four million refugees from East Pakistan now in eastern India must eventually return to their homes.

Hopes that the refugees would go back after a few weeks have been crushed by alleged terror tactics of the Pakistan army in East Pakistan, and the Indian government is now planning refugee relief for six months. But the official policy is that India will not be able to care for the new arrivals indefinitely—or absorb them into India's crowded countryside.

"Aid is only a palliative," Col. P. N. Luthra, the man in charge of coordinating relief efforts here, said today. "The refugees must go back. That is ·the only remedy," he insisted.

Other observers are not confident that the millions driven from their homes will ever be willing to return. They argue that the overwhelming majority of refugees—perhaps 90 per cent of those arriving now—are from East Pakistan's minority of 10 million Hindus and that these Hindus are unlikely to chance living again in Moslem Pakistan.

Many refugees' accounts of their treatment inside East Pakistan also seem to indicate that they were targets of the Pakistan army solely because of their religion.

Luthra and other officials believe that foreign powers must pressure Pakistan into allowing refugees to return. "It all depends on the foreign community," Luthra said, "the attention of the world must be focused on the problem."

One irony that strikes officials here is that the better India handles its problems caused by the refugees, the less the world is likely to concern itself.

"Because hundreds aren't dying of starvation," one official said, "there seems to be a tendency to ignore the long-range problems."

VIOLENCE FEARED

Like other officials, Luthra believes that eastern India will suffer outbreaks of violence and economic disruption if the refugees do not return to their homes or if they are not carefully controlled by Indian authorities.

"About three-quarters of India lives near the subsistence level," he said. "We cannot spend all our money and concentrate all our attention on the refugees—there must be general economic improvement," he added.

The central government and the state government of West Bengal are now beginning to plan "transit camps" for the refugees. These will be designed to provide better and more permanent shelter than that available in the present camps close to the India-Pakistan border.

However, the planning, let alone construction, has not been able to keep up with the flow of refugees. Initially, at least, it will not be able to find space for all the four million. There is a shortage of open land in West Bengal high enough not to flood during the seasonal rains which usually begin this week. And farmers are unwilling to give up agriculturally valuable land.

In addition to flooding camps in low-lying areas, the seasonal rains, or monsoons, will greatly increase the problems of supplying refugees in Assam and Tripura—where small guage railroads and roads are often blocked by landslides once the rains start. Like West Bengal, Assam and Tripura are rice-deficit states in normal times and have to be supplied with food from other parts of India.

POLITICAL PROBLEMS

Political control of the refugees also troubles Indian officials. Most of those who have fled are farmers and would be likely recruits for the West Bengal Communist Party Marxist (CPM), the state's largest party. The non-Communist state coalition government and New Delhi are eager to see that Communist political organizers are kept out of the refugee camps.

In addition, there have been reports of Pakistani agitators mingling with the refugees and trying to exacerbate Hindu-Moslem resentments.

Pakistan has portrayed the refugee exodus as an Indian-instigated attempt to play upon the long-standing religious friction.

About 8 million Moslems live in West Bengal and there have been scattered reports of Moslem alarm at the large numbers of desperately poor Hindus moving into camps close to their homes and fields. Indian police found a collection of spears, axes and knives in one mosque recently.

Among those non-official Indian observers here who believe that most refugees will never return to East Pakistan, a minority is not convinced that India will not be able to absorb the new arrivals.

"We will not cope by your standards," one man said, "but by Indian standards the refugees will manage and they will be dispersed through the country. We already have more than 540 million people, we can survive with a few million more."

U.S. WILL ASSIST REFUGEE RELOCATION

The United States will provide four large military transport planes to evacuate some of the East Pakistan refugees who are concentrated in the overcrowded Tripura border area in India, the State Department said yesterday. They will be moved to other areas in India, which had asked for the assistance.

The United States is also considering a substantial increase in its assistance, through the United Nations, to the feeding and care of Pakistani refugees in India, a spokesman said.

The amount may be about $15 million, or about half the estimated cost of feeding the refugees during the next three months.

In another development, the spokesman said the U.S. embassy in Islamabad has been instructed to ask the Pakistan government about a newspaper photograph showing military personnel using a type of small boat similar to 50 craft supplied by the United States for cyclone disaster relief operations last fall. The vessel was apparently being used in an area where government forces were fighting East Pakistani separatists.

In New York, Catholic Relief Services announced yesterday that it is shipping 60,000 doses of cholera vaccine to Calcutta to combat an epidemic among the East Pakistan refugees in India.

[From the New York Times, June 5, 1971]

BRITONS RUSHING CHOLERA SHOTS TO INDIA

(By Anthony Lewis)

LONDON, June 4.—British relief organizations acted urgently today to get anticholera vaccine to India, where an epidemic has broken out among refugees from East Pakistan.

Oxfam, a private charitable organization, is to fly out 800,000 doses of the vaccine tomorrow. Two other charities, War on Want and the Save the Children Fund, plan to send more next week—along with medicine and mobile hospitals.

Raymond Courmoyer, Oxfam's representative in eastern India, said here today during a brief visit that cholera threatened not only the estimated four to five million Pakistani refugees but also many Indians.

The administration of India's West Bengal State is appealing for four million cholera and typhoid shots, Mr. Courmoyer said. He termed the situation "a world tragedy" and said that the refugees, even apart from the cholera risk, were living "in a terrible state."

"MAJOR DISASTER" FEARED

A representative of War on Want, the Rev. Wilfred Kerr, said there would be a "major disaster" unless the refugees could return to their homes in East Pakistan before the monsoon rains start in about a month.

"They are living in tents set up in rice fields, and they will be flooded out when the rains come," he said. "Dysentery and cholera will become rampant."

To assist the Indian Red Cross in surveying the health situation in the camps, the League of Red Cross Societies in Geneva is sending a medical expert to India.

W.H.O. SHIPPING SUPPLIES

The World Health Organization announced that the first planeload in a relief program of more than $300,000 worth of supplies would leave Geneva for India tomorrow. The organization said it was acting in response to a request today from the Indian Director of Health. The shipments will include $40,000 in medical equipment previously donated by members of the agency, plus $100,000 in supplies purchased with W.H.O. funds and $185,000 donated by the office of the United Nations High Commissioner for Refugees for purchase of supplies.

The largest item will be 250 metric tons—or about 551,000 pounds—of rehydration fluid to treat loss of body fluids among cholera victims. Experts say fluid loss is the principal cause of deaths from cholera.

The W.H.O. program is also to include 500,000 doses of cholera vaccine, a million capsules of tetracycline antibiotic, 1,000 bottles of tetracycline syrup for children, 75,000 syringes and 300,000 disposable needles.

[From the Boston Globe, June 5, 1971]

MALNUTRITION ADDING TO CHOLERA TOLL

NEW DELHI.—The Indian government said yesterday that malnutrition, as well as cholera, is taking a heavy toll of lives among 4.7 million East Pakistani refugees in eastern India.

Health Minister Uma Shanker Dixit told parliament that most of the refugees were "arriving in a condition of exhaustion caused by malnutrition."

He said it appeared the refugees had brought the cholera with them.

Dixit said he could not give a detailed statement of deaths attributed to all causes, but said 1250 persons had died of cholera as of Friday and there were 9500 confirmed cases of the disease.

Dixit's figures contradicted a statement Saturday by his ministry, saying 2000 persons had succumbed to cholera as of last Thursday.

Health officials in the affected areas around Calcutta have said the death toll has reached at least 4000. Unofficial sources in touch with the refugee camps claim 10,000 have died from the disease.

Dixit rejected suggestions that Pakistan had unleashed germ warfare and was purposely polluting rivers and wells near the border areas to spread cholera.

But in the upper house of parliament, Dixit's deputy, D. P. Chattopadhyaya, said Pakistani authorities were throwing bodies of victims into rivers near the border, bringing symptoms of the disease to "our side."

He said about half the refugees had been inoculated, but he added there was a shortage of saline water. Normally, a cholera victim must receive 25 quarts over a three-day period to escape death.

Britain yesterday began organizing a massive airlift of medicine and food supplies. A foreign office spokesman said Royal Air Force planes were leaving with free supplies of cholera vaccine, syringes and saline solutions.

[From the Evening Star, June 5, 1971]

PAKISTAN, U.N. AGREE ON RELIEF FOR WAR AREA

RAWALPINDI, Pakistan. (AP)—Pakistan and the United Nations have agreed on relief operations for victims of the civil war in East Pakistan, a U.N. spokesman announced today.

Agreement following a meeting yesterday between the Pakistan president, Gen. Agha Mohammed Yahya Khan, and Ismat Kittani, U.N. assistant secretary-general for inter-agency affairs.

Talks between the two apparently overcame Yahya's insistence that international assistance should be administered by Pakistani relief agencies.

No details were available, but the spokesman said Egypt's Baghat A. el-Tawil, assistant director of the U.N. Office of Technical Cooperation in New York, has been named to coordinate the U.N. program.

MILLIONS DISPLACED

Millions of East Pakistanis were displaced during more than 10 weeks of fighting there.

The spokesman said el-Tawil was due in Pakistan in time to accompany Kittani Monday to Dacca, East Pakistan's capital.

At the meeting yesterday, "there was full agreement on the manner in which the operation should be organized and the president welcomed arrangements envisaged by the United Nations," the spokesman said.

According to the spokesman, Yahya sent word to U.N. Secretary-General U Thant of Pakistan's "readiness to cooperate fully at all levels in the planning and implementation of relief operations."

The agreement was expected to lead to large contributions to the relief effort within East Pakistan from the United States and other countries.

RELIEF HALTED

Relief and economic assistance from the outside world virtually halted when the army struck against Sheik Mujibur Rahman and his now banned Awami League on March 25.

The United States has said it planned to resume food shipments as soon as cargoes could be landed at eastern ports and the government could guarantee their delivery inland.

Joseph Ryan, chief of transportation in the U.S. Agriculture Departments' export marketing service, is currently in East Pakistan at the government's invitation. He is surveying harbor conditions there to determine whether the United States should start shipment of more than 320,000 tons of food and grain.

Pakistan has asked the United Nations for 250,000 tons of food and grain, 100,000 tons of edible oil, 30 coastal vessels and 500 vehicles.

[From the Washington Sunday Star, June 6, 1971]

EAST PAKISTAN TODAY—"NORMAL" IS MUCH QUIETER

(By Joseph Galloway)

DACCA, EAST PAKISTAN.—A good guess, the experts say, is that 200,000 persons were killed in the political upheaval in East Pakistan that began March 1.

Seventy-five percent of the dead are Bengalis, one foreign diplomat estimated. The balance of casualties is divided among the Bihari Moslem, the Pakistani Hindu, and the West Pakistani peoples.

For 24 days in March the Bengalis of East Pakistan felt the fever of independence and exulted in a growing sense of Bengali nationalism.

Since March 25, however, the army of West Pakistan has marched through the East, crushing the rebellion.

DACCA A GHOST TOWN

Today the Pakistan army—strength estimated at between 70,000 and 100,000 in the East—has secured all the cities and communication routes.

Army clearing operations and the panic they deliberately inspired dislocated millions of citizens. The city of Dacca is today described by longtime residents as a virtual ghost town—with between 25 to 50 percent of its population of 1.5 million gone.

Massive collections of slum shanties around city bazaars and railroad tracks have been burned out or leveled by bulldozers. Almost no trace remains of them, and no trace at all of the hundreds of thousands of poor who once lived in them.

When the army struck to restore national control, thousands died in Dacca. Foreign diplomats put the Dacca death toll at around 3,000 in the March 25–27 period.

In the Dacca of today you take your pick of death toll figures: In one day a reporter was told the Dacca death toll was 150 by army count; an American businessman said he believed it was 500; the diplomat guessed 3,000; a British businessman ventured that it might be 6,000; and an anonymous Bengali telephoned to say, "Sir, you must tell the world that the army killed 36,000 people in the streets of Dacca."

However many died in Dacca in late March, the deaths touched off a spate of massacres of non-Bengali men, women and children all across East Pakistan. In turn, that enraged further the Pakistani troops assigned to retake the countryside.

Throughout an official government-sponsored tour that lasted six days, a group of nine visiting foreign journalists was told over and over that the real story in East Pakistan was not what had happened, but that normalcy was returning.

An official announcement was published that public schools had reopened in Dacca. So they had. One school with a previous enrollment of about 800 children now has but 20 or 30 children a day. Another school with an enrollment of 750 had about 90 of its pupils return to classes—the majority non-Bengali children, diplomatic sources reported.

An overriding fear seems to grip Dacca today. Although the official daily curfew does not go into effect until midnight, the streets of the capital begin emptying at sundown. By 10 P.M. no one is to be seen afoot or driving.

TRAFFIC IS LIGHT

An American businessman pointed out that although in daytime there appears to be considerable traffic on Dacca's streets, where once it took you half an hour to drive from the airport to the Dacca Intercontinental Hotel, that same journey today takes less than 10 minutes.

The touring journalists made a 60-mile drive along the excellent highway from Thakurgaon to Rangpur in the Northwest without meeting even one vehicle.

Businessmen say the government and the army have thus far put the bulk of their efforts into two projects of restoration since regaining control: resumption of jute and tea production for exports, and removing the physical scars of the fighting.

"The government intends to get the cash export business right back into operation as quickly as possible, clean out every last Hindu in East Pakistan, and then settle down to a nice long occupation," one embittered foreigner said.

It is the cleaning out of the country's Hindu population of 10 million that could ultimately bring Pakistan and India into conflict. One diplomat estimated that perhaps 2 million Hindus already have fled into India. The Indian government estimates 4.5 million refugees have arrived.

"The army is seeing that intense pressure is kept on those remaining to go the same way," he said. "We have had reports from a number of places that Bengalis are beginning to attack Hindus while the army stands by doing nothing."

Some foreign sources said there are signs that a resistance movement against the army and the government was beginning to build again among Bengalis.

In recent weeks the 30 to 40 percent of Bengalis who have resumed work in commercial and administrative sectors have begun receiving letters, written on East Pakistan provincial government stationery and posted under government frank, letting them know there is an underground. The letters warn against collaboration with the government or over-enthusiastic work habits

One Bengali commented, "The army is making the fat they'll be fried in some day. The liberation army will come some day. Perhaps many of us won't be here to welcome them. But they'll come."

[From the New York Times, June 8, 1971]

Bid To Dissidents Hinted in Karachi—Effort to Form New Party Reported Under Way

(By Malcolm W. Browne)

Karachi, Pakistan, June 4.—The Government of Pakistan appears to be trying to bring some former leading members of the outlawed Awami League of East Pakistan back into the national fold.

Jang, the nation's largest newspaper, reported today that moves were under way to form a new party that would include these members but would be opposed to separatism.

The Government appears to be focusing its efforts on the league's bloc of representatives elected last December to the National Assembly, which was to have met March 3 to begin drafting a constitution to return Pakistan to civilian rule.

The Awami League, which had campaigned for regional autonomy, would have dominated that assembly, since it had won 167 of its 313 seats. But President Agha Mohammad Yahya Khan postponed it on March 1, and a series of protest strikes broke out in East Pakistan.

LEAGUE BANNED IN MARCH

On March 25, when Pakistan's army began its crackdown in the Eastern wing, the Awami League was permanently banned and its leader, Sheik Mujibur Rahman, was jailed on charges of treason.

The newspaper Jang said a former Awami League politician, Begum Akthar Sulaiman, had obtained the signatures of 109 former league representatives in national and provincial assemblies in support of the proposed party.

Mrs. Sulaiman is the daughter of the late Huseyn Shaheed Suhrawardy, founder of the Awami League. She was quoted today as having said that her father would never have approved of the separatist program adopted by the league under the leadership of Sheik Mujib.

She said the new party is to be headed by Zahir Uddin, a former national education minister.

Mrs. Sulaiman has visited East Pakistan twice in the last two months, and has conferred with President Yahya.

Meanwhile, politicians were speculating that President Yahya would make a speech to the nation in the next few days announcing some of the general outlines of a new constitution.

He is expected to propose a constitution that would prohibit movements tending to fragment the nation and to establish an electoral system in which Pakistanis would vote according to their religion.

The overwhelming majority of Pakistan's population is Moslem and the Moslem faith is the official national religion. However, there is a substantial Hindu minority as well as small numbers of Christians, Zoroastraians and Buddhists.

Each religious community would be permitted to elect a certain number of assembly delegates with Moslems in the enormous majority. Last December, Hindus joined Moslems in voting for the separatist policies of the Awami League, and Government officials hope to prevent by law any such cooperation in the future.

It is also understood that in any future government, regardless of the form it takes, the army will continue to guard against unwanted political tendencies.

[From the New York Times, June 8, 1971]

Refugees and Cholera Increase in India

Calcutta, India, June 7.—The number of East Pakistani refugees flooding into India reportedly neared five million today. Cholera in epidemic proportions threatened this squalid capital of West Bengal state.

In New Delhi, Health Minister Uma Shanker Dixit told Parliament today that, as of Friday, the number of refugees was 4,738,054. But some observers felt that the total now could have passed five million.

Mr. Dixit said the central Government's information indicated that 1,250 refugees had died in the cholera epidemic up to Friday and that 9,500 others were in hospitals.

However, informed sources in Calcutta said on Saturday that the death toll was about 8,000. Government health officials said they had no precise figures, but agreed it could be as high as 8,000.

Twelve new cases of cholera were reported today at a big refugee camp near the Calcutta airport, bringing to about 100 the reported number of victims of the disease in the camp.

23 DEATHS AT CAMP

Twenty-three deaths have been reported at the camp—mostly infants and old persons—since the first of 40,000 refugees started to gather there 12 days ago. The deaths were variously attributed to disease, exhaustion and malnutrition, and it was not known precisely how many were caused by cholera.

No new cholera victims were reported at a second camp within the Calcutta city limits since six persons were taken to a hospital late last week.

But the disease, which attack the gastrointestinal system, was still reported raging in epidemic proportions in other camps throughout West Bengal.

Roy Chowdhury, administrator of the camp near the airport, said today that work would begin tomorrow on a new camp about two miles east of his installation. It was expected to house 15,000 to 20,000 refugees who now seek shelter from the steaming monsoon conditions under trees and bushes along the roads to Calcutta.

The new camp is being set up at a Boy Scout center despite the wish of the West Bengal Government to move all refugees at least 20 miles from the city, for both political and health reasons.

REFUGEES POSE THREAT

The population of Calcutta has swollen to more than 12 million with the influx of refugees.

The refugees pose a grave political threat to the Government, which is spending millions of dollars to aid the fleeing East Pakistanis—money desperately needed by millions of poverty-stricken Indians.

There have already been complaints that the refugees, who are receiving a free daily food ration from the Government, are seeking jobs and driving down the price of labor which, in many cases, only keeps Indians at subsistence level at the best of times.

The refugee flow began after the Pakistani Army's crackdown March 25 and its drive against East Pakistani secessionists.

In New Delhi, Ken Dixit, who was speaking during a special session of parliament on the cholera outbreak, said that as of Friday 2,722,561 refugees were being housed in camps in the states of West Bengal, Assam and Bihar and the territories of Meghalaya and Tripura. An additional 2,015,493 were outside camps, mainly sleeping in the open, he said.

[From the New York Times, June 8, 1971]

500 and 100-Rupee Bills Withdrawn by Pakistan

Karachi, Pakistan, June 7.—The Pakistani Government removed from circulation today part of the nation's currency in an effort to check the economic effects of looting from banks in East Pakistan.

The two largest denominations of Pakistani money, 500 and 100-rupee notes, worth respectively $106 and $21 at the legal rate of exchange, were recalled.

Also taken out of circulation were any other banknotes overprinted with the slogans of the Bengali separatist movement of East Pakistan.

President Agha Mohammad Yahya Khan said recently that $100-million in rupees had been taken from banks in East Pakistan by militant Bengali separatists in March and April.

Tonight the Government said this money, if it remains within the Pakistani economy, would be likely to have an inflationary effect. It asked that 500 and 100-rupee notes be turned in to Government banks for checking of serial numbers in the next three days.

[From the New York Times, June 8, 1971]

U.N. Aide in Pakistan

Geneva, June 7.—Prince Sadruddin Khan, the United Nations High Commissioner for Refugees, arrived in Pakistan yesterday to discuss possible arrangements for the return of the East Pakistani refugees who fled to India, his office announced today.

Repatriation is the "most desirable solution to the problem from the humanitarian point of view," the announcement said.

[From the New York Times, June 8, 1971]

F.A.O. Appeals for Aid

Rome, June 7.—The Director General of the Food and Agriculture Organization appealed today for additional assistance to relieve "the very serious humanitarian problem" raised by the recent civil strife in East Pakistan.

Speaking at the opening session of the F.A.O. council here, Dr. Addeke H. Boerma, the director general, declared that the requests for emergency food aid by Pakistan and India were "beyond the resources" of his organization and the World Food Program.

[From the New York Times, June 9, 1971]

Pakistanis Mob Banks to Turn in Recalled Currency

(By Malcolm W. Browne)

Karachi, Pakistan, June 8.—Pakistani citizens, close to panic, tried to crowd into banks today to turn in huge amounts of paper currency suddenly without value as the result of a Government decree last night.

The Government removed from circulation all 500-rupee and 100-rupee notes worth respectively $106 and $21 at the legal exchange rate. These two types of bills represent approximately 60 per cent of all Pakistani currency in circulation.

According to the Government, militant Bengali separatists who briefly controlled the administration of East Pakistan in March left the banks of East Pakistan empty when the Pakistani Army attacked to crush the independence movement. The amount of money in their hands represented about one-tenth of the nation's currency in circulation.

Long lines outside banks gave way as mobs of sobbing women sought to force their way inside.

FAMILY HAS NO MONEY

"My husband was paid his 300-rupee salary yesterday in 100 rupee notes," one woman said. "We have no money now and how am I going to get milk for my baby?"

The tourist business was severely affected. Arguments provoked when hotel cashiers refused to accept the rupee notes in payment of bills and customers in turn refused to accept bills.

The banks gave receipts for the notes but there was no indication when the new currency would be given to citizens. Some bankers speculated that it might take a month or more.

Serial numbers of all bills are being checked against a list of bills taken from the East Pakistani banks, and anyone seeking to exchange such a bill is likely to be arrested, whether or not he had anything to do with looting.

[From the New York Times, June 9, 1971]

DISEASE, HUNGER AND DEATH STALK REFUGEES ALONG INDIA'S BORDER

(By Sydney H. Schanberg)

KARIMPUR, INDIA, June 8.—Sickness, hunger and death are common scenes now along India's 1,350-mile border with East Pakistan. Millions of Bengalis—unofficial figures put the number over five million—have fled East Pakistan to escape the Pakistani Army, which since late March has been trying to crush the movement for autonomy, and later independence, in East Pakistan.

The Bengalis have brought cholera with them. Official figures put the death toll here in West Bengal state at 3,600, but reports indicate that it is much higher—probably well over 5,000. A thousand or more others have died in the three other border states where the Bengalis have taken refuge.

Here in this Indian town near the border, a mother had died of cholera an hour before, but the infant, less than a year old, continued to nurse until a doctor came upon the scene and pulled him gently away.

A few feet away on the cold cement porch of the health center, another person had just died—a 70-year-old grandfather, Abinash Malakar.

His son sat, crumpled and crying, beside the stiffening emaciated body. Flies had began to gather. A granddaughter hung, wailing, in the arms of an aunt. This family, from the Jessore district in East Pakistan, had walked for 13 days to reach India.

The toll rises steadily and, with new waves of refugees pouring into India daily, there is no way to predict when the epidemic will end.

Along the roadsides lie the bodies left by those too frightened of the disease themselves to take the time for burial.

Vultures, dogs and crows fight. Skeletons already picked clean bleach in the sun. A few bodies have been buried in shallow graves, but the vultures have torn the graves open.

The roads leading from the border are a trail of clothes and bones. A body floats in a marsh or stream. The stench is acrid and villagers cover their faces as they hurry past.

MASS GRAVES IN SOME AREAS

In some towns, attempts have been made to bury the bodies in mass graves. Here in Karimpur, which is 120 miles north of Calcutta by road, five relief workers buried several hundred in a 24-hour period. But even at these sites, packs of stray dogs dig in the earth.

In many ways, the scene is a repetition of the horror of the cyclone that killed hundreds of thousands in the Delta area of East Pakistan last November—leaving bodies for days in marshes, streams and bays.

The tiny, jammed health center at Karimpur—it has 20 beds and over 100 cholera patients—is typical of the overworked health stations along the border.

The sounds of the epidemic—coughing, vomiting, groaning and weeping—echo through the small brick building and across the lawn, also crowded with victims.

Shatish Matabbar—the father of the infant who had gone on nursing after his mother died—stood on the porch in tattered clothes, sobbing out his tale.

"No words can describe what has happened to me," the 45-year-old rice farmer wailed. "My wife is dead. Three of my children are dead. What else can happen?"

2 CHILDREN SURVIVE

The infant and an 8-year-old have survived, although the older almost died of cholera. He sat on the floor near his father—naked, staring blankly, underfed.

The family came to India a month ago from their farm in the Faridpur district of East Pakistan.

Why had he left East Pakistan? a visitor asked.

"Why, you ask?" he said, crying again. "Because the Pakistani soldiers burned down my house."

In the last day or two, the death rate in some areas declined a little. This is apparently because foreign medical and relief supplies have begun arriving in sufficient quantities—saline solution to treat the victims and syringes for mass innoculations. Hundreds of thousands have been vaccinated.

But doctors are reluctant to say that the epidemic will be under control soon. For one thing, though India's army medical corps has been called in, medical facilities and personnel are inadequate.

The epidemic is apparently much worse in East Pakistan than in India. Medical facilities in East Pakistan, even in normal times, are meager. In an average year, 150,000 die there of cholera, most of them because they never get any treatment. In a bad year, the toll sometimes runs as high as 300,000.

Dr. M. A. Majid, the chief medical officer of the Nadia district, the worst-hit area, said today that he expected the death rate to start climbing again. The cholera vaccine, he said, gives only 30 percent to 90 percent protection.

The weakened condition of the refugees helps explain the virulence of the epidemic. Many are on the verge of death when they arrive.

In addition, living conditions are little short of desperate. Though the Indian Government has marshaled all available resources to provide shelter and food, it is impossible to keep up with the influx.

MANY LIVE IN THE OPEN

Relief camps—even just tents made by throwing tarpaulins over bamboo frames—cannot be erected fast enough. It is estimated that 3.5 million refugees are either living in the open or in crude thatch leantos of their own making. The monsoon rains have arrived and many refugee towns are mudholes.

There are water shortages and sanitation facilities have virtually broken down. The main streets of border towns are avenues of garbage and flies.

Food lines stretch for hundreds of yards and it sometimes takes hours for a refugee to get his rations.

More refugees are moving toward Calcutta as the other camps become choked. New camps are springing up on the edge of the city—just past the airport and in the Salt Lake area.

About 50,000 to 60,000 refugees have entered the fringes of the city, and at least 60 deaths have been recorded in this group.

A few thousand refugees have moved into the heart of Calcutta and are camping in the Sealdah Railway Station.

Indian officials are worried that the refugee epidemic may spread to the people of Calcutta—an overcrowded, tense city of eight million that has its own fairly serious cholera problem.

[From the Washington Post, June 9, 1971]

REFUGEES CLASH WITH INDIANS

CALCUTTA, India, June 8.—Armed police reservists were called out today to prevent rioting between hungry East Pakistani refugees and angry Indian residents at Barasat, 15 miles north of here.

The trouble started when some of the more than 200,000 refugees who have poured into Barasat—a town of about 90,000—set up camp in schools, public buildings and in a few cases in mosques.

The refugees are predominantly Hindu and, although West Bengal is a largely Hindu state, the Moslems in Barasat reacted violently when their mosques were invaded.

The police turned the refugees out of the mosques and private homes, but allowed them to remain in public buildings.

[West Bengal is short of police because so many are guarding the rivers to keep the bodies of cholera victims from being thrown in, AP reported. D. K. Ghosh, district magistrate of Krishnagar, said the rivers are being polluted by corpses disposed of by relatives.]

As international aid poured into India for cholera victims, warnings were sounded in Calcutta that political agitators were trying to incite the estimated 5 million East Pakistani refugees who have entered India.

Indian officials have been nervously expecting Communists and other antigovernment parties to make capital out of the refugee problem, but have been surprised at how little there has been of this so far.

Health officials in Calcutta said there was no way of stopping cholera from spreading throughout West Bengal, of which Calcutta is the capital, during the current monsoon months.

"There is no way of stopping it," one official said. "We can't hope to get rid of it. The only thing we can do is try to contain it."

Mass innoculations of refugees in big camps outside the city were being carried out nonstop by medical teams. But conditions in the camps were reported to be getting progressively worse.

[From the Washington Post, June 9, 1971]

MEDICAL SUPPLIES FLOWN TO CALCUTTA

Tons of additional medical supplies arrived by plane yesterday in Calcutta in a relief movement gaining worldwide momentum to fight cholera among East Pakistan refugees in India.

Cargo planes from Britain and the United States were leading the way, bringing in vaccine, medical equipment and tents while other nations were marshaling their resources to join the relief airlift.

In Geneva, the office of the United Nations high commissioner for refugees announced that world governments and U.N. agencies have contributed more than $17 million in cash and supplies to the relief effort.

The British and U.S. Air Force planes landed at Calcutta's Dum Dum airport, where the cargo was unloaded to be distributed to refugee camps dotted all around India's frontier with East Pakistan, 35 miles east of Calcutta.

Officials at the airport said the flow of some of the medical supplies to the refugee camps was being delayed by various transportation bottlenecks. They expressed particular concern about delays in moving the vaccine, which deteriorates if not kept under refrigeration.

An advance party for an American airlift arrived in New Delhi aboard an Air Force C-130 transport and proceeded to Assam to survey technical and ground facilities at the airfield.

The United States plans to help airlift thousands of refugees from the overcrowded areas near the border of East Pakistan to less crowded facilities in Assam, farther north.

[From the Washington Post, June 9, 1971]

Pakistan Aid Cutoff Sought by Senators

At a press conference here last night, Sens. William B. Saxbe (R-Ohio), and Frank Church (D-Idaho) announced that they would introduce an amendment to the Senate foreign aid bill to cut off all further economic and military assistance to Pakistan "until the distribution of food and other relief measures supervised and operated by international agencies takes place on a regular basis throughout East Pakistan and the majority of refugees in India are repatriated to East Pakistan."

They said that the amendment—which would not abrogate existing written commitments—would involve some $80 million in economic aid as well as an undetermined amount of military aid.

[From the Boston Globe, June 10, 1971]

In Barasat, a Child Lies Dying on the Green

(By Dennis Neeld)

Barasat, India.—The streets of this little country town are choked with refugees from East Pakistan. A tiny child, half dead from cholera, lies uncared for on the village green. Vultures work over the body of another child in a nearby ditch.

Barasat is only 5 miles from Calcutta and relief planes from half a dozen nations fly low overhead.

Their cargoes of medical supplies may temporarily have averted a mammoth disaster, but the tragedy goes on and Barasat is living evidence of its magnitude.

West Bengal Health Minister Jainal Abedin announced yesterday that the cholera epidemic in the Maine-sized state has been brought under control.

But in Barasat's government hospital, 131 cholera patients lie on the stone floors in revolting filth and the doctor in charge reports he still is short of live-saving saline fluid.

Barasat suffocates under the refugee influx. Normally it is a town of 40,000 people. Now it has a population of more than 300,000.

Besides the cholera, the East Pakistani refugees are facing yet another obstacle to survival—a shortage of tents to protect them from the summer monsoon.

Foreign relief sources said yesterday that 300,000 tents were needed urgently to provide shelter to 1.5 million refugees who cannot be accommodated in already overcrowded relief camps.

"The tents are needed with greater urgency than medicines, which are now arriving," said one foreign official helping coordinate the international relief operations in New Delhi.

A senior official of the Indian Rehabilitation Ministry said there were now 5.2 million refugees in India, and added they were still coming across the border at a rate of between 50,000 and 100,000 daily.

"We originally thought there would be a maximum of two million refugees, then three million," he said in an interview. "Now we don't know when they will stop coming."

"There are so many of them that it is impossible to get them into organized camps," said a police official in Barasat.

"They just move into property, and there is nothing we can do.

"Of course, the local people are frightened. They are frightened of the spread of disease, and they are frightened that if the refugees continue to go hungry, there may be violence."

An Indian doctor told how scores of East Pakistanis camped on the porch of a neighbor's home. They were weak from lack of food, filthy and ridden with vermin.

Two days later, it was his neighbor's two children who came down with cholera. One of them died.

"Such incidents inevitably fuel local resentment," he said.

Units of the paramilitary central police reserve were brought in this week to clear refugees out of several Barasat homes and from a local mosque.

Many refugees in Barasat quit their homes in East Pakistan two months ago. Since then, they have been living rough and with little food. They are exhausted and have little resistance to disease.

Thousands of refugees lined up yesterday for ration cards entitling them to a government handout of rice.

They became restless when the laborious form-filing of local officials caused long delays. So the officials walked off, leaving most of them without cards.

To survive, most refugees have sold what few valuables they were able to bring with them from East Pakistan. Now they have been told they no longer can change Pakistani money into Indian.

"We have no ration cards and nothing left to sell," said Rathkania Mandal. "Even our cooking pots have been sold."

Three generations of Mandal's family fled with him from the East Bengal city of Khulna.

They have had nothing to eat for three days.

Like thousands of others, he squats listlessly in the muddy street. Others have thrown up makeshift homes on the stone porches of shops.

Some have erected pathetic shelters of old rags in a vain attempt to keep out monsoon rains, yet to reach their torrential peak. The apathy of exhaustion and hopelessness prevents many from doing even that.

An abandoned child lay on the green in the center of Barasat. It was suffering from cholera and had lapsed into a coma. No one knew where its parents were, and no one bothered to get it to a hospital.

Death is a commonplace in Barasat, and preservation of one's own family comes first.

Overcrowding in refugee camps was expected to be eased somewhat by an American airlift of East Pakistanis to less crowded areas in northeastern Assam State.

A US Air Force C130 will make a test flight to two airfields in the area today to determine whether the fields can handle the four-engine cargo planes, a US Embassy spokesman said.

If the report is favorable, as expected, three more planes will fly out to India this weekend from Pope Air Force Base in North Carolina, he said.

[From the Boston Globe, June 10, 1971]

Calcutta Not Receiving Enough Cholera Vaccine

United Press International

Calcutta.—City officials said yesterday despite an international airlift of medical and relief supplies, there was not enough vaccine available to carry out an emergency inoculation program against a cholera epidemic.

The officials said 400,000 inoculations had been administered in Calcutta since the program began last week but that at least 2.5 million more doses of vaccine were needed quickly. They said the vaccine had been arriving at the rate of only about 300,000 doses per week.

Officials with international relief agencies said approximately 20 million doses would be needed throughout West Bengal state, of which Calcutta is the major city.

Since the first cases were reported on May 28, officials said, approximately 4000 persons have died of cholera and more than 10,000 others have contracted it.

An Australian plane carrying 330,000 doses of cholera, typhoid and typhus vaccine and two sets of jet injectors for mass inoculations landed yesterday at Calcutta's Dum Dum Airport.

City officials expressed concern again yesterday about delays in clearing supplies from the airport, particularly the shipments of cholera vaccine which are perishable unless kept under refrigeration. They said airport officials are working to speed the movement and protect the vaccine shipments.

[From the Le Monde, June 10, 1971]

Bengal—Corpses in the Wake of a Crusading Army

From our correspondent Gerard Viratelle

Dacca.—"They should kill all the Bengalis. They're traitors who wanted to secede," exclaimed a Pakistani girl who seemed normal in every respect. Most West Pakistanis feel the same way about the government's ruthless efforts, since March 25, to suppress the rebellion in Bengal.

"They (the Pakistani soldiers) are gunning us down like dogs," a trembling Bengali muttered after glancing around to make sure no one was listening. "People are picked up off the streets as soon as it grows dark. The army needs plasma for blood transfusions; it takes massive doses of their blood and abandons them half-dead in the street."

A witness claimed that forty people were burned alive with a flame-thrower in reprisal for the death of a soldier. Bengali officials are being arrested in their homes; some are freed, but others are never seen again. The army, it is said, does not like to take prisoners.

Dacca, once a teeming, lively capital, is a ghost city. Half the population has fled. There are Pakistani flags flying, but not as many as the Bangla Desh flags seen here last March.

Well before the midnight curfew the streets of Dacca are empty. About one in every six shops is open, but shopkeepers pull down their shutters at dusk. They are afraid of being looted by "Yahya's hordes."

Order has been restored in Bengal, but East Pakistan is an occupied land where an atmosphere of terror reigns. More havoc was wrought by the dreadful civil war than by the cyclone that ravaged the delta area last autumn. The most conservative estimates place the number of dead at 250,000.

All along the roads are whole areas, hamlets and farms, which have been razed. What were once solidly built houses have been reduced to piles of charred beams, and broken pots—the sad traces of so many My Lais and Oradours.

Military spokesmen interviewed by this reporter insisted that the fascists were on the other side. As they see it, "anti-social elements" and "infiltrators from India," "miscreants" as they call them, upset the tranquility of a "peace-loving people."

Reporters being escorted around the countryside were repeatedly told that the Pakistan Army for the most part fired in the air, fighting back only in self-defence. "We didn't intend to kill anybody," was the bland comment of a brigadier-general in charge of civilian affairs. But he added: "When an army is carrying out an operation, it uses its own methods."

Accompanying civilian and army officials oozed oriental charm in an effort to convince reporters that the army was lily-white and its intervention justified. Most of the destruction, they explained, was the result of racial clashes. There is no question that Biharis and Bengalis tangled especially in Kulna and Chittagong. A frightful massacre occurred at Awami League headquarters in the latter city.

Nevertheless the officials mentioned only crimes committed by Bengalis in the period after the army unleashed its repressive measures in Dacca on March 25. Twenty thousand people are reported to have died at the hands of soldiers there.

There is no doubt that the sturdy Pathan, Baluchi and Punjabi soldiers are not merely good fighters but convinced they are fighting for a just political and religious cause. They see their mission as a sort of crusade to defend the unity of the most populous Moslem state in the world. The local commanders radiate self-confidence. To them Sheikh Mujibur Rahman's Awami League is controlled by India and dominated by Hindus. Hindus and Indians are synonymous in their eyes.

Before the army moved in, about 10 million Hindus were living in East Bengal. They were Bengalis and backed Sheikh Mujibur's nationalist campaign. Today, however, "Crush India" is the only slogan to be heard in the province. A young man related how the army massacred all the Hindu inhabitants of his village. One of the army's primary targets in Dacca was a small group of Hindu homes in the center of the race-track. Hindu butchers in the old part of the city were decapitated with their own meat cleavers in their stalls.

"Militarily, we have the upper hand," one Pakistani official said confidently. "All we have to do now is gain economic and political control."

Life in East Bengal is indeed gradually returning to "normal." The fact that most businesses are headed by West Pakistanis should make it easier to get industry moving again. Nevertheless only a few factories have reopened thus far.

But the question remains whether the army's action has really ensured political peace in Bengal for any length of time, as some of its leaders claim. All the city councils have been dissolved, and "peace committees" composed of Biharis, members of the Muslim League, representatives of the Bihari community and a few social workers set up in their place. Three Muslim League "peace committee" members were assassinated recently by "miscreants."

Several foreign governments have been urging President Yahya Khan to seek a political solution in Bengal. Two weeks ago he announced in Karachi that he was ready to grant an amnesty to "all those who were deceived."

"There can be no political solution without those who were not involved in treason," says Nurul Amin, a former chief minister of East Pakistan and leader of the Pakistan Democratic Party. He is one of the only two deputies—out of 162—who does not belong to the Awami League. A wily and experienced politician, Mr. Amin has been approached by army authorities, but insisted he was not interested in becoming prime minister and does not approve of all the army has done.

"But there was no other alternative," he added. "Now the Bengalis must be given a feeling of security. They must get used to living with the army, which had never been among the people before."

Only about a dozen Awami League leaders have come out in favour of the central government thus far. "The army will be here for a long time yet," a spokesman declared. "There's no other solution."

[From the Le Monde, June 10, 1971]

Pakistan—Charity Is No Answer

Fate has been merciless with the Bengalis of East Pakistan. Last summer the region was hit by flooding, which destroyed homes and crops. In November an unusually violent cyclone killed between 300,000 and a million people in the Ganges delta. In a land where the annual per capita income is less than $40, stocks of food were just about wiped out.

The situation in Bengal might have been different had the Islamabad government honoured the verdict of the people in last December's general election, which gave Sheikh Mujibur Rahman's reformist Awami League an absolute majority in the Constituent Assembly. Sheikh Mujib had sworn to free Bengal from "colonialist domination" by the West Pakistanis, to give the wretched people in the eastern wing of the country a chance at last to benefit from their own natural resources.

But the Pakistani central government decided differently. Confronted by Sheikh Mujib's determination to obtain a certain measure of autonomy for East Bengal, President Yahya Khan undertook a repressive operation in the province last March, which was soon to take on the proportions of a massacre.

No one knows how many people died in what is euphemistically referred to as the "civil war." Understandably, no official count has been made, but estimates vary from 250,000 to a million victims.

As if three disasters in the space of a year were not enough, the repression in East Bengal set off a mass exodus of refugees. More than 4 million Bengalis, many of them Hindus fearing religious persecution, fled their homes and villages, some of which had been razed, and sought refuge in the Indian state of West Bengal.

Inevitably, a cholera epidemic has now broken out among the refugees. From 2,000 to 4,000 people were said to have died from the disease at the beginning of the week; pessimistic sources placed the figure closer to 10,000. Indian Health Minister Uma Shankar Disit predicted that 50,000 could die in the next few days. In addition to the Pakistani refugees crowded into camps, the 8 million inhabitants of Calcutta, a city lacking adequate sewerage facilities and drinking water, were threatened by the outbreak.

Added to this calamity is the fact that famine threatens East Pakistan. The floods, the cyclone and the war prevented the planting of rice, the Bengalis' staple food. Economic activity in the province is paralysed. According to the Financial Times, which bases its estimates on hard statistics, from 4 to 9 million people could die of hunger there in the next few weeks.

How much more is needed to rouse world opinion? The rich nations in particular have hardly reacted at all to the suffering of a people who have already endured so much. The assistance offered by the United States, Britain and the United Nations agencies is only a drop in the bucket. If hundreds of thousands more are not to die, ten times the level of the present aid will have to be dispatched.

But the Indian government is right in insisting that, more than material aid, pressure from foreign governments is needed to find a way out of the political crisis in East Bengal. Surely a solution can be arrived at without violating the Pakistani government's sovereignty.

[From the Washington Post, June 11, 1971]

India Warns Cholera Could Be Spreading

New Delhi, June 10.—A senior health ministry official warned today that if proper precautions are not taken the cholera epidemic now rampant among East Pakistani refugees in West Bengal could spread throughout India.

Ministry Secretary K. K. Das described the situation along India's border with East Pakistan as serious, and said every one within a five-mile radius of all refugee camps and other known cholera centers was being inoculated against the disease.

He told newsmen that an estimated 5,000 people had died in the epidemic as of 5:30 a.m. yesterday, when the last official reports were received.

Das gave the number of refugees as 5.5 million which is half a million higher than that given to the Indian Parliament earlier today by Deputy Labor and Rehabilitation Minister Balgovind Verma, who said refugees from East Pakistan are continuing to enter India at the rate of 100,000 a day.

The Soviet Red Cross announced in Moscow today that it would send food, vaccine and tents to India for the refugees.

Soviet Prime Minister Alexei Kosygin said in a public address yesterday that Pakistan should take immediate steps to allow the refugees to return home because, in spite of the aid already sent to them, they were in an extremely serious condition.

Asked today to comment on international reaction to the cholera epidemic, Das said 99 per cent of the medical supplies used in fighting it so far had come from Indian sources.

Medical supplies on hand were sufficient for the present, Das said, but "vast quantities of supplies are necessary because time moves on."

In London, a leading British charity organizer said on returning from the refugee camps that the disease seemed to have been contained.

Michael Blackman of Oxfam relief agency said the main danger for the refugees now was the onslaught of the monsoon, which has just started.

According to Reuters the ranks of East Pakistan refugees in West Bengal have been swollen in the past two days by the arrival of many Moslems, including middle class doctors, bank officials and small landowners.

Since mid-May the refugees had been about 90 per cent Hindu, apparently driven out of predominantly Moslem East Pakistan for religious reasons.

The new influx of Moslems suggested to observers in Calcutta an almost complete breakdown of the social structure in Pakistan's eastern wing, although reliable information on the situation there is lacking.

Pakistan martial law authorities issued a general amnesty today to any East Pakistani who fled to India and who wishes to return.

The amnesty was announced by Lt. Gen. Tikka Khan, governor and martial law administrator of East Pakistan. He urged all citizens who left the country or went "underground under the influence of false and malicious propaganda to return home."

The offer was viewed in Karachi as an olive branch to the secession-minded Awami League and its leader, Sheikh Mujibur Rahman, who is in Pakistani custody. The Awami League's refusal to compromise on its demands for autonomy for East Pakistan led to March's bloody uprising and the wholesale exodus to India.

[From the New York Times, June 11, 1971]

Pakistan Seeks Refugees' Return—Appeal Includes Amnesty to Deserters and Politicians

(By Malcom W. Browne)

Karachi, Pakistan, June 10—The Pakistani Government appealed today to all refugees from East Pakistan to return home and offered a general amnesty extending to military deserters and politicians.

The appeal, issued in Dacca by Lieut. Gen. Tikka Khan, military Governor of East Pakistan, omitted an earlier Government statement that returning refugees would be carefully screened for "antistate elements."

"It is an amnesty," the Pakistan radio said, "to all classes of people, such as students, laborers, businessmen, industrialists, civil servants, the armed forces and other law enforcement agencies, political workers and leaders, who are welcome to come back."

Pakistan's army was ordered into action in East Pakistan March 25 to suppress the Bengali separatist movement, which was then dominating the province. The army's East Bengal Regiment, the province's police force and all the paramilitary militia forces joined the separatists.

Heavy loss of life followed as the army moved from Dacca to the various districts of East Pakistan, smashing resistance and destroying parts of towns.

The leader of the separatist movement, Sheik Mujibur Rahman, was arrested and most of the leaders of his Awami League went into hiding.

An exodus of refugees from East Pakistan followed. Most refugees crossed into neighboring India, where authorities have estimated that they number up to four million. A cholera epidemic was one of many disasters that befell refugees there.

Today's announcement by Pakistan acknowledged that the refugees were subject to malnutrition and disease and said that they should rejoin their countrymen in the task of reconstruction in East Pakistan.

It said that reception centers had been set up along major routes in East Pakistan near the Indian border to receive returning refugees and to provide food, accommodations, medical assistance and transportation to their homes.

"When they come," the Government announcement said, "They will realize the falsehood of the propaganda of enemies of the state."

It said business, agriculture, industry, schools and communications in East Pakistan were back to normal, and that adequate food stocks were on hand.

[From the Washington Post, June 12, 1971]

INDIA FEARS REFUGEES SPARKING RENEWED HINDU-MOSLEM FIGHT

(By Lee Lescaze)

NEW DELHI, June 11.—Behind the problem of caring for the more than 5 million East Pakistanis now in India lies the fear that the refugee influx will spark new Hindu-Moslem killings.

No slayings connected with the refugees has taken place, but in offices here and in Calcutta the potential for violence is spoken of as a primary worry.

Hardly a month goes by in normal times without a violent incident—many, often small ones, sparked by religion, the divisive legacy that has not been worn away in the 24 years since India and Pakistan became independent.

The present situation, one observer said, can really be seen as a continuation of 1947. In that year over 1 million people were killed as the Hindu and Moslem communities were given the choice of becoming Indians or Pakistanis.

Despite efforts by Hindus to drive out Moslems from India and pressure on Hindus to leave Pakistan at that time, sizeable communities did not move. An estimated 60 million Moslems still live in India, and 10 million Hindus lived in East Pakistan before March.

The refugees now leaving East Pakistan, however, are almost entirely Hindus. Some Indian authorities accuse Pakistan of seeking to drive out all Hindus, thereby removing a minority population that was never sympathetic to the Pakistan central government.

Pakistani officials here charge that India invited the massive refugee exodus by issuing statements of sympathy with the insurgent Bangla Desh movement and welcoming all who chose to cross the border. In the early days of the East Pakistan crisis no one in New Delhi or elsewhere anticipated that so many would come; however, officials here believe that India had no better alternative than its present course.

At one extreme, India could have attempted to seal its long border with East Pakistan and tried to discourage refugees from coming into India. In addition to the immense military job this would have been, India's international image would have suffered greatly had Indian troops turned back ragged bands seeking shelter.

At the other extreme, Prime Minister Indira Gandhi's government could have recognized the Bangla Desh independence movement and taken military action against Pakistan—which most officials here believe would have led to a general war with Pakistan.

But as the number of refugees continues to grow and it becomes increasingly apparent to Indian officials that the Hindus are unlikely to return to their homes in East Pakistan, concern over Hindu-Moslem violence has grown here.

The Assam town of Shillong called a strike yesterday to protest against the refugees. According to reports reaching Delhi, the strike aroused the sympathy of almost all Shillong's people.

Indian villagers along the East Pakistan border have many grievances against the refugees: They feel their jobs threatened and fear that their already low standard of living will be further reduced by increasing the population of their districts in West Bengal, which has 8 million Moslems among its normal population of 44 million.

District officers have been reporting that wages for a day's work in the fields have been reduced by up to 50 percent because refugees are willing to work for far less than the 49 cents a day a laborer used to get.

West Bengal, it is generally agreed, is the most potentially explosive area in India. Calcutta, its capital, was a center of Hindu-Moslem violence in 1947.

However, the Moslem community throughout India has not expressed sympathy with the refugee problem, nor has it joined condemnations of Pakistan's actions in the east. The Indian Moslems have not enjoyed the outpouring of anti-Pakistan feeling aroused in India since the East Pakistan crisis began more than two months ago.

There is concern that Hindu-Moslem violence in one Indian state could spread to other parts of the country.

The Pakistan civil fighting and the consequent flow of refugees came just after Mrs. Gandhi had scored a triumph in general elections, greatly strengthening her position, but since the election so much of India's attention has been focused on Pakistan that the government has not taken advantage of its new power in terms of developing domestic programs.

Now, in an effort to relieve the pressure on West Bengal, Assam and Tripura which border East Pakistan, the government is concentrating on plans to disperse some of the refugees to other states. The United States has promised four C–130 cargo planes which are scheduled to go into operation next week, flying refugees from Tripura to Assam where there is more room to build refugee camps. The Soviet Union has also promised four planes, but how they will be used has not been announced.

One initial attempt to move about 1,000 refugees by train from West Bengal to Mahdya Pradesh ran into trouble, according to Indian press reports, when most of the passengers jumped off along the route—apparently reluctant to leave West Bengal where the language and customs are familiar to Bengalis from East Pakistan.

Despite predictions of disaster to West Bengal from overcrowding, lack of relief commodities and of shelter and the cholera, the refugee situation there has so far been kept under relatively effective control.

Officials hope that Hindu-Moslem hatreds can also be kept under control in the long period of adjustment that India faces as it must seek more than short-term emergency solutions to the refugee problem.

[From the Washington Post, June 12, 1971]

INDIA TO RECEIVE VACCINE FOR 3 MILLION

GENEVA, June 11.—The World Health Organization (WHO) announced today that 3 million extra doses of cholera vaccine would be flown into India over the next three weeks at the urgent request of the Indian government.

A spokesman for the organization told a press conference the cholera situation seemed to be stabilizing but extra supplies of vaccine were needed to protect the Indian population as refugees were moved further inside the country to new camps.

[From the Far Eastern Economic Review, June 12, 1971]

WEST BENGAL: HOPE FOR NONE

(By Nayan Chanda)

CALCUTTA.—"None, not even Allah is on our side," sighed a weary old peasant from Khulna district in East Pakistan, camping with 50,000 others on a paddy field on the edge of the runway of Calcutta airport. Huddled under palm-leaf mats and rags, exposed to torrential monsoon rains, these hungry diseased refugees from Pakistan's east wing have really nothing to look forward to. The West Bengal state government, itself non-too secure, has been thrown completely out of gear by the unprecedented tidal wave of refugees. In the past eight weeks West Bengal has received more refugees (five million) than it has in the past 24 years (4.2 million) since the birth of Pakistan.

In the areas bordering East Pakistan the refugee situation has reached horrifying proportions. In the dirt and squalor of the makeshift camps cholera and gastro-enteritis are taking a frightening toll. The week's estimates put the cholera death count as high as 10,000 with thousands more calmly awaiting death, either from cholera, other diseases, starvation and cold. As the monsoon intensifies, refugees camping on the outskirts of Calcutta already are trying to seek shelter in the city. The consequences could be catastrophic.

Prime Minister Indira Gandhi who flew into Calcutta last week-end to investigate left baffled and worried. "It is a very grave and serious situation with serious consequences for the nation," she said. "We should not get alarmed, we should sit cool so that we can take the right decision at the right moment." What her decision would be was anybody's guess but Mrs. Gandhi made it quite plain that although she did not want to see disintegration of Pakistan she would not tolerate "anything that affects the peace and stability of the country".

Although Mrs. Gandhi seems to have met the state Chief Minister Ajoy Mukherjee's threat that he would resign if the government did not immediately take over the responsibility for the refugees and promise to move as many of them as possible from West Bengal, there is hardly any glimmer of hope either for the refugees or West Bengal. None of the states (except Madhya Pradesh where there are centrally-managed refugee camps) seems willing to accept them. And if any do agree, it would take months to move them. In the meantime the shalow of hunger and disease would darken.

Already there is a strong lobby for an incisive military move to end the problem. Quite a number of influential newspapers have questioned the wisdom of spending a staggering amount on refugees while a lesser sum spent on military intervention would solve the problem by creating a favourable situation in East Pakistan for the return of the refugees. India, after all, it is being argued, had to spend only Rs500 million for the 1965 war with Pakistan while it has been spending more than Rs10 million a day on the refugees.

On the morning of Mrs. Gandhi's arrival in Calcutta, Ananda Bazar Patrika, the state's most influential Bengali-language daily, frontpaged an open letter to the premier asking her pointblank: "Why can't you send in troops to end the humiliation of humanity, strangulation of democracy, shooting of unarmed people and ravaging of women? Why not war? For fear of huge expenses? Aren't the expenses on account of refugees double the amount needed for war?" Amidst this type of hysteria, the lone voice of moderation was the Statesman which editorially urged New Delhi not to surrender to the "irresponsible demand for strong action."

The man in the street too is getting restive. Already in the border districts sympathy for East Pakistani refugees, particularly among wage labourers and sharecroppers, is fast giving way to contempt, even to hostility. Food prices have shot up and, with the sudden glut in labour market, wages have registered a sharp fall.

The fact that most of the refugees now pouring into India are Hindus adds a further dangerous strain on communal relations. West Bengal has not witnessed any major communal violence since 1964 and the communal parties have not yet turned their attention to the refugee problem. But it may be only a question of time. The arrest recently of two left-wing Moslem leaders—Dr. Golam Yazhdani, a former minister of the state's United Front government, and Syed Badruddoza, a former member of parliament—for alleged involvement in a Pakistani spy ring has only helped to further worsen the climate.

The CPM (Communist Party Marxists)—the party to which these two leaders belonged—has lashed out at the state government for "undemocratic" arrest and for "terrorising the Moslems." Whichever way it is viewed, West Bengal is heading towards a crisis of unimaginable proportions.

[From the Far Eastern Economic Review, June 12, 1971]

INDIA-PAKISTAN—PRESSURE TO COMPROMISE

CALCUTTA.—Complete military control over sprawling East Pakistan—with its swamps and marshy lands in the south, hilly jungle terrain in the northeast and its myriad rivers and canals will always be near impossible. And, understandably, West Pakistani forces seem content to control only major towns and strategic points along the Indian border.

Apart from sporadic commando raids launched by the Mukti Fauj (Liberation Forces) on isolated posts and the blowing up of minor bridges and culverts, so far there has been no serious threat to the Pakistani army. The newly-formed Liberation Front is yet to field its guerillas and the focus of conflict, meanwhile, seems to have shifted to the Indo-Pakistan border across which guns have boomed several times resulting in the killing of a number of Indian Border Security Force men.

However, Pakistani success in militarily crushing the "Bangla Desh" movement has not been matched on the political plane. Even though President Yahya Khan has announced he is "determined to hand over power" to the civilians, his search for obliging civilians remains largely fruitless. His kite-flying speech on May 25—suggesting that the ban on the Awami League did not automatically outlaw MNAs (Members of the National Assembly) and MPAs (Members of the Provincial Assembly) elected on the Awami League ticket and offering amnesty to those Awami League members who were "genuinely misled"—has so far met with little favourable response. Only three MNAs of Rangpur—Azizar Rahman, Nurul Huq and Suleman—who had been arrested on March 29 and rumoured to have been killed came out with statements denouncing those Awami League leaders who "colluded with Hindustan (India)" in setting up an independent government of Bangla Desh. Independence, they said, was not on their party's agenda and the people had not given their mandate for such a move.

Although this defection is a drop in the ocean there is suspicion that many of the 50 MNAs now in Pakistani custody might give in under duress and help President Yahya fulfill his promise of a civilian rule of sorts. The creation of a government including rightwing parties and "genuinely misled" elements of the Awami League with a watered down autonomy is, in any case, the best political bargain he can secure out of a bad political and not-so-bad military situation.

A compromise along this line might be favoured by Washington which has counselled Islamabad to seek a political settlement in East Pakistan before American aid can flow again. Moscow too, despite its sympathy for the victims of the army measures, has come out for "a peaceful solution of the problems". The solution the Russians have in mind is anything but an independent Bangla Desh. The leaders of the Bangla Desh government who had put much store by Moscow's support were shocked to read the official Soviet weekly News Times which termed dismemberment of Pakistan as mere "hopes of certain imperialist circles". New Delhi also has resisted strong pressure for immediate recognition of Bangla Desh. Speaking in parliament in late May, Prime Minister Indira Gandhi stressed the need for "bringing about a political solution to the problems of East Bengal". Union Rehabilitation Minister Khadilkar further clarified New Delhi's stance: "None of the Big Powers want to see Pakistan dismembered. India had to act in this perspective."

With Bangla Desh refugees pouring into India at the rate of 100,000 a day New Delhi had, more than any other country, a vested interest in an immediate solution to the crisis. The Indian government has been spending Rs10 million a day for the refugees, a rate which would soon put the Indian economy in serious trouble. The Rs600 million allocated for this problem in the national budget recently might prove to be just the beginning of an incurable ulcer.

Thus while the Soviet, American and Indian views on Bangla Desh seem to demand political compromise, the Bangla Desh government may be left with no other choice than to climb down from its stand for independence.

Meanwhile, the mystery surrounding the whereabouts of NAP (National Awami Party) leader Maulana Bashani has to some extent prejudiced the prospects of the leftist National Liberation Front. High ranking NAP leaders at the turn of the month were frantically looking for the old leader to get his formal approval for the front. West Bengal's CPM (Communist Party Marxist), ideologically close to the NAP, has taken up the question of Bashani as yet another issue in its campaign against the coalition government in West Bengal led by Ajoy Mukherjee of the Bangla Desh. One CPM member of the state assembly charged the government with having put Bashani under house arrest in Calcutta.

Two days later a Calcutta daily, the Hindustan Standard, published an exclusive interview with Bashani and claimed that it "gave lie to the CPM accusation" about his arrest. The CPM evening daily, Ganasakti, in turn published a statement by the Maulana's son, Abu Nasir Khan Bashani, lamenting his unsuccessful effort to see his father although he had learnt that he was in Calcutta.

[From the New York Times, June 13, 1971]

INDIA: A TRAGIC HORDE WITHOUT FOOD OR SHELTER

(By Ian Ward)

CALCUTTA.—The cholera epidemic came to eastern India with a column of 100,000 refugees who had trekked 60 grueling miles westward from East Pakistan in the third week of May. Exhausted, hungry and without adequate shelter, the refugees were easy prey for the particularly virulent strain of the disease they had brought with them.

By last week, the epidemic had spread all along the border of the Indian state of West Bengal. The Indian Government had an estimated 68,000 cholera cases on its hands, almost all of them refugees. And the cholera scare did in the West what eight weeks of Indian pleading for help to cope with the refugee flood had failed to do. The Western community was shaken out its lethargy, and relief supplies poured into Calcutta in such amounts that the local aid agencies weren't able to handle the volume.

With the aid cargo piling up at Calcutta's international airport and cramming the city's dilapidated warehouses, India has begun to turn back some new offers of help and British experts on the scene are urging efforts to reduce the head of steam created in Britain on the cholera issue.

Paradoxically, the international aid that flowed so generously last week came after the worst of the epidemic may have passed as a result of India's own efforts. By employing locally manufactured vaccine, saline solution and antibiotics and diverting medical personnel from all over India, the local authorities appear to have stemmed the cholera tide. Although perhaps crude by Western standards, these methods have been largely effective. The death rate has fallen from 50 percent to 10 percent of those infected, and the rate of spread seems stabilized.

What the Indians fear now is that the world community could quickly revert to its previous indifference, satisfied that in the drama of the moment it stepped in and did the job. Yet, two or three months hence India will still be facing a herculean task caring for the refugees. Pneumonia, dysentery and malnutrition will remain in the refugee camps even if the cholera threat is brought under control. The financial burden will still be far beyond India's capacity.

There are now 5 million refugees from East Pakistan in India. Half of them at most enjoy the relative shelter and security of the 500 or so temporary camps. Some of the others have found accommodation with Bengali relations and friends along the frontier, but this has placed an intolerable strain on family budgets. The rest are left to wander the flat lowlands of West Bengal with hardly a trace of food or shelter.

And still the refugees flow across the border—at a rate of 100,000 a day, according to a report to Parliament last week by the Deputy Minister for Rehabilitation, Balgovind Verma. The Minister predicted that the number of refugees would grow to 7 to 8 million before the flood was spent.

Last week, the monsoon rains began sweeping in from the Bay of Bengal, and within minutes of the first lashing onslaughts the camps were reduced to mud-choked wilderness. Pathetic rush matting under which families huddled from the deluge disintegrated in the wind.

Bedraggled refugees are drifting toward the streets of Calcutta, where upward of 30,000 homeless peasants nightly jostle with cattle, dogs, cats and goats for the choicest sleeping positions on the pavements.

The initial refugee influx was a mixed bunch of Moslems and Hindus fleeing the Pakistani Army crackdown against the autonomy movement of East Pakistan. The overwhelming majority since then have been Hindus. Whether or not it reflects the policies of Pakistani President Yahya Khan, the signs are that the army is moving against minority groups—Hindus, Christians and Buddhists—with the intention of driving these problems next door.

President Yahya has broadcast appeals for the refugees to return to their homeland. He has promised amnesty for political leaders and security for their followers. But none of his promises has prompted the slightest movement back across the frontier.

[From the (London) Sunday Times, June 13, 1971]

GENOCIDE

(NOTE.—A Sunday Times reporter comes out of Pakistan with the horrifying story of why five million have fled.)

West Pakistan's Army has been systematically massacring thousands of civilians in East Pakistan since the end of March. This is the horrifying reality behind the news blackout imposed by President Yahya Khan's government since the end of March. This is the reason why more than five million refugees have streamed out of East Pakistan into India, risking cholera and famine.

The curtain of silence is broken today for the first time by Anthony Mascarenhas, the Sunday Times correspondent in Pakistan. He has seen what the Pakistan army has been doing. He has left Pakistan to tell the world. The army has not merely been killing supporters of the idea of Bangla Desh, an independent East Bengal. It has deliberately been massacring others, Hindus and Bengali Muslims. Hindus have been shot and beaten to death with clubs simply because they are Hindus. Villages have been burned.

Sporadic and unconfirmed reports of atrocities by the Pakistan army have been reaching the outside world for some time, notably from refugees, missionaries and diplomats. The report by Anthony Mascarenhas—appearing in full on pages twelve to fourteen today—is a detailed eye-witness account of unique precision and authority. He supplies the missing centre-piece of the tragedy of Bengal: why the refugees have fled.

There is a remarkable story behind Anthony Mascarenhas' report.

When, at the end of March, the Pakistan army flew two divisions into East Pakistan to "sort out" the Bengali rebels, it moved in secret. But about two weeks later the Pakistan government invited eight Pakistani journlists to fly to East Bengal. The idea—as government officials left the journalists in no doubt—was to give the people of West Pakistan a reassuring picture of the "return to normalcy" in the eastern half of the country. Seven of the journalists have done as they were intended. But one was Mascarenhas, who is assistant editor of the Morning News in Karachi, and was also The Sunday Times Pakistan correspondent.

On Tuesday, May 18, he arrived, unexpectedly, in The Sunday Times office in London. There was, he told us, a story he wanted to write: the true story of what had happened in East Bengal to drive five million people to flight.

He made it plain that he understood that if he wrote his story there could be no going back to Karachi for him. He said he had made up his mind to leave Pakistan: to give up his house, most of his possessions and his job as one of the most respected journalists in the country. There was only one condition: we must not publish his story until he had gone back into Pakistan and brought out his wife and five children.

The Sunday Times agreed, and Mascarenhas went back to Karachi. After a wait of ten days an overseas cable arrived at the private address of a Sunday Times executive.

"Export formalities completed," it read, "Shipment begins Monday."

Mascarenhas had succeeded in getting permission for his wife and family to leave the country. He himself had been forbidden to leave. He found a way of leaving anyway.

On the last leg of his journey inside Pakistan, he found himself sitting in a plane across the aisle from a senior Ministry of Information official whom he knew well. A phone call from the airport could have led to his arrest.

There was no phone call, however, and last Tuesday he arrived back in London.

Mascarenhas writes about what he saw in East Pakistan with special authority and objectivity. As a Goan Christian by descent, he is neither a Hindu nor a Muslim. Having lived most of his life in what is now Pakistan, having held a Pakistani passport since the State was created in 1947, and having enjoyed the confidence of many of the leaders of Pakistan since that time, he wrote his report with real personal regret.

"We were told by the Ministry of Information officials to show in a patriotic way the great job the army was doing," he told us.

There was no question of his reporting what he saw for his own paper. He was allowed to file a story, which was published in The Sunday Times on May 2, which reported only the events of March 25/26, when the Bengali troops mutinied and atrocities were committed against non-Bengalis.

Even references to the danger of famine were deleted by the censor. That increased his crisis of conscience.

After some days' hesitation, he decided, in his own words, that "either I would write the full story of what I had seen, or I would have to stop writing: I would never again be able to write with any integrity." And so he got on a plane and came to London.

We have been able to check his story in great detail with other refugees in a position to have had a wide knowledge of events in East Bengal as a whole, and with objective diplomatic sources.

STOP THE KILLING

By devoting the whole of its centre pages to one article about East Pakistan, The Sunday Times has taken a considered and exceptional step. We have done so first because this is the fullest authoritative, first-hand account so far available of the acts and intentions of the central Pakistan Government in its eastern province. Secondly, because the story itself is so horrifyingly revealing about what the millions of refugees are fleeing *from*, that it needs to be told at length. The Sunday Times has checked as far as possible the accuracy of this report. But in any event, we have the fullest confidence in the integrity of our reporter, who has himself abandoned home and career in Pakistan to bring the news to the world.

The present crisis would never have arisen had it not been for Yahya Khan's commendable wish to end the military dictatorship in Pakistan by calling, last autumn, for general elections. The outlet for Bengali nationalism which those elections provided later lit the fire which has been so brutally extinguished. But long before that the seeds of disunity and dissension were sown when, in 1947, the State of Pakistan was created in two unequal sections. From that day to this, the Bengali people of East Pakistan have justifiably, felt themselves to be the unequal partner, the poor relation in a state to whose general economy they in fact contribute a large part. Moreover, in the present welter of blood and persecution, the Bengalis themselves, as our story makes plain, must bear some responsibility for their acts of retributive violence against non-Bengalis.

But when all this has been said, there is no escaping the terrible charge of deliberate, premeditated extermination levelled by the facts against the present Pakistani Government. Yahya Khan may conceivably mean what he says when he speaks of a return to civilian rule and normality. But how, after what has happened, can the Pakistani Government persuade what is left of the Bengali leadership that they are brothers and equal members of the same nation?

With the Army still operating on a directive to enforce submission to the Central Government, there is the danger that if the Western Powers to whom Pakistan is now appealing for financial aid respond positively, that aid will contribute, directly or indirectly, to the army's gruesome operations. Yet totally to withhold this and other aid would simply condemn Pakistan to economic disintegration with all the extra human suffering involved.

The most hopeful formula is for the Western countries concerned, Britain among them, to make the grant of extra aid dependent upon Yahya Khan's readiness to institute a new deal for East Pakistan and specifically to ensure that his army desists from excesses. While the United Nations and the voluntary relief organizations should stand out for control over relief operations in East Pakistan, nothing can alter the fact that Pakistan is a sovereign country which cannot be forced to do what she does not want to do. The best, indeed the only safeguard, is to direct, wherever and whenever it is possible, the spotlight of publicity upon the words and deeds of the Pakistani Government in the hope that the pressure of world opinion will in the end have some effect.

Exactly what form a new deal for East Pakistan should take is very difficult to say. Whatever it is, it is unlikely that the bulk of the refugees now in India, most of them Hindus, will ever be willing to return to East Pakistan. In the present fog of war and atrocity, one thing stands out all too clearly. It is that Yahya Khan's terrible mistake, and its terrible consequences, have created a new area of instability in Asia and the world; an area comparable, in its racial and territorial elements, with the Middle East, and likely, in the future, to cause just as much misery to its inhabitants and concern to the outside world.

[From the (London) Sunday Times, June 13, 1971]

WHY THE REFUGEES FLED

(By Anthony Mascarenhas)

Abdul Bari had run out of luck.

Like thousands of other people in East Bengali, he had made the mistake—the fatal mistake—of running within sight of a Pakistani army patrol.

He was 24 years old, a slight man surrounded by soldiers. He was trembling, because he was about to be shot.

"Normally we would have killed him as he ran," I was informed chattily by Major Rathore, the G–2 Ops. of the 9th Division, as we stood on the outskirts of a tiny village near Mudafarganj, about 20 miles south of Comilla. "But we are checking him out for your sake. You are new here and I see you have a squeamish stomach."

"Why kill him?" I asked with mounting concern.

"Because he might be a Hindu or he might be a rebel, perhaps a student or an Awami Leaguer. They know we are sorting them out and they betray themselves by running."

"But why are you killing them? And why pick on the Hindus?" I persisted.

"Must I remind you," Rathore said severely, "how they have tried to destroy Pakistan? Now under the cover of the fighting we have an excellent opportunity of finishing them off."

"Of course," he added hastily, "we are only killing the Hindu men. We are soldiers, not cowards like the rebels. They kill our women and children."

I was getting my first glimpse of the stain of blood which has spread over the otherwise verdant land of East Bengal. First it was the massacre of the non-Bengalis in a savage outburst of Bengali hatred. Now it was massacre, deliberately carried out by the West Pakistan army.

The pogrom's victims are not only the Hindus of East Bengal—who constitute about 10 percent of the 75 million population—but also many thousands of Bengali Muslims. These include university and college students, teachers, Awami League and Left-Wing political cadres and every one the army can catch of the 176,000 Bengali militarymen and police who mutinied on March 26 in a spectacular, though untimely and ill-starred bid to create an independent Republic of Bangla Desh.

What I saw and heard with unbelieving eyes and ears during my 10 days in East Bengal in late April made it terribly clear that the killings are not the isolated acts of military commanders in the field.

The West Pakistani soldiers are not the only ones who have been killing in East Bengal, of course. On the night of March 25—and this I *was* allowed to report by the Pakistani censor—the Bengali troops and paramilitary units stationed in East Pakistan mutinied and attacked non-Bengalis with atrocious savagery.

Thousands of families of unfortunate Muslims, many of them refugees from Bihar who chose Pakistan at the time of the partition riots in 1947, were mercilessly wiped out. Women were raped, or had their breasts torn out with specially-fashioned knives. Children did not escape the horror: the lucky ones were killed with their parents; but many thousands of others must go through what life remains for them with eyes gouged out and limbs roughly amputated. More than 20,000 bodies of non-Bengalis have been found in the main towns, such as Chittagong, Khulna and Jessore. The real toll, I was told everywhere in East Bengal, may have been as high as 100,000; for thousands of non-Bengalis have vanished without a trace.

The government of Pakistan has let the world know about that first horror. What it has suppressed is the second and worse horror which followed when its own army took over the killing. West Pakistani officials privately calculate that altogether both sides have killed 250,000 people—not counting those who have died of famine and disease.

Reacting to the almost successful breakaway of the province, which has more than half the country's population, General Yahya Khan's military government is pushing through its own "final solution" of the East Bengal problem.

"We are determined to cleanse East Pakistan once and for all of the threat of secession, even if it means killing off two million people and ruling the province as a colony for 30 years." I was repeatedly told by senior military and civil officers in Dacca and Comilla.

The West Pakistan army in East Bengal is doing exactly that with a terrifying thoroughness.

We had been racing against the setting sun after a visit to Chandpur (the West Pakistan army prudently stays indoors at night in East Bengali) when one of the *jawans* (privates) crouched in the back of the Toyota Land Cruiser called out sharply: "There's a man running, Sahib."

Major Rathore brought the vehicle to an abrupt halt, simultaneously reaching for the Chinese-made light machine-gun propped against the door. Less than 200 yards away a man could be seen loping through the knee-high paddy.

"For God's sake don't shoot," I cried. "He's unarmed. He's only a villager."

Rathore gave me a dirty look and fired a warning burst.

As the man sank to a crouch in the lush carpet of green, two *jawans* were already on their way to drag him in.

The thud of a rifle butt across the shoulders preceded the questioning.

"Who are you?"

"Mercy, Sahib! My name is Abdul Bari. I'm a tailor from the New Market in Dacca."

"Don't lie to me. You're a Hindu. Why were you running?"

"It's almost curfew time, Sahib, and I was going to my village."

"Tell me the truth. Why were you running?"

Before the man could answer he was quickly frisked for weapons by a *jawan* while another quickly snatched away his *lungi*. The skinny body that was bared revealed the distinctive traces of circumcision, which is obligatory for Muslims.

THE TRUCKLOADS OF HUMAN TARGETS

At least it could be plainly seen that Bari was not a Hindu.

The interrogation proceeded.

"Tell me, why were you running?"

By this time Bari, wild-eyed and trembling violently, could not answer. He buckled at the knees.

"He looks like a *fauji*, sir," volunteered one *jawan* as Bari was hauled to his feet. (Fauji is the Urdu word for soldier: the army uses it for the Bengali rebels it is hounding.)

"Could be," I heard Rathore mutter grimly.

Abdul Bari was clouted several times with the butt end of a rifle, then ominously pushed against a wall. Mercifully his screams brought a young head peeping from the shadows of a nearby hut. Bari shouted something in Bengali. The head vanished. Moments later a bearded old man came haltingly from the hut. Rathore pounced on him.

"Do you know this man?"

"Yes, Sahib. He is Abdul Bari."

"Is he a *fauji?"*

"No, Sahib, he is a tailor from Dacca."

"Tell me the truth."

"Khuda Kassan (God's oath), Sahib, he is a tailor."

There was a sudden silence. Rathore looked abashed as I told him "For God's sake let him go. What more proof do you want of his innocence?"

But the *jawans* were apparently unconvinced and kept milling around Bari. It was only after I had once more interceded on his behalf that Rathore ordered Bari to be released. By that time he was a crumpled, speechless heap of terror. But his life had been saved.

Others have not been as fortunate.

For six days as I travelled with the officers of the 9th Division headquarters at Comilla I witnessed at close quarters the extent of the killing. I saw Hindus, hunted from village to village and door to door, shot offhand after a cursory "short-arm inspection" showed they were uncircumcised. I have heard the screams of men bludgeoned to death in the compound of the Circuit House (civil administrative headquarters) in Comilla. I have seen truckloads of other human targets and those who had the humanity to try to help them hauled off "for disposal" under the cover of darkness and curfew. I have witnessed the brutality of "kill and burn missions" as the army units, after clearing out the rebels, pursued the pogrom in the towns and the villages.

I have seen whole villages devastated by "punitive action."

And in the officers mess at night I have listened incredulously as otherwise brave and honourable men proudly chewed over the day's kill.

"How many did you get?"

The answers are seared in my memory.

All this is being done, as any West Pakistani officer will tell you, for the "preservation of the unity, the integrity and the ideology of Pakistan." It is, of course, too late for that. The very military action that is designed to hold together the two wings of the country, separated by a thousand miles of India, has confirmed the ideological and emotional break. East Bengal can only be kept in Pakistan by the heavy hand of the army. And the army is dominated by the Punjabis, who traditionally despise and dislike the Bengalis.

The break is so complete today that few Bengalis will willingly be seen in the company of a West Pakistani. I had a distressing experience of this kind during my visit to Dacca when I went to visit an old friend. "I'm sorry," he told me as he turned away, "things have changed. The Pakistan that you and I knew has ceased to exist. Let us put it behind us."

Hours later a Punjabi army officer, talking about the massacre of the non-Bengalis before the army moved in, told me: "They have treated us more brutally than the Sikhs did in the partition riots in 1947. How can we ever forgive or forget this?"

The bone-crushing military operation has two distinctive features. One is what the authorities like to call the "cleansing process": a euphemism for massacre. The other is the "rehabilitation effort." This is a way of describing the moves to turn East Bengal into a docile colony of West Pakistan. These commonly used expressions and the repeated official references to "miscreants" and "infiltrators" are part of the charade which is being enacted for the benefit of the world. Strip away the propaganda, and the reality is colonisation—and killing.

The justification for the annihilation of the Hindus was paraphrased by Lt. Gen. Tikka Khan, the military governor of East Pakistan, in a radio broadcast I heard on April 18. He said: "The Muslims of East Pakistan, who had played a leading part in the creation of Pakistan, are determined to keep it alive. However, the voice of the vast majority had been suppressed through coercion, threats to life and property by a vocal, violent and aggressive minority, which forced the Awami League to adopt the destructive course."

Others, speaking privately, were more blunt in seeking justification.

"The Hindus had completely undermined the Muslim masses with their money," Col. Naim, of 9th Division headquarters told me in the officers mess at Comilla. They bled the province white. Money, food and produce flowed across the borders to India. In some cases they made up more than half the teaching staff in the colleges and schools, and sent their own children to be educated in Calcutta. It had reached the point where Bengali culture was in fact Hindu culture, and East Pakistan was virtually under the control of the Marwari businessmen in Calcutta. We have to sort them out to restore the land to the people, and the people to their Faith."

Or take Major Bashir. He came up from the ranks. He is SSO of the 9th Division at Comilla and he boasts of a personal body-count of 28. He had his own reasons for what has happened. "This is a war between the pure and the impure," he informed me over a cup of green tea. "The people here may have Muslim names and call themselves Muslims. But they are Hindus at heart. You won't believe that the *maulvi* (mulla) of the Cantonment mosque here issued a *fathwa* (edict) during Friday prayers that the people would attain *janat* (paradise) if they killed West Pakistanis. We sorted the bastard out and we are now sorting out the others.

Those who are left will be real Muslims. We will even teach them Urdu."

Everywhere I found officers and men fashioning imaginative garments of justification from the fabric of their own prejudices. Scapegoats had to be found to legitimise, even for their own consciences, the dreadful "solution" to what in essence was a political problem: the Bengalis won the election and wanted to rule. The Punjabis, whose ambitions and interests have dominated government policies since the founding of Pakistan in 1947, would brook no erosion of their power. The army backed them up.

Officials privately justify what has been done as a retaliation for the massacre of the non-Bengalis before the army moved in. But events suggest that the pogrom was not the result of a spontaneous or undisciplined reaction. It was planned.

It seems clear that the "sorting-out" began to be planned about the time that Lt.-Gen. Tikka Khan took over the governorship of East Bengal, from the gentle, self-effacing Admiral Ahsan, and the military command there, from the scholarly Lt.-Gen. Sahibzada Khan. That was at the beginning of March, when Sheikh Mujibur Rahman's civil disobedience movement was gathering momentum after the postponement of the assembly meeting from which the Bengalis hoped for so much. President Yahya Khan, it is said, acquiesced in the tide of resentment caused in the top echelons of the military establishment by the increasing humiliation of the West Pakistani troops stationed in East Bengal. The Punjabi Eastern Command at Dacca continues to dominate the policies of the Central Government. [It is perhaps worth pointing out that the Khans are not related: Khan is a common surname in Pakistan.]

When the army units fanned out in Dacca on the evening of March 25, in pre-emptive strikes against the mutiny planned for the small hours of the next morning, many of them carried lists of people to be liquidated. These included the Hindus and large numbers of Muslims; students, Awami Leaguers, professors, journalists and those who had been prominent in Sheikh Mujib's movement. The charge, now publicly made, that the army was subjected to mortar attack from the Jaganath Hall, where the Hindu university students lived, hardly justifies the obliteration of two Hindu colonies, built around the temples on Ramna racecourse, and a third in Shakrepati, in the heart of the old city. Nor does it explain why the sizeable Hindu populations of Dacca and the neighbouring industrial town of Narayanganj should have vanished so completely during the round-the-clock curfew on March 26 and 27. There is similarly no trace of scores of Muslims who were rounded up during the curfew hours. These people were eliminated in a planned operation; an improvised response to Hindu aggression would have had vastly different results.

A PENCIL FLICK, A MAN "DISPOSED"

Touring Dacca on April 15 I found the heads of four students lying rotting on the roof of the Iqbal Hall hostel. The caretaker said they had been killed on the night of March 25. I also found heavy traces of blood on the two staircases and in four of the rooms. Behind Iqbal Hall a large residential building seemed to have been singled out for special attention by the army. The walls were pitted with bullet holes and a foul smell still lingered on the staircase, although it had been heavily powdered with DDT. Neighbours said the bodies of 23 women and children had been carted away only hours before. They had been decomposing on the roof since March 25. It was only after much questioning that I was able to ascertain that the victims belonged to the near-by Hindu shanties. They had sought shelter in the building as the army closed in.

This is genocide conducted with amazing casualness. Sitting in the office of Major Agha, Martial Law Administrator of Comilla City, on the morning of April 19, I saw the off-hand manner in which sentences were meted out. A Bihari sub-inspector of police had walked in with a list of prisoners being held in the police lock-up. Agha looked it over. Then, with a flick of his pencil, he casually ticked off four names on the list.

"Bring these four to me this evening for disposal," he said. He looked at the list again. The pencil flicked once more, ". . . and bring this thief along with them."

The death sentence had been pronounced over a glass of coconut milk. I was informed that two of the prisoners were Hindus, the third a "student," and the fourth an Awami league organiser. The "thief," it transpired, was a lad named Sebastian who had been caught moving the household effects of a Hindu friend to his own house.

Later that evening I saw these men, their hands and legs tied loosely with a single rope, being led down the road to the Circuit House compound. A little after curfew, which was at 6 o'clock, a flock of squawking mynah birds were disturbed in their play by the thwacking sound of wooden clubs meeting bone and flesh.

Captain Azmat of the Baluch Regiment had two claims to fame according to the mess banter. One was his job as ADC to Major-Gen. Shaukat Raza, commanding officer of the 9th Division. The other was thrust on him by his colleagues' ragging.

Azmat, it transpired, was the only officer in the group who had not made a "kill." Major Bashir needled him mercilessly.

"Come on Azmat," Bashir told him one night, "we are going to make a man of you. Tomorrow we will see how you can make them run. It's so easy."

To underscore the point Bashir went into one of his long spiels. Apart from his duties as SSO, Bashir was also "education officer" at Headquarters. He was the only Punjabi officer I found who could speak Bengali fluently. By general agreement Bashir was also a self-taught bore who gloried in the sound of his own voice.

A *dhari walla* (bearded man), we were told, had come to see Bashir that morning to inquire about his brother, a prominent Awami League organiser of Comilla who had been netted by the army some days earlier. *Dhor gaya,* Bashir said he told him: "he has run away." The old man couldn't comprehend how his brother could have escaped on a broken leg. Neither could I. So Major Bashir, with a broad wink, enlightened me.

The record would show *Dhor gaya:* "shot while escaping."

I never did find out whether Captain Azmat got his kill. The rebel Bengali forces who had dug in at Feni, seventy miles north of Chittagong on the highway to Comilla, had tied down the 9th Division by destroying all the bridges and culverts in the area. General Raza was getting hell from Eastern Command at Dacca which was anxious to have the southeastern border sealed against escaping rebels. It was also desperately urgent to open this only land route to the north to much-needed supplies that had been piling up in the port at Chittagong.

So General Raza was understandably waspish. He flew over the area almost daily. He also spent hours haranguing the brigade that was bogged down at Feni. Captain Azmat, as usual, was the General's shadow. I did not see him again. But if experience is any pointer, Azmat probably had to sweat out his "kill"—and the ragging—for another three weeks. It was only on May 8 that the 9th Division was able to clear Feni and the surrounding area. By then the Bengali rebels, forced out by relentless bombing and artillery barrages, had escaped with their weapons across the neighbouring border into India.

The escape of such large numbers of armed, hard-core regulars among the Bengali rebels was a matter of grave concern to Lt.-Col. Aslam Baig, G–1 at 9th Division headquarters. "The Indians," he explained, will obviously not allow them to settle there. It would be too dangerous. So they will be allowed in on sufferance as long as they keep making sorties across the border. Unless we can kill them off, we are going to have serious trouble for a long time."

Lt.-Col. Baig was a popular artillery officer who had done a stint in China after the India-Pakistan war when units of the Pakistan army were converting to Chinese equipment. He was said to be a proud family man. He also loved flowers. He told me with unconcealed pride that during a previous posting at Comilla he had brought from China the giant scarlet water-lilies that adorn the pond opposite headquarters. Major Bashir adored him. Extolling one officer's decisiveness, Bashir told me that once they had caught a rebel officer there was a big fuss about what should be done with him. "While the others were telephoning all over for instructions," he said, "he solved the problem. *Dhor gaya.* Only the man's foot was left sticking out of the ditch."

It is hard to imagine so much brutality in the midst of so much beauty. Comilla was blooming when I went there towards the end of April. The rich green carpet of rice paddies spreading to the horizon on both sides of the road was broken here and there by bright splashes of red. That was the *Gol Mohor,* aptly dubbed the "Flame of the Forest," coming to full bloom. Mango and coconut trees in the villages dotting the countryside were heavy with fruit. Even the terrier-sized goats skipping across the road gave evidence of the abundance of nature in Bengal. "The only way you can tell the male from the female," they told me, "is that all the she-goats are pregnant."

FIRE AND MURDER THEIR VENGEANCE

In one of the most crowded areas of the entire world—Comilla district has a population density of 1,900 to the square mile—only man was nowhere to be seen.

"Where are the Bengalis?" I had asked my escorts in the strangely empty streets of Dacca a few days earlier. "They have gone to the villages," was the stock reply. Now, in the countryside, there were still no Bengalis. Comilla town, like Dacca, was heavily shuttered. And in ten miles on the road to Laksham, past silent villages, the peasants I saw could have been counted on the fingers of both hands.

There were, of course, soldiers—hundreds of unsmiling men in khaki, each with an automatic rifle. According to orders, the rifles never left their hands. The roads are constantly patrolled by tough trigger-happy men. Wherever the army is, you won't find Bengalis.

Martial law orders, constantly repeated on the radio and in the Press, proclaim the death penalty for anyone caught in the act of sabotage. If a road is obstructed or a bridge damaged or destroyed, all houses within 100 yards of the spot are liable to be demonlished and their inhabitants rounded up.

The practice is even more terrible than anything the words could suggest. "Punitive action" is something that the Bengalis have come to dread.

We saw what this meant when we were approaching Hajiganj, which straddles the road to Chandpur, on the morning of April 17. A few miles before Hajiganj, a 15-foot bridge had been damaged the previous night by rebels who were still active in the area. According to Major Rathore (G–2 Ops.) an army unit had immediately been sent out to take punitive action. Long spirals of smoke could be seen on all sides up to a distance of a quarter of a mile from the damaged bridge. And as we carefully drove over a bed of wooden boards, with which it had been hastily repaired, we could see houses in the village on the right beginning to catch fire. At the back of the village some *jawans* were spreading the flames with dried coconut fronds. They make excellent kindling and are normally used for cooking. We could also see a body sprawled between the coconut trees at the entrance to the village. On the other side of the road another village in the rice paddies showed evidence of the fire that had gutted more than a dozen bamboo and mat huts. Hundreds of villagers had escaped before the army came. Others, like the man among the coconut trees, were slow to get away.

As we drove on, Major Rathore said, "They brought it on themselves." I said it was surely too terrible a vengeance on innocent people for the acts of a handful of rebels. He did not answer.

A few hours later when we were again passing through Hajiganj on the way back from Chandpur, I had my first exposure to the savagery of a "kill and burn mission."

We were still caught up in the aftermath of a tropical storm which had hit the area that afternoon. A heavy overcast made ghostly shadows on the mosque towering above the town. Light drizzle was beginning to wet the uniforms of Captain Azhar and the four *jawans* riding in the exposed escort jeep behind us.

We turned a corner and found a convoy of trucks parked outside the mosque. I counted seven, all filled with *jawans* in battledress. At the head of the column was a jeep. Across the road two men, supervised by a third, were trying to batter down the door of one of more than a hundred shuttered shops lining the road. The studded teak wood door was beginning to give under the combined assault of two axes as Major Rathore brought the Toyota to a halt.

"What the hell are you doing?"

The tallest of the trio, who was supervising the break-in, turned and peered at us. *"Mota,"* (Fatty) he shouted, "what the hell do you think we are doing?"

Recognising the voice, Rathore grew a water-melon smile. It was, he informed me, his old friend "Ifty"—Major Iftikhar of the 12th Frontier Force Rifles.

Rathore: "I thought someone was looting."

Iftikhar: "Looting? No. We are on kill and burn."

Waving his hand to take in the shops, he said he was going to destroy the lot.

Rathore: "How many did you get?"

Iftikhar smiled bashfully.

Rathore: "Come on. How many did you get?"

Iftikhar: "Only twelve. And by God we were lucky to get them. We would have lost those, too, if I hadn't sent my men from the back."

Prodded by Major Rathore, Iftikhar then went on to describe vividly how after much searching in Hajiganj he had discovered twelve Hindus hiding in a house on the outskirts of the town. These had been "disposed of." Now Major Iftikhar was on the second part of his mission: burn.

By this time the shop's door had been demolished and we found ourselves looking into one of those tiny catch-all establishments which, in these parts, go under the title "Medical & Stores." Under the Bengali lettering the signboard carried in English the legend "Ashok Medical & Stores." Lower down was painted "Prop. A. M. Bose." Mr. Bose, like the rest of the people of Hajiganj, had locked and run.

In front of the shop a small display cabinet was crammed with patent medicines, cough syrups, some bottles of mango squash, imitation jewelry, reels of coloured cotton thread and packets of knicker elastic. Iftikhar kicked it over, smashing the light woodwork into kindling. Next he reached out for some jute shopping bags on one shelf. He took some plastic toys from another. A bundle of handkerchiefs and a small bolt of red cloth joined the pile on the floor. Iftikhar heaped them all together and borrowed a box from one of the *jawans* sittin in our Toyota. The *jawan* had ideas of his own. Jumping from the vehicle he ran to the shop and tried to pull down one of the umbrellas hanging from the low ceiling of the shop. Iftikhar ordered him out.

Looting, he was sharply reminded, was against orders.

Iftikhar soon had a fire going. He threw burning jute bags into one corner of the shop, the bolt of cloth into another. The shop began to blaze. Within minutes we could hear the crackle of flames behind shuttered doors as the fire spread to the shop on the left, then on to the next one.

At this point Rathore was beginning to get anxious about the gathering darkness. So we drove on.

When I chanced to meet Major Iftikhar the next day he ruefully told me, "I burnt only sixty houses. If it hadn't rained I would have got the whole bloody lot."

Approaching a village a few miles from Mudarfarganj we were forced to a halt by what appeared to be a man crouching against a mud wall. One of the *jawans* warned it might be a *fauji* sniper. But after careful scouting it turned out to be a lovely young Hindu girl. She sat there with the placidity of her people, waiting for Gods knows who. One of the *jawans* had been ten years with the East Pakistan Rifles and could speak bazaar Bengali. He was told to order her into the village. She mumbled something in reply, but stayed where she was, but was ordered a second time. She was still sitting there as we drove away. "She has," I was informed, "nowhere to go—no family, no home."

Major Iftikhar was one of several officers assigned to kill and burn missions. They moved in after the rebels had been cleared by the army with the freedom to comb out and destroy Hindus and "miscreants" (the official jargon for rebels) and to burn down everything in the areas from which the army had been fired at.

This lanky Punjabi officer liked to talk about his job. Riding with Iftikhar to the Circuit House in Comilla on another occasion he told me about his latest exploit.

"We got an old one," he said. 'The bastard had grown a beard and was posing as a devout Muslim. Even called himself Abdul Manan. But we gave him a medical inspection and the game was up."

Iftikhar continued: "I wanted to finish him there and then, but my men told me such a bastard deserved three shots. So I gave him one in the balls, then one in the stomach. Then I finished him off with a shot in the head."

When I left Major Iftikhar he was headed north to Brahmanbaria. His mission: another kill and burn.

Overwhelmed with terror, the Bengalis have one of two reactions. Those who can run away just seem to vanish. Whole towns have been abandoned as the army approached. Those who can't run adopt a cringing servility which only adds humiliation to their plight.

Chandpur was an example of the first.

In the past this key river port on the Meghna was noted for its thriving business houses and gay life. At night thousands of small country boats anchored on the river's edge made it a fairyland of lights. On April 18 Chandpur was deserted. No people, no boats. Barely one percent of the population has remained. The rest, particularly the Hindus who constituted nearly half the population, had fled.

Weirdly they had left behind thousands of Pakistani flags fluttering from every house, shop and rooftop. The effect was like a national day celebration without the crowds. It only served to emphasise the haunted look.

The flags were by way of insurance.

Somehow the word had got around that the army considered any structure without a Pakistani flag to be hostile and consequently to be destroyed. It did not matter how the Pakistani flags were made, so long as they were adorned with the crescent and star. So they came in all sizes, shapes and colours. Some flaunted blue fields, instead of the regulation green. Obviously they had been hastily put together with the same material that had been used for the blue Bangla Desh flag. Indeed blue Pakistani flags were more common than the green. The scene in Chandpur was repeated in Hajiganj, Mudarfarganj, Kasba, Brahmanbaria; all ghost towns gay, with flags.

A PARADE AND A KNOWING WINK

Laksham was an example of the other reaction: cringing.

When I drove into the town the morning after it had been cleared of the rebels, all I could see was the army and literally thousands of Pakistani flags. The major in charge there had camped in the police station, and it was there that Major Rathore took us. My colleague, a Pakistani TV cameraman, had to make a propaganda film about the "return to normalcy" in Laksham—one of the endless series broadcast daily showing welcome parades and "peace meetings."

I wondered how he could manage it, but the Major said it would be no sweat. "There are enough of these bastards left to put on a good show. Give me 20 minutes."

Lieutenant Javed of the 39th Baluch was assigned the task of rounding up a crowd. He called out to an elderly beared man who had apparently been brought in for questioning. The man, who later gave his name as Moulana Said Mohammad Saidul Huq, insisted he was a "staunch Muslim Leaguer and not from the Awami League." (The Muslim League led the movement for an independent Pakistan in 1947.) He was all too eager to please. "I will very definitely get you at least 60 men in 20 minutes," he told Javed. "But if you give me two hours, I will bring 200."

Moulana Saidul Huq was as good as his word. We had hardly drunk our fill of the deliciously refreshing coconut milk that had been thoughtfully supplied by the Major when he heard shouts in the distance. "Pakistan zindabad!" "Pakistan army zindabad!" "Muslim League zindabad!" they were chanting. (Zindabad is Urdu for "Long live!") Moments later they marched into view, a motley crowd of about 50 old and decrepit men and knee-high children, all waving Pakistani flags and shouting at the top of their voices. Lt. Javed gave me a knowing wink.

Within minutes the "parade" had grown into a "public meeting" complete with a make-shift public address system and a rapidly multiplying group of would-be speakers.

Mr. Mahbub-ur-Rahman was pushed forward to make the address of welcome to the army. He introduced himself as "N.F. College professor of English and Arabic, who had also tried for History and is a life-time member of the great Muslim League Party."

Introduction over, Mahbub-ur-Rahman gave forth with gusto. "Punjabis and Bengalis," he said, "had united for Pakistan and we had our own traditions and culture. But we were terrorised by the Hindus and the Awami Leaguers and led astray. Now we thank God that the Punjabi soldiers have saved us. They are the best solders in the world and heroes of humanity. We love and respect them from the bottom of our hearts." And so on, interminably, in the same vein.

After the "meeting" I asked the Major what he thought about the speech. "Serves the purpose," he said, "but I don't trust that bastard. I'll put him on my list."

The agony of East Bengal is not over. Perhaps the worst is yet to come. The army is determined to go on until the "clean-up" is complete. So far the job is only half done. Two divisions of the Pakistan Army, the 9th and the 16th, were flown out from West Pakistan to "sort out" the Bengali rebels and the Hindus. This was a considerable logistical feat for a country of Pakistan's resources. More than 25,000 men were moved from the west to the east. On March 28 the two division were given 48 hours notice to more. They were brought by train to Karachi from Kharian and Multan. Carrying only light bed rolls and battle packs (their equipment was to follow by sea) the troops were flown out to Dacca by PIA, the national airline. Its fleet of seven Boeings was taken off international and domestic routes and flew the long haul via Ceylon continuously for 14 days. A few Air Force transport aircraft helped.

The troops went into action immediately with equipment borrowed from the 14th Division which till then constituted the Eastern Command. The 9th Division, operating from Comilla, was ordered to seal the border in the east against the movement of rebels and their supplies. The 16th Division, with headquarters at Jessore, had a similar task in the Western sector of the providence. They completed these assignments by the third week of May. With the rebels—those who have not been able to escape to India—boxed in a ring of steel and fire, the two army divisions are beginning to converge in a relentless comb-out operation. This will undoubtedly mean that the terror experienced in the border areas will now spread to the middle. It could also be more painful. The human targets will have nowhere to run to.

On April 20 Lt.-Col. Baig, the flower-loving G-1 of the 9th Division, thought that the comb-out would take two months, to the middle of June. But this planning seems to have misfired. The rebel forces, using guerrilla tactics, have not been subdued as easily as the army expected. Isolated and apparently unco-ordinated, the rebels have nonetheless bogged down the Pakistan Army in many places by the systematic destruction of roads and railways, without which the army cannot move. The 9th Division for one was hopelessly behind schedule. Now the monsoon threatens to shut down the military operation with three months of cloudbursts.

For the rainy season, the Pakistan Government obtained from China in the second week of May nine shallow-draught river gunboats. More are to come. These 80-ton gunboats with massive firepower will take over some of the responsibilities hitherto allotted to the air force and artillery, which will not be as effective when it rains. They will be supported by several hundred country-craft which have been requisitioned and converted for military use by the addition of outboard motors. The army intends to take to the water in pursuit of the rebels.

COLONIZATION OF EAST BENGAL

There is also the clear prospect of famine, because of the breakdown on the distribution system. Seventeen of the 23 districts of East Pakistan are normally short of food and have to be supplied by massive imports of rice and wheat. This will not be possible this year because of the civil war. Six major bridges and thousands of smaller ones have been destroyed, making the roads impassable in many places. The railway system has been similarly disrupted, though the government claims it is "almost normal."

The road and rail tracks between the port of Chittagong and the north have been completely disrupted by the rebels who held Feni, a key road and rail junction, until May 7. Food stocks cannot move because of this devastation. In normal times only 15 per cent of food movements from Chittagong to upcountry areas were made by boat. The remaining 85 per cent was moved by road and rail. Even a 100 per cent increase in the effectiveness of river movement will leave 70 per cent of the food stocks in the warehouses of Chittagong.

Two other factors must be added. One is large-scale hoarding of grain by people who have begun to anticipate the famine. This makes a tight position infinitely more difficult. The other is the government of Pakistan's refusal to acknowledge the danger of famine publicly. Lt. Gen. Tikka Khan, the military governor of East Bengal, acknowledged in a radio broadcast on April 18 that he was gravely concerned about food supplies. Since then the entire government machinery has been used to suppress the fact of the food shortage. The reason is that a famine, like the cyclone before it, could result in a massive outpouring of foreign aid—and with it the prospect of external inspection of distribution methods. That would make it impossible to conceal from the world the scale of the pogrom. So the hungry will be left to die until the clean-up is complete.

Discussing the problem in his plush air-conditioned office in Karachi recently the chairman of the Agricultural Development Bank, Mr. Qarni, said bluntly: "The famine is the result of their acts of sabotage. So let them die. Perhaps then the Bengalis will come to their senses."

The military government's East Bengal policy is so apparently contradictory and self-defeating that it would seem to justify the assumption that the men who rule Pakistan cannot make up their minds. Having committed the initial error of resorting to force, the Government, on this view, is stubbornly and stupidly muddling through.

There is, superficially, logic in this reasoning.

On the one hand, it is true that there is no let up in the reign of terror. The policy of subjugation is certainly being pursued with vigour in East Bengal. This is making thousands of new enemies for the Government every day and making only more definitive the separation of the two wings of Pakistan.

On the other hand, no government could be unaware that this policy must fail. (There are just not enough West Pakistanis to hold down the much greater numbers in East Bengal indefinitely.) For hard administrative and economic reasons, and because of the crucial consideration of external development assistance, especially from America, it will be necessary to achieve a political settlement as quickly as possible. President Yahya Khan's Press conference on May 25 suggests that he acknowledges the force of these factors: And he said he would announce his plan for representative government in the middle of June.

All this would seem to indicate that Pakistan's military Government is moving paradoxically, in opposite directions, to compound the gravest crisis in the country's 24-year history.

This is a widely held view. It sounds logical. But is it true?

My own view is that it is not. It has been my unhappy privilege to have had the opportunity to observe at first hand both what Pakistan's leaders say in the West, and what they are doing in the East.

I think that in reality there is *no* contradiction in the Government's East Bengal policy. East Bengal is being colonised.

This is not an arbitrary opinion of mine. The facts speak for themselves.

The first consideration of the army has been and still is the obliteration of every trace of separatism in East Bengal. This proposition is upheld by the continuing slaughter and by everything else that the government has done in both East and West Pakistan since March 25. The decision was coldly taken by the military leaders, and they are going through with it—all too coldly.

No meaningful or viable political solution is possible in East Bengal while the pogrom continues.

The crucial question is: will the killing stop?

I was given the army's answer by Major-General Shaukat Raza, commanding officer of the 9th Division, during our first meeting at Comilla on April 16.

"You must be absolutely sure," he said, "that we have not undertaken such a drastic and expensive operation—expensive both in men and money—for nothing. We've undertaken a job. We are going to finish it, not hand it over half done to the politicians so that they can mess it up again. The army can't keep coming back like this every three or four years. It has a more important task. I assure you that when we have got through with what we are doing there will never be need again for such an operation."

Major-General Shaukat Raza is one of the three divisional commanders in the field. He is in a key position. He is not given to talking through his hat.

Significantly, General Shaukat Raza's ideas were echoed by every military officer I talked to during my 10 days in East Bengal. And President Yahya Khan knows that the men who lead the troops on the ground are the *de facto* arbiters of Pakistan's destiny.

The single-mindedness of the army is underscored by the military operation itself. By any standard, it is a major venture. It is not something that can be switched on and off without the most grave consequences.

ARMY COMMITTED TO REMAIN

The army has already taken a terrible toll in dead and injured. It was privately said in Dacca that more officers have been killed than men and that the casualty list in East Bengal already exceeds the losses in the India-Pakistan war of September, 1965. The army will certainly not write off these "sacrifices" for illusory political considerations that have proved to be so worthless in the past.

Militarily—and it is soldiers who will be taking the decision—to call a halt to the operations at this stage would be indefensible. It would only mean more trouble with the Bengali rebels. Implacable hatred has been displayed on both sides. There can be no truce or negotiated settlement; only total victory or total defeat. Time is on the side of the Pakistan Army, not of the isolated unco-ordinated and ill-equipped rebel groups. Other circumstances, such as an expanded conflict which takes in other Powers, could of course alter the picture. But as it stands today the Pakistan Army has no reason to doubt that it will eventually achieve its objective. That is why the casualties are stolidly accepted.

The enormous financial outlay already made on the East Bengal operation and its continuing heavy cost also testify to the Government's determination. The reckless manner in which funds have been poured out makes clear that the military hierarchy, having taken a calculated decision to use force, has accepted the financial outlay as a necessary investment. It was not for nothing that 25,000 soldiers were airlifted to East Bengal, a daring and expensive exercise. These two divisions, the 9th and the 16th, constituted the military reserve in West Pakistan. They have now been replaced there by expensive new recruitment.

The Chinese have helped with equipment, which is pouring down the Karakorum highway. There is some evidence that the flood is slowing down: perhaps the Chinese are having second thoughts about their commitments to the military rulers of Pakistan. But the Pakistan government has not hesitated to pay cash from the bottom of the foreign exchange barrel for more than $1-million-worth of ammunition to European arms suppliers.

Conversations with senior military officers in Dacca, Rawalpindi and Karachi confirm that they see the solution to this problem in the speedy completion of the East Bengal operation, not in terms of a pull-out. The money required for that purpose now takes precedence over all other governmental expenditure. Development has virtually come to a halt.

In one sentence, the government is too far committed militarily to abandon the East Bengal operation, which it would have to do if it sincerely wanted a political solution. President Yahya Khan is riding on the back of a tiger. But he took a calculated decision to climb up there.

So the army is not going to pull out. The Government's policy for East Bengal was spelled out to me in the Eastern Command headquarters at Dacca. It has three elements:—

(1) The Bengalis have proved themselves "unreliable" and must be ruled by West Pakistanis;

(2) The Bengalis will have to be re-educated along proper Islamic lines. The "Islamisation of the masses"—this is the official jargon—is intended to eliminate secessionist tendencies and provide a strong religious bond with West Pakistan;

(3) When the Hindus have been eliminated by death and flight, their property will be used as a golden carrot to win over the under-privileged Muslim middleclass. This will provide the base for erecting administrative and political structures in the future.

This policy is being pursued with the utmost blatancy.

Because of the mutiny, it has been officially decreed that there will not for the present be any further recruitment of Bengalis in the defense forces. Senior Air Force and Navy officers, who were not in anyway involved, have been moved "as a precaution" to nonsensitive positions. Bengali fighter pilots, among them some of the aces of the Air Force, had the humiliation of being grounded and moved to non-flying duties. Even PIA air crews operating between the two wings of the country have been strained clean of Bengalis.

The East Pakistan Rifles, once almost exclusively a Bengali para-military force, has ceased to exist since the mutiny. A new force the Civil Defence Force, has been raised by recruiting Biharis and volunteers from West Pakistan. Biharis, instead of Bengalis, are also being used as the basic material for the police. They are supervised by officers sent out from West Pakistan and by secondment from the army. The new Superintendent of Police at Chandpur at the end of April was a Military Police major.

Hundreds of West Pakistani government civil servants, doctors, and technicians for the radio, TV, telegraph and telephone services have already been sent out to East Pakistan. More are being encouraged to go with the promise of one- and two-step promotions. But the transfer, when made, is obligatory. President Yahya recently issued an order making it possible to transfer civil servants to any part of Pakistan against their will.

THE UNIVERSITIES "SORTED OUT"

I was told that all the Commissioners of East Bengal and the district Deputy Commissioners will in future be either Biharis or civil officers from West Pakistan. The Deputy Commissioners of the districts were said to be too closely involved with the Awami League secessionist movement. In some cases, such as that of the Deputy Commissioner of Comilla, they were caught and shot. That particular officer had incurred the wrath of the army on March 20 when he refused to requisition petrol and food supplies "without a letter from Sheikh Mujibur Rahman."

The Government has also come down hard on the universities and colleges of East Bengal. They were considered the hot beds of conspiracy and they are being "sorted out." Many professors have fled. Some have been shot. They will be replaced by fresh recruitment from West Pakistan.

Bengali officers are also being weeded out of sensitive positions in the Civil and Foreign Services. All are currently being subjected to the most exhaustive screening.

This colonisation process quite obviously does not work even half as efficiently as the administration wishes. I was given vivid evidence of this by Major Agha, martial law administrator of Comilla. He had been having a problem getting the local Bengali executive engineers to go out and repair the bridges and roads that had been destroyed or damaged by the rebels. This task kept getting snarled in red tape, and the bridges remained unrepaired. Agha, of course, knew the reason. "You can't expect them to work," he told me, "when you have been killing them and destroying their country. That at least is their point of view, and we are paying for it."

Captain Durrani, of the Baluch Regiment, who was in charge of the company guarding the Comilla airport had his own methods of dealing with the problem. "I have told them," he said with reference to the Bengalis maintaining the control tower, "that I will shoot anyone who even looks like he is doing something suspicious." Duranni had made good his word. A Bengali who had approached the airport a few nights earlier was shot. "Could have been a rebel," I was told. Durrani had another claim to fame. He had personally accounted for "more than 60 men" while clearing the villages surrounding the airport.

The harsh reality of colonisation in the East is being concealed by shameless window dressing. For several weeks President Yahya Khan and Lt.-Gen. Tikka Khan have been trying to get political support in East Pakistan for what they are doing. The results have not exactly been satisfying. The support forthcoming so far has been from people like Moulvi Farid Ahmad, a Bengali lawyer in Dacca, Fazlul Quadeer Chaudhary and Professor Ghulam Azam of the Jamat Islami, all of whom were soundly beaten in the General Elections last December.

The only prominent personality to emerge for this purpose has been Mr. Nurul Amin, an old Muslim Leaguer and former Chief Minister of the Province who was one of only two non-Awami Leaguers to be elected to the National Assembly. He is now in his seventies. But even Nurul Amin has been careful not to be too effusive. His two public statements to date have been concerned only with the "Indian interference."

Bengalis look with scorn on the few who "collaborate." Farid Ahmad and Fazlul Quadeer Chaudhury are painfully aware of this. Farid Ahmad makes a point of keeping his windows shuttered and only those who have been scrutinised and recognised through a peephole in the front door are allowed into the house.

By singularly blunt methods the Government has been able to get a grudging acquiescence from 31 Awami Leaguers who had been elected to the national and provincial assemblies. They are being kept on ice in Dacca, secluded from all but their immediate families, for the big occasion when "representative government" is to be installed. But clearly they now represent no one but themselves.

Abdul Bari the tailor who was lucky to survive, is 24 years old. That is the same age as Pakistan. The army can of course hold the country together by force. But the meaning of what it has done in East Bengal is that the dream of the men who hoped in 1947 that they were founding a Muslim nation in two equal parts has now faded. There is now little chance for a long time to come that Punjabis in the West and Bengalis in the East will feel themselves equal fellow-citizens of one nation. For the Bengalis, the future is now bleak: the unhappy submission of a colony to its conquerors.

[From the National Observer, June 14, 1971]

CHOLERA IN INDIA: NEW OUTBREAK OF AN ANCIENT DISEASE

Planeloads of medical supplies, doctors, and technicians flew into India last week to fight a cholera epidemic that has already killed almost 10,000 persons.

Most of the deaths so far have been among the 5,000,000 East Pakistani refugees who have pushed across the India-Pakistan border since civil war erupted there in March. The refugees entering an already overpopulated area and confined to makeshift camps are in ideal target for cholera—too many people and not enough sanitation.

While they waited for more medical help, Indian officials took drastic steps to slow the epidemic. Police guarded waterways to prevent dead victims from being thrown into rivers and streams. A shortage of firewood made it practically impossible to cremate corpses in traditional Hindu fashion. Religious customs were also violated by burial of Hindu and Moslems together in mass graves holding as many as 500 bodies.

Officials were also trying, with limited success, to curb the flow of refugees from camps near the border to Calcutta, only 60 miles away. With 12,000,000 poverty-ridden people in the Calcutta area, officials were afraid the disease might spread too rapidly to be controlled.

LIMITS OF VACCINATION

Even though cholera is probably as old as man, successful treatment and prevention have lagged far behind that for other ancient ailments. For example, anticholera vaccination is good for only six months, and even a vaccinated person can still carry the disease to others. Until three years ago the only known treatment for cholera required wholesale intravenous injections administered by a trained technician.

Too, cholera occurs only in areas and among people least able to handle it—where there is dense population, poor sanitation and general ignorance of simple health rules.

Most of the world has been relatively free of cholera for 60 years, but it has still been a problem in India and Southeast Asia. And about 10 years ago a new strain began spreading into Africa and the Western Pacific. Aside from a few laboratory volunteers, there have been no known cases of cholera in the United States since 1910.

Anyone who has had dysentery or diarrhea has experienced in a mild form what a cholera victim goes through in a severe way. It is caused by small, comma-shaped bacteria that get into the system through contaminated water or food. After a short incubation period of one to five days, the bacteria make their victim violently ill.

The first stage lasts from 2 to 12 hours and consists of purging diarrhea and copious vomiting. This continues until the victim is so dehydrated that he suffers agonizing muscle cramps in the legs, arms, back, and abdomen. Then the skin becomes lax, wrinkled, cold, and clammy. A bluish tinge appears around the eyes and lips, and blood pressure falls.

But where the treatment starts in time, recovery is practically certain, says Dr. Robert S. Northrup, co-ordinator of cholera research at the National Institutes of Health (NIH) in Bethesda, Md. Without treatment the chances of recovery are about 50 per cent.

An NIH research team has studied 220,000 Pakistanis over the past few years, vaccinating, treating, and observing them. This team achieved a major break-through in treatment three years ago by developing a cholera treatment that could be taken orally rather than intravenously. Glucose is added to the solution of salts and soda used in the intravenous treatment. The oral treatment is cheaper and easier to administer.

Research is in progress in several countries to develop a more effective vaccine. "Compared to other diseases, cholera vaccine is very poor," says Dr. H. Bruce Dull, assistant director of the U.S. Center for Disease Control in Atlanta. Researchers are working to develop a cholera toxoid similar to those now available for diphtheria and tetanus. This would mean longer immunization and elimination of the possibility that those vaccinated can be carriers.

Accounts of acute, epidemic diarrheal disease occur throughout history. Thucydides, the Greek historian, described something similar to cholera in Athens about 500 B.C. Similar descriptions came from India around A.D. 700.

The endemic center of the disease is the Ganges Delta in West Bengal, a state of northeastern India and scene of the current epidemic. There are good records of how cholera spread from the delta to other parts of India and then to other countries beginning in the Fifteenth Century. In 1438, for instance, an epidemic practically wiped out an Afghan army in western India, and another epidemic devastated the Netherlands East Indies in 1629. According to Chinese historians, the disease entered their country about 1670. Medical historians identify seven general cholera epidemics in the world since 1817, and six of the seven began in the Ganges Delta.

HARDIER STRAIN

Properly termed pandemics, the first day these general epidemics began in 1817 and by 1823 had spread through personal carriers to China, Ceylon, the Philippines, Japan, East Africa, and Russia. Another started in 1826 and spread to include Europe, Great Britain, and eventually the United States, where it spread from New York and Boston to Chicago and down the Mississippi Valley. Subsequent pandemics occurred in 1840, 1863, 1879, 1891, and 1902.

What is now acknowledged to be a seventh pandemic started in the Celebes Island of Indonesia in 1961 and is still spreading, principally to the northern half of the African continent and to parts of the western Pacific.

This time it's caused by a new tougher and hardier strain of bacillus, named El Tor after the quarantine port in Iraq where it was first discovered. Last week an outbreak of cholera was reported spreading through Chad; the disease had already caused 400 deaths in that Central African nation. A lesser epidemic in northern Uganda has killed a dozen persons, and there are 171 cases under treatment. Doctors say there may be hundreds of unreported cases.

[From the New York Times, June 16, 1971]

MRS. GANDHI SAYS PAKISTAN SOLUTION GROWS REMOTE

NEW DELHI.—Prime Minister Indira Gandhi said in Parliament today that the possibility of a political settlement in East Pakistan was "becoming more remote" everyday.

Mrs. Gandhi also declared that India was prepared to make "all the sacrifices" and would have to "go through hell" to look after the six million Pakistani refugees in India.

But she said India expected the nations of the world to share the responsibility.

"We are looking after the refugees on a temporary basis," Mrs. Gandhi said. "We have no intention of allowing them to settle here; neither have we any intention of asking them to go back merely to be butchered."

She said the problem also involved the issue of democracy and human rights, and that Indian representatives had been going around the world to present the situation to governments.

"We are not going to allow the international community to get away with it," she declared. "They have to realize it is their responsibility. They will certainly suffer from the consequences of whatever happens in this part of the world."

In a four-hour debate in Parliament, some members suggested that India should send the military into East Pakistan to help the Bengali separtists. The Pakistani Army attacked in East Pakistan in March in an attempt to crush the independence movement.

Mrs. Gandhi did not comment on these suggestions. She said a political settlement had to come sooner or later—"better sooner than later."

Mrs. Gandhi declared, however, that India would "never acquiesce" in a political settlement "at the cost of democracy and the rights of people fighting there."

"Any settlement must be arrived at with those people who are today being suppressed," she said. "We shall not for a moment stand for a political settlement that means the death of Bangla Desh and the ending of democracy and of the people who are fighting for their rights."

Bangla Desh—Bengali nation—is the name the East Pakistani separatists have given to the province.

INDIAN ENVOY MEETS THANT

UNITED NATIONS, N.Y.—Foreign Minister Swaran Singh of India conferred here today with Secretary General Thant and urged that international pressure be exerted on President Agha Mohammad Yahya Khan's Government to cease what was termed political repression in East Pakistan.

The Indian minister, who has visited Moscow, Bonn, Paris and Ottawa, is going to Washington to schedule talks tomorrow with President Nixon and Secretary of State William P. Rogers.

After leaving Mr. Thant's office, he told correspondents he had asked the Secretary General to use his "tremendous influence" to impress upon the Pakistani Government the need for a political solution to enable millions of refugees now in India to return home.

RECENT EXPERIENCE OF THE BANGLA DESH SITUATION

(By a Bengali Medical Doctor)

I decided to take leave from my internship training in United States to understand what was going on exactly and to learn about my family.

On the third week of April I reached Agartala on the eastern border of East Bengal, from New York via Calcutta. There I saw a large number of refugees in different camps in different schools and college buildings. The student leaders of Bangla Desh were staying in the MBB College Hostel (dormitory), and there were many doctors, engineers and professors also. Here I got more details and descriptive information about the situation at different places of Bangla Desh at that time from old friends, acquaintances and some relatives of mine.

Then, I naturally tried to get information on my locality and my family.

On the third day I went home to visit my parents, brothers, sisters and my grandfather. Other close relatives also had taken shelter from the nearby towns in our home in the village.

Fighting was raging all day and night and sounds of mortar and heavy artillery guns were adding to the almost continuous automatic small arms fire, and everybody was scared. In spite of all these frightening situations, my father was also stubborn to stay home and not flee to India because the total number of the families, including my uncles, is more than a hundred persons and it is impossible to shift them. The situation of refugees in India was already hopeless. And everybody hoped that international efforts and voices will come to a quick rescue.

I went away to join the Mukti Fawj (Liberation Army) next day. I was taken to their headquarters at a secret place and the leaders of the command wanted to know in details about the world opinion, and U.S. public and government reactions. They were very enthusiastic and in very high morale. Since then, up to the 15th of June I worked with the Mukti Fawj, and got the following impression of the situation:

1.A—*Control of cities and towns* at present belong to the West Pakistan Army and that is by dint of their terror tactics, but the Freedom Fighters are still able to sabotage and throw granades inside all the cities. The city and town populations in any place has not exceeded 50 percent of the original.

1.B—*Control of the villages* belong to the Mukti Fawj and the villagers help and sympathise with them. But the West Pakistan army punishes these villages by their heinous "operations". At the present moment maximum killing, burning and looting are being conducted in the villages—where the world does not see or know much. The West Pakistan Army of course fails totally to have control in the villages because the villagers are hard working, painstaking and freedom loving people.

They defy rule of terror and prefer to flee at the earliest sign of approaching West Pakistan Army and when opportunities come, they participate in resistance. They give purposefully wrong informations and make the West-Pakistan Army take troublesome, muddy and difficult routes—and again send information to the nearest Mukti Fawj hideout for immediate ambushing.

1.C—*Civil Administration:* Only exists symbolically in the cities and towns at a strength of 25–40% of the original and only the top bosses are working. These people could not escape to safety. The common scene in any office in Dacca is the timely signing of the attendance register.

Then the officials ask each other questions about what the colleagues know and all kind of rumors of success and failure of the Mukti Fawj are discussed. Some one would suggest that already 200,000 boys have been drafted, and maybe someone says "last night so many were killed in an ambush in Tangail" then at the presence of any West Pakistani colleague they change the subject and start discussing the cost of living and maybe about the whereabouts of their relatives. Office files move only on the priority basis and lots of them get stuck up due to the constant lack of personnel and due to confusion and chronic tension, mistakes and messing up add to their efficiency! Orders are written in the paper—to imaginary personnel—and then forgotten. Mails do not run to most of the places.

Road transport services run between Dacca and Narayenganj. Comilla and Daood Kandi only about 50 miles in all outside the cities.

The rest of the thousands of miles of roads are out of any use. The bridges blown off—mines laid by the Freedom Fighters and the West Pakistan Army make it perilous even for pedestrians. One cannot go to Sylhet or Chittagong by the metaled motorable road that were being used before the fighting started. These roads are the vital links between the port of Chittagong and the capital city of Dacca.

Railways also are out of commission between Chittagong port and Dacca, the capital. Between Khulna and Jessore, between Jessore and Rajshashi and all over in the Northern areas. Only train runs between Dacca and Brahman Baria, Dacca and Mymenshing, which is about one tenth of the total railway system—irregular and always out of schedule. As a result goods and commodities cannot be carried from one place to another. One can go to stations on the railway track under the control of the Freedom Fighters.

2.A In the cities curfews were imposed until last week and at night the silent operations continued. Searching the Bengali houses—arresting the capable young men and taking away the girls. Looting of valuables and money of course occurs even in day time in the check posts. In the name of body-searching the pockets are emptied. It does not matter if the victim was going for shopping or if he had the pay-day of the month.

2.B In the villages the intensity of their operations is more severe. The first available villagers are forced to identify the homes of college students, Bengali army men and policemen as well as the Hindus. At some places they forced the villagers to "loot" and set fire to these houses and then took photographs of the "local miscreants" for display of their attempt to restore law and order.

Girls are kept naked in isolated houses and their perverted behaviours manifest in innumerable towns and camps. Some of these camps have been raided and the girls rescued.

2.C Dead bodies can still be found even near Dacca at a place called Mirpur under a bridge.

2.D Blood is collected from the arrested young men and some of them thrown in the streets unconscious. This happens where blood banks exist for the wounded West Pakistani soldiers.

3.A—The resistance fight of the Mukti Fawj is most intense on the vital road-railway and other communication routes where any attempt by the West Pakistan Army brings them havoc by ambushes. Raids are conducted on the West Pakistan Army positions.

The occasional attempts of the West Pakistan Army to send patrols meet with such reply that they prefer not to go in less than a hundred strength and go back to their bases before darkness. They better not dream of sealing of the border. The Freedom Fighters courier service can bring one any information from any place within the country.

The supply of arms and ammunition of the Freedom Fighters come from the initial amount they could carry away at the time of revolt and is still sufficient in quantity. Then there are frequent left overs collected from the ambushed West Pakistan Army units.

3.B—People's morales is very high and they are only waiting for any chance to do their part.

Mukti Fawj territories are everywhere outside the cities but strongholds exist where the West Pakistan army cannot penetrate due to lack of communication routes. These are located scatteredly. One can visit some of these strongholds by arrangement with the Mukti Fawj.

4.A—The morale of the West Pakistan Army is definitely not as high as their bosses in the GHQ of Pindi and Dacca. Looting, raping and desire to survive and enjoy these fringe benefits have made them goats. They prefer to press triggers and just empty belts after belts of ammunition from the safety of their bunkers when the Mukti Fawj provokes them. They shell hundred rounds of artillery in reply to a few small armbursts. Water and mud is something they do not like to get into. They have reinforcements of irregulars or paramilitia from the West Pakistani Tribal people (Tochi scout, Chitral scout, etc.) who never saw tropical rain and its effect on soft soil and swamps.

The reported official casualty of the West Pakistan Army confirmed by an officer on the 7th of May was 14,697 men and officers. Then the daily death toll of at least a hundred ever since. But no confirmation was available from Dacca DHQ after the 7th of May.

4.B—The reasons of the great Mukti Fawj success are understandable—more than any other factor their motivation and their acquaintance with the terrain and the climate. They can survive on anything edible. The villagers are friendly and the intelligence net-work is superb. Small kids and old men equally serve the intelligence net-work.

5.A—*Refugees:* The refugee situation in India is massive and unparalelled in history and there is no end envisaged until an acceptable solution is reached to this mass murder. At present the refugees are mostly coming from the Interior and Coastal districts of Faridpur and Barisal. The West Pakistan army is using small naval vessels to penetrate deep and many of them were provided for relief work in the last November cyclone by the sympathetic foreign people. There is nothing new in their attitude towards people of Bengal, after all everything is planned. The major segments of the refugees are Hindus and of the muslems the educated ones and those capable of leadership are being chased away.

5.B—Cholera and other gastrointestinal diseases have broken out all over and people are dying without any care or help. Doctors and pharmacists have either escaped or have nothing available to cope with these epidemics.

6.A—*Food situation:* In Bangla Desh is very aggravated and lack of transportation and collapse of earning capacities have made it impossible for the less-fortunate to procure food. Markets do not open in the country-side. Kerosine and salt come from India in the border belt of 25 miles and from the cities in the interior through the individual families own efforts. No one invests money in small grocery business, because of fear of looting and all kinds of uncertainties. After all, everybody has to run away to the next villages when the army comes.

6.B—*Production* in the industries ranged between 15 and 25 percent of the original capacity. The laborers have been so brutally killed or beaten that the rest of them have either joined the Mukti Fawj or, at least, gone to their own families in the villages or migrated to India.

[From the New York Times, June 17, 1971]

DESPAIR RIDES A BENGALI REFUGEE TRAIN

(By Sidney H. Schanberg)

CALCUTTA, INDIA.—Two thousand ragged Bengali refugees are stacked on a 12-car train meant to hold fewer than a thousand. Five thousand more lie on the station platform, waiting their turn—even though the next train is not due to leave for 24 hours.

Some are dying as they wait—of pneumonia, malnutrition, dysentery, cholera. All are worried and frightened about their destination, in central India. They would rather stay here, closer to the homes in East Pakistan they were forced to abandon.

But desperate Indian officials have stopped their rations—knowing this is the only way to induce them to leave the impossibly choked border areas and relocate elsewhere in India. With government rations cut off, the refugees have jammed the railway station, clamoring for a place on the daily train.

To keep alive in the meantime, the refugees have sold nearly everything they carried out with them—umbrellas, pots, pieces of clothing—to buy food.

THE POPULATION DOUBLES

The scene is Barasat, a market town in India's West Bendal state 16 miles northeast of Calcutta and about 30 miles from the East Pakistani border. It once had a population of 40,000. Now it has been swamped by 40,000 of the Bengali refugees fleeing the Pakistani Army's campaign against the independence movement in East Pakistan.

Barasat is a microcosm of the Indian border areas, which have been overwhelmed by nearly six million of the sick and hungry refugees.

So far, the Government has been able to move only about 30,000 of them, nearly all by train to a Government transit camp at Mana 600 miles away in Madhya Pradesh.

A two-plane Soviet airlift went into operation yesterday, carrying up to 700 refugees a day to Mana.

An American airlift of four transport planes, due to start tomorrow, is expected to take about 1,000 a day from Tripura, east of East Pakistan, to Assam in India's northeast.

REFUGEES STILL POUR IN

But at this rate, the transfer of refugees will not come close to keeping up with the influx from East Pakistan, still in the tens of thousands daily.

In Barasat, for example, for a time 5,000 new refugees were streaming into the town every day, and only 2,000 were leaving by train. Local officials have refused to register any more refugees and have sent them on to the next district.

Barasat today is more of a swarm than a town. Refugees are so thick in the streets that cars can only inch through. Refugees overflow every doorstep, porch and empty building. They fill the fields. They build their tiny cooking fires everywhere. They build flimsy thatch lean-tos, and rainstorms rip them apart. The mud and garbage seem to spread around them as the monsoon rains grow heavier.

The local people have been sympathetic, but with the refugees disrupting all normal life, the strains are growing. Last week, Hindu refugees took shelter in Moslem mosques to escape a monsoon downpour, and extra policemen had to be called in to avert religious rioting—the Government's greatest fear in all the border states.

"NO SOLUTION AT THIS END"

"Unless there's some political solution in East Pakistan," said Taraknath Bhattacharya, the 35-year-old district administrator, "there can be no solution at this end."

As miserable as conditions in the town are, the railway station is worse. The 5,000 refugees lying pressed against each other on the damp concrete floor of the platform look, in the dim light of the overhead bulbs, like an eerie blanket of the dead. But then the mass stirs. An arm or a leg moves, someone vomits, someone moans. A baby wails.

An old man lies writhing on his back on the floor, delirious, dying. Emaciated, fly-covered infants thrash and roll away from the family huddle and begin crying and coughing, but their parents—even if they wake up—are too weak and dazed from their trek out of East Pakistan to help or comfort them.

Many are too weak to get up even when they have to relieve themselves. The occasional faint breeze carries an overpowering smell.

There is no doctor or nurse or first-aid attendant at the station.

A dazed man sits crosslegged in front of a small metal box that holds all he owns. Over and over again, he fingers and examines each tattered document, each threadbare scrap of clothing.

In sickness, modesty is forgotten. Women sleep naked from the waist up.

The stationmaster tells a visitor that all the railway stations from the border to Calcutta look like this one. He says there are four or five deaths a day from cholera alone on the platform.

The refugees boarded the train at 5 o'clock in the afternoon; it did not leave until 40 minutes after midnight.

Inside the air was stifling, the occupants packed together. The trip to Mana, according to the schedule, takes 22 hours, but it actually takes much longer because of stops and delays.

To escape the crush inside the cars as they waited, some passengers came out on the platform for air only slightly less fetid.

Anxious and troubled about where they are going, they looked for someone to answer their questions—"Will we get food in Mana?" "Do they know we are coming?"

There were only a couple of railway officials on the platform and their answers were vague.

As these passengers paced the platform, they talked with a visitor about burning, looting and killing that had driven them from their homes. They were Hindus from Khulna and Barisal and Faridpur districts in East Pakistan.

"If the truth prevails in the world, then we believe we will win our independence," Ashutosh Biswas, a 21-year-old storekeeper, said. He pondered for a few seconds, then added: "We adults are ready to suffer, but our children are being killed. How can we get back those lives?"

(From Le Monde, June 17, 1971)

Backdrop to the Bengal Tradegy—Slow Decline of a Once Flourishing Land

By the most reliable count, 4 million East Pakistanis have fled their homeland and taken refuge in neighbouring India following the large-scale military operations initiated by the Pakistan Army last April.

The situation in East Pakistan itself is calm, but tense. In a series of swift, bloody moves the army crushed the embryonic Bengal independence movement (Bangla Desh) and proceeded to sow death and desolation among the population.

On the Indian side, however, the situation is extremely dangerous. The millions of refugees are straining India's already heavily overburdened finances, adding to the authorities' difficulties in West Bengal, where irresolute minority governments had almost led to a breakdown of law and order. Worse still a cholera epidemic—so far contained with the help of abundant aid from abroad—is complicating the problem of dealing with the world's most recent flood of refugees.

For many of the East Pakistanis who are today being moved from refugee camps near the border into less crowded regions within India, this is not the first such experience. The 1947 partition of the Indian sub-continent was just as bloody and cruel as today's events in East Pakistan. And it too produced its victims—millions of refugees and countless deaths.

In the first of a two-part series, Gilbert Etienne examines the historical backdrop against which the new refugee drama is being played out.

(By Gilbert Etienne)

In the era of the great Mogul emperors, spanning the 16th and 18th centuries, Bengal conjured up visions of a prosperous land, alive with economic activity and a flourishing trade with the outside world.

Bengal's natural beauty is still a symbol of the joy of living—the endless rice fields, the plain spotted with dark green patches, waving coconut fronds, the slender stalks of the betel nut and the huts with their daintily curved thatch roofs huddling in the shadow of bamboo clumps

Streams crisscross the fields everywhere, and peasant life is inextricably linked with that of the Ganges, the passage of barges and sailboats and boatmen singing their ageless shanties.

But behind this apparently unchanged facade, Bengal has gradually degenerated into a vast reservoir of poverty.

On June 23, 1757, at the Battle of Plassey, on the plains of Bengal, Britain took the first step in its conquest of India, a conquest which was to lead to perpetration of some of the darkest deeds in colonial history.

The "United Company of Merchants trading to the East Indies" and its employees, the former in its official capacity as the virtual rulers, the latter as private individuals, battered on the land, bled it dry of its gold and silver first before breaking down its trade and local cottage industry structure with imports of manufactured goods.

BRITISH RAJ RESENTED

The brazen exploitation ended when, in the middle of the 19th century, the Crown took control of the Company's possessions in India and administered them more efficiently. But the British Raj's presence was still resented by the Bengalis.

It was however thanks to the British that tea and jute—the market is still controlled by British companies—achieved such prominent positions in Bengal's commerce. It was the British again who later opened coal mines in the western part of Bengal and helped Calcutta, with its banks, business houses, and factories, and especially its jute mills, to become the opulent capital of the Crown's Indian possessions.

But what about the Bengalis? In 1874, the British agent in charge of the Comilla district heeded the complaint of the big landlords—a shortage of labour to clear the jungle and plant rice. Less than a hundred years later his Pakistani successor recorded a population density of 650 per square mile in the same region. All the land had been cleared, and there has been a constant increase in the volume of hired hands and small landowners. And by the turn of the century, agriculture in Bengal, where population growth outstripped the land's productivity, was past its peak, and in this domain the region was lagging behind the rest of India.

The picture is somewhat different in the other sectors of Bengal's economic and social life. The quick-witted and intelligent Bengalis constitute the hard core of the Indian intelligentsia; they predominate at the Calcutta bar, in education and the public service, including the elite Indian Civil Service.

By contrast, they have made little impact in the world of business, banking or industry. The dominant role played by the British business houses does not in itself explain this phenomenon.

When Indian businessmen began to gain a foothold in Calcutta during World War I and the Great Depression of the late Twenties and early Thirties, firms were run for the most part by Marwaris from Rajasthan in the West, Chettiars from Madras Province (now Tamilnad) and other communities outside Bengal.

Poverty afflicted Hindu and Moslem masses indiscriminately, but there were rarely any Moslems among the *bhadraloks*, or "respectable folk"—lawyers, businessmen and public service employees. When India was partitioned into two states in 1947 by the departing British Raj, the area that went to form East Pakistan was particularly under-developed, and this in a Bengal Province which was itself already on the downhill path. An overwhelming majority of educated Hindus chose to move into West Bengal, on the Indian side of the newly drawn frontier. East Pakistan found it could easily push through a programme of agrarian reform because most of the big landowners were Hindus.

It was however in the industrial, banking and commercial sectors that the newly created east wing of Pakistan felt the pinch. There was nobody to run the abandoned offices except for a few departmental bosses and messenger boys hanging about offices in Dacca and Chittagong.

In the public services the result of the migration was even more telling: of the eighty-four members of the Indian Civil Service who opted to go over to the Pakistani half of Bengal, only two were Bengali.

For countless years the expanse between Lahore and the western boundary of Pakistan presented an arid, depressing vista. The rivers of the Punjab flowed between sandy banks, through a land covered with prickly bushes and rare patches of grass which only goats and camels found congenial.

Towards the east and the southeast—Agra and Delhi—the soil was richer, but what it produced hardly met the needs of the great Mogul cities. But it was Bengal which sent its surplus of rice, sugar and textiles to these centres.

The wheel of fortune was given a turn in 1894 when Lord Dalhousie annexed the Punjab to British India. By this time the United Company had reformed after its shameless plunder of Bengal. In any case, the new province offered fewer temptations. . . .

There then followed one of the most remarkable engineering feats of British colonial rule. The Punjab's five rivers were linked by a vast network of canals, and the British subsequently introduced a comprehensive system of irrigation to water the arid Sind.

Working the soil became that much easier since the British had at their command a highly competent peasant mass. Hindus, Moslems and Sikhs living in the Punjab moved westwards, where with hard work and great initative they made the best use of the land given them.

Lahore soon recovered the prosperity and brilliance it had enjoyed in the golden age of the Mogul emperors: gardens flowered, a university was built and trade flourished. Other cities began to rise, benefiting from a sound road-and-rail infrastructure. The population, sparse to begin with, never did reach the density found in Bengal. Towards the end of British rule in India, the Punjab had become one of the proudest achievements of the empire, in marked contrast to a Bengal in rapid decline.

EXODUS AFTER PARTITION

Partition touched off a two-way exodus in the Punjab, similar to that in Bengal. Whatever, their religion, the Punjabis quickly found a place in the new social structure, adapting to the changed situation in no time.

This was not the case of the Bengalis. There was also another difference in the Punjab: a good many of the positions left vacant by departing Hindus were rapidly filled by senior Moslem civil servants, merchants from Bombay and members of the well-to-do classes in the north of India.

From the moment it was created, the government of Pakistan included prospective Bengali politicians. But the total absence of senior executives in the eastern wing of the country created conditions in which Punjabis and Sindhis, fleeing India, could step into the vacuum.

As soon they began to settle down, the big banks in Karachi—most of them largely created by people who had come from Bombay—opened branches in Dacca and Chittagong, thus taking up the slack created by the departing Hindus. In 1964, for instance, of the four or five big jewellers in Dacca, only one was a Bengal-born Moslem, all the others having come from elsewhere. And his business was the least prosperous of them all.

Excessive influence or domination: whatever the term used, the essential is to understand the inevitability of the process—at least in its earliest stages—which led to the present situation.

The Bengali Pakistanis may have been liberated by a demographic upheaval from their former masters among the Hindu gentry. But it was only to have it brought home to them that they were still not masters in their own home.

[From the Washington Post, June 17, 1971]

E. Pakistani Refugee Flow Increases Again

(By Lee Lescaze)

CALCUTTA.—The number of refugees arriving in India daily is increasing after a relative lull last week, a senior Indian government official said today.

The reduced flow of new arrivals from June 5 to June 12 has ended, and the government has indications that huge numbers of East Pakistanis are still traveling toward the Indian border, according to Col. P. N. Luthra, coordinator of relief efforts here.

Indian government figures show that an average of more than 100,000 refugees have crossed the border each day since May 7. There are now almost six million East Pakistanis in India—4.3 million of them in West Bengal.

As the refugees have continued to pour out of East Pakistan, the stories they bring of the forces that pushed them from their homes have changed.

Early arrivals in April told of brutality by the East Pakistan army in its efforts to crush the Awami League of Sheikh Mujibur Rahman.

After the army's initial attacks on March 25, the Awami League declared East Pakistan independent and attempted to fight to establish its authority over the province of 75 million people.

By the end of April, the units fighting for independence had been crushed in all but a few pockets near East Pakistan's borders.

While refugees who fled during that period accused the Pakistan army of driving them out through indiscriminate murder and burning of villages, many new arrivals do not mention the army.

Instead, they say they were driven out by acts of terrorism carried out by Moslem civilians.

Officials here have noted that the flow of refugees was at first half Moslem and half Hindu, but changed to more than 90 per cent Hindu in early May. Before the civil fighting broke out, East Pakistan had about 10 million Hindus and 65 million Moslems.

It appears from this and from the refugees' stories that the fighting in East Pakistan changed quite early from political battle between the West Pakistan military forces and hastily armed civilians to communal violence with Moslems launching attacks on Hindus throughout the country.

In many cases, according to refugees and relief workers who have spent days in the refugee camps, the Pakistan army provided Moslems with guns and there have been no reports of the army trying to protect Hindus.

The change from war for political ends to the persecution of a minority religion appears to have been accompanied by reduction in bloodshed.

While some new arrivals describe armed attacks on them by the Moslems, at least as many say they fled because they were told to clear out of their homes by a certain time—or simply because they had heard of attacks on Hindus in nearby villages.

In the opinion of officials here, the change in what has happened in East Pakistan since March has several important aspects.

It serves to weaken the position of the Awami League exile government which continues to operate in India in the name of an independent East Pakistan.

On the one hand, the military forces fighting for independence have been all but crushed; on the other, the new refugees have little interest in the political fight—the Awami League, although supported by Hindus, is a Moslem dominated party.

Most refugees say that they will return to their homes if they can be assured of safety. However, since they fear victimization by Moslem elements, some officials here doubt that they will ever go back.

In India, particularly in West Bengal where the people are closely tied to fellow Bengalis of East Pakistan, there is less sympathy with victims of communal violence than with the political forces that sought to gain independence from the western wing, according to observers.

A political challenge to Pakistan aroused the anti-Pakistan feeling which is very strong in most parts of India. What is bad for Pakistan is therefore good for India, in the common view.

However, India has suffered its own religious violence throughout the years and has much to lose from a resurgence of Hindu-Moslem animosity. There still remains the threat of religious trouble within India.

The Hindu refugees who have fled here are an enormous economic and social strain on India without bringing with them any political benefit.

Although people here sympathize with the refugees' plight, they are also protective of their own property and would prefer that the refugees were political victims who might one day win a battle against Pakistan.

Instead, most of the refugees are illiterate farmers who have come to a country where there is little free land to farm.

Indian Official Carries Plea for U.S. Help

Indian Foreign Minister Sadara Swaran Singh carried to President Nixon and Secretary of State William P. Rogers yesterday an urgent plea for help to achieve a political settlement of civil strife in East Pakistan to enable the return of six million Bengali refugees to their homes.

Singh met with Rogers in Washington and the two conferred through a working lunch at the Department of State.

[From the New York Times, June 20, 1971]

Pakistan Crisis Imperils Schools—Meager Outlay for Primary Education Faces New Cuts

(By Malcolm W. Browne)

ISLAMABAD, PAKISTAN.—Continuing political upheavals, a financial crisis and traditional Moslem attitudes have produced a crushing effect on mass education in Pakistan, where experts estimate only 8 percent of the population is literate.

The martial-law administration of Pakistan, which normally appropriates only 1 per cent or less of the national budget for education, is expected to reduce spending for education even more during the coming fiscal year.

By comparison, military spending, normally about 40 percent of the budget, is expected to rise sharply, partly because an occupation army is now stationed in East Pakistan and partly because of fears of a war with India.

EDUCATORS PESSIMISTIC

Even before the crisis in East Pakistan began in March, many educators here regarded prospects for mass education in Pakistan as nearly hopeless.

A bulletin issued one year ago by the Education Ministry said, "The extension of literacy is a precondition for success in any sphere of development." But, the bulletin added, "The attainment of the goal seems to have receded further and further with the lapse of time, and Pakistan today has one of the highest rates of illiteracy in the world."

Of higher education, the bulletin said:

"The present situation in our colleges and universities is a cause for grave concern. The academic standards are showing a steady deterioration under the pressure of expansion."

In Pakistan, even at the primary-school level, education is neither compulsory nor free. Although tuition is nominal in primary schools—the equivalent of about 50 cents a month—even such small fees are too much for many large families with subsistence incomes.

AUSTERITY MEASURES ENACTED

Recently the Government enacted a series of austerity measures that increased the cost of many imports by 200 percent. Books have been classified as luxury items and the increase in their cost is staggering.

Underlying the problem in the eyes of many foreign educators and local liberal educators, is the traditional Moslem view of education, the purpose of which in earlier societies was mainly to read and study the holy Koran.

There is deep suspicion of the idea of mass education, particularly of the kind advocated in the Western world. Education is frequently blamed for the recent bloody secessionist upheaval in East Pakistan.

CRITICISM OF THE EDUCATED

Maulan Sved Abdul Ala Maudoodi, leader of an ultra-right-wing Islamic political party, said several weeks ago, "Bengal separatism was started by a particular section of Bengali nationalists who had been taught and educated in the colleges and universities, mostly by Hindu professors, and had no education in Islamic teachings."

Various Islamic texts on Pakistani education quote the Prophet Mohammed, who was himself illiterate: "To instruct those unworthy of knowledge is like putting pearls, jewels and gold on the neck of swine."

This has given rise to what foreign educators in Pakistan describe as an élitist system of education, in which the few resources available for education are spent mainly at the university level.

In the last decade, annual Government spending on education for the university student has averaged $500 per student. Government spending for the primary student has averaged less than $3 a year.

JOB OPPORTUNITIES LACKING

The heavy emphasis on university spending has not been matched by job opportunities in the professions. It is estimated that 200,000 persons with university educations cannot get jobs.

With population pressures and poverty increasing, the primary school system is threatened with extinction. According to statistics compiled by one foreign mission here, of every 100 children who enter the first grade, only 8 go through the fifth grade.

A mixture of despair and a feeling of Pakistani hostility has driven off many foreign educational missions in the country.

The Fulbright program, which for the last three years has not been used in Pakistan, virtually closed its mission here a few weeks ago.

An education team of the United States Agency for International Development that had been stationed in East Pakistan was withdrawn during the March crisis and there are no prospects for its return.

The United States has spent a total of more than $4-billion in aid to Pakistan, mostly for industrial and agricultural development. The increment for education has been only about $500,000 a year. By comparison, neighboring Afghanistan has received about $3-million dollars a year in American educational aid.

[From the New York Times, June 20, 1971]

Refugees: The Only Way to Describe It Is "Hell"

(By Sydney H. Schanberg)

CALCUTTA.—"We will have to go through hell to meet the situation," Prime Minister Indira Gandhi told the Indian Parliament last week. She spoke, during a debate, about the 6 million frightened Bengali refugees who have fled into India to escape Pakistani military repression in East Pakistan. The refugees will have to go through hell, too.

They have, in fact, passed through several levels of it already—the terror campaign of the army, the long days of walking to India with little food and often-polluted water, and, at the end of the trek, a cholera epidemic.

Well over 5,000 cholera cases have been counted among the refugees. The epidemic is still taking refugees lives, though it is under some semblance of control. Now other afflictions are starting to take their toll—malnutrition, typhoid, dysentery, pneumonia. And the monsoon rains have begun to make life even more desperate for the 2 million refugees who are living in the open because there is no room in the camps.

India, with her limited resources, has been trying to provide for this pitiful army of displaced persons; but there is no way to keep up with the influx, for tens of thousands continue to stream across the border every day. And Indians in the congested border areas—they were originally sympathetic to the refugees and to the Bengali independence movement that the Pakistani Army is trying to crush—are turning resentful. Refugee consumption has forced food prices up, and cheap refugee labor has forced wage rates down.

Perhaps the Government's greatest fear today is an outbreak of Hindu-Moslem bloodshed, a periodic blight on the subcontinent since 1947, when British India was partitioned into predominantly Moslem Pakistan and predominantly waves of Hindu India. While the early waves of Bengali refugees were fairly equally divided between Hindus and Moslems, nearly all the recent arrivals have been Hindus.

Government officials are afraid that chauvinistic Hindus might seek revenge on India's Moslem minority of 60 million. Extra police are being sent to the tense border states, which have sizeable Moslem pockets. The main worry is unstable West Bengal, an already overcrowded, violence-prone state that has received the bulk of the refugees—over 4 million of them.

New Delhi is now trying to move the refugees from the border states to less crowded regions, but other states do not want them and are unlikely to take a significant number, regardless of central government prodding.

DESPERATE MOVES

The refugees do not want to move, either. They want to stay as close as they can to their native land—and preferably in West Bengal, whose people share their Bengali language and culture. In some cases, desperate Indian officials have cut off the refugees' rations to induce them to board trains for camps in the interior.

The cost to India in social disruption cannot yet be measured, for, despite all fears of cataclysm, the situation so far has been reasonably well controlled and violence has been sporadic and minor.

But the economic cost is tangible and staggering. If the refugee flow stopped today and if it cost only one rupee (13 cents) a day to support each refugee—both unrealistic assumptions—the bill for one year would be nearly $300-million.

A country whose 550 million people enjoy an average income of only $80 a year clearly cannot bear such a burden without disastrous results.

But foreign help—so quick and so generous after last year's natural disaster in East Pakistan, the cyclone—has been sluggish in reacting to this man-made disaster. Only about $50-million in aid has been pledged so far, including American and Soviet airlifts that began moving small numbers of refugees out of crowded border areas last week. Most of it came only after the dramatic headlines about the cholera epidemic.

The problem, however, cannot be solved in India, no matter how lavish the foreign aid. The ulcer lies in East Pakistan, and the still-heavy flow of refugees confirms—as do independent reports from inside East Pakistan—that the army's program is continuing there.

The Pakistani Government's amnesty appeal to the refugees to return to East Pakistan "and take part in national reconstruction" has evoked bitter laughter from the displaced Bengalis. Only a few thousand refugees, all in northern Meghalaya state, have crossed back into East Pakistan—not out of confidence in the Government's offer, but because of the hostility of the Meghalaya tribal people.

The Western powers, notably the United States and Britain, keep repeating—without direct criticism of Pakistan—their desire for a "peaceful political accommodation." But they cannot suggest a political solution that would be viable without the Awami League, the now-banned party whose autonomy movement is the target of the army's offensive.

OFFICIALS IRATE

A week ago, the United States "counseled restraint" on both India and Pakistan "because of the possibility that the situation in East Pakistan and eastern India could escalate dangerously."

Indian officials and private citizens alike were irate. Last Tuesday, Foreign Minister Swaran Singh—in Washington as part of a tour of major world capitals to present India's case—remarked with irritation on a television interview show: "What are we asked to restrain ourselves about? What is India expected to do?"

The Americans backed off two days later, with the State Department saying that the United States "welcomed the restraint which India has shown."

Washington, in urging restraint, apparently had in mind the recent statements by Mrs. Gandhi and other Indian officials that, if the world community did not pressure Pakistan into stopping its killing in East Pakistan and into creating secure conditions for the refugees' return, "we shall be constrained to take all measures as may be necessary to ensure our own security."

WAR NOT IMPOSSIBLE

That India eventually might go to war with Pakistan to keep its social and economic fabric from disintegrating cannot be ruled out Although no war preparations or planning are visible, and diplomats here do not believe that another such war is imminent, talk of it is nevertheless growing.

Politicians are pushing the Government daily to take a harder line, and newspapers argue that war would be a lot cheaper than caring for the refugees (pointing out that the war with Pakistan in 1965 cost less than $70-million).

One high military source, while stressing that war would be "a last, desperate resort," added: "No country is going to go under without a fight. India certainly can't afford to spend $1.3-million a day on refugees. Our economic situation would deteriorate to such an extent that there could be a revolution in India. We couldn't carry on."

[From the Boston Globe, June 21, 1971]

INDIAN DEFENSE CHIEF FEARS WAR, PAKISTAN CLAIMS NEW BORDER RAIDS

NEW DELHI.—Defense Minister Jagjivan Ram said yesterday war might be thrust upon India as a result of the East Pakistan civil strife. He called on the army to prepare for any eventuality.

Meanwhile, Indian's Meghalaya state clamped a month-long 8 p.m. to 4 p.m. curfew on its 300-mile heavily forested border with East Pakistan to protect life, property and communications and guard against what it called infiltration of Pakistani spies.

The move followed a Pakistani protest Saturday to the Indian high commissioner in Islamabad against the alleged "continuation of incidents of unprovoked firing by Indian border security forces and Indian armed forces and trespasses into Pakistan territory."

The Pakistan government said the shelling and firing has killed several civilians.

The announcement reported 18 incidents between June 11 and 16. It did not say if Pakistani troops returned fire.

Similar claims of border incidents have been made by India.

India's warning of war was made as Ram addressed army units during a visit to Jullundur near the West Pakistan border, 210 miles northwest of Delhi.

He charged Pakistan had been violating India's eastern borders and added: "We are a peace-loving country and we want to avoid war. But Pakistan is creating a situation where war may be thrust upon us."

In Rawalpindi, Pakistan, Prince Sadruddin Agha Khan, the United Nations high commissioner for refugees, said Saturday liaison between the Pakistan government and his organization about the rehabilitation of Pakistani refugees would be established as soon as possible.

The Meghalaya border curfew will be in a three-mile belt stretching from the boundary, an Indian official said.

The state of Meghalaya last month evacuated several border villages following reported attacks by Pakistani army troops believed to have been chasing East Pakistani independence fighters across the frontier.

Civil war between the separatists and the Pakistani government broke out nearly three months ago. Since then India and Pakistan have accused each other of numerous unprovoked attacks.

"I doubt if Pakistan is in a position now to attack India," Prime Minister Indira Gandhi told a news conference in Srinagar, the capital of Kashmir, after a visit there. "However, we have to watch and see the situation. We are prepared to meet any aggression on our border by Pakistan."

Mrs. Gandhi also said the time was not yet ripe for India to recognize the rebel Bangla Desh (Bengal nation) government in East Pakistan.

[From the Washington Post, June 21, 1971]

EAST PAKISTAN REBEL ARMY CAMPS ON INDIAN BORDER

(By Colin Smith)

CALCUTTA, INDIA.—Hidden in tent camps along East Pakistan's western border with India are the official armed forces of the rebel Bangla Desh government in exile, the Mukti Fouj.

Some regular Indian army units, ignoring the Indo-Pakistan treaty in force since 1947 under which both sides keep their forces five miles from the border, have moved right in beside them.

These are easy to find because their signallers have not had time to bury the field telephone cables that lead from divisional to battalion headquarters and you can follow them from tree to ditch right up to the border.

Parts of the border are particularly ill-defined. In some places it is marked only by a conical-shaped cement block about three feet high standing incongruously in the middle of a paddy field. It is easy to understand the ease with which Pakistani troops hot in pursuit of retreating guerrillas could find, to their cost, that they had invaded India.

With a guide from the Bangla Desh mission in Calcutta (formerly the Pakistan High-Commission, until the Pakistani high commissioner declared himself for Bangla Desh), I went a few miles into East Pakistan with a platoon from a Mukti Fouji base near Bangoan, where some of the biggest refugee camps are.

The Mukti Fouj, which means freedom fighters, came into being when the insurgent East's fight against Pakistan President Yahya Khan's soldiers was about a month old and the East Pakistani Awami League thought it improper that their troops should still be referred to as the East Pakistan Rifles and the East Bengal Regiment.

At the base I visited, the Mukti Fouj were entirely made up of a company of East Pakistan rifles who had simply walked over the border with most of their equipment. Tents were provided by the Indian government. Pay from the Bangla Desh government is just under $12 a month.

Their tents were pitched around some trees about half a mile on the Indian side of the border. Inside, the earth had been packed down to form a floor.

Drainage ditches had been dug around the outside of the tents because the monsoon, which was mercifully late this year, has started and there are heavy showers every day. The men all seemd fit and well fed.

Their commandant was a former captain in the Pakistan Army service corps, a serious looking man in thick, horn-rimmed glasses and tall for a Bengali, who graduated from Kakui Military Academy, in West Pakistan. He asked that his name not be used because, like most of his men, he still had relatives "inside."

The group, which was probably about 100 strong, though the captain would not divulge any figures, claim they control 144 square miles of East Pakistan territory from the India border to the Kapatakha River, which forms a natural boundary between them and the nearest West Pakistan troops.

Most of their activities, said the captain, involved disrupting communications and laying mines. Occasionally they might ambush a Pakistan patrol.

He pointed to two jeeps parked in the camp, which he said had been captured during ambushes. But more often, he said, they just patroled around "liberated Bangla Desh," ready to go to the assistance of any villagers who were being "harassed by the Paks."

[From the Christian Science Monitor, June 21, 1971]

Refugee Trauma: Pakistanis in India Face Uncertain Future

(By Henry S. Hayward)

Krishnanager, India.—For more than 5 million destitute uprooted persons from East Pakistan there is harrowing uncertainy about their future.

In addition to the threat of disease, there is lack of adequate shelter, insufficient food, and a massive shortage of clothing. Most of the refugees are in tatters.

You see them pitifully trying to wash their rags in muddy puddles without soap.

You see long queues of children on the shoulder of a busy highway near Calcutta airport lined up for their milk ration. Each youngster grasps a pot or container in his hand.

The line never seems to end. It was there in the morning when we went north. It was still there in the early evening when we returned.

MOVEMENTS BY TRAIN

You see efforts to move refugees by train to more suitable locations than Calcutta outskirts. But the train is hours late in arriving, and there are dead left on the platform when it finally pulls out jammed to the roof.

You hear, although there is no confirmation, that not all looting and burning in East Pakistan is the work of its Pakistan Army or brigades. Some local people, it is said, have begun looting their own neighbors.

Yet amid these sights of unmitigated misery and hopelessness there are stirring examples of courage and self-sacrifice.

A grief- and terror-stricken mother who had lost several members of her family in fleeing from Pakistan was found wandering aimlessly at the roadside after abandoning her third child.

Fortunately both the child and mother were picked up by Roman Catholic sisters of Mercy Clinic in this town. Both still need care, but they are recovering.

At one time the clinic had an estimated 5,000 refugees in its courtyard all needing food and shelter and many needing medical attention as well.

More encouraging is the story of Sister Jacinta de Cruz of the same mission. She stands about 4 feet tall and looks 12 years old, although she is 22.

ORPHANS LED ACROSS BORDER

Yet plucky little Sister Jacinta led 40 orphan girls across the border to safety at night in a thunderstorm. They ranged in age from 3 to 18.

When armed men began menacing the orphanage at Bhobarpura in East Pakistan Sister Jacinta decided to lead her charges to India just 1 mile away. "I was surely frightened" she told me. "It was raining and thundering and muddy and slippery underfoot.

"We were afraid of being killed. So we packed bundles of clothes. We had no time or breath, to pray, or sing, or even speak as we hurried along the path."

Older girls helped carry younger ones some only 2 years old. They all made it through the storm to the border and on to Krishnanager.

Now 40 girls are happy and busy in the orphanage here. But Sister Jacinta says they still shiver about their experience "although we are not so frightened any more."

[From the National Observer, June 21, 1971]

Controversy Hampers Relief Efforts: Refugee Flow Stirs Fear of India-Pakistan War

(By Richard Egan)

The civil war in East Pakistan lasted but a few weeks this spring as the polished, disciplined Pakistani army quickly crushed the ragged, disorganized Bengali resistance fighters. But East Pakistan's short-lived bid for independence has spawned millions of refugees, a huge world relief effort, and a host of humanitarian and political problems in the Indian subcontinent, one of the economically poorest, most heavily populated areas of the world.

The core of the trouble is the vast outpouring of East Pakistanis into the border lands of neighboring India. The exodus has exacerbated the already tense relations between India and Pakistan. Indian Prime Minister Indira Gandhi has warned that the refugee situation constitutes a "threat to peace" in the area. Some Indian politicians have been urging Indian military intervention in East Pakistan.

India alleges that predominantly Moslem Pakistan is committing genocide against the Hindu minority in East Pakistan, forcing the Hindus to leave or risk death. The Pakistanis contend that Indian expressions of sympathy and support for the Bengali rebels precipitated the outflow of East Pakistanis. East Pakistani leaders accuse the central government of Pakistan of conducting a pogrom in East Pakistan against supporters of the independence movement. Indian officials fear the continued feuding between Indian and Pakistan will spark another outbreak of clashes between India's Hindu majority and Moslem minority.

RESIDENTS RESENT REFUGEES

The $50,000,000 international relief effort for the East Pakistani refugees has become tinged by controversy too. Prime Minister Gandhi last week described the aid as "pitiable and a tenth of what is required." Private U.S. relief agencies assert that the Gandhi government is hampering the relief program by refusing to allow foreigners into areas where the refugees have crowded.

In these areas, resentment against the refugees is growing among Indian residents, who fear the refugees will take their land and their jobs or will spread disease. Indian states untouched by the influx of East Pakistanis are balking at a government attempt to relocate the refugees in the interior so as to alleviate the overcrowded conditions in the border states.

Through it all, the refugees continue to pour out of East Pakistan. Since the civil war erupted in their homeland on March 25, about 6,000,000 East Pakistanis, leaving most of their possessions behind and walking for days, have streamed across the border. Day after day, more arrive. Possibly as many as 100,000 East Pakistanis cross the 1,349-mile border each week.

Many never complete the arduous trek. Disease, malnutrition, and exhaustion take a heavy toll. A cholera epidemic has taken the lives of an estimated 10,000 refugees. The shipment of millions of doses of cholera vaccine to India apparently has curbed the spread of the disease in the refugee camps that the Indian government has set up along the border. And U.S. officials say sufficient food is now reaching the refugees.

But the vast program of feeding and caring for the refugees now is being complicated by the early arrival of the seasonal monsoons in India. The heavy downpours are hampering distribution of supplies, and have turned the camps into seas of mud. Relief officials fear that the rains will lead to widespread incidence of pneumonia and other diseases in the camps.

About three-fourths of the refugees are in the state of West Bengal, one of India's poorest areas. The remainder are in the states of Tripura, Assam, and Maghalaya. The Indian government's relocation program, which got under way last week, is aimed at moving thousands of the refugees from East Bengal to an isolated area in the interior state of Madhya Pradesh, and moving about 100,000 of the 500,000 refugees in Tripura into northern Assam.

INTERNATIONAL AID

Four American C–130 transport planes and two Russian Antonov-12s are transporting the refugees out of Tripura. The airlift is part of a major international aid effort being co-ordinated largely by the United Nations. U.N. officials say $38,000,000 in pledges of cash and supplies has been made through the world organization and $12,000,000 has been pledged directly to India by governments or private relief agencies. The United States is the biggest contributor, with a total pledge of $17,000,000 in supplies, mostly food, and an outright grant of $500,000 to the U.N. A State Department official says the United States is "prepared to provide more if necessary."

The U.S. Government is contributing, from existing stocks in India, enough food to meet the needs of about 1,250,000 refugees for a three-month period. The United States also has contributed $1,000,000 doses of cholera vaccine.

The major U.S. volunteer agencies involved in the relief program are Care, Inc., Catholic Relief Services, and Church World Service/Lutheran World Relief. Care is providing for the partial feeding of about 400,000 refugees, and has purchased 3,000 tarpaulins to provide shelter for 60,000 persons. Catholic Relief Services is taking care of the food, shelter, and medical needs of about 100,000 refugees. This week John Cardinal Dearden, archbishop of Detroit and president of the U.S. Catholic Conference, will ask all Catholic parishes in the United States to take up a special collection for Pakistani refugee relief. An official of Catholic Relief Services said similar special appeals in the past have brought in about $1,000,000.

Church World Service/Lutheran World Relief has been working with the World Council of Churches through the Christian Agency for Social Action, Relief, and Development (CASA) in India. CASA has set up 10 milk-distribution teams and purchased and distributed 500 tarpaulins. The organization also has put together five medical teams and is planning on setting up five more. Church World Service itself is planning further aid totaling about $100,000 and has offered $300,000 to the World Council of Churches for refugee relief.

The aid effort so far has concentrated solely on the refugees in India. But there are indications that the situation in East Pakistan may be equally as grave. The Pakistani government has allowed few foreigners into the

55,126-square-mile province since the civil war ended. But reporters who have traveled through the province say railways were disrupted and bridges destroyed in the fighting, making food distribution difficult in the traditionally rice-short province, whose pre-war population was 70,000,000. The relief program for the estimated 1,000,000 East Pakistanis left homeless by a cyclone and tidal wave last November apparently has slowed down considerably.

An indication of the gravity of the food shortages in the province is that the Pakistani government last month reportedly appealed to U.N. Secretary General U Thant for an immediate U.N. grant of 250,000 tons of food grains and 100,000 tons of edible oils. The Pakistanis reckoned that they would need 2,000,000 tons of food through June 30, 1972.

Despite the Pakistani aid appeal, efforts to establish an international relief program in East Pakistan have been blocked by the reluctance of the military-backed government of Pakistan to allow foreign relief workers into the province. U.S. and U.N. officials, however, said last week headway had been made toward setting up a relief program. The United States earlier this month donated $1,000,000 to the Pakistani government for the acquisition of coastal vessels to help distribute food supplies to the cyclone-disastser area.

Representatives of an 11-nation Pakistan-aid consortium, which includes the United States, have been conferring with Pakistani officials on a resumption of aid. The consortium cut off all economic and military aid to Pakistan on the day the civil war broke out. The consortium has hinged a resumption of aid on the willingness of the Pakistani government to reach a political accommodation with Bengali leaders in East Pakistan.

[From the Christian Science Monitor, June 22, 1971]

AN OFTEN INVISIBLE PAKISTANI REGIME: BANGLA DESH PURSUES "COMPLETE INDEPENDENCE"

(By Henry S. Hayward)

CALCUTTA.—The governing organization of the freedom movement for East Pakistan (Bangla Desh to its supporters) is both visible and invisible here.

The visible portion is its Bangla Desh mission to India in downtown Calcutta.

Since April 18, the mission has been headed by Hossain Ali, former deputy Pakistan high commissioner in Calcutta who is a professional Pakistani Foreign Service officer.

As a Bengali, Mr. Ali's sympathies were with the Bangla Desh (Land of Bengalis) movement from the outset.

He barred non-Bengalis from the building, ran up a new flag, and continued operating without losing one day.

But although he heads the large mission, Mr. Ali admits he gets his instructions from a government that has no fixed abode. In short, from an often invisible Bangla Desh regime.

"Mujib Nagar now can be anywhere—inside East Pakistan or outside," he says. Mujib Nagar means Mujib's capital, a reference to Awami League leader Sheikh Mujibur Rahman who was named in absentia president of the Bangla Desh government while under detention in West Pakistan.

FIVE FORM RULE

Five selected ministers form the government, which keeps on the move most of the time to avoid Pakistani reprisals. It spends some time on Pakistan territory to validate its claim to be on the only legitimate government of 70 million people there.

"Bangla Desh consists of 99.9 percent of villages and towns," asserts Mr. Ali.

The government also likes to show itself occasionally in India where between 5 million and 6 million of its people now have fled.

The government is headed by Tajuddin Ahmed, former No. 2 man in Sheikh Mujib's Awami League. He is Bangla Desh's prime minister in exile.

Acting president during Sheikh Mujib's enforced absence is Nazrul Islam who is technically called vice-president.

These men have no fixed addresses, but they like to make their presence known whenever security permits. If they become too remote from public view, they risk losing their credibility.

What is the Bangla Desh objective? I asked Mr. Ali.

"ONLY ONE POINT"

"Today we have only one point—complete independence from West Pakistan," he answered.

"We no longer follow Mujib's six points." The six points were those Sheikh Mujib set forth in his negotiations with Pakistan President Yahya Khan last March.

"An alien army started total war against our entire people complete with atrocities," Mr. Ali continued. "Now all Bengalis want only independence.

"All Bengalis are motivated now. They want to fight for their freedom," he said. "Pakistan Army retaliates with deliberate atrocities—rape, murder, looting. They destroy villages and all that moves."

Mr. Ali added: "We don't engage them head on with positional battles. We fight hit and run guerrilla warfare with captured equipment. It may take a long time to win by such methods."

He is confident, however, that Bangla Desh freedom fighters are destroying bridges and communications.

Little rail service now operates in East Pakistan, he claims. He also believes the Pakistan Army is harassed, demoralized, getting panicky, and afflicted by dissension.

TROUBLE SEEN

The Bangla Desh mission head speaking in an office on a quiet Calcutta side street asserts that West Pakistan is in serious industrial trouble.

"It depends on East Pakistan raw materials—and selling finished goods in East Pakistan. Both its raw materials and markets are disrupted," Mr. Ali declares.

"We tell the farmers not to plant the jute crop but only food. Jute is money crop for West Pakistan."

Mr. Ali showed photographs of alleged atrocities. Stories of rape and murder are so common among refugees that it would be difficult to dispute their authenticity.

Other Bangla Desh objections to the treatment of East Pakistan are that only 8 percent of the armed forces are Bengalis when they make up 56 percent of the population and that only 15 percent of the civil service is from East Pakistan.

INEQUITY ARGUED

Also, the Bangla Desh claims that the bulk of the nation's capital is invested in West not East Pakistan.

Moreover East Pakistan declares it produces 80 percent of the country's exports but receives only 20 percent of foreign aid, though now East Pakistan is to get more than half the $1.1 billion in the public-sector program approved by the National Economic Council.

Mr. Ali feels that economic factors, freedom-fighter pressure, alleged atrocities, and above all the visible evidence of more than 5 million escaping refugees testifies to the soundness of the Bangla Desh case and should influence international opinion in its favor.

"We will go on fighting," he says. "We have no alternative. Our victory would be accelerated if we can get support. Moral support helps of course. But Bangla Desh needs formal recognition too. That would be the answer to those continued crimes against humanity."

[From the Christian Science Monitor, June 23, 1971]

BANGLA DESH FREEDOM FIGHTERS LEAD TOUR OF PAKISTAN BORDER

(By Henry S. Hayward)

HRIDIYPUR, INDIA.—I walked across the border from West Bengal in India to East Pakistan just beyond this tiny frontier village with a group of Bangla Desh freedom fighters on June 14.

It was a long hot walk in the sun from the Roman Catholic mission on the Hridiypur side, but fortunately I had an Indian umbrella bearer who walked at my side and kept most of direct rays off my head.

It also was by no means the first time a Western newsman has been taken on a similar stroll in the sun. The mission fathers and sisters seemed all too familiar with press excursions across the frontier.

ARMY UNIT NEARBY

Freedom fighters send out scouts every day to reconnoiter the other side. If all is quiet, considerable traffic back and forth ensues.

On Monday, however, scouts reported a Pakistan Army unit of 100 men was operating in the East Pakistan village of Bhobarpura just across the border.

They were said to be armed with rifles, machine guns, and mortars, and going from house to house searching for money, gold, or valuables.

We could see the nearest buildings of the village just across a wide field. Since the freedom fighters totaled 40 men, and were only lightly armed, we decided it was not prudent to proceed farther.

I walked forward to the most advanced freedom-fighter outpost. It was perhaps a half mile beyond a stone roadside marker that said "Pakistan."

The outpost was manned by two soldiers in brown uniforms and helmets. One had a rifle, the other a light machine gun. They were quickly joined by two other fighters from across the road.

BIRDS WERE SINGING

All was quiet. No firing. No voices in the distance. No sounds of looting up ahead. You could hear birds in the rice fields and mango groves.

Someone suggested pictures. The soldiers, who by this time had grown to nine, quickly lined up with weapons at ready. Posing for photographs seemed routine to them.

Then I stood with them and had my picture taken. It was all most unwarlike.

Yet at the same time, the atmosphere was perfectly serious, too. Shots are often exchanged between freedom fighters and Pakistan Army soldiers. Men on both sides do get killed at just such places.

The leader of the freedom unit was 24 years old. He spoke English. He wore a wraparound sarong and sandals. Some of his soldiers looked twice as old.

ONCE A REGULAR

The leader said he was once in the regular Pakistan Army in West Pakistan. He was sent to East Pakistan and crossed into Indian territory two months ago.

In addition to vintage rifles, one soldier had a mortar tube and several mortar rounds. Some of the men were former Pakistani soldiers, but others were just farmers in bits of uniforms donated by Indian friends.

"He knows only how to fire a rifle," said the leader, pointing to one of the group.

Asked how long it has been since they had operated inside Pakistan territory, they all started talking at once.

"I have been across as far as Kushtia, 60 miles from here," said one.

"I have been in three times in the past month," said another. "We fight and we attack them. A few days ago we killed 20 Punjabis in this area. We had no losses."

NIGHT FIGHTS PREFERRED

None of the Bangla Desh fighters made a move to attack an enemy unit reported just a few hundred yards farther up the road.

"We are only 40," they said. "We prefer to fight at night."

Freedom fighters are not very effective, at present, due to lack of arms, ammunition, and training. They are trying to rectify all such shortcomings. Serious training in special camps is under way.

Meanwhile, even under present limitations they help remind people in East Pakistan that the Bangla Desh cause still lives and some resistance continues.

They go back and forth in bands of 5, 10, or 15. Often they wear no uniforms. They disguise themselves as farmers or refugees.

REFUGEE FARMERS

Many refugee farmers on the Indian side of the border wait for an all-clear signal from freedom-fighter scouts before going back to Pakistan to work their nearby fields. A group of about 50 such farmers sat under a tree and watched me take my international walk. On the return trip, I stopped for a chat.

"Most days we can go across to till our fields," they said. "But today Punjabi soldiers are there and we must wait."

Although this particular jaunt had its comic aspects, freedom fighters are a serious symbol of East Pakistani determination to resist what they regard as deliberate government mistreatment.

SPECIAL MANGO GROVE

A short distance beyond where we stood is a mango grove where the free Bangla Desh government was officially established on Pakistan soil on April 17. It is proudly referred to as "Mujib Nagar," or Mujib's capital. "Mujib" is a popular name for Sheikh Mujibur Rahman, leader of the Awami League which won all seats in East Pakistan elections late last year.

Moreover, a group of freedom fighters returned from a raid last week with three "enemy" bodies, including one major and a captured jeep.

District freedom fighters are reported to comprise between 100 and 200 men, some of whom have gone back to East Pakistan permanently to fight and sabotage.

FRONTIER OPEN

Going back and forth is still an easy process since Indian officials consider the border open, and Nadia district has only a dozen police posts along its entire 135-mile frontier.

On the Pakistan side, however, the Army has built trenches and bunkers at some points. It reportedly is setting up a cleared strip five miles deep to control freedom-fighter incursions and perhaps refugee outflow as well.

One of the chief entry points at Shikarpur, 60 miles north, has been closed, and refugees must detour elsewhere.

Official sources here say five full divisions of the Pakistan Army—about 125,000 men—have been moved from West Pakistan to the east. This is at least partly to offset the freedom-fighter threat in addition to restoring order and intimidating or even ejecting unwanted segments of the East Pakistan population.

EASTERNERS WEEDED OUT

The belief here is that no more soldiers or officers from East Pakistan remain in the Pakistan Army today. They either have deserted to support the Bangla Desh independence cause—or have been weeded out by West Pakistan officers as security risks.

Of more than 5 million refugees in India, the great proportion are farmers and small shopkeepers, little inclined to participate in the fighting. But there also are sprinklings of teachers, students, members of Parliament, and high-ranking government officers who are helping keep Bangla Desh resistance alive.

[From the Baltimore Sun, June 23, 1971]

Fifty to Sixty Pakistan Soldiers Said To Enter Hospital Daily

Dacca, Pakistan, June 22.—Between 50 and 60 seriously wounded Pakistani soldiers are being brought to the Army hospital in Dacca every day, foreign diplomatic sources said here tonight.

Travelers from other towns spoke of continuing Bengali resistance in East Pakistan.

But Pakistan military sources in Dacca insist that the 12-week-old undeclared civil war is at an end except for some intrusions in the Feni area south of Comilla near the Indian border.

The views of the government and foreigners on what is happening outside Dacca are irreconcilable.

POLICE DRIVEN OUT

A visitor from Tangail, 50 miles northwest of Dacca, said that police, who had taken over the town from the Army, were driven out temporarily by liberation forces over the weekend.

He said he believed the raiding party finally retreated to Madhupur Forest, a 40-mile-long wooded belt running south from Mymensingh, which is generally believed to be the hideout of the Mukti Fouj or liberation army.

Four correspondents who arrived in Dacca yesterday are the first to be allowed to return unescorted since the expulsion of 35 reporters after the Army crackdown March 25.

EIGHT BOMBING INCIDENTS

Dacca is believed to be the safest town in East Pakistan despite eight bombing incidents which marked the visit here of Prince Sadruddin Aga Khan, United Nations high commissioner for refugees, a week ago.

But efforts by the martial law authorities to bring the situation back to normal still encounter Bengali resistance.

Civil servants receive "warnings" by post and shrouds have been delivered to underline the threats. Warnings sometimes have been posted in envelopes used by the government of Pakistan.

Foreigners say few Bengali police survived the massive mutinies at the end of March and Biharis (non-Bengali Muslims) have been recruited to replace them. About 5,000 West Pakistani police have also been sent in.

CORRESPONDENT'S CAR STOPPED

Dacca's police chief, a Bengali, was retired and then vanished in April. Mixed Bengali and East Pakistan police patrols stopped a correspondent's car twice on its first drive around the city.

Since March it has been decreed that all car number plates must be in English—apparently reflecting the inability of many police and troops to read Bengali, in which all vehicles were previously numbered.

East Pakistan appeared impressively peaceful from the air approaching Dacca, but on the road from the airport it seemed that the population had been cut by one-third. Three-quarters of the stores on the airport road were closed, and in the market area along Nawabpur road, through the crowds and rickshaws, the usual Bengali animation was lacking.

[From the Baltimore Sun, June 24, 1971]

Aid Experts Fear Famine in Pakistan; Million-Ton Shortage in Rice Is Expected in War-Torn East

Dacca, East Pakistan, June 23.—The 75 million poverty-ridden Bengalis of East Pakistan, their province's economy smashed by civil war, are threatened by famine in two months.

That is the view here of agricultural experts who say they expect a shortage of almost a million tons of rice. They warn that a delay in the monsoon rains could worsen the harvest. East Pakistan already is seeking two million tons of food grain from abroad.

Although the ports are expected to have facilities to handle food grain cargoes, inland transportation has been disrupted, making food distribution difficult.

VULNERABLE RAILROAD

The main railroad runs for 75 miles along the Indian border where dissidents easily can sabotage it.

Just three months ago President A. M. Yahya Kahn ordered troops into Pakistan's eastern province to crush Bengali secessionist forces led by Sheikh Mujibur Rahman and his Awami League. Sheikh Mujib is now in jail in West Pakistan.

Dacca, the East Pakistan capital, once the home of almost a million persons, has been abandoned by thousands of refugees fleeing to the countryside and to India.

UNCLUTTERED STREETS

For lack of people in the streets, the sidewalks are uncluttered. For lack of automobiles on the roads, the traffic jams have disappeared.

"There is fear and mistrust here," said a United Nations official, trying to get facts on which to base a relief program.

To root out bomb throwers, West Pakistan police, who cannot speak Bengali, search the autos of residents who speak only that language. Guards at the cable office search patrons for matches and lighters to avert arson.

CONFISCATED RAZORS

In Chittagong, the port to the south, passengers about to board a Pakistan International Airlines flight to Dacca must give up razors and blades to security guards.

Bengali friends warn newcomers of tapped telephones. A World Bank official, who called on a local businessman, was followed into the office minutes after his departure by West Pakistani intelligence agents, who demanded to know what the businessman told the visitor.

Politicians are afraid to come out of hiding to start the political reconciliation that President Yahya has said he wants.

[From the Washington Post, June 24, 1971]

Dacca: East Pakistan's Sullen but Pacified Capital

(By Martin Wollacott)

Dacca, June 23.—The capital of East Pakistan is a sullen but pacified city which has seen little trouble in the past few weeks other than sporadic bomb throwing.

But outside Dacca and not only in the border regions, the army still faces the almost impossible task of guarding a vulnerable communications system and rural economy against sabotage by the guerrillas of the Mukti Fouj, the Bangla Desh government in exile. The Mukti Fouj still have bases in the interior of the province.

According to diplomatic sources, one base which is yet to prove particularly effective is believed to be situated in the Goapalganj swamp area in the south of Faridpur District. There are also Mukti Fouj in the Madhupur forest reserve almost in the center of the country between Dacca and Mymensingh.

One report indicated that Awami League fighters emerged from the reserve at the end of last week and occupied the small town of Tangail to the south of it, forcing the police to withdraw. The army later regarrisoned the town.

From all along East Pakistan's 2,500-mile border with India come reports of mining, mortaring and shelling, particularly from the Feni area southeast of Dacca where the closeness to the border of the road and rail line and the configuration of the border itself give advantages to the Mukti Fouj.

USELESS RAIL LINK

The rail link between Chittagong and Dacca is still largely useless because of the destruction of a major bridge in this area, and even when this is repaired the line will clearly be vulnerable to fresh raids.

Other main trouble spots are in the Jessore area near the western border and in Sylhet where two British planters were kidnapped by the guerrillas.

All but one or two of the two dozen British planters who were still running plantations in the area have now left on the advice of the British High Commission. The prospects for the tea industry, which saves Pakistan a fair amount of foreign exchange now look even more dismal than they did before.

There have been few, if any, reports of actual engagements between the army and Mukti Fouj. Road mines, grenades and the occasional small ambush, plus mostly unsuccessful demolition attempts on bridges are the basic pattern.

The Pakistani army claims to be largely undisturbed by such pinpricks. But quite apart from their effect on the country's communication system and its economy, the military hospital here, according to one report, is taking in some 40 or 50 casualties a day from the whole province.

There is no confirmation of this figure, which has been received in a roundabout way by a diplomatic source. But even if it is slashed by half or two-thirds it still provides an indication of what is happening.

CURFEW CONTINUES

The curfew, though lifted in Dacca, still is in effect in most of the province's district capitals, particularly in those districts bordering India. In some like Rajshahi the army is dug in in the center of the town.

One recent visitor to Rajshahi, a few miles from the Indian border, said there were three explosions in the three days he was there.

Although one of the explosions was said to have been a mortar shell from the Indian side, troops in that area, the visitor said, were just encountering their first landmines on the roads north of Rajshahi.

Schools remain closed in many towns and virtually all western aid projects are in suspension. Diplomatic sources say that Western technicians have been stopped in the streets in Dacca and warned that it would be dangerous for them to remain.

Bengali civil servants still at their posts have received letters urging their noncooperation with the guerrillas.

Apart from general damage to the economy there is the looming problem of famine. Pakistan government statements that there is enough food in the province are correct. Experts say there is approximately two months' supply of food grains in silos and stores around the country. Distribution is the snag. The United States has provided the foreign exchange for the hiring of coastal vessels with crews from other countries, but none of these have yet appeared.

NO ALTERNATIVE

Observers here see no alternative for the government of President Yahya Khan but to continue military occupation and control.

The new police force, largely recruited from Biharis and from West Pakistan, is still only about 15,000 strong whereas the province in normal times had a police force of some 35,000, and these are not normal times.

Dacca is, as the government claims, now a quiet city, although a bomb thrown outside the Intercontinental Hotel some days ago narrowly missed a British jute buyer and blew up the car he was about to enter.

Dacca is rather too quiet for a Bengal city. There are portraits of President Yahya on sale in the bazaar. But the people appear sulky and drained of emotion.

Unexpectedly they come up to you in public places and tell you where you must go, to Jaganath or Iqbal University halls, to the now razed Hindu shanty-town at Shakhari and so on. Some even make out lists on bits of paper. In Jaganath Hall a small boy points out what could be bloodstains on the steps.

The hostility may now be buried but, as one observer said, it's going to need a miracle to reconcile these people.

INDIAN AIDE UNCLEAR ON ARMS SHIPMENT

NEW DELHI, June 23.—Indian Foreign Minister Swaran Singh said today that if the United States is shipping munitions to Pakistan, "it is a clear departure from the assurances given me."

Singh was commenting on State Department acknowledgement yesterday that two Pakistani freighters recently left the United States with arms and other military supplies. The State Department said the arms were purchased before the ban went into effect March 25.

The Nixon Administration had announced a ban on military supplies to Pakistan after the government of President Yahya Khan moved to crush the eastern province's self-rule movement with troops in March.

Singh returned today from a 15-nation tour, during which he conferred with President Nixon.

Meanwhile, Indian members of Parliament today demonstrated outside the American Embassy in protest against the U.S. arms shipment.

NEW RELIEF GROUP ASKED FOR WORLD

PARIS, June 23.—A call for a new world relief agency for natural disasters able to draw on an international volunteer corps was made here today by an official of the United Nations Food and Agriculture Organization.

Michel Cepede of France proposed that recognized nongovernmental organizations group held by security police on and sign a convention with the United Nations.

[From the Christian Science Monitor, June 25, 1971]

FACT AND FANTASY SWITCH AT EAST PAKISTAN BORDER

(By Henry S. Hayward)

DACCA, PAKISTAN.—Going to East Pakistan after a week in West Bengal is like walking through the looking glass.

Suddenly everything is reversed. What you were told in Calcutta about fleeing refugees becomes untrue in the Dacca version of events.

Similar reversals apply to all the other great problems that beset Pakistan today. You begin to wonder which side is the world of reality and which of fantasy—and whether the Mad Hatter is the information officer on the Pakistani or Indian side of the border.

This might be ludicrous if so much were not at stake on both sides. There is the plight of the miserable tide of humanity which swept out of East Pakistan into the eastern provinces of India.

And there is Pakistan's reputation before the world, which has been heavily impugned during the recent months of internal strife and dislocation.

So one comes here—among the first foreign correspondents to be readmitted—to see for oneself.

WHAT REFUGEES?

Here and in Karachi what everyone in India calls refugees are not admitted to be refugees at all. They are called displaced persons—"poor, mistaken people who listened to false propaganda, then panicked and fled out of sheer fear when they need not have left at all."

Here they say displaced persons are welcome to return regardless of caste, creed, or religion. Pakistan's President Yahya Khan himself has said so. And some are indeed coming back—according to government reports—although the numbers still are in the low thousands compared with the millions who fled.

India, however, is accused here of holding refugees by shipping them to the interior on the grounds that border area camps are overcrowded.

To Dacca from Karachi by air now takes over six hours—almost as long as a North Atlantic crossing—because Pakistan's planes must detour around the entire Indian subcontinent to span the 1,200 miles between the two wings of Pakistan.

Below, the fields shimmer with water, and one remembers the great cyclone and tidal wave that devastated the Ganges estuary only last November.

At that time the storm seemed the greatest calamity that could hit this area. Yet within months this catastrophe of nature was exceeded in misfortune by a manmade disaster that already has altered the lives of millions, brought India and Pakistan close to conflict, and threatened the stability of South Asia.

At the Dacca air terminal, where last November throngs of Pakistani spectators crowded airport corridors and lined the railings of a rooftop lookout both night and day, there now are no spectators.

Dacca Airport is closely guarded and restricted to persons actually arriving and departing: It no longer is for those who wish to watch in idle curiosity planes and passengers coming and going.

On the way into town taxi fare has doubled in the past six months. The driver complains that gasoline prices have risen and business is poor. Traffic is half what it was formerly—and all the roadside clutter and jumble of carts, cars, buses and stalls has been swept away.

It is neater, quieter, cleaner—but it is not the Dacca of old.

DACCA NOT "DESERTED"

Dacca, they said in Calcutta, is a deserted city. This is not true. It is not deserted; but it does appear greatly diminished in population and activity. Downtown traffic is light compared with before the trouble started.

Such surface differences as these are easy to spot—and perhaps not all that significant.

Much more difficult is sorting out the serious but utterly divergent claims of Pakistan's government on one side and its critics in Calcutta and New Delhi on the other.

Pakistanis feel they have had a bad press in the outside world. They realize some of this is due to the high-handed manner in which the foreign press was ejected from Dacca at the height of the Bangla Desh uprising. A few may even concede that the restrictions of prolonged martial rule had something to do with it.

But now the government has decided to let overseas newsmen in again to see for themselves. There has, of course, been considerable time for the Army and military government to tidy things up and prepare cogent answers to obvious questions.

"I hope you write the truth about what you see in East Pakistan," said the girl who wrote my airline ticket in Karachi. "You Americans have been biased against us so far."

She had reached her judgment on the basis of controlled Pakistan press reports and reading two United States news magazines every week.

"I hope you won't write about Bangla Desh in your stories."

A British businessman just returned from Dacca said in Calcutta, "There is no Bangla Desh except in the imagination of some political exiles in Calcutta. East Pakistan is a going concern today. Bangla Desh is not."

It is true Bangla Desh is not visible as a going concern on East Pakistan soil at present. But it manages to make its presence known nevertheless.

BOMB BLAST DESCRIBED

Only moments before, the same businessman had been telling me how he and his chum narrowly missed injury just outside their Dacca hotel when several grenade bombs went off. They had bits of shrapnel to show for their near miss.

Somebody out there in the night was making known his Bangla Desh resistance sentiments even at this late date. The hotel now has security police on constant duty.

As further evidence of some continuing Bangla Desh activity, one also hears—without confirmation—that a small but steady stream of military and civilian casualties reach Dacca Hospital daily.

[From the Washington Post, June 25, 1971]

GRAIN SHORTAGE EXPECTED TO HIT EAST PAKISTAN IN NEXT THREE MONTHS

(By Martin Woollacott)

DACCA, EAST PAKISTAN.—An impending crisis in grain distribution is expected to grip East Pakistan soon, further sapping the health and resistance of much of the war-torn nation's population.

Experts on food aid in Dacca and visiting teams of specialists say the shortages, expected to begin appearing in the next three months, will claim most of their victims from among poor rural people.

The shortages will affect even those parts of the country normally considered food-surplus areas, the experts agree.

The huge problem facing the government and the foreign relief aid teams is partly one of shipping in enough grain. The east's two ports, Chittagong and Khulna, have a limited capacity. In normal times their best processing rate has been 170,000 tons of aid food grains a month. Some experts here believe that even if the ports, now hit by labor shortages and storage problems, can reach this top capacity, it may not be enough.

But the crux of the problem is the distribution of the grain. Officials here are less worried about physical damage to the communications network or shortages of ships, boats and road vehicles than they are about the capacity of the administrative machinery.

One aid official commented that the major problem is always organization and management, and that the provincial government of East Pakistan is one of the weakest in the world at the best of times.

September is the month in which the crisis may begin. In September the rice crop now being planted will be harvested. This crop normally accounts for about 75 per cent of the east's annual production of about 11.5 million tons of food grains.

Even the government estimates that this harvest will be 10 per cent below normal because of haphazard planting and the flight to India of peasants and of financiers, who give necessary credit to peasant families at planting time.

Some aid officials believe that the shortfall could be significantly higher and that it will not be offset either by the unusually good winter crop just being harvested or by the absence of several millions of the population, who have become refugees in India.

[From the New York Times, June 26, 1971]

FEAR STILL REIGNS IN DACCA 3 MONTHS AFTER THE ONSLAUGHT

(By Sydney H. Schanberg)

DACCA, June 25.—People talk with foreigners in a whisper and keep looking behind them to see if any one is listening. Soldiers and special police—brought from West Pakistan, more than 1,000 miles away—stop and search cars and buses and people carrying bundles.

Arrests are made and denied. When families ask the martial-law authorities what has happened to a son or father, the army replies that he was released after questioning and that if he has not returned home, then maybe he has fled to India.

Many people listen to the clandestine Bangla Desh (Bengal Nation) radio every day, although the penalties are severe.

This is the nervous and unhappy flavor of Dacca, capital of East Pakistan, three months after the army launched its offensive to try to crush the Bengali autonomy movement throughout the province.

The army is clearly in control of this city, but "normality"—the word the Government uses to describe conditions here— does not exist.

Dacca today can best be described as a city under the occupation of a military force that rules by strength, intimidation and terror, but which has been unable to revive an effective civil administration.

Only about half of Dacca's million and a half people are here. Most of the others have fled to the interior or to India and many thousands—no one knows the exact number—have been killed by the army.

Although people are trickling back to the city, a great many shops are still closed. Most of those that open close before dark out of fear of looting and harassment by the military and those civilians working with the military.

RUBBLE CLEARED AWAY

Traffic is thin. At times of day that were once rush hours, cars move with relative ease through the narrow streets of the old city. In the past they would have been delayed for as long as an hour.

This week, for the first time since the army assault began on March 25, the Government has permitted foreign newsmen to enter East Pakistan and travel around unescorted.

Much of the rubble from the attack, carried out with tanks and rockets and other heavy weapons. has been cleaned up by the authorities. Enough remains, however, to suggest the havoc that prevailed in the city.

The foreign community here has come to refer wryly to the razed areas as "Punjabi urban renewal"—a reference to the preponderance of Punjabis, or West Pakistanis, in the army.

The bulk of the destruction is in the old city, the home of most of Dacca's poor. They were stanch supporters of the Awami League party, which won a majority in the election last December for a National Assembly on a platform of more self-rule for East Pakistan. The party is now banned.

ONLY DEBRIS REMAINS

Block upon block once crowded with flimsy huts with tin roofs are now long, empty, dusty fields. Only a heap of debris here and there indicates anything once stood there.

Some brick and cement buildings that were too badly damaged to repair are being torn down by the Government to remove all evidence of the holocaust.

The authorities are in fact doing a considerable amount of face-lifting. Bulldozers push the wreckage off these charred plains. Bullet and shell gouges in nearby houses are being patched and painted over.

There has been patching and painting also at the university and at the Bengali police barracks—two of the army's special targets. But one quarter-mile stretch of older, one-story police barracks still looks as it did on the morning after the attack—burned and smashed to the ground by heavy fire. An estimated 700 Bengali policemen were killed in that army attack.

In the old city the authorities are erecting new brick shops on some of the razed areas and leasing them to businessmen. One area of wholesale shops that was burned out is being rebuilt by the original owners.

"CRUSH INDIA" SIGNS

The atmosphere here, as it is everywhere else, is of fear. Some shopkeepers, to keep the army from harassing them, have displayed signs in their window that read "Crush India." Everybody flies the Pakistani flag.

Few people will talk openly on the streets, but as the visitor's car passes alongside, they whisper things through the open car window. "All was burned," one old man said out of the side of his mouth.

Many Hindu shopkeepers, most of whom sold sweets, have either fled or been killed. Their shops have been given to non-Bengali moslems and others who are siding with the army.

HOUSES FOR THE "LOYAL"

The Hindu minority, in particular, has been harassed by the army. The West Pakistani Moslem establishment has long considered the Hindus untrustworthy people whose real allegiance has been with predominantly Hindu India. Of the six million East Pakistanis who have fled to India to escape the army, four million or more are Hindus.

The authorities are demolishing Hindu temples, regardless of whether there are any Hindus to use them.

The houses of people who have fled—whether Hindus or members of the Moslem majority—are being given to "loyal" citizens. In some cases, people who are still here have been forced out of their homes.

Auto license plates have been changed from Bengali script to English, as part of the campaign to suppress Bengali culture.

Not too many soldiers are visible on the streets, but their substitutes are—policemen from West Pakistan, dressed in charcoal-colored shirts and berets. They spend much of their time searching vehicles, presumably for homemade bombs and other weapons.

Bengali guerrillas have been throwing bombs and carrying out other terrorist activities in Dacca, but the insurgency is still sporadic and not well organized.

Reports continue to circulate through the city of the army's picking up Bengalis for interrogation, and sometimes killing them.

Many of the reports, though widely believed in the foreign community, are hard to confirm firsthand. Some, however are verified by eyewitness evidence.

One senior civil servant and his entire family were taken recently to the army cantonment for questioning. All were later released except for his son. His father has been unable to find out what has happened to his son, or even what he was charged with.

"Now you will see everything," a young Bengali whispered to a foreign newsman in a downtown shop. "What they have done, you cannot know. Women, everything. I am a Hindu and I have changed by name to a Christian one and have put my family in a Christian house. We are grateful you have come. We are praying you can help us."

[From the Far Eastern Economic Review, June 26, 1971]

INDIA: GOING THROUGH HELL

(By A. Hariharan)

NEW DELHI.—Names and associations die hard. A complex of ramshackle barracks in New Delhi's fashionable shopping area, Connaught Place, is still called the Theatre Communications Building in memory of the days after Pearl Harbour and the Southeast Asian command. But today the name would more aptly apply to Calcutta's Dum Dum airport: its theatre concerns more than six million dispossessed, and there are all too few people manning the command.

The airport is threatened as a communications centre by the large numbers of refugees camped in its environs; but still there are American, British, German, Australian, Canadian and Russian pilots. Giant transport aircraft like the American C-130s bring in tarpaulins and vaccines, milk powder and tents and ferry uprooted, sickly refugees from East Pakistan to distant uncluttered areas in India's interior.

Red Cross volunteers, nurses and doctors seconded by Oxfam and CARE (Co-operative for American Relief Everywhere), personnel of the United Nations high commission for refugees, medical and nursing staff from every part of India rub shoulders every hour of the day and night. It is a scene of dedication and tenderness, of people concentrating on the immediate task: some relief, some succour, in a desert of indifference.

Many people here are asking what exactly Prime Minister Mrs. Indira Gandhi had in mind when she said in the upper house of parliament, "we will have to go through hell to meet the situation". Most people believe India has been trapped and cannot disentangle itself. They accuse the government of having had no clear policy on Bangla Desh. Criticism ranges from one extreme to the other; some ask why New Delhi did not close the whole border to stop any refugees from entering and others assert that the Indian army should have marched into East Pakistan on March 26.

In Washington, Foreign Minister Swaran Singh was closely questioned on the possibility of India going to war with Pakistan over the return of the refugees to a safe Bangla Desh. While saying a confrontation was not necessary he has not ruled out armed intervention. Correspondents of British newspapers on the border report the growing number of border skirmishes could lead to a conflagration. Defence Minister Jagjivan Ram said in parliament that some 78 personnel of the Indian Border Security force and civilians had been killed since the beginning of the turmoil in East Bangal. In bunkers on the border regular Indian troops can be seen billeted along with khaki uniformed men of Bangla Desh, volunteers presumably getting training in the use of weapons.

The Pakistan High Commission in New Delhi has been putting out stories stating that thousands of refugees have begun to return to East Pakistan. But according to Indian military intelligence which has been regularly intercepting messages between western and eastern Pakistan, a few reception centres were opened and some unwilling people held captive to impress the UN high commissioner for refugees who visited East Bengal last week.

Reportedly the Pakistan armed forces have followed a scorched earth policy and destroyed all villages in a five-mile belt along the border with India. This has prevented many from leaving Pakistan.

Yet, despite international caution politically, India has not had such sympathetic reporting in the Western press since the assassination of Gandhi and the death of Nehru. World opinion has largely been with India, though some nations have not expressed their convictions openly for fear of aggravating the present tensions. If public opinion has any influence America and Britain, even if they don't publicly do so, may well begin to whisper in Yahya's ears "We've had enough". But it is not at all certain the big powers will act decisively; and few of them are likely to welcome chaos in both wings of Pakistan.

Even if India's pleadings abroad fall on deaf ears observers here expect the collapse of Pakistan because of the intolerable situation it has created for itself in the eastern wing. General Tikka Khan has been quoted as saying, "We will reduce you to a minority." If, as some reports claim, a million have died at the army's hands, and eight million in all flee to India, his prediction could "come true"—in which case PPP (Pakistan People's Party) leader Zulfikar Ali Bhutto could legitimately claim the office of prime minister of Pakistan. But still the west probably could not long keep the east under for long.

One immediate outcome of the tours round foreign capitals could be a decision by New Delhi to recognise Bangla Desh. This could entail open assistance to the Mukti Fauj (East Bengali liberation forces) without Indian troops actually taking part in the fighting. But this would not solve India's main problem—how to return the six million refugees in reasonable safety. The hawks in India favour a limited punitive expedition which would "liberate" some of the border districts of East Bengal, from which the bulk of the refugees have come. India has avoided war with Pakistan for three months; Mrs. Gandhi's critics say it would have been cheaper than supporting six million people.

India is already facing an unprecedented crisis. Almost every kind of activity has been seriously affected by the refugee problem and the new tensions it has created in eastern India. The government of West Bengal is on the verge of declaring a state of emergency. There is also a proposal to arm the ruling communist party's cadres to help the police to maintain law and order in the event of a communal outbreak arising from the influx of refugees and their stories of atrocities against the minorities in East Pakistan. The talk in India's hardest-hit, overcrowded state is not whether war—but when.

UNITED NATIONS: CRUEL RESTRAINT

(By Louis Halasz)

NEW YORK.—Some three months, six million refugees and many thousand deaths after Pakistan's President Yahya Khan ordered the army to "normalise" the situation in East Bengal within 48 hours, the great powers and the United Nations are as unwilling to involve themselves with the politics of Pakistan's tragedy as they have been from the beginning.

This is not to say that the unparalleled catastrophe left humanitaran instincts, or the rudimentary disaster-assistance machinery of the UN, untouched. To date some US$40 million worth of help, about half of it from the United States, has been made available for relief use under UN auspices.

But, in the wake of Indian Foreign Minister Swaran Singh's visit to the UN's headquarters, and judging by the many thousands of words flooding out of the Indian and Pakistani missions here, it is quite clear that no amount of humanitarian help will ever cope with the problem unless there is a political solution. And it is evident also that, failing considerable great-power pressures on the Pakistani government—through the UN system or independent of it—there is going to be no decisive effort to achieve a political resolution. Lack of one will promote the further exodus of millions of Bengalis and Hindus from East Pakistan into overcrowded India, bringing closer the frightful spectre of another war between Pakistanis and Indians.

India's main point, said Singh, meeting the press after his talk with UN Secretary General U Thant, is that the tragedy which has befallen East Pakistan is a great international matter, and whatever India is doing to alleviate the sufferings of the East Bengalis fleeing from the West Pakistani military is done "on behalf of the international community".

Put in other words, the Indian contention is that the East Pakistani events constitute a danger to international peace. This is the message India's foreign minister carried to Moscow, Bonn, Paris, Ottawa, Washington, the UN and London—so far, apparently, to no avail. Had he succeeded, the UN Security Council would already have met to discuss the problem: a threat to international security is the very thing which, in the language of the UN Charter, must trigger such a meeting.

When asked if he contemplated a call for security council action, Singh was evasive. "It is up to the security council to take note of events," he said, adding "it is the secretary general who could make the move." His response showed he was well aware of the basic dilemma: the great powers do not wish to be put on the spot over Indo-Pakistan relations in any public meeting of the security council. That was the sad message which greeted the Indian foreign minister in the capitals he visited.

The Indians charge that the whole East Pakistani tragedy was caused on purpose by West Pakistan which, New Delhi claims, wants to disrupt the Indian economy, cause fratricidal conflicts in the poor states now absorbing the paralysing flow of millions of refugees, and general chaos throughout India—and all on behalf of Peking.

Pakistanis here, including Ambassador Agha Shahi, dismissed Singh's case indignantly but not entirely convincingly. They pointed out that a general amnesty had been declared and over 20 reception centres set up—though they did not say how well they had been filed by returning refugees. They also said Pakistan had asked UN High Commissioner for Refugees Prince Sadruddin Aga Khan to visit refugees in India and work out a means of mass repatriation. The prince's verdict was not perhaps what they had hoped, since though he claimed conditions in East Pakistan were improving, he firmly denied reports that he had said conditions were satisfactory for the refugees to return, or that the UN could guarantee their safety.

Pakistan claims New Delhi is deliberately scaring the refugees to prevent them returning home—a charge which, considering the frightening cost to India of their presence in India, needs to be proved. Singh's clear warning later in Washington that the refugee influx threatened "to engulf our region in a conflict the end of which it is not easy to predict" may have been a bid to get Washington moving in the political field. But it also reflects a genuine possibility.

Far from the scene, observers here and in Washington are in no position to know the truth. But what is obvious is that the great powers which could put on the pressures needed to end the tragedy are shying from the task because none is willing to offend either New Delhi or Islamabad.

Meanwhile cholera, gastro-enteritis and starvation govern East Pakistan. And India faces problems which, as Premier Indira Gandhi eloquently pointed out last weekend, the outside world had provided only a tenth of the wherewithal to meet. In the UN's airconditioned headquarters in New York, hearts may bleed but political wisdom counsels "restraint".

[From the Baltimore Sun, June 27, 1971]

INDIA CAUTIONS PAKISTANI ARMY; BORDER AGREEMENT FOR BUFFER ZONE IS SAID TO BE VIOLATED

(By Pran Sabharwal)

NEW DELHI, June 26.—India warned tonight that while it will not adopt a provocative attitude, it will retaliate with full force against any aggression from Pakistan.

The official spokesman was commenting on reports from the India-East Pakistan borders where, India charged, the Pakistani Army has been violating Indian territory.

The Pakistan Army has come up to the frontier in violation of an agreement that the two countries keep 6 miles between their armies, the official said.

VIOLATIONS DISCUSSED

A number of meetings have been held between the two countries. At these meetings Pakistani Army officials admitted they had violated the agreement by moving the Army to the borders, but said that its place shortly will be taken by para-military forces, the official added.

The former para-military forces, the East Pakistan Rifles, which was mainly constituted by the Bengalis of East Pakistan, has mutinied and the Pakistani government has disbanded the whole force. A new force is being organized under a new name with non-Bengali elements.

Indira Gandhi, the Indian prime minister, and Jagjivan Ram, the defense minister, have been visiting the borders with both sectors of Pakistan. And India has alerted its Army.

KASHMIR TENSION

For the first time an Indian official also has referred to Kashmir as a likely area of tension. He said that in the part of Kashmir under Pakistani control, recruitment of guerrillas is in progress.

Meanwhile, the Pakistani government in Islamabad today lodged a protest with the Indian High Commission (the equivalent of an embassy) there for alleged continued and unprovoked attacks by Indian Army on the Pakistan territory. It said there were eight instances of violation in four days between June 18 to 21 and that this had heightened tension in the area.

India on the other hand has charged that 49 Indians were killed between March 25 and May 30 along the India-East Pakistan border by Pakistanis firing across the border.

Members of India's ruling party have asked Mrs. Gandhi for the liberation of Bangla Desh, the Bengali Separatists' name for East Pakistan.

Mrs. Gandhi's response has been to reiterate, "We are fully equipped to meet any aggression and will not be cowed by threats from any quarter."

India has imposed a night curfew along part of the border with East Pakistan to check infiltration into India.

The calculated escalation on both sides reflects that the address by Pakistan's president, A. M. Yahya Khan, to his nation Monday night outlining political reform in Pakistan, is not likely to please either side.

[From the Washington (D.C.) Evening Star, June 28, 1971]

PAKISTANIS RAID BENGAL VILLAGES

(By Arnold Zeitlin)

DACCA, EAST PAKISTAN.—The Pakistani army has attacked at least five villages within 30 miles of Dacca in the last four days, killing Hindu men and burning homes and markets in pre-dawn raids, reliable sources said today.

Arriving at one village, Boliadi, this correspondent passed an army column leaving the place and saw dead Hindu men and the bazaar and houses burning.

From nearby villages, rifle fire could be heard and columns of smoke were rising.

Residents of Boliadi said the raids started Friday, the day after the arrival in Dacca of four members of the British Parliament investigating conditions in East Pakistan and refugee camps in India.

HINDU SECTION ATTACKED

The people in Boliadi said the soldiers attacked the Hindu section of their village at 4 a.m. yesterday.

A Hindu woman held her hubsand in her arms. He had been shot in the neck. Another sari-clad woman moaned over the body of her husband.

Across a small creek in a tiny corrugated iron house lay the body of a white-haired man with a bullet wound in his back.

Residents said at least five or six other corpses were in the village.

The commander of the troop column identified himself only as Col. Omar. He said his men were on a "routine patrol" and refused to give details.

LOOTING REPORTED

He led about two dozen men in regular army uniforms carrying automatic rifles and ammunition boxes.

Two men carried transistor radios and others carried goods wrapped in cloth. One villager said the troops looted houses and market stalls before setting them ablaze.

As they spoke, flames shot up from tin shacks. The heat buckled the metal and burned the underpinnings, bringing them to the ground.

Women wailed in Bengali: "They have taken everything."

Local Moslems said about 100 Hindu families lived in the area. Most had fled to the tall jute fields or to nearby creeks and forests.

The Moslems appeared untouched.

[From the Nation magazine, June 28, 1971]

THE BLOODY SURGERY OF PAKISTAN

(By Aijaz Ahmad)

After the arbitrary suppression of the East Pakistan rebellion in 1968–69, a resurgence of nationalist sentiment in that Bengali section of the two-part country became inevitable. As I predicted then (See Ahmad: "'Law & Order' in Pakistan," *The Nation,* April 14, 1969), by imposing martial law the ruling military regime was merely buying time; the rebellion would go underground for a couple of years, only to emerge again prepared to fight for the highest stakes. All of that has now come to pass. The best informed correspondents estimate that the genocidal tactics of the West Pakistani army have cost Bengal close to half a million lives. Indian sources, up to now the only sources available, claim that already approximately 3 million refugees have crossed the border, and that thousands more come over each day.

Meanwhile, the movement that started as no more than agitation for autonomy has grown into a struggle for full liberation. Nor is this a Biafra type of minority insurrection; East Pakistan, though the smaller land area, contains the majority of the population—75 million—and these no longer wish to remain in the same state with the rest of the people of Pakistan (they separated from them, in any case, by 1,000 miles of India. The creation of an independent country, Bangla Desh, has for them become both necessary and inevitable.

In West Pakistan, on the other hand, the economy approaches total collapse. With its foreign exchange reserves falling well below $200 million, Pakistan owes almost $5 billion to its many sponsors. The war in Bengal is costing something like $2 million a day and the disruption of economic life in East Bengal has cut Pakistan's capacity to earn foreign exchange in half. The government has petitioned its Western supporters to advance another $1 billion to enable the country to stay afloat, perhaps for a year. But even if this additional aid were forthcoming, and one doubts that it would be unless formidable strings were attached, it would again be a matter of buying time. As a state, Pakistan is in an irreversible decline, its progressive disintegration caused by the military-bureaucratic character of the ruling groups. Unless, however, a responsible and humane international policy can be formulated and enforced within the next couple of months, the drift of present events will lead to one of the worst Asian tragedies in even this most blood-ridden of centuries.

East Bengal and West Pakistan are estranged from each other by vast differences of geography, language and culture, and the relationship between the two has fallen into the classic colonial pattern: West Pakistan dominates the military and the bureaucracy. East Bengal accounts for less than 16 per cent of the civil service and less than 10 per cent of the army; at the higher levels of military officialdom, it has no representation at all, and that in itself is decisive in a military state such as Pakistan.

In addition, however, all the significant industrial and commercial concerns are governed from West Pakistan; Bengal controls, if anything, the subsidiaries. West Pakistan converts Bengali resources to its own profit. According to the official Planning Commission, $2.6 billion worth of Bengali resources were transferred to West Pakistan between 1948–49 and 1968–69. In the same period, according to the same sources, East Bengal produced 50 to 70 per cent of the exports, but received only 25 to 30 per cent of the imports. That this disparity has accelerated during the military government's tenure is also documented by the Planning Commission: in 1959–60, per capita income in West Pakistan was 32 per cent higher than in Bengal; ten years later, this inequality had increased to 61 per cent. The effect of economic exploitation on the development of human resources was also drastic. Between 1947 and 1967, Bengal's percentage of the total student enrollment fell from 80 to 61 for the primary schools, from 53 to 40 for the secondary, from 60 to 49 for the general college and from 70 to 45 for the general university level.

These statistics are mere samples; similar ones could be provided in such other areas as housing, medicine, industrial output, relative price indexes, etc. Thus, starting off in 1947 as the dominant province, with higher educational levels and greater capacity to earn foreign exchange. East Bengal had been reduced by the late 1960s to a semi-colonial status wherein it served as the producer of raw materials for West Pakistan to process and sell, and as a consumer of surplus West Pakistanti goods.

It should be kept in mind as well that West Pakistani ruling groups have built their wealth and power at the expense not only of Bengal but also of vast areas of West Pakistan itself. Accordingly, nationalist movements exist within West Pakistan, notably in Baluchistan and in the northwestern home of the Pathans. So, by attempting to suppress the revoluntionary struggle in East Bengal, the army acts in the economic interest of the rulers in West Pakistan and at the same time serves a warning on militant groups within West Pakistan.

The relationship between Bengal and West Pakistan has eroded only gradually. Between 1947 and 1958, while the country was still ruled by a sucession of civilian coalitions and Bengal enjoyed parity, at least on the parliamentary level, Bengali disaffection was kept in check by the illusion that the disparity in developmental investments and professional recruitment would somehow be repaired. Political means had not yet been fully exhausted, nor were the civil service and the army yet seen as the only powerful groups in the country. However, the failure of the feudal politicians to create representative institutions of some permanence and to solve the central problem of parity between the two provinces placed an extraordinary concentration of power in the hands of the bureaucrats, and the civil service became the first prominent power elite in the country.

During the same period, the introduction of American arms aid threw the entire political culture of Pakistan off balance. Coupled with a fear of neighboring India that had already been entrenched as a national paranoia, the availability of weapons led quickly to a thorough militarization of all facets of national life. Then, in 1958, the army took over directly. Given the almost negligible representation of Bengal in the military and the civil services, Bengali leaders watched the rise of the military-bureaucratic state with great apprehension: the imposition of martial law excluded Bengal from all significant levels of decision-making power. In the preceding parliamentary decade, Bengali leaders had been demanding only parity between the regions—which was, considering Bengal's numerical majority and its superior capability to earn foreign exchange, generous almost to a fault. Now, they began to talk more and more of provincial autonomy. They still hoped that some kind of loose federal structure, giving each section of the country substantive control over its own resources and planning, could resolve the inter-provincial impasse. However, a situation in which Bengal would control its own resources was defined in West Pakistan as secession and a threat to the national interest. The demand was rejected out of hand.

Meanwhile, thanks in part to the way American aid was dispensed, the country's economy took on a monopolistic structure reminiscent of Latin America. By 1968, when the army had been ruling for less than ten years, twenty West Pakistani families controlled 97 per cent of the country's insurance, 80 per cent of the banking and 66 per cent of the industry. Thus, not only was Bengal reduced to semi-colonial status but West Pakistan itself was gripped by a small, cohesive, incredibly powerful group of exploiters. And the army was consuming 60 per cent of the national budget, which meant that, despite a genuine scarcity of capital resources, most of Pakistan's money was unavailable for productive investment.

Then, in the closing months of 1968, uprisings occurred on university campuses and were supported by workers and the lower bourgeoisie. In East Pakistan, the rebels rallied to the six-point program of Sheikh Mujib-ur-Rehman's Awami League, which was a declaration of Bengali aspirations for autonomy. In West Pakistan, where the Bengali demands were thought seditious, agitation was organized around questions of university reforms, higher salaries for professionals, and the liberal freedoms of press, assembly, etc. There were thus two parallel and simultaneous rebellions, that in the West being of reformist character, whereas the Bengalis in the East were demanding a radical revaluation of the national questions itself. However, neither region was prepared for armed struggle, and when the army moved in, resistance evaporated and order was restored, at least on the surface.

Nevertheless, the events of 1968–69 set the basic political character of Pakistan for the years immediately ahead. First of all, the fact that Ayub Khan had to abdicate was a limited victory for the rebellion. Secondly, General Yahya took over with full knowledge that prolonged army rule would be disastrous and was obliged to promise general elections. Thirdly, the dominant political power in both regions became evident: Sheikh Mujib-ur-Rehman in Bengal and in West Pakistan, Zulfikar Ali Bhutto, former Foreign Minister and leader of the People's Party, were now clearly unbeatable. Finally, it was evident that the politics, even the politicians, of the two regions, were irreconcilable: Mujib and Bhutto had nothing but contempt for each other.

That the elections did take place in Pakistan, that they were not rigged, that within the scope of the electoral possibilities offered them the people were allowed to exercise free and remarkably well-defined choices—all of that reflects not so much the good will of the ruling junta as the intensity and continuity of public pressure. Sheikh Mujib's Awami League contested elections for the National Assembly on the single issue of regional autonomy and captured all but two of the seats reserved for Bengal, which gave the party a clear majority in the Assembly. In West Pakistan, Bhutto's People's Party also won a comfortable majority. However, the fact that each region was represented by a party that did not contest seats in the other province was further indication of the country's polarization. The two parties were not so much opposed to each other as exclusive of each other, and no common interest joined the regions into a single nation.

Because of its hold on the Assembly, Mujib's Awami League was in a position to frame a constitution guaranteeing regional autonomy. Before the elections, however, the ruling junta had issued a "Legal Framework Ordinance" which made it mandatory that the forthcoming constitution preserve the "integrity" and "unity" of Pakistan. In context, "integrity" simply meant retaining the *status quo*. Effective power was still with the army, which was determined to keep things as they were, whereas the elections had given a clear majority to a party specifically pledged to make basic changes. The result was a deadlock.

The elections were completed by mid-December, and a session of the National Assembly was scheduled for March 3, 1971. On February 15, however, Bhutto, knowing that he had only half as many seats as did Mujib, and therefore no power to determine the character of the constitution, announced, in extraordinary defiance of the mandate given by the Bengali people, that unless Mujib was prepared to compromise in advance on the issue of autonomy, the People's Party would boycott the session. General Yahya quickly postponed the session and declared a crisis. The sensible course would have been to let Bhutto carry out his threat, while the majority party went ahead with the urgent business of forming a government. But Bhutto was in cahoots with the army, and East Bengali nationalists had no choice but to mount a strike that was tantamount to civil disobedience. Consequently, all effective administration of this province of 75 million people passed into the hands of the Awami League; even the provincial Chief Justice refused to administer the oath of office to the new army-appointed Governor. So, after a charade of talks that fooled no one, but which gave time for a troop buildup, Yahya ordered the army to take over East Bengal, and ousted all foreign journalists so that the precise details of what was to happen would be hard to determine. The blood-ridden orgy, the homelessness of millions, the hunger and disease of many more millions, the lack of relief and the consequent horrors—all that is well known and need not be repeated here.

Nationalism is obviously the most important issue in Bengal today. However, it has been used to build a mass movement primarily of the urban bourgeoisie, who thus far have not been able to compete with the West Pakistani ruling groups on the terms set by the latter. This bourgeoisie has received active support from the urban working classes, who are often employed by West Pakistani bosses and know themselves to be exploited. The peasant masses, however, are not directly abused by West Pakistanis, but are, on the contrary, sharply aware of exploitation by indigenous entrepreneurs. For the peasant, therefore, the issue is not independence, or even autonomy but social revolution in the countryside. Because there is no effective Socialist movement, the peasant vote has gone along with that of the urban bourgeoisie. But that class, led by the Awami League, has embraced nationalism purely as a way to Bengali control over Bengal's resources—which given the programs and leadership of the League, means replacing West Pakistan ruling groups with the aspiring urban classes of Bengal. A true emancipation of the peasantry is not on the League's agenda.

Consequently, the Bengali leaders, who must have anticipated the West Pakistani response to the cry for autonomy, did not prepare the peasantry to resist. The masses were used to lend electoral legitimacy to the programs of the urban leaders, but they were not given in return the means to defend themselves against the genocidal tactics of the army. Thus, while excusing in no way the behavior of the West Pakistani ruling classes, one must question the wisdom, even the motives, of the Awami League.

Its leadership had no illusions about the army or the excesses to which it would resort. Under the circumstances, it had a choice between arming the masses or bending to the will of the army just enough to avoid massacre. To have done neither, to have flung an unarmed populace into a predictable inferno, was unforgivable. The illusion was kept up that an autonomous East Bengal, even an independent Bangla Desh could be acquired through negotiations and electoral politics, and without the direct, militant participation of the people. The unpleasant probability is that the peasantry was never prepared for an armed struggle, precisely because to give it that role would have profoundly changed the character of the movement and committed East Bengal to a social revolution in the countryside, instead of mere autonomy with increased leeway for the Bengali middle classes.

The United States, which is not otherwise known for its support of liberation struggles, has been sympathetic to the drive for autonomy, and this benevolence may be related to the national-bourgeois character of the Awami League leadership, as well as to American interests in that area of the world. The twin monopolies over industrial capital and military hardware that give West Pakistan domination in Bengal are the direct results of American aid. During the 1950s, West Pakistan played a significant role in the encirclement of the Soviet Union (it was from Peshawar, an American base in northwest Pakistan, that the notorious U-2 took off.) America developed interest in East Bengal only during the 1960s, concurrent with the *détente* with the Soviet Union, the growing American involvement in Indian military affairs subsequent to the Sino-Indian conflict of 1962, and the expansion of America's war in Southeast Asia. This interest is obviously stimulated by East Bengal's proximity to China, Southeast Asia and, of course, India.

Pakistan's foreign policy is largely determined by its ongoing territorial feuds with India. So, when American military aid was made available to India at the time of the Sino-Indian conflict, Pakistan retaliated by developing some ties with China—despite the fact that American aid kept flowing into Pakistan as well: it now adds up to almost $5 billion. When, a little later, the United States held itself aloof from the Indo-Pakistani conflict of 1965, suspending military aid to both countries, Pakistan began accepting arms from China. Soon thereafter, the Awami League announced its six-point program. Washington, quite satisfied with the Awami League leadership, let it be known that the more autonomous East Bengal became, the easier it would be for the United States to assist it on separate and more favorable terms. Now that the Nixon Administration has made unmistakable its determination that the United States will continue to be a dominating force in Vietnam, the Americans must be well aware that a friendly, independent Bangla Desh could provide bases from which to bomb or at least intimidate China. From some such calculations, American diplomats have been rather benign toward the Awami League leadership. However, with $5 billion sunk in West Pakistan and the relationship with the West Pakistani capitalist class still flourishing, the United States cannot take a clear-cut pro-Bengali position. One must therefore expect that the United States will continue the ambiguous policy it has been maintaining.

The Chinese, who supported the "unity" of Pakistan and warned against foreign interference, seemed to be taking a pre-emptive position, one that was perhaps determined largely by the U.S. interest in

East Bengal. At the time, the struggle for Bangla Desh was led by pro-American groups and there was a real possibility that India, if not America directly, would intervene. The Chinese position was designed, or so it seems, to forestall a pro-Western intervention, and to let the contradiction between the West Pakistani ruling groups and the socially advanced classes of Bengal be resolved through a massacre of the Bengali leadership, producing a revolutionary situation (in Maoist terms) in which the eventual confrontation would be between an occupation army and the progressively armed masses. Then, in the course of a protracted struggle, the leadership of the movement would pass from the urban elite to the peasant guerrillas.

If that interpretation of Chinese motivation is correct—and I cannot be certain that it is—it woud seem likely that the position is tentative and subject to change as the character of the struggle changes. Inasmuch as it ignores the sufferings of the Bengalis and does not condemn the brutality of West Pakistani troops, China's attitude is reprehensible; it can be understood, however, within the context of Maoist ideology and the threat the Chinese feel from any disturbance to the balance of power on the subcontinent.

The ongoing problem is as follows: East Bengal has been exploited and brutalized by the ruling groups of West Pakistan. The question of nationalism is therefore altogether valid. However, it is not at all likely that autonomy, or even the creation of an independent Bengali state, could begin to cope with the hunger, the misery, the oppression of the deeply injured Bengalis. One is far from convinced that the urban, middle-class Awami League, now outlawed and gone for the most part underground, can exert the force necessary to achieve not only political independence but a genuine social revolution in the countryside.

So far, the Bengali peasantry has not emerged as a genuinely revolutionary class, in the sense of being conscious of its distinct interests and developing both the leadership and the programs to realize their fulfillment. For the moment, however, the terror practiced by the West Pakistani troops has forced a revolutionary potential upon this peasantry. It is likely that the alienation of the rural Bengali is now absolute and that, for a relatively short time, he may be imbued with a will for armed struggle. The same genocidal troop tactics have bestowed a revolutionary aura upon the banished leadership of the Awami League. It is possible, therefore, that the revolutionary peasant mass may accept the League as a revolutionary vanguard. In that case, we may yet see the peasantry fighting for essentially urban, middle-class goals. It can even happen that a Bengali state will be created by the efforts and sacrifices of the peasantry—who will then be ruled by a socially advanced, urban middle class. The question is not whether a Bengali state should come into being; it must. The question is, what sort of state?

Within East Bengal, the cry of secession was first raised by Maulana Bhashani, the perennial peasant leader who, after the tidal wave hit Bengal and the West Pakistani rulers failed to provide even the semblance of adequate relief, demanded independence in November 1970—almost four months before the more moderate leaders of the Awami League got around to escalating their demand beyond autonomy. The factionalism of the Bengali Left, and the superior organization of the Awami League, made it possible for Mujib to steal Bhashan's thunder. In addition, Bhashani made the mistake of boycotting the elections, instead of using them as a sort of referendum on the independence issue. This error gave the Awami League a near consensus and thus an unchallengeable electoral legitimacy.

Now that electoral politics have proved a disaster, Bhashani is likely to regain prestige. He will then surely point out that the elections should never have been taken seriously, that from the start the struggle should have been a peasant fight for independence and social revolution in the countryside. Bhashani is almost 90, but still amazingly well. The more radical elements within the Awami League, restrained in the past by the moderate politics of Mujib, are also likely to gather more force and following.

Meanwhile, refugee camps in India, overcrowded with poor, angry peasants, will probably become recruitment centers for a liberation army. As the Bengalis shift from electoral illusions to armed struggle, the composition of the leadership is bound to change drastically. There is already fervent talk of launching guerrilla warfare, but it is unlikely that a strong, coherent, well-trained guerrilla movement capable of effectively confronting West Pakistan's army can arise soon. If it is launched too hurriedly, it can only provoke a new massacre and deepened despair in the Bengali masses.

Some of the Bengali problems may be solved by the bankruptcy and chaos within West Pakistan itself. In the short run, however, the army is likely to step aside in favor of a quisling administration that will have the appearance of civilian rule. With this arrangement made, West Pakistan will probably get enough financing to stave off disintegration. In that case, Bengal will either have to give up its aspirations for independence or prepare for a long struggle.

If the civilian leadership of West Pakistan had had the wisdom to support the drive for Bengal's autonomy and to condemn the army's brutal enterprise, some bridges might still have remained between the two parts of the country. Instead, Bhutto, the self-professed leftist, blessed the army for "doing its duty" to preserve unity "in the name of the country and the Almighty." Bhutto was a loyal servant of Ayub for seven years; he is a feudal landlord with formidable connections among the industrialists. Since entering civilian politics, he has picked up the slogan of "Islamic socialism" (when pressed to define this "socialism" more concretely, he is known to have cited Britain's Wilson and Germany's Brandt as his models). At one point, it looked as though he would be a well-meaning, aristocratic left winger of a Fabian sort, a kind of Nehru. Instead, he has demonstrated a fondness for military solutions and some tendencies toward National Socialism. Under his leadership, West Pakistani civilian politics have drifted as far away from even an understanding of Bengali aspirations as the army has been from the start.

The question of immediate relief is paramount. With 3 million refugees in India and with West Pakistani administrators completely unable to do relief work in a hostile Bengal, it is absurd to evade the problem as an internal affair of Pakistan. A bold and quick intervention by the United Nations is vital. Within East Pakistan, the problem could be solved simply by lifting the ban on the Awami League, suspending army rule, installing government by the legitimate representatives of the people—which is to say an Awami League administration—and letting international agencies do independent relief work without any West Pakistani interference. I doubt if the West Pakistani ruling class can rise to such plain good sense. It will, instead, perpetuate its own rule and let the Bengalis die of hunger and disease. In the process, it will also administer the liquidation of Pakistan as a state. Bengali alienation is already of such a degree that Pakistan seems to be geographical fiction. Thanks to the greed of the West Pakistani military-bureaucratic establishment, the powerless people of Bengal have no choice but to inherit their own earth. The movement for Bangla Desh now seems irreversible.

[From the New York Times, June 28, 1971]

AUSTERITY BUDGET SET IN PAKISTAN

(By Malcolm W. Browne)

ISLAMABAD, PAKISTAN.—Pakistan, faced with the prospect of sharply reduced foreign aid during the coming year, has announced a budget that calls for stringent national austerity but provides substantially more money for the military.

Cigarettes and greeting cards are among the thousands of items that will cost more because of higher taxes. Wedding ceremonies and marriage dowries, both important to Moslems, will also be taxed.

During the last year, West Pakistani suffered drought and East Pakistan a cyclone that is estimated to have taken a half million lives. A brief but bloody conflict between the army and Bengali separatists also took place in East Pakistan.

The army's methods in crushing the secessionist movement have tended to turn public opinion against Pakistan in those countries that in the past have given her aid. Foreign assistance, on which Pakistan's economy is heavily dependent, has been reduced drastically.

ECONOMY SUFFERS

As a result, the country's economy is in a state of crisis. Western nations are tacitly insisting that Pakistan solve her political problems before full-scale aid is resumed.

This pressure has led Pakistani officials and others in the last week to denounce bitterly policies that seeks to influence the country's domestic affairs.

A typical comment appeared in the New Times of Rawalpindi. "Quite a strong opposition to aid has grown up in the country which we regard as the most healthy development." the newspaper said in an editorial. "The time to cut ourselves loose of these apron strings is long overdue.

"We must learn to live austerely and streamline our means of production in agriculture, trade and industry, in such a broad based manner that our teeming millions are absorbed in them creatively.

"Such a miracle has happened in China in recent times. So far we have depended rather obsequiously on the Harvard economist. Why not try the experts from Peking so that, like China, we too are not at the aid-receiving end?"

CALL FOR SELF-RELIANCE

In presenting the budget for the coming fiscal year, starting July 1, M. M. Ahmed, economic adviser to the Pakistani President, said yesterday.

"The need for self-reliance was never greater than at the present time when some of the aid-giving countries appear to be hesitating to make fresh aid commitments.

"To the extent that this attitude constitutes an attempt to influence our domestic political situation, it is wholly contrary to their own professions that aid to developing countries is without political strings."

The United States has provided roughly $200-million a year to Pakistan—about half of the country's total foreign aid.

Except for relief to East Pakistan, aid to Pakistan from major donors has been largely frozen since March 25, when the army moved into the East in force.

The budget for the fiscal year 1971–72 was reduced to $1.87-billion from last year's $1.89-billion. But appropriations for both civil administration and defense were increased substantially.

The increase for defense, while attributed to fears of war with India, is also the result of maintaining an army of occupation in East Pakistan.

MILITARY SPENDING UP

The new military budget of $723-million represents 38.7 per cent of the total budget, compared with 3.8 per cent last year.

However, some items of military spending are included in other sections of the budget. The total spent on defense is considered by experts to be much higher than that officially given.

Pakistan, a nation of 130 million people, is one of the poorest in the world. Health standards are low, only 8 per cent of the population can read and overcrowding is exacerbated by a population growth rate of more than 3 per cent a year.

The new budget calls for major increases in personal and corporate income taxes and seeks to plug loopholes. Many measures seem especially aimed at the 22 Pakistani families said by economists to dominate the nation's economic wealth.

A TAX ON PARTY GUESTS

Special incentives are offered family-owned companies to sell stock. All luxuries will be heavily taxed. When more than 150 persons attend a party, a levy will be charged for the extra guests.

The new tax on marriage dowries strikes at one of the traditions of the Moslem family life. Traditionally, the bride's father gives the groom property or money.

Despite the austerity measures, however, the new budget still shows a deficit of about $76-million.

[From the Washington Post, June 29, 1971]

Pakistani Civilian Rule in 4 Months, Yahya Says

Karachi, June 28.—Pakistan's President Yahya Khan announced today that he had appointed a "committee of experts" to draft a new constitution that would return his country to civilian rule "in a matter of four months or so."

However, he said in a nationwide broadcast in English, "The precise timing will naturally depend on the internal and external situation at the time."

It was the process of devising a constitution to restore civilian rule that brought to the surface deep conflicts in East and West Pakistani views of regional-federal relations, including what Yahya has described as secessionist tendencies in East Pakistan. In late March, on the eve of the convening of the constitutional assembly, Yahya ordered the Pakistani army into East Pakistan to prevent what he claimed was a move toward secession. This action resulted in bloody clashes and the flight of more than 5 million East Pakistanis to India.

Yahya said that the "cover of martial law" would be at the disposal of the national and provincial governments "for a time," adding that in actual practice, martial law would not be operative in its present form. He did not elaborate on what he meant by this.

Yahya ruled out, in effect, the formation of any East Pakistan-based political party to replace the now-banned Awami League, saying that under guidelines he had given the constitutional committee the new constitution would not permit the existence of any political party which is confined to a specific region and which is not national in scope.

He stressed that the results of the provincial and national elections held last December and January would stand, although there would be by-elections to fill the seats of some Awami League leaders who were disqualified for engaging in "antistate activities."

The president said that the new constitution, the third in Pakistan's 24 years of independence, would be promulgated on the day the National Assembly is called into session, and that the assembly—which had originally been supposed to write the constitution—would be able to amend it according to procedures to be spelled out in the constitution itself.

Yahya, who has ruled Pakistan by martial law since the fall of the 10-year regime of Ayub Khan in 1969, said that the new constitution would give the provinces "maximum autonomy including legislative, administrative and financial, but the federal government shall also have adequate powers including legislative, administrative and financial to discharge its responsibilities in relation to external and internal affairs. . . ."

Sheikh Mujibur, whose Awami League had won an absolute majority in the December elections, was among those jailed following the Pakistani army's March 25 crackdown in East Pakistan.

Yahya's government has been under increasing international pressure since the army crackdown. Most recently, the major aid-giving nations, led by the World Bank, decided last week to postpone indefinitely any new economic assistance to Pakistan.

But news reports indicate that trouble in the area is still continuing, though with less intensity than immediately after the army moved in. An AP dispatch from Dacca, capital of East Pakistan, today quoted "reliable sources" as saying that the army had attacked five villages within the past four days, killing Hindu men and burning homes and markets in predawn raids.

[From the Christian Science Monitor, June 30, 1971]

Fearful Whispers on East Pakistani Streets

(By Henry S. Hayward)

Dacca, Pakistan.—"I fled with my family early in April," the man said. "I could not stand to be in Dacca any longer with all the terrible things that were going on."

Like many persons this correspondent encountered in East Pakistan, the fugitive cannot be identified by name or occupation. He fears for his life, yet is determined a foreign newsman shall hear his side of the story, to counterbalance the government version.

One senses there is an individual whispering campaign that many foreign visitors to East Pakistan are certain to encounter.

The indelible impression one retains, partly as a result of these unsolicited conversations, is that such cities as Dacca are in a mood of lingering, submerged terror.

One yardstick of the terror in Dacca is a school for girls. Formerly it had 1,200 pupils enrolled. Now between 30 and 50 attend.

"We left at night," the man continued, "my wife and two children. They are university students, and I was afraid they would be shot. Also we are Bengalis, and Bengalis were being shot.

"We walked for two days and two nights, stopping to rest now and then. We had nothing to eat. There were thousands of others walking away from Dacca. Like us, they were heading for the safety of native villages."

The village they headed for was in Comilla District, which is adjacent to the Indian border in eastern East Pakistan. This was a Bangla Desh resistance area. Freedom fighter guerrilla attacks will occur there regularly.

"For over 20 days we stayed there. Then we heard that Army troops were in the region, searching village by village and house by house for Bengalis and Bangla Desh sympathizers.

"HAD TO FLEE AGAIN"

"We had to flee again. I decided Dacca probably was the safest place. So we walked all the way home once more. I am a Hindu, but that first night back we supped in a Christian house. They were kind to us—and now I am thinking of becoming a Christian."

Such personal accounts as these have their variations, but the theme is always the same. They are ordinary people who have done no wrong, uprooted by terror of military or communal strife. Even today they are deeply apprehensive.

One hesitates to tell their story lest somehow their identity be traced and recriminations ensue. But one feels obligated to make their plight known.

As another man told me: "It is so senseless. You do not know who might shoot you. It might be a soldier who decides you were an Awami League supporter. It might be a young Freedom Fighter who sees you are middle-aged and therefore assumes [correctly] you are unwilling to oppose the Army. Or it might simply be a miscreant who wants to loot your home or shop.

"WHY DID THEY SHOOT?

"Why did they shoot innocent people—women, children, beggars in the street, firing at random into houses?" he asked. "If they are angry with the Awami League, why did they not punish the leaders instead of taking vengeance on anyone within range of their guns?"

The result, according to such informants, is that today 20 million East Pakistanis still are hiding in the hinterlands. This is why the cities are thinly populated. They claim 6,000 villages have been burned, although nobody knows who vouches for these statistics.

It also is true, they insist, that young boys are picked up in the streets by police or soldiers and seldom seen again. The belief is that their blood is drained to care for military and police casualties.

The charge is impossible to confirm, but the same story recurs often.

"None of us believes what we read in the papers here. They are all the same. The papers are told what to print. Everyone listens to Air India Radio to get more information," they say.

Pakistan Curbs Army Violence Following Outside Pressures

(By Henry S. Hayward)

Dacca, Pakistan.—Pakistan's Government has been under pressure from foreign powers to curb a campaign of violence by its Army in this eastern wing of the country.

It also has been under pressure to terminate martial law and restore civilian government.

There is evidence the central government in Islamabad is at last responding to both pressures.

NO ORDERS ISSUED?

Deliberate violence on the part of West Pakistani military units against selected East Pakistani civilians has subsided during recent weeks. This has been verified by many well-documented reports from missionaries and foreign officials with firsthand knowledge of conditions in both cities and rural areas.

Military-government spokesmen flatly deny there ever was such activity, saying there was no general order approving or recommending violence. But there was no known restraining order either.

Dacca residents, whenever they are certain they cannot be overheard by police or informants will quickly tell visitors that atrocities still are continuing in outlying villages today. They usually claim to have been there for their own safety recently—or to have family there.

PRESSURES DRAW CRITICISM

Among pressures being exerted on President Yahya Khan by outside powers are possible withholding of foreign aid and the reduction of financial support.

Existence of these threats was indirectly confirmed by Zulfikar Ali Bhotto, leader of the Pakistan People's Party. On June 23 Mr. Bhutto condemned what he called the "aid to Pakistan" consortium for exerting such pressures on Pakistan. He termed it dangerous, disturbing, and "very insulting" to the nation. But he also pointed out that unless representative government were restored to the country, such "external pressures" were likely to increase.

WHAT SPARKED EXODUS?

The conviction is widespread among the foreign community here that the huge exodus of East Pakistan refugees to India stemmed not from panic and false propaganda, as military spokesmen claim. Rather it stemmed from substantial evidence that Pakistan Army soldiers were shooting Hindus as an expression of their fury at the outcome of elections last December and evidence of taunting by students and independence advocates during the subsequent three months.

The Army first cracked down on Dacca then fanned out into the countryside. Much of the rural area now has been pacified—but some districts such as the southeast of Comilla and the northwestern region still are troublesome.

ACTIONS DEFENDED

Many here accept as fact a claim that the Army burned and looted villages, forcing Hindus out.

The unofficial Army explanation, it is asserted, was that Hindus were troublemakers who supported Sheikh Mujibur Rahman's banned Awami League. Also they were accused of being pro-India and dupes of false Indian propaganda.

Army officers reportedly felt the ejection of Hindus would help cleanse and purify the country. They disregarded the fact that Hindus of East Pakistan have lived peacefully with Muslims over many years.

Not all violence was on the Army's part, however, it is conceded. Such non-Bengali Muslims as Biharis also attacked and massacred Bengalis. Biharis don't like Hindus.

WIDESPREAD KILLING

Nor were Bengalis themselves completely innocent of communal strife and atrocities. In Chittagong and Mymensingh they literally slaughtered Biharis after March 25.

They ran amok in Chittagong, which they held for one week.

This provided a justification for the Army to move in strongly to halt a slaughter—but only at the expense of killing more Bengalis.

SABOTAGE REPORTED

President Yahya faces the problem that Sheikh Mujib still has no rival for power in East Pakistan. And three months after the eruption of March 25 and the consequent military clampdown, there still is resistance border fighting, sabotage, and internal clashes in East Pakistan.

Passive resistance also continues as evidenced by the fact that industrial activity is about 20 percent of normal with workers still staying away from their jobs due to fear, flight, or dissatisfaction. Some have received freedom-fighter warnings not to return to work.

FLIGHT TO VILLAGES

Outside of Dacca, which has an estimated half of its former population, most cities can muster only about 40 percent of their usual population. The other 60 percent have fled to relative safety of small villages in the hinterland until they become satisfied that the threat of danger is past.

On the other hand, in central Dacca large burned or damaged shop areas have been leveled, and rebuilding is under way. New shops are springing up, and small business activity is resuming on a modest scale.

[From the New York Times, June 30, 1971]

EAST PAKISTANI ECONOMY BADLY HURT AS MOST TRANSPORT IS CRIPPLED

(By Sidney H. Schanberg)

DACCA, PAKISTAN, June 26.—Food scarcities are becoming serious in parts of East Pakistan, cash is short in rural areas, jute factories are badly crippled and key road and rail communications continue to be disrupted by guerrillas.

Nonetheless, most foreign economic experts here are convinced that the Government is willing, at least for the immediate future, to pay the severe economic price of supporting its army's occupation of the eastern region, which has been badly damaged during the effort to suppress the Bengali autonomy movement.

Informed foreign sources report that their field trips have turned up food shortages in some areas that could become grave unless the disrupted transportation system improved markedly.

One problem area is the northwest, normally a rice-surplus region that supplies neighboring districts.

The foreign economists say the northwest is desolate, with few farmers visible. Most have apparently fled to India to escape the Pakistani Army, which has been trying to suppress the Bengalis since March 25.

DESTROYED, LOOTED, REMOVED

Food stocks in the northwest have been either destroyed, looted or taken out of the country, the foreign sources said. The situation has not reached the starvation level, they added, but people do not have enough to eat and the real problem will arise in two or three months.

"Right now," an economist said, "there are more likely a lot of hungry people than a lot of dead people."

The experts said that East Pakistan as a whole had a two-month supply of food grains and that the problem was distributing it to the deficit areas.

The railroad from Chittagong, East Pakistan's major port, to Dacca is still cut and guerrilla activity in the area is reported to be fairly persistent. The line normally carries 70 percent of the food grains imported by East Pakistan. Major road bridges have also been blown.

The region's usual rice deficit is about two million tons a year; this year it will probably be around three million.

DOCK LABORERS HAVE FLED

Apart from the transport mess, ports such as Chittagong and Chalna are also severely hampered by a lack of warehouse space and by labor shortages because much of the work force has fled to the interior or to India.

Because of the port congestion, the United States, which normally supplies East Pakistan with up to a million tons of food grains a year, has temporarily suspended shipments.

The other major food-scarce area is the delta region on the Bay of Bengal that was devastated by the cyclone last November that killed several hundred thousand people and destroyed most of the rich rice crop there. Food stocks are low on the islands and in the coastal areas, although conditions are not as critical as was originally feared because some relief food has been delivered.

Nevertheless, the foreign sources said, unless the distribution system improves, the region could become a famine area.

The Khulna district in the Ganges Delta also has a food problem, the sources said, because many Hindu farmers and farm laborers have fled. The minority Hindus have been particular targets of the army, which pictures them as agents of India and enemies of this Moslem nation.

Another unknown is the long-run impact of the exodus of the six million Bengalis who have fled to India. Their departure, which has cut food output and industrial production, has also reduced consumption.

Even in areas where rice is in reasonably good supply, cash is short and many villagers cannot afford to buy enough, even at the reduced prices at which the fleeing Hindu farmers are selling it.

The main reason for the shortage of money is that the Government's rural public-works program has been almost halted. Laborers who used to make 60 cents a day building roads, irrigation canals and dikes are jobless.

All development work has stopped. Government agricultural technicians and private irrigation-well contractors are afraid to go into the interior. Foreign consultants and engineers are killing time in their Dacca offices. Government offices, though open, are short of staff and doing no planning work.

Jute factories are operating at a fraction of their former levels. The eastern region's jute, one of the mainstays of the national economy, is Pakistan's biggest export and earner of foreign exchange.

This was the economic picture found by the World Bank team that toured East Pakistan recently to study the prospects of peace and stability as a requisite to the resumption of full-scale aid.

The team, described by the foreign economists here as shocked, and disconsolate, was reported to have recommended that aid be withheld until a viable political solution was found and a realistic development plan was prepared by the martial-law government.

The World Bank coordinates an 11-nation consortium that has been supplying about $500-million a year in aid on which Pakistan is heavily dependent. The United States channels most of its aid—about $200-million a year—through the consortium.

How long Pakistan will continue to support army activities in East Pakistan without the foreign aid is a subject of widespread discussion in the foreign community here.

Although foreign-exchange reserves are low, the situation is not quite as crippling as had been assumed. One reason is Pakistan's unilateral declaration of a moratorium on payments on her huge international debt. Another is that since the fighting began almost no imports have entered East Pakistan, so the government has saved foreign exchange. Finally, by coincidence, high inventories of raw materials for manufacturing had been accumulated in West Pakistan before the trouble started.

In sum, the foreign economists feel that though Pakistan's economic position verges on the desperate, it does not necessarily presage an early end of the occupation of the east.

[From the New York Times, July 1, 1971]

NEW CHOLERA CASES STRIKE INDIAN AREA

CALCUTTA, INDIA, June 30.—A new outbreak of cholera has struck the West Bengal district of Bongaon, 60 miles northeast of Calcutta, with more than 500 new cases yesterday alone, a British doctor said today.

Dr. Stewart Clarke, representing the British relief organization War on Want, said that 350 new cases had been reported yesterday, mainly among refugees from East Pakistan.

There has been a large-scale influx of refugees in Bongaon; the refugees are pouring across the border at the rate of as many as 90,000 a day in the wake of the Pakistani Army's effort to crush the Bengali separatist movement.

A British relief team was sent to the area yesterday at the request of the West Bengal state deputy director of public health.

"The hospital at Bongaon is coping at the moment but the number of cholera victims is doubling every day," said Dr. Clarke, who headed an inoculation team in the area yesterday.

Medical authorities said cholera appeared to have been controlled elsewhere.

[From the Washington Post, July 2, 1971]

INDIA PLANS CAMPS FOR REFUGEES

CALCUTTA.—With between 75,000 and 100,000 East Pakistani civil war refugees still streaking daily into West Bengal state, the

Indian government is embarking on a program to build about 10 new camps each capable of handling 500,000 people.

Estimates of the number of refugees in West Bengal now range from 4.9 million to 5.5 million.

The influx at the moment is greatest in the Bongaon area about 60 miles north of here, where cholera continues to be a great threat.

A British relief worker, Dr. Stewart Clarke, said more than 500 new cholera victims were reported at the Bongaon district hospital last Tuesday, almost double the number on Monday.

The chief secretary for West Bengal, N.K. Sen Gupta, said yesterday the government hopes to ship about a million refugees out of the state by the end of next month. He said about 64,000 had already left West Bengal, mainly for a large camp at Mana in Central India.

Sen Gupta said the new camps being constructed would be segregated from the general population.

"After all, these people are foreigners," he said. "They have no passports. They should be properly identified, not only for our own internal security, but also to faciliate their return, if conditions are improved, to East Pakistan.

Meanwhile four British members of Parliament have ended a two-day tour of refugee camps in northeast India and flew to New Delhi today for talks with India's Prime Minister Indira Gandhi.

Arthur Bottomley, who is heading the British delegation, warned President Yahya Khan of Pakistan against the dangers of "another Vietnam" in East Pakistan.

Bottomley told a meeting of Indian members of parliament and newsmen in New Delhi, "We have been told time and time again in India 'What we don't want on the border of India is another Vietnam.' "

The British parliamentarians all condemned the Pakistan army action in East Pakistan since the civil war started last March.

Toby Jossel told reporters on arrival from Calcutta, "I have come to the conclusion that the Pakistan army in East Pakistan has gone far beyond what was necessary to maintain law and order and is acting in a manner which I can only describe as uncivilized."

[From the New York Times, July 4, 1971]

HINDUS ARE TARGETS OF ARMY TERROR IN AN EAST PAKISTANI TOWN

(By Sydney H. Schanberg)

FARIDPUR, PAKISTAN.—The Pakistani Army has painted big yellow "H's" on the Hindu shops still standing in this town to identify the property of the minority eighth of the population that it has made its special targets.

Members of the Moslem majority—who, though not exempt from the army's terror, feel safer than the Hindus—have painted on their homes and shops such signs as "All Moslem House."

The small community of Christians, mostly Baptists, have put crosses on their doors and stitched crosses in red thread on their clothes.

Compared with some towns in East Pakistan, Faridpur, which sits in the central part of the province 85 miles by road and ferry west of the capital, Dacca, suffered only moderate physical damage when the army struck here in April. The attack was part of the offensive begun March 25 to crush the Bengali autonomy movement.

Though a number of shops, most of them belonging to Hindus, have been razed in Faridpur, most of it is physically intact. But every other aspect of life has been shattered, and the hate and terror and fear that wrack the town make it typical of virtually every community in this conquered province of 75 million people.

EASED UP ON EXECUTIONS

Only about half of Faridpur's 35,000 people have returned, although the flow has been growing. Recently the army eased up on its executions and burning of villages in an attempt to demonstrate that normality has returned. The change in tactics began in mid-June, just before the central Government announced that it was allowing foreign newsmen back into the region.

An undetermined number of Faridpur's 10,000 Hindus have been killed and others have fled across the border to predominantly Hindu India.

Some Hindus are returning to Faridpur, but it is not out of faith in a change of heart by the army but rather out of despair. They do not want to live as displaced persons in India and they feel that nowhere in East Pakistan is really safe for them, so they would rather be unsafe in their own town.

A Hindu barber said that he was still in hiding but that he sneaked into Faridpur every day to do a few hours' work to earn enough to eat. "I come into town like a thief and leave like a thief," he said.

Those Hindus who have slipped into town keep guards posted at night. "None of us sleep very soundly," a young carpenter said. "The daylight gives us a little courage."

THIS IS OUR HOME

A 70-year-old Hindu woman who was shot through the neck said that as bad as conditions were and as frightened as she was, "this is our home—we want to stay in golden Bengal."

On April 21, when the army rolled into Faridpur, the old woman and her 84-year-old husband ran to seek refuge in a Hindu village, Bodidangi, about three miles away. The next day the army hit Bodidangi and, reliable local reports say, as many as 300 Hindus were massacred.

The old woman stumbled and fell as she tried to flee Bodidangi, she related, and two soldiers caught her. She said they beat her, ripped off her jewelry, fired a shot at point-blank range into her neck and left her for dead.

She and her husband had owned a small piece of property on which they rented out a few flimsy huts. Only the dirt floors are left, she said.

The campaign against the Hindus was—and in some cases still is—systematic. Soldiers fanned through virtually every village asking where the Hindus lived. Hindu property has been confiscated and either sold or given to "loyal" citizens. Many of the beneficiaries have been Biharis, non-Bengali Moslem migrants from India, most of whom are working with the army now. The army has given weapons to large numbers of the Biharis, and it is they who have often continued the killing of Hindus in areas where the army has eased off.

Hindu bank accounts are frozen. Almost no Hindu students or teachers have returned to the schools.

ASSURANCES BY YAHYA

President Agha Mohammad Yahya Khan has appealed to the Hindus to return from their hiding places and from India—possibly four million of the six million Bengalis who have fled to India are Hindus—and has assured them of an equal role in East Pakistani life. However, army commanders in the field in East Pakistan privately admit to a policy of stamping out Bengali culture, both Moslem and Hindu—but particularly Hindu.

Although thousands of "antistate" Bengali Moslems have been killed by the army, the Hindus became particular scapegoats as the martial-law regime tried to blame Hindu India and her agents in East Pakistan for the autonomy movement.

In Faridpur—and the situation was much the same throughout East Pakistan—there was no friction to speak of between Hindu and Moslem before the army came.

The army tried to drive a wedge between them. In April, as a public example, two Hindus were beheaded in a central square in Faridpur and their bodies were soaked in kerosene and burned. When some Hindus trying to save their lives, begged to convert to Islam, they were shot as unworthy nonbelievers (in some cases, however, converts are being accepted).

The army also forced Moslems friendly to Hindus to loot and burn Hindu houses; the Moslems were told that if they did not attack Hindus, they themselves would be killed. Most of the Hindu houses in the region around Faridpur—some say 90 per cent—were burned as a result.

Still, there is no sign of a hate-Hindu psychology among the Bengali Moslems. Many have taken grave risks to shelter and defend Hindus; others express shock and horror at what is happening to the Hindus but confess that they are too frightened to help.

Many Bengalis, in fact, feel that the army has only succeeded in forging a tighter bond between Hindu and Moslem in East Pakistan.

[From the New York Times, July 4, 1971]

EAST PAKISTAN: AN "ALIEN ARMY" IMPOSES ITS WILL

(By Sydney H. Schanberg)

DACCA.—"Doesn't the world realize that they're nothing but butchers?" asked a foreigner who has lived in East Pakistan for many years. "That they killed—and are still killing—Bengalis just to intimidate them, to make slaves out of them? That they wiped out whole villages, opening fire at first light and stopping only when they got tired?"

The foreigner, normally a calm man, was talking about the Pakistani Army and the bloodbath it has inflicted on East Pakistan in its effort to crush the Bengali independence movement.

Most of the foreign residents—diplomats, missionaries, businessmen—also talk the way this man does now. They are bursting with three months of pent-up anger and outrage. And they are very eager to tell what they know to those foreign newsmen who were permitted to re-enter East Pakistan in the past fortnight and travel around unescorted for the first time since March 25, when the army began its suppression campaign.

Pakistan's military regime considers the foreign press implacably hostile, but it is desperate to prove to the world its claim that order has been restored, that the army is in control and that normality is fast returning to East Pakistan.

The army is, indeed, in control, except for a few areas near the border with India, where the Mukti Fouj, or "Liberation Army," is active and growing more so—with aid from India.

Yet, East Pakistan is anything but normal. For this is clearly and simply a military occupation by an alien army.

Bengali police have been replaced by police from West Pakistan, the country's dominant wing that lies more than 1,000 miles away, with India in between. West Pakistanis are also being flown in to replace officials in every Government department, in some cases even down to the level of typists.

Houses and shops of those Bengalis who were killed or fled to villages in the countryside have been turned over to Moslem non-Bengali residents of East Pakistan, who are collaborating with the army. The temples of the minority Hindus—the army's special scapegoats—are being demolished for no other reason than to demonstrate that those who are not part of the army's design of "Islamic integrity" are not true Pakistanis and will not be tolerated.

Bengali youths, who just over three

months ago were exultantly marching through the streets and shouting their slogans of defiance at the military regime, now talk in whispers, slipping up to foreign newsmen for a few seconds to murmur some information about a massacre, the murder of a family member or the destruction of a village. Anonymous letters containing such details find their way every day into newsmen's mailboxes at the Hotel Inter-Continental.

The effluvia of fear is overwhelming. But there is also a new spirit. Many of the Bengalis—a naive and romantic people—realize now that no other country is going to save them, that they will have to do it all themselves and that it will take a long time.

Significant numbers of young men are slipping off to join the Liberation Army, which operates from border areas and from sanctuaries just across the border in India. Bengali guerrilla terrorism is increasing. A number of army collaborators have been executed, and more and more homemade bombs explode in Dacca. The resistance is still sporadic, peripheral and disorganized, but it is growing.

With each terrorist act, the army takes revenge, conducting reprisals against the nearest Bengali civilians. Several hundred civilians were reported to have been rounded up and mowed down by the Army in Noakhali District recently after the Mukti Fouj executed a member of one of the army's "Peace Committees" and his wife and children.

The once widely held theory that the cost of the occupation would prove prohibitive and compel Pakistan to pull the army out fairly quickly has been discarded. Even without the World Bank consortium's massive annual aid, which has been suspended in censure of the repression, the Islamabad regime seems determined to keep its grip on East Pakistan.

President Yahya Khan's speech to the nation last Monday was supposed to have unveiled his long-awaited plan for returning Pakistan—East and West—to civilian rule. It turned out to be exactly the opposite—a declaration that the military dictatorship would continue, with a hand-picked civilian government as camouflage.

In his speech, which Western diplomats here described as "a disaster," the President, who is also army chief, heaped praise on the army for rescuing the country from "the brink of disintegration . . . by the grace of Allah." He also extended his "fullest sympathy" to the six million Bengalis, mostly minority Hindus, who have fled to India—"because of false propaganda by rebels," he said. He appealed to them to "return to their homes and hearths" for "speedy rehabilitation."

Just the day before President Yahya's speech, an army platoon stormed into several predominantly Hindu villages 30 miles from Dacca, killing men and looting and burning homes. Reports of similar pogroms come from other parts of the province. No one knows exactly how many Bengalis the army has killed, but reliable foreign sources here put the figure somewhere over 100,000—and possibly much higher.

The East Pakistani economy, which used to provide the national treasury not only with half its exports and foreign exchange but also with a captive market for West Pakistan's manufactured goods, has been badly crippled by the upheaval. However, the military regime seems willing—at least for the present—to pay the severe economic price of holding East Pakistan as a colony, no matter how sullen or resistant the population.

"It's a medieval army operating as if against serfs," said one Westerner here. "It will use any method just to own East Pakistan and keep milking it dry. Even if the Bengalis are serious about the resistance, it will take five to 10 years to make a dent."

[From the New York Times, July 5, 1971]

PAKISTAN, IN A PROTEST TO INDIA, CHARGES AIR ATTACK ON VILLAGE

(By Malcolm W. Browne)

KARACHI, PAKISTAN.—Pakistan protested to India last night that the Indian Air Force attacked a village in East Pakistan earlier in the day. India's acting High Commissioner in Islamabad was called to the Foreign Office to receive a stern note, a Pakistani Government spokesman said.

According to the Pakistani complaint, four Indian fighters and one armed helicopter penetrated six miles into East Pakistan yesterday shortly after noon and strafed the town of Amarkhana in Dinapur district. The Pakistanis said the town was shelled later in the day by Indian mortar batteries.

The government statement did not mention casualties or damage.

Last Thursday Pakistan presented the Indian High Commissioner, who is the equivalent of an ambassador, with a protest charging 18 armed interventions by Indian forces in Pakistan between June 21 and 25.

Meanwhile, Pakistan's relations with Britain have sharply deteriorated during the last two weeks, and there is speculation in the Pakistani press that a break in diplomatic relations could occur.

Pakistan charges Britain with having sided with the Indians, providing them with diplomatic, moral and economic support in its dispute with Pakistan over the autonomy movement in East Pakistan.

Yesterday the Pakistani Government instructed its High Commissioner in London to resign the vice presidency of the Royal Commonwealth Society of London. The gesture was in protest against the airing of Indian propaganda by the society, Pakistan said.

Pakistan's anger at Britain is partly the result of London's view that continued aid to Pakistan should be contingent on a satisfactory political solution in East Pakistan, where the Pakistani Army has moved to crush the autonomy movement.

INDIA DENIES CHARGES

NEW DELHI.—The Indian Defense Ministry said today it had no knowledge of any attacks by Indian Air Force planes on East Pakistani territory. Pakistan's charges of attacks were "totally unfounded," a spokesman said.

[From the Washington Post, July 6, 1971]

MRS. GANDHI ASKS END TO PRESSURE

NEW DELHI.—Prime Minister Indira Gandhi appealed today to other leaders of her Congress Party to stop pressuring her to recognize the rebel Bangla Desh republic in East Pakistan or to go to war with Pakistan over Bangla Desh.

"It is not right for the government to be pushed into a position regarding the recognition of Bangla Desh until it is convinced on its own," the prime minister told the 25-member executive committee of Congress Party members in parliament.

For the second time in a week, Mrs. Gandhi also rejected a suggestion from some party members that India should go to war with Pakistan to help an estimated 7 million East Pakistan refugees return home.

The prime minister also said she had no information that the Soviet Union had supplied arms to Pakistan following the outbreak of civil strife in East Pakistan on March 25.

The right-wing Hindu nationalist Jana Sangh Party announced Sunday night that it would launch a mass civil disobedience campaign in New Delhi Aug. 1 if the government had not recognized Bangla Desh by then.

Meanwhile, U.S. Ambassador Kenneth B. Keating returned to New Delhi from Washington today and said his "present plans" are to remain in his present diplomatic post.

[From the New York Times, July 7, 1971]

POWER IN DACCA REPORTED CUT OFF—BENGALI INSURGENTS SAID TO KNOCK OUT CITY'S PLANT

(By Sidney H. Schanberg)

NEW DELHI.—Bengali insurgents have knocked out the electrical power station in Dacca, the East Pakistani capital, authoritative foreign sources reported here today. These sources, who received the information from contacts in Dacca, said Dacca had been blacked out since Saturday night.

Several foreign newsmen are in East Pakistan, but no news of the attack has come out of Dacca. The other sources speculated that reports were being blocked by the authorities or the cable office had been shut by the power failure.

Another major East Pakistani town, Comilla, has been without power for over a week, its power plant reportedly also knocked out by insurgents. Comilla, a key rail and road junction about 50 miles East of Dacca and close to the Indian border, has been a focus of increasing guerrilla activity against the Pakistani Army.

Since March 25, when the army began an offensive against the Bengali secession movement, it has been trying to subdue the Bengali population of 75 million. The army now controls most of the province, but there is resistance, particularly near the border with India, and this resistance appears to be widening and growing more effective.

MOST DRAMATIC MOVE

The crippling of the Dacca power plant is the most dramatic act ascribed to the insurgents since the army seized control of the ctiy in late March after killing several thousand civilians.

Few details are known of the attack, which came sometime Saturday night. The foreign sources here said the power plant's main transformer had been either destroyed or badly damaged.

Although the loss of electricity will cause considerable disruption in Dacca, it will not bring the havoc that would be caused in a Western capital. There are few tall buildings and therefore few elevators.

The airport—used mostly for bringing troops in from West Pakistan, which is 1,000 miles away across India—has an auxiliary power supply. This is also presumably true of the major hospitals, including the military hospital, which has been handling army casualties from all parts of East Pakistan.

WORKERS HAVE GONE

Factories in the Dacca area will be the hardest hit, but since the upheaval in March, the factories have been operating at a fraction of capacity because most of the workers have fled either to the countryside or to India.

The foreign sources here did not know how wide an area had been affected by the blackout or whether the army had taken reprisals against civilians.

The insurgents, known as the Mukti Fouj or Liberation Army, had vowed to step up activity as their response to President Agha Mohammad Yahya Khan's speech to the nation last Monday night.

The speech, heralded by the Government as a plan for returning Pakistan to civilian rule, instead said that martial law would continue even after a civilian government was established. President Yahya, a general who is the martial-law ruler of Pakistan, also said that a committee of experts named by him—not the National Assembly as originally promised—would draft a new constitution. He said that the Awami League, the East Pakistani party that won a national majority in last December's election, was still, and forever, banned.

In New Delhi today, India charged that Pakistani troops in East Pakistan had been shelling Indian border villages and intruding into Indian territory almost daily.

The Foreign Ministry said that the Pakistani Army since March 25 had committed 102 serious border violations—killing 65 Indians, wounding 112 and kidnapping 23. Most of the casualties have been civilians, although several members of the Indian border security force have been killed.

Exhibit 4—Special Analysis

[From the New Republic, June 19, 1971]

The New Threat of an Indo-Pakistan Conflict—Nehru's Plan for Peace

(By Selig S. Harrison)

Twice during his sickly last months, when he knew the end was near, the late Prime Minister Nehru toyed with an ambitious idea for a comprehensive detente in South Asia. It was too ambitious for its time, but the East Bengal tragedy has given it new meaning and validity as a long-term alternative to the present prospect of multiplying Indo-Pakistan conflict.

The essence of the Nehru plan was his conviction that the Kashmir and East Pakistan problems are inseparable parts of the same larger problem. Both are historical accidents resulting from the hurried partition of 1947, he believed, and both symbolized in differing ways the artificiality of the Pakistani "Two Nation" concept with its emphasis on Hindu and Moslem religious identity as the sole basis for the political structuring of the subcontinent.

Nehru never publicly revealed his views on the future of East Pakistan, limiting his overt diplomatic initiatives to the search for a Kashmir peace as the first phase in what he hoped would become a broader process of accommodation. In off the record comments, however, he maintained during a memorable interview that a confederal relationship between India and Kashmir might help to promote a similar pattern between West and East Pakistan, setting the stage for gradual movement toward an overall confederation between India, Pakistan and their smaller neighbors.

In the published portions of my interview, appearing in *The Washington Post* on December 19, 1962, Nehru made a controversial reference to the goal of an Indo-Pakistan confederation that became a bogey in relations between the two countries for months to come. Britain and the U.S. were pressuring the Indian leader for a Kashmir settlement at the time, following the India-China border war in the Himalayas. Forced to explain his rejection of the Western demand, Nehru implied that the Kashmir issue could best be resolved within the larger framework of a confederation embracing not only India and Pakistan but an autonomous Kashmir as well.

"Confederation remains our ultimate goal," Nehru declared. "Look at Europe, at the Common Market. This is the urge everywhere. There are no two peoples anywhere nearer than those of India and Pakistan, though if we say it, they are alarmed and think we want to swallow them."

Pakistan promptly justified his prophecy by charging that his comments betrayed the futility of the Kashmir negotiations then about to begin under Western prodding. Nehru dropped his idea until early May, 1964, less than three weeks before his death, when he released Kashmiri leader Mohammed Abdullah after ten years in prison and encouraged the Sheikh to go on a peace mission to Pakistan.

Hitherto undisclosed details of the Rawalpindi talks between Sheikh Abdullah and Pakistan's former President, Ayub Khan, underline the intimate connection between the Kashmir and East Pakistan issues and make clear that the tensions between the two wings of Pakistan were already acute seven years ago. When Abdullah mentioned confederation, he recalled in a recent interview, Ayub dismissed the proposal as "a trick to split Pakistan," since Nehru "knew very well" that even exploratory negotiations on the idea would fan the fires of Bengali separatism and lead to demands for separate coequal status with West Pakistan, India and Kashmir in any confederal setup. Nehru was playing with fire, the Pakistani leader warned, given India's own potential separatist threats in Tamilnad, Kerala and West Bengal.

Looking back on Nehru's initiative in the light of the present situation, it should be stressed that even in his private comments, he did not necessarily envisage complete sovereignty for East Pakistan. He spoke of "more or less parallel processes" in India and Pakistan giving gradually increasing autonomy to both Indian and Pakistan-held portions of Kashmir as well as to East Bengal. The two Kashmirs and the two Bengals would begin to have trade and other interchange as part of a general relaxation in the atmosphere between the two countries. As mutual confidence grew, Nehru hoped for a drift toward overall confederation embracing not only India and Pakistan but smaller neighbors such as Nepal, Sikkim, Bhutan and possibly Ceylon. At this point, as Ayub feared, Nehru assumed that both Kashmir and East Pakistan would escalate their autonomy demands, "though not inevitably to the point of full sovereignty."

Nehru seemed confident that both Srinagar and Dacca would find "advantages in retaining links with a larger unit" so long as their internal autonomy was unfettered. He talked at length about the problem of reconciling local and national identities amid the complex social diversities of South Asia, "a patchwork, you know, ruling out oversimplified solutions that ignore the realities. The more we can have central directing instruments, the better for our development, but where the urge for autonomy is obsessive we must eventually accommodate it." In the Indo-Pakistan confederation of Nehru's conception, it might be necessary in special cases to have "interlocking confederations functioning within each country as well as between them. We must never be too rigid."

Nehru's willingness to see Kashmir autonomous or even independent under a confederation might seem puzzling in the light of past Indian intransigence in the dispute with Pakistan over the Himalayan state. Actually, however, it was quite consistent with the basic rationale underlying the Indian stand. Just as Pakistan demands predominantly Moslem Kashmir as a vindication of the "Two Nation" theory, so Nehru and now Indira Gandhi have insisted that Kashmir should remain with India as a symbol of the Indian commitment to a secular state in which the Moslem minority coexists on equitable terms with the Hindu majority. An autonomous Kashmir in a setting of continuing hostility with Pakistan would only be asking for trouble, India reasons, inviting recurring Pakistani attempts to annex the state. By contrast, Nehru suggested, autonomy or even independence within the context of a confederation would lose its significance as a focal point for Indo-Pakistan conflict.

The confederation idea was predicated on the assumption that Pakistan would be compelled, in time, to reappraise the "Two Nation" theory, and it is a more valid idea today than ever before because the East Bengal carnage has clearly discredited the notion of an overriding Islamic unity cutting across regional and linguistic differences. The events of recent weeks have left West Pakistan saddled with an obsolete national ideology that will be increasingly difficult to sustain in the face of manifest realities. Whatever new raison d'ete is formulated for the existence of a separate Pakistan, it can no longer be credibly founded on the proposition that religion is the only meaningful dividing line in the subcontinent. The "Two Nation" theory was shattered beyond recognition on the night of March 25 when West Pakistani tanks rolled through East Pakistani barricades with their rockets blazing.

At the same time that Punjabi Moslems were gunning Bengali Moslems in East Pakistan, Prime Minister Gandhi won her landslide election victory in India, decisively defeating Hindu nationalist parties on a platform explicitly reaffirming her secular commitment. The 65 million Moslems in India solidly supported her and proved to be a critical factor in many marginal election constituencies. They have never been more secure or more politically powerful than they are today, though there is still a latent potential for communal strife if tension with Pakistan grows into war.

Once the monsoon sets in, it has often been said, West Pakistan will soon be driven to acknowledge that there is no longer a rational or viable basis for its continued rule in the eastern wing and will disengage to cut its losses. Yet the tragic reality of the present situation is that West Pakistan may well be able to postpone its agonizing reappraisal for months or even years despite mounting damage to East Pakistan, to India and to its own internal strength. Lacking a face-saving rationale for disengagement, the Yahya Khan regime is likely to hang on indefinitely hoping for a total collapse of Bengali will.

Even if this collapse never comes and resistance continues, the regime may well find Bengali collaborators capable of restoring minimal law and order behind a facade of phony autonomy. Another factor favoring West Pakistan in the short run is that Indian profiteers and smugglers are prepared to deal with both sides in the East Pakistan conflict. They are eminently ready to supply West Pakistani authorities with one hand, if the price is right, at the same time that they help Bengali independence elements with the other. The ability of West Pakistan to carry on its operations in the East would not be immediately affected even if all new Western aid commitments were to be suspended. Already programmed aid of nearly $200 million now in the pipeline will not be fully exhausted for months, and there is a continuing possibility of large-scale assistance to West Pakistan from China, Saudi Arabia and Iran.

Far from acknowledging that the "Two Nation" theory is dead, some West Pakistani leaders are seeking to rationalize the debacle in the East by contending that the Bengali Moslems are not really genuine Moslems at all as a result of their relatively recent conversion from Hinduism. Sheikh Mujibur Rahman's Awami League derived much of its strength from the ten million Hindus in East Pakistan, the argument runs, and the lesson to be drawn from the recent unpleasantness there is simply that Hindus should be barred from further participation in the body politic or, still better driven out as refugees. This totally disregards the breadth of the Sheikh's overwhelming sweep of 163 out of 165 seats in the election last December and gives a ready handle to Hindu extremists in India, who maintain that Pakistan will inevitably be anti-Indian whether or not India decides to give military help to the Bengalis.

The vicious circle of distrust between India and Pakistan is steadily intensifying, and yet there are powerful countervailing reasons why it might eventually be possible to move in the direction suggested by Nehru. The most important of these is the increasing magnitude of the refugee influx from East Pakistan into India and the growing impact this is likely to have both in the subcontinent and the outside world. Many in India and Pakistan will no doubt become reconciled to the inevitability of a new war, but more might begin to search for another way as the staggering human and financial costs of the Bengali upheaval force a reassessment of basic attitudes. The Indian government has followed a policy of notable restraint toward East Pakistan which has kept the door open for such reassessment. Despite intensifying domestic pressures for intervention, Mrs. Gandhi, has shied away from recognition of an independent Bengali regime, skillfully playing for time in the hope of averting a major confrontation with Pakistan.

An important subsurface factor helping to restrain Indian recognition has been the fear that an independent East Bengal might stir separatist feelings in the Indian state of West Bengal, leading at the very least to strains on the shaky structure of law and order in densely packed Calcutta and conceivably to a revival of the abortive pan-Bengali nationalist movement of 1947.

While West Pakistan has been in a defiant mood, so far, it is likely to be more conciliatory as time goes on and its problems multiply. Pressures boiling up in East Pakistan will continually frustrate the efforts of the West to reestablish a stable government within the present framework of a unitary state. Even their Bengali collaborators will be continually pressing for greater and greater autonomy. As the costs and complexities of its occupation grow, West Pakistan may gradually begin to take a more realistic view of the sort of loosely federated Pakistan proposed by Sheikh Mujibur.

The West Pakistanis' continuing delay in bringing the Sheikh to trial despite repeated threats to do so suggests that the possibility of negotiations with him at some later date has not yet been irrevocably foreclosed. While General Yahya Khan has branded the Sheikh a traitor, Yahya could step down in favor of a new junta leader who would be free to seek a negotiated settlement without serious loss of face. But no West Pakistan regime is likely to make a meaningful autonomy bargain with the Bengalis, in any case, unless this is accompanied by far-reaching changes in the overall pattern of Indo-Pakistan relations.

Before suggesting in specific terms how the Nehru approach might be applied to the East Pakistan crisis today, it is necessary to examine why West Pakistan blundered into its policy of naked military repression. What happened on March 25 was not the inexplicable behavior of madmen or sadists. It reflected the frankly-stated fear that a sovereign East Pakistan would inevitably link up with India to create a new balance of power in the subcontinent. The excesses committed by the Pakistani Army leaders are only partly to be explained in terms of their vindictive racial contempt for the Bengalis. Basically, their policy of repression demonstrated the deep sense of insecurity they felt when they belatedly realized the extent and strength of Bengali separatism.

Pakistan never fully recovered from the traumatic shock inflicted by the Indo-Pakistan war of September, 1965. After a decade of artificially inflated military expansion made possible by US aid grants, Pakistan had begun to think of itself as the equal of India, a country four times its size. Tashkent marked the start of a painful psychological deflation which had not yet run its course when the Awami League election sweep in East Pakistan last December brought the long-simmering Bengal crisis to a head. Having just come to terms with the fact that they presided over a country one fourth as big as India, West Pakistani leaders reacted in desperation to the prospect of a secession that might reduce them to the position of a country one tenth as big. Their anxieties blinded them to the fact that Sheikh Mujibur was actually their best hope of forestalling secession with his plan for a loose confederation.

At bottom, as Ayub's attitude indicated, most West Pakistani leaders continue to believe that India will seek to undo Partition if the chance ever presents itself. Yet from the very start, the overwhelming majority of Indian leaders have been quite reconciled to the existence of a separate Pakistan. Nehru accepted partition unequivocally as a necessary and even desirable adjustment. He wanted the strongest possible central government in New Delhi, and he knew that Moslem majority states under militant Moslem League dominance would be politically indigestible in the new India Union. What he rejected was not the idea of a separate Pakistan but rather the "Two Nation" theory, committing the new state as it did to a built-in anti-Indian posture as the only political ethos holding the country together.

The basic precondition today for meaningful progress toward a rapprochement would be reconsideration, on Pakistan's part, of the concept that India is inherently an enemy by virtue of its Hindu majority. For such a complete reversal of present attitudes to come about, however, India would have to make a series of magnanimous gestures of reconciliation over the next several years designed to strengthen West Pakistani moderates. The initiative clearly falls to India not only because it is the larger and stronger of the two countries. Even more important, it has the more stable political structure at a time when Mrs. Gandhi has just won a massive parliamentary majority and General Yahya Khan has just led his country into a seemingly bottomless morass.

The most appropriate way for India to help set in motion a process of reappraisal in Pakistan would be to liberalize its policy in Kashmir, beginning with a revocation of the current ban on Sheikh Abdullah's entry into the state. This could be followed by a resumption of the dialogue with the Sheikh broken off at the time of Nehru's death and, at a later stage, by a renewed attempt to open up discussions with Pakistani leaders, either through a summit meeting, a new intermediary effort by the Sheikh or a Tashkent-type conference under the aegis of one or more of the major powers. Abdullah is still the unchallenged spokesman for the Kashmiris as he has been for the past two decades. Mrs. Gandhi indirectly acknowledged the threat he poses to the present pro-Indian regime in Srinagar when she barred him from the state during the recent elections. The pro-Pakistan fringe has given him minor competition in past years but is weaker than ever now in the wake of the East Pakistan butchery.

An Indian decision to engage in negotiations with Sheikh Abdulla would imply a new readiness to grant extensive autonomy to the Kashmiris, and this, in turn, would directly strengthen those in Pakistan who are beginning to rethink their relationship not only with East Pakistan but with India as well. In Pakistani eyes, Indian willingness to give autonomous status to a Moslem-majority area would be a powerful signal reaffirming that New Delhi is genuinely reconciled to the existence of a separate Pakistan. This would not be a betrayal of secular principles, because Abdullah and most other key Kashmiri leaders are not committed to the "Two Nation" theory. They are regional patriots committed to self-determination for a distinctive Himalayan area set off by geography and history from both India and Pakistan, an area that happens to have a Moslem majority but is also distinguished from the Moslems and Hindus of the plains by the spirit of independent identity common to mountain people the world over.

The psychological impact on Pakistan of an autonomy policy in Kashmir would be maximized if the state is given special status without alteration of its present ethnic and religious composition. This would place the Hindu minority in the Jammu portion of the state under the political domination of the Kashmir Valley Moslems without the offsetting strength of Hindu political elements in New Delhi as at present. It is precisely to obviate this possibility that some Indian leaders have long proposed the partition of Kashmir and the annexation of Jammu by the neighboring Punjab state. But even autonomy for the Vale alone, with Jammu detached, would still be a far-reaching step, opening the way to rapprochement.

Given the obvious obstacles to direct talks between India and Pakistan in the forseeable future, the Sheikh might meet initially instead with leaders of Pakistan's "Azad" (Free) Kashmir with an eye to the phased introduction of trade and transit arrangements. Later, India could propose a mutual reduction of forces along the ceasefire line, and at this stage direct contacts might follow naturally. New Delhi could make indirect efforts during this period, through diplomatic channels, to encourage acceptance of a confederated East Pakistan by offering some form of internationally-attested undertaking to respect the new arrangement. But the first, experimental arena for accommodation would necessarily be in the two Kashmirs rather than the two Bengals.

It is somewhat misleading to bracket the Indian regime in Kashmir with West Pakistani rule over the Bengalis, if only because Indian military repression has never begun to approach the mindless brutality demonstrated in East Pakistan. In contrast to West Pakistan's unabashed economic exploitation of the Bengalis, India has used the velvet glove along with its iron fist, lavishing costly rice subsidies and development programs on the Kashmiris to dull the edge of discontent. Nevertheless, while the two situations cannot be directly equated, they clearly invite comparison, and both symbolize in differing ways the basic psychological problems dividing India and Pakistan.

The influential *Hindustan Times* has editorially pointed to the Kashmir issue as the key to stimulating a process of rethinking in West Pakistan. Attacking Mrs. Gandhi recently for banning Sheikh Abdullah's entry into Kashmir, the newspaper declared that "if ever there was a need for a liberal policy in Kashmir it is now. If the events in Bengal have any lesson it is that repression does not pay and cannot win in the long run. The eruption in Bangla Desh will in time be seen to influence thinking in Kashmir and on Kashmir. Pakistan has sought to legitimize its claim to Kashmir by projecting it as the unfinished business of Partition. However, Partition has long passed into history and it is the concept of Pakistan and the kind of polity it professes on which there will be questioning."

Sheikh Abdullah made clear in a recent interview that he sees a direct connection between the Kashmir and East Pakistan problems and still believes in the possibility of an overall Indo-Pakistan understanding along the lines envisaged in his 1964 discussions with Nehru and Ayub. Significantly, he does not attempt to make a case for a sovereign East Pakistan, and his concept of what would constitute a tolerable measure of "maximum autonomy" offers new clues suggesting the possible outlines of a Kashmir compromise with New Delhi.

India has been making "a hue and cry for the Bengalis," Abdullah observed bitterly, "but they apply a double standard when it comes to Kashmir. How can you control the minds of people anywhere with guns? This should be brought home to the people of India. What holds true for the people of East Pakistan holds equally true for Kashmir."

The Awami League leaders "were seeking virtual separation," he said, "and Yahya felt he was stopping the disintegration of Pakistan. Now, if he has learned any lesson, he will concede maximum autonomy to the eastern wing, and perhaps a way will be found for them to stay together for some time. If they allow the people of East Pakistan to be real masters in their own house it will not be to their disvantage to have some sort of link with the western wing. It would be helpful to them. But they must have maximum autonomy, subject to the overall solidarity of Pakistan."

Bengali autonomy would not extend to foreign trade as sought by the Awami League, Abdullah added pointedly, implying that Sheikh Mujibur had overplayed his hand after Yahya provoked him by postponing the Constitution-drafting session of the National Assembly without consulting the Bengali leader.

Like Nehru in 1964, Abdullah seems to be thinking in terms of coordinated autonomy moves in both Indian and Pakistani-held portions of Kashmir and views an agreement on Kashmir merely as the first step in a continuing cycle of accommodation. He contends that no Kashmir solution would have meaning "unless Pakistan is brought into it from the start." Even with "maximum autonomy" in its relations with India, he observes, the Kashmir Valley would still depend for its welfare on a relaxation of tensions along the cease-fire line and the reopening of the road from Srinagar to Rawalpindi, a traditional trade route closed for more than twenty years. Abdullah's formal public position on the nature of a Kashmir settlement is deliberately vague, stressing only that an enduring solution must be acceptable to India, Pakistan and Kashmir alike. But the logic of private comments by the Sheikh today and by Nehru in his last years points to a form of mini-confederation between the two Kashmirs, operating at the same time that they each retain links with New Delhi and Rawalpindi. In Nehru's case, this was clearly suggested in my 1962 interview, and the idea of free interchange between two autonomous Kashmirs was explicitly viewed as the precursor of a larger confederal relationship between New Delhi and Rawalpindi in later years. In such a relationship, Nehru remarked, East Pakistan, too, should "logically" gain greater autonomy.

The possibility of full independence for East Pakistan as a coequal of India and West Pakistan in an overall confederal arrangement would be greatly enhanced if the smaller powers in the region were to be brought into the equation. Both Nehru and Abdullah saw Nepal, Sikkum, Bhutan and possibly Ceylon as potential members of a South Asian confederation or of less ambitious arrangements patterned on the European Economic Community. This is a key point, since West Pakistan would naturally look to these countries as offsets to Indian power. Rawalpindi might even seek to include Afghanistan, not as wild an idea as it first sounds when one considers the already growing overland truck traffic through the Khyber Pass and the logic of extending this traffic across the Punjab plain to India.

"Looking ahead historically," Abdullah declared, "confederation is the long-run direction that the minds of the leaders should take. But we obviously cannot put the cart before the horse. The first necessity is for India to attempt to remove the deep suspicions in Pakistani minds. If both sides learn the lessons to be drawn from Bangla Desh it might be possible, in time, to make a new start toward stability in this region. Perhaps at some point friendly powers can assist in this process, slowly, steadily helping bring the parties round to this way of thinking.

Prime Minister Gandhi reacted sharply during an interview in New Delhi last month when I recalled her father's 1962 and 1964 proposals and asked about the possible value of a new start now on Kashmir and other Indo-Pakistan issues. "We have been suggesting new starts all along," she said, "but their whole attitude seems so far from ours and so hostile." She was coldly noncommittal as to whether she will extend the ban on Abdullah when it expires in early July. In her comments on East Bengal, however, she talked more expansively about the impact of the crisis on the subcontinent as a whole, expressing a fervent desire to keep it from becoming a source of conflict with Pakistan and implying a corresponding hope that the problem might yet be resolved through a negotiated settlement between Rawalpindi and the Awami League.

In assessing the role that India might play in untangling the present crisis, it is especially pertinent to note her comment that the demand for an independent East Pakistan "would not have arisen" if Sheikh Mujibur and Yahya had continued with their negotiations on a confederation. New Delhi has carefully avoided giving categorical recognition to the legitimacy of an independent Bengal and could advise the Bengali leaders with complete consistency to give up their goal of full sovereignty for the foreseeable future.

Even after all that has happened, the last, best hope for a stable evolution of the subcontinent would appear to lie in a renewed attempt to negotiate some form of loose confederation agreement between East and West Pakistan as a means of inducing Rawalpindi to disengage. The terms for such a settlement would be demanding for both sides but not beyond the realm of possibility. The West would have to begin by releasing Sheikh Mujibur and dealing with him as the principal spokesman for the Bengalis. The majority of West Pakistani troops would eventually have to be removed as the unavoidable price for the excesses committed during the past two months. This was not something that Mujibur had demanded in his March negotiations with Yahya and would give the Sheikh a visible victory. But the Sheikh's Awami League might also have its own concessions to make in the form of scaled-down demands for independent trade and monetary policies.

The support or acquiescence of the United States and the Soviet Union would be an essential element in bringing about such an agreement. The US and its World Bank allies would have to make future aid to Pakistan conditional on movement in this direction, and Washington would have to abandon its long-standing objective of preserving a "balance" between India and Pakistan, urging Rawalpindi to accept its subordinate position gracefully in a new effort to forge a more secure and a more realistic relationship with India. This would require a much greater adjustment in current thinking for the US than for the Soviet Union, which has always emphasized India in its South Asia policy and has even gone to the extent of questioning the wisdom of partition.

Imperialist "divide and rule" tactics led to the division of the subcontinent, Nikita Khrushchev declared on a visit to Kashmir in 1955, "and we are absolutely convinced that when passions have calmed down and people realize the significance of such an artificial division of India, they will regret it."

The attitude of China is a major imponderable and could conceivably lead to the deliberate obstruction of a confederation effort. In terms of their tangible interests in Pakistan, however, the Chinese would appear to gain little from such a course. Their major immediate objective in Pakistan appears to be air and overland access in West Pakistan to the Arabian Sea, utilizing their new road links from Tibet into Gilgit, and this is likely to be secure whatever happens in East Pakistan. Only direct Indian intervention in East Pakistan is likely to be regarded as a threat to their position. The initial Chinese commitment to West Pakistan has been carefully modulated in response to what the USSR and the US have done. In part, this may reflect concern for the Maoist image among Bengali Communists factions, but it may also suggest that Peking wants to allow for a possible moderate shift in its border dispute with India. New Delhi, for its part, hopes to reduce tensions with China in order to avoid excessive dependence on Moscow and Washington.

Important as it is, the role of the outside powers can only be a marginal one with a limited potential either for easing or prolonging the present crisis. The real issue is how India, Pakistan and the Bengali independence leaders assess their own interests. For the Bengalis, in particular, the very idea of a negotiated settlement might well prove to be totally indigestible after the brutalities of the past two months. The Awami League leaders understandably fear that even a nominal link with Rawalpindi would give a target to armed militants continuing to seek full independence and create a built-in challenge for a new East Pakistan. Yet the Bengali moderates have no real alternative but to make the best of a political settlement, if one is available on tolerable terms, since military liberation by New Delhi would leave a legacy of even greater instability, virtually ensuring Chinese support for the opposition guerrillas.

An accommodation between Dacca and Rawalpindi under present circumstances by its nature would be a contingent experiment placing the onus on Rawalpindi to demonstrate its bonafides. It would not necessarily signify abandonment of the independence goal but rather a recognition that its achievement is inseparably wrapped up with the larger fabric of relationships in the subcontinent. There is no escape from the bitter conclusion that enduring independence for the Bengalis will come, if it ever comes, only as part of a general relaxation of tensions between India and Pakistan and purposeful movement toward a confederated peace inspired by the Nehru vision.

NOISE CONTROL ACT OF 1971

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. WALDIE. Mr. Speaker, the attorney general of California has called to my attention a problem regarding the measure House Resolution 5275 known as the Noise Control Act of 1971.

It appears that, once again, my colleagues and I from California must battle for the right of our State to enforce standards regarding noise pollution as we did for the right of California to enforce its more stringent standards in the area of air pollution control.

I consider it the height of absurdity that progressive States such as California are subjected to restrictions of this sort which preempt its own attempts to control its pollution problems. I would certainly agree that many parts of this country need this kind of legislation in order to provide a higher quality of life for citizens. I cannot understand, however, why California must submit to less stringent restrictions when the people of that State have already set standards which they consider reasonable for the protection of their environment and the quality of their lives.

I would respectfully submit that this House give full and careful consideration to the plight of California and allow us to continue to deal with our problems many of which are similar to those found in other States but are more intense and deserving of stiffer control in California, due to the high density of our population in many areas, in ways best suited to this great State.

PRESIDENT ASKED TO ENDORSE HYDROPOWER

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. HATHAWAY. Mr. Speaker, at this point, I include in the RECORD of this body's proceedings a letter I transmitted to the White House last week, in which I requested President Nixon to endorse hydroelectric power as a useful tool in the Nation's critical efforts to maintain a balance between fulfilling its energy needs and preserving its environment:

JUNE 30, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is to commend you for your June 4 message on the need for new, cleaner energy supplies and for Secretary Morton's restatement of that need in his announcement Tuesday concerning initial plans for oil-shale resource development. It is also intended as a request for your endorsement of the proposed Dickey-Lincoln School hydroelectric power project in northern Maine and of hydroelectric power sources in general.

Such an endorsement, I think, would be in keeping with the spirit of both messages, for water power—hydroelectric power—such as that which the Dickey-Lincoln facility would generate, has shown itself to be the only source of power now capable of helping solve the growing problem of power shortage without causing further harm to the environment.

I agree that we must press on with research efforts to develop pollution-free utilization of oil, gas, coal, and nuclear energy. Each of these resources must play a vital role in the Nation's future power picture. But the fact remains that neither fossil-fuel nor atomic-energy power sources are or will be adequate enough to be relied on exclusively for present and future power needs.

I am of course aware that your recommended budget for the fiscal year beginning tomorrow does not include funding for the Dickey project. But the potential merit of the proposal has never been questioned.

Today, with a serious summer power crisis on our doorstep and the impetus provided by your emphasis on cleaner energy supplies, that potential is substantially enhanced.

I sincerely urge your endorsement and support for congressional funding of the Dickey project.

Sincerely,
WILLIAM D. HATHAWAY,
Member of Congress.

Mr. Speaker, the New York Times today presents the first of three articles by John Noble Wilford on the national energy crisis and the conflict between the need for more power and the desire to preserve the environment. I commend it to my colleagues' attention with a personal preface that is conviction—hydroelectric power can help us resolve this conflict:

NATION'S ENERGY CRISIS: IT WILL NOT GO AWAY SOON

(By John Noble Wilford)

For the third straight summer Americans by the millions are living under the daily threat of power brown outs, blackouts and possible electricity rationing. But it is more than a seasonal shortage of power. It is part of a national crisis that won't go away—the energy crisis.

"The electric power supply situation in parts of the United States appears to be worse than last summer," reports the President's Office of Emergency Preparedness. Only the West Coast, according to the report, seems assured of adequate power for the moment.

In New York City, the margin is so thin that electric utility officials are counting on emergency gas-turbine generators standing ready on barges along the waterfront. Even so, there is no assurance that on some hot, humid day lights will not flicker out over large areas of the city.

Nationwide, authorities in the Administration and out expect the crisis to continue for some time.

In fact, they say, it is likely to persist for years, perhaps for as long as the industrial-technological civilization that has made modern America a model for many other nations continues to proliferate in its present form.

For it arises from a bewildering, seemingly unresolvable dilemma that has made energy, as one scientist said, the "Doctor Faustus of our age."

Americans are demanding more and more energy—more petroleum to turn the wheels of transportation, more oil, natural gas and coal to fire the boilers of electric utilities, more fuels and electricity for heat in the winter, air-conditioning in the summer and the year-round operations of industry. In the last 15 years, total consumption doubled; in the next 15 years, it is expected to double again.

But Americans are also demanding a quality environment. Appalled at ugly strip mines, oil slicks from tanker spills and leaky off-shore wells, denuded corridors of land for transmission lines, sulphur oxides and fly ash from power plants and the specter, real or imagined, of radioactive perils from nuclear centers, they are resisting the construction of precisely those new facilities that are essential to the production of more power.

In the last few years, moreover, numerous technical breakdowns at power plants and miscalculations by both utilities managers and Federal officials have, under the most charitable interpretation, made an inevitable crisis worse.

Now, when thoughtful people close to the issue talk about solutions, they almost unanimously fall back on nuclear energy as the only satisfactory way to accommodate society's needs and keep the traditional energy distribution system intact.

But some are also beginning to ask questions about the larger economic system itself, about its underlying notion of freewheeling, permanent growth and about what, short of rigid national controls, could replace it if it should fail to meet the crisis.

Is it possible to have a thriving, motorized, computerized, air-conditioned society with a high standard of living shared by as many as possible and a largely uncontrolled economy—and to have a healthy, comfortable, even beautiful, environment, too?

A FAUSTIAN BARGAIN

At the beginning of the Industrial Revolution man unconsciously but decisively struck a Faustian bargain, giving up a bucoloc environment for a power beyond anything his and his animals' muscles could provide. This eventually made it possible for modern man to command, at the twist of a knob on a 300-watt television set, an electrical force the equivalent of the energy output of a grown man, an unseen slave, and to harness in the Saturn 5 moon rocket the power of 900,000 horses.

Only now—now that the world is more crowded and energy is being expanded at a rate more prodigous than anyone could have foreseen when Watt invented the steam engine—are the implications becoming sharply defined in the form of a perplexing question:

Can modern man strike a balance where he once struck a bargain?

The difficult search for answers, only barely begun, leads down many avenues: economic, technological, ecological, political, social and philosophical. "The energy situation is a microcosm of the problems facing the nation," says Dr. Edward E. Davis Jr., science adviser to President Nixon.

In order to obtain a balance with the environment, do you slow down the accelerating trend of energy consumption—and if so, how?

STAGNATION A RISK

Americans are 6 percent of the world's population, but consume 35 percent of the world's energy output. Since 1947, their consumption of electricity has been rising at an average rate of 7 percent a year. Natural gas consumption has been rising at a rate of 5 to 6 percent a year, with oil at 3 percent and coal at 2 percent.

Last year, despite the economic recession and declining birth rates, consumption rose even more sharply. Americans used 4.5 percent more energy than in 1969, and 9.2 percent more electricity.

If this consumption trend continues, Americans in the year 2000 would be using the equivalent of 76 trillion kilowatt hours of electricity and other energy sources—nearly four times the present usage rate.

But will the trend continue? Can it? Should it? And if it does not, do you risk economic stagnation, unemployment, even a decline in national power vis-á-vis the rest of the world? Can you accept the psychological wrench of living in a nation with its foot off the accelerator, after two centuries of vigorous and glorified growth?

Or do you increase the energy output, since it is a human tendency to want more and since it will take massive amounts to recycle wastes, treat sewage, run air-pollution-control mechanisms and power mass transportation systems needed to reduce auto pollution?

Do you raise prices of fuels and electricity to help pay for cleaning up the environment—even if it means dimming the prospects of poorer people to share fully in the high-energy society?

Do you encourage development of new, "cleaner" energy technologies—and if so, which ones? Can you get people who are increasingly disillusioned with technology to accept more nuclear power and pay for greater research toward "nonpolluting," virtually inexhaustible power from controlled nuclear fusion?

Or do you reject nuclear energy and continue to "live off earth's capital"—the limited, non-renewable fossil fuels (coal, oil and gas) that took millions of years to form and, in some cases, may last only another century? What, then, do you leave for generations to come?

And even if energy resources were infinite—if fusion became a practical way of supplying nuclear power years from now—do you want power plants everywhere you look? Do you ignore the warnings of scientists who say that the environment is finite?

ALL ENERGY ENDS AS HEAT

All energy, scientists point out, eventually ends up as heat. The biosphere—Spaceship Earth's life-support system, that thin global envelope of air, water and soil that sustains life—can absorb only so much excess heat without atmospheric consequences perhaps as dire, some scientists say, as the melting of polar ice and flooding of coastal civilization.

"The 'scarcity' of the environment is now replacing the scarcity of fuel as the critical constraint in growth of the energy industry," says Dr. Norman H. Brooks, professor of environmental science at the California Institute of Technology. "The environment can no longer be regarded as infinite."

As in any crisis, this one has its optimists and alarmists. Petroleum companies and electric utilities see the problem primarily as one of meeting energy demands, if possible with a minimum impact on the environment. The Atomic Energy Commission takes the position that there is no big problem, if only the public would accept nuclear power as its salvation. Many environmentalists tend to overlook economic needs, seeing only the smog and oil spills.

Part of the problem is that few people are really talking to each other, or listening. A recent discussion between two Massachusetts Institute of Technology professors, both electrical engineers, illustrates the point.

One said: "I worry about our continued energy growth. Some place we reach real trouble, and I bet it comes by 2100." To which his colleague responded; "I can't see how you're going to limit demand and go live in a tent by Walden Pond." The first professor snorted: "That's a Philip Sporn answer, and it's stupid."

Philip Sporn is the retired president of the American Electric Power Company. At a recent seminar on energy in Washington, Mr. Sporn conceded that the doubling of electricity demand every decade, a trend all this century, has "definite limits" and that the environmental concern "is legitimate enough." But he defended most utility practices, while ecologists at the seminar spoke mostly of the biosphere and rarely about filling immediate energy needs.

SLIGHT MOVE TOWARD ACCORD

There are, however, some small beginnings toward a reconciliation of the two points of view. This is occurring where the problem is especially acute and controversial—over the issue of where to build new power plants.

Many of the nation's 3,400 power plants are old and inefficient and will have to be replaced soon. Moreover, the Federal Power Commission estimates a need for at least 255 new plant sites (91 for fossil-fuel plants, 164 nuclear) by 1990. Most of these new plants are expected to be mammoth, with greater potential for environmental damage.

For this reason, among others, proposed plant sites are being scrutinized more closely than ever. Even without serious opposition from conservationists, it now takes six to eight years for a new plant to move from conception to operation. Consolidated Edison Company's proposed Storm King plant on the Hudson has been tied up in the courts since 1965—with no resolution in sight.

An experiment in Minnesota serves as a possible model for reducing some delays raised by environmental questions.

Early last year, the Northern States Power Company in Minneapolis decided to share some of its decision-making responsibility for plant site selection with groups concerned with protecting the environment. Under a policy of "open planning," representatives from some 30 groups joined a task force set up by the utility.

Some were skeptical, suspecting it was only public relations ploy. Some in the company were none too happy about sitting down with their sharpest critics. But after six weeks of meetings, recalls R. W. Comstock, Northern States Power's director of environmental affairs, the more vociferous critics settled down and the task force got busy on its recommendations for where to put the company's next power plant.

RECOMMENDATION FOLLOWED

They had four sites from which to choose. They rejected the company's first choice, the Louisville swamp on the Minnesota River, because the area was being considered as a state park. They ruled out two other possibilities because other plants were already in the area. Instead, they selected a site in Monticello, Minn., which the company deemed the least desirable economically. Nevertheless, Northern States Power followed the recommendation.

"It looks at this point as if the company will be able to install a generating station without a major public confrontation for the first time in over a decade," Mr. Comstock says. The citizens group has moved on to studies of future plant sites and the whole question of future energy needs.

Open planning is still highly controversial. Some utility executives see it as just one more nuisance in the already difficult procedure of getting plant sites approved. In some states, utilities must get 30 to 40 licenses, permits and certificates—from power, health, wildlife, waterways and other agencies—during the course of planning and building a plant.

Conservationists would like to see more utilities adopt more planning similar to the Minnesota example, but preferably at an even earlier stage of decision-making. Eventually, they want it made a permanent, legislated part of utilities industry operations.

As Peter Borrelli, eastern representative of the Sierra Club, an environment-protection group, says:

"Even to environmentalists, regardless of how hard a position they take on energy growth, certain facts jump out and present awesome managerial problems. Even if growth is curbed, even with zero population growth, we are going to see a threefold increase in electric power consumption in the next 20 years. It's going to happen, and we have to learn how to deal with this."

The Edison Electric Institute, an association representing 185 of the major investor-owned utilities, favors an approach to plant-site approval called "one-stop shopping."

"ONE-STOP SHOPPING"

The idea, which a few states have adopted, is to expedite site approvals by eliminating the need for a utility to go through two or three dozen state agencies. One agency, usually the equivalent of the public utility commission, would have over-all authority. Such is the purpose of legislation supported by Governor Rockefeller in the New York State legislature this year.

Most conservationists find one-stop shopping unacceptable. State utility commissions, they complain, are "historically in the pocket of industry" and do not normally take into serious consideration such issues as land conservation, wildlife protection and water pollution problems.

While plant-siting delays could prolong the crisis, that was only one factor in bringing about the immediate energy problems. Aside from pressures generated by environmentalists, the crisis is seen as the almost inevitable result of management miscalculations, technological troubles and certain Government policies.

In the case of electric power, for example, the nation's utilities underestimated demand. The Federal Power Commission had predicted in 1964 a 6.5 per cent annual growth rate, which became the basis for most planning. But the growth rate in recent years has run close to 9 per cent because, in part, of an unexpectedly sharp rise in air-conditioning.

Another miscalculation was made back in 1966 when the nation's first truly commercial nuclear plant was completed at Oyster Creek, N. J. Utilities began "thinking nuclear." They rushed to place orders. Consequently, the coal industry slowed down the development of new mines and, looking for new markets, signed some big export contracts, especially with Japan.

But manufacturers had trouble meeting delivery schedules for nuclear facilities. Some of the units had to be sent back to the factory because of poor workmanship. Shortages of skilled construction labor, strikes and various installation problems also contributed to delays of months and often years.

By then, one energy expert says, "it was too late to shift gears." Utilities were forced to rely a little longer on their older generators, which presented maintenance problems of two kinds.

One was the result of the utilities' "load-building" promotional policies, industry experts explain. They heavily promoted air-conditioning, among other things. so that summer and winter demands would balance out. But their success left them with little time to take generators "off line" for maintenance. The result was more equipment breakdowns.

And because of another trend—toward "economies of scale" through the use of bigger and bigger generators—a single breakdown could eliminate practically all of a utility's total reserve capacity. This was why the nine-month breakdown of "Big Allis," Con Edison's temperamental million-kilowatt generator in New York, was of such concern. That single generator accounts for 13 per cent of Con Edison's installed capacity this summer.

Short-sighted management is often given as another reason for the utilities' current predicament. The utilities, their critics say, have rarely attracted the more talented engineers or encouraged technical or managerial innovation.

Dr. Carroll L. Wilson, a professor at M.I.T.'s Sloan School of Management, observes: "In the utility industry, it's been so damned easy to grow. You didn't have to be half smart."

The attitude of some managements, says Mr. Borelli of the Sierra Club, is "just push the juice out and pray."

FEDERAL AGENCIES BLAMED

Some of the blame, the utilities contend, rests on the Government regulatory bodies for the way they establish electricity rates. Utilities complain that they are not usually allowed to charge enough to finance expansion as rapidly as necessary.

It costs about $250-million to build a million-kilowatt fossil-fuel generating plant and as much as $280-million for a nuclear plant of the same capacity. Utilities say that with some of their present profit margins they find it hard to borrow the money for such expansions.

The low rates, which are based primarily on a return on invested capital, are also cited by the industry to explain its reluctance to invest heavily in research. Many of the state power commissions do not allow the companies to treat research as a business expense.

Utilities now spend less than 1 per cent of sales a year directly on research, primarily on transmission technology. Most fundamental research is financed by the Government and the electrical equipment manufacturers.

Another critical element in the current crisis involves the supply of fuels.

For years petroleum has been the nation's primary energy fuel. Last year it supplied 43 per cent of all domestic energy demands; natural gas was next, with 33 per cent; bituminous coal, 20 per cent; water power, 4 per cent; anthracite, 0.3 per cent, and nuclear energy, 0.3 per cent. The figures add up to more than 100 per cent because the larger ones are rounded off.

NO IMMINENT THREAT

Although fossil fuel resources are finite, there is no threat of imminent depletion. According to recent Government estimates, the earth's coal will probably hold out for at least three or four centuries. Natural gas and oil, including that in oil shale and in the polar regions, may run out in a century.

But there is the more immediate problem of getting the fuels, especially the cleaner, environmentally acceptable ones, out of the ground and to market in sufficient quantities.

More and more communities, including New York, Chicago, Los Angeles and Boston, now requires or soon will require utilities to burn only fuels with 1 per cent sulphur content, or less. The restriction, made to reduce dangerous sulphur dioxide emissions, rule out much of the nation's available coal and crude oil. Chicago, near the big Illinois coal fields, must haul in low-sulphur coal from Wyoming at premium prices.

Aside from environmental concern, there is increased pressure on fuel supplies because of the growing importance of electricity. About two-thirds of the energy in coal or petroleum is lost in generating electricity, escaping out the stacks and into the water used for cooling.

There is no sure end to the nation's energy crisis in sight. John A. Carver Jr., a member of the Federal Power Commission, predicts: "For the next three decades we will be in a race for our lives to meet our energy demands."

On a national scale, there is a developing consensus among engineers and economists, utility executives and environmentalists over the need for a better-coordinated, long-range energy policy.

The "unrealistically" low price of electricity commands much attention. A 1 per cent tax or a surcharge on all electricity bills has been recommended to finance research in new technologies and to help curb demand. A similar suggestion, which President Nixon has endorsed, is that energy prices should reflect the "full cost to society"—what the product costs in water and air pollution as well as in raw materials and other conventional costs.

Meanwhile, in the absence of a coordinated national policy on energy, state agencies regulate local utilities and energy prices. The Federal Power Commission is responsible for the price of natural gas and some hydroelectric matters. The Atomic Energy Commission promotes and licenses nuclear power. The Department of the Interior oversees oil import quotas, mine safety, offshore petroleum deposits and other resources on public lands. Other agencies, local and Federal, are concerned with pollution standards.

The White House would like to see most of the Federal energy programs combined within a single Department of Natural Resources, which is part of the President's proposed governmental reorganization plan.

Although the energy industry has reservations about more Government restrictions, there is a new recognition that, as Mr. Comstock of Northern States Power puts it, "the old rules of the game have changed" and that it would help to agree on some new rules concerning both energy and the environment. No one expects it to be easy.

"There are no miracle solutions," Mr. Comstock says "There are only hard choices—hard choices for me, for you, for my corporation, for all institutions, and some of these choices must be made very soon."

SIXTH DISTRICT YOUTHS TO TOUR ABROAD WITH AMERICAN YOUTH IN CONCERT

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. BYRON. Mr. Speaker, an outstanding group of young Americans will be traveling abroad this summer as musical ambassadors of the United States. The group is called American Youth in Concert and is sponsored by the Universal Academy for Music in Princeton, N.J. Twelve youngsters from the Sixth District were included in the group that left the United States on July 6. American Youth in Concert consists of a symphony orchestra, a concert band, and a chorus.

American Youth in Concert has already given concerts in New Jersey, in Carnegie Hall in New York City, and in Constitution Hall here in Washington before their departure for Europe. In Europe they will give concerts in London, Brussels, Paris, Zurich, Rome, Genoa, and Nice. Several of their members were present yesterday when the President signed the certification of the 26th amendment giving the 18-year-old the vote.

The members of the American Youth in Concert from the Sixth District are: Cathy Shultz of Frostburg, Carol Beard of Walkersville, Liana Bowers of Walkersville, Peggy Leatherwood of Mount Airy, Ann Stone of Boonsboro, Linda Wood of Middletown, Mark Dixon of Mount Airy, Dennis Harner of Taneytown, Sydney Naylor of Taneytown, Wayne Perry of Frederick, Dave Rohrer of Frederick, and Jay Geiser of New Market. I would like to congratulate all of these young people for being chosen for this trip and wish them bon voyage.

DISTRICT OF COLUMBIA ENVIRONMENT—GANG RAPE, THE NEW THING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. RARICK. Mr. Speaker, the liberal aspirations which promoted Earl Warren's dreams continue to haunt the American people as nightmares.

The latest fad in the jungle, which was once the proud Capital of the United States, is gang rape.

A 15-year-old girl was gang raped by 10 men; five men gang raped two coeds. Crimes of violence are an everyday occurrence under the liberal environment which has been imposed upon the cities by unreal interpretations of the Constitution by the Supreme Court.

It is tragic that many of our young people cannot recall the atmosphere of peace and safety which existed in our cities and on our streets before Earl Warren's reign.

And it will not get any better until the Members of Congress forced by the American people, reduce the power of the Supreme Court and restore it to its proper role under the Constitution; that is, that of interpreting the laws rather than ignoring them.

I ask that several newsclippings follow.

[From the Evening Star, July 6, 1971]

GIRL, 15, ASSAULTED BY 20 YOUTHS IN P ST. BEACH AREA

A 15-year-old Upper Northwest Washington girl was raped and forced to commit sodomy by a group of about 20 young men early today, police reported.

The girl and her 16-year-old boyfriend, the police report said, were in the P Street Beach area—southwest of the intersection cf 24th and P Streets NW about 2 a.m.

They were accosted by three young men who forced the boy-friend away and dragged the girl into some bushes. Several more men were waiting there and were joined by about a dozen others, the police report said.

The girl told police she was raped by about 10 of the men and forced to commit other sexual acts.

She was treated at D.C. General Hospital.

[From the Evening Star, July 7, 1971]

FIVE RAPE TWO COEDS ON HILL

Five men broke into a Capitol Hill apartment last night and raped two coeds as the young male tenant was forced at gunpoint to lie on the floor.

According to police, the gunmen forced the rear door of a home in the 1100 block of East Capitol Street at 8:45 p.m., then made their way down a stairway to the basement apartment. Both coeds are 22.

The tenant said the men entered the apartment, their faces covered with towels. They raped the women and then fled with about $30 and a coin collection belonging to the apartment tenant, who valued it at more than $300.

Before the rapes, the men forced Kirk McKinney, a Brown University student who is working this summer for Sen. Birch Bayh, D-Ind., and who lives in the house, to leave the basement apartment and lead some of the intruders upstairs, where they searched several rooms.

A friend of the two women, both of whom are taking ballet instruction at American University this summer, said, "They are all right."

The friend, a law student who also lives in the house, which is shared by several young men, said, "We've written letters repeatedly to the District government, trying to get better street lighting in this area of Lincoln Park. We also have been trying to get better patrolling methods by police."

"One thing that really burns us up here is the fact that we can't park our cars near our homes on East Capitol Street in the Lincoln Park area because of the rush hours for commuter traffic going to and from the suburbs."

The young man continued, "Here we have parking restrictions so that Maryland residents can speed right into work. A lot of us have made up our minds that we are going to park our cars near our homes in violation of the law . . . we're tired of getting out of cars on dark side streets and literally running to our homes at night.

"My family and I arrived at my home shortly after this thing happened. I won't bring them back here after this," he said, adding, "I'm not trying to be an alarmist, but I just won't live in an area where it is not safe."

He said the wife of an assistant U.S. attorney who lives nearby was the victim of a pursesnatching last week. "This same attorney tried to get a patrolman to walk a beat in this area in May," the student said. "We saw an officer for a couple of days walking in the area, mostly in the daylight hours and then he disappeared."

RENAISSANCE MAN STEPS DOWN

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. BOW. Mr. Speaker, Caryl Haskins, president of the Carnegie Institution of Washington, who has recently resigned from that position has made a great contribution to this country. It has been my high privilege and great honor to serve with him as a member of the

Board of Regents of the Smithsonian Institution for a number of years. His service to that institution has been outstanding and one of great dedication. Everyone who has the opportunity to visit the Smithsonian Institution owes a debt of gratitude to Caryl Haskins. I am delighted that he continues to serve as a member of the Board of Regents for it would be most difficult to replace a man of his great learning and dedication.

Mr. Speaker, I insert with these remarks an article which appeared in the Washington Post on Sunday, July 4, 1971, by David McCord relative to the retirement of this great American:

Renaissance Man Steps Down

(By David McCord)

(McCord is a poet and essayist who wrote te following essay, including the poem that precedes it, to mark the retirement of Caryl F. Haskins as president of the Carnegie Institution of Washington.)

Recurrent dream: Still perched in the apple tree,
The nightswim of the dolphin stars begun,
Late lightning bugs thick, thicketing the run
Of leaf and meadow. I am six and me—
Malarial, on quinine, listening for
That fitful faroff aftermath of reds
Blues, greens, and yellows of brilliant flower beds
Exploded from the fairgrounds in the core
Of valley darkness. So my feverish nights,
Exhaustion in the labyrinth of sleep,
Would fold in cold compression with the flights
Of rockets to the summit of the steep.
I'd wake, the starburst lingering, and try
To count corks popping in the febrile sky.

Some people are privileged by great good fortune to become the instant friends of others whose backgrounds, interests, abilities, training, professions, and plain mystique lie poles apart from theirs. But do we care to examine into these same friendships in the light of intellectual curiosity, it is not impossible that the paintbrush or the poem may be exchanged for the diffraction grating, a dozen ohms, a maser; or the market value of the square root of minus one for a tone poem, a print by Rudolph Ruzicka, an ivory netsuke, a butterfly, a stalk or station of wild New Hampshire penny cress, or a brace of cool caesuras in a line of verse.

So it is with my sometimes bewildered self and Caryl Haskins. To follow his swift helix up the spiral stairs of DNA, or even on the trail of Darwin's finches, brings to mind the comment of one lady to a lecturer: "I was always confused about this, but now I am confused on a higher level."

Caryl Parker Haskins, Ph.B. Yale 1930, Ph.D. Harvard 1935: Scientist, educator, humanist, relentless traveler in paths of grand perspective, close inspector of this man-made world, and of the many-legged and multiwinged societies above and under ground, life partner of unorthodox explorers, champion of the individual, intense believer in our own society "sustained by the earned dignity of those supporting it," custodian of precious friendships in two hemispheres, scholastic teacher and brilliant expounder—such is this respected man and leader who stepped down on Friday at 62 after more than 15 years as president of the Carnegie Institution of Washington.

He whom A. Whitney Griswold, sometime president of Yale, has called "the man for the 21st century," will understand why in those 14 lines above—a fragmentary note on one man's early solitude—I have touched, however lightly, on some areas in which he is at home: eulogy, astronomy, entomology, biophysics, oceanography, chemistry, medicine, botany, psychology, communications, genetics, the outer void, responsible response. One does not inventory genius; for like the Canon Aspirin in one of Wallace Stevens' poems, my old friend's mind includes the things

that in each other are included, the whole,
the complicate, the amassing harmony.

CALMNESS AND DRIVE

I first met Caryl Haskins in Boston some 35 years ago. He was a friend of my old friend and Harvard classmate, James N. White, who has just completed his term as chairman of the board of the Carnegie Institution. Caryl, he said, would astonish me. What an understatement! Caryl has never ceased to astonish me by (a) his vast comprehensive knowledge across the whole spectrum of science, (b) the kinetic drive expended on a daily schedule that would kill a dozen younger men, (c) his absolute simplicity, kindness, and irrepressible enthusiasm. When I have talked with Caryl, I no longer see the darkness: the ketosis of the world is cured.

Behind the marvelous volley of words, his quick laughter, there is a detectable calm, a genuine reassurance. In the front of my mind, at an early meeting with Caryl, was a line from Hugo's "Hernani": *"Je suis une force qui va."* He told me once, before his marriage, that he had driven to the rim of the Grand Canyon, hiked alone down the Bright Angel trail to the Colorado River, climbed back, and driven off to see the Painted Desert. Had J. B. Priestley never said it of Arizona, Caryl could have said it just as beautifully: "This country is geology by day and astronomy at night."

Once in Washington I telephoned and learned that he had gone to the dentist. I thought: Why not call for him there? "No," said his secretary, "his dentist is in Schenectady." And indeed, what was that but a local appointment for a man who spends frequent Christmases with his wife in Australia looking for ants? This Yale man, we used to say, took his Ph.D. at Harvard by a series of weekend visits.

It is a fact, perhaps a curious one, that in science only those who have risen to the top or nearly so may write and publish for the layman with impunity. One thinks immediately of Franklin, Jefferson, Faraday. William James, Darwin, Bertrand Russell. Einstein, Hooton, Caryl Haskins. Now most of these scientists were, in their popular prose, attempting to simplify. Haskins does not. He treats you as an equal; as if you had helped to split the atom, or put the shatterproof in glass, had you but chosen the quiet laboratory instead of the hustling bank. "Of Ants and Men" (1939), fascinating though it is to the uninitiated, loaded with generics such as *Atta texana, Lobopelta, Leptogenys, Stigmatomma, Dorylus, Paraponera, Odontomachus, Strongylognathus, et al.*, is a book for the myrmecologist as well as the omnivorous reader, Clifton Fadiman, I remember, reviewed it cum laude in The New Yorker.

Caryl Haskins' second book was a huge scholarly 400-page volume called "The Amazon: The Life History of a Mighty River." Like many of the titles in the Rivers of America series (of which, of course, it is not one), it deals literally with the littoral, is synoptic, taking in the tributaries, examining resources, and surprisingly glosses over fauna in favor of flora (*Hevea brasiliensis*—rubber—for example).

Suffice it to say that Haskins' third book, "Of Societies and Man" (1951, now in paperback) is his obvious masterpiece: a staggering bibliography behind and under it; and that selective, philosophic, well-trained mind examining every aspect of social evolution: host, parasite, and slave; democracy and the totalitarian state: "A book of authority . . . a realistic book . . . a book of heartening competence." These are the words of its introducer, Vannevar Bush.

An Emersonian often thinks about that great essay on Self Reliance, and about the well-known line; "An institution is the lengthened shadow of one man." Now it is the design and nature of the Carnegie Institution of Washington that the lengthened shadow of many men shall fall continuously across it, since its concept was magnificently broad in principle, and its self-perpetuation perfectly at one with that of the tree of life and life's inexhaustible fruit.

Caryl Haskins, reviewing "Pieces of the Action" by Vannevar Bush, who preceded him as the Institution's president, speaks of Dr. Bush (architect of the Office of Scientific Research and Development during World War II—a man who calls himself an engineer) as the one who "introduced the Age of the Computer." But he also says (and more importantly) that "As with Jefferson and Franklin, this is a man whose life has been lived in that richest but most perilous domain: the zone of boundaries between nature and human affairs."

Those last nine words deserve emphasis, for through the unremitting vigilance and inspiration of Caryl Haskins (quoting his words about Bush) "the Institution remains today undeviatingly dedicated to the idea of the pioneering scientific investigator, to his education and preparation for his task at the levels of high and steady consistency of excellence and sophistication, and to the search for truth."

This thought, this thriving dream, is likewise of an America that has not lost and will not lose the vision of greatness. In an essay on "Mr. Jefferson's Sacred Gardens" for the Virginia Quarterly Review in 1967, Caryl Haskins concluded: "Our task is still today as it was phrased by a Japanese sage, separated from us by half a world of space and centuries of time, when he said, speaking precisely to the philosophy of Jefferson, 'Do not do what your ancestors did; rather, seek what they sought.' "

In 1886, Daniel Coit Gillman, first president of the Carnegie Institution (but at that time president of Johns Hopkins University), gave the Phi Beta Kappa Oration at Harvard. At the end of that excellent address, he said: "From the revival of letters until now, from the days of Gerson, the great chancellor of the University of Paris, 500 years ago, every advance in civilization has been dependent upon the influences which have proceeded from the seats of learning."

These words have very pleasant overtones, for as a seat of learning the Carnegie Institution has distinguished itself, and continues to do so. It has had its standing as a university officially confirmed, and two of the nine 1970 Medal of Science winners are members: Barbara McClintock, for pioneering our knowledge of the regulatory function of genes in plants, and Allan R. Sandage, for unraveling the evolution of stars and galaxies. And in 1969, Dr. Alfred D. Hershey, director of the Genetics Research Unit of the Institution, shared the Nobel prize in physiology and medicine for discoveries concerning the genetic structure of viruses.

Equally and deeply significant in point of honor over these past months, the Institution's history will record the series of symposia in several disciplines arranged by admiring colleagues as an international tribute to their president. Universities and countless learned societies here and abroad have testified to his leadership in science.

A GRACEFUL WRITER

No words about Caryl Haskins can achieve the quality of freshness and excitement in his letters. Sometimes they read like memoranda from the cosmos, and even a casual opening paragraph will slip the reader in and out of a situation, adventure, experience which neither has nor needs the usual hail and farewell. In a higher key one fragment—

almost any fragment from my file—bursts into flame. This is not simply the plunging method of Chekhov or of Katherine Mansfield, for here one speculates on overtones and implications. As, for instance:

"Now for the basilisk. He *does* go clean over the water, at a whirring rate, without wetting much more than the soles of his feet, and his feet are *not* webbed. He just keeps them moving so fast that inertia saves him from gravity, so to speak. The first one I ever saw was when wading up to the neck in Gatun Lake just offshore of Barro Colorado, long ago, and one of these, pea-green and about eighteen inches long, jumped out of a tree overhead, landed neatly on the water in an upright position near my head, and buzzed off across the lake bolt upright and accompanied by only a faint splashing spray."

And further: "What silent, spacious witching country the South Downs is! In that bright fall sunlight, it seemed an endlessly rolling ocean of long coarse grass, punctuated only by occasional winding tracks of chalk and isolated clumps of thistles, peopled by somnolent late small tortoiseshells and those bright flitting elfs, the Ringlet. And in a nearby Hawthorn, spattered with its crimson fall burden, was a flock of bright European gold-finches! The first I have ever seen at large in an English countryside."

"I put in some time at the University of London with various of their neurological and communications people, mostly about to take off for Naples Zoological Station for a fall of symposia. There is much work of great beauty and penetration going on in the field between modern electronics and circuitry, computers, studies of 'self-organizing' systems, neurophysiology, the genetics of animal behavior, and animal behavior itself. The field is a very new one, sparked particularly by recent developments in cybernetics and the development of information and more particularly game theory in the last five years. The many lines that it crosses make conferences involving it the most universal and exciting things that I've encountered in the last several years. Now the whole notion that the structure and behavior of living systems have much to teach in the structuring of human systems in engineering and defense has taken a powerful hold on imagination here and abroad. And still the ideas are far from clear! So the social insects come forward once again, in a new context!"

"And then [at Kashmir Vale] there is the wonderful Indian house crow (*Corvus splendens splendens*, and he looks and acts it) by whom we have been pursued all over the country. In the south you are warned to leave no watches or jewelry lying on the table because he will steal them—and one nest was found built entirely of gold and silver spectacle frames . . ."

"Thought that you might have a corner on some wall for the new Hale Telescope's view of the great nebula in Andromeda which seems effectively to dwarf our earthly problems."

"I got a short walk in St. Jame's [London] this morning, and put up a stately wild grey heron . . . He resembled *Ardea herodias herodias* [our great blue] rather closely except for his somewhat more ashy color. He stepped heavily off a few yards and settled to resume his patient watch for stickelbacks. (They must be a bit peppery to swallow.)"

"A notable year [1961] in the astronomy program of the Institution. It has been marked by the finding, with the great telescope on Mount Palomar, of by far the most remote object in the universe ever discovered, and by the measurement by the red shift of its velocity of recession."

What, then, on the Fourth of July, could be better than to reflect on the fact that this nation can produce a great scientist who is also just as great a humanist? I think sometimes of two sentences in a quite remarkable essay written by an English scientist whom I have long admired. This is J. B. S. Haldane—and, if I am not much mistaken, the Haskins once sent his wife some guppies. The Haskins' spare apartment in Washington is neatly arranged with dozens of tanks filled with what to a fly fisherman always appears to be this rather dubious breed! At any rate, Haldane said in 1932: "Snakes have lost their limbs and ostriches and penguins their power of flight. Man may just as easily lose his intelligence." I do not think he will.

No, I hold with Caryl Haskins on the side of life and optimism. Before this day is over, think a little on these words of his:

"It is the gifted unorthodox individual in the laboratory or the study or the walk by the river at twilight who has always brought to us, and must continue to bring to us, all the basic resources by which we live. Let us guard and honor his position and his profession with every resource we can muster."

Those words have to do with solitude; so at times does a poem:

> But man must light for man
> The fires no other can,
> And find in his own eye
> Where the strange crossroads lie.

A BILL TO CHANGE FEDERAL ELECTION DAY TO MAY 15

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. LUJAN. Mr. Speaker, this bill is for the taxpayer. It does not require an appropriation—it does not cost anybody any money—but it will most assuredly save the taxpayers millions of dollars.

This bill simply changes Federal election day to May 15—exactly 1 month after the April 15 income tax.

This allows for 30 days of deep contemplation on the part of the taxpayer as to whether he is getting his money's worth out of his taxes—and out of his elected representatives.

The signers of the Constitution did not envision a Federal income tax, much less the payment of this tax falling due more than 6 months preceding election day in November. During these long, long 6 months, a person's mind is beset with all manner of personal and business problems. All of these tend to distract him from the casual relationship between spending and taxing. That relationship, as we all know, is painfully clear and immutable: when we spend, we must tax; if we cut taxes, we must cut spending.

Some of my wild-spending, there's-no-tomorrow colleagues will frown on close financial accountability of their votes. Time and forgetfulness are now on their side, and they will oppose this change. But I ask my colleagues to give the taxpayer a little break. Let him vote on May 15 while April 15 is still fresh in his mind.

This bill to change election day to May 15—exactly 1 month after April 15, income tax day—will accomplish three results:

First. It will give a tremendous boost to voter registration and voter turnout, which we all desire.

Second. It will scare the daylights out of all wild-spending politicians of both parties.

Third. This will result in saving the taxpayers millions of dollars. Can we ask, Mr. Speaker, for one small bill to accomplish more?

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. SCHWENGEL. Mr. Speaker, earlier this year I brought to the attention of my colleagues a report on bus safety. The report was prepared by the Bureau of Motor Carrier Safety. The following article from the May 25 edition of the Des Moines Register further discusses the report:

11% OF BUSES ORDERED OFF ROAD AFTER SAFETY CHECKS

(By James Risser)

WASHINGTON, D.C.—Safety inspections of about 6,000 interstate buses last summer resulted in 11.6 per cent of them being ordered "out of service" because of "imminently hazardous" defects, Representative Fred Schwengel (Rep., Ia.) disclosed Monday.

The special stepped-up inspection program, conducted by the Bureau of Motor Carrier Safety following a number of severe bus accidents, found many buses had poor brakes, thin and damaged tires and faulty exhaust systems.

CALLED "SHOCKING"

A seven-state Midwest region, which included Iowa, produced the biggest percentage of serious defects. Of 484 buses inspected there, 87 (or 18 per cent) had to be ordered off the road.

Schwengel called the figures "shocking," in a speech in the House of Representatives Monday.

Referring to a bill which would permit buses 102 inches wide—six inches more than the present limit—on Interstate highways, Schwengel said:

"It is unconscionable for the big bus lobby to plead for wider buses on the basis of safety when they have such a deplorable record with respect to existing equipment."

The bureau's study involved 5,902 buses About two-thirds of them were buses on regular scheduled runs, and the other one-third were chartered buses.

The bureau's report of its findings was completed in April, and Schwengel recently obtained a copy.

Altogether, the federal inspectors logged a total of 11,726 defects—an average of nearly two per bus. Only 812 (14 per cent) had no defects at all.

MINOR THINGS

However, many of the defects involved such relatively minor things as a burned-out light or a jammed window, and were not serious enough to warrant an "out of service" order.

The "out of service" designation means that a bus had "a defect of such type and degree as to render a vehicle imminently hazardous to operate until repaired" and also generally indicates that the bus "has been less than adequately maintained over a period of time," Schwengel explained.

As a result of their safety checks, the inspectors ordered 688 buses "out of service." More than half (394) had serious brake defects.

Some 102 had exhaust system problems, 73 had wheel damage, and 36 had structural tire damage.

Regular-run buses and chartered buses had about the same number of serious defects, the study showed.

Region 5 in the study included Iowa, North Dakota, South Dakota, Minnesota, Nebraska, Kansas and Missouri.

Schwengel has been arguing that permitting wider buses on the Interstate highways would increase the hazards to automobile drivers, due to "suction" or "blast" effects during passing. He said he fears that the bigger buses would be "maintained at the old, deplorably low standards" that resulted in the safety findings by the bureau.

The bill has cleared the House Public Works Committee over Schwengel's opposition, but has not yet reached the House floor.

POLICE DISAPPOINTED BY ADMINISTRATION

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. KARTH. Mr. Speaker, the president of the Fraternal Order of Police recently wrote that the attitude of the Government toward death benefits for policemen is: "We—the Government—simply do not want to be bothered."

Unfortunately in some parts of the Government, especially in the executive, this attitude is abundantly true. I would hope, however, that such a charge would not hold true for the U.S. House of Representatives. As a matter of fact, the House, I believe, will soon have the opportunity to demonstrate that it is not only bothered, but it is alarmed and willing to take action in response to the rise in police and firemen's deaths throughout the country. I have been informed that H.R. 5235—which would provide continuing Federal death or disability benefits for police and firemen killed or injured in the line of duty—will eventually be scheduled for hearings before the appropriate judiciary subcommittee. I am proud to be the sponsor of H.R. 5235.

It appears that the earliest possible date for these hearings will be following the August recess. Though I would hope for action at an earlier time, I am encouraged that the hearings have been scheduled.

As my colleagues prepare to consider this and other related legislation on this national problem, and in the light of those future hearings, I would briefly summarize my bill here. It would provide:

First, a widow of an officer killed in the line of duty would receive 45 percent of the monthly wage of her deceased husband and 15 percent for each dependent up to a maximum of 75 percent.

Second. Any officer totally disabled in the line of duty would receive two-thirds of his monthly wage. If there are dependents, the benefits would equal three-quarter of the monthly wage.

While this legislation does not attack the problem of chronically low wages paid police and firemen, it does provide the security of continuing benefits, something the woefully inadequate administration proposal does not provide.

Additionally, Mr. Speaker, I would like to place upon the record at this time a letter that appeared in the July 6, 1971, edition of the Washington Post by John J. Harrington, the president of the Fraternal Order of Police. I believe the points raised by President Harrington are valid, and I wish to emphasize the lack of leadership in this area from an administration "which cried law and order so loudly."

Mr. Harrington's letter:

POLICE DISAPPOINTED BY ADMINISTRATION

As president of the Fraternal Order of Police, which is composed of active police officers and which is by far the largest police organization in the country, my opinion is that the majority of police officers are confused, disappointed and angry over the administration's program to aid policemen.

Along with several other police officials from areas where policemen are being assassinated with regularity, I was not invited to the so-called crime conference in Washington, D.C., recently. I have been a police officer and have represented policemen for many years and, whether right or wrong, I have some decided opinions on action the federal government can and should take to help make the policemen's lot a better one and, thereby help build up badly depleted and demoralized police forces.

For example, the FOP has consistently advocated extending the benefits now given survivors of policemen killed in the line of duty. This the government has resisted, saying that it would put the government further into an area which should be left to the states and localities. In view of the tremendous and every day extension of federal power into so many sectors of our lives, my view is that this argument is ridiculous and amounts to saying in effect: "We simply don't want to be bothered."

Similarly, the government opposes making a conspiracy to kill a police officer a federal offense, once again raising the worn-out argument about the extension of federal power which, in view of all the circumstances, makes little sense. For instance, the FBI now steps into a kidnaping case if there is no solution within a matter of hours. Yet, with policemen being murdered at an alarming rate and evidence accumulating that many of these assassinations are planned in advance, the government once again shrugs its shoulders and acts as if we were in an era before a long series of court decisions extended the Interstate Commerce Clause to cover almost all activity in the country.

There should, in the opinion of the FOP and other police organizations, be educational benefits for the survivors of policemen killed in the line of duty. While we have had no word about this proposal, all indications are that, once again, we will meet opposition.

I read that at the Washington crime conference it was agreed to support the proposal that the widow or dependents of policemen killed in the line of duty be given $50,000. This is poor substitute for a comprehensive program where the funds will go to those who most need them on an orderly basis.

Also, police salaries are low, far too low. The government is interested in seeing to it that many groups get a minimum wage but there seems little interest in a living wage for policemen. Otherwise, where are new recruits to come from. I have not studied the so-called Safe Streets Act in detail but its appropriations have risen to the tremendous sum of $1 billion a year. From all that I can tell, much of this money is wasted and is withheld from the high crime areas.

All in all, policemen are deeply disappointed with the programs and actions of an administration which cried law and order so loudly. There has been nothing done for a moderate federal program which would help the average policeman, even though billions are shoveled out in more ways than the average taxpayer likes to think about.

JOHN J. HARRINGTON,
President, Fraternal Order of Police.
PHILADELPHIA.

DR. MURUPA'S DEFECTION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. SCHMITZ. Mr. Speaker, in the presentation of news in this country about Africa, two recent events of interest and significance have received very little notice.

One concerns the defection to the Portuguese in Mozambique of Dr. Miguel Murupa, the former foreign minister of Frelimo, the Communist-supported guerrilla organization based in Tanzania. The other concerns the mystery surrounding the fate of the 27-man crew of the Portuguese vessel *Angoche*, which was found floating like a ghost ship in the Indian Ocean last month.

Dr. Murupa's defection is the most significant to date from any of the terrorist organizations harassing the Portuguese territories in Africa.

The incident is of particular interest because of the fact that the 31-year-old Dr. Murupa studied and received degrees in economics and sociology at Howard University right here in Washington. Furthermore, he was recruited for Frelimo here in this city by the late Dr. Edouard Mondlane. Dr. Mondlane, also a native of Mozambique, was a professor at Syracuse University before becoming the head of Frelimo in the mid 1960's. He was assassinated in Dar es Salaam 2 years ago by a bomb of unknown origin.

At the time of his defection to the Portuguese, Dr. Murupa stated at a press conference that "the war launched by Frelimo foresees no more than the substitution of Portugal's presence in Mozambique by that of Communist imperialism."

He said:

> My return does not indicate that I do not believe the Portugese administration does not have defects and insufficiencies. It means simply that I recognize the future outlined by Portugal is the most honest and correct.

The distinguished newspaper columnist Mr. James J. Kilpatrick, recently interviewed Dr. Murupa in Lisbon. The account of his interview appeared in the May 2 issue of the Sunday Star of Washington and other newspapers.

I believe this article will provide my colleagues with useful insight into this all too little understood struggle against Communist efforts in Africa:

AFRICAN WHO CONSIDERS HIMSELF PORTUGUESE

(By James J. Kilpatrick)

LISBON.—We sit in a restaurant on the beach at Cascais. Twenty miles away is Lisbon, bright capital of a fading empire. The black village of Prebane, in central Mozambique, is rather more distant—by about a thousand years. A new face of Africa is beside me.

This is Miguel Murupa, 31. He was born in Prebane in 1939, the only son of a subchief of the Macuan tribe. You will see the same strong planes of his face in every sculptured figure sold in the bazaars of Lourenco Marques; he is a short man who stands tall. His name is worth remembering, but the story is more important than the name. Murupa is an African once deeply committed to the Frelimo "freedom fighters." He has defected, heart and soul, to the Portuguese side.

"I am Portuguese," he says. "I am at home there. I am at home here."

Such is the hostility—and the naivete—of most of the American press, and such are the myths embraced by gullible churchmen, that you will have heard nothing of Murupa or of the dramatic shift in sentiment he represents. The conventional wisdom holds that members of Frelimo are "freedom fighters." At the very least, they are "black nationalists," struggling bravely for self-government in southern Africa.

The truth, to which this man attests, is something else. In its leadership, and in its power-hungry appetite, Frelimo is a creature of Chinese Communism. Its commitment is not to a new freedom, but to a different slavery; and its tactics are the tactics of ambush and terror.

Murupa knows. He was educated as a child in missionary schools, then at a Catholic seminary at Zobue. He worked for a time in 1962 as a proofreader on a Beira newspaper, traveled restlessly through Rhodesia and Malawi, wound up in Ghana as a radio announcer. In 1963, he won a scholarship to Lincoln University in Oxford, Pa. After a year, he transferred to Howard University in Washington, where he was graduated in economics and sociology in 1967.

He lived in an apartment out near 15th and Euclid Streets NW, a lonely scholar, absorbed in his books. While in Ghana, he had begun reading in Marxist and Leninist philosophy. In Washington, he soaked up their works. And one evening at the Sheraton, he was invited to meet Dr. Edouardo Mondlane, the brilliant and misunderstood African Socialist. They met twice more; and young Murupa—he was 28—willingly signed on with Frelimo.

He was sent to Tanzania, first to the terrorists' headquarters in Dar-es-Salaam, then to a guerilla training camp at Nashingwea. Under the tutelage of Chinese instructors, he learned something of small arms techniques, but his own mission was to serve Frelimo as an intellectual. After four months of largely political indoctrination in Maoist thinking, he became a roving ambassador, propagandist and fund-raiser. "Yes," he says regretfully. "I raised much money for Frelimo."

Disenchantment grew. He saw Frelimo divide into Russian and Chinese factions, with the Mondlane leadership cut away. The more Murupa traveled, the more he understood that "the beautiful words of the Communists had no meaning." In February of 1969 Mondlane was assassinated. Six months later, Murupa sought to leave Frelimo. He was jailed instead. He served for months in forced labor in northern Mozambique. On Nov. 6, 1970, he escaped. The Portuguese, he says, "received me as a lost son coming back."

In the gradualism of Portugal's multiracial development, Murupa sees great hope for his African brothers. Racial discrimination, he insists, does not exist as such in Mozambique. In education and in employment, great opportunities are opening. But it all takes time—time to illuminate the darkness of centuries, time to accommodate tribalism to love of country.

"I understand very well the United States," he says, "but this I think the United States do not understand very well at all. In time the Portuguese model will provide the good life. I wish the United States did understand. Tell them I am black; and I am Portuguese—I am as Portuguese as this beach at Cascais—and it is the right way for us to go."

Mr. Speaker, scant attention has been paid by the American press to the threat posed by the presence and increasing activities of Communist war vessels, both surface warships and submarines, in the Indian Ocean, but that threat is a real and present one, as the U.S. Department of Defense is well aware. The Indian Ocean, once a zone of Western influence, is rapidly becoming an experimental area for Communist powers to test their growing influence and control around the African and Asian Continents.

The recent and mysterious case of the coastal steamer *Angoche* gives us a sinister clue of what is going on in the Indian Ocean. The National Review Bulletin, of June 8, 1971, commented on this incident.

The articles follow:

ANOTHER FRELIMO LEADER DEFECTS TO PORTUGAL

The head of the Foreign Department of FRELIMO, the Mozambique "liberation front", has defected to Portugal, and said he believes victory for the terrorists "would mean the substitution of Portugal's presence in Mozambique by that of Communist imperialism."

Dr. Miguel Murupa, a widely-travelled member of Frelimo's Central Committee and leading intellectual, added: "In my view the withdrawal of Portugal from Mozambique would result in conditions worse than those in the Congo when the Belgians left: there would be complete chaos and an absolute bloodbath."

PLEDGE

Dr. Murupa, a graduate in sociology, economics and finance of Howard University, Washington, D.C., was speaking in Nampula, Northern Mozambique, after he had presented himself to Portuguese authorities and pledged himself to work for peace within the framework of the Portuguese administration.

As one of the most prominent "brains" in the Frelimo leadership, the defection of Dr. Murupa from Dar-es-salaam is seen by independent observers as a significant blow to the movement.

It was Dr. Murupa who, as head of the Foreign Relations Department, acted as a roving ambassador for the terrorist organization, establishing a wide network of international contacts and masterminding Frelimo's attempts to gain world backing for its cause.

In 1969 he visited Britain on a lecture tour and spoke at Chatham House.

OTHERS

Although of special importance because of his academic background and role as a roving ambassador, Dr. Murupa is but one of many prominent Frelimo activists who have surrendered to Portuguese forces in recent months and pledged their loyalty to Portugal.

Prominent among these has been Manuel Mussa Katur, an influential tribal leader in Northern Mozambique and member of Frelimo's Central Committee.

In 1969 Lazaro Kavandame, an important chieftain of the Caconde tribe, became the first of Frelimo's former adherents to defect and pledge his service to Portugal.

COMMUNISM

In a four-hour talk with correspondents in Nampula, Dr. Murupa dealt at length with the present state of Frelimo . . . highlighting the growing influence of the Communist Chinese, and the internecine strife within the organization since the death of the former president, Eduardo Mondlane.

Chinese Communist influence was becoming rapidly more and more apparent both within the Frelimo leadership in Dar-es-salaam and within the government of Tanzania, he said.

"The war launched by Frelimo foresees no more than the substitution of Portugal's presence in Mozambique with that of Communist Imperialism," he said.

LOW MORALE

Describing the morale of Frelimo's terrorists as "very low", Dr. Murupa said it was untrue that there were upwards of 10,000 guerrilla insurgents operating against the Portuguese in Mozambique: he doubted whether there were more than 1,000 guerrillas in the whole of the Cabo Delgado District, the key area for terrorist infiltration.

Samora Machel, successor to Mondlane, was a ruthless leader who publicly denounced anyone who spoke against him, however mildly, and threatened them with vicious physical retribution.

FUNDS

Of funds for Frelimo, Dr. Murupa said that, after protests from the Portuguese Government, the Ford Foundation ceased giving money to the terrorists. But a good deal of financial support still flowed in from the United States, especially from Methodist Churches with which Eduardo Mondlane was particularly closely connected.

Of his own defection, Dr. Murupa said that after prolonged deliberation he came to the conclusion that "the weight of reason is on the side of Portugal."

As a former Roman Catholic seminarist, religion had played a prominent part in his decision: Frelimo was atheist and denied the existence of God.

CABORA-BASSA

Dr. Murupa said he was profoundly impressed by the socio-economic development programmes for Mozambique's people launched by the Portuguese authorities there. The giant Cabora-Bassa irrigation and power project was of special benefit.

But he added: "my return does not indicate that I do not believe the Portuguese Administration, in its activities in Mozambique, does not have defects and insufficiencies. It means simply that I recognize the future outlined by Portugal is the most honest and correct."

Dr. Murupa pledged himself to work for peace within the framework of the Portuguese administration.

SUCCESSES

This latest defection comes at a time of continuing military successes for Portuguese forces in Mozambique. Last June, under the command of Gen. Kaulza de Arriaga, their new Commander-in-Chief, they went on the offensive in a massive drive to seal Frelimo infiltration routes from across the borders with Tanzania and Zambia.

As a result of this continuing operation along a broad front, Portuguese troops are now firmly encamped in former terrorist bases along these frontiers . . . right in the heart of territory long considered a "free rein" for Frelimo.

PROJECTS

Army engineers, moving up after advance troops and working in conjunction with the civil authority in Mozambique, have opened up new roads and airstrips in remote Northern Mozambique, making the area more easy to police, and more accessible for the administration's development and aid programmes.

The result of all this is a significant change in the complexion of the war in Mozambique, and one prominent American correspondent recently returned to Lisbon from Lourenco Marques said: "The change compared with only a year ago is quite extraordinary: for the first time people in Mozambique are talking quite sincerely of the chances of a definite victory against Frelimo."

AN OPEN LETTER TO ALL MEN AND WOMEN OF GOODWILL, THE WORLD OVER

(By Miguel Artur Murupa)

(NOTE.—Dr. Miguel Artur Murupa, a graduate in sociology, economics and finance of Howard University, Washington, D.C., was the former head of the Foreign Department of Frelimo, the Communist-backed Front for the Liberation of Mozambique. Of his own defection to the Portuguese authorities at the end of last year, Dr. Murupa has said that he came to the conclusion, after prolonged deliberation, that "the weight of reason is on the side of Portugal." "My return," he added, "does not indicate that I do not believe the Portuguese Administration does not have defects and insufficiencies. It means simply that I recognize the future outlined by Portugal is the most honest and correct.")

Words of protest and accusations have, for some time now, been mounted with increasing intensity from many circles against the construction of the Cabora Bassa Dam in Mozambique, with a view to discouraging international investors who, with Portugal, are giving their efforts, money and technical know-how to bring into reality a scheme which, by every account, will be the greatest and the first of its kind in Africa, and the fourth greatest in the world.

Some international organizations have added their names to the list of protestors who have voiced their disapproval of the scheme, charging that it will constitute a "crime against humanity" and a "threat to world peace." And more recently, the World Council of Churches' Central Committee in Addis Ababa called on all its members to discourage their governments from supporting the Cabora Bassa Scheme, because it "helps racist regimes in Africa" and it is a "threat to world peace."

I have always believed that *most of these organisations*, some of which deal directly with humanitarian questions, *make their protests from the deep of their hearts and in all honesty, to render service to the Mozambican people*, in the latter's quest for a better living in freedom and abundance; *but they are easily taken in by the high-sounding Frelimo and communist propaganda* which, in certain quarters, have louder voice than the Portuguese Information Service. They also suffer from lack of a true picture about the realities of the Portuguese Overseas Territories nowadays as against the past. I so much believe in their honesty that I also, some two years ago, was the most adamant accuser of the Portuguese overseas dealings, including the Cabora Bassa Project, and I did so with all my honesty, as I was ignorant of the true realities.

Well then, it is because of my sincere belief in their honesty, goodwill and in their profound interest for the better life of the Mozambican people, that I—*a Mozambican native and a Christian*—feel that at this juncture a word of clarification as to the meaning of the Cabora Bassa Scheme is in order. And I do so with that force derived from the fact that I also defended the views of these organisations with respect to Cabora Bassa, particularly in London and Stockholm, when I was misinformed, some two years ago.

CABORA BASSA COMPLEX

What it is and what it means

The whole Cabora Bassa Scheme was conceived to mean real development of Mozambique in the realms of agriculture, forestry, cattle-breeding, mines, hydro-electric power, transport network, pisciculture, industry, tourism, trade and urbanisation, as well as their reflexes on the economy and sociology of the people.

First, in terms of agriculture, about 1,500,000 hectares will be put into intensive cultivation through irrigation systems, with 300,000 hectares of dry lands reserved for other agricultural purposes. And the whole area will produce and supply enough food for export and internal consumption.

On the other hand, 200,000 hectares have been set aside for immediate forestry exploration for economic purposes, while 200,000 others have been defined for silviculture plantations at progressive stages.

With respect to cattle-breeding, extensive areas have been indicated for modern breeding of bovine, caprine and swinish flocks for economic utilisation in terms of meat, milk and other animal derivatives.

As for minerals, Cabora Bassa will allow the economic and intensive exploration of coal, iron, copper, fluorite and manganese, of which Tete and other neighbouring districts are rich, besides the extensive exploration of such minerals as beryl, titanium, chromium, bauxite, corundum, magnetite and graphite, which are spread all over Mozambique.

Its hydro-electric power will produce over 18,000 million Kw/h per year, covering more than all the industrial, commercial and residential needs of the territory. And because of the industrial and commercial complexes that will derive therefrom, as a result of its electric power, Cabora Bassa will create a most modern network of transport systems to and from all points of Mozambique and adjacent countries.

Its lake will be utilised for pisciculture, fishing and tourism, with all modern facilities and amenities reserved for the purpose, as well as allowing for recreational and commercial sailing over its 300 kilometers of fluvial navigability, between the Dam and the Zambian and Rhodesian borders.

As far as urbanisation is concerned, two types of housing will emerge from the Cabora Bassa complex; those reserved for workers directly employed by the Scheme, and those for the population at large. The latter will be located at all the industrial, commercial and agricultural centres, large and small, and furnished with electricity and water at their cheapest rates. The particular disposition of this type of housing (in modern quarters holding a given number of families for each, with gardens and a planned urban-topographical structure) will allow for a modern school, hospital centre, commercial and recreational area for each quarter, all being a part of a larger centre with central hospitals, lyceums, and other school and economic institutions, obeying a planned, modern housing and urbanisation, where the old, unhygienic system of huts will be progressively eliminated in favour of modern living for Africans in the whole of Mozambique.

Meanwhile, a revolutionary, all-embracing educational reform has just been put forward recently by the Portuguese Education Minister, Prof. Veiga Simão, to meet the requirements of the industrial society that will characterise the day-to-day living of the Portuguese people of all races a few years hence, in Metropolitan Portgual as well as in Overseas Portugal, of which Mozambique is a part and the Cabora Bassa Scheme is just one of many economic ventures covering all Portuguese territories.

The Portuguese might have had their mistakes, some of them grievous ones, in the past, in their approach to problems and race relations in their overseas territories. I personally, Miguel Murupa, have been victim of those mistakes in the past. But what is true, and beyond any honest contest, is that today, more than ever before in their overseas history, the Portuguese are giving more thought, more efforts and more money into the solution of the problems of their African people. And, what is even more significant, they are building with increasing success a Portuguese conscience of common nationality with their African populations, in a social set-up that more and more is losing racial consciousness as a measure for defining the Portuguese and the value of a man. *The Cabora Bassa Scheme for example, is designed to benefit all the Portuguese, white and black, living in Mozambique*, united in a common conscience of Portuguese nationality. Particularly for the Africans, who for many centuries have been living under deplorable conditions, Cabora Bassa means the bringing forth of more and better jobs, better housing, more money and purchasing power, more education and better health care, more welfare and development than ever before. Adding to this the fact that the Portuguese are carrying out, with every passing year, a far-reaching programme of total integration of the Africans into a new, conscious and ever-united *multiracial Portuguese nation, where racial discrimination has no place.*

Be that as it may be, for us natives of Mozambique, concerned with improving our living standards and those of our children in the society of tomorrow, Cabora Bassa means more than all the freedoms and utopic life that Frelimo and their communist friends may promise to us.

One would hope that, in the Mozambican people's quest for a better living and development—whether there is agreement on the Portuguese being colonialists or not—those international organisations claiming to be humanitarian-oriented would leave us alone, if they cannot support us, without interference, so that we can develop what, from Cabora Bassa, we believe to bring a better living and a better future for our people.

Whatever the case, with or without hostile accusations and protests, Cabora Bassa will be in full operation and render its services some four or five years from now. But then *we, the natives of Mozambique, when we shall be enjoying its full benefits, shall be doing so with a deep feeling that a number of international organisations, some of them Church and humanitarian ones, have denounced, with charges of "crime against humanity" and "threat to world peace", those who have brought us more and better food, decent and modern housing, higher-paying jobs, more money for our pockets and homes, welfare to our families, education for our children, electricity and water to our homes, a sense of economic and social security, and development for our land.*

Will your Organisation have courage to face us then with humanitarian claims, when they are denying, with protests and accusations, our development today, when we most need it to overcome our centuries-old backwardness?

I appeal to your reason and conscience.

NAMPULA, February 1971.

[From National Review Bulletin,
June 8, 1971)

BEIRA, THE BLACK FLAG

Little attention has so far been paid in Europe or the Americas to the *Angoche* affair, though the day may come when it will be assigned in retrospect a rather large significance. Early in May, a Portuguese vessel in the Indian Ocean off Mozambique came upon the 1,600-ton Portuguese coastal steamer *Angoche*. No one, dead or alive, was on the *Angoche*; its engines and other equipment were smashed by what investigation showed to be deliberate wrecking not accident. Further inquiry established that the *Angoche* had been carrying a consignment of munitions for the Mozambique government with a 27-man crew. All 27 have vanished without a trace. It is the obvious hypothesis that the operation was carried out by the "national liberation movement" of which Frelimo is the principal organization. But there is a catch: There is no evidence that Frelimo or any other revolutionary group has the equipment required for this sort of operation on the high seas. Everyone knows though no one has mentioned it publicly that there are both Soviet and Chinese naval vessels including submarines cruising regularly off the east African coast. Following the *Angoche* incident South African Minister of Defense P. W. Botha issued new orders to the navy's ten high-speed patrol boats equipped with torpedoes and depth charges and announced development of a new patrol boat system. Vice Admiral H. H. Biermann head of the South African navy remarked to a reporter: "The *Angoche* affair probably represents the beginnings of a piracy on the high seas that must be ended urgently and with the utmost severity."

NATO WORLD CONFERENCE ON CITIES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. RARICK. Mr. Speaker, the first NATO World Conference on Cities met in Indianapolis, Ind., from May 25 until May 29, 1971. More than 600 persons from the United States and at least 16 foreign countries participated in the conference; the purpose being, according to the Indianapolis News, to explore innovative solutions to complex problems facing all cities in the world.

Informed Americans believe that the first NATO World Conference on Cities is merely a world extension of the metro-regional government conditioning that is being imposed upon the United States, abolishing county and State lines in favor of a collectivist, consolidated system which negates powers guaranteed to our people by the U.S. Constitution—always professing to solve problems, many of which were earlier created by the same fuzzy-headed theories of planned living.

The United States has been divided into 10 regions under President Nixon's reorganization plan for restructuring of Government service systems. And by coincidence, there are world regional arrangements under the umbrella of the United Nations, such as SEATO and NATO.

The Atlantic Community News is the official publication of the NATO or Atlantic Union advocates, who are dedicated to the promotion of world government by dividing the world into regions. President Nixon, in the Atlantic Community News of November 1968, is quoted as having said to the House Foreign Affairs Committee dealing with the Atlantic Union Resolution:

> It is fitting that the United States, the world's first truly federal government, should be a main force behind the effort to find a basis for a broad federation of free Atlantic Nations. . . . It would be foolish for us to ignore the fact that science and history are even now fatefully combining to accomplish the same goal. . . . The Atlantic Union Resolution is a forward looking proposal which acknowledges the depth and breadth of incredible change which is going on in the world around us. I urge its adoption.

According to the Atlantic Community News, Mr. Nixon favors a federation of NATO countries which includes the United States of America. According to the dictionary, a federation is a government. For an existing government to join in forming a new coalition government, there must be a resulting loss of national sovereignty. The first NATO World Conference of Cities has begun the groundwork for a new federation or government to the detriment of the U.S. Constitution and the constitutionally secured liberties so taken for granted by the American people.

The Indianapolis News of May 25, 1971, page 30, reported that the world conference had been in the planning stage for nearly a year and was first proposed by Mayor Richard G. Lugar of Indianapolis in a speech at Brussels, Belgium, in April of 1970. Page 33 of the same edition of the News states that at a brief private discussion in Mayor Lugar's office, President Nixon requested Lugar to represent the United States at the Brussels meeting. It was there, according to the News, that Mayor Lugar conceived the idea of the conference. After first checking with Daniel Moynihan, Mayor Lugar then discussed the idea with President Nixon who is reported to have been enthusiastic about it. Lugar, reports the Indianapolis News, said the President read his speech prior to its delivery April 14 in Brussels. The NATO Council of Ministers debated from April to July on the proposal of the United States and, according to Lugar's administrative assistant and conference coordinator, at the end of July the Council of Ministers voted unanimously "to collaborate" on the conference with the six sponsors.

SPONSORS AND FUNDING

The sponsors of the NATO World Conference of Cities were the U.S. Government, city of Indianapolis, National League of Cities, U.S. Conference of Mayors, International City Management Association, and National Association of Counties in collaboration with the Committee on Challenges of a Modern Society of NATO. Most of these sponsors have a long history of advocating metro and regional government as outlined in the books "Blame Metro," and "Terrible 1313 Revisited" by Jo Hindman, eminent authority on metro matters.

The American taxpayer, as usual, footed much of the bill for this exercise in national suicide. The Indianapolis News of May 25 reports that the Department of Housing and Urban Development received a special $100,000 appropriation from Congress toward agenda expenses. Conference income, aside from Federal funds from HUD and the State Department are reported to have come from five major areas: Lilly Endownment, Inc., $100,000; Ford Foundation, $100,000; city of Indianapolis, $75,000; State of Indiana, $75,000; local business, $57,000. Richard B. DeMars, finance chairman, reported the News, said that contributions also came from local industry. Another source of income was the U.S. State Department which is reported to have made $60,000 available. The Indianapolis News reported that the total cost of the conference would probably exceed $500,000.

SOME U.S. PARTICIPANTS AND THEIR BACKGROUNDS

Mayor Richard G. Lugar is said to have originated the idea of the NATO World Conference of Cities. Mayor Lugar, according to the Indianapolis News—page 32, May 25—is a Rhodes scholar and one of President Nixon's top advisers on urban affairs. Americans familiar with the philosophy of the Socialist Cecil Rhodes know that he and his proteges have been the principal hawkers of globalist propaganda in the United States, via touting the Atlantic Union.

The unique metro government that Mayor Lugar has brought to Indianapolis has resulted in the consolidation of an eight-county metropolitan area which is called Unigov. Indianapolis is reportedly the only major city in the United States with a Republican administration. Mayor Lugar is now president of the National League of Cities. According to the May 25 edition of the Indianapolis News, Mayor Lugar "is convinced the discussion between urban representatives of the NATO countries will result in better cooperation and eventual agreements between nations on critical urban problems." The importance of the conference on a worldwide level, according to Lugar, is that it is "the first opportunity for so many cities to grapple at one time with a whole host of problems and narrow these down to a very few in which international agreement is going to be meaningful."

The mayor predicted that one area for major discussion would be the problem of air and water pollution, including the establishment of pollution limits and regulations.

Mayor Lugar is reported to have said:

> Agreement between countries on pollution is important because without certain worldwide standards severe competitive disadvantages could occur in various industries and maybe even imbalances in international trade.

This statement of Lugar's portends the establishment of a controlled world and its people through the establishment of rigid world standards under the veneer of pollution control.

Another one-worlder, J. Irwin Miller, general chairman of the conference, stated—page 30, May 25, Indianapolis News—that the hope we have for the International Conference on Cities is that it will be a first step that could be very important right around the world. Mr. Miller stated:

> You know one of the great strengths of business is that its representatives for many, many years have crossed national boundaries to trade ideas and to share their problems. . . . For the period of a week, Indianapolis becomes a world community and the citizens of the city will have an opportunity to meet and talk and associate with people from 15 countries.

Miller, the Indianapolis News reports, was the first layman to be named president of the National Council of Churches—1960–63. Miller has been a member of Presidential commissions, industrial boards, and governmental committees ranging from urban housing and postal organization to trade with the Soviet Union and economic research. So Mr. Miller was well qualified to participate in the NATO World Conference of Cities. In addition to being connected with plans to establish world government, Miller has been an arch advocate of an ecumenical one-world church.

Mayor Carl Stokes of Cleveland also participated in the conference. Stokes is the first vice president of the National League of Cities, which he is scheduled to head in December when Mayor Lugar steps down. Stokes in his speech to the conference advocated a Federal housing plan as the answer to the needs of the people. Stokes' plan provides that a family would pay 20 percent of its income for housing, the remainder being paid through a national trust fund financed through taxes on real estate deals. Such a plan on a worldwide basis paid for by Americans should have considerable world support.

Other important delegates to the conference from the United States were George W. Romney, Secretary of the Department of Housing and Urban Development; Denis A. Hayes, National Coordinator of Environmental Action, who was coordinator of Earth Day in the United States; William Ruckelshaus, Director of the Environmental Protection Agency; Daniel P. Moynihan, a former counselor to President Nixon on urban affairs who worked tirelessly to divide the United States into 10 regions in order to administer all Federal programs on a regional basis under appointed bureaucrats rather than under elected officials on a local or State basis; and Elliot Richardson, Secretary of Health, Education, and Welfare. In addition to numerous mayors from large cities, the conference was well attended by unelected planners who are instrumental in restructuring our Nation along regional lines.

All phases of life were discussed at the conference. Discussion included environment, recreation, culture, and visual surroundings, housing, transportation, health and safety, local government organization, planning and development, and fiscal resources.

Americans have good cause for alarm when their Government enters into discussions and possible agreements with foreign nations which will affect virtually every phase of their lives. This House should demand that the executive branch cease promoting schemes which are in conflict with the Constitution and which are being done without the consent, approval, or knowledge of the governed.

If America is no longer a sovereign nation, is it not about time that we so inform the people? With the right to vote the people might even like to vote on the question of whether or not they approve of overthrowing the U.S. Constitution and abolishing the United States.

President Nixon was elected to be Chief Executive under the Constitution only—not over it. He was not granted a mandate to dismantle America.

I insert several pertinent news clippings at this point in my remarks:

[From the Indianapolis News, May 25, 1971]

Conference on Cities Opens 4-Day Session

(By Tom Harmening)

A Hoosier welcome greeted the first arrivals in the city today for the international Conference on Cities, a pioneer effort to bring experts together to seek solutions to urban crises.

An opening ceremony late this afternoon officially started the conference which will continue through Friday.

The conference is intertwined with "500" Festival activities and the Indianapolis Sesquicentennial observance.

When not in session, the visitors will be guests at social functions, watch the "500" Festival parade and attend the 500-Mile Race Saturday.

In the planning stages for nearly a year, the conference was first proposed by Mayor Richard G. Lugar in a speech at Brussels, Belgium, in April 1970.

Since then the idea snowballed into a full-fledged conference, with representatives from at least 17 foreign nations and scores of American delegates arriving here today.

Latest indications are that the following nations will be represented this week:

Portugal, France, Italy, Luxembourg, Germany, Iceland, United Kingdom, Turkey, Greece, Canada, Mexico, Austria, Belgium, Denmark, The Netherlands, Norway, United States, and Japan.

Delegates range from college professors and city planners to architects and news media representatives, as well as mayors, city managers and other municipal officials. The list of those attending resembles a "who's who" of urban and regional experts.

EIGHT INTEREST AREAS

The delegates, an estimated 500 in all, will begin discussing the future of the city tomorrow morning at breakfast, and panel sessions, plenary sessions and dinner meetings will continue until Friday afternoon.

In order to increase the chances for accomplishments, panels will deal with eight basic areas:

Environment.

Recreation, culture and visual surroundings.

Housing.

Transportation.

Health and safety.

Local government organization.

Planning and development.

Fiscal resources.

Panels dealing with each of these topics will meet three times. The first session will deal with the resources for innovation in each area. The second session will reflect on successes in each field, and the third meeting will consider possible solutions through international co-operation.

While delegates will be divided among the various panels, either as members or observers, three plenary sessions, at which all delegates will meet, also will deal with modern dilemmas of the city and their solutions.

The number of volunteers for the conference nearly equals the number of delegates. Businessmen, attorneys, housewives, grandmothers and college students are among those who have offered to assist the small corps of full-time conference workers.

There are, for example, nearly 250 language volunteers, who will staff language booths at key positions in the city to help non-English speaking delegates. The ages of the volunteers range from 15 to 80.

[From the Indianapolis News, May 25, 1971]

Conference Plan Lugar's Brainchild

(By Art Harris)

Indianapolis' selection as the site for an international Conference on Cities is the brainchild of Mayor Richard G. Lugar.

At a brief private discussion in the mayor's office Feb. 5, 1970, President Richard M. Nixon requested Lugar to represent the United States before a North Atlantic Treaty Organization committee meeting in April of that year.

Lugar's speech before the NATO Committee on Challenges of Modern Society dealt with an appeal to solve problems facing cities, rather than abandoning metropolitan centers.

"After thinking it over, and while working on the speech, I broadened the idea of a conference here," Lugar said.

Lugar said he checked with Daniel P. Moynihan, then counselor to the President, on the possibility of having Indianapolis host a conference.

"He thought it was an excellent idea, and an ideal place for an affirmative urban policy thrust. He discussed it with the President, and the President was enthusiastic about it being in my speech," Lugar said.

Lugar explained that the President had read his speech prior to its delivery April 14 in Brussels, Belgium.

"The State Department also checked out about the invitation to hold the conference here. They made it clear we wouldn't know what the response to the invitation would be," he said.

Discussions between the State Department and White House continued between February and April to determine what role the United States government would have in the conference.

"After I delivered the speech there was a full hour's recess and many cables going back home were asking, 'Where is Indianapolis?' and 'What is behind this?' I was introduced as a personal representative of the President and people could not summarily dismiss the thing, but they did want to know how big the conference would be and where Indianapolis is in relation to the United States," Lugar said.

James T. Morris, administrative assistant to Lugar and local conference co-ordinator, said that following Lugar's speech, the NATO council of ministers "debated from April to July on the proposal of the United States."

He said that at the "end of July, the council of ministers voted unanimously 'to collaborate' on the conference with the six sponsors."

The sponsors are the United States government, City of Indianapolis, National League of Cities, U.S. Conference of Mayors, International City Management Association and National Association of Counties in collaboration with the Committee on Challenges of a Modern Society of NATO.

Morris then explained that "between July and November agenda plans were being developed so we could have something to tell the conference countries."

He said consideration was given to subject matter to be discussed, what countries would contribute the most to each topic, and what each country wanted to see accomplished.

Morris summed up the agenda topic planning as being "a commonalty to all countries."

Morris, Harry Blaney, presidential adviser, and Moynihan then began calling on the representatives of the 14 NATO member countries to work out more details.

What started out as an idea in the mind of Mayor Richard G. Lugar is ending with one of the biggest events in the history of Indianapolis.

Opening today of the international Conference on Cities is the climax of a proposal set forth April 14, 1970, by Lugar, a delegate to the Committee on the Challenges of Modern Society, at Brussels, Belgium.

Lugar said: "Our quest for mutual security through appropriate and timely military response has not diminished, but each of us who is politically sensitive notes that major preoccupations of our citizens relate now the length, quality and purpose of living together.

"For example, many of our citizens contend that our lives are more likely to be short and precarious in nature because we may suffer grievously from street crime, riots, failures of power and fuel supplies, highway and street accidents, and finally from insufficient oxygen and water, or inhalation of lethal fumes and polluted nutrients. I would like to suggest today the consideration of holding a conference of mayors or local authorities . . . which will discuss some of the questions which I have outlined in my speech.

"This proposed conference would include mayors from both sides of the Atlantic and would be aimed at discussing their mutual problems and making recommendations to the Committee on the Challenges of Modern Society for their further consideration and possible action in the urban affairs field.

"Further, I can state that I would be most happy to host this conference in the city of Indianapolis in May of 1971. I would hope that a representative group of mayors from the United States and the other NATO countries would also help celebrate Indianapolis' 150th anniversary as a city, a celebration which will include a number of important events, among them the 500-Mile Race.

"It is my hope that this proposed conference might be a first step, but an important one, in establishing an urban affairs pilot project. In keeping with this intention, the U.S. will therefore explore the feasibility of a proposed conference with the various associations of mayors and local authorities that exist within the various NATO countries.

"I hope that your respective governments will give this proposal serious and early consideration . . ."

[From the Indianapolis News, May 25, 1971]

Bacon "n" Eggs, Then Work Will Begin

Delegates to the international Conference on Cities will get down to work tomorrow over bacon and eggs at an 8 a.m. breakfast program in the Hilton Hotel.

Speaking on the topic "How To Make Cities Viable" will be:

Carl B. Stokes, mayor of Cleveland, and the first vice-president of the National League of Cities, which he is scheduled to head in December when Mayor Richard G. Lugar steps down.

Stokes, 43, is serving his second term as mayor of the nation's 10th-largest city.

Alfonso Martinez Domingues, Mayor of Mexico City, Mexico, which has a population of 6,815,800.

"Requirements for Effective Innovation" will be the topic of the first plenary session at 10 a.m. tomorrow.

Conference Chairman J. Irwin Miller will direct all three plenary sessions, the final two being Thursday afternoon and Friday morning.

Included on the first session panel are:

Robert K. Andras, a member of the Canadian House of Commons and a special cabinet member on housing. He entered Canadian politics in 1965 when he was elected to Parliament. He has been a member of the cabinet since 1968, and has dealt extensively with the policies and programs for Canada's Indian population. He is a graduate of Wesley College in Winnipeg.

Dr. Lauritz Lauritzen, the West German Federal minister for the construction of cities and a former minister of residential affairs and city planning. A graduate of Freiburg University and a native of Kiel, Germany, he also has served as chairman of a study group of economists and politicans interested in housing problems.

Albin Chalandon is the minister of Equipment and Housing, Paris. He has been a prominent figure in French banking since 1949, when he was appointed the inspector of finance for the National Bank of Commerce and Industry of Africa. Chalandon, 41, later served as the director-general of the Commercial Bank of Paris and a member of the Central Committee of the Union for the new (French) Republic, which he headed in 1959.

Minister Emmanuel Fthenakis, the head of the Ministry of Economic Co-ordination in Athens.

The governor's luncheon will be tomorrow at 12:30 p.m. at the Indianapolis Museum of Art. The governor of Indiana, a former governor of Michigan and a foreign secretary of state for environment will address the delegates. They are: Edgar G. Whitcomb, governor of Indiana since 1968 and former chairman of the Great Lakes Commission.

A native of Hayden, Ind., Whitcomb was a prisoner of war in World War II, after his capture by the Japanese at Corregidor while a member of the Army Air Corps. He later escaped.

Whitcomb, 53, is a 1950 graduate of Indiana University's School of Law and held his first public office that same year.

George W. Romney, a former governor of Michigan and now the secretary of the Department of Housing and Urban Development. Romney is a former president of American Motors Corp., a post which he held until being elected governor of Michigan in 1963.

Also speaking will be Peter Walker, the British secretary of state for environment. He began working with * * * of local government, housing and land.

A breakfast program Thursday morning at the Hilton Hotel will tackle the problems of public employe labor unions and local government. Three delegates, each having extensive experience in the public employe field will take part. They are: Jerry Wurf, president of the American Federation of State, County and Municipal Employes, AFL-CIO. He began working with organized labor in 1940 when, as a worker in a New York City cafeteria, he helped organize a local union of hotel and restaurant workers. He continued to advance, and in 1964 was elected to his present position. Wurf, 52, is a native of New York City.

P. Van Rousselt, secretary of the National Central of General Public Services in Brussels, Belgium.

Heinz Kluncker, president of the Gewerschaft Offentliche Dienst Transport und Verkehr (German Industrial Union of Public Service Workers) in Stuttgart, West Germany.

The Indiana mayors' luncheon will be held Thursday at the Museum of Art with Sen. Hubert Humphrey, D-Minn., as the guest speaker.

Hubert Humphrey, the former vice-president in the Johnson administration, is a former mayor of Minneapolis and was first elected to the U.S. Senate in 1948 and re-elected in 1954 and 1960.

After an unsuccessful try for the presidency in 1968, he returned to politics last year, winning back his old Senate seat. He is 60.

Two speakers who have had a significant amount of exposure to the problems of large urban areas will address an evening dinner meeting at the State Fairground Exposition Hall at 8:30 a.m. Thursday.

Mayor John V. Lindsay of New York will be the first speaker. He has held the mayor's seat of the nation's largest city since January, 1966, winning re-election in 1969. A graduate of the Yale School of Law in 1946, the 48-year-old Lindsay first entered politics in 1958, when he was elected to a seat in the U.S. House of Representatives. He is one of the founders of the National Urban Coalition.

Following Lindsay to the podium will be Arthur D. H. Plummer, the leader of the Greater London Council (similar to a city council in the U.S.) for the last four years. Plummer, 57, has authored several publications dealing with the problems of the urban dweller and is considered England's foremost expert on education and city planning.

In any conference of international scope, there always is comparison, such as systems, procedures, successes, failures. During the Conference on Cities, there will be a formal comparison session Friday morning at 9 a.m. at Clowes Hall.

Chairman for the session, as with the other two plenary sessions, will be J. Irwin Miller, conference chairman. Others taking part are:

Dr. Daniel P. Moynihan, Harvard University and a former counselor to President Nixon on urban affairs. Moynihan is a Fulbright Scholar in economics and political science and a law graduate of St. Louis University. He is a former director of the Joint Center of Urban Studies at M.I.T.

Odvar Nordli, minister of Labor and Municipal Affairs, Oslo.

Salvatore Lauricella, minister of Public Works, Rome.

J. de Saeger, minister of Public Works, Brussels.

[From the Indianapolis News, May 25, 1971]

Gathering Is Vital To City, Says Mayor Lugar

(By Hugh Rutledge)

Is the international Conference on Cities being held here this week a major step toward improvement of life in the world's urban centers?

Or is it just another junket for hundreds of government officials and educators who will attend?

Indianapolis Mayor Richard G. Lugar, conference host and originator of the idea for such a meeting, is convinced the discussion between urban representatives of the NATO countries will result in better co-operation and eventual agreements between nations on critical urban problems.

In addition, the 39-year-old mayor suggests the conference in the capital city can help improve relations between the United States and foreign countries and also possibly help attract new industry and business to the city.

The importance of the conference on a worldwide level, he says, is that it is "the first opportunity for so many cities to grapple at one time with a whole host of problems and narrow these down to a very few in which international agreement is going to be meaningful."

One of the basic general questions to be answered at the three-day meeting, Lugar feels, is:

"How in this complex technological civilization can we set up rules of the game for peaceful, competitive and commercial pursuits that we can live and progress with?"

The mayor predicts that one area for major discussion will be the problem of air and water pollution, including the establishment of pollution limits and regulations.

"Agreement between countries on pollution is important because without certain worldwide standards severe competitive disadvantages could occur in various industries and maybe even imbalances in international trade," he explained.

Lugar pointed out that the air pollution problem is severe for many of the 15 NATO countries which will be represented here because it is estimated that "90 per cent of the carbon monoxide in the world now hovers above these countries."

Another worldwide problem that is expected to be considered concerns supplying of emergency relief to countries where natural disasters occur, Lugar said. "This is a very important question for those massed in urban areas," he added.

"We have to be certain we use the same technology we have developed to move troops and supplies for the purpose of war to save people in catastrophes that are almost certain to occur in a world with so many crowded urban centers."

Asked why conference participants had been limited to NATO countries if worldwide agreements are an objective, Lugar explained this came about because at the 20th anniversary celebration of NATO President Nixon called for a change in emphasis from military to peaceful pursuits.

He said the President saw NATO as "something that had been very successful in getting international co-operation. Most associations really aren't very effective in getting nations to agree with each other," he said.

Although some preliminary discussions are a certainty at the conference, the mayor said he doubts that any major resolution urging action in any area will be adopted by the delegates. "I would guess that each nation will stake out its new position papers on the basis of what it hears both formally and informally, but I am certain that this action will come some time after they leave Indianapolis."

Concerning the importance of the conference to the city of Indianapolis, Mayor Lugar quickly answered:

"The fact that it is being held here at all is a major breakthrough in terms of our own reputation as a city in the forefront of those attempting to meet the problems of modern civilization."

He points out that persons of significance in business, in university groups and in the world news media will be coming here for the meetings.

"This seems to me to have a sizable implication in terms of international trade and specific investments in our economy by many companies that are looking for both manufacturing and warehousing locations," he said.

"Many of these people don't know where we are or what we have to offer. But at the point Indianapolis becomes a viable alternative whenever business leaders sit down any place in the world to discuss "where do we go; then we are in a different ball game and the conference, in my judgment, is a turning point in that respect."

Disregarding possible health and economic benefits for the world and for Indianapolis in particular, Lugar also has a strong feeling that this conference can do "untold good" in the improvement of our relations with other countries.

"Again and again our own diplomats testify that many of the most serious international difficulties we have arose because of some small incidents involving such things as impolite tourists," he said.

"I am very heartened that groups of our local citizens who identify with different nationalities have gone out of their way to make certain there is hospitality afforded each and every one of our visitors this week. I think the European delegates are going to be extraordinarily pleased because they will not have anticipated a cosmopolitan reception of this variety.

"Nor will they expect the special warmth that will come here that I cannot conceive would occur in a larger city where these things are taken for granted," he added.

"It's impossible for people who want peace and talk a good deal about it not to want to try to take a step forward when they have a great opportunity with people who are going to make a difference in our future," Lugar concluded.

[From the Indianapolis News, May 25, 1971]

LUGAR GAINS U.S. STATURE IN 6 YEARS

Six years ago Indianapolis Mayor Richard G. Lugar was a political unknown serving as vice-president of the Indianapolis School Board.

Today, the 39-year-old Rhodes Scholar, who is host for the international Conference on Cities, is one of President Nixon's top advisers on urban problems and he has been mentioned as a possible candidate for everything from a U.S. Senate seat to the vice-presidency of the United States.

What happened in those six years is a story of how the right man in the right place at the right time can become nationally known within a relatively short period.

Lugar's rise to prominence started in November, 1967, when he was elected mayor by gaining 53 per cent of the vote. It was the first time in nearly two decades that a Republican had been chosen to head the city government and only the third in the last 40 years of local politics.

One of his first claims to fame came after a year in office when he was successful in getting the 1969 Indiana Legislature to approve a new unified local government system for Marion County. Under the consolidation plan—called Unigov—the city of Indianapolis jumped from 26th to 11th largest city in the United States by an overnight expansion of its boundary to include a total of 400 square miles with a population of more than 750,000.

The old city of Indianapolis had about 500,000 persons in an area of 82 square miles.

With his past reputation as a strong supporter of President Nixon coupled with the fact that he was one of the few Republican big city mayors, it was only natural that Lugar became a frequent visitor to the White House and a member of several study committees.

URGED LESS U.S. CRITICISM

His stock with the Nixon administration took its sharpest rise in December, 1969, when he surprisingly took on and defeated New York Mayor John Lindsay in a floor fight for the vice-presidency of the National League of Cities at its annual meeting in San Diego.

At that time, Lugar, who has since stepped up to the presidency of that powerful organization of urban officials, urged less criticism of the Federal government and more individual soul searching on the part of local officials for ways to solve urban ills.

In the last two years, the Indianapolis mayor has become one of the most sought after speech makers in the country. He sometimes averages two or three talks a day and spends considerable time out of the state spreading the Indianapolis story. The articulate mayor seldom uses text or notes for these speeches.

One of his major speeches was made in April last year at the Brussels meeting of the NATO Committee on the Challenges of Modern Society. Appearing at the personal request of President Nixon as his official representative, Lugar at that time first suggested a meeting of world urban experts be held in Indianapolis.

A native of the Indiana capital city, Lugar has always excelled in academic activities. In 1950, he graduated first in his class at Shortridge High School and four years later was again No. 1 in his graduating class at Denison University at Granville, Ohio.

While at Denison, Lugar served as copresident of the student body with Charlene Smeltzer, who two years later became Mrs. Richard G. Lugar. His achievements at Denison earned him a Rhodes scholarship.

STUDENT BODY PRESIDENT

As a Rhodes Scholar, he studied at Pembroke College at Oxford, England, receiving a B.A. and M.A. in politics, philosophy and economics. He was president of the student body at Pembroke, even though he was the only American enrolled at the time.

He joined the U.S. Navy in 1957 and after graduating from Officers Candidate School he served more than three years on active duty, most of the time as personal intelligence briefer for the Chief of Naval Operations, Admiral Arleigh A. Burke.

After returning to Indianapolis in 1960, Lugar joined his brother Tom in management of Thomas L. Green and Co., a firm manufacturing automated food machinery, and Lugar Farms Inc., both family businesses which have become highly successful.

Lugar's first bid for elective office came in 1964 when he became a member of the Indianapolis School Board. He served until 1967 when he resigned to run for mayor.

His previous experience in politics dates back to 1950 when as a freshman at Denison he was active in the late Robert A. Taft's Senatorial campaign and worked for Taft before the 1952 Republican National Convention.

In 1968, Lugar was a delegate and keynote speaker for the Indiana Republican State Convention and served as a delegate and member of the platform committee at the 1968 Republican National Convention in Miami.

An early backer of Nixon's candidacy for president, he formed a group of municipal officials in support of Nixon and was one of five members of the platform committee who wrote the President's views into that document.

The mayor and his wife live with their four sons, Mark, Robert, John and David, on the city's Northwestside.

[From the Indianapolis News, May 25, 1971]

AIR POLLUTION TOPIC AT NATO MEETING

EINDHOVEN, THE NETHERLANDS.—Items placed on the agenda for the international Conference on Cities will most likely be there because of NATO policy, individual member request or previous NATO conference recommendations.

One subject falling into the last category was the center of attention here in late February at an international conclave on the problem of arresting the destruction of the environment by the automobile.

The conference, formally called the NATO Committee on the Challenge of Modern Society, was called by the United States and attended by automotive experts from 10 NATO countries, Japan and Sweden. The three-day meeting was the first international forum for the discussion of alternate automotive power systems and the eventual development of a "clean air car."

With the emphasis placed on the car and the urban society, there is little doubt automotive pollution will be among the subjects open to discussion at the Indianapolis meeting.

At the meeting, the following accomplishments were noted:

1. International recognition of the auto and industry pollution problem and threat.

2. Common criteria established to encourage development of a clean air power system.

3. The receipt of 20 proposals from the auto industry for the development of a clean air system and the indication by many other manufacturers (especially European) that they intended to participate in the program.

The United States took the opportunity of gathered auto experts to announce a $20 million incentive program (through fleet purchases of perfected clean air power systems) for development of such a vehicle.

Dr. John Ludwig, assistant commissioner for science and technology in the air pollution control office of America's new Environmental Protection Agency, alerted the delegates to the severity of standards set for 1975 by the clean air legislation signed by President Nixon last December.

"IT'S TIME TO MOVE"

The U.S. Commissioner to the conference, Dr. K. H. Jones, pointed out that in the United States, automobiles contribute to one-half of the total air pollution and that 85 per cent of the carbon monoxide in the air is from automobiles.

"It is naturally hard to compare the problems of Los Angeles with the problems of London when you are talking about auto pollution," Dr. Jones said. "And yet, with the increasing motor vehicle population in the world, there is a desperate need for international recognition of the threat of auto pollution, especially in urban areas."

Shortly after addressing the conference, Dr. Jones told Tom Harmening, a reporter for The Indianapolis News, that the U.S. "is here for three reasons. First of all, we tried to explain the ramification of the 1975 legislation on clean air, secondly we are going to try and help other countries benefit by the mistakes we in the U.S. have made and then we are here pushing for a new type of automobile combustion.

"The growth rate of the automobile in Europe is twice that of the United States," he said, "so the problems we began experiencing in the late 1950s and early 1960s are now beginning to show up here . . . it's time to move."

Many of the proposed clean air power systems are gas turbine, which U.S. officials here now believe is the No. 1 candidate for the perfection of a clean air system. In the final moments of the meeting, officials stressed additional study and discussion on the effects of the auto on modern society is necessary.

Some of that discussion can be expected in Indianapolis this week.

[From the Indianapolis News, May 25, 1971]

Conference Cost May Go Over $500,000

Costs for the international Conference on Cities will range from $15 tickets to the 500-Mile Race to a $22,000 dinner check for 1,050 delegates.

Richard B. DeMars, finance chairman, said anticipated expenses will be $416,000, plus "agenda expenses which could run from $153,000 to $280,000."

DeMars said the Department of Housing and Urban Development received a special $100,000 appropriation from Congress toward agenda expenses.

Agenda expenses will include costs of interpreters and fees for panel chairmen ($1,000 each) and panel members ($400 each) participating in the conference, plus their travel and lodging costs.

Also included in the agenda expenses will be the costs of printing all conference documents. DeMars said the exact number of interpreters needed will not be known until the delegates arrive.

Conference income, aside from Federal funds from HUD and the State Department will come from the five major areas:

Lilly Endowment Inc., $110,000.
Ford Foundation, $100,000.
City of Indianapolis, $75,000.
State of Indiana, $75,000.
Local business, $57,000.

DeMars said the $57,000 in contributions from local industry came from the Eli Lilly & Co., RCA, American Fletcher National Bank, Indiana National Bank, College Life Insurance Co. and P. R. Mallory Co.

Another source of income is the U.S. State Department, which has $60,000 available.

DeMars said the $100,000 from HUD and the $60,000 from the State Department would bring total income to $577,000 as against anticipated minimum expenses of $569,000.

J. Ervin Miller, Columbus, (Ind.) industrialist selected by Mayor Richard Lugar as conference chairman, has also made a "substantial private contribution," an aid in the mayor's office revealed.

DeMars said his committee also is seeking $50,000 from 20 of the largest businesses in town to prevent having to use any of the $75,000 allocated by the city.

"The mayor is eager that the conference doesn't cost the city taxpayers anything," he said.

DeMars gave the expense breakdown in five areas:

1. Protocol, $125,736. Expenses incured by this committee include meals, some transportation, race tickets, rental of halls for the conference and banquets. He said the largest single expense in the protocol budget involves the $22,000 dinner at the Scottish Rite Thursday night, which was paid for by the Lilly Foundation.

2. Arrangements, $29,889. DeMars said the responsibilities of the arrangements committee involve transportation, liability insurance, uniforms for drivers of the 99 autos and 25 buses, and clerical expenses.

3. Executive committee, $177,492. Included in expenses for this committee are travel expenses for James T. Morris, administrative assistant to the mayor; P. E. MacAllister, conference secretary-general, and Miss Diane Waller, conference planning aid. Trips were made to Europe, New York, and Washington to work out conference and arrangements and financing.

Also included is $40,000 for conference reports and documents and a movie about the conference. Other expenses are a $50,000 contingency item for unknown items, $20,000 for reservations if delegates should fail to arrive; and $1,500 for a committee party when the conference ends.

4. Promotions committee, $73,643. DeMars said this was budgeted for a committee headed by Robert Beckmann, Jr., public information officer for the mayor. Some of the expense items in the promotion budget include supplies $8,000; press transportation $5,000; telephones $1,800; mailings $4,700; exhibits and display, $9,800; gifts and favors $11,000; rent of halls $10,000; visiting newsmen's party and tour $2,500.

5. Reception committee, $8,700. This committee is headed by Carl Dortch, executive vice-president, Indianapolis Chamber of Commerce, and includes items such as $5,000 for a publication giving a brief biography of each delegate and $3,000 for a hospitality basket of cheese and wine for the delegates.

DeMars said that up through last week, $25,000 had been paid out in conference bills. He said delegates and guests to the conference will pay for their lodging, with the exception of the panel chairmen and members.

He said the biggest item in the conference budget was about $114,000 for meals.

[From the Indianapolis News, May 25, 1971]

Hopes Meeting Is "Just the Beginning"

(By Bill Roberts)

COLUMBUS, IND.—"The hope we have for international Conference on Cities is it will be a first step that could be very important right around the world."

Commenting was J. Irwin Miller, general chairman of the conference, that opened in Indianapolis today.

"You know, one of the great strengths of business is that its representatives for many, many years have crossed national boundaries to trade ideas and to share their problems," Miller continued.

"In the field of municipal government, this never has been tried.

"We feel a lot of good can come from this conference and if it has one purpose, it is to bring the urbanized nations of the world together to talk about problems that are common to all of them and to exchange experiences on how to tackle these problems."

The chairman of the board of Cummins Engine Co. and the Irwin Union Bank & Trust Co. of Columbus, added, "Since this is the first ever, nobody knows yet if the conference will prove to be a valuable exercise that should be continued permanently.

"Can the mayor of Tokyo talk to the mayor of Mexico City?

"If he can, this is a good thing to have started. If the delegates feel they have received valuable help for their own problems we hope it will become a regular event and be held in different countries."

The Columbus industrialist feels that Indianapolis stands to benefit greatly from the conference.

"For a period of a week, Indianapolis becomes a world community and the citizens of the city will have an opportunity to meet and talk and associate with people from 15 countries.

"This is an extraordinary stimulant for residents to broaden their horizons, to take a new look at their home city and to make them more knowledgeable about world affairs."

Miller, no stranger in the field of urban and world affairs, was invited by President Nixon and Indianapolis Mayor Richard G. Lugar to serve as general chairman of the conference.

The first layman to be named president of the National Council of Churches (1960–63), Miller has been a member of presidential commissions, industrial boards and governmental committees ranging from urban housing and postal organization to trade with the Soviet Union and economic research.

He has been a driving force in the architectural brilliance of his home town which has earned the nickname "Athens of the Prairie."

"I was a little surprised and a little reluctant about being asked by the President to be chairman of this conference. There is a lot of work involved, and I'm not a resident of a big city. But I guess somebody has to do the job.

"I think arrangements and preparations for the conference are going very well," Miller said. "We have indications of a good solid attendance from 15 countries . . . and we are going to have the quality of people we want.

"Attendance of official delegates will be from 450 to 500. About 200 will come from foreign countries and the rest from throughout the United States.

"Really, the quality is excellent, and I am very pleased the most significant officials have chosen to come here.

"You know, in Europe May is the morth of the year that all municipal organizations have their annual meetings, so we had competition—whether to go to the local meeting or come to this one.

"I guess this wasn't realized at the time of planning this conference, but this sure is the meeting month."

Asked what can be done to halt the decline and deterioration of many big cities, Miller replied, "First of all, the citizens must be willing to restructure the government of their cities to the place where the government will have power to act.

"The weakest political official in American politics is a big city mayor. Really, he has less executive power than almost any elective official I know of. Because of boundaries, the mayor and the council don't usually have control of their whole urban area. Indianapolis has made a fine move in Unigov and its officials are able to administer an entire metropolitan area.

"Next, mayors and council must have adequate funds. That means the funds must come from the taxpayers."

He believes a tax overhaul is vital for Indiana.

"We need a new tax structure with all elements of our population contributing on an equitable basis. Much of the taxpayer's aversion would decline if he feels we have a fairly equitable tax base and he is made aware of the situation."

In addition to overhauling city government to make it effective and to altering the tax base, Miller is convinced officials must be willing to tax and raise the money required to make cities decent places to live.

"This means sacrifice on the part of taxpayers. It is just like in business when you curtail dividends and put the cash back in the firm."

[From the Atlantic Community News, November 1968]

Perspectives on U.S. Policy on NATO in New Administration

One of the most complicated elections in United States history will be analyzed long after this publication has rolled off the printing presses. Indeed, the analysis may well go on for years.

No more had the election of November 5 made Richard M. Nixon, President of the United States with 302 electoral votes to 191 for his Democratic rival, Hubert H. Humphrey, than speculation began both in the United States and abroad (especially in Europe) on the future course of United States foreign policy.

Fortunately, the future of United States foreign policy is not a dark, uncharted region. It is possible to get a fairly assured view of this future by examining the platform of the Republican Party adopted at the Miami Convention last August, which commits the President Elect to a certain specific action, by examining explicit public statements of the President Elect and finally by considering the attitudes of the President Elect recently and during all the years he has been in public office.

First let us look at the platform on which Mr. Nixon conducted his campaign for the presidency. Here are two salient paragraphs from the platform:

"Our best hope for enduring peace lies in comprehensive cooperation. We will consult with nations that share our purposes. We will press for their greater participation in man's common concerns and encourage regional approaches to defense, economic development and peaceful adjustments of disputes.

"Our relations with Western Europe, so critical to our own progress and security, have been needlessly and dangerously impaired. They must be restored and NATO revitalized and strengthened. We continue to pursue the goal of a Germany reunified in freedom."

Throughout his campaign Mr. Nixon talked of America's relations with Western Europe and of NATO's future time and again. One of his *leitmotifs* became "rebuild NATO."

On one occasion he said, "I believe that one of the priority steps of a new administration must be to strengthen our dangerously weakened ties. I have spoken repeatedly about this, and if elected, I most certainly intend to do something about it. The events in Czechoslovakia have given Europe a chance to reconsider the Alliance; and now that the opportunity presents itself, I think we ought to take full advantage of it."

On another occasion he said, "the Atlantic Alliance is the world's strongest bulwark of peace and the cornerstone of our alliance network. The rebuilding of NATO should be placed at the top of the agenda of American national business."

On still another occasion he urged NATO to help build "those bridges so urgently needed between the rich and the poor nations."

In a statement to the House Foreign Affairs Committee dealing with the Atlantic Union Resolution, Mr. Nixon said on September 1, 1966:

"It is fitting that the United States, the world's first truly federal government, should be a main force behind the effort to find a basis for a broad federation of free Atlantic Nations. . . . It would be foolish for us to ignore the fact that science and history are even now fatefully combining to accomplish the same goal. . . . The Atlantic Union Resolution (Representative Blank's H.C.R., similar to the McCarthy bill) is a forward-looking proposal which acknowledges the depth and breadth of incredible change which is going on in the world around us. I urge its adoption."

So much for explicit statements. Those who now gaze into the future should note the fact that Mr. Nixon for years has made surveys of every country in Europe (including the Soviet Union) and all those journeys contributed to his conviction that the Atlantic Alliance is "the cornerstone of our alliance network." One of his first steps after winning the nomination in Miami, was to demonstrate his interest in NATO and Europe's specific problems and attitudes by asking the former Governor of Pennsylvania, William W. Scranton, to make a tour of Europe on Mr. Nixon's behalf, and talk with the government leaders in every country he visited. This project was duly carried out and Governor Scranton brought back a report.

Subsequently Mr. Nixon appointed Robert D. Murphy, a career diplomat and Under Secretary of State during the Eisenhower Administration as his liaison with the Johnson Administration. Mr. Murphy is a director of the Atlantic Council.

Because of the closeness of the election, and the fact that both houses remain in control of the Democrats, bipartisanship in foreign policy and in all other fields becomes essential to the new president. In his emphasis on Europe, President Nixon will have the support of Mr. Humphrey who was the Democratic Nominee for president. Mr. Humphrey was one of the original sponsors of the resolutions to explore Atlantic Federal Union.

Europeans showed almost as much interest in the election as Americans. Some European newspapers, amusingly enough, ran their own polls among their own citizens. But many commentators erred on the side of excessive anxiety. With their minds full of coups d'état and putsches in their own country or other European countries, they anticipated acute danger—even rebellion or civil war if the election turned out to be close. These prophets of despair didn't know the American habit of accepting electoral verdicts promptly and shrugging off the past.

The election was indeed close (the President Elect's share of the popular vote ran to only 31,064,858 or 43.48 per cent as against 30,703,563 or 42.97 percent for Mr. Blank.

Looking at the future, one American statesman said, "In the future American foreign policy will indubitably be more greatly concerned with Europe. We cannot ignore what goes on in Asia but the critical spot on the earth's surface is Europe. In the future we will be a two-ocean country."

INTRODUCTION OF BILL AMENDING PROCEDURES OF MARINE CASUALTIES INVESTIGATIONS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. WALDIE. Mr. Speaker, today I am introducing a bill with my colleague (Mr. McCloskey), which provides for the inclusion of recognized environmental protection groups in formal investigations conducted by the U.S. Coast Guard following marine accidents.

The need for this legislation became apparent after the collision of two Standard Oil Co. of California tankers in the San Francisco Bay earlier this year.

As a result of the collision, a massive oil spill occurred which had a profound environmental impact on the San Francisco Bay and the ocean beaches outside of the Golden Gate.

The Sierra Club asked for formal participation authority in the ensuing investigation, but was denied this status by the Department of Transportation and the Coast Guard.

Mr. Speaker, I believe that groups such as the Sierra Club can provide enormous expertise and research assistance to investigations of marine casualties.

I am hopeful that the Congress will adopt this legislation to provide such standing by recognized environmental groups.

HAROLD H. SALKIND

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. EILBERG. Mr. Speaker, each of us has known men in our home towns and home communities who have distinguished themselves through their selfless civic activity. One such man in my city of Philadelphia is Mr. Harold Salkind. Presently the director of civil defense for the city of Philadelphia, Mr. Salkind is one of the best known and respected men in our city.

Thirteen years ago, Mr. Salkind helped to found and served as first president of the 21 Jewel Square Club, an offshoot of the Blue Lodge of the Masons. A fraternal organization which draws its membership from the professional and business communities in my city, the 21 Jewel Square Club performs considerable civic and charitable service.

Mr. Salkind's career of service to his community is outlined in the following article from the June edition of the Sparkler, the official publication of the 21 Jewel Square Club, and with the unanimous consent of my colleagues, I place it on the Record:

A MAN FOR ALL REASONS

(By Sam Dein)

To do justice in listing and writing of the accomplishments, the organizational work, the honors and other achievements of our Man for all Reasons is a monumental task. There is no one else—at least in our knowledge who can list even half as many as will be mentioned here. Who else but Harold Salkind—Mr. Twenty One Jewel—could be involved in so many activities—and have the chuzpah to get so many things done? He's truly an amazing guy—but we don't have to dwell on that—everybody knows this. But there will always be a mystery as to how he finds the time to do it all.

He started out in life innocently enough—one would never imagine then that this little guy would become the confidant of Presidential candidates, governors, senators and majors and persons in the highest pinnacles of power. But that's where he is today—and all 21 Jewelers will agree that he'll be up there for a long time.

After attending South Philadelphia High and Wharton School, he got his first political job as a clerk in the Registration Commission in 1935 followed by being an appraiser in the State Inheritance Tax Bureau from 1939 to 1942 and a Federal Internal Revenue agent 1942–48. In 1956 he started to come into his own with an appointment by Governor Leader as a Registration Commissioner, a post which he held for ten years. In 1966 he was appointed by Governor Scranton as Director of Philadelphia Civil Defense Council, a post which he still holds.

Ask Harold what his occupation is he'll tell you "an accountant". How much of that he does is debatable, but he is a partner with his son. Alan who is a CPA in the accounting firm of Salkind & Salkind. But his real job is getting things done in his many charitable, cultural, social and political interests.

Following are the posts he holds (or has held) in charitable and cultural groups.

National Board Member & Chairman—City of Hope

National Board Member—American Medical Center at Denver

Chairman—Muscular Dystrophy Drive—1959

Chairman—March of Dimes 1959–1960.

Member, Board of Directors—March of Dimes

Campaign Chairman (30 years) College & Hospital of Osteopathic Medicine

Vice-Chairman, Board of Directors—College of Podiatry

Secretary—Jewish National Fund for 15 years

Chairman—Histadrut of Philadelphia; elected

Regional Director for Eastern Seaboard in 1966

Board Chairman—Wynnefield Jewish Center

Membership Chairman—Temple Emeth Shalom, Margate, N.J.

President—Philadelphia Boosters Association (for 10 years)

Member, Board of Directors—Prisoners Family Welfare

Member, Board of Governors of PAL

Chief Barker—Variety Club Tent No. 13

January, 1966 and re-elected in 1967 for an unprecedented 2nd term

Appointed International Ambassador at Large—Variety Clubs International and re-appointed in 1968

Member, Board of Trustees—St. Lukes & Childrens Medical Center

Member of Board—Philadelphia Grand Opera Co. and General Chairman of 1st annual Award Dinner of this company.

Chairman, United Fund Drive for Philadelphia City Employees 1970 by Mayor Tate

His awards are many and varied:

National Torch of Hope Award 1963 and again in 1971

Honorary Doctor of Laws, January, 1966 from Philadelphia College of Osteopathy

Honorary Doctor of Human Letters, 1970 from College of Podiatric Medicine

Recipient of Commendation & Award of Distinction PAL, January, 1971

Award, Chapel of Four Chaplains 1968

Honorary Ambassador by Governor John A. Love of Colorado

Honorary Citizen of City of San Juan, Puerto Rico, 1965

All American Eleven Award from Pop Warner Little Scholars

He is proudest of his association with our 21 Jewel. He is a founder, Past-President and Past Board Chairman of our club and as we all know, the most active member in it. His other Masonic connections are Equity Lodge 591 and consistory of the Valley of Trenton 1948. He is also a member of Barbarossa Lodge, Knights of Pythias.

Everybody knows Tillie, his faithful wife, companion and greatest supporter for years. They have two children and eight grandchildren and in spite of all his activities is a devoted and doting grandfather.

Harold has made his mark in these many achievements, but he's not through by a long shot. He has many other things to do and he'll get them done. He's one of a kind.

U.S. POSTAL SERVICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. DERWINSKI. Mr. Speaker, on July 1, the Post Office Department officially became the new U.S. Postal Service. The Postal Reorganization Act provided the Postal Service with broad authority to manage its own affairs, but it entrusted the making of rates to a separate agency, the Postal Rate Commission.

A very interesting and informative commentary on the nature and future of this agency and its relation to the Postal Service was contained in a speech by the Chairman of the Postal Rate Commission, Mr. W. J. Crowley, at the Printing Industries of America Annual Convention in Chicago, Ill., on June 30.

POASTAL RATE REGULATION AND THE BUSINESS COMMUNITY

(By Chairman W. J. Crowley, Postal Rate Commission)

I am very honored to be here today as your guest, and I speak for my fellow Commissioners as well as myself when I thank you for the courtesy of inviting me.

As you all know, some tremendous changes have taken place in the basic laws under which our conutry's postal system operates. As a result of those changes, many of the old familiar relationships of business and the postal system are undergoing some critical review.

When Congress passed the Postal Reorganization Act—a tremendous step no matter how you assess it—it set up the framework that would remove the U.S. Post Office from its politically dominated department level status in the Executive Branch of our government. In its place it provided the basis for a quasi-public corporation to be run on a business basis by a blue-ribbon panel of directors called the Board of Governors.

Also, it created a new federal agency, the Postal Rate Commission, which has been given regulatory authority over the pricing of postal services.

Tomorrow, July 1, the final step in the structural change-over of the Post Office Department to the new Postal Service will take place, signalized by a ceremony in the office of the Postmaster General in Washington, D.C.

It is my belief that history will recognize the Postal Reorganization Act, and the changes it will make possible, as a major positive influence in the promotion of efficiency in the rendering of governmental services. In time, we will look back and wonder why it took so much time and so much debate and argument to reach such a logical result. Yet, as we know, it took much soul-searching before Congress yielded its prerogative to establish postal rates, and vested that authority in a rate commission. From now on, all rates and classifications of mail will be established by the application of what we hope will be expert judgment through the administrative process. The primary objective of Congress was to release the Postal Service from the annual torment of prolonged Congressional hearings and chronic deficits. The Postal Service was given an independent management and directed to move forward on a pay-as-you-go basis. However, Congress entrusted the making of rates to a separate agency, and it is about the nature and future of this agency and its relation to the Postal Service that I will talk today.

Postal service is an institution which becomes more fascinating as one studies it. Postal service reaches back into ancient times, at least as far as the Persian Empire. The Persian Postal System was described by Herodotus about 450 B.C. It is interesting that, from his account, we have derived the well-known motto:

"Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds."

The Roman Empire, with its customary efficiency, brought these services to a high degree of perfection. I have wondered how St. Paul managed to get his epistles to the distant Christian communities to whom they were addressed, but I suppose it was by way of the Roman Postal System. I have been unable to locate any authority, but it is my considered opinion that St. Paul enjoyed no franking privileges.

In the late Middle Ages, the universities and merchant guilds operated their own postal services. The Church, by means of its itinerant friars, also carried written communications. In England it was not until the age of the Tudors and the Stuarts that something resembling the modern Post Office was invented.

In the eighteenth century, the mails were carried by horse-mounted couriers and were delivered to inns or taverns specified for that purpose. It takes little imagination to recapture the pleasant commotion among the tavern patrons when they beheld the courier, tired and dusty. Later, mail coaches came into general use, and they were remarkably fast, considering the circumstances. Their departures and arrivals were significant events. It is reported that between 8 and 8:20 each night, a group of coaches would be loaded in rotation at the General Post Office in Lombard Street, London, and as each received its complement of mail bags it would speedily rattle away over the cobblestones to cities as far distant as Glasgow or Edinburgh. This spectacle attracted crowds of sightseers, newsvendors and general hangers-on.

The postal service has had a long, honorable, and romantic history here in our country. Benjamin Franklin was appointed the first Postmaster General in 1775. The pony express, the early air mail, were adventurous episodes in the postal service.

But almost without our realizing it, postal service became big business, one of the largest service industries in the United States, and in doing so it lost its romance. I think that the loss may have been detrimental to the service. The sense of vitality and human participation in the daily events of mail delivery were perhaps of more importance than we have realized. But business must go forward, romantic or not. The electronic and wire media are doubtless more glamorous today than the postal service, but the postal service is still a vital medium for the communication of news and ideas and the very bloodstream of our business life. We must not take this means of communication and channel of commerce lightly. It stands at our service, but it does not exist by an act of God. It must be paid for, and this is essentially what the Postal Rate Commission is all about. The Postal Rate Commission was instituted by Congress as a means for establishing rates which would pay for the cost of the service. We are dedicated to the achievement of these ends.

Let me comment first on who we are. The Postal Reorganization Act specifically requires that Commissioners be chosen on the basis of professional qualifications. As you know, there are five Commissioners including myself as Chairman.

Nathan A. Baily is a former professor of business administration and finance who was the founding Dean of The American University School of Business Administration. Dr. Bailey is an economist and has served on the Board of Directors of the United States Chamber of Commerce and was a member of the National Postmasters Selection Board.

Howard Elliott, Jr. is an attorney who served on the Missouri Public Service Commission.

John L. Ryan has had an extensive background of management experience and was Chairman of the Indiana Public Service Commission.

Frank P. Saponaro was executive vice president of a major economic and engineering consulting firm and for thirty-eight years was engaged in the natural gas and electric utility fields. He has held positions in both the public and private sectors and was formerly vice president of a natural gas utility.

Each of our key employees has come to us from careers which we believe have eminently qualified them for the positions they now hold. Our Secretary was formerly Secretary of the Federal Power Commission. Our Chief Accountant was Executive Director of the Washington Metropolitan Area Transit Commission. Our General Counsel has extensive experience in rate-making both in the Government and in private practice and was recently Associate General Counsel at the Civic Aeronautics Board. The Special Assistant to the Commission was a member of the staff of the Kappel Commission and an assistant division chief of the Office of Management and Budget. Our Chief Examiner has presided over some of the largest and most complex administrative proceedings, including the first area rate case conducted by the Federal Power Commission. With this solid foundation in regulatory expertise, we are moving forward to establish procedures which will enable us to reach sound and well-reasoned judgments regarding some of the most difficult problems ever presented to a regulatory agency.

To summarize, we now have the new law; as of tomorrow we have the commencement of postal operations under the new Postal Service, and we have a new and partially-staffed Postal Rate Commission—where do we go from here?

So far as my chief responsibility is involved, we have the problem of arriving at fair and equitable rates for postal service.

You are all businessmen. Have you had any wage increases in your businesses over the past 10 years? Don't bother to answer. Well, the Postal Service has had them also; and the Postal Service is a labor intensive operation employing over 750,000 people. As a result of these inflationary trends, postal deficits have been steadily increasing over the past few years. In fiscal year 1967, the operating deficit was about $1 billion. Three years later, it was about $1.5 billion, and in fiscal 1971 (which incidentally ends today) it will probably exceed $2.4 billion.

Compare that deficit with the Postal Service request for a rate increase of $1.454 billion or just a little more than half of the fiscal 1971 deficit.

One of the chief problems of rate regulation is to try to assure that the increase sought is spread fairly and honestly among the various classes of mail users. To do this, the Postal Rate Commission is holding hearings at which interested mail service users can present evidence that they believe worthy of consideration, relating to their mail service and the costs and rates for that service. These mailers can also examine the Postal Service's figures and data, and cross-examine the witnesses. There are many expert accountants and economists testifying in behalf of the mail users in these hearings. I have no doubt that the businessmen of this country are ably represented in those hearings.

Incidentally, the interveners in our first case, Docket No. R71-1, represent a very wide range of business interests, including parties concerned about every class of mail. The intervening parties are represented by many prominent and able lawyers, including a former Attorney General, a former Postmaster General, many former Post Office Department officials, several former general counsels of regulatory agencies, a former Chief Counsel to a Congressional Post Office Committee, a couple of former Federal regulatory commissioners, and other able counsel and company representatives. With such an array of talent, you can be certain that every word of testimony and every nuance of the statute will be fully explored.

But no matter how convinced the businessman might be about the technical qualifications of the appointed rate regulators, many hold in their minds a lingering suspicion that perhaps "some other party" has the ear of the Commission or more influence in the final rate decision.

This was not just a concern of businessmen. At the time the Postal Reorganization Act was being considered in Congress, it was a specific purpose of Congress, as shown by Section 1002 of the Reorganization Act, to divorce the Postal Rate Commission from outside pressures, including that of the Postal Service. When the House-Senate conference report was brought before the House, Chairman Dulski of the Committee on Post Office and Civil Service summarized the general concern for insuring independence for the Postal Rate Commission when he said: "The independence of the new Rate Commission is greatly strengthened by the conference substitute."

In the same context, we find other expressions of serious concern about the Commission. Congressman Udall said:

"I am going to call on the President to appoint men who will break with this tradition of the past and make sure that we have model regulatory agency, and an agency that has rules about ex parte communications and an independence of attending industrial functions and full disclosures of finances and things of this sort so that we can have a model agency."

Congressman Heckler of West Virginia added:

"I, therefore, will join in a strong appeal to the President of the United States to appoint men of courage and integrity and issue strict orders ensuring that the members of the Postal Rate Commission operate in the public interest. This Commission must not be isolated from information, but must be insulated against pressure."

Senator McGee, reporting on the Conference Bill, said:

"The integrity of the Postal Rate Commission to operate independent of the Board of Governors or any other outside influence was preserved."

The vast impact of postal service and postal rates on the American public scarcely needs to be emphasized. The Postal Rate Commission, in fact, will probably affect in some degree the lives and businesses of more citizens than any other agency. To achieve the goals of impartiality and freedom from special interests, the Civil Service Commission, acting pursuant to President Nixon's Executive Order No. 11570, issued Standards of Conduct for the Postal Rate Commission which I believe are the most stringent in the Federal Government. In stating the purpose and policy of the standards, the following language regarding personnel of the Postal Rate Commission is revealing:

"Their personal conduct must at all times be unquestionably free from taint or suspicion of partiality, favoritism, or any indicia of conflicting interests. Compliance with the legal requirements of procedural fairness in the conduct of the public hearings will not be sufficient to maintain public confidence in the rate-setting machinery authorized by the Postal Reorganization Act if doubts exist as to the personal conduct standards of the individuals who hold the hearings, and make recommended decisions based thereon, and their employees."

One of the most important of these rules is that governing ex parte communications. This rule states that no employee of the Commission shall receive any ex parte communications regarding either a substantive or procedural matter that is in issue before the Commission.

In addition to the ex parte communication rules, the standards governing the Postal Rate Commission restrict Commissioners and employees of the Postal Rate Commission in their financial holdings in any entity which may be significantly affected by rates, fees, or classification of mail, although this does not proscribe interests in companies or other organizations whose use of the mails is merely an incidental or minor factor in the general conduct of their businesses. Gifts, favors, entertainment and the like from parties having or seeking business with the Postal Service are forbidden.

These and other provisions underscore the basic ideal in the establishment of the Postal Rate Commission: to wit, the guarantee of complete independence and integrity in the important field of postal rate regulation.

Furthermore, on this subject, when the Commission came into being, its first order of business was to establish rules that would govern not only the relations of the Commission to those who practice before it, but also the relationship of the Commission staff to the Commission itself. The Commission was well aware that Congress and the general public and the practicing bar have been concerned about the relationship of a regulatory agency to its staff. After giving the matter very serious study, the Commission adopted Rule 8 of its rules of practice which prohibits members of the Commission's Litigation Staff—the lawyers and the technical assistants who participate in a trial—from participating in the decisional process. In other words, we have established a division within our own staff; a major portion of our staff of lawyers, economists, accountants and rate experts are serving as advisors to the Commission to assist it in reaching final determinations as to rates and classifications; a separate and distinct staff group to be headed by an Assistant General Counsel, Litigation Division, including attorneys on the Litigation Division staff, together with a group of economists, accountants and other rate experts will participate in the trial itself. This litigation group will cross-examine witnesses, present staff witnesses, and will file briefs and make oral arguments before the Commission. They will not advise the Commission in any off-the-record discussions regarding the decisions of the Commission.

Let me turn now to the substantive aspects of our regulatory effort.

In recent years, criticism of the declining quality of postal service has mounted. Congress has been acutely aware of the importance of efficiency in the postal service. Senator McGee paraphrased Mark Twain, saying, "Everybody talks about poor postal service, but nobody does anything about it." In the Postal Reorganization Act, the Congressional intent was stated in Section 101:

"The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities . . ."

Advocates of postal reform hoped that the Act would establish a sound legal basis for an efficient postal service, divorced from politics, modernized and operated by effective management. An integral aspect of reform was the institution of a business-like standard—one that we as businessmen can truly appreciate, namely that the postal system should, in the space of ten years or less, earn revenue substantially sufficient to pay for its costs of operation, with Federal appropriations only for certain limited subsidized services. The Postal Rate Commission has an essential role in bringing about this Congressional objective. The matter of setting fair and equitable rates that will produce sufficient revenue to meet the Congressional objectives is certainly a fundamental factor.

Our statute directs us to formulate rules and procedures patterned after those generally followed by other regulatory agencies:

We are governed by the applicable portions of the Administrative Procedure Act;

We are authorized to provide for advance discovery of evidence;

We require parties to submit prepared testimony and exhibits in advance of the hearing;

We are making use, and we hope it is effective use, of prehearing conferences to define issues and to eliminate duplicative evidence.

We are drawing upon the experience of other regulatory agencies in order to move along at the fastest pace compatible with due process. These are all technical points that will interest your attorneys far more than they will interest you, but I mention them to give you the assurance that we all are using every known regulatory device to assure expeditious, honest, fair hearings, and final determination.

This arrangement for rate-making through the hearing process by an independent regulatory agency invites a comparison of the Postal Rate Commission with other administrative agencies. In some respects there are similarities, but there are also differences. Our primary task is to act upon requests for postal rates and related matters such as classification of mail. In this respect, we are not unlike the Civil Aeronautics Board, the Federal Power Commission, the Interstate Commerce Commission and the Federal Communications Commission in their rate-making functions.

Congress has set up a number of criteria to govern our actions, some of which it borrowed from analogous regulatory situations and some of which it derived for the Postal Rate Commission:

The establishment and maintenance of a fair and equitable schedule of rates is a typical utility commission criterion.

Value of service is a standard criterion in transportation and utility regulation.

The requirement that each class of mail bear the direct and indirect postal costs attributable to that class, plus a portion of other costs reasonably assignable to such class, is an explicit statement of a standard that is implicit in most utility regulation.

The degree of preparation of mail for delivery into the postal system performed by the mailer and its effect upon reducing costs to the Postal Service is a factor unique to mail service regulation.

These are some of the most significant statutory factors which we must weigh in establishing rates. The participants at a hearing on postal rates will present witnesses and documentary evidence on these and other relevant factors. Opportunity will be provided for the cross-examination of witnesses and participants will file briefs and make oral arguments.

At the conclusion of hearings, the Postal Rate Commission will review evidence and briefs, evaluate the statutory factors which we must consider, and will submit a recommended decision to the Board of Governors of the Postal Service.

Under the law, the Board of Governors will then have certain options. They may approve the Commission's decision and allow it to take effect; they may allow the decision to take effect under protest and seek judicial review or reconsideration by the Commission; or they may return it to the Commission for reconsideration and the issuance of a further recommended decision. Following a further decision from the Commission, the Governors may modify the Commission's recommendation, but only by a unanimous vote. These provisions are spelled out in Section 3625 of the Act.

An aggrieved party may file an appeal in any court of appeals of the United States, but it is interesting that Congress imposed certain limitations upon the appellate courts. Consistent with their requirement that the Commission proceed with utmost expedition, Congress required that the courts make such an appeal a preferred cause and expedite judgment in every way. The court may affirm the decision or it may order that the entire matter be returned for further consideration; but the court may not modify the decision.

In conclusion, let us put aside the matter of rate increases and speak for a moment about the Postal Service and its resources for the benefit of business.

As I mentioned earlier, the final steps in conversion to the Postal Service take place tomorrow. But already some business-type steps have been taken. The selection of new postmasters has been on a career and experience basis since last August. Steps have been taken to reduce the number of district headquarters from fifteen to five.

Plans are underway for the building of specific bulk mail facilities to handle efficiently and rapidly the mass of bulk mail—that is, the parcels and circulars, magazines and so on, which for years have been handled by outmoded methods in existing post offices actually designed to handle chiefly letter mail.

These and many other improvements in equipment, organization and methods should result from application of traditional American business methods and principles, and ingenuity.

THE WILD BLUE YONDER OVER LAOS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. FRASER. Mr. Speaker, earlier today while we were considering House Resolution 492 I spoke about the air war over Laos. I would like to include in the RECORD a July 1971 Washington Monthly article, "The Wild Blue Yonder Over Laos," by Fred Branfman. It provides additional information on what Branfman has described elsewhere as "A Lake of Blood"—Laos.

The article follows:

[From the Washington Monthly, July 1971]

THE WILD BLUE YONDER OVER LAOS

(By Fred Branfman)

War is no longer the desperate annihilating struggle that it was. . . . It is a warfare of limited aims. This is not to say that . . . the conduct of war . . . has become less bloodthirsty or more chivalrous. On the contrary. . . . But in a physical sense war involves very small numbers of people, mostly highly trained specialists. The fighting . . . takes place on the vague frontiers whose whereabouts the average man can only guess at—George Orwell, 1984.

Conventional land warfare, George Orwell predicted, would inevitably give way to automated war as military technology developed. The war in Indochina today appears to be undergoing such a transformation.

Perhaps unaware of this, Americans who watch the war have not yet learned to look up in the air. While most people believe that bringing the troops home is synonymous with getting out of Vietnam, ground troops are becoming irrelevant to the war effort. The real war has taken off. The skies are being filled with American planes as the land is emptied of its foot soldiers.

The Nixon Administration has accomplished massive aerial escalation, perhaps more devastating than President Johnson's troop buildups of 1965, with minimum public notice or concern because the country still thinks it is fighting with the Green Machine, the ground army, of the 1960s. But the war of the 1970s is that of the Blue Machine, U.S. air power, several thousand feet above the grunts, climbing away from any American agony. With the inexorable development of American air technology, Indochina is already becoming Orwell's battlefield.

Since Nixon took office, and as ground troops have been withdrawn, more than 2.7 million tons of bombs, by Pentagon estimate, have been dropped on Indochina. This is more American ordnance than was absorbed by both the European and Pacific theaters during World War II, plus the Korean war. We are dropping six million pounds of bombs a day, 4,000 pounds every minute.

The people underwent another war: the air war. They learned another form of civilization: the holes. We dug day and night, the planes bombed day and night. Our village was filled with bomb craters, the land made barren. I grieved very much to see my village in ruins, my animals vanished, my crops destroyed. . . . Each day, news came about such and such a village being bombed, more and more deaths and wounded—from essay by teenage refugee, Laos

The bombing of Laos has doubled, erasing whatever restrictions on striking civilian targets that formerly existed. Hundreds, perhaps thousands, of villages have been detroyed. Tens of thousands of peasants have been killed and wounded, hundreds of thousands have been driven underground. The Plain of Jars, formerly a thriving society of some 50,000 people has been leveled and emptied of its inhabitants.

The Laos pattern has been repeated in Cambodia. Numerous towns and villages have already been decimated. As *The Washington Post* reported on January 21, 1971, "the United States is now waging a full-dress air war across Cambodia [that] now rivals in scope, although not in intensity, the air war in Laos."

The bombing of North Vietnam has also resumed. By June 1, air raids had occurred on 43 days since the first of the year, an average of twice a week. As Randy Floyd, a Marine pilot who bombed North Vietnam 37 times, put it, "Anywhere in North Vietnam is basically a free drop zone . . . if you didn't find any particular targets you wanted to hit, then normally you'd just drop your bombs wherever you wanted to." One may or may not accept Hanoi Radio claims that civilian targets are constantly struck. But all informed American sources say that "protective reaction" strikes are going far beyond enemy missile sites.

During these escalations, there has been a significant decrease of U.S. air activity within South Vietnam, both because of the slowdown in ground activity there and because some 500 aircraft have been transferred to the Vietnamese Air Force. Monthly American air sorties have been about 70 percent lower this year in South Vietnam than they were in 1968.

It is assumed, however, that should fighting flare up again, American squadrons will be returned from their present resting locations in Japan, Korea, the Philippines, Taiwan, or the United States—squadrons that can be made operational in three days, according to a Seventh Air Force information officer. Most Air Force personnel I interviewed tended to minimize the importance of the reductions in Vietnam itself.

In any event, more than 350,000 tons of bombs—200,000 pounds every hour—will be dropped before the end of the year. Clearly, as they say out in Cam Ranh Bay, "The name of the game is air."

There wasn't a night when we thought we'd live until morning . . . never a morning we thought we'd survive until night. Did our children cry? Oh, yes, and we did also. I just stayed in my cave. I didn't see the sunlight for two years. What did I think about? Oh, I used to repeat, "please don't let the *planes come, please don't let the planes come, please don't let the planes come."—refugee from the Plain of Jars.*

Many Americans believe that the pattern of the war fought on the ground in Vietnam will spread to the other countries. Actually, the opposite seems to be true. The air war in Laos has been going on for several years, a concurrent experiment with the land war in Vietnam. Neither experiment has been successful in stopping guerrilla forces, but at least the air war has a possibility for surviving the domestic politics while at the same time delaying communist takeovers in Indochina. It is perhaps the only solution for an Administration that wants to keep from losing wars abroad and elections at home.

The air war also involves a change in the tactics of battle. If a guerrilla is a fish among the sea of the people, the objective of the land war is to remove the fish. The air war, however, drains the sea. It has paralyzed the civilian populations. Vietnam is not the future of Laos, but Laos may be the future of the war all over Indochina. The Era of the Blue Machine has arrived.

This is my daughter, Khamphong. She's three years old. I was fishing in a stream with all seven of my children on February 28, 1969. Suddenly jets came and dropped anti-personnel bombs all around. Six of my seven children were hit. See, you can still feel many pellets in Khamphong's legs and back. There were no soldiers nearby.—refugees from Plain of Jars.

For the last two-and-a-half years, bombing has been the heart of U.S. policy. Historians may come to date this era from January 20, 1969. In it, war is waged primarily through the aerial bombardment of populated areas. Heavy bombing of civilian targets has, of course occurred during other wars, and in the Vietnam war before 1969. But in each of these cases, the bombing powers have also deployed large numbers of ground troops, with the bombing seen as a support effort.

What the Era of the Blue Machine means is no better illustrated than in portions of Laos controlled by the Pathet Lao. Pathet Lao zones encompass an area the size of New York state, or about two-thirds of the country. They are composed of 3–4,000 tiny villages, each consisting of a few dozen bamboo homes, a pagoda, rice storehouses, a few hundred head of water buffalo, cows, pigs, chickens, and ducks, and inhabited by some of the poorest, most gentle, rice farmers in Southeast Asia.

Each day for the last several years, hundreds of millions of dollars of the world's most sophisticated aircraft have been hovering over these villages: 01E, 02, and 0V10 spotter planes at 2,000 feet; A1E, A26, T26 prop bombers, AC47, AC54, AC119, AC130 gunships, flare ships, rescue and gunship helicopters at 5,000 feet; F4, F100, F105, A7, B57 jet bombers, jet reconnaissance, EC47 and EC119 electronic aircraft at 10,000; KC135 super-tankers at 20,000; B52s at 30,000; EC130 command and control aircraft at 35,000; and SR71 reconnaissance aircraft at 70,000 feet.

Giant computers, seismic and acoustic sensors, infra-red devices, and ANAPQ108 radar (designed to see through trees) have been tracking squat Soviet-built trucks or farmers trying to grow rice at night; laser-guided bombs and TV-guided missiles have been loosed on buffalo, trucks, rice storehouses, homes, and peasants alike. More than two million tons of ordnance have been dropped, $5–10 billion spent.

By the admission of American officials closely associated with the war there, Laos has been the most heavily bombed country in the history of aerial warfare.—The Washington Post, *May 23, 1971.*

Hundreds of case histories of bombing casualties have been recorded on film and tape in the refugee camps. Several thousand refugees, several hundred defectors, and Western observers who have visited these zones all report constant bombing of towns and villages and widespread destruction.

Each one of the refugees interviewed from both northern and southern Laos said that his village was either partially or totally destroyed by American bombers while he still resided there, or that beginning in 1969 the planes came "like the birds," as one old man put it, "and the bombs fell like the rain."

All refugees and defectors say the guerrilla soldiers avoided the villages, neither bivouacking in them nor storing arms and ammunition in them. All say that the vast majority of the casualities from the bombing were civilian and not military, as the soldiers were out in the forest and could not be found.

A significantly high number of casualties are children and old people. When asked why, refugees explain that the children like to "play around" too much and get caught in the open and, confused with terror, do not make it to the holes. Old people "often could not hear well or could not run fast enough," one chief of a Plain or Jars sub-district explained. He also said that most of the casualties were due to anti-personnel bombs dropped in or near the villages, but that napalm, fragmentation bombs, and 500-pound bombs were also frequently dropped. "During 1969 about 45 per cent of the people, mostly old people and women, never left their trenches or caves at all. They were too afraid. The others would go out and do their work if they didn't hear the planes coming."

Various press reports suggest that the same kind of bombing is going on in guerrilla-controlled zones of Cambodia. Population estimates for these zones begin at one million. The air war is still relatively new there, and as a result, refugees who have lived for long periods of time in guerrilla areas have not yet come into friendly regions. But private interviews with informed American sources indicate that the bombing of civilian targets in Cambodia is as extensive as in Laos.

One of the most heavily bombed areas has been the Plain of Jars, located in northeastern Laos and controlled by the Pathet Lao since 1964. If Khe Sanh and My Lai were the symbols of American ground intervention during the 1960s, the Plain is the symbol of the automated war of the 1970s.

On the Plain, once Laos' most prosperous area, there were no American ground combat troops. As former Ambassador W. H. Sullivan told the U.S. Senate in April, 1971, the area was not related to the security of American ground forces in South Vietnam. American-supported Asian troops were likewise doing little fighting there.

George Chapelier, a Belgian U.N. advisor, has described what occurred: ". . . in 1969 . . . jet planes came daily and destroyed all stationary structures. Nothing was left standing. The villagers lived in trenches and holes or in caves. They only farmed at night. In the last phase, bombings were aimed at the systematic destruction of the material basis of the civilian society."

In September, 1969, CIA-supported Meo troops went in and took out the remnants of what remained. Some 25,000 refugees were removed.

The Plain of Jars is today a deserted wasteland.

Sure, some of the villages get bombed, there's no other way to fight a war out here, for God's sake. It's a war, and the civilians have to suffer. We did it at Cherbourg, didn't we?—L. Hafner, Deputy Director, USAID/Laos, January 4, 1971.

All refugees talk about the bombing. They don't like [it]. But even if you found an example in which it was proven conclusively that houses were bombed, so what?—J. Williamson, USAID refugee relief chief, Vientiane, February 2, 1971.

While American officials concede that villages are frequently bombed, they tend to attribute this to Air Force "stupidity," "confusion," or "overkill." There is little doubt, however, that American policymakers also share the responsibility. Deputy Assistant Secretary of Defense Dennis J. Doolin has testified to Congress that in Laos "all United States operations, including our air operations, are controlled by the U.S. ambassador."

All indications are that the American ambassador has approved strikes against civilian targets in Pathet Lao zones. As Robert Shaplen has written in *Foreign Affairs*, an American goal has been to "destroy the social and economic fabric in Pathet Lao areas," in an attempt to weaken the communists' stronger ground army by depriving it of indigenous food supplies, disrupting communications, killing off potential recruits or porters, demoralizing the civilian population, and causing a refugee flow to friendly zones.

Informed sources indicate that this has largely been due to pressure from the CIA, which is heavily involved in targeting American bombing strikes in Laos. The CIA has its own photo-reconnaissance team, reconnaissance aircraft, and ground observers in Pathet Lao zones. Together with Air Force personnel, CIA representatives participate in weekly meetings at Udorn Air Force Base in Thailand to draw up target listings.

Largely because of its direction of the Armee Clandestine, an indigenous paramilitary force, the CIA, sources say, has consistently placed inhabited villages on the target list in an attempt to weaken the Pathet Lao.

It is certainly clear that the American embassy has taken few steps to enforce the Rules of Engagement (military rules of warfare that prohibit attacks on civilians). To this day, only one junior Foreign Service officer has been assigned to check proffered target listings. Virtually no mechanism has been established to monitor strikes, and there are no known instances of disciplinary action being taken against pilots for bombing civilian targets in Pathet Lao zones, although a few have been punished for strikes on friendly villages.

Now the cabinet is in deep discussion of a series of proposals by General Henri Navarre, commander in chief in Indochina, that the war be increasingly turned over to the Vietnamese themselves, permitting France to reduce the burden on its manpower and economy.—Life, *August 3, 1953.*

The bombing of villages results most fundamentally from a 25-year-long American refusal to allow guerrilla forces to come to power in Indochina.

Richard Nixon's first public admission on April 17, 1971, that withdrawal hinges on keeping a noncommunist government explains the reliance on bombing.

For Asian ground armies alone will hardly accomplish what 550,000 American troops could not. The ARVN, whatever its improvement in the last five years, remains riddled with corruption, elitism, and poorly motivated conscripts. As their raping, looting and indiscriminate shelling of towns has shown in Cambodia, they have yet to master the most elemental rules of ground warfare in Indochina. Their failures in Laos, and their loss of 54 posts in the "pacified" Mekong Delta during the first four months of 1971, have surprised few old Indochina hands.

The Lon Nol army, although its soldiers' courage is often admirable, has made little headway, even with ARVN help. The guerrillas now control from 60 to 70 per cent of Cambodia.

The Royal Lao Army and CIA-directed Armee Clandestine in Laos are even weaker. With the communist capture of the Bolovens Plateau in May of this year, the Royal Lao government now controls little more than the major towns.

And the Royal Thai Army is something of a standing joke in South Vietnam. Assigned to guard one corner of Long Binh base, its major accomplishment to date has been mastering the complexities of the black market.

At this writing, Asian troops are essentially playing a supplemental role: serving as live bait to lure the enemy out into the open for the bombers, as in the February, 1971, Laotian invasion; searching for enemy supplies, as in the A Shau valley; taking out refugees, as on the Plain of Jars; and guarding the major bases and towns. In any case, we risk Vietnamization because we do not have to rely on it. We rely on the bombs.

Me Ou was 59 when she died on February 20, 1969. It was a cold day and she decided to leave the trench about 3 p.m. to get some clothing for herself and the children. The jets bombed while she was in the house. She was burned alive.—Me Ou's son-in-law, Plain of Jars.

Domestic pressures generated by the ground war have also played a part in the shift to air. The Vietnam ground war costs more in money and in lives. The American people will not continue to pay the price that has already come to $100 billion spent, 50,000 dead, 300,000 wounded—nor will the troops, who are now in grassy-headed revolt.

The air war, however, provides few such problems. Although its cost is considerable, probably over $10 billion annually, much of the money used for upkeep of air bases and development of new aerial technology would be spent even without the air war.

Charles Schultze, former director of the Bureau of the Budget, estimates that costs above normal upkeep of bases and production of aircraft are $2–3 billion for 1972. And more important, U.S. casualties are minimal from the air. American pilots, freed from the discomforts of the ground war, and rarely seeing the people they kill, tend to raise fewer questions.

Perhaps most important of all, information about the air war is as ethereal as the atmosphere itself. It can be kept far from public and congressional consciousness; and, since there are no tales of atrocities and few picture of the bombing, domestic reaction to its more questionable moral aspects is muted.

The U.S. public is generally unaware of the massive bombing in Laos, for example. Newsmen have not been permitted to go out on bombing raids over Laos, although they can go over South Vietnam. They have usually not been allowed to interview the American air attache in Vientiane or the pilots bombing Laos from Thailand. When asked, official spokesmen merely deny that civilian targets are bombed, and almost all information is classified beyond public reach.

The most dramatic example of what freedom an air war allows the government occurred in November, 1968, when criticism of the well-publicized bombing of North Vietnam had reached its peak. President Johnson halted the bombing, a move still regarded by the antiwar forces as one of the few important victories of the peace movement.

But the bombing never stopped. It just shifted to northern Laos, leading to far greater destruction of villages than occurred in North Vietnam. There was no public reaction, however. Neither the people, nor their congressmen, even knew it had happened.

In August, 1969, the jets bombed Nang Pha Sii, my daughter-in-law, was in a trench. A bomb landed nearby, killing her father and wounding her mother and two other villagers. She was killed, shielding her year-old baby with her body. Soldiers? Oh, they didn't come near the villages. They knew they'd be bombed.—Nang Pha Sii's mother-in-law, Plain of Jars.

The opportunities the bombing provides for developing and testing sophisticated weaponry is another factor leading to its continuation. While a foot soldier can support just so much new technology on his back, the air war provides a vessel to be filled with all the gadgetry of the nuclear age.

This is seen as giving us important advantages over our adversaries. "The Russians are going nuts over what we're learning out here. They're dying that they can't test their stuff out," explained one happy pilot at Danang Air Force Base last November.

Later on, the pilot added one of the standard comments heard on Air Force bases in Indochina. "It may sound trite, but it's the only war we've got. Do you realize this is the only place in the world right now where you can drop live bombs?"

Although the number of bases has decreased by four in 1970 Pacific Air Force installations still stretch from Hawaii to Thailand. The command's area of responsibility covers roughly 40 per cent of the earth's surface's surface—an area with a population of more than one-billion people living under the flags of 27 nations. Pacific Air Forces has justly earned the title "Guardians of the Pacific."—Air Force *magazine May 1971.*

Only as one drives past the paddy fields and samlor drivers onto an American air base in Indochina does one begin to appreciate just how awesome a military force the Blue machine is.

Miles of roads stretch as far as the eye can see (an airman perhaps apocryphally is said to have measured the roads on Korat Air Force Base and found that there were enough for a two-lane highway to Peking and back). There are thousands of pre-fab structures quonset huts, trailers, tents, wooden and cement buildings; acres of hospitals, commissaries, canteens, nightclubs, restaurants, swimming pools, barracks, gasoline pumps, garages, buses, trucks, jeeps, radios, radar installations, warehouses, offices, and hangars; millions of gallons of fuel on the "fuel farm"; closed-circuit TV and radio and giant movie theaters.

Thousands of American and Asian personnel drive, scurry, loll about; pilots, radio operators, mechanics, bomb-loaders, fuse-installers, "fuel farmers," gas-pump operators, drivers, electricians, carpenters, janitors doctors, medical orderlies, lawyers, chaplains, cooks, MPs, guards, loaders, stackers, waiters, "hooch-girls," secretaries, clerks, information officers, launderers, photo interpreters, gunners, navigators, men wearing the uniforms of the Air Force, Navy, Marines, Army, Air America, Continental Air Service, and Pan American and Northwest airlines.

And then there are the planes constantly taxiing, taking off, flying landing—sleek squat, giant, tiny, silver, camouflage-green.

And finally, of course, the ordnance.

There are five such installations in South Vietnam, with some 40.000 American airmen; five in Thailand, with 25,000 airmen; four to six aircraft carriers operating in and out of the Gulf of Tonkin, with some 10–20,000 personnel; and a dozen smaller American-directed bases throughout Indochina for indigenous air forces.

These installations are, of course, but a small part of the Blue Machine. A logistics network stretching through 18 major air bases in the Pacific back to 112 in the United States provides the men and planes necessary to keep the bombs falling.

I'm as liberal, as much for peace as anyone else. But war is not a pretty thing. In a guerrilla war, the civilians are going to pay a price. War has now progressed to a point where you're going to bomb civilian targets and that's it. I'll be frank. I'm trained to kill people. I don't like it particularly. But when the time comes, I'm prepared to do it."—American F4 pilot, Saigon, November 14, 1970.

The image of the Air Force that most Americans grew up with was embodied in the fighter pilot. We still think in terms of World War II movies: blue-eyed, blond-haired young men soaring into the sky to defend God and country against the heathen Kraut or Jap.

The Air Force itself is still modeled after this tradition. The F4 and F105 jets, which have done most of the bombing in Indochina, are designed as fighters, not bombers. The training emphasis for pilots is still on the techniques of aerial combat, the need to establish "air superiority."

The pilots have fought few aerial duels in Indochina, however. And bombing villages just hasn't been the same thing. As long as bombing went on in Vietnam, morale remained high. The relatively significant number of military targets, the heavy antiaircraft fire in North Vietnam satisfied the pilots' need for a challenge. And in South Vietnam, a goal of providing air support for the 550,000 American troops on the ground seemed worthy enough. As one pilot explained, "Bombing for troops in combat is the most satisfying. It's really great to have them tell you afterwards, 'We'd have been overrun if you hadn't come.' I really like working with people."

With the switch to bombing Laos and Cambodia, the raison d'etre of the Air Force seems to have disappeared. Antiaircraft fire is relatively light. Plane losses in Laos have averaged four a month for the last year, for example, compared to 20 a month in North Vietnam during 1965–68. There are no American units to support. There are few large bridges, factories, or other targets which seem worth hitting.

Pilot: Our 500-pound nape cannisters are newer, they have a better dispersal pattern than the older 1,000-pounders.

Information officer: Hey, you're not supposed to talk about the napalm.

Pilot: No ——. Why not?

Information officer: Well, you know those college kids. Pretty soon they're going to put poor Dow Chemical out of business. You're not supposed to talk about it to the press.

Pilot: Well, it seems pretty ridiculous to me that people can be so emotional about how you kill people. What's so bad about nape anyway?—conversation at Danang Air Force Base, November 1970.

The pilots themselves tend to be an odd combination of hot rodder and technocrat. On the one hand, they spend a good deal of time discussing the technical details of their work and take it quite seriously. On the other hand, as one pilot says, "Pilots are more immature than most civilians their age. They sort of like to play cowboys and Indians. That's part of the attraction of being a pilot." On a visit to Danang Air Force Base, I was surprised to see sharks' teeth and mouths painted on the noses of the F4s. "It's good for morale," a pilot explained proudly.

Pilots tend to get restless without a challenge. This has led to increasing frustration with their role in the last two-and-a-half years. One pilot explained, "You go up over Laos and it's just not that satisfying. All you're doing is bombing roads and inanimate objects. But even that's more exciting than South Vietnam. In Laos at least you get some antiaircraft fire."

Such problems were illustrated in a long interview with several F4 pilots at Danang in November, 1970. Conversation for the first several hours, as is usually the case, was rather dry and technical. Discussion focused on the capabilities of different aircraft and kind of ordnance, weapons-delivery systems, and navigational problems.

At one point, however, the pilots were asked if they got any feedback on people killed in action as a result of their raids. As pilot explained: "You've hit on a rather sore the men in the room began to chuckle, one point, you know. You could say there's kind of a controversy between us and the grunts on that subject." He then went on to explain that the pilots felt that the foot soldiers were taking credit for aerially-inflicted casualties.

The pilots grew gradually more and more indignant as they told personal anecdotes of having been "robbed" of "kills." A typical example was given by the pilot who exploded, "One day we went in over a North Vietnamese military camp on top of a mountain. It was right out in the open, so we could see it and everything. We plastered the place, napalm, 500-pounders, the works. I know we had kills, you could see people running all over the place, buildings burning. There was no way for there to be no KIA. But do you know what happened? The grunts came in and reported 25 enemy killed by ground fire. All they did was shoot their M16s into the corpses and then claim they'd killed them. The nerve. Can you imagine?"

Such haggling over body counts does not, of course, satisfy the pilots' competitive urges. And though they try to compensate by striving to win the "Gunfighter of the Month" award—based on percentage of bombs dropped in the target area—it hardly suffices. As one F4 pilot said, "Bombing the North really keeps morale up. Every man likes to feel that he's an adventurer. I'll tell you, it's exciting to come down the chute with the flak flying all around you. The general attitude around here is 'let's keep the war going, it's dying.'"

. . . our air activities are governed by strict Rules of Engagement and Operations Authorities designed to minimize civilian casualties.—Assistant Secretary of Defense Doolin, Kennedy hearings, May, 1970.

. . . the United States Air Force contribution was limited to striking at [military targets] . . . it was the policy not to attack populated areas.—former Ambassador W. H. Sullivan, Symington hearings, fall 1969.

The pilots' indifference to the air campaign in Laos and Cambodia is a major factor in the constant strikes against villages. As one pilot who has bombed in both northern and southern Laos explains it, "Sure, we're supposed to follow the Rules of Engagement, like not bombing within 500 meters of an active village. But all of these rules and regulations don't mean —— when you have a guy in an aircraft. Ninety-five per cent of the guys have no qualms about dropping bombs anywhere. Very few differentiate where the hell they bomb."

The bombing of civilians is also a result of the fact that pilots cannot easily locate military targets in Laos and Cambodia. The guerrillas move through the forest at night in small groups. There are no munitions factories or exposed military camps, and arms depots are hidden underground. And since the targets that are traceable, such as trucks, are of minor importance, pilots tend not to risk bombing from lower altitudes. "When you go down in Laos, you don't face a very bright future," an F4 pilot said, "and frankly, I'm just not going to risk my —— for a———— truck." From higher up, especially in the monsoon season, the bombing takes place without the pilot ever seeing the ground below. It is not surprising that one pilot estimated that only one of ten bombs generally falls anywhere near the target. Many of these bombs fall on villages, for, in places like Laos and Cambodia, most villages are located on or near the road. "When you have to bomb trucks one by one, you're going to kill hundreds and hundreds of civilians," one pilot says.

Pilots who cannot locate any targets are discouraged from wasting their bombs by dumping them at sea or in unoccupied forest. "The pilot who doesn't get rid of his ordnance somehow," a pilot says, "is a rare exception." So they end up striking the only thing they can see from the air—villages.

Nixon Administration officials, as did those in the Johnson and Kennedy Administrations, say that never before has such care been taken to spare civilians in bombing raids.—George Wilson, The Washington Post, *April, 1971.*

Another factor leading to low Air Force morale has been the military ineffectiveness of the bombing.

The major success claimed for the bombing by the Pentagon is that it destroys seven of eight trucks moving down the Ho Chi Minh Trail. This appears to be more a reflection of what some of us call the "Leff Syndrome," however, than reality.

Arnie Leff, an Air Force doctor at Udorn Base in Thailand, achieved some local fame during the great Gonorrhea Crisis in the fall of 1969. Charged with controlling venereal disease for Udorn's airmen, Leff was instructed by his hospital commander to get the rate below one case per 1,000 men per day for the month of December, 1969. Trying his best, the good doctor lectured, charted, and examined. But, alas, the rate was still 1.5. A hospital superior ordered him to lower the figures anyway. Although he refused, Leff later found it common practice elsewhere for rates to be finagled. Incensed, Leff asks, "If they'd change gonorrhea rates, what else would they falsify?"

All available evidence suggests that they falsify the high "truck-kill" ratio.

No less an authority than former Defense Secretary Robert McNamara, after all, revealed in the fall of 1968 that bombing raids on the Ho Chi Minh Trail had reduced the flow of men and supplies by no more than 10–15 per cent.

Subsequent events seem to bear this analysis out: communist successes against the South Vietnamese invasion in February 1971; the uncovering of supply complexes in the A Shau Valley in May, 1971; significant guerrilla advances in southern Laos during the same month; the ongoing communist military success in Cambodia despite the closing of Sihanoukville port. All this suggests that however many trucks are being destroyed from the air, communist forces are suffering few serious supply problems.

My way of killing people is better than their way. The Pathet and North Vietnamese are a plague. We have to eliminate them. They have no regard for human life.—F4 pilot, Danang, November 28, 1970.

Despite the inefficiency of the bombing, there is little likelihood that it will be halted.

The Air Force argues strongly that bombing has been most successful. Even where it admits limited failure, as for example in the inability of the bombing of North Vietnam to halt the flow of supplies into the South, it ascribes this to improper constraints placed on it by civilians.

As one F4 pilot put it, "Targeting for air war North was done by Washington. This gives the enemy the advantage. The whole problem comes from Kennedy's 'flexible response' idea. You hit me on the foot, I hit you on the ankle. You hit me on the knee, I hit you on the shin. But it doesn't work. If you hit me on the foot, I should slug you with a club and put you out of commission.

"I'm not saying we were right. Let's face it, we just attacked the———. But when we did decide to bomb them, we should have kicked the———out of them."

Some critics see an element of cynicism in continued Air Force claims of success. They suggest that they are produced to justify more money from Congress, and more weapons development.

While there may be some truth in this, there seems no doubt that Air Force personnel are by and large sincere in their belief that bombing has been effective, not because it has cut off supply lines, but because it has made the enemy "pay a price" for his conquests. Guerrillas in Indochina, it is argued, are an implacable force bent on military victory, and whatever we do to make it more difficult for them is justifiable.

This war from the pilot's standpoint is a very impersonal one, whether or not you believe the goals that the government prescribes for us. Most of the pilots just go along and figure, well, it's a job. You fly. You see flak at night. That's about as close to war as we get. Sometimes you get shot down, but you don't see any of the explosions. You can look back and see 'em, but you don't see any of the blood or any of the flesh. You go out, fly your mission, you come back to your air-conditioned hooch and drink beer or whatever. You're not in contact with it.—Randy Floyd, Marine Corps pilot.

The increasing automation of the American military effort in Indochina will have an impact extending far beyond that unhappy region. One of its far-reaching ramifications is the change it is bringing to the psychology of warfare.

It is not only that few of the Laotian or Cambodian peasants presently living under the bombing have no idea what an American is, why the United States is bombing them—it is also that few of the Americans involved in the air war have ever seen a Laotian or Cambodian.

Navigators plot bombing raids on coordinates, not villages; pilots pull levers from thousands of feet up, not triggers at human forms 100 yards away; photo interpreters see bomb craters and destroyed "enemy structures," not headless children or napalmed grandmothers; a Stinger pilot—whose machine can put a bullet every square foot in an area the size of a football field—stares ahead into the inky darkness, periodically firing when two pips on his computer coincide. Any corpses below lie far from his consciousness.

And those few Americans who do know Laotians or Cambodians express little but warmth and affection for them. The past and present American ambassadors to Laos, for example, both speak frequently—and no doubt sincerely—of their deep admiration for its people. Neither has shown any noticeable discomfort as they wander through Laotian refugee camps, chatting and smiling with people against whom they had earlier approved bombing raids.

In the Era of the Blue Machine, war is gradually becoming a technical exercise, bereft of malice or rancor, an elemental expression of the art of killing. Men are increasingly freed from the hatred, doubts, greed, or rationalizations that killing usually entails. The issue of guilt is becoming meaningless, conscience irrelevant. The pilot, bomb-loader, and the policymaker have no intention to kill. Psychologically, therefore, they do not.

The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.—Article 25, Hague Convention on Land Warfare, 1907.

The issue of war crimes is reduced to absurdity.

The chief U.S. prosecutor at the Nuremberg trials, Telford Taylor, talks of two principles which establish aerial bombardment as a war crime: 1) if the means of bombardment of civilian targets are disproportionate to their military value; and 2) if bombing is carried out against civilians in reprisal for military acts over which they have no control.

In rural theaters such as Laos or Cambodia, any means of bombardment would be disproportionate—enemy stores and soldiers are not located in the villages. Antiaircraft positions are not located there, either.

Moralists may wonder why an Ambassador Godley continues overseeing bombing strikes in Laos while a Lieutenant Calley languishes in jail. The lieutenant, after all, was convicted for killing unarmed and unresisting civilians. And bombing strikes in Laos, for which the ambassador bears responsibility, are killing unarmed and unresisting civilians as a matter of course.

But that is precisely the point. In countries such as Laos, the act of automated war itself is the war crime. There are no Calleys or Medinas to accuse.

And barring the unlikely event of the superstate itself being vanquished, its policymakers are hardly likely to admit to—let alone convict themselves of—war crimes.

A lot of people in the States underestimate what we're up against. They're just primitive little jungle fighters, sure. But they're shrewd, good tacticians. They have equipment, too, like the SAMs up North. And they use a lot of the stuff we discard, like tin cans. They make fuses out of them. And they'll make a damn good booby trap out of a couple of boards and some nails.—F4 pilot, Danang Air Force Base.

As such a war continues, ideological, economic, and political considerations assume a secondary role.

Perhaps when the war began it was primarily a struggle between freedom and communist totalitarianism, as conservatives see it; or perhaps it was a conflict between American imperialism and national liberation as the left claims.

But today, with South Vietnam being run by its American-imposed Curtis LeMays, few U.S. leaders claim that democracy is really a factor in the war. Ideological and political questions have long since dimmed in importance, since most people within Indochina have already decided what side they are on. After an expenditure of over $100 billion, the U.S. economic motives have diminished, too.

The main concerns, from the American side, are technical in nature: developing sensors which will allow instantaneous, automatic, and pinpoint bombing of enemy guerrillas; getting hand-held lasers into use instead of ineffective aircraft-directed beams; applying new and better forms of ordnance.

For the guerrillas the war has become primarily a question of persevering, of developing courage, patience, and near-mystical faith in their troops, of continuing to meet technological developments from the air with increased ingenuity and resourcefulness.

It is Ho Chi Minh himself who is said to have remarked to a graduating class of sappers, the elite units of the North Vietnamese army, "You are our answers to the B52s."

The war in Indochina today has become primarily one of technology versus the human spirit.

The biggest problem I had was to restrain my men's enthusiasm. If I asked for volunteers, all my men would argue to be the first chosen. "Let me do it, they killed by mother!" "No, let me go, they destroyed my village," they would say. Were we afraid of the planes? Oh, no. If they stayed up high, they couldn't hit us. If they came down low, we could shoot them down. We were very angry. The planes didn't come to bomb the soldiers, they tried to kill the villagers. The villagers are just rice farmers. They didn't do anything against those pilots.—Pathet Lao defector, former captain.

The human spirit seems to be triumphing. Interviews with Pathet Lao defectors indicate that far from breaking the enemy's will, the bombing strengthened it. "Before, maybe only 20–30 per cent of the young men would volunteer to join the Pathet Lao army," explains one defector. "But by 1969, 90 per cent and more wanted to join. Nobody really understood what the Pathet Lao meant by 'American imperialism' before the planes came. But by 1969 the attitude was 'better to die fighting than hiding in the holes.' "

In an arena where American-supported ground forces are as lacking in motivation as they are, such sentiments on the other side are a key factor. At this writing, communist guerrillas are the only force in Indochina who believe they know what they are fighting for.

The influx of more than 30,000 refugees from heavily bombed areas during 1970 has made the bombing common knowledge in American-supported zones. Laotians of all political stripes are opposed to the bombing because it caused hardship to their fellow Laotians against whom they bear no enmity, and because they believe it widened the war. They blame Souvanna Phouma's government in part for permitting it. Conversely, they admire the Pathet Lao for standing up to it.

The war in Laos has always been for essentially political ends. The communists have made it clear they are not planning to take over the major town militarily. The bombing has undoubtedly aided them in achieving a political victory. This may later be true of the other countries as well, making one wonder whether technology can keep up with the growing opposition to the U.S. in Vietnam, if we will resort to even more effective bombs to keep down more strengthened wills.

I can assure you that my words are those of a devoted pacifist. My very hardest job is to give out medals of honor. If I lived in another country that wanted to be sure and retain its right to self-determination, I would say: "Thank God that the United States exists at this moment of history." We are not bent on conquest or on threatening others. But we do have a nuclear umbrella that can protect others. This is the moral force behind our position. We could be a terrible threat to the world if we were to lose that restraint.—Richard Nixon, interview with C. L. Sulzberger, The New York Times, March 10, 1970.

The issues raised by the air war go far beyond the personal culpability or motives of American leaders. For if the last few years have shown anything, it is that technological growth has a dynamic of its own, independent of the will of individuals. American leaders are more products of this process than its conscious manipulators, more the Man in the Grey Flannel Suit—or sometimes the Mad Hatter—than Big Brother.

The change in the Laos air war from a limited number of prop bombers dropping 500-pound bombs outside of populated areas to hundreds of jet and B52 bombers using laser and TV-guided missiles does not appear to be the result of a series of carefully planned decisions. It was just part of ongoing technological development. The war kept up with the advances; each new improvement was put into action.

Dow, Honeywell, and Lockheed did their part; so did the Air Force, Marines, and Navy, the State Department and the CIA, Standard Oil and Gulf. The momentum was more powerful than the people within it; a belief in technology covered the horrors, much as a belief in religion protected the Inquisition. And without anybody really understanding or caring, thousands of Indochinese villages were destroyed in the process.

The roar of the bombs and the noise of the planes frightened me terribly. Our life became like one of animals who search to escape the butchers. Each day, across the forests and ditches, we sought only to escape from the bombs. When looking at the face of my innocent child, I could not stop crying for his future. Why do the men in this world not love each other, not live together in peace, not build happiness in development and progress? Human beings, whose parents cherished them, died from the explosions of the bombs. Who then thinks about the affection and love their parents felt for them? As for the other men, do they know all the unimaginable atrocities which can happen here in this war?—from essay by 35-year-old woman refugee from Plain of Jars.

The questions raised in this, the third year of the Era of the Blue Machine, really have less to do with men than Man.

What does it mean, after all, when the strongest of the species is systematically killing and maiming some of the weakest? . . . the most prosperous regularly destroying the homes and belongings of some of the poorest? . . . the most industrialized constantly devastating the land and food supplies of some of the most rural? . . . and the most technically advanced using their most sophisticated weaponry against a people who pose the most marginal of challenge to their interests?"

In a nuclear age such questions are of more than passing concern.

BREA—A CITY THAT CARES

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. WIGGINS. Mr. Speaker, the citizens of Brea, Calif., have made a commitment to the American servicemen who are POW–MIA's in Southeast Asia. The family of Marine Capt. Stephen Hanson has been adopted by this community. Over the past several months, they have given Mrs. Hanson and son, Todd, moral support and at the same time reminded the public that we should not forget the brave men who are prisoners or who are missing in action.

Recently, Congressman BIESTER and I witnessed a 10-mile walkathon staged by students of Brea-Olinda High School who wanted to demonstrate their commitment to this cause. The students are now working to enlist high schools all over our Nation in the program of adopting a POW–MIA family.

Mr. Speaker, I would like to call to the attention of the House of Representatives, a news report of the walkathon which appeared in the Register, a newspaper published in Orange County. The report follows:

WALK-A-THON EXCEEDS EXPECTATIONS

(By Judy Roski)

BREA.—By noon Saturday, 450 weary, blistered and thirsty high school students had reached their goal in helping to publicize and raise money for 1,600 POW–MIA's by completing a 10.2-mile walk-a-thon from Brea-Olinda High School to Knott's Berry farm.

The students raised in excess of $1,000 by having individuals pledge money for each mile walked. All of those who had agreed to go the distance did, Bill White, Brea-Olinda's dean of students said.

Only scheduled stop along the route was a brief refreshment break at Sunny Hills High School on Bastanchury Road in Fullerton where the young people had a cold drink of water. The stop was 5.4 miles from their starting point.

But school nurse Mrs. Fox said she patched "about a dozen skinned knees and elbows from falls. We were riding in a mobile unit not far from the marchers," she explained.

Mrs. Carole Hanson, to whose husband the walk was dedicated, and her 4-year-old son Todd were among those who finished. Mrs. Hanson said Todd had been pulled in a wagon by a group of "very kind Marines."

But, most of the walkers were 16- and 17-year-old students from Brea-Olinda, Lowell, Sonora, Valencia, El Dorado, Troy and La Habra high schools. They were happy to see Independence Hall, endpoint of the walk, rising in front of them. The hall was the site of a 1 p.m. rally.

More than that, though, the young people seemed grateful for the donated sodas, cookies, coffee and cold water. As they entered the gate at the hall, they flopped to the ground and several fell asleep waiting for the rally.

"For some reason, we arrived an hour before schedule. I can't really believe it, I thought it was already Sunday," school board member Rex Gaede said.

The rally featured Mrs. Hanson; Brig. Gen. Leslie Brown, El Toro Marine Air Station commanding officer; Rep. Charles Wiggins (25th District) White as master of ceremonies; Johnny Grant, public affairs director for KTLA; and Stephanie Davey and Christy King, student co-chairmen of the day's activities.

Gen. Brown told the young people he had seen a lot of things happen because of the Vietnam war and many things would be remembered. But, "the main story that will come from this war is that they (prisoners) will believe you care for them. The kind of thing you have done here this morning is beautiful," he said.

Mrs. Hanson, following, a moving recital of the few facts known about her helicopter pilot husband being shot down over Laos four years ago, ended by telling students, "It is you who will bring him home."

Wiggins pointed to a change in policy by the federal government about POWs and said, "It has been through efforts such as yours that U.S. government policy has changed. Before, we used to keep this all quiet and have little-known talks in foreign capitals.

"But, your efforts and others like yours have focused the attention of the whole world on prisoners of war. And, you will succeed eventually in securing both information about their whereabouts and their release through worldwide opinion," he said.

Throughout the walk and rally, a three-man television team filmed the young people's efforts. One of them said the walk-a-thon will be part of a CBS documentary on nationwide activities on behalf of war prisoners. The documentary is scheduled for June 22 on network television.

One benefit students had not expected came when Pennsylvania Rep. Pete Biester, in Southern California with Wiggins, said he would take home the idea of adopting a POW to his native state. "I think the young people at home will try to do as these students have done," he told The Register.

With the $1,000, the students hope to send 20,000 high schools across the country a packet explaining the purpose of adopting a POW, what benefits can be expected and how to go about it, Miss King said.

Other events will be planned in the near future, she added, so they can reach their $10,000 goal. "When we get that much, we'll send a student delegation to Hanoi or Laos to ask for Steve's release. We hope we'll be ready by October," she added.

GENERAL REVENUE SHARING

HON. HOWARD H. BAKER, JR.

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Wednesday, July 7, 1971

Mr. BAKER. Mr. President, there is increasing evidence that the distinguished Committee on Ways and Means of the House of Representatives intends to report some alternative to general revenue sharing by the end of next month. Such rumors as there are indicate that the alternative package will concentrate the proposed fiscal assistance in the densely populated urban centers of our country.

While there is no denying the urgency of the big-city fiscal crisis, it is folly to suggest that it is only the governments of urban areas that need general fiscal assistance. Any alternative to revenue sharing that proposes to by-pass the State governments and rural areas of our Nation would be no alternative at all.

On June 9 representatives of the National Association of Counties appeared before the Committee on Ways and Means to testify in support of general revenue sharing. Among those representatives was Judge William O. Beach of Montgomery County, Tennessee, one of the most talented and articulate local officials in the country. The NACO testimony was unusually cogent, in my opinion, and made a forceful case for the revenue sharing concept.

The National Association of Counties has also compiled an impressive set of resolutions from various county governments around the country in support of revenue sharing. So that Senators may be reminded of the tremendous support that exists throughout the Nation for general revenue sharing, I ask unanimous consent that the testimony of NACO referred to above and the various county resolutions also referred to above be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES

TESTIMONY OF CLESSON Y. CHIKASUYE

Honorable Chairman Mills and Distinguished Members of the House Ways and Means Committee:

My name is Clesson Y. Chikasuye. I am a councilman for the City/County of Honolulu, Hawaii, and President of the National Association of Counties. It is a tremendous pleasure for me to appear before your Committee today to present to you the reasons why we, as elected county officials, are supporting the Administration's general revenue sharing program.

With me today are a number of prominent county leaders from throughout the United States. I would like to present them to you at this time:

1. Judge William O. Beach is from Montgomery County, Tennessee and is a member of our NACO Board of Directors.

2. William Conner is the elected County Executive of New Castle County, Delaware and is also the First Vice President of the National Association of Counties.

3. George Lehr is presiding Judge and elected County Executive of Jackson County, Missouri and is also Chairman for Revenue Sharing under our NACO Taxation and Finance Steering Committee.

4. W. W. (Woody) Dumas is the Mayor-President of East Baton Rouge Parish, Louisiana, and a NACO Board of Directors member.

5. Ralph Caso is elected County Executive of Nassau County, New York.

6. John Brewer is Chairman of the Board of Commissioners of Kent County, Michigan and the Chairman of NACO's Taxation and Finance Steering Committee.

It has become apparent to my colleagues, myself, and all county officials that general revenue sharing has emerged this year as *the* most important domestic issue before the Congress and before the American people.

If your Congress sees fit to adopt this program, it could represent a turning point in our nation's history. Proponents of this proposition have labeled it "a new American revolution"—a revolution that would return money and influence to individuals at their communities, provide a new freedom for lower levels of government in our federal system, significantly aid states, counties, and cities in alleviating the very obvious fiscal crises that confront them, and soothe the federal bureaucratic nightmare that has haunted state and local officials. We agree with and join these proponents.

But even with these laudable and persuasive goals and even with the widespread support that exists, a general pessimism concerning the passage of the President's general revenue sharing proposal has pervaded the Congress, including your Ways and Means Committee. We believe that much of this pessimism has resulted because many of the questions that you and your colleagues have been asking about revenue sharing have not been adequately answered. Therefore, as representatives of county government throughout the United States, we hope today to answer some of these hard questions you have been asking. It is obvious to you why we in county government support general revenue sharing. But today we would like to let you know why we think you should support and vote for general revenue sharing.

Before my county colleagues direct their attention to these somewhat "negative" questions, I would like to list for you a few of the "positive" arguments for revenue sharing that we believe make it a "must" program.

First, there is the argument which you have heard many times, but which is so important and so much at the heart of General Revenue Sharing, that it should be repeated. This, of course, is the philosophical argument for general revenue sharing—the argument that has the very impressive goal of attempting to reverse a trend over the last forty years toward the centralization of power in the national government. This trend now, we say, should be reversed in an attempt to return both power and money to state and local governments. We in county government are firmly convinced that we should be given further opportunities to solve the problems that we know best in an effective and innovative manner.

But perhaps even more important, decentralization of governmental power is needed to restore the faith of our citizens in our government. Men are not able, and rightfully so to understand or relate to a government thousands of miles away which spends over $200 billion dollars a year on services that taxpayers sometimes find difficult to visualize. We all feel helpless in the face of national problems such as the war, inflation, environmental pollution, and the problems of poverty and social degeneration. In order to restore the perspective and respect of our citizens, we must provide them with the opportunity, at the local level, to have a meaningful input into a process which determines how a good percentage of their income is spent.

We must also emphasize a more practical case for the proposition—one that faces us at the county level on a day-to-day basis. This is the very obvious and very serious fact that our states, our counties, and our cities are confronted with fiscal insolvency now.

The plight of state and local governments is fact. It can be documented. Nationally, state and local expenditures have risen from $12.9 billion dollars in 1946 to over $118 billion dollars in 1969 and an estimated $130 billion dollars this year. The trends indicate that the expenditures will reach $230 billion dollars by 1975 and $360 billion dollars by 1980—an amount that could exceed the federal budget.

These national figures are reinforced by a specific crisis—no "horror stories"—in counties and communities across the United States. My county colleagues here today will provide you with very specific examples in their testimony. In addition, I refer you to page 4 in the special issue of our publication, "NACO News & Views," that is before you.

It provides you with further specific examples of the county fiscal plights in each and every one of your own Congressional Districts.

These crises do not exist because of increases in what are traditionally thought to be county functions. They exist because of the rapid increases in new functions that counties have willingly and eagerly assumed. These services include health, welfare, drug abuse, urban redevelopment, urban housing, pollution control, and park and recreation programs, and total expenditures of over $18 billion per year.

Third, under our present system of federal assistance, it is growing more and more difficult, because of red tape, to solve these important and pressing social problems. We are just not able to secure the federal funds that may or may not be available in an efficient and timely manner. On the one hand we have the example of the small rural community that does not have the staff or expertise to secure federal funds for very basic needs. A case in point is a small community in Congressman Ullman's state of Oregon which spent over *4 years* in securing a small grant of some $70,000 to install a basic water supply system for 24 users. The time and effort on the part of citizens and employees from the local to the Federal levels almost made securing the grant more costly than the grant itself.

On the other extreme, we have the County of Los Angeles, California which does indeed have both the funds and the expertise to secure available federal funds. But in order to do this, they must employ a staff of some 55 employees working full time. This is a necessary but inefficient way to run a county government.

There are many, many more examples of the inefficiency and waste of the present grant-in-aid programs—both at the local and federal levels. But the point is that we must stop and take a look toward reforming what we now have. At the same time however, we must continue to help our states, counties, and cities with additional, unfettered aid through general revenue sharing. But we must not let this bureaucratic brute known as grant-in-aid programs grow any larger.

Finally, general revenue sharing is a "must" program needed to curb the very rapidly growing property tax burden on our citizens. Property tax levies have grown from about $8.2 billion dollars in 1952 to an estimated $32.5 billion this year. Without revenue sharing we can probably anticipate that it will grow to $45 billion by 1975, and an unbelieveable $60 billion dollars by 1980. Even though general revenue sharing will not reverse or completely stop the growth of the property tax increase, it will reduce this growth significantly. I direct your attention to the chart on page 15 of the newspaper before you for an illustration of this growth.

Many of us can sight specific examples of how the property tax is a burden on individual payers. Just last week Mayor Gibson of Newark, New Jersey, sighted the fact that the combination of county, city, and district property taxes resulted in an owner of a $20,000 home paying some $1,900 in property taxes each year! This is just beyond the tolerance of individual taxpayers to assume.

As an alternative to this and other situations, we propose general revenue sharing. This approach, of course, is still a form of taxation. But even though we all complain vigorously on April 15 when we pay our federal income tax, we know that it is the fairest tax we have. If we have had a good year financially, we will pay more taxes under the income tax. If we have a bad year financially, we will pay less. But as we all know, the property tax on a home remains the same regardless of one's yearly income or one's ability to pay.

We believe that the goal of revenue sharing is apparent. We believe that our arguments are valid. We commend this program to you for your positive action.

I would now like to present to you our first witness on the county panel, Judge Wm. O. Beach, of Montgomery County, Tennessee.

TESTIMONY OF WILLIAM O. BEACH

Mr. Chairman and Members of the Committee, my name is William O. Beach. I am an elected County Judge in Montgomery County, Tennessee and a member of the NACO Board of Directors. I would like to answer, as clearly as possible in the next few minutes, three questions that we believe your committee would like to have answered.

Question: Several years ago, a tax analysis showed that if, nationally, States and localities taxed themselves to the average level of the ten highest States and the ten highest local governments, there would be realized some $33 billion dollars of additional revenue.

Why shouldn't the States and localities be forced to tax themselves more stringently before demanding tax sharing with the Federal Government?

Answer: In the first place, the States are making strides in improving the effectiveness of their tax sources. In 1960, nineteen States imposed both general sales and personal income taxes. By 1970, this number had grown to 39. Presently, 43 States make some use of the income tax, with only Florida, Nevada, Ohio, South Dakota, Texas, Washington, and Wyoming not taxing any form of individual income. However, four other States have no broadly based personal income tax. They are New Jersey, Tennessee, New Hampshire and Connecticut. There is no doubt that some States should be exerting a more substantial taxing effort. The revenue effort feature of the proposed formula operates to encourage just such behavior.

At the local level, sales taxes and income taxes, because of their high cost of administration, are inappropriate for the vast number of our small counties.

That leaves the property tax (nearly 90% of total county tax revenues in 1968–69) as the principal source of revenue available to counties. The painful fact is that we have reached the limits of political tolerance with respect to property taxation. The property tax is universally condemned as a regressive tax, falling hardest upon the lower income group, the elderly, and other citizens having the least capacity to pay.

We must also remember that local governments are competitive, one with another, for attracting and retaining economic activity. Thus, a county operating in a highly competitive situation (particularly if located near a State boundary) runs the risk of losing new business and industry as the price of increasing its property tax.

Finally, we have to remember that the property tax is relatively unresponsive to economic growth. With each 1% increase in the Gross National Product, the Federal personal income tax increases 1.5%. The local property tax, by contrast, expands at less than 1% with each percentage increase in Gross National Product.

Question: Why not consolidate and reform the present categorical aid system?

Answer: Revenue sharing is in no way competitive with grant consolidation. We all agree that the number of separate grant programs should be reduced. But unless each grant area were made so broad as to be almost meaningless there would be general governmental purposes remaining, such as strengthening management capability and improving efficiency, that would not fit into a particular categorical grouping.

In a land so diverse as this, we should not limit State and local governments to a categorical strait jacket. In our view, there is need for three kinds of Federal funds flowing to States and localities:

1. Specifically targeted, fairly narrow categorical grants to attack specific problems such as drug abuse, minority group needs, outdoor recreation, and neighborhood health centers;

2. Broad functional grants in such areas as education, law enforcement, transportation, etc.; and,

3. General revenue sharing, providing funds that would help fill in the gaps after the first two groupings were applied to any particular county situation.

Question. Many small rural counties would get very little under the Administration's revenue sharing plan. Wouldn't these counties be better off by increasing rural development categorical grants?

Answer. We would envision that a portion of the state allocations, which is approximately $2.5 billion, would be used to supplement in some way present state aid to the counties in the small rural category. It is significant that most state aids take into consideration factors of poverty and smallness. Also, state aid is beginning to take account of the special needs of large central cities and urban counties.

There is no reason why, over and above the general revenue sharing program, there could not be an expansion of existing programs to help these small rural counties.

There is a very pronounced trend toward regionalism in these very rural areas and it would be entirely possible in this revenue sharing as in other programs for several rural counties, to band together and pool their money so that significant funds could be made available for such things as regional jails, hospitals, community colleges, and other types of services and facilities that be beyond the capacity of any one rural county to afford.

The National Association of Counties has been very actively supporting increased appropriations in certain categorical grant programs designed to help rural areas, as for example our vigorous support for rural community development, highway construction in rural areas, payments-in-lieu of taxes, Appalachia and other regional commissions, and programs that would encourage the creation of economic activity in rural areas and help stem the migration of rural peoples into urban population centers.

Question. Shouldn't there be a poverty factor that will give rural counties and large central cities a larger distribution than the wealthier suburban counties?

Answer. The development of the present allocation formula has been on the basis of negotiation and study over a four year period. We are all aware that no formula will please all the participants and respond to the various needs from state to state. This is the reason why we have strongly supported a negotiation procedure. This procedure provides in effect that the state legislature and the majority of the cities constituting at least half the population in the state could form a team that could negotiate any distribution they wished within the state. For example, some of this negotiation process could result in wider funding of regional activities in areas of crime, public health, safety and some other areas.

It is entirely possible that one of the items of negotiation would be the poverty index. This will certainly be a question for vigorous discussion state by state and we believe that the negotiation procedure outlines in this legislation is the most effective way to respond to this particular question.

TESTIMONY OF WILLIAM CONNER

Mr. Chairman and Members of the Committee:

I am William Conner, elected County Executive of New Castle County, Delaware and NACO First Vice President.

Your Committee and the Congress have displayed some doubt as to the competency of local officials to spend revenue sharing funds and some concern as to the potential for waste and irresponsibility under revenue sharing. I would like to remove these doubts from your minds.

Question: How competent and honest are county officials to handle these funds?

Answer: (County government bows to no one in relative competence and honesty.) To begin with, no level of government has a monopoly on honesty. In point of fact, a great number of the present members of Congress of the United States formerly were county, city, and state officials.

We must keep in mind that under general revenue sharing we are talking about a total distribution of $5 billion, compared with state and local expenditures totalling about $120 billion in 1969. Of this amount, the general revenue sharing dollars would be relatively small in scale (about 40%).

It should be kept in mind that in the legislation under consideration there are adequate safeguards for public auditing and accounting of every expenditure. All public transactions at the local government level are open to scrutiny by the press, interested citizens, and rival political opponents.

Question: Won't revenue sharing encourage waste and irresponsibility?

Answer: Our counties are very hard pressed financially, with little prospect for any radical change in this condition. There is almost no likelihood of spending for luxury items, when we have so many of our communities that are presently facing difficulties in maintaining hospitals, mental out-patient clinics, schools, pollution control facilities, and other vital services.

We must remember that county government is in intimate, constant contact with the public, the press, and a whole host of organized groups that scrutinize every local public expenditure. In contrast to the current grant-in-aid system, revenue sharing dollars would flow through regular local budgetary processes and be subject to far more scrutiny than are the "sheltered" categorical aid dollars. The inefficiency associated with buck passing and report preparing would not be present under revenue sharing.

In addition, county officials would be held politically accountable for the use of these funds under revenue sharing—wasteful practices would force them to ask their constituents to pay higher taxes. This hard political fact, one which all state and local officials are painfully aware of, provides a powerful and automatic defense against irresponsible actions.

Finally, under the present categorical grants, local governments in many cases are spending funds for relatively low priority items. They are not funding the high priority items, simply because federal matching funds are not available. This is real waste and irresponsibility. Most Americans understand that there is federally mandated waste inherent in the categorical aid programs; hence, the rising clamor for change. This waste is manifested in rigid national priorities and "hurry-up spending" designed to meet federal fiscal year deadlines.

Question: What assurance is there that priority decisions by local officials would be responsive to both local and national interests?

Answer: The concept of decentralization has been successful throughout our governmental history and within our major private institutions as well. We have generally found that those most closely acquainted with the problem, when given the chance to cope with that problem, respond in a most effective and productive manner.

We would expect that local expenditure patterns with revenue sharing funds would coincide with those that presently prevail. In other words, county governments spend the bulk of their money on crime and law enforcement, health and hospitals, roads and streets, welfare, and pollution control. In some states, the county has overall responsibility for the school system which would loom as a very large expenditure item in revenue sharing.

Local self-government is the backbone of our democratic system. To assert that local citizens are somehow incapable of organizing their own public affairs, and that federal officials could do it better, is to express an arrogant view, alien to our liberal traditions.

TESTIMONY OF GEORGE LEHR

Mr. Chairman and Members of the Committee:

My name is George Lehr. I am the Presiding Judge (elected Executive) of Jackson County, Missouri and NACO's Chairman for Revenue Sharing.

Some important questions concerning the separation of taxing and spending powers, federal revenue raising powers, and the federal deficit have been raised by opponents of general revenue sharing. I would like to answer these questions.

Question: By separating the taxing power from the spending action aren't you removing a vital incentive for governmental prudence and efficiency?

Answer: The separation of taxation and spending really began to take place at the national level with the passage of the Morrill Act in the 1860's. This Federal aid principle grew until we now have more than 1,000 separate categorical appropriations.

This question presumes a much greater degree of Congressional budgetary control over categorical expenditures than is really the case. We now have monies juggled by federal employees who are not directly accountable to the electorate; monies appropriated by the Congress and not expended by the Administration; in short, there has been a progressive deterioration of both Presidential and Congressional control over the expenditures of grant-in-aid funds under the present grant-in-aid system because the system itself has grown so chaotic that intelligent and effective control is all but impossible. In all candor, these monies are expended by bureaucratic officials and not by the Congressman and the Administration.

In all but three of the states, separation of taxation and spending has not been the policy with respect to stated aid to localities. In point of fact, in states like New York, some 60% of the monies expended at the local level are collected by the state through the income tax or sales tax and allocated to counties and cities. In state-local relations, the localities have really attempted to harness the superior taxing power of the state. This principle is involved with respect to revenue sharing and it is the same principle that underlies the American federal system—shared resources and shared responsibilities.

We might also add a political consideration. Typically, a member of Congress or a senator is not held personally accountable for increases in the federal budget or the federal debt. This can be documented in a review of the congressional elections in virtually any year. By contrast, states and localities operate under a constitutional mandate that absolutely precludes deficit financing. And, they are more immediately accountable to the electorate. Practically speaking, a county commissioner who is in office during a sharp rise in the property tax, or even a reappraisal of the property tax that results in increased taxation for some of the citizens, is in very real danger of defeat at the polls in the next election. In 1970, as in all other recent election years, many competent and conscientious state and local officials went down to defeat for having sponsored necessary tax increases.

In summary, revenue sharing actually retains taxing and spending decisions at one level—the federal level. The Congress would be making the spending decision—to spend a portion of federally raised revenues for state and local governmental purposes. It would be decentralizing responsibility and accountability for the administration of those funds just as it now does when spend-money for any other federal program. Only in the revenue sharing case, this delegation of authority would run to publically elected state and local officials rather than to career employees of the Federal Government.

Question: Doesn't revenue sharing lead eventually to a single federal system of revenue raising?

Answer: Hardly! Under the revenue sharing proposal city and county governments will share approximately $2.5 billion. These same cities and counties annually spend $50 billion, and these expenditures are increasing at the rate of about $5 to $6 billion each year. In other words, revenue sharing will be a fairly small part of local government funds over the indefinite future. We cannot visualize the repeal of local property taxes, state and local sales taxes, and other local levies in exchange for a vast increase in the federal income tax that would be needed to substitute for these non-federal taxes.

It should also be kept in mind that our pressing need at the local level is for a flexible revenue source that is responsive to rises in the gross national product. We must also be responsive to individual equities. For example, a local businessman who has a very successful business year will pay a relatively larger income tax than he would on a year in which he has a small profit or no profit at all. By contrast, we at the local level through our property tax levies, tax this businessman identically whether he has had a poor year or an extremely successful year. In other words, we need a tax that is flexible, nationally, with respect to increases in the gross national product and flexible with respect to the individual and his equities.

Question. Isn't revenue sharing fiscally irresponsible in view of the high (20 billion dollar) deficit being projected for this fiscal year?

Answer. President Nixon is committed to a full employment budget. A full employment budget means that the Federal Government will expend that amount of money that would be produced if the economy were at full employment. Thus, general revenue sharing would stimulate the economy and at the same time, by limiting the deficit to the full employment revenue, help curb inflation. President Nixon has added the full fiscal year appropriations (October 1, 1971) for revenue sharing in his budget and it is part of the projected 20 billion dollar deficit.

Presumably, if general revenue sharing were not in the budget, some other appropriation would have to be made if the economy were to get the full benefit of a full employment budget. Thus, revenue sharing is not a use of federal funds "left over" after all federal spending needs have been met. It is an expenditure for a basic national purpose—to build a sound financial base under our entire system of government. It is a worthwhile spending priority.

TESTIMONY OF W. W. DUMAS

Mr. Chairman and Members of the Committee:

I am W. W. Dumas, Mayor-President of East Baton Rouge Parish, Louisiana and a member of NACO's Board of Directors.

This morning, I will address myself to three areas of concern with respect to general revenue sharing.

Question. Why shouldn't state and local government reforms be a requirement for revenue sharing?

Answer. NACO stands unequivocally for the modernization of state and local government. Of all levels of government, counties are most frequently singled out as being in greatest need of structural reform. But, what is not so widely known are the very substantial steps being taken in all parts of the country to modernize county government. Over 100 separate local studies of city-county consolidation are in progress; some are being implemented continuously such as in Indianapolis-Marion County, Indiana; Columbus-Muskogee County, Georgia; and Jacksonville-Duval County, Florida. More urban counties are moving to the elected executive form; state constitutional amendments are being approved to authorize optional forms of county governments; and countless commissions on local government modernization have been created by the various state legislatures during the past 2–3 years.

We believe that it is more in keeping with our tradition of local self-government for reform efforts to evolve at the grass roots level. We feel that a more suitable vehicle for federal assistance to state and local government modernization is through programs such as 701 comprehensive planning and the Intergovernmental Personnel Act.

Question. Will the county portion of revenue sharing be used to reduce property taxes?

Answer. In very few, if any, instances can we foresee revenue sharing being used to reduce local property taxes. This would be self defeating in that the revenue sharing allocation formulas are contingent upon local tax effort. If a county uses funds to reduce property taxes it would automatically reduce its revenue sharing allocations.

In view of the enormous local government needs, the most likely impact of revenue sharing will be to keep the property taxes from increasing at its present rapid pace.

As can be see from accompanying chart, revenue sharing allocation will increase to $9.8 billion by 1980. What we see, therefore, is a gradual flattening out of the local property tax increase as can be seen by the diagram on page 15.

Question. Won't militant employee unions grab all the funds?

Answer. We do not visualize an undue amount of revenue sharing funds being used for salary increases. County government would use most of the revenue sharing funds for improvement and expansion of solid waste disposal, pollution abatement, law enforcement, hospitals and health, and other critically needed public services.

As long as inflation continues to increase at such a rapid rate, there will be significant pressures upon all levels of government, as well as private industry, for salary increases. Last year, for example, the cost of living advanced nation-wide by about 5.3%. The Federal Government increased its salaries by some 6.1% on January 1st. These factors create demands by county employees for comparable increases.

But, since most of the costs of providing such services is related to employee compensation, we can expect that a portion of revenue sharing funds will go toward salaries.

County government will resist efforts by militant employee unions to obtain increases going beyond levels justified by productivity, inflation, and other legitimate factors. We would expect, however, that employee militancy will proceed regardless of whether or not we have general revenue sharing.

TESTIMONY OF RALPH CASO

Mr. Chairman and Members of the Committee:

My name is Ralph Caso. I am the elected County Executive of Nassau County, New York.

It is indeed a pleasure for me to be here this morning to answer four questions about general revenue sharing dealing with its relationship to minority citizens, urban problems, and welfare financing.

Question. How sensitive is county government to the legitimate needs of minorities and disadvantaged citizens?

Answer. This question is largely emotional, rather than empirical. Any government official, be he county commissioner, mayor, governor, congressman or senator, responds to the problems at hand depending upon the composition of his constituency. Urban counties, with a significant proportion of low income residents, carry on large-scale programs in welfare, health center operations, poverty elimination, and others.

Also, it should be emphasized that with regard to any public expenditures, whether or not we have revenue sharing, government officials are obligated by the Civil Rights Act of 1964 and other civil rights legislation to protect the interests of minority groups and to expend funds in a non-discriminatory fashion. It is NACO's view that shared revenues will be considered as co-mingled with all other general revenues of local government. Therefore, the civil rights provisions will apply to all activities financed by general local revenues.

Finally, the National Association of Counties has been vigorously supporting welfare reform, which is directed at placing a national floor under benefit levels for the poor and minority groups. Also, county governments participated in a whole host of categorical grants that are pinpointed toward the specific problems of minority and the poor.

Question. What kinds of urban and inner-city problems would be assisted by county government expenditures of revenue sharing funds?

Answer. At the present time county governments are providing such services as health care, law enforcement, courts and corrections, welfare and social services, parks and recreation, to all citizens in the county whether they live inside or outside municipalities. This trend is increasing because of the need for an areawide tax base which the county can provide. Counties are in a unique position to take over even more county-wide programs from municipalities. Some counties are now providing a full range of municipal services including fire protection, housing authorities, refuse collection and disposal, water and sewer facilities, and many others.

Question. If we grant the need for state, local fiscal relief, why wouldn't it be better to have full federal funding of welfare?

Answer. Full federal funding of welfare, as Ways and Means has just concluded, is too costly. H.R. 1, just passed by the Committee provides $1.6 billion of fiscal relief in a program that will add from $5 to $7 billion a year to the nation's total welfare bill.

This welfare legislation is designed to strengthen the welfare program. Revenue sharing is designed to strengthen state and local governments.

It might also be added that full federal funding of welfare, even if fiscally possible, would not help all states and local government to the extent of revenue sharing. For example, in 28 states, welfare is exclusively a state responsibility. Only 5 cities have welfare responsibility. The counties in the 22 states that bear a portion of the cost of welfare would be helped to some extent by H.R. 1. On balance, while we favor full funding of welfare by the federal government we realize the many obstacles and we prefer President Nixon's approach of both general revenue sharing designed to help strengthen state and local governments plus welfare reform which has as its main objective improving the nation's welfare system and which also provides some fiscal relief to states and selected counties. President Nixon has already included both the first year cost of revenue sharing and the cost of the welfare reform package in his full employment budget.

Question. If the federal government cannot afford both increased welfare funding and revenue sharing, which one do you want?

Answer. This is a question of national priorities. The diseased welfare system which is beset as it is with red tape, countless inequities, unfairness, and unspeakable delays must be reformed. The Ways and Means Committee knows only too well that welfare has to be reformed if we are to do something about the tremendous increases in welfare case loads in the last decade. These reforms will mean greater federal expenditures for welfare. We strongly support the Committee's action as reflected in the reporting of H.R. 1.

However, this action does not take care of the other problems of financing local government which we have discussed. Further, by taking over part of the welfare costs only some counties will receive fiscal relief. Only five cities will be added. H.R. 1 would provide only a total of $1.6 billion in fiscal relief during fiscal year 1973. Going back to the question of national priorities, we agree with President Nixon that this nation can afford both welfare reform as proposed in H.R. 1 and revenue sharing.

We believe that a high priority should be given to the strengthening of state and local government. Welfare reform does not address itself to this issue. The issue of strengthening local government we believe can only be improved by the enactment of a general revenue sharing program which will provide the kind of financial flexibility that is needed at the present time in local government.

TESTIMONY OF JOHN BREWER

Mr. Chairman and Members of the Committee:

I am John Brewer, Chairman of the Kent County, Michigan Board of Commissioners and also Chairman of NACO's Taxation and Finance Steering Committee.

I am honored this morning to be the final witness on this county panel, I would like, as the "clean-up" hitter, let you know that we in county government did consider a number of alternatives to general revenue sharing. But, as I will explain, we rejected these as *alternatives* to revenue sharing.

Question. Do you see revenue as an alternative to categorical aids?

Answer. We would strongly oppose any explicit or implicit legislative provision that moved to substitute revenue sharing for categorical grants. In our system, the federal government must provide national leadership of domestic government as well as foreign affairs. Categorical grants have played and will continue to play a key role in our economic growth and social progress—agricultural extension; unemployment compensation; highway improvement; housing assistance; airport construction; Hill-Burton hospitals; elementary and secondary education aid; and poverty programs are but a few examples. We cannot conceive of revenue sharing eroding the bases of the successful and essential programs.

However, we believe and hope that if revenue sharing is enacted there will be less proliferation of categorical aids in the future, resulting in a better federal, state, local mix consisting of categorical aid, functional block grants, and general revenue sharing.

Question. Why wouldn't it be better to reduce federal taxes and let the states and localities pick up the reduction?

Answer. We view this as a completely unrealistic alternative, and one utterly destructive of what little fiscal balance remains in our federal system. With a highly responsive federal income tax and a state-local tax structure that lags behind economic growth, a combination of federal tax reduction and state and local tax increases multiplies the political handicaps already facing our state and local officials as they try to keep pace with rising demands of local government. The result would be more hesitation on the part of governors, mayors, and county commissioners to incur the risk of tax increases, leaving more areas of government either unmet or left to the central government. Nothing is more detrimental to our concept of decentralized, grass roots government than to make it tempting for our local officials to abdicate their problems to Washington. A Federal tax cut now would be the worst possible alternative. It would only serve to compound our present crisis.

Question. Wouldn't it be better to meet your high unemployment problems and stimulate your local economy through public service jobs?

Answer. There is no doubt that federal funding of public service jobs would help those areas of high unemployment and would stimulate local economies. We view this type of a program as a temporary, to be used only in times of high unemployment. We think that it would be difficult to justify a large public service program to the nation in the absence of high national unemployment. We do see a role for public service jobs in those instances where the private sector can not provide jobs for all the people coming on to the market. We particularly think that the 200,000 slots that have been incorporated into H.R. 1 are necessary if we are going to give a job to all the people classified as employable a job. This type of program for welfare recipients may have to continue for an indefinite period. We certainly cannot see public service jobs as any substitute for general revenue sharing.

Question. Why not strengthen state and local revenue systems through a tax credit?

Answer. A good case could be made for a moderate increase through a credit device in the extent to which state and local income taxes can be an offset against federal tax liability. Certainly greater use of the income tax by state governments and larger local governments needs to be encouraged. The case for a tax credit rests not upon fiscal relief but upon the need for a stronger state-local tax system. The fiscal relief provided through an income tax credit would go primarily to the state governments but to very few cities and counties. The income tax is not susceptible to efficient use by smaller cities and counties; certainly we do not want to encourage a system of income tax overlapping where, as in one or two states today, employers have to make as many as 6 to 10 separate withholdings to accommodate the separate income taxes of cities, counties, townships, school districts and special districts with any single metropolitan area.

County Government Resolutions Received by NACO Supporting General Revenue Sharing

MOTION BY SUPERVISOR DORN

The Board is well aware that local governments across the country need help in meeting their rapidly increasing responsibilities. Not only must we deal with area-wide problems of community unrest and attendant socio-environmental degeneration, but we are asked to meet these demands without adequate financial resources. We are shackled with the least productive sources of revenue to combat the major problems of our day because the Federal government has preempted the major source of revenue—the personal income tax.

President Nixon has proposed legislation that would help to alleviate the financial burdens faced by state and local governments while at the same time avoiding the further concentration of power at the Federal level.

Senate Bill 2948 and House Bill 14021 would provide for Federal sharing of the income tax with state and local governments. Under the President's proposal, state and local governments would receive block grants based upon population and revenue effort with "no strings attached." The County could receive as much as $27,000,000 in five years under this plan.

I would like to move that:

1. The Board support the President's proposals in principle, with the provision that such legislation provides for an automatic "pass through" of money to local governments; and

2. The following persons be notified of the Board's position through the County Legislative Consultant, Mr. Joseph Pollard: President Nixon, Murray Weidenbaum, Assistant Secretary of the Treasury, all members of the House Ways and Means Committee, all members of the Senate Finance Committee, Representative Betts, sponsor of the House bill, Senator Baker, sponsor of the Senate bill, all members of the California Congressional Delegation.

Resolution Supporting Revenue Sharing

Local government throughout the United States, in growing municipalities and counties is frustrated by rapidly increasing demands for service, rapidly increasing costs of such services, an unresponsive revenue base (property taxes and consumer taxes), and an attitude of unwillingness by tax payers to increase rates of taxes or provide new taxes.

The Internal Revenue Service is the most efficient tax collection system known to man. The federal income tax is more closely tied to the growth of the economy of this great nation than any other levy. Over 90% of all income taxes collected in the United States are collected by the Internal Revenue Service. It has been normal for income tax receipts to increase at an annual rate in excess of $10 billion.

Revenue sharing would provide a measure of relief to hard pressed local governing bodies. The local tax payer would benefit. A portion of his federal income tax would be made available to his local, elected officials and as a consequence local service to the tax payer would be improved. The absence of "strings attached" insures that there would be no need to add administrative personnel to the federal employment to see that local and state officials spend the proceeds of revenue sharing in accordance with congressional regulations. Revenue sharing is a step in the direction of a more appropriate balance between Federal, State, and local government.

Now therefore be it resolved by the Shelby County Commission, Columbiana, Alabama, that this county governing body approve the revenue sharing proposal submitted to Congress by President Richard M. Nixon and that the Commission urge the Alabama Congressional delegation to give full support to this proposal. Further resolved that a copy of this resolution be sent to the Honorable Richard M. Nixon, President of the United States, the members of the Alabama Congressional Delegation, the National Association of Counties, and the Association of County Commissioners of Alabama.

Excerpts From the Minutes of the Cherokee County Commission Held on January 25, 1971

A discussion was had concerning a letter from National Association of Counties to the Governing Body of Cherokee County, Alabama, concerning organizing County Governments to push federal revenue sharing through Congress.

Upon motion duly made by *C. L. St. Clair, Jr.* and seconded by *Tom Wade Hampton* the following resolution was unanimously adopted by all of the members present.

Whereas, there is a need for County Governing Bodies to push federal revenue sharing through Congress; and

Whereas, under the proposal submitted by President Nixon Cherokee County would receive an annual grant under said proposed revenue sharing plan, and said amount could be spent at the discretion of the governing body of Cherokee County without any restrictions on the same.

Now therefore, be it resolved by the Cherokee County Commission of Cherokee County, Alabama, hereby endorses the principals of revenue sharing submitted under the proposal of President Nixon wherein said Cherokee County, Alabama, would receive an annual grant with no restrictions thereon, with a C.M.S. fee of $100.00.

Be it further resolved by said Commission that *Ralph Meade, President* of said Cherokee County Commission is hereby designated and appointed to serve on a national revenue sharing task force and he is hereby authorized and empowered to proceed with any and all steps necessary to help push federal revenue sharing through Congress.

Be it further resolved by said Commission that *Ralph Meade, President* proceed to contact all of our congressional delegation and any and all other persons who may be of help in this matter and obtain their support in the same.

State of Alabama, Cherokee County.

I Ralph Meade, President of the Cherokee County Commission do hereby certify that the foregoing excerpt of the minutes of the meeting of said Commission held on January 25, 1971 are a true, correct and compared copy of said minutes as the same appears in the minute book of said Commission.

This the 30th day of January, 1971.

Resolution No. 28 of 1971

Resolution requesting the Congress of the United States to adopt legislation providing for the sharing of Federal revenues with units of local government

Whereas, local governments, in recent years, have been required to expand the essential services required for the well being of their inhabitants; and

Whereas, the principal source of revenue for financing these services is the real property tax; and

Whereas, almost all units of local government have been required to increase the real property tax, so that it now constitutes a serious financial burden upon many taxpayers; and

Whereas, many local governments are now faced with a financial crisis because of their inability to raise the revenue required in order to maintain essential services, and to undertake new programs required by the inhabitants of said local governments; and

Whereas, the President of the United States, in his State of the Union Message, has recommended the adoption of a program providing for the sharing of a portion of the federal revenues with state and local governments.

Resolved that the Orange County Legislature approves the concept of the sharing of federal revenues with state and local governments.

Further resolved as follows:

1. That the Congress of the United States is urged to adopt legislation, during its current session, providing for such revenue sharing.

2. That such legislation provide for automatic annual appropriations for revenue sharing of a designated portion of the federal income tax revenues.

3. That such legislation provide for the annual distribution of such revenues to the fifty states, according to a clear formula based primarily on population.

4. That such legislation specifically provide and require that a designated portion of such revenues be distributed by each state to its local governments for general governmental purposes.

5. That no restriction be placed on the purposes for which such federal revenues may be used by the state and local governments.

Resolution No. 71-24 Endorsing President's Revenue Sharing Program

Whereas, counties and other local governments are facing increased demands for services and facilities, and

Whereas, the greater portion of the funds for these services must come from ad valorum property taxes levied by counties and other local governments; and

Whereas, the property tax levies in counties and other local governments has reached a level where they are becoming oppressive and confiscatory, and

Whereas, it is necessary that counties and other local governments finance these services and facilities from funds other than property taxes, and

Whereas, the President of the United States has proposed a Revenue Sharing Program whereby federal funds will be shared with counties and other local governments, and

Whereas, said Revenue Sharing Program will aid counties and other local governments in meeting the demands for the providing of new and expanded services and facilities.

Now, therefore, be it resolved that the Board of Supervisors of the County of Monterey, State of California, does hereby endorse the President's Revenue Sharing Program.

On motion of Supervisor Smith, seconded by Supervisor Branson, the foregoing resolution is adopted this 9th day of February, 1971.

Resolution No. 28 of 1971

Resolution requesting the Congress of the United States to adopt legislation providing for the sharing of Federal revenues with units of local government.

Whereas, local governments, in recent years, have been required to expand the essential services required for the well being of their inhabitants; and

Whereas, the principal source of revenue for financing these services is the real property tax; and

Whereas, almost all units of local government have been required to increase the real property tax, so that it now constitutes a serious financial burden upon many taxpayers; and

Whereas, many local governments are now faced with a financial crisis because of their inability to raise the revenue required in order to maintain essential services, and to undertake new programs required by the inhabitants of said local governments; and

Whereas, the President of the United States, in his State of the Union Message, has recommended the adoption of a program providing for the sharing of a portion of the federal revenues with state and local governments.

Resolved that the Orange County Legislature approves the concept of the sharing of federal revenues with state and local governments.

Further resolved as follows:

1. That the Congress of the United States is urged to adopt legislation, during its current session, providing for such revenue sharing.

2. That such legislation provide for automatic annual appropriations for revenue sharing of a designated portion of the federal income tax revenues.

3. That such legislation provide for the annual distribution of such revenues to the fifty states, according to a clear formula based primarily on population.

4. That such legislation specifically provide and require that a designated portion of such revenues be distributed by each state to its local governments for general governmental purposes.

5. That no restriction be placed on the purposes for which such federal revenues may be used by the state and local governments.

Resolution No. 71-82

Resolution of the Mendocino County Board of Supervisors supporting revenue sharing proposal in the 1971 State of the Union message of the President of the United States

Whereas, President Richard M. Nixon, in his 1971 State of the Union Message has proposed a "NEW FEDERALISM" based on the principle of revenue sharing; and,

Whereas, concepts of revenue sharing have been reviewed and discussed for many years; and,

Whereas, the present proposal would provide for the distribution of a percentage of Federal income tax revenue back to the States on a population and tax effort basis and with the condition that funds be passed through to local general purpose units of government; and,

Whereas, the Federal government, as the most effective tax collecting agency in this country, should return some of these tax dollars to the areas where they are collected so that taxpayers of these areas can determine their most efficient and effective expenditure; and,

Whereas, such a program would permit the development of badly needed programs, facilities and improvements for the citizens of this country, based on local needs and desires—rather than through rigid, bureaucratic and unresponsive forms of grants in aid programs; and,

Whereas, revenue sharing restores in part, the basic principle of federalism upon which this republic was founded and terminates the erosion of local and state government by a growing monolithic Federal bureaucracy; and,

Whereas, the basic principle remains unallayed that local government is still more responsive to needs of people and can provide for needs of people as they desire in a more effective and successful method than through rigid grants in aids programs; and,

Whereas, this revenue sharing proposal indicates the trust and confidence by Federal authorities in State, County and City elected and appointed officials who are at the base of our Federal system and correctly expresses the concept that competence, excellence and integrity in governmental administration is available locally as well as in Washington, D.C.; and,

Whereas, this Board of Supervisors has supported in the general principle of revenue sharing by Resolution #70-125, of May 20, 1970, and now completely concurs with the new federalism concept as presently proposed; and,

Whereas, many local and State governments are unable to provide basic needed services as well as other new and required programs due to the lack of monies and funding sources.

Now, therefore, be it resolved, that the Mendocino County Board of Supervisors strongly urge their congressional representatives to support diligently and earnestly the concept of revenue sharing in the 92d Session of Congress, based on the principle of return to state and local governments of a percentage of the Federal income tax annually, with the requirements for a pass-through by the States to local, general purpose, units of government without restriction other than accounting and non-discrimination provisions.

Be is further resolved, that this Board of Supervisors recommends that the Northern Coastal Counties Supervisors Association adopt this proposal at their forthcoming meeting of February 19, 1971.

Be it further resolved, that copies of this Resolution be forwarded to President Richard M. Nixon, Senator John Tunney, Senator Alan Cranston, Congressman Donald Clausen, Congressman Carl Albert, Congressman Wilbur Mills, County Supervisors Association of California and National Association of Counties.

Resolution Supporting Plan for Federal Government Revenue Sharing With Local Government

Whereas, the cost of providing the services required by people from the Cities and Counties has placed a disproportionate burden upon the property taxpayer; and

Whereas, the costs of local government continue to increase along with a "revenue gap" which could only be met by increasing the burden upon the overburdened property taxpayer; and

Whereas, in spite of budget cutbacks and austere measures at the local government level this "revenue gap" has continued to grow; and

Whereas, the President of the United States has proposed a "Revenue Sharing" program to the Congress which could be the answer to local government's "revenue gap" problem; and

Whereas, the Revenue-Sharing Plan is based upon distributing 1.3% of the Federal Income Tax collected back to the States, Counties and Cities, such amount being $5 billion this year; and

Whereas, the Revenue-Sharing Plan would earmark approximately $1.1 million this year for distribution between Placer County and its five Cities; and

Whereas, the sharing of such funds with local government at an early date would serve to stop this rising property tax burden and would be expended in a manner that would stimulate the economy within the Cities and County at a time when unemployment is already far too high.

Now, therefore, be it resolved that the Board of Supervisors of the County of Placer strongly supports the concept of revenue sharing in a manner that provides for an annual appropriation based on a portion of the federal income tax revenue; and

Be it further resolved that said portion of federal income tax revenue be distributed to all States according to a clear formula based primarily on population with a mandatory pass-through from the States to all local general purpose governments; and

Be it further resolved that said pass-through of federal income tax revenues should have no program or project restrictions on the use of the funds if they are to be used most effectively to accomplish the purposes shown above; and

Be it further resolved that this Board strongly urges the Congress of the United States to adopt revenue sharing legislation at the earliest possible date as a non-partisan act of great urgency; and

Be it further resolved that copies of this Resolution be promptly transmitted to U.S. Senator Alan Cranston, U.S. Senator John V. Tunney, Congressman Harold T. "Bizz" Johnson, Chairman of House Ways and Means Committee, Chairman of Senate Finance Committee, National Association of Counties, County Supervisors Association of California, League of California Cities, and Mayors of Roseville, Auburn, Rocklin, Lincoln and Colfax.

Resolution of 1971 Resolution Requesting the Congress of the United States To Adopt Legislation Providing for the Sharing of Federal Revenues With Units of Local Government

Whereas, local governments, in recent years, have been required to expand the essential services required for the well being of their inhabitants; and

Whereas, the principal source of revenue for financing these services is the real property tax; and

Whereas, almost all units of local government have been required to increase the real property tax, so that it now constitutes a serious financial burden upon many taxpayers: and

Whereas, many local governments are now faced with a financial crisis because of their inability to raise the revenue required in order to maintain essential services, and to undertake new programs required by the inhabitants of said local governments; and

Whereas, the President of the United States, in his State of the Union Message, has recommended the adoption of a program providing for the sharing of a portion of the federal revenues with state and local governments.

Resolved that the Orange County Legislature approves the concept of the sharing of federal revenues with state and local governments.

Further resolved as follows:

1. That the Congress of the United States is urged to adopt legislation, during its current session, providing for such revenue sharing.
2. That such legislation provide for automatic annual appropriations for revenue sharing of a designated portion of the federal income tax revenues.
3. That such legislation provide for the annual distribution of such revenues to the fifty states, according to a clear formula based primarily on population.
4. That such legislation specifically provide and require that a designated portion of such revenues be distributed by each state to its local governments for general governmental purposes.
5. That no restriction be placed on the purposes for which such federal revenues may be used by the state and local governments.

Further resolved that the Clerk of the County Legislature is directed to transmit certified copies of this resolution to the following:

Chairman of the Ways and Means Committee of the House of Representatives.

Chairman of the Finance Committee of the United States Senate.

Members of the Senate and House of Representatives, representing the State of New York.

National Association of Counties.

Supporting The President's Program for Sharing Federal Revenues

Whereas, as many taxpayers of Stanislaus County are suffering hardship because of the increasing burden of the property tax; and

Whereas, the property tax is the main source of local revenue for the support of Stanislaus County government; and

Whereas, the possibility of meaningful property tax relief is doubtful because of the bleak fiscal situation which faces the government of the State of California; and

Whereas, the President of the United States has proposed to the Congress a program which would share a portion of Federal revenues with the states and with local government; and

Whereas, the proposed revenue-sharing program is a well-conceived beginning to rescue state and local governments from their fiscal difficulties;

Now, therefore, be it resolved that the Board of Supervisors of the County of Stanislaus, State of California, hereby endorses the concept of revenue-sharing and urges its adoption by the United States Congress.

Be it further resolved that copies of this resolution shall be sent to the Honorable Alan Cranston and the Honorable John Tunney, United States Senator, the Honorable John McFall, Representative of the Fifteenth Congressional District, and to the National Association of Counties.

Upon motion by Supervisor Thurman, seconded by Supervisor Franzen, the foregoing Resolution was duly passed and adopted at a regular session of the Board of Supervisors of the County of Stanislaus, State of California, this 2nd day of February, 1971.

Resolution of the Board of Supervisors of the County of Ventura Supporting Revenue Sharing

Whereas, local government is largely dependent upon property tax to support public programs, and such a tax is placing a tremendous burden upon property owners to provide even the minimum levels of service; and

Whereas, a Board of Supervisors with responsibility to our electorate is keenly aware of the public's reaction to property taxes, and there is great sympathy for the excessiveness of the burden while supporting through income, taxes and other means, the mandatory programs of the Federal government; and

Whereas, there must be decisions by Congress as to the importance of competing programs for tax dollars, and there is a philosophy to hold public services to the most effective level in the hierarchy of governments; and

Whereas, Ventura County supports a concept of revenue sharing containing the following basic principles:

(a) Annual appropriation of a designated portion of Federal income tax revenues.

(b) Annual distribution according to a clear formula based primarily on population.

(c) A mandatory and equitable pass through of funds from each State to its local general purpose governments spelled out in clear formulas.

(d) Inclusion in the pass through of all general purpose local governments.

(e) No program or project restrictions on the use of the funds; and

Whereas, Ventura County does not look upon revenue sharing to resolve all the major ills that afflict our financial system, but as urgently needed to strengthen the financial foundation of our system of decentralized government.

Therefore, be it resolved that the Board of Supervisors of the County of Ventura, California, speaking for the over-burdened property taxpayers of this County, beseech Congress to act with haste and favor on the adoption of legislation enacting the revenue sharing concept.

Passed and adopted this 9th day of March, 1971.

Resolution

Whereas; the San Juan County Commissioners are desirous of endorsing the principals of revenue sharing, and

Whereas; demands are constantly being placed on County government for increased services at spiraling cost and,

Whereas; the San Juan County Commissioners desire to meet these needs at a local level with an already inadequate revenue base restricted by the state, now

Therefore be it resolved: that the San Juan County Commissioners heartily support and urge their representatives in congress to also support and endorse the proposed federal revenue sharing program. It is necessary that no restrictions be placed on these funds as accounting and sources of revenue are strongly controlled by the State.

Resolution Supporting Federal Revenue Sharing Program

Whereas, the Board of County Commissioners of Adams County endorses a Federal Revenue Sharing Plan formulated by the National Association of Counties providing for a redistribution of federal funds to local government based on population, and,

Whereas, a form of Federal Revenue Sharing now exists in the myriad federal agencies now authorized to review, recommend, and approve federal grants to cities and counties, and,

Whereas, the Board of County Commissioners of the County of Adams is of the opinion that the present federal grant system is costly and employs the unnecessary duplication of services and agencies, and results in a trickle of usable funds back to local government, and,

Whereas, the Board of County Commissioners is of the opinion this unnecessary shortcoming in the present system of federal aid in grant programs can and should be eliminated, and,

Whereas, the Board of County Commissioners of the County of Adams is of the opinion that a direct Federal Revenue Sharing Program with cities and towns would double or triple the amount of funds available for use at the local government level, and,

Whereas, our present system of government contains adequate controls and safeguards.

Now, therefore, be it resolved, by the Board of County Commissioners, County of Adams, State of Colorado, that the plan of the National Association of Counties providing for the sharing of federal funds with cities and counties based on population, whereby the County of Adams would receive the sum of $601,349, and whereby the incorporated cities and towns would receive additional payments from the federal government without any conditions attached thereto, and which plan provides for the return of $6,133,056 to the local governments of the State of Colorado be and hereby is recommended to the members of the 92nd Congress of the United States of America.

Be it further resolved, that the Board of County Commissioners hereby and herewith appoint Commissioner Glen Lancaster as a member to serve on the National Revenue Sharing Commission of the National Association of Counties.

Be it further resolved, that a copy of the enclosed resolution be forwarded to Congressional Representatives of the State of Colorado and to the National Association of Counties.

Resolution of Support, in Principal, of President Richard M. Nixon's Federal Revenue Sharing Proposal

Whereas, State and Local government units are finding it increasingly difficult to provide the services and demands required of it due to taxing limitations placed on them by Federal Income Tax, and,

Whereas, many of the remedial programs undertaken by the Federal Government during the last thirty years to improve living conditions have proven inadequate for present conditions; and,

Whereas, the multiplicity of administration, duplication, inefficiency and red tape connected with the present system of categorical aids by the Federal Government make it very difficult and often impossible for the local governments to participate in self-help and betterment programs deriving from our local federal income tax, and,

Whereas, it is the feeling of the Manatee County Board of Commissioners that the best government is the government closest to the people and that our local needs and problems can be solved more efficiently and economically by those of us here at home rather than by some bureaucrat in Washington, D.C., who represents an area totally different in needs and resources, and,

Whereas, it is further believed that even though the Revenue Sharing Program does not represent an ideal solution, it is nonethe-less, the most promising program presented to date in which a community will be able to meet its commitment to its citizens within the present taxing structure, and,

Whereas, the National Association of Counties, consisting of 3,049 County governments and with an active membership of 21,000 elected and appointed County leaders, has endorsed the Revenue Sharing Program.

Now, therefore, be it resolved, that the Manatee County Board of Commissioners endorses and supports the Revenue Sharing Program, in principal, and that Mr. Neno J. Spagna, Planning Director, is hereby instructed to express such feeling to the National Association of Counties and such other individuals and organizations which are working to develop the program.

Passed and adopted this 2d day of February, 1971.

A Resolution Endorsing the Concept of Federal Revenue-Sharing and Encouraging Early Congressional Action on Enactment of a Federal Program

(By Board of County Commissioners, Collier County, Florida)

Whereas, it is becoming increasingly difficult for City, County, and State Governments to provide necessary services with revenues currently available, and

Whereas, the primary source of revenue for governmental purposes is the Federal Income Tax levied and collected by the Federal Government, and

Whereas, the current administration at the Federal Government level has proposed a Federal Revenue-Sharing Program to assist local governments in the provision of services;

Now, therefore, be it resolved by the Board of County Commissioners of Collier County, Florida, in regular session assembled this 2nd day of March, 1971, that it does hereby strongly endorse the principle of Federal Revenue Sharing and encourages the Ninety-Second Congress to enact legislation establishing such a program at the earliest opportunity.

Adopted this 2nd day of March, 1971 A.D.

A Resolution Endorsing the Concept of Federal Revenue Sharing and Encouraging Early Congressional Action on Enactment of a Federal Program

(By Palm Beach County, Florida, by its Board of County Commissioners)

Whereas, it is becoming increasingly difficult for City, County, and State Governments to provide necessary services with revenues currently available, and

Whereas, the primary source of revenue for governmental purposes is the Federal Income Tax levied and collected by the Federal Government, and

Whereas, the current administration at the Federal Government level has proposed a Federal Revenue Sharing Program to assist local governments in the provision of services;

Now, therefore, be it resolved by the Board of County Commissioners, of Palm Beach County, Florida, in regular session assembled this 19th day of January, 1971, that it does hereby strongly endorse the principle of Federal Revenue Sharing and encourages the Ninety-Second Congress to enact legislation establishing such a program at the earliest opportunity.

Resolution

Whereas, the Nixon Administration, in an attempt to decentralize Government and to strengthen state and local Government has presented to the Congress a Revenue Sharing Program whereby the Federal Government would provide to State and Local Governments a portion of the Federal income tax receipts with minimum restrictions on the use thereof, and

Whereas, the Local Governments of Polk County, Georgia, are in dire fiscal condition due to their limited tax resources, and

Whereas, the demand for public services are increasing while the tax resources available to Local Governments are regressive in nature,

Whereas, a system of revenue sharing based on an automatic annual appropriation of a designated portion of the Federal Income Tax Revenues would greatly enhance the local government's ability to serve the needs of its people, and

Whereas, we feel that our Congressman and Senators in the United States Congress should be made aware of our support of such a revenue sharing program as outlined by the Nixon Administration,

Now, therefore, be it resolved, and it is hereby resolved by the Board of Commissioners of Polk County, Georgia, that the Board of Commissioners of Polk County, Georgia, go on record as supporting the Revenue Sharing Legislation now before Congress and urges Congress to adopt said Revenue Sharing Legislation.

Let this Resolution be spread upon the Minutes of this Board and a copy thereof be forwarded to Senator Herman E. Talmadge, Senator David Gambrell and Congressman John W. Davis.

Adopted this 2nd day of March, 1971.

Resolution of Floyd County, Ga.

Whereas, the President of the United States has proposed to the Congress, a Federal Revenue Sharing Program, to provide badly needed Revenue to financially hard pressed and in many instances almost bankrupted local governments within the States, and

Whereas, the Board of Commissioners of Floyd County, Georgia, being faced with the day to day problem of increasing costs in furnishing the services needed and required by citizens of Floyd County, Georgia, and being as are most County Governments, restricted to property ad valorem taxes to raise revenues, to meet increasing inflationary costs to provide additional water and sewer services, sanitary land fills, and other pollution control measures, and faced with the problem of maintaining and carrying out the duties and responsibilities of local government, in the ordinarily accepted fields of welfare, roads, health, indigent hospital care, and related sociological needs, plus the requirements of the future, which will require that Counties get into garbage collection field, and the delivery of other urban types services, as faced and is facing the stark and realistic fact that property values are not increasing sufficiently to bear these costs. Other sources of revenue are essential, if there is not to be a breakdown of local government, and the resulting denial to the citizens of an efficient governmental unit on the level which is closest to them, and which best understands their needs, and which can best meet these needs efficiently, and democratically, and

Whereas, the State and Federal Governments own all of the additional sources of revenue, and relief can only be granted by either giving to the Local Governments, some of the sources of Revenue now controlled by the Superior Governmental Units, or sharing with Local Government on some fair and firm formula, the revenues produced through the taxing machinery of these Superior Governmental Units.

Now, therefore, be it resolved, and it is hereby resolved, that the Board of Commissioners of Floyd County, Georgia, do hereby endorse the principle of revenue sharing, where such revenue sharing is truly related to the problems now confronting local governments, and where the formula for the dispensation of said funds is equitable and does not result in handling charges along the way which diminish them to the extent that they can not serve the purpose intended.

Be it further resolved, that the Board makes the following suggestions as matters to be considered in order to accomplish the foregoing principles to help and assist local government:

(1) The plan should assure substantial direct, equitable, and continuing sharing of additional federal financial resources based upon a percentage of the federal income tax base.

(2) Any general fund allocation formula for revenue sharing should be simple, understandable, and fair and focus on the commonly accepted public service responsibilities of general purpose government.

(3) Educational finance should be separately considered and any revenue sharing plans for aid to municipalities should in no way interfere with federal aid for education; consideration should also be given to treating separately groups of service responsibilities such as welfare, health, and hospitals which are widely distributed among City, County, and State Levels of Government.

(4) The revenue sharing plan should be designed to supplement rather than substitute for state-local tax effort.

(5) The revenue sharing plan should buttress and strengthen most major categorical federal grants-in-aid, and not be viewed as a substitute for such aids; however, one objective of such programs would be to lessen the eventual overall need for numerous categorical grants.

(6) Revenue sharing should encourage an effective and responsible structure of government, and should further deter fragmentation of local government.

(7) The procedures for federal revenue sharing should support fiscal policy for a stable and growing economy without impairing orderly budgeting at the state and local levels.

(8) Any program of block grants or revenue sharing should require periodic and effective financial reporting by participating governments and be governed by all provisions of Title VI of the 1964 Civil Rights Act.

Be It Further Resolved, that in the consideration of the President's Program for Revenue Sharing, that the Congress of the United States is encouraged and urged to consult with those persons most knowledgeable in the problems of Local Government, to-wit: The National Association of County Officials; The International City Management Association and The National League of Cities.

Be It Further Resolved, that a copy of this resolution be spread upon the minutes of this Board, and that copies of the same be sent to the President of the United States, Vice President of the United States, the United States Senators from the State of Georgia, Congressman John Davis, of the Seventh Congressional District, The National Association of County Officials, The International City Management Association, The National League of Cities, The Association of County Commissioners of Georgia, The Georgia Municipal Association and such other persons and parties as may be interested in the passage and funding of said Program.

Done in open meeting, this 19th day of January, 1971.

Resolution for Revenue Sharing

Moved by Reynold Jurgensen, Clinton County and seconded by Elmer Clayton, Scott County to work for and support the concept of Federal Revenue Sharing by the Congress of the United States, providing for the States, Counties, Cities and Towns of Iowa an opportunity to share in the Federal Income Tax collected by the Internal Revenue Service. Funds received to be accounted for as local government officials decide.

Carried unanimously.

Sixth District Association of Counties.
Louis Hulseberg, Pres. of Assn.
Helen Murray, Sec'y-Treasurer.
Anamora, Iowa, March 4th, 1971.

Resolution No. 17858

Whereas, according to figures available from the National Administration in Washington, D.C. showing the dollar amounts of the total Federal Funds available under General Revenue Sharing for Fiscal Year 1972, said figures disclose $101,465,199 allocated for the State of Louisiana and $3,809,836 allocated for the Parish of Jefferson, and

Whereas, the funds, due to us, are sorely needed in the Parish of Jefferson.

The Jefferson Parish Council hereby resolves to request our Congressional Delegation to exert all energies to get these funds for Jefferson Parish.

The resolution was declared to be adopted this the 11th day of March, 1971.

RESOLUTION OF THE WEBSTER PARISH POLICE JURY

Whereas over the period of the last several decades, there has been a steady centralization of power in the Federal Government to the extent that many of the activities which once were solely the responsibility of state and local governments are now totally or partially controlled by the Federal Bureaucracy; and

Whereas the growing demand for public services on state and local governments combined with increasingly limited sources of revenue to finance such services is likely to lead to an even further growth of federal intervention unless action is taken to prevent such a development; and

Whereas the principal reason for the growth in federal influence has arisen from the fact that the vast bulk of the total tax dollars raised in this country are raised at the federal level; and

Whereas legislation to halt the growth of the federal establishment through a reallocation of tax revenues has been introduced in the National Congress under the title of "Central Revenue Sharing," which legislation would return to state and local governments a designated portion of the national income tax proceeds in the form of unrestricted bloc grants; and

Whereas enactment of this legislation would have an extremely beneficial effect on the future development of government in this country.

Now, therefore, be it resolved by the Police Jury of Webster Parish, Louisiana, duly assembled on this, the 11th day of May, 1971, that it does hereby express its support for the concept of General Revenue Sharing and urges the members of the Louisiana Congressional Delegation to use their individual and collective influence to see that legislation implementing this proposal be enacted as soon as possible.

Be it further resolved that copies of this resolution be forwarded to the members of the Louisiana Congressional Delegation and to the Louisiana Police Jury Association so that they may be appraised of the position of this body on this most important matter.

The above Resolution was unanimously adopted by the Webster Parish Police Jury in regular session convened May 11, 1971 on motion of Tylon Blanton, duly seconded by Ray Hardaway.

RESOLUTION OF POLICE JURY, IBERIA PARISH, LA.

Be It Resolved that the Police Jury of Iberia Parish hereby supports the Revenue Sharing Program presently before Congress.

Be It Further Resolved that a copy of this resolution be sent to the Louisiana Congressional Delegation.

RESOLUTION OF WASHINGTON COUNTY, MD.

Whereas, the future of a liable municipal government in Maryland is pending upon adequate resources to pay for municipal services; and,

Whereas, the municipal officials are concerned that the citizens in our cities and towns be taxed equitably; and,

Whereas, there are inherent weaknesses in our present local fiscal structure, including double property taxation for services performed by municipalities and a general inability to move away from the use of the general regressive property taxes to the direct use of the equitable and productive income taxes; and,

Whereas, Senate Bill 663 and House Bill 1296 would provide a process for establishing property tax differential between counties and municipalities for services performed by municipalities, and Senate Bill 735 would establish a total approach to a system of revenue sharing, which would bring a share of state income tax revenue collections in the municipalities back to the municipalities on the basis of tax effort and fiscal need;

Now, be it therefore resolved, by the government of Hagerstown, that we urge and support the Washington County Municipal Association and that we support both of these measures and commend their sponsors for their introductions; and,

Be it further resolved, that we urge immediate action on these measures by the Senate Finance Committee and the House Ways and Means Committee; and,

Be it further resolved, that we urge the Senators and Delegates from this legislative district to give their fullest support and actively seek enactment this year; and,

Be it further resolved, that copies of this resolution be sent to Senator George W. Snyder, and Senator Edwin Mason, and Delegates Richard Grumbacher, Irwin F. Hoffman, Charles F. Wagaman, Jr., and Frederick C. Wright III, and to the Maryland Municipal League.

Hagerstown, Md., March 23, 1971.

RESOLUTION OF OAKLAND COUNTY BOARD OF COMMISSIONERS

Whereas, the President has presented to the Congress a comprehensive program for federal revenue sharing with state and local governments, and the Nixon administration has assinegd high legislative priority to revenue sharing; and

Whereas, the program has been under serious and continued study since first proposed to the Johnson Administration in 1964; and

Whereas, a program of federal revenue sharing would redress the power imbalance between the federal and state and local governments, reverse the trend toward growing federal control of state and local programs, provide a versatile fiscal tool in accordance with our federal system to help ease state and local fiscal tensions, and introduce greater equity into the Nation's intergovernment tax system; and

Whereas, the concept of revenue sharing enjoys wide-spread public support and the strong support of representatives of state and local government.

Now, therefore be it resolved, that the Oakland County Board of Commissioners endorses the concept of the President's program for revenue sharing and agrees on the basic outline of the plan for the distribution of revenue sharing funds.

Be it further resolved that the Oakland County Board of Commissioners strongly urges the Oakland County and Michigan Congressional delegation to support the President's program.

Be it further resolved that the Oakland County Board of Commissioners pledges to lend its efforts to the enactment of the revenue sharing program through cooperative efforts with the Michigan Association of Counties, the National Association of Counties and the State of Michigan and other local units of government.

Be it further resolved that copies of this resolution be sent to Congressmen William S. Broomfield and Jack H. McDonald, Senators Philip A. Hart and Robert P. Griffin, the Michigan Association of Counties and the National Association of Counties.

Be it further resolved that copies of this resolution be sent to each Board of County Commissioners in the State of Michigan.

Be it further resolved that copies of this resolution be sent to the members of the United States House of Representatives, to the Speaker of the United States House of Representatives and Members of the Ways and Means Committee of the House Representatives.

MISCELLANEOUS RESOLUTION NO. 5363

By: Legislative Committee, Mr. Powell.

In Re: Support of United States Senate bill No. 2948.

To the Oakland County Board of Commissioners.

Mr. Chairman, Ladies and Gentlemen: Whereas, there is pending in the U.S. Senate, Senate bill No. 2948; which provides for "Revenue Sharing" with states and local units of government; and

Whereas, a sharing in the Federal income taxes by state and local governments is one of the few remaining sources of sorely needed revenues to meet the growing needs of local government; and

Whereas, the concept of financing and controlling as many services to the people as possible at the local level of government which is closest to and most responsive to the people is desirable; and

Whereas, Oakland County wishes to go on record in support of this legislation and to do all it can to gain support for and passage of U.S. Senate bill No. 2948;

Now, therefore be it resolved, that the Oakland County Board of Commissioners totally favors and supports the concept of "Revenue Sharing" and the passage of U.S. Senate bill No. 2948, providing for the commencement of a Revenue Sharing program;

Be it further resolved, that copies of the resolution be sent to all sponsors of the bill in the U.S. Senate, each state association of counties, the National Association of Counties, the Michigan Legislature, House Speaker, President of the Senate, each Legislator from Oakland County, and the Governor of the State of Michigan with a request to all to lend their support to Revenue Sharing and U.S. Senate bill No. 2948.

Mr. Chairman, I move the adoption of the foregoing resolution on behalf of the Legislative Committee of the Oakland County Board of Commissioners.

ST. LOUIS COUNTY,
Duluth, Minn., January 28, 1971.

The following motion was adopted by the Board of County Commissioners of the County of St. Louis, Minnesota, at its meeting held on January 25, 1971:

Upon motion of Commissioner Barrett, the Board of County Commissioners of St. Louis County went on record of supporting and reaffirming its stand on principles of Revenue Sharing by the Federal Government.

No. 31.

Yours very truly,

ANDREW KORDA,
County Auditor.

ST. LOUIS COUNTY,
Duluth, Minn., January 28, 1971.

The following motion was adopted by the Board of County Commissioners of the County of St. Louis, Minnesota, at its meeting held on January 25, 1971:

Upon motion of Commissioner Donaghy, the County Auditor was authorized to pay the sum of $951.00 for 1971 dues to National Association of Counties, 1001 Connecticue Avenue, N.W., Washington, D.C. 20036.

No. 32.

Yours very truly,

ANDREW KORDA,
County Auditor.

CERTIFIED COPY OF RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LOUIS COUNTY, MINNESOTA

Resolution No. 169; Adopted April 7, 1969.

By Commissioner Anderson.

Resolved, That the Board of County Commissioners of St. Louis County, Minnesota, duly assembled in regular session this 7th day of April, 1969, hereby places itself on record in support of a bill for an act known as the "Tax Sharing Act of 1969" to provide for the sharing with the State and local governments of a portion of the tax revenues received by the United States.

RESOLUTION

Whereas, Federal laws and policies have placed great financial burdens on Minnesota county government to support federal welfare and assistance programs designed, but not adequately financed, by the federal government, and

Whereas, Blue Earth County has minimum control over the policy and the extent of federal programs, although required to contribute substantially to the support thereof, and

Whereas, Blue Earth County joins with the Association of Minnesota Counties and the National Association of Counties in support of the following five principles of revenue sharing:

1. An automatic annual appropriation of a designated portion of federal income tax revenues.
2. An annual distribution to the 50 states according to a clear formula based primarily on population.
3. A mandatory and equitable pass-through of funds from each state to its local general purpose governments, spelled out in clear formulas.
4. Inclusion in the pass-through of all general-purpose local governments.
5. No program or project restrictions on the use of funds.

Now, therefore, be it resolved, That Blue Earth County affirms its support of federal revenue sharing as the first federal domestic legislative priority.

Be it further resolved, That a copy of this resolution be sent to United States Representative Ancher Nelson; United States Senators Walter Mondale and Eugene McCarthy and Senator-Elect Hubert H. Humphrey; and for informational purposes; the Association of Minnesota and the National Association of Counties.

The above resolution was seconded by County Commissioner Lester Anderson and upon vote was duly adopted.

NEW JERSEY COUNTY PLANNERS ASSOCIATION RESOLUTION

Whereas, the demand for public services has increased both in intensity and scope, and

Whereas, state, county and municipal governments play an important role in delivering said services, and

Whereas, the federal government depends primarily on sources of revenue that grow faster than the economy, and

Whereas, state, county and municipal governments depend primarily on sources of revenue that grow slower than the economy, and

Whereas, the New Jersey County Planners Association is concerned with the effective delivery of governmental services at all levels of government.

Now, therefore, be it resolved, that the New Jersey County Planners Association urges the Congress of the United States to enact a program of federal revenue-sharing so that each level of government may better meet its responsibilities to provide services to its constituents.

RESOLUTION

Whereas, legislation has been introduced in the United States Congress to appropriate funds which may be paid to various states and municipalities to supplement and implement the monies received by said states and municipalities from normal sources of revenue; and

Whereas, it is in the best interest of all local government that counties be included as a part of said appropriations; and

Whereas, the taxpayers of the County of Middlesex would be benefited if an act was adopted by the Congress of the United States and signed by the President and enacted into law resulting in the receipt of funds by the County to be utilized for the increased cost paid through the annual budget for County Courts, hospitals, roads, education, institutions and agencies, and welfare, exclusive of capital improvements needed for said purposes; and

Whereas, such appropriations are essential for the well being of the home owners of Middlesex County, as well as the other counties in the United States;

Now, therefore, be it resolved by the Board of Chosen Freeholders that this Board does hereby endorse and request the adoption of legislation for revenue sharing by the Congress of the United States to permit payments to counties for the needs of said counties as expressed above; and

Be it further resolved that the payment of such funds will be in the best interest of the County of Middlesex and State of New Jersey; and

Be it further resolved that the Clerk shall be and is hereby directed to forward certified copies of these resolutions to the President of the United States, the President of the United States Senate, Speaker of the House of Representatives, Chairman of the House Ways and Means Committee of the Congress of the United States, the two United States Senators representing the State of New Jersey, the 15 United States Congressmen representing the State of New Jersey, the Governor of the State of New Jersey and the Legislature of the State of New Jersey, the New Jersey Association of Chosen Freeholders, and the National Association of Counties.

STATE OF NEW MEXICO, COUNTY OF OTERO, RESOLUTION

Whereas, the Otero County Commission is desirous of endorsing the principles of revenue sharing, so long as it does not interfere with current federal grant programs, such as but not limited to the Four Corners Regional Commission programs, EDA and other similar programs, and,

Whereas, increasing demands are being made on county government for additional services such as areawide planning, solid waste disposal, economic development, increased activity in current programs and many other services, and,

Whereas, monies collected by the federal government from residents within Otero County should be of greater benefit to the people of the county, and,

Whereas, over three-fourths of Otero County is owned by the federal government and not on the county tax rolls.

Now Therefore, Be it hereby resolved that the County Commission of Otero County support the principle of revenue sharing legislation, under the aforementioned conditions, that would give an automatic annual appropriation of federal income tax revenue to local governmental bodies which would be distributed annually to the 50 states by a formula based primarily on population. A formula should be developed whereby the funds when received by the state are distributed without delay to the local governments. It is necessary that no restrictions or reports to congress be necessary from the local governments as accounting is now controlled by the state, which should be sufficient.

Resolved in regular session of the Board this the 22 day of February, 1971.

RESOLUTION

The following resolution endorsing the concept of Federal Revenue Sharing with States and Local Governments was adopted February 1, 1971 by the Davie County Board of Commissioners.

Whereas, the tax revenues of the United States are necessarily derived from the citizens of North Carolina and her sister states; and

Whereas, the President of the United States has proposed to share sixteen billion dollars of federal revenue with state and local governments which are in a manifestly better position to know the precise needs of their citizenry and the best methods to implement programs to satisfy those needs; and

Whereas, the proposal of the President of the United States would tend to restore the concept of proper federal-state relations so important to local government and all its citizens.

Now, therefore, be it resolved by the Board of Commissioners of Davie County to endorse the concept of revenue sharing as proposed by the President of the United States.

RESOLUTION No. 70–364

In the matter of forwarding a resolution to Senator Stephen M. Young, Senator William Saxbe, and Representative Charles Mosher, expressing interest by Lorain County Commissioners in the concept of revenue sharing.

Be it resolved by the Board of Commissioners of Lorain County, Ohio, that we do and hereby express a mutual interest and support in the concept of Revenue Sharing. We are apprised of bills before the House Ways and Means Committee and the Senate Finance Committee, which are making us keenly aware of the proposed approach to Federal allocations on grants.

Our purpose in forwarding this resolution is to ascertain from our representatives the feasibility of revenue sharing from their knowledge and understanding, or in brief, their point of view. It will be appreciated by Lorain County Commissioners to learn, from our representatives the reaching effects on methods proposed in bills for Revenue Sharing.

It has become increasingly more difficult for Local Governments to provide the necessary services. We are convinced that Real Estate Taxes are no longer the answer to meet the needs of our locality.

RESOLUTION

Whereas, the Department of Public Welfare in the spring of each year has been accustomed to notifying the County of the County's portion of the budget for each of the State Welfare Grant Programs, and

Whereas, the County has no choice but to pass the budget demanded of it by the State Department of Public Welfare in regard to the grant programs, because State Law empowers the State Government to withhold state revenues from the County in the event the demanded amounts are not budgeted and paid—notwithstanding the County's vigorous objection to this arbitrary method of forcing a budget on the County without the County's having any discretion therein, and

Whereas, after the County passed its General Fund Budget for Fiscal Year 1970–71, embracing these programs totaling $85,121.47, at the July term, by communication dated October [illegible], 1970, three (3) months after the County Budget and tax rate had been passed, the State Department of Public Welfare has notified the County that its total budget for the welfare programs must be increased to $91,637.51, some $6,516.04 more than was appropriated by the Maury County Quarterly Court.

Now therefore, be it resolved by the Maury County Quarterly Court assembled in regular business session on this January 18, 1971, that the members of this Court vigorously protest:

(1) The requirement by State Law that the County be required to pass a budget as dictated by a department of State Government which budget must be financed out of local funds, with absolutely no discretionary power over that budget; and

(2) The requirement that such budget be amended after the same has been passed and the tax rate set, making it virtually impossible to meet the increase unless the budget contains an anticipated fund balance sufficient to meet the then increased requirements—and Maury County's anticipated general fund balance is not sufficiently large to cover such an increase this year.

Be it further resolved that the Tennessee General Assembly and the Governor of Tennessee be urged to amend the law pertaining to the financing of our welfare programs so as to provide either for total financing by the State or allowing discretion at the County level to the extent that the County Government is expected to participate.

Be it further resolved that the State Government be urged to continue to protest to the National Government that if State and Local Governments are to be expected to continue sharing in the financing of the welfare programs the State and Local Governments have the authority and discretion over their own budgets commensurate with the responsibilities they are expected to assume.

Be it further resolved that copies of this resolution be sent to the Governor of Tennessee, the Commissioner of Public Welfare all of Tennessee's Senators and Congressmen, Maury County's Direct and Floterial Representatives and State Senator, the National Association of Counties and the Tennessee County Services Association.

RESOLUTION

Whereas, in the Spring of each year, it has been the custom of the Tennessee Department of Public Welfare to notify the County of the amount to be appropriated for each of the State Welfare Grant Programs, and

Whereas, the Quarterly County Court adopts a Budget each year, at its July Term, and, accordingly, sets a Tax Rate for the County General Fund, and

Whereas, the Court has no choice other than to adopt the Budget demanded of it by the State Department of Public Welfare, in regard to the Grant Programs, due to the fact that State Law empowers the State Government to withhold State Revenues from the County, in the event that the demanded amounts are not appropriated and paid; notwithstanding the County's vigorous objection to this arbitrary method of forcing an increase in the Budget, without the Quarterly Court having any control thereover, and

Whereas, at the July Term, the Quarterly County Court adopted the General Fund Budget for the Fiscal Year 1970–71, embracing a total of $28,644.00 for said Programs, and

Whereas, by communication dated October 9, 1970, three (3) months after the Budget had been adopted and the Tax Rate set closely around same, the State Department of Public Welfare notified the County that its appropriation for the Welfare Programs must be increased to $36,073.00, some $7,400.00 more than was included in the Budget, as adopted, and,

Whereas, Cumberland County's anticipated General Fund Balance is not sufficient to cover such an increase.

Now, therefore, Be It Resolved by the Cumberland County Quarterly Court, in regular session assembled, on this January 18, 1971, that the members of this Court vigorously protest:

1. The requirement by State Law that the County adopt a Budget containing appropriations dictated by a department of State Government, which Budget must be financed out of Local Funds, with absolutely no discretionary power over same.

2. The requirement that such Budget be amended, after same has been adopted and the Tax Rate set, which renders it virtually impossible to meet the increase, unless the Budget contains an anticipated Fund Balance sufficient to meet the increased requirements.

Be It Further Resolved that the Tennessee General Assembly and the Governor of Tennessee are hereby urged to amend the law pertaining to the financing of our Welfare Programs, so as to provide either for total financing by the State or allowing discretion, at the County Level, to the extent that the County Government is expected to participate therein.

Be It Further Resolved that, if State and Local Governments are to be expected to continue sharing in the financing of the Welfare Programs, the State Government is hereby urged to continue to insist upon the Federal Government that State and Local Governments have power and authority, over their own Budgets, commensurate with the financial responsibilities that they are expected to assume.

Be It Further Resolved that copies of this Resolution be sent to the Governor of Tennessee, the Commissioner of Public Welfare, all of Tennessee's Senators and Congressmen, Cumberland County's Floterial Representative and State Senator, the National Association of Counties and the Tennessee County Services Assoication.

VIRGINIA:

At a regular meeting of the Board of Supervisors of Washington County, held at the Courthouse of said County on Monday, May 10, 1971, at 9:00 o'clock A.M.

On motion of Lindy H. Seamon, seconded by Robert Snodgrass, Jr., and unanimously passed the Washington County, Virginia Board of Supervisors doth hereby resolve that this Board should and it doth hereby express its support of Federal Revenue Sharing Legislation which is now being considered by the Congress of the United States and doth request the support of the Congressmen and Senators who represent this County in obtaining the passage of such legislation as might be based on an equitable formula expressed in terms of a percentage of the total Federal Income Tax receipts. This percentage should increase from an initial year percentage figure in successive years to an established equitable percentage amount. Legislation also should include a formula for the mandatory pass through of such funds by the States on a pre-determined but equitable formula to Local County and Town Governments regardless of size. This subject legislation should provide for such funds to be forwarded wtihout limitations on its use by Local Governments.

MAY 14, 1971.

Hon. **GEORGE M. WARREN**,
Senate, Reynolds Arcade Building, Bristol, Virginia

DEAR SENATOR WARREN: Enclosed is a copy of action taken by the Board at their regular May meeting. It is forwarded for your information in that such a program in its final enactment would be implemented by some State Legislation.

Sincerely,

DONALD N. JOHNSTON,
Executive Secretary.

MAY 14, 1971.

Hon. **FORD QUILLEN**,
House of Delegates,
Gate City, Virginia

DEAR MR. QUILLEN: Enclosed is a copy of action taken by the Board at their regular May meeting. It is forwarded for your information in that such a program in its final enactment would be implemented by some State Legislation.

Sincerely,

DONALD N. JOHNSTON,
Executive Secretary.

MAY 14, 1971.

Hon. **G. R. C. STUART**,
House of Delegates,
Abingdon, Virginia

DEAR MR. STUART: Enclosed is a copy of action taken by the Board at their regular May meeting. It is forwarded for your information in that such a program in its final enactment would be implemented by some State Legislation.

Sincerely,

DONALD N. JOHNSTON,
Executive Secretary.

MAY 14, 1971.

Hon. **WILLIAM C. WAMPLER**,
House of Representatives,
Washington, D.C.

DEAR MR. WAMPLER: The Board of Supervisors at its regular monthly meeting enacted the resolution in support of Federal Revenue Sharing Legislation which is attached. This was by unanimous action of the Board and your support in obtaining Legislation which would include the points set forth therein is their primary interest regardless of sponsor.

The Board directed that I forward this resolution to you and solicit your support in this matter.

Sincerely,

DONALD N. JOHNSTON,
Executive Secretary.

MAY 14, 1971.

Hon. **WILLIAM B. SPONG, JR.**
United States Senate
Washington, D.C.

DEAR SENATOR SPONG: The Board of Supervisors at its regular monthly meeting enacted the resolution in support of Federal Revenue Sharing Legislation which is attached. This was by unanimous action of the Board and your support in obtaining legislation which would include the points set forth therein is their primary interest regardless of sponsor.

The Board directed that I forward this resolution to you and solicit your support in this matter.

Sincerely,

DONALD N. JOHNSTON,
Executive Secretary.

MAY 14, 1971.

Hon. **HARRY F. BYRD**
United States Senate
Washington, D.C.

DEAR SENATOR BYRD: The Board of Supervisors at its regular monthly meeting enacted the resolution in support of Federal Revenue Sharing Legislation which is attached. This was by unanimous action of the Board and your support in obtaining legislation which would include the points set forth therein is their primary interest regardless of sponsor.

The Board directed that I forward this resolution to you and solicit your support in this matter.

Sincerely,

DONALD N. JOHNSTON,
Executive Secretary.

COUNTY OF HENRICO, TO-WIT:

Whereas, State and local governments throughout America are called upon to provide for their citizens all the facilities and services necessary to promote the health, welfare, safety and the opportunity for peaceful enjoyment of their communities; and

Whereas, the demands for these essential and desirable needs have been accruing at an ever increasing pace, and which are now further intensified by the need to accelerate further programs to combat pollution of streams and atmosphere, combat crime in the streets, provide increased welfare, educational and recreational opportunities; and

Whereas, State and local governments have long since exhausted most sources of taxation made available for the support of these services and facilities and are now faced to levy ever increasing tax burdens upon their citizens in order to provide for these additional needs.

Now, therefore, be it resolved by the Board of Supervisors of the County of Henrico, Virginia, That it go on record in favor of a Federal Tax Sharing Program by which a portion of the taxes paid to the Federal Government be returned to the State and local governments to assist in providing the heavy demands for essential services, programs and facilities now urgently required, and to provide opportunity for much needed relief to the citizens of both State and local communities; and

Be it further resolved, That such programs, when adopted, provide for the distribution of funds for any lawful purpose without further restriction as to their use.

RESOLUTION No. 8

Whereas, President Nixon has submitted a Federal Revenue sharing plan to Congress, and

Whereas, the revenue sharing plan as proposed would provide five billion dollars with no strings attached, to States and local units of government and would consolidate eleven billion dollars of Categorical aid programs into six broad grant areas of law enforcement, manpower training, urban development, rural development, transportation and education, and

Whereas, the first part of the proposal would alleviate the burden of local taxes, and

Whereas, the second part of the proposal would transfer the power of control of the categorical aid program to local units of government, therefore

Be it resolved, by the Langlade County Board of Supervisors that Congress be memorialized to enact Federal Revenue sharing legislation that will provide an equitable distribution of revenues based on local tax efforts and need instead of on a per capita basis, with emphasis being given to counties, towns, cities and villages, and,

Be it further resolved, that the second part of the proposal be supported providing the individual states will be prohibited from eliminating the categorical aid programs approved and funded by Congress, and,

Be it further resolved, that upon adoption of this resolution, the clerk, be and is hereby instructed to send copies of this Resolution to Senators Nelson and Proxmire, Congressman Obey and Bernard F. Hillenbrand, Executive Secretary, N. A. C. O.

RESOLUTION No. 53—1971

To: The Hon. Chairman and Members of the Oconto County Board of Supervisors.

Whereas, NACO and state organizations are urging counties to support a national effort to push federal revenues sharing through Congress, and

Whereas, the money comes directly to the County and can be spent at the discretion of the county with no restrictions.

Now, therefore, be it resolved by the Oconto County Board of Supervisors that Oconto County endorse the principle of revenue sharing, and

Be it further resolved that a copy of this resolution be forwarded to our Congressmen, the Wisconsin County Boards Association, and the NACO.

Submitted this 23rd day of March 1971.

Adopted by the Oconto County Board of Supervisors on March 23rd, 1971.

RESOLUTION No. 863

(Resolution supporting Federal revenue sharing with States and local units of Government)

Whereas, the National Association of Counties has made a thorough investigation of the advantages of Revenue Sharing as provided for in President Nixon's program for decentralizing Federal Government controls at the State, County and local level, and

Whereas, the benefits directly afforded to Fond du Lac County and its units of government would total more than one million dollars annually, and

Whereas, the program would also result in less bureaucratic red tape in comparison with other types of Federal aids which might be given, and

Whereas, such resources as afforded under the Revenue Sharing program would be a reward for local tax effort and could be used to lessen the awesome burden on the property taxpayers.

Now, therefore, be it resolved, that the Fond du Lac County Board of Supervisors go on record as supporting President Nixon's attempt to strengthen local and state government by means of a Federal Revenue Sharing program which could assist in lowering the confiscatory property taxes in states such as Wisconsin which have attempted to properly provide an adequate level of local services, and

Be it further resolved, that copies of this resolution be forwarded to President Nixon, Senators Proxmire and Nelson, Congressman Steiger, and the State's other Congressmen, Representatives, and Senators, Governor Lucey, all local units of government in Fond du Lac County, the Wisconsin County Boards Association and the other counties in the State, as well as the National Association of Counties.

Dated March 16th, 1971.

RESOLUTION

A resolution authorizing the finance committee to evaluate the alternate system for revenue sharing as such by the Nixon administration and to make a recommendation, by recommending adoption of the following resolution:

Whereas, the Congress of the United States is currently considering a multitude of revenue sharing proposals; and

Whereas, it is apparent that all of these bills have encountered two objections which serve to impede adoption, namely

(1) the inadvisability of having one unit of government; responsible for raising tax revenues that other units can dispose of at their pleasure; and

(2) although the congressman has the onus of raising the revenue, he gets no credit for any programs that this money supports; and

Whereas, Wisconsin has a modified program of revenue sharing which disburses a specific amount of State monies as determined by the legislature to all municipal governments having a property tax rate in excess of 14 mills on a proportionate basis for the purpose of local property tax relief; and

Whereas, the exact amount of this relief appears as a State tax credit on every property bill thus giving due credit to the funding source; and

Whereas, this approach to revenue sharing serves to negate the criticism cited in 1 and 2 above, since the revenue is shared directly with the taxpayer; and

Whereas, property tax relief of this magnitude will serve as a direct spur to the construction of housing by reducing a major shelter expense item; now, therefore,

Be it resolved, That the Milwaukee County Board of Supervisors hereby declares its support of a Federal revenue sharing program having a 100 percent pass through to be used solely for the purpose of a local proportionate property tax reduction; and

Be it further resolved, That the full extent of this relief for each taxpayer be shown as a Federal tax credit on every local property tax bill; and

Be it further resolved, That the County Clerk is hereby directed to send copies of this resolution to the entire Wisconsin Congressional delegation, members of the State Assembly and Senate, Senator Russell B. Long, Chairman, Senate Finance Committee, Congressman Wilbur D. Mills, Chairman, House Ways and Means Committee, International City Managers Association, National League of Cities, U.S. Conference of Mayors, National Conference of Governors, and Chief Executives of all Milwaukee County municipalities, and to the National Association of Counties.

RESOLUTION

Whereas, key findings of the Public Land Law Review Commission's study and hearings were:

That, existing federal statutes providing for shared revenues and in lieu taxes on the public lands were an effort to compensate state and county government for the loss of revenues due to federal tax immunity;

That, Congress has not developed basic policies by which to determine the nature and extent of the federal obligation;

That, present statutes present a piecemeal, inequitable and internally inconsistent approach to a vital national problem;

That, federal public land payments of shared revenues and in lieu taxes have increased at a lower rate than other state and county revenues, including property and income taxes, and at a lower rate than our national economy; and

Whereas, hearings of both the 1969 National Timber Act and the Public Land Law Review Commission have disclosed wide support for the concept of division of receipts from the sale of public land products from lands under review and study by the Public Land Law Review Commission, for land payments to state and county governments as an offset to the federal tax immunity, and for protection, management resources development and use by the general public; therefore,

Be it resolved that the National Association of Counties supports proposals for a system of shared revenues and payments in lieu of taxes which would:

1. Place in a central fund all revenues from market-oriented uses of the federal lands, including proceeds from the sale of timber, forage, and minerals or mineral leasing rights including revenue from the Outer Continental Shelf, but excluding revenues from the Mineral Leasing Act of 1920.

2. Allocate up to 50 per cent of the annual revenues to finance federal market-oriented resource management programs, including amortization of capital investments, with the difference between these annual charges and 50 per cent of total revenues to be paid into the general funds of the Treasury. Recommendations as to the appropriation of money for resource management should be made by an intergovernmental, multi-agency council which should include county and state government officials as voting members.

3. Allocate the other 50 per cent half for payments to counties and half for payments to state governments. Each county and each state should have the option (irrevocable for five-year periods) of selecting payments based on either (a) 25 per cent of the gross revenue derived from market uses of the federal lands located within its boundaries, or (b) a share of the remainder of the state-county 50 per cent based on its proportion of the total appraised value of all federal lands in states and counties not choosing to receive payments based on 25 per cent of gross revenues.

4. All public land revenues not processed through the central fund should be paid into the general funds of the Treasury. Each county shall be guaranteed a minimum payment from the general fund of at least 10 cents annually for each acre of public land within its boundaries used partly or entirely for wilderness, national parks and monuments, military reservations, general outdoor recreation, hunting, wildlife propagation, conservation or other non-market oriented public uses, less the amount of any payments it may have received from the central fund.

Investment Bankers
Association of America,
Washington, D.C., February 9, 1971.

Hon. William Proxmire,
Chairman, Joint Economic Committee, U.S. Congress, Washington, D.C.

Dear Mr. Chairman: Because the Investment Bankers Association of America is intimately involved in the financial affairs of State and local governments, we would like to express our support for the emerging consensus that Federal revenue sharing is needed to alleviate the fiscal crises of these governments. As you know, the case for greater Federal assistance to States and localities is based on the lack of balance between their revenue-raising capabilities and expenditure requirements. This "fiscal mismatch" has left State and local governments in a continuing budgetary crises.

To be most effective, we believe any plan to share Federal revenues among the levels of government should meet the following criteria:

1. Assistance should be periodic and predictable, allowing recipients sufficient time and certainty for the planning of its expenditure.
2. Distribution of such funds should be flexible enough to permit their use where the needs are greatest and broad enough in scope to embrace all general purpose governments as potential recipients.
3. Distribution procedures should encourage cooperation among all levels of state and local government and should enhance their sense of mutual as well as individual responsibility.
4. Such assistance should be extended freely and without constraints beyond those normally accompanying the prudent and constitutional expenditure of public funds.

It is our opinion that Congress should give prompt and favorable consideration to the revenue sharing concept.

Sincerely yours,
Frank P. Smeal.

Clarksville, Tenn.,
March 29, 1971.

Hon. William R. Anderson,
House Office Building,
Washington, D.C.

Dear Congressman Anderson: Recently I received a copy of your Report of February 22, 1971, in which you discussed your reservations regarding the Administration's general revenue sharing plan. In response to the invitation at the end of your Report, I would, as a local public official, and as one of your constituents, welcome the opportunity to discuss with you the principle of revenue sharing. I will be in Washington next Monday and Tuesday, April 5th and 6th, attending the Legislative Conference of the National Association of Counties. Our congressional reception will be held Monday evening, April 5th, at 6:45 p.m., at the Smithsonian Institute, and I would be most pleased to have you attend as my guest.

Meanwhile, I would like to comment on some of the questions raised in your memorandum. In the first place, it should be made clear, I think, that most state and local government officials do not wish to see categorical aids replaced or even curtailed except where there may be duplication, waste, or extravagance. The national interests and objectives which are inherent in the principle of categorical aids are highly important, and for this reason they should be continued. They should be simplified and in some instances consolidated, perhaps redirected along the lines suggested by the special sharing idea, but they certainly should be continued, and they certainly should not be replaced.

By the same token, there is considerable misunderstanding, I believe, about the *amount* of general revenue sharing desired by state and local officials. Clearly it would not be wise for the Congress to turn over to state and local government, with no strings or conditions, any large *share* of federally collected revenues. The reasons are obvious and need no elaboration. The amount of general revenue sharing should be small in relation to total federal tax revenues.

Having put the size of general sharing and its relationship to categorical aids in what I believe to be the right perspective, what is the case for general sharing?

As you noted in your first paragraph, state and local governments are in a serious financial squeeze. This squeeze is brought about primarily by the inferior tax resources they must rely upon: consumer and property taxes. The federal income tax is a much superior source: it is more productive; it is more equitable, being based on ability to pay; and it is more readily responsive to economic change. We at the state and local level need to tap a small portion of it for our general governmental needs. It would be another source of revenue to be used along with other state and local tax revenues. It would be a big help, but even so it would be only a small part of any state or local government's total revenues.

Although the needs of states and local communities throughout the nation are in many respects much the same, it is also true that each state and each city and each county have many differing needs, and as to those differing needs each governing unit should have some flexibility to choose its own priorities. To a great extent the categorical grant system fails to satisfy this need for flexibility. Hence the need to supplement the categorical aids with a bit of "no strings attached" general sharing.

But there is a more important issue, truly a fundamental issue, involved in this matter of general revenue sharing. It goes to the soundness, indeed the very validity, of our federal system of government. Are state and local officials capable of determining how the peoples' money should be spent at the state and local levels?

If we can honestly say that congressmen and senators and federal bureaucrats know better than governors and state legislators, mayors and city councilmen, county judges and magistrates, how public monies should be spent at home, then does it not logically follow that everything should be governed from Washington and state and local government be done away with?

I really believe that one of the troubles with our three-level system of government is that the three levels sometimes tend to *compete* rather than *cooperate* with one another in the performance of public services. We cannot have smooth and successful relations among the three levels of government unless the officials of each level have confidence in the ability and integrity of the officials of the other levels. No level of government has a monopoly on competence, integrity or dedication in its public officials.

Nor is any level free of some waste and corruption. As for the suggestion that "corrupt pockets" might be lined with federal funds, I can only say that certainly any revenues shared with state and local governments should be subject to such audit and controls as would assure that they would be used for legitimate governmental purposes. The term "no strings attached" means nothing more than that state and local governments would have the discretion to determine which among various legitimate governmental uses the money would be put to. It does not mean of course that they would not be required to account for the money and how it is used.

General revenue sharing is not a new concept in Tennessee. For many years the state government has shared with counties and cities substantial state collected revenues on a no strings attached basis. For example, last year the state turned over to Montgomery County some $80,000 for use in the County General Fund. This money is subject, along with other county revenues, to state audit, but the state makes no effort whatever to direct the use of the funds.

It seems to me, therefore, that general revenue sharing is calculated to strengthen the federal system of government. If that system is not worth strengthening, if it will not work, then we need to forget not only revenue sharing but also the kind of government we have, and devote ourselves to the structuring of a new system in this country. I for one would like to think that the three level system can and will work. To have only a national government would be top-heavy and cumbersome and would be dangerous because it would remove government from the grass roots. It would be just as foolish to think we could get by with only state and local governments, because then we would have no way in which to deal with national problems or to establish national goals or to maintain national standards. If therefore all three levels are needed, should we not devote our full energies to strengthening our federal system in every possible way?

As for the Administration's plan now before the Congress, I certainly would not venture to say there is no room for improvement on it. It may be that in some details changes for the better could be made. The distribution formula, for example, might stand some revision or refinement. But what I strongly believe in and plead for is the principle of general sharing as vital to the continued effectiveness of government in America.

Sincerely yours,
William O. Beach,
Montgomery County Judge.

Vancouver, Wash.,
March 22, 1971.

Hon. Julia Butler Hansen,
House of Representatives,
Washington, D.C.

Dear Mrs. Hansen: As Mayor of the City of Vancouver, Washington, I find myself in the position of being in the "front line" insofar as recognizing the growing problem of tax revenues and the critical problem of raising revenues to provide essential services to our community.

Part of the solution, we feel, of meeting this problem is the general revenue sharing concept being considered at this time by the Congress of the United States which would allow general Federal revenues to be shared with State and Local Governments generally without specific conditions to be met.

This matter was so keenly felt by myself and my fellow councilmen that on February 23, 1971, Resolution No. M–1496, stating Council's support for the revenue sharing, was signed. A copy of that Resolution was forwarded to you on March 1, 1971.

Many Senators and Representatives conclude that the most efficient and equitable of all governments units in *raising* revenues is the Federal Government, but that the local units of government, being closer to the public and to the problems of their particular jurisdictions, are more efficient *users* of tax revenues.

It has been suggested by several in the Congress that the responsibility for collection and spending of Federal revenues should be in the same hands. The concept of revenue sharing being considered would not seem to be in conflict with this philosophy, except that what in many cases are arbitrary conditions and standards totally unrelated to the local priorities and needs, would be eliminated. The Congress would always retain the reins to the "purse" and in fact, would designate the functional needs being established.

There certainly should be no question that in most cases the local communities are much better qualified to determine their own needs and priorities. It would seem to me to be totally inconsistant to suggest that Vancouver's problem can best be determined by an "expert" or specialist employed in or by the Federal Government.

As you may surmise, and as many of us believe, 1971 may very well be the crisis year for local government finance.

May I then urge you again to work with the executive branch to develop a plan that would hasten the recovery of many of our cities, counties and states. If I can assist you in any way in carrying out this objective, please do not hesitate to contact me.

Sincerely yours,

LLOYD STROMGREN,
Mayor.

DESCHUTES COUNTY, OREG.,
March 24, 1971.

Hon. BOB PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: You are well aware that in nearly every state and county government has reached the "end of the line" on taxes. Yet our costs for essential services and programs skyrocket, and our situation becomes more desperate.

President Nixon has spoken on the need for legislation on revenue sharing. Both the Democratic and Republican party platforms have endorsed the principle of revenue sharing.

We feel that (1) a definite percentage of federal income tax revenues should be earmarked for revenue sharing; (2) funds should be allocated to the states on the basis of a population-tax effort formula; (3) funds should automatically be passed through to counties and cities by a specified formula. Other provisions of the legislation can be negotiated with the Congress.

Deschutes County very much needs your support of this program.

Very truly yours,

W. F. SCHINKEL,
Chairman.
G. W. MCCANN,
Commissioner.
JOE W. PEDEN,
Commissioner.

RESOLUTION NO. 74

Resolution endorsing plan to share Federal revenue

Whereas, NACO and state organizations are urging counties to support a national effort to push federal revenue sharing through Congress, and

Whereas, the money would come directly to Lincoln County and could be spent at the discretion of Lincoln County with no restrictions;

Now, therefore, be it resolved by the Lincoln County Board of Supervisors that Lincoln County endorse the principle of revenue sharing, and

Be it further resolved by the Lincoln County Board of Supervisors that a copy of this resolution be forwarded to David Obey—Congressman, the Wisconsin County Boards Association and NACO.

Dated this 9th day of February, 1971.

RESOLUTION NO. 25

To the Honorable Board of Supervisors, Kenosha County

Whereas, NACO and state organizations are urging counties to support a national effort to push federal revenue sharing through Congress, and

Whereas, the money comes directly to the County and can be spent at the discretion of the county with no restrictions.

Now, therefore, be it resolved by the Kenosha County Board of Supervisors that Kenosha County endorse the principal of revenue sharing, and

Be it further resolved that the Chairman of the Kenosha County Board appoint one board member to serve on the National revenue sharing task force, and

Be it further resolved that a copy of this resolution be forwarded to our Congressmen, the Wisconsin County Boards Association, NACO, and our two Senators.

Dated this 16th day of February, 1971.

OFFICE OF THE COUNTY EXECUTIVE,
ORANGE COUNTY GOVERNMENT CENTER,
Goshen, N.Y., February 9, 1971.

Mr. BERNARD HILLENBRAND,
Executive Director, National Association of Counties, Washington, D.C.

DEAR BERNIE: The enclosed letters indicate what I plan to do in response to the Governor's request that an all-out effort be undertaken in behalf of Revenue Sharing.

Possibly someone from your office might want to accompany me, although I can't be sure when my specific appointments will be.

Sincerely,

LOUIS V. MILLS,
County Executive.

ORANGE COUNTY,
Goshen, N.Y., February 9, 1971.

Miss LEILANI LATTIN,
Office of Senator Jacob K. Javits,
Washington, D.C.

DEAR LANI: I am planning to be in Washington late Wednesday morning, February 17th, and wonder if it would be possible to speak to Senator Javits for a moment relative to Revenue Sharing sometime between 11:30 and 4 o'clock. Would it be too much to ask your office to contact Senator Buckley's office for a similar appointment on the same subject?

Also, I hoped I might have an opportunity to chat with you on the question of whether a County of our size ($50 million budget) should consider employing a Federal and State Aid Coordinator.

Sincerely,

LOUIS V. MILLS,
County Executive.

ORANGE COUNTY,
Goshen, N.Y., February 9, 1971.

Hon. JOHN G. DOW,
Cannon Building,
Washington, D.C.

DEAR JOHN: I am going to be in Washington late Wednesday morning, February 17th, for the purpose of discussing Revenue Sharing.

I plan to stop first at Senator Javits' office and will call you when I get there, with the hopes that you will be available for a few moments during that day.

Sincerely,

LOUIS V. MILLS,
County Executive.

ORANGE COUNTY GOVERNMENT CENTER,
Goshen, N.Y., February 9, 1971.

Hon. NELSON A. ROCKEFELLER,
Governor of the State of New York,
Albany, N.Y.

DEAR GOVERNOR ROCKEFELLER: I welcome your continued leadership in the effort to obtain badly needed Federal Revenue Sharing funds for our hardpressed governments at the local level. I appreciate your recognition that, indeed, we are on the firing line, and that we no longer have the funds to provide the essential public services for which we are responsible.

To support these efforts and to dramatize the fiscal crisis at the County level, I hope to schedule conferences in Washington next Wednesday, February 17th, with Senator Jacob K. Javits and Senator James L. Buckley, of New York State, and with Congressman John G. Dow, of the 27th Congressional District, and to present them with the Revenue Sharing Resolution to be voted on by the Orange County Legislature this Thursday.

The Honorable Henry G. Parry, Jr., Chairman of the Orange County Legislature, may accompany me, and I am asking the Washington office of the National Association of Counties to provide us with staff assistance at the conferences.

Sincerely,

LOUIS V. MILLS,
County Executive.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, February 5, 1971.

Hon. LOUIS V. MILLS,
Orange County Executive,
Goshen, N.Y.

DEAR LOUIS: No group is more aware of the crucial need for Federal Revenue Sharing than local officials. You are on the firing line daily, facing crushing needs at home. While two-thirds of this Nation's revenues and 91 per cent of all income taxes go to Washington, only 11 cents on the dollar comes back to state and local governments in New York to help meet these vital needs of people.

The President has provided a rallying point for all hard-pressed state and local governments with his $5 billion Revenue Sharing proposal. I am convinced, however, that only an organized, massive, all-out campaign will persuade Congress of the absolute urgency to enact Revenue Sharing now.

To help in demonstrating the critical need and widespread support for Revenue Sharing, I am declaring February twenty-second as "Federal Revenue Sharing Day in New York State." I strongly urge that on this day you take some form of dramatic action in your area to focus public attention on the fiscal problems facing your community and to make clear why Revenue Sharing is essential to help solve them. I am making a similar request of other city and county officials throughout the state.

Programs for February twenty-second might include a public symposium or major press conference to inform the people in your community of the fiscal plight you face and what Revenue Sharing could mean for them both in terms of needed services and reduced tax pressure. Under the President's $5 billion proposal, for example, New York State, on a full-year basis, would be allocated approximately $500 million, slightly more than half of which would automatically be "passed through" to local governments in the state.

However, the fiscal needs facing governments all across the country are of such magnitude that, in my judgment, an initial $10 billion of new money for Revenue Sharing is an absolute necessity—and this would mean $1 billion for New York State.

These funds could be spent for whatever purposes you deem most necessary such as police and fire protection, education, sanitation and restoration of the environment, for example.

The principal focus of the meeting could well be to encourage ways in which the people could make known to their Congressman their desire that he or she openly and actively support Revenue Sharing, including communication by citizens directly with their Congressman.

You also might consider formation of a Citizens' Committee for Revenue Sharing, to be formed after the activities of February twenty-second, in order to maintain constant contact with your Congressional representatives.

Mobilizing public support for Federal Revenue Sharing is essential for its passage. I urge you to exercise your leadership and join with your fellow local officials on February twenty-second to help us get this vital program passed. I intend to ask the State Legislative Leaders to join with me in a joint press conference at the State Capitol for this purpose.

With best wishes,

Sincerely,

Nelson
NELSON A. ROCKEFELLER.

THE POWER ELITE NEEDS TO BE DIFFUSED AND DEMOCRATIZED

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. TALCOTT. Mr. Speaker, John O. Marsh, a highly respected former Democratic Member of the House of Representatives from Virginia delivered the principal address at the annual installation banquet of the Lynchburg, Va., Jaycees on June 26, 1971.

Mr. Marsh has for many years been a leader in various Jaycee activities. He was especially active in developing civic action programs by U.S. Jaycees to assist the Vietnamese people. He has been active in developing programs and mobilizing citizens and civic groups to assist the returning Vietnam veteran to rehabilitate himself and his family in his home community.

Mr. Marsh was one of the leaders in the Congress to safeguard our national security and one of the most knowledgeable Members of the Congress concerning military affairs. He is a military scholar and an exceptionally perceptive observer of our military establishment. To my knowledge, he was the only Member of the Congress to serve on active duty in Vietnam. His views are worth contemplating.

The topic of his Lynchburg Jaycee speech was, The Power Elite. I happen to share his views on this critical and timely subject. I urge every Member to read this speech which, Mr. Speaker, I insert in full at this place in the RECORD:

THE POWER ELITE

The irreplaceable loss the Nation has suffered by this history of deception and mismanagement of the Vietnam war reflected in the leaked documents is a loss that can only be told in the suffering and agony of the dead and wounded on these battlefields half a world away.

The manner in which these documents were made public cannot be condoned but they do show us a classic, but reoccurring example of the age-old fallacy of the "power elite" and all its weaknesses. The whole episode reeks with the arrogance of power exercised by a selected few, rather than decisions made by the elected. The tragedy is the contemptuous disregard this little clique of planners had for the people of the Nation they were expected to serve. The disdain they had for the opinion of the people, was also reflected in their disregard for those the people had elected.

They were convinced in their assumed superior intellect, the war could be managed. The people need only pay their taxes for the costs of war and send their sons to the battlefield, yet play no part in either the policyshaping or the decisionmaking process. This is not the view of the intellectual, but of the pseudo-intellectual. It is a view that is also antiliberal and antidemocratic.

Today, many of these architects of a policy that failed appeal to the public conscience to undermine the present national effort to end our presence in Vietnam in a way that has the best chance of securing a stable peace.

Further evidence of this arrogance is demonstrated in the total disregard of security restrictions that are designed to safeguard the national welfare by wholesale leaking of documents to the press. It is just another example of relegating to yourself the right to decide what the people should or should not know.

We made many mistakes in the whole approach to our problems in Southeast Asia in a military, political, and diplomatic sense but each day that passes is further proof that no greater mistake was made than the failure to mobilize public opinion and seek the support of our citizens for our efforts at the very beginning of our commitment to Southeast Asia. Had this been done I believe the war would have long since ended. However, I am convinced there was a conscious decision not to do this and the disclosures we are now seeing confirms it.

The highhanded and arbitrary procedures followed were a disservice to the President because he was compelled to make decisions based on the limited views of a relative handful of powerful advisers who relied largely on their own intellect yet who were out of touch with the people.

The real danger we see is not the act of unauthorized distribution of documents, bad as it may be, nor even the damage to our national interest which might ultimately occur, regrettable as it is, but rather the danger is in an inadequate system of formulating policy which enabled a few to make life and death decisions that affect the Nation—a system which we see has neither safeguards nor the fail-safe mechanisms consistent with a representative form of government.

Although the military have been criticized, and have come in for their share of blame in the tactics and approach to waging the conflict, by and large it was civilians rather than military personnel who were formulating the policy of involvement and rules of engagement. The fundamental principle of civilian supremacy of the military remained intact. The question that is raised now is the quality of that civilian supremacy and their accountability to the citizenry. Dr. Strangelove was replaced by "Dr. Knowmore."

During the years of buildup and later when the Vietnam war raged, Members of the Congress can cite instances of being rebuffed in their efforts to find ways for the American people to express their support of the war. Suggestions also for the employment of different policies in its prosecution usually fell on deaf ears. The United States was trying to do the right thing but in the wrong way.

WHAT NEEDS TO BE DONE

It is obvious that ways and means must be found to give the American people a window into the policy making apparatus of the national government. New mechanisms must be developed to incorporate the private sector into the public endeavor. A thorough congressional investigation of the entire episode will be most helpful. However, it is suggested that the President appoint a blue-ribbon commission to review the whole matter with two major purposes—

First, a complete review of the preparation, content and unauthorized distribution of the report. These findings should be made available to the people. Recommendations on the opening of more files of the Departments of State and Defense for research purposes should be considered.

Second, both the system for formulating policy and the decisionmaking process in the executive branch should be studied and recommendations made for changes to increase its effectiveness and to assure that it functions in a manner that is consistent with representative government.

Ultimately the Congress will have to adopt those legislative measures and establish the procedures to insure that those in the executive branch perform in a manner that is consistent with the interest and desires of the people of the United States. This may require changes also in congressional procedures; however, we must do those things necessary to preserve the checks and balance system to make government responsive to the people and insure it is always their servant and never their master.

We cannot permit a situation to exist whereby through an inadequacy of the policymaking apparatus a selected few individuals in key posts can subvert the representative process and conduct the Nation's affairs with blatant disregard for the people of the United States, regardless of how well intentioned the motives of that selected few might be.

IS THE SPACE RACE TO BECOME AN ARMS RACE?

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 1971

Mr. SEIBERLING. Mr. Speaker, last Wednesday, June 30, the distinguished gentleman from Pennsylvania (Mr. FULTON) and I had a discussion on the floor of the House concerning possible use of the proposed space shuttle for operating manned orbiting interceptors in outer space. Following our discussion I came across an article in the Washington Post on the same day which raises the same basic question I had raised with Mr. FULTON.

The question is whether armed orbiting interceptors in outer space would not necessarily be equipped with nuclear weapons. I showed the article to Mr. FULTON and he again assured me that they would not be so equipped.

I am gratified by Mr. Fulton's assurance. It would be one thing to introduce purely defensive capabilities into outer space. It would be quite another to introduce weapons that could be used offensively.

The United States is party to an international treaty to ban weapons of mass destruction from outer space. Certainly the United States should not breach this treaty or take any action which could provide an excuse for any other nation to breach the treaty. On the contrary, we should do everything possible to see that it is enforced. It is in our interest to prevent the extension of the strategic arms race into outer space.

Below is the text of the article which appeared in the Washington Post on June 30:

MANNED ORBITING INTERCEPTORS STUDIED AS SUBSTITUTE FOR JETS

(By Robert A. Dobkin)

The Air Force is studying the feasibility of building manned interceptors—orbiting spaceships to protect the United States against bomber attack in the late 1970s and beyond.

Although still in the preliminary design stage, the space-interceptor proposals offers significant advantages over conventional ground-based jet interceptors now deployed across the country, the Air Force says.

An interceptor orbiting above the earth's atmosphere could remain on station for long periods and be able, in the Air Force view, to attack enemy bombers before they could fire long-range air-to-surface missiles against U.S. targets.

The idea for the orbiting interceptor grew out of an indepth study of the Air Force's continental air defense system. The study examined possible concepts and systems.

Some details of the secret project were disclosed in heavily censored testimony recently released by the House Armed Services Committee. Specific references to an orbiting interceptor were deleted, but Aerospace Daily, an aviation-industry newsletter, confirmed from Pentagon sources that this is what the Air Force has in mind.

According to the testimony, the interceptors could be either manned or unmanned. Both types would carry sophisticated electronics to identify and intercept aircraft approaching the United States. The manned interceptor would have, in addition, its own fire-control system and be able to use the Airborne Warning and Control System (AWACS) to pick up its targets.

AWACS, now being developed by the Air Force, involves a new type of downward-looking radar to detect low-altitude enemy bombers. It will be installed aboard a modified Boeing 707, which will orbit the fringes of the United States, watching for unfriendly aircraft and directing fighters to meet them in the event of attack.

Because they would already be airborne, the Air Force says, the response time of an interceptor orbiting in space would be much swifter than with ground-based aircraft.

The Air Force testimony makes no mention of the American-Soviet outer-space treaty, which bars stationing of nuclear weapons in orbit. Presumably, an orbiting interceptor would be armed with nuclear-tipped missiles for destroying enemy planes.

SUPPORT BY KENNEDY ADMINISTRATION FOR 1963 COUP IN SOUTH VIETNAM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, July 8, 1971

Mr. BYRD of Virginia. Mr. President, the Richmond Times-Dispatch of June 29 contains an interesting editorial concerning early revelation of support for the 1963 coup in South Vietnam within the Kennedy administration. The overthrow of President Diem—and his assassination—proved very detrimental to the United States.

The editorial points out that the Honorable Frederick E. Nolting, Jr., a native of Richmond who served as U.S. Ambassador to South Vietnam from May 1961 to August 1963, told of American involvement in the overthrow of the Diem Government on several occasions in the mid-1960's.

Ambassador Nolting was strongly opposed to U.S. involvement in the overthrow of the Diem regime. Some of his comments on this subject are included in the editorial. These statements show clearly that the Government memorandum on this subject published recently by the Chicago Sun-Times was not the first disclosure of U.S. involvement in the 1963 coup. It confirms Ambassador Nolting's earlier statements.

I ask unanimous consent that the editorial, "What Secret?". be printed in the Extensions of Remarks. The editor of the editorial page of the Richmond Times-Dispatch is Edward Grimsley.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

What Secret?

The Chicago Sun-Times has published the partial text of a "secret" memo indicating that during the Kennedy Administration support existed within the State Department for U.S. encouragement of the Nov. 1, 1963, coup d'etat against South Vietnamese President Ngo Dinh Diem.

However, The Sun-Times "scoop" hardly qualifies as the revelation of the century. Richmond native Frederick E. "Fritz" Nolting Jr., who served as the able U.S. Ambassador to South Vietnam from May 1961, to August, 1963, told of the American government's involvement in the overthrow of Diem on several occasions in the mid-1960's, and he made crystal-clear his belief that the coup (which resulted in Diem's assassination) was a colossal blunder by the Kennedy Administration that helped lead to the present tragic situation. In an article in The Times-Dispatch on July 9, 1967, Mr. Nolting wrote:

"For years, the No. 1 tactical objective of the Viet Cong and Hanoi had been the overthrow of the Diem government. By that they calculated to bring about political chaos in South Vietnam. They were handed that objective by the military coup d'etat of Nov. 1, 1963. For different reason, Buddhist agitators, large segments of the American press, and our own Department of State all played important supporting roles in that fateful tragedy."

In an Oct. 18, 1966, letter from his Paris residence to The New York Times, Mr. Nolting had criticized The Times' characterization of the 1966 Vietnamese elections as the "first really free and fair national election ever held there." President Diem, he observed, had won national elections in 1955 and 1961 and furthermore the National Assembly had functioned for eight years as a representative body until Vietnamese generals, "encouraged by the United States Government," illegally seized power in 1963. Mr. Nolting continued:

"Why does The (New York) Times continue to distort the record on Viet Nam? The reason, I think is clear. The overthrow of Diem—which left a vacuum so great that 300,000 Americans and $2 billion a month seem insufficient to fill it—was due in no small part to the influence of The Times. A weak Department of State would not stand up to the pressure.

"Incessantly, The Times attacked the Diem government, directly in its editorials and inferentially in its news reports. President Kennedy himself became sensitive to the charge of supporting a 'Catholic' government in a 'Buddhist' country. In the fall of 1963, American support was withdrawn from President Diem, and the elected constitutional government of Viet Nam (which we had been supporting for eight years) was overthrown."

The rest, as they say, is history. Instead of the U.S. being in Vietnam as an adviser and helper to the established government, the Kennedy and Johnson Administrations turned Vietnam into a wholly dependent ward of the American government. Despite this "grave error," Mr. Nolting felt that the basic original purpose of helping South Vietnam resist a Communist take over remained morally right and in the national interest, but that this important objective should be pursued while turning the defense effort back to the Vietnamese as President Nixon is now trying to do.

NO-FAULT LEGISLATION LACKS HUMANE AND EQUITABLE ANSWERS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. HUNGATE. Mr. Speaker, once again our colleague from Texas, Bob Eckhardt, has submitted a useful study on a current problem. I commend it to all those interested in the problems of no-fault insurance and its proposed alternatives. The article follows:

No-Fault Legislation Lacks Humane and Equitable Answers

(By Congressman Bob Eckhardt)

There is nothing sacrosanct about a tort theory based on negligence or fault as the means of recompensing injured persons who are considered under the law as deserving reparation. It is far from perfect with respect to making whole innocent parties or punishing guilty ones.

Today, when liability insurance is commonplace and most motorists are induced to carry it by law, no party is really punished in a particular automobile accident situation except that party who sustains injuries. Thus, the initial problem is that of affording a means of making him whole.

Suppose the injured party is a child rattling around in the back of a station wagon. Instead of concentrating on some judicial and social mechanism of making him whole after an injury resulting from his mother's colliding with the pick-up truck, a great part of our judicial and social efforts go toward applying medieval concepts to determine the child's negligence posture with respect to fault.

Or consider, for instance, the telescoping accident on the freeway where it is virtually impossible to precisely attribute negligence to the various parties. To paraphrase Hamlet, if in such situation we treat every motorist "after his desert, who should 'scape whipping?"

But if it may be said that the victim is the injured party in a *particular* automobile accident, the victim of the entire system of reparation for automobile accidents is the insured motorist. He is constantly punished by premium rates which are overloaded with costs which could and should be eliminated or reduced by a more efficient and less archaic system of tempering ill fortune by the processes of law and the techniques of an insurance system.

These costs, which are loads on the premium dollar, break down roughly in the following proportions:

1. 15% for plaintiff's attorneys and other litigation costs of the injured;
2. 15% for insurance adjusters, defense attorneys and other costs in resisting the claim;
3. 15% for insurance companies' acquisition costs including advertising and selling insurance;
4. 15% for other insurance company overhead and profits; and
5. 40% paid out in damages to insured persons.

I think, therefore that the second salient proposition is:

The goal of any legislation in this field should be to increase the percentage of the premium dollar which goes to the damaged party.

The question then arises: Which of the first four cost factors listed above can be reduced by a reform in the automobile accident insurance system?

It is my opinion that proponents of no-fault insurance have placed inordinately high emphasis on reducing the costs in items (1), (2), and (5). (1) and (2) deal with attorneys' fees, court costs and expenses of adjusting claims. The argument that the costs of delivering reparation to the injured party should be minimized is obviously sound. But, to carry this to the extent of assuming that some conceivable system can be devised which avoids dispute as to the amount of damages, and thus eliminates the need for an attorney in substantially *all* cases—such extended assumption is preposterous.

Proponents of the type of no-fault insurance recommended before the House Commerce Finance Subcommittee pointed to disproportionately high settlements in cases where only slight injuries are probably actually involved. Of course, it is true that every case has some settlement value affected by the cost of defending it. The point thus has a factual basis.

It *is* desirable, in my opinion, to reduce the opportunities of the broker-lawyer. But the problem is how to do this, and at the same time avoid a slot-machine type of reparation system that does not take into account legitimate measures of damages related to permanent partial disability and pain and suffering.

If these legitimate measures of damages are to be fairly and accurately measured, there will be many cases that must be litigated, whether the suit be against a third-party insurer or a first-party insurer. The services of the trial lawyer are needed and valuable. They cannot be eliminated without seriously imparing the rights of injured.

The emphasis has been on reducing premiums through cuts in items (1) and (2), the attorney fee items, and indeed in item (5), the pay-out item. Little attention has been given in the approaches recommended to cutting advertising and sales costs (item (3)) or other overhead and profits (item (4)).

This brings me to the third important proposition which I think must be observed in any acceptable bill: The burden on the premium dollar should not be reduced at the cost of instituting a less sensitive method of determining damages than that which has developed in a common law manner through long experience.

All the bills propose a system calling for both (a) a *no-fault theory* of insurance and (b) a *diminution* of recoverable damages.

What seems to me to have been overlooked by witnesses who seem absorbed with the issue of insurance is that the sweeping changes proposed here do not only involve matters of economics but also *equities* between parties who cause and receive injuries. In this respect they deal with the typically judicial question of how these persons can be made whole.

There are two problems: (a) making of the insurance system efficient and economical, and (b) retention of a judicial system that will give an injured person fair and reasonable relief.

The challenge presented here for a legislative solution is:

To provide the most efficient way to deliver an insurance service to motorists and those injured in automotive accidents so that injured persons can be made whole, or partially whole, at the least social cost.

With these propositions in mind, I think that if any complete, federal no-fault insurance system is to be put into effect, it must take the following points into account:

To be a true no-fault system it must eliminate fault or the negligence suit concept altogether.

To afford any substantial reduction in litigation costs it must remove the high incentive for aggressive adversary action in the stage immediately following the accident.

It also must afford an incentive to the insurance company to pay for economic loss promptly.

To be fair and humane it must leave intact traditional measures of damages.

To be cheap enough to be within the reach of many persons who now have tort claims and would lose them under a no-fault system, medical and hospital costs (special damages) should be supported by a system of national health insurance.

None of the plans proposed to our subcommittee would meet the terms.

H.R. 7514 would generally afford no recovery whatsoever for permanent partial disability in an amount less than 70%, and, generally speaking, all persons who fall short of this level of disability would not be entitled to recover anything more than economic losses. Pain and suffering would not be an element of damages. (There is one qualification or exception to this: In case of "disfigurement which is permanent, severe, and irreparable," a tort suit would be available.)

But these triggering devices for liability "in cases of catastrophic harm" would not take care of a man who may be able to continue his job at the drafting table with undiminished proficiency after the accident but who does so with unabated pain. He may never again be able to play golf, sleep with his wife, or wade in a trout stream. He is only part of the man he was before the accident.

No law that does not recognize these facts and afford compensation for these impairments is, to me, acceptable.

All proposals advanced before the subcommittee eliminate some sort of tort liability; the Nationwide (American Insurance Association's) plan would remove tort liability altogether. Thus, none of the proposals are complete enough to supply the humane and equitable elements that seem to me threshold requirements of a no-fault plan.

CBS EDITING SYSTEM

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ADAMS. Mr. Speaker, I am including herewith a copy of the letter with enclosure from Dr. Frank Stanton to the Honorable Harley O. Staggers which includes the most recent guidelines issued by CBS covering news and public affairs:

Columbia Broadcasting System, Inc.,
New York, N.Y., June 28, 1971.
Hon. Harley O. Staggers,
House of Representatives,
Washington, D.C.

Dear Mr. Chairman: As I indicated in my prepared statement and during my testimony before your Subcommittee on June 24, CBS standards and practices relating to the production of news and documentary broadcasts are continuously under review. Difficult as it is to draft written instructions on how to exercise sound news judgments, from time to time we issue directives on this subject.

Since mid-1970, we have been preparing a compendium of operating standards that have been issued over the years, which have been revised to reflect current CBS practices. That draft was completed today; it has been issued to our staff and sent to those media representatives who have expressed interest in these practices.

We believe that news standards should result from self-criticism and self-improvement by the broadcast media, not from government regulation. As I said in my prepared statement, ". . . comments on 'The Selling of the Pentagon' have raised important issues as to the practices employed, or that ought to be employed, in the editing of documentary broadcasts. While responsible journalists may reasonably differ concerning particular practices in particular cases, we do not intend to ignore these differences or to shrink from continuing self-examination of our own practices."

In this spirit, the enclosed memorandum contains a section on the editing of documentaries. I am submitting the compendium as a matter of information, and request that it be included in the printed record of the Subcommittee hearings.

Because I believe the section on editing documentaries (pages 3 and 4) will be of interest to each member of the Subcommittee, I am sending them a copy of this letter and the enclosure.

Sincerely,

Frank Stanton, *President.*

CBS—Policy Notes From the President

June 28, 1971.

To: Officers and Department Heads of CBS; CBG and Divisions and All News Personnel.

Subject: CBS Operating Standards: News and Public Affairs.

From time to time, since our earliest days, we have attempted to codify our standards of responsible broadcast journalism. For more than a year we have been engaged in preparing a compendium of our current operating standards.

"CBS Operating Standards: News and Public Affairs" is the result of those efforts. I urge you to study it carefully.

Standards such as these can never be regarded as final. Our central task is a continuing one—to re-examine our past practices and improve our future performance in every way available to us.

Frank Stanton.

CBS Operating Standards: News and Public Affairs

In November, 1959, a memorandum on standards and practices was issued to the CBS News organization to assure that programs produced by CBS News are actually what they purport to be. Since then, to implement this overall objective, a number of memoranda have been issued which set forth CBS News policies in specific areas. The purpose of this memorandum is to collate and restate those policies and to confirm their continuing applicability to *all* CBS news operations.

It is impossible, of course, and inadvisable, to prepare policy guidelines which will cover every conceivable situation which may arise. There are too many variable circumstances—and we must rely, in the final analysis, on the essential good sense and journalistic integrity of the professional journalists employed by CBS around the world. There is a basic underlying guideline, however, which was expressed in a memorandum from Mr. Salant to the CBS News organization in June of 1963 reaffirming the memorandum on standards and practices issued in November, 1959:

"[T]here shall be *no* re-creation, *no* staging, *no* production technique which would give the viewer an impression of any fact other than the actual fact, no matter how minor or seemingly inconsequential. The only way there can be certainty is not to let the bars down at all. Anything which gives the viewer an impression of time, place, event, or person other than actual fact as it is being recorded and broadcast cannot be tolerated.

"I recognize that strict application of this policy will result in higher costs or in a less technically perfect or interesting 'show' in certain instances. But our field is journalism, not show business."

These are the operating standards which apply to all CBS produced news and public affairs broadcasts, network and station, television and radio:

1. *Filming a news event.* It is essential that CBS personnel not stage, or contribute to the staging—however slight—of any news event or story. Spec'fically, nothing should be done that creates an erroneous impression of time, place, event, person or fact.

There are some events such as, for example, speeches, press conferences and demonstrations of various types which occur only because coverage by the press is anticipated. The sole factor which determines whether any such event shall be covered is, of course, the basic newsworthiness of the event. But personnel should be alert at all times to the possibility that attempts may be made to "use" CBS cameras and microphones.

Coverage should be as inconspicuous as possible. If, in the course of covering riots, demonstrations, rallies or similar events, it becomes obvious that, but for the presence of cameras, disorders would not be taking place, or would diminish sizably, or terminate, the cameras should be capped or removed. On-the-spot judgments by producers, correspondents, reporters or cameramen that a situation may be eased by capping or removing the cameras will be fully respected.

Producers, correspondents and reporters working with camera crews are responsible for the actions of the crews.

In appropriate circumstances, such as, for example, in the coverage of a space flight, simulations and earlier rehearsals may be broadcast if appropriate disclosure is made.

2. *Interviews and discussions.* This section refers to broadcasts wholly or in part made up of interviews, discussions, forums, debates, and the like, and the term "interviews" will be used to cover all such kinds of broadcast content.

Where an interview broadcast is spontaneous, unrehearsed (other than rehearsal of physical position and movement on camera) and carried in its entirety, it may be identified on the air (opening and closing) as "spontaneous and unrehearsed," and if on film or tape "spontaneous, unrehearsed and not edited."

An interview is considered spontaneous and unrehearsed if not more than an outline of the general areas from which specific questions will be drawn is discussed with or transmitted to the interviewee. An interview is not considered spontaneous and unrehearsed if

a. questions are submitted in advance to the interviewee; or

b. there is an agreement not to use a particular general area as the basis for specific questions; or

c. there is an agreement not to ask specific questions; or

d. the film, tape or transcript of the interview is submitted to the interviewee after completion so that he may participate in the condensation and editing.

To the extent that any interview is not spontaneous and unrehearsed, that fact must be adequately disclosed on the broadcast. The interviewee should be advised, prior to his on-camera appearance, that this will be done.

Interviews which are not spontaneous and unrehearsed (i) should be avoided except in unusual cases where the identity of the interviewee and the circumstances of the interview are such that the importance of the proposed broadcast clearly outweighs the disadvantages of the procedure and there are sound reasons for such procedure and (ii) will be permitted, in any event, only upon specific approval by the President of CBS News or the General Manager of the station involved.

3. *Editing.* Editing is an area, obviously, which does not lend itself to broad and universally applicable rules. There are many varying circumstances. But there is one basic requirement. We must continue to be meticulously careful, in all circumstances, that the editing results in a clear and succinct statement which reflects, fairly, honestly, and without distortion, what was said.

Individual reaction and reverse shots made out of natural time sequence are generally a "convenience" technique. They are permissible (except as noted below) but may be used only when they are shot in the presence of the interviewee or his representative or, if the interviewee or his representative does not want to wait around, only after an explanation to him about what is to be done and the receipt of his express consent.

It shall continue to be the responsibility of the editor and/or producer to examine and compare all actual questions with reverse questions, as well as reaction shots and composite editing to determine that there is no distortion or alteration of content or meaning from its original sense. In any case, where the reverse question differs from the original question in tone, in character, or in content, the reverse question may not be used. Reverse questions (and composite editing) shall not be used to clean up a poorly phrased or poorly stated original question.

In broadcasts which consist of a single interview, or in magazine broadcasts where an entire segment is devoted to a single interview in which the interviewer plays a significant part, multiple cameras shall be used, except where space and time preclude it, obviating the need for reverse questions or reaction shots which do not occur at the precise time that the interviewee is saying the words being heard.

In addition to the foregoing, the following rules are applicable to documentary broadcasts:

a. If the answer to an interview question, as that answer appears in the broadcast, is derived, in part or in whole, from the answers to other questions, the broadcast will so indicate, either in lead-in narration, bridging narration lines during the interview, or appropriate audio lines.

b. If more than one excerpt from a speech or statement is included in a broadcast, the order of their inclusion in the broadcast will be the same as the order of their inclusion in the speech or statement, unless the broadcast specifically indicates otherwise.

c. Transcripts of the entire interview will be made available to the interviewee after the broadcast, upon request of the interviewee.

4. *Prerecording and Sound Effects.* Where a filmed or taped excerpt is used in an otherwise live broadcast and is so juxtaposed with the live segment that the fact it is filmed or taped is not readily apparent, the disclosure that the excerpt is filmed or taped shall be made immediately in connection with the use of such film or tape if the element of time is of special significance.

Whenever a dramatized or recreated scene on film or tape which was originally made for one broadcast or purpose is taken out of its original context and used in another broadcast that fact should be made clear and there should be proper identification of the original source.

Sound may be added when it is needed to maintain the continuity of natural sound already established and when editing techniques require the insertion of segments of a story that were filmed without sound because of technical considerations, such as equipment limitations. In those instances where the maintenance of sound "presence" is necessary, the use of sound should be limited to the minimum required to achieve the effect of sound continuity, and should be limited to natural sound obtained at a time and place related to the story.

Sound effects may not be used with a silent film story to give the impression that the story was filmed with natural sound. However, *actuality sound* recorded on tape at an event may be used with silent film of the event when the sound segments are compatible with the scenes being used.

Natural sound, whether on film or magnetic tape, may not be magnified or diminished from its actual level for the purpose of achieving a deliberate editorial effect. However volume may be adjusted to meet technical requirements and the sound intelligibility of a story.

If a speech or a statement is filmed or taped either before or after its delivery before the group to whom it was addressed, it should be clearly identified when broadcast, as having been specially delivered for cameras and microphones.

Reporting that the viewer or listener is being taken to a given locality is forbidden unless in fact a switch is made to that locality at the time of the broadcast. Such a statement is prohibited when the film or tape is being carried not from the original locality but rather has been transported to the place of the broadcast which is other than the original locality.

5. *Film Not Made in the Presence of a CBS Correspondent.* Material obtained from stringers and other non-staff sources may be used so long as producers and others involved are reasonably satisfied that the material is what it purports to be. When footage is obtained from other than normal stringer channels, the source should be identified on air and any other special circumstances worth noting, including any doubts about the film, should be explained on air when the film is used. We must avoid giving the impression that the report of a correspondent is firsthand when it is not. When a correspondent providing narration over film identifies himself, he must always indicate his location. Such identification must be made whenever there is a narration insert in a news broadcast. The lead-in to a film piece should identify the narrator (but not his location). The fact that the narrator was not on-scene at the filming should be further clarified by carefully choosing the operative verb, i.e., John Doe now describes . . . John Doe now narrates . . . John Doe now explains. At the end of the narration over such film pieces, there will be *no* sign-off by the correspondent and the broadcast will move back to the anchor desk for the next news item. Adherence to this practice will avoid the impression that the broadcaster reported from the scene of the story when in fact he did not cover the event.

6. *Correspondents' Sign-off.* Where there is a taped insert of a correspondent's report in a news broadcast, it is essential that the public is not given the impression that the correspondent is actually participating then and there in the live news broadcast. Thus, we must avoid even the minor artifice of having a correspondent at the end of a taped report gesture in any way as if to turn the broadcast back to the anchorman.

7. *Payments to Interviewees.* In hard news and hard news-oriented broadcasts interviewees will not be paid for participating in the broadcast. Participants in other broadcasts may, of course, be paid nominal sums for releases, as required by the Law Department, to assure our rights to the use of their names and likenesses.

In public affairs broadcasts which are not primarily hard news oriented, payments, in addition to the nominal sums paid for releases, are permissible in the following circumstances:

a. where the broadcast is built around a single public figure and the broadcast is in the nature of an electronic version of memoirs or is in the nature of an electronic version of an article by a well-known columnist or author;

b. where a central figure is used for a group of broadcasts;

c. where professional, non-public experts such as professors, economists, etc., appear on public affairs discussion broadcasts and payment would be in the nature of a lecture fee;

d. in general public affairs series where, in certain circumstances, important guests in special fields (entertainment, newspaper columnists) can be secured only through payments.

Appropriate fees may, of course, be paid to informants, consultants and others who perform liaison or contact services in connection with the preparation of news broadcasts.

8. *Investigative Reporting*. The General Manager of each CBS Owned station is responsible for its day-to-day operation. The station's investigative reporting must, therefore, be conducted under his general supervision and control. In exercising these responsibilities, the General Manager shall set up procedures adequate to insure that each investigation is conducted in a manner consistent with CBS's standards of journalistic integrity, accuracy and fairness. While the General Manager retains this day-to-day responsibility for the operation of the station, he is, of course, encouraged at any time to discuss station matters with his superiors. When the General Manager determines that a particular investigation may raise questions of special importance or of interpretation of basic CBS policies, the matter should be immediately brought to the attention of the Division President.

Investigative reporting by CBS News must be conducted under the general supervision and control of the President of CBS News, who similarly will take steps to insure that each investigation is conducted in a manner consistent with CBS's standards of journalistic integrity, accuracy and fairness.

Whether information about a potential crime obtained by CBS personnel during the course of an investigation must be made available to public authorities will depend on the facts of each case, considered in the light of the potential crime involved and the purpose of the investigation. There will be instances when no such notification will be called for (obviously investigative reporting of misconduct by public officials would be frustrated by reporting the investigation to those very officials). On the other hand, if information is obtained that a potential crime endangers an individual's person or property (e.g., arson, rape, murder, riot), appropriate public officials shall be notified promptly.

The Law Department should be consulted prior to the commencement of an investigative project and should be kept advised to the appropriate degree as the investigation proceeds. Our past experience indicates that the extent of Law Department involvement will differ considerably from situation to situation. This does not imply any change from past practice in this area. Our lawyers will continue to be lawyers, not participants in coverage of the news.

Particular reference is made to the following policies with respect to the implementation of the foregoing guidelines.

CBS personnel will not knowingly engage in criminal activity in gathering and reporting news, nor will they encourage or induce any person to commit a crime. There may be exceptions which ought to be made on an *ad hoc* basis even to so absolute a rule. For example, certain kinds of issues have often in the past and might again call for investigative reporting which involves the commission of acts which are in technical violation of criminal statutes, such as, for example, the purchase or possession of hand guns where they are forbidden, or of liquor in a dry state, in connection with a report on how easy it is to acquire these articles. Even such exceptional instances are never to be undertaken lightly. At the other extreme, of course are acts which cannot be countenanced, no matter how important the subject under investigation, the most obvious example of which would be injury to another person. Between these extremes lie many hard questions. One principal purpose of these standards is to assure that these questions will never be approached without a thoughtful regard for the heavy responsibilities involved.

THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ABOUREZK. Mr. Speaker, a frequent theme that I have raised both in remarks on the floor of the House and in private conversations with individual Members is the disastrous consequences of the rural-to-urban migration that our country has been experiencing. Polls show that most Americans would prefer to live in smalltown America. Yet, population shifts have been emptying out the rural heartland areas and concentrating people on the sea coasts and in the Great Lakes area.

Why this is happening is not hard to explain. People are looking for jobs and a better life. Rural depression has caused a vast increase in farm unemployment and underemployment. Two-thirds of our substandard housing is in rural America. Infant mortality is higher in rural America. Educational opportunities are less readily available or of a lower quality. Medical care is woefully inadequate. In my own State of South Dakota, for example, there are 11 counties without a single doctor and another 11 with only one.

And so the people leave. The problems then become compounded. The leadership that might be available to cope with the problems of rural America is lost. In turn, cities are faced with the difficulties of providing more and more services to people who really don't want to be there in the first place.

If the symptoms of the problem are clear, what to do about it is not. The root matter, of course, is simply a lack of capital. Without the economic wherewithal, jobs are not available. Businesses cannot expand, develop, hire, or modernize. The financing necessary to improve the quality of rural life through new schools, medical centers, sewers, transportation systems, recreation areas, is simply not available. It is this necessity to expand the capital market that has compelled me to introduce today the Consolidated Farm and Rural Development Act.

This act will overcome the problems created by the rural-to-urban migration by making enough money available from the central money markets to revitalize and recapitalize rural America. This will enable the building of rural industries, the improving of community facilities, and the increasing of job opportunities and income levels.

Basically the idea is patterned on the existing farm credit system. That system is time-tested and has proven that the people in rural America are excellent credit risks. As with that system, eventually it will become borrower and participant owned. The initial subscription by the Government would be $2 billion, in 10 annual payments. This would enable the new act to make available $2 to $3 billion a year initially through the issuance of bonds and debentures. This would increase to a potential of $10 to $20 billion a year after full operation when borrower-owned status is achieved.

Loans would be available for industrial development and community development as well. Further, under a new agency called the Rural Development Investment Administration money appropriated by Congress could be used to make interest supplement payments or capital grants to borrowers in rural areas whose immediate capital position would not otherwise enable such a loan to be made. Thus a small community that needs a new sewer system but does not have the bonding capacity for such an undertaking would receive grant assistance to enable it to acquire the needed capital.

I am convinced that this bill has the potential to revitalize rural America and to rebuild rural opportunity. It is needed not to get special benefits to one segment of America, but to benefit all Americans.

Because of the great interest in this bill, it is my intention to reintroduce this legislation with cosponsors next week. I invite your participation.

VICTORY FOR THEFT

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. BAKER. Mr. Speaker, there are several ways you can interpret the outcome of the Supreme Court decision on the McNamara papers. I found an editorial in the July 1 edition of the Chattanooga News-Free Press under the title, "Victor for Theft," an especially interesting observation which should be shared with my colleagues.

Regardless of what else happens, there will be other employees with access to highly classified material who will regard this decision by the court as a "license to steal." We can expect a whole new series of "leaks" of material, regardless of whether it is damaging to the Government or not. This will be the least consideration, apparently. Unfortunately, the motivation of some trusted employees is supect but we actually don't know how dangerous they are until they plifer something and turn it over to certain newspapers who have no compunction about releasing it.

It is difficult to predict where all of this will lead but for the country's own protection, we had better devise a better system or a better screening process for employees.

The editorial, "Victory for Theft," follows:

Victory for Theft

Six members of the United States Supreme Court yesterday ruled that a thief may steal property, turn it over to accessories after the fact, who may use it contrary to the wishes of its owner and the court won't stop them.

There is an effort to make this appear to be a victory for "freedom of the press." It is more a victory for thievery and misappropriation.

The press should not be censored, subjected to prior restraint or have material legally in its hands suppressed—not for the protection of those whose business is "the press" but for the protection of the freedom of the people. But this was a different matter. It did not involve any news that the press had developed on its own initiative or had come upon in any legal way. It was an irresponsible press action that involved the theft of secret documents from the federal government in violation of the law and subsequent misuse.

The government, which had clearly affixed a "top secret" classification on these documents, should have a right to have thieves and accomplices prevented from dissipating what they had stolen. If a man had $1,000 stolen from him and could bring the receiver of the stolen money into court, the court certainly should act to prevent the stolen money from being spent contrary to the will of its true owner.

The verdict of the court came as no real surprise. Earlier, four of the justices—William O. Douglas, Hugo L. Black, William J. Brennan Jr. and Thurgood Marshall—had voted to allow publication of the stolen papers without even hearing the government's case. They were joined in their final action by justices Potter Stewart and Byron R. White. To their credit, the minority dissenters were Chief Justice Warren E. Burger and Justices Harry Blackmun and John M. Harlan.

The federal government classifies much material as secret when it should not. But that was not the real issue. The federal government's agencies do many things that are wrong and should be called to account. But that also was not the real issue. It would be quite proper for the press or the people to challenge the classification practices of the government. It would be proper for anyone to criticize—justly or unjustly—any decision government may make. But to steal from the government and publish in violation of the law in a manner that could possibly do irrevocable harm to the United States is not right.

Publication of secret documents may help the enemy break our secret codes. Exposure of the necessary private actions of diplomacy and war contingency planning may make international relationships with foreign governments difficult. Exposure of secret information may even cost Americans their lives. But though these facts should figure in any moral evaluation of whether to publish secrets, the overriding legal point is that those who publish were not using their own property but that which had been stolen.

There was a clear exhibition of irresponsibility in that the stolen secret material had been held for months and yet was rushed into print without heeding official warnings. And now a Supreme Court majority sanctions the error.

Is this a court signal to the myriad enemy spies in our country that they may transmit to their governments the secrets they steal by publication in a press willing to do so?

The court has ruled only on the question of whether the victim of theft—in this case the government—may prevent thieves and accomplices from misusing what they have stolen. There has been no court ruling knocking down the espionage and other laws that prohibit theft of secret government documents and the unauthorized revelation of their contents.

Any who may be guilty of violating those laws should now be prosecuted. The law is written to apply equally to all and it is no man's privilege to decide for himself which laws he will violate.

CONTROLLED THERMONUCLEAR FUSION

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. HOLIFIELD. Mr. Speaker, in the June 3, 1971, issue of the RECORD, on page 17986, my colleague on the Joint Committee on Atomic Energy, CRAIG HOSMER, of California, inserted remarks on controlled thermonuclear fusion status and outlook. Mr. HOSMER pointed out that those who are making the most noise about "fusion now" are those who know very little about the status of nuclear fusion research.

Let there be no misunderstanding concerning the record on support of controlled thermonuclear fusion research by the Congress and the Joint Committee on Atomic Energy. We have provided a healthy level of support to fusion research throughout the years—over $400 million. This year, for example, the Joint Committee on Atomic Energy is recommending nearly $30 million for fusion research. We have felt throughout the years that the long-range promise of this potential new energy source warranted this support. The confusion which has been injected into the program stems from those advocates who want to drop or cut back on all other energy research efforts and place all of our dependence on the long range and much less certain fusion reaction for our energy supply. This, as has been stated by the most knowledgeable people in the energy research field, including top people in the fusion research program, is completely unjustified. The balance effort on energy research which has been laid out throughout the years is the one we must follow.

From June 21 to June 23, 1971, there was a heavily attended international conference at the University of Wisconsin at Madison, Wis., the results of which were very objectively reported in the Wall Street Journal on June 24. I insert the article by Jerry E. Bishop on "Possibility of Harnessing H-Bomb's Power To Make Electricity Nears Crucial Tests" at the end of my statement. In the June 22, 1971, issue of Industrial Research and Technology, a weekly document published by the Commission of the European Communities, there was an article on controlled thermonuclear fusion. I request permission to insert that article at the end of my statement. I would like to quote one sentence from that article:

> The physical and technological problems involved in the construction of a fusion reactor are, however, far from solved.

Those in this country who believe that the only thing necessary to bring fusion reactor powerplants on line is a large infusion of money are either completely misguided or are deliberately distorting the facts to satisfy their own particular cause, whatever that cause might be.

The articles follow:

[From the Wall Street Journal, June 24, 1971]

Possibility of Harnessing H-Bomb's Power To Make Electricity Nears Crucial Tests

(By Jerry E. Bishop)

MADISON, WIS.—Scientists are moving optimistically into a new round of experiments that may tell whether it ever will be possible to harness the power of the hydrogen bomb to produce electricity.

In the next few weeks, in a score of laboratories around the world, the scientists will begin turning on dozens of newly built hydrogen-fusion machines. The machines, at first glance, look as if they might have been built for a Bela Lugosi movie. They are small, hollow tubes surrounded by an incredible maze of electrical cables, magnets, lasers, capacitors and other gadgetry.

Inside the tubes, however, the scientists hope to ignite "fusion fires," tiny controlled versions of a process by which the sun, and the hydrogen bomb, fuse atoms of hydrogen together to release energy.

If the experiments are successful, and researchers say there's every reason to believe they will be, the way will be cleared to achieving the 20-year-old research goal: the ignition of a hydrogen-fusion reaction that releases more energy than it consumes. Achieving such a reaction would, in turn, open the possibility of using hydrogen as a fuel for the power plants of the future. Because hydrogen is the most abundant element in the universe, it represents a practically unlimited source of energy.

Attempts to control hydrogen fusion have been under way ever since man's first release of fusion energy, the 1952 explosion of a prototype H-bomb in the Pacific. Researchers at times have despaired that it could ever be done.

BURST OF ACTIVITY

But during the past year fusion scientists have been in a burst of almost feverish activity. The activity was triggered by the results of a fusion experiment at the I. V. Kurchatav Institute for Atomic Energy in Moscow. The Russian experiment didn't achieve the ultimate experimental goal of releasing more power than it consumes and it wasn't intended to. But it did clear away some major doubts that such an experiment is feasible. Partly as a result of the Soviet research, though not entirely, several experimental fusion machines around the world have been redesigned and a host of new ones built in the past several months.

The scientists' renewed enthusiasm has been in full evidence for the past seven days here at the University of Wisconsin, where 600 fusion researchers from 25 countries gathered for the Fourth International Conference on Plasma Physics and Controlled Nuclear Fusion Research. The conference, sponsored by the United Nations International Atomic Energy Agency, ended yesterday.

"It's the most optimistic meeting we've had," says Harold P. Furth, a leading American fusion researcher from Princeton University.

One sign of the optimism: A number of the reports delved into the possible designs for full-scale fusion power plants, fueled by heavy hydrogen from sea water and producing five to 10 times as much electrical power as presentday coal and atomic plants.

"We used to talk about fusion power plants sort of with our tongues in our cheeks," confides one American physicist. "Now," adds a colleague, "our tongue isn't as far in our cheeks." In fact, many of the scientists gathered here will head for the U.S. Atomic Energy Commission laboratory in Oak Ridge, Tenn., next week for a conference devoted exclusively to fusion power plant designs.

Fusion research is based on the phenomenon that when the nuclei of two hydrogen atoms slam into each other with enough force they will fuse. This creates an atom of helium, plus a neutron and a burst of energy. The force with which the nuclei must collide to fuse has to be tremendous. If one could stick a thermometer into a cloud of hydrogen nuclei whizzing around with enough energy to fuse the thermometer might register 50 million degrees, or higher.

The trick the scientists are trying to pull off is to first cram a sufficient number of hydrogen nuclei into a small space so that they will be certain to hit each other. And then to heat up the nuclei to the 50 million to 100 million-degree range so that, when they do collide, the nuclei will be sure to fuse. And lastly, the aim is to confine the hot cloud of nuclei long enough for enough fusion to take place to release a useful amount of energy.

DIFFICULTY IS EXPLAINED

The main reason all this is so difficult is that there isn't any physical container that can be used to confine the super-hot atoms. Fortunately, when atoms are heated to such temperatures they quickly begin losing their shells of electrons and turn into a cloud of electrically charged particles called a plasma. Because they are charged these atomic particles can be held by a magnetic field.

The experimental fusion machines are ingenious arrangements of powerful magnets used to create strong magnetic "bottles" to hold the plasma along with an array of equipment to reduce the plasmas and to heat them.

The immediate aim is to carry out what the scientists are calling the "feasibility experiment." This would be the ignition of a fusion fire that would sustain itself and, even though it lasts only a fraction of a second, it would produce as much as—and, hopefully, more than—the energy it takes to power the magnets and to heat the plasma. This, scientists explain, woud be proof positive that controlled release of useful fusion energy can be achieved. It would open the way to "scaling up" the fusion machine to full-sized power plants.

The new generation of fusion machines going into operation may be only one step away from the devices that could carry ont the feasibility experiment.

Take, for instance, a new fusion machine going into operation at the AEC's laboratories in Los Alamos, N.M. Called Syllac, the machine probably is the largest fusion device in operation. Some of the first experiments on the Syllac were carried out as recently as four weeks ago and were reported at the meeting here.

The predecessors had been able to heat plasmas to the required 50 million degrees and had been able to cram the needed number of particles into the magnetic container. But they were unable to hold the plasma for the several thousandths of a second needed to achieve the feasibility experiment.

The reason was that the magnetic container was shaped like an open-ended tube about a yard, or so, long. Under the tremendous pressures created inside the magnetic bottle the plasma would rush out the open ends in only a few millionths of a second. To overcome this problem the Los Alamos scientists decided to eliminate the open ends by making the tube much longer and bending it around into a torus, or doughnut, shape.

MAGNETIC PROBLEM CITED

Unfortunately, this created a problem with the way tne magnets are wrapped around the tube. In the doughnut shape the magnets that ringed the tube are closer together on the interior or hole side of the doughnut than on the outside. Thus, the magnetic force on the hole side is much stronger. As a result, the plasma would be pushed away from the center to the outside where it would strike the physical container wall.

The Los Alamos scientists recently completed a curved section of the Syllac doughnut and a few weeks ago ran the first test of the new arrangement of the magnets. The magnets, instead of ringing the tube, now spiral around it. The tests showed that the new arrangement can hold plasma in the center of the tube and away from the walls, reported physicist Fred L. Ribe, who heads the Syllac team.

The tests clear away major uncertainties about completing the full $9 million torus although Mr. Ribe says, "There are still some loose ends to wrap up" in coming months. When completed, the Syllac will be "what you might call a pre-feasibility machine," he explains. It should fall just short of the long-sought feasibility experiment and will either provide the clues as to how the experiment can be carried out, or uncover any unknown obstacles to the feasibility experiment.

Both Soviet and American scientists are reporting steady progress on the so-called Tokamak-type machines. It was a Soviet device called Tokamak-3 that achieved a significantly long confinement of a hot, dense plasma and sent fusion researchers' spirits soaring about 21 months ago. The Tokamaks also are doughnut-shaped but are smaller than the Syllac and use a different kind of magnetic bottle. Several new Tokamak machines are going into operation in Russia, the U.S. and other countries.

The encouraging thing, says Princeton's Mr. Furth, is that the experiments currently under way haven't disclosed so far any major barriers to the feasibility experiment. Many of the scientists here are sticking by recent predictions that the feasibility experiment will be accomplished before 1980, a forecast few would have made two years ago.

The researchers are starting to envision fusion power plants ranging from 2.5 million kilowatts to 10 million kilowatts each, compared with the one million-kilowatt capacity of today's power plants. Their fuel costs would be negligible because they would burn only a few pounds a day of heavy hydrogen, or deuterium, easily extracted from sea water. The major capital costs would be the tremendously powerful magnets that will have to be developed, according to reports to the Wisconsin meeting.

SAFETY SEEN CERTAIN

The plants would be inherently safe because there isn't any way for the fusion fire to get out of control; if it should break out of the magnetic bottle it would die immediately. Unlike present atomic plants, the fusion plant wouldn't release any radioactive elements. The storm of neutrons poured out by a fusion reaction will turn surrounding materials radioactive but the problem of disposing of, or using, these materials is far less than getting rid of the radioactive wastes from present atomic power plants, according to a study by Don Steiner of the Oak Ridge laboratories.

How to convert the energy of a fusion reaction to electricity is a major problem, however. Currently, most scientists suggest surrounding the fusion tubes with a blanket of a liquid metal, such as lithium. The metal would be heated by the neutron storm and then piped away and used as a heat source to run a conventional steam or gas turbine generator.

At the University of California in Livermore fusion researchers recently have begun experiments on a new idea for draining power from a fusion reactor that might make it economically feasible sooner than expected. Much of the energy of a fusion plant is left in the unburned part of the plasma of charged particles.

California scientists are experimenting with devices to "collect" the unused plasma as it leaks from the fusion reactor and converting it directly into electricity. They reported their experimental collectors were more than 80% efficient in converting the leftover plasma into electricity.

The addition of such direct-conversion systems might boost the overall efficiency of a fusion plant to 80% or 90% from an expected 60%. Present-day coal-burning power plants are about 40% efficient.

[From Industry, Research, and Technology, June 22, 1971]

The production of electrical energy at competitive prices, with no fuel-supply problem and no serious risk of nuclear accidents or of radioactive pollution—such are the advantages to be expected from fusion reactors. For some time, therefore, the Community has been encouraging and coordinating research on Controlled Thermonuclear Fusion (see "Industry, Research and Technology" Nos. 57, 71 and 102). A five-year programme of research on controlled thermonuclear fusion and plasma physics, which had been awaited for more than three years; has now been adopted by the Council. Details of this programme and of this research, which is of key importance for the Community's future, are given in Annex 2.

ANNEX 2: A FIVE YEAR PROGRAMME OF COMMUNITY RESEARCH ON CONTROLLED THERMONUCLEAR FUSION AND PLASMA PHYSICS

The production of electrical energy at a competitive price, with no fuel supply problem and no serious risks of nuclear accidents or radioactive pollution—such are the considerable advantages to be expected from fusion reactors.

These reactors will use fusion reactions between light atomic nuclei, mainly deuterium (an element always present in water in sufficient quantity) or of a mixture of deuterium and tritium (tritium being produced within the reactor itself).

The physical and technological problems involved in the construction of a fusion reactor are, however, far from solved. For fusion reactions to occur in sufficient number and in order to ensure that the electrical recovered exceeds the energy supplied and the energy lost by radiation, the fuel must be raised to enormous temperatures (about 100 million degrees Kelvin). At these temperatures the fuel exists in the form of an ionized gas—the plasma—and this plasma is very difficult to confine. Material walls cannot be used because of the high temperatures, and it is necessary to use magnetic fields, or more commonly electromagnetic fields, which are difficult to handle.

The creation, heating and confinement of the plasma for a sufficient period of time are forming the subject of intensive research in the United States, the USSR, the United Kingdom and the Community. The Community effort represents about 20% of the world total.

The Commission of the European Communities has endeavoured to promote research in this sector; it has taken steps to arrange the necessary coordination between projects in the various Member States and has allocated work by a series of association contracts with the various national laboratories engaged in this research.

After an initial stage of basic research, the laboratories are moving into a new stage of applied research, necessitating the construction of increasingly large and expensive machines. Many lines of research are possible, and it is important to apportion work on them among the various laboratories so as to avoid dispersion of effort. The coordinating rule of the Commission is thus particularly vital, but it is not enough in itself to ensure that the Community remains competitive in such a promising sector; to this end research activities must gradually prepare industry to play its part and take its place on the market.

Since the beginning of 1968, therefore, the experts of the Commission of the European Communities have recommended that the Community continue its action on controlled fusion under a joint multiannual programme. It will have taken more than three years, during which the annual renewal of programmes has been resorted to as a tide-over solution, for a multiannual programme to be finally adopted), despite the fact that there was unanimous agreement on the importance of the programme.

The Council has now drawn up a five-year programme of research and training on controlled thermonuclear fusion and plasma physics. This programme, which integrates virtually all the research pursued by the Community in this sector, is designed to coordinate appropriations which will total about 180 million u.a. during the period 1971–75, 46.5 million being borne by the Community and the remainder by the Member States.

The programme has been prepared jointly by the departments of the Commission of the European Communities and the laboratories of the Member states, and will cover the following five major sectors:

Research on general basic physics;

The study of the confinement of plasmas in closed and open configurations;

The production and study of very high density plasmas;

The improvement of methods of diagnosis;

Technological research.

During the three first years of the programme, a maximum amount of eight million u.a. will be earmarked for the acquisition of equipment for priority projects (Stellarator, Tokamak, screw pinch, etc.).

The programme constitutes a link in a chain of long-term collaboration aiming ultimately at the joint construction of prototype fusion reactors.

A FRESH APPROACH TO BRIDGING THE GENERATION GAP

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. BOLLING. Mr. Speaker, our colleague, OTIS PIKE, took a fresh approach to bridging the generation gap in his recent commencement address to the Suffolk County Community College. His address is informative, unusual, and recommended. It follows:

ADDRESS BY OTIS PIKE AT COMMENCEMENT EXERCISES

On November 24, 1970, a date which will live in infamy, I received a letter from one Roy Van Nostrand, inviting me to perform the dubious offices I am about to perform. It was written on the stationery of the SCCC, which surprised me, for I had not realized that Mr. Van Nostrand was what he identified himself as—Chairman, SCCC. Whatever that means.

I had, in fact, been expecting a letter from Mr. Van Nostrand on the stationery of the Suffolk County Bar Association, for at that time he was moonlighting as the President of the Bar Association, and exactly one month earlier, October 24, 1970, I had read in the Long Island Daily Press that he, as President of the Bar Association, would be happy to investigate one Otis Pike to see if he was, in fact, a criminal and should, in fact, be disbarred or decapitated or something. I opened the letter in exquisite trepidation, trembling with anticipatory fear to find out whether I was to be drawn and quartered, or merely submitted to the lash. Happily, in the interval between October 24, 1970 and November 24, 1970, the election had come and gone, and the sole punishment being meted out to me was that of attempting to yell a few thoughts to you across the generation gap.

So relieved was I that I accepted with alacrity. It seemed terribly fair to me, though terribly unfair to you. You have labored, studied, crammed and sacrificed mightily in order to have arrived at this moment of truth, and are entitled to have it one of dignity, solemnity, and reverence. Unhappily, my threshold of dignity, solemnity, and reverence is known to be low. John Fitzgerald Kennedy said, "Life is unfair," and you will get no further sympathy from me. Rather, let us understand each other right now. I am the enemy. Precisely one generation removed from most of you. The living, breathing, embodiment of the gap. In the eternal combat which rages between you and your parents, I am with them.

I am considered by my children, who have graduated, or are attending college, to be a miserly usurer in finances, an inarticulate Buckley in philosophy, and a Calvinistic cretin regarding morals. Strict and tough, in other words. The kids, thus far, have turned out fine. Despite the fact that for the last eleven years I have been in Washington and they have been raised exclusively by my wife, Mrs. Permissive. As an example, I arrived home from Washington late Friday, expecting to be gazed upon with filial devotion by my youngest, only to be told that he wanted to go camping out at Shea Shadium. Where? Shea Stadium. Why? To get tickets to "The Grand Funk R.R." The what? The Grand Funk R.R.! When parents ask three sensible questions like "Where?", "Why?" and "What?", and get only gibberish in reply, of course there is a gap. That gap can be closed a little if you will only eschew the unintelligible meanings of the Grand Funk R.R. and learn to sing intelligent songs with intelligent words as your parents and grandparents did—Boomp Boomp, Mairzy Doats, Ja Da.

Perhaps we *can* say something to each other across the gap, if we can find a common language. I have tried. I have read my son's college thesis and his Playboy. I understand only the latter, probably because of the illustrations which accompanied the text. I have tried in one other way to find a common language. I have read a lot of graduation speeches over the last few years to find the key words. There is always a set formula to commencement addresses, you know, and the key words are easy to find. The formula is first, a couple of light-hearted "ho-hos" so you will know the speaker is a regular guy, second, so you will know he is also a scholar, a couple of quotations from the classics. Romans are okay, but Greeks give you more scholastic brownie points. Third, we paint a picture of impending doom, the world in chaos, disaster lurking around every corner, the apoclypse upon us—but hark—fourth, here comes the class of 1971—intelligent, devoted, fresh, dedicated, educated and eager, the whole mess is dumped in your lap, and you march out, sheepskin in hand, to do the job. That's the formula.

The key words for the class of '69 were "priorities" and "defense spending". For the class of '70 they were "ecology" and "biodegradable". The jury is still out on 71, but I'll put my money on "rhetoric" and "life style".

So don't blame Al Ammerman or Roy Van Nostrand for inviting me here. I know *how* to make a proper commencement address, and if this is an improper one, and if I never get invited to make another, the sun will continue to rise close to the east, Polaris will continue to be approximately north, and given those two, you can navigate approximately anywhere—with or without a diploma. I am going to use this occasion to unburden myself of a couple of random thoughts which I've been carrying around too long, like ulcers, looking for a place to dump them.

What does one say, or yell, across the generation gap to a group of graduates in the year of our Lord—1971?

Given the complete option to say anything, my message to those about to leave the figurative ivory towers of the college, the safety of the womb, the comfort of the cocoon—would be short. My message, in fact, could be compressed into two words—Don't Go! Stay where you are, studying, thinking, arguing with the profs, learning and working and having fun.

It's cold out there—and confusing. More confusing than cold, perhaps. And where you are everything is so sure and so certain. You know so much, and are so confident in your knowledge. Across the generation gap I observe how magnificently confident all our young are today. Confident in their knowledge, confident in their judgments, confident in their morality—condemning their parents' materialism, their rhetoric, their life styles.

On a daily basis, I receive dozens of letters from men so young they aren't quite sure how to hold the razor, but who know exactly how to trim the defense budget. Daily I receive discourses from young ladies, absolutely certain about what America's permanent policy in S.E. Asia should be, but unable to hold for more than three months any policy on where their own hemlines should be.

You have all heard, I am sure, of Parkinson's Law and the Peter Principle. None of you have heard, I am even more sure, of Pike's Political Principle No. 1, so I give it to you—free! "The ease of solving any problem is directly proportional to the distance of the observer from having to solve it." Everyone knows what to do about Vietnam. But to make the "disposal" work? Call a plumber. To make the car run? Call a garage. To fix the television? Get a new one.

But I digress—if I have ever gressed at all. If there is to be any substance in these ramblings, we'd better get on with it:

2 Dos, and 3 Don'ts, the last you will hear as undergraduates—

Do, Please, for the rest of your lives, use the education you have earned to distinguish between facts and judgments;

Some illustrations—a la Playboy:

"We will spend approximately $80 billion this year in the name of national defense"—that is a fact, and can be proven.

"Spending $80 billion this year for national defense is necessary." That is a judgment—not my judgment, but the judgment of the Pentagon, the President, and the majority of Congress. It cannot be proven, and your judgment is as good as anyone else's.

The front page of the New York Times is mostly facts sprinkled with a few judgments. The editorial page is mostly judgments sprinkled with a few facts. Try not to confuse them.

Don't, please, for the rest of your lives, pretend there are easy answers to difficult problems: Actually, I shouldn't be saying this to you, for there are more politicians doing this than students. Some illustrations—all, sadly, true:

From the left—"All of our domestic problems are due to the war in Vietnam."

From the right—"If we'd only let the military have its way, we could have won the war in six months."

From a resolution passed *unanimously* by the New York State Assembly—"We call upon Congress to do everything necessary to free our prisoners of war."

There are no easy answers to great problems. Use your education to spot demagoguery, no matter what fair name disguises it.

Do, in choosing your careers, consider working with your hands. The training your minds have received will never be wasted, but from surgeons to street cleaners, America needs people willing to work with their hands as well as their heads. In a nation where the streets and water and air are increasingly dirty, where energy runs increasingly low, telephones work decreasingly, and automobiles and appliances are built to break, men with shovels and wrenches are at least as useful as men with slogans and writs—and plumbers contribute infinitely more than politicians to the well-being of their fellow man.

Don't be observers of life, but participators. Too many good college athletes spend the rest of their lives getting soft and wide while they watch little men with green skin and orange hair running around on the boob tube. Whatever you have been doing, in music or the arts—keep doing it—you never know when it will come in handy.

Until this year, for example, I had never been particularly proud of my own athletic achievements, but this year I am proud to recall that I was once the Suffolk County H.S. Champion in—ping pong!

A final don't. Don't, please, cop out on thinking and acting by mouthing great concepts and ignoring little details, by espousing great ends and forgetting little means.

It is terribly easy to say "I'm for peace," terribly difficult to find means to make man stop warring.

It is terribly easy to say "We must re-order our national priorities," terribly difficult to find places to cut old money or to find new money for new purposes.

Our colleges this year will graduate a thousand young men and women passionately eager to preserve and care for our nation's forests and wild life, terribly disinterested in mowing the lawn or feeding the cat.

They will graduate a million young men and women passionately eager to clean up our nation's air and water, passionately disinterested in cleaning the streets, which are even dirtier.

I really can communicate with my children. When my son says to me, "Dad, your generation has failed to clean up the environment", I sit crosslegged on the floor like a guru, close my eyes and pontificate,

"The sages have said, A journey of a thousand miles starts with but a single step."

He says, "What does that mean?"

"It means that if you really want to clean up the environment, start by cleaning your fingernails, proceed to clean your room, continue by raking the lawn, and then we'll talk about the Town of Riverhead and Suffolk County."

Life, not school, is where the action is. I wish to each of you your full, joyous, meaningful share.

LEGAL ISSUES RAISED BY SUBCOMMITTEE SUBPENAS REGARDING CBS DOCUMENTARY "THE SELLING OF THE PENTAGON"

HON. HARLEY O. STAGGERS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. STAGGERS. Mr. Speaker, under leave to extend my remarks in the Record, I include the following report of the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce:

Legal Issues Raised by Subcommittee Subpoenas Regarding CBS Documentary "The Selling of The Pentagon"

INTRODUCTION

The purpose of this memorandum is to review the legal issues raised by the refusal of Frank Stanton, President of CBS, to comply with the Subcommittee subpoena served upon him on April 8, 1971, and his anticipated refusal to comply with the subpoena served on May 27, 1971.

Certain legal precedents have been cited to the Subcommittee by CBS as justification for this refusal to comply. These are contained in a letter to the Chairman from Robert V. Evans, Esq., Vice President and General Counsel of CBS, dated April 20, 1971, and a letter to CBS from its Washington attorneys, dated April 27. This latter document was transmitted to the Chairman by Mr. Evan's letter dated April 30, 1971.

The legal arguments advanced by CBS have been considered carefully, and have been found to be without merit.

I. GENERAL BACKGROUND

The position taken by Dr. Stanton and CBS in this matter necessarily requires a consideration of three bodies of legal precedent: (a) Congressional investigatory power; (b) the power of Congress to regulate broadcasting; and (c) the free press guarantees embodied in the First Amendment.

A. Congressional investigatory power

CBS seemingly concedes the importance of the Congressional power to investigate (Evans, letter of April 20). The effect of its argument, however, would be a drastic erosion of this power with respect to broadcasting. Proceeding from what appears to be a threshold misconception, CBS has failed to address itself to certain basic considerations of Constitutional law concerning the investigative prerogatives of the legislature.

In view of this omission, it will be necessary to begin this analysis with a brief discussion of relevant case law pertaining to Congressional investgations.

The investigating power of the House of Representatives is one which has its antecedents in centuries of Anglo-American history. The roots of the House's power lie deep in the British Parliament and may be said to be derived from that of the British Lower House:

"The Commons are, in the words of Lord Coke, the general inquisitors of the realm . . . they may inquire into everything which it concerns the public weal for them to know." *Howard v. Gosset*, 10 Q.B. 359, 379 (1845).

It is interesting to note that in language strikingly similar to Lord Coke, Mr. Justice Wilson, a member of the first Supreme Court, spoke in 1791 of the investigatory power of the House of Representatives in the following manner:

"The House of Representatives . . . form the grand inquest of the state. They will diligently inquire into grievances arising both from men and things." *Works of James Wilson* (1896) 29.

In the same vein, when the House called upon President George Washington to produce records relating to the expedition of General St. Clair, his Cabinet unanimously determined:

"First that the House was an inquest and therefore might institute inquiries. Second, that they might call for papers generally." See Taylor, *Grand Inquest* (1955) 23.

The Supreme Court commented on the nature of this congressional power in the leading case of *McGrain* v. *Daughtery*, 273 U.S. 135, 161 (1927):

"In actual legislative practice power to secure needed information by such means has long been treated as an attribute of the power to legislate. It was so regarded in the British Parliament and in the Colonial legislatures before the American Revolution; and a like view has prevailed and been carried into effect in both Houses of Congress and in most of the State legislatures."

And, it was in *McGrain* that the Court, noting no provision expressly investing either House of Congress with the power to investigate and exact testimony, found that investigatory power flows, of necessity, from the power to legislate:

"We are of opinion that the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function. (p. 174.)

* * * * *

"A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who possess it. Experience has taught that mere requests for information often are unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion are essential to obtain what is needed. . . . Thus there is ample warrant for thinking, as we do, that the constitutional provisions which commit the legislative function to the two houses are intended to include this attribute to the end that the functions may be effectively exercised." (p. 175.)

An earlier State case appears to have anticipated *McGrain*:

"It is a well-established principle . . . that either House may institute any investigation having reference to . . . any matter affecting the public interest upon which it may be important that it should exact information, and in respect to which it would be competent for it to legislate." *People ex rel McDonald v. Keeler*, 99 N.Y. 463 (1885).

Moreover, the scope of a congressional inquiry may be as broad as the valid legislative purpose. In *Townsend v. U.S.*, 95 F.2d 352 (D.C. Cir. 1938), the court said:

"A legislative inquiry may be as broad, as searching, and as exhaustive as is necessary to make effective the constitutional powers of Congress. . . . A judicial inquiry relates to a *case*, and the evidence to be admissible must be measured by the narrow limits of the pleadings. A legislative inquiry anticipates *all possible cases* which may arise thereunder, and the evidence admissible must be responsive to the scope of the inquiry, which generally is very broad." (p. 361.)

See alsc *Barsky* v. *U.S.* 167 F.2d 241 (D.C Cir. 1948), *cert.* den. 334 U.S. 843 (1948); *Eisler* v. *U.S.*, 170 F.2d 273, writ of *cert.* dismissed, 338 U.S. 883 (1949), and *Josephson* v. *U.S.*, 165 F.2d 82, *cert.* den., 333 U.S. 838 (1948). And in *U.S.* v. *Morton Salt Co.*, 338 U.S. 362 (1950) the Court commented on the broad investigatory power of administrative agencies, creatures of Congress as follows:

"It [administrative agency] has a power of inquisition . . . which is not derived from the judicial function. It is more analogous to the grand jury, which does not depend on a case or controversy for power to get evidence but can investigate merely on suspicion that the law is being violated, or even just because it wants assurance that it is not."

Certainly, the investigatory powers of an administrative agency, admittedly broad, cannot exceed those of the Congress from whence it derived its authority. In *Oklahoma Press Publishing Co.* v. *Walling*, 327 U.S. 186 (1946), the Court expressly stated that congressional investigatory power is at least as extensive as that of an administrative agency.

In this regard, court decisions regarding the legitimate scope of FCC investigations are informative. In *F.C.C.* v. *Cohn*, 154 F. Supp. 899 (S.D.N.Y. 1957) the court stated:

"Congress has not been niggardly in providing the Federal Communications Commission with ample authority to conduct investigatory proceedings necessary for the execution of its multiple functions" (p. 908.)

That case arose as a result of the FCC's network investigation. It was contended that the agency could not subpoena information from independent producers inasmuch as it had no regulatory authority over them. The court held that the Commission's investigatory and subpoena power was sufficient; that the "comprehensive powers" conferred on the Commission include broad investigatory authority. This is not limited to its licensing or rule-making proceedings, but also encompasses the purpose of "making specific recommendations to Congress as to additional legislation which the Commission deems necessary or desirable," (154 F. Supp at 905).

To the same effect is *Stahlman* v. *F.C.C.* 126 F.2d 124 (D.C. Cir., 1942) wherein it was stated that the Commission's investigatory authority "includes authority to obtain the information necessary to discharge its proper functions, which would embrace an investigation aimed at the prevention or disclosure of practices contrary to public interest." (p. 127.)

The suggestion that there must be an actual, or suspected, breach of law in order to justify a subpoena (CBS brief, pp. 12(note), 26), has been overwhelmingly repudiated by the courts:

"In both federal and state courts until recent decades, subpoenas were unenforceable unless either they related to adjudication or they were based upon probable cause to believe that the law had been violated. But the earlier law is now completely superseded in the federal courts and almost completely superseded in the state courts. Agencies now may enforce subpoenas issued in the course of investigations, whether or not adjudication is involved, and whether or not probable cause is shown." [Davis, *Administrative* Law, sec. 3.04, page 171 (1958).]

But, even under the previously existing law, the power of the Congress was not subject to the same restrictions placed on agency investigative subpoenas. [See Langeluttig, *Constitutional Limitations on Administrative Power of Investigation*, 28 Ill. L. Rev. 508 (1933).] In *Oklahoma Press Publishing Co. v. Walling, supra,* the Supreme Court stated:

"It is not necessary, as in the case of a warrant, that a specific charge or complaint of violation of law be pending or that the order be made pursuant to one. It is enough that the investigation be for a lawfully authorized purpose, within the power of Congress to command." (pp. 208–09.)

It is noteworthy that legislative investigatory power has been upheld in cases involving First Amendment issues. In *Barenblatt v. United States,* 360 U.S. 109 (1959), the Court upheld a conviction for refusing to answer questions concerning membership in the Communist Party before a House committee. The Court rejected the argument that the individual's First Amendment rights were violated by his being compelled to disclose his associational memberships. Similar arguments regarding alleged violation of the right of free speech were rejected in *Uphaus v. Wyman,* 360 U.S. 72 (1959 (State legislative committee). To the same effect is *Wilkinson v. U.S.,* 365 U.S. 399 (1961).

The *Barenblatt, Uphaus,* and *Wilkinson* cases are of particular relevancy in view of the rationale advanced by CBS counsel that compliance with the Subcommittee's subpoena would "chill" the exercise of First Amendment rights. But the Court has, in these three cases, sustained the legislative investigatory power, even in the face of challenges raised by natural persons, as opposed to a corporate entity, alleging direct, as opposed to derivative, infringement of their First Amendment rights.

In *Watkins v. U.S.* 354 U.S. 178 (1957), the Supreme Court reversed a conviction for contempt of Congress where it appeared that the witness was not provided with a sufficient statement of the legislative purpose of the investigation by which he might evaluate the pertinency of questions propounded to him. In reversing this conviction, however, the Supreme Court stated the general rule as follows:

"We start with several basic premises on which there is general agreement. The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defects in our social, economic or political system for the purpose of enabling the Congress to remedy them. It comprehends probes into departments of the Federal Government to expose corruption, inefficiency or waste." (p. 187.)

Obviously, the investigatory function must be addressed to a valid legislative purpose. In the McGrain case, the Court found this purpose to exist:

"Plainly the subject was one on which legislation could be had and would be materially aided by the information the investigation was calculated to elicit." (p. 177.)

Thus, the essential elements of a Congressional investigation are: (1) valid legislative purpose, and (2) relevancy of questions asked or evidence required.

In view of the settled legal authority holding that the Congressional power to investigate is corollary to its power to legislate, a necessary element in the CBS argument was a showing that the subject matter involved in the Subcommittee's inquiry is one concerning which no valid legislation could be enacted and/or that the information subpoenaed was not relevant to the matter under investigation. This seems to have been initially recognized by CBS; the April 20 letter of the CBS Vice President and General Counsel stated as follows:

"With all respect for the rights and duties of the Congress, and with full recognition of the importance of the Congressional power to investigate, *we cannot conceive of any legitimate legislative purpose to which the materials requested would be relevant.* The First Amendment is sweeping and explicit; it says that 'Congress shall make no law . . . abridging the freedom of speech, or of the press.'" (Emphasis supplied.)

But neither that letter nor the subsequent brief prepared by CBS attorneys attempts such a demonstration.

To take but one example from the legislative purposes set forth in the Chairman's statement of April 20th:

"The Subcommittee must consider, among other things, whether the public has a right to be advised when edited sequences are presented to them under conditions which might suggest that they have not been edited." (p. 5.)

This particular passage from the Chairman's statement clearly envisions the possibility that a new section might be desirably incorporated into the Communications Act of 1934 which would provide for appropriate disclosure to the viewing audience when (a) an edited sequence is televised which (b) would give the appearance, absent such disclosure, of being unedited.

In justification for its refusal to provide the material called for in the subpoena, it was necessary for CBS to demonstrate one of the following propositions:

1. Such a new section could not be constitutional, regardless of how it might be drafted; and or

2. The materials called for in the subpoena would not be relevant to a consideration of such a measure.

Obviously, CBS could not be successful in sustaining either of these propositions. Specifically, it is difficult to see on what basis such a disclosure requirement, which obviously adds to the information placed in the hands of the public, could be held offensive to the First Amendment (*Cf.* 47 C.F.R. 73.653, disclosure requirement for "mechanical reproduction" of televised material).

Likewise, it is equally difficult to see how the materials described in the Subcommittee subpoena could be held not to be relevant to a consideration of the public interest in such a new section of the Communications Act. Certainly, a direct comparison of the final, edited, version with the original uncut version of the same event would afford the most direct and valid means of examining whether the public interest would require such disclosures. This particular example is but one of the several legislative concerns involved in the present matter.

This, of course, is not to suggest that each item called for in the subpoena would be pertinent to the particular section just quoted from the Chairman's statement. But, in order to justify withholding material called for in the subpoena, it was necessary for CBS to show that the material withheld was (a) not relevant to any of the various legislative concerns enumerated in the Chairman's statement, or, in the alternative, (b) that the stated legislative concerns themselves could not be embodied in Constitutional legislation. CBS has not attempted to offer such argument. As a result, the legitimacy of the legislative concerns involved in this Subcommittee inquiry have not been challenged, nor has the relevancy of the subpoenaed materials to those concerns been questioned. On this basis alone, it appears that the Subcommittee's action is a valid exercise of its legislative powers and would be sustained as such by the courts. As the court stated in *Fischler v. McCarthy,* 117 F. Supp. 643 (S.D. N.Y.), aff'd 218 F.2d 164 (2d Cir. 1954) (*per curiam*):

"It is entirely clear . . . that neither this nor any other court may prescribe the subjects of Congressional investigation. Were a court empowered to limit in advance the subjects of Congressional investigations, violence would be done to the principle of separation of powers upon which our entire political system is based. (at 648.)

"[T]he legislature cannot be compelled to submit to the prior approval and censorship of the judiciary before it may ask questions or inspect documents through its investigating subcommittees, or even before it enacts legislation . . . any more than the judiciary can be compelled by the legislature to submit its rulings or decisions for legislative approval." at 650.)

Presumably recognizing that the Subcommittee's inquiry could not be successfully attacked on the basis of legislative purpose and relevancy, the CBS argument avoided these issues and proceeded on another tack. It began by disregarding the Chairman's announced statement of purposes which clearly excluded such matters as program bias or point of view. CBS stated:

"Despite the disclaimers, it is clear from the statement of purposes that the Subcommittee will necessarily be engaged in far-reaching surveillance of the specific *news judgments and editorial decisions* made by CBS in the preparation and broadcast of 'The Selling of the Pentagon.'" (Brief, p. 5) (emphasis supplied.) [1]

---

[1] The Chairman's statement carefully delineated the scope of the inquiry noting that program point of view is of no interest. Yet, CBS insists that its criticism of an aspect of government spurred the inquiry (Brief, p. 17). In any event, in *Watkins, supra,* the Court said it would not test the motives of the committee members. "Such is not our function. Their motives alone would not vitiate an investigation which had been instituted by a House of Congress if that assembly's legislative purpose is being served." (at p. 200.)

But the CBS brief offers no substantiation for such an assertion. Instead, the CBS brief proceeds to describe the Subcommittee's legislative concerns in excessively broad generalities in an attempt to widen their apparent scope. It does so by the readily discernible technique of quoting out of context from the Chairman's statement of April 20.

It is stated, for example, that, included in the subjects to be investigated, are the "production and editing techniques" (Brief, p. 5). This phrase appears in point 7 of the Chairman's statement wherein he listed generally the legislative subjects under inquiry and study by the Subcommittee (TR. 9). But in that statement, those words are set forth in a context which clearly refers to such potentially deceptive practices as manipulations of sound tracks, film and/or videotape, which rearrange the sequence of events, mismatch responses, etc. (TR. 12), and not to production and editing techniques in the abstract.

The CBS brief also states that "filming and editing practices" are also included in the subjects to be investigated by the Subcommittee. But the Chairman's statement makes use of those terms in a rather specialized sense which is not acknowledged in the CBS paraphrase:

". . . filming and editing practices, *consisting of rearranging, staging, or misrepresenting events, giving viewers an erroneous impression that what they are seeing has really happened, or that it happened in the way and under the circumstances in which it is shown.*" (TR. 16; emphasis added.)

The italic language obviously has the effect of sharply modifying the scope of the Subcommittee's concern.

Such manipulative practices, which would not involve traditional editing and which would, in effect, manufacture news, are a legitimate legislative concern because they would adversely affect the people's right to know.

As a final example, in the Chairman's original statement, one of the legislative subjects under study was described in the following words:

"The applicability, if any, of the fairness doctrine to questions of factual accuracy."

The CBS brief seizes upon the words "factual accuracy" to produce the following result:

"These [production, editing, and filming] techniques and practices are to be judged for 'factual accuracy.'" (CBS brief, p. 5.)

The mere juxtaposition of the original language with the paraphrase is sufficient to illustrate the technique employed.

The purpose of such expansive restatements of the Subcommittee's legislative concerns is to inject as much plausibility as possible into the CBS assertion that the Subcommittee will involve itself in a reviewing function designed "to apply a presumed objective criterion of truth, both to the product of journalism and to the very heart of the journalistic process," (CBS brief, p. 6). It is on the ill-founded basis that CBS builds its First Amendment argument, which upon examination must fail for other more fundamental reasons (see below).

The Subcommittee's overall jurisdiction in the area of broadcasting has not been challenged in the CBS brief, and will be briefly restated here for the sake of completeness.

Clause 12 of Rule XI of the House of Representatives charges the Committee on Interstate and Foreign Commerce with responsibility for legislation having to do with the regulation of interstate and foreign communications. Clause 28 of Rule XI of the House of Representatives, recently enacted as part of the Legislative Reorganization Act of 1970, provides with respect to this jurisdictional area over the laws governing broadcasting:

(a) In order to assist the House in—

(1) Its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

(2) Its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

Each standing committee shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee.

And finally, House Resolution 170 of the 92nd Congress authorizes this Committee, acting as a whole or as a subcommittee, to conduct full and complete studies and investigations and to make inquiries within its jurisdiction as set forth in clause 12 of Rule XI.

These sections are the Subcommittee's charter, clearly establishing legislative responsibility in the area of broadcasting.

In view of the presence of legitimate legislative concerns and the relevancy of the material subpoenaed to those concerns, it is concluded that the Subcommittee is within its rights to require the production of the materials called for. The subject is one upon which legislation may be had; this legislation would be materially aided by the information the subpoena is designed to elicit. *McGrain v. Dougherty, supra.*

B. The power of Congress to regulate broadcasting

As the previous section has shown, the present Subcommittee inquiry falls well within the recognized legal standards applied to legislative investigations. The presence of valid legislative purpose and relevancy have not been seriously challenged by the CBS brief. As to relevancy, the CBS document does not attempt a demonstration that the materials called for by the Subcommittee's subpoena are irrelevant to the enunciated legislative concerns contained in the Chairman's statement of April 20, 1971. And the relevancy of the subpoenaed materials is clear, in any event.

As this section will further demonstrate, the legislative concerns enunicated by the Chairman are well within the traditional boundaries set for the regulation of broadcasting.

The underlying rationale of the Communications Act of 1934 is contained in the following language from section 301:

"It is the purpose of this Act, among other things, to maintain the control of the United States over all the channels of interstate and foreign radio transmissions; and to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right beyond the terms, conditions, and period of the license."

Section 301 prohibits broadcasting without a license. Unlicensed transmission is a criminal offense (Sec. 501). The Commission may issue a license only if it finds that the "public convenience, interest, or necessity will be served thereby" (Sec. 307(a)).

Section 319(a) provides that no license shall be issued under the Act, with limited exceptions, for the operation of any station unless a permit for its construction shall first have been granted by the Commission. On filing with the Commission for such a permit, the applicant must give notice of such filing in the principal area which is to be served by the station (Sec. 311(a)(1)). The construction permit granted by the FCC states specifically the time period during which the applicant is expected to be prepared to commence operations; if the station is not ready for operation within the specified period, or within such further time as the Commission may allow, the construction permit is automatically forfeited (Sec. 319(b)). Upon completion of the station pursuant to a construction permit, the Commission will issue a license for the operation of the station provided it appears that the operation of such station would be in the public interest (Sec. 319(c)). Broadcast licenses are limited to three years in duration, at the expiration of which the licensee must apply for a renewal (Sec. 307(d)). Broadcast licenses may be assigned or transferred only upon application to the Commission, and a finding by it "that the public interest, convenience, and necessity will be served thereby," (Sec. 310(b)). The very existence of such a regulatory framework—which is justified and necessitated by the nature of broadcasting—stands as a bar to facile attempts to equate a radio transmitter with a printing press.

Senator Wallace White, the Chairman of the Senate Interstate and Foreign Commerce Committee, emphasized the distinguishing features between broadcasting and print journalism when that Committee in 1947 considered amending the Communications Act to give radio the same degree of freedom from governmental regulation of content as newspapers. Referring to the "vast difference in principle between the absolute right of anyone who wants to go into the newspaper business, and the necessarily limited right to operate a broadcasting station," Senator White pointed out:

"I do not accept in any degree that there is no difference between the power of Government with respect to newspapers and the power of Government with respect to radio communications . . . If you [radio people] are placing your feet on that foundation, [you] are just indulging in dreams. Because Congress will not stand, in the long run, for any such interpretation." (Hearings on S. 1333 Before the Senate Committee on Interstate and Foreign Commerce Committee, 80th Cong., 1st Sess., at 126 (1947)).

Inherent in the above tenets of broadcast regulation is a recognition of the technical limitations on the use of the airwaves. These limitations, of necessity, require that not all who desire to use the powerful instruments of broadcasting can be permitted to do so.

This familiar fact, and the regulatory consequences which flow from it, were recognized by the Supreme Court almost thirty years ago in the landmark decision, *National Broadcasting Company v. U.S.*, 319 U.S. 190 (1942):

"Freedom of utterance is abridged to many who wish to use the limited facilities of radio. Unlike other modes of expression, radio inherently is not available to all. That is its unique characteristic, and that is why, unlike other modes of expression, it is subject to government regulation." (p. 226)

In the *NBC* case, the Supreme Court recognized that the authority conferred upon the FCC by Congress was not limited to technical and engineering matters:

"The Act itself establishes that the Commission's powers are not limited to the engineering and technical aspects of regulation of radio communication. Yet we are asked to regard the Commission as a kind of traffic officer, policing the wave lengths to prevent stations from interfering with each other. *But the Act does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic.*" (pp. 215–16; emphasis supplied.)

"The avowed aim of the Communications Act of 1934 was to secure the maximum benefits of radio to all the people of the United States. To that end Congress endowed the Communications Commission with comprehensive powers to promote and realize the vast potentialities of radio. . . .[T]hese provisions, individually and in the aggregate, preclude the notion that the Commission is empowered to deal only with technical and engineering impediments to the "larger and more effective use of radio in the public interest." We cannot find in the Act any such restriction of the Commission's authority." (p. 217.)

This interpretation of the Act was unanimously upheld 27 years later in the case of *Red Lion Broadcasting Company* v. *F.C.C.* 395 U.S. 267 (1969), wherein the Supreme Court recalled that previous decision in these words:

"The Court upheld the regulation, unequivocally recognizing that the Commission was more than a traffic policeman concerned with the technical aspects of broadcasting and that *it neither exceeded its powers under the statute nor transgressed the First Amendment in interesting itself in general program format and the kinds of program broadcast by licensees.*" (p. 395; emphasis supplied.)

Obviously the statements regarding the authority of the FCC apply with even greater emphasis to the Congress of the United States. For the Commission exists only by virtue of an Act of Congress, and it has no authority or power at all save only that which the Congress has delegated to it.

In the *Red Lion* case, the broadcasters challenged the Fairness Doctrine (see below), and its specific application in the so-called "personal attack" and political editorial rules. Their contention was that the imposition of such regulatory controls—controls which are not imposed on the print media—was offensive to the First Amendment:

"No man may be prevented from saying or publishing what he thinks, or from refusing in his speech or other utterances to give equal weight to the views of his opponents. This right, they say, applies equally to broadcasters." (*Red Lion* at p. 386).

The Supreme Court laid this argument to rest in the following words:

"Although broadcasting is clearly a medium affected by a First Amendment interest, *United States v. Paramount Pictures, Inc.*, 334 U.S. 131, 166 (1948), *differences in the characteristics of new media justify differences in the First Amendment standards applied to them.*" (p. 386; emphasis supplied.)

* * * * *

"Where there are substantially more individuals who want to broadcast than there are frequencies to allocate, *it is idle to posit an unabridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write, or publish.*" (p. 388; emphasis supplied.)

* * * * *

"[A]s far as the First Amendment is concerned those who are licensed stand no better than those to whom licenses are refused. A license permits broadcasting, but the licensee has no constitutional right to be the one who holds the license or to monopolize a radio frequency to the exclusion of his fellow citizens. There is nothing in the First Amendment which prevents the Government from requiring a licensee to share his frequency with others and to conduct himself as a proxy or fiduciary with obligations to present those views and voices which are representative of his community and which would otherwise, by necessity, be barred from the airwaves.

"This is not to say that the First Amendment is irrelevant to public broadcasting. On the contrary, it has a major role to play as the Congress itself recognized in Section 326, which forbids FCC interference with "the right of free speech by means of radio communication." Because of the scarcity of radio frequencies, the Government is permitted to put restraints on licensees in favor of others whose views should be expressed on this unique medium. *But the people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistently with the ends and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount.*" (pp. 389–90; emphasis supplied.)

The *Red Lion* and *NBC* cases, supra, are easily the most significant Supreme Court decisions concerning broadcasting. Their philosophy has been echoed in other major decided cases as well. See *Johnston Broadcasting Co. v. FCC*, 175 F. 2d 351 (D. C. Cir. 1949) (FCC considration of proposed programs of competing applicants does not violate First Amendment); *Banzhaf v. FCC*, 405 F. 2d 1082 (D.C. Cir. 1968) *cert. den.* 396 U.S. 842 (1969) (Fairness Doctrine applied to cigarette commercials).

CBS' reliance upon the case of *Rosenbloom v. Metromedia*, 415 F. 2d 892 (3rd Cir. 1969), *aff'd* — U.S. — (1971) (No. 66, decided June 7, 1971), is misplaced; moreover, the case appears quite damaging to the CBS position. This much is clear both from the Circuit Court decision and the affirming opinion of the Supreme Court. The CBS brief quotes the following language from the Court of Appeals decision in *Rosenbloom:*

"[N]o rational distinction can be made between radio and television on the one hand and the press on the other in affording the Constitutional protection contemplated by the First Amendment." (p. 895.)

Taken in a literal sense, this language might appear to place the lower court in direct conflict with the clearly stated position of the Supreme Court in the *Red Lion* case, *supra*, that "differences in the characteristics of new media [i.e. broadcasting] justify differences in the First Amendment standards applied to them." (*Red Lion*, p. 386). But the *Rosenbloom* case involved a libel action against a radio station, and the language of the court must be read in the light of that fact situation. It may be, as the lower court has indicated, that radio and television stand on the same footing as the press with respect to First Amendment protection against libel actions. But the Third Circuit Court of Appeals cannot logically be interpreted as enunciating a broad principle going beyond the fact situation before it.

Furthermore, and unfortunately for the CBS position, the Court of Appeals in the *Rosenbloom* case based its decision on the fact that the alleged defamatory statements occurred during the broadcast of late-breaking news items:

"Not only did the broadcasts under attack concern subject matter of public interest, but of equal significance they involved broadcasts of "hot news" items, i.e., summaries of the latest news given on the hour and the half hour in reports ranging from 90 seconds to 10 minutes. . . . The primary value of these items to the public is in conveying the latest news as promptly as possible so that it has the opportunity to be informed of news items of possible immediate public concern. It is not realistic to require thorough research or verification of each individual item under these conditions. The need for Constitutional protection in the circumstances is much more apparent than in the cases of the so-called documentaries or feature stories where time is available to attempt to verify questionable material". (pp. 895–96.)

In view of the above quoted language, it is clear that the Third Circuit Court of Appeals recognized a significant distinction between the so-called "hard news" report and the news documentary. This distinguishing factor was noted with approval by the Supreme Court in its affirming decision (page 10, slipsheet opinion). It is clear from this that the holdings in the *Rosenbloom* case are not applicable to news documentaries such as the CBS program in question in these proceedings.

It is also clear that both the Third Circuit and the Supreme Court decisions in this case turn on the question of what burden of proof is to be imposed upon plaintiffs in liberal actions.

The case, therefore, does not assert any blanket equality between broadcasting and newspapers, although it does recognize an important distinction between "hot news" items and news documentaries. One further statement from the Supreme Court's holding in *Rosenbloom* is worthy of note in view of some of the allegations raised in this matter:

"Calculated falsehood, of course, falls outside 'the fruitful exercise of the right of free speech.'" (Slipsheet opinion, at 23).

The judicial language, from both the *Red Lion* and the *NBC* cases, has been quoted at length in view of the position taken in the CBS brief which seeks to narrowly limit the scope of broadcast regulation. Thus, CBS' counsel describe their version of permissible broadcast regulation in the following language:

"[S]ome government regulation is required to deal with the scarcity of frequencies available . . . [citing FCC regulation of spectrum use regarding aircraft, police, and amateur operations, etc.]. Courts have also upheld the Commission's power to place some limits on the types of programs that may be employed by new forms of broadcast service (such as Pay-TV). . . . In sum, these cases have established that the First Amendment does not bar the Federal Government from regulating access to the spectrum, in order to maximize efficient utilization and augment the diversity of communications services." (CBS brief, pp. 10–11.)

But this is just the type of "traffic policeman" theory of broadcast regulation which the Supreme Court rejected in the *NBC* case (1943), and again in the *Red Lion* case (1969). It ignores the very large body of case law (see below) which upholds the right of the FCC (and, by necessary inference, the right of Congress) to treat the broadcaster as a trustee for the public and to insist that his programming be in the public interest. CBS, therefore, is urging the Subcommittee to accept a theory of broadcast regulation which has already been twice rejected by the Supreme Court and has been untenable for thirty years.

In rejecting the broadcasters' First Amendment arguments in the *Red Lion* case, the Supreme Court upheld the FCC's traditional Fairness Doctrine as enunciated in its 1949 *Report ôn Editorializing by Broadcast Licensees*, 13 FCC 1246; 25 RR 1901 (1949).

The Supreme Court described the Fairness Doctrine as imposing two types of responsibility upon broadcasters:

"There is a two-fold duty laid down by the FCC's decisions and described by the 1949 Report on Editorializing by Broadcast Licenses. . . . *The broadcaster must give adequate coverage to public issues* [citation omitted] *and coverage must be fair in that it accurately reflects the opposing views* [citation omitted]. . . . The Federal Radio Commission had imposed these two basic duties on broadcasters since the outset [citations omitted]". (pp. 377–78; emphasis supplied).

In its brief (p. 12), CBS asserts that in the *Red Lion* case, the Supreme Court was facing only the narrow question of whether "the Commission could in certain limited circumstances create a right to reply . . ." (CBS brief, p. 12). The above quoted passages from the Supreme Court decision, render completely untenable the limited interpretation which CBS now wishes to place on that case. Accepting such an interpretation would require the Subcommittee to ignore, as CBS has ignored, the following plain language from the Supreme Court's decision:

"The Fairness Doctrine finds specific recognition in statutory form, is in part modeled on explicit statutory provisions relating to political candidates, and is approvingly reflected in legisltaive history. In 1959 the Congress amended the statutory requirements of Section 315 that equal time be accorded each political candidate to accept certain appearances on news programs, but added that this constituted no exception *from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.*" . . . This language makes it very plain that Congress in 1959, announced that the phrase "public interest" which had been in the Act since 1927, imposed a duty on broadcasters to discuss both sides of controversial public issues. In other words, the Amendment vindicated the FCC's general view that the Fairness Doctrine inhered in the public interest standard." (p. 380; emphasis in original.)

Such passages make it clear that the Supreme Court recognized the statutory validity of the Fairness Doctrine itself.

The FCC's 1949 *Editorializing Report, supra,* is the Commission's definitive statement on the Fairness Doctrine. That report recognized the inherent power granted to the broadcaster to influence and, if he so desired, propagandize the electorate. This great power arises, not by virtue of any rhetorical talents possessed by the broadcaster, or the righteousness of his causes, but by virtue of the extremely powerful means of mass communications which is entrusted to him and necessarily withheld from others. As a result of this government-enforced monopoly, the broadcasters have been aptly described as "those who sit astride the channels of communication with the general public." (*Red Lion, supra,* at p. 401, note 28.)

The *Editorializing Report* also recognized that with such great power comes great responsibility:

"It is clear that the licensee's authority to determine the specific programs to be broadcast over his station gives him an opportunity, not available to other persons, to insure that his personal viewpoint on any particular issue is presented in his station's broadcasts, whether or not these views are expressly identified with the licensee. And, in the absence of governmental restraint, he would, if he so chose, be able to utilize his position as a broadcast licensee to weight the scales in line with his personal views, or even directly or indirectly to propagandize in behalf of his particular philosophy or views on the various public issues to the exclusion of any contrary opinions." (25 RR 1908.)

* * * * *

"It must be recognized, however, that the licensee's opportunity to express his own views as part of a general presentation of varying opinions on particular controversial issues, does not justify or empower any licensee to exercise his authority over the *selection of program material to distort or suppress the basic factual information upon which any truly fair and free discussion of public issues must necessarily depend* . . . A licensee would be abusing his position as a public trustee of these important means of mass communication were he to withhold from expression over his facilities relevant news or facts concerning a controversy *or to slant or distort the presentation of such news.* No discussion of the issue involved in any controversy can be fair or in the public interest where such discussion must take place in a climate of false or misleading information concerning the basic facts of the controversy." (20 RR 1910; emphasis supplied.)

As will be seen below, this concern with distortion and resultant deception of the public, has already given rise to a number of statutory and regulatory provisions of unquestioned constitutionality.

The above-quoted language from the *Editorializing Report* points up another important aspect of broadcast regulation. The broadcaster—unlike the newspaper publisher—is held to be a fiduciary or trustee to the public.

Interpreting the *NBC* case, in *McIntire v. Penn Broadcasting Co.,* 151 F.2d 597 (3d Cir., 1945), the Court of Appeals for the Third Circuit stated:

"It is plain . . . that a radio broadcasting station must operate in the public interest and must be considered a "trustee" for the public." (p. 599.)

Similarly, in the *Red Lion* case, supra, the Supreme Court stated that "it does not violate the First Amendment to treat licensees given the privilege of using scarce radio frequencies as proxies for the entire community. . . ." (395 U.S. 367, at 394.)

The case of *Office of Communication of United Church of Christ v. FCC* has twice been before the U.S. Court of Appeals for the District of Columbia Circuit. On both occasions, the opinion of Judge Burger, since elevated to be Chief Justice of the Supreme Court, has strongly affirmed the above concept of the broadcaster's status as fiduciary to the public. In the first proceeding (359 F.2d 994 (1966), Justice Burger stated:

"The argument that a broadcaster is not a public utility is beside the point. True it is not a public utility in the same sense as strictly regulated common carriers or purveyors of power, but neither is it a purely private enterprise like a newspaper or an automobile agency. A broadcaster has much in common with a newspaper publisher, but he is not in the same category in terms of public obligations imposed by law. A broadcaster seeks and is granted the free and exclusive use of a limited and valuable part of the public domain; when he accepts that franchise it is burdened by enforceable public obligations. A newspaper can be operated at the whim or caprice of its owners; a broadcast station cannot. After nearly five decades of operation the broadcast industry does not seem to have grasped the simple fact that a broadcast license is a public trust subject to termination for breach of duty." (p. 1003.)

Again, in the second proceeding (425 F.2d 543 (1969)) similar language appears:

"The infinite potential of broadcasting to influence American life renders somewhat irrelevant the semantics of whether broadcasting is or is not to be described as a public utility. By whatever name or classification, broadcasters are temporary permittees—fiduciaries—of a great public resource and they must meet the highest standards which are embraced in the public interest concept. The Fairness Doctrine plays a very large role in assuring that the public resource granted to licensees at no cost will be used in the public interest." (p. 584.)

In his 1966 decision, Justice Burger quoted with approval from a report of the House Committee on Interstate and Foreign Commerce, *FCC, Television Network Program Procurement* (H.R. Rep. No. 281, 88th Cong., 1st sess. (1963)):

"Under our system, the interests of the public are dominant. . . . Hence, individual citizens and the communities they compose owe a duty to themselves and their peers to take an active interest in the scope and quality of the television service which stations and networks provide and which, undoubtedly, has a vast impact on their lives and the lives of their children. Nor need the public feel that in taking a hand in broadcasting they are unduly interfering in the private business affairs of others. On the contrary, their interest in television programming is direct and their responsibilities important. They are the owners of the channels of television—indeed of all broadcasting." (p. 20.)

In this connection, it is relevant to note the 1963 statement of Mr. Robert Sarnoff of NBC that the total investment in television by American viewers was then 40 billion dollars, a figure perhaps twenty times as large as the total investment of broadcasters. (*FCC, Television Network Program Procurement,* H.R. Rep. No. 281, 88th Cong., 1st sess., at page 57. Cited in *Office of Communication of United Church of Christ* v. *FCC,* 359 F. 2d 994, 1002 (note 17).)

Thus far, this section has reviewed the general outlines of broadcast regulation as it has been defined by the courts. From this review, it is clear that:

1. The First Amendment right to broadcast is not comparable to "the right of every individual to speak, write, or publish." (*Red Lion; NBC; supra.*) A broadcaster is not a "purely private enterprise, like a newspaper;" he is "not in the same category" as a newspaper publisher in terms of public obligations imposed by law. (*Church of Christ, supra*).

2. The First Amendment does not prohibit broadcast regulation concerning the content of programming. Such permissible regulation includes the Fairness Doctrine which is specifically concerned with the coverage of controversial issues of public importance and requires that "coverage must be fair in that it accurately reflects the opposing views." (*Red Lion;* FCC *Editorializing Report, supra.*)

3. Broadcasters are "proxies" or "fiduciaries" for the public (*Red Lion, Church of Christ, McIntire, supra*).

The matter presently under inquiry by the Subcommittee has to do with deception—which may or may not involve actual fraud—of the public. As the following additional discussion will demonstrate, the prevention of deception and fraud has always been held to be a proper concern in the regulation of broadcasting. This concern is expressed in statute and in FCC regulations and rulings. Legislative concern with respect to possible deception being practiced upon the listening and viewing public is entirely consistent with the fiduciary duty which the broadcaster is held to owe to the public. The following features of present law and regulation are illustrative of various aspects of possible deception.

With respect to deceptive advertising, broadcasters are, of course, bound by the provisions of the Federal Trade Commission Act (15 U.S.C. sec. 45, 52) which prohibits deceptive trade practices, including the dissemination of false and misleading advertising in commerce. But the FCC has enunciated a special standard of care as applying to broadcasters (Liaison Between FCC and FTC Relating to False and Misleading Radio and TV Advertising, 22 FCC 1572 (1957). The FCC noted that the continued broadcast of advertising found to be deceptive by the FTC would raise "serious questions" as to whether a station was operating in the public interest. But the FCC also indicated that the licensee should exercise his own initiative to make sure that his listeners and viewers are not subjected to such deceptive messages:

"[L]icensees should not rely solely on the action or inaction of the Federal Trade Commission, nor should they suspend their own continuing efforts in determining the suitability of advertising material to be broadcast over their facilities. Thus, advertising similar to that found to have been deceptive should raise questions on the part of the broadcast stations as to the propriety of such material."

During the late 50s, the public was subjected to programming which purported to present *bona fide* contests of intellectual skill, the so-called "quiz shows." The public's interest in these programs was engendered by the high stakes involved and the representation that the contests were authentic. When it appeared that these programs were not as they were being represented to the public, the Legislative Oversight Subcommittee of the House Commerce Committee, investigated the matter. This investigation resulted in the enactment of Section 509 of the Communications Act prohibiting fraud and deception in the presentation of such programs.

This same concern with possible deception to the public is reflected in the FCC's regulation governing mechanical reproductions (47 C.F.R. 73.118, 73.288, 73.653):

"(a) No mechanically reproduced program, whether visual or aural, consisting of a speech, news events, news commentator, forum, panel discussion, or special event in which the element of time is of special significance, or any other program in which the element of time is of special significance and presentation of which would create, either intentionally or otherwise, the impression or belief on the part of the listening audience that the event or program being broadcast is in fact occurring simultaneously with the broadcast, shall be broadcast without an appropriate announcement being made."

In enacting Sections 317 and 508 of the Communications Act, the Congress required that the public be informed whenever a licensee or his employee receives anything of value in connection with the broadcast of any matter. Section 317(a)(1) reads in part:

"All matter broadcast by any radio station for which all money, service or other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person."

The underlying rationale behind this enactment is that the public has a legitimate interest in knowing the relevant circumstances under which material is broadcast. The FCC described this legislative concern in the following language ("Applicability of Sponsorship Identification Rules," Public Notice dated March 6, 1963).

"With the development of broadcast service along private commercial lines meaningful government regulation of the various broadcast media has from an early date embraced the principle that listeners are entitled to know by whom they are being persuaded. Thus, as far back as the Radio Act of 1927 and continuing with section 317 of the Communications Act of 1934 there has been an unvarying requirement that all matter broadcast by any station for a valuable consideration is to be announced as paid for or furnished, and by whom."

The FCC also requires that an announcement be made if any outside assistance is afforded in connection with either a political program or one involving the discussion of controversial issues of public importance. (47 C.F.R. 73.119; 73.289; 73.654.)

In its present inquiry, the Subcommittee is concerned, among other things, with allegations regarding deceptive editing techniques which effectually result in material misrepresentations being made to the public by the broadcaster. In the *Metromedia* case (14 FCC 2d 194 (1968)), the Commission found that a broadcast had incorporated a distorted tape of an interview between former White House Press Secretary Pierre Salinger and John P. Roche, special assistant to President Johnson. The distortion consisted of inserting a question out of its original sequence, thus creating a deceptive impression. Specifically, a question from the studio audience which was actually asked after Mr. Roche had left the studio was inserted into the portion during which Mr. Roche was present. This editing technique created the impression that Mr. Roche could find no answer to the question. The Commission reprimanded the broadcaster despite his assertion that the editing manipulation was done without his knowledge by the program producer. The FCC stated:

"In circumstances such as these, the licensee has responsibility for exercising reasonable diligence to prevent the broadcast of false or misleading material. In the present case, Canaan Productions [the actual producer of the program] concedes that it was concerned with establishing "the identity and personality" of Mr. Salinger rather than with presenting a true picture to the public of what actually took place during the discussion of an important public issue. . . . [Y]ou seem to have made no effort either to give your employees responsibility for passing upon the content of the program during its production or to acquaint yourself with the manner in which the video tape was later edited. The result was that an independent producer was able to engage in deliberate distortion, for private reasons, of what purported to be an uninterrupted discussion . . . of important public issues.

"The Commission does not regard your actions here as measuring up to the standard of responsibility it expects of its licensees. This matter will be considered further in connection with the next application for renewal of license of Station WTTG–TV."

It is not clear what significance the Commission was placing on the factor of "deliberate distortion." It is clear that the injury to the public would be the same regardless of the motivation which resulted in the distortion to which the FCC objected.

It must be pointed out that the underlying philosophy of this decision does not seem to have been adhered to by the Commission in its treatment of the CBS "Pentagon" documentary. The *Metromedia* case, however, with its condemnation of the practice of deceptive editing techniques to distort "what purported to be an uninterrupted discussion . . . of important public issues," is in accord with the judicial decisions passing on the public interest standard imposed on programming. Insofar as the Commission may have departed from the principle of the *Metromedia* case is in the "Pentagon" matter, it is believed to be in error. Further discussion of the FCC's possibly changing philosophy in this regard would be beyond the scope of this memorandum.

Further discussion on the legal authority of the FCC and the FTC, under then existing law, to prohibit deceptive broadcasting practices will be found in the Report to the President by the Attorney General on Deceptive Practices in Broadcasting Media, dated December 30, 1959 (19 R.R. 1901). That report concluded that the FCC had adequate authority to regulate in the area of deceptive programming practices:

"It is true that the statutory provisions relating to censorship and the First Amendment delineate the outer limits of the Commission's powers. Yet, within those limits considerable scope is left for effective regulatory action. This would certainly be so with respect to deceptive practices as opposed to problems of taste.

"Although the issue has never been squarely passed upon by the Supreme Court, in every case in which the question has been presented, the courts have upheld the Commission's authority to concern itself with a licensee's program policies and practices. No action by the Commission has ever been held by the court to constitute censorship or to violate constitutional protections of freedom of speech or of the press." (pp. 30–31).

The Attorney General's "Deceptive Practices" report also affirmed the status of the broadcaster as a fiduciary of the public:

"Broadcast licensees have had conferred upon them a highly valuable privilege. In return, each such licensee is expected to operate as a 'trustee for the public.'" (p. 43).

See also the memorandum to the FCC dated September 2, 1969, by Henry Geller, Esq., General Counsel (reprinted at 20 RR 2d. at p. 381.) The memorandum concluded that the *Red Lion* case, *supra*, constitutes a landmark decision, setting at rest the long-continuing controversy as to the Commission's authority to 'interest' itself in general program format and the kinds of programs broadcast by licensees."

As already pointed out in this memorandum, all authority pertaining to the prerogatives and powers of the FCC apply with equal or greater force to the Congress.

This section has reviewed a number of judicial decisions, legislative enactments, agency regulations and rulings, and official reports. They overwhelmingly demonstrate that the legislative concerns enumerated by the Chairman in his April 20 statement fall well within the proper scope of a Congressional inquiry.

The CBS assertion to the effect that its operations are the equivalent of those of a newspaper is clearly erroneous in view of the express language of the Supreme Court (*Red Lion* and *NBC* cases, *supra*) to the contrary. Accepting the CBS contention that its broadcasting practices must remain immune from Congressional inquiry would clearly violate the "public trustee" status which the courts have uniformly enunciated as pertaining to broadcasting. If the public, acting through its elected representatives, cannot inquire into the manner in which the broadcasting industry is fulfilling its public trust, then licensees are in the legally anomalous position of being trustees who are responsible to no one. Having been given "a highly valuable privilege" ("Deceptive Practices" report, *supra*) the broadcaster cannot be heard to insist that his affairs must thereafter be screened from public scrutiny (or, as the CBS brief would have it, "legislative surveillance").

This is not to say that there may not be instances wherein a Congressional subpoena addressed to a broadcaster would be improper. In the present case, however, the clear legislative concern is with practices which rearrange and manipulate events which are then presented to the public as genuine. This, as the above authority demonstrates, is a legitimate matter for public, and therefore, Congressional, concern.

In this proceeding it is "the nature of the programs" and not "the nature of the views of a broadcaster" which is under consideration. (See *Johnson Broadcasting Co.* v. *F.C.C.*, 175 F. 2d. 351, 359 (D.C. Cir. 1949); *Allen B. Dumont Laboratories* v. *Carroll*, 184 F. 2d 153, 156 (3d Cir. 1950), *cert. den.* 340 U.S. 929 (1951); while recognizing that section 326 of the Communications Act prohibits FCC censorship, the Court stated: "The Act itself demonstrates that Congress was vitally concerned with the nature of the programs broadcast as affecting the public good.")

For all of the above reasons, it is concluded that the legislative concerns enunciated by the Chairman in his April 20 statement are valid and legitimate matters for Congressional inquiry, and would be so held in a court of law.

C. *The free press guarantees embodied in the first amendment*

For purposes of this argument it will be conceded that televised news broadcasts are included within the First Amendment protections guaranteed to the "Press." It will also be conceded that the Subcommittee's subpoena is included within the lawmaking process.

1. *The First Amendment Right of Freedom of the Press is derived from and conditioned upon the Public Interest and Necessity for Preserving the Right of Free Speech.*

The First Amendment, which is the first of the Bill of Rights, provides in part:

"Congress shall make no law . . . abridging the freedom of speech, or of the press . . ."

Insofar as the press is an institution apart from individual members of the reporting profession it is simply a business enterprise (*Cf. Associated Press* v. *U.S.*, 326 U.S. 1 (1945)). The Bill of Rights derives its justification and vitality out of the inherent and natural rights of the people, not out of the rights of any business enterprise. The restriction upon governmental interference through the lawmaking process with the ability of the press to seek out information and to publish that information is intended to insure the right of freedom of speech. Freedom of speech demands the ability not only to speak but also the ability to hear and to be heard. This was pointed out by Judge Learned Hand in *National Broadcasting Company* v. *U.S.*, 47 F. Supp. 940 (S.D.N.Y. 1942). In sanctioning the regulations of the FCC pertaining to Chain Broadcasting as necessary to preserve the freedom of speech of the listener, Judge Hand observed.

"The interests which the regulations seek to protect are the very interests which the First Amendment itself protects, i.e., the interests, first, of the "listeners," next of any licensees who may prefer to be freer of the "networks" than they are, and last, of any future competing "networks." Whether or not the conflict between these interests and those of the "networks" and their "affiliates" has been properly composed, no question of free speech can arise. (At 946)

Thereafter, the Supreme Court, in affirming, the decision of Judge Hand, pointed out:

"Freedom of utterance is abridged to many who wish to use the limited facilities of radio. Unlike other modes of expression, radio inherently is not available to all. That is its unique characteristic, and that is why, unlike other modes of expression, it is subject to governmental regulation. Because it cannot be used by all, some who wish to use it must be denied . . . The right of free speech does not include, however, the right to use the facilities of radio without a license. The licensing system established by Congress in the Communications Act of 1934 was a proper exercise of its power over commerce. The standard provided for the licensing of stations was the "public interest, convenience, or necessity." Denial of a station license on that ground, if valid under the Act, is not a denial of free speech." (319 U.S. at 226–27).

Without the guarantee of a forum to transmit free speech any attempt to exercise the right of free speech itself would be futile. Thus, the right of the press, as an institution, to be free from governmental interference is derived from the right of a free people to free speech. The press is free so that:

a. the people may find access to a forum of the expression of ideas, political and otherwise; and

b. the people may find access to the unrestrained expressions of others.

deTocqueville echoed this idea when he observed "the sovereignty of the people and the liberty of the press may therefore be regarded as correlative." *Democracy in America*, Vol. 1, p. 190 (Vintage ed. 1945).

The right of Congress to legislate restraints upon the freedom of the press when the exercise of that freedom comes into conflict with other essential elements of the public interest is well established. The antitrust laws have consistently been determined to be a permissible restraint upon the press. Thus, in *Associated Press v. United States*, 326 U.S. 1 (1945), the Supreme Court, in affirming that "trade in news carried on among the states is . . . interstate commerce," sustained the enjoyment of the Associated Press from engaging in practices in restraint of trade. In rejecting the Association's argument of First Amendment protection, the court concluded:

"It would be strange indeed, . . . if the grave concern for freedom of the press which prompted adoption of the First Amendment should be read as a command that the government was without power to protect that freedom. The First Amendment, far from providing an argument against application of the Sherman Act, here provides powerful reasons to the contrary. That Amendment rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public, that a free press is a condition of a free society. Surely a command that the government itself shall not impede the free flow of ideas does not afford non-governmental combinations a refuge if they impose restraints upon the constitutionally guaranteed freedom. Freedom to publish means freedom for all and not for some. . . . Freedom of the press from governmental interference under the First Amendment does not sanction repression of that freedom by private interests. The First Amendment affords not the slightest support for the contention that a combination to restrain trade in news and views has any constitutional immunity." (At 20)

See also, *United States v. Times-Picayune Publishing Co.*, 345 U.S. 594 (1953) in which the Supreme Court, although not finding a violation of the Sherman Act, did apply the provisions of the Act to reach its decision. In *Lorain Journal Co. v. United States*, 342 U.S. 143 (1951), a newspaper was prohibited under the Sherman Act from refusing to publish the advertisements of any subscriber advertising on a competing radio station.

Similarly, the application of the National Labor Relations Act to a press association has been determined not to contravene the First Amendment guarantee of freedom of the press. *Associated Press v. N.L.R.B.* 301 U.S. 103 (1937).

The Federal mail fraud statutes have been upheld as a Constitutional limitation on the Freedom of the Press. In *Donaldson v. Read Magazine, Inc.*, 333 U.S. 178 (1948) the Supreme Court sustained the right of the Postmaster General to regulate advertising by restricting the receipt and dissemination of fraudulent mail by a magazine publisher. In reaching its conclusion, the court pointed out that:

"A contention cannot be seriously considered which assumes that freedom of the press includes a right to raise money to promote circulation by deception of the public." (At 192)

Similarly, the obscenity cases, while they can probably only be considered as *sui generis*, have permitted restrictions on publication in the face of the First Amendment. *Ginzburg v. U.S.* 383 U.S. 463 (1966).

The Federal Trade Commission Act has been judicially sustained as against a claimed privilege of First Amendment protections. For example, it has been held that regulation of false advertising does not as such constitute an unconstitutional restraint on the expressions of opinions by sellers as to the market worth of their products and that whatever slight impairment of speech may be involved is far outweighed in importance by the need to protect the public from deception. *Regina Corp.* v. *Federal Trade Commission*, 322 F.2d 765, 770 (3d Cir. 1963); *E. F. Drew and Co.* v. *Federal Trade Commission*, 235 F. 2d 735 (2d Cir. 1956), *cert. denied* 352 U.S. 969 (1957). As the Second Circuit observed in *Drew*:

"We think it sufficient to state that Congress can prohibit or control misleading advertising under the postal fraud statutes . . . or under its commerce power . . . without deprivation of First Amendment rights. There is no constitutional right to disseminate false or misleading advertisements." (At 740)

In the Investment Advisers Act of 1940 Congress required registration of investment advisers and the full disclosure of certain fraudulent and manipulative practices. The essential purpose of that legislation "is to protect the public from the frauds and misrepresentations of unscrupulous tipsters and touts and to safeguard the honest investment adviser against the stigma of the activities of these individuals by making fraudulent practices by investment advisers unlawful." (H.R. Rep. No. 2639, 76th Cong., 3d Sess. 28 (1940)). *Bona fide* newspapers were exempted from the Act but not books or other publications not "of general and regular circulation." The constitutionality of this provision as against a claim of First Amendment protection was established in *SEC* v. *Capital Gains Bureau*, 375 U.S. 180 (1963). Thereafter, in *SEC* v. *Wall Street Transcript Corporation*, 422 F. 2d 1371 (1970), the defendant refused to comply with an investigative subpoena issued by the Securities and Exchange Commission pursuant to the Investment Advisers Act. In opposing the subpoena, the Transcript contended that any investigation would chill its exercise of constitutionally protected rights of expression and that any probe, which might seek some of its most confidential operating information, would both deter its own editorial criticism of the Commission and initimidate its subscribers and sources of information. In rejecting this argument, the Court observed that:

"The Investment Advisers Act does not on its face abridge freedom of the press simply because it may be applied to publications which are classified formally as part of the "press" (At 1373).

Finally, the Supreme Court itself, in *Curtis Publishing Co.* v. *Butts*, 388 U.S. 130 (1967), was confronted with the problem of balancing society's "pervasive and strong interest in preventing and redressing attack upon reputation" against society's interest in a free press which "would advance truth, science, morality, and arts in general as well as responsible government." In concluding that the First Amendment protection of the Press is not absolute, the Court observed:

"The fact that dissemination of information and opinion on questions of public concern is ordinarily a legitimate protected and indeed cherished activity does not mean, however, that one may in all respects carry on that activity exempt from sanctions designed to safeguard the legitimate interests of others. A business is not immune from regulation because it is an agency of the press. The publisher of a newspaper has no special immunity from the application of general laws. He has no special privilege to invade the rights and liberties of others. . . . Federal Securities regulation, mail fraud statutes, and common-law actions for deceit and misrepresentation are only some examples of our understanding that the right to communicate information of public interest is not 'unconditional.'" (At 150)

Finally and most importantly, there can be no honest discussion of the freedom of the press without relating the exercise of that freedom to the exercise of free speech. Persons who are presented on the television medium have the right to the publication of their speech, if not *in forma intacta*, at least in a manner consonant with their original expression. Those persons appearing on television news programs have the right to the accurate publication of their speech and the viewers have the right to rely upon the accuracy of that publication. Those speakers whose comments and observations are materially altered by technological device have been denied their right of free speech. Ironically, a governmental refusal to challenge such a denial of free speech in a regulated medium becomes governmental action and this action is, therefore, a governmental denial of the right of free speech.

2. Techniques of Electronic Manipulation Have Been Developed which Facilitate the Presentation of Artificially Created Scenes as Objectively Observed Facts.

To the viewer, his observation of an event recorded by a camera strongly implies that the event being viewed occurred as recorded. Simply stated, "seeing is believing." The viewer's unfamiliarity with the highly sophisticated techniques available to the televised medium places him at a serious disadvantage when analyzing that which he believes he is seeing. The visual capture of an event by a camera implies the elimination of that editorial process so obviously part of the process of recording events in the printed medium. The viewer reasonably expects that the visual recording of an event is a means of preserving for History's sake that event as it occurred. Thus, the viewer is reluctant to accord the same critical analysis to the visual reenactment of an event that he accords to the printed word.

Splicing of film to show, for example, in a question and answer series an answer given to a question not asked is a form of "newspeak." The words of the speaker, which he can scarcely deny uttering, by a shift of context are made to express whatever the film editor wishes the speaker to express. By this means, negatives may become positive; agreements, disagreements; and responsiveness can be made to appear evasive.

Other techniques of splicing out of sequence can also create speech when none exists. For example, it is not difficult to imagine a debate between two persons, at the close of which the studio audience would be permitted to ask questions. If, during the course of the questioning, one of the debaters left while the other remained, the film of the questions and answers could be so rearranged that the absence of one debater would not be noticed. From his apparent silence in not responding to the observations of the other debater, the absentee would seem to give the impression of agreement or inability to refute the answer. In at least one instance, the rearrangement described in this hypothesis actually occurred (see *Metromedia* case, *supra*, p. 37).

Frequently, television interviews are conducted with a single camera facing the interviewee. Thereafter, the interviewee may or may not depart and the camera is reversed in order to film the interviewer who then reasks the questions originally posed. This reverse process readily permits a change in the general emphasis of the question, the voice inflection and, of course, the sequence.

The deceptive potential of these and similar techniques of electronic manipulation is in no way mitigated because it is practiced by a large communications network rather than a government. Disclosure of these techniques is a legitimate concern of the Subcommittee.

A publisher of a political tract may disseminate his ideas to passersby at a street corner without interfering with the free expression of those passersby or of another publisher. On the other hand, a broadcaster is limited by distance from point of transmission, signal strength and width of his allocated spectrum, as well as natural and man-made interference. These limitations are the basis for the power of Congress to legislate to protect the broadcaster. See e.g., *Hearings on S. 1333 Before the Senate Committee on Interstate and Foreign Commerce*, 80th Cong., 1st Sess., at 120, 126 (1947). This legislation is designed to best insure his fulfillment of his responsibility to transmit information to the public. *Red Lion Broadcasting Company v. F.C.C.*, 395 U.S. 267, 395 (1969). Additional legislation may also be required to best insure that legislation protecting broadcasters does not impede the free flow of ideas which the First Amendment is intended to guarantee.

Broadcast journalism, precisely because it enjoys the benefits of a limitation of access by others, is not identical to print journalism. *Red Lion Broadcasting Company v. F.C.C.*, *supra*, at 386. Public access to television is severely constrained by law. See Section IB, The Power of Congress to Regulate Broadcasting, *supra*. In recognition of this limitation, Congress has required licensees to devote a reasonable percentage of their broadcast time to the presentation of news and programs devoted to the consideration and discussion of public issues of interest in the community served by the particular station. The ability to impose this requirement on licensees to assure protection of the public interest implies the ability to assure adequacy of that protection. This is the issue to be decided in evaluating the subpoena of CBS.

3. *Because a Free Electorate Forms its Decisions on Matters Which it Determines to be Factual, the Artificial Transmutation of Fact into Non-fact without Disclosure Presents a Clear and Present Danger to that Electorate.*

The public relies on its informational media the press in all of its forms, for the reporting of information on the basis of which it may reach its decisions. Any decision-making process absolutely requires the free flow of information. The "means for evaluating" received information is essential for the functioning of that process whether an investor is being asked to risk his money in the stock market or a consumer is being urged to buy a product. This "means for evaluating" is infinitely more important when it may determine a political decision running to the very structure of the society.

An artificial "newspeak" which can persuade the public of the factual accuracy of non-fact has been created through technological advancements. This becomes the means for manipulation of thought for a predetermined goal. Recognition of the danger is not new. Over a century ago, Abraham Lincoln pointed out that:

> He who molds public sentiment goes much deeper than he who pronounces decisions. He makes those decisions possibly or impossibly.

The position enjoyed by the television screen in news reporting is not that of *primus inter pares*. Rather, the impact of televised news is dynamically more pervasive than that of any other news-reporting medium. The dependence of the public on televised news is great. CBS itself draws this to the Subcommittee's attention (brief, pp. 7–8). The statistics cited by CBS, as they appeared in the November 2, 1970 issue of *Broadcasting*, were the result of an industry-supported survey into viewing trends. The questions asked by the pollsters in September 1970 and the responses were as follows:

> First, I'd like to ask where you usually get most of your news about what's going on in the world today—from the newspapers or radio or television or magazines or talking to people of where?

	Percent
Television	60
Newspapers	44
Radio	23
Magazines	8
People	6
Don't know or no answer	1

> If you got conflicting or different reports of the same news story from radio, television, the magazines and the newspapers, which of the four versions would you be most inclined to believe—the one on radio or television or magazines or newspapers?

	Percent
Television	50
Newspapers	21
Magazines	6
Radio	11
Don't know or no answer	12

> Which of the four versions would you be least inclined to believe—the one on radio, television, magazines or newspapers?

	Percent
Magazines	28
Newspapers	33
Radio	11
Television	9
Don't know or no answer	19

Furthermore, according to industry surveys, the body of data developed by the pollsters between 1959 and 1970 shows:

> In the face of mounting criticism of television journalism from some politicians and the intellectual elite, the public at large is depending more heavily than ever on television as its primary source of news and is placing far more confidence in television than in any other medium . . . Except for a couple of slight wriggles, the curves of television acceptance have been rising ever since.

This data clearly establishes the public's reliance on television news for obtaining information upon which to base its decisions. The effect of unreliable data, unless its unreliability is known, is especially pernicious because it frustrates the ascertainment of truth. The public is lulled into a false sense of reliability where reliability does not exist. At the very least, the public is entitled to know the true author of the representation made; i.e., the apparent speaker or the film editor who deliberately misplaces the words to create a "newspeak." Oliver Wendell Holmes pointed this out in *The Autocrat of the Breakfast Table* when he observed:

> We all have to assume a standard of judgment in our own minds, either of things or persons. A man who is willing to take another's opinion has to exercise his judgment in the choice of whom to follow, which is often as nice a matter as to judge of things for one's self. On the whole, I had rather judge men's minds by comparing their thoughts with my own, than judge of thoughts by knowing who utter them. I must do one or the other.

The Subcommittee must be concerned with protecting the right to "do one or the other." The untrammeled ability to influence the decision-making process without disclosure is a denial of that right. The danger to the public from manipulation of its political decision is much more real, serious and far reaching than any danger from false advertising or stock market touting.

II. SPECIFIC ARGUMENTS ADVANCED BY CBS BRIEF

The major points asserted in the CBS brief have already been sufficiently addressed by the review of legal authorities contained in Section I of this memorandum. The purpose of the present section is to discuss briefly some of the specific arguments raised by CBS.

A. LEGISLATIVE PURPOSE AND SCOPE OF THE SUBPOENA

The argument has been made that the purpose of the Subcommittee's inquiry, and the breadth of its subpoena, are both improper. The manner in which CBS sought to broaden the apparent scope and motivation of the Subcommittee's inquiry has already been discussed above (see page 12, *et. seq.*). The thrust of the argument is that CBS does not choose to take at face value the statement of legislative concerns provided by the Chairman on April 20, 1971. (See p. 5, CBS brief: "Despite these disclaimers . . .") In view of the modern cases which bear upon the question of permissible breadth of legislative investigations and subpoenas, the CBS effort to broaden the scope of the Subcommittee's inquiry would have been unavailing even had it been successful. See *Brown v. United States*, 276 U.S. 134 (1928): *Oklahoma Press Co. v. Walling*, 327 U.S. 186 (1946); *United States v. Morton Salt Co.*, 338 U.S. 632 (1950); and Davis, *Administrative Law*, Sec. 306, p. 183 (1958).

The *Morton Salt* case, *supra*, involved the investigatory authority of the Federal Trade Commission. The Commission's demand for corporate records had been condemned as a mere "fishing expedition." But the Supreme Court upheld the Commission, stating:

> "Even if one were to regard the request for information in this case as caused by nothing more than official curiosity, nevertheless, law-enforcing agencies have a legitimate right to satisfy themselves that corporate behavior is consistent with the law and the public interest." (338 U.S. at p. 652.)

Again, and perhaps unnecessarily, it is pointed out that the prerogatives of the Congress are at least equal to those of its administrative agencies.

As to the breadth of the Subcommittee's subpoena, it is noted, preliminarily, that the subpoena of April 7, 1971, was much narrower than those issued by the Subcommittee during previous investigations into the program "Pot Party at a University" and CBS' "Project Nassau." The attempt of CBS to belatedly suggest that its compliance on those previous occasions was prompted by allegations of criminal conduct can be dismissed out of hand. (See brief, p. 26.) No such suggestion was made by CBS at the time of the previous investigations. Moreover, it was made clear on those occasions, as it has been in the present matter, that the Subcommittee's concern was with the adequacy of the Communications Act. The presence of alleged, or proven, criminal violations was incidental to those concerns. Had it not been—that is, had the Subcommittee been seeking information from CBS which related solely to the criminal conduct in those matters—those previous subpoenas might have been successfully challenged as going beyond this Subcommittee's valid legislative concerns.

It is, therefore, clear that the present subpoena stands on the same legal ground as the two previous subpoenas just referred to. For this reason especially the Subcommittee should note carefully the clear implication to be found on page 26 of the CBS brief that CBS reserves the right to challenge similar subpoenas in the future. Such challenge could be formulated, as indeed it has in the present situation, by the simple expedient of asserting that compliance would "chill" the exercise of CBS' First Amendment rights. Since CBS is a corporation whose business is communication, such rationalizations will not offer any great challenge to ingenuity.

In any event, most of the CBS argument as to the breadth of the April 7 subpoena (see CBS brief, p. 24 and p. 27, note) has been rendered moot by the Subcommittee's action of May 26, 1971. In that action the Subcommittee noted the receipt of certain information and materials from CBS and determined that these satisfactorily met the requirements of all but one of the paragraphs of the April 7 subpoena. It accordingly rescinded the April 7 subpoena and issued a new one which called for only the material still not provided. In doing so, it made clear that the so-called outtakes included only those related to events or interviews actually incorporated into the broadcast. This, for example, renders irrelevant the CBS statement (p. 24) that speaks of "key confidential sources" being silenced lest they "risk being identified."

As already set forth in Section I–A, *supra*, the legislative purpose of the Subcommittee's inquiry is clear, and the breadth of the April 7 subpoena, now rescinded, and the May 26 subpoena was appropriate to that purpose.

B. First amendment applicability to broadcasting

CBS asserts that "for all relevant purposes" the media are to be treated identical with respect to the applicability of the First Amendment. The CBS brief does not define what it contemplates by the words "all relevant purposes." Whatever interpretation is placed upon those words, however, the statement is clearly erroneous. This much is clear from the authorities which have been referred to in Section I–B of this memorandum. In making statements of this kind, the CBS brief falls into the "mechanical jurisprudence" and "sterile argumentation" condemned by Justice Frankfurter in his concurring opinion in *Kovacs v. Cooper*, 336 U.S. 77 (1949):

"Some of the arguments made in this case strikingly illustrate how easy it is to fall into the ways of mechanical jurisprudence through the use of oversimplified formulas. It is argued that the Constitution protects freedom of speech: freedom of speech means the right to communicate, whatever the physical means for so doing; sound trucks are one form of communication; *ergo* that form is entitled to the same protection as any other means of communication, whether by tongue or pen. Such sterile argumentation treats society as though it consisted of bloodless categories. The various forms of modern so-called "mass communications" raise issues that were not implied in the means of communication known or contemplated by Franklin and Jefferson and Madison. Movies have created problems not presented by the circulation of books, pamphlets, or newspapers, and so the movies have been constitutionally regulated. *Broadcasting in turn has produced its brood of complicated problems hardly to be solved by an easy formula about the preferred position of free speech.*" (Citations omitted.) (Emphasis supplied.)

Television broadcasting, with its pervasive power and its potential for electronic manipulation, presents a problem unique to all media. This aspect alone distinguishes it from the printed media sufficiently to justify the Subcommittee's inquiry (*cf. Banzhaf v. F.C.C.*, 405 F.2d 1082 (D.C. Cir. 1968), *cert. den.* 396 U.S. 842 (1969), especially pp. 1100–1101).

The very nature of the printed media is that it attempts to tell a story, describing an event with words. It does not purport to recreate the event itself. Generally, the essentials of the story will be told in the lead paragraph; the reader not only knows, but expects, the account to be rearranged and abbreviated for rapid digestion. Punctuation and words disclose when editing has occurred. The reader is a second-hand recipient of the news, and he knows it.

The nature of television, on the other hand, is that it purports to *preserve* the actual event, recreating it for the eye and ear, giving the viewer the impression that he is a first-hand observer of the news. It is this characteristic which gives television its unique quality, and provides an opportunity, in the absence of appropriate disclosure, for employment of manipulative techniques which might rob the viewer of reality.

Time, in its June 7, 1971 "Essay" at page 57, commented on this aspect of television during a discussion of differences in the media:

"Both TV and print journalists edit. Because the camera proclaims 'I cannot lie, I only show what is there,' TV editing is less obvious, but for that very reason it can provoke more resentment, more of a sense of being fooled, when it is noticed. All these (and more) are distinctions too readily ignored."

The same thought has been expressed, somewhat more bluntly, in the following language attributed to Malcolm Muggeridge:

"[The camera is] the most easily manipulated and plausible instrument for deceiving our fellows ever to be devised."

Abuses in editing, such as transposition of questions and answers in filmed interview, to cite but one example, go far beyond the sanctity of communication protected by the First Amendment. For what is being done in such instances is not slanting, or selective quotation; it is nothing less than a deceptive manipulation of the public's senses of sight and hearing. Visual and aural reality are left on the cutting-room floor.

In support of its position that "for all relevant purposes" broadcasting is entitled to identical First Amendment protection of other media, CBS cites a libel case which is clearly not in point. *Rosenbloom v. Metromedia, supra;* (brief, p. 9; the case is discussed on page 24 of this memorandum.). Moreover, it cites *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495 (1952), both for the proposition (1) that differing characteristics in the media justify varying First Amendment application (brief, p. 10), and (2) that "the basic principles of freedom of speech and press, like the First Amendment's command, do not vary." (Brief, p. 15.) With respect to the second proposition, and not discussed by CBS, the Court specifically commented that each mode of expression presents its own peculiar problems which could justify a modification of the First Amendment treatment accorded it.

Clearly, the problem area of editing-disclosure, unique to television broadcasting, involves one "relevant purpose" wherein that medium is not entitled to identical First Amendment treatment accorded the print media. Congress not only has the right but the duty to inquire into this area.

C. Right of the press to criticize the government

CBS cites numerous cases generally upholding the right and responsibility of the press to criticize the government and thereupon concludes that the Subcommittee's action is unconstitutional. (Brief, pp. 16–20.) It is agreed that the press has this basic and invaluable right under our system and is free to criticize the government. But the cases cited are irrelevant to the matter at hand.

The Subcommittee's inquiry is concerned with the possible use of deceptive electronic editing and manipulative techniques and the implications, if any, on the laws governing broadcasting. Specifically stated in the legislative concerns is the possibility that disclosure to the public might be found desirable in instances wherein such deceptive techniques are employed. The CBS argument on this point states that its right to be critical of the government will be violated should the Subcommittee proceed with such an inquiry. This, in turn, assumes *sub silentio* that criticism of the government cannot be carried out via television without recourse to deceptive electronic techniques and further, that the use of such techniques must be allowed to be employed without disclosure to the public. The mere statement of the argument is sufficient to refute it.

D. Alleged "chilling effect" of subcommittee subpoena

The CBS argument on this point closely parallels the argument raised against the Fairness Doctrine and its personal attack provisions. As is well known, the Supreme Court rejected those arguments in the *Red Lion* case, *Supra*. In that case, it was contended that the result of these provision would be to lead to broadcast self-censorship respecting matters of importance to the public. The Court laid such arguments to rest in the following language:

"That this will occur now seems unlikely, however, since if present licensees should suddenly prove timorous, the Commission is not powerless to insist that they give adequate and fair attention to public issues. It does not violate the First Amendment to treat licensees given the privilege of using scarce radio frequencies as proxies for the entire community, obligated to give suitable time and attention to matters of great public concern. To condition the granting or renewal of licenses on a willingness to present representative community views on controversial issues is consistent with the ends and purposes of those constitutional provisions forbidding the abridgment of freedom of speech and freedom of the press. Congress need not stand idly by and permit those with licenses to ignore the problems which beset the people or to exclude from the airways anything but their own views on fundamental questions. The statute, long administrative practice, and cases are to this effect.' (395 U.S. 367, at 393–94.)

In the *Red Lion* case, it was at least possible to argue that the Fairness Doctrine, and its personal attack applications, placed a burden on the free speech of broadcasters by virtue of the fact that they asserted a *continuing obligation* which applied to the discussion of controversial issues. The reasons for rejecting that argument are all the more clear in the case of the Subcommittee's subpoena. Unlike the Fairness Doctrine, the subpoena imposes no continuing burden beyond the provision of the specific information called for therein.

The CBS brief makes a number of gratuitous assertions that the subpoena will have an effect "on the journalist's information-gathering techniques as well as on the accessibility of news sources," (brief, p. 24). But these assertions are not self-evident and the CBS brief makes no attempt to demonstrate how this "chilling effect" is to operate.

It is quite clear, for example, that the Subcommittee's inquiry does not relate to the "information-gathering techniques" of the broadcast media. Moreover, even if it did, such a purpose would not be improper from a legislative standpoint (*cf.* "Project Nassau" investigation). In the present matter, however, the inquiry is centered on electronic manipulative techniques which take place after the "information-gathering" function has been performed. It cannot be seriously argued that journalists will be inhibited in seeking out information and interviews by the knowledge that subsequent electronic rearrangement of the material they gather might be subject to public scrutiny.

Morever, the CBS argument seems to proceed on the basis of a rather fundamental misconception as to the material called for in the subpoena. Neither the now rescinded April 7 subpoena, nor the present subpoena issued on May 26, deal is disclosure of "confidential sources." Nor do they call for any journalist's "notes" (CBS brief, p. 24).

There is also reference made to "background scripts" (CBS brief, p. 20). It is not clear from the context just what this term is supposed to encompass. The scripts and/or transcripts referred to in the Subcommittee subpoena, however, encompass simply the *verbatim* transcription of material which is included in the film and recordings described in the subpoena. As such, such scripts and transcripts (terms which are redundant for the sake of completeness in describing the material desired) would offer the Subcommittee no additional information than already contained in the film and tape recordings themselves; although they would provide such information in a more convenient form.

While the "chilling effect" argument has a superficially appealing rhetorical ring, it is a specious argument in this instance. As indicated above, the subpoena is not designed, nor will its effect be, to produce such an effect. It is directed toward a limited information area regarding film-editing techniques utilized in one program. External evidence already reveals that a *prima facie* case of deceptive editing exists. Since the outtakes are relevant to a valid legislative purpose, as well as being indispensable to carrying out that purpose, and since the chilling effect is illusory, CBS' First Amendment argument in this regard must fail.

E. Asserted equivalence of outtakes to "reporter's notes"

CBS hinges much of its argument to the proposition that outtakes "are the broadcast journalist's equivalent of the newspaper reporter's notes" and, therefore, should not be subject to subpoena. (Brief, p. 25.) CBS cites no legal authority, there being none, in support of this contention. Apart from the question of whether a reporter's notes may be subject to subpoena (this in itself is an unsettled question; see *Caldwell* discussion below), no court of law has ever held that outtakes are the equivalent of a reporter's notebook.

The images and sounds appearing on outtake materials are those pertaining to actual events recorded for possible presentation to the public. As such, they cannot be equated to the private thoughts and impressions of a reporter committed to a notebook.

Apart from government film, the outtakes in the Pentagon documentary consist of films of public events and of interviews with individuals who provided them for public broadcast. To give one example, the speech of Colonel MacNeil was filmed at a public gathering in Peoria, Illinois. Only a portion of the speech was shown in the documentary. It is impossible to conceive of any plausible theory by which the unshown parts of this public speech, the outtakes, could be privileged or be the equivalent of a reporter's private notebook.

Extrinsic information indicates that the portion of Colonel MacNeil's speech, shown in the documentary, was manufactured by selecting disconnected sentences and then splicing them insequentially; and, further, that through such film editing techniques the words were made to appear as if they had been delivered exactly as shown in the broadcast. When such material is broadcast to the public as *bona fide* evidence concerning an actual event, it is relevant to inquire whether the public should have a right to be assured that such evidence is what it purports to be, or be advised when it is not. CBS should not be permitted to obstruct such a public inquiry by claiming a privilege with respect to outtakes that is nonexistent.

F. CBS reliance on Caldwell case

CBS relies most heavily upon *Caldwell v. U.S.*, 434 F.2d 1081 (9th Cir. 1970), as supporting its contention that the subpoena is illegal for First Amendment reasons. (See citations, brief, pp. 22, 24, 27.) But *Caldwell* is clearly distinguishable from the standpoint of holding and facts, and instead of buttressing the CBS position, it tends to undermine it:

1. *Caldwell* is unsettled law. Indeed, in early May, 1971, the Supreme Court announced it would hear arguments during the Fall Term on *Caldwell* and two related cases from the Supreme Courts of Massachusetts and Kentucky. The two state courts, one case involving the subpoena of a television newsman-photographer, held contrary to *Caldwell* and did not recognize any journalistic immunity from subpoena. See *In the Matter of Paul Pappas*, Supreme Judicial Court of Massachusetts, No. 14,690, January 29, 1971, and *Branzburg v. Pound*, Court of Appeals of Kentucky, No. F-213-69, November 25, 1969.

In the *Pappas* case, *supra*, the Supreme Judicial Court of Massachusetts considered the *Caldwell* case and specifically rejected it:

"Were we to adopt the broad conclusions [footnote omitted] of that decision, that a newsman's privilege exists because of the First Amendment, we would be engaging in judicial amendment of the Constitution or judicial legislation. Requiring a newsman to testify about facts of his knowledge does not prevent their publication or the circulation of information. . . . We are of the view also that the opinion unnecessarily expresses, in terms of newly discovered constitutional absolutes, interests of the news media, which (so far as reasonably requiring protection) may be guarded by sound judicial discretion and administration. . . . We adhere to the view that there exists no constitutional newsman's privilege, either qualified or absolute, to refuse to appear and testify before a court or grand jury [footnote omitted]. The obligation of newsmen, we think, is that of every citizen, viz. to appear when summoned, with relevant written or other material when required, and to answer relevant and reasonable inquiries." (Slip opinion, pp. 12-13.)

The Supreme Court of Kentucky (*Branzburg* case, *supra*) has also refused to follow *Caldwell*.

2. In any event, the holding in *Caldwell* is a very narrow one and recognizes only a "qualified privilege" which could have been overcome by a showing of compelling need by the government (*Caldwell*, p. 1089). The strict limitations of *Caldwell* are evident in the words of the court:

"Finally we wish to emphasize what must already be clear: the rule of this case is a narrow one. It is not every news source that is as sensitive as the Black Panther Party has been shown to be respecting the performance of the 'establishment' press or the extent to which that performance is open to view. It is not every reporter who so uniquely enjoys the trust and confidence of his sensitive news source."

Clearly, the court viewed its decision in *Caldwell* in a much more restricted sense than does CBS.

3. The *Caldwell* decision turned largely upon the fact that sensitive news sources would have been destroyed if Caldwell were required to respond to the subpoena to appear before the Grand Jury for testimony. No such sensitive or confidential sources are present in the Pentagon documentary. In this regard, the CBS narrator said in introducing the program:

"We selected three areas for concentration: direct contacts with the public, Defense Department films, and the Pentagon's use of the media—the press and television. We sought no secret files, no politicians pleading special causes, no classified documents. *We looked only at what is being done for the public—in public.*" (Emphasis supplied.)

4. Outtakes are not the equivalent of the reporter's notes in *Caldwell*. (See E, above.)

5. In *Caldwell*, the court observed that further testimony by Caldwell would result in no additional information than that already developed—"a barren performance." (*Caldwell*, p. 1089.) By contrast, the outtakes are indispensable to a meaningful evaluation of the subjects under consideration. These would include, of course, the doctoring techniques used in connection with the Henkin interview and the MacNeil speech.

6. In *Caldwell*, the court said the newsman's "qualified privilege" could have been overcome by a showing of a compelling need (*Caldwell*, p. 1086). By contrast, there is no CBS privilege to overcome and, moreover, there is a compelling need for the outtakes. These constitute the best evidence by which to address the legislative concerns of the Subcommittee.

7. Another key factor in *Caldwell*, which does not exist in the CBS case, is the court's concern that if a reporter were required to make available information obtained in his capacity as a news gathering, it would have the effect of converting him, after the fact, into an investigating arm of government. By comparison, the Subcommittee has no interest in the information developed by CBS in connection with the documentary. It is only interested in outtakes film from the standpoint of evaluating manipulative electronic techniques, e.g., the Henkin interview.

This same concern over making the newsman an unwilling adjunct to the criminal investigation process is the basis for the Attorney General's guidelines on subpoenaing newsmen. The CBS reliance on these guidelines as being applicable to the Subcommittee's subpoena power is therefore misplaced.

8. Finally, the original subpoena in *Caldwell* calling upon him to produce his notes, etc. was withdrawn. The issues now involved in *Caldwell* do not include a subpoena *duces tecum*, and do not involve calling for the production of notes.

For all the above reasons, the *Caldwell* case so heavily relied upon by CBS, is deemed irrelevant and non-persuasive with respect to the issues involved in the Subcommittee's subpoena.

G. Absence of allegations of illegal conduct

CBS emphasizes that when it furnished the outtakes in "Project Nassau" an additional factor was present, i.e., an accusation involving violation of criminal laws. (Brief, p. 26.) This is, of course, factually incorrect inasmuch as the Subcommittee made no charges of any kind in initiating its "Project Nassau" investigation. Yet CBS suggests that this ingredient—allegations of law violations—might be pivotal in whether it would comply with a Congressional subpoena.

Acceptance of this ill-founded position could lead to dire consequences. Indeed, it could mean that CBS would not furnish the outtakes to "Project Nassau" should it have occurred today. This is so because (a) if a violation of criminal statute is requisite for exercise of Congressional subpoena power on a broadcaster and (b) since no alleged violation of a criminal statute within the jurisdiction of the Commerce Committee was present in "Project Nassau", then (c) CBS could assert that the Commerce Committee is without jurisdiction in the matter.

The fact is that Congressional subpoena power, exercised in connection with a valid legislative purpose—and relevant thereto, is not dependent upon violations of criminal laws. (See pp. 6–7, *supra*, this memorandum.)

III. SUMMARY AND CONCLUSIONS

To briefly summarize the contents of this memorandum, the following points have been established (references are to pages in this memorandum):

1. The right of Congress to investigate, and to compel the production of information, is inherent in its authority to legislate. The central elements are (a) a valid legislative purpose; that is, the inquiry must be addressed to matters concerning which Congress could legislate, and (b) information or testimony sought must be relevant to the legislative purpose (*McGrain*, see p. 3).

2. The right of Congress to investigate does not depend upon accusations of wrongdoing, or alleged violations of criminal law (see *Oklahoma Press*, p. 5).

3. This Subcommittee has been authorized by the Congress to conduct investigations and studies on all matters within the jurisdiction of the House Commerce Committee; that jurisdiction includes the regulation of broadcasting (see pp. 15–16).

4. With respect to the applicability of the First Amendment, broadcasting is not identical to other means of communication (*NBC* case, p. 20; *Red Lion* case, p. 21).

5. The legal status of a broadcaster cannot be equated to that of a newspaper publisher (*NBC*, p. 20; *Red Lion*, p. 21; *Church of Christ*, p. 33).

6. Regulation may validly concern itself with matters of program content (*NBC* p. 20; *Red Lion*, p. 21; *Johnston Broadcasting*, p. 23.)

7. Broadcasters are legally considered "proxies" or "fiduciaries" for the public and, as such, must act "in the public interest." (*Red Lion*, p. 21; *Church of Christ*, p. 33; *McIntire*, p. 31.)

8. Regulation of broadcasting so as to prohibit deception to the public is a well-recognized exercise of the regulatory power (FTC–FCC Liaison, p. 35; 47 C.F.R. 73.653 ("Mechanical Reproduction" Disclosure), p. 36; Communications Act, Section 317, 508 and 509, pp. 36-37; 47 C.F.R. 73.654 (Disclosure of Outside Assistance in Connection with Political Programming), p. 37; *Metromedia* case, p. 37; Attorney General's "Deceptive Practices in Broadcasting Media" Report, p. 39).

9. The First Amendment is primarily concerned with the rights of individuals as opposed to those of business enterprises. The First Amendment rights of individual members of the public take precedence over those of the broadcasters (*Associated Press*, p. 43; *Red Lion*, p. 21; FCC Editorializing Report, pp. 27, 30; *NBC* case (opinion of L. Hand, D.C. Court of Appeals), p. 43; *NBC* case (Supreme Court), p. 20).

10. The right of Congress to legislate constraints upon those who communicate information to the public when their activities collide with the public interest is well-established (*Associated Press*, p. 43; *Regina Corporation*, p. 47; *E. F. Drew*, p. 47; *Wall Street Transcript* case, p. 48; *Curtis Publishing Co.*, p. 48).

11. Freedom of the press is a derivative right conditioned upon the public interest in preserving freedom of speech (*Associated Press*, p. 43).

12. Techniques of electronic manipulation facilitate the presentation of artificially created scenes as objectively observed facts (see *Metromedia* case, p. 37).

13. Because decisions bearing upon political and social issues are founded upon what is believed to be factual information, the concealment of techniques which misrepresent such factual information presents a clear and present danger (see e.g., statistical data, p. 54).

This memorandum has explored the legal authorities relevant to the specific issue at hand:

"In the light of the First Amendment, has the Congress the right to subpoena non-broadcast materials related to a television documentary, when those materials are relevant to a question of deceptive practices and do not involve confidential or secret sources?"

The issue has been resolved in the affirmative. As the cases clearly demonstrate, the right of the Congress to investigate, and to compel the production of information, is inherent in its authority to legislate. This power may be exercised with respect to subject matter at least as broad in scope as the laws which Congress might consequently enact (see pages 2–17).

Existing broadcast law and regulations are replete with provisions similar to the measures presently under consideration by the Subcommittee. In addition, the full Committee presently has bills before it whose consideration would be materially aided by the information sought from CBS. Acceptance of the CBS argument in this matter would invariably call into question large areas of existing broadcasts law and regulations. It would also result in the Commerce Committee being forced to attempt to evaluate and pass upon pending legislation in a vacuum.

The CBS brief attempts no demonstration that the information subpoenaed by the Subcommittee would be irrelevant to any valid legislative purpose. The absence of this essential element in the CBS response vitiates the force of its arguments.

The material called for in the Subcommittee's subpoena is relevant to the legislative purpose addressed in this inquiry. It affords the best, and perhaps sole evidence on which to adequately determine the existence, extent, and nature of certain deceptive manipulative techniques. While it is not necessary to sustain a Congressional inquiry of this kind that actual legal violations be alleged, or suspected, in the present case external evidence indicates the existence of questionable broadcast practices having severe implications on the public interest.

The arguments by which CBS has sought to dispute the power of the Subcommittee to require the materials described in its subpoena revolve around the failure of CBS to distinguish its operations from those of a newspaper. This distinction, however, is firmly fixed in the law. A secondary thread of argument advanced by CBS depends upon a restatement of the legislative purposes behind the Subcommittee inquiry in an attempt to broaden them beyond the permissible scope of Congressional action. The attempt has been carried through by a process of out-of-context quotation from the statement of legislative purpose provided to CBS. In view of the case law which accords very broad scope to Congressional inquiries, the attempt is deemed to be of no legal consequence.

The acceptance of CBS' interpretation of the law would necessarily preclude any similar inquiry by the FCC. The FCC has enunciated a limited goal in exercising its regulatory function in this area involving alleged deception of the viewing public. The Commission has stated that it will not even investigate charges of distorting or staging news except in those instances wherein "there is substantial evidence that a station's management or news management has deliberately engaged in such a practice." (FCC *36th Annual Report*, page 34). By this, the Commission has reference to "extrinsic" evidence (FCC *36th Annual Report*, page 2). Analysis and criticism of the FCC's position in this respect would be beyond the scope of this memorandum. It should be noted, however, that this regulatory policy would be utterly defeated by the acceptance of the position taken by CBS in this matter. Since the FCC would presumably seek to make inquiries in the public interest in a case wherein there was substantial extrinsic evidence of staging of news which was (a) deliberate, and (b) by management, it would be met by the same arguments from CBS as are advanced against the Subcommittee's inquiry into the "Pentagon" documentary. The result would be that the FCC could not make inquiries necessary to uphold the public interest even in those instances which met its prerequisite conditions.

The defiance of a duly authorized Congressional subpoena is particularly unsupportable coming from a corporation which, by virtue of its broadcast licenses, is impressed with the legal status of a trustee and fiduciary for the public. If such a trustee can defy the right of the Congress, the collective representative of the people, to inquire into matters touching on the exercise of its fiduciary duty, the concept—upheld in many court decisions—has been rendered illusory. A trustee who is answerable to no one is a trustee in name only. It is idle, of course, to suppose that complex and basic inquiries can be conducted by individual members of the public. It is only through their elected representatives, to whom they have entrusted the conduct of the public business, that the people can effectively act.

CONCLUSIONS

If, as CBS now maintains, a broadcast licensee cannot be required to provide information as to how it is fulfilling its public trust, the longstanding fiduciary status clearly enunciated by the courts has been rendered illusory.

The prevention of deception of the public has been addressed in a number of provisions already in the law. While the Subcommittee may determine not to recommend legislation addressed to the area of deception via electronic transposition and manipulation, the inquiry is valid inasmuch as it addresses an area in which the Congress, if it chose, could legislate validly. The supposed identity between broadcasters and newspaper publishers has been repeatedly and emphatically rejected by the courts.

In the present matter, the investigatory function is addressed to a valid legislative purpose, and the information required of CBS is relevant to that purpose. The Subcommittee has clearly informed Dr. Stanton and CBS of this legislative purpose, and explained the relevancy of the information required to be produced.

For all of the facts and reasons stated above, it is concluded that under existing law the Subcommittee is entitled to compel the production of the materials described in its subpoena and that the refusal by CBS to comply with the subpoena dated May 26, 1971, is without legal justification.

SUPPLEMENTAL MEMORANDUM REGARDING RELIANCE BY CBS UPON THE NEWSMAN'S PRIVILEGE

Counsel for CBS has posited that "broadcasters are protected by the First Amendment, for all relevant purposes, in the same way that other forms of journalism are protected." See p. 1 of letter dated June 15, 1971 from Wilmer, Cutler & Pickering to Columbia Broadcasting System, Inc. The logical error in this premise is the refusal to acknowledge the fact, so frequently stated by the Supreme Court, that the rights guaranteed by the First Amendment are not, and never have been, an absolute barrier to legitimate legislative or judicial inquiry. See e.g., *Curtis Publishing Co.* v. *Butts*, 388 U.S. 130 (1967) and *Rosenbloom* v. *Metromedia, Inc.*, 39 U.S. Law Week 4694 (June 7, 1971). "The chief purpose of (the First Amendment's) guarantee (is) to prevent previous restraints upon publication." *Near* v. *Minnesota*, 283 U.S. 697, 713 (1931). No question of prior restraint is involved in the instant situation. "The Selling of the Pentagon" was broadcast. The Committee is only concerned with calculated deception and any legislation which might be forthcoming as a result of our inquiry would not be geared to prior restraint but only to identification or prohibition of such deception.

Many years have passed since Chief Justice Holmes phrased the oft-quoted maxim that freedom of speech is not a license to cry fire in a crowded theater. Recently, Justice Brennan pointed out that "calculated falsehood, of course, falls outside 'the fruitful exercise of the right of free speech.'" *Rosenbloom* v. *Metromedia, Inc.*, supra at 4702. Freedom of the press is a correlative of freedom of speech. See *de Tocqueville, Democracy in America*, vol. 1, p. 190 (Vintage ed. 1945). When these countervailing interests—the right of the people to know and the right of a news medium to deceive—come into conflict, paramount importance must be ascribed to the Amendment rights of the people. As the Supreme Court pointed out in *Associated Press* v. *United States*, 326 U.S. 1, 20 (1945):

"It would be strange indeed . . . if the grave concern for freedom of the press which prompted the adoption of the First Amendment should be read as a command that the government was without power to protect that freedom . . . *Freedom of the press from governmental interference under the First Amendment does not sanction revression of that freedom by private interests.*" (Emphasis supplied.)

This was reinforced in *Curtis Publishing Co.* v. *Butts, suvra* at 150:

"The fact that dissemination of information and opinion on questions of public concern is ordinarily a legitimate protected and indeed cherished activity does not mean, however, that one may in all respects carry on that activity exempt from sanctions designed to safeguard the legitimate interests of others. A business is not immune from regulation because it is an agency of the press. The publisher of a newspaper has no special immunity from the application of general laws. He has no special privilege to invade the rights and liberties of others."

CBS has been strangely silent about the right of free speech of those whose words were altered and the right of the viewing public to learn the views of others without manipulation or deceit.

The duty of a reporter to disclose his notes and to testify thereon is the same as the duty of any citizen to appear when summoned, with relevant written or other material when required, and to answer relevant and reasonable inquiries. See *In the Matter of Paul Pappas*, p. 13, Bris–14,690, Mass. Sup. Jud. Ct., January 29, 1971, *cert. granted* 39 U.S. Law Week 3402 (March 16, 1971) (No. 1434). As the Supreme Court observed in *Blackmer* v. *United States*, 284 U.S. 421, 438 (1932), "the concept that it is the duty of a witness to testify in a court of law has roots fully as deep in our history as does the guarantee of a free press." No privilege existed at common law which excused a newspaper reporter from disclosing his notes. As a general rule, the public "has a right to every man's evidence." See *Wigmore, Evidence* (McNaughton rev.) sections 2192 and 2285. A privileged commuication is one made, in professional confidence, which the listener is not permitted to divulge. This includes husband-wife, attorney-client, priest-penitent and, in some instances, doctor-patient. Priviliges, however, are the exception to the general rule and the courts are reluctant to create new privileges where none have existed. As is pointed out in the preface to the American Law Institute's Model Code of Evidence:

"If a privilege to suppress the truth is to be recognized at all, its limits should be sharply determined so as to coincide with the limits of the benefits it creates."

Counsel for CBS has invited our attention to the various state Newsman's Privilege Acts and cases interpreting those acts. One State court decision apparently creates such a privilege in the absence of any statute. Briefly, a Newsman's Privilege Act generally provides:

"No person shall be compelled to disclose . . . the *source* of any information procured or obtained by him, and published in a newspaper or by a radio or television broadcasting station by which he is engaged or employed, or with which he is connected."

See, e.g. Kentucky Revised Statutes 421. 100.

These statutes, and the cases cited by CBS counsel, would only extend to broadcasters the privilege of newsmen to refuse to identify their confidential sources. In the absence of a confidential source, a newsman is not, and never has been, entitled to refuse to testify about a news item he has published. CBS, in "The Selling of the Pentagon," asserted that:

"We sought no secret files, no politicians pleading special causes, no access to classified documents. We looked only at what is being done for the public—in public."

In view of the fact that no confidential sources are involved, any reliance upon a claim of Newsman's Privilege is misplaced and inapposite. The subpoena of CBS seeks no confidential materials, seeks no disclosure of confidential sources, seeks the production of no materials as to which honest men could assert a claim of compromise of non-public information. The duty now clearly rests upon CBS and Frank Stanton, as citizens and for the sake of argument as newsmen, to come forward with the subpoenaed materials.

CAREERS AND PERSONALITIES OF LEADING AMERICAN GENERALS OF WORLD WAR II

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, July 8, 1971

Mr. BYRD of Virginia. Mr. President, the Richmond Times-Dispatch of June 14 contains an interesting article written by Tom Luce concerning a book about the careers and personalities of the leading American generals of World War II.

The book, entitled "Nineteen Stars," was written by Edgar F. Puryear, Jr., of Madison County, Va. Mr. Puryear, formerly assistant dean of faculty of the Air Force Academy, holds a Ph. D. from Princeton University and a law degree from the University of Virginia. He is an outstanding young Virginian.

In his book, Mr. Puryear says that he finds a typically American pattern of leadership in the careers of men so diverse as George C. Marshall, Dwight D. Eisenhower, Douglas MacArthur, and George S. Patton, Jr.

Mr. Puryear finds that throughout their careers, even during their years of schooling, these four generals showed the potential for the leadership which they were later to display in World War II.

I ask unanimous consent that the article entitled, "Four Leaders Shared Pattern of Greatness," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOUR ARMY LEADERS SHARED PATTERN OF GREATNESS

(By Tom Luce)

CHARLOTTESVILLE.—Despite differences in temperament and style, Eisenhower, Marshall, Patton and MacArthur shared a distinctly American pattern of military greatness during World War II, says a Madison County author.

Edgar F. Puryear Jr. says the military character of the genial Eisenhower, the austere Marshall, the flamboyant Patton and the imperious MacArthur gives these leaders a common bond.

Puryear, who has devoted much of the past decade to a comparative study of the four war leaders, said a definite leadership pattern emerged from his research.

Writing in his recently published book, "Nineteen Stars," Puryear said the character of the four generals was of the "highest"; they shared the integrity, the humility, the selflessness, the concern for others, the reverence and showmanship which are present in most top military leaders.

In an age when many young people are attempting to define character, Puryear feels that his book could offer a contribution to that quest.

Puryear, who earned his doctorate at Princeton University and later a law degree at the University of Virginia, formerly was assistant dean of faculty at the Air Force Academy in Colorado Springs, Colo.

"Nineteen Stars" is the outgrowth of a series of cadet lectures and it is patterned after Douglas Southall Freemen's "Lee's Lieutenants," a well-known Civil War Biography.

While some scholars contend that men are born for command, Puryear argues that leaders are made. The key to their success is preparedness and dedication, he says.

To prove his point, Puryear traces the World War II careers of General of the Army George C. Marshall, Army chief of staff; General of the Army Dwight D. Eisenhower, supreme commander of Allied forces in European Theater; General of the Army Douglas MacArthur, commander in chief in the Far East, and Gen. George S. Patton, Jr., generally considered the greatest field commander in the European Theater during the war.

What most Virginia veterans will probably remember most about these four leaders is what Puryear calls "showmanship." Of the four, Patton was the most publicized and perhaps the greatest showman.

Few who served with him will forget Patton, with his tailored uniform and its rows of ribbons, his pink whipcord riding breeches, the high-topped cavalry boots, the pearl-handled pistols, and the gleaming stars the general wore, even into combat.

Eisenhower had his famous grin and short military jacket; MacArthur his corncob pipe, open-collared shirt sans medals, and rakish field marshall's hat; and Marshall his well-maintained aura of simplicity and reserve.

Puryear, however, has dug beyond the generals' images and has traced similarities in their careers. He notes, for example, that three of the four had some setback during their years as military school cadets; that all had to make personal sacrifices to stay in the Army, and that all faced years of slow promotions and unpleasant duty assignments.

Of the four generals, Patton and Marshall attended Virginia Military Institute. Patton left VMI after his first year, when he earned an appointment to West Point. Patton later graduated from West Point; as had MacArthur and Eisenhower.

It was during their cadet years that the four began to show signs of promise. While the academic success of Eisenhower, Patton and Marshall could be described as mediocre, MacArthur's was brilliant.

At West Point MacArthur held the dual honor of being first captain and graduating number one in his class. He established an academic record which went unbroken for decades.

While their academic standings differed, all four exhibited leadership potential as cadets. Marshall and MacArthur received the highest possible cadet rank each successive year, as did Patton until his final year. The easygoing Eisenhower made rank three times, lost it twice, but was elected to the academy's sole elective post—Cheerleader.

There were other indications of potential leadership. In Marshall's "rat" year at VMI, for example, he underwent a severe hazing at the hands of an upperclassman.

Puryear wrote that the young Marshall was ordered to squat over a bayonet which had been jammed point up into the floor. As the tiring Marshall continued to squat over the bayonet, Puryear said, Marshall "refused to give his tormentor the pleasure of watching him whine."

Eventually, "the strain of this excruciating position got the best of him" and Marshall fell rearward, to the point of the bayonet, Puryear said.

Once the upperclassman saw blood, Puryear said, the cadet feared that Marshall would report him—meaning almost certain expulsion. However, Marshall never reported the man's name. He simply "got up and silently left the room," Puryear said.

"The rough, go-for-broke Patton was underneath a highly sensitive man, particularly when it concerned the men under his command," Puryear wrote. Yet it is Patton's headlong method of fighting that is so familiar to those who served under him in North Africa, Sicily and Europe, Puryear said.

Patton's fighting method was "designed to save American lives: his outlook that it took 18 years to make a soldier and only a few months to manufacture ammunition was typical of this attitude," Puryear said.

TRIBUTE TO THE LATE LOUIS "SATCHMO" ARMSTRONG

HON. RALPH METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. METCALFE. Mr. Speaker, the passing of Louis "Satchmo" Armstrong was a great loss to the world of jazz and a greater loss to America and black Americans.

Satchmo, as he was popularly called, was a great American and an outstanding credit to his race. His music spoke louder than words for brotherhood—for he brought people together with his trumpet and the spirit of his singing, heralding a theme of unity of his very own.

As a distinguished roving good-will ambassador, he carried his music and his trumpet touching the hearts of countless numbers not only throughout America and Latin America and Europe but also into Africa. He was a gifted artist and his renditions were of the highest order.

Mr. Speaker, I would like also to include a very fine tribute regarding the outstanding career of Louis Armstrong published in the July 7, 1971, edition of the Christian Science Monitor:

LOUIS ARMSTRONG—JAZZ SUPERSTAR

(By Melvin Maddocks)

BOSTON.—Louis Armstrong was one of those artists who seem so deceptively simple they keep being misunderstood. When he passed on Tuesday, July 6—just two days after the holiday he liked to pretend was his birthday—he left behind both a simple myth and a more complex actuality, inseparable from the simple myth and the more complex actuality of the music he played.

Armstrong's history coincided like destiny with the history of jazz. Born in 1900, he learned to play trumpet in a waif's home, coming of age just as jazz came of age in the Storeyville section of New Orleans during World War I.

When jazz moved north to Chicago in the early 1920's, Armstrong was there, playing second horn to King Oliver. In 1924 he and jazz completed their migration—to New York, where Armstrong joined Fletcher Henderson's band. As the famous Hot Five and Hot Seven records began to emerge from sessions in the mid-1920's, jazz and Armstrong had found their mature expression.

SOLO INSTRUMENT

Armstrong took a rough ensemble art and made room for the individual voice. Imperceptibly, what had been a lead instrument turned into a solo instrument. It is only a slight exaggeration to say that in making room for Louis Armstrong's genius, jazz spread and broadened until a folk art became a sophisticated form of self-expression.

By the 1930's, jazz had become the art of the soloist and Armstrong had become something more—a star. The measure of his talent was that he could turn a pop-tune banality like "I can't give you anything but love" into a classic. But was this straining the evolution of jazz too far?

The most unjust comparisons are those made with oneself. Louis Armstrong turned into a myth and night after night he was forced to live up to it. The star became a personality, and after World War II the personality became an act. Satchmo with mopping handkerchief, the dazzling teeth, the rolling eyes, the throaty chuckle. Satchmo playing "When the Saints Come Marching In" again and again. Satchmo (with strings) leaving the dwindling jazz audience altogether to make hit records like "Mack the Knife." Bravura runs, show biz high notes, and repetition took their toll.

Louis Armstrong may have ceased to grow by his earlier, astonishing standards of innovation. But mastery runs in a straight line through every record he made, the personal exuberance seeming to burst its electronic confinement. From a 1920's "Heebie Jeebies" to a 1960's "Hello Dolly," one horn is blowing, one gravel voice is singing. The notes vibrate with an authority, a daring simplicity no other jazzman has ever matched. Each melody is outlined so that it seems to have perfect finality, once and for all.

Armstrong played with a subtlety and a passion the simple genial mask of Satchmo belied. He must remain a beloved mystery. It is now time to say of him what he said of another enigma, Fats Waller: "To me, he is still here with us. His very good spirit will keep him with us for ages. Right now, every time someone mentions Fats Waller's name, why you can see the grins on all the faces as if to say, 'Yea, yea, yea, yea. . . .'"

"WAITING GAME" RECOMMENDED BY OMB ON ECONOMY CALLED A BAD DECISION FOR THE NATION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Mr. Hobart Rowen, the distinguished financial columnist of the Washington Post, pointed out in a recent article that the administration has made a fateful decision by adopting the policy recommended by the office of management and budget of waiting on the economy to accelerate rather than taking specific steps to assure a recovery.

The inflation-recession paradox continues, unemployment remains high, Federal revenues are running far below administration estimates, and Mr. Rowen says that, generally, prospects for a full recovery are dim in view of administration inaction.

Because of the interest of my colleagues and the American people in this most important subject, I place the article in the RECORD herewith.

The article follows:

[From the Washington Post, July 4, 1971]

PLAYING A WAITING GAME HURTS ECONOMY

(By Hobart Rowen)

If Mr. Nixon loses the election next year, historians might well look back, and pick the week-end of June 26–27, 1971, as the time when the issue was really settled.

For at Camp David a week ago, Mr. Nixon decided to play the waiting game on the economy recommended by Office of Management and Budget Director George Shultz, despite clearcut evidence that the economic recovery, such as it is, is very slow and spotty.

Unemployment for June dropped to 5.6 per cent from 6.2 per cent in May, but much of the improvement, the Labor Department acknowledges, is a statistical aberration. The real level, as it has been for months, is somewhere around an even 6 per cent. The President is gambling that the monetary and fiscal stimulus already cranked into the economy will cut that rate to no worse than 5 per cent during the election campaign, and that the trend will be in the right direction—down.

Whether Mr. Nixon sticks to the no tax cut, no increased spending scenario laid out by his new "Chief Economic Spokesman," Treasury Secretary John B. Connally, remains to be seen. But if he does, and if the economy fails to respond in 1972, it will hurt President Nixon at the polls.

The decision, if unchanged, is bound to drive an important wedge between the President and his old friend, Arthur F. Burns, Chairman of the Federal Reserve Board. The

Fed, struggling desperately to get the supply of money under control, has been looking to the White House for help, FRB analysts are pessimistic about the minimal nature of the upturn, and are hesitant to turn the money screws tighter unless there is help from the tax side.

"I couldn't believe (the President's decision) when I heard it," says a policy maker at the Fed. "It's a real bad one. They'll count on us to keep the money going—and if we don't well, then we're to blame for high unemployment."

Connally made much of the assertion that there is a great deal of "stimulus" coming from the budget deficit. But the increase in the budget deficit arises primarily from revenue shortfalls—which in turn are due to a bad economic forecast. Thus, Connally greatly exaggerates the degree to which the budget is stimulative.

Based on actual results for the first three months of the year and preliminary reports for the second quarter, the Gross National Product from January through June apparently was running at an annual rate of $1,030 billion. Thus, to get to that now-famous administration goal of $1,065 billion for the year, the economy would have to take off like a rocket, producing an annual rate of $1,100 billion for the second six months.

There are few economists left who think there is a ghost of a chance of that happening. Most, like Walter W. Heller, believe that the economy is running "on the track" of the $1,045 to $1,050 billion GNP which was the consensus among most, except Mr. Nixon's men, earlier this year. Privately, some administration hands admit it.

The successful Wharton School "model" of the economy predicts a GNP of $1,053.2 billion, with unemployment staying above 5.5 per cent for all of 1971, and not dropping down to 5.0 per cent (to say nothing of moving lower) until the end of 1972.

The dilemma, of course, is that inflation persists, and many fear that the problem will be worsened by the extraordinary 12 per cent expansion of the money supply. So far this year, the Federal Reserve has allowed an increase of $11 billion, or as much as during all of 1970.

What are the plus factors in the economy? Housing has been strong; consumer demand—still not spectacular—conceivably could respond to increased income (mostly from higher social security benefits) later this year; and because inventories (except for autos and steel) declined earlier this year, the process of inventory building should give the economy a lift later on in 1971. (A steel strike could complicate the picture, but no one in Washington thinks that a work stoppage would create a national headache—just for the steel industry.)

The stock market, meanwhile has been slipping responding both to the sluggishness of economic recovery, and to the exasperating upward drift of interest rates which has taken place in the teeth of one of monetary ease.

According to many Wall Street analysts, soaring interest rates could choke off the housing boom (one of the few signs of real strength in the economy) and put a crimp in whatever possibilities might have existed for business expansion later in 1971 and 1972. Recent history also tends to show that higher interest rates simply feed expectations of still higher interest rates, assuring the inevitable trend.

As for that intangible element, confidence, in which Arthur Burns puts so much faith, the Morgan Guaranty Trust Co.'s new letter was carefully noted in Washington: "An unusual amount of worry still exists among businessmen," due not only to the "recovery's lack of vigor," but to "uneasiness about Lockheed's difficulties—specifically concern about the repercussions they could have."

Perhaps Secretary Connally is to blame for that—after all, he has tried to sell the notion of a $250 million loan guarantee to Lockheed on the basis that bankruptcy in the already-troubled aerospace business could shake the whole economy.

On balance, then, the outlook is not very good, and there is nothing in the statistical record that Connally could deny. The GNP target won't be met, and unemployment will be high.

In fact, a long-time bi-partisan goal of reducing unemployment to 4 percent or less has casually been junked by Connally as a "myth." If Connally is asking this country to learn to live with a higher rate of unemployment, he will find that it is not willing to do it. Nor should it be willing to do so.

Insiders suggest that the Administration has given considerable weight to new academic studies produced for the Brookings Institution by Professors George Perry and Richard Gordon that show a more expensive unemployment-inflation ratio "trade-off." That is, because of changes in labor force composition and for other reasons, it takes an unemployment level around 5 percent to achieve a long-term inflation rate of 3 percent—instead of 4 percent unemployment, which was thought to be the "trade-off" point in the mid-1950s.

But neither Perry nor Gordon suggested acceptance of the higher unemployment rate; both are against holding the economy in check to achieve price stability—mostly because they don't think that such a policy works.

When economist Alan Greenspan, then a Nixon advisor, told a reporter during the 1968 Presidential campaign that more unemployment would have to be accepted as a cure for inflation, Arthur Burns, then also an adviser to Mr. Nixon, telephoned this correspondent at The Washington Post.

"I can say categorically," Burns told me, "that this does not reflect Mr. Nixon's position. This world of ours won't accept anything but a full employment policy." (Burns defined full employment as the level reached when the jobless rate is between 3.5 percent and 4.5 percent).

Either Mr. Nixon has changed his mind or Greenspan was right about Mr. Nixon's views all the time.

DANIEL ELLSBERG

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. MICHEL. Mr. Speaker, now that the Supreme Court has ruled on the so-called Pentagon papers case, attention is now turned to what action should or should not be taken with respect to Mr. Dan Ellsberg who has admitted that it was he who made the documents available to the New York Times.

In that regard, I noted a column by Mr. Joseph Kraft which provides some interesting observations as to the personality and character of Mr. Ellsberg based on three personal meetings between Mr. Kraft and Mr. Ellsberg. The column speaks for itself and I urge my colleagues to read it carefully.

Also, an editorial appearing in the July 2, 1971, edition of the Peoria Journal Star entitled, "The Ellsberg Papers," provides the viewpoint of a midwestern newspaper editor, Mr. C. L. Dancey, as to what Mr. Ellsberg's future might be, regardless of what decision is reached in the courts with respect to his case. I place the column and editorial in the RECORD at this point:

THREE MEETINGS WITH ELLSBERG

(By Joseph Kraft)

NEW YORK.—No one connected with Vietnam brings to bear on the problem more formidable equipment than the purveyor of the Pentagon papers, Dan Ellsberg. With intimate knowledge of the war on the ground, he combines experience in the Washington bureaucracy, intelligence of the highest order, and a well-nigh startling capacity for articulation of difficult themes.

Unlike most Americans, moreover, he truly cares about what happens to individual Vietnamese. It is almost exclusively due to his intervention, for example, that an anti-government political leader, Tran Ngoc Chau, is still alive.

But if I came to admire Ellsberg abundantly over a period of five years of intermittent meetings on Vietnam, I also came to doubt his judgments profoundly. And the story of those encounters is worth telling, for it says something about the present plight of both Ellsberg and the country.

Our first meeting took place in the Pentagon when Ellsberg was working for the late John McNaughton who was then Assistant Secretary of Defense for international security affairs. I had recently seen something of the Vietnamese Communists. At that time not much was known of them and I went to the Defense Department to tell McNaughton and Ellsberg my impressions.

Ellsberg in particular posed a series of hard questions. He wanted to know about Communist morale, about possible leadership rifts, about conflicts between North and South Vietnamese Communists, about their relations with China and Russia, about the origins and history of the Liberation Front, about its infrastructure and doctrinal notions. At the end I was asked what way I saw of ending the conflict.

I replied that the key was fostering in Saigon a regime that would negotiate with the Communists. That idea McNaughton and Ellsberg flatly rejected. There was no possible way for negotiation in their view. Vietnam was a test of the American will to resist Communist aggression.

A second meeting took place in Saigon when Ellsberg was working for Brig. Gen. Edwin Lansdale. The Lansdale idea, of which Ellsberg had become a violent partisan, was that a Saigon regime friendly to the United States could filch the Communist appeal to the countryside by a combination of social action. That notion seemed to me a pernicious fallacy and I had written as much.

When I first called him in Saigon, Ellsberg refused to see me. Then we arranged a clandestine meeting. He told me that in view of my doubts about the policy there was no point in our talking.

I next ran into Ellsberg in the spring of 1968 at a lunch in the home of Sen. Edward Kennedy in McLean, Va. By that time Ellsberg had changed his views and to the considerable embarrassment of everybody at lunch he talked at great length of how wrong he had been.

After lunch I drove him back to Washington. As we drove he kept glancing nervously over his shoulder. When we finally reached town he directed me first to one hotel, then to a second, then to a third, where he finally got out. He was taking precautions, he said, to avoid being followed by agents of the FBI or the Pentagon.

A last meeting took place several months ago at my house in Washington. By this time Ellsberg had long since become convinced that the war was profoundly immoral. He talked obsessively of America's guilt and the need to cleanse the national soul.

He recounted in every detail debates he had had with leading figures in the government.

He kept casting about for things that might be done to expose the officials responsible for Vietnam. It must have been about that time that the Pentagon papers were turned over to the New York Times.

Two themes run through these different, and not very consequential, meetings. One is the notion of national struggle. From first to last Ellsberg regarded Vietnam as something terribly important for the United States, a critical test of American strength and discipline and probity.

The other constant theme is ego involvement. Ellsberg at all times saw Vietnam as a measure of personal as well as national commitment. His sense of his own standing with himself and the world became a function of who was right.

But the central fact about the Vietnam problem is that it is vastly remote from such exalted considerations. It is a shabby affair in an insignificant country distant from the big issues of world history. It matters immensely to most Vietnamese but cannot for long matter much to most Americans. Thus there has been no way of meeting the problem by the force of positive achievement—either national or personal.

That is why Vietnam has been a special disaster for the best and brightest Americans, those most dedicated to find some good way out. And of these victims, not the least is Dan Ellsberg.

[From the Peoria Journal Star, July 2, 1971]

The Ellsberg Papers

Out of all the fuss and feathers, a few things are coming clear from the "Pentagon papers," the "purloined papers," or the "McNamara papers" (depending on which designation is preferred).

It is clear, first, that they are creating a vast amount of confusion. That might be expected out of a "history" that includes something like 45 volumes of estimates, qualifications, warnings, and ideas from an infinite number of government officials.

The result is a mad scramble of "claims" and "counter-claims" as to what the papers "prove," whereas the papers, themselves, are so voluminous and varied that you can find just about anything you want in them if you just cheat a little on what you omit.

Thus, confusion is emerging as the primary result.

A second thing, as a direct consequence, is beginning to emerge in terms of understanding just what the "papers" really are.

Somebody got the idea that a sensible, chronology of the war and the decision-making would be helpful in spotting past mistakes and making better future decisions.

A "review" might be helpful to McNamara, for example.

What happened, in typical bureaucratic fashion, however, was that the project grew and grew. Eventually something like 30 bright young men were employed to do the "research." Each one had the urge to be an "author" of some importance, however.

What resulted was a history written by "a committee," a very large committee.

What resulted was not a useful review but a staggering "history" weighing hundreds of pounds which nobody read, and which McNamara never saw!

Sections of it were written by different "authors" with different attitudes. Pick the right "authors" section and you can prove anything!

One of the authors was a character named Dr. Daniel Ellsberg, a bright young fellow whose brainpower was excellent but whose emotional stability was something else. On the reports of personal associations with columnist Joseph Kraft, we see a highly emotional flaming "hawk" who turned into an equally emotional and flaming "dove," zooming in both cases from one excess to the other. The modern version of the "ex-Communist" convert to "anti-Communism."

He then displayed absurdly paranoid symptoms, and the kind of discussions about government surveillance that so many people demonstrated 10 years ago about "Communist agents."

The massive documents gathering dust, read by only "a handful of us", according to Ellsberg's own TV statement, bugged him. Finally, he managed to photocopy selected portions of it, apparently, including everything he wrote, and peddle it to the New York Times and others.

The "history" thus emerges ultimately as another bureaucratic monstrosity, which is probably the principal reason that the Supreme Court threw up its hands at finding it important enough to be vital to "U.S. Security" and said "It isn't!"

The final thing that is clear, and not without its importance as we think of "What happens to security in the future," concerns Ellsberg himself.

It isn't a matter of being "blacklisted" but simply a fact of life that nobody will ever trust Dr. Ellsberg with any confidence again as long as he lives.

If the New York Times itself were to hire him—they would never feel comfortable ever entrusting him with anything of a private and confidential nature.

That is a simple, natural fact because the New York Times has matters that are, indeed, very confidential, and not considered by them to be part of "the people's right to know", you may be sure.

There are functional limits and operational restraints on this whole business of the guy who thinks his opinion supersedes that of all others put together, that of trust, and that of the conditions and pledges he may have made himself when he was given the trust that he decided he had a right to betray.

VIETNAM DRUG ADDICTION: THE VIEWS OF THREE CHAPLAINS

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. KEATING. Mr. Speaker, at the present time the Congress is giving very careful consideration to the problem of drug abuse.

This letter which appeared in the June 25 edition of the Los Angeles Times, points to some wider implications that merit consideration.

I urge my colleagues to read this letter written by three Army chaplains and to carefully consider the well-thought-out words:

Vietnam Drug Addition: The Views of Three Chaplains

We have read with interest the statements of Sen. Mark Hatfield (R-Ore.) and Sen. J. William Fulbright (D-Ark.) concerning the drug problem in Vietnam. We are shocked at the shallowness of their observations. It is obvious to us that they have not studied the problem, and we feel that they are seeking to use misinformation to sell a program to the people which, in itself, cannot be supported by the evidence nor by a proper evaluation of history.

Drug addiction is not a problem peculiar to Vietnam and if our observations are correct, the problem is much deeper than "environment" or the "boredom of barracks life in a strange country." Easy availability augments the problem, but can never be listed as the cause. The cause goes much deeper than availability. The Koreans, in the same environmental conditions, are not experiencing this problem.

Our observations, which are drawn from working with the drug addict, seem to indicate a personality deficiency in the individual which makes him a candidate for drug abuse when drugs are available. Thus, easy availability is not the cause, but only makes us aware that the problem exists.

If our national leaders really want to solve this problem, they should turn their attention to the cause of the problem which is sapping our national strength. The "new morality" as presented to millions of our citizens through Playboy and other semi-pornographic and pornographic literature and picked up by other forms of mass media, including our national press and some governmental agencies, is perhaps the main cause of our national decline. Seeking personal pleasure at the expense of others—or as Playboy calls it "mutual consent"—cannot help but create a nation which provides nothing to live for.

We are entering a period in our national life which parallels the decline of the Roman Empire and unless the trend is stopped, we will experience the same end. Our Founding Fathers founded a nation worth living in because they had a cause worth dying for. Any substitution for this basic principle cannot help but manifest itself in destruction of our national life.

Frederick G. Block,
Chaplain (Maj.), USA.
Ronald R. Rodeck,
Chaplain (Capt.), USA.
Paul R. Frerking,
Chaplain (Capt.), USA.
Cam Ranh Bay, South Vietnam.

CONGRATULATIONS TO WALLA WALLA HIGH SCHOOL FOR THEIR EFFORTS TO PROTECT OUR ENVIRONMENT

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. McCORMACK. Mr. Speaker, I think my colleagues will agree that recent public concern for the protection of the environment has had a beneficial effect on all units of government in our Nation. The public outcry over our deteriorating rivers and air and the efforts of concerned citizens to end pollution have created a new and important criterion for any governmental body in its decisionmaking processes.

Although much public attention has been centered on such issues as the environmental effects of the supersonic transport and the building of new dams on undeveloped sections of rivers, the students, faculty, and administration of a high school in Walla Walla, Wash., a historic city in the Fourth Congressional District, have realized that each and every one of us can have a very direct effect in cleaning up the environment, no matter how mundane or inconsequential the work may seem. I would like to congratulate Walla Walla High School and its principal, Richard Neher, on their efforts, which are described in an article from the July 6, 1971, Washington Star:

Good News: Rhetoric Ends, Action Starts

Walla Walla, Wash.—For months there was a lot of rhetoric at the local high school about "environmental control," "ecology," "pollution," and "saving the land."

Said Principal Richard Neher: "Look, let's cut out the rhetoric, and let's each of us do the very first thing that should be done to help out."

Now, when each student gets his lunch at the school cafeteria, there's a 5-cent deposit on the paper sack. If the sack is returned to the litter barrel, the student gets his nickel back. If he doesn't, the 5 cents goes into the school library fund.

Principal Neher says there aren't any lunch sacks lying around any more, and the library fund hasn't gained much from the project.

THE WELFARE BILL, H.R. 1

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, July 8, 1971

Mr. BYRD of Virginia. Mr. President, the House of Representatives has passed H.R. 1, a bill making major changes in the welfare system of the United States.

Hearings on this bill will be held in the Senate in the near future by the Committee on Finance.

No more important legislation will come before Congress this year. Our present welfare system is costly, inefficient, and hopelessly out of date. But before we embark on a major new program—a program termed "revolutionary and expensive" by the Secretary of HEW—we must be sure we are going to get something better. The new program would add 10 million persons to the welfare rolls.

One organization in my State has decided that H.R. 1 does not represent an improvement over the existing situation. Last week I received a letter from the Arlington Chamber of Commerce setting forth the text of a resolution adopted by that organization.

The resolution describes the plan embodied in H.R. 1 as impractical, contrary to the principles of free enterprise, and lacking in proper provisions for training and rehabilitation.

I ask unanimous consent that the text of the letter, signed by Mr. Norman Worthington, executive vice president of the Arlington Chamber of Commerce, be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Arlington Chamber of Commerce,
Arlington, Va., June 28, 1971.

Hon. Harry Flood Byrd, Jr.
U.S. Senate,
Washington, D.C.

Dear Senator Byrd: The following resolution, emanating from our Chamber of Commerce, is offered for your consideration relative to the welfare portion of H.R. 1 dealing with welfare payments to individuals who are physically able to work:

"This is an impractical, idealistic program which does nothing to resolve our welfare concerns but attempts to offer a solution through the commitment of more taxpayers money. The program is contrary to the principles of free enterprise in that it fails to provide incentives for welfare recipients to subsequently assume responsibility for their own economic well-being. Additionally, the program lacks provisions for training and rehabilitation as a condition for receipt of welfare payments."

Our Chamber of Commerce, representing some nine hundred members, asks that you vote against H.R. 1 in its present form.

Respectfully yours,
Norman W. Worthington,
Executive Vice President.

THE URGENT NEED FOR A MID-DECADE CENSUS; BUT NOT QUITE YET

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. CHARLES H. WILSON. Mr. Speaker, in the June 14 issue of the Congressional Record I disclosed to my colleagues that the administration has reversed itself and does not support the establishment of a mid-decade census "at this time."

For the purposes of clearly demonstrating the schizophrenic struggle the administration is going through, I would like to include in the Congressional Record an extraction of the testimony by the administration's spokesman, Dr. George H. Brown, Director of the Bureau of the Census.

(The extraction follows:)

The Committee has heard testimony from many persons to the effect that this country needs more frequent statistical benchmark data of the type which is now provided by the population and housing census taken once every 10 years. The accepted methods of making population estimates on the basis of indicators which were available locally had proven inadequate to supply the needed information, and the officials of some communities were left with estimates which did not accurately reflect the situation as revealed by the 1970 Census. . . . in view of the rapid changes which are taking place in the distribution of the Nation's population, it is very difficult under present conditions to make accurate interim estimates of the population of larger cities and counties, and even of the States. The difficulties of making good estimates for smaller cities or for smaller counties (25,000 or less) are significantly greater. Here the margins of possible error are so great that neither the Census Bureau, nor any other organization, has been able to make estimates with the accuracy that is needed to permit their use for administrative purposes.

There is, however, a continuing need for comparable and consistent measures of growth for small areas. This Committee has heard testimony from many sources throughout the past decade to the effect that benchmark data of the type provided by the decennial census of population and housing are needed more often than once every 10 years. There are many official administrative uses for population data. In view of the rapidity of changes which take place, the use of data based on benchmarks which are 6 to 10 years old creates the possibility of serious inequities. * * *

Since 1960, Congress has enacted some 23 laws which require population information for their proper administration, and the appropriate distribution of funds * * * Equitable distribution of funds under many of these programs requires current information on the population of small areas. Programs for economic development as well as housing programs, call for data for very small areas.

Current information will become even more essential as new programs are adopted. Billions of dollars would be distributed in the proposed special revenue-sharing programs for manpower training, urban and rural development, education, and transportation. At present the sample surveys which provide the national data can provide only a limited amount of information for regions, and for the major metropolitan areas.

The growing concern with the conditions and problems of certain minority groups in the population have created additional needs for current statistics. * * *

At this time the Administration does not recommend a mid-decade census.

Mr. Speaker, the disparity between the convincing arguments for a mid-decade census in Dr. Brown's statement and the administration's refusal to endorse a mid-decade census is puzzling.

SUPPORT FOR H.R. 6483

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. CORMAN. Mr. Speaker, the proposed bill to authorize the President to appoint Marine Corps officers to four-star grade in positions of great importance and responsibility is long overdue.

Having been associated with military officers of all the services for many years, I find it difficult to accept the fact that current law precludes the President from nominating Marine Corps officers for such positions, except in three specific instances, while no comparable restriction is imposed on the other services.

Officers of the Marine Corps have epitomized the finest characteristics of military leadership and professionalism. This has been evidenced not only in the fighting qualities of the Corps but in the breadth of vision and imagination of its leaders in other areas as well. Thus, it was the Marines in Vietnam, under the leadership of Gen. Lew Walt, who developed the civic action program. It was this program, subsequently carried forward by such outstanding Marine generals as Nickerson and Cushman, which played such a vital role among the civilian populace of South Vietnam. Incidentally, I have had the pleasure of seeing General Cushman advance in the Corps from the days we served together on Iwo Jima more than a quarter of a century ago.

With officers of such caliber capable of filling positions at the highest levels within the defense establishment, it is apparent that any law which restricts the President in his use of these officers requires revision.

H.R. 6483 does nothing more than remove this restriction on the power of the Commander in Chief as it relates to the appointment of Marine Corps generals to four-star positions. In so doing, the bill permits the President to select from among the best officers of all the services those whom he considers most highly qualified to fill these important positions.

I, therefore, am pleased to lend my support to this bill and to urge its enactment.

INTRODUCTION OF HOUSING AND URBAN DEVELOPMENT ACT OF 1971 AND ANNOUNCEMENT OF HEARINGS

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. PATMAN. Mr. Speaker, I am introducing today, on behalf of 17 members of the Banking and Currency Committee, the proposed "Housing and Urban Development Act of 1971."

The bill contains the legislative recommendations of three panels of the housing subcommittee which were established last fall to conduct an intensive study of the operation and effectiveness of the Federal housing and urban development programs. The subcommittee has also issued a report on its findings and recommendations which includes an explanation of the proposals contained in the bill. That report is now being made available to Members and the general public.

It should be noted that the members of the Banking and Currency Committee who are cosponsoring this bill do not necessarily endorse each and every provision in the bill. They are of the opinion that the bill's general proposals are sound and point our Federal housing and urban development programs in the proper direction. However, each member feels free to offer amendments to the bill during its consideration by the committee and the House during the coming weeks.

At the same time, I would like to announce that the Subcommittee on Housing expects to begin hearings on this bill, the administration's housing and special revenue sharing bills, and all other housing legislation on Tuesday, August 3. The hearings would conclude after the House's August recess. It may be necessary, due to other urgent committee business, to begin the hearings immediately after the August recess; however, at this time, it is likely that housing legislation hearings can begin on August 4.

Mr. Speaker, I insert the provisions of the bill and a summary of its provisions in the RECORD at this point:

H.R. 9688

A bill to broaden the national housing goals, to provide housing assistance and promote community development through block grants with emphasis upon the preservation and more efficient use of the existing housing stock and upon the revitalization of declining neighborhoods, to improve programs of Federal planning assistance with emphasis upon modernizing and increasing the management capabilities of State and local governments, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Urban Development Act of 1971".

TITLE I—HOUSING GOALS AND ANNUAL HOUSING REPORT

PURPOSE

SEC. 101. It is the purpose of this title to broaden the national housing goal, as set forth in present law, in order to place greater emphasis upon the preservation and more efficient use of the existing housing stock, to provide for the formulation of State and local housing goals, and to require the inclusion of additional information in the President's annual housing report.

BROADENING OF GOALS AND EXPANSION OF ANNUAL REPORT

SEC. 102. (a) (1) Section 1601 of the Housing and Urban Development Act of 1968 is amended by inserting "(a)" after "SEC. 1601.", and by adding at the end thereof the following new subsections:

"(b) The Congress further finds that the achievement of the national housing goal will require a more efficient use of the Nation's existing housing stock through such measures as preservation, rehabilitation, and improvements in management and maintenance policies, in order that losses to the housing stock may be minimized and the current level of housing services improved.

"(c) In order to facilitate the achievement of the national housing goal and provide a more precise basis for determining national housing requirements, the Secretary of Housing and Urban Development shall encourage (through the provision of planning assistance and otherwise) the formulation of State and local housing goals covering major housing market areas. Such State and local housing goals shall be developed and formulated so as to include both the housing production requirements of the areas involved and the actions needed to preserve the existing housing stock in such areas, including—

"(1) the numbers and types of subsidized housing units which are needed to serve various income groups,

"(2) the Federal, State, and local programs which might or should be utilized to meet the goals established, and the adequacy of private financing resources in meeting these goals,

"(3) the identification of impediments to meeting these goals, such as unrealistic or obsolete building codes and zoning regulations, and any recommendations or proposals for eliminating such impediments,

"(4) plans for the location of low- and moderate-income housing so as to provide the residents thereof with greater access to employment opportunities, and

"(5) plans for the promotion of market aggregation in order to achieve the benefits of economics of scale."

(2) The heading of section 1601 of such Act is amended to read as follows:

"REAFFIRMATION OF NATIONAL GOAL; DEVELOPMENT OF STATE AND LOCAL GOALS"

(b) Section 1603 of such Act is amended by redesignating paragraphs (5) and (6) as paragraphs (8) and (9), respectively, and by inserting after paragraph (4) the following new paragraphs:

"(5) include a contingency plan for the provision of required mortgage credit, setting forth proposed governmental actions to be carried out in the event of adverse mortgage credit conditions;

"(6) provide an analysis of changes affecting housing costs borne by occupants, together with recommended actions to reduce the cost of any inflationary elements;

"(7) provide an analysis of annual changes in the number and conditions of units in the national housing inventory;".

TITLE II—PRESERVATION AND REVITALIZATION OF DECLINING NEIGHBORHOODS

PURPOSE

SEC. 201. It is the purpose of this title to help preserve older urban neighborhoods which are threatened with blight and housing abandonment by establishing a program of neighborhood preservation grants and a new program of Federal mortgage insurance which, in conjunction with additional activities to be carried out by the localities involved, give reasonable promise that the threat of housing abandonment will be eliminated and a suitable and stable living environment restored or maintained.

GRANTS FOR NEIGHBORHOOD PRESERVATION PROGRAMS

SEC. 202. (a) The Secretary of Housing and Urban Development is authorized to make, and contract to make grants under this section to cities, municipalities, counties, and other general purpose units of local government (including the District of Columbia) to assist such localities in carrying out in designated neighborhood preservation areas programs designed to improve basic community facilities and services and bring about such other changes as may be necessary or appropriate to eliminate the threat of housing abandonment in such areas and to restore or maintain for the residents of such areas a suitable and stable living environment.

(b) Grants under this section may not exceed 90 per centum of the cost of carrying out, over a period not to exceed 5 years, any of the following types of activities:

(1) the repair of streets, sidewalks, parks, playgrounds, publicly owned utilities, and public buildings to meet the needs of the area,

(2) the improvement of private properties to eliminate dangers to the public health and safety,

(3) the demolition of structures determined to be structurally unsound or unfit for occupancy,

(4) the establishment of temporary or permanent public playgrounds on vacant land, and

(5) such other similar activities and improvements as the Secretary deems reasonably calculated to aid significantly in achieving the objectives of this section.

(c) To be eligible for assistance under this section, a locality, acting through its local governing body, must designate a specific and identifiable area threatened with housing abandonment which the Secretary finds has a reasonable prospect of being restored or maintained as a suitable and stable living environment with Federal assistance to be provided under this title in conjunction with increased and improved social services to be provided under other federally assisted or wholly local programs. Upon approval of a neighborhood preservation area by the Secretary, the locality shall prepare and submit to the Secretary a plan specifying the improvements in basic community facilities and in services to be made in such area over a five-year period. No grants shall be made under this section to a locality with respect to its designated neighborhood preservation area unless the Secretary finds (1) that the five-year plan submitted by such locality is workable and will provide an effective means of carrying out the purpose of this title in such area, (2) that the locality has the necessary capacity to carry out in a timely fashion all of the activities and undertakings set forth in such plan, and (3) that the locality satisfies such other conditions and requirements as he may impose to assure that the purpose of this title will be achieved.

(d) There are authorized to be appropriated for grants under this section not to exceed $25,000,000 for the fiscal year ending June 30, 1972, not to exceed $25,000,000 for the fiscal year ending June 30, 1973, and not to exceed $25,000,000 for the fiscal year ending June 30, 1974. The amount so appropriated shall remain available until expended, and any amounts authorized for any fiscal year under this subsection but appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1975.

FEDERAL MORTGAGE INSURANCE TO FACILITATE SALE OR REFINANCING OF HOUSING IN NEIGHBORHOOD PRESERVATION AREAS

SEC. 203. (a) Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"MORTGAGE INSURANCE IN NEIGHBORHOOD PRESERVATION AREAS

"SEC. 244. (a) The purpose of this section is to assist in the preservation and upgrading of housing in designated neighborhood preservation areas by facilitating the refinancing of such housing or its transfer to resident or nonprofit ownership.

"(b) The Secretary is authorized to insure any mortgage in accordance with the provisions of this section upon such terms and conditions as he may prescribe and to make commitments for such insurance prior to the date of the execution of the mortgage or disbursement thereon.

"(c) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers residential property located in a neighborhood preservation area (as designated and approved under section 202 of the Housing and Urban Development Act of 1971), subject to the following conditions:

"(1) The mortgage shall cover property which is basically sound or is capable of being placed in standard condition without substantial rehabilitation, and which contains—

"(A) two or more (but less than seven) dwelling units if the mortgagor is an individual described in clause (A) of paragraph (2), or

"(B) seven or more dwelling units if the mortgagor is an organization described in clause (B) or (C) of paragraph (2).

"(2) The mortgage shall be executed by (A) an individual who owns and occupies the property and is refinancing outstanding indebtedness related to the property, or who is purchasing the property and will occupy one or more of the units in the property after its purchase, or (B) a cooperative or condominium organization which consists of or includes a majority of the occupants of the property, or (C) a private nonprofit organization or association approved by the Secretary.

"(3) The mortgage shall involve a principal obligation (including such initial service charges, and appraisal, inspection, and other fees, as the Secretary shall approve) in an amount not to exceed the sum of 97 per centum of the Secretary's estimate of the value of the property before any repairs or improvements deemed necessary by the Secretary to help restore or maintain the area in which the property is situated as a suitable and stable living environment, except that in no case involving refinancing shall such principal amount exceed such estimated cost of repair or improvements and the amount (as determined by the Secretary) required to refinance existing indebtedness secured by the property.

"(4) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term (not exceeding twenty years) as the Secretary shall prescribe; and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) on the amount of the principal obligation outstanding at any time, at such percent per annum not in excess of 6 per centum as the Secretary finds necessary to meet the mortgage market.

"(d) The Secretary shall not insure any mortgage under this section unless he has received satisfactory and enforceable assurances from the mortgagor that the refinancing or sale of the property (and any improvements thereto) will not result, directly or indirectly, in any increase in the rentals charged for dwelling units in the property for a period of at least one year from the date of final endorsement for mortgage insurance, or in any increases in such rentals thereafter in excess of such increases as the Secretary finds justified and approves on the basis of increased operating expenses. In addition, the Secretary shall place such further restrictions on the mortgagor as to sales, charges, capital structure, rate of return, and methods of operation as, in the opinion of the Secretary, will best effectuate the purpose of this section.

"(e) The Secretary may consent to the release of a part or parts of the mortgaged property from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(f) The provisions of—

"(1) subsections (b), (c), (d), (e), (f), (g), (h), (j), and (k) of section 204, or

"(2) subsections (d), (e), (g), (h), (i), (j), (k), (l), and (n) of section 207,

as may be appropriate, shall apply to mortgages insured under this section; except that (A) all references in the enumerated subsections of section 204 to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the Special Risk Insurance Fund and all references in such subsections to section 203 shall be construed to refer to this section, and (B) all references in the enumerated subsections of section 207 to the General Insurance Fund or the Fund shall be construed to refer to the Special Risk Insurance Fund and all references in such subsections to section 207 shall be construed to refer to this section."

(b)(1) The first sentence of section 238 (b) of the National Housing Act is amended by striking out "and 243" and inserting in lieu thereof "243, and 244".

(2) The third sentence of section 238(b) of such Act is amended by striking out "and 243" and inserting in lieu thereof "243, and 244".

(3) The fourth sentence of section 238(b) of such Act is amended by striking out "and 243" and inserting in lieu thereof "243, and 244".

TITLE III—COUNSELING AND IMPROVED MANAGEMENT ACTIVITIES

PURPOSE

SEC. 301. It is the purpose of this title to increase the capabilities of the Secretary of Housing and Urban Development to meet the urgent need for improved housing management practices and homeownership counseling services in federally assisted housing programs in a manner which will be responsive to the needs and desires of those assisted and supportive of the national housing production goal.

COUNSELING AND IMPROVED MANAGEMENT ACTIVITIES

SEC. 302. (a) Section 238 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(c) With respect to receipts from premium charges for any mortgage or loan the insurance of which is an obligation of the Special Risk Insurance Fund, and which is accepted for insurance pursuant to a commitment issued on or after the date of enactment of the Housing and Urban Development Act of 1971, up to 100 per centum of the amount received during the first twelve months after the mortgage or loan is accepted for insurance and 50 per centum of the amounts received thereafter shall be available to the Secretary for the following purposes:

"(1) the provision, either directly or by contract, of training programs in family budgeting, recordkeeping, maintenance, and other activities related to homeownership for families eligible for mortgages or loans which are or would be, an obligation of the Special Risk Insurance Fund;

"(2) making studies of typical homeowner problems, including but not limited to basic home maintenance problems, and disseminating information on such problems through periodic consumer bulletins;

"(3) conducting continuing analyses and studies designed to develop criteria for determining the eligibility of families for Federal homeownership assistance that makes such assistance available to a maximum number of families while furthering successful homeownership;

"(4) providing counseling programs in family budgeting, homemaking, and utilization of equipment for tenants in federally subsidized rental housing covered by mortgages or loans which are obligations of the Special Risk Insurance Fund;

"(5) providing training programs for local and other personnel recruited to be members of the management staffs of federally assisted rental housing;

"(6) preparing model management operating manuals for project managers in federally assisted rental housing projects;

"(7) providing 'seed money' loans (repayable with interest) and advanced training for those with management experience to help them form corporations to manage federally subsidized housing projects covered by mortgages or loans which are, or would be, obligations of the Special Risk Insurance Fund;

"(8) participating in Federal Housing Administration rental project application reviews and conferences prior to approval to ascertain that design, materials, and the management and operating budget and plan is conducive to good management and operating efficiency;

"(9) providing encouragement and assistance to management in the formation of tenant councils in projects covered by mortgages or loans which are obligations of the Special Risk Insurance Fund; and

"(10) engaging in adequate Federal monitoring of management operations in order to identify developing weaknesses before federally assisted projects covered by mortgages or loans which are obligations of the Special Risk Insurance Fund reach a serious problem condition."

SPECIAL ASSISTANT TO SECRETARY OF HOUSING AND URBAN DEVELOPMENT

SEC. 303. Section 4(d) of the Department of Housing and Urban Development Act is amended to read as follows:

"(d) There shall be in the Department a Special Assistant to the Secretary, designated by the Secretary, who shall be responsible for—

"(1) providing information and advice to nonprofit organizations desiring to sponsor housing projects assisted under programs administered by the Department,

"(2) maintaining surveillance over present and proposed fees and charges required in connection with federally assisted housing which will be reflected in monthly housing costs,

"(3) maintaining surveillance over present and proposed minimum property standards affecting and livability of housing,

"(4) investigating inquiries and complaints from consumer groups concerning procedures and regulations, and their interpretations by the Department, and

"(5) representing within the Department, the special interests and needs of the occupants of federally assisted housing."

TITLE IV—EXPANSION OF EXPERIMENTAL HOUSING ALLOWANCE PROGRAM

PURPOSE

SEC. 401. It is the purpose of this title to expand the existing demonstration program of housing allowances for low-income families by providing sufficient funding to allow the testing and evaluation of a wider variety of housing allowance techniques.

EXPANSION OF PROGRAM

SEC. 402. (a) Section 504 of the Housing and Urban Development Act of 1970 is amended by striking out subsection (b) and inserting in lieu thereof the following new subsection:

"(b) The program undertaken pursuant to this section shall include the development and utilization of different types of housing allowances, and different techniques for providing such allowances to families of low income, in order that a wide variety of potentially effective types of and techniques for providing housing allowances may be tested and evaluated. Particular attention shall be given to the impact of such allowances on rent levels for housing units of comparable size throughout the housing market and the extent to which any increased rent levels reflect improved housing services."

(b) Section 504(d) of such Act is amended by striking out "not to exceed $10,000,000 in each of the fiscal years 1972 and 1973" and inserting in lieu thereof "not to exceed $25,000,000 in each of the fiscal year 1972, 1973, and 1974".

(c) Section 504(e) of such Act is amended by striking out "1972 and 1973" and inserting in lieu thereof "1972, 1973, and 1974".

(d) Section 504(g) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

TITLE V—HOUSING BLOCK GRANTS TO STATE AND METROPOLITAN HOUSING AGENCIES

STATEMENT OF PURPOSE

Sec. 501. It is the purpose of this title to provide for the establishment of State housing agencies and metropolitan housing agencies within States, to prescribe the powers and functions of State and metropolitan housing agencies, and to authorize the financial and other assistance needed to enable these agencies to develop, on an areawide basis, balanced housing programs which further the achievement of the national housing goal of a decent home and a suitable living environment for every American family. Its basic objective is to stimulate a better focusing of all available local, State, private, and Federal resources upon the achievement of the national housing goal by bringing about (1) greater State and local capabilities for meeting their housing and other development needs on a rational, areawide basis, (2) more equitable allocation of Federal housing subsidy funds in accordance with State and local goals and priorities, (3) greater State and local capabilities for aggregating their markets for housing resulting in increased housing production at lower cost, and (4) greater economic opportunity and improved living conditions for low- and moderate-income families that are now unable to obtain housing within reasonable proximity to their places of employment.

DEFINITIONS

Sec. 502. (a) As used in this title—

(1) The term "metropolitan area" means a standard metropolitan statistical area, as established by the Office of Management and Budget, subject, however, to such modifications or extensions as the Secretary deems to be appropriate for the purposes of this title.

(2) The term "State housing agency" includes an official State housing agency or (in a State where no such housing agency exists) an agency or instrumentality of State government designated by the Governor of the State and acceptable to the Secretary for purposes of this title.

(3) The term "metropolitan housing agency" means an official housing agency designated by the Governor (or Governors in the case of agencies with interstate jurisdiction) and acceptable to the Secretary for purposes of this title, empowered under State law or interstate compact to (A) establish housing needs and objectives throughout the metroplitan area involved, and (B) carry out all activities eligible for assistance under this title. To the greatest extent practicable, metropolitan housing agencies shall be representative of the elected officials of all of the units of general local government within the metropolitan area.

(4) The term "Secretary" means the Secretary of Housing and Urban Development.

(5) The term "unit of general local government" means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State, and the District of Columbia.

(6) The term "population," with respect to any area or unit, means the total resident population of such area or unit based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

(7) The term "amount of poverty" means the number of persons (or, alternatively, the number of families and unrelated individuals) whose income are below the poverty level multiplied by two. Poverty levels shall be determined by the Secretary pursuant to criteria provided by the Office of Management and Budget, taking into account and making appropriate adjustments for regional variations in income and cost of living, and shall be based on data referable to the same point or period in time.

(8) The term "amount of overcrowding" means the number of housing units with 1.01 or more persons per room based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

(9) The term "extent of housing deficiencies" means the number of housing units lacking some or all plumbing facilities based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

(b) Where appropriate, the definitions in subsection (a) shall be based on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget on the date of the enactment of this Act (with respect to the fiscal year in which this Act is enacted), and ninety days prior to the beginning of each subsequent fiscal year. The Secretary may by regulation change or otherwise modify the definitions in subsection (a) in order to reflect any change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

GRANTS TO HELP COVER INITIAL OPERATING EXPENSES

Sec. 503. (a) The Secretary is authorized to make and contract to make grants to State and metropolitan housing agencies to assist such agencies in defraying the administrative and operating expenses incurred by them in carrying out activities assisted under this title. Grants made to any such agency under this section shall not exceed (1) the full amount of its administrative and operating expenses during the first year of its operations in carrying out such activities, (2) two-thirds of such expenses during the second year of such operations, and (3) one-half of such expenses during the third year of such operations.

(b) There are authorized to be appropriated for grants under this section not to exceed $10,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975. Any amount so appropriated shall remain available until expended, and any amounts authorized for any such fiscal year but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1978.

SPECIAL PROGRAM GRANTS

Sec. 504. (a) The Secretary is authorized to make grants to any State or metropolitan housing agency to assist such agency in facilitating the provision of housing for low- and moderate-income families throughout the State or metropolitan area over which it has jurisdiction through such means as—

(1) providing grants, loans, and technical and other assistance to public and private organizations carrying out homeownership and housing opportunity programs for low- and moderate-income families to help them fill unmet needs, initiate exceptional programs, and experiment with new approaches and programs for such families;

(2) providing grants, loans, and technical and other assistance to public and private organizations with respect to the construction, rehabilitation, and operation of housing for low- and moderate-income families including but not limited to assistance to help cover necessary preconstruction costs incurred for architectural assistance, land options, application fees, and similar items;

(3) encouraging, by means of studies, technical assistance, and advisory and information services, the elimination of unreasonable restraints on the provision of housing for low- and moderate-income families; and

(4) carrying out, by means of studies, technical and financial assistance, and advisory and information services, programs designed to aggregate housing markets in order to achieve increased production and economies of scale.

(b) In order to be eligible for assistance under this section, the applicant seeking such assistance shall demonstrate to the satisfaction of the Secretary that the funds requested are not available upon practicable terms and conditions from other sources.

(c) There are authorized to be appropriated for grants under this section not to exceed $30,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975. Any amount so appropriated shall remain available until expended, and any amounts authorized for any such fiscal year but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1978.

METROPOLITAN INCENTIVE GRANTS

Sec. 505. (a) The Secretary is authorized to make and contract to make grants to State and metropolitan housing agencies to assist such agencies in carrying out programs which are designed to encourage the provision in metropolitan areas of an adequate supply of housing for low- and moderate-income families within reasonable proximity to their places of employment through the provision of financial assistance to units of general local government to help cover the difference between the cost to the unit of general local government involved of providing adequate supporting community services and facilities to the housing unit occupied by the low- or moderate-income family and the amount of revenues received through property and other taxes or assessments which are attributable to the housing unit occupied by such family. Assistance under this section shall be provided with respect to particular units of federally assisted low- and moderate-income housing and may not exceed for each such unit a total amount of $3,000, which shall be provided in installments not exceeding $500 per annum.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make grants under contracts entered into under this section. The aggregate amount of contracts to make such grants shall not exceed amounts approved in appropriation Acts, and grants pursuant to such contracts shall not exceed $150,000,000 per annum prior to July 1, 1973, which maximum dollar amount shall be increased by $150,000,000 on July 1, 1973, and by $150,000,000 on July 1, 1974.

ALLOCATION AND DISTRIBUTION OF HOUSING SUBSIDY FUNDS

Sec. 506. (a) For the fiscal year commencing July 1, 1972, and for each succeeding fiscal year, the aggregate amount of contracts to make assistance payments under section 101 of the Housing and Urban Development Act of 1965 and section 235 of the National Housing Act, interest reduction payments under section 236 of the National Housing Act, and annual contributions under section

10(e) of the United States Housing Act of 1937 shall not exceed amounts approved in appropriation Acts. Of the amounts thus approved 80 per centum shall be allocated to metropolitan areas and made available to metropolitan housing agencies as provided in subsection (b).

(b) (1) The Secretary shall allocate for each metropolitan area an amount which bears the same ratio to the allocation for all metropolitan areas as the average of the ratios between—

(A) the population of that metropolitan area and the population of all metropolitan areas;

(B) the amount of poverty in that metropolitan area and the amount of poverty in all metropolitan areas; and

(C) the amount of overcrowding in that metropolitan area and the amount of overcrowding in all metropolitan areas.

(2) The amount allocated to each metropolitan area shall be made available to the eligible metropolitan housing agency for that area for further allocation by such agency in accordance with its approved housing program.

(c) The remainder of the amounts approved in appropriation Acts as provided in subsection (a) shall be allocated to the States and made available to State housing agencies as provided in subsection (d).

(d) (1) The Secretary shall allocate for each State an amount which bears the same ratio to the allocation for all States as the average of the ratios between—

(A) the population of that State and the population of all States;

(B) the amount of poverty in that State and the amount of poverty in all States;

(C) the amount of overcrowding in that State and the amount of overcrowding in all States; and

(D) the extent of housing deficiencies in the State and the extent of housing deficiencies in all States.

(2) The amount allocated to each State shall be made available to the eligible State housing agency for that State for further allocation by such agency in accordance with its approved housing program.

(e) The Secretary shall make available to all eligible State and metropolitan housing agencies the amounts allocated to them under this section within six months after the approval of such amounts in appropriation Acts. Any amounts withheld pursuant to section 507(b) shall first be made available to eligible State and metropolitan housing agencies capable of carrying out their approved housing programs on an accelerated basis, with any remaining amounts being allocated by the Secretary under such terms and conditions as he may prescribe taking into consideration the purposes of this title and such factors as population, amount of poverty, amount of overcrowding, extent of housing deficiencies, and other social and fiscal conditions.

STATE AND METROPOLITAN HOUSING PROGRAMS

SEC. 507. (a) Prior to the receipt of any financial or other assistance under this title for any fiscal year commencing with the fiscal year ending June 30, 1973 (and at least two months prior to the beginning of such fiscal year), each State and metropolitan housing agency shall submit to the Secretary a proposed housing program covering a three-year period which (1) establishes areawide housing needs, including the need to provide an adequate supply of standard housing for low- and moderate-income families within reasonable proximity to their places of employment with adequate supporting community services and facilities, (2) establishes adequate and feasible objectives toward meeting those needs, (3) identifies the number and types of housing units to be assisted with Federal subsidy funds, (4) identifies the income groups to be served and the general location of the housing units to be made available to each such group, and (5) identifies other local actions and programs to be undertaken to encourage needed housing production and preservation of the existing housing stock.

(b) If the Secretary determines—

(1) that an acceptable housing agency has not been established for a particular State or metropolitan area, or

(2) that the three-year housing program submitted by a State or metropolitan housing agency does not substantially comply with the requirements of this section,

he shall reduce, under such terms and conditions as he may prescribe, any financial and other assistance he would otherwise provide under this title in such State or metropolitan area by such amounts and to such extent as he deems necessary to further the purposes of this title.

ADMINISTRATION

SEC. 508. The authorities provided in this title shall be administered in such manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, (2) to allow for innovation and diversity on the part of State and local governments in the design and implementation of their housing programs, and (3) to preclude the assignment of a disproportionate share of Federally-subsidized housing units to any unit of general local government.

INTERSTATE AGREEMENTS

SEC. 509. The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of housing programs adopted under this title as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreement and compacts effective.

TITLE VI—COMMUNITY DEVELOPMENT BLOCK GRANTS

PURPOSE

SEC. 601. It is the purpose of this title to further the development of a national urban growth policy by consolidating a number of complex and overlapping programs of financial assistance to communities of varying sizes and needs into a single, consistent system of Federal aid which—

(1) is funded in advance on a regular basis upon which communities can rely in their planning;

(2) can provide assistance on an annual basis with maximum certainty and efficiency and minimum delay;

(3) encourages community development activities which are consistent with comprehensive local and areawide development planning; and

(4) furthers achievement of the national housing goal of a decent home and a suitable living environment for every American family.

DEFINITIONS

SEC. 602. (a) As used in this title—

(1) The term "unit of general local government" means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State, and the District of Columbia.

(2) The term "metropolitan area" means a standard metropolitan statistical area, as established by the Office of Management and Budget, subject, however, to such modifications or extensions as the Secretary deems to be appropriate for purposes of this title.

(3) The term "metropolitan city" means (A) a city within a metropolitan area which is the central city of such area, as defined and used by the Office of Management and Budget, (B) any other city, within a metropolitan area, which has a population of fifty thousand or more, or (C) a combination of two or more units of general local government within a metropolitan area, recognized by the Secretary for purposes of this title and having a population of fifty thousand or more.

(4) The term "population", with respect to any area or unit, means the total resident population of such area or unit based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

(5) The term "amount of poverty" means the number of persons (or, alternatively, the number of families and unrelated individuals) whose incomes are below the poverty level multiplied by two. Poverty levels shall be determined by the Secretary pursuant to criteria provided by the Office of Management and Budget, taking into account and making appropriate adjustments for regional variations in income and cost of living, and shall be based on data referable to the same point or period in time.

(6) The term "amount of overcrowding" means the number of housing units with 1.01 or more persons per room based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

(7) The term "extent of housing deficiencies" United States Bureau of the Census and referable to means the number of housing units lacking some or all plumbing facilities based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

(8) The term "Federal grant-in-aid program" means a program of Federal financial assistance other than loans and other than the assistance provided by this title.

(9) The term "Secretary" means the Secretary of Housing and Urban Development.

(b) Where appropriate, the definitions in subsection (a) shall be based on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget on the date of the enactment of this Act (with respect to the fiscal year in which this Act is enacted), and ninety days prior to the beginning of each subsequent fiscal year. The Secretary may by regulation change or otherwise modify the definitions in subsection (a) in order to reflect any change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

AUTHORIZATION OF GRANTS

SEC. 603. The Secretary is authorized to make and contract to make annual grants to units of general local government to help finance Community Development Programs approved in accordance with the provisions of this title. The amount of any such grant shall not exceed 90 per centum of the Secretary's estimate of the annual cost of the approved Community Development Program with respect to which it is made.

ELIGIBLE COMMUNITY DEVELOPMENT PROGRAMS

SEC. 604. (a) No grant may be made under this title unless the Secretary has determined that the applicant—

(1) has identified community needs and specified both short- and long-term community development objectives which are consistent with comprehensive local and areawide development planning and national urban growth policies;

(2) has formulated a program which includes activities designed to provide an adequate supply of standard housing, particularly for low- and moderate-income individuals and families who are employed in the community; and

(3) in the case of an applicant which is a metropolitan city—

(A) has established a realistic three-year schedule of program activities designating resources which can and will be made available locally toward meeting those community needs;

(B) has made satisfactory provision for the periodic reexamination of program methods and objectives as information becomes available on the social, economic, and environmental consequences of program activities; and

(C) has formulated a comprehensive program which includes activities designed to—

(i) eliminate or prevent slums, blight, and deterioration; and

(ii) develop properly planned community facilities and public improvements, including the provision of supporting health, social, and similar services.

COMMUNITY DEVELOPMENT PROGRAM ACTIVITIES ELIGIBLE FOR ASSISTANCE

SEC. 605. A Community Development Program assisted under this title may include—

(1) the acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth: (B) necessary for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development; (C) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or (D) to be used for other public purposes;

(2) the acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvement—including water and sewer facilities, neighborhood facilities, historic properties, utilities, streets, street lights, foundations and platforms for air rights sites, pedestrian malls and walkways, parks, and playgrounds·

(3) code enforcement in deteriorated or deteriorating areas in which such enforcement, together with those public improvements to be provided, may be expected to arrest the decline of the area;

(4) clearance, demolition, removal, and rehabilitation of buildings and improvements (including financing of the rehabilitation of privately owned properties);

(5) payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocations of individuals and families displaced by program activities;

(6) disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this title or its retention for public purposes;

(7) provision of health, social, and similar services where the Secretary deems it necessary to properly support other approved community development activities; and

(8) such other projects or activities assisted under a Federal grant-in-aid program as the Secretary approves as part of a community development program.

AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS

SEC. 606. (a) (1) To finance grants for allocation to metropolitan areas under subsection (b), the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $7,500,000,000. This amount shall become available for obligation on July 1, 1972, and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed $2,000,000,000 prior to July 1, 1973, which amount may be increased to not to exceed an aggregate of $4,500,000,000 prior to July 1, 1974, and to not to exceed an aggregate of $7,500,000,000 thereafter. Sums appropriated under this paragraph shall remain available until expended. The Secretary shall report annually to the Congress with respect to outstanding grants or other contractual agreements executed pursuant to this paragraph.

(2) There are authorized to be appropriated for grants to States and to units of general local government outside metropolitan areas under subsection (c) not to exceed $500,000,000 for the fiscal year commencing July 1, 1972, not to exceed $500,000,000 for the fiscal year commencing July 1, 1973, and not to exceed $500,000,000 for the fiscal year commencing July 1, 1974. Any amounts appropriated under this paragraph shall remain available until expended and any amounts authorized for any fiscal year under this paragraph but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1975.

(b) (1) The amount available for obligation under subsection (a) (1) shall be allocated by the Secretary to all metropolitan areas as provided in this subsection.

(2) The Secretary shall allocate to each metropolitan area an amount which bears the same ratio to the total amount available for obligation for any fiscal year as the average of the ratios between—

(A) the population of that metropolitan area and the population of all metropolitan areas;

(B) the amount of poverty in that metropolitan area and the amount of poverty in all metropolitan areas; and

(C) the amount of overcrowding in that metropolitan area and the amount of overcrowding in all metropolitan areas.

(3) From the amount allocated to each metropolitan area, the Secretary shall distribute to each metropolitan city within that area an amount which bears the same ratio to the allocation for the metropolitan area as the average of the ratios between—

(A) the population of that metropolitan city and the population of the metropolitan area;

(B) the amount of poverty in that metropolitan city and the amount of poverty in the metropolitan area; and

(C) the amount of overcrowding in that metropolitan city and the amount of overcrowding in the metropolitan area.

(4) The remainder of the allocation to each metropolitan area shall be distributed by the Secretary to units of general local government within that metropolitan area, taking into consideration such factors as population, amount of poverty, amount of overcrowding, and other fiscal and social conditions prevailing in the metropolitan area. Until such time as a metropolitan city is eligible to receive funds and carry out activities as provided by this title or in the event that such a city refuses to accept such funds, the funds otherwise available for allocation to it under paragraph (2) shall be added to the funds available for distribution by the Secretary under this paragraph.

(c) The amounts appropriated pursuant to subsection (a) (2) shall be distributed by the Secretary to States and to units of general local government outside metropolitan areas, taking into consideration such factors as population, amount of poverty, amount of overcrowding, extent of housing deficiencies, and other social and fiscal conditions.

(d) All computations and determinations by the Secretary under this section shall be final and conclusive.

LABOR STANDARDS

SEC. 607. All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with grants received under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5): *Provided*, That this section shall apply to the construction of residential property only if such residential property is designed for residential use for eight or more families. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(e)).

MATCHING GRANTS

SEC. 608. Funds provided under this title may be used by a recipient to cover up to 90 per centum of the required non-Federal share of any Federal grant-in-aid program where assistance is being provided for community development activities approved by the Secretary.

EFFECTIVE DATE

SEC. 609. The provisions of this title shall be effective on July 1, 1972. After such effective date, no new grants or loans may be made pursuant to title I of the Housing Act of 1949, section 312 of the Housing Act of 1964, sections 702 and 703 of the Housing and Urban Development Act of 1965, or title VII of the Housing Act of 1961, except with respect to projects or programs for which funds have been committed on or before June 30, 1972.

TITLE VII—STATE AND METROPOLITAN DEVELOPMENT AGENCIES

DECLARATION OF PURPOSE

SEC. 701. It is the purpose of this title to encourage the formation of State and metropolitan development agencies which have broad and flexible authority to carry out development activities designed to (1) provide housing and related facilities for persons and families of low and moderate income, (2) promote the sound growth and development of neighborhoods through the revitalization of slum and blighted areas, and (3) increase and improve employment opportunities through the development and redevelopment of industrial, manufacturing, and commercial facilities.

ELIGIBLE DEVELOPMENT AGENCIES

SEC. 702. (a) A State or metropolitan development agency is eligible for assistance under this title only if the Secretary determines that it is fully empowered and has adequate authority, acting as a large-scale developer, to carry out the purposes specified in clauses (A), (B), and (C) of subsection (b), including the authority to sell, lease, or otherwise dispose of its interest in projects undertaken by it in carrying out the purposes of this title, to participate in programs or projects carried on by Federal, State, or local governments, to provide for the relocation of persons, families, business concerns, and nonprofit organizations displaced in carrying out its development activities, to exercise its powers and functions through subsidiaries established by it, and to establish community advisory committees to advise it concerning its proposed activities in any area.

(b) For the purposes of this title—

(1) a "State development agency" is any public body or agency, publicly sponsored corporation, or instrumentality of one or more States, and

(2) a "metropolitan development agency" is any public body or agency, publicly sponsored corporation, or other instrumentality of two or more units of general local government which are located in a standard metropolitan statistical area (as defined by the Office of Management and Budget) and one of which is the central city of such standard metropolitan statistical area,

but only if such public body or agency, publicly sponsored corporation, or other instrumentality has as its general purposes in whole or in part (A) the provision of decent, safe, and sanitary housing and related facilities for low-income and moderate-income persons and families through construction, rehabilitation, or management of housing, (B) the revitalization of slum and blighted urban neighborhoods, through clearance, reconstruction, and rehabilitation of such neighborhoods and the provision of necessary public and community facilities and services, and (C) the development of job opportunities for unemployed and the underemployed persons through the development of new, and the redevelopment of existing, industrial, manufacturing, and commercial facilities.

(c) As used in this title, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of the foregoing.

GUARANTEES OF OBLIGATIONS

SEC. 703. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to guarantee, and enter into commitments to guarantee, the bonds, debentures, notes, and other obligations issued by State and metropolitan development agencies to finance development activities as determined by him to be in furtherance of the purpose of this title. The Secretary may make such guarantees and enter into such commitments upon such terms and conditions as he may prescribe; except that no obligation shall be guaranteed under this title if the income from such obligation is exempt from Federal taxation. The Secretary is authorized to make grants to any State or metropolitan development agency the obligations of which are guaranteed under this title in amounts estimated by him not to exceed the difference between the interest paid on such obligations and the interest (as estimated by him) which would be paid on similar obligations the income from which is exempt from Federal taxation.

(b) The full faith and credit of the United States is pledged to the payment of all guarantees made under this title with respect to principal, interest, and any redemption premiums. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations involved for such guarantee, and the validity of any guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligation.

(c) The Secretary is authorized to establish and collect such fees and charges for and in connection with guarantees made under this title as he considers reasonable.

(d) The aggregate principal amount of the obligations which may be guaranteed under this title and outstanding at any one time shall not exceed $500,000,000.

LIMITATION OF GUARANTEES

SEC. 704. The Secretary shall take such steps as he considers reasonable to assure that bonds, debentures, notes, and other obligations which are guaranteed under section 703 will—

(1) be issued only to investors approved by, or meeting requirements prescribed by, the Secretary, or, if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

(2) bear interest at a rate satisfactory to the Secretary;

(3) contain or be subject to repayment, maturity, and other provisions satisfactory to the Secretary; and

(4) contain or be subject to provisions with respect to the protection of the security interests of the United States, including any provisions deemed appropriate by the Secretary relating to subrogation, liens, and releases of liens, payment of taxes, cost certification procedures, escrow or trusteeship requirements, or other matters.

REVOLVING FUND

SEC. 705. (a) The Secretary is authorized to establish a revolving fund to provide for the timely payment of any liabilities incurred as a result of guarantees or grants under section 703 and for the payment of obligations issued to the Secretary of the Treasury under subsection (b) of this section. Such revolving fund shall be comprised of (1) receipts from fees and charges; (2) recoveries under security, subrogation, and other rights; (3) repayments, interest income, and any other receipts obtained in connection with guarantees made under section 703; (4) proceeds of the obligations issued to the Secretary of the Treasury pursuant to subsection (b) of this section; and (5) such sums, which are hereby authorized to be appropriated, as may be required for the purpose of making grants to agencies under section 703. Money in the revolving fund not currently needed for the purpose of this title shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations, participations, or other instruments which are lawful investments for fiduciary, trust, or public funds.

(b) The Secretary may issue obligations to the Secretary of the Treasury in an amount sufficient to enable the Secretary to carry out his functions with respect to the guarantees authorized by section 703. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations so issued, and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include purchases of the obligations hereunder.

(c) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real and other property by the United States, the Secretary shall have power, for the protection of the interests of the fund authorized under this section, to pay out of such fund all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by him as a result of recoveries under security, subrogation, or other rights.

GRANTS

SEC. 706. (a) The Secretary is authorized to make and contract to make grants to State and metropolitan development agencies, in such amounts and under such terms and conditions as he prescribes, to assist in defraying the administrative and operating expenses of such agencies during the first three years of their operations. Grants made to any such agency under this section shall not exceed (1) the full amount of its administrative and operating expenses during the first year of its operations under this title, (2) two-thirds of such expenses during the second year of such operations, and (3) one-half of such expenses during the third year of such operations.

(b) There are authorized to be appropriated for grants under this section not to exceed $20,000,000 for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974. Any amounts so appropriated shall remain available until expended, and any amounts authorized for any fiscal year but not appropriated may be appropriated for any succeeding fiscal year.

TECHNICAL ASSISTANCE

SEC. 707. The Secretary is authorized to provide, either directly or by contract or other arrangements, technical assistance to State and metropolitan development agencies to assist them in connection with planning and carrying out development activities in furtherance of the purpose of this title.

LABOR STANDARDS

SEC. 708. All laborers and mechanics employed by contractors or subcontractors in development activities assisted under this title shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5): *Provided*, That this section shall apply to the construction of residential property only if such residential property is designed for residential use for twelve or more families. No assistance shall be extended under this title with respect to any development activities without first obtaining adequate assurance that these labor standards will be maintained upon the work involved in such activities. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

GENERAL PROVISIONS

SEC. 709. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Secretary, in addition to any authority otherwise vested to him, shall—

(1) have the power, notwithstanding any other provision of law, in connection with any assistance under this title, whether before or after default, to provide by contract for the extinguishment upon default of any redemption, equitable, legal, or other right, title, or interest of a State or metropolitan development agency in any mortgage, deed, trust, or other instrument held by or on behalf of the Secretary for the protection of the security interests of the United States; and

(2) have the power to foreclose on any property or commence any action to protect or enforce any right conferred upon him by law, contract, or other agreement, and bid for and purchase at any foreclosure or other sale any property in connection with which he has provided assistance pursuant to this title. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property. Notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection by way of compromise or otherwise all claims acquired by him in connection with any security, subrogation, or other rights obtained by him in administering this title.

(b) There are authorized to be appropriated such sums as may be necessary for the administrative expenses of carrying out this title, including the expenses of providing assistance under section 707.

TITLE VIII—URBAN DEVELOPMENT BANK

FINDINGS AND DECLARATION OF PURPOSE

SEC. 801. It is the purpose of this title to broaden the sources and decrease the costs of capital funds for State and local governments by establishing, with State and local governments, an Urban Development Bank which could make long-term development loans and provide technical assistance to such governments and their agencies to help them meet needs for essential public works and community facilities, including the acquisition of land necessary thereto.

CREATION OF BANK

SEC. 802. There is hereby created a body corporate to be known as the Urban Development Bank, which shall have succession until dissolved by Act of Congress. The bank, which shall be an independent agency of the United States Government, shall maintain such offices as may be necessary or appropriate in the conduct of its business. Neither the bank nor any of its functions, powers, or duties shall be transferred to or consolidated with any other department, agency, or corporation of the United States Government unless the Congress shall otherwise by law provide.

BOARD OF DIRECTORS

SEC. 803 (a) The bank shall have a board of directors which shall consist of fourteen persons, one of whom shall be the president of the bank. The President of the United States, by and with the advice and consent of the Senate, shall appoint the directors, not more than three of whom shall be officers or employees of the United States and at least seven of whom shall be persons identified with or representative of State or local government.

(b) The board of directors shall meet at the call of its chairman, who shall require it to meet not less often than once each month.

(c) The President, by and with the advice and consent of the Senate, shall appoint a president of the bank, who shall serve at the pleasure of the President. The president shall be chairman of the board of directors. Subject to the general policies of the board, the management of the bank shall be vested in the president and he shall be the chief executive officer of the bank.

INITIAL EXPENSES

SEC. 804. In order to facilitate the formation of the bank, the Secretary of Housing and Urban Development is authorized to pay its initial organizing and operating expenses. There is authorized to be appropriated a sum not to exceed $1,000,000, which sum shall be available for the purposes of this section for a period of three years from the date of the enactment of this Act.

FUNCTIONS

SEC. 805. (a) The bank is authorized, subject to the provisions of this section, to make commitments to purchase, and to purchase, service, or sell, on terms and conditions determined by the bank, any obligation (or participation therein) of a State or local government; except that no obligation may be purchased under this title if the income from such obligation is exempt from Federal taxation.

(b) Purchases made by the bank shall be in accordance with sound and prudent development banking principles. No commitment for any purchase shall be entered into, and no purchase shall be made, unless the bank determines that the proceeds of such purchase will be used by the borrower to finance capital expenditures for public works and community facilities serving community needs (including works and facilities which are or could be part of a community development program assisted under title VI of the Housing and Urban Development Act of 1971).

(c) The bank shall develop criteria to assure that projects assisted by it are not inconsistent with comprehensive planning for the development of the community in which the projects to be assisted will be located or disruptive of Federal programs which authorize Federal assistance for the development of like or similar categories of projects.

(d) Any obligations purchased pursuant to this section may be in an amount not exceeding the total capital cost of the project to be financed with the proceeds thereof; shall be secured in such manner and be repaid in such period, not exceeding forty years, as may be determined by the bank; and shall bear interest at a rate determined by the bank which shall not be less than two-thirds of the current average yield on outstanding obligations of the bank as of the last day of the month preceding the date on which the purchase is made.

OBLIGATIONS OF THE BANK

SEC. 806. (a) The bank is authorized, with the approval of the Secretary of the Treasury, to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the bank. Such obligations may be redeemable at the option of the bank before maturity in such manner as may be stipulated therein. The aggregate amount of obligations of the bank outstanding at any one time shall not exceed $5,000,000,000, which amount shall be increased by $5,000,000,000 on July 1, 1973, and by $5,000,000,000 on July 1, 1974. The full faith and credit of the United States is pledged to the payment of all obligations issued pursuant to this subsection with respect to both principal and interest. The bank is authorized to purchase in the open market any of its outstanding obligations.

(b) In addition to the obligations of the bank authorized to be outstanding in subsection (a) of this section, the bank is authorized to issue obligations to the Secretary of the Treasury. The Secretary of the Treasury is authorized to purchase any such obligations in order to insure the financial integrity of the operations of the bank, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determinated by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(c) The receipts and disbursements of the bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the bank, which budget shall also include the estimated annual net borrowing by the bank from the United States Treasury. The President shall report annually to the Congress the amount of net lending of the bank, including any net lending created by the net borrowing from the United States Treasury, which would be included in the totals of the budget of the United States Government if the bank's activities were not excluded from those totals as a result of this subsection.

FEDERAL PAYMENT TO THE BANK

SEC. 807. (a) With respect to such amounts of purchases made by the bank as may be specified in appropriation Acts, the Secretary of Housing and Urban Development is authorized to make, and to contract to make, annual payments to the bank in such amounts as are necessary to equal the amount by which the dollar amount of interest paid by the bank on account of its obligations exceeds the dollar amount of interest received by the bank on account of purchases made by it pursuant to section 805 of this Act.

(b) There are hereby authorized to be appropriated to the Secretary of Housing and Urban Development such sums as may be necessary to carry out the provisions of the title, including such sums as may be necessary to make the annual payments required by contracts entered into by the Secretary pursuant to subsection (a) of this section.

GENERAL POWERS

SEC. 808. The bank shall have power—

(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal by its board of directors such bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this title in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use or otherwise deal in and with, any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, and to require bonds for them and fix the penalty thereof; and

(9) to enter into contracts to execute instruments to incur liabilities, and to do all things necessary or incidental to the proper management of its affairs and the proper conduct of its business.

TECHNICAL ASSISTANCE

SEC. 809. (a) The bank is authorized to provide technical assistance to State and local governments in the preparation and implementation of comprehensive development projects and programs, including the evaluation of priorities and the formulation of specific project proposals. The bank may charge appropriate fees for its services under this subsection.

(b) The bank is also authorized to undertake research and information gathering activities, and to facilitate the exchange of advanced concepts and techniques relating to municipal growth and development among State and local governments.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 810. (a) The financial transactions of the bank shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the bank and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

(b) The expenses of any audit performed under this section shall be borne out of appropriations to the General Accounting Office and appropriations in such sums as may be necessary are authorized. The bank shall reimburse the General Accounting Office for the full cost of such audit as billed therefor by the Comptroller General, and the General Accounting Office shall deposit the sums so reimbursed into the Treasury as miscellaneous receipts.

(c) A report of each such audit for a fiscal year shall be made by the Comptroller General to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital, and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the Congress informed of the operations and financial condition of the bank, together with such recommendations with respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of Housing and Urban Development, to the Secretary of the Treasury, and to the bank.

TAX EXEMPTION

SEC. 811. The bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds and its income, shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the bank shall be subjected both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

OBLIGATIONS AS LAWFUL INVESTMENTS, ACCEPTANCE AS SECURITY

SEC. 812. All obligations issued by the bank shall be lawful investment (and may be accepted as security) for all fiduciary, trust, and public funds the investment or deposit of which is under the authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the bank pursuant to this title shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States.

PREPARATION OF OBLIGATIONS

SEC. 813. In order to furnish obligations for delivery by the banks, the Secretary of the Treasury is authorized to prepare such obligations in such form as the board of directors may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the bank. The engraved plates, dies, bed pieces and so forth executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The bank shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 814. The bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

AMENDMENTS RELATING TO FINANCIAL INSTITUTIONS

SEC. 815. (a) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Urban Development Bank," immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

(b) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the Urban Development Bank shall not be subject to any limitation based upon such capital and surplus."

(c) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464 (c)), is amended by inserting "or in obligations of the Urban Development Bank;" in the second proviso immediately after "any political subdivision thereof;".

(d) Paragraph (2) of section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is further amended by inserting ", or any obligation of the Urban Development Bank" immediately before the period at the end thereof.

DEFINITIONS

SEC. 816. As used in this title—

(1) the term "bank" means the Urban Development Bank created by section 802 of this Act;

(2) the term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, or any agency or instrumentality of a State;

(3) the term "local government" means any county, municipality, or other political subdivision of a State, or any agency or instrumentality thereof, or any school or other special district created by or pursuant to State law; and

(4) the term "obligation" means any bond, note, debenture, or other instrument evidencing debt.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 817. There are authorized to be appropriated without fiscal year limitation, such sums as may be necessary to carry out the purposes of this title.

TITLE IX—PLANNING AND MANAGEMENT

STATEMENT OF FINDINGS AND PURPOSE

SEC. 901. (a) The Congress finds and declares—

(1) that the ability of our system of government to respond effectively to the needs of all citizens depends upon the strength and capabilities of State and local governments;

(2) that the Federal grant-in-aid system has not given sufficient recognition to the need to work through and to strengthen elected officials of State and local government and regional combinations thereof;

(3) that State and local governments and regional combinations thereof must be aided in developing their planning and management capabilities if they are to fully carry out their responsibilities in the Federal system and if the fullest effectiveness of Federal expenditures is to be achieved;

(4) that existing Federal grant-in-aid programs tend to provide assistance in specific functional areas to specialized agencies and have not tended to strengthen the overall planning and management capabilities of elected State and local officials; and

(5) that, while basic reliance should be placed on State and local resources to support the improvement of State and local planning, decisionmaking, and management capabilities, the Federal Government must provide additional assistance if the Federal system is to be strengthened and the welfare of all citizens promoted.

(b) It is therefore the purpose of this title—

(1) to strengthen general purpose units of government and regional combinations thereof at the State and local levels (with major emphasis on actions by States to modernize both their own governmental machinery and that of their local governments) in order that such governments may use their revenues more effectively to cope with the complex problems they are faced with in a manner responsive to the economic and social needs of all affected citizens;

(2) to assist State and local governments in solving planning and management problems, including those resulting from the increasing concentration of population in metropolitan and other urban areas and the outmigration from and lack of coordinated development of resources and services in rural areas; to facilitate comprehensive planning and management for urban and rural development, including coordinated transportation systems, on a continuing basis by such governments; and to encourage such governments to establish and improve planning and management staffs and techniques on an areawide basis, and to engage private consultants where their professional services are deemed appropriate by the assisted governments; and

(3) to further the achievement of the national housing goal and a national urban growth policy by encouraging the development of local housing goals and by encouraging the States to take a large role in land use and development planning.

DEFINITIONS

SEC. 902. As used in this title—

(1) the term "Secretary" means the Secretary of Housing and Urban Development;

(2) the term "State" means any State of the United States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands;

(3) the term "locality" includes any city, county, or other unit of general local government, the District of Columbia, any territory or possession of the United States, or metropolitan or other multijurisdictional area which the Secretary, guided by any criteria in an applicable State planning and management program, determines forms an economic and socially related development region, taking into account such factors as present and future population trends and patterns of urban growth, location of transportation corridors, facilities, and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities;

(4) the term "governmental agency" means (A) an Indian tribe or organization determined by the Secretary to have governmental characteristics, and (B) an organization, including a nonprofit organization composed or predominantly composed of elected public officials, which meets State standards and criteria prescribed pursuant to section 904 or, in the absence of such standards and criteria, an areawide agency, designated pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 or title IV of the Intergovernmental Cooperation Act of 1968, which is organized to deal with matters of governmental concern to two or more public bodies or units of government; and

(5) the term "cities" means (A) a city within a standard metropolitan statistical area which is the central city of such area, as defined and used by the Office of Management and Budget, or (B) any other city which has a population of fifty thousand or more.

PLANNING AND MANAGEMENT PROGRAMS GENERALLY

SEC. 903. (a) Planning and management programs assisted under this title shall be designed by the State or locality to meet its own particular needs and to improve capabilities of elected officials for developing implementing, and evaluating policies, programs, and projects in a balanced manner that will further the purpose of this title. Activities which may be supported under this title are those which (1) will aid in the attainment of specified State or local objectives relating to governmental operation, land use, housing, development, resource management, or areawide and intergovernmental coordination, and (2) are carried out in a manner which assures periodic examination by States or localities of methods and objectives as information becomes available on the social, economic, and environmental consequences of program activities.

(b) The authorities provided in this title shall be administered in such a manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to allow for innovation and diversity on the part of State and local governments in the design and implementation of their planning and management programs.

(c) In carrying out the provisions of this title in areas whose development has significance for purposes of national growth and urban development objectives, the Secretary shall encourage the formulation of plans and programs which will include the studies, criteria, standards, and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth should take place within such areas. Such plans and programs shall take account of the availability of and need for conserving land and other irreplaceable natural resources; of projected changes in size, movement, and composition of population; of the necessity for expanding housing and employment opportunities; of the opportunities, requirements, and possible locations for, new communities and large-scale projects for expanding or revitalizing existing communities; and of the need for methods of achieving modernization, simplification, and improvements in governmental structures, systems, and procedures related to growth objectives.

(d) Planning and management activities which qualify for assistance under this title shall include a housing element as part of the preparation of comprehensive land use plans. This housing element shall include a proposed housing program covering a three-year period which (1) establishes areawide housing needs, including the need to provide an adequate supply of standard housing for low- and moderate-income families within reasonable proximity to their places of employment and supporting community services and facilities, (2) establishes adequate and feasible objectives toward meeting those needs, (3) identifies the number and types of housing units to be assisted with Federal subsidy funds, (4) identifies the income groups to be served and the general location of the housing units to be made available to each such group, and (5) identifies other local actions and programs to be undertaken to increase housing production and to preserve the existing housing stock.

STATE PLANNING AND MANAGEMENT PROGRAMS

SEC. 904. (a) State planning and management programs shall be consistent with the provisions of section 903 and, in addition to the activities specified in section 905, shall include (1) a statewide development plan which seeks to integrate all important elements of community development (including land use) and which may include designation of potential growth areas and new community development sites, and (2) standards for determining which communities, or groups of communities, should be considered together as a single locality for purposes of establishing and carrying out local and areawide programs in support of purposes of this title together with criteria and procedures for measuring the adequacy of those programs and for determining whether they, and other significant local actions and projects, are consistent with the State program as developed pursuant to this section.

(b) In addition to the activities authorized in subsection (a), State planning and management programs may also include the preparation of plans and timetables for modernizing and revitalizing State and local governments, by methods such as those on the following illustrative checklist—

(1) interstate action in the form of proposed arrangements, by interstate compact or otherwise, for dealing with interstate regional problems, including those of metropolitan areas which overlap State lines, and for regional cooperation in such areas as health, education, welfare, conservation, resource development, transportation, recreation, housing;

(2) State direct action in the form of proposed strengthening and modernizing of State governments (by constitutional, statutory, and administrative changes), including recommendations concerning the short ballot; longer terms for constitutional officers; annual legislative sessions; adequately paid officers and legislators; modernized State borrowing powers; improved tax systems (including an income tax of at least moderate progressiveness); rationalized boards and commissions; increased assistance to local governments; revising the terms of State aids and shared taxes so as to encourage modern local governments and to compensate for differences in total local fiscal capacity; State assumption of direct fiscal responsibility for basic functions, and modern personnel systems;

(3) State action affecting localities in the form of proposed strengthening and modernizing by the State or local, rural, urban, and metropolitan governments (by constitutional, statutory, and administrative changes), including—

(A) changes designed to make local government more efficient and economical, as by—

(i) reducing the number of, or eliminating, local governments too small to provide efficient administration or possessing inadequate fiscal resources, and special districts not subject to democratic controls;

(ii) restricting local popular elections to policymakers (the short ballot);

(iii) concentrating on a single responsible executive for each local unit;

(iv) reform of personnel practices;

(v) grating adequate home rule powers to local governments of sufficient size and scope;

(vii) authorizing local governments to utiistration;

(vii) authorizing local governments to utilize nonproperty taxes, coordinated at the State or regional level;

(viii) easing restricions on the borrowing and taxing powers of local governments; and

(ix) encouraging the formation of multicounty and regional bodies.

(B) changes designed to strengthen local government in metropolitan areas, as by—

(i) liberalizing municipal annexation of unincorporated areas;

(ii) discouraging new incorporations not meeting minimum standards of total population and population density;

(iii) authorizing city-county consolidation, or transfers of specified functions between municipalities and counties;

(iv) authorizing intergovernmental contracts for the provision of services;

(v) authorizing municipalities to exercise extraterritorial planning, zoning, and subdivision control over unincorporated areas not subject to effective county regulation;

(vi) restricting zoning authority in metropolitan areas to metropolitan units, to larger muncipalities, to counties, or to the State, in order to prevent zoning by smaller municipalities which excludes housing for lower income families;

(vii) authorizing the formation of metropolitan councils of government and other regional governing bodies;

(viii) authorizing the establishment by the State, by local governmental bodies, or by the voters of the area directly, of metropolitan area study commissions to develop proposals to improve and coordinate local governmental structure and services, to permit side-by-side areawide and local governments, or to permit consolidation of municipalities; to implement such proposals, either directly or by presenting them to the voters of the area; and to present to the voters of the area such proposals;

(ix) authorizing the formation of metropolitan planning agencies to make recommendations to local governments concerning such matters as land use, zoning, building regulations, and capital improvements; and

(x) furnishing State financial and technical assistance to metropolitan areas for such matters as planning, building codes, urban renewal, consolidation, and local government and finance; and

(C) changes designed to make local government more responsive and democratic by decentralizing power and functions back to the neighborhood wherever possible.

(c) States may undertake the activities set forth in section 905 with respect to State governments or on behalf of localities or groups of localities, including areawide agencies, within the State. States also may make grants to localities or groups of localities, including areawide agencies, to support activities set forth in section 905, using funds received under this title.

PROGRAM ACTIVITIES

SEC. 905. In general, activities carried on in formulating, or as part of, a planning and management program, which may qualify for assistance as provided in this title, include the following:

(1) improving governmental systems and operations including revenue and resource allocation systems and methods for obtaining effective public participation in policy decisions;

(2) improving governmental structures, authorities, and coordinating mechanisms for dealing with the economic, social, and environmental complexities of modern society, including expansion of the role of elected executive officials and general units of government;

(3) establishing objectives, evaluating programs for achieving these objectives, and providing for program balance and coordination in response to State and local needs and priorities;

(4) formulating policies and plans governing the use, development, and conservation of land, and developing and carrying out supporting or implementing procedures;

(5) identifying and evaluating needs for housing, facilities, and services, and formulating specific programs for meeting the needs so identified;

(6) providing (directly or through grants or contracts) planning, technical, assistance, information, or advisory services to communities and agencies needing such assistance or services in connection with activities related to the purpose of this title;

(7) participating in organizations for joint or common governmental or governmental and private action, in solving problems of community revitalization and growth; and

(8) other activities or projects, consistent with the purpose of this title, which pertain

to the coordination, regulation, modernization, or improved implementation, management, or control of governmental functions.

AUTHORITY TO MAKE GRANTS

SEC. 906. (a) The Secretary may make grants, as provided in this section, to assist States and localities in formulating planning and management programs and carrying out the activities set forth in section 905. In making the initial distribution of funds among States and localities, the Secretary should take into consideration such factors as the applicant's population, social and economic conditions special opportunities to improve the working of government, unique developmental problems, and other factors consistent with the purpose of this title. In determining whether and on what conditions to continue assistance to any program initially approved, the Secretary shall consider the degree to which previous assistance has been effectively used by the applicant State or local government.

(b) Grants may be made under this section to States and cities and, where consistent with the provisions of State planning and management programs or where the Secretary finds it necessary for carrying out the purpose of this title, to other governmental subdivisions, and to metropolitan, regional, or other governmental agencies.

(c) The Secretary shall not require any matching or other expenditure of State or local funds as a condition to making grants under this title.

(d) There is authorized to be appropriated for grants under this section not to exceed $150,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for the fiscal year ending June 30, 1974. Of the aggregate amount so appropriated, $25,000,000 shall be available only for grants with respect to activities described in section 904(b), and $60,000,000 shall be available only for grants with respect to the development of the housing element described in section 903(d). Amounts appropriated for any fiscal year under the first sentence of this subsection shall remain available until expended, and amounts authorized but not appropriated for any fiscal year under such sentence shall be available for appropriation for any subsequent fiscal year ending on or before June 30, 1975.

CONDITIONS AND ADMINISTRATION OF GRANTS

SEC. 907. Grants made under this title may be used, subject to regulations and conditions prescribed by the Secretary, for any activities made eligible by the provisions of this title; but such regulations shall provide that grant assistance not be used to defray the cost of the acquisition, construction, repair, or rehabilitation of, or the preparation of engineering drawings or similar detailed specifications for, specific housing, capital facilities, or public works projects.

INTERSTATE AGREEMENTS

SEC. 908. The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of planning and management programs adopted under this title as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreement and compacts effective.

FEDERAL CONSULTATION AND COOPERATION

SEC. 909. (a) The Secretary shall consult with the heads of other Federal departments and agencies having responsibilities related to the purpose of this title, including responsibilities connected with the economic development of rural and depressed areas, and the protection and enhancement of the Nation's natural environment, with respect to (1) general standards, policies, and procedures to be followed in the administration of this title, and (2) particular grant actions or approvals which the Secretary believes to be of special interest or concern to one or more of such departments and agencies.

(b) Funds made available under any Federal assistance program for projects or activities approved as part of, or in furtherance of, a planning and management program assisted under this title may be used jointly with funds made available for such projects or activities under any other Federal assistance program, subject to regulations prescribed by the President. Such regulations may include provisions for common technical or administrative requirements where varying or conflicting provisions of law or regulations would otherwise apply, for establishing joint management funds and common non-Federal shares, and for special agreements, or delegations of authority, among different Federal agencies in connection with the supervision or administration of assistance. Such regulations shall in any case include appropriate criteria and procedures to assure that any special authorities conferred, which are not otherwise provided for by law, shall be employed only as necessary to promote effective and efficient administration and in a manner consistent with the protection of the Federal interest and program purposes or statutory requirements of a substantive nature. For purposes of this section, the term "Federal assistance program" shall have the same meaning as under the Intergovernmental Cooperation Act of 1968.

(c) The Secretary may, as necessary or appropriate and with the approval of the President, delegate any of his powers under this title to the heads of other Federal agencies and authorize the redelegation thereof, subject to such conditions or provisions as may be appropriate to assure effective coordination between the powers so delegated and other powers or functions retained by the Secretary.

TECHNICAL ASSISTANCE

SEC. 910. (a) The Secretary may provide, directly or through contracts, grants, or other arrangements, technical assistance in the formulation or implementation of planning and management programs.

(b) Grant funds made available under this title may be used, subject to such limitations as the Secretary may prescribe, for the purpose of procuring specialized or technical services available pursuant to section 302 of the Intergovernmental Cooperation Act of 1968, and the Secretary is authorized directly to procure such services on behalf of any State or political subdivision which could receive or participate in assistance provided under this title, and the heads of other Federal agencies are authorized to provide such services.

REPEALING AND TRANSITION PROVISIONS

SEC. 911. (a) In addition to amounts authorized and appropriated under section 906, appropriations available for carrying out section 701 of the Housing Act of 1954 shall be available until expended for the purpose of carrying out this title. The provisions of this title shall be effective, in whole or in part, at such date or dates as the Secretary of Housing and Urban Development shall prescribe and the Secretary shall establish procedures for the orderly transfer of Federal assistance activities from the authority of section 701 of the Housing Act of 1954. Effective upon the completion of such transfer, section 701 of the Housing Act of 1954 is repealed.

(b) Title IX of the Demonstration Cities and Metropolitan Development Act of 1966 is hereby repealed.

BRIEF SUMMARY OF "THE HOUSING AND URBAN DEVELOPMENT ACT OF 1971"

TITLE I—HOUSING GOALS AND ANNUAL HOUSING REPORT

Title XVI of the Housing and Urban Development Act of 1968 (which set the national goal and required an annual housing report) would be amended, as follows:

(1) the national housing goal would be broadened to place greater emphasis on preservation of the existing housing stock through a reduction of losses to the existing stock and improved management and maintenance policies;

(2) the annual housing report would be required to include (a) a contingency mortgage credit plan, setting forth proposed governmental actions in the event of adverse monetary and economic conditions, (b) an analysis of changes in various housing costs affecting housing production and recommended actions to reduce the cost of inflationary elements, and (c) an analysis of annual changes in the number and condition of units in the existing housing inventory; and

(3) the HUD Secretary would be required to encourage (through the earmarking of section 701 planning funds) the setting of local housing goals covering major housing market areas (usually the SMSA's); these locally established goals would include both housing production needs and actions needed to preserve the existing housing stock, including (a) the number and types of subsidized units needed to serve various income groups, (b) Federal, State, and local programs to be utilized to meet the goals and the adequacy of private financing resources, (c) identification of such impediments as building codes and zoning regulations and plans to eliminate them, (d) plans to locate low- and moderate-income housing so as to provide greater access to employment opportunities and provide the public facilities needed to serve housing, and (e) plans to promote market aggregation in order to achieve the benefits of economies of scale.

TITLE II—PRESERVATION AND REVITALIZATION OF DECLINING NEIGHBORHOODS

A major new program would be initiated to help preserve older neighborhoods threatened by blight and housing abandonment.

First, cities would be required to designate "neighborhood preservation areas" and prepare 5-year plans for the improvement of basic community facilities and services within those areas. Eligible activities to be carried on would include (1) the repair of streets, sidewalks, parks, playgrounds, utilities, and public buildings to meet the needs of the area, (2) the improvement of private properties needed to eliminate dangers to public health and safety, (3) the demolition of structures determined to be structurally unsound or unfit for occupancy, and (4) the establishment of temporary public playgrounds on vacant land. Cities would receive 90 percent grants to finance these activities.

Second, in such areas, Federal mortgage insurance would be available to permit the preservation and upgrading of the housing stock by facilitating the refinancing of properties and their transfer to resident or nonprofit ownership. Structures covered by the Federally-insured mortgage must be basically sound, or capable of being brought up to standard without major rehabilitation. Furthermore, the mortgage insurance would be available only to permit refinancing or transfers of ownership *without raising rent levels* for at least one year. (After one year, rents could be raised, as in all FHA projects, to cover necessary increases in operating costs.)

Eligible borrowers would be—

(1) owner-occupants of 2–6 unit structures,

(2) purchasers who would become resident owners of 2–6 unit structures,

(3) cooperative or condominium organizations consisting of a majority of the occupants of structures containing 7 or more units, and

(4) nonprofit purchasers of structures containing 7 or more units.

The insured loans would bear market interest rates, have terms of up to 20 years, and would require equity contribution of at least 3 percent by the borrower. Insured loans to current owners could not exceed the sum of previous outstanding indebtedness on the property, plus necessary improvements. If the resulting debt service plus operating expenses would make the project infeasible at existing rent levels, section 235 or 236 subsidies could be made available on behalf of occupants otherwise eligible for such subsidies.

TITLE III—COUNSELING AND IMPROVED MANAGEMENT ACTIVITIES

The Secretary of HUD would be authorized to carry out the following activities:

Homeownership assistance activities, such as—

(1) providing training programs in family budgeting, record keeping, and maintenance for eligible families in Federally-assisted homeownership programs, including the preparation of educational materials (booklets, guides, etc.),

(2) making studies of typical homeowner problems (roof repairs, plumbing problems, etc.) and disseminating information through periodic consumer bulletins, and

(3) conducting continuing analyses of FHA experience and other studies to determine criteria for homeownership in order to help screen section 235 applicants.

Tenant and management counseling activities, such as—

(1) providing counseling programs in family budgeting, homemaking, and utilization of equipment for tenants in all FHA-subsidized rental housing,

(2) providing training programs for local and other personnel recruited to be members of project management staffs,

(3) preparing model management operating manuals for project managers,

(4) providing "seed money" loans (repayable with interest) and advanced training for those with management experience to help them form corporations to manage subsidized housing projects,

(5) participating in FHA rental project application reviews and conferences prior to approval to ascertain that design and materials would be conducive to good management and operating efficiency,

(6) reviewing the required management and operating budget and plan (see below) to be submitted as part of rental project applications,

(7) providing encouragement and assistance to management in the formation of tenant councils, and

(8) engaging in adequate HUD monitoring of management operations in order to identify developing weaknesses before projects reach a serious problem condition.

These activities would be financed through the use of a portion of the one-half of 1 percent mortgage insurance premium now charged homebuyers and renters under the section 235, 236, and rent supplement programs. In rental projects, there would be no retention by FHA of the premium during the first year of the project's life; instead, it would be made available to the owner of the project to help finance the preparation of a project management and operating budget and plan by a qualified management organization. In subsequent years a portion of one-half of the 1 percent premium would help finance the new activities outlined above.

* * * * *

There would also be established within the Office of the HUD Secretary an office representing the overall interests of occupants of Federally-assisted housing. This office would be responsible for actively promoting occupant interests in the HUD programs through such activities as—

(1) maintaing surveillance over present and proposed fees and charges required in connection with Federally-assisted housing which will be reflected in monthly housing costs,

(2) maintaining surveillance over present and proposed minimum property standards in order to reduce costs and improve the quality of construction, and

(3) investigating complaints from consumer groups concerning the administration of HUD regulations and procedures affecting the quality of housing.

TITLE IV—HOUSING ALLOWANCES

The housing allowance demonstration program enacted in the 1970 Act would be expanded by authorizing $25 million annually for a 3-year period (rather than $10 million annually for 2 years, as under existing law). The greatly increased funding would permit the testing of several different types of housing allowance techniques in a limited number of metropolitan areas and careful evaluation of each technique, particularly with respect to the impact of allowances on existing rent levels and the extent that increased rent levels reflect improved housing services.

TITLE V—HOUSING BLOCK GRANTS TO STATE AND METROPOLITAN HOUSING AGENCIES

States would be encouraged to enact legislation establishing (a) *metropolitan housing agencies* to serve metropolitan housing market areas (usually SMSA's), and (b) *State housing agencies* to serve all areas of the State outside those areas. Both State and metropolitan housing agencies could be established and organized in any way deemed appropriate by the States, except that metropolitan agencies would be required to be representative of all the political jurisdictions in the metropolitan area.

These State and metropolitan agencies would—

(a) determine local housing needs, establish goals, and prepare programs covering a 3-year period,

(b) identify the number and types of units to be assisted with Federal subsidy funds,

(c) identify the income groups to be served and the general location of subsidized units throughout the housing market area, and

(d) identify other local actions and programs to be undertaken to increase housing production and to preserve the existing stock.

These 3-year programs would be required to reflect locally-conceived actions to achieve national goals with respect to (1) providing housing opportunities for all, particularly low- and moderate-income individuals and families, (2) providing greater access to places of employment, and (3) providing housing in conjunction with improved community facilities and services.

The housing block grant to State and metropolitan housing agencies would consist of three types of funds, as follows:

(1) *discretionary funds*—each agency would receive a small block of funds to finance locally-initiated programs to increase housing production and to preserve the existing housing supply (e.g. facilitating production through market aggregation activities and preserving the existing supply through emergency repair programs);

(2) *reservations of annual contract authority*—each agency would receive a block reservation of annual contract authority for federally-subsidized housing (authority now contained in the public housing sections 235–236, and rent supplement programs); of the amount of contract authority allocated, each agency would designate the amounts to be used for each type of housing, the general location of such housing, and the general income groups to be served; and

(3) *metropolitan incentive funds*—each agency would receive funds to provide to any jurisdiction in which subsidized units are to be located in accordance with the agency's plan a payment of up to $3,000 per unit over a 10-year period to cover part of the cost to the jurisdiction of providing public facilities and services needed to serve additonal housing units; in addition, the local tax exemption for public housing would be eliminated for new projects.

Housing block grant funds would be allocated among States and metropolitan areas pursuant to a formula based on population, housing condition, and number of households with incomes below poverty levels (this last factor to be weighted double). In addition, Federal funds would be available to help pay the administrative costs of State and metropolitan housing agencies (100 percent of cost during the first full year of operation, two-thirds of cost during the second year, and one-half of cost during the third year).

These State and metropolitan housing agencies would not build or own housing. Those functions would continue to be performed by eligible private developers and local housing authorities, as under the existing Federal subsidy programs. HUD would continue to process projects under the basic HUD programs (sections 235–236, rent supplements, and public housing), which would be consolidated into three major programs—single-family, rental, and public housing—through the housing consolidation proposals to be considered subsequently. Mortgage and income limits, rent-to-income ratios, and economic feasibility would continue to be set by Federal law.

If State and metropolitan housing agencies are not established for a particular jurisdiction or if the 3-year housing program they propose is deemed inadequate by the Secretary of HUD, the housing assistance funds that would otherwise be available to the area through the allocation formula would be retained by the Secretary and made available to (1) other State and metropolitan housing agencies whose programs can be accelerated, and (2) other sponsors (including voluntarily established metropolitan housing agencies) where this would help further the basic purposes of the title. In areas not covered by a State or metropolitan housing agency, title VI community development funds would not be available to any community unless it made *bona fide* efforts to establish such an agency.

TITLE VI—COMMUNITY DEVELOPMENT BLOCK GRANTS

Purpose—This proposal would consolidate the major HUD physical development programs into a single community development block grant. The program would be initiated in FY 1973.

Block Grants—Grants could not exceed 90 percent of the estimated annual cost of approved community development programs, with the required 10 percent local contributions being made in cash. To encourage coordination with other Federal grant programs which provide assistance for community development activities, localities would be allowed to use block grant funds to help make up the local share required under those programs.

Localities could use the block grant funds to carry out any activities now authorized under title I of the Housing Act of 1949 (urban renewal, rehabilitation loans and grants, demolition, code enforcement, and interim assistance); title VII of the Housing Act of 1961 (open space, urban beautification, and historic preservation); title VII of the Housing and Urban Development Act of 1965 (water and sewer, neighborhood facilities, and advance acquisition of land); and title I of the Demonstration Cities and Metropolitan Development Act of 1966 (activities for which model cities supplemental grants are authorized).

Eligible Community Development Programs—Eligible applicants for community development block grants would fall into three categories:

(1) *Units of general local government outside SMSA's.* Applicants may apply for a block grant for any eligible activity, but must, as a condition of grants, (A) identify their communities' needs, (B) specify both short- and long-term community development objectives, and (C) be making adequate efforts to provide housing for those employed in the area.

(2) *Units of general local government within SMSA's.* Application requirements would be the same as for small towns and cities outside SMSA's as in (1) above.

(3) *"Metropolitan cities" within SMSA's.* The term "metropolitan cities" would be defined to mean (A) cities within metropolitan areas which are central cities of metropolitan areas, as defined and used by the Office of Management and Budget, (B) cities within metropolitan areas having a population of 50,000 or more, or (C) a combination of units of general local government within the metropolitan area recognized by the Secretary as having a populaion of 50,000 or more. Applications from the cities would be required to involve balanced community development programs which, in addition to meeting the requirements applicable to units of general local government, also (A) eliminate or prevent slums, blight, and deterioration; and (B) develop properly planned public facilities, including necessary supporting social services.

Allocation of Grant Funds for Non-Metropolitan Areas—$500 million would be authorized annually for each of three fiscal years (1973–1975) for grants to communities outside SMSA's.

Allocation of Grant Funds for Metropolitan Areas—For the 247 SMSA's, $7.5 billion would be provided over a 3-year period through contract authorization similar to that contained in the 1970 mass transit legislation (i.e., contracts up to $7.5 million would be authorized immediately, with annual limitations of $2, 2.5, and 3 billion on actual disbursements or obligations); funds would be allocated on the basis of need (population, housing condition, and number of low-income families or persons, weighted twice) both *among* the 247 SMSA's, and *within* each SMSA; cities of over 50,000 would be assured through the formula of maximum annual grants, but could receive lower grant amounts if, first, their initial plans did not adequately reflect national priorities, or, second, if in subsequent years, the HUD Secretary determined that program performance was inadequate.

In general, the HUD Secretary would enter into 3-year grant agreements with applicants who would submit "performance statements" to the Secretary describing the results they expect to achieve with block grant funds during each year of the 3-year period. In order to allow for maximum local flexibility, the performance statement need not be so detailed as to tie the applicant to specific projects and locations. Wherever possible, the Secretary should develop measurable community development standards in terms of which local objectives can be set and local achievements evaluated. Sixty days prior to the end of each year's activities, a locality's program would be evaluated. The Secretary would have express authority to hold back additional grant funds if he finds this necessary to hold the applicant accountable to promised performance targets. If he finds the applicant is unwilling or unable to achieve the results agreed to, the unexpended funds obligated to the applicant may, in his discretion, be reallocated to other eligible applicants.

This proposal contemplates the termination of funding for the following HUD programs in fiscal 1973—the urban renewal and rehabilitation loan programs, the open space land programs, and the basic water and sewer and neighborhood facilities programs. Existing model cities programs would continue to be funded separately. A commitment would be made in the legislative history to hold cities harmless against any reduction in their program levels from the average of the past 5 years. With respect to basic water and sewer grants, it is anticipated that a large proportion of the $500 million annually earmarked for communities outside SMSA's would be used to help finance water and sewer facilities projects.

TITLE VII—STATE AND METROPOLITAN DEVELOPMENT AGENCIES

Purpose—To encourage the formation of and provide assistance to State and metropolitan development agencies.

Assistance—HUD would be authorized to—

(1) guarantee the taxable obligations of eligible development agencies and to make grants to cover the difference between the market interest rate paid on such obligations and the interest which would be paid on similar obligations if the income were exempt from Federal taxation; up to $500 million could be guaranteed at any one time;

(2) make grants to development agencies to help pay administrative costs during their first three years of operation (100 percent of cost during the first year; two-thirds during the second year, and one-half during the third year). Appropriations of $20 million for each of the fiscal years 1973, 1974, and 1975 would be authorized for these grants; and

(3) provide technical assistance to State and metropolitan development agencies.

Eligible Development Agencies—To be eligible for assistance, a State or metropolitan development agency must include in its purposes and have authority to carry out the following types of activities—(A) the provision of decent, safe, and sanitary housing and related facilities for low- and moderate-income persons and families through construction, rehabilitation, or management of housing, (B) the revitalization of slum and blighted urban neighborhoods through clearance, reconstruction, and rehabilitation of such neighborhoods and the provision of necessary public and community facilities and services, and (C) the development of job opportunities for unemployed and underemployed persons through the development of new, and the redevelopment of existing, industrial, manufacturing, and commercial facilities.

A *"metropolitan development agency"* would be defined as an agency, publicly sponsored corporation, or other instrumentality of two or more units of general local government within an SMSA, one of which is the central city of the SMSA. A *"State development agency"* would be defined as an agency, publicly sponsored corporation, or other instrumentality of one or more States.

TITLE VIII—URBAN DEVELOPMENT BANK

Purpose—To establish an Urban Development Bank to assist in broadening the sources and decreasing the costs of capital funds for State and local governments.

Creation of Bank—A body corporate would be established which would be an agency of the U.S. Government. The Bank would have a board of directors, composed of public and private members. A president, who would also be the chairman of the board, would be appointed by the President with advice and consent of the Senate.

Functions—The Bank would be authorized to purchase, service, and sell taxable obligations of State and local governments which finance capital expenditures for public works and facilities serving community needs. Obligations purchased could have a maturity of up to 40 years and would bear interest at a rate determined by the Bank, but not less than two-thirds of the current average yield on outstanding obligations of the Bank (this Bank lending rate would be generally equal to tax-exempt rates).

To raise capital for these loans the Bank would be authorized, with the approval of the Secretary of the Treasury to issue and have outstanding at any one time obligations in an amount not to exceed $5 billion in FY 1973, which amount would be increased by $5 billion in FY 1974, and by $5 billion in FY 1975. These obligations would be guaranteed by the United States, but would not be included in the Budget.

In addition to these obligations, the Bank would be authorized to issue obligations to the Secretary of the Treasury, who could purchase such obligations in order to insure the financial integrity of the operations of the Bank. Interest on obligations of the Bank purchased by the Secretary would be such as to yield a return at a rate not less than the current average yield on outstanding marketable obligations of the United States of comparable maturities.

The Bank would also be authorized to provide technical assistance to State and local governments and could charge appropriate fees for these services.

Federal Payments to the Bank—The Secretary of HUD would be authorized to (1) pay the initial organizing and operating expenses of the Bank (appropriations of $1 million would be authorized for this purpose); and (2) make annual payments to the Bank in such amounts as are necessary to equal the amount by which the dollar amount of interest paid by the Bank on account of its obligations exceeds the dollar amount of interest received by the Bank on account of loans made by it (appropriation of such amounts as may be necessary for this purpose would be authorized).

TITLE IX—PLANNING AND MANAGEMENT

The current section 701 comprehensive planning assistance program would be revised extensively to—

(1) discourage the use of funds for the production of "paper plans"; emphasis would be placed on "management" and on improving the capability of States and localities to actually carry out realistic development plans, rather than on drawing up the plans;

(2) place greater emphasis on the development of viable "housing plans" (currently required in section 701 planning); a portion of funds made available for planning and management would be earmarked for this purpose;

(3) place major emphasis on encouraging States to modernize both their own governmental machinery and that of their local governments; up to $25 million would be earmarked for this purpose over a 2-year period; the bill would spell out a long list of desirable governmental reforms;

(4) simplify the categories of public bodies eligible for assistance; States would be encouraged to take a larger role in growth and development planning (including land use planning) and in determining when groups of communities should be treated as a single unit for purposes of establishing and carrying out areawide plans and programs; and

(5) permit greater flexibility in the use of planning and management funds by authorizing funds to be used jointly with those available under other Federal programs; use of funds in connection with planning and management of community development block grant programs would be especially encouraged.

$150 million would be authorized for planning and management grants annually for a 2-year period (FY 1973–1974).

LIBERTY WITHOUT LAW IS A MYTH—J. EDGAR HOOVER

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. DEVINE. Mr. Speaker, in the July Law Enforcement Bulletin the very able Director of the Federal Bureau of Investigation, J. Edgar Hoover, includes an excellent message which should be read by all Members of Congress, as well as the general public. The theme is "Liberty Without Law Is a Myth."

I am, accordingly, including Mr. Hoover's message:

MESSAGE FROM THE DIRECTOR TO ALL LAW ENFORCEMENT OFFICERS

Liberty, it has been said, is the right to do what the laws allow. Liberty is not, as some present-day protesters seem to think, the right to overrun the rights of others, and the law does not allow it.

The sentiment appears to be growing among some people that a person has a right to break the law if he is motivated by so-called political or moral issues. Further, some groups insist on the privilege of violating the rights of others while expressing their dissent in such wild schemes as trying to "shut down the Government." They are visionary rich and judgment poor.

Indeed, with respect to the Mayday demonstrations in the Nation's capital, the most neutral and objective observers must have felt that some influential components of our society, judging from their reactions, were sympathetic to the rebelling hordes who vowed "to bring the Government to a halt."

As elementary as it may seem, commonsense and public morality are necessary parts of liberty under the law. In the recent past, we have seen some ridiculous incidents in the name of rights, liberty, and freedom which were completely devoid of commonsense and morality. In fact, many such events were staged as if to perpetuate degradation and depravity rather than anything so uplifting and noble as rights and freedoms. Also, to my mind, we are right to question the sincerity of petitioners, regardless of their cause, who haul down the Nation's flag and destroy and burn government property.

Citizens taking to the streets to air their grievances should remember that they are exercising a most cherished right under the system of law. Their presence, however restrained and controlled, creates some degree of inconvenience and hardship for others, not to mention the costs involved which must be borne by the local and/or Federal Governments. These conditions are understandable. However, when demonstrators deliberately defy authority and violate the rights of others, let them know that the same system of law which willingly grants the opportunity to be heard will quickly and effectively curb their excesses. Liberty without law is a myth.

JOHN EDGAR HOOVER, *Director*.

JULY 1, 1971.

"FROM A MILITARY RETIREE'S POINT OF VIEW"

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. DOWNING. Mr. Speaker, I have introduced again in this Congress a bill in behalf of our military retirees which would amend title 10 of the United States Code to equalize the retirement pay of members of the uniformed services of equal rank and years of service. I insert in the RECORD today an article written by Commander Justus P. White, Coast Guard, retired, entitled "From a Military Retiree's Point of View":

FROM A MILITARY RETIREES POINT OF VIEW

Persons who entered the uniformed services prior to June 1, 1956 have suffered a serious loss of earned retired pay due to the action of Congress in precipitously suspending a favorable system existing prior to that time and later substituting a less satisfactory system.

At that time and for almost a hundred years before then the U.S. Code contained specific provisions entitling uniformed services personnel to retired pay based upon current active duty rates.

Although such persons had no signed contract with the U.S. Government promising them that this system would be continued after their service was completed; there was certainly a moral obligation on the port of the Government not to reduce the benefit after it was earned.

The more than 500,000 retired career personnel, both regular and reserve, who had served in two World Wars, Korea, and Vietnam, believed that the Government would continue to honor that obligation by preserving their entitlement to those rights and benefits earned under existing law during their active service. Faith in that belief was strengthened by repeated governmental statements concerning the matter.

In 1806, in the case of United States vs. Heth (7 US 399, 2d Ed. 479), the Supreme Court stated:

"While it is true that pay is subject to the will of Congress, the presumption is where a person performs service under the prospect of certain emoluments, it is in the interest of the Government to engender a confidence in the minds of its citizens which leaves no room for distrust . . ."

The Military Retirement System was initiated by Congress during the Civil War. It was at this time that the basic principle of keeping retired pay geared to current active duty pay schedules was established. This basic principle apparently was not seriously challenged by successive Congresses until passage of the Joint Services Pay Act of 1922, which denied to those retired prior to the effective date of the Act the right to recompute their retired pay on the basis of the new schedules. The 69th Congress, in passing Public Law 204 in 1926, corrected this injustice and the Senate report, S. 364, 69th Congress, contained this statement:

"The 1922 legislation deprives all officers retired prior to the date of said benefits, thereby violating the basic law under which these officers gained their retirement rights. There is no justice in two pay schedules for equal merit and equal service."

In January 1931, a Joint Congressional Committee, after reviewing the overall Military Compensation System, stated in Senate Document 259, 71st Congress, 3rd session:

"The pay of any person on the retired list should be based on the pay of persons of like grade on the active list."

On June 16, 1942, the 77th Congress, in passing Public Law 607, recognized the provisions of existing law relative to computing retired pay when it stated in Section 15 thereof:

"On and after the effective date of this Act, retired officers * * * shall have their retired pay * * * computed as now authorized by law on the basis of pay provided in this Act."

In 1946, in passing Public Law 474, the Congress again adhered to the existing law by permitting those already retired to participate in the new pay schedules.

Career members of the uniformed services, regular and reserve, active and retired, had their faith in the dependability of their earned retirement rights further strengthened in 1949 when the Advisory Commission on Service Pay (The Hook Commission) recommended that the Congress continue to uphold the basic principle of keeping retired pay geared to current active duty pay schedules. The recommendations of this Commission were accepted by the Congress when it enacted Public Law 351 in October 1949. Section 511 of this law reads in part:

"Retired pay shall be computed on the monthly basic pay * * * which such member would be entitled to receive if serving on active duty in such grade."

In 1952 and again in 1955, Congress enacted legislation increasing the pay of the active services and, in each of these laws, continued the time-honored principle of equating retired pay to current active duty pay.

In 1957, the Cordiner Committee, which, like the Hook Commission, had been formed to study the military compensation system concluded:

"* * * that the incentive value of the existing military retirement system depends to a major degree upon its integral relationship with active duty compensation and the confidence which has been built up in the military body that no breach of faith or breach of retirement contract has ever been permitted by Congress and the American people."

"The uniformity of compensation thus achieved is considered appropriate and the inclusion of retired personnel within the new compensation system is considered by the Committee to be a mandatory and essential feature, fully in consonance with the long-established principle that retired compensation must always remain closely related to current active duty pay."

Obviously, the recommendations of the Cordiner Committee fell on deaf ears when the Congress, in enacting Public Law 85–422 on May 20, 1958, chose to ignore these recommendations by denying to those already retired, the right to have their retired pay recomputed on the basis of the active duty pay scales authorized by that Law. Such action was taken notwithstanding the fact that existing law (10 USC 1401) clearly provided that "retired pay would be computed at rates applicable on date of retirement and adjusted to reflect later changes in applicable permanent rates."

The reaction was immediate and the national conscience was thoroughly aroused. Hopes ran high, and with good reason, that this injustice would be corrected forthwith. Fifteen State Legislative bodies passed memorializing resolutions urging Congress to enact remedial legislation; over forty members of the House of Representatives and thirty-one Senators introduced bills designed to correct this tragic mistake; dozens of newspapers and magazines from coast to coast carried editorials calling upon the Congress to meet its moral obligations. On May 12, 1960, the House of Representatives without a dissenting vote, passed H.R. 11318, which would have restored the historic principles prescribed in Title 10, USC 1401. However, in spite of this overwhelming expression of public opinion, the Senate Armed Services Committee refused to hold hearings on the House passed bill and permitted it to die upon adjournment of the 86th Congress without giving the Senate an opportunity to debate the bill.

It is interesting to note that when the Pay Act of 1959 was enacted, no reference was made to Section 1401, although that is the Section which provided the statutory authority to compute retired pay on active duty rates. Further, in the hearing before the Senate Armed Services Committee on June 7, 1962, Senator Smith of Maine questioned Secretary McNamara relative to the provisions of existing law as it applied to computing retired pay and the Secretary replied:

"I don't recall that the law stated that retired pay would remain a constant, or would continue to have a constant relationship to active duty pay as active duty pay charged subsequent to retirement. I understand that was a practice rather than an action required by law."

Senator Smith requested that this point be checked and the Committee be provided with an appropriate statement. The information subsequently submitted by Secretary McNamara to the Committee established emphatically that authority for recomputation of pay by retired officers in the past had been based on clear provisions of law rather than on mere practice.

The distressing point of this exchange is that it occurred four years after passage of Public Law 85–422, which denied the benefits of Section 1401 to retirees, and the evidence is clear that the Secretary of Defense did not know what it provided. Also, one cannot help wondering how many of the seventeen Senators on this important Committee were fully aware of this important and vital Section of Title 10.

On October 2, 1963, Congress took the final step in destroying the century old tradition of computing compensation for military retirees. By this time there was a general awareness of the existence and contents of Section 1401 and Congress, in passing P.L. 88–132, specifically repealed that Section. In lieu of the law under which these military retirees had earned their retirement rights, this new Act provided that all retirees would have their retired pay adjusted in the future in accordance with a formula based on the illusive Consumer Price Index. A determined group, ably led by the Honorable L. Mendel Rivers, finally convinced Congress that a gross injustice had been visited upon those persons who had retired prior to June 1, 1958, and had been denied an increase based upon the pay scales authorized by P.L. 85–422. Belatedly, they were authorized the raises that they should have received in 1958.

One of the most tragic consequences of the new system is that merit and length of service are no longer primary factors in determining the compensation a retiree will receive during the inactive phase of his career. On the contrary, it has now become a matter of when the individual was born and how successful he was in manipulating a favorable retirement date. During the brief span of time since June 1, 1958, nine different categories of retirees of equal merit and equal service have been developed. For example, an 0–6 (Captain or Colonel) with over 30 years of service retiring after April 15, 1970, receives $342.48 more per month than his brother officer of the same rank and length of service who retired prior to June 1, 1958.

Millions of words, both spoken and written have been addressed to this subject during the past ten years in an effort to justify the abrogation by the Government of its moral responsibility. And yet, the hard cold fact remains that those members of the Uniformed Services who entered upon their careers prior to June 1, 1958, performed their service under a legally guaranteed formula whereby their retired pay would be determined as a percentage of current active duty pay and the actions of Congress in passing Public Laws 65–422 and 88–132 reduced the guaranteed benefits after they had been fully or partly earned. The fact that such rights are not legally enforceable cannot in any way mitigate the moral responsibility of the Government to provide compensation to retirees in accordance with the laws in effect when the compensation was earned.

We agree fully with the sentiments expressed by one of the Justices of the Supreme Court in an opinion involving the right of the Government to take some reservation land belonging to the Tuscarora Indians and guaranteed to them in perpetuity, when he said, "Great Nations, like great men, should keep their word."

MILITARY RETIRED PAY

RETIRED PAY RECEIVED BY RETIREES WITH 24 YEARS SERVICE, AS AFFECTED BY DATE OF RETIREMENT

	Retired before June 1, 1958	Retired between June 1, 1958–March 31, 1963	Retired between April 1, 1963–March 31, 1964	Retired between September 1, 1964–August 30, 1965	Retired between September 1, 1965–June 30, 1966	Retired between July 1, 1965–June 3C, 1968	Retired between July 1, 1968–June 30, 1969	Retired between July 1, 1969–April 16, 1970	Retired after April 17, 1970
MAJ	$475	$489	$547	$561	$569	$587	$604	$639	$691
E-7	263	272	596	303	322	333	342	362	392

Note: The differential in dollars and percentage in each grade between the oldest and youngest group is: Major, $216, 45.5 percent; sergeant (pay grade E-7) $129, 49 percent.

TRIBUTE TO LOUIS ARMSTRONG

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. KUYKENDALL. Mr. Speaker, all the world mourns the passing of Louis Armstrong, one of the truly great music-makers of all time.

We in Memphis, where the music for which he was famous has become such a part of our own heritage, have a particular feeling for "Ole Satchmo," for it was through his trumpet that the compositions of one of Memphis' most famous citizens, W. C. Handy, traveled from New Orleans to Chicago and around the world. Our own famous Beale Street which reverberates to the blues of W. C. Handy and the jazz created by Louis Armstrong is a constant reminder of the important contributions these great artists have made to the world's musical culture.

Not only did Satchmo win fame as a musician, but even more important he was known around the world as a great human being who spread good will and understanding for his country, for his people, and for himself.

Yes, Louis Armstrong will be missed, but the world is a better place because he was here. And as long as men listen to the sound of music they will hear his horn and, as he himself said, "There never was and never will be a sound like it."

HOUSING AND URBAN DEVELOPMENT ACT OF 1971

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. HANNA. Mr. Speaker, I am sponsoring today, with a number of my esteemed colleagues on the Banking and Currency Committee, the Housing and Urban Development Act of 1971. However, as Chairman PATMAN has so appropriately observed, there are those of us who join in sponsoring this bill while registering at the same time reservations with regard to certain portions of the proposed act.

Particular among my concerns is that aspect of this bill which provides for the allocation of the federally supplied subsidized housing funds by independent local and State housing agencies. I am hopeful that the questions of administrative competence and the mechanics of distribution will be very carefully considered and that the committee's final action will not be haphazard and will reflect the true needs of the housing public.

FARMERS FEED PEOPLE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ZWACH. Mr. Speaker, in our House Committee on Agriculture, we are marking up pesticide legislation. We are trying to come up with a bill that will be acceptable to both agriculturists and environmentalists.

This is no easy task, since their views run in opposite directions on many of these matters.

Virginia Fries, news editor of the Olivia Times, in our Minnesota Sixth Congressional District, recently wrote an editorial on this problem.

In order to share her thinking with my colleagues and the thousands of other people who read it, I would like, with your permission, to insert her editorial in the CONGRESSIONAL RECORD:

FARMERS FEED PEOPLE

Because we are not hungry, we sometimes forget the vital role played by the American farmer.

American farming technology has been the target for much "viewing with dismay" by ecological purists and those with memories of "the good old days."

But what we really need is an effort to use this technology with wisdom. "It is simple. We either use the pesticides and fertilizers at our disposal or we starve," according to a recent article by Dr. Norman E. Borlaug, agronomist and 1970 Nobel Laureate.

"Without thinking, conservationists in and out of government—and only partially informed people in the communications media—have embarked on a crusade designed to end the use of agriculture chemicals such as pesticides and fertilizer. They give no thought to the end result of such action: The eventual starvation and political chaos that will plague the world," Dr. Borlaug says.

One man can now produce enough food for 40 people. "Perhaps we need to study the chemicals that accumulate and persist, but to ban the use of all of them would condemn hundreds of millions to death through starvation," according to Dr. Borlaug.

Perhaps other changes in farming technology—use of large machinery, larger farms, fewer farmers—are necessary, too, for even more efficiency in growing food for the world.

These changes have had a real impact on all rural areas, but to try to reverse the trend back to the 80-acre farm would probably be wasted and damaging effort. It would be better to direct our concern toward the economic welfare of the individual farmer and the best use of the know-how his sons have accumulated while growing up on the farm.

We need some of his sons in the field and others in the agri-business that supports our farm technology.

"The world population is expanding at an alarming rate. If we keep pushing ahead and if governments the world over continue to vigorously support research and production campaigns, then we will be able to meet the growing need for food," Dr. Borlaug says.

Because we are not hungry, let's not forget the vital role of the American farmer. V.F.

NATION'S ENERGY CRISIS

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. HOLIFIELD. Mr. Speaker, we are today on the verge of a serious interruption in the supply of electrical energy in major areas of this country.

As indicated in this morning's New York Times, Big Allis, the million-kilowatt generator on the Con-Ed system failed yesterday requiring reductions in voltage and the importation of nearly every available kilowatt of electrical energy from the surrounding region in order to keep the voltage above the point at which all power must be interrupted.

According to the Electrical World Week for July 5, the Commonwealth-Edison system hit a peak demand of nearly 11,000 megawatts at a time when its generating capacity was down to 9,700 megawatts. It is reported that Commonwealth-Edison had to scramble to import 1,500 megawatts of power from eight different nearby utilities to avert the interruption of energy supplies.

I am afraid that the very serious nature of our predicament, as I have said many times before, is not appreciated by the public, and particularly by those elements of the public who are using every means available to them to stop any and all additions of electrical power generating capacity.

I suspect most people believe that the present practice of reducing voltage will avert any calamitous shutdown of our energy supply. The newspapers have been featuring articles reporting that simple reductions of voltage—5 to 8 percent—appear to be the solution to our energy supply problems. The public naturally concludes that future shortages can be taken care of in the same way—additional reductions of voltage.

The fact is that beyond a certain point, which we are now at in a number of cases, no further reduction in voltage is possible. The next step is to open the circuit breakers and shut the whole system down because major failures of equipment will occur with any further reduction of voltage. Shutting the system down or portions of it, particularly in certain highly populated areas, such as New York City, will result in the death of many people. Difficult as it is to accept, such an unfortunate incident may provide the only incentive to bring about a rational approach by many of those who are preventing us from expanding this vitally needed electrical generating capacity.

During the past 3 days—July 6 through July 8—a well balanced series of articles entitled "Nation's Energy Crisis," by John Noble Wilford was printed in the New York Times. Since these articles are so pertinent to the serious problem we face in our energy supply, I would like permission to include them in the RECORD at this point.

The articles follow:

[From the New York Times, July 6, 1971]

NATION'S ENERGY CRISIS: IT WON'T GO AWAY SOON, AS DEMAND FOR POWER GROWS

(By John Noble Wilford)

For the third straight summer Americans by the millions are living under the daily threat of power brownouts, blackouts and possible electricity rationing. But it is more than a seasonal shortage of power. It is part of a national crisis that won't go away—the energy crisis.

"The electric power supply situation in parts of the United States appears to be worse than last summer," reports the President's Office of Emergency Preparedness. Only the West Coast, according to the report, seems assured of adequate power for the moment.

In New York City, the margin is so thin that electric utility officials are counting on emergency gas-turbine generators standing ready on barges along the waterfront. Even so, there is no assurance that on some hot, humid day lights will not flicker out over large areas of the city.

Nationwide, authorities in the Administration and out expect the crisis to continue for some time.

In fact, they say, it is likely to persist for years, perhaps for as long as the industrial-technological civilization that has made modern America a model for many other nations continues to proliferate in its present form.

For it arises from a bewildering, seemingly unresolvable dilemma that has made energy, as one scientist said, the "Doctor Faustus of our age."

Americans are demanding more and more energy—more petroleum to turn the wheels of transportation, more oil, natural gas and coal to fire the boilers of electric utilities, more fuels and electricity for heat in the winter, air-conditioning in the summer and the year-round operations of industry. In the last 15 years, total consumption doubled; in the next 15 years, it is expected to double again.

But Americans are also demanding a quality environment. Appalled at ugly strip mines, oil slicks from tanker spills and leaky offshore wells, denuded corridors of land for transmission lines, sulphur oxides and fly ash from power plants and the specter, real or imagined, of radioactive perils from nuclear centers, they are resisting the construction of precisely those new facilities that are essential to the production of more power.

In the last few years, moreover, numerous technical breakdowns at power plants and miscalculations by both utilities managers and Federal officials have, under the most charitable interpretation, made an inevitable crisis worse.

Now, when thoughtful people close to the issue talk about solutions, they almost unanimously fall back on nuclear energy as the only satisfactory way to accommodate society's needs and keep the traditional energy distribution system intact.

But some are also beginning to ask questions about the larger economic system itself, about its underlying notion of freewheeling, permanent growth and about what, short of rigid national controls, could replace it if it should fail to meet the crisis.

Is it possible to have a thriving, motorized, computerized, air-conditioned society with a high standard of living shared by as many as possible and a largely uncontrolled economy—and to have a healthy, comfortable, even beautiful, environment, too?

A FAUSTIAN BARGAIN

At the beginning of the Industrial Revolution man unconsciously but decisively struck a Faustian bargain, giving up a bucolic environment for a power beyond anything his and his animals' muscles could provide. This eventually made it possible for modern man to command, at the twist of a knob on a 300-watt television set, an electrical force the equivalent of the energy output of a grown man, an unseen slave, and to harness in the Saturn 5 moon rocket the power of 900,000 horses.

Only now—now that the world is more crowded and energy is being expended at a rate more prodigous than anyone could have foreseen when Watt invented the steam engine—are the implications becoming sharply defined in the form of a perplexing question:

Can modern man strike a balance where he once struck a bargain?

The difficult search for answers, only barely begun, leads down many avenues: economic, technological, ecological, political, social and philosophical. "The energy situation is a microcosm of the problems facing the nation," says Dr. Edward E. Davis Jr., science adviser to President Nixon.

In order to obtain a balace with the environment, do you slow down the accelerating trend of energy consumption—and if so, how?

STAGNATION A RISK

Americans are 6 per cent of the world's population, but consume 35 per cent of the world's energy output. Since 1947, their consumption of electricity has been rising at an average rate of 7 per cent a year. Natural gas consumption has been rising at a rate of 5 to 6 per cent a year, with oil at 3 per cent and coal at 2 per cent.

Last year, despite the economic recession and declining birth rates, consumption rose even more sharply. Americans used 4.5 per cent more energy than in 1969, and 9.2 per cent more electricity.

If this consumption trend continues, Americans in the year 2000 would be using the equivalent of 76 trillion kilowatt hours of electricity and other energy sources—nearly four times the present usage rate.

But will the trend continue? Can it? Should it? And if it does not, do you risk economic stagnation, unemployment, even a decline in national power vis-a-vis the rest of the world? Can you accept the psychological wrench of living in a nation with its foot off the accelerator, after two centuries of vigorous and glorified growth?

Or do you increase the energy output, since it is a human tendency to want more and since it will take massive amounts to recycle wastes, treat sewage, run air-pollution-control mechanisms and power mass transportation systems needed to reduce auto pollution?

Do you raise prices of fuels and electricity to help pay for cleaning up the environment—even if it means dimming the prospects of poorer people to share fully in the high-energy society?

Do you encourage development of new, "cleaner" energy technologies—and if so, which ones? Can you get people who are increasingly disillusioned with technology to accept more nuclear power and pay for greater research toward "nonpolluting," virtually inexhaustible power from controlled nuclear fusion?

Or do you reject nuclear energy and continue to "live off earth's capital"—the limited, non-renewable fossil fuels (coal, oil and gas) that took millions of years to form and, in some cases, may last only another century? What, then, do you leave for generations to come?

And even if energy resources were infinite—if fusion became a practical way of supplying nuclear power years from now—do you want power plants everywhere you look? Do you ignore the warnings of scientists who say that the environment is finite?

ALL ENERGY ENDS AS HEAT

All energy, scientists point out, eventually ends up as heat. The biosphere—Spaceship Earth's life-support system, that thin global envelope of air, water and soil that sustains life—can absorb only so much excess heat without atmospheric consequences perhaps as dire, some scientists say, as the melting of polar ice and flooding of coastal civilization.

"The 'scarcity' of the environment is now replacing the scarcity of fuel as the critical constraint in growth of the energy industry," says Dr. Norman H. Brooks, professor of environmental science at the California Institute of Technology. "The environment can no longer be regarded as infinite."

As in any crisis, this one has its optimists and alarmists. Petroleum companies and electric utilities see the problem primarily as one of meeting energy demands, if possible with a minimum impact on the environment. The Atomic Energy Commission takes the positon that there is no big problem, if only the public would accept nuclear power as its salvation. Many environmentalists tend to overlook economic needs, seeing only the smog and oil spills.

Part of the problem is that few people are really talking to each other, or listening. A recent discussion between two Massachusetts Institute of Technology professors, both electrical engineers, illustrates the point.

One said: "I worry about our continued energy growth. Some place we reach real trouble, and I bet it comes by 2100." To which his colleague responded: "I can't see how you're going to limit demand and go live in a tent by Walden Pond." The first professor snorted: "That's a Philip Sporn answer, and it's stupid."

Philip Sporn is the retired president of the American Electric Power Company. At a recent seminar on energy in Washington, Mr. Sporn conceded that the doubling of electricity demand every decade, a trend all this century, has "definite limits" and that the environmental concern "is legitimate enough." But he defended most utility practices while ecologists at the seminar spoke mostly of the biosphere and rarely about filling immediate energy needs.

SLIGHT MOVE TOWARD ACCORD

There are, however, some small beginnings toward a reconciliation of the two points of view. This is occurring where the problem is especially acute and controversial—over the issue of where to build new power plants.

Many of the nation's 3,400 power plants are old and inefficient and will have to be replaced soon. Moreover, the Federal Power Commission estimates a need for at least 255 new plant sites (91 for fossil-fuel plants, 164 nuclear) by 1990. Most of these new plants are expected to be mammoth, with greater potential for environmental damage.

For this reason, among others, proposed plant sites are being scrutinized more closely than ever. Even without serious opposition from conservationists, it now takes six to eight years for a new plant to move from conception to operation. Consolidated Edison Company's proposed Storm King plant on the Hudson has been tied up in the courts since 1965—with no resolution in sight.

An experiment in Minnesota serves as a possible model for reducing some delays raised by environmental questions.

Early last year, the Northern States Power Company in Minneapolis decided to share some of its decision-making responsibility for plant site selection with groups concerned with protecting the environment. Under a policy of "open planning," representatives from some 30 groups joined a task force set up by the utility.

Some were skeptical, suspecting it was only a public relations ploy. Some in the company were none too happy about sitting down with their sharpest critics. But after six weeks of meetings, recalls R. W. Comstock. Northern States Power's director of environmental affairs, the more vociferous critics settled down and the task force got busy on its recommendation for where to put the company's next power plant.

RECOMMENDATION FOLLOWED

They had four sites from which to choose. They rejected the company's first choice, the Louisville swamp on the Minnesota River, because the area was being considered as a state park. They ruled out two other possibilities because other plants were already in the area. Instead, they selected a site in Monticello, Minn., which the company deemed the least desirable economically. Nevertheless, Northern States Power followed the recommendation.

"It looks at this point as if the company will be able to install a generating station without a major public confrontation for the first time in over a decade," Mr. Comstock says. The citizens group has moved on to studies of future plant sites and the whole question of future energy needs.

Open planning is still highly controversial. Some utility executives see it as just one more nuisance in the already difficut procedure of getting plant sites approved. In some states, utilities must get 30 to 40 licenses, permits and certificates—from power, health, wildlife, waterways and other agencies—during the course of planning and building a plant.

Conservationists would like to see more utilities adopt more planning similar to the Minnesota example, but preferably at an even earlier stage of decision-making. Eventually, they want it made a permanent, legislated part of utilities industry operations.

As Peter Borrelli, eastern representative of the Sierra Club, an environment-protection group, says:

"Even to environmentalists, regardless of how hard a position they take on energy growth, certain facts jump out and present awesome managerial problems. Even if growth is curbed, even with zero population growth, we are going to see a threefold increase in electric power consumption in the next 20 years. It's going to happen, and we have to learn how to deal with this."

The Edison Electric Institute, an association representing 185 of the major investor-owned utilities, favors an approach to plant-site approval called "one-stop shopping."

"ONE-STOP SHOPPING"

The idea, which a few states have adopted, is to expedite site approvals by eliminating the need for a utility to go through two or three dozen state agencies. One agency, usually the equivalent of the public utility commission, would have over-all authority. Such is the purpose of legislation supported by Governor Rockefeller in the New York State legislature this year.

Most conservationists find one-stop shopping unacceptable. State utility commissions, they complain, are "historically in the pocket of industry" and do not normally take into serious consideration such issues as land conservation, wildlife protection and water pollution problems.

While plant-siting delays could prolong the crisis, that was only one factor in bringing about the immediate energy problems. Aside from pressures generated by environmentalists, the crisis is seen as the almost inevitable result of management miscalculations, technological troubles and certain Government policies.

In the case of electric power, for example, the nation's utilities underestimated demand. The Federal Power Commission had predicted in 1964 a 6.5 per cent annual growth rate, which became the basis for most planning. But the growth rate in recent years has run close to 9 per cent because, in part, of an unexpectedly sharp rise in air-conditioning.

Another miscalculation was made back in 1966 when the nation's first truly commercial nuclear plant was completed at Oyster Creek, N.J. Utilities began "thinking nuclear." They rushed to place orders. Consequently, the coal industry slowed down the development of new mines and, looking for new markets, signed some big export contracts, especially with Japan.

But manufacturers had trouble meeting delivery schedules for nuclear facilities. Some of the units had to be sent back to the factory because of poor workmanship. Shortages of skilled construction labor, strikes and various installation problems also contributed to delays of months and often years.

By then, one energy expert says, "it was too late to shift gears." Utilities were forced to rely a little longer on their older generators, which presented maintenance problems of two kinds.

One was the result of the utilities' "load-building" promotional policies, industry experts explain. They heavily promoted air-conditioning, among other things, so that summer and winter demands would balance out. But their success left them with little time to take generators "off line" for maintenance. The result was more equipment breakdowns.

And because of another trend—toward "economies of scale" through the use of bigger and bigger generators—a single breakdown could eliminate practically all of a utility's total reserve capacity. This was why the nine-month breakdown of "Big Allis," Con Edison's temperamental million-kilowatt generator in New York, was of such concern. That single generator accounts for 13 per cent of Con Edison's installed capacity this summer.

Short-sighted management is often given as another reason for the utilities' current predicament. The utilities, their critics say, have rarely attracted the more talented engineers or encouraged technical or managerial innovation.

Dr. Carroll L. Wilson, a professor at M.I.T.'s Sloan School of Management, observes: "In the utility industry, it's been so damned easy to grow. You didn't have to be half smart."

The attitude of some managements, says Mr. Borrelli of the Sierra Club, is "just push the juice out and pray."

FEDERAL AGENCIES BLAMED

Some of the blame, the utilities contend, rests on the Government regulatory bodies for the way they establish electricity rates. Utilities complain that they are not usually allowed to charge enough to finance expansion as rapidly as necessary.

It costs about $250-million to build a million-kilowatt fossil-fuel generating plant and as much as $280-million for a nuclear plant of the same capacity. Utilities say that with some of their present profit margins they find it hard to borrow the money for such expansions.

The low rates, which are based primarily on a return on invested capital, are also cited by the industry to explain its reluctance to invest heavily in research. Many of the state power commissions do not allow the companies to treat research as a business expense.

Utilities now spend less than 1 per cent of sales a year directly on research, primarily on transmission technology. Most fundamental research is financed by the Government and the electrical equipment manufacturers.

Another critical element in the current crisis involves the supply of fuels.

For years petroleum has been the nation's primary energy fuel. Last year it supplied 43 per cent of all domestic energy demands;

natural gas was next, with 33 per cent; bituminous coal, 20 per cent; water power, 4 per cent; anthracite, 0.3 per cent, and nuclear energy, 0.3 per cent. The figures add up to more than 100 per cent because the larger ones are rounded off.

NO IMMINENT THREAT

Although fossil fuel resources are finite, there is no threat of imminent depletion. According to recent Government estimates, the earth's coal will probably hold out for at least three or four centuries. Natural gas and oil, including that in oil shale and in the polar regions, may run out in a century.

But there is the more immediate problem of getting the fuels, especially the cleaner, environmentally acceptable ones, out of the ground and to market in sufficient quantities.

More and more communities, including New York, Chicago, Los Angeles and Boston, now requires or soon will require utilities to burn only fuels with 1 per cent sulphur content, or less. The restriction, made to reduce dangerous sulphur dioxide emissions, rule out much of the nation's available coal and crude oil. Chicago, near the big Illinois coal fields, must haul in low-sulphur coal from Wyoming at premium prices.

Aside from environmental concern, there is increased pressure on fuel supplies because of the growing importance of electricity. About two-thirds of the energy in coal or petroleum is lost in generating electricity, escaping out the stacks and into the water used for cooling.

There is no sure end to the nation's energy crisis in sight. John A. Carver Jr., a member of the Federal Power Commission, predicts: "For the next three decades we will be in a race for our lives to meet our energy demands."

On a national scale, there is a developing consensus among engineers and economists, utility executives and environmentalists over the need for a better-coordinated, long-range energy policy.

The "unrealistically" low price of electricity commands much attention. A 1 per cent tax or a surcharge on all electricity bills has been recommended to finance research in new technologies and to help curb demand. A similar suggestion, which President Nixon has endorsed, is that energy prices should reflect the "full cost to society"—what the product costs in water and air pollution as well as in raw materials and other conventional costs.

Meanwhile, in the absence of a coordinated national policy on energy, state agencies regulate local utilities and energy prices. The Federal Power Commission is responsible for the price of natural gas and some hydroelectric matters. The Atomic Energy Commission promotes and licenses nuclear power. The Department of the Interior oversees oil import quotas, mine safety, offshore petroleum deposits and other resources on public lands. Other agencies, local and Federal, are concerned with pollution standards.

The White House would like to see most of the Federal energy programs combined within a single Department of Natural Resources, which is part of the President's proposed governmental reorganization plan.

Although the energy industry has reservations about more Government restrictions, there is a new recognition that, as Mr. Comstock of Northern State Power puts it, "the old rules of the game have changed" and that it would help to agree on some new rules concerning both energy and the environment. No one expects it to be easy.

"There are no miracle solutions," Mr. Comstock says. "There are only hard choices—hard choices for me, for you, for my corporation, for all institutions, and some of these choices must be made very soon."

[From the New York Times, Wed., July 7, 1971]

A NUCLEAR FUTURE LOOMS THE NATION'S ENERGY CRISIS

(By John Noble Wilford)

Slowly, reluctantly and fearfully, the United States is moving toward a nuclear-powered future. It is not that people have learned to love the atom; it is because few can think of any other acceptable answer to the nation's energy crisis.

Nuclear power is technically difficult, initially expensive, a source of thermal pollution and the subject of acrimonious controversy and widespread anxiety about possible radiation hazards.

And yet to a growing number of technologists, economists and political leaders, it is the only way within the traditional economic's system to meet the ever rising consumer demand for a steady supply of reasonably inexpensive power without ravaging the environment.

Thus the Nixon Administration has made nuclear power the keystone of its "clean energy" plan for the decade. And future Administrations, barring unforeseen discoveries, can be expected to follow the same general policy.

For nuclear power, despite its drawbacks, is without doubt more plentiful, ultimately cheaper and relatively less damaging to the environment than other fuels. The alternatives, in other words, could be worse.

Coal, for example, is still plentiful; it might last for a few more centuries. But it cannot last forever. Most coal moreover, is too full of sulphur to meet present environmental standards. Thus no new fossil fuel plants are allowed in the entire Los Angeles basin. And the extraction of coal exacts great environmental and human costs.

The cheapest way to extract coal is by strip mining, which now accounts for one-third of production. But strip mining is desolating tens of thousands of acres a year of some of the most beautiful mountain country in the nation, with little likelihood that the damage will ever be repaired. Only 58,000 of the 1.8 million stripmined acres have so far been restored, the Department of Interior reports.

But if strip mining is outlawed, as many conservationists are urging, then a greater reliance will have to be placed on deep mining, which is not only roughly three times as expensive but more hazardous as well. More than 80,000 miners have died in deep mine accidents since 1910. Safety precautions, while they might make the process humanly acceptable, would make it even more expensive and less economical.

Other sources of energy are equally problematic. Petroleum costs are rising as the search for new supplies grows more difficult and expensive, extending to the poles and farther out on the continental shelf. The price of fuel oil in Boston, for example, has doubled in a year's time. Before oil begins running out in a century or so, it may have to be rationed so that what is left is used only for transportation and the manufacture of plastics—not for burning up in the production of electricity or home heating.

RELIANCE ON FOREIGN SOURCES

Moreover, a continued reliance on petroleum and natural gas would mean a growing dependence on foreign sources. American demand for petroleum will reach 28 million barrels a day by 1985, the Humble Oil and Refining Company estimates, and only 11 million barrels are expected to be domestic.

More than 90 per cent of the fuel oil used on the Eastern Seaboard already comes from abroad, mostly from the Caribbean. This gives a number of foreign governments a major voice in the price and flow of American fuel.

Damming more rivers cannot fill the need for energy either. Hydroelectric power accounts for only 4 per cent of present energy production, and most of the suitable dam sites have been exploited. Even the Tennessee Valley Authority, originally a water power project, now derives less than 20 per cent of its power from hydroelectric facilities.

Harness the tides or tap steam inside the earth? These are considered interesting but limited alternatives. Convert sunlight directly to electricity? Engineers doubt this would ever be practical for large-scale energy generation.

At every turn, then, the complications confound an easy solution to the energy crisis and nuclear power seems more and more attractive.

AN ALCHEMIST'S DREAM

Nuclear reactors now produce 1.4 per cent of the nations' electricity. By 1980 the figure is expected to be 25 per cent, and by the turn of the century 50 per cent. Electricity then will crackle along high-voltage lines from "nuclear parks," clusters of reactors far from urban centers, and through submerged lines from reactor stations on platforms anchored miles out in the Atlantic and Pacific waters.

Present nuclear reactors will seem old-fashioned. The more advanced types, called "breeders," will be a sort of alchemist's dream, making more fuel than they consume. Eventually, perhaps as early as the year 2000, there may be machines, based on the sun's energy-generating processes, that run on fuels almost as abundant as water itself.

But no energy-environment equation is ideal, not even the nuclear alternative. Nuclear power has its drawbacks, too.

Its technology has turned out to be more complex than expected. Development costs are high. Capital costs of a large nuclear plant have risen sharply in the last three years, from about $120 for each kilowatt capacity to more than $200.

Nuclear reactors produce even more waste heat than fossil-fuel generators. The problem of "thermal pollution," the heating of a stream or lake to the point that it can become inhospitable to fish, has disturbed environmentalists. And the safety of reactors is a matter of bitter controversy.

Since no one can forget nuclear energy's devastating debut at Hiroshima, people harbor deep-seated fears about anything atomic, fears over explosive accidents, insidious radiation leaks and the problem of how to dispose of radioactive fuel residues.

Public protests are holding up construction of several nuclear plants. The titles of some recent, widely discussed books reflects the gnawing concern: "Perils of the Peaceful Atom," "The Careless Atom" and "Population Control through Nuclear Pollution."

TOUGHER SAFETY RULES

Responding to recent attacks, the Atomic Energy Commission announced last month even stricter safety standards for nuclear reactors and reduced sharply the limit on the amount of radiation exposure that the public is permitted to receive from reactors—down to 1 per cent of the level permitted under current Federal radiation standards. Still, some critics raise questions about long-term genetic effects from repeated exposure to these minuscule doses.

These drawbacks and fears have been largely responsible for the slow and reluctant acceptance of nuclear power—until now. Whatever their reservations, engineers and many environmentalists, economists and utility executives now can see no realistic alternative to the atom.

"Nuclear power certainly is the best answer to our needs right now and probably in the long run," says Byron Lee Jr., assistant to the president of the Commonwealth Edison Company of Chicago. By the end of the year, 25 per cent of the utility's generating capacity will come from nuclear power.

Although the initial capital investment is higher for a nuclear plant, Mr. Lee says, fuel costs over the estimated 30-year life of a plant are considerably lower. And because low-sulphur coal and oil are expensive in the Midwest, as in other regions, nuclear power is also considered "environmentally preferable."

The trend toward nuclear power is strong. Although only 21 commercial nuclear reactors are now in operation, supplying less than 1 per cent of the nation's energy needs, more power-generating capacity is now on order for atomic plants than for the conventional types. There are 54 under construction in this country, and orders for 42 more. Even a major Texas utility, in the heart of gas country, plans to go nuclear.

$2-BILLION ASKED BY NIXON

The nuclear commitment was reinforced last month when President Nixon asked Congress to pledge $2-billion in Federal funds over the next decade for development of a commercial "fast breeder" reactor. This is considered the next major step in nuclear technology.

Conservation of resources is the breeder's chief selling point.

Conventional nuclear reactors of the water-cooled type obtain energy from the splitting of fission, of the extremely scarce form of uranium, U–235. It makes up only seven-tenths of 1 per cent of natural uranium, and is in danger of depletion in a few decades. The more abundant U–239 is the nonfissionable part of the fuel mix.

As the U–235 fissions, it releases energy, which boils water and creates the steam to drive turbines and produce electricity. Apart from the fuel and its unusual properties, the method is essentially the same as in ordinary fossil-fuel steam generators.

In the process, some neutrons that are released turn the U–238 into the fissionable plutonium, but in an inefficient maner. The breeder reactors will make the most of this transmutation of elements.

"A QUESTION OF RELIABILITY"

In the breeder, a fissionable fuel, either U–235 or plutonium 239, will be split for the heat-to-steam-to-electricity process. The surplus neutrons, allowed to travel at faster speeds, will react with the U–238 in such a way as to produce 14 atoms of plutonium for every 10 atoms consumed.

Like other nuclear technologies, the breeder has its highly vocal critics. A group of scientists, headed by Dr. Margaret Mead, the anthropologist, has filed a suit in Federal court in an effort to stir a national debate on the advisability of developing the breeder. They maintain that the A.E.C. has failed to make public enough information to judge the potential impact of breeder reactors on the environment.

To many scientists, however, the breeder is only an interim technology, a holding action until they can master the difficult art of controlling thermonuclear fusion. This is the release of tremendous energy through the fusing of light atoms, which is the basis of the hydrogen bomb and of the nuclear reactions going on inside the sun.

Although President Nixon has asked for $2-million in addition to the $30-million already budgeted for fusion, a number of scientists call the lower priority for this technology "a disgrace." They predict the Soviet Union may be the first to harness fusion.

As Dr. Richard F. Post of the Lawrence Radiation Laboratory at Livermore, Calif., puts it: "We've got two really good horses to ride and we ought to ride them both." He predicts that fusion power will be controlled in the 1980's and be economically "in full swing" by 1990.

Most scientists are somewhat less optimistic. They doubt that fusion will be a practical source of energy until after the turn of the century. A few question whether it will ever be practical.

Fusion's promise seems to make the continued effort worthwhile. Fusion produces few worrisome radioactive wastes except tritium, which most specialists believe can be recycled through the system without significant hazard.

More advanced fusion techniques might lead to direct conversion from energy to electricity, thus bypassing the steam process and its waste-heat inefficiencies. A runaway chain reaction would be unlikely, since the fusion reaction stops if it cools ever so slightly.

Another important advantage is that the most likely fuel for fusion would be one or more forms of hydrogen, such as deuterium, which are derived from sea water. Thirty cubic kilometers of seawater could contain a deuterium energy equivalent to the current inventory of the earth's fossil fuels.

Not all current energy research involves nuclear technology.

A number of researchers are working on processes to remove polluting chemicals from fuels before combustion and on devices, such as improved, electrostatic precipitators, to clean stack gases. Utilities are supporting research to improve transmission lines, since up to 20 per cent of the electricity generated is lost in transmission. This will become more critical as power plants are increasingly placed farther from urban centers.

Aircraft engine manufacturers are stepping up the development and sales of gas turbines, which are similar to jet engines, for generating electricity.

Though relatively small, gas turbine plants can be turned on and off quickly to handle a utility's periods of peak demand or as a back-up facility. They can burn a variety of liquid or gaseous fuels, from natural gas to kerosene, switching from one to another at a moment's notice.

One of the more promising lines of research is directed toward converting high-sulphur coal into sulphur-free, pipeline-quality gas—a synthetic form of natural gas.

The Department of Interior's Office of Coal Research is doubling its efforts in coal gasification, aiming toward the operation of a large demonstration plant by 1976. A smaller pilot plant is running in Chicago.

HEATING CRUSHED COAL

The gasification process involves heating crushed coal under very high pressures. Reactions between steam and the coal's carbon give off carbon monoxide and hydrogen. In a series of further reactions, sulphur is removed and the gases are converted to methane, which is what natural gas is.

Dr. Hoyte Hottel, proposed emeritus of chemical engineering at M.I.T., who is making a comparative study of new fuel sources for Research for the Future, Inc., is not optimistic about extracting oil from the plentiful shale deposits in the Western states.

"It requires heating up so much inert material to get a few gallons of oil," Dr. Hottel says. "I'm for leaving it alone until we've made more use of our other resources."

Many other technologies are expected to be investigated through a new National Science Foundation program called Research Applied to National Needs. The largest single item in the program's $81-million budget is energy resource research and analysis.

Through evolving combinations of research, nuclear and otherwise, the nation's engineers scientists and energy managers hope to find the technological "fix" for the current crises. It is a traditionally American response, this faith that it all can be worked out through some more Yankee ingenuity.

There are those, however, who have some doubts. Even new technologies, they say, may not be sufficient unless Americans learn to curb their seemingly insatiable appetite for more and more energy.

[From the New York Times, July 8, 1971]

Nation's Energy Crisis: Is Unbridled Growth Indispensable to the Good Life?

(By John Noble Wilford)

In searching for ways to meet the nation's soaring energy needs without damaging the environment, some American experts are beginning to question one of this country's most cherished beliefs: the idea that boundless economic growth is indispensable to the good life.

If the environment is finite, according to these social scientists, engineers, economists and environmentalists, then perhaps economic growth has its limits too, particularly the unbridled growth that has characterized the United States almost from the start.

What those limits are, or more specifically how a slow-growth economy would be managed and what the social and political implications of such a policy of national planning might be, are questions that the critics of growth have given little detailed thought to.

But they agree that the changes needed to contain the energy crisis may well prove to be radical since, if the logic of the situation is carried to its end, whoever sets priorities for energy consumption wields enormous power over the economy and over the entire national life style.

They are convinced, in any case, that change of some sort will be essential. As Dr. Barry Commoner, an outspoken Washington University biologist, asserts:

A HOST OF PROBLEMS

"The environment got there first, and it's up to the economic system to adjust to the environment. Any economic system must be compatible with the environment, or it will not survive."

Controlling growth, economists say, would confront the nation with a host of difficult problems. Unemployment could rise. The poor could be locked in their poverty. Education, research and cultural pursuits might suffer. The nation could lose economic and political stature.

Millions of individual decisions traditionally made through the random choices of consumers and the supply-and-demand forces of a relatively uncontrolled economy would have to be passed upward to the national level and made through some form of comprehensive national planning.

Most authorities agree that such far-reaching Government power would run against the American grain and that the American people would not easily accept more controls unless the energy crisis got much worse. What the critics of growth are saying, in a word, is that the crisis is getting worse, and rapidly.

Consumption of all energy sources is rising between 3 and 4 per cent a year, which is faster than population increases and basic economic growth. By the year 2000, according to some projections there will be 320 million Americans (compared to 203 million now), and they may be using three or four times the current energy output. Hardly a shore or river bank would be without a power plant every few miles.

RE-EXAMINATION SUGGESTED

"We're not pessimists or doom-mongers. We just see technological reasons to do some new social thinking," says Dr. John List, assistant professor of engineering at the California Institute of Technology's new Environmental Quality Laboratory.

"We've got about 20 years in which to reorganize," Dr. List continues. "Population growth hardly comes into it at all. It's growth in per capita consumption. It's just plain affluence. The only way out of it that we can see is to curb the energy consumption per person. Not exactly a no-growth situation, but slow it down from this 9 per cent [growth rate] madness."

A recent energy report by the President's Office of Science and Technology stated:

"It may well be timely to re-examine all of the basic factors that shape the present rapid rate of energy growth in the light of our resource base and the impact of growth on the environment."

Even Charles F. Luce, chairman of the Consolidated Edison Company, concedes:

"The answer to all of these environmental and resource problems is that we simply use less goods and services. In other words, that we get off this growth kick our economy has been on throughout the history of our country."

When slow-growth or no-growth ideas are raised, businessmen, economists and engineers usually react with variations of the time-honored principle that growth is progress and progress is good. They stand firm on the premise reflected by John L. O'Sullivan, the American editor credited with coining the expansionist expression "manifest destiny." Said Mr. O'Sullivan in 1845: "The only healthy state of a nation is perpetual growth."

BASIC LAW OF BIOSPHERE

But a crisis, if not completely catastrophic, can change thinking patterns and give impetus to social invention, as the economic crisis of the Depression years did in this country. To ecologists, such radical thinking is once again a necessity.

One of the basic laws of the biosphere is that energy, when expended, ends up as heat—the warmth of a stove or light bulb, the blast of an industrial furnace, the heat of an auto engine and the heat emitted by power plant stacks and cooling waters.

In power plants, conventional or nuclear, only 30 to 40 per cent of the fuel's heat is converted to electricity, and engineers doubt there can be any significant improvements in efficiency for at least two or three decades. Consequently, some 60 per cent of the heat is released in a concentrated dose at the power plant site and the other 40 per cent over the points of use, primarily the urban areas.

At some point, scientists caution, the cumulative effects of power generation could alter global climate.

CUTBACK WON'T BE EASY

Slowing down the rate of increase in energy consumption will not be easy. It would not help much to abolish many of those gadgets of affluence such as the electric toothbrush or electric carving knife. Each uses less than 8 kilowatt hours a year.

The big residential consumers are refrigerators, electric air-conditioners, freezers—all considered necessities by the "haves" and desired objects by the "have-nots." New Yorkers, for example, may not want Con Edison to spoil the Hudson Valley any more with power plants—but they keep buying more air-conditioners.

And residential consumption is slightly less than a third of the total. According to the Edison Electric Institute, 41 per cent of electricity is consumed by industry, 32 per cent residential, 23 per cent commercial (stores, shopping centers, office buildings, hospitals, etc.) and 4 per cent others (street lights, subways, etc.).

How to slow down growth—through restrictions on energy consumption or reductions in economic development in order to curb energy demand—is something most economists would rather not contemplate. Adam Smith, in "The Wealth of Nations" two centuries ago, summed up their position:

"The progressive state is in reality the cheerful and the hearty state to all the different orders of the society. The stationary state is dull; the declining melancholy."

Some economists, like Yale University's Dr. Henry C. Wallich, dismiss no-growth ideas as "absolute bunk."

They see more unemployment as the most immediate and deplorable effect. According to a "law" worked out by Dr. Arthur Okun, a senior fellow at the Brookings Institution and former economics adviser to President Johnson, the nation's basic economy must grow at a rate of 4 to 4½ per cent annually to absorb the growing labor force and increases in productivity, the output per man-hour. A 1 per cent drop in economic growth would thus lead to a one-third of 1 per cent rise in unemployment.

BEAUTIFUL THOUGHTS?

Any fundamental curbing of energy consumption, economists say, would mean stabilizing the gross national product, the total output of goods and services, which currently runs at an annual rate of slightly more than $1-trillion.

The only remotely realistic way to do that, the economists add, is to reduce the hours people work each week. It would mean asking people to trade added income for more leisure, to sacrifice future increases in their standard of living.

"What are they going to occupy their time with?" Dr. Wallich asks. "Religious contemplation, art, beautiful thoughts?"

The effect this could have on poor people presents a serious problem. Methods often suggested for reducing energy consumption, such as substantial price increases, would hit the poor hardest.

For a person in Harlem or Watts it could make the difference in having air-conditioning, or even a fan. More important, it could cost him his job. The increases could also hurt the users of subways and other electric mass-transit operations, but not the people who ride to work in automobiles, which are responsible for great amounts of pollution.

For these reasons, critics often call slow-growth ideas an "elitist" attitude, which one industry executive described as "I've got mine, Jack, let's stop here.

Critics of the critics, however, say the impact on the poor could be ameliorated through income redistribution and other social legislation. Besides, they say the argument is often used by "people who never really gave a second thought to poor people before."

Another argument against curbing energy production is that cleaning up the environment will take more, not less, energy. W. Donham Crawford, president of the Edison Electric Institute, contends:

"If you want to replace the internal-combustion engine with mass transit in our polluted cities, if you want to recycle aluminum and steel cans into useful products, if you are going to try to clean up the sewage and rivers and lakes, if you're going to clean the air, it will take enormous amounts of electricity."

CONFLICT OVER TIMING

But the conflict between many economists and ecologists may be over matters of timing and magnitude rather than of principle.

Dr. Walter W. Heller, University of Minnesota professor and former chairman of the Council of Economic Advisers under President Kennedy, says:

"I think of growth as a source of the problem, but also as a solution. We're doing a bad enough job in the face of growth. An absence of growth would be a corrosive factor in solving our problems. But we must, in time, redirect the proceeds of growth, and the first claim should be on repairing the ravages of growth."

It is also possible that growth rates will begin to taper off because of natural economic and cultural forces.

In California, as in many fast-growing states, there is a shift in construction from single-family homes to multiple dwellings; an apartment uses about two-thirds the electric power of a single-family house. Lower birth rates will mean a decrease in the labor force's growth 20 years from now—and there is already a gradual shift in the labor force from manufacturing to less power-demanding service and trade occupations.

Even without additional taxes or surcharges to support research and to discourage overuse, all forecasters predict considerably higher costs of energy, perhaps 50 per cent increases in the decade. This would be a result of resource scarcities and the costs of antipollution measures.

And it just may be that there is a saturation point for human energy needs. How many more cars and air-conditioners and appliances can the American middle classes need or want? Perhaps the consumers' boom will cool off. Perhaps at some point most growth in energy demand will reflect population gains and the acquisitions of poorer people.

END TO "EXPONENTIAL CURVES"

This could bring to an end the "exponential growth curves" that have been the pattern all this century—that is, the doubling of electricity consumption every 10 years. It has to end sometime, through some natural or willed deceleration, because, as Dr. Dennis Gabor, the British technologist, says:

"Exponential curves grow to infinity only in mathematics. In the physical world, they either turn round and saturate, or they break down catastrophically."

In random but not insignificant ways. Americans are showing signs of turning away from reflex Chamber-of-Commerce boosterism to a more selective approach toward growth.

Cancellation of the supersonic transport was the most dramatic expression of such a questioning attitude. Dr. John Kenneth Galbraith, the Harvard University economist, calls the SST decision "historic" because "for the first time we decided the advantages of a new type of growth were outweighed by the disadvantages."

Similar public protests killed proposals for a jet airport in the Everglades and the Cross-Florida Range Canal.

BASIC SOCIAL ISSUES

But to embark on a conscious policy of curbing growth raises fundamental social questions that go much deeper than the economics of living. They strike at the heart of American ethics and philosophy.

"Up till very recently, man has inhabited, psychologically, a virtually unlimited flat earth," says Dr. Kenneth E. Boulding, a University of Colorado economist, explaining the potential impact of the finite-earth concept on man's thinking. "There has always been somewhere to go over the horizon, some boundary to the known world beyond which there were further worlds to explore. Now this long period of human expansion has suddenly come to an end. We are living in just so big a house and there are only so many things that can be done with it. The psychological impact of this shift has barely begun to be felt."

Advocating a new "ecologic ethic," Dr. Garrett Hardin, professor of biology at the University of California at Santa Barbara, says:

"The ethical system under which we operated in the past was possibly adequate for an uncrowded world. But it is not adequate for a world that is already critically overcrowded, a world in which it is increasingly difficult for anyone to do anything at all without seriously affecting the well-being of countless other human beings."

No crisis so complex can be easily solved, but the few ideas being discussed generally involve the types of social innovations that may be necessary to match the nation's technological capabilities. The ideas center on some kind of national energy policy in the broader context of national economic and environmental planning. As a beginning, air and water and other environmental standards are being established on a national basis for the first time.

NEW IDEAS DISCUSSED

Writing in the summer issue of The American Scholar, Dr. Peter L. Marks, professor of biology at Cornell University, went so far as to advocate abolishing all state, county and city governments and replacing them "with regional governments based on ecological boundaries," such as a watershed.

Since he joined the General Electric Company last year, Dr. Thomas O. Paine, former head of the National Aeronautics and Space Administration, has initiated a "strategic study" of the nation's energy situation. The study, which is not yet completed, explores such ideas as regional land-use and water planning, a national energy system of interconnected transmission lines and priorities for resource exploitation and technological development.

These represent the probing first steps as the nation learns to make the transition from what Dr. Boulding of the University of Colorado calls the "cowboy economics" of unfettered growth to the planned, orderly growth of "spaceship economics," the concept of man's dependence on a finite, enclosed life-support system known as earth.

The energy crisis reflects the difficulty of that transition, the slow weighing of the costs of radical social change against the costs of letting things go unchanged. The crisis also confirms the agonizing truth of Buckminster Fuller's words.

"Now there is one outstandingly important fact regarding Spaceship Earth," Mr. Fuller, the inventor, says, "and that is that no instruction book came with it."

TRUTH IN FOOD LABELING NEEDED

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. PATTEN. Mr. Speaker, unknown and conveniently hidden from the American consumer, a frightening situation exists in the area of food ingredient labeling. According to present regulations of the Food and Drug Administration—FDA—many of the major food manufacturers are exempted from telling consumers what ingredients they add to the foods they sell. Accordingly, even where there is a list of ingredients on the label of a food product, such a list may only be a partial disclosure. Curiously enough, it is often the potentially harmful ingredients that are not listed.

I would like to point out that on May 12, 1971, the Food and Drug Administration published a proposal in the Federal Register that would require the complete disclosure of all ingredients in standardized foods. A standardized food is one for which the FDA has set forth the types and amounts of ingredients in a particular product such as mayonnaise or cola beverages. The label of a standardized food need not disclose what ingredients are contained therein. Unstandardized foods presently must disclose all of their ingredients on the label.

However, this rule, which was recently put forth by the FDA to enforce ingredient disclosure, was not endorsed by that agency. In fact, the proposed rule itself was developed outside of the FDA and presented to it by a group of five George Washington University law students: Arthur Koch, Joan Levy, Louis Kaufman, Ellis Saul, and Gary Laden, calling themselves LABEL, Inc.—Law Students Association for Buyers' Education and Labeling. The fact that the FDA has allowed such weak and ineffective food labeling procedures to exist so long is definitely suspect; and its failure to directly ameliorate the situation as illustrated by its lack of endorsement of LABEL's proposal as published by the agency on May 12, 1971 is evidence of the FDA's obvious lack of concern.

I believe that it is essential that all consumers have the opportunity to know what ingredients are contained in the foods they eat. Heart patients, for example, have an absolute need to avoid specific food substances. Existing FDA procedures render such individuals helpless in adhering to strict dietary regimes. One study has cited the "yolk of the egg as the single highest source of cholesterol in the average American diet, as well as a source of considerable saturated fat. Consequently, the public should be encouraged to avoid egg yolk consumption"—Report of the Inter-Society Commission for Heart Disease Resources on the Primary Prevention of the Atherosclerotic Diseases, reprinted in Circulation, December 1971, the official Journal of the American Heart Association. Yet how can the presence of egg yolk be determined if a product goes unlabeled as to ingredients?

Furthermore, thousands of Americans are susceptible to allergic reactions from a variety of food substances, but due to inadequate food ingredient labeling, are unable to avoid these potentially offensive ingredients, and are left helpless in the face of possibly serious allergic reactions. Dr. Theron G. Randolph of Chicago's Human Ecology Research Foundation, believes that "mental confusion, agitation, comas, and amnesia can be caused by repeated contact with the wrong food substance."—Chicago's American, April 12, 1966, "Illness of the Mind Tied to Allergies." In addition, another recent study in the Annals of Allergy, volume 26, June 1968, "Recognition of Food Additives as a Cause of Symptoms of Allergy," by Dr. Ben F. Feingold, M.D., states:

> "Our system of food production and food distribution is in a great measure dependent upon the use of a large number of chemicals . . . many of these chemicals . . . can be responsible for a variety of allergic reactions observed clinically.

This same study founds cases of asthma in children due to ingestion of artificial colors in foods and over 100 cases of sensitivity to synthetic flavors in foods.

In addition, religious dietary laws of the Mormon and Jewish faiths, among others, exhibit another reasonable need for full ingredient disclosure on all foods to enable observant members of these and other religious groups to avoid eating food substances prohibited by religious law.

I think the White House Conference on Food, Nutrition, and Health, 1970, put it most succinctly:

> As a result of the maze of present laws and regulations governing food labeling, consumers are presented with confusing or incomplete information about the products they purchase. The label of an unstandardized food must bear a full statement of ingredients, whereas the label of a standardized food need not disclose the mandatory ingredients. Nutritional information may be required on the label of a special dietary food, but not on a general purpose food. Consumers have requested and are entitled to more meaningful and useful information than is now provided them about food.

At my request, the members of LABEL, Inc., have brought to my attention some of the abuses which existing labeling regulations presently permit. For example:

First. Many products list no ingredients whatsoever on their labels.

Second. Some products list several of their ingredients, but neglect to inform the consumer that this is only a partial disclosure.

Third. Retailers and distributors often receive a more informatively labeled product than the consumer.

It is therefore ironic that the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 341, authorizes the standardization of foods to "promote honesty and fair dealing in the interest of consumers." This very provision of the Federal Food, Drug, and Cosmetic Act which calls for the standardization of foods to promote honesty and fair dealing in the interest of consumers also permits the Food and Drug Administration to exempt the manufacturers of these standardized foods from disclosing to consumers the very ingredients contained within. Certainly the inability of consumers either for religious, health, or dietary reasons to avoid potentially harmful or religiously offensive substances due to lack of ingredient labeling does not evidence "honesty and fair dealing in the interest of the consumer."

As a result of these circumstances, I have, along with 29 other of my colleagues, cosponsored the Truth in Food Labeling Act—H.R. 9142—which was introduced by Representative ROSENTHAL, of New York. This bill would amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients.

On June 14, 1971, Dr. Charles C. Edwards, Commissioner of the Food and Drug Administration, in testimony before the House Subcommittee on Activities of Regulatory Agencies Relating to Small Business, admitted that "primary jurisdiction over labeling" of foods rests with the FDA. Yet, despite the apparent need for more complete ingredient labeling of foods, the FDA still has not acted. In a very real sense, "we are what we eat." Nevertheless, despite the great influx of chemical additives into the American food supply, we are still unable to discover the makeup of the mayonnaise we spread on our sandwiches, or the cola beverages which we drink with them. Americans with heart ailments, allergies, and religious dietary restrictions are presently unable to protect themselves. It is even more ironic that many pet foods are more informatively labeled as to ingredients than are human foods.

In essence, present FDA regulations have created sanctuaries for thousands of hidden ingredients in foods. The FDA has not shown the necessary zeal or desire to eradicate this problem. Therefore, it is essential that this Congress act swiftly to ameliorate this seriously deficient situation. I believe that the consumer has the right to know what ingredients are contained in the foods he purchases and consumes. I therefore urge support of the proposed Truth in Food Labeling Act to correct such a distressing problem.

I have taken the opportunity to include for the Record a copy of an editorial which was published in the Courier-News of Plainfield, N.J., on May 26, 1971, in favor of better food labeling. Also included are excerpts from letters sent to the FDA arguing for better and more protective food labels. These materials are included to give my colleagues an indication of the public's desire to have complete disclosure of all food ingredients to safeguard our Nation's health:

[From the Courier News of Plainfield, N.J., May 26, 1971]

Let's Know What We're Eating

A national policy of detailed food labeling recommended by five students at George Washington University has been published by the federal Food and Drug Administration with the aim of assessing public reaction to the idea.

The trouble with this unusual move is that the public reaction comes mainly from opponents of a proposal. Critics are always quick to speak out while those who favor a suggestion often sit back hoping it will succeed without their intervention.

Hopefully, the FDA will take account of this trend when assessing reaction to the student plan. Certainly objections of the food industry—which has long been reluctant to tell consumers what they can expect to eat—shouldn't be allowed to overshadow consumer interests.

As things are, a housewife who doesn't want her family to eat too much cholesterol presently has to memorize the content of dozens of food items or carry a guide with her when shopping.

Under the student proposal she could tell by a glance at the label of any processed food not only whether it is high in cholesterol but whether it contains any other substance she wants to avoid.

The proposal would require so-called standardized foods, which account for 20 per cent of grocery store items, to meet full-labeling requirements that now apply only to nonstandardized foods and to cat and dog foods.

It's a case where supporters of the forward-looking student proposal should take a cue from protestors and critics by speaking out—letting the FDA know that they like the food labeling plan and want to be treated with at least as much consideration as cats and dogs.

Center for Science in the
Public Interest,
Washington, D.C., June 3, 1971.

Hearing Clerk, HEW,
Rockville, Md.

Dear Sir or Madam: This letter is in reference to LABEL's proposal for the complete labeling of foods (Federal Register, May 12, 1971). My interest in this matter is reflected in a similar proposal that I sent to Mr. James Grant, Deputy Commissioner of the Food and Drug Administration, on September 16, 1970.

I strongly agree with LABEL that all additives and ingredients should be listed on all food labels. Indeed, it is incredible that such a small and simple step, of obvious benefit to the consumer, was not taken years ago.

The most obvious reason for listing ingredients and additives on all food labels is that the shopper-consumer-citizen has the basic right to know what it is he or she is buying and eating. Interested persons should be able to determine from reading the label whether their ice cream contains sodium carboxymethylcellulose or their bread contains ethoxylated mono- and diglycerides or their mayonnaise contains monosodium glutamate or their soft drink contains brominated vegetable oil or their preserves contains lard. These "unlabeled optional" chemicals may be, but are not necessarily, used in the respective foods. That most hidden additives in standardized foods are safe from a health standpoint does not detract one iota from the consumer's right to know of their presence.

A second important reason for listing all ingredients on all foods is that persons may have religious or medical reasons for avoiding certain substances. Many persons of the Jewish faith, for instance, need to know whether foods contain dairy products. Complete labeling of bread and sherbet would inform or remind Jews that these foods generally contain milk products. Other religions reject all "unnatural" food additives and for the followers of such religions it is important that all additives be listed. Persons with heart trouble should be reminded by the list of ingredients that mayonnaise and salad dressing contain large amounts of vegetable oil.

The desirability of full disclosure of ingredients and additives is so clear cut that there should be no quibbling or reason to delay promulgation of new regulations.

Respectfully yours,
Michael F. Jacobson, Ph. D.

Hearing Clerk,
Department of Health, Education, and Welfare, Rockville, Md.

Gentlemen: In response to a letter from Mervyn F. Silverman, M.D., I wish to submit my comments in favor of whatever legislation is necessary to accomplish the ends of the petition filed by Label, Inc., requiring the listing of all ingredients on food products sold to the consuming public.

If, indeed, the consumers' voice is being heard as never before throughout the land, it may well be the direct result of too much standardization. People are humans and no two are alike. Part of our freedom in a democracy is the right to eat what agrees with us. What is one man's joy is another man's poison. Milk, the so-called "perfect food," is pure, unadulterated poison for some people, and they have the right to a label which tells them that it is used in the product.

Since my problems are all allergically oriented, my concern is not with listing ingredients in order of quantity of use. Even the most minute quantity, if present, spells doctor bills, medicines, days lost at work or school, all of which affect our Nation and our economy. And for the most part, the allergists are as helpless as the victims, since we cannot identify the offender except by trial and error—and we cannot pin-point an ingredient—just a whole product.

Those of us in our late forties lived for years relatively free of allergic reactions because it was simple to identify the known allergens. Then came the additives, preservatives, and for me, worst of all, the soybean. We became a Nation of food nuts—holding down cholesterol, swallowing extra vitamins, etc. Vitamins were put into hundreds of products that normally would not have them, in the pure form. Suddenly for several years, I could not eat chicken. When the FDA banned the injections of stilbestrol my doctor and I found out the reason why. I now eat it again with no problems, but occasionally I will eat a beef cut or serving that forces me back onto a restricted diet again. You now tell us what was banned in chicken is all right in cattle! Some eggs I can eat, some I cannot. I gave them up altogether rather than risk the illness, since I can't see what the farmer feeds them. I have eaten ice cream all my life. I am now down to one brand—or home made—and I shall probably never know what they now put in the others that is new and different. For the past few years I have once again been forced to buy almost everything fresh, cleaning, scraping, peeling and cooking to suit ourselves, even making my own salad dressings. To say that I find this frustrating, after years of eating anything, is putting it mildly. And a nutritionally balanced diet becomes an impossibility when the reading of labels no longer helps—I don't know what's in it because it's "standardized"!

It has taken me eighteen years to decide monosodium glutamate is possibly harmful in baby food—something that I found out when my two were babies by trial and error. Who would believe a layman? This also applied to the added use of salt. We also found out that our healthy, well cared for kids, could not tolerate milk with vitamin D added—it took an allergist two years to find it was the additive and not the milk!

As agencies such as the FDA become overwhelmed with individual complaints, there is only one clear solution. Every ingredient (including *kind* of spice) in every product for human consumption or use must be labeled, so that individuals can police themselves. FDA will then be free to tackle the problems which involve public safety and health such as mercury, lead, drugs, etc. The small individual differences which make for chronic misery and irritability will disappear when doctors and people can identify an offending item. For me, the indiscriminate use of the label "vegetable oil" in soups, salad dressings, frozen items, and even now bread, has been a nightmare. I, and thousands like me, NEED to know WHAT vegetable oil.

The manufacturers will plead it increases their cost; I will counter that it will also increase their sales. People who are allergic to cottonseed, or safflower, or soybean, or peanut oil, or whatever, who now buy none of these mixed products, will buy those they can. . . .

Ingredient labeling is a simple solution for a mass consumer problem. Please enact it.

Yours very truly,
An Arlington Consumer.

SIGNIFICANT MEASURES IN HEALTH FIELD

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. PREYER of North Carolina. Mr. Speaker, on July 1, during the debate of

H.R. 8629, the Comprehensive Health Manpower Training Act of 1971, the chairman of the Public Health and Environment Subcommittee, the gentleman from Florida (Mr. ROGERS), stated:

> This is the most significant step this Congress will have taken in the whole health field, I think, in its entire history.

H.R. 8629 and its companion bill H.R. 8630, the Nurse Training Act of 1971, are indeed significant measures.

As one of the eight sponsors of these two bills, I would like to emphasize the positive impact which this legislation would have on the health manpower needs of the country. These bills were the result of months of hearings held by the subcommittee and should go far toward relieving the shortage of trained medical and paramedical personnel.

As we know, various proposals are now pending both in the Senate and in the House to establish some type of national health program. It seems inevitable that a national health bill will be enacted in the reasonably near future, and our efforts to provide adequate health care for all of our citizens will be aided by the bills which passed on July 1 in two basic ways.

First, no system which purports to extend full health care to everyone could be expected to function properly without an increase in health personnel. Sheer numbers will be important, and these bills are aimed at eliminating the shortages of doctors, nurses, dentists, and others by 1978.

Second, this increase in the number of professionals should help to lower the already astronomical cost of health care. One needs only to visit any hospital or doctor's office to realize the disparity between the supply and the demand for medical facilities and attention. Logistically, an increased supply should reduce costs by helping to meet demands.

Although much has already been said about the specific features of H.R. 8629, I would like to call special attention to the provisions in the bill regarding family medicine and increased service to rural and ghetto areas. The trend among physicians has been toward specialized practice in more affluent areas. Without incentives and encouragement to the contrary, there is no reason to expect a reversal in this trend.

H.R. 8629 provides financial assistance for the establishment of training programs in family medicine. The bill also includes a loan-forgiveness provision which, it is hoped, will stimulate more physicians to practice in rural and ghetto areas where the shortage of doctors and other health professionals is particularly acute. I am hopeful that these two important features of the bill will substantially reduce the uneven national distribution of medical service personnel.

There is a health manpower crisis threatening the Nation today, and, without going further into a discussion of H.R. 8629 and H.R. 8630, I would simply state that the House of Representatives has acted wisely in approving this crucial legislation.

STATE OF THE JUDICIARY MESSAGES SHOULD BE PRESENTED AT JOINT SESSIONS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. McCLORY. Mr. Speaker, on Monday, July 5, the Chief Justice of the United States delivered his second annual "Report on the State of the Federal Judiciary" before the American Bar Association in New York City.

While I am grateful that the American Bar Association has made it possible for us to obtain this vitally important information on the State of the Federal Judiciary from the Chief Justice himself, I am, nevertheless, of the opinion that Congress has the primary responsibility under the Constitution to respond to the needs of the judicial branch. Therefore, at the beginning of this session, two of my distinguished colleagues from the Committee on the Judiciary, Mr. McCULLOCH and Mr. HUTCHINSON, joined me in introducing House Joint Resolution 298. The purpose of this resolution is to amend title 28 of the United States Code to require the Chief Justice to provide Congress with certain information on the state of the judiciary as he shall judge necessary and expedient.

Mr. Speaker, I am inserting the report of the Chief Justice of the United States on the state of the judiciary with the hope that all of my colleagues in both bodies will take the time to read it. I frankly feel that this is an extraordinary way for Congress to obtain information which is vital to its constitutional mandate. It is my hope that future reports on the state of the judiciary will be delivered before Congress sitting in joint session.

The report follows:

REPORT ON THE STATE OF THE FEDERAL JUDICIARY

(Remarks of Chief Justice Warren E. Burger)

One year ago at the invitation of President Segal I undertook to report to you on problems of the federal courts as they appeared to me, and today I respond to President Wright's invitation to continue that discussion.

Last year's report covered a wide range of accumulated problems embracing developments in Federal Courts beginning with the turn of this century and the problems of deferred maintenance of the judicial machinery resulting from generations of neglect. Today I propose to present some specific current matters against the background of what was discussed in 1970.

Essentially the problems of the federal courts, in common with state courts, and indeed much of the entire fabric of our national life, are suffering from an accumulated neglect. This disrepair became an acute problem as the load increased, and we cannot ignore it any longer.

If the report to you in 1970 can be thought of primarily as a diagnosis of our ailments and a preliminary charting of a general course of treatment in very broad terms, today's report can be considered a diagnosis of specific problems and an examination of what has happened since August 1970.

I wish I could report to you that we have made great progress in the eleven months since the St. Louis meeting. We have made some, not enough, but some, and I will therefore again press on you matters which urgently demand attention.

INSTITUTE OF COURT MANAGEMENT

Last year I emphasized that one of the basic weaknesses of the federal judicial organization was lack of system and management planning of our work, particularly in light of the enormous growth in case volume in recent years. I spoke of the desperate need for a new category of trained personnel—traffic managers in a sense—to speed up the process and improve its quality. I was then able to report to you that, largely under the leadership of this Association, the Institute for Court Management had been created and in the summer of 1970 had commenced its operations with a full-time, intensive six-months' training course for court administrators at the University of Denver. The first thirty-one formally trained court administrators in our history received their certificates last December. This year the Institute is training two overlapping groups.

COURT EXECUTIVES ACT

The very existence of this facility aided substantially in securing the passage by Congress of the Court Executive Act which authorizes an executive officer for each of the eleven Circuit Councils in the federal system. We knew in the summer of 1970 that it would be virtually impossible at that time to find eleven qualified persons to fill these positions, except by "raiding" such states as New Jersey, New York, California and Colorado where the pioneer work of developing court administrators began.

To ensure that only qualified persons would be appointed to these new positions, Congress widely provided a Certification Board to prescribe definite standards and to certify those found qualified and eligible for appointment. As you know, the Circuit Councils are required by law to make appointments from the list certified by that statutory board.

Few important developments in judicial administration have moved so swiftly as this one, but the Circuits have yet to appoint the first Court Executive. To carry this totally new program into the federal courts will take time but by the end of 1971 I anticipate that all the various Circuits will have their Court Executives.

Actually the speed of enactment of this particular legislation has been remarkable and we now have a commitment to Congress to make this program show results. When it does I am confident further support from the Congress for other similar improvements will not be lacking. But we have the burden of proof and we must meet that burden.

ABA COMMITTEE ON STANDARDS OF JUDICIAL ADMINISTRATION

We are well aware that the creation of the new position of Court Executive for each of the eleven Circuits and the advent of the Institute to train people in court management will not, alone, solve our problems even under the most favorable circumstances. More than a generation has gone by and crushing new burdens have fallen on the courts since Chief Justice Vanderbilt and Judge Parker propounded The Standards of Judicial Administration in the 1930's. Judges and the Court Executives must now have new standards and guidelines to meet the new problems. For this reason the Association has created the Commission on Judicial Administration to review the so-called Vanderbilt Standards and to pursue the work begun a few years ago by the American Bar Foundation on the problems of speeding the work of the courts.

STATE-FEDERAL JUDICIAL COUNCILS

At St. Louis I urged that a State-Federal Judicial Council be created in each state to deal with all the sensitive problems of relationships between the two court systems. Here I am happy to report real progress. As of today more than 40 states have created such councils by joint action of the state Chief Justices and the federal judges. The Conference of Chief Justices, and Chief Justice Calvert of Texas, its Chairman, gave vigorous leadership to this development. Many of these informal Councils have found that once the lines of communication were actively opened between state and federal judges, other important areas of common concern for improvement came to the surface.

NATIONAL CENTER FOR STATE COURTS

An important development emerged following the Williamsburg Conference on the Judiciary in March. There President Nixon strongly endorsed a proposal to create a National Center for State Courts to serve all the states much as the Federal Judicial Center was established to serve the federal courts. This was an idea whose period of gestation had run and the Williamsburg Conference resolved to proceed at once. A series of meetings sponsored by the Conference of Chief Justices, the ABA, The American Judicature Society, and the Institute of Judicial Administration has brought into existence the National Center for State Courts whose Articles of Incorporation were filed on June 15, 1971. When the new Center has demonstrated its value—as I am confident it will—the states should then be asked to assume at least part of its support.

I have felt an obligation to be concerned with problems of state courts as well as the federal courts because the problems of justice are indivisible and if we do not have strong and effective courts in both the state and federal systems, we have a failure of justice. The basic system of justice in this country is contained within the state and local courts of the fifty states, while federal courts were created under the Constitution as specialized and strictly limited courts, but time and lack of any consistent policy have brought into federal courts many purely local matters that do not belong in the federal system.

Because I believe profoundly that the state courts are the foundation of the entire system of justice, it becomes important in a period of increasing caseloads in all courts that state courts be strengthened in structure, organization and personnel so they can meet their proper share of the growing demands. Obviously it would be costly and impracticable to have fifty states create separate facilities to accomplish these objectives, and this is one of many reasons why a National Center for State Courts of the kind now being launched is indispensable. That Center can become a clearinghouse for information on problems common to all states, it can develop uniform standards where uniformity of action is desirable, and it can be a marketplace for the best ideas and best techniques to improve justice. It can also become a national forum for cooperation between the state and federal judicial systems.

JOINT JUDICIARY COUNCIL

At St. Louis I proposed that Congress, by statute, create a joint judiciary body with one-third of the members appointed by the President, one-third by the Congress, and one-third by the Judicial Branch. This would be a permanent working body but with advisory powers only. Representing all three branches, it would, I believe, establish a relationship of confidence with all the branches. Its continuing function would be to oversee the needs and problems of the federal court system and its jurisdiction. This function cannot be performed casually, sporadically or intermittently, and it cannot be performed by one branch of government acting alone. It must be an ongoing process so that the members of that body develop wide and expert knowledge and a basis for judgment on all the problems of the Courts.

This Commission would draw on studies made by the Committees on the Judiciary of both houses, by the Federal Judicial Center, the Department of Justice and private sources such as The Institute of Judicial Administration. This function is not now being performed in any coordinated or comprehensive way at present, and it cannot be performed except by a joint facility responsible primarily to Congress. It is imperative that some such device be created if we are not to continue the hit-or-miss process of expanding the burdens of federal courts heedless of their capacity to meet the burdens, and heedless of the overall soundness of particular legislation relating to the jurisdiction and operations of the federal courts.

But we cannot stand still while we are waiting for Congress to act. I hope, therefore, that the Association will consider creating some kind of a legislative implementation committee to present to the Congress such programs relating to federal courts as the Association considers worthy.

The broad ramifications of this proposed legislation cannot be adequately dealt with in a few minutes but I hope the Bar will study the matter and lend its support.

CORRECTIONS

If any phase of the administration of justice is more neglected than the operation of the courts, it is the correctional systems. Last year the Association created a Commission on Corrections and Correctional Facilities with a distinguished membership. That Commission has received private funding and now has an expert staff. Its Chairman is former Governor Richard Hughes of New Jersey who was a judge for 15 years and has firsthand knowledge of the shortcomings of our penal institutions.

That Commission wisely decided to forego the conventional pattern of preparing reports but has instead moved into direct action programs. One of these will be concentrated in a few states and will seek to provide qualified volunteer caseworkers to assist the badly understaffed probation and parole offices in their important work. The program hopes to attract 1000 young lawyers to engage in this work after providing them with some basic training in counseling for those released on probation or parole. This is much like programs used for several centuries in Holland, Denmark and other countries of Europe.

A second program is also direct action designed to bring extension school education into penal institutions. Another program of the Corrections Commissions is directed at helping to provide employment opportunities for released prisoners.

This is the largest undertaking in the corrections field ever undertaken by the organized bar and it deserves continued support. It is a measure of the new horizons of public service of the American Bar.

CRIMINAL PROCEDURE STANDARDS

The diversity of our political institutions has fostered governmental innovation and experimentation in the states and it would be a mistake to try to cast all civil or criminal procedure into a single rigid mold. [The Court Executives Act is but one example of the pioneering work of the state systems, and on which we in the Federal Courts are now trying to build under the Court Executives Act.]

There are certain areas, however, in which both the Federal Constitution and sound public policy argue for a greater degree of common standards and practice than we now have. One of these is the administration of criminal justice, in which, independent of federal constitutional requirements, it is sound policy to avoid wide variation from state to state in society's treatment of criminal conduct.

Over the past 30 years enormous progress has been made in the voluntary development of uniform state codes for civil matters and we now move into a period when the legal profession should seek to extend this voluntary acceptance of uniform patterns into the administration of criminal justice at the state level.

This Association has supplied solid foundations for such a development in the form of studies and reports of the Criminal Justice Project, first chaired by Judge J. Edward Lumbard of New York, and now by Judge William J. Jameson of Montana.

[Time may well prove the Criminal Justice Project to be one of the Association's greatest public service programs up to this point in its history. It is, as you know, a comprehensive set of standards covering every phase and stage of criminal justice and can be used by the states as a starting point for any complete revision of their criminal procedure.]

The drafters of these standards would not make claim to their perfection in any sense. Of necessity many of the standards reflect the traditional compromise of any deliberative process. In the six years work on these Standards I doubt that any one of the 100 lawyers, judges and law professors who worked on the project agreed with every standard on every subject, but taken as a whole the fifteen reports by the Association represent the richest source ever developed to bring the administration of criminal justice up to date.

Mr. Justice Clark, continuing his signal contributions to the law, is Chairman of the Association's Committee to implement these standards and much progress has been made in ten states by his committee.

Every bar association and every member of this Association should press his state to consider these standards as a starting point for improvement.

EDUCATION AND REGULATION OF THE LEGAL PROFESSION

The licensing and admission power over lawyers vested in each of the fifty state jurisdictions, ninety-three federal districts and eleven circuits, has led to a hodge podge of standards for admission, and regulations that are desperately in need of careful reexamination. Much that is being used is archaic and inadequate and must be discarded. This dispersal of authority over lawyers among fifty states and numerous federal courts has prevented meaningful regulation of professional conduct. More stringent discipline is needed in terms of protection of the public from the small minority of lawyers who have exploited uninformed laymen and abused the trust implicit in the franchise to engage in practice. A beginning has been made in the report of The Special Committee on Evaluation of Disciplinary Enforcement. Implementation of the recommendations of that Report is the largest piece of unfinished internal business of the legal profession and it cannot wait.[1]

. . strong, independent, competent legal profession is imperative to any free people. We live in a society that is diverse, mobile, and dynamic, but its very pluralism and creativeness make it capable of both enor-

---

Footnotes at end of article.

mous progress or debilitating conflicts that can blunt all semblance of order. The role of the lawyer in a Common Law system is to be the balance wheel, the harmonizer, the reconciler. He must be more than simply a skilled legal mechanic. He must be that but in a larger sense he must also be a legal architect, engineer, builder, and, from time to time, an inventor as well. This is the history of the lawyer in America and in this respect he is unique among the lawyers of all societies. To fulfill this mission there must first be adequate training—better than it now is—then clear and comprehensive standards of professional conduct and behavior and, finally, established means of regulation of professional conduct. The legal profession cannot claim exemption from the proposition that those having a monopoly on the performance of vital public services should be strictly regulated to protect the public interest. A profession ought to be able to regulate itself, but the truth is that the legal profession has not done so. I suggest that the time may come when, if the legal profession wants to avoid regulation from the outside, it must sternly regulate itself from within.

The basic raw material for comprehensive standards of professional conduct is now available. This Association has promulgated a general Code of Professional Responsibility together with suggested disciplinary enforcement standards, a detailed set of Standards for the Prosecution and Defense Lawyers, the Standards on Fair Trial and Free Press, and the Report on Disciplinary Enforcement. Those standards, taken together, offer the best hope for maintaining an honorable and effective Bar and every State Bar Association should move now to establish means to make sure those standards are rigorously enforced. Without strict enforcement of ethical standards the Bar will fail in its mission and it will never have, and it will never deserve, the confidence of the public.[2]

PUBLIC PARTICIPATION

We need not rely on Dr. George Gallup or Mr. Louis Harris to know that the public is deeply aroused and disturbed about the state of justice and all its works. We must believe that if the people are fully informed they will make the right decisions and to be sure the public is informed it is imperative that the Bar share the leadership for court improvement with all segments of the public—with leaders of Labor and Industry and with civic and community organizations. To break out of the mold of obsolete patterns of court organizations, the whole people—not just lawyers—must be drawn into the programs for change.

TRIAL DELAY

Time will not permit a discussion of all the complex of factors which now delay the processing of cases in the Federal District Courts but several examples may be useful. The advantages of the Individual Calendar have now been recognized by most federal courts. It is one of the keys to speedy improvement, especially in metropolitan courts where congestion is the greatest. I hope every District Court in the United States will adopt that proven mechanism of court administration without more delay.

Another matter affecting the trial courts deserves comment.

For thirty-five years English courts have dispensed with juries entirely in virtually all civil cases. The public, judges and lawyers in England show no signs of wanting to return to the jury system. A number of our states have long conducted civil cases with juries of five, six or seven members and in the past year more than a dozen federal districts have followed the examples of some of those states and reduced the size of federal juries for civil trials. With the reduced jury there is a consequent reduction in the confusion and cost of trials. A large court calls several hundred or even a thousand citizens for jury duty and often the court house has no assembly rooms large enough to contain them. Obviously reduced jury demands will reduce the administrative burdens of calling, processing jurors and the confusion involved in handling so many people.

This new develpoment deserves study and I have urged the recently appointed Committee on Rules of Civil Procedure to study the experience of Courts using five, six or seven-member juries.

If we find we can function with five or six-member juries in all federal civil cases we can probably save as much as three million dollars per year directly, and produce other indirect savings that may in the long run be more important than the millions saved directly.

DELAY IN APPEALS

The factors contributing to delay in processing appeals from the District Courts are somewhat less complex than those of trial courts, but so important that they deserve mention. A simple aspect long overlooked is that we must develop a way for the Courts of Appeals to take active direction and full responsibility for every appeal from the day the notice of appeal is filed. When that notice is filed the District Court loses jurisdiction, of course, and understandably loses interest. Up to now there has been a tendency for the appellate judges to assume that the lawyers will push the cases along but we should know by now that this is not always a safe assumption.

An appeal, like a ton of bricks, moves when it is pulled or pushed. Sometime the appeal lags because the transcript of testimony is not ready, since court reporters must often move on to the next trial thus delaying preparation of transcripts.

Another large factor in the excessive cost and excessive delay in criminal appeals is the tendency to appoint a new lawyer on appeal. The average criminal trial takes 2⅓ days to complete and except in a rare case no trial lawyer who represented the defendant in the trial, and who is worth his salt, needs a full trial transcript to conduct the appeal. But when a new lawyer is appointed he has no efficient way to prepare an appeal except to secure the entire transcript of testimony. Requiring the trial lawyer to conduct the appeal will thus save both time and money. No lawyer should be appointed by the Court in any criminal case unless he is competent and willing to conduct the case to its final disposition if there is an appeal. This should be made the subject of an agreed policy within each Circuit or the Congress should direct it.

We must promptly develop screening methods to identify those appeals that can be heard within thirty or sixty days without printed briefs and without a transcript. An alternate to be explored is to hear such appeals on a written brief but without oral argument. Some courts have experimented with this, with very favorable results.

There is a third factor in delay for which we judges are solely responsible. This is the excessive writing of opinions. We appellate judges tend to write more than is needed or useful and the excessive writing delays the process. Moreover it often confuses rather than aids the bar and adds needless cost to lawyers and the public and others who are compelled to maintain law libraries. With all deference, it is becoming increasingly apparent that appellate judges must discipline themselves to dispose of more cases without formal opinions and when opinions must be written every effort should be made to do so with greater brevity; moreover some cases should be decided summarily from the Bench. Some important cases require extensive treatment but this should be the exception, not the rule as it is today. I add, by way of confession, that this criticism—and it is criticism—is not confined to any particular level of appellate courts.[3]

With few exceptions in this country appeals move at a glacial pace because we are using the "cracker barrel" methods I spoke of last year to process vastly expanded volumes of cases. It is imperative that we develop some new methods and new procedures for appeals. This is a high priority. At the appellate level ingenuity and determination can bring swift results. Prompt decisions on appeal may well discourage a substantial number of the frivolous appeals taken only for delay. I will ask the Judicial Conference to authorize appointment of a Committee on Appellate Rules to consider these pressing problems.

The public is tired of the spectacle of appeals that lag for years and repeated appeals whose chief purpose is delay. I must repeat what I said to you at St. Louis last August: There Must Be Finality at Some Point.

THE SUPREME COURT

Of the work of the Supreme Court I will say only what I have said before, that we cannot keep up with the volume of work and maintain a quality historically expected from the Supreme Court. Nine Justices must now deal with approximately 4000 filings each year as compared with 1100 filings in 1940 and 1300 in 1950.

Either the quantity or quality of the work of the Court must soon yield to the realities. This view is shared by a growing number of legal scholars, judges and lawyers. Enlarged supporting staffs can help but the judicial function must be performed by nine Justices. On another occasion I will discuss this problem more fully.

STRUCTURE OF FEDERAL COURTS

One problem of the Federal Courts is of grave and immediate importance. In some courts it can reasonably be called an emergency.

The structure of the eleven federal circuits is at least 100 years out of date and must be reexamined. Everyone who knows the federal system knows this to be a moral certainty. The Fifth Circuit almost literally spans the continent from Key West around the Gulf to Western Texas, nearly three thousand miles. No courtroom in North America is large enough for that court to hold, comfortably, an *en banc* hearing of its fifteen Appeals Court judges. The Fifth Circuit is an unmanageable, administrative monstrosity. The Ninth Circuit runs from the Mexican Border to Alaska and out to Hawaii and Guam while the District of Columbia Circuit at Washington contains ten square miles.

An Advisory Committee of the American Bar Association in 1968 reported that reorganization of the Circuits was urgently needed.

The Judicial Conference of the United States has urged that Congress create a special commission appointed by the three branches of the federal government with power to recommend changes in this structure that would become law if approved by the Judicial Conference of the United States, but subject to a veto by the Congress. This is basically the familiar mechanism by which Congressional and Judicial salaries were finally adjusted after long delays. It is a sound procedure and it is the most efficient way to improve the organization and the administration of the Federal Circuits. The Congress is now considering this proposal.[4]

I urge this Association to give this subject prompt study and to consult with the Congress on a solution.

The recital of these vexing problems calls for no summary. There are other problems of the Federal Courts I have not mentioned. I have touched only the most pressing matters that call for prompt action.

I am confident that with the Association's

Footnotes at end of article.

great tradition of public service and your keen awareness of the insistent need and great ferment for change, you will lend your prestige and your support.

The American people look to you. I know you will not fail them.

FOOTNOTES

[1] ABA Report and Recommendations in Disciplinary Enforcement. June 1970.

[2] Very soon two other sets of Standards of the Association will be completed. One is a Code of Judicial Conduct and the other will fix Standards for the day-to-day function of trial court judges.

[3] More than 4000 cases are filed annually in the Supreme Court; written opinions or memorandum opinions are written in fewer than 200. The two situations are not fully comparable but the comparison is not without some relevance.

[4] H.W. 7378.

NATIONAL CHAMBER CITES NEEDS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. PRICE of Texas. Mr. Speaker, last March, a number of our colleagues joined with me in introducing legislation to establish a commission to study our present antitrust laws.

I am pleased that the Chamber of Commerce of the United States has endorsed this proposal and ask permission that a copy of the press release announcing Chamber support of my bill, House Resolution 5768, be printed at this point in the RECORD:

NATIONAL CHAMBER CITES NEED FOR REVIEW, MODERNIZATION OF NATIONS ANTITRUST LAWS

WASHINGTON, July 1.—A thorough review of national antitrust laws and recommendations for changes in light of today's economic climate—particularly in the foreign trade field—drew support today from the nation's largest business federation.

The Chamber of Commerce of the United States endorsed the establishment of a commission to study present antitrust laws, their effect on competition and economic growth and ways such rules should be changed to foster maximum growth.

The National Chamber's Board of Directors singled out two bills as examples of such measures: S. 1486, introduced by Sen. Jacob Javits (R-N.Y.) and six other senators, and H.R. 5768, sponsored by Rep. Robert Price (R-Tex.), and 15 of his fellow House members.

In its endorsement, the Board said that the review should be conducted under safeguards to protect cooperating businesses from possible abusive investigations.

The Board also included support for a presidentially-created body as an alternative means of bringing about review. W. F. Newton of the National Chamber's Antitrust and Trade Regulation Committee said that businessmen feel, "The most important thing is the beginning of such a review."

Mr. Newton, a member of the National Chamber's Board and a vice president of PPG Industries, Pittsburgh, said, "The present body of antitrust laws and their implementation is non-contemporary, conflicting, confusing, costly and contrary to the long-term economic well-being of the United States." He pointed to the problems in the fields of pricing and mergers and said that in the area of foreign competition, the U.S. is seriously handicapped because foreign producers are not governed by the same rules.

The Chamber spokesman explained that foreign producers, under government encouragement, can combine and form competitive units of maximum efficiency, while cooperative efforts of American firms are inhibited by the antitrust laws. Mr. Newton added, "This affects not only our ability to compete with foreign manufacturers in international markets, but is very seriously affecting our ability to resist penetration of many of our key domestic markets by foreign producers."

The goal of antitrust regulations, Mr. Newton concluded, should be "a body of law related to the 1970's rather than the 1890's."

HEALTH CARE FOR ALL

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mrs. ABZUG. Mr. Speaker, ours is the only major industrial nation that has neither a moral commitment to provide health care for all of its citizens nor a rational system for the delivery of such care.

Recently, New York City Local 1199, Drug and Hospital Workers' Union, spotlighted this problem at an all-day health care conference, which included a series of panels on health care delivery and was addressed by Dr. John L. S. Holloman, Jr., the director of HIP—Health Insurance Plan—Multiphasic Health Testing Center. I had the privilege of addressing the luncheon session.

As a union with over 50,000 members and with an outstanding reputation for social commitment, Local 1199 has set as one of its major goals the availability of adequate health care for all members of our society. In a nation with the most highly advanced medical technology in the world, the union finds it incongruous that we as a nation have not yet taken any direct action to provide a full scale national health plan for our citizens.

Local 1199 has established the following points as the major tenets of such a health care "bill of rights":

UNIVERSAL AND COMPREHENSIVE COVERAGE

There must be one system for all. Everyone must be entitled to care regardless of race, income, sex, age, religion or any of the barriers that now create inequalities. These services and facilities should be used to maintain health and prevent illness as well as to treat sickness.

EQUITABLE FINANCING

Health care should be removed from the profit-making arena and financed by the federal government from general revenues.

SOUND ORGANIZATION

To develop a national system for the delivery of health care it is necessary to:

(a) Create an organized service in which the providers of medical care work together with government and the community for common objectives.

(b) Establish neighborhood medical facilities and community medical centers easily accessible to the people they serve and controlled by duly elected community boards.

(c) Encourage the development of comprehensive group medical and dental practice with effective consumer participation.

(d) Finance a recruitment and training program to meet health manpower needs and support medical and health research requirements.

Local 1199 also points out that the problem of the Nation's health goes beyond what can be done to improve the delivery of medical care. It says:

To assure good health also means to provide decent food and housing, clean air and pure water.

We believe that our nation has the material and human resources required to fulfill these essential objectives. We believe that a national health budget must be adopted that makes the delivery of health care a matter of top priority. Our national emphasis must change from war and destruction to the preservation of life.

At this point, Mr. Speaker, I am including in the RECORD the text of Dr. Holloman's keynote speech and my own remarks:

SPEECH BY DR. JOHN HOLLOMAN

Good health and health care services are basic and universal human rights. Health as a human right has meaning only when health is understood to be a state of complete physical, mental and social well being and not merely the absences of disease or infirmity. Health is an all inclusive term which must be related directly to the quality of life.

We hear more and more about the health crisis in America. It is not a new development. It has been with us for some time. In America, unlike any other country, we are faced with philosophical and practical paradoxes in relation to health and the delivery of health services.

However, it is rather paradoxical that there is a health crisis in America, particularly when one considers that:

(a) No other nation has made as many contributions to medical research as America.

(b) No other nation provides the variety of health occupation specialties, as well as the quality of training for such careers, as America.

(c) America has demonstrated a capacity to provide some of her citizens with a quality of health care that is unsurpassed throughout the world.

(d) America has excelled in providing crisis care for some serious illnesses such as heart disorders, polio, and certain types of cancer, to name a few.

(e) America has some of the world's most most modern physical facilities, equipped to keep patients alive who might die if they were in some other part of the world.

Yet, in spite of these noteworthy accomplishments the level and quality of health care provided to the *total* American population is by many standards inferior. This situation exists primarily because of the serious imbalance in the availability of health care to all segments of the total American population.

There are basically two major constraints to guaranteeing the "Health Right" of every American citizen. These are the lack of a viable financing mechanism for assuring the capability of every person to pay for his required services, and the insufficient development of facilities and qualitative manpower resources for providing the total gamut of health services to every American who needs them. As a result of the lack of these two elements there are between 35–45 million Americans being denied adequate health care and America's international health care standing has seriously declined from where it was a decade ago.

Approximately 75,000 newborn babies die in the United States each year. In 1969, our infant death rate of 22.4 per 1,000 live births exceeded that of 14 other countries and should be compared with Sweden, the country with the lowest rate—12.9 per 1,000.

Nonwhite American babies die at a rate nearly double that of white American babies.

American mothers die in childbirth at a rate exceeding that of 11 other countries.

Nonwhite American mothers die in childbirth at a rate four times that of white American mothers.

American males have a shorter life expectancy than the males of 19 other industrial countries.

Nonwhite Americans have a life expectancy seven years shorter than that for white Americans.

American males, age 40, are more likely to die before they reach age 50 than males of the same age in 15 other countries.

The death rate for nonwhite American males between the ages of 40 and 50 is double that for white American males.

The irony of it all is that America could do so much better, particularly if more effective use were made of the resources now devoted to health. Moreover, it is essential for the Nation to correct its health manpower distribution problems, as well as to increase its supply of manpower in those health occupations where shortages do exist.

It is these problems—health manpower shortages in minority and poor areas, maldistribution of health manpower resources, and ineffective utilization of health manpower—that concern the Health Manpower Development Program (HMDP).

CURRENT HEALTH MANPOWER SHORTAGE

The Department of Health, Education and Welfare estimates that the Nation now suffers from a shortage of 48,000 physicians and 17,800 dentists. By 1980, we will lack 26,000 physicians and 56,000 dentists. Our shortage of nurses will have risen from 150,000 to 210,000; our shortage of allied health manpower—from 267,000 to 432,000. These shortages are most severe in minority and poor areas and the number of minority health careerists is small. Less than 2% of the Nation's physicians are black; fewer are brown and red.

As we look ahead through the 1970's to the 1980's and beyond, we are impressed by the enormity of health problems. As we examine the problems, searching for solutions, we come to recognize that health has a much broader scope than simple clinical entities. A more penetrating analysis of the health problem shows that elements which we must consider to go much deeper than shortages of health manpower, inadequate and ill distributed health facilities. The health problem cannot be reduced simply to money, although it cannot be solved without money.

When one thinks of health and its problems one must think beyond the delivery of personal health services. One must think beyond the problems of categorical diseases such as tuberculosis, birth defects, heart disease, cancer and stroke. It is important to take a holistic approach in order to solve the health problem. Health cannot be divorced from the environment just as it cannot be divorced from heredity. The incestuous relationship between poverty and ill health has been demonstrated and documented countless times. We are all further aware of some of the relationship between education and health. Since the early days of this century, even prior to WW I we were aware of the occupational hazards associated with conditions and types of employment. We have gone so far as to develop a specialty classification called Industrial Medicine.

Air pollution, water pollution and noise pollution which defile the physical environment and ultimately deprive us of our health, physical and mental, are also integral parts of the problem. Hunger and malnutrition are also parts of the same problem. It has been shown that 75% of all the mental retardation in this country can be found in our urban and rural poverty areas.

It is a sad commentary that the economists of this administration who advise the President have been convinced, until very recently, that the only way to check inflation is to create unemployment and thus slow down the economy.

The U.S. Department of Labor, Bureau of Statistics reports that the jobless rate for workers living in the poverty sections of the Nation's 100 largest metropolitan areas was 8.5% for the fourth quarter of 1970, an increase of 4.9% over the figure recorded for the same areas in the last quarter of 1969. A dire prediction is that the summer of 1971 might see the rate reach 60% for black teenagers. The rate for white teenagers is considerably lower.

On a racial basis, black unemployment in time of national prosperity has always been nearly twice that of the white population, and in times of recession, the ratio increases disproportionately.

On the local scene the proposed cuts in the city budget spell disaster for large numbers of city employees, many of them in health related occupations, who are now threatened with loss of employment and its benefits, and many of them will go on the relief rolls. The loss of these jobs will in turn effect other jobs and services in a concentric ring pattern so that all of NYC will feel the malevolent effect. This pattern is emerging in all major urban areas.

In what appears to be a simultaneous assault on the people of little power, we see proposed cut in welfare so that needy families and individuals will get less money for food and living expenses (less than 90¢ per day per person for food) and at a time when the cost of living has reduced the relative value of the assistance which is given to these dependent persons.

We have watched the perversion of Medicaid in our city and state. Less than two years ago we saw the New York State Legislature, in concert with the Federal government, arbitrarily drop, in New York City alone, 1,300,000 medically indigent people from the Medicaid rolls. We have watched the zeal with which the vested interests in our city, state, and nation have been protected by pork barrel politicians whose chief concern is usually their own re-election or personal advancement. These so-called representatives of the people have acted in such a manner as to cause an additional 400,000 medically indigent persons to be dropped as Medicaid eligible in the name of legislative economy, while providing no suitable substitute.

To further illustrate the problem we must recognize the fact that two-thirds of the nearly 20,000 physicians in the metropolitan area of New York take care of the more affluent one-third of the citizens. But to compound matters for poor people, nearly 85% of the physicians in New York refuse to see any Medicaid patients at all. Even the hospital's (municipal as well as voluntary) have joined in this conspiracy against the medically indigent. The intent of the Medicaid law was to give the Medicaid patient the right to choose his own physician and to be taken care of in semi-private accommodations like Blue Cross and other insurance patients. In general, hospitals have deliberately failed to do this, in spite of the fact that Medicaid has often been billed in amounts far in excess of the current Blue Cross and other insurance rates and for the same services which are delivered in crowded and inferior conditions. To further assure the dismal failure of Medicaid in New York, many other exclusions have been added to the eligibility requirements along with burdensome co-insurance features which are impractical and have added to the administrative confusion and disorder.

Perhaps the most sinister blow yet dealt to the indigent mother is the threat that Medicaid will no longer pay for abortion on demand, only to save the life of the mother when it is endangered. One of the principal reasons for the ultimate relaxation of the abortion law has been the well known fact that the more affluent women in our society have always been able to find relatively safe abortion in this country, or abroad, and that traditionally the poor have therefore been denied this resource. This regressive step would reinstitute the traditional discrimination against the poor mother. We live in a hypocritical society in which a child born out of wedlock is called a bastard, through no fault of his own, yet there are those among us who would deny the right of a woman to decide if and when she will bear a child.

The problem of alcoholism and its related illnesses is a health problem of far reaching proportions for the victim and his family. In addition to the direct physical and mental havoc which alcoholism inflicts upon the patient's person, alcohol is causally related to more than half of our 65,000 traffic fatalities annually. It is related to untold numbers of industrial and home accidents and fatalities.

The future of the young of this nation is jeopardized by the ever increasing problem of drug abuse and narcotics addiction. Here we have another area in which the legislature is forcing the curtailment of corrective programs, in the face of rising needs. This is indeed a false economy since 70% of our crime is related to narcotic addiction and the national future depends upon our youth.

The dental problem is at least as bad, if not worse, than the rest of the medical problem. The American people spend nearly 4 billion dollars yearly for dental care and yet more than 100,000,000 Americans do not visit a dentist at least once during a given year.

This brief glimpse of the magnitude of the problem is given without an attempt to show the adverse effects which these health problems have on our health indices and statistics. In 1971, our society affords the American Indian a life expectancy of less than 43 years. (White male expectancy at birth is 67 Years.) Most of the ethnic minorities of color, including the Chicanos, Puerto Ricans, are similarly handicapped with respect to health and life expectancy. Infant and maternal mortality are national health problems which affect minorities with disproportionate severity, and affect our national indices in these areas with respect to the rest of the world.

It is regrettable that in all likelihood the many fragments of the health problem will continue to be dealt with as separate and distinct issues rather than as the inextricably interwoven issues which, in fact, they are. An attempt to deal separately with the many issues involved and the many facets of the problem is to insure failure at the outset.

This is what the Nixon administration proposed to do. The administration is developing the proper rhetoric while moving with deliberate speed to maintain the status quo which would provide a financial windfall to the private health insurance companies.

The Medicredit plan of the AMA does not even address itself to the issues which I have raised. Medicredit would merely employ an insurance mechanism to pay for medical care which does not exist, with the plan that those who can afford to pay: getting income tax credit for insurance premiums, while the government would pay the premiums for the poor. Title 11 of Medicredit would provide for Peer Review by groups of physicians (of the physicians choosing) which is roughly what the situation has always been.

The greatest problem which we will have to face is the problem of disturbing the status quo. Organized medicine has forced as a prerequisite to Titles 18 and 19 of the Social Security Amendments of 1965 and to Partnership for Health Bills the following phrase: "without disturbing the traditional methods of medical practice." If the 1970's are to see solutions to our health problems, then it becomes vitally necessary to disturb the traditional way in which things have been done. If health care is to be a basic right of all Americans, it must be an equal right. In order to insure that health care will be an equal right, we must plan it that way, it will not happen otherwise.

I would like to raise what I consider a most critical issue. Is there any substance, beyond rhetoric, to the now often repeated slogan, "Health care is a right, not a privilege"?

Under our present health care delivery system people are effectively divided on the basis of their means. They are divided according to their ability to pay and roughly accorded the inappropriate designation of private or charity. The assumption being that private patients are somehow more important than charity patients. In most medical schools, students still learn to look upon charity patients as clinical teaching material upon whom skills are to be perfected in order to be subsequently sold to the more affluent private patients. Today health care is a commodity which is sold to the highest bidder, and here again the poor get a bad deal because as Dr. Alonzo Yerby stated so succinctly: "The poor are often forced to barter their bodies for medical care." There is no higher price.

If health care is a right then it cannot simultaneously be a benevolence which professionals or legislators are free to arbitrarily give or withhold.

It is at this point that health changes of the 70's (and beyond) are least predictable because they are part of the fundamental issues that must be faced if a significant change is to be made in our health care delivery system. The best government estimates suggest that we have a minimum shortage of 50,000 doctors. Yet there are no government, or non government, plans which can be expected to end this shortage of doctors in this decade, or even in this century. Similarly all categories of health personnel are in short supply and there are no plans in operation designed to end these health manpower shortages significantly.

There are several things which can be done to perhaps relieve the impact of these shortages and which could assist in bringing about a more equitable distribution of health care.

The physical grouping together of physicians in neighborhood group practices or centers which could more effectively use and simultaneously share critically short ancillary medical manpower and facilities. We can also utilize less highly skilled personnel for those tasks which can safely be assigned to persons with less training than the physician. Home health care programs could be expanded and run by physicians assistants and nurse clinicians. Hospital networks could be established which would be complementary, rather than competitive, thus ending needless waste and duplication of services. New modular types of community hospitals and health centers could be constructed. Health education and preventive health programs and practices should be introduced where they are needed—which is just about everywhere. Automated multiphasic health testing should be universal and information gathered should be computer stored for rapid retrieval.

A nation such as ours, which enjoys calling itself a great nation, must provide a healthy life for all in a healthy and peaceful environment, if it is to be great, that is to say, humane. If this nation is to survive it must eradicate racism and end the polarization between races, classes and ages rather than use these differences as political weaponry. It must eliminate poverty and abolish hunger and malnutrition. It must salvage our cities and make them livable, once again, for all of our citizens. It must conserve existing recreational and wilderness areas, and designate new ones and it must provide transportation for masses of people, not just those with internal combustion air polluting cars. Educational and vocational training must be available to all. We must end pollution of our environment and develop methods and facilities for the treatment and recycling of solid wastes. We must attack corporate practices that continue to pollute without fear of punishment and we must develop sensible population policies which will check a burgeoning world population, but we must do it at home too, not just in the overpopulated "colored" countries of South America, Africa and Asia.

I predict that we will start on all these projects and more during the 1970's. I predict this because I fail to see how we can avoid to begin solving some of these problems and still survive. If we wait for some magic formula to save us, we may find that the price of survival is beyond our means or capabilities.

The Senate Bill S. 3, also known as the Kennedy Bill for National Health Security, is a combination of two national health insurance bills introduced at the last session of the Congress. Congresswoman Martha Griffiths of Michigan, with the strong backing of the AFL–CIO and other units of organized labor, introduced a bill which did have some of the same features and which would help bring about changes in our health care delivery system.

The late Walter Reuther called together a Committee of 100 for National Health Insurance, who have worked as a team for more than 3 years to produce the current bill.

The major provisions of the Health Security Bill are as follows:

ELIGIBLE PERSONS

Every individual residing in the United States will be eligible to receive benefits. There will be no requirement of past individual contributions as in social security, or a means test, as in Medicaid.

BENEFITS

With certain modest limitations, the benefits available under the program will cover the entire range of personal health care services, including the prevention and early detection of disease, the care and treatment of illness, and medical rehabilitation. There are no cutoff dates, no coinsurance, no deductibles, and no waiting periods. The principal limitations are:

A. Dental care, which is restricted to children through age 15 at the outset, with the covered age group increasing thereafter until persons through age 25 are covered.

B. Skilled nursing home care, which is limited to 120 days per benefit period. The limit does not apply, however, if the nursing home is owned or managed by a hospital, and payment for care is made through the hospital's budget.

C. Psychiatric hospitalization, which is limited to 45 consecutive days of active treatment during a benefit period; and psychiatric consultations, which are limited to 20 visits during a benefit period.

D. Prescribed medicines, which are not covered unless they are provided through a hospital or organized patient care program, or are required for the treatment of chronic or long-term illness.

E. In other respects the program provides full coverage for physicians' services, inpatient and outpatient hospital services and home health services and coverage for optometry services, podiatry services, devices and appliances, and certain other services under specified conditions.

COMPENSATION OF DOCTORS AND HOSPITALS

Providers of health care will be paid directly by the program. Individuals will not be charged for covered services.

FINANCING THE PROGRAM

The program will be financed out of a Health Security Trust Fund, acquired as follows:

1. 50 Percent from general tax revenues.
2. 36 Percent from a tax of 3.5 percent on employers payrolls.
3. 12 Percent from a tax of 1 percent on employees wages and unearned individual income up to $15,000 a year.
4. 2 Percent from a 2.5 percent tax self-employment income up to $15,000 a year.

COST OF THE PROGRAM

In fiscal year 1970, the benefits provided under the program would have totaled $41 billion, or 70 percent of the total personal health care expenses in the United States. None of the $41 billion in expenditures under the Health Security Program represents "new" money. Rather, this amount of money is already being spent by individuals, employers and governments for health care. The $41 billion actually expended in fiscal year 1970 consisted of $29.5 billion in private out-of-pocket payments and private health insurance payments, $11.5 billion in payments by federal, state and local governments.

Under the new program, however, the same amount of money will provide more health services for more people by revitalizing the existing health delivery system and reducing the inflation in the cost of health care.

In addition, under the new program, the relative contributions, of employers and of federal government will be increased, but the contributions of individuals and of state and local governments will be decreased. In fact, the program is a direct form of revenue sharing. It will relieve state and local governments of $2.5 billion a year in exepnditures for health care, thereby freeing substantial state and local funds for other purposes.

ADMINISTRATION

The program will be administered by a five-member Health Security Board in the Dept. of Health, Education and Welfare. The board will establish policy, standards and regulations for the program.

RESOURCES DEVELOPMENT FUND

An essential feature of the program is the Resources Development Fund, which will come into operation two years before benefits begin. In the first year of this "tooling period", $200 million will be appropriated for the fund; in the second year, $400 million will be made available. Once the benefits begin, up to 5 percent of the trust fund—about $2 billion a year—will be set aside for resources development. These funds will be used to support innovative health programs, particularly in areas like manpower, education, training, group practice development and other means to improve the delivery of health care.

INCENTIVES

Financial, professional and other incentives are built into the program to move the health care delivery system toward organized arrangements for patient care, and to encourage preventive care and the early diagnosis of disease. Incentives are also used to guarantee quality health care in rural areas.

STARTING DATE FOR BENEFITS

July 1, 1973. In the two year tooling up period prior to that date the Resources Development Fund will be used to prepare for the program.

It may seem to many that I have dealt harshly with health professionals and providers of services, with health care organizations and programs, with private health insurance companies, legislators and others—and perhaps, I have been guilty of this. But it is only because of their demonstrated past failures which have brought us to the point where we now find ourselves today. With few exceptions, this nation, from Mr. Nixon down to the most miserable patient waiting in pain on an uncomfortable bench in a charity clinic, has recognized that this nation is faced with a genuine health care crisis.

The prescriptions tried to date have only worsened the overall situation. Quality universal health care remains utopian rhetoric. I submit that health care as an equal right for all cannot happen unless you and I, as patients and consumers, believe in it and work for it as a nationally desirable goal.

Health professionals and health organizations have vested interests in the status quo and can in all fairness hardly be expected to provide the altruistic leadership which is desired from them. They are intelligent enough to accommodate and to stimulate some forms of change, but they are simply too old and entrenched to really make the changes in philosophy and practice which are necessary.

You and I, as patients and consumers, have the most vested interest of all—we have our lives and the lives of our children as interests. We should stop competing for scarce services and begin to plan adequately for our health needs as equal societal rights. To do less is to shortchange ourselves and to mortgage the lives of our children.

SPEECH BY BELLA S. ABZUG TO LOCAL 1199 HEALTH CONFERENCE, JUNE 12, 1971

I am happy to be here again, speaking to a union that knows how to fight—and how to win. That's a good combination.

As a group that has been systematically excluded from protective labor legislation for more than 35 years, you've broken though the system that decreed no strikes for public service workers, thus condemning them to subsistence wages.

By your unity and your strength, you have succeeded in establishing a tradition whereby black, white and brown together have won dignity and recognition of the fact that all working people have a right to decent pay and working conditions.

Your union and other unions have been teaching this city and state something about the real value of labor. Just last week, for example, when bridge tenders and sewer workers showed that the city couldn't function without them, they were giving us a lesson in priorities.

If the city can't work without *your* work or the work of other public service employees, if our society desperately depends on you, then the power structure has to do more than threaten to send you to jail when you fight for your rights.

It has to decide that maybe you're more important than some highpaid commissioners, and that if the state can pay "lulus" to senators and assemblymen whose pensions, by the way, are computed on the basis of salaries *plus* lulus, then it must offer working people security in their jobs and in their retirement years.

As a group that deals face to face, day to day, with the casualties of our current priorities, you see basic rights denied. You see the nature of the war being waged right here.

What is wrong with the state of health care services is what is wrong with everything else in this country. Health care is one of the most painful examples. There is an ever widening gap between what the people need and what is. A gap even wider, if possible, than the one between President Nixon and his credibility.

The shortage of manpower, the shortage of facilities, most of all the shortage of funds, are not new problems, and their solution is not new either. The resources are there, they're just in the wrong places.

The real difference is in the minds of a majority of the people of the United States, who are saying in every way they know how that it's time to change our priorities, away from war, away from profiteering by big business and toward peace and meeting the needs of people.

With a Congress that is stacked with white, middle-class, middle-aged, male businessmen and lawyers and an Administration that is giving us recession PLUS inflation, we don't have an easy job ahead, but I believe that we are going to have to put together the kind of political coalition that will change our priorities.

Unless we do that, President Nixon and the Congress will continue to spend $76 billion a year—and more—to kill thousands overseas, while thousands die right here because funds are denied for health, housing and welfare.

But the war must stop. Our young men must be brought home.

And if they are wounded, the money must be spent on our VA hospitals, which are a disgrace.

And if they are on drugs, the money must be spent on rehabilitation programs.

And if they cannot find jobs, the money must be spent on education and training programs.

And if their mothers and wives and families are living in ghettos and slums, the money must be spent on housing.

In terms of cost, can we continue in the business of marketing weapons and death around the world, and continue to ignore the fact that we rank 14th in infant mortality?

Can we offer a half billion dollars to Lockheed Aircraft, which has been living off us for years, and then say as the Nixon administration just did, that all we can afford for a lead poisoning program to combat a health problem reaching epidemic proportions among children is $2 million?

When we have 30 million working women, and more than five million with children under age five, does it make sense to spend only $655 million for Head Start, Child Welfare, Maternal and Child Health Services for all of 1971? That is one man-made priority that Congresswoman Shirley Chisholm and I are trying to change. We've introduced a child care bill that calls for spending $5 billion to provide day care centers and night care centers and other facilities for the youngsters of parents who have to work or are going to school. We need your help on this right now, because the bill is in committee and I urge all of you to get in touch with Congressman John Brademas and let him know that you want a child care bill with sufficient funds to meet the needs of working women now.

We also have to challenge a system that allocates only 4.2% of its budget to health care, that condemns millions of citizens to subsistence wages, to welfare rolls, to increasing unemployment, to police harassment, while those vested interests wielding the power in this country don't even pay the taxes that support it.

We have to challenge a system in which health costs are rising faster than anything else and families can be ruined economically by illness. We need a national health insurance plan that will recognize decent health care as the right of all people and that will also begin shifting health priorities into preventive care and bring doctors and hospitals and clinics to areas that need them.

But as I indicated earlier, in order to get these things, we're going to have to organize and use our political clout. We saw in the recent disastrous session in Albany what happens when we are blocked from political power:

Hospitals and health services were cut.

Drug addiction programs were ordered to be shut down.

Mental health services were slashed.

Welfare payments were reduced to 88¢ a day for food.

Rent control was doomed for over a million families.

In the shock and outrage that followed this assault on the health and living standards in our city, I proposed that New York City take the necessary steps to become a state. I did this not because it is an easy process—but because it is time to question political forms and distribution of political power that no longer conform to the reality of our daily lives.

Four-fifths of Americans live in cities; most big cities are on the verge of bankruptcy. Yet, in the state legislatures and in the Congress, effective power is still wielded by rural, small town and suburban representatives.

New York City has a budget second in size only to that of the federal government. It provides more than half of the state's income. It is larger in population than 43 of the 50 existing states.

And yet, it is almost totally at the mercy of the state. It cannot change the working hours of its police, it cannot negotiate a pension agreement, it cannot change its tax base, it cannot change the way its government works without approval of state legislators who do not live in the city or understand or care about its problems.

The response of New Yorkers to the statehood proposal has been fantastic. And I believe this shows that most Americans are ready and eager for fundamental changes in our society that will give them control over the institutions that until now have controlled them.

We have the outlines of a potentially great and effective political coalition in our country—working people, the anti-war movement, the women's movement, the blacks and Puerto Ricans, students, the consumers and small businessmen who are hurt by the giant monopolies—and this is a coalition that can be built around the issues, not just personalities.

I stress political organization not because I happen to be a Congresswoman—and incidentally there are only 12 women and 12 blacks in Congress—but because our political institutions have been lagging so far behind the needs and aspirations of most Americans. Congress' failure to end a war which has been repudiated by three-fourths of the American people is just one example.

We need a Congress that will directly reflect a true cross-section of our people. You should start thinking about more union leaders, more women, more blacks and Puerto Ricans, more young people running for political office.

If we do this, we can create a permanent force for constructive political change that will utilize the great wealth and genius of our people to build a sane and peaceful society.

THE DEADLY PING-PONG DIPLOMACY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. HUNT. Mr. Speaker, in the Washington Post of July 6, the New China News Agency is reported to have announced that China has agreed to step up its gratuitous military aid to North Vietnam, the second agreement of its kind this year alone.

Also reported in the columns of the same paper was a rocket attack by North Vietnamese gunners on a barracks at the American airbase at Danang causing the heaviest U.S. casualties in a shelling attack since May.

With the advent of our new "Ping-Pong" diplomacy with China, one can only wonder how many "ping pongs" killed 3 American men and wounded 36 others in this attack.

ADDITIONAL FUNDING AND STAFFING OF VA HOSPITALS PERMITS BETTER MEDICAL CARE FOR AMERICA'S VETERANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. TEAGUE of Texas. Mr. Speaker, during the past several years a great deal has been said about the quality of care received by veterans in our VA hospitals. During the 91st Congress, our committee conducted a comprehensive investigation of the VA medical program and found that it was grossly underfunded and understaffed. As a result, Congress added $105 million to medical care appropriations for fiscal 1971 and just a few days ago the House voted over $120 million more than the budget request for fiscal 1972.

Mr. Speaker, on May 11, 1971, Congress also added $8 million to the VA medical care budget in the 1971 supplemental which has permitted the Veterans' Administration to add over 8,600 additional hospital employees. This action by the Congress has permitted the achievement of two goals—better staffing of VA hospitals and reducing the number of unemployed veterans of the Vietnam era. The final report on this new hospital staffing has just been received from the Veterans' Administration and indicates the results of this stepped up recruiting effort. You will note that 1,970 of these new employees are Vietnam era veterans.

New employment by category—final report, June 30, 1971

Category:	Number
Physicians	802
Dentists	51
Nurses	1,869
LPN's/NA's	1,537
Other GS	3,120
Wage Board	1,266
Total	8,645
Vietnam veterans included above	1,970

Mr. Speaker, each year the Committee on Veterans' Affairs receives numerous complaints from veterans who claim they are not receiving the care they believe they deserve. Our staff carefully checks all of these complaints and we endeavor to resolve whatever problems are found to exist. Sometimes we also receive laudatory letters about the care veterans receive, either from the veteran or from his friends or relatives. In recent weeks I have received three such letters which I want to share with my colleagues, and they are inserted in the RECORD at this point:

THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., June 21, 1971.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, Washington, D.C.

DEAR SIR: For the past several years my father had been a patient at the Bedford Veterans Administration Hospital in Bedford, Massachusetts. He was old, very ill, and there was little hope for recovery. Nevertheless, the staff at all levels of the VA Hospital at Bedford extended themselves on behalf of my father. I was greatly impressed by the concern and consideration they showed him at all times.

I should point out that at an earlier stage my father had been in a private nursing home. While the nursing home met the standards of the State of Massachusetts and was by no means an inexpensive institution, I was appalled by the lack of professional attention, the callous disregard for him, and the distinctive lack of professional standards that pervaded the entire nursing home. This experience made me all the more grateful for the qualities I found in the Bedford VA Hospital.

Your Bedford Hospital has shown me the quality of care we are capable of extending to our sick and old. I regret that all Americans, and not just Veterans, cannot benefit by the quality of medical care received by my father.

Very sincerely yours,
JASON L. FINKLE.

SAUGUS, CALIF.,
May 11, 1971.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, Washington, D.C.

DEAR CONGRESSMAN TEAGUE: I have today received your IBM questionnaire on VA service to veterans. I do feel that the response I should like to make cannot be contained in tiny squares on a punch-card.

My husband has been a patient in four VA Hospitals: Whipple, Arizona; Wadsworth, San Fernando and Sepulveda in California. In all of these hospitals he received more interested care than I have ever seen given in a private community hospital. On two occasions, his life was saved by the work of dedicated doctors, both times working against conditions that should have ended his life. Can gratitude for such care be shown on a punch card? Indeed not.

Not only this. For twenty-five years, I have been a Civil Service employee, and for the past six years have been retired. I spent almost twenty years of my Civil Service life in VA Hospitals, working with those doctors who gave more of their lives to their "jobs" than any doctor I have ever seen in a private hospital. I have seen them spend twenty hours continuously, working on a patient who needed them. I have seen doctors who came early and stayed late—because some one needed them. After seeing the service given to veterans in these hospitals, I must admit I look at our community hospitals with a very jaundiced eye!

Last week, I took a veteran suffering a massive gastric hemorrhage into Sepulveda Hospital. On Sunday (the doctors' day off) he had emergency surgery, and the doctors worked on him from 8:00 in the morning until 11:00 at night, when he was finally out of danger. Can you imagine the cost of this kind of treatment in a private hospital to a family where the man is out of work because of the unemployment in California?

Because of the out-patient care my husband gets in Sepulveda (for kidney involvement from arthritis) and in Wadsworth (for cancers of the skin and underlying structures) he has not had to be hospitalized for almost two years. Although he lives in a wheelchair, he is able to enjoy every minute of every day, and I cannot tell in words how grateful we both are for the help we have had. Nor can a punch card tell the story.

We need our VA Hospitals. In cases like ours, such care as my husband has had would have been out of the question had we been forced to rely on civilian hospitals and doctors. We could not have afforded it, and these later years that we now enjoy would have been poor indeed. We are not ashamed to sign our names to our endorsement of all the VA Hospitals and the Veterans Administration as a whole.

Sincerely,
MONTAGUE and DORIS L. TICEHURST.

JUNE 18, 1971.

Re Smith, Jessie Lee.

Mr. JACK D. POWELL,
Director, Veterans Administration Hospital, Big Spring, Tex.

DEAR MR. POWELL: As members of the family of the above named veteran, we wish to express our appreciation for the outstanding medical care provided by the staff of the Big Spring VA Hospital. The fact that Mr. Smith died on June 4, 1971, in no way changes our opinion of the entire hospital and staff, for we know that he was provided with the very best medical care available. There is no hospital in the world where better care could have been obtained, and we are pleased to know that the veterans of our country have available this type of medical care when they need it.

It was known for some time that this was a terminal case, yet for more than two months the entire hospital staff continued to provide every possible treatment, as well as so very many large and small courtesies. We would especially like to express our appreciation to Dr. R. A. Edwards and the entire staff of Ward 3-West. The doctors, nurses, and nursing assistants were so kind and courteous to the patient and to members of the family.

Mr. Smith was a good husband and a good father, and we loved him very much. His death was a deep personal loss to each of us. He had been a patient in the Big Spring VA Hospital on several occasions during the past ten years or so, and he never hesitated to inform people of the outstanding care he received on each admission. He was a simple man who expressed his views in simple, easy-to-understand language. Up until the final two days of his life, he continued to tell us how he liked and admired the staff members of Ward 3-West. We can only say that the people on 3-West certainly have a "feeling" for their work—they "care" for their patients. No higher compliment can be paid to them.

Please accept our thanks for the many kind courtesies shown the patient and the family. We hope that this letter, in some small measure, will let everyone concerned know that we are proud of the Big Spring VA Hospital, and we know that as long as the hospital remains in operation, every veteran who is admitted will receive the same outstanding care and treatment as our husband and father received.

I am signing this letter on behalf of myself and the other members of the immediate family of Mr. Smith, and each of us wish to express our appreciation for the kindness shown during this particularly difficult time in our lives.

Sincerely yours,
JAMES L. SMITH.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

WHY INVITE ONLY ONE BLACK GOLFER?

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. STOKES. Mr. Speaker, I append below an article entitled "Why Invite Only One Black Golfer?" by Mr. Robert A. Jordan, who writes for the Boston Globe. The article appeared in the July 4 edition of that paper.

Mr. Jordan harshly, and rightly, condemns Golfer Gary Player for his invitation to Lee Elder to play in a South African golf tournament. As Mr. Jordan says, only Mr. Player can benefit from proffering such an invitation. It was a brilliant move by his publicity agent because, even if the South African sports minister refuses Elder a visa, Gary Player has absolutely nothing to lose. He can feign a miffed attitude toword his government and sportscasters will continue to refer to him as the "good" South African. Meanwhile, Lee Elder will have had his hand slapped for having accepted the invitation and South Africa will remain as impermeable as ever.

If Gary Player were really the "good" South African that liberals choose to believe he is, he would wholeheartedly condemn his country's policies and refuse to play his sport there, except in a fully integrated situation. He would, as Mr. Jordan suggests, invite all black golfers to practice their sport in his country, and then sit back and wait for his government's pronouncements. By doing so, Mr. Speaker, he would prove something to us. He would show us that apartheid is not the monolithic, doctrinaire, totalitarian system that it appears to be. He would offer to us the hope that internal dissension might just bring down the whole house of cards. But he has not and will not offer that hope to us, because he knows its deception.

I offer to you Mr. Robert Jordan's words:

WHY INVITE ONLY ONE BLACK GOLFER?

(By Robert A. Jordan)

Nobody, not even South African golfer Gary Player, can be so naive as to think that his highly-publicized token gesture to a black golfer two weeks ago would clear up what he considers a "general misimpression" about his country.

Player invited Lee Elder, leading money winner among black golfers this year, to participate in the South African PGA championship in Johannesburg this November because, as he put it:

"A lot of people are under the impression that a black man can not play in South Africa, and that is not true. One of the things this invitation can do is clear up that misimpression."

To those who know better, Player's invitation to Elder can do nothing to alter the only valid impression of South Africa—that it is a country which degrades, dehumanizes and destroys the lives of more than 13 million black people through the official blatant racist government policy known as apartheid.

Of course, Elder may be regarded by many blacks as an Uncle Tom for having immediately accepted Player's invitation. However, that is not the issue. The fact is, Elder is a good golfer, but when it comes to some US tournaments, including the Masters, his color does not make him quite good enough. So it is his personal choice to play wherever he can.

Realizing the prejudice against Elder in the US, Player might have much to gain by bringing him to a South African tournament. First, many people would then regard him as the welcome exception to South Africa's real policy. Moreover, it might weaken the reasons that black groups demonstrate at nearly every US tournament Player participates in.

Thus Player, not Elder, would be the real beneficiary if either of the above mentioned were accomplished. But as long as people are aware of the reality of US racism and South African apartheid, and Player's role in both countries, it can never happen. Particularly when Player himself has publicly defended his government. And if he had felt otherwise about his country, he would not argue that South Africa is misunderstood. Only a supporter of apartheid would feel that way.

If Player was truly sincere in his effort to prove that a black man can play in South Africa, then he would extend an open invitation to all black golfers to play in South Africa, whether in a tournament or simply on a golf course. This would, of course, be too much for both Player and the South African government.

The South African sports minister, who has the final word in such matters, has not yet decreed that Elder can play in the Johannesburg tournament. It was not that long ago when Arthur Ashe, among the world's greatest tennis players, was not allowed a visa to play there.

But it is obvious South Africa has nothing to lose by having Elder in its tournament, since it would take more than his golf club to make a crack in that thick racist structure.

Despite the fact that the news media, perhaps unwittingly, cast Player in the role of a "good" white South African, blacks and progressive whites should not be taken in by this political move that would only help relieve Player of his guilt—and South Africa of its shame.

NATION'S ENERGY CRISIS

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. HATHAWAY. Mr. Speaker, today's New York Times carried the last of three articles on the national energy crisis. I include it in the RECORD:

NATION'S ENERGY CRISIS: IS UNBRIDLED GROWTH INDISPENSABLE TO THE GOOD LIFE?

(By John Noble Wilford)

In searching for ways to meet the nation's soaring energy needs without damaging the environment, some American experts are beginning to question one of this country's most cherished beliefs: the idea that boundless economic growth is indispensable to the good life.

If the environment is finite, according to these social scientists, engineers, economists and environmentalists, then perhaps economic growth has its limits too, particularly the unbridled growth that has characterized the United States almost from the start.

What those limits are, or more specifically how a slow-growth economy would be managed and what the social and political implications of such a policy of national planning might be, are questions that the critics of growth have given little detailed thought to.

But they agree that the changes needed to contain the energy crisis may well prove to be radical since, if the logic of the situation is carried to its end, whoever sets priorities for energy consumption wields enormous power over the economy and over the entire national life style.

They are convinced, in any case, that change of some sort will be essential. As Dr. Barry Commoner, an outspoken Washington University biologist, asserts:

A HOST OF PROBLEMS

"The environment got there first, and it's up to the economic system to adjust to the environment. Any economic system must be compatible with the environment, or it will not survive."

Controlling growth, economists say, would confront the nation with a host of difficult problems. Unemployment could rise. The poor could be locked in their poverty. Education, research and cultural pursuits might suffer. The nation could lose economic and political stature.

Millions of individual decisions traditionally made through the random choices of consumers and the supply-and-demand forces of a relatively uncontrolled economy would have to be passed upward to the national level and made through some form of comprehensive national planning.

Most authorities agree that such far-reaching Government power would run against the American grain and that the American people would not easily accept more controls unless the energy crisis got much worse. What the critics of growth are saying, in a word, is that the crisis is getting worse, and rapidly.

Consumption of all energy sources is rising between 3 and 4 per cent a year, which is faster than population increases and basic economic growth. By the year 2000, according to some projections, there will be 320 million Americans (compared to 203 million now), and they may be using three or four times the current energy output. Hardly a shore or river bank would be without a power plant every few miles.

REEXAMINATION SUGGESTED

"We're not pessimists or doom-mongers. We just see technological reasons to do some new social thinking," says Dr. John List, assistant professor of engineering at the California Institute of Technology's new Environmental Quality Laboratory.

"We've got about 20 years in which to reorganize," Dr. List continues. "Population growth hardly comes into it at all. It's growth in per capita consumption. It's just plain affluence. The only way out of it that we can see is to curb the energy consumption per person. Not exactly a no-growth situation, but slow it down from this 9 per cent [growth rate] madness."

A recent energy report by the President's Office of Science and Technology stated:

"It may well be timely to re-examine all of the basic factors that shape the present rapid rate of energy growth in the light of our resource base and the impact of growth on the environment."

Even Charles F. Luce, chairman of the Consolidated Edison Company, concedes:

"The answer to all of these environmental and resource problems is that we simply use less goods and services. In other words, that we get off this growth kick our economy has been on throughout the history of our country."

When slow-growth or no-growth ideas are raised, businessmen, economists and engineers usually react with variations of the time-honored principle that growth is progress and progress is good. They stand firm on the premise reflected by John L. O'Sullivan, the American editor credited with coining the expansionist expression "manifest destiny." Said Mr. O'Sullivan in 1845: "The only healthy state of a nation is perpetual growth."

BASIC LAW OF BIOSPHERE

But a crisis, if not completely catastrophic, can change thinking patterns and give impetus to social invention, as the economic crisis of the Depression years did in this country. To ecologists, such radical thinking is once again a necessity.

One of the basic laws of the biosphere is that energy, when expended, ends up as heat—the warmth of a stove or light bulb, the blast of an industrial furnace, the heat of an auto engine and the heat emitted by power plant stacks and cooling waters.

In power plants, conventional or nuclear, only 30 to 40 per cent of the fuel's heat is converted to electricity, and engineers doubt there can be any significant improvements in efficiency for at least two or three decades. Consequently, some 60 per cent of the heat is released in a concentrated dose at the power plant site and the other 40 per cent over the points of use, primarily the urban areas.

At some point, scientists caution, the cumulative effects of power generation could alter global climate.

CUTBACK WILL NOT BE EASY

Slowing down the rate of increase in energy consumption will not be easy. It would not help much to abolish many of those gadgets of affluence, such as the electric toothbrush or electric carving knife. Each uses less than 8 kilowatt hours a year.

The big residential consumers are refrigerators, electric air-conditioners, freezers—all considered necessities by the "haves" and desired objects by the "have-nots." New Yorkers, for example, may not want Con Edison to spoil the Hudson Valley any more with power plants—but they keep buying more air-conditioners.

And residential consumption is slightly less than a third of the total. According to the Edison Electric Institute, 41 per cent of electricity is consumed by industry, 32 per cent residential, 23 per cent commercial (stores, shopping centers, office buildings, hospitals, etc.) and 4 per cent others (street lights, subways, etc.).

How to slow down growth—through restrictions on energy consumption or reductions in economic development in order to curb energy demand—is something most economists would rather not contemplate. Adam Smith, in "The Wealth of Nations" two centuries ago, summed up their position:

"The progressive state is in reality the cheerful and the hearty state to all the different orders of the society. The stationary state is dull; the declining, melancholy."

Some economists, like Yale University's Dr. Henry C. Wallich, dismiss no-growth ideas as "absolute bunk."

They see more unemployment as the most immediate and deplorable effect. According to a "law" worked out by Dr. Arthur Okun, a senior fellow at the Brookings Institution and former economics adviser to President Johnson, the nation's basic economy must grow at a rate of 4 to 4½ per cent annually to absorb the growing labor force and increases in productivity the output per man-hour. A 1 per cent drop in economic growth would thus lead to a one-third of 1 per cent rise in unemployment.

"BEAUTIFUL THOUGHTS?"

Any fundamental curbing of energy consumption, economists say, would mean stabilizing the gross national product, the total output of goods and services, which currently runs at an annual rate of slightly more than $1-trillion.

The only remotely realistic way to do that, the economists add, is to reduce the hours people work each week. It would mean asking people to trade added income for more leisure, to sacrifice future increases in their standard of living.

"What are they going to occupy their time with?" Dr. Wallich asks. "Religious contemplation, art, beautiful thoughts?"

The effect this could have on poor people presents a serious problem. Methods often suggested for reducing energy consumption, such as substantial price increases, would hit the poor hardest.

For a person in Harlem or Watts it could make the difference in having air-conditioning, or even a fan. More important, it could cost him his job. The increases could also hurt the users of subways and other electric mass-transit operations, but not the people who ride to work in automobiles, which are responsible for great amounts of pollution.

For these reasons, critics often call slow-growth ideas an "elitist" attitude, which one industry executive described as "I've got mine, Jack, let's stop here."

Critics of the critics, however, say the impact on the poor could be ameliorated through income redistribution and other social legislation. Besides, they say the argument is often used by "people who never really gave a second thought to poor people before."

Another argument against curbing energy production is that cleaning up the environment will take more, not less, energy. W. Donham Crawford, president of the Edison Electric Institute, contends:

"If you want to replace the internal-combustion engine with mass transit in our polluted cities, if you want to recycle aluminum and steel cans into useful products, if you are going to try to clean up the sewage and rivers and lakes, if you're going to clean the air, it will take enormous amounts of electricity."

CONFLICT OVER TIMING

But the conflict between many economists and ecologists may be over matters of timing and magnitude rather than of principle.

Dr. Walter W. Heller, University of Minnesota professor and former chairman of the Council of Economic Advisers under President Kennedy, says:

"I think of growth as a source of the problem, but also as a solution. We're doing a bad enough job in the face of growth. An absence of growth would be a corrosive factor in solving our problems. But we must, in time, redirect the proceeds of growth, and the first claim should be on repairing the ravages of growth."

It is also possible that growth rates will begin to taper off because of natural economic and cultural forces.

In California, as in many fast-growing states, there is a shift in construction from single-family homes to multiple dwellings; an apartment uses about two-thirds the electric power of a single-family house. Lower birth rates will mean a decrease in the labor force's growth 20 years from now, and there is already a gradual shift in the labor force from manufacturing to less power-demanding service and trade occupations.

Even without additional taxes or surcharges to support research and to discourage overuse, all forecasters predict considerable higher costs of energy, perhaps 50 percent increases in the decade. This would be a result of resource scarcities and the costs of anti-pollution measures.

And it just may be that there is a saturation point for human energy needs. How many more cars and air-conditioners and appliances can the American middle classes need or want? Perhaps the consumers' boom will cool off. Perhaps at some point most growth in energy demand will reflect population gains and the acquisitions of poorer people.

END TO "EXPONENTIAL CURVES"

This could bring to an end the "exponential growth curves" that have been the pattern all this century—that is, the doubling of electricity consumption every 10 years. It has to end sometime, through some natural or willed deceleration, because, as Dr. Dennis Gabor, the British technologist, says:

"Exponential curves grow to infinity only in mathematics. In the physical world, they either turn round and saturate, or they break down catastrophically."

In random but not insignificant ways. Americans are showing signs of turning away from reflex Chamber-of-Commerce boosterism to a more selective approach toward growth.

Cancellation of the supersonic transport was the most dramatic expression of such a question attitude. Dr. John Kenneth Galbraith, the Harvard University economist, calls the SST decision "historic" because "for the first time we decided the advantages of a new type of growth were outweighed by the disadvantages."

Similar public protests killed proposals for a jet airport in the Everglades and the Cross-Florida Barge Canal.

BASIC SOCIAL ISSUES

But to embark on a conscious policy of curbing growth raises fundamental social questions that go much deeper than the economics of living. They strike at the heart of American ethics and philosophy.

"Up till very recently, man has inhibited, psychologically, a virtually unlimited flat earth," says Dr. Kenneth E. Boulding, a University of Colorado economist, explaining the potential impact of the finite-earth concept on man's thinking. "There has always been somewhere to go over the horizon, some boundary to the known world beyond which there were further worlds to explore. Now this long period of human expansion has suddenly come to an end. We are living in just so big a house and there are only so many things that can be done with it. The psychological impact of this shift has barely begun to be felt."

Advocating a new "ecologic ethic," Dr. Garrett Hardin, professor of biology at the University of California at Santa Barbara, says:

"The ethical system under which we operated in the past was possibly adequate for an uncrowded world. But it is not adequate for a world that is already critically overcrowded, a world in which it is increasingly difficult for anyone to do anything at all without seriously affecting the well-being of countless other human beings."

No crisis so complex can be easily solved, but the few ideas being discussed generally involve the types of social innovations that may be necessary to match the nation's technological capabilities. The ideas center on some kind of national energy policy in the broader context of national economic and environmental planning. As a beginning, air and water and other environmental standards are being established on a national basis for the first time.

NEW IDEAS DISCUSSED

Writing in the summer issue of The American Scholar, Dr. Peter L. Marks, professor of biology at Cornell University, went so far as to advocate abolishing all state, county and city governments and replacing them "with regional governments based on ecological boundaries," such as a water-shed.

Since he joined the General Electric Company last year, Dr. Thomas O. Paine, former head of the National Aeronautics and Space Administration, has initiated a "strategic study" of the nation's energy situation. The study, which is not yet completed, explores such ideas as regional land-use and water planning, a national energy system of interconnected transmission lines and priorities for resource exploitation and technological development.

These represent the probing first steps as the nation learns to make the transition from what Dr. Boulding of the University of Colorado calls the "cowboy economics" of unfettered growth to the planned, orderly growth of "spaceship economics," the concept of man's dependence on a finite, enclosed life-support system known as earth.

The energy crisis reflects the difficulty of that transition, the slow weighing of the costs of radical social change against the costs of letting things go unchanged. The crisis also confirms the agonizing truth of Buckminster Fuller's words.

"Now there is one outstandingly important fact regarding Spaceship Earth," Mr. Fuller, the inventor says, "and that is that no instruction book came with it."

REVENUE SHARING WITH THE UNITED NATIONS BY TAKING FROM LOUISIANA AND OTHER OIL PRODUCING STATES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. RARICK. Mr. Speaker, while giving lipservice to returning power to the people at the local level and allowing them to have a bigger voice in deciding questions that affect their lives, the Nixon administration supports any plan to regionalize, nationalize, and internationalize.

The latest move to internationalize is an administration proposal to put part of the Continental Slope under United Nations jurisdiction.

Presently, the United States and other coastal nations have exclusive jurisdiction over natural resources of the submerged continental mass seaward to where the submerged portion of that mass meets the abyssmal ocean floor.

For some time, the Federal Government has opposed the States receiving tideland royalties in that area adjoining their shores.

Now the Nixon administration proposes to turn over control of the Continental Shelf beyond the 600-foot isobath to the United Nations, with proceeds to go to the "developing nations."

It seems ironical that the Federal Government, which has a public debt in excess of $200 billion, which has appropriated $52 million to the U.N. for 1972, and which anticipates a deficit in this year's budget of about $23 billion, wants to share revenue which it does not have—not only with the States, but also with the United Nations, supposedly for something called emerging nations.

I insert a related newsclipping at this point in my remarks:

[From the New Orleans Time Picayune, July 4, 1971]

U.N. RULE OF CONTINENTAL SLOPE FACING OPPOSITION—SUBMERGED LANDS WOULD BE INTERNATIONAL

(By W. Jeff Davis)

Now that Louisiana's offshore territory is likely to have no more oil or gas lease agreements after next May, the Administration proposal to put the continental slope under United Nations jurisdiction is finding strong opposition.

Under this agreement submerged lands less than 20 miles south of Southwest Pass in lower Plaquemines Parish will be international waters, and oil and gas development will have to be negotiated through that multi-nationed organization.

At the April 2 meeting of the American Petroleum Institute's board of directors, a resolution gave full endorsement to the recommendations of the National Petroleum Council's study, which vigorously opposes the proposal.

Under the recommendations lands from the shoreline out to the continental shelf's edge, where the water is 600 feet in depth, will stay in the possession of the adjacent country.

Offshore from Louisiana this distance varies from about 18 miles distance at the mouth of the Mississippi River, to about 130 miles seaward from Cameron Parish.

Then there is an abrupt drop to 2,000 foot water depths, in the next 10 to 15 miles distance seaward.

This is called the Continental Slope or Continental Margin.

Tenneco Oil Company has production on the edge of the Continental Shelf in the West Cameron area and Shell Oil Company has production on the edge in the Main Pass area, offshore from Plaquemines Parish.

Techniques have been developed to such an extent in the past decade that drilling in water depths of 2,000 feet, and even more, is a practical matter. Underwater production controls, resting on the ocean floor, is also an established practice.

Since less than 4,000,000 of the 14,000,000 acres offshore from Louisiana remain unleashed, and these are to go on the auction block next May, the state is expected to join the API in protesting the proposal to put the slope or margin into United Nations hands, with proceeds to go to the "developing nations" which are increasing almost with each edition of the daily papers.

The National Petroleum Council is an industry advisory body to the Secretary of the Interior.

The study states "The United States and other coastal states should not renounce but rather retain jurisdiction over the seabed and subsoil mineral resources to the outer edge of the submerged continent or island."

NEED RECOGNIZED

NPC further urged that "leases issued on the Continental Margin during the negotiations not be made subject to the as-yet-unknown terms of a future treaty." At the same time the Council recognizes the need for agreed international arrangements for the area beyond the Continental Margin and supports a treaty to that end."

Although Louisiana's offshore territory is the one which will be first affected, the Department of the Interior has estimated the U.S. has 1,332,000 square miles of Continental Margin out to the depth of 2,500 meters, much more than most countries, with vast mineral resources.

Interior statistics are that between the 200 meter isobath and the seaward edge of the U.S. Continental Rise alone, there are 867 billion barrels of oil, 68 billion barrels of natural gas liquids and 2,045 trillion cubic feet of natural gas.

Included in this estimate will be the offshore areas in Mississippi and Alabama. In the latter state the Oil and Gas Board has already checkerboarded the area offshore from Mobile Bay to include the outer limits of the Continental Island, almost to the 2,000 foot water depth contour or Isobath as it is called by marine surveyors.

JURISDICTION IN 1945

The United States government first asserted its seabed resources in a 1945 proclamation issued by President Truman. The proclamation stated that the natural resurces of "the subsoil and seabed of the Continental Shelf beneath the high seas but contiguous to the coasts of the United States" belonged to the U.S. An accompanying White House press release indicated that the Continental Shelf is generally regarded as extending to a depth of 100 fathoms (600 feet). However, the Truman proclamation itself did not delineate the boundaries of jurisdiction by defining a seaward limit for the Continental Shelf.

Nor were clear limits defined in the provisions of the Outer Continental Shelf Lands Act, enacted by the Congress in 1953, the first and only U.S. legislative declaration to date in this area. Instead, this Act was so worded as to apply to the full limit of U.S. jurisdiction, leaving that limit to be determined by applicable provisions of international law.

The United States adheres to the provisions of the 1958 Geneva Convention on the Continental Shelf, having become a party to that Treaty. The 1958 Geneva Convention states (in Article 2) that every coastal nation exercises over its Continental Shelf sovereign rights for the purpose of exploring it and exploiting its natural resources. These rights (under Article 1) embrace "the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admit of the exploitation of the natural resources of the said areas."

BROAD INTERPRETATION

In practice, this language has been given a broad interpretation by the U.S. government, but in recent years differences have developed within the Administration. These differences focus on whether the U.S. should continue to stand on a broad definition or favor a narrow redefinition of the Continental Shelf.

On May 23, 1970, President Nixon sought to resolve these differences by issuing a Statement on U.S. Oceans Policy. The Statement proposed that all nations join in an international treaty under which they would "renounce all national claims over the natural resources of the seabed beyond the point where the high seas reach a depth of 200 meters."

On August 3, 1970, a U.S. Draft Convention was submitted to the United Nations Seabed Committee in Geneva. If adopted, the Convention would, to the extent of any inconsistencies, supersede the 1958 Geneva Convention, at least as regards parties to the new treaty. The Draft (in working paper form) failed to accomplish the President's announced objectives in some important respects and went far beyond them in others.

NPC CONCLUSION AND RECOMMENDATIONS

The principal thrust of what the API has endorsed is contained in the NPC Supplemental Report. These are:

A. "The August 3 Draft fails to interest either coastal states or the larger international community in three fundamental respects:

"1. It would unnecessarily compel coastal states to yield their existing rights to the seabed resources of the submerged continent seaward of the 200-meter isobath, for which they would receive in return the treaty the uncertain and ill-defined status of "trustee" of those resources;

"2. It calls for an interim or transitory arrangement lacking in necessary assurances to the potential investor of the integrity of his investment made during the period of negotiation preceding the conclusion of the treaty;

"3. It would impose operating conditions and financial terms applicable to licenses which would deter rather than encourage the search for and development of seabed petroleum resources in both the area of the outer continental margin and the deep-ocean area beyond.

B. "The NPC adheres to and reasserts the conclusion reached in its 1969 Report . . . that

"The United States, in common with other coastal nations, now has exclusive jurisdiction over the natural resources of the submerged continental mass seaward to where the submerged portion of that mass meets the abyssal ocean floor and that it should declare its rights accordingly. We believe that this was the intent of the framers and delegates who composed the 1958 Geneva Convention. We are convinced that this interpretation is in the best interests of this Nation, whether or not it is in the best interest of the American oil and gas industries.'

"However, the NPC, while opposed to the renunciation by the U.S. of its rights to the mineral resources of the seabed of the submerged continent beyond the 200-meter isobath does endorse the following five principles enunciated in the President's Statement (hereinafter referred to as the President's five points):

"'. . . (1) The collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries . . . (and the establishment of) general rules, (2) to prevent unreasonable interference with other uses of the ocean, (3) to protect the ocean from pollution, (4) to assure the integrity of the investment necessary for such exploitation, and (5) to provide for peaceful and compulsory settlement of disputes.'"

C. These "principles and objectives can be secured without endangering our Nation's continuing control and development of the vital and necessary oil and gas resources of its off-shore continental margin."

DR. VIRGINIUS D. MATTIA—HUMANITARIAN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. RODINO. Mr. Speaker, I share with many the tragic loss of a dear friend, Dr. Virginius D. Mattia. He has been taken from this world while in the prime of life, youthful in his ideals and strong in his actions. He was a dynamic, vital human being who accomplished great things on an international scale and somehow always managed to make them look easy, although they never were.

A totally dedicated man, he was determined to find new ways to relieve suffering and lengthen life. A humanitarian, he strived to ease the suffering of the poor and disadvantaged, and to strengthen the bonds of brotherhood among all men.

As a private citizen and as the president and chief executive officer of Hoffman-La Roche, Inc., Dr. Mattia never ceased to work toward the achievement of these towering goals, and his successes are a monument to his talent and tenacity. He is a man who long will be remembered for the love, confidence, and respect which he inspired in others, and his integrity, compassion, and ability will be missed by all who came in contact with him. I extend my sincere sympathy to his friends and loved ones. May God comfort them in their sorrow.

Following is a statement issued July 5, 1971, by the executive committee of Hoffman-La Roche, an editorial, and an article published in the Star-Ledger, which perfectly express the magnitude of Dr. Mattia's corporate leadership and personal dedication:

EXECUTIVE COMMITTEE STATEMENT

To All Members of the Roche Family:

It is our sad duty to inform you that Dr. V. D. Mattia, our President and Chief Executive Officer, passed away in his sleep on Sunday, July 4. As we mourn his loss our heartfelt sympathy goes out to his widow, his four children, his mother, and his sister, whose grief all of us share.

Dr. Mattia leaves behind a memorable record of inspiring leadership and forward-looking management marked by pioneering contributions to the growth and success of our company. In leading Roche to new heights of achievement, his primary concern was always for the men and women in our company whose well-being and whose future were foremost in his thoughts.

From the very inception of his career as a practicing physician, throughout his entire period of leadership of our company, he consistently advanced the cause of medicine and patient care, and he was a driving force behind the development of new and better weapons in the fight against disease and pain.

He set all of us a shining example of abiding dedication to human values, exemplified by his far-ranging efforts to help others. His selfless endeavors in many fields of civic activity and his profound devotion to the highest standards of responsibility will long be remembered by all who had the privilege of being associated with him.

In keeping with Dr. Mattia's personal wishes, his family has requested that no flowers be sent; instead, his friends may wish to make a contribution in his memory to the Essex County Heart Association.

A HUMANITARIAN

Dr. Virginius D. Mattia was in the front ranks of an emerging species in the American corporate sector—an executive with a profound sense of social commitment. It was an awareness that was deeply inbred, a dominant belief that characterized his adult life.

As president and operating head of one of the world's largest pharmaceutical companies—Hoffmann-La Roche Inc.—Dr. Mattia directed a major expansion program for the firm. One phase of the project included the Roche Institute of Molecular Biology, an integral component of the huge research complex at Roche Park in Nutley.

But Barney, as he was known to friends and associates, viewed his corporate accomplishment in humanitarian terms, using it as an influential instrument in social causes.

It was a sense of involvement that was expressed in many ways, not only in voluntary service to the community but in concrete terms, such as the establishment at Roche of the Medicare reimbursement program for indigent patients, which received national recognition.

A soft-spoken man devoid of pretensions, Dr. Mattia was the recipient of an award in 1969 from B'nai B'rith, an honor that exemplified an endeavor that he had held in high and long regard. The International Humanitarian Award cited him for "service to humanity . . . leadership in causes which promote brotherhood, advance scientific achievement and nurture educational and cultural well-being of youth."

In capsulated form, these words are the legacy of Dr. Mattia, whose passing leaves a gaping void in the community.

JERSEY BUSINESS

(By John Soloway)

Grievous as is its loss, the business community—in New Jersey and at-large—suffers not alone from the untimely death of Virginius Dante Mattia. Many more are poorer by his premature passing.

As chief executive of one of the nation's major business enterprises, "Barney" Mattia occupied a position of prominence and international influence in the ethical pharmaceutical field.

But Dr. Mattia was much more than a visionary, dedicated medical man and industrial leader; more than an inspirational, extremely able corporate administrator; more than a disciple truly devoted to research aimed at extending the life span, improving the health, and adding to the productive years of his fellow man.

First, and foremost, Barney Mattia was a humanitarian, and he long will be remembered as a human being in the broadest meaning of the term.

The worldwide B'nai B'rith Organization, itself a formidable force in the interest of humanity, bestowed upon him this signal recognition some years ago, and subsequently numerous others had sought—in proposed similar fashion—to focus public attention on his words and deeds, his dedication to the causes of the oppressed and the poor and the sick.

As graciously as he could, he declined such proffered encomia with an apologetic explanation that was simple and sincere and in keeping with a modesty that was truly a trademark.

"Just because I am privileged, by position or circumstance, to be enabled to do my bit," he recently told me, "ought not to call for testimonials."

And, as if he had a premonition of his own abbreviated lifetime—and the remaining days should be put to greater purpose—he had added with a heavy sigh: "There is so much more that needs to be done."

Long before it became fashionable for corporate chieftains to be concerned about and committed to the welfare of the indigent, the under-privileged and the ill, Barney Mattia preached—and practiced—a philosophy now forged as a principle of enlightened management.

"How successful a company is," he had said to me in an interview more than a decade ago, "cannot be measured by the results of the corporate balance sheet."

He was then 36, newly named as general manager of the ethical pharmaceutical division of Hoffmann-La Roche. He had gone through two wars and he was yet to endure an excruciating coronay a year before he was to become the youngest chief executive of one of the major drug manufacturing and research entites in the world.

But even at that early age, he had set his sights, had forged his resolve. He envisioned a new longevity for man, a better health, a greater usefulness. "A life span of 100 years," Mr. Mattia had predicted then, "should be a quite common thing if we can make certain basic discoveries . . . Moreover, they'll be health-filled, productive years for most people," he had prophesied.

Thus, when he became president in 1966, he set about almost at once to establish the Institute of Molecular Biology at Nutley, the world's first privately-funded study of life's processes, a multi-million dollar facility the quest of which and the work of its 200 eminent scientists, must go on as a memorial to the purpose of Virginius Dante Mattia.

The purpose of Barney Mattia had been evidenced even earlier when as executive vice president, he staunchly stood up before important stockholders and directors of the enterprise on two memorable occasions. In both, the issue was profitability.

One had to do with the establishment of the company's program to aid the indigent ill, a costly proposal. Under it, any doctor can prescribe without charge to the patient any Roche product for as long as the need remains.

The other revolved around research into which the company, having poured millions into the particular effort, was reportedly about to abandon its quest for the compound which is today perhaps the world's most-prescribed drug—Librium. Here again, Barney Mattia prevailed, and the world of medicine and man are the principal beneficiaries.

A national publication, recounting these and other contributions of Dr. Mattia a couple of years ago, characterized him as a "maverick of the pharmaceutical industry," an appelation also ascribed to him by some competitors less gifted and certainly less responsive to the needs of the times.

It may well be that Barney Mattia was a "maverick." Be that as it may, the fact is that his deeds were many and noteworthy—even as his feeling for his fellow man were deep and abiding.

CBS AND FRANK STANTON IMPROPERLY TREATED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. WALDIE. Mr. Speaker, I believe the Interstate and Foreign Commerce Committee erred greatly in, first, issuing a subpena to CBS and, second, finding the president of CBS, Mr. Frank Stanton, in contempt for failing to produce the working materials from which the program "Selling of the Pentagon" was compiled. At issue here is far more than the prestige of a congressional committee. What is at stake here is the integrity of the first amendment guarantees of freedom of the press.

It is true that the committee feels abused by the failure of CBS to acceed to its demands to produce its "working materials." But that demand was improper both, in my view, as a perilously close effort to "censor" a media and as a needless confrontation with the first amendment over a "cause" of little consequence.

Mr. Speaker, it may be that at some remote time in the future the issue posed by this case must be met. But, surely, "The Selling of the Pentagon" is of such little consequence to the well-being of this Nation that whether it was accurate or inaccurate is not a pressing issue deserving of this momentous confrontation.

I was impressed by the sincerity and the dignity of Mr. Stanton's testimony before the committee, and I include it along with my remarks. I believe the Congress, the press, and the country will be well served if this unhappy matter is dropped where it now stands.

The testimony follows:

STATEMENT BY FRANK STANTON

I appear here today on a most serious matter. I have great respect for the Congress of the United States and for this important Subcommittee. I am mindful of my duty to comply with the requirements of a lawful Congressional subpoena. But I also have a duty to uphold the freedom of the broadcast press against Congressional abridgement. The conflict between these duties is the issue dividing us today. It raises a profound constitutional question going to the heart of the American democratic process.

My appearance is in response to the Subcommittee's subpoena dated May 26, 1971. That subpoena directs me to appear for the purpose of testifying and to bring with me "all film, workprints, outtakes, and soundtape recordings, written scripts and/or transcript utilized in whole or in part by CBS in connection with its documentary, 'The Selling of the Pentagon', broadcast on February 23, 1971" except for "materials relating to segments not shown therein" and "official United States Government film that was utilized in the broadcast."

I would like to recapitulate the sequence of events that has led to my appearance here, and then to address the central and serious issues raised by your subpoena.

On February 23, the CBS Television Network broadcast a documentary, "CBS Reports: The Selling of the Pentagon," describing the public information activities of the Department of Defense. The broadcast was promptly acclaimed by many and sharply criticized by others. These criticisms were fully reported by CBS News.

On March 23, in response to the widespread public attention generated by the report, we rebroadcast it. At its conclusion, we broadcast a 22-minute postscript including earlier comments critical of the broadcast by Vice President Agnew, Secretary of Defense Laird, and Chairman Hébert of the House Armed Services Committee, as well as a response by Richard S. Salant, President of CBS News.

On April 18, in view of continued public interest in the substantive issues raised by the broadcast, we broadcast a CBS News Special Report, entitled "Perspective: The Selling of the Pentagon." This hour-long panel discussion presented contrasting points of view on the issues involved. Former Assistant Secretary of Defense for Public Affairs Arthur Sylvester, and General S. L. A. Marshall, a military commentator and historian, generally supported the Defense Department's public information program; Senator Fulbright and Adam Yarmolinsky, a Special Assistant to former Secretary of Defense McNamara, were critical of it.

Meanwhile, on April 7, this Subcommittee had issued a subpoena to CBS demanding the delivery of "all film, workprints, outtakes, sound-tape recordings, written scripts and/or transcripts" relating to the preparation of "The Selling of the Pentagon." On April 20, CBS furnished a film copy of the original broadcast and rebroadcast (with postscript) as well as transcripts of those broadcasts. But CBS respectfully challenged the Subcommittee's power to inquire by compulsory process into the editing of the broadcast and declined to produce materials not actually broadcast. The Subcommittee then allowed CBS 10 days to make a fuller response.

On April 30, without waiving its objections, CBS voluntarily supplied the Subcommittee with some general information unrelated to the editing process. And in support of its challenge to the Subcommittee's right of inquiry into this matter, CBS submitted an opinion of its counsel that the compulsory demand for production of materials not broadcast, for the purposes described in the Chairman's statement of April 20, was beyond the Subcommittee's power because of the First Amendment, and that CBS was under no legal duty to comply.

On May 26, the Chairman advised us that CBS had "satisfactorily met the requirements of Paragraphs 1, 3, 4 and 5 of the April 7 subpoena," but had failed to comply with Paragraph 2, which called for scripts, transcripts, workprints and other filmed materials *not* actually broadcast. The Subcommittee withdrew its April 7 subpoena and issued a new one. This May 26 subpoena requires me to appear for testimony and to produce the same materials called for in Paragraph 2, except that the letter accompanying the subpoena disclaimed any interest in transcripts and filmed materials of "interviews or events which did not appear, even in part, in the actual broadcast."

We have carefully reviewed with our counsel the May 26 letter and the accompanying subpoena. They have advised us that in their opinion[1] the subpoena still seeks to compel the production of materials compiled in preparing and editing the documentary but not actually broadcast; that the purpose of the Subcommittee investigation is still to make an official governmental inquiry into the editing process employed in producing the documentary; and that the Subcommittee may not constitutionally compel CBS to produce the subpoenaed materials or give oral testimony for such a purpose.

The First Amendment states that "Congress shall make no law . . . abridging the freedom of . . . the press." Clearly, the compulsory production of evidence for a Congressional investigation of this nature abridges the freedom of the press. The chilling effect of both the subpoena and the inquiry itself is plain beyond all question. If newsmen are told that their notes, films and tapes will be subject to compulsory process so that the government can determine whether the news has been satisfactorily edited, the scope, nature and vigor of their news gathering and reporting activities will inevitably be curtailed.

Our objection does not depend upon establishing that the government lacks power, under any and all circumstances, to subpoena a journalist or his unpublished materials. There are now pending before the Supreme Court several cases centering on the issue of whether the need of information for some important governmental purpose can under certain circumstances be so compelling as on balance to outweigh the repressive effect of such a subpoena. But this Subcommittee's legislative purpose—to prevent "distortions" or to control "editing practices" in broadcast news reports and thereby engage in official surveillance of journalistic judgments—has no constitutional warrant and therefore no benefit that can be balanced against the chilling effect of this subpoena, let alone outweigh it.

Based on the advice of our counsel and our own conviction that a fundamental principle of a free society is at stake, I must respectfully decline, as President of CBS, to produce the materials covered by the subpoena of May 26. For the same reasons, I must respectfully decline, as a witness summoned here by compulsory process, to answer any questions that may be addressed to me relating to the preparation of "The Selling of the Pentagon" or any other particular CBS news or documentary broadcast.

We take this position as a matter of conscience, because of our obligation to uphold the rights guaranteed by the First Amendment. That Amendment embodies our national commitment to freedom of the press. It protects the rights of journalists, not to make them into a privileged class, but to safeguard the liberties of us all by preserving one of the most indispensable elements of responsible democratic government—the right to report freely on the conduct of those in authority. In Judge Learned Hand's famous phrase: "To many this is, and always will be, folly; but we have staked upon it our all."

---

[1] Dated June 15, 1971, and submitted herewith.

There can be no doubt in anyone's mind that the First Amendment would bar this subpoena if directed at the editing of a newspaper report, a book or a magazine article. Indeed, the Chairman has been quoted as having specifically conceded this point. However, it is urged that because broadcasters need governmental licenses while other media do not, the First Amendment permits such an intrusion into the freedom of broadcast journalism, although it admittedly forbids the identical intrusion into other press media. If broadcasters must comply with such subpoenas, broadcast journalism can never perform the independent and robust role in preserving those freedoms which the Constitution intended for American journalism. Only two weeks ago, in a major case applying the First Amendment to protect a news broadcast. the Supreme Court placed broadcast and print journalists on precisely the same footing.

As broadcasters, it is our duty and responsibility in the public interest to resist any government action that threatens to transform a free and vigorous news medium into a controlled and timid one.

I shall, however, do my best to answer questions of the Subcommittee which do not seek to probe so deeply into the news process as to reach specific journalistic practices or the editing of particular broadcasts. The line is a difficult one to draw, and I hope the members of the Subcommittee will bear with me as I deal with your questions. I hope we can achieve a dialogue consistent with the stand we feel compelled to take as a matter of constitutional principle.

As we have previously indicated to the Subcommittee, comments on "The Selling of the Pentagon" have raised important issues as to the practices employed, or that ought to be employed, in the editing of documentary broadcasts. While responsible journalists may reasonably differ concerning particular practices in particular cases, we do not intend to ignore these differences or to shrink from continuing self-examination of our own practices. What we do object to is being subjected to compulsory questioning in a government inquiry, expressly intended to determine whether this or any other CBS news report meets government standards of truth.

The objection I am making has been urged not only by CBS and not only by those who believe that "The Selling of the Pentagon" was an excellent and valuable piece of journalism. The same objection has also been made by many groups and individuals, in and out of public office, who have criticized the broadcast in whole or in part. Scores of newspapers, representing the entire spectrum of political opinion and varying in their views of the merits of the broadcast, have expressed the deepest concern in editorials strongly supporting our position.

Leaders in the nation's educational, civic and religious life have protested the inescapable implications of the subpoenas addressed to us. Professional associations representing every segment of journalism have joined in the protest. These associations include the American Society of Newspaper Editors, the American Newspaper Publishers Association, the National Newspaper Publishers Association, the American Association of Schools and Departments of Journalism, the American Newspaper Guild, the Associated Press Broadcasters Association, the Association for Education in Journalism, the Association of American Publishers, the Authors League of America, the Radio Television News Directors Association, and Sigma Delta Chi. Government officials, including the Director of Communications for the Executive Branch, who criticized the broadcast, and the Chairman of the Federal Communications Commission, have stated their opposition to the subpoena.

I can assure you that we at CBS have not taken lightly either your subpoena or the concern that prompted it. We recognize that journalists can make mistakes, that editing involves the exercise of judgment, and that we and other journalists can benefit by criticism. But I respectfully submit that where journalistic judgments are investigated in a Congressional hearing, especially by the Committee with jurisdiction to legislate about broadcast licenses, the official effort to compel evidence about our editing processes has an unconstitutionally chilling effect.

Let me close with the words of James Madison, written in 1799 and quoted by Mr. Justice Brennan in his opinion announcing the Court's decision two weeks ago applying the First Amendment to protect a news broadcast:

"Among those principles deemed sacred in America, among those sacred rights considered as forming the bulwark of their liberty, which the Government contemplates with awful reverence and would approach only with the most cautious circumspection, there is no one of which the importance is more deeply impressed on the public mind than the liberty of the press. That this *liberty* is often carried to excess; that it has sometimes degenerated into *licentiousness*, is seen and lamented, *but the remedy has not yet been discovered. Perhaps it is an evil inspirable from the good with which it is allied; perhaps it is a shoot which cannot be stripped from the stalk without wounding vitally the plant from which it is torn. However desirable those measures might be which might correct without enslaving the press, they have never yet been devised in America.*"

THE THREAT TO NATO'S NORTHERN FLANK

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. SCHMITZ. Mr. Speaker, the July edition of Air Force magazine contains a disturbing analysis of the military preparedness of NATO's northern flank. While much attention has been paid to the increasing Soviet military penetration of the Middle East and Mediterranean Sea little notice has been taken of the Soviet buildup in this area of the world.

This article is recommended to all those who wish to understand one aspect of the increasing Soviet military threat which is now ranged against the Free World. As our capability to decisively interfere with a Soviet military move against Europe through the application of our strategic nuclear weapons against the Soviet homeland vanishes, through acceptance of a posture very much less than nuclear superiority, the possibility of the Soviets utilizing their tremendous superiority in conventional forces against Europe increases.

This article outlines an existing situation with which the United States and its allies would probably be unable to cope at the conventional level. Since we no longer have the strategic nuclear superiority necessary to cope with this situation on the nuclear level, the question becomes, how are we going to cope with it at all?

The article by Mr. Stefan Geisenheyner, Air Force magazine editor for Europe, follows:

NATO's Northern Flank—Vital

(By Stefan Geisenheyner)

While most Western leaders openly voice concern about the rapidly deteriorating military situation in the Mediterranean region, little or nothing is being said about the equally grave picture that has developed during the past decade on NATO's northern flank.

Britain, Denmark, Norway, and West Germany—NATO's northern forces—are faced with a difficult defensive task that has to be accomplished against overwhelming Warsaw Pact strength on land, at sea, and in the air.

According to some experts, the power gap between East and West in the northern region has widened to the extent that the credibility of NATO's all-important deterrent posture is in jeopardy. German military sources say that the West is trying to defend the northern flank with three divisions, 150 ships, and about 200 combat aircraft. These forces are opposed by twenty divisions, 1,100 ships, and at least 500 aircraft.

The broad term, "northern flank," applies to the southern littoral of the Baltic Sea, which includes the coastlines of Germany, Denmark, and its Baltic islands; the Norwegian coast from Oslo to the North Cape; and, finally, the approximately 100 miles of land frontier between the USSR and Norway, located far above the Arctic Circle, west of Murmansk.

The strategic value of this northern flank rests on two vital anchors. The first is NATO's blocking position in the western Baltic, which serves to contain the Soviet Baltic Sea Fleet. The second is the North Cape region, stretching from Narvik to the Soviet border. NATO forces in that area would counter any Soviet thrust toward the west through northern Norway. They also could threaten Murmansk, the USSR's only year-round, ice-free harbor in the west with free access to the open seas. The Norwegian coastline between these two anchors is of only minor strategic value.

If one of the two anchors should fall to military pressure or be bypassed politically, the northern flank of NATO would collapse. Should the North Cape region fall, the very powerful Soviet fleet stationed in the Murmansk area would have unhindered access to the open sea and, with the help of landing operations, could neutralize Norwegian coastline defenses. This, in turn, would threaten the British Isles—the same way Britain was threatened during World War II when the Germans held Norway. Should the Baltic defenses fall, the Soviet fleet in that sea could break out and cut NATO lines of communication to the north, which would isolate and collapse the North Cape defenses.

The same military situation existed during World War II when the Germans blocked the Baltic and the approaches to Murmansk. Allied convoys were constantly harassed, and the German defenses did not collapse until 1945. As a result, Soviet forces were denied a major role in the western theaters of war.

Today, however, the situation is vastly different. The Soviets learned much from the World War II experience. In another war, they would have a good chance of breaking out into the open seas. Their numerical and qualitative superiority is so pronounced that they would not have to rely on tactical nuclear weapons to reach that goal. The defensive task of NATO is complicated by the fact that neither Denmark nor Norway permits the permanent stationing of foreign troops or the storage of nuclear weapons on their territory.

THE NORTHERN ANCHOR

The Soviet navy has fleets stationed in the Far East, the Black Sea, the Baltic, and the Arctic. The Arctic Fleet is the most modern and the largest, consisting of cruisers, destroyers, motor torpedo boats (MTBs), and landing craft. The majority of the submarine fleet is stationed at Murmansk and at other harbors in the White Sea, and a strong tactical air force supports several infantry and armored divisions in the Murmansk region. The exact strength of the naval forces there is not known, but it is believed to consist of five to six cruisers, forty destroyers, and about 150 submarines. The ground troops are estimated at 50,000 men. The whole Murmansk region and the approaches to it are well defended by missiles and a tight radar network.

By comparison, NATO strength is quite limited. One brigade of Norwegian mountain troops is located at Kirkenes, with the major operational mission of fighting guerrilla-type delaying actions that would provide time for the main line of defense north of Tromsö to be manned by troops flown in from the south. The strength of this brigade is now at about 6,000, supported by an estimated fifty aircraft and a number of MTBs.

The Tromsö line, however, is basically indefensible. It can be assumed that in case of war the Soviets would strike over land and by air through northern Finland, or possibly Sweden, toward Narvik, thereby bypassing the North Cape and Tromsö defenses. Such a military envelopment is taken for granted by NATO's military planners. The biannual maneuvers, called "Arctic Express," are designed to develop tactics to counter such a thrust from the east through Sweden, and from the north along the coastline against the Tromsö main line of defense. "Arctic Express" involves airlifting an international strike force from the south, supported by strong air and naval forces.

These defensive measures serve to protect the airfields available in the Narvik, Tromsö, and Bodö regions. They are vital to NATO because only airpower can block the sea lanes to Murmansk. Relatively powerful Norwegian Air Force elements are permanently stationed in the region, with the task of surveillance of the Arctic Ocean and Barents Sea and, in case of war, neutralization of the Soviet Arctic Fleet. The local air forces are not strong enough to accomplish this goal, but the threat alone would severely hinder free movement of the Soviets. Here, too, help from the south would be needed. The major air bases at Bodö and Bardufoss are used regularly by aircrews from the south who fly practice missions to the north. It is not unusual for USAFE Phantoms, British Harriers, German Starfighters, and Norwegian F-5s to conduct joint operations above the Arctic Circle.

LOGISTICS

Obviously, successfully defending the region hinges on an uninterrupted flow of supplies from the south. Due to the lack of road or rail connections through central Norway, supplies would have to be airlifted in or arrive by ship. The ability to defend these logistic lines is essential to the deterrent posture at the North Cape, Britain, Denmark, Germany, and Norway have, therefore, allotted relatively strong naval and air forces for this task. Germany has gone so far as to withdraw all its destroyers and frigates from the Baltic and reassign them to the Northern Sea Command, which is responsible for the security of the supply line to the north.

The exact strength of these protective forces has not been made public. It can be assumed, however, that major parts of the British and Norwegian air forces are engaged in this task. Ten to fifteen frigates and ten destroyers, at most, from Britain, Norway, Denmark, and Germany are available to secure the sea lanes to Narvik. This force is far from sufficient. Most experts believe that the Soviet fleet located at Murmansk would cut this NATO protective screen to ribbons by sheer quantity, if allowed to break out from the White Sea region. The NATO forces permanently stationed at the North Cape are not strong enough to prevent such a Soviet breakout.

NATO politicians are reluctant to allow public disclosure of these matters. In 1969, a British TV team produced a documentary about NATO's northern flank. The newsmen received the wholehearted cooperation of the military, who could finally discuss its problems openly. Or so they thought. The film may have been a far too critical assessment of the situation and, though endorsed by the commanding general of NATO's northern forces, was banned for security reasons by the alliance's Secretary-General. Even today, the film's contents remain under security wraps. To some, it seems shortsighted to suppress the realities about the dismaying situation at the North Cape; nobody is more aware of the realities there than the Soviets.

THE SOUTHERN ANCHOR

The other anchor of the northern flank is located at the western exit of the Baltic, known in NATO terminology as the Baltic approaches. These include Denmark and its Baltic islands and the short stretch of the West German coastline from Denmark to the East German border. This defensive line makes up only five percent of the Baltic's total coastline. About sixty percent of the coastline is shared by Sweden, which is strictly neutral, and by Finland. The latter, though neutral, is liable to be occupied by the USSR in case of conflict.

The Russo-Finnish peace treaty of 1947 stipulated that the Soviets would intervene if Finland were threatened. Past Soviet actions, in particular those regarding Czechoslovakia, leave small doubt that Finland would be occupied if the Soviets deemed it necessary. The remaining coastline of the Baltic belongs to the USSR and its allies, Poland and East Germany.

Soviet influence in the Baltic has expanded tremendously since World War II. At the start of that war, the USSR owned only sixty miles of Baltic coastline, in the Leningrad region. During the past thirty years, the Baltic has become, in fact, a Soviet-dominated inland sea. The forces available to secure, and if possible to increase, these gains are substantial.

At present, the Soviet Baltic Fleet consists of three missile cruisers, ten missile destroyers, twenty-six conventional destroyers, thirty frigates, sixty-five missile patrol boats, 130 conventionally armed MTBs, and seventy submarines.

In addition, an amphibious force consisting of several marine divisions and 300 to 400 landing craft is available. Almost unlimited air support can be called on from nearby mainland Russia.

Soviet defensive forces are just as formidable. They consist of a tight radar network and associated antiaircraft defenses, which would make counterstrikes most difficult and costly. These forces are augmented by the air, naval, and land forces of East Germany and Poland.

NATO has very little to counter this threat and, above all, to create a credible deterrent posture. As in the North Cape region, the defenders of the Baltic are outnumbered in every respect, at a ratio of about ten to one.

Denmark's forces consist of four infantry brigades with supporting armor and artillery elements. Its small navy has two frigates assigned to the Northern Sea Command and sixteen MTB's in the Baltic. The Danish air force has 112 combat aircraft, at least one-third of which are obsolescent. All these forces are assigned to NATO and cooperate closely with the Germans.

The West Germans contribute their MTB fleet of forty boats plus about sixty minesweepers to defend the Baltic approaches. A naval air arm of about 150 F-104G Starfighters, helicopters, and transports is available to support overwater operations. One armored division with its supporting tactical air force elements has been earmarked for shore defense. These forces are obviously inadequate to contain opposing Soviet forces.

Gen. Kurt Ramberg, the Danish Chief of Staff, gave a realistic assessment of the defense situation in the Baltic, in a November 1970 speech. He said that Denmark would not be able to defend against even the first wave of a conventional attack. Allied reinforcements, therefore, would not have time to come to Denmark's aid before that country was overrun by the enemy.

SWEDEN

One factor that plays a significant role in NATO planning, and assuredly also in Soviet strategy, is the strong military presence of Sweden in the center of the northern flank. That nation's strict adherence to its neutralist policy is, in some ways, an asset to NATO and a liability to the USSR. The geo-strategic location of Sweden blocks the Soviet approaches to Baltic defenses and to the North Cape. The attacker would have to take, in both cases, a round-about way to reach his goal. Even if he succeeded, he could by no means be sure of Swedish intentions. That nation might decide to join the battle after all, to defend itself from complete encirclement by the Soviet Union. If Norway, Finland, and Denmark were under Soviet rule, Sweden would be cut off from the West and could no longer exist as an independent nation.

In any event, the possible Swedish actions and reactions remain a mystery to both NATO and the USSR. Sweden has made it clear that it will not tolerate any foreign activity on its soil, and has considerable capability to support this policy. Any aggressor must thoroughly consider the possible implications before attacking Sweden, the strongest power in northern Europe. Its air force is one of the largest in the world, with about 800 combat-ready, technically advanced fighters. Its coastal defenses are exemplary, the navy is modern, and the army boasts some of the best equipment the state of the art can offer. In addition, the Swedish population is politically stable and reliable.

Even the USSR would not want to get unnecessarily involved with Sweden as it surely would if it were to drive toward the Tromsö defense line through or over Swedish territory. On the other hand, a successful Soviet attack against Sweden alone, who cannot officially count on any help from her Scandinavian neighbors, would automatically collapse NATO's northern flank. A Soviet-occupied Sweden would result in the opening of the Baltic straits, and thereby make NATO defense positions at the North Cape untenable.

It seems reasonable, therefore, to assume that if a war should break out, Sweden would be involved. If that nation were attacked by the USSR, for whatever reason, NATO would be forced to intervene in order to protect its own interests. However, such speculation cannot play a role in NATO's military planning. It has to be assumed that Sweden would remain neutral and able to defend its territory without taking sides.

SERIOUS SITUATION

The situation on NATO's northern flank is serious because of the numerical weakness of the alliance's northern forces. This fact has not yet been brought forcibly to the attention of the Western world, whose major concern is directed toward the southern flank. The defensive positions in the north depend completely on the fast arrival of outside help in case of war.

The feelings of the defenders are best summed up by a statement of German Admiral Jeschonnek in 1969: "In view of the power gap, the defenders would fall prey to hopeless defeatism if the assurance was not available that they are backed by the powerful fleets of the Atlantic allies." This statement was made two years ago. Today, it remains doubtful if NATO's defensive forces at North Cape and the western Baltic could hold out long enough for help to arrive.

In NATO's southern region, Soviet tactics are primarily political. In the north, the pressure is of a military nature and is growing greater by the year. If nothing is done to strengthen the northern defensive positions, they will become militarily useless in the near future. When that point is reached, they will no longer fulfill their primary deterrent purpose. That would be almost as advantageous to the Soviets as would the actual physical elimination of NATO's northern defenses.

VEYSEY CALLS FOR ACTION TO STOP SERUM HEPATITIS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. VEYSEY. Mr. Speaker, a quiet but urgent medical problem facing our country today is the prevalence of serum hepatitis contracted through blood transfusions. Most of the public is unaware of the danger, but the Department of Health, Education, and Welfare estimates that one in every 200 of the thousands of people who receive blood transfusions each day contract serum hepatitis from that blood. This risk is dramatically increased if the patient needs more than one transfusion.

The National Academy of Sciences estimates that blood transfusions result in 30,000 overt cases of hepatitis, and as many as 3,000 deaths in the United States every year. Since there are steps that can be taken today to reduce the death rate from hepatitis this record is completely unacceptable.

Tests for the presence of the disease in donated blood have been improved in recent years but the best detector currently available, the "Australia" or serum hepatitis antigen is only 20 to 30 percent effective. The National Institutes of Allergies and Infectious Diseases is researching this subject, but people continue to die from undetected hepatitis in the blood they receive.

We urgently need a higher priority on detector research and steps to cut down on the supply of blood from those segments of the donor population that can be shown to be the source of the greatest amount of hepatitis.

Nearly one-fourth of the 6 to 7 million units of blood collected annually are from donors who are paid for their contribution. These paid donors frequently include drug addicts, skid row derelicts, and others with a predisposition to hepatitis. Their need for money greatly increases their incentive to lie about past exposure to the disease. No medical authority contends this reliance on paid donors is desirable but they tell me it is necessary since the amount of blood contributed by nonpaid donors is simply not enough to satisfy the Nation's need for fresh blood. I am not convinced.

Recent studies comparing the incidence of serum hepatitis among paid donors with that among nonpaid volunteers clearly indicates most of the hepatitis is coming from the paid donors.

For example, in one study of patients hospitalized at the clinical center of the National Institutes of Health in Bethesda, Md., hepatitis developed in 51 percent of the recipients of commercial blood, but the disease did not appear in any of the patients who received only blood from volunteer donors. The National Red Cross estimates blood from nonpaid donors carries only one-tenth the risk of hepatitis as that from commercial donors.

The Division of Biologics Standards of the National Institutes of Health which has responsibility for setting standards for blood shipped interstate tells me it would be impossible to supply the blood needs of the Nation if paid donation was prohibited outright. They tell me they cannot even decide on an appropriate definition of "paid donor" to allow them to begin regulating this trade in disease.

I am not satisfied with these protestations. I think the NIH should begin seriously restricting paid blood donation and beefing up voluntary recruitment programs. Congress would not shirk from supporting such efforts once the need was shown. I urge the National Institutes to put a higher priority on stopping this stoppable disease.

Mr. Speaker, as one part of a program to encourage voluntary blood donation I am today introducing legislation to amend the Internal Revenue Code to provide that nonpaid, voluntary blood donations shall be considered as charitable contributions deductible from gross income. A tax deduction for donating blood could lead directly to a decrease in the number of deaths we suffer annually from serum hepatitis.

I urge my colleagues to join with me in stopping these unnecessary deaths.

THE AMERICAN WORKER

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. GAYDOS. Mr. Speaker, the question of free trade versus unfair foreign competition has been aired in the House many times during the past few years with little concrete results. The time has now come to stop talking and do something. The American worker, the ultimate victim of unfair competition and outmoded trade policies, is demanding it.

He knows we are in a trade war. He knows we are losing the battle today and will lose the war tomorrow if we continue to pursue our antiquated trade policies. His job and his future are at stake and he will lose both if we continue to permit foreign manufacturers to glut the American market without regard to the ultimate consequences.

Evidence of the workers' concern is a petition and foreign trade policy statement of the Steel Service Center Institute which I have recently received and will include in the RECORD for the benefit of my colleagues. It is signed by thousands of steelworkers who know that vital industry has been the target of a record quantity of imports during the first 4 months of this year. They know, and say, the time has come for more than a "lethargic awareness" of this critical problem.

Mr. Speaker, I agree with these steelworkers. So does the entire Pennsylvania delegation which recently introduced the Steel Trade Act of 1971. This legislation does not disrupt free trade among nations, but clearly demonstrates to the steelworker that Congress is aware of the danger to him, does care, and is attempting to stem the tide of steel imports.

The text of the petition and statement follow:

JUNE 7, 1971.

Hon. JOSEPH M. GAYDOS,
House of Representatives,
Washington, D.C.

DEAR SIR: We who have signed below are employees of the American steel industry, and we are taking this means to express to you our concern about the tremendous *importing of steel products* which has precisely the effect of *exporting* our jobs. We urge you, as an elected representative of the Commonwealth of Pennsylvania, to acquaint yourself thoroughly with the unfair foreign competition in steel which is jeopardizing our jobs, and to proceed with specific proposals toward corrective action.

The attached statement about imported steel was drawn up by the Steel Service Center Institute. We want you to know that as employees of United States Steel Corporation, as citizens of the United States, as residents of Pennsylvania, as voters and as taxpayers, we support this statement.

May we hear from you soon as to your proposals for new legislation to stop the exportation of our jobs to foreign countries. The time is at hand for more than lethargic awareness of this American steel industry problem!

STEEL SERVICE CENTER INSTITUTE: FOREIGN TRADE POLICY STATEMENT

The Steel Service Center Institute's members are deeply concerned about the health and future of the domestic steel industry in the United States and recommend that federal governmental agencies seriously consider the unusual and frequently unfair competitive problems faced by the domestic steel industry in competing with foreign steel in both the domestic and foreign markets. SSCI recommends that a special study be made regarding:

1. The unfairness in international competition where many foreign steel producers are instruments of the government and thus used by their governments in establishing trade policies, regardless of whether or not profits are derived from sales under those policies. For example, if the British Government feels that it needs hard currency by exporting goods, the British Steel Corporation exports products with a price level that drops from $30 to $40 per ton.

2. The lack of attention on the part of our negotiators in the Kennedy Round and the general low level of interest in the State Department (although this has improved lately) in regard to nontariff barriers in other countries against steel produced in the United States.

Most other nations have turned to a wide variety of nontariff barriers to effectively limit or reduce the extent of imports in their countries. This is brought about through various devices, such as import licenses or by added value and/or turnover taxes which are refunded on exports and added on that steel which isn't produced in the country involved.

3. The unfairness of the treatment of imports in the United States, where imported steel in its original bundles isn't taxed by local or state assessors, whereas domestic steel is taxed in those states which have personal property and/or franchise tax assessments. (This has been taken to the Michigan and California Supreme Courts, and they have ruled that under the Constitution Congress reserves the right unto itself to tax imports and that state and municipal governments cannot make assessments on imported goods in original bundles.)

4. On foreign steel products, import duties into the U.S. are frequently substantially lower than the duty on identical products from the United States into foreign countries, thereby effectively encouraging imports from other countries and discouraging exports of the same product from United States' mills. For example, on structural tubing, duty into the United States is $2 a ton; yet duties on American products into Canada, for example, are 17½ per cent f.o.b. mill value on a product that averages around $230 a ton f.o.b. mill in the United States.

5. Many foreign governments offer a wide variety of aids that work effectively to hold down the costs of foreign steel producers. These aids take the form of low transportation costs on government-owned equipment, special depreciation allowances, and low-cost loans.

For example, while our government was discouraging mergers, the French Government worked closely with the major steel producers and financial institutions and offered loans at a discount below the prime rate to encourage expansion and rationalization (mergers) of the French steel producers.

Another example was the Japanese Government's encouragement of the consolidation of its two largest steel producers into one company—the Nippon Steel Company—which is now the largest single steel producer in the world.

LOCKING UP THE GHETTOS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. CLAY. Mr. Speaker, I want to share with my colleagues a recent editorial which appeared in the St. Louis Post-Dispatch. The editorial discusses the President's recent statement on equal housing opportunities. It was a long-awaited statement but we will still need to wait a long time for anything constructive to be done to integrate the suburbs. The Post editorial states:

> The policy, in 8000 words, amounts to doing as little as possible to promote better housing for millions. Doing as little as possible means enforcing laws that prohibit racial discrimination, but not carrying out laws or policies that encourage racial integration and housing dispersal.

The Post points up the fact that:

> What is wrong can only be the political knowledge that the city poor and minorities wield relatively little national political power, whereas the Nixon Administration has consistently followed a suburban as well as Southern strategy. That means locking up the ghettos until the inhabitants can somehow, some day buy their way out. Or until there is a different housing policy or different Administration in Washington.

President Nixon's policy statement raises serious questions whether members of minority groups will ever be granted equal opportunities in the realm of housing. The St. Louis Post-Dispatch follows:

[From the St. Louis (Mo.) Post-Dispatch, June 13, 1971]

LOCKING UP THE GHETTOS

If President Nixon's long-awaited statement on housing and the suburbs is not disappointing, it is only because it was expected. The President had already indicated his stand and so had Attorney General Mitchell, his political mentor on suburban policy.

The policy, in 8000 words, amounts to doing as little as possible to promote better housing for millions. Doing as little as possible means enforcing laws that prohibit racial discrimination, but not carrying out laws or policies that encourage racial integration and housing dispersal.

Mr. Nixon attempts to draw a clear line between suburban housing practices intending racial discrimination, which violate the law, and suburban policies aimed at barring minority groups only because they are poor. The President mentions two Supreme Court decisions, one against racial zoning in Lackawanna, N.Y., and the other upholding a California provision for referendums on public housing projects.

In fact, no such clear distinction can be made between zoning out low-income groups and zoning out blacks, or Spanish Americans or other minorities who mostly constitute the low-income groups. By making his distinction Mr. Nixon is only siding with the subtle efforts of white suburbs to block urban minorities from moving out to better homes, schools and job opportunities.

Yet past federal housing programs promoted those lily-white suburbs. What is wrong with a program now of helping core-city minorities also? The National Association of Real Estate Boards has just predicted a record housing year. What is wrong with assuring a decent share of it for the poor?

What is wrong can only be the political knowledge that the city poor and minorities wield relatively little national political power, whereas the Nixon Administration has consistently followed a suburban as well as Southern strategy. That means locking up the ghettos until the inhabitants can somehow, some day buy their way out. Or until there is a different housing policy or different Administration in Washington.

WAR, POLITICS, AND PRESS: VIEWS ON "PENTAGON PAPERS"

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. DUNCAN. Mr. Speaker, one of the finest editorials I have ever read in any newspaper concerning the war and the Pentagon papers appeared in the July 6, 1971, Knoxville, Tenn., Journal. I include this article in the RECORD at this point:

WAR, POLITICS, AND PRESS: VIEWS ON "PENTAGON PAPERS"

There are two fallacies into which it is easy to fall because of the cause celebre over the "Pentagon Papers." One is that only now are we learning how the John F. Kennedy and Lyndon B. Johnson, especially the latter, got the United States deeper into the war in Indochina. The other is that the New York Times and Washington Post, by journalistic gallantry and derring-do, have saved the sanctity of the free press.

Regarding the first, so far what the "Pentagon Papers" have brought forth in the newspapers is particularization, not a revelation of American involvement in Vietnam that the public did not know about before. It is a matter of certain details, communications, settings and situations which previously had not been described.

Of course, the disclosures have made plainer the hypocrisy of President Johnson about the war in the 1964 political campaigns, his avoidance of discussing what was in his mind, and the rank injustice of his partisans toward the forthright Barry Goldwater. But discerning persons already had a sense of that situation.

Though some doves act as if they had discovered the depth of the U.S. involvement only during the past several years and now are citing the Pentagon documents as confirmation, any adult who has been reading the news alertly has known since 1965 that this nation was in the hostilities on a large and increasing scale. There was no secrecy about it. The salient facts were printed again and again.

A look back in successive past issues of the World Almanac shows this to be true. The one for 1965, recording events of 1964, reported how Defense Secretary Robert S. McNamara and Gen. Maxwell D. Taylor, returned from South Vietnam, "laid before President Johnson a new plan for increasing military and economic support." Then at a press conference McNamara said publicly, "But I want to emphasize that it (victory) is not going to come soon. This is not that kind of war. This is a war for the confidence of the people and the security of those people, and that kind of war is a long, hard war." This was on May 14, 1964.

PUBLIC HAD OVERALL PICTURE

In the almanac's next edition it was recorded that on June 28, 1965, Johnson ordered an increase from 75,000 to 125,000 men of the U.S. forces in Vietnam and on Aug. 4, 1965, asked Congress to appropriate $1.7 billion more for the war, while McNamara told a Senate committee the strength of the American armed forces would be raised by 340,000 men.

So it went, according to the public record of the time. In February, 1965, U.S. Forces were engaged in continuous bombing of North Vietnam. By November, 1966, American forces in Vietnam numbered 358,000, with 33,000 more stationed in Thailand. As of March, 1967, the total in Vietnam was 427,-

000. On Aug. 3, 1967, President Johnson announced there would be 525,000 by the following June.

The above is cited, not by way of extenuation of Johnson's handling of matters, but as retrospective evidence that the people of this nation were not kept in the dark about the growing engrossment of the United States in the war. They had the overall picture all along. Only after President Richard M. Nixon began his program of Vietnamization was the build-up reversed by gradual withdrawal of troops at a pace calculated not to jeopardize the viability of South Vietnam.

The U.S. Supreme Court's 6–3 decision against restraining the New York Times and Washington Post from continuing publication of accounts based on the "Pentagon Papers" was hailed, of course, by many editors as a great triumph of freedom of the press. The Times called it a "historic decision" and "a ringing victory for freedom under the law."

While The Knoxville Journal would be among the first to decry any governmental attempt to gag the press in what was a clearly unconstitutional way, we wish the present case had been a better and more decisive test. And we wish the newspapers which occasioned it had come to court with cleaner hands.

In the first place, the Supreme Court majority did not uphold the absolute right of newspapers to publish whatever they can get their hands on. It did find that the government had failed to make a showing of justification for a restraint in the interest of national security and it did voice abhorrence of the idea of prior restraint on the press.

NO IMMUNITY FROM CRIMINAL ACTION

But at the same time members of the court warned that newspapers are not immune from criminal action for publishing sensitive documents which may harm the nation. As Associate Justices Potter Stewart and Byron White put it: "Prior restraints require an unusually heavy justification under the First Amendment; but failure by the government to justify prior restraints does not measure its constitutional entitlement to a conviction for criminal publication."

Another question about the decision was pointed out by Chief Justice Warren E. Burger and Justices Harry A. Blackmun and John M. Harlan, the dissenters. They deplored the haste of action and what Harlan called "this frenzied train of events." The chief justice said none of the courts having heard it "knew all the facts," and "we literally do not know what we are acting on." In view of this pell-mell superficiality, it can hardly be considered the definitive case of its kind.

Burger also had occasion to remark that the Times had "the purloined documents" in its "unauthorized possession" for three or four months before publication. If this was so, it lends credance to the suspicion that, far from being concerned only for the public's "right to know," the Times rather was timing publication for political propaganda effect when Congress was considering extension of the draft and a stated date for complete withdrawal from the war.

If this case has a really constructive feature in the national interest, we believe it can be an easing up of overclassification of government documents by bureaucrats. We trust that comes about.

A TRIBUTE TO THE SONS OF ITALY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. CARNEY. Mr. Speaker, the Governor of Ohio having proclaimed July 8–11 Sons of Italy Days, I would like to take this opportunity to extend my best wishes to the Sons of Italy, 13th Grand Lodge of Ohio, who are holding their convention in Dayton, Ohio, this week.

Smaller in size than almost any one of our Western States, Italy has contributed a larger number of immigrants to the American culture than any other nation in the world, with the single exception of Germany. Combining foreign born and native born of foreign parentage, we find that one in every eight of the total foreign white population is Italian.

Despite the early arrival of Christopher Columbus, Amerigo Vespucci, and Giovanni da Varrazano, Italians in general were not quick in coming to America. Over the first century of our national existence, our farmlands proved attractive to many Europeans, but not to the Italians who were then experiencing some of the best harvests in European history. By 1850, there were less than 4,000 Italians in the entire United States, out of a total population of 23 million. Thirty years later, the number was not significantly larger. But in the 1880's disaster befell Italian agriculture, and before the turn of the century almost a million Italians had sailed for America. In a single year, as many as 30,000 were said to have made the trip—which number exceeded the total population of Venice, one of Italy's most important cities.

Over the years, our country has derived the greatest benefit from Italian immigration. In the matter of accomplishment, Italian-Americans are clearly unsurpassed, there being no American industry to which they have not provided significant contributions, nor any art form in which they have failed to excel. From A. P. Giannini, in banking, to Vince Lombardi, in professional football; from Marconi's pioneer efforts in radio communications, to Enrico Caruso's dominance in the world of grand opera; from Constantino Brumidi, the outstanding artist, to Rocky Marciano, heavyweight champion of the world—all were superlative contributors to the American tradition, as have been millions more.

Although numbered among the newer immigrants to America, within a span of little more than half a century the Italians have established themselves as a formidable force, economically, politically, and socially—and the country acknowledges that contribution.

Under the circumstances, it is a great pleasure to congratulate the 13th Grand Lodge of Ohio, on the occasion of Sons of Italy Days.

YOUR RIGHT TO HAVE A GUN FOR LAWFUL USE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr WYMAN. Mr. Speaker, of course there is a problem with guns around. There always will be. It is elemental learning that a gun barrel is to be treated with the respect and caution of a rattlesnake.

Yet, to take away all guns from all citizens within the urban community except for the military, the police, and gun clubs is bunk on guns because you would never take them away from the criminal. He would have them under the table and he can get them.

What about your house or apartment when that robber or rapist has a gun and you do not because it is illegal for you? The illegality never bothered your attacker in the first place—and it never will.

We must learn to live with guns—to use them wisely in necessary defense or target practice or hunting ventures or in any lawful way. We must also provide very serious penalties for the unlawful use of a gun or carrying one while committing a crime—penalties that assure a mandatory minimum sentence.

Beyond such penalties, the risk to society of denying guns to law-abiding citizens for their personal protection far outweighs the risk to society from criminals with guns or the accessibility of a gun to an emotionally distraught person.

All this is without regard to the additional serious legal problem of whether what the following editorial from today's Washington Post recommends would require a constitutional amendment:

THE KILLERS

Let us say it again. Guns in the hands of fools, kids, drunks and thugs kill people. The gun crowd may bemuse themselves with their idiotic cant that "guns don't kill people; people kill people." But the plain fact is that guns enable people to kill people easily, thoughtlessly, comfortably, on the spur of the moment, without getting their hands all bloody or their clothing stained or being obliged to engage in a lot of physical effort; and unregistered guns in unlicensed hands enable people to kill people and get away with it, whenever they happen to feel vexed or high on drugs or otherwise homicidal. That is what handguns, at least, are for; they were devised to enable people to kill people. Most of them, eventually, will fulfill the purpose for which they were devised.

All right, you think we're overemotional about gun killings just because a nice, decent, law-abiding naval officer, 41 years old, and his 19-year-old son were shot to death Monday night, in plain view of their family, at a suburban Virginia intersection after what Fairfax County police called an altercation in a traffic encounter. The gun crowd will try to tell you that if the murderer had not had a gun he might have used a knife or club; but killing isn't quite that simple with a knife or club. The gun crowd will try to tell you that this was an "accident," that tempers get frayed on these hot summer nights and people will kill people.

This wasn't exactly a rare or isolated gun killing. Last week it involved a decent law-abiding Silver Spring man of 37, who had spent much of his childhood hiding from the Nazis in Poland and who was shot to death during the holdup of his mother's grocery store near Dupont Circle—right in front of her eyes. A knife or a club would have involved a lot of contact and scuffling and time to call for help, while a gun made it all possible in a fraction of a second; and in point of fact, without the gun, the killer would, in all probability, never have dared to undertake the holdup.

And on Tuesday evening a nice, decent, law-abiding Vietnam war veteran, just 20 years old, was pronounced dead at Arlington Hospital after being shot at his home. Police have charged his 17-year-old brother, remarking that "it appears the two brothers had not gotten along and had a disagreement before the shooting." Against any other weapon than a gun, the veteran might have had a chance to defend himself.

These are not "accidents." They are consequences—the direct, certain, inevitable consequences of community carelessness about firearms. It is a form of madness to allow guns—and especially handguns—to be in the possession of anyone who wants them, as much a form of madness as it would be to allow anyone of any age or condition to own and operate an automobile, without even any means of identifying ownership.

It is not true that the community can do nothing to curb gun killing. It can do what it has long done to curb killing by deadly poisons. It can do what James V. Bennett suggests under the heading "For the Record" on another part of this page today. It can limit the possession of handguns to police officers, the military and properly supervised gun clubs. It can stop being hypnotized and bedazzled by the gun crowd—the crowd that makes money out of manufacturing and peddling guns and the crowd that thinks it's fun to play with them and doesn't care how many people get killed just so it doesn't have to undergo the inconvenience of sensible regulations.

Twenty thousand Americans, here in the United States, were killed by guns during the past year; 200,000 were injured. It is callous, immoral madness not to do anything that might help stop this gunplay.

EDGAR E. PARKER——DISTINGUISHED PUBLIC SERVANT

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, we are living through a critical period when human values and individual goals and purpose are being questioned. Sometimes we question whether the rewards are worth the effort of doing a good job. Then we learn of someone like Mr. Edgar E. Parker, who was born and raised in Montgomery County, Tenn.

Mr. Parker has just retired from a lifetime of Federal service. His life represents an example of one who has contributed in full measure to the betterment of his organization, to our Government, and to our society and our way of life.

I have two letters which reflect the life and distinguished public service of my fellow Tennessean and I include them to be printed in the RECORD:

LETTER OF COMMENDATION

DEPARTMENT OF THE ARMY,
Fort Campbell, Ky., May 25, 1971.

Mr. EDGAR E. PARKER,
Commissary Officer, Services Division, DIO, USATC and Fort Campbell, Fort Campbell, Ky.:

1. On the occasion of your retirement from civil service employment after more than thirty-three years of loyal and outstanding performance of duty, I wish to commend you for the admirable record that you have established and left for others to follow. While it was not my pleasure to be acquainted with you during your early and mid-period tenure, I have come to know you quite well during my current tour at Fort Campbell, Kentucky and it has been a distinct pleasure.

2. In all my military career I have never had the opportunity to meet a more devoted and dedicated employee. Your willingness to accept greater responsibility and to give guidance which has been meaningful never ceased during those years. The fact that you rose to the top of the Quartermaster activities at this post attests to your success.

3. We, who have had the pleasure to work with you closely at Fort Campbell, Kentucky, will miss you greatly. Our loss will mean a greater gain to your family, friends and to your community which you have become so much a part of.

4. As you leave the active status of civil service employment, our best wishes go with you for a long and continued pursuit of personal satisfaction and happiness in all your endeavors.

WILLIAM B. MILLER,
Colonel, Infantry, U.S. Army,
Chairman, Commissary Advisory Council.

LETTER OF APPRECIATION

DEPARTMENT OF THE ARMY,
Fort Campbell, Ky., May 28, 1971.

Mr. EDGAR E. PARKER,
Commissary Officer, Services Division, Directorate of Industrial Operations, Fort Campbell, Ky.:

1. Upon the occasion of your retirement, I wish to express to you my sincere appreciation for the many years that you have faithfully served Fort Campbell in making the commissary operation responsive, efficient, and an example of what can be accomplished through dedication to duty.

2. You have been an energetic, alert, and conscientious Federal employee, whose devotion to duty is highly commendable. Your services as Assistant Commissary Officer and subsequently as Commissary Officer have been exceptionally valuable to this command. You have cheerfully and intelligently adapted yourself to changing situations, and have successfully met each new challenge. Your contacts with others have been most courteous and cooperative. The respect which you have won from your associates, superiors, and subordinates alike, is most commendable and reflects great credit upon yourself, and the Federal Service.

3. I am advised that you have accumulated more than 2700 hours of sick leave to your credit. You are to be especially commended for this wise and thoughtful use of your sick leave benefits, which reflects favorably upon your attitude towards your job and the accomplishment of our mission at this installation.

4. As you retire, you may certainly be very proud of the many years of commendable service you have rendered as an employee of the Federal Government and the accomplishment of a job well done. Personnel of the Services Division, Directorate of Industrial Operations, join me in wishing you health and happiness in the years ahead.

WILLIAM H. BIRDSONG, Jr.,
Brigadier General, USA,
Commanding.

SPEECH OF COLONEL MACNEIL AS USED IN "THE SELLING OF THE PENTAGON"

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ADAMS. Mr. Speaker, I have just completed reviewing the materials in the House Committee on Interstate and Foreign Commerce files regarding the contempt citation of Dr. Frank Stanton of CBS. This citation for contempt is based on a demand by the Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce that Dr. Stanton and CBS produce all the film taken but not used in the documentary, "The Selling of the Pentagon."

On March 8, 1971, starting on page 5401 of the CONGRESSIONAL RECORD, the Honorable F. EDWARD HÉBERT placed in the RECORD pertinent text of "The Selling of the Pentagon" and the entire text of the interview of Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs by Roger Mudd of the Columbia Broacasting System.

The other segment of the program used by the proponents of the contempt citation is a purported misquoting of Colonel MacNeil, one of those referred to in the documentary as a member of the "traveling colonels." The committee staff has the text of Colonel MacNeil's speech, which is purportedly a continuous segment. I am placing in the RECORD, first the committee analysis of Colonel MacNeil's speech, and immediately following that, the entire speech which was given by the Defense Department to the committee:

COMMITTEE ANALYSIS

A purportedly continuous segment of Col. MacNeil's speech, broadcast in "The Selling of the Pentagon"—in reality, a CBS paste-up of excerpts from five different pages in the Colonel's prepared text, drawn out of context, and not in sequential order.

(NOTE.—The third excerpt—taken from page 48 of the Colonel's speech—is in fact a quotation from Laotian Prime Minister Souvanna Phouma. Colonel MacNeil's attribution of that statement to him was clipped out by CBS, and the quotation made to appear as a foreign policy comment by the Colonel himself, which would have been a violation of the Pentagon regulation described by Roger Mudd.

Also in this sequence, a series of short camera shots of the audience was used to conceal the splicing of the Colonel's words, thus avoiding the "jump" in the film that would have occurred if the camera had been kept on Col. MacNeil at the podium.)

FROM THE TRANSCRIPT OF "THE SELLING OF THE PENTAGON", PAGE 7

ROGER MUDD. . . . the Army has a regulation stating: "Personnel should not speak on the foreign policy implications of U.S. involvement in Vietnam."

Colonel MACNEIL:

FROM PAGE 55

Well now we're coming to the heart of the problem—Vietnam.

FROM PAGE 36

Now the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam.

FROM PAGE 48

If South Vietnam becomes Communist it will be difficult for Laos to exist. The same goes for Cambodia, and the other countries of Southeast Asia.

FROM PAGE 73

I think if the Communists were to win in South Vietnam, the record in the north—what happened in Tet of '68—makes it clear there would be a bloodbath in store for a lot of the population of the south.

FROM PAGE 88

The United States is still going to remain an Asian power.

Text of Colonel MacNeil's Speech

SOUTHEAST ASIA

(NOTE.—Charts maps, and illustrations not printed in RECORD.)

V.A. on (1 minute before starting bell).

This morning we will talk about—

Overlay # 1 on (Sea Map).

The portion of Southeast Asia—lying between India and China—an area which contains over 120 million people.

V.A. off.

I am sure that no one here is unaware of Southeast Asia, as a result of the debates, discussions, cross-examinations of persons involved, the conflicting national election platforms on the war in Vietnam.

V.A. on (Southeast Asia Map).

To orient ourselves—this whole area is called Southeast Asia—including Australia and New Zealand.

But this morning we want to talk about the Asian mainland of Southeast Asia, which is also called continental Southeast Asia.

V.A. off V.A. on (Sea Map).

Here we have the mainland—plus the island nations of Indonesia and the Phillippines.

Overlay #1 off.

But this is the area we are going to discuss—the mainland of Southeast Asia—lying between India and China.

First, we'll have an overall look at the area—then tour individual countries—and finish with Vietnam.

V.A. off.

We are talking about a Southeast Asia which contains 281 million people; 118 million people in mainland Southeast Asia, alone. In discussing Southeast Asia, there are several introductory and basic points which we should be familiar with, eight of them.

I think the first thing we should do is to discuss—

V.A. on (Eight Points on Southeast Asia).

The people of Southeast Asia, in many respects, they are not very different from us, or people in the mid-East, or Europe, or elsewhere. If representatives of these countries, nationalities, and cultures, each listed in priority, the ten most important principles or values or ethics, by which they ordered their lives, we would discover that we had all listed the same ten. But we would also discover that our priority listings of these values were varied; and that it is this variance which causes the conflicts between us.

We do have the same values, but our environments so differ—that we have all adjusted our priority of values to fit these differing environments.

In fact—we will find that most of the arguments we have with our wives—stems from this same type of conflict—what is important to one—does not have the same priority position on the listing of the values of the other.

(Question—who changes their priority?)

Flap No. 1 off.

Second, I think it essential that we understand that in mainland Southeast Asia we have the confluence of two great and different civilizations—the Indian and Chinese civilizations.

Overlay #2 off.

Third, we must be aware that the impact of Islam coming from the Mid-East was absorbed by Southeast Asia and remains today as only one of the major religions and cultural forces and is found only in Indonesia, the Philippines, and Malaya.

Overlay #3 off.

Fourth, the impact of Christianity and western culture was definitely a mixed blessing. They were disruptive to Southeast Asian Society because of their tenets and technology which together were a threat to the established social order. They were also frightening to Southeast Asian rulers because of the ferocity of the economic and political rivalry of these Christian, Western Nations.

In brief—and this is an important concept—to Asian leaders of the 17th through early 20th centuries, the political, social, and psychological impact of Christianity and the political, military, and economic impact of western ships and guns were indistinguishable.

Flap #4 off.

Fifth, a thought for perspective, and this one to stress the importance of China and the traditional view of China in Southeast Asia. Although China stagnated during the past two centuries, as did Europe during the middle ages, the capital of China, Peking, was the greatest intellectual and cultural center of the world, greater than existed in either Greece or Rome. Just as did we, and do we today. look back toward Greece and Rome and acknowledge our cultural debt to both, so does all of mainland Southeast Asia look toward China.

Flap #5 off.

Sixth, more than 3000 years ago—waves of people came down from China displaced by stronger invaders and these waves in turn displaced the local inhabitants—(ancient antiphathies still exist between the original inhabitants and their conquerors).

Flap #6 off.

Seventh—the Buddhist religion came from two directions.

Hinayana—passive or pure Buddhism—spread from India into Burma, Thailand, Laos, and Cambodia.

And although replaced in India today by Hinduism and Islam, Buddhism remains today the major religion of Burma, Thailand, Laos, and Cambodia.

V.A. Off.

Although the same Hinayana Buddhism also entered China from India—a different kind of Buddhism—Mahayana—came down into Vietnam from China where it had—mixed with Taoism—marked by the Confucian—ethics of the importance of the family.

V.A. On (Hinayana and Mahayana Buddhism) (Explain and Discuss).

Mahayana—unlike Hinayana—can be a divisive influence—it is a religion of many sects and beliefs—which may be actively opposed to each other—as is sometimes the case in Vietnam.

V.A. Off. (Pause). V.A. on (Eight Points on Southeast Asia). Flap #7 off.

Last—because of either inital origins in China or Chinese conquest or influence, the majority of the people of Mainland Southeast Asia are the racial and social cousins of the Chinese—although their art, culture, and literature have been heavily influenced by India.

V.A. off.

I have lived, worked, and travelled through all the countries of Continental Southeast Asia and I have respect and admiration for these peoples and countries—especially those who have had the courage to line up with the United States, and whose position on the map of Asia looks like this—

V.A. on (Chicom Threat).

Despite the current upheaval in Red China—China is again dominating Southeast Asia as she has during most of the past two thousand years.

If you lived in one of these countries—and were a leader in that country, what would your foreign policy be toward Red China?

A country that calls the war in South Vietnam a "war of liberation?" that called her seizure of Tibet in 1951 a "war of liberation?" who says Thailand is next on the list? (Pause) Red China has the largest land army in the world—and nuclear weapons. Why?

Did she develop nuclear weapons to defend herself against her neighbors, these small countries shown here? (Pause) Red China has the world's largest population, but she can't feed her people.

Does that make you feel very comfortable—in your rich Southeast Asia rice bowl?

V.A. off. V.A. on (Thai Farmer).

One of the hard facts that people like this Thai farmer in southeast Asia have to look at is this—that Red China takes a total view of southeast Asia.

And in her view—none of the nation's of Southeast Asia has been liberated from colonialism—except North Vietnam.

And they will not be liberated in the Chinese viewpoint—until each and every one has a Communist government and its assets are available to China.

V.A. off.

But let us get on with our study of the area, and move forward—to the beginning of World War II—

V.A. on (Map of Colonial Southeast Asia).

Only one nation on mainland Southeast Asia was independent—Thailand.

All the rest were colonies of France or Britain or Holland.

Early in World War II—the Japanese occupied all of Southeast Asia—and left in 1945—after setting up local governments or turning over power to groups which had cooperated with the Japanese.

Overlay No. 1 on.

Since then—all have gained their independence—the British Colonies peacefully—Indonesia after a struggle with the Dutch, and French Indo-China after a long war with the French.

V.A. off.

The Japanese occupation taught us some important things about Southeast Asia.

V.A. on (map of Southeast Asia Resources).

Strategic importance—all shipping between Europe and the Far East (by way of the Indian Ocean) must pass through the Straits of Malacca—between the Malay peninsula and Sumatra—or other straits of the island barrier. Indonesia under Sukarno tried to make the Indonesian waters territorial waters.

These straits and other interior Indonesian straits then are sea routes comparable in importance to the Panama Canal.

Overlay #1 on.

And by denial—the Japanese occupation of the mainland Southeast Asia showed us the importance of the resources of the area.

Tungsten from Burma.

Rubber and tin from most of the countries.

Oil from Indonesia and Burma, plus copra and cocoanut oil.

But these industries still make up only about 30 percent of national production.

The other 70 percent is almost all food production—mainly the growing of rice.

V.A. off.

The people live on a rice economy.

V.A. on (Topographic Map of Southeast Asia).

Southeast Asia has four of the world's greatest rice bowls, while China is chronically short of food.

The principal rice bowls are southern Burma—southern Thailand—almost all of Cambodia—and the Mekong Delta in South Vietnam.

There is a secondary rice bowl—in North Vietnam—Red River delta—but not nearly as important as the Mekong delta—in the south.

The green area on the map—river valleys—deltas—coast line—is where the people are. This is where you can grow rice—and where you can catch fish.

So—that's where the people live, and there is an important message in that.

V.A. off.

Not all real estate in Vietnam—has the same value—especially in terms of fighting for it.

V.A. on (Vietnam river village).

This is a river village in South Vietnam. Notice the boats—sampans.

As a matter of fact—there is very little means of surface transportation in many parts of southeast Asia—other than the rivers, canals, and seacoasts.

As military men, we actually have to reorient our thinking because rivers, Mangrove swamps, irrigation and drainage systems are not barriers. They are routes of communication—by sampans.

When I used to fly over the area—the thing that always impressed me was the number of river craft—the thousands of sampans.

V.A. off. V.A. on (Floating Market on Chao Phrya River).

There is life on the river—the floating market—on a river near Bangkok.

The sampans comprise the floating market—both sellers and buyers.

What the automobile is to the United States—the sampan is to much of southeast Asia—and the roads are the water routes. (pause) The people of mainland southeast Asia—suffer from a variety—of health problems—malaria—dysentery—tuberculosis, and many debilitating intestinal parasites.

There is a shocking shortage of doctors, hospitals, and public health services—even simple sanitation measures are not always practiced. (pause) With the exception perhaps of Laos—the people of mainland southeast Asia—are much better fed than the people of China or India—or the Philippines for that matter.

V.A. off.

There is a very valid saying among Americans in Southeast Asia.

If you go to Southeast Asia direct from the United States—things look pretty bad.

But if you go to India first—then things in Southeast Asia look pretty good.

Let's start our tour—of individual countries—with Burma.

V.A. on (Map of Burma).

Larger than France—but smaller than Texas isolated—somewhat—by a ring of mountains—on three sides—in the West-North- and East.

It is ironic that Burma is relatively underpopulated—and she has a surplus in food production.

And here she is—wedged in between two of the most overpopulated and underfed countries in the world—India and Red China.

The economic lifeline of Burma is the Irrawaddy River.

This is Kipling's famous "Road to Mandalay" from Rangoon to Mandalay.

Overlay No. 1 on.

In 1962—General Ne Win, head of the Armed Forces, seized the Government, and threw all his enemies into jail—Communists included.

He still has a couple of tribal uprisings on his hands—in the hills. (Ancient antipathies.)

He has isolated his country—made it a closed society. seized control of all business—and called it the Burmese way to socialism.

He drove the Indians and overseas Chinese out of financial and business control of his country—but he also succeeded in almost wrecking his economy.

However, Burma does remain able to feed her people.

And she is the world's number three exporter of rice.

V.A. off.

Now Thailand—

V.A. on (Map of Thailand).

The ancient kingdom of Anna and the King of Siam.

You may recall that Yul Brunner used to play the part of the King of Siam—no wonder Bob Hof likes to give this lecture.

Thailand—land of beautiful women and beautiful race horses—the Kentucky of the Far East. It is the home of SEATO headquarters—the Southeast Asia Treaty Organization.

But SEATO has no standing forces—like NATO has in Europe. (pause) Two-thirds of her population is concentrated—around Bangkok—on the Gulf of Siam.

Like Burma—Thailand produces a surplus of rice—and has replaced Burma as the world's number one exporter.

Although she remains an agricultural economy—small and light consumer industries are starting to boom.

Her economy is beginning to takeoff and she has a bright economic future.

One "if"—if she controls her population.

There is one neglected region—the Korat Plateau of the northeast. Nature neglected it and the Bangkok government in the past also has neglected it.

Most of it is too dry in the dry season for raising rice—and there are terrible floods in the wet season.

But today active measures are being taken to make the area more accessible by road, and to improve the economy, provide education, medical aid, etc., all designed to make the people in this area identify themselves with Bangkok, and as citizens of Thailand.

The people in the northeast—particularly in the past—tended to regard themselves as Laotians, and regarded the Mekong River not as a boundary but just as a Laotian river.

It is in this northeast area that Communist guerrillas, supported by North Vietnam and China, have appeared and started their program of terror to gain the obedience of the people. (Pause.) Today—in the shadow of Red China—she has cast her lot with the United States.

United States official relations with Thailand go back to 1833—when the two countries signed a treaty of amity and commerce—our first treaty in the Far East.

In 1950, Thailand was one of the first countries to send troops to Korea.

Overlay #1 on.

This is the Prime Minister Thanom Kittikachorn—staunchly pro-American—a blunt speaking domino.

He said in 1967—"Thailand is situated near Vietnam and it will be the next target of the communists as they have already proclaimed. This is why Thailand realizes the necessity to send military units to help oppose communist aggression in Vietnam when it is still at a distance from our country."

The United States has built a number of military bases in Thailand. (Six.)

For example—jet bases at Udorn—Ubon—Korat—Thakhli—and Don Muang—the Bangkok international airport—and I am sure you have read about U Tapao—near Sattahip on the Gulf of Siam.

Our B-52 bombers takeoff from U Tapao on strike missions against targets in Vietnam.

V.A. off.

The people of Thailand seem to have a strong sense of nationality and racial identity.

V.A. on (Thai King & Queen).

The people are united by their Hinayana Buddhist faith—and their love for the king and queen, even though the political role of this couple is purely ceremonial, and will remain so under the new Thai Constitution.

The King has only one wife—but he has many relatives—his grandfather had 92 wives!

I've seen them both in Bangkok. All I can say is that the Queen's pictures do not do her justice.

V.A. off.

But let's go on—to the Malay Peninsula.

V.A. on (Map of Malaysia).

In 1963, Singapore (city—tip of peninsula), Sarawak, and North Borneo joined with Malaya to form the Federation of Malaysia, under Prince Abdul Rahman.

Overlay #1 on.

But Singapore was 70 percent Chinese—while the rest of Malaysia was controlled by Malays—who are Moslems. This led to frictions—and Singapore withdrew from Malaysia in 1965 and is now a separate republic in the United Nations.

Overlay #2 on.

The Prime Minister is Lee Kuan Yew—an ethnic Chinese—frequently a critic of U.S. foreign policy.

And when he visited the United States last fall, he strongly supported our policies in Southeast Asia and Vietnam.

Prominent Americans sit back here in the United States and say that it is all right to let the Communists take over South Vietnam—that it would not affect the rest of Southeast Asia, and they scoff at the domino theory largely because they don't have to live there.

Ask this domino, Lee Kuan Yew, what he has to say.

He says that the United States is buying time for all Asians who want self-determination.

He also says that if the Americans pull out of Vietnam—all of Southeast Asia is lost.

Still another domino—Malaysia's Prince Abdul Rahman—also supports the U.S. position in Vietnam for the same reasons.

It is of interest that the Soviet Union is a strong believer in the domino theory as a result of the Sino-Soviet split. The Soviets want neither China nor a Chinese style communism dominating Southeast Asia.

Malaya has no illusions—she had a Communist guerrilla war—that she won—but it took 11 years—it took a ratio of 10 to 1 against the guerrillas—and Malaya was not backed up to a common boundary with a Communist country.

Malaysia is the world's largest producer of tin—about one-third of the world's natural rubber—the largest producer of iron in the Far East, most iron ore going to Japan.

She even has some oil in Borneo. Generally, her economic future looks good as does that of Singapore—one of the great trade centers of the world.

And both—Malaya and Singapore are fortunate in leadership.

V.A. off.

And now we come to what used to be—French—Indo-China.

V.A. on (Map of Laos).

Both Vietnams—plus Laos and Cambodia. (Explain heavy red line—Ho Chi Minh Trail.) Laos first—shown here in blue.

Shares Common borders with six other countries, over 1,000 miles with North Vietnam and Red China.

No railroad in Laos. What roads there are—flood during the rainy season.

But the people along the rivers—move about in sampans and other river craft on water routes—in fact—the Mekong River is one of the great highways of Asia—it serves Laos—northeast Thailand—Cambodia—South Vietnam.

You I am sure have heard of the Mekong River Development Project.

It is designed to harness the mighty Mekong and bring prosperity to places like Laos and the Korat Plateau of northeast Thailand.

The average Laotian raises barely enough food for his family. (Most live in the Mekong Valley.)

One problem is thousands of refugees from the eastern half of Laos (brown)—held by the Communists.

Overlay No. 1 on.

These refugees have crowded into the valley of the Mekong and have to be fed. They are being fed by the United States and Thailand.

Strangely—Souvanna's half brother—Prince Souvanna Phong—is the head of the Pathet Lao—the Laotian communists.

Souvanna's position as a domino is also quite clearly stated in Nov. 1967—"We can count about 40,000 North Vietnamese soldiers in our country who fight beside the 15,000 Pathet Lao who are armed, paid, trained, and encadred by North Vietnam . . . by what right, what moral do they assume the right to liberate us? If South Vietnam becomes communist it would be difficult for Laos to exist; the same goes for Cambodia and the other countries of Southeast Asia."

That heavy red line is the Ho Chi Minh trail.

Actually it is a whole series of trails, roads, and waterways—through dense jungles.

North of the Ho Chi Minh trail—guarding its northern flank—the communists also control the Plain of Jars in Laos.

The Plain of Jars is a keystone of sorts between Burma, southern China, and North Vietnam.

The Red Chinese are busy helping the Pathet Lao—to build roads down into Laos—from south China.

V.A. off.

Which should give the Thais—across the Mekong from the Plain of Jars—something to think about.

V.A. on (map of Cambodia).

Let's move south—to Cambodia.

She is a natural ricebowl—encircled by hills—with a vast area of flat lands in the center—ideal for rice growing. (Tonle sap)

Overlay No. 1 on.

Prince Sihanouk is the chief of state. (pause) Sihanouk started out as a neutralist. But in 1965—he sent our ambassador home.

And in 1967 he withdrew much of his mission in Peking.

The U.S. position in Vietnam—has given him the courage lately—to scold Peking and North Vietnam for interfering in his country. In May 1967 he said, "They—the Khmer-Viet Minh—launched these attacks because they want to create civil war. . . . If we fail in our operations against them and if the Khmer (Cambodian) Viet Minh emerge victorious, they can transform the nation into a communist country.

"If not they must continue to accept independence and neutrality . . . How can we have confidence in the Viet Minh? Will we be able to escape falling into their hands once we turn communist? . . . If we side with the Viet Minh, we will lose our independence . . . The masters of the Khmer Viet Minh are the Viet Minh of North Vietnam and the Viet Cong." (pause) We hear a lot about hot pursuit—and Viet Cong sanctuary in Cambodia.

The facts are that Sihanouk has no power to stop the Viet Cong or North Vietnamese from using his territory.

And he can use only words to keep American and South Vietnamese forces out—to try to prevent his country from becoming a battleground.

But—there is something else we should note.

Cambodia feels herself hemmed in between two ancient enemies—South Vietnam—and Thailand. And there is mutual and ancient antipathy between these three countries.

The Cambodians once had a vast empire, the Khmer Empire, which included the famous cities of Angkor Thom and Angkor Wat—(story about Jeep from Bangkok to Angkor Thom, etc.) But warlike Siamese kings seized large chunks of Khmer territory—and made them part of Siam—now Thailand.

And the Khmer once owned the Delta of the Mekong. But the Vietnamese—moving south from Annam—drove the Khmer back into Cambodia—taking the rice-rich Delta of the Camau Peninsula away from them.

V.A. off.

And now—We come to the heart of the problem—Vietnam.

Before I talk about that—here is an extract from a letter from Colonel Dan Bird, USA, written when he was commander of an Army communications group.

V.A. on (Extract of letter from Colonel Bird in Vietnam).

Read it while we take our one-minute break (break).

V.A. off.

V.A. on (map of Vietnam).

According to Vietnamese history—China is the "Greater Dragon"—and Vietnam is the "Smaller Dragon."

The origin of the Vietnamese race—is in a people who were driven out of Central China by the Han Chinese thousands of years ago.

First—The Nam Viets (as they called themselves) settled in the Red River Valley around Hanoi—roughly the North Vietnam of today.

They drove the natives of Indonesian stock—up into the hills—away from the coast—and the Red River Valley.

Where they remain the Montagnard—or Mountaineers of today.

The Greater Dragon—the Chinese—in the form of the Han dynasty—(before the birth of Christ)—invaded North Vietnam over 2,000 years ago and remained for nearly 1,000 years as occupiers and rulers.

The Vietnamese rebelled many times—10 major rebellions.

And finally—nearly a thousand years ago they succeeded in driving—the Chinese out—of North Vietnam.

Chinese—and Mongols attempted invasion repeatedly—but were always thrown back. (Mountains—Discuss on map.)

The Chinese left behind a great deal of Chinese culture—90 percent of the words in spoken Vietnamese are uncorrupted Chinese borrow words.

And they left behind a Mandarin bureaucracy form of government. (The original civil service.)

But the Chinese left behind a legacy—hatred and fear of China. (pause) and the smaller dragon himself became hungry—for land as his people increased.

Flap #1 off.

And the Vietnamese pushed into central Vietnam 20 years before Columbus discovered America, destroying a Malay kingdom in the process—a Hindu-Islamic empire centered around Nha-Trang—again the process of annihilation or chasing people up into the hills—took place.

Flap #2 off.

Finally—in the 1600's and 1700's—when the infant United States was just getting underway—the smaller dragon pushed south again—to drive the Khmer—the Cambodians—out of the rich Mekong Delta, the Camau peninsula.

So now—we have the small dragon—complete.

People seem to think that Vietnam was always united. It was not.

The south—with its capital at Hue—fought the north—capital at Hanoi—for over 150 years—from 1527 to 1673.

Then they had a 100-year truce—the dividing line—the 17th parallel—same as today.

Finally—in the early years of the last century—about the time of the Louisiana Purchase—the south—with the help of the French—defeated the north and reunited the country and ruled it from Hue.

But it didn't stay united because the French had come to stay.

In the middle of the last century—they conquered—and colonized—all of Vietnam—plus Laos and Cambodia, creating—French Indo-China.

Actually the French made three colonies out of Vietnam—Tonkin in the north—Annam in the center—and Cochin China in the south—Saigon, in the Delta—and Hanoi, in the north—prospered under the French—and became in many ways French cities.

And Hue—in the center—the ancient political and cultural capital of the south—has never forgiven them either their prosperity or their Frenchness. In addition—Hue retains her old animosities with Hanoi, deriving from the many wars between north and south Vietnam, when Hue was the capital of the south. (pause) When the Japanese departed after World War II, the French in a sense were invited back in by Ho—but this was to displace the Chinese under Lu Han from Yunnan province who, like a swarm of locusts, were stripping the country.

The French then tried to regain complete control, but were fought by the popular nationalist front which was called the Viet Minh—and which was under the leadership of Ho Chi Minh.

Overlay No. 3 on.

This was not a Communist front, but it became a Communist-dominated nationalist front under Ho Chi Minh; a front whose leadership by 1951 had excluded non-Communist Viet Minh leaders.

After eight years of bitter fighting—military, political, and pyschological—the French were defeated at Dien Bien Phu (in the north near Laos)—and this military defeat of only 15,000 of the total 300,000 French Union forces in Indo-china was a major pyschological and political defeat that had its effect in France rather than in Indo-China, and the divided French public and government gave up the war.

V.A. off.

There is a lesson here and I quote President Johnson—

V.A. on (Quote from 19 March 1968 Speech of President).

"There in South Vietnam, aggression fights not only on the battlefield of village and hill and jungle and city. The enemy has reached out to fight in the hearts and minds of the American people.

"He has mounted a heavy and calculated attack on our character as a people, on our confidence, and our will as a Nation. . . . That offensive is aimed squarely at the citizens of America. It is a assault designed to crack America's will . . . We are the real target because of what we represent.

". . . We cannot let them win something in Washington that they cannot win in Hue, in the I Corps, or in Khe Sanh."

V.A. off.

V.A. on (Map of Vietnam).

A cease-fire accord was signed in Geneva in 1954 (but not by the U.S. or South Vietnam)—which again divided Vietnam at the 17th parallel giving the north—to Ho Chi Minh.

V.A. off.

At the time of partition—North Vietnam had a population of nearly 18 million.

South Vietnam—had about 16 million—nearly 2 million less.

Unfortunately for North Vietnam—which has the most people—the Mekong Delta in the south produces far more rice than the Red River Delta in the north.

Ho Chi Minh won the north.

But in the south—leadership—V.A. on (Map of Vietnam) fell to the anti-French, anti-Communist patriot Ngo Dinh Diem.

Diem inherited political chaos in 1954.

E.G. the Binh Xuyen—a sort of mafia—was running the police force and organized vice, around Saigon.

And two religious sects, the Hoa Hao and the Cao Dai, had their own private armies.

But Diem was a strong man.

He took control of the army and made it his strength.

He smashed the Binh Xuyen—and he defeated and took over the private armies of the sects—(pause) the Geneva accords called for general and free elections on a referendum throughout Vietnam before 1956 to allow the peoples, both north and south, to freely express their will and desire as to reunification of the nation.

But Diem refused to go along with elections for good reasons.

He knew that free elections are impossible under communism. He knew, as did we and the signatories of the Geneva Accords of 1954, that Ho Chi Minh was breaching the agreement to hold free and secret balloting under international supervision. Ho would not agree to the conditions of supervised, free, and secret elections.

Ho knew that the controlled votes of nearly 18 million people in the north—all voting Communist—would out-vote the 16 million people in the south.

Diem also knew that nearly a million people had already voted with their feet—they went south by foot and ship and plane to escape communism at the time of partition.

By contrast—less than 100,000 went north.

Why? The answer is simple.

Very few people try to break into jail. Do you remember the mass exodus from East Germany to the west?

Overlay #1 on.

Diem also knew that uncle—Ho Chi Minh—murdered at least 100 thousand people in North Vietnam—"liquidated" them—in consolidating the victory of the people's republic.

The impact is roughly equivalent to that which would be felt here in the United States if the U.S. Government murdered a million 300 thousand citizens.

If the Communists were to win in South Vietnam—the record in the north makes it abundantly clear—what kind of a widespread blood bath would be in store for the population of the south?

V.A. off.

Very few people gave Diem much chance for success.

But, considering the problems he faced—his record in his first years was impressive.

Food production—per capita—rose 20 percent from 1956 to 1960.

But, it dropped 10 percent in the north. (Peasants revolt in 1956)

South Vietnam produced a rice surplus—began exporting rice, and the economy became stabilized.

This was too much for old Ho Chi Minh. He felt cheated.

He had expected to win South Vietnam—through the elections. But the elections were not held.

However, he had made other plans; based on his belief in Mao's axiom, that political power grows out of the barrel of a gun.

When the separation took place in 1954—hard-core Communist cadres in the south hid their arms and went underground to build and staff a Communist infrastructure, deep within the population of South Vietnam. 80,000 were ordered north—to be trained by the North Vietnamese Army.

When South Vietnam started to look like a going concern—the cadres were activated—those trained in the north were infiltrated, and Viet Cong guerrilla warfare commenced under leadership and direction from the north.

The Viet Cong—in the south—was the military arm of the Lao Dong which is the Communist Party of North Vietnam. And the Viet Cong leadership has operated for and in response to the orders of the Government of North Vietnam.

(Four kinds of Viet Cong: (1) Local guerrillas, (2) provincial guerrillas, (3) main force units, (4) terrorist/infrastructure units (most valuable is local guerrilla—explain)).

It was not until 1962 that a South Vietnam Communist Party appeared on the scene.

And we know from hundreds of captured documents—that the People's Revolutionary Party which dominates the National Liberation Front is merely a cover for the Lao Dong—the Communist Party—of North Vietnam which controls it. The front is controlled by the Central Office for South Vietnam (COSVN) which is a part of the North Vietnamese governmental structure.

Ho Chi Minh's objective—make no mistake about this—was and still is to unify Vietnam—but only under a Communist government.

V.A. on (map of Vietnam).

Overall command of Viet Cong forces is under a North Vietnamese general officer in the south (one killed recently). Regular North Vietnamese units operate independently and in conjunction with Viet Cong Forces, and "beef up" decimated Viet Cong main forces units, throughout South Vietnam.

The North also provides an abundance of military materiel and supplies to the Viet Cong.

The enemy we face in Vietnam is a local force—organized, controlled, and supported by an outside power in the North. But it does have its roots in the South. In the infrastructure—and we must not forget this. It is a war of and for the South, and victory will be found in the south. (Long pause) In the beginning the Viet Cong couldn't get the peasants in the south much interested in unification—especially under communism—and rule by the Northerners at that.

People in the south don't like Northerners (we have some like that too), so the Viet Cong turned to making their cause an anti-government cause.

This was something peasants could understand.

(The Vietnamese peasant has never had much use for past governments in Vietnam, mandarin, colonialist, Diemist, or military juntas. All of these had proved largely indifferent to the legitimate grievances of the peasants.)

Because of these grievances, the Viet Cong was able to gain the support of many people, including non-Communists.

And the Diem Government certainly had its faults.

As time went on—Diem seemed to respond to Communist pressure—with more and more pressure on his people.

In 1961—it was oppressive—and ruthlessly repressive—especially to Buddhists—as a result of Madame Nhu's influence.

The generals began to fear that Diem would drive the people into the arms of the Viet Cong.

So, the military took over—in a coup.

Diem and his brother Nhu were murdered. Then coup replaced coup.

Overlay #1 on.

The war against the Viet Cong went on but—the sects (Cao Dai/Hao Hao) stopped resisting the government on Diem's death and came over to the government side—with their militant militia—to fight the Viet Cong.

V.A. off.

But during the political—and military confusion following Diem's death.

The Viet Cong got stronger and built themselves up to battalion and larger-sized units and nearly cut South Vietnam in two in the early spring of 1965, as the prelude to take over.

But, at this point the United States came to the aid of her little ally—and the war was on in earnest, when the Marines landed in Danang in March 1965. (pause). Really—today—V.A. on (Four Kinds of War in Vietnam) there are four wars in Vietnam.

Overlay #1 off.

The first is the conventional military conflict—the fight against the Viet Cong main force units—and the regiments and divisions from the North.

Overlay #2 off.

The second is the quest for a political solution—the political stability that any country needs if it is to move forward—socially and economically.

Overlay #3 off.

The third is the terror that the Viet Cong guerrillas wage against the people in the countryside, and during Tet 1968—in the cities.

Overlay #4 off.

The fourth war is the "other war"—to help the Vietnamese people to find a better way of life.

I will talk about the four wars in order—starting with the conventional.

V.A. off.

We had over 522 thousand U.S. troops in South Vietnam as of 15 April.

V.A. on (U.S. Forces in Vietnam).

The buildup was rapid and effective—moving hundreds of thousands of men to battlefields thousands of miles away.

The enemy has lost every major engagement in the last two years. The Tet offensive was the third war, the terror war, and I will discuss this in a moment.

Another big test—with the marines at Khe Sanh, did not come. (Pause) We can be proud of the performance of our young men on the battlefield.

They are bigger, stronger, smarter, and better trained—than we were in World War II or Korea and—quietly—very professionally—these young men are going about their grim tasks in Vietnam.

There is nothing wrong with this generation.

V.A. off.

And this is the U.S. Army.

V.A. on (U.S. Army in Vietnam).

Bob Hof pointed out to me that the man in the lead—is carrying a movie camera just like the Marines.

Which proves that the Army can learn a thing or two from Marines.

V.A. off.

On the battlefield—we are not alone.

We have paid a steep price—to purchase time for Vietnam and other Asian nations to gain self-determination—and to grow stronger—economically, politically, and militarily.

How well this has worked—only time will tell. (Pause) But the United States will still remain an Asian power. In July 1969 President Nixon said:

V.A. on.

"Our determination to honor our commitments is fully consistent with our conviction that the nations of Asia can and must increasingly shoulder the responsibility for achieving peace and progress in the area. The challenge to our wisdom is to support the Asian countries' efforts to defend and develop themselves, without attempting to take from them the responsibilities which should be theirs."

V.A. off.

Thank you.

Our Vietnamese allies (700,000 plus which includes regular forces, regional forces, popular forces, and paramilitary) have performed—with the valor of people who have been fighting for more than 27 years—since the Japanese invasion of Indochina in World War II—or in the long view—since the French seizure of power in the mid-19th Century.

Mr. Speaker, following that point in the speech in which Colonel Mac-

Neil said "The enemy has lost every major engagement in the last 2 years. The Tet offensive was the third war, the terror war, and I will discuss this in a moment." And prior to the statement that "Our Vietnamese allies—700,000 plus which includes regular forces, regional forces, popular forces, and paramilitary—have performed—with the valor of people who have been fighting for more than 27 years—since the Japanese invasion of Indochina in World War II—or in the long view—since the French seizure of power in the mid-19th century," Colonel MacNeil's oral remarks differed somewhat from the written text. At this point I am inserting his remarks as actually given:

If anyone wants to discuss the fighting qualities of the Vietnamese—I'll be happy to do so. (VNAF KIA 56,888—1 January 1961—16 March 1968) (774,000—about 13.6 to 1 ratio in terms of U.S. population) (U.S. lost 291,577 KIA in World War II) and Koreans. Thais, Australians, New Zealanders, and Filipinos—are fighting beside us on the battlefields.

As of 15 April—Australia—about 7,000, to increase to 8,000 by 1 July.

New Zealand—nearly 600.

Not token forces—these are tiny countries in terms of population.

Thailand—sent an air transport group and one of the pilots was the son of the prime minister—Thanom.

And also sent combat infantry forces—2,000—despite the fact that she has insurgency of her own in the Northeast, and by June 1968 is scheduled to have a 12,500-man division in Vietnam.

As for the South Koreans—South Korea has sent more actual ground combat troops to South Vietnam—in proportion to her population—than the United States—two full divisions. 50,000 plus.

And they are splendid fighters. Especially the Korean marines.

What about the second war—the struggle for political stability?

The greatest political problem seems to be disunity.

Traditionally, people in the South don't like people in the center—people in the center don't like people in the North or South—and back down and vice versa.

Buddhists don't like Catholics—and vice versa. (Explain)

Buddhists in the South don't get along with Buddhists from Hue in the center.

And then there are the sects—principally the Hoa Hao and the Cao Dai—Buddhist offshoots who incorporate some Catholicism, some Animism, and some Confucianism.

Cao Dai is an interesting religion (founded in 1919)—they worship Confucius, Buddha, Christ, and Mohammed. Their saints include—Joan of Arc—Thomas Jefferson and Winston Churchill. They seem to touch all the bases. (Temples.)

The Hoa Hao—discuss. (Founded in 1939—discuss.)

They are good fighters—the sects.

They keep their areas clear of Viet Cong.

V.A. on (Montagnards).

Then there are the Montagnards.

The Mountain Tribes. They have been kicked around for years by Vietnamese governments from Saigon. (French attitude)

Most of them like Americans—thanks to our special forces (the Green Berets)—but most of them dislike all Vietnamese—north or south. (Moi)

But there is one thing that most all these people have in common—Buddhists—Catholics—Hoa Hao—Cao Dai—Montagnards.

They collectively and separately hate—and fear—the Viet Cong.

V.A. off.

But—they hate them more than they fear them—they have proved that in the elections.

V.A. on (Balloting in Vietnam).

There have been four major elections—during the past two years and in all these elections—around 80 percent of the voters voted.

(Here in the U.S. we think a 50 percent turnout is good.)

They didn't—many of them—know what they were voting for.

But—they knew what they were voting against.

In voting—they defied the Viet Cong—who had ordered them not to vote—and threatened them with death—and blew up polling places—attacked candidates.

Incidents of terror—increased 15 times the usual rates—prior to the elections.

But who would have believed all this political activity possible two, three, or four years ago?

To quote an outside—and astute—observer— the London Economist—says that democracy in Vietnam is a bit behind Turkey—ahead of Yugoslavia—and miles ahead of any Orthodox Communist country.

So we begin to see some light—in the political picture.

V.A. off.

But what about the third war?

The third war is to make the people safe from Viet Cong terror.

I want to emphasize the third war.

It is so important—but it gets so few—headlines.

At least—few until Tet—of 1968 when the guerrillas reinforced with North Vietnamese struck at the cities.

This was still a piece of the third war.

Terror—men not in uniform—striking at civilian targets.

But why this counteroffensive? It was launched because the Republic of South Vietnam had, in 1967, made marked progress on the economic, political, military, and pacification fronts; and the rate of this progress influenced the north to order the National Liberation Front, and the Viet Cong and North Vietnamese forces in South Vietnam, to launch this major, maximum effort, counteroffensive. (Pause.) Some Americans were quick to say that the war is lost in Vietnam. (Explain movement of populace during Tet.)

Apparently the Vietnamese did not think so.

There was no general uprising in support of the Viet Cong. Not on the part of civilians.

Not defection on the part of the South Vietnamese armed forces; captured documents state that both the uprisings and defections were expected to occur. The Viet Cong and North Vietnamese lost an estimated 38,000 killed, 6,000 as prisoners of war, and unestimated wounded. They surfaced their cadres, infiltrated both Viet Cong and North Vietnamese elements, and they were cut down. The Vietnamese armed forces remained remarkably steady and were well reported on by the U.S. press—for the first time. (Recovery from this Tet counteroffensive is rapid—Discuss.)

The second counteroffensive of April and May is being successfully contained and reconstruction and rehabilitation (pacification) continues.

V.A. on (Strategic Hamlet—Aerial View).

75 percent of the population lives in villages—like this strategic hamlet—this is an aerial view.

Those rings around it are barbed wire—and ditches filled with sharp bamboo stakes.

The Vietnamese people have taken a lot of casualties fighting the Viet Cong—more actual casualties than the United States took in World War II. (Not in ratio).

And this in a population a fraction of our size.

V.A. off.

But the amazing thing is that more casualties have been taken by the regional forces—and the popular forces—than by the Army of Vietnam—two to one.

V.A. on (Vietnamese Farmers).

Like the villager here in black pajamas. That's one of our agricultural specialists with them.

I don't say that the Regular Army of Vietnam hasn't fought well—but people defending their villages—what we would call home guard and "militia"—have taken even more casualties. (Pause.) A lot of the so-called "deserters" just go home and join the local forces—to defend family and village.

Buddhists, Hoa Hao, Cao Dai, Catholics, Montagnard—just plain village people—

That we have supplied with a few carbines and ammunition.

And a radio so that they can call for reinforcements and fire support.

V.A. off.

Which—hopefully will arrive before they are overrun.

V.A. on (Vietnamese Women).

These are the little people of Vietnam. They fight against the terror of the Viet Cong.

They elect their village officials as they have for hundreds of years.

Elections are nothing new to them. The democratic process of election is well understood at the village level.

The Viet Cong terror tries to eliminate these officials; they murder their chiefs and school teachers—

We know what they are trying to do, and how—

V.A. off.

The Russian anarchist Kropotkin defined terror as "the propaganda—of the dead."

Let me quote from an official New Zealand white paper:

V.A. on (New Zealand paper).

"In 1963, over 1,500 civilians and more than 500 government officials were murdered by the Viet Cong . . . more than 7,000 were kidnapped. (Ratio 13.6 to 1.)

"In 1964, almost 1,800 government officials, schoolmasters, and village leaders were assassinated and some 10,000 kidnapped."

And here are some later figures—in 1965—another 1,800 assassinated—in 1966—1,700.

In 1967—5,368 civilians kidnapped and another 3,820 assassinated. (Ratio 13.6 to 1.)

The object is to demoralize the people—to gain their obedience and support through mortal fear.

V.A. off.

V.A. on (Mauldin Cartoon).

When I hear people criticize the United States for killing civilians accidentally—in attacking military targets.

I wonder why these same people seem to take so little notice of the tens of thousands of civilians murdered deliberately by the Viet Cong.

V.A. off.

The third war is likely to be the toughest one.

But I don't think any government can survive in Saigon—if it cannot protect the people against terror. (Gangsters—discuss) (Dakson) (hands) (   ) (crime).

The third war is a dirty war. It will take a long time.

The guerrilla has the initiative; no place in Vietnam is completely secure and will not be, until the opponents of the government are eliminated or exchange their guns for the political processes inherent in any lawful society. The guerrilla can concentrate his forces at a time and place of his own choosing. The defenders must be prepared to defend all areas at all times, and this is obviously impossible.

Security is vital to political, economic, and social progress, but security is nonexistent without the collaboration of the people. And to secure this collaboration there must be a responsible and responsive government with a program. And we do have a government with a program in South Vietnam which today does draw its powers and mandate to govern from the consent of the governed. (Long pause.) This third war has to be won. It is no use just to win the conventional military war because four out of five Vietnamese still live in the countryside.

And despite what has happened in the cities—it is the countryside where the third war will be won or lost.

V.A. on (Population Areas of Vietnam).

V.A. off.

V.A. on (Economic Sectors of Vietnam).

These two visual aids make the point again that not all real estate in Vietnam has the same value—especially in terms of fighting for it.

V.A. off.

It is not going to be won by conventional setpiece battles, nor accumulated statistics. It will be won by the relentless pursuit of political ends by the South Vietnamese (with our help and support), the pursuit of political goals by political means—but behind a protective military shield, behind protective military actions and methods which are compatible with these political goals.

In other words, the South Vietnamese Nationalists must wage war of national liberation. A revolutionary war to destroy the Viet Cong infrastructure and replace it with a free government and state structure. The winning of this revolutionary war can be achieved only by the South Vietnamese (with our help) because—it is their revolution—

So, while the security of a place cannot be assured, it can be assured that it will not permanently fall in the hands of the opponents of the government (pause).

Overall progress is steady, but there have been, and will continue to be ebbs and flows. This has been the history of all wars, military, economic, political, or social.

The attacks on Saigon and Hue (32 of the 44 provincial capitals) during Tet were significant. However, these attacks were not a military or political success for the Viet Cong, according to their own stated objectives. The Vietnamese people have recovered from darker days than these.

"Temporary reverses make headlines in the U.S. news media. They are not headline news for the bulk of the Vietnamese people who—living in the hamlets—have suffered from this sort of thing for over 10 years.

"In fact, no Vietnamese citizen alive today can remember when his country was either not occupied by a foreign power, or in a state of war.

"Any Vietnamese today, who is 30 years old or younger, has lived his entire life under active wartime conditions. (Pause) "if we are to support them, our will must be at least as great as theirs." (Pause) but this third war must be won. And we are training the Army of Vietnam to do it—to help the popular forces and the village militia.

And that leads us to the fourth war. The other war—

To help the Vietnamese to a better way cf life. This economic/political war—remember, is not apart, it is not separate from the military struggle it is waged behind the security gained by the military shield.

V.A. on (Vietnamese children).

The men fom A.I.D.—the agency for int'l dev't—show people how to grow rice better—and dig wells—build dams and roads and bridges—and schools. (Self help.)

These men are mostly young.

We hear a lot of noise from the colleges—from peaceniks and Vietniks.

But these same colleges are quietly training young men to be country agents in Vietnam.

Out there they call them province representatives.

I've met a number of these AID men.

Some of them are pretty terrific.

This is a Jim McKay—AID's provincial representative in Vo Dat Province.

The kids have gathered around to admire the little girl's upper lip—the girl holding the baby.

She used to have a hairlip—but Jim McKay got her on an airplane to Saigon—and her lip was repaired—in the American hospital.

V.A. off.

Men are not the only American civilians in Vietnam.

V.A. on (U.S. girl in Vietnam).

This young lady is a Miss Jeanne Williams of the International Volunteer Service.

She's teaching English at the Qui Nhon Normal School.

Attractive—Isn't she? That's an Ao Dai she's wearing—the traditional dress of Vietnamese women.

There are more like her.

There is nothing wrong with a generation that produces young people like this.

And we are assisting in the training of many young Vietnamese people to go out in the villages and do similar things—Pacification teams we call them.

It must be a good program.

The Viet Cong have already killed over 1,612 from January 1966 up to mid-March 1968 and designated them as priority targets.

V.A. off.

V.A. on (Army Doctor).

And our own Armed Forces—civic actions—medical aid—(discuss) (also Armed Forces of Vietnam efforts.) (Pause) controversies.

1. Draft 18 year olds—increase South Vietnamese armed forces by 135,000 or 238,000 or 268,000—problems in equipping, training facilities, training, providing required officers and NCO's, etc.

2. Peace talks in SVN—bombing—1,952 million tons of Europe and North Africa by United States and allies.

1,800 million up to 1 May 1968 on North and South Vietnam. 95,430 tons of Khe Sahn area during 73 days of that campaign.

(North Vietnam hurting—Charles Collingwood, CBS, said—was ready to talk prior to President Johnson's 31 March offer of de-escalation.)

In Col. Hof's lecture last week—geopolitics—he showed—in a strategic sense—that the war in Vietnam—like the war in Korea was—is a step or stage in the American policy of containment—which is concerned with the long range security of the United States. Vietnam is important to our national security. (U.S. security interests encompass, etc.)

The loss of Vietnam to the free world start the fall of the Domino countries adjacent to it and to Red China, and then we shall face a threat from a hostile Asia quite similar to the threat we perceived in Europe nearly 30 years ago as the Dominoes adjacent to and around Germany fell into the grasp of the Third Reich.

No one should be confused as to what is at stake—it is our national security.

But—there is more to it—than just the national interests and security of the U.S. as the G.I.'s coming back from Vietnam will tell you.

The little people of Vietnam—are worth saving. (Pause) there is a simple question that can resolve a lot of discussion of the Vietnam War—and that question is—"Are we our brother's keeper?" You can ask this medic—or look in the Bible.

Or ask any returning soldier, airman, sailor, or marine.

V.A. off.

Once again—let no one be confused as to what is at stake—

The security of the United States is at stake—in Vietnam over the long run; and so is our credibility in many other areas of the world in which we also have national security interests and treaties with nations whose national security interests parallel our own. We cannot be selective—we must live up to our pledged word in all treaties for collective security.

But in the short run—it is the strength of our national character that is being tested—and our endurance and patience as the leader of the free world.

Thank you.

EAST PAKISTAN SITUATION WORSENS EACH DAY

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. GALLAGHER. Mr. Speaker, during May, the Asian and Pacific Affairs Subcommittee of the Committee on Foreign Affairs held 2 days of hearings into the crisis in East Pakistan. Those hearings are now printed and available from the full committee office. In June I visited the refugee camps and saw very clearly the dimensions of the tragedy which had already occurred. The army of Pakistan's sweep through East Pakistan, brutalizing those who won the election and guaranteeing a lasting insurgency, continues to this day and utilizes American military equipment. In spite of formal statements by the Department of State, our military supplies continue to be shipped to the Government of Pakistan.

I have introduced House Resolution 9160 which calls for a total suspension of all American military, economic, and relief assistance to the government of Pakistan until the army ceases its brutal policies and refugees are allowed, as far as feasible, to return to their homes and reclaim their lands and properties. I am very pleased that the cosponsors of my amendment to the Foreign Assistance Act of 1971 are, as of this moment, Congressmen LEE HAMILTON, GILBERT GUDE, PARREN MITCHELL, SEYMOUR HALPERN, and BENJAMIN ROSENTHAL. I have reintroduced that amendment today.

In addition, I support the joint resolution of my colleague on the Committee on Foreign Affairs, Congressman BRADFORD MORSE, which would immediately stop military aid.

At the conclusion of my remarks in the RECORD I will insert a number of articles and expressions of opinion about the dangers in this situation which amount each day. I am especially delighted to allow the readers of the RECORD to share the views of the Honorable Chester Bowles. I had the pleasure of serving with Chester Bowles as a member of the House Foreign Affairs Committee and his subsequent experience in the diplomatic field give his opinions a special emphasis and importance. Mr. Bowles spells out a very frightening prognosis and concludes:

> If this is in fact correct the United States, once again, has committed an absymal error in Asia, one that historians may find even more difficult to condone or excuse than the debacle in Indochina.

Mr. Speaker, many people throughout the world were hopeful that the speech by Pakistani President Yahya Khan on June 28, would hold the key to a peaceful solution. I will include the text of that speech, as well as some highly critical comments made in Newsweek of July 12 and the Washington Star of July 7. I find it difficult to avoid agreeing with their conclusions.

The New Yorker of July 3, contains an especially perceptive description of the tragedy.

My imaginative colleague on the Committee on Foreign Affairs, Congressman BENJAMIN ROSENTHAL, Chairman of the Committee on Europe, draws an analogy with Vietnamese policy debate in a letter to the President of June 30.

Sydney H. Schanberg has recently been expelled from East Pakistan by the Government of Pakistan. The New York Times of July 4 carries two articles by Mr. Schanberg which, in my judgment, are accurate and which provide excellent evidence why Mr. Schanberg's presence does not suit the Army's pleasure. Several days after my first hearing, the Washington Daily News described another expulsion by Pakistan. This time, a Bengali aid to the Embassy here in Washington was fired because he attended the hearing of my Asian and Pacific Affairs Subcommittee on May 11.

Mr. Speaker, the main hope of those of us who oppose the current policy of the administration is that Presidential Advisor Henry Kissinger would either be able to change the mind of President Yahya about the barbaric course in East Pakistan, or that he would recommend a formal change in our own policy. The necessity for this action was highlighted by the Washington Star on July 4 when it disclosed that Pakistan is seeking to purchase U.S. jet bombers.

Mr. Speaker, I insert the document, referred to in the RECORD at this point and I would implore my colleagues to seriously consider supporting legislative alternatives to administration policy and to use their influence to deflect our Government from its tragically shortsighted course.

The articles follow:

[From the New York Times, July 5, 1971]

SOUTH ASIA: THE APPROACH OF TRAGEDY

(By Chester Bowles)

ESSEX, CONN.—Unless two rather unlikely developments occur, South Asia is in imminent danger of erupting into a tragic, needless war.

These developments are: First, that the ruling West Pakistan Government turns away from the path of terror against its own subjects in East Pakistan and agrees to a settlement that will stem the flow of frightened, homeless refugees into India; and second, that the world community soon mounts a massive campaign to relieve India of the burden of supporting nearly six million refugees who have already crossed the border.

The Indian Government is making a Herculean effort to provide food, medical assistance and shelter to these destitute and frightened people. The cost, which is estimated at more than $10 million a week, is being assumed by India at a time when its economic assistance from the World Bank and the Consortium (the United States, Britain, France, Italy, Germany, Japan and Canada) has been sharply reduced and more than $500 million in principal and interest on past debts is scheduled to be repaid this year alone.

These economic constraints are compounded by political factors. Prime Minister Gandhi has emphasized that the refugees belong to "every political persuasion—Moslem, Christian, Buddhist and Hindu." But reports are now spreading that the West Pakistan military has begun to focus its fury on the Hindu minorities throughout East Pakistan. If this is true it is bound to create religious tension with India's 65 million Moslem minority.

Finally, India fears that an independent East Bengal may encourage West Bengal, where the Communist party Marxists are the largest single element, to merge into a single Bengali nation and thereby create a target for Chinese intrigue and subversion.

In a recent speech in the Indian Parliament. Mrs. Gandhi asserted, "This is not as some say 'an internal problem' of Pakistan. It is a problem which threatens the peace of South Asia. Has Pakistan the right to compel at bayonet-point not thousands, not hundreds of thousands, but millions to flee their homes? This is an intolerable situation. This Government may have its faults, but it does not lack courage. It is not afraid to take a risk that is a necessary risk."

The possible sequence of events that may soon confront us is appalling: (1) India in a desperate effort to cut off the flow of refugees, return the present refugees to their own homes and prevent the establishment of an extreme left-wing government in East Pakistan may move troops into East Pakistan; (2) Pakistan may then be expected to reply by attacking India in Kashmir and the Indian Punjab; (3) China may deliver an ultimatum to India (similar to the one she delivered in October of 1965 toward the end of the East Pakistan war); (4) the Soviet Union then supports the Indian position and wards China off, and the escalation continues.

This scenario may be dismissed by many as a bad dream. In my opinion it is a very real possibility, and if the situation continues to drift, a probability.

Mrs. Gandhi's government has acted responsibly in its handling of the crisis on its northeast border, but the financial and political pressures are rapidly pushing India to the breaking point.

The world community through the United Nations channel, by direct initiative or any other means, must act. What is happening in East Pakistan is an immoral and humanitarian outrage which must be condemned and stopped. At the same time India must be relieved of the responsibility for the care of the six million refugees This long-suffering, struggling, democratic country which a few months ago seemed about to achieve economic self-sufficiency must not be allowed to suffer, perhaps go under, because of a situation not of its own making.

It is reported in the press that members of the Consortium and the World Bank with the exception of the United States have agreed to stop economic aid to Pakistan until a political understanding is reached with East Pakistan and the East Pakistanis are assured their full share.

Since the outbreak of the struggle in East Pakistan in late March the United States has shipped three cargoes of military equipment to Pakistan that can only be used against her own people in East Pakistan or against India. This step has been taken despite a solemn assurance to Congress that no arms would be sent. It was first accepted as just another bureaucratic blunder which did not represent United States policy. However, in the last few days there is evidence this was not an accident but a deliberate decision.

If this is in fact correct the United States, once again, has committed an abysmal error in Asia, one that historians may find even more difficult to condone or excuse than the debacle in Indochina.

[From Pakistan Affairs Special Issue, June 30, 1971]

FULL TEXT OF PRESIDENT YAHYA KHAN'S ADDRESS TO THE NATION ON JUNE 28, 1971

Recent happenings in East Pakistan have caused anguish to all of us. For me, personally, these tragic events have been a cause of distress and disappointment. Throughout these last two and a quarter years, my aim has been to bring back democracy in the country and to ensure justice for every region of Pakistan. In particular, I have been conscious of the legitimate demands of East Pakistanis. Many steps have been taken and planned towards meeting them. I have every reason to believe that my scheme to revive the democratic way of life was fully supported by the people and their political leaders in both wings of the country. They all took part in the elections on the basis of the Legal Framework Order of 1970 which provided for maximum autonomy to the provinces, within the concept of one Pakistan and adequate strength to the centre to carry out its functions.

The defunct Awami League also participated in the elections on the basis of the Legal Framework Order and therefore at that time it was felt that they too subscribed to the concept of *one* Pakistan. However, later their leadership gradually moved away from the principles of the Legal Framework Order and based their electioneering on hatred of West Pakistan and tried to cause tension and misunderstanding between the two wings.

SIX POINTS WERE NEGOTIABLE

When I questioned Mujibur Rahman on the Awami League's six points during some of our talks, he *confirmed* to me that these were negotiable. He also clearly indicated that all major provisions of the constitution would be settled by political parties in parleys outside the Assembly. This lobbying, he affirmed, was usual practice with politicians. After elections when I wanted the parties to get together and come to some consensus on the future constitution of Pakistan, it became quite clear that Mujibur Rahman was not going to budge from his position which, to put it bluntly, was tantamount to secession. Another indication of his evil design is the fact that he refused to visit West Pakistan and have talks in this wing despite repeated invitations. He had no intention of acting in a responsible and patriotic manner as leader of the majority party in the country *as a whole*. He had already made up his mind that he was going to break the country in two, preferably by trickery and if this did not succeed, by physical violence.

As I told you in my address of the 26th of March, I had a series of meetings with Mujibur Rahman and his advisers during my stay in Dacca from the 15th of March onwards. Whilst he was having these talks with us, he and his followers were secretly preparing for a final break, through physical violence. Towards the concluding sessions of the talks, it became quite evident that the intention of Mujibur Rahman and his advisers was not to come to an understanding on the basis of one Pakistan but was somehow to extract from me a "proclamation" which would, in effect, divide the National Assembly into two separate constituent assemblies, give birth to a confederation and, by removal of the authority of martial law, create complete chaos in the country. Through this plan he expected to establish a separate state of Bangla Desh. That, needless to say, would have been the end of Pakistan as created by the Father of the Nation.

Unscrupulous and secessionist elements of the defunct Awami League had brought the country to the brink of disintegration. Our dear homeland which symbolises fulfillment of our aspirations and the culmination of the relentless struggle of the Muslims of the subcontinent was in very grave danger of breaking up. The violent non-cooperation movement of Sheikh Mujibur Rahman and his clique for over three weeks had let loose elements which at once indulged in widespread loot, arson and killing.

VOTE WAS FOR PROVINCIAL AUTONOMY AND NOT INDEPENDENCE

The people of East Pakistan had voted for provincial autonomy and not for the disintegration of the country. Instead of setting controversial political and constitutional issues with mutual understanding and in a spirit of give and take for the sake of national solidarity, some of the leading elements of the defunct Awami League chose a path of defiance, disruption and secession. All my efforts to help the political parties to arrive at a consensus over an acceptable and lasting constitutional framework were frustrated by certain leaders of the defunct Awami League. On the one hand they brought negotiations to an impasse by their persistent intransigence and obduracy and, on the other, intensified their nefarious activities of open defiance of the Government. The very existence of the country, for the creation of which thousands of our brethren laid down their lives and millions suffered untold miseries, was at stake. It was in these circumstances that I ordered the armed forces to restore the authority of the Government. No Government worth its name could allow the country to be destroyed by open and armed rebellion against the state.

The valiant armed forces of Pakistan who have always served the nation with devotion moved out with firm determination to put an end to the activities of the miscreants. They had a difficult task to perform. It is unfortunate that our neighbour which has never missed an opportunity to weaken or cripple our country rushed to help the secessionists with men and material to inflame the situation further. This was all preplanned. As our troops moved forward and fanned out, the whole dark plan of collusion between the Awami League extremists, rebels and our hostile neighbour gradually unfolded itself. It became obvious that secessionists, miscreants, rebels, and intruders from across the border had planned their whole operation carefully and over a considerable period of time. Their aim was to destroy the integrity of Pakistan and force the eastern zone to secede from the rest of the country. While miscreants, rebels, and intruders were putting up physical resistance to the Pakistan army, the Indian radio and press launched a malicious campaign of falsehood against Pakistan and tried to mislead the world about happenings in East Pakistan. The Indian Government began to utilise every coercive measure, including diplomatic offensives, armed infiltration and actual threats of invasion. This open interference in our internal affairs could have had very grave consequences but by the grace of God our armed forces soon brought the situation under control. destroying the anti-national elements. The nation is proud of the armed forces who deserve all its admiration and appreciation. Let us on this occasion bow our heads in gratitude to the Almighty that our country has been saved from disintegration.

NO FRESH ELECTIONS

In my last address to the nation I had assured you that my main aim remained the transfer of power and I had further stated that I would take fresh steps towards the achievement of this aim. Let me at the outset say categorically that there is no question of holding fresh elections. The mischief of some misguided persons should not be allowed to nullify the entire results of the first-ever-election held in the country at enormous cost in terms of money, time and energy. I have banned the Awami League as a political party. However, members-elect of the National Assembly and the Provincial Assemblies of this defunct party retain their status as such, in their individual capacities. I may, however, add that those elected members who have taken part in anti-state activities or have committed criminal acts, or have indulged in anti-social activities, will be disqualified from membership of the National and Provincial Assemblies. I have not yet finally assessed the exact number of those who would be disqualified. After thorough investigation, a list of such persons will be published. Once this is done, vacancies caused would be filled through the usual method of by-elections.

In the meanwhile, I would ask those members of the National Assembly and members of the Provincial Assembly elect of the defunct Awami League, who had nothing to do with the secessionist policies of the ruling clique of that party and who are not guilty of any criminal acts in pursuance of such policies, or who have not committed atrocities against their fellow Pakistanis, to come forward and play their part in rebuilding the political structure in East Pakistan.

After a close and careful study of the situation, particularly of recent happenings, I have come to the conclusion that the task of framing a constitution by an assembly is not feasible. In fact, the history of constitution-making in our country is not very encouraging, nor a happy one. Two constituent assemblies took nine years to produce a constitution (that is from 1947 to 1956). Leaders of the country spent an inordinately long period of time on the floor of the legislature in trying to produce a constitution, while urgent social and economic problems remained unattended and neglected. But the most regrettable phenomenon of constitution-making in Pakistan was that it gave vent to all sorts of regional and parochial sentiments. In fact, constitution-making gave rise to the worst type of political bickering and intrigue, which threatened the very existence of our country. And when in the end they at last produced a constitution in 1956, it was the product of all sorts of conflicting compromises and expediencies. The result was that the constitution was short lived and the country came under martial law from October 1958 to June 1962. After that the country was governed under a constitution which, for well known reasons, was unpopular right from the start. There was great resentment and a political upheaval in 1969 against this constitution. I, therefore, thought that the people's representatives should frame a constitution of their own, but in order to eliminate the unhappy aspects of the previous attempts at constitution-making in Pakistan, I put a limit of one hundred and twenty days for this exercise. And I also laid down some basic principles for the constitution in my Legal Framework Order. When I fixed the time limit of one hundred and twenty days, it was done in consultation with political leaders, including Mujibur Rahman, and it was expected that they would devote their full attention to the framing of the constitution and that general agreement on the broad aspects of the constitution and that general agreement on the broad aspects of the constitution would be arrived at outside the assembly, so as to facilitate the task of constitution-making within the stipulated period. But unfortunately my hopes and plans were frustrated by the uncompromisings and unpatriotic attitude of the defunct Awami League.

GROUP OF EXPERTS TO DRAFT NEW CONSTITUTION

Against this background and in view of present circumstances, I find that there is no other alternative for me but to have the constitution prepared by a group of experts. This constitution will be subject to amendments by the National Assembly on the basis of an amending procedure, as will be laid down in the constitution itself. The constitution will be based on a careful study of a number of constitutions and will be based also on the aspirations of the people of various regions of Pakistan, as assessed by me over the last two years. I have already set up a constitution committee and a draft is being prepared by them. Once a draft is ready, I will consult various leaders of the assembly regarding the provisions of the draft. Final shape will be given to the constitution, in the light of my discussions and consultations with various experts and leaders.

I may add that certain guidelines with regard to the future constitution have already been spelled out in the Legal Framework Order of 1970, which were generally welcomed by the people. First, the constitution of Pakistan must be based on Islamic ideology, on the basis of which Pakistan was created, and on the basis of which it is still preserved. It must be the constitution of the Islamic Republic of Pakistan in a true sense. The constitution shall also provide for full social and economic justice to various sections of our society. The constitution should be a federal one and it must have all its characteristics. As stated in the Legal Framework Order, the provinces shall have maximum autonomy, including legislative, administrative and financial powers, but the federal government shall also have adequate powers, including legislative, administrative and financial powers to discharge its responsibilities in relation to external and internal affairs and to preserve the independence and territorial integrity of the country.

BY-ELECTIONS TO BE HELD FOR A FEW SEATS DECLARED VACANT

I have also indicated to the committee that, in the interest of the integrity of the country, it would be a good thing, if we ban any party which is confined to a specific region, and is not national in a practical sense. Then again, we must eschew this business of having two, three or four subparties within a party. In short it is my hope that this constitution will ensure that everything which tends to make our political life cumbersome, shaky, insecure and unpatriotic is eradicated and that it helps to infuse a right spirit in the people and the politicians. The constitution must serve Pakistan as a whole, and not any individual or group. It must allow each province to develop itself along the right lines without detracting, in any way, from the strength of the centre and the integrity of the nation as a whole. I might clarify here that this constitution will come into force with effect from the first session of the National Assembly. By-elections to be held before this will, however, be on the same basis as the general elections already held, namely, the Legal Framework Order of 1970.

So much for the future constitution of Pakistan. Now to continue with my plan of transfer of power. As I said earlier, by-elections will be held to fill vacant seats in the National as well as in the Provincial Assemblies. Considering the mood of the people, I feel sure that the campaign for these by-elections will be based on the principles contained in the Legal Framework Order. No one will tolerate propagation of views which tend to militate against the integrity of Pakistan. I also feel that the campaign should be a brief one. After these elections are completed, the National and Provincial Assemblies will be duly summoned and governments will be formed at the national as well as the provincial levels throughout the country. The National Assembly will not have to function as a constituent assembly but will become our central legislature as soon as it is sworn in.

Since the nation has recently been subjected to a very severe jolt, I have decided that the national and provincial governments will have at their disposal the cover of martial law for a period of time. In actual practice martial law will not be operative in its present form, but we cannot allow chaos in any part of the country, and the hands of the governments need to be strengthened until things settle down.

In order to meet the requirements of this new plan, the Legal Framework Order of 1970 will be duly amended.

THE TIME-FRAME OF THE PLAN

Let me now say a word about the time-frame of this plan. It is obvious that the plan, in its entirety, cannot be launched immediately because it is important that a reasonable amount of normalcy returns to the country before we think in terms of transferring power. But, on the other hand, the launching of the plan must not be delayed unduly. When we speak of normalcy, the main considerations are restoration of law and order, rehabilitation of the administrative structure which was badly disrupted, and a degree of economic rehabilitation.

As regards law and order, I am glad to be able to tell you that the army is in full control of the situation in East Pakistan. It has crushed the mischief mongers, saboteurs, and infiltrators. But it will take some time before the law and order situation becomes completely normal. The process is in full swing with the active cooperation of the people and their patriotic leaders. The people of East Pakistan have manifested a great sense of patriotism and national unity in helping the armed forces to root out miscreants and infiltrators.

As a result of the noncooperation movement, the economy of East Pakistan had come to a standstill. Widespread arson, loot and intimidation resorted to by the Awami League seccessionists, antisocial elements and infiltrators brought untold sufferings to innocent people. A large number of them were terrorised and uprooted and their properties were mercilessly destroyed. They have my fullest sympathy as also the sympathy of the entire nation. It would be inhuman if their speedy rehabilitation is not given priority and the attention it deserves. I would like to repeat once again that all citizens of Pakistan, of any religion, caste, or creed, who crossed the border and went into India, because of the panic due to false propaganda by the rebels, miscreants and others, must return to their homes and hearths. The Government of East Pakistan have made all necessary arrangements for their reception and transportation. I would ask the Indian Government not to put impediments in the way of these unfortunate people, who want to resume their normal lives in their own homes and who want to be re-united with their near and dear ones. We shall gladly and gratefully accept any assistance that the United Nations can extend in facilitating the move of these displaced persons back to Pakistan.

PARTICIPATION OF THE PEOPLE

I have heard a view being expressed that power should not be transferred to elected representatives of the people until complete normalcy has returned in every sphere. I am afraid I do not agree with this view, because it is utterly unrealistic and impractical. It also ignores one very important aspect of national life, which is that normalcy in its accepted meaning can never return to a country without full participation of the people in its administration. The very process of bringing back normalcy requires the active interest of people in the process and this can only happen when the representatives of the people assume responsibility for administration of the country.

TRANSFER OF POWER IN ABOUT FOUR MONTHS

I firmly believe that as soon as we have acquired a basic infrastructure of law and order and the various echelons of the administration gather full strength it will be possible for me to put my plan of transfer of power into operation. Appreciating the situation as it exists today and as it is likely to develop in the near future, it is my hope and belief that I would be able to achieve my goal in a matter of four months or so. The precise timing will naturally depend on the internal and external situation at the time. I am absolutely convinced that the country's integrity and well being lie in fulfillment of the plan that I have just outlined to you and in the achievement of the final objective.

Let me now turn to the vital subject of the economy. Recent events have cast their shadow on the general economic situation. The economy had been subjected to serious strains during a long period of political uncertainty before and after the elections. In March, the economy of East Pakistan was brought to a virtual standstill.

With the success of army action, the situation is generally returning to normal and economic activity is reviving in the province. I am sure that all patriotic elements in the province would rally round the forces of law and order to achieve complete normalcy and to restart the process of building up the economy of Pakistan.

The rehabilitation of the economy will demand both short-term measures and long-term strategy to rehabilitate it and revive it to its full vigour. For this purpose, we have taken many initiatives which will soon begin to produce the results we desire.

Our exports have sharply declined in recent months in East Pakistan, causing a drain on our foreign exchange reserves, which were already under severe strain. Collection of taxes has also suffered at a time when we need all the resources at our command, to preserve our national integrity and maintain the tempo of economic activity.

The government is taking various steps to meet the present difficult economic situation. These are not always pleasant decisions. We have to use our resources with much greater restraint. This involves hardship and sacrifices. But there is no alternative. This is the only realistic way for a nation to solve its economic problems.

Some weeks ago, I ordered a thorough revision of our import policy. All unessential items or those without which we could do for some time were banned even under the bonus scheme. Bonus vouchers thus released are to be used under the revised import policy for raw materials and other essential imports.

MAXIMUM ECONOMY AND AUSTERITY

In domestic spending also, maximum economy is being exercised. For the next year we have prepared a modest development programme which would meet our immediate and unavoidable needs The emphasis would be on rehabilitation of the economy, particularly in East Pakistan.

I want the country to make early progress towards self-reliance. We must look increasingly towards our own resources for meeting our national objectives. This requires maximum austerity in both public and private spending. The Government is making all necessary adjustments in economic policies with this objective. But these can succeed only with the enthusiastic support of the people. Let us, as a nation, adopt a more austere way of life suited to our own stage of economic development and eschew every form of ostentatious consumption.

For many years now we have been receiving aid for our development programme from a number of aid-giving countries. This we thankfully acknowledge. I regret to have to say, however, that lately there have been indications that foreign aid is acquiring certain political overtones and the people of Pakistan are getting the impression that strings are sought to be attached to such aid. If this be the case, let me say it quite categorically, that aid which seeks to make in-roads into our sovereignty is not acceptable to us. We shall be fully prepared to do without it.

I am confident that the private sector would come forward to play an active role in developing Pakistan's own resources. Private investment financed from its own savings can play a major role in reviving the economy at this stage.

This is an hour of crisis for the nation. We need the same determination and resolute will which we showed on a number of previous occasions to safeguard the integrity of Pakistan against internal upheavals and external aggression. Each one of us has a *duty* to work hard and to rebuild the momentum of economic activity. This is necessary to generate resources for economic development. Each worker in a factory and peasant on his farm can contribute to this national effort by taking part in the overall effort to maximise production and make his contribution to the integrity and solidarity of Pakistan.

MAXIMISE PRODUCTION AND EXPORTS

Let us resolve today, individually and collectively, to maximise production and exports. We must work hard and learn to reduce our dependence on others in every field in the shortest possible time. Any sacrifice which this will entail must be borne with patriotic fervour and national solidarity.

I appeal to both labour and management to maintain the best of relations. Let there be understanding and accommodation rather than bickering and strife. Strikes and lockouts should be avoided at all costs. Such wastage of the country's productive capacity would be totally unpatriotic at this critical juncture in our national life. I cannot afford to let such unpatriotic activities go unchallenged. Stringent measures shall be taken to curb such tendencies.

Our agriculturists have done a remarkable job in recent years. Food production has increased rapidly since 1965, bringing the country to the threshold of food self-sufficiency. Let them consolidate and improve on their performance in food-grains and at the same time turn their attention to the production of export crops which present great opportunities for increased output. Government would be willing to provide all the necessary facilities and incentives for this purpose.

I have candidly presented before you difficulties we face today. But let this not give rise to despondency. A large part of the problem we face today is of a temporary nature. It has not affected the basic strength of the economy. We have a large potential for increasing production, both in agriculture and industry. We have today a sizable class of progressive agriculturalists, industrial entrepreneurs and middle class investors. These are assets on which the foundation of a rapidly developing economy are laid. The nation has faced a difficult challenge before in its short history. I have no doubt that we would be able to overcome the present difficulties with our united efforts and resume our endeavour to build for a prosperous and just society.

FOREIGN REACTIONS

Now a word about foreign reactions to our internal trouble. It is a matter of satisfaction that in the difficult situation that the country has faced in the past few months, reaction and response from an overwhelming number of countries has been one of sympathy and understanding of the problem we are facing and are trying to resolve. Our friends abroad have given complete support to action taken by the government to maintain the unity and integrity of Pakistan. They have at the same time warned those who have attempted to interfere in our internal affairs to desist from such actions. I should like to take this opportunity to express, on behalf of the government and people of Pakistan, and on my own behalf, our appreciation and gratitude to them.

We are also heartened by the favorable response of the international community, particularly the United Nations Organisation and its agencies, to our need for cooperative assistance in repairing the damage to the economic life of East Pakistan. At present, we are engaged in consultations with friendly governments and with the U.N. Secretary-General for securing the necessary help for relief work in different fields.

Our plans for reconstruction of the economy and an early resumption of political activity in East Pakistan are threatened by India's continued interference in our internal affairs. Armed infiltration and open encouragement and assistance to secessionists have heightened tension between the two countries. There has also been a spate of unfriendly statements from responsible sources in India, threatening unilateral action against Pakistan if we did not yield to arbitrary demands. The need of the hour is to desist from such actions and statements as would further inflame the situation. It is through discussions and not through conflict that problems can be resolved. Statesmanship demands exercise of caution and restraint so that our problems are not further complicated.

WE WANT TO LIVE IN PEACE

As I have said before, armed conflict would solve nothing. On our part, we want to live in peace and harmony with all our neighbours. We do not interfere in the affairs of other people, and we will not allow anyone else to interfere in ours. If, however, a situation is forced upon us, we are fully prepared to defend our territorial integrity and sovereignty. Let there be no misunderstanding or miscalculation about our resolve to maintain the independence and solidarity of Pakistan.

My dear countrymen, in the end I would again like to impress upon you that this is an hour of trial for the nation. Each one of us has to do his utmost honestly and sincerely so that our homeland, which is so dear to us, continues its march on the path of progress. No sacrifice would be too great to bring back economic stability and to ensure the unity of Pakistan. What we need to meet this challenge is a revival of the spirit and enthusiasm with which we succeeded in establishing Pakistan, and firm determination and resolute will which we have on many occasions shown in defending our country from internal and external threats.

Our enemies are gloating on false hopes of disunity amongst our ranks. They have tried their level best to undo our dear country, but they forget that they are dealing with a people who have an unshakable reliance on the help of almighty God. Let us rise to the occasion, let us come up to the expectations of the Father of the Nation and once again prove it to our enemies that we are a united nation, always ready to frustrate their designs and foil their evil intentions, and that any effort to harm us will spell their own disaster.

I have full faith in the patriotism of our people and I am sure that every single Pakistani will cooperate with me wholeheartedly in the achievement of our common goal, namely, the restoration of democracy in the country, preservation of its integrity and solidarity and betterment of the lot of the common man. May God grant us success in our efforts. God bless you all.

[From the Evening Star, July 7, 1971]

India Prepares to Act on Refugee Issue

(By Kuldip Nayar)

New Delhi.—India is clearing the decks for stronger measures than it has applied so far to deal with the situation created by the 6 million people, mostly Hindus, who are refugees from East Pakistan.

As far as India is concerned, Pakistan is deliberatly driving the refugees into India. There is continuing public clamor for the government here to take steps—including war—against Pakistan.

A state of emergency is being considered for the eastern states—Assam, West Bengal, Nagaland, Tripura, Manipur and Meghalaya—bordering on Pakistan. This measure, which gives martial law-like powers to the government, was adopted at the time of the India-Chinese Border War in October 1962.

Already New Delhi has armed itself with an Internal Security Act under which any person can be detained for six months without trial. The British government used a similar statute to detain members of the Congress party, who are now at the helm of affairs and who were then waging an independence struggle.

Also, West Bengal has come under the direct rule of New Delhi, and the state legislature has been dissolved. A central minister has been designated to look after the state's problems exclusively.

Nearly half a million refugees, out of a total of 6 million, have been moved from the border to the interior, and most of the others are being removed from places right on the border. U.S. and Soviet transport planes are helping in this transfer.

The reasons for what looks like India's preparations for some action are many.

One, before Gen. Yahya Khan's recent broadcast there was a ray of hope that pressed as Pakistan was by the world powers, including the United States. Yahya Khan might make a gesture toward the Awami League which won 98 percent of the seats in East Pakistan in the elections for the National Assembly two months before the military action of the West against the East.

Instead, Yahya Khan called upon Awami League members to denounce their leader Sheikh Mujibur Rahman. At the same time he said he would disqualify from membership of the assembly those who had participated in "anti-national activities."

Two, despite the favorable response which India's foreign minister, Sardar Swaran Singh, reportedly aroused in the world capitals, including Washington and Moscow, to India's predicament in the wake of the refugees' influx, there has been no visible effort to curb Pakistan. It is still, as far as India is concerned, hounding out the Hindu minority from its eastern wing.

Indian opinion remains shocked over the reports that arms have been shipped by the United States to Pakistan. The Indian foreign minister has said that "the attitude of the U.S. government, to say the least, is extremely callous."

Indians also feel the help received for refugees relief is woefully small—$40 million against India's expense of $400 million for the first six months.

Three, there is strong pressure within India, even from believers in nonviolence like Jayaprakash Narayan and J. B. Kripalani, that there is little left other than to take some strong action against Pakistan.

Narayan, who recently returned from an extensive tour of over a dozen foreign countries, says that if India acts against Pakistan, it will have to go it alone because no country was prepared to undertake any burden except, possibly, a share in relief for the refugees.

The Indian government has resisted successfully all the pressures so far. Mrs. Indira Gandhi, the prime minister, has said more than once that the solution to the problem created by the influx of 6 million refugees from East Pakistan is neither war nor the recognition of Bangla Desh.

Last week she told her party members that she would not be pushed to taking an "adventurous step."

The fact that she is taking certain steps to deal with the situation on India's eastern border itself indicates that she wants to at least mollify irritated public opinion.

Pakistan—Protracted War

Almost from the moment President Mohammed Yahya Khan unleashed his army on Pakistan's eastern region three months ago. he has been under mounting pressure both at home and from abroad to seek a political rather than a military solution to the crisis. Thus, when Yahya announced that he would address the nation last week on his plans for the future of Pakistan, there was a ripple of hope that he would finally offer an olive branch to the battered but still-defiant Bengalis of East Pakistan. The speech, however, proved a stunning disappointment to those who longed for an end to the strife that has cost more than 200,000 Bengali lives and driven 6 million refugees into India. "That wasn't a speech," quipped one foreign diplomat. "It was a regimental order."

There was good reason for this view. For instead of seeking to convince the Bengalis that they still had a future within united Pakistan, Yahya seemed bent on antagonizing them even further. He blamed the civil war on Sheikh Mujibur Rahman, the imprisoned political leader of East Pakistan, claiming that "Mujib" had plotted from the beginning to divide the nation "through physical violence." Banning the East Pakistan-based Awami League, which won control of the National Assembly in last December's elections, the President promised to revive national and provincial legislatures as soon as "law and order" is restored. But above all, Yahya made it clear that even if such a "transfer of power" to civilians is achieved—at a still unspecified date—martial law would continue for some time.

HOSTILITY

Small wonder, then, that Yahya's words were received coolly in West Pakistan and with open hostility in the east. Said one high Bengali civil servant: "Yahya has offered us nothing but the back of his hand. Of course, this is a boon to the liberation movement. If he had offered us something, there might have been some who would have given it a try. This way he has assured the undying opposition of Bengal."

The evidence last week was that such opposition was not to be taken lightly. For despite the fact that the West Pakistani Army still controls East Pakistan, there are numerous indications that rebellion is far from over. The once-disorganized Mukti Fouj liberation fighters have recently shown impressive progress in guerrilla warfare. They have blown up dozens of bridges, cutting major rail lines and highways. They have destroyed electric power plants. And they have assassinated members of non-Bengali "peace committees," appointed by the military to provide local government. As a result, Yahya's army is growing nervous, and two additional divisions have been requested to reinforce the four already in the eastern region. "This is the way it started in Vietnam," foreign diplomat in the East Pakistani capital of Dacca told Newsweek's Loren Jenkins last week. "The army can hold on as long as it is willing to pay the price. But the government cannot afford to fight a protracted guerrilla war."

A similar conclusion was reached last week by a team from the World Bank, which coordinates an eleven-nation consortium that supplies about $500 million a year in aid to Pakistan. After touring the devastated eastern region, the team recommended that aid be withheld in an effort to force Yahya to seek a political solution to the strife. The only opposition came from the U.S., which announced that it would continue its aid to Islamabad in order to maintain its influence with Yahya—and, presumably, to enhance the possibility of persuading him to move toward peace. The fallacy in such thinking, of course, is that thus far neither side in the conflict has shown any inclination to negotiate. Indeed, it may well be, as one diplomat in Dacca noted last week, that "there can be no reconciliation. Pakistan died the day the army entered the eastern region."

[From the New Yorker, July 3, 1971]

THE TALK OF THE TOWN

NOTES AND COMMENT

Last December, in accordance with the declared wishes of General Agha Muhammad Yahya Khan, a military dictator of Pakistan, free elections were held in that country for a constituent assembly that was to draft a constitution to return the government to civilian control. In the elections, the Awami League, the party of Sheikh Mujibur Rahman, won by a majority, in part because it was based in East Pakistan, or East Bengal, where more than half of the hundred and thirty million Pakistanis live. The Awami League immediately put forward a demand for regional autonomy, which was supported by most East Pakistanis—and not without some reason, since East Pakistan is separated from West Pakistan by a thousand miles of Indian territory, is far poorer than West Pakistan, and for many years now has been economically exploited by West Pakistan. But General Yahya Khan, after some parleying, condemned the idea of regional autonomy as secessionist (though how the majority could secede from the minority was never established). Then, on the twenty-fifth of March, a little over three months after the elections, he shelved the idea of a constituent assembly and, much as General Yakubu Gowon had done in Biafra and President Joseph Mobutu in Katanga, ordered his troops to crush the "secessionist" movement. In the months since, a large part of the intellectual and artistic community of East Pakistan has been exterminated, and, by State Department estimates, at least two hundred thousand Bengalis have been massacred. The military action has so disrupted the planting cycle of rice, the staple crop, that, according to one responsible British correspondent, as many as twenty million Bengalis are in danger of dying of starvation by the onset of winter. In the meantime, nearly six million refugees have crossed the border into India, and a hundred thousand more are arriving every day. Some of them have found shelter in tents, but many of them have been herded into crude and insanitary camps where they must live and sleep in the open. Thousands of these refugees have already died in an outbreak of cholera, the camps are now being deluged by the monsoon rains, and it is feared that many thousands more will die, not only of cholera but of pneumonia and other diseases. In an attempt to prevent the spread of infection to Calcutta—where, even under normal conditions, a million destitute people sleep every night on the streets, and where most people have no running water and no sewage facilities of any kind—the Indian government has placed a sort of cordon around the city.

Nevertheless, increasing numbers of refugees are slipping into Calcutta. The stability of India itself, the world's largest democracy, is threatened.

When, last November, almost half a million East Pakistanis perished in a flood, there was at least an outpouring of sympathy from the United States, and some medical and economic aid was provided. In contrast, not only has the unspeakable man-made disaster of recent months gone almost unnoticed here but until the middle of April America was shipping military supplies to General Yahya Khan's troops. True, our government has just pledged a total of ninety million dollars to India in connection with this crisis—about the amount it spends on the Vietnam war every couple of days—but only some of the money will go for direct relief of the refugees. Supposedly, one important reason we are still fighting in Vietnam is that our precipitate departure would lead to a massacre of South Vietnamese, but, despite the fact that hundreds of thousands of Bengalis *have been* massacred, President Nixon hasn't seen fit to make a single public statement about East Pakistan, ostensibly on the ground that Pakistan is a political and military ally, indispensable to the defense of Southeast Asia. It seems that the qualities of generosity and sympathy for which we as a people were long renowned have been so deadened during the Vietnam years that we are now unable to respond to the simplest and starkest of human emergencies.

JUNE 30, 1971.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you may know, the Subcommittee on Asian and Pacific Affairs of the House Foreign Affairs Committee is now holding hearings on the many bills and resolutions relating to ending the War in Indochina through congressional initiative. The major argument against such proposals is that such a fund cut-off or establishing a date-certain would restrict Presidential flexibility.

However, the recent Administration actions in regard to shipments of military equipment to the Government of Pakistan has caused me to wonder whether there really is any flexibility at all within the Executive Branch. In conversations with Members of the Foreign Affairs Committee, Administration spokesmen conveyed the clear impression that all military shipments were stopped on March 25, 1971, the date of the action by the Army of Pakistan in East Pakistan. Now, it seems clear from press accounts that the Administration has no power to stop any shipments which were approved before March 25, but which have left American ports recently or will leave American ports in the near future.

I regard March 25, 1971 as a crucial date in American-Pakistan relations; a date which must influence all subsequent events. It is my personal view that all American aid—military, economic, even food relief—must be channelled through international agencies for I am convinced that any aid to the Government of Pakistan will be diverted to their subjugation of the forces inside East Pakistan which won the recent election.

No matter what the Administration may feel about that view—spelled out in the Gallagher amendment (H.R. 9160) to the Foreign Assistance Act of 1961, which I cosponsored—it does seem to me that the Administration and I are agreed that military aid to the Government of Pakistan is inappropriate at this time. Yet, we see ships being loaded today and we are informed that more ships will be loaded with military supplies for that Government in the near future.

I therefore call upon you to show that the Executive Branch has flexibility and to stop the shipment of this obviously lethal equipment to the Government of Pakistan.

I would deeply appreciate your prompt consideration of this request, because continuation of such shipments increases the lack of respect for American credibility, adds to the problems of the compassionate Indian Government, and, quite frankly, makes it much less likely for any success to come from the efforts of the many people involved today in seeking justice and mercy in East Pakistan.

My kind regards.

Sincerely yours,
BENJAMIN S. ROSENTHAL,
Member of Congress.

[From the New York Times, July 4, 1971]

HINDUS ARE TARGETS OF ARMY TERROR IN AN

(By Sydney H. Schanberg)

FARIDPUR, PAKISTAN, June 29.—The Pakistani Army has painted big yellow "H's" on the Hindu shops still standing in this town to identify the property of the minority eighth of the population that it has made its special targets.

Members of the Moslem majority—who, though not exempt from the army's terror, feel safer than the Hindus—have painted on their homes and shops such signs as "All Moslem House."

The small community of Christians, mostly Baptists, have put crosses on their doors and stitched crosses in red thread on their clothes.

Compared with some towns in East Pakistan, Faridpur, which sits in the central part of the province 85 miles by road and ferry west of the capital, Dacca, suffered only moderate physical damage when the army struck here in April. The attack was part of the offensive begun March 25 to crush the Bengali autonomy movement.

Though a number of shops, most of them belonging to Hindus, have been razed in Faridpur, most of it is physically intact. But every other aspect of life has been shattered, and the hate and terror and fear that wrack the town make it typical of virtually every community in this conquered province of 75 million people.

EASED UP ON EXECUTIONS

Only about half of Faridpur's 35,000 people have returned, although the flow has been growing. Recently the army eased up on its executions and burning of villages in an attempt to demonstrate that normality has returned. The change in tactics began in mid-June, just before the central Government announced that it was allowing foreign newsmen back into the region.

An undetermined number of Faridpur's 10,000 Hindus have been killed and others have fled across the border to predominantly Hindu India.

Some Hindus are returning to Faridpur, but it is not out of faith in a change of heart by the army but rather out of despair. They do not want to live as displaced persons in India and they feel that nowhere in East Pakistan is really safe for them, so they would rather be unsafe in their own town.

A Hindu barber said that he was still in hiding but that he sneaked into Faridpur every day to do a few hours' work to earn enough to eat. "I come into town like a thief and leave like a thief," he said.

Those Hindus who slipped into town keep guards posted at night. "None of us sleep very soundly," a young carpenter said. "The daylight gives us a little courage."

THIS IS OUR HOME

A 70-year-old Hindu woman who was shot through the neck said that as bad as conditions were and as frightened as she was, "this is our home—we want to stay in golden Bengal."

On April 21, when the army rolled into Faridpur, the old woman and her 84-year-old husband ran to seek refuge in a Hindu village, Bodidangi, about three miles away. The next day the army hit Bodidangi and, reliable local reports say, as many as 300 Hindus were massacred.

The old woman stumbled and fell as she tried to flee Bodidangi, she related, and two soldiers caught her. She said they beat her, ripped off her jewelry, fired a shot at point-blank range into her neck and left her for dead.

She and her husband had owned a small piece of property on which they rented out a few flimsy huts. Only the dirt floors are left, she said.

The campaign against the Hindus was—and in some cases still is—systematic. Soldiers fanned through virtually every village asking where the Hindus lived. Hindu property has been confiscated and either sold or given to "loyal" citizens. Many of the beneficiaries have been Biharis, non-Bengali Moslem migrants from India, most of whom are working with the army now. The army has given weapons to large numbers of the Biharis, and it is they who have often continued the killing of Hindus in areas where the army has eased off.

Hindu bank accounts are frozen. Almost no Hindu students or teachers have returned to the schools.

ASSURANCES BY YAHYA

President Agha Mohammad Yahya Khan has appealed to the Hindus to return from their hiding places and from India—possibly four million of the six million Bengali who have fled to India are Hindu—and has assured them of an equal role in East Pakistani life. However, army commanders in the field in East Pakistan privately admit to a policy of stamping out Bengali culture, both Moslem and Hindu—but particularly Hindu.

Although thousands of "antistate" Bengali Moslems have been killed by the army, the Hindu became particular scapegoats as the martial-law regime tried to blame Hindu India and her agents in East Pakistan for the autonomy movement.

In Faridpur—and the situation was much the same throughout East Pakistan—there was no friction to speak of between Hindu and Moslem before the army came.

The army tried to drive a wedge between them. In April, as a public example, two Hindus were beheaded in a central square in Faridpur and their bodies were soaked in kerosene and burned. When some Hindus, trying to save their lives, begged to convert to Islam, they were shot as unworthy nonbelievers (in some cases, however, converts are being accepted).

The army also forced Moslems friendly to Hindus to loot and burn Hindu houses; the Moslems were told that if they did not attack Hindus, they themselves would be killed. Most of the Hindu houses in the region around Faridpur—some say 90 per cent—were burned as a result.

Still, there is no sign of a hate-Hindu psychology among the Bengali Moslems. Many have taken grave risks to shelter and defend Hindus; others express shock and horror at what is happening to the Hindus but confess that they are too frightened to help.

Many Bengalis, in fact, feel that the army has only succeeded in forging a tighter bond between Hindu and Moslem in East Pakistan.

[From the New York Times, July 4, 1971]

EAST PAKISTAN—AN "ALIEN ARMY" IMPOSES ITS WILL

(By Sydney H. Schanberg)

DACCA.—"Doesn't the world realize that they're nothing but butchers?" asked a foreigner who has lived in East Pakistan for many years. "That they killed—and are still killing—Bengalis just to intimidate them, to make slaves out of them? That they wiped out whole villages, opening fire at first light and stopping only when they got tired?"

The foreigner, normally a calm man, was talking about the Pakistani Army and the bloodbath it has inflicted on East Pakistan in its effort to crush the Bengali independence movement.

Most of the foreign residents—diplomats, missionaries, businessmen—also talk the way this man does now. They are bursting with three months of pent-up anger and outrage. And they are very eager to tell what they know to those foreign newsmen who were permitted to re-enter East Pakistan in the past fortnight and travel around unescorted for the first time since March 25, when the army began its suppression campaign.

Pakistan's military regime considers the foreign press implacably hostile, but it is desperate to prove to the world its claim that order has been restored, that the army is in control and that normality is fast returning to East Pakistan.

The army is, indeed, in control, except for a few areas near the border with India, where the Mukti Fouj, or "Liberation Army," is active and growing more so—with aid from India.

Yet, East Pakistan is anything but normal. For this is clearly and simply a military occupation by an alien army.

Bengali police have been replaced by police from West Pakistan, the country's dominant wing that lies more than 1,000 miles away, with India in between. West Pakistanis are also being flown in to replace officials in every Government department, in some cases even down to the level of typists.

Houses and shops of those Bengalis who were killed or fled to villages in the countryside have been turned over to Moslem non-Bengali residents of East Pakistan, who are collaborating with the army. The temples of the minority Hindus—the army's special scapegoats—are being demolished for no other reason than to demonstrate that those who are not part of the army's design of "Islamic integrity" are not true Pakistanis and will not be tolerated.

Bengali youths, who just over three months ago were exultantly marching through the streets and shouting their slogans of defiance at the military regime, now talk in whispers, slipping up to foreign newsmen for a few seconds to murmur some information about a massacre, the murder of a family member or the destruction of a village. Anonymous letters containing such details find their way every day into newsmen's mailboxes at the Hotel Inter-Continental.

The effluvia of fear is overwhelming. But there is also a new spirit. Many of the Bengalis—a naive and romantic people—realize now that no other country is going to save them, that they will have to do it all themselves and that it will take a long time.

Significant numbers of young men are slipping off to join the Liberation Army, which operates from border areas and from sanctuaries just across the border in India. Bengali guerrilla terrorism is increasing. A number of army collaborators have been executed, and more and more homemade bombs explode in Dacca. The resistance is still sporadic, peripheral and disorganized, but it is growing.

With each terrorist act, the army takes revenge, conducting reprisals against the nearest Bengali civilians. Several hundred civilians were reported to have been rounded up and mowed down by the Army in Noakhali District recently after the Mukti Fouj executed a member of one of the army's "Peace Committees" and his wife and children.

The once widely held theory that the cost of the occupation would prove prohibitive and compel Pakistan to pull the army out fairly quickly has been discarded. Even without the World Bank consortium's massive annual aid, which has been suspended in censure of the repression, the Islamabad regime seems determined to keep its grip on East Pakistan.

President Yahya Khan's speech to the nation last Monday was supposed to have unveiled his long-awaited plan for returning Pakistan—East and West—to civilian rule. It turned out to be exactly the opposite—a declaration that the military dictatorship would continue, with a hand-picked civilian government as camouflage.

In his speech, which Western diplomats here described as "a disaster," the President, who is also army chief, heaped praise on the army for rescuing the country from "the brink of disintegration . . . by the grace of Allah." He also extended his "fullest sympathy" to the six million Bengalis, mostly minority Hindus, who have fled to India—"because of false propaganda by rebels," he said. He appealed to them to "return to their homes and hearths" for "speedy rehabilitation."

Just the day before President Yahya's speech, an army platoon stormed into several predominantly Hindu villages 30 miles from Dacca, killing men and looting and burning homes. Reports of similar pogroms come from other parts of the province. No one knows exactly how many Bengalis the army has killed, but reliable foreign sources here put the figure somewhere over 100,000—and possibly much higher.

The East Pakistani economy, which used to provide the national treasury not only with half its exports and foreign exchange but also with a captive market for West Pakistan's manufactured goods, has been badly crippled by the upheaval. However, the military regime seems willing—at least for the present—to pay the severe economic price of holding East Pakistan as a colony, no matter how sullen or resistant the population.

"It's a medieval army operating as if against serfs," said one Westerner here. "It will use any method just to own East Pakistan and keep milking it dry. Even if the Bengalis are serious about the resistance, it will take five to 10 years to make a dent."

[From Washington Daily News, May 18, 1971]

EMBASSY AIDE IS ALL FIRED UP OVER FIRING

Two civil servants holding minor positions in the Embassy of strife-torn Pakistan here have been discharged for reasons of "misconduct," apparently because one of them attended a congressional hearing on the Pakistani situation and the other a peaceful rally.

Both men are Bengali, the faction from East Pakistan seeking independence in the face of crushing government military might. Since March 25, thousands of Bengalis have been reportedly killed or maimed from bullets, starvation and disease. Hundreds of thousands, meanwhile, have taken refuge in India, which is sympathetic to the Bengali secessionist movement.

Abdur Razzaque Kahan, 34, of Arlington, contends he was fired yesterday from his job as assistant education officer because he attended a House subcommittee hearing which dealt with the Pakistani civil war on May 11. Mr. Kahan, whose wife is expecting their second child, has worked in the embassy since February, 1964.

The other man discharged was Ghausuddin Ahmed, who worked at the embassy since October, 1965, as a courier and an assistant in the accounts division. He was dismissed in April, shortly after he took part in a rally held by Bengali sympathizers at the Capitol and the White House. He has since moved to New York City and was unavailable for comment.

The embassy press attache confirmed the discharges, but refused to amplify the charges against the men. All he would say was that "nobody's fired because he's an East Pakistani, fundamentally."

He said, however, "no employe of the government of Pakistan can participate in anything to do with politics. This is part of the fundamental structure of our government."

The press attache described Messrs. Kahan and Ahmed as "both locally recruited. They have no long-term contract with the government, no pensions or claims. We keep these kind of people on as long as they behave themselves."

Referring to Mr. Kahan's attendance at the House hearing, the attache declared: "He has no business to be in those areas. There was a lack of discipline."

Mr. Kahan said he requested and was granted a leave of absence on May 11 to attend the House hearing. "So I couldn't think why they fired me. They've always appreciated my work. I have letters of commendation. But now they can say anything. They told me that my going there was an act of insubordination."

[From the Sunday Star, July 4, 1971]

PAKISTAN SEEKS U.S. BOMBERS DESPITE EMBARGO

President Mohammad Yahya Khan asked the United States to sell Pakistan seven B57 reconnaissance-bombers on June 9, three months after the government imposed a ban on all military sales to his country, diplomatic sources said yesterday.

Even though Pakistan is near bankruptcy because of the civil war that erupted in East Pakistan in late March, Yahya apparently is willing to pay the $1,250,000 that each of the sophisticated jet planes would cost, or a total of $8,750,000.

State Department officials, acknowledging Yahya's request, said it was being held in abeyance while the United States reviews its entire military assistance program to Pakistan.

The request heightened the anger of Indian diplomats already smarting from disclosures that military equipment was shipped from New York aboard Pakistani vessels in late June in violation of the sales ban.

Both incidents are considered certain to be discussed when Dr. Henry A. Kissinger, President Nixon's national security affairs adviser, visits India and Pakistan next week on his way to Paris from Saigon.

Pentagon officials would not comment on the Pakistani request.

The B57, which was manufactured until 1959, can be used as a tactical bomber with a 6-ton bomb load or for reconnaissance at altitudes of 50,000 feet.

There was concern here that the jet request indicates that Pakistani officials do not take seriously the ban imposed by the United States in early April, retroactive to March 25, the date the East Pakistan civil war began.

State Department officials acknowledged June 23 that the embargo had been violated. It was understood that about $2,000 worth of aircraft engine parts and accessories had been shipped on a Pakistani vessel from New York despite revocation of the sale license.

The department indicated it was a case of a Defense Department subcontractor making a delivery agreed upon before the ban went into effect.

Some officials believe Yahya has interpreted such shipments as a signal of tacit endorsement by the Nixon administration of his stern measures against East Pakistan.

There also was concern here that Pakistan envoys are misinforming Yahya about the real extent of international criticism of his methods of putting down the civil strife. This, they fear, could undermine world pressure on Yahya to restore civil government in East Pakistan.

H.R. 9160

A bill to amend the Foreign Assistance Act of 1961 to suspend all assistance to the Government of Pakistan

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 620 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:

"(v) (1) All military, economic, or other assistance to the Government of Pakistan, all sales of military equipment, and all sales of agricultural commodities (whether for cash, credit, or by other means), under this or any other Act, shall be suspended on the date of enactment of this subsection.

"(2) The President shall take measures as may be necessary to assure that no military equipment provided by the United States to any other country shall be transferred to the Government of Pakistan. If the President determines that any such transfer has been made after the date of enactment of this subsection, he shall suspend all assistance under this or any other Act to the country making the transfer and shall suspend all sales of military equipment under the Foreign Military Sales Act to such country.

"(3) The provisions of this subsection shall cease to apply when the President reports to the Congress that international inspection teams have ascertained that the Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent feasible, to return to their homes and to reclaim their lands and properties."

A PIONEER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. MAZZOLI. Mr. Speaker, I would like to call the attention of my colleagues to the accomplishment of one of my constituents. Lee A. Dentinger, who has been totally deaf since 2 years of age, has just graduated from Jefferson County Area Vocational School as an expert in electronics and television repair.

Because of his accomplishment at the school, there is a new understanding among the teachers and staff of the need and the possibilities for training those with hearing handicaps. Next fall, for the first time, nearly all of the vocational school's programs of study will be opened to people with hearing handicaps.

Mr. Dentinger has shown the way, and because of his dedication and hard work new opportunities have been opened to others whose talents might otherwise have gone undeveloped.

Mr. Speaker, I would like to recognize Mr. Dentinger's achievement by inserting in the Record at this point an article by Linda Stahl that appeared in the Louisville Courier-Journal last week. It is entitled, appropriately, "A Pioneer."

A PIONEER

THE FIVE-YEAR EFFORT OF A DEAF STUDENT INSPIRES A VOCATIONAL STUDIES PROGRAM FOR OTHERS LIKE HIM

(By Linda Stahl)

Five years ago Lee A. Dentinger enrolled as a part-time electronics student at Jefferson County Area Vocational School in Jeffersontown.

While holding down a full-time job during the day, he faithfully attended classes three hours a night, five days a week, eleven months out of each year.

This week, with no special ceremony, Dentinger received his graduation diploma, having completed 2,640 hours of training in electronics and an additional 317 hours of training in television and radio repair.

Although a modest man, Dentinger, 42, is rightfully proud of his accomplishment and the school officials are especially impressed by him. He is the first deaf student to be graduated from a state post-secondary vocational school.

He leaves behind him not only a good scholastic record but the inspiration for a program that will open all areas of the school's vocational study, except nursing, to deaf persons this fall for the first time.

They will be able to study in courses like printing, business and office education and drafting in regular classes where they will be aided by "interpreters" competent in sign language.

Dentinger has been totally deaf since he lost his hearing through an illness when he was 2 years old. But he was trained to speak, read lips and use sign language and he explained in an interview last night how he feels about the new vocational educational opportunities for the deaf.

"It is good that we can train the deaf now so we can have better pay," he said. "A lot of hearing people shy away from giving us jobs, but now we will be qualified for better ones."

Dentinger realizes that he is a lucky exception among the deaf population because for 20 years he has had a job he likes as a data processor at Belknap, Inc., 111 E. Main. It was because of his job that he became interested in learning more about electronics.

In addition to being able to bring more knowledge to his regular job, Dentinger is now able to hold down a parttime job on Saturdays at Newland Electronics as a TV and radio repairman.

It's a vocation that he loves, but his wife, Harriette, jokingly complains that he hasn't had time to fix their own television set.

Dentinger, his wife, and two children, Lee Jr., 8, and Lisa, 4, live at 2333 Winston Ave. Although both his children enjoy normal hearing, his wife, too, is totally deaf. But in graceful and rapid sign language, she whips off the things she wants her husband to do in the evenings now that he has completed his nightly courses. Cut the grass. Paint the house. Stay at home.

Often there to interpret during conversations between the Dentingers and persons who do not know sign language is Jesse L. Wright, night guidance counselor and mathematics teacher at the vocational school.

He has been teaching himself sign language for three months. "It was through Lee that the school got interested in opening classes to the deaf," Wright said. Last January two courses were opened to those with hearing handicaps and Wright, along with Dr. Charles E. Aebersold, wrote the program of study.

Now Bill L. Evans, regional supervisor of the school, has given the go ahead to open all courses, except nursing, to the deaf, and federal money will help cover the additional costs.

"I've learned more patience and understanding through this experience," Wright said. "I have become aware of the willingness and keen awareness of deaf students."

COMMITTEE MOVE AGAINST CBS "CONTEMPTIBLE"

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. STOKES. Mr. Speaker, I call to your attention the July 4 article by Mr.

Carl T. Rowan entitled "Committee Move Against CBS 'Contemptible.' "

It is to Mr. Rowan's credit that he has again, in no uncertain terms, gone right to the guts of an issue which could influence the history of our Constitution and our country. I speak, of course, of the House Commerce Committee's contempt citation of the president of CBS, Mr. Frank Stanton.

In his article, Mr. Rowan reminds us that it is the responsibility of all the media to bring to account those individuals, whether appointed or elected, who are supposed to serve the public good.

The fact, Mr. Speaker, is not that CBS went too far with "The Selling of the Pentagon," which was a most responsible journalistic effort. Rather, what was pointed up with the showing of this valuable documentary is that we should have more of the same, more of the time.

Mr. Speaker, is it our fate to let the Commerce Committee govern the amount and quality of educational materials we can perceive? Are we to be subjected to continuous viewing of the caliber of "Petticoat Junction"? Are we to pander to the lowest tastes of our population? Or should we try to educate our citizenry to the fact that the world is not as perceived in half-hour situation comedies, half-hour newscasts, or even in half-hour speeches by politicians?

As our universe grows in complexity, our newspapers and television must respond accordingly and from a position of strength. The Government should not be permitted to dilute the information we receive. But this is precisely what will happen if the House concurs in the Commerce Committee's contempt citation. We might as well resign ourselves to being a Nation of mindless automatons who learn everything we know of the world from the "Beverly Hillbillies."

I urge my colleagues to fully consider the magnitude of the consequences of finding Mr. Stanton in contempt.

Submitted herewith is Mr. Rowan's article as it appeared in the New Bedford, Mass., Sunday Standard-Times on July 4, 1971.

COMMITTEE MOVE AGAINST CBS "CONTEMPTIBLE"

(By Carl T. Rowan)

WASHINGTON—Members of the House Commerce Committee have let their egos overload their logic, so pride apparently is going to drive them to push contempt proceedings against Dr. Frank Stanton, president of the Columbia Broadcasting System.

And that will produce another constitutional confrontation every bit as historic as the great hassle between the newspapers and the government over "the Pentagon Papers."

Rep. Harley O. Staggers, D-W.Va., chairman of the House committee, wants Stanton held in contempt of Congress because Stanton refuses to give Congress all the films, scripts, and recordings that contributed to CBS's controversial documentary, "The Selling of the Pentagon."

Stanton would not be worth much as a guardian of the public interest if he did not invite a contempt citation because what the congressmen seek to do is contemptible.

They want to establish a precedent under which politicians who don't like a television presentation can call in the producers and their rough film and scripts and try to impugn their motives and judgment in editing the program.

The day isn't coming when an American newspaperman will turn over his notes, or recorded interviews, or photographs and let some congressman or government official second-guess his choice of a lead, of quotes to emphasize, or photographs to print. The whole country is in trouble if Congress is permitted to single out television for this kind of bullying.

There has never been a television documentary of merit that did not irk some congressman. Some senators still curse "Harvest of Shame," the late Edward R. Murrow's great documentary on migrant workers.

A moss-backed minority in the Congress screamed angrily when television focused its cameras on the ugly truth of hunger in America.

"The Selling of the Pentagon" has won some lofty prizes, but that won't silence the howls of those who, out of vested interests, feel compelled to defend anything and everything about the defense establishment.

Can anyone imagine television networks ever doing worthwhile programs on controversial issues if they are always subject to second-guess harassment from bellyaching congressmen who can pass judgment on whether the documentary meets their idea of "fairness"?

No group of politicians ought ever to have that kind of power, and it bespeaks a lofty level of arrogance, or conceit, that Rep. Staggers and Rep. William L. Springer, R-Ill., should imagine that the public wants them to exercise such power.

Stanton speaks for the preservation of a free society when he says:

"The chilling effect of both the subpoena and the inquiry itself is plain beyond all question. If newsmen are told that their notes, films, and tapes will be subject to compulsory process so that the government can determine whether the news has been satisfactorily edited, the scope, nature and vigor of their news gathering and reporting activities will inevitably be curtailed."

Staggers counters with the argument that television is so powerful it "sends chills up and down the spine of many men in this country." Calling the networks the nation's most powerful instruments of public opinion, he said they "can ruin every president, and every member of Congress."

Staggers needs to be reminded that the 1st Amendment protections of the press were designed precisely to keep a few chills running down the spines of those who spend the public's money and do the public's business. Those chills are what keep a lot of public servants honest, including presidents.

If those constitutional protections were justified for the written media 150 years ago, when their power was viewed as awesome, they are justified for television in this frightful new atomic era when a powerful, free press is all the more needed.

One could at least entertain Staggers argument if the performance of the networks had been of such overweening abuse of power that numbers of honorable men were driven from public life into ruin. But such has not been the case; indeed, it might be said that the networks have dealt too gently with numerous scoundrels who deserved to be chased away from the public trough.

Stanton concedes that journalists make mistakes, including mistakes of judgment in editing. Some of the editing techniques used to prepare "The Selling of Pentagon" are certainly questionable.

Staggers, Springer, and other congressmen are within their rights to complain of what they think are errors, to attempt to call the public's wrath down upon an offending station or network. But the Constitution draws the line right there. And heaven help the people if the day ever comes when the politicians are given the bullying powers over this powerful medium that some House members now seek to seize.

TRIALS OF SOVIET JEWS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mrs. ABZUG. Mr. Speaker, the latest in a series of trials of Soviet Jews has resulted in the conviction of nine Jews in Kishinev and their sentencing to 1- to 5-year prison terms. The trials of Soviet Jews and the unwarranted prison sentences imposed on them have justly been condemned by those who cherish individual liberty and freedom of conscience.

As one who has fought against violations of human and civil rights in my own country, I have called on the Soviet Government, in cablegrams to Moscow, in letters to its representatives here, and in public statements, to guarantee the rights of Jews to emigrate from the Soviet Union without hindrance and to permit them complete cultural and religious freedom within the Soviet Union.

The freedom of religion ostensibly guaranteed by the Soviet Constitution has been applied liberally to the Christian and Moslem denominations, such as provision of religious articles and church organizations and training of clergymen, but it has been severely curtailed for Jews.

It is particularly shocking that the Soviet Union should be continuing its policy of prosecuting Jews wishing to emigrate to Israel or expressing concern with the survival and maintenance of Jewish culture and religion within the Soviet Union at the very same time that it is relaxing barriers to such emigration. If this relaxation is to have any lasting significance it should be accompanied by the extension of true civil liberties to all Soviet Jews.

As the New York Times noted in its July 1 news report on the Kishinev trials:

> The principal charge against the nine seemed to be their involvement in a group that coordinated information about Jewish life with other groups in Leningrad and Riga.

In other words, these Jewish defendants are being sent to prison camps for having exercised their most elementary rights and seeking to live as Jews.

I protest this deprivation of democratic rights, and call on the Soviet Government to abandon its policy of intimidation and repression against those Soviet Jews who seek to preserve their Jewish heritage. At this point, I include in the RECORD the full text of the Times news story reporting on the Kishinev trials:

NINE JEWS IN KISHINEV GET UP TO 5 YEARS

MOSCOW.—The Moldavian Supreme Court today found all nine Jews on trial in Kishinev guilty of anti-Soviet actions and sentenced them to prison-camp terms ranging from one to five years.

The 10-day trial in the Moldavian capital was the last in a series involving 34 persons—all but two of them Jews—who were arrested in the wake of an alleged plot by a dozen of them to hijack a small AN-2 plane in Leningrad last June and to flee abroad.

Eleven defendants got terms of 4 to 15 years last December in Leningrad—the death sentences of 2 of these were commuted to 15 years—one got 10 years in a Leningrad courtmartial in January, 9 received terms of up to 10 years in Leningrad in May and 4 got terms of up to 3 years in Riga also last month.

TWO PLANS INDICATED

Judge Dmitri Boryuzha, who headed the three-man Moldavian panel, read the verdict, which said that the nine defendants had been involved in working out a plan for "a bandit attack" on a Soviet passenger plane and that some of the group had stolen a duplicating machine and "distributed anti-Soviet writings."

An account by Tass, Soviet press agency, left the impression that the nine in Kishinev were linked to the plan by the 12 in Leningrad to seize the AN-2 plane. The evidence at the various trials, however, has indicated that, except for the 12 actually arrested at the airport, the other accused had discussed and then discarded another hijacking plan.

Tass also left the impression that the stolen duplicating machine had been used to print the "anti-Soviet" material. Evidence at the trials, as reported by Tass earlier, indicated that the machine, a photocopier, had never been put into operation.

The principal charge against the nine seemed to be their involvement in a group that coordinated information about Jewish life with other groups in Leningrad and Riga. These groups distributed material pointing up what they regarded as difficulties encountered by Jews trying to live a Jewish life in the Soviet Union or seeking to emigrate to Israel.

EMIGRATION IS EASED

As a result of the trials, and the reaction to them, as well as some apprehension among Soviet Jews about a possible crackdown, the authorities have eased some of the barriers to emigration that normally apply to Soviet citizens. About a thousand Jews a month have been leaving the country, some five times more than in previous years.

All nine Kishinev defendants are members of the professions, with degrees in various scientific fields.

Tass said that "using coded telephone messages and contacts through foreign tourists, the criminal group systematically received advice and instructions from Zionist circles in Israel."

David Chernoglaz, who was charged with acting as liaison with Jews in Leningrad, was given a five-year term. Anatoly Goldfeld got four years. Aleksandr Galperin, two and a half years, and Arkady Voloshin, Semvon Levit, Lazar Trakhtenberg, Harry Kizhner and Gilel Shur, two years each. David Rabinovich got one year.

In addition, Jewish sources said, five witnesses who refused to testify received six-month suspended sentences.

"FORESTRY SPECIAL" IN BANKS, ALA.

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. DICKINSON. Mr. Speaker, on May 13 Seaboard Coast Line Railroad Co. conducted a "Forestry Special"—a cooperative field program concerned with forestry, ecology, and natural resources. Seaboard ran a special train carrying the Governor, Lieutenant Governor, members of the Governor's cabinet, State legislators, educators, and business and industrial leaders from Montgomery to Banks, Ala., for a field program.

On May 24 I placed in the CONGRESSIONAL RECORD a copy of the proceedings of the special program and listed the cooperating companies, organizations and individuals who donated time, money, and energy in assuring the success of the program. A serious oversight was made when this list was prepared, and I would like to take this opportunity to make a correction. The First Farmers & Merchants National Bank of Troy—a very fine financial institution—donated money for the operation of the program. Again, I was pleased to participate in this undertaking, and I salute Seaboard and the companies, organizations, and individuals who made it possible.

MALE AND FEMALE WORKERS: THE MYTH AND THE REALITY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. FRASER. Mr. Speaker, a myth is an unproved collective belief, accepted uncritically and often used to justify an existing social institution or the status quo generally. The Women's Bureau of the U.S. Department of Labor Employment Standards Administration recently punctured some existing myths concerning working women. The Bureau published in April a three-page bulletin, "The Myth and The Reality." Nine traditional beliefs about female workers are effectively rebutted.

I am pleased by this publication. Needed social change is not facilitated by obeisance to myth. Reality must govern our actions.

The bulletin follows:

THE MYTH AND THE REALITY

Male Workers More Equal Than Female Workers?

No! All Workers Are Equal.

THE MYTH

A woman's place is in the home.

THE REALITY

Homemaking is no longer a full-time job. Goods and services formerly produced in the home are now commercially available; labor-saving devices have lightened or eliminated much work around the home.

Today half of all women between 18 and 64 years of age are in the labor force, where they are making a substantial contribution to the growth of the Nation's economy. Studies show that 9 out of 10 girls will work outside the home at some time in their lives.

THE MYTH

Women aren't seriously attached to the labor force; they work only for "pin money."

THE REALITY

Of the 31 million women in the labor force in March 1970, nearly half were working because of pressing economic need. They were either single, widowed, divorced, or separated or had husbands whose incomes were less than $3,000 a year. Another 5.7 million were married and had husbands with incomes between $3,000 and $7,000—incomes which, by and large, did not meet the criteria established by the Bureau of Labor Statistics for even a low standard of living for an urban family of four.

THE MYTH

Women are out ill more than male workers; they cost the company more.

THE REALITY

A recent Public Health Service study shows little difference in the absentee rate due to illness or injury: 5.9 days a year for women compared with 5.2 for men.

THE MYTH

Women don't work as long or as regularly as their male coworkers; their training is costly—and largely wasted.

THE REALITY

While it is true that many women leave work for marriage and childen, this absence is only temporary for the majority of them. They return when the children are in school. Despite this break in employment, the average woman worker has a worklife expectancy of 25 years as compared with 43 years for the average male worker. The single woman averages 45 years in the labor force.

Studies on labor turnover indicate that net differences for men and women are generally small. The 1968 rates for accessions and separations in manufacturing for men and women were 4.4 and 5.3, and 4.4 and 5.2, respectively, per 100 employees.

THE MYTH

Women take jobs away from men; in fact, they ought to quit those jobs they now hold.

THE REALITY

There were 31.5 million women in the labor force on the average in 1970. The number of unemployed men was 2.2 million. If all the women stayed home and the unemployed men were placed in the jobs held by women, there would be 29.3 million unfilled jobs.

Moreover, most unemployed men do not have the education or the skills to qualify for the jobs held by women, such as secretaries, teachers, and nurses.

In addition, the majority of the 7 million single women in the labor force support themselves; and nearly all of the 5.9 million widowed, divorced, or separated women working or seeking work support themselves and their families. They also need jobs.

THE MYTH

Women should stick to "women's jobs" and shouldn't compete for "men's jobs."

THE REALITY

Jobs, with extremely rare exceptions, are sexless. Women were found in all of the 479 occupations listed in the 1960 decennial census. Tradition rather than job content has led to labeling certain jobs as women's and others as men's. For example, although few women work as engineers, studies show that two-thirds as many girls as boys have an aptitude for this kind of work.

THE MYTH

Women don't want responsibility on the job; they don't want promotions or job changes which add to their load.

THE REALITY

Relatively few women have been offered positions of responsibility. But when given these opportunities, women, like men, do cope with job responsibilities in addition to personal or family responsibilities. In 1970, 4.3 million women held professional and technical jobs; another 1.3 million worked as nonfarm managers, officials, and proprietors. Many others held supervisory jobs at all levels in offices and factories.

THE MYTH

The employment of mothers leads to juvenile delinquency.

THE REALITY

Studies show that many factors must be considered when seeking the causes of juvenile delinquency. Whether or not a mother is employed does not appear to be a determining factor.

These studies indicate that it is the quality of a mother's care rather than the time consumed in such care which is of major significance.

THE MYTH

Men don't like to work for women supervisors.

THE REALITY

Most men who complain about women supervisors have never worked for a woman.

In one study where at least three-fourths of both the male and female respondents (all executives) had worked with women management was favorable. On the other hand, the study showed a traditional/cultural bias among those who reacted unfavorably to women as managers.

In another survey in which 41 percent of the firms indicated they hired women executives, none rated their performance as unsatisfactory; 50 percent rated them adequate; 42 percent rated them the same as their predecessors; and 8 percent rated them better than their predecessors.

THE REVEREND ARTURO SKINNER

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ROONEY of New York. Mr. Speaker, it has long been my policy to send flowers to the living—to pay tribute to those who are still with us rather than to eulogize those who have passed on. In this spirit I would like to call to the attention of all the Members of this body the magnificent public service record of one of my distinguished friends in Brooklyn. The respected Rev. Arturo Skinner, pastor and founder of Deliverance Evangelistic Center, Inc., is a man who fully deserves our praise and commendation for his great work in behalf of his fellow men.

Through his efforts and those of his constituent congregations, many hundreds of students are helped to obtain college educations.

More than 3,000 persons are helped each week—many of whom are dope addicts, alcoholics, and derelicts from all walks of life. Such help is focused on attaining continuous rehabilitation and employment.

Through Reverend Skinner's efforts, scores of elderly persons, widows, orphans, and displaced persons are given essential help.

Reverend Skinner's church activities are equally impressive as he lectures and ministers each month to thousands of ministers, missionaries and workers from across the United States. His centers located in 20 States and eight foreign countries, support missionaries in the United States, Asia, Africa, and elsewhere.

The full-time employees of his headquarters are responsible for editing and publishing the Deliverance Voice magazine, which is mailed to some 100,000 readers throughout the world. They also assist in the preparation for the Crusades conducted by Apostle Skinner over a large part of these United States.

Twenty-one radio stations in the United States and the Caribbean carry Reverend Skinner's radio broadcast, "Hour of Deliverance."

There is small wonder that Arturo Skinner is so wholeheartedly devoted to easing the lot of his fellow men, for he comes from that distinguished "Watson Family" so well-known for their dedication to public service. The late James S. Watson was the first elected Negro judge of a New York Municipal Court. His daughter, Miss Barbara Watson, serves as Administrator of the U.S. Department of State's Bureau of Security and Consular Affairs. His son, James L. Watson is a judge of the U.S. Customs Court. Arturo Skinner is an adopted son in this fine family.

Mr. Speaker, I am truly grateful that this devoted churchman and distinguished public servant is a fellow citizen of Brooklyn. I wish him and his colleagues the utmost in success in their many worthy undertakings. May God richly bless him and those whom he strives so diligently to help.

CALLS FOR GUIDELINES ON SURVEILLANCE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. SCHEUER. Mr. Speaker, I would like to bring to the attention of this body a letter sent me by the President of Swarthmore, Robert D. Cross. Dr. Cross is concerned, as am I, about recent developments which have led him to believe that the FBI has been conducting secret surveillance of the college, concentrating especially on student activists and black students.

I believe deeply in the importance of academic freedom as well as individual liberty. The "broad and indiscriminate surveillance" of which Dr. Cross speaks threatens both these concepts, and is therefore a cause for deep concern. The Congress must establish clear guidelines establishing definite limits on this kind of snooping. Dr. Cross delineates clearly and eloquently the issues and problems which arise from such surveillance in this important letter, which follows:

SWARTHMORE COLLEGE,
Swarthmore, Pa., June 1, 1971.

TO MEMBERS AND FRIENDS OF SWARTHMORE: According to documents widely reprinted, the FBI undertook over the past few years to maintain a special surveillance of Swarthmore College. To judge from the documents quoted, the FBI gave particular, but not exclusive attention to alleged "activists," and to black students and their organizations. Apparently the FBI attempt to secure special "informants" from among those living and working in the college community. A special committee of faculty, students, and an administrator appointed by me could find no clear evidence that the FBI had in fact enlisted informants. With the refusal of the FBI to comment at all, formal hearings by the College on the allegations made in the documents would be fruitless. Looking ahead, we are attempting to develop, define, and make more public procedures which will guide all members of the college community in preserving the confidentiality of records, safeguarding in the broader sense the necessary privacy of individuals, and promoting the mutual trust that is essential both for the College and for its right relations with the society from which it cannot be isolated. One specific outcome will be the promulgation this summer of a clearer set of guidelines for all in the community to respect.

But there is a broader issue, and a problem which the College can not resolve by itself, however judiciously it acts. I acknowledge the duty of the FBI to protect national security and to conduct investigations of specific criminal acts or conspiracies. But broad and indiscriminate surveillance may chill free speech and jeopardizes academic freedom. It steps beyond the line of punishing or deterring illegal action and inhibits the espousal of unpopular or controversial causes. If such surveillance is suspected to exist, no person at a college can know what opinion is "safe," nor to whom it may be "safe" to express an idea, nor with whom one may associate. Free speech and academic freedom may be threatened for many as effectively by the *suspicion* that an indiscriminate surveillance is being carried out as by the fact that such a surveillance is actually being carried out.

In our own situation, I believe that the kind of surveillance which the documents indicate Swarthmore College was subjected to exceeded any reasonable purpose the FBI may have had. It suggests a disregard for the normal liberties and inhibits the decent functioning of our kind of institution.

I am sending this letter to you, to our Senators, and to leading colleges and universities, urging them to join me in requesting that Congress and the Administration take effective measures to prevent the FBI from blanket surveillance of any college community. We shall do our best to be good citizens, at the same time that we resist unwarranted incursions from without. The government, in turn, must take every possible step to prevent these incursions from being attempted.

ROBERT D. CROSS,
President.

"YES: THE SHAWNEE COMMUNITY MINISTRY AND THE CRIME PROBLEM"

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. MAZZOLI. Mr. Speaker, all of us have been deeply concerned with the problem of crime in the streets, especially those of us who represent urban districts. We have passed legislation to provide Federal help to local jurisdictions and police forces, providing more money for law enforcement. Such aid is vitally needed.

But much of the responsibility for making our streets safe again lies with the people themselves. That is why it is encouraging to see people getting together and taking initiatives to make their communities more safe and peaceful places to live.

Mr. Speaker, I would like to bring to the attention of my colleagues the recent efforts in this direction by the Shawnee Community Ministry of Louisville. The community ministry, under the leadership of Mr. Eugene Robinson, has organized a noon-to-midnight escort service for women and elderly people who are residents of the Shawnee area, as a deterrent to crime. There will be 50 escorts on call during those hours at the Covenant Memorial Presbyterian Church, ready for immediate dispatch.

Mr. Speaker, this seems to me to be an admirable example of a community coming to grips with its problems, and I think Mr. Robinson and the Shawnee Community Ministry are to be commended for their innovative efforts.

For the information of my colleagues, I insert at this point in the RECORD the text of an article by Clarence Matthews in last week's Louisville Times about the Shawnee Community Ministry's YES—youth escort service.

Western Louisville Escort Service—Safe Conduct Offered for the Elderly

(By Clarke Matthews)

Elderly persons and women who have to travel the streets of Western Louisville alone will be given protection under a new crime-prevention program begun today by the Shawnee Community Ministry, Inc.

The community ministry, an association of several western Louisville churches created in March to solve social problems in their area, has organized the Youth Escort Service (YES) to work as a deterrent to rapes and robberies, which have been on the increase in Western Louisville in recent months.

YES will provide escort service from noon to midnight, said Eugene Robinson, organizer for the community ministry and originator of the program.

It will cover the area bounded by the Shawnee Parkway, Greenwood and the Ohio River.

The community ministry has applied for a $17,602 federal grant through the city and the Kentucky Crime Commission to operate YES on a year-round basis.

Most of the money would be used to pay the salaries of six senior and 44 younger escorts, who will be paid $2.50 an hour.

The remaining portion of the grant would be used to furnish and provide food for the "center" where the escorts will be stationed while they wait for calls for service, Robinson said.

"But we intend to do this (operate the service) on our own if we do not get the money," Robinson added.

He said 28 persons, 14 to 26 years old, including Kentucky Colonels basketball forward Jim Ligon, already have agreed to participate. Young women will work in teams during the daytime, he said.

The escorts will be stationed at the Covenant Memorial Presbyterian Church, 3701 W. Broadway, in a center in the basement at the rear of the building.

When an elderly person wants to go to a store to cash a check or a nurse wishes to be met by someone at her bus stop, they will be able to call the center, which is temporarily using the church telephone number, for an escort. An escort will then be dispatched to accompany them.

Eventually, YES hopes to provide 24-hour service.

Escorts, who will not be permitted to accept tips, will be provided with an identification card bearing their picture, number and name. The cards are provided through the cooperation of the Louisville Police Department and other agencies.

Robinson said YES is the first step in what he termed a "community control" approach to problems in western Louisville.

"This started when the residents realized that if there was going to be any security in our area, we would have to do something ourselves," Robinson said. "There are too many people and not enough police."

If the grant is received, YES will provide opportunities for young people who currently have no means of earning money for themselves, he added. They will be paid while on duty at the center in four-hour shifts.

"They will just simply be there," Robinson noted. "Many of them were just hanging out anyway.... This will give them a chance to hang out while providing a community service."

The idea of community control could be expanded to deal with such problems as burglaries, muggings and keeping the streets clean, he said.

In its application for the grant, the community ministry said crimes against individuals have increased "to the point of being commonplace" in some sections of western Louisville.

The application is now before the Kentucky Crime Commission in Frankfort, Robinson said.

TESTIMONY OF THE AMERICAN INSTITUTE OF PLANNERS

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. SARBANES. Mr. Speaker, in testimony before the Joint Economic Committee on May 12, 1971, regarding regional planning issues, Mr. Robert Young speaking for the American Institute of Planners gave a thorough summary of planning activities at each level of government and suggested some changes in Federal programs he felt would encourage planning at the State and regional levels.

In addition to being chairman of the metropolitan and regional planning department of the American Institute of Planners, Mr. Young is also the able executive director of the Baltimore Regional Planning Council.

I believe Mr. Young's testimony deserves the careful study of the Members of the Congress.

I include Mr. Young's testimony:

Statement of Robert N. Young

Mr. Chairman and members of the Subcommittee, I am Robert N. Young, Chairman of the Metropolitan and Regional Planning Department of the American Institute of Planners and Executive Director of the Baltimore Regional Planning Council. The American Institute of Planners is the national society of professional urban and regional planners and is devoted to improving the art and science of comprehensive planning. Our 6,000 members work at all levels of government and in private practice. Accompanying me today is Mr. Philip S. Clayton, Director of Program Services of my staff.

On behalf of the membership of the American Institute of Planners, I would like to thank the Committee for the opportunity to appear and present our views and recommendations on various regional planning issues, and to offer any assistance our organization can provide.

A new public planning structure is emerging today in the United States. It is specifically geared to increasing the decision making capacity of the elected public officials of the general purpose governments. In this emerging planning structure, the planning function is positioned in direct relation to this most important political decision making capacity. Key elements of this emerging planning structure are:

The President of the United States and the Executive Office of the President and Congress;

The Governors of the States and their State offices of Planning or Planning Coordination;

Regional Council of Governments made up of elected officials of the units of local general government, together with their professional staffs; and

Local general governments, the cities and counties of the country, with their planning departments.

Those who are elected to govern are responsible for the condition and the functioning of the physical, social, and economic environments of the jurisdictions they serve.

Those elected to govern must have the opportunity to govern and must be held responsible for the well being of the people and the government within their jurisdictions.

Any governmental arrangements of programs that becloud, confuse, or in any way inhibit the elected officials of the units of the general government of this country from meeting this responsibility head on must be swept away or otherwise altered.

The units of general government include the Federal government, the States, and the cities and counties of the country. These are the basic building blocks of our Federal system.

Special purpose solutions to governmental problems which operate outside this basic general purpose governmental framework must be carefully scrutinized and evaluated in terms of whether or not they strengthen the ability of the elected officials to deal with the problems and opportunities of their individual jurisdictions.

If such programs or governmental arrangements tend to cloud responsibility or weaken the general government elected official's ability to govern effectively, they must be redressed and reordered.

These principles do not in any way negate the great need for widespread citizen participation in the affairs of the government of this country. On the contrary, it is only when political responsibility is clear and understood—only when those responsible can be unequivocally recognized—that citizen groups can have a chance to participate with any hope that their positions will have an effect.

The concerns of planning and of planners are as broad as the concerns of those elected to govern—the chief executives and the legislative bodies.

Planning assists those who are elected to govern in the establishment of goals and targets, in the ordering of priorities, in the mixing of programs and the allocation of resources to achieve identified desired ends, and in the post audit evaluation of results. The planner's role is inexorably tied to the development, the application, and the evaluation of public policy and the identification of the public interest.

Under these circumstances, the proper positioning of the planners and the planning office is directly under the chief executive and through the chief executive to the legislative body. What I am speaking of here is policy planning, wherein activities of the various agencies, boards, and bureaus and departments of a government are most effectively mixed toward the end of achieving effective government in all of its aspects—where priorities and program targets can be established and the need and content of new program effort can be recognized and set.

The planning of a new town, the planning of the delivery of health services or outdoor recreation, or the planning for the most effective law enforcement system and the administration of criminal justice, important as these things are, are but pieces of the entire system. While functional areas of concern must be effectively and intelligently and creatively planned for and accomplished, they are not ends in themselves; they are parts contributory to the total aim of a healthy community and all subject to overview by resopnsible elected officials.

Too often, Federal law and policy as adopted by the Congress, and as administered by an agency within one of the major Federal departments, results in the setting-up of a functional planning hierarchy, complete with all of its trappings, all of the way from the Chairman of the Congressional Committee who wrote the functional program into law and his counterpart on the Congressional Appropriations Committee, through an Assistant Secretary and a Bureau Chief and their opposite numbers in a functional department in the State government, down to and including, in too many cases, a specialized single purpose Planning Commission at the regional level.

Under these conditions, concepts of a balance or even priority setting in attacking urban problems becomes a mockery to local elected officials as they have to deal with separate and often uncontrollable power centers in special purpose functional areas.

A recent study was conducted by Harold F. Wise and Associates concerned with the structure for regional decision making in an eight county area in North Central California, where there is a very effective Council of Governments in operation, doing a very respectable regional planning and coordination job. Remarkably operating within this region, there were, including the Council of Governments, seven separate planning agencies. The Council of Governments has a very broadly based planning program, including planning and intergovernmental policy development work in areas of land use, water and waste management, highways, mass transit, airports, open space, recreation, housing, law enforcement, and criminal justice.

But in addition to the responsibilities of this particular agency, planning is being undertaken separately by an Economic Development District, by two Comprehensive Health Planning Agencies, covering different parts of the region, but both organized under PL 89–749, and, in addition, a Regional Medical Program. There is a Multi-County Community Action Planning Agency to coordinate and plan for OEO poverty programs, and a Cooperative Area Manpower Planning System, all of these covering generally the same jurisdiction.

Beyond these seven planning agencies, there are five more special purpose agencies that had a planning responsibility and, in addition, the legislature has given these agencies regulatory responsibilities to enforce their plans. While these regions generally go beyond the boundaries of the other counties in question, they do cover the jurisdiction or parts of the jurisdiction that was had under study. These special purpose agencies deal with planning and regulation in water quality, air pollution, a third one in flood control, and a fourth one in the planning and regulation of land adjacent to major airports. The fifth one overlaps the region and extends into the adjacent state and deals with the physical development of a major and scenic inter-state recreation area.

In the airport land use case, State law directed counties to establish such Commissions, and one of the counties concerned determined that this responsibility should be carried on by the regional Councils of Governments, so this function is, in fact, fortuitously included under the umbrella agency function of the Council of Governments, even though State law did not require it to be so located.

This is indicative of the kind of thing that has been occurring at the State level and at the regional level throughout the United States as a largely unintended but very real consequence of increasing Federal participation in State and local activities, and the resultant splintering of the political decision making process throughout the country.

Special purpose functional planning removed from local political decision making by local general governments, no matter how highly qualified its staff, simply does not have a broad enough concern to integrate all of these activities into an effective governmental system of services.

Planning for economic development and the expansion of employment, law enforcement and the administration of criminal justice, delivery of health services, particularly to the poor, community action programs, manpower development, to say nothing of planning for education is often not being done effectively at the regional level in this country today.

There are laws that require that planning be accomplished in these functional areas. The target population of each of these programs is just about the same people, but we have a half dozen separate public programs going along their uncoordinated ways, supporting highly skilled staffs, and serving a people who must wonder just what is being done to them.

If vitally important American governmental traditions are to be preserved the Federal government must also take strong action to maintain the strength of local government so that it will not be overwhelmed by growing state and Federal governmental power. The Council of Governments movement, which I will discuss later, are means of strengthening local governments by enabling them to pool technical and other resources and to coordinate efforts.

For a long time, elected officials and planners have worked to tie planning in metropolitan areas and regions more closely with governmental policy making. The Council of Governments movement and expanded participation of elected officials in regional planning agencies over the last decade has gone a long way toward this objective. All of these provide forums through which local officials can discuss common issues and reach cooperative agreements. Most of them provide a mechanism for areawide review and comment on more than 100 categories of local applications for Federal grants. Many of them also have planning and research capabilities. This work often includes social and economic matters as well as physical development plans.

The Regional Planning Council of Baltimore with which I am associated, is one of the oldest of these kinds of organization. Its policy body consists of a majority of elected officials. It is required by state law to maintain a general development plan for the region and is now revising the plan which was adopted in 1967 after public hearings. The Council also conducts an areawide comprehensive health planning program in accordance with the Comprehensive Health Planning and Public Health Services Amendments Act of 1966; it conducts regional planning for Law Enforcement and the Administration of Justice under contract with the State of Maryland and in accordance with the Safe Streets Act; it does library planning under contract with the local and state library agencies in the region; it does some social and economic analysis under contract with the Baltimore Model Cities Agency; under funding from the Urban Mass Transportation Administration the Council did preliminary planning for rapid transit and helped in the creation of an agency to implement the plans. Much of the other work of the council, including housing and land use planning as well as work with local governments to plan and implement areawide utility systems, is financed by HUD under the Comprehensive Planning Assistance Program.

The work programs of regional agencies vary considerably, partly because of differing needs and interests and partly because of the sporadic financing which I will discuss soon. Some organizations do economic development planning under financing from the Economic Development Administration; some emphasize joint purchasing and other aids to efficient administration. Many still have very small staffs. In general, councils of government and other types of metropolitan and regional agencies have been increasingly effective in enabling member governments to do things together which they couldn't do separately.

THE FEDERAL LEVEL

The current situation

Planning assistance and planning requirement: In 1969, two parallel Federal Interagency Task Forces made recommendations to the then Bureau of the Budget, with regard to the various Federal Planning Assistance Programs and the Federal programs that contained within them planning requirements.

They found that there were some 36 Federal Planning Assistance programs on the books, which collectively carried appropriations during FY 1969 of approximately $300,000,000. These planning assistance programs were administered by 11 Federal departments and agencies; the responsibilities for administering the programs were spread among 18 separate offices or bureaus.

There are over 80 Federal programs that contain within them planning requirements as a condition to the receipt of Federal funds.

During FY 1969, over 40,000 applications were received by Federal agencies dealing with these programs, of which some 33,000 were approved. These programs are administered through 40 separate program offices in 11 Federal departments and agencies.

This, then, is the planning structure of the Federal government. Over 50 program offices currently develop and define planning and administer funds for planning assistance or interpret plans prepared.

From a Congressional point of view, the insistence of planning requirements as a condition to Federal financial assistance makes eminent good sense. Planning requirements are a form of insurance designed to protect and make useful Federal participation in local projects.

To the extent that planning requirements focus on a particular project, they ought to focus on the larger community. Federal planning requirements ought to say, as OMB Circular No. A–95 does say, "These things that we are helping to finance must fit together with related activities in a thought-through manner and be of long-range benefit to the total community." Comprehensive planning assistance works toward the same end:

The problem is not to reduce planning requirements or planning assistance, but to relate them directly to and within the framework of the American political decision making system and thereby the planning structure of the country, as outlined at the beginning of this paper. Under these circumstances, planning can make its maximum contribution.

Reorganization Plan No. 2: In partial reaction to this situation, and recognizing the need for more effective policy development and program management at the Federal executive level, the President issued Reorganization Plan No. 2 of 1970, which changed the name of the Bureau of the Budget to the Office of Management and Budget and established in the Executive Office of the President a new mechanism known as the Domestic Affairs Council.

Within the Executive Office of the President, the Domestic Council is to assume leadership for the development of domestic policy and thereby to tie together and, hopefully, to rationalize the efforts of the various Federal departments and agencies.

On the other hand, the Office of Management and Budget is responsible for the execution of policies and the management of the Federal establishment.

There is some hope that this recent development will be useful in bringing some order and providing direction to the maze of planning related programs scattered throughout the operational agencies of the Federal government.

Office of Management and Budget Circular No. A–95: OMB Circular No. A–95 is perhaps the single most significant Federal attempt to date to tie together the Federal grant-in-aid system to the planning and coordination efforts of States and local regional intergovernmental planning and development agencies.

Congressional authority upon which this circular is based is contained in Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1968. The mechanisms established by Circular No. A-95 are also used to secure the viewpoints on certain Federal or Federally assisted projects affecting the environment of State and local agencies which are authorized to develop and enforce environmental standards pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

Although A-95 is addressed to Federal departments and establishments, it calls for these departments and establishments to obtain the viewpoints of affected State and areawide regional clearinghouses on proposed projects for which Federal financial assistance is being sought under specific programs. Such comments and recommendations by the clearinghouses would include information concerning:

"The extent to which the project is consistent with or contributes to the fulfillment of *comprehensive planning* for the State, region, metropolitan area, or locality in the achievement of physical, economic, and social development objectives."

The Circular was recently revised and expanded. The revised list of programs includes more than 100 Federal assistance programs administered by 21 separate Federal agencies which are housed within 9 Federal departments: Agriculture, Commerce, Defense, Health, Education and Welfare, Housing and Urban Development, Interior, Justice, Labor, Transportation; together with 8 programs in 4 independent Federal agencies: The Appalachian Regional Commission, the National Science Foundation, the Office of Economic Opportunity, and the Water Resources Council.

This is a massive effort which, in accordance with Congressional mandate, seeks to relate significant portions of the Federal grant-in-aid system to State, regional and local planning.

While the bulk of the programs relate to Federally assisted construction of facilities, significantly included are Federal grants for *planning assistance* in such areas as air pollution control, solid waste, comprehensive health planning, the regional medical program, higher education, again, juvenile delinquency, comprehensive planning, community renewal, outdoor recreation, water pollution control, law enforcement, manpower planning, highway planning, urban mass transportation, community action, and water resources planning.

In order to properly comment on these planning proposals, the State and regional clearinghouses should have competence themselves for the enunciation of State, regional, metropolitan, and local objectives in each of these areas of concern.

Few, if any, State or regional planning agencies have totally achieved this competence at the present time.

All but two of the Standard Metropolitan Statistical Areas within the United States have organized regional clearinghouses and metropolitan planning agencies and are currently engaged in the project review process afforded by the circular.

In addition, approximately 150 regional (non-metropolitan) clearinghouses (optional with the Governors) have been designated by the Governors and are operating within the opportunities afforded by the Circular.

Metropolitan and regional clearinghouses today cover approximately one-half of the counties in the country. In these counties live over 80% of the population of the United States.

The list of regional planning agencies will expand and grow as Governors establish a system of planning and development districts to identify intergovernmental interests and to plan on an intergovernmental basis in the non-metropolitan areas of their states.

Needs for Federal policy and action: It would appear from the previous discussion that significant initial beginnings have been made to reverse the destructive and splintering effects on the States and special purpose oriented units of local general government of the hundreds of functional Federal grants-in-aid, including grants for special purpose planning.

The result of the President's Reorganization Plan No. 2 of 1970, establishing the Domestic Council and emphasizing the management side of the Office of Management and Budget within the Executive Office of the President, are significant beginnings in the direction of the development of integrated Federal policy, on the one hand, and the management of the Federal grant system in relation to State and regional comprehensive planning, on the other.

The effects of Circular No. A-95 are just beginning to be felt. However, both at the State and regional level, there needs to be considerably more done in the way of State and regional comprehensive planning in order to more fully develop agreed to and enunciated systems of regional goals, objectives, and priorities, and a system of program effort evaluation, all within a comprehensive planning process.

Unless this comprehensive planning process is nourished and accelerated, there is grave danger that the clearinghouse function will become merely a stopping off place for proposed projects and will contribute greatly to bureaucratic paper shuffling, rather than being a part of orderly development to achieve planned objectives.

In the best of all possible worlds, State and regional agencies should be so engrossed in and have such a total handle on the objectives of their jurisdictions that they should be initiating within their constituents applications for Federal assistance to carry out and implement their plans, rather than reacting to casual and occasional actions on the part of their constituencies.

When the clearinghouses reach this point, their review and comment function becomes much more simple, in that they have played a major part in the initiation and preparation of applications and know in advance that these activities are indeed designed as implementing actions to the realization of their own comprehensive planning objectives. The long-range contribution of A-95 will be the strengthening of orderly comprehensive planning at State and regional levels.

There is still, however, a series of desperately felt needs for additional strengthening of Federal policy and action within the framework established by Reorganization Plan No. 2 and Circular No. A-95.

1. Strengthening of the comprehensive planning process of the units of general government below the Federal level, including regional organizations, is an absolute must. At the present time, there are only two programs which provide comprehensive planning funds. These are the 701 program under the Housing Act of 1954, as amended, administered by the Department of Housing and Urban Development, and the Economic Development Act of 1965 through the Economic Development Administration within the Department of Commerce.

Each of these agencies, understandably favors institutions organized under their programs and in many parts of the country today, regrettably, there are Economic Development Districts operating within parts of one or more regional planning jurisdictions. Both are engaged in comprehensive planning and there is no consistent Federal policy which would merge these functions under a single agency and provide for joint funding to accomplish the objectives of these two Federal departments.

2. Consistent under-funding of the 701 program continues to be a basic problem: The 701 program was initially conceived within the Urban Renewal Administration for cities of under 25,000 population, on a 50-50 matching basis to permit these cities to engage in comprehensive planning in order that they would become eligible for the urban renewal program. The intent was to underpin a specific Federal categorical program: urban renewal.

In 1959, 1961, 1965, 1966, 1967, 1968, and in 1970, the purposes for which 701 funds could be used were expanded dramatically. The population ceiling for local planning assistance was removed, all counties became eligible, authorization for state-level planning support was included, the Federal grant share increased from 50% to ⅔, metropolitan Councils of Governments were included, as well as authorization for studies of State statutes, grants to the Appalachia Regional Commission and local development districts were authorized, and finally grants for non-metropolitan districts, Economic Development Districts, non-metropolitan Councils of Governments and Regional Commissions and planning for new communities were included.

Furthermore, the Housing Act of 1968 required that the land use component of all comprehensive planning should specifically contain a housing element for the jurisdiction concerned at whatever level of government such planning was accomplished.

During this period of time, Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and the Intergovernmental Cooperation Act of 1968 were adopted and the number of intergovernmental Regional Planning Agencies increased from a mere handful to over 600, nationwide, at the present time.

In short, from the modest beginnings during FY 1955, when $1,000,000 was appropriated to the 701 program through FY 1970 and FY 1971, when $50,000,000 was appropriated, the demand has far outstripped the supply of dollars. In developing budgetary justifications for an adequate supply of 701 monies, there has never been, to my knowledge, an in-depth program analysis as to the needs for funding in relation to the demands established by the various Congressional actions which broadened the 701 program.

At the same time, HUD has set up its own system of priorities and special project categories which administratively broadens the demand areas for these funds.

Regional planning agencies, however, are still in precarious positions as participants in regional planning and decision making. The reason is not, as many allege, that membership in these bodies is voluntary. There is too much at stake in most regions for members to which to pull out—or to stay out long if they do. The problem is financial. These agencies have no taxing powers. Because of the crisis in local finance most of the financing of areawide agencies must come from Federal sources. Federal funding for regional agencies is still inadequate and unpredictable. Most Federal funding for regional agencies comes from the Comprehensive Planning Assistance Program, yet despite rising costs, creation of new planning agencies, and increasing demands on regional agencies by HUD, OMB and other Federal agencies *the funding of this program has been about static for four years—and it remains static for regional planning organizations in the President's FY 1972 budget for comprehensive planning and management even though funding for local and state planning agencies is proposed to be doubled.*

Funding regional planning agencies has reached a critical point. Unless increased funding is provided, the planning and decision making capabilities which have been built at great effort in many areas will be lost. Precious time as well as money will then have to be spent later to re-establish these capabilities. *Already I have heard several reports of major areawide agencies which have had to lay off experienced professionals. When this happens in the face of urgent national needs to solve regional problems, something is wrong.*

The total investment being made in regional planning through HUD's Comprehensive Planning Assistance Program is about $20 million or ten cents per capita. The cost of public and private investment related to urban development has been estimated by the National Planning Association at 11% of the Gross National Product—with a trillion dollar GNP this would be about $110 billion per year. Within this total there are certain key investments, mainly public ones such as water and sewer systems, transportation and open space, which help to guide development. The technical tools, utilizing systems analysis and other methods, are now available to guide decision makers in making key public investments. In many cases the money is not available from local, state or Federal sources to do the necessary work. In other cases, such work is being done but by agencies which are not linked to local governmental decision making. These points will be discussed further in replying to the Chairman's five questions.

To carry out Congressional intent and to strengthen the comprehensive planning process, to support the structure of general purpose governmental political decision making as it is now evolving, would today require funding of at least $150,000,000 a year.

3. There has been a lack of reliability of not only the amounts but the timing of the flow of 701 funding: In addition to the problems outlined under Point 2 above, HUD has not developed, to date, consistent procedures which would permit local planning agencies to anticipate funding, either in terms of the time of delivery of dollars or in terms of the dollar amounts that would become available.

This is not intended to be critical of the hard-working personnel that deal with the 701 program. It is, on the contrary, a statement of fact that relates to the lateness of action on the HUD appropriation bill and the fact that the Department, unfortunately, since its organization as a Department in 1965, coupled with successive reorganization plans and the transitions occasioned by a change of Administration over the last two years, has not been in a position to establish internal consistency of policy with regard to the administration of the 701 program.

4. Funding should be projected on a two year rather than a single year basis: It is very hard to staff and conduct a work program on a year to year basis.

5. Another step to improve regional decision making within the framework of present law would be to appropriate funds for implementation of Section 205 of the Demonstration Cities and Metropolitan Development Act of 1966: This section provides a 20% bonus of Federal grants for key urban development projects to governments which participate in regional planning projects and governments which participate in regional planning and programming work. Funding of this section would provide a major incentive for implementation of the planning system outlines in the Chairman's letter of January 11, 1971.

6. Transportation planning funds should go to the sole regional planning agency in each SMSA: Another part of the Federal funding problem is the Department of Transportation's support of regional transportation planning. Under the Highway Act of 1962 SMSA's were required to have a continuing, coordinated comprehensive metropolitan transportation planning process. The Act further provided for 1½% of the highway funds allocated to states be given to state highway departments for planning. Often the metropolitan transportation planning process was not a part of the regional planning agency's program. Thus state highway departments, or autonomous transportation planning agencies, rather than regional planning agencies were the recipients of DOT's 1½% planning funds. It is now widely acknowledged that one regional planning agency in each SMSA should be designated as the land use and transportation planning agency for the SMSA. DOT and HUD should agree upon and designate one regional planning agency in each SMSA as the recipients of their planning funds.

7. HUD may have to promote its own programs and seek to utilize the 701 program to these ends: HUD has been the first and strongest supporter of comprehensive planning and management at local, regional, and state scales. How long it can provide this essential support is an important question.

Since the Department of Housing and Urban Development is one of several departments and independent agencies responsible to the President and since it stands on equal footing with all of the other departments, by the very nature of its organizational position in the Federal hierarchy, it must seek to establish a record for its own programs and utilize every devise at its disposal to support these objectives. This is the psychology of departmental organization and a part of the endless play of power politics between the large elements of the Federal structure. Its policies with regard to the support of comprehensive planning and coordination on the part of the general purpose governments and regional councils may state otherwise, but the fact of its organizational positioning must undermine and weaken the effectiveness of these enunciated polices.

To state it differently, many Federal officials and observers feel that comprehensive planning is regarded as "the glue" that enhances the executive management and coordination ability at the several levels of government. Because of the nature of HUD's operational programs and the need to establish a record of achievement, the "glue" function cannot win in the long run, as contrasted to the bricks and mortar of housing, open space, water and sewer, urban renewal and a host of other hardware oriented construction types of activity that HUD finances and supports.

Perhaps even more importantly, because of its departmental status in the Federal hierarchy, its equality with other departments and programs, the Department of Housing and Urban Development is not in a position to knock heads with other Federal agencies as their programs are implemented at the State and regional intergovernmental levels. HUD cannot require of comprehensive planning agencies that HUD funds be used to coordinate planning funded under other agencies programs health planning or law enforcement planning, for instance.

Whatever may be the aims of HUD, even with White House support, to use 701 as a coordinative instrument, its line agency status will always frustrate these objectives to some extent.

While it is proper for the Federal government to leave organizational arrangements to the States and localities, the Federal government must and should be in a position to strengthen the local comprehensive planning process and the responsibilities of locally elected officials, particularly in the most important emerging area of regional, intergovernmental, comprehensive planning.

The effective participation of elected local government officials in regional decision making depends on their having an adequate level of authority and accountability with respect to all aspects of planning being conducted in their own community and area of responsibility.

This objective can best be achieved when and if the Federal government, the State governments, and regional planning agencies are able as a matter of natural course, jointly to package available Federal planning assistance programs money in support of units of local general government and their comprehensive planning processes.

Again, given its position of equality with other operating agencies within the Federal structure, HUD does not seem to be in a position to effectively accomplish this very necessary packaging function.

8. There needs to be established a central planning coordination mechanism in the Executive Office of the President: Such a planning coordination mechanism would have as its principal objective the establishment of clearer and more consistent relationships between the various Federal planning assistance programs and the emerging planning structure of the country below the Federal level, ie., the Governors and their State planning operations and regional planning and policy development.

Such a central planning coordination mechanism in the Executive Office of the President can perform the packaging function and relate planning assistance programs to the units of general government below the Federal level.

A further function of this central planning coordination mechanism would be to develop consistency between the planning requirements of the over 80 Federal programs that contain planning requirements as the condition to Federal funding.

This planning and coordination mechanism would, of course, relate to the operations of the Domestic Council and the Office of Management and Budget reflective of the domestic policies developed by the Domestic Council and facilitate the management of the Federal establishment.

The President's New Federalism policies should insist on the accomplishment of this point, which is geared to the strengthening of the executive and the legislative functions of the States and the units of local general government.

THE REGIONAL LEVEL

Evolving structure

Adapting political structures within a region to solve contemporary social and economic problems remains an elusive goal. Even though this goal has been repeatedly advocated, organizational solutions to these problems as some form of governmental consolidation, has resulted in only a handful of general government consolidations. Organizing the planning functions of general purpose governments in metropolitan regions in ways that they can deal effectively with regional social and economic problems is a national dilemma that will be faced more and more frequently in the 1970s.

Organizing for the regional planning function will be determined by how we organize general purpose governments. Thus, the institutionalization of the planning process is highly dependent on the governmental structure it is intended to serve. The organization for regional planning will also suggest Federal, state and local governmental roles which can help the planning function meet its objectives.

Constitutional constraints

Because state government is responsible for creating local governments—cities, counties, townships—and for permitting local governments to provide services, state government plays the pivotal role in intergovernmental relations. Intergovernmental relations has been the Achilles heel of effective regional planning. Planning is highly dependent on voluntary cooperation which has proven difficult to attain in regions with a plethora of local government needs and interests to serve.

Voluntary cooperation may be supplanted by legislatively mandated governmental responsibilities at the regional level. This would require establishing a regional agency to provide regional services that can best be provided on a regional scale. State governments could permit or require regional service districts controlled by local elected officials (Virginia, for example, now permits this). In almost all states constitutional or statutory amendments would have to be passed and many would also require statewide referenda to require or permit regional service districts.

Interstate metropolitan areas represent special legal problems to mandatory regional services or planning. In order to establish regional service areas with taxing, operational and planning responsibilities that cross state lines, each state involved and Congress must pass legislation. There is no suitable alternative to interstate compacts for establishing an agency with these fundamental tasks.

Financing public improvements of area wide importance is a fundamental concern of regional planning agencies. More and more regional planning agencies have begun to realize their responsibility to identify the financial implications of development plans they prepare. Recommendations on regional transportation systems, water and sewer systems and open space are especially important determinants of regional development. The public investment decisions for these and other capital improvements are a continuous concern of many regional planning agencies.

Parameters of citizen participation in the regional planning process are established as a result of the organization for that process. The most effective avenues of communication between citizen organizations and regional planning policy making boards are: (1) through locally elected officials who comprise the boards, and (2) the public hearing process for regional development plans, functional elements of regional plans and regional scale projects at the time land is to be purchased for their construction. The first avenue permits citizens to communicate with their regional representatives through the ballot box and, while he is in office, directly on specific problems. The second avenue encourages organized citizen review and comment at the plan-making and initial public investment decision stages of the regional development process.

Regional planning and decision making on a wholesale scale is a relatively recent phenomenon. It is the newest and one of the most significant building blocks in the emerging planning structure of the United States. At the regional level, there are the following concerns:

1. Regional agencies must be structured so that they are composed at least of a majority of elected officials from units ol local general government within the region.

Thus structured, regional councils of elected local officials should be viewed as instruments of *an integral part of the system of local general purpose government* in the State. They exist for the purposes of determining the intergovernmental policies and activities of the local general purpose governments within the regions wherein they operate.

Having defined matters of intergovernmental importance, regional agencies should be able to move toward action on a cooperative, intergovernmental basis.

Regional councils, as a part of the system of local general purpose government, should be the sole policy and action "umbrella" agency for the region. They must be *the* agency to coordinate and direct all intergovernmental activities conducted within their region, whether such intergovernmental activities are conducted by special purpose units of government (e.g., special sewer, water, or transit districts), organized under State law, or special organizations established in response to Federal law or policy (e.g., health planning councils organized as non-profit corporations).

Coordination and direction should include at least the approval or modification of proposed work programs, financial arrangements, public works or the delivery of public services, jurisdictional boundaries, budgets, and organizational structure of special purpose agencies within the region should also be subject to regional council review, approval, or modification.

Such reviews by the regional council would be accomplished within a framework of adopted policies and the comprehensive planning program of the regional council.

Regional councils should plan the location, timing of improvements, and capital improvements programming for the public facilities necessary on an intergovernmental basis within the region.

Some local officials fear regional councils as the interposition of a "new layer of government." It must be recognized that there generally already *is* another layer of government at the regional scale—the special purpose districts operating in or special purpose groups planning in the region.

Regional councils should be able to easily organize and bring into being new subordinate regional operating agencies that they find necessary to the accomplishment of identified regional goals, objectives, and needs.

Regional councils need to be able to speak with a single local voice in terms of State actions and Federal actions and programs operating within their areas of jurisdiction. Certainly OMB Circular No. A-95 provides them with this opportunity with regard to Federally assisted activities. They should not, however, stop there. They should not be merely mechanisms to react to applications for Federal assistance. They should be mechanisms for the identification of local needs and local desire and for the allocation of effort to accomplish local needs within the region. States need to recognize this need for coordinating and directing all intergovernmental action in the region as a part of the system of local general government.

2. Members of planning and policy determination agencies at the regional level must be those who are elected to govern and who must stand for re-election on the basis of their records of achievement. *Ex officio* members of regional agencies who are, themselves, State officials or Federal officials or local planning commissioners should have primarily a supportive place in the identification of the public interest at the regional scale.

Federal and State officials have to act as reviewers and judge regional proposals. They should not be placed in the position of being the accused, the prosecutor, the judge, and the jury, or wearing several hats at the same time. Lay planning commissioners of local units of government are not responsible for their actions before the electorate.

Regional councils of elected officials must be in the position, within our present form of government, of deciding upon the relative importance and necessity of concerted regional action vs. local individual action.

Eventually, in some areas of the country, regional councils may evolve and emerge into directly elected metropolitan government. This is a local and State option. But there are many alternatives. Cetrainly the formation of the Meropolitan Council within the Minneapolis-St. Paul metropolitan area by the legislature of the State of Minnesota is an example of moving from traditional planning commissioner-oriented metropolitan planning toward an action program within the Twin Cities Metropolitan Area. The legislature, in its wisdom, determined that the governing body would be 15 members appointed by the Governor.

In Virginia, regional service districts coterminus with the 23 existing regional planning agencies may be established by local referenda. In other areas, regional councils of elected officials—councils of government—seem to be the best configuration at the present time.

Sooner or later, these councils will have to deal with the one-man-one-vote proposition. Until that day, a conference of elected officials within the region to determine regional and local responsibilities, and most particularly to react to Federal mandates, seems to be the best construct, within the present system of local general purpose government at the local level.

The balance of my comments respond specifically to the five points raised in the Chairman's letter of January 11, 1971.

"Within present Constitutional constraints how can we provide for appropriate popular representation of the people whose lives are affected under the plans drawn up and executed through this regional planning structure?"

I assume this question requires a response on two levels of regional planning representation and feedback. The first is the Federal regional level and the second is the local (metropolitan or rural) regional level.

An organization of elected officials is called for in response to problems of coordination at the Federal regional level. Joint committees of Congressmen from states comprising each of the ten Federal administrative regions should be established to: (1) monitor how the Federal regional offices are implementing Federal regional development policies, and (2) periodically meet with the heads of regional planning agency policy boards to coordinate the Federal and regional perspectives of regional development policies. Beyond the functions of monitoring and coordinating Federal regional development policies, the ten joint Congressional Committees could initiate Federal legislative changes to better approach and solve regional development problems. Congress could then assume more legislative initiative which departments of the Executive Branch have long cherished.

At the local regional level at this point in time there is much discussion of the American political process. The question of popular representation in regional planning and decision making is closely related to the broader discussion of political process. And, I believe that the answers to representation are to be found in American political tradition. Some ways in which representation is now being achieved in many metropolitan areas are outlined below.

a) Elected officials should play key roles in regional planning and decision making. This can be done and is being done in a variety of ways. I disagree with those who think that metropolitan government is the only answer. It has been an answer in some cases and should be an alternative which any community can consider. The council of governments movement, in which the policy body or regional agency is made up of local elected officials, is another alternative. For many areas today this may be the best alternative. Because of various Federal requirements and incentives for regional decision making and because of recognition of regional problems, councils of government today are more than the voluntary organizations they were five years ago. In many cases they are now thought of as essential components of local government structure. In other cases, regional planning organizations which are not under the direct control of elected officials are seeking greater participation by elected officials.

It is fundamental in our political system that elected officials be given maximum opportunity and information to represent their constituents in making regional decisions. There are different ways of achieving this and each area should be given leeway to use its own inventiveness in finding solutions best fitted to its needs.

b) Citizens should have access to regional decision making. The most effective representation is usually through the citizen's elected representatives. However, there may not always be effective communication between individual citizens and elected officials. In this event, citizens should have mechanisms through which they can present viewpoints to the policy board as a whole.

Experimentation in means of securing citizen participation is underway by regional planning agencies and should be continued. However, many of the means which have proved effective are well known to members of this committee. These include public hearings on proposed plans and other policies; informal meetings; public meetings of the policy board; citizen representation on advisory groups to the policy board; use of mass media to encourage communication between policy boards and citizens; and similar devices. I do not think that the same mechanisms would be uniformly effective in different areas. Probably what is needed are simple performance objectives which could be met in different ways but which would insure that each citizen at least had a reasonable opportunity to (a) know about proposed regional plans and policies, and (b) express his viewpoints on them.

(c) Key administrative, technical, and professional persons from local and state agencies should also be included in the advisory committee structure.

d) A single comprehensive regional planning agency is necessary in order to provide for representation of governmental, citizen, and technical viewpoints. A proliferation of regional agencies clearly makes representation inefficient and also makes communication and coordination difficult. Federal policy should strongly encourage development of single regional agencies with comprehensive concerns and with mechanisms for political, citizen, and professional participation. The comprehensive agency should be recognized and supported by the Executive Office of the President, including OMB, and by each Federal agency having regional programs. Where the comprehensive areawide organization provides for adequate representation, it should be authorized to review and comment upon proposals by any agencies in the area to spend Federal funds. Bureau of the Budget Circular No. A–95 requires areawide agencies designated as "Metropolitan clearinghouses" to review Federal grant applications. This program improves regional planning, coordination, and decision making. An extension of it to allow elected officials, working cooperatively, to review at their discretion any proposal for expenditure of Federal funds, while still in the draft stage, would further enhance the potential for cooperation.

"What objectives or goals should be spelled out in the statute as a guide to the operations of this regional set-up?"

Regional planning agencies ought to be given latitude in setting their own objectives. To impose too many objectives, especially through administrative requirements and guidelines, may mean that an agency is required to do things which in its special situation don't need to be done or can't be done and to draw resources from things which can and should be done.

I think it is proper for Congress to require regional planning agencies to consider problems which are of national concern and to develop goals and program work to deal with these problems. It might be made mandatory, for example, for regional planning agencies to consider regional problems of employment and economic development; housing; natural environment, agriculture, and open space; criminal justice; transportation, communication and public utilities; education; and government finance. This consideration could take the form of an overall work program which should be required by law to be brief and general so as to be a useful decision making tool for policy makers. Perhaps half the Federal funds for planning and management could be required to spread among some of the categories set forth above. The other half would be considered discretionary funds to avoid temptation to force local problems to fit the categories. Having encouraged the areawide organization to be representative and responsible, it then should be given resources to exercise its responsibilities. The major legislative requirement should be broad and general with an emphasis on action. It should generally express the mandate for local governments to work together and with state and Federal agencies and private groups to solve metropolitan and regional problems as expeditiously as possible. (For the information of the Committee a summary of the goals approved by the Baltimore Regional Planning Council is appended to my testimony.)

Most regional agencies which are funded by HUD, in whole or part, prepare work programs called Overall Program Designs which provide a mechanism for doing the sort of work discussed above. This would be a good building block provided the Overall Program Design can be adapted to the needs of other Federal agencies *without* becoming so cumbersome as to be useless—this is why I previously stressed the term "brief and general".

One goal should be to provide local governments within regions and the state and Federal governments with recommendations on planning for and coordination of regionally significant expenditures within these areas. No veto power would be involved and the recommendations would be advisory with whatever force and effect their logic merited.

Concerning special and general revenue sharing, I understand and agree with the widespread concern for "cutting red tape". However, I do not think that the public expenditures which might be made under these programs will yield full returns unless major categories of expenditure are required to be considered in the context of coordinated regional plans and programs. There are many administrative areas in which measures to simplify procedures and to expedite action would be helpful and I will discuss some of them later. I do not think that "simplification" means that rational, cooperative decision making by key local elected officials should not be fully encouraged by the Federal government. Increased expenditures for urban development and related matters should be paired with increased emphasis on cooperative planning to help make effective use of limited funds which are available for public improvements.

"What standards would have to be spelled out in the statute as guides for the regional coordinators and as requirements for the performance of local units?"

It would probably be the opinion of the policy body of my council, and probably that of other councils, that when very important standards are to be set, they should be set legislatively rather than administratively. We seem to have problems between elected officials involved in regional planning and administrators, whether state or Federal, when elected officials feel that administrators have gone beyond the intent of the law in establishing standards, requirements, guidelines, and other controls. This is, of course, a very old governmental problem and one which perennially bothers elected officials and administrators. Other administrative problems are the need for more uniformity among the requirements of various Federal agencies and the need for further administrative simplification. Some of the things which might be considered in establishing standards are:

a) Requirements for representation as discussed under question 1 and allowing latitude for local innovation.

b) Requirements for short and readable overall work programs discussed under question 2.

c) Requirements for uniform Federal grant application and accounting and auditing procedures insofar as possible.

d) Requirements that both local and Federal procedures emphasize agency self-management and place emphasis on expeditious solution of regional problems. The purpose of this is to help insure that the necessary checks and balances don't impede necessary forward motion. The HEW publication entitled "A Program for Grantee Self-Management" might be of interest to this regard.

"What powers would have to be lodged in the ten regional coordinators and how should they be tied to the Presidential office in Washington?"

Linkages between the ten Federal administrative regions and regional planning agencies should be more formally organized. The Federal regions' administrative offices of the Executive Branch could assist in carrying out the Federal government's metropolitan development policies. The heads of each regional office of each Federal Department should develop and maintain lines of communication with the heads of all regional planning agencies in that Federal region. The purposes of this communication would be to:

1. Assure that Federal regional administrators are kept abreast of regional planning agencies;
2. Assure that Federal administrators are aware of long range work programs of regional planning agencies and their relationships to Federal programs;
3. Alert heads of regional planning agencies to new Federal legislation and Federal agency guidelines affecting regional planning and development;
4. Jointly, with heads of regional planning agencies, develop strategies for implementing Federal government metropolitan development policies.

Closer communication between the heads of Federal regional offices and regional planning agencies could improve the prospects of implementing regional development policies.

The major power to be lodged in the coordinator should be the power to expedite. Consideration might be given to naming the function "expediter" or something similar. Even within the scope of a single Federal agency things can happen too slowly for a fully effective and different attack on fast changing regional problems. It is important that other Federal agencies be systematically brought into the decision making system so that Federal programs dealing with regions are better coordinated. At the same time, it is also important that decision making not be slowed down but speeded up. This could be done if the regional coordinator had the power, responsibility, and the personal qualifications to coordinate the actions of key Federal agencies, to expedite decisions, to actively advocate the solution of regional problems, and to promote administrative simplification. He should be responsible for asking such questions as "how can we do it better and faster", and he should have enough power to make things happen when they need to happen. An additional function of the regional coordinator might be to "certify" regional planning agencies as having met legislative objectives.

I do not have specific recommendations on how regional coordinators should be tied to the Office of the President. It is clear that key decisions which must be made by this position should not be made by an administrator buried deep within an agency and removed from elected officials. How he can be given the power necessary to do his job and be properly related to the Presidency is a question better left in the hands of this committee and others who have thought about this problem.

"Should a pool of unrestricted funds be available to each regional coordinator to be allocated by him in whatever manner would promote the objectives of the Act and comply with the standards thereunder in order to supply funds which would not be available under any of the other Federal grant programs but would be vital to the success of a particular plan? If this is needed, how big a pool would be required initially?"

This is a good idea. It would promote flexibility and responsiveness in problem solving. Furthermore, the responsibilities involved would be a further incentive for selection of regional coordinators of a sufficiently high caliber to get this complex job done.

Concerning the amount of discretionary funds which should be available, our experience with the comprehensive planning assistance program might be of some help. In my own agency, we have found that when 20% of planning funds are available to be focused on new problems without need for extensive renegotiation of the planning grant we have enough latitude to deal with most of the minor but pressing problems which arise.

APPENDIX A—SUMMARY OF REGIONAL GOALS

The underlying purpose of the Baltimore Regional Planning Council provided by its legislation is to assist its member governments in "such activities as the Council finds necessary or desirable for the solution of problems affecting more than one unit of government within the area." Goals listed below indicate current "areas of concern" of the Council and its member governments. The activity of the Council in regard to the goals is defined in its work program. Major efforts may be devoted to work in regard to some goals and for others there may be only periodic monitoring of changes in conditions; this will depend on determinations by the Council of urgency, responsibility and other factors.

Natural environment: Preservation and enhancement of sunlight, air, water and land resources and wildlife and vegetation of the region to support and enrich human life.

Shelter: Adequate choice of decent homes in suitable living environments within economic reach of all citizens of the region.

Economic well-being: Adequate and rewarding employment for everyone able to work; economical and effective delivery of welfare or other supplements and assistance to those who cannot otherwise provide; opportunity for securing goods and services, public and private, necessary for satisfactory life in today's society; balanced and beneficial economic development; and sound fiscal bases for governments in the region.

Health: Provision for the best level of physical and mental health attainable for every person at all stages of life, and an environment which contributes positively to healthy individual and family living.

Safety and justice: Adequate and equal justice and protection of life and property against crime, fire, traffic hazards and other threats to personal and public safety.

Transportation and communication: Movement of people and materials efficiently, conveniently, and confortably as well as reliably and safely. Efficient transmission of energy and communication. These should be consistent with enhancement of the esthetic, physical, economic and social environment.

Recreation: Opportunities sufficient to accommodate the full range of human needs for recreation.

Education: Opportunities for attainment of knowledge commensurate with the needs and capabilities of all the region's citizens and appropriate to a complex and changing world.

The Council's enabling legislation provides for a method of solving the region's problems which includes:

Participation by other public and private agencies and citizens of the region;

Comprehensive planning and implementation for orderly regional development;

Efficient, economical and effective development and use of financial and other resources.

THE TORTURE OF THE GREEKS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. EDWARDS of California. Mr. Speaker, the military government continues to rule Greece by martial law, supported by massive military aid from the American taxpayer. Thus, the American Government must also be an accomplice in the long and sordid history of torture and atrocity inflicted by the Greek colonels on the people cruelties documented and proven since the regime grabbed power in 1967.

The New York Times has consistently and objectively reported the news from Greece. Its editorials also have called to our attention the dismaying events in Greece and the incredible American participation.

I include here in the RECORD an editorial from the July 5, 1971, edition and an article entitled "The Torture of the Greeks" from the July 7 edition.

GREECE'S POLITICAL PRISONERS

In his letter on this page, Greece's Ambassador to the United States indulges in semantics in an effort to persuade Americans that there are no longer any "political prisoners" under the military dictatorship he serves. But his definition of "political prisoner" is too narrow and his "facts" are misleading.

By any reasonable definition, Greece still has several hundred "political prisoners," and the evidence that some of these have been tortured is now too impressive to doubt. It is true that the Athens regime earlier this year either released or changed the status of about 300 Greeks who had been held, without warrant or charge, for political offenses or merely for their political views. Those releases, however, left in prison another 350 to 400 who had been convicted—most of them by military courts—for political acts against the junta.

There is also a group of prominent Greeks still awaiting trial for allegedly working or plotting against the regime. These Greeks were finally charged in May, though most had been seized late in 1970 and held without charge for as long as six months. The junta reportedly will try to link these defendants to Andreas Papandreou's Pan-Hellenic Liberation Front.

One of these is Christos Sartzetakis, the lawyer whose prosecution of high police officials in the murder of a leftist member of Parliament was re-enacted in the motion picture "Z." Mr. Sartzetakis was seized without warrant last Christmas Eve and held in solitary confinement for more than four months before being charged and permitted access to his lawyer. Would Ambassador Vitsaxis seriously contend that Mr. Sartzetakis is not a "political prisoner?"

THE TORTURE OF THE GREEKS

(The following article is taken from letters written on tissue and smuggled out of an Athens prison. They came from members of the student resistance organization, Rigas Ferraios, and describe their treatment by Greek security police.)

My name is Fotis Provatas. On Christmas Eve, 1970, five individuals in civilian clothes, without a search or arrest warrant, searched my home for hours and then forced me to follow them to the general security of Athens. For 22 days I was kept in strict solitary confinement in a damp, dark, dirty cell in the basement of the security. From 14/1/71 to 20/1/71, day of my transfer to the Korydallos Prison, I was kept in a room of the fourth floor of the security.

They undressed me by force and threatened to rape me. As I was standing naked they punched me repeatedly in the face, the back, the stomach, the legs, the buttocks and on the heart. They repeatedly hit and squeezed my genitals. They dragged me around from the hair for long. They threw me naked on the floor, where they trampled me down. They kicked me, they hit me with a thick wooden club, while someone smothered my shouting with a nylon typewriter cover. They threatened that they would throw me down from the terrace. They threatened that both my friend Costarakos Costas and myself would be lost in a car accident. From the continuous blows given with a thick wooden ruler on my joints and in the palms of my hand, the bones finally broke in both palms.

My name is George Theodosius Spiliotis. Right from the start of my arrest they hit me on the head and threatened that they would throw me off a precipice on Mount Parnes. They also stuck a pistol in my temples and threatened to kill me. They beat me till 11 o'clock in the evening in an office. They punched me on the head. They banged my head against the wall, dragging me by the hair. They punched me on the heart, on the ribs, on the stomach. They gave me repeated electric shocks. The blows on the head caused my nose to bleed. They put their fingers in the sockets of my eyes, they pretended to attempt to strangle me and they squeezed my genitals.

After all this, they took me on the terrace for "falanga." They tied me on a bench and started beating the soles of my feet with a thick iron pipe. The pain pierced through my body and on to the head which they kept beating at the same time. They again beat my genitals with a stick, they pressed my eye-bulbs with their fingers, or alternatively the throat to the point of strangulation. At the same time, with thick sticks they beat my fingers and my knees.

While they kept me tied on the bench, they would occasionally stop the beatings on the soles and start squeezing my genitals. The pain would make me turn on my face—I was lying on my back—and this caused new terrible pains from the ropes around my legs.

My name is Lycourgos Flessas. Agents of the general security of Athens arrested me without warrant. They took me to the Athens General Security. They immediately started slapping my face, giving me electric shock and punching me up. They pushed me in the laundry room. There they tied me on a bench and left my feet sticking out a bit. A police lieutenant started to beat the soles with an iron pipe, while somebody else threw his coat over my head to smother the shouting. Another police lieutenant hit me hard on the stomach and threatened that he would torture my girl friend, whom they had arrested the previous day. After a couple of hours they made me stand up and got me to walk about. They threw me in cell 7. In a nearby cell my girl friend was. She had suffered a nervous breakdown and was moaning all the time. They held her in this condition for one week.

My name is Costas Costarakos. On 23/12/1970, I was arrested in the house of my childhood friends. They were also arrested, together with my brother, my brother-in-law, my sister and my fianceé. They took me to the general security, where, right from the start, in the office of a police captain, three policemen in plain clothes started beating me and punching me in the stomach, shouting "Get ready to die." Right after this, after handcuffing my hands behind my back, they took me to the terrace laundry room. There, without taking off the handcuffs, they stretched me on the bench, they stuffed my mouth with pieces of rope and scrap paper, so as to smother my shouting and they started the falanga torture. Pain is terrible in the head. At the same time they squeezed and hit my genitals, and they also banged my head on the wall. During this torture, my torturers by shrieks and bangings tried to build up an atmosphere of false emotional tension, in order to terrify me. This lasted about three hours, in the night of 23 to 24, December. After this they threw me in a cell.

ON THE MORALITY OF THE WAR

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. DRINAN. Mr. Speaker, I include in the RECORD an extraordinarily clear condemnation of the war in Vietnam by Bishop Thomas J. Gumbleton, the Catholic auxiliary bishop of the Archdiocese of Detroit.

This article, reprinted from the New York Times of July 2, 1971, states categorically that "continuing American military involvement in Southeast Asia is gravely immoral."

The excellent statement of Bishop Gumbleton follows:

ON THE MORALITY OF THE WAR

(By Thomas J. Gumbleton)

DETROIT.—The military involvement of the United States in Southeast Asia is more than a hotly debated political issue. "Vietnam" is an urgent moral question demanding an examination by all thinking Americans. That war is always a moral matter should be clear enough. Political and military policies which provide soldiers and weapons for the purposes of death and destruction require a moral judgment of the individual citizens with whose tax money and, in some cases, very lives those policies are implemented.

A citizen is untrue to his human dignity as an intelligent, compassionate person if he surrenders his conscience to his government in time of war. In their collective pastoral letter of Nov. 15, 1968, the American Catholic Bishops expressed the hope that "in the all-important issue of war and peace, all men will follow their consciences." And prior to this, Pope John XXIII in *Pacem In Terris* had indicated that conscience today might require a new attitude toward war. "Therefore, in an age such as ours which prides itself on its atomic energy, it is contrary to reason to hold that war is now a suitable way to restore rights which have been violated."

We may think of this as a new attitude toward war. In fact, it is a moral position which links up with the earliest Christian tradition in regard to war. For three centuries Christians generally refused service in military campaigns, rejecting killing as an immoral means to an end. Strong statements of men such as Saint Justin, Saint Clement of Alexandria, Saint Cyprian and others show the common Christian attitude in regard to the morality of war.

Obviously, for one who would follow the earliest Christian tradition, supporting the Vietnam war is morally unthinkable. But even if one were to base his conscientious judgment of the Vietnam war on the "just war" doctrine, I believe his conclusion could only be that continuing American military involvement in Southeast Asia is gravely immoral.

This doctrine is based on the obvious enough premise that war is an unspeakable physical evil. Like other physical evils, it sometimes cannot be avoided. In certain circumstances a doctor—and the patient also—would accept the need to amputate an arm or leg. Similarly, the evil of war is "justified" in certain circumstances. Otherwise it is immoral.

One condition is that war must be waged by a legitimate public authority for the common good. Is it really serving the common good to fight an undeclared war thousands of miles away against an enemy that poses no threat to the United States? And does Congressional approval of funds to equip American forces sent to Vietnam under questionable circumstances (Gulf of Tonkin Resolution) constitute a legitimate declaration of war?

A second condition is that a just cause is required. One will demand clear and cogent reasons before he will accept the amputation of his arm. To "justify" war requires no less. Here the obvious question is: What is the cause for which American forces are fighting in Southeast Asia? Millions of Americans can be excused for having no clear answer to that question. We have been given so many different reasons, even to the point where we are told it is simply to uphold American prestige rather than accept the humiliation of defeat. We may be excused for not knowing the reason for the war. We cannot be morally excused for participating without sure knowledge that the reason is sufficient.

A final consideration is that to be "just" the war must be fought within the limits of what is called the "principle of proportionality." In 1968 the American Bishops asked: "Have we already reached, or passed, the point where the principle of proportionality becomes decisive? How much more of our resources in men and money should we commit to this struggle? Has the conflict in Vietnam provoked inhuman dimensions of suffering?"

Without even considering the death and destruction in Laos and Cambodia can we find any "justifying proportionality" in what we are doing in this war?

Whether we judge this war in the light of the earliest Christian tradition on war, or according to the "just war" doctrine, I can reach only one conclusion: our participation in it is gravely immoral.

When Jesus faced His captors He told Peter to put away his sword. It seems to me He is saying the same thing to the people of the United States in 1971.

PIE IN THE SKY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. SCHEUER. Mr. Speaker, for many months I have been encouraging various agencies of this Government to apply their technical resources and know-how to the problem of controlling the international flow of illicit drugs. During the floor debate on the authorization for the National Aeronautics and Space Administration, I engaged in a colloquy with some of my colleagues on the possibility of using NASA satellite photography techniques to detect opium poppyfields wherever they are grown throughout the world. The gist of this colloquy was that NASA does indeed have such a capability, but that it will take time and money to apply them in this way. I bring to the attention of my colleagues the following article from the Public Information Center News of December 1970, which describes in great detail many other, more significant sources of resistance to such farsighted programs. The time to begin disseminating the benefits of our expensively developed space technology is now. Congress must exercise determined leadership and overcome the resistance to making the benefits of this technology available.

The article follows:

PIE IN THE SKY

(By Everet Clark)

If the National Academy of Sciences had existed several thousand years ago it might have opposed the discovery of the wheel. Think of the economic upheaval! Think of the political impact! Think of that greatest of all dangers, imparting knowledge to those who are not yet ready for it!

That may be a slander on the good grey men of the Academy. But it is exactly what is happening in the scientific-political-economic world today regarding one of the most revolutionary advances in mankind's history. That advance is his ability to see himself, his traffic patterns, his city growth, his forest fires and crop failures, his potential new fishing grounds and oil wells and uranium fields from space—now, and in a comprehensive and immediately useful way.

The United States and the Soviet Union have spied on each other from space for military purposes for almost a decade. They know it and 100 other nations of the world know it. Several American Presidents have made a practice of handing visiting heads of state snapshots of their capitals taken by the relatively crude cameras of meteorological satellites from several hundred miles above the earth. The mere paranoia of secrecy that surrounds the highly sophisticated military big-brothers of the simple weather satellites is enough to give even the dumbest foreign politician the rest of the message. It is simply: "I spy."

Russia and the United States have gotten away with this because they founded the club. They have been the two scorpions in the space bottle. The bottle, and the scorpion club, are growing. N.A.T.O. now is in the spy satellite business. It is like nuclear proliferation—given enough time, any (rich) nation can join.

Nuclear power, radar, supersonic planes and most other advances pioneered by the military find their way eventually into the civilian economy. It is inevitable that the spy satellite will do so. Knowledgeable British space engineers, in fact, have accused the United States for several years of exploiting other nations' oil resources with information gleaned by military satellite. No one has admitted such base actions. But 23 months ago, Dr. George E. Mueller, then head of Manned Space Flight for the civilian space agency, said this about far less potent non-military space vehicles:

"Oil companies are already using our satellite pictures to mark potential oil bearing areas on the ocean floor. Considering the high cost of oil prospecting, it seems reasonable to expect that oil companies will finance their own space satellites as a more economical means of finding those deposits."

Oversell? President Nixon, the State Department, Defense, Interior, Agriculture, Transportation, NASA and other agencies do not think so. All of them are preparing for a massive assault from space on the mysteries of the earth—not the military secrets, which are already known to a sobering degree, but to the inventorying—and management—of man's natural environment.

A military spy satellite nowadays can picture a Moscow street from space so clearly that a shrewd analyst can determine one make of car from another. To find diseased crops and forests, fresh water springs escaping into the sea around a water-short island, no such sophistication is necessary.

"You don't look for the leaves on the trees," an earth resources expert says. "You don't look for the grasshopper in the grass. You look for the swath it's cut."

In other words, the peaceful exploitation of space for the benefit of mankind is more than ready to go. Why is this not a reason for rejoicing? Because vast armies of men with what they think are good intentions are trying to keep it from happening.

If the British engineers are right, the United States and Russia already know far more about their neighbors than is good for the neighbors. If the two super-powers have behaved honorably and ignored the vast potential for economic-political exploitation picked up by the undiscriminating cyclopses of space, all well and good.

But the future must be faced and it is bringing agony to the bureaucracy and its appendages. The fruits of military space espionage may remain secret and partially unused. But a primitive, underfunded and controversial civilian "spy" system is about to move in on the earth's natural secrets. In 1972 the National Aeronautics and Space Administration will launch the first Earth Resources Technology Satellite (ERTS). NASA has hoped for years to save this observation task for its far more expensive manned orbiting stations but budget cuts have eliminated many of those. The very limited ERTS program, capable of seeing far less than existing military spycraft, has been sharply criticized by congressional committees and such potential user agencies as the Interior Department for being too little and too late—particularly considering what is already being done by the intelligence orbiters. Ironically, the government is using the problems posed by even this low-keyed approach as justification for a tortoise-like pace toward global resource monitoring.

It took Sputnik to prod the United States into space. It took the American Telephone and Telegraph Company, hardly the nation's most progressive institution, to launch the young space agency into the communications satellite field. Nothing—not logic, not the obvious fact that Russia might take the initiative—has yet inspired the United States into using and sharing the tremendous civilian benefits to be garnered from space observation.

History may not have repeated itself before but it appears in danger of doing so now. Several years before Sputnik, the National Security Council secretly alerted the Pentagon that Russia might launch an artificial satellite of the earth—and soon. It took no superb intelligence apparatus to know this. The Russians had been declaring it publicly but few had bothered to listen. But the National Security Council—supposedly the most sensitive, concerned political body the nation has—said something else. It warned that a Russian first would have: 1.) vast military potential 2.) certain psychological advantages, in what was then the coldest of wars. National fumbling, too politically complex to explore here, handed Russia the advantage despite the warnings.

Now, 13 years after Sputnik, the National Security Council has set up an unusually secret subgroup to worry about earth resources satellites. The clandestine, interagency group has not been reported on anywhere. Nor has it even been charged with preventing another psychological Pearl Harbor like Sputnik. It has simply been told to worry about how the United States can take natural (and economic) inventory of the world and have the world like it. That less-than-cosmic assignment is probably just as well, since the group is reliably reported by insiders to be getting nothing done, anyway.

Despite slow progress, attitudes on earth monitoring are hardening and the number of people involved is increasing. The National Academy of Sciences—enthusiastic about this turn of the wheel of progress—long ago urged NASA to double its spending for ERTS. The State Department and the Agency for International Development have been told to prepare the world to share what the United States can learn from space—but not before the late 1970's. Some aerospace companies are deep into plans to sell technical earth resources expertise to backward nations. But other private enterprisers already are lobbying against government "giveaways" that, they say, would keep American companies from exploiting abroad the pay offs from the nation's expensive space programs. Progressive congressmen who have offered to take the initiative for an even bolder program than ERTS—unveiling the military satellites—have been rebuffed by the White House with the excuse that only the Executive Branch understands the problem. Even the aerospace industry, which developed the military satellites, uses the civilian program as an excuse to worry endlessly over cost-benefits, the complexity of data handling and the possibilities of unwise use of information. Like all the other groups involved with the space spooks, it is more interested in maintaining an American-Russian monopoly than in spreading knowledge to the world. It doesn't want the military spies brought in from the cold when there can be a duplicating civilian market for spy satellites.

President Nixon has warned, in a United Nations speech, that the United States will go ahead with an earth resources satellite and that if others know what is good for them they will rush to get aboard, but there is far more talk than progress.

U. Alexis Johnson, Under Secretary of State, sounded essentially the same warning in a public speech last spring; but he, like other officials who have spoken on the subject, revealed a patronizing attitude toward other nations, and an incredible confusion and protectionist stance here at home.

Johnson concedes that science—particularly space science—is "essentially international in its view and synoptic in the character of its projects." But he worries that "proper organization and careful attention to international arrangements" must *precede* the sharing of data from space. At the same time he says "you scientists and engineers are creating opportunities and problems faster than our political organization is able to handle them." He agonizes over "who will receive the data . . . in what form? By what means?" And the crucial question: "How are the potential users of these data and results to be prepared to handle them, to understand them and, of most importance, to apply them in development and resource management?"

"At the outset the development of this capability (exploration of earth resources) will be primarily, if not exclusively, a matter for the major space powers and advanced nations," Johnson said. Between the founders of the fraternity and its future pledges lie "proprietary concern . . . national sensitivities . . . how best to organize this international participation" and all the other stumbling blocks that political obfuscators can manufacture.

And of course the fraterity would have dues ("People value what they pay for," Johnson said) and it must at all costs try not to offend those who do not want to or can't afford to partake of its exclusivity:

"And, finally," Johnson said, "We shall have to find ways to provide assurances that the capability to acquire environmental and resource data on a world-wide basis will not be used to the disadvantage of those countries who, for one reason or another, do not participate directly in the international arrangements for this program—those whose political posture or sensitivities or those whose economic circumstances do not permit such participation."

The way around these bramble bushes is so screamingly simple that it cannot succeed. A small body of politicians, disarmament experts, earth resources experts, and intelligence analysts—and even some military men—agree on the beautiful simplicity. But they also agree it won't work, any more than President Eisenhower's proposal to throw open the skies to aircraft reconnaissance did a decade and a half ago.

The simple plan: Turn over good, but not the best, military spy satellites and their cameras and other sensors to the United Nations now. Make everything they see, hear and feel available to all nations—free. Keep hidden the latest, most sophisticated technology and assume that the Russians will do the same, as a sort of security blanket for the big boys. But create a "third force" by throwing open to the rest of the world the new exclusive club of spying from space. The military deterrent power of this third force might or might not be revolutionary; the impact on environmental monitoring would certainly be, if the experts are right.

The Defense Department, the Central Intelligence Agency, the Air Force (which flies most military spy satellites) and the State Department (which gets all the diplomatic headaches) are essentially opposed to free-form data sharing. So are many commercial interests. Lesser agencies are fighting for primacy in the meager civilian earth-resources satellite program. Meanwhile, the military storage bins fill with unused information—with which we dare not suddenly overwhelm the unprepared nations.

If Sputnik—or the wheel—had had these hurdles, it would never have moved.

VETERANS' ADMINISTRATION BUDGET SLASHES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ANDERSON of California. Mr. Speaker, I have always felt that our veterans—those who have given so much to our country—should receive the very best medical attention that this country can provide.

My actions regarding Veterans' Administration expenditures have been indictated by the words of Abraham Lincoln, who stated:

> Let us strive on to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and orphan.

We all know that the veterans hospitals are understaffed and overcrowded. We all realize that attention must be given to the returning GI's who are drug addicts.

Yet, the administration continues to frustrate the will of Congress by callously cutting back on funds—funds lawfully appropriated by Congress, and desperately needed by the VA.

Mr. Speaker, the Veterans of Foreign Wars have been in the forefront of the fight to preserve and improve our veterans hospitals. I commend them for their leadership, and for bringing this problem to the attention of the American public.

Most recently, the July 1971 VFW magazine published a hard-hitting article which I insert in the RECORD at this point. This article should raise the ire of every Member of Congress, and, hopefully, we will be able to resolve this situation before even more veterans are denied the medical attention they so rightly deserve.

The article follows:

VA BUDGET SLASHERS

The five men most responsible for wielding the economy axe on the Veterans Administration budget requests are a quintet rarely seen or heard by the public at large.

Their most recent and possibly most damaging foray into the area of veterans benefits is the proposed slash of the VA hospital daily patient load by 7,000, equal to the closing of 14 facilities of 500 beds each.

Another scheme that could reduce the projected level well under 68,000 beds by 1978 already has been put into writing.

The five Office of Management and Budget slashers are Richard Nathan, Paul O'Neill, William Robinson, James Tschirgi and Harry Havens.

It is unlikely that these five will appear before microphones or television cameras to explain their recommended budget cuts. That role is left to George P. Shultz, OMB director, and Caspar W. Weinberger, the deputy director.

With predictions that a federal plan for universal health care will be a certainty in the next few years, it is probably that budget planners will cut even deeper slices from the VA hospital system.

For years the V.F.W. has acted as a watchdog over attempts by previous Administrations to chop away at VA budgets, particularly in the field of hospitals, and it has been a continuing struggle to prevent the slashers from realizing their goal.

Under President Harry S Truman, 16 proposed new hospitals were approved, but the budget slashers carried the day and they were never built.

It was not until 1965 in the administration of President Lyndon B. Johnson that anything of such magnitude was attempted again. That was when the old Bureau of the Budget, OMB's predecessor, announced that 11 hospitals, four domiciliaries and 17 regional offices would be closed.

Thanks to V.F.W. action—the mobilization of the Truth Squad that alerted the public to the proposed fate of these VA installations—the order was cancelled in part. Five hospitals, two domiciliaries and eight regional offices were saved.

From 1965 to 1971, the budget staff whittled away here and there and by 1969 the inadequacy of VA hospital staffing and financing was apparent. Because of V.F.W. insistence, President Richard M. Nixon added $50 million to the VA budget and Congress came up with another $105 million. OMB intruded itself again by ordering the VA to use the additional funds for salary hikes and purchases instead of hiring more people to care for veterans.

Last January $125 million was added to the VA budget for medical care. While this was not enough, it could be corrected by Congress. But the real shock came when V.F.W. officials discovered a 7,000 cut—from 86,000 to 79,000—in the VA hospital system average daily census.

The V.F.W. asks:

What are the motives and objectives of those who really call the shots deep in the bowels of this vast bureaucracy? They may be personally anti-veteran. There is plenty of proof of this even if denied. They certainly are against extensive care of veterans who need treatment. Perhaps they oppose federal operation of hospital systems. They also have attempted to wipe out Public Health Service hospitals. Do they plan also a complete abolition of the VA hospital system and transferring individual VA hospitals to states, counties, cities, church groups or other organizations qualified to operate them?

Whatever the answer, the cut of 7,000 in the daily patient load must be defeated as has been pointed out repeatedly in the *V.F.W. Magazine* since last April. Each year a million veterans become eligible for VA benefits. Appealing to the budget slashers will be fruitless. Only President Nixon and Congress can prevent the threatened damage. Each V.F.W. member should write President Nixon, his senators and representative for the sake of sick veterans.

A TET MEMORANDUM FROM ELLSBERG

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. GOLDWATER. Mr. Speaker, many of my colleagues and I have been attempting to put the entire "Pentagon Papers" situation into perspective; a situation which is outrageous and tragic in its lack of any perspective at all. The columnists Evans and Novak, in the July 7, 1971, Washington Post clearly show flawed and erroneous thinking on the part of Daniel Ellsberg and I present the Evans and Novak column for my colleagues' information:

A TET MEMORANDUM FROM ELLSBERG

(By Rowland Evans and Robert Novak)

The flawed vision of Daniel Ellsberg in viewing the Vietnam war, a failing that was to have profound implications for his country, was laid bare in a private memorandum he wrote for the Pentagon on Feb. 28, 1968, spectacularly misinterpreting the just completed Communist Tet offensive.

Ellsberg, then a Vietnam expert for the Rand Corp. think tank, had been asked to interpret the bloody Tet offensive for the Defense Department's Office of International Security Affairs (ISA). His memorandum was apocalyptic: "I think that the war is over"—Communists taking over the countryside, the South Vietnamese government and army deteriorating, a rapid renewal of the Communist offensive. "Two months from now . . . things are going to get much worse," he said, precluding any possibility for improvement.

No prophecy could have been more false. In truth, the Tet offensive was the Communist high-water mark, triggering a three-year decline in their Vietnamese strength (which may now be ending). But Ellsberg, exasperated with Saigon's corrupt government and shoddy army, could see in Tet only the vindication of his own warnings. It was a view widely shared in ISA, whose staffers wrote the Pentagon Papers.

Thus, the spectacular mistakes of Ellsberg's 1968 memo transcend the personal. His flawed vision is the flawed history of the Pentagon Papers. It is the all-is-lost syndrome that deeply influenced U.S. policy in the months after the Tet offensive and finally led to Ellsberg's disclosure of the Pentagon Papers.

For these reasons, Ellsberg's errors about Tet are worthy of examination. Herewith are some prophecies he sent the Pentagon along with the actual outcome of events:

Ellsberg's prophecy No. 1: The Communist Tet offensive of Jan. 29–Feb. 29 was a prelude to "the takeover of the countryside" by the Vietcong, "inexorably sucking" South Vietnamese and U.S. forces "toward the environs of the towns and cities, away from the hamlets and outlying regions."

The actual outcome by their desperate Tet attacks, the Communists depleted their forces in the countryside and have not adequately rebuilt them since.

Ellsberg prophecy No. 2: The Vietcong will be drafting ever more recruits, whereas South Vietnamese armed forces "will probably be considerably smaller." By April 1, Saigon's force "will be, at most, 75–80 per cent of its actual strength in December, 1967, and quite possibly closer to 60 per cent" because of heavy desertions.

The actual outcome: Saigon forces increased by 122,000 the next six months, finally surpassing one million. In contrast, Vietcong recruiting in the countryside was never the same, and the Communist war effort was increasingly carried by regulars from the North.

Ellsberg prophecy No. 3: "It is the death of pacification"—Communist control of South Vietnam will steadily increase, never receding. By April 1, "U.S. sub-sector teams will be withdrawn from a number of districts, and a number of province towns will be under siege. Some will have fallen." Some 400,000 U.S. troops would be needed to prevent this.

The actual outcome: Far from U.S. teams being withdrawn or province towns falling, Communist control of the countryside steadily receded, without any increase in U.S. troops.

Ellsberg prophecy No. 4: "The best guess is that the VC (Vietcong) cadres are busy learning lessons from the initial attacks on how to do better next month." By early April, there will be another round of heavy attacks, including renewed pressure of the U.S. Marine base at Khe Sanh.

The actual outcome: The Vietcong were hopelessly decimated by the Tet offensive. Not since then have they even contemplated an offensive comparable to Tet. By April 1, the relief of Khe Sanh had begun.

Moreover, Ellsberg completely missed this point: By their brutal assault on villages, the Communists irrevocably diminished their own political base in South Vietnam. While Ellsberg's memo predicted post-Tet tensions would result in U.S. air and artillery attacks on South Vietnamese villages, U.S. sensitivity about such politically self-defeating tactics has greatly increased since then.

Flawed though Ellsberg's judgment was, however, this mentality—in high places in and out of government—helped erode U.S. support of the war and undermine a political consensus at home. Now, in the confusion wrought by publication of the Pentagon Papers, the mistaken Dr. Ellsberg is apothesized while those who correctly interpreted Tet as a calamitous Communist setback are in disgrace.

THE PENTAGON PAPERS

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Thursday, July 8, 1971

Mr. McGOVERN. Mr. President, I am continuing in my effort to place in the Congressional Record material for the information of Congress and the public.

Among the material I am making available today, I invite special attention to the Lansdale Team's report covering the 1954–55 period in Vietnam. The report tells the story of the Saigon Military Mission, a clandestine operation designed to aid the South Vietnamese against the Vietminh. This operation, the onset of direct American military involvement in Vietnam, was carried out as a part of official Government policy.

We have been told in recent days that only the two previous administrations have been tainted by the practice of deceiving the American people concerning the extent and nature of our involvement in Indochina. The Lansdale report indicates that there is no reason to attach a partisan label to the administrations that have involved us militarily in Vietnam while shielding us from knowledge of that involvement. Indeed, President Nixon, who was reputed to take part in the major decisions of the Eisenhower administration, was thus probably involved in the decision to initiate American military involvement in Vietnam. As a result, present administration spokesmen should not attempt to focus attention exclusively on the last two Democratic administrations.

The Pentagon papers show conclusively that for almost a quarter of a century, every American regime has inched closer to full-scale military action, while deceiving the American people. The papers teach the lesson that there must come a time to say "enough." That time is now long past.

Mr. President, I ask unanimous consent to have printed in the Record the documents and summaries from the following papers:

First. The New York Times, July 1, 2, 3, 4, 5, and 6.

Second. The Washington Post, July 1, 2, 3, and 4.

Third. The St. Louis Post-Dispatch, June 30, July 1, 2, 4, and 6.

Fourth. The Boston Globe, July 1, 3, and 4.

Fifth. The Christian Science Monitor, June 29 and 30, and July 1.

Sixth. The Chicago Sun Times, June 26 and 27.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, July 1, 1971]

Pentagon Papers: Study Reports Kennedy Made "Gamble" Into a "Broad Commitment"

(By Hedrick Smith)

The Pentagon's study of the Vietnam war concludes that President John F. Kennedy transformed the "limited-risk gamble" of the Eisenhower Administration into a "broad commitment" to prevent Communist domination of South Vietnam.

Although Mr. Kennedy resisted pressures for putting American ground-combat units into South Vietnam, the Pentagon analysts say, he took a series of actions that significantly expanded the American military and political involvement in Vietnam but nonetheless left President Lyndon B. Johnson with as bad a situation as Mr. Kennedy inherited.

"The dilemma of the U.S. involvement dating from the Kennedy era," the Pentagon study observes, was to use "only limited means to achieve excessive ends."

Moreover, according to the study, prepared in 1967–68 by Government analysts, the Kennedy tactics deepened the American involvement in Vietnam piecemeal, with each step minimizing public recognition that the American role was growing.

The expansion of that role, over three decades, is traced in the 3,000 pages of the Pentagon's study, which is accompanied by 4,000 pages of documents on the Vietnam era. Previous articles in The Times's presentation of this material have recounted President Johnson's movement to war in 1964 and 1965.

President Kennedy made his first fresh commitments to Vietnam secretly. The Pentagon study discloses that in the spring of 1961 the President ordered 400 Special Forces troops and 100 other American military advisers sent to South Vietnam. No publicity was given to either move.

Small as the numbers seem in retrospect, the Pentagon study comments that even the first such expansion "signaled a willingness to go beyond the 685-man limit on the size of the U.S. (military) mission in Saigon, which, if it were done openly, would be the first formal breach of the Geneva agreement." Under the interpretation of that agreement in effect since 1956, the United States was limited to 685 military advisers in Vietnam. Washington, while it did not sign the accord, pledged not to undermine it.

On May 11, 1961, the day on which President Kennedy decided to send the Special Forces, he also ordered the start of a campaign of clandestine warfare against North Vietnam, to be conducted by South Vietnamese agents directed and trained by the Central Intelligence Agency and some American Special Forces troops. [See text, action memorandum, May 11, 1961, Page 3.]

The President's instructions, as quoted in the documents, were, "In North Vietnam . . . [to] form networks of resistance, covert bases and teams for sabotage and light harassment." The American military mission in Saigon was also instructed to prepare South Vietnamese Army units "to conduct ranger raids and similar military actions in North Vietnam as might prove necessary or appropriate."

The Pentagon study reports that the primary target of the clandestine campaign against North Vietnam, and Laos as well, was to be "lines of communication"—railroads, highways, bridges, train depots and trucks.

The study does not report how many agents were actually sent north, though documents accompanying it describe some of the buildup and training of the First Observation Group, the main South Vietnamese unit conducting the covert campaign.

Within weeks of President Kennedy's May 11 decision, moreover, the North Vietnamese Government made repeated protests to the International Control Commission that its airspace and territory were being violated by foreign aircraft and South Vietnamese ground raids thrusting into the demilitarized zone along the border between the two Vietnams.

In July, 1961, Hanoi announced publicly that it had captured and was putting on trial three South Vietnamese participants in undercover operations who had survived the crash of a plane that was shot down, Hanoi said, while preparing to drop them into North Vietnam. The North Vietnamese, protesting formally to Britain and the Soviet Union—the co-chairmen of the 1954 Geneva conference on Vietnam—described in detail what they said the survivors had disclosed about their American training and equipment.

Mr. Kennedy's May 11 orders, the study discloses, also called for infiltration of South Vietnamese forces into southeastern Laos to find and attack Communist bases and supply lines.

On Oct. 13, moreover, the President reportedly gave additional secret orders for allied forces to "initiate ground action, including the use of U.S. advisers if necessary," against Communist aerial resupply missions in the vicinity of Tchepone, in the southern Laotian panhandle.

The Pentagon study does not analyze these covert operations in detail, but it shows Mr. Kennedy's decisions as part of an unbroken sequence that built up to much more ambitious covert warfare against North Vietnam under President Johnson in 1964.

COMBAT-SUPPORT EFFORTS BEGUN

The analysts handling the Kennedy period put more stress, however, on the evolution of President Kennedy's decision in November, 1961, to expand greatly the American military advisory mission in Vietnam and, for the first time, to put American servicemen in combat-support roles that involved them increasingly in actual fighting.

In a cablegram to Washington on Nov. 18, cited in the study, Frederick E. Nolting Jr., the United States Ambassador in Saigon, described the significance attached to those moves.

He said he had explained to President Ngo Dinh Diem of South Vietnam that the new roles of American servicemen "could expose them to enemy action."

"In response to Diem's question," Mr. Nolting continued, [I] said that in my personal opinion these personnel would be authorized to defend themselves if attacked. I pointed out that this was one reason why the decisions were very grave from U.S. standpoint."

[From the New York Times, July 1, 1971]

Key Vietnam Texts From the Kennedy Years

(Note.—Following are texts of key documents accompanying the Pentagon's study of the Vietnam war, dealing with the Administration of President John F. Kennedy up to the events that brought the overthrow of President Ngo Dinh Diem in 1963. Except where excerpting is specified, the documents are printed verbatim, with only unmistakable typographical errors corrected.)

U.S. AMBASSADOR'S 1960 ANALYSIS OF THREATS TO SAIGON REGIME

(Cablegram from Elbridge Durbow, United States Ambassador in Saigon, to Secretary of State Christian A. Herter, Sept. 16, 1960.)

As indicated our 495 and 538 Diem regime confronted by two separate but related dangers. Danger from demonstrations or coup attempt in Saigon could occur earlier; likely to be predominantly non-Communistic in origin but Communists can be expected to endeavor infiltrate and exploit any such attempt. Even more serious danger is gradual Viet Cong extension of control over countryside which, if current Communist progress continues, would mean loss free Viet-nam to Communists. These two dangers are related because Communist successes in rural areas embolden them to extend their activities to Saigon and because non-Communist temptation to engage in demonstrations or coup is partly motivated by sincere desire prevent Communist take-over in Viet-nam.

Essentially [word illegible] sets of measures required to meet these two dangers. For Saigon danger essentially political and psychological measures required. For countryside danger security measures as well as political, psychological and economic measures needed. However both sets measures should be carried out simultaneously and to some extent individual steps will be aimed at both dangers.

Security recommendations have been made in our 539 and other messages, including formation internal security council, centralized intelligence, etc. This message therefore deals with our political and economic recommendations. I realize some measures I am recommending are drastic and would be most [word illegible] for an ambassador to make under normal circumstances. But conditions here are by no means normal. Diem government is in quite serious danger. Therefore, in my opinion prompt and even drastic action is called for. I am well aware that Diem has in past demonstrated astute judgment and has survived other serious crises. Possibly his judgment will prove superior to ours this time, but I believe nevertheless we have no alternative but to give him our best judgment of what we believe is required to preserve his government. While Diem obviously resented my frank talks earlier this year and will probably resent even more suggestions outlined below, he has apparently acted on some of our earlier suggestions and might act on at least some of the following:

1. I would propose have frank and friendly talk with Diem and explain our serious concern about present situation and his political position. I would tell him that, while matters I am raising deal primarily with internal affairs, I would like to talk to him frankly and try to be as helpful as I can by giving him the considered judgment of myself and some of his friends in Washington on appropriate measures to assist him in present serious situation. (Believe it best not indicate talking under instructions.) I would particularly stress desirability of actions to broaden and increase his [word illegible] support prior to 1961 presidential elections required by constitution before end April. I would propose following actions to President:

2. Psychological shock effect is required to take initiative from Communist propagandists as well as non-Communist oppositionists and convince population government taking effective measures to deal with present situation, otherwise we fear matters could get out of hand. To achieve that effect following suggested:

(A) Because of Vice President Tho's knowledge of south where Communist guerilla infiltration is increasing so rapidly would suggest that he be shifted from ministry national economy to ministry interior. (Diem has already made this suggestion but Vice President most reluctant take job.)

(B) It is important to remove any feeling within armed forces that favoritism and political considerations motivate promotions and assignments. Also vital in order deal effectively with Viet Cong threat that channels of command be followed both down and up. To assist in bringing about these changes in armed forces, I would suggest appointment of full-time minister national defense. (Thuan has indicated Diem has been thinking of giving Thuan defense job.)

(C) Rumors about Mr. and Mrs. Nhu are creating growing dissension within country and seriously damage political position of Diem government. Whether rumors true or false, politically important fact is that more and more people believe them to be true. Therefore, becoming increasingly clear that in interest Diem government some action should be taken. In analagous situation in other countries including US important, useful government personalities have had to be sacrificed for political reasons. I would suggest therefore that President might appoint Nhu to ambassadorship abroad.

(D) Similarly Tran Kim Tuyen, Nhu's henchman and head of secret intelligence service, should be sent abroad in diplomatic capacity because of his growing identification in public mind with alleged secret police methods of repression and control.

(E) One or two cabinet ministers from opposition should be appointed to demonstrate Diem's desire to establish government of national union in fight against VC.

3. Make public announcement of disbandment of Can Lao party or at least its surfacing, with names and positions of all members made known publicly. Purpose this step would be to eliminate atmosphere of fear and suspicion and reduce public belief in favoritism and corruption, all of which party's semicovert status has given rise to.

4. Permit National Assembly wider legislative initiative and area of genuine debate and bestow on it authority to conduct, with appropriate publicity, public investigations of any department of government with right to question any official except President himself. This step would have three-fold purpose: (A) find some mechanism for dispelling through public investigation constantly generated rumors about government and its personalities; (B) provide people with avenue recourse against arbitrary actions by some government officials, (C) assuage some of intellectual opposition to government.

5. Require all government officials to declare publicly their property and financial holdings and give National Assembly authority to make public investigation of these declarations in effort dispel rumors of corruption.

6. [Words illegible] of [word illegible] control over content of the Vietnamese publication [word illegible] magazines, radio, so that the [words illegible] to closing the gap between government and [words illegible] ideas from one to the other. To insure that the press would reflect, as well as lead, public opinion without becoming a means of upsetting the entire GVN [word illegible], it should be held responsible to a self-imposed code of ethics or "canon" of press-conduct.

7. [Words illegible] to propaganda campaign about new 3-year development plan in effort convince people that government genuinely aims at [word illegible] their welfare. (This suggestion [word illegible] of course upon assessment of soundness of development plan, which has just reached us.)

8. Adopt following measures for immediate enhancement of peasant support of government: (A) establish mechanism for increasing price peasant will receive for paddy crop beginning to come on market in December, either by direct subsidization or establishment state purchasing mechanism; (B) institute modest payment for all corvee labor; (C) subsidize agroville families along same lines as land resettlement families until former on feet economically; (D) increase compensation paid to youth corps. If Diem asks how these measures are to be financed I shall suggest through increased taxes or increased deficit financing, and shall note that under certain circumstances reasonable deficit financing becomes a politically necessary measure for governments. I should add that using revenues for these fundamental and worthy purposes would be more effective than spending larger and larger sums on security forces, which, while they are essential and some additional funds for existing security forces may be required, are not complete answer to current problems.

9. Propose suggest to Diem that appropriate steps outlined above be announced dramatically in his annual state of union message to National Assembly in early October. Since Diem usually [word illegible] message in person this would have maximum effect, and I would recommend that it be broadcast live to country.

10. At [words illegible] on occasion fifth anniversary establishment Republic of Vietnam on October 26, it may become highly desirable for President Eisenhower to address a letter of continued support to Diem. Diem has undoubtedly noticed that Eisenhower letter recently delivered to Sihanouk. Not only for this reason, but also because it may become very important for us to give Diem continued reassurance of our support. Presidential letter which could be published here may prove to be very valuable.

Request any additional suggestions department may have and its approval for approach to Diem along lines paras 1 to 9.

We believe US should at this time support Diem as best available Vietnamese leader, but should recognize that overriding US objective is strongly anti-Communist Vietnamese government which can command loyal and enthusiastic support of widest possible segments of Vietnamese people, and is able to carry on effective fight against Communist guerillas. If Diem's position in country continues deteriorate as result failure adopt proper political, psychological economic and security measures, it may become necessary for US government to begin consideration alternative courses of action and leaders in order achieve our objective.

MEMORANDUM FROM ROSTOW TO KENNEDY WITH NINE PROPOSALS FOR ACTION

(Memorandum from Walt W. Rostow, deputy Presidential assistant for national security, to President Kennedy, April 12, 1961.)

Now that the Viet-Nam election is over, I believe we must turn to gearing up the whole Viet-Nam operation. Among the possible lines of action that might be considered at an early high level meeting are the following:

1. The appointment of a full time first-rate back-stop man in Washington. McNamara, as well as your staff, believes this to be essential.

2. The briefing of our new Ambassador, Fritz Nolting, including sufficient talk with yourself so that he fully understands the priority you attach to the Viet-Nam problem.

3. A possible visit to Viet-Nam in the near future by the Vice President.

4. A possible visit to the United States of Mr. Thuan, acting Defense Minister, and one of the few men around Diem with operational capacity and vigor.

5. The sending to Viet-Nam of a research and development and military hardware team which would explore with General McGarr which of the various techniques and gadgets now available or being explored might be relevant and useful in the Viet-Nam operation.

6. The raising of the MAAG ceiling, which involves some diplomacy, unless we can find an alternative way of introducing into Viet-Nam operation a substantial number of Special Forces types.

7. The question of replacing the present ICA Chief in Viet-Nam, who, by all accounts, has expanded his capital. We need a vigorous man who can work well with the military, since some of the rural development problems relate closely to guerrilla operations.

8. Sending the question of the extra funds for Diem.

9. The tactics of persuading Diem to move more rapidly to broaden the base of his government, as well as to decrease its centralization and improve its efficiency.

Against the background of decisions we should urgently take on these matters, you may wish to prepare a letter to Diem which would not only congratulate him, reaffirm our support, and specify new initiatives we are prepared to take, but would make clear to him the urgency you attach to a more effective political and morale setting for his military operation, now that the elections are successfully behind him.

VIETNAM "PROGRAM OF ACTION" BY KENNEDY'S TASK FORCE

(Excerpts from "A Program of Action for South Vietnam," May 8, 1961, presented to President Kennedy by an interdepartmental task force comprising representives from the Departments of State and Defense, the Central Intelligence Agency, the International Cooperation Administration, the United States Information Agency and the Office of the President.)

2. Military:

a. The following military actions were approved by the President at the NSC meeting of 29 April 1961:

(1) Increase the MAAG as necessary to insure the effective implementation of the military portion of the program including the training of a 20,000-man addition to the present G.V.N. armed forces of 150,000. Initial appraisal of new tasks assigned CHMAAG indicate that approximately 100 additional military personnel will be required immediately in addition to the present complement of 685.

(2) Expand MAAG responsibilities to include authority to provide support and advice to the Self-Defense Corps with a strength of approximately 40,000.

(3) Authorize MAP support for the entire Civil Guard force of 68,000. MAP support is now authorized for 32,000; the remaining 36,000 are not now adequately trained and equipped.

(4) Install as matter of priority a radar surveillance capability which will enable the G.V.N. to obtain warning of Communist overflights being conducted for intelligence or clandestine air supply purposes. Initially, this capability should be provided from U.S mobile radar capability.

(5) Provide MAP support for the Vietnamese Junk Force as a means of preventing Viet Cong clandestine supply and infiltration into South Vietnam by water. MAP support which was not provided in the Counter-Insurgency Plan, will include training of junk crews in Vietnam or at U.S. bases by U.S. Navy personnel.

b. The following additional actions are considered necessary to assist the G.V.N. in meeting the increased security threat resulting from the new situation along the Laos-G.V.N. frontier:

(1) Assist the G.V.N. armed forces to increase their border patrol and insurgency suppression capabilities by establishing an effective border intelligence and patrol system, by instituting regular aerial surveillance over the entire frontier area, and by applying modern technological area-denial techniques to control the roads and trails along Vietnam's borders. A special staff element (approximately 6 U.S. personnel), to concentrate upon solutions to the unique problems of Vietnam's borders, will be activated in MAAG, Vietnam, to assist a similar special unit in the RVNAF which the G.V.N. will be encouraged to establish; these two elements working as an integrated team will help the G.V.N. gain the support of nomadic tribes and other border inhabitants, as well as introduce advanced techniques and equipment to strengthen the security of South Vietnam's frontiers.

(2) Assist the G.V.N. to establish a Combat Development and Test Center in South Vietnam to develop, with the help of modern technology, new techniques for use against the Viet Cong forces. (Approximately 4 U.S. personnel.)

(3) Assist the G.V.N. forces with health, welfare and public work projects by providing U.S. Army civic action mobile training teams, coordinated with the similar civilian effort. (Approximately 14 U.S. personnel.)

(4) Deploy a Special Forces Group (approximately 400 personnel) to Nha Trang in order to accelerate G.V.N. Special Forces training. The first increment, for immediate deployment in Vietnam, should be a Special Forces company (52 personnel).

(5) Instruct JCS, CINCPAC, and MAAG to undertake an assessment of the military utility of a further increase in the G.V.N. forces from 170,000 to 200,000 in order to create two new division equivalents for deployment to the northwest border region. The parallel political and fiscal implications should be assessed. . . .

4. Economic:

1. Objective: Undertake economic programs having both a short-term immediate impact as well as ones which contribute to the longer range economic viability of the country.

a. Undertake a series of economic projects designed to accompany the counterinsurgency effort, by the following action:

(1) Grant to ICA the authority and funds to move into a rural development-civic action program. Such a program would include short-range, simple, impact projects which would be undertaken by teams working in cooperation with local communities. This might cost roughly $3 to $5 million, mostly in local currency. Directors of field teams should be given authority with respect to the expenditure of funds including use of dollar instruments to purchase local currency on the spot.

b. Assist Vietnam to make the best use of all available economic resources, by the following action:

(1) Having in mind that our chief objective is obtaining a full and enthusiastic support by the G.V.N. in its fight against the Communists, a high level team preferably headed by Assistant Secretary of the Treasury John Leddy, with State and ICA members, should be dispatched to Saigon to work out in conjunction with the Ambassador a plan whereby combined U.S. and Vietnamese financial resources can best be utilized. This group's terms of reference should cover the broad range of fiscal and economic problems. Authority should be given to make concessions necessary to achieve our objectives and to soften the blow of monetary reform. Ambassador Nolting and perhaps the Vice President should notify Diem of the proposed visit of this group stressing that their objective is clearly to maximize the joint effort rather than to force the Vietnamese into inequitable and unpalatable actions.

(2) As a part of the foregoing effort, an assessment should be undertaken of the fiscal and other economic implications of a further force increase from 170,000 to 200,000 (as noted in the Military section above).

c. Undertake the development of a long-range economic development program as a means of demonstrating U.S. confidence in the economic and political future of the country by the following action:

(1) Authorize Ambassador Nolting to inform the G.V.N. that the U.S. is prepared to discuss a long-range joint five-year development program which would involve contributions and undertakings by both parties. . . .

5. Psychological:

a. Assist the G.V.N. to accelerate its public information program to help develop a broad public understanding of the actions required to combat the Communist insurgents and to build public confidence in the G.V.N.'s determination and ability to deal with the Communist threat.

b. The U.S. Country Team, in coordination with the G.V.N. Ministry of Defense, should compile and declassify for use of media representatives in South Vietnam and throughout the world, documented facts concerning Communist infiltration and terrorists' activities and the measures being taken by the G.V.N. to counter such attacks.

c. In coordination with CIA and the appropriate G.V.N. Ministry, USIS will increase the flow of information about unfavorable conditions in North Vietnam to media representatives.

d. Develop agricultural pilot-projects throughout the country, with a view toward exploiting their beneficial psychological effects. This project would be accomplished by combined teams of Vietnamese Civic Action personnel, Americans in the Peace Corps, Flipinos in Operation Brotherhood, and other Free World nationals.

e. Exploit as a part of a planned psychological campaign the rehabilitation of Communist Viet Cong prisoners now held in South Vietnam. Testimony of rehabilitated prisoners, stressing the errors of Communism, should be broadcast to Communist-held areas, including North Vietnam, to induce defections. This rehabilitation program would be assisted by a team of U.S. personnel including U.S. Army (Civil Affairs, Psychological Warfare and Counter-Intelligence), USIS, and USOM experts.

f. Provide adequate funds for an impressive U.S. participation in the Saigon Trade Fair of 1962.

6. Covert Actions:

a. Expand present operations in the field of intelligence, unconventional warfare, and political-psychological activities to support the U.S. objective as stated.

b. Initiate the communications intelligence actions, CIA and ASA personnel increases, and funding which were approved by the President at the NSC meeting of 29 April 1961.

c. Expand the communications intelligence actions by inclusion of 15 additional Army Security Agency personnel to train the Vietnamese Army in tactical COMINT operations. . . .

7. Funding:

a. As spelled out in the funding annex, the funding of the counter-insurgency plan and the other actions recommended in this program might necessitate increases in U.S. support of the G.V.N. budget for FY 61 of as much as $58 million, making up to a total of $192 million compared to $155 million for FY 60. The U.S. contribution for the G.V.N. Defense budget in FY 62 as presently estimated would total $161 million plus any deficiency in that Budget which the G.V.N. might be unable to finance. The exact amount of U.S. contributions to the G.V.N. Defense budgets for FY 61 and FY 62 are subject to negotiation between the U.S. and the G.V.N.

b. U.S. military assistance to G.V.N., in order to provide the support contemplated by the proposed program would total $140 million, or $71 million more than now programmed for Vietnam in the U.S. current MAP budget for FY 62. . . .

Annex 6: Covert actions

a. Intelligence: Expand current positive and counter-intelligence operations against Communist forces in South Vietnam and against North Vietnam. These include penetration of the Vietnamese Communist mechanism, dispatch of agents to North Vietnam and strengthening Vietnamese internal security services. Authorization should be given, subject to existing procedures, for the use in North Vietnam operations of civilian air crews of American and other nationality, as appropriate, in addition to Vietnamese. Consideration should be given for overflights of North Vietnam for photographic intelligence coverage, using American or Chinese Nationalists crews and equipment as necessary.

b. Communications Intelligence: Expand the current program of interception and direction-finding covering Vietnamese Communist communications activities in South Vietnam, as well as North Vietnam targets. Obtain further USIB authority to conduct these operations on a fully joint basis, permitting the sharing of results of interception, direction finding, traffic analysis and cryptographic analysis by American agencies with the Vietnamese to the extent needed to launch rapid attacks on Vietnamese Communist communications and command installations.

This program should be supplemented by a program, duly coordinated, of training additional Vietnamese Army units in intercept and direction-finding by the US Army Security Agency. Also, US Army Security Agency teams could be sent to Vietnam for direct operations, coordinated in the same manner—Approved by the President at the NSC meeting of 29 April 1961.

c. Unconventional Warfare: Expand present operations of the First Observation Battalion in guerrilla areas of South Vietnam, under joint MAAG–CIA sponsorship and direction. This should be in full operational collaboration with the Vietnamese, using Vietnamese civilians recruited with CIA aid.

In Laos, infiltrate teams under light civilian cover to Southeast Laos to locate and attack Vietnamese Communist bases and lines of communications. These teams should be supported by assault units of 100 to 150 Vietnamese for use on targets beyond capability of teams. Training of teams could be a combined operation by CIA and US Army Special Forces.

In North Vietnam, using the foundation established by intelligence operations, form networks of resistance, covert bases and teams for sabotage and light harassment. A capability should be created by MAAG in the South Vietnamese Army to conduct Ranger raids and similar military actions in North Vietnam as might prove necessary or appropriate. Such actions should try to avoid any outbreak of extensive resistance or insurrection which could not be supported to the extent necessary to stave off repression.

Conduct overflights for dropping of leaflets to harass the Communists and to maintain morale of North Vietnamese population, and increase gray broadcasts to North Vietnam for the same purposes.

d. Internal South Vietnam: Effect operations to penetrate political forces, government, armed services and opposition elements to measure support of government, provide warning of any coup plans and identify individuals with potentiality of providing leadership in event of disappearance of President Diem.

Build up an increase in the population's participation in and loyalty to free government in Vietnam, through improved communication between the government and the people, and by strengthening independent or quasi-independent organizations of political, syndical or professional character. Support covertly the GVN in allied and neutral countries, with special emphasis on bringing out GVN accomplishments, to counteract tendencies toward a "political solution" while the Communists are attacking GVN. Effect, in support, a psychological program in Vietnam and elsewhere exploiting Communist brutality and aggression in North Vietnam.

e. The expanded program outlined above was estimated to require an additional 40 personnel for the CIA station and an increase in the CIA outlay for Vietnam of approximately $1.5 million for FY 62, partly compensated by the withdrawal of personnel from other areas. The US Army Security Agency actions to supplement communications intelligence will require 78 personnel and approximately $1.2 million in equipment. The personnel and fund augmentations in this paragraph were approved by the President at the NSC meeting of 29 April 1961.

f. In order adequately to train the Vietnamese Army in tactical COMIT operations, the Army Security Agency estimates that an additional 15 personnel are required. This action has been approved by the US Intelligence Board.

1961 MEMORANDUM FROM THE JOINT CHIEFS ON COMMITMENT OF U.S. FORCES

(Memorandum on "U.S. Forces in South Vietnam" from the Joint Chiefs of Staff to Secretary of Defense Robert S. McNamara, May 10, 1961.)

1. In considering the possible commitment of U.S. forces to South Vietnam, the Joint Chiefs of Staff have reviewed the over-all critical situation in Southeast Asia with particular emphasis upon the present highly flammable situation in South Vietnam. In this connection the question, however, of South Vietnam should not be considered in isolation but rather in conjunction with Thailand and their over-all relationship to the security of Southeast Asia. The views of the Joint Chiefs of Staff on the question regarding the deployment of U.S. forces into Thailand were provided to you by JCSM–311–61, dated 9 May 1961. The current potentially dangerous military and political situation in Laos, of course, is the focal point in this area. Assuming that the political decision is to hold Southeast Asia outside the Communist sphere, the Joint Chiefs of Staff are of the opinion that U.S. forces should be deployed immediately to South Vietnam; such action should be taken primarily to prevent the Vietnamese from being subjected to the same situation as presently exists in Laos, which would then require deployment of U.S. forces into an already existing combat situation.

2. In view of the foregoing, the Joint Chiefs of Staff recommend that the decision be made now to deploy suitable U.S. forces to South Vietnam. Sufficient forces should be deployed to accomplish the following purposes:

a. Provide a visible deterrent to potential North Vietnam and/or Chinese Communist action;

b. Release Vietnamese forces from advanced and static defense positions to permit their fuller commitment to counter-insurgency actions;

c. Assist in training the Vietnamese forces to the maximum extent possible consistent with their mission;

d. Provide a nucleus for the support of any additional U.S. or SEATO military operation in Southeast Asia; and

e. Indicate the firmness of our intent to all Asian nations.

3. In order to maintain U.S. flexibility in the Pacific, it is envisioned that some or all of the forces deployed to South Vietnam would come from the United States. The movement of the troops could be accomplished in an administrative manner and thus not tax the limited lift capabilities of CINCPAC.

4. In order to accomplish the foregoing, the Joint Chiefs of Staff recommend that:

a. President Diem be encouraged to request that the United States fulfill its SEATO obligation, in view of the new threat now posed by the Laotian situation, by the immediate deployment of appropriate U.S. forces to South Vietnam;

b. Upon receipt of this request, suitable forces could be immediately deployed to South Vietnam in order to accomplish the above-mentioned purposes. Details of size and composition of these forces must include the views of both CINCPAC and CHMAAG which are not yet available.

U.S. APPROVAL, IN 1961, OF STEPS TO STRENGTHEN SOUTH VIETNAM

(National Security Action Memorandum 52, signed by McGeorge Bundy, Presidential adviser on national security, May 11, 1961.)

1. The U.S. objective and concept of operations stated in report are approved: to prevent Communist domination of South Vietnam; to create in that country a viable and increasingly democratic society, and to initiate, on an accelerated basis, a series of mutually supporting actions of a military, political, economic, psychological and covert character designed to achieve this objective.

2. The approval given for specific military actions by the President at the National Security Council meeting on April 29, 1961, is confirmed.

3. Additional actions listed at pages 4 and 5 of the Task Force Report are authorized, with the objective of meeting the increased security threat resulting from the new situation along the frontier between Laos and Vietnam. In particular, the President directs an assessment of the military utility of a further increase in G.V.N. forces from 170,000 to 200,000, together with an assessment of the parallel political and fiscal implications.

4. The President directs full examination by the Defense Department, under the guidance of the Director of the continuing Task Force on Vietnam, of the size and composition of forces which would be desirable in the case of a possible commitment of U.S. forces to Vietnam. The diplomatic setting within which this action might be taken should also be examined.

5. The U.S. will seek to increase the confidence of President Diem and his Government in the United States by a series of actions and messages relating to the trip of Vice President Johnson. The U.S. will attempt to strengthen President Diem's popular support within Vietnam by reappraisal and negotiation, under the direction of Ambassador Nolting. Ambassador Nolting is also requested to recommend any necessary reorganization of the Country Team for these purposes.

6. The U.S. will negotiate in appropriate ways to improve Vietnam's relationship with other countries, especially Cambodia, and its standing in world opinion.

7. The Ambassador is authorized to begin negotiations looking toward a new bilateral arrangement with Vietnam, but no firm commitment will be made to such an arrangement without further review by the President.

8. The U.S. will undertake economic programs in Vietnam with a view to both short-term immediate impact and a contribution to the longer-range economic viability of the country, and the specific actions proposed on pages 12 and 13 of the Task Force Report are authorized.

9. The U.S. will strengthen its efforts in the psychological field as recommended on pages 14 and 15 of the Task Force Report.

10. The program for covert actions outlined on page 15 of the Task Force Report is approved.

11. These decisions will be supported by appropriate budgetary action, but the President reserves judgment on the levels of funding proposed on pages 15 and 16 of the Task Force Report and in the funding annex.

12. Finally, the President approves the continuation of a special Task Force on Vietnam, established in and directed by the Department of State under Sterling J. Cottrell as Director, and Chalmers B. Wood as Executive Officer.

REPORT BY VICE PRESIDENT JOHNSON ON HIS VISIT TO ASIAN COUNTRIES

(Excerpts from memorandum, "Mission to Southeast Asia, India and Pakistan," from Vice President Lyndon B. Johnson to President Kennedy, May 23, 1961.)

I took to Southeast Asia some basic convictions about the problems faced there. I have come away from the mission there—and to India and Pakistan—with many of those convictions sharpened and deepened by what

I saw and learned. I have also reached certain other conclusions which I believe may be of value as guidance for those responsible in formulating policies.

These conclusions are as follows:

1. The battle against Communism must be joined in Southeast Asia with strength and determination to achieve success there—or the United States, inevitably, must surrender the Pacific and take up our defenses on our own shores. Asian Communism is compromised and contained by the maintenance of free nations on the subcontinent. Without this inhibitory influence, the island outposts—Philippines, Japan, Taiwan—have no security and the vast Pacific becomes a Red Sea.

2. The struggle is far from lost in Southeast Asia and it is by no means inevitable that it must be lost. In each country it is possible to build a sound structure capable of withstanding and turning the Communist surge. The will to resist—while now the target of subversive attack—is there. The key to what is done by Asians in defense of Southeast Asian freedom is confidence in the United States.

3. There is no alternative to United States leadership in Southeast Asia. Leadership in individual countries—or the regional leadership and cooperation so appealing to Asians—rests on the knowledge and faith in United States power, will and understanding.

4. SEATO is not now and probably never will be the answer because of British and French unwillingness to support decisive action. Asian distrust of the British and French is outspoken. Success at Geneva would prolong SEATO's role. Failure at Geneva would terminate SEATO's meaningfulness. In the latter event, we must be ready with a new approach to collective security in the area.

We should consider an alliance of all the free nations of the Pacific and Asia who are willing to join forces in defense of their freedom. Such an organization should:

(a) have a clear-cut command authority

(b) also devote attention to measures and programs of social justice, housing, land reform, etc.

5. Asian leaders—at this time—do not want American troops involved in Southeast Asia other than on training missions. American combat troop involvement is not only not required, it is not desirable. Possibly Americans fail to appreciate fully the subtlety that recently-colonial peoples would not look with favor upon governments which invited or accepted the return this soon of Western troops. To the extent that fear of ground troop involvement dominates our political responses to Asia in Congress or elsewhere, it seems most desirable to me to allay those paralyzing fears in confidence, on the strength of the individual statements made by leaders consulted on this trip. This does not minimize or disregard the probability that open attack would bring calls for U.S. combat troops. But the present probability of open attack seems scant, and we might gain much needed flexibility in our policies if the spectre of combat troop commitment could be lessened domestically.

6. Any help—economic as well as military—we give less developed nations to secure and maintain their freedom must be a part of a mutual effort. These nations cannot be saved by United States help alone. To the extent the Southeast Asian nations are prepared to take the necessary measures to make our aid effective, we can be—and must be—unstinting in our assistance. It would be useful to enunciate more clearly than we have—for the guidance of these young and unsophisticated nations—what we expect or require of them.

7. In large measure, the greatest danger Southeast Asia offers to nations like the United States is not the momentary threat of Communism itself, rather that danger stems from hunger, ignorance, poverty and disease. We must—whatever strategies we evolve—keep these enemies the point of our attack, and make imaginative use of our scientific and technological capability in such enterprises.

8. Vietnam and Thailand are the immediate—and most important—trouble spots, critical to the U.S. These areas require the attention of our very best talents—under the vest closest Washington direction—on matters economic, military and political.

The basic decision in Southeast Asia is here. We must decide whether to help these countries to the best of our ability or throw in the towel in the area and pull back our defenses to San Francisco and a "Fortress America" concept. More important, we would say to the world in this case that we don't live up to treaties and don't stand by our friends. This is not my concept. I recommend that we move forward promptly with a major effort to help these countries defend themselves. I consider the key here is to get our best MAAG people to control, plan, direct and exact results from our military aid program. In Vietnam and Thailand, we must move forward together.

a. In Vietnam, Diem is a complex figure beset by many problems. He has admirable qualities, but he is remote from the people, is surrounded by persons less admirable and capable than he. The country can be saved—if we move quickly and wisely. We must decide whether to support Diem—or let Vietnam fall. We must have coordination of purpose in our country team, diplomatic and military. The Saigon Embassy, USIS, MAAG and related operations leave much to be desired. They should be brought up to maximum efficiency. The most important thing is imaginative, creative, American management of our military aid program. The Vietnamese and our MAAG estimate that $50 million of U.S. military and economic assistance will be needed if we decide to support Vietnam. This is the best information available to us at the present time and if it is confirmed by the best Washington military judgment it should be supported. Since you proposed and Diem agreed to a joint economic mission, it should be appointed and proceed forthwith.

b. In Thailand, the Thais and our own MAAG estimate probably as much is needed as in Vietnam—about $50 million of military and economic assistance. Again, should our best military judgment concur, I believe we should support such a program. Sarit is more strongly and staunchly pro-Western than many of his people. He is and must be deeply concerned at the consequence to his country of a communist-controlled Laos. If Sarit is to stand firm against neutralism, he must have—soon—concrete evidence to show his people of United States military and economic support. He believes that his armed forces should be increased to 150,000. His Defense Minister is coming to Washington to discuss aid matters.

The fundamental decision required of the United States—and time is of the greatest importance—is whether we are to attempt to meet the challenge of Communist expansion now in Southeast Asia by a major effort in support of the forces of freedom in the area or throw in the towel. This decision must be made in a full realization of the very heavy and continuing costs involved in terms of money, of effort and of United States prestige. It must be made with the knowledge that at some point we may be faced with the further decision of whether we commit major United States forces to the area or cut our losses and withdraw should our other efforts fail. We must remain muster in this decision. What we do in Southeast Asia should be part of a rational program to meet the threat we face in the region as a whole. It should include a clear-cut pattern of specific contributions to be expected by each partner according to his ability and resources. I recommend we proceed with a clear-cut and strong program of action.

I believe that the mission—as you conceived it—was a success. I am grateful to the many who labored to make it so.

LANSDALE MEMO FOR TAYLOR ON UNCONVENTIONAL WARFARE

(Excerpts from memorandum from Brig. Gen. Edward G. Lansdale, Pentagon expert on guerrilla warfare, to Gen. Maxwell D. Taylor, President Kennedy's military adviser, on "Resources for Unconventional Warfare, S E Asia," undated but apparently from July, 1961. Copies were sent to Secretary of Defense Robert S. McNamara, Deputy Secretary of Defense Roswell L. Gilpatric, Secretary of State Dean Rusk, Allen W. Dulles, Director of Central Intelligence, and Gen. C. P. Cabell, Deputy Director of Central Intelligence.)

This memo is in response to your desire for early information on unconventional-warfare resources in Southeast Asia. The information was compiled within Defense and CIA.

A. South Vietnam

1. Vietnamese

a. First Observation Group:

This is a Special Forces type of unit, with the mission of operating in denied (enemy) areas. It currently has some limited operations in North Vietnam and some shallow penetrations into Laos. Most of the unit has been committed to operations against Viet Cong guerrillas in South Vietnam.

Strength, as of 6 July, was 340. The First Observation Group had an authorized strength of 305 and now is being increased by 500, for a total of 805, under the 20,000-man force increase. Personnel are volunteers who have been carefully screened by security organizations. Many are from North Vietnam. They have been trained for guerrilla operations, at the Group's training center at Nha Trang. The unit is MAP-supported, as a TO&E unit of the RVNAF (Republic of Vietnam Armed Forces). It receives special equipment and training from CIA and U.S. control is by CIA/MAAG.

The Group and its activities are highly classified by the Government of Vietnam. Only a select few senior RVNMAF officers have access to it. Operations require the approval of President Diem, on much the same approval basis as certain U.S. special operations. The unit is separate from normal RVNAF command channels.

The Group was organized in February, 1956, with the initial mission of preparing stay-behind organizations in South Vietnam just below the 17th Parallel for guerrilla warfare in the event of an overt invasion by North Vietnamese forces. It was given combat missions against Viet Cong guerrillas in South Vietnam last year, when these Communist guerrillas increased their activities. The plan is to relieve the Group from these combat assignments, to ready its full strength for denied area missions, as RVNAF force increases permit relief. It is currently being organized into twenty teams of 15 men each, with two RS–1 radios per team, for future operations.

b. Other RVNAF:

MAAG-Vietnam has reported the formation of additional volunteer groups, apart from the First Observation Group, for similar operations to augment the missions of the Group. As of 6 July, the additional volunteers were reported as:

1). 60 Mois (Montagnard tribesmen) recruited, being security screened, to receive Special Forces training.

2). 400 military (RVNAF), to receive Special Forces training. 80 will be formed into small teams, to augment operations of the

First Operations Group. 320 will be formed into two Ranger (Airborne) companies.

3). 70 civilians, being organized and trained for stay-behind operations, penetration teams, and communicators.

Other special units of the RVNAF, now committed to operations against the Viet Cong and with Special Forces/Ranger training, are:

9,096 Rangers, in 65 companies.

2,772 more Rangers being activated, part of 20,000-man increase.

4,786 Paratroopers.

2,000 Marines.

673 men in Psychological Warfare Bn.

In addition, cadres from all other combat elements of the RVNAF have received Special Forces/Ranger training.

2. U.S.

a. Defense:

(1) There are approximately 6 officers and 6 enlisted men from the 1st Special Group on Okinawa currently attached to the MAAG to assist with Ranger-type training.

(2) There are three 4-man intelligence training teams present—Combat Intelligence, Counter-Intelligence, Photo-Interpretation and Foreign Operations Intelligence (clandestine collection) in addition to eight officers and two enlisted intelligence advisors on the MAAG staff.

(3) There are two Psychological Warfare staff officers on the MAAG staff and a 4-man Civil Affairs mobile training team (3 officers—1 enlisted man) advising the G-5 staff of the Vietnamese Army in the psy/ops-civic action fields.

b. CIA:

(1) There are 9 CIA officers working with the First Observation Group in addition to one MAAG advisor.

(2) CIA also has five officers working with the Vietnamese Military Intelligence Service and one officer working with the covert [one word illegible] of the Army Psychological Warfare Directorate.

B. Thailand

1. Thai

a. Royal Thai Army Ranger Battalion (Airborne):

A Special Forces type unit, its stated mission is to organize and conduct guerrilla warfare in areas of Thailand overrun by the enemy in case of an open invasion of Thailand. It currently has the mission of supplying the Palace Guard for the Prime Minister.

Based at Lopburi, the Ranger Battalion has a MAP authorized strength of 580. It is organized into a Headquarters and Headquarters company, a Service company, and four Ranger companies. The Battalion has 4 command detachments and 26 operations detachments, trained and organized along the lines of U.S. Special Forces in strength, equipment, and rank structure.

The Ranger Battalion is loosely attached to the 1st Division. In reality, it is an independent unit of the Royal Thai Army, under the direct control of Field Marshal Sarit, the Commander in Chief, and receives preferential treatment.

Each ranger company has been assigned a region of Thailand, in which it is to be prepared to undertake guerrilla warfare in case of enemy occupation. Field training is conducted in these assigned regions, to acquaint the detachments with the people, facilities and terrain.

b. Police Aerial Resupply Unit (PARU):

The PARU has a mission of undertaking clandestine operations in denied areas. 99 PARU personnel have been introduced covertly to assist the Meos in operations in Laos, where their combat performance has been outstanding.

This is a special police unit, supported by CIA (CIA control in the Meo operations has been reported as excellent), with a current strength of 300 being increased to 550 as rapidly as possible. All personnel are specially selected and screened, and have been rated as of high quality. Officers are selected from the ranks.

Training consists of 10 weeks' basic training, 3 weeks' jumping, 3 weeks' jungle operations, 4 weeks' police law and 3 months of refresher training yearly. Forty individuals have been trained as W/T communicators.

All personnel have adequate personal gear to be self-sustaining in the jungle. Weapons are M-1 rifles, M-3 submachine guns and BAR. In addition, personnel are trained to use other automatic weapons, 2.34 rocket launchers, and 60-mm. mortars.

There are presently 13 PARU teams, totaling 99 men, operating with the Meo guerillas in Laos. Combat reports of these operations have included exceptionally heroic and meritorious actions by PARU personnel. The PARU teams have provided timely intelligence and have worked effectively with local tribes.

c. Thai Border Patrol Police (BPP):

The mission of the BPP is to counter infiltration and subversion during peacetime, in addition to normal police duties, in the event of an armed invasion of Thailand, the BPP will operate as guerilla forces in enemy-held areas, in support of regular Thai armed forces.

The BPP has a current strength of 4,500. It was organized in 1955 as a gendarmerie patrol force (name changed to BPP in 1959), composed of 71 active and 23 reserve platoons, from existing police units. It is an element of the Thai National Police, subordinate to the Ministry of the Interior.

Although technically a police organization, the BPP is armed with infantry weapons, including light machine guns, rocket launchers and light mortars. It is trained in small-unit infantry tactics and counter-guerrilla operations. Training is currently being conducted by a 10-man U.S. Army Special Forces team from Okinawa, under ICA auspices.

This unusual police unit was created initially to cope with problems posed by foreign guerrilla elements using Thailand as a safe-haven: the Vietminh in eastern Thailand and the Chinese Communists along the Malayan border in the south. There has been some tactical liaison with Burmese Army units.

2. U.S.

a. Defense:

(1) A Special Forces qualified officer is assigned to advise the RTA Ranger Battalion.

(2) A ten-man Special Forces team from the 1st Special Forces Group in Okinawa is currently conducting training for the Thai Border Patrol Police under ICA auspices.

(3) There are 5 officers and 1 enlisted man attached to MAAG as advisers to J-2 and the Thai Armed Forces Security Center.

b. CIA:

(1) 2 advisers with PARU.

(2) 3 officers who work with the Border Patrol Police providing advice, guidance and limited training in the collection and processing of intelligence in addition to management of their communications system.

C. Laos

1. Lao

a. Commandos:

According to CINCPAC, there are two special commando companies in the Lao Armed Forces (FAL), with a total strength of 256. These commandos have received Special Forces training.

b. Meo Guerrillas:

About 9,000 Meo tribesmen have been equipped for guerrilla operations, which they are now conducting with considerable effectiveness in Communist-dominated territory in Laos. They have been organized into Auto-Defense Choc units of the FAL, of varying sizes. Estimates on how many more of these splendid fighting men could be recruited vary, but a realistic figure would be around 4,000 more, although the total manpower pool is larger.

Political leadership of the Meos is in the hands of Touby Lyfoung, who now operates mostly out of Vientiane. The military leader is Lt-Col Vang Pao, who is the field commander. Command control of Meo operations is exercised by the Chief of CIA Vientiane with the advice of Chief MAAG Laos. The same CIA paramilitary and U.S. military teamwork is in existence for advisory activities (9 CIA operations officers, 9 LTAG/Army Special Forces personnel, an addition to the 99 Thai PARU under CIA control) and aerial resupply.

As Meo villages are over-run by Communist forces and as men leave food-raising duties to serve as guerrillas, a problem is growing over the care and feeding of non-combat Meos. CIA has given some rice and clothing to relieve this problem. Consideration needs to be given to organized relief, a mission of an CIA nature, to the handling of Meo refugees and their rehabilitation.

c. National Directorate of Coordination:

This is the Intelligence arm of the RLG. Its operations are mainly in the Vientiane area at present. It has an armed unit consisting of two battalions and is under the command of Lt-Col Siho, a FAL officer. In addition to intelligence operations this force has a capability for sabotage, kidnapping, commando-type raids, etc.

d. There is also a local veteran's organization and a grass-roots political organization in Laos, both of which are subject to CIA direction and control and are capable of carrying out propaganda, sabotage and harassment operations. Both are located (in varying degrees of strength and reliability) throughout Laos.

2. U.S.

a. Defense:

(1) There are 154 Special Forces personnel (12 teams) from the 7th Special Forces Group at Fort Bragg, N.C., attached to the MAAG and providing tactical advice to FAL commanders and conducting basic training when the situation permits.

(2) A 10-man intelligence training team is assisting the FAL in establishing a military intelligence system.

(3) An 8-man psychological warfare team is assisting the FAL with psy war operations and operation of its radio transmitters.

b. CIA:

(1) Nine CIA officers are working in the field with the Meo guerrillas, backstopped by two additional officers in Vientiane.

(2) Three CIA officers plus 2-3 Vietnamese are working with the National Directorate of Coordination.

D. Others

1. Asian

a. Eastern Construction Company [Filipinos]:

This is a private, Filipino-run public service organization, similar to an employment agency, with an almost untapped potential for unconventional warfare (which was its original mission). It now furnishes about 500 trained, experienced Filipino technicians to the Governments of Vietnam and Laos, under the auspices of MAAGs (MAP) and USOMs (ICA activities). Most of these Filipinos are currently augmenting U.S. military logistics programs with the Vietnamese Army and Lao Army. They instruct local military personnel in ordnance, quartermaster, etc. maintenance, storage, and supply procedures. MAAG Chiefs in both Vietnam and Laos have rated this service as highly effective. CIA has influence and some continuing interest with individuals.

The head of Eastern Construction is

"Frisco" Johnny San Juan, former National Commander, Philippines Veterans Legion, and former close staff assistant to President Magsaysay of the Philippines (serving as Presidential Complaints and Action Commissioner directly under the President). Its cadre are mostly either former guerrillas against the Japanese in WW II or former Philippine Army personnel. Most of the cadre had extensive combat experience against the Communist Huk guerrillas in the Philippines. This cadre can be expanded into a wide range of counter-Communist activities, having sufficient stature in the Philippines to be able to draw on a very large segment of its trained, experienced, and well-motivated manpower pool.

Eastern Construction was started in 1954 as Freedom Company of the Philippines, a non-profit organization, with President Magsaysay as its honorary president. Its charter stated plainly that it was "to serve the cause of freedom." It actually was a mechanism to permit the deployment of Filipino personnel in other Asian countries, for unconventional operations, under cover of a public service organization having a contract with the host government. Philippine Armed Forces and government personnel were "sheep-dipped" and served abroad. Its personnel helped write the Constitution of the Republic of Vietnam, trained Vietnam's Presidential Guard Battalion, and were instrumental in founding and organizing the Vietnamese Veterans Legion.

When U.S. personnel instrumental in the organization and operational use of Freedom Company departed from the Asian area, direct U.S. support of the organization (on a clandestine basis) was largely terminated. The Filipino leaders in it then decided to carry on its mission privately, as a commercial undertaking. They changed the name to Eastern Construction Company. The organization survived some months of very hard times financially. Its leaders remain as a highly-motivated, experienced, anti-Communist "hard core."

b. Operation Brotherhood (Filipino):

There is another private Filipino public-service organization, capable of considerable expansion in socio-economic-medical operations to support counter-guerrilla actions. It is now operating teams in Laos, under ICA auspices. It has a measure of CIA control.

Operation Brotherhood (OB) was started in 1954 by the International Jaycees, under the inspiration and guidance of Oscar Arellano, a Filipino architect who was Vice President for Asia of the International Jaycees. The concept was to provide medical service to refugees and provincial farmers in South Vietnam, as part of the 1955 pacification and refugee program. Initially Filipino teams, later other Asian and European teams, served in OB in Vietnam. Their work was closely coordinated with Vietnamese Army operations which cleaned up Vietminh stay-behinds and started stabilizing rural areas. . . .

c. The Security Training Center (STC):

This is a counter-subversion, counter-guerrilla and psychological warfare school overtly operated by the Philippine Government and covertly sponsored by the U.S. Government through CIA as the instrument of the Country Team. It is located at Fort McKinley on the outskirts of Manila. Its stated mission is: "To counter the forces of subversion in Southeast Asia through more adequate training of security personnel, greater cooperation, better understanding and maximum initiative among the countries of the area." . . .

The training capability of the STC includes a staff of approximately 12 instructors in the subjects of unconventional and counter-guerrilla warfare. . . .

d. CAT. Civil Air Transport (Chinese Nationalist):

CAT is a commercial air line engaged in scheduled and non-scheduled air operations throughout the Far East, with headquarters and large maintenance facilities located in Taiwan. CAT, a CIA propietary, provides air logistical support under commercial cover to most CIA and other U.S. Government agencies' requirements. CAT supports covert and clandestine air operations by providing trained and experienced personnel, procurement of supplies and equipment through overt commercial channels, and the maintenance of a fairly large inventory of transport and other type aircraft under both Chinat and U.S. registry.

CAT has demonstrated its capability on numerous occasions to meet all types of contingency or long-term covert air requirements in support of U.S. objectives. During the past ten years, it has had some notable achievements, including support of the Chinese Nationalist withdrawal from the mainland, air drop support to the French at Dien Bien Phu, complete logistical and tactical air support for the Indonesian operation, air lifts of refugees from North Vietnam, more than 200 overflights of Mainland China and Tibet, and extensive air support in Laos during the current crisis. . . .

2. U.S.

b. CIA:

(1) Okinawa—Support Base.

Okinawa Station is in itself a paramilitary support asset and, in critical situations calling for extensive support of UW activity in the Far East, could be devoted in its entirety to this mission. Located at Camp Chinen, it comprises a self-contained base under Army cover with facilities of all types necessary to the storage, testing, packaging, procurement and delivery of supplies—ranging from weapons and explosives to medical and clothing. Because of its being a controlled area, it can accommodate admirably the holding of black bodies in singletons or small groups, as well as small groups of trainees. . . .

(4). Saipan Training Station.

CIA maintains a field training station on the island of Saipan located approximately 160 miles northeast of Guam in the Marianas Islands. The installation is under Navy cover and is known as the Naval Technical Training Unit. The primary mission of the Saipan Training Station is to provide physical facilities and competent instructor personnel to fulfill a variety of training requirements including intelligence tradecraft, communications, counter-intelligence and phychological warfare techniques. Training is performed in support of CIA activities conducted throughout the Far East area.

In addition to the facilities described above, CIA maintains a small ship of approximately 500 tons' displacement and 140 feet in length. This vessel is used presently to provide surface transportation between Guam and Saipan. It has an American Captain and First Mate and a Philippine crew, and is operated under the cover of a commercial corporation with home offices in Baltimore, Maryland. Both the ship and the corporation have a potentially wider paramilitary application both in the Far East area and elsewhere.

CABLE OF DIEM'S TREATY REQUEST

Cablegram from the United States Embassy in Saigon to the State Department, Oct. 1, 1961. A copy of the message was sent to the commander in chief of Pacific forces.

Discussion with Felt and party, McGarr, Nolting yesterday Diem asked for bilateral defense treaty. Large and unexplained request. Serious. Put forward as result of Diem's fear of outcome of Laos situation, SVN vulnerability to increase infiltration, feelings that SEATO action would be inhibited by UK and France in the case of SVN as in Laos.

Nolting told Diem question had important angle and effect on SEATO. Major repeated to Thuan and believe he understands better than Diem some of thorny problems.

Fuller report of conversation with Diem will follow but would like to get quick preliminary reaction from Washington on this request.

Our reaction is that the request should be seriously and carefully treated to prevent feeling that U.S. is not serious in intention to support SVN. But see major issues including overriding Article 19, Geneva Accords, possible ratification problems as well as effect on SEATO.

Diem's request arises from feeling that U.S. policy on Laos will expose his flank in infiltration and lead to large-scale hostilities in SVN. So seeking a stronger commitment than he thinks he has now through SEATO. Changing U.S. policy on Laos, especially SEATO decision to use force if necessary to protect SVN and Thailand, would relieve pressure for bilateral treaty.

NOTE ON A PLAN FOR INTERVENTION

Supplemental note to a paper entitled "Concept for Intervention in Viet-Nam," Oct. 11, 1961. According to the Pentagon history, the paper was drafted mainly by U. Alexis Johnson, Deputy Under Secretary of State for Political Affairs, and was either a "talking paper" for a meeting that included Secretary of State Dean Rusk and Secretary of Defense McNamara "or a revision put together later in the day, after the meeting."

As the basic paper indicates, the likelihood of massive DRV and Chicom intervention cannot be estimated with precision. The SNIE covers only the initial phase when action might be limited to 20–25,000 men. At later stages, when the JCS estimate that 40,000 US forces will be needed to clean up the Viet Cong threat, the chances of such massive intervention might well become substantial, with the Soviets finding it a good opportunity to tie down major US forces in a long action, perhaps as part of a multiprong action involving Berlin and such additional areas as Korea and Iran.

Because of this possibility of major Bloc intervention, the maximum possible force-needs must be frankly faced. Assuming present estimates of about 40,000 US forces for the stated military objective in South Vietnam, plus 128,000 US forces for meeting North Vietnam and Chicom intervention, the drain on US-based reserve forces could be on the order of 3 or 4 divisions and other forces as well. The impact on naval capabilities for blockade plans (to meet Berlin) would also be major. In light of present Berlin contingency plans, and combat attrition, including scarce items of equipment, the initiation of the Vietnam action in itself should indicate a step-up in the present mobilization, possibly of major proportions.

1961 REQUEST BY SOUTH VIETNAM FOR U.S. COMBAT FORCES

Cablegram from United States Embassy in Saigon to the State Department, Oct. 13, 1961, on requests by Nguyen Dinh Thuan, Defense Minister of South Vietnam. Copies of this message were sent to Commander in Chief of Pacific forces and to the United States Embassies in Bangkok, Thailand, and Taipei, Taiwan.

Thuan in meeting October 13 made the following requests:

1. Extra squadron of AD–6 in lieu of proposed T–28's and delivery ASAP.

2. U.S. Civilian contract pilots for helicopters and C–47's for "non-combat" operations.

3. U.S. combat units or units to be introduced into SVN as "combat-trainer units". Part to be stationed in North near 17th Parallel to free ARVN forces there for anti-

guerrilla action in high plateau. Also perhaps in several provincial seats in the highlands of Central Vietnam.

4. U.S. reaction to proposal to request Nationalist China to send one division of combat troops for operations in the Southwest.

Thuan referred to captured diary of VM officer killed in Central SVN, containing information on VM plans and techniques. Being analyzed, translated and would pass on. Said Diem in light of situation in Laos, infiltration into SVN, and JFK's interest as shown by sending Taylor, requested U.S. to urgently consider requests.

On U.S. combat trainer units, Nolting asked whether Diem's considered request, in view of repeated views opposed. Thuan so confirmed, Diem's views changed in light of worsening situation. Wanted a symbolic U.S. strength near 17th to prevent attacks there, free own forces there. Similar purpose station U.S. units in several provincial seats in central highlands, freeing ARVN ground forces there. Nolting said major requests on heels of Diem request for bilateral treaty. Nolting asked if in lieu of treaty. Thuan said first step quicker than treaty and time was of the essence. Thuan said token forces would satisfy SVN and would be better than treaty (Had evidently not thought through nor discussed with Diem).

Discussed ICC angle. Nolting mentioned value SVN previously attached to ICC presence. Thuan agreed, felt case could be made for introduction of U.S. units for guard duty not combat unless attacked. Could be put in such a way to preserve ICC in SVN. Nolting said doubted if compatable but could be explored (McGarr and I call attention to two points: in view of proposed units, training function more a cover than reality; if send U.S. units should be sufficient strength, since VC attack likely).

On Chinat force, Thuan said Chiang had earlier given some indication (not too precise I gathered) of willingness. Thuan said GVN did not want to follow-up without getting U.S. reaction. Idea to use about 10,000 men in southwest as far from 17th as possible. Also intended to draft eligibles of Chinese origin into forces. Thuan thought perhaps Chinats could be introduced covertly, but on analyses gave this up. Nolting said he thought Chinats would want something out of deal, maybe political lift from introducing Chinat forces on Asia mainland (Nolting thinks trial balloon only).

Questions will undoubtedly be raised with Taylor. Obvious GVN losing no opportunity to ask for more support as a result of our greater interest and concern. But situation militarily and psychologically has moved to a point where serious and prompt consideration should be given.

(Note: Will be meeting on this in Admiral Heinz's office, 1330, 16 October to get reply out today. Applicable CINCPAC 140333, 140346.)

Taylor's Summary of Findings on His Mission to South Vietnam

Cablegram from Baguio, the Philippines, by Gen. Maxwell D. Taylor, Presidential military adviser, to Mr. Kennedy, Nov. 1, 1961.

1. Transmitted herewith are a summary of the fundamental conclusions of my group and my personal recommendations in response to the letter of the President to me dated 13 October 1961. At our meeting next Friday I hope to be allowed to explain the thinking which lies behind them. At that time I shall transmit our entire report which will provide detailed support for the recommendations and will serve as a working paper for the interested departments and agencies.

2. It is concluded that:

a. Communist strategy aims to gain control of Southeast Asia by methods of subversion and guerrilla war which by-pass conventional U.S. and indigenous strength on the ground. The interim Communist goal—en route to total take-over—appears to be a neutral Southeast Asia, detached from U.S. protection. This strategy is well on the way to success in Vietnam.

b. In Vietnam "and Southeast Asia" there is a double crisis in confidence: doubt that U.S. is determined to save Southeast Asia; doubt that Diem's methods can frustrate and defeat Communist purposes and methods. The Vietnamese (and Southeast Asians) will undoubtedly draw—rightly or wrongly—definitive conclusions in coming weeks and months concerning the probable outcome and will adjust their behavior accordingly. What the U.S. does or fails to do will be decisive to the end result.

c. Aside from the morale factor, the Vietnamese Government is caught in interlocking circles of bad tactics and bad administrative arrangements which pin their forces on the defensive in ways which permit a relatively small Viet-Cong force (about one-tenth the size of the GVN regulars) to create conditions of frustration and terror certain to lead to a political crisis, if a positive turning point is not soon achieved. The following recommendations are designed to achieve that favorable turn, to avoid a further deterioration in the situation in South Vietnam, and eventually to contain and eliminate the threat to its independence.

3. It is recommended:

GENERAL

a. That upon request from the Government of Vietnam (GVN) to come to its aid in resisting the increasing aggressions of the Viet-Cong and in repairing the ravages of the Delta flood which, in combination, threaten the lives of its citizens and the security of the country, the U.S. Government offer to join the GVN in a massive joint effort as a part of a total mobilization of GVN resources to cope with both the Viet-Cong (VC) and the ravages of the flood. The U.S. representatives will participate actively in this effort, particularly in the fields of government administration, military plans and operations, intelligence, and flood relief, going beyond the advisory role which they have observed in the past.

SPECIFIC

b. That in support of the foregoing broad commitment to a joint effort with Diem, the following specific measures be undertaken:

(1) The U.S. Government will be prepared to provide individual adminstrators for insertion into the governmental machinery of South Vietnam in types and numbers to be worked out with President Diem.

(2) A joint effort will be made to improve the military-political intelligence system beginning at the provincial level extending upward through the government and armed forces to the Central Intelligence Organization.

(3) The U.S. Government will engage in a joint survey of the conditions in the provinces to assess the social, political, intelligence, and military factors bearing on the prosecution of the counter-insurgency in order to reach a common estimate of these factors and a common determination of how to deal with them. As this survey will consume time, it should not hold back the immediate actions which are clearly needed regardless of its outcome.

(4) A joint effort will be made to free the Army for mobile, offensive operations. This effort will be based upon improving the training and equipping of the Civil Guard and the Self-Defense Corps, relieving the regular Army of static missions, raising the level of the mobility of Army forces by the provision of considerably more helicopters and light aviation, and organizing a Border Ranger Force for a long-term campaign on the Laotian border against the Viet-Cong infiltrators. The U.S. Government will support this effort with equipment and with military units and personnel to do those tasks which the Armed Forces of Vietnam cannot perform in time. Such tasks include air reconnaissance and photography, airlift (beyond the present capacity of SVN forces), special intelligence, and air-ground support techniques.

(5) The U.S. Government will assist the GVN in effecting surveillance and control over the coastal waters and inland waterways, furnishing such advisors, operating personnel and small craft as may be necessary for quick and effective operations.

(6) The MAAG, Vietnam, will be reorganized and increased in size as may be necessary by the implementation of these recommendations.

(7) The U.S. Government will offer to introduce into South Vietnam a military Task Force to operate under U.S. control for the following purposes:

(a) Provide a U.S. military presence capable of raising national morale and of showing to Southeast Asia the seriousness of the U.S. intent to resist a Communist take-over.

(b) Conduct logistical operations in support of military and flood relief operations.

(c) Conduct such combat operations as are necessary for self-defense and for the security of the area in which they are stationed.

(d) Provide an emergency reserve to back up the Armed Forces of the GVN in the case of a heightened military crisis.

(e) Act as an advance party of such additional forces as may be introduced if CINCPAC or SEATO contingency plans are invoked.

(8) The U.S. Government will review its economic aid program to take into account the needs of flood relief and to give priority to those projects in support of the expanded counter-insurgency program.

Cable From Taylor to Kennedy on Introduction of U.S. Troops

Cablegram from Baguio, the Philippines, by General Taylor to President Kennedy, Nov. 1, 1961.

This message is for the purpose of presenting my reasons for recommending the introduction of a US military force into SVN. I have reached the conclusion that this is an essential action if we are to reverse the present downward trend of events in spite of a full recognition of the following disadvantages:

a. The strategic reserve of US forces is presently so weak that we can ill afford any detachment of forces to a peripheral area of the Communist bloc where they will be pinned down for an uncertain duration.

b. Although US prestige is already engaged in SVN, it will become more so by the sending of troops.

c. If the first contingent is not enough to accomplish the necessary results, it will be difficult to resist the pressure to reinforce. If the ultimate result sought is the closing of the frontiers and the clean-up of the insurgents within SVN, there is no limit to our possible commitment (unless we attack the source in Hanoi).

d. The introduction of US forces may increase tensions and risk escalation into a major war in Asia.

On the other side of the argument, there can be no action so convincing of US seriousness of purpose and hence so reassuring to the people and Government of SVN and to our other friends and allies in SEA as the introduction of US forces into SVN. The views of indigenous and US officials consulted on our trip were unanimous on this point. I have just seen Saigon 575 to State and suggest that it be read in connection with this message.

The size of the US force introduced need not be great to provide the military presence necessary to produce the desired effect on national morale in SVN and on international opinion. A bare token, however, will not suffice; it must have a significant value. The kinds of tasks which it might undertake which would have a significant value are suggested in Baguio 0005. They are:

(a) Provide a US military presence capable of raising national morale and of showing to SEA the seriousness of the US intent to resist a Communist takeover.

(b) Conduct logistical operations in support of military and flood relief operations.

(c) Conduct such combat operations as are necessary for self-defense and for the security of the area in which they are stationed.

(d) Provide an emergency reserve to back up the Armed Forces of the GVN in the case of a heightened military crisis.

(e) Act as an advance party of such additional forces as may be introduced if CINC PAC or SEATO contingency plans are invoked.

It is noteworthy that this force is not proposed to clear the jungles and forests of VC guerrillas. That should be the primary task of the Armed Forces of Vietnam for which they should be specifically organized, trained and stiffened with ample US advisors down to combat battalion levels. However, the US troops may be called upon to engage in combat to protect themselves, their working parties, and the area in which they live. As a general reserve, they might be thrown into action (with US agreement) against large, formed guerrilla bands which have abandoned the forests for attacks on major targets. But in general, our forces should not engaged in small-scale guerrilla operations in the jungle.

As an area for the operations of US troops, SVN is not an excessively difficult or unpleasant place to operate. While the border areas are rugged and heavily forested, the terrain is comparable to parts of Korea where US troops learned to live and work without too much effort. However, these border areas, for reasons stated above, are not the places to engage our forces. In the High Plateau and in the coastal plain where US troops would probably be stationed, these jungle-forest conditions do not exist to any great extent. The most unpleasant feature in the coastal areas would be the heat and, in the Delta, the mud left behind by the flood. The High Plateau offers no particular obstacle to the stationing of US troops.

The extent to which the Task Force would engage in flood relief activities in the Delta will depend upon further study of the problem there. As reported in Saigon 537. I see considerable advantages in playing up this aspect of the TF mission. I am presently inclined to favor a dual mission, initially help to the flood area and subsequently use in any other area of SVN where its resources can be used effectively to give tangible support in the struggle against the VC. However, the possibility of emphasizing the humanitarian mission will wane if we wait long in moving in our forces or in linking our stated purpose with the emergency conditions created by the flood.

The risks of backing into a major Asian war by way of SVN are present but are not impressive. NVN is extremely vulnerable to conventional bombing, a weakness which should be exploited diplomatically in convincing Hanoi to lay off SVN. Both the DRV and the Chicoms would face severe logistical difficulties in trying to maintain strong forces in the field in SEA, difficulties which we share but by no means to the same degree. There is no case for fearing a mass onslaught of Communist manpower into SVN and its neighboring states, particularly if our airpower is allowed a free hand against logistical targets. Finally, the starvation conditions in China should discourage Communist leaders there from being militarily venturesome for some time to come.

By the foregoing line of reasoning, I have reached the conclusion that the introduction of [word illegible] military Task Force without delay offers definitely more advantage than it creates risks and difficulties. In fact, I do not believe that our program to save SVN will succeed without it. If the concept is approved, the exact size and composition of the force should be determined by Sec Def in consultation with the JCS, the Chief MAAG and CINCPAC. My own feeling is that the initial size should not exceed about 8000, of which a preponderant number would be in logistical-type units. After acquiring experience in operating in SVN, this initial force will require reorganization and adjustment to the local scene.

As CINCPAC wil point out, any forces committed to SVN will need to be replaced by additional forces to his area from the strategic reserve in the US. Also, any troops to SVN are in addition to those which may be required to execute SEATO Plan 5 in Laos. Both facts should be taken into account in current considerations of the FY 1963 budget which bear upon the permanent increase which should be made in the US military establishment to maintain our strategic position for the long pull.

EVALUATION AND CONCLUSIONS OF TAYLOR'S REPORT ON VIETNAM

Excerpts from General Taylor's report, Nov. 3, 1961, on his mission to South Vietnam for President Kennedy.

LIMITED PARTNERSHIP

. . . Following are the specific categories where the introduction of U.S. working advisors or working military units are suggested . . . an asterisk indicating where such operations are, to some degree, under way.

—A high-level government advisor or advisors. General Lansdale has been requested by Diem; and it may be wise to envisage a limited number of Americans—acceptable to Diem as well as to us—in key ministries. . . .

—A Joint U.S.-Vietnamese Military Survey, down to the provincial level, in each of three corps areas, to make recommendations with respect to intelligence, command and control, more economical and effective passive defense, the build-up of a reserve for offensive purposes, military-province-chief relations, etc. . . .

—Joint planning of offensive operations, including border control operations.* . . .

—Intimate liaison with the Vietnamese Central Intelligence Organizations (C.I.O.) with each of the seven intelligence [rest of sentence illegible].

—Jungle Jim. . . .

—Counter infiltration operations in Laos.* . . .

—Increased covert offensive operations in North as well as in Laos and South Vietnam.* . . .

—The introduction, under MAAG operational control, of three helicopter squadrons—one for each corps area—and the provision of more light aircraft, as the need may be establisehd. . . .

—A radical increase in U.S. trainers at every level from the staff colleges, where teachers are short—to the Civil Guard and Self-Defense Corps, where a sharp expansion in competence may prove the key to mobilizing a reserve for offensive operations. . . .

—The introduction of engineering and logistical elements within the proposed U.S. military task force to work in the flood area within the Vietnamese plan, on both emergency and longer term reconstruction tasks. . . .

—A radical increase in U.S. special force teams in Vietnam: to work with the Vietnamese Ranger Force proposed for the border area . . .; to assist in unit training, including training of Clandestine Action Service. . . .

—Increase in MAAG support for the Vietnamese Navy.* . . .

—Introduction of U.S. Naval and/or Coast Guard personnel to assist in coastal and river surveillance and control, until Vietnamese naval capabilities can be improved. . . .

Reconsideration of the role of air power, leading to more effective utilization of assets now available, including release from political control of the 14 D-6 aircraft, institution of close-support techniques, and better employment of available weapons. . . .

To execute this program of limited partnership requires a change in the charter, the spirit, and the organization of the MAAG in South Vietnam. It must be shifted from an advisory group to something nearer—but not quite—an operational headquarters in a theater of war. . . . The U.S. should become a limited partner in the war, avoiding formalized advice on the one hand, trying to run the war, on the other. Such a transition from advice to partnership has been made in recent months, on a smaller scale, by the MAAG in Laos.

Among the many consequences of this shift would be the rapid build-up of an intelligence capability both to identify operational targets for the Vietnamese and to assist Washington in making a sensitive and reliable assessment of the progress of the war. The basis for such a unit already exists in Saigon in the Intelligence Evaluation Center. It must be quickly expanded. . . .

In Washington, as well, intelligence and back-up operations must be put on a quasi-wartime footing. . . .

CONTINGENCIES

The U.S. action proposed in this report—involving as it does the overt lifting of the MAAG ceiling, substantial encadrement and the introduction of limited U.S. forces—requires that the United States also prepare for contingencies that might arise from the enemy's reaction. The initiative proposed here should not be undertaken unless we are prepared to deal with any escalation the communists might choose to impose. Specifically we must be prepared to act swiftly under these three circumstances: an attempt to seize and to hold the Pleiku-Kontum area; a political crisis in which the communists might attempt to use their forces around Saigon to capture the city in the midst of local confusion; an undertaking of overt major hostilities by North Vietnam.

As noted earlier, the present contingency plans of CINPAC must embrace the possibility both of a resumption of the communist offensive in Laos and these Vietnamese contingency situations. Taken together, the contingencies in Southeast Asia which we would presently choose to meet without the use of nuclear weapons appear to require somewhat more balanced ground, naval, and air strength in reserve in the U.S. than we now have available, so long as we maintain the allocation of the six divisions for the Berlin crisis.

Therefore, one of the major issues raised by this report is the need to develop the reserve strength in the U.S. establishment required to cover action in Southeast Asia up to the nuclear threshold in that area, as it is now envisaged. The call up of additional support forces may be required.

In our view, nothing is more calculated to sober the enemy and to discourage escalation in the face of the limited initiatives proposed here than the knowledge that the United States has prepared itself soundly to deal with aggression in Southeast Asia at any level.

Conclusions of McNamara on Report by General Taylor

Memorandum for the President from Secretary of Defense McNamara, Nov. 8, 1961, as provided in the Pentagon analysts' narrative.

The basic issue framed by the Taylor Report is whether the U.S. shall:

a. Commit itself to the clear objective of preventing the fall of South Vietnam to Communism, and

b. Support this commitment by necessary immediate military actions and preparations for possible later actions.

The Joint Chiefs, Mr. Gilpatric and I have reached the following conclusions:

1. The fall of South Vietnam to Communism would lead to the fairly rapid extension of Communist control, or complete accommodation to Communism, in the rest of mainland Southeast Asia and in Indonesia. The strategic implications worldwide, particularly in the Orient, would be extremely serious.

2. The chances are against, probably sharply against, preventing that fall by any measures short of the introduction of U.S. forces on a substantial scale. We accept General Taylor's judgment that the various measures proposed by him short of this are useful but will not in themselves do the job of restoring confidence and setting Diem on the way to winning his fight.

3. The introduction of a U.S. force of the magnitude of an initial 8,000 men in a flood relief context will be of great help to Diem. However, it will not convince the other side (whether the shots are called from Moscow, Peiping, or Hanoi) that we mean business. Moreover, it probably will not tip the scales decisively. We would be almost certain to get increasingly mired down in an inconclusive struggle.

4. The other side can be convinced we mean business only if we accompany the initial force introduction by a clear commitment to the full objective stated above, accompanied by a warning through some channel to Hanoi that continued support of the Viet Cong will lead to punitive retaliation against North Vietnam.

5. If we act in this way, the ultimate possible extent of our military commitment must be faced. The struggle may be prolonged and Hanoi and Peiping may intervene overtly. In view of the logistic difficulties faced by the other side, I believe we can assume that the maximum U.S. forces required on the ground in Southeast Asia will not exceed 6 divisions, or about 205,000 men (CINCPAC Plan 32-59, Phase IV). Our military posture is, or with the addition of more National Guard or regular Army divisions, can be made, adequate to furnish these forces without serious interference with our present Berlin plans.

6. To accept the stated objective is of course a most serious decision. Military force is not the only element of what must be a most carefully coordinated set of actions. Success will depend on factors many of which are not within our control—notably the conduct of Diem himself and other leaders in the area. Laos will remain a major problem. The domestic political implications of accepting the objective are also grave, although it is our feeling that the country will respond better to a firm initial position than to courses of action that lead us in only gradually, and that in the meantime are sure to involve casualties. The over-all effect on Moscow and Peiping will need careful weighing and may well be mixed; however, permitting South Vietnam to fall can only strengthen and encourage them greatly.

7. In sum:

a. We do not believe major units of U.S. forces should be introduced in South Vietnam unless we are willing to make an affirmative decision on the issue stated at the start of this memorandum.

b. We are inclined to recommend that we do commit the U.S. to the clear objective of preventing the fall of South Vietnam to Communism and that we support this commitment by the necessary military actions.

c. If such a commitment is agreed upon, we support the recommendations of General Taylor as the first steps toward its fulfillment.

1961 Rusk-McNamara Report to Kennedy on South Vietnam

Excerpts from memorandum for President Kennedy from secretary of State Rusk and Secretary of Defense McNamara, Nov. 11, 1961, as provided by the Pentagon study.

1. United States National Interests in South Viet-Nam.

The deteriorating situation in South Viet-Nam requires attention to the nature and scope of United States national interests in that country. The loss of South Viet-Nam to Communism would involve the transfer of a nation of 20 million people from the free world to the Communist block. The loss of South Viet-Nam would make pointless any further discussion about the importance of Southeast Asia to the free world; we would have to face the near certainty that the remainder of Southeast Asia and Indonesia would move to a complete accommodation with Communism, if not formal incorporation with the Communist bloc. The United States, as a member of SEATO, has commitments with respect to South Viet-Nam under the Protocol to the SEATO Treaty. Additionally, in a formal statement at the conclusion session of the 1954 Geneva Conference, the United States representative stated that the United States "would view any renewal of the aggression . . . with grave concern and seriously threatening international peace and security."

The loss of South Viet-Nam to Communism would not only destroy SEATO but would undermine the credibility of American commitments elsewhere. Further, loss of South Viet-Nam would stimulate bitter domestic controversies in the United States and would be seized upon by extreme elements to divide the country and harass the Administration. . . .

3. The United States' Objective in South Viet-Nam.

The United States should commit itself to the clear objective of preventing the fall of South Viet-Nam to Communist [sic]. The basic means for accomplishing this objective must be to put the Government of South Viet-Nam into a position to win its own war against the guerrillas. We must insist that that Government itself take the measures necessary for that purpose in exchange for large-scale United States assistance in the military, economic and political fields. At the same time we must recognize that it will probably not be possible for the GVN to win this war as long as the flow of men and supplies from North Viet-Nam continues unchecked and the guerrillas enjoy a safe sanctuary in neighboring territory.

We should be prepared to introduce United States combat forces if that should become necessary for success. Dependent upon the circumstances, it may also be necessary for United States forces to strike at the source of the aggression in North Viet-Nam.

4. The use of United States forces in South Vietnam.

The commitment of United States forces to South Viet-nam involves two different categories: (A) Units of modest size required for the direct support of South Viet-Namese military effort, such as communications, helicopter and other forms of airlift, reconnaissance aircraft, naval patrols, intelligence units, etc., and (B) larger organized units with actual or potential direct military mission. *Category (A) should be introduced as speedily as possible.* Category (B) units pose a more serious problem in that they are much more significant from the point of view of domestic and international political factors and greatly increase the probabilities of Communist bloc escalations. Further, the employment of United States combat forces (in the absence of Communist bloc escalation) involves a certain dilemma: if there is a strong South Vietnamese effort, they may not be needed; if there is not such an effort, United States forces could not accomplish their mission in the midst of an apathetic or hostile population. Under present circumstances, therefore, the question of injecting United States and SEATO combat forces should in large part be considered as a contribution to the morale of the South Viet-Namese in their own effort to do the principal job themselves.

5. Probable Extent of the Commitment of United States Forces.

If we commit Category (B) forces to South Viet-Nam, the ultimate possible extent of our military commitment in Southeast Asia must be faced. The struggle may be prolonged, and Hanoi and Peiping may overtly intervene. It is the view of the Secretary of Defense and the Joint Chiefs of Staff that, in the light of the logistic difficulties faced by the other side, we can assume that the maximum United States forces required on the ground in Southeast Asia would not exceed six divisions, or about 205,000 men (CINCPAC Plan 32/59 Phase IV). This would be in addition to local forces and such SEATO forces as may be engaged. It is also the view of the Secretary of Defense and the Joint Chiefs of Staff that our military posture is, or, with the addition of more National Guard or regular Army divisions, can be made, adequate to furnish these forces and support them in action without serious interference with our present Berlin plans. . . .

In the light of the foregoing, the Secretary of State and the Secretary of Defense recommend that:

1. We now take the decision to commit ourselves to the objective of preventing the fall of South Viet-Nam to Communism and that, in doing so, we recognize that the introduction of United States and other SEATO forces may be necessary to achieve this objective. (However, if it is necessary to commit outside forces to achieve the foregoing objective our decision to introduce United States forces should not be contingent upon unanimous SEATO agreement thereto.)

2. The Department of Defense be prepared with plans for the use of United States forces in South Viet-Nam under one or more of the following purposes:

(a) Use of a significant number of United States forces to signify United States determination to defend Viet-Nam and to boost South Viet-Nam morale.

(b) Use of substantial United States forces to assist in suppressing Viet Cong insurgency short of engaging in detailed counter-guerrilla operations but including relevant operations in North Viet-Nam.

(c) Use of United States forces to deal with the situation if there is organized Communist military intervention.

3. We immediately undertake the following actions in support of the GVN:

. . . (c) Provide the GVN with small craft, including such United States uniformed advisers and operating personnel as may be necessary for quick and effective operations in effecting surveillance and control over coastal waters and inland waterways. . . .

(e) Provide such personnel and equipment as may be necessary to improve the military-political intelligence system beginning at the provincial level and extending upward through the Government and the armed forces to the Central Intelligence Organization.

(f) Provide such new terms of reference, reorganization and additional personnel for United States military forces as are required for increased United States participation in the direction and control of GVN military operations and to carry out the other increased responsibilities which accrue to MAAG under these recommendations. . . .

(i) Provide individual administrators and advisers for insertion into the Governmental machinery of South Viet-Nam in types and numbers to be agreed upon by the two Governments. . . .

5. Very shortly before the arrival in South Viet-Nam of the first increments of United States military personnel and equipment proposed under 3., above, that would exceed the Geneva Accord ceilings, publish the "Jordan report" as a United States "white paper," transmitting it as simultaneously as possible to the Governments of all countries with which we have diplomatic relations, including the Communist states.

6. Simultaneous with the publication of the "Jordan report," release an exchange of letters between Diem and the President.

(a) Diem's letter would include reference to the DRV violations of Geneva Accords as set forth in the October 24 GVN letter to the ICC and other documents; pertinent references to GVN statements with respect to its intent to observe the Geneva Accords; reference to its need for flood relief and rehabilitation; reference to previous United States aid and the compliance hitherto by both countries with the Geneva Accords; reference to the USG statement at the time the Geneva Accords were signed; the necessity of now exceeding some provisions of the Accords in view of the DRV violations thereof; the lack of aggressive intent with respect to the DRV; GVN intent to return to strict compliance with the Geneva Accords as soon as the DRV violations ceased; and request for additional United States assistance in framework foregoing policy. The letter should also set forth in appropriate general terms steps Diem has taken and is taking to reform Governmental structure.

(b) The President's reply would be responsive to Diem's request for additional assistance and acknowledge and agree to Diem's statements on the intent promptly to return to strict compliance with the Geneva Accords as soon as DRV violations have ceased. . . .

State Department Study in Late 1962 on Prospects in South Vietnam

Excerpts from research memorandum from Roger Hilsman, director of the State Department Bureau of Intelligence and Research, to Secretary of State Rusk, Dec. 3, 1962. The memorandum bore the title "The Situation and Short-Term Prospects in South Vietnam" and a footnote said that the report was based on information available through Nov. 12, 1962.

. . . President Ngo Dinh Diem and other leading Vietnamese as well as many US officials in South Vietnam apparently believe that the tide is now turning in the struggle against Vietnamese Communist (Viet Cong) insurgency and subversion. This degree of optimism is premature. At best, it appears that the rate of deterioration has decelerated with improvement, principally in the security sector, reflecting substantially increased US assistance and GVN implementation of a broad counterinsurgency program.

The GVN has given priority to implementing a basic strategic concept featuring the strategic hamlet and systematic pacification programs. It has paid more attention to political, economic, and social counterinsurgency measures and their coordination with purely military measures. Vietnamese military and security forces—now enlarged and of higher quality—are significantly more offensive-minded and their counterguerrilla tactical capabilities are greatly improved. Effective GVN control of the countryside has been extended slightly. In some areas where security has improved peasant attitudes toward the government appear also to have improved.

As a result, the Viet Cong has had to modify its tactics and perhaps set back its timetable. But the "national liberation war" has not abated nor has the Viet Cong been weakened. On the contrary, the Viet Cong has expanded the size and enhanced the capability and organization of its guerrilla force—now estimated at about 23,000 in elite fighting personnel, plus some 100,000 irregulars and sympathizers. It still controls about 20 percent of the villages and about 9 percent of the rural population, and has varying degrees of influence among additional 47 percent of the villages. Viet Cong control and communication lines to the peasant have not been seriously weakened and the guerrillas have thus been able to maintain good intelligence and a high degree of initiative, mobility, and striking power. Viet Cong influence has almost certainly improved in urban areas not only through subversion and terrorism but also because of its propaganda appeal to the increasingly frustrated non-Communist anti-Diem elements.

The internal political situation is considerably more difficult to assess. Diem has strengthened his control of the bureaucracy and the military establishment. He has delegated a little more authority than in the past, and has become increasingly aware of the importance of the peasantry to the counterinsurgency effort. Nevertheless, although there are fewer reports of discontent with Diem's leadership within official circles and the civilian elite, there are still many indications of continuing serious concern, particularly with Diem's direction of the counterinsurgency effort. There are also reports that important military and civilian officials continue to participate in coup plots. Oppositionists, critics, and dissenters outside the government appear to be increasingly susceptible to neutralist, pro-Communist, and possibly anti-US sentiments. They are apparently placing increased reliance on clandestine activities.

The Viet Cong is obviously prepared for a long struggle and can be expected to maintain the present pace and diversity of its insurgent-subversive effort. During the next month or so, it may step up its military effort in reaction to the growing GVN-US response. Hanoi can also be expected to increase its efforts to legitimatize its "National Front for the Liberation of South Vietnam" (NFLSV) and to prepare further groundwork for a "liberation government" in South Vietnam. On the present evidence, the Communists are not actively moving toward neutralization of South Vietnam in the Laos pattern, although they could seek to do so later. Elimination, even significant reduction, of the Communist insurgency will almost certainly require several years. In either case, a considerably greater effort by the GVN, as well as continuing US assistance, is crucial. If there is continuing improvement in security conditions, Diem should be able to alleviate concern and boost morale within the bureaucracy and the military establishment. But the GVN will not be able to consolidate its military successes into permanent political gains and to evoke the positive support of the peasantry unless it gives more emphasis to non-military aspects of the counterinsurgency program, integrates the strategic hamlet program with an expanded systematic pacification program, and appreciably modified military tactics (particularly those relating to large-unit actions and tactical use of air-power and artillery). Failure to do so might increase militant opposition among the peasants and their positive identification with the Viet Cong.

A coup could occur at any time, but would be more likely if the fight against the Communists goes badly, if the Viet Cong launches a series of successful and dramatic operations, or if Vietnamese army casualties increase appreciably over a protracted period. The coup most likely to succeed would be one with non-Communist leadership and support, involving middle and top echelon military and civilian officials. For a time at least, the serious disruption of government leadership resulting from a coup would probably halt and possibly reverse the momentum of the government's counterinsurgency effort. The role of the US can be extremely important in restoring this momentum and in averting widespread fighting and a serious internal power struggle. . . .

Memo From Joint Chiefs Urging a Greater Role in South Vietnam

Excerpts from memorandum from the Joint Chiefs of Staff to Secretary of Defense McNamara, Jan. 13, 1962, Mr. McNamara sent the memorandum to President Kennedy with a covering letter that said in part: "The Joint Chiefs of Staff have asked that the attached memorandum . . . be brought to your attention. The memorandum requires no action by you at this time. I am not prepared to endorse the experience with our present program in South Vietnam."

3. Military Considerations. . . .

a. Early Eventualities—Loss of the Southeast Asian Mainland would have an adverse impact on our military strategy and would markedly reduce our ability in limited war by denying us air, land and sea bases, by forcing greater intelligence effort with lesser results, by complicating military lines of communication and by the introduction of more formidable enemy forces in the area. Air access and access to 5300 miles of mainland coastline would be outflanked, the last significant United Kingdom military strength in Asia would be eliminated with the loss of Singapore and Malaya and U.S. military influence in that area, short of war, would be difficult to exert.

b. Possible Eventualities—Of equal importance to the immediate losses are the eventualities which could follow the loss of the Southeast Asian mainland. All of the Indonesian archipelago could come under the domination and control of the U.S.S.R. and would become a communist base posing a threat against Australia and New Zealand. The Sino-Soviet Bloc would have control of the eastern access to the Indian Ocean. The Philippines and Japan could be pressured to assume at best, a neutralist role, thus eliminating two of our major bases in the Western Pacific. Our lines of defense then would be pulled north to Korea, Okinawa and Taiwan resulting in the subsequent overtaking of our lines of communications in a limited war. India's ability to remain neutral would be jeopardized and, as the Bloc meets success, its concurrent stepped-up activities to move into and control Africa can be expected. . . .

. . . 13. Three salient factors are of the greatest importance if the eventual introduction of U.S. forces is required.

a. Any war in the Southeast Asian Mainland will be a peninsula and island-type of campaign—a mode of warfare in which all elements of the Armed Forces of the United

States have gained a wealth of experience and in which we have excelled both in World War II and Korea.

b. Study of the problem clearly indicates that the Communists are limited in the forces they can sustain in war in that area because of natural logistic and transportation problems.

c. Our present world military posture is such that we now have effective forces capable of implementing existing contingency plans for Southeast Asia without affecting to an unacceptable degree our capability to conduct planned operations in Europe relating to Berlin or otherwise.

14. The Joint Chiefs of Staff recommend that in any consideration of further action which may be required because of possible unacceptable results obtained despite Diem's full cooperation and the effective employment of South Vietnam armed forces, you again consider the recommendation provided you by JCSM-320-61, dated 10 May 1961, that a decision be made to deploy suitable U.S. forces to South Vietnam sufficient to accomplish the following:

a. Provide a visible deterrent to potential North Vietnam and/or Chinese Communist action;

b. Release Vietnamese forces from advanced and static defense positions to permit their future commitment to counterinsurgency actions;

c. Assist in training the Vietnamese forces;

d. Provide a nucleus for the support of any additional U.S. or SEATO military operations in Southeast Asia; and

e. Indicate the firmness of our intent to all Asian nations.

We are of the opinion that failure to do so under such circumstances will merely extend the date when such action must be taken and will make our ultimate task proportionately more difficult.

[From the New York Times, July 1, 1971]

QUESTIONS FOR KENNEDY

The Pentagon study shows President Kennedy facing three main questions on Vietnam during his term of office: whether to make an irrevocable commitment to prevent a Communist victory; whether to commit ground combat units to achieve his ends; whether to give top priority to the military battle against the Vietcong or to the political reforms necessary for winning popular support.

President Kennedy's response during 34 months in office, as the Pentagon account tells it, was to increase American advisers from the internationally accepted level of 685 to roughly 16,000 to put Americans into combat situations—resulting in a tenfold increase in American combat casualties in one year—and eventually to inject the United States into the internal South Vietnamese maneuvering that finally toppled the Diem regime.

The judgment of the Pentagon study is that while President Kennedy's actions stopped short of the fundamental decision to commit ground troops, nonetheless, "the limited-risk gamble undertaken by Eisenhower had been transformed into an unlimited commitment under Kennedy." Later, more cautiously, the study says that Mr. Kennedy's policies produced a "broad commitment" to Vietnam's defense, giving priority to the military aspects of the war over political reforms.

The study also observes that the pervasive assumption in the Kennedy Administration was that "the Diem regime's own evident weaknesses—from the 'famous problem of Diem as administrator' to the Army's lack of offensive spirit—could be cured if enough dedicated Americans, civilians and military, became involved in South Vietnam to show the South Vietnamese, at all levels, how to get on and win the war."

President Kennedy and his senior advisers are described in the study as considering defeat unthinkable and assuming that the mere introduction of Americans would provide the South Vietnamese with what the authors call "the elan and style needed to win."

The description of the debates in the Kennedy Administration presented in the study are revealing—particularly when the President decides against committing ground troops—because they emerge, in effect, as a rehearsal for the planning in the Johnson era that led to outright war in 1965. Many of the same officials advanced many of the same arguments, and the intelligence community offered some of the same ominous forewarnings.

President Kennedy was told that sending ground troops would be a "shot in the arm" that would "spark real transformation" of the South Vietnamese Army. The Joint Chiefs of Staff calculated that, at worst, no more than 205,000 American soldiers would be required to cope not only with the Vietcong but also with North Vietnam and Communist China if they should intervene. Both military and civilian advisers contended that American bombing of the North—even the mere threat of it—would hold Hanoi and the other Communist nations at bay.

In secretly urging the first commitment of American ground troops to Vietnam in November, 1961, Gen. Maxwell D. Taylor, then the President's personal military adviser, discounted the risks of a major land war. In a private message to the President from the Philippines, on his way home from Saigon on Nov. 1, he said:

"The risks of backing into a major Asian war by way of SVN are present but are not impressive. NVN is extremely vulnerable to conventional bombing, a weakness which should be exploited diplomatically in convincing Hanoi to lay off SVN.

"Both the D.R.V. [Democratic Republic of (North) Vietnam] and the Chicoms would face severe logistical difficulties in trying to maintain strong forces in the field in SEA [Southeast Asia], difficulties which we share but by no means to the same degree. There is no case for fearing a mass onslaught of Communist manpower into SVN and its neighboring states, particularly if our airpower is allowed a free hand against logistical targets."

In General Taylor's recommendations for an initial commitment of 6,000 to 8,000 American ground troops, the account relates, he had a co-author, Walt W. Rostow, then the senior White House aide working on Southeast Asia.

On Nov. 5 Secretary of Defense Robert S. McNamara sent President Kennedy a memorandum stating that he and the Joint Chiefs of Staff were "inclined to recommend" General Taylor's proposal—but with the significant warning that much greater troop commitments were likely in the future. [See text, McNamara conclusions, Nov. 8, 1961.]

"The struggle may be prolonged and Hanoi and Peiping may intervene overtly," the McNamara memorandum told the President. It estimated that even so, "the maximum U.S. forces required on the ground in Southeast Asia will not exceed six divisions, or about 205,000 men."

TOPIC DOMINATED DISCUSSIONS

The President eventually rejected this approach. But the Pentagon study comments that the ground-troop issue so dominated the discussions that Mr. Kennedy's ultimate decisions to approve the advisory build-up and the introduction of combat-support troops was made "without a careful examination" of precisely what it was expected to produce and how.

The study concludes that the Kennedy strategy was fatally flawed from the outset for political as much as for military reasons. It depended, the study notes, on successfully prodding President Diem to undertake the kind of political, economic and social reforms that would, in the slogan of that day, "win the hearts and minds of the people."

"The U.S. over-all plan to end the insurgency was on shaky ground on the GVN side," the study comments. "Diem needed the U.S. and the U.S. needed a reformed Diem."

It also says: "If he could not [reform], the U.S. plan to end the insurgency was foredoomed from its inception, for it depended on Vietnamese initiatives to solve a Vietnamese problem."

And in the end, the Pentagon account relates, the Kennedy Administration concluded that President Diem could not reform sufficiently and in 1963 abandoned him.

Abandoning President Diem was what Ambassador Eldridge Durbrow had suggested in September, 1960, [see text, Sept. 16] and again that December, shortly before Mr. Kennedy took office as President. Drawing on the Ambassador's reports, among others, a national intelligence estimate provided for Mr. Kennedy on March 28, 1961, gave a bleak appraisal of the situation in Vietnam:

"An extremely critical period for President Ngo Dinh Diem and the Republic of Vietnam lies immediately ahead. During the past six months the internal security situation has continued to deteriorate and has now reached serious proportions . . .

"More than one-half of the entire rural region south and southwest of Saigon, as well as some areas to the north, are under considerable Communist control. Some of these areas are in effect denied to all government authority not immediately backed by substantial armed force. The Vietcong's strength encircles Saigon and has recently begun to move closer in on the city . . .

"The deterioration in the position of the Diem Government reached a new extreme in November when army para-troop officers joined forces with a number of civilian oppositionists in a narrowly defeated attempt to overthrow Diem. On the surface, Diem's position appears to have improved somewhat since then. . . .

"However, the facts which gave rise to the coup attempt have not been seriously dealt with and still exist. Discontent with the Diem Government continues to be prevalent among intellectual circles and, to a lesser degree, among labor and business groups. There has been an increasing disposition within official circles and the Army to question Diem's ability to lead in this period. Many feel that he is unable to rally the people in the fight against the Communists because of his reliance on virtual one-man rule, his toleration of corruption extending even to his immediate entourage, and his refusal to relax a rigid system of public controls."

This assessment, the Pentagon study relates, echoed the themes and even some of the language of Ambassador Durbrow's cablegrams. One of these, on Sept. 24, 1960, suggested that if President Diem was unable to regain support through political and social reform, "it may become necessary for U.S. Government to begin consideration alternative courses of action and leaders."

A CHALLENGE FOR THE UNITED STATES

However serious the problem in South Vietnam, the situation in Laos was far more critical. "The Western position was in the process of falling apart as Kennedy took office," the Pentagon account says.

And during the spring of 1961, when President Kennedy made his first series of Vietnam decisions, Laos—not Vietnam—was the dominant issue and largely determined how Vietnam should be handled, according to the Pentagon account.

The Eisenhower Administration had chosen to back right-wing elements in Laos, and by early 1961 they were reeling under Communist and neutralist attacks. President Kennedy chose to seek a political compromise and a military cease-fire rather than to continue to support the Laotian rightists.

Because of this shift in strategy in Laos, the Pentagon study says, the Kennedy Administration felt impelled to show strength in Vietnam to reassure America's allies in Asia.

In what the Administration saw as a global power competition with the Soviet Union, the account notes, Washington thought it dangerous to give ground too often. Summing up the Administration's reasoning, the author writes: "After the U.S. stepped back in Laos, it might be hard to persuade the Russians that we intended to stand firm anywhere if we then gave up on Vietnam."

Moreover, the Kennedy Administration sensed a particular challenge in the declaration by the Soviet Premier, Nikita S. Khrushchev, on Jan. 6, 1961, that Moscow intended to back "wars of national liberation" around the world. In response, counterinsurgency—as strategy against guerrilla war became known—grew to be a primary preoccupation of the Kennedy White House, as a steady flow of Presidential decision papers testifies.

"Vietnam was the only place in the world where the Administration faced a well-developed Communist effort to topple a pro-Western government with an externally aided pro-Communist insurgency," the Pentagon study comments. "It was a challenge that could hardly be ignored."

On April 12 Mr. Rostow, the senior White House specialist on Southeast Asia and a principal architect of counterinsurgency doctrine, put Vietnam directly before President Kennedy with a memorandum [see text] asserting that the time had come for "gearing up the whole Vietnam operation." He proposed a series of moves that the study calls "pretty close to an agenda" for the Kennedy Administration's first high-level review of Vietnam. Among other things Mr. Rostow proposed these measures:

"The appointment of a full-time first-rate backstop man in Washington."

"A possible visit to Vietnam in the near future by the Vice President."

"The raising of the MAAG [Military Assistance Advisory Group] ceiling, which involves some diplomacy, unless we can find an alternative way of introducing into the Vietnam operation a substantial number of Special Forces types."

"Settling the question of extra funds for Diem."

"The tactics of persuading Diem to move more rapidly to broaden the base of his Government, as well as to decrease its centralization and improve its efficiency."

Virtually all the Rostow proposals eventually became policy except his suggestion for a "first-rate backstop man." His candidate, the study notes, was Brig. Gen. Edward G. Lansdale, a long-time Central Intelligence Agency operative who was close to President Diem and who in 1961 was in charge of "special operations" for the Pentagon. The State Department blocked his appointment, the study reports.

On April 20—the day after the collapse of the Bay of Pigs invasion of Cuba—President Kennedy ordered a quick review of the Vietnam situation. As quoted by Secretary McNamara, the President's instructions were to "appraise . . . the Communist drive to dominate South Vietnam" and "recommend a series of actions (military, political and/or economic, overt and/or covert) which, in your opinion, will prevent Communist domination of that country."

GILPATRIC HEADED TASK FORCE

The task force, headed by Roswell L. Gilpatric, Deputy Secretary of Defense, turned in its report on April 27.

The report, quoted in the Pentagon study, recommended a 100-man increase in the American military advisory mission in Saigon, more American arms and aid for the Vietnamese regional forces known as the Civil Guard, the release of funds for a previously approved expansion of the South Vietnamese Army and the dropping of earlier conditions that President Diem undertake political and social reforms in return. Allied efforts, the report said, should be infused with a sense of urgency to impress friends and foes alike that "come what may, the U.S. intends to win this battle." The emphasis was in the original report.

Even before the report was submitted, it was overtaken by events: The Laotian crisis was at its peak. President Kennedy met with the National Security Council on April 26 to decide whether to send troops into Laos. Late that night the Joint Chiefs of Staff alerted the commander in chief of Pacific forces, Adm. Harry D. Felt, "to be prepared to undertake air strikes against North Vietnam, and possibly southern China," the account reports.

Overnight the Vietnam recommendations changed. "As insurance against a conventional invasion of South Vietnam" through the eastern, mountainous portions of Laos, the Gilpatric task force recommended quick expansion of the South Vietnamese Army by two divisions—40,000 men—plus the first major input of American troops, as training forces, according to the Pentagon study.

The April 28 "Laos annex," the narrative recounts, called for "a 1,600-man [American] training team for each of the two new [South Vietnamese] divisions, plus a 400-man Special Forces contingent to speed up counter-insur-forces: a total of 3,600 men."

On April 29—described in the narrative as a day of "prolonged crisis meeting at the White House"—Admiral Felt was alerted to prepare to move one American combat brigade of 5,000 men with air elements to northeastern Thailand and another to Danang, on the South Vietnamese coast, as a threat to intervene in Laos. "Decision to make these deployments not firm," the Joint Chiefs of Staff cabled Admiral Felt. The tactics were directly related to the Laos crisis.

Acting on Vietnam that day, the study reports, President Kennedy approved the modest 100-man increase in the American advisory mission and a few other steps suggested in the first Gilpatric task force's report.

"The only substantial significance that can be read into these April 29 decisions," the analyst writes, "is that they signaled a willingness to go beyond the 685-man limit of the U.S. military mission in Saigon." Publicity would have entailed "the first formal breach of the Geneva agreements," the study says, so the move was kept quiet.

By May 1 the acute fever of the Laos crisis had eased, the account goes on, and there was a "strong sense . . . that the U.S. would not go into Laos: that if the cease-fire failed, we would make a strong stand, instead, in Thailand and Vietnam."

Vietnam planning was directly affected. The State Department drafted the first of several revisions to tone down the Gilpatric task force's recommendations. When the task-force report finally went before the National Security Council on May 9, the study recounts, the State Department had largely prevailed. Shortly before that the White House announced that Vice President Johnson was leaving within days for a trip to Saigon and other Asian capitals.

RECOMMENDATION WAS MODIFIED LATER

The final task-force report, quoted in the Pentagon account, recommended the deployment of 400 Special Forces soldiers and an immediate Pentagon study of a further build-up "in preparation for possible commitment of U.S. forces to Vietnam, which might result from an N.S.C. decision following discussions between Vice President Johnson and President Diem." The idea of sending 3,200 other soldiers right away was dropped.

In place of a Pentagon proposal made on May 1 for unilateral American intervention in Vietnam if that became necessary to "save the country from Communism," the final report by the Gilpatric task force proposed a new "bilateral arrangement with Vietnam.

"On the grounds that the Geneva accords have placed inhibitions upon Free World action while at the same time placing no restrictions upon the Communists," the report said, "Ambassador Nolting should be instructed to enter into preliminary discussions with Diem regarding the possibility of a defensive security alliance despite the inconsistency of such action with the Geneva accords. . . . Communist violations, therefore, justify the establishment of the security arrangements herein recommended."

A STERNER OBJECTIVE

On May 11, two days after Vice President Johnson's departure for Saigon, President Kennedy made his decisions. As recorded in National Security Action Memorandum 52, a copy of which accompanies the Pentagon study, the American objective was stated more bluntly and more ambitiously than in typical public pronouncements. The memorandum said the American objective was "to prevent Communist domination of South Vietnam," whereas six days earlier President Kennedy himself spoke at a news conference of a vaguer desire "to assist Vietnam to obtain its independence."

The memorandum also specified measures that were not disclosed to the public: Presidential approval for the deployment of 400 Special Forces troops, for Ambassador Nolting to start negotiations on "a new bilateral arrangement with Vietnam" and for the initiation of a covert-warfare campaign against North Vietnam.

The one step, in the Pentagon analyst's view, that involved the United States more than the President's public statements suggested was the decision to send Special Forces. "Obviously the President was sold on their going," the study comments, "and since the Vietnamese Special Forces were themselves supported by C.I.A. rather than the regular military-aid program, it was possible to handle these troops covertly."

PROVISIONS FOR COVERT WARFARE

According to the documentary record, President Kennedy's specific orders on covert warfare called for these steps:

"Dispatch . . . agents to North Vietnam" for intelligence gathering.

"Infiltrate teams under light civilian cover to southeast Laos to locate and attack Vietnamese Communist bases and lines of communications."

"In North Vietnam, using the foundation established by intelligence operations, form networks of resistance, covert bases and teams for sabotage and light harassment."

"Conduct overflights for dropping of leaflets to harass the Communists and to maintain morale of North Vietnamese population, and increase gray [unidentified-source] broadcasts to North Vietnam for the same purposes."

Train "the South Vietnamese Army to conduct ranger raids and similar military actions in North Vietnam as might prove necessary or appropriate."

The documents also show that Mr. Kennedy approved plans "for the use in North Vietnam operations of civilian air crews of

American and other nationality, as appropriate, in addition to Vietnamese." The plans, quoted in full in the final report of the Gilpatric task force, designate the South Vietnamese Army's First Observation Group, stationed at Nhatrang, as the main unit for carrying on unconventional warfare in Laos, South Vietnam and North Vietnam.

In July, 1961, General Lansdale submitted to General Taylor, the President's military adviser, a preliminary report on preparations for this clandestine warfare. By that time, the report said, the First Observation Group had "some limited operations in North Vietnam and some shallow penetrations into Laos." [See text, Lansdale memo.]

The Lansdale report stated, however, that most of the unit's operations had been directed against the Vietcong in South Vietnam and that this was being changed to focus it entirely on North Vietnam and Laos—"denied areas," in official terminology.

"The plan is to relieve the group from these combat assignments [against the Vietcong] to ready its full strength for denied-areas missions," General Lansdale said. As of July 6, the unit was to be expanded to 805 men from 340. "Personnel are volunteers who have been carefully screened by security organizations," General Lansdale said. "Many are from North Vietnam. They have been trained for guerrilla operations at the group's training center at Nhatrang."

ADDITIONAL VOLUNTEERS WERE TRAINED

In addition, the Lansdale report said, 400 selected South Vietnamese soldiers, 60 montagnard tribesmen and 70 civilians were being formed into "additional volunteer groups, apart from the First Observation Group, for similar operations." The general listed 50 Americans—35 from the Defense Department and 15 from the C.I.A.—engaged in training these groups and preparing other South Vietnamese intelligence and psychological-warfare operations. According to the Pentagon study, these were to be augmented by some of the 400 Special Forces soldiers President Kennedy ordered to the field on May 11.

The study does not report on the actual operations of the units during the Kennedy years.

Bernard Fall, in his history "The Two Vietnams," published in 1963, described the organization of the First Observation Group into 15-man combat teams and 24-man support teams. "One such unit was captured near Ninhbinh (180 miles north of the 17th Parallel) in July, 1961, when its aircraft developed engine trouble," Mr. Fall reported.

In July the Hanoi radio, as monitored by the United States Government, carried several English-language broadcasts on the incident, saying that North Vietnam had shot down a plane encroaching on its airspace and describing a number of American-made items to try to authenticate the plane's origin. According to the broadcasts, the plane was marked in red letters "C-47," the oil tank "Douglas Aircraft" and the radio apparatus "Bendix Radio, Baltimore, U.S.A.," and some of the 10 men aboard carried "Colt" automatics. The generator was marked "Signal Corps U.S. Army," one broadcast said.

The North Vietnamese Government announced plans to try three survivors on charges of sabotage and espionage, saying that they confessed to having been trained by Americans who gave them a map and traced out their flight route over North Vietnam. Hanoi protested the incident formally to Britain and the Soviet Union, as co-chairmen of the 1954 Geneva conference on Vietnam, asserting that since May 13, 1961—two days after President Kennedy's orders were issued—the "U.S.-Diem regime" had "continuously carried out espionage and provocative acts against the North."

The North Vietnamese Foreign Minister described the C-47 incident as "an extremely impudent violation of the Geneva agreements." During July and August the North Vietnamese also broadcast descriptions of the build-up of the First Observation Group and the American organization and training of that unit, with details that corresponded almost exactly with the Lansdale report.

The North Vietnamese Government also formally protested several times to the International Control Commission that South Vietnamese units had conducted raids into the demilitarized zone separating the two Vietnams.

On Nov. 1 The New York Times carried a dispatch from Saigon quoting informants as reporting disaffection in North Vietnam and citing as evidence the sabotaging of an industrial plant at Vinh on Aug. 11 and other similar incidents.

DIEM AT THE FULCRUM

President Kennedy's decision in May deferred—but did not settle—the issue of combat troops for South Vietnam. Throughout the summer and fall of 1961 the Administration's debate on that crucial matter was significantly affected by the attitude of President Diem, according to the Pentagon account. Initially, it relates, Vice President Johnson found the South Vietnamese leader reluctant; in midsummer he warmed to the idea somewhat; by fall he was appealing to the United States to become a co-belligerent.

The Vietnam troop decisions were also affected by the confrontation with the Soviet Union over Berlin. At his meeting in Vienna with Premier Khrushchev in June, President Kennedy managed to strike a general bargain to seek neutralizatoin in Laos. But the Soviet leader applied pressure on the Berlin issue by threatening to sign a peace treaty with East Germany, making Western access to West Berlin extremely vulnerable. The tension on this issue mounted—and overshadowed developments in Southeast Asia—until, on Oct. 17, Premier Khrushchev dropped the idea of the peace treaty with East Germany.

Vice President Johnson, on his whirlwind mission through Asia to bolster the confidence of America's allies, met with President Diem on May 12. According to an embassy report of their meeting, when Mr. Johnson raised the possibility of sending American combat units to Vietnam or working out a bilateral defense treaty, he found Mr. Diem uninterested. The embassy report quoted President Diem as saying he wanted American combat troops only in the event of an open invasion.

In his private report to President Kennedy on May 23, the Vice President painted American alternatives in Asia in blacks and whites, giving Thailand and Vietnam pivotal significance. "We must decide whether to help these countries to the best of our ability," he declared, "or throw in the towel in the area and pull back our defenses to San Concept." [See text, Vice President's memo, May 23, 1961.]

Nonetheless, alluding to President Diem's response on the troop question, Mr. Johnson told Mr. Kennedy: "Asian leaders—at this time—do not want American troops involved in Southeast Asia other than on training missions. . . . This does not minimize or disregard the probability that open attack would bring calls for U.S. combat troops."

If this seemed to close the issue for President Kennedy, as the study indicates, it was not the last word from President Diem. Responding to a suggestion from Vice President Johnson, the South Vietnamese leader spelled out his military proposals in a letter to President Kennedy on June 9.

BIG EXPANSION OF ARMY IS URGED

The letter, quoted extensively in the Pentagon account, urged a major expansion of the South Vietnamese Army, from 170,000 to 270,000 men, accompanied by "considerable" United States build-up with "selected elements of the American armed forces." President Diem said that the increases were needed "to counter the ominous threat" of Communist domination—a threat that he documented by what the study calls "inflated infiltration figures."

The plea for "selected elements of the American armed forces," according to the Pentagon narrative, sounded "very much like" a request for the kind of forces that the Defense Department had proposed in April and that the American advisory mission in Saigon was urging in midsummer.

The real interest of the Joint Chiefs and other military officers, the account says, was "in getting U.S. combat units into Vietnam, with the training mission a possible device for getting this accepted by Diem" and by civilian leaders in Washington.

The White House, preoccupied by Berlin, sidestepped the issue by agreeing in August to finance a much more modest increase in the Vietnamese Army—30,000 men—and by postponing any build-up of American advisers, according to the study.

Moreover, the writer suggests that the White House was already developing other ideas about Southeast Asia. During the summer discussions, Mr. Rostow once again produced proposals that, in the study's words, were a "quite exact" prescription for President Kennedy's decisions in the fall. In what is described in the account as a handwritten note to Secretary McNamara on a piece of scratch paper, probably passed by hand during a meeting about June 5, Mr. Rostow said:

"Bob:

"We must think of the kind of forces and missions for Thailand now, Vietnam later.

"We need a guerrilla *deterrence* operation in Thailand's northeast.

"We shall need forces to support a counter-guerrilla war in Vietnam:

"aircraft

"helicopters

"communications men

"special forces

"militia teachers

"etc.

"WWR"

The emphasis on deterrence was Mr. Rostow's.

In late fall President Diem jolted the Kennedy Administration into its most urgent consideration of the troop issue—and its most significant military decisions—with a sudden, secret request for the bilateral defense treaty he previously spurned.

On Sept. 29 the study recounts, Mr. Diem had a gloomy meeting with American officials, and Ambassador Nolting sent Washington this cablegram:

"Diem asked for bilateral defense treaty. Large and unexplained request. Serious. Put forward as result of Diem's fear of outcome of Laos situation, SVN vulnerability to increased infiltration, feelings that SEATO action would be inhibited by U.K. and France in the case of SVN as in Laos. . . .

"Our reaction is that the request should be seriously and carefully treated to prevent feeling that U.S. is not serious in intention to support SVN. But see major issues including overriding Article 19, Geneva accords, possible ratification problems as well as effect on SEATO.

"Diem's request arises from feeling that U.S. policy on Laos will expose his flank [to] infiltration and lead to large-scale hostilities in SVN. So seeking a stronger commitment than he thinks he has now through SEATO."

Admiral Felt, the Pacific commander, who was also present at the Sept. 29 meeting, cabled a fuller report several days later saying that President Diem wanted not only a treaty but also an accelerated American "military buildup." Specifically, Admiral Felt said, the President pressed for a "large increase in advisers of all types" and American tactical air squadrons to help break up the larger Vietcong units that had recently been massing for attacks.

The Felt message explained that the stepped-up scale of combat in Vietnam was worrying President Diem as much as the threat of infiltration or attack from the Laotian side, if not more. It added: "Diem said VC now able to assemble large units, had extensive radio net, operating in one or more battalions with heavy arms capable of raiding principal cities in provinces. . . . Could enter a city, burn out stores, attack leaders, withdraw."

The Pentagon narrative explains that the Vietcong, now believed to be 17,000 strong, had nearly tripled the level of their attacks to 450 a month in September.

"SHATTERING EFFECT IN SAIGON"

"The most spectacular attack, which seems to have had a shattering effect in Saigon," the writer goes on, "was the seizure of Phuocthanh, a provincial capital only 55 miles from Saigon," where the Vietcong held the town most of the day and publicly beheaded the province chief, departing before the South Vietnamese Army arrived.

For Washington the situation had become more alarming than it was in the spring. Then Laos was the primary cause of Vietnam's jitters. "This time," the study comments, "the problem was not directly Laos, but strong indications of moderate deterioration of Diem's military position and very substantial deterioration of morale in Saigon."

Even before President Diem's request for a treaty, momentum for American intervention in Southeast Asia had been mounting.

By early October the Pentagon papers recount, several proposals had emerged: The Joint Chiefs of Staff advocated allied intervention to seize and hold major portions of Laos, mainly to protect the borders of South Vietnam and Thailand; the "Rostow proposal" urged sending a force of about 25,000 men from the Southeast Asia Treaty Organization into Vietnam to try to guard the border with Laos; and several other plans suggested putting American forces into the Vietnamese Central Highlands or the port of Danang, with or without a training mission.

In the bureaucratic maneuvering that led up to the important National Security Council meeting of Oct. 11, a significant new element was injected.

For the first time, the study notes, a proposal was put before President Kennedy urging that the United States accept "as our real and ultimate objective the defeat of the Vietcong." The analyst says this was suggested in a compromise paper drafted hastily by U. Alexis Johnson, Deputy Under Secretary of State. The paper said that "three divisions would be a guess" on the number of American troops needed but that a more precise estimate would be forthcoming from the Joint Chiefs of Staff.

A "SOMEWHAT CONFUSING" BLEND

The study describes this as a "somewhat confusing" blend of earlier proposals by Mr. Rostow and the Joint Chiefs of Staff, put together on Oct. 10. "It was pretty clear," the account continues, "that the main idea was to get some American combat troops into Vietnam, with the nominal excuse for doing so quite secondary."

The Joint Chiefs provided a supplemental note estimating "that 40,000 U.S. forces will be needed to clean up the Vietcong threat" and that 128,000 additional soldiers would be sufficient to cope with possible North Vietnamese or Chinese Communist intervention. The note, which accompanies the historical study, cited the Berlin crisis as another strain on American military manpower and urged "a step-up in the present mobilization, possibly of major proportions."

A third paper, which the narrative terms notable for its candor, also advocated "early and hard-hitting" intervention in Vietnam. This paper, a note to Secretary McNamara from William P. Bundy, Acting Assistant Secretary of Defense, said:

"It is really now or never if we are to arrest the gains being made by the Vietcong. Walt Rostow made the point yesterday that the Vietcong are about to move, by every indication, from the small-unit basis to a moderate battalion-size basis. Intelligence also suggests that they may try to set up a 'provisional government' . . . in the very Kontum area into which the present initial plan would move SEATO forces. If the Vietcong movement 'blooms' in this way, it will almost certainly attract all the back-the-winner sentiment that understandably prevails in such cases and that beat the French in early 1954 and came within an ace of beating Diem in early 1955."

Mr. Bundy bluntly put the odds as he saw them:

"An early and hard-hitting operation has a good chance (70 per cent would be my guess) of *arresting* things and giving Diem a chance to do better and clean up . . . It all depends on Diem's effectiveness, which is very problematical. The 30 per cent chance is that we would wind up like the French in 1954; white men can't win this kind of fight.

"On a 70–30 basis, I would myself favor going in. But if we let, say, a month go by before we move, the odds will slide . . . down to 60–40, 50–50 and so on."

The italics are Mr. Bundy's.

A MORE PESSIMISTIC ASSESSMENT

The intelligence community provided what the study calls a "conspicuously more pessimistic (and more realistic)" assessment than the formal recommendations of the Pentagon or Mr. Rostow. In spite of all the American worry about infiltration into South Vietnam through Laos, a special national intelligence estimate on Oct. 5 reported "that 80–90 per cent of the estimated 17,000 VC had been locally recruited, and that there was little evidence that the VC relied on external supplies," according to the Pentagon account.

The intelligence estimate also included a warning about the kind of enemy shrewdness and tenacity that became reality. The estimate, drafted while the Administration was thinking primarily of SEATO—rather than unilateral American—intervention, forecast:

"The Communists would expect worthwhile political and psychological rewards from successful harassment and guerrilla operations against SEATO forces. The D.R.V. would probably not relax its Vietcong campaign against the GVN [Government of (South) Vietnam] to any significant extent. Meanwhile, Communist strength in south Laos would probably be increased by forces from North Vietnam to guard against an effort to partition Laos. . . . The Soviet airlift would probably be increased with a heavier flow of military supply into south Laos. . . ."

Confronted with such conflicting advice, President Kennedy decided to send General Taylor to Saigon. According to minutes of the National Security Council meeting on Oct. 11, quoted in the Pentagon account, the general was instructed to consider three strategies:

Bold intervention to "defeat the Vietcong," using up to three divisions of American troops.

Sending "fewer U.S. combat forces" to Vietnam, not to crush the insurgency but "for the purpose of establishing a U.S. 'presence' in Vietnam."

Stepping up U.S. assistance and training of Vietnam units, furnishing of more U.S. equipment, particularly helicopters and other light aircraft, trucks and other ground transport"—short of using American combat forces.

MISSION: "AN ECONOMIC SURVEY"

The minutes said President Kennedy was to announce the Taylor mission, at an afternoon news conference, "as an economic survey." But, the account says, the President did "not make the hardly credible claim that he was sending his personal military adviser to Vietnam to do an economic survey." After a vaguely worded announcement, the narrative relates, President Kennedy was "noncommittal when asked whether Taylor was going to consider the need for combat troops."

Even before General Taylor and his party could leave Washington, the Diem Government had sent new and urgent requests for American combat troops. Ambassador Nolting reported to Washington on Oct. 13 that Nguyen Dinh Thuan, the Vietnamese Acting Defense Minister, had requested: "U.S. combat units or units to be introduced into SVN as 'combat trainer units' . . . Wanted a symbolic U.S. strength near 17th [Parallel] to prevent attacks there, free own forces there. Similar purpose station U.S. units in several provincial seats in Central Highlands. . . . Thuan said first step quicker than [defense] treaty and time was of the essence. Thuan said token forces would satisfy SVN and would be better than treaty." [See text, request by South Vietnam, Oct. 13, 1961.]

The South Vietnamese Government's state of alarm was communicated by Mr. Nolting's additional report that Saigon was considering asking Nationalist China "to send one division of combat troops in the southwest." Ambassador Nolting said he had tried to discourage this approach.

The Pentagon study goes on to report that Administration officials effectively squelched press speculation about the troop question with carefully managed news leaks at this point.

It cites a dispatch on Oct. 14 in The New York Times reporting that military leaders, including General Taylor, were reluctant to send combat units to Vietnam and that this question was "near the bottom of the list" of things the general would consider.

From the way the dispatch was handled, the account says, it clearly "came from a source authorized to speak for the President, and probably from the President himself." He adds that "in the light of the recommendations quoted throughout this paper, and particularly most of the staff papers . . . that led up to the Taylor mission, most of this was simply untrue." But he concludes: "The Times story had the apparently desired effect. Speculation about combat troops almost disappeared from news stories."

STATE OF EMERGENCY

The Taylor mission arrived in Saigon on Oct. 18 and was greeted by what the Pentagon study calls a "spectacular opening shot"; President Diem's formal declaration of a state of emergency. Within the next week General Taylor met twice with the chief of state.

According to an embassy message to Washington on Oct. 20, President Diem told General Taylor at their first meeting that he wanted a bilateral defense treaty, American support for another expansion of the South Vietnamese Army and a list of combat-support items very close to those suggested in June by Mr. Rostow in his handwritten note to Secretary McNamara.

"He asked specifically for tactical aviation, helicopter companies, coastal patrol forces and logistic support (ground transport)," the embassy report said. He did not, however, repeat the earlier request for actual American ground combat units.

By the second Diem-Taylor meeting, on Oct. 24, American and South Vietnamese officials had discussed the disastrous flooding in the Mekong River Delta, where the American military advisory mission, headed by

Lieut. Gen. Lionel C. McGarr, thought American troops might be of some help.

General Taylor had incorporated this idea in a series of recommendations, which he put before President Diem at the second meeting. Item E, the study reports, was headed, "Introduction of U.S. Combat Troops," and it proposed "a flood-relief task force, largely military in composition, to work with GVN over an extended period for rehabilitation of area. Such a force might contain engineer, medical, signal and transportation elements as well as combat troops for the protection of relief operations."

The general directed two messages to Washington after that meeting, both quoted in the Pentagon account. The first, sent through regular channels, reported that President Diem's reaction to all of General Taylor's recommendations—including the flood-relief task force—"was favorable."

ASSURANCE TO DIEM IS FAVORED

In his second message, sent privately to President Kennedy and the President's most senior advisers, General Taylor was more specific. He proposed a force of 6,000 to 8,000 American soldiers not only to cope with the flooding but significantly, as the narrative points out, to assure "Diem of our readiness to join him in a military showdown with Vietcong or Vietminh." [See texts, Taylor's messages, Nov. 1 and 5, 1961.]

General Taylor said that he envisioned mostly logistics forces but that "some combat troops" would be necessary to defend the American engineer troops and their encampments. He warned that "any troops coming to VN may expect to take casualties."

The general underscored the propaganda advantage of relating the introduction of American ground troops to the need for flood relief as "offering considerable advantages in VN and abroad" and leaving President Kennedy his choice on future action. "As the task is a specific one," he explained, "we can extricate our troops when it is done if we so desire. Alternatively, we can phase them into other activities if we wish to remain longer."

He acknowledged, in conclusion: "This kind of task force will exercise little direct influence on the campaign against the VC. It will, however, give a much needed shot in the arm to national morale."

General Taylor's proposals engendered State Department opposition. His messages, evidently relayed to Secretary of State Dean Rusk, who was in Japan for a conference, prompted Mr. Rusk to cable Washington, warning about the risks of making a military commitment without reciprocal political reforms by President Diem.

According to his Nov. 1 message, which is appended to the Pentagon study, Mr. Rusk said that if, as previously, the South Vietnamese leader was not willing to trust his military commanders more and to take steps to bring more non-Communist elements into influential roles, it was "difficult to see how a handful of American troops can have decisive influence." While attaching the "greatest possible importance" to the security of Southeast Asia, Mr. Rusk expressed reluctance to see American prestige committed too deeply for the sake of "a losing horse."

Similar reservations were already reflected by reports from two middle-level State Department members of General Taylor's mission. Sterling J. Cottrell and William J. Jorden submitted separate dissents to General Taylor on their way home by way of Bangkok and the Philippines.

Mr. Cottrell, head of the interagency Vietnam task force in Washington, asserted in a memorandum dated Oct. 27 that "since U.S. combat troops of division size cannot be employed effectively, they should not be introduced at this stage" despite the "favorable psychological lift" it would give the Vietnamese.

"Since it is an open question whether the GVN can succeed even with U.S. assistance," he went on, "it would be a mistake for the U.S. to commit itself irrevocably to the defeat of the Communists in SVN." But if combined American and Vietnamese efforts failed in the South, he recommended moving "to the 'Restow plan' of applying graduated punitive measures on the D.R.V. with weapons of our choosing."

Mr. Jorden reported finding explosive pressures for political and administrative change in South Vietnam as well as "near paralysis" in parts of the Government because so many decisions had to await personal approval by President Diem. Many Government officials and military officers, he said, "have lost confidence in President Diem and his leadership." He urged that the United States not identify itself "with a man or a regime."

Quite contrary pressures were being exerted on Washington, however, by the American mission in Saigon. On Oct. 31, the study says, the embassy reported to Washington the Vietnamese people's "virtually unanimous desire" for the introduction of American troops.

From Baguio, in the Philippines, where he had stopped to draft his formal report with Mr. Rostow and his other aides, General Taylor sent two more messages to President Kennedy on Nov. 1, urging a commitment of a "U.S. military task force" to Vietnam.

But, the messages show, he now listed the flood-relief mission as secondary to the objective of providing a "U.S. military presence capable of raising national morale and of showing to Southeast Asia the seriousness of the U.S. intent to resist a Communist takeover."

Writing in more sweeping language than he used in Saigon a week before, the general now advocated a "massive joint effort" with the South Vietnamese "to cope with both the Vietcong and the ravages of the flood." The presence of American ground units, he said, was "essential" to "reverse the present downward trend of events."

His second message discounted the risks of sliding into a major Asian land war accidentally and sought to assure President Kennedy that the American troops would not be aggressively hunting down the Vietcong guerrillas though they would be involved in some combat. He wrote:

"This force is not proposed to clear the jungles and forests of Vietcong guerrillas. That should be the primary task of the armed forces of Vietnam for which they should be specifically organized, trained and stiffened with ample U.S. advisers down to combat battalion levels.

"However, the U.S. troops may be called upon to engage in combat to protect themselves, their working parties and the area in which they live. As a general reserve, they might be thrown into action (with U.S. agreement) against large, formed guerrilla bands which have abandoned the forests for attacks on major targets."

The parenthetical matter was in General Taylor's original cablegram.

The message also repeated the theme, attributed by the analyst and by Mr. Cottrell to Mr. Rostow, that bombing of North Vietnam could be used as a diplomatic threat to hold Hanoi at bay.

PRIOR KENNEDY CONCURRENCE HINTED

The language of all of General Taylor's messages, the Pentagon study comments, suggests that the support forces—helicopter companies, the expanded advisory mission, tactical air support—"were essentially already agreed to by the President before Taylor left Washington."

The general's interest, the study explains, was in getting a commitment of "ground forces (not necessarily all or even mainly infantrymen, but ground soldiers who would be out in the countryside where they could be shot at and shoot back)." His argument for ground troops, the study observes, was based more on "psychological than military reasons."

The formal report by the Taylor mission, submitted on Nov. 3, incorporated the proposal for what the analyst calls a "hard commitment on the ground" and other measures, all under the over-all concept of a new American role in Vietnam: "limited partnership." The drift of the report, which the Pentagon narrative says was probably written with Mr. Rostow, was reflected in the proposal that the American military advisory mission in Saigon not only should be "radically increased" but also should undertake more active direction of the war by becoming "something nearer [to]—but not quite—an operational headquarters in a theater of war."

The main evaluation section, the study comments, "puts Saigon's weakness in the best light and avoids suggesting that perhaps the U.S. should consider limiting rather than increasing commitments to the Diem regime."

The dissents of Mr. Cottrell and Mr. Jorden were submitted, along with a military annex, which said: "The performance of ARVN [the Army of South Vietnam] is disappointing, and generally is characterized by a lack of aggressiveness and at most levels is devoid of a sense of urgency."

The Taylor report, the Pentagon account notes, proposed solving this type of problem through administrative reforms in the army and the infusion of Americans. The writer comments that there was no serious demand for pressing President Diem to make the kind of reforms that Secretary Rusk felt necessary.

Moreover, the Pentagon study notes two important underlying assumptions for the report. The first was that South Vietnamese problems—whether the Army's lack of spirit or President Diem's bottlenecks—"could be cured if enough dedicated Americans become involved." There was great implicit faith, the study goes on, that Americans could provide the South Vietnamese "with the élan and style needed to win."

The second major assumption, the analyst notes, was that "if worse comes to worst, the U.S. could probably save its position in Vietnam by bombing the North."

Both these assumptions, as the Pentagon narrative recounts in later sections, were essential ingredients in the advice given to President Johnson in late 1964 and 1965, as he made the decisions to move forcefully into the war.

As the Taylor recommendations were submitted to President Kennedy, he also received a special national intelligence estimate forecasting that American escalation would be matched by Hanoi. According to the Pentagon account, the Nov. 5 estimate considered four possibilities—expanding the American advisory mission, plus an American airlift for Vietnamese troops; sending an 8,000-to-10,000-man flood-relief task force; sending a 25,000-to-40,000-man combat force, and warning Hanoi, in conjunction with any of those steps, that the United States "would launch air attacks against North Vietnam" unless Hanoi stopped supporting the Vietcong.

"The gist" of the intelligence estimate, the Pentagon account says, "was that the North Vietnamese would respond to an increased U.S. commitment with an offsetting increase in infiltrated support for the Vietcong." The greater the American involvement, the intelligence estimate prophesied, the stronger the North Vietnamese reaction. The estimate also implied, the narrative goes on, that "threats to bomb would not cause Hanoi to stop its support for the Vietcong, and . . . actual attacks on the North would bring a strong response from Moscow and Peiping. . . ."

Nonetheless, the Taylor recommendations received backing from Secretary McNamara, Deputy Secretary Gilpatric and the Joint Chiefs of Staff. In a memo on Nov. 8 to President Kennedy, reprinted in the study, Mr. McNamara summarized their position:

"We are inclined to recommend that we do commit the U.S. to the clear objective of preventing the fall of South Vietnam to Communism and that we support this commitment by the necessary military actions.

"If such a commitment is agreed upon, we support the recommendations of General Taylor as the first steps toward its fulfillment."

"MIRED IN INCONCLUSIVE STRUGGLE"

But the memorandum warned President Kennedy that the 8,000-man task force "probably will not tip the scales decisively," meaning that "we would be almost certain to get increasingly mired down in an inconclusive struggle."

"In short," the study comments, "the President was being told that the issue was not whether to send an 8,000-man task force, but whether or not to embark on a course that, without some extraordinary good luck, would lead to combat involvement in Southeast Asia on a very substantial scale."

The Pentagon narrative says that while the Joint Chiefs' position was clear, Mr. McNamara's position "remains a little ambiguous," especially in view of his qualified phrase "inclined to recommend" sending ground troops. The implication seems to be that Secretary McNamara was willing to go along with the Joint Chiefs to this extent to draw them out for President Kennedy on the full, long-term meaning of their recommendations.

Moreover, as the study records, three days later Mr. McNamara joined Mr. Rusk in a quite different recommendation and, the analyst says, "one obviously more to the President's liking (and, in the nature of such things, quite possibly drawn up to the President's specifications)." [See text, Rusk-McNamara report, Nov. 11, 1961.]

This memorandum, almost totally adopted by President Kennedy as policy, contained stronger rhetoric than the earlier McNamara note but milder recommendations. The memorandum, quoted nearly in full in the Pentagon account, began with a strong exposition of the domino theory:

"The loss of South Vietnam would make pointless any further discussion about the importance of Southeast Asia to the Free World; we would have to face the near certainty that the remainder of Southeast Asia and Indonesia would move to a complete accommodation with Communism, if not formal incorporation within the Communist bloc."

The language on the troop issue, omitting any mention of the flood-relief task force, seems carefully drafted:

"The commitment of United States forces to South Vietnam involves two different categories: (A) units of modest size required for the direct support of South Vietnamese military effort, such as communications, helicopter and other forms of airlift, reconnaissance aircraft, naval patrols, intelligence units, etc., and (B) larger organized units with actual or potential direct military missions. *Category (A) should be introduced as speedily as possible.* Category (B) units pose a more serious problem. . . ."

The italicized emphasis is in the original document.

The two Secretaries recommended that the United States "now take the decision to commit ourselves to the objective of preventing the fall of South Vietnam to Communism and that, in doing so, we recognize that the introduction of United States and other SEATO forces may be necessary to achieve this objective." But for the present it said only that the Pentagon should prepare plans for ground combat forces.

Three lines of reasoning for opposing a commitment of ground combat troops emerge from this document.

The first and possibly the most significant, the Pentagon study suggests, is that such a move "prior to a Laotian settlement would run a considerable risk of stimulating a Communist breach of the cease-fire and a resumption of hostilities in Laos," leaving the President the unattractive choice of "the use of combat forces in Laos or an abandonment of that country to full Communist control." The second reason was the need "to involve forces from other nations" as well; otherwise it would be "difficult to explain to our own people why no effort had been made to invoke SEATO or why the United States undertook to carry this burden unilaterally." The third was the dilemma underlying the troop proposals—that "if there is a strong South Vietnamese effort, they may not be needed [but] if there is not such an effort, United States forces could not accomplish their mission in the midst of an apathetic or hostile population."

The Rusk-McNamara memorandum fully acknowledged that even sending support troops and more advisers would mean openly exceeding military ceilings imposed by the 1954 Geneva accords. The memorandum proposed an exchange of letters with President Diem in which President Kennedy would assert "the necessity now of exceeding some provisions of the accords in view of the D.R.V. violations." It also called for the release of a white paper, "A Threat to Peace," reporting on infiltration from North Vietnam and on Vietcong terrorism.

Embracing the essence of Mr. Rusk's message from Japan, the joint memorandum added a demand for reform from President Diem before the United States build-up would be put in motion.

The President accepted all major recommendations, according to the study, except for the unqualified commitment to the goal of saving South Vietnam from Communism. His decisions were formally embodied on Nov. 22 in a national security action memorandum, No. 111, entitled "First Phase of Vietnam Program."

CONCRETE EVIDENCE DEMANDED

But on Nov. 14 Washington sent a summary of the President's decisions—evidently made the day before—to Ambassador Nolting. The message demanded "concrete demonstration by Diem that he is now prepared to work in an orderly way [with] his subordinates and broaden the political base of his regime." For the first time it sought to inject the United States more deeply into managing the war by asserting: "We would expect to share in the decision-making process in the political, economic and military fields as they affect the security situation."

Possibly to assuage President Diem's expected disappointment, it noted that the decisions on combat-support troops and many more advisers "will sharply increase the commitment of our prestige to save SVN." It concluded by asserting that while the Pentagon was preparing contingency plans for ground combat forces, the "objective of our policy is to do all possible to accomplish [our] purpose without use of U.S. combat forces."

No Presidential paper in the Pentagon record clearly details Mr. Kennedy's thinking, but two documents shed light: the Nov. 14 message and some unsigned notes of a National Security Council meeting that, according to the Pentagon account, took place on Nov. 15.

The notes included these entries: "Pres expressed concern over 2-front war. Another bother him, no overt Chicom aggression in SVN, unlike Korea. These Diem's own people; difficult operating area. If go beyond advisers need other nations with us . . . Pres receiving static from Congress; they against using US troops."

KENNEDY RAISED A QUESTION

At another point, Mr. Kennedy reportedly asked why it was important to retain South Vietnam and Laos. The notes record the reply from Gen. Lyman L. Lemnitzer, Chairman of the Joint Chiefs of Staff: "We would lose Asia all the way Singapore. Serious setback to U.S. and F.W. [free world]."

President Kennedy was also reportedly concerned about the lack of support from the British and worried about the proposed letter acknowledging that the United States would be breaking the Geneva accords. "Pres asked Rusk," the notes say, "why do we take onus, saying we are going to break Geneva accords (in letter to Diem). Why not remain silent. Don't say this ourselves. Directed State to reword letter." The parentheses were in the original notes.

The Nov. 14 message reflects similar reasoning. The implication is that one important consideration for President Kennedy was fear that sending ground combat forces to South Vietnam, in the language of the message, "might wreck chances for agreement" in Laos and lead to a breakdown of the cease-fire there.

A second drawback cited in the message was the risk of provoking confrontations with the Soviet Union elsewhere—the "two front" problem—especially in Berlin where the acute crisis had eased less than a month before.

The decision disappointed President Diem who, according to the Pentagon study, was seeking a firm U.S. commitment to him. The account reports that Ambassador Nolting cabled Washington on Nov. 18 to say that the South Vietnamese leader had immediately inquired about ground combat units. After hearing Mr. Nolting's response, the Ambassador said, President Diem "took our proposals rather better than I expected." Two days later the Ambassador said he was getting high-level reports that President Diem was upset and brooding.

DIEM WOULD STILL HOLD THE REINS

If this was a bargaining tactic to get the United States to back down on its demands for reform, the study says, it worked. On Dec. 7 Washington sent the embassy new instructions, the account goes on, softening demands for reforms and settling for "close partnership" and frequent consultation with the South Vietnamese Government rather than insisting, as before, on taking part in decision-making.

Whether intentionally or not, the Pentagon study contends, the over-all effect of these actions was to give the military side of the war higher priority than the political side.

"To continue to support Diem without reform," the study comments, "meant quite simply that he, not we, would determine the course of the counterinsurgent effort and that the steps he took to assure his continuance in power would continue to take priority over all else." The account says that this emphasis came to plague the Kennedy Administration when South Vietnamese disaffection with the Diem regime boiled over in 1963.

Copters and Casualties

Even before the American decisions on the troop build-up were announced formally on Dec. 14 with a public exchange of letters between Presidents Kennedy and Diem, the first two American helicopter companies had arrived—400 men with 33 H-21C helicopters. On Feb. 5 the press reported that the first helicopter had been shot down by the enemy.

Despite the Administration's efforts to

draw a careful bureaucratic distinction between support troops ("Category A") and combat troops ("Category B"), this was hard to maintain in the field. The study records without comment that by mid-February President Kennedy was asked at a news conference if the Administration was being "less than candid" about American involvement in Vietnam. He acknowledged that American troops were "firing back" to protect themselves although he contended that these were not combat troops "in the generally understood sense of the word."

The Pentagon study goes on to record that on April 11, two days after two American soldiers were killed in a Vietcong ambush while on a combat operation with Vietnamese troops, President Kennedy was asked at a news conference: "Sir, what are you going to do about the American soldiers getting killed in Vietnam?"

In reply, the President said: "We are attempting to help Vietnam maintain its independence and not fall under the domination of the Communists . . . We cannot desist in Vietnam." Months later, he admitted to increased casualties along with the build-up he ordered.

According to Pentagon records, nearly 10 times as many Americans were killed or wounded in action in 1962 as in 1961—figures closely paralleling the tenfold build-up in American forces to 11,000 men by the end of 1962. The Pentagon statistics show that the number of killed and wounded in combat increased from 14 in 1961 to 109 in 1962 and to 489 in 1963.

PERIOD OF NEW COMMITMENTS

Although the Pentagon study describes the Kennedy years as a period of new commitments, it does not indicate whether in this case President Kennedy—by putting American airmen in position to fly tactical air missions and ground advisers to take part in combat operations with South Vietnamese units—crossed an important firebreak in the American involvement in Vietnam.

Documents accompanying the Pentagon study amply recount the rapid tempo of the American build-up—rapid by the standards by the previous seven years. A military briefing paper for the President on Jan. 9, 1962, cited in the Pentagon account, reported:

The number of American servicemen in Vietnam jumped from 948 at the end of November to 2,646 by Jan. 9 and would reach 5,576 by June 30.

Two Army helicopter companies were flying combat support missions and an air commando unit code-named Jungle Jim was "instructing the Vietnamese Air Force in combat air support tactics and techniques."

United States Navy Mine Division 73, with a tender and five minesweepers, was sailing from Danang along the coastline.

American aircraft from Thailand and from the Seventh Fleet aircraft carriers off Vietnam were flying surveillance and reconnaissance missions over Vietnam.

Six C–123 spray-equipped aircraft "for support of defoliant operations" had "received diplomatic clearance" to enter South Vietnam.

"UNDER COMBAT CONDITIONS"

At a news conference on March 18, 1962, Secretary McNamara acknowledged under questioning that American "training" of the South Vietnamese "occasionally takes place under combat conditions." He added that "there has been sporadic fire aimed at U.S. personnel, and in a few minor instances they have returned the fire in self-defense." News reports in the spring of 1962 told of American pilots flying in the front, or action, seats of "trainer" aircraft while Vietnamese trainees rode behind.

A Spurt of Optimism

Whatever public uneasiness was expressed in the news-conference questions, the Pentagon study notes, official American assessments on the war in the spring and summer of 1962 took on an increasingly favorable tenor.

One special object of praise and of American official confidence, the account notes, was the development of the strategic-hamlet program as an all-embracing counterguerrilla strategy in rural Vietnam. But the Pentagon study comments that the optimism proved misplaced.

Government documents available in the Pentagon records describe this strategy as a program to regroup the Vietnamese population into fortified hamlets in which the Government was to undertake political, social and economic measures designed both to weed out Vietcong sympathizers and to gain popular allegiance through improved local services and better security.

President Diem formally adopted the strategy for the Mekong Delta in mid-March, 1962, and made it nationwide in August. By Sept. 30, according to the study, the Diem Government was stating that more than a third of the total rural population was living in completed hamlets.

One flaw inherent in this strategy, the Pentagon study asserts, was that Saigon and Washington had different objectives for it: President Diem saw it as a means of controlling his population, non-Communist as well as Communist, while Washington saw it as a means of winning greater allegiance and thereby squeezing out the Vietcong.

VIETAMESE EXAGGERATED REPORTS

Moreover, the account goes on, popular allegiance was so difficult to assess that even American officials turned increasingly to physical aspects of the program for statistical evaluations of progress. It left them vulnerable, the study notes, to exaggerated Vietnamese reports, which they did not uncover until after the Diem Government had been overthrown in 1963.

Fundamentally, the Pentagon analysts assert, the strategic hamlets "failed dismally," like previous programs tried by the French and the Vietnamese, "because they ran into resentment if not active resistance" from peasants who objected to being moved forcibly from their fields and their ancestral homes.

The Pentagon study lays "a principal responsibility for the unfounded optimism of U.S. policy" in 1962 and early 1963 on inadequate and relatively uninformed American intelligence and reporting systems. The official optimism, the Pentagon account discloses, reached its peak in the plans for an American military "phase-out" in Vietnam on the assumption that the war against the Vietcong would be won by the end of 1965.

The tone was set, the analyst writes at a Honolulu conference on Vietnam strategy. On July 23, 1962, the same day that the Laotian peace agreement was signed in Geneva, Secretary McNamara ordered the start of planning for American withdrawal from Vietnam and long-term projections for reducing American financial aid to the Saigon Government.

Mr. McNamara is depicted in the study as repeatedly pressing the somewhat reluctant military command to come up with a long-range plan for an American phase-out, in part because of satisfaction with what he called the "tremendous progress" in early 1962.

But Mr. McNamara's orders also reflected domestic political problems. At the Honolulu conference, the account says, "he observed that it might be difficult to retain public support for U.S. operations indefinitely."

"Political pressures would build up as losses continued," it added.

DIVERGENT ESTIMATES OF COST

The Pentagon account gives no indication that this planning was personally originated by President Kennedy or that it was ever presented to him in completed form. For roughly 18 months, with little urgency, documents flowed back and forth between Mr. McNamara and the American military mission in Saigon through Pentagon channels, with Mr. McNamara constantly urging lower budget figures and reduction to 1,500 American troops by late 1968. Even so, the President was told in February, 1963, by a senior White House aide, Michael V. Forrestal, to expect a long and costly war.

"No one really knows," Mr. Forrestal wrote in a report to Mr. Kennedy on Feb. 11, "how many of the 20,000 'Vietcong' killed last year were only innocent, or at least persuadable, villagers, whether the strategic hamlet program is providing enough govt. services to counteract the sacrifices it requires, or how the mute mass of villagers react to the charges against Diem of dictatorship and nepotism." The report, which accompanies the Pentagon study, went on to say that Vietcong recruitment inside South Vietnam was so effective that the war could be continued even without infiltration from the North.

Moreover, while the phase-out planning continued, the American involvement grew to 16,732 men in October, 1963. And the analyst comments that once the political struggle began in earnest against President Diem in May, 1963, this planning took on an "absurd quality" based on "the most Micawberesque predictions" of progress.

"Strangely," the Pentagon study continues, "as a result of the public White House promise in October and the power of the wheels set in motion, the U.S. did effect a 1,000-man withdrawal in December of 1963." But the study discounts this as "essentially an accounting exercise" offset in part by troop rotations.

Because of the complete political upheaval against the Diem regime in 1963, the situation deteriorated so profoundly in the final five months of the Kennedy Administration, according to a private report from Secretary McNamara quoted in the study, that the entire phase-out had to be formally dropped in early 1964.

Thus, the Pentagon study relates, in spite of the military build-up under the Kennedy Administration, President Kennedy left President Johnson a Vietnamese legacy of crisis, of political instability and of military deterioration at least as alarming to policy makers as the situation he had inherited from the Eisenhower Administration.

DECISION "ALMOST BY DEFAULT"

The decision to build up the combat support and advisory missions, the Pentagon study comments, was made "almost by default" because the Kennedy Administration was focused so heavily in the fall of 1961 on the question of sending ground combat units to Vietnam. That decision, the analyst writes, was reached "without extended study or debate" or precise expectation of what it would achieve.

Despite the tens of thousands of words in the Pentagon account of the Kennedy Administration, backed by scores of documents, the study does not provide a conclusive answer to the most vigorously debated question about President Kennedy's Vietnam policy since his death in November, 1963: If President Kennedy had lived until 1965, would he have felt compelled by events, as President Johnson was, to undertake full-scale land war in South Vietnam and an air war against the North?

The situation, as the Pentagon account discloses, had changed significantly between 1961 and 1965. In 1961 President Kennedy was confronted by other crises—Berlin, Cuba, Laos—while he faced his harshest decisions on Vietnam, and these acted as restraints; President Johnson did not have quite the same distractions elsewhere. Too, President Diem never pushed so aggressively for American escalation as did Gen. Nguyen Khanh, the South Vietnamese leader in 1964 and 1965. Nor, as the analysts note, had other measures short of full-scale air and ground combat been exhausted, without producing success.

The Pentagon account, moreover, presents the picture of an unbroken chain of decision-making from the final months of the Kennedy Administration into the early months of the Johnson Administration, whether in terms of the political view of the American stakes in Vietnam, the advisory build-up or the hidden growth of covert warfare against North Vietnam.

"No reliable inference can be drawn," the Pentagon study concludes, "about how Kennedy would have behaved in 1965 and beyond had he lived. (One of those who had advised retaining freedom of action on the issue of sending U.S. combat troops was Lyndon Johnson.) It does not prove that Kennedy behaved soundly in 1961. Many people will think so; but others will argue that the most difficult problem of recent years might have been avoided if the U.S. had made a hard commitment on the ground in South Vietnam in 1961."

HIGHLIGHTS OF THE PERIOD

The Pentagon study reaches no conclusion as to how the course of the Vietnam war might have changed if John F. Kennedy had lived—but it sums up the Kennedy years as a time of significantly deepening United States involvement.

Here, arranged chronologically, are highlights of those two and a half years:

1961

National intelligence estimate reports "extremely critical period" for South Vietnam and Saigon regime is "immediately ahead." Says President Ngo Dinh Diem's "reliance on virtual one-man rule and a toleration of corruption" lead many in military and government to "question Diem's ability to lead in this period."

President orders 400 Special Forces soldiers and 100 other military advisers to South Vietnam, study says. Also orders clandestine campaign of "sabotage and light harassment" in North by South Vietnamese agents trained by United States.

Task force headed by Roswell W. Gilpatric proposes discussion with President Diem on "possibility of a defensive security Alliance" despite violation of Geneva accords. President approves.

Vice President Lyndon B. Johnson, in report on mission to Saigon, says United States must decide "whether to help these countries" or to "throw in the towel" and "pull back our defenses to San Francisco."

President Diem, in letter to President Kennedy, asks "considerable" build-up United States forces and 100,000-man increase in South Vietnamese Army. Uses "inflated infiltration figures" to support threat of Communism, study says.

White House agrees to finance 30,000-man increase in South Vietnam's Army.

U. Alexis Johnson, Deputy Under Secretary of State, in draft paper, urges President Kennedy to accept "defeat of the Vietcong" as "real and ultimate" objective.

Joint Chiefs of Staff estimate 40,000 United States servicemen will be needed to "clean up the Vietcong threat."

William P. Bundy note to Mr. McNamara urges "early and hard-hitting United States intervention. Gives this 70 percent chance of "arresting things"; estimates 30 percent chance "we would wind up like the French in 1954; white men can't win this kind of fight."

National intelligence estimate reports "little evidence" that Vietcong rely on external supplies, Pentagon account says. Ambassador Frederick E. Nolting Jr. reports that Saigon is considering asking Nationalist China for "one division of combat troops" and wants United States "combat-trainer units."

General Taylor meets with President Diem. Recommends Mekong Delta flood "relief task force, largely military in composition," including "combat troops" for protection. Recommends 6,000–8,000-man U.S. force, warns they "may expect to take casualties" but can be removed or phased into "other activities."

He discounts risk of "major Asian war," says North is "extremely vulnerable to conventional bombing."

Secretary of Defense McNamara says he and Joint Chiefs are "inclined to recommend" General Taylor's proposal although "struggle may be prolonged." Estimates maximum United States ground-force requirement "will not exceed six divisions."

Secretary of State Rusk cables Washington stressing importance of political reforms, reluctance for United States prestige tie with a "losing horse."

General Taylor, in message to President Kennedy, says "U.S. military task force is essential."

Mr. McNamara and Mr. Rusk, in joint memo, back General Taylor's recommendations. Say losing South Vietnam "would make pointless any further discussion about the importance of Southeast Asia to the Free World." Recommend initially "U.S. units of modest size" for "direct support" "as speedily as possible"; insist on government reform as precondition.

National Security Council meeting. Notes say President asks importance of South Vietnam and Laos. Gen. Lyman L. Lemnitzer, Chairman of Joint Chiefs: "We would lose Asia all the way to Singapore."

President approves major recommendations. President Diem said to be upset by United States response. Demands for reforms softened, insistence on American participation in decision-making withdrawn.

1962

Military briefing paper for President reports 948 United States servicemen were in South Vietnam by end of November; 2,646 by Jan. 9. Also helicopter combat-support missions, Navy mine-sweepers sailing along coast, United States aircraft in surveillance, reconnaissance missions.

Mr. McNamara orders planning for United States withdrawal, partly on basis of what he calls "tremendous progress," also difficulty in holding public support for American operations "indefinitely."

1963

Michael V. Forrestal, White House aide, reports to Kennedy, that long, costly conflict should be expected. Says Vietcong recruiting is so effective that guerrillas could do without infiltration.

United States by October, has 16,732 men in Vietnam. Planning for withdrawal continues, study says, on "the most Micawberesque predictions" of progress.

KEY VIETNAM TEXTS FROM PERIOD OF DIEM COUP

Following are texts of key documents accompanying the Pentagon's study of the Vietnam war, for the period of the 1963 coup d'état against President Ngo Dinh Diem, the events leading up to it and its aftermath. Except where excerpting is specified, the documents are printed verbatim, with only unmistakable typographical errors corrected.

NOTES ON KENNEDY MEETING ON DIEM REGIME IN JULY 1963

Memorandum by Roger Hilsman, Assistant Secretary of State for Far Eastern Affairs, on a meeting held at the White House July 4, 1963. Besides President Kennedy and Mr. Hilsman, participants were Under Secretary of State George Ball; Under Secretary of State Averell Harriman; McGeorge Bundy, Presidential assistant for national security, and Michael V. Forrestal, Southeast Asia specialist on the White House staff.

The President was briefed on developments in Indonesia, Laos and Viet-Nam. The portion on Viet-Nam follows:

A joint agreement was signed on June 16 in which the Government met the Buddhists' five demands. The Buddhists and the Government then worked together on the funeral arrangements for the bonze who burned himself to death so that incidents could be avoided. The funeral came off without trouble.

Since then there have been rumors circulating in Saigon that the Government does not intend to live up to the agreement. These rumors were given credence by an article appearing in the English-language "Times" of Viet-Nam, which is dominated by the Nhus. The article contained a veiled attack on the US and on the Buddhists. There was a suggestion that the monk who burned himself to death was drugged and a provocative challenge to the Buddhists that, if no further demonstrations occurred on July 2, this would amount to an admission by the Buddhists that they were satisfied with the Government's action. (The President injected questions on the possibility of drugging, to which Mr. Hilsman replied that religious fervor was an adequate explanation.)

At this point there was a discussion of the possibility of getting rid of the Nhus in which the combined judgment was that it would not be possible.

Continuing the briefing, Mr. Hilsman said that the Buddhists contained an activist element which undoubtedly favored increasing demands as well as charging the Government with dragging its feet. There was thus an element of truth in Diem's view that the Buddhists might push their demands so far as to make his fall inevitable.

During these events the US had put extremely heavy pressure on Diem to take political actions. Most recently we had urged Diem to make a speech which would include announcements that he intended to meet with Buddhist leaders, permit Buddhist chaplains in the army and so on. If Diem did not make such a speech and there were further demonstrations, the US would be compelled publicly to disassociate itself from the GVN's Buddhist policy. Mr. Hilsman reported that Diem had received this approach with what seemed to be excessive politeness but had said he would consider making such a speech.

Our estimate was that no matter what Diem did there will be coup attempts over the next four months. Whether or not any of these attempts will be successful is impossible to say.

Mr. Hilsman said that everyone agreed that the chances of chaos in the wake of a coup are considerably less than they were a year ago. An encouraging sign relative to this point is that the war between the Vietnamese forces and the Viet Cong has been pursued throughout the Buddhist crisis without noticeable let-up.

At this point Mr. Forrestal reported on General Krulak's views that, even if there were chaos in Saigon, the military units in the field would continue to confront the Communists.

Mr. Hilsman went on to say that Ambassador Nolting believes that the most likely result of a coup attempt that succeeded in killing Diem was civil war. Mr. Hilsman disagreed with this view slightly in that he thought civil war was not the most likely result but that it was certainly a possible result.

The timing of Ambassador Nolting's return and Ambassador Lodge's assumption of duty was then discussed. The President's initial view was that Ambassador Nolting should return immediately and that Ambassador Lodge should assume his duties as soon thereafter as possible. The President volunteered that Ambassador Nolting had done an outstanding job, that it was almost miraculous the way he had succeeded in turning the war around from the disastrously low point in relations between Diem and ourselves that existed when Ambassador Nolting took over. Mr. Hilsman pointed out the personal sacrifices that Ambassador Nolting had been forced to make during this period, and the President said that he hoped a way could be found to commend Ambassador Nolting publicly so as to make clear the fine job he had done and that he hoped an appropriate position could be found for him in Washington so that he could give his children a suitable home in the years immediately ahead.

The President's decision was to delegate the authority to decide on the timing of Ambassador Nolting's return to the Assistant Secretary for Far Eastern Affairs; that Ambassador Lodge should report to Washington no later than July 15 so that he could take the Counterinsurgency Course simultaneously with the normal briefings for an ambassador; and that Ambassador Lodge should arrive in Saigon as soon as possible following completion of the CI Course on August 14. Arrangements were made for Ambassador Nolting to see the President at 4:00 p.m. on Monday, July 8.

Intelligence Estimate on '63 Unrest

Excerpts from Special National Intelligence Estimate 53–2–63, "The Situation in South Vietnam," July 10, 1963.

CONCLUSIONS

A. The Buddhist crisis in South Vietnam has highlighted and intensified a widespread and long-standing dissatisfaction with the Diem regime and its style of government. If—as is likely—Diem fails to carry out truly and promptly the commitments he has made to the Buddhists, disorders will probably flare again and the chances of a coup or assassination attempts against him will become better than ever . . .

B. The Diem regime's underlying uneasiness about the extent of the US involvement in South Vietnam has been sharpened by the Buddhist affair and the firm line taken by the US. This attitude will almost certainly persist and further pressure to reduce the US presence in the country is likely. . . .

C. Thus far, the Buddhist issue has not been effectively exploited by the Communists, nor does it appear to have had any appreciable effect on the counterinsurgency effort. We do not think Diem is likely to be overthrown by a Communist coup. Nor do we think the Communists would necessarily profit if he were overthrown by some combination of his non-Communist opponents. A non-Communist successor regime might be initially less effective against the Viet Cong, but, given continued support from the US could provide reasonably effective leadership for the government and the war effort. . . .

Washington Message to Lodge on Need To Remove Nhus

Cablegram from the State Department to Ambassador Henry Cabot Lodge in Saigon, Aug. 24, 1963.

It is now clear that whether military proposed martial law or whether Nhu tricked them into it, Nhu took advantage of its imposition to smash pagodas with police and Tung's Special Forces loyal to him, thus placing onus on military in eyes of world and Vietnamese people. Also clear that Nhu has maneuvered himself into commanding position.

U.S. Government cannot tolerate situation in which power lies in Nhu's hands. Diem must be given chance to rid himself of Nhu and his coterie and replace them with best military and political personalities available.

If, in spite of all your efforts, Diem remains obdurate and refuses, then we must face the possibility that Diem himself cannot be preserved.

We now believe immediate action must be taken to prevent Nhu from consolidating his position further. Therefore, unless you in consultation with Harkins perceive overriding objections you are authorized to proceed along following lines:

(1) First we must press on appropriate levels of GVN following line:

(a) USG cannot accept actions against Buddhists taken by Nhu and his collaborators undercover martial law.

(b) Prompt dramatic actions redress situation must be taken, including repeal of decree 10, release of arrested monks, nuns, etc.

(2) We must at same time also tell key military leaders that U.S. would find it impossible to continue support GVN militarily and economically unless above steps are taken immediately which we recognize requires removal of Nhu from the scene. We wish give Diem reasonable opportunity to remove Nhu, but if he remains obdurate, then we are prepared to accept the obvious implication that we can no longer support Diem. You may also tell appropriate military commanders we will give them direct support in any interim period of breakdown central government mechanism.

(3) We recognize the necessity of removing taint on military for pagoda raids and placing blame squarely on Nhu. You are authorized to have such statements made in Saigon as you consider desirable to achieve this objective. We are prepared to take same line here and to have Voice of America make statement along lines contained in next numbered telegram whenever you give the word, preferably as soon as possible.

Concurrently, with above, Ambassador and country team should urgently examine all possible alternative leadership and make detailed plans as to how we might bring about Diem's replacement if this should become necessary.

Assume you will consult with General Harkins re any precautions necessary protect American personnel during crisis period.

You will understand that we cannot from Washington give you detailed instructions as to how this operation should proceed, but you will also know we will back you to the hilt on actions you take to achieve our objectives.

Needless to say we have held knowledge of this telegram to minimum essential people and assume you will take similar precautions to prevent premature leaks.

Lodge's Reply to Washington

Cablegram from Ambassador Lodge to Secretary of State Dean Rusk and Assistant Secretary of State Roger Hilsman, Aug. 25, 1963.

Believe that chances of Diem's meeting our demands are virtually nil. At same time, by making them we give Nhu chance to forestall or block action by military. Risk, we believe, is not worth taking, with Nhu in control combat forces Saigon.

Therefore, propose we go straight to Generals with our demands, without informing Diem. Would tell them we prepared have Diem without Nhus but it is in effect up to them whether to keep him. Would also insist generals take steps to release Buddhist leaders and carry out June 16 agreement.

Request immediate modification instructions. However, do not propose move until we are satisfied with E and E plans. Harkins concurs. I present credentials President Diem tomorrow 11 A.M.

CIA Aide's Cable to Chief on Contact With Saigon Generals

Cablegram from John Richardson, the Central Intelligence Agency's Saigon station chief, to John A. McCone, Director of Central Intelligence, Aug. 26, 1963.

During meeting with Harkins, Trueheart, Mecklin and COS on morning 26 Aug Lodge made decision that American official hand should not show. Consequently, Harkins will take no initiative with VNese generals. (Conein to convey points below to Gen. Khiem; Spera to Khanh; if Khiem agrees on Conein talking to Don, he will).

(A) Solicitation of further elaboration of action aspects of present thinking and planning. What should be done?

(B) We in agreement Nhus must go.

(C) Question of retaining Diem or not up to them.

(D) Bonzes and other arrestees must be released immediately and five-point agreement of 16 June fully carried out.

(E) We will provide direct support during any interim period of breakdown central gov mechanism.

(F) We cannot be of any help during initial action of assuming power of state. Entirely their own action, win or lose. Don't expect be bailed out.

(G) If Nhus do not go and if Buddhists situation is not redressed as indicated, we would find it impossible continue military and economic support.

(H) It hoped bloodshed can be avoided or reduced to absolute minimum.

(I) It hoped that during process and after, developments conducted in such manner as to retain and increase the necessary relations between VNese and Americans which will allow for progress of country and successful prosecution of the war.

C.I.A. Station Chief's Cable on Coup Prospects in Saigon

Cablegram from Mr. Richardson to Mr. McCone, Aug. 28, 1963.

Situation here has reached point of no return. Saigon is armed camp. Current indications are that Ngo family have dug in for last ditch battle. It is our considered estimate that General officers cannot retreat now. Conein's meeting with Gen. Khiem (Saigon 0346) reveals that overwhelming majority of general officers, excepting Dinh and Cao, are united, have conducted prior planning, realize that they must proceed quickly, and understand that they have no alternative but to go forward. Unless the generals are neutralized before being able to launch their operation, we believe they will act and that they have good chance to win. If General Dinh primarily and Tung secondly cannot be neutralized at outset, there may be widespread fighting in Saigon and serious loss of life.

We recognize the crucial stakes involved and have no doubt that the generals do also. Situation has changed drastically since 21 August. If the Ngo family wins now, they and Vietnam will stagger on to final defeat at the hands of their own people and the VC. Should a generals' revolt occur and be put down, GVN will sharply reduce American presence in SVN. Even if they did not do so, it seems clear that American public opinion and Congress, as well as world opinion, would force withdrawal or reduction of American support for VN under the Ngo administration.

Bloodshed can be avoided if the Ngo family would step down before the coming armed action. . . . It is obviously preferable that the generals conduct this effort without apparent American assistance. Otherwise, for a long time in the future, they will be vulnerable to charges of being American puppets, which they are not in any sense. Nevertheless, we all understand that the effort must succeed and that whatever needs to be done on our part must be done. If this attempt by the generals does not take place or if it fails, we believe it no exaggeration to say that VN runs serious risk of being lost over the course of time.

Lodge Cable to Secretary Rusk on U.S. Policy Toward a Coup

Cablegram from Ambassador Lodge to Secretary Rusk, Aug. 29, 1963.

We are launched on a course from which there is no respectable turning back: the overthrow of the Diem government. There is no turning back in part because US prestige is already publicly committed to this end in large measure and will become more so as the facts leak out. In a more fundamental sense, there is no turning back because there is no possibility, in my view, that the war can be won under a Diem administration, still less that Diem or any member of the family can govern the country in a way to gain the support of the people who count, i.e., the educated class in and out of government service, civil and military—not to mention the American people. In the last few months (and especially days) they have in fact positively alienated these people to an incalculable degree. So that I am personally in full agreement with the policy which I was instructed to carry out by last Sunday's telegram.

2. The chance of bringing off a Generals' coup depends on them to some extent; but it depends at least as much on us.

3. We should proceed to make all-out effort to get Generals to move promptly. To do so we should have authority to do following:

(a) That Gen. Harkins repeat to Generals personally message previously transmitted by CAS officers. This should establish their authenticity. Gen. Harkins should have order on this.

(b) If nevertheless Generals insist on public statement that all US aid to VN through Diem regime has been stopped, we would agree, on express understanding that Generals will have started at same time. (We would seek persuade Generals that it would be better to hold this card for use in event of stalemate. We hope it will not be necessary to do this at all.)

(c) VNese Generals doubt that we have the will power, courage, and determination to see this thing through. They are haunted by the idea that we will run out on them even though we have told them pursuant to instructions, that the game had started.

5. We must press on for many reasons. Some of these are:

(a) Explosiveness of the present situation which may well lead to riots and violence if issue of discontent with regime is not met. Out of this could come a pro-Communist or at best a neutralist set of politicians.

(b) The fact that war cannot be won with the present regime.

(c) Our own reputation for steadfastness and our unwillingness to stultify ourselves.

(d) If proposed action is suspended, I believe a body blow will be dealt to respect for us by VNese Generals. Also, all those who expect US to straighten out this situation will feel let down. Our help to the regime in past years inescapably gives a responsibility which we cannot avoid.

6. I realize that this course involves a very substantial risk of losing VN. It also involves some additional risk to American lives. I would never propose it if I felt there was a reasonable chance of holding VN with Diem.

[Point 7 unavailable.]

8. . . . Gen. Harkins thinks that I should ask Diem to get rid of the Nhus before starting the Generals' action. But I believe that such a step has no chance of getting the desired result and would have the very serious effect of being regarded by the Generals as a sign of American indecision and delay. I believe this is a risk which we should not run. The Generals distrust us too much already. Another point is that Diem would certainly ask for time to consider such a far-reaching request. This would give the ball to Nhu.

9. With the exception of par. 8 above Gen. Harkins concurs in this telegram.

Rusk Cable to Lodge on Views of National Security Council

Cablegram from Secretary Rusk to Ambassador Lodge, Aug. 29, 1963. The Pentagon study says the message followed a meeting of the National Security Council.

1. Highest level meeting noon today reviewed your 375 and reaffirmed basic course. Specific decisions follow:

2. In response to your recommendation, General Harkins is hereby authorized to repeat to such Generals as you indicate the messages previously transmitted by CAS officers. He should stress that the USG supports the movement to eliminate the Nhus from the government, but that before arriving at specific understandings with the generals, General Harkins must know who are involved, resources available to them and overall plan for coup. The USG will support a coup which has good chance of succeeding but plans no direct involvement of U.S. armed forces. Harkins should state that he is prepared to establish liaison with the coup planners and to review plans, but will not engage directly in joint coup planning.

3. Question of last approach to Diem remains undecided and separate personal message from Secretary to you develops our concern and asks your comment.

4. On movement of U.S. forces, we do not expect to make any announcement or leak at present and believe that any later decision to publicize such movements should be closely connected to developing events on your side. We cannot of course prevent unauthorized disclosures or speculation, but we will in any event knock down any reports of evacuation.

5. You are hereby authorized to announce suspension of aid through Diem government at a time and under conditions of your choice. In deciding upon the use of this authority, you should consider importance of timing and managing announcement so as to minimize appearance of collusion with Generals and also to minimize danger of unpredictable and disruptive reaction by existing government. We also assume that you will not in fact use this authority unless you think it essential, and we see it as possible that Harkins' approach and increasing process of cooperation may provide assurance Generals desire. Our own view is that it will be best to hold this authority for use in close conjunction with coup, and not for present encouragement of Generals, but decision is yours.

Further Rusk Cable to Lodge on Diem-Nhu Relationship

Cablegram from Secretary Rusk to Ambassador Lodge, Aug. 29, 1963.

Deeply appreciate your 375 which was a most helpful clarification. We fully understand enormous stakes at issue and the heavy responsibilities which you and Harkins will be carrying in the days ahead and we want to do everything possible from our end to help.

Purpose of this message is to explore further question of possible attempt to separate Diem and the Nhus. In your telegram you appear to treat Diem and the Nhus as a single package whereas we had indicated earlier to the Generals that if the Nhus were removed the question of retaining Diem would be up to them. My own personal assessment is (and this is not an instruction) that the Nhus are by all odds the greater part of the problem in Vietnam, internally, internationally and for American public opinion. Perhaps it is inconceivable that the Nhus could be removed without taking Diem with them or without Diem's abandoning his post. In any event, I would appreciate your comment on whether any distinction can or should be drawn as between Diem and Counselor and Madame Nhu.

The only point on which you and General Harkins have different views is whether an attempt should be made with Diem to eliminate the Nhus and presumably take other steps to consolidate the country behind a winning effort against the Viet Cong. My own hunch, based in part on the report of Kattenburg's conversations with Diem is that such an approach could not succeed if it were cast purely in terms of persuasion. Unless such a talk included a real sanction such as a threatened withdrawal of our support, it is unlikely that it would be taken completely seriously by a man who may feel that we are inescapably committed to an anti-Communist Vietnam. But if a sanction were used in such a conversation, there would be a high risk that this would be taken by Diem as a sign that action against him and the Nhus was imminent and he might as a minimum move against the Generals or even take some quite fantastic action such as calling on North Vietnam for assistance in expelling the Americans.

It occurs to me, therefore, that if such an approach were to be made it might properly await the time when others were ready to move immediately to contitute a new government. If this be so, the question then arises as to whether an approach to insist upon the expulsion of the Nhus should come from Americans rather than from the Generals themselves. This might be the means by which the Generals could indicate that they were prepared to distinguish between Diem and the Nhus. In any event, were the Generals to take this action it would tend to protect succeeding Vietnam administrations from the charge of being wholly American puppets subjected to whatever anti-American sentiment is inherent in so complex a situation.

I would be glad to have your further thoughts on these points as well as your views on whether further talks with Diem are contemplated to continue your opening discussions with him. You will have received formal instructions on other matters through other messages. Good luck.

Lodge's Response to Rusk on Diem's Closeness to Brother

Cablegram from Ambassador Lodge to Secretary Rusk, Aug. 30, 1963.

I agree that getting the Nhus out is the prime objective and that they are "the greater part . . ."

This surely cannot be done by working through Diem. In fact Diem will oppose it. He wishes he had more Nhus, not less.

The best chance of doing it is by the Generals taking over the government lock, stock and barrel.

After this has been done, it can then be decided whether to put Diem back in again or go on without him. I am rather inclined to put him back, but I would not favor putting heavy pressure on the Generals if they don't want him. My greatest single difficulty in carrying out the instructions of last Sunday is inertia. The days come and go and nothing happens. It is, of course, natural for the Generals to want assurances and the US Government has certainly been prompt in its reactions. But here it is Friday and, while in one way much has been done, there is not yet enough to show for the hours which we have all put in.

If I call on Diem to demand the removal of the Nhus, he will surely not agree. But before turning me down, he will pretend to consider it and involve us in prolonged delays. This will make the Generals suspicious of us and add to the inertia.

Such a call by me would look to the Nhus like an ultimatum and would result in their taking steps to thwart any operation dealing with them.

I agree with you that if a sanction were used, it could provoke an even more fantastic reaction. In fact I greatly dislike the idea of cutting off aid in connection with the Generals' operation and while I thank you for giving me the authority to make an announcement, I hope I will never have to use it.

It is possible, as you suggested . . . for the Generals when, as and if their operation gets rolling to demand the removal of the Nhus before bringing their operation to fruition. But I am afraid they will get talked out of their operation which will then disintegrate, still leaving the Nhus in office.

If the Generals' operation does get rolling, I would not want to stop it until they were in full control. They could then get rid of the Nhus and decide whether they wanted to keep Diem.

It is better for them and for us for them to throw out the Nhus than for us to get involved in it.

I am sure that the best way to handle this matter is by a truly VNese movement even if it puts me rather in the position of pushing a piece of spaghetti.

I am contemplating no further talks with Diem at this time.

CABLE BY U.S. GENERAL IN SAIGON TO TAYLOR ON END OF AUGUST PLOT

Cablegram from Gen. Paul D. Harkins, United States commander in Saigon, to Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, Aug. 31, 1963.

(saw Khiem: he stated Big Minh had stopped planning at this time, and was working on other methods; others had called off planning also, himself and Khanh, following Minh. He knew Thao was making plans—but that few of military trusted him because of his VC background—and that he might still be working for the VC. The Generals were not ready as they did not have enough forces under their control compared to those under President and now in Saigon. He indicated they, the Generals, did not want to start anything they could not successfully finish.

. . . At a meeting yesterday, Mr. Nhu said he now went along with everything the U.S. wants to do, and even had the backing of Pres. Kennedy. I said this was news to me. Khiem said he wondered if Nhu was again trying to flush out the generals. He intimated the generals do not have too much trust in Nhu and that he's such a friend of Mr. Richardson the generals wonder if Mr. Nhu and Mme. Nhu were on the CIA payroll. . . .

. . . I asked if someone couldn't confront the Nhus with the fact that their absence from the scene was the key to the overall solution. He replied that for anyone to do that would be self-immolation—he also went on to say he doubted if the Nhus and Diem could be split.

. . . So we see we have an "organisation de confusion" with everyone suspicious of everyone else and none desiring to take any positive action as of right now. You can't hurry the East. . . .

MEMO ON WASHINGTON MEETING IN AFTERMATH OF AUGUST PLOT

Memorandum by Maj. Gen. Victor H. Krulak, special assistant to the Joint Chiefs of Staff for counterinsurgency and special activities, on a meeting at the State Department Aug. 31, 1963. Besides General Krulak, participants were Vice President Johnson; Secretary Rusk; Secretary McNamara; Deputy Secretary of Defense Roswell L. Gilpatric; McGeorge Bundy; General Taylor; Edward R. Murrow, director of the United States Information Agency; Lieut. Gen. Marshall S. Carter, Deputy Director of the Central Intelligence Agency; Richard Helms and William E. Colby of the C.I.A.; Frederick E. Nolting Jr., former Ambassador in Saigon; Assistant Secretary Hilsman, and Paul M. Kattenburg of the State Department, head of the Interdepartmental Working Group on Vietnam.

1. Secretary Rusk stated that, in his judgment, we were back to where we were about Wednesday of last week, and this causes him to go back to the original problem and ask what in the situation led us to think well of a coup. Ruling out hatred of the Nhus, he said, there would appear to be three things:

a. The things that the Nhus had done or supported, which tended to upset the GVN internally.

b. The things that they had done which had an adverse external effect.

c. The great pressures of U.S. public opinion.

2. Mr. Rusk then asked if we should not pick up Ambassador Lodge's suggestion in his message of today (Saigon 391) and determine what steps are required to re-gird solidarity in South Vietnam—such as improvement in conditions concerning students and Buddhists and the possible departure of Madame Nhu. He said that we should determine what additional measures are needed to improve the international situation—such as problems affecting Cambodia—and to improve the Vietnamese position wherein U.S. public opinion is concerned. He then said that he is reluctant to start off by saying now that Nhu has to go; that it is unrealistic.

3. Mr. McNamara stated that he favored the above proposals of the Secretary of State, with one additional step—that is to establish quickly and firmly our line of communication between Lodge, Harkins and the GVN. He pointed out that at the moment our channels of communication are essentially broken and that they should be reinstituted at all costs.

4. Mr. Rusk added that we must do our best not to permit Diem to decapitate his military command in light of its obviously adverse effect on the prosecution of the war. At this point he asked if anyone present had any doubt in his mind but that the coup was off.

5. Mr. Kattenburg said that he had some remaining doubt; that we have not yet sent the generals a strong enough message; that the BOA statement regarding the withdrawal of aid was most important, but that we repudiated it too soon. He stated further that the group should take note of the fact that General Harkins did not carry out his instructions with respect to communication with the generals. Mr. Rusk interrupted Kattenburg to state that, to the contrary, he believed Harkins' conduct was exactly correct in light of the initial response which he received from General Khiem (they were referring to Harkins' report in MACV 1583).

6. Mr. Hilsman commented that, in his view, the generals are not now going to move unless they are pressed by a revolt from below. In this connection Ambassador Nolting warned that in the uncoordinated Vietnamese structure anything can happen, and that while an organized successful coup is out, there might be small flurries by irresponsible dissidents at any time.

7. Mr. Hilsman undertook to present four basic factors which bear directly on the problem confronting the U.S. now. They are, in his view:

a. The mood of the people, particularly the middle level officers, non-commissioned officers and middle level bureaucrats, who are most restive. Mr. McNamara interrupted to state that he had seen no evidence of this and General Taylor commented that he had seen none either, but would like to see such evidence as Hilsman could produce. Mr. Kattenburg commented that the middle level officers and bureaucrats are uniformly critical of the government, to which Mr. McNamara commented that if this indeed is the fact we should know about it.

b. The second basic factor, as outlined by Hilsman, was what effect will be felt on our programs elsewhere in Asia if we acquiesce to a strong Nhu-dominated government. In this connection, he reported that there is a Korean study now underway on just how much repression the United States will tolerate before pulling out her aid. Mr. McNamara stated that he had not seen this study and would be anxious to have it.

c. The third basic factor is Mr. Nhu, his personality and his policy. Hilsman recalled that Nhu has once already launched an effort aimed at withdrawal of our province advisors and stated that he is sure he is in conversation with the French. He gave, as supporting evidence, the content of an intercepted message, which Mr. Bundy asked to see. Ambassador Nolting expressed the opinion that Nhu will not make a deal with Ho Chi Minh on Ho's terms.

d. The fourth point is the matter of U.S. and world opinion; Hilsman stated that this problem was moving to a political and diplomatic plane. Part of the problem, he said, is the press, which concludes incorrectly that we have the ability to change the things in Vietnam of which they are critical. To this Mr. Murrow added that this problem of press condemnation is now worldwide.

8. Mr. Kattenburg stated that as recently as last Thursday it was the belief of Ambassador Lodge that, if we undertake to live with this repressive regime, with its bayonets at every street corner and its transparent negotiations with puppet bonzes, we are going to be thrown out of the country in six months. He stated that at this juncture it would be better for us to make the decision to get out honorably. He went on to say that, having been acquainted with Diem for ten years, he was deeply disappointed in him, saying that he will not separate from his brother. It was Kattenburg's view that Diem will get very little support from the military and, as time goes on, he will get less and less support and the country will go steadily down hill.

9. General Taylor asked what Kattenburg meant when he said that we would be forced out of Vietnam within six months. Kattenburg replied that in from six months to a year, as the people see we are losing the war, they will gradually go to the other side and we will be obliged to leave. Ambassador Nolting expressed general disagreement with Mr. Kattenburg. He said that the unfavorable activity which motivated Kattenburg's remarks was confined to the city and, while city support of Diem is doubtless less now, it is not greatly so. He said that it is improper to overlook the fact that we have done a tremendous job toward winning the Vietnam war, working with this same imperfect, annoying government.

10. Mr. Kattenburg added that there is one new factor—the population, which was in high hopes of expelling the Nhus after the VOA announcement regarding cessation of aid; now, under the heel of Nhu's military repression, they would quickly lose heart.

11. Secretary Rusk commented that Kattenburg's recital was largely speculative; that it would be far better for us to start on the firm basis of two things—that we will not pull out of Vietnam until the war is won, and that we will not run a coup. Mr. McNamara expressed agreement with this view.

12. Mr. Rusk then said that we should present questions to Lodge which fall within these parameters. He added that he believes we have good proof that we have been winning the war, particularly the contrast between the first six months of 1962 and the first six months of 1963. He then asked the Vice President if he had any contribution to make.

13. The Vice President stated that he

agreed with Secretary Rusk's conclusions completely; that he had great reservations himself with respect to a coup, particularly so because he had never really seen a genuine alternative to Diem. He stated that from both a practical and a political viewpoint, it would be a disaster to pull out; that we should stop playing cops and robbers and get back to talking straight to the GVN, and that we should once again go about winning the war. He stated that after our communications with them are genuinely reestablished, it may be necessary for someone to talk rough to them—perhaps General Taylor. He said further that he had been greatly impressed with Ambassador Nolting's views and agreed with Mr. McNamara's conclusions.

14. General Taylor raised the question of whether we should change the disposition of the forces which had been set in motion as a result of the crisis. It was agreed that there should be no change in the existing disposition for the time being.

WHITE HOUSE CABLE TO LODGE ON PRESSURE FOR SAIGON REFORMS

Cablegram from White House to Ambassador Lodge, Sept. 17, 1963. The Pentagon study says this message followed a meeting of the National Security Council but adds, "There is no evidence on the degree of consensus of the principals in this decision."

1. Highest level meeting today has approved broad outline of an action proposals program designed to obtain from GVN, if possible, reforms and changes in personnel necessary to maintain support of Vietnamese and US opinion in war against Viet Cong. This cable reports this program and our thinking for your comment before a final decision. Your comment requested soonest.

2. We see no good opportunity for action to remove present government in immediate future; therefore, as your most recent messages suggest, we must for the present apply such pressures as are available to secure whatever modest improvements on the scene may be possible. We think it likely that such improvements can make a difference, at least in the short run. Such a course, moreover, is consistent with more drastic effort as and when means become available, and we will be in touch on other channels on this problem.

3. We share view in your 523 that best available reinforcement to your bargaining position in this interim period is clear evidence that all U.S. assistance is granted only on your say-so. Separate telegram discusses details of this problem, but in this message we specifically authorize you to apply any controls you think helpful for this purpose. You are authorized to delay any delivery of supplies or transfer of funds by any agency until you are satisfied that delivery is in U.S. interest, bearing in mind that it is not our current policy to cut off aid, entirely. In other words, we share your view that it will be helpful for GVN to understand that your personal approval is a necessary part of all U.S. assistance. We think it may be particularly desirable for you to use this authority in limiting or rerouting any and all forms of assistance and support which now go to or through Nhu or individuals like Tung who are associated with him. This authorization specifically includes aid actions currently held in abeyance and you are authorized to set those in train or hold them up further in your discretion. We leave entirely in your hands decisions on the degree of privacy or publicity you wish to give to this process.

4. Subject to your comment and amendment our own list of possible helpful action by government runs as follows in approximate order of importance:

A. Clear the air—Diem should get everyone back to work and get them to focus on winning the war. He should be broadminded and compassionate in his attitude toward those who have, for understandable reasons, found it difficult under recent circumstances fully to support him. A real spirit of reconciliation could work wonders on the people he leads; a punitive, harsh or autocratic attitude could only lead to further resistance.

B. Buddhists and students—Let them out and leave them unmolested. This more than anything else would demonstrate the return of a better day and the refocusing on the main job at hand, the war.

C. Press—The press should be allowed full latitude of expression. Diem will be criticized, but leniency and cooperation with the domestic and foreign press at this time would bring praise for his leadership in due course. While tendentious reporting is irritating, suppression of news leads to much more serious trouble.

D. Secret and combat police—Confine its role to operations against the VC and abandon operations against non-Communist opposition groups thereby indicating clearly that a period of reconciliation and political stability has returned.

E. Cabinet changes to inject new untainted blood, remove targets of popular discontent.

F. Elections—These should be held, should be free, and should be widely observed.

G. Assembly—Assembly should be convoked soon after the elections. The Government should submit its policies to it and should receive its confidence. An assembly resolution would be most useful for external image purposes.

H. Party—Can Lao party should not be covert or semi-covert but a broad association of supporters engaged in a common winning cause. This could perhaps be best accomplished by

I. Repeal or suitable amendment Decree 10.

J. Rehabilitation by ARVN of pagodas.

K. Establishment of Ministry of Religious Affairs.

L. Liberation of passport issuances and currency restrictions enabling all to leave who wish to.

M. Acceptance of Buddhist Inquiry Mission from World Federation to report true facts of situation to work.

5. You may wish to add or subtract from the above list, but need to set psychological tone and image is paramount. Diem has taken positive actions in past of greater or less scope than those listed, but they have had little practical political effect since they were carried out in such a way as to make them hollow or, even if real, unbelievable (e.g., martial law already nominally lifted. Assembly elections scheduled, and puppet bonzes established).

6. Specific "reforms" are apt to have little impact without dramatic, symbolic move which convinces Vietnamese that reforms are real. As practical matter we share your views that this can best be achieved by some visible reduction in influence of Nhus, who are symbol to disaffected of all that they dislike in * * *. This we think would require Nhus departure from Saigon and preferably Vietnam at least for extended vacation. We recognize the strong possibility that these and other pressures may not produce this result, but we are convinced that it is necessary to try.

7. In Washington, in this phase, we would plan to maintain a posture of disapproval of recent GVN actions, but we would not expect to make public our specific requests of Diem. Your comment on public aspects of this phase is particularly needed.

8. We note your reluctance to continue dialogue with Diem until you have more to say, but we continue to believe that discussions with him are at a minimum an important source of intelligence and may conceivably be a means of exerting some persuasive effect even in his present state of mind. If you believe that full control of U.S. assistance provides you with means of resuming dialogue, we hope you will do so. We ourselves can see much virtue in effort to reason even with an unreasonable man when he is on a collision course. We repeat, however, that this is a matter for your judgment.

9. Meanwhile, there is increasing concern here with strictly military aspects of the problem, both in terms of actual progress of operations and of need to make effective case with Congress for continued prosecution of the effort. To meet these needs, President has decided to send Secretary of Defense and General Taylor to Vietnam, arriving early next week. It will be emphasized here that it is a military mission and that all political decisions are being handled through you as President's Senior Representative.

10. We repeat that political program outlined above awaits your comment before final decision. President particularly emphasizes that it is fully open to your criticism and amendment. It is obviously an interim plan and further decisions may become necessary very soon.

LODGE CABLE TO KENNEDY ON MEANS OF BRINGING REFORMS

Cablegram from Ambassador Lodge to State Department "for President only," Sept. 19, 1963.

1. Agree that no good opportunity for action to remove present government in immediate future is apparent and that we should, therefore, do whatever we can as an interim measure pending such an eventuality.

2. Virtually all the topics under paragraph 4, letters A to M, have been taken up with Diem and Nhu at one time or another, most of them by me personally. They think that most of them would either involve destroying the political structure on which they rest or loss of face or both. We, therefore, could not realistically hope for more than lip service. Frankly, I see no opportunity at all for substantive changes. Detailed comments on items A to M are contained in separate telegram.

3. There are signs that Diem-Nhu are somewhat bothered by my silence. According to one well placed source, they are guessing and off-balance and "desperately anxious" to know what U.S. posture is to be. They may be preparing some kind of a public relations package, possibly to be opened after the elections. I believe that for me to press Diem on things which are not in the cards and to repeat what we have said several times already would be a little shrill and would make us look weak, particularly in view of my talk with Nhu last night at a dinner where I had a golden opportunity to make the main points of your CAP 63516 as reported in 541.

4. Also, I doubt that a public relations package will meet needs of situation which seems particularly grave to me, notably in the light of General Big Minh's opinion expressed very privately yesterday that the Viet Cong are steadily gaining in strength; have more of the population on their side than has the GVN; that arrests are continuing and that the prisons are full; that more and more students are going over to the Viet Cong; that there is great graft and corruption in the Vietnamese administration of our aid; and that the "Heart of the Army is *not* in the war." All this by Vietnamese No. 1 General is now echoed by Secretary of Defense Thuan (See my 542), who wants to leave the country.

5. As regards your paragraph 3 on withholding of aid, I still hope that I may be informed of methods, as requested in my 478, September 11, which will enable us to apply sanctions in a way which will really affect Diem and Nhu without precipitating an economic collapse and without impeding the war effort. We are studying this here and have not yet found a solution. If a way to do this were to be found, it would be one of the greatest discoveries since the enactment of the Marshall Plan in 1947 because, so far as I know, the U.S. had never yet been able

to control any of the very unsatisfactory governments through which we have had to work in our many very successful attempts to make these countries strong enough to stand alone.

6. I also believe that whatever sanctions we may discover should be directly tied to a promising coup d'etat and should *not* be applied without such a coup being in prospect. In this connection, I believe that we should pursue contact with Big Minh and urge him along if he looks like acting. I particularly think that the idea of supporting a Vietnamese Army independent of the government should be energetically studied.

7. I will, of course, give instructions that programs which one [sic] can be effectively held up should be held up and not released without my approval provided that this can be done without serious harmful effect to the people and to the war effort. Technical assistance and (omission) support to communications support programs may be one way. This would be a fly-speck in the present situation and would have no immediate effect, but I hope that U.S. (omission) may get Vietnamese officials into the habit of asking me to release items which are held up and that, over a long period of time, it might create opportunities for us to get little things done.

8. But it is not even within the realm of possibility that such a technique could lead them to do anything which causes loss of face or weakening of their political organization. In fact, to threaten them with suppression of aid might well defeat our purposes and might make a bad situation very much worse.

9. There should in any event be no publicity whatever about this procedure. If it is possible (omission) a program, I intend to (omission).

10. As regards your paragraph 6 and "dramatic symbolic moves," I really do not think they could understand this even if Thao wanted to, although I have talked about it to Diem, and to Nhu last night (See my 541). They have scant comprehension of what it is to appeal to public opinion as they have really no interest in any other opinion than their own. I have repeatedly brought up the question of Nhu's departure and have stressed that if he would just stay away until after Christmas, it might help get the Appropriation Bill through. This seems like a small thing to us but to them it seems tremendous as they are quite sure that the Army would take over if he even stepped out of the country.

11. Your paragraph 8. I have, of course, no objection to seeing Diem at any time that it would be helpful. But I would rather let him sweat for awhile and not go to see him unless I have something really new to bring up. I would much prefer to wait until I find some part of the AID program to hold up in which he is interested and then have him ask me to come and see him. For example, last night's dinner which I suspect Nhu of stimulating is infinitely better than for me to take the initiative for an appointment and to call at the office. Perhaps my silence had something to do with it.

McNamara-Taylor Report on Mission to South Vietnam

Excerpts from memorandum for President Kennedy from Secretary McNamara and General Taylor, dated Oct. 2, 1963, and headed "Report of McNamara-Taylor Mission to South Vietnam."

A. CONCLUSIONS

1. The military campaign has made great progress and continues to progress.

2. There are serious political tensions in Saigon (and perhaps elsewhere in South Vietnam) where the Diem-Nhu government is becoming increasingly unpopular.

3. There is no solid evidence of the possibility of a successful coup, although assassination of Diem or Nhu is always a possibility.

4. Although some, and perhaps an increasing number, of GVN military officers are becoming hostile to the government, they are more hostile to the Viet Cong than to the government and at least for the near future they will continue to perform their military duties.

5. Further repressive actions by Diem and Nhu could change the present favorable military trends. On the other hand, a return to more moderate methods of control and administration, unlikely though it may be, would substantially mitigate the political crisis.

6. It is not clear that pressures exerted by the U.S. will move Diem and Nhu toward moderation. Indeed, pressures may increase their obduracy. But unless such pressures are exerted, they are almost certain to continue past patterns of behavior.

B. RECOMMENDATIONS

We recommend that:

1. General Harkins review with Diem the military changes necessary to complete the military campaign in the Northern and Central areas (I, II, and III Corps) by the end of 1954, and in the Delta (IV Corps) by the end of 1965. This review would consider the need for such changes as:

a. A further shift of military emphasis and strength to the Delta (IV Corps).

b. An increase in the military tempo in all corps areas, so that all combat troops are in the Field an average of 20 days out of 30 and static missions are ended.

c. Emphasis on "clear and hold operations" instead of terrain sweeps which have little permanent value.

d. The expansion of personnel in combat units to full authorized strength.

e. The training and arming of hamlet militia at an accelerated rate, especially in the Delta.

f. A consolidation of the strategic hamlet program, especially in the Delta, and action to insure that future strategic hamlets are not built until they can be protected, and until civic action programs can be introduced.

2. A program be established to train Vietnamese so that essential functions now performed by U.S. military personnel can be carried out by Vietnamese by the end of 1965. It should be possible to withdraw the bulk of U.S. personnel by that time.

3. In accordance with the program to train progressively Vietnamese to take over military functions, the Defense Department should announce in the very near future presently prepared plans to withdraw 1000 U.S. military personnel by the end of 1963. This action should be explained in low key as an initial step in a long-term program to replace U.S. personnel with trained Vietnamese without impairment of the war effort.

4. The following actions be taken to impress upon Diem our disapproval of his political program.

a. Continue to withhold commitment of funds in the commodity import program, but avoid a formal announcement. The potential significance of the withholding of commitments for the 1964 military budget should be brought home to the top military officers in working level contacts between USOM and MAVC and the Joint General Staff; up to now we have stated $95 million may be used by the Vietnamese as a planning level for the commodity import program for 1964. Henceforth we could make clear that this is uncertain both because of lack of final appropriation action by the Congress and because of executive policy.

b. Suspend approval of the pending AID loans for the Saigon-Cholon Waterworks and Saigon Electric Power Project. We should state clearly that we are doing so as a matter of policy.

c. Advise Diem that MAP and CIA support for designated units, now under Colonel Tung's control (mostly held in or near the Saigon area for political reasons) will be cut off unless these units are promptly assigned to the full authority of the Joint General Staff and transferred to the field.

d. Maintain the present purely "correct" relations with the top GVN, and specifically between the Ambassador and Diem. Contact between General Harkins and Diem and Defense Secretary Thuan on military matters should not, however, be suspended, as this remains an important channel of advice. USOM and USIA should also seek to maintain contacts where these are needed to push forward programs in support of the effort in the field, while taking care not to cut across the basic picture of U.S. disapproval and uncertainty of U.S. aid intentions. We should work with the Diem government but not support it. . . .

As we pursue these courses of action, the situation must be closely watched to see what steps Diem is taking to reduce repressive practices and to improve the effectiveness of the military effort. We should set no fixed criteria, but recognize that we would have to decide in 2–4 months whether to move to more drastic action or try to carry on with Diem even if he had not taken significant steps.

5. At this time, no initiative should be taken to encourage actively a change in government. Our policy should be to seek urgently to identify and build contacts with an alternative leadership if and when it appears.

6. The following statement be approved as current U.S. policy toward South Vietnam and constitute the substance of the government position to be presented both in Congressional testimony and in public statements.

a. The security of South Vietnam remains vital to United States security. For this reason, we adhere to the overriding objective of denying this country to Communism and of suppressing the Viet Cong insurgency as promptly as possible. (By suppressing the insurgency we mean reducing it to proportions manageable by the national security forces of the GVN, unassisted by the presence of U.S. military forces.) We believe the U.S. part of the task can be completed by the end of 1965, the terminal date which we are taking as the time objective of our counterinsurgency programs.

b. The military program in Vietnam has made progress and is sound in principle.

c. The political situation in Vietnam remains deeply serious. It has not yet significantly affected the military effort, but could do so at some time in the future. If the result is a GVN ineffective in the conduct of the war, the U.S. will review its attitude toward support for the government. Although we are deeply concerned by repressive practices, effective performance in the conduct of the war should be the determining factor in our relations with the GVN.

d. The U.S. has expressed its disapproval of certain actions of the Diem-Nhu regime and will do so again if required. Our policy is to seek to bring about the abandonment of repression because of its effect on the popular will to resist. Our means consist of expressions of disapproval and the withholding of support from the GVN activities that are not clearly contributing to the war effort. We will use these means as required to assure an effective military program. . . .

Lodge Message on Meeting of C.I.A. Agent With Gen. Minh

Cablegram from Ambassador Lodge to the State Department, Oct. 5, 1963.

1. Lt. Col. Conein met with Gen Duong Van Minh at Gen. Minh's Headquarters on Le Van Duyet for one hour and ten minutes morning of 5 Oct. 63. This meeting was at the initiative of Gen Minh and has been specifically cleared in advance by Ambassa-

dor Lodge. No other persons were present. The conversation was conducted in French.

2. Gen. Minh stated that he must know American Government's position with respect to a change in the Government of Vietnam within the very near future. Gen. Minh added the Generals were aware of the situation is deteriorating rapidly and that action to change the Government must be taken or the war will be lost to the Viet Cong because the Government no longer has the support of the people. Gen. Minh identified among the other Generals participating with him in this plan:

Maj. Gen. Tran Van Don
Brig. Gen. Tran Thien Khiem
Maj. Gen. Tran Van Kim

3. Gen. Minh made it clear that he did not expect any specific American support for an effort on the part of himself and his colleagues to change the Government but he states he does need American assurances that the USG will not attempt to thwart this plan.

4. Gen. Binh also stated that he himself has no political ambitions nor do any of the other General Officers except perhaps, he said laughingly, Gen. Ton That Dinh. Gen. Minh insisted that his only purpose is to win the war. He added emphatically that to do this continuation of American Military and Economic Aid at the present level (He said one and one half million dollars per day) is necessary.

5. Gen. Minh outlined three possible plans for the accomplishment of the change of Government:

a. Assassination of Ngo Dinh Nhu and Ngo Dinh Can keeping President Diem in Office. Gen. Minh said this was the easiest plan to accomplish.

b. The encirclement of Saigon by various military units particularly the unit at Ben Cat.

c. Direct confrontation between military units involved in the coup and loyalist military units in Saigon. In effect, dividing the city of Saigon into sectors and cleaning it out pocket by pocket. Gen. Minh claims under the circumstances Diem and Nhu could count on the loyalty of 5,500 troops within the city of Saigon.

6. Conein replied to Gen. Minh that he could not answer specific questions as to USG non-interference nor could he give any advice with respect to tactical planning. He added that he could not advise concerning the best of the three plans.

7. Gen. Minh went on to explain that the most dangerous men in South Viet-Nam are Ngo Dinh Nhu, Ngo Dinh Can and Ngo Trong Hieu. Minh stated that Hieu was formerly a Communist and still has Communist sympathies. When Col. Conein remarked that he had considered Col. Tung as one of the more dangerous individuals, Gen. Minh stated "if I get rid of Nhu, Can and Hieu, Col. Tung will be on his knees before me."

8. Gen. Minh also stated that he was worried as to the role of Gen. Tran Thien Khiem since Khiem may have played a double role in August. Gen. Minh asked that copies of the documents previously passed to Gen. Khiem (plan of Camp Long Thanh and munitions inventory at that camp) be passed to Gen. Minh personally for comparison with papers passed by Khiem to Minh purportedly from CAS.

9. Minh further stated that one of the reasons they are having to act quickly was the fact that many regimental, battalion and company commanders are working on coup plans of their own which could be abortive and a "catastrophe."

10. Minh appeared to understand Conein's position of being unable to comment at the present moment but asked that Conein again meet with Gen. Minh to discuss the specific plan of operations which Gen. Minh hopes to put into action. No specific date was given for this next meeting. Conein was again noncommittal in his reply. Gen. Minh once again indicated his understanding and stated that he would arrange to contact Conein in the near future and hoped that Conein would be able to meet with him and give the assurance outlined above.

Further Lodge Comments to Rusk

Cablegram from Ambassador Lodge to Secretary Rusk, Oct. 5, 1963.

Reference Big Minh-Conein meeting (CAS Saigon 1455). While neither General Harkins nor I have great faith in Big Minh, we need instructions on his approach. My recommendation, in which General Harkins concurs, is that Conein when next approached by Minh should:

1. Assure him that US will not attempt to thwart his plans.

2. Offer to review his plans, other than assassination plans.

3. Assure Minh that US aid will be continued to Vietnam under Government which gives promise of gaining support of people and winning the war against the Communists. Point out that it is our view that this is most likely to be the case if Government includes good proportion of well qualified civilian leaders in key positions. (Conein should press Minh for details his thinking Re composition future Government). I suggest the above be discussed with Secretary McNamara and General Taylor who contacted Minh in recent visit.

Kennedy Position on Coup Plots

Cablegram from White House to Ambassador Lodge, transmitted on Central Intelligence Agency channel, Oct. 5, 1963. The Pentagon study says this message emanated from a meeting of the National Security Council.

In conjunction with decisions and recommendations in separate EPTEL, President today approved recommendation that no initiative should now be taken to give any active covert encouragement to a coup. There should, however, be urgent covert effort with closest security, under broad guidance of Ambassador to identify and build contacts with possible alternative leadership as and when it appears. Essential that this effort be totally secure and fully deniable and separated entirely from normal political analysis and reporting and other activities of country team. We repeat that this effort is not repeat not to be aimed at active promotion of coup but only at surveillance and readiness. In order to provide plausibility to denial suggest you and no one else in Embassy issue these instructions orally to Acting Station Chief and hold him responsible to you alone for making appropriate contacts and reporting to you alone.

All reports to Washington on this subject should be on this channel.

White House Cable for Lodge on Response to General Minh

Cablegram from White House to Ambassador Lodge, Oct. 6, 1963.

1. Believe CAP 63560 gives general guidance requested REFTEL. We have following additional general thoughts which have been discussed with President. While we do not wish to stimulate coup, we also do not wish to leave impression that U.S. would thwart a change of government or deny economic and military assistance to a new regime if it appeared capable of increasing effectiveness of military effort, ensuring popular support to win war and improving working relations with U.S. We would like to be informed on what is being contemplated but we should avoid being drawn into reviewing or advising on operational plans or any other act which might tend to identify U.S. too closely with change in government. We would, however, welcome information which would help us assess character of any alternate leadership.

2. With reference to specific problem of General Minh you should seriously consider having contact take position that in present state his knowledge he is unable present Minh's case to responsible policy officials with any degree of seriousness. In order to get responsible officials even to consider Minh's problem, contact would have to have detailed information clearly indicating that Minh's plans offer a high prospect of success. At present contact sees no such prospect in the information so far provided.

3. You should also consider with Acting Station Chief whether it would be desirable in order to preserve security and deniability in this as well as similar approaches to others whether appropriate arrangements could be made for follow-up contacts by individuals brought in especially from outside Vietnam. As we indicated in CAP 63560 we are most concerned about security problem and we are confining knowledge these sensitive matters in Washington to extremely limited group, high officials in White House, State, Defense and CIA with whom this message cleared.

Lodge Message to Bundy on Dealings With Generals

Cablegram from Ambassador Lodge to McGeorge Bundy, Oct. 25, 1963.

1. I appreciate the concern expressed by you in ref. a relative to the Gen. Don/Conein relationship, and also the present lack of firm intelligence on the details of the general's plot. I hope that ref. b will assist in clearing up some of the doubts relative to general's plans, and I am hopeful that the detailed plans promised for two days before the coup attempt will clear up any remaining doubts.

2. CAS has been punctilious in carrying out my instructions. I have personally approved each meeting between Gen. Don and Conein who has carried out my orders in each instance explicitly. While I share your concern about the continued involvement of Conein in this matter, a suitable substitute for Conein as the principal contract is not presently available. Conein, as you know, is a friend of some eighteen years' standing with Gen. Don, and General Don has expressed extreme reluctance to deal with anyone else. I do not believe the involvement of another American in close contact with the generals would be productive. We are, however, considering the feasibility of a plan for the introduction of an additional officer as a cut-off between Conein and a designee of Gen. Don for communication purposes only. This officer is completely unwitting of any details of past or present coup activities and will remain so.

3. With reference to Gen. Harkins' comment to Gen. Don which Don reports to have referred to a presidential directive and the proposal for a meeting with me, this may have served the useful purpose of allaying the General's fears as to our interest. If this were a provocation, the GVN could have assumed and manufactured any variations of the same theme. As a precautionary measure, however, I of course refused to see Gen. Don. As to the lack of information as to General Don's real backing, and the lack of evidence that any real capabilities for action have been developed, ref. b provides only part of the answer. I feel sure that the reluctance of the generals to provide the U.S. with full details of their plans at this time, is a reflection of their own sense of security and a lack of confidence that in the large American community present in Saigon their plans will not be prematurely revealed.

4. The best evidence available to the Embassy, which I grant you is not as complete as we would like it, is that Gen. Don and the other generals involved with him are seriously attempting to effect a change in the government. I do not believe that this

is a provocation by Ngo Dinh Nhu, although we shall continue to assess the planning as well as possible. In the event that the coup aborts, or in the event that Nhu has masterminded a provocation, I believe that our involvement to date through Conein is still within the realm of plausible denial. CAS is perfectly prepared to have me disavow Conein at any time it may serve the national interest.

5. I welcome your reaffirming instructions contained in CAS Washington 74228. It is vital that we neither thwart a coup nor that we are even in a position where we do not know what is going on.

6. We should not thwart a coup for two reasons. First, it seems at least an even bet that the next government would not bungle and stumble as much as the present one has. Secondly, it is extremely unwise in the long range for us to pour cold water on attempts at a coup, particularly when they are just in their beginning stages. We should remember that this is the only way in which the people in Vietnam can possibly get a change of government. Whenever we thwart attempts at a coup, as we have done in the past, we are incurring very long lasting resentments, we are assuming an undue responsibility for keeping the incumbents in office, and in general are setting ourselves in judgment over the affairs of Vietnam. Merely to keep in touch with this situation and a policy merely limited to "not thwarting" are courses both of which entail some risks but these are lesser risks than either thwarting all coups while they are stillborn or our not being informed of what is happening. All the above is totally distinct from not wanting U.S. military advisors to be distracted by matters which are not in their domain, with which I heartily agree. But obviously this does not conflict with a policy of not thwarting. In judging proposed coups, we must consider the effect on the war effort. Certainly a succession of fights for control of the Government of Vietnam would interfere with the war effort. It must also be said that the war effort has been interfered with already by the incompetence of the present government and the uproar which this has caused.

7. Gen. Don's intention to have no religious discrimination in a future government is commendable and I applaud his desire not to be "a vassal" of the U.S. But I do not think his promise of a democratic election is realistic. This country simply is not ready for that procedure. I would add two other requirements. First, that there be no wholesale purges of personnel in the government. Individuals who were particularly reprehensible could be dealt with later by the regular legal process. Then I would be impractical, but I am thinking of a government which might include Tri Quang and which certainly should include men of the stature of Mr. Buu, the labor leader.

8. Copy to Gen. Harkins.

BUNDY'S REPLY ON COUP HAZARDS

Cablegram from McGeorge Bundy to Ambassador Lodge, Oct. 25, 1963.

Your 1964 most helpful.

We will continue to be grateful for all additional information giving increased clarity to prospects of action by Don or others, and we look forward to discussing with you the whole question of control and cut-out on your return, always assuming that one of these D-Days does not turn out to be real. We are particularly concerned about hazard that an unsuccessful coup, however carefully we avoid direct engagement, will be laid at our door by public opinion almost everywhere. Therefore, while sharing your view that we should not be in position of thwarting coup, we would like to have option of judging and warning on any plan with poor prospects of success. We recognize that this is a large order, but President wants you to know of our concern.

HARKINS MESSAGE TO TAYLOR VOICING DOUBTS ON PLOT

Cablegram from General Harkins in Saigon to General Taylor, Oct. 30, 1963.

Your JCS 4188-63 arrived as I was in the process of drafting one for you along the same lines. I share your concern. I have not as yet seen Saigon 768. I sent to the Embassy for a copy at 0830 this morning—as of now 1100—the Embassy has not released it. Also CINCPAC 0-300040Z infor JCS came as a surprise to me as I am unaware of any change in local situation which indicates necessity for actions directed. Perhaps I'll find the answer in Saigon 768. Or perhaps actions directed in CINCPAC 300040Z are precautionary in light of Gen. Don's statement reported in CAS 1925 that a coup would take place in any case not later than 2 November. It might be noted Don also is supposed to have said CAS Saigon 1956—that though the coup committee would not release the details, the Ambassador would receive the complete plan for study two days prior to the scheduled times for the coup.

I have not been informed by the Ambassador that he has received any such plan. I talked to him yesterday on my return from Bangkok and he offered no additional information. He has agreed to keep me completely informed if anything new turns up.

Incidentally he leaves for Washington tomorrow (31st) afternoon. If the coup [one word illegible] to happen before the second he's hardly going to get two days notice.

One thing I have found out, Don is either lying or playing both ends against the middle. What he told me is diametrically opposed to what he told Col. Conein. He [word illegible] Conein the coup will be before November 2nd. He told me he was not planning a coup. I sat with Don and Big Minh for 2 hours during the parade last Saturday. No one mentioned coups. To go on:

Both CAS Saigon 1896 and 1925 were sent first and delivered to me after dispatch. My 1991 was discussed with the Ambassador prior to dispatch. My 1993 was not, basically because I had not seen CAS Saigon 1925 before dispatch and I just wanted to get the record straight from my side and where my name was involved.

The Ambassador and I are certainly in touch with each other but whether the communications between us are effective is something else. I will say Cabot's methods of operations are entirely different from Amb Nolting's as far as reporting in the [word illegible] is concerned.

Fritz would always clear messages concerning the military with me or my staff prior to dispatch. So would John Richardson if MACV was concerned. This is not [word illegible] today. Cite CAS 1896 and 1925 for examples. Also you will recall I was not the recipient of several messages you held when you were here.

CINCPAC brought this matter up again when I saw him in Bangkok, this past [word illegible] end. He is going to make a check when he returns to see if he holds messages I [word illegible] not received. Have just received Saigon 768. I will have to report you are correct in believing that the Ambassador is forwarding military reports and evaluation [word illegible] consulting me. For his weekly report to the President, at his request, I furnish [word illegible] a short military statement. For preparation of 768 I made no mention of the [word illegible] I will answer 768 separately today.

There is a basic difference apparently between the Ambassador's thinking and mine on the interpretation of the guidance contained in CAP 63560 dated 6 October and the additional thoughts, I repeat, thoughts expressed in CAS Washington 74228 dated 9 October. I interpret CAP 63560 as our basic guidance and that CAS 74228 being additional thoughts did not change the basic guidance in that no initiative should now be taken to give any active covert encouragement to a coup. The Ambassador feels that 74228 does change 63560 and that a change of government is desired and feels as stated in CAS Saigon 1964 that the only way to bring about such a change is by a coup.

I'm not opposed to a change in government, no indeed, but I'm inclined to feel that at this time the change should be in methods of governing rather than complete change of personnel. I have seen no batting order proposed by any of the coup groups. I think we should take a hard look at any proposed list before we make any decisions. In my contacts here I have seen no one with the strength of character of Diem, at least in fighting Communists. Certainly there are no Generals qualified to take over in my opinion.

I am not a Diem man per se. I certainly see the faults in his character. I am here to back 14 million SVN people in their fight against communism and it just happens that Diem is their leader at this time. Most of the Generals I have talked to agree they can go along with Diem, all say it's the Nhu family they are opposed to.

Perhaps the pressures we have begun to apply will cause Diem and Nhu to change their ways. This apparently not evident as yet. I'm sure the pressures we have begun to apply if continued will affect the war effort. To date they have not. I am watching this closely and will report when I think they have.

I do not agree with the Ambassador's assessment in 768 that we are just holding our own. The GVN is a way ahead in the I, II and parts of the III Corps and making progress in the Delta. Nothing has happened in October to change the assessment you and Secretary McNamara made after your visit here.

I would suggest we not try to change horses too quickly. That we continue to take persuasive actions that will make the horses change their course and methods of action. That we win the military effort as quickly as possible, then let them make any and all the changes they want.

After all, rightly or wrongly, we have backed Diem for eight long hard years. To me it seems incongruous now to get him down, kick him around and get rid of him. The U.S. has been his mother superior and father confessor since he's been in office and he has leaned on us heavily.

Leaders of other under-developed countries will take a dim view of our assistance if they too were led to believe the same fate lies in store for them.

FURTHER HARKINS COMMENTS TO GENERAL TAYLOR

Cablegram from General Harkins to General Taylor, Oct. 30, 1963.

1. Admiral Felt not addee [sic] this message but will be provided copy upon his arrival Saigon tomorrow.

2. I now hold copy of SAIGON 768 and this amplifies my MAC 2028 which initially responded to your JCS 4188-63.

3. SAIGON 768 was Ambassador Lodge personal report to President in response to DEPTEL 576 which is possible explanation why I had not seen 768 until one week after dispatch and only when I requested a copy so that I might intelligently respond to your JCS 4188-63 which referred to 768.

4. Upon receipt of DEPTEL 576 Ambassador Lodge requested that I provide him brief suggested inputs for responses to questions 1 and 2 (a) 1 of DEPTEL 576 in that they were principally military in nature. I have done this on weekly basis but have had no knowledge as to whether my suggested brief inputs were utilized in his personal report since as indicated abot [sic] these were not opened to me.

5. My suggested brief inputs for para 1 which were provided the Ambassador for

use as he saw fit in drafting his personal evaluations for the past three weeks follow:

16 OCT: On balance we are gaining in contest with the VC. There will continue to be minor ups and downs but the general trend has been and continues upward.

23 OCT: While significant changes are, and will be, difficult to identify on a day to day or even weekly comparative basis as regards the contest with the Viet Cong, the general trend continues to be favorable. The tempo of RVN-initiated operations is increasing and recently the tempo of VC-initiated activity has fallen off.

30 OCT: No change from that previously reported. National day affair this past week tended to bring about a slight reduction in the tempo of RVN initiated actions, however VC actions also waned and on balance the trend continues to be favorable.

6. My suggested brief inputs for paragraph 2 (a) which were provided the Ambassador for use as he saw fit in drafting his personal evaluations for the past three weeks follow:

16 OCT: The government has responded at many points when we have cited need for improvement in the campaign against the VC (shift of boundaries; placement of VNSF activities in corps areas under OPCON of corps comdr; reallocation of forces). Additionally Gen Don and Gen Stilwell, my G-3 have spent the last week in the conduct of a Corps by Corps assessment of the present situation with a view to further desirable reallocation of forces. Based on their recommendations I will make further recommendations to Pres. Diem. (for inclusion in ANS to para 2 (a) Ambassador was advised that US/GVN military relations remain good).

23 OCT: Response received from the government in reaction to military areas where we have cited needed improvement has been favorable in some areas, while in other areas no indication of response has been received to date. In no case have they flatly resisted recommended improvements. Favorable indications are the commitment of nearly half of the general reserve to operations, plans for possible further redistribution of forces, and a recognition of the requirement to effect consolidation in the strategic hamlet program.

30 OCT: No specific responses have been received from the government this past week in reaction to military areas where we have cited need for improvement. This is believed due in great part to their preoccupation with National day affairs.

7. Comparison of my 23 October suggested brief inputs quoted above with SAIGON 678 indicates Ambassador Lodge did not see fit to utilize my suggestions to any significant degree. It also is apparent that upon further reflection Ambassador determined that more detailed response was required than he initially felt necessary when he requested brief inputs on principally military items.

8. I believe certain portions SAIGON 768 require specific comment. These follow:

Para F of answer to question 1—View of Vice Pres Tho that there are only 15 to 20 all-around hamlets in the area south of Saigon which are really good is ridiculous and indicates need for him to get out of Saigon and visit countryside so as to really know of progress which is being made. In past two weeks I have visited nine Delta provinces (Tay Ninh, Binh Duong, Hau Nghia, Long An, Kien Phong, Kien Hoa, An Giang, Phong Dinh, Chuong Thien) eight of which are south of Saigon, and I do not find the province chiefs or sector advisors to hold the same views as Vice Pres Tho.

Para H of answer to question 1—I am unable to concur in statement that quote one cannot drive as much around the country as one could two years ago end of quote. I believe it will be some time before, if we ever do, experience mass surrenders of the VC. I am unable to concur in statement that VC is quote in fact, reckoned at a higher figure than it was two years ago end quote. I have not observed the signs that hatred of the government has tended to diminish the Army's vigor, enthusiasm and enterprise. I find it difficult to believe the few rumors one hears regarding Generals being paid off with money and flashy cars. Most cars I see in use by Generals are same they have been using for past two years and few if any qualify as flashy to my mind. I do not concur with the evaluation of the 14 October report of the Delta Subcommittee of the Committee on Province Rehabilitation which states that the VC are gaining. Moreover take exception to the implication that the report represents official country team agency views and is consequently authoritative in the views it presents. Agency representatives on this subcommittee served as individuals in reporting to the COPROR Committee, incidentally there were wide divergencies even among subcommittee members. COPROR Committee received but did not place its stamp of approval or concurrence on report of its Sub-Committee. COPROR Committee returned the report to its Sub-Committee for rework. Consequently this report has not as yet been submitted to country team nor has it been referred to individual country team agencies for review and/or comment. Any views quoted from this Sub-Committee report therefore have no rpt no validity as expressions of country team or individual agency views.

Para J of answer to question 1—With regard to the quote existing political control over troop movement, which prevents optimum use of the Army and quote. I do not deny that political influences enter into this picture however I feel we have made and are making significant strides in this area and do not concur that time is not working for us—so long as political controls remain as at present.

Para J of answer to question 1—As indicated in paras 5 and 6 above and in other reports I have filed my evaluation is that from the military point of view the trend is definitely in RVN favor consequently I cannot concur that quote we at present are not doing much more than holding our own and quote.

Answer under (a) to question 2— I am correctly quoted here but para 6 gives full context of my suggested input.

Answer under (c) to question 2—As indicated para 6 above Ambassador was advised that US/GVN military relations remain good.

BUNDY CABLE TO LODGE VOICING WHITE HOUSE CONCERN

Cablegram from McGeorge Bundy to Ambassador Lodge, Oct. 30, 1963.

1. Your 2023, 2040, 2041 and 2043 examined with care at highest levels here. You should promptly discuss this reply and associated messages with Harkins whose responsibilities toward any coup are very heavy especially after you leave (see para. 7 below). They give much clearer picture group's alleged plans and also indicate chances of action with or without our approval now so significant that we should urgently consider our attitude and continguency plans. We note particularly Don's curiosity your departure and his insistence Conein be available from Wednesday night on, which suggests date might be as early as Thursday.

2. Believe our attitude to coup group can still have decisive effect on its decisions. We believe that what we say to coup group can produce delay of coup and that betrayal of coup plans to Diem is not repeat not our only way of stopping coup. We therefore need urgently your combined assessment with Harkins and CAS (including their separate comments if they desire). We concerned that our line-up of forces in Saigon (being cabled in next message) indicates approximately equal balance of forces, with substantial possibility serious and prolonged fighting or even defeat. Either of these could be serious or even disastrous for U.S. interests, so that we must have assurance balance of forces clearly favorable.

3. With your assessment in hand, we might feel that we should convey message to Don, whether or not he gives 4 or 48 hours notice that would (A) continue explicit hands-off policy, (B) positively encourage coup, or (C) discourage.

4. In any case, believe Conein should find earliest opportunity express to Don that we do not find presently revealed plans give clear prospect of quick results. This conversation should call attention important Saigon units still apparently loyal to Diem and raise serious issue as to what means coup group has to deal with them.

5. From operational standpoint, we also deeply concerned Don only spokesman for group and possibly cannot be discounted he may not be in good faith. We badly need some corroborative evidence whether Minh, and others directly and completely involved. In view Don's claim he doesn't handle "military planning" could not Conein tell Don that we need better military picture and that Big Minh could communicate this most naturally and easily to Stillwell? We recognize desirability involving MACV to minimum, but believe Stillwell far more desirable this purpose than using Conein both ways.

6. Complexity above actions raises question whether you should adhere to present Thursday schedule. Concur you and other U.S. elements should take no action that could indicate U.S. awareness coup possibility. However, DOD is sending berth-equipped military aircraft that will arrive Saigon Thursday and could take you out thereafter as late as Saturday afternoon in time to meet your presently proposed arrival Washington Sunday. You could explain this being done as convenience and that your Washington arrival is same. A further advantage such aircraft is that it would permit your prompt return from any point en route if necessary. To reduce time in transit, you should use this plane, but we recognize delaying your departure may involve greater risk that you personally would appear involved if any action took place. However, advantages your having extra two days in Saigon may outweigh this and we leave timing of flight to your judgment.

7. Whether you leave Thursday or later, believe it essential that prior your departure there be fullest consultation Harkins and CAS and that there be clear arrangements for handling (A) normal activity, (B) continued coup contacts, (C) action in event a coup starts. We assume you will wish. Truehart as charge to be head of country team in normal situation, but highest authority desires it clearly understood that after your departure Harkins should participate in supervision of all coup contacts and that in event a coup begins, he become head of country team and direct representative of President, with Truehart in effect acting as POLAD. On coup contacts we will maintain continuous guidance and will expect equally continuous reporting with prompt account of any important divergences in assessments of Harkins and Smith.

8. If coup should start, question of protecting U.S. nationals at once arises. We can move Marine Battalion into Saigon by air from Okinawa within 24 hours if—[sic] available. We are sending instructions to CINCPAC to arrange orderly movement of seaborne Marine Battalion to waters adjacent to South Vietnam in position to close Saigon within approximately 24 hours.

9. We are now examining post-coup contingencies here and request your immediate recommendations on position to be adopted after coup begins, especially with respect to requests for assistance of different sorts from one side or the other also request you forward contingency recommendations for ac-

tion if coup (A) succeeds, (B) fails, (C) is indecisive.

10. We reiterate burden of proof must be on coup group to show a substantial possibility of quick success; otherwise, we should discourage them from proceeding since a miscalculation could result in jeopardizing U.S. position in Southeast Asia.

Lodge Response to Bundy On Letting Coup Plan Proceed

Cablegram from Ambassador Lodge to McGeorge Bundy, Oct. 30, 1963. The Pentagon study identifies this message as a reply to Mr. Bundy's cablegram.

1. We must, of course, get best possible estimate of chance of coup's success and this estimate must color our thinking, but do not think we have the power to delay or discourage a coup. Don has made it clear many times that this is a Vietnamese affair. It is theoretically possible for us to turn over the information which has been given to us in confidence to Diem and this would undoubtedly stop the coup and would make traitors out of us. For practical purposes therefore I would say that we have very little influence on what is essentially a Vietnamese affair. In addition, this would place the heads of the Generals, their civilian supporters, and lower military officers on the spot, thereby sacrificing a significant portion of the civilian and military leadership needed to carry the war against the VC to its successful conclusion. After our efforts not to discourage a coup and this change of heart, we would foreclose any possibility of change of the GVN for the better. Diem/Nhu have displayed no intentions to date of a desire to change the traditional methods of control through police action or take any repeat any actions which would undermine the power position or solidarity of the Ngo family. This, despite our heavy pressures directed DEPTEL 534. If our attempt to thwart this coup were successful, which we doubt, it is our firm estimate that younger officers, small groups of military, would then engage in an abortive action creating chaos ideally suited to VC objectives.

2. While we will attempt a combined assessment in a following message, time has not yet permitted substantive examination of this matter with General Harkins. My general view is that the U.S. is trying to bring this medieval country into the 20th Century and that we have made considerable progress in military and economic ways but to gain victory we must also bring them into the 20th Century politically and that can only be done by either a thoroughgoing change in the behavior of the present government or by another government. The Viet Cong problem is partly military but is is also partly psychological and political.

3. With respect to paragraph 3 Ref., I believe that we should continue our present position of keeping hands off but continue to monitor and press for more detailed information. CAS has been analyzing potential coup forces for some time and it is their estimate that the Generals have probably figured their chances pretty closely and probably also expect that once they begin to move, not only planned units, but other units will join them. We believe that Vietnam's best Generals are involved in directing this effort. If they can't pull it off, it is doubtful other military leadership could do so successfully. It is understandable that the Generals would be reticent to reveal full details of their plan for fear of leaks to the GVN.

4. Re para. 4, Ref., we expect that Conein will meet Don on the night of 30 Oct or early morning 31 Oct. We agree with Para. 4, Ref., that we should continue to press for details and question Don as to his estimate of the relative strengths of opposing forces. We do not believe, however, that we should show any signs of attempting to direct this affair ourselves or of giving the impression of second thoughts on this Vietnamese initiation. In the meantime, we will respond specifically to CAS Washington 79126. Please note that CAS Saigon 2059 corrects CAS Saigon 2023 and two regiments of the 7th Division are included in the coup forces.

5. Apparently Para. 5, Ref., overlooks CAS 1445, 5 Oct 1963 which gave an account of the face to face meeting of General "Big Minh" and Conein at Minh's instigation and through the specific arrangement of Gen Don. Minh specifically identified Gen Don as participating in a plan to change the government. Please note that Minh's remarks parallel in every way the latter statements of Gen. Don. We believe that the limitation of contact to Don and Cein [sic] is an appropriate security measure consonant with our urging that the smallest number of persons be aware of these details.

6. We do not believe it wise to ask that "Big Minh" pass his plans to Gen. Stilwell. The Vietnamese believe that there are members of the U.S. military who leak to the Government of Vietnam. I do not doubt that this is an unjust suspicion but it is a fact that this suspicion exists and there is no use in pretending that it does not.

7. I much appreciate your furnishing the berth-equipped military aircraft which I trust is a jet. I intend to tell Pan American that a jet has been diverted for my use and therefore I will no longer need their services. This will undoubtedly leak to the newspapers and the GVN may study this move with some suspicion. I will answer any inquiries on this score to the effect that I am most pleased by this attention and that this is obviously done as a measure to insure my comfort and save my time. To allay suspicions further, I will offer space on the aircraft to MACV for emergency leave cases, etc., and handle this in as routine fashion as possible. I wish to reserve comment as to my actual time of departure until I have some additional information, hopefully tomorrow.

8. Your para. 7 somewhat preplexes me. It does not seem sensible to have the military in charge of a matter which is so profoundly political as a change of government. In fact, I would say to do this would probably be the end of any hope for a change of government here. This is said impersonally as a general proposition, since Gen. Harkins is a splendid General and an old friend of mine to whom I would gladly entrust anything I have. I assume that the Embassy and MACV are able to handle normal activities under A, that CAS can continue coup contacts under B, and as regards C, we must simply do the very best we can in the light of events after the coup has started.

9. We appreciate the steps taken as outlined in para. 8. However, we should remember that the GVN is not totally inept in its foreign soundings and that these moves should be as discreet and security conscious as possible. I would, of course, call for these forces only in case of extreme necessity since my hope coincides with the Generals that this will be an all-Vietnamese affair.

10. We anticipate that at the outset of the coup, unless it moves with lightning swiftness, the GVN will request me or Gen. Harkins to use our influence to call it off. I believe our responsibilities should be that our influence certainly could not be superior to that of the President who is Commander-in-Chief and that if he is unable to call it off, we would certainly be unable to do so and would merely be risking American lives attempting to interfere in this Vietnamese problem. The Government might request aircraft. Helicopters, for the evacuation of key personalities that would have to be studied closely, but we would certainly not commit our planes and pilots between the battle lines of the opposing forces. We should, rather, state that we would be willing to act in this fashion during a truce in which both sides agree to the removal of key personalities. I believe that there would be immediate political problems in attempting to take these personalities to another neighboring country and probably we would be best served in depositing them in Saipan where the absence of press, communications, etc., would allow us some leeway to make a further decision as to their ultimate disposition. If senior Vietnamese personalities and their families requested asylum in the Embassy or other American installations, we would probably have to grant it in light of our previous action with respect to Tri Quang. This will undoubtedly present later problems but hopefully the new government might feel disposed to help us solve this problem. Naturally, asylum would be granted on the same basis as the Buddhists, i.e., physical presence at the Embassy or other location.

11. As to requests from the Generals, they may well have need of funds at the last moment with which to buy off potential opposition. To the extent that these funds can be passed discreetly, I believe we should furnish them, provided we are convinced that the proposed coup is sufficiently well organized to have a good chance of success. If they are successful, they will undoubtedly ask for prompt recognition and some assurance that military and economic aid will continue at normal level. We should be prepared to make these statements if the issue is clear-cut predicating our position on the President's stated desire to continue the war against the VC to final victory. VOA might be an important means of disseminating this message. Should the coup fail, we will have to pick up the pieces as best we can at that time. We have a commitment to the Generals from the August episode to attempt to help in the evacuation of their dependents. We should try to live up to this if conditions will permit. American complicity will undoubtedly be charged and there might be some acts taken against specific personalities which we should anticipate and make provision against as best we can. Should the coup prove indecisive and a protracted struggle is in progress, we should probably offer our good offices to help resolve the issue in the interest of the war against the VC. This might hold some benefit in terms of concessions by GVN. We will naturally incur some opprobrium from both sides in our role as mediator. However, this opprobrium would probably be less distasteful than a deadlock which would open the door to the VC. We consider such a deadlock as the least likely possibility of the three.

12. As regards your para. 10, I do not know what more proof can be offered than the fact these men are obviously prepared to risk their lives and that they want nothing for themselves. If I am any judge of human nature, Don's face expressed of sincerity and determination on the morning that I spoke to him. Heartily agree that a miscalculation could jeopardize position in Southeast Asia. We also run tremendous risks by doing nothing.

If we were convinced that the coup was going to fail, we would, of course, do everything we could to stop it.

13. Gen. Harkins has read this and does not concur.

Further Bundy Instructions To Lodge on Contingency Plans

Cablegram from McGeorge Bundy to Ambassador Lodge, Oct. 30, 1963.

1. Our reading your thoughtful 2063 leads us to believe a significant difference of shading may exist on one crucial point (see next para.) and on one or two lesser matters easily clarified.

2. We do not accept as a basis for U.S. policy that we have no power to delay or discourage a coup. In your paragraph 12 you say that if you were convinced that the coup was going to fail you would of course do everything you could to stop it. We believe that on this same basis you should take action to

persuade coup leaders to stop or delay any operation which, in your best judgment, does not clearly give high prospect of success. We have not considered any betrayal of generals to Diem, and our 79109 explicitly reject that course. We recognize the danger of appearing hostile to generals, but we believe that our own position should be on as firm ground as possible, hence we cannot limit ourselves to proposition implied in your message that only conviction of certain failure justifies intervention. We believe that your standard for intervention should be that stated above.

3. Therefore, if you should conclude that there is not clearly a high prospect of success, you should communicate this doubt to generals in a way calculated to persuade them to desist at least until chances are better. In such a communication you should use the weight of U.S. best advice and explicitly reject any implication that we oppose the effort of the generals because of preference for present regime. We recognize need to bear in mind generals' interpretation of U.S. role in 1960 coup attempt, and your agent should maintain clear distinction between strong and honest advice given as a friend and any opposition to their objectives.

We continue to be deeply interested in up-to-the-minute assessment of prospects and are sending this before reply to our CAS 79126. We want continuous exchange latest assessments on this topic.

5. To clarify our intent, paragraph 7 of our 79109 is rescinded and we restate our desires as follows:

a. While you are in Saigon you will be Chief of Country Team in all circumstances and our only instruction is that we are sure it will help to have Harkins fully informed at all stages and to use advice from both him and Smith in framing guidance for coup contacts and assessment. We continue to be concerned that neither Conein nor any other reporting source is getting the clarity we would like with respect to alignment of forces and level of determination among generals.

b. When you leave Saigon and before there is a coup, Truehart will be Chief of the Country Team. Our only modification of existing procedures is that in this circumstance we wish all instruction to Conein to be conducted in immediate consultation with Harkins and Smith so that all three know what is sold in Conein. Any disagreement among the three on such instruction should be reported to Washington and held for our resolution, when time permits.

c. If you have left and a coup occurs, we believe that emergency situation requires, pending your return, that direction of country team be vested in most senior officer with experience of military decisions, and the officer in our view is Harkins. We do *not* intend that this switch in final responsibility should be publicized in any way, and Harkins will of course be guided in basic posture by our instructions, which follow in paragraph 6. We do not believe that this switch will have the effect suggested in your paragraph 8.

6. This paragraph contains our present standing instructions for U.S. posture in the event of a coup.

a. U.S. authorities will reject appeals for direct intervention from either side, and U.S.-controlled aircraft and other resources will not be committed between the battle lines or in support of either side, without authorization from Washington.

b. In event of indecisive contest, U.S. authorities may in their discretion agree to perform any acts agreeable to both sides, such as removal of key personalities or relay of information. In such actions, however, U.S. authorities will strenuously avoid appearance of pressure on either side. It is not in the interest of USG to be or appear to be either instrument of existing government or instrument of coup.

c. In the event of imminent or actual failure of coup, U.S. authorities may afford asylum in their discretion to those to whom there is any express or implied obligation of this sort. We believe however that in such a case it would be in our interest and probably in interests of those seeking asylum that they seek protection of other Embassies in addition to our own. This point should be made strongly if need arises.

d. But once a coup under responsible leadership has begun, and within these restrictions, it is in the interest of the U.S. Government that it should succeed.

7. We have your message about return to Washington and we suggest that all public comment be kept as low-key and quiet as possible, and we also urge that if possible you keep open the exact time of your departure. We are strongly sensitive to great disadvantage of having you out of Saigon if this should turn out to be a week of decision, and if it can be avoided we would prefer not to see you pinned to a fixed hour of departure now.

Lodge's Last Talk With Diem

Excerpt from cablegram from Ambassador Lodge to State Department, Nov. 1, 1963, as provided in the body of the Pentagon study. According to the narrative, the message says that at 4:30 P.M. on Nov. 1 President Diem telephoned Ambassador Lodge and the following conversation ensued:

Diem. Some units have made a rebellion and I want to know what is the attitude of the US?

Lodge. I do not feel well enough informed to be able to tell you. I have heard the shooting, but am not acquainted with all the facts. Also it is 4:30 a.m. in Washington and the US Government cannot possibly have a view.

Diem. But you must have some general ideas. After all, I am a Chief of State. I have tried to do my duty. I want to do now what duty and good sense require. I believe in duty above all.

Lodge. You have certainly done your duty. As I told you only this morning, I admire your courage and your great contributions to your country. No one can take away from you the credit for all you have done. Now I am worried about your physical safety. I have a report that those in charge of the current activity offer you and your brother safe conduct out of the country if you resign. Had you heard this?

Diem. No. (And then after a pause) You have my telephone number.

Lodge. Yes. If I can do anything for your physical safety, please call me.

Diem. I am trying to re-establish order.

Order by Johnson Reaffirming Kennedy's Policy on Vietnam

Excerpts from National Security Action Memorandum 273, Nov. 26, 1963, four days after the assassination of President Kennedy, as provided in the body of the Pentagon study. Paragraphs in italics are the study's paraphrase.

"A National Security Action Memorandum was drafted to give guidance and direction to our efforts to improve the conduct of the war under the new South Vietnamese leadership. It described the purpose of the American involvement in Vietnam as, "to assist the people and Government of that country to win their contest against the externally directed and supported Communist conspiracy." It defined contribution to that purpose as the test of all U.S. actions in Vietnam. It reiterated the objectives of withdrawing 1,000 U.S. troops by the end of 1963 and ending the insurgency in I, II, and III Corps by the end of 1964, and in the Delta by the end of 1965. U.S. support for the new regime was confirmed and all U.S. efforts were directed to assist it to consolidate itself and expand its popular support....

The objectives of the United States with respect to the withdrawal of U.S. military personnel remain as stated in the White House statement of October 2, 1963. . . .

The President expects that all senior officers of the government will move energetically to insure the full unity of support for established U.S. policy in South Vietnam. Both in Washington and in the field, it is essential that the government be unified. It is of particular importance that express or implied criticism of officers of other branches be assiduously avoided in all contacts with the Vietnamese government and with the press. . . .

We should concentrate our efforts, and insofar as possible we should persuade the government of South Vietnam to concentrate its effort, on the critical situation in the Mekong Delta. This concentration should include not only military but political, economic, social, educational and informational effort. We should seek to turn the tide not only of battle but of belief, and we should seek to increase not only the controlled hamlets but the productivity of this area, especially where the proceeds can be held for the advantage of anti-Communist forces . . .

It is a major interest of the United States government that the present provisional government of South Vietnam should be assisted in consolidating itself in holding and developing increased public support.

. . . And in conclusion, plans were requested for clandestine operations by the GVN against the North and also for operations up to 50 kilometers into Laos; and, as a justification for such measures, State was directed to develop a strong, documented case "to demonstrate to the world the degree to which the Viet Cong is controlled, sustained and supplied from Hanoi, through Laos and other channels."

The Series So Far: From Covert War to Bombing of North to Ground Troops

COVERT WARFARE SPONSORED BY U.S. IN '64

President Lyndon B. Johnson's Administration, amid his hesitation and reluctance to make final decisions, was sponsoring covert South Vietnamese warfare against North Vietnam starting in February, 1964, and drawing up plans that spring for overt war.

These activities—long before the Aug. 4, 1964, Tonkin Gulf destroyer incident that led to a Congressional vote authorizing "all necessary steps" to aid Southeast Asian countries—were described in the first installment.

The series was based on a Defense Department study, commissioned in 1967 by Secretary Robert S. McNamara to learn how American involvement in Southeast Asia developed. The study ranged from World War II until the start of peace talks in Paris in May, 1968.

There are gaps in the Pentagon study—the researchers lacked access to Presidential files—and in that part of it obtained by The Times—it lacks the chapter on diplomatic initiatives, some of which are continuing.

A REPORT BY M'NAMARA

The first of 13 documents published in the initial installment was a report on Dec. 21, 1963, by Secretary McNamara to President Johnson. This said "plans for covert action into North Vietnam were prepared as we had requested."

"They present," he went on, "a variety of sabotage and psychological operations against North Vietnam from which I believe we should aim to select those that provide maximum pressure with minimum risk."

The "covert military operations," drawn up by the Central Intelligence Agency station and the military command in Saigon, were begun Feb. 1, 1964, as Operation Plan 34A. President Johnson's hope was that they might eventually induce North Vietnam to halt the Vietcong and Pathet Lao insurrections.

Through 1964, they included flights over North Vietnam by U-2 spy planes, the kidnapping of North Vietnamese citizens for intelligence information, commando raids from the sea to blow up rail and highway bridges and the bombardment of coastal installations by PT boats.

"HIRED PERSONNEL" USED

They differed from relatively low-level and unsuccessful intelligence and sabotage efforts the C.I.A. had carried out earlier in North Vietnam. The 34A attacks were under the control of Gen. Paul D. Harkins, chief of the United States Military Assistance Command in Saigon, with raids performed by the South Vietnamese or their "hired personnel."

The covert war had a second major segment—air operations in Laos by 25 to 40 propeller-driven T-28 fighter-bombers. These bore Laotian Air Force markings, but were manned in part by pilots of Air America, a C.I.A.-controlled line and in part by Thai pilots under the control of Ambassador Leonard Unger.

Regular United States Air Force and Navy jet planes, code-named Yankee Team, gathered photographic intelligence for the T-28 bombing raids. The reconnaissance moved from high-altitude flights at the start of 1964 to low-altitude sorties in May; in June armed escort jets were added, bombing and strafing when the reconnaissance planes were fired on.

A third element in the covert military pressure was the patrolling by American destroyers in the Gulf of Tonkin. Code-named De Soto patrols, the ships collected intelligence on warning radars and coastal defenses.

In a memorandum on Jan. 22, 1964, Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, contended that "the United States must be prepared to put aside many of the self-imposed restrictions" and to "undertake bolder actions," even to "commit U.S. forces as necessary in direct actions against North Vietnam."

DIFFERENCE OF OPINION

The Johnson Administration was convinced from radio interceptions that North Vietnam was directing the Vietcong despite intelligence analyses that argued "the primary sources of Communist strength in South Vietnam are indigenous" arising from social and nationalist aims.

On March 16, 1964, describing a worsening situation, Secretary McNamara urged new plans up to "graduated overt military pressure," ready on 30 days' notice for strikes against North Vietnam by the South Vietnamese Air Force and an American air commando squadron, code-named Farmgate, that operated with South Vietnamese markings.

President Johnson approved the McNamara recommendations at a National Security Council meeting March 17, 1964. On March 20, President Johnson cabled Ambassador Henry Cabot Lodge in Saigon:

". . . our planning for action against the North is on a contingency basis at present, and immediate problem in this area is to develop the strongest military and political base for possible later action."

On April 17, the Joint Chiefs approved a so-called scenario, Operation Plan 37-64, including escalation steps against North Vietnam up to air attacks and mining of ports, initially by South Vietnamese but possibly using United States aircraft.

Military action was not to begin until after a joint Congressional resolution.

On May 4, South Vietnam's head of government, Gen. Nguyen Khan, told Ambassador Lodge he wanted the United States to start bombing and to send in 10,000 troops.

The Pentagon study reported that at a Honolulu meeting on June 1 and 2, 1964, Secretary McNamara said, "it might be necessary as the action unfolded . . . to deploy as many as seven divisions" of American troops.

One effort to apportion American aims in South Vietnam was attributed to a memorandum by John T. McNaughton, Assistant Secretary of Defense, as follows:

"70 pct.—To avoid a humiliating U.S. defeat (to our reputation as a guarantor).

"20 pct.—To keep SVN (and then adjacent) territory from Chinese hands.

"10 pct.—To permit the people of SVN to enjoy a better, freer way of life."

One move at United States request had J. Blair Seaborn, Canadian member of the International Control Commission, pass on a warning June 18 to North Vietnam's Premier, Pham Van Dong, that escalating the warfare could bring "the greatest devastation" to North Vietnam.

Separate from the Defense Department study, which was prepared in 1967 and 1968, was a 1965 Defense Department command and control study of the Tonkin Gulf incident.

In a 34A operation, South Vietnamese naval commandos raided two North Vietnamese islands in the gulf at midnight July 30. On Aug. 2, a De Soto intelligence-gathering patrol by the destroyer Maddox wound up in a clash with North Vietnamese PT boats, which the study said apparently mistook the Maddox for a South Vietnamese escort vessel.

On Aug. 3, President Johnson ordered the destroyer C. Turner Joy to reinforce the Maddox in the gulf. That night, two clandestine 34A bombardments were staged by South Vietnamese PT boats.

On the night of Aug. 4, Tonkin Gulf time, the two American destroyers were attacked by North Vietnamese torpedo boats, according to the Pentagon account.

At a national Security Council meeting on the afternoon of Aug. 4, Washington time, President Johnson ordered American reprisal air strikes, chosen by the Joint Chiefs from a 94-target list drawn up at the end of May. He also decided to seek the Congressional resolution of full military support for South Vietnam.

"CONSENSUS" ON BOMBING REACHED BEFORE THE ELECTION

Leaders of the Johnson Administration reached a "consensus" at a White House strategy meeting on Sept. 7, 1964, the Pentagon study of the war says, that sustained air attacks against North Vietnam would probably have to be launched, and indicated a start for early 1965.

In the second installment, The Times reported that the analysis had added that "what prevented action for the time being was a set of tactical considerations."

First among these, the analysis went on, was that "the President was in the midst of an election campaign in which he was presenting himself as the candidate of reason and restraint as opposed to the quixotic Barry Goldwater," who was publicly advocating full-scale bombing of North Vietnam.

Before that "consensus," there had been an Aug. 18 cablegram from Ambassador Maxwell Taylor—one of 16 texts published with the installation—declaring that "the present in-country pacification plan is not enough." The Ambassador urged "deliberate escalation of pressure against North Vietnam, using Jan. 1, 1965, as a target D-Day" to start bombing military facilities.

MARINES FOR DANANG

The bombing plan, Ambassador Taylor added, would entail sending Army Hawk anti-aircraft missile units to protect airfields at Saigon and Danang and a force of Marines to Danang.

On Aug. 26, a memorandum by the Joint Chiefs of Staff termed "accelerated" actions against North Vietnam "essential to prevent a complete collapse of the U.S. position in Southeast Asia."

On Sept. 3, a memorandum by Assistant Secretary of Defense McNaughton said "the situation in South Vietnam is deteriorating." He proposed actions to cause "increasing apprehension" in North Vietnam and "likely at some point to provoke a military D.R.V. [North Vietnam] response" so that "the provoked response should be likely to provide good grounds for us to escalate if we wished."

The Sept. 7 "consensus" meeting was attended by President Johnson, Secretary of State Dean Rusk, Secretary of Defense McNamara, Gen. Earle G. Wheeler, Chairman of the Joint Chiefs; Ambassador Taylor, and John A. McCone, Director of Central Intelligence.

A Sept. 8 memorandum by Assistant Secretary of State William P. Bundy described "the consensus reached in discussions . . . for review and decision by the President."

PATROLS TO RESUME

It was followed by a Sept. 10 memorandum by McGeorge Bundy, adviser to the President on national security. This reported Mr. Johnson's approval of resumption of American naval patrols in the Gulf of Tonkin and resumption of South Vietnamese coastal raids against North Vietnam. The raids had been covert, but were to be admitted now.

The patrols resumed Sept. 12, and the raids in October. A covert stepup in air operations in Laos ordered by the President began Oct. 14.

On Nov. 1, a Vietcong mortar barrage struck American planes and facilities at Bienhoa airfield. President Johnson, at a White House meeting, held off on reprisals and expressed concern over possible counter-retaliation by North Vietnam or Communist China against American bases and civilian dependents.

On Nov. 24, a select committee of the National Security Council heard General Wheeler, speaking for the Joint Chiefs, argue for a hard, fast bombing campaign—as entailing "less risk of a major conflict before achieving success" than the option of gradually rising air strikes, favored by Assistant Secretaries McNaughton and Bundy.

"A LOSING GAME"

On Nov. 27, Ambassador Taylor, in a briefing, urged gradually increasing air strikes—"we are playing a losing game in South Vietnam."

On Nov. 29, there was a "draft position paper" by an interagency working group on Vietnam headed by William Bundy. It set out "first-phase actions" over 30 days to intensify South Vietnamese maritime, Laotian air and United States reconnaissance operations already under way.

Reprisal air strikes against North Vietnam by South Vietnamese forces, "supplemented as necessary by U.S. forces," were proposed to take place preferably within 24 hours of "any VC provocation."

The next phase would be "progressively more serious air strikes," as well as possible aerial mining of ports and a naval blockade.

The Pentagon study says President Johnson became "cautious and equivocal." In a White House meeting on Dec. 1, he said he wanted "new, dramatic, effective" aid from allied countries.

AIR STRIKES BEGIN

Nevertheless, on Dec. 14, Operation Barrel Roll began the 30 days of Phase I—air strikes by United States Air Force and Navy jets against infiltration routes and facilities in the Laotian panhandle.

On Jan. 6, 1965, William Bundy, in a memorandum, suggested "an early occasion for reprisal action" against North Vietnam and "possibly beginning low-level reconnaissance" at once.

"Introduction of limited U.S. ground forces into the northern area of South Vietnam," Mr. Bundy added, "still has great appeal to many of us, concurrrently with the first air attacks into the D.R.V."

The Pentagon study reported that a Jan. 27 memorandum by Mr. McNaughton, agreed to by Secretary McNamara, favored initiating air strikes against North Vietnam.

On Feb. 6, nine Americans were killed and 76 wounded in Vietcong attacks on a military advisers' compound and a helicopter base. The study said this "triggered a swift, though long-contemplated Presidential decision to give an 'appropriate and fitting' response."

Within 14 hours, 49 Navy jets raided Donghoi in North Vietnam. Next, the enemy attacked an American barracks; the President on Feb. 11 launched a heavier reprisal raid. On Feb. 13, he decided to begin Operation Rolling Thunder—the sustained air war against North Vietnam.

Johnson Decides To Use Ground Troops

President Johnson decided on April 1, 1965, to use American ground troops for offensive action in South Vietnam because the Administration quickly found that sustained bombing of North Vietnam—begun on March 2—was not going to stave off collapse in South Vietnam.

The President's decision was described in the third installment, published June 15, of The Times series on the Defense Department history.

One of 16 documents published with that installment was National Security Action Memorandum 328, dated April 6, 1965. This reported that the President had "approved an 18–20,000 man increase in U.S. military support forces to fill out existing units and supply needed logistic personnel."

Further, he approved sending ashore two Marine battalions that Gen. William C. Westmoreland, the commander in Vietnam, had asked for on March 17, adding to two Marine battalions with 3,500 men that had landed March 8 as defenders of Danang airfield.

A CHANGE OF MISSION

Mr. Johnson also approved deployment of a Marine air squadron and "a change of mission for all Marine battalions . . . to permit their more active use. . . ." He approved "urgent" efforts to get South Korean, Australian and New Zealand troops.

And he desired that "premature publicity be avoided," and the actions "should minimize any appearance of sudden changes in policy."

There was a comment in an April 2 memorandum by Mr. McCone of the Central Intelligence Agency that bombings "have not caused a change in the North Vietnamese policy of directing Vietcong insurgency, infiltrating cadres and supplying material" and "if anything, the strikes to date have hardened their attitude."

Mr. McCone warned of becoming "mired down in combat in the jungle in a military effort that we cannot win."

The March 8 landings had brought the United States force in South Vietnam to 27,000 men. In mid-March, Gen. Harold K. Johnson, the Army Chief of Staff, made two recommendations relating to a possible ground war.

One was to send a division of American troops to South Vietnam to hold coastal enclaves or to defend the Central Highlands, freeing Saigon Government forces for offensive action against the Vietcong.

The other was to establish a four-division force of American and Southeast Asia Treaty Organization troops to interdict infiltration by patrolling the demilitarized zone on the border between North and South Vietnam and the Laotian border region.

BEFORE N.S.C. MEETING

In preparation for April 1–2 National Security Council meetings, Assistant Secretary of Defense McNaughton wrote in a memorandum:

"Can the situation inside SVN be bottomed out (a) without extreme measures against the D.R.V. and/or (b) without deployment of large numbers of U.S. (and other) combat troops inside SVN? The answer is perhaps, but probably no."

General Westmoreland, in a report completed March 26 for the same strategy meeting, contended that South Vietnamese troops could not hold the line against growing Vietcong strength long enough for the bombing to become effective.

General Westmoreland asked for the equivalent of two American divisions to arrive by June, to bring strength in Vietnam up to about 70,000.

He proposed to send an Army division to "defeat" the Vietcong in the Central Highlands, and indicated that more troops might be required if bombing failed to achieve results.

On March 20, the Joint Chiefs of Staff had proposed sending two American divisions and one South Korean division for offensive combat operations.

The Joint Chiefs, the Pentagon study said, "had the qualified support" of Secretary McNamara.

A "MOBILE ROLE" SOUGHT

On April 4, Ambassador Taylor proposed "the use of Marines in a mobile counterinsurgency role in the vicinity of Danang for the improved protection of that base and also in a strike role as a reserve in support of [South Vietnamese Army] operations anywhere within 50 miles of the base." This was described as an enclave strategy.

On April 20, Secretary McNamara met General Westmoreland and other officials in Honolulu. The Pentagon study said there were 33,500 American troops then in Vietnam.

The conferees agreed that United States ground forces should be increased from 4 to 13 maneuver battalions involving 82,000 men, with 4 battalions involving 7,250 men also to be sought from Australia and South Korea.

A series of major military victories by the Vietcong in May and June led General Westmoreland to ask on June 7 for still more help—for a total of 44 battalions.

The study said that on June 13, he proposed a "search-and-destroy strategy for U.S. and third-country forces," with the "primary focus" for South Vietnamese forces to be pacification.

AUTHORITY FOR WESTMORELAND

On June 26, the study reported, General Westmoreland was given authority to commit United States forces whenever he decided they were needed "to strengthen the relative position" of Government forces.

The first major ground action by United States forces took place June 27–30, with the 173d Airborne Brigade, an Australian battalion and South Vietnamese in "a search-and-destroy operation into Vietcong base areas."

On July 17, Deputy Secretary of Defense Cyrus R. Vance said in a cablegram that President Johnson had decided to go ahead with a plan to deploy 34 battalions. On July 30, the Joint Chiefs backed deployment of 44 battalions, involving 193,887 United States soldiers.

The search-and-destroy strategy, the study commented, "left the U.S. commitment to Vietnam open-ended." As to President Johnson and Secretary McNamara, it added, "there are manifold indications that they were prepared for a long war."

U.S. and Diem's Overthrow: Step by Step

The Pentagon's secret study of the Vietnam war discloses that President Kennedy knew and approved of plans for the military coup d'état that overthrew President Ngo Dinh Diem in 1963.

"Our complicity in his overthrow heightened our responsibilities and our commitment" in Vietnam, the study finds.

In August and October of 1963, the narrative recounts, the United States gave its support to a cabal of army generals bent on removing the controversial leader whose rise to power Mr. Kennedy had backed in speeches in the middle nineteen-fifties and who had been the anchor of American policy in Vietnam for nine years.

The coup, one of the most dramatic episodes in the history of the American involvement in Vietnam, was a watershed. As the Pentagon study observes, it was a time when Washington—with the Diem regime gone—could have reconsidered its entire commitment to South Vietnam and decided to disengage.

At least two Administration officials advocated disengagement but, according to the Pentagon study, it "was never seriously considered a policy alternative because of the assumption that an independent, non-Communist SVN was too important a strategic interest to abandon."

The effect, according to this account, was that the United States, discovering after the coup that the war against the Vietcong had been going much worse than officials previously thought, felt compelled to do more—rather than less—for Saigon. By supporting the anti-Diem coup, the analyst asserts, "the U.S. inadvertently deepened its involvement. The inadvertence is the key factor."

According to the Pentagon account of the 1963 events in Saigon, Washington did not originate the anti-Diem coup, nor did American forces intervene in any way, even to try to prevent the assassinations of Mr. Diem and his brother Ngo Dinh Nhu, who, as the chief Diem political adviser, had accumulated immense power. Popular discontent with the Diem regime focused on Mr. Nhu and his wife.

But for weeks—and with the White House informed every step of the way—the American mission in Saigon maintained secret contacts with the plotting generals through one of the Central Intelligence Agency's most experienced and versatile operatives, an Indochina veteran, Lieut. Col. Lucien Conein. The colonel, who is now in retirement, first landed in Vietnam in 1944 by parachute for the Office of Strategic Services, the wartime forerunner of the C.I.A.

So trusted by the Vietnamese generals was Colonel Conein that he was in their midst at Vietnamese General Staff headquarters as they launched the coup. Indeed, on Oct. 25, a week earlier, in a cable to McGeorge Bundy, the President's special assistant for national security, Ambassador Lodge had occasion to describe Colonel Conein of the C.I.A.—referring to the agency, in code terminology, as C.A.S.—as the indispensable man:

"C.A.S. has been punctilious in carrying out my instructions. I have personally approved each meeting between General Don [one of the three main plotters] and Conein who has carried out my orders in each instance explicitly. . . .

"Conein, as you know, is a friend of some 18 years' standing with General Don, and General Don has expressed extreme reluctance to deal with anyone else. I do not believe the involvement of another American in close contact with the generals would be productive." [See text, Lodge message to Bundy, Oct. 25, Page 11.]

So closely did the C.I.A. work with the generals, official documents reveal, that it provided them with vital intelligence about the arms and encampments of pro-Diem military forces after Mr. Lodge had authorized C.I.A. participation in tactical planning of the coup.

So intimately tied to the conspiracy did the Ambassador himself become that he offered refuge to the families of the generals if their plot failed—and he obtained Washington's approval. Near the end, he also sent a message to Washington seeking authority to put up the money for bribes to win over officers still loyal to President Diem. [See text, Lodge response to Bundy, Oct. 30.]

WE MUST GO TO WIN . . .

The fear of failure—fed by bitterly conflicting advice from Ambassador Lodge and Gen. Paul D. Harkins, chief of the American Military Assistance Command in Saigon—dogged President Kennedy to the end.

In late August, with a coup by the generals expected any hour, President Kennedy sent a private message to Ambassador Lodge. Possibly thinking back to the collapse of the Bay of Pigs invasion of Cuba, he said: "I know from experience that failure is more destructive than an appearance of indecision. . . . When we go, we must go to win, but it will be better to change our minds than fail."

In his Aug. 30 cablegram, obtained by The New York Times along with the Pentagon study, the President also pledged "We will do all that we can to help you conclude this operation successfully."

On Oct. 30, after the plot had been postponed and later revived, the White House cabled Mr. Lodge with instructions to delay further any coup that did not have "a high prospect of success." But it left the ultimate judgment up to the Ambassador and asserted that once a coup "under responsible leadership" had begun, "it is in the interest of the U.S. Government that it should succeed." [See text, Bundy cable to Lodge, Oct. 30.]

The conclusions of the Pentagon study run contrary to the denial of American involvement by Ambassador Lodge in a press interview on June 29, 1964, and the impression given by the more carefully worded disavowals of American responsibility published in the memoirs of some Kennedy Administration officials.

"For the military coup d'état against Ngo Dinh Diem, the U.S. must accept its full share of responsibility," the Pentagon account asserts.

"Beginning in August of 1963 we variously authorized, sanctioned and encouraged the coup efforts of the Vietnamese generals and offered full support for a successor government. In October we cut off aid to Diem in a direct rebuff, giving a green light to the generals. We maintained clandestine contact with them throughout the planning and execution of the coup and sought to review their operational plans and proposed new government."

STEP-BY-STEP U.S. COLLUSION

The intrigues of the Vietnamese generals and of Mr. Nhu have largely been recounted before. Two added elements emerge from the Pentagon study: the step-by-step American collusion with the conspiracy, revealed previously only in shadowy outline; and the feud inside the American Government that brought it close to paralysis at decisive moments.

For if the Diem regime was a house divided against itself, so was the Kennedy Administration.

In Saigon, the two chief antagonists were Ambassador Lodge, considered even by admirers an aloof, shrewd Massachusetts Brahmin politician; and General Harkins, an affable, athletic cavalry officer who had been a protégé of the World War II tank commander, Maj. Gen. George S. Patton, 3d.

As the Pentagon study recounts it, the Ambassador quickly became a partisan of the anti-Diem plot, while General Harkins resented what he felt would be shabby treatment of President Diem. "I would suggest we try not to change horses too quickly," the general declared in a cable to Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, on Oct. 30, less than 48 hours before the coup. [See text, Harkins message to Taylor.]

"After all, rightly or wrongly, we have backed Diem for eight long hard years. To me it seems incongruous now to get him down, kick him around and get rid of him. The U.S. has been his mother superior and father confessor since he's been in office and he leaned on us heavily."

The Ambassador and the general clashed at almost every juncture on almost every major issue and their controversy reverberated at the highest levels of government in Washington.

At one point, the study relates, the two men even relayed contradictory messages to the plotters. Subsequently, Ambassador Lodge held such tight control over the conspiratorial maneuvering that General Harkins protested to Washington that he was being kept in the dark.

Ultimately, the Pentagon narrative shows, it was Mr. Lodge—a supremely self-confident ambassador, a former Republican vice-presidential nominee with independent political power, firm in his views, jealous of his ambassadorial prerogatives, intent on asserting his full authority—who exerted critical influence on the Government.

POLITICAL DECAY

Until the eruption of Buddhist demonstrations against the Diem regime in May, 1963, much of the American public was oblivious to the "political decay" in Vietnam described in the Pentagon account: the atmosphere of suspicion, the pervasive but latent disaffection with the autocratic Diem regime, the taint of corruption, the suppressed discontent in the Army.

In America, the early months of 1963 were a season of bullish public pronouncements about the war. In his State of the Union address on Jan. 14, President Kennedy declared that the "spearpoint of aggression has been blunted in Vietnam" while Adm. Harry D. Felt, commander in chief of Pacific forces, predicted victory within three years.

Although this reflected the view prevailing among policymakers, a national intelligence estimate on April 17 offered a less glowing picture. Provided that outside help to the Vietcong was not increased, the intelligence paper estimated that the guerrillas could be "contained militarily" but added that there was still no persuasive evidence that the enemy had been "grievously hurt" by the allied war efforts. Conclusion: "The situation remains fragile."

Moreover, as the Pentagon account recalls, military officers had twice tried to kill President Diem—in November, 1960, and again in February, 1962. Deeply distrustful of the army, the South Vietnamese President had placed loyal favorites in sensitive posts commanding troops around Saigon, established a trusted network of military chiefs in all provinces and stripped potential challengers and malcontents of troop commands.

U.S. SOMEWHAT ON THE DEFENSIVE

Over the years, secret intelligence reports had told of the corrosive effect of such methods on military morale. Periodically, they also described the gulf between the mandarin ruler and the apathetic peasantry, or the alienation of an urban middle class resentful of overbearing political controls and of its lack of real political voice.

At times even Washington felt exasperated with its chosen ally for failing to strive for greater popular allegiance through political, military and economic reforms. But the United States had become accustomed to having President Diem reject its advice and, early in 1963, found itself somewhat on the defensive before his complaint that there were too many prying Americans roaming his land.

"As the U.S. commitment and involvement deepened," the Pentagon chronicle relates, "frictions between American advisers and Vietnamese counterparts at all levels increased. Diem, under the influence of Nhu, complained about the quantity and zeal of U.S. advisers. They were creating a colonial impression among the people, he said."

Despite such frictions, the Kennedy Administration was content to continue the general policy that, the Pentagon analyst observes, was aptly captured in a journalistic aphorism: "Sink or swim with Ngo Dinh Diem."

As the Pentagon study recounts the 1963 political crisis, the spark of revolt was struck in the central Vietnamese city of Hue on May 8, when Government troops fired into a crowd of Buddhists displaying religious banners in defiance of a Government decree. Nine persons were killed and 14 injured, when they were crushed by armored vehicles.

The regime blamed a Vietcong provocateur. The Buddhists demanded that the Government admit it was the guilty party and pay indemnities to families of the victims. President Diem refused and, despite superficial compromises, the deadlock was never broken. The two sides slid into a series of increasingly violent confrontations.

The Buddhist protests—mass demonstration and the immolations of yellow-robed monks—were met by police truncheons and growing arrests. Mrs. Nhu, the bachelor President's outspoken sister-in-law, angered the opposition by ridiculing the fiery Buddhist suicides as "barbecues." There was an outcry of shock abroad, especially in America, which brought the Kennedy Administration under strong public criticism for the United States' policy of backing President Diem.

LIGHTNING ROD FOR FRUSTRATIONS

The original May incident was hardly enough to shake the foundations of power. The Pentagon account blames the regime's mandarin rigidity for fueling the crisis. The Buddhist protests became a lightning rod for accumulated political frustrations. For the first time, the protests exposed the American public to the depth of Vietnamese disaffection with the Government.

By early July C.I.A. agents were tipped off to two rapidly developing coup plots. And a special national intelligence estimate on July 10 forecast that unless President Diem satisfied the Buddhists, "disorders will probably flare again and the chances of a coup or assassination attempts against him will become better than ever." [See text, intelligence estimate 53-2-63.]

The very next day, Mr. Nhu daringly faced down some senior generals and the plotting subsided temporarily.

Throughout May and June the United States Embassy tried to prod President Diem into meeting Buddhist demands by alternately soft and hard tactics. Ambassador Frederick E. Nolting, a soft-spoken Virginian who, the Pentagon narrative notes, considered it his duty to get along with President Diem, tried gentle persuasion. When he left on vacation, his deputy, William C. Truehart, took a tougher line, warning Mr. Diem on June 12 that unless the Buddhist crisis was solved, the United States would be forced to dissociate itself from him.

Cutting short his vacation, Ambassador Nolting rushed to Washington early in July to urge the Administration not to abandon President Diem yet, arguing that his overthrow would plunge Vietnam into religious civil war. Although President Kennedy had already decided to send Mr. Lodge to Saigon as Ambassaor late in August, he granted Mr. Nolting a last chance to try to talk President Diem into conciliating the Buddhists.

The Pentagon study relates that on Aug. 14, the eve of his departure, Ambassador Nolting extracted such a promise. As a final gesture to the departing American envoy, President Diem gave a press interview on Aug. 15 saying that conciliation had always been his policy toward the Buddhists and, contradicting Mrs. Nhu's earlier criticism, asserted that

his family was pleased with the Lodge appointment.

SHOCK FOR WASHINGTON

Six days later the dam broke. South Vietnamese Special Forces troops in white helmets carried out midnight raids against Buddhist pagodas throughout the country. More than 1,400 people, mostly monks, were arrested and many of them beaten. Two days later, the army generals conspiring against President Diem first sought official American support.

The pagoda raids stunned Washington.

"In their brutality and their blunt repudiation of Diem's solemn word to Nolting, they were a direct, impudent slap in the face for the U.S.," the narrative asserts. "For better or worses, the Aug. 21 pagoda raids decided the issue for us."

American officials found them particularly galling because the raiding parties were led by Vietnamese Special Forces, which were largely financed by the C.I.A. for covert war operations, but which had in effect become the private army of Mr. Nhu.

The Pentagon account describes how Mr. Nhu had telephone lines to the United States Embassy cut to keep American officials ignorant and how he fooled them into believing the army had carried out the crackdown.

Becaues the army had declared martial law the day before and because some of those raiding parties wore borrowed paratroop uniforms, the embassy initially put the blame on Saigon's army in reporting to Washington.

Actually, the study explains, Mr. Nhu had bypassed the regular army chain of command and had ordered the raids personally. This version does not make it clear whether President Diem had approved in advance or merely accepted after the fact.

DENOUNCED IN TWO CAPITALS

Both in Washington and Saigon, the United States denounced the raids and dissociated itself from such repressive policies. Mr. Lodge in Honolulu for final briefings, was told to fly at once to Saigon where he landed on the morning of Aug. 22. Significantly, the next section of the Pentagon narrative is entitled "Lodge vs. Diem."

What the study terms the "first requests for support" came from the acting chief of staff of the armed forces, Maj. Gen. Tran Van Don, a French-trained Vietnamese aristocrat, and one of his deputies, Maj. Gen. Le Van Kim, reputed to be the real brains behind the coup. Despite their high positions, neither general had direct command over troops because Mr. Nhu had become suspicious of them.

Drawing on a C.I.A. information report, the study recounts that on Aug. 23, General Don told an American agent that the Voice of America should retract its broadcasts blaming the army for the pagoda raids and put out an accurate version in order to help the army. It was time, he said, for the United States to make its position known on internal Vietnamese affairs.

General Kim was more explicit. The pagoda raids, he told another agent, showed the lengths to which Mr. Nhu would go, and a firm American stand now in favor of his removal would unify the army and permit it to take action against both Mr. Nhu and his wife.

Significantly, the embassy reported that high civilian officials were also telling American diplomats that the Nhus' removal was vital. Nguyen Dinh Thuan, President Diem's Defense Minister, gave the blunt advice that "under no circumstances should the United States acquiesce in what the Nhus had done." Foreign Minister Vu Van Mau resigned and shaved his head like a Buddhist monk in protest.

Less than 48 hours after his arrival in Saigon, Ambassador Lodge cabled the State Department to report the coup feelers but cautioned that the most pivotal commanders around Saigon were still loyal to the Ngo brothers. Other officers' loyalties were unknown. Those circumstances, Mr. Lodge reckoned, would make American support of a coup d'état a "shot in the dark."

INITIAL U.S. SANCTION FOR COUP

His message reached Washington Saturday morning, Aug. 24, setting off what became one of the most controversial actions in the Kennedy Administration. The State Department, over the signature of Acting Secretary George W. Ball, sent Ambassador Lodge a reply that served as the initial American sanction for the coup.

It began by saying that the United States could not tolerate the powerful role of Mr. Nhu and his wife any longer. The key passage went on to declare in the stuttering language of cables:

"We wish give Diem reasonable opportunity to remove Nhus, but if he remains obdurate, then we are prepared to accept the obvious implications that we can no longer support Diem. You may also tell appropriate military commanders we will give them direct support in any interim period of breakdown central government mechanism." [See text, Washington message to Lodge, Aug. 24.]

Moreover, the message gave Ambassador Lodge broad leeway on how to proceed and pledged to "back you to the hilt on actions you take to achieve our objectives."

This crucial message also cleared the way for public retractions of the earlier Voice of America broadcasts and instructed Mr. Lodge to pass the word that Washington could not provide further military and economic support to South Vietnam unless "prompt dramatic actions" were taken to release the jailed Buddhists and fulfill their demands.

The Pentagon study, drawing upon Roger Hilsman's book "To Move a Nation," published in 1964, explains that the controversial message was drafted by Mr. Hilsman, Assistant Secretary of State; W. Averell Harriman, Under Secretary of State for Political Affairs; Michael V. Forrestal, White House specialist on Vietnam and Southeast Asia, and Mr. Ball. The prime movers were said to be Mr. Hilsman and Mr. Harriman.

The necessary top-level approval of the cablegram was complicated by the fact that President Kennedy was in Hyannisport, Mass., for the weekend, Secretary of State Dean Rusk was in New York and Secretary of Defense Robert S. McNamara and John A. McCone, Director of Central Intelligence, were on vacation.

REVISIONS ON THE TELEPHONE

According to the Hilsman account, both the President and Mr. Rusk were furnished early drafts of the cable and, through several telephone conversations, participated in revising the message before it was sent. Roswell L. Gilpatric, Acting Secretary of Defense, approved it for the civilian side of the Pentagon. Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, was given a belated check by telephone while out to dinner and, upon being told the President had approved the message, accepted on behalf of the military.

The Pentagon study reports that on Monday, when all the principal officers of government returned to Washington, several, especially General Taylor, had second thoughts. But by then it was too late.

In Saigon, the State Department's message had set a new chain of events in motion. The cablegram arrived in Saigon at midday Sunday, Aug. 25, and according to the Pentagon account, Ambassador Lodge immediately summoned General Harkins and John H. Richardson, the C.I.A. station chief. After their strategy session, Mr. Lodge urgently cabled the State Department, proposing a change in tactics:

"Believe that chances of Diem's meeting our demands are virtually nil. At same time, by making them we give Nhu chance to forestall or block action by military. Risk, we believe, is not worth taking, with Nhu in control combat forces Saigon.

"Therefore, propose we go straight to generals with our demands, without informing Diem. Would tell them we prepared have Diem without Nhus but it is in effect up to them whether we keep him. Would insist generals take steps to release Buddhist leaders and carry out June 16 agreement. Request immediate modification instructions." [See text, Lodge reply to Washington, Aug.

The Ambassador said that General Harkins concurred, and a separate report from Mr. Richardson to C.I.A. headquarters fully endorsed Mr. Lodge's approach.

The immediate reply, obtained by The New York Times though not cited in the Pentagon narrative, was from Mr. Hilsman and Mr. Ball: "Agree to modification proposed."

It is not known whether this was cleared with President Kennedy and other senior officials, but under normal bureaucratic practice Mr. Hilsman would have initiated it.

KEEPING AWAY FROM THE GENERALS

When that cable reached Saigon, the Pentagon account reports, Mr. Lodge called another strategy session Monday morning. His inner circle decided that the "American official hand should not show," meaning that General Harkins would not talk to the generals. The contact men would be Colonel Conein, an old acquaintance of several of the generals, and another C.I.A. officer; the second agent's contacts petered out eventually.

The C.I.A. men were not only to tell the generals the gist of Washington's Aug. 24 message but also, as Mr. Richardson advised headquarters on Aug. 26, to convey the following message: "We cannot be of any help during initial action of assuming power of the state. Entirely their own action, win or lose. Don't expect to be bailed out." The plotters, moreover, were to be informed that the United States "hoped bloodshed can be avoided or reduced to absolute minimum." [See text, C.I.A. aide's cable.]

In Washington on that same Monday, President Kennedy, informed of the misgivings of General Taylor and others, called together the National Security Council.

The Pentagon study, with very limtied direct access to written records of Council meetings and none for these crucial days, accepts the Hilsman book's recollection that the principal doubters were Secretary McNamara, Mr. McCone and General Taylor, opposed by the senior State Department officials.

The Council met again on Tuesday. The Hilsman book reports that at that session Mr. Nolting, the former Ambassador, was doubtful that President Diem could be separated from his brother, as the Pentagon leaders proposed, but he also spoke with prophetic doubt about the capacity of the generals to lead the country.

The upshot, the Pentagon study continues, was that Saigon was asked on Aug. 27 to give more details about the plot and to assess the effect of delaying the coup.

This opened the breach between Ambassador Lodge and General Harkins, in turn worsening the rift in Washington.

LEADER OF PLOT IDENTIFIED

The documentary record indicates that Washington's message reached Saigon after the two C.I.A. agents had made separate contacts with two additional members of the army cabal to convey the American position. Significantly, they learned that the plot leader was Lieut. Gen. Duong Van Minh, military adviser to the Presidency, a good combat commander and the general with the strongest following among the officer corps.

His supporters included not only Generals Don and Kim but also Maj. Gen. Tran Thien Khiem, executive officer of the Joint General Staff; Maj. Gen. Nguyen Khanh, commander of the II Corps region stretching northward from Saigon, and Col. Nguyen Van Thieu, commander of the Fifth Division just north of the capital. But Saigon itself and the Mekong Delta to the south were in the hands of supporters of President Diem.

From this balance of forces, the Pentagon study recounts, Ambassador Lodge sized up the coup's prospects favorably, arguing that "chances of success would be diminished by delay."

General Harkins sent a separate message that he saw no clear-cut advantage for the coup plotters and no reason for "crash approval" of the plot. He doubted that the coup would be launched until the United States gave the word. His cablegram pledged full support to the Ambassador in carrying out the earlier instructions but, the analyst notes, it cryptically implied that his earlier concurrence had "been volunteered," evidently meaning that Mr. Lodge had overstated his views. But the incident is left unexplained.

A third message from Mr. Richardson, the C.I.A. chief, backed Ambassador Lodge. "Situation here has reached point of no return," he told the agency's headquarters. "Saigon is armed camp. Current indications are the Ngo family have dug in for last ditch battle. There may be widespread fighting in Saigon and serious loss of life." [See text, C.I.A. station chief's cable, Aug. 28.]

But Mr. Richardson warned that even if the Ngo brothers prevailed, "They and Vietnam will stagger on to final defeat at the hands of their own people and the VC."

Meanwhile, the Vietnamese generals, accustomed over the years to being warned by Americans not to engage in conspiracies against their own government, were having their own worries about the Americans.

CLEAR SIGN OF SUPPORT SOUGHT

On Aug. 29, the Pentagon study says, General Minh himself met Colonel Conein and asked for clear evidence that the United States would not betray the conspiracy to Mr. Nhu. As a clear sign of American support, he asked that Washington suspend economic aid to the Diem regime.

A second general made another check with the result that, according to the Pentagon study, the Ambassador authorized the C.I.A. to "assist in tactical planning" of the coup d'état. A subsequent C.I.A. message on Oct. 5, discloses that in August the American agents provided the coup organizers with sensitive information including a detailed plan and an armaments inventory for Camp Longthanh, a secret installation of the loyalist Special Forces commanded by Col. Le Quang Tung.

The Americans in Saigon were well ahead of the policy makers in Washington. The top-level debate there, the Pentagon study relates, had become so heated and testy that President Kennedy personally cabled Ambassador Lodge and General Harkins asking each man again for his "independent judgment."

The Ambassador's reply to the President was an ardent case for the coup:

"We are launched on a course from which there is no respectable turning back: the overthrow of the Diem Government. There is no turning back in part because U.S. prestige is already publicly committed to this end in large measure and will become more so as facts leak out. In a more fundamental sense, there is no turning back because there is no possibility, in my view, that the war can be won under a Diem administration. . . ." [See text, Lodge cable to Rusk, Aug. 29.]

Rejecting the idea of seeing President Diem, Mr. Lodge suggested instead that General Harkins be authorized personally to repeat earlier C.I.A. messages to the generals to ease their doubts. If that proved inadequate, the Ambassador wanted to suspend American aid as General Minh had requested.

HARKINS STUCK TO HIS GUNS

The study recounts that General Harkins, for his part, stuck to his position that there was still time, without endangering the plotters, for a final approach to President Diem with an ultimatum to drop Mr. Nhu.

With tension high in both Saigon and Washington, the National Security Council held a climactic meeting on Aug. 29. A State Department message to Saigon that night indicated that President Kennedy leaned more on Ambassador Lodge's advice than on General Harkins'. [See text, Rusk cable to Lodge.]

The N.S.C., the cablegram said, had "reaffirmed basic course" and, specifically authorized General Harkins to repeat earlier C.I.A. messages to the plotters. It told him to stress American support for the move "to eliminate the Nhus from the government" but it did not mention President Diem one way or the other.

Nonetheless, it reflected the prevailing acceptance of Ambassador Lodge's view that there was no turning back. "The U.S.G. will support a coup which has good chance of succeeding but plans no direct involvement of U.S. armed forces," it said. "Harkins should state that he is prepared to establish liaison with the coup planners and to review their plans, but will not engage directly in joint coup planning."

Moreover, the message authorized Mr. Lodge "to announce suspension of aid" to the Diem regime whenever and however he chose. But with an eye to the Administration's public image, it cautioned him to "manage" such an announcement so as to "minimize appearance of collusion" with the generals.

The State Department cablegram explained that the question of a "last approach" to President Diem—advocated by General Harkins—"remains undecided." Secretary Rusk, possibly reflecting some personal doubts, raised this issue in a separate message to Mr. Lodge. But the Ambassador rejected the idea out of hand.

At this point Mr. Kennedy sent his totally private message to Ambassador Lodge. The President said he had given his "full support" to the earlier message and promised that Washington would do everything possible "to help you conclude this operation successfully."

WAY KEPT OPEN FOR A REVERSAL

He asked the Ambassador to provide him with a running assessment of the coup's prospects right up to the "go signal" to permit him to "reverse previous instructions," if necessary.

The Ambassador's brief reply, on Aug. 30, acknowledged the President's right to change directions but warned him that, since "the operation" had to be Vietnamese-run, the American President might not be able to control it.

As matters turned out, Washington's agonizing had been to no avail. For, according to the study, General Harkins's first direct contact with the conspirators brought news that General Minh had called off the coup for the time being, fearing a bloody standoff in Saigon.

According to the Pentagon account, General Harkins was also told that Mr. Richardson's careful cultivation of Mr. Nhu had aroused suspicions among the generals that the C.I.A. chief might be undercutting them and that the President's brother was on the C.I.A. payroll. Later this would become an important issue and would lead to Mr. Richardson's replacement.

But on Aug. 31, Ambassador Lodge reported to Washington the collapse of the conspiracy and the end of the coup phase. He told Secretary Rusk—who had worried in a cable only the day before about the lack of "bone and muscle" among the conspirators—that there was "neither the will nor the organization among the generals to accomplish anything."

Mr. Lodge also reported hearing that Mr. Nhu was secretly dealing with Hanoi and the Vietcong through the French and Polish ambassadors, both of whose governments favored a neutralist solution between North and South Vietnam.

Washington was in a quandry. It had finally taken the risk of seeking an alternative to the Diem regime only to see the attempt dissolve. As the Pentagon narrative says: "The U.S. found itself at the end of August, 1963, without a policy and with most of its bridges burned."

The members of the National Security Council—minus the President—held a "where do we go from here?" meeting on Aug. 31. That session was revealing, the author comments, because of the "rambling inability to focus on the problem"—the sense of an administration adrift.

The most controversial position was advanced by Paul M. Kattenburg, a 39-year-old diplomat who headed the Vietnam Interdepartmental Working Group. He proposed disengagement—thereby, according to the Pentagon version, becoming the first official on record in a high-level Vietnam policy meeting to pursue to its logical conclusion the analysis that the war effort was irretrievable, either with or without President Diem.

Until he spoke, the trend of the discussion seemed to favor reluctantly sliding back toward some workable relationship with the Diem regime since there seemed no alternative. Secretary Rusk commented that it was "unrealistic" to insist that Mr. Nhu "must go" and Secretary McNamara pushed for reopening high-level contact with the Presidential Palace. [See text, memo on Washington meeting, Aug. 31.]

RUSK'S TWO-POINT POLICY

In rebuttal, Assistant Secretary of State Hilsman reminded the group of the crippling malaise within the Vietnamese Government and the impact on the American image and policy elsewhere if Washington acquiesced "to a strong Nhu-dominated government."

According to the minutes of the meeting, Mr. Kattenburg pushed this argument a step further by asserting that if the United States tried to "live with" the Diem regime, it would be "thrown out of the country in six months." In the next six months to a year, he argued the war effort would go steadily downhill to the point where the Vietnamese people "will gradually go to the other side and we will be obliged to leave."

His analysis was immediately dismissed by Vice President Johnson, Secretary Rusk and Secretary McNamara. Mr. Rusk was reported in the minutes as insisting that American policy be based on two points—"that we will not pull out of Vietnam until the war is won, and that we will not run a coup." Mr. McNamara endorsed this view.

Vice President Johnson said he agreed completely, reportedly declaring that "we should stop playing cops and robbers and get back to talking straight to the [Saigon Government] . . . and once again go about winning the war."

It was more easily said than done. As the Pentagon study recounts, the Kennedy Administration passed through the next five weeks without any real policy but with three general notions in mind: first, the compulsion to send special missions to reassess the situation in Vietnam; second, the attempt to coerce the Diem regime into moderation through economic and propaganda pressures; and third, Ambassador Lodge's efforts to persuade to the Nhus to leave the country while giving the cold shoulder to President Diem.

President Kennedy, in a television interview Sept. 2, applied his personal pressure on the Diem regime for the first time. The South Vietnamese Government, he said, would have to "take steps to bring back popular support" after the Buddhist repressions, otherwise the war could not be won. Success was possible, he said "with changes in policy and perhaps with personnel." But he did not specify whom he meant.

At another inconclusive National Security Council meeting four days later, Attorney General Robert F. Kennedy returned to the question of disengagement. The Pentagon account reports him as reasoning that if the war was unwinnable by any foreseeable South Vietnamese regime, it was time to get out of Vietnam. But, if the Diem regime was the obstacle, he contended, then Ambassador Lodge should be given the power to bring about the necessary changes.

But the Administration's immediate response to its dilemma was—at Secretary McNamara's suggestion—to send a fact-finding mission to Vietnam for a fresh look: Maj. Gen. Victor H. Krulak, the Pentagon's top-ranking expert in counterguerrilla warfare, and Joseph A. Mendenhall, the former political counsellor in the Saigon Embassy.

WAS IT THE SAME COUNTRY?

The two men came back after an exhausting four-day tour with such diametrically opposed assessments that President Kennedy was moved to ask, "You two did visit the same country, didn't you?"

Dissatisfied, President Kennedy dispatched Secretary McNamara and General Taylor on a new fact-finding mission on Sept. 23. They met with President Diem on Sept. 29 and although Mr. McNamara had the authority to press the South Vietnamese ruler to remove his brother from power, he did not raise the issue. No explanation is given for this significant omission.

The Pentagon analyst comments that the report of their mission, submitted on Oct. 2, tried to bridge the Lodge-Harkins gap, and in the process reflected for the first time serious doubts in Mr. McNamara's mind.

The military assessment—which the Secretary of Defense radically revised in retrospect after the successful Nov. 1 coup—was generally optimistic. It reported "great progress" in the last year with no ill effects on the conduct of the war from the prolonged political crisis, and asserted that the "bulk" of American troops could be withdrawn by the end of 1965. The two men proposed and—with the President's approval—announced that 1,000 Americans would be pulled out by the end of 1963. [See text, McNamara-Taylor report, Oct. 2.]

Their political analysis found discontent with the Diem-Nhu regime a "seething problem" that could boil over at any time. Unaware of the revived plotting, they discounted prospects for an early coup on grounds that the generals appeared to have "little stomach" for it and proposed that in the meantime, "we should work with the Diem regime but not support it." The study notes that they recommended a series of economic pressures, including an aid cutoff, without indicating whether they remembered that this was the "go" signal that the generals had previously requested.

The Kennedy Administration was already engaged in a presure campaign that, whatever its intent, was bound to encourage the army generals to try again, as the narrative notes.

AT THE LEAST, A VACATION

The President's televised remark on the need for possible changes in personnel was the first shot. Next, on Sept. 14, Washington informed the embassy that it was deferring decisions on an $18.5-million program to finance commercial imports to South Vietnam. Three days later the White House instructed Ambassador Lodge to make new efforts to achieve a "visible reduction" in the influence of the Nhus—preferably by arranging their departure from Vietnam "at least for an extended vacation." [See text, White House cable to Lodge, Sept. 17.]

It gave him broad authority to use aid as leverage in this venture, "bearing in mind that it is not our current policy to cut off aid entirely." In particular, it was suggested, Mr. Lodge might want to limit or reroute aid now going "to or through Nhu" or his collaborators. It also urged him—without ordering him—to resume contact with President Diem. But Mr. Lodge demurred.

Washington's high-level messages to the Ambassador throughout the fall of 1963 are notable for the unusual deference they show him. President Kennedy himself proceeded with delicacy on those rare occasions when he overruled the Ambassador. Once, in a personal cablegram to Mr. Lodge in mid-September, he commented that, as the son of a former Ambassador, "I am well trained in the importance of protecting the effectiveness of the man-on-the-spot." The record shows that the President understood, too, how firm and explicit he had to be to overrule the Ambassador—and, significantly, he did not do so in the final days before the coup.

Highlights of the Period

The Kennedy Administration's "complicity" in the 1963 overthrow of President Ngo Dinh Diem is documented in the Pentagon study, which says that this episode "inadvertently deepened" United States involvement in the Vietnam conflict.

Here, in chronological order, are highlights of this period:

MAY–JUNE 1963

Buddhist protests against Diem Government flare into violence after Government troops attack demonstrators in Hue. Crisis worsens as confrontations become focus for widespread political disaffection with Diem's regime and Ngo Dinh Nhu, his brother.

AUGUST 1963

Saigon regime, violating pledge to U.S. that it will seek to conciliate Buddhists, stages midnight raids on Buddhist pagodas. Many arrests and beatings.

First request for U.S. support of coup plot made to C.I.A. agent.

George W. Ball, Acting Secretary of State, tells Henry Cabot Lodge, new U.S. Ambassador, that Diem must "remove" Nhus or "we can no longer support Diem." Says "appropriate military commanders" can be pledged "direct support in any interim period of breakdown central government mechanism." Authorizes Ambassador to threaten aid cut-off unless jailed Buddhists are released.

Lodge replies chances of "Diem's meeting our demands are virtually nil." Says "by making them, we give Nhu chance to forestall" coup. Suggests "we go straight to generals with our demands."

C.I.A. agents make contact with two plotters.

Col. Lucien Conein, a top C.I.A. agent, meets with Lieut. Gen. Duong Van Minh, plot leader. Minh asks U.S. to suspend economic aid to Diem regime as signal of support. It is indicated that C.I.A. gave plotters sensitive information about loyalist forces.

Lodge, replying to query from President Kennedy, says "U.S. prestige" is publicly committed; "there is no turning back. . . ."

National Security Council meeting "reaffirmed basic course." U.S. "will support a coup which has a good chance of succeeding." Gen. Paul D. Harkins, U.S. military commander, Saigon, told to state "he is prepared to establish liaison" with plotters. Lodge authorized to "announce suspension of aid" at will.

Private Kennedy message to Lodge pledges "everything possible to help you conclude this operation successfully," but asks continuing reports to allow possible "reverse" signal. Says "we must go to win, but it will be better to change our minds than fail."

Ambassador reports breakdown in conspiracy.

National Security Council meets. Paul M. Kattenburg, head of Vietnam Interdepartmental Working Group, urges U.S. disengagement. Secretary of State Dean Rusk says U.S. will not pull out "until the war is won," and "will not run a coup."

OCTOBER 1963

Robert S. McNamara, Secretary of Defense, and Gen. Maxwell D. Taylor, Chairman of Joint Chiefs, propose after Diem meeting that U.S. "work with the Diem regime but not support it." Urge economic pressure.

Conein, and other C.I.A. agents renew contact with Minh and other plotters. Lodge urges assurances U.S. will not "thwart" coup.

President accepts McNamara-Taylor proposals, series of economic cut-offs. Study says this "leaves ambiguous" question whether aid suspension is meant as "green light for coup."

Aid cut-offs start.

White House messages to Ambassador stress "surveillance and readiness," not "active promotion" of coup. Study says they stress desire for "plausibility of denial" of U.S. involvement.

Coup canceled. Leader cites Harkins's attitude as reason. Harkins denies "trying to thwart" coup but "would not discuss coups that were not my business."

Doubts about coup revived in Washington, study says. White House wants "option of judging and warning on any plan with poor prospects of success."

Lodge opposes any move to "pour cold water" on plot.

Lodge and Diem have "fruitless, frustrating" meeting. Ambassador says Diem "gave me a blank look and changed the subject" when asked for "some one thing" to "favorably impress" U.S. opinion.

White House tells Lodge to "discourage" plot if quick success is unlikely. Lodge replies U.S. is unable to "delay or discourage a coup."

NOVEMBER 1963

Coup proceeds on schedule. Diem, on telephone with Lodge, asks "attitude of the U.S." Lodge replies he is not "well enough informed" to say, tells him: "If I can do anything for your personal safety, please call me."

Pentagon study says Diem finally accepts Generals' offer of safe-conduct out of country; he and brother are shot to death by armored units.

Death Knell for Diem

In October, the tempo of events quickened. In Saigon on Oct. 2, the analyst writes, Colonel Conein "accidentally" ran into General Don, who proposed a date that evening in Nhatrang. That night, the C.I.A. man learned that the conspiracy was on the tracks again and that General Minh, its leader, wanted to discuss the details. Ambassador Lodge approved the meeting.

Oct. 5 was a fateful day both in Saigon and in Washington. For the first time in weeks, another Buddhist monk burned himself to death in the central marketplace in Saigon. Mr. Richardson, the C.I.A. chief whose links to Mr. Nhu had aroused suspicions among the Army generals, left South Vietnam after what are described as behind-the-scenes efforts by Ambassador Lodge to have him transferred. And President Kennedy took far-reaching decisions to apply major economic sanctions against the Diem regime.

At 8:30 A.M. that same day Colonel Conein went to General Minh's headquarters for a 70-minute meeting. According to the C.I.A. account of the meeting, the two men talked in French. The South Vietnamese general, nicknamed Big Minh by his colleagues because of his burly build, disclaimed any personal political ambition.

But he said that the army commanders felt the war would be lost unless the government was changed soon and that he "must know" the American Government's position on a change of regime "within the very near future." The general said he did not expect "any specific American support" for the coup d'état but did need assurances that the Americans would not block it. He did not press for an on-the-spot commitment, but asked for another date with Colonel Conein.

LODGE SUGGESTS CAUTION

General Minh outlined several possible tactics. The two main ones called for retaining President Diem but assassinating his two powerful and feared brothers Mr. Nhu and Ngo Dinh Can, the regime's proconsul in Central Vietnam; or, a head-on military battle for control of Saigon and the government against roughly 5,500 loyalist troops in the capital.

Because of the abortive plot in August, Ambassador Lodge reacted warily. In a special message to Secretary Rusk, he commented that neither he nor General Harkins had "great faith in Big Minh." [See text, further Lodge comments to Rusk, Oct. 5.] Nonetheless, he recommended giving the generals assurance that the United States would not "thwart" their coup, that it would review their plans—"other than assassination plans"—and that it would continue aid to any future government that gave promise of gaining popular support and winning the war. He said General Harkins concurred in these recommendations.

In Washington, too, events were gaining momentum. On Oct. 2, President Kennedy had received the recommendations of the McNamara-Taylor mission (drafted before the new Saigon contracts) urging tight new pressures on the regime in the hopes of gaining some reforms and simultaneously advocating covert contacts with "possible alternative leadership" without actively promoting a coup.

The President accepted all the report's proposals. According to the Pentagon account, he specifically authorized suspension of economic subsidies for South Vietnam's commercial imports, a freeze on loans to enable Saigon to build a waterworks and an electric-power plant for the capital region, and, significantly, a cut-off of financial support for the Vietnamese Special Forces—controlled by Mr. Nhu—unless they were put under the Joint General Staff, headed by the plotting generals.

There were to be no public announcements, and the various steps were to be unrolled consecutively at Mr. Lodge's discretion. But in a city as keyed-up and alert to every nuance in American policy as Saigon, the Pentagon study notes, these steps were bound to be read in many quarters as the death knell for the Diem regime. Only a month before, he recalls, the cut-offs had been discussed—and approved—as a signal of American support to the generals, if necessary.

The analyst comments that the documentary record in early October "leaves ambiguous" whether the White House intended the air suspensions to be a "green light" for the coup. But he says that they were interpreted that way by the generals. The Diem regime reacted furiously. Its press outlets publicized the freeze on import subsidies on Oct. 7 and accused Washington of sabotaging the war effort.

"SURVEILLANCE AND READINESS"

In a White House message—sent on Oct. 5 through C.I.A. channels for tight security within the American Government—Washington gave Ambassador Lodge careful coaching. It instructed him that "no initiative should now be taken to give any active covert encouragement to a coup." But he was to organize an "urgent covert effort . . . to identify and build up contacts with possible alternative leadership as and when it appears." [See text, Kennedy position.]

The Washington message emphasized that the objective should be "surveillance and readiness" rather than "active promotion of a coup." It told Mr. Lodge that "you alone" should manage the operation, through the C.I.A., chief in Saigon.

These instructions were transmitted before Washington had received the report of the Minh-Conein contact, the Pentagon study observes. For, on the very next day, with time to digest that report, Washington took a considerably more flexible approach.

The C.I.A. relayed new White House instructions on Oct. 6. In a passage that Ambassador Lodge interpreted as signaling a desire for a change of regime—though General Harkins later disputed him vigorously on this point—Washington said that while it did not wish to "stimulate" a coup, it also did not "to leave the impression that the U.S. would thwart a change of government." Nor would it withhold aid from a new regime. [See text, Washington cable to Lodge.]

In view of General Minh's modest request for American acquiescence, the generals could interpret this as a go-ahead.

The Oct. 6 message also ordered the C.I.A. man to obtain "detailed information" to help Washington assess the plot's chances. Yet it cautioned against "being drawn into reviewing or advising on operational plans or other actions" that might eventually "tend to identify U.S. too closely" with a coup. In the language of the Oct. 5 cable, Washington wanted to preserve "plausibility of denial."

The new American position was conveyed to General Minh by his C.I.A. contact about Oct. 10.

On Oct. 18, with the cut-off of commerical import subsidies already causing financial scares in Saigon, the Pentagon study reports that General Harkins informed President Diem that American funds were being cut off from the Special Forces. The narrative notes that by then, the coup plans were well advanced and the American move against what amounted to a Presidential Palace guard was an obvious spur to the conspirators.

TEMPO OF ATTACKS WAS RISING

By mid-October the Administration was hearing very disturbing intelligence estimates on the war. On Oct. 19 the C.I.A. reported that the tempo of Vietcong attacks was rising, Government troops "missing in action" were increasing and other military indicators were "turning sour," as the Pentagon account puts it. In a controversial report on Oct. 22, the State Department's Bureau of Intelligence and Research contested the military optimism of recent months. It concluded that there had been "an unfavorable shift in the military balance" since July and that the Government would have been in trouble even without the Buddhist crisis.

Against this background, the conspiracy in Saigon hit a snag.

The narrative recounts that General Don, in a state of agitation, told Colonel Conein on Oct. 23 that the coup had been scheduled for Oct. 26—and then called off because General Harkins had discouraged it on Oct. 22. General Don's account was that General Harkins complained to him that a Vietnamese colonel had discussed the coup plans with an American officer, asking for support—all without sanction from the senior generals.

General Harkins, he said, had insisted that American officers should not be approached about a coup because it distracted them from the war. He implied that General Harkins might have leaked word of the plot to the palace. He demanded reassurance of American support—and got it from Colonel Conein.

The Pentagon study quotes a message from Ambassador Lodge on Oct. 23 saying that he had talked with General Harkins who said he had misunderstood Washington's policy guidance. The Ambassador quoted the general as saying he hoped he had not upset the delicate arrangements and would tell General Don that his previous remarks did not reflect American policy. That very night, the Pentagon version says, General Harkins saw General Don to retract his earlier statements.

On Oct. 24, however, in a message to General Taylor, the Chairman of the Joint Chiefs, General Harkins disputed Mr. Lodge's version of the events. He denied having violated Washington's policy guidance, saying he had merely rebuffed General Don's suggestion that they meet again to discuss coup plans.

"I told Don that I would not discuss coups that were not my business though I had heard rumors of many," General Harkins told Washington. Insisting that he was "not trying to thwart a change in government," he did, however, voice the prophetic fear that if the Diem regime was toppled, its fall might touch off factional warfare within the army that would eventually "interfere with the war effort."

"AVOID ANY INVOLVEMENT"

General Taylor's immediate reply was: "View here is that your actions in disengaging from the coup discussions were correct and that you should continue to avoid any involvement." This evidently reflected Washington's earlier instructions that Mr. Lodge alone should manage the coup contacts through the C.I.A.

The incident once again opened the breach between the Ambassador and the general. It underscored not only their differences in views but also, the Pentagon analyst says, their total lack of coordination.

Moreover, it deepened the Vietnamese generals' suspicion of General Harkins, whom they had always mistrusted because of his closeness to President Diem. Not only did they subsequently refuse to talk to him about the coup out of fear of leaks to the palace, the account says, but they consistently refused to show any Americans their detailed plans despite repeated promises to do so—a point that bedeviled Washington.

Nonetheless, Colonel Conein's reassurances had sufficiently emboldened them that, according to a C.I.A. information report, they passed the word to Ambassador Lodge on Oct. 24 that the coup would occur before Nov. 2. President Diem also chose Oct. 24 finally to break the ice with Mr. Lodge by inviting him to spend Sunday, Oct. 27, with him at the presidential villa in the mountain resort of Dalat.

But in Washington General Harkin's reports had revived doubts about the coup, and it was now Mr. Lodge's turn to be on the defensive.

The Pentagon study recounts that Mr. McCone, the C.I.A. director, and McGeorge Bundy, the President's special assistant for national security, sent out cablegrams expressing worry that General Don might be a double-agent from the Diem-Nhu regime trying to entrap the United States. Mr. Bundy also suggested replacing Colonel Conein as the C.I.A. contact man.

EFFORT TO COUNTER WORRIES

On Oct. 25 Ambassador Lodge tried to put Washington's mind at ease. In a message to Mr. Bundy, he discounted the likelihood that General Don was engaged in a "provocation" and stoutly defended Colonel Conein.

The Ambassador also argued against any temptation to "pour cold water" on the plot. While he acknowledged that struggles among successors of the Diem regime could damage the war effort, he contended that it was "at least an even bet that the next government would not bungle and stumble as much as the present one has." [See text, Lodge message to Bundy, Oct. 25.]

The White House reply, on Oct. 25, endorsed his view that the United States "should not be in position of thwarting coup" but urged him to give the White House "the option of judging and warning on any plan with poor prospects of success." [See text, Bundy's reply on coup hazards.]

It indicated that President Kennedy's main worries, as in August, were failure and the appearance of complicity. "We are particularly concerned," the White House cablegram said, "about hazard that an unsuccessful coup, however carefully we avoid direct engagement, will be laid at our door by public opinion almost everywhere."

What neither the Ambassador nor the White House knew, the Pentagon narrative notes, was that the coup plotters were even then manipulating the balance of military forces around Saigon in their favor, double-dealing with Mr. Nhu and outwitting him.

The pivotal figure was Maj. Gen. Ton That Dinh, the military governor of Saigon and commander of the III Corps—all the regular army troops in the capital region. The Pentagon account describes how General Don played upon General Dinh's vanity to maneuver him into a clash with Mr. Nhu, thereby enlisting his cooperation for the coup plot.

A TRAP FOR THE OTHER GENERALS

Through another channel, however, Mr. Nhu learned of the conspiracy and, confronting General Dinh with that news, told him to help lay a trap for the other generals. This maneuver called for starting a false coup to lure the anti-Diemists into the open and then using General Dinh's forces to crush the real plot.

The young general informed the other conspirators of Mr. Nhu's counterplot. To be on the safe side, in case he was really loyal to Mr. Nhu, they recruited troop commanders under him.

In Saigon, the atmosphere had become one of impending violence. So intense was the maneuvering, according to the Pentagon study, that it was "virtually impossible to keep track of all the plots against the regime." The United States Embassy in one cable to Washington identified 10 dissident groups in addition to the generals' plot.

Nonetheless President Diem, at his Oct. 27 meeting with Mr. Lodge, seemed unprepared to yield an inch—a "fruitless, frustrating" exchange, according to the Pentagon version.

Paraphrasing the Ambassador's report, the study recounts that President Diem inquired about the suspension of American aid and in reply Mr. Lodge asked about the release of hundreds of arrested Buddhists and student demonstrators, and about reopening schools shut by the regime in fear of further turbulence. President Diem, the analyst says, "offered excuses and complaints."

Finally, Ambassador Lodge said: "Mr. President, every single specific suggestion which I have made, you have rejected. Isn't there some one thing you may think of that is within your capabilities to do and that would favorably impress U.S. opinion?"

The Ambassador reported that President Diem "gave me a blank look and changed the subject."

At Saigon airport the next morning, as President Diem and Mr. Lodge were about to go to a ceremony dedicating a Vietnamese power plant, General Don daringly took the Ambassador aside.

The Pentagon account says General Don "asked [Mr. Lodge] if Conein was authorized to speak for him."

"Lodge assured Don that he was," the account continues. "Don said that the coup must be thoroughly Vietnamese and that the U.S. must not interfere." Lodge agreed, adding that the U.S. wanted no satellites but would not thwart a coup. When Lodge asked about the timing of the coup, Don replied the generals were not yet ready.

Later that day, General Don met with Colonel Conein and urged that Mr. Lodge make no change in his previously announced plans to leave on a trip to Washington on Oct. 31 for fear that postponement might tip off the Presidential Palace. General Don also disclosed that General Dinh, the III Corps commander, had been neutralized, shifting the military balance in the coup's favor.

By Oct. 29, the analyst comments, Ambassador Lodge clearly felt that the United States was "committed" to the coup and that it was too late for second thoughts, and he communicated those views forcefully to Washington.

After reporting the support of prominent leaders, including Vice President Nguyen Ngoc Tho, for the coup, the Ambassador said he felt an attempt was "imminent."

"Whether this coup fails or succeeds," Mr. Lodge said, "the U.S.G. must be prepared to accept the fact that we will be blamed, however unjustifiably; and finally that no positive action by the U.S.G. can prevent a coup attempt—short of informing Diem and Nhu with all the opprobrium that such an action would entail."

With the first Vietnamese troop movements preparatory to the coup already under way, the Pentagon gave orders to have a naval task force stand off the Vietnamese coast "if events required," as the account puts it. When Mr. Lodge was informed of this, he urged discretion lest the Diem regime be alerted.

Events now had an ineluctable momentum. But, in Washington, the study reports, Secretary McNamara and the Joint Chiefs of Staff were vacillating over the continuing differences between Ambassador Lodge and General Harkins.

KEEPING HARKINS INFORMED

They put their anxieties before a National Security Council meeting on Oct. 29, and the White House then instructed Ambassador Lodge to show General Harkins, who had been away in Bangkok briefly, the relevant messages to be sure that he would be fully aware of the coup arrangements. If Mr. Lodge was to go through with his trip home as scheduled, Washington felt that General Harkins—rather than the Ambassador's deputy, as would have been customary—should be in charge of the American mission.

Belatedly apprised of the continuing Don-Conein contacts and the Ambassador's latest recommendations to Washington, General Harkins sent off three angry cables to General Taylor on Oct. 30.

He was "irate," the analyst remarks, not only at having been excluded by Mr. Lodge from information about the coup but also at reading the Ambassador's gloomy assessments of how the war was going, which diametrically opposed his own views. He protested to Washington that the Ambassador was keeping him in the dark.

More important, he declared, in a message cited by the study, there was a "basic" difference between them in interpreting Washington's instructions.

Since receiving the Oct. 5 guidance from the White House, General Harkins said, he had been operating in the belief that the basic American policy line was that "no initiative" should be taken to encourage a coup. But he said Mr. Lodge took the position that the Oct. 6 message—"not to thwart" a coup—modified the policy line and indicated that "a change of government is desired and . . . the only way to bring about such a change is by a coup."

Moreover, General Harkins sought to undermine confidence in the conspiracy by accusing General Don of lying or serving as a double agent. Overlooking his own earlier refusal to talk about the coup, General Harkins told Washington:

"What he [Don] told me is diametrically opposed to what he told Colonel Conein. He told Conein the coup would be before Nov. 2. He told me he was not planning a coup when I sat with Don and Big Minh for two hours during the parade last Saturday. No one mentioned coups." [See text, Harkins message to Taylor, Oct. 30.]

PROLONGED FIGHTING WAS FEARED

The Harkins messages shook Washington's confidence severely and the White House conveyed its anxieties to Ambassador Lodge on Oct. 30. It reckoned the military balance of forces as "approximately equal," raising the danger of prolonged fighting or even defeat. If the coup group could not show prospects for quick success, the White House said, "we should discourage them from proceeding since a miscalculation could result in jeopardizing the U.S. position in Southeast Asia." [See text, Bundy cable to Lodge.]

Contrary to Mr. Lodge's position, the White House also felt that a word from the Americans could delay the coup but it refrained from ordering him to halt the conspiracy.

That same night, the documentary record discloses, Mr. Lodge replied, suggesting an even deeper involvement. In answer to Washington's worries, he held to the view that the Americans did not "have the power to delay or discourage a coup." [See text, Lodge response to Bundy, Oct. 30.]

At this late hour, he urged that the United States keep "hands off," not only because he believed "Vietnam's best generals are involved" but also because he shared their expectation that some wavering units would join the coup.

"If we were convinced that the coup was going to fail, we would, of course, do everything we could to stop it," he pledged. But that was not his expectation.

Mr. Lodge dismissed the suggestion of opening up a second channel to the generals. Instead, he suggested that the cabal might need "funds at the last moment with which to buy off potential opposition. To the extent that these funds can be passed discreetly, I believe we should furnish them."

The Ambassador took a considerably less apocalyptic view of failure than did Washington. "We will have to pick up the pieces as best we can at that time," he said. "We have a commitment to the generals from the August episode to attempt to help in the evacuation of their dependents. We should try to live up to this if conditions will permit."

He predicted that once the coup was under way, the Diem regime "will request me or General Harkins to use our influence to call it off." His response, he said, would be that "our influence could not be superior to [President Diem's] and if he is unable to call it off, we would certainly be unable to do so."

In the event of a deadlock or some negotiations that required the "removal of key personalities," he suggested Saipan as a good destination because "the absence of press, communications, etc., would allow us some leeway to make further decision as to their ultimate disposition."

And he said that if asked to provide political asylum for senior officials, presumaby meaning not only President Diem but such opponents as Vice President Tho, "We would probably have to grant it."

In addition, the Ambassador responded to General Harkins's attacks on his operating methods by objecting vigorously to the Administration's plans to put the general in charge of the American mission if the Ambassador left Saigon. He though it wrong, he said, to put a military man in control during such a politically charged time.

"AN OLD FRIEND OF MINE"

"This is said impersonally," the Ambassador commented, "since General Harkins is a splendid general and an old friend of mine to whom I would gladly entrust anything I have."

His message ended by saying: "General Harkins has read this and does not concur."

The final White House message to Ambassador Lodge, which went out later that night, was stern in tone and refused to accept his contention that the United States was powerless to stop a coup without betraying it to the Diem regime.

"If you should conclude that there is not clearly a high prospect of success," the White House told Mr. Lodge, "you should communicate this doubt to generals in a way calculated to persuade them to desist at least until chances are better." [See text, further Bundy instructions, Oct. 30.]

But once again Washington left the matter in Mr. Lodge's hands by allowing him to make the final judgment on the prospects for the coup's success. It asserted, moreover, that once a coup was under way, "it is in the interest of the U.S. Government that it should succeed."

The message also set out guidelines for the American mission in the event of a coup—to reject appeals for direct intervention from either side; if necessary, to be ready to play some intermediary role but to maintain strict neutrality without the appearance of pressure on either side; and if the coup failed, to "afford asylum . . . to those to whom there is any expressed or implied obligation" with the hope that they would use other countries' embassies as well.

The White House urged the Ambassador not to feel committed to this scheduled visit home on Oct. 31. But it insisted that if he left and the coup did occur, General Harkins would be put in charge. Mr. Lodge, of course, was forced to cancel his trip to Washington, and the coup was launched on Nov. 1.

A CALL FROM ADMIRAL FELT

That morning the Ambassador called on President Diem with Adm. Harry D. Felt, commander in chief of American forces in the Pacific. At noon, Admiral Felt went to the airport, unaware that the military forces were already gathering for the final assault on the Diem regime.

The coup unrolled like clockwork. At 1:30 P.M., coup forces seized the police headquarters, radio stations, the airport and other installations and began their attacks on the Presidential Palace and the Special Forces barracks.

When loyal officers altered Mr. Nhu to the first crucial moves, he thought it all part of his devious counterplot with General Dinh and he told the loyal commanders not to intervene. But later, when the attack on the palace began, he tried to call General Dinh to order the counterattack only to be told that the general was unavailable.

Within three hours all resistance had been crushed except at the Presidential Palace, and the generals broadcast demands for the Ngo brothers to resign. President Diem replied by asking them to come to the palace for consultations—a tactic used in 1960 to delay the coup long enough for loyal troops to reach the city. But the generals refused.

Not long afterward, President Diem telephoned Ambassador Lodge to ask where the United States stood. Their conversation was recorded by the Embassy:

Diem: Some units have made a rebellion, and I want to know what is the attitude of the U.S.

Lodge: I do not feel well enough informed to be able to tell you. I have heard the shooting, but am not acquainted with all the facts. Also it is 4:30 A.M. in Washington and the U.S. Government cannot possibly have a view.

Diem: But you have must have general ideas. After all, I am a chief of state. I have tried to do my duty. I want to do now what duty and good sense require. I believe in duty above all.

Lodge. You have certainly done your duty. As I told you only this morning, I admire your courage and your great contributions to your country. No one can take away from you the credit for all you have done. Now I am worried about your physical safety. I have a report that those in charge of the current activity offer you and your brother safe conduct out of the country if you resign. Have you heard this?

Diem. No. [And then, after a pause] You have my telephone number.

Lodge. Yes. If I can do anything for your physical safety, please call me.

Diem. I am trying to re-establish order.

BY SECRET TUNNEL TO SAFETY

While fighting continued at the palace, President Diem and his brother escaped through a secret tunnel and hid in Cholon, the Chinese section of the capital. Shortly after dawn, the last palace stronghold surrendered.

Throughout the night, the Pentagon study recounts, President Diem kept contact by phone with the generals who, urging him to surrender, offered a guarantee of safe conduct to the airport to permit him to leave South Vietnam. At 6:20 a.m. the President finally agreed, but did not tell General Minh his whereabouts.

According to the account, the Ngo brothers were tracked down by some armored units commanded by a long-time enemy of the President, and, after their capture, they were shot to death inside an armored car carrying them to the Joint General Staff headquarters.

Washington delayed immediate recognition of the new regime because, the study says, Secretary Rusk felt that a delay would reduce the appearance of American complicity in the coup and would make the generals look less like American stooges. Mr. Rusk also discouraged any large delegations of generals from calling on Ambassador Lodge as if they were "reporting in."

The Kennedy Administration is described as shocked and dismayed by the murders of the two leaders but says it had been "reluctant to intervene on behalf of Diem and Nhu for fear of appearing to offer support to them or reneging on our pledges of noninterference to the generals."

The Americans had also reportedly counted on the coup committee's offer of safe conduct to the Ngo brothers which, until the very last moment—when the armored units were just about to seize them—President Diem had repeatedly rejected.

Leading Figures at Time of Coup

HENRY CABOT LODGE

Ambassador to South Vietnam, 1963–64 and 1965–67 . . . now, since June, 1970, President Nixon's special envoy to the Vatican . . . born July 5, 1902, Nahant, Mass. . . . graduated from Harvard, 1924 . . . worked for The Boston Transcript and The New York Herald Tribune . . . two terms in Massachusetts Legislature, 1933–36 . . . defeated James M. Curley for Senate seat, 1936 . . . took leave of absence to serve in Army during World War II . . . won re-election, then resigned from Senate to return to Army duty . . . won Bronze Star, Croix de Guerre, others . . . elected to Senate again, 1946 . . . influential in persuading Eisenhower to seek Presidency and served as his campaign manager . . . lost Senate seat, 1952, to John F. Kennedy . . . appointed U.S. representative at the U.N., 1953 . . . G.O.P. vice-presidential candidate, 1960 . . . U.S. Ambassador, Saigon, August, 1963-July 1964; August, 1965–67 . . . chief U.S. negotiator, Paris peace talks, 1969 . . . Ambassador at Large, 1967–68 . . . Ambassador to Germany, 1968–69 . . . chief U.S. negotiator, Paris peace talks, January-December, 1969.

NGO DINH DIEM

Premier, South Vietnam, 1954–55; President, 1955–63, until death during overthrow Nov. 1, 1963. Born Quangbinh, near Hue, Jan. 3, 1901 . . . graduated from School of Administration, Hue . . . entered civil service . . . rose to district administrator . . . Minister of Interior in Cabinet of Emperor Bao Dai, 1933 . . . resigned on learning Government was controlled by French . . . declared subversive by French in 1942, he fled to Saigon, 1944 . . . refused Japanese offer to head puppet government, March 1945 . . . refused offer to work with Hanoi regime, 1945 . . . began seeking some autonomy for Vietnam . . . fled country, 1950 . . . during exile, 1951–52, lived at Maryknoll Seminary, Lakewood, N.J., 1951–52 . . . returned Saigon as Premier in Bao Dai Government, 1954 . . . elected President in referendum making Vietnam a republic, 1955 . . . won second five-year term 1961 . . . survived several coup attempts . . . shot to death after accepting safe-conduct offer.

PAUL DONAL HARKINS

United States commander, Vietnam, 1962–64; now adviser to American Security Council, private "research" group, Boston. Born Boston, May 15, 1904 . . . graduated U.S. Military Academy, 1929 . . . deputy chief of staff, Western Task Force, North African invasion, 1942 . . . deputy chief of staff, Third Army then 15th Army . . . a protégé of Gen. George S. Patton Jr. . . . commandant of cadets, West Point, 1948–51 . . . chief of staff, Eighth Army, Korea, 1951–53 . . . commander, 45th and 24th Infantry Divisions, Korea, December, 1953–54 . . . Pentagon service, 1954–57 . . . deputy commander, chief of staff U.S. Army Forces, Pacific, 1960–62 . . . first commander, Military Assistance Command, Saigon, 1962–64 . . . consistently optimistic in his assessment of war . . . strong supporter of Ngo Dinh Diem . . . has said "biggest" U.S. mistake in Vietnam "was when we stopped backing Diem" . . . during his tenure, had sharp differences with Ambassador Henry Cabot Lodge . . . retired 1964 . . . moved to Dallas, 1965.

NGO DINH NHU

Headed secret apparatus of Ngo Dinh Diem Government, 1954–63 until his death during overthrow of Diem, his brother, on Nov. 1. Born about 1911 near Hue into distinguished Roman Catholic family . . . one of five brothers in Ngo family . . . was chief archivist, Indochina library, early forties . . . married, 1943 . . . separated from family during war . . . he and wife organized support for return from exile of Ngo Dinh Diem . . . Nhu ran a newspaper, developed philosophy of "personalism"—blend of religions and autocracy—that was said to be pervasive influence on Diem's rule . . . when Diem assumed power, Nhu became known as an "Oriental Richelieu" . . . controlled secret police . . . he and wife were said to be strong anti-Buddhist influence on Diem . . . Mr. Nhu was quiet, persuasive . . . Nhus prime target for discontent that led to overthrow of Diem regime . . . Mr. Nhu shot to death with brother as they were leaving the country under safe-conduct.

New Omens of Peril

In what the analyst calls the first flush of self-satisfaction, Ambassador Lodge cabled Washington on Nov. 4 predicting that the change of regime would shorten the war against the Vietcong because of the improved morale in the South Vietnamese Army.

But the Pentagon study recounts a number of immediate and disturbing omens. Vietcong activity jumped dramatically immediately after the coup. The fall of the Diem regime, as Mr. Lodge reported, also exposed the inflated South Vietnamese reports of success for the strategic-hamlet program.

Equally significant, when Mr. Lodge first met General Minh, the new chief of state, he reported to Washington that the general seemed "tired and somewhat frazzled" though "obviously a good, well-intentioned man."

"Will he be strong enough to get on top of things?" Mr. Lodge wondered.

It was a prophetic comment, for within three months one of the coup group, Maj.

Gen. Nguyen Khanh, seized power for himself, starting a round of intramural power struggles that plagued Washington for the next two years drawing it ever deeper into the Vietnam war in an effort to prop up successive South Vietnamese regimes.

Just before President Kennedy's assassination, his top aides held a Vietnam strategy conference at Honolulu. Within four days of that meeting, President Johnson issued a new Vietnam policy paper to demonstrate that there would be no break from the Kennedy policies.

Particularly in the sphere of covert operations against North Vietnam, which became a prelude to the Tonkin Gulf clashes in 1964, the Pentagon narrative describes a smooth transition in the decision-making process. The Honolulu conference, set up under President Kennedy, ordered planning for a stepped-up program of what the account calls "nonattributable hit-and-run" raids against North Vietnam. In his first Vietnam policy document, on Nov. 26, President Johnson gave his personal sanction to the planning for these operations.

In confident language, President Johnson set an objective in South Vietnam that was to stand unchallenged within the Administration for three and a half years: to assist "the people and Government of that country to win their contest against the externally directed and supported Communist conspiracy." He reaffirmed the goal of concluding the war by the end of 1965. [See text, National Security Action Memorandum 273, Nov. 26.]

But a harbinger of events was a report to President Johnson from Secretary McNamara—"laden with gloom" as the analyst puts it—a month later.

After a trip to Vietnam, the Secretary of Defense reported on Dec. 21, 1963, that the new regime was "indecisive and drifting."

"Vietcong progress," Mr. McNamara said, in a major shift of his own thinking, "has been great during the period since the coup, with my best guess being that the situation has in fact been deteriorating in the countryside since July to a far greater extent than we realize because of our undue dependence on distorted Vietnamese reporting."

In conclusion, he felt compelled to say: "The situation is very disturbing. Current trends, unless reversed in the next two–three months, would lead to a neutralization at best and more likely to a Communist-controlled state."

His assessment laid the groundwork for decisions in early 1964 to step up the covert war against North Vietnam, and increase American aid to the South.

[From the New York Times, July 2, 1971]

Key Texts From Pentagon's Vietnam Study

(Note.—Following are texts of key documents accompanying the Pentagon's study of the Vietnam war, covering the period late 1965 to the summer of 1966. Except where excerpting is specified, the documents are printed verbatim, with only unmistakable typographical errors corrected.)

State Department Memorandum in November on Bombing Pause

Excerpts from memorandum, "Courses of Action in Vietnam," from the State Department, Nov. 9, 1965, as provided in the body of the Pentagon study. According to the study, the memorandum was speaking for Secretary of State Dean Rusk, and "a penciled note by [Assistant Secretary of Defense John T.] McNaughton indicates that Ambassador U. Alexis Johnson was the author."

The purpose of—and Secretary McNamara's arguments for—such a pause are four:

(a) It would offer Hanoi and the Viet Cong a chance to move toward a solution if they should be so inclined, removing the psychological barrier of continued bombing and permitting the Soviets and others to bring moderating arguments to bear;

(b) It would demonstrate to domestic and international critics that we had indeed made every effort for a peaceful settlement before proceeding to intensified actions, notably the latter stages of the extrapolated Rolling Thunder program;

(c) It would probably tend to reduce the dangers of escalation after we had resumed the bombing, at least insofar as the Soviets were concerned;

(d) It would set the stage for another pause, perhaps in late 1966, which might produce a settlement.

Against these propositions, there are the following considerations arguing against a pause:

(a) In the absence of any indication from Hanoi as to what reciprocal action it might take, we could well find ourselves in the position of having played this very important card without receiving anything substantial in return. There are no indications that Hanoi is yet in a mood to agree to a settlement acceptable to us. The chance is, therefore, very slight that a pause at this time could lead to an acceptable settlement.

(b) A unilateral pause at this time would offer an excellent opportunity for Hanoi to interpose obstacles to our resumption of bombing and to demoralize South Vietnam by indefinitely dangling before us (and the world) the prospect of negotiations with no intent of reaching an acceptable settlement. It might also tempt the Soviet Union to make threats that would render very difficult a decision to resume bombing.

(c) In Saigon, obtaining South Vietnamese acquiescence to a pause would be difficult. It could adversely affect the Government's solidity. Any major falling out between the Government and the United States or any overturn in the Government's political structure could set us back very severly (sic).

(d) An additional factor is that undertaking the second course of action following a pause [i.e., "extrapolation" of ROLLING THUNDER] would give this course a much more dramatic character, both internationally and domestically, and would, in particular, present the Soviets with those difficult choices that we have heretofore been successful in avoiding.

On balance, the arguments against the pause are convicing to the Secretary of State, who recommends that it not be undertaken at the present time. The Secretary of State believes that a pause should be undertaken only when and if the chances were significantly greater than they now appear that Hanoi would respond by reciprocal actions leading in the direction of a peaceful settlement. He further believes that, from the standpoint of international and domestic opinion, a pause might become an overriding requirement only if we were about to reach the advanced stages of an extrapolated Rolling Thunder program involving extensive air operations in the Hanoi/Haiphong area. Since the Secretary of State believes that such advanced stages are not in themselves desirable until the tide in the South is more favorable, he does not feel that, even accepting the point of view of the Secretary of Defense, there is now any international requirement to consider a "Pause." * * *

Notes on McNamara Memorandum for Johnson After Vietnam Visit

Excerpts from notes accompanying the Pentagon study, from a memorandum for President Lyndon B. Johnson from Secretary McNamara, Nov. 30, 1965.

The Ky "government of generals" is surviving, but not acquiring wide support or generating actions; pacification is thoroughly stalled, with no guarantee that security anywhere is permanent and no indications that able and willing leadership will emerge in the absence of that permanent security. (Prime Minister Ky estimates that his government controls only 25% of the population today and reports that his pacification chief hopes to increase that to 50% two years from now).

The dramatic recent changes in the situation are on the military side. They are the increased infiltration from the North and the increased willingness of the Communist forces to stand and fight, even in large-scale engagements. The Ia Drang River Campaign of early November is an example. The Communists appear to have decided to increase their forces in SVN both by heavy recruitment in the South (especially in the Delta) and by infiltration of regular NVN forces from the North. . . . The enemy can be expected to enlarge his present strength of 110 battalion equivalents to more than 150 battalion equivalents by the end of calendar 1966, when hopefully his losses can be made to equal his input.

As for the Communist ability to supply this force, it is estimated that, even taking account of interdiction of routes by air and sea, more than 200 tons of supplies a day can be infiltrated—more than enough, allowing for the extent to which the enemy lives off the land, to support the likely PAVN/VC force at the likely level of operations.

To meet this possible—and in my view likely—Communist buildup, the presently contemplated Phase I forces will not be enough (approx. 220,000 Americans, almost all in place by end of 1965). Bearing in mind the nature of the war, the expected weighted combat force ratio of less than 2-to-1 will not be good enough. Nor will the originally contemplated Phase II addition of 28 more US battalions (112,000 men) be enough; the combat force ratio, even with 32 new SVNse battalions, would still be little better than 2-to-1 at the end of 1966. The initiative which we have held since August would pass to the enemy; we would fall far short of what we expected to achieve in terms of population control and disruption of enemy bases and lines of communications. Indeed, it is estimated that with the contemplated Phase II addition of 28 US battalions, we would be able only to hold our present geographical positions.

3. We have but two options, it seems to me. One is to go now for a compromise solution (something substantially less than the "favorable out once" I described in my memo of Nov. 3) and hold further deployments to a minimum. The other is to stick with our stated objectives and with the war, and provide what it takes in men and materiel. If it is decided not to move now toward a compromise, I recommend that the US both send a substantial number of additional troops and very gradually intensify the bombing of NVN. Amb. Lodge, Wheeler, Sharp and Westmoreland concur in this prolonged course of action, although Wheeler and Sharp would intensify the bombing of the North more quickly.

Recommend up to 74 battalions by end-66: total to approx 400,000 by end-66. And it should be understood that further deployments (perhaps exceeding 200,000) may be needed in 1967. Bombing of NVN. . . . over a period of the next six months we gradually enlarge the target system in the northeast (Hanoi-Haiphong) quadrant until, at the end of the period, it includes "controlled" reconnaissance of lines of comm. throughout the area, bombing of petroleum storage facilities and power plants, and mining of the harbors. (Left unstruck would be population targets, industrial plants, locks and dams).

4. Pause in bombing NVN. It is my belief that there should be a three- or four-week pause in the program of bombing the North before we either greatly increase our troop deployments to VN or intensify our strikes

against the North. (My recommendation for a "pause" is not concurred in by Lodge, Wheeler or Sharp.) The reasons for this belief are, first, that we must lay a foundation in the minds of the American public and in world opinion for such an enlarged phase of the war and second, we should give NVN a face-saving chance to stop the aggression. I am not seriously concerned about the risk of alienating the SVNese, misleading Hanoi, or being "trapped" in a pause; if we take reasonable precautions, we can avoid these pitfalls. I am seriously concerned about embarking on a markedly higher level of war in VN without having tried, through a pause, to end the war or at least having made it clear to our people that we did our best to end it.

5. Evaluation. We should be aware that deployments of the kind I have recommended will not guarantee success. US killed-in-action can be expected to reach 1000 a month, and the odds are even that we will be faced in early 1967 with a "no-decision" at an even higher level. My over-all evaluation, nevertheless, is that the best chance of achieving our stated objectives lies in a pause followed, if it fails, by the deployments mentioned above.

Notes From McNamara Memo on Course of War in 1966

Excerpts from notes accompanying the Pentagon study, from a memorandum for President Johnson from Secretary McNamara, "Military and Political Actions Recommended for South Vietnam," Dec. 7, 1965, and notes on a revision of the memo, Jan. 24, 1966.

We believe that, whether or not major new diplomatic initiatives are made, the US must send a substantial number of additional forces to VN if we are to avoid being defeated there. (30 Nov program; concurred in by JCS)

IV. Prognosis assuming the recommended deployments

Deployments of the kind we have recommended will not guarantee success. Our intelligence estimate is that the present Communist policy is to continue to prosecute the war vigorously in the South. They continue to believe that the war will be a long one, that time is their ally, and that their own staying power is superior to ours. They recognize that the US reinforcements of 1965 signify a determination to avoid defeat, and that more US troops can be expected. Even though the Communists will continue to suffer heavily from GVN and US ground and air action, we expect them, upon learning of any US intentions to augment its forces, to boost their own commitment and to test US capabilities and will to persevere at higher level of conflict and casualties (US KIA with the recommended deployments can be expected to reach 1000 a month).

If the US were willing to commit enough forces—perhaps 600,000 men or more—we could ultimately prevent the DRV/VC from sustaining the conflict at a significant level. When this point was reached, however, the question of Chinese intervention would become critical. (*We are generally agreed that the Chinese Communists will intervene with combat forces to prevent destruction of the Communist regime in the DRV. It is less clear whether they would intervene to prevent a DRV/VC defeat in the South.) The intelligence estimate is that the chances are a little better than even that, at this stage, Hanoi and Peiping would choose to reduce the effort in the South and try to salvage their resources for another day; but there is an almost equal chance that they would enlarge the war and bring in large numbers of Chinese forces (they have made certain preparations which could point in this direction).

It follows, therefore, that the odds are about even that, even with the recommended deployments, we will be faced in early 1967 with a military standoff at a much higher level, with pacification still stalled, and with any prospect of military success marred by the chances of an active Chinese intervention.

(memo of 24 jan 66: JCS believe that "the evaluation set forth in Par. 7 is on the pessimistic side in view of the constant and heavy military pressure which our forces in SEA will be capable of employing. While admittedly the following factors are to a degree imponderables, they believe that greater weight should be given to the following:

a. The cumulative effect of our air campaign against the DRV on morale and DRV capabilities to provide and move men and materiel from the DRV to SVN.

b. The effects of constant attack and harassment on the ground and from the air upon the growth of VC forces and on the morale and combat effectiveness of VC/PAVN forces.

c. The effect of destruction of VC base areas on the capabilities of VC/PAVN forces to sustain combat operations over an extended period of time.

d. The constancy of will of the Hanoi leaders to continue a struggle which they realize they cannot win in the face of progressively greater destruction of their country.

McNaughton Memo for McNamara on Anti-Infiltration Barrier Plan

Excerpts from a memorandum to Secretary of Defense McNamara, "A Barrier Strategy," as provided in the body of the Pentagon study. Accordingly to the narrative, the memorandum is unsigned but is by Assistant Secretary of Defense McNaughton, in whose handwriting the copy is marked "1/30/66" and "copy given to RSM 3/22/66." The study further says that the document is based on a draft memo of Jan. 3, 1966, "A Barrier Strategy," by Prof. Roger D. Fisher of Harvard Law School.

B. PRESENT MILITARY SITUATION IN NORTH VIETNAM

1. Physical consequences of bombing:

a. The DRV has suffered some physical hardship and pain, raising the cost to it of supporting the VC.

b. Best intelligence judgment is that:

(1) Bombing may or may not—by destruction or delay—have resulted in net reduction in the flow of men or supplies to the forces in the South;

(2) Bombing has failed to reduce the limit on the capacity of the DRV to aid the VC to a point below VC needs;

(3) Future bombing of North Vietnam cannot be expected physically to limit the military support given the VC by the DRV to a point below VC needs.

2. Influence consequences of bombing:

a. There is no evidence that bombings have made it more likely the DRV will decide to back out of the war.

b. Nor is there evidence that bombings have resulted in an increased DRV resolve to continue the war to an eventual victory. [Fisher's draft had read "There is some evidence that bombings. . . ."]

C. FUTURE OF A BOMBING STRATEGY

Although bombings of North Vietnam improve GVN morale and provide a counter in eventual negotiations (should they take place) there is no evidence that they meaningfully reduce either the capacity or the will for the DRV to support the VC. The DRV knows that we cannot force them to stop by bombing and that we cannot, without an unacceptable risk of a major war with China or Russia or both, force them to stop by conquering them or "blotting them out." Knowing that if they are not influenced we cannot stop them, the DRV will remain difficult to influence. With continuing DRV support, victory in the South may remain forever beyond our reach.

Having made the case against the bombing, the memo then spelled out the case for an anti-infiltration barrier:

II. Substance of the barrier proposal

A. That the US and GVN adopt the concept of physically cutting off DRV support to the VC by an on-the-ground barrier across the Ho Chi Minh Trail in the general vicinity of the 17th Parallel and Route 9. To the extent necessary the barrier would run from the sea across Vietnam and Laos to the Mekong, a straightline distance of about 160 miles.

B. That in Laos an "interdiction and verification zone," perhaps 10 miles wide, be established and legitimated by such measures as leasing, international approval compensation, etc.

C. That a major military and engineering effort be directed toward constructing a physical barrier of minefields, barbed wire, walls, ditches and military strong points flanked by a defoliated strip on each side.

D. That such bombing in Laos and North Vietnam as takes place be narrowly identified with interdiction and with the construction of the barrier by

1. Being within the 10-mile-wide interdiction zone in Laos, or

2. Being in support of the construction of the barrier, or

3. Being interdiction bombing pending the completion of the barrier.

E. That, of course, intensive interdiction continues at sea and from Cambodia.

(It might be stated that all bombings of North Vietnam will stop as soon as there is no infiltration and no opposition to the construction of the verification barrier.)

Further McNaughton Memorandum on Factors in Bombing Decision

Excerpts from memorandum by Assistant Secretary of Defense McNaughton, "Some Paragraphs on Vietnam," third draft, Jan. 19, 1966, as provided in the body of the Pentagon study. Paragraphs in italics are the analysts' paraphrase or explanation.

McNaughton prepared a second memorandum complementing and partially modifying the one on bombing. It concerned the context for the decision. Opening with a paragraph which warned, "We . . . have in Vietnam the ingredients of an enormous miscalculation," it sketched the dark outlines of the Vietnamese scene:

The ARVN is tired, passive and accommodation-prone . . . The PAVN/VC are effectively matching our deployments . . . The bombing of the North . . . may or may not be able effectively to interdict infiltration (partly because the PAVN/VC can simply refuse to do battle if supplies are short). . . . Pacification is stalled despite efforts and hopes. The GVN political infrastructure is moribund and weaker than the VC infrastructure among most of the rural population . . . South Vietnam is near the edge of serious inflation and economic chaos.

The situation might alter for the better, McNaughton conceded. "Attrition—save Chinese intervention—may push the DRV 'against the stops' by the end of 1966." Recent RAND motivation and morale studies showed VC spirit flagging and their grip on the peasantry growing looser. "The Ky government is coming along, not delivering its promised 'revolution' but making progress slowly and gaining experience and stature each week." Though McNaughton termed it "doubtful that a meaningful ceiling can be put on the infiltration," he said "there is no doubt that the cost of infiltration can . . . be made very high and that the flow of supplies can be reduced substantially below what it would otherwise be." Possibly bombing, combined with other pressures, could bring the DRV to consider terms after "a period of months, not of days or even weeks."

The central point of McNaughton's memorandum, following from its opening warning, was that the United States, too, should consider coming to terms. He wrote:

C. The present U.S. objective in Vietnam is to avoid humiliation. The reasons why we *went into* Vietnam to the present depth are varied; but they are now largely academic. Why we have *not withdrawn* from Vietnam is, by all odds, *one* reason: (1) to preserve our reputation as a guarantor, and thus to preserve our effectiveness in the rest of the world. We have not hung on (2) to save a friend, or (3) to deny the Communists the added acres and heads (because the dominoes don't fall for that reason in this case), or even (4) to prove that "wars of national liberation" won't work (except as our reputation is involved). At each decision point we have gambled; at each point, to avoid the damage to our effectiveness of defaulting on our commitment, we have upped the ante. We have not defaulted, and the ante (and commitment) is now very high. It is important that we behave so as to protect our reputation. At the same time, since it is our *reputation* that is at stake, it is important that we not construe our obligation to be more than do the countries whose opinions of us *are* our reputation.

D. We are in an escalating military stalemate. There is an honest difference of judgment as to the success of the present military efforts in the South. There is no question that the US deployments thwarted the VC hope to achieve a quick victory in 1965. But there is a serious question whether we are now defeating the VC/PAVN main forces and whether planned US deployments will more than hold our position in the country. Population and area control has not changed significantly in the past year; and the best judgment is that, even with the Phase IIA deployments, we will probably be faced in early 1967 with a continued stalemate at a higher level of forces and casualties.

2. US Commitment to SVN. Some will say that we have defaulted if we end up, at any point in the relevant future, with anything less than a Western-oriented, non-Communist, independent government, exercising effective sovereignty over all of South Vietnam. This is not so. As stated above, the US end is solely to preserve our reputation as a guarantor. It follows that the "softest" credible formulation of the US commitment is the following:

a. DRV does not take over South Vietnam by force. This does not *necessarily* rule out:

b. A coalition government including Communists.

c. A free decision by the South to succumb to the VC or to the North.

d. A neutral (or even anti-US) government in SVN.

e. A live-and-let-live "reversion to 1959." Furthermore, we must recognize that even if we fail to in achieving this "soft" formulation, we could over time come out with minimum damage:

f. If the reason was GVN gross wrong-headedness or apathy.

g. If victorious North Vietnam "went Titoist."

h. If the Communist take-over was fuzzy and very slow.

Current decisions, McNaughton argued, should reflect awareness that the U.S. commitment could be fulfilled with something considerably short of victory. "It takes time to make hard decisions," *he wrote, "It took us almost a year to make the decision to bomb North Vietnam; it took us weeks to decide on a pause; it could take us months (and could involve lopping some white as well as brown head) to get us in position to go for a compromise. We should not expect the enemy's molasses to pour any faster than ours. And we should 'tip the pitchers' now if we want them to 'pour' a year from now."*

But the strategy following from the analysis more or less corresponded over the short term to that recommended by the Saigon mission and the military commands: More effort for pacification, more push behind the Ky government, more battalions for MACV, and intensive interdiction bombing roughly as proposed by CINCPAC. The one change introduced in this memorandum, prepared only one day after the other, concerned North Vietnamese ports. Now McNaughton advised that the ports not be closed.

The argument which coupled McNaughton's political analysis with his strategic recommendations appeared at the end of the second memorandum:

The dilemma. We are in a dilemma. It is that the situation may be "polar." That is, it may be that while going for victory we have the strength for compromise, but if we go for compromise we have the strength only for defeat—this because a revealed lowering of sights from victory to compromise (a) will unhinge the GVN and (b) will give the DRV the "smell of blood." The situation therefore requires a thoroughly loyal and disciplined US team in Washington and Saigon and great care in what is said and done. It also requires a willingness to escalate the war if the enemy miscalculates, misinterpreting our willingness to compromise as implying we are on the run. The risk is that it may be that the "coin must come up heads or tails, not on edge."

Johnson's Remarks to Officials of United States and Saigon at Honolulu

Excerpts from remarks by President Johnson to senior United States and South Vietnamese after the issuance of a joint communiqué at their Honolulu conference, Feb. 9, 1966, as provided in the body of the Pentagon study. The paragraph in italics is the study's explanation.

(*The Vietnamese then thanked the Americans for the conference, and in turn some of the senior members of the American delegation—in order, Admiral Sharp, Leonard Marks, General Wheeler, Ambassador Lodge, Ambassador Harriman—made brief statements about the meaning of the conference. The President then made his final statement:*

Preserve this communiqué, because it is one we don't want to forget. It will be a kind of bible that we are going to follow. When we come back here 90 days from now, or six months from now, we are going to start out and make reference to the announcements that the President, the Chief of State and the Prime Minister made in paragraph 1, and what the leaders and advisors reviewed in paragraph 2. . . . You men who are responsible for these departments, you ministers, and the staffs associated with them in both governments, bear in mind we are going to give you an examination and the finals will be on just what you have done.

In paragraph 5; how have you built democracy in the rural areas? How much of it have you built, when and where? Give us dates, times, numbers.

In paragraph 2; larger outputs, more efficient production to improve credit, handicraft, light industry, rural electrification—are these just phrases, high-sounding words, or have you coonskins on the wall. . . .

Next is health and education, Mr. Gardner. We don't want to talk about it; we want to do something about it. "The President pledges he will dispatch teams of experts." Well, we better do something besides dispatching. They should get out there. We are going to train health personnel. How many? You don't want to be like the fellow who was playing poker and when he made a big bet they called him and said "what have you got?" He said "aces" and they asked "how many" and he said "one aces". . . .

Next is refugees. That is just as hot as a pistol in my country. You don't want me to raise a white flag and surrender so we have to do something about that. . . .

Growing military effectiveness: we have not gone in because we don't want to overshadow this meeting here with bombs, with mortars, with hand grenades, with "Masher" movements. I don't know who names your operations, but "Masher." I get kind of mashed myself. But we haven't gone into the details of growing military effectiveness for two or three reasons. One, we want to be able honestly and truthfully to say that this has not been a military build-up conference of the world here in Honolulu. We have been talking about building a society following the outlines of the Prime Minister's speech yesterday.

Second, this is not the place, with 100 people sitting around, to build a military effectiveness.

Third, I want to put it off as long as I can, having to make these crucial decisions. I enjoy this agony. . . . I don't want to come out of this meeting that we have come up here and added on X divisions and Y battalions or Z regiments or D dollars, because one good story about how many billions are going to be spent can bring us more inflation that we are talking about in Vietnam. We want to work those out in the quietness of the Cabinet Room after you have made your recommendations, General Wheeler, Admiral Sharp, when you come to us. . . .

Memorandum on Pentagon Meeting Following Up Honolulu Session

Excerpts from memorandum by Richard C. Steadman, special assistant to Secretary of Defense McNamara, Feb. 9, 1966, summarizing a Pentagon meeting after the Honolulu talks. According to Mr. Steadman the participants included the Secretary, his deputies, the secretaries of each of the armed services and other Defense Department officials.

3. Southeast Asia Program Office. It is essential that the Department of Defense has at all times a readily available and centralized bank of information with respect to the Southeast Asia buildup. To this end, Dr. Enthoven is to establish a Southeast Asia Program Office which is to be able to furnish Mr. McNamara and Mr. Vance all information that may be required with respect to Southeast Asia. Among other things, this unit is to be able to provide immediate information on what overseas units are being depleted in order to accommodate Southeast Asia needs. If there is any drawdown anywhere, Mr. McNarama wants to know it promptly. We must know the full price of what we are doing and propose to do.

Mr. McNamara suggested that each Service Secretary establish a similar Southeast Asia Program Unit to bring together and keep current data relating to that Service involving Southeast Asia, and that the Joint Staff might establish a similar set-up.

Mr. McNamara said that it was mandatory that the situation be brought under better control. For example, the Southeast Asia construction program was $1.2-billion in the FY 66 Supplement; yesterday at Honolulu the figure of $2.5-billion was raised. Yet there is only the vaguest information as to how these funds will be spent, where, on what, and by whom. This is part of the bigger problem that there is no proper system for the allocation of available resources in Vietnam. McGeorge Bundy is to help organize the country team to deal with this problem, including reconciling military and non-military demands.

4. Manpower Controls, Mr. McNamara designated Mr. Morris as the person to be responsible for the various manpower requirements. He is either to insure that the requirements are met or to let Mr. McNamara know if they are not being met. Mr. McNamara wants a written statement whenever we have been unable to do something that General Westmoreland says he needs for full combat effectiveness. (In this regard, General Westmoreland recognizes that it is not possible to have 100 percent combat effectiveness for all the 102 battalions. For example, there are not sufficient helicopter companies. Roughly, he estimates he will get 96 battalion combat effectiveness out of the 102 battalions.)

At this point there was a brief discussion concerning the use of U.S. troops for pacification purposes. Mr. Nitze indicated that in his view the Marines were doing this to some degree. The point was disputed. At any rate, Mr. McNamara said that the 102 combat battalions contemplated under Case 1 were not to be used for pacification but only for defense of base areas and offensive operations. Mr. McNamara outlined briefly the South Vietnamese Government's plan for pacification. It will affect some 235,000 people in the whole country. The major allocation of resources and personnel will be to four very limited areas, one of which is near Danang. There will also be a general program extending throughout the country involving some 900 hamlets.

5. Call-up of Reserves. Mr. McNamara said that it was important that everyone understand why a Reserve call-up is receiving such careful study. There are at least two important considerations. First, the problem is a very complicated one and we do not yet have all the facts. Mr. Morris and others will amass the necessary data as soon as possible. Second, the political aspects of a Reserve call-up are extremely delicate. There are several strong bodies of opinion at work in the country. Look, for example, at the Fulbright Committee hearings. One school of thought, which underlies the Gavin thesis, is that this country is over-extended economically and that we cannot afford to do what we are doing. Another school of thought feels that we plain should not be there at all, whether or not we can afford it. A third school of thought is that although we are rightly there, the war is being mismanaged so that we are heading straight toward war with China. Furthermore, there is no question but that the economy of this country is beginning to run near or at its capacity with the resulting probability of a shortage of certain skills and materials. If this continues we may be facing wage and price controls, excess profits taxes, etc., all of which will add fuel to the fire of those who say, we cannot afford this. With all these conflicting pressures it is a very difficult and delicate task for the Administration to mobilize and maintain the required support in this country to carry on the war properly. The point of all this is to emphasize that a call-up of the Reserves presents extremely serious problems in many areas and a decision cannot be made today.

General Johnson said he wished to add three additional considerations. First, a Reserve call-up might be an important factor in the reading of the North Vietnamese and the Chinese with respect to our determination to see this war through. Second Reserve call-ups are traditionally a unifying factor. Third, as a larger problem, a hard, long-term look should be taken at the degree to which we as a government are becoming committed to a containment policy along all the enormous southern border of China. Mr. McNamara said he would ask for a JCS study of this last point and discussed it briefly.

During the course of the meeting, General Johnson also pointed out that with respect to overseas deployment, the Army is already shortchanging certain overseas areas so as to increase the training cadres in CONUS. He pointed out that because of the effect on the strategic reserve of deployments already made, the quality of new units will be lower than at present. He raised certain additional points affecting the Army, Mr. McNamara, Mr. Vance, Mr. Resor and General Johnson will discuss these problems further. . . .

Rostow's Memo on Bombing of Hanoi's Petroleum Facilities

Excerpt from memorandum from Walt W. Rostow, Presidential assistant for national security, to Secretary of State Rusk and Secretary of Defense McNamara, May 6, 1966, as provided in the body of the Pentagon study. Paragraphs in italics are the study's paraphrase or explanation.

Rostow developed his argument for striking the petroleum reserves on the basis of U.S. experience in the World War II attacks on German oil supplies and storage facilities. His reasoning was as follows:

From the moment that serious and systematic oil attacks started, front line single engine fighter strength and tank mobility were affected. The reason was this: It proved much more difficult, in the face of general oil shortage, to allocate from less important to more important uses than the simple arithmetic of the problem would suggest. Oil moves in various logistical channels from central sources. When the central sources began to dry up, the effects proved fairly prompt and widespread. What look like reserves statistically are rather inflexible commitments to logistical pipelines.

The same results might be expected from heavy and sustained attacks on the North Vietnamese oil reserves,

With an understanding that simple analogies are dangerous, I nevertheless feel it is quite possible the military effects of a systematic and sustained bombing of POL in North Vietnam may be more prompt and direct than conventional intelligence analysis would suggest.

I would underline, however, the adjectives "systematic and sustained." If we take this step we must cut clean through the POL system—and hold the cut—if we are looking for decisive results. . . .

Joint Chiefs' Order to Begin Bombing of Hanoi's Oil Facilities

Joint Chiefs of Staff's cablegram to Adm. U.S. Grant Sharp, commander in chief of Pacific forces, June 22, 1966, as provided in the body of the Pentagon study.

Strikes to commence with initial attacks against Haiphong and Hanoi POL on same day if operationally feasible. Make maximum effort to attain operational surprise. Do not conduct initiating attacks under marginal weather conditions but reschedule when weather assures success. Follow-on attacks authorized as operational and weather factors dictate.

At Haiphong, avoid damage to merchant shipping. No attacks authorized on craft unless US aircraft are first fired on and then only if clearly North Vietnamese. Piers servicing target will not be attacked if tanker is berthed off end of pier.

Decision made after SecDef and CJCS were assured every feasible step would be taken to minimize civilian casualties would be small [sic]. If you do not believe you can accomplish objective while destroying targets and protecting crews, do not initiate program. Take the following measures: maximum use of most experienced ROLLING THUNDER personnel, detailed briefing of pilots stressing need to avoid civilians, execute only when weather permits visual identification of targets and improved strike accuracy, select best axis of attack to avoid populated areas, maximum use of ECM to hamper SAM and AAA fire control, in order to limit pilot distraction and improve accuracy, maximum use of weapons of high precision delivery consistent with mission objectives, and limit SAM and AAA suppression to sites located outside populated areas.

Take special precautions to insure security. If weather or operational considerations delay initiation of strikes, do not initiate on Sunday, 26 June.

August McNamara Memo to Chiefs Challenging Troop Request

Memorandum, "CINCPAC CY 1966 Adjusted Requirements & CY 1967" from Secretary McNamara to the Joint Chiefs of Staff, Aug. 5, 1966, as provided in the body of the Pentagon study.

As you know, it is our policy to provide the troops, weapons, and supplies requested by General Westmoreland at the times he desires them, to the greatest possible degree. The latest revised CINCPAC requirements, submitted on 18 June 1966, subject as above, are to be accorded the same consideration: valid requirements for SVN and related tactical air forces in Thailand will be deployed on a schedule as close as possible to CINCPAC/COMUSMACV's requests.

Nevertheless, I desire and expect a detailed, line-by-line analysis of these requirements to determine that each is truly essential to the carrying out of our war plan. We must send to Vietnam what is needed, but only what is needed. Excessive deployments weaken our ability to win by undermining the economic structure of the RVN and by raising doubts concerning the soundness of our planning.

In the course of your review of the validity of the requirements, I would like you to consider the attached Deployment Issue Papers which were prepared by my staff. While there may be sound reasons for deploying the units questioned, the issues raised in these papers merit your detailed attention and specific reply. They probably do not cover all questionable units, particularly for proposed deployments for the PACOM area outside of SVN. I expect that you will want to query CINCPAC about these and other units for which you desire clarification.

I appreciate the time required to verify the requirements and determine our capability to meet them, but decisions must be made on a timely basis if units are to be readied and equipment and supplies procured. Therefore I would appreciate having your recommended deployment plan, including your comments on each of the Deployment Issue Papers, no later than 15 September 1965.

Cable From Westmoreland in August on Manpower Needs

Excerpts from cablegram from General Westmoreland to Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, and Adm. U. S. Grant Sharp, commander in chief of Pacific forces, Aug. 10, 1966, as provided in the body of the Pentagon study.

These and other facts support earlier predictions and suggest that the enemy intends to continue a protracted war of attrition. We must not underestimate the enemy nor his determination.

The war can continue to escalate. Infiltration of enemy troops and supplies from NCN can increase and there is no assurance that this will not occur.

If, contrary to current indication, Hanoi decides not to escalate further, some modification of the forces which I have requested probably could be made. Under such circumstances, I conceive of a carefully balanced force that is designed to fight an extended war of attrition and sustainable without national mobilization.

I recognize the possibility that the enemy may not continue to follow the pattern of infiltration as projected. Accordingly, my staff is currently conducting a number of studies with the objective of placing this command and the RVN in a posture that will permit us to retain the initiative regardless of the course the enemy chooses to pursue. These include:

A. A study which considers possible courses of action by the enemy on our force posture and counteractions to maintain our superiority.

B. An analysis of our requirements to determine a balanced US force that can be employed and sustained fully and effectively in combat on an indefinite basis without national mobilization.

C. A study to determine the evolutionary steps to be taken in designing an ultimate GVN security structure.

D. A study to determine the optimum RVNAF force structure which can be attained and supported in consideration of recent experience and our estimate of the manpower pool.

REF B [The CINCPAC submission] establishes and justifies minimal force requirements, emphasizing the requirement for a well balanced, sustainable force in SVN for an indefinite period. Consequently, at this point in time I cannot justify a reduction in requirements submitted.

VIETNAM BOMBING EVALUATION BY INSTITUTE FOR DEFENSE ANALYSES

Excerpts from report by Institute for Defense Analyses, "The Effects of U.S. Bombing on North Vietnam's Ability to Support Military Operations in South Vietnam: Retrospect and Prospect," Aug. 29, 1966, as provided in the body of the Pentagon study. Paragraphs in italics are the study's paraphrase or explanation.

1. As of July 1966 the U.S. bombing of North Vietnam (NVN) had had no measurable direct effect on Hanoi's ability to mount and support military operations in the South at the current level.

Although the political constraints seem clearly to have reduced the effectiveness of the bombing program, its limited effect on Hanoi's ability to provide such support can not be explained solely on that basis. The counter-measures introduced by Hanoi effectively reduced the impact of U.S. bombing. More fundamentally, however, North Vietnam has basically a subsistence agricultural economy that presents a difficult and unrewarding target system for air attack.

The economy supports operations in the South mainly by functioning as a logistic funnel and by providing a source of manpower. The industrial sector produces little of military value. Most of the essential military supplies that the VC/NVN forces in the South require from external sources are provided by the USSR and Communist China. Furthermore, the volume of such supplies is so low that only a small fraction of the capacity of North Vietnam's rather flexible transportation network is required to maintain the flow. The economy's relatively underemployed labor force also appears to provide an ample manpower reserve for internal military and economic needs including repair and reconstruction and for continued support of military operations in the South.

2. Since the initiation of the ROLLING THUNDER program the damage to facilities and equipment in North Vietnam has been more than offset by the increased flow of military and economic aid, largely from the USSR and Communist China.

The measurable costs of the damage sustained by North Vietnam are estimated by intelligence analysts to have reached approximately $86 million by 15 July 1966. In 1965 alone, the value of the military and economic aid that Hanoi received from the USSR and Communist China is estimated to have been on the order of $250–400 million, of which about $100–150 million was economic, and they have continued to provide aid, evidently at an increasing rate, during the current year. Most of it has been from the USSR, which had virtually cut off aid during the 1962–64 period. There can be little doubt, therefore, that Hanoi's Communist backers have assumed the economic costs to a degree that has significantly cushioned the impact of U.S. bombing.

3. The aspects of the basic situation that have enabled Hanoi to continue its support of military operations in the South and to neutralize the impact of U.S. bombing by passing the economic costs to other Communist countries are not likely to be altered by reducing the present geographic constraints, mining Haiphong and the principal harbors in North Vietnam, increasing the number of armed reconnaissance sorties and otherwise expanding the U.S. air offensive along the lines now contemplated in military recommendations and planning studies.

An expansion of the bombing program along such lines would make it more difficult and costly for Hanoi to move essential military supplies through North Vietnam to the VC/NVN forces in the South. The low volume of supplies required, the demonstrated effectiveness of the countermeasures already undertaken by Hanoi, the alternative options that the NVN transportation network provides and the level of aid the USSR and China seem prepared to provide, however, make it quite unlikely that Hanoi's capability to function as a logistic funnel would be seriously impaired. Our past experience also indicates that an intensified air campaign in NVN probably would not prevent Hanoi from infiltrating men into the South at the present or a higher rate if it chooses. Furthermore, there would appear to be no basis for assuming that the damage that could be inflicted by an intensified air offensive would impose such demands on the North Vietnamese labor force that Hanoi would be unable to continue and expand its recruitment and training of military forces for the insurgency in the South.

4. While conceptually it is reasonable to assume that some limit may be imposed on the scale of military activity that Hanoi can maintain in the South by continuing the ROLLING THUNDER program at the present, or some higher level of effort, there appears to be no basis for defining that limit in concrete terms or, for concluding that the present scale of VC/NVN activities in the field have approached that limit.

The available evidence clearly indicates that Hanoi has been infiltrating military forces and supplies into South Vietnam at an accelerated rate during the current year. Intelligence estimates have concluded that North Vietnam is capable of substantially increasing its support.

5. The indirect effects of the bombing on the will of the North Vietnamese to continue fighting and on their leaders' appraisal of the prospective gains and costs of maintaining the present policy have not shown themselves in any tangible way. Furthermore, we have not discovered any basis for concluding that the indirect punitive effects of bombing will prove decisive in these respects.

It may be argued on a speculative basis that continued or increased bombing must eventually affect Hanoi's will to continue, particularly as a component of the total U.S. military pressures being exerted throughout Southeast Asia. However, it is not a conclusion that necessarily follows from the available evidence; given the character of North Vietnam's economy and society, the present and prospective low levels of casualties and the amount of aid available to Hanoi. It would appear to be equally logical to assume that the major influences on Hanoi's will to continue are most likely to be the course of the war in the South and the degree to which the USSR and China support the policy of continuing the war and that the punitive impact of U.S. bombing may have but a marginal effect in the broader context.

In the body of the report these summary formulations were elaborated in more detail. For instance, in assessing the military and economic effect of the bombing on North Vietnam's capacity to sustain the war, the report stated:

The economic and military damage sustained by Hanoi in the first year of the bombing was moderate and the cost could be (and was) passed along to Moscow and Peiping.

The major effect of the attack on North Vietnam was to force Hanoi to cope with disruption to normal activity, particularly in transportation and distribution. The bombing hurt most in its disruption of the roads and rail nets and in the very considerable repair effort which became necessary. The regime, however, was singularly successful in overcoming the effects of the U.S. interdiction effort.

Much of the damage was to installations that the North Vietnamese did not need to sustain the military effort. The regime made no attempt to restore storage facilities and little to repair damage to power stations, evidently because of the existence of adequate excess capacity and because the facilities were not of vital importance. For somewhat similar reasons, it made no major effort to restore military facilities, but merely abandoned barracks, and dispersed materiel usually stored in depots.

The major essential restoration consisted of measures to keep traffic moving, to keep the railroad yards operating, to maintain communications, and to replace transport equipment and equipment for radar and SAM sites.

A little further on the report examined the political effects of the bombing on Hanoi's will to continue the war, the morale of the population, and the support of its allies.

The bombing through 1965 apparently had not had a major effect in shaping Hanoi's decision on whether or not to continue the war in Vietnam. The regime probably continued to base such decisions mainly on the course of the fighting in the South and appeared willing to suffer even stepped-up bombing so long as prospects of winning the South appeared to be reasonably good.

Evidence regarding the effect of the bombing on the morale of the North Vietnamese people suggests that the results were mixed. The bombing clearly strengthened popular support of the regime by engendering patriotic and nationalistic enthusiasm to resist the attacks. On the other hand, those more directly involved in the bombing underwent personal hardships and anxieties caused by the raids. Because the air strikes were directed away from urban areas, morale was probably damaged less by the direct bombing than by its indirect effects, such as evacuation of the urban population and the splitting of families.

Hanoi's political relations with its allies were in some respects strengthened by the bombing. The attacks had the effect of encouraging greater material and political support from the Soviet Union than might otherwise have been the case. While the Soviet aid complicated Hanoi's relationship with Peking, it reduced North Vietnam's dependence on China and thereby gave Hanoi more room for maneuver on its own behalf.

This report's concluding chapter was entitled "Observations" and contained some of the most lucid and penetrating analysis of air war produced to that date, or this! It began by reviewing the original objectives the bombing was initiated to achieve:

Reducing the abiity of North Vietnam to support the Communist insurgencies in South Vietnam and Laos, and . . . increasing progressively the pressure on NVN to the point where the regime would decide that it was too costly to continue directing and supporting the insurgency in the South.

After rehearsing the now familiar military failure of the bombing to halt the infiltration, the report crisply and succinctly outlined the bombing's failure to achieve the critical second objective—the psychological one:

Initial plans and assessments for the ROLLING THUNDER program clearly tended to overestimate the persuasive and disruptive effects of the U.S. air strikes and, correspondingly, to underestimate the tenacity and recuperative capabilities of the North Vietnamese. This tendency, in turn appears to reflect a general failure to appreciate the fact, well-documented in the historical, and social scientific literature, that a direct, frontal attack on a society tends to strengthen the social fabric of the nation, to increase popular support of the existing government, to improve the determination of both the leadership and the populace to fight back, to induce a variety of protective measures that reduce the society's vulnerability to future attack, and to develop an increased capacity for quick repair and restoration of essential functions. The great variety of physical and social counter-measures that North Vietnam has taken in response to the bombing is now well documented in current intelligence reports, but the potential effectiveness of these counter-measures was not stressed in the early planning or intelligence studies.

Perhaps the most trenchant analysis of all, however, was reserved for last as the report attacked the fundamental weakness of the air war strategy—our inability to relate operations to objectives:

In general, current official thought about U.S. objectives in bombing NVN implicitly assumes two sets of causal relationships:

1. That by increasing the damage and destruction of resources in NVN, the U.S. is exerting pressure to cause the DRV to stop their support of the military operations in SVN and Laos; and

2. That the combined effect of the total military effort against NVN—including the U.S. air strikes in NVN and Laos, and the land, sea, and air operations in SVN—will ultimately cause the DRV to perceive that its probable losses accruing from the war have become greater than its possible gains and, on the basis of this net evaluation, the regime will stop its support of the war in the South.

These two sets of interrelationships are assumed in military planning, but it is not clear that they are systematically addressed in current intelligence estimates and assessments. Instead, the tendency is to encapsulate the bombing of NVN as one set of operations and the war in the South as another set of operations, and to evaluate each separately; and to tabulate and describe data on the physical, economic, and military effects of the bombing, but not to address specifically the relationship between such effects and the data relating to the ability and will of the DRV to continue its support of the war in the South.

The fragmented nature of current analyses and the lack of adequate methodology for assessing the net effects of a given set of military operations leaves a major gap between the quantifiable data on bomb damage effects, on the one hand, and policy judgments about the feasibility of achieving a given set of objectives, on the other. Bridging this gap still requires the exercise of broad political-military judgments that cannot be supported or rejected on the basis of systematic intelligence indicators. It must be concluded, therefore, that there is currently no adequate basis for predicting the levels of U.S. military effort that would be required to achieve the stated objectives—indeed, there is no firm basis for determining if there is *any* feasible level of effort that would achieve these objectives.

The critical impact of this study on the Secretary's thinking is revealed by the fact that many of its conclusions and much of its analysis would find its way into McNamara's October trip report to the President.

Having submitted a stinging condemnation of the bombing, the Study Group was under some obligation to offer constructive alternatives and this they did, seizing, not surprisingly, on the very idea McNamara had suggested—the anti-infiltration barrier. The product of their summer's work was a reasonably detailed proposal for a multi-system barrier across the DMZ and the Laotian panhandle that would make extensive use of recently innovated mines and sensors. The central portion of their recommendation follows:

The barrier would have two somewhat different parts, one designed against foot traffic and one against vehicles. The preferred location for the anti-foot-traffic barrier is in the region along the southern edge of the DMZ to the Laotian border and then north of Tchepone to the vicinity of Muong Sen, extending about 100 by 20 kilometers. This area is virtually unpopulated, and the terrain is quite rugged, containing mostly V-shaped valleys in which the opportunity for alternate trails appears lower than it is elsewhere in the system. The location of choice for the anti-vehicle part of the system is the area, about 100 by 40 kilometers, now covered by Operation Cricket. In this area the road network tends to be more constricted than elsewhere, and there appears to be a smaller area available for new roads. An alternative location for the anti-personnel system is north of the DMZ to the Laotian border and then north along the crest of the mountains dividing Laos from North Vietnam. It is less desirable economically and militarily because of its greater length, greater distance from U.S. bases, and greater proximity to potential North Vietnamese counter-efforts.

The air-supported barrier would, if necessary, be supplemented by a manned "fence" connecting the eastern end of the barrier to the sea.

The construction of the air-supported barrier could be initiated using currently available or nearly available components, with some necessary modifications, and could perhaps be installed by a year or so from go-ahead. However, we anticipate that the North Vietnamese would learn to cope with a barrier built this way after some period of time which we cannot estimate, but which we fear may be short. Weapons and sensors which can make a much more effective barrier, only some of which are now under development, are not likely to be available in less than 18 months to 2 years. Even these, it must be expected, will eventually be overcome by the North Vietnamese, so that further improvements in weaponry will be necessary. Thus we envisage a dynamic "battle of the barrier," in which the barrier is repeatedly improved and strengthened by the introduction of new components, and which will hopefully permit us to keep the North Vietnamese off balance by continually posing new problems for them. . . .

The anti-troop infiltration system (which would also function against supply porters) would operate as follows. There would be a constantly renewed mine field of non-sterilizing Gravel (and possibly button bomblets), distributed in patterns covering interconnected valleys and slopes (suitable for alternate trails) over the entire barrier region. The actual miner area would encompass the equivalent of a strip about 100 by 5 kilometers. There would also be a pattern of acoustic detectors to listen for mine explosions indicating an attempted penetration. The mine field is intended to deny opening of alternate routes for troop infiltrators and should be emplaced first. On the trails and bivouacs currently used, from which mines may—we tentatively assume—be cleared without great difficult, a more dense pattern of sensors would be designed to locate groups of infiltrators. Air strikes using Gravel and SADEYES would then be called against these targets. The sensor patterns would be monitored 24 hours a day by patrol aircraft. The struck areas would be reseeded with new mines.

The anti-vehicle system would consist of acoustic detectors distributed every mile or so along all truckable roads in the interdicted area, monitored 24 hours a day by patrol aircraft, with vectored strike aircraft using SADEYE to respond to signals that trucks or truck convoys are moving. The patrol aircraft would distribute self-sterilizing Gravel over parts of the road net at dusk. The self-sterilizing feature is needed so that road-watching and mine-planting teams could be used in this area. Photo-reconnaissance aircraft would cover the entire area each few days to look for the development of new truckable roads, to see if the transport of supplies is being switched to porters, and to identify any other change in the infiltration system. It may also be desirable to use ground teams to plant larger anti-truck mines along the roads, as an interim measure pending the development of effective air-dropped anti-vehicle mines.

The cost of such a system (both parts) has been estimated to be about $800 million per year, of which by far the major fraction is spent for Gravel and SADEYES. The key requirements would be (all numbers are approximate because of assumptions which had to be made regarding degradation of system components in field use, and regarding the magnitude of infiltration): 20 million Gravel mines per month; possible 25 million button bomblets per month . . .

Apart from the tactical countermeasures against the barrier itself, one has to consider strategic alternatives available to the North Vietnamese in case the barrier is successful. Among these are: a move into the Mekong Plain; infiltration from the sea either directly to SVN or through Cambodia; and movement down the Mekong from Thakhek (held by the Pathet Lao-North Vietnamese) into Cambodia.

Finally, it will be difficult for us to find out how effective the barrier is in the absence of clearly visible North Vietnamese responses, such as end runs through the Mekong plain. Because of supplies already stored in the pipeline, and because of the general shakiness of our quantitative estimates of either supply or troop infiltration, it is likely to be some time before the effect of even a wholly successful barrier becomes noticeable. A greatly stepped-up intelligence effort is called for, including continued road-watch activity in the areas of the motorcade roads, and patrol and reconnaissance activity south of the anti-personnel barrier.

PENTAGON PAPERS: VIETNAM STUDY LINKS 1965–66 GI BUILD-UP TO FAULTY PLANNING

(By Fox Butterfield)

The Pentagon's secret study of the Vietnam war indicates that the rapid expansion of American forces in 1965 and 1966 occurred because "no one really foresaw what the troop needs in Vietnam would be" and because the ability of the enemy forces "to build up their effort was consistently underrated."

"It would seem," the study asserts, that the American planners would have been "very sensitive to rates of infiltration and recruitment by the [Vietcong and North Vietnamese Army]; but very little analysis was, in fact, given to the implications of the capabilities of the VC/N.V.A. in this regard."

As a result of the unanticipated enemy build-up, the Pentagon study discloses, Gen. William C. Westmoreland's troop requests jumped from a total of 175,000 men in June, 1965, to 275,000 that July, to 443,000 in December and then to 542,000 the following June. Neither the requests of the American commander in Vietnam nor President Lyndon B. Johnson's rapid approval of all but the last of them was made public.

At the same time, the study says, the Johnson Administration's continual expansion of the air war during 1965 and 1966 was based on a "colossal misjudgment" about the bombing's effect on Hanoi's will and capabilities.

In particular, the study discloses that the Administration's decision in 1966 to bomb North Vietnam's oil-storage facilities was made despite repeated warnings from the Central Intelligence Agency that such action would not "cripple Communist military operations." Instead, the study says, Washington apparently accepted the military's estimate that the bombing would "bring the enemy to the conference table or cause the insurgency to wither from lack of support." But the flow of men and supplies to the South continued "undiminished."

The Pentagon study of this period of escalation in the air and on the ground also makes these disclosures:

American military commanders were confident of victory. General Westmoreland, for example, told Washington in July, 1965, that by using his search-and-destroy strategy he could defeat the enemy "by the end of 1967."

And the same month, the Joint Chiefs of Staff assured Secretary of Defense Robert S. McNamara that "there is no reason we cannot win if such is our will."

High-level civilian authorities, including Secretary McNamara, began to have serious doubts about the effectiveness of both the air and ground war as early as the fall of 1965, but they continued to recommend escalation as the only acceptable policy, despite their doubts.

A secret Defense Department seminar of 47 scientists—"the cream of the scholarly community in technical fields"—concluded in the summer of 1966 that the bombing of North Vietnam had had "no measurable effect" on Hanoi. The scientists recommended building an electronic barrier between North and South Vietnam as an alternative to the bombing. [See text, bombing evaluation, Aug. 29, 1966, Page 10.]

The Pentagon account of this period of the war—from July, 1965, to the fall of 1966—forms another section in the series presented by The New York Times.

The study, ordered by Secretary McNamara in 1967 and prepared by a team of 30 to 40 officials and analysts to determine how the United States became involved in the war in Indochina, consists of 3,000 pages of analysis and 4,000 pages of supporting documents.

Previous articles in The Times's presentation of the Pentagon study have recounted President Kennedy's deepening of the American involvement in Vietnam and President Johnson's decisions, through July, 1965, to commit the United States to an air and ground war in Vietnam.

OPEN-ENDED STRATEGY

When President Johnson decided in July, 1965, to accept General Westmoreland's request for 44 combat battalions and to endorse his search-and-destroy strategy, he "left the U.S. commitment to Vietnam open-ended," the study declares.

"Force levels for the search-and-destroy strategy had no empirical limits," it adds. "The amount of force required to defeat the enemy depended entirely on his response to the build-up and his willingness to continue the fight."

"The basic idea" underlying the search-and-destroy strategy, the study says, "was the desire to take the war to the enemy, denying him freedom of movement anywhere in the country . . . and deal him the heaviest possible blows." This concept replaced the static-defense and enclave strategies, which called for fewer American troops, and which had been tried briefly in the spring of 1965

General Westmoreland intended his original allotment of 44 battalions to be only a stopgap measure, the account says. They would be used to blunt the enemy offensive that threatened to overwhelm the fragile Saigon Government, but more men would quickly be needed if the allies were to win.

To find out how much "additional force was required to seize the initiative from the enemy and to commence the win phase of the strategy," Secretary McNamara flew to Saigon on July 16, 1965, for a four-day visit. While he was there he received a cablegram notifying him that President Johnson had approved General Westmoreland's request for 44 battalions and the use of his search-and-destroy strategy.

According to the study, General Westmoreland then reported that he needed 24 additional American battalions, or 100,000 men, for the "win phase," which would begin in 1966.

THREE-PHASE BUILD-UP

He also outlined, as quoted in the study, his over-all strategy, based on a three-phase build-up:

"Phase I—The commitment of U.S./F.W.M.A. [United States/Free World Military Assistance] forces necessary to halt the losing trend by the end of 1965.

"Phase II—The resumption of the offensive by U.S./F.W.M.A. forces during the first half of 1966 in high-priority areas necessary to destroy enemy forces, and reinstitution of rural-construction activities."

"Phase III—If the enemy persisted, a period of a year to a year and a half following Phase II would be required for the defeat and destruction of the remaining enemy forces and base areas.

"Withdrawal of U.S./F.W.M.A. forces would commence following Phase III as the GVN [Government of Vietnam] became able to establish and maintain internal order and to defend its borders."

According to the Pentagon study, General Westmoreland's plan shows that "with enough force to seize the initiative from the VC sometime in 1966, General Westmoreland expected to take the offensive and, with appropriate additional reinforcements, to have defeated the enemy by the end of 1967."

A REQUEST FOR WHEELER

Secretary McNamara was seriously concerned, the Pentagon account says, about whether the United States could "win" in Vietnam. He was worried lest the United States "become involved more deeply in a war which could not be brought to a satisfactory conclusion."

Thus while he was preparing for his July 16 trip to Saigon, the Secretary asked Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, for an assessment of "the assurance the U.S. can have of winning in South Vietnam if we do everything we can."

General Wheeler's answer, prepared by a study group of officers and civilians in the Defense Department, was: "Within the bounds of reasonable assumptions—there appears to be no reason we cannot win if such is our will—and if that will is manifested in strategy and tactical operations."

According to a memorandum to the study group from Assistant Secretary of Defense John T. McNaughton, on the working definition of "win," it "means that we succeed in demonstrating to the VC that they cannot win."

This definition, the Pentagon analyst writes, "indicates the assumption upon which the conduct of the war was to rest—that the VC could be convinced in some meaningful sense that they were not going to win and that they would then rationally choose less violent methods of seeking their goals."

APPROVED BY M'NAMARA

Secretary McNamara got this assurance, the study goes on, and, armed with it, he recommended on his return from Saigon on July 20 that President Johnson meet General Westmoreland's request for 100,000 additional troops.

"The over-all evaluation," Secretary McNamara wrote the President, "is that the course of action recommended in this memorandum stands a good chance of achieving an acceptable outcome within a reasonable time in Vietnam."

"U.S. and South Vietnamese casualties will increase, just how much cannot be predicted with confidence," the Secretary added, "but the U.S. killed-in-action might be in the vicinity of 500 a month by the end of the year. . . . United States public opinion will support the course of action because it is a sensible and courageous military-political program designed and likely to bring about a success in Vietnam."

The Pentagon account declares: "Never again while he was Secretary of Defense would McNamara make so optimistic a statement about Vietnam—except in public."

PHASE I NEAR ITS GOAL

By November, 1965, the situation in South Vietnam had undergone important changes, the study says.

The Phase I deployment of American troops, which was now nearing its 175,000-man goal, had apparently stopped deterioration in the military situation.

But at the same time, the narrative relates, the enemy had unexpectedly built up strength much faster than the American command had foreseen.

Where there were estimated to be 48,550 Communist combat troops in South Vietnam in July, 1965, American intelligence officials believed by that November that there were 63,550. And the number of North Vietnamese regiments had increased during these months from one to eight, according to the intelligence officials.

"The implications of the build-up were made abundantly clear by the bloody fighting in the Iadrang Valley in mid-November," the study says. In this first big battle of the Vietnam war, units of the United States First Cavalry Division fought numerically superior North Vietnamese forces for several weeks in the western part of the Central Highlands, along the Cambodian border. More than 1,200 of the enemy were reportedly killed in the fighting, which also left more than 200 Americans dead.

The Pentagon study says that the carefully calculated American strategy, with its plans for the number of American troops required to win, "did not take escalatory reactions into account."

While the study does not deal with this subject at length, the public record shows that the Johnson Administration had repeatedly said during early 1965 that North Vietnam was infiltrating large quantities of men and supplies into the South.

In February, for example, the State Department published a white paper entitled "Aggression From the North," asserting that North Vietnam was responsible for the war in South Vietnam and that Hanoi had infiltrated more than 37,000 men.

"PROGRESSIVELY MORE FLAGRANT"

The public record also shows that Secretary McNamara devoted a major part of a televised news conference on April 26, 1965, to a charge that North Vietnamese had stepped up their infiltration. "The intensification of infiltration," Mr. McNamara said, "has grown progressively more flagrant and more unconstrained."

Despite these frequent public statements about the build-up, in November, the Pentagon account says, General Westmoreland suddenly found it necessary to request a vast increase in troops for the Phase II part of his plan. The general said he would need 154,000 more men.

As the general explained his needs to Adm. U.S. Grant Sharp, commander of American forces in the Pacific, who was his immediate superior:

"The VC/PAVN build-up rate is predicated to be double that of U.S. Phase II forces. Whereas we will add an average of 7 maneuver battalions per quarter the enemy will add 15. This development has already reduced the November battalion-equivalent ratio from an anticipated 3.2 to 1, to 2.8 to 1, and it will be further reduced to 2.5 to 1 by the end of the year."

In response to General Westmoreland's request for 154,000 men, Secretary McNamara detoured on his way from a Paris meeting of the North Atlantic Treaty Organization and flew to Saigon.

NO GUARANTEE OF SUCCESS

On his return to Washington on Nov. 30, Secretary McNamara wrote a memorandum to President Johnson in which he began to reveal doubts about the ground war. While recommending that the United States send a total of nearly 400,000 men to Vietnam by the end of 1966, the next year, he warned:

"We should be aware that deployments of the kind I have recommended will not guarantee success. U.S. killed-in-action can be expected to reach 1,000 a month, and the odds are even that we will be faced in early 1967 with a 'no decision' at an even higher level. My over-all evaluation, nevertheless, is that the best chance of achieving our stated objectives lies in . . . the deployments mentioned above." [See text, notes on McNamara memo, Nov. 30, 1965.]

While Secretary McNamara and President Johnson were considering troop increases up to nearly 400,000 men—the number of Americans in South Vietnam was then 184,000—news accounts were speculating that the troop ceiling might go as high as 200,000. This was the figure used, for example, in The New York Times's dispatch on Mr. McNamara's visit to Saigon on Nov. 28.

The Pentagon study does not say what decision President Johnson reached on Mr. McNamara's Nov. 30 recommendation. But the analyst does say that on Dec. 13, in another memorandum, Mr. McNamara outlined for the President an approved troop deployment of 367,000 men for 1966 and 395,000 men for June 1967.

Then on Dec. 16, the study reveals, Secretary McNamara received another request from General Westmoreland, raising to 443,000 men the total he needed by the end of 1966. And on Jan. 28 the Secretary received a new request, this time increasing the total to 459,000 men.

Neither General Westmoreland's requests nor President Johnson's approvals were made public. At a news conference on Feb. 26, 1966, the President said, "We do not have on my desk at the moment any unfilled requests from General Westmoreland." There were 235,000 American soldiers in South Vietnam at the time.

The Pentagon narrative suggests two possible interpretations for the rapid ballooning of the number of troops required:

"It can be hypothesized, that from the outset of the American build-up, some military men felt that winning a meaningful victory in Vietnam would require something on the order of one million men.

"Knowing that this would be unacceptable politically, it may have seemed a better bargaining strategy to ask for increased deployments incrementally.

"An alternative explanation is that no one really foresaw what the troop needs in Vietnam would be and that the ability of the D.R.V./VC to build up their effort was consistently underrated.

"This explanation seems, with some exceptions, to be reasonable. The documents from the period around July 1965 seem to indicate that [General Westmoreland] had not given much though to what he was going to do in the year or years after 1965."

Citing a document of General Westmoreland's Military Assistance Command in Vietnam, the study goes on: "The words of the MACV history of 1965 indicate something of this. 'The President's July 28 announcement that the U.S. would commit additional massive military forces in SVN necessitated an overall plan clarifying the missions and deployment of the various components. [The general's] concept of operations was prepared to fulfill this need.' "

"If this is a true reflection of what happened," the analyst says, "it would indicate the MACV's plan of what to do was derived from what would be available rather than the requirement for manpower being derived from any clearly thought out military plan."

Bombing and a Pause

In April, 1965, when President Johnson secretly changed the mission of the Marines at Danang from defense to offense and thus committed the United States to the ground war in Vietnam, the sustained bombing of North Vietnam was relegated to a secondary role, the Pentagon study declares. Discussing this bombing campaign, known as Operation Rolling Thunder, the study adds:

"Earlier expectations that bombing would constitute the primary means for the U.S. to turn the tide of the war had been overtaken by the President's decision to send in substantial U.S. ground forces. With this decision the main hope had shifted from inflicting pain in the North to proving, in the South, that NVN could not win a military victory there. Rolling Thunder was counted as useful and necessary, but in the prevailing view it was a supplement and not a substitute for efforts within SVN."

By the summer of 1965, Operation Rolling Thunder's scope and pattern of operation had also been determined, the narrative relates.

To emphasize American power, it goes on, the bombing of the North would proceed "in a slow, steady, deliberate manner, beginning with a few infiltration-associated targets in southern NVN and gradually moving northward with progressively more severe attacks on a wider variety of targets."

Because Operation Rolling Thunder was considered "comparatively risky and politically sensitive," all bombing strikes were carefully selected in Washington. Targets were chosen in weekly packages, the study says, and each target package "had to pass through a chain of approvals which included senior levels of O.S.D. [Office of the Secretary of Defense], the Department of State and the White House."

Attacks were also permitted against certain broad categories of targets, such as vehicles, locomotives and barges, which were defined in Washington. In this type of attack, known as armed reconnaissance, the final selection of a specific target was left to the pilot.

The number of sorties—individual flights by individual planes—was gradually increased, the account relates, from 900 a week during July to 1,500 a week in December, 1965. By the end of the year 55,000 sorties had been flown, nearly three-fourths of them on armed reconnaissance.

While the list of targets was also lengthened, Secretary McNamara continued to keep the Hanoi-Haiphong area and the Chinese border area off limits through the end of 1965.

The study reports that the original purpose of Rolling Thunder, "to break the will of North Vietnam," was changed during the summer of 1965 to cutting the flow of men and supplies from the North to the South.

This change in the Government's internal rationale, the analyst writes, brought it in line with the publicly expressed rationale, which had always been an infiltration cutoff.

The rationale was changed, the study declares, because it was recognized that "as a venture in strategic persuasion the bombing had not worked."

In fact, intelligence estimates commissioned by Secretary McNamara showed that by the end of 1965 the bombing had had little effect on North Vietnam.

STRAINS SHOW IN INDUSTRY

In November, 1965, the Defense Intelligence Agency told Mr. McNamara that while the "cumulative strains" resulting from the bombing had "reduced industrial performance" in North Vietnam, "the primarily rural nature of the area permits continued functioning of the subsistence economy."

And, the agency's estimate continued, "The air strikes do not appear to have altered Hanoi's determination to continue supporting the war in South Vietnam."

In the analyst's view, "The idea that destroying, or threatening to destroy, North Vietnam's industry would pressure Hanoi into calling it quits, seems, in retrospect, a colossal misjudgment." The analyst continues:

"NVN was an extremely poor target for air attack. The theory of either strategic or interdiction bombing assumed highly developed industrial nations producing large quantities of military goods to sustain mass armies engaged in intensive warfare. NVN, as U.S. intelligence agencies knew, was an agricultural country with a rudimentary transportation system and little industry of any kind.

"What intelligence agencies liked to call the 'modern industrial sector' of the economy was tiny even by Asian standards, producing only about 12 percent of the G.N.P. of $1.6-billion in 1965. There were only a handful of 'major industrial facilities.' When NVN was first targeted, the J.C.S. found only eight industrial installations worth listing.

"NVN's limited industry made little contribution to its military capabilities," the account continues. "The great bulk of its military equipment, and all of the heavier and more sophisticated items, had to be imported. This was no particular problem, since both the U.S.S.R. and China were apparently more than glad to help.

"The NVN transportation system was austere and superficially looked very vulnerable to air attack, but it was inherently flexible and its capacity greatly exceeded the demands placed upon it.

"Supporting the war in the south was hardly a great strain on NVN's economy. The NVA/VC forces there did not constitute a large army. They did not fight as conventional division or field armies, with tanks and airplanes and field artillery; they did not need to be supplied by huge convoys of trucks, trains or ships. They fought and moved on foot, supplying themselves locally, in the main, and simply avoiding combat when supplies were low."

An important element in Secretary McNamara's program of pressure against North Vietnam, the study says, was a pause in the bombing. On July 20, 1965, Mr. McNamara wrote in a memorandum to the President:

"After the 44 U.S.-third-country battalions have been deployed and after some strong action has been taken in the program of bombing in the North, we could, as part of a diplomatic initiative, consider introducing a 6–8 week pause in the program of bombing the North."

He apparently felt, the Pentagon study says, that the previous pause—May 8 to May 13, 1965—had been too short and too hastily arranged to be effective. Hanoi was simply not given enough time to reply during the May pause, the study says. It also relates that President Johnson had viewed the pause "as a means of clearing the way for an increase in the tempo of the air war in the absence of a satisfactory response from Hanoi."

The Secretary of Defense repeated his proposal for a bombing pause several times during the fall of 1965, the account goes on. As he and Assistant Secretary of Defense McNaughton envisioned it, the pause would be used as a kind of "ratchet"—which the analyst likens to "the device which raises the net in a tennis court, backing off tension between each phase of increasing it."

All the high officials who debated the pause in bombing assumed that it would be temporary, the study declares. "Throughout this discussion it was taken for granted that bombing would be resumed."

TOO STRINGENT FOR HANOI

The officials, known in government circles as the "Vietnam principals," believed the bombing would be resumed, the narrative adds, because they knew that the conditions they had set for a permanent halt were tougher than Hanoi could accept.

In a confidential memorandum on Dec. 3, apparently intended only for Mr. McNamara, Assistant Secretary McNaughton outlined the conditions the United States should insist upon for a permanent halt:

"A. The D.R.V. stops infiltration and direction of the war.

"B. The D.R.V. moves convincingly toward withdrawal of infiltrators.

"C. The VC stops attack, terror and sabotage.

"D. The VC stop significant interference with the GVN's exercise of governmental functions over substantially all of South Vietnam."

After noting these conditions, Mr. McNaughton wrote that they amounted to "capitulation by a Communist force that is far from beaten."

The Joint Chiefs as well as Secretary of State Dean Rusk opposed any halt in bombing, the study says, because they were concerned that a pause would ease the pressure on Hanoi. [See text, State Department memo, Nov. 9, 1965.]

They also feared that Hanoi might offer an opening of negotiations in exchange for a halt in bombing, without making any of the substantive concessions that Washington wanted, the study adds.

The available materials do not reveal the President's response to these arguments," the narrative relates, "but it is clear from the continuing flow of papers that he delayed positively committing himself either for or against a pause until very shortly before the actual pause began."

The pause was to last 37 days, from Dec. 24, 1965, to Jan. 31, 1966.

Doubts Start to Emerge

The ineffectiveness of Rolling Thunder and General Westmoreland's mounting demand for troops soon began to create doubts among the "Vietnam principals," the Pentagon study says. During the pause in the bombing, both Mr. McNaughton and Secretary McNamara wrote lengthy memorandums outlining the change in their feelings.

In a paper titled "Some Observations About Bombing North Vietnam," dated Jan. 18, 1966 and quoted in the narrative, Mr. McNaughton asked: "Can the program be expected to reduce (not just increase the cost of) D.R.V. aid to the South and hopefully put a ceiling on it?"

His own answer was no. "The program so far has not successfully interdicted infiltration of men and material into South Vietnam," he wrote. "Despite our armed reconnaissance efforts and strikes of railroads, roads, bridges, storage centers, training bases and other key links in their lines of communications, it is estimated that they are capable of generating in the North and infiltrating to the South 4,500 men a month and between 50 and 300 tons a day depending on the season."

This, he noted, was enough to support a major effort against the United States.

M'NAUGHTON EXPANDS DRAFT

The next day Mr. McNaughton prepared another memorandum, expanding on his first draft, in which he warned: "We have in Vietnam the ingredients of an enormous miscalculation." [See text, McNaughton memo, Jan. 19, 1966.]

"The ARVN is tired, passive and accommodation-prone, . . ." he wrote. "The PAVN/VC are effectively matching our deployments . . . The bombing of the North may or may not be able effectively to interdict infiltration . . . Pacification is stalled . . . the GVN political infrastructure is moribund and weaker than the VC infrastructure . . . South Vietnam is near the edge of serious inflation and economic chaos.

"We are in an escalating military stalemate."

"The present U.S. objective in Vietnam is to avoid humiliation," he wrote. "At each decision point we have gambled; at each point, to avoid the damage to our effectiveness of defaulting on our commitment, we have upped the ante. We have not defaulted, and the ante (and commitment) is now very high." The words in parentheses were in the memorandum.

Mr. McNaughton suggested that Washington ought to consider settling for something short of a military victory.

"Some will say that we have defaulted if we end up . . . . with anything less than a Western-oriented, non-Communist, independent government, exercising effective sovereignty over all of South Vietnam," he wrote. "This is not so. As stated above, the U.S. end is solely to preserve our reputation as a guarantor."

SOME ACCEPTABLE OUTCOMES

He then outlined some outcomes that he felt the United States should be able to accept:

"Coalition government including Communists.

"A free decision by the South to succumb to the VC or to the North.

"A neutral (or even anti-U.S.) government in SVN.

"A live-and let-live 'reversion to 1959.' "

This presumably referred to the situation of low-level guerrilla warfare that prevailed in 1959, before either North Vietnam or the United States had committed major forces to the conflict.

Despite the pessimism of his analysis, the study adds, Mr. McNaughton went on to recommend "more effort for pacification, more push behind the Ky government, more battalions . . . and intensive interdiction bombing."

On Jan. 24, Secretary McNamara wrote a revised version of his Nov. 30, 1965, memorandum to President Johnson that, the study says, echoed much of his Assistant Secretary's pessimism.

While Mr. McNamara, too, recommended increasing the bombing strikes against North Vietnam, he could say only that "the increased program probably will not put a tight ceiling on the enemy's activities in South Vietnam."

"THEY CONTINUE TO BELIEVE . . ."

And though he recommended raising the number of United States troops in Vietnam to more than 400,000 by the end of 1966, he told the President:

"Deployments of the kind we have recommended will not guarantee success. Our intelligence estimate is that the present Communist policy is to continue to prosecute the war vigorously in the South. They continue to believe that the war will be a long one, that time is their ally and that their own staying power is superior to ours.

"It follows, therefore, that the odds are about even that, even with the recommended deployments, we will be faced in early 1967 with a military standoff at a much higher level, with pacification still stalled, and with any prospect of military success marred by the chances of an active Chinese intervention and with the requirement for the deployment of still more U.S. forces."

The doubts among officials of the Johnson Administration grew further with a political crisis in the cities of Hue and Danang during the spring of 1966, the narrative relates, and at the White House a major debate was conducted on America's goals in Southeast Asia.

The South Vietnamese political crisis was touched off March 12, 1966, when Air Vice Marshal Nguyen Cao Ky, who was Premier, removed the powerful and semiautonomous commander of the I Corps, Gen. Nguyen Chanh Thi. Buddhist monks and students quickly joined demonstrations supporting General Thi and attacking the Ky regime.

FEARS OF NEUTRALIST RULE

The demonstrations stirred fears in Washington that Marshal Ky might be overthrown and replaced by a neutralist Buddhist government, the study recalls, and hurried meetings were called at the White House.

At the first of these meetings, on April 9, the study says, four policy papers were debated: George Carver, a senior C.I.A. analyst on Vietnam, argued for what was referred to as Option A—continuing as is; Leonard Unger, Deputy Assistant Secretary of State and head of the Interdepartmental Vietnam coordinating committee, presented Option B—continuing but pressing for a compromise settlement; Assistant Secretary of Defense McNaughton argued Option B–P—continuing but with a pessimistic outlook; and George W. Ball, the Under Secretary of State, took Option C—disengagement.

Mr. Ball asserted, as he had the previous June in a memorandum for the President, that "We should concentrate our attention on cutting our losses." The United States, he said, should "halt the deployment of additional forces, reduce the level of air attacks on the North, and maintain ground activity at the minimum level required to prevent the substantial improvement of the Vietcong position."

"Let us face the fact that there are no really attractive options open to us," Secretary Ball concluded in his policy paper, as quoted in the Pentagon study.

Other papers, including one by Walt W. Rostow, who had just replaced McGeorge Bundy as Presidential adviser on national security, were prepared and debated on April 12, 14 and 16.

A HINT IN HIS NOTES

A hint of Mr. McNaughton's state of mind during this period, the Pentagon study says, can be gathered from notes he had taken of a conversation with an official just back from Saigon. Mr. McNaughton's notes read:

"Place (VN) in unholy mess.

"We control next to no territory.

"Fears economic collapse.

"Militarily will be same place year from now.

"Pacification won't get off ground for a year."

At the April 16 meeting, William P. Bundy, Assistant Secretary of State for Far Eastern Affairs, presented a draft entitled "Basic Choices in Vietnam." He apparently favored the option of continuing along present lines, the narrative recounts, but he also said:

"As we look a year or two ahead, with a military program that would require major further budget costs—with all their implications for taxes and domestic programs—and with steady or probably rising casualties, the war could well become an albatross around the Administration's neck at least equal to what Korea was for President Truman in 1952."

What new decisions these meetings produced is not clear from the record, the Pentagon study says. The meetings ended around April 20 with a lull in the South Vietnamese political crisis.

The Fuel-Depot Issue

During the spring of 1966, the Pentagon study says, the question of bombing North Vietnam's oil-storage tanks became a "major policy dispute."

"Before the question was settled," the account goes on, "it had assumed the proportions of a strategic issue, fraught with military danger and political risk, requiring thorough examination and careful analysis."

The Joint Chiefs of Staff had advocated bombing North Vietnam's oil tanks as early as the fall of 1965, the narrative says, adding:

"The Joint Chiefs of Staff pressed throughout the autumn and winter of 1965–66 for permission to expand the bombing virtually into a program of strategic bombing aimed at all industrial and economic resources as well as at all interdiction targets."

"The Chiefs did so, it may be added, despite the steady stream of memoranda from the intelligence community consistently expressing skepticism that bombing of any conceivable sort (that is, any except bombing aimed primarily at the destruction of North Vietnam's population) could either persaude Hanoi to negotiate a settlement on U.S./GVN terms or effectively limit Hanoi's ability to infiltrate men and supplies into the South."

In a memorandum to Secretary McNamara on Nov. 10, 1965, the Chiefs asserted that the only reason the bombing campaign had not worked thus far was because of the "self-imposed restraints."

"We shall continue to achieve only limited success in air operation in D.R.V./Laos if required to operate within the constraints presently imposed," the Joint Chiefs said. "The establishment and observance of de facto sanctuaries within the D.R.V., coupled with a denial of operations against the most important military and war supporting targets, precludes attainment of the objectives of the campaign."

The Joint Chiefs added: "Now required is an immediate and sharply accelerated program which will leave no doubt that the U.S. intends to win and achieve a level of destruction which they will not be able to overcome."

In a separate memorandum the same day, the Joint Chiefs said that an attack on North Vietnam's P.O.L.—petroleum, oil and lubricants, in military terminology—"would be more damaging to the D.R.V. capability to move war-supporting resources within country and along the infiltration routes to SVN than an attack against any other single target system."

"The flow of supplies would be greatly impeded," the Joint Chiefs said. And they contended that "recuperability of the D.R.V. P.O.L. system from the effects of an attack is very poor."

ARRIVAL AT HAIPHONG

"It is not surprising that the J.C.S. singled out the P.O.L. target system for special attention," the Pentagon analyst says. "NVN had no oil fields or refineries, and had to import all of its petroleum products, in refined form. . . . Nearly all of it came from the Black Sea area of the U.S.S.R. and arrived by sea at Haiphong, the only port capable of conveniently receiving and handling bulk P.O.L. brought in by large tankers. From large tank farms at Haiphong with a capacity of about one-fourth of the annual imports, the P.O.L. was transported by road, rail and water to other large storage sites at Hanoi and elsewhere in the country. Ninety-seven per cent of the N.V.N. P.O.L. storage capacity was concentrated in 13 sites, 4 of which had already been hit. They were, of course, highly vulnerable to air attack."

In support of the Joint Chiefs' view, Adm. U.S. Grant Sharp, the commander of American forces in the Pacific, in a cablegram to the Joint Chiefs in January, 1966, made the evaluation that bombing North Vietnam's oil would "bring the enemy to the conference table or cause the insurgency to wither from lack of support." Admiral Sharp also wanted to close North Vietnam's ports, presumably by aerial mining.

But from the outset of the debate over bombing North Vietnam's oil tanks, the study discloses, the intelligence community had been skeptical that such bombing would have much effect on Hanoi.

Replying to a query from Secretary McNamara on what the effect of oil-tank bombing would be, the Central Intelligence Agency said in November, 1965: "It is unlikely that this loss would cripple the Communist military operations in the South, though it would certainly embarrass them."

"We do not believe," the agency's evaluation added, "that the attacks in themselves would lead to a major change of policy on the Communist side, either toward negotiations or toward enlarging the war."

OUTLINE OF ENEMY POLICY

"Present Communist policy it to continue to prosecute the war vigorously in the south," another agency estimate, on Dec. 3, 1965, said. It added:

"The Communists recognize that the U.S. reinforcements of 1965 signify a determination to avoid defeat. They expect more U.S. troops and probably anticipate that targets in the Hanoi-Haiphong area will come under air attack. Nevertheless, they remain unwilling to damp down the conflict or move toward negotiation. They expect a long war, but they continue to believe that time is their ally and that their own staying power is superior."

If the United States bombed all major targets in North Vietnam, Secretary McNamara asked, how would Hanoi react? The C.I.A. replied: "The D.R.V. would not decide to quit; PAVN infiltration southward would continue."

In March, 1966, after months of hesitation, Mr. McNamara accepted the Joint Chiefs' requests and recommended bombing North Vietnam's oil, the study relates. But President Johnson did not immediately go along with the Secretary's recommendation.

SEVERAL REASONS TO HESITATE

There were several reasons for the President's hesitation, the account goes on.

The continuing chaotic political situation in South Vietnam, with rumors of a change in government, made any further escalation seem unwise for the moment. There was also a widespread campaign by several world leaders during the spring to get Washington and Hanoi to the negotiating table. President Kwame Nkrumah of Ghana and Prime Minister Harold Wilson of Britain separately traveled to Moscow to try to start negotiations.

President Charles de Gaulle of France was in touch with President Ho Chi Minh in Hanoi, and Secretary General Thant of the United Nations appealed to both sides to come to the Security Council. President Johnson could not afford to escalate the war during these peace efforts, the Pentagon record says.

An important influence on President Johnson's thinking, the account goes on, was a memorandum he received from Mr. Rostow on May 6. Mr. Rostow, who as a major with the Office of Strategic Services during World War II had helped plan the bombing of Germany, recalled in his memorandum the damage done to that country's war effort through the bombing of oil-storage facilities. He then asserted:

"With an understanding that simple analogies are dangerous, I nevertheless feel it is quite possible the military effects of systematic and sustained bombing of P.O.L. in North Vietnam may be more prompt and direct than conventional intelligence analysis would suggest."

NOT EVEN SHARP WAS TOLD

It was late in May when President Johnson decided to order the oil bombing, the narrative says, and he apparently set June 10 as the target day. But his decision "was very closely held," the analyst writes, and not even Admiral Sharp or General Westmoreland was told.

The Central Intelligence Agency, in a last-minute evaluation ordered by the "Vietnam principals," reiterated its skepticism about the effects of oil-tank bombing.

"It is estimated," the agency's report said, "that the infiltration of men and supplies into SVN can be sustained."

The sequence of events was interrupted on June 7, the study relates, when Washington learned that a Canadian diplomat, Chester A. Ronning, was on his way to Hanoi to test North Vietnam's attitude toward negotiations, a mission for which he had received State Department approval.

Secretary Rusk, who was traveling in Europe, cabled President Johnson to urge that the oil strikes be postponed until it could be learned what Mr. Ronning had found out.

"I am deeply disturbed," Mr. Rusk said in his cablegram, "by general international revulsion, and perhaps a great deal at home if it becomes known that we took an action which sabotaged the Ronning mission to which we had given our agreement. I recognize the agony of this problem for all concerned."

NO OPENING OR FLEXIBILITY

President Johnson, responding to Mr. Rusk's request, suspended the oil raids, the study discloses. When Mr. Ronning returned, Assistant Secretary Bundy flew to meet him in Ottawa, but quickly reported that the Canadian had found no opening or flexibility in the North Vietnamese position.

While Mr. Ronning was in Hanoi, Secretary McNamara had informed Admiral Sharp by cablegram of the high level consideration of oil attacks and told him:

"Final decision for or against will be influenced by extent they can be carried out without significant civilian casualties. What preliminary steps to minimize would you recommend and if taken what number of casualties do you believe would result?"

Admiral Sharp "replied eagerly," the study declares, with a list of precautions: The strikes would be carried out only under favorable weather conditions, with experienced pilots fully briefed, and with especially selected weapons. He predicted that civilian casualties could be held "under 50."

With Mr. Ronning's return and Admiral Sharp's assurances, the stage was set for the oil-tank strikes.

On June 22, Washington gave the execution message [see text, Joint Chief's order] authorizing strikes on the oil targets in the Hanoi-Haiphong area. The Pentagon analyst terms the execution message " a remarkable document, attesting in detail to the political sensitivity of the strikes." The message said:

"Strikes to commence with initial attacks against Haiphong and Hanoi P.O.L. on same day if operationally feasible . . . At Haiphong avoid damage to merchant shipping. No attacks authorized on craft unless U.S. aircraft are first fired on and then only if clearly North Vietnamese.

"Decision made after SecDef and C.J.C.S. [Chairman, Joint Chiefs of Staff] were assured every feasible step would be taken to minimize civilian casualties. . . . Take the following measures: maximum use of most experienced Rolling Thunder personnel, detailed briefing of pilots stressing need to avoid civilians, execute only when weather permits visual identification of targets and improved strike accuracy, select best axis of attack to avoid populated areas, maximum use of ECM [electronic countermeasures] to hamper SAM [surface-to-air missiles] and AAA [anticraft artillery] fire control, in order to limit pilot distraction and improve accuracy, maximum use of weapons of high precision delivery consistent with mission objective and limit SAM and AAA suppression [bombing] to sites located outside populated areas.

THE "NEVER ON SUNDAY" ORDER

"Take special precautions to insure security. If weather or operational considerations delay initiation of strikes, do not initiate on Sunday, 26 June."

It is not clear, the Pentagon account says, why what it calls the "never on Sunday" order was issued.

Because of bad weather, it was June 29 before the oil strikes were finally begun, reportedly with great success. The Haiphong dock facility appeared about 80 per cent destroyed, the study says, and the Hanoi "tank farm" was apparently knocked out. Only one United States aircraft was lost to ground fire.

A report from the Seventh Air Force in Saigon called the operation "the most significant, the most important strike of the war."

"Official Washington reacted with mild jubilation to the reported success of the P.O.L. strikes and took satisfaction in the relatively mild reaction of the international community to the escalation," the Pentagon analyst recounts. "Secretary McNamara described the execution of the raids as a 'superb professional job,' and sent a message of personal congratulations to the field commanders involved in the planning and execution of the attacks."

In early July, Mr. McNamara informed Admiral Sharp in a cablegram that the President wished the first priority in the air war to be given to the "strangulation" of North Vietnam's fuel system. And he ordered Admiral Sharp to develop a comprehensive plan to accomplish this.

Throughout the summer of 1966, Operation Rolling Thunder was concentrated on destroying oil-storage sites, the narrative relates. By the end of July, the Defense Intelligence Agency reported to Secretary McNamara that 70 per cent of North Vietnam's original storage capacity had been destroyed.

But "what became clearer and clearer as the summer wore on," the account discloses, "was that while we had destroyed a major portion of North Vietnam's storage capacity, she retained enough dispersed capacity, supplemented by continuing imports (increasingly in easily disperable drums, not bulk) to meet her ongoing requirements."

In August, the study says, with the —— storage sites already destroyed and the small, dispersed sites hard to find and bomb, "it was simply impractical and infeasible to attempt any further destruction of North Vietnam's P.O.L. storage capacity."

And, it adds, the flow of men and supplies from North Vietnam to the Vietcong continued "undiminished."

DIFFICULTIES OVERESTIMATED

"It was clear," the study says, "that the P.O.L. strikes had been a failure. . . . There was no evidence that NVN had at any time been pinched for P.O.L. . . . The difficulties of switching to a much less vulnerable but perfectly workable storage and distribution system, not an unbearable strain when the volume to be handled was not really very great, had been overestimated. Typically, also, N.V.N.'s adaptability and resourcefulness had been greatly underestimated."

"McNamara, for his part, made no effort to conceal his dissatisfaction and disappointment at the failure of the P.O.L. strikes," the study continues. "He pointed out to the Air Force and the Navy the glaring discrepancy between the optimistic estimates of results their pre-strike P.O.L. studies had postulated and the actual failure of the raids to significantly decrease infiltration."

"The Secretary was already in the process of rethinking the role of the entire air campaign in the U.S. effort," the Pentagon study says. "He was painfully aware of its inability to pinch off the infiltration to the South and had seen no evidence of its ability to break Hanoi's will, demoralize its population or bring it to the negotiation table."

"The attack on North Vietnam's P.O.L. system," the study goes on, "was the last major escalation of the air war recommended by Secretary McNamara."

Highlights of the Period

The United States military effort in Vietnam, according to the Pentagon study, continued to intensify—both on the ground and in the air—throughout 1965 and well into 1966, despite continuing evidence that this escalation was bringing "an acceptable outcome" no closer to realization.

Here, in chronological order, are highlights of this period:

JULY, 1965

John T. McNaughton, Assistant Secretary of Defense, defines "win" for U.S. as "demonstrating to the VC that they cannot win."

Secretary of Defense Robert S. McNamara, assured by special study group headed by Gen. Earle G. Wheeler, Chairman of Joint Chiefs, that "there appears to be no reason we cannot win if such is our will," approves request by Gen. William Westmoreland, U.S. military commander in Vietnam, for 100,000 more U.S. troops.

Mr. McNamara, in memo to President, says he thinks General Westmoreland's three-phase strategy plan "stands a good chance" of success, notes casualties will increase, suggests U.S. "killed-in-action might be in the vicinity of 500 a month by the end of the year. . . ."

Pentagon study notes U.S. strategy "did not take escalatory reactions into account."

NOVEMBER, 1965

General Westmoreland asks for 154,000 more men; this would bring total U.S. troops in Vietnam to 375,000, study says. General explains to Adm. U.S. Grant Sharp, U.S. commander in the Pacific, that Vietcong-North Vietnamese rate of troop build-up is expected to be "double that of U.S."

Mr. McNamara, in memo to President, recommends U.S. supply total of nearly 400,000 men by end of 1966, adds that this "will not guarantee success."

DECEMBER, 1965

General Westmoreland asks for total of 443,000 troops by end of 1966. Air war continues at rate of 1,500 sorties weekly.

JANUARY, 1966

General increases request to 459,000 men.

McNamara memorandum concedes that air war "has not successfully interdicted infiltration." Second memo warns, "We are in an escalating military stalemate." Includes coalition, neutralist "or even anti-U.S." Government as among outcomes U.S. should be able to accept. Still urges more troops, bombing.

MARCH, 1966

Secretary McNamara, after months of pressure from Joint Chiefs, recommends U.S. bomb petroleum, oil and lubricant supplies in North Vietnam. Admiral Sharp had predicted this would "bring the enemy to the conference table or cause the insurgency to wither."

APRIL, 1966

White House policy meetings to consider Vietnam options. George W. Ball, Under Secretary of State, urges "cutting our losses," concedes "no really, attractive options open to us."

MAY, 1966

President decides to order P.O.L. air strikes. C.I.A. estimates this will not halt "infiltration of men and supplies."

JUNE, 1966

Oil strikes begin, hitting Haiphong, Hanoi storage sites.

JULY, 1966

By month's end, Defense Intelligence Agency estimates 70 per cent North Vietnam's original storage capacity destroyed.

AUGUST, 1966

Major storage sites destroyed; study calls flow of men and material to South "undiminished," notes North Vietnam's "adaptability and resourcefulness" in switching to small, dispersed sites, almost impossible to bomb.

Joint Chiefs pass on new Westmoreland ground-troop request to Mr. McNamara: 542,588 total for 1967.

SEPTEMBER, 1966

Report to Secretary McNamara from study group says Operation Rolling Thunder "had no measurable direct effect" on Hanoi's capability in South Vietnam; concludes that "there is no firm basis for determining if there is any feasible level of effort that would achieve" U.S. air-war objectives.

Study group recommends building electronic barrier across Vietnamese demilitarized zone.

More Troop Requests

Another important factor in Secretary McNamara's "disenchantment" during the summer of 1966, the Pentagon account declares, was General Westmoreland's continual requests for more troops.

In June Mr. McNamara approved a new deployment schedule specifically designed to meet General Westmoreland's requests. The new schedule, labeled Program 3, called for putting 391,000 American soldiers—79 battalions—into South Vietnam by the end of 1966 and 431,000 by June, 1967.

Because articles had begun to appear in the press that the Joint Chiefs were dissatisfied with the pace of the buildup in ground forces, the study relates, President Johnson and Mr. McNamara resorted to a bureaucratic "ploy" to insure that their new schedule met the Joint Chiefs' requests.

On June 28 the President wrote a formal directive to the Secretary of Defense:

"As you know, we have been moving our men to Vietnam on a schedule determined by General Westmoreland's requirements.

"As I have stated orally several times this year, I should like this schedule to be accelerated as much as possible so that General Westmoreland can feel assured that he has all the men he needs as soon as possible.

"Would you meet with the Joint Chiefs and give me at your earliest convenience an indication of what acceleration is possible for the balance of this year."

Secretary McNamara then passed this directive to the Joint Chiefs, who replied in a memorandum on July 7 that the new schedule did meet General Westmoreland's requirements. In turn, Mr. McNamara replied formally to the President that he was "happy to report" that the new deployments were satisfactory.

Thus, the study says, the President and Mr. McNamara gained a record that could be easily pulled out to show any critic that in fact they were meeting the military's requests.

But while President Johnson and Secretary McNamara were approving this schedule, General Westmoreland had already initiated a new request—for 111,588 men—which was passed through channels to the Joint Chiefs on June 18. The figure General Westmoreland said he would now need for 1967 was 542,588 troops.

On Aug. 5 the Joint Chiefs passed the new request to Secretary McNamara, expressing their view that the proposed increases were important and necessary.

Mr. McNamara replied the same day:

"As you know, it is our policy to provide the troops, weapons and supplies requested by General Westmoreland at the times he desires them, to the greatest possible degree.

"Nevertheless I desire and expect a detailed line-by-line analysis of these requirements to determine that each is truly essential to the carrying out of our war plan. We must send to Vietnam what is needed, but only what is needed." [See text, McNamara memo, Aug. 5, 1966.]

When the Joint Chiefs completed their detailed study of the new requests in the fall, the study relates, Mr. McNamara was no longer ready to approve troop increases automatically. And in October, for the first time, he would turn General Westmoreland down.

The major reason General Westmoreland gave for needing more troops, the account discloses, is that during the summer of 1966 North Vietnamese infiltration again appeared to be increasing.

Throughout the summer and early fall, the narrative says, General Westmoreland sent a steady stream of cables to Admiral Sharp and General Wheeler warning about the enemy build-up. [See text, Westmoreland cable, Aug. 10, 1966.]

A Secret Seminar

During the summer of 1966, while Secretary McNamara was pondering the failure of the oil-storage strikes and considering General Westmoreland's latest troop request, a secret seminar of leading scientists under Government sponsorship was studying the over-all results of Operation Rolling Thunder.

Their conclusions, the historian relates, would have a "dramatic impact" on Mr. McNamara and further contribute to his disenchantment. [See text, bombing evaluation, Aug. 29, 1966.]

The idea for a summer seminar of scientists and academic specialists to study technical aspects of the war had been suggested in March by Dr. George B. Kistiakowsky and Dr. Carl Kaysen of Harvard and Dr. Jerome B. Wiesner and Dr. Jerrold R. Zacharias of the Massachusetts Institute of Technology.

Dr. Kistiakowsky had been special assistant for science and technology under President Dwight D. Eisenhower and Dr. Wiesner had held that post under President Kennedy. Dr. Kaysen had been a Kennedy aide for national security.

Secretary McNamara liked the idea, the study says, and sent Dr. Zacharias a letter on April 16 formally requesting that he had the others arrange the summer study on "technical possibilities in relation to our military operations in Vietnam."

The Secretary specifically instructed Mr. McNaughton, who was to oversee the project, that the scientists should look into the feasibility of "a fence across the infiltration trails, warning systems, reconnaissance (especially night) methods, night vision devices, defoliation techniques and area-denial weapons."

SOME SCIENTIFIC ADVICE

The idea of constructing an anti-infiltration barrier across the demilitarized zone had first been suggested by Prof. Roger Fisher of the Harvard Law School in a memorandum to Mr. McNaughton in January, 1966, the narrative says.

The scientists—47 men representing "the cream of the scholarly community in technical fields," the narrative says—met in Wellesley, Mass., during June, July and August under the auspices of the Jason Division of the Institute for Defense Analyses.

The Jason Division named for the leader of the Argonauts in Greek mythology, was used to conduct "ad hoc high-level studies using primarily non-I.D.A. scholars," the Pentagon study says. The scientists were given briefings by high officials from the Pentagon, the Central Intelligence Agency, the State Department and the White House, the study recounts, and they were provided with secret materials.

Their conclusions and recommendations, which were given to the Secretary of Defense at the beginning of September, had "a powerful and perhaps decisive influence in McNamara's mind," the Pentagon record says.

These were the recommendations, it goes on, of "a group of America's most distinguished scientists, men who had helped the Government produce many of its most advanced technical weapons systems since the end of the Second World War, men who were not identified with the vocal academic criticism of the Administration's Vietnam policy."

Their report evaluating the results of the Rolling Thunder campaign began:

"As of July, 1966, the U.S. bombing of North Vietnam had had no measurable direct effect on Hanoi's ability to mount and support military operations in the South at the current level."

They then pointed out the reasons that they felt North Vietnam could not be hurt by bombing: It was primarily a subsistence agricultural country with little industry and a primitive but flexible transport system, and most of its weapons and supplies came from abroad.

These factors, the scientists said, made it "quite unlikely" that an expanded bombing campaign would "prevent Hanoi from infiltrating men into the South at the present or a higher rate."

In conclusion, the Pentagon study says, the scientists addressed the assumption behind the bombing program—that damage inflicted on a country reduces its will to continue fighting. The scientists criticized this assumption, the study says, by denying that it is possible to measure the relationship.

"It must be concluded," the scientists said, "that there is currently no adequate basis for predicting the levels of U.S. military effort that would be required to achieve the stated objectives—indeed, there is no firm basis for determining if there is any feasible level of effort that would achieve these objectives."

ALTERNATIVE TO BOMBING

As an alternative to bombing North Vietnam, the 47 scientists suggested that an elaborate electronic barrier, using recently developed devices, be built across the demilitarized zone.

The barrier would consist of two parts, the Pentagon report discloses: an anti-troop system made up of small mines (called gravel mines) to damage the enemy's feet and legs, and an anti-vehicle system composed of acoustic sensors that would direct aircraft to the target.

Most of the mines and sensors would be dropped by planes, but the system would have to be checked by ground troops.

The whole system would cost about $800-million a year, the scientists estimated, and would take a year to build.

Secretary McNamara "was apparently strongly and favorably impressed" by the scientists' ideas, the Pentagon study relates, and he immediately ordered Lieut. Gen. Alfred D. Starbird, an Army engineering expert, to begin research on the barrier.

On Oct. 10, 1966, the study reports, Secretary McNamara set out for Saigon to assess General Westmoreland's latest troop request. He had ordered General Starbird to precede him there to begin an investigation of conditions for the barrier.

Characterizing Mr. McNamara's attitudes toward the war, the Pentagon analyst says that the Secretary had gone from "hesitancy" in the winter of 1965 to "perplexity" in the spring of 1966 to "disenchantment" the following fall.

When he returned from his October trip to Saigon, the study relates, he would detail his feelings in two long memorandums to President Johnson and for the first time would recommend against filling a troop request from General Westmoreland.

Leading U.S. Military Planners

WILLIAM CHILDS WESTMORELAND

U.S. military commander, Vietnam, 1964–68; since then, Army Chief of Staff. Born Spartanburg County, S.C., March 26, 1914 . . . studied at The Citadel, South Carolina military college . . . graduated from U.S. Military Academy, 1936 . . . Harvard University Advanced Management Program, 1954 . . . first combat experience leading artillery battalion, Casablanca landing, 1942 . . . saw action in Tunisia and Sicily . . . landed on Utah Beach, Normandy, D-Day, with Ninth Infantry Division . . . commander, Sixth Infantry Regiment, Germany, 1945 . . . chief of staff, 82d Airborne Division, 1947–50 . . . instructor, Command and General Staff College and Army War College, 1950–52 . . . commanded 187th Airborne combat team, South Korea . . . 1956, promoted to major general, youngest in the Army . . . commander, 101st Airborne Division, 1958–60 . . . superintendent, U.S. Military Academy, 1960–63 . . . once said:

"Command is getting people to go the way you want them to go—enthusiastically" . . . succeeded Gen. Paul D. Harkins as head of U.S. Military Assistance Command, Vietnam, June 20, 1964 . . . replaced on July 2, 1968, by Gen. Creighton W. Abrams Jr. . . . considered a consistent optimist about progress in Vietnam . . . occasionally rumored under consideration as political candidate . . . a former Eagle Scout, enthusiastic about Boy Scouts, a member-at-large of group's national council . . . decorations include Distinguished Service Medal, Bronze Star, Thailand's Most Exalted Order of the White Elephant, Vietnam's Chuong My medal . . . starts day at Pentagon at 8 A.M. precisely.

ULYSSES S. GRANT SHARP, JR.

Commander in chief, Pacific forces 1964–68; since 1968, business consultant. Born Fort Benton, Mont., April 2, 1906 . . . graduating from United States Naval Academy, 1927 . . . destroyer commander, Casablanca landings and Pacific, World War II . . . fleet planning officer for Inchon invasion, Korean war . . . promoted to admiral, 1963 . . . succeeded Adm. Harry D. Felt as commander in chief, all U.S. forces, Pacific, 1964 . . . urged U.S. to "increase our pressures" on North Vietnam, 1967 . . . said bombing limitation "would just prolong the war," 1968 . . . retired July, 1968 . . . succeeded by Adm. John S. McCain . . . awarded two Silver Stars, two Bronze Stars among others . . . a Rotarian, eager golfer . . . lives in San Diego.

EARLE GILMORE WHEELER

Chairman of Joint Chiefs of Staff, 1964–70; since 1970, retired to his West Virginia farm. Born Jan. 13, 1908, Washington . . . graduated U.S. Military Academy, 1932 . . . joined National Guard at new division in U.S. . . . director, joint staff, 1960–62 . . . assigned to brief John Kennedy weekly on military candidate during 1960 Presidential campaign . . . Protégé of Maxwell D. Taylor, whom he succeeded as Chairman of J.C.S., 1964 . . . sole service chief to support McNamara endorsement of test-ban treaty, 1963 . . . on Vietnam war, once told interviewer "If we just keep up the pressure those little guys will crack" . . . held top post longer than anyone else, under two Presidents, three Defense Secretaries . . . retired with disability because of heart ailment . . . now living on 180-acre farm, Martinsburg, W. Va.

Key Texts From Pentagon's Vietnam Study

Following are texts of key documents accompanying the Pentagon's study of the Vietnam war, covering the period late in 1966 to mid-1967, in which Secretary of Defense Robert S. McNamara began to express disillusionment with the effectiveness of the war effort. Except where excerpting is specified, the documents are printed verbatim, with only unmistakable typographical errors corrected.

McNamara Memo of Oct. 14, 1966, Opposing Increase in War Effort

Draft memorandum for President Lyndon B. Johnson, "Actions Recommended for Vietnam," from Secretary of Defense Robert S. McNamara, Oct. 14, 1966.

1. Evaluation of the situation. In the report of my last trip to Vietnam almost a year ago, I stated that the odds were about even that, even with the then-recommended deployments, we would be faced in early 1967 with a military stand-off at a much higher level of conflict and with "pacification" still stalled. I am a little less pessimistic now in one respect. We have done somewhat better militarily than I anticipated. We have by and large blunted the communist military initiative—any military victory in South Vietnam the Viet Cong may have had in mind 18 months ago has been thwarted by our emergency deployments and actions. And our program of bombing the North has exacted a price.

My concern continues, however, in other respects. This is because I see no reasonable way to bring the war to an end soon. Enemy morale has not broken—he apparently has adjusted to our stopping his drive for military victory and has adopted a strategy of keeping us busy and waiting us out (a strategy of attriting our national will). He knows that we have not been, and he believes we probably will not be, able to translate our military successes into the "end products"—broken enemy morale and political achievements by the GVN.

The one thing demonstrably going for us in Vietnam over the past year has been the large number of enemy killed-in-action resulting from the big military operations. Allowing for possible exaggeration in reports, the enemy must be taking losses—deaths in and after battle—at the rate of more than 60,000 a year. The infiltration routes would seem to be one-way trails to death for the North Vietnamese. Yet there is no sign of an impending break in enemy morale and it appears that he can more than replace his losses by infiltration from North Vietnam and recruitment in South Vietnam.

Pacification is a bad disappointment. We have good grounds to be pleased by the recent elections, by Ky's 16 months in power, and by the faint signs of development of national political institutions and of a legitimate civil government. But none of this has translated itself into political achievements at Province level or below. Pacification has if anything gone backward. As compared with two, or four, years ago, enemy full-time regional forces and part-time guerrilla forces are larger; attacks, terrorism and sabotage have increased in scope and intensity; more railroads are closed and highways cut; the rice crop expected to come to market is smaller; we control little, if any, more of the population; the VC political infrastructure thrives in most of the country, continuing to give the enemy his enormous intelligence advantage; full security exists nowhere (now even behind the U.S. Marines' lines and in Saigon); in the countryside, the enemy almost completely controls the night.

Nor has the ROLLING THUNDER program of bombing the North either significantly affected infiltration or cracked the morale of Hanoi. There is agreement in the intelligence community on these facts (see the attached Appendix).

In essence, we find ourselves—from the point of view of the important war (for the complicity of the people)—no better, and if anything worse off. This important war must be fought and won by the Vietnamese themselves. We have known this from the beginning. But the discouraging truth is that, as was the case in 1961 and 1963 and 1965, we have not found the formula, the catalyst, for training and inspiring them into effective action.

2. Recommended actions. In such an unpromising state of affairs, what should we do? We must continue to press the enemy militarily; we must make demonstrable progress in pacification; at the same time, we must add a new ingredient forced on us by the facts. Specifically, we must improve our position by getting ourselves into a military posture that we credibly would maintain indefinitely—a posture that makes trying to "wait us out" less attractive. I recommend a five-pronged course of action to achieve those ends.

a. Stabilize US force-levels in Vietnam. It is my judgment that, barring a dramatic change in the war, we should limit the increase in US forces in SVN in 1967 to 70,000 men and we should level off at the total of 470,000 which such an increase would provide.[1] It is my view that this is enough to punish the enemy at the large-unit operations level and to keep the enemy's main forces from interrupting pacification. I believe also that even many more than 470,000 would not kill the enemy off in such numbers as to break their morale so long as they think they can wait us out. It is possible that such a 40 percent increase over our present level of 325,000 will break the enemy's morale in the short term; but if it does not, we must, I believe, be prepared for and have underway a long-term program premised on more than breaking the morale of main force units. A stabilized US force level would be part of such a long-term program. It would put us in a position where negotiations would be more likely to be productive, but if they were not we could pursue the all-important pacification task with proper attention and resources and without the spectre of apparently endless escalation of US deployments.

b. Install a barrier. A portion of the 470,000 troops—perhaps 10,000 to 20,000—should be devoted to the construction and maintenance of an infiltration barrier. Such a barrier would lie near the 17th parallel—would run from the sea, across the neck of South Vietnam (choking off the new infiltration routes through the DMZ) and across the trails in Laos. This interdiction system (at an approximate cost of $1 billion) would comprise to the east a ground barrier of fences, wire, sensors, artillery, aircraft and mobile troops; and to the west—mainly in Laos—an interdiction zone covered by air-laid mines and bombing attacks pin-pointed by air-laid acoustic sensors.

The barrier may not be fully effective at first, but I believe that it can be effective in time and that even the threat of its becoming effective can substantially change to our advantage the character of the war. It would hinder enemy efforts, would permit more efficient use of the limited number of friendly troops, and would be persuasive evidence both that our sole aim is to protect the South from the North and that we intend to see the job through.

c. Stabilize the ROLLING THUNDER program against the North. Attack sorties in North Vietnam have risen from about 4,000 per month at the end of last year to 6,000 per month in the first quarter of this year and 12,000 per month at present. Most of our 50 percent increase of deployed attack-capable aircraft has been absorbed in the attacks on North Vietnam. In North Vietnam, almost 84,000 attack sorties have been flown (about 25 percent against fixed targets), 45 percent during the past seven months.

Despite these efforts, it now appears that the North Vietnamese-Laotian road network will remain adequate to meet the requirements of the Communist forces in South Vietnam—this is so even if its capacity could be reduced by one-third and if combat activities were to be doubled. North Vietnam's serious need for trucks, spare parts and petroleum probably can, despite air attacks, be met by imports. The petroleum requirement for trucks involved in the infiltration movement, for example, has not been enough to present significant supply problems, and the effects of the attacks on the petroleum distribution system, while they have not yet been fully assessed, are not expected to cripple the flow of essential supplies. Furthermore, it is clear that, to bomb the North sufficiently to make a radical impact upon Hanoi's political, economic and social structure, would require an effort which we could make but which would not be stomached either by our own people or by world opinion; and it would involve a serious risk of drawing us into open war with China.

The North Vietnamese are paying a price. They have been forced to assign some 300,000 personnel to the lines of communication in order to maintain the critical flow of personnel and material to the South. Now that the lines of communication have been manned, however, it is doubtful that either a large increase or decrease in our interdiction sorties would substantially change the cost to the enemy of maintaining the roads, railroads, and waterways or affect whether they are operational. It follows that the marginal sorties—probably the marginal 1,000 or even 5,000 sorties—per month against the lines of communication no longer have a significant impact on the war. (See the attached excerpts from intelligence estimates.)

When this marginal inutility of added sorties against North Vietnam and Laos is compared with the crew and aircraft losses implicit in the activity (four men and aircraft and $20 million per 1,000 sorties), I recommend, as a minimum, against increasing the level of bombing of North Vietnam and against increasing the intensity of operations by changing the areas or kinds of targets struck.

Under these conditions, the bombing program would continue the pressure and would remain available as a bargaining counter to get talks started (or to trade off in talks). But, as in the case of a stabilized level of US ground forces, the stabilization of ROLLING THUNDER would remove the prospect of ever escalating bombing as a factor complicating our political posture and distracting from the main job of pacification in South Vietnam.

At the proper time, as discussed on pages 6–7 below, I believe we should consider terminating bombing in all of North Vietnam, or at least in the Northeast zones, for an indefinite period in connection with covert moves toward peace.

d. Pursue a vigorous pacification program. As mentioned above, the pacification (Revolutionary Development) program has been and is thoroughly stalled. The large-unit operations war, which we know best how to fight and where we have had our successes, is largely irrelevant to pacification as long as we do not lose it. By and large, the people in rural areas believe that the GVN when it comes will not stay but that the VC will; that cooperations with the GVN will be punished by the VC; that the GVN is really indifferent to the people's welfare; that the low-level GVN are tools of the local rich; and that the GVN is ridden with corruption.

Success in pacification depends on the interrelated functions of providing physical security, destroying the VC apparatus, motivating the people to cooperate and establishing responsive local government. An obviously necessary but not sufficient requirement for success of the Revolutionary Development cadre and police is vigorously conducted and adequately prolonged clearing operations by military troops, who will "stay" in the area, who behave themselves decently and who show some respect for the people.

This elemental requirement of pacification has been missing.

In almost no contested area designated for pacification in recent years have ARVN forces actually "cleared and stayed" to a point where cadre teams, if available, could have stayed overnight in hamlets and survived, let alone accomplish their mission. VC units of company and even battalion size remain in operation, and they are more than large enough to overrun anything the local security forces can put up.

Now that the threat of a Communist main-force military victory has been thwarted by our emergency efforts, we must allocate far more attention and a portion of the regular military forces (at least half of the ARVN and perhaps a portion of the US forces) to the task of providing an active and permanent security screen behind which the Revolutionary Development teams and police can operate and behind which the political struggle with the VC infrastructure can take place.

The US cannot do this pacification security job for the Vietnamese. All we can do is "Massage the heart." For one reason, it is known that we do not intend to stay; if our efforts worked at all, it would merely postpone the eventual confrontation of the VC and GVN infrastructures. The GVN must do the job; and I am convinced that drastic reform is needed if the GVN is going to be able to do it.

Footnotes at end of article.

The first essential reform is in the attitude of GVN officials. They are generally apathetic, and there is corruption high and low. Often appointments, promotions, and draft deferments must be bought; and kickbacks on salaries are common. Cadre at the bottom can be no better than the system above them.

The second needed reform is in the attitude and conduct of the ARVN. The image of the government cannot improve unless and until the ARVN improves markedly. They do not understand the importance (or respectability) of pacification nor the importance to pacification of proper, disciplined conduct. Promotions, assignments and awards are often not made on merit, but rather on the basis of having a diploma, friends or relatives, or because of bribery. The ARVN is weak in dedication, direction and discipline.

Not enough ARVN are devoted to area and population security, and when the ARVN does attempt to support pacification, their actions do not last long enough; their tactics are bad despite US prodding (no aggressive small-unit saturation patrolling, hamlet searches, quick-reaction contact, or offensive night ambushes); they do not make good use of intelligence; and their leadership and discipline are bad.

Furthermore, it is my conviction that a part of the problem undoubtedly lies in bad management on the American as well as the GVN side. Here split responsibility—or "no responsibility"—has resulted in too little hard pressure on the GVN to do its job and no really solid or realistic planning with respect to the whole effort. We must deal with this management problem now and deal with it effectively.

One solution would be to consolidate all US activities which are primarily part of the civilian pacification program and all persons engaged in such activities, providing a clear assignment of responsibility and a unified command under a civilian relieved of all other duties.[2] Under this approach, there would be a carefully delineated division of responsibility between the civilian-in-charge and an element of COMUSMACV under a senior officer, who would give the subject of planning for and providing hamlet security the highest priority in attention and resources. Success will depend on the men selected for the jobs on both sides (they must be among the highest rank and most competent administrators in the US Government), on complete cooperation among the US elements, and on the extent to which the South Vietnamese can be shocked out of their present pattern of behavior. The first work of this reorganized US pacification organization should be to produce within 60 days a realistic and detailed plan for the coming year.

From the political and public-relations viewpoint, this solution is preferable—if it works. But we cannot tolerate continued failure. If it fails after a fair trial, the only alternative in my view is to place the entire pacification program—civilian and military—under General Westmoreland. This alternative would result in the establishment of a Deputy COMUSMACV for Pacification who would be in command of all pacification staffs in Saigon and of all pacification staffs and activities in the field, one person in each corp, province and district would be responsible for the US effort.

(It should be noted that progress in pacification, more than anything else, will persuade the enemy to negotiate or withdraw.)

c. Press for negotiations. I am not optimistic that Hanoi or the VC will respond to peace overtures now (explaining my recommendations above that we get into a level-off posture for the long pull). The ends sought by the two sides appear to be irreconcilable and the relative power balance is not in their view unfavorable to them. But three things can be done, I believe, to increaes the prospects:

(1) Take steps to increase the credibility of our peace gestures in the minds of the enemy. There is considerable evidence both in private statements by the Communists and in the reports of competent Western officials who have talked with them that charges of US bad faith are not solely propagandistic, but reflect deeply held beliefs. Analyses of Communists' statements and actions indicate that they firmly believe that American leadership really does not want the fighting to stop, and, that we are intent on winning a military victory in Vietnam and on maintaining our presence there through a puppet regime supported by US military bases.

As a way of projective US bona fides, I believe that we should consider two possibilities with respect to our bombing program against the North, to be undertaken, if at all, at a time very carefully selected with a view to maximizing the chances of influencing the enemy and world opinion and to minimizing the chances that failure would strengthen the hand of the "hawks" at home: First, without fanfare, conditions, or avowal, wehther the stand-down was permanent or temporary, stop bombing all of North Vietnam. It is generally thought that Hanoi will not agree to negotiations until they can claim that the bombing has stopped unconditionally. We should see what develops, retaining freedom to resume the bombing if nothing useful was forthcoming.

Alternatively, we could shift the weight-of-effort away from "Zones 6A and 6B"—zones including Hanoi and Haiphong and areas north of those two cities to the Chinese border. This alternative has some attraction in that it provides the North Vietnamese a "face saver" if only problems of "face" are holding up Hanoi peace gestures; it would narrow the bombing down directly to the objectionable infiltration (supporting the logic of a stop-infiltration/full-pause deal); and it would reduce the international heat on the US. Here, too, bombing of the Northeast could be resumed at any time, or "spot" attacks could be made there from time to time to keep North Veitnam off balance and to require her to pay almost the full cost by maintaining her repair crews in place. The sorties diverted from Zones 6A and 6B could be concentrated on infiltration routes in Zones 1 and 2 (the southern end of North Vietnam, including the Mu Gia Pass), in Laos and in South Vietnam. * * *[3]

To the same end of improving our credibility, we should seek ways—through words and deeds—to make believable our intention to withdraw our forces once the North Vietnamese aggression against the South stops. In particular, we should avoid any implication that we will stay in South Vietnam with bases or to guarantee any particular outcome to a solely South Vietnamese struggle.

(2) Try to split the VC off from Hanoi. The intelligence estimate is that evidence is overwhelming that the North Vietnamese dominate and control the National Front and the Viet Cong. Nevertheless, I think we should continue and enlarge efforts to contact the VC/NLF and to probe ways to split members or sections off the VC/NLF organization.

(3) Press contacts with North Vietnam, the Soviet Union and other parties who might contribute toward a settlement.

(4) Develop a realistic plan providing a role for the VC in negotiations, post-war life, and government of the nation. An amnesty offer and proposals for national reconciliation would be steps in the right direction and should be parts of the plan. It is important that this plan be one which will appear reasonable, if not at first to Hanoi and the VC, at least to world opinion.

3. The prognosis. The prognosis is bad that the war can be brought to a satisfactory conclusion within the next two years. The large-unit operations probably will not do it; negotiations probably will not do it. *While we should continue to pursue both of these routes in trying for a solution in the short run, we should recognize that success from them is a mere possibility, not a probability.*

The solution lies in girding, openly, for a longer war and in taking actions immediately which will in 12 to 18 months give clear evidence that the continuing costs and risks to the American people are acceptably limited, that the formula for success has been found, and that the end of the war is merely a matter of time. All of my recommendations will contribute to this strategy, but the one most difficult to implement is perhaps the most important one—enlivening the pacification program. The odds are less than even for this task, if only because we have failed consistently since 1961 to make a dent in the problem. But, because the 1967 trend of pacification will, I believe, be the main talisman of ultimate US success or failure in Vietnam, extraordinary imagination and effort should go into changing the stripes of that problem.

President Thieu and Prime Minister Ky are thinking along similar lines. They told me that they do not expect the Enemy to negotiate or to modify his program in less than two years. Rather, they expect that enemy to continue to expand and to increase his activity. They expressed agreement with us that the key to success is pacification and that so far pacification has failed. They agree that we need clarification of GVN and US roles and that the bulk of the ARVN should be shifted to pacification. Ky will, between January and July 1967, shift all ARVN infantry divisions to that role. And he is giving Thang, a good Revolutionary Development director, added powers. Thieu and Ky see this as part of a two-year (1967–68) schedule, in which offensive operations against enemy main force units are continued, carried on primarily by the US and other Free-World forces. At the end of the two-year period, they believe the enemy may be willing to negotiate or to retreat from his current course of action.

Note: Neither the Secretary of State nor the JCS have yet had an opportunity to express their views on this report. Mr. Katzenbach and I have discussed many of its main conclusions and recommendations—in general, but not in all particulars, it expresses his views as well as my own.

FOOTNOTES

[1] Admiral Sharp has recommended a 12/31/67 strength of 570,000. However, I believe both he and General Westmoreland recognize that the danger of inflation will probably force an end 1967 deployment limit of about 470,000.

[2] If this task is assigned to Ambassador Porter, another individual must be sent immediately to Saigon to serve as Ambassador Lodge's deputy.

[3] * * * Any limitation on the bombing of North Vietnam will cause serious psychological problems among the men who are risking their lives to help achieve our political objectives; among their commanders up to and including the JCS; and among those of our people who cannot understand why we should withhold punishment from the enemy. General Westmoreland, as do the JCS, strongly believes in the military value of the bombing program. Further, Westmoreland reports that the morale of his Air Force personnel may already be showing signs of erosion—an erosion resulting from current operational restrictions.

APPENDIX

Extracts from CIA/DIA Report "An Appraisal of the Bombing of North Vietnam through 12 September 1966."

1. There is no evidence yet of any shortage of POL in North Vietnam and stocks on hand, with recent imports, have been adequate to sustain necessary operations.

2. Air strikes against all modes of transportation in North Vietnam and during the

past month, but there is no evidence of serious transport problems in the movement of supplies to or within North Vietnam.

3. There is no evidence yet that the air strikes have significantly weakened popular morale.

4. Air strikes continue to depress economic growth and have been responsible for the abandonment of some plans for economic development, but essential economic activities continue.

Extracts from a March 16, 1966 CIA Report "An Analysis of the ROLLING THUNDER Air Offensive against North Vietnam."

1. Although the movement of men and supplies in North Vietnam has been hampered and made somewhat more costly (by our bombing), the Communists have been able to increase the flow of supplies and manpower to South Vietnam.

2. Hanoi's determination (despite our bombing) to continue its policy of supporting the insurgency in the South appears as firm as ever.

3. Air attacks almost certainly cannot bring about a meaningful reduction in the current level at which essential supplies and men flow into South Vietnam.

Bomb Damage Assessment in the North by the Institute for Defense Analyses' "Summer Study Group"

What surprised us (in our assessment of the effect of bombing North Vietnam) was the extent of agreement among various intelligence agencies on the effects of past operations and probable effects of continued and expanded Rolling Thunder. The conclusions of our group, to which we all subscribe, are therefore merely sharpened conclusions of numerous Intelligence summaries. They are that Rolling Thunder does not limit the present logistic flow into SVN because NVN is neither the source of supplies nor the choke-point on the supply routes from China and USSR. Although an expansion of Rolling Thunder by closing Haiphong harbor, eliminating electric power plants and totally destroying railroads, will at least indirectly impose further privations on the populace of NVN and make the logistic support of VC costlier to maintain, such expansion will not really change the basic asesssment. This follows because NVN has demonstrated excellent ability to improvise transportation, and because the primitive nature of their economy is such that Rolling Thunder can affect directly only a small fraction of the population. There is very little hope that the Ho Chi Minh Government will lose control of population because of Rolling Thunder. The lessons of the Korean War are very relevant in these respects. Moreover, foreign economic aid to NVN is large compared to the damage we inflict, and growing. Probably the government of NVN has assurances that the USSR and/or China will assist the rebuilding of its economy after the war, and hence its concern about the damage being inflicted may be moderated by long-range favorable expectations.

Specifically:

1. As of July 1966 the U.S. bombing of North Vietnam had had no measurable direct effect on Hanoi's ability to mount and support military operations in the South at the current level.

2. Since the initiation of the Rolling Thunder program the damage to facilities and equipment in North Vietnam has been more than offset by the increased flow of military and economic aid, largely from the USSR and Communist China.

3. The aspects of the basic situation that have enabled Hanoi to continue its support of military operations in the South and to neutralize the impact of U.S. bombing by passing the economic costs to other Communist countries are not likely to be altered by reducing the present geographic constraints, mining Haiphong and the principal harbors in North Vietnam, increasing the number of armed reconnaissance sorties and otherwise expanding the US air offensive along the lines now contemplated in military recommendations and planning studies.

4. While conceptually it is reasonable to assume that some limit may be imposed on the scale of military activity that Hanoi can maintain in the South by continuing the Rolling Thunder program at the present, or some higher level of effort, there appears to be no basis for defining that limit in concrete terms, or for concluding that the present scale of VC/NVN activities in the field have approached that limit.

5. The indirect effects of the bombing on the will of the North Vietnamese to continue fighting and on their leaders' appraisal of the prospective gains and costs of maintaining the present policy have not shown themselves in any tangible way. Furthermore, we have not discovered any basis for concluding that the indirect punitive effects of bombing will prove decisive in these respects.

Joint Chiefs' Memo Disputing McNamara View on Bombing

Excerpts from Joint Chiefs of Staff memorandum, signed by Gen. Earle G. Wheeler, Chairman, to Secretary of Defense McNamara, Oct. 14, 1966, as provided in the body of the Pentagon study.

The Joint Chiefs of Staff do not concur in your recommendation that there should be no increase in level of bombing effort and no modification in areas and targets subject to air attack. They believe our air campaign against NVN to be an integral and indispensable part of over all war effort. To be effective, the air campaign should be conducted with only those minimum constraints necessary to avoid indiscriminate killing of population. . . .

The Joint Chiefs of Staff do not concur with your proposal that, as a carrot to induce negotiations, we should suspend or reduce our bombing campaign against NVN. Our experiences with pauses in bombing and resumption have not been happy ones. Additionally, the Joint Chiefs of Staff believe that the likelihood of the war being settled by negotiation is small, and that, far from inducing negotiations, another bombing pause will be regarded by North Vietnamese leaders, and our Allies, as renewed evidence of lack of US determination to press the war to a successful conclusion. The bombing campaign is one of the two trump cards in the hands of the President (the other being the presence of US troops in SVN). It should not be given up without an end to the NVN aggression in SVN. . . .

The Joint Chiefs of Staff believe that the war has reached a stage at which decisions taken over the next sixty days can determine the outcome of the war and, consequently, can affect the overall security interests of the United States for years to come. Therefore, they wish to provide to you and to the President their unequivocal views on two salient aspects of the war situation: the search for peace and military pressures on NVN.

A. The frequent, broadly-based public offers made by the President to settle the war by peaceful means on a generous basis, which would take from NVN nothing it now has, have been admirable. Certainly, no one—American or foreigner—except those who are determined not to be convinced, can doubt the sincerity, the generosity, the altruism of US actions and objectives. In the opinion of the Joint Chiefs of Staff the time has come when further overt actions and offers on our part are not only nonproductive, they are counter-productive. A logical case can be made that the American people, our Allies, and our enemies alike are increasingly uncertain as to our resolution to pursue the war to a successful conclusion. The Joint Chiefs of Staff advocate the following:

(1) A statement by the President during the Manila Conference of his unswerving determination to carry on the war until NVN aggression against SVN shall cease;

(2) Continued covert exploration of all avenues leading to a peaceful settlement of the war; and

(3) Continued alertness to detect and react appropriately to withdrawal of North Vietnamese troops from SVN and cessation of support to the VC.

B. In JCSM–955–64, dated 14 November 1964, and in JCSM–962–64, dated 23 November 1964, the Joint Chiefs of Staff provided their views as to the military pressures which should be brought to bear on NVN. In summary, they recommended a "sharp knock" on NVN military assets and war-supporting facilities rather than the campaign of slowly increasing pressure which was adopted. Whatever the political merits of the latter course, we deprived ourselves of the military effects of early weight of effort and shock, and gave to the enemy time to adjust to our slow quantitative and qualitative increase of pressure. This is not to say that it is now too late to derive military benefits from more effective and extensive use of our air and naval superiority. The Joint Chiefs of Staff recommend:

(1) Approval of their Rolling Thunder 52 program, which is a step toward meeting the requirement for inproved target systems. This program would decrease the Hanoi and Haiphong sanctuary areas, authorize attacks against the steel plant, the Hanoi rail yards, the thermal power plants, selected areas within Haiphong port and other ports, selected locks and dams controlling water LOC's SAM support facilities within the residual Hanoi and Haiphong sanctuaries, and POL at Haiphong, Ha Gia (Phuc Yen) and Can Thon (Kep).

(2) Use of naval surface forces to interdict North Vietnamese coastal waterborne traffic and appropriate land LOCs and to attack other coastal military targets such as radar and AAA sites.

. . . The Joint Chiefs of Staff request that their views as set forth above be provided to the President.

McNamara Draft Memorandum for Johnson in November 1966

Excerpts from draft memorandum for President Johnson from Secretary McNamara, dated Nov. 17, 1966, and headed "Recommended FY67 Southeast Asia Supplemental Appropriation," as provided in the body of the Pentagon study.

A substantial air interdiction campaign is clearly necessary and worthwhile. In addition to putting a ceiling on the size of the force that can be supported, it yields three significant military effects. First, it effectively harasses and delays truck movements down through the southern panhandles of NVN and Laos, though it has no effect on troops infiltrating on foot over trails that are virtually invisible from the air. Our experience shows that daytime armed reconnaissance above some minimum sortie rate makes it prohibitively expenses to the enemy to attempt daylight movement of vehicles, and so forces him to night movement. Second, destruction of bridges and cratering of roads forces the enemy to deploy repair crews, equipment, and porters to repair or bypass the damage. Third, attacks on vehicles, parks, and rest camps destroy some vehicles with their cargoes and inflict casualties. Moreover, our bombing campaign may produce a beneficial effect on U.S. and SVN morale by making NVA pay a price for its enemy [sic]. But at the scale we are now operating, I believe our bombing is yielding very small marginal returns, not worth the cost in pilot lives and aircraft.

The first effect, that of forcing the enemy into a system of night movement, occurs at a lower frequency of armed reconnaissance sorties than the level of the past several months. The enemy was already moving at night in 1965, before the sorties rate had reached half the current level; further sorties have no further effect on the enemy's overall operating system. The second effect, that of forcing the enemy to deploy repair crews, equipment, and porters, is also largely brought about by a comparatively low interdiction effort. Our interdiction campaign in 1965 and early this year forced NVN to assign roughly 300,000 additional personnel to LOCs; there is no indication that recent sortie increases have caused further increases in the number of these personnel. Once the enemy system can repair road cuts and damaged bridges in a few hours, as it has demonstrated it can, additional sorties may work this system harder but are unlikely to cause a significant increase in its costs. Only the third effect, the destruction of vehicles and their cargoes, continues to increase in about the same proportion as the number of armed reconnaissance sorties, but without noticeable impact on VC/NCA operations. The overall capability of the NVN transport system to move supplies within NVN apparently improved in September in spite of 12,200 attack sorties.

In a summary paragraph, the draft memo made the entire case against the bombings:

The increased damage to targets is not producing noticeable results. No serious shortage of POL in North Vietnam is evident, and stocks on hand, with recent imports, have been adequate to sustain necessary operations. No serious transport problem in the movement of supplies to or within North Vietnam is evident; most transportation routes appear to be open, and there has recently been a major logistical build-up in the area of the DMZ. The raids have disrupted the civil populace and caused isolated food shortages, but have not significantly weakened popular morale. Air strikes continue to depress economic growth and have been responsible for abandonment of some plans for economic development, but essential economic activities continue. The increasing amounts of physical damage sustained by North Vietnamese are in large measure compensated by aid received from other Communist countries. Thus, in spite of an interdiction campaign costing at least $250 million per month at current levels, no significant impact on the war in South Vietnam is evident. The monetary value of damage to NVN since the start of bombing in February 1965 is estimated at about $140 million through October 10, 1966.

Komer Report to Johnson After February Trip to Vietnam

Excerpts from memorandum to President Johnson from Robert W. Komer his special assistant, Feb. 28, 1967, as provided in the body of the Pentagon study. Paragraphs in italics are the study's paraphrase or explanation.

After almost a year full-time in Vietnam, and six trips there, I felt able to learn a good deal more from my 11 days in-country, 13–23 February. I return more optimistic than ever before. The cumulative change since my first visit last April is dramatic, if not yet visibly demonstrable in all respects. Indeed, I'll reaffirm even more vigorously my prognosis of last November which would be achieved in 1967 on almost every front in Vietnam.

He firmly believed that in time we would just overwhelm the VC in SVN:

Wastefully, expensively, but nonetheless indisputably, we are winning the war in the South. Few of our programs—civil or military—are very efficient, but we are grinding the enemy down by sheer weight and mass. And the cumulative impact of all we have set in motion is beginning to tell. Pacification still lags the most, yet even it is moving forward.

Finally, and contrary to all military reports, he saw some let-up in the pressures for additional resources:

Indeed my broad feeling, with due allowance for over-simplification, is that our side now has in presently programmed levels all the men, money and other resources needed to achieve success. . . .

Westmoreland's March 18 Memo on Increase in Forces

Excerpts from cablegram from Gen. William C. Westmoreland, commander of United States forces in Vietnam, to Pacific command, March 18, 1967, as provided in the body of the Pentagon study. Paragraphs in italics are the study's paraphrase or explanation.

On 18 March, General Westmoreland submitted his analysis of current MACV force requirements projected through FY 68. This request was to furnish the base line for all further force deployment calculations during the Program 5 period. In preface to his specific request, COMUSMACV reviewed his earlier CY 67 requirement which asked for 124 maneuver battalions with their necessary combat and combat service support, a total strength of 555,741. This figure was the maximum figure requested during the Program 4 deliberations. The approved Program 4 package included only 470,336 and was considerably below the MACV request, a fact which led to the series of reclamas described in Section II. Westmoreland related that MACVCINCPAC had not strongly objected earlier to the 470,000 man ceiling because of adverse piaster impact and the realities of service capabilities, but, subsequent reassessment of the situation had indicated clearly to him that the Program 4 force, although enabling U.S. force to gain the initiative did not "permit sustained operations of the scope and intensity required to avoid an unreasonably protracted war."

As the cable continued, the American commander in Vietnam briefly restated his earlier assessment of enemy trends: That the enemy had increased his force structure appreciably and was now confronting Free World Military Forces with large bodies of troops in and above the DMZ, in the Laotian and Cambodian sanctuaries and certain areas within SVN. In light of this new appraisal, he had established an early requirement for an additional 2⅓ divisions which he proposed be accommodated by restructuring the original 555,741-man force package proposed during Program 4. This force was required "as soon as possible but not later than 1 July 1968." Part of the reasoning was that this in effect constituted no more than a 6-month "extension" of the CY 67 program and as such would permit shifting force programming from a Calendar Year to a Fiscal Year basis, a shift long needed in COMUSMACV's estimation to make force programming for Vietnam compatible with other programs and to provide essential lead time in the procurement of hardware. Westmoreland then looked further ahead, noting:

. . . It is entirely possible that additional forces, over and above the immediate requirement for 2⅓ Divisions, will materialize. Present planning, which will undergo continued refinement, suggests an additional 2⅓ division equivalents whose availability is seen as extending beyond FY 68.

Then as if to take the edge off his request, COMUSMACV turned attention to two programs which were becoming increasingly attractive to American decision-makers. These were development of an improved RVNAF and an increase in the other Free World Military Forces committed to the war in Vietnam. He commented that despite the force ceiling on RVNAF currently in effect some selective increase in Vietnamese capabilities was required, such as creation of a suitable base for establishing a constabulary, an organization vital to the success of the Revolutionary Development program. Westmoreland stated that it was the position of his headquarters that provision for any and all Free World Military Forces was welcomed as "additive reinforcements," but they would be treated as additions only, thereby having no effect upon U.S. force computations.

The concept of operations under which the new forces he requested were to be employed varied little in its essential aspects from that outlined in MACV's February "Assessment of the Military Situation and Concept of Operations," which had reached Washington but a week earlier. However, the new cable integrated the new forces as part of the MACV operational forces. Westmoreland reviewed the period just past then turned to the future:

. . . our operations were primarily holding actions characterized by border surveillance, reconnaissance to locate enemy forces, and spoiling attacks to disrupt the enemy offensive. As a result of our buildup and successes, we were able to plan and initiate a general offensive. We now have gained the tactical initiative, and are conducting continuous small and occasional large-scale offensive operations to decimate the enemy forces; to destroy enemy base areas and disrupt his infrastructure; to interdict his land and water LOC's and to convince him, through the vigor of our offensive and accompanying psychological operations, that he faces inevitable defeat.

Military success alone will not achieve the US objectives in Vietnam. Political, economic and psychological victory is equally important, and support of Revolutionary Development program is mandatory. The basic precept for the role of the military in support of Revolutionary Development is to provide a secure environment for the population so that the civil aspects of RD can progress.

He then detailed corps by corps the two troop request requirements labeling them the "optimum force" [4⅔ Divs] and the "minimum essential force" [2⅓ Divs]:

B. FORCE REQUIREMENTS FY 68

(1) The MACV objectives for 1967 were based on the assumption that the CY 67 force requirements would be approved and provided expeditiously within the capabilities of the services. However, with the implementation of Program Four, it was recognized that our accomplishments might fall short of our objectives. With the additional forces cited above, we would have had the capability to extend offensive operations into an exploitation phase designed to take advantage of our successes.

(2) With requisite forces, we shall be able to complete more quickly the destruction or neutralization of the enemy main forces and bases and, by continued presence, deny to him those areas in RVN long considered safe havens. As the enemy main forces are destroyed or broken up, increasingly greater efforts can be devoted to rooting out and destroying the VC guerrilla and communist infrastructure. Moreover, increased assistance can be provided the RVNAF in support of its effort to provide the required level of security for the expanding areas undergoing Revolutionary Development.

(3) Optimum Force. The optimum force required implement the concept of operations and to exploit success is considered 4⅔ divisions or the equivalent; 10 tactical fighter squadrons with one additional base; and the full mobile riverine force. The order of magnitude estimate is 201,250 spaces in addition to the 1937 ceiling of 470,366 for a total of 671,616.

(A) In I Corps, the situation is the most critical with respect to existing and potential force ratios. As a minimum, a division plus a regiment is required for Quang Tri Province as a containment force. The latter has been justified previously in another plan. Employment of this force in the containment role would release the units now engaged there for expansion of the Da Nang, Hue-Phu Bai and Chu Lai TAOR's as well as increase security and control along the corps northern coastal areas. One of the most critical areas in RVN today is Quang Ngai Province even if a major operation were conducted in this area during 1967, the relief would be no more than temporary. A force is needed in the province to maintain continuous pressure on the enemy to eliminate his forces and numerous base areas, and to remove his control over the large population and food reserves. The sustained employment of a division of 10 battalions is mandatory in Quang Ngai Province if desired results are to be realized. Employment of this force would provide security for the vital coastal areas, facilitate opening and securing Route 1 and the railroad and, perhaps equally important, relieve pressure on northern Binh Dinh Province.

(b) In II Corps, the task is two fold: destroy the enemy main and guerrilla forces in the coastal areas; and contain the infiltration of NVA forces from Cambodia and Laos. Continual expansion both north and south of the present capital coastal TAOR's opening and securing Route 1 and the railroad, securing Route 20 from Dalat south to the III Corps boundary, destruction of enemy forces in Pleuku and Kontum Provinces, and containment of enemy forces in the Cambodian and Laotian sanctuaries are all tasks to be accomplished given the large area in II Corps and the continuous enemy threat, an optimum force augmentation of four separate brigades is required to execute effectively an exploitation of our successes. An infantry brigade is needed in northern Binh Dinh Province to expand security along the coastal area and to facilitate operations in Quang Ngai Province to the north. A mechanized brigade in the western highlands will assist in offensive and containment operations in the Pleiku-Kontum area. An infantry brigade in the region of Nam Me Thout is needed to conduct operations against enemy forces and bases there and to add security to this portion of II Corps now manned with limited ARVN forces, and finally, a mechanized brigade is needed in Binh Thuan Province to neutralize the enemy forces and bases in the southern coastal area, and to open and secure highway 1 and the national railroad to the III Corps boundary.

(c) In III Corps, operations to destroy VC/NVA forces and bases in the northwestern and central parts of the corps area and to intensify the campaign against the enemy's infrastructure are being conducted. These operations are to be completed by intensive efforts to open and secure the principal land and water LOC's throughout the Corps Zone. However, deployment of the U.S. 9th Division to IV Corps will create a gap in the forces available in III Corps to operate against seen significant base areas in Phuoc Tuy, Bin Tuy, and Long Lhanh Provinces. These areas constitute the home base of the still formidable 5th VC Division. This unit must be destroyed, its bases neutralized and Route 1 and the national railroad opened and secured. Other critical locales that will require considerable effort are War Zone D and Phuoc Long area in which the VC 7th Division is believed to be located. With the forces operating currently in III Corps, substantial progress can be made, but to exploit effectively our successes an addition of one division, preferably air mobile is required. By basing this division in Bien Hoa province just north of the RSSZ, it would be in position to conduct operations against the 5th Division, and War Zone D, as well as to reinforce the U.S. 9th Division in Delta operations as required.

(d) In IV Corps, with deployment of the US 9th Div to the Corps area and with increasing success of ARVN operations there, the situation will be greatly improved. Primary emphasis will be given to destroying VC main and guerrilla units and their bases, to intensifying operations to extend GVN control, to stopping the flow of food stuffs and materials to the enemy through Cambodia, and to assisting in the flow of goods to GVN outlets in Saigon. In addition emphasis will be accorded the opening and securing of principal water and land LOC's which are the key to all operations in the Delta. It is noteworthy on this score, that effectiveness of forces available is hampered severely by an inadequate mobile riverine force. In IV Corps, the essential requirement is to flesh out the mobile riverine force with three APB's (Barracks Ships) one ARL (repair ship), and two RAS (river assault squadrons).

(4) The Minimum Essential Force necessary to exploit success of the current offensive and to retain effective control of expanding areas being cleaned of enemy influence is 2⅓ divisions with a total of 21 maneuver battalions. One division, with nine infantry battalions—each with 4 rifle companies—and an ACR of three squadrons are required. The other division of nine maneuver battalions, each battalion organized with four rifle companies is required in Quang Ngai Province. Four tactical fighter squadrons, each generating 113 sorties per month per identified maneuver battalion, are required. Two squadrons will be stationed at Phu Cat and two at Tuy Hoa. One C–130 or equivalent type squadron can provide adequate airlift and is justified on the basis of current planning factors: This SQD would be based at Cam Ranh Bay. A minimum essential logistic base can be provided by selective augmentation of NSA Danang, and by provision for lift capability equivalent to eight LST's in addition to two LST's identified previously for the containment force in Quang Tri Province. Two nondivisional Army combat engineer battalions and four Army construction battalions will be required to support divisional engineering effort to augment two navy construction battalions that previously have been identified with the containment force in Quang Tri Province.

(b) Effectiveness of the US 9th Division's operations in IV Corps will be degraded unacceptably without adequate mobility on the waterways. For this reason, addition of two river assault squadrons with their associated support is deemed essential. The Mekong Delta Mobile Riverine Force originally was tailored and justified as a four RAS level. This requirement still is valid. The primary media of transport in the Delta are air and water. Air mobility is recognized as critical to success of operations in the area, but the size of offensive operations that can be mounted is limited by the inherent physical limitations of airborne vehicles. Accordingly, any sizeable offensive operation such as those visualized for the US 9th Division must utilize the 300km of waterways in the Delta to exploit tactical mobility. Maintenance of LOC's and population control in the areas secured by the division's operations, along with extension of the interdiction effort, necessitates expansion of the game warden operation. Fifty PBR's can provide this capability based on experience factors accrued thus far . . . .

March 28 Westmoreland Cable to Joint Chiefs on Troop Needs

Excerpts from cablegram from General Westmoreland to the Joint Chiefs of Staff, "MACV FY–68 Force Requirements," March 28, 1967, as provided in the body of the Pentagon study. Paragraphs in italics are the study's paraphrase or explanation.

On 26 March COMUSMACV submitted to the CINCPAC Requirements Task Group a detailed troop listing for the 2⅓ division "minimum essential force." Other than providing a detailed list of TO&E's and unit small strengths, the document provides little of interest. It did stipulate that the northern portion of the minimum essential force would be directed toward an expanded infiltration interdiction mission and that the southern portion of the force would pursue "presently prescribed operations."

In a follow-up message to the Task Requirements Group on the 28th of March COMUSMACV again commented on the restrictive aspects of Program 4. This in turn was picked up and amplified by CINCPAC in a message to the JCS on the same day. CINCPAC pointed out that as of 9 March 1967 Program 4 was 38,241 spaces short of full implementation and that this figure included spaces for five battalions or their equivalents which could not be considered for trade-off purposes. All of these spaces, especially the battalion equivalents, were significant elements when considered within the perspective of MACV's operational requirements and could not be deleted without seriously impairing MACV capability to achieve its objectives. In light of this shortfall in Program 4 CINCPAC requested that the JCS reconsider its earlier proposal that a 4th rifle company be added to all U.S. Army infantry battalions in Vietnam. The logic behind such a raise in program ceiling which would increase materially the combat power and effectiveness of the infantry without increasing unit overhead was irrefutable in CINCPAC's eyes. CINCPAC proposed that the addition of the rifle companies, a total of 8,821 men, be added to the Program 4 ceiling for a total of 479,231 of all services. The space requirements for the 2⅓ division minimum essential force reflected in the COMUSMACV request would then be added on to the adjusted Program 4 total of 479,000. However, in the event that any or all of the spaces reflected in that 479,000 were not approved or that the package itself would be reduced, the Pacific Commander predicted grave curtailment in MACV operations and a danger that the operational objectives set for the force requirements initially would not be achieved.

By 28 March the JCS through the CINPAC group had the detailed justification and planning calculations for the COMUSMACV 67 force requirements in hand. MACV had added little that was new in the way of strategic concept other than to reaffirm their intention to concentrate on certain priority areas in each corps tactical zone. Priority areas themselves were selected because they seemed best suited to achieve destruction or neutralization of enemy main forces and bases—persistently prime MACV goals. Despite this strong declaration of intent MACV hedged by noting that "the enemy will be struck wherever he presents a lucrative target." Forces would also be maintained by MACV outside the priority areas to contain the enemy in his out of country sanctuaries. In this connection, the planners anticipated that there would be large scale offensive operations continuously conducted during FY 68 to detect and destroy infiltration or invasion forces in the DMZ-Highland Border regions.

If the forces outlined under the optimum force request were granted priority was to be accorded to the expansion of secure areas. The RVNAF would be given the primary responsibility of providing military support of Revolutionary Development activities and Revolutionary Development operations would be intensified throughout the country as the pacified areas were expanded, MACV explained that such increased demands on the RVNAF would establish a concomitant demand for additional U.S. force resources to fill the operational void resulting from the intensified Revolutionary Development ori-

entation of the RVNAF. The long message also broke out the minimum essential and optimum package forces by service and by total troops as shown in the table below.

	Strength (2⅓ div min essential force)	Strength (2⅓ div addition for optimum force package)	Strength (total optimum force)
Army	69, 359	[1] 100, 527	169, 886
Navy	5, 739	8, 023	13, 762
Air Force	5, 368	9, 891	15, 259
Marines	110	0	110
Total	80, 576	118, 441	119, 017

[1] Includes 5,547 spaces required to incorporate MACV Study recommendations.

The total optimum force and strength was 678,248 arrived at by adding the approved Program 4 strength of 470,000 to the earlier MACV reclama of 8,821 (see page 68 this section) and the "optimum force" additive of 199,017. The justification for additional forces broken out by corps tactical zones were essentially the same as those presented in the original MACV request on 18 March. However, the later document prepared at PACOM Hqs on the 28th reflected the increased concern with the enemy threat developing in the I Corps tactical zone. Concerning this threat, COMUSMACV wrote:

. . . In I Corps tactical zone, the bulk of the population and the food producing regions are within 15 miles of the coast. In the northern part of the zone, multiple NVA Divisions possess the capability to move south of the DMZ. Additionally, there is constant enemy activity in much of the coastal area. The topography of I Corps lends itself to the establishment and maintenance of enemy base areas in the remote, sparsely populated regions. The enemy has operated for years virtually unmolested throughout most of Quang Ngai Province because friendly forces could not be diverted from other important tasks.

There are several important tasks which must be performed in I Corps. Security of bases and key population centers must be maintained. The area under GVN control must be extended by expanding existing TAOR's, and by opening and securing major LOC's, particularly Route 1. The enemy must be contained in his sanctuaries, and denied use of infiltration and invasion routes. Enemy main forces and bases must be sought out and destroyed. Surveillance and reconnaissance in force throughout the CTZ must complement the tasks discussed above.

The deployment of a division and an armored cavalry regiment to Quang Tri Province, south of the DMZ, would make it possible for Marine Corps units now conducting containment operations to secure and expand tactical areas of responsibility (TAOR's).

The RVNAF and US/FWMAF will intensify operations against organized enemy forces and base areas in and near the populated and food producing areas of the coastal plains thus denying them access to population and food sources.

Clearing and securing operations will be pursued to facilitate the expansion of the secured areas, the ultimate goal being to connect the Hue-Phu Bai, Danang, and Chu Lai TAOR's. The following major LOC's will be opened and secured: Route 9, from Route 1 to Thon San Lam; and Route 1 and the railroad throughout the entire length of I CTZ, including the spur to the An Hoa industrial complex.

One of the most critical areas in the RVN today is Quang Ngai Province. A division is required there to maintain continuous pressure on the enemy, to eliminate his forces and numerous base areas, and to remove his control over large population and food resources.

Sustained employment of a division in Quang Ngai would obviate the necessity to use other forces to meet a critical requirement. The division would provide security for the coastal area, facilitate opening and securing Route 1 and the railroad, and relieve some of the pressure on northern Binh Dinh Province. Of particular significance is the support which would be provided to the RVNAF in securing the important Mo Duc Area with its dense population and three annual rice crops. Additionally, deployment of the division as discussed above would allow III MAF to expand its clearing and securing operations into the heavily populated Tam Ky area north of the Chu Lai TAOR. Long term security must be provided for both of these areas so that Revolutionary Development can progress.

Failure to provide two and one-third divisions for I CTZ would result in the diversion of existing forces from other tasks to deny and defeat infiltration or invasion. Security in support of Revolutionary Development could not be increased to the desired degree in the coastal area, the major LOC's could not be opened throughout the CTZ, and the enemy would be able to continue operating virtually unmolested throughout the key Quang Ngai Province.

It is emphasized that the relationship of the two and one-third division force requirement for I Corps to that of Practice Nine is coincidental. This force is the minimum essential required to support operations planned for FY 68 without reference to Practice Nine.

The next most dangerous situation appeared to be that in II Corps, a diverse geographical area which included major population centers along the coastal plains as well as sizeable population centers and military bases on the western plateau such as Binh Dinh, Anke, Kontum, and Pleiku. Here the enemy, orienting himself on the population, presented a different problem which, in the words of General Westmoreland, required "a high degree of mobility and flexibility in U.S./FWMAF/RVNAF." As he analyzed the corps tactical situation, Westmoreland reemphasized what he had already said about containing the large enemy military forces at the boundaries of the sanctuaries:

Enemy forces in the Pleiku and Kontum areas must be destroyed, and infiltration from Cambodia and Laos must be contained. Forces in-country will continue to make progress in areas of current deployment. Those programmed for deployment will augment this effort. However, there are gaps, as discussed below, that must be filled before success can be exploited and minimum essential security can be provided within the II Corps area.

Large enemy forces remaining in heavily populated Binh Dinh Province must be destroyed. Security must be established and maintained in the northern portion of the province, particularly along the coastal area, so that Revolutionary Development can progress. These security forces also will facilitate the conduct of operations in Quang Ngai Province.

Inadequacy of forces in the border areas is a significant weakness in II Corps. Reinforcement of units in the western highlands is needed to assist in the conduct of offensive and containment operations. With the large enemy forces located in border sanctuaries, II Corps is faced constantly with the possible requirement to divert critical resources from priority tasks to counter large scale intrusion.

The most pressing military objective in III Corps area was to expand security radically from the Saigon-Cholon area. MACV planned to accomplish this primarily by standard clearing and security operations featuring an intensified campaign conducted to root out the VC infrastructure. In conjunction with this, continuous pressure presumably in the form of search and destroy operations would be applied to the enemy. In War Zones C and D, the Iron Triangle and the base area clusters in the Phuoc Long area. Denial of these areas to the enemy would provide a protective shield behind which the Revolutionary Development programs could operate. However, deployment of the U.S. 9th Division to the 4th Corps area would create a gap in the forces available in III Corps and seriously degrade the capability to provide this shield. The possible repositioning of the assets existing within III corps to either I CTZ in the north or the 9th Division relocation just to the south just mentioned could also seriously limit the offensive capabilities in the northern and central portion of III Corps. Accordingly, COMUSMACV expressed an urgent requirement for an additional division for III Corps. This unit would be positioned just north of the Rung Sat operation zone and would assist in maintaining the protective shield around Saigon-Cholon. Revolutionary Development operations would then be able to proceed unhindered and operations against the VC 5th Division could be reinforced if required.

Throughout the force requirement justifications, one is immediately struck by the implicit ordering of the priorities for assignment of forces and missions. It is quite clear that the "minimum essential force" which COMUSMACV requested was intended to be employed against VC/NVA main force units in a containment role in the border areas and a destruction-disruption mode in I CTZ as well as the base areas within the country itself. Those forces over and above the "minimum essential," so labelled the "optimum force," were those intended to take up the slack in the RD "shield" role. MACV, probably rightly, calculated that not even minimal gains such as were forthcoming in the under-manned RD program would be possible unless the VC/NVA main force operations could be stymied and kept from directly assaulting the "shields."

JOINT CHIEF'S APRIL 20 REPORT TO MCNAMARA ON TROOP NEEDS

Excerpts from Joint Chiefs of Staff Memorandum 218-67 to Secretary of Defense McNamara, April 20, 1967, as provided in the body of the Pentagon study. Paragraphs in italics are the study's paraphrase or explanation.

On 20 April, the JCS, in JCSM-218-67, formally reported to the Secretary of Defense that MACV required additional forces to achieve the objectives they considered the U.S. was pursuing in Vietnam. The JCS announcement came as little surprise to the Secretary of Defense since as early as 23 March we had seen the original message in which COMUSMACV had outlined the minimum essential and optimum force requirements.

JCSM 218-67 reaffirmed the basic objectives and strategic concepts contained in JCSM 702-66 dated 4 November 1966. Briefly, these entailed a national objective of attaining a stable and independent non-communist government in South Vietnam and a four-fold military contribution toward achieving the objectives of:

(a) Making it as difficult and costly as possible for the NVA to continue effective support of the VC and to cause North Vietnam to cease direction of the VC insurgency.

(b) To defeat the VC/NVA and force the withdrawal of NVA forces.

(c) Extend government dominion, direction and control.

(d) To deter Chinese Communists from direct intervention in SEA.

The JCS listed three general areas of military effort that they felt should be pursued in the war:

(1) Operations against the Viet Cong/North Vietnamese Army (VC/NVA) forces in

SVN while concurrently assisting the South Vietnamese Government in their nation-building efforts.

(2) Operations to obstruct and reduce the flow of men and materials from North Vietnam (NV) to SVN.

(3) Operations to obstruct and reduce imports of war-sustaining materials into NVN.

They continued by assessing the achievements of the U.S. and allies in these three areas:

In the first area, the United States and its allies have achieved considerable success in operations against VC/NVA forces. However, sufficient friendly forces have not been made available to bring that degree of pressure to bear on the enemy throughout SVN which would be beyond his ability to accommodate and which would provide the secure environment essential to sustained progress in Revolutionary Development. The current reinforcement of I CTZ by diversion of forces from II to III CTZs reduces the existing pressure in those areas and inevitably will cause a loss of momentum that must be restored at the earliest practicable date.

In the second area, US efforts have achieved appreciable success. Greater success could be realized if an expanded system of targets were made available.

In the third area, relatively little effort has been permitted. This failure to obstruct and reduce imports of war-sustaining materials into NVN has affected unfavorably the desired degree of success of operations in the other areas.

The Joint Chiefs strongly recommended not only the approval of additional forces to provide an increased level of effort in SVN but that action be taken to reduce and obstruct the enemy capability to import the material support required to sustain the war effort. They argued that the cumulative effect of all these operations, in South Vietnam, in North Vietnam and against the enemy's strategic lines of communication would hasten the successful conclusion of the war and would most likely reduce the overall ultimate force requirements. Their rationale for the 1968 forces was summarized as follows:

The FY 1968 force for SVN is primarily needed to offset the enemy's increased posture in the vicinity of the DMZ and to improve the environment for Revolutionary Development in I and IV CTZs. To achieve the secure environment for lasting progress in SVN, additional military forces must be provided in order to (1) destroy the enemy main force, (2) locate and destroy district and provincial guerrilla forces, and (3) provide security for the population. The increased effort required to offset VC/NVA main forces' pressure is diminishing the military capability to provide a secure environment to villages and hamlets. Diversion of forces from within SVN and the employment of elements of CINCPAC's reserve are temporary measures at the expense of high-priority programs in other parts of SVN. Thus, if sufficient units are to be available to provide both direct and indirect support to Revolutionary Development throughout SVN, added forces must be deployed.

The three-TFS force for Thailand and the additional Navy forces in the South China Sea and the Gulf of Tonkin are required to bring increased pressures to bear on NVN.

McGeorge Bundy's Memorandum to Johnson in May on Bombing

Excerpts from memorandum for President Johnson from McGeorge Bundy, headed "Memorandum on Vietnam Policy," as provided in the body of the Pentagon study. According to the study, the document bore no date but a copy was marked in pencil "rec'd 5–4–69 12n." Paragraphs in italics are the study's paraphase or explanation.

Since the Communist turndown of our latest offers in February, there has been an intensification of bombing in the North, and press reports suggest that there will be further pressure for more attacks on targets heretofore immune. There is also obvious pressure from the military for further reinforcements in the South, although General Westmoreland has been a model of discipline in his public pronouncements. One may guess, therefore, that the President will soon be confronted with requests for 100,000–200,000 more troops and for authority to close the harbor in Haiphong. Such recommendations are inevitable, in the framework of strictly military analysis. It is the thesis of this paper that in the main they should be rejected, and that as a matter of high national policy there should be a publicly stated ceiling to the level of American participation in Vietnam, as long as there is no further marked escalation on the enemy side.

There are two major reasons for this recommendation: the situation in Vietnam and the situation in the United States. As to Vietnam, it seems very doubtful that further intensifications of bombing in the North or major increases in U.S. troops in the South are really a good way of bringing the war to a satisfactory conclusion. As to the United States, it seems clear that uncertainty about the future size of the war is now having destructive effects on the national will.

Unlike the vocal critics of the Administration, Mac Bundy was not opposed to the bombing per se, merely to any further extension of it since he felt such action would be counter-productive. Because his views carry such weight, his arguments against extending the bombing are reproduced below in full:

On the ineffectiveness of the bombing as a means to end the war, I think the evidence is plain—though I would defer to expert estimators. Ho Chi Minh and his colleagues simply are not going to change their policy on the basis of losses from the air in North Vietnam. No intelligence estimate that I have seen in the last two years has ever claimed that the bombing would have this effect. The President never claimed that it would. The notion that this was its purpose has been limited to one school of thought and has never been the official Government position, whatever critics may assert.

I am very far indeed from suggesting that it would make sense now to stop the bombing of the North altogether. The argument for that course seems to me wholly unpersuasive at the present. To stop the bombing today would be to give the Communists something for nothing, and in a very short time all the doves in this country and around the world would be asking for some further unilateral concessions. (Doves and hawks are alike in their insatiable appetites; we can't really keep the hawks happy by small increases in effort—they come right back for more.)

The real justification for the bombing, from the start, has been double—its value for Southern morale at a moment of great danger, and its relation to Northern infiltration. The first reason has disappeared but the second remains entirely legitimate. Tactical bombing of communications and of troop concentrations—and of airfields as necessary—seems to me sensible and practical. It is strategic bombing that seems both unproductive and unwise. It is true, of course, that all careful bombing does some damage to the enemy. But the net effect of this damage upon the military capability of a primitive country is almost sure to be slight. (The lights have not stayed off in Haiphong, and even if they had, electric lights are in no sense essential to the Communist war effort.) And against this distinctly marginal impact we have to weigh the fact that strategic bombing does tend to divide the U.S., to distract us all from the real struggle in the South, and to accentuate the unease and distemper which surround the war in Vietnam, both at home and abroad. It is true that careful polls show majority support for the bombing, but I believe this support rests upon an erroneous belief in its effectiveness as a means to end the war. Moreover, I think those against extension of the bombing are more passionate on balance than those who favor it. Finally, there is certainly a point at which such bombing does increase the risk of conflict with China or the Soviet Union, and I am sure there is no majority for that. In particular, I think it clear that the case against going after Haiphong Harbor is so strong that a majority would back the Government in rejecting that course.

So I think that with careful explanation there would be more approval than disapproval of an announced policy restricting the bombing closely to activities that support the war in the South. General Westmoreland's speech to the Congress made this tie-in, but attacks on power plants really do not fit the picture very well. We are attacking them, I fear, mainly because we have "run out" of other targets. Is it a very good reason? Can anyone demonstrate that such targets have been rewarding? Remembering the claims made for attacks on [rest illegible].

In a similar fashion Bundy developed his arguments against a major increase in U.S. troop strength in the South and urged the President not to take any new initiatives for the present. But the appeal of Bundy's analysis for the President must surely have been its finale in which Bundy, acutely aware of the President's political sensitivities, cast his arguments in the context of the forthcoming 1968 Presidential elections. Here is how he presented the case:

There is one further argument against major escalation in 1967 and 1968 which is worth stating separately, because on the surface it seems cynically political. It is that Hanoi is going to do everything it possibly can to keep its position intact until after our 1968 elections. Given their history, they are bound to hold out for a possible U.S. shift in 1969—that's what they did against the French, and they got most of what they wanted when Mendes took power. Having held on so long this time, and having nothing much left to lose—compared to the chance of victory—they are bound to keep on fighting. Since only atomic bombs could really knock them out (an invasion of North Vietnam would not do it in two years, and is of course ruled out on other grounds), they have it in their power to "prove" that military escalation does not bring peace—at least over the next two years. They will surely do just that. However much they may be hurting, they are not going to do us any favors before November 1968. (And since this was drafted, they have been publicly advised by Walter Lippmann to wait for the Republicans—as if they needed the advice and as if it was his place to give it!)

It follows that escalation will not bring visible victory over Hanoi before the election. Therefore the election will have to be fought by the Administration on other grounds. I think those other grounds are clear and important, and that they will be obscured if our policy is thought to be one of increasing—and ineffective—military pressure.

If we assume that the war will still be going on in November 1968, and that Hanoi will not give us the pleasure of consenting to negotiations sometime before then what we must plan to offer as a defense of Administration policy is not victory over Hanoi, but growing success—and self reliance—in the South. This we can do, with luck, and on this side of the parallel, the Vietnamese authorities should be prepared to help us out (though of course the VC will do their damndest against us.) Large parts of Westy's speech (if not quite all of it) were wholly consistent with this line of argument. . . .

If we can avoid escalation-that-does-not-seem-to-work, we can focus attention on the great and central achievement of these last two years: on the defeat we have prevented. The fact that South Vietnam has not been lost and is not going to be lost is a fact of truly massive importance in the history of Asia, the Pacific, and the U.S. An articulate minority of "Eastern intellectuals" (like Bill Fulbright) may not believe in what they call the domino theory, but most Americans (along with nearly all Asians) know better. Under this administration the United States has already saved the hope of freedom for hundreds of millions—in this sense, the largest part of the job is done. This critically important achievement is obscured by seeming to act as if we have to do much more lest we fail.

Notes on Johnson Discussion With Wheeler and Westmoreland

Excerpts from the Pentagon study describing a conversation on April 27, 1967, between President Johnson and Generals Wheeler and Westmoreland. The narrative says the conversation was reported in notes by John T. McNaughton, Assistant Secretary of Defense for International Security Affairs. Italicized emphasis and words in parentheses are those of the Pentagon study.

Westmoreland was quoted as saying that without the 2⅓ additional divisions which he had requested "we will not be in danger of being defeated but it will be nip and tuck to oppose the reinforcements the enemy is capable of providing. In the final analysis we are fighting a war of attrition in Southeast Asia."

Westmoreland predicted that the next step if we were to pursue our present strategy to fruition would probably be the second addition of 2⅓ divisions or approximately another 100,000 men. Throughout the conversations he repeated his assessment that the war would not be lost but that progress would certainly be slowed down. To him this was "not an encouraging outlook but a realistic one." When asked about the influence of increased infiltration upon his operations the general replied that as he saw it "this war is action and counteraction. Anytime we take an action we expect a reaction." The President replied: "When we add divisions can't the enemy add divisions? If so, where does it all end?" Westmoreland answered: "The VC and DRV strength in SVN now totals 285,000 men. It appears that last month we reached the crossover point *in areas excluding the two northern provinces."* (Emphasis added.) "Attritions will be greater than additions to the force. . . . The enemy has 8 divisions in South Vietnam. He has the capability of deploying 12 divisions although he would have difficulty supporting all of these. He would be hard pressed to support more than 12 divisions. If we add 2½ divisions, it is likely the enemy will react by adding troops." The President then asked "At what point does the enemy ask for volunteers?" Westmoreland's only reply was, "That is a good question."

COMUSMACV briefly analyzed the strategy under the present program of 470,000 men for the President. He explained his concept of a "meatgrinder" where we would kill large numbers of the enemy but in the end do little better than hold our own, with the shortage of troops still restricting MACV to a fire brigade technique—chasing after enemy main force units when and where it could find them. He then predicted that "unless the will of the enemy is broken or unless there was an unraveling of the VC infrastructure the war could go on for 5 years. If our forces were increased that period could be reduced although not necessarily in proportion to increases in strength, since factors other than increase in strength had to be considered. For instance, a non-professional force, such as that which would result from fulfilling the requirement for 100,000 additional men by calling reserves, would cause some degradation of normal leadership and effectiveness. Westmoreland concluded by estimating that with a *force level of 565,000 men, the war could well go on for three years. With a second increment of 2⅓ divisions leading to a total of 665,000 men, it could go on for two years.*

General Wheeler . . . listed three matters . . . which were bothering the JCS. These were:

(a) DRV troop activity in Cambodia. US troops may be forced to move against these units in Cambodia.

(b) DRV troop activity in Laos. US troops may be forced to move against these units.

(c) Possible invasion of North Vietnam. We may wish to take offensive action against the DRV with ground troops.

The bombing which had always attracted considerable JCS attention was in Wheeler's estimation about to reach the point of target saturation—when all worthwhile fixed targets except the ports had been struck. Once this saturation level was reached the decisionmakers would be impelled to address the requirement to deny to the North Vietnamese use of the ports. He summarized the JCS position saying that the JCS firmly believed that the President must review the contingencies which they faced, the troops required to meet them and additional punitive action against DRV. Westmoreland parenthetically added that he was "frankly dismayed at even the thought of stopping the bombing program." . . .

The President closed the meeting by asking: "What if we do not add the 2⅓ divisions?" General Wheeler replied first, observing that the momentum would die; in some areas the enemy would recapture the initiative, an important but hardly disastrous development, meaning that we wouldn't lose the war but it would be a longer one. He added that:

"Of the 2⅓ divisions, I would add one division on the DMZ to relieve the Marines to work with ARVN on pacification; and I would put one division east of Saigon to relieve the 9th Division to deploy to the Delta to increase the effectiveness of the three good ARVN divisions now there; the brigade I would send to Quang Ngai to make there the progress in the next year that we have made in Binh Dinh in the past year."

The President reacted by saying:

"We should make certain we are getting value received from the South Vietnamese troops. Check the discharges to determine whether he could make use of them by forming additional units, by mating them with US troops, as is done in Korea, or in other ways."

There is no record of General Westmoreland's reply, if any . . .

May 4 Memo on Force Levels by Systems-Analysis Chief

Memorandum for Secretary McNamara, "Force Levels and Enemy Attrition," from Alain C. Enthoven, Assistant Secretary of Defense for Systems Analysis, May 4, 1967, as provided in the body of the Pentagon study.

Although MACV has admitted to you that the VC/NVA forces can refuse to fight when they want to, this fact has played no role in MACV's analysis of strategy and force requirements. (For example, in his October 1956 briefing, General DePuy said, "The more often we succeed at (search and destroy operation) the less often will the VC stand and fight.") Because enemy attrition plays such a central role in MACV's thinking, and because the enemy's degree of control over the pace of the action determines how well he can control his attrition, we have taken a hard look at the facts on the enemy's tactical initiative. From reliable, detailed accounts of 56 platoon-sized and larger firefights in 1966 we have classified these fights according to how they developed. The first four categories in the table all represent cases in which the enemy willingly and knowingly stood and fought in a pitched battle; these categories include 47 (84%) of the 56 battles. The first three categories, enemy ambushes and assaults on our forces, have 66% of the cases; these three plus category 4a, comprising the cases where the enemy has the advantage of surprise, have 78% of the cases.

The results are independently confirmed from two sources. First, the ARCOV study, which analyzed a different set of battles in late 1965 and early 1966, found that 46% of the fights begin as enemy ambushes and that the enemy starts the fight in 88% of the cases; moreover, it found that 63% of the infantry targets encountered were personnel in trenches or bunkers. Second, we have analyzed the After-Action Reports submitted to MACV by the line commanders in the field; although generally vague and incomplete in their descriptions of what happened, they broadly confirm the drift of the above numbers.

These results imply that the size of the force we deploy has little effect on the rate of attrition of enemy forces. This conclusion should scarcely surprise you in view of the trend of enemy losses in 1966 and in view of the obvious sensitivity of month-to-month enemy losses to his known strategic initiatives. What is surprising to me is that MACV has ignored this type of information in discussing force levels. I recommend that you inject this factor into the discussion.

Rostow Memorandum of May 6 on the Bombing Program

Excerpts from a memorandum by Walt W. Rostow, Presidential assistant for national security, to Secretary of State Dean Rusk, Deputy Secretary of Defense Cyrus Vance, Under Secretary of State Nicholas deB. Katzenbach, Assistant Secretary of Defense John T. McNaughton, Assistant Secretary of State William P. Bundy and Richard Helms, Director of Central Intelligence, dated May 6, 1967, and headed "U.S. Strategy in Vietnam," as provided in the body of the Pentagon study. Paragraphs in italics are the study's paraphrase or explanation.

Rostow's paper began by reviewing what the U.S. was attempting to do in the war: frustrate a Communist takeover "by defeating their main force units; attacking the guerrilla infrastructure; and building a South Vietnamese governmental and security structure. . . ." The purpose of the air war in the North was defined as "To hasten the decision in Hanoi to abandon the aggression . . .," for which we specifically sought:

(i) to limit and harass infiltration; and

(ii) to impose on the North sufficient military and civil cost to make them decide to get out of the war earlier rather than later.

Sensitive to the criticisms of the bombing, Rostow tried to dispose of certain of their arguments:

We have never held the view that bombing could stop infiltration. We have never held the view that bombing of the Hanoi-Haiphong area alone would lead them to abandon the effort in the South. We have never held the view that bombing Hanoi-Haiphong would directly cut back infiltration. We have held the view that the degree of military and civilian cost felt in the North and the diversion of resources to deal with our bombing could contribute marginally—and perhaps significantly—to the timing of a decision to end the war. But it was no substitute for making progress in the South.

Rostow argued that while there were policy decisions to be made about the war in the South, particularly with respect to new force levels, there existed no real disagreement with the Administration as to our general *strategy on the ground. Where contention did exist was in the matter of the air war. Here there were three broad strategies that could be pursued. Rostow offered a lengthy analysis of the three options . . .*

A. CLOSING THE TOP OF THE FUNNEL

Under this strategy we would mine the major harbors and, perhaps, bomb port facilities and even consider blockade. In addition, we would attack systematically the rail lines between Hanoi and mainland China. At the moment the total import capacity into North Viet Nam is about 17,200 tons per day. Even with expanded import requirement due to the food shortage, imports are, in fact, coming in at about 5700 tons per day. It is possible with a concerted and determined effort that we could cut back import capacity somewhat below the level of requirements; but this is not sure. On the other hand, it would require a difficult and sustained effort by North Viet Nam and its allies to prevent a reduction in total imports below requirements if we did all these things.

The costs would be these:

—The Soviet Union would have to permit a radical increase in Hanoi's dependence upon Communist China, or introduce minesweepers, etc., to keep its supplies coming into Hanoi by sea;

—The Chinese Communists would probably introduce many more engineering and anti-aircraft forces along the roads and rail lines between Hanoi and China in order to keep the supplies moving;

—To maintain its prestige, in case it could not or would not open up Hanoi-Haiphong in the face of mines, the Soviet Union might contemplate creating a Berlin crisis. With respect to a Berlin crisis, they would have to weigh the possible split between the U.S. and its Western European allies under this pressure against damage to the atmosphere of detente in Europe which is working in favor of the French Communist Party and providing the Soviet Union with generally enlarged influence in Western Europe.

I myself do not believe that the Soviet Union would go to war with us over Viet Nam unless we sought to occupy North Viet Nam; and, even then, a military response from Moscow would not be certain.

With respect to Communist China, it always has the option of invading Laos and Thailand; but this would not be a rational response to naval and air operations designed to strangle Hanoi. A war throughout Southeast Asia would not help Hanoi; although I do believe Communist China would fight us if we invaded the northern part of North Viet Nam.

One can always take the view that, given the turmoil inside Communist China, an irrational act by Peiping is possible. And such irrationality cannot be ruled out.

I conclude that if we try to close the top of the funnel, tension between ourselves and the Soviet Union and Communist China would increase; if we were very determined, we could impose additional burdens on Hanoi and its allies; we might cut capacity below requirements; and the outcome is less likely to be a general war than more likely.

B. ATTACKING WHAT IS INSIDE THE FUNNEL

This is what we have been doing in the Hanoi-Haiphong area for some weeks. I do not agree with the view that the attacks on Hanoi-Haiphong have no bearing on the war in the South. They divert massive amounts of resources, energies, and attention to keeping the civil and military establishment going. They impose general economic, political, and psychological difficulties on the North which have been complicated this year by a bad harvest and food shortages. I do not believe that they "harden the will of the North." In my judgment, up to this point, our bombing of the North has been a painful additional cost they have thus far been willing to bear to pursue their efforts in the South.

On the other hand:

—There is no direct, immediate connection between bombing the Hanoi-Haiphong area and the battle in the South;

—If we complete the attack on electric power by taking out the Hanoi station—which constitutes about 80% of the electric power supply of the country now opening—we will have hit most of the targets whose destruction imposes serious military-civil costs on the North.

—With respect to risk, it is unclear whether Soviet warnings about our bombing Hanoi-Haiphong represent decisions already taken or decisions which might be taken if we persist in banging away in that area.

It is my judgment that the Soviet reaction will continue to be addressed to the problem imposed on Hanoi by us; that is, they might introduce Soviet pilots as they did in the Korean War; they might bring ground-to-ground missiles into North Viet Nam with the object of attacking our vessels at sea and our airfields in the Danang area.

I do not believe that the continuation of attacks at about the level we have been conducting them in the Hanoi-Haiphong area will lead to pressure on Berlin or a general war with the Soviet Union. In fact, carefully read, what the Soviets have been trying to signal is: Keep away from our ships; we may counter-escalate to some degree; but we do not want a nuclear confrontation over Viet Nam.

C. CONCENTRATION IN ROUTE PACKAGES 1 AND 2

The advantage of concentrating virtually all our attacks in this area are three:

We would cut our loss rate in pilots and planes;

We would somewhat improve our harassment of infiltration of South Viet Nam;

We would diminish the risks of counter-escalatory action by the Soviet Union and Communist China, as compared with courses A and B.

He rejected course A as incurring too many risks with too little return . . . Here is how he formulated his conclusions:

With respect to Course B I believe we have achieved greater results in increasing the pressure on Hanoi and raising the cost of their continuing to conduct the aggression in the South than some of my most respected colleagues would agree. I do not believe we should lightly abandon what we have accomplished; and specifically, I believe we should mount the most economical and careful attack on the Hanoi power station our air tacticians can devise. Moreover, I believe we should keep open the option of coming back to the Hanoi-Haiphong area, depending upon what we learn of their repair operations; and what Moscow's and Peiping's reactions are; especially when we understand better what effects we have and have not achieved thus far.

I believe the Soviet Union may well have taken certain counter-steps addressed to the more effective protection of the Hanoi-Haiphong area and may have decided—or could shortly decide—to introduce into North Viet Nam some surface-to-surface missiles.

With respect to option C, I believe we should, while keeping open the B option, concentrate our attacks to the maximum in Route Packages 1 and 2; and, in conducting Hanoi-Haiphong attacks, we should do so only when the targets make sense. I do not expect dramatic results from increasing the weight of attack in Route Packages 1 and 2; but I believe we are wasting a good many pilots in the Hanoi-Haiphong area without commensurate results. The major objectives of maintaining the B option can be achieved at lower cost.

Secretary McNamara's Position of May 19 on Bombing and Troops

Excerpts from draft memorandum for the President from the office of Secretary of Defense McNamara dated May 19, 1967, and headed "Future Actions in Vietnam." Text, provided in the body of the Pentagon study, is labeled "first rough draft—data and estimates have not been checked." Paragraphs in italics are the study's paraphrase or explanation.

By the 19th of May the opinions of McNamara and his key aides with respect to the bombing and Westy's troop requests had crystalized sufficiently that another Draft Presidential Memorandum was written. It was entitled, "Future Actions in Vietnam," and was a comprehensive treatment of all aspects of the war—military, political, and diplomatic. It opened with an appraisal of the situation covering both North and South Vietnam, the U.S. domestic scene and international opinion. The estimate of the situation in North Vietnam hewed very close to the opinions of the intelligence community already referred to. Here is how the analysis proceeded:

C. NORTH VIETNAM

Hanoi's attitude towards negotiations has never been soft nor open-minded. Any concession on their part would involve an enormous loss of face. Whether or not the Polish and Burchett-Kosygin initiatives had much substance to them, it is clear that Hanoi's attitude currently is hard and rigid. They seem uninterested in a political settlement and determined to match US military expansion of the conflict. This change probably reflects these factors: (1) increased assurances of help form the Soviets received during Pham Van Dong's April trip to Moscow; (2) arrangements providing for the unhindered passage of materiel from the Soviet Union through China; and (3) a decision to wait for the results of the US elections in 1968. Hanoi appears to have concluded that she cannot secure her objectives at the conference table and has reaffirmed her strategy of seeking to erode our ability to remain in the South. The Hanoi leadership has apparently decided that it has no choice but to submit to the increased bombing. There continues to be no sign that the bombing has reduced Hanoi's will to resist or her ability to ship the necessary supplies South. Hanoi shows no signs of ending the large war and advising the VC to melt into the jungles. The North Vietnamese believe they are right; they consider the Ky regime to be puppets; they believe the world is with them and that the American public will not have staying power against them. Thus, although they may have factions in the regime favoring different approaches, they believe that, in the long run, they are stronger than we are for the purpose. They probably do not want to make significant concessions, and could not do so without serious loss of face.

When added to the continuing difficulties in bringing the war in the South under control, the unchecked erosion of U.S. public support for the war, and the smoldering international disquiet about the need and purpose of such U.S. intervention, it is not hard to understand the DPM's statement that, "This memorandum is written at a time when there appears to be no attractive course of action." Nevertheless, 'alternatives' was precisely what the DPM had been written to suggest. There were introduced with a recapitulation of where we stood militarily and what the Chiefs were recommending. With respect to the war in the North, the DPM states:

Against North Vietnam, an expansion of the bombing program (ROLLING THUNDER 56) was approved mid-April. Before it was approved, General Wheeler said, "The bombing campaign is reaching the point where we will have struck all worthwhile fixed targets except the ports. At this time we will have to address the requirement to deny the DRV the use of the ports." With its approval, excluding the port areas, no major military targets remain to be struck in the North. All that remains are minor targets, restrikes of certain major targets, and armed reconnaissance of the lines of communication

(LOCs)—and, under new principles, mining the harbors, bombing dikes and locks, and invading North Vietnam with land armies. These new military moves against North Vietnam, together with land movements into Laos and Cambodia, are now under consideration by the Joint Chiefs of Staff.

The broad alternatives courses of action it considered were two:

Course A. Grant the request and intensify military actions outside the South—especially against the North. Add a minimum of 200,000 men—100,000 (2⅓ divisions plus 5 tactical air squadrons) would be deployed in FY 1968, another 100,000 (2⅓ divisions and 8 tactical air squadrons) in FY 1969, and possibly more later to fulfill the JCS ultimate requirement for Vietnam and associated world-wide contingencies. Accompanying these force increases (as spelled out below) would be greatly intensified military actions outside South Vietnam—including in Laos and Cambodia but especially against the North.

Course B. Limit force increases to no more than 30,000; avoid extending the ground conflict beyond the borders of South Vietnam; and concentrate the bombing on the infiltration routes south of 20°. Unless the military situation worsens dramatically, add no more than 9 battalions of the approved program of 87 battalions. This course would result in a level of no more than 500,000 men (instead of the currently planned 470,000) on December 31, 1968. (See Attachment IV for details). A part of this course would be a termination of bombing in the Red River basin unless military necessity required it, and a concentration of all sorties in North Vietnam on the infiltration routes in the neck of North Vietnam, between 17° and 20°.

. . . *This was the way the DPM developed the analysis of the war segment of course of action A:*

BOMBING PURPOSES AND PAYOFFS

Our bombing of North Vietnam was designed to serve three purposes:

(1) To retaliate and to lift the morals [*sic*] of the people in the South who were being attacked by agents of the North.

(2) To add to the pressure on Hanoi to end the war.

(3) To reduce the flow and/or to increase the cost of infiltrating men and material from North to South.

We cannot ignore that a limitation on bombing will cause serious psychological problems among the men, officers and commanders, who will not be able to understand why we should withhold punishment from the enemy. General Westmoreland said that he is "frankly dismayed at even the thought of stopping the bombing program." But this reason for attacking North Vietnam must be scrutinized carefully. We should not bomb for punitive reasons if it serves no other purposes—especially if analysis shows that the actions may be counterproductive. It costs American lives; it creates a backfire of revulsion and opposition by killing civilians; it creates serious risks; it may harden the enemy.

With respect to added pressure on the North, it is becoming apparent that Hanoi may already have "written off" all assets and lives that might be destroyed by U.S. military actions short of occupation of annihilation [sic]. They can and will hold out at least so long as a prospect of winning the "war of attrition" in the South exists. And our best judgment is that a Hanoi prerequisite to negotiations is signficant retrenchment (if not complete stoppage of U.S. military actions against them—at the least, a cessation of bombing. In this connection, Consul-General Rice (Hong Kong 7581, 5/1/67) said that, in his opinion, we cannot by bombing reach the critical level of pain in North Vietnam and that, "below that level, pain only increases the will to fight." Sir Robert Thompson said to Mr. Vance on April 28 that our bombing, particularly in the Red River Delta, "is unifying North Vietnam."

With respect to interdiction of men and materiel, it now appears that no combination of actions against the North short of destruction of the regime or occupation of North Vietnamese territory will physically reduce the flow of men and materiel below the relatively small amount needed by enemy forces to continue the war in the South. Our effort can and does have severe disruptive effects, which Hanoi can and does plan on and prestock against. Our efforts physically to cut the flow meaningfully by actions in North Vietnam therefore largely fail and, in failing, transmute attempted interdiction into pain, or pressure on the North (the factor discussed in the paragraph next above.) The lowest "ceiling" on infiltration can probably be achieved by concentration on the North Vietnamese "funnel" south of 20° and on the Trail in Laos.

But what if the above analyses are wrong? Why not escalate the bombing and mine the harbors (and perhaps occupy southern North Vietnam)—on the gamble that it would constrict the flow, meaningfully limiting enemy action in the South, and that it would bend Hanoi? The answer is that the costs and risks of the actions must be considered.

The primary costs of course are US lives: The air campaign against heavily defended areas costs us one pilot in every 40 sorties. In addition, an important but hard-to-measure cost is domestic and world opinion: There may be a limit beyond which many Americans and much of the world will not permit the United States to go. The picture of the world's greatest superpower killing or seriously injuring 1,000 non-combatants a week, while trying to pound a tiny backward nation into submission on an issue whose merits are hotly disputed, is not a pretty one. It could conceivably produce a costly distortion in the American national consciousness and in the world image of the United States—especially if the damage to North Vietnam is complete enough to be "successful."

The most important risk, however, is the likely Soviet, Chinese and North Vietnamese reaction to intensified US air attacks, harbor-mining, and ground actions against North Vietnam.

LIKELY COMMUNIST REACTIONS

At the present time, no actions—except air strikes and artillery fire necessary to quiet hostile batteries across the border—are allowed against *Cambodian* territory. In Laos, we average 5,000 attack sorties a month against the infiltration routes and base areas, we fire artillery from South Vietnam against targets in Laos, and we will be providing 3-man leadership for each of 20 12-man US-Vietnamese Special Forces teams that operate to a depth of 20 kilometers into Laos. Against North Vietnam, we average 8,000 or more attack sorties a month against all worthwhile fixed and LOC targets; we use artillery against ground targets across the DMZ; we fire from naval vessels at targets ashore and afloat up to 19°; and we mine their inland waterways, estuaries . . . up to 20°.

Intensified air attacks against the same types of targets, we would anticipate, would lead to no great change in the policies and reactions of the Communist powers beyond the furnishing of some new equipment and manpower. China, for example, has not reacted to our striking MIG fields in North Vietnam, and we do not expect them to, although there are some signs of greater Chinese participation in North Vietnamese air defense.

Mining the harbors would be much more serious. It would place Moscow in a particularly galling dilemma as to how to preserve the Soviet position and prestige in such a disadvantageous place. The Soviets might, but probably would not, force a confrontation in Southeast Asia—where even with minesweepers they would be at as great a military disadvantage as we were when they blocked the corridor to Berlin in 1961, but where their vital interest, unlike ours in Berlin (and in Cuba), is not so clearly at stake. Moscow in this case should be expected to send volunteers, including pilots, to North Vietnam; to provide some new and better weapons and equipment; to consider some action in Korea, Turkey, Iran, the Middle East or, most likely, Berlin, where the Soviets can control the degree of crisis better; and to show across-the-board hostility toward the US (interrupting any on-going conversations on ABMs, non-proliferation, etc.). China could be expected to seize upon the harbor-mining as the opportunity to reduce Soviet political influence in Hanoi and to discredit the USSR if the Soviets took no military action to open the ports. Peking might read the harbor-mining as indicating that the US was going to apply military pressure until North Vietnam capitulated, and that this meant an eventual invasion. If so, China might decide to intervene in the war with combat troops and air power, to which we would eventually have to respond by bombing Chinese airfields and perhaps other targets as well. Hanoi would tighten belts, refuse to talk, and persevere—as it could without too much difficulty. North Vietnam would of course be fully dependent for supplies on China's will, and Soviet influence in Hanoi would therefore be reduced. (Ambassador Sullivan feels very strongly that it would be a serious mistake, by our actions against the port, to tip Hanoi away from Moscow and toward Peking.)

To U.S. ground actions in North Vietnam, we would expect China to respond by entering the war with both ground and air forces. The Soviet Union could be expected in these circumstances to take all actions listed above under the lesser provocations and to generate a serious confrontation with the United States at one or more places of her own choosing.

The arguments against Course A were summed up in a final paragraph:

Those are the likely costs and risks of COURSE A. They are, we believe, both unacceptable and unnecessary. Ground action in North Vietnam, because of its escalatory potential, is clearly unwise despite the open invitation and temptation posed by enemy troops operating freely back and forth across the DMZ. Yet we believe that, short of threatening and perhaps toppling the Hanoi regime itself, pressure against the North will, if anything, harden Hanoi's unwillingness to talk and her settlement terms if she does. China, we believe, will oppose settlement throughout. We believe that there is a chance that the Soviets, at the brink, will exert efforts to bring about peace; but we believe also that intensified bombing and harbor-mining, even if coupled with political pressure from Moscow, will neither bring Hanoi to negotiate nor affect North Vietnam's terms.

With Court A rejected, the DPM turned to consideration of the levelling-off proposals of Course B. The analysis of the de-escalated bombing program of this option proceeded in this manner:

The bombing program that would be a part of this strategy is, basically, a program of concentration of effort on the infiltration routes near the south of North Vietnam. The major infiltration-related targets in the Red River basin having been destroyed, such interdiction is now best served by concentration of all effort in the southern neck of North Vietnam. All of the sorties would be flown in the area between 17° and 20°. This shift, despite possible increases in anti-aircraft capability in the area, should reduce the pilot and aircraft loss rates by more than 50 percent. The shift will, if anything, be of positive military value to General Westmoreland while taking some steam out of the popular effort in the North.

The above shift of bombing strategy, now that almost all major targets have been struck in the Red River basin, can to military advantage be made at any time. It should not be done for the sole purpose of getting Hanoi to negotiate, although that might be a bonus effect. To maximize the chances of getting that bonus effect, the optimum scenario would probably be (1) to inform the Soviets quietly that within a few days the shift would take place, stating no time limits but making no promises to return to the Red River basin to attack targets which later acquire military importance (any deal with Hanoi likely to be midwifed by Moscow); (2) to make the shift as predicted, without fanfare; and (3) to explain publicly, when the shift had become obvious, that the northern targets had been destroyed, that that had been militarily important, and that there would be no need to return to the northern areas unless military necessity dictated it. The shift should not be huckstered. Moscow would almost certainly pass its information on to Hanoi, and might urge Hanoi to seize the opportunity to de-escalate the war by talks or otherwise. Hanoi, not having been asked a question by us and having no ultimatum-like time limit, would be in a better posture to answer favorably than has been the case in the past. The military side of the shift is sound, however, whether or not the diplomatic spill-over is successful.

In a section dealing with diplomatic and political considerations, the DPM outlined the political view of the significance of the struggle as seen by the US and by Hanoi. It then developed a conception of larger US interests in Asia around the necessity of containing China. This larger interest required settling the Vietnam war into perspective as only one of three fronts that required U.S. attention (the other two being Japan-Korea and India-Pakistan). In the overall view, the DPM argued, longrun trends in Asia appeared favorable to our interests:

The fact is that the trends in Asia today are running mostly for, not against, our interests (witness Indonesia and the Chinese confusion); there is no reason to be pessimistic about our ability over the next decade or two to fashion alliances and combinations (involving especially Japan and India) sufficient to keep China from encroaching too far. To the extent that our original intervention and our existing actions in Vietnam were motivated by the perceived need to draw the line against Chinese expansionism in Asia, our objective has already been attained, and COURSE B will suffice to consolidate it!

With this perspective in mind the DPM went on to reconsider and restate U.S. objectives in the Vietnam contest under the heading "Commitment and Hopes Distinguished":

The time has come for us to eliminate the ambiguities from our minimum objectives—our commitments—in Vietnam. Specifically, two principles must be articulated, and policies and actions brought in line with them: (1) Our commitment is only to see that the people of South Vietnam are permitted to determine their own future. (2) This commitment ceases if the country ceases to help itself.

It follows that no matter how much we might *hope* for some things, our *commitment is not:*

to expel from South Vietnam regroupees, who are South Vietnamese (though we do not like them),

to ensure that a particular person or group remains in power, nor that the power runs to every corner of the land (though we prefer certain types and we hope their writ will run throughout South Vietnam),

to guarantee that the self-chosen government is non-Communist (though we believe and strongly hope it will be), and

to insist that the independent South Vietnam remain separate from North Vietnam (though in the short-run, we would prefer it that way).

(Nor do we have an obligation to pour in effort out of proportion to the effort contributed by the people of South Vietnam or in the face of coups, corruption, apathy or other indications of Saigon failure to cooperate effectively with us.)

We are committed to stopping or offsetting the effect of North Vietnam's application of force in the South, which denies the people of the South the ability to determine their own future. Even here, however, the line is hard to draw. Propaganda and political advice by Hanoi (or by Washington) is presumably not barred; nor is economic aid or economic advisors. Less clear is the rule to apply to military advisors and war materiel supplied to the contesting factions.

The importance of nailing down and understanding the implications of our limited objectives cannot be over-emphasized. It relates intimately to strategy against the North, to troop requirements and missions in the South, to handling of the Saigon government, to settlement terms, and to US domestic and international opinion as to the justification and the success of our efforts on behalf of Vietnam.

This articulation of American purposes and commitments in Vietnam pointedly rejected the high blown formulations of U.S. objectives in NSAM 88 ["an independent non-communist South Vietnam," "defeat the Viet Cong," etc.], and came forcefully to grips with the old dilemma of the U.S. involvement dating from the Kennedy era: only limited means to achieve excessive ends. Indeed, in the following section of specific recommendations, the DPM urged the President to, "issue a NSAM nailing down US policy as described herein." The emphasis in this scaled down set of goals, clearly reflecting the frustrations of failure, was South Vietnamese self-determination. The DPM even went so far as to suggest that, "the South will be in position, albeit imperfect, to start the business of producing a full-spectrum government in South Vietnam." What this amounted to was a recommendation that we accept a compromise outcome. Let there be no mistake these were radical positions for a senior U.S. policy official within the Johnson Administration to take. They would bring the bitter condemnation of the Chiefs and were scarcely designed to flatter the President on the success of his efforts to date. That they represented a more realistic mating of U.S. strategic objectives and capabilities is another matter.

The scenario for the unfolding of the recommendations in the DPM went like this:

(4) June: Concentrate the bombing of North Vietnam on physical interdiction of men and materiel. This would mean terminating, except where the interdiction objective clearly dictates otherwise, all bombing north of 20° and improving interdiction as much as possible in the infiltration "funnel" south of 20° by concentration of sorties and by an all-out effort to improve detection devices, denial weapons, and interdiction tactics.

(5) July: Avoid the explosive Congressional debate and US Reserve call-up implicit in the Westmoreland troop request. Decide that, unless the military situation worsens dramatically, US deployments will be limited to Program 4-plus (which according to General Westmoreland, will not put us in danger of being defeated, but will mean slow progress in the South). Associated with this decision are decisions not to use large numbers of US troops in the Delta and not to use large numbers of them in grassroots pacification work.

(6) September: Move the newly elected Saigon government well beyond its National Reconciliation program to seek a political settlement with the non-Communist members of the NLF—to explore a cease-fire and to reach an accommodation with the non-Communist South Vietnamese who are under the VC banner; to accept them as members of an opposition political party, and, if necessary, to accept their individual participation in the national government—in sum, a settlement to transform the members of the VC from military opponents to political opponents.

(7) October: Explain the situation to the Canadians, Indians, British, UN and others, as well as nations now contributing forces, requesting them to contribute border forces to help make the inside-South Vietnam accommodation possible, and—consistent with our desire neither to occupy nor to have bases in Vietnam—offering to remove later an equivalent number of U.S. forces. (This initiative is worth taking despite its slim chance of success.)

Having made the case for de-escalation and compromise, the DPM ended on a note of candor with a clear statement of its disadvantages and problems:

The difficulties with this approach are neither few nor small: There will be those who disagree with the circumscription of the US commitment (indeed, at one time or another, one US voice or another has told the Vietnamese, third countries, the US Congress, and the public of "goals" or "objectives" that go beyond the above bare-bones statement of our "commitment"); some will insist that pressure, enough pressure, on the North can pay off or that we will have yielded a blue chip without exacting a price in exchange for our concentrating on interdiction; many will argue that denial of the larger number of troops will prolong the war, risk losing it and increase the casualties of the Americans who are there; some will insist that this course reveals weakness to which Moscow will react with relief, contempt and reduced willingness to help, and to which Hanoi will react by increased demands and truculence; others will point to the difficulty of carrying the Koreans, Filipinos, Australians and New Zealanders with us; and there will be those who point out the possibility that the changed US tone may cause a "rush for the exits" in Thailand, in Laos and especially inside South Vietnam, perhaps threatening cohesion of the government, morale of the army, and loss of support among the people. Not least will be the alleged impact on the reputation of the United States and of its President. Nevertheless, the difficulties of this strategy are fewer and smaller than the difficulties of any other approach.

William Bundy's May 30 Memo on Reasons for U.S. Involvement

Excerpts from memorandum from Assistant Secretary of State Bundy, circulated at State and Defense Departments, May 30, 1967, as provided in the body of the Pentagon study. Paragraphs in italics are the study's paraphrase or explanation.

William Bundy at State drafted comments on the DPM on May 30 and circulated them at State and Defense. In his rambling and sometimes contradictory memo, Bundy dealt mainly with the nature and scope of the U.S. commitment—as expressed in the DPM and as he saw it. He avoided any detailed analysis of the two military options and focused his attention on the strategic reasons for American involvement; the objectives we were after; and the terms under which we could consider closing down the operation. His memo began with his contention that:

The gut point can almost be summed up in a pair of sentences. If we can get a reasonably solid GVN political structure and GVN performance at all levels, favorable trends could become really marked over the next 18 months, the war will be won for practical purposes at some point, and the resulting peace will be secured. On the other hand, if we do not get these results from the GVN and the South Vietnamese people, no amount of US effort will achieve our basic objective in South Viet-Nam—a return to the essential provisions of the Geneva Accords of 1954 and a reasonably stable peace for many years based on these Accords.

It is the view of the central importance of the South that dominates the remainder of Bundy's memo. But his own thinking was far from clear about how the U.S. should react to a South Vietnamese failure for at the end of it he wrote:

None of the above decides one other question clearly implicit in the DOD draft. What happens if "the country ceases to help itself." If this happens in the lateral sense, if South Viet-Nam performs so badly that it simply is not going to be able to govern itself or to resist the slightest internal pressure, then we would agree that we can do nothing to prevent this. But the real underlying question is to what extent we tolerate imperfection, even gross imperfection, by the South Vietnamese while they are still under the present grinding pressure from Hanoi and the NLF.

This is a tough question. What do we do if there is a military coup this summer and the elections are aborted? There would then be tremendous pressure at home and in Europe to the effect that this negated what we were fighting for, and that we should pull out.

But against such pressure we must reckon that the stakes in Asia will remain. After all, the military rule, even in peacetime, in Thailand, Indonesia, and Burma. Are we to walk away from the South Vietnamese, at least as a matter of principle, simply because they failed in what was always conceded to be a courageous end extremely difficult effort to become a true democracy during a guerrilla war?

Bundy took pointed issue with DPM's reformulation of U.S. objectives. Starting with the DPM's discussion of U.S. larger interests in Asia, Bundy argued that:

In Asian eyes, the struggle is a test case, and indeed much more black-and-white than even we ourselves see it. The Asian view bears little resemblance to the breast-beating in Europe or at home. Asians would quite literally be appalled—and this includes India—if we were to pull out from Viet-Nam or if we were to settle for an illusory peace that produced Hanoi control over all Viet-Nam in short order.

In short, our effort in Viet-Nam in the past two years has not only prevented the catastrophe that would otherwise have unfolded but has laid a foundation for a progress that now appears truly possible and of the greatest historical significance.

Having disposed of what he saw as a misinterpretation of Asian sentiment and U.S. interests there, Bundy now turned to the DPM's attempt to minimize the U.S. commitment in Vietnam. He opposed the DPM language because in his view it dealt too heavily with our military commitment to get NVA off the South Vietnamese back, and not enough with the equally important commitment, to assure that "the political board in South Vietnam is not tilted to the advantage of the NLF." Bundy's conception of the U.S. commitment was twofold:

—To prevent any imposed political role for the NLF in South Vietnamese political life, and specifically the coalition demanded by point 3 of Hanoi's Four Points, or indeed any NLF part in government or political life that is not safe and acceptable voluntarily to the South Vietnamese Government and people.

—To insist in our negotiating position that "regroupees," that is, people originally native to South Viet-Nam who went North in 1954 and returned from 1959 onward, should be expelled as a matter of principle in the settlement. Alternatively, such people could remain in South Viet-Nam if, but only if, the South Vietnamese Government itself was prepared to receive them back under a reconciliation concept, which would provide in essence that they must be prepared to accept peaceful political activity under the Constitution (as the reconciliation appeal now does). This latter appears to be the position of the South Vietnamese Government, which—as Tran Van Do has just stated in Geneva—argues that those sympathetic to the Northern system of government should go North, while those prepared to accept the Southern system of government may stay in the South. Legally, the first alternative is sound in that Southerners who went North in 1954 became for all legal and practical purposes Northern citizens and demonstrated their allegiance. But if the South Vietnamese prefer the second alternative, it is in fact exactly comparable to the regroupment provisions of the 1954 Accords, and can legally be sustained. But in either case the point is that the South Vietnamese are not obliged to accept as citizens people whose total pattern of conduct shows that they would seek to overthrow the structure of government by force and violence.

The remainder of Bundy's comments were addressed to importance of this last point. The U.S. could not consider withdrawing its forces until not only the North Vietnamese troops but also the regroupees had returned to the North. Nowhere in his comments does he specifically touch on the merits of the two military options, but his arguments all seem to support the tougher of the two choices (his earlier support of restricting the bombing thus seems paradoxical). He was, it is clear, less concerned with immediate specific decisions on a military phase of the war than with the long term consequences of this major readjustment of American sights in Southeast Asia.

Highlights of the Period

OCTOBER, 1966

McNamara, returning from South Vietnam, tells President in memorandum that "pacification has if anything gone backward" and air war has not "either significantly affected infiltration or cracked the morale of Hanoi." Recommends limit or increase in forces, and consideration of halt in bombing, or shifting targets from Hanoi-Haiphong to infiltration routes, to "increase the credibility of our peace gestures."

Joint Chiefs, also in memorandum to President, oppose any cutback in bombing; propose "sharp knock," including strikes at locks, dams and rail yards.

NOVEMBER, 1966

McNamara gives Joint Chiefs new troop authorization: 469,000 by end of June, 1968, below military requests. Study comments that from now on "the judgment of the military . . . would be subject to question."

McNamara tells President there is "no evidence" that addition of more troops "would substantially change the situation," and that bombing "is yielding very small marginal returns" with "no significant impact" on war in the South.

JANUARY, 1967

Central Intelligence Agency study estimates 1965–1966 air-war casualties in North Vietnam to be 36,000—"about 80 per cent civilians"—making civilian-casualty total about 29,000.

FEBRUARY, 1967

President approves "spring air offensive" including attacks on power plants, mining of rivers, relaxation of restrictions on air raids near Hanoi and Haiphong.

MARCH, 1967

General Westmoreland asks 200,000 more troops, for a total U.S. force of 671,616.

APRIL, 1967

Joint Chiefs transmit Westmoreland troop request, call for mobilization of reserves, propose "an extension of the war" into Laos and Cambodia and possibly North Vietnam.

President asks Westmoreland if enemy cannot increase troop strength and adds: "If so, where does it all end?"

MAY, 1967

Assistant Secretary of State William Bundy opposes ground operations against North Vietnam as likely to provoke China; also warns—as does C.I.A.—of possible Soviet reaction to mining Haiphong.

Walt W. Rostow, in memo to President, urges cutback in bombing.

McNamara-McNaughton memo to President recommends cutback to 20th Parallel, troop increase of only 30,000 and what study calls basically "a recommendation that we accept a compromise outcome" and "scaled-down goals."

Joint Chiefs, in four memorandums within three days, renew proposals for troop increases, air attacks and possibly "limited ground action in North Vietnam." They say McNamara's "drastic changes" in policy "would undermine" U.S. presence.

JUNE, 1967

McNamara and Westmoreland agree on compromise troop increase of 55,000; approved by President.

JULY, 1967

President approves new bombing targets within previously restricted areas around Haiphong and Hanoi.

AUGUST, 1967

President authorizes 16 more targets "and expansion of armed reconnaissance"; new targets include rail line in formerly proscribed China buffer zone only eight miles from border.

Pentagon Papers: McNamara, in '66, Urged Bombing Cutback and Softer Peace Terms

(By Hedrick Smith)

Robert S. McNamara, while Secretary of Defense, sought to persuade President Lyndon B. Johnson in October, 1966, to cut back the bombing of North Vietnam to seek a political settlement of the war—17 months before Mr. Johnson made that move on March 31, 1968.

Mr. McNamara's effort is disclosed by the Pentagon's secret study of the war. It also says that in May, 1967, the Secretary went a step further and advocated that the Johnson Administration stop trying to guarantee a non-Communist Vietnam and be willing to accept a coalition government in Saigon that included elements of the Vietcong.

What the study terms his "radical" proposal for scaling down American objectives in the war called for Saigon to negotiate with elements of the guerrilla movement not only for a political compromise but also for a cease-fire.

While Mr. McNamara's disillusionment with the war has been reported previously, the depth of his dissent from established policy is fully documented for the first time in the Pentagon study, which he commissioned on June 17, 1967.

The study details how this turnabout by Mr. McNamara—originally a leading advocate of the bombing policy and, in 1965, a confident believer that American intervention would bring the Vietcong insurgency under control—opened a deep policy rift in the Johnson Administration.

The study does not specifically say, however, that his break with established policy led President Johnson to nominate him on Nov. 28, 1967, as president of the World Bank and to replace him as Secretary of Defense.

But Mr. McNamara has previously revealed that in both May and August of 1967 the possibility of his departure from the Administration came up in talks with President Johnson, and the Pentagon study depicts both periods as critical points in the internal maneuvering on military strategy. In May Mr. McNamara was pressing his proposals to scale down the war, and in August President Johnson decided to expand the air war against the Secretary's advice.

The account of Mr. McNamara's dissent and the Administration's division on Vietnam policy forms another section of the presentation of the Pentagon papers by The New York Times.

The papers, prepared by 30 to 40 officials and analysts in 1967–68 as a study of nearly three decades of United States involvement in Indochina, consist of 3,000 pages of analysis and 4,000 pages of supporting documents, totaling some 2.5 million words.

Thus far The Times's presentation has covered the growth, under the Kennedy and Johnson Administrations, of the American combat role on the ground and in the air through the fall of 1966.

The account of the Johnson Administration from late 1966 onward is that of a government wrestling with itself as the views of some senior policymakers changed under the pressures of protracted war.

Three identifiable camps are described: the McNamara group—the "disillusioned doves," as the analysts put it—trying to set limits on the war and then reduce it; the military faction, let by the Joint Chiefs of Staff and Gen. William C. Westmoreland, the commander in Vietnam, pressing for wider war; and President Johnson, as well as senior civilian officials at the White House and State Department, taking a middle position.

At each stage, the primary issues of debate were much the same: the size of American troop commitments; the effectiveness of the bombing of North Vietnam, which began on a sustained basis in March 1965, and the proposed expansion of the air war and of the ground war in the South.

Beginning in late 1966, the study relates, President Johnson was being urged by the military leaders to step up the air war sharply and to consider allied invasions of Laos, Cambodia and even North Vietnam. Repeatedly the President was pressed to mobilize reserves to provide the manpower for a larger war.

The military leaders reacted to Secretary McNamara's proposals for a reduction of the air war with what the study calls "the stiffest kind of condemnation" and they "bombarded" him with rebuttals.

According to the study, Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, warned on May 24, 1967, that halting the bombing north of the 20th Parallel would be "an aerial Dienbienphu"—a reference to the disastrous French military defeat in May 1954, just before the negotiations that ended the French Indochina war.

The Joint Chiefs, the study relates, saw an "alarming pattern" in Mr. McNamara's overall strategy—one, they declared, that would undermine the entire American war effort.

"THE TIME HAS COME"

Their most vehement criticism was directed against the Secretary's memorandum to President Johnson on May 19, 1967. That paper gave a discouraging picture of the military situation and a pessimistic view of the American public's impatience with the war, and said:

"The time has come for us to eliminate the ambiguities from our minimum objectives— our commitments—in Vietnam. Specifically, two principles must be articulated, and policies and actions brought in line with them: (1) Our commitment is only to see that the people of South Vietnam are permitted to determine their own future. (2) This commitment ceases if the country ceases to help itself.

"It follows that no matter how much we might *hope* for some things, our *commitment* is *not:*

". . . To ensure that a particular person or group remains in power, nor that the power runs to every corner of the land (though we prefer certain types and we hope their writ will run throughout South Vietnam),

"To guarantee that the self-chosen government is non-Communist (though we believe and strongly hope it will be), and

"To insist that the independent South Vietnam remain separate from North Vietnam (though in the short-run, we would prefer it that way)." The material in italics and in parentheses is in the McNamara memorandum.

Specifically, the Secretary urged that in September, 1967, after the South Vietnamese presidential elections, the United States "move" the Saigon Government "to seek a political settlement with the non-Communist members of the NLF [National Liberation Front, or Vietcong]—to explore a cease-fire and to reach an accommodation with the non-Communist South Vietnamese who are under the VC Banner; to accept them as members of an opposition political party, and if necessary, to accept their individual participation in the national government—in sum, a settlement to transform the members of the VC from military opponents to political opponents."

Mr. McNamara acknowledged that one obvious drawback would be "the alleged impact on the reputation of the United States and of its President," but argued that "the difficulties of this strategy are fewer and smaller than the difficulties of any other approach."

President Johnson, the study recounts, preferred the middle ground of piece-meal escalation—what the study calls "the slow squeeze"—to either the "sharp knock" advocated by the Joint Chiefs of Staff or the shift toward political and military accommodation favored by Mr. McNamara.

It is "not surprising," the Pentagon analysts remark, that the President did not adopt the McNamara approach in view of his need to keep "the military 'on board' in any new direction for the U.S. effort in Southeast Asia." This is evidently an allusion to reports at the time that some high-ranking officers were in the mood to threaten resignation if the McNamara policy was adopted.

Satisfying neither extreme, President Johnson "was in the uncomfortable position of being able to please neither his hawkish nor his dovish critics with his carefully modulated middle course," the study asserts.

During the prolonged internal debate, the Pentagon account discloses, such issues as stalemate in the ground war and civilian casualties of the air war were of much more concern to some policy makers than the Administration publicly acknowledged.

Press dispatches from Hanoi in late 1966 stimulated what the analysts call an "explosive debate" in public about civilian casualties. Privately, the analysts add, the Central Intelligence Agency produced a summary of the bombing in 1965 and 1966 that estimated that there had been nearly 29,000 civilian casualties in North Vietnam—a figure far higher than Hanoi itself had ever used. The study implies that the term "casualties" covered both dead and wounded.

The Pentagon study also discloses that early in 1967 the growing stalemate on the ground became a concern of high civilian officials—even, at times, of President Johnson himself.

On April 27, the study notes, the President met with General Westmoreland and General Wheeler, who urged him to grant General Westmoreland's request for 200,000 more troops—a request the two officers repeated nearly a year later—but Mr. Johnson was wary.

Their discussion was recorded in notes, found in Pentagon files and quoted in the study. [See text, April 27, 1967, Page 11.]

"When we add divisions, can't the enemy add divisions?" the President asked. "If so, where does it all end?"

When General Westmoreland conceded that the enemy was likely to match American reinforcements, President Johnson turned to the worry that Hanoi might ask Communist China for help.

"At what point," he asked, "does the enemy ask for volunteers?"

The only recorded reply from General Westmoreland was, "That is a good question."

The real ceiling on the American commitment, the analysts suggest several times, was imposed primarily by President Johnson's refusal to be pushed by the military leaders into asking Congress to mobilize reserve forces—both former servicemen on inactive status and organized units of these servicemen.

Mobilization, the analysts assert, became the "political sound barrier" that President Johnson would not break.

A PESSIMISTIC REPORT

For Mr. McNamara and his influential aide John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, the first frontal challenge to the basic trend of policy came in October, 1966, and grew out of doubts that had been mounting for nearly a year.

As early as November, 1965—eight months after the American decision to intervene with ground forces—the Secretary of Defense warned President Johnson that the major new reinforcements he was approving could "not guarantee success." And in January, 1956, Mr. McNaughton, the third-ranking official in the Pentagon, voiced fear that the United States had become caught in "an escalating military stalemate."

In mid-October, Secretary McNamara returned disturbed from a trip to South Vietnam. He had been the intended target of a Vietcong assassination squad that was discovered only a few hours before his arrival in Saigon—a point to which he seemed to allude in his report to the President. "Full security exists nowhere," he said, "not even behind the U.S. Marines' lines and in Saigon [and] in the countryside, the enemy almost completely controls the night." [See text, McNamara memo, Oct. 14, 1966.]

The Pentagon study notes that in this Oct. 14 memorandum, Mr. McNamara for the first time recommended cutting back sharply on military requests for reinforcements.

In September, 1966, Adm. U. S. Grant Sharp, commander in chief of forces in the Pacific, had pressed on behalf of General Westmoreland for an increase in the projected strength of American forces in South Vietnam from 445,000 to 570,000 by the end of 1967. Actual strength was 325,000 men, and still rising.

On Oct. 7, the Joint Chiefs of Staff urged what the Pentagon study calls "full-blown" mobilization of 688,500 Army, Navy, Air Force and Marine reservists to help provide more troops for Vietnam and also to build up the armed forces around the world.

In his Oct. 14 memorandum, Mr. McNamara told President Johnson that he was "a little less pessimistic" than he had been a year earlier because the allied military campaign had "blunted the Communist military initiative" and prevented a total collapse in Saigon. But he went on to say that this had not produced results in what he called "the 'end products'—broken enemy morale and political achievements" by the South Vietnamese Government.

Discussing Saigon's struggle to win the people's allegiance, Mr. McNamara showed none of the confidence of high American officials in the early sixties that the mere introduction of Americans would revitalize the South Vietnamese civilian and military leadership.

"The discouraging truth," he said, "is that, as was the case in 1961 and 1963 and 1965, we have not found the formula, the catalyst, for training and inspiring them into effective action."

THE "MEATGRINDER" STRATEGY

Summing up the crucial drive to extend Government control in the countryside, he said:

"Pacification has if anything gone backward. As compared with two, or four, years ago, enemy full-time regional forces and part-time guerrilla forces are larger; attacks, terrorism and sabotage have increased in scope and intensity; more railroads are closed and highways cut; the rice crop expected to come to market is smaller; we control little, if any, more of the population. . . . In essence, we find ourselves . . . no better, and if anything worse off."

"Nor," he said, turning to the air war, "has the Rolling Thunder program of bombing the North either significantly affected infiltration or cracked the morale of Hanoi."

The essence of Mr. McNamara's recommendations was that the United States should be "girding, openly, for a longer war" rather than pursuing what the Pentagon study terms General Westmoreland's "meatgrinder" strategy of trying to kill enemy troops more rapidly than they could be replaced either by new recruits or by infiltration from North Vietnam.

In his memorandum, the Secretary put forward his program:

"Limit the increase in U.S. forces" in 1967 to a total of 470,000 men—25,000 more than planned, and 100,000 fewer than requested by the military.

"Install a barrier" to infiltration just south of the demilitarized zone astride the two Vietnams' border and jutting across the Ho Chi Minh Trail complex of enemy supply lines in the mountainous panhandle of Laos. The electronic barrier would cost roughly $1-billion.

"Stabilize the Rolling Thunder program against the North" at the current monthly level of 12,000 sorties—individual flights by planes—because "to bomb the North sufficiently to make a radical impact upon Hanoi's political, economic and social structure, would require an effort which we could make but which would not be stomached either by our own people or by world opinion; and it would involve a serious risk of drawing us into open war with China."

"Pursue a vigorous pacification program" that would require "drastic reform" in the approach of South Vietnamese civilian, police and military officials to insure that they "will 'stay' in the [contested] area, . . . behave themselves decently and . . . show some respect for the people."

"Take steps to increase the credibility of our peace gestures in the minds of the enemy" through both political and military moves.

TWO MILITARY CHOICES

Among these moves, he proposed that "we should consider" a decision to "stop bombing all of North Vietnam" or, alternatively, to "shift the weight-of-effort away from 'Zones 6A and 6B'—zones including Hanoi and Haiphong and areas north of those two cities to the Chinese border" and concentrate the air war instead "on the infiltration routes in Zones 1 and 2 (the southern end of North Vietnam, including the Mugia Pass), in Laos and in South Vietnam." The parenthetical material is Mr. McNamara's.

Politically, he suggested consideration of efforts to "try to split the VC off from Hanoi" and to "develop a realistic plan providing a role for the VC in negotiations, postwar life and government of the nation."

JOINT CHIEFS DEMUR

The public position of the Johnson Administration opposed negotiating with the Vietcong or recognizing them. A proposal for political compromise from Senator Robert F. Kennedy on Feb. 19, 1966—that the Vietcong should be admitted "to a share of power and responsibility" in Saigon—had been quickly denounced by Vice President Hubert H. Humphrey. That, Mr. Humphrey said, would be like putting "a fox in a chicken coop; soon there wouldn't be any chickens left."

Mr. McNamara was skeptical that any approach would work rapidly. "The prognosis is bad that the war can be brought to a satisfactory conclusion within the next two years," he told President Johnson in his memorandum. "The large-unit operations probably will not do it; negotiations probably will not do it."

There are no indications that other agencies of government were called upon to comment formally, although the McNamara report did receive general endorsement from Under Secretary of State Nicholas deB. Katzenbach, who had gone with the Secretary of Defense to Saigon. A note at the end of Mr. McNamara's paper stated: "Mr. Katzenbach and I have discussed many of its main conclusions and recommendations—in general, but not in particulars, it expresses his views as well as my own."

The reaction of the Joint Chiefs of Staff to Mr. McNamara's proposals of Oct. 14, the Pentagon study reports, was "predictably rapid—and violent." Obviously forewarned, the Joint Chiefs had their own memorandum ready on the same day for Mr. McNamara and the President. [See text, Joint Chiefs' memo, Oct. 14, 1966.]

Their paper, quoted at length in the Pentagon study, agreed that a long war was likely but took issue with Mr. McNamara's guarded assessment of the military situation, which, in their eyes, had "improved substantially over the past year." They were especially concerned that the McNamara paper did not take into account what they called the "adverse impact over time of continued bloody defeats on the morale of VC/N.V.A. [Vietcong/North Vietnamese Army] forces and the determination of their political and military leaders."

The Joint Chiefs objected to Mr. McNamara's suggestion of a halt or a cutback in bombing to stimulate negotiations. The bombing, they argued, was a "trump card" that should not be surrendered without an equivalent return, such as "an end to the NVN aggression in SVN." Rather than cutting back or leveling off, they advocated a "sharp knock" against North Vietnamese military assets and war-supporting facilities.

Whatever the "political merits" of slowly increasing the pressure, they said:

"We deprived ourselves of the military effects of early weight of effort and shock, and gave to the enemy time to adjust to our slow quantitative and qualitative increase of pressure. This is not to say that it is now too late to derive military benefits from more effective and extensive use of our air and naval superiority."

TARGETS ARE SPECIFIED

What the Joint Chiefs recommended in their Oct. 14 memorandum—and what they largely succeeded in getting President Johnson to approve, though only step by step—was a bombing program that would have these effects:

"Decrease the Hanoi and Haiphong sanctuary areas, authorize attacks against the steel plant [at Thainguyen] the Hanoi rail yards, the thermal power plants, selected areas within Haiphong port and other ports, selected locks and dams controlling water LOCs [lines of communications—canals and rivers] SAM [surface-to-air missile] support facilities within residual Hanoi and Haiphong sanctuaries, and P.O.L. [petroleum-oil-lubricants storage] at Haiphong, Hagia (Phucyen) and Canthon (Kep)."

The Joint Chiefs commented that Mr. McNamara's proposal for total American troop strength of 470,000 men was "substantially less" than the earlier recommendations of General Westmoreland and Admiral Sharp. On Nov. 4, the study recounts, they recommended a build-up to 493,969 men by the end of 1967 and eventually to 555,741. They also discussed their preferred strategy, which involved the lifting of political restraints:

"The concept describes preparation for operations that have not as yet been authorized, such as mining ports, naval quarantine, spoiling attacks and raids against the enemy in Cambodia and Laos, and certain special operations."

But at a conference of the allied powers in Manila on Oct. 23 to 25 came an indication that General Westmoreland had sensed that, as the Pentagon study puts it, "McNamara and Johnson were not politically and militarily enchanted with a costly major force increase at that time, nor with cross-border and air operations which ran grave political risks."

The general's talks with President Johnson on these issues "remain a mystery," the Pentagon study says. But twice the general sought out Assistant Secretary McNaughton, who reported to Mr. McNamara on Oct. 26 that General Westmoreland had trimmed his requests to 480,000 men by the end of 1967 and 500,000 by the end of 1968.

According to Mr. McNaughton's report, cited in the study, General Westmoreland said that those forces would be enough "even if infiltration went on at a high level" but that he wanted a contingency force of roughly two divisions on reserve in the Pacific. This could range between 50,000 and 75,000 men.

The time for decision came virtually on the eve of the Nov. 8 Congressional election. Although the war was not a central issue in most districts, the Pentagon account says, President Johnson had obtained at the Manila meeting a statement on ultimate allied withdrawal that would favorably impress American voters.

The final Manila communique, issued on Oct. 25, pledged that allied forces would be withdrawn from Vietnam "not later than six months after" the other side "withdraws its forces to the North, and ceases infiltration, and as the level of violence thus subsides."

According to Mr. McNaughton's notes, "the President was determined to get the language in, including the reference to 'six months' (opposed by State, supported by me)."

NO SIGN OF DISCOURAGEMENT

Three days before the election, Secretary McNamara said at a news conference at Johnson City, Tex., that the American troop commitment to South Vietnam would grow in 1967 at a rate "substantially less" than the 200,000 men added in 1968.

The Pentagon study says that the troop decision had been made in a meeting with the President that morning after weeks of detailed studies and arguments but Mr. McNamara would give no figure to reporters. When they questioned him, he replied: "I couldn't give you an estimate. We don't have detailed plans."

Nor did the Secretary give any indication of the discouragement with the war that had characterized his confidential report to the President on Oct. 14. Instead, he dwelt upon allied success in preventing the Communist takeover that had been expected a year before. Whereas in private Mr. McNamara had talked about the build-up of enemy forces and the American inability to energize the Saigon Government, in public he cited prisoner interrogations that suggested that enemy morale was sagging.

The troop build-up decision was formally communicated to the Joint Chiefs on Nov. 11. Mr. McNamara told them, the Pentagon study recounts, that the new goal would be

469,000 men in the field by June 30, 1968—not only fewer men than General Westmoreland's revised figures at Manila but an even slower build-up than Mr. McNamara himself had foreseen in mid-October.

The Pentagon study asserts that the significance of the 1966 troop debate was that for the first time the President essentially said "no" to General Westmoreland. Moreover, Secretary McNamara, in his October memorandum, had generated alternative strategies to those put forward by the military commander. "From this time on," the Pentagon study comments, "the judgment of the military as to how the war should be fought and what was needed would be subject to question."

On Nov. 17, Mr. McNamara went a step further and challenged General Westmoreland's strategy of attrition. In a paper to the President, Mr. McNamara reported Pentagon calculations that previous American reinforcements had not brought sharp enough increases in enemy casualties to justify further heavy reinforcements. [See test, McNamara draft memo, Nov. 17, 1966.]

Pentagon efficiency specialists showed, Mr. McNamara said, that from 1965 to 1966 "enemy losses increased by 115 per week during a period in which friendly strength increased by 166,000, an increase of about 70 losses per 100,000 of friendly strength. . . . We have no evidence that more troops than the 470,000 I am recommending would substantially change the situation."

ACTUAL LOSSES QUESTIONED

"Moreover," he went on, "It is possible that our attrition estimates substantially overstate actual VC/NVA losses. For example, the VC/NVA apparently lose only about one-sixth as many weapons as people, suggesting the possibility that many of the killed are unarmed porters or bystanders."

He made a similar report on the air war. "At the scale we are now operating, I believe our bombing is yielding very small marginal returns, not worth the cost in pilot lives and aircraft," Mr. McNamara said. "In spite of an interdiction campaign costing at least $250-million per month at current levels, no significant impact on the war in South Vietnam is evident."

But President Johnson did not accept Mr. McNamara's earlier suggestions for a cutback in the bombing. The study reveals that the Secretary's pessimism about the war was not shared by such White House officials as Walt W. Rostow and Robert W. Komer, both special assistants to the President.

The one change in the air war that the President approved, the study shows, was an increase in B-52 sorties from 60 to 800 monthly, effective in February, 1967, as urged by Admiral Sharp and the Joint Chiefs of Staff.

By the turn of the year, the air war had become the main point of controversy. Public dissent over the bombing was rising. Dispatches from Hanoi by Harrison E. Salisbury, assistant managing editor of The New York Times, generated an "explosive debate about the bombing," the Pentagon study adds.

"His dispatches carried added sting," the study explains, because he was in North Vietnam as the bombing moved in close to Hanoi. On Dec. 25, 1966, Mr. Salisbury reported from Namdinh that the air campaign had killed 89 persons and wounded 405 others. Press reports from Washington quoted officials as expressing irritation and contending that Mr. Salisbury was exaggerating the damage to civilian areas.

But soon, the Government's own intelligence specialists were privately estimating that civilian casualties in North Vietnam were far more numerous than indicated in the dispatches of Mr. Salisbury or of William C. Baggs, editor of The Miami News, who went later to Hanoi.

In January, 1967, the Pentagon account discloses, the Central Intelligence Agency produced a study estimating that military and civilian casualties of the air war in North Vietnam had risen from 13,000 in 1965 to 23,000 or 24,000 in 1966—"about 80 per cent civilians." In all, that meant nearly 29,000 civilian casualties in an air war that was to expand in the next 15 months.

The study reports that the total number of individual flights against North Vietnam in Operation Rolling Thunder rose from 55,000 in 1965 to 148,000 in 1966, total bomb tonnage rose from 33,000 to 128,000, the number of aircraft lost rose from 171 to 318, and direct operational costs rose from $460-million to $1.2-billion. But, paraphrasing the C.I.A. analysis, the Pentagon study comments that the bombing in 1966 "accomplished little more than in 1965."

According to the account, the major result of the raids close to Hanoi on Dec. 2, 4, 13 and 14—all inside a previously established 30-mile sanctuary around the capital—"was to undercut what appeared to be a peace feeler from Hanoi."

EFFORT TO ARRANGE TALKS

The Pentagon version of this diplomatic maneuver, code-named Marigold by the State Department, is reportedly included in the diplomatic section of the study, the one part not obtained by The New York Times. The authors of other sections relied on press accounts and on the book "The Secret Search for Peace" by David Kraslow and Stuart H. Loory of The Los Angeles Times.

The study recounts that the Polish member of the International Control Commission for Vietnam tried to arrange for talks between American and North Vietnamese representatives in early December, 1966, in Warsaw.

"When the attacks were launched inadvertently against Hanoi in December," the Pentagon study comments, "the attempt to start talks ran into difficulty. A belated attempt to mollify North Vietnam's bruised ego failed and formal talks did not materialize." This is an allusion to President Johnson's decision to restore part of the bomb-free sanctuary around Hanoi. The analyst does not explain why he considered the raids inadvertent.

Recapitulating the public furor over the bombing, the study comments that 1966 "drew to a close on a sour note for the President."

"He had just two months before resisted pressure from the military for a major escalation of the war in the North and adopted the restrained approach of the Secretary of Defense," the study continues, "only to have a few inadvertent raids within the Hanoi periphery mushroom into a significant loss of world opinion support."

Pressure for Wider War

As 1967 began, the study asserts, the stage was set for "a running battle" inside the Johnson Administration "between the advocates of a greatly expanded air campaign against North Vietnam, one that might genuinely be called 'strategic,' and the disillusioned doves who urged relaxation, if not complete suspension, of the bombing in the interests of greater effectiveness and the possibilities for peace."

"The 'hawks,' of course, were primarily the military," the study continues, "but in wartime their power and influence with an incumbent administration is disproportionate. McNamara, supported quantitatively by John McNaughton . . . led the attempt to de-escalate the bombing. Treading the uncertain middle ground at different times in the debate were William P. Bundy [Assistant Secretary of State for Far Eastern Affairs], Air Force Secretary Harold Brown and, most importantly, the President himself. Buffeted from right to left, he determinedly tried to pursue the temperate course, escalating gradually in the late spring but leveling off again in the summer."

With the exception of a diplomatic interlude during the holiday truce at Tet, the Lunar New Year celebration in early February, the pressures for widening the war were unrelenting, according to the Pentagon account.

Mr. Rostow, the President's special assistant for national security, said in a memorandum on Dec. 12, for example, that he found the allied military position "greatly improved" in 1966 and pictured a dominant—even potentially victorious—position by the end of 1967.

In Congress, the study also notes, the military receive support from Senator John C. Stennis, chairman of the influential Senate Preparedness Subcommittee. On Jan. 18, the Mississippi Democrat declared that General Westmoreland's troop requests should be met, "even if it should require mobilization or partial mobilization."

HE PRESSES WASHINGTON FOR SPEED

In Saigon, General Westmoreland was pressing Washington to speed the troop shipments already promised. In support of his requests, the study notes, General Westmoreland described the growth of enemy forces as of Jan. 2:

". . . 9 division headquarters, 34 regimental headquarters, 152 combat battalions, 34 combat support battalions, 196 separate companies, and 70 separate platoons totaling some 128,600, plus at least 112,800 militia and at least 39,175 political cadre . . . (a) strength increase of some 42,000 during 1966 despite known losses."

For the allies, he explained, this posed the danger that in any of the three military regions north of Saigon, "the enemy can attack at any time selected targets . . . in up to division strength" of roughly 10,000 men.

Diplomatic activity reached a peak during Tet, Feb. 8 to 12, as the United States halted the bombing. In London, Prime Minister Harold Wilson, acting on President Johnson's behalf, met with the Soviet Premier, Aleksei N. Kosygin, in an effort to get the bombing stopped permanently and peace talks started.

Then, on Feb. 13, after a pause of nearly six days, the bombing of North Vietnam was resumed. Mr. Johnson said he had based his decision on what he termed the unparalleled magnitude of the North Vietnamese supply effort.

Excerpts from Mr. Wilson's memoirs, "The Labor Government, 1964–70: A Personal Record," published two months ago in The Sunday Times of London and Life magazine, blamed President Johnson for the collapse of the talks, charging that at the last moment he had changed his terms for a bombing halt by demanding a cessation of enemy infiltration as a precondition.

By Mr. Wilson's account, this was a "total reversal" of the offer Washington first authorized him to pass through Mr. Kosygin to Hanoi: a secret agreement under which the bombing would be stopped first, infiltration second and the American troop build-up third.

The sections of the Pentagon study available to The New York Times provide no insight into why Mr. Johnson's position changed suddenly.

The study makes it clear, however, that the collapse of the diplomatic efforts was a turning point, for shortly afterward President Johnson began approving additional targets in North Vietnam for attack.

A FOUR-PHASE OFFENSIVE

"The President perceived the [air] strikes as necessary in the psychological test of wills between the two sides to punish the North," the study adds, "in spite of the near consensus opinion of his [civilian] advisers that no level of damage or destruction that we were willing to inflict was likely to destroy Hanoi's determination to continue to struggle."

President Johnson approved what the Pentagon account calls the "spring air offensive" in the following phases:

On Feb. 22, for attacks on five urban thermal power plants, excluding those in Hanoi and Haiphong, and on the Thainguyen steel plant; for mining of rivers and estuaries and conducting naval barrages against the coastline up to the 20th Parallel.

On March 22, the two Haiphong thermal power plants.

On April 8, by relaxing the previous restrictions on raids around Hanoi and Haiphong, for raids against Kep airfield, the power transformer near the center of the city; for attacks on petroleum storage facilities, an ammunition dump and cement plant in Haiphong.

On May 2, for a raid on the thermal power plant a mile north of the center of Hanoi.

By early May these raids, the Pentagon study relates, had become a focus of controversy among Presidential advisers. General Wheeler sent the President a memorandum on May 5, justifying the raids on such targets as power plants with this assertion:

"The objective of our attacks on the thermal electric power system in North Vietnam was not . . . to turn the lights off in major population centers, but . . . to deprive the enemy of a basic power source needed to operate certain war-supporting facilities and industries."

In rebuttal to this was the position of McGeorge Bundy. As President Johnson's assistant for national security until he left the government on Feb. 28, 1966, Mr. Bundy had been one of the foremost original advocates of the air war against North Vietnam. But in a personal letter to President Johnson, evidently received by the White House on May 4, Mr. Bundy termed the "strategic bombing" of North Vietnam "both unproductive and unwise," especially the raids on power plants. [See text, McGeorge Bundy's memo to Johnson.]

"The lights have not stayed off in Haiphong," he said, "and even if they had, electric lights are in no sense essential to the Communist war effort."

Mr. Bundy emphasized that he was "very far indeed from suggesting that it would make sense now to stop the bombing of the North altogether" because that would be "to give the Communists something for nothing." But as for the power plants, he commented: "We are attacking them, I fear, mainly because we have 'run out' of other targets. Is it a very good reason?"

THE 200,000 REQUEST

The main catalyst for the sharp debate in the Johnson Administration in the spring of 1967, however, was not the air war but General Westmoreland's request for 200,000 more troops.

According to the Pentagon account, General Westmoreland first notified the Joint Chiefs of Staff on March 18 of his additional troop needs and then, at their suggestion, submitted a more detailed request on March 26. He spoke with concern about the large enemy build-ups in sanctuaries in Laos, Cambodia and parts of South Vietnam as well as about the threat posed by large North Vietnamese forces just north of the DMZ.

"The minimum essential force" needed to contain the enemy threat and maintain the "tactical initiative," as he put it in his March 18 message, was two and one-third divisions—with support troops, 100,000 men, the study says—"as soon as possible but not later than 1 July 1968." For an "optimum force," he said he needed four and two-thirds divisions in all—201,250 more troops, including support forces—to boost the ultimate strength of American forces in Vietnam to 671,616 men. [See text, Westmoreland memo, March 18, 1967.]

The reinforcements, General Westmoreland asserted, would enable him to destroy or neutralize enemy main forces "more quickly" and deny the enemy long established "safe havens" in South Vietnam.

In some regions, however, his picture sounded less hopeful. In the northernmost portion of South Vietnam, and in the Central Highlands along the Laotian border, he wanted more troops largely "to contain the infiltration" of North Vietnamese forces from Cambodia, Laos and North Vietnam.

One point that quickly aroused controversy in Washington, the Pentagon study notes, was General Westmoreland's argument that the American build-up would "obviate the requirement for a major expansion" of South Vietnamese forces. This, the authors report, "prompted many who disagreed with the basic increases to ask why the U.S. should meet such expanded troop requirements when the Government of South Vietnam would neither mobilize its manpower nor effectively employ it according to U.S. wishes."

The Joint Chiefs transmitted General Westmoreland's main troop requests to Secretary McNamara on April 20 with their endorsement. "Once again," the Pentagon analyst notes, the Joint Chiefs "confronted the Johnson Administration with a difficult decision on whether to escalate or level off the U.S. effort."

NEW COMMITMENT SOUGHT

"What they proposed," the study says, paraphrasing their April 29 memorandum to Secretary McNamara, "was the mobilization of the reserves, a major new troop commitment in the South, an extension of the war into the VC/NVA sanctuaries (Laos, Cambodia and possibly North Vietnam), the mining of North Vietnamese ports and a solid commitment in manpower and resources to a military victory. The recommendation not unsurprisingly touched off a searching reappraisal of the course of U.S. strategy in the war."

The Joint Chiefs spoke for mobilization despite President Johnson's previous opposition to such a move.

Without a reserve call-up, the Joint Chiefs told Mr. McNamara, the Army could provide only one and one-third of the four and two-thirds divisions that General Westmoreland wanted by July, 1968, and a second division could probably not be provided until late in 1969. "A reserve call-up and collateral actions," they asserted, "would enable the services to provide the major combat forces required."

General Westmoreland and General Wheeler put the military case before President Johnson on April 27 when, according to the Pentagon account, ostensibly to deliver a speech, General Westmoreland returned to the United States.

According to unsigned "Notes on Discussions With the President," which the writers of the Pentagon study found in the files of Assistant Secretary of Defense McNaughton and attributed to him, General Westmoreland told President Johnson that if he did not get the first 100,000 men, "it will be nip and tuck to oppose the reinforcements the enemy is capable of providing," though he acknowledged this would not risk defeat. The second 100,000 troops, he said, were needed to push the allied strategy to success. [See text, notes on Johnson discussion, April 27, 1967.]

"WHERE DOES IT ALL END?"

That was the point at which President Johnson, worried about enemy infiltration, asked, "When we add divisions, can't the enemy add divisions? If so, where does it all end?"

General Westmoreland replied that the Vietcong and North Vietnamese now had 285,000 troops, or roughly eight divisions, in South Vietnam and had "the capability of deploying 12 divisions. . . . If we add $2\frac{1}{2}$ divisions, it is likely the enemy will react by adding troops."

Later, according to the notes, the general warned of prolonged fighting. He predicted that "unless the will of the enemy is broken or unless there was an unraveling of the VC infrastructure the war could go on for five years." Reinforcements would shorten the time—"with a force level of 565,000, the war could well go on for three years," General Westmoreland said. "With a second increment of $2\frac{1}{3}$ divisions leading to a total of 665,000 men, it could go on for two years."

General Wheeler, presumably citing other reasons for a reserve call-up, voiced his concern that the United States might face military threats elsewhere—in South Korea or in the form of Soviet pressure on Berlin.

In Indochina, he went on, the Joint Chiefs of Staff were deeply concerned about the North Vietnamese build-up in Cambodia and Laos and felt that American troops "may be forced to move against these units." Beyond that, he was quoted as putting forward the idea of possible invasion of North Vietnam: "We may wish to take offensive action against the D.R.V. with ground troops."

Picking up that theme, General Westmoreland told the President that he had an operational plan that "envisioned an elite South Vietnamese division conducting ground operations in Laos against D.R.V. bases and routes under cover of U.S. artillery and air support." In time, he foresaw "the eventual development of Laos as a major battlefield," as the analysts put it.

According to the Pentagon account, General Westmoreland also told President Johnson "that he possessed contingency plans to move into Cambodia in the Chu Pong area, again using South Vietnamese forces but this time accompanied by U.S. advisers."

Turning to the air war, General Wheeler argued that it was time to consider action "to deny the North Vietnamese use of the ports" because otherwise the American air strategy was "about to reach the point of target saturation—when all worthwhile fixed targets except the ports had been struck."

The Pentagon study says that President Johnson concluded this discussion by asking: "What if we do not add the $2\frac{1}{3}$ divisions?" General Wheeler was quoted as a replying that the allied military momentum would die and in some areas the enemy would recapture the initiative, meaning a longer war but not that the allies would lose. General Westmoreland's reply, if any, was not recorded.

The President then reportedly urged his commanders to "make certain we are getting value received from the South Vietnamese troops."

KATZENBACH LISTS OPTIONS

The cleavage between the military and civilian views in the Johnson Administration emerged at once.

On April 24 Under Secretary of State Katzenbach, acting in Secretary Rusk's absence, ordered an interagency review of two major options that in effect set out the two opposing views:

Course A—providing General Westmoreland with 200,000 more troops and, as the analysts put it, "possible . . . intensification of military actions outside South Vietnam including invasion of North Vietnam, Laos and Cambodia."

Course B—confining troop increases, in Mr. Katzenbach's words, to "those that could be generated without calling up the reserves." Coupled with this, the various agencies should consider "a cessation . . . of bombing North Vietnamese areas north of 20 degrees (or, if it looked sufficiently important to maximize an attractive settlement opportunity, cessation of bombing in all of North Vietnam.)"

The resistance of high civilian officials to the military proposals was virtually unanimous, according to the Pentagon study, though the position of Secretary of State Dean Rusk is not described. The three most sensitive issues were the reserve call-up, attacks on the port of Haiphong, and allied ground offensives into Laos, Cambodia or North Vietnam.

At the State Department, Assistant Secretary Bundy, in a memorandum on May 1 to Under Secretary Katzenbach, came out "totally against" ground operations against North Vietnam, asserting that the odds were 75 to 25 that it would provoke Chinese Communist intervention. He was also "strongly opposed" to sending a South Vietnamese division into Laos.

Except for allowing attacks on the Hanoi power station, Mr. Bundy was against further expansion of the air war, especially the mining of Haiphong so long as the Soviet Union refrained from sending combat weapons through the port. Both Mr. Bundy and the C.I.A., in a special intelligence estimate in early May, warned of the dangers of Soviet counteraction if the port was attacked, according to the Pentagon account.

The mobilization required to provide large troop reinforcements for the ground war, Mr. Bundy contended, would entail "a truly major debate in Congress." With signs of rising domestic dissent over the war, he advised that "we should not get into such a debate this summer."

The Assistant Secretary felt the "real key factors" were the political development in the South leading up to presidential elections in September. The internal political turmoil in Communist China, he suggested, was an important and potentially helpful factor because of the worry it caused in Hanoi.

In the Pentagon, resistance to the Westmoreland-Wheeler strategy came from another angle. The systems-analysis section, headed by Assistant Secretary of Defense Alain C. Enthoven, produced a series of papers late in April and early in May arguing that, contrary to General Westmoreland's expectations, American troop increases did not produce correspondingly sharp increases in enemy losses.

"On the most optimistic basis, 200,000 more Americans would raise [the enemy's] weekly losses to about 3,700 or about 400 a week more than they could stand," Dr. Enthoven told Secretary McNamara in a memorandum on May 4. "In theory we'd then wipe them out in 10 years." [See text, memo on force levels.]

A major effort to oppose the military strategy and to limit the air war was building in Secretary McNamara's office. The moving force, the Pentagon study shows, was Assistant Secretary McNaughton, who eventually wrote key portions of Mr. McNamara's controversial May 19 memorandum.

Roughly two years before, Mr. McNaughton had been an advocate of the "progressive squeeze" on Hanoi through air power. But by October, 1966, he was so doubtful of its effectiveness that he helped Secretary McNamara draft the first suggestion for a cutback in the air war and for political compromise.

Now, in May, 1967 the Pentagon account relates, both he and the Secretary of Defense were preparing for a more vigorous argument. First, on May 5, Mr. McNaughton sent Mr. McNamara a paper intended for inclusion in a memorandum from the Secretary to President Johnson, known as a Draft Presidential Memorandum—D.P.M.—because it not only stated the Secretary's views but also was intended to become a policy document for the President's signature.

The core of Mr. McNaughton's paper was a recommendation that "all of the sorties allocated to the Rolling Thunder program be concentrated on the lines of communications—the 'funnel' through which men and supplies to the South must flow—between 17–20 degrees, reserving the option and intention to strike (in the 20–23 degree area) as necessary to keep the enemy's investment in defense and in repair crews high throughout the country."

The proposed cutback of the air war, he said, was to reduce American pilot and aircraft losses over heavily defended Hanoi and Haiphong and not primarily to get North Vietnam to negotiate. No favorable response should be expected, Mr. McNaughton said, but "to optimize the chances" for such a response he proposed this scenario:

"To inform the Soviets quietly (on May 15) that within a few (5) days the policy would be implemented, stating no time limits and making no promise not to return to the Red River Basin to attack targets . . . and then to make an unhuckstered shift as predicted on May 20."

WHAT TO TELL THE PUBLIC

Without what he called "an ultimatum-like time limit," Mr. McNaughton suggested that North Vietnam "might be in a better posture to react favorably than has been the case in the past." The American public should be told, he said, that the bombing was being concentrated on the southern infiltration routes to "increase the efficiency of our interdiction effort" and because "major northern military targets have been destroyed."

According to the Pentagon account, the McNaughton paper, combined with other Defense Department proposals on the ground war, was read by Secretary McNamara at a White House meeting on May 8, although it is not clear whether Mr. McNamara also signed it and sent it to President Johnson.

Its significance, the Pentagon study reveals, is that for the first time a specific recommendation was put before President Johnson urging a cutback on the bombing to the 20th Parallel. That went a step further than the McNamara memorandum of Oct. 14, 1966 which urged the President "to consider" narrowing the bombing campaign as a possible step toward negotiations.

Several other papers went before President Johnson on May 8, according to the Pentagon account. They included one, recommending a bombing cutback, by Mr. Rostow, described in the study as a "strong bombing advocate" long in favor of attacks on the "North Vietnamese industrial target system."

Mr. Rostow's memorandum, quoted at length in the Pentagon study, rejected proposals for mining North Vietnamese harbors and bombing port facilities lest these steps lead to a "radical increase in Hanoi's dependence on Communist China" and increase United States tensions with the Soviet Union and China. [See text, Rostow memo, May 6, 1967.]

He was considerably more positive than Mr. McNaughton on the results of the strategic bombing campaign, but urged that the bombing be concentrated on the supply routes in southern North Vietnam supplemented by "the most economical and careful attack on the Hanoi power station" and by "keeping open the . . . option" of bombing the Hanoi-Haiphong area in the future.

A more equivocal position, the Pentagon study discloses, was taken by Assistant Secretary of State Bundy. His paper, completed on May 8, favored tactics that would "concentrate heavily on the supply routes" but would also "include a significant number of restrikes" north of the 20th Parallel. Without restrikes, he argued, "it would almost certainly be asked why we had ever hit the targets in the first place." Moreover, it would keep Hanoi and Moscow "at least a little bit on edge."

But he was opposed to hitting such new and "sensitive targets" as the Hanoi power station, the Red River bridge at Hanoi and Phucyen airfield, 13 miles outside the city.

The Pentagon study comments that "this significant convergence of opinion on bombing strategy in the next phase among key Presidential advisers could not have gone unnoticed in the May 8 meeting." The account notes that a new effort began after the session to combine the various views in one paper largely drafted by Mr. McNaughton for Secretary McNamara and finally submitted to the President on May 19.

Even before the White House meeting, Mr. McNaughton was uneasy about the over-all Pentagon position, especially the willingness to provide General Westmoreland with considerable reinforcements. The Pentagon study does not say who drafted the portions of the May 5 memorandum on the ground war or precisely what was proposed, although it reports that Secretary McNamara had been told that 66,000 more soldiers could be provided without calling up the reserves. Later the figure rose to 84,000.

M'NAMARA SAW "FATAL FLAW"

In a note to Secretary McNamara on May 6, Mr. McNaughton indicated that the May 5 memorandum proposed giving General Westmoreland 80,000 more men. Excerpts from that note vividly portray Mr. McNaughton's unhappiness about this course of action:

"I am afraid there is a fatal flaw in the strategy in the [May 5] draft. It is that the strategy falls into the trap that has ensnared us for the past three years. It actually *gives* the troops while only *praying* for their proper use and for constructive diplomatic action." (The emphasis was Mr. McNaughton's.)

"Limiting the present decision to an 80,000 add-on," he continued, "does the very important business of postponing the issue of a reserve call-up (and all of its horrible baggage), but postpone is all that it does—probably to a worse time, 1968. Providing the 80,000 troops is tantamount to acceding to the whole Westmoreland-Sharp request. This being the case, they will 'accept' the 80,000. But six months from now, in will come messages like the '470,000–570,000' messages, saying that the requirement remains at 201,000 (or more). Since no pressure will have been put on anyone, the military war will have gone on as before and no diplomatic progress will have been made.

"It follows that the 'philosophy' of the war should be fought out now so everyone will not be proceeding on their own major premises and getting us in deeper and deeper; at the very least, the President should give General Westmoreland his limit (as President Truman did to General MacArthur). That is, if General Westmoreland is to get 550,000 men, he should be told, 'That will be all, and we mean it.'" (The parentheses were Mr. McNaughton's.)

The note to Secretary McNamara, the study reveals, expressed uneasiness about the breadth and intensity of public unrest and dissatisfaction with the war. As a man whose 18-year-old son was about to enter college, the study notes, Mr. McNaughton was especially sensitive to the unpopularity of the war among the young.

"A feeling is widely and strongly held that 'the Establishment' is out of its mind," he wrote. "The feeling is that we are trying to impose some U.S. image on distant peoples we cannot understand (any more than we can the younger generation here at home), and that we are carrying the thing to absurd lengths.

"Related to this feeling is the increased polarization that is taking place in the United States with seeds of the worst split in our people in more than a century. . . ."

A major assault on Administration policy drew near. In early May, the Pentagon study recounts, there were three C.I.A., intelligence papers "to reinforce the views" of civilian opponents of the bombing.

One report concluded that 27 months of American bombing "have had remarkably little effect on Hanoi's over-all strategy in prosecuting the war, on its confident view of long-term Communist prospects, and on its political tactics regarding negotiations." A second, issued on May 12, characterized the mood in North Vietnam after prolonged bombing as one of "resolute stoicism with a considerable reservoir of endurance still untapped."

The third said that as of April, the American air campaign had "significantly eroded the capacities of North Vietnam's industrial and military bases. These losses, however, have not meaningfully degraded North Vietnam's material ability to continue the war in South Vietnam."

NEW TREND OF POLICY

The climax for what the study calls the "disillusioned doves" came in Secretary McNamara's May 19 memorandum to President Johnson, which marshaled the arguments against the strategy of widening the war and sharpened the case for curtailing the air war.

What gave the May 19 "draft Presidential memorandum" a new and radical thrust, the analysts observe, were its political recommendations, reflecting Mr. McNaughton's earlier point about the need to argue out "the philosophy of the war."

The May 19 paper not only recommended a cutback of the bombing to the 20th Parallel and only 30,000 more troops for General Westmoreland, but also advocated a considerably more limited over-all American objective in Vietnam that, in the words of the Pentagon study, "amounted to . . . a recommendation that we accept a compromise outcome." [See text, McNamara position.]

As Mr. McNamara and Mr. McNaughton put it in the memorandum. "Our commitment is only to see that the people of South Vietnam are permitted to determine their own future. . . . This commitment ceases if the country ceases to help itself."

However much the United States might "strongly hope" for non-Communist government that would remain separate from North Vietnam, they said, "our commitment is not" to guarantee and insist on those conditions.

"Nor do we have an obligation to pour in effort out of proportion to the effort contributed by the people of South Vietnam or in the face of coups, corruption, apathy or other indications of Saigon's failure to cooperate satisfactorily with us," the writers declared.

The United States was committed, they went on, "to stopping or offsetting the effect of North Vietnam's application of force in the South, which denies the people of the South the ability to determine their own future."

The Pentagon study underscores the significance of Mr. McNamara's break with policy. The paper, it says, "pointedly rejected the high blown formulations of U.S. objectives in NSAM 288 ('an independent non-Communist South Vietnam,' 'defeat the Vietcong,' etc.), and came forcefully to grips with the old dilemma of the U.S. involvement dating from the Kennedy era; only limited means to achieve excessive ends."

The reference was to National Security Action Memorandum 288, issued on March 17, 1964, which had since provided the basic doctrine for Johnson Administration policy.

The emphasis in the "scaled-down" set of "goals" put forward by the McNamara-McNaughton memorandum, the analysts observe, was on South Vietnamese self-determination, which envisioned an eventual "full-spectrum government."

At several points the Pentagon study emphasizes the sharp departure that this represented from established policy. "Let there be no mistake," the study comments, "these were radical positions for a senior U.S. policy official within the Johnson Administration to take. They would bring the bitter condemnation of the [Joint] Chiefs and were scarcely designed to flatter the President on the success of his efforts to date."

In addition to advancing its own views, the McNamara-McNaughton paper developed the counterarguments against the military option of large reinforcements and a wider war, enmphasizing the increasing popular discontent with the war among the American public.

The memorandum acknowledged that a cutback on the bombing "will cause psychological problems" for allied officers and troops "who will not be able to understand why we should withhold punishment from the enemy."

However, the paper added: "We should not bomb for punitive reasons if it serves no other purpose. . . . It costs American lives; it creates a backfire of revulsion and opposition by killing civilians; it creates serious risks; it may harden the enemy."

Moreover, it expressed moral qualms about the reaction of world and domestic opinion to the kind of expanded air campaign advocated by senior military commanders. "The picture of the world's greatest superpower killing or seriously injuring 1,000 noncombatants a week, while trying to pound a tiny backward nation into submission on an issue whose merits are hotly disputed is not a pretty one," Secretary McNamara told President Johnson. "It could conceivably produce a costly distortion in the American national consciousness and in the world image of the United States—especially if the damage to North Vietnam is complete enough to be 'successful.'"

The paper also pointed out that the bombing in the Hanoi and Haiphong regions took an extremely high toll in American pilots' lives. On May 5, Mr. McNaughton commented that the loss rate over Hanoi-Haiphong was six times as great as over the rest of North Vietnam. Now, on May 19, the McNamara-McNaughton paper noted that the campaign against these heavily defended areas lost "one pilot in every 40 sorties." It predicted that if the bombing was held below the 20th Parallel, these losses woud be cut "by more than 50 percent."

Their arguments against granting General Westmoreland the scale of reinforcements that he had requested were centered on what the Pentagon analysts refer to as the growing fear that such forces would engender "irresistible pressures" for carrying the battle beyond the borders of South Vietnam.

The mobilization of reserves to provide the necessary manpower, according to the McNamara-McNaughton paper, would almost certainly stimulate a "bitter Congressional debate."

"Cries would go up—much louder than they have already—to 'take the wraps off the men in the field,'" their memorandum asserted. It foresaw pressures not only for ground operations against Laos, Cambodia and North Vietnam, but also, at some point, for proposals to use tactical nuclear arms and bacteriological and chemical weapons if the Chinese entered the war "or if U.S. losses were running high."

DILEMMA FOR PRESIDENT

Secretary McNamara showed his paper to President Johnson on May 19, the day it was completed, the study says. Although the analyst provides no documentary record of Mr. Johnson's reaction, he comments that it was "not surprising" that the President "did not promptly endorse the McNamara recommendations as he had on occasions in the past."

"This time," the study continues, "he faced a situation where the Chiefs were in ardent opposition to anything other than a significant escalation of the war with a call-up of reserves. This put them in direct opposition to McNamara and his aides and created a genuine policy dilemma for the President."

In any event, the study says, Secretary McNamara quickly got the message intended by the President's inaction. On May 20, Mr. McNamara—"perhaps reflecting a cool Presidential reaction"—ordered a new study of bombing alternatives.

The Joint Chiefs of Staff needed no spur. Within four days, they had submitted three memorandums, renewing earlier recommendations for more than 200,000 new troops and for air attacks to "shoulder out" foreign shipping from Haiphong and to mine the harbors and approaches, as well as raids on eight major airfields and on roads and railways leading to China. "It may ultimately become necessary," they said, to send American troops into Cambodia and Laos and take "limited ground action in North Vietnam."

Their sharpest rebuttal to Mr. McNamara, however, came on May 31 in a paper contending that the "drastic changes" in American policy advocated by the Secretary "would undermine and no longer provide a complete rationale for our presence in South Vietnam or much of our efforts over the past two years."

Moreover, the parts of this paper quoted in the Pentagon narrative asserted that the McNamara-McNaughton memorandum "fails to appreciate the full implications for the free world of failure" in Vietnam.

On the issue of public support for the war, the Joint Chiefs said they were "unable to find due cause for the degree of pessimism expressed" in the McNamara paper. They asserted their belief "that the American people, when well informed about the issues at stake, expect their Government to uphold its commitments."

Addressing the specific proposal for a bombing cutback, the Joint Chiefs were doubtful that such a step would induce Hanoi to move toward negotiations. They contended it would "most likely have the opposite effect" and "only result in the strengthening of the enemy's resolve to continue the war."

In conclusion, the military leaders urged that the McNamara proposals "not be forwarded to the President" because they represented such a divergence from past policy that they were not worthy of consideration. The Chiefs were unaware that Mr. Johnson had seen the paper 12 days before.

In other agencies, the Pentagon study relates, official viewpoints fell between the two extremes and the debate floundered toward a compromise on the issues of tactics, rather than aims.

Under Secretary of State Katzenbach, for example, proposed on June 8, according to the study, that the United States add 30,000 ground troops "in small increments over the next 18 months" and "concentrate bombing on lines of communication throughout" North Vietnam but shifting away from strategic targets around Hanoi and Haiphong. The American political objectives, he said, should be to leave behind a stable democratic government in Saigon by persuading Hanoi to end the war and by neutralizing the Vietcong threat internally.

In the Pentagon, Mr. McNaughton found mixed views on the air war and summarized them for Mr. McNamara in another memorandum on June 12. The findings, cited in the study, were that Cyrus R. Vance, Deputy Secretary of Defense; Paul H. Nitze, Secretary of the Navy; and Mr. McNaughton favored the cutback in bombing; the Joint Chiefs renewed their case for escalation; and Secretary Brown of the Air Force recommended adding a few targets.

The Pentagon study says it is unclear whether this paper was formally presented to President Johnson who, in any case, was preoccupied in June, 1967, with the six-day Arab-Israeli war and with preparations for his meeting with Premier Kosygin at Glassboro, N.J.

Secretary McNamara's primary attention remained on the unresolved troop issue. According to the Pentagon account, he went to Saigon from July 7 to July 12 under President Johnson's instructions "to review the matter with General Westmoreland and reach an agreement on a figure well below the 200,000 [Westmoreland] had requested in March."

On Mr. McNamara's final evening in Saigon, the Pentagon account says, the two men agreed on a 55,000-man increase, to a total of 525,000 troops. President Johnson approved the compromise, far closer to Mr. McNamara's position than General Westmoreland's, and announced it in a tax message on Aug. 4.

But in a series of decisions on the air war during July and August, the President adopted a course that differed markedly from the strategy of deescalation that Secretary McNamara had urged on him.

His first decision, in mid-July, added only a few fixed targets, but in the next two months he approved all but about a dozen of the 57 targets the Chiefs of Staff wanted. On July 20, the Pentagon study reports, he added 16 targets, including a previously forbidden airfield, a rail yard, two bridges and 12 barracks and supply areas, all within the restricted circles around Hanoi and Haiphong.

The day before the authorization of Rolling Thunder 57—each number signaling an extension of the air war—Secretary McNamara lost perhaps his closest adviser and stanchest ally. On July 19, Mr. McNaughton and his wife, Sarah, and their 11-year-old son Theodore were killed in a plane collision over North Carolina.

HARD-LINE SENATORS ACT

By late July the study continues, the frustrations of the military commanders over the restraints imposed upon them had prompted the Senate Preparedness Subcommittee to schedule hearings on the conduct of the air war. Although conducted in secret, the hearings gave the public its first real knowledge of the policy division between Secretary McNamara and the Joint Chiefs over bombing.

"The subcommittee unquestionably set out to defeat Mr. McNamara," the analyst comments. "Its members, Senators Stennis, Symington, Jackson, Cannon, Byrd, Smith, Thurmond and Miller, were known for their hard line views and military sympathies. . . . They viewed the restraints on bombing as irrational, the shackling of a major instrument which could help win victory."

Such powerful Congressional backing for the air war, the study observes, "must have forced a recalculation on the President."

The study finds it "surely no coincidence" that on Aug. 9, the day the Stennis hearings opened, President Johnson authorized "an additional 16 fixed targets and an expansion of armed reconnaissance."

"Significantly," the study continues, "six of the targets were within the sacred 10-mile Hanoi inner circle. . . . Nine targets were located in the northeast rail line in the China buffer zone [formerly a proscribed zone], the closest one eight miles from the border. . . . The tenth was a naval base, also within the China buffer zone."

The raids began promptly, the study recounts, and more targets were approved shortly afterward. The prohibited zone around Hanoi was restored from Aug. 24 to Sept. 4 to permit a follow-up to what the study calls "a particularly delicate set of contacts with North Vietnam." The military sections of the Pentagon study give no details, but published reports have identified this as a secret effort to test Hanoi on what became known later as the San Antonio formula.

It was made public by President Johnson in a speech on Sept. 29 at San Antonio, Tex., when he offered to halt the bombing provided that action would lead to prompt and productive negotiations, on the assumption that the North Vietnamese would "not take advantage" of the halt militarily. Hanoi rejected these terms as imposing conditions on a halt in bombing.

For months the secret diplomatic probing went on fruitlessly while the air war widened slowly—although still short of the desires of the Joint Chiefs. Not until March, 1968—a few days after Secretary McNamara had left the Government—did his proposal for a reduction of the bombing to the 20th Parallel re-emerge and open the way toward negotiations in Paris in May.

The Series So Far

Events before Tonkin incidents: Study says United States-run covert war against North Vietnam preceded Tonkin Gulf clashes by months.

Planning the bombing: After Tonkin clashes, and before Presidential election of 1964, Johnson Administration planners secretly reached "general consensus" favoring air war against North, study reports. Sustained bombing began in March, 1965.

The ground war begins: Johnson Administration decided to commit U.S. to ground war after month of bombing failed to crush Hanoi. The President ordered his decision kept secret.

Kennedy years: Kennedy Administration's approval of covert warfare against North Vietnam in 1961 and "complicity" in ouster of President Diem deepened American involvement in Vietnam.

1965–66 troop build-up: Study ascribes escalation of ground war to failure to plan for response of North Vietnamese and Vietcong. Air war was widened despite intelligence warnings that Hanoi's will could not be broken by raids.

Pentagon Papers: After Tet, Study Reports, Joint Chiefs Sought Virtual Mobilization

(By E. W. Kenworthy)

Amid the shock and turmoil of the Tet offensive in February, 1968, the Pentagon study of the Vietnam war discloses, the Joint Chiefs of Staff and Gen. William C. Westmoreland sought to force President Lyndon B. Johnson a long way toward national mobilization in an effort to win victory in Vietnam.

But, the study shows, this pressure by the Joint Chiefs and the commanding general in the field set off a last, bitter policy debate in the Administration that culminated in the opposite of the military's desires.

For the first time, the study explains, President Johnson squarely faced the prospect that he had sought adamantly to avoid during three years of steadily widening war: "a full-scale call-up of reserves" and "putting the country economically on a semiwar footing." And, the Pentagon study goes on, Mr. Johnson confronted this prospect "at a time of great domestic dissent, dissatisfaction and disillusionment about both the purposes and the conduct of the war."

Finally the President relieved General Westmoreland of his command in late February, and on March 31, 1968, exactly two months after the opening blows of the Vietcong and North Vietnamese offensive at Tet, Mr. Johnson announced his decision to limit the American operation in Vietnam. He cut back the bombing of North Vietnam to the 20th Parallel and sent to South Vietnam a token troop increase: one-tenth of the 206,000 men his generals had requested to achieve "victory."

Having announced these steps as a hopeful prelude to a negotiated settlement of the war, the President, citing a wish to ease the "partisan division" racking the country, said he would not seek re-election.

This period of the turnaround in policy as a result of the Tet offensive forms another phase of the Pentagon study and of its presentation by The New York Times. Previous articles have covered the growth of the American air and ground combat roles under the Kennedy and Johnson Administrations through late 1967, when high civilian officials began to press for reduced bombing.

The Pentagon study, prepared by 30 to 40 officials and analysts at the Defense Department in 1967–68, was ordered by Secretary of Defense Robert S. McNamara to explore the history of United States involvement in Indochina. The final report consisted of 3,000 pages of analysis and 4,000 pages of supporting documents—a total of 2.5 million words.

The enemy offensive during Tet, the Lunar New Year, began on Jan. 31 with an attack on the United States Embassy in Saigon; for a day enemy guerrillas held the embassy compound. The attacks spread rapidly to almost all the cities and major towns of South Vietnam. Hue, the ancient capital of central Vietnam, was captured and not retaken until Feb. 24 in the last days of the offensive.

On Feb. 2, three days after the initial assault, President Johnson summoned White House reporters to the Cabinet Room. The enemy attack, he said, had been "anticipated, prepared for and met." Militarily, the enemy had suffered "a complete failure." As for a "psychological victory," the enemy's second objective, the President said that "when the American people know the facts," they would see that here, too, the enemy had failed.

In reply to questions, the President said that General Westmoreland had been given "every single thing" he "believed that he needed at this time," and that therefore no change was contemplated in the planned level of 525,000 American soldiers nor was there likely to be "any change of great consequence" in strategy.

The Pentagon study, however, says that the offensive took the White House and the Joint Chiefs "by surprise, and its strength, length and intensity prolonged this shock."

For the President, the study makes plain, the shock and disappointment were particularly severe, because throughout much of 1967 he had discounted "negative analyses" of United States strategy by the Central Intelligence Agency and the Pentagon offices of International Security Affairs and Systems Analysis. Instead, the study says, Mr. Johnson had seized upon the "optimistic reports" from General Westmoreland to counteract what many Pentagon civilians sensed was a growing public disillusionment with the war.

As an example of an unheeded warning, the Pentagon analyst cites at length a bombing study by the Government-subsidized Institute for Defense Analyses that was submitted to Secretary McNamara in mid-December, 1967. In this study—on which Mr. McNamara was to draw heavily in his farewell statement on defense posture to the Senate Armed Services Committee on Feb. 1—the institute said that the bombing of North Vietnam had had "no measurable effect on Hanoi's ability to mount and support military operations in the South" and had "not discernibly weakened" Hanoi's will to support the insurgency.

As an example of the reports that the President did heed, the analyst cites the year-end assessment of General Westmoreland, which was delivered on Jan. 27, four days before the Tet offensive. The general said:

"Interdiction of the enemy's logistics train in Laos and NVN [North Vietnam] by our indispensable air efforts has imposed significant difficulties on him. In many areas the enemy has been driven away from the population centers; in others he has been compelled to disperse and evade contact, thus nullifying much of his potential. The year ended with the enemy increasingly resorting to desperation tactics in attempting to achieve military/psychological victory; and he has experienced only failure in these attempts."

Key Texts From Pentagon's Vietnam Study

Following are texts of key documents accompanying the Pentagon's study of the Vietnam war, covering the period in early 1968 surrounding the Vietcong's Tet offensive. Except where excerpting is specified, the documents are printed verbatim, with only unmistakable typographical errors corrected.

Admiral Sharp's Progress Report on War at End of 1967

Excerpts from cablegram from Adm. U.S. Grant Sharp, commander in chief of Pacific forces, to the Joint Chiefs of Staff, dated Jan. 1, 1968, and headed "Year-End Wrap-Up Cable," as provided in the body of the Pentagon study. Paragraphs in italics are the study's paraphrase or explanation.

Admiral Sharp outlined three objectives which the air campaign was seeking to achieve: disruption of the flow of external assistance into North Vietnam, curtailment of the flow of supplies from North Vietnam into Laos and South Vietnam, and destruction "in depth" of North Vietnamese resources that contributed to the support of the war. Acknowledging that the flow of fraternal communist aid into the North had grown every year of the war, CINCPAC noted the stepped up effort in 1967 to neutralize this assistance by logistically isolating its primary port of entry—Haiphong. The net results, he felt, had been encouraging:

The overall effect of our effort to reduce external assistance has resulted not only in destruction and damage to the transportation systems and goods being transported thereon but has created additional management, distribution and manpower problems. In addition, the attacks have created a bottleneck at Haiphong where inability effectively to move goods inland from the port has resulted in congestion on the docks and a slowdown in offloading ships as they arrive. By October, road and rail interdictions had reduced the transportation clearance capacity at Haiphong to about 2700 short tons per day. An average of 4400 short tons per day had arrived in Haiphong during the year.

The assault against the continuing traffic of men and material through North Vietnam toward Laos and South Vietnam, however, had produced only marginal results. Success here was measured in the totals of destroyed transport, not the constriction of the flow of personnel and goods.

Although men and material needed for the level of combat now prevailing in South Vietnam continue to flow despite our attacks on LOCs, we have made it very costly to the enemy in terms of material, manpower, management, and distribution. From 1 January through 15 December 1967, 122,960 attack sorties were flown in Rolling Thunder route packages I through V and in Laos, SEA DRAGON offensive operations involved 1,384 ship-days on station and contributed materially in reducing enemy seaborne infiltration in southern NVN and in the vicinity of the DMZ. Attacks against the NVN transport system during the past 12 months resulted in destruction of carriers, cargo carried, and personnel casualties. Air attacks throughout North Vietnam and Laos destroyed or damaged 5,261 motor vehicles, 2,475 railroad rolling stock, and 11,425 watercraft from 1 January through 20 December 1967. SEA DRAGON accounted for another 1,473 WBLC destroyed or damaged from 1 January–30 November. There were destroyed rail-lines, bridges, ferries, railroad yards and shops, storage areas, and truck parks. Some 3,685 land targets were struck by SEA DRAGON forces, including the destruction or damage of 303 coastal defense and radar sites. Through external assistance, the enemy has been able to replace or rehabilitate many of the items damaged or destroyed, and transport inventories are roughly at the same level they were at the beginning of the year. Nevertheless, construction problems have caused interruptions in the flow of men and supplies, caused a great loss of work-hours, and restricted movement particularly during daylight hours.

The admission that transport inventories were the same at year's end as when it began must have been a painful one indeed for CINCPAC in view of the enormous cost of the air campaign against the transport system in money, aircraft, and lives. As a consolation for this signal failure, CINCPAC pointed to the extensive diversion of civilian manpower to war related activities as a result of the bombing.

A primary effect of our efforts to impede movement of the enemy has been to force Hanoi to engage from 500,000 to 600,000 civilians in full-time and part-time war-related activities, in particular for air defense and repair of the LOCs. This diversion of manpower from other pursuits, particularly from the agricultural sector, has caused a drawdown on manpower. The estimated lower food production yields, coupled with an increase in food imports in 1967 (some six times that of 1966), indicate that agriculture is having great difficulty in adjusting to this changed composition of the work force. The cost and difficulties of the war to Hanoi have sharply increased, and only through the willingness of other communist countries to provide maximum replacement of goods and material has NVN managed to sustain its war effort.

To these manpower diversions CINCPAC added the cost to North Vietnam in 1967 of the destruction of vital resources—the third of his air war objectives:

C. Destroying vital resources:

Air attacks were authorized and executed by target systems for the first time in 1967, although the attacks were limited to specific targets within each system. A total of 9,740 sorties was flown against targets on the Rolling Thunder target list from 1 January-15 December 1967. The campaign against the power system resulted in reduction of power generating capability to approximately 15 percent of original capacity. Successful strikes against the Thau Nguyen iron and steel plant and the Haiphong cement plant resulted in practically total destruction of these two installations. NVN adjustments to these losses have had to be made by relying on additional imports from China, the USSR or the Eastern European countries. The requirement for additional imports reduces available shipping space for war supporting supplies and adds to the congestion at the ports. Interruptions in raw material supplies and the requirement to turn to less efficient means of power and distribution has degraded overall production.

Economic losses to North Vietnam amounted to more than $130 million dollars in 1967, representing over one-half of the total economic losses since the war began.

Wheeler's 1968 Report to Johnson After the Tet Offensive

Excerpts from memorandum from Gen. Earle G. Wheeler to President Johnson, dated Feb. 27, 1968, and headed "Report of Chairman, J.C.S., on Situation in Vietnam and MACV Force Requirements."

1. The Chairman, JCS and party visited SVN on 23, 24 and 25 February. This report summarizes the impressions and facts developed through conversations and briefings at MACV and with senior commanders throughout the country.

2. Summary

The current situation in Vietnam is still developing and fraught with opportunities as well as dangers.

There is no question in the mind of MACV that the enemy went all out for a general offensive and general uprising and apparently believed that he would succeed in bringing the war to an early successful conclusion.

The enemy failed to achieve his initial objective but is continuing his effort. Although many of his units were badly hurt, the judgment is that he has the will and the capability to continue.

Enemy losses have been heavy; he has failed to achieve his prime objectives of mass uprisings and capture of a large number of the capital cities and towns. Morale in enemy units which were badly mauled or where the men were oversold the idea of a decisive victory at TET probably has suffered severely. However, with replacements, his indoctrination system would seem capable of maintaining morale at a generally adequate level. His determination appears to be unshaken.

The enemy is operating with relative freedom in the countryside, probably recruiting heavily and no doubt infiltrating NVA units and personnel. His recovery is likely to be rapid; his supplies are adequate; and he is trying to maintain the momentum of his winter-spring offensive.

The structure of the GVN held up but its effectiveness has suffered.

The RVNAF held up against the initial assault with gratifying, and in a way, surprising strength and fortitude. However, RVNAF is now in a defensive posture around towns and cities and there is concern about how well they will bear up under sustained pressure.

The initial attack nearly succeeded in a dozen places, and defeat in those places was only averted by the timely reaction of US forces. In short, it was a very near thing.

There is no doubt that the RD Program has suffered a severe set back.

RVNAF was not badly hurt physically—they should recover strength and equipment rather quickly (equipment in 2–3 months—strength in 3–6 months). Their problems are more psychological than physical.

US forces have lost none of their pre-TET capability.

MACV has three principal problems. First, logistic support north of Danang is marginal owing to weather, enemy interdiction and harassment and the massive deployment of US forces into the DMZ/Hue area. Opening Route 1 will alleviate this problem but takes a substantial troop commitment. Second, the defensive posture of ARVN is permitting the VC to make rapid inroads in the formerly pacified countryside. ARVN, in its own words, is in a dilemma as it cannot afford another enemy thrust into the cities and towns and yet if it remains in a defensive posture against this contingency, the countryside goes by default. MACV is forced to devote much of its troop strength to this problem. Third MACV has been forced to deploy 50% of all US maneuver battalions into I Corps, to meet the threat there, while stripping the rest of the country of adequate reserves. If the enemy synchronizes an attack against Khe Sanh/Hue-Quang Tri with an offensive in the Highlands and around Saigon while keeping the pressure on throughout the remainder of the country, MACV will be hard pressed to meet adequately all threats. Under these circumstances, we must be prepared to accept some reverses.

—For these reasons, General Westmoreland has asked for a 3 division-15 tactical fighter squadron force. This force would provide him with a theater reserve and an offensive capability which he does not now have.

3. The situation as it stands today:

a. Enemy capabilities.

(1) The enemy has been hurt badly in the populated lowlands, is practically intact elsewhere. He committed over 67,000 combat maneuver forces plus perhaps 25% or 17,000 more impressed men and boys, for a total of about 84,000. He lost 40,000 killed, at least 3,000 captured, and perhaps 5,000 disabled or died of wounds. He had peaked his force total to about 240,000 just before TET, by hard recruiting, infiltration, civilian impress-

ment, and drawdowns on service and guerrilla personnel. So he has lost about one fifth of his total strength. About two-thirds of his trained, organized unit strength can continue offensive action. He is probably infiltrating and recruiting heavily in the countryside while allied forces are securing the urban area. (Discussions of strengths and recruiting are in paragraphs 1, 2 and 3 of Enclosure (1)). The enemy has adequate munitions, stockpiled in country and available through the DMZ, Laos, and Cambodia, to support major attacks and countrywide pressure; food procurement may be a problem. (Discussion is in paragraph 6 Enclosure (1)). Besides strength losses, the enemy now has morale and training problems which currently limit combat effectiveness of VC guerrilla, main and local forces. (Discussions of forces are in paragraphs 2, 5, Enclosure (1)).

(a) I Corps Tactical Zone: Strong enemy forces in the northern two provinces threaten Quanq Tri and Hue cities, and US positions at the DMZ. Two NVA divisions threaten Khe Sanh. Eight enemy battalion equivalents are in the Danang-Hoi An area. Enemy losses in I CTZ have been heavy, with about 13,000 killed; some NVA as well as VC units have been hurt badly. However, NVA replacements in the DMZ area can offset these losses fairly quickly. The enemy has an increased artillery capability at the DMZ, plus some tanks and possibly even a limited air threat in I CTZ.

(b) II Corps Tactical Zone: The 1st NVA Division went virtually unscathed during TET offensive, and represents a strong threat in the western highlands. Seven combat battalion equivalents threaten Dak To. Elsewhere in the highlands, NVA units have been hurt and VC units chopped up badly. On the coast, the 3rd NVA Division had already taken heavy losses just prior to the offensive. The 5th NVA Division, also located on the coast, is not in good shape. Local force strength in about 13,000 killed; some NVA as well coastal II CTZ had dwindled long before the offensive. The enemy's strength in II CTZ is in the highlands where enemy troops are fresh and supply lines short.

(c) III CTZ: Most of the enemy's units were used in the TET effort, and suffered substantial losses. Probably the only major unit to escape heavy losses was the 7th NVA Division. However, present dispositions give the enemy the continuing capability of attacking in the Saigon area with 10 to 11 combat effective battalion equivalents. His increased movement southward of supporting arms and infiltration of supplies has further developed his capacity for attacks by fire.

(d) IV Corps Tactical Zone: All enemy forces were committed in IV Corps, but losses per total strength were the lightest in the country. The enemy continues to be capable of investing or attacking cities throughout the area.

(2) New weapons or tactics:

We may see heavier rockets and tube artillery, additional armor, and the use of aircraft, particularly in the I CTZ. The only new tactic in view is infiltration and investment of cities to create chaos, to demoralize the people, to discredit the government, and to tie allied forces to urban security.

b. RVNAF Capabilities:

(1) Current Status of RVNAF:

(a) Strength

As of 31 dec RVNAF strength was 643,116 (Regular Forces—342,951; RF—151,376; and PF-148,789)

Date	Auth.	PFD	Percent of strength
Dec. 31	112,435	96,667	86.0
Feb. 10	112,435	77,000	68.5
Feb. 15	112,435	83,935	74.7

. . . (d) The redeployment of forces has caused major relocations of support forces, logistical activities and supplies.

(e) The short range solutions to the four major areas listed above were: (a) Emergency replacement of major equipment items and ammunition from the CONUS and (b) day-to-day emergency actions and relocation of resources within the theater. In summary, the logistics system in Vietnam has provided adequate support throughout the TET offensive.

(1) Psychological—the people in South Vietnam were handed a psychological blow, particularly in the urban areas where the feeling of security had been strong. There is a fear of further attacks.

(2) The structure of the Government was not shattered and continues to function but at greatly reduced effectiveness.

(3) In many places, the RD program has been set back badly. In other places the program was untouched in the initial stage of the offensive. MACV reports that of the 555 RD cadre groups, 278 remain in hamlets, 245 are in district and province towns on security duty, while 32 are unaccounted for. It is not clear as to when, or even whether, it will be possible to return to the RD program in its earlier form. As long as the VC prowl the countryside it will be impossible, in many places, even to tell exactly what has happened to the program.

(4) Refugees—An additional 470,000 refugees were generated during the offensive. A breakdown of refugees is at Enclosure (7). The problem of caring for refugees is part of the larger problem of reconstruction in the cities and towns. It is anticipated that the care and reestablishment of the 250,000 persons or 50,000 family units who have lost their homes will require from GVN sources the expenditure of 500 million piasters for their temporary care and resettlement plus an estimated 30,000 metric tons of rice. From US sources, there is a requirement to supply aluminum and cement for 40,000 refugee families being reestablished under the Ministry of Social Welfare and Refugee self-help program. Additionally, the GVN/Public Works City Rebuilding Plan will require the provision of 400,000 double sheets of aluminum, plus 20,000 tons [words illegible].

4. What Does the Future Hold

a. Probable enemy strategy. (Reference paragraph 7b, Enclosure (1)). We see the enemy pursuing a reinforced offensive to enlarge his control throughout the country and keep pressures on the government and allies. We expect him to maintain strong threats in the DMZ area, at Khe Sanh, in the highlands, and at Saigon, and to attack in force when conditions seem favorable. He is likely to try to gain control of the country's northern provinces. He will continue efforts to encircle cities and province capitals to isolate and disrupt normal activities, and infiltrate them to create chaos. He will seek maximum attrition of RVNAF elements. Against US forces, he will emphasize attacks by fire on airfields and installations, using assaults and ambushes selectively. His central objective continues to be the destruction of the Government of SVN and its armed forces. As a minimum he hopes to seize sufficient territory and gain control of enough people to support establishment of the groups and committees he proposes for participation in an NLF dominated government.

b. MACV Strategy:

(1) MACV believes that the central thrust of our strategy now must be to defeat the enemy offensive and that if this is done well, the situation overall will be greatly improved over the pre-TET condition.

(2) MACV accepts the fact that its first priority must be the security of Government of Vietnam in Saigon and provincial capitals. MACV describes its objectives as:

First, to counter the enemy offensive and to destroy or eject the NVA invasion force in the north.

Second, to restore security in the cities and towns.

Third, to restore security in the heavily populated areas of the countryside.

Fourth, to regain the initiative through offensive operations.

c. Tasks:

(1) Security of Cities and Government. MACV recognizes that U.S. forces will be required to reinforce and support RVNAF in the security of cities, towns and government structure. At this time, 10 U.S. battalions are operating in the environs of Saigon. It is clear that this task will absorb a substantial portion of U.S. forces.

(2) Security in the Countryside. To a large extent the VC now control the countryside. Most of the 54 battalions formerly providing security for pacification are now defending district or province towns. MACV estimates that U.S. forces will be required in a number of places to assist and encourage the Vietnamese Army to leave the cities and towns and reenter the country. This is especially true in the Delta.

(3) Defense of the borders, the DMZ and northern provinces. MACV considers that it must meet the enemy threat in I Corps Tactical Zone and has already deployed there slightly over 50% of all U.S. maneuver battalions. U.S. forces have been thinned out in the highlands, notwithstanding an expected enemy offensive in the early future.

(4) Offensive Operations. Coupling the increased requirement for the defense of the cities and subsequent reentry into the rural areas, and the heavy requirement for defense of the I Corps Zone, MACV does not have adequate forces at this time to resume the offensive in the remainder of the country, nor does it have adequate reserves against the contingency of simultaneous large-scale enemy offensive action throughout the country.

5. Force Requirements

A. Forces currently assigned to MACV, plus the residual Program Five forces yet to be delivered, are inadequate in numbers to carry out the strategy and to accomplish the tasks described above in the proper priority. To contend with, and defeat, the new enemy threat, MACV has stated requirements for forces over the 525,000 ceiling imposed by Program Five. The add-on requested totals 206,756 spaces for a new proposed ceiling of 731,756, with all forces being deployed into country by the end of CY 68. Principal forces included in the add-on are three division equivalents, 15 tactical fighter squadrons and augmentation for current Navy programs. MACV desires that these additional forces be delivered in three packages as follows:

(1) Immediate Increment, Priority One: To be deployed by 1 May 68. Major elements include one brigade of the 5th Mechanized Division with a mix of one infantry, one armored and one mechanized battalion; the Fifth Marine Division (less RLT-26); one armored cavalry regiment; eight tactical fighter squadrons; and a groupment of Navy units to augment ongoing programs.

(2) Immediate Increment, Priority Two: To be deployed as soon as possible but prior to 1 Sep 68. Major elements include the remainder of the 5th Mechanized Division, and four tactical fighter squadrons. It is desirable that the ROK Light Division be deployed within this time frame.

(3) Follow-on Increment: To be deployed by the end of CY 68. Major elements include one infantry division, three tactical fighter squadrons, and units to further augment Navy Programs.

b. Enclosure (9) treats MACV's force requirements for CY 68 to include troop lists, and service strengths for each of the three packages which comprise the total MACV request.

c. Those aspects of MACV's CY 68 force requirements recommendations meriting particular consideration are:

(1) Civilianization. Approximately 150,000 Vietnamese and troop contributing nations' civilians are currently employed by MACV components. Program Five contains provisions to replace 12,545 military spaces by civilians during CY 68. MACV is experiencing difficulties with the civilian program because of curfew impositions, disrupted transportation, fear, movement of military units which include civilians, strikes, and prospective mobilization [rest illegible].

TERMS IN TEXTS

ARVN—Army of Republic of (South) Vietnam.
CINCPAC—Commander in Chief, Pacific.
COMUS—U.S. commander.
C.T.Z.—Corps tactical zone.
C.Y.—Calendar year.
DMZ—Demilitarized zone.
GVN—Government of (South) Vietnam.
I.S.A.—International Security Agency.
L.O.C.—Lines of communication.
MACV—Military Assistance Command, Vietnam.
NLF—National Liberation Front.
N.V.A.—North Vietnamese Army.
NVN—North Vietnam.
PF—Popular Forces.
R.D.—Rural development.
RF—Regional Forces.
RLT—Regimental landing team.
R.O.K.—Republic of (South) Korea.
RVNAF—Republic of (South) Vietnam Armed Forces.
SEA—Southeast Asia.
SVN—South Vietnam.

Orientation Memo for Clifford Telling How Targets Are Chosen

Excerpts from memorandum from Assistant Secretary of Defense Paul C. Warnke to Clark M. Clifford, newly appointed Secretary of Defense, March 5, 1968, as provided in the body of the Pentagon study.

Twice a month the Joint Staff has been revising the Rolling Thunder Target List for the bombing of North Vietnam. The revisions are forwarded to my office and reconciled with the prior list. This reconciliation summary is then forwarded to your office. . . .

Every Tuesday and Friday the Joint Staff has been sending me a current list of the authorized targets on the target list which have not been struck or restruck since returning to a recommended status. After our review, this list also is sent to your office. . . .

In the normal course of events, new recommendations by the Chairman of the Joint Chiefs of Staff for targets lying within the 10 and 4 mile prohibited circles around Hanoi and Haiphong, respectively, or in the Chinese Buffer Zone have been submitted both to the Secretary of Defense's office and to my office in ISA. ISA would then ensure that the State Department had sufficient information to make its recommendation on the new proposal. ISA also submitted its evaluation of the proposal to your office. On occasions the Chairman would hand-carry the new bombing proposals directly to the Secretary of Defense for his approval. Under those circumstances, the Secretary, if he were not thoroughly familiar with the substance of the proposal, would call ISA for an evaluation. State Department and White House approval also were required before the Chairman's office could authorize the new strikes.

Cable to Envoys in Asia on Day of Johnson's De-escalation Speech

Excerpts from cablegram from State Department to United States Ambassadors in Australia, New Zealand, Thailand, Laos, the Philippines and South Korea, March 31, 1968, as provided in the body of the Pentagon study. The message announced provisions of the major speech President Lyndon B. Johnson was to make hours later. Paragraph in italics is the study's paraphrase or explanation.

a. Major stress on importance of GVN and ARVN increased effectiveness with our equipment and other support as first priority in our own actions.

b. 13,500 support forces to be called up at once in order to round out the 10,500 combat units sent in February.

c. Replenishment of strategic reserve by calling up 48,500 additional reserves, stating that these would be designed to strategic reserve.

d. Related tax increases and budget cuts already largely needed for non-Vietnam reasons.

3. In addition, after similar consultation and concurrence, President proposes to announce that bombing will be restricted to targets most directly engaged in the battlefield area and that this meant that there would be no bombing north of the 20th parallel. Announcement would leave open how Hanoi might respond, and would be open-ended as to time. However, it would indicate that Hanoi's response could be helpful in determining whether we were justified in assumption that Hanoi would not take advantage if we stopped bombing altogether. Thus, it would to this extent foreshadow possibility of full bombing stoppage at a later point.

This cable offered the Ambassadors some additional rationale for this new policy for their discretionary use in conversations with their respective heads of government. This rationale represents the only available statement by the Administration of some of its underlying reasons and purposes for and expectations from this policy decision.

a. You should call attention to force increases that would be announced at the same time and would make clear our continued resolve. Also our top priority to re-equipping ARVN forces.

b. You should make clear that Hanoi is most likely to denounce the project and thus free our hand after a short period. Nonetheless, we might wish to continue the limitation even after a formal denunciation, in order to reinforce its sincerity and put the monkey firmly on Hanoi's back for whatever follows. Of course, any major military change could compel full-scale resumption at any time.

c. With or without denunciation, Hanoi might well feel limited in conducting any major offensive at least in the northern areas. If they did so, this could ease the pressure where it is most potentially serious. If they did not, then this would give us a clear field for whatever actions were then required.

d. In view of weather limitations, bombing north of the 20th parallel will in any event be limited at least for the next four weeks or so—which we tentatively envisage as a maximum testing period in any event. Hence, we are not giving up anything really serious in this time frame. Moreover, air power now used north of the 20th can probably be used in Laos (where no policy change planned) and in SVN.

e. Insofar as our announcement foreshadows any possibility of a complete bombing stoppage, in the event Hanoi really exercises reciprocal restraints, we regard this as unlikely. But in any case, the period of demonstrated restraint would probably have to continue for a period of several weeks, and we would have time to appraise the situation and to consult carefully with them before we undertook any such action.

The Series So Far

Events before Tonkin incidents: Study says American-run covert war against North Vietnam preceded Tonkin Gulf clashes by months.

Planning the bombing: After Tonkin clashes, and before Presidential election of 1964, Johnson Administration planners reached "general consensus" favoring air war against North. Sustained bombing began in March, 1965.

Ground war begins: U.S. decided on offensive ground role after month of bombing failed to impede enemy. President Johnson ordered decision kept secret.

Kennedy years: Kennedy Administration's approval of covert warfare against North Vietnam in 1961 and "complicity" in ouster of President Diem deepened American involvement in Vietnam.

1965–66 troop build-up: Study links force expansion with U.S. planners' failure to anticipate enemy build-up. Air war was widened despite intelligence warnings that Hanoi's will could not be broken by raids.

Disillusion in 1966–67: Defense Secretary McNamara urged bombing cutback in October, 1966, and favored accepting Saigon coalition in May, 1967, becoming leader of "disillusioned doves" who tried to reverse U.S. course.

New Troop Needs

A far different assessment came on Feb. 12, with the Tet offensive at its height. General Westmoreland reported then to the Joint Chiefs and Secretary McNamara that, as of Feb. 11, the enemy had attacked "34 provincial towns, 64 district towns and all of the autonomous cities." This, the general said, the enemy had been able to do while committing "only 20 to 35 per cent of his North Vietnamese forces . . . employed as gap fillers where VC [Vietcong] strength was apparently not adequate to carry out his initial thrust on the cities and towns."

The first formal reaction of the Joint Chiefs to the offensive came on Feb. 3 when they asked Mr. McNamara to reduce the radius of the zone in which bombing was prohibited in Hanoi and in the port of Haiphong. In Hanoi, they sought to cut the radius from 10 nautical miles from the city's center to 3, and in Haiphong from 4 nautical miles to 1.5, thus enlarging the outer "restricted" zones in which bombing of selected targets was permitted upon Presidential approval. The Joint Chiefs also asked that blanket authority be given to air commanders to bomb in these outer zones.

The Joint Chiefs said in their memorandum that this extension was necessary to reduce "the enemy capability for waging war in the South"—a reason that the Pentagon analyst dismisses as "a nonsequitur," in view of "the evident ineffectiveness of the bombing in preventing the offensive."

Paul C. Warnke, who had succeeded the late John T. McNaughton as assistant Secretary of Defense for International Security Affairs, opposed the request on the ground that enlargement of the zones would allow strikes on "only a couple of fixed targets not previously authorized." The President did not approve the request.

In any event, the Pentagon analyst notes, the primary focus of Washington's reaction to the Tet offensive was inevitably centered on General Westmoreland's possible troop requirements. At this point, however, the Pentagon study does not take account of several messages between Gen. Earle G. Wheeler, Chairman of the Joint Chiefs, and General Westmoreland. These messages, which have been quoted verbatim by Marvin Kalb and Elie Abel in their 1971 book "Roots of Involvement," throw considerable light on what was to become a matter of contention: whether the President and General Wheeler pressed General Westmoreland to ask for more troops or whether, as Mr. Johnson was to insist, the President merely asked for General Westmoreland's "recommendations."

FOUR DAYS AFTER ATTACK

In the first of these cablegrams, on Feb. 3, four days after the offensive began, General Wheeler said: "The President asks me if there is any reinforcement or help that we can give you."

General Westmoreland had not replied by Feb. 8, and General Wheeler, according to the book, sent a second cablegram then that did not mention the President: "Query: Do you need reinforcement? Our capabilities are limited. We can provide 82d Airborne Division and about one-half a Marine Corps division, both loaded with Vietnam veterans. However, if you consider reinforcements imperative, you should not be bound by earlier agreements. United States Government is not prepared to accept defeat in Vietnam. In summary, if you need more troops, ask for them."

"Earlier agreements" referred to the authorized level of 525,000 troops in 1968, of whom about 500,000 had reached South Vietnam.

That same day General Westmoreland replied, requesting the proffered units and asking, according to the Kalb-Abel book, that the President authorize an amphibious assault by the marines into North Vietnam as a diversionary move. The next day, Feb. 9, he followed up with this message:

"Needless to say, I would welcome reinforcements at any time they can be made available. A. To put me in a stronger position to contain the enemy's major campaign in the DMZ-Quangtri-Thuathien area and to go on the offensive as soon as his attack is spent. B. To permit me to carry out my campaign plans despite enemy's reinforcements from North Vietnam, which have influenced my deployment plans. C. To offset the weakened [South] Vietnamese forces resulting from casualties and Tet desertions. Realistically, we must assume that it will take them at least six weeks to regain the military posture of several weeks ago. . . . D. To take advantage of the enemy's weakened posture by taking the offensive against him."

General Wheeler responded: ". . . It occurs to me that the deployment of the 82d Airborne Division and marine elements might be desirable earlier than April to assist in defense and pursuit operations. . . . Please understand that I am not trying to sell you on the deployment of additional forces which in any event I cannot guarantee. . . . However, my sensing is that the critical phase of the war is upon us, and I do not believe that you should refrain from asking for what you believe is required under the circumstances."

At this point the Pentagon study turns to the issue of troop levels. On Feb. 9, it says, Mr. McNamara asked the Joint Chiefs to furnish plans for General Westmoreland's emergency reinforcement. The study says that on Feb. 12, after extensive communication with General Westmoreland, the Joint Chiefs submitted to the Secretary three plans, all of which they said would leave the strategic reserve in the United States so thin as to seriously compromise the nation's worldwide commitments.

SEEK TO FORCE THE PRESIDENT

Therefore, the Joint Chiefs recommended in their memorandum that "a decision to deploy reinforcements to Vietnam be deferred at this time," but that preparatory "measures be taken now" for possible later deployment of the 82d Airborne Division and two-thirds of a Marine division-air wing team.

The Pentagon study says: "The tactic the Chiefs were using was clear: by refusing to scrape the bottom of the barrel any further for Vietnam, they hoped to force the President to 'bite the bullet' on the call-up of the reserves—a step they had long thought essential, and that they were determined would not now be avoided."

Despite the Joint Chiefs' recommendation against deployments without calling up the reserves, the next day, Feb. 13, Secretary McNamara approved immediate emergency deployment of 10,500 men—a brigade of the 82d Airborne and a Marine regimental landing team—above the 525,000 ceiling.

The Joint Chiefs reacted immediately by sending the Secretary a memorandum recommending a call-up of reserves to replace and sustain the new deployment—32,000 Army reservists, 12,000 marines and 2,300 Navy men, a total of 46,300 former servicemen.

Mr. McNamara's action and the Joint Chiefs' response were only a foretaste of the struggle to come as a result of the Tet offensive, the Pentagon study says, since General Westmoreland was preparing to raise his sights with the full support of the Joint Chiefs.

A FAREWELL TO THE 82d

On Feb. 14, President Johnson went to Fort Bragg, N.C., to say good-by to the brigade of the 82d Airborne going to South Vietnam. The Pentagon narrative recalls the scene:

"The experience proved for him to be one of the most profoundly moving and troubling of the entire Vietnam war. The men, many of whom had only recently returned from Vietnam, were grim. They were not young men going off to adventure but seasoned veterans returning to an ugly conflict from which they knew some would not return. The film clips of the President shaking hands with the solemn but determined paratroopers on the ramps of their aircraft revealed a deeply troubled leader. He was confronting the men he was asking to make the sacrifice and they displayed no enthusiasm. It may well be that the dramatic decisions of the succeeding month and a half that reversed the direction of American policy in the war had their genesis in those troubled handshakes."

A FORK IN THE ROAD

In late February, the President sent General Wheeler to Saigon to consult with General Westmoreland on precisely how many more men he wanted. General Wheeler returned on Feb. 28 and immediately delivered a written report to the President. The report began by saying that General Westmoreland had frustrated the enemy's objective of provoking a general uprising. But it went on to say that the offensive had been "a very near thing" for the allies and then ranged in bleak fashion over the situation in Vietnam:

Despite 40,000 killed, at least 3,000 captured and perhaps 5,000 disabled or dead of wounds, the North Vietnamese and the Vietcong now had the initiative. They were "operating with relative freedom in the countryside" and had driven the Saigon Government forces back into a "defensive posture around towns and cities." The pacification program "in many places . . . has been set back badly." To hold the northernmost provinces, General Westmoreland had been forced to send half of his American maneuver battalions there, "stripping the rest of the country of adequate reserves" and robbing himself of "an offensive capability." [See text, Wheeler's report, Page 15.]

"Under these circumstances," General Wheeler warned, "we must be prepared to accept some reverses."

However, once the enemy offensive is decisively defeated, General Wheeler said, "the situation over all will be greatly improved over the pre-Tet condition." But to accomplish this and to "regain the initiative through offensive operations," General Westmoreland would require more men.

The 500,000 soldiers then in South Vietnam and the 25,000 others who had been approved for eventual deployment under the ceiling established in the summer of 1967 were now "inadequate in numbers," General Wheeler said.

A NEW PROPOSED CEILING

"To contend with, and defeat the new enemy threat," he continued, General Westmoreland "has stated requirements for forces over the 525,000 ceiling. . . . The add-on requested totals 206,756 spaces for a new proposed ceiling of 731,756." All of the additional 206,756 soldiers were to be in the war zone by the end of 1968. General Westmoreland wanted roughly half of them, the study notes, as early as May 1.

"Principal forces included in the add-on are three division equivalents, 15 tactical fighter squadrons and augmentation for current Navy programs," General Wheeler explained.

To provide this many troops by the end of the year, the President would have had to call up from civilian life 280,000 military reservists to replenish the strategic reserve in the United States and to sustain the units newly sent to Vietnam.

"A fork in the road had been reached," the Pentagon study comments. "Now the alternatives stood out in stark reality. To accept and meet General Wheeler's request for troops would mean a total U.S. military commitment to SVN [South Vietnam]—an Americanization of the war, a call-up of reserve forces, vastly increased expenditures. To deny the request for troops, or to attempt to again cut it to a size which could be sustained by the thinly stretched active forces, would just as surely signify that an upper limit to the U.S. military commitment in SVN had been reached."

The issue was immediately joined at the highest level of the Pentagon.

Clark M. Clifford, an old friend and adviser of President Johnson and an unwavering supporter of his Vietnam policy, had been designated to succeed Mr. McNamara as Secretary of Defense. He was not to be sworn in until March 1, but had begun to work at his job many days earlier. On Feb. 28, when the Wheeler-Westmoreland report was delivered, the President asked Mr. Clifford to gather a senior group of advisers for a complete review of United States policy in Vietnam.

The next day, Mr. Clifford convened what came to be known as the Clifford Group. The principals were Mr. McNamara; Gen. Maxwell D. Taylor, President Johnson's personal military adviser, as he had been President Kennedy's; Paul H. Nitze, Deputy Secretary of Defense; Henry H. Fowler, Secretary of the Treasury; Nicholas deB. Katzenbach, Under Secretary of State; Walt W. Rostow, the President's adviser on national security; Richard Helms, Director of Central Intelligence; William P. Bundy, Assistant Secretary of State for Far Eastern Affairs; Mr. Warnke, the head of the Pentagon's politico-military policy office, International Security Affairs, and Philip C. Habib, Mr. Bundy's deputy.

At the first meeting of the group, the Pentagon study says, Mr. Clifford said that the real problem was "not whether we should send 200,000 additional troops to Vietnam," but whether if "we follow the present course in SVN, could it ever prove successful even if vastly more than 200,000 troops were sent?"

Mr. Clifford stipulated that the various papers he assigned on United States strategy should consider four options, ranging from granting General Westmoreland's full request to sending him no additional troops.

"The work [of drafting papers] became so intensive," the study states, "that it was carried out in teams within . . . International Security Affairs."

The dominant voice in the consideration of alternatives was the civilian heirarchy in the Pentagon. And the most influential force there, according to the study, was Mr. Warnke, whose young civilian assistants, including Morton H. Halpern and Richard C. Steadman, had become disenchanted with Vietnam policy since 1967 and were now among the leading dissenters in the Administration. The position of the dissenters was strengthened by intelligence estimates from the C.I.A., which submitted papers to the working group.

The most important of these, submitted on March 1, suggested strongly that the most likely prospect for the future—under any course of proposed action—was more stalemate. These, as quoted in the Pentagon study, were the answers it gave to questions by Mr. Clifford:

Q. What is the likely course of events in South Vietnam over the next 10 months, assuming no change in U.S. policy or force levels?

A. . . . It is manifestly impossible for the Communists to drive U.S. forces out of the country. It is equally out of the question for U.S./GVN forces to clear South Vietnam of Communist forces.

Q. What is the likely N.V.A./VC [North Vietnamese Army/Vietcong] strategy over the next 10 months if U.S. forces are increased by 50,000, by 100,000 or by 200,000?

A. We would expect the Communists to continue the war. They still have resources available in North Vietnam and within South Vietnam to increase their troop strength. . . . Over a 10-month period the Communists would probably be able to introduce sufficient new units into the South to offset the U.S. maneuver battalion increments of the various force levels given above.

Q. What is the Communist attitude toward negotiations: in particular how would Hanoi deal with an unconditional cessation of U.S. bombing of NVN and what would be its terms for a settlement?

A. The Communists probably still expect the war to end eventually in some form of negotiations . . . they are not likely to give any serious considerations to negotiations until this campaign has progressed far enough for its results to be fairly clear.

POSSIBILITY OF NEGOTIATING

If the United States ceased the bombing of North Vietnam in the near future, the C.I.A. believed, Hanoi would probably respond to an offer to negotiate, although the intelligence agency warned that the North Vietnamese would not modify their terms for a final settlement or stop fighting in the South.

"In any talks, Communist terms would involve the establishment of a new 'coalition' government," the C.I.A. said, "which would in fact, if not in appearance, be under the domination of the Communists. Secondly, they would insist on a guaranteed withdrawal of U.S. forces within some precisely defined period. . . ."

General Taylor wrote a long memorandum that went not only to the Clifford Group but also directly to the White House. The general was opposed to any basic change in policy.

"We should consider changing the objective which we have been pursuing consistently since 1954 only for the most cogent reasons," he wrote. "There is clearly nothing to recommend trying to do more than we are now doing at such great cost. To undertake to do less is to accept needlessly a serious defeat for which we would pay dearly in terms of our worldwide position of leadership, of the political stability of Southeast Asia and of the credibility of our pledges to friends and allies."

General Taylor recommended against any initiative for negotiations that might involve a halt in bombing. To this end he proposed the withdrawal of the so-called San Antonio formula, enunciated by President Johnson the previous September, under which the United States would stop the bombing of North Vietnam if Hanoi promised "prompt and productive" talks and agreed to "not take advantage" of a bombing cessation in a military way. The general argued against "any thought of reducing the bombing."

Although he did not advocate any specific reinforcements for General Westmoreland, General Taylor recommended a build-up of the strategic reserve in the United States thereby aligning himself with the Joint Chiefs.

The Pentagon's Office of Systems Analysis, headed by Dr. Alain C. Enthoven, said in a paper that "the offensive appears to have killed the [pacification] program once and for all." In another paper, Assistant Secretary of Defense Enthoven painted what the study calls "a bleak picture of American failure in Vietnam."

"While we have raised the price to NVN of aggression and support of the VC," the paper said, "it shows no lack of capability or will to match each new U.S. escalation. Our strategy of 'attrition' has not worked. Adding 206,000 more U.S. men to a force of 525,000, gaining only 27 additional maneuver battalions and 270 tactical fighters at an added cost to the U.S. of $10-billion per year raises the question of who is making it costly for whom. . . .

"We know that despite a massive influx of 500,000 U.S. troops, 1.2 million tons of bombs a year, 400,000 attack sorties per year, 200,000 enemy K.I.A. [killed in action] in three years, 20,000 U.S. K.I.A., etc., our control of the countryside and the defense of the urban areas is now essentially at pre-August 1965 levels. We have achieved stalemate at a high commitment. A new strategy must be sought.

The paper concluded that a shift to a military strategy of having the United States forces protect population centers in South Vietnam, rather than ranging the countryside on search-and-destroy operations, would, if unchallenged by the enemy, stabilize American casualty rates.

HIGHLIGHTS OF THE PERIOD

JANUARY–FEBRUARY, 1968

Enemy, on Tet holiday Jan. 31, strikes at U.S. Embassy, attacks scores of important towns and all major cities. Joint Chiefs urge bombing closer to centers of Hanoi and Haiphong; President Johnson refuses. Chiefs' Chairman, Wheeler, asks Westmoreland to specify troop needs. Westmoreland, advised repeatedly that a division and a half is available, requests force that size.

Chiefs—trying to force Johnson into mobilization, study says—insist reserve call-up must precede any deployment; but McNamara approves 10,500-man Vietnam deployment without call-up.

Late February, Wheeler visits Saigon, finds enemy holds initiative, says Westmoreland needs 206,756 more men.

Clifford, now Secretary-designate, convenes high-level working group for full policy review. Initial draft policy memorandum finds Saigon forces ineffective, enemy likely to match any escalation; urges static "population-security" strategy "to buy time" for Vietnamese to take over their defense; opposes extension of bombing as "unproductive or worse."

MARCH, 1968

C.I.A. study, bolstering advocates of de-escalation among working group, finds working group, finds enemy can withstand war of attrition regardless of U.S. troop increases in next 10 months.

Clifford working group debates drafters' memorandum; develops consensus against completely abandoning initiative. Intense battle ranges between military and advocates of de-escalation. Wheeler argues for extension of bombing; Assistant Defense Secretary Warnke argues against.

Revised draft, by Warnke and Assistant Secretary Goulding, goes to White House; asks 22,000 more men for Vietnam; favors deferring decision on further deployments; asks reserve call-up; no new peace initiatives; states that planners are unable to reach consensus on wider bombing.

Westmoreland welcomes the 22,000 but reasserts 206,756 request.

On March 5, Clifford asks Wheeler opinion on Rusk draft favoring halt in bombing of most of North Vietnam; study "infers" Clifford favors plan; Air Force Secretary Brown presses for bombing step-up, offers three optional plans for it.

On March 10, Westmoreland's "206,000" request becomes public in The New York Times, sets off brisk debate.

Senator Eugene J. McCarthy, peace candidate, edges out President Johnson in New Hampshire Democratic primary.

On March 13, President decides on 30,000-man Vietnam increase, with reserve call-up of 98,451.

Robert F. Kennedy joins Presidential contest.

On March 22, Westmoreland is called home to the Army Chief of Staff—a signal, study says—that President would rule out major escalation. Abrams, later named successor, secretly visits White House.

"Wise Men"—council of present and former high officials—meet March 25–26 at President's request and advise de-escalation.

March 31: "I shall not seek, and I will not accept, the nomination of my party." President cuts bombing back to 20th Parallel and, almost unnoticed, cuts 30,000-man force increase to 13,500.

APRIL, 1968

On April 3, North Vietnam agrees to talks.

THE BATTLE AT HOME

By the end of the first meeting, on Feb. 29, the Clifford Group had produced an initial draft memorandum for the President. It began with a pessimistic appraisal, expressing doubt that the South Vietnamese Army "as currently led, motivated and influenced at the top," would buckle down to the job of pacifying the countryside, or that the Saigon Government "will rise to the challenge" and "move toward a government of national union."

"Even with the 200,000 additional troops" requested by General Westmoreland, the draft memorandum said, "we will not be in a position to drive the enemy from SVN or to destroy his forces," since Hanoi had always been able to maintain from its reserve a ratio of one combat battalion to 1.5 American combat battalions. A North Vietnamese combat battalion has some 300 men and an American combat battalion has about 700 men.

If further escalation occurred, the draft went on, "it will be difficult to convince critics that we are not simply destroying South Vietnam in order to 'save' it and that we genuinely want peace talks." It added: "This growing disaffection accompanied, as it certainly will be, by increased defiance of the draft and growing unrest in the cities because of the belief that we are neglecting domestic problems, runs great risks of provoking a domestic crisis of unprecedented proportions."

The memorandum concluded that the United States presence in South Vietnam should be used "to buy the time" during which the South Vietnamese Army and Government "can develop effective capability." Therefore, the Clifford Group said, General Westmoreland should be told that his mission was to provide security to populated areas—along what the memorandum called the demographic frontier." He should also be told that he was not to wage a war of attrition against enemy forces or seek to drive them out of the country.

This initial draft was discussed with military leaders in Mr. Clifford's office on March 1. The meeting started an intense battle that went on for the next three weeks, the study says.

WHEELER WAS "APPALLED"

"General Wheeler . . . was appalled at the apparent repudiations of American military policy in South Vietnam contained in the I.S.A. draft memorandum," the analyst writies. "He detected two 'fatal' flaws in the population-security strategy" similar to the flaws found by the military in the defensive "enclave strategy" that some had advocated in 1966.

The flaws, the Pentagon account says, were that "the proposed strategy would mean increased fighting in or close to the population centers and, hence, would result in increased civilian casualties," and that "by adopting a posture of static defense, we would allow the enemy an increased capability of massing near population centers, especially north of Saigon."

As a formal meeting on March 3, Mr. Warnke read the initial draft of the memorandum to the entire Clifford Group. "The ensuing discussion," the study says, "apparently produced a consensus that abandoning the initiative completely as the draft memo seemed to imply could leave allied forces and the South Vietnamese cities themselves more, not less, vulnerable."

There was also a sharp division on the bombing of North Vietnam. The initial draft recommended no bombing above present levels, and opposed proposals by the military to bomb closer to the centers of Hanoi and Haiphong as "likely to be unproductive or worse."

At the March 3 meeting, General Wheeler advocated an extension of the bombing again, rather than a cutback, while Mr. Warnke fought against expansion of the air war, the study asserts.

Finally, Mr. Warnke and Phil G. Goulding, Assistant Secretary of Defense for Public Affairs, were directed to write a new draft that would deal only with the troop issue, recommending a modest increase, and would call for "a study" of new strategic guidance for General Westmoreland, advise against a new initiative on negotiations and acknowledge the split on the air war.

The new paper, a draft Presidential memorandum intended for Mr. Johnson's approval as doctrine, was completed the next day, March 4. "Gone was any discussion of grand strategy," the study says. As it finally went to the White House, the memorandum made these recommendations:

Deployment of 22,000 more troops, of whom 60 percent would be combat soldiers.

Reservation of a decision to deploy the remaining 185,000 men requested by General Westmoreland, contingent upon a week-by-week examination of the situation.

Approval of a reserve call-up of approximately 262,000 men, increased draft calls and extension of terms of service.

No new peace initiative.

A general decision on bombing policy, which the Clifford Group had not been able to reach. "Here," the memorandum said, "your advisers are divided: a. General Wheeler and others would advocate a substantial extension of targets and authority in and near Hanoi and Haiphong, mining of Haiphong, and naval gunfire up to a Chinese buffer zone; b. Others would advocate a seasonal step-up through the spring, but without these added elements."

DIVIDED ON WAYS TO ESCALATE

The analyst notes that both sides of the bombing argument in the memorandum were "devoted to various kinds of escalation."

"The proposal that was eventually to be adopted [by the President at the end of March], namely cutting back the bombing to the panhandle only, was not even mentioned, nor does it appear in any of the other drafts or papers related to the Clifford Group's work," the study notes. The Chairman of the Joint Chiefs and Secretary Clifford, the account emphasizes, "differed only on the extent to which the bombing campaign against North Vietnam should be intensified."

The study speculates at this point on why a cutback in bombing to the 20th Parallel was not mentioned in any of these documents.

The omission may be "misleading," the narrative says, since the cutback "apparently was one of the principal ideas being discussed and considered in the forums at various levels."

"It is hard to second-guess the motivation of a Secretary of Defense," the study continues, "but, since it is widely believed that Clifford personally, advocated this idea to the President, he may well have decided that . . . to have raised the idea of constricting the bombing below the 19th or 20th Parallel in the memo to the President would have generalized the knowledge of such a suggestion and invited its sharp, full and formal criticism by the J.C.S. and other opponents of a bombing halt. Whatever Clifford's reasons, the memo did not contain the proposal that was to be the main focus of the continuing debates in March and would eventually be endorsed by the President."

"Faced with a fork in the road of our Vietnam policy," the study concludes, "the working group failed to seize the opportunity to change directions. Indeed, they seemed to recommend that we continue rather haltingly down the same road, meanwhile consulting the map more frequently and in greater detail to insure that we were still on the right road."

The President asked that the memorandum be sent to General Westmoreland for his views, since the recommendations, as the analyst says, "were a long way down the road in meeting [his] request."

In his reply on March 8 the general welcomed the additional 22,000 men proposed as a first increment, but told Mr. Johnson in a cablegram that he stuck by his request for the full 206,756-man reinforcement by the end of 1968.

Mounting Pressure

The documentary record for the final rounds of the internal policy debate now "becomes sparse," the Pentagon study remarks, because the discussion was "carried forward on a personal basis by the officials involved, primarily, the Secretary of Defense and the Secretary of State."

"The decision, however," the account goes on, "had been placed squarely on the shoulders of the President. . . . The memorandum had recommended 'a little bit more of the same' to stabilize the military situation, plus a level of mobilization in order to be prepared to meet any further deterioration in the ground situation. . . .

"But many political events in the first few weeks of March, 1968, gave strong indications that the country was becoming increasingly divided over and disenchanted with the current Vietnam strategy, and would no longer settle for 'more of the same.'"

The internal maneuvering revolved around the cutback in the bombing, first proposed, without result, by Secretary McNamara in October, 1966.

"The first appearance of the idea in the documents in March," the study says, came in a circuitous and seemingly casual way from Secretary of State Dean Rusk, who, as far as the record shows, had given no support to a cutback in bombing when it was proposed in 1967.

But now in a note to General Wheeler on March 5, Secretary Clifford wrote that he was "transmitting for the latter's exclusive 'information' a proposed 'statement' drafted by Secretary Rusk," the study says.

"The statement, which was given only the status of a 'suggestion' and therefore needed to be closely held," the study continues, "announced the suspension of the bombing of North Vietnam except 'in the area associated with the battle zone.' It was presumably intended for Presidential delivery.

"Attached to the draft statement, which shows Rusk himself as the draftee, was a list of explanatory reasons and conditions for its adoption. Rusk noted that bad weather in northern North Vietnam in the next few months would severely hamper operations around Hanoi and Haiphong in any event and the proposal did not, therefore, constitute a serious degradation of our military position. It was to be understood that in the event of any major enemy initiative in the South, either against Khesanh or the cities, the bombing would be resumed.

"Further, Rusk did not want a major diplomatic effort mounted to start peace talks. He preferred to let the action speak for itself and await Hanoi's reaction.

"Finally, he noted that the area still open to bombing would include everything up to and including Vinh (just below 19 degrees) and there would be no limitations on attacks in that zone."

Mr. Rusk was thus suggesting the 19th Parallel as the cutoff point for bombing. Both the 19th and the 20th Parallels had figured in the discussions in 1967.

CLIFFORD'S APPROVAL "INFERRED"

"Clifford's views of the proposal and its explanation do not appear in his note," the study remarks. "It can be inferred, however, that he endorsed the idea. In any case, by the middle of March the question of a partial bombing halt became the dominant air-war alternative under consideration in meetings at State and Defense. It is possible that the President had already indicated to Clifford and Rusk enough approval of the idea to have focused the further deliberative efforts of his key advisers on it."

Aware that a Presidential decision was in the making, the advocates of all-out bombing pressed their views. On March 4, Dr. Harold Brown, the Secretary of the Air Force, sent to Deputy Secretary of Defense Nitze a memorandum setting forth three options for a step-up. The first was intensification of the bombing of "remaining important targets" in North Vietnam, and "neutralization of the port of Haiphong by bombing and mining." The second was intensification of air raids in the "adjoining panhandle areas" of Laos and North Vietnam. The third involved increased air attacks in the South as a substitute for additional ground forces.

Dr. Brown made plain his preference for the first option, which he said would "permit bombing of military targets without the present scrupulous concern for collateral civilian damage and casualties." His objective was "to erode the will of the population by exposing a wider area of NVN to casualties and destruction."

In evaluating the effect of such a campaign, however, Dr. Brown "was forced to admit," the study says, that it would not "be likely to reduce NVN capability in SVN substantially below the 1967 level," and that North Vietnam would probably "be willing to undergo these hardships."

The study comments that Dr. Brown's proposals, while indicating military thinking, "were never considered as major proposals within the inner circle of Presidential advisers."

KATZENBACH OPPOSED

Among other major advisers, the analyst reports, Under Secretary of State Katzenbach opposed a partial suspension of the bombing "because he felt that a bombing halt was a trump card that could be only used once and should not be wasted when the prospects for a positive North Vietnamese response on negotiations seemed so poor. He reportedly hoped to convince the President to call a complete halt to the air war later in the spring when prospects for peace looked better and when the threat to [the Marine outpost at] Khesanh had been eliminated."

Mr. Rostow, the analyst continues, "apparently resisted all suggestions for a restriction of the bombing, preferring to keep the pressure on the North Vietnamese for a response to the San Antonio formula."

Public pressure now began to mount on the President as speculation grew that he was considering further escalation in Vietnam.

On March 7, Senate debate on civil rights was interrupted as several prominent Senators demanded that Congress be consulted before any decision was made on troop increases.

On March 10, The New York Times published the first report, from Washington, about General Westmoreland's request for 206,000 troops. "The President was reportedly furious at this leak," the Pentagon study says. The publication of the troop-request figure provided a "focus" for political debate and intensified the "sense of [public] dissatisfaction," the study adds.

The next day, Secretary Rusk appeared before the Senate Foreign Relations Committee, ostensibly to testify on foreign aid. But the televised hearings turned into a two-day grilling of the Secretary on Vietnam policy. He confirmed that an "A to Z" policy review was being held, but refused to discuss possible troop increases. He said it would "not be right for me to speculate about numbers of possibilities while the President is consulting his advisers."

Not long after the conclusion of the second day's hearings, the returns from the Democratic primary in New Hampshire began coming in. Senator Eugene J. McCarthy of Minnesota—the Pentagon historian terms him an "upstart challenger" for the Presidency—who had campaigned against President Johnson's war policy and demanded a halt to the bombing, was only narrowly beaten by Mr. Johnson. In fact, when the write-in vote was finally tabulated, Mr. McCarthy had a slight plurality over the President.

In one of the study's few discussions of domestic politics, the analyst declares: "It was clear that Lyndon Johnson, the master politician, had been successfully challenged, not by an attractive and appealing vote-getter, but by a candidate who had been able to mobilize and focus all the discontent and disillusionment about the war."

At a White House meeting on March 13, the President decided that, in addition to the 10,500-man emergency reinforcement already made, 30,000 more soldiers should be deployed to South Vietnam, an increase over the 22,000 men recommended by the Clifford Group. There would be two reserve call-ups to meet and sustain these deployments, one in March and one in May. The first would support the 30,000 deployment; the second would reconstitute the strategic reserve at seven active Army divisions.

Secretary of the Army Stanley R. Resor demurred, arguing that no reserve call-up had been provided to sustain the 10,500 deployed by Secretary McNamara in February. He urged that 13,500 more be called up for this purpose. This plan was approved by the President.

The troop deployment plan agreed upon brought the new ceiling to 579,000 men. To meet these requirements and fill out the strategic reserve, there would be a total reserve call-up of 98,451 men.

But in the fast-moving pace of the internal struggle over Vietnam policy, even this plan would soon be abandoned. "The President was troubled," the study declares. "In public he continued to indicate firmness and resoluteness, but press leaks and continued public criticism continued to compound his problem."

On March 16, Senator Robert F. Kennedy announced that he would seek the Democratic nomination for the Presidency.

On March 17, The New York Times, in a dispatch from Washington that the Pentagon study terms "again amazingly accurate," reported that the President would approve sending 35,000 to 50,000 more men to South Vietnam during the next six months.

The next day, in the House of Representatives, 139 members—98 Republicans and 41 Democrats—sponsored a resolution calling for an immediate Congressional review of policy in Southeast Asia.

INDICATIONS OF REASSESSMENT

That same day, in a speech at the convention of the National Farmers Union in Minneapolis, President Johnson said that Hanoi was seeking to "win something in Washington that they can't win in Hue, in the I Corps or in Khe-sanh." He pledged not to "tuck our tail and violate our commitments."

"Those of you who think that you can save lives by moving the battlefield in from the mountains to the cities where the people live have another think coming," he said.

Despite this exposion against his critics, there were indications—some public, some known only to insiders—that the President was weighing what the critics had been saying and was also pondering the mood of the country.

On March 20, for example, he had a meeting—now a matter of public record but not dealt with in the Pentagon study—with Arthur J. Goldberg in the White House. Only five days earlier, Mr. Goldberg, the United States representative at the United Nations, had sent a memorandum to Mr. Johnson recommending a halt in the bombing. It had infuriated the President. The next day, at a meeting with his advisers, Mr. Johnson was quoted by the press as having said: "Let's get one thing clear. I'm telling you now I am not going to stop the bombing. Now is there anybody here who doesn't understand that?"

But now he asked Mr. Goldberg to go through his arguments once more, and when Mr. Goldberg had finished, the President asked him to join a meeting on March 25 of his Senior Informal Advisory Group—familiarly known in Washington as the Wise Men.

Then suddenly, on March 22, the President recalled General Westmoreland and announced that he would become Chief of Staff of the Army. The transfer of General Westmoreland, the Pentagon analyst says, was a signal that the President had decided against any major escalation of the ground war.

On March 25, Gen. Creighton W. Abrams, General Westmoreland's deputy, flew to Washington unannounced. The next day he and the President were closeted, and—the Pentagon study speculates—"Mr. Johnson probably informed him of his intentions, both with respect to force augmentations and the bombing restraint, and his intention to designate Abrams" as General Westmoreland's successor.

THE "WISE MEN" ASSEMBLE

Precisely when the President decided to reduce the bombing, the Pentagon study does not say. But it inclines to the view that, if he was still wavering at this time, the decisive advice was given by the Wise Men, who assembled in Washington on March 25 and 26.

The members of the Senior Informal Advisory Group had served in high Government posts or had been Presidential advisers during the last 20 years. They gathered at the State Department on March 25, six days before the President was due to address the nation on television.

Those present were Dean Acheson, Secretary of State under President Harry S. Truman; George W. Ball, Under Secretary of State in the Kennedy and Johnson Administrations, now in private business; General of the Army Omar N. Bradley, World War II commander and later Chairman of the Joint Chiefs; McGeorge Bundy, special assistant for national security under Presidents Kennedy and Johnson, now president of the Ford Foundation; Arthur H. Dean, lawyer and negotiator of the armistice in Korea, and Douglas Dillon, banker, Under Secretary of State under President Eisenhower and Secretary of the Treasury under Presidents Kennedy and Johnson.

Also present were Associate Justice Abe Fortas of the Supreme Court; Mr. Goldberg; Henry Cabot Lodge, twice Ambassador to South Vietnam and former representative at the United Nations; John J. McCloy, High Commissioner in West Germany under President Truman; Robert D. Murphy, a top-ranking career diplomat, now in private business; General Taylor; Gen. Matthew B. Ridgway, retired commander in the Korean war, and Cyrus R. Vance, former Deputy Secretary of Defense and trouble shooter for President Johnson.

With the exception of Mr. Ball and Mr. Goldberg, all had been accounted hawks. Only the previous fall, with Mr. Clifford then a participant, they had approved the President's escalation of the air war.

JOHNSON "DEEPLY SHAKEN"

The Pentagon study does not give a version of the discussions over the two days, but simply reprints verbatim the first public account of the meetings, by Stuart H. Loory of The Los Angeles Times, published late in May, which the study says "has been generally considered to be a reliable account."

That dispatch told how the turnabout on the war by most of the Wise Men left the President "deeply shaken."

Nor does the Pentagon account relate the story—now well known—of how the drafts of the President's March 31 speech, at the hands of Harry C. McPherson, who had become a doubter of war policy, grew progressively less hawkish almost up to the hour when Mr. Johnson spoke on television.

What is new in the Pentagon account is a cablegram from the State Department that was sent the night before the speech to the United States Ambassadors in Australia, New Zealand, Thailand, Laos, the Philippines and South Korea. It instructed them to inform the heads of governments in those countries that the President's speech would include announcement of a bombing cutback.

The cablegram also instructed the ambassadors to "make clear that Hanoi is most likely to denounce the project and thus free our hand after a short period." [See text, cable to envoys.]

The analyst comments that it is "significant" that the cablegram reflected Secretary Rusk's draft statement on March 5.

EVIDENCE OF THE SHIFT

"It is important to note that the Administration did not expect the bombing restraint to produce a positive Hanoi reply," the study comments. "The fact that the President was willing to go beyond the San Antonio formula and curtail the air raids at a time when few responsible advisers were suggesting that such action would produce peace talks is strong evidence of the major shift in thinking that took place in Washington about the war and the bombing after Tet, 1968."

In his speech, the President did not specifically set the bombing limit at the 20th Parallel. This had been altered in a final draft. Instead, he said:

"Tonight I have ordered our aircraft and our naval vessels to make no attacks on North Vietnam, except in the area north of the demilitarized zone where the continuing enemy build-up directly threatens allied forward positions and where the movements of their troops and supplies are clearly related to that threat.

"The area in which we are stopping our attacks includes almost 90 per cent of North Vietnam's population, and most of its territory. Thus there will be no attacks around the principal populated areas, or in the food-producing areas of North Vietnam."

In the excitement over the bombing restrictions and his astonishing epilogue—"I shall not seek, and I will not accept the nomination of my party"—little attention was paid to his announcement of a token troop increase: 13,500 support troops for the 10,500 February emergency contingent. Only those privy to the internal debate would realize that the President had reversed his decision of two weeks earlier to send 30,000 more men.

"None of the some 200,000 troops requested by General Westmoreland on 27 February were to be deployed," the Pentagon study says, underscoring the turn that policy had taken.

Contrary to the expectations of the policy makers, Hanoi responded positively to the offer of negotiations. On April 3, President Johnson announced that North Vietnam had declared readiness for its representatives to meet with those of the United States.

THE ANALYST'S EPILOGUE

In an epilogue to the narrative of the events of February and March, the study sums up the lesson of the Tet offensive, which, the analyst believes, imposed itself finally upon President Johnson and led him to accept the view of those civilian advisers and the intelligence community that he had so long resisted in his search for "victory." The analyst writes:

"In March of 1968, the choice had become clear cut. The price for military victory had increased vastly, and there was no assurance that it would not grow again in the future. There were also strong indications that large and growing elements of the American public had begun to believe the cost had already reached unacceptable levels and would strongly protest a large increase in that cost.

"The political reality which faced President Johnson was that 'more of the same' in South Vietnam, with an increased commitment of American lives and money and its consequent impact on the country, accompanied by no guarantee of military victory in the near future, had become unacceptable to these elements of the American public. The optimistic military reports of progress in the war no longer rang true after the shock of the Tet offensive.

"Thus, the President's decision to seek a new strategy and a new road to peace was based upon two major considerations:

"(1) The conviction of his principal civilian advisers, particularly Secretary of Defense Clifford, that the troops requested by General Westmoreland would not make a military victory any more likely; and

"(2) A deeply felt conviction of the need to restore unity to the American nation."

[From the New York Times, July 5, 1971]

Pentagon Papers: Eisenhower Decisions Undercut the Geneva Accords, Study Says

(By Fox Butterfield)

The secret Pentagon study of the Vietnam war discloses that a few days after the Geneva accords of 1954, the Eisenhower Administration's National Security Council decided that the accords were a "disaster" and the President approved actions to prevent further Communist expansion in Vietnam.

These White House decisions, the Pentagon account concludes, meant that the United States had "a direct role in the ultimate breakdown of the Geneva settlement."

The judgment contradicts the repeated assertion of several American administrations that North Vietnam alone was to blame for the undermining of the Geneva accords.

According to the Pentagon writer, the National Security Council, at a meeting on Aug. 8, 1954, just after the Geneva conference, ordered an urgent program of economic and military aid—substituting American advisers for French advisers—to the new South Vietnamese Government of Ngo Dinh Diem.

The objectives set by the Council were "to maintain a friendly non-Communist South Vietnam" and "to prevent a Communist victory through all-Vietnam elections."

Under the Geneva settlement, Vietnam was to be temporarily divided into two zones pending reunification through elections scheduled for 1956. The introduction of foreign troops or bases and the use of Vietnamese territory for military purposes were forbidden. The United States, which did not join with the nations that endorsed the accords, issued a declaration taking note of the provisions and promising not to disturb them.

But a lengthy report, accompanying the Pentagon study, describes in detail how the Eisenhower Administration sent a team of agents to carry out clandestine warfare against North Vietnam from the minute the Geneva conference closed.

The team, headed by the legendary intelligence operative Col. Edward G. Lansdale, gave a graphic account of the actions it took just before evacuating Hanoi in October 1954. [See text, Lansdale team's report, Page 11.]

The report says the team "spent the last days of Hanoi in contaminating the oil supply of the bus company for a gradual wreckage of engines in the buses, in taking actions for delayed sabotage of the railroad (which required teamwork with a C.I.A. special technical team in Japan who performed their part brilliantly), and in writing detailed notes of potential targets for future para-military operations."

"U.S. adherence to the Geneva agreement," the authors of the report said, "prevented [the American team] from carrying out the active sabotage it desired to do against the power plant, water facilities, harbor and bridge.

"The team had a bad moment when contaminating the oil. They had to work quickly at night, in an enclosed storage room. Fumes from the contaminant came close to knocking them out. Dizzy and weak-kneed, they masked their faces with handkerchiefs and completed the job."

The report is attributed to a hastily assembled group identified as the Saigon Military Mission. Its authors do not explain why they believed sabotage of buses and the railroad was allowed under the Geneva accords if sabotage of the power plant and harbor was forbidden.

The Pentagon study, which was commissioned by Secretary of Defense Robert S. McNamara to determine how the United States became involved in the Vietnam war, devotes nine lengthy sections to the nineteen-forties and fifties.

At key points during these years, the Pentagon study says, the Truman and Eisenhower Administrations made far-reaching decisions on Vietnam policy that the public knew little about or misunderstood. And by the time John F. Kennedy became President in 1961, the writers recount, the American Government already felt itself heavily committed to the defense of South Vietnam.

One of the earliest disclosures in the account is that in late 1945 and early 1946, Ho Chi Minh wrote at least eight letters to President Truman and the State Department requesting American help in winning Vietnam's independence from France. [See text, report of Ho's appeals, Feb. 2, 1946 Page 9.]

NO RECORD OF AN ANSWER

The analyst says he could find no record that the United States ever answered Ho Chi Minh's letters. Nor has Washington ever revealed that it received the letters.

A key point came in the winter of 1949–50 when the United States made what the account describes as a watershed decision affecting American policy in Vietnam for the next two decades: After the fall of mainland China to the Chinese Communists, the Truman Administration moved to support Emperor Boa Dai and provide military aid to the French against the Communist-led Vietminh.

This decision, which was made amid growing concern in the United States over the expansion of Communism in Eastern Europe and Asia, reversed Washington's long-standing reluctance to become involved with French colonialism in Indochina.

With this action, the account says, "the course of U.S. policy was set to block further Communist expansion in Asia." And "the United States thereafter was directly involved in the developing tragedy in Vietnam."

Another key point came in the spring of 1954, the writer discloses, when the Eisenhower Administration twice strongly hinted to France that it was willing to intervene with American military forces to prevent French defeat in Indochina.

While some information has been made public about these proposals, the Pentagon study says that the public has not understood how seriously the Eisenhower Administration debated intervention.

MOVE FOR A RESOLUTION

It adds that during the second episode, which occurred in May and June, 1954, while the Geneva conference was in session, President Dwight D. Eisenhower had aides draft a resolution requesting Congressional authority to commit American troops in Indochina.

The National Security Council was so opposed to France's negotiating an end to the war, the analyst relates, that "the President was urged to inform Paris that French acquiescence in a Communist take-over of Indochina would bear on its status as one of the Big Three" and that "U.S. aid to France would automatically cease."

Then in August, 1954, came the decision that the Pentagon account says determined United States policy toward Vietnam for the rest of the decade: The National Security Council launched its program of economic and military aid to Mr. Diem, then Premier and later President, though its action was not made public for months. [See text, report by special committee, April 5, 1954.]

The Pentagon account discloses that most of these major decisions from 1950 on were made against the advice of the American intelligence community.

Intelligence analysts in the Central Intelligence Agency, the State Department and sometimes the Pentagon repeatedly warned that the French, Emperor Bao Dai and Premier Diem were weak and unpopular and that the Communists were strong.

In early August, 1954, for example, just before the National Security Council decided to commit the United States to propping up Premier Diem, a national intelligence estimate warned:

"Although it is possible that the French and Vietnamese, even with firm support from the U.S. and other powers, may be able to establish a strong regime in South Vietnam, we believe that the chances for this development are poor and moreover, that the situation is more likely to continue to deteriorate progressively over the next year."

"Given the generally bleak appraisals of Diem's prospects, they who made U.S. policy could only have done so by assuming a significant measure of risk," the study says of the Eisenhower commitments.

The Pentagon study does not deal at length with a major question: Why did the policy-makers go ahead despite the intelligence estimates prepared by their most senior intelligence officials?

The most important reason advanced by the Pentagon study is that after the fall of China to the Communists in 1949 and the hardening of American anti-Communist attitudes, "Indochina's importance to U.S. security interests in the Far East was taken for granted."

The basic rationale for American involvement—what later came to be called the domino theory—was first clearly enunciated by the National Security Council in February, 1950, when it decided to extend military aid to the French in Indochina.

"INDOCHINA IS A KEY AREA"

"It is important to U.S. security interests," the Council said, "that all practicable measures be taken to prevent further Communist expansion in Southeast Asia. Indochina is a key area and is under immediate threat."

"The neighboring countries of Thailand and Burma could be expected to fall under Communist domination if Indochina is controlled by a Communist government. The balance of Southeast Asia would then be in grave hazard."

Subsequent Council decision papers throughout the nineteen-fifties repeated this formulation with ever-increasing sweep.

A Council paper approved by President Eisenhower in January, 1954, predicted that the "loss of any single country" in Southeast Asia would ultimately lead to the loss of all Southeast Asia, then India and Japan, and finally "endanger the stability and security of Europe."

"The domino theory and the assumptions behind it were never questioned," the Pentagon account says of the Eisenhower years. The result was that the Government's internal debate usually centered more on matters of military feasibility than on questions of basic national interests.

U.S. POLICY IN "DISARRAY"

The Pentagon study, which begins its account of American involvement in Vietnam with World War II, says that American policy from 1940 to 1950 has been a subject of "significant misunderstanding."

American policy toward Vietnam during these years, the study says, was "less purposeful" than most people have assumed, and more characterized by "ambivalence and indecision."

President Franklin D. Roosevelt, the writer relates, never made up his mind whether to support the French desire to reclaim their Indochina colonies from the Japanese at the end of the war.

And at his death, American policy toward Indochina was in "disarray," the writer says.

He recounts that at first the Truman Administration had no clear-cut reaction to the conflict that broke out in 1945 and 1946 between the French and the Vietminh and eventually led to full-scale war. American policy, he adds, remained "ambivalent."

In a cablegram still kept secret in State Department files, Secretary of State George C. Marshall described the Government's quandary to the embassy in Paris:

"We have fully recognized France's sovereign position and we do not wish to have it appear that we are in any way endeavoring undermine that position.

"At same time we cannot shut our eyes to fact there are two sides this problem and that our reports indicate both a lack of French understanding other side and continued existence dangerously outmoded colonial outlook and method in areas.

DUAL REJECTION OF PLANS

"On other hand we do not lose sight fact that Ho Chi Minh has direct Communist connections and it should be obvious that we are not interested in seeing colonial empire administrations supplanted by philosophy and political organization directed from and controlled by Kremlin.

"Frankly we have no solution of problem to suggest."

On this reasoning, the Truman Government refused French requests for American planes and ships to transport French troops to Indochina and similarly turned down appeals for American arms to help fight the Vietminh.

But the Truman Administration also rebuffed the appeals from Ho Chi Minh. In August and September, 1945, the account relates, while his forces were in control of Hanoi, he sent a request to President Truman through the Office of Strategic Services, precursor of the C.I.A., asking that Vietnam be accorded "the same status as the Philippines" for a period of tutelage pending independence.

From October, 1945, until the following February, the account continues, Ho Chi Minh wrote at least eight letters to President Truman or to the Secretary of State, formally appealing for United States and United Nations intervention against French colonialism.

There is no record, the analyst says, that any of the appeals were answered.

"Nonintervention by the United States on behalf of the Vietnamese was tantamount to acceptance of the French," the Pentagon account declares.

In 1948 and 1949, as concern about the Soviet Union's expansion in Eastern Europe grew in the United States, Washington became increasingly anxious about Ho Chi Minh's Communist affiliations. Nevertheless, the account discloses, a survey by the State Department's Office of Intelligence and Research in the fall of 1948 concluded that it could not find any hard evidence that Ho Chi Minh actually took his orders from Moscow.

"AN ANOMALY SO FAR"

"If there is a Moscow-directed conspiracy in Southeast Asia, Indochina is an anomaly so far," the study reported in its evaluation section.

With its growing concern about Communism, Washington began to press Paris harder to give more independence to the Indochina states. The American Government thus hoped to encourage Vietnamese popular support for Bao Dai as a non-Communist alternative to Ho Chi Minh and his Vietminh.

Yet, the narrative relates, even when in March, 1949, France did agree with Emperor Bao Dai to grant Vietnam independence within the French Union, the Truman Administration continued to withhold its backing, fearful that Bao Dai was still weak and tainted with French colonialism.

In a cablegram to the Paris embassy, the State Department outlined its concern:

"We cannot at this time irretrievably commit the U.S. to support of a native government which by failing to develop appeal among Vietnamese might become virtually a puppet government separated from the people and existing only by the presence of French military forces."

But when Mao Tse-tung's armies drove Generalissimo Chiang Kai-shek out of China in late 1949, Washington's ambivalence ended dramatically.

On Dec. 30 President Truman approved a key National Security Council study on Asia, designated N.S.C. 48/2. With it, the Pentagon study says, "The course of U.S. policy was set to block further Communist expansion in Asia."

VARIED FORMS OF ASSISTANCE

"The United States on its own initiative," the document declared, should now scrutinize closely the development of threats from Communist aggression, direct or indirect, and be prepared to help within our means to meet such threats by providing political, economic and military assistance and advice where clearly needed to supplement the resistance of other governments in and out of the area which are more directly concerned."

The Council document concluded that "particular attention should be given to the problem of French Indochina."

The basic policy decisions having been made, the Pentagon account relates developments followed swiftly.

When Peking and Moscow recognized Ho Chi Minh's Democratic Republic of Vietnam in January, 1950, Washington followed by recognizing Bao Dai that Feb. 7.

Nine days later, the French requested military aid for the war in Indochina. Secretary of State Dean Acheson, in recommending a favorable reply, wrote in a memorandum to President Truman:

"The choice confronting the U.S. is to support the legal governments in Indochina or to face the extension of Communism over the remainder of the continental area of Southeast Asia and possibly westward."

On May 8, Washington announced that it would provide economic and military aid to the French in Indochina, beginning with a grant of $10-million.

The first step had been taken. "The U.S. thereafter was directly involved in the developing tragedy in Vietnam," the account says.

Ultimately, the American military aid program reached $1.1-billion in 1954, paying for 78 per cent of the French war burden.

BRINK OF INTERVENTION

In the spring of 1954, as the French military position in Indochina deteriorated rapidly and the date for the Geneva conference approached, the Eisenhower Administration twice hinted to France that it was ready to intervene with American forces.

The Pentagon study contends that while some information about these two episodes has become public, the American people have never been told how seriously the Eisenhower inner circle debated intervening.

"The record shows plainly," the analyst says, "that the U.S. did seriously consider intervention and advocated it to the U. K. and other allies."

The first of these episodes, during March and April before the fall of the French fortress at Dienbienphu, was disclosed not long afterward by American journalists. But the story of the second, in May and early June while the Geneva conference was in session, has never been fully revealed. Mr. Eisenhower himself, in his 1963 book "Mandate for Change," mentioned the second debate over intervention but gave only a sketchy account and did not report asking Secretary of State John Foster Dulles to draft a Congressional resolution.

The Eisenhower Administration felt intervention might be necessary, the study says, because without American help the French were likely to negotiate a "sellout" at Geneva to escape an unpopular war.

THE LOSS "WOULD BE CRITICAL"

As early as August, 1953, the National Security Council decided that American policy should be that "under present conditions any negotiated settlement would mean the eventual loss to Communism not only of Indochina but of the whole of Southeast Asia. The loss of Indochina would be critical to the security of the U.S."

The Eisenhower Administration stated its opposition to a negotiated settlement most fully in an N.S.C. paper, "United States Position on Indochina to be Taken at Geneva," late in April in the week the conference opened.

It was at this point, according to the study, that the Council urged President Eisenhower "to inform Paris that French acquiescence in a Communist take-over of Indochina would bear on its status as one of the Big Three" and that "U.S. aid to France would automatically cease."

In addition, the Council's policy paper said that the United States should consider continuing the war itself, with the Indochina states, if France negotiated an unsatisfactory settlement. America's goal should be nothing short of a "military victory," the Council said.

THE PRESIDENT DECIDES

The Government's internal record shows, the study says, that while Secretary Dulles and Adm. Arthur W. Radford, Chairman of the Joint Chiefs of Staff, pushed hard for intervention, other service chiefs, particularly Gen. Matthew B. Ridgway of the Army, were more cautious. They remembered the bitter and protracted experience in Korea and were not eager to repeat it.

President Eisenhower finally reached a decision against intervention on April 4 after a meeting of Mr. Dulles and Admiral Radford with Congressional leaders the previous day showed that the Congress would not support American action without allied help.

As journalists write, at the time, the President felt he must have Congressional approval before he committed American troops, and the Congressional leaders insisted on allied participation, especially by Britain.

At the very time the President was reaching this conclusion, Ambassador Douglas Dillon in Paris was cabling that the French had requested the "immediate armed intervention of U.S. carrier aircraft at Dienbienphu." [See text, Dillon cable, April 5, 1954.]

Mr. Dillon noted that the French had been prompted to make the request because they had been told by Admiral Radford that "he would do his best to obtain such help from the U.S. Government."

Moreover, the President's decision of April 4, contrary to what was written at the time, was only tentative. The debate on intervention was still very much alive, the Pentagon account says.

In fact, the following day, April 5, the National Security Council, in an action paper, concluded:

"On balance, it appears that the U.S. should now reach a decision whether or not to intervene with combat forces if that is necessary to save Indochina from Communist control, and tentatively the form and conditions of any such intervention."

On May 7, with the news that Dienbienphu had just fallen and with the delegates already in Geneva, President Eisenhower met with Mr. Dulles in the White House to gain consider intervention.

"UNITED STATES WILL GO TO CONGRESS"

According to a memorandum by Robert Cutler, the President's executive assistant, they discussed how "the U.S. should (as a last act to save Indochina) propose to France" that if certain conditions were met "the U.S. will go to Congress for authority to intervene with combat forces." The words in parentheses appeared in the memorandum. [See text, memo of talk, April 7, 1954.]

Mr. Cutler noted that he explained to the President that some members of the Council's Planning Board "felt that it had never been made clear to the French that the United States was willing to ask for Congressional authority" if the preconditions were met.

Mr. Dulles said he would mention the subject to the French Amabassador, Henry Bonnet, that afternoon, "perhaps making a more broad hint than heretofore."

The preconditions included a call for the French to grant "genuine freedom" to the Indochina states—Laos, Cambodia and Vietnam.

They also stipulated that American advisers in Vietnam should "take major responsibility for training indigenous forces" and "share responsibility for military planning." American officers in Vietnam had long chafed under the limits on the role the French allowed them, the study says.

Participation by the British, who had shown themselves extremely reluctant to get involved, was no longer cited as a condition.

The French picked up Mr. Dulles's hint, and on May 10 Premier Joseph Laniel told Ambassador Dillon that France needed American intervention to save Indochina. That evening the President again met with Mr. Dulles, along with Admiral Radford and Secretary of Defense Charles E. Wilson, to discuss the French appeal.

INSTRUCTIONS FOR DULLES

During the meeting President Eisenhower directed Secretary Dulles to prepare a resolution that he could take before a joint meeting of Congress, requesting authority to commit American troops in Indochina.

From a document included in the Pentagon chronicle—the partial text of a legal commentary by a Pentagon official on the draft Congressional resolution—it is clear that such a Congressional resolution was prepared and circulated in the State Department, the Justice Department and the Defense Department.

Although some historians have speculated that Vice President Richard M. Nixon strongly advocated American intervention in Indochina during these debates, the Pentagon study does not describe his views. Moreover, the account does not mention Mr. Nixon as a participant in any of the critical meetings at which intervention was discussed by the President, Secretary Dulles or Admiral Radford.

Both the State Department and the Defense Department then undertook what the account describes as "contingency planning" for possible intervention—the State Department drawing up a hypothetical timetable of diplomatic moves and the Defense Department preparing a memorandum on the U.S. forces that would be required.

The Joint Chiefs of Staff, in a memorandum to Secretary of Defense Wilson on May 20, recommended that the United States limit its involvement to "air and naval support directed from outside Indochina."

"From the point of view of the United States," the Joint Chiefs said, "Indochina is devoid of decisive military objectives and the allocation of more than token U.S. armed forces to that area would be a serious diversion of limited U.S. capabilities."

In the debates over intervention, the study says, advocates of American action advanced several novel ideas. Admiral Radford proposed to the French, for example, that the United States help create an "International Volunteer Air Corps" for Indochina. The French in April had suggested an American air strike with the planes painted with French markings. And late in May the French suggested that the President might be able to get around Congress if he sent just a division of marines—some 15,000 men.

But all the arguments in favor of intervention came to naught. The French Cabinet felt that the war-weary National Assembly would balk at any further military action.

And the military situation in the Red River Delta near Hanoi deteriorated so badly in late May and early June that Washington felt intervention would now be useless. On June 15 Secretary Dulles informed Ambassador Bonnet that the time for intervention had run out.

THE SERIES SO FAR

Events before Tonkin incidents: Study says American-run covert war against North Vietnam preceded Tonkin Gulf clashes by months.

Planning the bombing: After Tonkin clashes, and before 1964 Presidential election, Johnson Administration planners reached "general consensus" favoring air war against North. Sustained bombing began in March, 1965.

Ground war begins: U.S. decided on offensive ground role after month of bombing failed to impede enemy. President Johnson ordered decision kept secret.

Kennedy years: Kennedy Administration's approval of covert warfare against North Vietnam in 1961 and "complicity" in ouster of President Diem deepened American involvement in Vietnam.

1965–66 troop build-up: Study links force expansion with U.S. planners' failure to anticipate enemy build-up. Air war was widened despite intelligence warnings that Hanoi's will could not be broken by raids.

Disillusion in 1966–67: Defense Secretary McNamara urged bombing cutback in October, 1966, and favored accepting Saigon coalition in May, 1967, becoming leader of "disillusioned doves" who tried to reverse U.S. course.

Turnabout, 1968: Amid shock of enemy's Tet offensive—with military privately reporting sweeping damage—generals tried to force President Johnson into major mobilization and drive for victory. Resulting policy clash brought on U.S. decision to de-escalate.

Highlights of the Period

South Vietnam, the secret Pentagon account contends, is essentially the creation of the United States, and the formative years were those of the Truman and—in particular—the Eisenhower Administrations.

Here, in chronological order, are key events—actions, decisions, policy formulations—of this period.

1945–46

Ho Chi Minh writes series of appeals for U.S. support to President Truman, Secretary of State; no indication, account says, of any reply.

1950

U.S. recognizes Bao Dai regime, not Ho; French ask military aid; Secretary of State Dean Acheson says alternative is "extension of Communism" throughout Southeast Asia "and possibly westward." Aid decision, account says, meant U.S. was "thereafter" directly involved "in the developing tragedy in Vietnam."

1954

National Security Council urges President Eisenhower to warn that "French acquiescence" in negotiated settlement would end U.S. aid to France. Suggests U.S. might continue war to "military victory."

French ask U.S. air strike with disguised planes. President's nonintervention decision still tentative. Secretary of State John Foster Dulles says he will give "broad hint" to French that U.S. intervention is possible with preconditions. Eisenhower orders draft Congressional resolution Defense Department prepares memo on required U.S. forces.

Joint Chiefs of Staff memo says Indochina is "devoid of decisive military objectives."

June—Col. Edward G. Lansdale of C.I.A. arrives Saigon to head team of agents for "paramilitary operations" and "political-psychological warfare" against North.

August—National intelligence estimate terms chances for strong regime in South poor. National Security Council finds Geneva accords "disaster" completing "major forward stride of Communism," study says. Joint Chiefs' memo says "strong, stable civil government" is "absolutely essential" basis for U.S. military-training aid. But Mr. Dulles feels military-training program is "one of the most efficient means" of stabilizing regime. With President's approval of Council recommendations for direct economic, military aid to South Vietnam, "American policy toward post-Geneva Vietnam was drawn," account says.

October—Lansdale team in "delayed sabotage" of Hanoi railroad; contaminates oil supply for city's buses for "gradual wreckage" of motors, distributes fake Vietminh leaflets; recruits, trains, equips two teams Vietnamese agents.

December—Gen. J. Lawton Collins, U.S. special representative, urges removal and replacement of Ngo Dinh Diem as leader or "re-evaluation of our plans" for area aid. Mr. Dulles replies he has "no other choice but to continue our aid to Vietnam and support of Diem."

1955

April—Mr. Dulles, after meeting with General Collins, cables embassy in Saigon to seek Diem alternative.

May—Mr. Diem, with Lansdale aid, quashes sect uprising, Saigon. Mr. Dulles cancels cable. National Security Council draft statement—its "main features" conveyed to Mr. Diem—suggests he insist on free elections by secret ballot with strict supervision. Communists in Germany had rejected those conditions; "hopefully the Vietminh would follow suit," account says.

December—Mr. Dulles, in cable to embassy, says U.S. should not act "to speed up present process of decay of Geneva accords" but not make "slightest effort to infuse life into them."

1956

U.S. sends 350 additional military men to Saigon; account says this example of the U.S. ignoring" Geneva accords.

1960

National intelligence estimate predicts dissatisfaction and discontent with the Government will probably continue to rise" and these "adverse trends," unchecked, "will almost certainly in time cause the collapse of Diem's regime."

The Geneva "Disaster"

When the Geneva agreements were concluded on July 21, 1954, the account says, "except for the United States, the major powers were satisfied with their handiwork."

France, Britain, the Soviet Union, Communist China and to some extent North Vietnam believed that they had ended the war and had transferred the conflict to the political realm.

And, the study says, most of the governments involved "anticipated that France would remain in Vietnam." They expected that Paris would retain a major influence over the Diem regime, train Premier Diem's army and insure that the 1956 elections specified by the Geneva accords were carried out.

But the Eisenhower Administration took a different view, the Pentagon account relates.

In meetings Aug. 8 and 12, the National Security Council concluded that the Geneva settlement was a "disaster" that "completed a major forward stride of Communism which may lead to the loss of Southeast Asia."

The Council's thinking appeared consistent with its decision in April before the conference began, that the United States would not associate itself with an unsatisfactory settlement. Secretary Dulles had announced this publicly on several occasions, and in the end the United States had only taken note of the agreements.

THE VOICES OF DISSENT

But before the Council reached a final decision in August on exactly what programs to initiate in Indochina, several dissenting voices rose inside the Government.

The national intelligence estimate of Aug. 3 warned that even with American support it was unlikely that the French or Vietnamese would be able to establish a strong government. And the National Intelligence Board predicted that the situation would probably continue to deteriorate.

The Joint Chiefs of Staff had also objected to proposals that the United States train and equip the South Vietnamese Army.

In a memorandum to the Secretary of Defense on Aug. 4, the Joint Chiefs listed their preconditions for U.S. military aid to the Diem regime:

"It is absolutely essential that there be a reasonably strong, stable civil government in control. It is hopeless to expect a U.S. military training mission to achieve success unless the nation concerned is able effectively to perform those governmental functions essential to the successful raising and maintenance of armed forces."

The Joint Chiefs also called for the complete "withdrawal of French forces, French officials and French advisers from Indochina in order to provide motivation and a sound basis for the establishment of national armed forces."

Finally the Joint Chiefs expressed concern about the limits placed on American forces in Vietnam by the Geneva accords—they were restricted to 342 men, the number of American military personnel present in Vietnam when the armistice was signed.

Despite these arguments, the study says, Secretary of State Dulles felt that the need to stop Communism in Vietnam made action imperative.

DULLES' VIEWS PERSUASIVE

In a letter to Secretary of Defense Wilson, he said that while the Diem regime "is far from strong or stable" a military training program would be "one of the most efficient means of enabling the Vietnamese Government to become strong."

In the end, the study recounts, Secretary Dulles' views were persuasive.

On Aug. 20 the President approved a National Security Council paper titled "Review of U.S. Policy in the Far East." It outlined a threefold program:

Militarily, the United States would "work with France only so far as necessary to build up indigenous forces able to provide internal security.

Economically, the United States would begin giving aid directly to the Vietnamese, not as before through the French. The French were to be dissociated from the levers of command."

Politically, the United States would work with Premier Diem, but would encourage him to broaden his Government and establish more democratic institutions.

With these decisions, the account says "American policy toward post-Geneva Vietnam was drawn." The commitment for the United States to assume the burden of defending South Vietnam had been made.

"The available record does not indicate any rebuttal" to the warnings of the National Intelligence Board or the Joint Chiefs of Staff, the account reports. "What it does indicate is that the U.S. decided to gamble with very limited resources because the potential gains seemed well worth a limited risk."

A TEAM ALREADY SENT

Although this major decision for direct American involvement in Vietnam was made in August, the Pentagon account shows that the Eisenhower Administration had already sent a team of Americans to begin secret operations against the Vietminh in June, while the Geneva conference was still in session.

The team was headed by Colonel Lansdale, the C.I.A. agent who had established a reputation as America's leading expert in counterguerrilla warfare in the Philippines, where he had helped President Ramon Magsaysay suppress the Communist-led Hukbalahap insurgents.

So extensive were his subsequent exploits in Vietnam in the nineteen-fifties that Colonel Lansdale was widely known as the model for the leading characters in two novels of Asian intrigue—"The Quiet American," by Graham Greene, and "The Ugly American," by William J. Lederer and Eugene Burdick.

A carefully detailed 21,000-word report by members of Colonel Lansdale's team, the Saigon Military Mission, is appended to the Pentagon chronicle.

According to that report in the form of a diary from June, 1954, to August, 1955, the team was originally instructed "to undertake paramilitary operations against the enemy and to wage political-psychological warfare."

"Later," it adds, "after Geneva, the mission was modified to prepare the means for undertaking paramilitary operations in Communist areas rather than to wage unconventional warfare."

One of Colonel Lansdale's first worries was to get his team members into Vietnam before the Aug. 11 deadline set by the Geneva agreements for a freeze on the number of foreign military personnel. As the deadline approached, the report says, it appeared that the Saigon Military Mission "might have only two members present unless action was taken."

It adds that Lieut. Gen. John W. O'Daniel, chief of the United States Military Assistance Advisory Group, "agreed to the addition of 10 S.M.M. members under MAAG cover, plus any others in the Defense pipeline who arrived before the deadline. A call for help went out. Ten officers in Korea, Japan and Okinawa were selected and rushed to Vietnam."

While it says that the team members were given cover by being listed as members of MAAG, the report also points out that they communicated with Washington through the C.I.A. station in Saigon.

A MEMBER OF THE C.I.A.

Colonel Lansdale himself is identified as a member of the C.I.A. in a memorandum on the actions of the President's Special Committee on Indochina, written Jan. 30, 1954, by Maj. Gen. Charles H. Bonesteel 3d. [See text, Eisenhower committee's memo.]

The memorandum, which is appended to the Pentagon study, lists Colonel Lansdale as one of the C.I.A. representatives present at the meeting. Allen W. Dulles, Director of Central Intelligence, also attended the meeting.

In the fall of 1954, after all the members had arrived in Vietnam, the report says, the team's activities increased.

Under Colonel Lansdale, " a small English-language class [was] conducted for mistresses of important personages at their request."

This class provided valuable contacts for Colonel Lansdale, enabling him to get to know such people as the "favorite mistress" of the army Chief of Staff, Gen. Nguyen Van Hinh, the report recounts.

When the Oct. 9 deadline for the French evacuation of Hanoi approached, the team sought to sabotage some of Hanoi's key facilities.

"It was learned that the largest printing establishment in the north intended to remain in Hanoi and do business with the Vietminh," the report relates. "An attempt was made by S.M.M. to destroy the modern presses, but Vietminh security agents already had moved into the plant and frustrated the attempt."

It was the mission's team in Hanoi that spent several nights pouring contaminant in the engines of the Hanoi bus company so the buses would gradually be wrecked after the Vietminh took over the city.

At the same time, the mission's team carried out what the report calls "black psywar strikes"—that is, psychological warfare with materials falsely attributed to the other side. The team printed what appeared to be "leaflets signed by the Vietminh instructing Tonkinese on how to behave for the Vietminh takeover of the Hanoi region in early October, including items about property, money reform and a three-day holiday of workers upon take-over." The attempt to scare the people worked.

"The day following the distribution of these leaflets," the report adds, "refugee registration [of those wishing to flee North Vietnam] tripled. Two days later Vietminh currency was worth half the value prior to the leaflets.

"The Vietminh took to the radio to denounce the leaflets; the leaflets were so authentic in appearance that even most of the rank-and-file Vietminh were sure that the radio denunciations were a French trick."

SOME HELP FROM THE STARS

In the South, the team hired Vietnamese astrologers—in whose art many Asians place great trust—to compile almanacs bearing dire predictions for the Vietminh and good omens for the new Government of Premier Diem.

To carry out clandestine operations in North Vietnam after the team evacuated Hanoi, the report adds, Maj. Lucien Conein, an officer of S.M.M., recruited a group of Vietnamese agents under the code name of Binh.

"The group was to be trained and supported by the U.S. as patriotic Vietnamese," the report says, "to come eventually under Government control when the Government was ready for such activities. Thirteen Binhs were quietly exfiltrated through the port of Haiphong . . . and taken on the first stage of the journey to their training area by a U.S. Navy ship."

Until Haiphong was finally evacuated in May, 1955, Civil Air Transport, the Taiwan-based airline run by Gen. Claire Chennault, smuggled arms for the Binh team from Saigon to Haiphong.

In exchange, the report says, the Lansdale Mission got C.A.T. the lucrative contract for flying the thousands of refugees out of North Vietnam.

As the report describes the team's actions, "Haiphong was reminiscent of our own pioneer days as it was swamped with people whom it couldn't shelter. Living space and food were at a premium, nervous tension grew. It was a wild time for our northern team."

Another team of 21 agents, code-named the Hao group, were recruited in Saigon smuggled out on a U.S. Navy ship while disguised as coolies, and taken to a "secret site" for training, the report goes on.

Arms for the Haos were smuggled into Saigon by the United States Air Force, the report says, adding that S.M.M. brought in eight and a half tons of equipment. This included 14 radios, 300 carbines, 50 pistols, 300 pounds of explosives and 100,000 rounds of ammunition.

HANDCUFFED TO A LEPER

The Lansdale team's report does not tell what kinds of intelligence or sabotage activities the Binh and Hao groups carried out in North Vietnam. But it does recount that one Binh agent was mistakenly picked up by Premier Diem's troops on his return to South Vietnam.

"He was interrogated by being handcuffed to a leper, both beaten with the same stick to draw blood, told he would now have leprosy, and both locked up in a tiny cell together," it says, "S.M.M. was able to have him released."

For fiscal year 1955, the report shows, expenses for the Saigon Military Mission ran to $228,000. This did not include salary for the American officers or costs of weapons drawn from American stocks.

The largest item, $123,980, was listed as payment for operations, including pay and expenses for agents, safehouses and transportation.

Lansdale in the Breach

While Colonel Lansdale's team carried out its covert operations, the major policy decisions made by the National Security Council in August, 1954, were being put into practice.

In December, Gen. J. Lawton Collins, who had been chosen by President Eisenhower as his personal representative to Vietnam, signed an agreement with the French providing for the United States to take over all military training duties from them.

The agreement was put into effect in February, 1955, the account says, and the French, under American pressure, began their unexpected withdrawal from South Vietnam.

Despite the decision in August, 1954, to back Premier Diem, there was still widespread uneasiness in the American Government over his lack of support and the fragile political situation in Saigon, the Pentagon account goes on.

General Collins, who had been given the rank of Ambassador, felt that Premier Diem was unequal to the task and urged that he be removed.

If the United States was unwilling to replace Mr. Diem, General Collins wrote to Washington in December, 1954, then "I recommend re-evaluation of our plans for assisting Southeast Asia." This is the "least desirable but in all honesty and in view of what I have observed here to date this may be the only sound solution," he said.

Still Secretary Dulles remained convinced, as he cabled in reply to General Collins's message, that "we have no other choice but continue our aid to Vietnam and support of Diem." And he told Assistant Secretary of State Walter Robertson several days later that the United States must "take the plunge" with Mr. Diem, the narrative adds.

In the spring of 1955 the crisis in Saigon worsened. The Hoa Hao and Cao Dai armed sects formed a united front with the Binh Xuyen, a group of gangsters who controlled Saigon's police against Premier Diem, and sporadic fighting broke out in the city. The French told Washington they thought premier Diem was "hopeless" and "mad."

General Collins, now adamant that Mr. Diem must go, flew back to Washington in late April to press his case personally with the Secretary of State.

On April 27, after a meeting with General Collins, Secretary Dulles reluctantly agreed to the replacing of Premier Diem. He cabled the embassy in Saigon to find an alternative.

But Colonel Lansdale was working hard to support his friend Mr. Diem. In October the colonel had foiled a coup against Mr. Diem by Gen. Nguyen Van Hinh, the army Chief of Staff, by inviting General Hinh's two key aides to visit the Philippines for a tour of secret projects.

The authors of the Lansdale group's report do not specifically state that the team's instructions included supporting Mr. Diem against internal non-Communist opposition. But it is apparent from Colonel Lansdale's actions that he considered this an important part of his mission.

RELIABLE BODYGUARDS FOR DIEM

During the fall of 1954 Colonel Lansdale helped Mr. Diem recruit, pay and train reliable bodyguards. He had been shocked to discover when he visited Mr. Diem at the palace during a coup attempt that the official bodyguards had all deserted. "Not a guard was left on the grounds," the report says. "President Diem was alone upstairs, calmly getting his work done."

With permission from the embassy, the Saigon Military Mission then began secretly paying funds to a Cao Dai leader, Gen. Trinh Minh The, who offered his services to Premier Diem.

Colonel Lansdale also brought from the Philippines President Magsaysay's senior military aide and three assistants to train a battalion of Vietnamese palace guards.

When the sect crisis broke out in the spring of 1955, Colonel Lansdale visited Mr. Diem nearly every day, the S.M.M. report says. "At President Diem's request, we had been seeing him almost nightly as tensions increased, our sessions with him lasting for hours at a time."

During the sect armies' uprising, the Saigon Military Mission helped Premier Diem plan measures against the Binh Xuyen, and Colonel Lansdale repeatedly pressed the embassy to support the Premier.

With the acting C.I.A. station chief, Colonel Lansdale formed a team to help take action against the Binh Xuyen. The S.M.M. report, recounts that "all measures possible under the narrow limits permitted by U.S. policy were taken."

"NUMBER OF SUCCESSFUL ACTIONS"

Uncharacteristically, the report adds, "These will not be described here, but there were a number of successful actions."

On what proved to be the crucial day, April 28, the Pentagon study reports, Premier Diem summoned Colonel Lansdale to the palace and outlined his troubles. He had just "received word from his embassy in Washington that the U.S. appeared to be about to stop supporting him."

This was probably a reference to Secretary Dulles's decision of the previous day.

Premier Diem also reported that Binh Xuyen units had begun firing on his troops.

Colonel Lansdale sought to reassure him. "We told him that it looked as though Vietnam still needed a leader," the report says, "that Diem was still President, that the U.S. was still supporting him."

That afternoon Premier Diem ordered a counterattack against the Binh Xuyen, and within nine hours achieved victory.

"Washington responded with alacrity to Diem's success, superficial through it was," the narrative says. Saigon was told to forget Secretary Dulles's order to drop Diem. The embassy then burned the April 27 message.

Thereafter Mr. Diem had full American backing, the study reports, and moved with more confidence. The next October he organized a referendum to choose between himself and Bao Dai.

After winning what the Pentagon narrative describes as a "too resounding" 98.2 per cent of the vote, Premier Diem proclaimed himself President.

Elections Balked

In July 1955, under the provisions of the Geneva agreements, the two zones of Vietnam were to begin consultations on the elections scheduled for the next year.

But Premier Diem refused to talk with the Communists. And in July 1956, he refused to hold elections for reunification. He asserted that the South Vietnamese Government had not signed the Geneva accords and therefore was not bound by them.

American scholars and government officials have long argued over whether the United States was responsible for Mr. Diem's refusal to hold the elections and therefore, in a sense, whether Americans had a role in turning the Communists from politics back to warfare.

CONNIVANCE BY U.S. DENIED

The Pentagon study contends that the "United States did not—as it is often alleged—connive with Diem to ignore the elections. U.S. State Department records indicate that Diem's refusal to be bound by the Geneva accords and his opposition to pre-election consultations were at his own initiative."

But the Pentagon account also cites State Department cables and National Security Council memorandums indicating that the Eisenhower Administration wished to postpone the elections as long as possible and communicated its feelings to Mr. Diem.

As early as July 7, 1954, during the Geneva conference, Secretary Dulles suggested that the United States ought to seek to delay the elections and to require guarantees that the Communists could be expected to reject.

In a secret cablegram to Under Secretary of State Walter Bedell Smith, who filled in for him after he withdrew from the Geneva conference, Secretary Dulles wrote:

"Since undoubtedly true that elections might eventually mean unification Vietnam under Ho Chi Minh, this makes it all more important they should be only held as long after cease-fire agreement as possible and in conditions free from intimidation to give democratic elements best chance."

Following similar reasoning the National Security Council in May, 1955, shortly before consultations on the elections were supposed to begin, produced a draft statement, "U.S. Policy on All-Vietnam Elections."

According to the Pentagon study, it "held that to give no impression of blocking elections while avoiding the possibility of losing them, Diem should insist on free elections by secret ballot with strict supervision. Communists in Korea and Germany had rejected these conditions; hopefully the Vietminh would follow suit."

But on June 9, the account says, the Council "decided to shelve the draft statement. Its main features had already been conveyed to Diem."

Secretary Dulles's ambivalent attitude toward the Geneva accords is also reflected in a cablegram he sent to the United States Embassy in Saigon on Dec. 11, 1955, outlining Washington's position toward the International Control Commission.

NEITHER HELP NOR HINDRANCE

"While we should certainly take no positive step to speed up present process of decay of Geneva accords," it said, "neither should we make the slightest effort to infuse life into them."

In May, 1956, in what the Pentagon account says is an "example of the U.S. ignoring" the Geneva accords, 350 additional military men were sent to Saigon under the pretext of helping the Vietnamese recover and redistribute equipment abandoned by the French.

This was "a thinly veiled device to increase the number of Americans in Vietnam," the Pentagon account says.

These men, who were officially designated the Temporary Equipment Recovery Mission or TERM, stayed on as a permanent part of the Military Assistance Advisory Group, the narrative says, to help in intelligence and administrative work.

Washington dispatched the TERM group, the Pentagon study discloses, "when it was learned informally that the Indian Government would instruct its representative on the I.C.C. to interpose no objection."

The I.C.C. is composed of representatives from Poland, India and Canada, with the Indian usually considered the neutral representative.

After the crisis with the sects in the spring of 1955 and the uneventful passing of the date for elections in 1956, American officials were hopeful that President Diem had succeeded.

"It seemed for a while that the gamble against long odds had succeeded," the Pentagon account says. "The Vietminh were quiescent; the Republic of Vietnam armed forces were markedly better armed and trained than they were when the U.S. effort began; and President Diem showed a remarkable ability to put down factions threatening the GVN (Government of Vietnam) and to maintain himself in office."

The American aid effort, the study reports, was focused almost entirely on security. Eight out of every 10 dollars went to security, and much of what was intended for agriculture, education, or transportation actually went to security-directed programs.

For example, the account says, a 20-mile stretch of highway, built between Saigon and Bienhoa at the insistence of the MAAG commander, Gen. Samuel T. Williams, received more aid money than all the funds provided for labor, community development, social welfare, health and education from 1954 to 1961.

But despite American hopes and the aid effort, the insurgency in the countryside began to pick up again in 1957 and particularly in 1959. The number of terrorist murders and kidnappings of local officials rose dramatically, and enemy units began to attack in ever-increasing size.

As the insurgency grew, the small American intelligence network "correctly and consistently estimated" the nature of the opposition to President Diem and his own weaknesses, the Pentagon study says. The American intelligence estimates "were remarkably sound," it adds.

A special national intelligence estimate in August, 1960, for example, said that:

"In the absence of more effective Government measures to protect the peasants and to win their positive cooperation, the prospect is for expansion of the areas of Vietcong control in the countryside, particularly in the southwestern provinces.

"Dissatisfaction and discontent with the Government will probably continue to rise.

"These adverse trends are not irreversible, but if they remain unchecked, they will almost certainly in time cause the collapse of Diem's regime."

However, the study relates, "the national intelligence estimates re Diem do not appear to have restrained the N.S.C. in its major reviews of U.S. policy" toward Vietnam.

The basic Eisenhower Administration policy papers on Southeast Asia in 1956, 1958 and 1960 repeated American objectives in "virtually identical" language, the Pentagon account reports.

AMONG THE GOALS OF POLICY

According to the 1956 paper by the National Security Council, these were among the goals of American policy toward Vietnam:

"Assist Free Vietnam to develop a strong, stable and constitutional government to enable Free Vietnam to assert an increasingly attractive contrast to conditions in the present Communists zone."

"Work toward the weakening of the Communists in North and South Vietnam in order to bring about the eventual peaceful reunification of a free and independent Vietnam under anti-Communist leadership."

"Support the position of the Government of Free Vietnam that all-Vietnam elections may take place only after it is satisfied that genuinely free elections can be held throughout both zones of Vietnam."

During the late nineteen-fifties, the study relates, United States officials in Saigon were also optimistic in their public comments about the situation, despite the pessimistic secret reports they forwarded to Washington.

"While classified policy paper thus dealt with risks," the account says, "public statements of U.S. officials did not refer to the jeopardy. To the contrary, the picture presented the public and Congress by Ambassador Durbrow, General Williams and other Administration spokesmen was of continuing progress, virtually miraculous improvement, year in and year out."

Ambassador Elbridge Durbrow and General Williams for example, told the Senate Foreign Relations Committee in the summer of 1959 that Vietnam's internal security was "in no serious danger" and that South Vietnam was in a better position than ever before to cope with an invasion from the North.

A PROGRESS REPORT

The next spring General Williams wrote to Senator Mike Mansfield that President Diem was doing so well that the United States could begin a "phased withdrawal" of American advisers in 1961.

That was the situation that confronted President Kennedy when he took office early in 1961.

"The U.S. had gradually developed a special commitment in South Vietnam," writes the Pentagon analyst charged with explaining the problems facing President Kennedy. "It was certainly not absolutely binding—but the commitment was there . . ."

"Without U.S. support," the analyst says, "Diem almost certainly could not have consolidated his hold on the South during 1955 and 1956.

"Without the threat of U.S. intervention, South Vietnam could not have refused to even discuss the elections called for in 1956 under the Geneva settlement without being immediately overrun by the Vietminh armies.

"Without U.S. aid in the years following, the Diem regime certainly, and an independent South Vietnam almost as certainly, could not have survived . . ."

In brief, the analyst concludes, "South Vietnam was essentially the creation of the United States."

TEXTS OF "FINAL DECLARATION" AT GENEVA CONFERENCE AND U.S. STATEMENT RENOUNCING USE OF FORCE

Following are the texts of the "final declaration" endorsed orally by France, the Vietminh, Britain, China, the Soviet Union, Laos and Cambodia at the end of the Geneva conference in July, 1954, and of the statement of United States policy delivered at the concluding session by Under Secretary of State Walter Bedell Smith. The "final declaration," along with the armistice agreement signed by France and the Vietminh, constitutes the Geneva accords on Vietnam.

THE "FINAL DECLARATION"

Final declaration, dated the 21st July, 1954, of the Geneva Conference on the problem of restoring peace in Indo-China, in which the representatives of Cambodia, the Democratic Republic of Viet-Nam, France, Laos, the People's Republic of China, the State of Viet-Nam, the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America took part.

1. The Conference takes note of the agreements ending hostilities in Cambodia, Laos and Viet-Nam and organizing international control and the supervision of the execution of the provisions of these agreements.

2. The Conference expresses satisfaction at the ending of hostilities in Cambodia, Laos and Viet-Nam; the Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreements on the cessation of hostilities will permit Cambodia, Laos, and Viet-Nam henceforth to play their part, in full independence and sovereignty, in the peaceful community of nations.

3. The Conference takes note of the declarations made by the Governments of Cambodia and of Laos of their intention to adopt measures permitting all citizens to take their place in the national community, in particular by participating in the next general elections, which, in conformity with the constitution of each of these countries, shall take place in the course of the year 1955, by secret ballot and in conditions of respect for fundamental freedoms.

4. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Viet-Nam prohibiting the introduction into Viet-Nam of foreign troops and military personnel as well as of all kinds of arms and munitions. The Conference also takes note of the declarations made by the Governments of Cambodia and Laos of their resolution not to request foreign aid, whether in war material, in personnel or in instructors except for the purpose of the effective defense of their territory and, in the case of Laos, to the extent defined by the agreements on the cessation of hostilities in Laos.

5. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Viet-Nam to the effect that no military base under the control of a foreign State may be established in the regrouping zones of the two parties, the latter having the obligation to see that the zones allotted to them shall not constitute part of any military alliance and shall not be utilized for the resumption of hostilities or in the service of an aggressive policy. The Conference also takes note of the declarations of the Governments of Cambodia and Laos to the effect that they will not join in any agreement with other States if this agreement includes the obligation to participate in a military alliance not in conformity with the principles of the Charter of the United Nations or, in the case of Laos, with the principles of the agreement on the cessation of hostilities in Laos or, so long as their security is not threatened, the obligation not to establish

bases on Cambodia or Laotian territory for the military forces of foreign powers.

6. The Conference recognizes that the essential purpose of the agreement relating to Viet-Nam is to settle military questions with a view to ending hostilities and that the military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary. The Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreement on the cessation of hostilities creates the necessary basis for the achievement in the near future of a political settlement in Viet-Nam.

7. The Conference declares that, so far as Viet-Nam is concerned, the settlement of political problems, effected on the basis of respect for the principles of independence, unity and territorial integrity, shall permit the Viet-Namese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot. In order to ensure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will, general elections shall be held in July 1956, under the supervision of an international commission composed of representatives of the Member States of the International Supervisory Commission, referred to in the agreement on the cessation of hostilities. Consultations will be held on this subject between the competent representative authorities of the two zones from 20 July 1955 onwards.

8. The provisions of the agreements on the cessation of hostilities intended to ensure the protection of individuals and of property must be most strictly applied and must, in particular, allow everyone in Viet-Nam to decide freely in which zone he wishes to live.

9. The competent representative authorities of the Northern and Southern zones of Viet-Nam, as well as the authorities of Laos and Cambodia, must not permit any individual or collective reprisals against persons who have collaborated in any way with one of the parties during the war, or against members of such persons' families.

10. The Conference takes note of the declaration of the Government of the French Republic to the effect that it is ready to withdraw its troops from the territory of Cambodia, Laos, and Viet-Nam, at the request of the Governments concerned and within periods which shall be fixed by agreement between the parties except in the cases where, by agreement between the two parties, a certain number of French troops shall remain at specified points and for a specified time.

11. The Conference takes note of the declaration of the French Government to the effect that for the settlement of all the problems connected with the reestablishment and consolidation of peace in Cambodia, Laos and Viet-Nam, the French Government will proceed from the principle and sovereignty, unity, and territorial integrity of Cambodia, Laos and Viet-Nam.

12. In their relations with Cambodia, Laos, and Viet-Nam, each member of the Geneva Conference undertakes to respect the sovereignty, the independence, the unity and the territorial integrity of the above-mentioned states, and to refrain from any interference in their internal affairs.

13. The members of the Conference agree to consult one another on any question which may be referred to them by the International Supervisory Commission, in order to study such measures as may prove necessary to ensure that the agreements on the cessation of hostilities in Cambodia, Laos and Viet-Nam are respected.

THE AMERICAN STATEMENT

As I stated on July 18, my Government is not prepared to join in a declaration by the Conference such as is submitted. However, the United States makes this unilateral declaration of its position in these matters:

"The Government of the United States being resolved to devote its efforts to the strengthening of peace in accordance with the principles and purposes of the United Nations takes note of the agreements concluded at Geneva on July 20 and 21, 1954 between (a) The Franco-Laotian Command and the Command of the Peoples Army of Viet-Nam; (b) the Royal Khmer Army Command and the Command of the Peoples Army of Viet-Nam; (c) Franco-Vietnamese Command and the Command of the Peoples Army of Viet-Nam and of paragraphs 1 to 12 inclusive of the declaration presented to the Geneva Conference on July 21, 1954 declares with regard to the aforesaid agreements and paragraphs that (i) it will refrain from the threat or the use of force to disturb them in accordance with Article 2 (4) of the Charter of the United Nations dealing with the obligation of members to refrain in their international relations from the threat or use of force; and (ii) it would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security.

"In connection with the statement in the declaration concerning free elections in Viet-Nam my Government wishes to make clear its position which it has expressed in a declaration made in Washington on June 29, 1954, as follows:

"'In the case of nations now divided against their will, we shall continue to seek to achieve unity through free elections supervised by the United Nations to insure that they are conducted fairly.'

"With respect to the statement made by the representative of the State of Viet-Nam, the United States reiterates its traditional position that peoples are entitled to determine their own future and that it will not join in an arrangement which would hinder this. Nothing in its declaration just made is intended to or does indicate any departure from this traditional position.

"We share the hope that the agreements will permit Cambodia, Laos and Viet-Nam to play their part, in full independence and sovereignty, in the peaceful community of nations, and will enable the peoples of that area to determine their own future."

KEY TEXTS FROM PENTAGON'S VIETNAM STUDY

(Following are the texts by key documents accompanying the Pentagon's study of the Vietnam war, covering events in the Truman and Eisenhower Administrations. Except where excerpting is specified, the documents appear verbatim, with only unmistakeable typographical errors corrected.)

REPORT OF HO'S APPEALS TO U.S. IN 1946 TO SUPPORT INDEPENDENCE

Cablegram from an American diplomat in Hanoi, identified as Landon, to State Department, Feb. 27, 1946, as provided in the body of the Pentagon study.

Ho Chi Minh handed me 2 letters addressed to President of USA, China, Russia, and Britain identical copies of which were stated to have been forwarded to other governments named. In 2 letters to Ho Chi Minh request USA as one of United Nations to support idea of Annamese independence according to Philippines example, to examine the case of the Annamese, and to take steps necessary to maintenance of world peace which is being endangered by French efforts to reconquer Indochina. He asserts that Annamese will fight until United Nations interfered in support of Annamese independence. The petition addressed to major United Nations contains:

A. Review of French relations with Japanese where French Indochina allegedly aided Japs:

B. Statement of establishment on 2 September 1945 of PENW Democratic Republic of Viet Minh:

C. Summary of French conquest of Cochin China began 23 Sept. 1945 and still incomplete:

D. Outline of accomplishments of Annamese Government in Tonkin including popular elections, abolition of undesirable taxes, expansion of education and resumption as far as possible of normal economic activities:

E. Request to 4 powers: (1) to intervene and stop the war in Indochina in order to mediate fair settlement and (2) to bring the Indochina issue before the United Nations organization. The petition ends with the statement that Annamese ask for full independence in fact and that in interim while awaiting UNO decision the Annamese will continue to fight the reestablishment of French imperialism. Letters and petition will be transmitted to Department soonest.

KEY TEXTS: DULLES WAS AT CENTER OF U.S. POLICY ON THE INDOCHINA CONFLICT IN 1954

1952 POLICY STATEMENT BY U.S. ON GOALS IN SOUTHEAST ASIA

(Statement of Policy by the National Security Council, early 1952, on "United States Objectives and Courses of Action With Respect to Southeast Asia." According to a footnote, the document defined Southeast Asia as "the area embracing Burma, Thailand, Indochina, Malaya and Indonesia.")

OBJECTIVE

1. To prevent the countries of Southeast Asia from passing into the communist orbit, and to assist them to develop will and ability to resist communism from within and without and to contribute to the strengthening of the free world.

GENERAL CONSIDERATIONS

2. Communist domination, by whatever means, of all Southeast Asia would seriously endanger in the short term, and critically endanger in the longer term, United States security interests.

a. The loss of any of the countries of Southeast Asia to communist aggression would have critical psychological, political and economic consequences. In the absence of effective and timely counteraction, the loss of any single country would probably lead to relatively swift submission to or an alignment with communism by the remaining countries of this group. Furthermore, an alignment with communism of the rest of Southeast Asia and India, and in the longer term, of the Middle East (with the probable exceptions of at least Pakistan and Turkey) would in all probability progressively follow: Such widespread alignment would endanger the stability and security of Europe.

b. Communist control of all of Southeast Asia would render the U.S. position in the Pacific offshore island chain precarious and would seriously jeopardize fundamental U.S. security interests in the Far East.

c. Southeast Asia, especially Malaya and Indonesia, is the principal world source of natural rubber and tin, and a producer of petroleum and other strategically important commodities. The rice exports of Burma and Thailand are critically important to Malaya, Ceylon and Hong Kong and are of considerable significance to Japan and India, all important areas of free Asia.

d. The loss of Southeast Asia, especially of Malaya and Indonesia, could result in such economic and political pressures in Japan as to make it extremely difficult to prevent Japan's eventual accommodation to communism.

3. It is therefore imperative that an overt attack on Southeast Asia by the Chinese Communists be vigorously opposed. In order to pursue the military courses of action envisaged in this paper to a favorable conclusion within a reasonable period, it will be

necessary to divert military strength from other areas thus reducing our military capability in those areas, with the recognized increased risks involved therein, or to increase our military forces in being, or both.

4. The danger of an overt military attack against Southeast Asia is inherent in the existence of a hostile and aggressive communist China, but such an attack is less probable than continued communist efforts to achieve domination through subversion. The primary threat to Southeast Asia accordingly arises from the possibility that the situation in Indochina may deteriorate as a result of the weakening of the resolve of, or as a result of the inability of the governments of France and of the Associated States to continue to oppose the Viet Minh rebellion, the military strength of which is being steadily increased by virtue of aid furnished by the Chinese Communist regime and its allies.

5. The successful defense of Tonkin is critical to the retention in non-Communist hands of mainland Southeast Asia. However, should Burma come under communist domination, a communist military advance through Thailand might make Indochina, including Tonkin, militarily indefensible. The execution of the following U.S. courses of action with respect to individual countries of the area may vary depending upon the route of communist advance into Southeast Asia.

6. Actions designed to achieve our objectives in Southeast Asia require sensitive selection and application, on the one hand to assure the optimum efficiency through coordination of measures for the general area, and on the other, to accommodate to the greatest practicable extent to the individual sensibilities of the several governments, social classes and minorities of the area.

COURSES OF ACTION

SOUTHEAST ASIA

7. With respect to Southeast Asia, the United States should:

a. Strengthen propaganda and cultural activities, as appropriate in relation to the area to foster increased alignment of the people with the free world.

b. Continue, as appropriate, programs of economic and technical assistance designed to strengthen the indigenous non-communist governments of the area.

c. Encourage the countries of Southeast Asia to restore and expand their commerce with each other and with the rest of the free world, and stimulate the flow of the raw material resources of the area to the free world.

d. Seek agreement with other nations, including at least France, the UK, Australia and New Zealand, for a joint warning to Communist China regarding the grave consequences of Chinese aggression against Southeast Asia, the issuance of such a warning to be contingent upon the prior agreement of France and the UK to participate in the courses of action set forth in paragraphs 10c, 12, 14f (1) and (2) and 15c (1) and (2), and such others as are determined as a result of prior trilateral consultation, in the event such a warning is ignored.

e. Seek UK and French agreement in principle that a naval blockade of Communist China should be included in the minimum courses of action set forth in paragraph 10c below.

f. Continue to encourage and support closer cooperation among the countries of Southeast Asia, and between those countries and the United States, Great Britain, France, the Philippines, Australia, New Zealand, South Asia and Japan.

g. Strengthen, as appropriate, covert operations designed to assist in the achievement of U.S. objectives in Southeast Asia.

h. Continue activities and operations designed to encourage the overseas Chinese communities in Southeast Asia to organize and activate anti-communist groups and activities within their own communities to resist the effects of parallel pro-communist groups and activities and, generally, to increase their orientation toward the free world.

i. Take measures to promote the coordinated defense of the area, and encourage and support the spirit of resistance among the peoples of Southeast Asia to Chinese Communist aggression and to the encroachments of local communists.

j. Make clear to the American people the importance of Southeast Asia to the security of the United States so that they may be prepared for any of the courses of action proposed herein.

INDOCHINA

8. With respect to Indochina the United States should:

a. Continue to promote International support for the three Associated States.

b. Continue to assure the French that the U.S. regards the French effort in Indochina as one of great strategic importance in the general international interest rather than in the purely French interest, and as essential to the security of the free world, not only in the Far East but in the Middle East and Europe as well.

c. Continue to assure the French that we are cognizant of the sacrifices entailed for France in carrying out her effort in Indochina and that, without overlooking the principle that France has the primary responsibility in Indochina, we will recommend to the Congress appropriate military, economic and financial aid to France and the Associated States.

d. Continue to cultivate friendly and increasingly cooperative relations with the Governments of France and the Associated States at all levels with a view to maintaining and, if possible, increasing the degree of influence the U.S. can bring to bear on the policies and actions of the French and Indochinese authorities to the end of directing the course of events toward the objectives we seek. Our influence with the French and Associated States should be designed to further those constructive political, economic and social measures which will tend to increase the stability of the Associated States and thus make it possible for the French to reduce the degree of their participation in the military, economic and political affairs of the Associated States.

e. Specifically we should use our influence with France and the Associated States to promote positive political, military, economic and social policies, among which the following are considered essential elements:

(1) Continued recognition and carrying out by France of its primary responsibility for the defense of Indochina.

(2) Further steps by France and the Associated States toward the evolutionary development of the Associated States.

(3) Such reorganization of French administration and representation in Indochina as will be conducive to an increased feeling of responsibility on the part of the Associated States.

(4) Intensive efforts to develop the armies of the Associated States, including independent logistical and administrative services.

(5) The development of more effective and stable Governments in the Associated States.

(6) Land reform, agrarian and industrial credit, sound rice marketing systems, labor development, foreign trade and capital formation.

(7) An aggressive military, political, and psychological program to defeat or seriously reduce the Viet Minh forces.

(8) US-French cooperation in publicizing progressive developments in the foregoing policies in Indochina.

9. In the absence of large scale Chinese Communist intervention in Indochina, the United States should:

a. Provide increased aid on a high priority basis for the French Union forces without relieving French authorities of their basic military responsibility for the defense of the Associated States in order to:

(1) Assist in developing indigenous armed forces which will eventually be capable of maintaining internal security without assistance from French units.

(2) Assist the French Union forces to maintain progress in the restoration of internal security against the Viet Minh.

(3) Assist the forces of France and the Associated States to defend Indochina against Chinese Communist aggression.

b. In view of the immediate urgency of the situation, involving possible large-scale Chinese Communist intervention, and in order that the United States may be prepared to take whatever action may be appropriate in such circumstances, make the plans necessary to carry out the courses of action indicated in paragraph 10 below.

c. In the event that information and circumstances point to the conclusion that France is no longer prepared to carry the burden in Indochina, or if France presses for an increased sharing of the responsibility for Indochina, whether in the UN or directly with the U.S. Government, oppose a French withdrawal and consult with the French and British concerning further measures to be taken to safeguard the area from communist domination.

10. In the event that it is determined, in consultation with France, that Chinese Communist forces (including volunteers) have overtly intervened in the conflict in Indochina, or are covertly participating to such an extent as to jeopardize retention of the Tonkin Delta area by French Union forces, the United States should take the following measures to assist these forces in preventing the loss of Indochina, to repel the aggression and to restore peace and security in Indochina:

a. Support a request by France or the Associated States for immediate action by the United Nations which would include a UN resolution declaring that Communist China has committed an aggression, recommending that member states take whatever action may be necessary, without geographic limitation, to assist France and the Associated States in meeting the aggression.

b. Whether or not U.N. action is immediately forthcoming, seek the maximum possible international support for, and participation in, the minimum courses of military action agreed upon by the parties to the joint warning. These minimum courses of action are set forth in subparagraph c immediately below.

c. Carry out the following minimum courses of military action, either under the auspices of the UN or in conjunction with France and the United Kingdom and any other friendly governments:

(1) A resolute defense of Indochina itself to which the United States would provide such air and naval assistance as might be practicable.

(2) Interdiction of Chinese Communist communication lines including those in China.

(3) The United States would expect to provide the major forces for task (2) above; but would expect the UK and France to provide at least token forces therefor and to render such other assistance as is normal between allies, and France to carry the burden of providing, in conjunction with the Associated States, the ground forces for the defense of Indochina.

11. In addition to the courses of action set forth in paragraph 10 above, the United States should take the following military actions as appropriate to the situation:

a. If agreement is reached pursuant to

paragraph 7-2, establishment in conjunction with the UK and France of a naval blockade of Communist China.

b. Intensification of covert operations to aid anti-communist guerrilla forces operating against Communist China and to interfere with and disrupt Chinese Communist lines of communication and military supply areas.

c. Utilization, as desirable and feasible, of anti-communist Chinese forces, including Chinese Nationalist forces in military operations in Southeast Asia, Korea, or China proper.

d. Assistance to the British to cover an evacuation from Hong Kong, if required.

e. Evacuation of French Union civil and military personnel from the Tonkin delta, if required.

12. If, subsequent to aggression against Indochina and execution of the minimum necessary courses of action listed in paragraph 10-c above, the United States determines jointly with the UK and France that expanded military action against Communist China is rendered necessary by the situation, the United States should take air and naval action in conjunction with at least France and the U.K. against all suitable military targets in China, avoiding insofar as practicable those targets in areas near the boundaries of the USSR in order not to increase the risk of direct Soviet involvement.

13. In the event the concurrence of the United Kingdom and France to expanded military action against Communist China is not obtained, the United States should consider taking unilateral action.

Eisenhower Committee's Memo on French Requests for Aid

(*Excerpts from memorandum for the record, Jan. 30, 1954, by Brig. Gen. Charles H. Bonesteel 3d on meeting of President's Special Committee on Indochina*)

1. The Special Committee met in Mr. Kyes' office at 3:30 p.m. 29 January 1954. . . .

3. Admiral Radford said he had been in touch with General Ely, French Chief of Staff, through General Valluy. Ten B-26 aircraft are on the way to Indochina this week. These would contribute to filling the French request for aircraft to bring two B-26 squadrons up to a strength of 25 operational aircraft each. However, an additional 12 are needed to fill the full requirement because a total of 22 are needed (12 to fill the annual attrition plus 10 to fill the additional French request). There was some discussion on the seeming differences in requests reaching Washington via Paris and those coming through the MAAG. Subsequently in the meeting it was agreed that the French should be informed that the U.S. would act only on requests which had been approved by General O'Daniel after General O'Daniel was set up in Indochina.

4. Admiral Radford indicated that to fill the entire requirement for 22 B-26's on an urgent basis would mean taking some of them from U.S. operational squadrons in the Far East, but this could be done. The aircraft would not all have "zero" maintenance time on them.

5. As to the additional French request for 25 B-26's to equip a third squadron, it was decided that final decision to furnish them should await the return of General O'Daniel. However, the Air Force has been alerted that they may have to be furnished on short notice.

6. As to the provisions of a small "dirigible," it was decided to inform the French that this could not be furnished.

7. Regarding the French request for 400 mechanics trained in maintenance of B-26 and C-47 aircraft, there was considerable discussion. Admiral Radford said he had informed General Ely, through General Valluy, that the U.S. does not believe the French have exhausted all efforts to get French civilian maintenance crews. He suggested the French try to find them through "Air France." Mr. Kyes mentioned the possibility of obtaining French personnel from their eight aircraft factories or from the big Chateauroux maintenance base where the U.S. employed French mechanics. General Smith inquired about the possibility of lowering French NATO commitments to enable transfer of French military mechanics. Admiral Radford said General Valluy had informed him the French Staff have carefully considered the idea but the French Air Force does not have enough military mechanics trained in B-26 or C-47 maintenance to fill the requirement. Therefore, there would be such a delay while their military mechanics were being trained on these aircraft that the urgent requirement could not be met. He had also said that the employment of French civilian mechanics presented a difficult problem in security clearance.

8. General Smith recommended that the U.S. send 200 U.S. Air Force mechanics to MAAG, Indochina, and tell the French to provide the rest. Admiral Radford said this could be done and that the Air Force is, somewhat reluctantly, making plans to this end. He had let the French know that if American mechanics were sent they must be used only on air bases which were entirely secure from capture. General Smith wondered, in light of additional French requests, if the Committee should not consider sending the full 400 mechanics.

9. Mr. Kyes questioned if sending 200 military mechanics would not so commit the U.S. to support the French that we must be prepared eventually for complete intervention, including use of U.S. combat forces. General Smith said he did not think this would result—we were sending maintenance forces not ground forces. He felt, however, that the importance of winning in Indochina was so great that if worst came to the worst he personally would favor intervention with U.S. air and naval forces—not ground forces. Admiral Radford agreed. Mr. Kyes felt this consideration was so important that it should be put to the highest level. The President himself should decide. General Smith agreed. Mr. Allen Dulles wondered if our preoccupation with helping to win the battle at Dien Bien Phu was so great that we were not going to bargain with the French as we supplied their most urgent needs. Mr. Kyes said this was an aspect of the question he was resisting, Admiral Radford read from a cable just received from General O'Daniel, which indicated General Navarre had been most cordial to General O'Daniel at their their meeting and had indicated he was pleased with the concept of U.S. liaison officers being assigned to his general headquarters and to the training command. General Navarre and General O'Daniel agreed to try to work out a maximum of collaboration at the military level.

10. Later in the meeting, Mr. Allen Dulles raised the question as to sending the CAP pilots the French had once requested. It was agreed that the French apparently wanted them now, that they should be sent, and CIA should arrange for the necessary negotiations with the French in Indochina to take care of it.

11. Mr. Kyes said that if we meet the French urgent demands they should be tied to two things: first, the achievement of maximum collaboration with the French in training and strategy, and secondly, the strengthening of General O'Daniel's hand in every way possible. General Smith agreed and felt we should reinforce General O'Daniel's position not only with the French in Indochina but also at the highest level in Paris. . . .

12. Summary of Action Agreed Regarding Urgent French Requests

It was agreed:

a. To provide 200 uniformed U.S. Air Force mechanics who would be assigned as an augmentation to MAAG, Indochina, these mechanics to be provided only on the understanding that they would be used at bases where they would be secure from capture and would not be exposed to combat.

c. To send the CAP pilots, with CIA arranging necessary negotiations.

d. Not to provide a "dirigible."

e. To await General O'Daniel's return to Washington before making a decision on the other French requests. Efforts should continue to get the French to contribute a maximum number of mechanics.

It was further agreed that General Smith would clear these recommended actions with the President.

13. The next item discussed was the status of General O'Daniel. Mr. Kyes said General Trapnell, the present Chief of MAAG, is being replaced at the normal expiration of his tour. General Dabney had been chosen to replace General Trapnell and is about to leave for Indochina. Admiral Radford pointed out that General O'Daniel could be made Chief of MAAG without any further clearance with the French Government. General Smith said this would be all right but should not preclude further action to increase the position of General O'Daniel. General Erskine pointed out that the MAAG in Indochina is not a "military mission" but only an administrative group concerned with the provision of MDAP equipment. He thought the MAAG status should be raised to that of a mission which could help in training. It was agreed that General O'Daniel should probably be first assigned as Chief of MAAG and that, for this reason, General Dabney's departure for Indochina should be temporarily held up. General Dabney should, however, go to Indochina to assist General O'Daniel by heading up the present MAAG functions. Admiral Davis was requested to assure that General Dabney did not depart until further instructions were given.

20. Mr. Allen Dulles inquired if an unconventional warfare officer, specifically Colonel Lansdale could not be added to the group of five liaison officers to which General Navarre had agreed. Admiral Radford thought this might be done and at any rate Colonel Lansdale could immediately be attached to the MAAG, but he wondered if it would not be best for Colonel Lansdale to await General O'Daniel's return before going to Indochina. In this way, Colonel Lansdale could help the working group in its revision of General Erskine's paper. This was agreeable to Mr. Allen Dulles.

21. Present at the meeting were:

Department of Defense—Mr. Kyes, Admiral Radford, Admiral Davis, General Erskine, Mr. Godel, B/G Bonesteel, Colonel Alden.

Department of State—General Smith, Mr. Robertson.

CIA—Mr. Allen Dulles, General Cabell, Mr. Aurell, Colonel Lansdale.

1954 Report by Special Committee on the Threat of Communism

Excerpts from Part II of the Special Committee's Report on Southeast Asia, April 5, 1954. Part I was not made available with it.

IV. CONCLUSIONS

A. The Special Committee considers that these factors reinforce the necessity of assuring that Indo-China remain in the non-Communist bloc, and believes that defeat of the Viet Minh in Indo-China is essential if the spread of Communist influence in Southeast Asia is to be halted.

B. Regardless of the outcome of military operations in Indo-China and without compromising in any way the overwhelming strategic importance of the Associated States to the Western position in the area, the U.S. should take all affirmative and practical steps, with or without its European allies, to provide tangible evidence of Western strength and determination to defeat Communism; to demonstrate that ultimate victory will be won by the free world; and to secure the affirmative association of Southeast Asian states with these purposes.

C. That for these purposes the Western position in Indo-China must be maintained and improved by a military victory.

D. That without compromise to C, above, the U.S. should in all prudence reinforce the remainder of Southeast Asia, including the land areas of Malaya, Burma, Thailand, Indonesia and the Philippines.

RECOMMENDED COURSES OF ACTION*

A. The Special Committee wishes to reaffirm the following recommendations which are made in NCS 5405, the Special Committee Report concerning military operations in Indo-China, and the position paper of the Special Committee, concurred in by the Department of Defense, concerning U.S. courses of action and policies with respect to the Geneva Conference:

(1) It be U.S. policy to accept nothing short of a military victory in Indo-China.

(2) It be the U.S. position to obtain French support of this position; and that failing this, the U.S. actively oppose any negotiated settlement in Indo-China at Geneva.

(3) It be the U.S. position in event of failure of (2) above to initiate immediate steps with the governments of the Associated States aimed toward the continuation of the war in Indo-China, to include active U.S. participation and without French support should that be necessary.

(4) Regardless of whether or not the U.S. is successful in obtaining French support for the active U.S. participation called for in (3) above, every effort should be made to undertake this active participation in concert with other interested nations.

B. The Special Committee also considers that all possible political and economic pressure on France must be exerted as the obvious initial course of action to reinforce the French will to continue operatings [sic] in Indo-China. The Special Committee recognizes that this course of action will jeopardize the existing French Cabinet, may be unpopular among the French public, and may be considered as endangering present U.S. policy with respect to EDC. The Committee nevertheless considers that the free world strategic position, not only in Southeast Asia but in Europe and the Middle East as well, is such as to require the most extraordinary efforts to prevent Communist domination of Southeast Asia. The Committee considers that firm and resolute action now in this regard may well be the key to a solution of the entire problem posed by France in the free world community of nations.

C. In order to make the maximum contribution to the free world strength in Southeast Asia, and regardless of the outcome of military operations currently in progress in Indo-China, the U.S. should, in all prudence, take the following courses of action in addition to those set forth in NSC 5405 and in Part I of the Special Committee Report:

POLITICAL AND MILITARY:

(1) Ensure that there be initiated no cease-fire in Indo-China prior to victory whether that be by successful military action or clear concession of defeat by the Communists.

ACTION: STATE, CIA

(2) Extraordinary and unilateral, as well as multi-national, efforts should be undertaken to give vitality in Southeast Asia to the concept that Communist imperialism is a transcending threat to each of the Southeast Asian states. These efforts should be so undertaken as to appear through local initiative rather than as a result of U.S. or UK, or French instigation.

ACTION: USIA, STATE, CIA

(3) It should be U.S. policy to develop within the UN Charter a Far Eastern regional arrangement subscribed and underwritten by the major European powers with interests in the Pacific.

a. Full accomplishment of such an arrangement can only be developed in the long term and should therefore be preceded by the development, through indigenous sources, or regional economic and cultural agreements between the several Southeast Asian countries and later with Japan. Such agreements might take a form similar to that of OEEC in Europe.

ACTION: STATE, CIA, FOA

b. Upon the basis of such agreements, the U.S. should actively but unobtrusively seek their expansion into mutual defense agreements and should for this purpose be prepared to underwrite such agreements with military and economic aid and should [rest unavailable].

D. The courses of action outlined above are considered as mandatory regardless of the outcome of military operations in Indo-China.

(1) If Indo-China is held they are needed to build up strength and resistance to Communism in the entire area.

(2) If Indo-China is lost they are essential as partial steps:

a. To delay as long as possible the extension of Communist domination throughout the Far East, or

b. In conjunction with offensive operations to retake Indo-China from the Communists.

(3) Should Indo-China be lost it is clear to the Special Committee that the involvement of U.S. resources either in an attempt to stop the further spread of Communism in the Far East, (which is bound, except in terms of the most extensive military and political effort, to be futile) or to initiate offensive operations to retake and reorient Indo-China (which would involve a major military campaign), will greatly exceed those needed to hold Indo-China before it falls.

(4) Furthermore, either of these undertakings (in the light of the major setback to U.S. national policy involved in the loss of Indo-China) would entail as an urgent prerequisite the restoration of Asian morale and confidence in U.S. policy which will have reached an unprecedentedly low level in the area.

(5) Each of these courses of action would involve greater risk of war with Communist China, and possibly the Soviet Union, than timely preventive action taken under more favorable circumstances before Indo-China is lost.

Dillon Cable to Dulles on Appeal for Air Support at Dienbienphu

Cablegram from Douglas Dillon, United States Ambassador to France, to Secretary of State John Foster Dulles on April 5, 1954.

URGENT. I was called at 11 o'clock Sunday night and asked to come immediately to Matignon where a restricted Cabinet meeting was in progress. On arrival Bidault received me in Laniel's office and was joined in a few minutes by Laniel. They said that immediate armed intervention of US carrier aircraft at Dien Bien Phu is now necessary to save the situation.

Navarre reports situation there now in state of precarious equilibrium and that both sides are doing best to reinforce—Viet Minh are bringing up last available reinforcements which will way outnumber any reinforcing French can do by parachute drops. Renewal of assault by reinforced Viet Minh probable by middle or end of week. Without help by then fate of Dien Bien Phu will probably be sealed.

Ely brought back report from Washington that Radford gave him his personal (repeat personal) assurance that if situation at Dien Bien Phu required US naval air support he would do his best to obtain such help from US Government. Because of this information from Radford as reported by Ely, French Government now asking for US carrier aircraft support at Dien Bien Phu. Navarre feels that a relatively minor US effort could turn the tide but naturally hopes for as much help as possible. French report Chinese intervention in Indochina already fully established as follows:

First. Fourteen technical advisors at Giap headquarters plus numerous others at division level. All under command of Chinese Communist General Ly Chen-hou who is stationed at Giap headquarters.

Second. Special telephone lines installed maintained and operated by Chinese personnel.

Third. Forty 37 mm. anti-aircraft guns radar-controlled at Dien Bien Phu. These guns operated by Chinese and evidently are from Korea. These AA guns are now shooting through clouds to bring down French aircraft.

Fourth. One thousand supply trucks of which 500 have arrived since 1 March, all driven by Chinese army personnel.

Fifth. Substantial material help in guns, shells, etc., as is well known.

Bidault said that French Chief of Air Staff wished US be informed that US air intervention at Dien Bien Phu could lead to Chinese Communist air attack on delta airfields. Nevertheless, government was making request for aid.

Bidault closed by saying that for good or evil the fate of Southeast Asia now rested on Dien Bien Phu. He said that Geneva would be won or lost depending on outcome at Dien Bien Phu. This was reason for French request for this very serious action on our part.

He then emphasized necessity for speed in view of renewed attack which is expected before end of week. He thanked US for prompt action on airlift for French paratroops. He then said that he had received Dulles' proposal for Southeast Asian coalition, and that he would answer as soon as possible later in week as restricted Cabinet session not competent to make this decision.

New Subject. I passed on Norstad's concern that news of airlift (DEPTEL 3470, April 3) might leak as planes assembled. Pleven was called into room. He expressed extreme concern as any leak would lead to earlier Viet Minh attack. He said at all costs operation must be camouflaged as training exercise until troops have arrived. He is preparing them as rapidly as possible and they will be ready to leave in a week. Bidault and Laniel pressed him to hurry up departure date of troops and he said he would do his utmost.

Dulles Cable Barring Intervention

Cablegram from Secretary Dulles to Ambassador Dillon in Paris, April 5, 1954.

As I personally explained to Ely in presence of Radford, it is not (rpt not) possible for US to commit belligerent acts in Indochina without full political understanding with France and other countries. In addition, Congressional action would be required. After conference at highest level, I must confirm this position. US is doing everything possible as indicated by 5175 to prepare public, Congressional and Constitutional basis for united action in Indochina. However, such action is impossible except on coalition basis with active British Commonwealth participation. Meanwhile US prepared, as has been demonstrated, to do everything short of belligerency.

FYI US cannot and will not be put in position of alone salvaging British Commonwealth interests in Malaya, Australia and

---

*The Department of State representative recommends the deletion of paragraphs A and B hereunder as being redundant and included in other documents.

New Zealand. This matter now under discussion with UK at highest level.

DILLION REPLY ON FRENCH REACTION

Cablegram from Ambassador Dillon to Secretary Dulles, April 5, 1954.

I delivered message DEPTEL 3482 to Bidault Monday evening. He asked me to tell Secretary that he personally could well understand position US Government and would pass on your answer to Laniel.

He asked me to say once more that unfortunately the time for formulating coalitions has passed as the fate of Indochina will be decided in the next ten days at Dien-Bien-Phu. As I left he said that even though French must fight alone they would continue fighting and he prayed God they would be successful.

MEMO OF EISENHOWER-DULLES TALK ON THE FRENCH CEASE-FIRE PLAN

Memorandum by Robert Cutler, special assistant to President Dwight D. Eisenhower, May 7, 1954.

At a meeting in the President's office this morning with Dulles, three topics were discussed.

1. Whether the President should approve paragraph 1b of the tentative Record of Action of the 5/6/54 NSC meeting, which covers the proposed answer to the Eden proposal. The Secretary of State thought the text was correct. Wilson and Radford preferred the draft message to Smith for Eden prepared yesterday by MacArthur and Captain Anderson, and cleared by the JCS, which included in the Five Power Staff Agency Thailand and the Philippines. Radford thinks that the Agency (which has hitherto been not disclosed in SEA) has really completed its military planning; that if it is enlarged by top level personnel, its actions will be necessarily open to the world; that therefore some Southeast Asian countries should be included in it, and he fears Eden's proposal as an intended delaying action.

The President approved the text of paragraph 1b but suggested that Smith's reply to Eden's proposal should make clear the following:

1. Five Power Staff Agency, alone or with other nations, is not to the United States a satisfactory substitute for a broad political coalition which will include the Southeast Asian countries which are to be defended.

2. Five Power Staff Agency examination is acceptable to see how these nations can give military aid to the Southeast Asian countries in the cooperative defense effort.

3. The United States will not agree to a "white man's party" to determine the problems of the Southeast Asian nations.

I was instructed to advise Wilson and Radford of the above, and have done so.

2. The President went over the draft of the speech which Dulles is going to make tonight, making quite a few suggestions and changes in the text. He thought additionally the speech should include some easy to understand slogans, such as "The US will never start a war," "The US will not go to war without Congressional authority," "The US, as always, is trying to organize cooperative efforts to sustain the peace."

3. With reference to the cease-fire proposal transmitted by Bidault to the French cabinet, I read the following, as views principally of military members of the Planning Board, expressed in their yesterday afternoon meeting:

1. US should not support the Bidault proposal.

2. Reasons for this position:

a. The mere proposal of the cease-fire at the Geneva Conference would destroy the will to fight of French forces and make fencesitters jump to Vietminh side.

b. The Communists woud evade covertly cease-fire controls.

3. The US should (as a last act to save IndoChina) propose to France that if the following 5 conditions are met, the US will go to Congress for authority to intervene with combat forces:

a. grant of genuine freedom for Associated States

b. US take major responsibility for training indigenous forces

c. US share responsibility for military planning

d. French forces to stay in the fight and no requirement of replacement of US forces

(e. Action under UN auspices?)

This offer to be made known simultaneously to the other members of the proposed regional grouping (UK, Australia, NZ, Thailand, Associated States, Philippines) in order to enlist their participation.

I then summarized possible objections to making the above proposal to the French:

a. No French Government is now competent to act in a lasting way.

b. There is no indication France wants to "internationalize" the conflict.

c. The US proposal would be made without the prior assurance of a regional grouping of SEA states, a precondition of Congress; although this point might be added as another condition to the proposal.

d. US would be "bailing out colonial France" in the eyes of the world.

e. US cannot undertake alone to save every situation of trouble.

I concluded that some PB members felt that it had never been made clear to the French that the US was willing to ask for Congressional authority, if certain fundamental preconditions were met; that these matters had only been hinted at, and that the record of history should be clear as to the US position. Dulles was interested to know the President's views, because he is talking with Ambassador Bonnet this afternoon. He indicated that he would mention these matters to Bonnet, perhaps making a more broad hint than heretofore. He would not circulate any formal paper to Bonnet, or to anyone else.

The President referred to the proposition advanced by Governor Stassen at the April 29 Council Meeting as not having been thoroughly thought out. He said that he had been trying to get France to "internationalize" matters for a long time, and they are not willing to do so. If it were thought advisable at this time to point out to the French the essential preconditions to the US asking for Congressional authority to intervene, then it should also be made clear to the French as an additional precondition that the US would never intervene alone, that there must be an invitation by the indigenous people, and that there must be some kind of regional and collective action.

I understand that Dulles will decide the extent to which he cares to follow this line with Ambassador Bonnet. This discussion may afford Dulles guidance in replying to Smith's request about a US alternative to support the Bidault proposal, but there really was no decision as to the US attitude toward the cease-fire proposal itself.

EISENHOWER'S INSTRUCTIONS TO U.S. ENVOY AT GENEVA TALKS

Cablegram from Secretary of State Dulles to Under Secretary Walter Bedell Smith, May 12, 1954.

The following basic instructions, which have been approved by the President, and which are in confirmation of those already given you orally, will guide you, as head of the United States Delegation, in your participation in the Indochina phase of the Geneva Conference.

1. The presence of a United States representative during the discussion at the Geneva Conference of "the problem of restoring peace in Indochina" rests on the Berlin Agreement of February 18, 1954. Under that agreement the US, UK, France, and USSR agreed that the four of them plus other interested states should be invited to a conference at Geneva on April 26 "for the purpose of reaching a peaceful settlement of the Korean question" and agreed further, that "the problem of restoring peace in Indochina" would also be discussed at Geneva by the four powers represented at Berlin, and Communist China and other interested states.

2. You will not deal with the delegates of the Chinese Communist regime or any other regime not now diplomatically recognized by the United States, on any terms which imply political recognition or which concede to that regime any status other than that of a regime with which it is necessary to deal on a de facto basis in order to end aggression or the threat of aggression, and to obtain peace.

3. The position of the United States in the Indochina phase of the Geneva Conference is that of an interested nation which, however, is neither a beligerent nor a principal in the negotiation.

4. The United States is participating in the Indochina phase of the Conference in order thereby to assist in arriving at decisions which will help the nations of that area peacefully to enjoy territorial integrity and political independence under stable and free governments with the opportunity to expand their economies, to realize their legitimate national aspirations, and to develop security through individual and collective defense against aggression, from within or without. This implies that these people should not be amalgamated into the Communist bloc of imperialistic dictatorship.

5. The United States is not prepared to give its express or implied approval to any cease-fire, armistice or other settlement which would have the effect of subverting the existing lawful governments of the three aforementioned states or of permanently impairing their territorial integrity or of placing in jeopardy the forces of the French Union in Indochina, or which otherwise contravened the principles stated in (4) above.

6. You should, insofar as is compatible with these instructions, cooperate with the Delegation of France and with the Delegations of other friendly participants in this phase of the Conference.

7. If in your judgment continued participation in the Indochina phase of the Conference appears likely to involve the United States in a result inconsistent with its policy, as stated above, you should immediately so inform your Government, recommending either withdrawal or the limitation of the US role to that of an observer. If the situation develops such that, in your opinion, either of such actions is essential under the circumstances and time is lacking for consultation with Washington, you may act in your discretion.

8. You are authorized to inform other delegations at Geneva of these instructions.

1954 STUDY BY THE JOINT CHIEFS ON POSSIBLE U.S. INTERVENTION

Excerpts from memorandum from Admiral Arthur W. Radford, Chairman of the Joint Chiefs of Staff, to Secretary of Defense Charles E. Wilson, May 26, 1954, on "Studies With Respect to Possible U.S. Action Regarding Indochina." The italicized emphasis appears in the original document.

1. Reference is made to the memorandum by the Acting Secretary of Defense, dated 18 May 1954, subject as above wherein the Joint Chiefs of Staff were requested to prepare certain studies, and agreed outline answers to certain questions relating thereto, for discussion with the Acting Secretary of Defense on or before 24 May, and for subsequent submission to the National Security Council (NSC).

2 a. The Studies requested by the Acting Secretary of Defense were developed within

the parameters prescribed in the memorandum by the Executive Secretary, NSC, dated 18 May 1954, subject as above. This memorandum is interpreted as assuming no concurrent involvement in Korea. This assumption may be quite unrealistic and lead to mal-employment of available forces. The Joint Chiefs of Staff desire to point out their belief that, from the point of view of the United States, with reference to the Far East as a whole, *Indochina is devoid of decisive military objectives and the allocation of more than token* U.S. armed forces *in Indochina would be a serious diversion of* limited U.S. capabilities. The principal sources of Viet Minh military supply lie outside Indochina. The destruction or neutralization of these sources in China proper would materially reduce the French military problems in Indochina.

b. In connection with the above, it may be readily anticipated that, upon Chinese Communist intervention in Indochina, the French would promptly request the immediate deployment of U.S. ground and air forces, additional naval forces, and a considerable increase in MDAF armament and equipment. The Joint Chiefs of Staff have stated their belief that committing to the Indochina conflict naval forces in excess of a Fast Carrier Task Force and supporting forces as necessary in accordance with the developments in the situation, of basing substantial air forces in Indochina, will involve maldeployment of forces and reduce readiness to meet probable Chinese Communist reaction elsewhere in the Far East. Simultaneously, it is necessary to keep in mind the considerable Allied military potential available in the Korea-Japan-Okinawa area.

c. In light of the above, it is clear that the denial of these forces to Indochina could result in a schism between the United States and France unless they were employed elsewhere. However, it should be noted that the Joint Chiefs of Staff have plans, both approved and under consideration, which provide for the employment of these forces in combat operations outside Indochina. Nevertheless, it is desired to repeat that this particular report is responsive to the question of U.S. intervention in Indochina only.

ASSUMING THE CHINESE COMMUNISTS INTERVENE

3. Strategic Concept and Plan of Operation

Seek to create conditions through the destruction of effective Communist forces and their means for support in the Indochina action and by reducing Chinese Communist capability for further aggression, under which Associated States forces could assume responsibility for the defense of Indochina. In the light of this concept the major courses of action would be as follows:

a. Employing atomic weapons, whenever advantageous, as well as other weapons, *conduct offensive air* operations against *selected military targets in Indochina and against those military targets in China, Hainan,* and other Communist-held offshore islands which are being used by the Communists in *direct support of their operations,* or which threaten the security of U.S. and allied forces in the area.

b. Simultaneously, French Union Forces, augmented by U.S. naval, and air forces, would exploit by coordinated ground, naval, and air action such successes as may be gained as a result of the aforementioned air operations in order to destroy enemy forces in Indochina.

c. Conduct coordinated ground, naval, and air action to destroy enemy forces in Indochina.

d. In the light of circumstances prevailing at the time, and subject to an evaluation of the results of operations conducted under subparagraphs *a* and *b* above, be prepared to take further action against Communist China to reduce its war-making capability, such as:

(1) Destruction of additional selected military targets. In connection with these additional targets, such action requires an enlarged but highly selective atomic offensive in addition to attacks employing other weapons systems.

(2) Blockade of the China coast. This might be instituted progressively from the outset.

(3) Seizure or neutralization of Hainan Island.

(4) Operations against the Chinese mainland by Chinese Nationalist forces. . . .

ASSUMING CHINESE COMMUNISTS DO NOT INTERVENE

9. Strategic Concept and Plan of Action. Seek to create conditions by destroying effective Communist forces in Indochina, under which the Associated States Forces could assume responsibility for the defense of Indochina. In the light of this concept, the major courses of action which would be undertaken are as follows:

a. *Conduct air operations* in support of allied forces in *Indochina*. The employment of atomic weapons is contemplated in the event that such course appears militarily advantageous.

b. Simultaneously, French Union Forces augmented by such armed forces of the Philippines and Thailand as may be committed would, in coordination with U.S. naval and Air Force forces, conduct coordinated ground, naval and air action to destroy enemy forces in Indochina. . . .

CABLE BY DULLES ON NEGOTIATIONS AT GENEVA ON VIETNAM ELECTIONS

Cablegram by Secretary Dulles to United States Embassy in Paris with copies to the United States Embassies in London and Saigon and to United States Consul General in Geneva for Under Secretary Bedell Smith, July 7, 1954.

We see no real conflict between paragraphs 4 and 5 US-UK terms. We realize of course that even agreement which appears to meet all seven points cannot constitute guarantee that Indochina will not one day pass into Communist hands. Seven points are intended provide best chance that this shall not happen. This will require observance of criteria not merely in the letter but in the spirit. Thus since undoubtedly true that elections might eventually mean unification Vietnam under Ho Chi Minh this makes it all more important they should be only held as long after ceasefire agreement as possible and in conditions free from intimidation to give democratic elements best chance. We believe important that no date should be set now and especially that no conditions should be accepted by French which would have direct or indirect effect of preventing effective international supervision of agreement ensuring political as well as military guarantees. Also note paragraph 3 of President and Prime Minister joint declaration of June 29 regarding QTE unity through free elections supervised by the UN UNQTE.

Our interpretation of willingness QTE respect UNQTE agreement which might be reached is that we would not (repeat not) oppose a settlement which conformed to seven points contained Deptel 4853. It does not (repeat not) of course mean we would guarantee such settlement or that we would necessarily support it publicly. We consider QTE respect UNQTE as strong a word as we can possibly employ in the circumstances to indicate our position with respect to such arrangements as French may evolve along lines points contained DEPTEL 4853. QTE respect UNQTE would also mean that we would not seek directly or indirectly to upset settlement by force.

You may convey substance above to French.

CHINESE COMMUNISTS' POSITION ON A NEUTRALIZED INDOCHINA

Cablegram from Under Secretary of State Bedell Smith at Geneva to Secretary Dulles, July 18, 1954.

Following despatch given us in advance by Topping of Associated Press apparently represents official Chinese Communist position and was given Topping in order that we would become aware of it. It begins:

QUOTE

The Communist bloc has demanded that the Unied States guarantee the partisan peace plan for Indochina and join in an agreement to neutralize the whole country a responsible Chinese Communist informant said today.

The informant, who reflects the views of Red China Premier Chou En-lai, said the Communists are hopeful of a ceasefire agreement by next Tuesday's deadline if the Western powers agree to 'bar all foreign military bases from Indochina and keep the three member states out of any military bloc.'

The informant said the Communists are pressing for the stamp of American approval on the armistice agreement—already okayed in principle by Britain and France—which would divide Vietnam between Communist leader Ho Chi Minh's Viet Minh and Bao Dai's pro-Western regime.

'We believe that the US as a member of the conference should and is obligated to subscribe to and guarantee any settlement. Morally, there is no reason for the US to avoid this obligation.'

But the informant did not (repeat not) rule out the chance of an Indochina ceasefire even if the US refuses to okay the armistice agreement.

The Eisenhower administration has told France and Britain that they can go ahead with their plan for an Indochina settlement based on partition of Vietnam. But Washington has made it clear that it is not (repeat not) ready to associate itself formally with the plan which would sanction putting millions of Vietnamese under Red rule.

The Communist informant said the 'crucial issue' now in the Geneva peace negotiations revolves around whether the Western powers will agree effectively to neutralize Indochina.

'Refusal to join in such a guarantee,' the informant said, 'could seriously deter a final settlement. On other important points in the negotiations we are in agreement or close to it. We are hopeful and we believe that there is time to reach a settlement by July 20.'

French Premier Pierre Mendes-France has promised to resign with his Cabinet if he fails to end the bloody eight-year-old war by next Tuesday. Fall of the French Government probably would doom the Geneva negotiations. The informant declared that American efforts to organize a Southeast Asia Treaty organization (SEATO) is a 'threat to any possible Indochina agreement.'

'Success or failure of the Geneva Conference may depend on the attitude of the American delegation in this regard,' he added.

END QUOTE

The above seems to me extremely significant, particularly in view of the fact that in my discussion with Eden last night he expressed pessimism, which he said was now shared for the first time by Krishna Menon. Latter had begun to feel, as I do, that Molotov wishes to force Mendes-France's resignation. Eden remarked that Molotov had now become the most difficult and intransigent member of Communist delegation. You will note obvious intention to place on shoulders of US responsibility for failure of Geneva Conference and fall of French Government if this occurs.

Molotov is insisting on a meeting this afternoon which French and British are trying to make highly restricted as they are apprehensive of what may occur. If such a meeting is held and if demands are made for US association in any agreement, I will simply say that in the event a reasonable settlement is arrived at which US could "respect", US will probably issue a unilateral statement of its own position. If question of participation Laos, Cambodia and Vietnam in security pact is raised, I will reply that this depends on outcome of conference.

Eden has already told Molotov that security pact is inevitable, that he himself favored it some time ago and that he would not (repeat not) withdraw from that position, but he made the mistake of saying that no consideration had been given to inclusion of Laos and Cambodia.

This final gambit is going to be extremely difficult to play and I do not (repeat not) now see the moves clearly. However, my opinion as expressed to you before leaving, i.e., that Molotov will gain more by bringing down Mendes Government than by a settlement, has grown stronger.

Details on Chinese Informant

Cablegram from Under Secretary Bedell Smith at Geneva to Secretary Dulles, July 19, 1954.

Topping has supplied in confidence following background information concerning his story on views of Chinese Communist delegation.

He stated his informant was Huang Hua, whom he has known for many years. Interview was at Huang's initiative, was called on short notice, and was conducted in extremely serious manner without propaganda harangues.

Topping said he had reported Huang's statement fully in his story but had obtained number of "visual impressions" during interview. When Huang spoke of possibility American bases in Indochina or anti-Communist pact in Southeast Asia, he became very agitated, his hands shook, and his usually excellent English broke down, forcing him to work through interpreter. Huang also spoke seriously and with apparent sincerity concerning his belief that I have returned to Geneva to prevent settlement. Topping believes Chinese Communists convinced Americans made deal with French during Paris talks on basis of which Mendes-France has raised price of settlement.

Excerpts From Lansdale Team's Report on Covert Vietnam Mission in 1954 and 1955

Following are excerpts from the report of the Saigon Military Mission, an American team headed by Edward G. Lansdale, covering its activities in the 1954–55 period. The report accompanies the Pentagon's study of the Vietnam war, which cites it without identifying the author or date. The excerpts appear vebatim, with only unmistakable typographical errors corrected.

I. FOREWORD

. . . This is the condensed account of one year in the operations of a "cold war" combat team, written by the team itself in the field, little by little in moments taken as the members could. The team is known as the Saigon Military Mission. The field is Vietnam. There are other teams in the field, American, French, British, Chinese, Vietnamese, Vietminh, and others. Each has its own story to tell. This is ours.

The Saigon Military Mission entered Vietnam on 1 June 1954 when its Chief arrived. However, this is the story of a team, and it wasn't until August 1954 that sufficient members arrived to constitute a team. So, this is mainly an account of the team's first year, from August 1954 to August 1955.

It was often a frustrating and perplexing year, up close. The Geneva Agreements signed on 21 July 1954 imposed restrictive rules upon all official Americans, including the Saigon Military Mission. An active and intelligent enemy made full use of legal rights to screen his activities in establishing his stay-behind organizations south of the 17th Parallel and in obtaining quick security north of that Parallel. The nation's economy and communications system were crippled by eight years of open war. The government, including its Army and other security forces, was in a painful transition from colonial to self rule, making it a year of hot-tempered incidents. Internal problems arose quickly to points where armed conflict was sought as the only solution. The enemy was frequently forgotten in the heavy atmosphere of suspicion, hatred, and jealousy.

The Saigon Military Mission received some blows from allies and the enemy in this atmosphere, as we worked to help stabilize the government and to beat the Geneva timetable of Communist takeover in the north. However, we did beat the time-table. The government did become stabilized. The Free Vietnamese are now becoming unified and learning how to cope with the Communist enemy. We are thankful that we had a chance to help in this work in a critical area of the world, to be positive and constructive in a year of doubt.

II. MISSION

The Saigon Military Mission (SMM) was born in a Washington policy meeting early in 1954, when Dien Bien Phu was still holding out against the encircling Vietminh. The SMM was to enter into Vietnam quietly and assist the Vietnamese, rather than the French, in unconventional warfare. The French were to be kept as friendly allies in the process, as far as possible.

The broad mission for the team was to undertake paramilitary operations against the enemy and to wage political-psychological warfare. Later, after Geneva, the mission was modified to prepare the means for undertaking paramilitary operations in Communist areas rather than to wage unconventional warfare. . .

III. HIGHLIGHTS OF THE YEAR

a. Early days

The Saigon Military Mission (SMM) started on 1 June 1954, when its Chief, Colonel Edward G. Lansdale, USAF, arrived in Saigon with a small box of files and clothes and a borrowed typewriter, courtesy of an SA–16 flight set up for him by the 13th Air Force at Clark AFB. Lt-General John O'Daniel and Embassy Charge Rob McClintock had arranged for his appointment as Assistant Air Attache, since it was improper for U.S. officers at MAAG at that time to have advisory conferences with Vietnamese officers. Ambassador Heath had concurred already. There was no desk space for an office, no vehicle, no safe for files. He roomed with General O'Daniel, later moved to a small house rented by MAAG. Secret communications with Washington were provided through the Saigon station of CIA.

There was deepening gloom in Vietnam. Dien Bien Phu had fallen. The French were capitulating to the Vietminh at Geneva. The first night in Saigon, Vietminh saboteurs blew up large ammunition dumps at the airport, rocking Saigon throughout the night. General O'Daniel and Charge McClintock agreed that it was time to start taking positive action. O'Daniel paved the way for a quick first-hand survey of the situation throughout the country. McClintock paved the way for contacts with Vietnamese political leaders. Our Chief's reputation from the Philippines had preceded him. Hundreds of Vietnamese acquaintanceships were made quickly.

Working in close cooperation with George Hellyer, USIS Chief, a new psychological warfare campaign was devised for the Vietnamese Army and for the government in Hanoi. Shortly after, a refresher course in combat psywar was constructed and Vietnamese Army personnel were rushed through it. A similar course was initiated for the Ministry of Information. Rumor campaigns were added to the tactics and tried out in Hanoi. It was almost too late.

The first rumor campaign was to be a carefully planted story of a Chinese Communist regiment in Tonkin taking reprisals against a Vietminh village whose girls the Chinese had raped, recalling Chinese Nationalist troop behavior in 1945 and confirming Vietnamese fears of Chinese occupation under Vietminh rule; the story was to be planted by soldiers of the Vietnamese Armed Psywar Company in Hanoi dressed in civilian clothes. The troops received their instructions silently, dressed in civilian clothes, went on the mission, and failed to return. They had deserted to the Vietminh. Weeks later, Tonkinese told an excited story of the misbehavior of the Chinese Divisions in Vietminh territory. Investigated, it turned out to be the old rumor campaign, with Vietnamese embellishments.

There was political chaos. Prince Buu Loc no longer headed the government. Government ministries all but closed. The more volatile leaders of political groups were proposing a revolution, which included armed attacks on the French. Col. Jean Carbonel of the French Army proposed establishing a regime with Vietnamese (Nungs and others) known to him close to the Chinese border and asked for our backing. Our reply was that this was a policy decision to be made between the FEC top command and U.S. authorities.

Oscar Arellano, Junior Chamber International vice-president for Southeast Asia, stopped by for a visit with our Chief; an idea in this visit later grew into "Operation Brotherhood."

On 1 July, Major Lucien Conein arrived, as the second member of the team. He is a paramilitary specialist, well-known to the French for his help with French-operated maquis in Tonkin against the Japanese in 1945, the one American guerrilla fighter who had not been a member of the Patti Mission. He was assigned to MAAG for cover purposes. Arranged by Lt-Col William Rosson, a meeting was held with Col Carbonel, Col Nguyen Van Vy, and the two SMM officers; Vy had seen his first combat in 1945 under Conein. Carbonel proposed establishing a maquis, to be kept as a secret between the four officers. SMM refused, learned later that Carbonel had kept the FEC Deuxieme Bureau informed. Shortly afterwards, at a Defense conference with General O'Daniel, our Chief had a chance to suggest Vy for a command in the North, making him a general. Secretary of State for Defense Le Ngoc Chan did so, Vy was grateful and remained so.

Ngo Dinh Diem arrived on 7 July, and within hours was in despair as the French forces withdrew from the Catholic provinces of Phat Diem and Nam Dinh in Tonkin. Catholic militia streamed north to Hanoi and Haiphong, their hearts filled with anger at French abandonment. The two SMM officers stopped a planned grenade attack by militia girls against French troops guarding a warehouse; the girls stated they had not eaten for three days; arrangements were made for Chinese merchants in Haiphong to feed them. Other militia attacks were stopped, including one against a withdrawing French artillery unit; the militia wanted the guns to stand and fight the Vietminh. The Tonkinese had hopes of American friendship and listened to the advice given them. Governor [name illegible] died, reportedly by poison. Tonkin's government changed as despair grew. On 21 July, the Geneva Agreement was signed. Tonkin was given to the Communists. Anti-Communists turned to SMM for help in establishing a resistance movement and several tentative initial arrangements were made.

Diem himself had reached a nadir of frustration, as his country disintegrated after the conference of foreigners. With the approval of Ambassador Heath and General O'Daniel, our Chief drew up a plan of overall governmental action and presented it to Diem, with Hellyer as interpreter. It called for fast constructive action and dynamic leadership. Although the plan was not adopted, it laid the foundation for a friendship which has lasted.

Oscar Arellano visited Saigon again. Major Charles T. R. Bohanan, a former team-mate in Philippine days, was in town. At an SMM conference with these two, "Operation Brotherhood" was born: volunteer medical teams of Free Asians to aid the Free Vietnamese who have few doctors of their own. Washington responded warmly to the idea. President Diem was visited; he issued an appeal to the Free World for help. The Junior Chamber International adopted the idea. SMM would monitor the operation quietly in the background.

President Diem had organized a Committee of Cabinet Ministers to handle the problem of refugees from the Communist North. The Committee system was a failure. No real plans had been made by the French or the Americans. After conferences with USOM (FOA) officials and with General O'Daniel, our Chief suggested to Ambassador Heath that he call a U.S. meeting to plan a single Vietnamese agency, under a Commissioner of Refugees to be appointed by President Diem, to run the Vietnamese refugee program and to provide a channel through which help could be given by the U.S., France, and other free nations. The meeting was called and the plan adopted, with MAAG under General O'Daniel in the coordinating role. Diem adopted the plan. The French pitched in enthusiastically to help. CAT asked SMM for help in obtaining a French contract for the refugee airlift, and got it. In return, CAT provided SMM with the means for secret air travel between the North and Saigon. . . .

b. August 1954

An agreement had been reached that the personnel ceiling of U.S. military personnel with MAAG would be frozen at the number present in Vietnam on the date of the cease-fire, under the terms of the Geneva Agreement. In South Vietnam this deadline was to be 11 August. It meant that SMM might have only two members present, unless action were taken. General O'Daniel agreed to the addition of ten SMM men under MAAG cover, plus any others in the Defense pipeline who arrived before the deadline. A call for help went out. Ten officers in Korea, Japan, and Okinawa were selected and were rushed to Vietnam.

SMM had one small MAAG house. Negotiations were started for other housing, but the new members of the team arrived before housing was ready and were crammed three and four to a hotel room for the first days. Meetings were held to assess the new members' abilities. None had had political-psychological warfare experience. Most were experienced in paramilitary and clandestine intelligence operations. Plans were made quickly, for time was running out in the north; already the Vietminh had started taking over secret control of Hanoi and other areas of Tonkin still held by French forces.

Major Conein was given responsibility for developing a paramilitary organization in the north, to be in position when the Vietminh took over. . . . [His] . . . team was moved north immediately as part of the MAAG staff working on the refugee problem. The team had headquarters in Hanoi, with a branch in Haiphong. Among cover duties, this team supervised the refugee flow for the Hanoi airlift organized by the French. One day, as a CAT C–46 finished loading, they saw a small child standing on the ground below the loading door. They shouted for the pilot to wait, picked the child up and shoved him into the aircraft, which then promptly taxied out for its takeoff in the constant air shuttle. A Vietnamese man and woman ran up to the team, asking what they had done with their small boy, whom they'd brought out to say goodbye to relatives. The chagrined team explained, finally talked the parents into going south to Free Vietnam, put them in the next aircraft to catch up with their son in Saigon. . . .

A second paramilitary team was formed to explore possibilities of organizing resistance against the Vietminh from bases in the south. This team consisted of Army Lt-Col Raymond Wittmayer, Army Major Fred Allen, and Army Lt Edward Williams. The latter was our only experienced counter-espionage officer and undertook double duties, including working with revolutionary political groups. Major Allen eventually was able to mount a Vietnamese paramilitary effort in Tonkin from the south, barely beating the Vietminh shutdown in Haiphong as his teams went in, trained and equipped for their assigned missions.

Navy Lt Edward Bain and Marine Captain Richard Smith were assigned as the support group for SMM. Actually, support for an effort such as SMM is a major operation in itself, running the gamut from the usual administrative and personnel functions to the intricate business of clandestine air, maritime, and land supply of paramilitary materiel. In effect, they became our official smugglers as well as paymasters, housing officers, transportation officers, warehousemen, file clerks, and mess officers. The work load was such that other team members frequently pitched in and helped.

c. September 1954

Highly-placed officials from Washington visited Saigon and, in private conversations, indicated that current estimates led to the conclusion that Vietnam probably would have to be written off as a loss. We admitted that prospects were gloomy, but were positive that there was still a fighting chance.

On 8 September, SMM officers visited Secretary of State for Defense Chan and walked into a tense situation in his office. Chan had just arrested Lt-Col Lan (G-6 of the Vietnamese Army) and Capt Giai (G-5 of the Army). Armed guards filled the room. We were told what had happened and assured that everything was all right by all three principals. Later, we discovered that Chan was alone and that the guards were Lt-Col Lan's commandos. Lan was charged with political terrorism (by his "action" squads) and Giai with anti-Diem propaganda (using G-5 leaflet, rumor, and broadcast facilities).

The arrest of Lan and Giai, who simply refused to consider themselves arrested, and of Lt Minh, officer in charge of the Army radio station which was guarded by Army troops, brought into the open a plot by the Army Chief of Staff, General Hinh, to overthrow the government. Hinh had hinted at such a plot to his American friends, using a silver cigarette box given him by Egypt's Naguib to carry the hint. SMM became thoroughly involved in the tense controversy which followed, due to our Chief's closeness to both President Diem and General Hinh. He had met the latter in the Philippines in 1952, was a friend of both Hinh's wife and favorite mistress. (The mistress was a pupil in a small English class conducted for mistresses of important personages, at their request. . . .)

While various U.S. officials including General O'Daniel and Foreign Service Officer Frank [name illegible] participated in U.S. attempts to heal the split between the President and his Army, Ambassador Heath asked us to make a major effort to end the controversy. This effort strained relations with Diem and never was successful, but did dampen Army enthusiasm for the plot. At one moment, when there was likelihood of an attack by armored vehicles on the Presidential Palace, SMM told Hinh bluntly that U.S. support most probably would stop in such an event. At the same time a group from the Presidential Guards asked for tactical advice on how to stop armored vehicles with the only weapons available to the Guards: carbines, rifles, and hand grenades. The advice, on tank traps and destruction with improvised weapons, must have sounded grim. The following morning, when the attack was to take place, we visited the Palace; not a guard was left on the grounds; President Diem was alone upstairs, calmly getting his work done.

As a result of the Hinh trouble, Diem started looking around for troops upon whom he could count. Some Tonkinese militia, refugees from the north, were assembled in Saigon close to the Palace. But they were insufficient for what he needed. Diem made an agreement with General Trinh Minh The, leader of some 3,000 Cao Dai dissidents in the vicinity of Tayninh, to give General The some needed financial support; The was to give armed support to the government if necessary and to provide a safe haven for the government if it had to flee. The's guerrillas, known as the Lien Minh, were strongly nationalist and were still fighting the Vietminh and the French. At Ambassador Heath's request, the U.S. secretly furnished Diem with funds for The, through the SMM. Shortly afterwards, an invitation came from The to visit him. Ambassador Heath approved the visit. . . .

The northern SMM team under Conein had organized a paramilitary group (which we will disguise by the Vietnamese name of Binh) through the Northern Dai Viets, a political party with loyalties to Bao Dai. The group was to be trained and supported by the U.S. as patriotic Vietnamese, to come eventually under government control when the government was ready for such activities. Thirteen Binhs were quietly exfiltrated through the port of Haiphong, under the direction of Lt Andrews, and taken on the first stage of the journey to their training area by a U.S. Navy ship. This was the first of a series of helpful actions by Task Force 98, commanded by Admiral Sabin.

Another paramilitary group for Tonkin operations was being developed in Saigon through General Nguyen Van Vy. In September this group started shaping up fast, and the project was given to Major Allen. (We will give this group the Vietnamese name of Hao). . . .

Towards the end of the month, it was learned that the largest printing establishment in the north intended to remain in Hanoi and do business with the Vietminh. An attempt was made by SMM to destroy the modern presses, but Vietminh security agents already had moved into the plant and frustrated the attempt. This operation was under a Vietnamese patriot whom we shall call Trieu; his case officer was Capt Arundel. Earlier in the month they had engineered a black psywar strike in Hanoi: leaflets signed by the Vietminh instructing Tonkinese on how to behave for the Vietminh takeover of the Hanoi region in early October, including items about property, money reform, and a three-day holiday of workers upon takeover. The day following the distribution of these leaflets, refugee registration tripled. Two days later Vietminh currency was worth half the value prior to the leaflets. The Vietminh took to the radio to denounce the leaflets; the leaflets were so authentic in appearance that even most of the rank and file Vietminh were sure that the radio denunciations were a French trick.

The Hanoi psywar strike had other consequences. Binh had enlisted a high police official of Hanoi as part of his team, to effect the release from jail of any team members if arrested. The official at the last moment decided to assist in the leaflet distribution personally. Police officers spotted him, chased his vehicle through the empty Hanoi streets of early morning, finally opened fire on him and caught him. He was the only member of the group caught. He was held in prison as a Vietminh agent.

d. October 1954

Hanoi was evacuated on 9 October. The northern SMM team left with the last French troops, disturbed by what they had seen of the grim efficiency of the Vietminh in their takeover, the contrast between the silent march of the victorious Vietminh troops in their tennis shoes and the clanking armor of the well-equipped French whose Western tactics and equipment had failed against the Communist military-political-economic campaign.

The northern team had spent the last days of Hanoi in contaminating the oil supply of the bus company for a gradual wreckage of engines in the buses, in taking the first actions for delayed sabotage of the railroad (which required teamwork with a CIA special technical team in Japan who performed their part brilliantly), and in writing detailed notes of potential targets for future paramilitary operations (U.S. adherence to the Geneva Agreement prevented SMM from carrying out the active sabotage it desired to do against the power plant, water facilities, harbor, and bridge). The team had a bad moment when contaminating the oil. They had to work quickly at night, in an enclosed storage room. Fumes from the contaminant came close to knocking them out. Dizzy and weak-kneed, they masked their faces with handkerchiefs and completed the job.

Meanwhile, Polish and Russian ships had arrived in the south to transport southern Vietminh to Tonkin under the Geneva Agreement. This offered the opportunity for another black psywar strike. A leaflet was developed by Binh with the help of Capt. Arundel, attributed to the Vietminh Resistance Committee. Among other items, it reassured the Vietminh they would be kept safe below decks from imperialist air and submarine attacks, and requested that warm clothing be brought; the warm clothing item would be coupled with a verbal rumor campaign that Vietminh were being sent into China as railroad laborers.

SMM had been busily developing G–5 of the Vietnamese Army for such psywar efforts. Under Arundel's direction, the First Armed Propaganda Company printed the leaflets and distributed them, by soldiers in civilian clothes who penetrated into southern Vietminh zones on foot. (Distribution in Camau was made while columnist Joseph Alsop was on his visit there which led to his sensational, gloomy articles later; our soldier "Vietminh" failed in an attempt to get the leaflet into Alsop's hands in Camau; Alsop was never told this story). Intelligence reports and other later reports revealed that village and delegation committees complained about "deportation" to the north, after distribution of the leaflet. . . .

Contention between Diem and Hinh had become murderous. . . . Finally, we learned that Hinh was close to action; he had selected 26 October as the morning for an attack on the Presidential Palace. Hinh was counting heavily on Lt-Col Lan's special forces and on Captain Giai who was running Hinh's secret headquarters at Hinh's home. We invited these two officers to visit the Philippines, on the pretext that we were making an official trip, could take them along and open the way for them to see some inner workings of the fight against Filipino Communists which they probably would never see otherwise. Hinh reluctantly turned down his own invitation; he had had a memorable time of it on his last visit to Manila in 1952. Lt-Col Lan was a French agent and the temptation to see behind-the-scenes was too much. He and Giai accompanied SMM officers on the MAAG C–47 which General O'Daniel instantly made available for the operation. 26 October was spent in the Philippines. The attack on the palace didn't come off.

e. November 1954

General Lawton Collins arrived as Ambassador on 8 November. . . .

Collins, in his first press conference, made it plain that the U.S. was supporting President Diem. The new Ambassador applied pressure on General Hinh and on 29 November Hinh left for Paris. His other key conspirators followed.

Part of the SMM team became involved in staff work to back up the energetic campaign to save Vietnam which Collins pushed forward. Some SMM members were scattered around the Pacific, accompanying Vietnamese for secret training, obtaining and shipping supplies to be smuggled into North Vietnam and hidden there. In the Philippines, more support was being constructed to help SMM, in expediting the flow of supplies, and in creating Freedom Company, a non-profit Philippines corporation backed by President Magsaysay, which would supply Filipinos experienced in fighting the Communist Huks to help in Vietnam (or elsewhere). . . .

On 23 November, twenty-one selected Vietnamese agents and two cooks of our Hao paramilitary group were put aboard a navy ship in the Saigon River, in daylight. They appeared as coolies, joined the coolie and refugee throng moving on and off ship, and disappeared one by one. It was brilliantly planned and executed, agents being picked up from unobtrusive assembly points throughout the metropolis. Lt. Andrews made the plans and carried out the movement under the supervision of Major Allen. The ship took the Hao agents, in compartmented groups, to an overseas point, the first stage in a movement to a secret training area.

f. December 1954

. . . discussions between the U.S., Vietnamese and French had reached a point where it appeared that military training mission using U.S. officers was in the immediate offing. General O'Daniel had a U.S.-French planning group working on the problem, under Col. Rosson. One paper they were developing was a plan for pacification of Vietminh and dissident areas; this paper was passed to SMM for its assistance with the drafting. SMM wrote much of the paper, changing the concept from the old rigid police controls of all areas to some of our concepts of winning over the population and instituting a classification of areas by the amount of trouble in each, the amount of control required, and fixing responsibilities between civil and military authorities. With a few changes, this was issued by President Diem on 31 December as the National Security Action (Pacification) Directive. . . .

There was still much disquiet in Vietnam, particularly among anti-Communist political groups who were not included in the government. SMM officers were contacted by a number of such groups who felt that they "would have to commit suicide in 1956" (the 1956 plebiscite promised in the 1954 Geneva agreement), when the Vietminh would surely take over against so weak a government. One group of farmers and militia in the south was talked out of migrating to Madagascar by SMM and staying on their farms. A number of these groups asked SMM for help in training personnel for eventual guerrilla warfare if the Vietminh won. Persons such as the then Minister of Defense and Trinh Minh The were among those loyal to the government who also requested such help. It was decided that a more basic guerrilla training program might be undertaken for such groups than was available at the secret training site to which we had sent the Binh and Hao groups. Plans were made with Major Bohanan and Mr. John C. Wachtel in the Philippines for a solution of this problem; the United States backed the development, through them, of a small Freedom Company training camp in a hidden valley on the Clark AFB reservation.

Till and Peg Durdin of the N.Y. Times, Hank Lieberman of the N.Y. Times, Homer Bigart of the N.Y. Herald-Tribune, John Mecklin of Life-Time, and John Roderick of Associated Press, have been warm friends of SMM and worked hard to penetrate the fabric of French propaganda and give the U.S. an objective account of events in Vietnam. The group met with us at times to analyze objectives and motives of propaganda known to them, meeting at their own request as U.S. citizens. These mature and responsible news correspondents performed a valuable service for their country. . . .

g. January 1955

The Vietminh long ago had adopted the Chinese Communist thought that the people are the water and the army is the fish. Vietminh relations with the mass of the population during the fighting had been exemplary, with a few exceptions; in contrast, the Vietnamese National Army had been like too many Asia armies, adept at cowing a population into feeding them, providing them with girls. SMM had been working on this problem from the beginning. Since the National Army was the only unit of government with a strong organization throughout the country and with good communications, it was the key to stabilizing the situation quickly on a nation-wide basis. If Army and people could be brought together into a team, the first strong weapon against Communism could be forged.

The Vietminh were aware of this. We later learned that months before the signing of the Geneva Agreement they had been planning for action in the post-Geneva period; the National Army was to be the primary target for subversion efforts, it was given top priority by the Central Committee for operations against its enemy, and about 100 superior cadres were retrained for the operations and placed in the [words illegible] organization for the work, which commenced even before the agreement was signed. We didn't know it at the time, but this was SMM's major opponent, in a secret struggle for the National Army. . . .

General O'Daniel was anticipating the culmination of long negotiations to permit U.S. training of the Vietnamese Armed Forces, against some resistance on the part of French groups. In January, negotiations were proceeding so well that General O'Daniel informally organized a combined U.S.-French training mission which eventually became known as the Training Relations & Instruction Mission (TRIM) under his command, but under the overall command of the top French commander, General Paul Ely.

The French had asked for top command or half the divisions in the TRIM staff. Their first priority was for command of the division supervising National Security Action by the Vietnamese, which could be developed into a continuation of strong French control of key elements of both Army and population. In conferences with Ambassador Collins and General O'Daniel, it was decided to transfer Colonel Lansdale from the Ambassador's staff to TRIM, to head the National Security division. Colonel Lansdale requested authority to coordinate all U.S. civil and military efforts in this National Security work. On 11 January, Ambassador Collins announced the change to the country team, and gave him authority to coordinate this work among all U.S. agencies in Vietnam. . . .

President Diem had continued requesting SMM help with the guard battalion for the Presidential Palace. We made arrangements with President Magsaysay in the Philippines and borrowed his senior aide and military advisor, Col. Napoleon Valeriano, who had a fine combat record against the Communist Huks and also had reorganized the Presidenial Guard Bat talion for Magsaysay. Valeriano, with three junior officers, arrived in January and went to work on Diem's guard battalion. Later, selected Vietnamese officers were trained with the Presidential Guards in Manila. An efficient unit gradually emerged. Diem was warmly grateful for this help by Filipinos who also continuously taught our concept of loyalty and freedom.

The patriot we've named Trieu Dinh had been working on an almanac for popular sale, particularly in the northern cities and towns we could still reach. Noted Vietnamese astrologers were hired to write predictions about coming disasters to certain Vietminh leaders and undertakings, and to predict unity in the south. The work was carried out under the direction of Lt. Phillips, based on our concept of the use of astrology for psywar in Southeast Asia. Copies of the almanac were shipped by air to Haiphong and then smuggled into Vietminh territory.

Dinh also had produced a Thomas Paine type series of essays on Vietnamese patriotism against the Communist Vietminh, under the guidance of Capt. Arundel. These essays were circulated among influential groups in Vietnam, earned front-page editorials in the leading daily newspaper in Saigon. Circulation increased with the publication of these essays. The publisher is known to SMM as The Dragon Lady and is a fine Vietnamese girl who has been the mistress of an anti-American French civilian. Despite anti-American remarks by her boy friend, we had helped her keep her paper from being closed by the government . . . and she found it profitable to heed our advice on the editorial content of her paper.

Arms and equipment for the Binh paramilitary team were being cached in the north in areas still free from the Vietminh. Personnel movements were covered by the flow of refugees. Haiphong was reminiscent of our own pioneer days as it was swamped with people whom it couldn't shelter. Living space and food were at a premium, nervous tension grew. It was a wild time for our northern team.

First supplies for the Hao paramilitary group started to arrive in Saigon. These shipments and the earlier ones for the Binh group were part of an efficient and effective air smuggling effort by the 581st [word illegible] Wing, U.S. Air Force, to support SMM, with help by CIA and Air Force personnel in both Okinawa and the Philippines. SMM officers frequently did coolie labor in manhandling tons of cargo, at times working throughout the night. . . . All . . . officers pitched in to help, as part of our "blood sweat and tears". . . .

By 31 January, all operational equipment of the Binh paramilitary group had been trans-shipped to Haiphong from Saigon, mostly with the help of CAT, and the northern SMM team had it cached in operational sites. Security measures were tightened at the Haiphong airport and plans for bringing in the Hao equipment were changed from the air route to sea. Task Force 98, now 98.7 under command of Captain Frank, again was asked to give a helping hand and did so. . . .

. . . . Major Conlin had briefed the members of the Binh paramilitary team and started them infiltrating into the north as individuals. The infiltration was carried out in careful stages over a 30 day period, a successful operation. The Binhs became normal citizens, carrying out every day civil pursuits, on the surface.

We had smuggled into Vietnam about eight and a half tons of supplies for the Hao paramilitary group. They included fourteen agent radios, 300 carbines, 90,000 rounds of carbine ammunition, 50 pistols, 10,000 rounds of pistol ammunition, and 300 pounds of explosives. Two and a half tons were delivered to the Hao agents in Tonkin, while the remainder was cached along the Red River by SMM, with the help of the Navy. . . .

* * * * *

j. April 1955

. . . the Hao paramilitary team had finished its training at the secret training site and been flown by the Air Force to a holding site in the Philippines, where Major Allen and his officers briefed the paramilitary team. In mid-April, they were taken by the Navy to Haiphong, where they were gradually slipped ashore. Meanwhile, arms and other equipment including explosives were being flown into Saigon via our smuggling route, being readied for shipment north by the Navy task force handling refugees. The White team office gradually became an imposing munitions depot. Nightly shootings and bombings in restless Saigon caused us to give them dispersed storage behind thick walls as far as this one big house would permit. SMM personnel guarded the house night and day, for it also contained our major files other than the working file at our Command Post. All files were fixed for instant destruction, automatic weapons and hand grenades distributed to all personnel. It was a strange scene for new personnel just arriving. . . .

Haiphong was taken over by the Vietminh on 16 May. Our Binh and northern Hao teams were in place, completely equipped. It had taken a tremendous amount of hard work to beat the Geneva deadline, to locate, select, exfiltrate, train, infiltrate, equip the men of these two teams and have them in place, ready for actions required against the enemy. It would be a hard task to do openly, but this had to be kept secret from the Vietminh, the International Commission with its suspicious French and Poles and Indians, and even friendly Vietnamese. Movements of personnel and supplies had had to be over thousands of miles. . . .

Vietnam Papers: Doubt Cast on View That the North Imposed War on the South

Under the heading "Origins of the Insurgency in South Vietnam," the Pentagon's study analyzes the Vietcong movement and its role in the development of the war. The following article, by Fox, Butterfield, describes the analysts' findings.

The secret Pentagon study of the Vietnam war says the United States Government's official view that the war was imposed on South Vietnam by aggression from Hanoi is "not wholly compelling."

Successive administrations in Washington, from President John F. Kennedy to President Richard M. Nixon, have used this interpretation of the origins of the war to justify American intervention in Vietnam. But American intelligence estimates during the nineteen-fifties show, the Pentagon account says, that the war began largely as a rebellion in the South against the increasingly oppressive and corrupt regime of Ngo Dinh Diem.

"Most of those who took up arms were South Vietnamese and the causes for which they fought were by no means contrived in North Vietnam," the Pentagon account says of the years from 1956 to 1959, when the insurgency began.

But the study also disputes many critics of American policy in Vietnam who have contended that North Vietnam became involved in the South only after 1965 in response to large-scale American intervention.

"It is equally clear that North Vietnamese Communists operated some form of subordinate apparatus in the South in the years 1954–1960," the Pentagon study says.

And in 1959, the account continues, Hanoi made a clear decision to assert its control over the growing insurgency and to increase its infiltration of trained cadres from the North. Thereafter, the study says, "Hanoi's involvement in the developing strife became evident."

"AUTHORITARIAN, INFLEXIBLE, REMOTE"

Developments related to the origins of the war that are disclosed by the Pentagon history include the following:

American officials in Saigon, including those in the embassy, the Central Intelligence Agency and the military command were fully aware of President Diem's shortcomings. They regularly reported to Washington that he was "authoritarian, inflexible and remote," that he entrusted power only to his own family and that he had alienated all elements of the population by his oppressive policies.

From 1954 to 1958 North Vietnam concentrated on its internal development, apparently hoping to achieve reunification either through the elections provided for in the Geneva settlement or through the natural collapse of the weak Diem regime. The Communists left behind a skeletal apparatus in the South when they regrounded to North Vietnam in 1954 after the war with the French ended, but the cadre members were ordered to engage only in "political struggle."

In the years before 1959 the Diem regime was nearly successful in wiping out the agents, who felt constrained by their orders not to fight back. Their fear and anger at being caught in this predicament, however, apparently led them to begin the insurgency against Mr. Diem, despite their orders, sometime during 1956–57.

North Vietnam's leaders formally decided in May, 1959, at the 15th meeting of the Lao Dong (Communist) party's Central Committee, to take control of the growing insurgency. Captured Vietcong personnel and documents report that as a result of the decision the Ho Chi Minh Trail of supply lines was prepared, southern cadre members who had been taken North were infiltrated back to the South and the tempo of the war suddenly speeded up.

The Pentagon account says that both American intelligence and Vietcong prisoners attributed the Vietcong's rapid success after 1959 to the Diem regime's mistakes.

In a report prepared by the Rand Corporation of Santa Monica, Calif., on the interrogation of 23 Vietcong cadre members, one southern member said of the Communists' success:

"The explanation is not that the cadre were exceptionally gifted but the people they talked to were ready for rebellion. The people were like a mound of straw, ready to be ignited.

"If at that time the Government in the South had been a good one, if it had not been dictatorial, then launching the movement would have been difficult."

ENCOURAGEMENT OF HANOI IS SEEN

A United States intelligence estimate of August, 1960, on the rapidly deteriorating situation in South Vietnam concluded:

"The indications of increasing dissatisfaction with the Diem government have probably encouraged the Hanoi regime to take stronger action at this time."

To emphasize how the Diem regime's oppressive and corrupt policies helped prepare the way for the insurgency in South Vietnam, the Pentagon study devotes a lengthy section to Mr. Diem's rule—as Premier from 1954 until late 1955 and then as President until he was overthrown in 1963.

When Mr. Diem took office in 1954, the account notes, it seemed for a while that he "did accomplish miracles," as his supporters contended.

To the surprise of most observers, he put down the Binh Xuyen gangster sect in Saigon and the Cao Dai and the Hoa Hao, armed sects in the countryside. He created a stable government and a loyal army where there had been only chaos. And he won diplomatic recognition for South Vietnam from many countries.

But from the beginning, the account says, President Diem's personality and political concepts tended to decrease his Government's effectiveness.

The product of a family that was both zealously Roman Catholic and a member of the traditional Mandarin ruling class, Mr. Diem was authoritarian, moralistic, inflexible, bureaucratic and suspicious. His mentality is described in the account as like that of a "Spanish Inquisitor."

His political machine was a "rigidly organized, overcentralized family oligarchy." He trusted only his family members, particularly his brother Ngo Dinh Nhu, who had organized the semi-secret Can Lao party.

CHOSE TO RULE "WITH FIRM HAND"

An American intelligence estimate of May, 1959, described the situation as follows:

"President Diem continues to be the undisputed ruler of South Vietnam; all important and many minor decisions are referred to him.

"Although he professes to believe in representative government and democracy, Diem is convinced that the Vietnamese are not ready for such a political system and that he must rule with a firm hand, at least so long as national security is threatened.

"He also believes that the country cannot afford a political opposition which could obstruct or dilute the Government's efforts to establish a strong rule. He remains a somewhat austere and remote figure to most Vietnamese and has not generated widespread popular enthusiasm.

"Diem's regime reflects his ideas. A facade of representative government is maintained, but the Government is in fact essentially authoritarian.

"The legislative powers of the National Assembly are strictly circumscribed; the judiciary is undeveloped and subordinate to the executive; and the members of the executive branch are little more than the personal agents of Diem.

"No organized opposition, loyal or otherwise, is tolerated, and critics of the regime are often repressed."

To make matters worse, according to the account, Mr. Diem's programs designed to increase security in the countryside were carried out so badly that they "drove a wedge not between the insurgents and the farmers, but between the farmers and the Government, and eventuated in less rather than more security."

The Civic Action program, designed to help the Government in Saigon establish communication with the peasants, went astray when President Diem used northern refugees and Catholics almost exclusively to go into the villages. To the peasants these Civic Action team members were outsiders.

The Diem land-reform program, instead of redistributing land to the poor, ended up taking back what the peasants had been given by the Vietminh and returning it to the landlords. In 1960, 75 per cent of the land was still owned by 15 per cent of the people.

Mr. Diem abolished the traditional elected village councils out of fear that Communists might gain power in them. Then he replaced these popular bodies with appointed outsiders, northern refugees and Catholics loyal to him.

In the so-called anti-Communist denunciation campaign, which was begun in the summer of 1955, from 50,000 to 100,000 people were put in detention camps. But, the account says, many of the detainees were not Communists at all.

President Diem also ordered a number of population-relocation programs to increase security, but these too backfired, it says.

Montagnard tribesmen who were forced to leave their traditional homelands in the Central Highlands for more settled and secure areas made easy recruits for the Vietcong, the chronicle relates, and peasants who were forced to move out of their ancestral villages and build new ones in the so-called agroville program resented the Saigon Government.

Despite "Diem's preoccupation with security," the account says, "he poorly provided for police and intelligence in the countryside"; the Self-Defense Corps and Civil Guard—both militia groups—were "poorly trained and equipped, miserably led."

"Their brutality, petty thievery and disorderliness induced innumerable villagers to join in open revolt against Diem," the account continues.

By curbing freedom of speech and jailing dissidents, the history says, Mr. Diem alienated the intellectuals; by promoting officers on the basis of loyalty to his family rather than on the basis of ability, he alienated large segments of the armed forces.

Looking at the Diem Government's growing problems in January, 1960, the United States Embassy concluded in a "Special Report on the Internal Security Situation in Vietnam":

"The situation may be summed up in the fact that the Government has tended to treat the population with suspicion or to coerce it and has been rewarded with an attitude of apathy and resentment.

"The basic factor which has been lacking is a feeling of rapport between the Government and the population. The people have not identified themselves with the Government."

The report pointed to this "growth of apathy and considerable dissatisfaction among the rural populace" as a major cause of the insurgency.

POLITICAL STRUGGLE

The Pentagon study divides the development of the insurgency in South Vietnam into roughly three periods:

From 1954 to 1956 the country enjoyed relative quiet as Communist cadres left behind in the South devoted themselves to "political struggle." From 1956 to 1958, after President Diem's rejection of the scheduled elections, dissident cadres in the South began the insurgency. With Hanoi's decision to take over the insurgency in 1959, the third period, that of full-scale war, began.

When Ho Chi Minh established his capital in Hanoi after the Geneva conference in 1954, American intelligence reported that North Vietnam's new leaders could be expected to concentrate on building their war-ravaged and primitive economy.

According to the American information, the Communists had taken with them 90,000 armed men from the South, leaving 5,000 to 10,000 armed men behind as a "skeletal apparatus."

From captured documents, American intelligence officials believed that the "stay-behind cadres" had the main task of preparing for the elections scheduled for 1956 to reunify the country. The cadre members were ordered to carry out only "political struggle," which meant largely propaganda activity and infiltration of the Saigon Government.

ELECTION VICTORY WAS EXPECTED

A document captured early in 1955 from a Communist field organizer and sent to Washington by the Central Intelligence Agency warned that "it is not the time to meet the enemy." The Communists apparently believed, the study says, that they would get control of the country either through the elections or by the collapse of the Diem regime through its own weakness.

In 1966 the confidential Rand Corporation study of captured southern cadre members who originally went to the North in 1954 showed that most of them had expected that the Communists would win in the 1956 elections.

"Our political officer explained that we were granted Vietnam north of the 17th Parallel now, but in 1956 there would be a general election and we would regain the South and be reunited with our families," one captive reported.

"I was a political officer," another explained. "I went to the North just like all the other combatants in my unit. I believed, at the time, that regroupment was only temporary, because from the study sessions on the Geneva agreement we drew the conclusion that we could return to the South after the general election."

While there were some incidents of murder or kidnapping in the southern countryside from 1954 to 1956, they were not directly attributable to the Communist "stay-behinds," the account says.

A United States intelligence estimate of July, 1956, noted:

"During the past year the Communists in South Vietnam have remained generally quiescent. They have passed by a number of opportunities to embarrass the Diem regime.

"Although some cadres and supplies are being infiltrated across the 17th parallel, the D.R.V. [Democratic Republic of North Vietnam] probably has not sent any large-scale reinforcement or supply to the South."

WELL-INFORMED ON ATTITUDES

The American intelligence network in South Vietnam, though limited in size, was well informed of the Communists' attitudes and actions during this period, the study explains. An intelligence estimate in May, 1957, noted:

"Because the countrywide elections envisaged by the Geneva agreements have not been held and because military action has been prevented, the D.R.V. has been frustrated in its hopes of gaining control of SVN. This has caused some discontent among cadres evacuated from the South in the expectation that they would soon return."

Intelligence gathered from Communist agents and documents captured in the nineteen-sixties, when the American intelligence network had expanded, filled out this picture of frustration and disillusionment among the cadre members.

A captured Communist who had been in charge of propaganda in Saigon testified: "The period from the armistice of 1954 until 1958 was the darkest time for the Vietcong in South Vietnam. The political agitation policy proposed by the Communist party could not be carried out due to the arrest of a number of party members."

Another cadre member reported: "The cadres who had remained behind in the South had almost all been arrested. Only one or two cadres were left in every three to five villages."

"EFFICIENTLY DESTROYED OUR PARTY"

A document that appears to be a party history, captured in 1966 by the United States First Infantry Division during a sweep through the area called the Iron Triangle near Saigon, described the cadres' predicament. Noting that the Diem Government's harsh security policies had "truly and efficiently destroyed our party," the document referring to the scheduled date for the elections said:

"Particularly after 20 July 1956, the key cadres and party members in South Vietnam asked questions which demanded answers:

"Can we still continue the struggle to demand the implementation of the Geneva agreement given the existing regime in South Vietnam? If not, what must be done? A mood of skepticism and nonconfidence in the orientation of the struggle began to seep into the party apparatus and among some of the masses."

For some cadres, the document said the answer was "armed struggle" despite their orders. It continued:

"The situation truly ripened for an armed movement against the enemy. But the leadership of the Nam Bo Regional Committee [then the Vietcong's headquarters for the southern part of South Vietnam] at that time still hesitated for many reasons, but the principal reason was the fear of violating the party line.

"The majority of party members and cadres felt that it was necessary to immediately launch an armed struggle in order to preserve the movement and protect the forces. In several areas the party members on their own initiative had organized armed struggle against the enemy."

According to the Pentagon account, the result of the cadres' decision to begin armed struggle was soon apparent in Saigon.

American intelligence officers in Saigon estimated that 30 armed terrorist incidents were initiated in the last quarter of 1957, with at least 75 local officials assassinated or kidnapped. On Oct. 22, 13 Americans were wounded in three bombings in Saigon.

But, the account says, "there is only sparse evidence that North Vietnam was directing, or was capable of directing, that violence."

During this period, from 1956 to 1958, the party leaders in Hanoi were engaged in "a serious reconsideration" of their policy, the account says.

Sometime early in 1957 Le Duan, a southerner who had led the fight in the South during the French Indochina war, returned to Hanoi from a two-year stay in the South, carrying news that the struggle there was going badly. According to American intelligence reports, he told the Politburo that it was wasting time with its orders for "political struggle." He was said to have urged military pressure.

MOST POWERFUL MAN IN HANOI

Mr. Duan, the study notes, was named a member of the Politburo later that same year, and in September, 1960, he became the First Secretary of the party.

The futility of their policy must have been brought home to the leaders in Hanoi according to the study, when on Jan. 24, 1957, the Soviet Union proposed the admission of both North and South Vietnam to the United Nations.

But until 1958 North Vietnam was still primarily concerned with its internal development, the account says, especially during 1956, when there was a peasant revolt against the Communists' harsh land-reform program.

In December, 1958, or January, 1959, the study continues, "Hanoi apparently decided that the time had come to intensify its efforts."

American intelligence quickly picked up clues about this decision.

The C.I.A. came into possession of a directive from Hanoi to its headquarters for the Central Highlands during December, 1958, stating that the Lao Dong party's Central Committee had decided to "open a new stage of the struggle."

And in January, 1959, the C.I.A. received a copy of an order directing the establishment of two guerrilla operations bases, one in Tayninh Province near the Cambodian border and another in the western Central Highlands.

The C.I.A. also learned at this time that Mr. Duan was making a secret visit to the South.

The decision that had been made privately by the Politburo was formally ratified by the Central Committee at its 15th meeting in May, 1959. All available evidence suggests that this was "the point of departure for D.R.V. intervention," the narrative says.

Scholars and journalists who have studied the origins of the insurgency, but who have not had access to American intelligence reports, have not attached such significance to that 15th session.

The United States Embassy in Saigon, reporting to Washington on the Central Committee decision, noted that a resolution had been passed saying that the struggle for reunification would have to be carried out by "all appropriate measures other than peaceful," the embassy reported.

The document captured by the First Infantry Division recalled the 1959 decision:

"After the resolution of the 15th plenum of the Central Committee was issued, all of South Vietnam possessed a clear and correct strategic policy and orientation.

"The directive of the Politburo in May, 1959, stated that the time had come to push the armed struggle. Thanks to this we closely followed the actual situation in order to formulate a program, and in October, 1959, the armed struggle was launched."

SPECIAL TRAINING FOR TRIBESMEN

A rapid build-up of Hanoi's potential for infiltration followed the party's decision to take a more active role in the insurgency, the analyst says.

Infiltration from North Vietnam had actually begun as early as 1955, United States intelligence reports show, but only in 1959 did the C.I.A. pick up evidence of large-scale infiltration.

To operate the infiltration trails, a group of Montagnard tribesmen from Quangtri and Thuathien Provinces were given special training in North Vietnam in 1958 and 1959.

Early in 1959 also, the C.I.A. reported, Hanoi formed "special border crossing teams" composed of southerners who went to the North in 1954. Their mission was to carry food, drugs and other supplies down the trail network.

And in April, 1959, the C.I.A. learned, the 559th Transportation Group was established directly under the party's Central Committee as a headquarters in charge of infiltration.

Large training centers for infiltrators were reportedly established early in 1960 at Xuanmai and Sontay, near Hanoi. During 1959 and 1960, United States intelligence officials estimated, 26 groups of infiltrators, totaling 4,500 people, made the trip south.

From later interrogation of captured infiltrators, United States intelligence officers learned that until 1964 almost all the infiltrators were native southerners who went to the North in 1954.

A Rand Corporation study of 71 of the infiltrators showed that two out of three were members of the Lao Dong party; that they had all undergone extensive periods of training in North Vietnam before being sent south; and that most of them were officers, senior noncommissioned officers or party cadre members.

BIG RISE IN ASSASSINATIONS NOTED

Hanoi's decision to switch from "political struggle" to "armed struggle" was rapidly reflected in a rise in terrorist attacks in South Vietnam during the second half of 1959, the Pentagon study says.

The United States Embassy, in a Special Report on the Internal Security Situation in Vietnam in January, 1960, noted that while there were 193 assassinations in all of 1958, there were 119 assassinations in the last four months of 1959 alone.

Even more alarming, the embassy said, were Vietcong attacks for the first time on large South Vietnamese Army units. A Vietcong ambush of two companies of Saigon's 23d Division on Sept. 26, 1959, with the killing of 12 Government soldiers and the loss of most of their weapons, brought home "the full impact of the seriousness of the present situation."

The stepped-up insurgency led to the first American deaths of the war in South Vietnam. On July 8, 1959, a terrorist bomb inside the Bienhoa base compound killed two United States servicemen.

In its January, 1960, report on the deteriorating situation, the embassy also passed on to Washington two comments made by the North Vietnamese Premier, Pham Van Dong, which it considered significant:

First: " 'You must remember we will be in Saigon tomorrow, we will be in Saigon tomorrow.' These words were spoken by Premier Pham Van Dong in a conversation with French Consul Georges-Picot on Sept. 12, 1959."

And second: "In November, Pham Van Dong twice told Canadian Commissioner Erichsen-Brown that 'We will drive the Americans into the sea.' " The Canadian, a representative on the Internationl Control Commission, was stationed in Hanoi.

The National Liberation Front for South Vietnam was officially founded on Dec. 20, 1960, the study relates, and within a year its membership had quadrupled to 300,000. By then the insurgency had taken root.

Leaders of the Insurgency

LE DUAN

Vietcong organizer, nineteen-fifties; Secretary, Lao Dong (Communist) party Central Committee for the Southern Region 1956; Secretary General Lao Dong party, 1959; since 1960, First Secretary of party . . . born in peasant family Quangtri province in central Vietnam, 1908 . . . worked as secretary with railways, Hanoi . . . given 20-year prison term for subversive activities, 1930 . . . released 1936, resumed political work for Indochinese Communist Party . . . given 10-year sentence, 1940 . . . released on Vietminh take-over 1945 . . . led guerrillas against French in South starting 1946 . . . commissioner at Vietminh's military headquarters in South, 1952 . . . rose in party, named First Secretary, September, 1960 . . . led Hanoi delegation to 1967 50th-anniversary celebrations in Moscow . . . since Ho Chi Minh's death, has emerged as "first among equals" in collective leadership . . . has sponsored popular economic reforms . . . advocates "protracted war" strategy . . . said to be self-effacing, pragmatic . . .

PHAM VAN DONG

Led Vietminh delegation to Geneva, 1954; in North Vietnam hierarchy thereafter and Premier since 1955 . . . born Quangngai, coastal region in South, 1906 . . . entered University of Hanoi, 1925 . . . led student strike, fled to China . . . joined Vietnamese political emigres, including Ho Chi Minh, in Canton . . . sent back to Vietnam by Ho Chi Minh on secret mission . . . arrested, imprisoned on island of Poulo Condore, 1929–36 . . . worked to establish Communist movement in North and South . . . fled to south China, 1939 . . . with Ho Chi Minh and Vo Nguyen Giap, founded Vietminh, 1941; finance minister, 1945, in first Ho Chi Minh government . . . named chief negotiator with French at Fontainebleau, 1946 . . . premier, 1949 . . . guerrilla commander in Quangngai, 1951 . . . chief Geneva negotiator, 1954 . . . regarded as "the best nephew" of "Uncle" Ho Chi Minh called "my other self" by Ho . . . formulator of North Vietnam's "four points" for peace . . . sophisticated, articulate, a skilled diplomat.

Other Events Of the Period

April 12, 1945—Roosevelt dies.

May 8, 1945—War in Europe ends.

Aug. 6, 1945—Atom bomb dropped on Hiroshima.

Aug. 14, 1945—Japan surrenders.

Jan. 10, 1946—First U.N. General Assembly opens.

Nov. 2, 1948—Truman elected.

Dec. 7, 1949—Communists complete takeover of China.

June 25, 1950—North Korean troops invade South Korea.

Nov. 1, 1952—First U.S. hydrogen bomb explosion.

Nov. 4, 1952—Eisenhower elected.

March 5, 1953—Stalin dies.

July 27, 1953—Korean war armistice.

Aug. 12, 1953—Soviet Union explodes first H-bomb.
Sept. 8, 1954—SEATO Pact signed.
July 18–23, 1955—Summit meeting, Geneva.
Oct. 23, 1956—Hungarian uprising begins.
Oct. 29, 1956—Suez invasion.
Nov. 6, 1956—Eisenhower re-elected.
Oct. 4, 1957—Soviet Union launches Sputnik I.
July 15, 1958—U.S. Marines in Lebanon.
Jan. 1, 1959—Castro takes power in Cuba.
Sept. 15–27 1959—Khrushchev visits U.S.
Nov. 8, 1960—Kennedy elected.

[From the New York Times, July 6, 1971]

THE LESSONS OF VIETNAM: PENTAGON'S STUDY UNIQUELY PORTRAYS THE "GREEK TRAGEDY" OF THE U.S. ROLE

(By Max Frankel)

WASHINGTON, July 5.—The Pentagon papers on how the United States went to war in Indochina probably mark the end of an era in American foreign policy—a quarter of a century of virtually unchallenged Presidential management and manipulation of the instruments of war and the diplomacy bearing on war. Yet the papers cannot be more than the beginning of reflection on that era and its climax, the nation's painful, disillusioning and still unresolved involvement in Vietnam.

Massive but incomplete, comprehensive but by no means exhaustive, remarkably honest but undoubtedly warped by perspective and experience, the papers are unlike any others ever composed in the midst of war and published within 3 to 10 years of the secret deliberations and calculations they describe.

They form a unique collection and they have been summarized under unique circumstances in nine installments in The New York Times—over the unique legal challenge of the United States Government. The very novelty of the papers and the contest over their publication have tended to divert attention from the essential tale they bear. There has already been dispute not only about what they mean but also about what they say.

From the perspective of 1971, they could be read as an anatomy of failure: the misapplication of earlier day's theories and techniques for containing Communism and the misfire of the political wisdom of that day that the United States would pay any price and bear any burden to prevent the loss of one more acre of ground to Communists anywhere.

Yet, paradoxically, the Pentagon papers tell the story of the successful application of those theories and they demonstrate the great and still-surviving force of those political convictions and fears.

But they could also be read as a chronicle of success: the tenacious collaboration of four—and now perhaps five—administrations of both major parties in the preservation of a commitment to an ally, the demonstration of American fidelity to an enterprise once begun and the denial of victory to Communist adversaries.

Yet the Pentagon papers show that despite the sacrifice of life, treasure and serenity to the Vietnam war, the predominant American objective was not victory over the enemy but merely the avoidance of defeat and humiliation.

HOW DID THE AGONY BEGIN?

In sum, the papers and the discussion now swirling about them command at least a preliminary appraisal—of what they are and what they are not, of what they reveal and what they neglect. Who really deceived whom? And how did all this agony really arise?

Essentially the Pentagon papers are raw material for history—an insiders' study of the decision-making processes of four administrations that struggled with Vietnam from 1945 to 1968. The papers embody 3,000 pages of often overlapping analyses and 4,000 pages of supporting documents. They were commissioned by Secretary of Defense Robert S. McNamara, in a period of frustration with a war that critics sardonically gave his name to. But they were written and compiled by 36 analysts, civilian and military, most of them still anonymous, and they were finally printed and bound into fewer than 20 sets in the early months of the Nixon Administration, which paid them no heed until they began to appear in The Times.

The study drew primarily upon Pentagon files that are still sealed and upon some of the most important Presidential orders and diplomatic materials of the time under review. The analysts did not have access to the most private White House documents bearing on the moods and motives of the Presidents. And in the form obtained by The Times, the study also lacked several of the 47 volumes, among them four devoted to the diplomacy that surrounded the war.

MANY DRAFT PROPOSALS

But the Pentagon papers also offer more than the most polished of histories. They present not only the directives, conclusions and decisions of government in an era of prolonged crisis, but also many of the loose memorandums, speculations, draft proposals and contingency plans composed by influential individuals and groups inside that government.

Whatever is missing, for lack of access or perception, is more than recompensed by the sheer sweep and drama of this contemporaneous record.

Unlike diary, which can never escape the moment, and unlike history, which must distill at a remote future, the Pentagon study was able to re-enact a fateful progression of attitudes an decisions while simultaneously viewing them from a perspective greater than that of any of the participants.

So whatever its shortcomings, the study will stand as a vast trove of insights, hindsights and revelations about the plans and conceptions of small groups of men as they guided the nation into a distant but grievous venture, about how they talked and wrote to each other, to friend and foe, in public and in private. And the study is bound to stand as a new model for governmental analysis, raising questions normally reserved for literature: how powerful and sophisticated men take on commitments while they think themselves free, how they reach decisions while they see the mirage of choice, how they entrap themselves while they labor to induce or coerce others to do their will.

As the coordinator of the Pentagon study, Leslie H. Gelb, recently said of this story, "It was and is a Greek tragedy."

NO VILLAINS OR HEROES

As written at the Pentagon and as recounted by The Times, the study found no villains or heroes. It made no historical value judgments. It argued no brief.

The portraits of the principal actors—especially those such as Secretary of State Dean Rusk, who were wary of betraying their views in interagency meetings and memorandums—are far from complete or satisfying. The portraits of the Presidents, even if their own files had been available, would remain inadequate until they were set against the political and international imperatives felt at the White House at every stage.

In the absence of a comparable study of the objectives and tactics of the Vietnam adversaries—notably the Government of North Vietnam and the coalition of insurgents in South Vietnam—the Pentagon papers could not presume to judge the morality or even the wisdom of the policies they record and describe.

And although many of the authors appear to have become disillusioned doves about the war, their study could stand almost as well as a brief for frustrated hawks; its central conclusion, that the nation simply pursued excessive aims with insufficient means, leaves entirely unresolved the central question of whether it would have been better to do more or to seek less.

Of all the revelations in the Pentagon papers, the most important deal with the patterns of thought and action that recur at almost every stage of the American involvement in Indochina:

This was a war not only decreed but closely managed by the civilian leaders of the United States. The military chiefs were in fact reluctant at the start, unimpressed by the strategic significance of Vietnam and worried throughout that they would never be allowed to expand the size and scope of the war to the point where they could achieve a clear advantage over the enemy.

This was not a war into which the United States stumbled blindly, step by step, on the basis of wrong intelligence or military advice that just a few more soldiers or a few more air raids would turn the tide. The nation's intelligence analysts were usually quite clear in their warnings that contemplated escalations of force and objective would probably fail.

Yet military considerations took precedence over political considerations at almost every stage. Since none of the Americans managing the Vietnam problem were prepared to walk away from it, they were forced to tolerate the petty political maneuvering in Saigon and Saigon's political and economic policies, even when Washington recognized them as harmful. As a result, even the military chiefs, and notably General William C. Westmoreland, yielded to the temptation of seeking victory on the ground, although it was known that the enemy could always resupply just enough men to frustrate the American military machine.

The public claim that the United States was only assisting a beleaguered ally who really had to win his own battle was never more than a slogan. South Vietnam was essentially the creation of the United States. The American leaders, believing that they had to fight fire with fire to ward off a Communist success, hired agents, spies, generals and presidents where they could find them in Indochina. They thought and wrote of them in almost proprietary terms as instruments of American policy. Ineluctably, the fortunes of these distant, often petty men became in their minds indistinguishable from the fortunes of the United States.

The views of the world and the estimate of the Communist world that led the United States to take its stand in Indochina remained virtually static for the men who managed the Vietnam war. The "domino theory"—that all the other nations of Asia would topple if Indochina fell into Communist hands—moves robustly through the Pentagon papers, unshaken over two decades even by momentous events such as the split between the Soviet Union and Communist China Peking's preoccupation with its Cultural Revolution and the bloody destruction of the Communist challenge in Indonesia.

The American objective in Vietnam, although variously defined over the years, remained equally fixed. Disengagement, no matter how artfully it might have been arranged or managed, was never seriously considered so long as a separate, pro-American and non-Communist government was not safely installed in Saigon.

The American Presidents, caught between the fear of a major war involving the Soviet Union or China and the fear of defeat and humiliation at the hands of a small band of insurgents, were hesitant about every major increase in military force. But they were unrestrained in both their public and private rhetorical commitments to "pay the price," to "stay the course" and to "do whatever is necessary."

The American military and civilian bureaucracies, therefore, viewed themselves as being on a fixed course. They took seriously and for the most part literally the proclaimed doctrines of successive National Security Council papers that Indochina was vital to the security interests of the nation. They thus regarded themselves as obligated to concentrate always on the questions of *what* to do next, not *whether* they should be doing it.

But the principal findings of the Pentagon papers cannot be fully undertsood without some recollection of the traditions, the training and the attitudes of the men who led the United States in the generation following World War II.

As The Economist of London has observed, these men were reared in the habits of the internationalist Presidents, notably Woodrow Wilson and Franklin D. Roosevelt, who also felt duty-bound to lead the nation into war after vowing to avoid it. The British weekly goes so far as to suggest that secret maneuver and public deception may be the only way to take great democracies to war.

Moreover, as Senator Frank Church of Idaho, one of the early Congressional critics of the war in Vietnam, remarked in Washington the other day, Presidents Truman, Eisenhower, Kennedy and Johnson were all reared to the conviction that only Presidents and their experts can have the perspective and knowledge needed to define the national interest in a hostile world.

They lived with the memory of Congress destroying Wilson's League of Nations and hampering Roosevelt's quest for safety in alliances against Germany and Japan.

They lived with the memory of two costly world wars, both of which they judged avoidable if American power had been arrayed soon enough against distant aggression.

THE LESSON OF MUNICH

They lived with the nightmare that "appeasement" would only invite more aggression and lead directly to World War III, as the sacrifice of Czechoslovakia to Hitler at Munich led to World War II.

And they lived with the knowledge that another major war would be a nuclear war unless it were deterred with frequent demonstrations of American resolve and readiness to honor promises to friends and threats against adversaries.

These are the convictions that the men who made the Vietnam war carried into the post-world-war rivalry against the Soviet Union and against what they regarded for many years as a highly disciplined international Communist conspiracy, directed from Moscow and aimed at worldwide revolution and conquest.

After the "loss" of half of Europe to Communism, the American leaders set out to draw the line, wherever possible, to "contain" the Communists without major war.

They were imaginative and cold-blooded about the techniques they used in this effort. They broke the Berlin blockade without firing a shot. They poured $12-billion in economic aid into the revival of the economies of Western Europe. They led the United Nations into war in defense of South Korea. They sent military missions, military equipment, spies and agitators to all parts of the world. They sought to make and to destroy governments. They tried to "build" nations where none had existed before.

But they paid a profound psychological price. Their summons to sacrifice at home gave the contest an uncontrollable ideological fervor. The "loss" of China to Communism in 1949 and the further frustration of war in Korea in 1950 inspired a long hunt at home for knaves and traitors, in the White House and below, from which American politics is only beginning to recover.

Politicians and the politicians who became Presidents goaded each other to the conclusion that they could not "lose" another inch of territory to Communism, anywhere. The Republicans took after Democrats by saying they had been weak or treacherous about China and had accepted less than total victory in Korea. The Democrats took after Republicans by saying they had lost Cuba and dissipated American prestige and missile strength.

As President Eisenhower reached the end of his Administration, his greatest fear was the "loss" of Laos. And as President Kennedy assumed office, the Government's greatest ambition was the "liberation" of Cuba. No matter how small the nations or how marginal their threat to the United States, their "loss" came to be seen as an intolerable humiliation of American purpose and a dangerous invitation to aggression elsewhere.

Thus whenever aid and intrigue had failed, the coldwar instinct was resort to overt force. And the failure of force in one place only magnified the temptation to use it elsewhere. The simultaneous fiasco at the Bay of Pigs in Cuba and dissolution of anti-Communist forces in Laos in 1961 was uppermost in the minds of the Kennedy men who then proceeded to raise the stakes in Vietnam.

As the Pentagon papers show, they were motivated by the desire to contain China and what they considered to be the Asian branch of "international Communism," to protect the "dominoes" of non-Communist Asia, to discredit the Communist theories of guerrilla war and "wars of national liberation" and to demonstrate to allies everywhere that the United States would honor its pledges and make good on its threats no matter how difficult the task or insignificant the terrain.

These objectives were widely supported in the United States throughout the nineteen-fifties and long into the nineteen-sixties. But the Presidents who progressively decided on an ultimate test in Vietnam never shared with the Congress and the public what is now seen to have been their private knowledge of the remoteness of success.

As the Pentagon papers show, every President from Truman to Johnson passed down the problem of Vietnam in worse shape than he had received it. The study gives special point to President Johnson's recently disclosed remark to his wife in the spring of 1965, at the very start of his massive commitment of troops:

"I can't get out. I can't finish it with what I have got. So what the hell can I do?"

What he and his predecessors did not do was to inform the country of the dilemma and invite it to help make the choice.

The Pentagon papers reveal that all the difficulties of defining the Indochina problem date from the very earliest American experiences there, under Presidents Truman and Eisenhower. They show that Gen. George C. Marshall, a Secretary of State for Mr. Truman, recognized the Vietnamese Communists to be also the leaders of a legitimate Vietnamese anticolonialism. He thus recognized their challenge as different from any other Communist bid for power, but the distinction was soon lost.

The papers show that even after President Eisenhower reluctantly let the French go down to defeat in Indochina, his Administration refused to accept the compromise settlement of Geneva in 1954. It set out to supplant the French and to carry on the struggle, with hastily organized acts of sabotage, terror and psychological warfare against the new Communist Government in North Vietnam and with programs of aid and military training to establish a rival anti-Communist nation of South Vietnam.

A COMPLICATING FACTOR

The stories now revealed make vastly more complicated the official American version of Vietnam history, in which the Hanoi Communists alone were charged with aggression and a ruthless refusal to leave "their neighbors" alone. Clearly, the American commitment to save at least half of Vietnam from Communism antedates the whole succession of Saigon governments to which it was nominally given.

Even in these early days of American involvement, the Governments of South Vietnam were perceived as mere instruments of larger American objectives. It was Gen. P. Lawton Collins, acting as President Eisenhower's personal representative in Indochina, who first proposed the ouster of Ngo Dinh Diem. The Vietnamese leader was saved at the time by agents of the Central Intelligence Agency, but several of those agents were still available to help arrange a coup against Mr. Diem eight years later.

Even in those early years, the Pentagon papers show, Washington's public optimism about the prospects for anti-Communists in Vietnam masked a private pessimism.

And even then the North Vietnamese Communists were being held responsible for the direction of the insurgency in the South, even though it was not for lack of trying that the Americans in the South failed to cause equal difficulty in the North.

In hindsight, with the benefit of the Pentagon papers, it is plain that the Kennedy years brought more, much more of the same.

The "domino theory" was now expanded to embrace concern about the fate of Indonesia, loosely regarded as also in Southeast Asia. The fiasco in Cuba and tension over Berlin made it seem even more imperative to take a stand somewhere, if only for demonstration purposes.

Despite the Eisenhower warnings, Laos was deemed to be a poor place to make a stand. So it was partitioned among three rival factions, with the North Vienamese gaining a convenient corridor for systematic infiltration into South Vietnam.

The deal had the effect of making the defense of South Vietnam vastly more difficult at the very moment when the American commitment to its defense was taking deeper root. The same paradoxical effect was achieved many times during the years of American involvement in Indochina.

The character of that involvement, it is now clear, also underwent a portentous though subtle change during the Kennedy years: American military and political activities came to be valued less for their intrinsic benefits than for the general encouragement they might give to the struggling South Vietnamese. They also came to be valued less for the damage they might inflict on the North Vietnamese than for the fear of still greater American involvement they were supposed to arouse.

Even though the Kennedy Administration knew the sad facts of instability, corruption and tyranny in South Vietnam, it consistently gave priority to military measures that would express its activism and bespeak its determination. Its vain but constant hope was that morale would improve in Saigon and that the threat of massive American intervention would somehow persuade Hanoi to relent.

COVERT OPERATIONS STARTED

So for practical as well as domestic political reasons, private realism yielded even further to public expressions of optimism and confidence. Three weeks after the Bay of Pigs in April, 1961, Mr. Kennedy felt it necessary to order the start of new covert operations against the territory of North Vietnam and Communist regions in Laos.

Later in 1961, he heard so much debate about the growing need for American ground troops in Vietnam that the decision to send several thousand military "advisers" seemed a relatively modest and cautious move.

But the pressure built for a more direct American management of the entire war, an impulse that found its ultimate expression in Washington's complicity in the overthrow of President Diem. Once again, more than the President realized and perhaps more than he wanted, the obligation of the United States had been simultaneously deepened and made more difficult to redeem.

Along with the Kennedy term and the Kennedy men, President Johnson thus inherited a broad Kennedy commitment to South Vietnam. And twice in Mr. Johnson's first four months in office, Secretary McNamara returned from Saigon with the news that things were going from bad to miserable. Stable government now seemed impossible to achieve and the countryside was fast falling into Vietcong control.

Mr. McNamara and many other officials began to press for action, including new covert attacks against North Vietnam and at least urgent planning for open bombing and border patrols. They acknowledged privately that the real problems were in the South, but they could not yet conceive of any effective form of intervention.

So they built on the old formula of the Kennedy years—action for action's sake, not because it would achieve anything tangible but because it might help morale in Saigon and cause Hanoi to recognize that it could never "win" the war without confronting American power.

As the Pentagon papers show, these "scenarios" for threat and escalation were written in the glib, cold but confident spirit of efficiency experts—the same experts whose careful plotting of moves and countermoves against the Soviet Union in the 1962 Cuban missile crisis had so gloriously vindicated the new political science of gamesmanship and probability theory.

Assistant Secretary of Defense John T. McNaughton who eventually turned against the war with a pathetic confession of ignorance of the Vietnamse people, best typified this style of thought and planning at the upper levels of government.

In his memorandums, choices of more or less war were reduced to "options": "B—fast full squeeze. Present policies plus a systematic program of military pressures against the North . . ."; "C—progressive squeeze-and-talk. Present policies plus an orchestration of communications with Hanoi and a crescendo of additional military moves . . ."

Countries and peoples became "audiences": "The relevant audience of U.S. actions are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as 'underwriters'), and the U.S. public (which must support our risk-taking with U.S. lives and prestige). . . . Because of the lack of 'rebuttal time' before election to justify particular actions which may be distorted to the U.S. public, we must act with special care—signaling to the D.R.V. that initiatives are being taken, to the GVN that we are behaving energetically despite the restraints of our political season, and to the U.S. public that we are behaving with good purpose and restraint."

DEFINITION OF OBJECTIVES

Many of these memorandums were only "contingency plans" that contemplated what else the United States might do in one or another eventuality. But there was nothing contingent in their definition of American purposes and objectives, in their analyses—in the crucial years of 1964–65—of the rapidly deteriorating situation in South Vietnam and in their revelation of the state of mind of the dozen or so top officials whose persistent clamor for action could be delayed but never ultimately denied by a President who shared their purpose.

And there was nothing "contingent" about the direct orders of the National Security Council and the Presidential messages that have turned up with the Pentagon papers. The lines of reasoning and decision from the action papers to the contingency papers are direct and unmistakable.

The Pentagon papers and The Time's reports on them confirm the judgment of contempory observers that President Johnson was reluctant and hesitant to take the final decision at every fateful turn of his plunge into large-scale war.

Mr. Johnson and other officials were often evasive or coy with the press by creating the impression that plans for bombing were only "recommendations" without "decision" or that "requests" for more troops from the field were not "on my desk at this moment" because they lay formally elsewhere.

But these are not the most important deceptions revealed in the Pentagon papers.

There is, above all, much evidence that the four administrations that progressively deepened the American involvement in the war felt a private commitment to resist Communist advance, and then a private readiness to wage war against North Vietnam and finally a private sense of frustration with the entire effort much sooner and to a much greater extent than they ever acknowledged to the Congress and the nation.

There is evidence in the papers that the Congress was rushed into passing a resolution to sanction the use of force in Vietnam in 1964, ostensibly to justify retaliation for an "unprovoked" attack on American vessels, even though the Administration really intended to use the resolution as the equivalent of a declaration of war and withheld information that have shown the North Vietnamese to have had ample reason for "retaliating" against the United States.

There is evidence that all the elaborately staged offers of negotiation and compromise with the Communist adversary were privately acknowledged in the Administration as demands for his virtual "surrender."

And there is evidence, scattered over the years, that the oft-proclaimed goal of achieving "self-determination" for the South Vietnamese was in fact acceptable to the United States only as long as no South Vietnamese leader chose neutralism or any other form of nonalignment. As President Johnson put it in a cablegram to his ambassador in early 1964, "Your mission is precisely for the purpose of knocking down the idea of neutralization wherever it rears its ugly head."

The evidence for two very specific charges of deception that have been leveled against President Johnson since publication of the Pentagon papers is much less clear.

The Pentagon study itself did not make any charges, and neither did The Times in its reports on the findings of the study. But many readers concluded that Mr. Johnson had lied to the country in 1964, when he denounced his Republican opponent, Senator Barry Goldwater, for advocating full-scale air attacks against North Vietnam, and again in April, 1965. when he secretly authorized the use of American troops in an offensive combat role.

The Pentagon study describes a "general consensus" among the President's advisers, two months before the 1964 election, that air attacks against North Vietnam would probably have to be launched. It reports an expectation among them that these would begin early in the new year. As The Times report added, the papers also showed the President "moving and being moved toward war, but reluctant and hesitant to act until the end."

SEARCH THROUGH THE FILES

Mr. Johnson and those who defend his public statements at the time are undoubtedly right in their contention that the President made no formal decision to authorize more bombing until there were additional attacks on American bases in February, 1965.

But the President also knew that most of his major advisers regarded such a decision as "inevitable"—because they thought South Vietnam to be in danger of imminent collapse, because the forces to conduct more air attacks were in place, because the target lists had long ago been prepared and because even sustained bombing was destined to be merely a stopgap measure until more troops could be rushed to South Vietnam.

In a search through his own dispatches from Washington at the time, this reporter has come upon three interesting accounts that help to explain the confusion but tend to support the much more thoroughly researched judgment of the Pentagon papers.

On Oct. 9, 1964, The Times reported on a news conference question to Secretary Rusk about reports "here and in Saigon that the Administration was considering a 'major turn' in policy but deferring a decision until after Election Day, Nov. 3." Mr. Rusk refused to predict "future events" but said that domestic politics had no bearing on any such decisions.

On Feb. 13, 1965, after a new "retaliatory" raid on North Vietnam but before the start of sustained bombing, this reporter quoted two unidentified high officials as follows:

"There is no doubt that the President remains skeptical about a deeper involvement in Asia, but he is getting some very belligerent advice from very intimate quarters."

"History may determine that it was already too late, that the die is cast, but I am sure that the Government's strategy is not yet determined."

In other words, even high officials sensed that their President was still reserving final judgment and "decision," but they did not really know how much real choice remained.

AFTER THE DECISION

Even after the decision had been made, however, there was no simple way to get a straight answer from the Johnson Administration in those days, as is evident in the opening lines of a dispatch on March 2, 1965:

"The Administration described today's air strikes against North Vietnam as part of a 'continuing' effort to resist aggression and made no effort, as in the past, to relate them to particular provocation. . . . The White House said only that there had been no change in policy. The State Department said nothing. . . ."

Some officials at the time, and Mr. Johnson on at least one occasion since then, suggested that such coyness after decision had been deemed necessary to avoid provoking intervention in the war by Soviet or Chinese Communist forces. They never explained, however, why either nation would make such a grave decision on the basis of announcements in Washington rather than on the facts of the bombing, which were well known to them.

A far more plausible explanation, one that sounds strange in matters of such weight but rings true to those who could observe Lyndon Johnson closely and sympathetically in those days, has been offered by Stewart Alsop in Newsweek:

"President Johnson was trying to fool himself—and temporarily succeeding."

What really emerges from the Pentagon papers, Mr. Alsop wrote approvingly, "is a picture of a desperately troubled man resisting the awful pressures to plunge deeper into the Vietnam quagmire—resisting them as instinctively as an old horse resists being led to the knackers. The President bucks, whinnies and shies away, but always in the end the reins tighten—the pressures are too much for him."

As the Pentagon papers further show, Mr. Johnson was to make two or three other big decisions about troop commitments and carve them up into smaller, more digestible numbers, as if this could hide the magnitude of the American involvement. He knew that he was not winning the war and he knew that he was playing only for some unforeseeable stroke of good fortune, and it may be that his sense of statesmanship led him to conclude that the nation would be preserved longer if he minimized the task.

Whatever the motives, the methods for handling the awkwardness of Vietnam had then become almost traditional. But it was Mr. Johnson's misfortune to be President, as Mr. Gelb, the coordinator of the study has written, when the "minimum necessary became the functional equivalent of gradual escalation" and the "minimal necessity became the maximum" that international and domestic constraints would allow.

The overriding evidence in the Pentagon papers, quite apart from the timing of decisions or the candor with which they were disclosed, is that the United States Government involved itself deeply and consciously in a war that its leaders felt they probably could not win but that they also felt they could not afford to lose.

Gradually, some of the leading advocates of the war lost their enthusiasm for it, but even in disillusionment, they felt a higher duty of loyalty to the President and his policy than to the public that had become deeply divided and tormented by the war.

As early as 1966, Mr. McNaughton perceived an "enormous miscalculation" and an "escalating military stalemate." By 1967, Mr. McNamara and probably others were recommending a reduction of objectives and perhaps a face-saving exit through the formation of a coalition government in Saigon.

But Mr. Johnson thought more unhappy Americans were hawks than doves and he was also forced, amid fears of noisy resignations, to negotiate with his military leaders, who were demanding more, rather than less, commitment.

DECISIVE SHOCK AT TET

Not until the shock of the enemy's Tet offensive in 1968, and the need to mobilize reserves if he was to meet the military's request for 206,000 additional men for the combat zone, did Mr. Johnson set a final limit on the American commitment, cut back the bombing of North Vietnam and announce his plan to retire without seeking a second term.

No one knows to this day whether by these moves the President intended to hurry out of the war in some face-saving manner or merely to buy still more time from the American voters for a final effort at vindication.

As the Pentagon papers disclose, his Administration did not expect much from the bombing limitation or the new offer to negotiate with Hanoi.

"We are not giving up anything really serious in this time frame" of four weeks, the State Department informed its embassies, noting that poor weather would have curtailed the raids for that period in any case. It said that some of the air power would be switched to targets in Laos and South Vietnam and that in any case Hanoi was expected to reject the bid for talks and this would "free our hand after a short period."

Hanoi accepted the bid for talks, but has offered very little so far that interest Washington. Neither on the way in nor on the way out, it is now clear, was the American hand in Vietnam ever "free."

[From The Washington Post, July 1, 1971]

U.S. SUPPORTED COUP AGAINST DIEM

(By Don Oberdorfer)

At 4:30 p.m. on November 1, 1963, a few hours before he was murdered, President Ngo Dinh Diem of South Vietnam telephoned U.S. Ambassador Henry Cabot Lodge to determine the attitude of the American government toward the coup in progress outside his palace window.

Lodge was noncommittal. He had heard the gunfire, he said, but he did not have all the facts. "Also it is 4:30 a.m. in Washington and the U.S. government cannot possibly have a view."

"But you must have some general ideas," protested Diem. "After all, I am a Chief of State. I have tried to do my duty. I am trying to do now what duty and good sense require. I believe in duty above all."

Lodge replied that Diem had certainly done his duty, and with courage, and no one could take away from him the credit for his contributions to his country. "Now I am worried about your physical safety," the Ambassador continued. Had Diem heard that he had been offered safe conduct out of the country if he resigned?

"No," answered the beleaguered but stubborn Vietnamese President.

"If I can do anything for your physical safety, please call me," Lodge said.

"I am trying to re-establish order," concluded Diem, in the last words he would say to an American. Before the evening was out, he and his brother Ngo Dinh Nhu had fled the Presidential Palace through a secret tunnel. The next afternoon they were captured by the insurgents in Cholon, the Chinese section of the city, and shot to death in an armored personnel carrier rumbling through the Saigon streets.

The refusal to intervene to save the tottering Diem was not a spur of the moment decision by Henry Cabot Lodge. According to a Pentagon study of United States involvement in the war, it was part of a thoroughly planned policy of the United States government, which had decided to back a coup if it appeared likely to succeed.

"Beginning in August of 1963 (two months before Diem's overthrow) we variously authorized, sanctioned and encouraged the coup efforts of the Vietnamese generals and offered full support for a successor government," the Pentagon report stated. "In October we cut off aid to Diem in a direct rebuff, giving a green light to the generals. We maintained clandestine contact with them throughout the planning and execution of the coup and sought to review their operational plans and proposed new government," the report added.

This policy, which sanctioned Diem's overthrow but not his murder, was approved at the White House. Even the substance of Lodge's statements in the final conversation with Diem—quoted in the Pentagon study—followed the guidelines of a directive dispatched to Saigon in the last days of October by McGeorge Bundy, President John F. Kennedy's assistant for national security affairs.

In that 11th hour order, the White House directed that U.S. authorities in Vietnam should not directly intervene on either side in a coup against Diem. "But once a coup under responsible leadership has begun, and within these restrictions, it is in the interest of the U.S. Government that it should succeed," the directive said.

The decision to topple Ngo Dinh Diem was one of the most important turning points in the United States struggle in Indochina—as the Pentagon study puts it, "one of the times in the history of our Vietnam involvement when we were making fundamental choices."

The study says that the basic choices were these: (1) to continue to "plod along" with an increasingly unpopular Diem, (2) to encourage or tacitly support a military coup, taking the risk that the government might crumble or accommodate with the Viet Cong and (3) to grasp the opportunity of the political instability to disengage from South Vietnam.

According to the study, the first choice was rejected because of the belief that "we could not win" with Diem and his brother Nhu. The third course, withdrawal from Vietnam, was "never seriously considered" because of the assumption that an independent, non-Communist South Vietnam was "too important a strategic interest to abandon."

"The second course was chosen mainly for the reasons the first was rejected—Vietnam was thought too important; we wanted to win; and the rebellious generals seemed to offer that prospect," the Pentagon study said.

As a consequence of the choice that was made, the United States significantly deepened its commitment to South Vietnam. By deciding to bring Diem down, the U.S. assumed a great moral responsibility to his successors and the people of the country over whom they tried to rule. There is little indication in the Pentagon report—whose anonymous authors had access to many high level documents but not all such documents—that the American decision makers realized this fateful consequence of their action.

The heightened U.S. responsibility and involvement in Vietnam during the final days of the Kennedy Administration led to the commitment of American ground troops during the Presidency of Lyndon B. Johnson—but ironically, Johnson was among those within the government who raised his voice against the plan to bring down Diem.

According to the Pentagon history, the then-Vice President told a high level meeting at the State Department on August 31, 1963, that he had great reservations about a coup because he had never seen "a genuine alternative" to Diem. "From both a practical and political viewpoint it would be a disaster to pull out," Johnson was quoted as saying. Instead of a coup, the United States should go back to "talking straight" to Diem's government and "once again go about winning the war," he reportedly added.

The basic picture of the United States involvement in the coup against Diem was reported in the press at the time and additional details have trickled out in the seven years since. The Pentagon study, including a chronology of events and decisions and documentation of the many steps, provides many details previously unknown. And the study shows that the U.S. role was even more direct, more calculated and more extensive than was generally believed at the time.

Beginning late in August, 1963, more than two months before the overthrow of Diem, a Central Intelligence Agency official in Saigon was in direct contact with the plotters in the Vietnamese military command, and the same officer continued to function as a conduit between the United States and the coup backers until the end.

In the final hours a U.S. agent was invited to the headquarters of the Vietnamese Joint General Staff—control room for the coup—to maintain telephone contact between the insurgents and the U.S. Embassy while the battle raged outside the palace.

The most determined and energetic exponent of the coup against Diem in the high ranks of the American officialdom, the study indicates, was Ambassador Lodge. The morning before presenting his credentials to Diem the newly arrived U.S. ambassador met with other top officials of the Embassy to designate CIA contact men with the Saigon generals and agree on a message of encouragement to be passed to them.

Lodge was acting every step of the way in accordance with guidance from Washington according to the study. When Gen. Paul Harkins (the U.S. Commander in Vietnam) objected to the policy and when Washington wavered, Lodge argued it was too late to stop.

The ultimate prime cause of the coup, however, appears to have been the actions of the two men who suffered the most from it, Ngo Dinh Diem and Ngo Dinh Nhu. By violent action against the Buddhist opposition in South Vietnam including a double-cross of the U.S. Government after promises to patch up the quarrel, the Ngos brought on an impasse they could not win. They painted themselves and the American government into a corner.

The U.S. Government had a still-uncertain role in the original selection of Ngo Dinh Diem, a Vietnamese nationalist who had lived two years in U.S. Catholic seminaries, as the leader of South Vietnam after the partition of the country in 1954. The departing French distrusted and derogated Diem—Prime Minister Edgar Faure told Secretary of State John Foster Dulles that Diem was "not only incapable but mad," according to a document in the Pentagon papers. But the U.S. considered Diem the best non-Communist leader available—and despite a growing number of quarrels and dissatisfactions, the U.S. managed to live with him until May of 1963.

His downfall began where his life began, in the beautiful and historic city of Hue, Where Jean Baptiste Ngo Dinh Diem (in English, Burning Jade) had been born in 1901, the third of six sons of Ngo Dinh Kha, Minister of Rites and Grand Chamberlain of the Vietnamese Emperor Thanh Thai. Though aristocratic mandarins, the Ngos were Catholic—and that was part of the trouble. After becoming President of South Vietnam, Diem built his political and personal base on Catholicism, which is very much a minority religion in predominately Buddhist Vietnam. The reaction from Buddhists was probably inevitable.

In the Spring of 1963, just after the flying of Papal flags in Hue in commemoration of the ordination of Diem's brother as Archbishop, the government decided to enforce a ban on the flying of religious colors. May 8 was Buddha's birthday, and a crowd gathered in protest to the ban on flying the Buddhist flag. On orders from a Catholic deputy province chief, troops fired into the crowd, killing nine persons and setting off mass demonstrations, hunger strikes and political activity among the Buddhists. Diem and his brother Nhu, his closest adviser, responded with tear gas, nightsticks and arrests.

On June 11, an elderly monk named Thich Quang Duc poured gasoline over his body in the middle of a Saigon street and set himself afire in protest to the government action.

Under heavy pressure from the United States, the Diem regime took steps to ease the crisis by negotiating with Buddhist leaders and issuing a joint communique on a common settlement.

President Kennedy was briefed on developments at the White House on July 4. According to the Pentagon papers, Assistant Secretary of State Roger Hilsman told the President that Diem might not live up to his agreement with the Buddhists. "Our estimate is that no matter what Diem did there will be coup attempts over the next four months. Whether or not any of these attempts be successful is impossible to say," Hilsman told Mr. Kennedy.

A Special National Intelligence Estimate from the CIA, issued a few days later, told a similar story. "If—as is likely—Diem fails to carry out truly and promptly the commitments he has made to the Buddhists, disorders will probably flare again and the chances of a coup or assassination attempts against him will become better than even." The CIA did not think the Communists in Vietnam would necessarily gain from the overthrow of Diem. "A non-Communist successor regime might be initially less effective against the Viet Cong, but, given continued support from the U.S., could provide reasonably effective leadership for the government and the war effort," the CIA estimate quoted in the Pentagon study said.

By August the situation in Vietnam was deteriorating and Diem—again, under U.S. pressure—made a public statement that his policy was conciliation. Then shortly after midnight on August 21, his brother, Ngo Dinh Nhu, staged a lightning assault on the Buddhists, invading pagodas throughout the country, arresting hundreds of monks and bringing the crisis to even bigger dimensions. The U.S. was not notified. In fact, according to the Pentagon study, Nhu had the telephone lines of the Embassy and senior U.S. officials cut when the raids began.

This defiance of U.S. wishes and repudiation of the earlier agreement—together with the public furor in Vietnam and in the United States—led to determination in many quarters that something drastic must be done.

On August 23, the Vietnamese generals put out cautious feelers to American officials in Saigon about the U.S. attitude toward a military coup.

In Washington, a fateful cable was drawn up by Hilsman and others. It was hastily cleared with the President, who was in Hyannisport, but because it was a weekend, several senior officials were unavailable to look at it.

According to the Pentagon papers, the cable to newly arrived Ambassador Lodge said that with the pagoda raids, Nhu had maneuvered himself into a commanding position in his brother's government. "The U.S. Government cannot tolerate situation in which power lies in Nhu's hands," Lodge was told. Diem should be given a chance to rid himself of his brother and his coterie. But "if in spite of all your efforts, Diem remains obdurate and refuses, then we must face the possibility that Diem himself cannot be preserved."

Lodge was told to inform key Vietnamese military leaders that the United States would find it impossible to support the South Vietnamese government militarily and economically unless Nhu is removed from the scene, with the "obvious implication" that Diem would have to go if he refused to dump his brother. "You may also tell appropriate military commanders we will give them direct support in any interim period of breakdown central government mechanism," the cable said.

Finally, the cable directed Lodge and the Embassy team to "urgently examine all possible alternative leadership and make detailed plans as to how we might bring about Diem's replacement if this should become necessary."

Lodge replied, the Penatgon study shows, that there was no point in taking such a demand to Diem since it was virtually certain he would refuse to dismiss his brother, and this might alert him to the possible coup. Instead Lodge proposed to go straight to the generals. It was then that the high U.S. Embassy officials in Saigon met to designate the contact men with the generals and prescribe the message to be passed along.

The key points of the Embassy message for the generals were: "We in agreement Nhus must go." and "Question of retaining Diem or not up to them (the Vietnamese military)." The generals also were to be told, "We cannot be of any help during initial action of assuming power of the state. Entirely their own action, win or lose. Don't expect to be bailed out."

The senior U.S. contact man met on August 27 with Gen. Tran Thien Khiem of the Joint General Staff, who informed him that the leader was General Duong Van Minh (known as "Big Minh" because he is unusually large for a Vietnamese.)

Back in Washington, misgivings had begun to develop. Several senior officials were in the capital having second thoughts, and General Paul Harkins cabled his reservations from Saigon. According to the Pentagon study, arguments broke out in the National Security Council about U.S. backing for a coup.

A few days later, a meeting with the President refined the policy. "The U.S. Government will support a coup which has a good chance of succeeding but plans no direct involvement of U.S. armed forces," the U.S. officials in Saigon were informed, according to the Pentagon papers. General Harkins was authorized to tell the Vietnamese generals that he was prepared to establish liaison with them, but not to engage in joint coup planning.

Secretary of State Rusk suggested Lodge make a final effort to persuade Diem to get rid of Nhu. Rusk was having second thoughts. At the August 31 meeting at the State Department—the session when Vice President Johnson raised his voice against a coup—Rusk is quoted in the study as having said that the far better course was not to run a coup. Secretary of Defense McNamara was quoted as agreeing with this view.

Additional meetings between the coup plotters and the U.S. contact men in Saigon were taking place, and the plotters were asking for assurances that their U.S. backing was solid. Lodge appealed to Washington for some such sign.

"We are launched on a course from which there is no respectable turning back: the overthrow of the Diem government," Lodge reported according to the Pentagon review. "There is no turning back in part because U.S. prestige is already publicly committed to this end in large measure and will become more so as facts leak out. In a more fundamental sense, there is no turning back because there is no possibility, in my view, that the war can be won under a Diem Administration."

On August 31, the plotters suddenly called everything off. They had failed to win the support of a key military commander in the Saigon region. And, the Pentagon study suggests, they were still unsure of the United States.

On September 2, they got public encouragement of a sort from a very high source—President Kennedy himself. Appearing in an interview by Walter Cronkite to launch the new 30-minute CBS Evening News, Mr. Kennedy condemned the repression against the Buddhist and raised doubt that the war could be won unless the Diem government could win back the popular support it had lost. Asked if this was possible, Kennedy replied that it could only be done "with changes in policy and perhaps with personnel." His meaning was clear in Saigon. Nhu must go.

In Washington, the U.S. government was reassessing its position. The National Security Council met September 6 to discuss the situation. According to an account by Roger Hilsman—first published in his 1967 book, "To Move A Nation" and quoted from the book in the Pentagon study—Attorney General Robert Kennedy asked whether a Communist take-over of Vietnam could be successfully resisted with "any government" in Saigon. Kennedy was quoted as saying, "If it could not, now is the time to get out of Vietnam entirely, rather than waiting." If a Communist take-over could be prevented, but not with a Diem-Nhu government as presently constituted, then Lodge should be given enough sanctions to bring about a change, the Attorney General reportedly added. The Pentagon historian added that Kennedy's statement did not generate a searching reappraisal of U.S. policy.

With no coup in prospect and, despite U.S. pressure, no sign of a peaceful change of policy or personnel, Mr. Kennedy decided on a major review of Vietnam. He dispatched Secretary of Defense McNamara and Gen. Maxwell Taylor, chairman of the Joint Chiefs of Staff, to Saigon for that purpose. After the review was completed in early October, Lodge was informed that "President today approved recommendation that no initiative should now be taken to give any active covert encouragement to a coup. There should, however, be urgent covert effort with closest security under broad guidance of Ambassador to identify and build contacts with possible leadership as when it appears." This activity was to be kept secret and fully deniable" and was not to be aimed at active promotion of a coup—but "only at surveillance and readiness," the Pentagon study reports.

Simultaneously, Gen. Minh initiated a

meeting with the U.S. contact man, which was held for one hour and 10 minutes in early October. Minh outlined the main participants in his plan, and said a coup was urgently needed to prevent loss of the war to the Viet Cong. But Minh said he must know the U.S. current stand.

Lodge recommended that Minh be told that the United States would not attempt to thwart his plans, and Washington agreed. "While we do not wish to stimulate coup, we also do not wish to leave impression that U.S. would thwart a change of government or deny economic and military assistance to a new regime if it appeared capable of increasing effectiveness of military effort, ensuring popular support to win war and improving working relations with U.S.," Lodge was told. The cable also expressed the need for more information on the generals' plot and the likely makeup of the new regime, the Pentagon papers show.

The message was passed along to the generals by the U.S. operative on October 10. Seven days later, there was another signal from the United States—suspension of U.S. aid for Nhu's Vietnamese special forces units that had been responsible for the pagoda raids. By now the planning for a coup was well advanced among the Saigon generals.

Suddenly the split in the U.S. Government ranks became dramatically apparent to the Saigon plotters. Gen. Harkins, who was cool to a coup throughout, was quoted as telling a high ranking Saigon officer that such a move should be discouraged. This directly contradicted what the plotters were hearing from the CIA contact man. The Saigon generals were highly upset.

Harkins told Lodge he had not meant to cause any problems, but had misunderstood the Washington guidance. But the more Harkins thought about the policy, the more he disliked it.

The plotters had told the U.S. contact that D-Day for the coup would come before November 2, and in late October there ensued a flurry of last-minute arguments by Harkins and Lodge.

Harkins made his case to his superiors in the Pentagon. The Pentagon study quotes this cable:

"I'm not opposed to a change in government, no indeeed, but I'm inclind to feel that at this time the change should be in methods of governing rather than a complete change of personnel . . . In my contacts here I have seen no one with the strength of character of Diem, at least in fighting Communists."

"I would suggest we not try to change horses too quickly," he added. ". . . rightly or wrongly, we have backed Diem for eight long, hard, years. To me it seeems incongruous now to get him down, kick him around and get rid of him. The U.S. has been his mother superior and father confessor since he's been in office and he has leaned on us heavily."

Lodge made his case through the State Department. He pointed out that General Tran Van Don, the chief Vietnamese contact with the Americans, had made it clear that "this is a Vietnamese affair." Lodge could see no practical way to stop it—and even if there were, he would be opposed to it. If the U.S. should somehow thwart the coup, "it is our firm estimate that younger officers, small groups of military, would then engage in an abortive action creating chaos ideally suited to VC objectives," he is quoted in the study as saying.

"My general view is that the U.S. is trying to bring this medieval country into the 20th century and that we have made considerable progress in military and economic ways but to gain victory we must also bring them into the 20th century politically and that can only be done by either a thorough change in the behavior of the present government or another government." Lodge had no sign of any likely change in the government of Diem and Nhu.

The argument was ended by the cable to Lodge from McGeorge Bundy. "You should take action to persuade coup leaders to stop or delay any operation which, in your best judgment, does not clearly give high prospect of success." Lodge was told, the Pentagon study continues, to keep U.S. forces out of direct intervention. But once the coup was underway under responsible leadership, "it is in the interest of the U.S. Government that it should succeed."

At 10 a.m. on November 1, Lodge accompanied Adm. Harry Felt, who was visiting Saigon, on a courtesy call at the Presidential Palace. Diem's monologue to the two Americans was little different from what he had been saying all along, but at the end—in an unusual gesture—he called Lodge aside and said he was now ready to talk about what the United States would like him to do. In the words of the Pentagon study, this was "a tragically unwitting example of too little too late." The coup troops were at that moment secretly deploying in and around Saigon.

The leaders met at the Joint General Staff headquarters at noon. By 1:45 General Don called U.S. military headquarters to report the coup was underway. By 2 p.m. the Saigon radio station, police headquarters and other key installations were being seized and about 4 p.m. troops began attacking the Presidential Palace. At 4:30 the generals announced the revolution on Saigon radio and demanded the resignation of Diem and Nhu.

It was then that the telephone rang in Lodge's office and Diem was on the line for the last time. By 8 p.m. he had fled the palace. Around 7 a.m. the following day Diem and Nhu were captured and shot. The coup leaders said this was not part of the plan.

Arthur Schlesinger, Jr., then a member of the White House staff, saw President Kennedy shortly after he heard the news that Diem and Nhu were dead.

Schlesinger wrote later:

"He was somber and shaken. I had not seen him so depressed since the Bay of Pigs. No doubt he realized that Vietnam was his great failure in foreign policy, and that he had never really given it his full attention."

When Kennedy came into office, 2000 American troops were in Vietnam—but now there were 16,000 and indications that more would be needed. According to Schlesinger, the young President was haunted by "ifs"—if Vietnam had been handled as a political problem rather than a military problem, if he had listened to the right people, if he had sent Lodge to Saigon earlier—but now all that was past and Diem was dead.

Twenty days later, the American President was dead from an assassin's bullet. As one regime after another came to power and was toppled in Sagion, the Viet Cong grew ever stronger and the Saigon government weaker.

And in due course, President Kennedy's successor sent U.S. combat troops to save South Vietnam from a military collapse.

L. B. J. Saw de Gaulle as Viet Threat

(By Murray Marder)

The Kennedy and Johnson administrations in 1963 and 1964 feared that the United States might be forced out of Vietnam without "victory" by "pro-French" factions in Saigon seeking a "neutralist" peace, the Pentagon war study shows.

U.S. strategists had a double concern: that Vietnamese political opponents of American strategy to pursue the war more intensively might negotiate with North Vietnam behind the back of the United States; or that "pro-French" South Vietnamese generals would agree to a "neutralist" end of the war. The highest American officials equated that with a "Communist takeover."

In these critical years before the American role in the conflict had greatly escalated, the United States struggled far more to stay in the war than to get out of it, the secret documents reveal.

By 1964, what the Kennedy and Johnson administrations both labeled a global "test" against Communist expansion also became an unexpected test of another kind, inside the Western alliance. The Johnson administration looked upon French President Charles de Gaulle's attempts to reassert French influence in Indochina and all Asia—especially his call for the "neutralization" of South Vietnam—as the most pernicious portion of the Gaullist plan to break out of American "hegemony" and obtain a larger world role for France.

The American reaction was to dig in deeper in South Vietnam, to avoid at all cost what U.S. strategists perceived as a new double threat of American "humiliation."

Defense Secretary Robert S. McNamara, in a March 16, 1964 memorandum to President Johnson, summarized the U.S. position on negotiations "on the basis of 'neutralization' McNamara reported:

"While de Gaulle has not been clear on what he means by this—and is probably deliberately keeping it vague as he did in working toward an Algerian settlement—he clearly means not only a South Vietnam that would not be a Western base or part of an alliance structure (both of which we could accept) but also withdrawal of all external military assistance and specifically total U.S. withdrawal.

"To negotiate on this basis—indeed without specifically rejecting it—would simply mean a Communist takeover in South Vietnam.

"Only the U.S. presence after 1954 held the South together under far more favorable circumstances, and enabled Diem [President Ngo Dinh Diem] to refuse to go through with the 1954 provision calling for nationwide 'free' elections in 1956. Even talking about a U.S. withdrawal would undermind any chance of keeping a non-Communist government in South Vietnam, and the rug would probably be pulled before the negotiations had gone far."

McNamara listed next among the "alternatives" to existing U.S. policy in South Vietnam, which was failing to check the Communist advance, "direct military action against North Vietnam," and as other choices, lesser levels of expanded U.S. intervention in the war.

American policy-makers saw U.S. options for action narrowed to choices of greater involvement, or humiliating withdrawal. In later years, those who wrote the Pentagon assessment contended just the opposite in retrospect that the United States had missed one of its best opportunities to quit the war, when its prestige stake in it was relatively low.

The Kennedy Administration had crossed the first major threshold. Its complicity in the overthrow of President Diem on Nov. 1, 1963, shattered not only Diem and his crafty brother, Ngo Dinh Nhu, but also the entire mandarin-style political structure of South Vietnam.

The principal U.S. reason for encouraging the elimination of Diem and Nhu was the American conviction that the war could not be won by them. The United States also feared that Nhu would try to sell out the American interests.

Gen. Maxwell D. Taylor, chairman of the Joint Chiefs of staff, had reported to President Kennedy on Oct. 2, 1963, that one "disturbing feature of Nhu is his flirtation with the idea of negotiating with North Vietnam." A State Department message the same year said, "U.S. government cannot tolerate situation in which power lies in Nhu's hands."

U.S. alarm about the Diem regime's intentions had intensified since September 1963.

In that month, published reports disclosed that Diem had met secretly with a French diplomat assigned to Hanoi, after North Vietnamese President Ho Chi Minh publicly mentioned a possible "ceasefire" in the war, and President de Gaulle, in Paris, suddenly called for a removal of all "foreign influence" from "all of Vietnam." But the elimination of the Diem regime only intensified the pressures on the United States.

The United States believed that Diem would be followed by a leader whom the United States would find effective, popular, durable and wholly amenable to its own interests—interests which the secret documents state had grown larger than the fate of South Vietnam.

Diem's successor, Gen. Duong Van Minh—"Big Minh"—(now a leading potential opposition candidate in South Vietnam's October, 1971, presidential election) became a national hero for toppling Diem.

But Minh lasted only three months. He lost power in a bloodless coup led by Gen Nguyen Khanh on Jan. 30, 1964. Khanh's rationale was a paradoxical one for the United States: Khanh, an American-trained general, said he moved against Minh to forestall a plot by rival "pro-French" generals to seize power and negotiate for the "neutralization" of South Vietnam.

The explanatory cable sent to Washington by Ambassador Henry Cabot Lodge, who was actually skeptical about Khanh's story, nevertheless concentrated on what Lodge knew was a subject of great sensitivity for President Johnson, then grappling with the compound dilemmas of his first months in office: fear of a forced "neutralization" of South Vietnam.

Lodge also concluded in his report to the President that the hard reality was that Khanh was in control; that Minh was popular, but in the American judgment, indecisive, and that to achieve victory in the war "requires a tough and ruthless commander. Perhaps Khanh is it."

Khanh, however, also carried into power with him the consequences of the circumstances that he said put him into control: a "pro-American" general who preempted a "pro-French" faction to avoid a "neutralist" end of the war.

In South Vietnam's ensuing months and years of revolving power struggles, U.S. strategy, the Pentagon review shows became increasingly subject to mounting bargaining demands which Khanh based on the American interest in sustaining his "pro-American" position.

Most significantly, Khanh's demands subsequently included a campaign to extend the war to the bombing of North Vietnam. This coincided with similar demands from U.S. military chiefs.

For years, specialists on Vietnam have argued passionately about what opportunity there might have been to end the war in the 1963–64 period. Some of the developments are described in portions of the secret Pentagon war review that are still unavailable; other information is locked in White House and State Department files. But much of the story is already on the public record.

Before the murder of Diem and his brother, "Councillor" Nhu, the Nhus "leaked" their version of their own diplomatic intrigue. They did so in between the aborted August 1963 coup that failed to overthrow their regime and the Nov. 1, 1963, coup that did. The leaks were part of an unsuccessful attempt to forestall the second plot.

On Sept. 2, 1963, a Diem controlled newspaper, the Times of Vietnam, charged that U.S. Central Intelligence Agency agents had planned a coup d'etat for Aug. 28 to overthrow President Diem. The time pinpointed was remarkably accurate. On Aug. 23, according to the U.S. version, Vietnamese generals did guardedly sound out American officials about their atttiude toward a South Vietnamese coup. That coup plan was aborted on Aug. 31.

Before and during that period, there was an extraordinary amount of diplomatic maneuvering—much of it at cross-purposes—in many world capitals, to launch negotiations for ending the Vietnamese war. North Vietnam was on the verge of collapse; U.S. planners privately thought the same—unless a stronger, more popular, regime were to be installed in Saigon. In any negotiations then, the Communist side would have been bargaining from strength, and the Saigon government from weakness.

North Vietnamese President Ho Chi Minh gave an interview in early August to Australian Communist journalist Wilfred Burchett, a long-time friend. Ho reportedly said that "foreign intervention must cease," meaning American intervention, but a "cease-fire could presumably be arranged" by the adversaries. In that event, Ho indicated relations between North and South Vietnam could be placed on a new basis. This was a hint, not a precise proposal; but it was interconnected with other moves.

French President de Gaulle on Aug. 29, issued a deliberately ambiguous public statement about Vietnam. He recalled the history of what was, until 1954, French Indochina, and said that France now wished for "all of Vietnam" was that it would be left "to this people, and to it alone, to choose the means" of deciding its own destiny "in independence from foreign influence. . ." De Gaulle said France was "ready" to "organize a cordial cooperation with this country" (Vietnam).

The French Ambassador to Washington, Herve Alphand, after meeting the next day with Secretary of State Dean Rusk, said de Gaulle was advocating a long-range solution to reunify North and South Vietnam in "independence and neutrality" without any intention of slapping at the United States.

The French initiative ignited diplomatic follow-up moves in world capitals, and the United Nations, and aroused great interest among men who would not be labeled "early doves" in the U.S. Congress and elsewhere, especially Sen. Mike Mansfield (D-Mont.) and columnist Walter Lippmann. The documents show that their interest in de Gaulle's overture became a subject of special concern for President Johnson.

In Saigon in mid-September, Diem and his brother, struggling desperately to survive, tried to show they had spurned opportunities to negotiate behind the back of the United States—and had bargaining cards of their own. They spoke to columnist Joseph Alsop, who reported on Sept. 18 that "De Gaulle's statement was in fact the visible part of a most peculiar iceberg."

The Diem-Nhu story, which Alsop, a militant supporter of the war, described as "French intrigue . . . cleverly armed to defeat American policy" was that after Burchett's interview with Ho was published, the French Delegate-General in Hanoi, Jacques de Buzon, made a rare visit to Saigon.

De Buzon was accompanied by the French Ambassador to Saigon, Roger L'Alouette. The latter reportedly had hinted repeatedly to Nhu in earlier visits that the United States was planning to destroy him and Diem. The message from Ho that De Buzon brought from Hanoi, according to this account, was that Ho had "quite changed his mind" about "Diem the feudalist . . . the American puppet" and now spoke of "Diem the good Vietnamese . . . a patriot." (Other published accounts differ about who said what, but confirms the meetings.)

The Polish member of the International Control Commission for Vietnam, Mieczyslaw Manelli, next visited Nhu and reportedly told him that he carried a message from North Vietnamese Premier Pham Van Dong. Nhu claimed that this message was that the Premier "begged me to open negotiations on the basis of Ho Chi Minh's cease-fire proposal" and specified "many details," amounting to "almost an attractive offer." Nhu told Alsop that he replied to the Polish envoy that "I could not open negotiations behind the backs of the Americans, when you [the Americans] were aiding us so importantly. That was out of the question."

This sequence of public developments and reports helps to amplify many statements in official documents in the secret Pentagon study.

A lengthy report to President Kennedy dated Oct. 2, 1963, from Secretary McNamara and Gen. Taylor, after a survey trip to Vietnam, described Nhu as "the hatchet man." The report said Nhu's attempts at "building up with Madame Nhu of a wide personal apparatus have smacked more and more of the outright totalitarianism. A further disturbing feature of Nhu is his flirtation with the idea of negotiation with North Vietnam."

The McNamara-Taylor report said "discontent with the Diem/Nhu regime . . . has now become a seething problem." But it also assessed the "prospects of an early spontaneous replacement of the Diem regime" as "not high." The report suggested "an intensive clandestine effort" to make contacts "to continuously appraise coup prospects."

McNamara and Taylor forecast that "The prospects that a replacement regime would be an improvement appear to be about 50–50. Initially, only a strongly authoritarian regime would be able to pull the government together and maintain order . . . Such an authoritarian regime, perhaps after an initial period of euphoria at the departure of Diem/Nhu, would be apt to entail a resumption of the repression at least of Diem, the corruption of the Vietnamese Establishment before Diem, and an emphasis on conventional military rather than social, economic and political considerations, with at least an equivalent degree of xenophobic nationalism. . . ."

Ambassador Lodge, in an October, 1963, report to the President's national security adviser, McGeorge Bundy, was optimistic about the prospects after Diem's ouster: Lodge said, in part.

"We should not thwart a coup for two reasons. First, it seems at least an even bet that the next government would not bungle and stumble as much as the present one has. Secondly, it is extremely unwise in the long range for us to pour cold water on attempts at a coup . . . We should remember that this is the only way in which the people in Vietnam can possibly get a change of government."

When the anti-Diem coup which the United States favored, was followed by the next coup overthrowing "Big Minh," Lodge took it as phlegmatically as possible, the documents reveal.

The Pentagon study reports that the U.S. embassy's first hint of the Khanh coup that removed Minh came on Jan. 20, 1964, from Italian Ambassador D'Orlandi. His information, as the analyst's summary describes it, was that Generals Tran Van Don and Ton Thap Dinh were "potential leaders of a group that might accept a French neutralization formula, especially if the U.S. position on that issue were not clarified immediately." Lodge, a few days later, issued a public statement that the United States, "In solidarity with the government of the Republic of Vietnam, firmly rejects the spurious idea of 'neutralizing' South Vietnam since 'neutralization' would simply be another means of a Communist takeover."

On Jan. 27, 1964—five days after the U.S. Joint Chiefs of Staff described South Vietnam in a secret report as "pivotal . . . in our world-wide confrontation with the Communists"—France announced that it was extending diplomatic recognition to Communist China. China, to Kennedy-Johnson administration strategists was the arch-enemy behind the entire Asian "test" of Communist expansion.

The Johnson administration was furious. De Gaulle, as American strategists saw the world, first smashed the U.S. "grand design" for the Western Alliance in Europe, and now was launching a similar challenge in the Pacific.

In Saigon, when Gen. Khanh personally discussed with Lodge his intended coup, two days in advance, "The striking thing," the analyst commented, "is that although Khanh evidently made his intentions clear, the Ambassador's first thought was to protest to de Gaulle rather than to warn" the Saigon government. Lodge, in the analyst's words, urged Washington to protest "to de Gaulle against French clandestine plotting to upset the GVN [South Vietnam] and set it thereby upon a neutralist course."

Other reports reaching the U.S. Embassy in Saigon, the Pentagon study said, were that the "pro-French, pro-neutralist" South Vietnamese generals who planned to depose Gen. Minh had "French authorization to spend up to 2 billion piastres to achieve a neutralization of South Vietnam."

Khanh reportedly informed Lodge that Minh "agreed" to "secure changes" in the Minh junta to save it from the threat. Instead, Khanh took control, leaving Minh temporarily as titular chief of state.

Lodge's explanation to President Johnson, briefly mentioned earlier illustrates how men on the spot often cushioned the blow of bad news for the White House. Lodge reported just after the Khanh coup:

"Gen. Khanh's coup was obviously extremely disconcerting at first blush. We felt we were beginning to make real progress here with the Minh government—in the conduct of the effort against the Vietcong; and in making Gen. Minh into a popular figure. To overthrow a government which was progressing fairly satisfactorily seemed like a violent and disorderly procedure.

"On second thought, however," said Lodge, Generals Tran Van Don and Le Van Kim, who were alleged by Khanh to be the ringleaders of the alleged pro-neutralist coup "had never foresworn the possibility of a neutralist solution at what might have seemed to them to be the proper time. They had clearly been working, and working effectively, to strengthen the effort against the Vietcong.

"But none of us had ever discussed what the next step would be after the Government of Vietnam had reached a position of strength. Perhaps they did favor the French neutrality solution at that time. We had all concentrated exclusively on winning . . . Finally, Ambassador D'Orlandi of Italy, who is one of the shrewdest men here, has thought since November that the Minh government was actively in support of Gen. de Gaulle's ideas and would turn overtly neutralist at the proper time . . .

"He (D'Orlandi) had said this to me several times and had made much of the fact that both Don and Kim were still French citizens had been aides to Marshall de Lattre when he was here, and had actively worked in the French Secret Service in the past. Therefore, opinion of the French intentions for neutralization coup might be correct . . .

"Finally, in this country it rarely occurs to anyone that an election is an efficient or appropriate way to get anything important accomplished. The traditional way of doing important things here is by well planned, well thought out use of force. What Gen. Khanh has done does not appear to have shocked the Vietnamese . . . However, numerous Vietnamese have expressed the opinion to members of my staff that it was a pity that Gen. Minh was removed because he is a 'good man.'

"The real question is, therefore: Is Khanh able? Will he really supply some drive in connection with the effort against the Vietcong? The evidence to date is that he is able, that he has a lot of drive, and that he is not tolerating any delay . . .

"If Khanh is able, his advent to power may give the country one-man command in place of a junta. This may be good. We have everything we need in Vietnam. The U.S. has provided military advice, training, equipment; economic and social help; and political advice. The Government of Vietnam has put a relatively large number of good men into important positions and has evolved civil and military procedures which appear to be workable. Therefore, our aide knows how to do it; we have the means with which to do it; we simply need to do it. This requires a tough and ruthless commander. Perhaps Khanh is it."

The Pentagon reviewer, however, was much blunter writing in retrospect, "We (the United States) recognized it was a severe blow to the stability of the government that we had believed was so necessary for South Vietnam, and we doubted the charges that Khanh used as a justification for his actions."

But President Johnson evidently had a different set of priorities; he apparently regarded "neutralization," of Vietnam, which he repeatedly defined as "a Communist takeover" as the greatest danger to his domestic and international objectives. He firmly instructed Lodge, in a cable in late March, 1964, published earlier, out of the Pentagon study, that "your mission is precisely for the purpose of knocking down the idea of neutralization wherever it rears its ugly head . . . I have made this point myself to Mansfield and Lippmann . . . You may want to convey our concern on this point to Gen. Khanh and get his idea on the best possible joint program to stop such talk in Saigon, in Washington, and in Paris."

But the entire situation in Vietnam had changed while the Kennedy-Johnson administrations were exchanging control of the White House. President Johnson was determined to show the world that the United States, while emotionally shaken by the young President's death, would redouble, if necessary, its pursuit of the world "tests" staked out in the Kennedy years. To maintain continuity, he retained all the same key advisers.

It was a month after President Kennedy's death, before some of those advisers began to glimpse the consequences of the destruction in November of a South Vietnamese political structure built by Diem with major U.S. support since 1954.

The sudden "gloomy picture" discovered by McNamara in his previously mentioned Dec. 21, 1963, report, warning that South Vietnam was about to collapse either into a "neutralist" or "Communist-controlled state" was only the first blow. U.S. officials learned in stages that during the Diem days they had been using overly optimistic and inaccurate basic information from South Vietnamese officials. After Diem, the information improved, only to reveal that South Vietnam was now crumbling more swiftly than ever under rival generals who lacked any political experience, good or bad.

But the United States was prepared to try to correct that deficiency.

McNamara reported on March 16, 1964, that the Khanh regime suffered from "uncertain viability," and "there is a constant threat of assassination or of another coup . . . Whether or not French nationals are actively encouraging such a coup, de Gaulle's position and the continuing pessimism and anti-Americanism, of the French community in South Vietnam provide constant fuel to neutralist sentiment."

"On the positive side," reported McNamara, "the Khanh government . . . is highly responsive to U.S. advice . . ." The United States, said McNamara, must "make it clear that we fully support the Khanh government . . ."

Khanh, however, as the general kept protesting to Lodge when the Ambassador urged political reforms to rally the nation to fight better, was a soldier, not a politician.

The U.S. Joint Chiefs of Staff already had put before McNamara on Feb. 18, 1964, a full scenario for remedial action to help win the war. It included, "induce . . . Gen. Kahn . . . to accept U.S advisers at all levels considered necessary"; "establish the GVN and Khanh's 'images,' " plus a range of limited escalatory military actions

But the Joint Chiefs, recalling their repeatedly sidetracked recommendations about how to fight the war, also said that new, limited military actions cannot "exercise a decisive effect on the campaign against the Vietcong." Among subjects now requiring study with "urgency," they told McNamara, was, first, "Intensified operations against North Vietnam to include air bombings of selected targets." U.S. military advisers in South Vietnam, and inevitably Khanh also, soon increased their demands for the same solution.

The paradox for the United States was that the weaker Khanh became in coordinating South Vietnamese political and military action to meet intensified Communist assaults, the stronger became his bargaining power to require the United States to meet his demands—or face the rejected alternatives: "neutralization," "outright Communist takeover," and most importantly, U.S. world "humiliation."

In the optimistic days of July, 1962, when the United States was inducing an often-recalcitrant Diem to accept a few thousand more American advisers, Washington simultaneously began to plan to reduce its forces in South Vietnam after they reached a projected peak of 12,000 men in 1964. The plan was to reduce this force to 1,500 men by 1968.

This became simply a bureaucratic exercise, the Pentagon review shows; the first withdrawal plan was abandoned in the black days of March, 1964 after "an ostensible cutback of 1,000 men . . . in December, 1963." That was simply a bookkeeping illusion; U.S. force levels then already were more than 4,000 over the planned peak of 12,000 men by 1968.

By March, 1964, President Johnson's strategy was becoming locked into no choice that he or his chief advisers regarded as bearble except escalation. The Pentagon reviewer commented from the retrospective vantage point of the 1967–68 war review: ". . . It was increasingly apparent that we were as committed to the struggle as our clients were—possibly even more committed."

[From the Washington Post, July 1, 1971]

Viet Combat Role Urged on JFK in 1962

(By Chalmers M. Roberts)

The year 1962 opened for President Kennedy with the grim word that he had not done enough to save South Vietnam.

According to documents from the Pentagon study available to The Washington Post, the chairman of the Joint Chiefs of Staff had prepared one of those Pentagon flip-chart talks for Mr. Kennedy. Although there is no direct evidence, it seems a reasonable assumption that the talk was delivered. In any case, it is likely that the dreary word reached the President.

Gen. Lyman L. Lemnitzer, then the JCS chairman, was prepared to discuss China's problems (things must be bad because wheat had been purchased from Canada and Australia), the setup of the 16,500-man Vietcong military establishment and the belief that North Vietnam then was running a training center near the city of Vinh "where pro-Vietcong South Vietnamese receive an 18-month military course interspersed with intensive Communist political indoctrination."

"Two 600-man battalions already have completed training," said Lemnitzer's "talking paper" for the Jan. 9 meeting with the President, "and another two battalions began training in May, 1961." Here were signs of danger.

Then Lemnitzer, if he followed the "talking paper" prepared for him, was to quote the President to himself:

"The President on 22 November 1961 authorized the Secretary of State to instruct the U.S. Ambassador to Vietnam to inform President Diem that the U.S. Government was prepared to join the GVN (Government of South Vietnam) in a sharply increased effort to avoid a further deterioration of the situation in SVN (South Vietnam)." Next were listed the military steps the President had approved less than two months earlier.

One chart showed "approved and funded construction projects" including improvements at airfields at Pleiku, Bienhoa and at Tansonnhut (Saigon). Here was the commitment thus far. But, the "talking paper" indicated, that was not enough.

Some of the projects listed, such as defoliation were characterized as having "all the earmarks of gimmicks that cannot and will not win the war in South Vietnam." The documents do not show that the President had yet committed himself to "win the war" but that was the clear premise. The "commitment of U.S. units" in support of President Ngo Dinh Diem's forces in one form or another "should make it obvious to the Vietnamese and the rest of the world that the United States is committed to preventing Communist domination of South Vietnam and Southeast Asia."

Yet "all of the recent actions we have taken may still not be sufficient to stiffen the will of the government and the people of SVN sufficiently to resist Communist pressure and win the war without the U.S. committing combat forces."

The documents available do not include any proposed moves Lemnitzer was to put to Mr. Kennedy. But a National Security Action Memorandum of Jan. 18, nine days later, shows that the President was focusing not on sending in combat forces but on counterinsurgency.

He ordered establishment of "a Special Group (Counter-Insurgency)" to "assure unity of effort and the use of all available resources with maximum effectiveness in preventing and resisting subversive insurgency and related forms of indirect aggression in friendly countries." The new group was to be headed by Gen. Maxwell Taylor. An annex to the memorandum listed the "critical areas" assigned to it as Laos, South Vietnam and Thailand.

The same day Gen. Lemnitzer sent a memorandum to Brig. Gen. Edward Lansdale, who had been dealing with insurgencies for years, stating that "now a strong case can be made for increased direct participation by US personnel in the planning and supervision of Vietnamese counterinsurgency operations. Inherent in such increased direct participation should be some assurance of US support for Diem personally."

Lemnitzer was responding to Lansdale's statement that Diem was worried about a coup against him and that this had made him reluctant to let his field commanders "implement the task force concept that was an important part of the over-all plan of operations against the Vietcong."

On Jan. 26, the State Department came up with some suggestions. Deputy Under Secretary U. Alexis Johnson suggested to Deputy Defense Secretary Roswell Gilpatric that if the Vietnamese armed forces were to be increased at the time "we would envisage strategic plans made in Saigon giving priority to areas to be cleared and held and setting forth general methods to be used. We believe these should be accomplished by numerous small tactical actions planned and executed by American and Vietnamese officers on the spot to meet the local situation at the moment."

Johnson wrote that State felt "our training program for ARVN (Army of the Republic of Vietnam) be based primarily on the concept that the Vietnamese army will start winning on the day when it has obtained the confidence of the Vietnamese peasants. As a specific example I suggest that we immediately seek Vietnamese implementation of a policy of promptly giving a small reward in rice, salt or money (commodities in which the Vietcong are in short supply) to every person who gives information to the army. Similarly, villages which show determination to resist the Vietcong should receive the promptest possible support."

The Joint Chiefs were concerned with the larger view. Defense Secretary Robert S. McNamara sent the President a memorandum that illuminated their frame of mind.

Entitled "The Strategic Importance of the Southeast Asia Mainland," the Jan. 13 paper was signed by Lemnitzer for all the chiefs. It began this way:

"1. The United States has clearly stated and demonstrated that one of its unalterable objectives is the prevention of South Vietnam falling to communist aggression and the subsequent loss of the remainder of the Southeast Asia mainland. The military objective, therefore, must be to take expeditiously all actions necessary to defeat communist aggression in South Vietnam. The immediate strategic importance of Southeast Asia lies in the political value that can accrue to the Free World through a successful stand in that area. Of equal importance is the psychological impact that a firm position by the United States will have on the countries of the world—both free and communists. On the negative side, a United States political and/or military withdrawal from the Southeast Asian area would have an adverse psychological impact of even greater proportion, and one from which recovery would be both difficult and costly.

"2. It must be recognized that the fall of South Vietnam to communist control would mean the eventual communist domination of all of the Southeast Asian mainland. There is little doubt that the next major target would be Thailand. Cadres are now being established in that country and 'land reform' or 'capitalist dictatorship' ploys may prove fertile exploitation fields for the communists. Thailand is bordered by a 'pink' Burma and a vacillating Cambodia, either of which will easily fall under communist pressure. Thailand would almost certainly then seek closer accommodation with the Sino-Soviet bloc. SEATO would probably cease to exist. The only determined opposition to a communist drive would then be Malaya and Singapore. While the people of Malaya have the will to fight and might have the backing of the United Kingdom, the country itself would be isolated and hard pressed. The communist element in Singapore is strong. Short of direct military intervention by the United States, it is questionable whether Malaya and Singapore could be prevented from eventually coming under communist domination or control."

"Eventualities" were foreseen, either "early" or "possible." In the former category it was said that neutral India would be outflanked." Visualized as possible eventualities were Indonesia under Soviet domination, a threat to Australia and New Zealand, Sino-Soviet "control of the eastern access to the Indian Ocean," and the prospect that the Philippines and Japan "could be pressured to assume at best a neutralist role, thus eliminating two of our major bases of defense in the Western Pacific." Even a possible Sino-Soviet bloc "move into and control" of Africa was listed in this description of "possible" falling dominoes.

What was taking place in Vietnam, thus, was seen by the top American military leaders as no less than part of "a planned phase in the communist timetable for world domination. Whereas, control of Cuba has opened for the Sino-Soviet Bloc more ready access to countries of South and Central America, control of Southeast Asia will open access to the remainder of Asia and to Africa and Australia."

The JCS plea was to get the President to force Diem to accept "advice, as well as assistance, in military, political and economic matters." Diem should be told that "there must be no further procrastination."

The JCS added:

"If, with Diem's full forces, the Vietcong is not brought under control, the Joint Chiefs of Staff see no alternative to the introduction of US military combat forces along with those of the free Asian nations that can be persuaded to participate."

Despite all the talk about conterinsurgency warfare the JCS had its own view of what could lie ahead. It listed the following first among the "salient factors" of "the greatest importance if the eventual introduction of US forces is required":

"a. Any war in the Southeast Asia mainland will be a peninsula and island-type of campaign—a mode of warfare in which all elements of the Armed Forces of the United States have gained a wealth of experience and in which we have excelled both in World War II and Korea."

The other two "salient factors" were:

"b. Study of the problem clearly indicates that the communists are limited in the forces they can sustain in war in that area because of natural logistic and transportation problems.

"c. Our present world military posture is such that we now have effective forces capable of implementing existing contingency plans for Southeast Asia without affecting to an unacceptable degree our capability to conduct planned operations in Europe relating to Berlin or otherwise."

After urging McNamara to consider again the JCS recommendation of May 10, 1961, nearly eight months earlier, "that a decision be made to deploy suitable US forces to South Vietnam" to provide "a visible deterrent" to Hanoi and Peking and for other purposes, the chiefs told their civilian boss in conclusion:

"We are of the opinion that failure to do so under such circumstances will merely extend the date when such action must be taken and will make our ultimate task proportionately more difficult."

In sending this JCS memorandum to the President, McNamara told Mr. Kennedy that "I am not prepared to endorse the views of the Chiefs until we have had more experience with our present programs in SVN."

Evidently the President still was thinking in terms of counterinsurgency, not combat troops. In mid-February he sent a National Security Action Memorandum (NASM) to the Agency for International Development on "support of local police forces for internal security and counterinsurgency purposes." It began:

"As you know, I desire the appropriate agencies of this Government to give the utmost attention and emphasis to programs designed to counter Communist indirect aggression, which I regard as a grave threat during the 1960s. I have already written the Secretary of Defense 'to move to a new level of increased activity across the board' in the counterinsurgency field."

Police assistance programs he went on, "may seem marginal", but "I regard them as justified . . ." AID was to give the police program "greater autonomy within AID, if this seems necessary in order to protect it from neglect."

In May came another Kennedy action in the same field. Another NSAM approved training in counter-insurgency for higher-level officials at State. Defense, Justice, CIA, AID and USIA and also for "selected foreign nationals, both in the United States and in their own countries.

"The emphasis for the latter should be placed on those countries with an actual or potential counterinsurgency problem."

Eleven days later, there was a new alarm over a possible breakdown of the cease-fire in Laos. In another NSAM, Mr. Kennedy called for contingency planning on possible Thai, Vietnamese and American moves to hold the noncommunist parts of that country. But the crisis passed.

There were constant disputes within the administration over how counterinsurgency was faring. On June 18, 1962, Assistant Secretary of State for Intelligence Roger Hisman, who had strongly backed the program to the President, wrote a critique for W. Averell Harriman, then Assistant Secretary for the Far East.

Hilsman said that "we conclude" that "there is no evidence to support certain allegations of substantial deterioration in the political and military situations in Vietnam." In fact, "on the contrary, there is evidence of heartening progress in bolstering the fighting effectiveness of the military and security forces" though "there is still much to be done in strengthening the overall capacity of the Vietnamese Government to pursue its total counterinsurgency effort."

Hilsman wrote that "a judgment on ultimate success in the campaign against the Communist 'war of national liberation' in Vietnam is premature" but "we think that the chances are good, provided there is continuing progress by the Vietnamese Government along the lines of its present strategy."

In mid-1962, the President pressed his counterinsurgency concept, as is shown in two NSAM's that are available.

In mid-June, Mr. Kennedy approved a set-up for "country internal defense plans" a theme widely discussed in public about that time. Schemes for improving personnel, down to their housing and rewards were listed. One section of this NSAM had to do with "support of covert paramilitary operations." it said:

"More Special Forces personnel will be assigned to support CIA covert paramilitary operations where acute insurgency situations exist. The Department of Defense has taken steps to expedite these assignments. In addition the Department of Defense will increase its capability to fund, support, and conduct wholly or partly covert paramilitary operations under the criteria of NSAM 57 which distinguishes responsibilities of the Department of Defense and CIA:

"Where such an operation is to be wholly covert or disavowable, it may be assigned to CIA, provided that it is within the normal capabilities of the agency. Any large paramilitary operation wholly or partly covert which requires significant numbers of militarily trained personnel, amounts of military equipment which exceed normal CIA-controlled stocks and/or military experience of a kind and level peculiar to the Armed Services is properly the primary responsibility of the Department of Defense with the CIA in a supporting role."

NSAM 57 is not available except for the part quoted above. From other documents it appears that NSAM 57 was approved in early July, 1961, somewhat more than two months after the CIA had overextended itself in running the disastrous Bay of Pigs invasion of Cuba.

The June, 1962, NSAM went on to order a study on the feasibility of "increased use of third-country personnel in paramilitary operations" in Laos.

This appears to be the earliest-dated hard evidence of American use of third-country personnel in what came to be known much later as the "secret war in Laos." There is no indication as to whether they had first been sent there by the Kennedy administration or by its predecessor, which also faced the problem of Laos.

Another NSAM in August 1962, on "counterinsurgency doctrine," indicated that President Kennedy had then approved a document entitled "U.S. Overseas Internal Defense Policy." The document, the NSAM said, "sets forth a national counterinsurgency doctrine for the use of U.S. departments and agencies concerned with the internal defense of overseas areas threatened by subversive insurgency, and has directed its promulgation . . ."

Here, at last, was the final bureaucratic response by the United States to Nikita Khrushchev's call more than 19 months earlier for "wars of national liberation" around the globe.

A Dec. 3 memorandum by Hilsman for Secretary of State Dean Rusk said that President Diem in Saigon, other leading Vietnamese, and "many US officials in South Vietnam apparently feel that the tide is now turning in the struggle against Vietnamese Communist (Vietcong) insurgency and subversion. This degree of optimism is premature. At best, it appears that the rate of deterioration has decelerated . . ."

The Vietcong, wrote Hilsman, "is obviously prepared for a long struggle" and "elimination, even significant reduction, of the Communist insurgency will almost certainly require several years. In either case, a considerably greater effort by the GVN, as well as continuing US assistance, is crucial."

The available Pentagon documents are incomplete for the first half of 1963. In April of that year, a National Intelligence Estimate said that the government's top intelligence chiefs "believe that Communist progress has been blunted and that the situation is improving" but that "there are as yet no persuasive indications that the Communists have been grieviously hurt."

The estimate predicted more of the same Communist tactics. But it also said that "assuming no great increase in external support to the Vietcong, changes and improvements which have occurred during the past year now indicate that the Vietcong can be constrained militarily and that further progress can be made in expanding the area of government control and in creating greater security in the countryside."

Then came the "however."

"However, we do not believe that it is possible at this time to project the future course of the war with any confidence. Decisive campaigns have yet to be fought and no quick and easy end to the war is in sight. Despite South Vietnamese progress, the situation remains fragile."

By June, the troubles in Laos once again were intruding. A NSAM in late June, refered to a State Department memorandum not available. One sentence in the NSAM stated that the question be explored whether additional U.S. actions should be taken in Laos before any action be directed against North Vietnam." There is no explanation what action State had suggested or referred to.

If counterinsurgency seemed to be going better, the problem by mid-1963 had begun to focus on the political side. Reports of a possible anti-Diem coup were alarming. At a White House briefing for the President on July 4, Hilsman reported that Ambassador Frederick Nolting in Saigon "believes that the most likely result of a coup attempt that succeeded in killing Diem was civil war. Mr. Hilsman disagreed with this view slightly in that he thought civil war was not the most likely result that it was certainly a possible result." So read the Defense Department's "memorandum of conversation."

Most of the available documents for the rest of 1963, up to the coup that deposed Diem and the President's assassination, center on the political scene in South Vietnam. There are, however, a few broader glimpses.

These Kennedy words, for example, appear in a Sept. 21 memorandum from the President to McNamara on the reasons the secretary was being sent to Saigon:

"The program developed after General (Maxwell) Taylor's mission, (in the previous October) and carried forward under your close supervision has brought heartening results, at least until recently. The events in South Vietnam since May have now raised serious questions both about the present prospects for success against the Vietcong and still more about the future effectiveness of this effort unless there can be important political improvements in the country."

Vietnam now came to be an issue, as Washington saw it, of whether and, how to use the considerable American presence in men and material as a lever on Diem. It was not easy. As Ambassador Henry Cabot Lodge in Saigon put it to State in a late October cable: "Heartily agree that a miscalculation could jeopardize position in Southeast Asia. We also run tremendous risk by doing nothing." The "miscalculation" sentence had come from Presidential assistant McGeorge Bundy in a cable to Lodge earlier that day. Soon, very soon, the much-anticipated coup against Diem was to take place. And shortly afterward, the problem of Indochina would be one for the new President, Lyndon B. Johnson.

RELUCTANT MOVE BY J. F. K. SET VIET STAGE—1961 MEMO ENVISIONED MAXIMUM U.S. TROOP LEVEL OF 205,000

(By Chalmers M. Roberts)

On Nov. 11, 1961, President Kennedy was told that Defense Secretary Robert S. McNamara and the Joint Chiefs of Staff "assume" that if Hanoi and Peking overtly intervened in South Vietnam after the United States sent its first troops there that the maximum American force "required on the ground in Southeast Asia would not exceed six divisions, or about 205,000 men."

This assumption was contained in joint memorandum to the President by Secretary of State Dean Rusk and McNamara in preparation for a National Security Council session at which Mr. Kennedy, in essence, accepted the Rusk-McNamara recommendations for a fateful step into direct involvement in the war.

This is among the many new facts contained in the Pentagon documents made available to The Washington Post relating to the Kennedy era and the war.

In actual fact, there was barely disguised North Vietnamese intervention some three years later, but thus far there has been no Chinese intervention. The total American manpower sent to Vietnam reached a peak of more than a half million men before the beginning of the withdrawals by the Nixon Administration. The 205,000 estimate was but one of the many miscalculations of the war.

The available documents portray a President Kennedy reluctant, in 1961, to become fully committed to the war by sending in combat troops but being advised and pushed by top officials in his administration to commit the United States.

For example, the first of 10 recommendations, with many sub-recommendations in the Rusk-McNamara memorandum, was that "We now take the decision to commit ourselves to the objective of preventing the fall of South Vietnam to Communism and that, in doing so, we recognize that the introduction of United States and other SEATO [Southeast Asia Treaty Organization] forces may be necessary to achieve this objective."

When the President approved a National Security Action Memorandum (NSAM 111) on Nov. 22, however, that sweeping commitment language was omitted.

Nonetheless, the NSAM was headed "First

Phase of Vietnam Program" and it did contain presidential approval for sending to Vietnam helicopters, light aircraft and transport planes, manned by American personnel in uniform in a new "partnership" between the United States and the Government of South Vietnam then headed by President Ngo Dinh Diem.

The first helicopters and their crews arrived in Saigon on Dec. 11, 1961, aboard the U.S.S. Core, a former escort carrier. Four days later, Washington and Saigon made public an exchange of Kennedy-Diem letters announcing in general terms a stepped-up American aid program. These moves composed the most fateful step in 1961 regarding Vietnam.

When John F. Kennedy entered the White House on Jan. 20, 1961, the focus in Southeast Asia was on Laos. Three days earlier, one of the strongest advocates of American intervention, Brig. Gen. Edward Lansdale, had reported to the outgoing administration that "the U.S. should recognize that Vietnam is in a critical condition and should treat it as a combat area of the cold war . . ."

This theme, in one form or another, was to be pressed on the President from the day of his inaugural to the day of his assassination. The rhetoric of his Inaugural Address was that of the cold war period. His attitude toward the Vietnam problem, as is well known from what he said in public, was deeply affected by Soviet Premier Nikita Khrushchev's famous speech in January, prior to the Kennedy inauguration, commending "wars of national liberation" in a period when nuclear war was too dangerous to contemplate and when small conventional wars could lead to a world war.

This led the President to approve a number of covert operations both in Laos and in South and North Vietnam. It led him to build up the Special Forces. And it was a constant in much of the advice given him. For example, on Nov. 3, 1961, in the letter to the President transmitting a report on his mission to Vietnam, Gen. Maxwell Taylor wrote:

"It is my judgment and that of my colleagues that the United States must decide how it will cope with Khrushchev's 'wars of liberation' which are really para-wars of guerrilla aggression."

Added Taylor: "This is a new and dangerous Communist technique which bypasses our traditional political and military responses. While the final answer lies beyond the scope of this report, it is clear to me that the time may come in our relations to Southeast Asia when we must declare our intentions to attack the source of guerrilla aggression in North Vietnam and impose on the Hanoi government a price for participation in the current war which is commensurate with the damage being inflicted on its neighbors to the South."

But that time was not to come until the Johnson era, after Hanoi matched the American buildup on the ground. In the first Kennedy year, the problem appeared this way, as described in the Rusk-McNamara memorandum to President Kennedy under the heading of "The Problem of Saving South Vietnam":

"It seems, on the face of it, absurd to think that a nation of 20 million people can be subverted by 15–20 thousand active guerrillas if the government and the people of that country do not wish to be subverted. '

The American answer, tortuously arrived at in lengthy debate within the administration from January to November, 1961, was to pressure Diem to improve the caliber and effectiveness of his government as well as to introduce some American military personnel and equipment as an earnest of the United States commitment to defeat that particular "war of liberation," as Washington viewed it.

(There is no evidence, incidentally, in the documents available to The Washington Post to show that the debacle of the Bay of Pigs in April, 1961, affected President Kennedy's actions relating to Indochina one way or the other.)

For 1961 as a whole, it is evident that two missions to Saigon ordered by Mr. Kennedy were of great importance—those of Vice President Johnson and of Gen. Taylor. There were other activities here in Washington that also affected the outcome, of course. And there could be additional evidence in White House and State Department records, which are sparse in the Pentagon study.

Barely a week after taking office the Pentagon analyst noted, Mr. Kennedy approved a modest counter-insurgency program for South Vietnam drafted by the Eisenhower Administration. There followed alternate coaxing and pressuring of Diem for "reforms" to make such programs work.

On April 27, on the heels of the Bay of Pigs, a crisis in Laos reached its peak. The combination, the analyst suggested, led a task force headed by Deputy Defense Secretary Roswell L. Gilpatric to suggest American help to increase Diem's forces and what the analyst termed "a modest commitment of U.S. ground combat units in South Vietnam with the nominal mission of establishing two training centers." The President took no action on the latter, although he approved the aid to Diem's forces.

A State Department redraft of this report recommended stationing U.S. troops in Vietnam but not for combat against the Vietcong. It also raised the idea of a bilateral American-South Vietnamese defense treaty. But on May 5 Rusk declared that "we should not place combat forces in SVN at this time."

The Vice President's visit to Vietnam is first mentioned in the documents in a memorandum to Mr. Kennedy on April 12 from Walt W. Rostow, then a Kennedy White House aide, stating that "I believe we must turn to gearing up the whole Vietnam operation" and suggesting such a visit as one move.

Rostow also called for raising the ceiling on the number of men in the American MAAG (military assistance advisory group) in Vietnam, which he noted "involves some diplomacy." The MAAG mission then totaled 685 men and the plan was to raise it by 100. The hitch was that to do so publicly would "be the first formal breach of the Geneva Agreements" of 1954, as the analyst put it, which limited foreign military personnel in Indochina.

On April 29, the President approved the MAAG increase to enable it, among other things, to train an approved 20,000 increase in South Vietnamese troops.

On the same day, with the Laotian crisis at its peak, the Joint Chiefs of Staff ordered an alert. Its purpose, various memoirs indicate, was to serve as a threat to intervene in Laos if the Communist forces refused a cease-fire then being negotiated to precede a Geneva Conference on Laos.

The alert called on CINCPAC, the Pacific headquarters in Honolulu, to "prepare plans to move brigade size forces of approximately 5,000 each into Udorn [Thailand] or vicinity and into Tourane [the French name for Danang] or vicinity. Forces should include all arms and appropriate air elements. Plans should be based solely on US forces at this time." But CINCPAC also was told that "decision to make these deployments not firm" and that while a decision on Thailand was expected shortly, "decision regarding Vietnam will be even later due to consideration of Geneva Accords."

The decision did not come on May 1, the day the Joint Chiefs of Staff expected it. Instead there was talk of implementing a SEATO contingency plan "providing for military intervention in South Vietnam should this become necessary to prevent the loss of the country to Communism." This was the language of the Gilpatric task force report.

And on May 10 the Joint Chiefs, in a memorandum about "the present highly inflammable situation in South Vietnam," declared that: "Assuming that the political decision is to hold Southeast Asia outside the Communist sphere, the Joint Chiefs of Staff are of the opinion that U.S. forces should be deployed immediately to South Vietnam; such action should be taken primarily to prevent the Vietnamese from being subjected to the same situation as presently exists in Laos, which would then require deployment of U.S. forces into an already existing combat situation."

The Joint Chiefs suggested that Diem "be encouraged to ask" that the U.S. "fulfill its SEATO obligations in view of the new threat now posed by the Laotian situation, by the immediate deployment of appropriate U.S. forces to South Vietnam" and that "upon receipt of this request, suitable forces could be immediately deployed. . . ."

But at the NSC meeting on May 11 the President went no further, according to the memorandum of his national security adviser, McGeorge Bundy, than to direct a "full examination" by Defense "of the size and composition of forces which would be desirable in the case of a possible commitment of U.S. forces to Vietnam."

One other step was authorized. Ambassador Frederick Nolting in Saigon was "authorized to begin negotiations looking toward a new bilateral arrangement with Vietnam, but no firm commitment will be made to such an arrangement without further review by the President."

At this point, Vice President Johnson was on his May 9–15 visit to Southeast Asia.

The Johnson report to the President, much of it long ago published, declared that "we must decide whether to help these countries to the best of our ability or throw in the towel in the area and pull back our defenses to San Francisco and a ' Fortress America' concept." And a decision to help "must be made with the knowledge that at some points we may be faced with the further decision of whether we commit major United States forces to the area or cut our losses and withdraw should our other efforts fail . . . I recommend we proceed with a clear-cut and strong program of action."

But the Pentagon analyst noted that the record available to him "tells us almost nothing about the Vice President's visit to Saigon beyond what is described in the public memoirs. We know from Nolting's cables that Johnson brought up the possibility of U.S. troops in Vietnam and of a bilateral treaty after Diem (in an after-dinner conversation) began to talk about the problems that Communist gains in Laos would create for him. We know that Diem replied that he wanted U.S. combat troops only in the event of open invasion and that he also did not show interest in a treaty."

On June 9, Diem wrote the President that he needed "a considerable expansion" of the MAAG group "in the form of selected elements of the American armed forces to establish training centers for the Vietnamese Armed Forces" that also "would serve the dual purpose of providing an expression of the United States' determination to halt the tide of Communist aggression and of preparing our forces in the minimum of time."

But the available record shows no action by President Kennedy on this request. The Pentagon analyst noted that, despite all the internal administration discussion about sending combat troops, "no one at this time talked about using American units to directly fight the Vietcong."

Theodore Sorensen wrote in his book "Kennedy" that the President in May decided against sending combat units. There is support for this in a hand-written Rostow note to McNamara of about June 5 saying:

"Bob:

"We must think of the kind of forces and missions for Thailand now, Vietnam later.

"We need a guerrilla deterrence operation in Thailand's northeast.

"We shall need forces to support a counter-guerrilla war in Vietnam:

"aircraft

"helicopters

"communications men

"special forces

"militia teachers

"etc.

"WWR"

A National Security Council meeting was called for on Oct. 11 and at least four papers were put before it. One was a Special National Intelligence Estimate (SNIE) based on an assumption that a 25,000-man SEATO force would be involved but noting that Britain and France would be likely to oppose any such move. The two nations were SEATO members, others being the United States, the Philippines and Thailand.

An estimate of Oct. 11 by the Joint Chiefs included this paragraph under the heading "Wider Military Implications" in a supplement to a paper on "Concept of Intervention in Vietnam":

"As the basic paper indicates, the likelihood of massive DRV [Democratic Republic of (North) Vietnam] and Chicom [Chinese Communist] intervention cannot be estimated with precision. The SNIE covers only the initial phase when action might be limited to 20–25,000 men. At later stages, when the JCS estimate that 40,000 US forces will be needed to clean up the Vietcong threat, the chances of such massive intervention might well become substantial, with the Soviets finding it a good opportunity to tie down major US forces in a long action, perhaps as part of a multi-prong action involving Berlin and such additional areas as Korea and Iran."

The JCS went on to speak of the "present estimates of about 40,000 US forces for the stated military objective in South Vietnam, plus 128,000 US forces for meeting North Vietnam and Chicom intervention. . ." It was only a month later that the 128,000 figure became 205,000.

Another memorandum of the moment was one to McNamara from William Bundy, then acting Assistant Secretary of Defense for Internal Security Affairs and later to be Assistant Secretary of State for Far East Affairs. Its value is its nonbureaucratic language. It said, in full:

"Even if the decision at tomorrow's meeting is only preliminary—to explore with Diem and the British, Australians, and New Zealanders would be my guess—it is clearly of the greatest possible importance.

"For what one man's feel is worth, mine—based on very close touch with Indochina in the 1954 war and civil war afterwards till Diem took hold—is that it is really now or never if we are to arrest the gains being made by the Vietcong. Walt Rostow made the point yesterday that the Vietcong are about ready to move, by every indication, from the small unit basis to a moderate battalion-size basis. Intelligence also suggests that they may try to set up a 'provisional government' like Xieng Khuang (though less legitimate appearing) in the very Kontum area into which the present initial plan would move SEATO forces. If the Vietcong movement 'blooms' in this way, it will almost certainly attract all the back-the-winner sentiment that understandably prevails in such cases and that beat the French early in 1954 and came within an ace of beating Diem in early 1955.

"An early and hard-hitting operation has a good chance (70% would be my guess) of arresting things and giving Diem a chance to do better and clean up. Even if we follow up hard, on the lines the JCS are working out after yesterday's meeting, however, the chances are not much better that we will in fact be able to clean up the situation. It all depends on Diem's effectiveness, which is very problematical. The 30% chance is that we would wind up like the French in 1954; white men can't win this kind of fight.

"On a 70–30 basis, I would myself favor going in. But if we let, say, a month go by before we move, the odds will slide (both short-term shock effect and long-term chance) down to 60–40, 50–50 and so on. Laos under a Souvanna Phouma deal is more likely than not to go sour, and will more and more make things difficult in South Vietnam, which again underscores the element of time."

A Gilpatric memorandum shows that President Kennedy at the NSC table authorized Defense to send a Jungle Jim squadron—an Air Force unit with 12 planes especially trained for counter-insurgency warfare—into Vietnam "to serve under the MAAG as a training mission and not for combat at the present time."

The President also approved sending Taylor and Rostow, Gen. Lansdale and others on what became known as the Taylor Mission to Saigon. It was to "look into the feasibility from both political and military standpoints" of, among other things, two forms of intervention: that based on the "Concept for Intervention in Vietnam" paper and "an alternative plan for stationing in Vietnam fewer U.S. combat forces than those called for" under the first plan. The latter would have "a more limited objective than dealing with the Vietcong; in other words, such a small force would probably go in at Tourane [Danang] and possibly another southern port principally for the purpose of establishing a U.S. 'presence' in Vietnam."

The President announced the Taylor Mission that afternoon at a press conference.

En route to Saigon, Taylor stopped at Honolulu to talk to Adm. Harry Felt at CINCPAC. After Taylor left, Felt cabled Washington a list of pros and cons on sending American forces, concluding that it "appears to me to add up in favor of our not introducing U.S. combat forces until we have exhausted other means of helping Diem."

Taylor arrived in Saigon on Oct. 18. Diem said he did not want American troops but wanted a treaty and various forms of support for his forces. Then nature intervened, in the form of what Saigon described to Washington as the worst flood in the Mekong Delta since 1937. Taylor proposed on the 24th "a flood relief task force, largely military in composition, to work with GVN [Government of Vietnam] over an extended period of rehabilitation of areas."

Taylor added in this report to Washington that "obviously, such a military force would also provide U.S. military presence in Vietnam and would constitute military reserve in case of heightened military crisis."

Taylor expanded on the Flood Force in an "eyes only" cable the same day to the President, Rusk, Deputy Under Secretary of State U. Alexis Johnson, McNamara and Gen. Lyman Lemnitzer, chairman of the JCS. He added that "the strength of the force I have in mind [is] on the order of 6–8,000 troops." And he said that "in addition to the logistical component, it will be necessary to include some combat troops for the protection of logistical operations and the defense of the area occupied by U.S. forces. Any troops coming to VN may expect to take casualties."

The telegram concluded: "Needless to say, this kind of task force will exercise little direct influence on the campaign against the V.C. It will, however, give a much needed shot in the arm to national morale, particularly if combined with other actions showing that a more effective working relationship in the common cause has been established between the GVN and the U.S."

Taylor stopped in the Philippines and sent another "eyes only" cable to the President which set the figure at not to exceed "about 8,000" men. Other key paragraphs said:

"This message is for the purpose of presenting my reasons for recommending the introduction of a U.S. military force into South Vietnam (SVN). I have reached the conclusion that this is an essential action if we are to reverse the present downward trend of events in spite of a full recognition of the following disadvantages:

"a. The strategic reserve of U.S. forces is presently so weak that we can ill afford any detachment of forces to a peripheral area of the Communist bloc where they will be pinned down for an uncertain duration.

"b. Although U.S. prestige is already engaged in SVN, it will become more so by the sending of troops.

"c. If the first contingent is not enough to accomplish the necessary results, it will be difficult to resist the pressure to reinforce. If the ultimate result sought is the closing of the frontiers and the clean-up of the insurgents within SVN, there is no limit to our possible commitment (unless we attack the source in Hanoi).

"d. The introduction of U.S. forces may increase tensions and risk escalation into a major war in Asia.

"On the other side of the argument, there can be no action so convincing of U.S. seriousness of purpose and hence so reassuring to the people and Government of SVN and to our other friends and allies in SEA [Southeast Asia] as the introduction of U.S. forces into SVN. The views of indigenous and U.S. officials consulted on our trip were unanimous on this point . . .

"The size of the U.S. force introduced need not be great to provide the military presence necessary to produce the desired effect on national morale in SVN and on international opinion. A bare token, however, will not suffice; it must have a significant value. The kinds of tasks which it might undertake which would have a significant value are suggested in . . ." an earlier cable which is not among the available documents.

On Nov. 3, the Taylor Mission report was wrapped up in a black, loose-leaf notebook containing a letter of transmittal to the President from the general. An unsigned summary statement put the case frankly:

"It is evident that morale in Vietnam will rapidly crumble—and in Southeast Asia only slightly less quickly—if the sequence of expectations set in motion by Vice President Johnson's visit and climaxed by General Taylor's mission are not soon followed by a hard U.S. commitment to the ground in Vietnam."

Further:

"The elements required for buying time and assuming the offensive in Vietnam are, in the view of this mission, the following:

"1. A quick U.S. response to the present crisis which would demonstrate by deeds—not merely words—the American commitment seriously to help save Vietnam rather than to disengage in the most convenient manner possible. To be persuasive this commitment must include the sending to Vietnam of some U.S. military forces.

"2. A shift in the American relation to the Vietnamese effort from advice to limited partnership. The present character and scale of the war in South Vietnam decree that only the Vietnamese can defeat the Vietcong; but at all levels Americans must, as friends and partners—not as arms-length advisers—show them how the job might be done—not to tell them or do it for them."

It was in Taylor's own letter of transmittal of the report to the President that he declared that the "United States must decide how it will cope with Khrushchev's 'wars of liberation' which are really para-wars of guerrilla aggression."

While the Taylor Mission was coming to a conclusion, Washington's eyes were far more on Berlin than on Vietnam. President Kennedy had sent more troops to Europe and Soviet and American tanks had had a confrontation in Berlin.

From Japan Rusk cabled his feeling that it was "difficult to see how handful American troops can have decisive influence" in Vietnam. He called for a State Department review.

A Nov. 5 Special National Intelligence Estimate indicated there then was discussion of either (a) increasing MAAG strength "to provide US advisers down to battalion level" in the South Vietnamese forces (b) introduction of "a US force of about 8,000–10,000 troops, most engineers with some combat support" for flood relief or (c) "the introduction into the area of a US combat force of 25,000 to 40,000 to engage with South Vietnamese forces in ground, air, and naval operations against the Vietcong."

The Pentagon analyst noted that "the gist of the SNIE was that North Vietnamese would respond to an increased U.S. commitment with an offsetting increase in infiltrated support for the Vietcong . . . On the prospect for bombing the North, the SNIE implies that threats to bomb would not cause Hanoi to stop its support for the Vietcong, and that actual attacks on the North would bring a strong response from Moscow and Peiping, who would 'regard the defense of North Vietnam against such an attack as imperative.' "

On Nov. 8, McNamara told the President that he, Gilpatric and the Joint Chiefs supported the Taylor recommendations. He also said that "in view of the logistic difficulties faced by the other side, I believe we can assume that the maximum U.S. forces required on the ground in Southeast Asia will not exceed 6 divisions or about 205,000 men . . ." even if Hanoi and Peking were to "intervene overtly."

On Nov. 11 came the joint Rusk-McNamara memorandum referred to at the beginning of this account. "Modest size" deployments were recommended; "larger organized units" were discussed with considerable qualms. The Rusk-McNamara principle however, was that "we should be prepared to introduce United States combat forces if that should become necessary for success."

The President's true feelings were perhaps expressed better in remarks to historian Arthur Schlesinger Jr., then working in the White House, than in any of the documents available. He told Schlesinger early in November:

"They want a force of American troops. They say it's necessary in order to restore confidence and maintain morale. But it will be just like Berlin. The troops will march in; the bands will play; the crowds will cheer; and in four days everyone will have forgotten. Then we will be told we have to send in more troops. It's like taking a drink. The effect wears off, and you have to take another."

As for Diem, when he heard the decision from Ambassador Nolting to send in the additional men, even though it was less than he was expecting, the South Vietnamese leader remarked, cabled Nolting, that "Vietnam did not want to be a protectorate."

There was one notable dissenter, John Kenneth Galbraith, ambassador to India and close friend of the President, who had asked him to visit Saigon. Galbraith, as he has explained in his book, "Ambassador's Journal," wrote Mr. Kennedy that he found South Vietnam in November 1961, to be "a can of snakes." He cabled that "given even a moderately effective government and putting the relative military power into perspective, I can't help thinking the insurgency might very soon be settled."

He contended the "outside intervention" was exaggerated and declared that "Washington is currently having an intellectual orgasm on the unbeatability of guerrilla war." As for the argument that while Diem would not do what he should and there was no one in sight able to replace him, Galbraith had this comment:

"It is a cliche that there is no alternative to Diem's regime. This is politically naive. Where one man has dominated the scene for good or ill there never seems to be. No one considered Truman an alternative to Roosevelt. There is none for Nehru. There was none I imagine for Rhee. This is an optical illusion arising from the fact that the eye is fixed on the visible figures. It is a better rule that nothing succeeds like successors."

(Galbraith entered the picture once again in April, 1962 with a memorandum the President sent on to McNamara. The memo, already published in "Ambassador's Journal," said there was danger "we shall replace the French as the colonial force in the area and bleed as the French did."

(The Pentagon documents show that the chairman of the Joint Chiefs, Gen. Lemnitzer, sent a comment back to McNamara arguing that the President had approved certain steps, that they had not yet been under way long enough to "demonstrate their full effectiveness" and that "any reversal of U.S. policy could have disastrous effects." The Chiefs wanted present policy "pursued vigorously to a successful conclusion.")

The year 1961, the documents show, ended with a pair of other Washington decisions that further involved the United States in the war.

On Nov. 30 President Kennedy approved NSAM 115 that, as the analyst's chronology showed, meant U.S. "participation in a selective and carefully controlled joint program of defoliant operations" in South Vietnam "starting with the clearance of key routes and proceeding thereafter to food denial." None of the documents available to The Washington Post expand on this.

Finally, on Dec. 18, McNamara sent Rusk a memorandum confirming what apparently had been in the wind: that the senior American military commander in Vietnam would have the title of "Commander, U.S. Military Assistance Forces—Vietnam." He would have equal rank with the American ambassador and report through CINCPAC in Honolulu to the Joint Chiefs in Washington.

The United States, indeed, by now had moved from "advice to limited partnership," in Taylor's phrase. The scene thus was set for the subsequent Kennedy years of creeping involvement in Indochina.

CHANGING VIET REGIMES BAFFLED UNITED STATES

(By Don Oberdorfer)

The Pentagon study of the Vietnam war discloses details of severe United States difficulties with a succession of ruling regimes in Saigon from 1964 through 1967, while U.S. forces were growing from 15,000 advisers to nearly 500,000 troops.

The political weakness in Saigon was at the heart of the problem of the war, a fact formally acknowledged in a series of U.S. internal documents. Yet according to the Pentagon study the U.S. desire for an effective government in South Vietnam was frustrated time after time and American officials failed to find a remedy.

The United States, which bore a large share of the responsibility for the overthrow of President Ngo Dinh Diem, found itself nearly helpless to build up a stable successor to take his place. There were six major changes of government in 18 months, culminating in the mid-1965 coup by Gen. Nguyen Cao Ky and Nguyen Van Thieu. After that, it took a year and a major internal battle to bring a semblance of stability to Ky and Thieu.

The political difficulties in Vietnam were evident soon after Diem was overthrown on Nov. 1, 1963. The following month, Secretary of Defense Robert S. McNamara made an urgent two-day visit to Saigon and reported that the trend of events, if unchecked, would lead to neutralization or Communist control in South Vietnam. "The new government is the greatest source of concern. It is indecisive and drifting," he said.

McNamara urged the new U.S. President, Lyndon B. Johnson, to send a personal New Year's message to the new chief in Saigon, Gen. Duong Van (Big) Minh to stress "the necessity of strong central direction by the government and specifically by Minh himself."

The public part of Mr. Johnson's New Year message to Minh looked forward to the day when the Saigon regime could deal with the war alone and American military personnel—then 15,914—would be withdrawn. But a special annex of "confidential advice" gave a different picture.

"It is vitally important to act now to reverse the trend of the war as soon as possible," said the advice cabled to Saigon to be relayed to Minh. The Pentagon report quotes the message as also saying that the U.S. would be pleased to set up a "braintrust" for Minh and that the general should be assured of complete U.S. support as *"THE* leader" of Vietnam. "We believe he can magnetically rally the Vietnamese people if he will really try to do so. He should be told leadership is an essential political ingredient of victory such as was the case with Magsaysay in the Philippines," said the message from Washington.

As often happened in the relations between the United States and the South Vietnamese leadership, things did not turn out as planned. On Jan. 28, U.S. officers in Vietnam heard rumbles of a coup against Minh, who had led the coup against Diem. This time the United States took a "hands-off" position and on Jan. 30, another general—Nguyen Khanh, son of Vietnamese barkeep—had taken over. Within a few weeks, Washington was ready with a set of proposals to help the new leader. Political blunders soon sapped his power and ultimately forced him into exile.

The difficulties, frustrations and disappointments of the United States government in dealing with a succession of post-Diem leaders in South Vietnam is discussed at length in the Pentagon study, which, as has been noted, relies heavily on Pentagon documents and is short on material from the White House and State Department. According to facts and documents cited in his report, American officials had grave difficulty finding out what was taking place among the Vietnamese in 1964–1967—and when they discovered what was going on, they often had trouble doing anything about it.

The Pentagon study states that—in contrast to the U.S. role in the overthrow of Diem—the United States was uninformed about four major coups or coup attempts between early 1964 and mid-1965, despite specific instructions to U.S. personnel in Saigon to report all coup rumors to the Ambassador immediately.

In the most potentially dangerous post-Diem crisis, the mid-1966 slowdown between the Saigon generals and militant Buddhists, the Pentagon report states that the United States had no advance knowledge that Gen. Ky would shatter a tentative agreement by using military force. "This may require rough talk but the U.S. cannot accept this insane bickering," a State Department cable to the U.S. Embassy in Saigon is quoted as saying. "The American people are fed up with the games they (the government and the Buddhists) are playing while Americans are being asked to sustain such major burdens," another cable is quoted as saying.

In the end, according to the Pentagon report the United States threatened military action to stop the squabbling and the State Department authorized the Embassy to threaten total U.S. withdrawal from Vietnam if the internal conflict did not stop.

The Buddhist crisis appears to have been the highwater mark of U.S. assertiveness concerning the Vietnamese "ally" after the fall of Diem. The study details many other attempts to give instructions to the Vietnamese government—which sometimes rejected the plans, sometimes acquiesced in principle but did nothing in fact, and sometimes accepted U.S. programs along with the money to pay for them.

In the post-Diem period, according to documents in the Pentagon study, U.S. officials justified growing military intervention in North Vietnam and in South Vietnam as helping to "shore up" the succession of Saigon regimes. Proposals to reduce the bombing of North Vietnam or begin negotiations with the Communists ran into trouble on grounds that they would shatter the delicate status quo in Saigon, papers show.

Throughout the war, a dichotomy existed between those American officials who emphasized the fundamental requirement of political and pacification gains in South Vietnam and those who concentrated on breaking the will of the Communists by bombing and other military action in North Vietnam. The South Vietnamese leaders often seemed more interested in striking North than in winning the support of the people in the South.

In May, 1964, for example, Secretary of State Dean Rusk visited Saigon and attempted to convince Gen. Nguyen Khanh of the vital importance of national unity in Vietnam to sustain American public opinion behind President Johnson and induce other nations to "be in the foxholes with us" if military escalation should become necessary. According to the Pentagon history, Khanh replied that the Vietnamese people were tired of the long, dreary grind of pacification and declared "pretty flatly" that action outside South Vietnam was essential to victory.

Khanh pressed Rusk for an "immediate" decision to "clean out the Communists in Eastern Laos" and urged a strike in the North. Rusk mentioned the dangers of escalation, and said a major Chinese attack would involve the use of nuclear arms in response because the United States "would never again get involved in a land war in Asia limited to conventional forces.

Rusk added, according to the Pentagon study, that Chiang Kaishek, U Thant and other Asians were opposed to the use of nuclear weapons on racial grounds, since they had been and might be used against Asians but not Westerners. Khanh reportedly replied he "certainly had no quarrel with American use of nuclear arms . . . one must use the force on hand."

Khanh is said to have promised to keep his conversation with Rusk secret until the United States agreed on a course of action. But two months later he and Gen. Ky began publicly lobbying for cross-border opperations and bombing of North Vietnam. The "March North" campaign caused dismay in the U.S. government, which was concerned about the internal weakness of the Khanh regime and was not ready for open talk about the bombing of North Vietnam.

The first U.S. retaliatory raid on North Vietnam—on Aug. 5, 1964, in response to the Gulf of Tonkin incident—temporarily lifted the spirits of the Saigon generals and encouraged Khanh to impose censorship and other wartime measures in South Vietnam. From Saigon, however, U.S. Ambassador Maxwell Taylor reported that Khanh's government was "ineffective" and the people "confused and apathetic". He added, "We may face mounting pressure from the GVN [Government of (South) Vietnam] to win the war by direct attack on Hanoi which if resisted will cause local politicians to seriously consider negotiation or local soldiers to consider a military adventure without U.S. consent."

The "March North" campaign cropped up among the Saigon generals periodically throughout the 1964–7 period. In July 1965, according to the Pentagon history, Ambassador Taylor and Gen. William C. Westmoreland went to Vietnamese authorities after Gen. Nguyen Chanh Thi (commander in I Corps) was reported to be planning military operations in the Demilitarized Zone. About the same time Secretary of Defense McNamara recommended a U.S. veto on major Vietnamese government commanders and on their statements about going North. Thi "got back on his leash before it was too late," the Pentagon report said.

The United States did not begin operations in the DMZ until more than a year after the incident.

Throughout the post-Diem period, according to the Pentagon report, U.S. officials tried periodically to teach Vietnamese leaders the rudiments of American-style popular politics—with little success.

Ambassador Henry Cabot Lodge was quoted as reporting in January, 1964: "It is obvious that [the Vietnamese generals] are all we have got and that we must try as hard to make them into successful politicians as we are trying to make them into successful military men." Lodge is said to have tried to convince "Big Minh" to travel around the countryside to build a following and convince people that the government cares about them. A similar plan was proposed by Ambassador Taylor for Gen. Khanh late in 1964. Neither man showed much interest.

In March, 1966, the Pentagon study relates, Lodge had a lengthy discussion of political tactics with then-Premier Ky, whose political style is probably the most Western (and least Vietnamese) of the recent leaders of his land. Lodge suggested that after Ky had selected a group of men who would work on a new constitution, he should make "a very careful written and persuasive announcement which would be done on film for use on television and in the movie theatres."

The Vietnamese are great moviegoers, Lodge added in a dispatch to Washington. "I said that he (Ky) should not read it on film with his head bobbing up and down as he looked down at the text, but should have it put on cue cards alongside the camera and read it as he looks right into the lens."

There is no indication in the report whether or not this was done—but Lodge was optimistic that his political advice would contribute to "a budding sense of national interest."

For its part, Washington was forever full of ideas which it believed would contribute to the political stability of the regime and the prosecution of the war effort. One of the early attempts, which recurred throughout the following years, was Secretary McNamara's plan for "national mobilization" for South Vietnam, first discussed by him with Gen. Khanh in March, 1964.

As envisioned by McNamara, the program was to include a national service act in South Vietnam; an increase in the armed forces, paramilitary forces and police, and creation of an offensive guerrilla force to operate along the borders and in Vietcong-controlled areas. The Vietnamese are said to have raised the question of a pay raise for the militia and to have interpreted McNamara's approval to be an agreement to pay much of the cost.

Back in Washington, McNamara reported to President Johnson on March 16, 1964, that "the greatest weakness in the present situation is the uncertain viability of the Khanh government. Khanh himself is a very able man within his experience, but he does not yet have wide political appeal and his control of the army itself is uncertain . . . McNamara recommended that the plans he had discussed with Khanh should be announced and "described by some term such as "South Vietnam's Program for National Mobilization.' "

The following day, the White House announced that Khanh and his government are acting "vigorously and effectively" and have produced "a second central plan." The White House added that "General Khanh has informed us that he proposes in the near future to put into effect a National Mobilization Plan."

According to the Pentagon history, Khanh signed a mobilization decree in Saigon on April 4 to meet the expectations and aid promises from Washington—but he did not sign implementing decrees to put it into effect. In May, Khanh supposedly broadened the draft and established a new "Civil Defense Corps"—but these measures were not implemented either, the Pentagon history relates.

A high point of demands from Washington upon the Vietnamese came in April, 1965, when the United States was trying to shore up the fledgling government of Dr. Pham Huy Quat. A Pentagon working paper by Assistant Secretary of Defense John McNaughton had reported that "the situation in general is bad and deteriorating" and called for "great imaginative efforts on the civilian political as well as military side." In that pursuit, the United States was asking the two-month-old Quat government simultaneously to implement a 21-point military program, a 41-point nonmilitary program, a 16-point U.S. Information Agency program. Now the government was being handed a new 7-point plan including more U.S. troops.

"We are going to stall the machine of government if we do not declare a moratorium on new programs for at least six months," Ambassador Taylor protested to McGeorge Bundy, the White House national security chief.

"Mac, can't we be protected from our friends? I know that everyone wants to help but there's such a thing as killing with kindness," Taylor is quoted as saying.

The Quat government lasted two more months before being ousted by a junta of generals.

The new group was headed by Thieu and Ky, who had been among the military "Young Turks" given a blunt dressing-down by Taylor late the previous year after suddenly making dozens of political arrests, including those of some members of the High National Council, which was theoretically in power in the country. Taylor told the generals then that they were "up to our necks in politics" and added, "You people have broken a lot of dishes and now we have to see how we can straighten out this mess." He asked, "why don't you tell your friends before you act?"

When Thieu and Ky kicked out Quat and took over in June, 1965, the U.S. Embassy found out about the main decisions after they were already taken, the Pentagon history states. Taylor is said to have objected in vain to naming Ky as Prime Minister under the new ruling group.

After a decent interval of two months, Taylor was called home from Saigon and replaced by Lodge—who thus began serving his second term as U.S. Ambassador in Saigon.

The big test of the power of Thieu and Ky—and the crisis which nearly tore non-Communist South Vietnam apart—came in the spring of 1966, when the Saigon generals decided to get rid of Gen. Nguyen Chanh Thi, the popular commander in I Corps. With strong support from Thich Tri Quang, the militant Buddhist leader with headquarters in Hue, many of Thi's military units remained loyal to their old boss against the Saigon generals. Both regional and religious passions flared.

The State Department urged Lodge to seek a political solution rather than a military solution. The Saigon generals eased the crisis by promising national elections for a Constituent Assembly in the fall but then—realizing the political power of the Buddhists among the people—the military began to hedge. New disorders broke out, and the Saigon generals sent their troops to crush the dissident military force and the Buddhists in Danang and Hue.

It was then that the State Department cabled Lodge: "This may require rough talk but U.S. cannot accept this insane bickering . . . do your best in next few hours. Intolerable that Ky should . . . move . . . against Danang without consultation with us. Urgent now to insist that fighting stop."

Gen. Lewis Walt, the U.S. Marine commander in Danang, heard of a possible Vietnamese air force attack on dissident troops in the area. Walt threatened to use U.S. jets to shoot down the government aircraft if they made such an attack—on grounds that U.S. advisers with the I Corps troops would be in jeopardy.

When a dissident leader threatened to attack government forces at Danang, the State Department directed that he be reminded that U.S. forces also in Danang would have to defend themselves. The Pentagon history states that "State also authorized the threat of total U.S withdrawal."

The Saigon troops won the showdown militarily and the Buddhists played into their hands by sacking the U.S. consulate in Hue and making bitter verbal attacks on U.S. policy. As the Buddhists suspected and the Pentagon history indicates. Lodge was personally on the side of the generals—but the State Department strongly urged a reconciliation of the opposing forces.

In the end, Gen. Thi went into exile, Thick Tri Quang went on a hunger strike, the Buddhists announced they would boycott the coming elections—and a serious chance for South Vietnam to broaden its political leadership and base of support was lost.

The bitterness engendered by the split in the nationalist ranks has never been entirely dissipated. After the Tet offensive of 1968, the Thieu regime tried briefly for national unity under a broad "front" of nationalists. Despite the prodding of United States officials, the effort failed.

ELLSBERG SAYS HE SUPPLIED ALL FILES

(By William Greider)

CAMBRIDGE, MASS., July 1.—Though reticent about how he did it, Daniel Ellsberg proudly acknowledged in public today that, with the help of some friends, he supplied all of the newspapers that received copies of classified Pentagon documents.

"The press and I, I guess at this point, share the responsibility for bringing this history, this news, to the American public," the 40-year-old MIT scholar told a press conference here. "I couldn't have done this by myself, obviously."

But Ellsberg, indicted by a federal grand jury for misuse of classified government documents, refused to discuss the specifics of how he obtained the 7,000-page Vietnam study or how he distributed portions of it. He would not answer specific questions linking him to The New York Times or any of the other individual newspapers which have printed stories about the documents.

"I'm not going to name any individuals," the former Pentagon planner said. "It is for The New York Times to decide how far they want to go in revealing its sources."

He said that, besides newspaper editors and reporters, he had assistance from others in distributing bundles of the secret documents to newspaper offices and in remaining "temporarily unavailable" until his surrender to authorities on Monday.

"It's implicit in what I've said that other individuals helped out," he said. So far only he has been charged.

Did he supply all of the newspapers? "To my knowledge, all of them," Ellsberg replied. "If somebody else was getting in the act, that's fine."

The former defense analyst, who helped write the now controversial study of the war's origins, explained why he called the press conference and why he would not name any others:

"I am painfully well aware that the action I took was a political act, a public act, hence the public had a right to know something of who I was and why I did it . . . I am not going to make the decisions for other individuals on what happens to their privacy."

Ellsberg denied that he chose antiwar newspapers in distributing the documents, but said: "I satisfied certain personal tastes. I wanted to give the information to the papers I thought had told me the truth in the past."

Ellsberg calmly answered questions for an hour in a crowded hall at the Commander Sheraton Hotel near Harvard Square while his wife Patricia and friends watched and occasionally applauded his performance. Right now, he emphasized, he would like the press and public to devote their attention to the Pentagon documents, not to his personal role.

"It's important for the public to read these documents, boring and often painful as they are," Ellsberg said, "for the time has come for the public to make up its own mind."

He said he was "obviously delighted" with Wednesday's 6-to-3 decision by the Supreme Court which makes disclosures possible by removing the restraints on further publication by The Times and The Washington Post. In particular, he responded with feeling to the court's minority view that the printing of the documents could endanger American lives in Vietnam or lengthen the war.

"The concealment of these papers for (as long as) 25 years has led to the death of 50,000 American men and several hundred thousand Vietnamese in recent years and more than a million Vietnamese over the last 20 years," Ellsberg retorted sharply. "The odds have been weighed in favor of secrecy. Judgments of the American people can now be made in light of these documents on where secrecy has led us over 25 years."

The MIT professor, who once served the government himself with top security clearance, dismissed the argument that the government's security system is threatened by his example.

"The Executive Branch has received splendid loyalty from its employees over the last 20 years as evidence by the surprises in these documents." Ellsberg contended. "The ability of this country to keep secrets has gotten too good for its own good. This ability of government employees has served their boss, but not the country."

Ellsberg first became familiar with the material when he was helping to compile it in 1968. Afterwards, he secretly provided much of it in 1969 to the Senate Foreign Relations Committee, which chose not to release it. His one regret now, he said, is that he didn't provide the documents to newspapers earlier."

"The moral choice that's involved in something like this—and I say moral choice, not to be dramatic, but because it is a hard choice—is one that each person who's had access to this material has faced . . . Should secrecy override the need and the right of the public to have this kind of information?" Ellsberg said. "I reached the point where I couldn't opt for secrecy."

The documents and the analysis which Ellsberg helped to write have been criticized in some quarters because they provide an incomplete or distorted picture of events. Ellsberg himself agreed that much more should be learned and he urged former officials from the Johnson administration who are making complaints to make public their own private files to supplement the public's understanding. One questioner asked him to respond to Walt W. Rostow's remark that any student of his would be flunked if he wrote such a distorted analysis.

"I'm not going to comment on individuals," Ellsberg replied "therefore, I'm not going to comment on whether a student of Dr. Rostow's could write a more comprehensive history. I do agree with him that it's an incomplete report. . . . It's a beginning of history and it's a beginning of honest history."

Among other things, Ellsberg believes that the 47-volume report shows arrogance on the part of government leaders in making decisions which affect American lives, but not revealing them candidly to the public.

The Nixon administration's actions of the past three weeks, he said, "are almost an acting-out dramatically of all the attitudes contained in these documents. Their actions say our history is for them to know. I'll tell you a secret—they don't know it. They haven't read it."

Ellsberg charged that government deception also characterized the Nixon policy on Indochina: "Officials of the Nixon administration are subject to the same traps of arrogance . . . . They're saying, 'We can do what the Democrats couldn't do,' just like the Democrats thought 'we can do what the French couldn't do.' "

The professor seemed undisturbed by the prospect of his own prosecution: "My jeopardy is small compared to the jeopardy that we asked three million men to take when we sent them to Vietnam."

MADAME NHU IS QUOTED: JFK A "HAWK"

MILAN, ITALY, July 1.—The Italian weekly magazine L'Europeo published an interview with Mrs. Ngo Dinh Nhu today and quoted her as saying: "Kennedy and his 'hawks' wanted war when peace was at hand . . . wanted a massacre to save face."

She added in an interview with the magazine's Sandro Ottolenghi in an undisclosed location in Paris: "If the Americans had wanted peace instead of war, there would have been peace in Vietnam for eight years."

She affirmed reports in the Pentagon papers that President John F. Kennedy wanted her brother-in-law, President Ngo Dinh Diem, out of the way in September, 1963, because he feared Diem would sell out to the Communists.

L'Europeo quoted her as saying: "President Kennedy wanted the heads of my husband and his brother. I do not want to say now that Kennedy ordered them killed. But he did order gotten out of the way these two men who constituted, in his eyes, a bad example for the nations of Southeast Asia."

She contradicted the Pentagon papers' affirmation that South Vietnamese generals encouraged the fall of Diem.

"The generals dreamed of asking nothing; it was the American advisers who pressed, who took the initiative."

Mrs. Nhu also accused the U.S. Central Intelligence Agency of spending $24 million to "provoke" the self-immolations of Buddhists in Vietnam during the Diem regime.

[From the Washington Post, July 3, 1971]

TRUMAN'S FIRST "CRUCIAL" STEP IN VIETNAM

(By Chalmers M. Roberts)

On May 1, 1950, President Truman approved the allocation of $10 million for the Defense Department to cover the early shipment of urgently needed military assistance items for the French in Indochina.

It was the first "crucial decision regarding U.S. military involvement in Indochina," according to the analysis of the Roosevelt-

Truman years in the Pentagon papers available to The Washington Post.

The facts of the Roosevelt-Truman years are generally well known and have been widely printed. But the Pentagon papers include documentation not before available disclosing the U.S. reaction to the dominant political fact of that day—the fall of mainland China to Mao Tse-tung's Communist Party.

National Security Council paper No. 64 of February, 1950, a couple of months after Mao's troops reached the Indochinese border, set the tone for what was to come.

NSC 64 concluded that "the Departments of State and Defense should prepare, as a matter of priority a program of all practicable measures designed to protect U.S. security interests in Indochina." The same day, the United States announced recognition of the Indochinese regime of Emperor Bao Dai—on Jan. 18 Peking had recognized Ho Chi Minh's regime in Hanoi and the Soviet Union had done the same on Jan. 30.

(A memorandum for President Truman dated Feb. 3, 1950, from Secretary of State Dean Acheson urged approval of the recognition of the three regimes, Bao Dai's in Vietnam, and those in Laos and Cambodia.

(Ho Chi Minh was described as one "who under various aliases, has been a Communist agent in various parts of the world since 1925 and was able to take over the anti-French nationalist movement in 1945." Recognition was urged to encourage "national aspirations under non-Communist leadership for peoples of colonial areas in Southeast Asia; the establishment of stable non-Communist governments in areas adjacent to Communist China; support to a friendly country which is also a signatory to the North Atlantic Treaty; and as a demonstration of displeasure with Communist tactics which are obviously aimed at eventual domination of Asia, working under the guise of indigenous nationalism.")

Just before NSC 64 was discussed at the White House, Dean Rusk, then Deputy Undersecretary of State, provided Maj. Gen. James H. Burns at the Pentagon a statement of his department's policy:

"The Department of State believes that within the limitations imposed by existing commitments and strategic priorites, the resources of the United States should be deployed to reserve Indochina and Southeast Asia from further Communist encroachment. The Department of State has accordingly already engaged all its political resources to the end that this object be secured. The Department is now engaged in the process of urgently examining what additional economic resources can effectively be engaged in the same operation.

"It is now, in the opinion of the Department, a matter of the greatest urgency that the Department of Defense assess the strategic aspects of the situation and consider, from the military point of view, how the United States can best contribute to the prevention of further Communist encroachment in that area."

NSC 64 found that "the presence of Chinese Communist troops along the border of Indochina makes it possible for arms, material and troops to move freely from Communist China to the northern Tonkin area now controlled by Ho Chi Minh. There is already evidence of movement of arms."

Underpinning such views was the belief that the Soviet Union was expanding its power both in Eastern Europe and in Asia. A 1949 NSC paper, for example, declared that "it is now clear that Southeast Asia is the target of a coordinated offensive directed by the Kremlin."

From this viewpoint, there are extrapolated what later became known as the domino theory. The NSC paper continued:

"In seeking to gain control of Southeast Asia, the Kremlin is motivated in part by a desire to acquire Southeast Asia's resources and communication lines, and to deny them to us. But the political gains which would accrue to the USSR from Communist capture of Southeast Asia are equally significant. The extension of Communist authority in China represents a grievous political defeat for us: if Southeast Asia also is swept by Communism we shall have suffered a major political rout the repercussions of which will be felt throughout the rest of the world, especially in the Middle East and in a then critically exposed Australia."

(NSC 64, as far as the "domino theory" was concerned, was expanded in June, 1952, in NSC 124/2 during the Korean War. A key paragraph said:

("The loss of any of the countries of Southeast Asia to Communist control as a consequence of overt or covert Chinese Communist aggression would have critical psychological, political and economic consequences. In the absence of effective and timely counteraction, the loss of any single country would probably lead to relatively swift submission to or an alignment with communism by the remaining countries of this group. Furthermore, an alignment with communism of the rest of Southeast Asia and India, and in the longer term, of the Middle East [with the probable execeptions of at least Pakistan and Turkey] would in all probability progressively follow. Such widespread alignment would endanger the stability and security of Europe.")

It followed logically, from such views, that after President Truman approved the first military assistance to the French in Indochina, his Secretary of State, Dean Acheson, in making this public, declared:

"The United States government, convinced that neither national independence nor democratic evolution exist in any area dominated by Soviet imperialism, considers the situation to be such as to warrant its according economic aid and military equipment to the Associated States of Indochina and to France in order to assist them in restoring stability and permitting these states to pursue their peaceful and democratic development."

The Associated States were the three that have come to be known as Vietnam, Laos and Cambodia. They were far from independent, despite a prophetic plea by Bao Dai, approved by Paris as the Vietnamese emperor in opposition to Ho. On Aug. 20, 1945, Bao Dai said in a message to Mr. Truman, France's Charles de Gaulle, Britain's King George VI and China's Chiang Kai-shek, that "the only way to safeguard French interests and the spiritual influence of France in Indochina is to recognize frankly the independence of Vietnam and to renounce all thoughts of reestablishing French sovereignty or administration under any form whatsoever.'"

But de Gaulle, then head of the French Provisional Government, felt otherwise. Mr. Truman was to help the French, although the United States constantly prodded Paris to move toward granting independence in the larger aim of halting what his Secretary of State called "Soviet imperialism."

In April, the Joint Chiefs of Staff, in recommendations to the Secretary of Defense, came up with a figure of $100 million for military aid for the next fiscal year, recommended that it be "carefully controlled" and that this would require "the representative of the Department of Defense on duty in the recipient country." What was needed, the JSC said, was "immediate establishment of a small United States military aid group in Indochina."

The JCS rationale was a statement that they "believe in the possibility of success of a prompt coordinated United States program of military, political and economic aid to Southeast Asia and feel that such a success might well lead to the gaining of the initiative in the struggle in the general area."

President Truman began with $10 million in help. An economic aid mission was agreed upon on May 24, although the military aid mission was held in abeyance. But this initial dip of the United States into involvement with Indochina was suddenly altered by another event, the North Korean attack on South Korea on June 27, 1950.

In telling the American public about that, Mr. Truman also said that he had "directed acceleration in the furnishing of military assistance to the forces of France and the Associated States in Indochina and the dispatch of a military mission to provide close working relations with those forces." It was then that the concept of a military assistance advisory group (MAAG) was approved but not announced.

The Korean War strained U.S. military resources. A Southeast Asia Aid Policy Committee draft of Oct. 11 of a "Proposed Statement of U.S. Policy on Indochina" declared that "regardless of current U.S. commitments for provision of certain military assistance to Indochina, the U.S. will not commit any of its armed forces to the defense of Indochina against overt, foreign aggression, under present circumstances."

NSC 64/1 at the end of 1950 stated that "the United States should take action, as a matter of urgency, by all means practicable short of the actual employment of United States military forces, to deny Indochina to Communism."

Further aid, however, was to be conditioned on French "assurances" of a "program providing for the eventual self-government of Indochina either within or outside of the French Union," the raising of "national armies" in Indochina and a pledge by France to "eliminate its policy of 'colonialism' " and to "provide proper tutelage to the Associated States." "Popular support of the government by the Indochinese people" was proclaimed to be "essential to a favorable settlement of the security problem of Indochina."

Military aid, despite the Korean War, rapidly increased and by the time of the Geneva Accords in July, 1954, the U.S. had delivered aid to Indiochina at an original cost of $2.6 billion, the Pentagon summary states. This was in addition to budgetary support to France that also ran into billions.

The Pentagon summary says there were "voices in the wilderness" and an unsigned, undated memorandum in the spring of 1954 raised these four questions:

"Just how important is Southeast Asia to the security interests of the U.S.? Is the analysis in NSC 5405 [which is unavailable] still valid? Is the area important enough to fight for?

"How important is Indochina in the defense of Southeast Asia? Is the 'domino theory' valid? Is Indochina important enough to fight for? If not, what are the strategic consequences of the loss of all or part of Indochina?

"If the U.S. intervenes in Indochina, can we count on the support of the natives? Can we fight as allies of the French and avoid the stigma of colonialism?

"Is there a strategic concept for the conduct of a war in Indochina which offers promise of early success . . .?"

President Eisenhower, in 1954, did not intervene although he was asked to by the French and urged to do so by many powerful figures in his administration. The available Pentagon papers shed no light that materially alters what is widely known of that period beyond that printed in the initial Washington Post article on the Pentagon papers.

While the Pentagon analysis confirms the crucial nature of the Truman administration's initial pre-Korean War involvement in Indochina, the American relationship predates that period. Some of the material now available sheds more light on the Franklin D. Roosevelt administration.

FDR's Jan. 24, 1944, view of the French in Indochina has been widely publicized: "France has milked it for 100 years. The people of Indochina are entitled to something better than that."

President Roosevelt favored a post-war trusteeship for the French colony, which had been under Japanese rule during World War II. But he was opposed by the British and after the Yalta Conference in 1945 the United States on April 3 formally confined trusteeships to "territories as might voluntarily be placed under trusteeship."

The effect of that was to leave it up to France. FDR died on April 12, and by June, the United States was assuring France that it had never questioned, "even by implication, French sovereignty over Indochina."

Nevertheless, the Truman administration, early on, took a jaundiced view of France's plans to recoup its lost colony. John Carter Vincent, then head of the Far Eastern Affairs at the State Department and later to become a victim of McCarthyism because of his alleged role in the "loss" of China, sent a memorandum, now disclosed in the Pentagon papers, to then Undersecretary of State Acheson on Dec. 23, 1946.

Vincent analyzed Indochina and concluded that "with inadequate forces, with public opinion sharply at odds, with a government rendered largely ineffective through internal division, the French have tried to accomplish in Indochina what a strong and united Britain has found it unwise to attempt in Burma. Given the present elements in the situation, guerilla warfare may continue indefinitely."

A subsequent series of cables in the Pentagon papers reflect the American efforts to nudge France toward more independence for Indochina. Still, as the American ambassador in Paris was instructed to tell French Premier Ramadier in February 1947, "we cannot shut our eyes to fact that there are two sides to this problem . . ."

One "side" was that "there is no escape from fact that trend of times is to effect that colonial empires in XIX Century sense are rapidly become thing of past." The other "side" was "we do not lose sight fact that Ho Chi Minh has direct Communist connections and it should be obvious that we are not interested in seeing colonial empire administrations supplanted by philosophy and political organizations eminating from and controlled by Kremlin . . ."

The conclusion was that "frankly we have no solution of problem to suggest."

Washington had trouble assessing Ho. He did not seem to fit the pattern of other post-war Communist leaders outside the Soviet Union. A July, 1948, State Department cable to the Ambassador in Peking said the department's information "indicates" Ho was a Communist. But it continued:

"Dept. has no evidence of direct link between Ho and Moscow but assumes it exists, nor is it able evaluate amount pressure or guidance Moscow exerting. We have impression Ho must be given or is retaining large degree latitude. Dept. considers that USSR accomplishing its immediate aims in Indochina by (a) pinning down large numbers of French troops, (b) causing steady drain upon French economy thereby tending retard recovery and dissipate ECA (Economic Cooperation Administration, the first Marshall Plan aid program) assistance to France, and (c) denying to world generally surpluses which Indochina normally has available thus perpetuating conditions of disorder and shortages which favorable to growth communism. Furthermore, Ho seems quite capable of retaining and even strengthening his grip on Indochina with no outside assistance other than continuing procession of French puppet govts."

In October 1948, a State Department intelligence paper said that "if there is a Moscow-directed conspiracy in Southeast Asia, Indochina is an anomaly so far."

But by then President Truman had proclaimed what came to be known as the Truman Doctrine. Czechoslovakia had gone Communist by coup and the Berlin blockade was in force. By the end of 1949, China was in Mao's hands and his troops were at the Indochinese border. In the American mind, Indochina had become a part of worldwide Communist action.

The Pentagon papers contain a lengthy analysis entitled: "Ho Chi Minh—Asian Tito?" In this examination of a popular thesis, it is noted that on at least eight occasions from October 1945 to February 1946 Ho sent communications either to the President or Secretary of State. There is no record of any replies. It is also a matter of record that in August and September 1945, Ho had proposed to American representatives of the Office of Strategic Services, the predecessor of the CIA, which had helped him against the Japanese, that Vietnam be accorded "the same status as the Philippines," then a U.S. possession with a pledge of freedom.

"Ho's last direct communication with the U.S. was in September, 1946," the unnamed Pentagon analyst wrote, "when he visited the U.S. Ambassador in Paris to ask vaguely for U.S. assistance in obtaining independence for Vietnam within the French Union."

But Ho's Communist background—he had been a founding member of the French Communist Party in 1920—as the Cold War was beginning was the determining factor. Ho negotiated a deal with France, but it ended in war. By May 1949, Secretary Acheson was admitting that as a "theoretical possibility" the establishment of a "national Communist state on pattern Yugoslavia" which had broken with Moscow the previous year "in any area beyond reach [of the] Soviet Army." But Acheson pointed out that "Question whether Ho as much nationalist as Commie is irrelevant. All Stalinists in colonial areas are nationalists. With achievement national aims (i.e., independence) their objective necessarily becomes subordination state to Commie purposes and ruthless extermination not only opposition groups but all elements suspected even slightest deviation . . ."

The Pentagon analyst wrote in part, in answering the question of whether Ho might have become an Asian Tito:

"In the last speculation, U.S. support for Ho Chi Minh would have involved perspicacity and risk. As clear as national or independent or neutral communism may seem today, it was a blurred vision in 1945–48. Even with the benefit of seeing Tito successfully assert his independence, it would have been hard for Washington to make the leap from there to an analogy in Asia. Resource to 'national communism' in Vietnam as an eventual bulwark against China, indeed, would have called for a perspicacity unique in U.S. history . . .

"Ho, in fact, always considered his leadership to extend to Indochina as a whole and his party was originally called the Indochinese Communist Party. Thailand, Malaya, Singapore and even Indonesia, could have been next. It could have been the 'domino theory' with Ho instead of Mao. This may seem implausible, but it is only slightly less of a bad dream that what has happened to Vietnam since. The path of prudence rather than the path of risk seemed the wiser choice."

[From the Washington Post, July 3, 1971]

Grim Alternatives for LBJ

(By Murrey Marder)

President Johnson's advisers in 1964 contended that the United States could end up in a nuclear war if it failed to use its power in Vietnam, while others warned of triggering nuclear war if he did intervene massively.

The cataclysmic nature of the choices facing President Johnson, as some of his advisers posed them, never were so vividly discernible in public as they are revealed in the secret Pentagon study on the Vietnam war. The advice added up to a risk of nuclear apocalypse no matter which course he took.

Two of the most important planners at the sub-Cabinet level of the Johnson administration raised the stark risk of a slide into nuclear war if the President failed to prevent "the loss of South Vietnam" to the Communists. Their grim prediction appears in a November 1964 summation entitled "Courses of Action in Southeast Asia."

In examining the so-called "domino" theory that Communist control of South Vietnam would topple adjoining nations almost automatically, a theory that preoccupied the Eisenhower and Kennedy administrations, the concept "over-simplified." It projected less-automatic consequences of "a U.S. defeat" in South Vietnam—but carried them further, in a 31-page analysis that stated in its summary:

"There are enough 'ifs' in the above analysis so that it cannot be concluded that the loss of South Vietnam would soon have the totally crippling effect in Southeast Asia and Asia generally that the loss of Berlin would have in Europe; but it could be that bad, driving us to the progressive loss of other areas or to taking a stand at some point (so that) there would almost certainly be major conflict and perhaps war."

This document in the secret Defense Department review of the war bears an asterisk and a less-qualified footnote.

"The Joint Staff (of the Joint Chiefs of Staff) believes that early loss of Southeast Asia and the progressive unraveling of the wider defense structures would be almost inevitable results of the loss of South Vietnam in any circumstances," the footnote says.

There is no internal evidence in the Pentagon review that President Johnson ever saw this particular "draft" document. What the President received were the specific recommendations that emerged from such assessments, usually transmitted to him at the Cabinet level.

The projected risk of nuclear war through inaction came from two of the most important planners in the Johnson administration: Assistant Secretary of State William P. Bundy, and the late Assistant Secretary of Defense John J. McNaughton, Bundy, a former high-ranking official of the Central Intelligence Agency, was McNaughton's predecessor in the same Pentagon post, before Bundy shifted to State in March, 1964. At the time their names appear on this analysis Bundy was directing a National Security Council Working Group, preparing recommendations for President Johnson's critical decisions that thrust the United States deeper into the war.

It became publicly apparent, once a portion of the United States involvement in the war became known, that President Johnson was receiving diametrically opposite advice from advisers, in and out of the government. The President portrayed himself as caught between what was most imprecisely, but symbolically, illustrated by the terms "hawks" and "doves."

Mr. Johnson depicted himself as the critical balance between these opposing strategies, selecting from them a policy of "restraint" that steered a cautious national course through a minefield of nuclear risks. It was publicly reported during the Johnson war years that the strongest weight of advice inside the government was on the "hawk" side, therefore tilting the balance at its point of origin. But the "hawkish" lopsidedness of the internal mixture of advice presented to the Persident by his bureaucracy was by no means known to the public, the Pentagon documents show. Throughout 1963, 1964, 1965, 1966 and 1967, the advice which President Johnson received was constantly weighted on investing more power, more forces, in the war, not less, nor even placing a ceiling on the imput.

These records themselves are very incomplete. Missing are most of the detailed White House records, many State Department diplomatic records, and most importantly, evidence of the President's own thoughts, conversations, motivations, political strategy, information or advice received from many persons in and out of government, in this country and abroad.

But even with these great qualifications, and even though limited to the information that passed through the Defense Department and thus into these secret records, the Pentagon study reveals to an unprecedented degree the processes of government.

The documentation of these processes indicates the immense internal pressures on the President to thread a path through what were perceived to be the ultimate risks of nuclear war—no matter what he decided.

One risk recorded was the possible massive intervention by Communist Chinese forces that might require the use of U.S. nuclear weapons. This potentiality was built into the Vietnam conflict in the opinion of some analysts, along with the publicity discussed danger that the war could spiral into U.S.-Soviet nuclear warfare.

Military establishments around the world especially inside the most powerful nations, try to prepare contingency plans for every conceivable "worst case" emergency that can arise.

Rarely, if ever, does the actual emergency neatly fit the precautionary plan. The United States, therefore, had contingency plans for possible massive Chinese intervention in Southeast Asia.

One analysis in the Pentagon study, with its date and identification marks removed from the version that reached The Washington Post, refers to such precautionary plans, although the actual top secret contingency plan is omitted. From internal indications in this analysis, it appears to have been written either during 1965 or between 1965 and 1968—but probably closer to the earlier date.

There is no indication who wrote or who received the document, or exactly what effect, if any, it had on U.S. planning.

This assessment is in accord, however, with other documents in the Pentagon survey which contains continuing, related appraisals of the risks of Chinese intervention in the Indochina war and possible U.S. countermoves, starting with the U.S. involvement.

What it shows is an analyst's evaluation of a hypothetical "Chicom Offensive in Southeast Asia" with combined Chinese and North Vietnamese forces.

The analysis estimated that "Chicom capabilities" could, among other possibilities, provide enough ground combat power to attack against indigenous forces in South Vietnam, Laos and Thailand with a combined Chinese-North Vietnamese force equivalent of more than 30 divisions plus artillery regiments and combat support and service support troops of five army headquarters.

During "the wet season" in Indochina, the analysis estimated that "the increased problems of movement through a difficult terrain and of maintaining logistic support could reduce effective combat forces up to 50 per cent."

In the air it was estimated that the hypothetical Chinese-North Vietnamese offensive could be supported by more than 500 jet fighters and jet light bombers with about half of them used for offense and half for defense purposes.

At sea it was estimated that China could attack U.S. and South Vietnamese naval forces in the Tonkin Gulf and South China Sea with more than 50 motor torpedo boats and motor gunboats. In addition, the estimate of Chinese capabilities said China could put submarines on station in the South China Sea area.

In the theoretical event of such an attack, the analysis said, the United States was prepared with contingency plans to resist major Communist "aggression" in Southeast Asia with projections for employing "either non-nuclear or nuclear options." The contingency projections, the analysis said, included the possibility that Strategic Air Command forces are to be utilized using nuclear and or non-nuclear weapons, as directed by the Joint Chiefs of Staff.

Additionally, and equally hypothetically, to counter such a Chinese assault, the analysis said, "as early as practicable, counteroffensive operations to regain friendly territory and to liberate North Vietnam will be initiated."

It must be emphasized that there is nothing in the Pentagon study to indicate in any way that this particular document was anything more than an exercise in an analyzing a conceivable challenge, which is the standard function of contingency planners.

But it illustrates graphically the considerations encompassed by military planning for the Indochina war. The possibility that the U.S. role in the conflict might spiral into nuclear war was no secret; opponents of American policy were charging precisely that The President of the United States were grappling with choices that obliged him to face each risk as a reality, not a mere hypothesis.

Although the example cited above referred only to a contingency plan, which the President may never have seen, he was simultaneously confronted by hard recommendations by his most senior advisers which did require calculations about such contingencies.

Two months after the assassination of President Kennedy, the Joint Chiefs of Staff, in a Jan. 22, 1964 recommendation to Defense Secretary Robert S. McNamara, said in part:

"The Joint Chiefs of Staff are convinced that, in keeping with the guidance in NSAM 273 (a National Security Action Memorandum of November 1963, President Johnson's first policy decision on the war, issued four days after President Kennedy's assassination), the United States must make plain to the enemy our determination to see the Vietnam campaign through to a favorable conclusion. To do this, we must prepare for whatever level of activity may be required and, being prepared, must then proceed to take actions as necessary to achieve our purposes surely and promptly . . ."

Gen. Maxwell D. Taylor, chairman of the Joint Chiefs, protested to McNamara in this memorandum that "we have obliged ourselves to labor under self-imposed restrictions with respect to impeding external aid to the Vietcong. These restrictions include keeping the war within the boundaries of South Vietnam, avoiding the direct use of U.S. combat forces, and limiting U.S. direction of the campaign to rendering advice to the government of Vietnam . . ."

"A reversal of attitude and the adoption of a more aggressive program," the Joint Chiefs continued, "would enhance greatly our ability to control the degree to which escalation will occur. It appears probable that the economic and agricultural disappointments suffered by Communist China, plus the current rift with the Soviets, could cause the Communists to think twice about undertaking a large-scale military adventure in Southeast Asia."

But no analyst could guarantee to President Johnson or any other occupant of the White House, precisely what China would or would not do at various levels of expanding warfare. The American presidents constantly faced such qualified projections as the following varying intelligence estimates, depending on the action ordered, as these multiple risks, all set out in one National Security Council working group study of November, 1964.

"Probable Communist reactions to U.S. Option C" (its first stage of initial "graduated" American escalation): "We consider it highly unlikely that these moves would cause Communist China to react in any extreme fashion at this juncture. . . . Also, we doubt that Hanoi would request Chinese ground troops at this juncture."

(Reactions) "To higher-scale U.S. Option C . . .:

"We cannot make a confident judgment of enemy reactions to these situations, although we incline to these views." (In response to "air strikes against selected targets" in North Vietnam, "aerial mining" of certain North Vietnamese ports, "and imposition of a naval quarantine blockade. . . ."

"Extreme Chinese reaction—such as introduction of large-scale ground force combat units into North Vietnam—would be possible at this juncture, though unlikely."

(Reactions) "To the Upper Categories of Option C . . .: (more intensified air strikes on North Vietnam and "amphibious or airborne operations to seize coastal lodgments" in North Vietnam).

"We believe that Communist China would be very reluctant to become directly involved in the fighting in Indochina lest this be taken by the U.S. as a cause for major retaliation against the Chinese mainland.

"Nevertheless, at this point Chinese Communist aircraft operating from Chinese bases would probably assist in defending North Vietnam against the U.S. attacks. We still believe that there would not be high risk of the introduction of large-scale Chinese ground combat units into Vietnam.

"Nevertheless, there is always a chance that Peiping might so intervene either for reasons that seem irrational to us or because it miscalculated the objectives of U.S. moves in the area. Communist China's capability for conducting a ground war in adjacent areas of Southeast Asia is formidable."

For the President, the choices, as they were put to him, were not made easy; they were variations of momentous risks.

[From the Washington Post, July 4, 1971]

WAR STUDY: AN INSIGHT INTO WHYS OF VIETNAM

(By Murrey Marder)

The Pentagon documents have enabled the public, for the first time, to peer into a vast, uncensored portion of past planning papers of chief strategists on one side of a large-scale conflict while the war continues.

There are two intertwined kinds of disclosures—incomplete and perhaps unbalanced because of that—without precedent: first, how a war is conducted, as seen through hundreds of official, secret papers from the files of four administrations; second, how the United States government functions on the inside in deciding on war or peace.

Traditionally, such critical details are exposed en masse only after passions subside and to a less-interested generation.

Immediate attention focuses on what these documents reveal about the still-fresh history of the war. The longer-range consequence of this unexpected look at "History of U.S. Decision-Making Process on Vietnam Policy," prepared in 1967–68, is more likely to be the insight it supplies about adequacies and inadequacies of the present process of government in a nuclear age—an insight that no country can afford to await for years.

The executive and legislative branches already are exploring, and colliding over, new policies, new balances, new procedures for the conduct of foreign policy, and the making of war, beyond Indochina.

When this mass of documents and analyses first began to appear in the press on June 13 (soon interrupted by equally unprecedented court injunctions), some concluded that it contained nothing sensational, because the shooting war and the word war had been extensively reported. This is partially true. There is no major, breath-catching revelation that has not appeared in public earlier—in some form.

The form of the Pentagon documents provides the important difference. Information once reported and denied; or reported and left undenied; or reported and half-denied; or previously assumed, or only suggested, now takes on new life and new impact through new facts and new details buttressed by official records. The public generally knows what happened in the war; the new ingredients help to explain "why." The presidential decisions are here; still missing are many of the President's own reasons for making them. In President Johnson's case these are already on the printing presses, "declassified" by him, now awaiting publication.

These are some of the highlights of the war years as they are portrayed in the Pentagon review:

The American march into the war in Indochina was neither the result of carelessness nor of absentmindedness, but of purposefulness, the documents confirm.

It resulted from progressively expanding decisions of four administrations—Truman, Eisenhower, Kennedy, and Johnson—to draw a line against "Communist expansion" and to engage ultimately in "a test of will" to hold that line.

President Kennedy, in his last State of the Union address on January 14, 1963, said that the line was holding: the "spearpoint of aggression has been blunted in Vietnam."

The Pentagon study in many respects publicly breaks harder over the Kennedy administration than over any other administration for two reasons:

The Johnson administration already has been bludgeoned by the electorate over the war, in which it escalated the American involvement from about 6,000 men at the time of President Kennedy's assassination to more than a half million men at the end of 1968.

By contrast the Kennedy administration, partly because of the late President's great popularity, his shocking assassination, his testing in the world's first nuclear war challenge, and other reasons, largely has escaped public opprobrium for crossing a great threshold of complicity and involvement in the Vietnamese war.

The Kennedy administration crossed a major divide in the history of U.S. involvement in South Vietnam in May, 1961, when it began the buildup of U.S. military advisers in South Vietnam beyond the 685-man limit set in the 1954 Geneva conference. The justification cited that the Communist were violating their part of the accords. Use of U.S. Special Forces and a campaign of clandestine warfare began. On Nov. 1, 1963, three weeks before the late President's assassination, the United States went over the brink of complicity in the overthrow of the government of President Ngo Dinh Diem.

Diem's fall destroyed the South Vietnamese political structure. The Pentagon review states that the United States "variously authorized, sanctioned and encouraged the coup efforts of the Vietnamese generals and offered full support for a successor government."

After Diem's ouste, the United States became deeply enmeshed in efforts to replace him with what the review calls "a strong man" who could rally the nation to pursue the war.

In the Johnson administration, the test that the Kennedy administration doubly or triply nailed to the nation's mast was pursued in Vietnam by every means imaginable, except for the risk that no President in nearly three decades of U.S. involvement chose to take—a deliberate gamble on touching off World War III.

On Friday night, former Secretary of State Dean Rusk, who served through the Kennedy and Johnson Administration, admitted on television what no continuingly ardent supporter of the war at such a level ever acknowledged in public, Rusk said:

"I personally, I think, underestimated the persistence and the tenacity of the North Vietnamese . . . I thought when we had established a position in Vietnam which it could be clearly impossible to overrun (militarily), then they would pull back or negotiate . . ."

This is one of two main assessments that emerge from the Pentagon documentation: the bafflement of U.S. strategists over the inability of the world's most powerful nation to break the will of one of the world's weaker nations—North and South Vietnam combined are only slightly larger than the state of New Mexico.

The other main disclosure is the constantly shifting internal justification of U.S. aims and objectives in Vietnam, without serious concentration on Vietnam's real importance to U.S. policy.

Rusk has been quoted as saying privately when he was in office—from 1961 to 1968—and it was a favorite, recurring phrase: "When the United States applies pressure on something, anything, it gives."

However, in November, 1964, before there were large numbers of North Vietnamese combat units in the war, and before the Vietnamese Communists began receiving very extensive Soviet and Chinese war support, the "tenacity" of the Vietnamese Communists was puzzling U.S. war planners.

Maxwell D. Taylor, then ambassador to South Vietnam and former chief of the Joint Chiefs of Staff, on that date told senior specialists on Southeast Asia at a Washington meeting, the Pentagon documents disclose:

"The ability of the Vietcong continuously to rebuild their units and to make good their losses is one of the mysteries of this guerrilla war . . . we still find no plausible explanation of the continued strength of the Vietcong if our data on Vietcong losses are even approximately correct.

"Not only do the Vietcong units have the recuperative powers of the phoenix, but they have an amazing ability to maintain morale."

Defense Secretary Robert S. McNamara, who began in 1966 to despair of anyone's ability to quantify the factors required for success in the war as his methodically mathematical, systems-analysis experience required, is quoted in the Pentagon study as saying in a May, 1967, draft memorandum for President Johnson:

"With respect to added pressure on the North, it is becoming apparent that Hanoi may already have written off all assets and lives that might be destroyed by U.S. military actions short of occupation (or) annihilation. They can and will hold out at least so long as a prospect of winning the 'war of attrition' in the South exists. And our best judgment is that a Hanoi prerequisite to negotiations is significant retrenchment (if not complete stoppage) or U.S. military actions against them—at the least, a cessation of the bombing."

McNamara, in the memorandum, quoted the U.S. counsul general in Hong Kong as stating his opinion that "we cannot by bombing reach the critical level of pain in North Vietnam and that 'below that level, pain only increases the will to fight.'" McNamara also quoted Sir Robert Thompson, British expert on guerrilla warfare (and now a favorite expert for President Nixon) as saying that U.S. bombing at that time, "particularly in the Red River Delta (of North Vietnam), 'is unifying North Vietnam.'"

Through the years of American involvement in the Vietnamese war, the most persistent public justification has been to assure "self-determination" for the people of South Vietnam.

One of the most publicized disclosures to emerge from this Pentagon study has been an assessment of actual U.S. aims as a senior strategist apportioned them in March, 1965, rating "70 percent" of the American objective at that point to be: "To avoid a humiliating U.S. defeat (to our reputation as a guarantor)."

What is equally, or even more, revealing is the swiftly changing ratio of real U.S. aims listed by the same very influential planner, the late Assistant Secretary of Defense John T. McNaughton, in the relatively brief period between November, 1964 and March 1965.

This was an especially critical period for war planners: Communist forces were advancing, the Saigon government was tottering with coups and purges, and the United States was secretly planinng to escalate the war in stages against North Vietnam. It did so by launching reprisal strikes against the North on Feb. 8, 1965, and the sustained bombing campaign, "Rolling Thunder," on March 2. On March 8 the United States landed the first two battalions of U.S. Marines at Danang, South Vietnam, paving the way for the hundreds of thousands of troops to come later.

McNaughton's working papers show a mid-October, 1964, "first draft" of "Aims and Options in Southeast Asia."

McNaughton listed U.S. aims then as:

"(a) To help SVN (South Vietnam) and Laos to develop as independent countries.

"(b) To get DRV (North Vietnam) to leave its neighbors alone.

"(c) To protect U.S. power and prestige. . ."

By early November, 1964, McNaughton's second and third drafts of "U.S. Aims" in South Vietnam had undergone drastic revision:

"(a) To protect U.S. reputation as a counter-subversion guarantor.

"(b) To avoid domino effect especially in Southeast Asia.

"(c) To keep South Vietnamese territory from Red hands.

"(d) To emerge from crisis without unacceptable taint from methods."

McNaughton's next paragraph evidently explained the reason for his major reassignment of priorities:

"The situation in South Vietnam is deteriorating . . . It can be expected that, soon (6 months/ Two years/), (a) government officials at all levels will adjust their behavior to an eventual VC takeover, (b) defections of significant military forces will take place, (c) whole integrated regions of the country will be totally denied to the GVN (South Vietnamese government), (d) neutral and/or left-wing elements will enter the government, (e) a popular-front regime will emerge which will invite the U.S. out, and (f) fundamental concessions to the VC and accommodations to the DRV will put South Vietnam behind the Curtain."

On Dec. 14, 1946, the United States covertly launched jet air strikes against the so-called Ho Chi Minh infiltration network in the panhandle sector of Laos. Then came "Operation Flaming Dart," originally conceived as limited retaliation air strikes on the North, immediately after a Vietcong attack on a U.S. military advisers compound at Pleiku on Feb. 6, followed swiftly by President Johnson's decision to order sustained bombing of the North.

Even so, McNaughton wrote in a new draft of action plans for South Vietnam, in late March, 1965, "The situation is bad and deteriorating. The "VC have the initiative. . . . Can the situation inside SVN be bottomed out (a) without extreme measures against the DRV and/or (b) without deployment of large numbers of U.S. (and other) combat troops inside SVN? The answer is perhaps, but probabable, he listed his bluntest proportionment of U.S. aims:

"70%—To avoid a humiliating defeat (to our reputation as a guarantor).

"20%—To keep SVN (and then adjacent) territory from Chinese hands.

"10%—To permit the people of SVN to enjoy a better, freer way of life.

"Also—To emerge from crisis without unacceptable taint from methods used.

"Not—To 'help a friend,' although it would be hard to stay in if asked out."

That same day, McNaughton, who was Secretary McNamara's closest and most trusted adviser and the clearest writer of non-bureaucratese at the sub-Cabinet level of the government, described the situation facing U.S. policy makers as "The 'trilemma.' "

He wrote that "U.S. policy appears to be drifting. This is because, while there is near-concensus that efforts inside SVN will probably fail to prevent collapse, all 3 of the possible remedial courses of action have been rejected for one reason or another: (a) will-breaking strikes on DRV; (b) large troop deployments; (c) exit by negotiations."

The man who has publicly stated that he is the original source of the "leak" of the secret Pentagon study, former Pentagon aide Daniel Ellsberg, now under federal indictment, stated as far back as September, 1970, at an American Political Science Association meeting that throughout the 1950–1970 period of U.S. involvement in Vietnam, "the public" was "lied to."

When the President "decides to go slow and small (November, 1961," said Ellsberg in a lengthy paper, "the fact that much more was considered and recommended, is suppressed (lest doubts be raised on the adequacy of the program).

"When he decides to go in big, the schedule and total commitment are concealed, with increments (actually programmed in advance) being announced as if based on a sequence of ad hoc decisions on 'small steps' (lest fears be roused on the costs of the program, and the ultimate risks and commitment)."

Former Secretary of State Rusk and former White House national security adviser Walt W. Rostow, whose names and actions are woven through the 47-volume Pentagon report have flatly denied there was any "deception."

"There is not a scrap of evidence that the President (Johnson) at any stage deceived the country," Rostow said on Thursday. Rusk, the next day, said, "I don't believe there was any deliberate attempt to deceive anybody during that period." Rusk said that President Johnson employed no duplicity during the 1964 election campaign, when his Republican opponent, Sen. Barry M. Goldwater, was portrayed by the Democrats as a "trigger-happy" danger who would risk nuclear war in Vietnam. The reason why President Johnson, in February, 1965, suddenly launched continuous air strikes against North Vietnam, Rusk said, was because the situation had changed drastically, when North Vietnam sent regular army units into the South.

That is not, however, the prime reason given for the President's decision to launch the bombing in the Pentagon review.

Instead, the study asserts, the United States in 1964 initially held out the prospect of bombing the North as an "inducement" to help inspire its South Vietnamese ally to fight better.

When Saigon's military leaders failed to "perform," the unidentified analysts state, Saigon's generals in effect left the United States with no alternative but to attack the North in order to prevent collapse of the war in the South. Major escalation of the U.S. share of the war began in early 1965, the report says, because, "Nothing else was in fact, working."

In April, 1964, the review states, when Gen. Nguyen Khanh, then leader of Saigon's military junta, pressed the issue of "going North," Rusk reportedly replied that "this was a big problem, that political preparations would be needed, and that while the U.S. was prepared to take any action necessary to win the war, it had to be very clear that such action was indeed necessary before the U.S. would embark on it."

The Johnson administration, according to the report backed up by official documentation, was simultaneously engaged in 1964 in holding off demands not only from the South Vietnamese military leaders but from the U.S. Joint Chiefs of Staff for more intense counter-action against North Vietnam. President Johnson was portrayed as the man in the middle, who finally bowed to both pressures and the worsening military situation in the war.

President Johnson was caught between warnings that he would risk nuclear war if he did act firmly, and if he did not. Some of his advisers were urging him to make moves which would "provoke" reactions from North Vietnam to justify escalating the U.S. side of the war; others were cautioning the opposite. But virtually no one at any level of significant influence during the years of major escalation was advocating "cutting the losses" and leaving, with the exception of Under Secretary of State George W. Ball. There is no indication in the Pentagon study that Ball's advice carried any real weight with the White House, much less the Joint Chiefs of Staff.

The United States was constantly "buying time," attempting sporadic bombing pauses, but according to this study, with little or no actual expectation that they would produce "breakthroughs to peace." Not until what the review calls "the trauma of Tet," the massive Communist offensive starting Jan. 31, 1968, showing the "signal failure" of bombing to halt the infiltration of men and supplies from the North, was a fundamental change forced in U.S. policy.

Newspaper readers already have been overwhelmed in the last three weeks with more accounts drawn from the Pentagon study than anyone but a specialist with extensive time can fully absorb. No summary can do more than briefly illustrate what is in a 47-volume compilation—and even this by no means even approaches a distillation of all the components of U.S. decision-making on the Vietnam war. Missing from this collection are scores of other major world developments that influenced the decision process, ranging from the collapse of the U.S. "grand design" for Europe and the Western Alliance to the six-day Arab-Israeli war of 1967 and President Johnson's Glassboro summit meeting with Soviet Premier Alexei N. Kosygin.

A few of the major highlights of U.S. policy on Vietnam alone, which the Pentagon report illuminates or reveals, in addition to other illustrations cited earlier, are:

TRUMAN ADMINISTRATION

February, 1950—National Security Council document No. 64 called for a priority "program of all practical measures designed to protect U.S. security interests in Indochina." This concept was expanded in June, 1952, during the Korean War, into a forerunner of the "domino theory." Another NSC paper stated that "the loss of any single country" in Southeast Asia to Communist control, without effective counter-action, "would probably lead to relatively swift submission to or an alignment with communism by the remaining countries of this group." The target of U.S. concern, Secretary of State Dean Acheson stated, was to check the spread of "Soviet imperialism."

A May 1, 1950, approval by President Truman of an initial $10 million in military aid to French forces in Indochina is described in the Pentagon study as the first "crucial decision regarding U.S. military involvement in Indochina."

EISENHOWER ADMINISTRATION

The United States attempted in vain to reduce the possibility that the 1954 Geneva conference ending the war in French Indochina would bring victory to Ho Chi Minh. Secretary of State John Foster Dulles cabled U.S. diplomats that it was "undoubtedly true that elections might eventually mean unification under Ho Chi Minh. . . . We believe important that no date should be set now . . ."

While these documents contain no explicit record of a post-Geneva American accord to prevent the all-Vietnam elections scheduled for 1956, which South Vietnam blocked, they contain a memorandum from Defense Secretary McNamara on March 16, 1964. It states, "Only the U.S. presence after 1954 held the South together under far more favorable circumstances and enabled [President] Diem to refuse to go through with the 1954 provisions calling for nationwide 'free' elections in 1956."

KENNEDY ADMINISTRATION

Although the Southeast Asia focus was on Laos when John F. Kennedy entered the White House on Jan. 20, 1961. Brig. Gen. Edward Lansdale told the outgoing Eisenhower administration three days earlier that "Vietnam is in a critical condition" and the United States "should treat it as a combat area of the cold war."

A joint memorandum from Secretary of State Rusk and Secretary of Defense McNamara informed Mr. Kennedy on Nov. 11, 1961, that McNamara and the Joint Chiefs of Staff estimated that if the United States sent troops to Vietnam and if North Vietnam and Communist China "overtly" intervened "the maximum" U.S. troops "required on the ground in Southeast Asia would not exceed six divisions, or about 205,000 men." On Nov. 22 President Kennedy approved National Security Action Memorandum 111, entitled "First Phase of Vietnam Program." Under it, President Kennedy expanded U.S. military aid and authorized covert operations in Laos and North and South Vietnam.

JOHNSON ADMINISTRATION

January, 1964—Joint Chiefs urge administration to "make ready" for "increasingly bolder actions" against North, including air strikes. Extensive covert operations against North Vietnam authorized in February, 1964. The following month, planning for air action against the North begins "on a contingency basis at the present." President Johnson informs Ambassador Henry Cabot Lodge in Saigon. By March, the Joint Chiefs of Staff have drawn up a list of 94 potential targets. At Honolulu in June, 1964, Lodge urges "selective bombing" of North to reinforce morale in South.

According to the Pentagon report, the South Vietnamese naval commando units which attacked two North Vietnamese-held islands in the Gulf of Tonkin, on July 30, 1964, were operating under the overall command of Gen. William C. Westmoreland, U.S. commander in Saigon. This incident preceded the disputed North Vietnamese PT-boat attacks on U.S. destroyers Aug. 2, which the United States insists was "unprovoked."

The subsequent U.S. reprisal air attacks on North Vietnam and immediate passage of the congressional Gulf of Tonkin resolution (which U.S. planners had drafted for possible use months earlier) set the foundation for escalation of the U.S. role in the war. The Johnson administration was publicly silent about any future plans to strike the North; but the Pentagon review states that a "general consensus" was evident at a White House meeting in September, 1964, on the necessity for launching air strikes against the North starting in early 1965. During the remainder of the 1964 election campaign, the report shows, only relatively low-risk military operations were conducted by the United States.

The Pentagon war review extends its analysis and documentation only up to the March 31, 1968, partial halt in the bombing of North Vietnam ordered by President Johnson, coupled with his surprise announcement that he was taking himself out of the 1968 presidential election campaign. The partial bomb halt led to limited U.S.-North Vietnamese talks in Paris, and then a total bombing halt on Nov. 1, 1968. Three years of virtually sterile peace talks followed, until the sudden burst of new activity in Paris last week.

One of the very few people who has so far read, or even skimmed through the entire 47-volume Pentagon secret study, of which a few portions have yet to reach the press, is the man who supervised the review, Leslie H. Gelb. He wrote a preliminary, non-secret summation of what he learned from it (excerpted in The Washington Post on June 20), entitled: "Vietnam: The System Worked."

"U.S. involvement is not mainly or mostly a story of step by step, inadvertent descent into unforeseen quicksand . . ." Gelb wrote, "Those who led the United States into Vietnam did so with their eyes open, knowing why, and believing they had the will to succeed."

No President, he said, actually sought "a military victory in Vietnam," nor were they really "deluded by optmistic reports of progress;" their strategy was "to persevere in the hope that their will to continue . . . would cause the Communists to relent . . . Each President was essentially doing what he thought was minimally necessary to prevent a Communist victory during his tenure in office . . . Part of the tragedy of Vietnam was that the compromises our Presidents were prepared to offer could never lead to an end to the war." The vital failure, said Gelb, was that "no systematic or serious examination of Vietnam's importance to the United States was ever undertaken within the government."

[From the St. Louis Post-Dispatch, June 30, 1971]

PARTIAL TEXT OF WAR REPORT READ BY GRAVEL

WASHINGTON, June 30.—Following is an edited transcript of the Pentagon papers. Included are narratives of various stages of U.S. involvement in Vietnam beginning in the World War II era and continuing into the 1960s. The papers were obtained from Senator Mike Gravel (Dem.), Alaska. Gravel's staff deleted some words and phrases from the text before releasing it. The text is portions of a 4,000-page narrative contained in a 47-volume Pentagon study. The study was composed of the 4,000-page narrative and 3,000 pages of documents.

U.S. POLICY, 1945–1954—SUMMARY

Significant misunderstanding has developed concerning U.S. policy toward Indochina in the decade of World War II and its aftermath. A number of historians have held that anticolonialism governed U.S. policy and actions up until 1954, when containment of communism supervened . . . Other commentators, conversely—prominent among them, the historian of the Viet Minh—have described U.S. policy as consistently condoning and assisting the reimposition of French colonial power in Indochina, with a concommitant disregard for the nationalist aspirations of the Vietnamese.

Neither interpretation squares with the record; the United States was less concerned over Indochina, and less purposeful than either assumes.

Ambivalance characterized U.S. policy during World War II, and was the root of much subsequent misunderstanding. On the one hand, the U.S. repeatedly reassured the French that its colonial possession would be returned to it after the war.

On the other hand, the U.S. broadly committed itself in the Atlantic Charter to support national self-determination, and President (Franklin D.) Roosevelt personally and vehemently advocated independence for Indochina. FDR regarded Indochina as a flagrant example of onerous colonialism which should be turned over to a trusteeship rather than returned to France.

. . . Ultimately, U.S. policy was governed neither by the principles of the Atlantic Charter, nor by the President's anti-colonialism, but by the dictates of military strategy, and by British intransigence on the colonial issue . . .

Consistent with FDR's guidance, the U.S. did provide modest aid to French—and Viet Minh—resistance forces in Vietnam after March 1945, but refused to provide shipping to move free French troops there.

Pressed by both the British and the French for clarification of U.S. intentions regarding the political status of Indochina, FDR maintained that "It is a matter for postwar . . .

At each key decisional point at which the President could have influenced the course of events toward trusteeship—in relations with the U.K. (United Kingdom) in casting the United Nations charter, in instructions to Allied commanders—he declined to do so; hence, despite his lip service to trusteeship and anticolonialism, FDR in fact assigned to Indochina a status correlative to Burma, Malaya, Singapore and Indonesia; free territory to be reconquered and returned to its former owners.

Nonintervention by the U.S. on behalf of the Vietnamese was tantamount to acceptance of the French return . . .

The U.S. policy was to press France for progressive measures in Indochina, but to expect France to decide when its peoples would be ready for independence; "Such decisions would prelude the establishment of a trusteeship in Indochina except with the consent of the French government." These guidelines, established by June, 1945—before the end of the war—remained fundamental to U.S. policy.

With British co-operation, French military forces were re-established in South Vietnam in September 1945. The U.S. expressed dismay at the outbreak of guerrilla warfare which followed, and pointed out that while it had no intention of opposing the re-establishment of French control, "It is not the policy of this Government to assist the French to re-establish their control over Indochina by force, and the willingness of the U.S. to see French control re-established assumes that the French claim to have support of the population in Indochina is borne out by future events."

Through the fall and winter of 1945–46, the U.S. received a series of requests from Ho Chi Minh for intervention in Vietnam; these were, on the record, unanswered. However, the U.S. steadfastly refused to assist the French military effort, that is, forbidding American flag vessels to carry troops of war materiel to Vietnam.

On March 6, 1946, the French and Ho signed an accord in which Ho acceded to French re-entry into North Vietnam in return for recognition of DRV (Democratic Republic of Vietnam) as a "free state," part of the French union.

As of April 1946, Allied occupation of Indochina was officially terminated, and the U.S. acknowledged to France that all of Indochina had reverted to French control. Thereafter, the problems of U.S. policy toward Vietnam were dealt with in the context of the U.S. relationship with France.

In late 1946, the Franco-Viet Minh war began . . . The U.S. in its representations to France, deplored the prospect of protracted war, and urged meaningful concessions to Vietnamese nationalism.

However, the U.S., deterred by the history of Ho's Communist affiliation, always stopped short of endorsing Ho Chi Minh or the Viet Minh . . . At no point was the U.S. prepared to adopt an openly interventionist course . . .

The U.S. during these years 1946–1949 continued to regard the conflict as fundamentally a matter for French resolution . . . The U.S. was particularly apprehensive lest by intervening it strengthen the political position of French Communism.

The resultant U.S. policy has most often been termed "neutrality." It was, however, also consistent with the policy of deferring to French volition . . .

It was a policy characterized by the same indecision that had marked U.S. wartime policy. Moreover, at the time, Indochina appeared to many to be one region in the troubled post-war world in which the U.S. might enjoy the luxury of abstention . . .

The U.S. anxiously followed the vacillations of France's policy toward Emperor Bao Dai, exhorting the French to translate the successive "agreements" they contracted with him in an effective nationalist alternative to Ho Chi Minh and Viet Minh. Increasingly, the U.S. sensed that French unwillingness to concede political power to Vietnamese heightened the possibility of the Franco-Viet Minh conflict being transformed into a struggle with Soviet imperialism.

U.S. diplomats were instructed to "apply such persuasion and-or pressure as is best calculated to produce desired result of France's unequivocally and promptly approving the principle of Viet independence."

France was notified that the U.S. was willing to extend financial aid to a French puppet, "but could not give consideration of altering its present policy in this regard unless real progress is made in reaching non-Communist solution in Indochina based on co-operation of true nationalists of that country."

As of 1948, however, the U.S. remained uncertain that Ho and the Viet Minh were in league with the Kremlin. A state Department appraisal of Ho Chi Minh in July 1948, indicated that:

"1. Depts info indicates that Ho Chi Minh is Communist. His long and well-known record in Comintern (Communist International) during twenties and thirties, continuous support by French Communist newspaper Humanité since 1945, praise given him by Radio Moscow which for past six months has been devoting increasing attention to Indochina and that he has been called "leading Communist" by recent Russian publications as well as Daily Worker makes any other conclusion appear to be wishful thinking.

"2. Dept has no evidence of direct link between Ho and Moscow but assumes it exists, nor is it able evaluate amount pressure or guidance Moscow exerting.

"We have impression Ho must be given or is retaining large degree latitude. Dept. considers that USSR accomplishing its immediate aims in Indochina by A. pinning down large numbers, B. causing steady drain upon French economy thereby tending retard recovery and dissipate ECA Economic Cooperation Administration assistance to France, and C. denying to world generally surpluses which Indochina normally has available thus perpetuating conditions of disorder and sharing which are favorable to growth Communism.

"Furthermore, Ho seems quite capable of retaining and even strengthening his grip on Indochina with no outside assistance other than continuing procession of French puppet govts." . . .

The collapse of the Chinese Nationalist government in 1949 sharpened American apprehensions over Communist expansion in the Far East, and hastened U.S. measures to counter the threat posed by Mao's China . . .

The U.S. decided that the impetus for collective security in Asia should come from the Asians, but by late 1949, it also recognized that action was necessary in Indochina.

Thus, in the closing months of 1949, the course of U.S. policy was set to block further Communist expansion in Asia: by collective security if the Asians were forthcoming; by collaboration with major European allies and commonwealth nations, if possible, but bilaterally if necessary.

On that policy course lay the Korean War of 1951–1953, the forming of the Southeast Asia Treaty Organzation (SEATO) of 1954, and the progressively deepening U.S involvement in Vietnam.

January and February, 1951, were pivotal months. The French took the first concrete steps toward transferring public administration to Bao Dai's state of Vietnam, Ho Chi Minh denied the legitimacy of the latter, proclaiming the DRV as the "only legal government of the Vietnamese people," and was formally recognized by Peking and Moscow.

On 29 January 1951, the French National Assembly approved legislation granting autonomy to the state of Vietnam. On February 1, 1951, Secretary of State Dean Acheson made the following public statement:

"The recognition by the Kremlin of Ho Chi Minh's Communist movements in Indochina comes as a surprise. The Soviet acknowledgment of this movement should remove any illusions as to the 'nationalist' nature of Ho Chi Minh's aims and reveals Ho in his true colors as the mortal enemy of native independence in Indochina . . .

Formal French ratification of Vietnamese independence was announced on 2 Feb. 1951; on the same date, President Truman approved U.S. recognition for Bao Dai. French requests for aid in Indochina followed within a few weeks. On May 8, 1951, the Secretary of State announced that:

"The United States government convinced that neither national independence nor democratic evolution exist in any area dominated by Soviet imperialism, considers the situation to be such as to warrant its according economic aid and military equipment to the associated states of Indochina and to France in order to assist them in restoring stability and permitting these states to pursue their peaceful and democratic development."

The U.S. thereafter was deeply involved in the developing war . . .

UNITED STATES, FRANCE, AND VIETNAMESE NATIONALISM SUMMARY

It has been argued that even as the U.S. began supporting the French in Indochina, the U.S. missed opportunities to bring peace, stability and independence to Vietnam. The issues arise from the belief on the part of some critics that (A) the U.S. made no attempt to seek out and support a democratic-nationalist alternative in Vietnam; and (B) the U.S. commanded, but did not use, leverage to move the French toward granting genuine Vietnamese independence.

The record shows that through 1953, the French pursued a policy which was based on military victory and excluded meaningful negotiations with Ho Chi Minh.

The French did, however, recognize the requirement for an alternative focus for Vietnamese nationalist aspirations, and from 1947 forward, advanced the "Bao Dai" solution The record shows that the U.S. was hesitant through 1949 to endorse the "'Bao Dai solution" until Vietnam was in fact unified and granted autonomy and did consistently support the creation of a genuinely independent, non-Communist Vietnamese government to supplant French rule.

Nonetheless, the fall of China and the deteriorating French military position in Indochina caused both France and the U.S. to press the "Bao Dai solution."

In early 1951, after French ratification of the Elysee agreement granting "'Vietnam's independence," the U.S. recognized Bao Dai and initiated military and economic aid, even before transfer of governmental power actually occurred. Thereafter, the French yielded control only pro forma, while the Emperoro Bao Dai adopted a retiring, passive role, and turned his government over to discreditable politicians.

The Bao Dai regime was neither popular nor efficient, and its army, dependent on French leadership, was powerless. The impotence of the Bao Dai regime, the lack of any perceptible alternatives except for the Communists, the fact of continued French authority and control over the GVN (Government of Vietnam), the fact that the French alone seemed able to contain Communism in Indochina—all these constrained U.S. promptings for a democratic-nationalist government in Vietnam.

The U.S.-French ties in Europe (NATO, Marshall Plan, Mutual Defense Assistance Program) only marginally strengthened U.S. urgings that France make concessions to Vietnamese nationalism.

Any leverage from these sources was severely limited by the broader considerations of U.S. policy for the containment of Communism in Europe and Asia.

NATO and the Marshall Plan were of themselves judged to be essential to our European interests. To threaten France with economic and military sanctions in Europe in order to have it alter its policy in Indochina was, therefore, not plausible.

Similarly, to reduce the level of military assistance to the French effort in Indochina would have been counterproductive, since it would have led to a further deterioration in the French military position there.

In other words, there was a basic incompatibility in the two strands of U.S. policy (1) Washington wanted France to fight the anti-Communist war and win, preferably with U.S. guidance and advice; and (2) Washington expected the French, when battlefield victory was assured, to magnanimously withdraw from Indochina.

For France, which was probably fighting more a colonial than anti-Communist war, and which had to consider the effects of withdrawal on colonial holdings in Algeria, Tunisia and Morocco, magnanimous withdrawal was not too likely.

France, having no such policy incompatibilities, could and did pursue a consistent course with the stronger bargaining hand. Thus, the French were able to resist pressures from Washington and through the MAAG (Military Assistance Group) in Saigon to create a truly Vietnamese army, to grant the Vietnamese more local autonomy and to wage the war more effectively.

MAAG was relegated to a supply function and its occasional admonitions to the French were interpreted by them as interferences in their internal affairs.

Even though by 1954, the U.S. was financing 78 per cent of the costs of the war, the French retained full control of the dispensation of military assistance and of the intelligence and planning aspects of the military struggle.

The expectation of French victory over the Viet Minh encouraged the U.S. to "go along" with Paris until the conclusion of the war. Moreover, the U.S. was reluctant to antagonize the French because of the high priority given in Washington's planning to French participation in the European Defense Community. France, therefore, had considerable leverage and, unless the U.S. supported Paris on its own terms, the French could, and indeed, did, threaten not to join the EDC and to stop fighting in Indochina.

American thinking and policy-making was dominated by the tendency to view Communism in monolithic terms. The Viet Minh was, therefore, seen as part of the Southeast Asia manifestation of the world-wide Communist expansion movement.

French resistance to Ho Chi Minh, in turn, was thought to be a crucial link in the containment of Communism. This strategic perception of the Communist threat was supported by the espousal of the domino principle; the loss of a single nation in Southeast Asia to Communism would inexorably lead to the other nations of the area falling under Communist control.

The domino principle, which probably had its origin at the time of the nationalist withdrawal from mainland China, was at the root of U.S. policy.

Although elements of a domino-like theory could be found in NSC National Security Council papers before the state of the Korean war, the Chinese intervention in Korea was thought to be an ominous confirmation of its validity.

The possibility of a large-scale Chinese intervention in Indochina, similar to that in Korea, was feared, especially after the armistice in Korea.

The Eisenhower administration followed the basic policy of its predecessor, but also deepened the American commitment to containment in Asia.

Secretary of State. John Foster Dulles pursued a forthright, anti-Communist policy and made it clear that he would not permit the "loss" of Indochina, in the manner the Democrats had allegedly allowed the "loss" of China.

Dulles warned China not to intervene, and urged the French to drive toward a military victory. Dulles was opposed to a cease-fire and tried to dissuade the French from negotiations with the Viet Minh until they had markedly improved their bargaining position through action on the battlefied.

The NSC in early 1954 was persuaded that a non-Communist coalition regime would eventually turn the country over to the Viet Minh. In consequence of this more military policy, the U.S. government tended to focus on the military rather than the political aspects of the French-Viet Minh struggle.

AID FOR FRANCE IN INDOCHINA, 1950–1954 SUMMARY

The United States decision to provide military assistance to France and the associates states of Indochina was reached informally in February-March 1950, funded by the President on May 1, 1950, and was announced on May 8 of that year.

The decision was taken in spite of a sensing that France's political-military situation in Indochina was bad and was deteriorating. Moreover, predictions that U.S. aid would achieve a marked difference in the course of the Indochina war were heavily qualified.

The situation in which the decision was made was completely dominated by the takeover of and consolidation of power in China by the Communists . . . This period (1949) was the high watermark of U.S. fears of direct Chinese intervention in Indochina . . .

The rationale of the decision was provided by the U.S. view that the Soviet-controlled expansion of Communism both in Asia and in Europe, required, in the interests of U.S. nationals security, a counter in Indochina . . .

The decision to begin military assistance to France and the Associated States of Indochina was not made under the illusion of great expectations. In April 1950, the Joint Chiefs of staff would go no further than to say that prompt delivery of the aid would do no more than create the "possibility of success." . . .

Results of the decision were mixed. Although implementation of the decision was partially successful in that it enabled the French to continue the military campaign in Indochina to the time of the Geneva accords, military assistance was by and large a failure as an instrument of U.S. policy: The U.S. neither assured the French a military success, influenced the political situation to advantage, nor prevented the loss of North Vietnam to the Communists at Geneva. . . .

The decision to provide assistance to France and the Associated States (Indochinese) . . . was but one issue among hundreds preoccupying the United States Government in the time period under consideration—the fall of China and the Korean War—and it was probably not regarded by those who made policy as among their critical decisions.

There is no evidence of any high U.S. official arguing that any significant commitment threshold was being crossed.

There were, however, those who maintained that the important anti-colonial stand of the U.S. was being undermined. These voices (and they were basically from the public domain) were drowned out by those who advocated immediate security needs. . . .

Although the decision was not perceived as getting the U.S. more deeply "involved" in Indochina, it did mark a tangible first step in that direction.

THE U.S. AND FRANCE'S WITHDRAWAL FROM VIETNAM 1954–1956 SUMMARY

Vietnam was the crucible of contemporary France, military defeat by the Viet Minh—unprecedented victory of Asian over European—was but one political reagent; there was also intense frustration and disappointment among French of rightist-colonist convictions that sneaker-shod Asian peasants could undo a century of costly labor at France's "civilizing mission," and jeopardize the largest investment of French capital in the Far East. . . .

After the Geneva conference, all the governments involved in the accords, with one significant exception, anticipated that France would remain in Vietnam. The exception was the state of Vietnam, whose premier, Ngo Dinh Diem, was determined to uproot French influence as a concomitant to the establishment of a genuinely independent nationalist government.

The policy of the United States was initially directed toward a partnership with France, a joint sponsorship of Diem and the newly independent nation he headed.

Almost at once, however, U.S. policy began to respond to military urgency, and this in turn caused the U.S. to move beyond partnership to primacy. In September of 1954, SEATO was brought into being, its protection extended to Vietnam by a protocol to the Manila pact.

The U.S. resolved through SEATO to balk further expansion of Communist dominion, and looked to transforming Vietnam into a key redoubt in the line of containment. The U.S. was determined that Vietnam would become politically sound, economically self-sufficient, and militarily capable of providing for its own internal security coping with invasion from North Vietnam, and contributing to the deterrent strength of the SEATO coalition.

France, then beset with internal political divisions, and plagued with Algeria, evidenced doubt, indecision, and occasional reluctance in aiding Vietnam toward the foregoing objectives. The U.S. was not prepared to wait.

In late September 1954, the U.S. cut out the French as middle-men in all its assistance for Vietnam, and began to deal directly with Diem, his government, and his armed forces.

France did not readily accept this enlarged American role, nor was there complete agreement with the U.S. government that the United States should pursue a further shouldering aside of France. . .

Once again, military considerations emerged as paramount. The JCS (Joint Chief of Staff) were originally opposed to the United States assuming responsibility for training the army of Vietnam. They took the position, however, that if political considerations dictated such a U.S. involvement "The Joint Chiefs of staff would agree to the assignment of a training mission to MAAG Saigon, with safeguards against French interference with the U.S. training mission."

On Oct. 16, 1954, the Secretary of Defense, acting on behalf of the President, instructed the JCS to prepare a "long-range program for the organization and training of a minimum number of free Vietnam forces necessary for internal security."

The development of this plan and an appropriate working relationship with the French continued in 1955, and necessitated the dispatch to Vietnam of Gen. J. Lawton Collins, with ambassadorial status to obtain a tripartite agreement acceptable in Saigon, in Paris, and in Washington.

During November 1954, the JCS expressed serious reservations (about the success of such a) combined undertaking. Nevertheless the NSC considered the policy sound, and this judgment was confirmed from the field by Gen. Collins. . . .

Collins recommended that the United States continue military aid to France to "encourage the French to retain sufficient forces." In the meantime, events in Vietnam seemed to support those who, like the JCS, continued to entertain strong reservations about the future of Ngo Dinh Diem and his government.

Diem managed to survive attempted coups by Army leaders, and succeeded in maintaining an unhappy peace with the several armed factions of Cochinchina (Indochina). But his political future remained questionable at best. At the same time, the French mission in Hanoi pressed hard to preserve French economic and cultural prerogatives in North Vietnam, and certain French political leaders in Paris spoke grandiloquently of a cooperative modus vivendi with the DRV becoming a model for East-West relations—a disquieting message for the U.S. Secretary of State and those who shared his convictions within the Administration.

Finally, parallel to these developments, the Emperor Bao Dai, retaliating for Diem's vituperative political campaign against him, actively sought to supplant Diem.

All the foregoing tension resolved to two central issues between the United States and France. The first was the question of how and by who Vietnam's armed forces were to be trained. The second, and more far-reaching, was whether Ngo Dinh Diem was to remain at the head of Vietnam's government, or whether he was to be replaced by another nationalist leader more sympathetic to Bao Dai and France.

The first issue was resolved relatively quickly. Gen. Collins struck an agreement with Gen. Ely in Vietnam by which, despite serious misgivings in Paris, France agreed to turn over the training of the Vietnamese Army to the P.S. and to withdraw French cadres. On Feb. 12, 1955, the U.S. assumed responsibility for training Vietnamese forces, and the French disassociation began.

But the political controversy over Diem was less easily resolved. Diem exacerbated matters with increasingly vehement stricture against the French and Bao Dai. The United States on its part was insensitive to the impact with France of Diem's militant anti-Communism—frequently directed at the French left—and of the rancor aroused by U.S. statements portraying America as the only friend of Vietnamese nationalism. The U.S. did alert, however, to French statements that Diem was categorically incapable of unifying Vietnamese nationalists.

French advice to the U.S. that Diem should, therefore, be replaced was seconded by Ambassador Collins from Vietnam. Throughout the winter and spring, Secretary Dulles and the Department of State in general seemed disposed to consider favorably suggestions that an alternative leader for the Vietnamese be placed in power.

However, despite an ostensibly thorough search, no nationalist leader with qualities competitive with Diem's was identified . . .

The armed sects directly challenged Diem's authority, and he responded with force.

An uneasy truce ended the first clash in March, and amid the mounting tension in April, 1955, the U.S., France, and Bao Dai all sought actively to bring about a change in the GVN.

On 28 April, Diem, against U.S. advice, against French advice, and against the advice of his cabinet, moved again against the sects . . .

Diem's forces won an immediate military victory, and simultaneously Diem's brother, Nhu, headed a committee of nationalist figures who called for Bao Dai's removal and transfer of civil and military power to Diem.

Encouraged by Diem's success, the U.S. declared its unequivocal support for him as opposed to Bao Dai.

The U.S. choice presented acute difficulties for France.

The French government was convinced that Nhu's "revolutionary committee" was under Viet Minh influence, and was strongly resentful of a renewed GVN campaign against French presence.

In May 1955, France, the U.S. and Britain met in Paris to discuss European defense, but France promptly made Vietnam the principal agenda item.

France maintained that the U.S., in backing Diem, forced upon France the necessity for withdrawing altogether from Vietnam . . .

Secretary Dulles in reply indicated that the U.S. was aware of Diem's weakness, but stressed Diem's recent successes as indicating redeeming qualities. But, Dulles pointed out, "Vietnam is not worth a quarrel with France," and offered U.S. withdrawal in preference to Allied disunity . . .

The tripartite meeting ended on a note of harmony, but the undertones were distinct: The days of joint U.S.-French policy were over; thereafter, the U.S. would act independently of France in Vietnam.

Backed by the United States, Diem refused to open consultation with the North Vietnamese on general elections when the date for these fell due in July 1955. Pressing his military advantage against the sects, he moved to consolidate his position politically within South Vietnam. In October, he won a resounding victory in a popular referendum in which voters were given a choice between Diem and Bao Dai.

As Diem's political strength grew, his relations with Paris deteriorated. In December 1955, Diem suddenly terminated the existing economic and financial agreements with France and called on France to denounce the Geneva agreements and break relations with Hanoi.

Soon thereafter, he withdrew South Vietnamese representatives from the French Union Assembly . . .

On March 22, 1956, France agreed with Diem to withdraw the FEC altogether. On April 16, 1956, the French high command in Saigon was disestablished. On the due date for the general elections agreed to at Geneva, France possessed no military forces in Vietnam. And the date for the fulfillment of the political parts of the settlement, July 1956, coincided with the inception of the Suez crisis.

ORIGINS OF THE INSURGENCY IN SOUTH VIETNAM 1954–60—SUMMARY

In 1957 and 1958, a structured rebellion against the government of Ngo Dinh Diem began.

While the North Vietnamese played an ill-defined part, most of those who took up arms were South Vietnamese, and the causes for which they fought were by no means contrived in North Vietnam.

In 1959 and 1960, Hanoi's involvement in the developing strife became evident. Not until 1960, however, did the U.S. perceive that Diem was in serious danger of being overthrown and devise a counterinsurgency plan.

It can be established that there was endemic insurgency in South Vietnam throughout the period 1954–1960. It can also be established—but less surely—that the Diem regime alienated itself from one after another of those elements within Vietnam which might have offered it political support, and was grievously at fault in its rural programs.

That these conditions engendered animosity toward the GVN seems almost certain, and they could have underwritten a major resistance movement even without North Vietnamese help.

It is equally clear that North Vietnamese Communists operated some form of subordinary apparatus in the South in the years 1954–1960. Nonetheless, the Viet Minh "stay-behinds" were not directed originally to structure an insurgency, and there is no coherent picture of the extent or effectiveness of Communist activities in the period 1956–1959.

From all indications, this was a period of reorganization and recruiting by the Communist party. No direct links have been established between Hanoi and perpetrators of rural violence.

Statements have been found in captured party histories that Communists plotted and controlled the entire insurgency, but these are difficult to take at face value. . . .

The judgment offered here is that . . . there was some form of DRV apparatus functioning in the South throughout the years, but it can only be inferred that this apparatus originated and controlled the insurgency which by 1959 posed a serious challenge to the Diem government.

Moreover, up until 1958, neither the DRV domestic situation nor its international support was conducive to foreign adventure by 1959, its prospects were bright in both respects, and it is possible to demonstrate its moving forcefully abroad thereafter.

Given the paucity of evidence now, well after the events, U.S. intelligence served policy makers of the day surprisingly well in warning of the developments described below.

FAILURE OF THE GENEVA SETTLEMENT

The Geneva Settlement of 1954 was inherently flawed as a durable peace for Indochina, since it depended upon France, and since both the U.S. and the Republic of South Vietnam excepted themselves.

The common ground from which the nations negotiated at the Geneva conference was a mutual desire to halt the hostilities between France and the Viet Minh, and to prevent any widening of the war. To achieve concord, they had to override objections of the Saigon government, countenance the disassociation of the U.S. from the settlement, and accept France as one executor. Even so, Geneva might have wrought an enduring peace for Vietnam if France had remained as a major power in Indochina, if Ngo Dinh Diem had co-operated with the terms of the settlement, if the U.S. had abstained from further influencing the outcome.

Not one of these conditions was likely, given France's travail in Algeria, Diem's implacable anti-Communism, and the U.S. determination to block further expansion of the DRV in Southeast Asia.

Therefore, the tragedy stated: partition of Vietnam, the sole negotiable basis found at Geneva for military disengagement, became the prime casus belli . . . Geneva traded on long-run risks to achieve short-run disengagement. France withdrew from Vietnam, leaving the accords in the hands of Saigon. Lasting peace came between France and the Viet Minh, but the deeper struggle for an independent, united Vietnam remained. . . .

The Southeast Asia policy of the U.S. in the aftermath of the Geneva conference was conservative, focused on organizing collective defense against further inroads of Communism, not on alter status quo.

Status quo was the two Vietnams set up at Geneva, facing each other across a demilitarized zone . . .

The Geneva powers were imprecise—probably deliberately indefinite—concerning who was to carry out the election provisions. France, which was charged with civil administration in the "regrouping zone" of South Vietnam, had granted the state of Vietnam its independence in June 1954, six weeks before the accords were drawn up. Throughout 1954 and the first half of 1955, France further divested itself of authority in South Vietnam; police, local government, and then the army of Vietnam were freed of French control, and turned over to the Saigon government. Concurrently, the U.S. began to channel aid directly to South Vietnam, rather than through France. The convolution of French policy then thrust upon the U.S. a choice between supporting Diem or the French presence in Indochina.

The U.S. opted for Diem. By the time the deadlines for election consultations fell due in July 1955, South Vietnam was sovereign de facto as well as de jure, waxing strong with U.S. aid and France was no longer in a position to exert strong influence on Diem's actions.

As early as January, 1955, President Diem was stating publicly that he was unlikely to proceed with the Geneva election. . .

The U.S. did not—as is often alleged—connive with Diem to ignore the elections.

U.S. State Department records indicate that Diem's refusal to be bound by the Geneva accords and his opposition to pre-election consultations with the DRV were at his own initiative. However, the U.S., which had expected elections to be held, and up until May 1955 had fully supported them, shifted its position, in the face of Diem's opposition, and because of the evidence then accumulated about the oppressive nature of the regime in North Vietnam.

"In essence," a State Department historical study found, "our position would be that the whole subject of consultations and elections in Vietnam should be left up to the Vietnamese themselves and not dictated by external arrangements which one of the parties never accepted and still rejects." . . .

Thus, backed by the U.S., Diem obdurately refused to open talks with the Hanoi government. He continued to maintain that the government of South Vietnam had not signed the Geneva agreements and thus was not bound by them. . .

In October 1955, Diem ran against Bao Dai in a referendum and won—by a dubiously overwhelming vote—but he plainly won nevertheless. It is almost certain that by 1956 the proportion that might have voted for Ho—in a free election against Diem—would have been much smaller than 8 per cent. Diem's success in the South had been far greater than anyone could have foreseen, while the North Vietnamese regime had been suffering from food scarcity and low public morale. The latter stemmed from inept imitation of Chinese Communism—including a harsh agrarian program that reportedly led to the killing of over 50,000 small-scale "landlords."

The North Vietnamese themselves furnished damning descriptions of conditions in the DRV in 1955 and 1956. . .

That circumstances in North Vietnam were serious . . . was proved by insurrection among Catholic peasants in November 1956 . . . but the uprisings, though then and since used to validate the U.S.-backed GVN stand, were not foreseen in 1955 or 1956, the basis for the policy of both nations in rejecting the Geneva elections was, rather, convictions that Hanoi would not permit "free general elections by secret ballot," and that the ICC International Control Commission would be impotent in supervising the elections in any case . . .

By early 1957, partitioned Vietnam was a generally accepted modus vivendi throughout the international community . . .

Thus, reunification through elections became as remote a prospect in Vietnam as in Korea or Germany . . .

But the partition was not, as the examples of Korea and Germany demonstrate, necessarily tantamount to renewed hostilities. The difference was that in Korea and Germany international forces guarded the boundaries.

In Vietnam, the withdrawal of the French Expeditionary Corps prior to the date set for elections in 1956 left South Vietnam defenseless except for such forces as it could train and equip with U.S. assistance. . . .

Pursuant to the "regroupment" provisions of the Geneva accords, some 19,000 troops of the French Expeditionary Corps, and 900,000 civilians moved from North Vietnam to South Vietnam; more than 10,000 Viet Minh soldiers and civilians moved from South to North.

Both nations thereby acquired minorities with vital interests in the outcome of the Geneva settlement. In both nations, the regroupees exerted an influence over subsequent events well out of proportion to their numbers. . . .

The southerners in the North, and their relatives in the South, formed with the remnants of the Viet Minh's covert network in South Vietnam, a means through which the DRV might "struggle" toward reunification regardless of Diem's obduracy or U.S. aid for South Vietnam.

These people kept open the DRV's option to launch aggression without transcending a "civil war" of southerners against southerners—no doubt an important consideration with the United States as a potential antagonist.

The evidence indicates that, at least through 1956, Hanoi did not expect to have to resort to force. Thereafter, the regroupees occupied increasing prominence in DRV plans.

For Diem's government, refugees from the North were important for three reasons; firstly, they provided the world the earliest convincing evidence of the undemocratic and oppressive nature of North Vietnam's regime.

Though no doubt many migrants fled North Vietnam for vague or spurious reasons, it was plain that Ho's Viet Minh were widely and genuinely feared, and many refugees took flight in understandable terror.

There were indications that the DRV forcefully obstructed the migration of other thousands who might also have left the North.

In 1955 and 1956, the refugees were the most convincing support for Diem's argument that free elections were impossible in the DRV.

Secondly, the refugees engaged the sympathies of the American people as few developments in Vietnam have before or since, and solidly underwrote the U.S. decision for unstinting support of Diem. . . .

Thirdly, the predominantly Catholic Tonkinese refugees provided Diem with a claque; a politically malleable, culturally distinct group, wholly distrustful of Ho Chi Minh and the DRV, dependent for subsistence on Diem's government, and attracted to Diem as a coreligionist. . . .

One heritage of Geneva is the present dominance of South Vietnam's government and army by northerners. The refugees catalyzed Diem's domestic political regidity, his high-handedness with the U.S., and his unyielding rejection of the DRV and Geneva accords.

The Geneva settlement was further penalized by the early failure of "the international supervisory commission." . . .

While a joint commission of French and Viet Minh military officers was set up to deal with the cease-fire and force regroupment, the International Commission for Supervision and Control (ICC), furnished by Poland, India, and Canada, was to oversee the accords in general.

Its inability to cope with violations of the armistice in the handling of would-be migrants, vociferously proclaimed in both Saigon and Hanoi, impugned its competence to overwatch the general free elections, for which it was also to be responsible.

Equally serious for the settlement, the ICC was expected to control arms and guarantee against aggression.

As was the case of the regroupment provisions, these arrangements operated in practice to the detriment of the political solution embodied in the accords, for the ICC, the election guardian, was soon demonstrated to be important. . . .

Not until 1959 and 1961 did the ICC publish reports attempting to answer directly DRV charges that the U.S. and South Vietnam were flagrantly violating the arms control provisions of the Geneva accords.

Similarly, though in its tenth and eleventh interim reports 1960 and 1961 the ICC noted "the concern which the Republic of Vietnam has been expressing over the problem of subversion in South Vietnam." It did not mention that those expressions of concern had been continuous since 1954, or attempt to publish a factual study of that problem until June 1962.

In both cases, the ICC was overtaken by events; by late 1960, international tensions were beyond any ability of the ICC to provide reassurances, and the U.S. was faced with the decision whether to commit major resources to the conflict in South Vietnam.

The Geneva settlement thus failed to provide lasting peace because it was, as U.S. National Security Council papers of 1956 and 1958 partly termed it, "only a truce." It failed to settle the role of the U.S. or of the Saigon government, or, indeed, of France in Vietnam.

It failed because it created two antagonist Vietnamese nations. It failed because the Geneva powers were unwilling or unable to concert follow-up action in Vietnam to supervise effectively observance of the accords, or to dampen the mounting tension.

Mutual distrust led to incremental violations by both sides, but on balance, though neither the United States nor South Vietnam was fully cooperative, and though both acted as they felt necessary to protect their interests, both considered themselves constrained by the accords.

There is no evidence that either deliberately undertook to breach the peace. In contrast, the DRV proceeded to mobilize its total societal resources scarcely without pause from the day the peace was signed, as though to substantiate the declaration of its deputy premier Pham Van Dong, at the closing session of the Geneva Conference:

"We shall achieve unity. We shall achieve it just as we have won the war. No force in the world, internal or external, can make us deviate from our path . . ."

Diem's rejection of elections meant that reunification could be achieved in the foreseeable future only by resort to force. Diem's policy, and U.S. support of it, led inevitably to a test of strength with the DRV to determine whether the GVN's cohesiveness, with U.S. support, could offset North Vietnam's drive to satisfy its unrequited nationalism and expansionism . . .

By the time President Kennedy came to office in 1961, it was plain that support for the Saigon government among South Vietnam's peasants—9 percent of the population—was weak and waning. The manifesto of the National Liberation Front, published in December 1960, trumpeted the existence of a revolutionary organization that could channel popular discontent into a political program.

Increasingly Diem's government proved inept in dealing either through its public administration with the sources of popular discontent, or through its security apparatus with the Viet Cong. Diem's government and his party were by that time manifestly out of touch with the people and into the gap between the government and the populace the Viet Cong had successfully driven.

When and why this gap developed is crucial to an understanding of who the Viet Cong were, and to what extent they represented the South as opposed to North Vietnamese interests.

The U.S. Government, in its White Papers on Vietnam of 1961 and 1965 has blamed the insurgency on the aggression by Hanoi, holding that the Viet Cong were always tools of the DRV.

Critics of U.S. policy in Vietnam usually hold, to the contrary, that the war was started by South Vietnamese; their counterarguments rest on two propositions: (1) that the insurgency began as a rebellion against the oppressive and clumsy government of Ngo Dinh Diem, and (2) that only after it became clear that the U.S. would commit massive resources to succor Diem in his internal war, was the DRV impelled to unleash the South Vietnamese Viet Minh veterans evacuated to North Vietnam after Geneva. . .

Events in Vietnam in the years 1954 to 1960 were indeed murky. The Diem government controlled the press tightly, and discouraged realism in reports from its provincial bureaucracy. Even official U.S. estimates were handicapped by reliance upon GVN sources. . . .

But enough evidence has now accumulated to establish that peasant resentment against Diem was extensive and well founded. Moreover, it is clear that dislike of the Diem government was coupled with resentment toward American (among Vietnamese) peasants. . . . France was merely replaced by the U.S., and Bao Dai's mantle was transferred to Ngo Dinh Diem. . . .

In the eyes of many Vietnamese of no particular persuasion, the United States was reprehensible, as a modernizing force in a thoroughly traditional society, as the provider of arms and money for a detested government, and as an alien, disruptive influence upon hopes they held for the Geneva settlement.

As far as attitudes toward Diem were concerned, the prevalence of his picture throughout Vietnam virtually assured his being accepted as the sponsor of the frequently corrupt and cruel local officials of the GVN, and the perpetrator of unpopular GVN programs, especially the population relocation schemes, and the "Communist denunciation campaign." Altogether, Diem promised the farmers much, delivered little, and raised not only the expectations, but their fears.

It should be recognized, however, that whatever his people thought of him, Ngo Dinh Diem really did accomplish miracles, just as did his American boosters said he did.

He took power in 1954 amid political chaos, and within one month surmounted attempted coups d'etat from within his army and rebellions by disparate irregulars. He consolidated his regime while providing creditably for an influx of nearly one million destitute refugees from North Vietnam, and he did all of this despite active French opposition and vacillating American support.

Under his leadership South Vietnam became well established as a sovereign state . . .

Moreover, by mid-1955 Diem secured the strong backing of the U.S. He conducted a plebiscite in late 1955, in which an overwhelming vote was recorded for him in preference to Bao Dai. During 1956 he installed a government—representative in form, at least—drafted a new constitution, and extended GVN control to regions that had been under sect or Viet Minh rule for a decade and he pledged to initiate extensive reforms in land holding, public health, and education.

With American help he established a truly national, modern army, and formed rural security forces to police the country-side. In accomplishing all the foregoing, he confounded those Vietnamese or North and South, and those French, who had looked for his imminent down-fall.

While it is true that his reforms entailed oppressive measures—e.g., his "political reeducation centers" were in fact little more than concentration camps for potential foes of the government—his regime compared favorably with other Asian governments of the same period in its respect to the person and property of citizens.

There is much that can be offered in mitigation of Diem's authoritarianism. He began as the most singularly disadvantaged head of state of his era.

His political legacy was endemic violence and virulent anticolonialism. He took office at a time when the government of Vietnam controlled only a few blocks of downtown Saigon. The rest of the capital was the feudal fief of the Binh Xuyen gangster fraternity.

Beyond the environs of Saigan, South Vietnam lay divided among the Viet Minh enclaves and the theocratic dominions of the Cao Dai and Hoa Hao sects.

All these powers would have opposed any Saigon government. . . . For Diem to have erected any central government in South Vietnam without reckoning resolutely with their several armed forces and clandestine organizations would have been impossible: They were the very stuff of South Vietnam's politics.

Diem's initial political tests reinforced his propensity to inflexibility. The lessons of his first 10 months of rule must have underscored to Diem the value of swift, tough action against dissent, and of demanding absolutely personal loyalty of top officials.

Also, by May 1955, Ngo Dinh Diem had demonstrated to his satisfaction that the U.S. was sufficiently committed to South Vietnam that he could afford on occasion to resist American pressure and even to ignore American advice. Diem knew, as surely as did the United States, that he himself represented the only alternative to a Communist South Vietnam.

Diem was handicapped in all his attempts to build a nation by his political concepts . . .

Despite extensive travel and education in the West, and despite his revolutionary mien, he remained what he had been raised: A mandarin of imperial Hue, steeped in filial piety, devoted to Vietnam's past, modern only to the extent of an intense, conservative Catholicism. The political apparatus he created to extend his power and implement his programs reflected his background, personality and experience; a rigidly organized, over-centralized familial oligarchy.

Though his brothers Ngu Dinh Nhu and Ngo Dinh Can, created extensive personal political organizations of considerable power—Nhu's semicovert Can Lao Party borrowed heavily from Communist doctrine and technique and though a third brother, Ngo Dinh Thue, was the ranking Catholic bishop, in no sense did they or Diem ever acquire a broad popular base for his government.

Diems' personality and his political methods practically assured that he would remain distant, virtually isolated from the peasantry. They also seem to have predetermined that Diems' political history over the long run would be a chronicle of disaffection; Diem alienated one after another of the key groups within South Vietnam's society until by late 1960 his regime rested on the narrow and disintegrating base of its own bureaucracy and the Northern refugees.

Such need not have been the case. At least through 1957, Diem and his government enjoyed marked success with fairly sophisticated pacification programs in the countryside. In fact, Diem at first was warmly welcomed in some former Viet Minh domains, and it is probable that a more sensitive and adroit leader could have captured and held a significant rural following.

Even the failure of the Geneva accords to eventuate in general elections in 1956 at first had little impact upon GVN pacification.

The strident declamations of the DRV notwithstanding, reunification of partitioned Vietnam was not at first a vital political issue for South Vietnam's peasants. . .

The initial GVN pasification effort combined promises of governmental level reforms with "civic action" in the hamlets and villages. The latter was carried out by "cadre" clad in black pajamas . . .

Unfortunately for Diem, his civic action teams had to be drawn from the Northern refugees, and encountered Co-Chinese-Tonkinese tensions.

Moreover, they became preoccupied with Diem's anti-Communist campaign to the detriment of their social service. By the end of 1956, the civic action component of the GVN pacification program had been cut back severely.

But the salesmen were less at fault than their product. Diem's reform package compared unfavorably even in theory with what the Viet Minh had done by way of rural reform.

Diem undertook to: (1) resettle refugees and other land destitute Vietnamese on uncultivated land beginning in 1955; (2) expropriate all rice land holdings over 147 acres and redistribute these to tenant farmers beginning in 1956, and (3) regulate landlord-tenant relations beginning in 1957 to fix rents within the range 15-to-25 percent of crop yield, and to guarantee tenant land tenure for 3-to-5 years.

Despite invidios comparison with Viet Minh rent-free land, had these programs been honestly and efficiently implemented, they might have satisfied the land-hunger of the peasants. But they suffered, as one American expert put it from "lack of serious, interested administrators and top side command."

Government officials, beginning with the minister for agararian reform, had divided loyalties, being themselves land holders. Moreover, the programs often operated to replace paternalistic landlords with competitive bidding, and thus increased, rather than decreased, tenant insecurity.

And even if all Diem's goals had been honestly fulfilled—which they were not—only 2 percent of the rice land would have passed from large to small farmers. As it turned out, only 1 percent of all tenant farmers benefited in any sense.

By 1959, the land reform program was virtually inoperative. As of 1960, 45 percent of the land remained concentrated in the hands of 2 per cent of landowners, and 15 per cent of the landlords owned 75 per cent of all the land.

Those relatively few farmers who did benefit from the program were more often than not Northerners, refugees, Catholics, or Annamese—so that land reform added to the GVN's aura of favoritism which deepened peasant alienation in Cochinchina.

Farmer-GVN tension was further aggravated by rumors of corruption, and the widespread allegation that the Diem family itself had become enriched through the manipulation of land transfers.

Diem's whole rural policy furnishes one example after another of political maladroitness. In June 1956, Diem abolished elections for village councils, apparently out of concern that large numbers of Viet Minh might win office.

By replacing the village notables with GVN appointed officials, Diem swept away the traditional administrative autonomy of the village officials, and took upon himself and his government the onus for whatever corruption and injustice subsequently developed at that level. Again, the GVN appointees to village office were outsiders—Northerners, Catholics, or other "dependable" persons—and their alien presence in the midst of the close-knit rural communities encouraged revival of the conspiratorial, underground politics to which the villages had become accustomed during the resistance against the French.

But the conspiracy was almost a natural defense after Diem launched his denunciation of Communists campaign, which included a scheme for classifying the populace into lettered political groups according to the connections with the Viet Minh.

This campaign, which featured public confessions reminiscent of the "People's Courts" of China and North Vietnam, invited neighbors to inform on each other, and raised further the premium on clandestine political activity.

In 1956, the GVN disclosed that some 15,000-20,000 Communists had been detained in its "political re-education centers." . . .

By GVN figures in 1960, nearly 50,000 had been detained. . . .

Between 1956 and 1960, the GVN claimed that over 100,000 former Communist cadres rallied to the GVN, and thousands of other Communist agents had surrendered or had been captured. The campaign also allegedly netted over 10,000 weapons and 3000 arms caches.

Whatever it contributed to GVN internal security, however, the Communist denunciation campaign thoroughly terrified the Vietnamese peasants, and detracted significantly from the regime's popularity.

Diem's nearly paranoid preoccupation with security influenced his population relocation schemes. Even the refugee relief programs had been executed with an eye to building a "living wall" between the lowland centers of population and the jungle and mountain redoubts of dissidents.

Between April 1957 and late 1961, the GVN reported that over 20,000 persons—refugees and landless families from coastal Annam—were resettled in 147 centers carved from 220,000 acres of wilderness.

These "strategic" settlements were expensive: although they affected only 2 per cent of South Vietnam's people, they absorbed 50 per cent of U.S. aid for agriculture.

They also precipitated unexpected political reactions from the Montagnard peoples of the Highlands.

. . . the GVN thus facilitated rather than hindered the subsequent subversion of the tribes by the Viet Cong. But of all Diem's relocation experiments, that which occasioned the most widespread and vehement anti-GVN sentiment was the "Agroville" program begun in mid-1959.

. . . The GVN announced its intent to build 80 "prosperity and density centers" along a "strategic route system."

By the end of 1963, each of these 80 Agrovilles was to hold some 40 families, and each would have a group of satellite Agrovilles of 120 families each. In theory, the Agroville master plan was attractive: There were provisions for community defense, schools dispensary, market center, public garden, and even electricity.

Despite these advantages, however, the whole program incurred the wrath of the peasants. They resented the Corvee labor the GVN resorted to for Agroville construction, and they abhorred abandoning their cherished ancestral homes, tombs, and developed gardens and fields for a strange and desolate community.

Passive peasant resistance, and then insurgent attacks on the Agrovilles, caused abandonment of the program in early 1961 when it was less than 25 per cent complete.

Yet, for all Diem's preoccupation with rural security, he poorly provided for police and intelligence in the countryside . . . Security in the villages was relegated to the self-defense corps SDC and the civil guard (CG)—poorly trained and equipped, miserably led.

. . . Indeed, they proved to be an asset to insurgents in two ways; they served as a source of weapons; and their brutality, petty thievery, and disorderliness inducted innumerable villagers to join in open revolt against the GVN.

The army of Vietnam, after 1956, was withdrawn from the rural regions to undergo reorganization and modernization under its American advisors. Its interaction with the rural populace through 1959 was relatively slight.

. . . Nor was Ngo Dinh Diem successful in exercising effective leadership over the Vietnamese urban population or its intellectuals. Just as Diem and his brothers made the mistake of considering all former Viet Minh Communists, they erred in condemning all non-Diemist nationalists as tools of Bao Dai or the French. The Diem family acted to circumscribe all political activity and even criticism not sanctioned by the oligarchy.

In late 1957, newspapers critical of the regime began to be harassed, and in March 1958, after a caustic editorial, the GVN closed down the largest newspaper in Saigon.

Attempts to form opposition political parties for participation in the National Assembly met vague threats and bureaucratic impediments. In 1958, opposition politicians risked arrest for assaying to form parties unauthorized by Nhu or Can, and by 1959 all opposition political activity had come to a halt.

In the spring of 1960, however, a group of non-Communist nationalists leaders came together—with more courage than prudence—to issue the Caravelle Manifesto, a recital of grievances against the Diem regime.

Eleven of the 13 signers had been cabinet members under Diem or Bao Dai; four had been in other high government positions, and others represented religious groups.

Their manifesto lauded Diem for the progress that he had made in the aftermath of Geneva, but pointed out that his repressions in recent years had "provoked the discouragement and resentment of the people." . . . They went on to "beseech the government to urgently change its policies." While the Caravelle manifesto thoroughly frightened Diem, coming, as it did, three days after Syngman Rhee was overthrown in Korea, it prompted him only to further measures to quell the loyal opposition.

By the fall of 1960, the intellectual elite of South Vietnam was politically mute; labor unions were impotent; loyal opposition in the form of organized parties did not exist. In brief, Diem's policies virtually assured that political challenges to him would have to be extra-legal.

Ultimately, these emerged from the traditional sources of power in South Vietnam—the armed forces, the religious sects, and the armed peasantry.

Through 1960, the only serious threats to Diem from inside the GVN were attempted military coups . . .

In November, 1961, a serious coup attempt was supported by three elite paratroop battalions in Saigon, but otherwise failed to attract support. In the wake of the coup, mass arrests took place in which the Caravelle Group, among others, were jailed.

In February 1962, two Vietnamese Air Force planes bombed the presidential palace in an unsuccessful assassination attempt on Diem and Nhu. Again, there was little apparent willingness among military officers for concerted action against Diem . . .

From 1956 on, his police apparatus was under military officers, and year by year, more of the provencial governments were also placed under military men.

By 1958, about one-third of the province chiefs were military officers, by 1960, that fraction had increased to nearly two-thirds by 1962, seven-eights of all provinces were headed by soldiers.

Diem's vete noire was Communism and he appealed to threats from Communists to justify his concentration on internal security.

In August 1956 GVN ordinance 47 defined being a Communist, or working for them, as a capital crime . . .

There is little doubt that Diem and his government applied the term Viet Cong somewhat loosely within South Vietnam to mean all persons or groups who resorted to clandestine political activity or armed opposition against his government. The GVN meant by the term North as well as South Vietnamese Communists, who they presumed acted in concert . . .

From studies of defectors, prisoners of war and captured documents, it is now possible to assess armed resistance against Diem much better than the facts available at the time permitted.

Three distinct periods are discernible. From 1954 through 1957, there was a substantial amount of random dissidence in the countryside, which Diem succeeded in quelling. . . .

Beginning in mid-1957 and intensifying through mid 1959, incidents of violence attributed to Viet Cong began to occur in the countryside. . . .

In early 1959, however, Diem perceived that he was under serious attack and reacted strongly. Population relocation was revived. The army of Vietnam was committed against the dissidents and the Communist denunciation campaign was reinvigorated.

By Autumn, 1959, however, the VC had units of battalion size to put against regular army formations. By 1960, VC would operate in sufficient strength to seize provincial capitals for periods ranging up to 24 hours, overrun ARVN posts, and cut off entire districts from communication with the GVN-controlled towns.

Diem's countermeasures increasingly met with peasant obstructionism and outright hostility. A U.S. Embassy estimate of the situation in January 1960 noted that:

"While the GVN has made an effort to meet the economic and social needs of the rural populations . . . these projects appear to have enjoyed only a measure of success in creating support for the government and, in fact, in many instances have resulted in resentment . . . The situation may be summed up in the fact that the government has tended to treat the population with suspicion or to coerce it and has been rewarded with an attitude of apathy or resentment."

In December 1960, the National Liberation Front of SVN-NLF was formally organized. From its inception it was designed to encompass all anti-GVN activists, including Communists . . .

The NLF placed heavy emphasis on the withdrawal of American advisors and influence, on land reform and liberalization of the GVN, on coalition government and the neutralization of Vietnam, but through 1963, the NLF soft-pedalled references to reunification of Vietnam.

The NLF leadership was a shadowy crew of relatively obscure South Vietnamese. Despite their apparent lack of experience and competence, however, the NLF rapidly took on organizational reality from its central committee, down through a web of subordinary and associated groups, to villages all over South Vietnam.

Within a few months of its founding, its membership doubled, doubled again by fall 1961, and then redoubled by early 1962.

At that time an estimated 300,000 were on its rolls . . .

The key operational components of the NFL were, however, the Liberation Army and the People's Revolutionary Party .

Although the PRP did not come into existence until 1962, it is evident that Communists played a paramount role in forming the NLF, and in its rapid initial growth. The official U.S. view has been that the PRP is merely the Southern arm of the DRV's Communist party, and a principal instrument through which Hanoi instigated and controlled the revolt against "My-Diem . . ."

But significant doubt remains. Viet Minh stay-behinds testified in 1955 and 1956 that their mission was political agitation for the holding of the general elections promised at Geneva. Captured documents and prisoner interrogations indicate that in 1957 and 1958, although there was some "wildcat" activity by local Communists, party effort appeared to be devoted to the careful construction of an underground apparatus which, though it used assassinations and kidnapping, circumspectly avoided military operations. All evidence points to fall of 1959 as the period in which the Viet Cong made their transition from a clandestine political movement to a more overt military operation.

HANOI AND THE INSURGENCY IN SOUTH VIETNAM

The primary question concerning Hanoi's role in the origins of the insurgency is not so much whether it played a role or not—the evidence of direct North Vietnamese participation in subversion against the government of South Vietnam is now extensive—but when Hanoi intervened in a systematic way. Most attacks on U.S. policy have been based on the proposition that the DRV move on the South came with manifest reluctance, and after massive U.S. intervention in 1961 . . .

Indeed, up until 1961, the Administration itself publicly held that Ngo Dinh Diem was firmly in control in South Vietnam and that the United States aid programs were succeeding in meeting such threat to GVN security as existed within South Vietnam and from the North.

Too, the vigorous publicizing of "wars of national liberation" by N. S. Khrushchev and the "discovery" of counterinsurgency by the Kennedy Administration in early 1961 tended to reinforce the over-all public impression that North Vietnam's aggression was news in that year.

Thereafter, Administration leaders, by their frequently identifying that Khrushchev declaration as a milestone in the development of Communist world strategy, lent credence to the supposition that the Soviet Union had approved aggression by its satellite in North Vietnam only in December 1960—the month the NLF was formed.

There is some sparse evidence that the DRV actually did begin moving in 1958 to set up a mechanism for supporting the insurgency in South Vietnam . . .

There is, however, other evidence that questioning among the DRV hierarchy concerning strategy and tactics for South Vietnam continued throughout 1958 and into 1959.

Captured reports from party headquarters in South Vietnam betrayed doubt and indecisions among party leaders there and reflected the absence of clear guidance from Hanoi . . . Moreover, in 1958, and in 1959, the DRV did concentrate much of its resources on agricultural and industrial improvement. Extensive loans were obtained from the Soviet Union and from the Chinese Peoples Republic and ambitious uplift programs were launched in both sectors.

It is possible, therefore, to accept the view that through 1958 the DRV still accorded priority to butter over guns, as part of its base development strategy. . . .

By 1959, it seems likely that the DRV had elected to pursue a "guns and butters" strategy and obtained requisite Soviet and Chinese aid. While pressing forward with its economic improvement programs—which were showing definite progress—the DRV prepared with word and deed for large-scale intervention in South Vietnam.

In May 1959, at the fifteenth plenum of the Central Committee of the Lao Dong party, a resolution was adopted identifying the United States as the main obstacle to the realization of the hopes of the Vietnamese people, and as an enemy of peace. The resolution of the fifteenth plenum called for a strong North Vietnam as a base for helping the South Vietnamese to overthrow Diem and eject the United States.

A Communist Party history captured in South Vietnam in 1966, and the testimony of high-ranking captives, indicate that South Vietnamese Communists still regard the resolution of the fifteenth plenum as the point of departure for DRV intervention.

Within a month of the fifteenth plenum, the DRV began to commit its armed forces in Laos, and steadily escalated its aid to the Pathet Lao. By the time the National Liberation Front issued its manifesto in December 1960, the conflict in Laos had matured to the point that Pathet Lao-NVA troops controlled most of NE Laos and the Laotian Panhandle, moreover, by that time, the Soviet Union had entered the fray, and was participating in airlift operations from North Vietnam direct to Pathet Lao-NVA units in Laos. Also, by the fall of 1959, the insurgency in South Vietnam took a definite upsurge. Viet Cong units for the first time offered a direct challenge to the Army of Vietnam. Large VC formations seized and held district and province capitals for short periods of time, and assassinations and kidnappings proliferated markedly. The preamble of the constitution of the DRV, promulgated on 1 January 1960 was distinctly bellicose, condemning the United States, and establishing the unification of Vietnam as a DRV national objective. During 1959 and 1960, the relatively undeveloped intelligence apparatus of the U.S. and the GVN confirmed that over 400 infiltrators were sent from North Vietnam southward—most of them military or political cadre, trained to raise and lead insurgent forces. . . .

The evidence supports the conclusion, therefore, that whether or not the rebellion against Diem in South Vietnam proceeded independently of, or even contrary to directions from Hanoi through 1968, Hanoi moved thereafter to capture the revolution. There is little doubt that Hanoi exerted some influence over certain insurgents in the South throughout the years following Geneva, and there is evidence which points to its preparing for active support of large-scale insurgency as early as 1968. Whatever differences in strategy may have existed among Moscow, Peking and Hanoi, it appears that at each critical juncture Hanoi obtained concurrence in Moscow with an aggressive course of action. . . .

Ngo Dinh Diem was entirely correct when he stated that his was a nation at war in early 1959, South Vietnam was at war with both the Viet Cong insurgents and with the DRV, in that the latter then undertook to provide strategic direction and leadership cadres to build systematically a base system in Laos and South Vietnam for subsequent, large-scale guerrilla warfare. Persuasive evidence exists that by 1960 DRV support of the insurgency in South Vietnam included material as well as personnel. In any event, by late 1959, it seems clear that Hanoi considered the time ripe to take the military offensive in South Vietnam, and that by 1960 circumstances were propitious for more overt political action. . . .

U.S. PERCEPTIONS OF THE INSURGENCY 1954–1960

Much of what the U.S. knows now about the origins of the insurgency in South Vietnam rests on information it has acquired since 1963, approximately the span of time that an extensive and effective American intelligence apparatus had been functioning in Vietnam. Before then, our intelligence was drawn from a significantly more narrow and less reliable range of sources, chiefly Vietnamese, and could not have supported analysis in depth in insurgent organization and intentions . . . Nonetheless, U.S. intelligence estimates through 1960 correctly and consistently estimated that the threat to GVN internal security was greater than the danger from overt invasion.

The intelligence estimates provided to policy makers in Washington pegged the Viet Cong military offensive as beginning in late 1959, with preparations noted as early as 1957, and a definite campaign perceived as of early 1959. Throughout the years, they were critical of Diem, consistently expressing skepticism that he could deal successfully with his internal political problems.

These same estimates miscalculated the numerical and political strength of the Viet Cong, misjudged the extent of rural disaffection, and overrated the military capabilities of the GVN. But as strategic intelligence they were remarkably sound.

Indeed, given the generally bleak appraisals of Diem's prospects, they who made U.S. policy could only have done so by assuming a significant measure of risk.

For example, on 3 August 1954, an NIE (National Intelligence Estimate) took the position that:

"Although it is possible that the French and Vietnamese, even with firm support from the U.S. and other powers, may be able to establish a strong regime in South Vietnam, we believe that the chances of this development are poor and, moreover, that the situation is more likely to continue to deteriorate progressively over the next year . . ."

This estimate notwithstanding, the U.S. moved promptly to convene the Manila Conference, bring SEATO into being with its protocol aegis over Vietnam, and eliminate France as the recipient of U.S. aid for Vietnam. Again on 26 April 1955, an NIE charged that:

"Even if the present empasse with the sects were resolved, we believe that it would be extremely difficult, at best, for a Vietnamese government, regardless of its composition, to make progress towards developing a strong, stable, anti-Communist government capable of resolving the basic social, economic, and political problems of Vietnam, the special problems arising from the Geneva Agreement and capable of meeting the long-range challenge of the Communists."

Within a matter of weeks, however, the U.S. firmly and finally committed itself to unstinting support of Ngo Dinh Diem, accepted his refusal to comply with the political settlement of Geneva, and acceded to withdrawal of French military power and political influence from South Vietnam. . . .

. . . An NIE of May 1959 took the position that Diem had a serious military problem on his hands:

"The GVN internal security forces will not be able to eradicate DRV supported guerrilla or subversive activity in the foreseeable future. Army units will probably have to be diverted to special internal security assignments. . . ."

The same NIE noted a waning of popular enthusiasm for Diem, the existence of some disillusionment, "particularly among the educated elite," some "dissatisfaction among military officers," but detected little "identifiable public unrest. . . ."

The 1959 NIE again expressed serious reservations about Diem's leadership and flatly stated that:

"The prospects for continued political stability in South Vietnam hang heavily upon President Diem and his ability to maintain firm control of the Army and police. The regime's efforts to assure internal security and its belief that an authoritarian government is necessary to handle the country's problems will result in a continued repression of potential opposition elements. This policy of repression will inhibit the growth of popularity of the regime and we believe that dissatisfaction will grow particularly among those who are politically conscious . . ."

Despite these reservations, U.S. policy remained stanchly and fairly uncritically behind Diem through 1959 . . .

While classified policy papers through 1959 thus dealt with risks, public statements of U.S. officials did not refer to the jeopardy. To the contrary, the picture presented the public and Congress by Ambassador (Elbridge) Durbrow, Gen. Williams, and other Administration spokesmen was of continuing progress, virtually miraculous improvement, year-in and year-out. Diem was depicted as a strong and capable leader, firmly in command of his own house, leading his people into modern nationhood at a remarkable pace. As late as the summer of 1959, Ambassador Durbrow and Gen. Williams assured the Senate Foreign Relations Committee that Vietnam's internal security was in no serious danger, and that Vietnam was in a better position to cope with invasion from the North than it had ever been. In the Fall of 1959, in fact, Gen. Williams expressed the opinion that by 1961 GVN defense budgets could be reduced, and in the spring of 1961, he wrote to Senator Mike Mansfield that American military advisers could begin a phased withdrawal from MAAG, Vietnam the following year.

Whatever adverse judgment may be deserved by such statements or by the quality of U.S. assistance to Vietnam on behalf of its internal security, the American aid program cannot be faulted for failing to provide Diem funds in plenty. The U.S. aid program—economic and military—for South Vietnam was among the largest in the world. From FY (fiscal year) 1946 through FY 1961, Vietnam was the third ranking non-NATO recipient of aid, and the seventh world-wide. In FY 1961, the last program of President (Dwight D.) Eisenhower's Administration, South Vietnam was the fifth ranking recipient over-all. MAAG, Vietnam, was the only military aid mission anywhere in the world commanded by a lieutenant general, and the economic aid mission there was by 1958 the largest anywhere. More than 75 per cent of the economic aid the U.S. provided in the same period went into the GVN military budget, thus at least $8 out of every $10 of aid provided Vietnam went directly toward security.

Planning proceeded against a background of developing divergence of view between the Departments of state and Defense. As Ambassador Durbrow and his colleagues of State saw the problem on the one hand, Diem's security problems stemmed from his political insolvency. They argued that the main line of U.S. action should take the form of pressures on Diem to reform his government and his party, liberalizing his handling of political dissenters and the rural populace. Department of Defense officials, on the other hand, usually deprecated the significance of non-Communist political dissent in South Vietnam, and regarded Diem's difficulties as proceeding from military inadequacy. In this view, what was needed was a more efficient internal defense, and, therefore, the Pentagon tended to oppose U.S. leverage on Diem because it might jopardize his confidence in the U.S., and his co-operation in improving his military posture. Communist machination, as Defense saw it, had created the crisis, the U.S. response should be "unswerving support" for Diem.

In June 1960, additional U.S. Army Special Forces arrived in Vietnam, and during the summer a number of Ranger battalions, with the express mission of counterguerilla operation, were activated. In September, Gen. Williams was replaced by Gen. McGarr who, consistent with the directives of the JCS, promptly began to press the training of RVNAF to produce the "antiguerrilla guerrilla." Gen. McGarr's desire for an RVNAF capable of meeting and defeating the Viet Cong at their own game was evident in the (CIP) counterInsurgency Program when it was forwarded to Washington in January 1961, just before John F. Kennedy took office.

The CIP had been well co-ordinated within the U.S. mission in Vietnam, but only partially with the Vietnamese. The plan, as forwarded, incorporated one major point of difference between the Embassy and MAAG. Gen. McGarr desired to increase the RVNAF force level by some 20,000 troops, while Ambassador Durbrow maintained reservations concerning the necessity or the wisdom of additional forces. The ambassador's position rested on the premise that Diem wanted the force level increase, and that the United States should not provide funds for that purpose until Diem was patently prepared to take those unpalatable political measures the ambassador had proposed aimed at liberalizing the GVN. The ambassador held out little hope that either the political or even military portions of the CIP could be successfully accomplished without some such leverage . . . In the staff reviews of the CIP in Washington, the divergence between State and Defense noted above came once more to the fore. Those chiefly within DOD who considered the VC threat as most important, and who therefore regarded military measures against this threat as most urgent, advocated approval and any other measures which would induce Diem's acceptance of the CIP, and his co-operation with MAAG. They were impatient with Ambassador Durbrow's proposed "pressure tactics" since they saw in them the possibility of GVN delay on vital military matters, and the prospect of little profit other than minor concessions from Diem in political areas they deemed peripheral or trivial in countering the VC. Tipping the scales toward what might be called the Diem-MAAG-DOD priorities was the coincident and increasing need to "reassure" Diem of U.S. support for the GVN and for him personally . . . This requirement to reassure Diem was plainly at cross purposes with the use of pressure tactics.

Ten days after President Kennedy came to office, he authorized a $41,000,000 increase in aid for Vietnam . . .

In March, Ambassador Durbrow was replaced by Frederick E. Nolting. Ambassador Durbrow's closing interview with Diem in mid-March was not reassuring. While Diem stated that he was prepared to carry out the military aspects of the CIP, he dodged Durbrow's questions on the political action prescribed. It was on this disquieting note that the Kennedy Administration began its efforts to counter the insurgency in South Vietnam.

THE KENNEDY COMMITMENTS AND PROGRAM, 1961 SUMMARY AND ANALYSIS

When Kennedy took office, the prospect of an eventual crisis in Vietnam had been widely recognized in the Government, although nothing much had yet been done about it. Our ambassador in Saigon had been sending worried cables for a year, and twice in recent months in September 1960 and again in December had ended an appraisal of the situation by cautiously raising the question of whether the U.S. would not sooner or later have to move to replace Diem. Barely a week after taking office, Kennedy received and approved a counterinsurgency plan (CIP) which, at what seems to have been a rather leisurely pace, had been going through drafting and staffing for the previous eight months.

The CIP was a most modest program by the standard we have become accustomed to in Vietnam. It offered Diem financial support for a 20,000-man increase in his army, which then stood at 150,000 plus support for about half of the counterguerrilla auxiliary force known as the civil guard. In return, it asked Diem for a number of reforms which appeared to the American side as merely common sense—such as straightening out command arrangements for the army under which 42 different officials directly responsible to Diem shared operational command.

The CIP was superseded in May by an enlarged version of the same program, and the only longer term significance the original program held was that it presumably offered the Administration a lesson in dealing with Diem and perhaps, although it was not foreseen then, a lesson in dealing with Vietnamese government generally.

The negotiations dragged on and on; the U.S. military and eventually most of the civilians both in Saigon and Washington grew impatient for getting on with the war; Diem promised action on some of the American points, and finally even issued some decrees, none of which were really followed up.

For practical purposes, the list of "essential reforms" proposed as part of the CIP, including those Diem had given the impression he agreed to, could have been substituted unchanged for the list of reforms the U.S. requested at the end of the year, with equal effect, as the quid pro quo demanded for the much enlarged U.S. aid offer that followed the Taylor mission.

Negotiations with Diem came to an end in May, not because the issues had been resolved, but because the U.S. decided to forget trying to pressure Diem for a while and instead try to coax him into reforming by winning his confidence.

A preliminary step came April 20. Immediately following the Bay of Pigs disaster, and with the prospect of a disaster in Laos on the very near horizon, Kennedy asked Deputy Secretary of Defense (Roswell) Gilpatric to work up a program for saving Vietnam. The program was delivered, as requested, a week later. It was a somewhat enlarged version of the CIP, with the implication, not spelled out in the paper, that the new effort would be put into effect without making any demands on Diem.

Simultaneously, Ambassador Durbrow, who had been in Vietnam for four years, was being replaced by Nolting, and this added to the hope that a new start might be made with Diem. There is nothing to suggest that anything more was expected of Gilpatric's program, and indeed all the evidence suggests that the main point of the exercise was to work Gen. Lansdale into the role of government-wide coordinator and manager of the country's first major test of the new art of counterinsurgency. Lansdale served as executive officer of the task force which Gilpatric organized and which he proposed should be given a continuing, dominant role in managing the Vietnamese enterprise.

By the time the report was submitted on April 27 when the Laos crisis was reaching its peak, a new Geneva conference had been agreed upon. But there were serious doubts that the pro-Western side in Laos would be left with anything to negotiate about by the time the conference opened.

Even the U.S.-favored settlement (a coalition government) represented a major, if prudent, retreat from the previous U.S. position taken during the closing months of the Eisenhower Administration. So the situation in Laos was bad, if unavoidable; and it followed right on the heels of the Bay of Pigs, and at a time when the Soviets were threatening to move against Berlin. The emphasis of the Gilpatric Task Force shifted from shaping up the counterinsurgency aid program for Vietnam, to finding ways to demonstrate to the South Vietnamese and others that a further retreat in Laos would not foreshadow an imminent retreat in Vietnam.

On April 28, an annex to the Task Force report proposed to counter the impact of Laos with U.S. support for an increase in South Vietnamese forces the original report had proposed only more generous financial support for forces already planned under the CIP and, further, a modest commitment of U.S. ground combat units in South Vietnam, with the nominal mission of establishing two training centers. On April 29, Kennedy endorsed the proposals of the original draft, but took no action on the far more significant proposals in the annex. On May 1, a revised task force draft came out, incorporating the Laos annex proposals, and adding a recommendation that the U.S. make clear an intent to intervene in Vietnam to the extent needed to prevent a Viet Cong victory.

At this point, practical control of the task force appears to have shifted out of Gilpatric's and Defense's hands to State and, apparently, George Ball.

A State Department redraft of the report came out May 3, which eliminated the special role laid out for Lansdale, shifted the chairmanship of the continuing task force to State, and blurred, without wholly eliminating, the Defense-drafted recommendations for sending U.S. combat units to Vietnam and for public U.S. commitments to save South Vietnam from Communism.

But even the State re-draft recommended consideration of stationing American troops in Vietnam, for missions not involving combat with the Viet Cong, and a bilateral U.S.-security treaty. On May 4 and 5, still acting under the pressures of the Laos crisis, the Administration implied through a statement by Senator Fulbright at the White House following a meeting with Kennedy, and at Kennedy's press conference the next day, that it was considering stationing American forces in Vietnam. On May 6, a final draft of the task force report came out, essentially following the State draft of May 3.

On May 8, Kennedy signed a letter to Diem, to be delivered by Vice President (Lyndon B.) Johnson the next week, which promised Diem strong U.S. support, but did not go beyond the program outlined in the original task force report. It offered neither to finance expanded South Vietnamese forces, nor to station American troops in Vietnam. On May 11, the recommendations of the final, essentially State-drafted, report were formalized. But by now, the hoped-for cease-fire in Laos had come off. Vice President Johnson in Saigon on May 12 followed through on his instructions to proclaim strong U.S. support for and confidence in Diem. When Diem talked of his worries about U.S. policy in Laos, Johnson, obviously acting on instructions, raised the possibility of stationing American troops in Vietnam or of a bilateral treaty.

But Diem wanted neither at that time. Johnson's instructions were not available to this study, so we do not know how he would have responded if Diem had asked for either troops or a treaty, although the language of the task force report implies he would only have indicated a willingness to talk about these things. With Johnson, came the new ambassador, Fritz Nolting, whose principal instruction was to "get on Diem's wavelength" in contrast to the pressure tactics of his predecessor.

A few weeks later, in June, Diem, responding to an invitation Kennedy had sent through Johnson, dispatched an aid to Washington with a letter outlining Saigon's "essential military needs." It asked for a large increase in U.S. support for Vietnamese forces sufficient to raise ARVN strength from 170,000 to 270,000 men and also for the dispatch of "selected elements of the American armed forces" both to establish training centers for the Vietnamese and as a symbol of American commitment to Vietnam. The proposal, Diem said, had been worked out with the advice of MAAG Saigon, whose chief, along with the JCS and at least some civilian officials, strongly favored getting American troops into Vietnam.

The question of increased support for Vietnamese forces was resolved through the use of the Staley mission. This was normally a group of economic experts intended to work with a Vietnamese group on questions of economic policy. Particularly at issue was whether the Vietnamese could not be financing a larger share of their own defenses.

On the basis of the Staley report, the U.S. agreed to support a further increase of 30,000 in the RVNAF, but deferred a decision on the balance of the South Vietnamese request on the grounds that the question might not have to be faced since by the time the RVNAF reached 200,000 men, sometime late in 1962, the Viet Cong might already be on the run.

The other issue—the request for "elements of the American armed forces" was left completely obscure. From the record available, we are not sure that Diem really wanted the troops then, or whether Kennedy really was willing to send them if they were wanted.

A new, and much more serious sense of crisis developed in September. This time the problem was not directly Laos, but strong indications of moderate deterioration of Diem's military position and very substantial deterioration of morale in Saigon. There was a sharp upswing in Viet Cong attacks in September, including a spectacular raid on a province capital 55 miles from Saigon during which the province chief was publicly beheaded by the insurgents. At the end of September, Diem surprised Nolting by asking the U.S. for a U.S.-GVN defense treaty. By Diem's account the loss of morale in Saigon was due to worries about U.S. policy growing out of the Laos situation.

In response, President Kennedy sent Gen. Taylor and Walt Rostow, then both on the White House staff, to Vietnam, accompanied by some less prominent officials from State and Defense.

What Taylor and Rostow reported was that Saigon faced a dual crisis of confidence, compounded with doubt arising from Laos that the U.S. would stick by South Vietnam, and doubts arising from the Viet Cong successes and that Diem's unpopular and inefficient regime could beat the Viet Cong anyway. The report said that U.S. military commitment in Vietnam was needed to meet the first difficulty; and that the second could best be met by supplying a generous infusion of American personnel to all levels of the Vietnamese government and army, who could it was hoped, instill the Vietnamese with the right kind of winning spirit, and reform the regime "from the bottom up" despite Diem's weaknesses. The report recommended the dispatch of helicopter companies and other forms of combat support, but without great emphasis on these units.

Probably, although the record does not specifically say so, there was a general understanding that such units would be sent even before the report was submitted, and that is why there is relatively little emphasis on the need for them.

The crucial issue was what form the American military commitment had to take to be effective. Taylor in an eyes-only cable to the President, argues strongly for a task force in the delta, consisting mainly of Army Engineers to work where there had been a major flood. The delta was also where the VC were strongest, and Taylor warned the President that the force would have to conduct some combat operations and expect to take casualties. But Taylor argued that the balance of the program, less this task force, would be insufficient, for we had to "convince Diem that we are willing to join him in a showdown with the Viet Cong . . ."

(This is all the textual material available at the time this edition of the Post-Dispatch went to press.)

[From the St. Louis Dispatch, June 30, 1971]

Contradictory Moves on Air War Are Told

Washington.—The night before President Lyndon B. Johnson cut back the bombing of North Vietnam in his successful 1968 effort to start peace talks the Department of State secretly sent word to its Vietnam war allies that the move would most likely fail and that full-scale resumption of the air war was possible any time.

A message to U.S. ambassadors in six capitals instructed them to tell the Allied government chiefs:

"You should make clear that Hanoi is most likely to denounce the project and thus free our hand after a short period.

"Nevertheless we might wish to continue the limitation even after a formal denunciation, in order to reinforce its sincerity and put the monkey firmly on Hanoi's back for whatever follows."

The message is quoted at length in parts of the Pentagon papers on the Vietnam War made public last night and today by Senator Mike Gravel (Dem.), Alaska. The Senator in a suddenly convened one-man hearing of a Senate subcommittee read sections of the study for three hours and 31 minutes.

The result was to make available to newspapers and the public a major share of the material, particularly the narrative account of policy-making and various documents or excerpts. Gravel's aids said some material that the Senator considered sensitive was screened out. Some passages had been cut out with a razor blade.

Public reports on the 47-volume, 7000-page account were started two weeks ago by the New York Times and subsequently published by other newspapers as the secret study leaked widely. The Government then took the issue of publication into the courts, obtaining restraining orders against three papers.

Gravel wound up his reading after 1 a.m. and went home to sleep shortly before daybreak. His office reported receiving hundreds of telephone calls from around the country praising his action. A spokesman at the Department of Justice had no comment on Gravel's action, referring all queries to the Department of Defense.

Presidential press secretary Ronald L. Ziegler said the White House had no comment.

Senate Republican leader Hugh Scott, Pennsylvania, said Senate Democrats should determine whether Gravel had violated Senate rules by reading from the Pentagon papers.

Scott said Gravel should be disciplined if the Democrats determined that he had violated the rule requiring Senators to keep secret confidential papers sent to Congress by the President.

Republican whip Robert P. Griffin, Michigan, took much the same stand. "If the rules have been violated, the Senate ought to act."

Gravel said there was no justification for keeping the still officially top-secret papers from the American people.

"I have read these documents and I am convinced I am in no way jeopardizing this nation's security," he said.

One of the disclosures in the material made public by Gravel was that Secretary of Defense Robert S. McNamara broached to President John F. Kennedy as early as Nov. 8, 1961, the possibility of attacking North Vietnam.

The suggestion was coupled with consideration then being given to a proposal by Gen. Maxwell Taylor, a Kennedy adviser, for some introduction of U.S. troops into the Mekong Delta in Vietnam, then a source of Viet Cong strength and a scene of heavy flooding.

The suggestion was made on behalf of Roswell Gilpatric, McNamara's deputy, and the Joint Chiefs of Staff.

Kennedy increased U.S. assistance to South Vietnam but kept it within the limits of military aid and advisers. Regular bombing of the North was started by President Lyndon B. Johnson in February 1965; a few months later he committed U.S. ground forces.

From then until his 1968 proposal for peace talks, Johnson began various public and private peace initiatives, some coupled with bombing pauses. None prospered. His announcement of March 31, 1968, with its limitation on bombing had one dramatic new ingredient. He announced at the same time he would not stand for re-election.

The State Department's telegram to U.S. ambassadors was part of the Administration's operation plan and was intended to prepare the leaders of Australia, New Zealand, Thailand, Laos, the Philippines and South Korea for the peace move. Johnson did not tip his hand to them on his renunciation of political ambitions, however.

All the moves at the time were made against the background of the Communist January–February Tet offensive, which had led the Administration to reconsider its whole position. Initial success of the offensive had shocked Washington. But Johnson decided against military recommendations to send in more than 200,000 additional troops.

The telegrams to the ambassadors, nevertheless, held open the possibility that the war might still be escalated. That possibility evidently collapsed when the North Vietnamese responded favorably in three days, and little more than two months later the Paris peace talks resulted.

The Nov. 8 McNamara memo, according to the study, said the Taylor program should be adopted "only on the understanding that it would be followed up with more troops as needed, and with a willingness to attack North Vietnam . . .

"The Taylor mission report, and Taylor's own cables, had also stressed a probable need to attack, or at least threaten to attack, North Vietnam."

Three days later, Nov. 11, McNamara reversed his position in a joint memorandum with Secretary of State Dean Rusk, recommending deferring dispatch of U.S. troops.

President Kennedy accepted this position, although the papers gave no reason for either the switch in McNamara's view or Kennedy's motives in following the Nov. 11 advice.

The papers, which the Government has tried to stop newspapers from publishing on grounds their disclosure would endanger national security, did indicate that the ultimate decision by Kennedy to send American troops came as a spinoff of a counter-insurgency plan.

This plan itself was spurred by the ill-fated Bay of Pigs invasion and prospects of a Laotian disaster, along with fears that the regime of Ngo Dinh Diem was collapsing, the papers said.

As the plan developed it moved from a basic effort to provide financial aid to South Vietnam's counter-insurgency force to finally "consideration of stationing troops in Vietnam."

On May 12, 1961, Vice President Lyndon B. Johnson raised with Diem the "possibility of stationing American troops in Vietnam or of a bilateral treaty," the Pentagon study said, "but Diem wanted neither at that time."

By June, Diem had changed his mind. Through an aid sent to Washington, the South Vietnamese president sought a large boost in U.S. financial aid and dispatch of "selected elements of the American armed forces."

Nothing was done on this until December 1961 when American helicopter units were sent to Vietnam and the U.S. advisory force was increased

As reported by the Post-Dispatch Friday, the papers indicated U.S. officials and disaffected South Vietnamese generals conspiring to overthrow Diem in 1963 had been in contact three months before the coup was carried off.

The study indicated that Ambassador Henry Cabot Lodge told the generals in August 1963 that Washington could not back Diem any further because he maintained his unpopular brother Ngo Dinh Nhu as secret police chief.

President Kennedy was reported as later having second thoughts about aborting U.S. support of Diem, second thoughts that proved unnecessary because the August coup fell through.

Diem and Nhu were overthrown in November and assassinated.

The summary of the study outlined the scope of the American involvement in Vietnam and the origins of U.S. aid.

In 1954, soon after the defeat of the French and the signing of the Geneva accords, the report said, an American intelligence estimate concluded the chances of establishing a strong, anti-Communist regime in Vietnam were poor and that the situation was likely to continue to deteriorate progressively.

Despite the estimate, the analysis said, The United States moved promptly to bring about the SEATO alliance and eliminate France as the recipient of American aid for Vietnam. It quoted another intelligence estimate in April 1955 that it would be "extremely difficult" for a Vietnamese government to make progress towards developing . strong, stable anti-Communist regime.

"Within a matter of weeks, however," the analysis continued, "the U.S. firmly and finally committed itself to unstinting support of Ngo Dinh Diem, accepted his refusal to comply with the political settlement of Geneva, and acceded to withdrawal of French military power and political influence from South Vietnam."

The analysis said that during the Eisenhower years "the American aid program cannot be faulted for failing to provide Diem funds in plenty."

"From fiscal year 1946 through fiscal 1961, Vietnam was the third ranking non-NATO recipient of aid, and the seventh world wide," the summary said. "In fiscal year 1961, the last program of President Eisenhower's administration, South Vietnam was the fifth ranking recipient over-all."

It said the American military assistance group in Vietnam by fiscal year 1961 was the "only military aid mission anywhere in the world commanded by a lieutenant general, and the economic aid mission there was by 1958 the largest anywhere."

During the period, the analysis said, American aid had "an explicit military rationale." For example, it said, a 20-mile stretch of highway from Saigon to Bien Hoa built for specifically military purposes, received more U.S. economic aid than all funds provided for labor, community development, social welfare, health and education in Vietnam in the years 1954–1961.

Writers of the report refused to accept at face value the public American view that the People's Revolutionary Party, the political arm of the National Liberal Front, or Viet Cong, was merely the southern arm of the Communist party of North Vietnam. The analysis noted official U.S. statements had labeled the PRP as the instrument through which Hanoi instigated and controlled the revolt against Diem.

The report said Communist party efforts in the first years after the Geneva agreements appeared to be devoted to the careful construction of an underground apparatus which, although it used assassinations and kidnaping, "circumspectly avoided military operations."

The report said all evidence pointed to the autumn of 1959 as the period in which the Viet Cong made their transition from a clandestine political movement to a more overt military operation. But the report traced the start of incidents of violence against the Diem regime in South Vietnam to mid-1957.

Wheeler Resisted Curbs, Study Shows

The following story was released by the Post-Dispatch after a federal court judge lifted today a temporary restraining order barring the publication of excerpts from a secret Pentagon study of American involvement in the Vietnam War.

Washington.—Secret Pentagon papers obtained by the Post-Dispatch show that early in 1968 Gen. Earle G. Wheeler fought vigorously against efforts to curb American military action in Vietnam.

Wheeler, then chairman of the Joint Chiefs of Staff, was described as "appalled" at what he regarded as a repudiation of American military policy recommended in a reassessment of American war policy by a group of top-level federal officials.

The secret Department of Defense study reports that Wheeler immediately went to work to water down the report of the reassessment group. The military leader succeeded in having much of what he regarded as objectionable recommendations deleted in a second version of the report.

These disclosures are contained in hundreds of pages of a secret study of the history of United States involvement in the Vietnamese conflict obtained by the Post-Dispatch. The study was made by a Department of Defense team in 1967 and 1968.

The Post-Dispatch reported previously that the secret documents it had obtained show also that former Secretary of Defense Robert S. McNamara labeled the pacification program in South Vietnam "a bad disappointment" in 1966 and told President Lyndon B. Johnson he saw "no reasonable way to bring the war to an end soon."

The documents published by the Post-Dispatch in its last article last Friday also showed that McNamara told Mr. Johnson that the first year and a half of American bombing raids over North Vietnam had failed to stem enemy infiltration into South Vietnam or to crack Hanoi's morale.

Gen. Wheeler's objections to setting a limit on American involvement in the war in Southeast Asia developed in March 1968, the documents obtained by the Post-Dispatch show. At that time a small group of high civilian officials headed by then—Secretary of Defense Clark M. Clifford had begun to push for limiting the American military build-up in South Vietnam and curbing the bombing of North Vietnam.

This was the period that became known as "The fight for the soul of Lyndon Johnson." It ended on March 31, 1968, when the President finally announced a limited halt to the bombing of North Vietnam and also startled the nation by stating he would not seek re-election to a second term.

The effort to change American policy came after more than two years of massive American military build-up in Southeast Asia but only very limited United States successes.

As 1967 drew to a close, Gen, William C. Westmoreland, then commander of American forces in South Vietnam, wrote an optimistic end-of-the-year assessment observing that the enemy was "increasingly resorting to desperation tactics" and that his bases "are no longer safe havens."

He said the Communists were losing control over large areas and population.

Then came the Tet offensive. Westmoreland now questioned the ability of the weakened South Vietnamese forces "to cope with additional sustained enemy offensive operations," and the Joint Chiefs recommended calling some American reserve units to active duty.

McNamara rejected that proposal, deciding instead to deploy an additional 11,000 troops to Vietnam.

Fearing that American personnel were being stretched too thin, the Joint Chiefs repeated their recommendations for a callup of reserves together with congressional authority to extend the terms of service for men in the armed forces.

Before that request could be acted on, Clifford succeeded McNamara as defense secretary, and President Johnson sent Wheeler to Saigon for a new assessment of the situation in the light of Tet.

Wheeler's report, the Pentagon study says, stated that, although the enemy had suffered heavy losses, he was likely to recover rapidly. In the face of sustained enemy momentum, Wheeler said, there was a question about the ability of the South Vietnamese to bear up.

"The initial attack nearly succeeded in a dozen places," Wheeler reported of the Communist offensive, "and defeat in those places was only averted by the timely reaction of U.S. forces. In short, it was a very near thing."

Viewing the over-all situation, Wheeler observed that American forces then in Vietnam were "inadequate in numbers and balance to carry out the strategy" of securing the cities, regaining control of the countryside and resuming the offensive.

Wheeler's report supported MACV's request for 206,756 troops above the 525,000 ceiling then in existence. That would have pushed the new ceiling above 731,000, all to be deployed into South Vietnam by the end of 1968. The magnitude of that request triggered the Administration's thorough review of U.S. policy in South Vietnam.

"A fork in the road had been reached," the Pentagon report says. "Now the alternatives stood out in stark reality. To accept and meet General Wheeler's request for troops would mean a total U.S. military commitment to South Vietnam—an Americanization of the war, a callup of reserve forces, vastly increased expenditures. To deny the request for troops, or to attempt to again cut it to a size which could be sustained by the thinly stretched active forces, would just as surely signify that an upper limit to the U.S. military commitment in South Vietnam had been reached."

On Feb. 29, Clifford, who was to be sworn in the next day, met with McNamara, Bundy, Gen. Maxwell D. Taylor, the American ambassador to South Vietnam, and other top Government officials to plan for the reassessment of American policy.

Clifford, outlining the task given him by Mr. Johnson, said the real questions were: "Should we follow the present course in South Vietnam? Could it ever prove successful even if vastly more than 200,000 troops were sent?"

Taylor later submitted a paper to the group and to the President saying that the current military situation argued strongly against any new negotiation effort on the part of the U.S. or any thought of reducing the bombing of the North. He said the Administration ought to withdraw from Mr. Johnson's San Antonio formula, in which he had stated a policy of maintaining steady bombing of the North while remaining open to peace negotiations.

Other papers covering a variety of subjects dealing with the Vietnam problem, the study says, adopted a general thrust that "more of the same in South Vietnam would not achieve decisive results and, indeed, would not be satisfactory." A paper on pacification concluded that the Tet offensive "appears to have killed the program once and for all."

The Clifford group received one paper from the systems analysis section of the Defense Department complaining that the U.S. "never achieved the momentum essential for military victory" in Vietnam. The paper said the U.S. "became mesmerized by statistics of known doubtful validity, choosing to place our faith only in the ones that showed progress."

"In short," it concluded, "our setbacks were due to wishful thinking compounded by a massive intelligence collection and/or evaluation failure."

Reviewing the American objectives and the ability of the enemy to counter every American move, the systems analysis paper said:

"We know that despite a massive influx of 500,000 U.S. troops, 1.2 million tons of bombs a year, 400,000 attack sorties per year, 200,000 enemy killed in action in three years, 20,000 U.S. killed in action, etc., our control of the countryside and the defense of the urban areas is now essentially at pre-August 1965 levels. We have achieved stalemate at a high commitment. A new strategy must be sought."

A paper submitted by the Defense Department's public affairs section said that the only alternative that would have any general public acceptance would be to deny Westmoreland's troop requests and change strategy in Vietnam.

"What the people want most of all," the paper said, "is some sign that we are making progress, that there is, somewhere, an end."

The Pentagon papers noted that there was no way to tell how much weight was given to each paper by the group preparing the reassessment memo. By Feb. 29, the group had produced its first draft. It expressed pessimism about the future direction and ability of the South Vietnamese government and army.

As for the requested increase in troops, the memo said that even with the full complement sought "we will not be in a position to drive the enemy from South Vietnam or destroy his forces." The likely enemy response, the paper said, was a matching increase in Hanoi's forces and little success "in attriting the enemy or eroding Hanoi's will to fight."

The memorandum predicted that further Americanization of the war would encourage the Saigon government to let the U.S. do the fighting "while it engages in backroom politics and permits widespread corruption." Such a move would diminish "our chances of leaving behind an effective functioning national government" in South Vietnam, the paper said. It also forecast "unfortunate" effects in this country, as casualties mounted and taxes climbed.

The memo concluded that American strategy should aim at steps that would turn the South Vietnamese army into an effective fighting force and permit the South Vietnamese government to win the confidence of the people. It urged that the American military mission be to provide security to populated areas rather than try to drive the enemy out of the country.

The Pentagon papers said that a March 1 discussion of the memorandum in Clifford's office showed that Wheeler "was appalled at the apparent repudiation of American military policy" that was suggested.

Wheeler then went to work to achieve a revision of the memorandum and succeeding in having much of the objectionable data about new grand strategies deleted in a second version. The Pentagon papers called this time a "period of frantic preparation," but noted that the net result fell far short of any call for a startling revision of strategy.

Clifford's resulting memorandum to the President on March 4 called for sending 22,000 more troops to Vietnam, early approval of a reserve callup, but reservation of any decision to meet Westmoreland's request in full.

The memo suggested that the Administration "give intensive study to the development of new strategic guidance to General Westmoreland" to indicate "that he should not be expected either to destroy the enemy forces or to rout them completely from South Vietnam."

Clifford's message said there was no reason to believe that the enemy could be routed "by an additional 200,000 American troops or double or triple that quantity." He urged that the new strategy be the subject of detailed study in the immediate future.

The Pentagon historians concluded that the supposed "A to Z reassessment" thus emerged as a compromise between civilian and military authorities to do some more studying. The Clifford working group, they said, "seemed to recommend that we continue rather haltingly down the same road, meanwhile consulting the map more frequently and in greater detail to insure that we were still on the right road."

From March 4 until Mr. Johnson's dramatic announcement March 31, the Pentagon report said, "the written record becomes sparse." The debate over Vietnam policy "was argued and carried forward on a personal basis by the officials involved, primarily, the Secretary of Defense and the Secretary of State."

Mr. Johnson, the study said, was beset by external political pressures as he shouldered the decision. Press leaks had disclosed the Westmoreland request, and members of Congress were demanding a reassessment of Vietnam policy before additional troops were committed.

On March 12, Senator Eugene S. McCarthy of Minnesota, the Democratic peace candidate, won the Democratic presidential primary in New Hampshire, encouraging Senator Robert F. Kennedy of New York to announce his entry in the Democratic race four days later.

On March 13 Mr. Johnson decided to send 30,000 new troops to South Vietnam and to call up some reserves. He indicated firmness and resoluteness in public but privately, the study said, he was troubled.

The President assembled a group of his friends and confidants from outside Government on March 18. Most of them had formerly worked in his or earlier administrations. Most had supported his Vietnam policies. After hearing briefings on the situation, the group advised Mr. Johnson that continued escalation of the war would do no good. They said he should "forget about seeking a battlefield solution to the problem and instead intensify efforts to seek a political solution at the negotiating table," the secret report says.

Mr. Johnson was said to be "greatly surprised" at the conclusions. They came from such men as Dean Acheson, Gen. Matthew B. Ridgway, Maxwell Taylor, McGeorge Bundy and Gen. Omar Bradley.

The Pentagon study said the President made his decision on March 28 and went on television to announce it three days later.

Mr. Johnson's decision to seek a new strategy in Vietnam and to limit U.S. military involvement, the Pentagon papers say, were based on two major considerations:

(1) The convictions of his principal military advisers, particularly Clifford, that more troops would not make a military victory any likelier.

(2) A deeply felt conviction of the need to restore unity to the nation.

Summing up, the study said that American planners suffered from "an embarrassing lack of knowledge as to how much it would take to win the war." It said civilian decision-makers "seemed willing to accept the field commander's estimate of what was needed" because they lacked any information from other sources.

The Tet offensive, the study said, showed that "the possibility of military victory had seemingly become remote and the cost had become too high both in political and economic terms."

"Only then," it said, "were our ultimate objectives brought out and re-examined."

J. F. K. HIKED COMMITMENT

NEW YORK, July 1.—The secret Pentagon study of the origins of the Vietnam War concludes that President John F. Kennedy transformed the "limited-risk gamble" of the Eisenhower Administration into a "broad commitment" to prevent Communist domination of South Vietnam.

In addition, the study says that Kennedy knew and approved of plans for the military coup that ousted President Ngo Dinh Diem of South Vietnam in 1963.

These are the principal points in an account of the Kennedy years published today as the New York Times resumed publication of its series of articles based on the 1967–68 Pentagon study. The study was commissioned by Secretary of Defense Robert S. McNamara.

The series had been halted after the publication of three articles, on June 13, 14 and 15, by court action initiated by the Federal Government.

The first three articles in the Times' presentation of the material recounted the movement toward intensification of the war in 1964 and 1965 during the Johnson Administration.

Today's articles describe the Kennedy years as a time of significantly deepening U.S. involvement in Vietnam.

The study says that although Kennedy resisted pressures to put American ground-combat units into the country, he took a series of actions that significantly expanded both the U.S. military and political involvement there. For the first time American servicemen were put into combat-support roles that involved them increasingly in actual fighting.

Moreover, the study says, the Kennedy tactics deepened the American involvement piece-meal, with each step minimizing public recognition that the American role was expanding.

The Times said the first U.S. commitment to Vietnam in the Kennedy Administration was made secretly. This occurred on May 11, 1961, when, the study says, Kennedy ordered that 400 Special Forces troops and 100 other military advisers be sent to Vietnam.

No publicity was given to either move, the Times said.

The number of men involved was small, but the move was significant, the study says, because it "signaled a willingness to go beyond the 685-man limit on the size of the U.S. (military) mission in Saigon, which if it were done openly, would be the first formal breach of the Geneva agreement."

The U.S. had not signed the 1954 Geneva accords ending the French war with the Viet Minh, but had agreed not to undermine them.

The Pentagon study relates that Kennedy faced three main questions on Vietnam in his time in office: Whether to make an irrevocable commitment to prevent a Communist victory; whether to commit ground-combat units to achieve his ends; and whether to give top priority to the military battle against the Viet Cong or to the political reforms necessary to win popular support for the Saigon government.

The President's response, as the Pentagon account describes it, was to increase the number of American advisers from 685—the level internationally accepted under the Geneva agreement—to about 16,000; to put Americans into combat situations (with a resultant increase in casualties), and to inject the U.S. into the internal South Vietnamese maneuvering that toppled the Diem regime.

In commenting on those actions, the Pentagon study says: "The limited-risk gamble undertaken by (President Dwight D.) Eisenhower had been transformed into an unlimited commitment under Kennedy." Later, the Times says, the Pentagon study comments more cautiously that Kennedy's policies had produced a "broad commitment" to Vietnam's defense, giving priority to the military aspects of the war over political reforms.

In secretly urging the first commitment of U.S. ground troops in November 1961, Gen. Maxwell D. Taylor, then Kennedy's personal military adviser, said that "the risks of backing into a major Asian war" by way of South Vietnam "are present but are not impressive."

The Joint Chiefs of Staff, the study says, reckoned that a maximum of 205,000 American ground troops would be needed to cope with the Viet Cong, and with North Vietnam and Communist China if they should intervene. However, the Administration shied away from such a commitment.

Kennedy, in this period in 1961, according to the Pentagon study, was troubled also by Soviet-U.S. tensions over the Berlin situation, and saw the U.S. in a global power competition with the Soviet Union because of Soviet Premier Nikita S. Khrushchev's statement on Jan. 6, 1961, that Moscow intended to back "wars of national liberation" around the world.

Counterinsurgency against guerrilla warfare thus became a primary preoccupation of the Kennedy White House, the study says.

Taylor, in a fact-finding mission to Vietnam in October 1961, according to the study, reported to President Kennedy that a "U.S. military task force is essential."

Vice President Lyndon B. Johnson, who also made a fact-finding trip to Southeast Asia earlier in the year, had expressed similar sentiments, according to the study. Johnson, giving Thailand and Vietnam pivotal significance, told Kennedy on May 23 that "we must decide whether to help these countries to the best of our ability or throw in the towel in the area and pull our defenses back to San Francisco and the 'Fortress America' concept," the study says.

Concluding this part of the analysis, the Pentagon study says that in spite of the military build-up under the Kennedy Administration, President Kennedy left President Johnson a Vietnamese legacy of crisis, of political instability and of military deterioration at least as alarming to policy makers as the situation that Kennedy had inherited from the Eisenhower Administration.

Of the fall of Diem, the study says: "Our complicity in his overthrow heightened our responsibilities and our commitment in Vietnam."

The coup was a "watershed" in U.S. involvement, the Times article said. It was a time, according to the Pentagon study, when Washington could have reconsidered its entire commitment to South Vietnam and disengaged.

The Pentagon account of the 1963 events in Saigon makes clear that Washington did not originate the anti-Diem coup, nor did American forces intervene in any way.

However, for weeks, the study says, the American mission in Saigon maintained secret contacts with the plotting generals through an operative of the Central Intelligence Agency, and Washington was informed every step of the way.

After the coup began on Nov. 1 and proved successful, the study says, Washington did not immediately recognize the new regime because Rusk believed that a delay would reduce the appearance of U.S. complicity and make the generals look less like U.S. stooges.

After the change of regime, Lodge was reported to have cabled Washington his belief that under the new chief of state, Lt. Gen. Duong Van Minh, the fight against the Viet Cong would be shortened because of improved morale in the South Vietnamese army.

But within three months another of the plotters, Maj. Gen. Nguyen Khanh, had seized power, starting, the story relates, "a round of intramural power struggles that plagued Washington for the next two years, drawing it even deeper into the Vietnam war in an effort to prop up successive South Vietnamese regimes."

The study makes no attempt to answer what subsequently became a vigorously debated question: If President Kennedy had lived until 1965, would he have felt compelled by events, as President Johnson was, to undertake full-scale land war in South Vietnam and an air war against the North?

"No reliable inference can be drawn," the Pentagon study concludes, "about how Kennedy would have behaved in 1965 and beyond had he lived."

PAPERS SHOW RIFT ON TROOP LEVELS

WASHINGTON, June 26.—A sharp dispute between military and civilian officials in the Department of Defense over a 1967 request that 85,000 to 200,000 additional United

States troops be sent to South Vietnam has been disclosed in secret Pentagon documents.

The Supreme Court yesterday, in a 6-to-3 decision, lifted restraining orders against publication of secret documents by the New York Times and the Washington Post. After the Supreme Court acted, United States District Judge James H. Meredith at St. Louis immediately removed a restraining order against the Post-Dispatch that had been in effect since Saturday.

The documents obtained by the Post-Dispatch show that the acrimonious argument developed when Gen. William C. Westmoreland, then U.S. commander in South Vietnam, asked for more troops at a time when there were already 470,000 to 480,000 American soldiers in the war zone.

Westmoreland's request was supported by the Joint Chiefs of Staff, but was strongly opposed by civilian officials in the Pentagon, including the late John T. McNaughton, then assistant secretary of defense in charge of international security affairs.

McNaughton, in a draft of a memorandum to President Lyndon B. Johnson, said there already was a widespread belief in the United States that "the Establishment is out of its mind" and the sending of a large number of additional troops to Vietnam would add to this belief.

In the end, Secretary of Defense Robert S. McNamara gave Westmoreland about 50,000 additional troops, bringing the new level to about 525,000 men. This was less than the minimum additional number that the general had requested.

But the relative hold-down in force levels was short-lived.

"Hardly had the ink dried on approval of Program Five deployments (the new total of 525,000 men) when pressures began to build for the acceleration of these deployments to Vietnam," the Pentagon report says.

Then on Jan. 31, 1968, the Communist began the massive Tet offensive that dealt a severe setback to U.S. and South Vietnamese troops and called into question, to a greater extent than ever before, the entire premise of the American involvement in Southeast Asia.

Gen. Earle G. Wheeler, then chairman of the Joint Chiefs of Staff, was sent to Saigon to confer with Westmoreland.

Wheeler cabled back a request for 206,756 more U.S. troops, above the 525,000-man authorized level. This was virtually the same number as the maximum request that Westmoreland had submitted in 1967.

The Pentagon documents confirm what was reported in newspapers at the time—that Wheeler's request rocked the Johnson Administration to its foundations.

The stage was set for the famous review of Vietnam policy in March 1968, with the new Secretary of Defense, Clark M. Clifford, presiding over what came to be known as "the struggle for the soul of Lyndon Johnson."

The climax was on the night of March 31, 1968, when Mr. Johnson told the nation that he would not seek re-election. He announced also another halt in the U.S. bombing raids on North Vietnam and, incidentally, gave Westmoreland only a handful of additional troops.

The new maximum level, known as Program Six, was set at 549,500 men, an increase of only 24,500. This was the number in Vietnam when President Richard M. Nixon took office.

The 1967 controversy over troop levels began on March 18 when Westmoreland submitted a request for a minimum or "essential" increase of two and one-third divisions, and an "optimum" increase of four and two-thirds divisions, the Pentagon documents disclose.

The team of Government officials who wrote the secret Pentagon report at McNamara's direction commented wryly that "essential looks like optimum."

In discussing the Westmoreland request, the report is critical of Westmoreland and the Joint Chiefs of Staff and highly sympathetic to the civilian officials who opposed the troop increase.

The reaction of the Joint Chiefs to the troop requests, the report says, "was predictably rapid." It says the JCS strongly supported the new troop levels proposed by MACV, the U.S. military command in South Vietnam.

But the report says that the Joint Chiefs "realized that the general analysis provided in the original MACV request would prove to be inadequate for the Secretary of Defense to either assess the validity of the requirements or the sufficiency of the means of meeting them."

The Joint Chiefs, according to the documents, directed MACV and the U.S. command in the Pacific to do a more detailed analysis "to validate these increased (troop) requirements." But when the report came in, it provided "little of interest," the Pentagon team says.

A subsequent JCS memorandum stated the U.S. objective in South Vietnam as follows:

"(a) Making it as difficult and costly as possible for the North Vietnamese army to continue effective support of the Viet Cong and to cause North Vietnam to cease direction of the Viet Cong insurgency.

"(b) To defeat the Viet Cong-North Vietnamese army and force the withdrawal of North Vietnamese army forces.

"(c) Extend (South Vietnamese) government dominion, direction and control.

"(d) To deter Chinese Communists from direct intervention in Southeast Asia."

The Pentagon report makes it clear that the thorniest problem for the Johnson Administration in weighing Westmoreland's request was the fact that a substantial increase in troop levels would require a callup of reserve units.

The report said that the Joint Chiefs estimated that if no reserves were called to active service, the troop increase would be limited to the equivalent of one and one-third divisions.

On the other hand, a reserve callup and a 12-month involuntary extension of duty for servicemen already in Vietnam would enable the armed services to "provide the major combat forces required," the Joint Chiefs said.

The documents cite several instances that make it clear the Administration greatly feared that a reserve callup would increase antiwar sentiment in the United States to an intolerable extent.

The first step taken by civilian officials in the Pentagon to block the troop increase proposal apparently was a study of the matter by the systems analysis office headed by Assistant Secretary of Defense Alain Enthoven.

"Despite considerable progress in the Vietnam conflict during the past year," the office said, "an end to the conflict is not in sight and major unresolved problems remain.

"North Vietnam still believes it can win in the long run, in the name of nationalism if not Communism. It has been fighting for over 25 years against the Japanese, French and Americans and appears prepared to fight indefinitely."

The systems analysis study made it clear that middle-level officials in the Defense Department were willing to acknowledge privately what the top echelons of the Administration would not acknowledge publicly—that the Vietnam War was an indigenous civil war in which a nationalistic impulse was at least as strong a factor as Communism, if not stronger.

Enthoven's report "concentrated upon the 'unfortunate lack of analysis' in the MACV-JCS request (for more troops), one which failed to explain how the extra forces were needed to avoid defeat," the documents state.

Enthoven's conclusion was that the additional U.S. forces were not needed: "We should be looking for ways to ease the burden for the years ahead, rather than making the war more costly."

"As we divert resources from other national goals, as U.S. lives are lost, and as the electorate sees nothing but endless escalation for the future, an increasing fraction will become discouraged," the report of Enthoven's office said.

Enthoven followed up his office's report with a personal memorandum to Secretary McNamara on May 1, 1967.

"MACV-JCS offer no analysis to show that these extra forces are needed to avoid defeat, or even that they are likely to achieve any specific goal," he said.

"But I am concerned far less about this unfortunate lack of analysis than I am by the whole strategy which such a massive increase in combat forces must imply.

"Though the North Vietnamese are indeed Communists, we have come up against something more than just Marxism. We are facing the strongest political current in the world today: nationalism. That is the force which welds the North Vietnamese together, just as it does so many other peoples today."

Enthoven's memorandum was followed on May 19 by a draft of a proposed memorandum to President Johnson. The draft was prepared by Assistant Secretary McNaughton, but the Pentagon documents do not show whether it went to the President.

McNamara later assigned McNaughton to supervise the work of the 20 or 30 Pentagon officials who prepared the secret report on U.S. involvement in South Vietnam.

Mr. McNaughton, the report says, was deeply apprehensive about the U.S. strategy of pouring more and more ground combat forces into the war. The report quotes him as saying that this strategy was "a trap which had ensnared us."

"A feeling is widely and strongly held that 'the Establishment' is out of his mind," he wrote. "The feeling is that we are trying to impose some U.S. image on distant peoples we cannot understand (any more than we can the younger generation here at home) . . ."

The Joint Chiefs fought back on May 31 with a reply to McNaughton's proposed memorandum to the President.

"It was a sharply worded and strong reply, expressing strong objections to the basic orientation of the (McNaughton) paper as well as its specific recommendations and objectives," the Pentagon report says.

"The chiefs resented the implication of the (McNaughton memorandum) that Course A generally reflected their recommendations. They insisted that Course A as outlined (by McNaughton) was an extrapolation of a number of proposals which were recommended separately but not in concert or ever interpreted as a single course of action, as they were in the (McNaughton memo).

"The JCS categorically denied that the combination force levels, deployment and military actions of Course A accurately reflected the positions or recommendations of (Westmoreland; Adm. U.S. Grant Sharp, U.S. commander in the Pacific, or the Joint Chiefs)."

As defined in the McNaughton memorandum, Course A was to grant the full troop request submitted by Gen. Westmoreland—200,000 men.

The documents do not make clear why the Joint Chiefs of Staff on May 31 denied that they had supported the request for a maximum increase of 200,000 troops.

But the report points out that on April 20, the Joint Chiefs "formally reported to the Secretary of Defense that MACV required additional forces to achieve the objectives they considered the U.S. was pursuing in Vietnam."

McNaughton's memorandum discussed another possible response to the request for additional combat troops. He termed this Course B.

Under Course B, no more than 30,000 additional troops would be sent to South Vietnam, "thereby stabilizing the ground conflict within the borders of South Vietnam."

Course B called also for concentrating the U.S. bombing raids on North Vietnam on the infiltration routes south of the twentieth parallel. The Joint Chiefs took issue with this proposal.

"The (McNaughton memo) stresses a policy which would concentrate air operations in the North Vietnamese 'funnel' south of the twentieth parallel," the Joint Chiefs said on May 31.

"The concept of a 'funnel' is misleading, since in fact the Communists are supplying their forces in South Vietnam from all sides, through the demilitarized zone, Laos, the coast, Cambodia, and the rivers in the Delta," the JCS said.

"According to the (McNaughton memo), limiting the bombing to south of the twentieth parallel might result in increased negotiation opportunities with Hanoi. The Joint Chiefs of Staff consider that such a new self-imposed restraint would most likely have the opposite effect."

McNaughton's position on the bombing drew support from Walt W. Rostow, then national security assistant to President Johnson, Rostow was widely rated one of the most Hawkish hawks in the Johnson Administration.

In this instance, however, he rejected a policy of all-out bombing attacks on North Vietnam's major harbors and on the railroads between Hanoi and mainland China.

The Pentagon report cited an undated memorandum by Rostow and said it showed that he had little confidence that an all-out bombing policy would have an important effect on North Vietnam's war effort.

Rostow gave a more favorable assessment to the air strategy that was then being followed—attacks on Hanoi and Haiphong. He disagreed with the judgment of the Central Intelligence Agency that these raids were hardening the will of the North Vietnamese people.

But Rostow, according to the Pentagon report, gave his chief indorsement to McNaughton's recommendation for confining the bombing raids to the area between the seventeenth and twentieth parallels in the southern part of North Vietnam.

He said, according to the documents, that this would reduce losses of U.S. planes and pilots and would diminish the risk of retaliatory action by Russia and Communist China.

The twentieth-parallel bombing policy essentially was what President Johnson finally adopted in his March 31 speech.

Before the decision was made to give Gen. Westmoreland substantially less than he asked for, the civilian forces in the Pentagon got a helping hand from Under Secretary of State Nicholas Katzenbach and Assistant Secretary William P. Bundy, in charge of Far Eastern Affairs.

"Many observers are already reporting, and South Vietnamese performance appears to confirm, that the massive U.S. intervention has in fact had a significant adverse effect in that South Vietnamese tend to think that Uncle Sam will do their job for them," Bundy said in a memorandum June 2.

"If the ISA (McNaughton group) that proposed a stabilized ground strategy took heart from the Bundy memorandum, it was positively elated when the reply came from . . . Katzenbach," the Pentagon report states.

It says Katzenbach found some advantages in a 200,000-man increase in American ground forces in Vietnam, but listed far more disadvantages.

Among these, according to the report, were the possibility of counter-moves by Hanoi, divisive debate in Congress and the nation if reserves were called up, less incentive for South Vietnam to carry its share of the combat burden and the possibility that the U.S. troop increase eventually might reach 500,000 men, for a total of more than 1,000,000 American troops in Vietnam.

As 1967 drew to a close, Westmoreland wrote an optimistic end-of-the-year assessment observing that the enemy was "increasingly resorting to desperation tactics" and that his bases "are no longer safe havens." He said the Communists were losing control over large areas and population.

U.S. Resisted Peace in '63, Papers Show

WASHINGTON, July 1.—Pentagon documents show that United States strategists, fearing neutralist peace in Vietnam, worked harder in 1963 and 1964 to keep America in the war than to get out of it, the Washington Post reports today.

The Post had published two parts of a series based on the papers before the government attemped to block it. It resumes publication today with three more stories as a result of the Supreme Court ruling against the Government.

The documents, covering the changeover years of the Kennedy and Johnson Administrations, indicate a paramount concern that the United States might be humiliated by a forced withdrawal without victory, the Post says.

Policymakers in the period were pictured as being concerned that Vietnamese politicians opposed to escalation of the war might secretly negotiate for peace with North Vietnam or that pro-French South Vietnamese generals would agree to a neutralist end to the war.

However, President Lyndon B. Johnson repeatedly defined neutralization as "a Communists takeover," the Post says, and apparently considered it the greatest danger to his domestic and international objectives.

When the late French President Charles de Gaulle called for neutralization of South Vietnam as part of a plan to obtain for France a larger world role, the Johnson Administration reacted by digging in deeper to avoid what it considered a new double threat of American humiliation, the Post says.

Secretary of Defense Robert S. McNamara is quoted in a March 16, 1964, memorandum to President Johnson:

"While De Gaulle has not been clear on what he means by this neutralization—and is probably deliberately keeping it vague as he did in working toward an Algerian settlement—he clearly means not only a South Vietnam that would not be a Western base or part of an alliance structure (both of which he could accept) but also withdrawal of all external military assistance and specifically total U.S. withdrawal.

"To negotiate on this basis—indeed without specifically rejecting it—would simply mean a Communist take-over in South Vietnam. . . . Even talking about a U.S. withdrawal would undermine any chance of keeping a non-Communist government in South Vietnam, and the rug would probably be pulled before the negotiations had gone far."

The other options, as McNamara saw them, were direct military action against North Vietnam or lesser levels of expanded U.S. intervention in the war.

The documents relate, according to the Post, that President John F. Kennedy was being told in early 1962 he had not done enough and might have to commit U.S. troops to save South Vietnam.

A talk prepared by Gen. Lyman L. Lemnitzer, then chairman of the Joint Chiefs of Staff, for delivery to Kennedy at a Jan. 9 meeting refers to two 600-man battalions having completed training and another two battalions undergoing training.

A national security action memorandum dated nine days later said Kennedy had ordered establishment of a counterinsurgency group to aid friendly countries, including South Vietnam, Laos and Thailand.

Also, on Jan. 18, a Lemnitzer memorandum to another general stated: "Now a strong case can be made for increased direct participation by U.S. personnel in the planning and supervision of Vietnam counterinsurgency operations."

[From the St. Louis Post-Dispatch, July 1, 1971]

Text of Note on Proposed Boost in Troop Strength

Following is the text of a memorandum to Secretary of Defense Robert S. McNamara from Assistant Secretary of Defense Alain Enthoven, in charge of systems analysis. The memo, dated May 1, 1967, dealt with proposed increases in United States military forces in Southeast Asia.

MEMORANDUM FOR SECRETARY OF DEFENSE

Subject: Increase of SEA forces

MACV (editor's note: the U.S. military command in South Vietnam) has asked for a "minimum essential force" which would add 2⅓ divisions, 8 tactical fighter squadrons, and 85,000 personnel to Program 4. His "optimum force" would add 4⅔ divisions, 13 tactical fighter squadrons, and 200,000 personnel, for a total of 670,000 in SVN.

MACV/JCS offer no analysis to show that these extra forces are needed to avoid defeat, or even that they are likely to achieve any specific goal. But I am concerned far less about this unfortunate lack of analysis than I am by the whole strategy which such a massive increase in combat forces must imply.

Though the North Vietnamese are indeed communists, we have come up against something more than just Marxism. We are facing the strongest political current in the world today: nationalism. That is the force which welds the North Vietnamese together, just as it does so many other peoples today.

Having seen both the Japanese and the French come and go, the North Vietnamese are now fighting the United States. For their little country to triumph finally over the greatest nation the world has ever known would surely serve as the ultimate vindication of nationalism as a policy. Enticed by this goal, and hardened by 25 years of more-or-less continuous fighting, the North Vietnamese will, I fear, continue to endure great hardship. We have hurt them with our bombing, and we can hurt them more. But we can't hurt them so badly as to destroy their society or, more to the point, their hope, not only for regaining the material things they sacrifice today, but the whole of South Vietnam.

But how can they hope to beat this great nation? As MACV himself said before the Congress, the enemy "believes our Achilles heel is our resolve." They believe that public opinion in the United States will eventually force our retirement. And they could be right.

As for our own goals, I see only one way of establishing stability in Vietnam. We must match the nationalism we see in the North with an equally strong and patient one in the South. No matter what military success we may achieve, if we leave before that is done, there can be no stability, and we will have lost everything we have invested in South Vietnam. Indeed, we will jeopardize much of the general stability in the world which we bought at the price of the Korean War.

Therefore, I see this war as a race between, on the one hand, the development of a viable South Vietnam and, on the other, a gradual loss in public support, or even tolerance, for the war. Hanoi is betting that we'll lose public support in the United States before we can build a nation in South Vietnam. We must do what we can to make sure that doesn't happen. We must work on both problems together: slow the loss in public support; and speed the development of South

Vietnam. Our horse must cross the finish line first.

With regard to public support, some people feel we simply have no business being in this war, while others are just against all wars. We can't do much about that. But there are other factors influencing public support that we can control. Casualties are one. Diversion of the national wealth from badly needed domestic programs is another. But the biggest of all may well be escalation.

Since 1961, and particularly since 1965, the public has seen an apparently unending escalation of this war. This must have a strong psychological effect. There must be many who are more concerned about the unbroken upward movement of spending and casualty rates than they are about the current levels. Our escalation is designed to put pressure on the North Vietnamese. But they may be more resolved to withstand it than the United States electorate is. I believe that's the basis of Hanoi's strategy.

If MACV's additional forces are approved, our casualty rate may not rise, but our expenditure rate certainly will, and the ominous history of unending escalation will be maintained. That combination will reduce public support, and we will have even less time to develop a strong nation in the South.

With regard to developing that nation, more United States forces aren't going to solve the pacification problem. In spite of the Marines' ability to deny the Viet Cong control of an area, there were fewer people in the "Secured" category in I Corps at the end of 1966 than at the beginning. In Operation Fairfax, southwest of Saigon, the 3 U.S. battalions which were "temporarily" deployed with 3 ARVN battalions to secure the area were supposed to leave 2½ months ago. But they are still there, and will be for the foreseeable future. The kill rate per U.S. battalion-equivalent has been less than one V.C. per day and most of the V.C. infrastructure has evaded capture by moving out. Though the U.S. forces have made many friends (of unknown loyalty), the ARVN has made few and, in comparison with the Americans, the ARVN has lost prestige in the eyes of the populace, who are still worried that the V.C. may return.

Part of the reason for the ineffectiveness of the ARVN is a lack of supplies and support items, such as barbed wire, which the U.S. forces have in abundance. While more U.S. forces would bring more barbed wire, that's doing it the hard way. The pacification program depends instead, on better support for Vietnamese forces and a more energetic national Government. This program requires not only time and patience, but political and economic progress rather than military victories.

As we saw when Program 4 was approved, additional forces are a burden on the South Vietnamese economy. Inflation in the first 3 months of 1967 alone amounted to 20%. Even apart from the rice situation, prices rose 7%, or 28% on an annual basis. MACV is doing a good job in holding down piaster spending. It looks like the Program 4 forces will cost P41 billion in 1967, and MACV might be able to hold to P44 billion in 1968, even with increased forces. Nevertheless, the SVN economy is still far from sound, additional forces would mean slower progress, and the inflation would still hit hardest on the very civilian and military personnel on whom we must rely if pacification is ever to succeed.

Furthermore, if we continue to add forces and to Americanize the war, we will only erode whatever incentives the South Vietnamese people may now have to help themselves in this fight. Similarly, it would be a further sign to the South Vietnamese leaders that we will carry any load, regardless of their actions. That will not help us build a strong nation.

If you agree that more U.S. forces would speed the "horse" that is carrying public opinion toward rejection of the war, while slowing the "horse" carrying the development of a strong nation in the South, the only justification left would be to achieve other military objectives, of which I can imagine four:

1) To deter a Communist Chinese invasion. I see no sign of a change in Communist Chinese intentions. Were they to invade, they would face a formidable force already in place, and more available if needed, particularly with mobilization. Furthermore, I feel that the very nationalism which drives the North Vietnamese also inhibits them from calling in the same Chinese who have subjugated them in the past.

2) To prevent a military defeat in South Vietnam. I do not think there is danger of any significant military defeat, given the forces we have in place now. I have attached an appendix to this memorandum which shows that we already enjoy favorable force ratios.

3) To prevent terrorism. Though there is terrorism in South Vietnam now, I doubt that additional U.S. combat forces would significantly reduce it. This is a job for police-type forces, not maneuver battalions.

4) To raise VC/NVA losses to a level they cannot sustain. Presumably, this would be something above the weekly loss rate of 3,265 which the DIA/USIB estimate they can swallow indefinitely.

On the most optimistic basis, 200,000 more Americans would raise their weekly losses to about 3,700, or about 400 a week more than they could stand. In theory, we'd then wipe them out in 10 years. But to bank on that, you have to assume that (1) enemy losses are just proportional to friendly strength, and (2) that the unusually favorable kill ratio of the first quarter of 1967 will continue. However, if the kill ratio should be no better than the 1966 average, their losses would be about 2,100—less than two-thirds of their sustaining capability.

But even that figure is misleading. Losses just aren't directly related to the size of our force. Between the first and fourth quarters of 1966, our forces increased 23%, but their losses increased only 13%—little more than half as much.

Finally, the most important factor of all is that the enemy can control his losses within wide limits. The VC/NVA started the shooting in over 90% of the company-sized fire fights; over 80% began with a well-organized enemy attack. Since their losses rise (as in the first quarter of 1967) and fall (as they have done since) with their choice of whether or not to fight, they can probably hold their losses to about 2,000 a week regardless of our force levels. If, as I believe, their strategy is to wait us out, they will control their losses to a level low enough to be sustained indefinitely, but high enough to tempt us to increase our forces to the point of U.S. public rejection of the war.

In summary, I feel that adding more U.S. combat forces would be a step in the wrong direction. They are not needed for military security, and they could not force higher losses on the North Vietnamese. But they might play right into the hands of Hanoi by burdening the United States and increasing internal opposition to the war, while delaying the birth of the strong nation in the South which is our only hope of real stability. Therefore, I recommend the following:

1) Maintain the Program 4 ceiling.

2) Tell the electorate that, barring the unexpected, we'll stick with the present forces which are all we need, not only to stop the VC/NVA militarily, but also to exact a high price from Hanoi. Tell them that our "escalation" will now turn toward the building of a nation which will be strong enough to bring a natural stability to Vietnam so that we can leave for good.

3) Tell MACV to start making good analyses of his operations and feeding them back into his planning so that we can get more out of not only the U.S. and allied forces, but the ARVN as well.

4) Find ways to reduce costs for the long haul ahead. For example, cut back on the costly but ineffective bombing north of Route Package 4.

I know it's much easier to write down these recommendations than it is to get agreement on carrying them out. But I think we're up against an enemy who just may have found a dangerously clever strategy for licking the United States. Unless we recognize and counter it now, that strategy may become all too popular in the future.

HANOI AWAITED U.S. VOTE

Following are portions of the Pentagon's secret study of the Vietnam War including excerpts from a draft of a memorandum to President Lyndon B. Johnson from the late John T. McNaughton, then assistant secretary of defense in charge of international security affairs:

1. The McNaughton Draft Presidential Memorandum:

On 19 May, the memorandum on which McNaughton had been working was floated. It was a comprehensive document drawing upon the arguments developed in the Office of System Analysis as well as recent CIA studies and views both from the State Department and the White House on the bombing. The preamble to the basic document noted that it was written at a time when there appeared to be no attractive course of action. McNaughton stated that he believed that Hanoi had decided not to negotiate until the American electorate had been heard from in November of 1968. His appraisal of the current situation dwelled on the unpopular nature of the Vietnam war in the country. In his eyes it was becoming:

". . . increasingly unpopular as it escalates—causing more American casualties, more fear of its growing into a wider war, more privation of the domestic sector, and more distress at the amount of suffering being visited on the non-combatants in Vietnam, South and North. Most Americans do not know how we got where we are, and most without knowing why, but taking advantage of hindsight, are convinced that somehow we should not have gotten this deeply in. All want the war ended and expect their President to end it. Successfully, or else.

"This state of mind in the U.S. generates impatience in the political structure of the United States. It unfortunately also generates patience in Hanoi. (It is commonly supposed that Hanoi will not give anything away pending the trial of the US elections in November 1968.) 1)"

There is sufficient evidence that McNaughton's feelings about the war, and especially the increasing opposition to force increases in South Vietnam, ran much deeper than even the cogent arguments he had been making in the draft memorandum. In a memo for the Secretary of Defense written on 6 May after McNaughton had examined an earlier 5 May "Rough Draft," he described his apprehensions about the ground force strategy which he described as a "trap which had ensnared us," and which if unchecked might lead us to almost an irreversible ground force escalation for the next undetermined number of years. He wrote:

"I am afraid there is the fatal flaw in the strategy in the draft. It is that the strategy falls into the trap that has ensnared us for the past three years. It actually gives the troops while only praying for their proper use and for constructive diplomatic action. Limiting the present decision to an 80,000 add-on does the very important business of postponing the issue of a Reserve call-up (and all of its horrible baggage), but postpone it is all that it does—probably to a worse time, 1968. Providing the 80,000 troops is tantamount to acceding to the whole Westmoreland-Sharp request. This being the case, they will 'accept' the 80,000. But six months from now, in will come messages like the "470,000–570,000" messages, saying that the requirement remains at 201,000 (or more). Since no pressure will have been put on anyone, the military war will have gone on as before and no diplomatic progress will have been made. It follows that the 'philosophy" of the war should be fought out now so everyone will not be proceeding on their own major premises, and getting us in deeper and deeper; at the very least, the President should give General Westmoreland his limit (as President Truman did to General MacArthur). That is, if General Westmoreland is to get 550,000 men, he should be told 'that will be all, and we mean it.' ".

McNaughton was also very deeply concerned about the breadth and the intensity of public unrest and dissatisfaction with the war. To him the draft paper underplayed a bit the unpopularity of the conflict especially with young people, the underprivileged, the intelligentsia, and the women. He examined those lining up on both sides of an increasingly polarized public and he did not especially like what he saw:

"A feeling is widely and strongly held that "the Establishment" is out of its mind. The feeling is that we are trying to impose some US image on distant peoples we cannot understand (anymore than we can the younger generation here at home), and that we are carrying the thing to absurd lengths. Related to this feeling is the increased polarization that is taking place in the United States with seeds of the worst split in our people in more than a century. The King, Galbraith, etc., positions illustrate one nearpole; the Hebert and Rivers statements on May 5 about the need to disregard the First Amendment illustrates the other. In this connection, I fear that "natural selection" in this environment will lead the Administration itself to become more and more homogenized—Mac-Bundy, George Ball, Bill Moyers are gone. Who next?"

Finally, he quarrelled with the way in which the paper had dealt with the definition of "success." He felt that this definition was the major problem, that the draft had not properly grappled with the redefinition, since "winning" was what the strategy pursued by COMUSMACV tried to do. He suggested that as a matter of tactics maybe the President should figure it out himself, a point which tied in closely with an earlier one of his about getting the "philosophy of the war" straightened out and thereby avoiding another diplomatic default and military misuses of forces. 4)

McNaughton's review of the situation in South and North Vietnam stressed that the big war in the south between the United States and the North Vietnamese units seemed to be going well but that regrettably the "other war" against the VC was not going so well. In his words:

"The 'big war' in the South between the US and the North Vietnamese military units (NVA) is going well. We staved off military defeat in 1965; we gained the military initiative in 1966; and since then we have been hurting the enemy badly, spoiling some of his ability to strike. 'In the final analysis,' General Westmoreland said, 'we are fighting a war of attrition.' In that connection, the enemy has been losing between 1500 and 2000 killed-in-action a week, while we and the South Vietnamese have been losing 175 and 250 respectively. The VC–NVA 287,000-man order of battle is leveling off, and General Westmoreland believes that, as of March, we "reached the cross-over point"—we began attriting more men than Hanoi can recruit or infiltrate each month. The concentration of NVA forces across the Demilitarized Zone (DMZ) and the enemy use of long-range artillery are matters of concern. There are now four NVA divisions in the DMZ area. The men infiltrate directly across the western part of the plains to nibble at our forces, seeking to inflict heavy casualties, perhaps to stage a "spectacular" (perhaps against Quang Tri City or Hue), and/or to try a major thrust into the Western Highlands. They are forcing us to transfer some forces from elsewhere in Vietnam to the I Corps area.

"Throughout South Vietnam, supplies continue to flow in ample quantities, with Cambodia becoming more and more important as a supply base—now of food and medicines, perhaps ammunition later. The enemy retains the ability to initiate both large- and small-scale attacks. Small-scale attacks in the first quarter of 1967 are running at double the 1966 average, larger-scale attacks are again on the increase after falling off substantilly in 1966. Acts of terrorism and harassment have continued at about the same rate."

C. NORTH VIETNAM

"Hanoi's attitude towards negotiations has never been soft nor open-minded. Any concession on their part would involve an enormous loss of face. Whether or not the Polish and Burchett-Kosygin initiatives had much substance to them, it is clear that Hanoi's attitude currently is hard and rigid. They seem uninterested in a political settlement and determined to match U.S. military expansion of the conflict. This change probably reflects these factors: (1) increased assurances of help from the Soviets received during Pham Van Dong's April trip to Moscow; (2) arrangements providing for the unhindered passage of materiel from the Soviet Union through China; and (3) a decision to wait for the results of the U.S. elections in 1968. Hanoi appears to have concluded that she cannot secure her objectives at the conference table and has reaffirmed her strategy of seeking to erode our ability to remain in the South. The Hanoi leadership has apparently decided that it has no choice but to submit to the increased bombing. There continues to be no sign that the bombing has reduced Hanoi's will to resist or her ability to ship the necessary supplies south. Hanoi shows no signs of ending the large war and advising the VC to melt into the jungles. The North Vietnamese believe they are right; they consider the Ky regime to be puppets; they believe the world is with them and that the American public will not have staying power against them. Thus, although they may have factions in the regime favoring different approaches, they believe that, in the long run, they are stronger than we are for the purpose. They probably do not want to make significant concessions, and could not do so without serious loss of face. 5)"

He then analyzed two alternative military courses of action which he labeled "A" and "B." In Course A the full troop requirement request from COMUSMACV was to be honored, and subsequent military actions intensified not only in the south, but especially in the north. This program consisted of an addition of the minimum of 200,000 men; 100,000 in the 2⅓ division "minimum essential" force in FY 68 and another 100,000 in FY 69, with possibly more later to fulfill the JCS ultimate requirement for Vietnam and associated worldwide contingencies. Course B proposed limiting the force increases to no more than 30,000 thereby stabilizing the ground conflict within the borders of South Vietnam and concommitantly concentrating the bombing on the infiltration routes south of the 20th paralel. He analyzed the two courses of action in the following terms.

"COURSE A would be chosen with a view to bringing additional military pressure to bear on the enemy in the South while continuing to carry out our present missions not directly related to combating enemy mainforce units. It would involve accepting the risk—the virtual certainty—that the action especially the Reserve call-up, would stimulate irresistible pressures in the United States for further escalation against North Vietnam, and for ground actions against 'sanctuaries' in Cambodia and Laos."

RATIONALE

"Proponents of the added deployments in the South believe that such deployments will hasten the end of the war. None of them believes that the added forces are needed to avoid defeat; few of them believe that the added forces are required to do the military job in due course; all of the proponents believe that they are needed if that job is to be done faster. The argument is that we avoided military defeat in 1965; that we gained the military initiative in 1966, since then hurting the enemy badly, spoiling much of his ability to strike, and thus diminishing the power he could project over the population; and that even more-vigorous military initiative against his main forces and base areas will hurt him more, spoil his efforts more, and diminish his projected power more than would be the case under presently approved force-deployment levels. This, the argument goes, will more readily create an environment in South Vietnam in which our pacification efforts can take root and thrive; at the same time—because of our progress in the South and because of the large enemy losses—it will more rapidly produce a state of mind in Hanoi conducive to ending the war on reasonable terms.

"Estimates by the proponents vary as to how long the job will take without, and with, the additional forces. General Westmoreland has said that without the additions the war could go on five years. He has said that with 100,000 more men, the war could go on for three years and that with 200,000 more men it could go on for two. These estimates are after taking account on his view that the introduction of a nonprofessional force, such as that which would result from fulfilling the requirement by calling Reserves, would cause some degradation of morale, leadership and effectiveness."

QUESTIONS TO BE ANSWERED

"Addressing the force additions alone: We should expect no serious objections based on internal South Vietnamese reasons (the 44-billion piastre inflationary impact can probably be handled, and anti-Americanism is not likely to increase significantly); nor are dangerous reactions likely to come from the USSR, East Europe, or from the non-Communist nations of the world. The questions that must be answered are:

"(1) Will the move to call up 200,000 Reserves, to extend enlistments, and to enlarge the uniformed strength by 500,000 (300,000 beyond the Reserves), combined with the increased US large initiative, polarize opinion to the extent that the 'doves' in the US will get out of hand—massive refusals to serve, or to fight, or to cooperate, or worse?

(2) Can we achieve the same military effect by making more efficient use of presently approved U.S. manpower (e.g., by removing them from the Delta, by stopping their being used for pacification work in I Corps, by transferring some combat and logistics jobs to Vietnamese or additional third-country personnel)?

(3) Assuming no specific enemy counter-deployments, are the added U.S. forces likely to make a meaningful military difference? (On the one hand, if we are now "past the crossover point," cannot the military job be done without the added forces? On the other, if the enemy can conduct his terror "from the bushes," can the military job be done even with them?)

(4) Will the effect of any U.S. additions be neutralized, or stalemated, by specific enemy counter-deployments involving more forces from North Vietnam (and perhaps introduction of more Chinese in North Vietnam and Chinese and other "volunteers" into South Vietnam)?

(5) Will the factors mentioned in (1) above generate such impatience in the United States that "hawk" pressures will be irresistible to expand the land war into Laos, Cambodia and North Vietnam and to take stronger air and naval actions against North Vietnam, with consequent risks of a much larger war involving China and Russia and of even more dove-hawk polarization at home and abroad?

The answer to Question 1 (regarding "dove" reaction), we believe, is a qualified no. Barring escalation of the "external" war discussed under Question 5, we believe that increased forces will not lead to massive civil disobedience. However, a request for Congressional authority to call Reserves would lead to divisive debate.

"Question 2 (relating to more efficient use of U.S. forces) is an important one, but its answer, even if most favorable, is not likely to free-up enough personnel to satisfy a 200,000-man request. It is true that one of the additional divisions could be eliminated if the U.S. Army eschewed the Delta, and certain of the other ground-force requirements could be eliminated if the U.S. Marines ceased grass-roots pacification activities. Additional fractions might be trimmed if the ARVN (whose uninspired performance is exasperating) were jacked up, if the Koreans provided more combat or usable logistics personnel, or if other third-country forces were forthcoming. Efforts along this line should be made, but the items that prove out will not go nearly as far as the 200,000 request.

"Questions 3 and 4 (relating to the value of additional U.S. forces and possible enemy action to offset them) are very difficult ones and can be treated together. In December 1965, when the U.S. had 175,000 men in Vietnam, I reported that 'the odds are even that, even with the recommended deployments, we will be faced in early 1967 with a military standoff at a much higher level. . . .' In October 1966, when our deployments had reached 325,000, I pointed out that that was substantially the case and that 'I see no reasonable way to bring the war to an end soon.' That remains true today. With respect to Question 3, this is because the enemy has us 'stalemated' and has the capability to tailor his actions to his supplies and manpower and, by hit-and-run terror, to make government and pacification very difficult in large parts of the country almost without regard to the size of U.S. forces there; and, with respect to Question 4, because the enemy can and almost certainly will maintain the military 'stalemate' by matching our added deployments as necessary. (General Westmoreland has made the point that 'this war is action and counteraction; any time we take an action, we can expect a reaction.' He added, 'It is likely the enemy will react by adding troops.') In any event, there is no suggestion that the added deployments will end the war in less than two years and no assurance that they will end it in three, or five years.

"Question 5 (regarding irresistible pressures to expand the war) is the toughest one

"The addition of the 200,000 men, involving as it does a call-up of Reserves and an addition of 500,000 to the military strength, would, as mentioned above, almost certainly set off bitter Congressional debate and irresistible domestic pressures for stronger action outside South Vietnam. Cries would go up—much louder than they already have—to 'take the wraps off the men in the field.' The actions would include more intense bombing—not only around-the-clock bombing of targets already authorized, but also bombing of strategic targets such as locks and dikes, and mining of the harbors against Soviet and other ships. Associated actions impelled by the situation would be major ground actions in Laos, Cambodia, and probably in North Vietnam—first as a pincer operation north of the DMZ and then at a point such as Vinh. The use of tactical nuclear and area-denial radiological-bacteriological-chemical weapons would probably be suggested at some point if the Chinese entered the war in Vietnam or Korea or if U.S. losses were running high while conventional efforts were not producing desired results."

BOMBING PURPOSES AND PAYOFFS

"Our bombing of North Vietnam was designed to serve three purposes:

"(1) To retaliate and to lift the morale of the people in the South who were being attacked by agents of the North.

"(2) To add to the pressure on Hanoi to end the war.

"(3) To reduce the flow and or to increase the cost of infiltrating men and materiel from North to South.

"We cannot ignore that a limitation on bombing will cause serious psychological problems among the men, officers and commanders, who will not be able to understand why we should withhold punishment from the enemy. General Westmoreland said that he is 'frankly dismayed at even the thought of stopping the bombing program.' But this reason for attacking North Vietnam must be scrutinized carefully. We should not bomb for punitive reasons if it serves no other purpose—especially if analysis shows that the actions may be counter-productive. It costs American lives; it creates a backfire of revulsion and opposition by killing civilians; it creates serious risks; it may harden the enemy.

"With respect to added pressure on the North, it is becoming apparent that Hanoi may already have 'written off' all assets and lives that might be destroyed by U.S. military actions short of occupation or annihilation. They can and will hold out at least so long as a prospect of winning 'the war of attrition' in the South exists. And our best judgment is that a Hanoi prerequisite to negotiations is significant retrenchment (if not complete stoppage) of U.S. military actions against them—at the least, a cessation of bombing. In this connection, Consul-General Rice (Hong Kong 7581, 5-1-67) said that, in his opinion, we cannot by bombing reach the critical level of pain in North Vietnam and that, 'below that level, pain only increases the will to fight.' Sir Robert Thompson said to Mr. Vance on April 28 that our bombing, particularly in the Red River Delta, is unifying North Vietnam."

"With respect to interdiction of men and materiel, it now appears that no combination of actions against the North short of destruction of the regime or occupation of North Vietnamese territory will physically reduce the flow of men and material below the relatively small amount needed by enemy forces to continue the war in the South. Our effort can and does have severe disruptive effects, which Hanoi can and does compensate for by the reallocation of manpower and other resources; and our effort can and does have sporadic retarding effects, which Hanoi can and does plan on and pre-stock against. Our efforts physically to cut the flow meaningfully by actions in North Vietnam therefore largely fail and, in failing, transmute attempted interdiction into pain, or pressure on the North (the factor discussed in the paragraph next above). The lowest ceiling on infiltration can probably be achieved by concentration on the North Vietnamese 'funnel' south of 20 degrees and on the Trail in Laos.

"But what if the above analyses are wrong? Why not escalate the bombing and mine the harbors (and perhaps occupy southern North Vietnam)—on the gamble that it would constrict the flow, meaningfully limiting enemy action in the South, and that it would bend Hanoi? The answer is that the costs and risks of the actions must be considered.

"The primary costs of course are US lives: The air campaign against heavily defended areas costs us one pilot in every 40 sorties. In addition, an important but hard-to-measure cost is domestic and world opinion: There may be a limit beyond which many Americans and much of the world will not permit the United States to go. The picture of the world's greatest superpower killing or seriously injuring 1000 non-combatants a week, while trying to pound a tiny backward nation into submission on an issue whose merits are hotly disputed, is not a pretty one. It could conceivably produce a costly distortion in the American national consciousness and in the world image of the United States—especially if the damage to North Vietnam is complete enough to be 'successful.'

"The most important risk, however, is the likely Soviet, Chinese and North Vietnamese reaction to intensified U.S. air attacks, harbor-mining, and ground actions against North Vietnam."

LIKELY COMMUNIST REACTIONS

"At the present time, no actions—except air strikes and artillery fire necessary to quiet hostile batteries across the border—are allowed against Cambodian territory. In Laos, we average 5000 attack sorties a month against the infiltration routes and base areas, we fire artillery from South Vietnam against targets in Laos, and we will be providing 3-man leaders for each of 20 12-man US-Vietnamese Special Forces teams that operate to a depth of 20 kilometers into Laos. Against North Vietnam, we average 8,000 or more attack sorties a month against all worthwhile fixed and LOC targets; we use artillery against ground targets across the DMZ; we fire from naval vessels at targets ashore and afloat up to 19 degrees, and we mine their inland waterways, estuaries and coastal waters up to 20 degrees.

"Intensified air attacks against the same types of targets, we would anticipate, would lead to no great change in the policies and reactions of the Communist powers beyond the furnishing of some new equipment and manpower.[*] China, for example, has not reacted to our striking MIG fields in North Vietnam, and we do not expect them to, although there are some signs of greater Chinese participation in North Vietnamese air defense.

"Mining the harbors would be much more serious. It would place Moscow in a particularly galling dilemma as to how to preserve the Soviet position and prestige in such a disadvantageous place. The Soviets might, but probably would not, force a confrontation in Southeast Asia—where even with minesweepers they would be at as great a military disadvantage as we were when they blocked the corridor to Berlin in 1961, but where their vital interest, unlike ours in Berlin (and in Cuba), is not so clearly at stake. Moscow in this case should be expected to send volunteers, including pilots, to North Vietnam; to provide some new and better weapons and equipment; to consider some action in Korea, Turkey, Iran, the Middle East or, most likely, Berlin, where the Soviets can control the degree of crisis better; and to show across-the-board hostility toward the US (interrupting any on-going conversations on ABMs, non-proliferation, etc.). China could be expected to seize upon the harbor-mining as the opportunity to reduce Soviet political influence in Hanoi and to discredit the USSR if the Soviets took no military action to open the ports. Peking might read the harbor-mining as indicating that the US was going to apply military pressure until North Vietnam capitulated, and that this meant an eventual invasion. If so, China might decide to intervene in the war with combat troops and air power, to which we would eventually have to respond by bombing Chinese airfields and perhaps other targets as well. Hanoi would tighten belts, refuse to talk, and persevere—as it could without too much difficulty. North Vietnam would of course be fully dependent for supplies on China's will, and Soviet influence in Hanoi would therefore be reduced. (Ambassador Sullivan feels very strongly that it would be a serious mistake, by our actions against the port, to tip Hanoi away from Moscow and toward Peking.)

---

[*] The U.S. Intelligence Board on May 5 said that Hanoi may press Moscow for additional equipment and that there is a "good chance that under pressure the Soviets would provide such weapons as cruise missiles and tactical rockets" in addition to a limited number of volunteers or crews for aircraft or sophisticated equipment. Moscow, with respect to equipment, might provide better surface-to-air missiles, better anti-aircraft guns, the YAK-28 aircraft, anti-tank missiles and artillery, heavier artillery and mortars, coastal defense missiles with 25-50 mile ranges and 2200-pound warheads, KOMAR guided-missile coastal patrol boats with 20-mile surface-to-surface missiles, and some chemical munitions. She might consider sending medium jet bombers and fighter bombers to pose a threat to all South Vietnam.

"To US ground actions in North Vietnam, we would expect China to respond by entering the war with both ground and air forces. The Soviet Union could be expected in these circumstances to take all actions listed above under the lesser provocations and to generate a serious confrontation with the United States at one or more places of her own choosing.

"Ground actions in Laos are similarly unwise. LeDuan, Hanoi's third- or fourth-ranking leader, has stated the truth when he said 'the occupation of the Western Highlands is a tough job but the attack on central and lower Laos is a still tougher one. If a small force is used, the problem remains insoluble. The US may face a series of difficulties in the military, political and logistic fields if a larger force goes into operation. In effect, an attack on central and lower Laos would mean the opening of another, front nearer to North Vietnam, and then the US troops would have to clash with the North Vietnamese main force.' In essence, a brigade will beget a division and a division a corps, each calling down matching forces from North Vietnam into territory to their liking and suggesting to Hanoi that they take action in Northern Laos to suck us further in. We would simply have a wider war, with Souvanna back in Paris, world opinion against us, and no solution either to the wider war or to the one we already have in Vietnam.

"These are the likely costs and risks of COURSE A. They are, we believe, both unacceptable and unnecessary. Ground action in North Vietnam, because of its escalatory potential, is clearly unwise despite the open invitation and temptation posed by enemy troops operating freely back and forth across the DMZ. Yet we believe that, short of threatening and perhaps toppling the Hanoi regime itself, pressure against the North will, if anything, harden Hanoi's unwillingness to talk and her settlement terms if she does. China, we believe, will oppose settlement throughout. We believe that there is a chance that the Soviets, at the brink, will exert efforts to bring about peace; but we believe also that intensified bombing and harbor-mining, even if coupled with political pressure from Moscow, will neither bring Hanoi to negotiate nor affect North Vietnam's terms."

B. ANALYSIS OF COURSE B

"As of March 18, 1967, the approved US Force Structure (Program 4) for Southeast Asia provided for 87 maneuver battalions, 42 air squadrons, and a total strength of 468,000 men. Based on current forecasts of enemy strength, under COURSE B it should not be necessary to approve now for deployment more than 9 of the 24 available maneuver battalions and one of the air squadrons—a total of approximately 30,000 men including appropriate land and sea support forces (see Attachment III).

"This approach would be based, first, on General Westmoreland's statement that 'without (his requested) forces, we will not be in danger of being defeated . . . but progress will be slowed down,' and General Wheeler's support of that view. General Wheeler added, 'We won't lose the war, but it will be a longer one.' It would be based, second, on the fact that no one argues that the added forces will probably cause the war to end in less than two years. COURSE B implies a conviction that neither military defeat nor military victory is in the cards, with or without the large added deployments, and that the price of the large added deployments and the strategy of COURSE A will be to expand the war dangerously. COURSE B is designed to improve negotiating environment within a limited deployment of US forces by combining continuous attacks against VC/NVA main force units with slow improvements in pacification (which may follow the new constitution, the national reconciliation, our added efforts and the Vietnamese election this fall) and a restrained program of action against the North.

"This alternative would give General Westmoreland 96 maneuver battalions—an 85 per cent increase in combat force over the 52 battalions that he had in Vietnam in June of last year, and 22 per cent more than the 79 we had there at the beginning of this year. According to this report, we have already passed the 'cross-over point,' where the enemy's losses exceed his additions; we will soon have in Vietnam 200,000 more U.S. troops than there are in enemy main force units. We should therefore, without added deployments, be able to maintain the military initiative, especially if U.S. troops in less-essential missions (such as in the Delta and in pacification duty)* are considered strategic reserves.

"The strategy or proponents of COURSE B is based on their belief that we are in a military situation that cannot be changed materially by expanding our military effort, that the politico-pacification situation in South Vietnam will improve but not fast, and that (in view of all this) Hanoi will not capitulate soon. An aspect of the strategy is a "cool" drive to settle the war—a deliberate process on three fronts: Large unit, politico-pacification, and diplomatic. Its approach on the large-unit front is to maintain the initiative that "Program 4-plus" forces will permit, to move on with pacification efforts and with the national election in September, and to lay the groundwork by periodic peace probes, perhaps suggesting secret talks associated with limitation of bombing and with a view to finding a compromise involving, inter alia, a role in the South for members of the VC.

"This alternative would not involve U.S. or Vietnamese forces in any numbers in Laos or Cambodia, and definitely not in North Vietnam. Since the U.S. Reserves would still be untapped, they would still be available for use later in Asia, or elsewhere, if it became necessary."

BOMBING PROGRAM

"The bombing program that would be a part of this strategy is, basicaly, a program of concentration of effort on the infiltration routes near the south of North Vietnam. The major infiltration-related targets in the Red River basin having been destroyed, such interdiction is now best served by concentration of all effort in the southern neck of North Vietnam. All of the sorties would be flown in the area between 17 degrees and 20 degrees. This shift, despite possible increases in antiaircraft capability in the area, should reduce the pilot and aircraft loss rates by more than 50 per cent. The shift will, if anything, be of positive military value to General Westmoreland while taking some steam out of the popualr effort in the North.

"The above shift of bombing strategy, now that almost all major targets have been struck in the Red River basin, can to military advantage be made at any time. It should not be done for the sole purpose of getting Hanoi to negotiate, although that might be a bonus effect. To maximize the chances of getting that bonus effect, the optimum scenario would probably be (1) to inform the Soviets quietly that within a few days the shift would take place, setting no time limits but making no promises not to return to the Red River basin to attack targets which later acquire military importance (any deal with Hanoi is likely to be midwifed by Moscow); (2) to make the shift as predicted, without fanfare; and (3) to explain publicly, when the shift had become obvious, that the northern targets had been destroyed, that that had been militarily important, and that there would be no need to return to the northern areas unless military necessity dictated it. The shift should not be huckstered. Moscow would almost certainly pass its information on to Hanoi, and might urge Hanoi to seize the opportunity to de-escalate the war by talks or otherwise. Hanoi, not having been asked a question by us and having no ultimatum-like time limit, would be in a better posture to answer favorably than has been the case in the past. The military side of the shift is sound, however whether or not the diplomatic spill-over is successful. 6)"

McNaughton concluded his case against force level increases by proposing a time-phased "suggested strategy":

"(1) Now: Not to panic because of a belief that Hanoi must be made to capitulate before the 1968 elections. No one's proposal achieves that end.

"(2) Now: Press on energetically with the military, pacification and political programs in the South, including groundwork for successful elections in September. Drive hard to increase the productivity of Vietnamese military forces.

"(3) Now: Issue a NSAM nailing down U.S. policy as described herein. Thereafter, publicly, (a) emphasize consistently that the sole US objective in Vietnam has been and is to permit the people of South Vietnam to determine their own future, and (b) declare that we have already either denied or offset the North Vietnamese intervention and that after the September elections in Vietnam we will have achieved success. The necessary steps having been taken to deny the North the ability to take over South Vietnam and an elected government sitting in Saigon, the South will be in position, albeit imperfect, to start the business of producing a full-spectrum government in South Vietnam.

---

*General Wheeler has explained where the first 2⅓ divisions would go: "One on the DMZ to relieve the Marines to work with ARVN on pacification; one east of Saigon to relieve the 9th Division to deploy to the Delta to increase the effectiveness of the three good ARVN divisions now there; the brigade to Quang Ngai to make there the progress in pacification in the next year that we have made in Binh Dinh in the past year." Thus the bulk of the first 100,000 men are for pacification and for the Delta. General Westmoreland said regarding the Delta, "in the fourth Corps, there is no threat of strategic VC victories and there are three good ARVN divisions there." The question arises whether U.S. combat troops should be devoted to pacification or to the Delta. Are these not matters for the Vietnamese? The Delta may be a test case of the proposed strategy. It is normally stated that "in order to win in Vietnam we must win in the Delta where the people are." This obviously implies that Saigon's writ must run throughout the Delta. But two facts appear: (1) The Delta is a fairly active VC area, in which a moderately high level of State II guerrilla warfare tactics are pursued; and (2) the VC effort is primarily indigenous (that is, the North Vietnamese Main Force units play almost no role). If our "success" objective is solely to check or offset North Vietnam's forceful intervention in the South, we are in that position already in the Delta! Must we go further and do the job for the South Vietnamese? What kind of a deal could the contending forces cut in the Delta?

"(4) June: Concentrate the bombing of North Vietnam on physical interdiction of men and materiel. This would mean terminating, except where the interdiction objective clearly indicates otherwise, all bombing north of 20 degrees and improving interdiction as much as possible in the infiltration 'funnel' south of 20 degrees by concentration of sorties and by an all-out effort to improve detection devices, denial weapons, and interdiction tactics.

"(5) July: Avoid the explosive Congressional debate and US Reserve call-up implicit in the Westmoreland troop request. Decide that, unless the military situation worsens dramatically, US deployments will be limited to Program 4-plus (which, according to General Westmoreland, will not put us in danger of being defeated, but will mean slow progress in the South). Associated with this decision are decisions not to use large numbers of US troops in the Delta and not to use large numbers of them in grass-roots pacification work.

"(6) September. Move the newly elected Saigon government well beyond its National Reconciliation program to seek a political settlement with the non-Communist members of the NLF—to explore a ceasefire and to reach an accommodation with the non-Communist South Vietnamese who are under the VC banner; to accept them as members of an opposition political party, and, if necessary, to accept their individual participation in the national government—in sum, a settlement to transform the members of the VC from military opponents to political opponents.

"(7) October: Explain the situation to the Canadians, Indians, British, UN and others, as well as nations now contributing forces, requesting them to contribute border forces to help make the inside-South Vietnam accommodation possible, and—consistent with our desire neither to occupy nor to have bases in Vietnam—offering to remove later an equivalent number of US forces. (This initiative is worth taking despite its slim chance of success.)."

His closing paragraph repeated his belief that it had to be made clear to political and military leaders alike that the troop limit as imposed by Course B which he recommended was firm and short of an imminent military defeat would not be breached. Westmoreland and the JCS had to be persuaded that the objective was not to attain 'victory' but to make progress, albeit slow, without the risks attendant to Course A. He acknowledged that it would not be easy for the President to stick at 550,000 troops in South Vietnam or to limit the bombing program to targets south of the 20th parallel, but that it would be possible, and that in his estimation the benefits of such a course of action far outweighed the political risks which Course A included. 7)

From the standpoint of ground forces strategy, what McNaughton was really, it appears, saying was that we should make a decision to basically set our objectives within a time frame geared to South Vietnamese Army and South Vietnamese government progress, and that in doing so our own troops in approximately the current strengths could be devoted to providing the shield while the government of South Vietnam provided the shelter and performed the vital pacification function. As he noted, associated in the decision was the very conscious determination not to use large numbers of U.S. troops in the delta and not to use large numbers of them in what he called "grass roots pacification work," the two justifications most frequently used to support requests for additional troops. The appraisal, as well as the alternative military courses of action and their analyses contained in this document provided the catalyst for the subsequent and final decisions on Program 5.

Chiefs Cite Five Major Areas of Concern

Extracts from the secret Pentagon papers on U.S. involvement in the Vietnam War, including excerpts from a memorandum by the Joint Chiefs of Staff on May 31, 1967, replying to McNaughton's draft memorandum to the President:

On the last day of May, the Joint Chiefs of Staff replied to the 19 May Draft Presidential Memorandum prepared by McNaughton. It was a sharply worded and strong reply, expressing strong objections to the basic orientation of the paper as well as its specific recommendations and objectives. The Chiefs resented the implication of the DPM that Course A generally reflected their recommendations. They insisted that Course A as outlined in the DPM was an extrapolation of a number of proposals which were recommended separately but not in concert or ever interpreted as a single course of action as they were in the DPM. The JCS categorically denied that the combination force levels, deployments, and military actions of Course A accurately reflected the positions or recommendations of CONUSMACV, CINCPAC or the Joint Chiefs. They stated that the positions of the Joint Chiefs of Staff which provide a better basis against which to compare other alternatives were already set forth in JCSM 218–67, JCSM 286–67 and JCSM 288–67.

There were five major areas of concern detailed in the JCSM: objectives, military strategy in operations, military strategy for air and naval war, the domestic attitude and predicted reactions in the international attitude and reaction. Reference objectives, the preferred course of action in the Draft Presidential Memorandum, Course B, was not considered by the military heads to be "consistent with NSAM 288 or with the explicit public statements of U.S. policy and objectives." In the eyes of the Joint Staff:

"The DPM would, in effect, limit US objectives to merely guaranteeing the South Vietnamese the right to determine their own future on the one hand and offsetting the effect of North Vietnam's application of force in South Vietnam on the other. The United States would remain committed to these two objectives only so long as the South Vietnamese continue to help themselves. It is also noted that the DPM contains no statement of military objectives to be achieved and that current US national, military, and political objectives are far more comprehensive and far-reaching. Thus:

"a. The DPM fails to appreciate the full implications for the Free World of failure to achieve a successful resolution of the conflict in Southeast Asia.

"b. Modification of present US objectives, as called for in the DPM, would undermine and no longer provide a complete rationale for our presence in South Vietnam or much of our effort over the past two years.

"c. The positions of the more than 35 nations supporting the Government of Vietnam might be rendered untenable by such drastic changes in US policy 22."

The strategy proposed in the Draft Presidential memorandum which the Chiefs characterized as "making do" was not acceptable either:

"Military Strategy and Operations (Other than Air-Naval Operations in the North). The DPM favors Course B with inadequate analysis of its implications for conduct of the war in Vietnam. The strategy embodied in this alternative—largely designed to "make do" with military resources currently approved for Southeast Asia—would not permit early termination of hostilities on terms acceptable to the United States, supporting Free World nations, and the Government of Vietnam. The force structure envisaged provides little capability for initiative action and insufficient resources to maintain momentum required for expeditious prosecution of the war. Further, this approach would result in a significant downgrading of the Revolutionary Development Program considered so essential to the realization of our goals in Vietnam. It would also result in the abandonment of the important delta region on the basis of its being primarily a problem for the Republic of Vietnam to solve without additional external assistance. 23)"

There was little more agreement expressed about the bombing, about the domestic attitude or the international attitude:

"Military Strategy for Air-Naval War in the North. The DPM stresses a policy which would concentrate air operations in the North Vietnamese "funnel" south of 20 degrees. The concept of a "funnel" is misleading, since in fact the communists are supplying their forces in South Vietnam from all sides, through the demilitarized zone, Laos, the coast, Cambodia, and the rivers in the Delta. According to the DPM, limiting the bombing to south of 20 degrees might result in increased negotation opportunities with Hanoi. The Joint Chiefs of Staff consider that such a new self-imposed restraint resulting from this major change in strategy would most likely have the opposite effect. The relative immunity granted to the LOCs and distribution system outside the Panhandle would permit: (a) a rapid recovery from the damage sustained to date; (b) an increase in movement capability; (c) a reduced requirement for total supplies in the pipeline; (d) a concentration of air defenses into the Panhandle; and (e) a release of personnel and equipment for increased efforts in infiltration of South Vietnam. Also, it would relieve the Hanoi leadership from experiencing at first hand the pressures of recent air operations which foreign observers have reported. Any possible political advantages gained by confining our interdiction campaign to the Panhandle would be offset decisively by allowing North Vietnam to continue an unobstructed importation of war material. Further, it is believed that such a drastic reduction in the scale of air operations against North Vietnam could only result in the strengthening of the enemy's resolve to continue the war. We doubt the reduction in scope of air operations would also be considered by many as a weakening of US determination and a North Vietnamese victory in the air war over northern North Vietnam. The combination of reduced military pressures against North Vietnam with stringent limitations of our operations in South Vietnam, as suggested in Course B, appears even more questionable conceptually. It would most likely strengthen the enemy's ultimate hope of victory and lead to a redoubling of his efforts. (Ssee Part III, Appendix A, for additional comments.)

"Domestic Attitude and Predicted Reactions. The DPM presents an assessment of US public attitude and assumed reactions to several occurrences. Its orientation is toward the risks involved in Course A. The difficulty of making accurate judgments in the area of public response is acknowledged, and the Joint Chiefs of Staff concede that their appraisal is subject to the same degree of uncertainty that is inherent in the DPM. Nevertheless, they are unable to find due cause for the degree of pessimism expressed in the DPM. The Joint Chiefs of Staff firmly believe that the American people, when well informed about the issues at stake, expect their Government to uphold its commitments. History illustrates that they will, in turn, support their Government in its necessary actions. The Joint Chiefs of Staff believe that there is no significant sentiment for peace at any price. They believe also that despite some predictable debate a Reserve callup would be willingly accepted, and there would be no "irresistible" drive from any quarter for unnecessary escalation of the conflict. (See Part IV, Appendix A, for additional comments.)

"International Attitude and Predicted Reaction. There are several inconsistencies between the DPM and the published intelligence estimates. For example, from these intelligence estimates, there is no evidence that Hanoi is prepared to shun negotiation, regardless of the pressure brought to bear, until after the US elections. Also, it is estimated that US prestige will not decline appreciably if prompt military action is taken to bring the conflict to an early close. In the long term, US prestige would probably rise. The effect of signs of US irresolution on allies in Southeast Asia and other friendly countries threatened by communist insurgency could be most damaging to the credibility of US commitments. The DPM contains the view that there is strong likelihood of a confrontation between the United States and the CHICOMs or the USSR, as a result of intensification of air and naval operations against North Vietnam and-or a major increase in US forces in South Vietnam. Intelligence estimates do not support this contention. (See Part V, Appendix A, for additional comments.) 24)"

Summarizing, the Chiefs explained that the divergencies between the DPM and the stated policies, objectives and concepts were individually important and in their eyes, reasons for concern. However, as they viewed them collectively, an "alarming pattern" emerged which suggested a major realignment of U.S. objectives and intentions in Southeast Asia. The Joint Chiefs stated that they were not aware of any decision to retract the policies and objectives which had been affirmed by responsible officials many times in recent years (apparently stemming back to NSAM 288). In their view the DPM lacked adequate foundation for further consideration. Their conclusions were strong, namely that the DPM "did not support current U.S. national policy objectives in Vietnam and should not be considered further" and "there is no basis for change in their views in the major issues in the DPM," and that "these views were adequately stated in recent memorandums and reinforced herein." Implementation of Course B in the estimation of the joint body would serve to prolong the conflict, reinforce Hanoi's belief in ultimate victory, and probably add greatly to the ultimate cost in U.S. lives and treasure.

The Joint Chiefs recommended that:

a. The DPM NOT be forwarded to the President.

b. The U.S. national objective as expressed in NSAM 288 be maintained, and the national policy and objectives for Vietnam as publicly stated by U.S. officials be reaffirmed.

c. The military objective, concept, and strategy for the conduct of the war in Vietnam as stated in JCSM-218-67 be approved by the Secretary of Defense, 25)."

"SOUTH VIETNAMESE HAVE TO DO THE JOB THEMSELVES"

Excerpts from a memorandum by Assistant Secretary of State William P. Bundy, in charge of Far Eastern Affairs. The comments accompanying the excerpts are by the Defense Department analysts who wrote the secret Pentagon report on the Vietnam War. The Bundy memorandum was dated June 2. 1967:

The first detailed feedback from the circulation of the 19 May McNaughton Draft Presidential Memorandum came from William P. Bundy on 2 June when he wrote an incisive and highly perceptive memorandum which argued that the "gut" point in Vietnam was not necessarily the military effect of our bombing or the major force increases and all the rest, but the effect that they had on the South Vietnamese. He wrote:

"If we can get a reasonably solid GVN political structure and GVN performance at all levels, favorable trends could become really marked over the next 18 months, the war will be won for practical purposes at some point, and the resulting peace will be secured. On the other hand, if we do not get these results from the GVN and the South Vietnamese people, no amount of US effort will achieve our basic objective in South Viet-Nam—a return to the essential provisions of the Geneva Accords of 1954 and a reasonably stable peace for many years based on these Accords. . . .

"It follows that perhaps the most critical of all factors in assessing our whole strategy—bombing, major force increases, and all the rest—lies in the effect they have on the South Vietnamese. On the one hand, it is obvious that there must be a strong enough US role to maintain and increase GVN and popular confidence and physical security! Although the point is not covered in the CIA papers, it surely is the fact that in early 1965 virtually all South Vietnamese believed they were headed for defeat, whereas the general assumption today is strongly in the opposite direction, that with massive US help the country has a present chance to learn to run itself and a future expulsion of the North Vietnamese will take place although not perhaps for a long time. We have got to maintain and fortify this underlying confidence and sense that it is worthwhile to get ahead and run the country properly.

"On the other hand, many observers are already reporting, and South Vietnamese performance appears to confirm, that the massive U.S. intervention has in fact had a significant adverse effect in that South Vietnamese tend to think that Uncle Sam will do their job for them. This point was not included in the levy on CIA, and it may be that we need a judgment from the Agency, recognizing that it will be "broad brush" at best. The tentative judgment stated above need not be considered a shocking one; in our calculations of two years ago, we anticipated the possibility.

"But today, in facing decisions whether to make a further major increase in the US performance and whether to maintain at a high level that portion of the war that is really wholly US—bombing—we must at least ask ourselves whether we are not at or beyond another kind of "crossover point", where we are putting in an undue proportion of U.S. effort in relation to the essential fact that in the last analysis the South Vietnamese have got to do the job themselves. By "do the job themselves" we mean concretely a much more effective South Vietnamese role in security, pacification, and solid government while the war is going on. But we mean also the progressive development of a South Viet-Nam that can stand on its own feet whenever North Viet-Nam calls it off, and can nail down at that point what could otherwise be a temporary and illusory "victory" which, if it unraveled, would make our whole effort look ridiculous, undermine the gains in confidence that have been achieved in Southeast Asia and elsewhere, and have the most disastrous effects on our own American resolve to bear burdens in Asia and indeed throughout the world. 29)"

Turning to the specific question of the 200,000 man force increase Bundy argued that the gains from such a major force increase were increasingly marginal while the effect on the South Vietnamese, a very much more important factor and one which went to the heart of the conflict itself and our ability to achieve a lasting peace, may not be so marginal:

"Obviously, the assessment of the effect of our actions on the South Vietnamese is an extremely difficult one. It may be that the "cross-over-point" was reached in late 1965, when it became clear that we were conducting a massive intervention; perhaps any further change from additional forces, on any scale, is at most one of slight degree. Certainly we have all felt that our force increases up to their present strength were absolutely required in order to bring about a condition even more essential than maintaining South Vietnamese performance—the blunting and reversing of the North Vietnamese effort that, in 1965, was about to take over the country. But the question now presents itself in a new form, when 200,000 more men do not make the difference between victory and defeat, but at most the difference between victory in three years and victory in 5, on what is necessarily a calculation assuming both South Vietnamese and North Vietnamese performance and morale as relative constants. And, on the other side of the coin, we have reached a point where the South Vietnamese have managed in part to pull themselves together and must learn to do so more. Hence, the gains from major force increases are now more marginal, while the effect on the South Vietnamese must be rated a very much more important factor and one which goes to the heart of the conflict itself and of our ability to achieve a lasting peace. 30)"

On the basic objectives, Bundy disagreed with the Chiefs and expressed general agreement with what the McNaughton draft had stated. He believed that the minimum statement which we could make reference our objective in Vietnam was certainly "to see that the people of South Vietnam are permitted to determine their own future." But he felt it much too pat to say that "this commitment ceases if the country ceases to help itself," or even to observe that there are not further elements in our commitment. He believed additional commitments related not only to getting North Vietnamese forces off the backs of the South Vietnamese but to making sure that the political board, as he called it, in South Vietnam was not titled to the advantage of the NLF. 31)

In his summary, he addressed this question of our commitment again, and then expanded upon what he called the hard core question, that is, what to do if "the country (Vietnam) ceases to help itself." Using the teeter-totter analogy, he commented that our commitment must be to see that the people of South Vietnam were permitted to determine their own future and to see that the "political board" was level and not tilted in favor of elements that believed in force. He also believed that we should at least hold open the possibility that a future South Vietnamese government would need continuing military and security assistance and should be entitled to get it. He agreed with the Joint Chiefs analysis of the DOD draft and their contention that it displayed a negative turn to our strategy and to our commitment in Vietnam:

"In terms of our course of action, the major implication—as compared with the DOD draft—is that we will not take our forces out until the political board is level. The implication of the DOD draft is that we could afford to go home the moment the North Vietnamese regulars went home. This is not what we said at Manila, and the argument here is that we should not in any way modify the Manila position. Nor should we be any more hospitable than the South Vietnamese to coalitions with the NLF, and we should stoutly resist the imposition of such coalitions. 32)"

On the second question, of what would happen if the Vietnamese could not help themselves or refused to help themselves Bundy argued for more time to take a closer look at the Vietnamese situation, especially the elections, before getting into a negative frame of mind about our Vietnamese military-political-economic commitment.

If the ISA group proposing a stabilized ground strategy took heart with the Bundy memorandum, it was positively elated when the reply came from Under Secretary of State Nicholas deB Katzenbach. 34)

Katzenbach quote skillfully outlined the outstanding disagreements included in the draft Presidential memorandum. First, Westmoreland and McNamara disagreed on whether Course A, the infusion of 200,000 troops would end the war sooner. Under Secretary Vance and the CIA disagreed on the ability of North Vietnam to meet the force increases in the South although, as Katzenbach later noted in his paper, the CIA figures were somewhat outdated and the analysis was not "good." He listed a Wheeler-Vance disagreement on the military effectiveness of cutting back bombing to below the 20th parallel and on whether it would save U.S. casualties. (The Wheeler label on this disagreement is not completely accurate since JCSM 288–67 and the later JCSM 312–67, the bases for this disagreement, were less the product of Wheeler, as the Chairman of the Joint Chiefs, than of the corporate body itself. As Chairman's Memoranda indicate, Wheeler had a much "softer" line on the military effectiveness of the bombing.) The CIA and Vance were seen as at odds because the CIA believed that the Chinese might not intervene if an invasion of North Vietnam did not seem to threaten Hanoi, while Vance stated that an invasion (of any kind) would cause Chinese intervention. Vance believed that the Chinese would decide to intervene if the ports were mined. CIA reports at the time did not mention this possibility. There was basic disagreement, as to whether or not we had achieved the "cross-over point" and more broadly how well the "big war" was going. One optimistic CIA analysis which Bundy quoted contradicted a later CIA statement expressing the view that the enemy's strategic position had improved over the past year. State's INR also disagreed with CIA on Hanoi's basic objectives, with CIA arguing that Hanoi was determined to wear us down or in the vernacular of the time "wait us out," while INR felt that Hanoi was really determined to seek more positive victories in the South. The INR also believed that the bombing was having a greater effect than did the CIA. CIA and Vance, of course, had been saying for some time that all of the worthwhile targets in North Vietnam except the ports had been stuck, while as we have seen, the JCS disagreed with this assessment. There was some allusion to the dispute over whether or not inflationary pressures would be aggravated by the increase in U.S. forces under Course A. DOD said that these pressures were under control and could be handled if Course A were adopted, while the CIA felt otherwise. (Comment: This leads to the suspicion that the piaster limitation might not have been as critical as was originally believed and possibly was just an instrument of a sophisticated rationalization for limiting force increases in the earlier programs.) Katzenbach also cited a basic disagreement about just what message an increase of U.S. forces or a massive call-up of Reserves would communicate to Hanoi.

The general goals which the Undersecretary predicated in Vietnam and upon which he based the analysis which followed were: first, to withdraw U.S. forces from Vietnam; we would only do so with the high degree of confidence that three things were accomplished—(1) That we would be behind a stable democratic government (democratic by Asian standards); (2) that we would confront the prospect of a reasonably stable peace in Southeast Asia for several years; and (3) that we will have demonstrated that we met our commitments to the government of Vietnam. To do these, we had to persuade the North Vietnamese to give up their aggression and we had to neutralize the internal Viet Cong threat while in the process being careful not to create an American satellite nor to generate widespread anti-American sentiment nor destroy the social fabric of South Vietnam, nor incur disproportionate losses in our relations with other countries or bring in so called "enemy" countries.

His overall prognosis for the war was not optimistic. He believed that during the course of the next 18 months, the probability of achieving our goals was quite low. In two or three years, it was possibly higher depending again on what we did during the intervening period. He entered a caveat, however, stating that because of our uncertain knowledge of the motivation and intentions of both the Democratic Republic of Vietnam and the VS in the South, that we may be closer to achieving our goals than we thought. Moreover, the Soviet Union and Communist China would influence the course of events in ways not easily predictable over the next three years.

He assessed the battle in South Vietnam as "the key" and reviewed the "big war" of attrition as one in which a flood of contradictory indicators made it much more difficult to appraise. Enemy losses were up 70% in the first quarter of 1967, but so were U.S. losses up 90%. North Vietnamese-VC intentions were also doubtful but they appeared to be set on an intensive grinding position-warfare campaign in the northern provinces coordinated with offensive thrusts in the central coastal provinces and the Western Highlands. All of these then possibly combined with major actions against cities, provincial capitals in the III Corps area. The overall object of such a strategy evidently being to inflict maximum losses on the U.S.–GVN in an effort to break our will (Here he noted that INR believed that the VC–NVA had a more positive approach and were looking for real victories.

Pacification efforts came in for little praise. There was little real progress reported and the short term prospects were not bright. However, the long term prospects appeared better if ARVN could be more effectively involved. However, it appeared that GVN and ARVN were going to continue moving slowly, corruption was becoming more widespread and the population was increasingly apathetic. Katzenbach said he could not determine whether this was due to growing anti-Americanism or war-weariness or what. He concluded that if we were winning the war, we were not winning it very quickly—it had become a question of the will to persist on either side rather than the attainment of an overwhelming military victory.

With this assessment as background he then analyzed the two courses of action. In his estimation, Course A, which added a 200,000 U.S. troop increment and necessitated a call-up of Reserves possessed the following advantages: It could hasten the end of the war by hurting the enemy more. It could dispel Hanoi's notions about weakening U.S. resolve. It could provide more U.S. troops to be used for main force sweeps and might release U.S. units to help provide security for pacification. It might persuade the Russians to counsel Hanoi to accept some kind of negotiations rather than risk a much expanded war, possibly in North Vietnam. Katzenbach listed a score of disadvantages for this course of action:

"1. Introduction of these forces could lead to countermoves by Hanoi, with result we have simply expanded the present war. (Need paper with better analysis of whether Hanoi could add troops.) Our position is one of meeting infiltration, not stimulating it. Even its proponents do not argue it could end the war in less than two years.

"2. It might well be viewed by Hanoi as another sign of U.S. impatience and unwillingness to persist. Hanoi might also see a call-up of reserves as a sign that we are running out of man-power.

"3. Congressional and public debate on the reserve call-up would be divisive and give comfort to Hanoi.

"4. It could mean a total eventual addition of 500,000 men; some limitation on our ability to act elsewhere in the world; and a cost of approxmately $10 billion in FY '68.

"5. It could lead to irresistible pressures for ground actions against sanctuaries in Cambodia and Laos, and increased actions against NVN. Problems involved in such moves—NVN and even Chinese reactions. International disapproval. Problems with Souvanna.

"6. Effect on U.S. flexibility and, inevitably, U.S. goals in Viet-Nam.

"7. It could produce, to some extent, a growth in the South Vietnamese attitude of "let the U.S. do it."

"8. More troops probably mean growth of anti-Americanism. (Although we don't really know how strong it is now.)

"9. Inflationary effects in South Viet-Nam.

"10. Adverse international reaction to escalation and to what would appear to be significant US move towards a friendly occupation of the country. 35)"

Compared to this course the option of maintaining current force levels possessed the twin advantages of avoiding all of those which we just listed, plus it could improve the negotiating environment if some progress were made without an expansion of forces. The disadvantages of this course were also twofold: Hanoi could be encouraged by forces levelling off and the possible bad effect on morale of U.S. and allied forces.

To these original two options Katzenbach added what he called two middle strategies. Each one of these would incur some of the advantages and disadvantages of the two which we just listed above, but to obvious lesser greater degrees. The first "middle" strategy was to add 30,000 troops. This would not necessitate a Reserve call-up. The second was to add enough U.S. forces to "operate effectively against provincial main force units and to reinforce I Corps and the DMZ area." 36) This he estimated would include a Reserve call-up.

The overall recommendation he made in this regard was, first, in the South, to emphasize the war of attrition and to do this by adding 30,000 troops. The complete set of recommendations which followed read:

"a. Add 30,000 more troops, in small increments, over the next 18 months. This would show Hanoi and our own forces that we are not levelling off, and yet we would not appear impatient or run into the risks and dangers which attend force increases. Continue to try to get as many more third country forces as possible.

"b. Make a major effort to get the South Vietnamese more fully involved and effective. A crucial question. (Separate paper with recommendations—advisers, joint command, threats, etc.) Tell the GVN early in 1968 that we plan to start withdrawing troops at the end of 1968, or earlier if possible, in view of progress in the "big war." Pacification will be up to them.

"c. Use the great bulk of U.S. forces for search and destroy rather than pacification—thus playing for a break in morale. Emphasize combat units rather than engineers. Leave all but the upper Delta to the Vietnamese.

"d. Use a small number of U.S. troops with South Vietnamese forces in pacification, targetted primarily on enemy provincial main force units. Recognize that pacification is not the ultimate answer—we have neither the time nor the manpower. In any event, only the Vietnamese can make meaningful pacification progress. The GVN should therefore hold what it has and expand where possible. Any progress will (1) discourage the enemy and (2) deprive him of manpower.

"e. We should stimulate a greater refugee flow through psychological inducements to further decrease the enemy's manpower base. Improve our ability to handle the flow and win the refugees' loyalty.

"f. Devote more attention to attacking the enemy infrastructure. Consider giving MACV primary responsibility for U.S. efforts in this regard.

"g. Use all the political pressure we have to keep the GVN clean in its running of the elections. Press for some form of international observation. Play down the elections until they are held, then exploit them and their winner (probably Ky) in the international and domestic press.

"h. After the elections, but prior to the Christmas-Tet period, press hard for the GVN to open negotiations with the NLF and for a meaningful National Reconciliation program.

"2. In the North—the object is to cut the North off from the South as much as possible, and to shake Hanoi from its obdurate position. Concentrate on shaking enemy morale in both the South and North by limiting Hanoi's ability to support the forces in South Vietnam.

"a. A barrier, if it will work . . . or

"b. Concentrate bombing on lines of communication throughout NVN, thus specifically concentrating on infiltration but not running into the problems we have had and will have with bombing oriented towards 'strategic' targets in the Hanoi-Haiphong area. By continuing to bomb throughout NVN in this manner we would indicate neither a lessening of will nor undue impatience."

[From the St. Louis (Mo.) Post-Dispatch, July 2, 1971]

ENEMY BUILDUP CALLED SURPRISE

NEW YORK, July 2—The Pentagon's secret study of the Vietnam War indicates that the rapid expansion of American forces in 1965 and 1966 occurred because "no one really foresaw what the troop needs in Vietnam would be."

At the same time, the ability of the enemy forces "to build up their effort was consistently underrated," the New York Times says today in its sixth article on the Pentagon study.

It would seem, the Pentagon study says, that the American planners would have been "very sensitive to rates of infiltration and recruitment by the Viet Cong and North Vietnamese Army; but very little analysis was, in fact, given to the implications of the capabilities of the VC–NVA in this regard."

As a result of the unexpected enemy buildup, the Pentagon study discloses, Gen. William C. Westmoreland's troop requests rose from a total of 175,000 in June, 1965, to 275,00 that July, to 443,000 in December and to more than 542,000 the following June.

Neither the requests of the American commander in Vietnam nor President Lyndon B. Johnson's rapid approval of all but the last of them was made public at the time.

The study says the Johnson Administration's continual expansion of the air war during 1965 and 1966 was based on a "colossal misjudgment" about the bombing's effect on Hanoi's will and capabilities.

In particular, the study discloses that the Administration's decision in 1966 to bomb North Vietnam's oil-storage facilities was made despite repeated warnings from the Central Intelligence Agency that such action would not "cripple Communist military operations."

Instead, the study says, Washington apparently accepted the military's estimate that the bombing would "bring the enemy to the conference table or cause the insurgency to wither from lack of support." However, the flow of men and supplies to the south continued undiminished.

The Pentagon study of this period of the escalation in the air and on the ground—from July 1965 to the fall of 1966—makes these other disclosures:

(1) American military commanders were confident of victory. Westmoreland, for example, told Washington in July 1965 that by using a search-and-destroy strategy he could defeat the enemy "by the end of 1967."

In the same month, the Joint Chiefs of Staff assured Secretary of Defense Robert S. McNamara, "There is no reason we cannot win if such is our will."

(2) High-level civilian authorities, including McNamara, began to have serious doubts about the effectiveness of both the air and ground war as early as the fall of 1965, but they continued to recommend escalation as the only acceptable policy, despite their doubts.

(3) A secret Department of Defense seminar of 47 scientists—"the cream of the scholarly community in technical fields"—concluded in the summer of 1966 that the bombing of North Vietnam had had "no measurable effect" on Hanoi. The scientists recommended building an electronic barrier between North and South Vietnam as an alternative to the bombing.

The Pentagon study was ordered by McNamara in 1967 and prepared by a team of 30 to 40 officials and analysts to determine how the United States became involved in the war in Indochina. It consists of 3000 pages of analysis and 4000 pages of supporting documents.

Of the rapidly ballooning troop requests, the study says:

"It can be hypothesized that from the outset of the American build-up, some military men felt that winning a meaningful victory in Vietnam would require something on the order of 1,000,000 men.

"Knowing that this would be unacceptable politically, it may have seemed a better bargaining strategy to ask for increased deployments incrementally.

"An alternative explanation is that no one really foresaw what the troop needs would be and that the ability of the (North Vietnamese and Vietcong) to build up their effort was consistently underrated. . . ."

The Pentagon study says that President Johnson's decision to send U.S. ground forces in substantial numbers to Vietnam overtook "earlier expectations that bombing would constitute the primary means for the U.S. to turn the tide of the war" against the Communists.

In November 1965, the study says, an intelligence estimate made for McNamara reported that "the air strikes do not appear to have altered Hanoi's determination to continue supporting the war in South Vietnam."

On Dec. 24, 1965, the bombing was halted for 37 days "as part of a diplomatic initiative." Such a pause had been recommended several times by McNamara, who apparently believed, according to the Pentagon study, that a previous pause—May 8 to May 13, 1965—had been too short to give Hanoi time to reply.

The study says that Johnson had viewed the pause "as a means of clearing the way for an increase in the tempo of the air war in the absence of a satisfactory response from Hanoi."

The Pentagon study says that high officials in Washington, during the debate on McNamara's recommendations, assumed that the bombing would be resumed because they knew that the conditions they had set for a permanent halt were tougher than Hanoi could accept.

After the bombing was resumed a new strategy was adopted. Throughout the autumn and winter of 1965–66, the study relates, the Joint Chiefs of Staff had pressed for permission "to expand the bombings virtually into a program of strategic bombing aimed at all industrial and economic resources as well as at all interdiction targets."

According to the study, the chiefs backed the program "despite the steady stream of memoranda from the intelligence community consistently expressing skepticism that bombing of any conceivable sort (that is, any except bombing aimed primarily at the destruction of North Vietnam's population) could either persuade Hanoi to negotiate a settlement on U.S.-GVN (Government of South Vietnam) terms or effectively limit Hanoi's ability to infiltrate men and supplies into the South."

Nevertheless, the strikes on North Vietnam's oil supplies began on June 29, 1966, the study says, and great success was reported. But as the summer wore on, the Pentagon study says, it became clear that the strikes had been "a failure." The flow of men and supplies from North Vietnam continued undiminished, and there was no evidence that North Vietnam had been pinched for oil or related products.

The study says that the air strikes were "the last major escalation of the air war recommended by Secretary McNamara."

The Defense Department seminar of scientists had a "dramatic impact" on McNamara, the study says. The scientists met during June, July and August at Wellesley, Mass. They were given briefings by top officials and provided with secret materials, and their conclusions had a "powerful and perhaps decisive influence on McNamara's mind," the Pentagon record says.

The scientists concluded that continued bombing was unlikely to hurt North Vietnam; they criticized the assumption that bombing of a country reduces its will to continue fighting, and they concluded that "there is currently no adequate basis for predicting the levels of U.S. military effort that would be required to achieve the stated objects—indeed, there is no firm basis for determining if there is any feasible level of effort that would achieve these objectives."

As an alternative to the bombing, they suggested the establishment of an elaborate electronic barrier across the demilitarized zone.

McNamara, the Pentagon study relates, "was apparently strong and favorably impressed" by the scientists' ideas and immediately ordered research on the barrier.

Characterizing McNamara's attitudes toward the war, the Pentagon study says that the Secretary had gone from "hesitancy" in the winter of 1965 to "perplexity" in the spring of 1966, to "disenchantment" the following fall.

In October 1966, he went to Saigon to assess Westmoreland's latest troop request, and when he returned, the study says, he would detail his feelings in two long memorandums to President Johnson and for the first time would recommend against filling a troop request from the U.S. commander in Vietnam.

U.S. PLANNED A-BOMB USE IF CHINA ENTERED WAR

WASHINGTON, July 2.—Former Secretary of State Dean Rusk told the South Vietnamese Premier in May 1964 that the United States would use nuclear arms if the Communist Chinese entered the war in force, secret Pentagon documents indicate.

"We would not allow ourselves to be bled white fighting them with conventional weapons," Rusk was reported to have informed Maj. Gen. Nguyen Khanh at an unpublicized meeting with Khanh on the eve of the American Honolulu conference, which took place June 1 and 2.

The quoted phrase does not purport to reflect Rusk's own words. It is the language of a cablegram of June 2 from the American commander in chief, Pacific, to the Department of State, describing what took place at a meeting between Rusk and Khanh May 30.

In the cablegram, which was among Pentagon study documents obtained by the Post-Dispatch, Secretary Rusk was said to have told Premier Khanh he wanted to emphasize the following, among other things:

"A. Since 1945 U.S. had taken 165,000 casualties in defense of free world against communist enroachments, and most of these casualties were in Asia.

"B. U.S. would never again get involved in a land war in Asia limited to conventional forces. Our population was 190,000,000. Mainland China had at least 700,000,000. We would not allow ourselves to be bled white fighting them with conventional weapons.

"C. This meant that if escalation brought about major Chinese attack, it would also involve use of nuclear arms . . ."

Rusk was reported in the CinaPac message to have pointed out to the South Vietnamese leader, who had seized power by military coup the previous January, that many free world leaders would oppose use of nuclear weapons.

Chiang Kai-shek of Nationalist China had told Rusk "fervently" of Chiang's opposition, the cable reported Rusk as saying, and the same viewpoint was expressed by U Thant, the Burmese Secretary General of the United Nations.

"Many Asians seemed to see an element of racial discrimination in use of nuclear arms; something we would do to Asians but not to Westerners," the cable said in reporting Rusk's side of the talk. It then gave Gen. Khanh's reaction.

"Khanh replied," the message to Washington said, "he certainly had no quarrel with American use of nuclear arms, noted that decisive use of atomic bombs on Japan had in ending war saved not only American but also Japanese lives. One must use the force one had; if Chinese used masses of humanity, we would use superior fire power."

The anonymous authors of the Pentagon Vietnam War analysis described the language of the cable reporting the Rusk-Khanh meeting as "candid and revealing." The conference occurred at a time when Americans considered the Vietnam situation grave and when the United States was considering deeper involvement in the war.

Communist China exploded its first atomic bomb in October 1964, a few months after the reported Rusk-Khanh meeting. In 1967 the Chinese exploded a hydrogen bomb. Throughout the 1960's, American officials brushed aside in their public utterances any suggestion nuclear weapons might be used in Asia.

The cable relating to the 1964 conference was in a second instalment of Pentagon documents obtained by the Post-Dispatch. This instalment of the massive in-house analysis, undertaken in 1967 on instructions from former Secretary of Defense Robert S. McNamara, dealt with relations between the United States and the government of South Vietnam from early 1964 through June 1965.

In South Vietnam, Khanh had taken over from Gen. Duong Van (Big) Minh early in 1964. Minh headed the military junta that had overthrown Premier Ngo Dinh Diem in November 1963. Khanh gave way to mob violence in August 1964 but returned to power in January 1965. Air Vice Marshal Nguyen Cao Ky became Premier the next June.

In the United States, President Lyndon B. Johnson had become the nation's Chief Executive after the assassination of President John F. Kennedy Nov. 22, 1963. Mr. Johnson won the presidency in his own right in November 1964 by defeating the Republican nominee, Barry M. Goldwater of Arizona. He campaigned as an opponent of a land war in Asia.

Nevertheless, the period 1964 through the early months of 1965 brought increasing American involvement in Vietnam and crucial decisions that escalated the war. President Johnson announced April 25, 1964, that Lt. Gen. William C. Westmoreland would replace Gen. Paul D. Harkins as head of the United States Military Assistance Command in South Vietnam. Westmoreland took over June 20.

Gen. Maxwell D. Taylor, chairman of the Joint Chiefs of Staff, was named by the President June 23 to be United States ambassador to Saigon, replacing Henry Cabot Lodge. U. Alexis Johnson was named deputy ambassador.

Taylor arrived in Saigon July 7 with a letter from the President making it clear that his overall responsibility included "the whole military effort in South Vietnam."

Taylor had been in Vietnam less than a month when United States Navy planes raided North Vietnamese coastal bases Aug. 4 and 5 in retaliation for reported attacks on the American destroyers Turner Joy and Maddox in the Gulf of Tonkin Aug. 2 and 4. A few days later, Congress approved the Tonkin Gulf resolution authorizing a wider war. The first American ground troops began arriving in Vietnam in the spring of 1965.

Against this background, the Pentagon analysts said in their summary that "in 1964 the U.S. tried to make GVN (government of Vietnam) strong, effective, and stable and it failed.

"When the U.S. offered more aid, GVN accepted it without improving; they promised to mobilize, but failed to speed up the slow build-up of their forces. When the U.S. offered a firmer commitment to encourage them, including possible later bombing of North Vietnam, the GVN tried to pressure us to do it sooner.

"When the U.S. endorsed Khanh, he overplayed his hand, provoked mob violence, and had to back down to a weaker position than before. When Taylor lectured them and threatened them, the ruling generals of GVN defied him and allied themselves with the street rioters. After several changes of government in Vietnam, the U.S. could set no higher goal than GVN stability. During this period the USG (United States Government) was already starting to think about doing the job ourselves if our Vietnamese ally did not perform."

The United States believed at first that the power of the Vietnamese generals would make the government of South Vietnam strong and effective, the analysts said, but the generals "proved to be less than perfectly united and lacking in will and ability to compel the civil government to perform."

"Yet," said the analysts, "the U.S. saw no alternative but to back them—to put up with Vietnamese hypersensitivity, their easy compliance combined with non-performance, and their occasional defiance. Moreover, MACV (Military Assistance Command, Vietnam) was even less ready to pressure the generals than the Embassy and the Embassy less willing than Washington. MACV controlled the resources that mattered most to the South Vietnamese."

South Vietnam had six major changes of government from the Khanh take-over early in 1964 to Ky's accession in June 1965, the Pentagon study said. In addition, Saigon was seized twice by coup groups.

The analysts said the United States initially hoped that repeated preliminary signals to Hanoi would bring a response before bombing of North Vietnam began, and that the promise of committing American forces would strengthen Vietnamese unity and resolve.

"Both hopes proved vain," the study said, "and we started bombing North Vietnam systematically without getting anything from either Hanoi or GVN. Then the bombing itself failed to stop Hanoi's intervention. Seeing no other choice, the U.S. poured troops into the country."

Throughout 1964, the Pentagon study group commented, the United States "pursued the objective of a strong, effective GVN (government of Vietnam) like the Holy Grail.

"Increasingly, we felt we had to reassure our Saigon ally about the U.S. resolve, and hoped that a firm U.S. commitment through bombing would improve GVN performance extending advisors and through bombing would improve GVN performance. Recurrently, we looked to the military as the one coherent, anticommunist force in the country. We leaned on them and on their strong man, who for most of the period was Khanh, at first hoping that he or Minh would play the role that Magsaysay did in the Philippines. We were interested in legitimacy and democratic forms only as a long-run deferable proposition; although more and more we recognized the need for broad political support—especially after the Buddhist crisis in August 1964 had proved its importance."

The United States was worried about the possible emergence of a hostile government in South Vietnam, or anarchy, as early as the June 1964 Honolulu conference, the American Vietnam study said, "and the South Vietnamese played effectively on our fears."

"We lectured them repeatedly on the importance of national unity, both in periods of political calm and in crises. When the mobs in the streets faced down the generals, we then clung to the position that no one should rock the boat.

The position of Gen. Khanh as a "brash usurper who had overthrown Gen. Minh, who earlier had upset Diem, gave Khanh little maneuvering room among Saigon's complex political currents," it was said. Subsequent shifts in the Saigon government only made its lack of legitimacy more conspicuous.

The Pentagon study group said the United States tried to induce the South Vietnamese to do a better job by holding out the prospect of committing American forces. It said this process started with Rusk's meeting with Gen. Khanh at the end of May 1964 and ended with an effort early in December by Ambassador Taylor.

In December, the study said, Taylor suggested to Gen. Khanh that he resign and leave the country. Khanh "threatened privately to declare Taylor persona non grata" and "the Embassy replied that asking Taylor to leave was equivalent to asking the U.S. to leave."

Ambassador Taylor urged Tarn Van Huong, who had become Premier of South Vietnam Nov. 1, to insist on restoration of the civilian High National Council, which had been dissolved in a military power takeover Dec. 20. The United States opposed the dissolution of the civilian Parliament. The attitude of the Vietnamese generals was defiant.

The Pentagon study group commented critically that American efforts to strengthen the Vietnamese government's will to govern and pacify the country failed. Neither inducements nor threats worked out well, it was said. The tactic of making military help contingent on better performance was ineffective.

". . . Taylor said that if this inducement were to fail, the U.S. should go ahead with the pressures against the North anyway," the study group said. "Taking this position meant that the attempted inducement was bluff. There is every sign, both in their nonperformance and in their December-January defiance, that the GVN sized it up that way and called the bluff."

The fact of American commitment to the Vietnam War had been demonstrated, the internal Pentagon history said, by Rusk's conversation with Khanh, by the intensification of American planning after the Honolulu conference in June 1964 and by the shift of Taylor, chairman of the Joint Chiefs of Staff, to the post of ambassador in Saigon.

As for American diplomatic competence in the period, the study said that in Saigon "the shifts of political loyalties, coups, rebellions, and major changes of public figures often caught the Embassy by surprise. It had no effective system, either through overt or covert contacts, for finding out what was going on."

Defense Secretary McNamara conferred with American officials and Vietnamese leaders in Saigon in March 1964. He brought back pessimistic views, saying in a trip report to the President that "the situation has unquestionably been growing worse, at least since September . . ."

McNamara reported that large groups in the Vietnamese population were "showing signs of apathy and indifference." Also he saw signs of "frustration within the U.S. contingent." He said draft dodging among Vietnamese was high, while the Viet Cong were recruiting energetically and effectively.

The greatest weakness of the situation at that time, McNamara told President Johnson, was "the uncertain liability of the Khanh government." He made a reference to President Charles De Gaulle of France, the Pentagon papers indicate.

"There is a constant threat of assassination or of another coup," McNamara reported, "which would drop morale and organization nearly to zero. Whether or not French nationals are actively encouraging such a coup, De Gaulle's position and the continuing pessimism and anti-Americanism of the French community in South Vietnam provide constant fuel to neutralist sentiment and the coup possibility . . ."

Part of the background for the Rusk-Khanh talk of late May 1964, at which Rusk was reported to have commented on possible use of nuclear weapons against a Chinese attack, was that Gen. Khanh had told Henry Cabot Lodge, then ambassador, on May 4, that Khanh wanted to declare war and bomb North Vietnam with American aircraft.

Ambassador Lodge was noncommittal about United States forces—Khanh had asked also that 10,000 United States Army Special Forces troops be brought in to cover the Cambodian-Laotian frontier—but said the war came first and democratic forms could wait, the Pentagon analysts reported.

Then Defense Secretary McNamara met with Gen. Khanh in Saigon on May 13 to express concern about Vietnamese "inaction." McNamara took up also the question of replacing incompetent Vietnamese officers and bringing the Vietnamese army up to strength.

Also cited in the Pentagon papers was a draft memorandum dated May 25 by McGeorge Bundy, President Johnson's special assistant on international security affairs, advocating use of military force against North Vietnam. Its wording was given as follows:

"It is recommended that you make a presidential decision that the U.S. will use selected and carefully graduated military force against North Vietnam . . . on these premises:

(1) That the U.S. cannot tolerate the loss of Southeast Asia to Communism;

(2) That without a decision to resort to military action if necessary, the present prospect is not hopeful in South Vietnam or in Laos."

It is not clear from the Pentagon documents where Secretary Rusk met with South Vietnamese Premier Khanh at the end of May. Rusk had seen Khanh earlier, in April, on a visit to Vietnam, Rusk attended the funeral of Indian Prime Minister Jawaharlal Nehru May 28 and was at Bangkok May 30 before flying to Saigon and Hawaii for the Honolulu conference. He was reported to have seen Khanh at Saigon.

The internal Pentagon analysis said the Rusk-Khanh meeting at the end of May "re-emphasized the accepted priorities of U.S. policy and unquestionably confirmed to the Vietnamese how far we were thinking of going.

"First," the analysts reported, "Rusk emphasized to Khanh the effect of Vietnamese quarreling on the U.S. and on other potential allies in the struggle. Second, they discussed immediate extensions of the war, such as attacking the Laotian corridor, and the various further extensions that might follow. Third, Khanh pushed hard on the idea, which as noted above had already been discussed in Washington, that he could not win without extending the war. Finally, Khanh pledged to keep all these matters secret until the U.S. agreed to overt statement or action."

Excerpts of a cable to the State Department reporting the Rusk-Khanh meeting indicated that Secretary Rusk "stated one of main problems President faces in justifying to American people whatever course of action may be necessary or indicated as matter of internal solidarity of SVN (South Vietnam). Secretary noted that if struggle escalates, only U.S. will have the forces to cope with it.

"This basic reality means President has heavy responsibility of making vital decisions and leading American public opinion to accept them. Difficult to do this if SVN appears hopelessly divided and rent by internal quarrels.

". . . Secretary said he was not thinking in terms of displaying solidarity so as to convince Paris that struggle could be won, but rather was thinking in terms of sustaining the faith in the possibilities of ultimate success of our Vietnamese effort among those nations we hoped 'would be in the foxholes with us' if escalation became necessary and if enemy forces reacted in strength. For example, UK (United Kingdom), Australia, New Zealand. Solidarity and unity of purpose in SVN was keystone of whole effort. Was Gen. Khanh doing all he could to bring about such national unity?"

There was an affirmative reply from Khanh, who emphasized that the South Vietnamese were "on the defensive" against the Viet Cong and said they could not win unless action was taken outside South Vietnam. He said this required a firm American decision for such action. He urged cleaning out Communists in eastern Laos.

The American Secretary of State was reported to have pointed out that enemy reaction could not be predicted with certainty. Rusk asked how the South Vietnamese people would react if North Vietnam and China responded by attacking South Vietnam.

"Khanh replied," said the cable as cited in the Pentagon papers, "this would have even more favorable effect on SVN national unity and faith in victory, and would mobilze usual patriotic reactions in face of more clearcut external threat."

Gen. Khanh was reflective as obviously seeking a more definite statement of what the United States intended to do in the immediate future. Rusk told him, the cable said, that the Honolulu meeting would produce some firm recommendations to President Johnson, but ultimately only the President could decide.

Rusk was said to have told Khanh that the American President would have to consider all the implications of escalating the war—". . . on our forces, on our allies and perhaps even on mankind itself if nuclear warfare should result.

Ambassador Taylor, newly appointed to succeed Lodge, presented his credentials to Gen. Khanh in Saigon on July 8. The Vietnamese military was pressing for cross-border operations and air strikes against North Vietnam. Congress adopted the Gulf of Tonkin resolution Aug. 7. The American presidential campaign was about to get under way.

President Johnson campaigned as an advocate of restraint in using American military power in Vietnam and elsewhere. His Republican opponent, Senator Goldwater, had called for stronger American action in Indochina. In April, former Vice President Richard M. Nixon had returned from an Asian trip urging that the Vietnam War be extended into North Vietnam and Laos.

Among the Pentagon papers was a message from Ambassador Taylor to the State Department in mid-August in which Taylor said South Vietnam's in-country pacification program was not enough and expressed the view, "Something must be added in the coming months."

Ambassador Taylor discussed various military measures and suggested the United States should be "developing a posture of maximum readiness for a deliberate escalation of pressure against North Vietnam, using Jan. 1, 1965, as a target D-Day."

Taylor said it must be made clear to the South Vietnamese leaders that the United States would engage in action against North Vietnam "only for the purpose of assuring the security and independence of South Vietnam within the territory assigned by the 1954 agreements; that we will not repeat not join in a crusade to unify the North and South; that we will not repeat not even seek to overthrow the Hanoi regime provided the latter will cease its efforts to take over the South by subversive warfare."

There was also mention in the message of taking visible measures, such as sending American Hawk antiaircraft units to Da Nang and Saigon and landing a Marine force at Da Nang.

On Aug. 14, Gen. Khanh showed Ambassador Taylor a rough English translation of South Vietnam's proposed new constitution. Taylor reported "we found it brusque in language and suggested to Khanh that in present form it could raise criticism in U.S. and world press." Khanh permitted American officials to help shape the draft. There was rioting after the constitution was installed, and it was withdrawn.

Vietnamese paratroopers restored order in Saigon late in August. This was followed by reshufflings in the government. Pentagon analysts said Taylor cautioned Khanh that an all-civilian government "would be too weak and would tend toward neutralism." Khanh said the Army would be vigilant.

In a message to the State Department Sept. 6, Ambassador Taylor was reported in the Pentagon analysis to have said the United States should go ahead with pressures on the North in the hope that the pressures would raise Vietnamese morale "enough to keep up their war effort."

The cited message from Taylor to Secretary Rusk told Rusk that "we can and must anticipate for the future an instrument of government which will have definite limits of performance." Taylor raised the specter that the government might make peace with the Viet Cong.

"At the very worst," the Taylor message to Rusk said, "it (the South Vietnamese government) will continue to seek a broadened consensus involving and attempting to encompass all or most of the minority of popular front. This amalgam, if it takes form, may be expected in due course to become susceptible to an accommodation with the liberation front, which might eventually lead to a collapse of all political energy behind the pacification effort.

"At best, the merging governmental structure might be capable of maintaining a holding operation against the Viet Cong. This level of effort could, with good luck and strenuous American efforts, be expanded to produce certain limited pacification successes . . ."

Taylor said that "if we leave Vietnam with our tail between our legs, the consequences of this defeat in the rest of Asia, Africa, and Latin America would be disastrous. We therefore would seem to have little choice . . ."

During the rest of 1964, the Ambassador, Gen. Westmoreland and other Americans in Vietnam wrestled with the problem of encouraging stable government there. Late in November, Westmoreland headed off a coup planned by Ky.

The United States presented a new program to the South Vietnamese on Dec. 7 after discussions in Washington, the Pentagon study related. An effort was again made to induce Khanh and others to take energetic measures sought by the United States, as a precondition for steps this country might take against North Vietnam.

"This was the last time the USG (United States Government) tried to set GVN (government of Vietnam) performance preconditions for U.S. force use and deployments," the Pentagon narrative said. "Its effect, if any, was the opposite of that intended."

There were further confrontations involving Ambassador Taylor and the Vietnamese generals and further crises and disruptions. Taylor recommended on Feb. 9, 1965, that a program of continuous graduated attacks on North Vietnam ought to begin. On Feb. 13, the State Department cabled authority to begin the strikes, with Vietnamese participation, it was recounted.

In this period of early 1965, the bombing of North Vietnam began and a decision to land marines at DaNang was in progress. Taylor was represented as opposed to the introduction of United States combat forces in South Vietnam, except for base security.

The United States marines arrived in March. The Army chief of Staff, Gen. Harold K. Johnson, made a trip to Saigon in mid-March of 1965. Johnson's trip, the Pentagon analysis said, "signaled the beginning of consideration and planning for the introduction of significant numbers of ground combat forces."

At the beginning of 1965, United States military strength in Vietnam was about 23,000. By June 7 the total had passed the 50,000 mark, and on June 27 the 173rd Airborne Brigade began the first major American combat offensive of the war.

There was an element of humor in a personal message from Ambassador Taylor to McGeorge Bundy in mid-April 1965. Taylor complained that his mission in Saigon was charged with a 21-point Vietnam military program, a 41-point nonmilitary program, a 16-point United States information program and a 12-point program of the Central Intelligence Agency.

Taylor was complaining about a new seven-point program just received from Washington. He suggested somebody might believe "we can win here somehow on a point score." He suggested a moratorium on new programs for at least six months.

"Mac, can't we be better protected from our friends?" Taylor asked in the message to Bundy. "I know that everyone wants to help, but there's such a thing as killing with kindness. In particular, we want to stay alive here because we think we're winning—and will continue unless helped to death."

PARTIAL TEXTS OF 1964 REPORTS ON PROBLEMS IN SOUTH VIETNAM

WASHINGTON.—Following are excerpts from secret Pentagon papers on United States involvement in the Vietnam War that have been obtained by the Post-Dispatch.

First is the partial text of a cablegram June 2, 1964, from Adm. U.S. Grant Sharp, Commander in Chief, Pacific, to the State Department reporting on a meeting between Secretary of State Dean Rusk and Maj. Gen. Nguyan Khanh, then South Vietnamese Premier, on May 30, 1964:

"1. Solidarity Within South Vietnam

". . . Secretary (Rusk) stated one of the main problems the President faces in justifying to American people whatever course of action may be necessary or indicated as matter of internal solidarity of SVN. Secretary noted that if struggle escalates, only U.S. will have the forces to cope with it.

"This basic reality means the President has heavy responsibility of making vital decisions and leading American public opinion to accept them. Difficult to do this if SVN appears hopelessly divided and rent by internal quarrels.

". . . Secretary said he was . . . thinking in terms of sustaining the faith in the possibilities of ultimate success of our Vietnamese effort among those nations we hoped 'would be in the foxholes with us' if escalation became necessary and if enemy forces reacted in strength. For example, UK, Australia, New Zealand. Solidarity and unity of purpose in SVN was keystone of whole effort. Was General Khanh doing all he could to bring about such national unity?

"Khanh replied affirmatively, saying he was fully aware of importance of unity. His recent handling of the case of the arrested Generals showed this. His clemency showed he was primarily interested in protecting unity of Army. But there were many problems. Underlying structure and heritage of country was such that only Army could lead Nation in unity. Only Army had the requisite organization, cadres, discipline, and sense of purpose. The intellectuals would never be able to adopt a common point of view unless it was imposed by a dictatorship—by a party as the Communists did, or a 'family dictatorship' such as Diem's. This situation was made worse because of disproportion between measure of political and civil liberties granted in war-time situation on one hand and lack of background and sense of responsibility of recipients on (the) other . . . He was aware he had perhaps given more freedom than really prudent handling of situation would have dictated, but he had to be mindful oft-proclaimed democratic goals of the Vietnamese revolution. All in all, this disunity would not be fatal because Army itself was united, and no potentially disruptive force could hope to oppose Army and overthrow GVN. (N.B. No reference to religious problems, sects, or labor under this heading.)

"2. Need for Action Outside South Vietnam.

". . . Khanh dwelt at length on this, laying out some fairly precise ideas about the kind of action that might be taken.

"Basically, he said that despite the pacification plan and some individual successes he and his government were 'on the defensive' against the Viet Cong. He said pretty flatly that they could not win unless action was taken outside South Vietnam, and that this needed a firm U.S. decision for such action.

". . . He (Khanh) then said that the 'immediate' response should be to clean out the Communists in Eastern Laos, who were the same kind of threat to him, and that we should not get bogged down in negotiations but act.

". . . Secretary then noted we could never predict enemy reaction with certainty. How would SVN people react if NVN and China responded by attacking SVN? Khanh replied this would have even more favorable effect on SVN national unity and faith in victory, and would mobilize usual patriotic reactions in face of more clearcut external threat.

"3. Timing of Action Against the North and Necessary Prior Action Within South Vietnam.

"Khanh asked if Secretary and Ambassador believed he should proclaim state of war existed during next few days and now that Generals' case was settled. Both advised him to wait at least until after Honolulu Conference and in no case ever to take action on such matter without consulting. He agreed, and remarked that if he proclaimed state of war, NVN would know this was preparatory to some form of escalation and he would never act unilaterally and thereby run risk of tipping America's hand. Although the matter was not specifically mentioned, Khanh appeared to accept as entirely natural that he would not necessarily know in advance if U.S. decided to strike outside VN.

". . . Some question as to how enemy camp will react. At various points in conversation Khanh was obviously seeking some more definite statement of specific American intentions in immediate future. Secretary told him he could say nothing on this because he simply did not know. The Honolulu meeting would produce some firm recommendations to the President and some plans, but ultimately only President could decide. His decision would be influenced by consideration of all implications of escalation: On our forces, on our allies, and perhaps even on mankind itself if nuclear warfare should result. Only U.S. had the means to cope with problems escalation would pose, and only President could make the ultimate decisions.

"Nevertheless, Secretary said he wished to emphasize the following:

A. Since 1945 U.S. had taken 165,000 casualties in defense of free world against Communist encroachments, and most of these casualties were in Asia.

B. U.S. would never again get involved in a land war in Asia limited to conventional forces. Our population was 190,000,000. Mainland China had at least 700,000,000. We would not allow ourselves to be bled white fighting them with conventional weapons.

C. This meant that if escalation brought about major Chinese attack, it would also involve use of nuclear arms. Many free world leaders would oppose this. Chiang Kai-Shek had told him fervently he did, and so did U Thant. Many Asians seemed to see an element of racial discrimination in use of nuclear arms; something we would do to Asians but not to Westerners. Khanh replied he certainly had no quarrel with American use of nuclear arms, noted that decisive use of atomic bombs on Japan had in ending war saved not only American but also Japanese lives. One must use the force one had; if Chinese used masses of Humanity, we would use superior fire power.

D. Regardless what decisions were reached at Honolulu, their implementation would require positioning of our forces. This would take time. Khanh must remember we had other responsibilities in Asia and must be able to react anywhere we had forces or commitments. Not by chance was this Conference being held at Honolulu; the combined headquarters of all American forces in Pacific was there.

". . . 6. Comment

"As can be seen, the Secretary let Khanh develop his ideas fairly fully and do most of the talking. Khanh talked firmly and effectively, and responded well to the Secretary's several points. He showed clearly that he was aware of the gravity of the decisions (tho he did seem a touch cavalier about the political problems of hitting eastern Laos at once), and did not seem to want a firm U.S. answer the day after tomorrow. But it seemed clear that he did want it pretty soon, and was now convinced he could not win in South Vietnam without hitting other areas including the North. He was careful to point out that the pacification campaign was making gains and would continue do so. Still, it was essentially defensive.

"On the timing, the Secretary said that any action would be preceded in any event by some period of time for force deployments. (He did not refer to diplomatic steps re Laos, the UN side, the U.S. Congressional problem, or other types of factors). Khanh understood this, and also accepted the Secretary's point that we would need to consult very closely with Khanh himself, try to bring the British and Australians aboard (the Secretary referred only to these two possible active participants), and generally synchronize and work out the whole plan with great care."

KHANH GIVEN ONLY 50-50 CHANCE OF RETAINING POWER

Partial text of a State Department cablegram to the U.S. Embassy in Saigon, Aug. 14, 1964:

"Mission's monthly report (Saigon 377) expresses hope of significant gains by end of year. But also says Khanh's chances of staying in power are only 50-50 that leadership . . . has symptoms defeatism and hates prospect of slugging it out within country, that there will be mounting pressures for wider action 'which, if resisted, will create frictions and irritations which could lead local politicians to serious consideration negotiated solution or local soldiers to military adventure without U.S. consent' . . . Our actions of last week lifted . . . morale temporarily, but also aroused expectations, and morale could easily sag back again if VC have successes and we do nothing further . . ."

"Basically solution in both South Vietnam and Laos will require combination military pressure and some form of communication under which Hanoi (and Peiping) eventually accept idea of getting out. Negotiation without continued military action will not achieve our objectives in foreseeable future . . . After but only after, we have established clear pattern pressure hurting DRV and leaving no doubts in South Vietnam of our resolve, we could even accept conference broadened to include Vietnam issue . . .

"Joint US–GVN planning already covers possible actions against DRV and the Panhandle. It can be used in itself to maintain morale of GVN leadership, as well as to control and inhibit any unilateral GVN moves."

TAYLOR CALLED PACIFICATION INSUFFICIENT TO LIFT MORALE

Partial text of a cablegram from Ambassador Maxwell D. Taylor in Saigon replying to a State Department cablegram of Aug. 14, 1964:

". . . Underlying our analysis is the apparent assumption . . . (which we believe is correct) that the present-in-country pacification plan is not enough in itself to maintain National morale or to offer reasonable hope of eventual success. Something must be added in the coming months.

"Statement of the problem—A. The course which U.S. policy in South Vietnam should take during the coming months can be expressed in terms of four objectives. The first and most important objective is to gain time for the Khanh Government to develop a certain stability and to give some firm evidence of viability. Since any of the courses of action considered in this cable carry a considerable measure of risk to the U.S., we should be slow to get too deeply involved in them until we have a better feel of the quality of our ally. In particular, if we can avoid it, we should not get involved militarily with North Vietnam and possibly with Red China if our base in South Vietnam is insecure and Khanh's Army is tied down everywhere by the VC insurgency. Hence, it is to our interest to gain sufficient time not only to allow Khanh to prove that he can govern, but also to free Saigon from the VC threat which presently rings it and assure that sufficient GVN ground forces will be available to provide a reasonable measure of defense against any DRV ground reaction which may develop in the execution of our program and thus avoid the possible requirement for a major U.S. ground force commitment.

"A second objective in this period is the maintenance of morale in South Vietnam, particularly within the Khanh Government. This should not be difficult in the case of the government if we can give Khanh assurance of our readiness to bring added pressure on Hanoi if he provides evidence of ability to do his part. Thirdly, while gaining time for Khanh, we must be able to hold the DRV in check and restrain a further buildup of Viet Cong strength by way of infiltration from the North. Finally, throughout this period, we should be developing a posture of maximum readiness for a deliberate escalation of pressure against North Vietnam, using January 1, 1965, as a target D-Day. We must always recognize, however, that events may force us to advance D-Day to a considerably earlier date.

"In approaching the Khanh Government, we should express our willingness to Khanh to engage in planning and eventually to exert intense pressure on North Vietnam, providing certain conditions are met in advance. In the first place before we would agree to go all out against the DRV, he must stabilize his Government and make some progress in cleaning up his operational backyard. Specifically, he must execute the initial phases of the Hop Tac Plan successfully to the extent of pushing the Viet Cong from the doors of Saigon. The overall pacification program, including Hop Tac, should progress sufficiently to allow earmarking at least three division equivalents for the Defense in I Corps if the DRV step up military operations in that area.

"Finally, we should reach some fundamental understandings with Khanh and his Government concerning war aims. We must make clear that we will engage in action against North Vietnam only for the purpose of assuring the security and independence of South Vietnam within the territory assigned by the 1954 agreements; that we will not repeat not join in a crusade to unify the North and South; that we will not repeat not even seek to overthrow the Hanoi Regime provided the latter will cease its efforts to take over the South by subversive warfare.

"With these understandings reached, we would be ready to set in motion the following:

(1) Resume at once 34A (with emphasis on Marine operations) and Desoto patrols. These could start without awaiting outcome of discussions with Khanh.

(2) Resume U–2 overflights over all NVN.

(3) Initiate air and ground strikes in Laos against infiltration targets as soon as joint plans now being worked out with the Khanh Government are ready.

"Before proceeding beyond this point, we should raise the level of precautionary military readiness (if not already done) by taking such visible measures as introducing U.S. hawk units to Danang and Saigon, landing a Marine force at Danang for defense of the airfield and beefing up MACV's support base. By this time (assumed to be late fall) we should have some reading on Khanh's performance.

"Assuming that his performance has been satisfactory and that Hanoi has failed to respond favorably, it will be time to embark on the final phase of course of action A, a carefully orchestrated bombing attack on NVN, directed primarily at infiltration and other military targets . . .

"Pros and cons of course of action—A. If successful, course of action A will accomplish the objectives set forth at the outset as essential to the support of U.S. policy in South Vietnam. I will press the Khanh Government into doing its homework in pacification and will limit the diversion of interest to the out-of-country ventures. . . . It gives adequate time for careful preparation estimated at several months, while doing sufficient at once to maintain internal morale. It also provides ample warning to Hanoi and Peking to allow them to adjust their conduct before becoming over-committed.

"On the other hand, course of action A relies heavily upon the durability of the Khanh Government. It assumes that there is little danger of its collapse without notice or of its possible replacement by a weaker or more unreliable successor. . . . Also, because of the drawn-out nature of the program, it is exposed to the danger of international political pressure to enter into negotiations before NVN is really hurting from the pressure directed against it.

"Statement of the problem—B. It may well be that the problem of U.S. policy in SVN is more urgent than that depicted in the foregoing statement. It is far from clear at the present moment that the Khanh Government can last until January 1, 1965, although the application of course of action A should have the effect of strengthening the Government internally and of silencing domestic squabbling. If we assume, however, that we do not have the time available which is implicit in course of action A (several months), we would have to restate the problem in the following terms. Our objective: avoid the possible consequences of a collapse of National morale. To accomplish these purposes, we would have to open the campaign against the DRV without delay, seeking to force Hanoi as rapidly as possible to desist from aiding the VC and to convince the DRV that it must cooperate in calling off the VC insurgency.

"Course of action—B. To meet this statement of the problem, we need an accelerated course of action, seeking to obtain results faster than under course of action A. Such an accelerated program would include the following actions:

"Again we must inform Khanh of our intentions, this time expressing a willingness to bring military pressures against Hanoi at once providing that he will undertake to perform as in course of action A. However, U.S. action would not await evidence of performance.

"Again we may wish to communicate directly on this subject with Hanoi or awaiting effect of our military actions. The scenario of the ensuing events would be essentially the same as under course A but the execution would await only the readiness of plans to expedite, relying almost exclusively on U.S. military means.

"Pros and cons of course of action B. This course of action asks virtually nothing from the Khanh Government, primarily because it is assumed that little can be expected from it. It avoids the consequence of the sudden collapse of the Khanh Government and gets underway with minimum delay the punitive actions against Hanoi. Thus, it lessens the chance of an interruption of the program by an international demand for negotiations by presenting a fait accompli to international critics. However, it increases the likelihood of U.S. involvement in ground action, since Khanh will have almost no available ground forces which can be released from pacification employment to mobile resistance of DRV attacks.

"Conclusion: It is concluded that Course of Action A offers the greater promised achievement of U.S. policy objectives in SVN during the coming months. However, we should always bear in mind the fragility of the Khanh Government and be prepared to shift quickly to Course of Action B if the situation requires. In either case, we must be militarily ready for any response which may be initiated by NVN or by CHICOMS.

"Miscellaneous: As indicated above, we believe that 34A operations should resume at once at maximum tempo, still on a covert basis; similarly, Desoto patrols should begin advance operating outside 12-mile limit. We concur that a number of VNAF pilots should be trained on B-57's between now and first of year. There should be no change now with regard to policy on evacuation of U.S. dependents.

"Recommendations: It is recommended that USG adopt Course of Action A while maintaining readiness to shift to Course of Action B."

"SAIGON POLITICIANS FEEL CONFLICT BELONGS TO U.S."

Partial text of a cablegram from Ambassador Maxwell D. Taylor to Secretary of State Dean Rusk as Taylor was leaving Saigon for consultations in Washington on Sept. 6, 1964:

". . . While we must be disappointed by the political turmoil of recent days, we cannot consider it totally unexpected. The very nature of the social, political and ethnic confusion in this country makes governmental turbulence of this type a factor which we will always have with us.

"What has emerged from these recent events is a definition within fairly broad limits of the degree to which perfectability in government can be pushed. It should be remembered that the recent fracas started when Khanh sought to make his broad and cumbersome government more tractable and more effective. His motives were of the best even though his methods were clumsy. But now, after this recent experience at government improvement we must accept the fact that an effective government, much beyond the capacity of that which has existed over the past several months, is unlikely to survive. We now have a better feel for the quality of our ally and for what we can expect from him in terms of ability to govern. Only the emergence of an exceptional leader could improve the situation and no George Washington is in sight.

"Consequently, we can and must anticipate for the future an instrument of government which will have definite limits of performance. At the very worst, it will continue to seek a broadened consensus involving and attempting to encompass all or most of the minority of popular front. This amalgam, if it takes form, may be expected in due course to become susceptible to an accommodation with the liberation front, which might eventually lead to a collapse of all political energy behind the pacification effort.

"At best, the emerging governmental structure might be capable of maintaining a holding operation against the Viet Cong. This level of effort could, with good luck and strenuous American efforts, be expanded to produce certain limited pacification successes, for example, in the territory covered by the Hop Tac plan. But the willingness and ability of such a government to exert itself or to attempt to execute an all-out National pacification plan would be marginal. It would probably be incapable of galvanizing the people to the heightened level of unity and sacrifice necessary to carry forward the counter-in-surgency program to final success. Instead, it would look increasingly to the United States to take the major responsibility for prying the Viet Cong and the North Vietnamese off the backs of the South Vietnamese population. The politicians in Saigon and Hue feel today that the political hassle is their appropriate arena: The conflict with the VC belongs to the Americans.

"We may, therefore, expect to find ourselves faced with a choice of (A) passively watching the development of a popular front, knowing that this may in due course require the U.S. to leave Vietnam in failure; or (B) actively assuming increased responsibility for the outcome following a time-schedule consistent with our estimate of the limited viability of any South Vietnamese government.

"An examination of our total world responsibilities and the significance of Vietnam in relationship to them clearly rules out the option of accepting course (A). If we leave Vietnam with our tail between our legs, the consequences of this defeat in the rest of Asia, Africa and Latin America would be disastrous. We therefore would seem to have little choice left except to accept course (B).

"Our previous views on the right course of action to follow in South Vietnam are set forth in EMBTEL 465. The discussion in this present cable amounts to a recognition that course of action A repeat A of EMBTEL 465 no longer corresponds with the realities of the situation. Recent events have revealed the weakness of our ally and have convinced us of the improbability of attaining the level of governmental performance desired under course A before embarking on a campaign of pressure against the DRV. We are forced back on course of action B with certain revised views on timing."

WESTMORELAND'S CONCERN FOR SOUTH VIETNAM'S OFFICER CORPS

Partial text of a memorandum by Gen. William C. Westmoreland, commander of U.S. forces in Vietnam, to Ambassador Maxwell D. Taylor, apparently in early September 1964:

". . . 1. In preparation for your trip to Washington, I thought it might be useful to give you my assessment of the military situation. In subsequent paragraphs I outline in some detail the rather substantial progress which we have already made and, more importantly, the great potential for additional progress. I also describe military problem areas. These, as you know, are many; but all are susceptible to solution assuming that political stability can be achieved, and that armed forces, particularly the Army, remains intact and unified in its purpose. Under the present circumstances, however, the continued solidarity of the armed forces is in doubt. As all else depends on holding the armed forces together, I address this matter first.

"The Key Military Issue.

"2. It seems to me there are certain conditions which must be met in order to preserve the structure and effectiveness of the RVNAF:

A. The officers of the RVNAF must be protected against purge, solely by reason of religious or political affiliation. The Commander in Chief, the officers of the Joint General Staff and commanders down the line, must be given some assurance that their careers and reputations will not be sacrificed, for political expediency to the ambitions or interests of political or religious blocs.

B. The Officers' Corps must be assured that its members will not be punished or expelled from the armed forces if they faithfully execute the orders of constituted authority in connection with the maintenance of law and order. They must be assured that their superiors will not accede to the arbitrary demands of pressure groups whose interest it is to destroy the discipline of the armed forces and to render ineffective the forces of law and order.

"3. If I interpret correctly the events of the past two weeks, neither of these minimum conditions have been met. To the contrary, actions best calculated to destroy the morale, the unity, the pride and confidence of the armed forces have transpired in a manner which leads me to believe that a relative free hand has been given to those who aim to destroy the armed forces. The demands of the Buddhists for the resignation of the Commander in Chief, the Chief of Staff, Commander of II Corps, the Prefect of Saigon and the Director of National Police, to name a few, appear to be blows directed at the heart of the security forces which stand between the Viet Cong and victory. I cannot believe that it is in the interests of the Nation to accede to these demands. To the contrary, I am persuaded that acceptance is a formula for political and military disaster. While aware that the insurgency cannot be overcome by military means alone, I am equally aware that without a strong military foundation no program will ever achieve victory. I am concerned that the Government of Vietnam has already moved some distance down the wrong road in dealing with its Armed Forces. I do not know whether the Armed Forces will collapse or whether, finding the present course intolerable, they will make a desperate move to regain power. Neither course of action is compatible with the objective we seek."

Bunker Urged Laos Action In '67, Papers Show

(By the Washington Bureau of the Post-Dispatch)

WASHINGTON, July 3.—Secret Pentagon documents obtained by the Post-Dispatch disclose that as long ago as 1967 Ellsworth C. Bunker, United States ambassador in Saigon, urged secret military action against Laos of the kind eventually ordered this year by President Richard M. Nixon.

The papers show also recommendations at the same time for an attack on Cambodia, an action that Mr. Nixon took last year. Chief advocates in 1967 included American military leaders and South Vietnam's President Nguyen Cao Ky. They were opposed by same top U.S. officials in both the State and Defense departments.

The massive report reveals a history of continued pressure to expand the Southeast Asian conflict, dating back at least to 1964.

In addition, the controversial study is critical of American ambassadors, particularly Bunker's predecessor, Henry Cabot Lodge, Jr., for overlooking the South Vietnamese government's use of repressive police measures, political measures, political arrests, widespread corruption and its repeated failures to live up to agreements with the United States.

These disclosures are contained in hundreds of pages obtained by the Post-Dispatch of a secret study by the Department of Defense of the history of the war in Vietnam and America's role in it. The report is based largely on Pentagon documents; most White House and State Department documents relating to the origin of the conflict were not available to the authors.

In previous articles based on the documents the Post-Dispatch was reported that:

(1) Former Secretary of Defense Robert S. McNamara, a year and a half after the start of the massive American military buildup in South Vietnam, said he saw "no reasonable way" to end the war soon.

(2) Former Secretary of State Dean Rusk said in 1964 that the U.S. would use nuclear bombs if Communist China came into the South Vietnamese conflict.

(3) Military and civilian officials in the Defense Department clashed sharply over a 1967 request to add 200,000 American troops to the war in Southeast Asia.

Bunker's proposal for a military offensive against Laos contemplated the use of South Vietnamese ground forces to carry it out. This is the pattern that was followed this year by Mr. Nixon in the so-called Laos "incursion."

South Vietnamese troops invaded Laos last Feb. 8. The U.S. provided air, artillery and logistical support. Critics charged that the Administration's assertion that no American ground combat troops were involved was misleading. They pointed out that the U.S. role was a major one, involving virtually everything short of ground combat. A heavy U.S. air war against Laos already had been under way for several years.

The 47-volume historical study prepared for the Defense Department by unidentified analysts discloses that Bunker made his proposal during a meeting in Saigon on July 7, 1967. Among those present was McNamara, who had left Washington on July 5 on one of his frequent visits to South Vietnam.

The meeting took place at the U.S. Army's headquarters at Tansonnhut Air Base near Saigon. Bunker, Gen. William C. Westmoreland, who was then commander of U.S. forces in South Vietnam, and others gave McNamara a 10-hour briefing. At issue was a request by Westmoreland for additional troops numbering, according to varying reports, from 70,000 to 150,000

Bunker, then 73 years old, was the "new boy" in Saigon. Holding the position of ambassador-at-large after a distinguished diplomatic career, he was appointed ambassador to Saigon on March 15, 1967, by President Lyndon B. Johnson. Chosen after the resignation of Ambassador Lodge, he took over his new post in South Vietnam on April 25.

The Pentagon historical study, noting that Bunker had been in Saigon "barely more than two months" at the time of McNamara's visit, says that the new ambassador's remarks at the briefing were "guarded."

The dignified Bunker outlined in general terms basic American objectives, including the establishment of a just peace through negotiations. He was optimistic about the progress of the war, citing "splendidly executed" offensive actions by American troops and "evidence of increased effectiveness" of the Vietnamese armed forces.

The crux of the military problem, however, was how to choke off North Vietnamese infiltration into South Vietnam, principally through Laos, he noted. Conceding the difficulty and delicacy of this problem, he expressed confidence that "with imagination and ingenuity" it could be met.

The Pentagon study then quotes him as saying:

"What is involved, of course, are operations within Laos, but I do not believe this fact should present insuperable obstacles. The North Vietnamese government is a signatory to the 1962 Geneva accords, but its forces have been in Laos both before and since the signing of the agreements. It is now using Laos as the main route for infiltration into South Vietnam.

"Is it not logical and reasonable, therefore, that South Vietnamese troops should oppose and combat North Vietnamese offensive action by whatever method can be devised in order to prevent the invasion of their country?

"Guarantees, of course, would have to be given to the Lao government by the South Vietnamese and I believe should be underwritten by us, that Vietnamese troops were on Lao territory for defensive purposes only and would be withdrawn immediately when peace is secured.

"The operation, especially in its preparatory stages, should be carried out with as much security and secrecy as possible."

Bunker urged that his proposal be pursued "with the utmost concentration." The study quotes him as saying, "I have made some recommendations as to methods we might use to achieve these objectives." However, the papers obtained by the Post-Dispatch do not disclose the nature of the recommendations.

The unidentified analyst writing in the massive historical study by the Defense Department comments that the new ambassador's views "of course, accorded with those which the military had been pressing for some time." Gen. Westmoreland, the analyst wrote, "was fortunate in having such a staunch ally in his battle for expanded operations into the sanctuaries as well as the moral support for a more intensive war effort."

As the lengthy briefing of McNamara continued, Westmoreland, too, focused on Laos. He expressed the confident appraisal that "we are winning slowly but steadily." Urging an even faster pace, he added:

"I believe we should step up our operations in pacification in the south, increase the pressure in the North and exercise new initiatives in Laos."

To buttress these recommendations, Westmoreland's assistant chief of staff for intelligence presented a lengthy appraisal of the enemy's likely tactics. The assessment printed in the Pentagon study forecasts larger military operations in South Vietnam by Communist North Vietnamese forces, necessitating heavier infiltration from the North.

This prospect emphasized the importance of both Laos and Cambodia, the intelligence officer noted, remarking:

"To support this buildup, the Laos corridor becomes increasingly important to the enemy . . . You know of the location of base areas in the Laos panhandle which serve as logistical, rest and training bases and permit the orderly movement of both men and materiel to South Vietnam . . .

"Use of Cambodia will also be increased. . . . The enemy has established a military region 10 in South Vietnam which extends into Cambodia. He has stated that MR 10 is to become the biggest base area of the war.

"He has formed a replacement and refitting center, reported to be strong, in the Fishhook area for units badly mauled in South Vietnam. An agent recently reported a Viet Cong arsenal in the Parrot's Beak which produces assorted mines and repairs weapons.

"We do know that the Parrot's Beak area is often used by the Viet Cong in moving men and supplies between Tay Ninh Province and the delta."

The intelligence officer concluded his appraisal with the assertion that "the war is becoming more and more an NVA (North Vietnam army) war, and Laos and Cambodia are becoming increasingly important to him."

The lengthy meeting in Saigon in Mid-1967 was only one in a series of efforts seeking large-scale military action against both Laos and Cambodia. Chief pressures came from American military leaders and some South Vietnamese officials.

As long ago as 1965, Vice President Nguyen Cao Ky, who then headed one of South Vietnam's many short-lived governments as premier, was pushing for measures against Cambodia. The historical study reports:

"Ky kept pressing for action against Cambodian sanctuaries; the U.S. stood firm on the rule of self-defense in emergencies only, which could mean shooting across the border but not maneuvering troops across it.

"Ky wanted to encourage a Khmer Serai expedition, which would cause a flareup with the Cambodian government; State directed Lodge to keep him on a tight leash." (Khmer Serai refers to a military group organized with U.S. backing and consisting of persons of Cambodian origin but living in South Vietnam.)

During this period Ky was pressing the U.S. to take over an increasing share of the war in Vietnam. The historical study discloses that on Aug. 26, 1965, the South Vietnamese air marshal told Ambassador Lodge that the U.S. should "hold strategic points" so that the Vietnamese could concentrate on pacification operations. The unidentified Pentagon analyst noted:

"That is, he wanted the U.S. to take over the main force of the war."

Lodge had arrived in Saigon just six days earlier to replace Gen. Maxwell D. Taylor, who had resigned as U.S. ambassador. Lodge previously served as ambassador to South Vietnam from June 27, 1963, until his resignation in June 1964 to take part in that year's campaign for the Republican presidential nomination.

Expansion of operations against Laos was contemplated, too, in an assessment of alternative strategies prepared in February 1967 for President Lyndon B. Johnson's night reading by the Defense Department's office of International Security Affairs and the Joint Chiefs of Staff with what the historical study describes as "an assist from Department of State."

Among the recommendations was a proposal to expand the so-called Shining Brass program, a code name for the limited and secret use of small numbers of U.S. troops in the jungles along the Laotian border. The proposal called for extending operations up to 20 kilometers, or about 13 miles, into Laos, and for use of larger forces and expanded helicopter operations.

The military renewed their pressure to expand the war in the spring of 1967 at the White House. Gen. Westmoreland had returned to the U.S. April 25. The Pentagon study asserts that the ostensible purpose of his visit was to address the annual convention of the Associated Press in New York City, but that the real reason was both to undertake an intensive review of his strategy and force requirements for 1967 and to marshall public support for the war effort.

Two days later the American military commander met at the White House with President Johnson, Gen. Earle G. Wheeler, who was then chairman of the Joint Chiefs of Staff, and others. The Pentagon documents obtained by the Post-Dispatch relate that portions of the conversation were reported by the late John McNaughton, who was then assistant secretary of defense for international security affairs.

In McNaughton's account, Westmoreland stressed the need for two and one third additional American divisions, which he had already requested. He estimated that even with such an addition, bringing the U.S. force level to 565,000 men, the war could well go on for three more years. The duration might be cut to two years by adding a second increment of two and one third divisions, leading to a total of 665,000 American troops, he added.

Wheeler emphasized the concern felt by the Joint Chiefs of Staff over the operations of North Vietnamese troops in both Cambodia and Laos. McNaughton's account relates that the chairman of the Joint Chiefs expressed the view that U.S. troops might be forced to move into both areas as well as to invade North Vietnam.

The White House discussion focused on Cambodia and Laos, with Westmoreland calling for strong action against the enemy in both countries. The historical study states:

"The American commander in Vietnam . . . believed we should confront the DRV (North Vietnam) with South Vietnamese forces in Laos. He reviewed his operational plan for Laos, entitled 'High Port,' which envisioned an elite South Vietnamese division conducting ground operations in Laos against DRV bases and routes under cover of U.S. artillery and air support. He saw the eventual development of Laos as a major battlefield, a development that would take some of the military pressure off the south.

"He also thought it would be wise to think in the same terms as 'High Port' for Cambodia; he revealed that he also possessed contingency plans to move into Cambodia in the Chu Pong area, again using South Vietnamese forces but this time accompanied by U.S. advisors."

The Pentagon study, which lacks most White House and State Department documents, does not make clear the result of the White House meeting beyond the fact that President Johnson questioned what would happen if additional American troops were not dispatched to South Vietnam. Wheeler replied that the momentum of the Allied drive would be lost.

As 1967 moved into late spring, the pressure for broadening the war beyond Vietnam continued. On May 20 the Joint Chiefs of Staff issued their "World-Wide Posture Paper." Although its most significant recommendation was for a selective callup of military reserves to meet America's worldwide commitments better, it discussed also broadening the conflict in Southeast Asia. The Pentagon study quotes the document:

"It may ultimately become necessary to conduct military operations into Cambodia to deny the Viet Cong-North Vietnamese army forces the psychological, military and logistical advantages of this sanctuary.

"Should the Viet Cong-North Vietnamese forces increase their use of the Laos panhandle, it might become necessary to deploy additional forces to Thailand and expand operations further to protect South Vietnam."

Speculating on the possibility of intervention by Communist China in the Southeast Asian conflict, the Joint Chiefs said such action might require the use of nuclear weapons against lines of communication and supply bases in southern China.

In the fall the military leaders again turned their attention to broadening the war. On Oct. 17 the Joint Chiefs of Staff forwarded to Mr. Johnson their reply to questions he had raised as to ways of increasing military pressure on North Vietnam within current U.S. policy guidelines.

Included among 10 possible steps were proposals to eliminate operational restrictions on B–52 bombing raids on Laos and to increase aerial interdiction both in Laos and along the borders of North Vietnam. The Joint Chiefs recommended also expanded operations along the borders of both Laos and Cambodia to disrupt enemy sanctuaries.

The matter was carried further the next month. At a White House luncheon Nov. 8 Secretary of State Dean Rusk proposed that the Defense and State departments draft a joint policy document to govern political and military operations in Southeast Asia for the next four months. Wheeler told the staff of the Joint Chiefs of Staff to set to work on a variety of recommendations that would include "ground operations in Laos, ground operations in Cambodia and possible ground operations against North Vietnam."

The Joint Chiefs of Staff finished their study Nov. 27, 1967. They concluded rather glumly that existing policy guidelines would allow no new programs that would bring quick military gains. They recommended, therefore, that the basic policies be modified and expanded to permit broader military action.

The roots of the pressure that existed in 1967 for broadening the war beyond Vietnam dated back long before Ambassador Bunker's proposal in the middle of that year. The vast Pentagon study traces the thread at least back to 1964, the year before the American buildup started in South Vietnam.

On May 4, 1964, Maj. Gen. Nguyen Khanh, who was the Premier, asked then Ambassador Lodge for 10,000 troops from the U.S. Army Special Forces to "cover the whole Cambodian-Laotian frontier." Lodge is described as being noncommittal.

Later that month Secretary of State Rusk met in Saigon with Khanh. The two men are reported to have discussed "immediate extensions of the war such as attacking the Laotian corridor." Khanh is said to have stressed the idea that he could not win without extending the war. As the Post-Dispatch has reported previously, Rusk told Khanh in this meeting that the U.S. would use nuclear weapons if Communist China entered the Vietnamese conflict in force.

The next month planning started for extending the war outside the boundaries of Vietnam. The Pentagon papers state that on June 27 a joint message from the State and Defense departments authorized joint planning by the U.S. with the Vietnamese joint general staff for cross-border operations in Laos.

The planning started promptly. Before the end of August, Gen. Maxwell D. Taylor, who had succeeded Lodge as U.S. ambassador in Saigon, submitted recommendations to Washington. Provided that Saigon met certain conditions for stabilizing its government and strengthening its military operations, he cabled, the U.S. should be ready to:

"Initiate air and ground strikes in Laos against infiltration targets as soon as joint plans now being worked out with the Khanh government are ready . . ."

At the end of November after a trip to Washington, Taylor returned to Saigon with an approved statement and program reflecting his principal recommendations. If the South Vietnamese government improved its performance, the U.S. was ready to join in bombing the Laotian corridor, already being carried out by Vietnamese planes. The plan, as quoted in the Pentagon study, did not refer to ground action against Laos.

The pressure from military leaders and others for expanding the war beyond Vietnam ran into stiff opposition from some civilian officials in both the State and Defense departments.

One of these was William P. Bundy, assistant secretary of state for Far Eastern Affairs. In a lengthy memorandum analyzing Gen. Westmoreland's request in March 1967 for 2⅓ additional divisions, he indicated his approval for adding perhaps 50,000 U.S. troops to the total in South Vietnam.

Bundy expressed strong opposition, however, "to any such idea as sending a GVN (South Vietnamese) division into Laos," noting, "it would almost certainly be ineffective, and the cry would at once go up to send more." He predicted that Prince Souvanna Phouma, Premier of Laos, would "object violently and feel that his whole position had been seriously compromised."

Nonetheless, Bundy supported limited proposals for more effective action against the Ho Chi Minh Trail in Laos, used by the Communists to send men and supplies into South Vietnam. These schemes, however, would require only small ground-force teams.

As for Cambodia, Bundy is described as believing that country was becoming increasingly important to the North Vietnamese war effort. He reportedly doubted whether any significant change in our actions in Cambodia could really affect the enemy's supply routes there or be worth the broad political damage of appearing to attack the country.

Another of those who opposed broadening the boundaries of the war was the late John McNaughton, then an assistant secretary of defense. In a draft memorandum prepared in May 1967 for President Johnson, McNaughton appeared to find no attractive course of action for the U.S. He dwelled on the unpopular nature of the war in this country and expressed belief that Hanoi had decided not to negotiate until after the 1968 presidential election.

He opposed any thought of American ground action against North Vietnam, warning it would bring on Chinese intervention. He found ground actions in Laos to be "similarly unwise," noting:

"In essence, a brigade will beget a division and a division a corps, each calling down matching forces from North Vietnam into territory to their liking and suggesting to Hanoi that they take action in northern Laos to suck us further in.

"We would simply have a wider war, with Souvanna back in Paris, world opinion against us and no solution either to the wider war or to the one we already have in Vietnam."

To support his argument, McNaughton quoted from Le Duan, the North Vietnamese Communist party leaders. Le Duan was represented as predicting that the U.S. would encounter severe trouble if it attacked Laos. "The occupation of the western highlands (of Laos) is a tough job, but the attack on central and lower Laos is a still tougher one," the Communist leader is reported to have said. Le Duan then stated:

"If a small force is used the problem remains insoluble. The U.S. may face a series of difficulties in the military, political and logistic fields if a larger force goes into operation. In effect, an attack on central and lower Laos would mean the opening of another front nearer to North Vietnam, and then the U.S. troops would have to clash with the North Vietnamese main force."

Neither the text of McNaughton's memo nor the lengthy Pentagon study itself disclosed when or where Le Duan's remarks were made.

In March 1968, Clark M. Clifford, who that month succeeded McNamara as Secretary of Defense, omitted any discussion of expanding the conflict into Laos or Cambodia in a forceful argument for turning down the volume of the war. Clifford outlined his views in a memorandum dated March 4 that the Pentagon study says apparently was sent to President Johnson.

The emphasis in the Clifford proposal was on keeping Laos and Cambodia out of the conflict rather than bringing them into it. It suggested that the U.S. put "substantial emphasis lengthy Pentagon study itself disclosed when or where Le on restoration of the Laos accords of 1962," which called for the neutrality of that country.

In similar fashion, it called for stressing the need to preserve "the neutrality and territorial integrity of Cambodia under the 1954 accords. After making these recommendations, an appendix to the memo stated:

"Indeed, we could go still further and take the occasion to talk in terms of an over-all settlement for Southeast Asia that would specifically provide that each nation was free to assume whatever neutral or other international posture it wished to take.

"We could explicitly state that we were prepared to accept a Southeast Asia that was 'neutral' in the sense of not adhering to any power bloc or forming a part of any alliance directed at others."

It suggested also that Communist threats to both Laos and Cambodia could be put before the United Nations.

In his memorandum Clifford recommended that 22,000 additional American troops be sent to South Vietnam and that military reserves be called up in the near future. The memo came early in the month-long "Battle for the soul of Lyndon Johnson" as Clifford and other advocates of curbing the war sought to change policy.

The struggle within the American Administration came to a climax on March 31, 1968, when Mr. Johnson announced a partial halt in American bombing attacks on North Vietnam and unexpectedly announced he would not accept a second term as President. He agreed to send only 13,500 additional American troops to South Vietnam.

The denouement of the long struggle over whether the war should be expanded to Laos and Cambodia did not come until after President Nixon entered the White House.

During the Johnson Administration no overt ground actions were mounted against either country. In the case of Cambodia, only air strikes and artillery fire were allowed to quiet hostile batteries operating from across the border.

More intensive action was carried out against Laos. In mid-1967 U.S. warplanes averaged 5000 attack sorties a month against Communist infiltration routes and base areas in Laos. Artillery fired from South Vietnam against targets in Laos. The U.S. also provided three-man leaders for U.S.-South Vietnamese special forces teams that operated up to a depth of nearly 13 miles inside Laos in the operation code named Shining Brass. Also, the U.S. financed and directed a native army operating inside Laos.

The picture changed when Mr. Nixon came to the presidency. On April 30, 1970 the President disclosed that more than 20,000 U.S. and South Vietnamese troops had been sent into Cambodia in an effort to destroy Communist sanctuaries in the Parrot's Beak and Fishhook areas along the country's eastern border. The action set off explosive demonstrations of opposition on American campuses and led to new attacks in the Senate on American war policy. American troops stayed for two months, with Mr. Nixon terming the operation a success when they pulled out.

Nine months later the war was broadened to Laos. About 5000 South Vietnamese troops invaded the southern part of the country last Feb. 8. The U.S. said that no American ground forces were involved. However, U.S. air, artillery and logistical elements gave essential backing to the attack.

The Laotian operation, code-named Lam Son 719, officially ended April 9. Mr. Nixon described it as a resounding success, but eyewitness accounts from the front told of heavy losses by the South Vietnamese troops and of enemy men and supplies moving along the Ho Chi Minh Trail again before the end of the attack.

The 7000-page study by the Defense Department is critical of the performance of American ambassadors in Saigon in a section dealing with corruption in the South Vietnamese government and its repeated failure to live up to promises made to the U.S.

"The (American) embassy looked the other way from repressive police measures and political arrests unless these led to embarrassing press stories," the Pentagon's unidentified analyst wrote. "And when the ambassador would raise this type of issue with the GVN (South Vietnamese government) it was always to be touchy."

The study added that especially during Henry Cabot Lodge Jr.'s term as ambassador, "the embassy tried to protect GVN from the press and help it build a favorable image."

The study related that in September 1964 a Lt. Col. Chi, who was then chief of Binh Tuy Province, was accused of misusing $250,000 in American assistance funds. Pressure from the Agency for International Development, far from producing correction of the situation, "merely produced threats against the lives of AID personnel in the province, the historical account stated.

AID withdrew its representatives and suspended assistance to the province on Sept. 23. Chi, however, was reportedly a protege of Gen. Co, then minister of defense and deputy premier, who himself figured in charges of corruption a year later, the study states. It was not until after the story about Chi got into the newspapers that Premier Ky removed Chi. He was given a job in he Ministry of Defense.

The study comments that "Lodge played no role in starting this episode and told the mission council on Oct. 7 that he did not want it repeated."

The study relates that later when Premier Ky offered to move against corruption, American officials counseled delay. It states:

"In August Ky volunteered to do something about the most corrupt generals in the directorate, especially Co and Quang (Gen. Quang, commander of IV Corps). Again, Lodge, who had frankly given up on corruption in the highest places, cautioned him to go slow, and Ky decided to put off any action until after the September elections.

"Lodge's advice, with State concurrence, concentrated on making sure Ky had definitive evidence of the alleged corruption. Lodge was sure that following this advice would delay things sufficiently."

In November, the Pentagon report states, Ky informed Lodge that he was prepared to relieve Gen. Quang of his post. Lodge reportedly again urged caution but was said to feel satisfied that Ky was prepared to make the move properly. Two weeks later Quang took over as head of a newly created Ministry of Planning and Development to deal primarily with postwar planning.

Related to the problem of corruption were the failure of the South Vietnamese government to live up to agreements, its tendency to take unauthorized, independent actions and the failure of American representatives to push for better performance.

One of the most startling of the unauthorized actions recounted in the Pentagon study concerned the discovery in 1967 that the South Vietnamese government "had brought in Chinese nationalists . . . to engage in operations in Laos." The Chinese were disguised as Nungs, ethnic Chinese living in South Vietnam who have been employed by the U.S. as mercenaries in guard and other capacities.

Although the Pentagon study is not clear on a related point, it indicates that the South Vietnamese government also sent a group of Chinese Nationalists to construct an airfield on an island 170 miles south of Hainan, an island that is part of Communist China.

Unauthorized moves by South Vietnam often reflected a "taste for foreign adventure," the Defense Department report states. As an example, it points out that in July 1965 Brig. Gen. Nguyen Chanh Thi, a member of the National Leadership Committee in Premier Ky's government, planned unauthorized operations in the Demilitarized Zone separating North and South Vietnam.

The South Vietnamese were described as "quite sensitive" on matters purportedly relating to sovereignty or "face." The U.S., the study asserts, "was afraid to inflame this sensitivity. Both sides avoided many delicate topics."

On request, the historical account goes on, the Vietnamese "showed a ready willingness to declare new policies, sign decrees and engage in joint studies." It adds:

"Ky was always willing to issue decrees purporting to clear up the port problem and to make public declarations against corruption. On economic policy, Ky and Hanh gave us one agreement after another promising to control inflation and to run down their dollar balances. The relations of their military with MACV showed the same pattern."

This willingness, however, "scarcely means that we got what we wanted on such matters," the lengthy Pentagon study reports, continuing:

"Examples of superficial compliance are almost too numerous to mention. The Honolulu conference of February 1966 produced over 60 agreed points between the two governments on all areas of mutual interest; getting any followup proved to be like pulling teeth and then the followup we got was nothing more as a rule than more promises.

"Likewise, at the Manila conference much the same thing happened, where GVN agreed to programs for social revolution, economic progress and so on. However, at our insistence they did go ahead with the constitution and elections, and they shifted half of ARVN (South Vietnamese army) into pacification."

BUNKER HAD WAR BLUEPRINT

WASHINGTON, July 6.—Ambassador Ellsworth Bunker, in a "Blueprint for Vietnam" in mid-1967, proposed a mixture of military and pacification measures that he said "can defeat the enemy."

Bunker's memorandum was among secret Pentagon papers obtained by the Post-Dispatch.

Documents in this group detail the "evolution of the war" and the relations between the United States and the Saigon government from 1963 through 1967, including the period of the Buddhist uprising in 1966, the adoption of a new constitution and the national elections of 1967.

The papers show that Ambassador Henry Cabot Lodge, Bunker's predecessor at the Saigon post, intervened in the affairs of the South Vietnamese government even to the point of advising Premier Nguyen Cao Ky not to bob his head up and down when reading a speech on national television.

In the "Blueprint for Vietnam," Bunker laid out a plan for expanding the U.S. effort in Vietnam after the elections had been completed satisfactorily. As the unidentified Pentagon historians noted, he "struck a consistently optimistic note."

"Progress in the war has been steady on all fronts," his memo began. "We can defeat the enemy by patient, continued, and concerted effort."

Bunker proposed, "Now that the initiative is ours and the enemy is beginning to hurt," that the United States keep "maximum pressure" on him by stepping up military activity in the South and the bombing of the North.

In raiding North Vietnam, he said, the U.S. planes should bomb "all targets in the North connected with the enemy's war effort that do not result in unacceptable risk of uncontrolled escalation."

Bunker urged also that the pacification program be accelerated, including "more effective attacks on the infrastructure." The so-called "Viet infrastructure" was the underground organization of Viet Cong agents that the United States and the Saigon government were trying to uproot and destroy by arrest and death.

Lodge's public relations advice was given in a memorandum reporting on a meeting he had had with Premier Ky March 22, 1966. Two problems at the time were keeping the Saigon government to its promises to hold provincial elections and draft a new constitution.

Lodge said he advised Ky not to cancel the election, as it had been reported he might. Ky replied that he was not canceling them but that two provincial councils did not want elections.

The ambassador's solution was to have the two councils say publicly that they did not want elections "so that the onus of not holding these elections would not fall on the government."

Lodge said he then advised Ky to "take the lead and influence opinion, and not be at the mercy of events." He proposed that Ky obtain approval by the Vietnamese generals of a list of names for a commission to draft the constitution and then "make a very carefully written and persuasive announcement which would be done on film for use on television and in the movie theaters."

"I said that he should not read it on film with his head bobbing up and down as he looked down at the text, but should have it put on a cue card alongside the camera and read it as he looks right into the lens," Lodge wrote.

He told Ky that the question whether elections should be held later on for a constitutional convention "should be deliberately fuzzed and left open by implication."

Lodge reported that he suggested to Ky that "impulsive unprepared statements were most dangerous at this time."

"Experienced politicians often make statements which seem to be 'off the cuff,' but actually are carefully thought out," the ambassador observed. "His unprepared statements always worry me."

A Pentagon historian's summary of the period implies strong criticism of the U.S. Embassy in Saigon under both ambassadors. It says that the Embassy seemed to be surprised repeatedly by the maneuverings of the various political groups.

"The blandly naive language of the 'Blueprint for Vietnam,' unmodified by any back channel elaboration, offered no hope of any foreseeable improvement," the analyst said.

Events of 1964 and 1965, when the Saigon government kept changing in repeated coups, showed that "the Embassy had no effective system, either through overt or covert contacts, for finding out what was going on," the historian wrote.

He said that Central Intelligence Agency officials "talked to a few official contacts, who told them things the Vietnamese wanted the U.S. to believe" but lacked the resources to gather and evaluate large amounts of information required on political forces and corruption.

"The Embassy looked the other way from repressive police measures and political arrests unless these led to embarrassing press stories," the historian wrote.

"And when the ambassador would raise this type of issue with the GVN (Government of Vietnam) it proved always to be touchy. Especially under Lodge, the embassy tried to protect GVN from the press and help it build a favorable image."

The Saigon government followed American advice more in form than in substance, the Pentagon history said. It noted that the Honolulu Conference of February 1966 produced more than 60 agreed points between the two governments, but "getting any follow-up proved to be like pulling teeth, and then the follow-up we got was nothing more as a rule than more promises."

President Lyndon B. Johnson embraced Premier Ky for photographers and thus "added to the impression that Ky was tied to our apron strings," the historian wrote.

In the Buddhist uprising, when a "struggle movement" controlled Hue and operated freely from Pagodas in Saigon, Lodge followed instructions and praised Ky to be conciliatory, although the ambassador was "unreservedly sympathetic to Ky" and "viewed the Buddhists as equivalent to card-carrying Communists," according to the Pentagon history.

The State Department sent a message that "a key objective is to avoid anti-Americanism becoming a major issue."

"We shall be accused of interferences in any event, but it is vitally important not to give potential anti-American elements (or the press and outside observers) any clear handle to hit us with," the message said.

Lodge's efforts to maintain Ky's good image included urging him to go slow with a planned cabinet reshuffle and on action to deal with corruption among Vietnamese generals.

In August, 1966, the historian recalls, Ky received an invitation to talk to a press group in Los Angeles and tentatively accepted.

"Both Lodge and State panicked, especially when the group started to set up a debate between Ky and Senator Fulbright," the report said. In the upshot they talked Ky out of going."

Again, in February 1967, Ky spoke of accepting another invitation to speak in the United States. Washington's reaction was apprehensive.

Lodge reported from Saigon: "We have twice headed him off and to object a third time might create strain."

But eventually Ky announced postponement of his visit on the ground that his presence was needed in Vietnam to insure a free and fair election.

As the 1967 elections approached, the historian said, the U.S. mission become increasingly worried that competition between Ky and Gen. Nguyen Van Thieu would threaten "the indispensable unity of the military." The confrontation developed, and both were announced candidates for the presidency.

The historian said that Bunker's "ploy" was to invite the two generals to an informal luncheon and let them work out their own solution. Eventually, Ky agreed to run for vice president on Thieu's ticket.

"The mission sighed in relief and agreed that Bunker's approach had worked," the historian said.

Text of Lodge's Report on Talk With Ky In 1966

Following are excerpts from secret Pentagon papers on United States involvement in the Vietnam War that have been obtained by the Post-Dispatch:

First are excerpts from the text of a report to Washington from Ambassador Henry Cabot Lodge in Saigon on a meeting with Premier Nguyen Cao Ky on March 22 1966:

2. . . . He is eager for advice and when he received it, he said he agreed with it. Now it remains to be seen whether it will be carried out.

3. My advice was based on careful reflection and consultation with my associates and was to this effect:

4. The GVN should not cancel provincial elections as I had heard reported. He said that this was not exactly the case; that there were two provincial councils, which didn't want elections. I said in that event these councils should be made to say publicly that they didn't want elections so that the onus of not holding these elections would not fall on the Government. A public announcement had been made that the Government was in favor of holding these provincial elections; the offices involved have little actual consequence but are of symbolic significance; Washington had been informed of this fact; and if there was some reason why in one or two provinces they should not be held, then the provinces should make the reason plain.

5. I then advised that he should take the lead and influence opinion, and not be at the mercy of event. I suggested that a list of names for so-called consultative assembly (which I suggested would be better named "preparatory commission") which aims to draft a constitution, should be confirmed by the Generals. When this had been done, I suggested that then Ky should make a very carefully written and persuasive announcement which would be done on film for use on television and in the movie theaters. The Vietnamese are great movie-goers and it is a very important medium here. I said that he should not read it on film with his head bobbing up and down as he looked down at the text, but should have it put on cue card along side the camera and read it as he looks right into the lens.

6. His statement should be written in such a way as not to exclude the possibility of elections later on for a constitutional convention. In other words, this should be deliberately fuzzed and left open by implication. I said I much preferred the phrase "constitutional convention" to the pernicious French phrase "constituent assembly." The constitutional convention would meet, adopt the constitution and disband, whereas the constituent assembly stays around and makes trouble for an indefinite period.

7. He agreed with all this and seemed to understand it. He said that last night, the Generals had unanimously confirmed the names of the members of the preparatory committee. He would announce all this as I suggested. I wish he would do it quickly.

8. I suggested that impulsive unprepared statements were most dangerous at this time. Experienced politicians often make statements which seem to be "off and cuff," but actually are carefully thought out. His unprepared statements always worry me.

9. He agreed with me that certain Buddhists were unwittingly taking Communist inspired advice, as were the students in Hue who had attacked me.

10. He was absolutely sure that the Buddhists were divided among themselves—an analysis which I share. He agrees with me that Tri Quang simply has not got the powerful psychological factors working for him now that he had in October '63. All the Communist Propaganda in the world cannot alter these facts: That in '63, the Buddhists were discriminated against, and now they are not; that in the latter days of '63 the Buddhists were persecuted whereas now they are not, and that Tri Quang was an underdog then, and now he is not. Yet Tri Quang is evidently determined.

11. My advice to him was not very drastic and quite simple to do, and yet I believe that if he follows it conscientiously and expeditiously without procrastination that there may be enough of a budding sense of National interest to start moving things along in the right direction.

12. He thanked me more effusively and warmly than he has ever done before and said he was so grateful for my interest in his welfare, physical and political.

13. The situation is not yet out of hand. Ky has had offers from Catholics and Southerners for them to enter the fray on his side and start throwing their weight around, which he so far as been able to prevent them from doing. This is one of the things which I have been fearing. I talked in this vein with the Papal delegate and the Archbishop of Saigon yesterday, and they agreed completely. The leadership of the Southerners is not, I fear, as responsible.

Bunker's Plan for War in 1967

Excerpts from the text of a paper transmitted to Washington by Ambassador Ellsworth Bunker, titled "Blueprint for Vietnam," in August 1967:

Progress in the war has been steady on all fronts. We can defeat the enemy by patient, continued, and concerted effort. The way to do this is for the GVN and its allies (a) to reinforce and accelerate the progress already made; (b) to markedly improve the interdiction of infiltration of North Vietnamese troops and supplies; (c) to upgrade, accelerate, and coordinate the pacification program in the countryside; and (d) to maintain political and economic stability and support the development of the constitutional process.

. . . We still have a long way to go. Much of the country is still in VC hands, the enemy can still shell our bases and commit acts of terrorism in the securest areas, VC units still mount large scale attacks, most of the populace has not actively committed itself to the Government, and a VC infrastructure still exists throughout the country. Nevertheless, the situation has steadily improved since the spring of 1965 . . .

Now, that the initiative is ours and the enemy is beginning to hurt, maximum pressure must be maintained on him by (a) intensifying military activity in the South; (b) developing new methods of interdicting infiltration; (c) bombing all targets in the North connected with the enemy's war effort that do not result in unacceptable risk of uncontrolled escalation; (d) accelerating the program of pacification (including better security, more effective attacks on the infrastructure, stepped up National Reconciliation and Chieu Hoi programs, a greater involvement of the people in solving their own problems at the village and hamlet level); (e) encouraging reforms in the government structure and continued improvement in the armed forces; (f) attacking the problem of corruption; (g) using influence to effect a strong, freely elected government with political stability; and (h) taking actions necessary to the continued growth and stability of the economy . . . 102.

[From the Boston Globe, July 1, 1971]

L. B. J. Was Warned of Domestic Crisis If War Widened

(By Martin F. Nolan)

A Pentagon memo to President Johnson in March 1968 warned of "a domestic crisis of unprecedented proportions" if he continued escalation of the Vietnam war. The memo followed Gen. William Westmoreland's request for an additional 205,000 troops.

"It will be difficult to convince critics that we are not simply destroying South Vietnam in order to 'save it' and that we genuinely want peace talks," the memo said. It also warned against "increased defiance of the draft and growing unrest in the cities because of the belief that we are neglecting domestic problems."

The memo came from the office of Paul Warnke, then Assistant Secretary of Defense for International Security Affairs. Warnke is now a law partner for former Defense Secretary Clark Clifford.

But other Pentagon officials dismissed domestic reaction to war policy changes. One suggested that complaints would be confined to "dissent columns and editorials."

A Joint Chiefs of Staff document said "the price of quitting now would include the undermining of our other commitments worldwide, bitter dissension at home and a probable resurgence of active Chinese-U.S.S.R. territorial aggrandizements."

One of the JCS memos prepared for President Johnson during March, 1968, said "we must prove . . . that the nation still has the resources for the ghetto fight."

The aftermath of urban riots in Newark and Detroit in 1967 was also a factor in military planning, according to the Pentagon study:

CIVIL DISORDER

"In examining the capacity to meet the possibility of widespread civil disorder in the United States, the Joint Chief of Staff concluded that whether or not deployments under any of the plans were directed, it appeared that sufficient forces would still be available for civil disorder control."

Army units were later sent into Washington and Baltimore during riots that erupted after the assassination of Martin Luther King in April, 1968.

The "deployments" considered by the Joint Chiefs were part of various Vietnam battle plans offered President Johnson in February and March, 1968.

In all the documents on the Pentagon study obtained by the Boston Globe, little mention is made of domestic political considerations until March, 1968, after the Viet Cong's Tet offensive and Gen. Westmoreland's request for more than 205,000 additional American troops to fight the war.

Warnke's troubled assessment of the war's effect on America was contradicted by the Pentagon official most responsible for gauging U.S. public opinion, Phil G. Goulding, then Assistant Secretary of Defense for Public Affairs.

Increasing the bombing of North Vietnam and sending substantially more troops to Vietnam would "help unite the country," Goulding wrote in a memo: "This course would clearly bring aboard more hawks and further isolate the doves: It would also make the war much easier to accept by the middle of the roaders."

Goulding examined "five alternative options" in a memo entitled "Possible Public Reaction to Various Alternatives." According to the Pentagon analyst, "Mr. Goulding emphasized that all options were being examined from a public reaction standpoint only. He also emphasized that no action would unite the country. The question to be attacked was which option will most coalesce supporters and most isolate the opposition."

"Mr. Goulding divided the public into hawks, doves and middle-of-the-roaders," said the study, then judged the "acceptable" alternative of the five the eventual policy that was later called Vietnamization by President Nixon: "Denial of the Westmoreland requests and a change in war-fighting policy with greater concentration on defending populated areas and less on search-and-destroy in unpopulated areas. This would include an announced program to begin troop withdrawal at a fixed date."

HAWKS AND DOVES

Goulding also saw virtues in deployment of more troops plus expanded bombing of the north:

"This course would clearly bring aboard more hawks and further isolate the doves . . . Some fence-sitters, however, would be added to those who already view the war as an unforgivable sin. I think the campus and 'liberal' reaction would surpass anything we have seen."

In recommending the "acceptable" alternative, Goulding said: "The frustration of more-and-more-and-more would be eliminated. What the people want most of all is some sign that we are making progress, that there is, somewhere, an end. While this (alternative) does not necessarily show progress, it does show change."

Goulding, a former reporter for the Cleveland Plain Dealer, had been the Pentagon's top public relations man since Arthur Sylvester retired in 1967. His view of the war was actually more hopeful than that of Warnke, who had joined the Defense Department in 1966 as general counsel and was appointed assistant secretary in 1967.

The memo foreseeing the risk of "a domestic crisis of unprecedented proportions" was prepared March 1, 1968, the day that Warnke's friend, Clifford, became boss of the Pentagon. According to the secret study, "this draft was slightly revised by senior officers in ISA (International Security Affairs, Warnke's office) and apparently discussed within the Defense Establishment on March 1."

The memo said that in South Vietnam, large influx of additional US forces will intensify the belief of the ruling elite that the US will continue to fight its war while it engages in backroom politics and permits widespread corruption."

LAOS INCURSION CONSIDERED IN 1961

(By Darius S. Jhabvala and Stephen M. Johnson, Globe Staff)

The joint allied thrust into Cambodia last summer and the South Vietnamese drive into Laos this year constituted new chapters in the Indochina war, but the Pentagon papers obtained by The Globe indicate that they had been in the minds of American military planners at least a decade.

Such cross-border ground operations were designed to cut off the flow of supplies reaching Communist forces in South Vietnam, and to deny to the enemy his long-held sanctuaries in Laos and Cambodia.

The secret Pentagon study reveals that:

On Oct. 11, 1961, the State Department put forward a plan for American military intervention in Laos and Vietnam. The plan would have required the deployment of 11,000 troops along the Laotian and Cambodian borders, plus the option for "hot pursuit" by American forces across these borders to engage enemy forces.

On Oct. 13, 1961, in response to a plea from South Vietnamese president Diem for American troops to help protect his borders from guerrillas "inspired, directed and supported from North Vietnam," President Kennedy directed that plans be made to "initiate guerrilla ground action, including the use of US advisers if necessary, against Communist forces in the area of Tchepone (Laos)."

On Nov. 26, 1963, President Johnson directed that plans be made for military operations by US forces "up to a line 50 kilometers inside Laos, together with political plans for minimizing the international hazards of such an enterprise."

March 17, 1964, Mr. Johnson approved Defense Secretary McNamara's request for tentative plans to "mount new and significant pressures against North Vietnam," including a full range of South Vietnamese "border control operations" and "retaliatory actions against North Vietnam." McNamara further recommended and the President approved "continued high-level US overflights of South Vietnam's borders and "hot pursuit" and SVN ground operations into Laos for the purposes of border control."

On May 31, 1964, South Vietnamese President Gen. Nguyen Khanh told Secretary of State Dean Rusk that South Vietnam could not win the war against the Viet Cong without military operations outside its borders. Khanh demanded "immediate military action by the ARVN with American air support to eliminate Communist forces in Eastern Laos."

On Jan. 22, 1964, the Joint Chief of Staff, in a memorandum to the President, criticized the "self-imposed restrictions on operations in Laos," and tied the security of South Vietnam to the situation in Laos. The JCS requested "reconnaissance operations over and into Laos," arguing that without such operations "the task in Vietnam will be made more complex, more time consuming, more costly."

On Feb. 24, 1964, the JCS again asked authority to begin low-level reconnaissance flights over Laos in a memo for the President entitled "Steps to Improve the Situation in Southeast Asia wtih Particular Reference to Laos."

On March 2, 1964, the Joint Chiefs asked the President for "the removal of restrictions on air and ground cross-border operations. . . . The time has come to lift the restrictions which limit the effectiveness of our military operations," the Joint Chiefs said.

But the President was skeptical, according to the Pentagon study. Mr. Johnson felt such action "might have only limited military effect and could trigger wider Communist action in Laos."

In May 1964 the JCS asked for permission to begin "battalion-size border control operations in Laos." Such operations, they felt, "offer the possibility of a favorable long-term solution to the insurgency problem in Southeast Asia."

The study includes a report on a White House meeting between President Johnson, Gen. Westmoreland, and Gen. Earle G. Wheeler, chairman of the Joint Chiefs of Staff, on April 27, 1967. At this meeting Gen. Westmoreland recommended to the President that "we should confront the DRV (North Vietnam) with South Vietnamese forces in Laos."

The American commander saw "the eventual development of Laos as a major battlefield," and proposed that Mr. Johnson "think in terms of a similar effort in Cambodia."

According to the Pentagon study, Gen. Westmoreland asked for approval of his request for an additional 2⅓ American divisions (50,000 men) to counter increased enemy infiltration. The President is reported as asking: "When we add divisions can't the enemy add divisions? If so, where does it all end?"

Gen. Wheeler then brought up "three matters . . . closely related to Vietnam which were bothering the Joint Chiefs." These were, according to the account in the Pentagon papers:

North Vietnamese troops movements in Cambodia. US troops might be forced to move against these enemy units, Gen. Wheeler warned.

Similar enemy activity in Laos.

A possible allied invasion of North Vietnam.

In the exchange that followed, Gen. Westmoreland "described his impression of the role of Cambodia to the North Vietnamese" and reviewed "his operational plan for Laos, entitled High Port, which envisioned an elite South Vietnamese division conducting ground operations . . . under cover of US artillery and air support."

"Furthermore," the study quotes Westmoreland as saying, "it would be wise to think in terms of a High Port for Cambodia."

In September 1967 the President asked the Joint Chiefs how military pressure on the North could be increased, "Thereby accelerating the rate of progress towards achievement of US objectives in South Vietnam."

The JCS reply, contained in the Pentagon papers, was this:

"In a rather resigned tone, the Joint Chiefs indicated that they considered the rate of progress to have been . . . slow largely because US military power had been constrained in a manner which had reduced significantly its impact and effectiveness."

The limitations, they felt, were imposed in these ways:

—"Areas of sanctuary, containing important military targets, had been afforded to the enemy.

—"Covert operations in Cambodia and Laos had been restricted."

The Joint Chiefs then listed a series of actions—including covert allied operations in Laos—that could be taken to counter enemy moves. But the President still shied away from giving in to the Joint Chiefs, the secret study says:

"Information indicates that the President reviewed this paper and stated that it was not what was desired, that it recommended actions which had been previously denied and would not now be approved."

The Joint Chiefs continued to press for crossborder ground operations in Laos and Cambodia to deprive the enemy of his sanctuaries and supply routes, but their repeated requests were denied until May 1970 when American and South Vietnamese forces entered Cambodia in a limited action patterned after Operation High Port planned three years earlier.

Many Schemes in 1967 To Involve Allies in Viet Troop Buildup

(By Crocker Snow, Jr., Globe staff)

With 470,000 American troops committed to Vietnam and the need for still more apparent, US officials in May 1967 considered several schemes for having allied countries in Southeast Asia contribute the bulk of any future troop buildup.

The Pentagon study of the background of US involvement in Vietnam clearly indicates official Washington's concern for getting allied troops fully involved in the war effort all along. At no time is this concern more apparent than in May 1967 when the first major doubts about future US commitments were being aired.

One contingency plan offered at this time by the Defense Department had other Asian nations committing future troops at the same ratio to their populations as the US troop commitments. Thus, a contemplated 100,000 US troop buildup could have meant almost 120,000 additional allied troops from eight Asian nations.

A similar plan, credited to President Johnson's national security adviser, Walt W. Rostow, and which the Pentagon narrative quotes Rostow as terming a "troop community chest operation for Vietnam," had allied contries contributing men at the same ratio to their total armed forces as the US.

Under this scheme which the Pentagon study describes as providing the "base line" from which "later in July President Johnson was to begin 'arm twisting' a number of national heads of state", an additional 126,400 allied troops would result from a 100,000-man increase in US troops.

Though the full plans never came to pass and were never formally proposed the President's pressure on allied nations was not without effect.

The Pentagon study describes a July 1967 memorandum from Assistant Secretary of State William Bundy to Dean Rusk, Robert McNamara, Walt Rostow and Nicholas Katzenbach, entitled "Messages to Manila Nations and Possibilities for Additional Troop Contributions."

The memo, says the Pentagon narrative, was written by Bundy following a luncheon with President Johnson "and indicates just how urgently everyone saw the problem and how much they desired to obtain troops from these sources."

The Pentagon report describes Bundy's assessment of the prospects from different countries, including the Philippines (Described as "a doubtful starter"), and Thailand (which would "take very careful handling").

The question of additional Thai troops had been the subject of a meeting ten days earlier between Johnson, Rostow and the king of Thailand. After lengthy discussions of the number of Thai volunteers and their training, equipment, IQ and physical condition, the narrative reports that Secretary McNamara by telephone advised that "it would not be worth our while to train and equip a few thousand more Thais for Vietnam, but if Thailand could furnish 10,000 he could guarantee their training and equipment."

Six months later, at the high point of allied third country involvement in the war a total of 69,300 troops from Australia, New Zealand, South Korea, Thailand and the Philippines were engaged in South Vietnam.

But three other nations—Indonesia, Taiwan and Malaysia—specifically listed in the Defense Department analysis of May 1967, had sent no troops.

The process of the gradual buildup to this figure while the American troop buildup itself was underway is well documented in the Pentagon study.

In April 1964, President Johnson publicly requested "the nations of the free world to unite in an effort to stop the spread of communism" in Southeast Asia. This was at the same time, according to the Defense Department report, that Secretary of State Dean Rusk in a Saigon conference recommended that the US seek the support of "more flags" to support the government of South Vietnam.

But in fact it was almost two years earlier—in July 1962—that the first 30 Australian army officers were landed clandestinely at Saigon's Tan Son Nhut airport—the first "third country" troops to become involved.

In December 1964 the report describes several White House meetings about the possibility of further support from Australia, New Zealand. Canada and The Philippines.

According to the Pentagon narrative, during one of these meetings "the President asked about the possibility of a West German contribution. but Secretary McNamara emphasized that German political problems would prohibit such a pledge from Bonn."

At this time, William Bundy is mentioned as "relating the President's recent wish to obtain assistance even from governments without strong Southeast Asian commitments, like Denmark, West Germany and India."

"At the time," writes the Pentagon analyst, "not only general assistance from many countries but specifically military assistance from a select few was particularly sought."

As increasing numbers of third country troops arrived in South Vietnam during 1965 and 1966, they took over assorted military duties and functions around the countryside.

The Australian force, which totalled 8000 troops, and the South Korean force of 55,000 were assigned to frontline operations in several provinces.

The New Zealand force, which never totalled more than a thousand, operated primarily in support of the Australians. And the 11,000-man Thai force and 2000-man unit from the Philippines operated mostly in civic operations and pacification programs in the safer Saigon area.

Curiously, however, despite a number of references to the possible missions for the allied troops, the Pentagon study makes few references to their actual effectiveness in their eventual operations.

In May 1967 American officials were searching for ways to relieve the pressures for sending more American troops to Vietnam. One possible solution was to obtain more allied troops, especially from Asian nations. On May 4 a Pentagon analysis of Vietnam troop deployments in relation to the populations of the participating allied nations was prepared. This analysis, based on the population of the countries involved, concluded that for an increase of 100,000 American troops from a population of 200 million the "allocable" share for various countries would range from 14,500 more troops from South Korea (29.1 million population) to 53,400 more troops from Indonesia (106.9 million population). The following table, part of the Pentagon papers, gives a detailed reading of Pentagon hopes for allied troop commitments to the fighting in South Vietnam:

	Troops in Vietnam May 1967	"Allocable" Share of Troops Projected
United States	470, 000	100, 000
South Korea	45, 800	14, 500
Australia	6, 100	5, 900
New Zealand	500	1, 300
Philippines	2, 100	16, 700
Thailand	300	16, 700
Indonesia	0	53, 400
Nationalist China	0	6, 600
Malaysia	0	4, 900
	524, 000	219, 900

The Goulding Memorandum: 5 Options for Vietnam Dilemma

Following are excerpts from a paper prepared by the Assistant Secretary of Defense for Public Affairs, Phil G. Goulding, in March, 1968. The paper was entitled "Possible Public Reaction to Various Alternatives." Five alternative options for fighting the war are examined:

1. Increased mobilization and deployment. This includes sending General Westmoreland 50,000 to 200,000 more troops and the additional moves this would require at home—calling reserves, extending enlistments, extra expenditures, bigger tax bill, etc.
2. Increased mobilization-deployment plus expanded bombing of N. Vietnam.
3. Increased mobilization-deployment plus a bombing pause.
4. Denial of the Westmoreland requests and continuation of the war "as is"—as it was being fought prior to the Tet offensive and Khe Sanh.
5. Denial of the Westmoreland requests and a change in war-fighting policy with greater concentration on defending populated areas and less on search and destroy in unpopulated areas. This would include an announced program to begin troop withdrawal at a fixed date.

(Option 1) . . . will make the doves unhappy because we become more and more enmeshed in the war. They will make the hawks unhappy because we still will be withholding our military strength, particularly in the North. And the middle-of-the-roaders who basically support the President out of conviction or patriotism will be unhappy because they will see the ante going up in so many ways and still will not be given a victory date, a progress report they can believe or an argument they can accept that all of this is in the national interest. (Further, they will read in the dissent columns and editorials that 18 months from now, when the North Vietnamese have added 30,000 more troops, we will be right back where we started.)

(Option 2) . . . would clearly bring aboard more hawks and further isolate the doves. It would also make the war much easier to accept by the middle-of-the-roaders. It should help unite the country. Some fence sitters, however, would be added to those who already view the war as an unforgivable sin. I think the campus and "liberal" reaction would surpass anything we have seen.

(Option 3) . . . would alienate those who take the hardest line. We would be adding much to our cost, both by the extra deployment and the military price paid for the pause, without receiving any immediate or concrete results. If the Communists took advantage of the bombing halt, the hawks and many of the military would react strongly . . . The doves, of course, would enthusiastically endorse the pause and would immediately begin pleading and praying that it be continued long enough to explore every possible and conceivable corridor . . . Additionally, the doves would deplore the extra deployments. They would complain that the pause was not unlimited or unconditional. They would argue that the deployments plus the failure to be "unconditional" detracted from the effort. This two-pronged approach—strengthen but seek negotiation—would give new confidence to the middle-of-the-roaders. They would applaud the government for doing "something" different, for seeking a way out of the quagmire. They would be more patient than the hawks to give the pause a chance, and less disturbed than the doves at the mobilization. For them, it could be a way out—and even a "could be" is better than the frustration they now feel . . . The deploy-pause option would be more favorably received by the nation than the deploy-escalate

North, since it would, in the public mind, offer more hope of an eventual solution to the war.

Option 4, denial of the Westmoreland request and continue the war "as is," would please no one, according to Mr. Goulding. The hawks (and the military) would protest vehemently. They would be less satisfied, and the doves would be no more satisfied by this failure to take new initiatives toward peace. However, Mr. Goulding concluded, since fewer people would be affected by this course than by Option One, and therefore it would be preferable to that Option.

Option 5 . . . The pain of additional deployments, Reserve callups, increased draft calls, increased casualties, extended tours would be eliminated. The hazards of bombing escalation would be eliminated. The dangers of a bombing pause would be eliminated. The frustration of more-and-more-and-more into the endless pit would be eliminated. What the people want most of all is some sign that we are making progress, that there is, somewhere, an end. While this does not necessarily show progress, it does show change. It does show the search for new approaches. . . . It would prevent the middle-of-the-roaders from joining the doves. While the doves want a pause, I would think they would prefer this to deployment-mobilization plus pause. While the hawks want to escalate in the North, most of them (not all) also want an end to increased ground strength in the South. I believe that we would be successful in getting members of Congress to make speeches in support of this.

In summary, then, and strictly from a public reaction standpoint, the options are as follows:

Acceptable: Only No. 5—Denial of requests and a change in policy in the South.

Most acceptable of the others: No. 3—Deploy and pause.

Next most acceptable: No. 2—Deploy and expand Air War North.

Next most acceptable: No. 4—Deny Westmoreland and continue as is.

Most objectionable: No 2—Deploy and continue as is, north and south.

TOUGH POLICY FOR CHINA IN 1964

(By Darius S. Jhabvala)

In their Southeast Asia policy discussions of August–October 1964—during the heat of the Johnson-Goldwater election campaigns—Administration officials had accepted the view that overt military pressures against North Vietnam probably would be required.

Barring some critical developments, however, it was generally conceded that these should not begin until after the new year. Preparations for applying such pressures were made in earnest during November.

Communist China figured prominently in those discussions and it was concluded within the Administration that the US maintain a tough posture not only toward North Vietnam but also toward Peking.

One of the principal proponents of this line was William H. Sullivan, head of the Interagency Vietnam Coordinating Committee (he is presently deputy assistant Secretary of State for Far East Affairs).

According to the Pentagon's history of US involvement in Southeast Asia, Sullivan recommended:

"I feel that it is important . . . that the administration go on record fairly soon placing our policy in Vietnam within the larger perspective of our policies in the Western Pacific, especially as they involve confrontation with Communist China."

Analysts of the documents conclude that the US commitment to defeat North Vietnamese aggressions, even at the "risk of direct military confrontation with Communist China" was perceived as part of the longer-term policies for Southeast Asia.

Accordingly, an initial draft of the objectives and national interests was circulated with a request for comments. On Nov. 4, Michael Forrestal, a key White House aide, suggested that "an important flavor" was lacking in the original analysis—namely "the role of China" and her need for "ideological successes abroad."

In his view, given the Chinese policy, "the effect of our withdrawal from a situation in which the people we were trying to help seemed unable to help themselves" would be more politically pervasive in Asia than if China did not exist.

He thought the US object should be to "contain" Chinese political and ideological influences "for the longest possible period," thus providing time to create "at the very least Titoist regimes on the periphery of China . . ."

Sullivan appeared to go further than Forrestal in his reasons for stronger action against Hanoi.

According to the documents, he portrayed the political future of the peoples of East Asia "as depending largely on a struggle between Washington and Peking."

This view was shared to a larger extent by Vice Adm. Lloyd Mustin, a representative of the Joint Chiefs of Staff. As a strong advocate of the domino theory, Adm. Mustin warned that Cambodia, Thailand, probably Burma and possibly Malaysia would collapse "plainly and simply as the corollary to our withdrawal.

Thus a working group, under the direction of McGeorge Bundy, concluded:

"There are enough 'ifs' (in the analysis) so that it cannot be concluded that the loss of South Vietnam would soon have the totally crippling effect in Southeast Asia and Asia generally that the loss of Berlin would have in Europe; but it could be that bad, driving us to the progressive loss of other areas or to taking a stand at some point so that there would almost certainly be a major conflict and perhaps the great risk of nuclear war."

The group then considered several options for possible action, including one which "might give us a defensible case to destroy the Chinese Communist nuclear production capabilities."

But this option was discounted in favor of some other action that would be considered in Hanoi as a signal to negotiate.

Walt W. Rostow backed the latter. He claimed that "too much thought is being given to actual damage we do in the North, not enough thought to the signal we wish to send."

In Rostow's view, the Communists would not accept a setback until they were absolutely certain that the US really meant business.

He said: "I have no doubt we have the capacity to achieve a reinstallation of the 1954 and 1962 accords if we enter the excercise with the same determination and staying power that we entered the long test on Berlin and the short test on Cuba missiles. But it will take that kind of presidential commitment and staying power."

Rostow outlined a scenario of action. This would include:

Immediate movement of relevant forces to the Pacific.

Immediate direct communication to Hanoi, including a clear statement of US objectives.

Should this first communication fail (as was likely) installation of ground forces and naval blockade plus first attack in the North.

WILLIAM BUNDY'S VIETNAM SCENARIO

The following scenario was prepared by Assistant Secretary of State William Bundy on May 23, 1964. Bundy outlines a series of possible American actions, following a hypothetical congressional resolution in support of U.S. resistance to Communist aggression in Southeast Asia. Two days later, on May 25, the National Security Council rejected Bundy's scenario because of its inherent risks of escalation and unfavorable diplomatic reaction. The scenario was written 10 weeks before the Gulf of Tonkin incidents. The actions:

1. Stall off any 'conference on (Laos or) Vietnam until D-Day.'

2. Intermediary (Canadian?) tell North Vietnam in general terms that US does not want to destroy the North Vietnam regime (and indeed is willing 'to provide a carrot'), but is determined to protect South Vietnam from North Vietnam.

3. (D-30) Presidential speech in general terms launching Joint Resolution.

4. (D-20) Obtain Joint Resolution approving past actions and authorizing what is necessary with respect to Vietnam.

(Concurrently: An effort should be made to strengthen the posture in South Vietnam. Integrating (interlarding in a single chain of command) the South Vietnamese and US military and civilian elements critical to pacification, down at least to the district level, might be undertaken.)

5. (D-16) Direct CINCPAC to take all prepositioning and logistic actions that can be taken "quietly" for the D-Day forces and the forces described in Paragraph 17 below.

6. (D-15) Get Khanh's agreement to start overt South Vietnamese air attacks against targets in the North (see D-Day item 15 below), and inform him of U.S. guarantee to protect South Vietnam in the event of North Vietnamese and/or Chinese retaliation.

7. (D-14) Consult with Thailand and the Philippines to get permission for U.S. deployments; and consult with them plus U.K., Australia, New Zealand and Pakistan, asking for their open political support for the undertaking and for their participation in the re-enforcing action to be undertaken in anticipation of North Vietnamese and/or Chinese retaliation.

8. (D-13) Release an expanded "Jordan Report," including recent photography and evidence of the communications nets, giving full documentation of North Vietnamese supply and direction of the Viet Cong.

9. (D-12) Direct CINCPAC to begin moving forces and making specific plans on the assumption that strikes will be made on D-Day (see Attachment Bx in backup materials for deployments).

10. (D-100) Khanh makes speech demanding that North Vietnam stop aggression, threatening unspecified military action if he does not. (He could refer to a "carrot.")

11. (D-3) Discussions with Allies not covered in Item 7 above.

12. (D-3) President informs U.S. public (and thereby North Vietnam) that action may come, referring to Khanh speech (Item 10 above) and declaring support for South Vietnam.

13. (D-1) Khanh announces that all efforts have failed and that attacks are imminent. (Again he refers to limited goal and possibly to 'carrot.')

14. (D-Day) Remove US dependents.

15. (D-Day) Launch first strikes (see Attachment Cxx for targets). Initially, mine their ports and strike North Vietnam's transport and related ability (bridges, trains) to move south; and then against targets which have maximum psychological effect on the North's willingness to stop insurgency—POL storage, selected airfields, barracks-training areas, bridges, railroad yards, port facilities, communications and industries. Initially, these strikes would be by South Vietnamese aircraft; they could then be expanded by adding FARMGATE, or US aircraft, or any combination of them.

16. (D-Day) Call for conference on Vietnam (and go to UN). State the limited objectives: Not to overthrow the North Vietnam regime nor to destroy the country, but to stop DRV-directed Viet Cong terrorism and resistance to pacification efforts in the

South. Essential that it be made clear that attacks on the North will continue (i.e., no cease fire) until (a) terrorism, armed attacks, and armed resistance to pacification efforts in the South stop, and (b) communications on the networks out of the North are conducted entirely in uncoded form."

Russia Used Pierre Salinger in 1965 Negotiations Move

(By Darius S. Jhabvala)

In May, 1965, after the Soviet Union refused to transmit to Hanoi an American peace feeler, it started a covert operation of its own.

The evident purpose was to secure an American commitment to certain principles Moscow felt should be the basis for negotiations.

However, in its pursuit of that commitment it followed some unconventional methods that puzzled Administration officials.

One of them is related in the Defense Department's history of the American involvement in Vietnam.

The principal characters in this episode are Pierre Salinger, the former White House press secretary, Mikhail Sagatelyan, a Russian correspondent he had met in Washington, and a Soviet Foreign Office representative identified only as Vassily Sergevich. The report describes the Russians as "two somewhat shady officials." When Salinger was in Moscow on other business, Sagatelyan invited him for dinner quite convinced that his guest "was on some kind of covert mission" for the US Government. He wanted Salinger's opinion on a formula for a solution along the following lines:

—The US would announce temporary suspension of the bombing;

—The Communists would publicly hail the suspension;

—The Russians would then intervene with the Viet Cong to curtail their military activities;

—A de facto ceasefire would thus be accomplished;

These steps would ultimately lead to a conference between the warring parties in Vietnam.

Sagatelyan suggested that Salinger fly to Paris to convey the proposal to Washington via the Embassy there. He was prepared to go to the French capital to await Salinger's response.

Furthermore, the Russians sought to impress on Salinger that any settlement "must be initiated and carried through, at least in preliminary stages on the basis of unofficial contacts."

Salinger returned to Washington on May 18 and met with a high-ranking State Department official to convey the Soviet message. But by that time the Department had already assessed "Soviet disinterest in any role for themselves" and Salinger's contacts were not pursued further.

Enclave Idea Ruled Out Before 1966 Popularity

(By John S. Driscoll)

The enclave theory, which excited so many armchair strategists in 1966, was snuffed out a year earlier, in the summer of 1965, by Gen. William C. Westmoreland, according to the Pentagon papers.

The issue was brought to the public's attention in 1966 by Gen. James M. Gavin of Chestnut Hill, now president of Arthur D. Little, in a Harper's Magazine article.

A Gavin boomlet for President resulted, and he became a serious candidate before bowing out of his own volition prior to the campaign period.

The enclave strategy actually was ordered into practice by the Johnson Administration at the April 1965 Honolulu Conference. It was in effect within weeks.

But while the Administration was implementing this holding action, Westmoreland was preparing a plea to the President which would reverse our posture from one of defense to one of offense.

Gavin said yesterday that he realized in 1966 that the enclaves were set up but feared a lack of commitment to the idea.

"They're following that strategy now and that's the key to success of withdrawal.

"In 1966, I felt sure the Chinese would step in if we tried to launch a ground offensive. This was, in fact, a war with Red China. If Ho Chi Minh wanted, the Chinese would have come in."

Gavin said he discussed this with Westmoreland in Vietnam in 1966, but "in those days you just didn't question them" and "he was very unhappy with me."

The enclave theory calls for the military to seal off and defend small sections of the country, preferably along the coast.

Basically a defensive measure, it allowed for occasional thrusts into the countryside on search-and-destroy or rescue missions.

On June 7, 1965, Gen. Westmoreland's half-inch thick "Estimate of the Situation" went to President Johnson and touched off "acrimonious debate" in the United States, according to the papers received by The Globe.

Westmoreland, commander in Vietnam, called for more troops "as rapidy as possible" to stem what he considered a disintegrating situation. He felt the South Vietnamese army was about to be overwhelmed.

Escalation and the US takeover of the land war began soon thereafter.

According to the analyst in this section of Pentagon papers, "Up to that time, most of the Washington decision makers had been content to indulge in relatively low-key polemics about the enclave strategy and to advocate some experimentation with small numbers of US troops in Vietnam.

"Washington saw that it was Westmoreland's intention to aggressively take the war to the enemy with other than Vietnamese troops, and in such a move the spectre of US involvement in a major Asian ground war there for all to see."

Two ranking, hawkish members of the Administration, Ambassador Maxwell Taylor and Asst. Secretary of State William Bundy, fought hard to maintain the enclave strategy, admitting that it was a no-win policy.

According to the documents, "Ambassador Taylor wanted to give the Vietnamese maximum opportunity to save themselves...

"The difference between Westmoreland and Taylor was the former's insistence on using US and 3d Country forces to take the war to the enemy."

Westmoreland also expected a major enemy offensive in the highlands outside the enclaves after the monsoon season. He thought the enemy should be met there to prevent the Viet Cong from setting up a front government in that locale.

But Taylor argued that the Viet Cong would try for another Dien Bien Phu if a US division were to go inland.

Bundy submitted a memo to President Johnson on July 1, 1965, defending the enclave concept to allow the US "to extricate itself honorably from South Vietnam."

"He did not expect a victory from such a move, but he did not expect a loss either," the papers say.

The idea of the enclave theory was to deny the enemy victory. It was felt by its proponents that it would lead to a political solution. No one will ever know now.

Pentagon Papers Provide: An Obvious Picture: "No Clear Objectives Toward Peace"

(By Darius S. Jhabvala)

On June 13, the nation received a jolt by the publication in the New York Times of the Pentagon's secret history of the Vietnam war.

Each day since then there have been further disclosures—next in the Washington Post, then the Boston Globe and then in scores of other newspapers—despite governmental injunctions. Readers in this country and throughout the world learned from the massive documentation compiled in 47 volumes by officials and academicians, how and why succeeding Administrations moved inexorably into the Vietnam quagmire.

The papers that fell into the possession of the news media are, at best, difficult reading even for experts and those thoroughly schooled in the crisis. There are chronological and thematic chapters, narratives and analyses, notes of debates, discussions and private conversations among all levels of officials here and abroad, contingency plans, suggestions, confidential cables, instructions, personal and professional gripes, decisions, orders, second-thoughts, and so on and on.

But the picture that emerges from the documents is sharp and clear. The United States moved in stages, some small and some very large, to become the principal force in Southeast Asia without a clear objective towards peace. A handful of advisers gave way to military forces, limited and tactical objectives because strategic and geopolitical and the demands to win overtook any chance of compromise.

The Globe's editorial staff has carefully studied the data in its possession and also material that has been printed in other newspapers and news agencies. The following are just some of the highlights of the Vietnam history:

TRUMAN ERA

In August and September 1945, Ho Chi Minh sent eight messages to the United States pleading against restoration of the French colonial rule in Indochina. The Administration failed to respond, suspecting that he would lead the region into the Soviet orbit. The Indochinese war began, the Viet Minh vs. the French occupation forces.

Less than a year later, the Truman Administration provided France with $160 million in credits as aid in the war effort. At the same time the State Department instructed its representative in Hanoi to "keep in mind Ho's clear record as an agent of international Communism . . . " Washington was convinced that US aid and French tenacity would break the back of the Viet Minh.

The first political plunge into Indochina was on Feb. 7, 1950 when President Truman recognized the Paris-installed puppet regime of Emperor Bao Dai. This was followed with an announcement on June 27 that the United States would send a 35-man military advisory group to Vietnam to teach their troops how to use American weapons.

EISENHOWER ERA

Three years later, Washington backed a French plan (devised by Gen. Navarre) to start the buildup of a Vietnamese National Army.

But the pressures of the war increased from the north and the French forces began to retreat. A month before Dien Bein Phu fell in May 1954, Secretary of State John Foster Dulles proposed "united action" to save Vietnam. President Eisenhower described the proposal "as an attempt to make China stop supporting the Viet Minh rather than face the prospect of a large allied involvement in Vietnam." The British, French and Russians rejected it.

Nine nations met in Geneva to work out an accord. After two months of negotiations, the Viet Minh, under much pressure from China, accepted a temporary de facto partition and the principle of neutralization, i.e. withdrawal of all foreign forces from the Vietnams.

US involvement proceeded without let up. On Feb. 12, 1955 the State Department announced that Americans will train the South Vietnamese forces. The number of advisers had jumped to 327 and by the spring of 1960 to 685. The movement was inexorable. By the time President Kennedy took office the advisory strength had increased to 1100.

KENNEDY ERA

Just months after inauguration Kennedy approved programs for covert operations which had been recommended by an interagency Vietnam task force, and never publicly discussed. They included plans to dispatch agents into North Vietnam, formulation of networks of resistance, teams for sabotage and harassment and reconnaissance flights over North Vietnam.

Gen. Maxwell Taylor advised the President in October 1961 in an "eyes only for the President" cable to send an 8000-man US task force into South Vietnam for "flood-relief operations." The President, after intensive consultations in the National Security Council, refused the request but sent more advisers. Failure to do so, he was told, would mean the end of the Diem regime.

Opposition to the regime began to mount in Vietnam. The Buddhists began to protest and the United States recognized the need for change. It took steps starting with cuts in aid. But Diem refused to resign. The Kennedy Administration publicly maintained a hands-off policy. But the Pentagon documents now show it was in "complicity" with those who plotted Diem's overthrow. Analysts claim that the decision "inadvertently deepened American commitments in the conflict."

The National Security Council met in August 1963 and decided that the United States "will support a coup which has a good chance of succeeding." CIA agents and representatives of the military command contacted the anti-Diem plotters and conveyed American sentiments.

The change in government did not ease the military pressures. While maintaining a smiling face to the American public on the prospects of the war, the Pentagon and the White House began to receive reports of impending disaster.

After a visit to Saigon in December 1963, Defense Secretary Robert McNamara warned the President that the new government "is indecisive and drifting" and the US mission should be vastly expanded and strengthened. A memorandum was prepared for "retaliation and rejection" and a scenario for "the next courses of action."

State Department Aide William Bundy drafted a series of options to achieve "military silence and limited pressures." All along the focus turned to the bombing of the North. An interagency group devised a plan to draw North Vietnam into some action which the United States then would use to launch retaliatory raids.

JOHNSON ERA

In March 1964 McNamara proposed "new and significant pressures on North Vietnam." President Johnson approved the plans and a list of 94 potential targets for bombings were drawn up.

In the political field, all American diplomats were instructed by the President to put down the idea of neutrality for Vietnam. Also a campaign was started to end talk of negotiations except on the "absolutist" terms of the United States that meant total withdrawal of North Vietnamese forces from the south and bring the South into the western defense orbit. Thus, an initiative by Secretary General U Thant to bring together Hanoi's and Washington's representatives was rejected.

The following May the Administration's principal advisers drafted a joint congressional resolution "authorizing whatever is necessary with respect to Vietnam." The principal concern was not only security for South Vietnam but also Laos and Cambodia.

President Johnson queried the CIA on the "domino theory." The agency replied that only Cambodia "is likely to succumb quickly to communism if Laos and South Vietnam fall." But within the administration, concern was expressed for "American face."

In July 1964, South Vietnamese naval commandos raided two North Vietnamese islands in the Gulf of Tonkin. It was part of the plans for covert operations. North Vietnam responded to the raid and the destroyer *Maddox* came under attack.

On Aug. 4 the destroyer *Turner Joy* was also attacked. The American response was swift and devastating. Within less than 12 hours after the attack on the *Joy* bombers were on their way to North Vietnam on reprisal raids.

The Tonkin Gulf Resolution, already in draft form since the previous May, was introduced in Congress and adopted. McNamara disclaimed any knowledge of the South Vietnamese attack on the islands. Thus, the Pentagon study recalls that an "important threshold in the war was crossed with virtually no domestic criticism."

The following month, airstrikes on Laotian trails were started. The National Security Council decided there would be no public statements unless a plane is lost, then "to insist we are merely escorting reconnaissance flights."

Use of nuclear weapons was not ruled out. It was one of the issues discussed at the Honolulu meeting in 1964.

The Administration again moved in the political arena to secure support for its actions. Bundy drafted a paper on "handling world and public opinion," while Walt W. Rostow, chairman of the Policy Planning Council, prepared a memorandum on "victory and defeat in guerrilla wars." "The objective of the exercise is to convince Hanoi that its bargaining position is being reduced with the passage of time."

At the start of 1965, the State Department alerted the White House to the "very shaky" morale in South Vietnam. It recommended stronger action against the North Vietnamese "despite grave difficulties."

Defense aide John T. McNaughton offered a plan of action. The US purpose, he argued, is "70 percent to avoid a humiliating US defeat, 20 percent to keep South Vietnam from Chinese hands, 10 percent to permit the people of South Vietnam to enjoy a better, freer way of life. Also, to emerge from the crisis without unacceptable taint from the methods used."

In April, the President approved an increase of 20,000 men and for "a more active use of US Marines." On the other hand, Undersecretary George Ball recommended "we cut our losses" and withdraw from the war.

Two months later Gen. William Westmoreland asked for more men and made "a big pitch . . . for a free hand to maneuver the troops around." The Joint Chiefs of Staff backed Westmoreland. The troop strength jumped to 194,000 in July.

During Christmas of 1965, the U.S. suspended the bombings. But Hanoi rejected all peace feelers. The bombing resumed with greater intensity. The troop strength increased to 358,000 in November 1966 and to 525,000 the following August.

That year and in early 1968 disillusionment grew within the government about the value of continued troop buildup. In the summer of 1967 the first heavy dissents against the commitments were voiced within the Defense Department. But the question took on paramount interest in January of 1968 after the Tet offensive.

The fighting gave voice to certain officials who claimed that more American troops was not the answer. The debate coincided with the appointment of a new Secretary of Defense, Clark Clifford, who started working in February 1968 on what the Pentagon study calls an "A to Z" reassessment.

That reassessment culminated at the end of March 1968 with the President's speech announcing a partial halt in the bombing of the North, the Vietnamization program and his decision not to seek reelection.

[From the Christian Science Monitor, June 29, 1971]

President Kennedy's Vietnam Dilemma—Summary and Analysis of Pentagon Documents Dealing With '62–'64 Period

The following are excerpts from the text of the summary and analysis of that section of the Pentagon papers dealing with the evolution of the Vietnam war from 1962 to 1964.

A former planning and budgetary process for the phased withdrawal of U.S. forces from Vietnam was begun amid the euphoria and optimism of July, 1962, and was ended in the pessimism of March, 1964. Initially, the specific objectives were: (1) to draw down U.S. military personnel then engaged in advisory, training, and support efforts from an FY 64 peak of 12,000 to an FY 68 bottoming out of 1,500 (just HQ, MAAG); and (2) to reduce MAP from an FY 64 peak of $180 million to an FY 69 base of $40.8 million. South Vietnamese forces were to be trained to perform all the functions then being carried out by U.S. personnel.

What the U.S.G. was actually trying to accomplish during this period can be described in either or both of two ways: (1) a real desire and attempt to extricate the U.S. from direct military involvement in the war and to make it a war which the GVN would have to learn to win, and (2) straightforward contingency planning and the use of a political-managerial technique to slow down pressures for greater U.S. inputs. A blend of the wish embodied in the first explanation and the hard-headedness of the second seems plausible.

Needless to say, the phase-out never came to pass. The Diem coup with the resulting political instability and deterioration of the military situation soon were to lead U.S. decisionmakers to set aside this planning process. An ostensible cutback of 1,000 men did take place in December, 1963, but this was essentially an accounting exercise—and the U.S. force level prior to the reduction had already reached 16,732 in October, 1963. By December, 1964, U.S. strength had risen to 23,000 and further deployments were on the way.

What, then, did the whole phased withdrawal exercise accomplish? It may have impeded demands for more men and money, but this is doubtful. If the optimistic reports on the situation in SVN were to be believed, and they apparently were, little more would have been requested. It may have frightened the GVN, but it did not induce Diem or his successors to reform the political apparatus or make RVNAF fight harder. It may have contributed, however, to public charges about the administration's credibility and overoptimism about the end of the conflict.

Despite the carefully worded White House announcement of the phase-out policy on October 2, 1963, tentative Johnson administration judgments came to be regarded by the public as firm predictions. While this announcement made clear that the U.S. effort would continue "until the insurgency has been suppressed or until the national security forces of the GVN are capable of suppressing it," the public tended to focus on the prognosis which followed—"Secretary McNamara and General Taylor reported their judgment that the major part of the U.S. military task can be completed by the end of 1965. . . ." In August, 1964, Mr. McNamara further explained the policy: "We have said—as a matter of fact, I say today—as our training missions are completed, we will bring back the training forces."

Quite apart from what was actually accomplished by the phase-out policy and the costs in terms of domestic political perception of administration statements on Vietnam there are some important lessons to be learned from the exercise. What was the U.S. rationale behind the policy? Was it sound, feasible, and consistent with statements of national objectives? By what policy and programmatic means were we trying to bring about the desired results? Were these, in fact, the most appropriate and effective vehicles? What did the intelligence and reporting system in Vietnam help or hinder policy formulation? Why was not the Diem coup in its darkening aftermath grasped as the opportunity to reexamine policy and unambiguously to decide to phase out, or to do whatever was deemed necessary?

The rationale behind the phase-withdrawal policy was by and large internally consistent and sensible.

To put Vietnam in the perspective of other U.S. world interests. Vietnam, at this time, was not the focal point of attention in Washington; Berlin and Cuba were. Part of this exercise was to make clear that U.S. interests in Europe and in the Western Hemisphere came first. Even in terms of Southeast Asia itself, Laos, not Vietnam, was the central concern. So, the phase-out policy made the kind of sense that goes along with the structuring of priorities.

To avoid an open-ended Asian mainland land war. Even though violated by U.S. involvement in the Korean war, this was a central tenet of U.S. national-security policy and domestic politics. The notion of the bottomless Asian pit, the difference in outlook about a human life, were well understood.

To plan for the contingency that events might force withdrawal upon us. Seen in this light, the planning process was prudential preparation.

To treat the insurgency as fundamentally a Vietnamese matter, best solved by the Vietnamese themselves. Most U.S. decisionmakers had well-developed doubts about the efficacy of using "white faced" soldiers to fight Asians. This view was invariably coupled publicly and privately with statements like this one made by Secretary McNamara: "I personally believe that this is a war that the Vietnamese must fight. . . . I don't believe we can take on that combat task for them. I do believe we can carry out training. We can provide advice and logistical assistance."

To increase the pressure on the GVN to make the necessary reforms and to make RVNAF fight harder by making the extent and future of U.S. support a little more tenuous. This was explicitly stated in State's instructions to Ambassador Lodge on how to handle the White House statement of October, 1963: "Actions are designed to indicate to Diem Government our displeasure at its political policies and activities and to create significant uncertainty in that government and in key Vietnamese groups as to future intentions of the United States."

In other words, phased withdrawal was thought of as a bargaining counter with the GVN.

To put the lid on inevitable bureaucratic and political pressures for increased U.S. involvement and inputs into Vietnam it was to be expected and anticipated that those intimately involved in the Vietnam problem would be wanting more U.S. resources to handle that problem. Pressures for greater effort, it was reasoned, eventually would come into play unless counteracted. What Secretary McNamara did was to force all theater justifications for force buildups into tension with long-term phase-down plans. On 21 December, 1963, in a memo to the President after the Diem coup, Mr. McNamara urged holding the line: "U.S. resources and personnel cannot usefully be substantially increased. . . ."

To deal with international and domestic criticism and pressures. While Vietnam was not a front-burner item, there were those who already had begun to question and offer nonconsensus alternatives. During 1963, for example, both General de Gaulle and Senator Mansfield were strongly urging the neutralization of Vietnam.

It is difficult to sort out the relative importance of these varying rationales; all were important. Paramount, perhaps, were the desires to limit U.S. involvement, and to put pressure on the GVN for greater efforts. And, the rationales were all consistent with one another. But they did not appear as being wholly consistent with other statements of our national objectives in Southeast Asia.

For example, on July 17, 1963, President Kennedy said: "We are not going to withdraw from [bringing about a stable government there, carrying on a struggle to maintain its national independence]. In my opinion, for us to withdraw from that effort would mean a collapse not only of South Vietnam, but Southeast Asia."

He added: "We can think of Vietnam as a piece of strategic real estate. It's on the corner of mainland Asia, across the East-West trade routes, and in a position that would make it an excellent base for further Communist aggression against the rest of free Asia."

In a Sept. 9, 1963, interview, the President stated: "I believe ['the domino theory']. I think that the struggle is close enough. China is so large, looms up high just beyond the frontiers, that if South Vietnam went, it would not only give them an improved geographic position for a guerrilla assault on Malaya, but would also give the impression that the wave of the future in Southeast Asia was China and the Communists."

One could argue that such an unequivocally strong statement of strategic importance would not be consistent with any sort of phase-out proposal short of a clear-cut victory over the Communists. Despite the caveats about it being essentially a South Vietnamese struggle, President Kennedy's statements were very strong. And, insofar as the U.S. was interested in gerater leverage on the GVN, these statements tended to reduce U.S. bargaining power because of the explicit and vital nature of the commitment.

The rationales behind the phased-withdrawal policy were incorporated into a formal programming and planning process that began in July, 1962, and ended on 17 March, 1964. It was at the Honolulu Conference on 23 July, 1962, the same day that the 14-nation neutralization declaration on Laos was formally signed, that the Secretary of Defense on guidance from the President put the planning machine in motion. Noting that "tremendous progress" had been made in South Vietnam and that it might be difficult to retain public support for U.S. operations in Vietnam indefinitely, Mr. McNamara directed that a comprehensive long-range program be developed for building up SVN military capability and for phasing-out the U.S. role. He asked that the planners assume that it would require approximately three years, that is, the end of 1965, for the RVNAF to be trained to the point that it could cope with the VC.

On 26 July, the JCS formally directed CINCPAC to develop a Comprehensive Plan for South Vietnam (CPSVN) in accordance with the secretary's directives. Thus began an intricate, involved, and sometimes arbitrary bargaining process, involving mainly MACV, the Joint Staff, and ISA. There were two main pegs that persisted throughout this process: MAP planning for the support and buildup of RVNAF, and drawdowns on U.S. advisory and training personnel.

The first COMUSMACV CPSVN was floated on 19 January, 1963. It envisioned MAP for FY 1963-1964 at a total of $405 million. The total for FY 1965–1968 was $673 million. The RVNAF force level was to peak in FY 64 at 458,000 men. U.S. personnel in SVN were to drop from a high of 12.2 thousand in FY 65 to 5.9 thousand in FY 66, bottoming out in FY 68 at 1.5 thousand (Hq MAAG). No sooner was this first CPSVN cranked into the policy machinery than it conflicted with similar OSD/ISA planning. This conflict between ISA/OSD guidance and COMUSMACV/Joint Staff planning was to be continued throughout the life of the CPSVN.

Secretary McNamara opposed General Harkin's versions of the plan for a variety of reasons: (1) it programmed too many RVNAF than were trainable and supportable; (2) it involved weaponry that was too sophisticated; (3) it did not fully take account of the fact that if the insurgency came into control in FY 65 as anticipated, the U.S. MAP investment thereafter should be held at no more than $50 million per year; (4) the U.S. phase-out was too slow, and the RVNAF training had to be speeded up. It other words, Mr. McNamara wanted both a more rapid U.S. withdrawal of personnel, and a faster reduction in U.S. military/economic support.

The Secretary's views prevailed. The embodiment of Mr. McNamara's desire to quicken the pace of the phase-out planning was first in a Model M plan prepared by the JCS and later in what came to be called the Accelerated Model Plan of the CPSVN. The Accelerated Plan provided for a rapid phase-out of the bulk of U.S. military personnel. It also provided for building up GVN forces at a faster pace, but at a more reduced scale. MAP costs for FY 1965–1969 totaled $399.4 million, or nearly $300 million lower than the original projection.

All of this planning began to take on a kind of absurd quality as the situation in Vietnam deteriorated drastically and visibly. Strangely, as a result of the public White House promise in October and the power of the wheels set in motion, the U.S. did effect a 1,000-man withdrawal in December of 1963. All the planning for phase-out, however, was either ignored or caught up in the new thinking of January to March, 1964, that preceded NSAM 288. The thrust of this document was that greater U.S. support was needed in SVN. Mr. McNamara identified these measures as those that "will involve a limited increase in U.S. personnel and in direct Defense Department costs." He added: "More significantly they involve significant increases in Military Assistance Program costs. . . ." On 27 March, 1964, CINCPAC was instructed not to take any further action on the Accelerated Plan. Quickly, requests for more U.S. personnel poured into Washington. The planning process was over, but not forgotten. Secretary McNamara stated in his August, 1964, testimony on the Tonkin Gulf crisis that even today "if our training missions are completed, we will bring back the training forces."

While the phase-out policy was overtaken by the sinking aftereffects of the Diem coup, it is important to understand that the vehicles chosen to effect that policy—MAP planning, RVNAF and U.S. force levels—were the right ones. They were programmatic and, therefore, concrete and visible. No better way could have been found to convince those in our own government and the leaders of the GVN that we were serious about limiting the U.S. commitment and throwing the burden onto the South Vietnamese themselves. The public announcement of the policy, on October 2, 1963, after the McNamara-Taylor trip to Vietnam was also a wise choice. Even though this announcement may have contributed to the so-called "credibility gap," publication was a necessity. Without it, the formal and classified planning process would have seemed to be nothing more than a drill.

While the choice of means was appropriate for getting a handle on the problem, it proceeded from some basic unrealities. First, only the most Micawberesque predictions could have led decisionmakers in Washington to believe that the fight against the guerrillas would have clearly turned the corner by FY 65. Other nations' experience in internal warfare pointed plainly in the other direction. With more propitious circumstances, e.g. isolation from sanctuaries, the Philippine and Malayan insurgencies each took the better part of a dozen years to bring to an end.

Second, there was an unrealistic contradiction within the CPSVN itself. As directed by Secretary McNamara, U.S. MAP was to decrease as RVNAF increased. In practical terms, MAP costs should have been programmed to increase as the South Vietnamese Army increased, and as they themselves began to bear most of the burden. The desire to keep MAP costs down after FY 65 could, at best, be perceived as a budgeting or program gimmick not a serious policy.

Three, the political situation in South Vietnam itself should have prompted more realistic contingency plans against failure of the Vietnamese, in order to give the U.S. some options other than what appeared as precipitous withdrawal. The intelligence and reporting systems for Vietnam during this period must bear a principal responsibility for the unfounded optimism of U.S. policy. Except for some very tenuous caveats, the picture was repeatedly painted in terms of progress and success.

In the July, 1962, Honolulu Conference the tone was set. Secretary McNamara asked COMUSMACV how long it would take before the VC could be expected to be eliminated as a significant force. In reply, COMUSMACV estimated about one year from the time RVNAF and other forces became fully operational and began to press the VC in all areas. Mr. McNamara was told and believed that there had been "tremendous progress" in the past six months, This theme was reechoed in April of 1963 by COMUSMACV and by the intelligence community through an NIE. All the statistics and evaluations pointed to GVN improvement. While noting general progress, the NIE stated that the situation remains flexible.

Even as late as July, 1963, a rosy picture was being painted by DIA and SACSA. The first suggestion of a contrary evaluation within the bureaucracy came from INR. Noting disquieting statistical trends since July, an unpopular INR memo stated that the "pattern showed steady decline over a period of more than three months' duration." It was greeted with a storm of disagreement, and in the end was disregarded.

The first, more balanced evaluation came with the McNamara-Taylor trip report late in September and October, 1963. While it called the political situation "deeply serious," even this report was basically optimistic about the situation, and saw little danger of the political crisis affecting the prosecution of war.

Not until after the Diem coup, the assassination of President Kennedy, and the December Vietnam trip of Secretary McNamara was the Vietnam situation accurately assessed. In Secretary McNamara's December memo to the President, after his trip, he wrote: "The situation is very disturbing. Current trends, unless reversed in the next 2-3 months, will lead to a neutralization at best and more likely to a Communist-controlled state." One of the most serious deficiencies he found was a "grave reporting weakness on the U.S. side." Mr. McNamara's judgment, apparently, was not predominant. He noted in the concluding paragraph of his memo that he "may be overly pessimistic, inasmuch as the ambassador, COMUSMACV, and General Minh were not discouraged and look forward to significant improvements in January."

By 6 March, 1964, when another major Secretary of Defense Conference convened at CINPAC Headquarters, the consensus was that the military situation was definitely deteriorating. The issue was no longer whether there was or was not satisfactory progress; the question was how much of a setback had there been and what was needed to make up for it. Mr. McNamara observed that attention should now be focused on near term objectives of providing for necessary greater U.S. support. It was finally agreed that the insurgency could be expected to go beyond 1965.

The intelligence and reporting problem during this period cannot be explained away. In behalf of the evaluators and assessors, it can be argued that their reporting up until the Diem coup had some basis in fact. The situation may not have been too bad until December, 1963. Honest and trained men in Vietnam looking at the problems were reporting what they believed reality to be. In retrospect, they were not only wrong, but more importantly, they were influential. The Washington decisionmakers could not help but be guided by these continued reports of progress.

Phased withdrawal was a good policy that was being reasonably well executed. In the way of our Vietnam involvement, it was overtaken by events. Not born of deep conviction in the necessity for a U.S. withdrawal or in the necessity of forcing the GVN to truly carry the load, it was bound to be submerged in the rush of events. A policy more determined might have used the pretext and the fact of the Diem coup and its aftermath as reason to push for the continuation of withdrawal. Instead, the instability and fear of collapse resulting from the Diem coup brought the U.S. to a decision for greater commitment.

TEXT ABBREVIATIONS

CINCPAC—Commander in Chief, Pacific.
COMUSMACV—Commander, United States Assistance Command, Vietnam.
CPSVN—Comprehensive Plan for South Vietnam.
DIA—Defense Intelligence Agency.
FY—Financial Year.
GVN—Government of Vietnam.
INR—Intelligence and Research (State Department).
ISA—International Security Affairs (Defense Department).
JCS—Joint Chiefs of Staff.
MAAG—Military Aid Advisory Group.
MACV—Military Assistance Command, Vietnam.
MAP—Military Assistance Program.
NIE—National Intelligence Estimate.
NSAM—National Security Action Memorandum.
OSD—Office of Secretary of Defense.
RVNAF—Republic of Vietnam Armed Forces.
SACSA—Special Assistant for Counterinsurgency and Special Activities (Joint Staff).
SVN—South Vietnam.
USG—United States Government.
VC—Viet Cong.

[From the Christian Science Monitor, June 29, 1971]

NEW PENTAGON PAPERS—WHY 1962 VIET-EXIT PLAN FIZZLED

(By David K. Willis and Geoffrey Godsell)

BOSTON.—For a crucial 21 months spanning the Kennedy and Johnson administrations, the United States laid plans to pull almost all American troops out of South Vietnam over a five-year period—while being sucked inexorably deeper and deeper into the war instead.

The plan begun in July 1962, eventually crashed to the ground in March, 1964. The story of how it crashed, detailed in hitherto unpublished Pentagon papers which have become available to this newspaper, vividly illustrates grave weaknesses in American policymaking that misled senior officials and directly contributed to the dramatic escalation of U.S. involvement in 1964–65.

ORIGINAL PLAN OUTLINED

The original plan was to reduce American military personnel engaged in advising, training, and support efforts from a high point of 12,000 men in fiscal 1964 to a mere 1,500 in fiscal 1968. Later, after several revisions, the plan called for a drawing down from 15,215 in fiscal 1964 to 2,610 in fiscal 1969.

Savings in the final plan in military assistance totaled about $140 million—from $180 million in fiscal 1964 to $47.8 million in fiscal 1969.

The Pentagon study implies that it was doomed almost from the beginning—by flaws and "some basic unrealities" in its conception; by serious weaknesses in intelligence reporting from the field that consistently underestimated the strength of Communist forces; by a lack of basic commitment to the idea of troop withdrawal; and by steady deterioration of the South Vietnamese political situation (culminating in the coup against President Diem in November, 1963) as well as in the military picture.

MIXED MOTIVES

The pullout plan was prompted by mixed motives, the study suggests. One was a real desire by the Kennedy administration "to extricate itself from direct military involvement" in the wake of the 14-power neutralization of Laos, signed in mid-1962, and in a period in which Soviet activities on Cuba and in Berlin dominated world headlines. Another was a strong desire to make it clear to President Diem in Saigon that the war was one the Vietnamese themselves had to win.

In other words, the plan was in part "a bargain counter with the GVN," the study says.

Again, the proposed pullout could also be seen as contingency planning, covering the possibility that the U.S. might be forced to withdraw.

And again, it was a planning technique to try and head off demands within the American Government for more and more buildups—as well as to try and counter domestic and international criticism of overall American policy.

FAULTY REPORTING

The Pentagon study goes on to fault the plan on all counts.

While it may have "frightened" the Saigon government, it did not induce Diem to overhaul the South Vietnamese political apparatus; nor did it spur the South Vietnamese armed forces to fight harder.

It did not contain a really deep commitment to the concept of withdrawal; and based as it was on faulty reporting from the field—reporting "that cannot be explained away"—it was inadequate on other grounds as well.

It failed to give the U.S. any other contingency plans than what would appear as "precipitous withdrawal"; and in the end, it may have only compounded the government's credibility gap.

Existence of the phase-out plan was carefully hinted in a public statement from the White House on Oct. 2, 1963, in which Defense Secretary Robert S. McNamara and Gen. Maxwell D. Taylor, back from a visit to Vietnam, said "the major part of the U.S. military task can be completed by the end of 1965. . . ." But the statement was also larded with restatements of the basic American commitment to "deny this country to communism. . . ."

Nor was the pullout plan wholly consistent with strong public statements being made by President Kennedy, among others. Mr. Kennedy said the U.S. was "not going to withdraw" from Vietnam (July 17, 1963); "I believe [the domino theory]; I think that the struggle is close enough. China is so large, looms up high just beyond the frontiers, that if South Vietnam went, it would not only give them an improved geographic position for a guerrilla assault on Malaya, but would also give the impression that the wave of the future in Southeast Asia was China and the Communists" (Sept. 9, 1963).

Comments the study: "One could argue

that such an unequivocally strong statement of strategic importance would not be consistent with any sort of phaseout proposal short of a clear-cut victory over the Communists . . . these statements tended to reduce U.S. bargaining power because of the explicit and vital nature of the commitment."

WEAKNESSES SCORED

The study comes down hard on serious weaknesses in intelligence reporting. It quotes a report by Mr. McNamara to President Johnson after a Vietnam scouting expedition in December, 1963, which it says was "laden with gloom."

Following an extended period of optimistic intelligence reports, despite the assassination of President Diem on Nov. 1, 1963, and the Buddhist crisis which immediately preceded it in South Vietnam, Mr. McNamara said bluntly:

"The situation is very disturbing. Current trends, unless reversed in the next two-to-three months, will lead to neutralization at best and more likely to a Communist-controlled state." He said the "new government [whose strongman was Gen. Duong Van (Big) Minh] was indecisive and drifting" and was "the greatest source of concern."

He criticized the senior council of officials at the American Embassy in Saigon (the "Country Team"). He said it "lacks leadership, and has been poorly informed."

M'NAMARA CONCLUSION

(Henry Cabot Lodge took over as Ambassador from Frederick E. Notling Jr. on Aug. 26.)

Mr. McNamara continued: "Vietcong progress has been great in the period since the coup, with my best guess being that the situation has in fact been deteriorating in the countryside since July to a far greater extent than we realize because of our undue dependence on distorted Vietnamese reporting."

His conclusion from this was not to send in more American troops: at the same time, he did not talk about more withdrawals. His suggestion was to hold the line—to improve "independent, U.S." intelligence reporting, but not to substantially increase U.S. resources.

Yet in his final paragraph, the Secretary admitted that his own estimate "may be overly pessimistic," since Ambassador Lodge, the commander of the Military Assistance Command, and General Minh were not discouraged, and looked for significant improvements in January, 1964.

SAIGON ASSESSMENTS

Before the Secretary's report, assessments from Saigon had maintained that the South Vietnamese forces were improving, and that the Communist troops were having a hard time. One exception was an estimate by the State Department's Bureau of Intelligence and Research, on Oct. 22, 1963. The estimate showed a steady decline in the military balance over the preceding three months. It was greeted by a "storm of disagreement" within the government, the study says, and "in the end was disregarded"—only to be confirmed by Mr. McNamara himself a few weeks later.

So great was the pressure from Pentagon brass that Secretary of State Dean Rusk wrote Mr. McNamara a note on Nov. 8, 1963, which the study says amounted to an apology for not clearing the estimate through the Pentagon first.

PENTAGON HASSLE

Similarly, battle was waged inside the Pentagon between the Joint Chiefs of Staff and the military mission in Saigon on the one hand, and the office of the Secretary of Defense and the International Security Affairs branch on the other. The first group wanted to spend more on military assistance and withdraw at a slower rate; the latter group wanted to spend less and withdraw faster.

Yet events overtook the entire plan. What the study calls the "euphoria" of the summer of 1962, when the campaign against the enemy appeared to be going well, dissipated under a barrage of contrary events. The Diem government became more and more unpopular. The crisis with the Buddhists, which saw Buddhist bonzes (monks) burning themselves in public protest, accelerated.

An American plan was put into effect to pull out 1,000 men by December, 1963, as reports of steady military progress continued. In fact, American strength was reduced by 1,000 slots by the end of 1963, but the study says men added because of simultaneous decisions to boost American airpower among other things, offset the reductions. The full goal of 1,000 men was never met, and the study calls the 1,000-man withdrawal "essentially an accounting exercise."

CONFIDENCE SLIPS

American confidence began to drop after President Diem declared martial law on Aug. 20, 1963. His troops marched into Buddhist pagodas. Mass arrests of Buddhists and laity followed. "Any hope of reconciliation was shattered, and the Diem government was irrevocably isolated," the study says.

In succeeding passages, the Pentagon study implies that the United States kept hands off during the political struggle that led up to the overthrow and assassination of Mr. Diem, on Nov. 1, 1963.

As the crisis mounted, "the U.S. was confronted with a dilemma," the study says. "It was helpless to ameliorate conditions as long as Diem remained in power—nor did it want to approve and support such a regime. Yet at the same time, it was equally helpless to encourage a change of government—there was no feasible replacement anywhere on the South Vietnamese political horizon."

"WATCHFUL WAITING"

The result: an "ambivalent" policy of "watchful waiting" while primary attention was fixed on the performance of the South Vietnamese armed forces and the counterinsurgency program.

Mr. McNamara and the chairman of the Joint Chiefs of Staff, General Taylor, were dispatched to Vietnam by President Kennedy. Their visit lasted from Sept. 26 to Oct. 2. The highest levels of the American Government were deeply troubled.

However, the text of a very blunt and stern letter which someone in Washington had proposed be sent by President Kennedy to President Diem (the study does not say exactly who made the draft) was eventually scrapped in favor of a milder approach.

ULTIMATUM STATED

The draft letter was sent to Saigon (State Dept. Message 476, Sept. 24, 1963, TOP SECRET EYES ONLY for AMBASSADOR LODGE and SECRETARY McNAMARA) and their reply went back on the same day, also TOP SECRET.

The draft laid down an ultimatum, the study says: Unless the Saigon government changed the repressive policies, methods, and actions practiced by some individual officials and gained for itself a broad base of popular political support, the United States might have to consider disassociating itself from the Diem government, and further U.S. support of Vietnam might become impossible.

President Kennedy thought the letter "too extreme" the study said, and he was reluctant to use it unless he absolutely had to. In their reply, Mr. McNamara and Ambassador Lodge agreed. Both said the situation was very serious, but that "it was not likely to be influenced by such a letter to Diem."

SOFTER MESSAGE SENT

The letter was not sent. Instead, "many of the points were conveyed in conversations with Diem, and in another letter, "not only much softer in tone and more circumspect but [which] went out over the signature of General Taylor as chairman, Joint Chiefs of Staff." Messrs. McNamara and Lodge approved.

In the letter, General Taylor said he had no doubt that ultimate victory could be achieved, "providing there are no further political setbacks." Military situations in I, II, and III Corps were generally good, but some of the hard-core Viet Cong areas remained untouched; ". . . only a ruthless, tireless offensive can win the war." The main military problems were in the delta. The Strategic Hamlet program must be overhauled, combat troops of IV Corps (in the delta) must go out on clear-and-hold forays.

OPTIMISM VOICED

The subsequent McNamara-Taylor report to the President was generally optimistic about the military situation. Soon afterwards, the White House statement making guarded reference to the U.S. pullout plan was made public (Oct. 2).

When President Johnson came into office, he faced a new government in Saigon, but a situation in which the kind of upheavals and disruptions to the South Vietnamese war efforts that many had feared did not appear to be taking place. He ordered a review of war policies, but as charted by lower-level officials, it broke no new ground, and previous policies continued.

Meanwhile, the pullout plan for almost all U.S. troops from South Vietnam had progressed through an original draft and a second draft, known as Model M, to a third version, known as the Accelerated Model Plan. The acronym for the plan itself was CPSVN (Comprehensive Plan for South Vietnam).

ASSUMPTION CRITICIZED

The Pentagon study says the plan "proceeded from some basic unrealities." The plan was based on the assumption, made by Mr. McNamara, that the war against the guerrillas would have turned the corner in three years (by fiscal 1965).

"Only the most Micawberesque predictions" could have led to that belief, the study says; ". . . other nations' experience in internal warfare pointed plainly in the other direction"—the Philippines and Malaya each took the better part of a dozen years to bring their struggles to an end.

Secondly, as the South Vietnamese shouldered more of the load, it was to be expected that American military assistance would rise—yet the proposed pullout plan decreased military assistance after fiscal 1965. The study calls this provision, ordered by Secretary McNamara. as one that "could, at best, be perceived as a budgeting or program gimmick, not a serious policy."

GOVERNMENT TOPPLED

The coup de grace for the pullout plan came in March, 1964. On March 6, 1964, after the government of strong man Big Minh had been topped in a coup and Gen. Kanh was in command in Saigon, Mr. McNamara met in Honolulu with the Commander in Chief, Pacific, not to assess whether the situation was getting worse, but to decide how much worse.

The outcome was that Mr. McNamara agreed that a "limited increase" of dollars and American manpower was in order: a one-shot expense of $20 million, plus between $20 to $40 million annually. A 12-point program was drawn up, the last point of which read:

"To prepare immediately to be in a position on 72 hours' notice to initiate the full range of Laotian and Cambodian 'Border Control' Actions . . . and the 'Retaliatory Actions' against North Vietnam, and to be in a position on 30 days' notice to initiate the program of 'Graduated Overt Military Pressure' against North Vietnam."

RESOLUTION OBTAINED

On March 27, 1964, formal notice terminating the pullout plan was sent from the Pentagon to the Pacific commander in Hawaii. Soon, the entire thrust of U.S. planning moved to escalation.

The Gulf of Tonkin affair was in early August, 1965. President Johnson went to Congress, obtained the Tonkin Gulf Resolution (since repealed), and the war began heating up in earnest.

Concludes the Pentagon study:

"Phased withdrawal was a good policy that was being reasonably well executed. In the way of our Vietnam involvement, it was overtaken by events. Not born of deep conviction in the necessity for a U.S. withdrawal or in the necessity of forcing the GVN (Government of South Vietnam) to truly carry the load, it was bound to be submerged in the rush of events.

"A policy more determined might have used the pretext and the fact of the Diem coup and its aftermath as reason to push for the continuation of withdrawal. Instead, the instability and fear of collapse resulting from the Diem coup brought the U.S. to a decision for greater commitment."

New Pentagon Papers—II: U.S. Ignored Appeals From Ho

(By David K. Willis and Geoffrey Godsell)

The United States ignored eight direct appeals for aid from North Vietnamese Communist leader Ho Chi Minh in the first five winter months following the end of World War II.

And, according to previously unpublished Pentagon papers, Ho also sent several messages through secret channels even earlier, in August and September of 1945, proposing that Vietnam be accorded the "same status as the Philippines"—an undetermined period of tutelage preliminary to independence.

These latter messages were sent through the OSS (Office of Strategic Services), wartime forerunner of the Central Intelligence Agency.

The eight that followed, sent after guerrilla fighting broke out with returning French troops in the south, asked for formal American intervention against the restoration of French colonial rule in Indo-China. Ho cited the Atlantic Charter, the United Nations Charter, and a speech by President Truman in October, 1945, endorsing national self-determination.

SUPPORT FOR FRANCE

When Ho got no answers to his messages, sent between October, 1945, and February, 1946, he acquiesced in a return of the French to Vietnam for a five-year period.

(The papers quoted him as telling strident Vietnamese critics that he had agreed (in March, 1946) because—as he crudely put it—he preferred to smell French excrement for five years rather than Chinese excrement for the rest of his life.)

Having done that, however, he had one last direct communication with the U.S. He visited the American Ambassador in Paris in September, 1946, to ask—"vaguely," the papers say—for U.S. assistance in obtaining independence for Vietnam within the French Union.

Underlying the American refusal to deal with Ho at all is a suspicious uncertainty about helping a leader known to be a Communist, for fear that he might lead his country into the orbit of the Soviet Union. United States policy after the war evolved into support of the French in Indo-China, in order to cement the alliance with France in Europe in face of the growing Russian threat from the East.

The papers do say Ho received "OSS support during and immediately after" the war. But in finding no record of any answers to his eight communications in the winter of 1945-46, the study goes on to comment that the U.S. offered Ho "only narrow options."

The Pentagon says:

"After 1946, not only were Ho's direct communications with the U.S. cut, but also the signals he received from the U.S. were hardly encouraging. By the time the Indo-China war had begun in earnest in late 1946, U.S. military equipment had already been used by French forces against the Vietnamese, and the U.S. had arranged credit for France to purchase $160 million worth of vehicles and miscellaneous industrial equipment for use in Indo-China.

"Secretary of State George C. Marshall's public comment on the outbreak of war in January, 1947, was limited to a hope that 'a pacific basis for adjustment of the difficulties could be found,' and within six months the Marshall Plan threw even greater U.S. resources behind the French.

"The simple truth seems to be that the U.S. knew little of what was transpiring inside Vietnam, and certainly cared less about Vietnam than about France. Knowing little and caring less meant that the real problems and variety of choices were perceived but dimly.

"For example, the U.S. could have asked itself—'Did we really have to support France in Southeast Asia in order to support a non-Communist France internally and in Europe?' Another question . . . 'If the U.S. choice in Vietnam really came down to either French colonialism or Ho Chi Minh, should Ho automatically be excluded?' Again, 'If the U.S. choice was to be France, did France have any real chance of succeeding, and if so, at what cost?' "

Controlling American policy was a decision to support France fully in Indo-China, the papers say. But Washington did have misgivings about the kind of colonial policies France pursued there, and voiced these misgivings in Paris.

But Washington's distaste for Ho's communism prevented it from looking upon Ho as an "Asian Tito"—as a Communist nationalist, who would seek a foreign policy independent of Moscow—and eventually Peking—as well as of the West.

This kind of American thinking would have required "perspicacity unique in U.S. history." Ho possessed real political strength through the Viet Minh in Vietnam—the study says—and could have "worked seriously against U.S. interests" as well as against those of the Chinese Communists. Laos and Cambodia could have been "easy pickings" for a Vietnam under Ho's leadership and drive. His own party was originally called the Indo-Chinese Communist Party. Thailand, Malaya, Singapore and even Indonesia could have been next: a domino theory with Ho instead of Mao Tse-tung.

The papers, written in about 1967, comment: "This may seem implausible, but it is only slightly less of a bad dream than what has happened to Vietnam since. The path of prudence rather than the path of risk seemed the wiser choice."

PEACE THREATENED

At the same time Ho was appealing to the United States for aid in 1945–46, he was also addressing Britain, the Soviet Union, and China.

An example of the tone and style of the letters is given in a report from an American diplomat in Hanoi named Landon, received at the State Department Feb. 27, 1946. Landon said Ho had handed him two letters addressed to the President of the U.S., China, Russia, and Britain. The letters asked the U.S. to support the idea of Annamese (North Vietnamese) independence according to the Philippines example, to examine the case of the Annamese, and to "take steps necessary" to keep world peace, which was being threatened by "French efforts to reconquer Indo-China."

The American attitude can be gauged from State Department instructions on Dec. 5, 1946, to the U.S. representative in Hanoi, which said, in part, "Keep in mind Ho's clear record as an agent [of] international communism . . . least desirable eventuality would be establishment [of a] Communist-controlled Moscow-oriented state. . . ."

Two months later, Secretary of State Marshall reiterated that the U.S. was opposed to "colonial empire administrations" replaced by philosophy and political organizations emanating from and controlled by the Kremlin.

With all this certainty of Ho's communism, however, the U.S. remained through 1948 paradoxically unable to nail down any links Ho might have had with the Soviet Union.

A State Department appraisal of Ho, provided to the U.S. Ambassador in China in July, 1948, was "admittedly speculative," the papers show.

It called Ho a Communist, but went on to say that the department "has no evidence of direct link between Ho and Moscow but assumes it exists. . . ." Nor was it able to evaluate the amount of pressure or guidance that Moscow may have been exerting.

In the autumn of 1948, the State Department's Office of Intelligence Research surveyed Communist influence in Southeast Asia, found evidence of Kremlin-directed conspiracy in virtually all countries—except Vietnam.

Referring to Ho's government, the study said it was a coalition in which "avowed Communists hold influential positions." It said that to date the Vietnam press and radio had not adopted an anti-American position; rather, it was the French colonial press that was strongly anti-American "and has freely accused the U.S. of imperialism in Indo-China to the point of approximating the official Moscow position."

UNSOLVED PROBLEM

The study said it was most likely that Moscow had issued no rigid directives to Communists in Indo-China, or that the Vietnam Government had a "special dispensation." It also raised the possibility that the Vietnam Communists "are not subservient to the foreign policies pursued by Moscow."

Historically, the unsolved problem is to what extent Ho's nationalist goals overrode his Communist convictions in 1945–46. The Pentagon papers argue:

"Ho seemed to place the former above the latter not solely as a matter of dissemblance . . . but possibly as a result of doubts about communism as a political form suitable for Vietnam." In the autumn of 1946, Ho appealed to the French to "save him from the extremists" in the Viet Minh by offering some concessions to independence. He told the U.S. Ambassador he was not a Communist. At any rate, the study concludes his actions after 1949 "support a Leninist construction."

"But, then," the papers add, "U.S. insistence on Ho's being a doctrinaire Communist may have been a self-fulfilling prophecy."

[The Christian Science Monitor]

New Pentagon Papers—III: How Asian Die Was Cast

CHINA SHADOW GREW LARGER

(By David K. Willis)

The first United States plunge into Indo-China was early in 1950. It was preceded by five fateful years in which American policies were marked by "indecision" and "an undertone of indifference."

In those five years, according to previously unpublished Pentagon papers, Washington clearly saw the "vacuity" of French colonial policies in Indo-China, but refused to intervene because it needed French as well as British support against Soviet expansion in Europe.

The fall of mainland China to Mao Tse-tung in 1949 sharpened American fears about the spread of communism in Asia, however, and led Washington to try to apply to Asia the same kind of policies already in use against communism in the West. The papers imply that this was a wishful approach, without much chance of success.

(William P. Bundy, former State Department official in charge of East Asia, has written that it was a similar fear of China in the early 1960's that led President Johnson to involve the U.S. in a full-scale land war in Vietnam in 1965.)

"COMPLEX MATTER"

In January and February, 1950, the U.S. worked closely with the French, recognizing the government that Paris had just set up in Vietnam as a counter to Ho Chi Minh, and then agreeing to a French request for economic and military aid to that government, which was led by Emperor Bao Dai.

In the face of Mao Tse-tung's victory in China, and his swift recognition of Ho's Democratic Republic of Vietnam, the U.S. really had in mind collective action by Asians in self-defense, the papers assert. But such collective organization "among the disparate powers and political entities of the Far East was inherently more complex a matter than the North Atlantic Treaty (NATO) nations had successfully faced."

So the U.S. decided on more direct action—and from that policy, in concert with its European allies, or acting bilaterally, sprang the Korean war, the Southeast Asia Treaty Organization (SEATO), and "the progressively deepening American involvement in Vietnam," the papers say.

PREOCCUPIED WITH EUROPE

Some writers have argued that the five years from 1946 to 1950 saw the U.S. "neutral" on Indo-China. They include the late historian Bernard Fall. Others, many sympathetic to the Viet Minh, have said the U.S. was actively supporting French colonial policies of the period.

The Pentagon papers say the facts fit neither view, calling American policy "less purposeful that either assumes." Their analysis is that the United States tried to stay out of Indo-China. It deferred to French will; preoccupied with European recovery, it saw Indo-China as one region "in which the U.S. might enjoy the luxury of abstention."

Washington refused to intervene directly. To have done so would have alienated the French; American officials feared it would have greatly strengthened the hand of the French Communist Party in Paris as well. It would also have offended the British, who paved the way for the postwar French return to former colonies in Indo-China in the first place (see adjoining article).

In 1945, Secretary of State Edward Stettinius made it clear, the papers say, that it was France who would be left to handle the growing spirit of nationalism in Indo-China. What followed, in essence, was that a succession of short-lived French governments resorted more and more to colonial force to "reassert sovereignty" over the growing influence and strength of Ho Chi Minh and his followers.

TRUMAN: HANDS OFF

Compared with events in Europe, the U.S. "considered the fate of Vietnamese nationalism relatively insignificant."

The American acts of 1950 are seen by the Pentagon analysts, not as a "volte-face" by Washington, but rather as a "cohesive progression" of policy.

While the Truman administration resolutely kept hands off from 1948 to the end of 1949, acute American diplomats were pointing out in reports to the State Department that French policies were heading for defeat. Often, the American Government pointed this out to the French, but its advice was not heeded until Paris realized that "the Bao Dai solution," as it was called, was its only choice (given its implacable hostility to Ho's struggle for independence).

DANGERS HIGHLIGHTED

One particularly prescient analysis came from John Carter Vincent, then director of the State Department's Office of Far Eastern Affairs, in a memorandum to Undersecretary of State Dean Acheson on Dec. 23, 1946.

(Mr. Vincent was later dropped from government service under pressure from the late Sen. Joseph McCarthy of Wisconsin.)

Recommending that Mr. Acheson call in the French Ambassador in Washington to highlight dangers in the outbreak of open warfare between Ho Chi Minh and France earlier that same month, Mr. Vincent wrote, in part:

"Although the French in Indo-China have made far-reaching paper concessions to the Vietnamese desire for autonomy, French actions on the scene have been directed at whittling down the powers and the territorial extent of the Vietnam 'free state'. . . . The French themselves admit that they lack the military strength to reconquer the country. . . With inadequate forces, with public opinion sharply at odds, with a government rendered largely ineffective through internal division, the Fernch have tried to accomplish in Indo-China what a strong and united Britain has found it unwise to attempt in Burma.

"Given the present elements in the situation, guerrilla warfare may continue indefinitely."

AID CONSIDERED

Mr. Acheson called in the French Ambassador and said that, while the U.S. was ready to do anything the French might consider helpful, the situation was "inflammatory."

"Frankly," said State Department instructions to the U.S. Ambassador in Paris in February, 1957, "we have no solution to the problem to suggest."

It was not until September, 1948, that the U.S. first hinted at tangible involvement. In June, Paris had agreed in words, but not in fact, to transfer administrative power to a Vietnamese government. The U.S. urged it to take even more steps, adding that it was prepared to consider financial aid to the French Government but only if "real progress" was made toward a "non-Communist solution" in Indo-China.

By May, 1949, after Paris agreed to unifying Annam, Tonkin, and Cochin China into a single Vietnam, and to putting it under Vietnamese rule, the U.S. urged that Bao Dai be the new ruler. Gone were previous doubts that Moscow might use the Emperor's installation as propaganda—democracies resorting to monarchies against communism.

Later, in December, 1949, the National Security Council formally approved aid to Asians opposed to communism. Bao Dai was installed, Mao recognized Ho Chi Minh, American aid flowed to Bao Dai. The American die had been cast.

BRITAIN OPENED DOOR TO FRENCH

(By Geoffrey Godsell)

It was the British who held the door open for the French to return to Vietnam at the end of World War II. And it was the British who went along with the French removal of a pro-Ho Chi Minh "Committee of the South" in Saigon as early as September, 1945—this precipitating the first Indo-China war out of which grew the massive American involvement in Vietnam in the late 1960's.

This is one of the main arguments of the Pentagon analysts in their survey of what happened in Vietnam during the presidencies of Franklin D. Roosevelt and Harry S. Truman.

During World War II, direct American involvement on the ground in Vietnam was minimal. The Japanese had moved into French Indo-China even before Pearl Harbor.

Toward the end of the Japanese occupation, Ho Chi Minh's Viet Minh emerged as the sole efficient resistance apparatus within the country. And as such, it was the only organization to get help from the American Office of Strategic Services (OSS), forerunner of the Central Intelligence Agency. But when the Japanese surrendered in August, 1945, Vietnam was temporarily taken over not by American or Free French forces, but by British and Nationalist Chinese.

AGREEMENT REACHED

The dividing line between British and Chinese responsibility—in agreement with the Americans—was the 16th parallel of latitude North. (The present boundary between North and South Vietnam is along the 17th parallel of latitude.)

At the moment of Japanese surrender, Ho Chi Minh had installed a government in Hanoi in place of the pro-Japanese puppet Emperor Bao Dai and was well in control of Tonkin and Annam (North and Central Vietnam). In Cochin China, around Saigon, the hold of his Committee of the South was more tenuous.

Ironically, the Nationalist Chinese made no move to displace him in Hanoi. He remained in control there until the French made a deal with Chiang Kai-shek's forces and began to replace them in March, 1946. But in Saigon, Admiral Mountbatten's Southeast Asia command was ferrying Free French troops ashore as early as Sept. 12, 1945.

Eleven days later, those Free French troops overthrew Ho's Committee of the South, which—according to the Pentagon study—was viewed "with disdain" by the British commander "because of its lack of authority from the French and because of its inability to quell disorder in South Vietnam."

RETALIATION NOTED

"Vietnamese retaliation was quick and violent," says the study. "Over one hundred Westerners were slain in the first few days, and others kidnapped; on 26 September, the U.S. commander of the OSS in Saigon was killed. Thus the first Indo-China war began in Cochin China in late September, 1945, and American blood was shed in its opening hours."

Admiral Mountbatten's virtually free hand in South Vietnam was the result of what the study calls the disarray of American policy "toward the colonial possessions of its allies, and toward Indo-China in particular," at the time of President Roosevelt's death in April, 1945.

During the earlier years of World War II, Mr. Roosevelt had tried to get allied agreement to following through on the promise implicit in the Atlantic Charter by placing all their colonial possessions under trusteeship after the war as a prelude to self-government or independence. This the British resisted.

The Pentagon study quotes Prime Minister Winston Churchill, Foreign Secretary Anthony Eden, and British Ambassador Lord Halifax objecting at different times to American initiatives toward trusteeship. As a result, the Americans backed away.

But President Roosevelt was still arguing as late as Jan. 24, 1944, that French Indo-China was a special case. He told Ambassador Halifax on that day—according to a passage from the late Cordell Hull's memoirs quoted by the study—"that it was perfectly true that I had, for over a year, expressed the opinion that Indo-China should not go back to France but that it should be administered by an international trusteeship."

CONTRADICTION SEEN

Such a view, however, was in flat contradiction to an assurance given by Mr. Roosevelt's personal representative to French General Giraud—the American alternative to both Charles de Gaulle and Vichy, France, at the time of the North African landings in the fall of 1942. "It is thoroughly understood." said the representative, "that French sovereignty will be reestablished as soon as possible throughout all the territory, metropolitan or colonial, over which flew the French flag in 1939."

When these contradictions were overtaken by fast-moving events in the summer and fall of 1945, it seems that the best the United States Government—now in the hands of President Truman—could do was to leave decisions to allied military commanders on the spot, subject to the political directive from Washington that no American help be given to the French to reestablish their control over Indo-China by force.

Adm. Louis Mountbatten, the allied commander in Southeast Asia, was a Briton. The British wanted no precedent in Indo-China which might have inhibited their right to return to Malaya. Consequently, it was hardly surprising that Admiral Mountbatten, as the study says, "bilaterally agreed with the French for the latter to assume British occupation authorities, and signed a pact on 9 October, 1945, giving 'full recognition to French rights' in Indo-China."

This was the first step in a process which within the next six months moved the problems of United States policy toward Vietnam "from the context of wartime strategy to the arena of the U.S. relationship with France." Few could have foreseen then how it would involve Americans more deeply and directly in Vietnam than they had ever been in World War II.

[From the Chicago Sun-Times, June 26, 1971]

Tell CIA Pullout Advice to Nixon

(By Morton Kondracke and Thomas B. Ross)

WASHINGTON.—The Nixon administration was advised by the Central Intelligence Agency in 1969 that it could immediately withdraw from Vietnam and "all of Southeast Asia would remain just as it is at least for another generation."

Government documents revealed Friday that the CIA offered the following prediction of what would happen if President Nixon, at the start of his administration, had pulled all U.S. troops out of Vietnam and opened the way to a possible Viet Cong take-over of the Saigon government:

"We would lose Laos immediately. Sihanouk would preserve Cambodia by a straddling effort. All of Southeast Asia would remain just as it is at least for another generation.

"Thailand, in particular, would continue to maintain close relations with the U.S. and would seek additional support. Simultaneously, Thailand would make overtures and move toward China and the Soviet Union. It would simply take aid from both sides to preserve its independence.

"North Vietnam would consume itself in Laos and South Vietnam. Only Laos would definitely follow into the Communist orbit.

In totally rejecting the so-called domino theory on which U.S. policy was based in the Eisenhower, Kennedy and Johnson administrations, the CIA took a position consistent with a long line of estimates dating back to the original U.S. involvement in 1954.

For example, the documents show that on May 25, 1964, the CIA declared in a National Intelligence Estimate that the United States would "retain considerable leverage in Southeast Asia even if Laos and South Vietnam came under North Vietnamese control."

The CIA produced the estimate as part of its pessimistic assessment of the value of launching a bombing campaign against North Vietnam. It argued that air attacks were unlikely to break Hanoi's will and carried the danger of escalating the war into a direct confrontation with Communist China and the Soviet Union.

"Retaliatory measures which the North might take in Laos and South Vietnam," the CIA declared, "might make it increasingly difficult for the U.S. to regard its objectives as attainable by limited means. Thus, difficulties of comprehension might increase on both sides as scale of action mounted."

Former President Lyndon B. Johnson rejected the CIA's advice and started sustained bombing in February, 1935.

Similarly, President Nixon disregarded the CIA estimate in 1969 and decided on a slow withdrawal, and expansion of the war into Cambodia and Laos and a partial revival of the bombing of North Vietnam.

On several occasions since coming to office, Mr. Nixon has referred to immediate, total U.S. withdrawal from Southeast Asia as "precipitate" and the equivalent of "our defeat and humiliation."

In various ways, he has signaled an intention to preserve non-Communist governments in South Vietnam, Laos and Cambodia.

Instead of pulling out of Vietnam rapidly, Mr. Nixon has withdrawn gradually, to give the South Vietnamese a "reasonable chance" to maintain their present government.

U.S. troop levels were at 540,000 when Mr. Nixon took office. They are scheduled to be down to 184,000 by Dec. 1, close to the end of Mr. Nixon's third year in office. The President has not said when—if ever—U.S. forces will be completely gone from Vietnam.

Meanwhile, Mr. Nixon stoutly denied that the invasions of Cambodia in 1969 and Laos in 1970 constituted expansions of the war or were even related to political conditions in those countries.

In 1969, U.S. troops joined South Vietnamese forces in the invasion, while the Laos incursion was conducted by Vietnamese ground forces supported by U.S. planes and helicopters.

Mr. Nixon defended both actions as efforts to speed the "end of war" in South Vietnam. Nevertheless, the administration has exhibited interest in preserving the non-Communist character of the governments of Laos and Cambodia.

There has been a massive infusion of military and economic aid to the anti-Communist regime of Lon Nol in Cambodia, and U.S. air power continues to support South Vietnamese and Cambodian army combat operations there.

The Cambodian operations began on the heels of Lon Nol's overthrow of Sihanouk, the man the CIA predicted would retain power if the United States left Southeast Asia. The United States did not leave, and Sihanouk fell. In some quarters, his overthrow has been ascribed to the CIA.

In Laos, the United States has continued extensive bombing raids both along the Ho Chi Minh infiltration routes in the southern part of the country and in north Laos near the Plain of Jars.

The north Laos operations—bombing and aid to anti-Communist guerrillas—are linked to retention of a neutralist government in Vientiane, the capital.

The government documents, disclosed to The Sun-Times by a number of reliable sources, show the CIA consistently reported that the bombing of North Vietnam was not effective, either in military or political terms.

The CIA's estimates, the documents also reveal, provided the basis for former Defense Sec. Clark Clifford's silent campaign to get the bombing stopped in 1968.

The CIA's Office of National Estimates advanced the case against the bombing in 1965 despite CIA Director John A. McCone's advice that U.S. planes "hit them harder, more frequently, and inflict greater damage."

In an April 2, 1965, memo to Sec. of State Dean Rusk, White House adviser McGeorge Bundy and Ambassador Maxwell D. Taylor, McCone argued that Mr. Johnson's decision the previous day to commit U.S. troops to combat would work only "if our air strikes against the north are sufficiently heavy and damaging really to hurt the North Vietnamese."

He warned that a slow escalation of the bombing would open the U.S. government to "increasing pressure" from the press and public opinion to stop the raids.

Then, McCone concluded: "We will find ourselves mired down in combat in the jungle in a military effort that we cannot win, and from which we will have extreme difficulty in extracting ourselves."

[From the Chicago Sun-Times, June 27, 1971]

Humphrey Memo to L. B. J. Against Escalation Revealed

BALTIMORE.—Former Vice President Hubert H. Humphrey, in a last-ditch attempt to alter President Lyndon B. Johnson's war policy, urged the President not to escalate combat operations in 1965, the Baltimore Sun reported Saturday.

The story was based largely on a memorandom Humphrey sent Mr. Johnson dated Feb. 27, 1965, and interviews Sun reporter Philip Potter had with Humphrey in January 1970.

Humphrey told Mr. Johnson, according to the Sun account, that the Democratic administration was adopting a war policy similar to that of Arizona Sen. Barry Goldwater, Johnson's Republican opponent for the Presidency in 1964. During the campaign, Mr. Johnson had cast himself as a moderate on the war while he characterized, Goldwater as a "warmonger."

The memorandum written by Humphrey said full-scale military action in North Vietnam could bring in the participation of the Soviet Union and China, and might trigger ill feelings among U.S. allies in Europe.

He also argued against further escalation of the war by increasing ground troops and bombing raids in Vietnam, saying those moves would threaten the President's domestic Great Society programs. By 1965, Humphrey said, "people in the United States already were expressing concern about the war.

"I don't think LBJ was awed by the military, but he was by (then Defense Sec. Robert S.) McNamara," Humphrey told Potter. "McNamara thought he was smarter than the military."

Humphrey said Mr. Johnson "was not a Hawk" and that he was "constantly trimming back requests of the Defense Department."

Military's Advice on Viet Ignored

(By Morton Kondracke and Thomas B. Ross)

WASHINGTON.—U.S. military commanders consistently told their civilian superiors that victory in Vietnam could be achieved only by committing 500,000 to 1 million troops for a period of 5 to 10 years, top-secret Pentagon documents and other sources reveal.

The civilians, however, tended to disregard the estimates and to search for quicker, less costly solutions to the war.

In October, 1961, the Pentagon recommended sending 22,600 Americans, half of them combat troops, to Vietnam, as the first installment on a commitment of at least three divisions, roughly 100,000 men.

In the same year, however, William P. Bundy, a civilian, argued that there was a 70 percent chance that prompt and aggressive U.S. measures could "clean up the situation." He said there was only a 30 percent chance "that we would wind up like the French in 1954; white men can't win this kind of war."

Instead of the levels recommended by his military advisers, President John F. Kennedy rejected even a recommendation that the United States commit 8,000 men to the war.

At that time, however, Kennedy's military adviser, Gen. Maxwell D. Taylor, foresaw conflict "escalating into a major war in Asia."

CIVILIANS' UNDERESTIMATES SEEN

In January, 1964, Taylor advised President Lyndon B. Johnson that "it would be unrealistic to believe that a complete suppression of the insurgency can take place in one or even two years. He said: "The British effort in Malaya is a recent example of a counter-insurgency effort which required approximately 10 years. . . ."

When, in 1964, the administration of President Johnson was considering whether and how heavily to bomb North Vietnam, the Joint Chiefs of Staff recommended a "sharp, sudden blow," while civilians called for "calculated doses of force."

Pentagon papers record that the civilians had underestimated the capacity of North Vietnam to withstand attacks and had overestimated the effectiveness of U.S. pressures

The papers indicate that Mr. Johnson opted for the civilians' strategy because of its "relatively low cost in political terms."

In fact, documents indicate, the President's civilian advisers may have blocked the full military recommendation from reaching the President—presumably because, realizing the costs of a full-scale bombing campaign, Mr. Johnson may have decided to institute none at all.

PROPOSALS OF MILITARY CHIEFS

The Joint Chiefs of Staff wanted to knock out all of North Vietnam's airfields and oil supplies in three days, attack the Ho Chi Minh Trail and progressively build up the air strikes in the north, culminating, if necessary, with "full destruction of the DRV (North Vietnam)."

Throughout the period of strategic bombing of the north, the chiefs called for air strikes at Hanoi, the Haiphong Harbor and Chinese border areas—programs that Mr. Johnson and his civilian advisers considered too risky.

Documented evidence indicates, further, that the military chiefs had in mind a maximum troop level of up to 1 million men. The peak level actually reached was 540,000.

In 1966, according to Pentagon evidence Gen. Earl Wheeler informed Mr. Johnson that victory in Vietnam would take another five years and a troop commitment of 700,000 men. Mr. Johnson reportedly told Wheeler he was "crazy" and walked out of the room.

Following the Tet offensive of January, 1968, Wheeler and Gen. William C. Westmoreland submitted troop requests that would have raised the level of forces to 750,000 men. It was at that point that the Johnson administration decided it could not continue down the escalatory route.

The Westmoreland-Wheeler plan, following Tet, included a step-up in the bombing of North Vietnam, closing of the harbor at Haiphong, an invasion of Laos and Cambodia to cut the Ho Chi Minh Trail and sanctuary areas and even, amphibious attacks in North Vietnam just north of the demilitarized zone.

Carrying out these policies would have required an additional 206,000 men and the mobilization of at least one division—35,000 men—from the Army reserves.

Both the strategies recommended and the troop commitments had been asked for by the military since early in the conflict, but ignored in favor of piecemeal escalation.

Mr. Johnson has revealed that the final requests of the military, though not their early recommendations, led him to ask Sec. of State Dean Rusk and Defense Sec. Clark M. Clifford the questions that, in turn, led Clifford to recommend de-escalation.

Documents obtained by the Sun-Times also reveal these previously hidden aspects of the war:

Robert Kennedy—The President's brother played a key role in the conduct of the war during the Kennedy administration. As co-chairman of the Special Group Counterinsurgency, Robert F. Kennedy served as chief interrogator of the Central Intelligence Agency, Pentagon and State Department officials responsible for Vietnam programs. Several witnesses complained that he was overly aggressive.

Defoliation—The program was first approved by President John F. Kennedy in 1961 under the designation Operation Hades. Later it became known as Operation Ranchhand. Taylor, then the President's personal military adviser, described the program as "ineffective" and "irrelevant."

A later study prepared for the Pentagon by the Rand Corp., a government-sponsored "think tank," concluded that 88 per cent of the South Vietnamese villagers in areas where defoliants were used blamed the United States for their plight and the standing of the Viet Cong improved by 30 per cent among them.

OBSCENITY REGULATIONS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. PRICE of Texas. Mr. Speaker, this afternoon the House is scheduled to debate and vote on H.R. 8805, a bill to provide additional Federal regulations to the obscenity laws insofar as they apply to minors. While this bill has merit, and I will support it in the absence of having any other alternatives to vote for at present, I think the bill is too limited in its scope.

Basically H.R. 8805 would prohibit individuals and organizations from using the mails to promote or sell pornographic materials to minors. It would also prohibit use of the mails for delivery of pornographic materials to a minor's residence unless the material were completely wrapped, sealed, and addressed to a person at the residence who is not a minor.

Mr. Speaker, Congress would be deluding itself if it thought it were striking a telling blow in the battle against the obscenity by passing this bill. This bill is to the smut trade what a band-aid is to a gunshot wound.

What this body must do, if it really wants to establish effective controls on the smut trade and put the porno peddlers out of business, is to adopt a tough bill similar to that passed by the House during the second session of the last Congress. At that time, as will be remembered, the House approved legislation closing off interstate facilities, including the mails, to the transmission of salacious advertising, or advertising that would pander to prurient interests. Unfortunately, although the proposal passed the House by an overwhelming margin, it never became law because the other body failed to act upon it.

To breathe new life in this proposal, I introduced it early in this Congress. I introduced it because, in my mind, the fact the bill never became law in the last Congress does not mean that its value has been diminished one iota. The use of interstate facilities, including the mail, should be closed to the transmission of salacious advertising. The homes of our Nation should be freed from the mounting reams of filth being peddled by the smut industry.

Mr. Speaker, I would urge my colleagues on the House Judiciary Committee to give my bill H.R. 3503, their fullest consideration, notwithstanding the fact that the Post Office and Civil Service Committee has reported out its weaker version of obscenity control, the bill being voted on today. In my judgment, the mails must be closed off to the smut trade. If the 92d Congress fails to act with swiftness and with resoluteness, the moral decay eroding the foundations of our Nation will continue unabated.

A NATIONAL BENEDICTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. WOLFF. Mr. Speaker, one of the most cherished liberties in our national life is the freedom of religious belief that has been guaranteed by the Constitution for almost 200 years. The United States is respected not only for the spiritual liberty and diversity that is upheld by this freedom, but for the sincere religious ideals that guide the lives of Americans of all faiths. One of the most moving manifestations of this faith occurs each week day at 12 o'clock at the opening of the Senate and House when a prayer is read by a member of a major faith. These prayers have always been a source of inspiration for the Nation's legislators and the public and have been composed by people from all parts of the United States.

There is a Lutheran church in Port Washington, N.Y., whose pastor composed such a prayer several years ago. Rev. Henry von Schlichten has been the leader of the Lutheran Church of Our Saviour for many years and has been an active and influential leader of his community in New York. The prayer he wrote, A National Benediction, has been read in the Senate numerous times, and has opened several major political rallies. This inspiring prayer was composed in the same rhythmic style as the original Old Testament benediction and is unique for its moving combination of religious and patriotic ideals and feelings. Mr. Speaker, I include the prayer at this point in the RECORD:

A NATIONAL BENEDICTION—DEDICATED TO GOD AND COUNTRY

(By Henry J. von Schlichten)

Lord bless our Country's President,
Our Halls of Congress, too;
The people on our Continent,
The good we try to do.
Lord keep us in Your loving care,
Unharmed by night and day,
On land and sea and in the air,
At home and far away.

Lord make Your gracious Face to shine
Upon a troubled world,
That needs a spark of Light Divine
To keep our faith unfurled;
Lord lift Your Holy Countenance
Upon the ways of men
Who look to You for sustenance,
And grant us peace. Amen.

DISSENTING VIEWS ON THE VOTE TO CITE THE PRESIDENT OF CBS FOR CONTEMPT OF CONGRESS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. TIERNAN. Mr. Speaker, as you know, on Thursday, July 1, the House Committee on Interstate and Foreign Commerce cited for contempt of Congress the Columbia Broadcasting System and its president, Dr. Frank Stanton.

As a member of the committee, I dissented to this vote. I feel strongly that the action of the committee in this matter is in serious error. I have prepared a dissent to the majority decision and at this point submit it for inclusion in the RECORD:

SEPARATE DISSENTING VIEWS OF HONORABLE ROBERT O TIERNAN IN THE MATTER OF THE HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE CITATION, CONTEMPT OF CONGRESS OF CBS NETWORK AND ITS PRESIDENT, FRANK STANTON

There are five points which I feel must be made in my separate dissenting views on the vote to cite the President of CBS for Contempt of Congress for his refusal to supply our Committee will "all film, workprints, outtakes, sound tape recordings, written scripts and/or transcripts utilized" in connection with "The Selling of the Pentagon." The subpoena required the submission of all the above, "Provided, that the foregoing be limited to all such materials relating to the actual broadcast and not include such materials relating to segments not shown therein . . ."

Our Committee's action to cite CBS and its President for contempt of Congress is a serious mistake from a number of viewpoints. First, our contempt vote and the surrounding publicity has apparently made some of us lose sight of the public service which CBS rendered by disclosing how the Pentagon was using a very substantial sum of the American taxpayer's dollars for propaganda purposes. The documentary was devastating in its portrayal of how the Pentagon has gotten out of hand in its public self-aggrandizement and in its attempts to romanticize the role of battle despite a Presidential order curbing such public relations activities.

Second, our contempt citation will clearly have an intimidating and chilling effect upon all broadcast journalists who may in the future decide to prepare a documentary on a controversial subject. There is little doubt that this subpoena and contempt citation are every bit as intimidating to broadcast journalists as was the grand jury subpoena of a newspaperman's notes concerning the Black Panthers. In that case, the Ninth Circuit Court of Appeals on November 17, 1970 said:

"The very concept of a free press requires that the news media be accorded a measure of autonomy; that they should be free to pursue their own investigations, to their own ends without fear of governmental interference, and that they should be able to protect their investigative processes. . . . Further, it is not unreasonable to expect journalists everywhere to temper their reporting so as to reduce the probability that they will be required to submit to interrogation. The First Amendment guards against governmental action that induces such self-censorship."

Justice Hugo Black reiterated the view of the Supreme Court on this subject in the recent case of the *New York Times Co.* v. *United States* (June 30, 1971):

"In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government. And paramount among the responsibilities of a free press is the duty to prevent any part of the government from deceiving the people. . . ."

We cannot hope for enlightened broadcast journalism if we allow for Congressional review and governmental interference. How many networks or independent stations will be willing to attempt such a documentary in the future if they know the Congress has the authority to step in and subpoena outtakes and workprints and second-guess their editorial judgments?

Third, our contempt citation seems to put us on record in support of the proposition that broadcast journalism is not entitled to First Amendment protections. This would be most unfortunate, for it flys in the face of the law, as interpreted by the Supreme Court, and is alien to the intent and spirit of the Communications Act of 1934 which sought to add a new and diverse spokesman to the field of American journalism through the use of the airwaves. On June 7, 1971, Mr. Justice Brennan announced the opinion of the Supreme Court in the case of Rosenbloom v. Metromedia, Inc., 39 U.S.L.W. 4694 and noted that the "petitioner does not question that the First Amendment guarantees of freedom of speech and freedom of the press apply to newscasts."

This subpoena is a formal governmental intrusion into a network's news operation and is unwarranted by the facts in the case and prohibited by strictures of our Constitution. This subpoena is clearly governmental interference, the first step down the road toward governmental censorship, and again I wish to emphasize that the action clearly has a chilling effect upon free expression and reporting.

Our Committee has made previous attempts at interfering with programming, as evidenced in its report on *Deceptive Programming Practices* in 1969. At that time a number of my colleagues, submitting Minority views, stated the issue quite succinctly:

It is not clear from the report whether the majority merely feels that broadcasting is not "press" within the meaning of the First Amendment or that, even if it is, Congress has the power to review and interfere with the exercise of its journalistic judgment. Whichever, we believe the majority is wrong as a matter of law and policy.

We firmly believe, and the Supreme Court has affirmed on several occasions, that broadcasting falls under the protection of the First Amendment. The report seems to say that, since broadcasters are licensed to use the spectrum, a valuable and scarce public property which must be regulated for its fullest scientific use, then the Government can condition that use upon the broadcaster surrendering his rights under the First Amendment. We believe that the Government cannot condition the enjoyment of a governmental license or privilege upon the surrender of any Constitutional rights. We regard a broadcaster's exercise of journalistic judgment synonymous to that of the newspaperman's, and as such, believe that the Constitution aggressively protects that judgment from governmental interference and that it should be protected, not only as a matter of law, but a matter of policy.

In my view, America does not need legislative surveillance of the judgments of any news media. Even though television is Federally licensed, there is no right to infringe upon its First Amendment freedom of editorial judgment. To subpoena the workprints outtakes and written scripts of television editors and reporters is not a proper function of democratic government and leads us closer to the censorship so abhorred by our founding fathers.

Fourth, our Committee was called on, in this one vote, to make a choice that can only result in placing one on the horns of a dilemma. When we are forced to choose between the right of freedom of the press and the power of legislative investigation, for which do we opt?

It is clear from the Legislative Reorganization Act of 1946, that our Committee has the power to investigate the employment of certain production and editing techniques used by networks and broadcasters "in order to see if there is a need for new laws for the protection of the public". It is also clear that this Committee has a duty to protect the public by insuring that the valuable and limited airwaves be used in a proper manner. But to leap from these powers and duties to the view that our Committee is thus empowered to use its subpoena authority as a weapon of intimidation of the broadcast press, is totally without merit. The subpoena power was designed to allow Congress to obtain that information which is legitimately within its sphere of authority, not to go on fishing expeditions into areas protected by the First Amendment.

The Supreme Court has pointed out on a number of occasions that the Court has required the sacrifice of First Amendment freedoms *only* where a compelling need for the particular testimony in question is demonstrated. (De Gregory v. Attorney General of New Hampshire 383 U.S. 825, 86 S.Ct. 1148, 16 L.Ed. 2d. 92, 1966) Gibson v. Florida Legislative Investigation Committee (372 U.S. 539, 83 S.Ct. 889, 9 L.Ed. 2d 929, 1963). In 1959, in Barenblatt v. U.S. (360 U.S. 109, 126, 79 S. Ct. 1081, 1093, 3 L.Ed. 2d. 1115), the Supreme Court noted that where the alleged abridgement of First Amendment interests occurs as a by-product of otherwise permissible governmental action not directed at the regulation of speech or press, "resolution of the issue always involves a balancing by the courts of the competing private and public interests at stake in the particular circumstances shown". Where is the overriding compelling public need for the particular outtakes from "The Selling of the Pentagon"? On what grounds can our Committee justify sacrifice of First Amendment freedoms, especially in light of the fact that the Committee already has stated unequivocally that it has evidence of the improper editing techniques?

Fifth, let us ask for what purpose does our Committee seek the outtakes and workprints of "The Selling of the Pentagon"? It is already eminently clear that CBS did show poor judgment, possibly malicious intent in its editing process. We already know how CBS managed to take some statements out of context, thus making the statements misleading. We can prove this.

An important point to be made is that our Committee already has access to a number of scripts of complete and original interviews as well as a transcript of the actually televised documentary. According to a release from "The Office of The Special Subcommittee on Investigations" dated June 29, 1971:

The Subcommittee issued its subpoena because of *evidence* that CBS, in its news documentary, "The Selling of the Pentagon", had engaged in highly deceptive practices. *That evidence, since verified by sworn testimony,* showed that by cutting and splicing filmed materials, the words of speakers were rearranged to make an individual appear to answer questions in a different way than he did in fact answer them, and another individual appear to be delivering a statement he did not in fact deliver. (Emphasis added.)

Since our Committee already has "verified evidence," obtained from alternative non-press sources, we cannot justify the injury to First Amendment liberties by any demonstrated need of the Committee. If the Committee is truly seeking to formulate legislation to protect the public against poor editing, the case is already clear. The abuses are obvious. A subpoena of specific outtakes and workprints in a specific documentary will not produce any new or needed information.

It is not only CBS' First Amendment right of editorial judgment that is at stake, it is the more sacred First Amendment right of the public.

As the Supreme Court stated in the *Red Lion Broadcasting Company* case in 1969:

> It is the right of the public to receive suitable access to social, political, esthetic, moral and other ideas and experiences which is crucial here. *That right may not constitutionally be abridged either by Congress or by the FCC.* (Emphasis added.) (395 U.S. 267.)

When the Federal Communications Commission was asked to comment on the problems surrounding "The Selling of the Pentagon," Chairman Dean Burch was directed by the FCC to reply. In a letter to Chairman Staggers dated April 28, 1971, Chairman Burch stated:

> It would be unwise and probably impossible for the Commission to lay down some precise line of factual accuracy—dependent always on journalistic judgment—across which broadcasters must not stray. As we stated in the "Hunger in America" ruling, "the Commission is not the national arbiter of the truth" (20 FCC 2d at p. 151). Any presumption on our part would be inconsistent with the First Amendment and with the profound national commitment to the principle that debate on public issues should be "uninhibited, robust, (and) wide-open" (New York Times C. v. Sullivan, 376 U.S. 254, 270). It would involve the Commission deeply and improperly in the journalistic functions of broadcasters.

I believe that our Committee is making a grave error. It is placing itself in the position of "naticnal arbiter of the truth." This is clearly an undesirable and untenable position.

MODEL BILL FOR ENVIRONMENTAL PROTECTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. HUNGATE. Mr. Speaker, the American Trial Lawyers Environmental Law Section has proposed a model bill for environmental protection. There may be improvements or adaptations that could be made that would make it more effective and more equitable but I submit it as a common starting point.

I include the proposed model bill:

MODEL BILL

Section 1. As used in sections one through five the following words shall have the following meanings.

(a) "Abatement" means the cessation or any reduction of damage to the environment.

(b) "Damage to the environment" means any destruction, damage or impairment, actual or likely, of cr to any of the natural resources of the state, whether caused by the defendant alone or by the defendant and others acting jointly or severally. Damage to the environment includes, but is not limited to, air pollution, water pollution, noise, and destruction, damage, or impairment of rivers, streams, lakes, ponds or other water resources, seashores, wetlands, or publicly held or dedicated open spaces or natural areas.

(c) "Person" means any individual, group cf individuals, association, partnership, corporation, company, business organization, trust, estate, political subdivision, administrative agency, public or quasi-public corporation cr body, or any other legal entity or its legal representatives, agents, or assigns.

(d) "Prohibitive" means any cost so great as to substantially deprive a person of the use of his property.

(e) "Statute or regulation" means any statute, ordinance, regulation, cr ruling of the United States or of the state or any of the political subdivisions or administrative agencies of either.

Section 2. Any person shall have the right to make timely intervention into any ------------------------ proceeding, as defined in section --------------------------, of any administrative agency in which damage to the environment is or might be at issue. Said intervention shall be for the purpose of assuring that the nature and extent of such damage are adequately considered and that any decision in such proceeding minimize such damage to the fullest extent possible consistent with the other purposes of said agency. Any person intervening hereunder may present evidence or witnesses and make written or oral argument, except that the agency may exclude any repetitive, irrelevant, or spurious intervention. Any such person shall be considered a party to the proceeding for the purposes of notice and any other procedural rights applicable to such proceeding. Such person shall also have the right of appeal, any other statute notwithstanding.

Section 3. Any person shall have standing to maintain in ------------------------ court an action against any person causing or about to cause damage to the environment and, upon proof of damage to the environment caused or about to be caused by defendant, shall be entitled to relief as follows:

(a) Upon finding that defendant is violating or about to violate a statute or regulation, a direct effect of which is to prevent or minimize damage to the environment, the court shall order the defendant to comply therewith.

(b) Upon finding that there is at least one method of abatement, the court shall order abatement to the lowest attainable level which is not prohibitive. The burden shall be upon the defendant to prove by a clear preponderence of the evidence that any method of abatement under consideration would be prohibitive.

The defenses of sub-section (c) shall not be available to a defendant against a claim under this subsection.

(c) The court shall issue an injunction ordering the defendant to cease so much of his action, activity, operations or enterprise which causes or is about to cause such damage to the environment, unless the defendant proves, by a clear preponderance of the evidence, that such damage to the environment does not constitute a nuisance which equitably should be enjoined. In determining whether such damage to the environment constitutes a nuisance which equitably should be enjoined, the court shall consider, in addition to those substantive factors which are relevant under the common law of nuisance, the following: (1) the extent and likelihood of such damage; (2) the number of people that are or will be affected by such damage to the environment and the severity of such affect; (3) the value of the natural resources of the state affected in terms of economics, asthetics, recreation, health, safety and welfare, and (4) whether defendant is attempting to research or to assist in research to reduce or eliminate said damage and, if so, the extent of said attempt.

(d) Upon finding that the defendant is causing damage to the environment and that the plaintiff has been injured thereby after the effective date of this act, the court shall award damages to the plaintiff. The court shall award up to three but not less than two times the amount it would otherwise award, if it finds that the damage to the environment complained of was in willful or knowing violation of subsection (a) or (b).

(e) If the court issues an order requiring abatement, cessation, or damages or grants any other relief under this section, it shall award plaintiff a reasonable amount for costs, attorney's fees, and expenses reasonably incurred in connection with said action, including fees and expenses of expert witnesses and consultants.

Section 4.

(a) Any person entitled to bring an action under section (3) may, if the damage to the environment complained of has caused similar injury to other persons similarly situated and too numerous to join, and if the court finds in a preliminary hearing that he adequately and fairly represents such other persons, bring the action on behalf of himself and such other similarly injured and situated persons. The court shall require that notice of said action be given to unnamed plaintiffs in the most effective practicable manner. Said action shall not be dismissed, settled or compromised without the approval of the court, and notice of any proposed dismissal, settlement or compromise shall be given to all members of the class of plaintiffs in such manner as the court directs.

(b) If the court has reasonable grounds to doubt the plaintiff's ability to pay any cost which might be rendered against him in an action brought under section (3) the court may order the plaintiff to post a surety bond or cash not to exceed one hundred dollars.

(c) The court may appoint a master or referee to take testimony and make a report to the court in any action under section (3).

(d) (1) Proof of non-compliance with any statute or regulation on damage to the environment, shall constitute prima facie evidence that the defendant is causing or is about to cause damage to the environment.

(2) Proof by the defendant of compliance with any statute or regulation shall not constitute a complete defense to an action under section (3).

Section 5.

(a) Nothing in this act shall be interpreted to derogate from any existing or future common law of statutory right or remedy against damage to the environment or damage to any person.

(b) The provisions of this act are severable, and if any of its provisions shall be held by any court of competent jurisdiction to be invalid or unconstitutional, said holding shall not affect or impair any of the remaining provisions.

THE WAGE-PRICE DILEMMA IN CONSTRUCTION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, recently Deputy Under Secretary of Labor for Economic Affairs and Program Coordination, Mike Moscow, delivered an address on the wage-cost problem in the construction industry that I believe is particularly worthy of note. His speech displays at once a wise and seasoned sensitivity to the unusual structure, complexities, and uniqueness of the industry, while at the same time does not shrink from the fact that wages and costs are clearly out of line and that steps must be taken to remedy that situation. In this regard he gives high marks to the stabilization program being carried out under the President's Executive order.

I would urge that my colleagues read Mr. Moscow's speech, for in a few short pages he succinctly pinpoints the unique characteristics of the construction industry that must be carefully considered in fashioning any long term solution:

THE WAGE-PRICE DILEMMA IN CONSTRUCTION

For the past few years wages and prices in the construction industry have increased at highly inflationary rates. The construction industry became a symbol of an inflation that was "out of control." Wage increases were clearly out of line with traditional relationships to increases in other industries even when adjustments were made for skill differentials.

I'd like to discuss briefly the wage side of this problem and comment on several questions: (1) Why the problem occurred, (2) what is being done about it—specifically the President's recent Executive Order 11588; and, (3) how well it is doing.

The reason that construction wages accelerated rapidly and showed no signs of decelerating in the late 1960's, in my view, stems from two causes:

(1) The rapid growth of non-residential construction in the mid and late 1960's, and

(2) The basic underlying structure of the industry itself.

The boom in non-residential construction was the motivating force, but the underlying structure of the industry accentuated the wage increases and permitted them to continue far longer than economists ever expected and far longer than was acceptable from a standpoint of public policy. In fact, in the first quarter of 1971 with seasonally adjusted unemployment rates of 11 percent in contract construction, there was *still* no sign that negotiated increases would slow down.

Let's focus a bit on the underlying structure itself.

Construction is a confounding industry. There is a language to be learned and morals and values to be understood. Like the maritime trades, mining and a few other occupations, there is a social closeness and aloofness among construction people despite the fact that construction is probably one of the most diffuse economic activities, geographically and by size of establishment. If construction workers have a little *mystique,* they also have a little *panache* as well. Their opinions are strongly held and strongly voiced and their unions are both militant and conservative.

These impressions apply equally well to construction management. There is, of course, a well-beaten path from craftsman to manager to owner. (Firm size is small, about 10 employees per establishment in contract construction.) Entry is easy and there are many stories about the worker who has made it all the way, such as the Kellys, McCloskeys and Perinis. But the failures are many.

Construction is a private industry, yet better than a third of the time it is operating on government money and much more of the time under government regulation. Public corporations are rare. Practically all business is done through contracting but this doesn't necessarily mean through an open bidding system. Contracts are privately arranged, usually through customer and favorite contractor, through general contractor and favorite sub-contractor. Business life is competitive, but the competition is often uneven and there are always suspicions or allegations of collusion and corruption.

The market for the construction product is unique. The end product is not standardized. There are more than just functional tests of competition as in trucks or washing machines, but also aesthetic and other subjective considerations. In fact, there may be considerable resistance to a standard design, even if demonstrably cheaper. It will take considerable effort to develop industrialized processes in construction that will be acceptable to consumers. Another restraint, and it is crucially important to our discussion today, is summed up in the words of a well known labor leader, "you can import a car but you can't import a skyscraper." Product market competition, because of this natural *place* limitation, does not turn on wage differentials. A purchaser of a skyscraper in downtown Philadelphia cannot import the finished product manufactured with lower paid workers from another geographical area.

It is difficult to understand the construction labor force using our usual concepts. There are about 3¼ million in the industry, *on the average*. But nearly twice that many individuals are connected with the industry in any year. There is considerable disagreement as to what this means, like deciding on whether a glass is half full or half empty. We can proceed on the assumption that there is terrific underemployment or we can accept the special nature of the industry and be grateful that here is an industry which gives casual labor a chance to earn some big money. We should probably strive for a fully employed labor force but what the size and configuration of such a force would be is not really known because we don't have ways to determine who is a serious worker and who is not. Even the workers do not know because their attachment depends on what the local demand *is* and *is going to be*.

It is easy to visualize actual cases. A card carrying carpenter works seven months out of a year and for the rest of the time farms or works at other jobs outside of construction. Would he do these other things if construction work were available? Yes, No, or maybe? I don't know myself, I'm not sure he does either.

Because there are these variable experiences, the labor statistics we use are subject to misinterpretation. Unemployment rates are always high even in summer when contractors are crying for help and men put together as much as 20 or 25 additional weekly hours of premium overtime pay. And when winter comes the whole labor force contracts by a third, but many still stay employed. In fact, there is a discernible seasonal factor even in Southern California and Florida.

Upon these erratic phenomena is built, as you might guess, a unique system of wage determination. Aside from the collective bargaining agreement, we have an employment contract which commits a worker to an employer for a finite period, perhaps as little as one or two hours. The employer can discharge the man without any real difficulty, particularly if there is no work. Consequently, the only stable force in the industry is the craft union. It is incumbent upon the union to supply what the employer cannot supply—some kind of security or, at least, some kind of income flow resembling what other workers receive. The union, thus, has to negotiate a wage rate which cumulatively will supply an average journeyman some kind of annual income commensurate with an acceptable life style in his community. As a result, the local union, if at all possible, will try to limit the *size* of its membership to the number of craftsmen who can get enough *union* work to receive a reasonable annual income. In practice, the easiest way a worker can get a permanent and often exclusive attachment to the construction labor market is to get a union card.

Craft unions in construction will try to spread the union scale to as many projects as is economically possible. This provides more work for their members and helps to increase the opportunity to members to receive a secure annual income.

Prevailing wage laws are an important means of spreading the union scale and increasing work opportunities for union members. The Davis-Bacon Act, passed in 1931, is the most famous of these laws, but it covers only direct federal construction. There are another 55 statutes relating to federally assisted construction that requires the payment of prevailing wages. In addition, 38 states have "little" Davis-Bacon Acts covering state construction.

Let us now turn to the way in which the union scale is determined. As one would expect, the collective bargaining structure in construction is extremely complex.

There are at least 18 different craft lines each requiring a different set of skills and expertise and each with different training and apprenticeship standards. Each craft has a different labor market and often a bargaining unit that covers a different geographical area setting a different wage rate or wage rates. Some crafts, such as the elevator constructors and sprinkler fitters, bargain nationwide; boilermakers bargain regionally; the operating engineers often bargain a statewide agreement; the bricklayers usually have several locals with different collective bargaining agreements in the same city.

The bargaining structure is highly fragmented—to say the least. A considerable amount of bargaining, perhaps most, is local covering a relatively small geographical area and sometimes by special types of constructions such as industrial, heavy and highway, or residential. Almost 1,400 separate collective bargaining agreements in the construction industry will expire in 1971. One result of the fragmented bargaining structure is that workers who are on strike in one unit or locality can often find work in neighboring localities. Of course, this increases the unions bargaining power vis-a-vis the employers.

The employers' side of the bargaining table is also quite complex. Because of the sporadic nature of construction activity, the anomalous situation often develops wherein the management spokesmen at the bargaining table have no work in progress and, thus, are not concerned, at least temporarily, about a strike. Or the contractors with current projects may negotiate and backload the settlement because they find it easier to pass on higher rates to users in future years as opposed to passing them on during the first year of the collective bargaining agreement.

National contractors rarely participate in local negotiations. Instead, the national contractors accept the wage rate negotiated by the local contractors. National contractors often sign "national contracts" with the International President of a craft union. The "national contract," in brief, guarantees the contractor that he will not be struck on his project if he accepts the locally negotiated wage rate. (In other words, the national contractor often works his project through a local strike, giving jobs to craftsmen, exerting additional pressure on local contractors being struck.) Of course, it is not surprising for local contractors to negotiate costly manning requirements or work rules that are only applicable for large projects awarded for national contractors.

Now that we have discussed the structure of the construction industry, let's turn to the new Executive Order and how it fits into that structure.

On March 29, 1971, the President issued Executive Order 11588 which established a system for stabilizing wages and prices in construction largely through the tripartite

Construction Industry Stabilization Committee and bipartite craft dispute boards representing various segments of the industry. The President had a legal basis for doing so through the Economic Stabilization Act of 1970 but, what is more important for us to discuss today, is the economic justification and the means employed.

The government took upon itself not to regulate, but to set up a system of self-regulation with implicit but real sanctions available should the need arise. The CISC was set up a halfway house between purely voluntary restraint and outright controls.

The procedures adopted require that all *new* settlements negotiated after March 28, 1971, be approved by a craft disputes board and then the CISC. Increases negotiated earlier which were scheduled to go into effect after March 28, were subject to review but did not have to be approved before being put into effect.

The Executive Order lists two criteria to be used by the CISC and craft dispute boards in deciding whether to approve or disapprove a settlement:

(a) Acceptable economic adjustments in labor contracts negotiated on or after the date of this order will be those normally considered supportable by productivity improvement and cost of living trends, but not in excess of the average of the median increases in wages and benefits over the life of the contract negotiated in major construction settlements in the period 1961 to 1968.

(b) Equity adjustments in labor contracts negotiated on or after the date of this order may, where carefully identified, be considered over the life of the contract to restore traditional relationships among crafts in a single locality and within the same craft in surrounding localities.

The Executive Order recognizes a legitimate claim for parity, or equity, but it seeks to control leading settlements which could ripple out and encourage further disequilibrium in local craft wage structures. The CISC reviews each settlement individually. This is an exceedingly difficult task requiring the submission of considerable background data and what is equally important, the use of temporal judgment as to the stimuli which led to the agreement and the probable future impact on other settlements.

The question is often asked why we permitted larger increases for some construction crafts in some localities. Wouldn't it have been a lot easier to limit every settlement to a rigid guideline—say 6 percent? In part, the answer to that question is "Yes," because it would have been a lot easier to interpret and administer an Executive Order that required a rigid common guideline for every settlement. But administrative ease is not synonymous with efficient labor markets. The Executive Order permits "equity adjustments" in order to restore traditional differentials with other crafts in the same locality and with the same crafts in neighboring localities. If equity adjustments were not permitted, serious morale and productivity problems would result—to say nothing of the likelihood of strikes against the government. For example, suppose the electricians and plumbers in the same town have received the same rate for the past 40 years, which is not unusual, considering that unions and collective bargaining in the construction industry are nearly a century old. If the electricians received a 15 percent increase last year, can we realistically expect to limit the plumbers to 6 percent when they negotiate this year? Some labor economists use the phrase "coercive comparisons" to explain the close connection between some wage rates in labor markets. The term implies a strong interdependence of wage rates which will manifest itself in other ways if the wage rate connection is broken.

Think of it this way. We are trying to turn a race into an orderly procession. We want everyone to end up in the traditional order, and we want a slower pace to be maintained. Thus, in the middle of the procession, some units speed up and some slow down. It would depend on whether you were a bystander or a marcher whether you felt the procession was a forced march or a funeral.

Let me tell you of progress so far. I indicated earlier that the potential case load for new settlements is about 1,400 for this year. About 250 cases have reached the tripartite Committee and 56 settlements have been approved, i.e., the increase justified. One settlement—a Morgantown, West Virginia, painters' contract has been officially rejected. About 20 of the 200 were returned to the local parties for new data or clarification of data.

Approximately two-thirds of the settlements received by the Committee asked for consideration on the basis of equity. As a rule of thumb, this means the settlements were over 6 percent.

About 25 requests have been made to review deferred increases. The Committee quite explicitly ruled out any consideration of *pro forma* requests, of which there are hundreds and which do little more than bemoan the fact that craft X or craft Y is getting too much.

Seventeen bipartite craft dispute boards have been established. The economic adjustments so far have averaged 8.1 percent annually on a time weighted basis. On an equal timing basis (which is comparable to the methodology used in published BLS data) the average annual increase has also been about 8.5 percent. Of course this is not a random sample and we have no idea of the final outcome for this year. But last year's increase over the total life of the contract average over 16 percent per year. (Settlement and work stoppage data have been updated to June 24, 1971.)

One definite sign of progress is the reduction in the number of strikes this year. As of June 24 there were 51 strikes in progress affecting about 36,000 workers. At the same time last year there were 128 strikes affecting 68,000 workers—twice as many. We believe that the duration of strikes also has diminished but unfortunately no data are available yet to support that contention. This gain in time worked alone is an important and encouraging achievement.

In conclusion, E.O. 11588 presents a unique, experimental approach to restraining wage and price increases. It is a problem solving approach designed specifically to operate in the construction industry. It cannot be transferred *in toto* to other industries. In my view the term "multilateral bargaining" accurately describes the approach in the Executive Order. Both labor and management actively participate with government-appointed but non-governmental, neutrals in reviewing and determining the acceptability of new wage increases. Government sanctions are available if needed, but the decision to utilize these sanctions is made by government officials who are not members of the CISC. Whether this type of approach can solve the wage-price problems in construction remains to be seen. At this point we can be happy with the preliminary returns and say that it "looks good so far."

ACCUSATIONS AT HEARING DENIED BY EMPLOYER

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. McFALL. Mr. Speaker, during recent hearings in Los Angeles of the House Subcommittee on Immigration and Nationality of the Judiciary Committee, several central California employers were cited by one witness as having utilized improper procedures in the hiring of immigrant labor. No advance notice was given as to the nature of the testimony to be presented at the hearings.

Those employers named should have the opportunity to respond and receive the same publicity, should they desire, as did the person who made the accusations in Los Angeles.

Mayor Enoch Christoffersen of the city of Turlock, located in the 15th District which I have the privilege to represent, has submitted as testimony to the subcommittee a personal statement in response to the accusations of June 21 in which his name and firm were mentioned.

The statement of Mayor Christoffersen of July 2 to the subcommittee, as well as press accounts in the Turlock Journal of June 21 and the Modesto Bee of June 22 follow:

VALCHRIS, INC.,
Turlock, Calif., July 2, 1971.

Hon. PETER W. RODINO, Jr.,
Chairman, House Judiciary Subcommittee on Immigration and Nationality, Rayburn House Office Building, Washington, D.C.

DEAR CHAIRMAN RODINO AND COMMITTEE MEMBERS: On June 22, 1971, an article appeared in the Modesto Bee involving Valchris, Inc. and Enoch Christoffersen as employing illegals. A copy of the article is enclosed. It quotes, "Mayor Enoch Christoffersen of Turlock is an outspoken opponent of welfare, yet he employs illegals at his poultry plant, Valchris, in Turlock."

"People who employ illegals do so because they can pay them less money, force them to live in terrible housing, pay no insurance benefits nor taxes," she said.

This article was one from a Congressional Hearing at Los Angeles for the House Judiciary Subcommittee on Immigration and Nationality where Mrs. Teresa Cantu, a CAC worker, accused Valchris, Inc. and myself of these false accusations.

I am, therefore, requesting that my statement in its entirety be made part of the Congressional Records and of the Subcommittee Hearings on Immigration and Nationality.

1. We do not house anyone and we, therefore, do not cause them to live in unfavorable environments.

2. There is no discrimination whatsoever to any employee as to wages.

3. There is no discrimination to anyone as to insurance benefits or taxes.

4. We do not ever knowingly hire "wetbacks" or illegals. But when a person has a Social Security Card and a Green Card, we would be discriminating under the law if we do not hire them. If the Green Card is illegal, we have no way of knowing. For this reason, I do not want to be accused of having illegals working for me. This is the government's fault.

We must have a percentage of minority groups working at our plant and we purpose to abide by this labor regulation.

A few months ago, a representative from the government went through our books and plant operation to check if we are complying with the regulations as to minority groups. Upon the inspection, he found that we were within the law.

The investigator from the gov't had our records at his access to determine whether we had any illegals working for us or not, but I want you to know that we received no negative reports whatsoever.

5. Accusing us of paying lesser wages and

no insurance or taxes is stating that we would know if we had illegals. So, Mrs. Cantu is, thereby, accusing me of deliberately hiring illegals which is so far from the truth. The only way we would get illegals is because of the process makes it impossible to avoid it.

6. It happens that the first several months we were not eviscerating turkeys until the 21st of June. We had only regulars working up to that time.

We are being accused of contributing to the high percentage of unemployment this year because of hiring illegals. This proves my point. This is impossible because we were not processing.

I was accused of being "an outspoken opponent of welfare, yet he employes illegals in his plant, Valchris, in Turlock." I have not spoken against welfare. I have been opposed to the abuse of welfare and certainly Mrs. Cantu should be.

When we need a solid foundation to stand on, we can go to the Word of God. In II Thessalonians 3:10 it states, "For even when we were with you, this we commanded you, that if any would not work, neither should he eat." The Bible is opposed to people not being willing to work.

We have sent ledger sheets on payroll to a union so that what I am writing can be verified as the truth. You also can verify from the union that our plant did not operate before the 21st of June this year.

We have asked the union to assist us in determining the legal status of our employees. They have assured us they will.

We requested the Border Patrol to inspect our plant in determining whether there were any illegals. We feel certain there are not any. They are going to do so on the 16th of July.

Because Mrs. Teresa Cantu has deliberately accused me of committing illegal operations, which is untrue, we, therefore, feel very strongly that her testimony should be removed from the Congressional Record as far as its use is concerned. When a person is misrepresenting an area, it is difficult to determine what is correct and what isn't.

It shall be my request to our Congressman, John FcFall, to have her removed from the CAC (Community Action Commission) as being unfavorable to its purpose and cause.

Mrs. Cantu has never come to our place asking for our cooperation. The first acknowledgement I had was when I read the Turlock Daily Journal and Modesto Bee of Valchris being accused of such false accusations.

To summarize, we have never participated in a recruitment program to bring in illegals. All workers in our plant are paid union wages (for the job they do). We furnish no housing to plant employees.

Now I would like to give some points which I feel would be very constructive in solving this Immigration and Nationality problem in our country.

1. There must be a stronger enforcement of the Border Patrol. All trucks and vans should be very carefully checked for people sneaking over the border. Trunks as well should be opened. Some may attempt to get over the border in the trunk of a car. There seems to be no rhyme nor reason to have this many sneak over the border.

2. There should be a crackdown on the issuing of Social Security cards. By having a fingerprint and a picture on the card, we could then identify a person and avoid the possibility of hiring an illegal.

Presently, we are not to pay a person without a Social Security number. But at this time, there are people who have several numbers, we are told. This is because the Social Security card system is too loosely handled.

I strongly urge this constructive change in the Social Security card system.

3. With continuing the Green Card system accompanied by a fingerprint and picture, the Cards should be made in duplicates in order that the employer may have the right to send it to the closest computer system of the government to determine if they are legal.

It thus eliminates the possibility of an honest operation receiving insulting write-ups as have been displayed in our California papers on the 21st and 22nd of June.

4. We understand that a quantity of Green Cards have been made and sold at a small charge in another country for the illegals to obtain entrance into the U.S.

For that reason, having the computer system to check out the name, fingerprint, and picture, we can catch up on this racket.

5. The Social Security Card and/or the Green Card should be made of such material and chemicals of detecting all illegal prints.

In this way with these five suggestions, we can cut down the illegal entry and their stay in our country to a very small percentage. We trust from these points something beneficial to our country will be the result.

Sincerely yours,
E. S. Christoffersen,
President.

[From the Turlock (Calif.) Journal, June 21, 1971]

Mayor Denies Accusation He Hires "Illegals"

Terry Cantu, community worker for the Stanislaus County Community Action Commission, Inc., testified at a hearing of the House of Representatives Subcommittee on Immigration hearings today in Los Angeles and charged that several local industries are hiring illegal aliens and responsible for a "drastic shortage of jobs in Stanislaus County."

The CAC worker also told the subcommittee that because of this, many local residents and legal migrants have been forced to go on welfare.

"ONLY GREEN CARDS"

Named in the testimony was Valchris, Inc., and several other local agricultural industries.

Mayor Enoch Christoffersen, of Valchris, denied the allegation, stating that his firm hires only those aliens who have "green cards," which indicates they have been cleared by immigration authorities for employment.

"We don't want any wetbacks," Christoffersen said.

"If there is some better means of screening these workers than through the issuance of a green card, we would like to know," he stated.

"Furthermore, we haven't been operating for several months and haven't hired anyone but our regular staff," he pointed out.

BLAMES "PART-TIMERS"

Christoffersen blamed the high unemployment figure on cannery employes.

"They only work about 60 days and they don't want to work any more and are eligible for unemployment compensation, thus, the percentage goes up," he stated.

"These include housewives and others who seek only this seasonal work," he said.

Other local firms named during the testimony could not be contacted by press time.

The witness claimed that legal aliens and residents are forced out of jobs when the "wetbacks" appear on the job to work at lesser wages.

[From the Modesto and News-Herald, June 22, 1971]

CAC Worker Lists 10 Hiring Illegal Aliens

Los Angeles.—A Stanislaus County antipoverty worker gave a congressional subcommittee yesterday the names of 10 employers she said hired illegal aliens. She claimed some were hired with the knowledge of the employer.

Teresa Cantu, a community organizer for the Stanislaus County Community Action Commission, told the House Judiciary Committee's subcommittee on immigration and nationality there is no federal law against knowingly employing the illegal aliens or "wetbacks."

"They simply import another bunch of wetbacks—charging them high fees for promises of big money—to replace those who are caught and deported," Mrs. Cantu said.

"The Border Patrol seems unable to contend with the flow of these illegals and, until recently, appeared uncooperative," she charged. Mrs. Cantu said she and other CAC workers have recently sought illegal aliens and their employers in an effort to curb high unemployment in Stanislaus County of local residents and "legal migrants."

"We have seen and talked to illegals and have first-hand information about places where these people hide," Mrs. Cantu told the subcommittee chaired by Rep. Peter W. Rodino, D-N.J.

"Mayor Enoch Christopherson of Turlock is an outspoken opponent of welfare, yet he employs illegals at his poultry plant, Valchris, in Turlock," she charged.

She said David Aredondo keeps illegal aliens at his farm labor camp in Patterson and "runs these people in for $250 a head." She also said labor contractor Rudy Avila employs illegal aliens.

"Lara Brothers Farm recently lost around 16 wetbacks in a raid, Burchell Nurseries lost six of their best grafters in a raid and Patterson Farms lost 12 field workers. Monte Vista Ranch in Denair—also known as Montpelier Management Co.—employs illegals, as does Rainbow Farms, a poultry plant in Turlock, the Snider Lumber Co., Turlock, the Orth Ranch in Hughson and many many other places," Mrs. Cantu testified.

"People who employ illegals do so because they can pay them less money, force them to live in terrible housing, pay no insurance benefits nor taxes," she said.

ADDS TO WELFARE

Also, she said, the practice forces other people onto welfare when they are unable to get work.

Among others who testified at two days of hearings in Los Angeles were Sheldon Greene, general counsel of the California Rural Legal Assistance Inc., and Assemblyman Dixon Arnett, R-Redwood City.

More than 250,000 illegal entrants have moved into California and earned more than $100 million, Arnett told the subcommittee.

He said the illegal aliens are a "significant cause in the increase of our welfare rolls" and were "a major source for the entrance of illegal narcotics."

GI WIDOWS—OUTCASTS?

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, a constituent of mine recently called my attention tc an open letter to the President, printed in the Washington Daily News on Tuesday, June 15, 1971, concerning the plight in which the widow of a retired serviceman found herself at her husband's death. I am aware that our colleagues who served on the Special Subcommittee on Survivor Benefits of the Committee on Armed Services last year expressed grave concern over the woefully inadequate benefits available to widows of retired personnel, and that, as a result H.R. 984 has been introduced by several of our colleagues in an attempt to remedy the situation. I am hopeful that enactment of this legislation will provide relief to those ladies who face circumstances such as those described in the News article, and I insert the article in full at this point in the RECORD:

GI WIDOWS—OUTCASTS OF OUR SYSTEM?

NOTE.—A copy of the accompanying letter to the President was sent to The Washington Daily News and is reprinted with minor editing. We checked with administrative agencies, which agreed the plight is a sad one, but said the law is being followed. Had Mr. Graham elected, upon his retirement, to provide survivors' benefits to his wife in the event he preceded her in death, which has happened, his pension program would have done so. By her account, Mr. Graham apparently was under the impression he had taken this option. The question seems to be: should our military pension program be rewritten to protect survivors against Mrs. Graham's fate?

DANA POINT, CALIF.

DEAR MR. PRESIDENT: It is with sorrow and very great shock that I relate the following:

My husband, James I. Graham, CWO–4, retired after 30 years service and two wars with the Marine Corps, passed away at Camp Pendleton, Calif., April 25, 1971.

My husband had always assured me, and believed with all of his heart, that I would always be taken care of with an adequate income in the event of his death, so that I would not be frightened nor destitute. He left just enough insurance so that I would have peace of mind and a small cushion to fall back on for the necessities of the life.

When Mr. Graham passed away, I was informed that there was no widow's pension and with the payment of $250 by the military to help with funeral expenses that this was the limit of my husband's legacy to me for his 30 years of service to his country.

To say that I was and am completely shocked and horrified is truly putting it mildly.

I then contacted Social Security and was told that I would receive approximately $250 to help with funeral expenses and that was all that I was entitled to as I am only 58 and one is not eligible for assistance until they reach 60. I asked the representative if he could find me a job at my age and if so I would be most willing to work for my living. He assured me he understood my position but that the laws of the land do not take into account whether one can get a job or not—just that there isn't a thing to be done until one has reached 60.

Next I found that Mr. Graham was really not military anymore. I was obligated to place him in a mortuary—the price for which they have carefully calculated to be as near the amount one receives for death benefits as possible.

I could not afford to go out and buy a cemetery lot in California within the few days before interment as the price of such a decision would have been prohibitive when one has no money or future to depend upon. I had had every confidence that my husband would be interred at San Diego but found that this and all military cemeteries with the exception of Portland, Ore. and Arlington have been closed to retired military.

I was obligated to pay an additional $148 to send Mr. Graham to Portland, Ore., for interment.

Evidently on the very day Mr. Graham passed away, or rather on Monday morning as it was Sunday night, the Camp Pendleton Deceased Patients Affairs office sent a TWX to Headquarters Marine Corps to hold up Mr. Graham's last retirement pay check to deduct five days' pay and the hospital bill of $19.50.

I am writing this as of the 26th of May and as yet have not received a cent, if Mr. Graham had not had a retired officers' hospital insurance policy there would have been no way to pay the monthly bills nor money on which to subsist. This is an incredible situation in a land that sends money by the billions to foreign lands to support people in the style they are not accustomed to.

* * * * *

I am not alone in this horrible situation. Camp Pendleton has an office whose sole duty is to assist widows at this period of crisis and frustration and it was explained to me that every widow who came thru the door was as shocked and horrified as I was to find they were absolutely without any benefits whatsoever until they are at least 60 years of age.

This office filled in a form to send to the V.A. to inquire if they would grant assistance—I understand this is entirely as at their discretion and a widow might receive $50 or with great luck as high as $81 per month to live on. In this period of time to ask a woman to exist on such a pittance, after having spent 20 to 40 years with a military husband whose pay has been adequate to live a fairly good life, is certainly the most degrading and frustrating situation one can imagine in the most horrible nightmare.

I have a small mobile home I must sell as I simply cannot afford the price of parking it here.

Where I shall go and what I shall do, I have no idea. My husband's insurance, all going out, is not going to last very long and my outlook is very bleak indeed.

I have not been speaking, in this letter, for myself alone but for all the wives who have faced this same situation and find themselves the outcasts of our system. I hope that many career and retired career men will read this and perhaps put a spark under a government whose callous treatment of the men who have served with pride and honor for 30 years active service and see that something is done to alleviate this intolerable situation.

* * * * *

The way I see my present and future it is apparent my only outlook is to go on welfare even tho I have always deplored even thinking that some day I might have to use this means of subsistence. Seems this has become the American way of life and why shouldn't I get on the gravy train.

Mr. Graham received the Bronze Star for building air strips under fire during the Korean War and at this moment I am not at all sure he would be as proud as he had always been in his past life. I have written this from my heart and with the hope that some deep soul searching by our Congress will take a very sharp look at the treatment the widows of our military career men have received thruout the years and start immediate action to right a dreadful wrong.

Very truly yours,

MILDRED GRAHAM.

THE ENVIRONMENT AND THE ALASKA PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ASPIN. Mr. Speaker, today I am including in the CONGRESSIONAL RECORD a quite remarkable paper by Miss Martha Bush on the environmental effects of the proposed trans-Alaska pipeline.

I urge my colleagues to read this interesting and important paper:

THE ENVIRONMENT AND THE ALASKA PIPELINE

The temptation to consider man as apart from nature is the basis for his indiscriminate exploitation of her vast resources. Much research has been done with man's progress, comfort and safety in mind. Man has continually questioned the best way of utilizing and exploiting with little consideration as to whether he should be exploiting at all. Such has been the case with the Alaskan oil pipeline. Methods have been considered, guidelines and stipulations set, but questioning of rationale for the actual project has come mainly from the outside. In this paper I wish to consider the tundra as a highly interrelated ecosystem, and the potential risks of a pipeline in this system—completely apart from any necessity that man has to protect, to progress or to be secure.

The tundra, apart from man, is an interesting study of environmental dynamics. Due to the harsh adaptive circumstances of cold, lack of water or the super-abundance of it, poor soil, and permanently frozen ground, few species have survived. Those that have survived one-hundred species of flowering plants in the area of Barrow, Alaska and upwards of 2,000 in the entire sub-Arctic region, are usually dwarfed and cast into rigid molds.[1] Though the number of species is small, they are as highly developed as their southern relatives and intimately adapted to their environment,[2] e.g. the cushion habit of moss-campion, and the water-holding capacity of the pitcher plant.[3] This limited number of species increases the instability of the area and calls for greater dependence of each species on the other.

The plants in the arctic tundra are the northern limit of treelike species. Trees as we know them are scarce and found in considerably dwarfed form. The major vegetation consists of creeping shrubs, grass-like plants, lichens and mosses. The subarctic region found south of the tree line (Brooks Range), consists mainly of what is called the taiga—the region of trees. Here again, the trees are somewhat dwarfed. The conditions demand a forest of well-spaced trees with shallow root systems.

The short growing season demands a rapid life cycle. Growth begins when snow is still on the ground. Flower and seed stages follow in about six weeks with a short flowering in mid-July. The cycle is completed in August with plants prepared for winter.

The actual dynamics of this environment is of the most importance in this discussion. I will consider four main areas: (1) the dependence of vegetation on the soil; (2) the consequences of an underlying layer of permanently frozen ground; (3) the presence of water; and (4) animal life.

The soils play a significant role in the development of plant life. Generally of poor quality and pitifully thin, its development has been slowed by the arctic climate. Plant growth is slow, but decomposition of organic materials by micro-organisms is even slower. The net result is an "accumulation of rough fibrous material bound together by woody roots and stems" and of limited use to ordinary growth.[4] Further, the climate and vegetation conditions favor the development of a strongly acid soil. Despite the quality, it has taken thousands of years for the effects of wind, weather and vegetation to accumulate this thin soil.

The relation of vegetation to soils is made unique by the presence of another factor, the underlying layer of permanently frozen ground. The ground is frozen solidly during the winter. In the summer, there develops an "active layer" which thaws from the surface downward. This is essentially a layer of

---

Footnotes at end of article.

fluid soil lying on top of a layer of ice. The growing season begins, as stated earlier, well before any amount of warmth can be maintained from day to day and utilized by the plants. Heat storage, however, gradually increases and for sometime, an unfrozen layer is maintained. The depth of the soil thaw is regulated by the latitude, the exposure to heat and the texture of the surface. For example, the permafrost lies closest to the surface in areas of high latitude and in areas where clays or silts are well-covered with vegetation. The vegetation acts as insulation from the arctic sun, and prevents thaw. On the other hand, coarse gravel has the deepest ice-free layer of any soil due to its direct exposure to the sun.

The consequences of permafrost, however, far outreach the simple thawing of the soil for plant usage. The continuous thawing and freezing action described above creates a perpetual motion of contraction and expansion of the soil. The pressure exerted thereby has a churning effect which prevents the arctic soil from ever becoming stable. Stability is found to be the least under the densest plant cover. This accounts for the constant evolution of plant communities.

The evolution of plant communities is often cyclical, with one community being little more durable than the previous one. Pierre Dansereau, Associate Professor of Botany, University of Michigan, in an article entitled: "Biogeography of the Land and the Inland Waters" has stated that:

> "Reversible processes in soil vegetation dynamics are not unknown in temperate areas, where more careful observation will show them to occur almost everywhere. In the arctic, however, with its poor flora and limited number of communities, the recapitulations involved are of such magnitude and frequency as almost to preclude any stabilization. . . ."[5]

An example given by Dansereau illustrates this idea of cyclical plant communities.

> "In many places, therefore, bare soil or gravel will be colonized by woodrushes, mountain-avens, and purple saxifrage. Under the sparse cover of these plants the soil will thaw annually to a considerable depth. But as the mountain-avens and the willows tend to harbor mosses, sedges, and lichens, they reduce evaporation at the surface; they plunge their roots deeper into the soil, and above all, form an effectively insulating screen which reduces the depth of the "active layer" in the soil. The permafrost line has risen, and will continue to rise, as the mosses and heaths wedge into each other above the surface. Then, a regression will start; mosses and health will die out leaving bare parches. These will thaw more deeply than the still vegetated rings around them. Frost heave, sagging, and continued starving of willows and heaths will further disturb the stand and reduce it nearly to its original sterility."[6]

From this example we can see several things. First, that the bare soil with its deep "active layer" is a valuable growing ground due to the availability of soil and water. Second, that once inhabited, the soils active layer tends to decrease with the increased insulation. Third, the different levels of insulation afforded by varying plant species causes differential thawing of the permafrost. For example, mosses affording the best insulation will have a lower depth of active layer and hence, water availability will be lower than in surrounding areas of different vegetation. Fourth, the vegetation disappears in patches, leaving areas open to thaw. Fifth, the differential freezing and thawing will cause heaving and sagging detrimental to the remaining plant growth. It seems obvious from this discussion that plants determine the depth of the active layer, and in turn are affected by the conditions they bring about.

Consideration of the actual mechanics of permafrost in the arctic regions seems of importance to this discussion. The permafrost layer is in a state of "thermal quasi-equilibrium" in regards to the surface conditions.[7] As the conditions of the surface change, the permafrost must freeze or thaw in order to regain this equilibrium. Vegetation, as we've seen, acts as an insulator, as do different soils in varying degrees.

The freezing and thawing of the soil results in several distinctive land formations. These formations with few exceptions are found only in the arctic. One such, is known as "stripped ground", and is described as an arrangement of soil in parallel strips of alternating coarser and finer gravel. This arrangement usually follows the downward direction of a slope. It is often due to solifluction. Another such arrangement is of polygonal structure. This is caused by the differential thawing of ice wedges due to uneven thermal conditions.[8]

One specific ground action which should be mentioned here is known as solifluction and was cited above as the usual cause of the "stripped ground". Solifluction means a simple movement of soil down a slope. This is the result of three conditions: 1) soils saturated with melt water (a fluid condition); 2) the downward pull of gravity; and 3) the non-friction surface of the permafrost layer. The saturated soils on the slopes of mountains simply slide downward, much like a sheet, and terminate in soil terraces down slope. The movement of the fluid soil is made easier by the low friction surface of permafrost and the pull of gravity. The results of this movement can be inferred from past discussion: the vegetation on the slopes is reduced and the permafrost layer previously insulated is now subject to greater thawing.

As winter approaches in the arctic, the active layer begins to freeze in a downward direction while at a slower rate the permafrost layer freezes upward. The result is a middle fluid layer which as it freezes must expand in some direction. The frozen soil layer is thrown upward as the solid permafrost layer resists the pressure.[9]

This churning and heaving of the ground affects the vegetation in three ways: 1) by burying them; 2) by damaging roots and stems; and 3) by changing the water-soil relations, i.e. moving the plants to or away from water tables, or blocking surface-water flow.[10] Several examples of this disruption can be noted. The "drunken forest" found primarily in the sub-arctic taiga illustrates trees at precarious angles due to the heaving and sagging of the surface where the permafrost level has risen because of insulation by vegetation. The cyclical evolution of plant communities mentioned earlier is also a good example of this instability.

The third area of discussion is the availability of water for plant nourishment. It seems obvious from the previous discussion that this too, is regulated primarily by the freezing and thawing of the permafrost layer. The deeper is the active layer, the greater will be the availability of water. Underneath gravel, as stated earlier, is found the deepest layer of thawed ground. The water is retained by the gravel because the solid layer of ice underneath prevents drainage. The surface water, then, is available to the subsoil. However, the water table is further regulated by the water-retaining capacity of the area. This capacity is determined 1) by the geography of the area which determines the amount of drainage; 2) by the capacity of the soil to hold water; and 3) by the amount of evaporation due to the various kinds of plant cover.

The fourth area to be considered here is the animal life of the region. Large animal populations are frequent but they are subjected to greater fluctuations of weather conditions then seems to be the case in more temperate regions. Here as with the vegetation, we find animal life of low variation, somewhat poor in species, but rich in numbers. This is the result of the polar glacial climate allowing only a limited time for adaptation, and due to the small variety of habitats available. Technically, there is a distinction between the arctic and sub-arctic forms of animal life. Only a few animals remain active in the arctic throughout the year, namely, the polar bear, musk-ox, fox, raven, snowy owl, ptarmigan, and the denizens.[11] The caribou who's habitat is the northern tundra is a migratory animal who spends its winters on the less harsh tundra of the more-southern regions. The arctic wolf, weasel, arctic hare, and lemmings are active in the sub-arctic regions. These animals, together with the vegetation which feeds them form a tight ecological system which is virtually self-sufficient.[12]

The adaptations of the animals are of valuable notice. The caribou and moose is equipped with a large extensible hoof with a hollow sole which aids in their crossing of the soft, soggy soil layer, which poses some difficulty for heavy animals. The seasonable change of color of ptarmigans, and hares is of equal importance in this region of ice and snow.[13]

Due to the harsh adaptive circumstances, the number of plants and animal species is limited. This limitation increases the interdependence of each species on the other. Coupled with the affects of permafrost which plays an important and often controlling role in the life of the arctic; the ecosystem is one of fluctuation and instability.

> "This circumstance of a few species, each with large populations, constitutes a relatively simple and potentially unstable ecosystem, for the number of inter-relationships in the food web is limited and means that any simple element within the system must be extremely sensitive to or dependent on another. As a result of this close interrelationship, together with other factors, populations may fluctuate dramatically, often in a cyclic pattern. . . . While these natural cycles are of relatively short duration, others produced by, for example, fire or construction may alter the balance of nature for hundreds or for thousands of years."[14]

Is it of any great surprise that ecologists and conservationists are concerned about the construction of an oil pipeline through the arctic tundra? The implications for this delicate and highly integrated ecosystem are grave. I would like to consider the pipeline and its consequences for the tundra in two sections. The first to consider the possible damage to plant and animal life and the implications of gravel utilization. The second to determine the significance of the risk in terms of potential oil spills and earthquake damage.

The first question to be dealt with in this section is the impact the pipeline will have upon the highly adaptive tundra vegetation. It is a foregone conclusion that the vegetation in the immediate area of the pipeline will be destroyed. It's silly to assume, however, that only a 54 foot wide, eight-hundred mile long stretch will be affected, because the pipeline company TAPS (Trans-Alaskan Pipeline System) has asked for an additional 46 feet right-of-way and another two-hundred feet for a haul road.[15] In reality, the damaged area will extend far beyond this area simply because of the construction techniques and the nature of the equipment. TAPS has been sponsoring a study at the University of Alaska—the Institute of Arctic Biology—on methods of revegetating tundra that has been disturbed by engineering operations. So far, the 'quick answers' desired have not been forthcoming.[16] However, some of the material I've previously considered

---

Footnotes at end of article.

may give us an indication of the magnitude of the problem.

We previously discussed the soil of the tundra as being a significant factor in the development of plant life. Despite the poor quality, it has taken thousands of years for a thin accumulation to occur which would support the life of the tundra vegetation. If we destroy this thin topsoil, with what are we going to replace it? Dr. James E. Morrow, professor of zoology at the University of Alaska expressed the opinion that destruction of the topsoil could be avoided if construction crews painstakingly replaced the gravel in the "proper order", i.e. the soil last removed should go back first, so that the original topsoil would be placed back on top.[17] However worthy this sounds, it seems highly unlikely that it will happen. More realistically, calculations of time required to grow a well-developed heath from initially bare gravel is estimated to be fifty years or longer.[18] This would be the amount of time required for a natural reseeding to take place on the unnaturally exposed ground.

The impact of thawed permafrost on tundra vegetation is another area of concern. Previously, we touched upon the interrelation of the freezing and thawing of the frozen layer to the cyclic evolution of plant communities. We saw how the depth of the active layer modified the vegetation on the surface (by regulating the water conditions of the soil, etc.) while in turn the vegetation insulation modified the depth of the thaw. The proposed pipeline will undoubtedly alter this balance, at the very least, in the area of the line itself. The oil will be pumped into the pipeline at a temperature of 160 degrees F and is expected to reach Valdez at a temperature of 100 degrees F.[19] A study conducted by the Interior Department indicated that a pipeline buried several feet in permafrost heated to 80 degrees centigrade (only 144 degrees F.) would thaw a "cylindrical region 20 to 30 feet in diameter in a period of a few years in typical permafrost material, [while] at the end of the second decade [the] thawing depth would be 40 to 50 feet."[20] The designers say there will be a "thaw bulb" of at least a 25 foot radius, and that the ground in contact with the pipe will be somewhat fluidy despite insulation.[21] The potential consequences this situation has for tundra revegetation can only be guessed at.

The second question of concern relates to the possible disturbances of animal life. It is fairly obvious that a project of this magnitude will have a destructive effect upon animal habitats in the immediate pipeline area. Further, Dr. Morrow, previously quoted, has expressed fear that the pipeline might reduce fish runs and threaten some salmon with extinction.[22] However, of even greater importance to ecologists, is the fear that the pipeline will interfere with deer and caribou migratory patterns.[23] They see the pipeline as a potential impassable barrier to migratory animals. And indeed, a canal of fluid soil (made so by melting permafrost) 50 feet in width might prove to be a substantial problem for the animals.

The third question to be considered is the proposed use of gravel for pipeline construction. Its been stated by the engineers that gravel will be used as a base for the five pumping stations along the route, for base where the pipe must be elevated, and for insulation where the pipe parallels a river.[24] My first question of this engineering technique would be based on material I spoke of earlier. In the arctic tundra, the ground cover which has the deepest thaw layer is that of gravel soil. In other words, gravel has less protective ability than other soils, or soils covered with vegetation. Hence, placing gravel on areas previously covered with vegetation will allow a greater depth of thawing. How is that insulation?

Of even more importance, is the question of where the gravel will come from. The engineers maintain that there is enough gravel in the rivers or in natural rock formations to amply supply their needs.[25] However, Tom J. Cade of Cornell University section of ecology and systematics asks some pertinent questions:

"Along the Sagavanirtok River, construction will require more than three million cubic yards of gravel per mile. Does that much gravel exist in the flood plain on the river? What would the removal of three million cubic yards of gravel per mile of river do to the river.[26]

I can't give definite answers to those questions, but it seems logical that removal of a substantial amount of gravel from the river could result in an eventual change of course. What would be the results of such a change? It's known that the bottom waters of deep lakes and rivers do not freeze in the arctic, and to find permafrost beneath them would be most unlikely. Any permafrost that does exist would lie deep below the ground surface. When a body of water forms or reforms, as in the example above, it takes thousands of years for the thermal equilibrium to be reached in the permafrost layer below.[27] In other words, there would be an unnatural freezing and thawing of permafrost in areas not before affected by such conditions. This could greatly affect the other components of so highly an integrated ecosystem.

The three areas covered in the first section were concerned with the possible dangers of construction to the tundra ecosystem. In the next section I would like to determine the significance of the pipeline risk in terms of oil spills and earthquake damage. In order to do that we must return to the dynamics of permafrost in this ecosystem.

The depth of permafrost in the tundra is the result of a state of thermal quasi-equilibrium in regards to surface conditions. As stated before, the actual depth of thaw is determined by latitude, exposure to heat, and texture of the surface. As the surface conditions change so does the equilibrium, and the permafrost thaws or freezes accordingly. Excavation, filling, stripping of plant cover, erection of buildings all disturb the equilibrium. When the thermal equilibrium is altered, disastrous problems can result for the engineer. One such example is the town of Igarka, Siberia where engineers had to import solidified CO_2 to pack the foundation piles of homes where permafrost had begun to thaw.[28] Also of note is Aklavik in the Mackenzie River Valley of Northern Canada. The town, built on the frozen sands of the delta was slowly sinking as the heat from the interior of the buildings turned the firm soil into a soft muck. The permafrost, acting as a bonding agent for the high-moisture arctic soils, lost its strength as thaw allowed soils to become semi-fluid. The condition necessitated moving the town to a new site where the buildings were erected on stilts to protect the permafrost from thaw.[29]

Even simple construction techniques can mean a serious disturbance to the permafrost layer. Exploration in the Prudhoe area, 1944–1953, brought serious lessons home to the engineers:

"One of the lessons learned is that tractors and other heavy equipment cannot be operated over unprotected tundra in summer without serious damage to the environment. When the tundra's thin surface area of thawed ground is broken, the permafrost beneath loses its insulation and begins to melt and erode. Often tracks left by a tractor or 'cat' train will become a deep ditch, impassable to vehicles and capable of altering the surface drainage over a large area."[30]

And indeed, the lesson was too soon forgotten. As reported in *Environmental Action*, January 23, 1971: "One bulldozer operator carved out initials in the arctic region five years ago. The scars are now ten feet deep in many places, growing deeper, and expected to last as long as several hundred years."[31]

Another such example of this kind of destruction is "Hickel's Road". As one of his last major acts as governor, Hickel had his highway department build a winter ice road from Livengood (50 miles north of Fairbanks) to the North Slope. A scant two years later the "road" was an impassable water-filled ditch due to permafrost which had been carelessly exposed and left open to thawing action.[32] A tribute to hasty action and a gross lack of knowledge of a terrain.

Damage is also caused by the differential swelling and settling of the newly thawed ground, for example:

"At the beginning of winter, foundation walls, piles, and slabs may be pushed upwards and sideways by the swelling ground (as it freezes) and then settle unevenly during the melt period in the following summer."[33]

This condition has had grave consequences for construction. A railroad constructed on permafrost in Southern Alaska is impassable due to the uneven settlement of disturbed permafrost.[34] The line resembles more a misplaced rollercoaster than a railway.

These conditions described above, have serious bearings on the size of the risk posed by the oil pipeline. The environmentalists major concern is oil spills. The Department of Interior's environmental statement acknowledged the "unavoidable environmental costs," the probability that spills would occur even under the most stringent controls, and that the spills might endanger wildlife and fish species.[35] Of interest perhaps, is that in 1968 there were 500 oil pipeline leaks in the United States involving the loss of 50 barrels of oil or more. One-fifth of these involved the loss of between 1000 and 12,000 barrels and the pipes involved were mostly of the 8 to 12 inch size, none being larger than 20 inches. The risk in the tundra is even greater. The 48 inch Alaska pipeline will be the largest ever built and at capacity will carry 500,000 gallons of oil per mile. This fact, coupled with the permafrost conditions and the earthquake danger constitute a substantial risk of tremendous spills in the arctic.[36]

Let's look at some potential situations. Hasty construction could bring about a tremendous exposure of permafrost, cause melting and leave the pipeline floundering unsupported in the fluid soil—much like the Hickel road in 1969, washed away by a mud slide. Parts of the pipeline could be carried away as solifluction occurred. The heat could speed the natural process of solifluction, causing a massive land flow and breaking the pipeline. An uneven thawing and differential settling could cause the pipeline to split, a lesson of the railway in Southern Alaska. The additional fact that the pipeline will cross two major earthquake faults brings further questions to mind. The earthquake of 1963 hit Valdez, the proposed pipeline destination, the hardest of any other area. However, engineers point to the California pipelines, with no massive breaks, despite earthquake activity, as basis for their claims of safety. Louis C. Pakiser, Jr. of the National Center for Earthquake Research at Menlo Park, California states contrary to this:

"I don't think you can transfer the earthquake experience in California to Alaska. I think the nature of the faults and the seismic activity are quite different. In general, the earthquake hazard in Alaska is potentially much larger than in California.[37]

The risks are indeed high!

What would be the results of an oil spill in the arctic tundra? One extreme consequence could be the absorption of so much solar radiation by the black mixture that melting of the polar ice cap could result. More realistically perhaps, or maybe just more immediately would be the effects on fishing and

---

Footnotes at end of article.

wildlife resources. Studies by the U.S. Geological Survey indicate that major spills in the drainages of the Yukon or Copper Rivers could cause heavy losses to salmon runs, nesting waterfowl and other fish and wildlife resources.[38] Whatever, it is obvious that an oil spill in the Arctic tundra would last far longer than any comparable spill further south. The tundra does not have a climate which would allow normal decomposition to take place. Oil dumped in the arctic could remain on the terrain for several hundreds of years.

The Department of Interior has taken many of these facts into consideration. In 1969, the Department issued a fifty page book of stipulations which governed the building of the proposed pipeline. Additional stipulations were issued in the Department's statement on the environmental implications of the pipeline published in January of this year. However, the practicality of the stipulations are in question as they are based on experience of other than the arctic regions. There is no previous experience in the arctic which can approximate the conditions to be expected from the pipeline construction. Further, most of the stipulations can be enforced only after the fact. Detection devices work on the principal that damage has already occured. If the guidelines are not followed then government can cite a violation and demand that the company repair the damage—if that is possible.

It seems clear, that whatever the circumstances, the oil companies cannot guarantee the Alaskan landscape. The soft approach of the following excerpt from an advertising campaign of the Alyeska Pipeline Service Company is somewhat ironic in view of the haste of the companies to build two years ago, and considering their feelings that the last two years have been an unecessary delay to bringing the oil to the states:

"We know environmental problems must be faced—and solved—before the project can proceed. It will take a great deal of care and a great deal of money, but we know we can build the pipeline without significant damage to the land or to the wildlife.

"We've already spent millions of dollars in finding out whether or not the pipeline could be built without damaging the environment. We've conducted experiments in the north with both warm and cold pipe. We've studied the wildlife—its breeding and migratory habits. We've carried out far-reaching botanical experiments to determine the best methods for reseeding and restoring the tundra. We've even examined our entire proposed route to make sure that we will not disturb areas of archeological importance. In short, we've done our homework.

"Now we think it is time to move ahead. We need permission to use a right-of-way 54 feet wide and approximately 800 miles long. We must touch a wilderness, but we will touch it as carefully and as gently as possible." [39]

And touch it lightly they will: with their 48 inch, 800 mile pipeline, their haul road and heavy equipment, their hasty construction techniques in a highly delicate ecosystem. They're itching to begin construction of the "stable and safe" pipeline which will bring untold wealth to the Alaskan wilderness.

FOOTNOTES

[1] Nordenskjold, Otto, *Geography of Polar Regions*, (American Geographical Society: New York, 1928) p. 116.

[2] Ibid, p. 61.

[3] Kimble, George H. and Dorothy Good, eds., *Geography of the Northlands*, The American Geographical Society and John Wiley and Sons, Inc. (New York: 1955) p. 117.

[4] Mick, A. H. and H. A. Johnson, "Soil Resources and Agricultural Developments in Alaska" as found in: *Arctic Research* by Diana Rowley, ed, The Arctic Institute of North America: 1955 p. 129.

[5] Kimble, pp. 97–98.

[6] Ibid., p. 98.

[7] Sater, John E., Co-ordinator, *The Arctic Basin*, The Arctic Institute of North America (Washington: 1969), p. 99.

[8] Ibid., p. 309.

[9] Ibid., p. 102.

[10] Kimble, p. 98.

[11] Sater, p. 119.

[12] *Encyclopedia Britannica*, Encyclopedia Britannica, Inc., 1968.

[13] Kimble, p. 118.

[14] Sater, p. 117.

[15] "Debunking Madison Avenue", *Environmental Action*, January 23, 1971, Vol. II, p. 9.

[16] "North Slope: Oil Rush", *Science*, Luther J. Carter, October 3, 1969, Vol. 166, p. 92.

[17] "Getting Set for a Black Gold Rush," Edward Gross, *Science News*, February 14, 1970, Vol. 97–98, p. 89.

[18] Kimble, p. 98.

[19] "North Slope . . .", p. 89.

[20] "Pipeline and Permafrost," *Science News*, December 6, 1969, Vol. 95–96, p. 524.

[21] "Getting Set . . .", p. 178.

[22] Ibid., p. 179.

[23] "Pipeline and Permafrost," p. 524.

[24] "Getting Set . . .", p. 178.

[25] Ibid., p. 179.

[26] Ibid., p. 178–179.

[27] Sater, p. 100.

[28] Ibid., p. 99.

[29] Euller, John, *Arctic World*, Abelard-Schuman Ltd. (New York: 1958), p. 51.

[30] "North Slope . . .", p. 86–87.

[31] "Debunking Madison Avenue," p. 8.

[32] "North Slope . . .", p. 91.

[33] Sater, p. 310.

[34] "North Slope . . .", p. 89.

[35] "Debunking Madison Avenue," p. 9.

[36] "North Slope . . .", p. 88.

[37] "Getting Set . . . .", p. 178.

[38] "North Slope . . .", p. 90.

[39] "Debunking Madison Avenue", p. 9.

BIBLIOGRAPHY

1. "Alaska Pipeline Stipulations," *Science News*, October 25, 1969, Vol. 95–6, p. 377.

2. Carter, Luther J., "North Slope: Oil Rush," *Science*, October 3, 1969, Vol. 166, pp. 85–92.

3. Edmondson, Ruth, "Alaskans see 1971 a Year of Slow, Steady Progress," *World Petroleum*, January 1971, pp. 23–24.

4. *Encyclopedia Britannica*, Encyclopedia Britannica, Inc., 1968, Vol. 22 and 2.

5. Euller, John, *Arctic World*, Abelard-Schuman, Ltd., New York, 1958.

6. Gross, Edward, "Getting Set for a Black Gold Rush," *Science News*, February 14, 1970, Vol. 97–8, pp. 177–9.

7. Holcomb, Robert, "Oil in the Ecosystem," *Science*, October 10, 1969, Vol. 166, pp. 204–206.

8. Kimble, H. T. and Dorothy Good, eds., *Geography of the Northlands*, The American Geographical Society and John Wiley and Sons, Inc. New York: 1955.

9. Nordenskjold, Otto, *Geography of Polar Regions*, American Geographical Society, New York: 1928.

10. "Oil, Ice, and Ecology," *Science News*, September 27, 1969, Vol. 95–96, pp. 265–6.

11. *Permafrost Soils* and *Their Regime*, Indian Natural Scientific Documentation Center, New Delphi: 1969.

12. "Pipeline and Permafrost," *Science News*, December 6, 1969, Vol. 95–6, p. 524.

13. Rowley, Diana, ed., *Arctic Research*, The Arctic Institute of North America: 1955.

14. Sater, John E., Coordinator, *The Arctic Basin*, The Arctic Institute of North America, Washington: 1969.

WE HAVE LOST A BROTHER

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. BADILLO. Mr. Speaker, a great American, Louis Armstrong, or Pops as he liked to be called, had a following that cut across all social lines. Pops enjoyed the friendship of people in all walks of life. He was an American original, as original as our Declaration of Independence, on whose date July 4, 1900, he was born. He was an example of international communications by taking the music with which he grew up and transforming it into a global art. I join with all Americans who mourn the passing of our Ambassador of Jazz. As he once said, "I play the trumpet in any language," and we only had to listen to understand.

Mr. Speaker, I am pleased to present for the RECORD an article by Anthony Burton of the New York Daily News and an editorial from the New York Times, as my personal tribute to Louis Satchmo Armstrong:

[From the New York Daily News, July, 1971]

SATCHMO'S GOLDEN HORN IS STILLED

"When the time comes for me to head for the pearly gates, I'll play a duet with Gabriel—maybe it'll be 'Sleepy Time Down South' or maybe 'Hello, Dolly.' "—Satchmo.

(By Anthony Burton)

Louis Armstrong, the jazzman whose peerless horn gave birth to music fit for the angels, died in his sleep yesterday at his home on 107th St., Corona, Queens.

Armstrong, who celebrated his 71st birthday two days earlier—on the 4th of July—apparently died of heart failure, according to a family spokesman.

Suffering from kidney ailments and heart trouble, Armstrong only a few days ago offered a wry commentary on funerals.

"In New Orleans, I played at as many funerals as I could get," he mused, "and cats died like flies, so I got a lot of nice gigs out of that.

"It's business. They going to enjoy blowing over me, ain't they? Cats will be coming from California and everywhere else just to play."

Whether they play or not, those cats will be there Friday to pay tribute to Pops, a trumpeter who could even put soul into the stuffy State Department.

STATE DEPARTMENT MOURNS

Spokesman Charles W. Bray said yesterday, "The Department of State, for which he traveled on tours to almost every corner of the globe, mourns the passing of this great American."

Satchmo didn't speak like that, but he made himself clearer than any diplomat.

"I play the trumpet in any language," he used to say. "If they understand it, that's any language.

"A note's a note in any language, and if you hit it—beautiful—they dig it."

In London once, he prepared to play a number and looked up from the stage with that famous grin. "This one's for you, Rex," he said. From the royal box, King George V acknowledged the honor.

Armstrong first picked up a horn in New Orleans, where he was born in 1900 to a laborer and his wife, a former domestic servant. The town's notorious brothel district, Storyville, was wide open and young Louis grew up in the midst of thieves and cutthroats, prostitutes and madams.

He loved it, but particularly he loved the jazz that was evolving among musicians who played in the plush brothels. Jelly Roll Morton played piano at Miss Lulu White's Mahogany Hall on Basin St.

Still in short pants, Armstrong learned to play a little toy slide whistle. He would listen as musicians on bandwagons touted their appearances at local clubs.

"Two wagons would park head-to-head and blow until one band was reduced to a frazzle," he remembered.

Long afterwards, Armstrong told writer Larry L. King that his first professional gig was at 15 as a substitute cornet player in a honky-tonk. He made 15-cents.

SANG IN STREET WITH PALS

"But I sang for my money long before I played for it," he said. "When I was around 12, we formed this quartet. We'd sing on the streets and in taverns—pass the hat; might make six bits, a dollar.

"After hours all them prostitutes would be juicing, having a little fun, and they would offer us big tips to entertain 'em. Some would hold us on their laps and we would sniff the pretty scents and powders they wore."

When he was 16, Armstrong found a patron in King Joe Oliver. Oliver gave the youngster a new horn, fed him and, most important, got him jobs.

"Lotta claims been made that Bunk Johnson put me wise to trumpet," Armstrong said later. "Bunk hisself helped that story along. No such thing. Joe Oliver was the man."

Aged 19, Armstrong married the first of his four wives, Daisy Parker. Once she found him with another woman and went at him with a brickbat.

"I ain't been no angel," Armstrong said later. "But I never once set out to harm NO cat."

In 1922, his reputation already growing, Armstrong took the train to Chicago to join Oliver as second trumpet for $50 a week. It was a tough town, then and later.

"One night this big hood crashes my dressing room in Chicago and instructs me that I will open in such-and-such a club in New York the next night," Armstrong told King.

"I tell him I got this Chicago engagement and don't plan no traveling. And I turn my back on him to show I'm so COOL. Then I hear this sound: snap! click! I turn around and he has pulled this vast revolver on me and cocked it. Jesus, it look like a cannon and sounds like death!

"So I look down that steel and say, 'Weeelll, maybe I do open in New York tomorrow.'"

Instead, Armstrong contacted every Chicago tough he and his friends knew—"it must have been 1,800 of 'em"—and asked them to pass the word he wasn't to be messed with. He didn't go to New York.

He organized his first band, Louis Armstrong's Hot Five, and began a period of spontaneous inventiveness that produced records now known as classics and worth hundreds of dollars.

Critics said his lips and strong teeth gave him a natural advantage with a trumpet or cornet. That vast mouth also let to his knicknames, first "Dippermouth," then, "Satchelmouth," later shortened to "Satchmo."

In later years, Armstrong was accused of becoming too much the showman, relying too much on the white handkerchiefs, the teeth-baring grin, the voice that seemed to come gurgling up from an emptying wash basin.

Militants accused him of playing the Uncle Tom for his white audiences.

Billie Holiday watched him on TV once and murmured, "God bless Louis. He Toms from the heart."

But Armstrong could get angry about the sufferings of his people. After seeing the televised gassing and clubbing of blacks in the South, he said:

"They would beat Jesus if he was black and marched . . . Tell me, how is it possible that human beings treat each other in this way today? Hitler is dead a long time. Or is he?"

But, above all, Armstrong was a musician who simply wanted to entertain people.

"I believe in myself, and I know what I can do when I pick up the horn," he said shortly before his death. "Lots of guys just hoping that they play something. I don't have to go in a corner and practice nothing.

"I play a piece of music and the thought of the life of that tune comes in my head . . . just the music, that's all I'm interested in."

"POPS" WAS KING

If, as many believe, American jazz—that indefinable offspring of the historical and cultural and racial vortex of New Orleans—is this country's singular contribution to the art of the world, it was surely Louis Armstrong more than any other who made it so. No one else played so creative or enduring a role in the evolution and development of jazz or in insuring its survival.

To make that unique contribution one had to begin, as Mr. Armstrong did, in the Storyville district of New Orleans, where jazz was born around the turn of the century out of that peculiar mix of African-American-French-Creole culture. Then one had to possess the imagination, creativity, flexibility and musicianship to widen and deepen the music—to propel the art form forward—as Mr. Armstrong began so clearly to do in his Chicago days.

Finally, one had to have the unflagging enthusiasm and the endurance to stay with it, in good times and lean (there were times when jazz seemed to be dying), and to bring the music wherever possible to those in many lands who eagerly awaited it. Mr. Armstrong's amazing career spanned more than 55 years, dating from his first public performances on the cornet, which he had learned to play at the New Orleans Colored Waifs' Home.

There are those who say that jazz over the last twenty years had passed Mr. Armstrong by. Most experts are unlikely to agree, even if they concede that the entertainer at times overshadowed the artist. Once asked to define his own brand of jazz, Mr. Armstrong reportedly said: "If you got to ask what is it, you ain't never gonna know."

Millions of idolators around the world never had to ask. They knew "Pops" as king, the title his followers conferred in Chicago long ago; as an authentic American folk hero, a legend in his own time.

IMPLICATIONS OF BAILING OUT LOCKHEED

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ROBISON of New York. Mr. Speaker, the debate over the Lockheed loan guarantee continues to rage in both the House and the Senate. I hope and trust it will be a serious debate, since the questions involved go to the very essence of our economic and political systems. One of the most persuasive articles I have yet seen on this subject appeared recently in the Wall Street Journal. Written by Alan Greenspan, it is a shortened version of the author's testimony recently before the Senate Banking, Housing, and Urban Affairs Committee. I think my colleagues will find Mr. Greenspan's comments to be of interest:

[From the Wall Street Journal, July 1, 1971]

IMPLICATIONS OF BAILING OUT LOCKHEED

(By Alan Greenspan)

I am in fundamental disagreement with the type of loan guarantee proposed for Lockheed Aircraft Corp. because it would set a major precedent that could have far-reaching consequences. To place the federal government in a position where it can pick and choose which private enterprises should or should not be allowed to slip into bankruptcy, must inevitably lead to subsidization of the least efficient firms in an industry.

I believe we often lose sight of the tremendous churning that goes on in a free, competitive economy—of the way in which firms vying for profitability attempt to marshal their resources in the most productive manner. It is the very threat of bankruptcy that often jolts firms, large and small, from inefficient practices in their utilization of labor and capital and in their methods of financing and marketing. To have the possibility of falling back on a guarantor of last resort must inevitably remove this very valuable prod to efficiency and productivity.

AT THE EXPENSE OF OTHERS

Moreover, it is important to remember that when the federal government guarantees private credit it does not add to the total financial resources available. It only moves one borrower up in the credit rating queue at the expense of other borrowers who are not fortunate enough to have such a guarantee.

Of more immediate concern, however, is whether the proposed loan guarantee is an effective response to the crisis that now confronts Lockheed. What would such a loan do? First, barring as yet unforeseen difficulties, production of the L–1011 would be expedited. Presumably, 100 or more planes eventually would be produced and the loan under federal guarantee repaid. But there appears little chance of full recovery of the $1 billion plus already invested in this project. A substantial part—several hundred million dollars—will doubtless be lost. In fact, by any reasonably conservative evaluation it has already been lost. The work force committed to the L–1011 by Lockheed and its sub-contractors would, if this loan guarantee goes through, I assume be kept on their jobs for several years.

But is this all a net gain? Certainly the longer-term effects on aerospace employment are by no means clear. The McDonnell-Douglas DC–10 and L–1011 are very similar planes, calculated to serve substantially the same market. Hence, the longer-term airframe production and employment picture is likely to be determined by total airbus demand rather than the existence of Lockheed. While there may conceivably be some slippage should the L–1011 program be disbanded, substantially all of the orders are likely to shift to the DC–10. Hence, although one cannot deny that the termination of the L–1011 would have a severe immediate impact upon the employes of Lockheed and its sub-contractors, the longer-run trend of U.S. aerospace employment may not be significantly altered.

Moreover, owing to the heavy initial fixed costs involved in any airbus program, incremental costs of additions to the production line of the DC–10 should be relatively low. Thus, from the point of view of airbus production and use, the productivity gains achieved by extending the production lines of the DC–10 could act as a partial offset to the losses incurred should Lockheed cease production of the L–1011.

The Lockheed crisis is an early symptom of a much broader problem that will confront the American economy during the next five years—that is, the required shrinkage in our over-all aerospace-military complex. Even the most optimistic projections of our military and civilian airframe requirements over the next five years suggest a decline in capacity needs. The process of retrenchment will understandably be difficult, but attempts to shore up an industry declining for fundamental economic reasons must in the end turn out to be both costly and self-defeating.

We are now experiencing the downside of a cycle, the upside of which began a decade ago. During the early 1960s a major expansion in our general purpose forces, specifically Air Force and Navy squadrons, was initiated. This program was well under way when the air war in Vietnam escalated. As a result, the time schedule for equipping our wing structure with modern aircraft was moved ahead. On top of this, we had to replace large losses of jet fighters and helicopters. Thus, to be able to sustain both the accelerated rate of buildup and the level of losses, a massive increase in airframe production was undertaken.

WINDING DOWN AIRFRAME OUTPUT

Even had we maintained the early high levels of air combat in Vietnam, it is likely that airframe production would still have slipped as fighter and helicopter inventory goals were finally met. This normal retrenchment, however, was accelerated by other factors. As the air war was de-emphasized, our losses dropped sharply. In addition, owing to technical and cost difficulties, the few aircraft programs still scheduled for heavy production in the current period, such as the F-111 and the C-5A programs, were scaled back. Concurrently, our space program peaked and civilian air carrier requirements for new equipment were reduced.

I do not wish to minimize the pains associated with the retrenchment of so important an industry as this. In fact, even before Lockheed's most recent difficulties, the aerospace industry was in what many have perhaps rightly called a major depression. However, if Lockheed is continuously propped up (and I mean more than by the planned loan guarantee), without a major reversal in the long-term aerospace outlook, some other major company in the industry must find itself in trouble. Unless we are willing to embark upon a major new aerospace weapons expansion, some contraction in the industry, some further losses of jobs, mergers and possibly bankruptcies, appear inevitable.

Despite our concern with the current recession, the economy today is functioning in a wholly different world from that which characterized the 1930s, when the severe financial difficulties, following the collapse of the economy, led to the creation of the Reconstruction Finance Corp.

We exist, and have existed since the end of World War II, in a period of relative prosperity. Thus, we cannot look upon the problem of government loans or guarantees as a temporary expedient pending a return to prosperity. In fact, the types of problems that have now led to the call for government guarantees are structural and threaten to be long-standing.

Although our level of activity by any historic standard is high, profit margins have only just emerged, and then by the narrowest of margins, from their lowest levels since the 1930s. The debt burden of our business structure has risen sharply. As a result, interest charges, loan amortizations and other legally fixed obligations have now reached the point where a substantial number of large, as well as smaller, business enterprises are barely able to meet their commitments at the present depressed levels of cash flow.

PROBLEM LIKELY TO PERSIST

Unfortunately, the current outlook suggests that the problem of subnormal corporate profitability and attendant financial difficulties is one that is apt to persist to a greater or lesser extent throughout the remainder of this decade. So long as this condition persists, increasing demands will be heard to substitute government guarantees for private financial worthiness.

If margins remain subnormal during the decade of the 1970s, it will be difficult to raise the substantial quantities of equity money that almost every flow-of-funds analysis suggests will be required. Hence, the longer-term financial prospects of American business are scarcely such as to suggest that the current difficulties are of a short-term or emergency nature; rather, they reflect far more basic problems.

In addition, it must be recognized that while the quantity of long-term savings flowing into the capital markets does vary from year to year, it is not an unlimited source of funds. Government loan guarantees tend to reduce the size of the pool of long-term savings available for nonguaranteed private borrowing. Hence, the initial problem of inadequate cash flow for business will tend to be compounded by these expanding guarantee programs.

In such a case, the administration and the Congress are likely to be faced with a major dilemma characterized by increasing demands of a political nature on a limited resource—real savings. All things cannot be accomplished. Attempts to do so without realization of the implications can only lead to grave disruptions in our economic system.

PRIVATE EFFORTS TO STEM THE TIDE OF CRIME

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. BINGHAM. Mr. Speaker, an article in the New York Times on July 8, 1971, highlights a growing effort by residents of the Upper West and East Side of New York City to cope with the serious incidents of crime in their neighborhood. Beset by a constant series of attacks on the street and in apartment buildings, citizens have joined together to hire private guards to patrol neighborhood streets. The presence of these unarmed guards acts as a deterrent to crime and offers a hope for communities despairing from the daily nightmare of being assaulted on the streets. If any trouble occurs, the guards notify the police immediately. The police department has praised the effort which is described as a boon to law-enforcement, and which is believed to have diminished crime on the patrolled streets. Residents pay about $5 per month to a tenants association which then hires the guards recently trained by a private detective and security agency. Not only has the program had an impact on reducing crime, but communities, feeling more secure, are becoming more unified.

The Congress should applaud efforts of individual citizens to supplement public actions against crime. In the past, I have introduced legislation designed to encourage just such private initiative and hope that the success of this program will stimulate increased individual concern in combating crime in our cities.

The article follows:

USE OF PRIVATE PATROLMEN ON CITY STREETS INCREASING

(By Ralph Blumenthal)

A hapless subway purse snatcher picked the wrong street on which to seek refuge the other night.

Pursued by the police, the thief, purse in his hand, ran out of the subway station at 88th Street and Central Park West, threw the purse away and lounged in front of a building, trying to look casual.

But Sol Kaminski saw him and did not recognize him as a resident of the street. When the police arrived moments later, the stocky, elderly Mr. Kaminski—who wears a badge on his shirt and a blue cap and carries a nightstick—pointed the suspect out for arrest.

Mr. Kaminski is a private, unarmed guard hired from a protective agency by residents of the 88th Street block.

Dramas such as the one he was involved in are being played out nightly on a growing number of Upper West and East Side streets in high crime areas, where residents are meeting the burgeoning threat of street crime by hiring their own guards.

EXPERIMENT BEGAN IN '68

From an experiment that was tried on 90th Street between Central Park West and Columbus Avenue three years ago, the practice has now spread to at least seven other Manhattan streets: 88th and 89th between Central Park West and Columbus; 102d, 103d and 104th between Broadway and Riverside Drive, and 93d and 95th between Park and Lexington Avenues.

Tenants on at least two other West Side streets—105th and 106th between Riverside and West End Avenue—and residents of Jamaica Estates in Queens are considering hiring guards.

The Police Department welcomes the practice, which it sees as a boon to law-enforcement and which is said to have diminished crime on the patrolled streets.

Deputy Inspector Richard DiRoma of the 24th Precinct, which covers the area, said that before the private guard was hired for 89th Street, there were six recorded incidents of street crime—ranging from robberies to muggings—on the street in the first four months of 1969. In that same period, eight crimes were committed inside buildings. In the first four months of this year, the inspector said, one street crime was reported and nine inside buildings.

On 90th Street, a photographer who calls himself Domenique and uses no last name, was the main organizer of the street patrol. He said that there had not been a successful assault-mugging during patrol hours since August, 1969, but that before the guard was hired in January of 1969, there had been an average of one mugging a night.

"Our guard isn't Attila the Hun but then he doesn't have to be," said John W. Applegate, a director of the 102-103d Streets Block Association that hired a guard less than two months ago. "All he has to be," he went on, "is an eminence noir."

"Most people," Mr. Applegate said, "are still not brazen enough to commit a crime in full view of anyone who bears any resemblance to a law-enforcement officer."

LACK POLICE POWERS

The block associations that hire the guards and the agencies that provide them stress that the men are primarily deterrents to crime—a role emphasized by the signs usually prominently displayed at the ends of patrolled streets: "This street patrolled by uniformed guard."

As unarmed civilians without police powers, the guards are not there to search suspicious persons, make arrests or fight off interlopers, although they will do all three in the event of an attack on a resident. Instead, they are supposed to telephone the police.

They are cautioned not to interfere in domestic quarrels.

Despite a proliferation of guard dogs and training kennels throughout the city, the street guards rarely, if ever, use a dog because of the legal liabilities should the animal bite anyone.

The Yellow Pages list three pages of guard agencies, but the Security Specialists Corporation of Long Island City, Queens, seems to have the most residential street contracts, followed by World Wide Detective Bureau and Vanguard Investigation Service.

The agencies provide their street patrolmen with varying degrees of training before sending them out.

Generally, the guards are taught to spot a suspicious person—one, for example, who looks in every parked car for something to steal; to remember features for identification later, and how to fend off an assailant by prodding him—not beating him—with a nightstick.

One guard on patrol who asked not to be identified, said he had received no training at all, just a few quick tips from a supervisor who visited him on duty.

PAY IS $2 TO $2.25 AN HOUR

The guards usually earn $2 to $2.25 an hour and generally take home less than $75 a week.

"Get me a social worker," pleaded Mr. Kaminski, of 88th Street, who works for Security Services. "I can't even pay my rent."

The tenant associations pay the guard agencies about $10,000 a year for eight-hour evening and night patrols seven days a week. (The associations prefer to keep the guards' precise hours unannounced.)

For an average street, the assessment for a guard for each family or apartment is $5 a month.

Some residents say they get more for their money than just protection.

Susan Dresner of West 88th Street, a teacher, thwarted a knife-wielding mugger six months ago, hours before the guard came on duty. Her assailant ran away when she cut her hand wresting the knife from him.

Miss Dresner said "the guard unifies the block. He plays with the kids," she said. "He greets you when you come home. Aside from the safety function, he's bringing the small town back."

A SHAMEFUL RECORD

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith editorials which point out the shameful situation by which the United States continues to give American aid to Pakistan. The editorial from the New York Times as of June 30, 1971, states that:

> This incredible policy defies understanding.

The editorial from the Washington Post is equally critical of the policy of the Nixon administration.

The situation outlined in these two editorials constitute another reminder of the abdication by the Congress of its power of oversight over the executive departments of the Government as well as its right and duty to participate in the formulation of the foreign policy of the United States.

The editorials follow:

[From the Washington Post, July 5, 1971]

U.S. ARMS FOR PAKISTAN: A SHAMEFUL RECORD

The Pakistani army undertook to crush the autonomy movement in East Pakistan on March 25. Soon after, as word of the army's appalling and indiscriminate slaughter began to seep out, the question was asked in Washington whether arms sold or given by the United States were being used and, further, whether the supply of these arms was continuing. Here is the record of the answers given in Washington.

April 2: The State Department said it could neither confirm nor deny reports from the scene that American equipment was being used.

On April 20, the fact no longer deniable, the Department informed Senator Kennedy that it had "expressed our concern over the use of American arms in East Pakistan"; it added that "arms acquired from a number of countries, including China, the U.S.S.R. and the U.K., also have been used."

Three days later: The Department specifically acknowledged to Senator Fulbright that "some M-24 tanks and F-86 aircraft have been observed in use in East Pakistan in recent weeks." It did not acknowledge that these tanks and planes had been employed against ragged desperate men armed with little more than rifles, if that.

April 6: Mr. Fulbright had asked Secretary of State Rogers for information on the "status of any current shipments" of military equipment to Pakistan. The following week a department spokesman, speaking to reporters, denied that the United States has "a large on-going military assistance program with Pakistan" and declared, "There is no—repeat—no equipment in the pipeline and none has been delivered" under a one-shot October, 1970, arms deal. Referring to a "modest" sales program dating from 1967 for "non-lethal military equipment, spare parts for equipment already in Pakistani hands and some ammunition," he said: "Insofar as shipments under these agreements are concerned, we have this matter under review."

April 14: An unattributed report appeared in The Washington Post saying that arms shipments were continuing but with minimum publicity. The next day, however, a department spokesman concluded a review of the subject this way: "In short, no arms have been provided to the Government of Pakistan since the beginning of this crisis, and the question of deliveries will be kept under review in light of developments."

April 20: The department told Senator Kennedy: ". . . none of these items [on the 1967 'non-lethal' list, including ammunition] has been provided to the Pakistan Government or its agents since the outbreak of fighting in East Pakistan March 25-26, and nothing is presently scheduled for such delivery."

May 6: Senator Fulbright was told: "In short, no arms have been provided since the beginning of the crisis and the question of deliveries is under review."

May 8: The Sonderbans, a Pakistani ship carrying arms to Pakistan, sailed from New York, without public announcement or public knowledge.

June 17: The State Department told reporters, as reported in this newspaper the next day, that "no deliveries of military equipment has been made to Pakistan since March 25, when the fighting began."

June 22: The department, responding to a story in the New York Times, acknowledged that two shiploads of arms were going to Pakistan and explained that they had been licensed before March 25. The same day the second ship, the Padma, sailed.

Six days later: The administration said it would allow further shipments of military material if licensed before March 25. The first reason cited was to apply "leverage" to induce the Pakistan Government (1) to bring about a political accommodation in East Pakistan (it has yet to do so) and (2) to take back the six million refugees who had fled to India (the flight continues, according to report, at a 40,000-a-day rate). The second reason cited by the administration—which had earlier downgraded use of American arms in the carnage by saying Soviet, Chinese and British arms also were used—was to discourage Pakistan from shifting to other arms suppliers.

June 29: It was revealed that four or five more arms ships were scheduled. The Kaptai sailed July 2.

This is, we submit, an astonishing and shameful record, with two meanings. The first is that, for the shabbiest of political reasons, the United States is supplying military equipment to a brutal regime that has killed an estimated 200,000 of its citizens and driven some six million others out of their country. The second meaning must be read in the context of the current controversy over the Pentagon Papers, which turns on the public right to know and the government's right to conceal. Here we have a classic example of how the System really works; hidden from public scrutiny, administration officials have been supplying arms to Pakistan while plainly and persistently telling the public that such supplies were cut off. We assume that this deception is due to a combination of organizational confusion and bureaucratic dissimulation and not to deliberate deceit. The fact is: arms ships still sail. It is up to the President to stop them—assuming the government is serious about its proclaimed policy.

[From the New York Times, June 30, 1971]

WHY AID PAKISTAN?

After months of equivocation and evasion, the State Department has finally made it clear that the Administration intends to keep on furnishing military and economic assistance to the Government of Pakistan despite continuing acts of repression in East Pakistan that have shocked the world. This incredible policy decision defies understanding.

The admission that aid is continuing as before undermines the credibility of the United States Government at home and abroad. The public, members of Congress and at least one vitally interested foreign government (India) had been led to believe—although always in evasive language—that all military assistance and any new development assistance for Pakistan would be held in abeyance until there was progress toward a political resolution of the crisis in East Pakistan. The exposure of this deception is likely to be particularly damaging to United States relations with India, whose foreign minister left Washington a few days ago with what he believed were firm assurances concerning American policy toward Pakistan that have now been thoroughly discredited.

The decision to continue economic aid puts the United States in defiance of the World Bank and the eleven-nation Aid to Pakistan Consortium, which has decided informally to refrain from making new aid commitments to Islamabad at this time. The Nixon Administration repeatedly in the past has indicated its policy would be to channel more and more United States aid through such international means in order to avoid the kind of unilateral decision it is now making in respect to Pakistan.

* * * * *

Administration officials say they opposed the consortium decision because it amounts to using aid as a political instrument. But at the same time they argue that the United States must continue aid in order to gain leverage to persuade President Yahya Khan to seek a political solution in the East. They can't have it both ways.

Perpetuation of American aid to Pakistan is not, in fact, likely to help persuade the military regime there to move toward restoration of genuine democratic government any more than continuing American support for the Athens junta has helped restore democratic rights to the Greek people. It will, however, put the United States in the untenable position of underwriting policies of repression, which have led to the ruthless and continuing slaughter of hundreds of thousands of Bengalis in East Pakistan. These policies have already driven more than six million East Pakistanis into exile in India where their presence creates grave political, social and economic tensions and a rising threat of domestic and even international conflict.

President Yahya's recent proposals for restoration of civilian rule offer little hope for significant change since they continue to exclude the outlawed Awami League, the party which won an overwhelming majority of the votes in East Pakistan and an absolute majority of the seats in the unconvened National Assembly in last December's elections. Under these circumstances, can anyone in Washington explain how additional military or developmental aid to Pakistan can be justified morally or in terms of this country's pragmatic self-interest in peaceful, democratic development on the Indian subcontinent?

"THE WILD BLUE YONDER OVER LAOS"

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. HARRINGTON. Mr. Speaker I have just read an article detailing some of the activities of the American Government in and over Laos. This latest piece of writing comes from Fred Branfman and appears in the July 1971 issue of Washington Monthly magazine. Mr. Branfman was in Laos from March of 1967 to February 1971, first with International Voluntary Services, and then as a writer, researching the bombing of Laos on his own. He interviewed thousands of refugees who lived under the bombs, plus many American officials and pilots. My interest in reading about the effects of our bombing on the people and land of Laos is tempered with a deep sadness. I am saddened by the fact that I am forced to read in the press of this Nation information my Government claims is too sensitive for the American public to be exposed to. Just as it is a tragedy for this esteemed body to be forced to rely on the newspapers of the United States to break the truth to us about our present and past activities in Vietnam, so it is equally troubling that Members of Congress are forced to rely on brave and tenacious members of the press, such as Mr. Branfman, for our information on what our country is actually up to in Laos.

As long as the House of Representatives votes, as it did on Wednesday, against being fully informed by the proper official sources as to what our actual activities over Laos are, we will have to continue to depend on persons such as Mr. Branfman for the truth about our Nation's continuing war upon that already shattered little country of Laos. I ask unanimous consent that Mr. Branfman's article be printed in the RECORD.

[The Washington Monthly, July 2, 1971]

THE WILD BLUE YONDER OVER LAOS

(By Fred Branfman)

War is no longer the desperate annihilating struggle that it was . . . It is a warfare of limited aims. This is not to say that . . . the conduct of war . . . has become less bloodthirsty or more chivalrous. On the contrary. . . . But in a physical sense war involves very small numbers of people, mostly highly trained specialists. The fighting . . . takes place on the vague frontiers whose whereabouts the average man can only guess at . . . George Orwell, *1984*

Conventional land warfare, George Orwell predicted, would inevitably give way to automated war as military technology developed. The war in Indochina today appears to be undergoing such a transformation.

Perhaps unaware of this, Americans who watch the war have not yet learned to look up in the air. While most people believe that bringing the troops home is synonymous with getting out of Vietnam, ground troops are becoming irrelevant to the war effort. The real war has taken off. The skies are being filled with American planes as the land is emptied of its foot soldiers.

The Nixon Administration has accomplished massive aerial escalation, perhaps more devastating than President Johnson's troop buildups of 1965, with minimum public notice or concern because the country still thinks it is fighting with the Green Machine—the ground army—of the 1960s. But the war of the 1970s is that of the Blue Machine—U.S. air power—several thousand feet above the grunts, climbing away from any American agony. With the inexorable development of American air technology, Indochina is already becoming Orwell's battlefield.

Since Nixon took office, and as ground troops have been withdrawn, more than 2.7 million tons of bombs, by Pentagon estimate, have been dropped on Indochina. This is more American ordnance than was absorbed by both the European and Pacific theaters during World War II, plus the Korean war. We are dropping six million pounds of bombs a day, 4,000 pounds every minute.

The people underwent another war: the air war. They learned another form of civilization: the holes. We dug day and night, the planes bombed day and night. Our village was filled with bomb craters, the land made barren. I grieved very much to see my village in ruins, my animals vanished, my crops destroyed. . . . Each day, news came about such and such a village being bombed, more and more deaths and wounded . . .—from essay by teenage refugee, Laos

The bombing of Laos has doubled, erasing whatever restrictions on striking civilian targets that formerly existed. Hundreds, perhaps thousands, of villages have been destroyed. Tens of thousands of peasants have been killed and wounded, hundreds of thousands have been driven underground. The Plain of Jars, formerly a thriving society of some 50,000 people, has been leveled and emptied of its inhabitants.

The Laos pattern has been repeated in Cambodia. Numerous towns and villages have already been decimated. As *The Washington Post* reported on January 21, 1971, "the United States is now waging a full-dress air war across Cambodia [that] now rivals in scope, although not in intensity, the air war in Laos."

The bombing of North Vietnam has also resumed. By June 1, air raids had occurred on 43 days since the first of the year, an average of twice a week. As Randy Floyd, a Marine pilot who bombed North Vietnam 37 times, puts it, "Anywhere in North Vietnam is basically a free drop zone . . . if you didn't find any particular targets you wanted to hit, then normally you'd just drop your bombs wherever you wanted to." One may or may not accept Hanoi Radio claims that civilian targets are constantly struck. But all informed American sources say that "protective reaction" strikes are going far beyond enemy missile sites.

During these escalations, there has been a significant decrease of U.S. air activity within South Vietnam, both because of the slowdown in ground activity there and because some 500 aircraft have been transferred to the Vietnamese Air Force. Monthly American air sorties have been about 70 per cent lower this year in South Vietnam than they were in 1968.

It is assumed, however, that should fighting flare up again, American squadrons will be returned from their present resting locations in Japan, Korea, the Philippines, Taiwan, or the United States—squadrons that can be made operational in three days, according to a Seventh Air Force information officer. Most Air Force personnel I interviewed tended to minimize the importance of the reductions in Vietnam itself.

In any event, more than 350,000 tons of bombs—200,000 pounds every hour—will be dropped before the end of the year. Clearly, as they say out in Cam Ranh Bay, "The name of the game is air."

There wasn't a night when we thought we'd live until morning . . . never a morning we thought we'd survive until night. Did our children cry? Oh, yes, and we did also. I just stayed in my cave. I didn't see the sunlight for two years. What did I think about? Oh, I used to repeat, "please don't let the planes come, please don't let the planes come, please don't let the planes come . . ."

—Refugee from the Plain of Jars

Many Americans believe that the pattern of the war fought on the ground in Vietnam will spread to the other countries. Actually, the opposite seems to be true. The air war in Laos has been going on for several years, a concurrent experiment with the land war in Vietnam. Neither experiment has been successful in stopping guerrilla forces, but at least the air war has a possibility for surviving the domestic politics while at the same time delaying communist takeovers in Indochina. It is perhaps the only solution for an Administration that wants to keep from losing wars abroad and elections at home.

The air war also involves a change in the tactics of battle. If a guerrilla is a fish among the sea of the people, the objective of the land war is to remove the fish. The air war, however, drains the sea. It has paralyzed the civilian populations. Vietnam is not the future of Laos, but Laos may be the future of the war all over Indochina. The Era of the Blue Machine has arrived.

This is my daughter, Khamphong. She's three years old. I was fishing in a stream with all seven of my children on February 28, 1969. Suddenly jets came and dropped anti-personnel bombs all around. Six of my seven children were hit. See, you can still feel many pellets in Khamphong's legs and back. There was no soldiers nearby—refugee from Plain of Jars.

For the last two-and-a-half years, bombing has been the heart of U.S. policy. Historians may come to date this era from January 20, 1969. In it, war is waged primarily through the aerial bombardment of populated areas. Heavy bombing of civilian targets has, of course, occurred during other wars, and in the Vietnam war before 1969. But in each of these cases, the bombing powers have also deployed large numbers of ground troops, with the bombing seen as a support effort.

What the Era of the Blue Machine means is no better illustrated than in portions of Laos controlled by the Pathet Lao. Pathet

Lao zones encompass an area the size of New York state, or about two-thirds of the country. They are composed of 3–4,000 tiny villages, each consisting of a few dozen bamboo homes, a pagoda, rice storehouses, a few hundred head of water buffalo, cows, pigs, chickens, and ducks, and inhabited by some of the poorest, most gentle, rice farmers in Southeast Asia.

Each day for the last several years, hundreds of millions of dollars of the world's most sophisticated aircraft have been hovering over these villages: O1E, 02, and 0V10 spotter planes at 2,000 feet; A1E, A26, T26 prop bombers, AC47, AC54, AC119, AC130 gunships, flare ships, rescue and gunship helicopters at 5,000 feet; F4, F100, F105, A7, B57 jet bombers, jet reconnaissance, EC47 and EC119 electronic aircraft at 10,000; KC135 super-tankers at 20,000; B52s at 30,000; EC130 command and control aircraft at 35,000; and SR71 reconnaissance aircraft at 70,000 feet.

Giant computers, seismic and acoustic sensors, infra-red devices, and ANAPQ108 radar (designed to see through trees) have been tracking squat Soviet-built trucks or farmers trying to grow rice at night; laser-guided bombs and TV-guided missiles have been loosed on buffalo, trucks, rice storehouses, homes, and peasants alike. More than two million tons of ordnance have been dropped, $5–$10 billion spent.

By the admission of American officials closely associated with the war there, Laos has been the most heavily bombed country in the history of aerial warfare.—The Washington Post, *May 23, 1971.*

Hundreds of case histories of bombing casualties have been recorded on film and tape in the refugee camps. Several thousand refugees, several hundred defectors, and Western observers who have visited these zones all report constant bombing of towns and villages and widespread destruction.

Each one of the refugees interviewed from both northern and southern Laos said that his village was either partially or totally destroyed by American bombers while he still resided there, or that beginning in 1969 the planes came "like the birds," as one old man put it, "and the bombs fell like the rain."

All refugees and defectors say the guerrilla soldiers avoided the villages, neither bivouacking in them nor storing arms and ammunition in them. All say that the vast majority of the casualties from the bombing were civilian and not military, as the soldiers were out in the forest and could not be found.

A significantly high number of casualties are children and old people. When asked why, refugees explain that the children like to "play around" too much and get caught in the open and, confused with terror, do not make it to the holes. Old people "often could not hear well or could not run fast enough," one chief of the Plain of Jars subdistrict explained. He also said that most of the casualties were due to anti-personnel bombs dropped in or near the villages, but that napalm, fragmentation bombs, and 500-pound bombs were also frequently dropped. "During 1969 about 45 per cent of the people, mostly old people and women, never left their trenches or caves at all. They were too afraid. The others would go out and do their work if they didn't hear the planes coming."

Various press reports suggest that the same kind of bombing is going on in guerrilla-controlled zones of Cambodia. Population estimates for these zones begin at one million. The air war is still relatively new there, and as a result, refugees who have lived for long periods of time in guerrilla areas have not yet come into friendly regions. But private interviews with informed American sources indicate that the bombing of civilian targets in Cambodia is as extensive as in Laos.

One of the most heavily bombed areas has been the Plain of Jars, located in northeastern Laos and controlled by the Pathet Lao since 1964. If Khe Sanh and My Lai were the symbols of American ground intervention during the 1960s, the Plain is the symbol of the automated war of the 1970s.

On the Plain, once Laos' most prosperous area, there were no American ground combat troops. As former Ambassador W. H. Sullivan told the U.S. Senate in April, 1971, the area was not related to the security of American ground forces in South Vietnam. American-supported Asian troops were likewise doing little fighting there.

George Chapelier, a Belgian U.N. advisor, has described what occurred: ". . . in 1969 . . . jet planes came daily and destroyed all stationary structures. Nothing was left standing. The villagers lived in trenches and holes or in caves. They only farmed at night. In the last phase, bombings were aimed at the systematic destruction of the material basis of the civilian society."

In September, 1969, CIA-supported Meo troops went in and took out the remants of what remained. Some 25,000 refugees were removed.

The Plain of Jars is today a deserted wasteland.

Sure, some of the villages get bombed, there's no other way to fight a war out here, for God's sake. It's a war, and the civilians have to suffer. We did it at Cherbourg, didn't we?—L. Hafner, Deputy Director, USAID/Laos, January 4, 1971

All refugees talk about the bombing. They don't like [*it*]. *But even if you found an example in which it was proven conclusively that houses were bombed, so what?—J. Williamson, USAID refugee relief chief, Vientiane, February 2, 1971*

While American officials concede that villages are frequently bombed, they tend to attribute this to Air Force "stupidity," "confusion," or "overkill." There is little doubt, however, that American policymakers also share the responsibility. Deputy Assistant Secretary of Defense Dennis J. Doolin has testified to Congress that in Laos "all United States operations, including our air operations, are controlled by the U.S. ambassador."

All indications are that the American ambassador has approved strikes against civilian targets in Pathet Lao zones. As Robert Shaplen has written in *Foreign Affairs*, an American goal has been to "destroy the social and economic fabric in Pathet Lao areas," in an attempt to weaken the communists' stronger ground army by depriving it of indigenous food supplies, disrupting communications, killing off potential recruits or porters, demoralizing the civilian population, and causing a refugee flow to friendly zones.

Informed sources indicate that this has largely been due to pressure from the CIA, which is heavily involved in targeting American bombing strikes in Laos. The CIA has its own photo-reconnaissance team, reconnaissance aircraft, and ground observers in Pathet Lao zones. Together with Air Force personnel, CIA representatives participate in weekly meetings at Udorn Air Force Base in Thailand to draw up target listings.

Largely because of its direction of the Armee Clandestine, an indigenous paramilitary force, the CIA, sources say, has consistently placed inhabited villages on the target list in an attempt to weaken the Pathet Lao.

It is certainly clear that the American embassy has taken few steps to enforce the Rules of Engagement (military rules of warfare that prohibit attacks on civilians). To this day, only one junior Foreign Service officer has been assigned to check proffered target listings. Virtually no mechanism has been established to monitor strikes, and there are no known instances of disciplinary action being taken against pilots for bombing civilian targets in Pathet Lao zones, although a few have been punished for strikes on friendly villages.

Now the cabinet is in deep discussion of a series of proposals by General Henri Navarre, commander in chief in Indochina, that the war be increasingly turned over to the Vietnamese themselves, permitting France to reduce the burden on its manpower and economy. Life, August 3, 1953.

The bombing of villages results most fundamentally from a 25-year-long American refusal to allow guerrilla forces to come to power in Indochina.

Richard Nixon's first public admission on April 17, 1971, that withdrawal hinges on keeping a noncommunist government explains the reliance on bombing.

For Asian ground armies alone will hardly accomplish what 550,000 American troops could not. The ARVN, whatever its improvement in the last five years, remains riddled with corruption, elitism, and poorly motivated conscripts. As their raping, looting and indiscriminate shelling of towns has shown in Cambodia, they have yet to master the most elemental rules of ground warfare in Indochina. Their failures in Laos, and their loss of 54 posts in the "pacified" Mekong Delta during the first four months of 1971, have surprised few old Indochina hands.

The Lon Nol army, although its soldiers' courage is often admirable has made little headway, even with ARVN help. The guerrillas now control from 60 to 70 per cent of Cambodia.

The Royal Lao Army and CIA-directed Armee Clandestine in Laos are even weaker. With the communist capture of the Bolovens Plateau in May of this year, the Royal Lao government now controls little more than the major towns.

And the Royal Thai army is something of a standing joke in South Vietnam. Assigned to guard one corner of Long Binh base, its major accomplishment to date has been mastering the complexities of the black market.

At this writing, Asian troops are essentially playing a supplemental role: serving as live bait to lure the enemy out into the open for the bombers, as in the February, 1971, Laotian invasion; searching for enemy supplies, as in the A Shau valley; taking out refugees, as on the Plain of Jars; and guarding the major bases and towns. In any case, we risk Vietnamization because we do not have to rely on it. We rely on the bombs.

Me Ou was 59 when she died on February 20, 1969. It was a cold day and she decided to leave the trench about 3 p.m. to get some clothing for herself and the children. The jets bombed while she was in the house. She was burned alive—Me Ou's son-in-law, Plain of Jars

Domestic pressures generated by the ground war have also played a part in the shift to air. The Vietnam ground war costs more in money and in lives. The American people will not continue to pay the price that has already come to $100 billion spent, 50,000 dead, 300,000 wounded—nor will the troops, who are now in grassy-headed revolt.

The air war, however, provides few such problems. Although its cost is considerable, probably over $10 billion annually, much of the money used for upkeep of air bases and development of new aerial technology would be spent even without the air war.

Charles Schultz, former director of the Bureau of the Budget, estimates that costs above normal upkeep of bases and production of aircraft are $2–3 billion for 1972. And more important, U.S. casualties are minimal from the air. American pilots, freed from the discomforts of the ground war, and rarely seeing the people they kill, tend to raise fewer complaints.

Perhaps most important of all, information about the air war is as ethereal as the atmosphere itself. It can be kept far from public and congressional consciousness; and, since there are no tales of atrocities and few pictures of the bombing, domestic reaction to its more questionable moral aspects is muted.

The U.S. public is generally unaware of the massive bombing in Laos, for example. Newsmen have not been permitted to go out on bombing raids over Laos, although they can go over South Vietnam. They have usually not been allowed to interview the American air attache in Vientiane or the pilots bombing Laos from Thailand. When asked, official spokesmen merely deny that civilian targets are bombed, and almost all information is classified beyond public reach.

The most dramatic example of what freedom an air war allows the government occurred in November, 1968, when criticism of the well-publicized bombing of North Vietnam had reached its peak. President Johnson halted the bombing, a move still regarded by the antiwar forces as one of the few important victories of the peace movement.

But the bombing never stopped. It just shifted to north Laos, leading to far greater destruction of villages than occurred in North Vietnam. There was no public reaction, however. Neither the people, nor their congressmen, even knew it had happened.

In August 1969, the jets bombed. Nang Pha Sii, my daughter-in-law, was in a trench. A bomb landed nearby, killing her father and wounding her mother and two other villagers. She was killed, shielding her year-old baby with her body. Soldiers? Oh, they didn't come near the villages. They knew they'd be bombed—Nang Pha Sii's mother-in-law, Plain of Jars

The opportunities the bombing provides for developing and testing sophisticated weaponry is another factor leading to its continuation. While a foot soldier can support just so much new technology on his back, the air war provides a vessel to be filled with all the gadgetry of the nuclear age.

This is seen as giving us important advantages over our adversaries. "The Russians are going nuts over what we're learning out here. They're dying that they can't test their stuff out," explained one happy pilot at Danang Air Force Base last November.

Later on, the pilot added one of the standard comments heard on Air Force bases in Indochina: "It may sound trite, but it's the only war we've got. Do you realize this is the only place in the world right now where you can drop live bombs?"

Although the number of bases has decreased by four in 1970 Pacific Air Force installations still stretch from Hawaii to Thailand. The command's area of responsibility covers roughly 40 per cent of the earth's surface—an area with a population of more than one-billion people living under the flags of 27 nations. Pacific Air Forces has justly earned the title "Guardians of the Pacific."—Air Force magazine, May 1971.

Only as one drives past the paddy fields and samlor drivers onto an American air base in Indochina does one begin to appreciate just how awesome a military force the Blue Machine is.

Miles of roads stretch as far as the eye can see (an airman, perhaps apocryphally, is said to have measured the roads on Korat Air Force Base and found that there were enough for a two-lane highway to Peking and back). There are thousands of pre-fab structures, quonset huts, trailers, tents, wooden and cement buildings; acres of hospitals, commissaries, canteens, nightclubs, restaurants, swimming pools, barracks, gasoline pumps, garages, buses, trucks, jeeps, radios, radar installations, warehouses, offices, and hangars; millions of gallons of fuel on the "fuel farm"; closed-circuit TV and radio and giant movie theaters.

Thousands of American and Asian personnel drive, scurry, loll about; pilots, radio operators, mechanics, bomb-loaders, fuse-installers, "fuel farmers", gas-pump operators, drivers, electricians, carpenters, janitors, doctors, medical orderlies, lawyers, chaplains, cooks, MPs, guards, loaders, stackers, waiters, "hooch-girls," secretaries, clerks, information officers, launderers, photo interpreters, gunners, navigators, men wearing the uniforms of the Air Force, Navy, Marines, Army, Air America, Continental Air Service, and Pan American and Northwest airliners.

And then there are the planes constantly taxiing, taking off, flying, landing—sleek, squat, giant, tiny, silver, camouflage-green.

And finally, of course, the ordnance.

There are five such installations in South Vietnam, with some 40,000 American airmen; five in Thailand, with 25,000 airmen; four to six aircraft carriers operating in and out of the Gulf of Tonkin, with some 10–12,000 personnel; and a dozen smaller American-directed bases throughout Indochina for indigenous air forces.

These installations are, of course, but a small part of the Blue Machine. A logistics network stretching through 18 major air bases in the Pacific back to 112 in the United States provides the men and planes necessary to keep the bombs falling.

"I'm as liberal, as much for peace as anyone else. But war is not a pretty thing. In a guerrilla war, the civilians are going to pay a price. War has now progressed to a point where you're going to bomb civilian targets and that's it. I'll be frank, I'm trained to kill people. I don't like it particularly. But when the time comes, I'm prepared to do it."—American F4 pilot, Saigon, November 14, 1970.

The image of the Air Force that most Americans grew up with was embodied in the fighter pilot. We still think in terms of World War II movies: blue-eyed, blond-haired young men soaring into the sky to defend God and country against the heathen Kraut or Jap.

The Air Force itself is still modeled after this tradition. The F4 and F105 jets, which have done most of the bombing in Indochina, are designed as fighters, not bombers. The training emphasis for pilots is still on the techniques of aerial combat, the need to establish "air superiority."

The pilots have fought few aerial duels in Indochina, however. And bombing villages just hasn't been the same thing. As long as bombing went on in Vietnam, morale remained high. The relatively significant number of military targets, the heavy antiaircraft fire in North Vietnam satisfied the pilots' need for a challenge. And in South Vietnam, the goal of providing air support for the 550,000 American troops on the ground seemed worthy enough. As one pilot explained, "Bombing for troops in combat is the most satisfying. It's really great to have them tell you afterwards, 'We'd have been overrun if you hadn't come.' I really like working with people."

With the switch to bombing Laos and Cambodia, the raison d'etre of the Air Force seems to have disappeared. Antiaircraft fire is relatively light. Plane losses in Laos have averaged four a month for the last year, for example, compared to 20 a month in North Vietnam during 1965–1968. There are no American units to support. There are few large bridges, factories, or other targets which seem worth hitting.

Pilot: Our 500-pound nape canisters are newer, they have a better dispersal pattern than the older 1,000-pounders.

Information officer: Hey, you're not supposed to talk about the napalm.

Pilot: No ———. Why not?

Information officer: Well, you know those college kids. Pretty soon they're going to put poor Dow Chemical out of business. You're not supposed to talk about it to the press.

Pilot: Well, it seems pretty ridiculous to me that people can be so emotional about how you kill people. What's so bad about nape anyway?

—conversation at Danang Air Force Base, November 1970

The pilots themselves tend to be an odd combination of hot rodder and technocrat. On the one hand, they spend a good deal of time discussing the technical details of their work and take it quite seriously. On the other hand, as one pilot says, "Pilots are more immature than most civilians their age. They sort of like to play cowboys and Indians. That's part of the attraction of being a pilot." On a visit to Danang Air Force Base, I was surprised to see sharks' teeth and mouths painted on the noses of the F4s. "It's good for morale," a pilot explained proudly.

Pilots tend to get restless without a challenge. This has led to increasing frustration with their role in the last two-and-a-half years. One pilot explained, "You go up over Laos and it's just not that satisfying. All you're doing is bombing roads and inanimate objects. But even that's more exciting than South Vietnam. In Laos at least you get some antiaircraft fire."

Such problems were illustrated in a long interview with several F4 pilots at Danang in November, 1970. Conversation for the first several hours, as is usually the case, was rather dry and technical. Discussion focused on the capabilities of different aircraft and kinds of ordnance, weapons-delivery systems. and navigational problems.

At one point, however, the pilots were asked if they got any feedback on people killed in action as a result of their raids. As the men in the room began to chuckle, one pilot explained: "You've hit on a rather sore point, you know. You could say there's kind of a controversy between us and the grunts on that subject." He then went on to explain that the pilots felt that the foot soldiers were taking credit for aerially-inflicted casualties.

The pilots grew gradually more and more indignant as they told personal anecdotes of having been "robbed" of "kills." A typical example was given by the pilot who exploded, "One day we went in over a North Vietnamese military camp on top of a mountain. It was right out in the open, so we could see it and everything. We plastered the place, napalm, 500-pounders, the works. I know we had kills, you could see people running all over the place, buildings burning. There was no way for there to be no KIA. But do you know what happened? The grunts came in and reported 25 enemy killed by ground fire. All they did was shoot their M16s into the corpses and then claim they'd killed them. The nerve. Can you imagine?"

Such haggling over body counts does not, of course, satisfy the pilots' competitive urges. And though they try to compensate by striving to win the "Gunfighter of the Month" award—based on percentage of bombs dropped in the target area—it hardly suffices. As one F4 pilot said, "Bombing the North really keeps morale up. Every man likes to feel that he's an adventurer. I'll tell you, it's exciting to come down the chute with the flak flying all around you. The general attitude around here is 'let's keep the war going, it's dying.' "

. . . Our air activities are governed by strict Rules of Engagement and Operations Authorities designed to minimize civilian casualties. —Assistant Secretary of Defense Doolin, Kennedy hearings, May 1970 . . . the United States Air Force contribution was limited to striking at [military targets] . . . it was the policy not to attack populated areas—former Ambassador W. H. Sullivan, Symington hearings, fall 1969.

The pilots' indifference to the air campaign in Laos and Cambodia is a major factor in the constant strikes against villages. As one pilot who has bombed in both northern and southern Laos explains it, "Sure, we're supposed to follow the Rules of Engagement, like not bombing within 500 meters of an active village. But all of these rules and regulations don't mean ——— when you have a guy in an aircraft. Ninety-five per cent of the guys have no qualms about dropping bombs anywhere. Very few differentiate where the hell they bomb."

The bombing of civilians is also a result of the fact that pilots cannot easily locate military targets in Laos and Cambodia. The guerrillas move through the forest at night in small groups. There are no munitions factories or exposed military camps, and arms depots are hidden underground. And since the targets that are traceable, such as trucks, are of minor importance, pilots tend not to risk bombing from lower altitudes. "When you go down in Laos, you don't face a very bright future," an F4 pilot said, "and frankly, I'm just not going to risk my ——— for a goddamned truck." From higher up, especially in the monsoon season, the bombing takes place without the pilot ever seeing the ground below. It is not surprising that one pilot estimated that only one of ten bombs generally falls anywhere near the target. Many of these bombs fall on villages, for, in places like Laos and Cambodia, most villages are located on or near the road. "When you have to bomb trucks one by one, you're going to kill hundreds and hundreds of civilians," one pilot says.

Pilots who cannot locate any targets are discouraged from wasting their bombs by dumping them at sea or in unoccupied forests. "The pilot who doesn't get rid of his ordnance somehow," a pilot says, "is a rare exception." So they end up striking the only thing they can see from the air—villages.

Nixon Administration officials, as did those in the Johnson and Kennedy Administrations, say that never before has such care been taken to spare civilians in bombing raids.—George Wilson, The Washington Post, *April 1971*

Another factor leading to low Air Force morale has been the military ineffectiveness of the bombing.

The major success claimed for the bombing by the Pentagon is that it destroys seven of eight trucks moving down the Ho Chi Minh Trail. This appears to be more a reflection of what some of us call the "Leff Syndrome," however, than reality.

Arnie Leff, an Air Force doctor at Udorn Base in Thailand, achieved some local fame during the great Gonorrhea Crisis in the fall of 1969. Charged with controlling venereal disease for Udorn's airmen, Leff was instructed by his hospital commander to get the rate below one case per 1,000 men per day for the month of December, 1969. Trying his best, the good doctor lectured, charted, and examined. But, alas, the rate was still 1.5. A hospital superior ordered him to lower the figures anyway. Although he refused, Leff later found it common practice elsewhere for rates to be finagled. Incensed, Leff asks, "If they'd change gonorrhea rates, what else would they falsify?"

All available evidence suggests that they falsify the high "truck-kill" ratio.

No less an authority than former Defense Secretary Robert McNamara, after all, revealed in the fall of 1968 that bombing raids on the Ho Chi Minh Trail had reduced the flow of men and supplies by no more than 10–15 per cent.

Subsequent events seem to bear this analysis out: communist successes against the South Vietnamese invasion in February 1971; the uncovering of supply complexes in the A Shau Valley in May, 1971; significant guerrilla advances in southern Laos during the same month; the ongoing communist military success in Cambodia despite the closing of Sihanoukville port. All this suggests that however many trucks are being destroyed from the air, communist forces are suffering few serious supply problems.

My way of killing people is better than their way. The Pathet and North Vietnamese are a plague. We have to eliminate them. They have no regard for human life.—F4 pilot, Danang, November 28, 1970

Despite the inefficiency of the bombing, there is little likelihood that it will be halted.

The Air Force argues strongly, that bombing has been most successful. Even where it admits limited failure, as for example in the inability of the bombing of North Vietnam to halt the flow of supplies into the South, it ascribes this to improper constraints placed on it by civilians.

As one F4 pilot put it, "Targeting for air war North was done by Washington. This gives the enemy the advantage. The whole problem comes from Kennedy's 'flexible response' idea. You hit me on the foot, I hit you on the ankle. You hit me on the knee, I hit you on the shin. But it doesn't work. If you hit me on the foot, I should slug you with a club and put you out of commission.

"I'm not saying we were right. Let's face it, we just attacked the ———. But when we did decide to bomb them, we should have kicked the ——— out of them."

Some critics see an element of cynicism in continued Air Force claims of success. They suggest that they are produced to justify more money from Congress, and more weapons development.

While there may be some truth in this, there seems no doubt that Air Force personnel are by and large sincere in their belief that bombing has been effective, not because it has cut off supply lines, but because it has made the enemy "pay a price" for his conquests. Guerrillas in Indochina, it is argued, are an implacable force bent on military victory, and whatever we do to make it more difficult for them is justifiable.

This war from the pilot's standpoint is a very impersonal one, whether or not you believe the goals that the government prescribes for us. Most of the pilots just go along and figure, well, it's a job. You fly. You see flak at night. That's about as close to war as we get. Sometimes you get shot down, but you don't see any of the explosions. You can look back and see 'em, but you don't see any of the blood or any of the flesh. You go out, fly your mission, you come back to your air-conditioned hooch and drink beer or whatever. You're not in contact with it. . . . —Randy Floyd, Marine Corps pilot.

The increasing automation of the American military effort in Indochina will have an impact extending far beyond that unhappy region. One of its far-reaching ramifications is the change it is bringing to the psychology of warfare.

It is not only that few of the Laotian or Cambodian peasants presently living under the bombing have no idea what an American is, why the United States is bombing them—it is also that few of the Americans involved in the air war have ever seen a Laotian or Cambodian.

Navigators plot bombing raids on coordinates, not villages; pilots pull levers from thousands of feet up, not triggers at human forms 100 yards away; photo interpreters see bomb craters and destroyed "enemy structures," not headless children or napalmed grandmothers; a Stinger pilot—whose machine can put a bullet every square foot in an area the size of a football field—stares ahead into the inky darkness, periodically firing when two pips on his computer coincide. Any corpses below lie far from his consciousness.

And those few Americans who do know Laotians or Cambodians express little but warmth and affection for them. The past and present American ambassadors to Laos, for example, both speak frequently—and no doubt sincerely—of their deep admiration for its people. Neither has shown any noticeable discomfort as they wander through Laotian refugee camps, chatting and smiling with people against whom they had earlier approved bombing raids.

In the Era of the Blue Machine, war is gradually becoming a technical exercise, bereft of malice or rancor, an elemental expression of the art of killing. Men are increasingly freed from the hatred, doubts, greed, or rationalizations that killing usually entails. The issue of guilt is becoming meaningless, conscience irrelevant. The pilot, bomb-loader, and the policymaker have no intention to kill. Psychologically, therefore, they do not.

The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited—Article 25, Hague Convention on Land Warfare, 1907

The issue of war crimes is reduced to absurdity.

The chief U.S. prosecutor at the Nuremberg trials, Telford Taylor, talks of two principles which establish aerial bombardment as a war crime: 1) if the means of bombardment of civilian targets are disproportionate to their military value; and 2) if bombing is carried out against civilians in reprisal for military acts over which they have no control.

In rural theaters such as Laos or Cambodia, any means of bombardment would be disproportionate—enemy stores and soldiers are not located in the villages. Antiaircraft positions are not located there, either.

Moralists may wonder why an Ambassador Godley continues overseeing bombing strikes in Laos while a Lieutenant Calley languishes in jail. The lieutenant, after all, was convicted for killing unarmed and unresisting civilians. And bombing strikes in Laos, for which the ambassador bears responsibility, are killing unarmed and unresisting civilians as a matter of course.

But that is precisely the point. In countries such as Laos, the act of automated war itself is the war crime. There are no Calleys or Medinas to accuse.

And barring the unlikely event of the superstate itself being vanquished, its policymakers are hardly likely to admit to—let alone convict themselves of—war crimes.

A lot of people in the States underestimate what we're up against. They're just primitive little jungle fighters, sure. But they're shrewd, good tacticians. They have equipment, too, like SAMs up North. And they use a lot of the stuff we discard, like tin cans. They make fuses out of them. And they'll make a damn good booby trap out of a couple of boards and some nails—F4 pilot, Danang Air Force Base

As such a war continues, ideological, economic, and political considerations assume a secondary role.

Perhaps when the war began it was primarily a struggle between freedom and communist totalitarianism, as conservatives see it; or perhaps it was a conflict between American imperialism and national liberation, as the left claims.

But today, with South Vietnam being run by its American-imposed Curtis LeMays, few U.S. leaders claim that democracy is really a factor in the war. Ideological and political questions have long since dimmed in importance, since most people within Indochina have already decided what side they are on. After an expenditure of over $100 billion, the U.S. economic motives have diminished, too.

The main concerns, from the American side, are technical in nature: developing sensors which will allow instantaneous, automatic, and pinpoint bombing of enemy guerrillas; getting hand-held lasers into use instead of ineffective aircraft-directed beams; applying new and better forms of ordnance.

For the guerrillas the war has become primarily a question of persevering, of developing courage, patience, and near-mystical faith in their troops, of continuing to meet technological developments from the air with increased ingenuity and resourcefulness.

It is Ho Chi Minh himself who is said to have remarked to a graduating class of sappers, the elite units of the North Vietnamese army, "You are our answers to the B52s."

The war in Indochina today has become primarily one of technology versus the human spirit.

The biggest problem I had was to restrain my men's enthusiasm. If I asked for volunteers, all my men would argue to be the first chosen. "Let me do it, they killed my mother!" "No, let me go, they destroyed my village," they would say. Were we afraid of the planes? Oh, no. If they stayed up high, they couldn't hit us. If they came down low, we could shoot them down. We were very angry. The planes didn't come to bomb the soldiers, they tried to kill the villagers. The villagers are just rice farmers. They didn't do anything against those pilots.—Pathet Lao defector, former captain.

The human spirit seems to be triumphing. Interviews with Pathet Lao defectors indicate that far from breaking the enemy's will, the bombing strengthened it. "Before, maybe only 20–30 per cent of the young men would volunteer to join the Pathet Lao army," explains one defector. "But by 1969. 90 percent and more wanted to join. Nobody really understood what the Pathet Lao meant by 'American imperialism' before the planes came. But by 1969 the attitude was 'better to die fighting than hiding in the holes.' "

In an arena where American-supported ground forces are as lacking in motivation as they are, such sentiments on the other side are a key factor. At this writing, communist guerrillas are the only force in Indochina who believe they know what they are fighting for.

The influx of more than 30,000 refugees from heavily bombed areas during 1970 has made the bombing common knowledge in American-supported zones. Laotians of all political stripes are opposed to the bombing because it caused hardship to their fellow Laotians against whom they bear no enmity, and because they believe it widened the war. They blame Souvanna Phouma's government in part for permitting it. Conversely, they admire the Pathet Lao for standing up to it.

The war in Laos has always been for essentially political ends. The communists have made it clear they are not planning to take over the major towns militarily. The bombing has undoubtedly aided them in achieving a political victory. This may later be true of the other countries as well, making one wonder whether technology can keep up with the growing opposition to the U.S. in Vietnam, if we will resort to even more effective bombs to keep down more strengthened wills.

I can assure you that my words are those of a devoted pacifist. My very hardest job is to give out medals of honor. If I lived in another country that wanted to be sure and retain its right to self-determination, I would say, "Thank God that the United States exists at this moment of history." We are not bent on conquest or on threatening others. But we do have a nuclear umbrella that can protect others. This is the moral force behind our position. We could be a terrible threat to the world if we were to lose that restraint—Richard Nixon, interview with C. L. Sulzberger, The New York Times March 10, 1970.

The issues raised by the air war go far beyond the personal culpability or motives of American leaders. For if the last few years have shown anything, it is that technological growth has a dynamic of its own, independent of the will of individuals. American leaders are more products of this process than its conscious manipulators, more the Man in the Grey Flannel Suit—or sometimes the Mad Hatter—than Big Brother.

The change in the Laos air war from a limited number of prop bombers dropping 500-pound bombs outside of populated areas to hundreds of jet and B52 bombers using laser and TV-guided missiles does not appear to be the result of a series of carefully planned decisions. It was just part of ongoing technological development. The war kept up with the advances; each new improvement was put into action.

Dow, Honeywell, and Lockheed did their part; so did the Air Force, Marines, and Navy, the State Department and the CIA, Standard Oil and Gulf. The momentum was more powerful than the people within it; a belief in technology covered the horrors, much as a belief in religion protected the Inquisition. And without anybody really understanding or caring, thousands of Indochinese villages were destroyed in the process.

The roar of the bombs and the noise of the planes frightened me terribly. Our life became like one of animals who search to escape the butchers. Each day, across the forests and ditches, we sought only to escape from the bombs. When looking at the face of my innocent child, I could not stop crying for his future. Why do the men in this world not love each other, not live together in peace, not build happiness in development and progress? Human beings, whose parents cherished them, died from the explosions of the bombs. Who then thinks about the affection and love their parents felt for them? As for the other men, do they know all the unimaginable atrocities which can happen here in this war?—from essay by 35-year-old woman refugee from Plain of Jars.

The questions raised in this, the third year of the Era of the Blue Machine, really have less to do with men than Man.

What does it mean, after all, when the strongest of the species is systematically killing and maiming some of the weakest? . . . the most prosperous regularly destroying the homes and belongings of some of the poorest? . . . the most industrialized constantly devastating the land and food supplies of some of the most rural? . . . and the most technically advanced using their most sophisticated weaponry against a people who pose the most marginal of challenge to their interests?

In a nuclear age such questions are of more than passing concern.

WINNING WHEELS, INC.

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. MICHEL. Mr. Speaker, an area of special interest and concern to our Labor-HEW Appropriations Subcommittee is the care and rehabilitation of victims of accident and disease.

Many of these people are forced to spend a great deal of time in wheelchairs, and one particular organization in my State which was formed to help those confined to wheelchairs help themselves is Winning Wheels, Inc., of Prophetstown, Ill.

I recently received the June issue of the Winning Wheels News, and I believe two articles in this paper will be of real interest to my colleagues because of the insight they provide into the problems faced by individuals suffering varying degrees of paralysis.

Mr. Speaker, the founders, supporters, and members of this group are to be commended for their efforts in this area, and I hope we will see their organization grow and flourish in the future.

The articles follow:

On Therapy

How difficult it is to start the therapeutical road back after the muscle and tendons have shrunk up. It is really pure torture to pry the arms from the position they go into naturally from lack of use.

Many hours are spent coaxing, teasing and threatening to get one to do the things that are beneficial to the patient. If you are one of those fortunate enough not to tighten up or be out of commission for six or seven months, you are indeed fortunate. This is one of the important reasons in getting to the patient as soon as possible, to keep the natural muscle-tone from wasting away, whether it is the arms, legs, fingers, feet, stomach muscles, chest muscles, bladder or colon. All of this training as quickly as possible is of the utmost importance.

Of course the bad habits, like smoking, are the ones that come the quickest and easiest; and any therapist will tell you this with a smile. I also know, because I have the scars to prove it.

Different people take to different therapy with different relish. Some will work hours just to learn to use the telephone; others will do the same just to learn to write again and still others, shaving, brushing teeth, combing and brushing one's hair, depending upon the importance to each individual.

The one thing everyone is taught as soon as possible is to feed oneself. The list will go on and on, whether it is speech therapy, activities of everyday living, learning to stand, climb steps, go down steps, getting in and out of cars and even learning how to drive an automobile again.

There are many interesting antecdotes along the way that would have to be or very few people would be able to make it or stand it, because it is the kind of work that takes everything you have, not for a minute, or hour, but day after day after day.

There are those that just plain quit after so long and these are the ones that just sit when they return home or wherever they go.

This is but one of the many challenges facing a paralyzed person after the accident has happened. There are a lot more and each day brings its own. I guess this is one time you learn to live a minute, an hour or just a day at a time and pray to Almighty God that you have the strength and patience to do it on the morrow.

Call for Information

Luke 22:32: But I have prayed for thee, that thy faith fail not: and when thou art converted, strengthen thy brethren.

We hope you never have to spend any time in a wheel chair. But if you were forced to for life, who would care for you? This is why Winning Wheels has come into existence. We solicit your help, that we may help others. Call us for information.

Doug Yordy's Accident and Comeback

My accident happened July 21, 1967 when I had a swimming accident similar to Mike Maki's. I was taken by ambulance to Mercy Hospital in Davenport, Iowa. I was placed in the Intensive Care Unit on a Stryker frame after being put in traction.

On the fifth day after my accident I had surgery on my neck which was broken and dislocated. While in Mercy Hospital I was heavily sedated, therefore, hazy about some of the things that happened during this time. Ironically, one of the things I do remember was waking up in the operating room and seeing one of my high school classmates who was a technician.

I remained in traction on the Stryker frame in "ICU" for three weeks; then I was transferred to the main floor of the hospital. Later I was placed in a brace for my neck called a "Four Poster" because of its structure. In the Stryker frame I spent two hours looking at the ceiling, then two hours looking at the floor.

The nurses in "ICU" were very efficient and knew what to do, as they were picked and trained for this unit, while nurses in the rest of the hospital are not trained in the specialized care of the paralyzed, such as turning them every two hours. It was during my time on the regular floor of the hospital that I started to develop a bed sore.

On July 30, 1967, I was transferred to Forest Park, the Rehabilitation Unit of St. Francis Hospital in Peoria. I remained there for a period of 11 months, undergoing physical therapy and psychological testing.

It was a few days after arriving in Peoria, that a sore was discovered on my chest, caused from the neck brace. About a week later the bed sore that started in Davenport broke open. This one I had for about seven months before it was healed. During that time I underwent surgery on it twice. This sore meant I had to spend my time in bed on one side or the other; then special padding and a seat were made so that I would be able to sit in a wheelchair. During this time I lost 60 to 70 pounds.

While I was in Peoria a fund was started in my hometown which resulted in the purchase of my special wheelchair.

After several months of physical therapy I was able to move my arms, sit up with help, and later developed partial use of my arms. This is why a special wheelchair was necessary—so I could move myself around in the chair and eventually leave my room from time to time and see what the rest of the place looked like.

This is when I discovered there were several other quadriplegics and paraplegics on the same floor. We spent most of our free time together and, as several of us were about the same age, we had similar interests. We often talked about our problems and adjustments we were having to make and would have to make in the future.

We often made trips to the cafeteria or to someone restricted to their bed. As not everyone was able to maneuver his own chair, sometimes these trips turned into quite an ordeal, but having a couple of strong "paras," also an electric wheelchair in our group, we would line up like a train and would usually manage to get where we wanted to go.

After regaining all that I could in the use of my arms, I was dismissed from Forest Park in June of 1968 to live at home again.

There were many adjustments to be made by me as well as my parents. The doors of our home on the main floor had to be widened to allow the chair to go through; a ramp for access to the house was built; also, rugs were removed to allow easier moving from room to room.

After three years at home, I met Kendall DeMaranville through our both having "C.B." radios. In our many conversations the goal of the Winning Wheels, Inc. was discussed. This is how I first learned of the club and its purpose.

Through my own personal experiences I know the home is something that is urgently needed.

Recently I spent a month in a nursing home in Decatur in which all residents were 60 to 70 years older than I. The staff was not trained to take care of my needs, although they were all willing to help in any way they could.

Up until the time I got involved with Winning Wheels, Inc. I had accomplished nothing and had wasted three years of my life. Now I feel I am doing something worthwhile in trying to reach others so that they will not waste years of their life the way I did.

NEAR "NO-NO" TO NO-KNOCK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. DINGELL. Mr. Speaker, the Washington Post of Friday, July 2, 1971, carried a column by William Raspberry under the heading "Near 'No-No' to No-Knock" in which he discusses the raid by Federal agents on the home of Kenyon Ballew in Silver Spring, Md., and the unfortunate fact that no-knock police raids are legal within the District of Columbia.

As one of those who voted against the so-called District of Columbia crime bill, and its no-knock provision, when it was before the House in the 91st Congress, I find myself very much in sympathy with the points raised by Mr. Raspberry.

So that my colleagues may have an opportunity to be aware of Mr. Raspberry's comments, I insert the text of his column at this point in the RECORD:

NEAR "NO-NO" TO NO-KNOCK

(By William Raspberry)

The D.C. Young Republicans defeated the resolution the other night, but the fact that it was even considered—it had been passed by the YR's board of directors at an earlier meeting—demonstrates that you don't have to be a numbers-writing, dope-dealing ghetto resident to be upset over no-knock police raids.

The resolution itself gives a fair account of the news story that prompted it:

"Whereas, Kenyon Ballew of Silver Spring, Md., has been seriously wounded, perhaps fatally, as a consequence of an Alcohol, Tobacco and Firearms Division-led raid on his home;

"Whereas, the purported purpose of this raid was to seize unregistered 'destructive devices' that violated Title 2 of the 1968 Federal Gun Control Act;

"Whereas, no such devices were found nor any others that violated any federal or state law;

"Whereas, Ballew was apparently wounded in an understandable though mistaken defense of his home and family;

"Whereas, the circumstances of the raid—its occurrence after dark, its being led by ununiformed agents and its tragic consequences—suggest the incompetence of those directing the raid and overstepping the authority granted to the ATFD or the granting to too great an authority by Congress;

"Whereas, other ATFD or the granting of too * * * a similar pattern of raid, search and arrest after dark led by plainclothes agents and of a provocative nature;

"Whereas, there is no reason to believe that such a tragic occurrence will not happen again,

"Be it resolved by the D. C. Young Republicans Board of Directors that the Congress of the United States be enjoined to investigate the law enforcement techniques of the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service in that division's administration of the 1968 Federal Gun Control Act; and the ramifications of the aforesaid act to the right of the individual to his privacy and safety in his home and freedom from improper searches and seizures."

There is some disagreement over whether it was in fact a no-knock raid (the authorities say they broke in after Ballew refused them entry) but it involves the same questions as similar actions in the District of Columbia, where no-knock, regrettably, is legal.

The courts will have to determine its constitutionality, but it takes no legal genius to see that the no-knock law is stupid.

Take a D.C. resident who finds himself in Ballew's circumstances. He's at home minding his own business when a bunch of guys start to break in.

If he's dealing in hard narcotics or other contraband, he has to guess that the intruders are (1) police officers, in which case he's due for a good long stretch in jail or (2) robbers who want his contraband or his cash.

In either case, the temptation may be strong to shoot it out—particularly if he can plead that he had no idea those guys were cops. (Under no-knock you don't have to be in uniform or otherwise identify yourself as a policeman.)

But if the temptation is strong for a criminal to risk shooting it out, how much stronger it may be for a man who knows he's not involved in anything that should attract the attention of the authorities. He almost has to assume that he is being robbed when the masquerade party shows up.

And it's not only bad law from the standpoint of potential suspects, it's bad law for the lawmen themselves. Just suppose, for instance, that Ballew had had a better gun, or had been a better shot. There just might have been a couple of dead feds.

That's the sort of thing the opponents of the D.C. crime bill had in mind last year when they worked so hard—and so vainly—for its defeat.

I was reminded of one of the forgotten casualties of the fight the other day when Sherry V. Friedman of the National Information Center, one of the leaders in the fight, came in to pay a few more dollars on the full-page ad that ran in The Washington Post when the bill was under consideration. Most of the pledges for contributions evaporated after the law was passed, and Mrs. Friedman found herself stuck with much of the $3700 bill.

ALAN PATON RECEIVES HONORARY DEGREE AT HARVARD UNIVERSITY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. BRADEMAS. Mr. Speaker, one of the most distinguished living writers is the South African, Alan Stewart Paton, author of "Cry the Beloved Country," and other books and essays.

On June 17, 1971, Mr. Paton was among those to receive an honorary doctor of letters degree at the commencement exercises of Harvard University.

Mr. Paton delivered an address on this occasion during which he made a statement which, it seems to me, is particularly appropriate as we consider the impact on the life of our country of the constitutional amendment enabling 18-year-olds to vote in Federal, State, and local elections.

Said Mr. Paton:

To younger people: I understand well your dissatisfaction with the world that we have made. But I do not believe that one can make it any better by withdrawing from it. I understand your argument that if you take part in it, you are only prolonging its existence. I understand your argument that if you take part in it, it will corrupt you just as it has corrupted us. But it is not a very good or a very brave argument. The only way in which one can make endurable man's inhumanity to man, and man's destruction of his own environment, is to exemplify in your own lives man's humanity to man and man's reverence for the place in which he lives. It is a hard thing to do, but when was it ever easy to take upon one's shoulders the responsibility for man and his world?

Mr. Speaker, I include at this point in the RECORD further excerpts from the address of Alan Paton on this occasion:

THE TESTING GROUND OF THE WORLD

To what does one give one's highest loyalty? A religious person—which I myself am, though of no great quality—could claim that his highest loyalty is given to God, which is a just claim and a safe claim only when it is made humbly. A person who claims to have no religion could justly claim that his highest loyalty is to the truth, and that also is a safe claim only when it is made humbly.

But in what way can one's highest loyalty be given to one's country? Surely only in one way, and that is when one wishes with all one's heart, and tries with all one's powers, to make it a better country, to make it more just and more tolerant and more merciful, and if it is powerful, more wise in the use of its power.

But when loyalty to one's country means loyalty to some party or some government or some policy, or even in that mythical power known as the State, there are many people in both your country and mine who find it difficult, and sometimes impossible, to give that kind of loyalty.

I would find it difficult to say what love of South Africa means to me. It certainly means a love of the place where I was born, a love of the physical land, of mountain and river and plain, a love of its infinite variety, a love of its peoples and especially of those who have suffered for the things that they believe in. South Africa is often called a land of fear, and so it is. But it is also a land of great courage—and so is this. A friend of mine was once asked at a symposium, "if you did not live in South Africa, where would you like to live?" to which he gave the totally unexpected answer, "if I did not live in South Africa that's where I should like to live." My own views and beliefs which are often called un-South African, were made nowhere else but there in South Africa, just as many of the views that are called un-American were made nowhere else but in America.

Now when people hold un-South African and un-American views, there is a great temptation on the part of rulers to take steps against them. I should say at once that protest in South Africa has never been as vigorous and as widespread as it is in the United States. And I should say at once that the reason for that is that one has to pay a much higher price for protest in South Africa. Therefore one is tempted to conclude that if rulers took a firmer line in the United States, protest would to some extent die away. And in order to take a firmer line, rulers would have to interfere with that charter that was subscribed to when your country achieved its independence, and would have to curtail that liberty the entrenchment of which was the firm resolve of your founders, and would have to adopt the methods of Hitler and Stalin, which methods have rightly been held in such abhorrence by Americans.

IN YOUR COUNTRY AS WELL AS MINE

So it is—in your country as well as mine—that there comes this schism between those who believe that the maintenance of law and order is the prime obligation of any good society, and those who believe that the preservation of civil liberty is the prime obligation. And this schism is made more bewildering by the coming into being of other schisms which are related but not identical—between the rich and the poor, the old and the young, the white and the black, the rulers and the ruled. The temptation to achieve conformity by legislation is very powerful, and I hope that the American people will never yield to it, becaues it will mean the erosion of liberty and the rule of law, and that is what it has meant in my own country. . . .

We are both countries of many races, but whereas your policy—with many halts and hesitations—has been to aim at one American society, our policy—vacillating under earlier governments but determined under the Nationalist government—is to create a multi-racial society, with its African nations, which comprise 70% of the total population, allotted various portions of the country which total something like 13% of the total area, and the aim of the policy is to create homelands where these national groups will achieve cultural, social, economic and eventually—in ideal theory—political autonomy. . . .

I was the President of the inter-racial Liberal Party which was made illegal in 1968, and we opposed uncompromisingly the policies of separate development, and the creation of what we would have called subservient sub-governments. Now I find myself hoping that all our people who are not white, will make the fullest use of these instruments of power which are being put into their hands by the architects of separate development, no matter how feeble they may be; for the creation of these instruments has made it possible for the leaders of these sub-governments to speak with authority to an audience they could never have reached before. And it would be my hope that this would be a stage in our development towards some kind of common society. For in my view no other kind of society could ever give to black men a just share in the fruits of their labour and the earth.

AMERICA AND SOUTH AFRICA

I am often asked the question as to whether Americans should withdraw all investments in South Africa. I know this view is strongly held by some, and I respect it, but it is not my own. If those American enterprises in South Africa—and there are not a great many—and here I am quoting from the statement of the Polaroid Corporation entitled "An Experiment in South Africa," would "improve dramatically the salaries and other benefits of their non-white employees," then I have no doubt that this would exert a moral pressure on South African employers to do the same. It is my opinion—that apart from any colour of skin or difference of race and culture—the great disparity between white and black wages leads, paradoxically enough, to an intensification of white fear, for people of other colours and races, when they also, owing to their poverty, live a totally different kind of economic life, seem more alien and more other than ever.

Now I have reached my end. Your tribulations are known to the whole world. Some of us in the outside world derive satisfaction from them. Some of us in South Africa believe that your troubles are due to your policies of racial integration, and such people are trying anew to prove that separate can be equal. Yet you should not be discouraged by this. The problems of racial prejudice and friction, the problems caused by man's destruction and pollution of his environment, the problem of war and of deluding oneself—after all these centuries of experience—that war can make the world better, the problem of the terrible gulf that yawns between the rich and the poor, the problem of the impersonality and meaninglessness of human life, especially in the great city, they are our problems too, even if only in miniature. It is foolish of us to gloat when you appear to fail to solve them, for are we any better, any wiser than you? Therefore you must regard yourselves as the testing ground of the world, and of the human race. If you fail, it will not be America that fails, but all of us.

NEED FOR A NATIONAL ENERGY POLICY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. PICKLE. Mr. Speaker, I address this body today to remind my fellow Members of an impending crisis, a crisis that could bring this Nation to a standstill unless we take prudent remedial measures. I refer, Mr. Speaker, to the growing energy gap which confronts us.

By using the term "energy gap," I do not intend to imply that this country is running out of natural fuel supplies; quite the contrary. The United States is blessed with an abundance of fuel reserves, most of which still lie untapped beneath the earth's surface. Instead, energy gap refers to the gap between the demand for energy and the available supply. Although the energy gap is not yet critical, it is growing at an alarming rate. The search for, and development of, new fuel resources is not keeping pace with rapidly increasing energy demands. This is because our present policy does not provide adequate incentives for the promotion of fuel exploration or the development of known reserves.

It is time for this Congress to sit down and take a good look at our national energy policy. We cannot continue to operate under a confused policy composed of regulatory subpolicies and patchwork legislation. Federal action and legislation should be the product of an overall policy, rather than the opposite case which holds true today. Individual pieces of legislation should accord with overall policy objectives. Such a national policy should encompass the following two basic elements:

First. The United States should pursue the optimal development of dependable energy sources. Given the tentative nature of most foreign fuel supplies, we should not cultivate a reliance upon them. Instead, our national energy policy should also encourage the development and use of our abundant domestic fuel reserves.

Second. Our national energy policy must be flexible enough to adapt to changes in the demands for various fuels. For example, although the demand for natural gas as a fuel source far exceeds the available supply, our current policy discourages the development of new gas reserves.

In years to come, technological innovations and stricter environmental controls are certain to alter the demand profiles for the various energy sources. Just as the present search for low-sulfur content fuels has affected the desirability of many energy sources, future fuel demands will continue to shift. Our national energy policy must combine the foresight to anticipate these changes with the flexibility to adapt to them.

BARBARA M. WATSON

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. EILBERG. Mr. Speaker, we in the Congress are frequently frustrated by what we sometimes feel is an immovable and unresponsive bureaucracy.

The source of our frustration is not in fact the system itself, but rather the stewards of the system; those charged with administering the laws we make.

It is equally true that when the bureaucracy responds, when it is effective, we can be certain that this is the result of the interest, dedication, and competence of an outstanding civil servant.

Such a civil servant is Barbara M. Watson, Administrator of the State Department's Bureau of Security and Consular Affairs.

I have come to know Miss Watson through her appearances before the House Immigration and Nationality Subcommittee.

It is a pleasure to cite Miss Watson to my colleagues as exemplary of the best traditions of the civil servant.

My admiration for her is shared by my colleagues on the subcommittee and my colleagues in the House who have come in contact with her.

On Wednesday, June 23, Stan Carter of the New York Daily News devoted his column to Miss Watson and to her work. I place that column in the RECORD, as well as an address delivered by Miss Watson before the National Association of Foreign Student Affairs at the University of British Columbia, Vancouver, Canada:

[From the New York Daily News, June 23, 1971]

CAPITOL STUFF

(By Stan Carter)

WASHINGTON, June 22.—Barbara M. Watson once was owner and executive director of a New York firm called Barbara Watson Models, Inc. If the graph she pointed at today had been a record of the company's profits, she would be rolling in dough. Starting at a figure of 142 in March 1969, it went up, up, up—to 747 at the end of last month—and a dotted line projected a continued sharp rise for the remainder of this year.

But instead of being a happy record of profits, the chart with the steeply climbing black line was something far different—a record of Americans, most of them in their teens and 20s, imprisoned in foreign countries on drug charges. The graph showed a four-fold increase in only two years.

Miss Watson, who ran the first black modeling agency in New York City in the late 1940s and early 50s, is administrator of the State Department's Bureau of Security and Consular Affairs, the first woman to hold such a high position in the department. A New York native, she is the daughter of Mrs. Violet L. Watson and the late Municipal Court Judge James S. Watson, the first Negro ever elected to a judgeship in New York.

For the second year in a row, Miss Watson gave a press conference at the start of the summer travel season to warn "travelers, particularly young Americans, of the serious consequences that may result from arrests abroad on charges of possessing, trafficking in, or smuggling illegal drugs."

"I repeat the warning I gave last year with even more seriousness," Miss Watson said.

The State Department has sponsored radio commercials and distributed leaflets through passport agencies, travel agents, and colleges to warn young people that the widely held impression that foreign countries are more tolerant of drug use and more permissive in law-enforcement than the United States is dead wrong.

But many youngsters either don't read or listen to the warnings, or don't believe them. Miss Watson expressed fear that the $95 and $100 youth fares to Europe recently announced by the trans-Atlantic airlines would bring many more arrests of young Americans.

The 747 Americans in foreign jails for drug offenses at the end of May is an increase of 200 since last June. The largest number, 237, are detained in Mexico. The next largest figures are Canada, 66; Spain, 50; Japan, 38; Germany, 37; Israel, 37; France, 27; the United Kingdom, 27; Italy, 24; Jamaica, 23; and Sweden, 20.

Two youths were released recently after serving three-year terms in Soviet work camps, but no Americans are held in Communist countries for drug offenses at the present time.

Far from the general belief, Miss Watson said that drug laws are much harsher in many other countries than in the United States. Most countries do not differentiate between soft drugs, such as marijuana, and hard drugs. It is the amount of the drug a person is caught with that is important. If he has less than a certain amount—usually one or two kilos—he is charged with possession; if he has more, he is charged with trafficking.

Possession alone can bring a six-year jail term and a heavy fine in some countries. Penalties for trafficking can mean sentences of 10 years, 20 years, or life. One country, Iran, imposes the death penalty, although no American has been executed.

The international effort to suppress the illicit drug trade, which has been led by the United States, has brought intensified prosecution of offenders throughout the world during the past year. Even tiny Nepal, once considered a haven by many drug-users, has begun making arrests.

Miss Watson also warned that in many countries the drug-peddlers are also police or Customs informers. After making a sale, they tip off police or Customs officials, making money both from the sale and in rewards after the customer is caught with the goods.

THEY GET MISTREATED LIKE THE NATIVES

In Italy, police undercover agents dress like hippies to infiltrate gatherings of youngsters. Miss Watson related, "Some of our 'young innocents' will pass drugs to someone they think is one of their ilk and then find that this supposed hippie to whom they have passed a joint is a policeman."

She cited these other cases:

One young man has had nothing to eat but beans and tortillas since being jailed nearly a year ago in a South American country; he has no money and there are no local charitable sources to supplement his diet. He has 18 more months to serve.

In another Latin American country, a cab driver urged a young American married couple to buy two marijuana cigarets for 50 cents. The next night, police arrested them as they sat by the waterfront smoking the joints. They were put in separate prisons. It was six months before they were brought to trial.

A young American woman, a schoolteacher, was arrested in the Middle East for possessing a small quantity of hashish. The only light in her cell in the provincial jail where she was held for several months filtered through the bars of the cell door; when the door was covered to keep out winter drafts, there was complete darkness.

Despite the severe penalties and the primitive penal conditions in some countries, usually all that American consular officials can do is try to ensure that imprisoned Americans receive the same treatment as nationals of the particular country.

"American consuls help as much as they can," Miss Watson said, "but they can't get offenders out of jail."

"YOUNG AMERICANS ABROAD AS SEEN THROUGH THE EYES OF THE STATE DEPARTMENT"

First of all, I should like to express my pleasure over the opportunity to take part in this conference. Its theme "Seeing Ourselves as Others See Us" strikes a familiar chord to State Department officials because much of our time is devoted to learning what others do think of us.

Since you as college teachers and student advisers have little time to devote to examining the intricacies of Washington bureaucracy, I should now explain the function of the Administrator of the Bureau of Security and Consular Affairs.

The Bureau of Security and Consular Affairs is the only State Department Bureau to be established by law—in this case, the Immigration and Nationality Act of 1952. We have done no security work for over nine years but because the Bureau was established by law we still have the word security in this title. The function of the Bureau is to supervise the consular programs in approximately 250 U.S. posts abroad and the three major offices in this country. The largest of the offices in this country is concerned with the issuance of U.S. passports, the travel document issued to American citizens. The next largest is the Visa Office which supervises the important function of issuing the proper types of visas to foreigners wishing to visit the United States. The third office is concerned with the welfare and protection of American citizens abroad. All three of these offices act as home base for some 500 officers and 1500 clerks and local personnel abroad who implement the consular program.

Among the duties of the last office I mentioned is the protection of American citizens who are incarcerated in foreign jails. For many years, the reasons why Americans were in jail were the obvious ones. There were individual Americans held on charges of fraud, robbery, and homicide. There were smugglers, black marketeers, and con men.

There are still substantial numbers of Americans under detention abroad for these reasons, but early in 1969, we began to notice a new and ominous element in the reports of arrests coming into Washington from the field. Young people were being detained for violating the drug laws of foreign countries in constantly increasing numbers. Let me give you a few figures on this: At the end of March 1969, there were 142 Americans in foreign jails because of violations of drug laws. By the end of March 1970 there were 522 and the corresponding figure for the end of March this year was 711. The largest number under detention in one place is 220 in Mexico, followed by Canada with 65, Spain 63, Israel 34 and Italy 32.

Last year we thought that perhaps this was a temporary phenomenon and that the number would decline when summer vacation time had passed. This did not happen. With minor fluctuations the number of Americans under detention rose during the winter months and it still shows no firm indication of leveling off.

Naturally we have become much concerned about the young people who find themselves in jails abroad. One reason is that many jails, especially in the Middle East, are dirty, crowded and can boast of no comforts and few sanitary facilities. Moreover, the prison terms for drug abuse abroad are often severe. In Spain, for example, there is a heavy fine plus six years in jail for the individual who is caught with just a little over a pound of hashish. In Italy, trafficking in drugs, which some young people do to earn the money necessary to keep them going, brings a penalty of from three to eight years. In Greece, one American was recently sentenced to 18 months and another to 5 years. In Lebanon, possession and use of drugs can bring a sentence of from 1 to 3 years in a detoxification asylum, while the trafficker of drugs can expect a sentence of from 3 to 15 years. Iran has the most severe penalty of all for the drug trafficker—execution. So far no Americans have been executed but they receive substantial penalties in accordance with the laws of the countries where they were caught.

Naturally, I devoted considerable attention to the increase in these arrests. I found they involved mostly people little younger than yourselves. I also found that the problem of young Americans in foreign jails is just one indication of the changed attitude towards drugs which has developed in the United States. It is a part of a subculture among the youth in this country, with its preference for an unstructured, spontaneous life style.

Along with casualness of dress and appearance many in the subculture use marijuana, hash and sometimes LSD. They rarely take heroin or other narcotic drugs. Marijuana is a social practice accepted by many and the holdout is considered "straight", and sometimes excluded. The fact that pot is illegal is not an effective deterrent, partly because enforcement of the laws against its use is erratic, and partly because public attitudes toward these laws are often ambivalent.

A natural consequence of the new life style is a desire to travel abroad. A large number of people from middle and upper middle-class America now travel in other countries seeking a way of living among their peers which meets their desire for a society where they can be themselves without the psychological fetters of family and the Establishment.

Many of the young people who travel abroad live in colonies of youthful expatriates in countries of Western Europe, the Mediterranean, South Asia and Latin America. In these colonies they live a free, casual existence on little money where the smoking of hashish or marijuana is—as at home—often a regular feature of life.

Recently, there has been some change in the types of people involved in breaking drug laws. Reports from our posts abroad in 1969 and early 1970 indicated that the bulk of those arrested were itinerant young people travelling from country to country in search of harmonious surroundings. Now we know that the American communities abroad have become more involved. A significant number of the young people under detention are the offspring of Americans living and working in those countries.

Young Americans abroad these days present special problems from the point of view of the State Department. Often they do not realize that the countries they are visiting have laws different from those of the United States and that those laws are frequently strictly enforced. Nor do they realize that the friendly drug seller is frequently an informer whose next stop is the police station where he will give information and collect a reward. Also they have a feeling that if they break local laws they will not be the ones to be caught. That could happen to someone else but not to them. Lastly, taking risks is exciting in itself and many people, young and old, enjoy it. It is hardly strange, then, that a growing number of young Americans break the laws of the countries they are visiting, are arrested and must go to jail.

The stories of those who are caught are often tragic. As an example, 23 year-old Ken almost made it out of the Middle East with the two kilograms of hashish he had purchased from a local dealer for $300. Two kilos of good quality hashish would have been enough to keep Ken happily stoned for five years. If he chose to sell it in the United States, he could expect to make a profit of $4,700. He was sure he had it made after passing safely through the customs check at the airport. What he didn't know was that the aviation authorities had just instituted a policy of body searches of airline passengers in order to foil would-be hijackers. The police didn't catch any hijackers that day, but they caught Ken. The maximum penalty for attempted exportation of hashish from that country is life imprisonment. Ken hopefully will receive a lighter sentence—when he finally is sentenced. Today, six months after his arrest he is still in jail awaiting the court's decision.

In another case, it had always been John's and Mary's dream to honeymoon in the Caribbean. Days in the surf; moonlight picnics on the beach! They worked hard for years to make their romantic dream come true. Their families could not help. John's father was a teacher and Mary's widowed mother had five younger children to bring up.

But dreams do come true—some dreams, that is. They *were* married and they *did* get to the Caribbean. They even had the picnic on the beach. The evening was soft and warm. They had cheese and bread and fruit and wine and, for an added thrill—marijuana! How was it possible that the authorities learned of their "pot picnic" and came to arrest them? Almost immediately, the bridal chamber turned into a prison cell. Their honeymoon funds could not be used for bail. In this "island paradise" there is no bail.

The newlyweds spent over five months in separate jails before their case was judged and they were finally released and allowed to return to the United States. I only hope they'll have a second chance for a honeymoon.

The consular officers in our posts abroad try to help all they can. As soon as they learn of an arrest they visit the individual. They furnish him with lists of reputable lawyers and advise friends and family. If possible, the consular officers attend the trial as observers. If the young person in jail needs money, the Consul will try to obtain it for him from his family. He will make arrangements for medical attention when necessary.

There are, however, limits to what our Consuls can accomplish. Since a person travelling abroad is subject to the laws of the country he is visiting, the most that a Consul can do is to make sure that the American citizen receives just as fair treatment as citizens of that country. If the laws are strict and the penalties high, he cannot change them. The Consul cannot act as a lawyer himself nor is he permitted to use government funds to assist a citizen in jail.

We are occasionally criticized for not pressuring other governments to release American citizens in jail. Of course, we would not countenance efforts by a foreign government to interfere with our judicial processes and we cannot expect other governments to treat Americans as beings above their laws either.

Another limitation on what our Consuls can do is the growing workload with which our undermanned offices abroad must deal. The resulting pressure of work sometimes makes it impossible for them to spend as much time as they would like with the young prisoners. However, I assure you they do their best.

We have tried to combat the drug problem abroad by warning young people by all the means at our disposal that if they violate the drug laws of foreign countries they may well risk long jail sentences.

I have held a press conference on the subject, talked over the radio, appeared on TV and encouraged networks to broadcast programs relating to these dangers. We have stimulated press and magazine publicity. We have distributed over one-half million leaflets and have prepared radio and TV spot-announcements on the subject for use before this summer's travel season starts.

There are indications that the warning is getting through and that young people realize the dangers.

The question now is "Will increasing numbers of young Americans violate foreign drug laws in spite of knowing that they may go to jail?".

DENIAL OF THE RIGHT TO VOTE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. EDWARDS of California. Mr. Speaker, the right of every citzen to vote is the very cornerstone of our democracy. In order to insure this right for all Americans, the 15th amendment was added to this Constitution, and Congress passed the Voting Rights Act of 1965 and the Voting Rights Act Amendments of 1970. It now appears that there are those who would say that the denial of the right to participate in the democratic process is no longer a problem, that people are no longer being denied access to the voting booth. They are wrong.

In clear violation of the Constitution and the Voting Rights Act, subtle and not so subtle means are still being employed to prevent members of various minority groups from voting. Although I find this situation appalling, I feel that it is unconscionable that the Department of Justice appears to be less than vigorous in its enforcement of the Voting Rights Act. Hearings before the Judiciary Committee's Civil Rights Oversight Subcommittee, of which I am chairman, have shown that the Department of Justice has the statutory authority and the resources to prevent a large portion of the problems which confront minority people in States covered by the Voting Rights Act. Most unfortunately, however, they have also shown, that the Department of Justice has refused to enforce the law and that thousands of people will, as a result, be denied the right to participate in the political process freely and without harrassment.

I insert in the RECORD an excellent article written for the Village Voice by Bob Kuttner. I commend this article to all who are interested in civil rights:

BLACKS AND THE VOTE: THE NEW HARASSMENT

(By Bob Kuttner)

WASHINGTON, D.C.—"If you can't say 'sir' to me, then get the hell out of my damn office"—a black lady trying to register to vote. An elderly black man asked for proof that he is over 21. Registration offices opening late and closing early. Sixty mile trips to hostile county courthouses. Economic retaliation against plantation workers who try to register. The polling place is moved to an ancient jail long used for beating arrested blacks. This is Canton, Mississippi, in 1963 and 1964, right? Wrong. In 1971.

The Voting Rights Act of 1965, extended last year at full strength over the objections of John Mitchell et al, is being watered down administratively, with unexpected assists from, of all places, the Supreme Court. The probable result is that the 280,000 previously registered black voters in Mississippi may be cut in half in this year's elections. And in Virginia, a re-districting plan is going forward which will dilute black voting strength through multi-member districts and gerrymandering.

The legislators who drafted the 1965 Voting Rights Act thought of just about everything. Working from a catalog of devices used since the Civil War to weaken the black franchise, they outlawed all they could think of, and in case the South thought up new ones, the Act wisely required that any proposed changes in electoral procedures be submitted in advance to the Attorney General to determine whether the intent or effect was discriminatory. The only flaw in this provision, section five of the act, is that the Attorney General has to *want* to enforce it.

Mitchell has taken the position that unless a discriminatory intent is clear in a proposed change, he will not object. Last April the national press gave the impression that he got his come-uppance in the Mississippi open primary case. In that instance, after Mitchell refused to object to a law intended to prevent a black candidate from winning by a plurality, a federal court in Mississippi compared Mitchell to the late Pontius Pilate for "washing his hands" of his responsibilities under the law.

Some time later, on May 24, it appeared that the Attorney General contritely reversed himself by issuing new regulations putting the burden of proof on the states to demonstrate non-discriminatory intent before any change would be approved. "Special to the New York Times" commented: "The move represented a victory for a bipartisan bloc of liberal senators who had been working for months in private to persuade Attorney General Mitchell to adopt a more stringent interpretation of the Voting Rights Act."

But regulations, like laws, are only as good as their enforcement. The House Judiciary Subcommittee on Civil Rights, chaired by Don Edwards of California, has been holding virtually unreported hearings on the administration's voting rights enforcement, and they suggest that "Special to the New York Times" conclusion was premature.

With the demise of the open primary gambit, Mississippi is relying on two other devices: reaoportionment and re-registration. More on re-apportionment later. The state legislature has empowered counties to require complete re-registration of all voters. Testimony at the Edwards hearing brought out that Mississippi had never employed re-registration following previous censuses; that nobody, not even the witnesses representing Mitchell (who refused to come personally), contends that the new districting necessitates complete re-registration, which most states accomplish administratively; and that the re-registration requirement is opening the door to the kinds of harassment reported in Canton and other places, which should have gone out with the passage of the Voting Rights Act.

Nor is the Justice Department sending federal registrars to Mississippi to ensure that blacks are aware of the need to register, and that they are registered without harassment. As a result, the shrunken voter-registration organizations are being taxed to the extreme, and in the opinion of Aaron Henry, John Lewis, and other witnesses before the hearings, it will be impossible to re-register the majority of blacks by the July 2 deadline. Clarence Mitchell, the NAACP's Washington representative, told me there is no question that the requirement is anything but "a tool to take black voters off the rolls."

Apparently the purge of the old voting rolls, which was only announced in March, even removes federally registered voters, despite the provision of the Voting Rights Act that these may not be removed.

Thus far, 20 of the 29 counties planning re-registration have made the required submissions to the Justice Department. Two counties have refused outright. The Justice Department has approved six, and the 60-day period for the Attorney General to object to the remainder is about to expire. The Justice Department has no plans to punish officials who refuse to submit their plans, preferring to spend scarce man-hours on patient negotiation. As Armand Derfner, the civil rights lawyer who has argued most of the Mississippi voting rights cases, told Edwards "the quickest way to get compliance would be for the Justice Department to file *one* criminal information." But Attorney General Mitchell apparently has no intention of exercising the provision of the act specifying criminal penalties. And even if all of the Mississippi counties are finally compelled to submit their re-registration plans, it makes little difference if the Justice Department approves them. Even if the Department does object to the plans of a county or two, in Derfner's words: "How will the people who may have heard that they are off the books learn that they can vote? County registrars are not going to exert themselves to spread the word."

Thus it appears that the Mississippi black voters, who braved harassment, economic reprisal, and personal hardship to get on the voting rolls, will have to painfully repeat the process all over again without any objection from John Mitchell.

Mississippi is also re-districting. The plan passed by the legislature in March was thrown out by three federal judges in Mississippi for population inequities and racial gerrymanders. The judges then wrote their own plan, which was almost as bad. The Lawyers Committee for Civil Rights Under Law appealed to the Supreme Court, which did require some change in the districting. But in passing, in response to an argument by the plaintiffs that the proposed re-districting should have been submitted to the Attorney General, the Justices wrote on June 3: "A decree of the United States District Court is not within the reach of Section Five of the Voting Rights Act." In other words, since the Mississippi court had done the re-districting for the legislature, the Attorney General had no jurisdiction. This opens the door to collusive re-districting suits. Apparently any Southern state with a friendly district court can now have the court do its dirty work and the Attorney General is barred from intervening. The absence of even a single dissent has suggested to many observers that the Court may not have realized the impact of what it was doing. To others, including Subcommittee Chairman Edwards, the Court took offense at the notion that an Attorney General should be allowed to overrule a court. In any case, the result is to give Southern states another technique for getting around the Voting Rights Act, and the Attorney General a basis for letting them.

And if this were not sufficient, in another case decided on June 7, the Supreme Court by a six-to-three vote gave Attorney General Mitchell an excuse to weaken yet another Voting Rights action. The Court threw out a suit alleging that Indiana's re-districting plan, which includes multi-member at-large districts, dilutes black voting strength. Attorney General Mitchell promptly withdrew his objection to Virginia's re-districting plans, saying that the Indiana decision made at-large districts acceptable. The Virginia case had been one of the few where the Justice Department had taken a strong, politically unpopular stand to prevent the black vote from being weakened. Numerous critics, including Senator Philip Hart of Michigan, who had won the earlier promise of stricter enforcement, have resumed harsh criticism of Mitchell. Hart and others note that the Indiana case is no basis for permitting Virginia to gerrymander. In the first place, the Court ruled only that in the specific instance of the Indiana plan, at-large districts did not discriminate, not that at-large districts are inherently acceptable. Secondly, Indiana is not one of the states subject to the burden-of-proof requirements of the Voting Rights Act. But for the second time in a week, the Supreme Court—deliberately or inadvertently—has handed Mitchell a device to let the South off the hook."

Don Edwards is continuing his hearings. As word of the Mitchell decision reached the House, John Lewis was talking of a regression to the pre-1965 days. I asked Edwards how serious he thought the Court's action barring Justice Department review of court-mandated re-districting would be. He said he hoped that subsequent decisions would prevent "sweetheart" re-districting suits. If not, he added, Congress would have to amend the law. "We anticipated just about everything else when we wrote the bill. We should have thought of that, but it never entered my head."

A BILL TO REINSTATE THE INVESTMENT TAX CREDIT

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. KEATING. Mr. Speaker, today I have been joined by eight of my Republican colleagues in introducing a bill that would reinstate the investment tax credit. I believe this action by the Congress would act as a catalyst in stimulating economic improvement, especially in the area of unemployment.

In the city of Cincinnati, which is in my district, a recent survey was taken by eight machine-tool companies which showed the current employment picture in this industry. In January of 1970, these eight companies were employing 11,718 people as of June 30, 1971, the figure had dropped to 7,810. This is a reduction of 33.4 percent in the past year and a half.

If one looks at the machine-tool industry on a national basis, this same trend is seen. On January 1, 1970, the metal-cutting segment of the industry was employing 79,800 nationally; as of June 30 of this year the figure had dropped to 52,000, a reduction of 34.7 percent.

It should be further pointed out that these workers who have maintained their jobs have experienced reduced working hours per week. This same situation is repeated throughout the economy.

The steel industry is another example of the urgent need to attract capital. Since the repeal of the credit in 1969, the steel industry has lost its competitive position in the world market. If the investment tax credit is not reinstated, the situation will continue to deteriorate The United States, with its higher paid workers, can only remain competitive if our machinery is modern and up to date. The investment tax credit will encourage the purchase of new equipment.

Last week the Department of Labor announced a significant drop in the unemployment rate when it was seasonally adjusted. This is, indeed, heartening;

but the figures also showed that in fact an additional 1 million people joined the ranks of the unemployed. We must move to help these citizens.

I know that the colleagues on this bill join me in urging the Ways and Means Committee to start hearings on this legislation at the earliest possible date.

RESTORATION OF THE INVESTMENT TAX CREDIT

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. SHRIVER. Mr. Speaker, I am joining today in the introduction of legislation to reinstate the investment tax credit. It has become evident that existing mechanisms and actions to boost the economy and total levels of employment are insufficient. Continued economic sluggishness is costing far too much in terms of jobs and productivity.

Much of our concern regarding the current high unemployment rates has necessarily been aimed at alleviating the immediate economic crisis faced by the thousands of families affected. These efforts should and will continue.

Now it is time to evaluate our efforts to deal with the underlying causes of this sluggishness. Cutbacks in Federal expenditures in the fields of defense and aerospace activities are major culprits, especially in selected geographic areas where these programs have dominated the local economies for years. High interest rates for a time acted as an artificial lid on economic expansion.

But while Federal expenditures in some areas have been reduced, overall Federal spending is at the highest level ever. Interest rates have moderated, but the expected investment and economic activity have not followed. Further action is necessary.

Therefore, I believe it is time to restore the investment tax credit. Such action has been very effective in the past to lift our economy out of temporary recessions, and it is needed more than ever today.

A graph inserted into the RECORD last week by our colleague from Ohio, WILLIAM KEATING, shows the dramatic and immediate effect of the investment tax credit during the 1960's. In the machine tool industry, which serves as an accurate gauge for business capital investment activity, new orders rose quickly and significantly each time the tax credit was instituted. Each time the credit was rescinded, sharp downturns in orders resulted.

I want to stress that these results were immediate, not stretched over a period of years as in the case of other economic remedies which are being initiated. And the effects in terms of capital investment, which leads to increased business activity and more jobs, were significant in dollar amounts.

During the 7 years between 1956 and 1962 when there was no investment tax credit, capital expenditures were almost static. In 1956, these expenditures amounted to $35 billion; in 1962, they had risen only to $37.3 billion. Then, after the passage of the tax credit, capital purchases rose at a remarkable rate to $64 billion in 1968.

The effects of the investment tax credit are especially important to farmers and small businessmen, who are always hit hard by economic recessions and inflationary periods. They need help through tax relief for capital expenditures in order to increase their productivity. Without productivity increases to stimulate profits during difficult periods such as we have today, employers must cut back on employment levels. While most large firms can survive temporary slowdowns, farmers and small businessmen do not have the resources to ride out the storm.

In the Wichita, Kans., area which I represent, the unemployment rate has been at a level of 10 to 11 percent for many months. Aside from the personal effects on the families involved, the lack of regular income for these breadwinners has a longer-term detrimental effect on small businesses. These small businesses serve the local community, and any downturn in local income levels is reflected in the business level throughout the area.

Farmers, too, must depend on continued capital investment to meet the combined effects of recession and inflation. Increased farm productivity means more machines and fertilizers. This, in turn, means more business activity in the agribusiness field and more jobs nationwide.

This bill calls for the restoration of the 7 percent tax credit on the first $15,000 invested in capital items. It is a simple bill; it requires no extensive new bureaucracy or redtape; and it has proven its effectiveness in the recent past.

I congratulate BILL KEATING for his timely leadership in seeking meaningful help for our lagging economy in this way, and I am happy to join my other Republican colleagues in cosponsoring this measure.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. JABOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

HOUSE RESOLUTION 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of insuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

DRUG ABUSE—NO. 1 NATIONAL ENEMY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ROBISON of New York. Mr. Speaker, President Nixon has branded drug abuse as our No. 1 national enemy. He unequivocally called upon the Nation to give highest priority to the fight against this growing menace, currently reaching epidemic proportions. The war on the killer-drugs such as heroin, cocaine, must be waged on many fronts, not the least important being the effort carried on by the Treasury Department's customs service, to interdict and reduce smuggling of illicit drugs across our borders.

It is a source of satisfaction that this one front is well guarded, under the superb leadership of Myles J. Ambrose, U.S. Commissioner of Customs. How this continuing problem is being handled is the subject of a thoughtful and analytical interview with Commissioner Ambrose in the June 21 issue of U.S. News & World Report. The article deserves to be widely read, and I am inserting it in the RECORD for this purpose:

GAINS IN THE WAR AGAINST DRUG SMUGGLERS

(Interview with Myles J. Ambrose, Commissioner of Customs)

Americans vacationing abroad this year are on notice: They, too, are involved in the allout drive to cut back the flow of narcotics. The nation's Customs chief came to "U.S. News & World Report" for this interview.

Q. Commissioner Ambrose, will Americans traveling abroad this summer be in for more-intensive baggage searches when they return from abroad, and even longer lines through customs?

A. They certainly are going to be in for intensive baggage examination. How much longer the lines will be depends on a number of circumstances—some of which are within our control, and some of which are not.

The problem of delivery of baggage by air carriers to customs areas is pretty difficult. They are still using DC–3s, so that I don't think we can take all the blame for the slowdowns at the airports.

It will also depend on the increase in air travel. Although domestic air travel has declined over the last year or so, there has been a continuing increase in international traffic. So we expect that there may be some delays. We have increased the rate and intensity of our inspection, and we will continue to do so.

Q. Has the advent of the big 747 jets slowed down the process of people through customs?

A. It doesn't slow down processing of people through customs, except when two or more aircraft arrive virtually at the same time. The greatest problem we have—particularly at JFK [John F. Kennedy International Airport in New York], which accounts for roughly 35 per cent of the international air arrivals—is that a substantial number of planes land in a two or three-hour period. This creates an immediate jam-up of many people and lots of baggage in a limited area, and the 747 naturally adds to this congestion.

Q. Is your problem providing enough manpower for inspections after the baggage has arrived?

A. No. The biggest single problem is the funneling of passengers through in a very short time.

The airports are tremendously under utilized during off hours. This is a very serious problem that we have taken cognizance of. The Port of New York Authority has issued instructions to carriers utilizing JFK that they will not permit aircraft to discharge passengers if there are more than 2,500 passengers an hour processed through the international-arrivals building. That is the maximum number they figure they can physically handle comfortably.

I think that under those conditions, with weather and a few other factors thrown in, there could be times when passengers could conceivably be sitting out in the aircraft waiting to be delivered to the terminal building.

Q. Is there any way to speed up baggage searches other than with more manpower? Could you use machines of some kind, or more of a sampling procedure?

A. We use a sampling procedure now. There are no machines at this time that are adequate for our purposes.

Q. What instructions do your inspectors have about courtesy?

A. It's a very definite policy that, in examining people and baggage, we are supposed to do it politely and nicely. There is never any excuse for a Government officer's acting in any manner which demeans his badge or his uniform. We strictly enforce this rule.

If we receive complaints about the conduct of our officers, we have an immediate investigation into the circumstances.

In their training courses, they are given specific instructions about how to handle certain situations. Sometimes we have to frisk people and, indeed, on occasion, require personal searches of people. These have to be handled with discretion.

We also examine people's personal possessions. Here, again, we have to exercise good judgment.

Q. What sort of situation leads to a body search?

A. This is a very difficult area for us and requires great judgment, experience and discreation. The basis for a personal search could be prior intelligence or obvious bulges or lumps, where ordinarily there would be no bulges or lumps, or suspicion that a passenger is concealing contraband on his person. In most cases the individual who comes under suspicion is merely frisked.

Q. Who conducts a body search, and where is it done?

A. A personal search can be conducted by a male customs inspector or special agent, or by a matron when a female passenger is suspect. On occasion, medical assistance is requested. Searches are conducted in private and isolated rooms set aside for this purpose.

Q. What kinds of things have people tried to smuggle in on their bodies?

A. We have had many instances in which smugglers have concealed heroin and other narcotics in their natural body cavities; watches or watch movements strapped to their waists; personal jewelry and other articles of adornment on their limbs; undeclared clothing or firearms on their persons. We have also found diamonds and other precious stones on the bodies of passengers.

Q. What changes would you favor in customs facilities?

A. I would like to get delivery systems of baggage from the aircraft to the arrival area faster than they are now in many cases.

We want to avoid the fishbowl kind of arrangement which they have at JFK where local residents—nontravelers waiting outside the customs areas—come and bring their lunch and look in through windows at the travelers' personal possessions as they are being inspected. This, incidentally, is a widely used method by smugglers to signal each other. The Port of New York Authority is taking some steps for us at JFK, and we're making similar arrangements at other airports.

We need sufficient room so that when the people queue up they're not back out on the tarmac of the airport someplace, or in other inspection facilities or in the wrong lines.

We're trying to get more space, smoother procedures and more efficient handling equipment so that people can get in and out faster.

Q. Is there any problem of baggage disappearing between the airplane and the customs areas?

A. No, not on baggage, to any great extent. We have security provisions there. We routinely patrol the areas outside the terminals, and we also search aircraft. We do this for other reasons, too.

Many aircraft fly on to other cities in the United States after they have arrived here from overseas. Those flights used to be popular with smugglers bringing heroin into the United States. They would secrete the drugs in the plane, get off at JFK, and have somebody else board the plane and pick up the narcotics en route to some other U.S. city. The drugs often were hidden in the toilet compartment or someplace like that.

Q. Will it ever be possible to cut down baggage searches to the point that has been reached in some countries in Europe?

A. They've done that in some countries in Europe, but mostly for Americans. One of the great problems we have is that people say, "When I go to Europe, I don't have this kind of baggage search." But if you go to France and you're a Frenchman, you get that kind of baggage search. It depends on the tax situation in the given countries.

France, for example, has a very high duty on tobacco. This is one of the principal sources of revenue for the French Government. So Frenchmen are constantly examined to see if they have brought cigarettes back into France. They are searched more intensively than we examine Americans.

So I don't think it's necessarily true that the Europeans examine travelers less.

Q. What's the primary object of your searches—narcotics, or contraband such as jewelry?

A. The basic reason for our search now is the interdiction of narcotic drugs—"hard" drugs, heroin and cocaine, particularly.

Q. Is the traffic in narcotics increasing?

A. It has been at such an inordinately high level that it would be very difficult to measure whether it is increasing or decreasing. I can say that our seizures are increasing, and I think the increase in our seizures is more indicative of the success of our programs than it is of an increase in the actual flow of drugs to the United States. I think—and hope—we may be reaching a point now where the demand for narcotics in the United States may be leveling off.

I would point out that the age group which might be developing an interest in narcotics—the 13, 14 and 15-year-olds—seems to be much more aware of the dangers inherent in it. I think that the educational programs which are in progress and the startling statistics relative to deaths from overdoses and things like that have gotten across to these kids.

You can notice in children—I notice it in mine—the disinclination to use tobacco as a result of the educational programs that have come up in recent years. I also think the anti-drug-abuse campaign is having a real impact.

We may have reached the point where the number of starting narcotics users has diminished considerably in relation to the population.

I don't think we've reached the peak in narcotics usage, though. There are still the people 15 or 16 years old who have already become used to it. We're now confronted with the problem of the returning veterans from Vietnam, many of whom have been exposed to drug abuse.

Q. Are there any changes coming this summer in baggage searches—any new equipment or methods?

A. Yes. We are utilizing a new streamlined method of examining and selecting passengers for examination at the airports which we call "an accelerated selective inspection system." We hope that this procedure will give us a better opportunity to utilize the standards that we have established for examining prospective individuals, and, at the same time, not in any material way delay the movement of passengers through customs.

On the other hand, we have to be somewhat flexible. Smugglers—professional smugglers—are very astute criminals. They have a long experience in this, and they are constantly probing our defensive posture to see if they can break through it.

Q. Without tipping your hand, can you give any indication what these changes will be?

A. We have all sorts of programs going:

We have developed, modernized and perfected our Mexican-border radio-communications system which is now in operation. We're just starting to use what will be the most sophisticated police-type radio equipment in the United States. Our men will be able to communicate car to car from Brownsville, Tex., to San Ysidro, Calif., and with our new aircraft and boats.

We also are utilizing a more scientific analysis of the types of people whom you examine under certain conditions. This could be for any number of reasons. It could be because of the place the plane originated, the places where it stopped, the types of passengers, where they are from, whether the passengers are American citizens or foreigners.

All of this information may be examined in some form of analytic profile.

Q. Do you do any of this analysis on the plane while it is en route?

A. No, it's almost exclusively done when people arrive, except for those circumstances in which we have prior intelligence information. Maybe someday some of this could be done en route, too. We have experimented with transmission of passenger lists and cargo manifests via satellite. We may eventually use something of this nature to help us do this job.

There are also occasions when people are suspicious of fellow passengers and notify us upon arrival.

Q. Has there been an increase in amateur smuggling of narcotics?

A. There is a fantastic increase in amateur smuggling of narcotics—amateur to the extent that they are not people who have been engaged in it for years. It is a very serious problem that complicates our work tremendously.

I think roughly half of our arrests now are young people who have had some exposure to college—frequently they have advanced degrees—who are in the business of smuggling principally hashish for commercial reasons. They are often in the 20-to-25-year age bracket. They are usually very bright, and they have developed all sorts of ingenious methods of introducing these drugs into the United States. But it is our business to catch professionals, and amateurs are a lot easier.

SPOTTING A SMUGGLER

Q. How do you spot a likely smuggling prospect?

A. I wish I could make a statement about that in a categorical fashion. I can't. I think there is a sixth sense to some extent. It goes back to the analysis of where the person was, what his appearance is. We even do it strictly on a mathematical basis on occasion, too.

You have to maintain any number of flexible approaches to how it is going to be done. I know we are frequently accused of selecting young people because they have long hair. Of course, we do select people with long hair on occasion. We select people with short hair on occasion. We select women who are apparently wearing wigs, and women who are apparently not wearing wigs.

There is no operative method that I could state now which would answer all of the questions about it.

Q. Does a lot depend on the instincts of the inspector?

A. Yes, it does. We have some inspectors, for example, who have tremendous records of seizures of illegal goods. If we could isolate whatever that instinct is and train others to use it, we might not need machines or any other "fancy Dan" operations in the future.

Q. Are dogs useful in this regard?

A. Dogs are tremendously useful in searching baggage and mail. We do not use dogs on people. Many people have a fear of big dogs, such as German shepherds.

Q. How many people are caught smuggling each year?

A. During the first nine months of fiscal year 1970, we made 4,500 arrests and 3,900 seizures for drug smuggling. In the first nine months of this fiscal year, we have made over 5,700 arrests and over 7,000 seizures just for narcotics. Five years ago, in all of 1966, we made 2,522 arrests and 1,206 seizures.

Q. Does this reflect an increase of staff and surveillance?

A. Yes. You have to remember that our bureau for many years was conditioned to the idea that they were in the passenger-facilitation business. Nowhere in the law are we charged with passenger facilitation. We are charged with the collection of revenues due the United States and the interdiction of prohibited merchandise. It has taken some time for people who have been bludgeoned into this passive attitude for some years to readjust and reorient their approach.

Q. What's the penalty for smuggling heroin?

A. It's a mimimum of five years.

Q. Is the penalty stiff enough, or should it be made tougher?

A. It's not just a question of penalty. Most judges are giving very stiff penalties for commercial-type smugglers of heroin and drugs like that.

The biggest problem we've had recently is that some judges set the bail too low, and these fellows take off. That's very hard for us to accept after we've made such a big effort to catch them.

I read recently that a former South American consular official, whom we arrested in a very serious commercial narcotic-smuggling case, fled from the United States after conviction and went back to South America. They won't produce him for us, even though he has been convicted after a trial in federal court.

Before that happened, when the bail was set on this man, we had asked the judge for a much higher bail, based on our knowledge and experience. The judge refused to give it. As a result, this man left the country, and we'll probably never get him.

The judge gave him a 10-year sentence in absentia on the bail-jumping charge. That's a great penalty, isn't it? This man is sitting in South America, and that's going to have a great deterrent effect—the fact that he's got a 10-year sentence facing him in the U.S., to which he'll never return.

We have to get the recognition of some people on this. This is not an isolated case—but I think most judges are giving greater recognition to this now. But making it too easy for the smugglers encourages them to escape and frustrates all of our efforts.

Q. At which entry points are most arrests made?

A. At the Mexican-border points, because that is where we have the most crossings and over a great distance. Most of the arrests would be made there for land entries by automobile and other vehicles. That is where most of the marijuana comes in.

Heroin, however, comes in any number of ways. Heroin now comes basically from opium grown in Turkey, refined into heroin in Europe and then smuggled into the United States by any number of routes, including Mexico.

The principal thrust in recent years of heroin smuggling into the United States has been from the French Corsican underworld that controls a great deal of the traffic together with some other old-time smugglers in Central Europe. Recently they have been utilizing South America as a base for bringing drugs into the United States. Most of our major seizures in the last three or four months have involved heroin coming from South America.

Q. Are the narcotics-smuggling routes changing now?

A. Routes are constantly changing. From 1962 to 1967, "hard" drugs, particularly heroin, were generally smuggled into the United States from the Marseilles region of France where it was manufactured. The narcotics come into the U.S. at a variety of points, through such places as Canada and Mexico City.

This was changed by certain individuals operating in South America. They expanded their operations from 1966 to 1968, and began to work into the East Coast of the U.S. from there.

Now much heroin has been coming from France through South America and into the United States via the Miami region. Miami is the principal entry point for "hard" drugs entering the United States. There is relatively little entering through New York. Our inspection operation in New York has improved that considerably. Some Mexican heroin comes in through the West Coast—a considerable percentage through the Los Angeles area.

The people who smuggle from South America under the so-called *contrabandista* system have been smuggling goods out of the United States by private aircraft to South America for years. They have flown out tobacco, liquor, television sets and things like this. They went down with full planes and came back with empty ones. Recently they decided they might as well make money going both ways—and they've made a lot more money in heroin and cocaine traffic.

Q. How do these people get into the U.S.—the airlines or private planes?

A. By private aircraft and by couriers aboard airliners. There was one case, for example, in Miami in December when 202 pounds of heroin was seized. We also had a case in which we seized 93 pounds of heroin. Those amounts would have sold on the street for almost 37.5 million dollars.

The shipments were both on private aircraft. Both were detected as the result of work we were doing along with the Bureau of Narcotics and Dangerous Drugs and from information our intelligence operators had uncovered—plus alert customs inspectors.

We, of course, examine private aircraft arriving from foreign places, just as we would any other aircraft.

Q. Do you have to keep changing your tactics in order to keep the smugglers off balance?

A. Yes, we change all the time, because they are constantly probing our defenses.

They fly people over without any contraband on them to see what the inspection activities are in a given place. We therefore have to move our operations around. It is a key in our enforcement not to let people know how many people we are examining in JFK, or when or what flights, or that maybe today we'll examine 20 per cent and tomorrow 100 per cent of the passengers.

We have to be one step ahead of them.

PROBLEMS WITH "CHEAP CHISELERS"

Q. Is there an increase in small-time smuggling of things such as fur coats and watches by tourists?

A. It's not increasing, but it is a continuing problem. Frequently, the ones who try to smuggle this way are people who are not without considerable means and who seem to enjoy this form of game. Frankly, it's cheap chiseling in most instances, because the duty is very small. What it really does, and what bothers me about it most of all, is that it diverts our energies to the nonsense of apprehending people who simply should not be doing that kind of thing. They're not really criminals; they're petty chiselers.

There was the case, for example, of a rather well-known lady some months ago who is constantly being written about in the society columns—I guess you'd call her part of the "jet set." She came in with a rather large diamond ring, which one of our inspectors spotted immediately. It had a setting that wouldn't normally be an American jewelry setting, so he asked her about it. I think it was about a 7 or 8-carat diamond ring—a very valuable jewel. It wasn't on her declaration sheet. At first she said she bought it in the United States, and then insisted she had had it for some years and really bought it in France or someplace.

She didn't amend her declaration, even though the inspectors gave her an opportunity at that point to do so. They frequently do that to try to get these things solved quickly. So we seized the diamond, and she wound up paying penalties which amounted to more than the value of the diamond in order to get it back.

Q. Is there much smuggling of large quantities of commercial goods?

A. Yes, there is a lot of that. Billions of dollars' worth of materials are brought into the United States every year.

Depending upon the classification of the goods and the rate of duty, the amount of duty varies considerably. Consequently, people in the commercial world on occasion say, for example, that they've received 450 bales of 750 yards each of some material, instead of 500 bales of 1,000 yards each, the actual figure. If we accepted that, it would give them a considerable savings in duties and an edge in their business dealings. These kinds of fraud cases are causing us considerable problems, and we intend, this year to increase our efforts in the area very vigorously.

Another method by which some importers evade the law and take advantage of U.S. producers is by misrepresenting the cost of the merchandise imported. Because of this, we have laws under which duties are frequently calculated to make up for the difference between the cost of production overseas and the cost of production in the United States. We then impose "countervailing duty" to offset this maneuver.

Q. Is there an increase in that type of activity?

A. Yes, for a number of reasons. One of our senior officers said that, in his experience, when there is some decline in business, there seems to be an increase in fraud. I guess it goes along with the old theory that fire-insurance losses are greater during periods of depression than they are during periods of prosperity—a theory which I've never personally checked.

Another factor is a tremendous increase in imports into the United States in relation to what is manufactured here.

Q. How much does the U.S. collect in customs duties?

A. Just under 3.5 billion dollars. We're the second-largest revenue-collecting agency in the United States. Until the advent of the Internal Revenue Service, we were No. 1.

Q. Are these duties increasing along with our foreign trade?

A. Yes. In spite of constantly lowered rates of duty, our total over-all collections are increasing simply on the basis of a greater volume of merchandise imported into the U.S.

Q. Is the Canadian border a source of big problems?

A. Yes, definitely. The Canadian border has always caused us problems. As I mentioned before, one of the principal routes of heroin was through Canada. Frequently, that would be on flights after they were pre-cleared in Canada and then flown into the United States.

We have a very different enforcement posture along the Canadian border. We're also increasing our enforcement effort on the Canadian border. And the Canadians are increasing theirs—they've stepped up their own programs. We work very closely with them, as we are now with Mexico.

Q. Is this likely to cause bottlenecks for people going back and forth between the two countries?

A. It will, on occasion. We frequently run what we call "blitzes" at border points like that, in which all cars are examined for 15 minutes or an hour, or whatever the time frame is. Nobody knows when or where it's going to be.

Q. Are these kinds of tactics really making it more difficult for professional smugglers?

A. Yes. We have to make the professional smugglers take higher risks in bringing their merchandise into the United States. The more risks they take, the more chance there is for exposure to our investigative efforts and that of our brothers-in-arms, the Bureau of Narcotics and Dangerous Drugs.

HOW TO GET PAST CUSTOMS QUICKLY

Q. What can ordinary law-abiding travelers do to facilitate quick and easy re-entry to the U.S.?

A. One of the simplest things for the traveler to do is to itemize what he purchased overseas and have his bills ready.

Before he goes, he should read some of the customs booklets available at his nearest customs office. We publish many booklets which outline the various duties and procedures that should be taken.

For example, people frequently go overseas with beautiful foreign watches or cameras, which they should register before leaving the country. When they return, they expect us to go to the trouble of examining the item to see whether it's new or was bought previously. There are many things a traveler can do in this area which would be very helpful.

Another thing a traveler can do is to take flights arriving at nonpeak hours. It would be wise, for example, to avoid JFK at the peak hours of 2 p.m. to 5 p.m. As I recall, more than 60 per cent of the passengers coming into New York arrive during this three-hour period.

Q. Have you asked the airlines to stagger arrival times?

A. We have been working with them, but unsuccessfully thus far.

Q. Has it helped the situation for airlines to schedule more and more flights into less traditional ports of entry, such as Boston?

A. No. It's still a problem for us at this point, because it spreads our manpower so much.

I think in the long run it will be helpful to us, and we ought to give some consideration to regional air-arrival centers with shuttles to more distant areas. That way, we will be able to do a thorough job in coping with these problems, particularly in narcotic drugs.

The use of narcotics reached the epidemic stage only after 10 years of doing too little about the problem. I hope that maybe in the next 10 years the problem won't be so great, and that it won't be necessary to delay so many travelers.

Q. How difficult is it to control the import of narcotics from Vietnam?

A. It's becoming a greater problem all the time.

The winding down of the war, to some extent, has made it easier to bring narcotics from the opium-growing areas into Saigon.

Also, there has been substantial use of marijuana over there by our troops, and they sometimes go on to using the "harder" narcotics that are available there.

A third factor is that, with the winding down of the war, a lot of these fellows have a lot of time on their hands. And some of them start sniffing heroin. They kid themselves into thinking that sniffing the stuff doesn't result in addiction but it can and does.

Q. Do servicemen bring narcotics back when they return to the U.S., or do they send it back in the mail?

A. They've tried it both ways. We've got a very extensive program going now in conjunction with the military to try to abort this before it gets too bad.

Q. Which has priority in your fight against narcotics smuggling—heroin or marijuana?

A. Heroin. There has been considerable debate about the validity of our laws concerning marijuana, and a presidential commission is now examining this from the medical and penal aspects. We, on the other hand, in the enforcement area are well aware of the fact that you don't die from marijuana the way you do from heroin. We've reached the stage where more people are dying from drug-related causes in the city of New York than there are soldiers from New York who are dying in the Vietnam war.

In terms of priorities, we're going after the "hard" drug peddlers. We're trying to reduce the supply of "hard" drugs in the United States.

Q. How extensive are your intelligence operations overseas?

A. The United States has two basic systems.

The President has assigned the Bureau of Narcotics and Dangerous Drugs [BNDD] the principal responsibility for overseas-enforcement representation. They have a number of principal offices located around the world.

In addition, the Bureau of Customs has specially trained senior agents in each of those overseas BNDD offices as coordinators of intelligence for our own purposes.

With reference to general smuggling, we have had agents stationed for many years in such places as Rome, Paris, London, Tokyo, Hong Kong and Frankfurt. These agents conduct investigations for us in cases of fraud, underevaluation of imports and other customs problems.

We don't have enough agents overseas. One of the biggest problems we have is getting sufficient prior intelligence. If we want to reduce the amount of examination and the rigorous aspects of our examinations, the more intelligence we have, the better.

Q. Do you get much co-operation from foreign countries?

A. We're increasing our co-operation with foreign countries on a national basis at a tremendous rate. For example, we recently agreed to work more closely with the French. We hope that this means exchanges of techniques and intelligence can be improved considerably.

One of the great accomplishments of this Administration in this area has been that the President has raised the whole matter of narcotic-law enforcement to a major foreign-policy consideration.

Q. Do the new air marshals play any role in your program?

A. The air marshals, who are Customs security officers, are primarily responsible for preventing the hijacking of aircraft. Thus far they've been quite successful in doing that. I hope eventually they will also be able to help the Bureau more with our antismuggling work. I wouldn't say yet that they have been too successful in this. But they are being trained to detect smugglers, and I would think that professional smugglers would be well-advised to beware of the sky marshals.

Q. Are you still recruiting for that program?

A. We have slowed down. We're planning to have two more classes, and then there will be a delay for a period of time until we can absorb this group. There's a great problem in absorbing tremendous numbers of people like this to make sure you get the right personnel.

Q. How many sky marshals are there now?

A. There are more than a thousand.

Q. How much of the total shipments of "hard" drugs do you estimate you've stopped?

A. I don't think there is any way of making an estimate. The only thing we'll be able to measure is when we notice that there are shortages of heroin. Heroin shortages are noticeable, because the police know about it from the addicts pretty quickly. We haven't seen any significant heroin shortages recently. We're looking forward to that. We know that too much has gotten past us—enough, certainly, to permit this tremendous addict population to fulfill its needs.

If we can ever stop it completely, narcotics, obviously, won't be available. That, in itself, would stop all addiction.

Q. Will it ever be possible to stop all but a tiny trickle of smuggling, both of narcotics and contraband?

A. If the country were willing to go to the lengths necessary, almost all of it probably could be stopped. I don't know how far the country is willing to go to do this.

Q. What lengths would you have to go to?

A. Well, for example, we virtually stopped drugs from coming in from Mexico during Operation Intercept. That necessitated the examination of almost every person and vehicle coming into the United States.

There is no question that if this country wanted to establish complete barriers around its borders, we could stop a lot more contraband from being smuggled in, but that would require measures that would be unacceptable for other reasons.

Q. Will you ever have another program like Operation Intercept?

A. I don't think we'll have another Operation Intercept at the Mexican border in that form. We've had other forms of intensified programs. This was just one of them.

The result of Operation Intercept was that we're now getting much more cooperation at the Mexican border from the Mexican Government.

THE DANGER OF OPEN BORDERS

Q. Conversely, what would happen if you completely opened our borders, as has been suggested from time to time?

A. At the rate of growth of narcotic addiction in the United States during the '60s, I would estimate that by the year 2000, some 25 per cent of the American population would be heroin addicts.

You cannot become an addict unless the drugs are available. There is no question in my mind that there is a direct relationship between the number of people who become addicted and the amount of drugs that is available.

SINO-AMERICAN RELATIONS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. DERWINSKI. Mr. Speaker, in a number of statements in the House in recent weeks, I have emphasized my strong belief that we must move with great caution in dealings with the Chinese Communist Government in Peking. I am convinced that we have witnessed in the press in the last 2 months a very predictable, but nevertheless unfortunate, euphoria stimulated by a very careful propaganda move of Red China's in inviting the U.S. table tennis team to enter its mainland.

A very timely and, I believe, excellent commentary of the Chinese question was contained in a speech by the Ambassador of the Republic of China to the United States, the Honorable James C. H. Shen, at the National Press Club here in Washington on June 24.

In view of the editorial commentaries that were prompted by this speech, I wish to insert the full text of Ambassador Shen's remarks.

I include the article as follows:

SINO-AMERICAN RELATIONS IN PERSPECTIVE

(A speech by Mr. James C. H. Shen, Ambassador of the Republic of China to the United States, at the National Press Club, Washington, D.C. at 12:30 P.M. June 24, 1971)

A new Ambassador, if he is to be truly useful to his country, must learn to stand with his feet in two worlds—the world from which he comes, and the world to which he is accredited.

However, in the case of an Ambassador from the Republic of China to the United States, this task is not so onerous. The similarities between our two countries greatly outweigh the differences. We have shared a long tradition of mutual goodwill. There is the long habit of working together in international affairs. Each of us is moved by the same basic objective—the preservation of a free world in which our children and our children's children will have a chance to grow up in peace and security. Although differences do sometimes arise between our two countries, the important thing is that we move in the same direction. In the dichotomy of the world which has been created by the Communist upsurge, the Republic of China and the United States stand on the same side.

One helpful bridge to understanding is the fact that I, like most of my predecessors in the office of Ambassador, have had the advantage of study in the United States in my formative years. We have lived amongst you, and learned to admire your culture and institutions. We have a common link of youthful memories. To return as Ambassador to a nation which is so intertwined with one's student years is one of the pleasures of the diplomatic life.

I realize, poignantly, that I come here at a moment of changes. The United States, in its sincere desire to reduce tensions and achieve a peaceful world, has taken some initial steps toward accommodation with the Communist regime which has imposed itself upon our fellow-countrymen on the mainland. Some Americans want to go much further. There are many in your country who are convinced that the Free World can live on friendly terms with an aggressive Communist dictatorship, such as that which is headed by Mao Tse-tung. Although we respect the sincerity of your effort, we in Taiwan do not share your optimism.

If we, of the Republic of China, seem to have little faith in the often voiced hope of building bridges to the Communist-occupied Chinese mainland, it is because we have had long and bitter experience with Mao Tse-tung and his cohorts. We have learned, at a great cost, the worthlessness of his promises. We have experienced the fanatical ruthlessness with which he pursues his goals. We know that, even behind Chou En-lai's much publicized "smiles", lurks the unaltering intent to trap the Free World, and especially the United States, into letting down its guard. We know, from their own boasts, that their aim is the subjugation of the world. With such an opponent, truces are meaningless.

Nor has the Chinese Communist regime changed.

Some of you, I am sure, have read about the current Peiping newspaper campaign against the United States. On the Chinese mainland where the newspapers are owned and controlled by the regime, their editorial statements are the voice of Mao Tsetung himself.

On May 20, scarcely a month after the Ping Pong overtures, the Peiping press, spearheaded by the JEN MIN JIH PAO, published an editorial which touched an almost all-time low in savage hatred and contempt for the United States. Declaring that the Nixon Administration had "landed itself in a blind alley and is at the end of its tether", it proceeded to hail the "violent revolutionary storms in the United States". I confess that I have not seen any such "storms" since my arrival.

Drawing upon its imagination, the Peiping press pictured the American people as turning in vast numbers against their government. It climaxed itself with the following outburst:

"The people of the United States are dealing heavier and heavier blows from within, at U.S. imperialism, the world's ferocious enemy, and they have become an important vigorous force in the world people's struggle against American imperialism."

All this, mind you, within a month after this country had made the friendliest gesture to Peiping since the Korean War! The American press has been full of talk about a "thaw" in Washington-Peiping relations. If this is a "thaw", I wonder what a real breakthrough would be like.

Perhaps the American people should have been prepared for this cold blast from Peiping when, last month, the People's Daily, the Red Flag and the Liberation Army Daily, all official organs of the Chinese Communist regime, went out of its way to ridicule President Nioxn over the Ping Pong amity by an editorial warning, with the caption, "Nixon, Don't Let Your Head Get Too Dizzy."

To return to the JEN MIN JIH PAO editorial, its most important punch line was the reproduction of the year-old statement of Mao Tse-tung himself, (first published on May 20, 1970) calling for war upon the United States. In this oft-quoted statement, Mao called upon the people of the world to "unite and defeat the United States aggressors and all their running dogs". That the JEN MIN JIH PAO should resurrect this statement of Mao's in the context of the present post-Ping Pong developments, is a clear signal to the United States that the Peiping regime has not changed one iota in its anti-Americanism. If the Mao government had even a vestige of desire to improve relations with Washington, it would have made an especial effort at this time to bury such past anti-American declarations. Instead, its controlled press flaunts these insolent words in Washinton's face. Certainly, the Mao regime could not have made it any plainer that it does not intend to recede one inch from its past policies, no matter what concessions or gestures the United States is willing to make.

In all the utterances of Mao Tse-tung and Chou En-lai, one thing is always noteworthy. In their official pronouncements, they make no attempt to speak to the United States Government. If you read their statements closely, you will note that they are always speaking over the head of the U.S. Government to what they describe as the rebellious masses of the American people. Their words are not words of amity. They are the words of an unchanging enemy government which is thinking constantly about the incitement of revolution in this country. Their terminology has not changed in the slightest despite repeated gestures of friendship from your government.

Thus, the so-called "thaw" is all on the part of the United States.

The whole gesture which is now being made to the scowling men in Peiping is, of course, motivated by one of the noblest sentiments of mankind—the desire for universal peace. Nobody is more eager to hasten the arrival of that ideal condition than the Republic of China. But we must be on guard against those who use the peace slogan as a mask to conceal the fact that their real objectives are militaristic and evil.

We live in a world in which cynical political forces have used the popular longing for peace as a propaganda weapon. As political realists, we must recognize that all those who cry "Peace, Peace," may not really mean it. Every would-be world conqueror has always justified his crimes against humanity by the plea that he was seeking peace. Adolf Hitler rationalized his inhumanities by intoning the "peace" slogan. Today, the most brazen exploiters of the notion of "peace" are the Communists. They have rewritten history by picturing the United States and the Free World nations as the "imperialist aggressors". They have depicted themselves as the unselfish defenders of the peace-loving people of the world against such aggression. The unthinking and the uninformed have, only too often, been moved by this "Great Lie". What the Communists do not disclose is that the only peace in which they are interested is a peace of world submission to Communist totalitarianism.

We of the Republic of China believe that peace upon such terms is not worth having.

The Free World should be vigilant, at all times, against those who are trying to make the genuine peace movement an unwitting tool for Communist purposes.

There is another mental trap in the current discussion of China, which I want to point out. Many editorialists and TV commentators have the habit of referring to the Peiping regime as if it were the genuine voice of the Chinese people. In their articles and discourses, they talk about "what China wants", as if there were indeed some present procedure by which the wishes of the vast Chinese public, imprisoned on the mainland, is being determined. Actually, such publicists, knowingly or unknowingly, are only repeating the handouts of the comparatively small Communist officialdom which has imposed its merciless rule upon the people on the Chinese mainland.

Even this officialdom is divided in its real convictions. The recent so-called "Cultural Revolution", in which thousands of youths were slaughtered or imprisoned for differing with Mao Tse-tung, shows that there is not even a consensus among this ruling minority. Whenever Red China is quoted, only one man is speaking—Mao Tse-tung.

Overlooked in the present debate about building bridges to Red China is the remorseless fact that, in 21 years of rule, the Communist regime has not once made any attempt to ascertain or poll the wishes or opinions of the mainland Chinese masses. Authors who write so glibly about "what China wants", do not have even the remotest touch with the real Chinese public.

Who are the Chinese people? Not only are they the submerged masses of mainland China, they are the 14 million Chinese of the Republic of China on Taiwan, who are struggling desperately to keep alive the cherished traditions of historic China which Mao Tse-tung scornfully seeks to stamp out. They are the 18 million overseas Chinese who play such an important part in the economy of the nations of Southeast Asia. They are the terrorized youths of mainland China, thousands of whom are risking life every month to escape to Hong Kong and other places of refuge, rather than endure the prison camp life of Mao's China.

Should not the wishes of these unconsulted Chinese be considered before action is taken which will tighten Mao Tse-tung's grip over the majority of the Chinese race?

The Republic of China asks her friends not to take hope away from these freedom-loving Chinese people.

But there are those who say that we must come to terms with Mao Tse-tung because it is "inevitable". In every discussion of China's destiny, someone always raises the point that we cannot disregard Mao's rule because such action is compelled by inevitability.

Of course, no contention could be more unsound. You and I know that nothing is inevitable until faint-hearted men, weary of struggle, decide to give up. All through history, the plea of "inevitability" has always been the alibi for appeasement. The brave can find many alternatives, in China's present situation, to the proposed course of placation.

The hollowness of this inevitability plea is shown by the present attitude of the Peiping regime. In all its official statements, the stress is always placed upon the changes which the United States should make in its policies. Not one word is said about the changes which Peiping is ready to make in its policies. Their unchanging posture is that the whole world is wrong and they are right, and that the world must remake itself to secure their friendship. This is not "inevitability": this is a brazen demand for surrender.

This brings us to the question of the United Nations.

The alleged "thaw" with the Peiping regime is renewing the demand, by many who should know better, that the Chinese Communists be admitted to the United Nations, in place of the Republic of China. No greater travesty of the peace role of the United Nations could be projected.

Peiping, condemned as an aggressor because of its armed intervention in the Korean War in 1951 by the vote of the General Assembly, would enter the U.N., unchanged and unrepentant. Its presence in the U.N. would doom the organization to a snarling Communist-Free World deadlock. Such a deadlock would nullify all the peace hopes of the people of the world. Surely the good sense of the Free Nations should save us from such a moral collapse.

I need not stress the fact that the United Nations itself has come under serious and damaging criticism in recent years. Its credibility as a force for world morality and world peace has suffered bruising blows from its ill-wishers. The question should be seriously asked and pondered whether the U.N. can afford the loss of prestige which capitulation before an unchastened Chinese Communist regime would bring. The United Nations has its own troubles. To add to them the discredit which would follow the admittance of the bellicose Chinese Communists would impose too great a strain upon the whole apparatus.

Nothing is so dangerous in world affairs as a shortsighted, improvised decision for a long-term major problem. Once the decision is made, the world must suffer the consequences. Can the peace-seeking nations live safely in association with a Chinese Communist regime, blatantly boasting that it will destroy what it calls "imperialist United States"? The question is self-answering.

But some will argue that there are still saving advantages for the Free World in an entent with the Mao regime because it would stimulate trade. For countries having balance of payments problems, it seems like a godsend. Indeed, much of today's pressure for a "thaw" with Peiping comes from hopeful business interests seeking profitable mainland markets.

This argument, it seems to me, is shot full of holes. The Chinese mainland is a closed economy. The open economies of the Free Nations cannot sell goods in a closed market except upon the humiliating terms of Mao Tse-tung's go-between. There can be no hope of reasonable profits when the regime is able to rig every economic operation to its own narrow advantage and gain. Do the entrepreneurs of Europe and North America believe that they can gainfully enter a Mao Tse-tung market which for years has baffled master salesmen of other countries, Japan for instance?

Actually, Japanese businessmen have sent trade delegations for several successive years to the Canton fairs. How have they been greeted? The proof of the complete politicalization of all Chinese Communist trade maneuvers is the fact that these Japanese, with their order books open, have been instructed to make a public statement condemning the policies of their own government before the Communists will do business with them. Is there any hope of mutually profitable trade with a regime which requires such abject surrender?

The delusion of rich trade prospects on the Chinese mainland for the Free World is plainly demonstrated by current trade statistics. Last year, the total two-way foreign trade of the Chinese mainland was only $4.2 billion. This figure was reached only by including the extensive barter trade with the Chinese Communist regime carries on with the other Iron Curtain nations Peiping's world trade figure has sunk as low as $2.7 billion within the last decade. Measured in terms of the population, the per capita foreign trade of people on the Chinese mainland in 1970 was only $5.5. This, for an area which claims a population of 700 millions! It is not that the Chinese mainland does not offer profitable trade. The fault is that an anti-foreign Communist regime of Mao Tse-tung is psychologically incapable of the mutual give and take which must be the foundation of any durable trade relationship.

That rich trade, on civilized terms, is possible in China, is clearly shown by the experience of the Republic of China in Taiwan. This province of only 14.7 million people, last year rolled up a total two-way foreign trade of $3.088 billion. The per capita foreign trade was $192.5. The explanation for this difference is a very simple one. There is free enterprise in the Republic of China's province of Taiwan, whereas an autarchy is in control on the Chinese mainland.

So slight are the possibilities of important trade with Mao Tse-tung that an organization which has clamored for closer relations between Peiping and Washington—the National Committee on United States-China Relations—recently reported that, under the most favorable conditions, it would be a decade before U.S. trade with the Chinese mainland would reach a figure as high as $650 millions. This report followed a study which the Committee authorized, conducted by Dr. Robert F. Dornberger of the University of Michigan.

American businessmen who expect early profits from the "thaw" with Mao Tse-tung should also heed the words of Mr. C. W. Robinson, president of the Marcona Corporation, who has had long experience in Far East ventures. Mr. Robinson said, "In new trade with the Peiping regime, we may have to learn to crawl, before we can walk—and we may have to do a lot of crawling."

Now, with your permission, I would like to conclude by telling you a bit about what we have done on Taiwan in a matter of twenty years. Taiwan, as you know, is the smallest province in my country. It is an island of only 14,000 square miles and has few natural resources. Today it is the most prosperous province in China's history. The per capita income is nearly U.S. $300. Our foreign trade this year will be close to four billion dollars. Basic education has been extended to nine years, and a quarter of our population is in school. We have the highest daily count calories in Asia. Taiwan is also about the healthiest place in our part of the world. We have had no cases of malaria, cholera and smallpox for many years. We have raised the life span of women to 72 and that of men to 68. Since 1965, the year your country terminated its economic aid to us, we have been on our own. Meanwhile, as an ally of the United States, we continue to receive some military aid, but this has been steadily decreasing in amount over the years. But we are determined to support largely by our own resources a strong military posture. Our 600,000 men under arms and more than a million others in trained reserve are making a positive contribution toward the maintenance of collective security in the Western Pacific. Our very existence as a viable society has kept alive in the hearts of our brethren on the mainland their hope for eventual liberation. The Chinese Communists are world revolutionaries and they must be denied the opportunity of forging China's vast population into an instrument for either the enslavement or destruction of the world.

Before I left Taiwan a few weeks ago, a friend came to me. He said he feared the United States was deserting the Republic of China and asked what could we do. I told him that, first of all, I refused to believe the United States was abandoning one of the best friends it ever had. And I told him, second, that the Americans were too intelligent and too knowledgeable not to realize that their self-interest lies with the Republic of China and not with the Chinese Communists who oppose everything for which America stands.

These are some of the considerations that I, as a freshman Ambassador, believe to be important. *We* must not let ourselves be deceived by our groundless hopes. Knowing the American people as I do, I cannot believe that the United States will allow itself to be deceived by the false image which Mao Tse-tung is now expediently holding up to the world. The future of Asia and of the whole Free World depends upon your decision. I know you will not fail us.

IN OPPOSITION TO PROPOSAL TO CITE CBS AND DR. FRANK STANTON FOR CONTEMPT OF CONGRESS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. MOSS. Mr. Speaker, the following is a preliminary draft of a statement of minority views in the matter involving the recommendations of the Committee on Interstate and Foreign Commerce to cite CBS and Dr. Frank Stanton for contempt of Congress. Thirteen members of the committee opposed the action. Since time may be short for members to consider this important question, some of these 13 have made a preliminary draft encompassing several of our ideas and presenting the factual background of the action, and we place it in the RECORD herewith so that you may share these facts with us and have time to consider these views. We have not yet formulated our final views for the report, but such will be filed Monday as permitted by action of the committee.

MINORITY VIEWS

SUMMARY

The undersigned are all opposed to the House citing Dr. Frank R. Stanton of CBS for contempt. Some of the undersigned have differing views on the strength of certain arguments against the citation, and therefore additional minority views are included in this report.

All of those who voted against the citation are in agreement, however, that this case is not justified because all of the information which the Committee needs in order to legislate is available to the Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee.

It is asserted that the editing by CBS of its program, "The Selling of the Pentagon," was so flagrantly deceitful and injurious to a proper public understanding and appreciation of the subject matter as to invite Congressional inquiry. Congress certainly has a legitimate interest in preserving the integrity of usage of public airwaves and channels by their licensees. And as in other areas of legislative concern, it has a broad power to compel the production of information it deems essential to its lawmaking function.

But under the First Amendment we do not have the power to abridge freedom of speech and of the press. Even assuming, without accepting, that the subject program was deliberately edited with such deceptive result as to require our inquiry, the question then arises as to whether an absolute necessity exists to compel production of the outtakes in order to complete that inquiry. There is the further question as to who shall determine what is truth and what is deception. It is plain that if information is not needed for a legitimate investigative purpose, an order that it be introduced can only be construed as arising from a concern for establishing "What is truth" by a governmental action.

If we do choose to exercise the drastic power recommended by our Committee, we must recognize that the underlying assumptions we make as to its reach will be subject to judicial review and possible reversal. So the first question to consider ought not to be whether the asserted power actually exists in this case but whether, on the perilous assumption that it does, it should be exercised in this fashion. Discretion may be the better part of Congressional valor where the constitutional line to be approached is seen by many to divide us from First Amendment territory.

In view of the availability for comparison of the full transcript of the principally contested materials, no such overwhelming necessity is shown. Congress certainly ought not to compel production of information already in its possession.

The CBS network did not object to the Congressional investigation and supplied to the Subcommittee the full transcript and film of the program "The Selling of the Pentagon" as it was broadcast. Dr. Frank Stanton, the President of CBS, appeared before the Committee and subjected himself to questioning for a period of several hours. The network has also made available to the Committee a statement of the general principles which it has applied to editing in the past and the specific guidelines which are to guide its editors in the future. This has been placed in the Congressional Record for July 8 under Extension of Remarks of the Honorable Brock Adams at **page 24142**. Dr. Stanton answered all of the questions before the Committee except those relating specifically to the editing and outtakes involved in the Committee subpoena. Nevertheless, we are told we must serve notice now, by asserting this power, that it exists, else we will lose it.

STATEMENT

A brief statement of the subject of this controversy is appropriate here.

The controversial portions stressed by those advocating the citation are the interview of Daniel Z. Henkin and the speech of Colonel MacNeil. The specific areas of investigation demanded by the Committee staff and later incorporated in its subpoena are purportedly necessary to show that the interview of Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs, was altered and that a speech of Colonel MacNeil was quoted out of context and distorted in the documentary.

An analysis of the materials available to the Committee and now to the House of Representatives shows that the entire interview that was filmed with Daniel Z. Henkin was recorded by the Pentagon, and a transcript of this is not only in the Committee files, but has been analyzed by the Committee staff to show the purported distortions. This is available to all members under the Extension of Remarks of the Honorable F. Edward Hébert of Louisiana in the Congressional Record of March 8, 1971, starting at page 5401. The Colonel MacNeil speech and the alleged distortions as analyzed by the Committee staff are also available in the Committee files. The full text of this speech is available to all Members in the Congressional Record of July 8, 1971, under the Extension of Remarks of the Honorable Brock Adams of Washington starting at page 24203.

ARGUMENT

Desirability of restraint

Here we are called upon to create an incident on the border between the constitutional rights of Congress to demand information related to its duties and the right of the press to be free from governmental prying—prying which has a chilling effect on the exercise of First Amendment rights. As is the case in all conflicts between institutions operating in areas of constitutional powers, it is always best to remain well within the constitutional bounds of the area involved. Thus, Congress has been extremely cautious in approaching the borders of Presidential powers to wage war, even when its power to declare war is arguably infringed. Thus, resolutions in this area are framed as admonitions rather than commands. Likewise, the Supreme Court does not issue mandates directly to Congress to perform acts, but rather delineates the law and directs, as in the Adam Clayton Powell case, that subsidiary officers perform the ministerial duties that result, for instance, pay money where it is found to be due.

The same rule of prudent self-restraint should govern Congress in a case where it is called upon to extend an exercise of its powers to the very edge—and perhaps over the edge—of its bounds of constitutional authority. Though this is not a case involving conflict between any of the three great branches of government, it is a matter of equal importance. It is a confrontation at the borderline between congressional power and First Amendment rights. The Bill of Rights of the Constitution protects the people against government, and this area of constitutional authority and protection is at least as important as the areas of constitutional authority represented by the three branches of government.

The Henkin interview

We must view what lies in the foreground of this dispute against these important background considerations. The problem presented is an adamant demand to have material much of which the Committee already has. In the crucial area of Subcommittee concern, it has it all. It has the total script of the interview between Daniel Z. Henkin, Assistant Secretary of Defense, and Roger Mudd of the Columbia Broadcasting System; and it has the tape of the documentary, "The Selling of the Pentagon." Thus, it has all the information concerning this matter that it needs to draw conclusions concerning governmental policy, or the need for law relating to such documentaries and to their editing, cutting, splicing, and rearrangement. The cogent facts concerning the Henkin interview were these (what is recited is taken from Committee files):

During the program, "The Selling of the Pentagon," Roger Mudd said: "We asked the man in charge of all Pentagon public relations, Assistant Secretary of Defense Daniel Henkin, if he felt the press did a good job covering the Defense Department."

The documentary showed Mr. Henkin saying: "I believe that it does. From time to time, of course, it gives me some headaches, and I give the press some headaches. We understand that. We act professionally, there is a professional relationship, not only with the Pentagon press but with other members of the Washington news corps, but with newsmen who cover military activities around the world."

This was the unaltered first portion of Mr. Henkin's response to Mr. Mudd, and in the analysis by Committee counsel it is said: "This constitutes about half of the original answer. The meaning and intent were not changed substantially."

Later Mr. Mudd asked Mr. Henkin: "What about your public displays of military equipment at State Fairs and shopping centers? What purpose does that serve?"

The first sentence of Mr. Henkin's answer was televised, as follows: "Well, I think it serves the purpose of informing the public about their armed forces." This eliminated Mr. Henkin's additional elaboration that an ancillary benefit was that of "stimulating interest in recruiting."

After a follow-up question by Mr. Mudd concerning speakers at Kiwanis and Rotary functions (which was not included in the documentary), Mr. Henkin further elaborated on the purpose of military visibility by saying: "I believe that the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs and we do have a drug problem in the armed forces, what are we doing about the racial problem in the armed forces and we do have a racial problem. I think the public has a valid right to ask us these questions." This appeared in the documentary as if in answer to Mudd's question about public displays.

The staff reporter's analysis states that "The modification alters the tenor of the response from attracting volunteers to problems in the armed forces."

Mr. Mudd asked further, "Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problem you have, is that the sort of information that gets passed out at State Fairs by sergeants who are standing next to rockets?"

The first sentence of Mr. Henkin's answer was broadcast: "No, I wouldn't limit that to sergeants standing next to any kind of exhibits." And then a statement is taken from a previous answer of Mr. Henkin and placed in context as follows: "Now there are those who contend that this is propaganda. I don't—do not agree with this." The staff report properly points out that the excerpts from Mr. Henkin's colloquy were not sequential and that other matter was involved in the discussion from which the statement concerning propaganda was taken. Such matter referred to data indicating an "increasing Soviet threat."

The only other part of the Henkin interview treatment which is specifically objected to is set out below. It is the last part of a statement by Mr. Henkin in reply to a previous question by Mr. Mudd and runs in sequence exactly as the colloquy occurred, except that the expression, "as one might say," was eliminated:

"We are trying our best to provide information. There undoubtedly have been times when certain actions have been staged. I think this is true of all TV news coverage. After all, this interview here is being staged, as one might say."

Mr. MUDD. How so?

Mr. HENKIN. Well, props were set up, arrangements were made—I did not just walk into this room cold; arrangements were made for it.

Mr. MUDD. Well, we wanted to film in your offices, but your people said let's go to the studios. So, we didn't stage it.

Whether the editing was fair, whether it was proper or improper, is thought by Members of the Subcommittee to be pertinent to their investigation. But there is no question but that they have before them the manner in which the broadcast was edited. They attempted to discuss these matters with Mr. Frank Stanton, President of the Columbia Broadcasting System, and though he willingly discussed editing in general, he refused to discuss this specific program or supply, even under subpoena, the outtakes. The important fact, though, is that the Committee had the information as to what the outtake concerning the Henkin interview consisted of and had the film of the program itself.

Colonel MacNeil's speech

Chairman Staggers had said at the commencement of the Subcommittee hearings on Thursday, June 24, 1971, that the documentary was controversial for two reasons, the first of which the Committee was not concerned about, that "it provoked the criticism of those who thought it was unduly biased against the public affairs efforts of the Department of Defense. . . . The Pentagon documentary was controversial for other reasons, however, which have nothing to do with the particular point of view expressed on the program."

He then gave two examples, the first relating to the Henkin interview which we have described in the first section. The second example related to Colonel MacNeil's speech. On this subject, Chairman Staggers said:

"In illustrating this allegation, the network presented the military officer apparently delivering a segment of his public address. Subsequent disclosures seem to demonstrate that the officer's words were rearranged out of their original order so as to make him appear to be delivering a statement which he did not in fact deliver."

The Committee has the whole text from which Colonel MacNeil made his speech. It appears to be in the form of a lecture on Southeast Asia, and the text was apparently somewhat changed in the delivery as will be noted from the staff's compilation of what actually appeared in the documentary. What was stated in the documentary is set out below in the underlined language. The source, the language of the text which was apparently used as a prompter, is placed in parentheses. It will be noted that certain changes in what is stated in the documentary from what appears in the text are of the kind that a man would make in making a speech from such a written text. References to the text are given below each of the statements from the documentary in parentheses.

Well now we're coming to the heart of the problem—Vietnam.

(And now—we come to the heart of the problem—Vietnam.)—from page 55 of the text.

Now the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam.

(Thailand is situated near Vietnam and it will be the next target of the Communists as they have already proclaimed.)—from page 36 of the text

If South Vietnam becomes Communist it will be difficult for Laos to exist. The same goes for Cambodia, and the other countries of Southeast Asia.

(If South Vietnam becomes Communist it would be difficult for Laos to exist; the same goes for Cambodia and the other countries of Southeast Asia.)—from page 48 of the text

I think if the Communists were to win in South Vietnam, the record in the north—what happened in Tet of '68—makes it clear there would be a bloodbath in store for a lot of the population of the South.

(If the Communists were to win in South Vietnam—the record in the North makes it abundantly clear—what kind of a widespread blood bath would be in store for the population of the South?)—from page 73 of the text.

The United States is still going to remain an Asian power.

(But the United States will still remain an Asian power.)—from page 88 of the text.

Apparently Chairman Staggers' statement that Colonel MacNeil was made to appear to deliver a statement which he did not in fact deliver is based upon the fact that the words actually spoken by Colonel MacNeil relating to the "domino theory" and taken from page 48 of the text was in fact indicated in the text to be a quotation from Prince Souvanna Phong (sic). But his portion of the statement was cited with approval and is supported in a much more wordy form in the last part of the lecture. The following appears at pages 125 and 126 of the Script in Colonel MacNeil's own language:

"In Col. Hof's lecture last week—geopolitics—he showed—in a strategic sense—that the war in Vietnam—like the war in Korea was—is a step or stage in the American policy of containment—which is concerned with the long range security of the United States. Vietnam is important to our national security. (U. S. security interests encompass, etc.)

"The loss of Vietnam to the free world [will] start the fall of the domino countries adjacent to it and to Red China, and then we shall face a threat from a hostile Asia quite similar to the threat we perceived in Europe nearly 30 years ago as the dominoes adjacent to and around Germany fell into the grasp of the Third Reich."

We do not condone the use of language in quotes without some indication that the same was in fact a quotation even though that portion of the quotation was given in order to prove a position which the speaker took and even though it agrees with the speaker's position enunciated elsewhere in his speech. But there is no showing that the point at which the quotation left off was indicated in other than the speech text in the Colonel's hands. The latter part of the quotation is an integral part of the substantive position he was taking.

Mr. Richard Salant, President of CBS News, states CBS' situation in "a postscript" of the documentary broadcast on March 23, 1971 as follows:

"I have examined the transcript of the Colonel's statement and it is difficult to tell where Souvanna Phouma left off and the Colonel started."

Apparently the transcript was the document that remained in the hands of CBS and not the special notes which we have referred to as the "text."

At any rate we have everything we need before us: the special notes which we have referred to here as the "text" and the tape of the documentary itself. Since Mr. Salant has testified that it is difficult to tell from the transcript where quotes left off, he has apparently brought this matter into the area of public inquiry, and there is no showing that with respect to this narrow question of fact any materials would not be supplied, as, for instance, a part of the transcript. The point is, the subpoena is not narrowed to the specific allegations respecting "manipulative techniques," "rearrangement of the words of an individual", or making one appear to "deliver a statement which he did not in fact deliver." They are directed at the whole process of editing and of selecting and rejecting.

Besides, from the information we already have it is quite apparent that the excerpt from Colonel MacNeil's speech did not unfairly impute to him a position which he did not take; and, of course, it is not accurate to say that Colonel MacNeil did not in fact deliver a speech containing these words.

A consideration of this type of editing was within the scope of what the Chairman said constituted the Committee's purpose. It will be remembered that he said that the Committee's proper inquiry dealt with a controversial matter having "nothing to do with the particular point of view expressed on the program . . . that the network engaged in some questionable techniques of persuasion. . . . questionable manipulative techniques alledgedly included the rearrangement of the words of an individual who was attempting to present a point of view at variance with that espoused by the producers of the program. . . ." (This comment was apparently with respect to the Henkin interview.) Then the Chairman referred to the MacNeil interview in the manner which we set out previously.

But the point here is that the Subcommittee had everything it needed in order to draw its conclusions about the propriety of this type of editing. Again, as in the case of the Henkin interview, it had both the total script of the speech as written and as approved by the Pentagon, and it had the tape of Colonel MacNeil's utterances which were included in the documentary.

Other materials sought by subpoena

As we have seen, there is ample material before the Subcommittee to consider the questions of policy enunciated by the Chairman as constituting the purpose of the investigation. The subpoena would seek to obtain *all* outtakes, material filmed but *not* used in the documentary. In our opinion this goes beyond what is needed for any legitimate Committee consideration.

It is not necessary for us to decide the correctness of Mr. Stanton's statement:

"But this subcommittee's legislative purpose—to prevent "distortions" or to control "editing practices" in broadcast news reports and thereby engage in official surveillance of journalistic judgments—has no constitutional warrant and therefore no benefit that can be balanced against the chilling effect of this subpoena, let alone outweight it."—page 20, Hearings of Thursday, June 24, 1971. because the Chairman in his initial statement eschews the purpose of entering into any aspect of the controversy which would review the question of whether or not the program "was unduly biased against the public affairs efforts of the Department of Defense." (See page 2 of the Hearings of Thursday, June 24, 1971.)

Mr. Stanton was, we believe, correct, however, and within his rights when he stated:

"I shall, however, do my best to answer questions of the subcommittee which do not seek to probe so deeply into the news process as to reach specific journalistic practices or the editing of particular broadcasts. The line is a difficult one to draw, and I hope the members of the subcommittee will bear with me as I deal with your questions. I hope we can achieve a dialogue consistent with the stand we feel compelled to take as a matter of constitutional principle."—page 22 of Hearings of Thursday, June 24, 1971.

Mr. Stanton stated precisely what he did object to in the following language:

"What we do object to is being subjected to compulsory questioning in a government inquiry, expressly intended to determine whether this or any other CBS news report meets government standards of truth."

It is our view that Government should forbear to establish "standards of truth" in the area of press freedom. We may set to the side questions involved in the area of advertisement. It is absolutely clear that this documentary was in the area of press freedom and that matters of editorial judgment in editing the documentary relate primarily to the opinion of the speaker and are under First Amendment protection.

Therefore, a subpoena directed generally at all outtakes must necessarily relate primarily to an examination of editorial judgment and not to filming techniques. Of course, all filming has some relation to filming techniques, but if First Amendment rights are involved, a review of editorial processes under the guise of examining filming techniques is not constitutionally permissible.

Therefore, we believe it was improvident for the Committee to issue the subpoena seeking outtakes, generally, particularly in view of the fact that all of those which were under specific attack were, in substance, known to the Committee.

The May 26 subpoena calls for production of all "film, workprints, outtakes, sound tape recordings, written scripts and/or transcripts utilized" in connection with "The Selling of the Pentagon," but the same is "limited to all such materials relating to the actual broadcast and (does) not include such materials relating to segments not shown. . . ." Thus, all manner of editing materials, in addition to outtakes, which had to do with the actual film shown are called for. We believe that such a general demand is tantamount to asking a newspaper for notes and journalistic preparation for an editorial and that such broad request has a chilling effect on free speech.

The subcommittee went beyond its stated purpose

As we have said, at the beginning of the Subcommittee hearing, Chairman Staggers stated that it had been alleged that "the broadcaster manipulated and rearranged their speech in such a way as to give the appearance that they were making statements they never made and giving answers to questions which were in fact not given." He said:

"Clearly this raises important issues concerning the adequacy of the laws governing broadcasting. Present law and regulations do address the subject of deception, but they do so in a very disjointed and unorganized manner. Thus, sponsorship, if any, must be announced; mechanical reproduction, if employed in the broadcast, must be disclosed. These provisions apply to news programming just as they do to other types of broadcast. In addition, fraudulent and deceptive advertising and quiz programming is forbidden. All of these provisions of present law are of undoubted constitutionality. Furthermore, they are quite similar to the legislative concerns involved in the present matter.

"All of these provisions reflect an understanding that the public has a legitimate interest in knowing the relevant circumstances under which material is broadcast.

"With this in mind, and recognizing that existing law might not be fully adequate to serve the public interest, this subcommittee determined to inquire into the serious allegations raised about the "Pentagon" documentary."

There is no question about the legitimacy of the concern of the Committee as enunciated by its chairman. The question is whether or not this legitimate concern can be pursued as far as is sought here without impinging upon freedom of the press. Also, can it be pursued *adequately* so as to obtain sufficient information to make decisions legitimately within its powers and duties without issuing the subpoena, or without issuing one as broad as that which is sought to be enforced here. We think it can, and we think the Subcommittee hearing itself indidicates that the Subcommittee had before it all that is needed to satisfy its legitimate curiosity in this area of concern.

We further think that, though the Chairman carefully constricted the area of concern within the Committee jurisdiction and within the power of Congress, Mr. Stanton's precaution against opening up a wide ranging investigation of editorial policy, with its attendant chilling influence on press freedom, was not without basis. This is reflected at many points in the record.

It is obvious, from some of the questions of both counsel for the Subcommittee and of some of the Subcommittee members, that the purpose of the hearing went far beyond the mere consideration of Federal Communications Commission control or of legislation to answer any specific problem raised by the facts involved. Of course, no legislation was before the Subcommittee, and indeed this was not the Subcommittee that ordinarily considers such legislation.

The real purpose of the Subcommittee was to review the editorial judgment exercised in the filming of the documentary, "The Selling of the Pentagon," and other controversial documentaries and news coverage. Note, for instance, that Mr. Manelli, counsel for the Committee, on page 35 of the transcript of the June 24 hearing, introduced correspondence between a Mr. Walter J. Cunningham of New York and CBS wherein Cunningham sought to obtain for review outtakes with respect to the 1968 Democratic Convention. Mr. Manelli was trying to establish that outtakes were not generally available to the public and, therefore, if they were to be gotten, they must be subpoenaed by a committee of Congress. Thus, Manelli said at page 39 of the transcript:

"So that if outtake material is deemed by this subcommittee or by the Congress or by the courts to have a bearing on the public interest and to have a legitimate relevancy to a public purpose, it follows, does it not, that that material will have to be obtained by compulsory process?"

This does not envisage the obtaining of the information, the outtakes, for the purpose of formulating statutes or policy with respect to regulation or surveillance over the Federal Communications Commission, but rather envisages obtaining them for their "public interest" value—for the disclosure of the material to the public, or perhaps only to members of the Committee, in order that there be some political pressure toward conformity with what the Committee deems a fair and proper presentation of the news.

Mr. Manelli says at page 40 of the transcript:

"Well, the investigation that was conducted by this subcommittee on the Chicago Convention I think by its terms did address a number of allegations—in fact, as the staff report shows a number of the allegations were prejudicial editing and selective inclusion in the broadcast of material unfavorable to the Chicago administration or to the police or what have you, that those were two of the specific allegations that prompted the subcommittee's inquiry. The report did not conclude that you had done these things but that certainly was one of the purposes of conducting the inquiry."

To further emphasize that a part of the purpose of the hearing was factual disclosure critical of the method of editing documentaries—and not eliciting information for the purpose of legislation and policy—is found in the following statement by Manelli at page 45 of the transcript:

"You don't think that the public is benefited by more information which goes to the techniques and the practices by which television news documentaries are produced? Don't you think that that particular product, the television news documentary is very important to the American public and they ought to know more about how they are produced just as they should know about other products that are important to them?"

Interrogation became inquisition

Second, as an illustration of the chilling effects that an investigation of this type has on media personnel, it should be noted that Mr. Manelli repeatedly asked questions that did not elicit information but sought to confine or bind the witness to a position favorable to the Subcommittee's position, such as the following on page 56 of the transcript:

Mr. MANELLI. Do you think that everything that people saw and heard on The Selling of the Pentagon was exactly what it purported to be?

Mr. STANTON. Mr. Manelli, I believe the broadcast was fairly edited.

Mr. MANELLI. That was not the question.

Mr. STANTON. I began to get into the editing answer a minute ago and you said you didn't want to get into that, but I have got to talk about editing if you are going to talk——

Mr. MANELLI. Mr. Stanton, would you start off with a Yes or No to my question and then explain. I asked you, Do you believe that what people saw and heard in The Selling of the Pentagon was "exactly what it purports to be?"

Mr. STANTON. I do.

Mr. MANELLI. You do. Do you want to explain it? I would be happy to wait and let you do so.

Then again on page 57 of the transcript Mr. Manelli asked:

"Again with respect to the Pentagon documentary do you believe that the program production practices were revealed so that the program as it appeared on the air was exactly as it appeared to be?"

Then on page 58, Mr. Manelli again asked:

"Do you think that there was anything in The Selling of the Pentagon which was likely to mislead a substantial number of people as to what they were seeing?"

This smacks of inquisition, not inquiry. No fact is elicited. It seeks to elicit from the witness an admission that the broadcast was biased. It appears that this is the *opinion* of the inquisitors and an attempt is repeatedly made to get Mr. Stanton to agree. It must be remembered that TV stations which carry CBS programs are subject to licensing, and the ranking majority member of the Interstate Commerce Committee was quick to point out our Committee's historic posture and power in this area. See June 24th hearing, p. 61.

Determining "a Standard of Truth" was a subcommittee goal

In the course of the hearing the Subcommittee *did* enter into the dubious role of determining "a standard of truth." Perhaps the fact that such was done was inevitable, and what is said here is not in criticism of the individuals who, as Committee members, probed deeply to bring out information deemed relevant to the inquiry. This is what Committee members *should do*. Their questions and the direction of the inquiry must, however be considered in connection with the subpoena and with the motion to cite for contempt.

At page 73 of the June 24th hearing, the ranking minority member said:

"I have explained in detail we are not interested in the First Amendment, we don't have anything to do with the First Amendment. What we are talking about is deceit."

* * * * *

". . . It is our preliminary opinion that CBS is guilty of deceit. If I view the word "deceit" correctly, it is a fraud."

Then on page 76 of the hearing Mr. Stanton answering that and subsequent questions by Mr. Springer stated:

"The intent of CBS news is not to deceive. The intent of CBS news is to move information on specific subject areas. The editing process is for the purpose of condensation, it is for the purpose of clarity and conciseness and it is done always by every journalist that I know fairly, objectively and in an effort to maintain the essence of what was said."

Again looking toward the ultimate question of "standard of truth," Mr. Pickle said at page 86 of the hearing:

"I will come back to you. '—in a government inquiry, expressing intended to determine whether this or any other CBS news report meets government standards of truth.'

"Now when you use the words 'government standards of truth' you are trying to imply, I believe at least, that you are saying that we are trying to set up Government censorship or Government control, that we are using Government standards of truth. Now who else is going to pass judgment on these matters if it is not the Government? We representing the people?"

Mr. Stanton. Mr. Pickle, that is the whole point, that is why I am here, and that is the reason I refuse to comply with the subpoena. If a subpoena is not compulsory, I don't know what is. You are the Government and this was a broadcast about a Government activity.

Again, on page 94, the ranking minority member stated:

"Now I don't want to get into an argument but I am saying as long as you do these controversial programs. isn't there some way in fairness—and this is an entirely different subject and I would like for you to think about it because I mean philosophy I wish that CBS would think about it and NBC and ABC. In the Public Broadcasting Act we passed three years ago we put in there . . . 'All controversial matters must be presented in perspective and in balance.' "

* * * * *

". . . I would hope that you people in TV would give this some thought about trying these balanced programs as an experiment and see if you cannot make just as interesting a program out of it as you can with this one-sided stuff."

We hasten to say that this discussion is useful in a Committee's ordinary deliberations, but it would be a dangerous precedent to permit the alleged "one-sidedness" to become an issue in an inquisitory proceeding which utilizes the power of compulsory subpoena and which examines the same types of materials that enter into a TV documentary as enter into the preparation of a newspaper editorial. In this context it is most dangerous to assert the obvious conclusion to the rhetorical question: "Now who else is going to pass judgment on these matters if it is not the Government? We representing the people?"

First amendment applies to both press and TV

Much has been made of the major difference between the print and broadcast news media—the Federal licensing and regulation of broadcasting. The airwaves are a limited resource not open to every citizen, according to this line of argument. And we agree that far. But we dissent from the line of reasoning that follows—that newspapers are to be left unchecked by government because they are a purely private enterprise, and that because broadcasting is a government-licensed privilege, government therefore can and must exert supervision over the content and shape of news

The point has also been raised that there are precedents in the form of the legislation of some years ago which curbed the abuses of the "quiz show" era, and later of the fairness doctrine which the Federal Communications Commission imposed on broadcasters to assure equal time for the rebuttal of public issues. We approve of both the fairness doctrine and the restrictions on the illegal activities on the commercial programming side of broadcasting. There is indeed ample precedent for those limitations; even newspapers must follow legal standards where their advertisements and other commercial activities are concerned. Moreover, the fairness doctrine affords only a chance for rebuttal; it does not place a prior restraint on the broadcaster's presentation nor allow a subsequent review of the presentation measured against governmental standards of truth of fairness.

But neither the fairness doctrine nor illegality is at issue in the CBS case. News and editorial comment is. Just as unfettered reporting and presentation of the printed news is jealously protected by the First Amendment to the U.S. Constitution, so also we feel that this protection must be extended to the electronic media if they are to provide the same essential, and sometimes painful function of keeping the public involved in and aware of the workings of its society.

Moreover, while there is not yet a sizeable body of court precedent setting out in detail the role of government in its control of news broadcasting, that which does exist firmly links the electronics media to their printed counterpart and to the protections afforded by the Constitution.

This is not a good test case

Congress stands to lose much if it presents the question of its authority to the courts in the least appealing fact situation, and a case in which Congress stands largely upon its dignity is the least appealing one to the courts. As we have seen, there is little practical need for the subpoena or for its enforcement by contempt citation.

The language of footnote 1 of *Caldwell* v. *United States*, 134 F.2d 1081 at 1083 states the situation here:

"Where, as here, the alleged abridgement of First Amendment interests occurs as a byproduct of otherwise permissible governmental action not directed at the regulation of speech or press, "resolution of the issue always involves a balancing by the courts of the competing private and public interests at stake in the particular circumstances shown." Barenblatt v. United States, 360 U.S. 109, 126, 79 S. Ct. 1081, 1093, 3 L. Ed. 2d 1115 (1959); see, e.g., Konigsberg v. State Bar of Cal., 366 U.S. 36, 50–51, 81 S. Ct. 997, 6 L. Ed. 2d 105 (1961); Bates v. Little Rock, 361 U.S. 516; 80 S. Ct. 412, 4 L. Ed. 2d 480 (1960); NAACP v. Alabama ex rel. Pattersen, 357 U.S. 449, 460–467, 78 S. Ct. 1163, 2 L. Ed. 2d 1488 (1958); Kalven, "The New York Times Case: A Note on 'The Central Meaning of the First Amendment.' " 1964, Sup. Ct. Rev. 191, 214–16 (1964)."

In the Caldwell case, as is said at page 1089:

"Appellant asserted in affidavit that there is nothing to which he could testify (beyond that which he has already made public and for which, therefore, his appearance is unnecessary) that is not protected by the District Court's order. If this is true—and the Government apparently has not believed it necessary to dispute it—appellant's response to the subpoena would be a barren performance—one of no benefit to the Grand Jury. To destroy appellant's capacity as news gatherer for such a return hardly makes sense. Since the cost to the public of excusing his attendance is so slight, it may be said that there is here no public interest of real substance in competition with the First Amendment freedoms that are jeopardized."

The cost to the public here, as has been shown, is slight. Let us measure, though, the cost to the public and to Congress if our prerogatives are diminished and our power of oversight over TV is crippled by a bad decision resulting from a weak case. A contempt citation at this point would certainly be appealed through the entire Federal court system and certainly would find its way to the U.S. Supreme Court where a firm decision would undoubtedly be handed down in some manner in favor of Dr. Stanton *et al*. In the light of such a decision, we can foresee great difficulty facing the Congress should the decision improvidently limit our powers because of the failure of the case to raise the real interests of Congress in a strong way.

If the question of Congress power to demand information is raised in the strongest way—that is, when production of information is responsive to a "compelling need" and there is a "lack of an alternative means" to get it—Congress power is likely to be sustained. The cases have by no means favored an unqualified newsman's privilege.

In *Garland v. Torre*, 259 F. 2d 545 (2 Cir. 1958), cert. denied, 358 U.S. 910, where Judy Garland sued a reporter for libel and sought to discover the source of the alleged libel, the Court of Appeals, per Circuit Judge Stewart, pointed out that that question went "to the heart of the plaintiff's case." (id at 549). While one might question whether the source of an alleged libel is of sufficient importance to warrant surrender of a qualified newsman's privilege, particularly in light of the Supreme Court's decisions on the law of defamation since *Garland v. Torre*, even in that case Judge Stewart noted that the question which had to be determined was "whether the interest to be served by compelling the testimony of the witness in the present case justifies some impairment" of freedom of the press (id at 548) which he found to be inevitably entailed in requiring a newsman to disclose his confidential sources. The emphasis on "the present case" reinforces the notion of balancing the competing interests within a specific factual framework. And see the recent case of *In re Pappas*, 266 N.E. 2nd 297 (Mass.) cert. granted May 3, 1971, ——— U.S. ———, 39 Law Week 3478.

But it would be foolhardy to assume from the favorable cases like *Pappas* and *Garland* v. *Torre* that the claim of newsman's privilege and the necessity of self-restraint in the employment of compulsory process against newsmen may be ignored with impunity. Even in *Pappas*, there is an emphasis upon self-restraint. A footnote points out that, "It may be argued that use of newsmen as witnesses is likely to result in unnecessary or burdensome gratuitous use of their work product . . . where the testimony of police or other witnesses would suffice. This if shown, a presiding judge may consider in his discretion." (id at 303). Additionally, another footnote cited to the same text points out that the court is not dealing with appearances before administrative and legislative bodies and cities Davis, *Administrative Law Treatise*, §§ 3.06, 3.12. Those sections in Davis contain a discussion of needlessly broad "fishing expedition" investigations. While *Pappas* flatly rejects any notion of privilege, it does thus contain substantial language counselling against needless compulsion.

In *State* v. *Knops*, 49 Wisc. 2d 647, 183 N.W. 2d 93 (1971), there is the strongest affirmation of the First Amendment considerations underlying the claim of newsman's privilege and of the necessity for self-restraint in the employment of compulsory process against newsmen. The case permitted the insistence upon disclosure but clearly the majority of the Wisconsin court was quickened by the brutality of the arson and bombing attacks and the resulting death of an innocent person which were involved in that case. Thus, although it concluded that "a weighing of competing values is involved here," (id at 99), it came down very strongly in favor of the need of the State to learn the identity of the attackers. But it also went on, in line with *Caldwell*, to consider whether there were alternative methods of getting that information. Contrast the absolute *lack* of need of the committee for getting information it already has. In *Knops* the court found that the fact that the culprits were still at large was "nearly conclusive proof" (ibid.) that the State did not know who they were. It was on this point that the dissenting judge disagreed, noting that both State and Federal authorities had announced they knew the identity of the Madison bombers. The dissenting judge therefore would only have allowed inquiry as to the identity of the Whitewater arsonists.

These cases underscore the point that the "compelling need" and the "alternative means" of obtaining material may affect Congress' right to have certain information as against a First Amendment claim asserting the "chilling effect" of governmental scrutiny.

There are, indeed, good reasons why Congress should put forth its best foot in any case which is likely to result in a judicial delineation of our legitimate authority to establish policy respecting the use of the air waves.

Some of the general criticism leveled against broadcast news reporting these days is well-founded. Our dissent is not an endorsement of the past conduct of broadcast journalism. In fact, we feel that the physical and technical limitations of the medium and the questionable practices of the past may force Congress at some future date to formulate a more effective national policy in this area to safeguard the public's interest. However, that is not at issue here except that we migh lose some of our authority to act properly in the future by acting improperly here.

We are not here concerned with any allegation that the Columbia Broadcasting system has engaged in any illegal activity. No such charge has been made in this case.

What we have before us is a narrow question: Should Congress hold in contempt both CBS and its chief executive officer, Dr. Frank Stanton, for refusal to furnish the Committee with the unused television film—the "outtakes"—from its program, "The Selling of the Pentagon." Beyond that looms the broader issue of the power of Congress to exert a different standard of control and supervision over broadcast news reporting than the United States Constitution would permit it to exercise over the general news media in this country. These are interrelated issues and cannot be separated despite the assurances from the Committee that its interest lies only wih the narrow issue.

What we are doing here is endangering our authority to deal with the greater issue by pressing for the lesser one.

We, of the minority, do not for a moment challenge the proposition that the mighty networks have *certain* distinguishing characteristics from the thousands of newspapers and magazines in the country. But the right to state an opinion, to express freely a view, without having it measured against a governmental standard of truth or orthodoxy is not among these distinguishing characteristics.

Clearly, the Congress would not attempt to draft a national newspaper policy on the basis of a news reporter's outtakes from his notebook after he wrote a controversial story. There is not only explicit Constitutional prohibition, but also a long history of court precedent that forbids restraint on how a newsman's judgment is exercised in the formation of a news report. Prying into his notebook after the fact, or setting up formal guidelines prior to publication, goes against the spirit of these guarantees. Abuses that occur in the print media can be and are corrected by libel actions in the courts and by the public pressure for accuracy and truth that can be brought to bear by commercial competition.

Admittedly these processes are not perfect, but we have staked our national course on the proposition that free speech is so important to us, as the catalyst of change and the companion of liberty, that we will pay a price for it of some inconvenience and even some inequity.

CONCLUSION

Men have pondered the problem of how to keep the press both free and responsible since the days of the first broadside sheets of the London coffee houses. The French historian de Tocqueville, who travelled this nation in the early 1800's, concluded that the freedoms of the American press probably struck the best balance. The characteristic that impressed him most was the fact that American periodicals were diverse in opinion, owned by many men who competed in giving access to the average citizen to a wide range of opinions and interpretations. The brash and unruly American newspaper of that day offended the aristocratic de Tocqueville, but he conceded that the system worked better than the one in his own country, where a few powerful papers in the major cities determined what the news would be.

We must also ponder the problem of how to keep TV both free and responsible.

In this country we have no BBC or other government-controlled network, yet our broadcasting industry is a powerful and in many ways more concentrated industry than magazines and newspapers. A single newscast often reaches more citizens than the largest circulating newspaper, and the impact can be incredible to behold. So decentralization may be the path that best affords a cure for what ails the broadcast industry. It certainly involved broadcasters, particularly the networks, putting their own houses in order. It probably means a greater standard of responsibility of local station owners to provide a check and balance system against the lapses of the networks.

But whatever standards it chooses to impose on broadcasting, the Congress cannot extend its controls to the method by which news is obtained and reported. Nor can it set out on a search of effective remedies that are within the spirit of the First Amendment by first abusing the spirit of that principle in the case of CBS and Dr. Stanton.

Any Congressional initiative which springs from the premise that government has the power to guarantee the "responsible" use of journalistic judgment springs from a false premise. Government is powerless either to render journalism "responsible" or to restore public confidence in it. Only the journalists have that power. Government can certainly erode public confidence in the press and other media, and one way to do so, paradoxically, is to announce that it has taken measures to keep them honest. Few would be reassured by such an assertion. In our society the government and the press cannot at any given moment know precisely where their respective boundaries are. They must coexist in a state of dynamic tension. Maintenance of this delicate balance cannot be achieved by fiat or force any more than a fine watch can be tuned with a hammer. Does this place the public at a disadvantage? It will be temporary. The threat of public disbelief and contempt should hang far heavier over the media and its sponsors than any Congressional subpoena. No doubt public respect today for the media is at a low ebb. It would be inaccurate to say the media need no apology, or that their apologists are in abundance in the Congress.

If and when their practices should invite governmental challenges it is to be hoped that such challenge might be issued on behalf of some other aggrieved party than the Government itself. The First Amendment problem is most acutely raised when the material to be censored or condemned is deemed injurious to the censor.

In 1861 President Lincoln wrote Thurlow Weed:

"Do you gentlemen who control so largely public opinion, do you ever think how you might lighten the burdens of men in power—those poor unfortunates weighed down by care, anxieties, and responsibilities?"

It is a wistful question, with sympathetic echoes in our time. But Lincoln did not confuse or equate his own discomfiture with public injury. Nor should we. An educated and vigilant citizenry is the best and perhaps the only defense against the broadcast of falsehood whether it emanates from a private source or a public one.

TENNESSEE PHARMACISTS OFFER SERVICES IN CARRYING OUT PRESIDENT'S DRUG CONTROL PROGRAM

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. BAKER. Mr. Speaker, one of the important resolutions to be adopted at the 84th annual convention of the Tennessee Pharmaceutical Association recently placed the Tennessee pharmacists on record with an offer to provide their professional services in the implementation of the President's drug control program as outlined in his message of June 17, 1971.

I commend the association. The licensed pharmacists in Tennessee and elsewhere can make an inestimable contribution to any program dealing with drug abuse. I am sure ways and means will be found to take advantage of this source of professional assistance.

The text of the resolution follows:

Whereas, the President of the United States in his message to the Congress on June 17, 1971 entitled "The Dimensions of a National Emergency" has recognized the present problems of drug dependence in the United States, and

Whereas, legislation to provide for treatment, rehabilitation and education will be implemented, and

Whereas, the pharmacists of this country are the best qualified and most accessible drug specialists in the country.

Therefore be it resolved, that this 84th Annual Convention of the Tennessee Pharmaceutical Association does hereby petition directly the President of the United States and the Congress, through the Tennessee Delegation, to fully utilize the pharmacists of this nation to disseminate both the information and the drugs that will be involved in these proposed programs.

MAN AND HIS ENVIRONMENT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. PRICE of Texas. Mr. Speaker, on May 15, 1971, Dr. W. T. Pecora, Under Secretary of the Department of the Interior, delivered the commencement address at Texas Tech University which is located in the city of Lubbock, Tex.

I commend the text of Dr. Pecora's remarks to the attention of my colleagues. His perspective, his insight, and his philosophy of man with regard to his environment are very important and singularly relevant to some of the major legislative and public policy issues being considered by this Congress.

The text follows:

UNIQUENESS OF MAN AND HIS ENVIRONMENT

(By W. T. Pecora)

There would be no commencement on this campus if man were not a unique biological specimen living in a unique environment that he is capable of changing. Institutions of learning symbolize the results of scientific innovations, technical achievement and social progress. The intellectual superiority of Homo sapiens stands out clearly against the backdrop of geologic history as reassurance to those who fear that modern man is charting a course to ecologic disaster. He is not!

THE BASIC ECOLOGIC WEB

In the beginning, as the Good Book says, life on the planet earth was simple in form and diversity. Evolutionary process gradually increased the level of climax populations—those best fitted to the primitive environments they occupied. In the past one billion years, millions of animal and plant species have appeared and disappeared on earth. Despite its biological complexity, this earth life system was powered essentially by the sun through photosynthetic energy transfer to green plants. A variety of herbivores, marine and terrestrial, derived their energy from this stockpile and in turn served as food for several stages of carnivores until the relatively inefficient system of energy transfer culminated in the end of the food chain. Decomposer organisms, such as bacteria, finished the job by reducing the remains of plants and animals to basic nutrients for still another cycle. This primitive existence of the world-before-man had several distinguishing characteristics. Green plants tended to cover all but the most hostile environments; the competitive system of primary and secondary consumers stabilized populations well below the limit of the food supply; intake of food determined the energy that organisms search for food was the primary purpose in life.

SURPLUS ENERGY KEY TO A UNIQUE ENVIRONMENT

Man was simply another competitor for food, but one with special capability for toolmaking and communication and deep curiosity about his surroundings. The discovery that fire could be made at will broke the energy barrier and started him up the long ladder of environmental modification. The change from pastoral to agrarian to urban and finally to industrial and technical ecosystems has been characterized by alteration of land uses and population patterns and by continuous expansion of the resource and energy bases beyond that available in food supplies. Man substituted for examples the forest, the bottom lands, and the prairie for farms; and river banks for settlements. With some of these changes came new unexpected sensitivities. Substituting selected food crops for native vegetation and domesticated animals for their wild ancestors set the stage for a controlled food supply but created the need for artificial fertilizers and a host of predator controls including the controversal pesticides of today.

On balance, the unique environmental changes provided a favorable climate for human living and a challenging workshop for superior intellect. There is real doubt in my mind that man could have survived as a member of the animal kingdom had he not been capable of harnessing energy. On the other hand, who can doubt that scientific and technical developments have brought with them longer life, better living, and more leisure time. The contribution of technology to quality of living is readily apparent if one compares life in the primitive bush with that in the United States. Which do you really prefer?

IMPACT ON POPULATION PATTERNS

The technical development which set man apart from the rest of animal world had a profound effect on life patterns. Human populations in a modern society no longer respond to natural restrictions. At present, the world's population appears to be doubling each 35 years. Were this rate to continue for a century, which is unlikely, there would be 30 billion people on the earth—more than eight times the number we have today.

Whether these projections are valid or not, there is little hope that population controls, natural or imposed, will reduce our rapidly increasing demands for energy resources and facilities in the foreseeable future. Even if the world population could be stabilized immediately, per capita demand would continue to increase significantly. Professor Paul Ehrlich of Stanford University estimates the per capita resource demand and environmental impact of the western world at about 50 times that of an underdeveloped country. Continuing efforts to upgrade global living standards and the socioeconomic systems which attract more and more people to less and less area in urban centers will place heavy burdens not only on those who must locate and supply the energy and resources needed, but on those who must cope with such typically human problems as transportation, communication, and environmental quality control.

DEMANDS ON MINERAL RESOURCES AND FACILITIES

The level of need can be illustrated with a few statistics. Demand for primary hard minerals is expected to increase fourfold by the year 2000. For example, by the year 2000, the United States alone will need more than: 7.5 billion tons of iron ore; 1.5 billion tons of aluminum ore; 1 billion tons of phosphate ore; and 100 million tons of copper metal.

Requirements for water are expected to *triple* by the year 2000, and by that time we will need as many new buildings as we have now. When one considers that only a small fraction of a percent of the earth's crust is readily available mineral; that many of the mineral "vitamins," such as tungsten, tin, and similar metals are in short supply; and that the average grade of ore is decreasing as time goes on, the magnitude of the task before us is evident. To accomplish it with tolerable impact on our surroundings will dwarf achievement of the past.

ENERGY RESOURCE NEEDS

It takes about 100 times as much energy per person to sustain our modern way of life as was needed in primitive societies. The total energy requirement in this country is expected to double or triple by the turn of the century—exceeding the growth rate of our population. The compounding effects of population growth and per capita increase in energy use will empty the conventional energy tank at an exceedingly rapid rate. Estimates based on our present knowledge of fossile fuel reserves indicate that petroleum yet to be found can sustain us for about a century and that coal that is known will last only a few centuries if it is called upon to carry the major power load. Nuclear fission using natural uranium-235 must be viewed as no more than a stopgap energy source because of the limited supply of natural uranium available. Beyond these resources, one must depend on the continuing ingenuity to seek out more substantial energy sources, such as breeder reactors, atomic fusion, geothermal heat, and solar energy.

ENVIRONMENTAL IMPACT OF MAN

The use of enormous amounts of energy in relatively inefficient processes to produce a great variety of exotic products has left some marks on the natural environment as one would expect. Ellsaesser estimates that about 30 percent of the land surface of Los Angeles is covered with buildings and paving and that the total square footage of highways in this country is enough to cover the five states of Vermont, Rhode Island, Massachusetts, Connecticut, and Delaware. The same author states that the average American citizen *discards* about five pounds of solid waste per day. He estimates the total disposal to the year 200 at about 10 billion tons, because waste is a necessity of all life. Where shall we put our wastes?

Some 700 years ago the Lords of England petitioned their king to clean up downtown London of smoke and filth. We are still trying to clean up our cities. Although we have overcome a great many waste problems in our modern cities, we have substituted others. And yet, one might prefer our modern sewage systems, automotive wastes, and smokestacks to the medieval cities of yesteryear—with all of their pestilence, animal wastes, and stink. If science and technology has given man such great progress, why can't we solve the environmental degradation our society has generated? We can, of course, if we will bear the cost.

OBJECTIVE APPROACH TO ENVIRONMENTAL QUALITY

The same human qualities which made ancient man discontent with primitive existence causes modern man to be concerned with quality problems in his environment. This is a wholesome attitude if it acknowledges the fact that the influences of man are superimposed on natural quality patterns beyond our control. The Stanford Research Institute reports that 65 percent of the 250 million tons of sulfur compounds and 99 percent each of the 6.5 billion tons of nitrogen compounds and 1.9 billion tons of hydrocarbons which enter the atmosphere each year are from natural sources. Qualities of surface waters in this country vary markedly from one region to the next because of natural influences and, despite induced pollution problems, the best quality of waters generally occur in the most populated areas. The entire country is underlain at shallow depth with water too salty to drink. With a little searching one can find waters unaffected by man which don't measure up to water quality standards—wells with high arsenic or fluoride, acid springs, and salty rivers like the Brazos. Surprising as it may seem, mercury has always been released by nature to our rivers.

These facts do not mean that man's unique environment involves no new problems. Rather it emphasizes the need to sort out the new problems carefully, to concentrate effort on what can be controlled, to set our standards of quality realistically, and to adhere to them.

Trade off vs. turn-off

Coexistence of the levels of resource development and environmental quality needed to satisfy our appetite for affluence must be achieved through trade off of values rather than complete turn-off of troublesome operations. The fossil fuels which power much of our industry have increased the carbon dioxide of the earth's atmosphere by about 6 percent, but this has provided the average citizen with 50 times the worldly goods of his frontier counterpart.

Offshore drilling provides a considerable part of these energy resource supplies but contributes to the ocean's oil pollution. It also must supply an estimated 35 percent of our energy base before the end of the decade—most of it low-sulfur fuel sorely needed for air pollution control.

The Bingham Canyon open-pit mine near Salt Lake City, Utah, is a digging some 1600 feet deep and 10,000 feet across. One could see it from the moon with an ordinary observatory telescope, but without this unique mine we could not have produced about the 16.5 billion pounds of copper needed to service the electric generators and their related industries and communication systems. These industries during the last 150 years have created a society with a work week half of what it used to be, a life expectancy 50 percent greater, and an average annual income increased some twentyfold.

In some instances we have traded relatively clean for relatively dirty rivers during the era of technological development. We have gained in return living conditions which are free from epidemics of yellow fever, cholera, typhoid and the like—epidemics which claimed the life of one person of every five in Philadelphia during 1793. We also have laced our landscape with about four million miles of highways, traveled by about 90,000,000 vehicles. Together, these allow an affluent society to take advantage of the scenic natural wonders that few of our forefathers could enjoy.

One could add a long list of examples to the dividends of trade off. DDT is suspected to have thinned the eggshells of pelicans and other birds and thereby reduced their numbers; but it is known to have reduced the world's annual death rate from malaria from four million in 1930, to less than one million in 1968. The great variety of industries which have added mercury in certain rivers to the extent of less than ⅒th of one percent of the ocean's mercury content have also yielded chlorine to sterilize public water supplies, micro batteries to power hearing aids, and a host of electrical controls for the appliances on which we depend. The full impact of prudent trade off is placed in perspective by an estimate of the World Health Organization that 100 million people living today would have succumbed to disease but for the introduction of DDT. This does not count the multitude who also may have perished from famine but for artificial fertilizers and exotic pesticides that trouble so many of us.

Unexpected results have characterized most trade offs of the past and some have been disastrous. The ancient engineers of Mesopotamia did not foresee the long-term salt poisoning of their fertile, irrigated land. Nor did the first settler of New Zealand expect imported elk, deer and goat to skyrocket in populations, overgraze the forage and denude the land. Modern earth scientists should be more capable of foreseeing such interactions and be more sensitive to them.

Because our every action involves unavoidable change in a complex ecological system beyond complete comprehension or control, man must play the game of life as a wise investor, not a gambler—one who attempts to predict and weigh risk against potential gain—in short, to make the wisest possible trade off of values on the basis of knowledge and experience. To avoid every action which involves an element of undesirable effect is to play the part of the Foolish Steward—to bury the very talent needed for investment in future security.

FACING THE FUTURE REALISTICALLY

If one faces the facts squarely, he must admit that we cannot restore the past or even preserve the present for future generations. If we could, there is no guarantee that either action would provide a "good life" as we define it for our descendants. Good life depends as much on ability to develop resources as it does upon environmental protection. A very high percentage of the world lives under conditions that are poor by our standards and would gladly trade our affluence and pollution problems for their more fundamental problems.

It would be short-sighted to assume we can supply all of our needs by the relatively simple expedient of recycling waste—important as the concept may be. Some underdeveloped countries practice very effective reuse out of necessity, but still have very poor living conditions by our standards. Lovering concludes that if we were to depend upon reuse for our primary metal needs, the best we could hope for is a quality of living like that of 100 years ago and we would have to work hard to achieve even that.

In the final analysis, we must settle for conservation with controlled preservation rather than for whole preservation, and for a system which provides the best alternatives when no solution is a perfect one. Gifford Pinchot, Chief U.S. Forester at the turn of the century, followed the Geological Survey concept of conservation—conservation meant managing resources to achieve the greatest good for the greatest number for the longest time. To the great naturalist, Aldo Leopold, it meant living in harmony with nature and to both it meant wise use of and respect for the world around us.

We enter this decade torn between the desire to produce the *goods* needed for high quality of living and the desire to avoid the *bads* of environmental degradation. If true ecological balance is not compatible with these objectives, how then can environmental harmony be achieved? Somewhere between the attitudes of unconcerned development and total preservation, there must be an acceptable point of balance—one where the ledger records the cost of environmental sacrifices, as well as operations costs—one which permits judicious alteration of the environment when there appears to be net gain. This point of balance cannot be set by legislation. It must be located and kept in focus by continuing dialogue between those concerned primarily with supplying material needs and those concerned with maintaining pleasant surroundings. All of us must encourage and participate in this dialogue if environmental harmony is to be achieved. Above all, we must think things through and not fall prey to slogans or headlines.

ROLE OF GOVERNMENT

What can our government do for us in our strife to maintain the advantages of modern society with minimal degradation of our environment? Government is, after all, the instrument of the people and citizens look there for leadership. The President's Federal reorganization plan is one appropriate response. In seeking to establish a Department of Natural Resources the intent is to gather in one agency the capability to appraise and evaluate all natural resources leading to development or nondevelopment decisions.

An informed citizenry must participate in making these decisions in a rational and timely fashion. Man can do this because he is a unique species on a unique planet. He has nowhere else to go. He must keep his cool and think things through. In the interest of practicing good conservation of our total natural resource base the concept of trade-offs versus turn-offs must always be before us. But we must think things through!

THE CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. GRIFFIN. Mr. Speaker, having long been a supporter of our second amendment to the Constitution which guarantees to our citizens the right to keep and bear arms in a lawful manner, I was impressed by the editorial in the July, 1971, issue of the American Rifleman.

Editor Ashley Halsey, Jr., eloquently and persuasively points out the fallacy of controlling crime by prohibiting ownership of handguns by decent, law-abiding citizens.

The possession of legal firearms by honest Americans is a deterrent to crime —not a cause. Disarmed citizens would be sitting ducks for the criminal element.

Failure to enforce present laws with vigorous determination is more responsible for the illegal use of guns than mere ownership of legitimate weapons by decent Americans.

Furthermore, Mr. Speaker, swift prosecution and the imposition of maximum punishment allowed under the law would help reduce crime by firearms. I suggest that courts, where the docket is crowded, give trial priority to cases involving use of lethal weapons to perpetrate a crime.

The above mentioned editorial follows:

Let Us Legislate Against Crime for a Change

Sorry, friends, this is no season to relax.

The opponents of legitimate gun ownership are at it again. This time their pretext for attempting to take guns out of the hands of law-abiding citizens is that policemen are being shot down at an increasing rate.

It is tragically true that more policemen are being killed with guns. The rate is increasing faster than the general homicide rate. The FBI says 100 policemen were murdered last year. Fifty-one were killed in the first five months of this year. Not all were shot, but most were.

From President Nixon on down, all decent Americans, including a million NRA Members, are deeply concerned at the vicious attacks, the calculated ambushes, the senseless slaughter, of law-enforcement officers as they go about their duty of protecting two hundred million men, women and children from a murderous riff-raff numbering less than a quarter of a million.

As usual, the "Nice Nellies" of the anti-gun set have rushed forward with a "solution." It is a weary, hackneyed and impractical one—the same old one—that handguns be prohibited and that all guns and gun owners be registered. Such proposals not only miss the mark widely, they trifle with the lives of policemen and of law-abiding citizens who feel entitled to own self-defense arms at a time when, everyone agrees, crime is soaring.

What the new proposals would do to prevent the slaying of policemen is hard to see. Certainly anyone who would kill a policeman is not going to register his gun first.

Surprisingly enough to many, House Judiciary Committee Chairman Emanuel Celler, 83, the canny "elder statesman" who heads one of the most powerful committees in the Congress, emerges as the leader of the new movement for tighter gun controls.

Until now, Rep. Celler chose to enforce an uneasy peace in the field of gun legislation. Nearly all such House bills have been referred to his committee and not one, pro or con, has emerged from behind committee doors since the 1968 Federal Gun Control Act. Now, however, Rep. Celler is one of the three New York City Congressmen who have rushed forward with gun control bills of their own.

Disarming the American public is not the answer, for it is not the American public that has mercilessly killed law officers at the rate of 10 a month across the country. What needs controlling is not guns but criminals, a point that some anti-gun lawmakers persistently miss. And stiffer sentences for gunmen and ambushers seem like the very thing to take them out of circulation. The National Rifle Association has long favored mandatory imprisonment for violent crime. Among the bills stranded in Rep. Celler's committee were 49 for mandatory imprisonment.

The situation in the Congress is one that every gun owner might well consider, and also consider making clear to his Representatives and Senators. Speaking at the NRA Annual Meetings in April, Rep. John P. Saylor (22nd Dist., Pa.), one of the Congressional leaders in the defense of firearms ownership, pointed out that NRA Members had become "one-shot Charleys" who contacted their Congressmen only in times of crisis. Rep. Saylor suggested constant, steadfast contact instead. This might well be the time for NRA Members to heed this sound advice. (See *The American Rifleman*, May, 1971, p. 56.)

For what the gun world faces now could be the most serious threat certainly in 1971–72, and perhaps in a long, long time, in the opinion of veteran lawmakers.

What the new gun bill backers propose is a law that could make half the people in the United States, the gun owners, criminals for the high crime of failing to sign a piece of paper. Simply for neglecting or refusing to register a gun, you could go to jail for as much as five years.

Some shooter language has become accepted American slang. For a precise approach to any subject, we say "rifling;" for a broader approach, "shotgunning." For a law that would make half a nation potential criminals, however, we must make a nuclear-age adjustment. This kind of law could "nuke" legitimate gun owners. That is why it must be stopped.

If the real object of the game is to save the lives of policemen—and we certainly hope that it is—then the way to do it is to put habitual criminals behind bars and keep them there. It would be a lot more effective than trying to legislate against half of the population of the United States.

H.R. 9668—PREDATOR CONTROL AND PROTECTION ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ANDERSON of California. Mr. Speaker, I am today introducing legislation which would require the Secretary of the Interior to gain the approval of the Administrator of the Environmental Protection Agency before the Secretary could authorize any individual to use a poison, such as strychnine, thallium, or compound 1080, on a public land.

Presently, the Department of Interior—through its Division of Wildlife Services—distributes enough poison 1080 bait to kill 73.4 million coyotes. Last year, the Department distributed enough 1080 bait to kill every coyote in an area covering 388,800 square miles, or an area larger than the entire States of California, Colorado, and Idaho.

But, this is not all. In addition to the 1080 bait, the Department of the Interior placed 822,043 strychnine baits last year.

How effective is the Department's poisoning program? How many animals has the Department killed?

As a starting point, we can use Interior Department's figures for fiscal year 1970. Last year, 73,093 dead coyotes were discovered, autopsied, and credited to the Department of the Interior; 8,403 bobcats were killed under their supervision; 121 mountain lions were killed under Interior programs, and 403 black bears were killed by the Department of the Interior.

But this is only the tip of the iceberg. These numbers represent only the number of animals that were discovered, autopsied, and credited to the Department of Interior. Many more animals died in the wilds and were not discovered.

But the Department of the Interior is not the only poisoner of wildlife. Total sales of 1080 in the United States over the past 3 years have averaged approximately 2,600 pounds annually. Of this, the Department of Interior used less than 24 pounds—but, I might add, 24 pounds of 1080 diluted in bait is sufficient to kill 73.4 million coyotes.

This bill, Mr. Speaker, will not just restrict the Department of the Interior's poisoning campaign, it will apply to everyone—State officials, and local ranchers.

We were all shocked when we recently read the accounts in Wyoming of the poisoned eagles. The poisoned bait, which was consumed by the eagles, was distributed by ranchers.

In referring to the recent death of the eagles, William Ruchelshaus, Administrator of the Environmental Protection Agency, testified that—

> This situation graphically illustrates the inadequacy of the present law—we do not have at the present time, the controls over the use of environmentally hazardous pesticides that we so clearly need.

This legislation would give him the authority to completely ban the use of deadly poisons from our public lands.

Mr. Speaker, these poisons are not selective. These poisons kill whatever happens to consume the tainted bait. In far too many instances, the placement of poisons—either by the ranchers or Government agents—have resulted in the death of endangered species.

The director of the Research Department of the National Audubon Society, Alexander Sprunt, recently testified that—

> We have heard repeatedly from ranchers, foresters, hunters, game agents, and other outdoorsmen from all over the western United States of deaths of eagles due to poison baits which are placed for animal control of one kind or another. These deaths are hard to verify. But, a number of cases have been investigated and the cause of death determined by the Bureau of Sport Fisheries and Wildlife. These deaths were caused by a variety of poisons—compound 1080 (sodium monofluroacetate), strychnine, cyanide, and now, thallium.
>
> We have records from the Bureau of 14 eagles which upon analysis proved to contain levels of poison sufficient to cause death. These included 11 golden eagles containing 1080 in their tissues, one bald eagle containing 1080, one golden eagle containing sodium cyanide. It is of interest in this context that there is also a record of a California Condor, one of our rarest birds, containing lethal amount of 1080 . . . we are convinced that these reported and verified cases represent only a very small fraction of the eagles and other species affected by the lethel poisons.

In addition, Mr. Speaker, the use of poisons is driving other species, such as the black-footed ferret, and the San Joaquin kit fox, to the edge of extinction.

Fortunately, there are other ways in which to protect livestock from predators. According to the League of Conservation Voters:

> Kansas and Missouri have programs to teach farmers and ranchers to trap the specific animal doing the damage, and these programs have proved more effective and less costly than efforts to wipe out an entire species. Predator losses in Missouri have been cut 80% since this program began, but cost only 5% as much as the Division of Wildlife Services program in Oklahoma.

This legislation would prohibit the placing of certain poison on public lands—lands owned by all the people of the United States; the lands are not intended to be the private reserve of the ranchers to carelessly poison the wildlife that many of us would hate to see eliminated from the face of the earth.

If, in a specific instance, the Secretary of Interior, in conjunction with the Administrator of the Environmental Protection Agency, determines that it is necessary to set poison on public lands in order to kill an individual predator—such as a rabid coyote—they would have this authority.

Mr. Speaker, at this point, I am inserting the bill in the RECORD, along with an article which, I believe, would be of interest to my colleagues:

H.R. 9668

A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress to recognize that the wolf, the coyote, the mountain lion, the lynx, the bobcat, the several species of bear, and other large, wild carnivores native to North America and commonly known as predatory mammals, are among the wildlife resources of interest and value to the people of the United States, and that the Secretary of the Interior, through the United States Fish and Wildlife Service, is authorized to engage in the conservation of such predatory mammals.

SEC. 2. There is hereby authorized to be established in each regional office of the Bureau of Sport Fisheries and Wildlife the position of extension mammal control agent who, upon the request of the duly authorized wildlife agency of any State within the region, shall provide advice and demonstrations to State-employed specialists in methods of instructing farmers and ranchers, or their agents, in techniques of preventing depredations by wildlife predatory mammals on domestic livestock and in techniques of trapping the individual mammals causing depredations on domestic livestock. Any control methods used, demonstrated, or advocated by the extension mammal control agents shall be in compliance with applicable Federal and State laws relating to the taking of wildlife, but only in a specific instance where both the Secretary of the Interior, in conjunction with the Administrator of the Environmental Protection Agency, have determined, because of unusual and extraordinary circumstances, that it is imperative to use poisons for animal control, shall any person be authorized to use poisons on public lands for animal control.

SEC. 3. As of July 1, 1973, and thereafter, the number of extension mammal control agents and other persons employed in the United States Fish and Wildlife Service, or in any bureau or branch thereof, to engage in or assist, either directly or indirectly, the trapping or other control of predatory mammals shall not exceed six persons. Biologists or other personnel employed within the wildlife research branch of the Bureau of Sport Fisheries and Wildlife to investigate the biology or ecology of predatory mammals, or to develop control methods less likely to endanger valuable wildlife than the methods now in use or practiced in the past, shall not be counted against the foregoing limitation.

SEC. 4. For purposes of this Act—

(a) "Public lands" means all publicly owned lands of the United States except Indian and military reservations.

(b) "Poison" means biocides and toxicants, singular or plural, in gaseous, liquid, dust, or solid form, placed in food, baits, or water directly ingested by carnivores from eating poisoned herbivores or omnivores, and includes: direct acting poison, for example, strychnine; cumulative poison, for example, thallium sulfate; and chain-reacting poison, for example, sodium fluoracetate.

SEC. 5. Any person, including officials, employees, and agents of the United States or any State, who violates the provisions of this Act shall, upon conviction for the first offense, be subjected to a fine not to exceed $1,000 or imprisonment not to exceed six months, or both; upon conviction of a second or subsequent offense, violators shall be subject to a fine not to exceed $5,000 or imprisonment of one to three years, or both.

SEC. 6. There is hereby authorized to be appropriated for the purposes of this Act not to exceed $105,000 for the fiscal year ending June 30, 1974, and for each fiscal year thereafter through and including the fiscal year ending June 30, 1978. The Secretary of the Interior is directed, during the period from the effective date of this Act until the close of the fiscal year ending June 30, 1973, to make such reorganizations, reductions, and adjustments in the predator-control programs of the Bureau of Sport Fisheries and Wildlife as are necessary to prepare for the implementation of this Act.

[From the New York Times, June 13, 1971]

DEAD BALD AND GOLDEN EAGLES

(By Lewis Regenstein)

ARLINGTON, VA.—Last month, 48 bald and golden eagles were found dead in the state of Wyoming. It is virtually certain that many more eagles have died and have not yet been found in the remote Wyoming canyon country, the one place where it was hoped they might be able to make a comeback.

About half of the eagles found had been poisoned by thallium sulfate, a chemical which the United States Department of the Interior had spread throughout the western United States as part of its efforts to exterminate coyotes. Although the Interior Department asserts that it has discontinued using thallium, there is widespread suspicion that the department is involved in the latest deaths of eagles. In any event, thallium which is manufactured by American Smelting and Refining Company of New York City, is still readily available to sheep farmers and cattle ranchers for their own use.

What is not in doubt is that the killing of these eagles is part of a deliberate, well-planned campaign, aided and abetted by the United States Government, to wipe out all predatory animals which might compete with agricultural interests.

In describing the American eagles, it is difficult to capture the majesty of these awesome creatures. Both the Bald Eagle (*Haliaeetus leucocephalus*) and the Golden Eagle (*Aquila chrysaetos*) have wingspreads of six to eight feet and stand over three feet high. They mate for life and return to the same nest at the same time each year, spending the first month refurbishing their huge "eyrie."

The eagle first appeared on a United States coin in 1776, and it has been present ever since. The bald eagle became our national symbol during the Congressional assembly of 1782. As President Kennedy once put it, "The fierce beauty and proud independence of this great bird aptly symbolize the strength and freedom of America." Yet there are many Americans—some in the United States Department of the Interior—who would destroy this magnificent creature. The reason is that ranchers who raise wool and cattle believe that eagles—like coyotes—occasionally kill their livestock, particularly very young sheep or calves. Biologists dispute this, contending that eagles do not kill animals any larger than rabbits, although they may feed upon an animal that has already been killed. Despite the fact that eagles perform beneficial functions such as preying on snakes and rodents, the belief persists in many quarters that they are injurious to agriculture.

As a result, the Interior Department has gone along to some extent with this campaign to wipe out our few remaining eagles. For example, in March 1967, then Secretary of Interior Stewart Udall—who is now posing as an ardent conservationist—authorized the killing of golden eagles "for the protection of livestock" in 52 of 56 Montana counties. The law still authorizes the Secretary of Interior to permit "the taking" of bald and golden eagles "for the purpose of seasonally protecting livestock" and under other "special circumstances."

This killing of eagles for vested interest groups is not new. In Alaska, a bounty was paid on bald eagles until 1951 because they were considered "damaging" to the salmon industry. During the 36 years in which bouty payments were made, over 100,000 eagles were killed.

Today, the main cause of eagle deaths are DDT and other pesticides, high-voltage power lines, "sportsmen" and hunters—and the United States Government. Again, at the behest of cattle and sheep farmers, the Interior Department has adopted a mass and indiscriminate poisoning campaign designed to wipe out all wild animals which these ranchers consider undesirable. This massive effort involves distributing throughout the western United States tons of grain and meat baited with the deadly poisons, cyanide, strychnine and sodium monofluoroacetate, or 1080. The intent of the program is to "eliminate" such predators as coyotes and mountain lions, but there is no way to prevent other creatures, such as eagles, from feeding on this bait or on the carcass of a poisoned animal. For years, eagles have been dying from 1080; it was present in the area and has not yet been ruled out as a cause of some of the eagle deaths in Wyoming. The Interior Department is aware of this situation and admits that eagles are "accidentally" being killed, but each year it increases both the scope and cost of this poisoning program.

The "predator control program" has already succeeded in its effort to drive the wolf, the fox, the mountain lion, the grizzly bear, the black-footed ferret, and other species of wildlife to the very brink of extinction. Why should the eagle—which is also a predator—be treated any different?

The Interior Department has been one of the main culprits in driving the eagle toward extinction. While it is charged with the responsibility for protecting the eagle, Interior has in fact contributed to its demise—both purposefully and through neglect.

According to the new Secretary of the Interior, Rogers C. B. Morton, there are now at most 800 nesting pairs of bald and golden eagles left in the United States. Unless Secretary Morton can bring about an immediate and drastic change in Interior's wildlife policies, our national symbol will soon be gone forever.

MANHASSET, N.Y., MAIL CELEBRATES 45TH ANNIVERSARY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. WOLFF. Mr. Speaker, the local weekly press is the backbone of the American media, reporting news of community interest to thousands of towns and villages in the United States. My own district has approximately 20 such newspapers and I am proud to take this opportunity to congratulate one of those weeklies on its 45th anniversary.

The Manhasset Mail has been serving the Manhasset community, in New York's Third Congressional District, since July 8, 1927. Through a depression, a world war and a postwar regional growth of enormous proportions it has never failed in its mission of providing the citizens of its community with complete coverage of local news events and items of community interest. It has been, and remains, a voice for the public good.

Under the leadership of its publisher, Mrs. Elsie Vignec, and a dynamic new management, I am confident that the Mail will continue its long tradition of responsible reporting.

I wish the Manhasset Mail continuing success; may it serve as a model of journalistic quality which all newspapers would do well to emulate.

CBS, DR. FRANK STANTON AND CONGRESS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. BROWN of Ohio. Mr. Speaker, the House Interstate and Foreign Commerce Committee's citation of the Columbia Broadcasting System and its president, Dr. Frank Stanton, is based on the undeniable right of Congress to obtain—by subpena, if necessary—the information it feels it needs to legislate in the public interest. The refusal of Dr. Stanton to accede to the subpena is based on the first amendment to the Constitution which guarantees the freedom of speech and press.

Dr. Stanton's argument is that the network's unbroadcast outtakes of the CBS news documentary, "The Selling of the Pentagon," are privileged materials akin to the newspaper reporter's notes. It is an abridgement of his first amendment rights, Dr. Stanton contends, because such a demand by Government, for whatever purpose, tends to "chill" the vigor of the broadcast journalist in the exercise of his news-gathering ability and his freedom of expression.

The committee, on the other hand, avers that broadcast journalism is not the same as the printed press, because broadcast stations are licensed by the Federal Government to operate in the public interest. Since the Federal Government has the right to control the public-owned airwaves, says the committee, it must have the requested information to determine whether additional legislation is needed to assure that broadcasters are using the spectrum in the public interest. The presumption cannot be avoided that, if the committee determines that there was "distortion, misinterpretation or propaganda" in the program in question, a legislative means of correction may be undertaken.

From a study of the hearing records and other materials now available, many have already concluded that CBS was at least guilty of sloppy or unprofessional journalism or, at most, guilty of a malicious attempt to mislead the public by misrepresenting public officials through unfair editing of actual interviews in order to propagandize by maligning institutions, individuals, and their motives. If sufficient data is available for such conclusions, one might reject the citation on the theory that the subpena was unnecessary. In view of the fundamental nature of the conflicts involved, the point which the citation is trying to prove might better be left unconfronted. But, to try to avoid the question by saying that the committee does not need the data or that to provide the material could not be construed as an abridgement of first amendment rights, is to sidestep the issue of whether the committee has the right to ask for this data and whether the broadcast journalist has a right to refuse it.

There is no allegation by the committee that any Federal law was violated here, as was the case in the hearings on "Pot Party at a University" where the illegal sale and use of marihuana were suspected, or in the Haitian invasion hearings where violation of the Logan Act was under investigation. While "rigging" or "staging" of news was merely collateral to those investigations of CBS, it appears to be the only charge being made in the case of "The Selling of the Pentagon." Such invasion of the judgmental areas of program content may not only serve to chill journalistic vigor it is inconsistent with the development of communication law.

Faced with the practical necessity of finding an agency to allocate and supervise the use of a limited resource—the spectrum—the people chose the Federal Government as the vehicle through which to operate. Thus, Congress clearly has jurisdiction over broadcasting to maintain orderly and efficient use of the people's resource. But from the very earliest days of communication law the tendency has been to avoid specific definitions of "the public interest" as it relates to program content. Indeed, as the numbers of radio—and now television—stations have grown, the Government has backed further and further away from attempts to prescribe or proscribe program content out of respect for the competitive processes which, it was felt, would provide diversity of content and view. It has been the very diversity of ownership and viewpoint which has brought about the balance between freedom and responsibility in the printed press of our Nation. Each newspaper has traditionally seemed to exist to say the other nay, thus leaving the ultimate arbitration of truth in the hands of the people, where it properly belongs.

In its efforts to develop this same proliferation of voices, among which will be found the truth, government and technological progress have apparently done a good job in spite of the early technical limitations on use of the spectrum because there are now almost as many television stations as daily newspapers in the United States and almost as many AM and FM radio stations as there are weekly newspapers. Since untrammeled freedom can be tolerated in newspapers, certainly we can "risk" allowing the same freedom in the electronic media, particularly since there is competition for ideas not only within the medium but between those in the different media. The fact that the electronic media is now the method by which most people receive their news argues for the greater exercise of first amendment freedoms by this medium rather than less.

While it is now true that a few networks may dominate the gathering and disemination of news in the electronic media and that network news shows are vastly more influential than any single station or newspaper chain because of the audiences they command, there have also been eras in the newspaper business when the same could be said of the wire services and certain newspaper chains. If the Nation could survive the first amendment freedom of the press through the days of "Yellow Journalism" as operated by the proud barons of the press of the past, certainly we can survive the present temporary situation where the electronic media are dominated by too limited a number of networks which are in turn operated by men not known for their humility or for their journalistic objectivity.

The plain fact is that the first amendment is not limited to the truth. That amendment guarantees the right to print and speak—but the right of expression thus assured may be the truth to one and lies to another. It is up to the individual citizen to make the discrimination of which is which. Rather, the first amendment merely guarantees that someone dissatisfied with the version of the truth he is hearing may select another version of the truth as he sees it from other outlets among the various media or even tell his own version of the truth. In printed media he may be as constrained by economics as he is by Federal licensing in the electronic media, if current numbers of outlets are any measure. It is this approach to achieving freedom and truth which has left written journalism untrammeled in America except by the realities of economics and which resulted in governmental policies that encourage as much use of the spectrum as possible for broadcast stations. And even while spectrum allocations remained open, Government was encouraging the individual licenses through the "fairness doctrine" to let as many divergent voices as possible be heard on each station.

Now with the proliferation of CATV, the current monopoly exercised by the three major networks over spectrum broadcast programing may soon become a thing of the past. The number of voices one can select from may be expanded even further by the advanced use of satellites.

Government, of necessity and through international agreements, will continue to control access to any such expanded utilization of a CATV monopoly or the broadcast spectrum to satellites. But Government should not and must not be permitted to control the content of programs. Fraudulent and deceptive advertising or that which is blatantly pornographic must stand on its own feet as areas for regulation, but varying viewpoints on public affairs, a multiplicity of "free" voices, must be preserved to insure the public's right to know. The free citizen must have the largest possible number of free voices from which to choose the truth.

To set a precedent now that could impair the rights and privileges of both the public and the free press, therefore, could have the gravest undesirable effects not just today in America, but into the future over the world.

PRESIDENT NIXON'S OUTSTANDING RECORD OF PERFORMANCE IN OFFICE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. WYMAN. Mr. Speaker, President Nixon has an excellent record of accomplishment for America. His vast experience and undeniable wisdom in foreign affairs as well as domestic stands the United States in good stead during these crisis-ridden days.

Recently the President addressed the media in Kansas City, Mo., and gave them a report of the situation in America and what he is doing to help strengthen our country and make it a better place in which to live for all citizens of all races, color and religious preference.

President Nixon's remarks on this occasion merit the thoughtful consideration—and I believe approbation—of all Americans. The President said:

Remarks of the President Media Briefing on the President's Domestic Policy Initiatives, Holiday Inn, Kansas City, Mo.

Ladies and gentlemen: From reading the agenda, I think you have had a pretty full plate on the domestic issues. I gather from looking at the people here at the head table that you have been briefed.

I heard the answer to the last question on the economy. I understand there were other questions on that, and on the health program, also on our environment, on our revenue sharing, reorganization programs, on our crime programs, particularly with regard to the control of dangerous drugs, and also programs that may be in related fields that Mr. MacGregor may have covered.

I think perhaps for this kind of meeting, what I could best do is to put all of these domestic programs into a broader context, to indicate the relationship between these programs and the problems that America has in the world.

Sometimes that seems very, very hard to do. I realize that it is quite the approach these days to suggest that we either ought to look at our foreign policy and put that as Priority Number 1, in other words, the security of America must come first, or we must put our priority on domestic problems and turn away from the problems in the world.

The answer to that is that we must do both. It would not be any good to have clean air and water if we were not around to enjoy it. On the other side of the coin, we are not going to play an effective role in the world unless we have a healthy environment, economically and every other way.

For a new moments, I would like to discuss the world position we find ourselves in today, and indicate why I believe these domestic programs, a program of reform which goes far beyond any program of reform which has been submitted to the American people in over 40 years; why that program is so essential at this particular time; why it is that America now cannot be satisfied domestically, we cannot rest on our laurels, why we have to make a critical examination of everything we are doing in this country to see whether we are doing it with the most efficiency possible.

Now, in terms of our world situation, the tendency is, and this has been the case for the last five to six years, for us to obscure our vision almost totally of the world because of Vietnam. That is understandable. We are always concerned about the war in which we are currently involved. That was true at the time of Korea. It is now true of Vietnam.

The difficulty is that as we obscure our vision with Vietnam, we do not see very significant changes that have occurred in the world over the past 25 years, the period since World War II, and changes that have occurred even more dramatically, perhaps, over the past five to ten years, and ones that may be in the offing. So I would like to take Vietnam very briefly.

I have nothing new to say on Vietnam. It seems to me, however, that since so much has been written and said in recent weeks about how we got in, it might be well to reiterate what we are doing to get out.

On Vietnam, what we find is that 300,000 Americans have left Vietnam since this Administration came in. A division a month are coming home each month at this time. As far as casualties are concerned, it is interesting to note that the casualties in the month of June were less on a monthly basis than the weekly casualties we were having a year ago. When we came into office, they were 15 times as great per month or week or day, take the index, whatever it is. One is too many, but that does indicate the winding down of the war.

As far as the ending of the war is concerned, as far as American involvement, we find that we are proceeding on two tracks. We are actively pursuing the negotiating channel. We also, regardless of what happens on the negotiating front, are pursuing our program of Vietnamization in which all Americans will be withdrawn from Vietnam consistent with two objectives: First, of course, the release of our prisoners of war; and secondly, in a way that will contribute to a permanent and lasting peace, we hope, in Southeast Asia and in the Pacific, rather than in a way that might increase the danger of another war.

I will simply conclude this section by saying this: Vietnam is an issue which, of course, concerns us. It is an issue, however, to which we have an answer. The American involvement is being ended. It will be ended certainly. The question is only a matter of time and only a matter of how. So consequently, it seems to me that a group of editors, opinion makers like yourselves, should, and I think will, appreciate the opportunity to look beyond Vietnam.

For example, a year from now, what is the world going to look like as Vietnam moves from our vision, or at least recedes from it, and what will America's role in the world be at that time?

As I came into the room, I noticed Martin Hayden. I shook hands with him. I perhaps can put my remarks on the world scene in context by pointing out that he first came to see me when I was a freshman Congressman. It was 24 years ago. I was thinking how much had happened in those 24 years. Many of you, a few of you, are old enough to remember what America was 24 years ago.

We were Number 1 in the world militarily, with no one who even challenged us because we had a monopoly on atomic weapons. We also at that point were Number 1 economically by all odds. In fact, the United States of America was producing more than 50 percent of all the world's goods.

That was just 25 years ago. Now, 25 years having passed, let's look at the situation today and what it may be five years from now or ten years from now. I will not try to limit myself to five or ten years except to say that in the next decade we are going to see changes that may be even greater than what have occurred in the last 25 years, and very great ones have occurred in that respect.

First, instead of just America being Number 1 in the world from an economic standpoint, the pre-eminent world power, and instead of there being just two superpowers, when we think in economic terms and economic potentialities, there are five great power centers in the world today. Let's look at them very briefly.

There is, of course, the United States of America. There is, second, Western Europe, Western Europe with Britain in the Common Market. That means 300 million of the most advanced people in the world, with all the productivity and all the capacity that those people will have and, of course, with the clout that they will have when they act together, as they certainly will. That is a new factor in the world scene that will come, and come very soon, as we all know.

Then in the Pacific, looking also at free world countries, we have a resurgent Japan. I met with steel leaders of industry and unions this morning. I pointed out what happened to Japan in terms of their business. Twenty years ago Japan produced 5 million tons of steel; this year 100 million; two years from now Japan will produce more steel than the United States of America.

That is what has happened. It has happened in the case of Japan, in the case of Germany, our two major enemies in World War II, partly as a result of our help in getting them on their feet, and partly because of their own energy and ability.

Now we have three power centers—the United States, Western Europe and Japan, noting that both Western Europe and Japan are very potent competitors of the United States; friends, yes, allies, yes; but competing and competing very hard with us throughout the world for economic leadership.

Now we turn to the other two superpowers, economic superpowers I will say for the moment. The Soviet Union, of course, first comes to mind. Looking at the Soviet Union, we are entering a period which only time will tell may be successful in terms of creating a very new relationship or a very different relationship than we have had previously.

I referred to the need for an era of negotiation rather than confrontation when I made my inaugural speech. We have been negotiating. We have made some progress in the negotiations. The important thing is, we are negotiating rather than confronting in many areas of the world, where confrontation could lead to explosion. Whether it is on limitation of nuclear arms, the issue of Europe, or negotiations on the Mideast, the negotiations are going on.

I am not suggesting that these negotiations are going to lead to instant peace and instant relationships with the Soviet Union such as we presently have with our friends in Asia who may be allied with us, or who may have systems of government that are more closely aligned to ours. What we have to recognize is that even as we limit arms, if we do reach an agreement in that field, and even if we find ways to avoid confrontation in other areas, and perhaps work out a negotiated settlement for mutual force reductions in Europe, and the problem of Berlin and all the others that come to mind, we must recognize that the Soviet Union will continue to be a very potent, powerful, aggressive competitor of the United States of America. And, ironically—and this is also true of Mainland China, as I will point out in a moment—as we have more and more success on the negotiation front, as for example the Soviet Union, like the United States, may be able if we have a limitation in nuclear arms, if we are able to turn our eyes more toward our economic development and our economic problems—it simply means that the competition changes and becomes much more challenging in the economic area than it has been previously.

So what we find, in other words, is that the success, and we do want success, of a policy of negotiation rather than confrontation will lead to infinitely more economic competition from the Soviet Union.

Mainland China is, of course, a very different situation. First in terms of its economic capacity at the present time, a pretty good indication of where it is is that Japan, with 100 million people, produces more than Mainland China with 800 million people. But that should not mislead us, and it gives us and should give none of the potential competitors in the world markets, Mainland China, any sense of satisfaction that it will always be that way, because when we see the Chinese as people—and I have seen them all over the world, and some of you have, too, whether in Hong Kong or Thailand or Singapore or Bangkok, any of the great cities, Manila, where Chinese are there—they are creative, they are productive, they are one of the most capable people in the world, and 800 million Chinese are going to be, inevitably, an enormous economic power, with all that means in terms of what they could be in other areas if they move in that direction.

That is the reason why I felt that it was essential that this Administration take the first steps toward ending the isolation of Mainland China from the world community. We had to take those steps because the Soviet Union could not, because of differences that they have that at the present time seem to be irreconcilable. We were the only other power that could take those steps.

Let me be very, shall I say, limited in what I would discuss on this particular issue, because we should not consider that more has happened than has happened. What we have done is simply open the door—open the door for travel; open the door for trade.

Now the question is whether there will be other doors opened on their part. But at least the doors must be opened and the goal of U.S. policy must be in the long term, ending the isolation of Mainland China, and a normalization of our relations with Mainland China because, looking down the road, and let's just look ahead 15 to 20 years, the United States could have a perfectly effective agreement with the Soviet Union for limitation of arms; the danger of any confrontation there might have been almost totally removed.

But Mainland China, outside the world community, completely isolated, with its leaders not in communication with world leaders, would be a danger to the whole world that would be unacceptable, unacceptable to us and unacceptable to others, as well.

So, consequently, this step must be taken now. Others must be taken, very precisely, very deliberately, as there is reciprocation on the other side.

But now let's see how this all fits into the economic program I mentioned a moment ago, and the economic challenge. The very success of our policy of ending the isolation of Mainland China will mean an immense escalation of their economic challenge, not only to us, but to others in the world.

I again come back to the fundamental point: 800 million Chinese, open to the world, with all the communication and the interchange of ideas that inevitably will occur as a result of that opening, will become an economic force in the world of enormous potential.

So, in sum, what do we see? What we see as we look ahead 5, 10, and perhaps 15 years, we see five great economic superpowers: The United States, Western Europe, the Soviet Union, Mainland China, and, of course, Japan.

Now, I do not suggest, in mentioning these five, that Latin America is not important, that Africa is not important, that South Asia is not important. All nations are important and all peoples in underdeveloped or less developed countries will play their role. But these are the five that will determine the economic future, and because economic power will be the key to other kinds of power, the future of the world in other ways in the last third of this century.

Now let's see what this means to the United States. It means that the United States as compared with that position we found ourselves in immediately after World War II, has a challenge such as we did not even dream of. Then we were talking about the dollar gap; then we were talking about the necessity of, putting it in terms of a poker game, that the United States had all the chips and we had to spread a few of the chips around so that others could play.

We did it. $100 billion for Western Europe to rebuild them, and billions of others to other countries, and it was the correct policy as it turned out. Now as we see the world in which we are about to move, the United States is no longer in the position of complete pre-eminence or predominance. That is not a bad thing. As a matter of fact, it could be a constructive thing. The United States is still the strongest nation in the world, the richest nation in the world, but now we face a situation where four other potential economic powers have the capacity, have the kind of people—if not the kind of government, at least the kind of people—who can challenge us on every front.

That brings us back home, and it brings us back home for a hard look at what America needs to do if we are going to run this race economically and run it effectively and maintain the position of world leadership, a position that can only be maintained if the United States retains its pre-eminent position in the economic field.

I could sum up briefly this way. First in personal terms we need a healthy people. Mr. Richardson has, of course, directed his comments to the need for programs that will make us a more healthy people in a very physical sense. We need a healthy environment and Mr. Ruckelshaus has directed his remarks to programs that will make the environment in this country more healthy.

We also need a healthy economy, and Mr. Stein has been talking about the economy. I think it is only relevant to mention that in terms of the economy that we have a situation here that at the moment, again, obscures our vision because of temporary problems which will change once the problems move along. For example, when we consider the problem of unemployment, it must be noted that if the 1,200,000 who have been let out of defense plants and out of the Armed Forces since this Administration came in were still in the Armed Forces and Vietnam and defense plants unemployment would be less than five percent today. But the cost would be too high. What we want is high employment, full employment to the extent that we can get full employment, but without the cost of war. We can have it. That is what our policy is directed to achieve.

When we speak of a healthy economy, we are also speaking, as Mr. Stein mentioned, I heard his answer to the last question, of an economy in which the fires of inflation have been cooled. We are moving on that. We have made some progress, not enough, but we have made some.

At this particular point, it is essential that whether it is in having to make the hard decision to veto a public works bill which would not speak to the problem of unemployment now, but would enormously escalate the problem of inflation a year or two or three or four years from now, or whether it is in speaking to the leaders of labor and management and calling upon them to be responsive and responsible in their wage-price decisions in seeing that they are not inflationary, the United States, of course, if it is going to have a healthy economy, must move in those particular areas, as well as in others.

Also, when we speak in terms of our health, we must speak in terms of how we accomplish some of these goals. Let me now speak quite directly about a problem that I know has been the subject of many editorials, editorials of newspapers, and, of course, on television and radio, to the extent that you are permitted to do so.

First, it has become rather common practice to berate the American system. Now, without being a bit jingoistic, and being totally objective, let's examine this system of ours, examine it in terms of the problems that I have just mentioned. Health: It would be very easy at the time that we are looking at the problems of the distribution of health care to throw the baby out with the bath water and to fail to recognize that at the present time while we have enormous problems which need to be dealt with of distributing health care fairly so that everybody who needs medical care can get it, we must handle that problem without destroying what we also enjoy, the best medical care in the world in terms of quality. That is why our medical program and our health program is not one that throws out the present medical care system; it builds on it. It reforms it. It corrects it.

Let's look at the environment for a moment. Here one is tempted, as he goes into a place like Los Angeles, and I will be there in a few hours, and you see the smog, that yellow ugly smog hanging over the city or when you go down the Potomac and see the filth in that river, one is tempted to say: Wouldn't it be great if we didn't have automobiles? Wouldn't it be great if we didn't have all these factories? Wouldn't it be great if we could go back to the way it was in the beginning?

The answer is: not at all. I have been and you have been to countries who do not have the problems of the environment created by an industrial society. Those countries and those peoples, of course, would very much like to have those problems if that was the cost of raising their standard of living.

That is why Mr. Ruckelshaus, and this Administration, has emphasized, and will continue to emphasize an attack on the problem of the environment, but recognizing that the genius that created the industrial might of the United States, that created the problems in the environment, can be put to the task of cleaning it up. This we will do, and this we believe we can accomplish, consistent with maintaining our system.

In terms of our economy, when we talk about how we can change it and how we can deal, for example, with problems like the wage-price escalation, it of course has not gone unnoticed that many at this time tend to throw up their hands and conclude that the only answer to the problem is to go to wage and price controls. Some nibble at it at the edges and say, Well, we ought to have a wage-price board, or others go all the way and say, Why not wage and price controls? When you talk to management, however, they want wage controls. When you talk to labor, they want price controls. When you talk to Government, they recognize, as we recognize that you cannot have wage controls without price controls and any of us, as I was—I was in the OPA for a few months in 1942 before I went in the service—you cannot have wage and price controls without rationing.

It would help us on the unemployment problem. I just checked and found we had 47,000 in the OPA in World War II enforcing all the regulations in wage and price controls over the country. It was not working because it will not and cannot in peace time.

So, despite the fact that a majority of the American people, when asked, do believe there should be wage and price controls, they say yes, if they had them for a while, they would say no with a vengeance; one, because they do not work in peacetime in controlling the problem, and two, because the cost in terms of snuffing out the dynamism and strength of the American economy would be a cost much too high to pay.

When we are talking about the system we must take the necessary steps to correct the problems that are wrong about it, but recognize that it is a system that has nevertheless produced today more jobs, higher wages, and greater opportunity than any system in the world. Before lightly changing it or reforming it in a way that changes its character, let us also have this in mind.

I look, for example, at the Soviet Union and those of you who have traveled in the Soviet Union several times, as I have—my first trip in 1959, and my last in 1967—have noted the significant change that has occurred there. There we find that they have moved more and more to a system of rewards rather than every man according to his ability, and receiving according to his needs, because the other will not work.

At a time when we find them moving—and may I say others who are trying the total socialistic approach—moving our way, we could make no greater mistake than to move their way.

What are the economic miracles in the world today? Japan: a different system from ours in terms of government, but relying very, very heavily on private enterprise and private incentives. Germany: a different system from ours in terms of government, but again, private enterprise oriented, private incentives.

Here is the United States of America. At this particular time, as we look around the world, we should not turn away from what is really the great source of our strength.

Now, I have mentioned the personal health that is very important, the health of our environment, the health of our economy, and I should also touch upon the health of government. Government in this country needs some major surgery. It is too fat. It has in many cases too many useless limbs; some need to be chopped off. Certainly it needs to be reduced in size. Most of all, of course, it needs an infusion of leadership and responsibility at local and State levels which is going to be essential if you are going to have improvement of government in this country.

That is why revenue sharing and government reorganization are very high on our agenda. There is not much sex appeal in these programs unless you talk to Mayors or Governors or county officials who say, please give us the money or we cannot pay our payrolls.

But, on the other hand, they are enormously important because the United States cannot go into this last third of a century with competition, when we are going to have to be at our best, with an unhealthy government structure. We have to thin it down and get it ready for the race. It is not ready for the race. That is why at the present time we are strongly advocating these changes.

There is one other kind of health that the nation needs. I don't want to sound here like a moralist or a preacher, although I have great respect for preachers and moralists. This nation needs moral health. By moral health, I use the term in a very broad sense.

Don Rumsfeld, I know, has addressed himself to the problem of drugs and I assume of law enforcement. I have stated categorically, and I state it again here today, that in this Administration, the era of permissiveness in law enforcement has come to an end. We are going to continue to support strong laws dealing with criminal elements, to support law enforcement officials up and down this land, and continue to have a program that will reduce the rising crime and eventually reverse it.

One of our most substantial achievements has been that in cities over 100,000, that in 61 of them the crime rate went down in the last quarter, and in the city of Washington, it went down for the first time in almost 20 years. This kind of progress is, of course, significant, but more needs to be made.

Let me now address myself to the narrow, but in a sense, decisive issue of drug control. I will not elaborate on what Don Rumsfeld said, except to say that we are dealing very effectively with the problem at its source. Our arrangement with the Government of Turkey: to the great credit of the Turkish prime minister, we have stopped that source to a great extent, and it will be totally stopped by next year. We are dealing with it in law enforcement and better education.

But the fundamental problem of drugs goes beyond that. You can stop the source of supply in one country and if there is enough demand they will go some place else. You can have the strongest laws possible, and if there is enough demand and use, you will have to add more officials.

What we really need is to get at the fundamental cause and the fundamental cause has to do, as all of you know, with basically a problem in our society. We must recognize that the problem is no longer a black problem, it is no longer a ghetto problem, it never was, as a matter of fact, although it was predominant. It has moved to the suburbs and the upper-middle class and upper class. It is particularly a problem among younger people. It is not just limited to veterans. It goes far beyond that. All these things we know.

The real problem, fundamentally, gets down to why; why do people take them? There we find the fundamental challenge of our time, a challenge that opinion leaders have to meet. If individuals have something to live for, if individuals have something to believe in, then the tendency to throw up their hands, to retreat, to give up on life, is substantially reduced.

But as a society comes to the point where there is negativism, defeatism, a sense of alienation, it is inevitable that younger people will give up. They will turn to drugs, to any other kind of activity that is, of course, disruptive of a society.

I address myself at this point to this particular question for a reason that I think is quite relevant in view of the announcement that I made on July 3. I said then that the United States was entering its bicentennial era, because five years from July 4th of this year we will celebrate the 200th anniversary of the United States of America.

We wonder what kind of a nation we are going to be then. Well, I will flatly predict that five years from now we will still be the richest nation in the world. If we want to be—and this will depend upon the American people—and need to be. We will still be the strongest nation in the world. But the critical question is whether the United States will be a healthy nation, a healthy nation not simply with a healthy government and a healthy economy and a healthy environment and a healthy physical system insofar as we personally are concerned, but healthy in terms of its moral strength.

On that, there is a question. That question is raised often in your editorial columns that I have noted, because I read many of them. It should be raised. But I would only suggest that part of the reason for raising it is that again we tend to allow the problems of the moment to obscure our vision of the future. We tend to allow our faults—and we have many—to obscure the many virtues of our society.

I will not list them. Let us simply say that world leadership—oh, I know all the criticisms: the United States can't be trusted with power; the United States should recede from the world scene and take care of its own problems and leave world leadership to somebody else, because we engage in immorality in the conduct of our foreign policy. Let's take a look.

We have been in four wars in this century, and four times young Americans have gone abroad. We have done so without any idea of conquest or domination. We have lost hundreds of thousands of lives and we have not gotten a thing out of any of it, and we have helped each of our enemies, after each of the Wars, get on his feet again.

We made our mistakes. We make them now, for example, as we made them in previous wars. Let me say this: Think for a moment. What other nation in the world would you like to have in the position of pre-eminent power? What other nation in the world that has what it takes would have the attitude that the United States has, as far as its foreign policy is concerned?

Here is a nation that did not seek the pre-eminent world position. It came to us because of what had happened in World War II. But here is a nation that has helped its former enemies, that is generous now to those who might be its opponents, a nation that, it seems to me, is one that the world is very fortunate, in a way, to have in a position of world leadership.

In terms of our domestic policies, I think we can truly say we have some problems. They are quite significant, and we like to look at those problems; not only look at them but we must work on them, and constantly see that America is revitalized and reinvigorated.

But as we look at those problems, the enormous strengths of this country can only be appreciated once you have seen other countries, great as they are and as much as they have to offer, and come back to see what we have in America. I am not speaking of wealth. I am speaking of freedom. I am speaking of opportunity. I am speaking of concern; concern that people have not only for people here, but for people in other places.

When we presented the program on July 3rd, some of you who may have heard it will note it was in the Archives Building. I am often asked, as I am sure many of you are who are in Washington, what is your favorite building? My usual answer is the Lincoln Memorial, particularly at night, with the light shining on the statue of Lincoln. But I would say that in terms of the most impressive building, impressive because it has the appearance of the ages there, it has to be the Archives, more impressive than the Capitol, the Lincoln Memorial or the Jefferson Memorial or the White House itself.

The great marble columns give you the feeling of the past and what the Nation stands for, and you know that the building is one that holds the Constitution, the Bill of Rights, the Declaration of Independence, the great documents that started the Nation at the beginning.

Sometimes when I see those pillars I think of seeing them on the Acropolis in Greece. I think of seeing them also in the Forum in Rome, great, stark pillars—and I have walked in both at night, as I have walked down by the Archives at night from time to time.

I think of what happened to Greece and to Rome, and you see what is left—only the pillars. What has happened, of course, is that great civilizations of the past, as they have become wealthy, as they have lost their will to live, to improve, they then have become subject to the decadence that eventually destroys the civilization.

The United States is now reaching that period. I am convinced, however, that we have the vitality, I believe we have the courage, I believe we have the strength out through this heartland and across this Nation that will see to it that America not only is rich and strong, but that it is healthy in terms of moral and spiritual strength. I am convinced it is there. I am convinced, as I talk to crowds of people. I am convinced as I see a group of young people, 500 of them, going off to Europe, as I saw yesterday, from 50 States.

But I also know that people need to be reassured. The people who can reassure them are opinion leaders, editors, television, radio commentators, teachers, even perhaps Presidents and politicians. At the present time, I will simply say in raising these problems, I don't raise them in any sense of defeatism; I don't raise them in the usual sense of pointing out that the United States is a country torn by division, alienation, that this is truly an ugly country; because I don't believe that.

I honestly believe that the United States, in its pre-eminent position in world leadership, has in its hands the future of peace in the world this last third of a century. I honestly believe that the United States has the destiny to play a great role, but I also know we cannot play it unless this is a healthy land, with a healthy government, a healthy citizenry, a healthy economy, and above all, the moral and spiritual help that can only come from the hearts of people and their minds, and that will only come as people are reassured from time to time. As we discuss our faults and as we correct our faults, reassured. Keep them in balance.

Don't let the problems of the moment obscure the great and good things that are going on in this country. It is that that I would suggest to the editors and other opinion makers here: that from time to time, maybe once a month, that message might come through.

FIFTY YEARS OF AMERICAN HISTORY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. PEPPER. Mr. Speaker, there are few people in the country today who can look back with the knowledge of experience over the past 50 years of our country's history and the history of the world. A very dear and close friend of mine, Mr. L. W. Hardy recently delivered a speech at the 50th anniversary meeting of the class of 1921 of Mercer University at Macon, Ga. I am sure that my colleagues in the House will find his overview of some of the dramatic events of the past 50 years most fascinating and his optimism for the future most refreshing. His speech follows my remarks:

SPEECH BY LUCIEN WAYLAND HARDY

It gives me great pleasure to say a few words to the Class of 1921. This year we have been out in the world for a period of fifty years. In 1921 we had just finished the first World War and most of us took part in it. During our fifty years we have seen another World War, which shook the world to its foundations and which was much more savage than the first World War. We have seen the United States engage in two foreign wars—the Korean War and the present war in Southeast Asia, which has not yet been concluded. Following the First World War we saw a world-wide depression in which many of our people of the United States were "on the soup line". Following the second World War we saw the greatest period of prosperity the world has even seen—a period in which our gross national product has passed the trillion mark! I don't know whether any of us can clearly comprehend a trillion—but that is a thousand billion!

Still, with all of our great wealth, we are in one of the most turbulent periods of our history—a time in which we are having riots, and bombings, and burnings; a period when times are "out of joint"; and a time that "tries men's souls". We are seeing an organized effort to destroy some of our colleges; an organized effort to destroy our government by violence and revolution.

Prior to 1921 our Supreme Court confined itself mainly to an interpretation of the law as it was written by Congress. The Supreme Court is now handing down decisions which amount to legislation and it is making some decisions which amount to an Amendment of the Constitution.

The Southern Manifesto, which was signed by most of the Southern Members of both Houses of Congress, showed clearly that the first school desegregation decision of 1954 was, in effect, legislation. Justice Black, in a series of recent lectures, has said that the Court lately has been making decisions which amounted to legislation. He doubts whether it is wise for the Court to legislate. The Court just recently made a further ruling in the school law and it was twisted to where it applied almost exclusively to the South.

In the April issue of the American Bar Association Journal, an article by George Cochran Doub appeared in which he shows the great danger that has arisen by the expansionary policy of the Supreme Court, which has allowed the minor federal courts to overrule the States' highest court in habeas corpus cases.

I recently read the Memoirs of Arthur Krock. He thought that, since the Supreme Court was legislating, the United States had already passed its peak!—And that in the future we would be living under an oligarchy, which is not responsible to the people.

We have also seen a revolution in medicine when the "Miracle Drugs" were discovered. Another is when the computer was invented and later perfected to where computers can do a great deal of the world's work, making many things possible which could not be done before.

There was an article in the April 19, 1971 issue of Time magazine on the new Genetics. It flatly predicts that in the next fifty years man will have approximately 20 years added to his active life.

We have also seen the organization of the United Nations. We have seen the beginning of inter-planetary travel. Through television (another marvel invention) we saw a man land on the moon and walk on the moon. And we heard him talk from the moon—to the President in the White House.

We have seen the fission of the atom which resulted in the atom bomb and the awful destruction of Hiroshima and Nagasaki which ended World War II.

As a matter of fact, knowledge has increased so fast during these last fifty years that it has almost been an explosion. It is obvious that we already need another twenty years of active life in which to develop an intelligent grasp of what is taking place in the world and to deal realistically with these vast and complicated problems that keep rushing on us!

The last fifty years have marked the beginning of an era. The fission of the atom and the "one small step" on the moon have elevated man to the class of the gods. No longer can we say, "Lord, the woman gave me the apple and I did eat thereof". The only thing we can say now is, "O, Lord, we have been messing around the Tree of Knowledge and we have eaten several apples!"

I have pointed out some of the mistakes which it seems to me the Supreme Court has made and is making. I am not stressing rioting, the bombings and the burnings, although these are important. In my opinion, the most important mistakes which are being made today and will be made in the future are the mistakes of our leaders! If Hanoi wanted to hire agents in this country to handicap us, I do not see how they could hire anybody who would be as effective as Mr. Fulbright and certain other members of Congress in handicapping the President in his efforts in winding down the war.

One of the things our leaders could do at the present time is to strengthen the United Nations. Do you remember when King David was first making a bid for power? He was careful not to make any move against the anointed king. That hesitancy to make a move against the anointed king has persisted throughout the years for the very good reason that the king had an army back of him.

The "anointed king" of our time is the United Nations but it is not much stronger than a glorified debating society. On the other hand, if it was able to maintain an army of a million men, it would be the strongest force in the world! Not only would it have a strong army but it would also have world opinion back of it. If the western Nations were to tax themselves enough to maintain such an army with the law that only the nations who contributed to that army could control the army in proportion to their contribution, you could have a force which, within a few years, could have a profound influence for good throughout the world.

I would like to give a thumbnail history of what we have seen in the world and how it relates to what I have just said. When I first started to school, we were told that the history of the Romans in the time of Christ and for two thousand years preceding was "ancient history"; but it is, in fact, very recent history. We have only about ten thousand years of history that can be reasonably well authenticated; then, another ten thousand years before that, or the "dawn of history", making a total of twenty thousand years of known history of mankind. Yet Science tells us that the world has been in existence for four billion years and some of the species of animals have existed continuously on the earth for more than a million years. This makes mankind's history very, very short!

In 1922 it will be just 500 years since Columbus discovered America. Yet the whole complexion and power of the earth has changed radically in that short period of time. Those 500 years cover the most important part of the history of mankind.

Take our class of 1921—most of us have a first hand knowledge of about 150 years of our history and we can make somewhat of a guess of the next 50—making approximately 200 years of time with which we ourselves are reasonably well acquainted.

As for me, I am one of the ones like Mr. Micawber in "David Copperfield"—I'm living in daily expectation of "something happening". You may remember that Mr. Micawber's wife ran a boarding house and he considered himself an important man around the premises. He lived in daily expectation of "something turning up—or happening".

Just suppose that our class had graduated in 1821 instead of 1921. We could have lived in daily expectation of something happening. For instance, my grandfather Hardy used to tell of the stars falling in 1833. He said the flame in the skies was bright enough so that one could read a newspaper out in the yard. That would have been "one of the happenings" we would have seen. Many of us would have lived through the Civil War and other great events of that period.

Or, suppose our class had been in 1871. We would have been witnessing great events of that fifty year period; the great expansion of our country westward—our becoming one nation from coast to coast, and our consequent rise to greatness. We would have seen the invention of the incandescent electric light bulb; the consequent development of electricity and its multiple uses that have given us luxury in our every day lives; and, of course, the first World War.

I have just outlined what we ourselves saw between 1921 and 1971. The Class of 1971 can certainly look forward to tremendous events happening which will further change the complexion of the whole world. And I'm sure it is the prayer of all of us that these young graduates will have the vision to see it and the background and understanding to guide our nation wisely in the coming events of our next 50 years. Let us of the Class of 1921 tell the Class of 1971 to look to the East; that, notwithstanding the world shaking problems that confront us, the sun is clearly above the eastern horizon and that they are now living in the early morning of civilization.

PROUD TO BE YOUNG AMERICANS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ROBISON of New York. Mr. Speaker, the Ithaca, N.Y., High School Commercial Club has undertaken a most worthy project to help raise money needed to repair the Lincoln Memorial, and I enclose a news article which these students arc using to bolster their drive to raise the necessary funds. These young people have shown that they care very much about what happens to one of our finest national monuments. They are proud to be young Americans and we should be very proud of them. As the following article illustrates, this is a project that is worthy of our support, too.

THREATENED BY AIR POLLUTION—LINCOLN MEMORIAL: "WHEN IT RAINS, IT FIZZES"

(By John J. Lindsay)

WASHINGTON.—The Lincoln Memorial is in trouble.

The limestone walls and marble columns of the 48-year-old monument are deteriorating, mortar is flaking away, and stalactites and stalagmites have transformed its basement into an eerie cavern.

Millions of spiders and tiny, winged midges swarm over the ceiling. Tourists tread uneasily, and occasionally a bat swoops across the Great Emancipator's brooding head.

"It isn't going to fall down tomorrow," says Kenneth Eisenberg, the internationally known restorations expert who recently supervised the work on Washington's Corcoran Gallery of Art. "But I'm worried about the future. It's a blight on the entire country that a monument of this importance should be allowed to run down so disgracefully."

Eisenberg thinks the memorial is turning into "a gigantic Alka-Seltzer tablet—you can almost hear it fizz when it rains."

The reactions between air pollutants and the carbonates in the marble are the chief cause of deterioration. What happens is that the buses and cars that constantly circle the one-block, four-story monument and the jet planes that continually pass overhead spew sulphur dioxide into the air.

In wet weather, the water combines with the dioxides to procure a mild sulphuric acid which washes down the sides of the monument, seeps into the cracks,. gets in behind the stones and reacts with the carbonate—and the fizzing action begins.

The result is an increase in volume of the huge blocks of stone—and a subsequent sloughing off of the surface of the stone and of the masonry in between.

Of course, the answer to the problem is the answer to most problems these days—money. Yet in this case the financial backing needed is relatively small. Experts believe the deterioration could be halted, at least for a time, for about $500,000.

For another $500,000, the monument could be returned to the condition it was in on Memorial Day, 1923, when Chief Justice William Howard Taft, chairman of the commission that supervised the building of the memorial, presented it to President Warren G. Harding who accepted it in the name of all American citizens.

Since then, the monument has been one of the half-dozen major tourist attractions in the country. Millions have visited it, including one lady last year who was bitten by a bat and several who ducked away just in time.

He wasn't what you'd call a fancy person," savs a recent woman visitor gesturing to the great seated statute of Abraham Lincoln. "But he wouldn't have wanted bats and spiders and things like that in his house. It seems like kind of a rotten way to run a monument."

No one can be certain who exactly is at fault. To some extent. Congress is to blame for not appropriating more money. The legislators have chosen to pay heed not to those who point out the deterioration of the monument, but to those who say the condition is not serious. Some of the latter are employes of the National Capital Parks division of the National Park Service, a branch of the Interior Department.

But Russell Dickinson, the clear-sighted general superintendent of monuments, candidly admits there is "a lack of maintenance"—and can do absolutely nothing with the amount of funds available to him.

Recently, under a new allotment of about $25,000, the authorities have hired two full-time masons to patch up the monument. To critics of the system, this step fell ludicrously short of what is needed.

"It's like putting a sponge into the Atlantic Ocean to clean up the pollution," says Eisenberg.

Ridding the monument ceiling of its accumulated insects would be relatively easy, though it would entail closing the place for a time. Apparently the officials have decided that a ceiling full of midgets and spiders is preferable to a city full of disappointed tourists. Anyway, the creatures might well be drawn back by the monument heights.

In all the rising controversy about the state of the monument, one irony has so far been little noticed. The monument to the nation's first Republican President may deteriorate beyond the point of no return during the administration of another Republican President.

THE HIGH COST OF NOSTALGIA

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mrs. ABZUG. Mr. Speaker, it's "off we go, into the wild blue yonder," time again, courtesy of the U.S. Air Force. Only the subtitle of the theme should read, "Taking what's left of the U.S. Treasury with us." I refer, of course, to the escalating campaign on the part of that old alliance of the military and their pet contractors on behalf of a new manned bomber.

Consider the B–1, latest effort on the part of Air Force generals to keep alive the tradition of manned combat aircraft that can deliver large bomb loads. Antiaircraft missile and radar technology is making massive strides. Even though it is still more than a little difficult to bring down a sophisticated incoming missile by use of antimissile technology, it is becoming increasingly easy for the defense to locate, track and hit attacking aircraft. Already, sophisticated antiaircraft missiles have made life miserable for offensive bombers over Southeast Asian skies. Can we imagine what any attack by manned bombers would encounter over the skies of the Soviet Union?

Further, as intercontinental ballistic missiles become ever more sophisticated, there is less and less need for manned bombers. We are into our third generation of ICBM's. Warheads have been multiplied in the form of MIRV's—multiple independent reentry vehicles—thus making that ancient legend of the Hydra into a modern day military reality. Each of these warheads, heading for its own target, throws out a series of decoy images onto defensive radar screens. In short, the age of the ICBM dominates world offensive military thinking.

Why then, in the name of all that is holy, solvent and sane is there any need for a new generation of manned strategic bombers? Such a plane will be an antique before it ever leaves the ground. It is useless before entering production. It is a total waste of priceless, vital dollars. It is just a desperate scramble by a group of aging Air Force generals for a youthful image in an age when they are fearful of the name "Silo Sitters."

These gentlemen still live in an age of the Red Baron, Messerschmitts, Zeros and Mig 15's. They conjure up that distant, romantic picture of an open cockpit, clattering machineguns, while silk scarves and bombardiers peering through bombsights. Touching, but fit only for late shows and war museums—certainly not worth taking seriously in terms of billions of dollars and our national defense

There is another side to the B–1 coin. In addition to swollen egos and unslaked desires of some military gentlemen to possess a new, shiny toy, there is also the care and feeding of selected defense contractors. In this case, the affected operation is that of North American Rockwell.

For several decades, a half dozen major defense contractors have had full run of the Treasury of the United States.

In the name of national defense they have perpetrated a series of atrocities upon the taxpayers and the Federal Treasury. We have watched in growing shock and horror as defective weapons systems have been revealed, complete with massive cost overruns as weapons systems that were supposed to be delivered in 3 to 5 years took 7 to 8 years and when finally termed completed, they turned out to be unworkable piles of junk.

We are still paying for something called the main battle tank, the Sheridan armored vehicle and an assortment of other pieces of hardware that add utterly nothing to the quality or quantity of our national defense. Of course, major defense contractors in each case have made large, even staggering fortunes in the process.

However, in the past 2 years, the whistle has been blown, various rocks have been lifted and an astonished public has been able to see what has been transpiring. A series of rules and regulations have been laid down regarding cost accounting, delays and performance standards. The General Accounting Office has been increasingly utilized, although not adequately as the accountant of Congress. Now, GAO has discovered and publicized what may be the most blatant attempt yet to enrich a major contractor at public expense while attempting to build another flying dinosaur, the B–1.

This plane is as necessary as more sand in a desert. Our Nation has more than an adequate defense, regardless of Pentagon and industrial complex scare talk. The B–1 is a useless piece of hardware. Old mistakes, which I consider the height of folly, are being deliberately repeated. The avionics of the B–1 have not been fully settled on yet, a mistake that cost several billion dollars on the TFX.

The planners make no allowance for inflation, which, courtesy of President Nixon, is presently hurtling along at about a 6 percent annual clip. Vital performance characteristics of the plane, which are the supposed reason for its being, have been relaxed in an effort to hold down ballooning costs.

What is perhaps worst of all is the fact that there is no ultimate cost figure for the program. This means there is virtually an open end to the cornucopia now being emptied into the corporate treasury of North American Rockwell. It is possible that upwards of $20 billion could be wasted on this plane, above and beyond all original projections, and some estimates double this figure.

The missile to be fired from this aircraft, SRAM, is turning into a complete disaster. Its tests have been failures. It is supposed to be fitted onto the B–52 and F–111 as well as the B–1. The B–52 is an already obsolete plane. The F–111 is a standing joke among military aircraft and production circles. Its manufacturer, General Dynamics, maintains that its contract does not compel it to produce a bomber capable of flying at heights required for so-called effective use of the SRAM missile. No one in their right mind takes the F–111 seriously any more except as a classic example of waste, corruption and inefficiency. Yet this is how far the rationale for the B–1 and its missile armament is being stretched.

Mr. Speaker, the air force, its civilian allies at the Pentagon and their friendly neighborhood contractors are pulling out all the stops to ram this project through. What they obviously seek is repetition of what was allowed in the past; open-ended finances, unlimited delay, little or no oversight and unquestioning congressional acceptance of whatever they choose to do behind the scenes. The Pentagon, urged on by the Air Force establishment, is lending all available support to this effort. It is also plain that this plane, when and if ever delivered, will be as useless to the defense of this Nation as the F–111 is at present.

We would expend at least 50 billion dollars on what would end up a museum piece. In order to possess this useless indulgence, we would throttle mass transit, nutrition programs, antipollution efforts, housing programs, vital public works projects and a variety of other domestic requirements that literally shriek for attention and priority. What good does it do to end a war abroad only to waste the same amount of money on such a useless project? Mr. Speaker, the B–1 is unnecessary and should be cut off, forthwith.

NAMING NAMES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ROSENTHAL. Mr. Speaker, there is a story told about a movie critic for a local newspaper who told his readers that he had just seen one of the worst films ever made. The acting was terrible, the script abominable and the directing and editing even worse. Do not waste your time or your money, he advised his readers.

But he failed to tell them the title of the film or the theater playing it.

Now that may sound ridiculous to a thinking person—and it is—but it is just the kind of thing that happens every day. Perhaps it does not occur with films, but we see it daily with far more important names that the news media fail to identify.

It is part of what Wall Street Journal reporter Stanford N. Sesser calls "a growing controversy in American journalism: the reluctance of some publications to name names when dealing with consumer stories that put businesses and products in an unfavorable light."

Now there are some publishers and editors who would tell you when businesses know they and their products would not be identified publicly they will be more likely to rectify problems.

On the other side are the consumer activists who, like Frank Pollock of Consumers Union, contend that—

> A news organization unwilling to name names in a consumer story is shirking a basic responsibility to its readers.

I am only one of those who strongly support naming names. Such a policy not only is in the best interest of consumers but of businessmen as well. The refusal to identify an offending merchant or harmful product makes the warning meaningless to the consumer and, what's more, unfairly puts in a bad light all honest businessmen and good products in competition with the bad ones.

I am inserting in the RECORD at this point Mr. Sesser's fine article from the July 6, 1971, Wall Street Journal:

NAMING NAMES: SOME PAPERS HESITATE TO SPECIFY BRANDS IN CRITICAL STORIES—CRITICS SAY FEAR OF ANGERING ADVERTISERS IS THE CAUSE—PUBLISHERS DENY CHARGES—THE BEE'S TALK WITH A BUNNY

(By Stanford N. Sesser)

When Massachusetts' highest court recently issued a landmark ruling expanding the rights of consumers, the Boston Herald-Traveler said the decision came in a lawsuit involving "a store." The Boston Globe for its part spoke of a "disputed retail bill." The articles were buried deep inside both papers; the Globe, in fact, didn't even print the news until a week after the court action.

To many Boston newspaper readers, it might have sounded as though Sam the corner druggist was being hauled into court. Neither article so much as hinted at the identity of the defendant, although the Herald-Traveler had quoted two paragraphs from "the store's brief."

But in this case the defendant, far from being a small merchant, was Jordan Marsh Co., which calls itself the largest department store in New England. Jordan Marsh was accused of illegally transferring a $500,000 debt from a bankrupt man to his mother and then harassing the mother with late-evening phone calls, threats of legal action and letters stating her credit had been revoked. The mother, who contended that such tactics brought on two heart attacks, won a ruling by the Supreme Judicial Court allowing a debtor to sue a creditor for undue harassment. Her $100,000 suit will go to jury trial.

WAS ADVERTISING A FACTOR?

Some Boston newspaper readers think there was more than bad news judgment involved in the treatment of the story. "This is new law; it should have been front-page news," declared Joseph Stashio, the lawyer for the mother. He charges that the papers didn't mention the department store by name "because they get a lot of advertising from Jordan Marsh."

Both the Globe and the Herald-Traveler deny that they are reluctant to use Jordan Marsh's name. Globe editors say they can't account for the omission on the lawsuit story. John R. Herbert, executive editor of the Herald-Traveler, says the name was left out because the court decision "was applicable to all retailers."

The Boston case illustrates a growing controversy in American journalism: the reluctance of some publications to name names when dealing with consumer stories that put businesses and products in an unfavorable light. Such policies are gaining increasing attention as they come into conflict with the nation's growing consumer movement.

Frank Pollock, executive assistant to the director of Consumers Union, charges that "one of the reasons we have the very serious consumer problems we have today is that the press over the years developed a tradition of not serving the informational needs of the consumer." He contends that "a news organization unwilling to name names in a consumer story is shirking a basic responsibility to its readers."

NAMES THAT DON'T MAKE NEWS

Arnold B. Elkind, who was chairman of the National Commission on Product Safety until the group disbanded last fall, feels that "the news media to whom our records and hearings were available generally haven't availed themselves of the opportunity to alert the public to product hazards." Mr. Elkind recalls that a commission hearing on hazardous toys in December 1968 elicted considerable press coverage—but that only the Washington Post actually mentioned the brand names. "I don't think the fear of libel was at the root of the problem," he says. "I feel there was a concern of alienating advertisers that was at the bottom of that kind of self-censorship."

Talks with reporters indicate that the removal of names from articles is being met with increasing resistance in the newsroom. Several Time magazine staffers, for instance, are known to have protested the decision of editors to take out all references to Chrysler Corp. in an article published in the magazine's law section June 7. The story concerned the acquittal by a Detroit jury of a black factory worker on the ground of insanity when he murdered three others workers at a Chrysler axle plant. The defense had argued that inhumane working conditions at the plant, particularly for blacks, had driven the worker to murder while he was temporarily insane.

In its article, Time referred only to "an axle plant," even though the Detroit papers and The New York Times had previously published stories that named Chrysler. Richard M. Seamon, an assistant managing editor at Time, says the name was removed because "from the reading of the trial transcript, the significant thing was that working in an axle plant was a terrible thing. There was nothing to indicate the Chrysler plant was any worse than any other axle plant."

Mr. Seamon also says that Chrysler had been mentioned in the Detroit newspaper articles and that there was "no sense in pointing the finger again at a corporation that had already been embarassed by it."

DISPUTE OVER A BYLINE

One dispute over names received national attention early this year when a Baltimore Sun reporter, Sandra Parshall, sought unsuccessfully to enjoin the paper from using her byline on a series of stories about Maryland's nursing homes. She argued that because the paper removed the names of the homes, the stories were so flimsy that her professional reputation would be "irretrievably damaged" if her byline was used. The Sun responded that publishing the names would open it up to possible libel suits.

All the critics of newspaper consumer-reporting practices concede that there has been vast improvement from the early 1960s, when the press largely neglected such major problems as the alleged hazards of General Motors' Corvair. Today actions by government agencies against specific products and companies are widely reported, as are the allegations of Ralph Nader, the consumer advocate. In addition many papers—including the Knight newspaper chain, the Washington Post and the Rochester Democrat & Chronicle—frequently launch investigative studies of their own and use names in the resulting stories. (Even these papers, though, sometimes refer to companies anonymously when anonymity is the only way to get desired information for a story.)

But a surprising number of publications still suppress product or company identifications on critical stories. A report by a group of Stanford University students provides some measure of the problem. Last fall the students released the text of a year-long study of air pollution in the San Francisco Bay area that included a company-by-company description of 29 industrial polluters. The students say that 17 newspapers carried the story—but that only three used one or more names. The other 14, including the two San Francisco dailies, carried news of the report without identifying a single polluter, the students state. (The major corporations identified as polluters in the report include Standard Oil Co. of California, Pacific Gas & Electric Co. and FMC Corp. None of the three concerns had any comment.)

A few newspapers still seem to consider names about as desirable in print as four-letter words. Consider the Sacramento Bee. One day recently its "Action Line" column contained three items, all with nameless references. The first was a complaint about "one of the leading credit-card concerns"; the second concerned "a Chicago mail-order house"; and the third concerned "scores of letters from irate readers who have sent away for bowls and spoons offered by the national marketer of bananas."

BATTLING THE BEE

Reporters for the Bee say they sometimes match wits with management in a battle to get the names across. One Action Line column discussed calling a credit company and drawing "a blanche." One reader had a complaint about a magazine subscription; the column noted that "we called the famed men's magazine and talked to a bunny there."

The reluctance to use names doesn't stop with the Action Line column. Reporters say that model names are never used in stories about car or small-plane accidents. For example, the Bee recently ran a picture of a burned-out, overturned Volkswagen whose two occupants were killed. But the photo caption referred only to a "small car."

One Bee reporter complains that "on our food pages, they can say there is a great new cereal with no vitamins and minerals that costs $12 a box and they can name the cereal. But if someone wants to do a story on a cereal with DDT in it, we can't use the name."

A spokesman for the Bee, who asks not to be identified, says the Action Line column omits names because "you find that no one was really at fault; it was a minor clerk or something like that." He contends that the paper "pulls no punches," but doesn't do investigative consumer articles because "we've been too damn busy doing too many other things." Asked specifically about the photo of the wrecked Volkswagen, he says the car wasn't identified because it would have been "free advertising."

The Cleveland Plain Dealer is another paper that bans names in its Action Line column. William M. Ware, executive editor, says, that "we get greater results for our readers when we don't name names. When the merchandisers know we won't name a name, they'll rectify the problem much better." But what if the merchant doesn't act when the Plain Dealer calls? That never has happened, Mr. Ware insists.

TAPING OVER TOYS

Mr. Pollock of Consumers Union, which publishes the magazine Consumer Reports, points to several types of stories he says most newspapers won't run for fear of alienating businesses by the necessity of naming names. They include loss of luggage by airlines, thefts from downtown hotels, loan practices in the ghetto by local banks, and picketing of stores and auto dealers by disgruntled consumers. Consumers Union has just ruled that none of its executives will consent to interviews unless names can be used. The policy was adopted after a television station ran a feature on the organization's campaign against hazardous toys and taped over the names of the toys that were being demonstrated.

In some cases, however, newspapers are beginning to change their minds about the wisdom of a no-names policy. A year ago, for instance, The Record of Bergen County, N.J., ran an editorial sharply critical of a supermarket chain that was fined 12 times in seven years for selling hamburger containing more fat than was permitted by state law. "A fine should not be just another nominal expense of doing business," the editorial concluded. But there was only one problem: The editorial never said what supermarket chain was involved.

Malcolm A. Borg, who became president of The Record in January, now declares that "as it would stand today, we would say who it is," and he pointedly notes that the violator was Acme Supermarkets. "You're not serving the public unless you name the store," he says. "My own feeling is most newspapers have consistently hidden advertisers' names out of the news columns for fear of losing advertising revenue. It included our paper, very definitely."

EMPTY THREATS?

One editor who has done frequent battle with local businesses thinks the threats of libel suits and lost advertising are empty fears. "We periodically do get threatened, but nobody has really ever followed through and done anything," says Thomas Pew, editor of the Troy (Ohio) News. "We have temporary advertising boycots periodically, but they don't last too long," he adds.

Mr. Pew's paper, which has a circulation of 10,000, has been sharply critical of practices of some of the town's leading businesses. Last fall, for example, the Troy News accused Hobart Manufacturing Co., whose corporate headquarters is in Troy, of distributing IBM computer pledge cards from the Republican Party to all its salaried employees. The article also said some Hobart employees were complaining of management pressures to contribute to GOP campaigns.

Hobart at the time denied there was any pressure and said the punch cards were sent only to employes who were Republican Party members.

In addition, the Troy News has named supermarkets in articles on packaging and code dating and once ran a list of large local farmers with the government subsidies they got for not growing crops.

Mr. Pew is scornful of papers that take a more timid approach. "In the long run it hurts them not only with their readers but with their advertisers," he says. "If the reader trusts the paper and feels it will counter any misleading advertising, the advertiser actually gets more money for his dollar from the paper."

UPPER MISSOURI BASIN GOVERNORS MEET

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ABOUREZK. Mr. Speaker, recently the Governors of Montana, Nebraska, Wyoming, North Dakota, and my own State of South Dakota held a meeting of the Upper Missouri Basin Governors' Conference in Rapid City, S. Dak. The thoughtful concern for the problems of our society that dominated that conference and the serious efforts to grapple with these problems are well expressed in the resolutions adopted. One in particular has such merit that I would like to call it to your attention.

The resolution follows:

RESOLUTION ON DISTRIBUTION OF OPPORTUNITY

Whereas our states including North Dakota, South Dakota, Wyoming, Nebraska and Montana have for decades experienced a serious outflow of people, especially our well educated youth who pursue opportunity elsewhere because of limited opportunity here; and,

Whereas the United States is experiencing a severe and persistent dislocation and shift in population which is causing mounting problems of out-migration from farms and small towns causing a decreasing tax base and insufficient people to maintain minimum services such as schools, hospitals, parks, sewer and waste systems, etc., on the one hand, and on the other hand this out-migration is causing, in part, problems of urban glut, such as increasing crime, smog, racial tension, water pollution, clogged mass transit, crowded schools and hosiptals, etc.; and,

Whereas these opposite sides of the same coin—under population and congested population—are root causes of high social and economic costs involving a diminishing quality of life in America; and

Whereas out-migration from our states of our own youth is not a phenomenon of nature but is man made and too often the result of inadequate, inadvertent, and uncoordinated national government policy, planning and programming:

Now, therefore we call for a congressional declaration of a national policy on distribution of opportunity which solicits effort by the private sector as well as state and local governments to recognize and aid in distribution of opportunity and hence stabilization of population through such devices as:

A. Interstate Commerce freight rate adjustment to allow the midwest to be competitive

B. Regional multi-state economic planning and action through organizations such as the Missouri River Economic Development Commission

C. Small Business Administration type loans with preferential interest rates to industry in under populated states

D. Preferential tax programs for such industry

E. Manpower on the job training for new industry

F. Water resource development through regional effort

G. Agricultural programming recognizing the social and economic value of individual, non-corporate farming

PRESS, POLICE, AND LAWBREAKERS

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. MOLLOHAN. Mr. Speaker, one of the current catchwords—and it seems our society has grown so fond of creating them—is "police brutality." Like all catchwords, that phrase is an oversimplification and an excuse to seal off discussion.

Come up with a catchword, repeat it often, and although you may never have tried to prove it and although you may never have examined the other side of the issue—and indeed, for the phrasemonger it is better that he does not do so—and soon you will be delighted to hear your catchword being accepted as truth and being echoed by those too hasty to examine the scope of the issue.

This is what is happening today with the catchword "police brutality." It has caught so many minds and sealed them off to discussion.

Can the phrase even begin to describe the feelings of our law enforcement officers confronted by jeering crowds hurling obscenities?

Can it even begin to convey the difficulty of a policeman trying to control a volatile mob to maintain the public order, while simultaneously trying to protect the rights of individuals?

I sometimes feel that those who cry "police brutality" do so to encourage "mob brutality" and to psychologically undermine the effectiveness of our police. I urge our policemen not to be swayed by such epithets, for they can be assured of the support of the American public which has grown increasingly alarmed by the tempo of violence and demonstration.

Mr. Speaker, I would now like to submit an editorial published in the June 29 edition of the Wheeling, W. Va., News-Register, which I think aptly expresses my views on police and lawbreakers:

Press, Police, and Lawbreakers

There sill are rumblings being heard over the actions of police during the Mayday demonstrations in Washington, especially criticism of the mass arrest technique used by the police to keep government functioning.

Grant Dillman, Washington News Editor for United Press International, recently registered his objections to D.C. Police Chief Jerry Wilson over the treatment accorded reporters by some policemen during the demonstrations.

Mr. Dillman noted that six newsmen were arrested during the indiscriminate police sweeps and others were harassed in various ways. Of those arrested, two were physically assaulted.

UPI made one further point: "Black reporters and those with long hair were hassled most. The minority of your department that personally finds this objectionable must realize that being blacks and favoring long hair does not necessarily reflect sympathy for the protesters or anyone else."

Lt. Arthur F. DeGennaro, the police department's public information officer, noted that prior to the Mayday protest policemen were issued special orders instructing them "to expedite the movements of members of the press within or through established police lines."

But Lt. DeGennaro freely conceded that what officers are told to do and what they actually do sometimes are two different things. There are smart alecks in uniform as well as within the ranks of newsmen, he said.

Naturally reporters must be free to report the news under all circumstances and it is expected that police officers will not interfere with newsmen as long as the latter do not hinder the officers in their important duties. Police-press cooperation is a two-way street, something both reporters and policemen sometimes forget in the heat of a major confrontation. We have seen certain newsmen who have asked for trouble from police by getting themselves directly involved in the story they were covering. Sometimes by their own actions newsmen can incite demonstrators to violent actions.

Today it is incumbent upon a responsible press to be careful not to be "led" into situations whereby lawbreakers are encouraged to "perform" in order to get publicity. There are certain malcontents in every community today that enjoy nothing better than getting their pictures and rabble-rousing statements printed in the newspaper or shown on television with the idea that makes them important in the eyes of their followers. The press must not be used.

As for this matter of mass arrests of demonstrators by police in Washington, true they would be legal only by changing the Constitution to permit 24-or-48-hour detention by the police of any citizen for reasons of public safety. But as a nation we have wisely refused to give the police this authority. It is too easily abused. As an article in America magazine stated, "It is better to bend the Constitution now and then rather than declare open season on our individual freedoms."

Apparently the D.C. police did bend the Constitution a little during the Mayday demonstrations when they did not have time to distinguish between the zealots, the eggers-on, the sympathizers, the fire-watchers, the casual passers-by and certain members of the press as well. But they had little choice where public safety was the issue.

INDEPENDENCE DAY 1971

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. WOLFF. Mr. Speaker, the events of the last 3 weeks involving the publication of the Pentagon papers has brought before the American people a variety of facts and documents about our long and futile involvement in Southeast Asia. These papers have been a revealing source of information to the public. However, they are, at the same time, a source of deep discouragement.

The Pentagon documents and their clandestine handling by the Government have shown the people of this country the consistent attempts to maintain an atmosphere of unjustified secrecy when dealing with the war in Vietnam. The unsuccessful attempts to stifle the efforts of newspapers to print these documents has greatly added to my own disillusionment with the Government's policy. It is this constant denial of vital information that has kept the people of this country unaware of many of the facts of the Vietnam war while the Government pursued its foreign policy with a free and heavy hand.

Mrs. Sheila Noeth is the editor of the Syosset Tribune, a newspaper which has a large circulation among my constituents. Her newspaper has recently printed an editorial attacking the Government's attempts to suppress the Pentagon documents that is succinct and refreshing for its honesty. I believe, Mr. Speaker, that this article will be of interest to my colleagues and to the American public. I include the article at this point in the Record:

Independence Day 1971

These are troubled times to celebrate our independence from English domination. In 1976 we will be celebrating 200 years of independence. But there is more to independence than pride and patriotism. From fledgling colony-states we have grown to a union of 50, one of the world's greatest powers. In 1776 we set an example for the oppressed everywhere. We fought for our independence against superior odds. Since then we also have fought for the indepedence of other countries. No other nation on earth can measure up when it comes to spending blood and money for freedom—ours and that of other nations. Also, no other country has expended such large sums of money to improve conditions around the world for the poor and the oppressed.

Revelations in the New York Times, Washington Post, Boston Globe and other newspapers are disquieting and shocking. They reveal that for the past decade Washington has been less than candid about what we are doing in Vietnam. The present administration inherited the Vietnam mess with a promise to end the war. President Nixon has succeeded in tamping some of the fires of anguish which have swept and sundered this nation. He has brought home thousands of troops and has succeeded in winding down the war. We are grateful for this. Now if we can get all of our prisoners back, few will object if we pull out body and soul from the war. More than $100 billion dollars and 50,000 deaths after 10 years is enough.

Statements from Washington in the past decade leave a slightly bitter taste. Attempts to muzzle the press, as to its responsibilities to the American public, do not sweeten the sour flavor. It is time for the government to cooperate with the Press instead of trying to muzzle it. Unless news would really be detrimental to our troops on the battlefield, it should be printed. A free press is one of the bulwarks of freedom, independence and democracy. And this newspaper will not now, or ever, stand for censorship of LEGITIMATE news from local, state or national officials. Freedom to print the truth is a basic right of a free press in a free society, providing that it's publication can not harm our country. The choice is clear. We opt for the American way.

KEEPING THE FARES UP

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. ROSENTHAL. Mr. Speaker, I wish to bring to the attention of my colleagues two articles from Montreal newspapers about the international airline cartel that secretly sets the fares their customers must pay.

The articles were written while this cartel, the International Air Transport Association—IATA—was holding its annual price-fixing meeting in that Canadian city last month.

Consumers have no say in the rate setting procedure, and IATA's proceedings are never made public.

If antitrust laws were applied to these international carriers, "every airline executive in sight would find himself behind bars," according to Reuben B. Robertson III, chairman of the Consumer Advisory Committee for the Civil Aeronautics Board and a founder of the Aviation Consumer Action project.

The articles follow:

[From the Montreal (Quebec) Gazette, June 29, 1971]

HOPE TO OPEN AIR MEETINGS: NADER'S RAIDERS AIM AT IATA

(By Kendal Windeyer)

Nader's Raiders are in Montreal this week with the avowed intention of exposing the inner workings of the International Air Transport Association.

The consumer advocates are asking IATA's permission to sit in on meetings to be held in Montreal this week. The meetings have been called to fix fares over international routes on behalf of member airlines.

"We think that exposing the inner workings of the cartel to public view will do a lot for the consumer," says Washington-based raider Reuben Robertson.

IATA has historically insisted on keeping its meetings secret, announcing the results at press briefings given by industry public relations men at the end of the conference.

Robertson acts as chairman of the Consumer Advisory Committee for the U.S. Civil Aeronautics Board as well as being one of the founders of the Nader associated Aviation Consumer Action Project.

To help in the attempt to open IATA meetings to the public, he has brought Yale law professor Arie David and aviation author K. G. J. Pillai along with him.

So far, the organization has declined to comment on the application other than to refuse admittance to meetings and publish all written correspondence on the matter.

"We plan to hold a public press conference to tell our side of the story," says Robertson.

The raiders are becoming increasingly nervous over the aviation business.

"If anti-trust laws were applied to them, every airline executive in sight would find himself behind bars," Robertson claims.

ONE BIG FRAUD

The proposed plans to reduce air fares for those passengers who reserve 90 to 120 days ahead of time "are one big fraud," according to Pillai, author of the controversial expose of the airline world "The Air Net."

Pillai fears that the scheduled carriers are trying to "force the charter operator out of business." Fares will go up again after the large airlines have gained control, he predicts.

The true cost of flying the Atlantic would sink to little more than $150 return if airlines would reduce "frills" such as expensive meals, costly P.R. programs and ever increasing management expenses, Pillai says.

"However, this is impossible under the present setup," he adds. "Airline management seem to prefer their own comfortable life the way they have it now."

IATA executives took advantage of a press briefing yesterday afternoon to answer to at least some of the charges.

PRIVACY NEEDED

"A forthright and free exchange," said IATA traffic manager Don Reynolds, can only be carried out in private. Otherwise, airlines might take "public relations-type positions."

Even elected government officials are barred from the meetings and proceedings are never made public. However, Reynolds says that the airlines "agreed to" but "do not fix" air fares in the private sessions.

The fact that governments must pass on the merits of each IATA proposal is a safeguard in itself, he says.

Round number two of the battle takes place this morning, when the raiders says they will make "exhaustive documentation" available to the public showing that IATA's closed meetings are against the interests of the consumer.

[From the Montreal (Quebec) Star, June 29, 1971]

NADER'S MEN SAY AIR FARES TO GO UP

(By Susan Altschul)

Four major airlines promise to lower their trans-Atlantic fares—but it doesn't mean prices will go down. On the contrary, they probably will go up. And up.

It's a recurring pattern each time the International Air Transport Association (IATA) holds a meeting, according to a team of lawyers trying to light up the shadowy corners of what they claim is a private and highly secretive cartel.

"What the public doesn't know is that increased air fares have to be agreed upon by unanimous vote," they said in an interview in Montreal yesterday.

"So when the rates go up, as they always do, even those four airlines who talked about $200 fares will have voted for the increase."

Lower rates, coupled with restrictive conditions (like the cut-off at age 30, or making passengers reserve seats three months in advance) are an attempt to kill the charter game, they said. And so far "one small American company has gone broke while another two or three are in imminent danger."

By the time the three lawyers leave Montreal they hope people will have a clearer picture of IATA—and how to fight it. The three are associates of consumer advocate Ralph Nader, members of the advisory board of the Aviation Consumer Action Project.

Nader and his dedicated band of "raiders" have fought for six years against incompetent or unfair practices by companies, government agencies, syndicates, corporations or any other organization they feel hurts the public. Their weapons are law and public opinion.

Big corporations have become "private governments," they charge—and none is so big or so all embracing as the airline cartel.

"IATA not only regulates fares, it fixes all conditions of service; it has developed an insurance plan, a financial clearing-house, and now they're trying to make a separate division to control hotel prices and tours," said K. G. J. Pillai, executive director of ACAP.

"People don't know what IATA is. They think its something like UNESCO" (a supranational United Nations agency), added Arie David, an air law expert from the Hebrew University of Jerusalem, currently working at Yale.

"Since we started last April we have received numerous complaints about IATA but many people don't know that it's IATA they are complaining about—they have a problem with an airline and come to us for help," explained the third member, Reuben Robertson III.

The three got together after Dr. Pillai began research studies for doctorate in international law at Yale. He went to Montreal, where IATA headquarters is located.

"I approached IATA, but they said it's all secret," he said. "My professor said the dissertation could not be written, but I had some ways of finding out things, and I did."

He not only won the degree, but a prize for excellence as well. The same year, 1969, he published "The Air Net," a 200-page highly-documented book subtitled: "The case against the world aviation cartel."

(The Oxford dictionary defines "cartel" as manufacturers' union to control production, marketing arrangements, prices, etc.)

"If the present practices of the IATA clique are not controlled by unified government action and the consumers are not given representation in the governance of this booming industry, the consumers will be forced to use the techniques of pressure, boycott and confrontation," he wrote.

"In international civil aviation, better than in any other huge commercial enterprise, the consumers can easily turn from IATA's subjects into IATA's rulers."

So, in the name of the consuming public, the three lawyers are trying to get into the IATA general meeting which opens here today.

"We are here to insist that the consumer should not be locked out like this," said Dr Pillai. He said that, while some six million people cross the Atlantic yearly, there are millions more who are prevented from doing so by costly frills or restrictions.

"There is no need for gimmick fares—what the public needs is the right to go to the airport and buy a ticket and go."

Prof. Robertson declared: "It doesn't cost them any less to fly you there for 29 days than for 28—but with the excursion rates people are complaining that they have to spend fortunes on accommodation."

If the airlines can really fly people to Europe for $200, he argues, they should not charge some people $500. But he said headlines picked up the pledge of reduction but failed to mention an eight-per-cent increase on regular last-minute flights.

ACAP brought several documented charges before the United States Civil Aeronautics Board, a federal agency which theoretically has the right to overrule IATA regulations.

"They were shocked," recalled Prof. Robertson. They also appointed him chairman of a consumer advisory committee to investigate airline practices, and have initiated senate investigations.

But up to now, he said, "airlines scare the governments by saying the entire airline transportation system will collapse."

All ACAP action is strictly within the law, the raiders said. "We're just trying to bring IATA within the law too."

And with IATA being in Montreal, they are hoping to get a branch of consumer activists operating here. Anyone with a complaint or inquiry is invited to contact the Aviation Consumer Action Project, P.O.B. 19029, Washington D.C. 20036.

This is the second visit to Canada by an official group of Nader's Raiders. Two pollution fighters came to Beauharnois last month to point the finger at silica air pollution by Union Carbide Ltd. of Canada.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?